

**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

July 19, 2023

The Dickey County Water Resource District met at the Dickey County Courthouse in Ellendale ND at 8:00 am on Wednesday, July 19, 2023. Managers Steve Hansen and Keith Hauck were present at the courthouse. Sean Fredricks, the boards attorney and Nathan Trosen, Moore Engineering representative joined via video conference, along with Managers Quandt and Gemar call ins. Manager Don Zimbleman was absent. Guests present at the meeting were Eric Larson, Tracy Domine, Justin Domine, Megan Domine, Travis Thompson, Brian Vculek, Mike Brademeyer, Jeff Hagen, County Commissioners Brandon Carlson, Kasey Holm and Jerry Walsh.

Chairman Hansen Called the meeting to order.

***County Line 14A discussion***

Chairman Hansen began the discussion describing the project that Manager Quandt and landowners around the County Line 14 A have spearheaded to drain water away from the roadway to make the county line road useable again after several years of it being closed. Several in attendance voiced their concerns and/or support for the project which is in its final stages of planning. Manager Quandt gave a description of what the project would look like and how it would be attained to complete. Brian Vculek, Justin Domine, Tracy Domine, Travis Thompson and the commissioners that attended, all were in support of the project. Jeff Hagen, the Counties transportation manager, was also in support of the project as he feels that opening the road back up for safe travel was also helping as a safety aspect for emergency vehicles and the like. Mike Brademeyer addressed his concerns as he would be on the down stream end of the water that would be drained and was also concerned that draining the water would encourage landowners up stream to drain into the water way and create more water coming to his property. County Commissioner, Marke Roberts joined the meeting during this time. Monday, July 17, 2023, the Dickey County Commissioners along with Harvey Shuman, applied for a water tiling permit to the water resource board as the first phase of the project. After much discussion and advice from the board's attorney, Sean Fredricks, the County Commissioners withdrew their application until an O & M and other operating agreements have been signed by all parties involved. That being the Dickey County Commissioners, The Dickey County Water Resource District and Divide Township. In order to keep this project moving, it was decided that when those documents are in order, the Dickey County Water

Resource District will potentially hold a special meeting with the County Commissioners to have them resubmit their proposed tile application for approval. Dickey County Water Resource District also agreed to help offset some of the expense for this project up to \$100,000. The Dickey County Commissioners and Divide County would cover the rest of the project respectively. The County Commissioners also asked if the Dickey County Water Resource District would operate and manage the project when it's completed and the Water Board was in agreement of that request. Manager Hauck moved to request Sean Fredricks, the board's attorney, and Nathan Trosen, Moore Engineering representative, to draft up agreements between all parties and set up an O & M agreement as well. Manager Quandt seconded the motion. Upon roll call, the motion passed unanimously. Under the agreement, the County will reimburse the Dickey County Water Resource District for the costs of operating and maintaining the project.

### ***Mike Taszarek Tile App***

#### ***Application to Install a Subsurface Water Management System No. 2023-11 for Mike Taszarek in the Northeast Quarter of Section 2 in Whitestone Township***

The Board next reviewed an *Application to Install a Subsurface Water Management System No. 2023-11* filed July 7, 2023, by Applicant Mike Taszarek. Under the Application, Applicant seeks to install a 166-acre drain tile system in the Northeast Quarter of Section 2 in Whitestone Township, Dickey County, North Dakota. The project will include a single pump outlet located along the east boundary of the Northeast Quarter of Section 2; the pump will discharge into the west road ditch along County Highway 2 and will flow through an existing culvert to the east, under Highway 2; the discharge will then flow into a natural waterway or natural drain in the east road ditch along Highway 2 and will flow to the southeast, across the Northwest Quarter of Section 1 and the South Half of Section 1.

According to tax information supplied by Applicant, Shirley Genter owns the Northeast Quarter of Section 2 in Whitestone Township.

Manager Quandt moved, and Manager Hauck seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2023-11* filed July 7, 2023, for Mike Taszarek, regarding a proposed tile project in the Northeast Quarter of Section 2 in Whitestone Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2023-11, subject to the following conditions:

1. Applicant will install and maintain erosion protection at any and all outlets into Dickey County's Highway right of way.
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 Northeast Quarter of Section 2 in Whitestone 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 until the discharge flows into the natural waterway or natural drain in the Northwest Quarter of Section 1 in Whitestone Township.
6. Applicant must apply for an amendment to SUBSURFACE WATER MANAGEMENT PERMIT NO. 2023-11 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 the Dickey County Highway Department 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, 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. 2023-11, to the Department of Water Resources, the Dickey County Highway Department, Shirley Genter, 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.

### ***Jason Hildebrand Tile App***

#### **Application to Install a Subsurface Water Management System No. 2023-12 for Jason Hildenbrand in the Northwest Quarter of Section 33 in Valley Township**

The Board next reviewed an *Application to Install a Subsurface Water Management System No. 2023-12* filed July 17, 2023, by Applicant Jason Hildenbrand. Under the Application, Applicant seeks to install a 50-acre drain tile system in the Northwest Quarter of Section 33 in Valley Township, Dickey County, North Dakota. The project will include a single gravity outlet that will discharge via an underground line that will run to the east, across the Northeast Quarter of Section 33 until daylighting and discharging into the Maple River.

According to tax information supplied by Applicant, Jason and Sabrina Hildenbrand own the North Half of Section 33 in Valley Township.

Manager Hauck moved, and Manager Gemar seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2023-12* filed July 17, 2023, for Jason Hildenbrand, regarding a proposed tile project in the Northwest Quarter of Section 33 in Valley Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2023-12, subject to the following conditions:

1. Applicant will install and maintain erosion protection at any and all outlets into the Maple River.
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 Northwest Quarter of Section 33 in Valley Township under any blanket easements, or otherwise beyond the Water District's existing easement(s).
4. Applicant must apply for an amendment to SUBSURFACE WATER MANAGEMENT PERMIT NO. 2023-12 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.

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 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, Applicant's downstream flow map, and SUBSURFACE WATER MANAGEMENT PERMIT NO. 2023-12 to the Department of Water Resources 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***

Manager Gemar gave a brief discussion on Dickey County Drain #1. Manager Gemar had nothing pressing and the drains are working properly as with very little water moving and no real flooding issues, there was nothing to report.

### ***Drain Spraying***

Manager Hansen informed the board that he is in contact with the spraying company that will handle the weed issues in the drains under management via helicopter. He gave the pilot the description of all areas to treat and asked Manager Gemar to be available in his territory to assist the pilot if anything arises that needs addressing.

County Commissioner Walsh addressed the board with a few questions he had pertaining to the County Line 14A project.

***Meeting Minutes***

Manager Hauck moved to accept the June 21, 2023 meeting minutes. Manager Gemar seconded the motion. Upon roll call, the motion passed unanimously.

***Financial Statement/Bills***

The board considered bills from Ohnstand Twichell of \$2936.13, Moore Engineering of \$5737.50, Dakota Improvement of \$500, and Gemar Farms of \$10500. Secretary Hansen gave the financial report. Manager Hauck moved to approve the bills and financial statement. Manager Quandt seconded the motion. Upon roll call, the motion passed unanimously.

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

**APPROVED:**

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Steve Hansen, Chairman

Attest:

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Judy Hansen, Secretary