

**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

May 21, 2025

The Dickey County Water Resource District met at the Dickey County Courthouse in Ellendale ND at 8:00 am on Wednesday, May 21, 2025. Managers Steve Hansen, 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. Manager Keith Hauck also joined via video conference. Eric Larson was a guest at the courthouse. Chairman Hansen called the meeting to order.

***Eric Larson tile permit app***

***Application to Install a Subsurface Water Management System No. 2025-05 for Eric Larson in the Northwest Quarter of Section 2 in Porter Township***

The Board next reviewed *Application to Install a Subsurface Water Management System No. 2025-05* filed May 19, 2025, by Applicant Eric Larson. Under the Application, Applicant seeks to install a 120-acre drain tile system in the Northwest Quarter of Section 2 in Porter Township, Dickey County, North Dakota. The project will include a single pump outlet located along the north boundary of the Northwest Quarter of Section 2; the pump will discharge into the south road ditch along Dickey County Road 8A; the discharge will flow west in the south road ditch for a short distance before turning north and flowing under County Road 8A; the discharge will daylight in the north road ditch; from there, the discharge will flow to the northwest, across a small portion of the Southeast Quarter of Section 36 in Badger Township in LaMoure County before flowing into Cottonwood Creek.

According to deeds supplied by Applicant, Eric and Abrah Larson own the Northwest Quarter of Section 2 in Porter Township where Applicant intends to install the tile system. With regard to downstream landowners, according to LaMoure County tax records, Tony and Lesile Hanson own the Southeast Quarter of Section 36 in Badger Township. Once the project discharge flows into Cottonwood Creek, no additional downstream notices are required under N.D. Cent. Code § 61-32-03.1.

Manager Gemar moved, and Manager Zimbleman seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2025-05* filed May 19, 2025, for Eric Larson in the Northwest Quarter of Section 2 in Porter Township, and to authorize the Secretary-Treasurer to sign Subsurface Water Management Permit No. 2025-05, 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 Dickey County Highway Department's County Road 8A right of way.
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 the point where the tile discharge flows into Cottonwood Creek, 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 Northwest Quarter of Section 2 in Porter 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. 2025-05 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.

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 Highway Department's County Road 8A 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. 2025-05, and Applicant's outlet map to the Department of Water Resources; the Dickey County Highway Department; Tony and Lesile Hanson; and Southeast Water Users District. Fredricks will also provide a courtesy copies to the LaMoure County Water Resource District. Applicant's detailed project design map is an exempt record, and the Board will not provide copies to any third parties.

#### ***Dickey-Sargent Joint WRD -- Joint Board Agreement***

Last fall, Sean Fredricks, on behalf of the Dickey-Sargent WRD, asked the Department of Water Resources and the Attorney General's Office if they would permit the Dickey-Sargent WRD to consider and approve surface drain permits that discharge into or otherwise impact the Jackson or Lovell Drains. Under the North Dakota Administrative Code, the WRD with the majority of the land impacted by a surface drainage project must consider and approve a surface permit but the state considered Dickey-Sargent's request and indicated they would permit the change to allow Dickey-Sargent to consider and approve those permit applications as long as Dickey and Sargent modify the Dickey-Sargent joint board agreement to give Dickey-Sargent that specific authority. The board waited for the Legislative Session to conclude to see where we stand with joint WRDs; the Legislative Session is now a wrap and we can now proceed with an amendment of the Dickey-Sargent Joint Board Agreement. Fredricks prepared the language and submitted it to DWR for their review and they have since signed-off on the language.

Sean Fredricks prepared a consent/waiver letter for consideration by all three WRDs (Dickey, Sargent, and Dickey-Sargent). Manager Quandt moved to approve the consent/waiver letter on behalf of the Dickey County WRD and to authorize Chairman Hansen and Secretary-Treasurer Judy Hansen to sign it. Manager Wyum Zimbleman seconded the motion. Upon roll call, the motion carried unanimously.

Fredricks noted that, since all three WRDs have now approved the consent/waiver letter, the Board could proceed with consideration and approved of the new Joint Board Agreement, if the Board is ready.

Manager Quandt moved to approve the new Joint Water Resource District Agreement, to grant the Dickey-Sargent Joint WRD with authority to consider and approve surface drainage permit applications that drain into or otherwise impact the Jackson Township Improvement Project and the Lovell Improvement Project. Manager Gemar seconded the motion. Upon roll call, the motion passed unanimously.

### ***Intermountain Utility Permit***

Sean Fredricks, the board's attorney, and Nathan Trosen, Moore Representative, put together a utility permit for Intermountain to install fiberoptics South of Hwy 11 in Dickey County in the DOT right of way. There are 2 locations that the project would be crossing on the Jackson Drain, which needed to be addressed to avoid any potential damages down the road. Trosen included the usual special conditions to help alleviate any possible issues, the biggest of conditions is that they have to be 5 feet below the channel if anything arose in the future, the Jackson Drain would not be affected. That permit was issued by the Dickey/Sargent Board and there is no action to be taken by the Dickey County Water Resource District on this matter.

### ***Pheasant Lake Update***

At last month's meeting, Nathan Trosen, Moore Engineering representative, informed the board that an EAP (Emergency Action Plan) is due to be updated for Pheasant Lake Dam. Mr. Trosen updated the board on his research into the ownership of the Pheasant Lake Dam, after being authorized by the board at last month's meeting. Fredricks researched ownership of this issue in 2013 and on other occasions since and concluded that, based on right of way documents and various cost-share agreements over the years, NDDOT owns the embankment and Game & Fish owns the flood pool easements. The Board agrees with that conclusion. Mr. Trosen has met with Karen Goff, with the state's dam safety program inquiring about the ownership. Ms. Goff didn't have any definitive answers as to the reason the board is listed as the owner. She will be researching for more information as to the ownership paperwork on the dam. Mr. Trosen will continue the dialogue with Ms. Goff on the ownership in the situation and bring it back to the board at next months meeting.

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

Manager Gemar gave a brief update of the beaver dam issues that continue to plague Dickey County Drain 1 and has found a trapper, Wyatt Baker, that is willing to investigate the situation and use his trapping services to help with the ongoing problem. He charges \$50/hr. Sean Fredricks has an agreement the Board could utilize for Mr. Baker to sign that includes indemnity protections and other protections for the Board. Manager Quandt moved to hire Mr. Baker to trap the beaver and to approve the agreement between the Dickey County Water Resource District and Mr. Baker. Manager Gemar seconded the motion. Upon roll call vote, the motion carried unanimously. Manager Gemar continues to help with the management of overseeing that the drain is flowing to the best of its ability. Manager Gemar submitted a bill to the board for cleaning out the drain as well.

### ***Budget-June Meeting***

Manager Hansen reminded the board that they would prepare the budget at the June meeting.

***Other Business***

Manager Quandt gave a brief update on the Hwy 12 project in Dickey County that he has been working on. US Fish and Wildlife has agreed to look at the proposal and with the section of land that is in CRP that Mr. Quandt is proposing to drain to some degree, the FSA and NRCS offices are in the process of looking further into the proposal as well but will not do anything until the nesting period is done sometime in August. The project is moving forward from Mr. Quandt's perspective.

Manager Quandt informed the board of the Summer Water Tour this year, sponsored by the DWR, that will take place in and around the Oakes area in July.

***Meeting Minutes***

Manager Quandt moved to approve the April 16, 2025 meeting minutes. Manager Gemar seconded the motion. Upon roll call, the motion passed unanimously.

***Financial Statement/bills***

The board considered four bills, Ohnstad Twichell \$238, Everspring Suites \$143.60, Moore Engineering \$562.50, Dakota Improvement \$950 and Justin Gemar \$400 for Dickey County Drain 1 maintenance. Secretary Hansen gave the financial report. Manager Zimbleman moved to approve the financial statement and bills. Manager Quandt 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