

Dickey County Water Resource District

MEETING MINUTES

March, 15, 2023

8:00 am

The Dickey County Water Resource District met at the Dickey County Courthouse in Ellendale, ND at 8:00 am on Wednesday, March 15, 2023. Managers Steve Hansen, Keith Hauck, Justin Gemar and John Quandt were all present at the courthouse. Sean Fredricks, the board's attorney, Nathan Trosen, Representative from Moore Engineering, and Manager Don Zimbleman, joined via video conference.

Chairman Hansen called the meeting to order.

Jan Quandt Permit

Manager Hansen presented the board with a Notice of Application for Change in the Point(s) of Diversion. No decisions needed to be made on this matter, as it was just information that was received by the board for from Permit No. 2249 already approved by the board.

Pat Roney tile permit

The Board next reviewed an *Application to Install a Subsurface Water Management System No. 2023-01* filed March 14, 2023, by Applicant Pat Roney. Under the Application, Applicant seeks to install a 140-acre drain tile system in the Northwest Quarter of Section 24 of Riverdale Township, Dickey County, North Dakota. The project will include a single pump outlet along the west boundary of the Northwest Quarter of Section 24; the pump will discharge into the east road ditch along 113th Avenue SE; the discharge will flow north, in the east township road ditch along 113th Avenue, and along the west boundary of Section 13, towards the Jackson Township Improvement District No. 1 Project.

According to Dickey County records, Janel Haring owns the Northwest Quarter of Section 24 of Riverdale Township, subject to a life estate in Dennis Roney. With regard to downstream property owners, Patrick and Kathy Roney own the West Half of Section 13.

Manager Hauck moved, and Manager Gemar seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2023-01* filed March 14, 2023, for Pat Roney regarding a proposed tile project in the Northwest Quarter of Section 24 in Riverdale Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2023-01, subject to the following conditions:

1. Applicant will install and maintain erosion protection at any outlet into Riverdale Township's road right of way.
2. Applicant will re-establish any areas disturbed installing or maintaining Applicant's tile system.
3. Applicant will 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 24 in Riverdale 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 of Applicant's project outlet.
6. Applicant must apply for an amendment to SUBSURFACE WATER MANAGEMENT PERMIT NO. 2023-01 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 written consent from Riverdale Township to discharge into or otherwise utilize any of the Township's road right of way.
2. The Board recommends that Applicant obtain an easement or some other written consent from the record owners of the Northwest Quarter of Section 24 to install and maintain tile project components.

3. 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. 2023-01 to the Department of Water Resources, the Dickey County Highway Department, Riverdale Township, Dennis Roney, 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.

Legislative Update

Sean Fredricks gave an update to a couple bills being presented in the ND Legislature right now and as to how they could potentially affect the ND Water Boards. He offered a thank you to those that called into their respected representatives on prior legislation proposals, voicing concerns about how those bills could affect our water board.

Dickey County Drain 1

Manager Gemar explained to the board that he had reached out to a couple landowners in the Maple River/Drain 1 area to let them know about a proposal that was presented to pump over the Maple River during major flooding events with either a permanent pumping site or temporary site. Those landowners he talked with were for the project and they also were made aware that it would be paid for from the assessed land owners within that drain. Nothing can be done until a major flood is in progress or looks eminent, as a permit for an emergency pumping site would need to be applied for. That was tabled until next meeting when the spring snow melt starts to take place.

February Meeting Minutes

Manager Quandt moved to approve the February 15, 2023 meeting minutes. Manager Gemar seconded the motion. Upon roll call, the motion passed unanimously.

Financial Statement/Bills

The board considered bills from Ohnstad Twichell of \$60.00 and Moore Engineering of \$442.50. Secretary Hansen gave the financial report. Manager Quandt inquired whether part of the money in the water board, cash on hand account could be put into a CD to gain interest as it is just sitting in our account doing nothing right now. Manager Hansen said he would get information as to whether that can be done and would let the board know at the next meeting. After that discussion, 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