

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
August 5, 2025

A regular meeting of the Eddy County Water Resource Board was held on August 5, 2025 at 9:00 AM at the Eddy County Courthouse. Board members Monty Schaefer, Mike Tweed, and Secretary/Treasurer, Travis S. Peterson, were present in the basement of the Eddy County Courthouse. The following Eddy County Landowners were also present: Jeff Topp, Casey Weber, and Greg Hegland.

The minutes of the regular July 1, 2025 meeting were presented. Tweed made a motion to approve. Second by Schaefer. Motion carried.

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

The following bills were presented for payment:

Monty Schaefer – January – July 2025 meetings & mileage	\$1,024.60
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Tweed made a motion to pay the bills presented. Seconded by Schaefer. Motion carried.

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

Old Business:

Upper Sheyenne Joint Water Resource Board: Schaefer reported that not much new is going on. The next meeting will be August 20, 2025.

Devils Lake Basin Joint Water Resource Board: Tweed reported on the summer conference held at the Devils Lake Casino. The next regular meeting is scheduled for August 13, 2025 at the Ramsey County Courthouse.

Garrison Diversion Conservancy District: Tweed reported that the Board had its quarterly meeting last week. With regard to the Red River Valley Water Supply Pipeline, all easements have been secured; contractors are working both east and west of Carrington (completing approximately 3 miles per day).

Columbia Township Coulee Cleanout: Jeff Topp was present to provide an update. The adjacent landowners hired a drone to apply Rodeo to approximately six miles of cattails. The width sprayed was determined by each individual landowner. Ross Florhaug of Kensal provided this service. Topp also reported that this morning he received from Brian Schimelfenig a cost estimate to clean out approximately six (6) miles of the Columbia Coulee. Because the estimate was just received it hadn't been shared with any other adjacent landowners. Topp will have those discussions with the other adjacent landowners. The estimated per mile clean out rate is \$15,840. The per hour rates are: Excavator - \$210; and Dozer - \$225. Topp believes the actual per mile rate would be the lesser of \$15,840 or the hourly rate, depending on how much cleanout was required within a one-mile section. As for culvert cleanouts, Schimelfenig estimates \$2,500 for each of six culverts, resulting in a total estimated culvert cleanout cost of \$15,000. The timing of any and all work is dependent on water

levels. With this information in hand, the board can now consider the potential cost share and resulting budgetary consequences. Topp acknowledged that cost share is a substantial financial commitment and that he and one other landowner are willing to pay the contractor direct, in full, for work that might be done on their three miles, and the water board could, in turn, reimburse Topp and the other landowner at such time as the water board's financial resources permit. Ultimately, all of the above information is for consideration purposes only because no cost share applications have been submitted. The board reminded Topp that any cost share is dependent upon receipt of cost share applications from the adjacent landowners.

Greg Hegland: Hegland was present to report that he contacted the trapper, Cody Krause, to discuss eradication of beavers. Krause wanted an idea of whether beavers are currently active. Hegland thinks beavers are currently active working in new areas, but seem to have moved on from the original dam. Hegland also discussed the \$4,000 bid from Ryan Hager for clearing the beaver dams and channel cleanout. A cost share application was provided to Hegland. That application was discussed. Schaefer made a motion to approve the 80/20 cost share for Hager's \$4,000 estimate, contingent on Hegland submitting an application for cost share prior to Hager beginning work. Second by Tweed. Motion carried.

New Business:

Application to Install a Subsurface Water Management System #2025-001 for Casey Weber and Levi Weber in the SE1/4 of Section 7, Township 148 North, Range 66 West (Superior Township) Eddy County, ND.

The Board reviewed the Application to Install a Subsurface Water Management System No. 2025-001 filed on July 23, 2025, by Casey Weber and Levi Weber. Under the application, Applicant seeks to install a 150 acre drain tile system in the SE1/4 of Section 7, Township 148, Range 66, Superior Township, Eddy County, North Dakota. The project will include two surface intakes and one pump outlet with 8" discharge having a capacity of 1,050 gallons per minute. The outlet is located in the northeast corner of the SE1/4 of Section 7, Township 148, Range 66. According to the application, water will drain into the west ditch of Highway 281. Water will flow north until it reaches a natural water course and then flow east. The project drain co-efficient is 3/8".

According to the county tax roll information supplied by Applicants, Casey Weber and Levi Weber are the buyers of SE1/4 Section 7, Township 148 North, Range 66 West, from sellers, Kimberly Seiler, Jay Ferguson, Roxann Melvie, Guy Ferguson, Jill Weber, Tye Ferguson and Jewel Turcotte. Jeffrey Engels and Becky Engels are the owners of the NE1/4 of Section 7, Township 148 North, Range 66 West, Superior Township, Eddy County, North Dakota.

Schaefer moved, and Tweed seconded the motion to approve Application to Install a Subsurface Water Management System No. 2025-001 filed July 23, 2025 regarding the proposed tile system for Casey Weber and Levi Weber, in the SE1/4 of Section 7, 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. 2025-001 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 2025-001, and Applicant's Downstream Flow Map to the Department of Water Resources, Superior Township in Eddy County, Casey Weber, Levi Weber, Kimberly Seiler, Jay Ferguson, Roxann Melvie, Guy Ferguson, Jill Weber, Tye Ferguson, Jewel Turcotte, and Jeffrey and Becky Engels. 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.

Application to Install a Subsurface Water Management System #2025-002 for T-T Ranch in the SW1/4, SE1/4, NE1/4, NW1/4 of Section 2, Township 148 North, Range 64 West (Columbia Township) Eddy County, ND.

The Board reviewed the Application to Install a Subsurface Water Management System No. 2025-002 filed on July 21, 2025, by Justin Topp on behalf of T-T Ranch. Under the application, Applicant seeks to install a 142 acre drain tile system in the SW1/4, SE1/4, NE1/4 and NW1/4 of Section 2, Township 148, Range 64, Columbia Township, Eddy County, North Dakota. The project will include six surface intakes and two pump outlets. One 7.5 hp pump outlet is located in the northeast corner of the NE1/4 of Section 2, Township 148 North, Range 64 West. According to the application water will drain from the northeast corner of the NE1/4 of Section 2 and across and NW1/4 of Section 1 until it reaches a slough/natural watercourse and then flow south. The other pump outlet is 10 hp and located near the southwest corner of the SW1/4 of Section 2, Township 148, Range 64. According to the application, water will drain directly into a natural water course and flow to the south. The project drain co-efficient is 3/8”.

According to the county tax roll information supplied by Applicant, Topp Land & Cattle, LLC, owns the SE1/4, SW1/4, and Lots 3 and 4 (NW1/4), and Lots 1 and 2 (NE1/4) of Section 2, Township 148 North, Range 64 West, Columbia Township, Eddy County, North Dakota. Jason E. Topp is the owner of the NW1/4 of Section 1, Township 148 North, Range 64 West, Columbia Township, Eddy County, North Dakota.

Schaefer moved, and Tweed seconded the motion to approve Application to Install a Subsurface Water Management System No. 2025-002 filed July 21, 2025 regarding the proposed tile system for T-T Ranch, in Section 2, Township 148 North, Range 64 West, Columbia 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. 2025-002 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, 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 2025-002, and Applicant's Downstream Flow Map to the Department of Water Resources, Columbia Township in Eddy County, Topp Land & Cattle, LLC, and Jason E. Topp. 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.

Application to Install a Subsurface Water Management System #2025-003 for T-T Ranch in the SW1/4 of Section 15, Township 148 North, Range 64 West (Columbia Township) Eddy County, ND.

The Board reviewed the Application to Install a Subsurface Water Management System No. 2025-003 filed on July 21, 2025, by Justin Topp on behalf of T-T Ranch. Under the application, Applicant seeks to install a 77 acre drain tile system in the SW1/4 of Section 15, Township 148, Range 64, Columbia Township, Eddy County, North Dakota. The project will include three surface intakes and one pump outlet. The pump outlet is 5 hp and located near the northwest corner of the SW1/4 of Section 15, Township 148 North, Range 64 West. According to the application, water will drain into a natural watercourse located on the north end of the SW1/4 and flow southeast. The project drain co-efficient is 3/8".

According to the county tax roll information supplied by Applicant, Topp Land and Cattle, LLC own the N1/2SW1/4, SE1/4SW1/4 and Auditor's Lot 1 of Section 15, Township 148 North, Range 64 West, Columbia Township, Eddy County, North Dakota.

Schaefer moved, and Tweed seconded the motion to approve Application to Install a Subsurface Water Management System No. 2025-003 filed July 21, 2025 regarding the proposed tile system for T-T Ranch, in the SW1/4 of Section 15, Township 148 North, Range 64 West, Columbia 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. 2025-003 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 2025-003, and Applicant's Downstream Flow Map to the Department of Water Resources, Columbia Township in Eddy County, and Topp Land and Cattle, LLC. 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.

Application to Install a Subsurface Water Management System #2025-004 for T-T Ranch in the SW1/4 and SE1/4 of Section 16, Township 148 North, Range 64 West (Columbia Township) Eddy County, ND.

The Board reviewed the Application to Install a Subsurface Water Management System No. 2025-004 filed on July 21, 2025, by Justin Topp on behalf of T-T Ranch. Under the application, Applicant seeks to install a 142 acre drain tile system in the SW1/4 and SE1/4 of Section 16, Township 148, Range 64, Columbia Township, Eddy County, North Dakota. The project will include three surface intakes and one pump outlet. The pump outlet is 15 hp and located near the north line of the SE1/4 near the center of Section 16. According to the application, water will flow north and east across the NE1/4 of Section 16, Township 148 North, Range 64 West, until it reaches a natural watercourse and then flow southeast. The project drain co-efficient is 3/8".

According to the county tax roll information supplied by Applicant, Topp Family Farms, LLLP, owns the SE1/4 and SW1/4 of Section 16; and Nathaniel Collier owns the NE1/4 and NW1/4 of Section 16, Township 148 North, Range 64, Columbia Township, Eddy County, North Dakota.

Schaefer moved, and Tweed seconded the motion, to approve Application to Install a Subsurface Water Management System No. 2025-004 filed July 21, 2025 regarding the proposed tile system for T-T Ranch, in the SW1/4 and SE1/4 of Section 16, Township 148 North, Range 64 West, Columbia 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. 2025-004 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 2025-004, and Applicant's Downstream Flow Map to the Department of Water Resources, Columbia Township in Eddy County,

Nathanial Collier, and Topp Family Farms, LLLP. 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 September 2, 2025 at 10:30 AM in the Eddy County Courthouse.

There being no further business the meeting was adjourned at 11:15 AM.

Respectfully submitted,

Travis S. Peterson, Recording Secretary

APPROVED:

Kenneth Reis, Chairman