

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

Dickey County Water Resource District

MEETING MINTUES

April 17, 2024

The Dickey County Water Resource District met at the Dickey County Courthouse in Ellendale ND at 8:00 am on Wednesday, April 17, 2024. Managers Steve Hansen, Justin Gemar, Don Zimbleman and John Quandt were all present at the courthouse. Sean Fredricks, the board's attorney and Nathan Trosen, Moore Engineering representative and Manager Keith Hauck joined via video conference. Chad Brandt was also present at the courthouse.

Chairman Hansen called the meeting to order

***Brian Vculek Tile App***

***Application to Install a Subsurface Water Management System No. 2024-05 for Brian Vculek in the South Half of Section 5 in Divide Township***

The Board next reviewed an *Application to Install a Subsurface Water Management System NO. 2024-05* filed April 4, 2024, by Applicant Brian Vculek. Under the Application, Applicant seeks to install a 180-acre drain tile system in the South Half of Section 5 in Divide Township, Dickey County, North Dakota. The acres in the Southwest Quarter of Section 5 will flow to a pump along the eastern edge of a pond, slough, or lake in the Southwest Quarter; the pump will lift the discharge to a gravity line; the line will extend to the southeast via a buried pipeline that will run under the intersection of North Dakota Highway 13 and 79th Street SE; the pipeline will continue to the southeast across a portion of the Northwest Quarter of Section 9 and will ultimately discharge into a tributary of Bear Creek. The 87 acres in the Southeast Quarter of Section 5 will similarly flow to a pump, this one along the southern edge of a pond, lake, or slough in the Southeast Quarter of Section 5; the pump will lift the discharge to the same gravity line that will run across a portion of the Northwest Quarter of Section 9. The 39 acres in the southeast corner of the Southeast Quarter of Section 5 will flow by gravity.

According to tax information supplied by Applicant, the Bernard Vculek Family Share Trust, the Marlene Vculek Family Share Trust, and Brian Vculek all own interests in the South Half of Section 5 in Divide Township where Applicant intends to install the tile system. Because the project will discharge into a natural watercourse, no downstream notices are necessary under N.D. Cent. Code § 61-32-03.1. However, the Board will provide notices to the landowners in the Northwest Quarter of Section 9 where Applicant intends to install pipeline components; Marcellyn Erlandson, Trustee of the Otto & Marcellyn Erlandson Family Trust, owns the Northwest Quarter of Section 9.

Manager Quandt noted that this project is in close proximity to the Dickey County Highway 14A project constructed by the County. The O&M plan for that project required installation of a control structure upstream of highway and township right of way; under the O&M plan, that structure must be closed when

the water surface elevation in the slough along County Road 14A in Section 6 has less than 3 feet of freeboard.

For Mr. Vculek's project, Mr. Quandt recommended that the Board similarly require installation of a control structure upstream of the project pipeline intersection with North Dakota Highway 13 and 79th Street SE. Under Section 61-32-03.1, the Board can mandate closure of the structure during "critical flood periods."

Manager Quandt moved, and Manager Gemar seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2024-05* filed April 4, 2024, for Brian Vculek, regarding a proposed tile project in the South Half of Section 5 in Divide Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2024-05, subject to the following conditions:

1. Applicant will install and maintain erosion protection at any and all outlets into the tributary of Bear Creek in the Northwest Quarter of Section 9 in Divide Township.
2. Applicant will turn off any pump outlets and otherwise turn off all pumps during "critical flood periods," as determined by the Dickey County Water Resource District.
3. Applicant will install and maintain a control structure upstream of the project pipeline intersection with North Dakota Highway 13 and 79th Street SE and will close the structure during "critical flood periods," as determined by the Dickey County Water Resource District.
4. Applicant will re-establish any areas disturbed installing or maintaining Applicant's tile system.
5. 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 South Half of Section 5 in Divide Township under any blanket easements, or otherwise beyond the Water District's existing easement(s).
6. Applicant must apply for an amendment to SUBSURFACE WATER MANAGEMENT PERMIT NO. 2024-05 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 recommends that Applicant comply with the following:

1. The Board recommends that Applicant obtain written consent from the North Dakota Department of Transportation to install and maintain any pipeline infrastructure within NDDOT's highway right of way.
2. The Board recommends that Applicant obtain written consent from Divide Township to install and maintain any pipeline infrastructure within the Township's road right of way.

3. 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, Applicant's downstream flow map, and SUBSURFACE WATER MANAGEMENT PERMIT NO. 2024-05 to the Department of Water Resources, NDDOT, Divide Township, the Vculek Trusts, the Otto & Marcellyn Erlandson Family Trust, 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.

### ***Chad Brandt Tile App***

#### ***Application to Install a Subsurface Water Management System No. 2024-06 for Chad Brandt in the Southeast Quarter of Section 36 in Clement Township***

The Board next reviewed an *Application to Install a Subsurface Water Management System No. 2024-06* filed April 15, 2024, by Applicant Chad Brandt. Under the Application, Applicant seeks to install a 140-acre drain tile system in the Southeast Quarter of Section 36 in Clement Township, Dickey County, North Dakota. The project will include a single gravity outlet that will extend via a pipeline across the south boundary of the Southeast Quarter of Section 36; the pipeline will follow a natural watercourse across a portion of the Northeast Quarter of Section 1 in Hudson Township; the pipeline will daylight and discharge directly into a tributary of the James River.

According to tax information supplied by Applicant, Chad C. Brandt, as Trustee of the Chad C. Brandt Revocable Living Trust, owns the Southeast Quarter of Section 36 in Clement Township where Applicant intends to install the tile system. Because the project will discharge into a natural watercourse, no downstream notices are necessary under N.D. Cent. Code § 61-32-03.1. Terry and Vicki Andersen own the Northeast Quarter of Section 1 in Hudson Township where the outlet will be located.

Manager Zimbleman moved, and Manager Gemar seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2024-06* filed April 15, 2024, for Chad Brandt, regarding a proposed tile project in the Southeast Quarter of Section 36 in Clement Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2024-06, subject to the following conditions:

1. Applicant will install and maintain erosion protection at any and all outlets into the tributary of the James River in the Southeast Quarter of Section 36 in Clement Township.
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 Southeast Quarter of Section 36 in Clement 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. 2024-06 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 recommends that Applicant comply with the following:

1. The Board recommends that Applicant obtain a pipeline easement from the owners of the Northeast Quarter of Section 1 in Hudson Township to install and maintain a pipeline and gravity outlet.
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. 2024-06 to the Department of Water Resources, Terry and Vicki Andersen, 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.

#### ***CD \$100,000 matured***

Manager Hansen gave a brief report that the CD for \$100,000 has matured and will be returned back to the board and then appointed to the county commissioners for the Dickey County Water Resource District's committed portion of the 14 A county road project that already had board voter approval.

#### ***Yorktown Maple payments***

Sean Fredricks, the board's attorney, gave explanation of the Yorktown-Maple Bond partial redemption process and the Redemption Notice prepared by Katie Schmidt, bond counsel at Ohnstad Twichell. Katie will work with Starion to prepare an updated amortization schedule as a result of this partial redemption. After discussion and making sure there would be sufficient funds to pay the 2024 Yorktown-Maple Bond payment, Manager Quandt moved to proceed with a partial redemption of the Yorkton-Maple bonds for years 2027-2032, and to authorize the Secretary-Treasurer to sign the Redemption Notice. Manager Hauck seconded the motion. Upon roll call, the motion passed unanimously.

#### ***Meeting Minutes***

Manager Zimbleman moved to accept the March 20,2024 meeting minutes. Manager Quandt seconded the motion. Upon roll call, the motion passed unanimously.

#### ***Financial Statement/Bills***

The board considered bills from Ohnstad Twichell of \$2323.02 and Moore Engineering of \$51.25. Secretary Hansen gave the financial report. Manager Quandt moved to approve the financial report and bills. Manager Gemar 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