

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
April 2, 2024

A regular meeting of the Eddy County Water Resource Board was held on April 2, 2024 at 9:00 AM at the Eddy County Courthouse. Board members Monty Schaefer and Mike Tweed, and Secretary/Treasurer, Travis S. Peterson, were present in the basement of the Eddy County Courthouse. Also present was Eddy County Landowner, Larry Walford. Eddy County landowner Kevin Gleason joined the meeting at approximately 9:30 AM.

The minutes of the regular March 5, 2024 meeting were presented. Schaefer made a motion to approve. Second by Tweed. Motion carried.

The Treasurer's Report was presented and reviewed. Schaefer made a motion to approve the Treasurer's report. Tweed seconded the motion. Motion carried.

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

At approximately 9:15 AM the Board adjourned and joined the Eddy County Commission meeting in the basement of the Eddy County Courthouse. The purpose of joining the Eddy County Commission was to discuss the Red Bridge in eastern Eddy County. Monty Schaefer provided the Eddy County Commission with a status report on the Red Bridge. Schaefer reported that the Red Bridge was subject to Upper Sheyenne River Joint Water Resource rehabilitation efforts. The plan was to remove the existing crossing and replace it with a fish passage. Because of objections from local landowners, those efforts have been put on hold. The status of the project is now uncertain, but some improvement is necessary and desired. The Eddy County Commission indicated they would support efforts to improve or rehabilitate. With that, the Water Board left the Eddy County Commission meeting.

At approximately 9:30 AM the Eddy County Water Board reconvened its regular meeting.

Old Business:

Red Bridge Crossing: Schaefer explained that the fish passage/rehabilitation project sponsored by the Upper Sheyenne River Joint Water Resource Board is on hold. That work will not take place. It is unknown what will happen to the state funds allocated to the Red Bridge rehabilitation. Local landowners, specifically Gleason and Walford, would like to see that money used for some sort of crossing as opposed to a fish passage. There was much discussion about other potential sources of funding, including grants and Devils Lake Basin Joint Water Resource Board. The status of any future work and timing thereof at this location is currently unknown.

New Rockford Canal/Garrison Diversion Conservancy District: No update.

Application to Install a Subsurface Water Management System #2024-001 for Timothy Allmaras in the SE1/4 of Section 6, Township 148 North, Range 67 West (Rosefield Township) Eddy County, ND.

The Board reviewed the Application to Install a Subsurface Water Management System No. 2024-001 filed on March 15, 2024, by Timothy Allmaras. Under the application, Applicant seeks to install a 113 acre drain tile system in the SE1/4 of Section 6, Township 148, Range 67, Rosefield Township, Eddy County, North Dakota. The project will include one 12" dual wall gravity outlet located in the northwest
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corner of the NW1/4 of Section 8, Township 148, Range 67. According to the application, water will drain into a natural waterway/watercourse. Water will flow east until it passes through a culvert under 17th St NE to the north; then northeast through a farmstead in the SE1/4SW1/4 of Section 5; and continue east across the SE1/4 of Section 5. The project drain co-efficient is 3/8”.

According to the county tax roll information supplied by Applicant, Timothy Allmaras and Judy Allmaras own the SE1/4 of Section 6, the NW1/4 of Section 8, and the SW1/4 of Section 5; and Thomas Hartl and Dawn Hartl, John J. Venet, and Cosima V. Lyttle own or have an interest in the SE1/4 of Section 5, all in Township 148 North, Range 67 West, Rosefield Township, Eddy County, North Dakota.

Schaefer moved, and Tweed seconded the motion, to approve Application to Install a Subsurface Water Management System No. 2024-001 filed March 15, 2024 regarding the proposed tile system for Timothy Allmaras in the SE1/4 of Section 6, Township 148 North, Range 67 West, Rosefield Township, Eddy County, North Dakota, 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 within the project area under any blanket easements, or otherwise beyond any existing water line easements;
4. That Applicant will 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. 2024-001 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 Section 61-32-03.1, the District cannot attach any additional conditions to Applicant’s permit. However, for Applicant’s protection, and to ensure protection of Applicant’s tile system, the District recommends that Applicant consider complying with the following:

- 1) 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 was carried unanimously. Travis Peterson will provide copies of the Board's Notice of Decision, Subsurface Water Management Permit 2024-001, and Applicant's Downstream Flow Map to the Department of Water Resources, Rosefield Township in Eddy County, Timothy Allmaras, Thomas and Dawn Hartl, John J. Venet and Cosima V. Lyttle. 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.

Garrison Diversion Conservancy District: Tweed reported that the next meeting is scheduled for April 18, 2024.

Devils Lake Basin Joint Water Resource Board: Tweed summarized the business conducted at the March 13, 2024 meeting. Tweed reported that the Devils Lake outlet committee is scheduled to meet on April 16, 2024 to discuss and decide upon 2024 outlet operation. The next regular meeting is scheduled for April 10, 2024 at 9 am in the Ramsey County Courthouse.

Upper Shoyenne Joint Water Resource Board: Schaefer reported on Red Bridge rehabilitation issues and other pilot project status. Schaefer also noted that Allan Howard and Austin Langley intend to apply to NRSC to participate in bank stabilization projects.

New Business:

Annual Rocky Run Joint Water Resource District: The Rocky Run Joint Water Board met on March 14, 2024 at 1pm in Fessenden. It was a generally quiet meeting. There is a new gate manager; and there is a plan to fix damaged gates. The joint board also passed a resolution requesting that each member county authorize up to \$12,500 (Wells 60%/Eddy 30%/Foster 10%) for emergency purposes in the lower Rocky Run outside the assessment district. This \$12,500 authorization consists of the following commitments: \$7,500 from Wells County; \$3,750 from Eddy County; and \$1,250 from Foster County. No funds will be paid currently, but in the event of such emergency expenditures then the member county funds will be made available. The intent is to have funds authorized and committed for such emergency purposes without requiring advanced board authorization. However, any expenditures in excess of \$12,500 still require advanced authorization by the Joint Rocky Rund Water Resource Board. Tweed moved to authorize and commit \$3,750 to the Rocky Run for emergency purposes as outlined above. Seconded by Schaefer. Motion carried.

Next Meeting: The next regular meeting is scheduled for May 7, 2024, at 9:00 AM in the Eddy County Courthouse.

There being no further business the meeting was adjourned at 10:45 AM.

Respectfully submitted,

Travis S. Peterson, Recording Secretary

APPROVED:

Kenneth Reis, Chairman