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Dickey County Water Resource District

MEETING MNUTES

July 16, 2025

The Dickey County Water Resource District met at the Dickey County Courthouse in Ellendale ND at 8:00 am on Wednesday, July 16, 2025. Managers Steve Hansen, Keith Hauck, Don Zimbleman, 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 Gemar was absent.

Chairman Hansen called the meeting to order.

NDDOT Drainage Request ROW

The Board received an NDDOT REQUEST FOR DRAINAGE ON HIGHWAY RIGHT OF WAY, signed and submitted by engineer Tony Sager on behalf of Headwaters Development LLC, a Minnesota limited liability company ("Headwaters"). According to Mr. Sager and his NDDOT application, Headwaters is developing a proposed multifamily residential project in Ellendale, adjacent to Highway 281 in Section 13 in Ellendale Township. Headwaters is proposing a stormwater facility to manage and treat stormwater runoff before it discharges from the development. The stormwater facility would ultimately discharge into the east ditch along Highway 281.

Because the discharge would be into NDDOT right of way, Mr. Sager submitted the REQUEST FOR DRAINAGE ON HIGHWAY RIGHT OF WAY on behalf of Headwaters. Fredricks advised the Board that water resource districts only have jurisdiction over work conducted in highway right of way to the extent the work proposed by the Applicant involves drainage improvements that require a state drainage permit under N.D. Cent. Code § 61-32-03. Fredricks has met with NDDOT regarding this issue in past years and NDDOT has indicated that NDDOT must obtain approvals from water resource districts prior to NDDOT approval of highway right of way improvements by private parties to comply with federal highway rules. With that in mind, NDDOT has requested that water resource districts "approve" their REQUEST FOR DRAINAGE ON HIGHWAY RIGHT OF WAY forms. To address the concerns of water resource districts regarding their jurisdictional limitations, NDDOT indicated to Fredricks that water resource districts could submit the approved forms along with a cover letter that outlines water resource districts' jurisdiction related to drainage.

Fredricks prepared and circulated a draft cover letter to NDDOT for the Board's consideration. The letter indicates that if Headwaters' proposed project will include any activity that requires a surface drainage permit under Section 61-32-03 of the North Dakota Century Code, Headwaters should submit a surface drain permit application to the North Dakota Department of Water Resources. Fredricks also noted that Headwaters Development LLC is not registered to do business in North Dakota according to the North Dakota Secretary of State's office. Further, Mr. Sager signed the form and not the actual applicant. With those issues in mind, in the proposed cover letter, Fredricks suggested that NDDOT may want to inquire

further into which party should ultimately be the Applicant/Permittee under the Request for Drainage on Highway Right of Way.

Manager Quandt moved, and Manager Hauck seconded the motion, to approve the NDDOT REQUEST FOR DRAINAGE ON HIGHWAY RIGHT OF WAY submitted by Tony Sager on behalf of Headwaters Development LLC; to authorize the Secretary-Treasurer to sign the NDDOT REQUEST FOR DRAINAGE ON HIGHWAY RIGHT OF WAY; and to direct Fredricks to submit the approved permit to NDDOT along with the draft cover letter prepared by Fredricks, with copies to Tony Sager and Headwaters Development LLC. Upon roll call vote, the motion carried unanimously.

Dickey County Drain #1-Beavers update

Manager Hansen gave a brief update on Baker Trapping service as they have been hired to control the ongoing beaver dam issues that are plaguing the function of the drain. A bill was submitted for their services this month. Manager Gemar has briefed Manager Hansen on the progress he feels is being made.

Sovereign Land -John Quandt Solicitation of Views

A solicitation of views was received by the Dickey County Water Resource District for an irrigation project proposed by Quandt Brothers. No comments will be made on the Water Districts behalf and no decisions need to be made.

Pheasant Lake Ownership update

Nathan Trosen, Moore Engineering representative, gave a brief update on the matter and no progress was made, as he is waiting for the Department of Water Resources to respond to the request to remove Dickey County Water Resource District as the owner of the Dam in their database.

County Rd #3 Ditch

Manager Quandt was approached by a landowner who has interest in draining into the County #3 road ditch. After much discussion on the ditch and questions that arose, the matter was tabled until more information could be obtained, as to the legality of the ditch and its structure. The County installed the ditch as an emergency ditch to protect the County road. The County has asked the Dickey County Water Resource District to take over ownership and operation of this ditch. Chairman Hansen asked the board's attorney, Sean Fredricks, if the Board could legally accept responsibility of the ditch. Fredricks indicated that, as a legal matter, if the Board is willing to take over responsibility for the ditch, the Board should enter into an agreement with the County Commission. Under any agreement, the ditch should remain the County's property; the parties could agree to an operation and maintenance plan; the Board could operate the ditch under the parties' O&M plan; the County should agree to reimburse the Board for all O&M obligations and responsibilities; and the County should accept all liability for the ditch. Whether or not the Board is willing to consider that possibility is a policy issue for the Board. Manager Hansen will seek more information from the County and report back to the board.

County Road #12 construction project

Manager Quandt gave a brief update on the proposed drainage project; he has been working with the County regarding the possible incorporation of drainage components with the County Road #12 construction project. He is waiting for the FSA office to decide if they will allow the drainage, as it is in a CRP contract right now. Manager Quandt will give an update when the FSA has made a decision.

Other Business

Manager Quandt informed the board that Dickey County Drain #1 has been sprayed along the ditch and a bill will be presented at next month's meeting.

Manager Hansen informed the board that he has been appointed by Governor Armstrong to the ND State Water Commission. He informed the board he will step down as the Chairman in January but would remain on the board if the county commissioners would still allow that and as long as his role on the WRD Board does not create a conflict. He informed them as well that Secretary Hansen would be stepping down in January and he has some ideas for her replacement.

Meeting Minutes

Manager Hauck moved to approve the June 18, 2025 meeting minutes. Manager Quandt seconded the motion. Upon roll call, the motion passed unanimously.

Financial Statement and Bills

The board considered bills from Ohnstad Twichell of \$2325.84 and Baker Trapping Service of \$966. Secretary Hansen gave the financial report. Manager Zimbleman moved to approve the financial statement and bills. Manager Hauck 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