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Dickey County Water Resource District

MEETING MINUTES

March 20, 2024

The Dickey County Water Resource District met at the Dickey County Courthouse in Ellendale ND at 8:00 am on Wednesday, March 20, 2024. Managers Steve Hansen, Keith Hauck, 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. Chad Brandt was also present at the courthouse.

Chairman Hansen called the meeting to order.

Chad Brandt tile application

Application to Install a Subsurface Water Management System No. 2024-03 for Timothy Forward and Chad Brandt in the South Half and the Northwest Quarter of Section 11 in Hudson Township

The Board next reviewed *Application to Install a Subsurface Water Management System No. 2024-03* filed March 20, 2024, by Applicants Timothy Forward and Chad Brandt. Under the Application, Applicants seek to install a 354-acre drain tile system in the South Half and the Northwest Quarter of Section 11 in Hudson Township, Dickey County, North Dakota. The project will include two gravity outlets; the first gravity outlet will be located along the south boundary of the Southwest Quarter of Section 11 and the second will be located in the southeast corner of the Southeast Quarter of Section 11, both of which will discharge directly into the north road ditch along 92nd Street SE, now a component of a private surface drain permitted under SURFACE DRAIN PERMIT NO. 5352. The Board previously approved SURFACE DRAIN PERMIT NO. 5352 for Timothy Forward and Jeff Andersen. The tile discharge will flow to the east, through the private surface drain, under County Road 14, through a culvert installed in accordance with SURFACE DRAIN PERMIT NO. 5352; the private drain continues to the east, along the south boundary of Section 12, until ultimately discharging into the James River.

According to tax information supplied by Applicants, Timothy and Karen Forward own the Northwest Quarter of Section 11 in Hudson Township and the Chad C. Brandt, Trustee of the Chad C. Brandt Revocable Living Trust, and Leigh Rieder own the South Half of Section 11 in Hudson Township. With regard to downstream properties, according to records on file with the Dickey County Recorder's Office, Gaylon Brandt owns the South Half of Section 12 in Hudson Township; Gaylon Brandt previously conveyed flowage easements to Chad Brandt and to Timothy and Karen Forward. The Board will provide downstream notices to the Dickey County Highway Department and Mr. Gaylon Brandt as downstream landowners, as required under N.D. Cent. Code § 61-32-03.1.

Manager Quandt moved, and Manager Gemar seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2024-03* filed March 20, 2024, for Timothy Forward and Chad Brandt, regarding a proposed tile project in the South Half and the Northwest Quarter of Section 11 in Hudson Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2024-03, subject to the following conditions:

1. Applicants will install and maintain erosion protection at any and all outlets into Hudson Township's road right of way.
2. Applicants will re-establish any areas disturbed installing or maintaining Applicants' tile system.
3. Applicants will not install Applicants' tile system within 20 feet, on either side, of any rural water lines Southeast Water Users District has in the South Half and the Northwest Quarter of Section 11 in Hudson Township under any blanket easements, or otherwise beyond the Water District's existing easement(s).
4. Applicants will remove silt or vegetation, or repair erosion or scour damages *directly* caused by Applicants' tile system, but only up to one mile downstream of each of Applicants' outlets.
5. Applicants must apply for an amendment to SUBSURFACE WATER MANAGEMENT PERMIT NO. 2024-03 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 #4, Applicants' 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 Applicants' 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 Applicants' permit. However, for Applicants' protection, and to ensure protection of Applicants' tile system, the Board will recommend that Applicants comply with the following:

1. The Board recommends that Applicants obtain written consent from the Hudson Township Board of Township Supervisors to discharge into or otherwise utilize any of the Township's road right of way.
2. The Board recommends that Applicants obtain written consent from all of the permittees under SURFACE DRAIN PERMIT NO. 5352 to discharge into or otherwise utilize any of their private surface drain.
3. The Board recommends that Applicants 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, SUBSURFACE WATER MANAGEMENT PERMIT NO. 2024-03, and downstream flow map to the Department of Water Resources, the Dickey County Highway Department, Hudson Township, Jeff Andersen, Gaylon Brandt, and Southeast Water Users District. Applicants' detailed project design map is an exempt record, and the Board will not provide copies to any third parties.

Scott Hansen mitigation site

Manager Hansen addressed the board with Scott Hansen's mitigation site application he submitted to the Dept of Water Resources. No decisions are needed by the board at this time.

Jason Hildebrand tile application

Application to Install a Subsurface Water Management System No. 2024-02 for Jason Hildenbrand in the North Half of Section 33 in Valley Township

The Board next reviewed an *Application to Install a Subsurface Water Management System No. 2024-02* filed March 9, 2024, by Applicant Jason Hildenbrand. Under the Application, Applicant seeks to install a 124-acre drain tile system in the North Half of Section 33 in Valley Township, Dickey County, North Dakota. The project will include a single gravity outlet that will discharge into the Maple River. The Board previously approved SUBSURFACE WATER MANAGEMENT SYSTEM NO. 2023-12 for Applicant Jason Hildenbrand on July 19, 2023, for a 50-acre system in the Northwest Quarter of Section 33 in Valley Township; under *Application to Install a Subsurface Water Management System No. 2024-02*, Applicant intends to amend and replace SUBSURFACE WATER MANAGEMENT SYSTEM NO. 2023-12, to increase the project footprint from 50 to 124 acres.

According to tax information supplied by Applicant, Jason and Sabrina Hildenbrand own the North Half of Section 33 in Valley Township where Applicant intends to install the tile system. Because the project will discharge into the Maple River, no downstream notices are necessary under N.D. Cent. Code § 61-32-03.1.

Manager Quandt moved, and Manager Hauck seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2024-02* filed March 9, 2024, for Jason Hildenbrand, regarding a proposed tile project in the North Half of Section 33 in Valley Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2024-02, 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 North Half 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. 2024-02 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. 2024-02 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.

Kervin Olson tile application

Application to Install a Subsurface Water Management System No. 2024-04 for Kervin Olson in the South Half of Section 13 in Ada Township

The Board next reviewed an *Application to Install a Subsurface Water Management System No. 2024-04* filed March 12, 2024, by Applicant Kervin Olson. Under the Application, Applicant seeks to install a 96-acre drain tile system in the South Half of Section 13 in Ada Township, Dickey County, North Dakota. The project will include a single gravity outlet located in the Southeast Quarter of Section 13 that will discharge directly into Dry Run.

According to tax information supplied by Applicant, Kervin Olson owns the South Half of Section 13 in Ada Township where Applicant intends to install the tile system. Because the project will discharge into Dry Run, no downstream notices are necessary under N.D. Cent. Code § 61-32-03.1.

Manager Zimbleman moved, and Manager Gemar seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2024-04* filed March 12, 2024, for Kervin Olson, regarding a proposed tile project in the South Half of Section 13 in Ada Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2024-04, subject to the following conditions:

1. Applicant will install and maintain erosion protection at any and all outlets into Dry Run.
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 South Half of Section 13 in Ada 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. 2024-04 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. 2024-04 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 addressed the board with a bid from Dakota Improvement to prepare and build a landing site on the permanent pumping site on the drain to gain easier access to during wet seasons. The bid of \$11,478.40 was acceptable to all managers for the project. Manager Gemar will oversee the project's progression when it starts, and stay in contact with Manager Zimbleman to make sure the dirt moved is in agreement and satisfactory. Manager Quandt moved to accept the bid. Manager Hauck seconded the motion. Upon roll call, the motion passed unanimously.

Other business

Manager Quandt addressed the board and Sean Fredricks, the board's attorney about a future project that would take applications. After discussion, the process will be added to the next board meeting when he has more information available.

Keith Hauck addressed Nathan Trosen about the culvert that was put in by Darrell Schrum and how to get the best measurement of the depth of the culvert, to make sure it will function properly. Mr. Trosen made mention that the most accurate measurement would come from a field survey in his opinion.

Manager Hansen made mention of the Yorktown Maple Bond payment that will be approved today and that he will get information about paying down the bond, now that the time is acceptable to do so, through the bond agreement.

Meeting Minutes

Manager Quandt moved to accept the February 21, 2024 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 \$1956.85, Yorktown Maple Bond of \$96,900, and Moore Engineering of \$102.50. Secretary Hansen gave the financial report. Manager Hauck moved to approved 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:

Steve Hansen, Chairman

Attest:

Judy Hansen, Secretary