

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
May 7, 2024

A regular meeting of the Eddy County Water Resource Board was held on May 7, 2024 at 9:00 AM at the Eddy County Courthouse. Board members Monty Schaefer, Kenneth Reis and Mike Tweed, and Secretary/Treasurer, Travis S. Peterson, were present in the basement of the Eddy County Courthouse.

The minutes of the regular April 2, 2024 meeting were presented. Schaefer made a motion to approve. Second by Tweed. Motion carried.

The Treasurer's Report was presented and reviewed. Peterson also presented a Devils Lake Basin Joint Water Resource Board invoice for Eddy County's 2024 assessment in the amount of \$710.00. Reis made a motion to approve the Treasurer's report and pay the DLBJWRB 2024 assessment of \$710. Tweed seconded the motion. Motion carried.

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

Old Business:

Upper Sheyenne Joint Water Resource Board: Schaefer discussed the business conducted at the most recent meeting. Sheyenne River bank stabilization project in Nelson County is complete. The Red Bridge Crossing rehabilitation project has been tabled. Funds allocated to rehabilitate with a fish passage cannot be used to build a crossing.

Devils Lake Basin Joint Water Resource Board: Tweed summarized the business conducted at the April 10, 2024 meeting. There were reports from the National Weather Service, US Fish and Wildlife Service, and Department of Water Resources. The Devils Lake Basin Tour is scheduled for June 20, 2024 and will commence at Rugby and include the Wolford area and a stop at the Hawke Museum. The Devils Lake Outlet Committee met and the pumps are now operational. The basin manager is working on ANS Awareness Week and the 2025 budget. Basin reports were heard. The next meeting is scheduled for May 8, 2024.

Garrison Diversion Conservancy District: Tweed reported that there is lots going on. There will be three different contractors working on the pipeline in 2024. Another contractor will work to bore under wetlands so they are ready when the pipeline reaches those wetlands. There has been discussion about the future of the New Rockford Canal and this topic is scheduled for discussion at the next meeting scheduled for July.

New Business:

2025 Budget: Peterson asked the board to be thinking about the 2025 budget. Peterson will get budget information to the members before the next meeting.

Application to Install a Subsurface Water Management System #2024-002 for Michael Schaefer and Louis Schaefer in the W1/2 of Section 18, Township 148 North, Range 67 West (Rosefield Township) Eddy County, ND.

The Board reviewed the Application to Install a Subsurface Water Management System No. 2024-002 filed on April 19, 2024, by Michael Schaefer and Louis Schaefer. Under the application, Applicant seeks to install a 224 acre drain tile system in the W1/2 of Section 18, Township 148, Range 67, Rosefield Township, Eddy County, North Dakota. The project will include one surface intake and one pump outlet with 8" discharge having a capacity of 1,583 gallons per minute. The outlet is located in the northeast corner of the NW1/4 of Section 18, Township 148, Range 67. According to the application, water will drain into the south ditch of Highway 15. Water will flow east until it passes through a culvert under Highway 15 from Section 17 to Section 8. Water will continue 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 Applicant, Michael Schaefer and Tiffany Schaefer own the SW1/4 and Auditor's Lots 1 and 2 of Section 18; Louis Schaefer owns the NW1/4, less Auditor's Lots 1 and 2, of Section 18; Randy Guler and Serena Guler own the NE1/4 of Section 18 and NW1/4 and N1/2NE1/4 of Section 17; Bryan Hilbert and Becky Hilbert own the S1/2, less Auditor's Lot 1, of Section 8; and Gwenn M. Zwingelberg owns Auditor's Lot 1 in Section 8, all in Township 148 North, Range 67 West, Rosefield Township, Eddy County, North Dakota.

Tweed moved, and Schaefer seconded the motion, to approve Application to Install a Subsurface Water Management System No. 2024-002 filed April 19, 2024 regarding the proposed tile system for Michael Schaefer and Louis Schaefer, in the W1/2 of Section 18, Township 148 North, Range 67 West, Rosefield 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 under any blanket easements, or otherwise beyond any existing water line easements;
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. 2024-002 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, 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 2024-002, and Applicant's Downstream Flow Map to the Department of Water Resources, Rosefield Township in Eddy County, Michael Schaefer, Louis Schaefer, Randy and Serena Guler, Bryan and Becky Hilbert, and Gwenn M. Zwingelberg. 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 June 4, 2024, at 9:00 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