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Dickey County Water Resource District  
MEETING MINUTES  
March 18, 2026

The Dickey County Water Resource District met at the Dickey County courthouse in Ellendale ND, at 8:00 am on Wednesday, March 18, 2026. Managers Keith Hauck, Justin Gemar and John Quandt were all present at the meeting. Sean Fredricks, the board's attorney, and Josh Hassell, as well as, Grey Meyer, Moore Engineering representatives, joined via video conference. Manager Hansen also joined via video conference.

Vice President Hauck called the meeting to order.

***Public Comment Period***

***Travis Thompson Tile App***

**Application to Install a Subsurface Water Management System No. 2026-05 for Travis Thompson in Section 24 in Lovell Township**

The Board next reviewed *Application to Install a Subsurface Water Management System No. 2026-05* filed March 10, 2026, by Applicant Travis Thompson. Under the Application, Applicant seeks to install a 470-acre drain tile system in Section 24 in Lovell Township, Dickey County, North Dakota. The project will discharge into a private drain previously permitted under Surface Drain Permit No. 6311.

In 2024, the Sargent County Water Resource District approved Surface Drain Permit No. 6311 for a surface drain project constructed by Travis Thompson in Sections 13 and 24 in Lovell Township in Dickey County. Incidentally, DWR referred Surface Drain Application No. 6311 to the Sargent County Water Resource District, instead of the Dickey County Water Resource District, because DWR concluded that, even though the physical improvements for the project proposed under the surface application would be in Dickey County, the majority of the watershed impacted by the project is in Sargent County. In any case, the Sargent County Water Resource District approved Surface Drain Permit No. 6311.

Under Surface Permit No. 6311, Mr. Thompson constructed a lateral to the Lovell Improvement Project in Section 24 and the West Half of Section 13 in Lovell Township. The Lovell Improvement Project is a surface drain owned by Lovell Improvement Project LLC, and the Lovell Improvement Project is permitted under Surface Drain Permit No. 4757. Mr. Thompson's surface drain constructed under Surface Permit No. 6311 commenced near the northeast corner of the Southeast Quarter of Section 24; the channel runs to the south, along the east boundary of the Southeast Quarter of Section 24 until reaching the southeast corner of the Southeast Quarter; the channel then runs to the west along the south boundary

of the South Half of Section 24; the channel then runs north along the west boundary of Section 24 and the west boundary of Section 13, and ultimately outlets into the Lovell Improvement Project channel at the northwest corner of Section 13 of Lovell Township.

The tile project proposed by Mr. Thompson under *Application No. 2026-05* will include a single pump outlet located near the northwest corner of the Southwest Quarter of Section 24; the pump will discharge directly into the drain constructed by Mr. Thompson under Surface Permit No. 6311.

Before discussing the application, Sean Fredricks explained the conflict analysis the Board should conduct regarding Manager Quandt's possible conflict in the matter. The discharge from Mr. Thompson's tile project will ultimately flow into the Lovell Improvement Project; the members of Lovell Improvement Project LLC all own property that benefit from the Lovell Improvement Project; Manager Quandt is the president of Lovell Improvement Project LLC. Mr. Fredricks explained the law in North Dakota regarding conflicts, 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, Manager Quandt has a direct and substantial personal or pecuniary interest in the matter that creates a conflict. Manager Hansen moved to declare that Manager Quandt has a conflict and should not participate in any votes regarding *Application No. 2026-05*. Manager Gemar seconded the motion. Upon roll call vote, Managers Hauck, Hansen 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 No. 2026-05*.

According to Dickey County records supplied by Applicant, Travis Thompson owns Section 24 in Lovell Township, where Applicant intends to install the tile system. With regard to downstream notices required under N.D. Cent. Code § 6132-03.1, the Michael and Pamela Quandt Irrevocable Land Trust owns the Southwest Quarter of Section 13; and John and Jan Quandt own the Northwest Quarter of Section 13.

Manager Hansen moved, and Manager Gemar seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2026-05* filed March 10, 2026, for Travis Thompson in Section 24 in Lovell Township, and to authorize the Secretary-Treasurer to sign Subsurface Water Management Permit No. 2026-05, subject to the following conditions:

1. Applicant will re-establish any areas disturbed installing or maintaining Applicants' 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 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. Applicant will not install Applicants' tile system within 20 feet, on either side, of any rural water lines Southeast Water Users District has in Section 24 in Lovell 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. 202605 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, Managers Hauck, Hansen, and Gemar voted in favor of the motion. Manager Quandt abstained. The motion carried.

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 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 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 Lovell Improvement Project LLC to ultimately discharge into the Lovell Improvement Project.
2. 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. 2026-05, and Applicant's outlet map to the Department of Water Resources, Lovell Township, the Sargent County Water Resource District, Lovell Improvement Project LLC, the Michael and Pamela Quandt Irrevocable Land Trust, John and Jan Quandt, 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 Tile App***

***Application to Install a Subsurface Water Management System No. 2026-06 for James Quandt in the Northeast Quarter of Section 34 in Riverdale Township***

The Board next reviewed *Application to Install a Subsurface Water Management System No. 2026-06* filed March 10, 2026, by Applicant James Quandt. Under the Application, Applicant seeks to install a 457-acre drain tile system in the Northeast Quarter of Section 34 in Riverdale Township, Dickey County, North Dakota. The project will include a single pump outlet along the south boundary of the Northeast Quarter of Section 34; the pump will discharge directly into the Lovell Improvement Project, a private drain previously permitted under Surface Drain Permit No. 4757, as amended in 2019 (a lateral commonly referred to as the "110th Avenue North Amendment to the Lovell Improvement Project").

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.

In this case, Fredricks indicated Manager Quandt likely has a "direct and substantial personal interest" in the matter that creates a conflict. Manager Hansen 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. 2026-06*. Manager Gemar seconded the motion. Upon roll call vote, Managers Hauck, Hansen, and Gemar voted in favor of the motion. Manager Quandt abstained. The motion carried.

With the conflict issue concluded, the Board proceeded with discussion regarding *Application to Install a Subsurface Water Management System No. 2026-06*.

According to Dickey County records supplied by Applicant, James Quandt owns the Northeast Quarter of Section 34 in Riverdale Township, where Applicant intends to install the tile system. With regard to downstream notices required under N.D. Cent. Code § 6132-03.1, Steve and Judy Hansen own the Northwest Quarter of Section 34 in Riverdale Township, and Larry Thorpe owns the Northeast Quarter of Section 33 in Riverdale Township.

In light of Chairman Hansen's ownership of downstream property, the Board discussed the likely conflict for Chairman Hansen. Fredricks indicated that, in light of Chairman Hansen's ownership of property downstream of the project outlet, Chairman Hansen likely has a "direct and substantial personal or pecuniary interest" in the matter that creates a conflict. Manager Gemar moved to conclude Chairman Hansen 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. 2026-06*. Manager Hauck seconded the motion. Upon roll call vote, Managers Hauck and Gemar voted in favor of the motion. Chairman Hansen abstained. The motion carried.

With the additional conflict issue concluded, the Board proceeded with discussion regarding *Application to Install a Subsurface Water Management System No. 2026-06*.

Manager Gemar moved, and Manager Hauck seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2026-06* filed March 10, 2026, for James Quandt in the Northeast Quarter of Section 34 in Riverdale Township, and to authorize the Secretary-Treasurer to sign Subsurface Water Management Permit No. 2026-06, subject to the following conditions:

1. Applicant will re-establish any areas disturbed installing or maintaining Applicants' 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 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. Applicant will not install Applicants' tile system within 20 feet, on either side, of any rural water lines Southeast Water Users District has in the Northeast Quarter of Section 34 in Riverdale 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. 202606 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, Managers Hauck and Gemar voted in favor of the motion. Chairman Hansen and Manager Quandt abstained. The motion carried.

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 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 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 Lovell Improvement Project LLC to discharge into the Lovell Improvement Project.
2. The Board recommends that Applicants 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. 2026-06, and Applicant's outlet map to the Department of Water Resources, Riverdale Township, Steve and Judy Hansen, Larry Thorpe, Lovell Improvement Project LLC, 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.

***Christ Erlandson Tile App***  
**Application to Install a Subsurface Water Management System No. 2026-04 for Chris Erlandson in the North Half and Southwest Quarter of Section 4 and the Northwest Quarter of Section 9 in Divide Township**

The Board next reviewed *Application to Install a Subsurface Water Management System No. 2026-04* filed March 9, 2026, by Applicant Chris Erlandson. Under the Application, Applicant seeks to install a 390-acre drain tile system in the North Half and Southwest Quarter of Section 4 and the Northwest Quarter of Section 9 in Divide Township, Dickey County, North Dakota. Portions of the project in the Northwest Quarter of Section 9 will connect to the system in Southwest Quarter of Section 4 via a pipeline under 79th Street SE. The project will include a gravity outlet in the Northwest Quarter of Section 9 that will discharge directly into a tributary of Bear Creek. In addition, the project will include a second gravity outlet, this one in the Northeast Quarter of Section 4 that will discharge directly into a separate tributary of Bear Creek.

According to Dickey County records supplied by Applicant, the Timothy Erlandson Revocable Trust and the Barbara Erlandson Revocable Trust jointly own that portion of the North Half of Section 4 Applicant intends to tile, and the Otto and Marcellyn Erlandson

Family Trust owns that portion of the Southwest Quarter of Section 4 and that portion of the Northwest Quarter of Section 9 Applicant intends to tile. Because the project outlets will both discharge directly into natural watercourses, no downstream notices are necessary under N.D. Cent. Code ? 6132-03.1.

Manager Hansen moved, and Manager Gemar seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2026-04* filed March 9, 2026, for Chris Erlandson in the North Half and Southwest Quarter of Section 4 and the Northwest Quarter of Section 9 in Divide Township, and to authorize the Secretary-Treasurer to sign Subsurface Water Management Permit No. 2026-04, 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 into the natural watercourses in the Northwest Quarter of Section 9 and the Northeast Quarter of Section 4 in Divide 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 North Half and Southwest Quarter of Section 4 and the Northwest Quarter of Section 9 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. 2026-04 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.

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 of Township Supervisors to discharge into, or to install any project components within, any of the Township's road right of way.
2. The Board recommends that Applicant obtain and record easements from the owners of any property not owned by Applicant to install and maintain tile components.
3. 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 and Subsurface Water Management Permit No. 2026-04 to the Department of Water Resources, Southeast Water Users District, the Timothy Erlandson Revocable Trust, the Barbara Erlandson Revocable Trust, and the Otto and Marcellyn Erlandson Family Trust. Applicant's detailed project design map is an exempt record, and the Board will not provide copies to any third parties.

***Garrett Peterson Tile App***

**Application to Install a Subsurface Water Management System No. 2026-03 for Garrett Petersen in the North Half of Section 32 in Hamburg Township**

The Board next reviewed *Application to Install a Subsurface Water Management System No. 2026-03* filed February 24, 2026, by Applicant Garrett Petersen. Under the Application, Applicant seeks to install a 200-acre drain tile system in the North Half of Section 32 in Hamburg Township, Dickey County, North Dakota. The project will include five gravity outlets that will all discharge directly into the Elm River.

According to Dickey County records supplied by Applicant, Garrett Petersen owns the North Half of Section 32 in Hamburg 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 ? 6132-03.1.

Manager Quandt moved, and Manager Gemar seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2026-03* filed February 24, 2026, for Garrett Petersen in the North Half of Section 32 in Hamburg Township, and to authorize the Secretary-Treasurer to sign Subsurface Water Management Permit No. 2026-03, 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 into the Elm River in the North Half of Section 32 in Hamburg 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 North Half of Section 32 in Hamburg 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. 2026-03 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.

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 and Subsurface Water Management Permit No. 2026-03 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.

### ***Other Business***

\*Sean Fredricks, the board's attorney just briefly informed the board that Gary Krapu had instigated administrative action against Eric Larson regarding Mr. Larson's various tile projects. Mr. Fredricks learned this week that Mr. Krapu agreed to dismiss his administrative action.

\*Josh Hassell and Greg Meyer, both representing Moore Engineering, were present at the meeting to offer information to the board regarding the Yorktown Maple Drain. Mr. Hassell gave a brief history of the Yorktown Maple Drain and the feasibility of adding additional drainage options to the drain. At the February 18, 2026 Dickey County Water Resource District meeting, Manager Gemar noted there is interest from landowners in the watershed to add a pump to lower the water level of the drain. Greg Meyer reiterated that it would be feasible to add to the drain and that he had been in contact with the NRCS. Both Mr. Hassell and Mr. Meyer stated that it was feasible to add to the project, as long as any additional components or improvements do not increase croppable acres to the landowner. The Board agreed to investigate options. Manager Hauck stated that he felt that the landowners that are inquiring about the improvements should attend the next Board meeting. Manager Gemar will invite those interested to the April meeting. Chairman Hansen added that it might be advantageous for the board to draft a letter and send to all landowners in the watershed area to explain what the Board is considering and to determine if there is interest. The Board agreed a letter would be prudent and also agreed the Board should conduct an informational meeting to get input from all landowners within the assessment district and watershed to discuss options, after meeting with the smaller group of landowners at the April meeting who are driving this concept.

### ***Meeting Minutes***

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

***Financial Report and Bills***

The board considered bills from Ohnstad Twichell of \$1579.20 and Moore Engineering of \$423.50. Secretary Hansen gave the financial report. Manager Gemar moved to approve the financial report 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