

Dickey County Water Resource District

MEETING MINUTES

April 19, 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, April 19, 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 joined via video conference as well as Manager Keith Hauck. Eric Larson was a visitor at the meeting.

Chairman Hansen called the meeting to order.

Larry Anderson SOV on permit 6193

The water resource district received a "Solicitation of Views" notice from the Department of Water Resources regarding a surface drainage application recently submitted to DWR. Sean Fredricks made mention that no action legally needs to be taken on the SOV; this is part of DWR's "statewide or interdistrict significance" review. The Board can submit comments if they wish, but not mandatory. Manager Quandt mentioned to the board that he recommends the board support the project and application as he feels it will benefit Dickey County. Manager Quandt moved to direct Sean Fredricks to submit comments to the DWR on the Board's behalf to indicate the Board's support for the application and the project. Manager Gemar seconded the motion. Upon roll call, the motion passed unanimously.

Bond Payment

Manager Hansen reported to the board that the Yorktown Maple Bond payment is due and they will vote on that later in the meeting during the financial section of the meeting.

Dickey County Drain #1-Flooding

Manager Hansen asked Manager Gemar for a flooding report on Dickey County Drian #1. Manager Gemar stated that it is indeed flooding. He mentioned that he feels like it is starting to recede slowly as of this morning. Manager Hansen approached the board as to whether they are ready to file an emergency permit with the state to set up a temporary pumping site which will bring the excess water from Drain #1 into the maple creek faster. Manager Hansen asked about the cost of the permitting process and Nathan Trosen mentioned the cost would be for their work on the permit application. Mr. Trosen didn't feel like it would be costly for this process but didn't have definitive numbers for the cost. Mr. Trosen also requested pictures of the overland flooding and of the bridge in that area to help with the permitting process. Manager Gemar will take pictures and send them to Mr. Trosen. Manager Gemar mentioned that there are not pumps available right now for the temporary site, as they would need to come from landowners,

because most of their pumps are being used for their own personal flooding work but some could become available in the near future. Manager Gemar moved to have Nathan Trosen, Moore Engineering representative, handle the permitting process on behalf of the board. Manager Zimbleman seconded the motion. Upon roll call, the motion passed unanimously.

Manager Gemar also reported to the board that the new culverts that were replaced last fall in this area are all functioning and intact.

Brokaw Land Rent

Manager Hansen informed the board that they did receive land rent from the Brokaw family, as required under the Dickey County Water Resource District's lease with the Brokaws.

Paul Roney Tile Permit Application

Application to Install a Subsurface Water Management System No. 2023-03 for Paul Roney in the Northeast Quarter of Section 24 in Riverdale Township

The Board next reviewed an *Application to Install a Subsurface Water Management System No. 2023-03* filed April 18, 2023, by Applicant Paul Roney. Under the Application, Applicant seeks to install a 140-acre drain tile system in the Northeast Quarter of Section 24 of Riverdale Township, Dickey County, North Dakota. The project will include a single pump outlet in the northeast corner of the Northeast Quarter of Section 24; the pump will discharge into the road ditch at the intersection of 93rd Street SE and 114th Avenue SE; the discharge will flow north, in the west township road ditch along 114th Avenue, and along the east boundary of Section 13, towards the Jackson Township Improvement District No. 1 Project.

According to Dickey County records submitted by Applicant and to records on file with the Dickey County Recorder's Office, Amber Schempp owns the Northeast Quarter of Section 24 of Riverdale Township, subject to a life estate in Dennis Roney. With regard to downstream property owners, Madella Scheffert owns the East Half of Section 13.

Manager Gemar moved, and Manager Quandt seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2023-03* filed April 18, 2023, for Paul Roney regarding a proposed tile project in the Northeast Quarter of Section 24 in Riverdale Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2023-03, 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 Northeast 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. 2023-03 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 Northeast 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, SUBSURFACE WATER MANAGEMENT PERMIT NO. 2023-03, and downstream flow map to the Department of Water Resources, Riverdale Township, Dennis Roney, Amber Schempp, 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.

Application to Install a Subsurface Water Management System No. 2023-02 - Dennis Roney

The application proposes a 400-acre tile system, including 80 acres in the Southeast Quarter of Section 10, 100 acres in the Southwest Quarter of Section 11, 80 acres in the Northwest Quarter of Section 11, and 140 acres in the Northwest Quarter of Section 14. The tile discharge will ultimately flow to the Jackson Township Improvement project. Nathan Trosen reviewed the Jackson assessment district and noted that the Southeast Quarter of Section 10 is not currently in the assessment district. Sean Fredricks noted that, under NDCC Section 61-32-03.1, the Board can include that parcel in the Jackson assessment district as a condition to the tile permit, without conducting a full reassessment of the Jackson project, because the parcel will benefit from the legal drain. The Board discussed the appropriate benefit percentage for the parcel. Mr. Roney submitted the application on April 18; the Board has 30 days to approve the permit by law and the next Board meeting is on May 17, within the 30-day approval window. With that in mind, the Board agreed they should table the application and Chairman Hansen will talk with Mr. Roney about the likely assessment for this parcel. The Board will consider Mr. Roney's application at the May meeting.

John and Justin Quandt tile project

Justin Quandt submitted an ‘Under 80 Acres Notification’ for a tile project, but no application needs to be filed and the board doesn’t have to act on the notification.

CD Renewal

Manager Hansen informed the board that the savings account which is in a CD is up for renewal and he presented the board with new rates he received from Wonada Lamatta, DC Treasurer. Manager Quandt also requested that the excess money in the Water Board Management account be put into a separate CD to accrue interest as it is not being used. Manager Quandt moved to renew the CD for 1 year at the rate of 4.25% and to add a new CD of \$75,000 at the rate of 4.25% for 1 year both at Dakota Plains Credit Union in Ellendale, ND. Manager Gemar seconded the motion. Upon roll call, the motion passed unanimously.

Financials/Bills and Vouchers

The board considered bills from Ohstad Twichell of \$694.10, Moore Engineering of \$48.75 and Starion Bond Services of \$97722,50. Secretary Hansen gave the financial report. Manager Zimbleman moved to approve the bills and financial report. Manger Quandt seconded the motion. Upon roll call, the motion passed unanimously.

Meeting Minutes

Manager Quandt moved to approve the March 15, 2023 meeting minutes. 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