

**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

June 18, 2025

The Dickey County Water Resource District met at the Dickey County Courthouse in Ellendale ND at 8:00 am on Wednesday, June 18, 2025. Managers Steve Hansen, Keith Hauck, Justin Gemar and John Quandt. Sean Fredricks, the board's attorney, and Nathan Trosen, Moore Engineering representative, joined via video conference. Manager Don Zimbleman was absent.

Chairman Hansen Called the meeting to order.

***Maple River Colony tile permit***

***Application to Install a Subsurface Water Management System No. 2025-06 for Jack Hofer in the Southwest Quarter of Section 6 in Kent Township and the Southeast Quarter of Section 1 in Kentner Township***

The Board next reviewed *Application to Install a Subsurface Water Management System No. 2025-06* filed June 10, 2025, by Applicant Jack Hofer, on behalf of Maple River Colony. Under the Application, Applicant seeks to install a 157-acre drain tile system in the Southwest Quarter of Section 6 in Kent Township and the Southeast Quarter of Section 1 in Kentner Township, Dickey County, North Dakota. The system in the Southwest Quarter of Section 6 in Kent Township will connect to the system in the Southeast Quarter of Section 1 in Kentner Township via lines under 96th Avenue SE. The project will include two gravity outlets, both located in the West Half of the Southeast Quarter of Section 1 in Kentner Township; both outlets will discharge directly into a tributary of the Maple River.

According to deeds supplied by Applicant, Cornelius Hofer, Trustee on behalf of Maple River Colony, owns the Southeast Quarter of Section 1 in Kenter Township and the Southwest Quarter of Section 6 in Kent Township, where Applicant intends to install the tile system. Because the project discharges into a natural watercourse, a tributary of the Maple River, no downstream notices are 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. 2025-06* filed June 10, 2025, for Jack Hofer in the Southwest Quarter of Section 6 in Kent Township and the Southeast Quarter of Section 1 in Kentner Township, and to authorize the Secretary-Treasurer to sign Subsurface Water Management Permit No. 2025-06, subject to the following conditions:

1. Applicant will re-establish any areas disturbed installing or maintaining Applicant's tile system.

2. Applicant will install and maintain erosion protection at any and all outlets into the tributary of the Maple River in the Southeast Quarter of Section 1 in Kentner Township.
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 Southwest Quarter of Section 6 in Kent Township and the Southeast Quarter of Section 1 in Kentner Township under any blanket easements, or otherwise beyond the Water District's existing easement(s).
4. Applicant will apply for an amendment to Subsurface Water Management Permit No. 2025-06 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 written consent from Kentner Township and Kent Township to install any project components in the Townships' respective 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, Subsurface Water Management Permit No. 2025-06, and Applicant's outlet map to the Department of Water Resources; Kentner Township; Kent Township; 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.

#### ***New Laws on meeting agenda***

The Legislature passed new bill, SB 2180, that requires water resource districts to include a "public comment" period during regular monthly meetings. Sean Fredricks, the board's attorney, prepared a Resolution of Policy for the Dickey County Water Resource District to consider under which the Board would approve a procedure and policy to comply with the requirements under SB 2180. Upon discussion and explanation of the bill and resolution by Mr. Fredricks, Manager Hauck moved to approve the resolution. Manager Quandt seconded the motion. Upon roll call, the motion passed unanimously. These new changes will take place beginning at the August meeting.

#### ***Dickey County Drain #1 updates***

Manager Gemar gave a brief update of the Board's procurement of Wyatt Baker to handle the removal of beaver dams on the drain. Mr. Baker has signed the agreement with the Dickey County Water Resource District that includes indemnity protection for the Board and requires Mr. Baker to obtain any permits or approvals necessary at his own expense.

#### ***Pheasant Lake Dam ownership update***

Nathan Trosen, Moore Engineering representative, gave the board a brief update to his continuing research to the ownership of Pheasant Lake Dam. Mr. Trosen has requested that the Dickey County

Water Resource District be removed as owners of the dam on DWR's records. The right of way documents for the dam indicate Game & Fish "owns" the easements in the flood pool area and NDDOT owns the embankment right of way. The Dickey County WRD agreed to handle operation and maintenance of the embankment in some of the various agency agreements with the Water Commission and the Game & Fish, but none of the agreements indicate the WRD "owns" the embankment or the flood pool. Mr. Trosen is working with Karen Goff at DWR on this issue and he can provide an update next month.

#### ***Joint Board agreements-Sean***

Sean Fredricks, the board's attorney, prepared a Joint Water Resource Agreement for the Dickey County Water Resource District and the Sargent County Water Resource District to consider, to replace the existing joint board agreement for the Dickey-Sargent Joint Water Resource District. Dickey, Sargent, and Dickey-Sargent all previously approved the consent letter that permit Fredricks and Ohnstad Twichell to prepare the agreement for the boards. Under the new agreement, the Dickey-Sargent Joint Water Resource District would have authority to consider and approve surface drainage permit applications that would discharge into or otherwise impact the Jackson Drain and the Lovell Drain. Manager Gemar moved to approve the agreement prepared by Sean Fredricks. Manager Hauck seconded the motion. Upon roll call, the motion passed unanimously.

#### ***Budget***

The Dickey County Water Resource District prepared the 2025-26 Budget to be presented to the County Commissioners in July. Manager Gemar moved to approve the budget. Manager Hauck seconded the motion. Upon roll call, the motion passed unanimously.

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

Manager Quandt moved to approve the May 21, 2025 meeting minutes. Manager Hauck seconded the motion. Upon roll call, the motion passed unanimously.

#### ***Financial Statement and Bills***

The board considered bills from Ohnstad Twichell of \$680, Dakota Improvement of \$764.52, Moore Engineering of \$1560. Secretary Hansen gave the financial report. Manager Hauck 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

