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Dickey County Water Resource District

MEETING MINUTES

February 18, 2026

The Dickey County Water Resource District met at the Dickey County Courthouse in Ellendale ND at 8:00 am on Wednesday, February 18, 2026. Managers Steve Hansen, Don Zimbleman, Justin Gemar and John Quandt were all present at the meeting. 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.

Public Comment Period

No parties submitted comment cards.

Michael German Tile App

Application to Install a Subsurface Water Management System No. 2026-02 for Michael German in the Northwest Quarter of Section 13 in Kent Township

The Board next reviewed *Application to Install a Subsurface Water Management System No. 2026-02* filed January 27, 2026, by Applicant Michael German. Under the Application, Applicant seeks to install a 110-acre drain tile system in the Northwest Quarter of Section 13 in Kent Township, Dickey County, North Dakota. The project will include a single pump outlet located near the east boundary of the Northwest Quarter of Section 13; the pump will discharge directly into a natural watercourse that flows to the southeast.

According to Dickey County tax parcel data, the Michael E. German Revocable Living Trust owns the Northwest Quarter of Section 13 in Kent Township where Applicant intends to install the tile system. Because the project will discharge directly into a natural watercourse, no downstream notices are necessary under N.D. Cent. Code § 61-32-03.1.

Manager Gemar moved, and Manager Quandt seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2026-02* filed January 27, 2026, for Michael German in the Northwest Quarter of Section 13 in Kent Township, and to authorize the Secretary-Treasurer to sign Subsurface Water Management Permit No. 2026-02, 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 into the natural watercourse in the Northwest Quarter of Section 13 in Kent Township.
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 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 13 in Kent 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. 2026-02 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 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, Subsurface Water Management Permit No. 2026-02, and Applicant’s outlet map to the Department of Water Resources 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.

James Quandt/Tom Daniels Tile App

Application to Install a Subsurface Water Management System No. 2026-01 for James Quandt and Tom Daniels in the North Half of Section 15 in Riverdale Township

The Board next reviewed *Application to Install a Subsurface Water Management System No. 2026-01* filed January 23, 2026, by Applicants James Quandt and Tom Daniels. Under the Application, Applicants seek to install a 280-acre drain tile system in the North Half of Section 15 in Riverdale Township, Dickey County, North Dakota. The project will include a single pump outlet along the north boundary of the Northeast Quarter of Section 15; the pump will discharge to the north, under 92nd Street SE, and into a 15” pipeline owned by the Dickey-Sargent Irrigation District; the 15” pipeline runs to the west, along the south boundary of Section 10 and the Southeast Quarter of Section 9.

According to Dickey County property data provided by Applicants, with regard to the property Applicants intend to tile, James and Connie Boe Quandt own the Northeast Quarter of Section 15, and Thomas N. Daniels and Bethel A. Daniels, as co-trustees of the Daniels Family Trust, own the Northwest Quarter of Section 15 in Riverdale Township. Because the project will discharge into the Dickey-Sargent Irrigation District’s pipeline, the Board will provide notice to the Dickey-Sargent Irrigation District, as required under N.D. Cent. Code § 61-32-03.1.

Before proceeding with any substantive discussion regarding the application, the Board discussed the potential conflict for Manager Quandt. Applicant James Quandt is Manager Quandt’s brother and, with that in mind, the Board agreed they should conduct a conflict analysis regarding Manager Quandt’s likely conflict in the matter.

Section 44-04-22 of the North Dakota Century Code provides the relevant standard. That statute provides:

A person acting in a legislative or quasi-legislative or judicial or quasi-judicial capacity for a political subdivision of the state who has a direct and substantial personal or pecuniary interest in a matter before that board, council, commission, or other body, must disclose the fact to the body of which that person is a member, and may not participate in or vote on that particular matter without the consent of a majority of the rest of the body.

In this case, Fredricks indicated Manager Quandt likely has a “direct and substantial personal interest” in the matter that creates a conflict. Manager Zimbleman moved to conclude Manager Quandt has a conflict in the matter and should not vote on or discuss matters related to *Application to Install a Subsurface Water Management System No. 2026-01*. Manager Gemar seconded the motion. Upon roll call vote, Chairman Hansen and Managers Hauck, Zimbleman, and Gemar voted in favor of the motion. Manager Quandt abstained. The motion carried.

There is an additional conflict statute specific to water resource districts, Section 61-16-08.1 of the Century Code, that provides the County Commission with discretionary authority to appoint alternate water managers if a full-time member has a conflict. However, that statute was effectively superseded by Section 44-04-22 when the Legislature adopted Section 44-04-22 in 1995 (Section 61-16-08.1 went into effect in 1985). Section 61-16-08.1 does not provide a definition for what qualifies as a “conflict of interest” and does not provide a mandatory process; rather, the legislative history of Section 61-16-08.1 indicates the Legislature approved that statute to provide a process for water managers to avoid situations where they are not comfortable voting on a matter and is not a mandatory process. Conversely, the process under Section 44-04-22 is mandatory for conflict situations, provides a detailed test for determining if a conflict exists, and provides a detailed process for a Board to proceed even if a conflict does exist. The Legislature enacted Section 44-04-22 after passing the vague and optional Section 61-16-08.1 and, therefore, the process under Section 44-04-22 controls all conflict matters.

With the conflict issue concluded, the Board proceeded with discussion regarding *Application to Install a Subsurface Water Management System No. 2026-01*.

Manager Zimbleman moved, and Manager Gemar seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2026-01* filed January 23, 2026, for James Quandt and Tom Daniels in the North Half of Section 15 in Riverdale Township, and to authorize the Secretary-Treasurer to sign Subsurface Water Management Permit No. 2026-01, subject to the following conditions:

1. Applicants will re-establish any areas disturbed installing or maintaining Applicants’ tile system.
2. Applicants will install and maintain erosion protection at any and all outlets .
3. Applicants 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. Applicants will remove silt or vegetation or repair erosion or scour damages **directly** caused by Applicants’ 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. Applicants will not install Applicants’ 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 Riverdale Township under any blanket easements, or otherwise beyond the Water District’s existing easement(s).
6. Applicants will apply for an amendment to Subsurface Water Management Permit No. 2026-01 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, Chairman Hansen and Managers Hauck, Zimbleman, and Gemar voted in favor of the motion. Manager Quandt abstained. The motion carried.

With regard to condition #4, Applicants' 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 Applicants' 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 Applicants' permit. However, for Applicants' protection, and to ensure protection of Applicants' tile system, the Board recommends that Applicants comply with the following:

1. The Board recommends that Applicants obtain written consent from the Dickey-Sargent Irrigation District to discharge into or otherwise utilize its pipeline.
2. The Board recommends that Applicants obtain written consent from the Riverdale Township Board of Township Supervisors to discharge into or otherwise utilize any of the Township's road right of way.
3. The Board recommends that Applicants 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. 2026-01, and outlet map to the Department of Water Resources, the Dickey-Sargent Irrigation District, Riverdale Township Board of Township Supervisors, and Southeast Water Users District. Applicants' detailed project design map is an exempt record, and the Board will not provide copies to any third parties.

Other Business

Manager Gemar addressed the board about the potential of adding a pump at the inlet on the Yorktown Maple Drain. He has been approached by a few landowners expressing interest in using some maintenance money, now that the assessments have stopped for landowners, to lower the surface water in that area. Nathan Trosen, Moore Engineering representative, will look into the situation and get back to the board at the next meeting.

Meeting Minutes

Manager Hauck moved to accept the January 14, 2026 meeting minutes. Manager Zimbleman seconded the motion. Upon roll call, the motion passed unanimously.

Financial Report and Bills

The board considered bills from Ohnstad Twichell of \$108 and Wendy Schmiess of \$650. Secretary Hansen gave the financial report. Manager Gemar moved to accept the financial report and bills. Manager Zimbleman seconded the motion. Upon roll call, the motion passed unanimously.

Manager Hansen reminded the board of their commitment to the County Commissioners to help off-set the bridge renovation that the County has approved to help with traffic near the Oakes Golf Course. Manager Hansen stated he was asked during the budget review process by the County Commissioners and agreed. He then mentioned he spoke out of turn, and it should have been brought to the board to approve. The board did agree to help offset the money needed to update the bridge at the following meeting, but Mr. Hansen said that in the future, the county will need to present any requests for cost-share items, prior to the budget review, for better preparation by the Dickey County Water Resource District.

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

APPROVED:

Steve Hansen, Chairman

Attest:

Judy Hansen, Secretary