

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD  
July 11, 2023

A regular meeting of the Eddy County Water Resource Board was held on July 11, 2023 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. Also in attendance was Jesse Kist, P.E., from AE2S, Ryan Anderson, P.E., from Garrison Diversion Conservancy District, Scott Stafford on behalf of Rosefield Township, and Eddy County Landowners Todd Koeplin, Lawrence Anderson, and Jeff Topp.

The minutes of the regular June 6, 2023, meeting were presented. Schaefer made a motion to approve. Second by Tweed. 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.

AE2S invoice – April 15, 2023 to June 16, 2023 was presented. The total invoice amount is \$6,881.75. Services provided relate to the New Rockford Canal and the potential downstream effects of installation of a 30" culvert across the New Rockford Canal. Schaefer made a motion to pay one-third of this bill (\$2,293.93) and forward the invoice to Garrison Diversion Conservancy District with a request to pay the remainder of the bill directly to AE2S. Seconded by Tweed. Motion carried.

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

**Old Business:**

**New Rockford Canal/Garrison Diversion Conservancy District:** Jesse Kist, P.E., of AE2S, was present to discuss his Draft Technical Memorandum related to the New Rockford Canal drainage study that the water board requested as a result of the contemplated 30" culvert across the New Rockford Canal. Kist gave an overview of the Draft Technical Memorandum with nine aerial images (figure 1-9). This 2023 study builds upon the 2016 AE2S study of the area of Highway 281 and the New Rockford Canal north of New Rockford. AE2S recommendations can be found on page 6 of the Draft Technical Memorandum. After discussion the water board requested that AE2S overlay wetland areas on the aerial images and consider potential drainage options.

**Cherry Lake Township/Travis Black/Jeff Topp:** Jeff Topp was present to follow up with fall 2022 drain cleanout cost share application. Topp explained that the applicants contacted five contractors. Two bids were received. The lowest and preferred bid came from Schimelfenig. The bid amount was \$20,000.00 but Topp contemplates the final project cost may be closer to \$30,000 because applicants will likely have Schimelfenig clean more of the drain than quoted. Schaefer made a motion to cost share 80% of the Schimelfenig costs up to a maximum water board contribution of \$30,000. Second by Tweed. Motion carried.

**Red Bridge Crossing:** Peterson reported to the board that on July 5, 2022 the Eddy County Water Resource Board passed a motion to support the Upper Sheyenne River Joint Water Resource Board's decision to remove the Red Bridge Crossing.

**Garrison Diversion Conservancy District:** The board met in June. The Red River Valley Water Supply project is the current primary focus with three crews working 24 hours a day to lay pipe. The 2023 goal is installation of nine (9) miles of pipe.

**Devils Lake Basin Joint Water Resource Board:** Tweed summarized the business conducted at the June 14, 2023 meeting. The Devils Lake Basin Tour took place in June with 40 attendees. The Devils Lake Outlet Advisory Committee met recently. Benson County inquired about getting back on the joint board. The 2024 Budget was reviewed and approved. The next meeting is scheduled for July 12, 2023.

**Upper Sheyenne Joint Water Resource Board:** Schaefer indicates that it is business as usual with a focus on Upper Sheyenne River habitat restoration and bank stabilization.

**New Business:**

**Application to Install a Subsurface Water Management System #2023-002 for Bryan Hilbert in the SE1/4 of Section 31, Township 149 North, Range 67 West (Munster Township) Eddy County, ND.**

The Board reviewed the Application to Install a Subsurface Water Management System No. 2023-002 filed on June 13, 2023, by Applicant, Bryan Hilbert. Under the application, Applicant seeks to install a 115 acre drain tile system in the SE1/4 of Section 31, Township 149, Range 67, Munster Township, Eddy County, North Dakota. The project will include one 12-inch pump outlet having a capacity of 813 gallons per minute in the southwest corner of SE1/4 of Section 31, Township 149, Range 67. Water will flow directly into a road ditch and through a culvert to the south, along the west edge of the O'Connor land, until the water reaches the north branch of the Rocky Run. The project drainage coefficient of the system is a 3/8th inch coefficient.

According to the county tax roll information supplied by Applicant, Gary D. Hilbert & Bonnie Hilbert own the SE1/4 of Section 31, Township 149 North, Range 67 West (Munster Township), Eddy County, North Dakota; Ronald T. O'Connor, remainder interest therein, and Richard F. O'Connor and Sandra M. O'Connor, a life estate interest therein, own Lots 3 and 4, S1/2NW1/4, and SW1/4 of Section 1, Township 148, Range 68, Fairville Township, Wells County, North Dakota.

Tweed moved, and Schaefer seconded the motion, to approve Application to Install a Subsurface Water Management System No. 2023-002 filed June 13, 2023 regarding a proposed tile system for Bryan Hilbert in the SE1/4 of Section 31, Township 149, Range 67, Munster 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 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;
4. That Applicant must apply for an amendment to Subsurface Water Management Permit No. 2023-002 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
5. 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 2023-002, Applicant's Downstream Flow Map and the Eddy County Permit Form to the Department of Water Resources, Munster Township in Eddy County, Fairville Township in Wells County, Gary and Bonnie Hilbert, Richard and Sandra O'Connor, and Ronald T. O'Connor. 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.

**Rosefield Township/Culverts:** Scott Stafford, Rosefield Township Chairman, was present to discuss culverts that require replacement and roads that are washed out.

On 61st Avenue ("Gedrose Road") there is a 72" x 48' culvert that has deteriorated and requires replacement. This is the first culvert in Eddy County between the Oak Creek Drain and the Rocky Run. Cost of culvert is approximately \$8,000; and cost of work is estimated to be between \$7,000 and \$10,000. Rosefield Township would like some financial assistance. Schaefer believes this culvert is within the Oak Creek Assessment Drain and installed as part of the Oak Creek project. Schaefer indicated that he spoke to Larry Skiftun of the Wells County Water Board about this matter. It is Schaefer's understanding that Wells County Water Board meets today and will take this matter up for discussion. Schaefer is hopeful that this culvert and associated work will be paid for by assessment drain funds and/or Wells County.

On 64th Avenue between the SE1/4 of Section 27 and the SW1/4 of Section 26 the road is washed out and there are multiple culverts that are deteriorated and require replacement. Culvert cost is approximately \$22,000. Add labor to the culvert cost. Rosefield Township cannot afford maintenance and repair of all the culverts in the township that require attention. There was discussion about whether these culverts on 64th Avenue may be covered under the Joint Rocky Run cost share arrangement (60/30/10). Schaefer indicated he would talk to Tammy Roerich, Wells County Water Board secretary, to find out which, if any, of the 64th Avenue culverts were installed as part of the Rocky Run project. Determination needs to be made whether any of these costs might be covered by the Rocky Run Joint Water Board (60/30/10).

Rosefield culverts will be discussed further at one or more future Eddy County Water Board meetings.

**2024 Water Board Budget:** The Board reviewed and discussed 2024 budget matters. Tweed made a motion to submit the following budget request:

Insurance	\$ 600
Dues	\$ 5000
Engineering	\$ 3200
Cleanouts and Miscellaneous Projects	\$ 3200
Per Diem	\$ 7000
Secretary/Legal	<u>\$11,000</u>
<b>Total budget request</b>	<b>\$30,000</b>

Second by Schaefer. Motion carried.

**Next Meeting:** The next regular meeting is scheduled for August 1, 2023, at 9 AM in the Eddy County Courthouse.

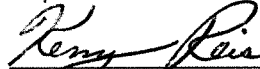
There being no further business the meeting was adjourned at 11:54 AM.

Respectfully submitted,



Travis S. Peterson, Recording Secretary

APPROVED:



Kenneth Reiss, Chairman