

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
May 3, 2022

A regular meeting of the Eddy County Water Resource Board was held on May 3, 2022 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. Eddy County landowners Tim Allmaras, Kevin Gleason, Doug Skadberg and Kris Skadberg, were also present.

The minutes of the regular April 5, 2022, 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. Second by Reis. Motion carried.

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

Old Business:

Rosefield Dam: No update.

Garrison Diversion Conservancy District: Tweed reported that a meeting was held on April 14, 2022.

Devils Lake Basin Joint Water Resource Board: The April 13, 2022, meeting was cancelled. The next meeting is scheduled for May 11, 2022.

Upper Sheyenne River Joint Water Resource Board: Mandar Nangare, P.E., of Barr Engineering, was present to provide a summary of the three Eddy County pilot project sites.

1. Site #1 is located in Township 150, Range 63, Sections 23 and 24. This project is located downstream of what is referred to as the Kiefert crossing in eastern Eddy County. The initial estimated cost of this project is \$700,000.
2. Site #2 is located in Township 149, Range 62, Sections 3 and 4. This project is located near the David Allmaras ranch and the estimated cost of this project is \$850,000.
3. Site #3 is located in Township 150, Range 62, Section 35. This project is located at the Red Bridge. The initial estimated cost is \$700,000.

Nangare reports that engineering and pursuit of cost sharing and grants continue. Nangare reports that it is hopeful that local cost share will be somewhere between two percent (2%) and five percent (5%) of total project cost. Nangare suggested that the Eddy County Water Board needs to consider and decide which of these projects it is willing to financially support.

Kevin Gleason was present and interest in the Red Bridge details. Gleason would like to see a structure remain at the Red Bridge crossing. Gleason is leery of the fish passage proposal. Gleason prefers some kind of box culvert or bridge. Gleason also provided some historical background. According to Gleason, there used to be a bridge at this location. The bridge was removed sometime in the 1980s by locals/landowners and it was replaced by culverts covered with dirt. That structure was generally sufficient except that the dirt on the culverts would occasionally erode and require maintenance. Then, after installation and operation of the west end Devils Lake outlet, more water came, and the crossing and culverts began to deteriorate and wash out. As a result, Gleason reports

that the state installed four culverts south of the crossing; and a private landowner installed one culvert north of the crossing.

Colvin Coulee: Tweed reported that he spoke with Jeff Anderson. Jeff was unable to attend because he is calving. According to Jeff, however, the cost share application will be submitted to Peterson and/or the Water Board.

Johnson Lake/Nelson County/Forde Township Snagging and Clearing: Schaefer reported that clean-out efforts continue. There is about three quarters of a mile northeast of Johnson Lake that still needs clean-out. That clean-out must stop at the north boundary of the US Fish and Wildlife Service Wildlife Management area (subject to an easement prohibiting drainage of wetland).

Jamie Allmaras Drain Tile Application: Peterson was informed that the Linus T. Allmaras Living Trust real estate was inaccurately referred to as located in Munster Township, Eddy County. In fact, the Linus T. Allmaras Living Trust real estate is located in Bremen Township, Wells County. The Notice of Decision will be amended and re-served on all the interested parties.

New Business:

Application to Install a Subsurface Water Management System #2022-003 for Kurt Bollingberg, Jamie Allmaras and Tim Allmaras, in the SW1/4 of Section 20; the W1/2NE1/4, NW1/4, S1/2 of Section 29; N1/2 and S1/2 of Section 32, all in Township 149, Range 67 (Munster Township) Eddy County, ND.

The Board reviewed the Application to Install a Subsurface Water Management System No. 2022-003 filed on April 18, 2022, by Applicant, Kurt Bollingberg, Jamie Allmaras and Tim Allmaras. Under the application, Applicant seeks to install a 447 acre drain tile system in the SW1/4 of Section 20; the W1/2NE1/4, NW1/4, S1/2 of Section 29; and N1/2 and S1/2 of Section 32, all in Township 149, Range 67, Munster Township, Eddy County, North Dakota. The project will include a single 18 inch gravity outlet in the NW1/4 of Section 20, Township 149, Range 67. Water will flow into a creek or stream that flows into the James River. The project does not include any surface intake, the drainage coefficient of the system is a 1/4th inch coefficient.

According to the county tax roll information supplied by Applicant, Frederick and Diane Allmaras own the SW1/4 of Section 20 and the N1/2 of Section 32; Timothy and Judith Allmaras own the S1/2 of Section 32, less Auditor's Lot 1; Anthony Bush owns the W1/2NE1/4, NW1/4, and S1/2 of Section 29; and Debra Dietz owns the NW1/4 of Section 20, all in Township 149, Range 67 (Munster Township). Supplemental information provided establishes that Applicant, Kurt Bollingberg, now owns the W1/2NE1/4, NW1/4, and S1/2 of Section 29, less Auditor's Lot 1 that remains owned by Anthony Bush.

Tweed moved, and Reis seconded the motion, to approve Application to Install a Subsurface Water Management System No. 2022-003 filed April 18, 2022 regarding a proposed tile system for Kurt Bollingberg, Jamie Allmaras and Timothy Allmaras in the SW1/4 of Section 20; the W1/2NE1/4, NW1/4, S1/2 of Section 29; and N1/2 and S1/2 of Section 32, all in 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 not install Applicant's tile system within 20 feet, on either side, of any rural water lines that may exist in the SW1/4 of Section 20; the W1/2NE1/4, NW1/4, S1/2 of Section 29; and N1/2 and S1/2 of Section 32, all in Township 149, Range 67,

- Munster Township, Eddy County, North Dakota under any blanket easements, or otherwise beyond any existing water line easements;
4. That Applicant 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. 2022-003 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, 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 NDCC 61-32-03.1, the water board cannot attach any additional conditions to Applicant's permit. However, for Applicant's protection and to ensure protection of Applicant's tile system, the water board recommends 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.

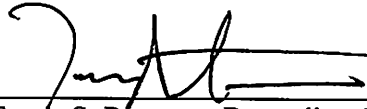
Upon vote, the above motion carried unanimously. Travis Peterson will provide copies of the Board's Notice of Decision, Subsurface Water Management Permit 2022-003, Applicant's Downstream Flow Map and the Eddy County Permit Form to the Department of Water Resources, Frederick and Diane Allmaras, Debra Dietz and Munster 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.

2022 Joint Summer Water Meeting and Executive Briefing: Tweed informed the Board that the North Dakota Water Resource District Association summer meeting and executive briefing is scheduled for July 11-13 in Fargo. This event will be held in conjunction with the Garrison Diversion Conservancy Board and committee meeting held at the Holiday Inn in Fargo. The event includes a tour of the Fargo wastewater treatment facility, a visit to the inlet structure for the F-M diversion project, and an update on the Red River Valley supply project.

Next Meeting: The next regular meeting is scheduled for June 7, 2022, at 9 AM in the Eddy County Courthouse.

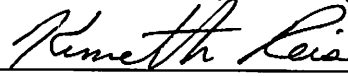
There being no further business the meeting was adjourned at 10:55 AM.

Respectfully submitted,



Travis S. Peterson, Recording Secretary

APPROVED:



Kenneth Reiss, Chairman