

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
April 5, 2022

A regular meeting of the Eddy County Water Resource Board was held on April 5, 2022 at 9:00 AM at the Eddy County Courthouse. Board members Kenny Reis, Monty Schaefer, Mike Tweed and Secretary/Treasurer, Travis S. Peterson, were present in the basement of the Eddy County Courthouse. Eddy County landowners, Doug Skadberg and Kris Skadberg, were also present.

The minutes of the regular March 1, 2022 meeting were presented. Schaefer made a motion to approve. Second by Tweed. Motion carried.

The Treasurer's Report was presented and reviewed. Reis made a motion to approve the treasurer's report. Second by Tweed. Motion carried.

Correspondence: Various correspondence was reviewed. Except as otherwise noted in these minutes no action required.

Old Business:

Rosefield Dam: Schaefer had no new information.

Garrison Diversion Conservancy District: Tweed reported that the next quarterly meeting is scheduled for April 14, 2022.

Devils Lake Basin Joint Water Resource Board: Tweed summarized the business conducted at the last meeting. Reports were given by NWS, ND Game & Fish, US Fish & Wildlife Service, SWC, and county board members. Planning continues on the Devils Lake Basin Tour scheduled for June. A drain tile update was provided. The International Water Institute presented a LiDar review and how-to. The next meeting is scheduled for April 13, 2022 at the Devils Lake Courthouse.

Upper Sheyenne River Joint Water Resource Board: Schaefer reported that pilot project work continues.

Colvin Coulee: Tweed reported that he visited with Jeff Anderson. Anderson was not able to attend this meeting but informed Tweed that the adjacent/affected land owners signed the 80/20 cost share application. It sounds like the cost share application is in the process of being returned to the Water Board and the landowners desire to pursue a clean-out project.

At approximately 9:30 AM the Water Board adjourned the meeting to attend the Eddy County Commission meeting. The Eddy County Commission was discussing the culverts in 62nd Ave Northeast that are west of Rosefield Slough.

The Eddy County Water Board re-convened its meeting at approximately 9:55 AM.

New Business:

Drain Tile Application Fees: The Board discussed the apparent resurgence of drain tile projects and the applications recently received. Effective August 1, 2019, NDCC 61-32-03.1(2)(a) authorizes a permit application fee of up to \$500. Due to the time and cost to process subsurface drain applications, Tweed moved to increase the Eddy County subsurface drain application fee to \$500. Second by Schaefer. Motion carried.

Jamie Allmaras Drain Tile Application:

Application to Install a Subsurface Water Management System No. 2022-002 for Jamie Allmaras in the NW1/4 of Section 31, Township 149, Range 67 (Munster Township)

The Board reviewed the Application to Install a Subsurface Water Management System No. 2022-002 filed March 30, 2022, by Applicant, Jamie Allmaras. Under the application, Applicant seeks to install a 143 acre drain tile system in the NW1/4 of Section 31 in Munster Township, Eddy County, North Dakota. The project will include a single pump outlet along the north boundary of the NW1/4 of Section 31 and discharge into a county ditch south of Eddy County #9. Water will flow through a culvert under Eddy County #9 and northward in surface ditches. The project includes three surface inlets with 3/8ths inch coefficient.

According to the county tax roll information supplied by Applicant, Jamie Allmaras owns the NW1/4 of Section 31, Township 149, Range 67 in Munster Township where the Applicant intends to install the tile system; Frederick and Diane Allmaras own the W1/2 of Section 30 Township 149, Range 67 in Munster Township ; and Linus T. Allmaras Living Trust owns the NE1/4 of Section 25, Township 149, Range 68, (Bremen Township) Wells County, ND.

Tweed moved, and Reis seconded the motion, to approve Application to Install a Subsurface Water Management System No. 2022-002 filed March 30, 2022 regarding a proposed tile system for Jamie Allmaras in the NW1/4 of Section 31, in Munster Township, subject to the following conditions:

1. That Applicant install and maintain erosion protection at any and all outlets;
2. That Applicant re-establish any areas disturbed installing or maintaining Applicant's tile system;
3. That Applicant will not install Applicant's tile system within 20 feet, on either side, of any rural water lines that may exist in the NW1/4 of Section 31 in Munster Township under any blanket easements, or otherwise beyond any existing water line easements;
4. That Applicant install and operate control structures at any and all outlets, including the requirement that the control structures be closed or pump outlets be turned off during critical flood periods;
5. That Applicant must apply for an amendment to Subsurface Water Management Permit No. 2022-002 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; and
6. That Applicant remove silt and vegetation or repair erosion and scour damages directly caused by the tile system, up to one mile downstream from any and all outlets.
 - a. Downstream damage repair does not include deepening or widening a road ditch or

- existing drain.
- b. The timing and method of silt and vegetation removal or damage repair in a county or township road ditch must be pre-approved by the appropriate road authorities.
 - c. Applicant shall follow any construction site protection requirements of the road authority.
 - d. If a downstream landowner or road authority presents substantial evidence that Applicant's tile system directly caused accumulation of silt, vegetation, erosion or scouring, Applicant shall remove the silt and vegetation or repair the erosion and scour damages directly caused by the tile system. However, Applicant may not spread silt, vegetation or debris along adjoining land without the permission of all parties having a legal interest in the land.

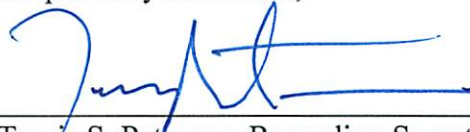
Under NDCC 61-32-03.1, the water board cannot attach any additional conditions to Applicant's permit. However, for Applicant's protection and to ensure protection of Applicant's tile system, the water board recommends that Applicant obtain all other necessary and requisite licenses, permits, registrations, and/or approvals from all applicable federal, state, county and municipal governments, and any other applicable governmental entities.

Upon vote, the above motion carried unanimously. Travis Peterson will provide copies of the Board's Notice of Decision, Subsurface Water Management Permit 2022-002, Applicant's Downstream Flow Map and the Eddy County Permit Form to the Department of Water Resources, Frederick and Diane Allmaras, Linus T. Allmaras Living Trust, and Munster Township. Under the current tile law, Applicant's detailed project design map is an exempt record and the water board will not provide copies to any third parties.

Next Meeting: The next regular meeting is scheduled for May 3, 2022 at 9 AM in the Eddy County Courthouse.

There being no further business the meeting was adjourned at 10:20 AM.

Respectfully submitted,



Travis S. Peterson, Recording Secretary

APPROVED:



Kenneth Reis, Chairman