

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
June 6, 2023

A regular meeting of the Eddy County Water Resource Board was held on June 6, 2023 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.

The minutes of the regular May 2, 2023, meeting were presented. Schaefer made a motion to approve. Second by Tweed. Motion carried.

The Treasurer's Report was presented and reviewed.

The following bills were presented for payment:

Mike Tweed (January to June meetings and mileage)	\$1,803.91
Monty Schaefer (January to June meetings and mileage)	\$893.01
Kenny Reis (January to June meetings)	\$660.92
Peterson Law Offices PC (January to June fees and costs)	\$3,555.00
Tammy Roerich (Rocky Run annual meeting)	\$105.76
Wells County Water Resource District (reimbursement Kelly Creek engineering)	\$277.50
Devils Lake Basin Joint Water Resource District (2023 dues)	\$650.00

Reis made a motion to approve the Treasurer's report and approve payment of bills. Tweed seconded the motion. 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: Peterson reported that he has not received an engineering study from AE2S. Upon receipt, Peterson will forward that engineering study to the board members. Later in the meeting, Lawrence Anderson arrived and complained that all water that comes from the north ends up on his land east of Highway 281. Anderson's source of aggravation include the ditch block south of the canal and east of Highway 281; and the ditch clean out done by Todd Koeplin in 2022. Anderson would like to see the water drained directly into the canal.

Garrison Diversion Conservancy District: No update. An executive board meeting is scheduled for July 16, 2023.

Devils Lake Basin Joint Water Resource Board: No update.

Upper Sheyenne Joint Water Resource Board: No update.

Red Bridge Crossing: The surface drain application submitted by USRJWRB to the State Engineer on May 11, 2023 was reviewed and discussed. No action taken. The Board requested that Peterson review past board minutes to locate prior approval or support of this project.

New Business:

Application to Install a Subsurface Water Management System #2023-001 for Daniel Birkeland in the NW1/4 and NE1/4 of Section 6, Township 150 North, Range 66 West (Gates Township) Eddy County, ND.

The Board reviewed the Application to Install a Subsurface Water Management System No. 2023-001 filed on May 17, 2023, by Applicant, Daniel Birkeland. Under the application, Applicant seeks to install a 119 acre drain tile system in the NE1/4 and NW1/4 of Section 6, Township 150, Range 66, Gates Township, Eddy County, North Dakota. The project will include one six-inch surface outlet and one pump outlet having a capacity of 841 gallons per minute in the NE1/4 of Section 6, Township 150, Range 66. Water will flow directly into the Sheyenne River. The project drainage coefficient of the system is a 3/8th inch coefficient.

According to the county tax roll information supplied by Applicant, Daniel O. Birkeland and Karen L. Birkeland own the NE1/4 and the NW1/4 of Section 6, Township 150 North, Range 66 West (Gates Township).

Tweed moved, and Schaefer seconded the motion, to approve Application to Install a Subsurface Water Management System No. 2023-001 filed May 17, 2023 regarding a proposed tile system for Daniel Birkeland in the NE1/4 and NW1/4 of Section 6, Township 150, Range 66, Gates 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. 2023-001 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

Applicant's permit will not become effective until Applicant satisfies the conditions identified in this NOTICE OF DECISION. Further, please note that if, at any time, Applicant fails to comply with the conditions above, Applicant's permit will no longer be valid.

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 2022-003, Applicant's Downstream Flow Map and the Eddy County Permit Form to the Department of Water Resources

and Gates 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 July 11, 2023, at 9 AM in the Eddy County Courthouse.

There being no further business the meeting was adjourned at 10:05 AM.

Respectfully submitted,

Travis S. Peterson, Recording Secretary

APPROVED:

Kenneth Reis, Chairman