

Dickey County Water Resource District

MEETING MINUTES

April 20, 2022

8:00 a.m.

The Dickey County Water Resource District met at the Dickey County Courthouse in Ellendale, ND at 8:00 a.m. on Wednesday, April 20, 2022. Managers Steve Hansen, Justin Gemar and John Quandt were all present at the courthouse. Sean Fredricks, the board's attorney, and Nathan Trosen, representing Moore Engineering, joined via video conference as well as manager Don Zimbleman. Manager Keith Hauck was not present. Erik Larson was also present at the meeting.

Chairman Hansen called the meeting to order.

3 M Farms subsurface permit

Application to Install a Subsurface Water Management System No. 2022-01 for Dorn Malpert, d/b/a Three M Farms, in the South Half of Section 12 in Lovell Township

The Board next reviewed an *Application to Install a Subsurface Water Management System No. 2022-01* filed March 29, 2022, by Applicant Dorn Malpert, d/b/a Three M Farms. Under the Application, Applicant seeks to install a 303-acre drain tile system in the South Half of Section 12 in Lovell Township, Dickey County, North Dakota. The project will include a single pump outlet located along the north boundary of the Southeast Quarter of Section 12; the pump will discharge to the north, onto the Northeast Quarter of Section 12, and the discharge will ultimately outlet into the James River on the Northeast Quarter of Section 12.

According to tax records supplied by Applicant, Three M Farm Partnership owns the South Half of Section 12 of Lovell Township where Applicant intends to install the tile system. With regard to downstream property, Ludden Sportsman Club owns the Northeast Quarter of Section 12.

Manager Quandt moved, and Manager Gemar seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2022-01* filed March 29, 2022, for Dorn Malpert, d/b/a Three M Farms, regarding a proposed tile project in the South Half of Section 12 in Lovell Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2022-01, subject to the following conditions:

1. Applicant will install and maintain erosion protection at any and all outlets.
2. Applicant will re-establish any areas disturbed installing or maintaining Applicant's tile system.
3. Applicant will not install Applicant's tile system within 20 feet, on either side, of any rural water lines Southeast Water Users District has in the South Half of Section 12 in Lovell

Township under any blanket easements, or otherwise beyond the Water District's existing easement(s).

4. Applicant must turn off any pump outlets and otherwise close all outlets during "critical flood periods," as determined by the Dickey County Water Resource District.
5. Applicant must remove silt or vegetation or repair erosion or scour damages **directly** caused by Applicant's tile system, but only up to the discharge into the James River.
6. Applicant must apply for an amendment to SUBSURFACE WATER MANAGEMENT PERMIT NO. 2022-01 in advance of any proposed alterations to outlet locations, the addition of any outlets, or improvements or modifications to the tile system that could increase the capacity or drainage area of the tile system.

Upon roll call vote, the motion carried unanimously.

With regard to condition #5, Applicant's obligations to remove silt or vegetation, or to repair erosion or scour damages, will only arise upon submission of substantial evidence to the Board by a downstream landowner or road authority that Applicant's tile system **directly** caused accumulation of silt or vegetation, erosion, or scouring.

Under Section 61-32-03.1, the Board cannot attach any additional conditions to Applicant's permit. However, for Applicant's protection, and to ensure protection of Applicant's tile system, the Board will recommend that Applicant comply with the following:

1. The Board recommends that Applicant obtain a flowage easement from the owner of the Northeast Quarter of Section 12.
2. The Board recommends that Applicant obtain all other necessary and requisite licenses, permits, registrations, and/or approvals from all applicable federal, state, county, and municipal governments, and any other applicable governmental entities.

Sean Fredricks will provide copies of the Board's NOTICE OF DECISION, SUBSURFACE WATER MANAGEMENT PERMIT No. 2022-01, and Applicant's downstream flow map to the State Engineer's Office, the downstream landowner, and Southeast Water Users District. Applicant's detailed project design map is an exempt record, and the Board will not provide copies to any third parties.

Dickey County Drain 1 discussion

The Board followed up on the discussion from the March 16, 2022, meeting, including discussion regarding possible replacement of specific Dickey County Drain 1 culverts. Two culverts are being contemplated for replacement that lie along the drain. Manager Quandt will look into costs of new culverts and Manager Gemar will discuss the project with Pat Kelly from Dakota Improvement and get a bid for the project cost. A final decision was tabled until the May meeting, when the board sees what the final costs will be for the project. If the board agrees to the project, it will not be started until summer when its feasible to start and finish it with good weather and landowner approval. Additionally, the Board directed Moore Engineering to determine the proposed size of the 87th St SE crossing using the Drain 1 model that was created in 2019. The proposed configuration of the crossing is dual, round CSP or plastic culverts

Yorktown Maple Bond

Manager Hansen informed the board that the next payment on the Yorktown Maple Bond is due May 1, 2022. The payment will be presented in the bills and financial statement approval section of the meeting.

Brian Vculek Utility Permit

Brian Vculek submitted a request to install two tile outlets into the Oakes Pilot Drain. Sean Fredricks prepared a Utility Permit for Mr. Vculek's execution, and Nathan Trosen added some additional conditions. Manager Quandt moved, and Manager Gemar seconded the motion, to approve the Brian Vculek utility permit, with the following conditions:

- A. Any tile outlet will include erosion protection in the form of riprap (or other approved method) from the outlet to the bottom of the Drain channel. The erosion protection must be shaped in a manner that conveys all flows on the armament.
- B. Applicant, or Applicant's successor or assign, is solely responsible for the perpetual maintenance of any tile outlet and all erosion protection, at Applicant's cost.
- C. Applicant is solely responsible for any costs associated with repairs to the Drain side-slope and bottom of the channel in the event Applicant's erosion protection fails or is otherwise insufficient.
- D. Any excavation that occurs within the District's Drain right-of-way, including the channel side-slope, must be adequately graded and seeded at the conclusion of the tile installation. Applicant is solely responsible for the establishment of sufficient vegetation following seeding.
- E. Applicant is solely responsible for any side-slope failures or slumping that occurs as a result of the tile project or Applicant's tile outlet, and is solely responsible for the costs of repairing any damages that result from the tile or the tile outlet.
- F. Applicant specifically understands and agrees that farming within the Drain right-of-way is prohibited; in the event Applicant violates this prohibition, and farms within the Drain right-of-way, Applicant is solely responsible for the costs of re-seeding and establishing vegetation within the Drain right-of-way.
- G. Applicant may not locate any pump, or other component on the interior slope of the Drain.

Commented [NT1]: I believe the project proposes installing both outlets on the interior slope of the Drain.

- H. Applicant will allow passage of storm water through construction area during runoff events and will not disrupt the designed function of the drain.
- I. Tile lines may not be installed below any existing structures, bridges, or culverts.
- J. Applicant will replace any excavated material using a method of compacted horizontal lifts. Replacement of material in layers shall not exceed 9 inches in thickness between compaction. Appropriate mechanical compaction methods such as a sheepsfoot shall be utilized.

Upon roll call vote, the motion carried unanimously.

March Minutes

Manager Zimbleman moved to approve the March 16, 2022 meeting minutes. Manager Quandt seconded the motion. The motion carried unanimously.

Financial Statement and Bills

The board considered bills from Ohnstad Twichell of \$476.00 and Moore Engineering of \$ 352.50 and also the Yorktown Maple Bond payment of \$ 98,345.00. Secretary Hansen gave the financial report. Manager Gemar moved to approve the bills and financial report. Manager Zimbleman seconded the motion. Upon roll call, the motion passed unanimously.

There being no further business to discuss, the meeting was adjourned.

APPROVED:

Steve Hansen, Chairman

Attest:

Judy Hansen, Secretary

