

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

Dickey County Water Resource District

MEETING MINUTES

April 15, 2026

The Dickey County Water Resource District met at the courthouse in Ellendale ND, at 8:00 am on Wednesday, April 15, 2026. Managers Steve Hansen, Justin Gemar, Don Zimbleman and John Quandt were all present at the meeting. Sean Fredricks, the board's attorney, and Nathan Trosen, Moore Engineering representative, joined the meeting via video conference as well as manager Keith Hauck. Amy Mittleider and Donnell Walstead were guests at the meeting.

Chairman Hansen called the meeting to order.

Public Comment Period: There were no comment cards submitted or any other requests for public comment.

John Merkel Tile App

Application to Install a Subsurface Water Management System No. 2026-07 for John Merkel in the Southeast Quarter of Section 6 in Van Meter Township

The Board next reviewed *Application to Install a Subsurface Water Management System No. 2026-07* filed April 9, 2026, by John Merkel. Under the Application, Mr. Merkel seeks to install a 165-acre drain tile system in the Southeast Quarter of Section 6 in Van Meter Township, Dickey County, North Dakota. The project will include a single gravity outlet in the southwest corner of the Southeast Quarter that will discharge directly into a pond or slough.

According to Dickey County records, John Merkel owns that portion of the Southeast Quarter of Section 6 Permittee intends to tile. Because the project will discharge directly into pond or slough, 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. 2026-07* filed April 9, 2026, for John Merkel in the Southeast Quarter of Section 6 in Van Meter Township, and to authorize the Secretary-Treasurer to sign Subsurface Water Management Permit No. 2026-07, subject to the following conditions:

1. Permittee will re-establish any areas disturbed installing or maintaining Permittee's tile system.
2. Permittee will install and maintain erosion protection at any and all outlets into the pond or slough in the Southeast Quarter of Section 6 in Van Meter Township.

3. Permittee will not install Permittee'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 6 in Van Meter Township under any blanket easements, or otherwise beyond the Water District's existing easement(s).
4. Permittee will apply for an amendment to Subsurface Water Management Permit No. 2026-07 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 Permittee's permit. However, for Permittee's protection, and to ensure protection of Permittee's tile system, the Board recommends that Permittee obtain all other necessary and requisite licenses, permits, registrations, and 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 and Subsurface Water Management Permit No. 2026-07 to the Department of Water Resources and Southeast Water Users District. Permittee's detailed project design map is an exempt record, and the Board will not provide copies to any third parties.

Chad Ulmer Tile App(Under 80)

Chad Ulmer submitted an "Under-80 Notification" regarding a 79-acre project, as required under North Dakota law. No action was required by the Board.

Dickey County Surface Drain

Application For Surface Drain No. 6857 for Applicant Dickey County

The Board reviewed the Record of Decision issued by the North Dakota Department of Water Resources ("DWR") regarding Application for Surface Drain No. 6857 for the Dickey County. Under Application for Surface Drain No. 6857, the Highway Department is seeking a permit for the "Dickey County No. 3 West Project," the project originally constructed by the County under Surface Drain Permit No. 3876 to protect Highway 3 from inundation. The Dickey County Water Resource District originally approved Surface Drain Permit No. 3876 for County Commissioner John Hokana on October 18, 2011. More recently, the County and the Dickey County Water Resource District entered into a Joint Powers Agreement in November of 2025. Under the Agreement, the County will continue to own the Dickey County No. 3 West Project; the County will continue to own its Highway 3 right of way; and the County will continue to own, operate, and manage Highway 3. Meanwhile, under the parties' Agreement, the Dickey County Water Resource is responsible for operation and maintenance of the Dickey County No. 3 West Project. Under Application for Surface Drain No. 6857, the County seeks a new permit for the Dickey County No. 3 West Project.

The Dickey County No. 3 West Project runs adjacent to and along Dickey County Highway 3, along the south boundary of Sections 19 and 20 in Yorktown Township and Section 24 in Maple Township. The drain is within the County's Highway 3 right of way. The drain improvements include 9,175 feet of open channel and buried pipe improvements; the buried pipe is 24" in diameter; the bottom width of the channel is 8'; and the side slopes are 4:1 off of the road and 3:1 off of the field. The drain includes two manholes along the buried pipe for purposes of access and inspections. The project proposed under Application For Surface Drain No. 6857 does not propose any additional work beyond the construction performed under Surface Drain Permit No. 3876.

Under Section 89-02-01-09.1(2) of the North Dakota Administrative Code, the Board must first determine if a hearing to consider Application for Surface Drain No. 6857 is necessary. The Board noted that DWR waived the “statewide or interdistrict significance” solicitation of views process for the Application; DWR concluded that, because the drain permit sought under Application For Surface Drain No. 6857 will not differ from the project originally constructed under Surface Drain Permit No. 3876, the “statewide or interdistrict significance” solicitation of views process was unnecessary. With that in mind, the Board concluded no hearing was required.

Next, the Board must determine if the project will result in adverse downstream impacts; if so, the Board must require Applicant to obtain flowage easements from downstream parties. The Board reviewed Moore Engineering’s draft responses to the eight elements under Section 89-02-01-09.2 of the North Dakota Administrative Code. Moore Engineering provided the following analysis:

1. The water volume proposed to be drained and its impact upon the watercourse into which it will be drained. The watershed area of the project’s outlet is approximately 2,280 acres. The outlet of this project will discharge into the Maple River. The project design does not change the watershed area; therefore, no additional acres are drained as a result of the project. There are no anticipated downstream impacts to watercourses based on the total volume of flow.

2. Adverse effects that may occur to downstream landowners. This factor is limited to the project’s hydrologic effects, such as erosion, flood duration, sustained flows impacts, and downstream water control device operation impacts. The proposed project outlets into the Maple River. The proposed area to be drained is included in the watershed of the Maple River. The impacts downstream will be minimal due to the size of the drainage area of the proposed project. Therefore, the proposed project is not expected to have adverse flooding or erosion related effects to downstream landowners.

In light of Moore’s analysis, the Board concluded the project does not and will not result in adverse downstream impacts and, therefore, the project does not require downstream flowage easements.

Manager Gemar moved, and Manager Quandt seconded the motion, to conclude no hearing was necessary, to conclude the project will not result in adverse downstream impacts, to adopt Moore Engineering’s responses to the eight elements under Section 89-02-01-09.2 of the North Dakota Administrative Code, and to approve Application For Surface Drain No. 6857 for Dickey County, subject to the conditions attached by the Department of Water Resources, and subject to the following conditions:

1. Permittee will not construct or improve the drain in any manner that exceeds the dimensions contained in Application For Surface Drain No. 6857, including 9,175 feet of open channel and buried pipe improvements; a maximum channel bottom width no wider than 8 feet; and side slopes of 4:1 off of the road and 3:1 off of the field.
2. Permittee will obtain easements from the owners of any land, besides land owned by Permittee, where Permittee and the Dickey County Water Resource District will operate and maintain the Dickey County No. 3 West Project.
3. Permittee will notify the Dickey County Water Resource District in advance of any proposed improvements to the drain, including any increase in the capacity or drainage area impacted, and, if necessary, will submit an additional permit application.

Upon roll call vote, the motion carried unanimously. In addition to those conditions, the Board will also recommend that Permittee obtain all other necessary and requisite licenses, permits, registrations, and

approvals from all applicable federal, state, county, and municipal governments, and any other applicable governmental entities.

Sean Fredricks will prepare the requisite Notice of Decision and will provide notice to the Department of Water Resources, the County, and all parties of record.

Manager Zimbleman asked the board if the right of way ownership had been decided, as he farms the land on the North side of the drain and there has been an issue with spoil piles being put onto that farmland that obstructs his farming operations at times. Manager Hansen will investigate that ownership and report back to the board at the next meeting.

Lamoure Surface Drain Discussion

Kim Radermacher sent the Dickey County Water Resource District a letter informing the Board of a surface drain project being considered under a surface drain application currently pending before the LaMoure County Water Resource District. The application proposes an outlet to Boom Lake near Marion that will discharge into Bear Creek. Ms. Radermacher was providing notice to the Board as a downstream party. After much discussion, the Board directed Secretary Hansen to draft a letter to the Lamoure County Water Resource District to request notification of any permitting decisions and to request information regarding any proposed operation and maintenance plan for the project.

Yorktown Maple Addition Discussion

Nathan Trosen, the Board's engineer, discussed the possibility of extending the Yorktown-Maple Drain. Manager Gemar had invited several landowners in the assessment district of the Yorktown Maple Drain to attend the meeting this morning and Donnell Walstead was in attendance. Manager Gemar noted that many of the other parties indicated their interest in improvements to the Drain. Mr. Trosen noted that extending the drain would require an assessment vote. Sean Fredricks, the board's attorney, noted that new legislation in 2023 and a Supreme Court case regarding a City of Grand Forks case created some additional steps to the assessment vote process. The Board agreed they should consider the possibility of extending the drain and should also consider the addition of a pump as a more cost-effective option. Manager Quandt moved to direct Mr. Trosen to develop options and related cost estimates. Manager Zimbleman seconded the motion. Upon roll call, the motion passed unanimously.

Meeting Minutes

Manager Quandt moved to accept the March 18, 2026 meeting minutes. Manager Gemar seconded the motion. Upon roll call, the motion passed unanimously.

Financial Statement and Bills

The board considered bills from Ohnstad Twichell of \$3696.70 and Moore Engineering of \$395.50. Secretary Hansen gave the financial report. Manager Zimbleman moved to accept the bills and financial report. Manager Gemar seconded the motion. Upon roll call, the motion passed unanimously.

Other Business

Manager Gemar informed the board the Wyatt Baker with Baker Trapping Services has been out to Dickey County Drain #1 and is actively trapping beaver again. Beaver activity has been detected on the railroad site as well and Manager Gemar has informed the railroad of this. The water is moving in those sites regardless of the beaver dams.

There being no further business to discuss, the meeting was adjourned.

APPROVED:

Steve Hansen, Chairman

Attest:

Judy Hansen, Secretary