

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
May 5, 2026

A regular meeting of the Eddy County Water Resource Board was held on May 5, 2026 at 9:00 AM at the Eddy County Courthouse. Board members Monty Schaefer and Mike Tweed; and Secretary/Treasurer, Travis S. Peterson, were present in the jury room of the Eddy County Courthouse.

The minutes of the regular April 7, 2026 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. Tweed seconded the motion. Motion carried.

The following bill was presented for payment:

Tammy Roerich -Rocky Run Annual Meeting - secretary 30% share	\$106.53
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Tweed made a motion to pay the bill as presented. Schaefer seconded the motion. Motion carried.

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

Old Business:

Columbia Township Coulee Cleanout: Schaefer provided an update. Schaefer talked to Jason Otto; and Dave Azure at USDA and Stacey Wipf at US Fish and Wildlife Service. It is Schaefer's understanding that Otto, Azure, and Wipf are to meet at Otto's in the near future to evaluate what work may be done on Otto's land.

Weber Application to Install Subsurface Water Management System #2026-001: Peterson informed the board that notices were sent out on April 29, 2026.

Upper Sheyenne Joint Water Resource Board: No update.

Devils Lake Basin Joint Water Resource Board: Tweed summarized the business conducted at the April 13, 2026 meeting. The next meeting is scheduled for 8 AM on May 13th.

Garrison Diversion Conservancy District: Tweed summarized the business conducted at the regular quarterly meeting held in Carrington on April 16 and 17. Tweed noted that Red River Valley Supply Pipeline work is progressing - - 1800 feet of pipe has been laid thus far in 2026.

New Business:

Application to Install Subsurface Water Management System #2026-002 for Justin Topp in the NW1/4, NE1/4, SW1/4 and SE1/4 of Section 35, Township 148 North, Range 66 West (Superior Township) Eddy County, ND.

The Board reviewed the Application to Install Subsurface Water Management System No. 2026-002 filed on April 18, 2026, by Justin Topp. Under the application, Applicant seeks to install a 321 acre drain

tile system in the NW1/4, NE1/4, SW1/4 and SE1/4 of Section 35, Township 148, Range 66, Superior Township, Eddy County, North Dakota. The project will include four 6” surface intakes, two 8” surface intakes, and one 12” surface intake; and one 10 HP pump outlet. The pump outlet is located at the southeast corner of the NE1/4 of Section 35, Township 148, Range 66. The pump outlet will discharge into a natural water course immediately west of 71st Ave NE and will flow northeast in the natural water course. The project drain co-efficient is 3/8”.

According to the county tax roll information supplied by Applicant, Topp Family Farms, LLLP owns the NW1/4, NE1/4, SW1/4 and SE1/4 of Section 35, Township 148 North, Range 66 West, Superior Township, Eddy County, North Dakota.

Mike Tweed moved, and Monty Schaefer seconded the motion, to approve Application to Install Subsurface Water Management System No. 2026-002 filed April 18, 2026, regarding the proposed tile system for Justin Topp in the NW1/4, NE1/4, SW1/4 and SE1/4 of Section 35, 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. 2026-002 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 2026-002, and Applicant's Downstream Flow Map to the ND Department of Water Resources and Superior Township in Eddy County. 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 2, 2026 at 9:00 AM in the jury room on the second floor of the Eddy County Courthouse.

There being no further business the meeting was adjourned at 10:06 AM.

Respectfully submitted,

Travis S. Peterson, Recording Secretary

APPROVED:

Michael Tweed, Chairman