

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
April 7, 2026

A regular meeting of the Eddy County Water Resource Board was held on April 7, 2026 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 jury room of the Eddy County Courthouse.

The minutes of the regular March 3, 2026 meeting were presented. Tweed made a motion to approve. Second by Schaefer. 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.

Tweed made a motion to pay Devils Lake Basin Joint Water Resource Board dues in the amount of \$710. Schaefer seconded the motion. Motion carried.

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

Old Business:

Columbia Township Coulee Cleanout: Schaefer discussed the solicitation for comments mailed by Interstate Engineering to interested agencies or parties. Interstate Engineering received a handful of responses, including the US Army Corp of Engineers, NRCS, US Fish and Wildlife and NDDWR. While there was no objection to the proposed project, comments included: a 404 permit may be required, a surface drain permit may be required, endangered species should be considered, and there may be restrictions on work permitted on the Jason Otto land (as a result of a March 2012 easement to NRCS). Schaefer will follow up with Isaac Rost at Interstate Engineering to further discuss these matters.

On March 27, 2026, Eddy County waterboard members and Peterson were alerted to a special meeting of the Foster County Commission scheduled for March 30, 2026 at 9AM. On the Foster County agenda was "Eddy County Water Board Maintenance Project". Schaefer was in the area at the time of the meeting and was able to attend, albeit late. The information gathered by Schaefer suggested that Foster County had no objection to the proposed project.

Peterson informed the board that he received an open records request on March 9, 2026 from Attorney James Teigland. The request did not specifically state who his client was but it would appear to be Paul Topp and/or Jessica Carlson. The request sought information related to the 2023 and 2025 Applications for Subsurface Water Management Systems submitted by Jeff Topp, Justin Topp, or their various entities. Other documentation was requested. Peterson responded to the open records request. As of today's meeting, Peterson has heard nothing further from Attorney Teigland.

Application to Install Subsurface Water Management System #2026-001 for Casey Weber and Levi Weber in the SE1/4 of Section 11, SW1/4 of Section 12, NW1/4 of Section 13, and NE1/4 of Section 14, Township 148 North, Range 66 West (Superior Township) Eddy County, ND.

The Board reviewed the Application to Install Subsurface Water Management System No. 2026-001 filed on March 2, 2026, by Casey Weber and Levi Weber. Upon initial review, the application was determined to be incomplete. The additional required information was received on March 10, 2026.

Under the application, Applicant seeks to install a 555 acre drain tile system in the SE1/4 of Section 11, SW1/4 of Section 12, NW1/4 of Section 13 (north of the railroad right of way), and NE1/4 of Section 14, Township 148, Range 66, Superior Township, Eddy County, North Dakota. The project will include four 6" surface intakes; one 15 HP pump outlet; two gravity outlets; and have a total capacity of 3,794 gallons per minute (GPM). The pump outlet, with a capacity of 1925 GPM, is located in the southeast corner of the SW1/4 of Section 12 Township 148, Range 66. This outlet will discharge into a ditch north of Eddy County Road #3 and flow west and northwest until it reaches the James River. One gravity outlet, with a 1197 GPM capacity, is located north of the railroad right of way in the SW1/4 of Section 11 and will discharge into a ditch and flow northwest until it reaches the James River. One gravity outlet, with a 672 GPM capacity, is located in the NE1/4 of Section 14 and will discharge into a slough and flow southeast until it reaches a ditch and into the James River. The project drain co-efficient is 3/8".

According to the county tax roll information supplied by Applicants, the Joseph Troske Irrevocable Farmland Trust owns the SE1/4 of Section 11 and the NW1/4 of Section 13 (north of the railroad right of way); Casey Weber, Levi Weber and Myra Truit own the SW1/4 of Section 12 and SE1/4 of Section 14; Jill M. Weber owns the NE1/4 (less railroad right of way) of Section 14; and Trent Duda owns the SW1/4 of Section 11, Township 148 North, Range 66 West, Superior Township, Eddy County, North Dakota.

Monty Schaefer moved, and Mike Tweed seconded the motion, to approve Application to Install Subsurface Water Management System No. 2026-001 filed March 2, 2026, and complete on March 10, 2026, regarding the proposed tile system for Casey Weber and Levi Weber, in the SE1/4 of Section 11, SW1/4 of Section 12, NW1/4 (north of the railroad right of way) of Section 13, and NE1/4 of Section 14, Township 148 North, Range 66 West (Superior 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;
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. 2026-001 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, between the outlet and the natural watercourse.
 - 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 2026-001, and Applicant's Downstream Flow Map to the ND Department of Water Resources, Eddy County, Superior Township in Eddy County, BNSF Railway Company, Casey Weber, Levi Weber, Joseph Troske Irrevocable Farmland Trust, Myra Truit, Jill M. Weber and Trent Duda. 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.

Rocky Run Joint Annual Meeting: Schaefer reported on his attendance at this meeting. The primary topic discussed was the lower Rocky Run and the lack of funding mechanism for projects therein. Doug Zink believes there needs to be a funding mechanism in place to cover necessary projects.

Upper Sheyenne Joint Water Resource Board: Schaefer reported that survey work is beginning at the Langley and Howard project sites.

Devils Lake Basin Joint Water Resource Board: Tweed summarized the business conducted at the March 13, 2026 meeting. The next meeting is scheduled for 10 AM on April 13th. Also on April 13th is the NDDWR 2026 Devils Lake Outlet Operations meeting. The Devils Lake Outlet Operations meeting is scheduled for 1:30 PM at the Lake Region College.

Garrison Diversion Conservancy District: Tweed participated in an executive board meeting. A regular meeting of the full board is scheduled for April 16 and 17.

New Business:

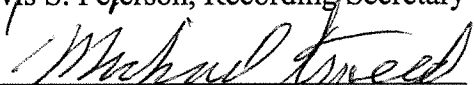
Next Meeting: The next regular meeting is scheduled for May 5, 2026 at 9:00 AM in the jury room on the second floor of the Eddy County Courthouse.

There being no further business the meeting was adjourned at 10:38 AM.

Respectfully submitted,


Travis S. Peterson, Recording Secretary

APPROVED:


Michael Tweed, Chairman