

Dickey County Water Resource District

MEETING MINUTES

November 16, 2022

8:00 a.m.

The Dickey County Water Resource District met at the Dickey County Courthouse on Wednesday, November 16, 2022 at 8:00 a.m. Managers Steve Hansen and Keith Hauck were present at the meeting. Managers Don Zimbleman and Justin Gemar joined via video conference as well as Sean Fredricks, the Board's attorney and Nathan Trosen who represents Moore Engineering. John Quandt was absent.

Chairman Hansen called the meeting to order.

Scott German Tile Application

Application to Install a Subsurface Water Management System No. 2022-13 for Scott German in the Northwest Quarter of Section 4 in Lovell Township

The Board next reviewed an *Application to Install a Subsurface Water Management System No. 2022-13* filed November 15, 2022, by Applicant Scott German. Under the Application, Applicant seeks to install a 130-acre drain tile system in the Northwest Quarter of Section 4 in Lovell Township, Dickey County, North Dakota. The project will include a single pump outlet located along the west boundary of the Northwest Quarter of Section 4; the pump will discharge directly into the Lovell Improvement Project, a private surface drain permitted under SURFACE PERMIT NO. 4757 for Lovell Improvement Project, LLC.

According to tax information supplied by Applicant, Scott M. German owns the Northwest Quarter of Section 4 in Lovell Township. Further, according to Applicant and according to Lovell Improvement Project, LLC, with regard to downstream property, Lovell Improvement Project, LLC, owns its project right of way within one mile of Applicant's pump outlet.

Manager Hauck moved, and Manager Gemar seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2022-13* filed November 15, 2022, for Scott German, regarding a proposed tile project in the Northwest Quarter of Section 4 in Lovell Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2022-13, subject to the following conditions:

1. Applicant will install and maintain erosion protection at any and all outlets into the Lovell Improvement Project.
2. Applicant will re-establish any areas disturbed installing or maintaining Applicant's tile system.
3. 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.
4. 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 Northwest Quarter of Section 4 in

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

5. Applicant will remove silt or vegetation, or repair erosion or scour damages *directly* caused by Applicant's tile system, but only up to one mile downstream from the project outlet.
6. Applicant must apply for an amendment to SUBSURFACE WATER MANAGEMENT PERMIT NO. 2022-13 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, Chairman Hansen and Managers Hauck, Zimbleman, and Gemar all voted in favor of the motion. The motion carried.

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 written consent from Lovell Township to discharge into or otherwise utilize any of the Township's road right of way.
2. The Board recommends that Applicant obtain all other necessary and requisite licenses, permit, 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 and SUBSURFACE WATER MANAGEMENT PERMIT NO. 2022-13 to the Department of Water Resources; Lovell Township; Lovell Improvement Project, LLC; 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.

Andy Seyer board approval request

The Department of Water Resources sent out a Notice of Intent to the Dickey County Water Resource District regarding Andy Seyer's proposal to install infrastructure to appropriate water from the Jackson Project drain as a source for irrigation to a parcel of land he owns in Dickey County. It was requested that our attorney, Sean Fredricks, draft a letter to the North Dakota Department of Water Resource stating the Dickey County Water Resource District had no objection to Mr. Seyer's project, but with the caveat that Mr. Seyer should apply for a Utility Permit form the Dickey-Sargent Joint Water Resource District as the owner of the Jackson Drain. Manager Hauck moved and Manager Zimbleman seconded the motion to direct our attorney, Sean Fredricks, to draft the letter on the board's behalf. Upon roll call, the motion passed unanimously.

State Water Meetings

Manager Hansen briefly informed the board of the upcoming North Dakota Water Convention being held in Bismarck ND on December 6-9.

Dickey County employee training video

Manager Hansen informed the board of the training videos that are mandatory to all Dickey County employees and that if they hadn't had a chance to see it, there was one more opportunity to sign up before the opportunity closes.

Dickey County Drain 1

Manager Gemar gave a brief summary of the beaver situation on Dickey County Drain #1. After replacing a culvert along the drain, 3 dams had been destroyed. This is a recurring problem and is always being assessed.

Wright Township

Joey Gemar, representing Wright Township, presented Manager Hansen with the signed agreement required by the Board; under the agreement, Wright Township agreed to the conditions to the Board's one-third cost-share and agreed to comply with the Township's hydraulic study reviewed by the Board, and to operate the gates on the culverts in accordance with the Board's operation and maintenance plan, attached as Exhibit C to the agreement. A bill from Dakota Improvement was also presented to the board for approval of the 1/3 cost share they approved at a previous meeting. Wright Township also got approval from the County Commissioners to pay 1/3 and Wright Township will cover the final 1/3 of the total bill.

Meeting Minutes

Manager Zimbleman moved to approve the October 19, 2022 minutes. Manager Hauck seconded the motion. Upon roll call, the motion passed unanimously.

Financial Statement and bills

The board considered bills from Ohnstad Twichell of \$704.36, Dakota Improvement of \$8230.82, ND Water Users Association of \$300, ND Water Resource District Association of \$675, ND Irrigation Association of \$50, Moore Engineering of \$46.25 and Dakota Improvement of \$9638.86. Secretary Hansen gave the financial report. Manager Hauck moved to approve the bills and financial report. Manager Gemar 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