

**DRAFT: These are DRAFT minutes, subject to amendment before final approval by the Dickey County
Water Resource District**

Dickey County Water Resource District

MEETING MINUTES

September 20, 2023

The Dickey County Water Resource District met at the Dickey County Courthouse in Ellendale ND at 8:00 am on Wednesday, September 20, 2023. Managers Steve Hansen, Don Zimbleman, Justin Gemar and John Quandt were all present at the courthouse. Sean Fredricks, the board's attorney, and Nathan Trosen, Moore Engineering representative along with Manager Keith Hauck joined via video conference. Erik Larson was also present at the courthouse.

Chairman Hansen called the meeting to order.

Neal Berntson Tile App

An application was submitted to Sean Fredricks for a subsurface project but was not complete and Mr. Berntson did not respond to correspondence or follow up with Mr. Fredricks to complete the app, so there was no action to take by the board until the application is complete.

Drew Courtney "under 80" Tile App

Drew Courtney submitted a tile application which was under 80 acres so there was no action that the board needed to take.

Terry Anderson Tile App

Application to Install a Subsurface Water Management System No. 2023-17 for Terry Andersen in Section 16 in Hudson Township

The Board next reviewed an *Application to Install a Subsurface Water Management System No. 2023-17* filed September 16, 2023, by Applicant Terry Andersen. Under the Application, Applicant seeks to install a 600-acre drain tile system in Section 16 in Hudson Township, Dickey County, North Dakota. The project will include a single gravity outlet that will run via pipeline commencing at the north boundary of Section 16; the line will run north, under 92nd Street SE, and will daylight and discharge along the south boundary of the Southeast Quarter of Section 9, in the north road ditch along 92nd Street; the discharge

will flow east in the north road ditch, along the south boundary of the Southeast Quarter of Section 9 and the south boundary of Section 10 in Hudson Township.

According to tax information, Terry and Vicki Andersen own all of Section 16. With regard to downstream properties, Terry and Vicki Andersen own the Southeast Quarter of Section 9 and the South Half of Section 10.

Manager Quandt moved, and Manager Gemar seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2023-17* filed September 16, 2023, for Terry Andersen, regarding a proposed tile project in Section 16 in Hudson Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2023-17, subject to the following conditions:

1. Applicant will install and maintain erosion protection at any and all outlets into Hudson Township's road right of way.
2. Applicant will re-establish any areas disturbed installing or maintaining Applicant's tile system.
3. Applicant must remove silt or vegetation, or repair erosion or scour damages *directly* caused by Applicant's tile system, but only up to one mile downstream of Applicant's project outlet.
4. Applicant will not install Applicant's tile system within 20 feet, on either side, of any rural water lines Southeast Water Users District in Section 16 in Hudson Township under any blanket easements, or otherwise beyond the Water District's existing easement(s).
5. Applicant must apply for an amendment to SUBSURFACE WATER MANAGEMENT PERMIT NO. 2023-17 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 #3, 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 recommends that Applicant comply with the following:

1. The Board recommends that Applicant obtain written consent from the Hudson Township Board of Township Supervisors to discharge into or otherwise utilize any of its township road right of way.
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 and SUBSURFACE WATER MANAGEMENT PERMIT NO. 2023-17 to the Department of Water Resources, Hudson Township, 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 update

Manager Hansen received correspondence from the State Water Commission in regards to the permanent pumping station that has been requested by the Dickey County Water District to replace the temporary site that is in place. The application is in the Solicitation of Views process and will proceed for final application approval after that is completed.

Manager Gemar gave a brief update on beaver dam situation that is continuing. Dakota Improvement removed the dam and the water is flowing like it should.

14A Highway Project update

Manager Quandt gave a brief update on the progress of the drain. Manager Quandt felt that it is moving along swiftly and there have been no issues or complaints as of today.

Erik Larson "under 80" tile project

Erik Larson presented to the board and Sean Fredricks that he is working on a tiling project that is under 80 acres, being under 80 acres, the board has no action to take on that project.

Secretary Wages

The board had a follow up discussion from last month's meeting in regards to the secretary's wages and whether her performance grants an increase in wages. Manager Quandt moved to increase the secretary's salary to \$600 per meeting and \$30 per hour on outside business matters. Manager Gemar seconded the motion, upon roll call the motion passed unanimously.

Other Business

Manager Hansen and Quandt gave a brief update on the helicopter spraying that occurred on the drains in Dickey County. They may look into a different resource in the future.

Manager Gemar asked Manager Hansen if he had followed up with the auditor about getting bills paid in more of a timely fashion to alleviate finance charges on certain bills. Manager Hansen had not contacted the auditor but will do so before the next meeting.

Manager Hansen presented the board with a letter from Ottertail Power Company and Montana-Dakota Utilities Company, that was requesting any information or suggestion that the board might have during the planning process of both power companies as they prepare to develop and construct a transmission line that would go through some of the Dickey County area. The board had no comment as to the matter at this time.

Meeting Minutes

Manager Gemar moved to approve the August 16, 2023 meeting minutes. Manager Quandt seconded the motion. Upon roll call, the motion passed unanimously.

Financial Report/Bills

The board considered bills from Ohnstad Twichell of \$7706.19, Moore Engineering \$682.50, Dakota Improvement \$1000 and Judy Hansen \$152.90. Secretary Hansen gave the financial report. Manager Zimbleman 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

