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Dickey County Water Resource District

MEETING MINUTES

March 19, 2025

The Dickey County Water Resource District met at the Dickey County Courthouse in Ellendale ND at 8:00 am on Wednesday, March 19, 2025. Managers Steve Hansen, Keith Hauck, 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, joined via video conference.

Chairman Hansen called the meeting to order.

Tim Forward Tile Permit

Application to Install a Subsurface Water Management System No. 2025-03 for Tim Forward in the North Half of Section 15 in Hudson Township

The Board next reviewed *Application to Install a Subsurface Water Management System No. 2025-03* filed March 12, 2025, by Applicant Tim Forward. Under the Application, Applicant seeks to install a 300-acre drain tile system in the North Half of Section 15 in Hudson Township, Dickey County, North Dakota. The project will include two gravity outlets, both of which will discharge into the private surface drain permitted under SURFACE DRAIN PERMIT NO. 5352, a permit previously approved by the Dickey County Water Resource District for Applicant Tim Forward and Jeff Andersen. The private drain permitted under SURFACE DRAIN PERMIT NO. 5352 is located in the north road ditch along 92nd Street SE, along the south boundary of Section 10. The first outlet will discharge via a pipeline along the north boundary of the Northwest Quarter of Section 15; the pipeline will run to the north, under 92nd Street SE; the pipeline will daylight and discharge into the private drain permitted under SURFACE DRAIN PERMIT NO. 5352, along the south boundary of the Southwest Quarter of Section 10. The second outlet will similarly discharge via a pipeline along the north boundary of the Northeast Quarter of Section 15; the pipeline will run to the north, also under 92nd Street SE; the pipeline will daylight and discharge into the private drain permitted under SURFACE DRAIN PERMIT NO. 5352, along the south boundary of the Southeast Quarter of Section 10. The discharge will flow to the east in the private drain, in the north road ditch, along the south boundary of Section 11, towards the James River.

According to Dickey County data, Tim and Karen Forward own the North Half of Section 15 in Hudson Township where Applicant intends to install the tile system. With regard to downstream landowners, Terry and Vicki Andersen own the South Half of Section 10, and the Chad C. Brandt Revocable Living Trust owns the South Half of Section 11 in Hudson Township.

Manager Quandt moved, and Manager Gemar seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2025-03* filed March 12, 2025, for Tim Forward in the North Half of Section 15 in Hudson Township, and to authorize the Secretary-Treasurer to sign SUBSURFACE WATER MANAGEMENT PERMIT NO. 2025-03, 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.
3. Applicant will remove silt or vegetation, or repair erosion or scour damages *directly* caused by Applicant's tile system, but only up to one mile downstream of the project outlets, in accordance with N.D. Cent. Code § 61-32-03.1.
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 North Half of Section 15 in Hudson Township under any blanket easements, or otherwise beyond the Water District's existing easement(s).
5. Applicant will apply for an amendment to SUBSURFACE WATER MANAGEMENT PERMIT NO. 2025-03 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 #3, 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 downstream landowners or road authorities that Applicant's tile system *directly* caused accumulation of silt or vegetation, erosion, or scouring, all in accordance with N.D. Cent. Code § 61-32-03.1.

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 Hudson Township Board to install any project components within any of the Township's road right of way.
2. The Board recommends that Applicant obtain written consent from the Hudson Township Board to discharge into any of 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.

The Board will provide copies of the Board's NOTICE OF DECISION, SUBSURFACE WATER MANAGEMENT PERMIT NO. 2025-03, and Applicant's outlet map to the Department of Water Resources, Hudson Township, Terry and Vicki Andersen, Jeff Andersen, the Chad C. Brandt Revocable Living 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.

Brandon Hokana Tile Permit

Application to Install a Subsurface Water Management System No. 2025-04 for Brandon Hokana in the Southeast Quarter of Section 35 in Young Township

The Board next reviewed *Application to Install a Subsurface Water Management System No. 2025-04* filed March 12, 2025, by Applicant Brandon Hokana. Under the Application, Applicant seeks to install a 155-acre drain tile system in the Southeast Quarter of Section 35 in Young Township, Dickey County, North Dakota. The project will include a single pump outlet located in the southeast corner of the

Southeast Quarter of Section 35; the pump will discharge into the road ditch at the intersection of 84th Street SE and Dickey County Highway 2; the discharge will flow south, in the west road ditch along Dickey County Highway 2, along the east boundary of Section 2 in Whitestone Township.

According to Dickey County data, Rack, LLP, owns the Southeast Quarter of Section 35 in Young Township where Applicant intends to install the tile system. With regard to downstream landowners, Shirley Genter, Sharon Ulmer, and John Middlestead own the Northeast Quarter of Section 2 in Whitestone Township; and Lon V. Lagodinski owns the Southeast Quarter of Section 2 in Whitestone Township.

Manager Zimbleman moved, and Manager Quandt seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2025-04* filed March 12, 2025, for Brandon Hokana in the Southeast Quarter of Section 35 in Young Township, and to authorize the Secretary-Treasurer to sign Subsurface Water Management Permit No. 2025-04, 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.
3. Applicant will 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 remove silt or vegetation, or repair erosion or scour damages *directly* caused by Applicant's tile system, but only up to one mile downstream of the project outlet, in accordance with N.D. Cent. Code § 61-32-03.1.
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 Southeast Quarter of Section 35 in Young Township under any blanket easements, or otherwise beyond the Water District's existing easement(s).
6. Applicant will apply for an amendment to Subsurface Water Management Permit No. 2025-04 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.

With regard to condition #4, 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 downstream landowners or road authorities that Applicant's tile system *directly* caused accumulation of silt or vegetation, erosion, or scouring, all in accordance with N.D. Cent. Code § 61-32-03.1.

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 Dickey County Highway Department to discharge into or otherwise utilize any of the County's Highway 2 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.

The Board will provide copies of the Board's Notice of Decision, Subsurface Water Management Permit No. 2025-04, and Applicant's outlet map to the Department of Water Resources; Rack, LLP; Shirley Genter; Sharon Ulmer; John Middlestead; Lon V. Lagodinski; Young Township; the Dickey County Highway Department; 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.

Chris Erlandson Tile Permit

Application to Install a Subsurface Water Management System No. 2025-02 for Chris Erlandson in the Southeast Quarter of Section 3 and the East Half of Section 10 in Divide Township

The Board next reviewed *Application to Install a Subsurface Water Management System No. 2025-02* filed February 28, 2025, by Applicant Chris Erlandson. Under the Application, Applicant seeks to install a 385-acre drain tile system in the Southeast Quarter of Section 3 and the East Half of Section 10 in Divide Township, Dickey County, North Dakota. The project in the East Half of Section 10 will connect to the system in the Southeast Quarter of Section 3 via a pipeline under 79th Street SE. The project will include a single gravity outlet located near the west boundary of the Southeast Quarter of Section 3; the discharge will flow through an existing ditch on the Southeast Quarter of Section 3 for approximately 100 yards before flowing into Bear Creek.

According to Dickey County data, Erlandson Family Land, LLLP, owns the Southeast Quarter of Section 3 and the East Half of Section 10 in Divide Township where Applicant intends to install the tile system. Because the tile discharge flows into Bear Creek on Applicant's property on the Southeast Quarter of Section 3, no downstream notices are required 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. 2025-02* filed February 28, 2025, for Chris Erlandson in the Southeast Quarter of Section 3 and the East Half of Section 10 in Divide Township, and to authorize the Secretary-Treasurer to sign Subsurface Water Management Permit No. 2025-02, 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.
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 3 or in the East Half of Section 10 in Divide 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. 2025-02 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 recommends that Applicant comply with the following:

1. The Board recommends that Applicant obtain written consent from the Divide Township Board to install any project components within 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.

The Board will provide copies of the Board's Notice of Decision, Subsurface Water Management Permit No. 2025-02, and Applicant's outlet map to the Department of Water Resources, Divide 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.

Yorktown Maple Bond Payoff

Manager Hauck moved to call the 2025-26 maturities on refunding the improvement bonds of 2017 regarding the Yorktown Maple Project, including payment of outstanding principal and interest due and to give authorization for the Dickey County Water District Secretary, Judy Hansen, and Ohnstad Twichell to prepare and execute the bond redemption and take any other actions necessary for payoff. Manager Gemar seconded the motion. Upon roll call, the motion passed unanimously.

It was noted by Manager Hansen that any funds left in the account would go into a created maintenance fund for any maintenance in the future on the Yorktown Maple pipeline.

Other business

Manager Hauck inquired to Sean Fredricks, the board's attorney, on the protocol for obtaining a dike permit. DWR reviews and approves dike/dam permits. There was a brief discussion on the potential of one being created on private property in order to hold back water from draining on that property. There was no action to be taken.

Manager Quandt gave a brief update on the work he is conducting with US Fish and Wildlife to look at lowering water levels along the Hwy 12 road improvement project. This was just informational and he will continue his research into the matter.

Manager Hansen informed the board that he met with the Water board leaders of McIntosh County as the Chairman of Dickey County Water Resource District to answer any questions they had on handling water permit applications and the laws and regulations the board will need to follow in the future as they are starting to handle permitting in their area. His knowledge in this area was very much appreciated by the McIntosh Water Board.

Meeting Minutes

Manager Hauck moved to approve the February 19, 2025 meeting minutes. Manager Gemar seconded the motion. Upon roll call, the motion passed unanimously.

Financial Statement/Bills

The board considered two bills, one being Ohnstad Twichell of \$3174.04 and the Yorktown Maple Bond payoff of \$181952.50. Secretary Hansen gave the financial statement. Manager Gemar moved to approve the financial report and bills. Manager Zimbleman 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