

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

Dickey County Water Resource District

MEETING MINUTES

April 16, 2025

The Dickey County Water Resource District met at the Dickey County Courthouse in Ellendale ND at 8:00 am on Wednesday, April 16, 2025. Managers Steve Hansen, John Quandt, Justin Gemar, and Don Zimbleman were all present at the courthouse. Sean Fredricks, the board's attorney, and Nathan Trosen, Moore Engineering representative, joined via video conference. Manager Keith Hauck also joined via video conference.

Chairman Hansen called the meeting to order.

***Pheasant Lake Dam***

Nathan Trosen, Moore Engineering representative, informed the board that the EAP (Emergency Action Plan) for Pheasant Lake Dam was updated back in 2019. That plan is now up for renewal which is required to be updated every 5 years. Once the general document is completed, which was done in 2019, the renewal process includes ensuring the contact information is valid or updating as necessary. Pheasant Lake Dam was reclassified as a medium hazard dam, after the state changed its standards. Medium standard dams now require a model showing potential disaster situations under a dam breach scenario. The 2019 EAP has the potential hazardous situations explained so Mr. Trosen feels that just updating the contact list will be sufficient in being in compliance with the state's requirements. He suggested he would contact the dam safety staff at the DWR to make sure that is the case and we can proceed.

In terms of ownership, Sean Fredricks, the board's attorney, indicated ownership of Pheasant Lake Dam is cloudy, at best, even though DWR lists the Dickey County WRD as the owners. Fredricks reviewed several agreements and other documents from original construction and subsequent improvements to the Dam. The right of way documents indicate Game & Fish does, in fact, "own" the pool area. NDDOT owns the embankment right of way and Game & Fish owns the flood pool easements. The Dickey County WRD agreed to handle operation and maintenance of the embankment in the various agreements with the Water Commission and the Game & Fish. However, nothing in any of the agreements indicate the WRD agreed to "own" the embankment, or to "own" the flood pool. In fact, the right of way documents (again, with NDDOT owning the embankment right of way and G&F as owner of the flood pool easements) suggest otherwise.

Manager Hauck indicated he remembered about 10-12 years ago that a new spillway on the dam was done but could not remember who paid for that but didn't this the Dickey County Water Resource District paid for that spillway. Manager Zimbleman also recalled that work but did not recall any cost participation or other participation by the Board. The Board agreed to have the matter looked into before the board updated the EAP. Manager Quandt moved to direct Nathan Trosen to investigate ownership of Pheasant Lake Dam. Manager Zimbleman seconded the motion. Upon roll call, the motion passed unanimously.

***Utility Permit for ReadiTech fiber optic***

Manager Hansen was contacted about a utility permit being sought from ReadiTech to bring a new fiber optic line on the south right of way of Hwy 11. Nathan Trosen presented a map to the board for a visual reference of where the potential lines would be placed. There were two locations along the Jackson project that was presented by Mr. Trosen. Sean Fredricks prepared the permit for approval by the Dickey-Sargent Joint WRD; the Dickey County Water Resource District need not act on the permit or take any other action. The permit has all the necessary conditions incorporated to protect and indemnify the Dickey-Sargent Joint Water Resource District. That permit will be presented to the Dickey-Sargent Joint Board for approval in May.

***Leon Malberg - Sargent County Drain 11 update***

Leon Malberg contacted the Dickey County Commission, evidently to advocate for withholding of Drain 11 levy payments to Sargent County. Mr. Mallberg prompted the Sargent County WRD's reassessment of Drain 11, that ultimately resulted in inclusion of Dickey County properties in the Drain 11 district, yet he now seems to be attempting to convince the Dickey County landowners not to pay their assessments or to pay them under protest. The Dickey County Auditor, Treasurer, and Dickey County State's Attorney previously indicated that, in accordance with an attorney general opinion, drain levies were not subject to the "tax protest" process. The County plans to submit Drain 11 levy payments to Sargent County, as required by law.

***Water Tour-July 15(Oakes)***

Manager Hansen informed the Dickey County Water Resource District that the Annual Water Tour will be in Oakes this summer on July 15.

***Dickey County Drain #1***

Manager Gemar gave a brief update on the Drain #1 and that the beavers have created a mess in roughly 7 different culverts along that drain. He's reached out to Dakota Improvement to clear the debris, to allow the water to flow again, as the drain is completely obstructed. This is an ongoing problem and the board is looking into avenues to control the problem.

***Jason Hildebrand culvert cost share***

Jason Hildebrand, representing Valley Township in Dickey County, has requested a cost share project to replace a culvert in that township. A private landowner hired Barr Engineering to prepare a study on what the best course of action would be in regards to culvert sizes. Mr. Hildebrand presented his request at the County Commission meeting yesterday, on behalf of Valley Township, and the Commission approved his request through the 1/3, 1/3, 1/3 policy that is adopted with the County Commissioners and the Dickey County Water Resource District. Under the policy, the Dickey County Water Resource District is willing to pay one-third of the costs of purchasing and installing new culverts through a township road as long as the Township can demonstrate the culverts and crossing will comply with the North Dakota Stream Crossing Standards. The hydrology report indicates the proposed culverts would comply with the Stream Crossing Standards. Manager Zimbleman moved to reimburse the Township for one-third of the costs of purchasing and installing the culverts, upon evidence of costs incurred by the Township, via the Dickey County Auditor's office. Manager Gemar seconded the motion. Upon roll call, the motion passed unanimously.

***Manager Quandt Hwy 12 road project***

Manager Quandt presented the Dickey County Water Resource District with a map of a proposed project he would like to construct, as the Hwy 12 road construction project gets underway in 2026. He is in contact

with FSA in Dickey County and Krista with US Fish and Wildlife in Kulm ND and has presented to them as well his proposed project. During flooding stages, the water is very high on the road, even after having the road raised after the 1997 flood. Mr. Quandt estimates the water level go potentially lower a couple feet by draining sloughs along the dry run. Manager Quandt presented the Dickey County Commissioners his proposed project at yesterday's commissioner meeting, and they agreed to help fund the project. He will be seeking funding from the Dickey County Water Resource District in the future if his project is approved. There was no action to be taken on the matter at this time.

### ***Meeting Minutes***

Manager Quandt moved to approve the March 19, 2025 meeting minutes. Manager Zimbleman seconded the motion. Upon roll call, the motion passed unanimously.

### ***Financial Statement/bills***

The board considered one bill, Ohnstad Twichell of \$3558.53. Secretary Hansen gave the financial report. Manager Gemar moved to approve the financial statement and bills. Manager Quandt seconded the motion. Upon roll call, the motion passed unanimously.

### ***Other business***

Manager Gemar asked the board what their thoughts would be, if the Dickey County Water Resource District purchased a pump for the pumping site for Dickey County Drain #1. He made mention that it would be convenient to have during times of high water because he could potentially need his pump that is used on Dickey County Drain #1 at another site. After some discussion, Manager Quandt offered the suggestion to request a rental pump from General Irrigation during a flooding period. The board was concerned of the storage and maintenance of owning a pump and the management of owning it. Manager Gemar will follow up with General Irrigation to see whether they are willing to rent pumps out. 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