

MINUTES OF WATER RESOURCE DISTRICT

The regular December meeting of the Eddy County Water Resource District was held on December 9, 1982, at 9:00 A.M. in the Eddy County Courthouse. Present were Francis O'Connor, Stanley Ripplinger, Marvin Tollefson and Daylen D. Ramstad, Assistant Secretary.

The minutes of the November 9, 1982, regular meeting were read and approved as read.

Marvin Tollefson reported on the status of the Dwayne Weber and Clarence Wilcox complaint regarding the culvert between Sections 1 and 2 of New Rockford Township. It was reported that the township supervisors would remove the culvert if the Water Resource District would guarantee that it would not ever require the culvert to be replaced. Members stated that such a guarantee could not be given.

Francis O'Connor reported on the annual meeting of the North Dakota Water Users Association and discussed resolutions passed at said meeting.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Daylen D. Ramstad
Assistant Secretary

MINUTES OF WATER RESOURCE DISTRICT

A special meeting of the Eddy County Water Resource District was held on October 15, 1982, at 9:00 A.M. in the Eddy County Courthouse. Present were Francis O'Connor, Stanley Ripplinger, Marvin Tollefson and John D. Hovey, Secretary. Also present were Harold Wick, Mike Bichler, Alfred Tollefson, Gary Throlson, Dwayne Weber, Dale Nystrom and John Becker from Becker Engineering.

The purpose of the meeting was to discuss the ditch block in the NW corner of Section 5, Township 149, Range 65. Much discussion was held as to how much of the water from the NW $\frac{1}{4}$ of Section 5 eventually gets to the land leased by Mike Bichler in Section 9. Gary Throlson observed that it would spread out all the way along and he doubts whether anyone gets an excessive amount of the water. Mike Bichler stated that he hadn't been haying the 40 acres in Section 9 for the last two years and indicated his reason was that he didn't need the hay. John Becker observed that it would be difficult to prove actual damage. He stated he could take an elevation at the bottom of the cut in the NW corner of Section 5 and then carry that elevation down to Section 9; if there were no elevations higher than that then it would stand to reason that the water does in fact reach Section 9. Again merely proving that it does reach Section 9 is one thing, but proving actual damage is another.

Topographical maps were then reviewed. John Becker stated that it was his opinion the cut in the ~~cut~~^{ditch} in the NW corner of Section 5 does in fact drain at least 80 acres. Since this would require a permit, that drainage would be illegal and it was a unanimous decision of the Board that the cut must be filled in to the bottom of the original ditch.

The Board met personally with Dwayne Weber and Gary Throlson and advised them of their decision. Gary Throlson had agreed to fill the cut in.

Moved, seconded and carried to have John Becker order Contour maps and assemble them into a book at an estimated cost of \$85.
^{of the County}

John D. Hovey was instructed to write Mike Bichler advising him of the Board's decision.

There being no further business, the meeting was adjourned.

Respectfully submitted,


John D. Hovey, Secretary

MINUTES OF WATER RESOURCE DISTRICT

The regular recessed November meeting of the Eddy County Water Resource District was held on November 9, 1982, at 9:00 A.M. in the Eddy County Courthouse. Present were Francis O'Connor, Stanley Ripplinger, Marvin Tollefson and John D. Hovey, Secretary.

The Minutes of the October 5, 1982, regular meeting and the October 15, 1982, Special Meeting were read and approved as read.

A bill from the State Water Commission for maps in the amount of \$56.00 was approved. John Becker's bill for survey work in Section 19 of Township 149, Range 67, in the amount of \$224.50 was approved.

Francis O'Connor reported on the Reis crossing again. He had brought this to the attention of the joint board. Since all the rain in October had made it too wet to do anything, the Joint Board decided to table it for the present time. However, the Joint Board did agree that if this is a silting up problem caused by the work done on the Rocky Run that they would have to assume the responsibility for fixing it. He also mentioned the Kittleson dam problem to the Joint Board and again since it was now full of water, it was decided to see what happens this winter and a decision will be made in the spring.

Duane Weber and Clarence Wilcox then appeared before the Board. Wilcox filed a complaint on the culvert between Sections 1 and 2 of New Rockford Township. Wilcox and Weber say that the water gets trapped on the Wilcox land because there is an approach between his land and Mike Bichler. Wilcox said that if there were no roads in the area the water would leave, but the problem is that the ditch stays full of water and that raises the water table. This makes it impossible to farm and Duane stated that he was unable to seed the land this year until the end of June.

The basis of Gary Hegland's original complaint which lead to the installation of this culvert (Quentin Georgeson also wanted the culvert to relieve pressure on his land) was that all of the water was being forced in the Southeasterly direction across the Hegland land when at least some of it should run east. Wilcox and Weber say that Hegland had no complaint in this regard because the water leaves his land very fast. In any event the culvert was installed on the order of the New Rockford Township supervisors and we reviewed with Wilcox and Weber our October 26, 1979 Minutes as evidence that the Water Management Board did not order the culvert installed.

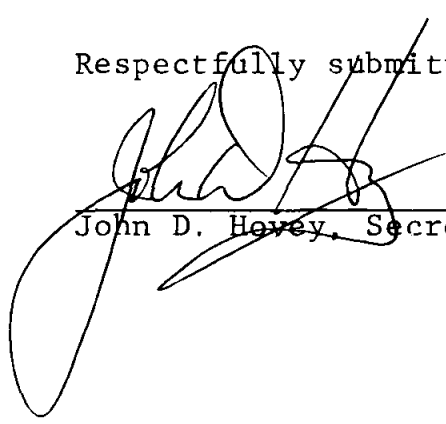
It was the decision of the Water Management Board that it cannot order the removal of this culvert in the light of evidence that at least a part of the natural flow is to the east. But, this

Board indicated that it would not object if Wilcox and Weber could convince the New Rockford Township supervisors to remove the culvert. Wilcox and Weber said they would be back before our Board if they failed to get any action from the township. The Wilcox complaint was tabled.

The Board expressed displeasure that the deadlines imposed for the alteration of the culverts north of Mike Bichler's are not being honored by the various townships.

There being no further business, the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Secretary

MINUTES OF WATER RESOURCE DISTRICT

The regular October meeting of the Eddy County Water Resource District was held on October 5, 1982, at 9:00 A.M. in the Eddy County Courthouse. Present were Francis O'Connor, Stanley Ripplinger, Marvin Tollefson, and John D. Hovey, Secretary. Also present were Darrell Anderson, Grandfield Township Supervisor and Harold Peterson, Grandfield Township Landowner; Eldon J. Allmaras, Frederick Allmaras, Jerome Allmaras and Phillip Allmaras, all members of the Munster Groupe Drain; Pete Lies, Munster Township Landowner; Vance and Doris Anderson, Superior Township Landowners; and John Becker of Becker Engineering.

The Minutes of the September 7, 1982, regular meeting were read and approved as read.

First question addressed was the Munster Groupe Drain. Pete Lies wants to keep water off of his land in Section 32 by either blocking the culvert between Sections 29 and 32 or putting a "gate" on it. The members of the Munster Groupe Drain reported that Glenn Bush who owns the SW $\frac{1}{4}$ of Section 29 would like to gate the culvert that runs east and west between Sections 29 and 30 closing off the water from the west until the water in Section 30 breaks loose and follows its own course north along the east edge of Section 30. At that time all of the water in that area would take its own course including some through Glenn Bush' land and the Munster Groupe Drain. Pete Lies agrees that this would also solve his problem. Eldon Allmaras also agreed that Pete Lies can plug the culvert between Sections 31 and 32 if he wants to.

The discussion then revolved around some drainage work that had been done by Pete Lies approximately 10 years ago on his land. Phillip Allmaras felt that this added to the volume of water that goes through a culvert located north and south between the NE $\frac{1}{4}$ of Section 32 and the SE $\frac{1}{4}$ of Section 29. He felt that sometimes this additional volume added to the "back-up" to the west on Section 29 and may be in fact the same water that backs through the culvert and onto the NW $\frac{1}{4}$ of Section 32. It was suggested that a gate might be needed on the culvert between Section 29 and 32 which would hold the water ~~on~~ on Pete Lies' land until the Munster Groupe Drain was opened at which time the gate could be removed. All parties agreed that they could work this out between themselves and the Board made it clear that they had no funds with which to assist in this project.

Harold Peterson next explained to the Board some water problems which he has on his land in Grandfield Township. Harold would like to drain the water from a low spot or depression in the SW $\frac{1}{4}$ of Section 19, south to the road running east and west between Sections 19 and 30. He suggests that a culvert be installed at that point which would allow the water to pass under the road and into the north road ditch along the north edge of Section 30. The water would then flow in the road ditch west to the corner of the Section and thence south to a point where it would intersect on existing drain in Section 30. That drain would then take the water west to the Mattson slough area. Harold says all of his land in Sections 19 and 30 have easements on them which permit him to do this drainage. If this is the case, no permission is needed from this Board and the only question is who is going to pay for the cost of the culverts and the ditching work. Harold was also informed that the Water Board would have no funds for this project. It should be noted that there is approximately a quarter mile between Section 30 and the Mattson slough and the owners of that property are either T. B. Garnaas or Audrey Johnson. Harold was cautioned to make sure that there was an easement through that land for the drainage of the water.

Vance and Doris Anderson next presented two problems. The first is that water from the Rocky Run passes through Highway 281 under the bridge and then backs up north along the east ditch. The water then backs west through two highway culverts and floods land owned by Doris Anderson which normally could be farmed. This land is located just north of her pasture and water hole. Fran will check with the highway department to see if they could gate the east end of the two culverts and if not they would have the Joint Water Board look into it.

The second problem concerns the riprapping and the height on the Kittelson Dam. Vance says the water is down approximately six feet from where it was before and is presently down at least 1 $\frac{1}{2}$ foot below the top of the reservoir. If this is the case, the reservoir and the culvert may both have to be lowered in order to provide them with an adequate water supply. John Becker reported that not only was the top of the old dam removed down to the old spillway or creek channel elevation, but approximately a foot and a half more was taken off the top. The Board agreed to conduct an on-sight inspection and Fran would then bring this matter before the Joint Water Board. A later on-sight inspection of this matter showed that the culvert presently holds 86" of water which all members agreed is quite low and it very well could be that the water supply will freeze up and/or run out before the winter is over. Fran will report this to the Joint Board.

Minutes of Water Resource District
Page 3

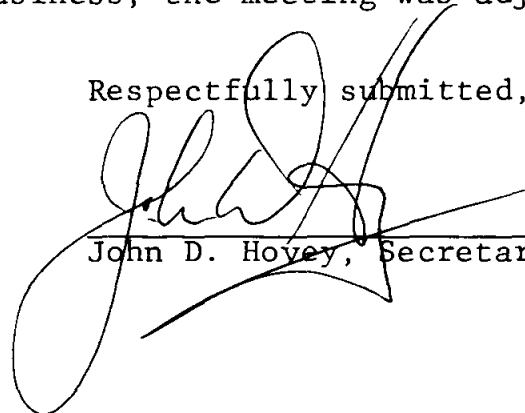
John Becker reported that he had walked the Rocky Run from Highway 281 to Paul Reis'. He found that except for the puddle immediately east of Highway 281 the Rocky Run is completely dry and quite firm. John Becker also inquired about the culvert and sand ridge in Munster Township that was the subject of a previous meeting of this Board. He was told to go ahead and make arrangements to get this work done. John also reported that he had never been contacted by any of the townships regarding the Mike Bickler complaints and work to be done. Marvin Tollefson reported that he had been contacted about this matter, but they have been unable to get the work done to date.

The bill from Hovey, Bekken & Ramstad, Ltd. regarding the North Branch Rocky Run was discussed. Eddy County agreed to pay one-half and that one-half was approved. A Voucher from the Water Board will be submitted to the County Commissioners who can send the check directly to Vance Kro for payment of the bill.

Stan brought up the Paul Reis east/west crossing again and Fran reported that this had been discussed by the Joint Board and they felt that it was a township road problem. The general consensus of the Eddy County Board seems to be that if the work done on the Emrick Drain caused a silting problem or in any way altered this crossing from what it had been in prior years, that the Joint Board has an obligation to correct these changes. Fran is to take this matter back to the Joint Board for determination.

There being no further business, the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Secretary

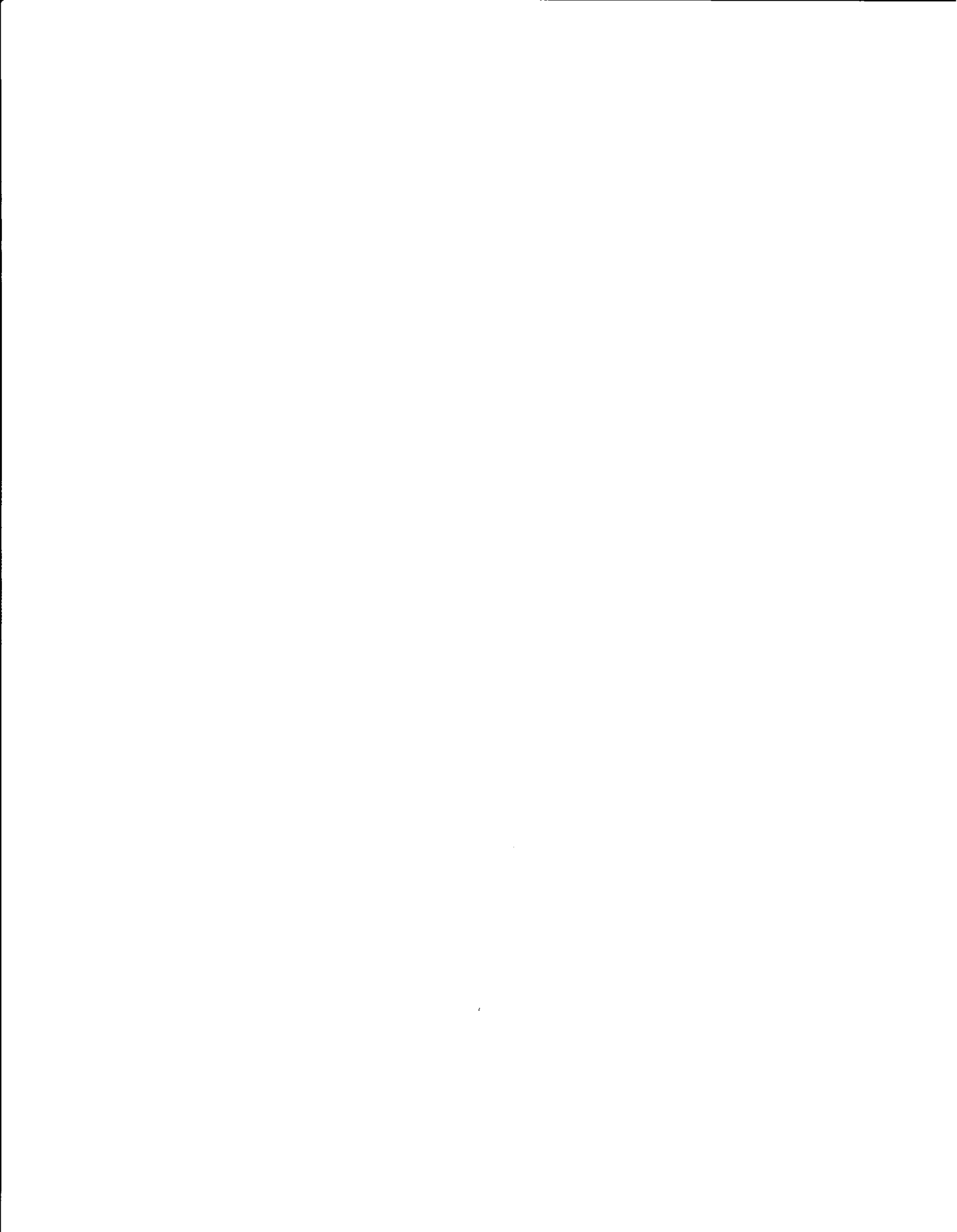
MINUTES OF WATER RESOURCE DISTRICT

The regular September meeting of the Eddy County Water Resource District was held on September 7, 1982, at 9:00 A.M. in the Eddy County Courthouse. Present were Francis O'Connor, Stanley Ripplinger, Marvin Tollefson, and John D. Hovey, Secretary. Also present were Lawrence Anderson and George Laber, Jr. from New Rockford Township, Alfred Tollefson from Sheldon Township, John Becker from Becker Engineering, and Eugene Masse, District Game Warden. Representatives of Gates Township and Bush Township did not attend, but it was pointed out that they were given notice of the meeting by letter.

The minutes of the August 3, 1982, regular meeting were read and approved as read.

Mike Bickler's complaints dated April 5, 1982, were then addressed:

1. The concrete culvert between the SE $\frac{1}{4}$ of Sec. 36 of Gates Twp. in the NE $\frac{1}{4}$ of Sec. 1 of New Rockford Twp. was the first complaint discussed. John Becker stated that the South end of that culvert should be lowered 10 inches and the entire culvert leveled. This is the joint responsibility of Gates Twp. and New Rockford Twp. and it was ordered completed by October 1, 1982.
2. The culvert between the SW $\frac{1}{4}$ of Sec. 31 in Bush Twp. and the NW $\frac{1}{4}$ of Sec. 6 in Sheldon Twp. was then discussed. The culvert is level, but is 6 inches lower than it should be. Engineer Becker suggested welding a 6 inch plate on the bottom of both ends. This was agreed to by Sheldon Twp. and will be the joint responsibility of Bush and Sheldon Twp. Again the work is to be completed by October 1, 1982.
3. The proposed ditch block which would be slightly South of the NW corner of Sec. 5 in Sheldon Twp. was then discussed. There is a fairly large slough immediately South of the NW corner of Sec. 5 and the ditch was lowered in order to allow the water to escape to the North and East. Engineer Becker felt that a ditch block of approximately 2 feet in height would be sufficient. Becker Engineering is to have a representative at the site during the construction work and to set the exact grade. The cost of this ditch block will be Sheldon Twp.'s responsibility. It is to be completed by October 1, 1982.



4. The last complaint of Mike Bickler's concerned the moving of culverts running East from Carl Throlson's land. The Board declined to make any adjustment in those culverts because Mike Bickler's land is not affected.

Warden Masse explained the State Game and Fish program whereby certain wetlands and adjoining crop lands can be leased to preserve these areas.

The letter from North Dakota Water Management District Association soliciting nominations for a replacement director from this region was discussed. The Board had no nominees.

The bill for annual dues from the North Dakota Water Users Association was approved and a voucher signed.

Fran mentioned that there were certain costs associated with the recent North Drain of the Rocky Run Project which were unpaid. Norman Rudel had suggested that the bill be paid by dividing it between Wells County and Eddy County based upon the number of acres in each county. A motion was made, seconded and carried to split the bill equally between Wells and Eddy County Water Boards. Fran O'Connor was to convey this information to Norman Rudel.

Becker Engineering bill for surveying and drafting of the Operation Agreement on the main Rocky Run Drainage Project was discussed. Eddy County has been paying 30% of all bills associated with that project. A motion was made, seconded and carried to pay \$168.30 of the \$561.00 total bill.

Stan Ripplinger reported that Kenneth Reis wants a Texas Crossing to be put in East and West, through the Rocky Run, on the section line between Sections 21 and 28 of Superior Twp. Mr. Reis feels that the work done last year on the Rocky Run has ~~caused~~ this crossing to silt up and he is no longer able to use it. This matter was referred to the Rocky Run Joint Water Board and Fran will bring it up at the next meeting.

Stan also said that Doris Kittelson has mentioned again that her dam was to be riprapped with rocks. It was acknowledged that this had been the original plan, but after construction of the project last year, it was the opinion of Becker Engineering that no riprapping was necessary. John Becker agreed to investigate the matter again and will report it to Fran O'Connor. Fran O'Connor will then pass on the Engineer's suggestion to the Rocky Run Joint Board.

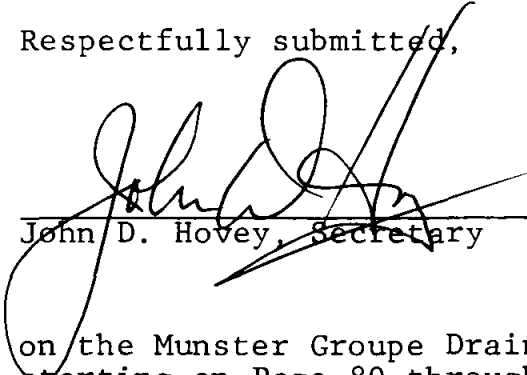
The final budget as approved by the County Commissioners was reviewed.

The letter from Peter Lies dated August 19, 1982, regarding the culvert on the NW corner of his land was discussed. This is the

culvert which is located between Sections 29 and 32 of Munster Township. The problem is caused by a backup of water in the spring from that legal drain which is commonly known as Munster Groupe Drain. Secretary Hovey was instructed to notify the proper members in the Munster Groupe Drain and ask that they meet with us at our October meeting.

There being no further business, the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Secretary

P.S. The drainage easements on the Munster Groupe Drain can be found in Book 18 of Misc. starting on Page 80 through Page 84 and also in Book 22 of Misc. at Page 189.

MINUTES OF MEETING

EDDY COUNTY WATER RESOURCE DISTRICT

A Special Meeting of the Eddy County Water Resource District was held on August 11, 1982, at 9:00 A.M. in the Eddy County Courthouse. Present were: Francis O'Connor, Marvin Tollefson, Stanley Ripplinger, Secretary Hovey and John Becker from Becker Engineering.

The sole purpose of the meeting was to decide on a number of complaints lodged by land owners at the August 9, 1982, meeting relating to North Branch Rocky Run.

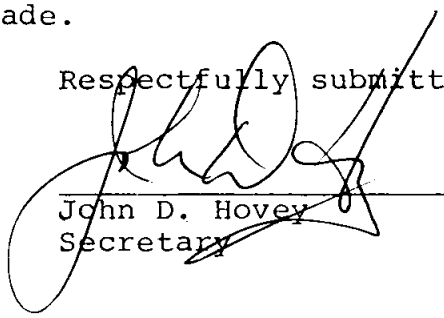
Bernie Whetham and Lawrence Bichler had objected to their land which is under Wildlife Easement being included in this project since they were unable to drain that land. The Board unanimously decided to leave the wildlife land in since any surplus that overflows from said land in a high water year has to go someplace and would eventually find its way into the North Branch Project.

The next complaints that were addressed as a group consisted of the Mervin Whetham, Alfred Klumph and Joseph Erman complaints on being included within the district since they have already worked out a drainage program north and into the James River. The Board felt that they were within the watershed and an arbitrary removal of some parcels just because they had taken care of their water problems would open a new can of worms and could justify the removal of other tracts from the project. Therefore, the Whetham, Klumph and Erman land was left within the project.

The \$76.85 assessment against the State Highway and Railroad was dropped.

Careful consideration was given to Joey Seiler's complaint that the 118 acres of his mother's and her childrens' land that is shown to be within the watershed was too much. Joe thought that only about 60 acres should be within the watershed. Topographical maps were examined in detail and it appeared to the Board that the 118 acres is approximately correct and no change was made.

Respectfully submitted,



John D. Hovey
Secretary

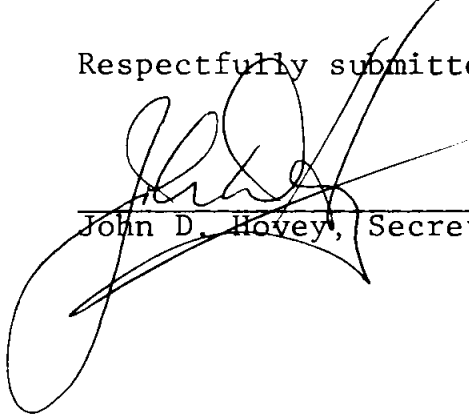
JDH:md

MINUTES OF WATER RESOURCE DISTRICT

The regular August meeting of the Eddy County Water Resource District was held on August 3, 1982, at 9:00 A.M. in the Eddy County Courthouse. Present were Francis O'Connor, Stanley Ripplinger and Secretary Hovey. Absent was Marvin Tollefson. The Minutes of the July 6, 1982, regular meeting were read and approved as read. Secretary Hovey is to write to the Supervisors of Gates, New Rockford, Sheldon and Bush Township and request that they have a representative present at the September meeting. Also, John Becker is to be present for that meeting. Fran and Stan reported on a meeting they attended in Carrington on July 23, 1982, of the Water Management Association.

There being no further business, the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Secretary

JDH:md

MINUTES OF A
JOINT WATER BOARD MEETING

A meeting of the Wells and Eddy County Joint Water Board was held on July 14, 1982, at 8:00 p.m. in the Wells County Courthouse. Present were: Norman Rudel, Arley Brakel, Jerrold Roble, Stanley Ripplinger, Francis O'Connor, John Hovey and Vince LaQua.

The meeting was called to order by the chairman, Norman Rudel. The Wells County Petition was reviewed and it was noted that the Eddy County Petition was in the hands of Randy Guler.

The County Boards each agreed to pick up 40% of the cost of the culverts in their respective counties, which breaks the cost down for the project as follows:

Total Estimated Cost-----	\$84,500.00
Less State Water Commission	
Cost Sharing-----	\$-8,400.00
Eddy County Culverts-----	\$-4,600.00
Wells County Culverts-----	\$-3,240.00
	<u>\$68,310.00</u>

$\$68,310.00 \div 33,468 \text{ acres} = \2.04 per acre

A list of land owners prepared by the Wells County Abstractor was reviewed and it was noted that he had charged the Wells County Board \$275.00 for the same. After some discussion, it was decided that the list which was prepared by Doris Rohde and spot-checked by John Hovey would suffice for Eddy County.

After some discussion, it was decided that we would offer nothing in the way of damages to either Ed Walz or the Schwoebel Family for excavation on their land.

It was moved, seconded and carried to assess all acres within the watershed at 100%. In other words, this means that every acre of land within the watershed will bear an equal assessment of \$2.~~50~~ per acre.

Eddy County will be the County that will issue the permits and get permission from the State for this drainage project assuming that there is a favorable vote by the landowners.

The firm of Hovey, Bekken & Ramstad, Ltd., of New Rockford, North Dakota was retained as legal counsel for this project. Vince LaQua was asked to assist as a consultant.

It was decided to attempt publication of the notice during the week of July 26, 1982, which means that the mailing would have to go out to landowners on or before the 30th of July.

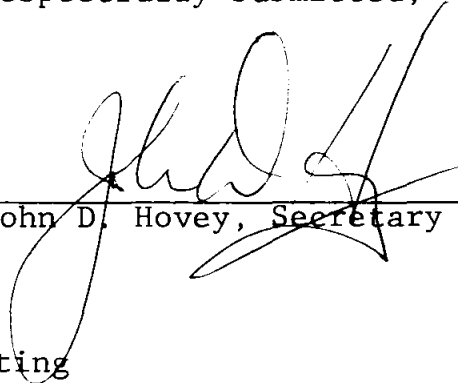
Minutes of a Joint Water
Board Meeting
Page 2

The Hearing on the Petition was set for August 9, 1982, at 8:00 p.m. in the Eddy County Courthouse. August 19 or 20 will be the last day for the landowners to vote. It was noted that the Wells County paper insists that legal notices be submitted to them by the Saturday prior to publication.

Hovey was instructed to send a sample of the Eddy County Assessment List to Norman Rudel so that both lists will conform in appearance. Wells County will send Hovey a completed list of landowners well in advance of the mailing deadline.

There being no further business, the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Secretary

cc: Mr. Norman Rudel, Chairman
Copies to all Present at Meeting

MINUTES OF WATER RESOURCE DISTRICT

The regular July meeting of the Eddy County Water Management Board was held on July 6, 1982, at 9:00 A.M. in the Eddy County Courthouse. Present were Francis O'Connor, Stanley Ripplinger, Marvin Tollefson, and Assistant Secretary, Ramstad. John Becker, Engineer, joined the meeting while in progress. The minutes of the June 1, 1982, regular meeting were read and approved as read.

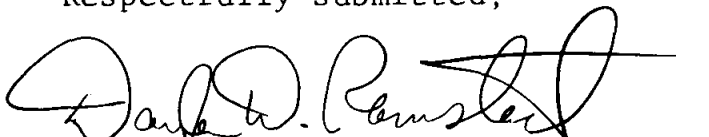
Discussion was held on Bickler's complaints. After reviewing Engineer Becker's report on the elevation of the culvert between the NE $\frac{1}{4}$ of Section 1 of New Rockford Township and the SE $\frac{1}{4}$ of Section 36 of Gates Township, a motion was made to lower the culvert to the proper level as determined by Engineer Becker. The motion was seconded and carried. Motion was also made, seconded and carried that the township complete the job by September 1, 1982, or the Board would have the work done and charge it to the township.

Review was had of Engineer Becker's report on the elevation of the culvert between the NW $\frac{1}{4}$ of Section 6 in Sheldon Township and the SW $\frac{1}{4}$ of Section 31 in Bush Township. Engineer Becker advised that metal plates be welded on each end of the culvert to correct the problem with the culvert. A motion was made, seconded and carried that such plates be welded onto culvert if the same was agreeable to Mr. Bickler.

Mr. Bickler's complaints in regard to the remaining culverts and the requested ditch block were discussed by the Board. The Board then made a trip to Mike Bickler's farm to discuss his various complaints. After discussion, it was agreed that the plates would be welded on the culvert between Section 6 and Section 31 and that the proper steps would be taken to place a ditch block at the requested location. However, the Board moved and seconded that Engineer Becker be present when the above work was completed. The motion was carried.

A budget was prepared for the 1982-1983 year and presented to the Eddy County Board of Commissioners. There being no further business, the meeting was adjourned.

Respectfully submitted,



Daylen D. Ramstad
Assistant Secretary

DDR:md

MINUTES OF WATER RESOURCE DISTRICT

The regular June meeting of the Eddy County Water Resource District was held on June 1, 1982 at 9:00 A.M. in the Eddy County Courthouse. Present were Francis O'Connor, Secretary Hovey, and John Becker. Since there was no quorum the meeting was recessed.

Engineer Becker did go through the reports of his findings on the culverts north of town and these matters will be discussed at the July meeting.

Respectfully submitted,



John D. Hovey, Secretary

JDH:md

MINUTES OF A JOINT WATER BOARD MEETING

A meeting of the Wells and Eddy County Joint Water Board was held on May 10, 1982 at 8:00 P. M. Present were Francis O'Connor, Stanley Ripplinger, Marvin Tollefson and John Hovey, all from Eddy County; Norman Rudel, Arley Brakkel and Jerry Roble, all from Wells County; and John Becker, Engineer from Carrington.

The meeting was called to order by the Chairman, Norman Rudel. The letter from the State Water Commission in response to the preliminary engineering report of 4-13-82 was reviewed. It was noted that the project has been accepted by the State Water Commission.

The possibility of having boundaries established for the lateral ditches was discussed since there are some "sub-watersheds" within the North Branch. No concrete decision was made on this suggestion and it was decided to wait until the Board received input from the landowners.

It was noted that there will be no dirt work done east of Highway 281 but it will be necessary to install a 48 inch culvert at each of the first two roadcrossings east of the highway.

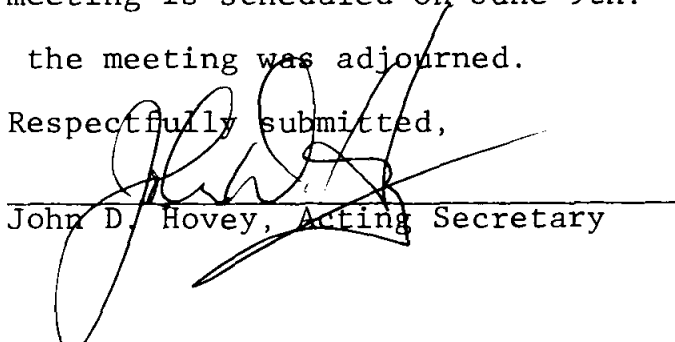
The total estimated cost of the project is \$84,500.00 of which the State Water Commission will pay about \$8,400.00 leaving \$76,150.00 balance to be paid by the landowners and/or the two counties. This works out to about \$2.38 an acre.

The question of whether the counties would participate in the purchase of the culverts was then discussed. It was suggested that each of the two Boards go to their County Commissioners and suggest that 40% of the culverts (but not the culverts through Highway 15) be paid by the **Counties**. Eddy County's share would be \$4,600.00 and Wells County's share would be \$3,200.00. We are to check with our County Commissioners and Wells County will do likewise before we have the meeting of landowners. Becker was instructed to contact the State Highway Department regarding the installation of culverts through Highway 15.

Some preliminary matters were then discussed and preparation for the informational meeting of landowners. It was decided to quote the sum of \$2.38 per acre of \$380.00 per quarter as the approximate cost of the project. Notices will have to be published in the paper not later than the week of May 30th through June 5th since the tentative date for the meeting is scheduled on June 9th.

There being no further business, the meeting was adjourned.

Respectfully submitted,


John D. Hovey, Acting Secretary

MINUTES OF WATER RESOURCE DISTRICT

The regular May meeting of the Eddy County Water Resource District was held on May 4, 1982, at 9:00 A.M. in the Eddy County Court-house. Present were Francis O'Connor, Marvin Tollefson, and Secretary Hovey. Absent was Stanley Ripplinger.

The minutes of the April 6, 1982 meeting were read and approved as read. Secretary Hovey reported on letters which had been written to Mike Bickler, Norman Rudel and John Becker. Copies of those letters were reviewed.

A copy of a letter from Norman Rudel as Chairman of the Joint Water Board, to the State Water Commission, containing cost proposals for the North Branch and Oak Creek proposed projects was reviewed. The letter was ordered filed with the records of the Board. The letter from Vince LaQua regarding publication of Notice of Heimdal Drains A & B was reviewed and ordered filed with the records of the Board.

The Michael Bickler Complaint of April 5, 1982, was reviewed and the following steps were ordered to be taken:

1. Engineer Becker is to check the elevation of the culvert between the NE $\frac{1}{4}$ of Section 1 of New Rockford Township and the SE $\frac{1}{4}$ of Section 36 of Gates Township and determine what effect, if any, the lowering of the culvert will have on the water level on either side of the road.
2. Engineer Becker is to check the elevation of the culvert between the NW $\frac{1}{4}$ of Section 6 in Sheldon Township and the SW $\frac{1}{4}$ of Section 31 in Bush Township and report to the Board on his findings.
3. Engineer Becker is to review Mike Bickler's complaints as they relate to the culvert between the SW $\frac{1}{4}$ of Section 4 in Bush Township and the NW $\frac{1}{4}$ of Section 9 in Sheldon Township and the requested ditch block at the NW corner of Section 5 in ~~Bush~~ ^{Sheldon} Township and to give the Board his opinion before ~~he~~ conducts a full scale survey. If Engineer Becker is unable to give such an opinion without a survey, the Board has requested that we receive an estimate of his costs before proceeding.

Francis O'Connor reported on the meeting in Lakota on April 13th. He also reported that another meeting would be held on June 8th at 1:00 P.M. in Lakota regarding drainage regulations which were mandated by the last legislature.

The Board then conducted an on-site inspection of the Emerick Drain.

There being no further business, the meeting was adjourned.

Respectfully submitted,


John D. Hovey,
Secretary

MINUTES OF WATER RESOURCE DISTRICT

The regular April meeting of the Eddy County Water Resource District was held on April 6, 1982 at 10:00 A.M. in the Eddy County Courthouse. Present were Francis O'Connor, Marvin Tollefson, Stanley Ripplinger and Secretary Hovey. Also present was Clarence Wilcox, New Rockford Township landowner.

Mr. Wilcox was in regarding the existing culvert located between Sections 1 and 2 of New Rockford Township and the possibility of obtaining a culvert outlet between the SE $\frac{1}{4}$ of Section 1 of New Rockford Township and the NE $\frac{1}{4}$ of Section 12 of New Rockford Township. The Board explained to Clarence what its position is as to culvert installation, that being, that the actual installation of culverts is the responsibility of the various townships. Clarence indicated that if he requested an outlet culvert as per above, he would have it surveyed first. He also noted that in regard to the culvert between Sections 1 and 2, he has gone to the Township Supervisors with his problem and they have sent him to the State's Attorney. The State's Attorney sent him to Lawrence Anderson of the New Rockford Township Board and Lawrence Anderson sent him to Walter Jones. Clarence felt that he was being given the run around.

Clarence asked the Board to agree that he was getting more than his share of water through the culvert between Sections 1 and 2. The Board did not completely agree with that assessment but did agree that the culvert between Sections 1 and 2 should not run before the two large culverts between Sections 2 and 12 were opened up. Clarence was furnished with two copies of our November 1, 1979 "To Whom It May Concern" letter and one copy of the October 26, 1979 minutes of the special meeting with Gary Hegland.

After Mr. Wilcox left the minutes of the March 2, 1982 meeting were read and approved as read. Fran O'Connor reported that John Becker had been in town yesterday and was told to proceed as rapidly as possible on the North Drain of the Rocky Run. John told Fran that apparently he and the State Engineers are in agreement that the North Drain culverts will be sized according to the capacity of the culverts under Highway 281 close to John's Country House. This as opposed to installing new culverts through the Highway.

Mike Bickler's complaint of April 5, 1982 was reviewed by the Board. It was decided to conduct an on sight inspection.

The documentation regarding the Heimdal Drains A and B was reviewed. The Board did not feel that those drains had any direct effect on Eddy County and therefore no involvement will be taken by our Board.

Minutes of Water Resource District
April 6, 1982
Page 2

The meeting in Lakota on April 13th of this year was discussed.

The complaint letter of March 29, 1982 from Richard O'Connor, Fredrick Allmaras, Edward O'Connor, Eldon J. Allmaras, Phil Schafer and Nolan M. Lies regarding a blocked culvert between the SE $\frac{1}{4}$ of Section 24 in Bremen Township, Wells County, and the SW $\frac{1}{4}$ of Section 19 in Munster Township, Eddy County, was reviewed. The comlaintants have brought this to the attention of the Munster Township Supervisors but received no action.

Hovey was directed to write to the Wells County Board that the culvert is collapsed and should be either removed or replaced by Bremen and Munster Townships. Hovey is also to solicit any suggestions from the Wells County Board as to resolving this matter.

The March 22, 1982 letter from Vern Fahy regarding the State Water Commission budget was reviewed. Hovey was directed to send this to John Becker telling him to proceed on it with the North Drain in mind. Also we should remind John that any suggestions regarding Oak Creek should come from Norman and the Wells County Board.

The Board then conducted an on sight inspection of the three areas complained of by Mike Bickler. Since there was still considerable snow in the ditches, it was decided to wait until that snow has gone and the water has receded somewhat before making a decision.

There being no further business, the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Secretary

JDH:kc

MINUTES OF WATER RESOURCE DISTRICT

The regular March meeting of the Eddy County Water Resource District was held on March 2, 1982 at 10:00 A.M. in the Eddy County Courthouse. Present were Francis O'Connor, Marvin Tollefson and Secretary Hovey. Absent was Stanley Ripplinger. The minutes of the February 2, 1982 meeting were read and approved as read.

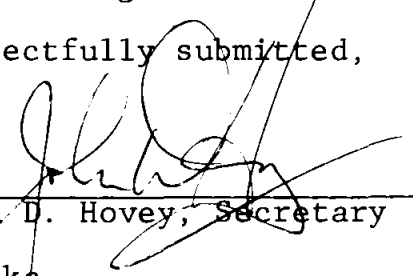
Fran reported that he did not get the North Drain documentation from Norman Rudel but will do so at their next meeting.

Fran O'Connor reported on the Soil Conservation District Meeting at the Nu Cafe on February 11, 1982.

The State Water Commission proposed cost sharing guidelines were reviewed by the board. They had no recommended changes but it was thought that perhaps some mention of the Rocky Run North Drain should be submitted to the State Water Commission so that we could obtain cost sharing when and if drainage into the James River is ever again approved.

There being no further business, the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Secretary

JDH:kc

MINUTES OF WATER RESOURCE DISTRICT

The regular February meeting of the Eddy County Water Resource District was held on February 2, 1982 at 10:00 A.M. in the Eddy County Courthouse. Present were Francis O'Connor, Stanley Ripplinger, Marvin Tollefson and Secretary Hovey. The minutes of the January 5, 1982 meeting were read and approved as read.

Francis O'Connor reported the State has approved the third draft copy of the Operating Procedures for the Emerick Drain. Vince Laqua is putting that draft into final form and it will be signed this week.

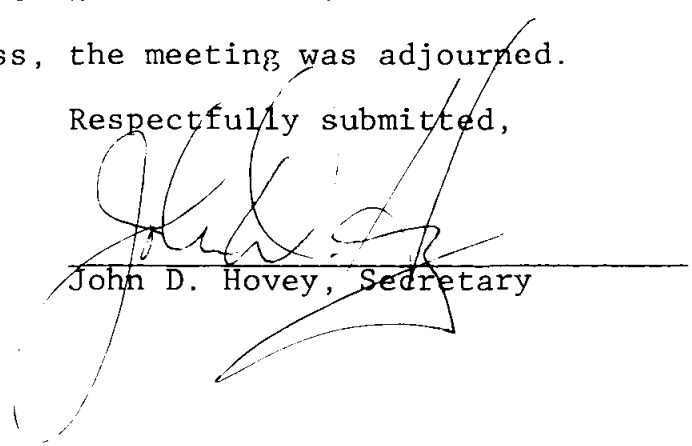
Dues in the North Dakota Water Management District Association for \$75.00 were approved.

It was called to our attention that the Soil Conservation District meeting will be held at the Nu Cafe on February 11, 1982 at 12:00 noon. Someone from the Board should be prepared to make a short presentation on the past year's activities.

Norman Rudel called Fran O'Connor regarding the North Drain. Norm says the State is conducting a study regarding the dumping of water into the James River and has ordered that all proposed projects are to be held in abeyance until this study is completed. Fran will get a letter or other documentation to support this from Norman when Fran meets with him this week.

There being no further business, the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Secretary

JDH:kc

MINUTES OF WATER RESOURCE DISTRICT

The regular January meeting of the Eddy County Water Resource District was held on January 5, 1981 at 9:00 A.M. in the Eddy County Courthouse. Present were Francis O'Connor, Stanley Ripplinger and Secretary Hovey. Absent was Marvin Tollefson. The minutes of the December 8, 1981 regular meeting and the December 16, 1981 special meeting were read and approved as read. Stan and Fran reported on a meeting at Emerick and Fessenden regarding the Emerick drain. This meeting took place on December 22, 1981. Also present at that meeting were the Wells County Water Resource District Board, Duane Mullenberg from the Foster County Water Resource Board, and Engineer John Becker. It was noted that all gates were open.

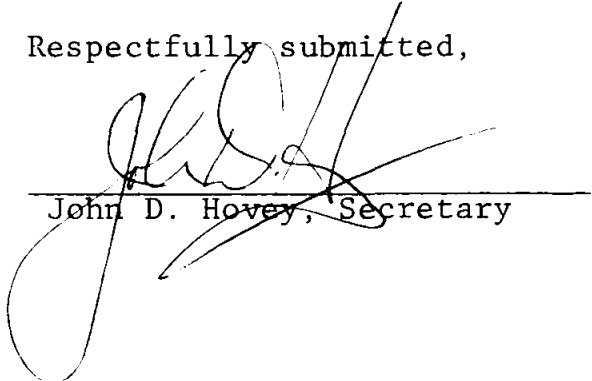
The subject of the meeting was to review the Second Draft which was revised into a Third Draft and received tentative approval of all present. It is the attitude of at least the Eddy County Water Resource members to take a "wait and see" attitude and to make such modifications as may prove necessary. A copy of the Third Draft is attached to these minutes.

Fran O'Connor reported that Engineer Becker had OKed the 10 hours of work done by Blumer Construction.

The monthly meetings were changed from 9:00 A.M. to 10:00 A.M. starting with the February meeting.

There being no further business, the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Secretary

JDH:ldd

DECEMBER 22, 1981

Norman Rudel, chairman, called the joint Water Resources Boards of Wells, Eddy and Foster Counties to order.

Members present were Jerald Roble, Norman Rudel, Arley Brakel of Wells County Water Resources Board, Stanley Ripplinger and Francis O'Conner of Eddy County Resources Board and Duane Mullenberg of Foster County Water Resources Board, John Becker of Becker of Becker Engineering and Vincent A. LaQua, Attorney for Wells County Resources Board.

That the proposed operation of the Emrick Group Drain was discussed by the members of the three water boards in attendance.

The plan of operation as prepared by Becker Engineering was reviewed and certain revisions were agreed upon.

The Boards directed Becker Engineering to make the necessary operational changes and to send a copy to the State Water Commission for review.

That if the State Water Commission would approve the operational plan, all boards would sign an agreement on the operation of the Controlled Emrick Group Drain.

Dated December 22, 1981.

Chairman, Joint water Resources Board

S E C O N D D R A F T C O P Y
of December 16, 1981

OPERATING PROCEDURES
CONTROL GATES

Emerick Drain
Wells County Water Resource District

GENERAL:

A. Operation procedures as set forth herein; or as presently in force; and any future changes; shall be coordinated with the Eddy and Foster County Water Resource Boards.

B. The operation of the control gates shall be under the authority of the Wells County Water Resource Board.

C. Operating and maintenance procedures shall be reviewed annually by the Rocky Run Joint Drainage Board which shall modify such procedures as needed.

D. Personnel chosen to regulate the gates shall be selected by and responsible to the Wells County Water Resource District.

E. Stream flow time from the last culvert on the project to Highway 281 South of New Rockford is 5 days.

F. Check points shall be identified in Cathay Township of Wells County (A, B & C); _____ Township of _____ County (D); and Superior Township of Eddy County (E); and the flow observed as outlined later in the procedure.

1. Check point A - Culverts located between Sec. 4 & 5, consisting of 1-60" and 3-36" (middle one being lower).
2. Check point B - Culverts located between Sec. 9 & 10, consisting of 1-48" and 1-72".
3. Check point C - Culverts located in Sec. 11.
4. Check point D - (To be determined).
5. Check point E - Highway bridge on U.S. 281 South of New Rockford.

G. The gates shall be 3/4 closed in the spring or early summer as soon as the culverts at check point C (criteria to be determined). All gates shall be left in this position until rain or snow runoff requires opening, in which case they will be opened or closed as set forth herein.

H. In the fall of each year, prior to freeze up, all gates shall be 3/4 closed and left in that position until spring.

SPRING OPERATION:

A. During rapid spring runoff the check points should be monitored on a regular basis, such as 8:00 A.M., 12:00 Noon, and 6:00 P.M..

SUMMER OPERATION:

A. Rainstorms of unusual magnitude shall be observed to determine what areas of the Rocky Run Watershed are effected and amounts of expected flow. See attached map.

B. If large storms occur downstream of the Emerick Drain outlet also, the flows at the check points must be monitored carefully and measures taken as outlined below.

C. If large showers occur only upstream from the Drain outlet, observance can be limited to checking that the road at check point A is not overtopped.

GATE REGULATIONS:

A. Check point A shall be the first and primary site to be observed.

B. If the water level in Rocky Run is not above the midpoint of the two highest 36" culverts at check point A and (insert here some criteria at check point D and/or E), the Emerick gates can be opened to 100% flow.

C. If water level reaches the top of the middle 36" culvert and rising and check point B is not to capacity - reduce Emerick gates to 50% flow.

D. If water level reaches the top of all pipes and check point B and C are not to capacity - reduce Emerick gates to 25% flow.

E. If water level is at top of all culverts and check point B and C are near capacity - close Emerick gates to 0% flow. Leave this way until flow begins to recede. Follow procedure in reverse.

MINUTES OF WATER RESOURCE DISTRICT

A special meeting of the Eddy County Water Resource District was held on December 16, 1981 at 1:30 P.M. in the Eddy County Courthouse. Present were Francis O'Connor, Stanley Ripplinger, Marvin Tollefson, Secretary Hovey and Duane Mullenberg from the Foster County Board.

The subject of the meeting was the December 1981 draft copy of operating procedures in the Emerick Drain.

First of all a call was placed ^{to} Bennet Rindy of the Steele County Water Management Board who informed us that on their gated drains, the gates are left half open during the winter which seems to prevent a freeze up.

We then went over the copy of the operating procedures as suggested by the Wells County Board and made several changes. Secretary Hovey was instructed to put the revised draft into type and forward copies to all of those present at today's meeting. See copy of revised draft attached to these minutes.

There being no further business, the meeting was adjourned.

Respectfully submitted,

By 
John D. Hovey, Secretary

JDH:kc

MINUTES OF WATER RESOURCE DISTRICT

The regular December meeting of the Eddy County Water Resource District was held on December 8, 1981 at 9:00 A.M. in the Eddy County Courthouse. Present were Francis O'Connor, Stanley Ripplinger, Marvin Tollefson and Secretary Hovey. The minutes of the November 3, 1981 meeting were read and approved as read.

It was reported that the culverts at the Quentin Georgeson corner had been corrected by Blumer Construction Co. of Valley City.

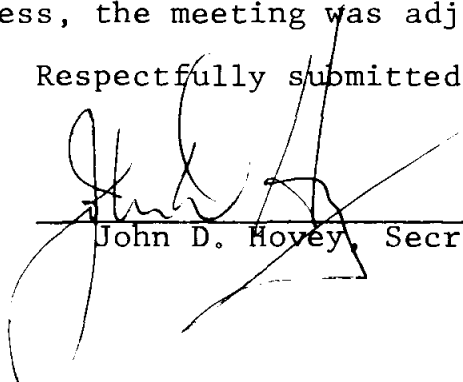
Blumer's bill for \$800.00 was reviewed. A call was placed to John Becker to see if there was 10 hours of work actually done. Becker was out but Fran left a message for him to call back.

The Board reported on a November 13, 1981 meeting with Jack McDowell and Tollef Skaar. Since the proposed routing of the water would affect Ray Weisenburger's land, Mr. Weisenburger was contacted about his approval or disapproval. Since he had not responded as of today's meeting, he was again contacted by Fran O'Connor and said that he would not object.

The Board then conducted an onsite inspection of the Emerick drain.

There being no further business, the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Secretary

JDH:ldd

MINUTES OF WATER RESOURCE DISTRICT

The regular November meeting of the Eddy County Water Resource District was held on November 3, 1981, at 9:00 A.M. in the Eddy County Courthouse. Present were Francis O'Connor, Stanley Ripplinger, Marvin Tollefson and Secretary Hovey. The minutes of the October 6, 1981 meeting were read and approved as read.

Francis O'Connor reported that spoil bank work on the Rocky Run project had been completed east of Highway 281 to everyone's apparent satisfaction. It was not known whether the spoil bank work had been done on the Doris Anderson land.

Stanley Ripplinger reported that Vance Anderson had complained to him about the work done on Doris' land and specifically that there was no riprapping done on the dam. Apparently, engineer Becker has said that the dam is solid rock and that none is needed. The Board also reviewed the August 26, 1981, letter to Vance and Doris Anderson and that letter does not specify that the dam would be riprapped. The Eddy County Resource District again reiterated its position for the record that they will not allow the Doris Anderson water supply dam to deteriorate and if the dam silts up or washes out, this Board will see that such damage is repaired.

The annual meeting of Water Resource Districts in Minot on ~~October~~ ^{November} 30 and December 1st and 2nd, 1981 was discussed. Fran and Stan will try to attend.

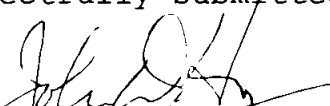
The culverts at the SE corner of Georgeson's property in New Rockford Township was again discussed. The minutes for the last two years were reviewed and it was and is the decision of the Board to raise those two culverts (about one foot). Becker is to be present to establish such elevation.

Since the deadline for completion of this work has come and gone several times, a motion was made, seconded and carried to hire a backhoe to get this work done before freeze-up, if possible. The Board then met with the County Commissioners who agreed to pay for the work and bill it to the New Rockford Township. It was suggested that we hire either Williard from Carrington or Bloomer from Valley City to do this work since none of the local contractors seem interested in doing it. The County Commissioners did ask that they be notified prior to construction if the raising of the culverts will require additional crown to be placed on the road.

A call was placed to Becker, but he was out. Secretary Hovey will make the necessary contacts.

There being no further business, the meeting was adjourned.

Respectfully submitted,


John D. Hovey, Secretary

JDH:md

MINUTES OF WATER RESOURCE DISTRICT

The regular October meeting of the Eddy County Water Resource District was held on October 6, 1981, at 9:00 A.M. in the Eddy County Courthouse. Present were Francis O'Connor, Stanley Ripplinger, Marvin Tollefson & Secretary Hovey. The minutes of the September 1, 1981 meeting were read and approved as read.

Francis O'Connor said he had talked to Norman Rudel about the lack of rip-rap on Kitteltons' dam. Norman was unaware of the problem but apparently will contact the contractor.

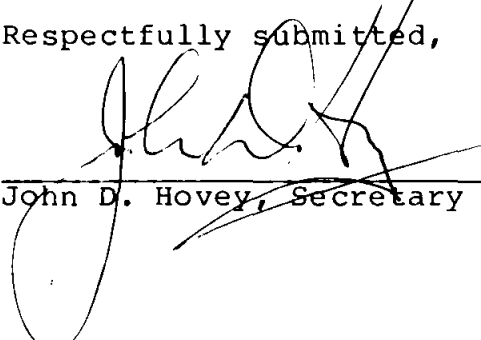
The letter from the State Water Commission was reviewed. A majority of the water districts in North Dakota wanted to leave the boundaries as they are. This of course was the Eddy County Board's position. Apparently the State Water Commission will not pursue redistricting any further.

Glenn & Ed Walz met with the Board regarding North Branch of Rocky Run. They wanted to know when it was going to be voted on and Francis O'Connor reported that Norman Rudel had visited with him and discussed this very problem. Engineer Becker is currently getting his facts and figures together prior to an upcoming meeting on this drain.

The Walzes indicated that they would like to get rid of water on the E $\frac{1}{2}$ of Section 14 so that they can farm at least part of the SE $\frac{1}{4}$. They further indicated that at least part of their water problems on the E $\frac{1}{2}$ of 14 come from the south and southwest. The Board explained the cost problems (*i.e.* Tollefson's water bank payoff and new opening through railway grade) associated with diverting the water southeast through Schwoebel's slough rather than through the main northeast channel. Glenn said he thought that they did not want a dike on their land, but a final decision would have to depend upon a more exact engineering survey.

There being no further business, the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Secretary

JDH:kc

MINUTES OF WATER RESOURCE DISTRICT

The regular September meeting of the Eddy County Water Resource District was held on September 1, 1981 at 9:00 A.M. in the Eddy County Courthouse. Present were Francis O'Connor, Stanley Ripplinger, Marvin Tollefson and Secretary Hovey. The minutes of the August 4, 1981 meeting were read and approved as read. The minutes of the August 5, 1981 Rocky Run Joint Water Board meeting were approved without reading.

Francis O'Connor reported that Engineer Becker has done the survey work between Sections 1 and 2 and has found that the culvert was in the correct location and at the correct elevation. Secretary Hovey was to inform Bickler of this finding by letter.

Stan Ripplinger reported that Mrs. Kittelson had talked to him and indicated her concern that the height of her water supply dam appeared to be too low. The Board will check this out. Fran O'Connor reported that he, Duane Mullenberg and John Becker inspected the work done on the lower end of the Rocky Run on August 20, 1981. They decided that right east of Highway 281, the fence should be taken down and the channel widened and that west of Kittelson's there was a spot to be widened and some Willow trees taken out.

Hovey reported on letters prepared for Rocky Run Joint Board dated August 26, 1981 addressed to Reis and Anderson, and signed by Norman Rudel.

The Board approved renewal of membership in North Dakota Water Users Association and the payment of the \$50.00 dues.

The August 18, 1981 letter from North Dakota Water Management District Association was read and the uniform accounting manual was discussed. A call was placed to Russ Dushinske and he informed the Board that the use of the uniform accounting manual is not mandatory. He also informed the Board that accounting forms for the manual are available from Globe Gazette in Wahpeton. Since the Board Treasurer does not handle any funds at the present time, and since this arrangement seems to be satisfactory, the Board decided not to utilize the uniform accounting manual but did decide to pay the \$20.00 for the manual so that the Board can keep it for future reference.

The Board conducted an on site inspection of the Seiler culverts, Kenneth Reis culvert, Kittelson water supply dam, and locations both east and west of Kittelsons. They found that the water supply dam had not been rip-rapped on the top but assumed this was due to the muddy conditions. All

Minutes Of Water Resource District
September 1, 1981

other items appeared to be done according to plan except that it would appear some leveling is still to be done on the spoil banks.

There being no further business, the meeting was adjourned.

Respectfully submitted,


John D. Hovey, Secretary

JDH:kc

MINUTES OF MEETING

8-5-81

ROCKY RUN JOINT WATER BOARD

A meeting of the Rocky Run Joint Water Board was held on August 5, 1981, at the Eddy County Courthouse. Present were Rudel, Roble, Brockel and Laqua from Wells County; O'Connor, Tollefson, Ripplinger, and Hovey from Eddy County; Mullenberg from Foster County; John Becker from Becker Engineering; Vance and Doris Anderson; and Paul and Kenneth Reis and their attorney, Bob Manly.

Paul Reis stated his concern about the prospects of having more water coming through the Rocky Run from the west. Mainly, he was concerned about flooding around Kenneth's pasture and buildings. He stated that ever since the ditching was done in their area they had no water problem and he didn't want a water problem in the future.

The Board reviewed the history of the Emmerick project. They pointed out that engineering studies show that while there will be more water coming through the Rocky Run, it will be controlled by the use of gates on the upper ends so that the peak flows should not exceed present levels. They made it very clear that the Board could not guarantee against flooding, but that any damage caused by excess waters from the Emmerick area could be eliminated or at the very worst minimized.

Paul stated that he wanted a written agreement guaranteeing against any damage to their crops and/or buildings. The Board explained that they were unable to provide such a guarantee or agreement.

The Board pointed out to Paul that there is no requirement that any ditching be done on either his or Kenny's land, but that the Board was willing to do some ditching and other improvements to their land in order to help take the water away as quickly as possible. Paul and Kenneth agreed to those improvements provided they receive a letter setting forth the following:

1. That all rocks that are up-rooted during the construction work must be picked and buried if possible or if not able to bury them, they must be piled.
2. All fences that are taken down during construction must be replaced.
3. All spoil banks must be leveled.
4. Any areas disturbed must be reseeded to grass.
5. The Board will bear the expense of weed spraying for fire bush during the next year.

Vance and Doris Anderson stated their concern about their water supply system and the possibility of its filling up with silt. They also did not want any construction done on their land until all channel work was done to the east of them. They wanted the Joint Board to assume the maintenance of their reservoir.

It was finally agreed that the contractor could go in and install the culverts to their road before the downstream ditching was done in order to help the contractor out. The Joint Water Management Board will furnish the Andersons with a letter stating the following:

1. The Joint Board will be responsible for the cleaning of silt out of their water supply reservoir.
2. All rocks up-rooted during construction will be picked and buried where possible.
3. All disturbed areas must be seeded back to grass.
4. All spoil banks must be leveled.
5. The Board will bear the expense of spraying for weeds, fire bush, etc., on any disturbed area.

John Becker was going to check with the contractor to see if the Kittleson culverts could be installed before this weekend.

There being no further business, the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Acting Secretary

ADVERTISEMENT FOR BIDS

Construction of Emrick Drain and Lower Rocky Run Improvements
Fessenden, North Dakota

Notice is hereby given that sealed bids for construction of Emrick Drain and Lower Rocky Run Improvements in Wells and Eddy Counties, North Dakota will be received at the Wells County Courthouse, Fessenden, N.D. until 8:00 PM O'Clock on June 15, 1981 at which time the Water Management Boards will publicly open, read and consider the bids heretofore received. All bids must be submitted on the basis of plans and specifications heretofore approved and now on file with the secretary. Copies of the plans and specifications and other bidding and contract documents may be obtained from Becker Engineering and Surveying, P.O. Box 459, Carrington, North Dakota, upon payment of \$30.00 (Non-Refundable) for each set of documents.

The project will consist of the following approximate quantities and the price bid shall include all labor, materials, and equipment:

Common Excavation	178,000 C.Y.
CMP Culverts (24", 36", 42")	834 L.F.
Flared Ends (36", 42")	18 Ea.
Steel Pipe Bored (36", 42")	154 L.F.
Slide Gates (24", 36", 42")	13 Ea.
Crushed Gravel	80 C.Y.
Rock Rip Rap	250 C.Y.
Installation of new CMP culverts furnished by owner	5 Ea.
Dozer Rental	150 Hrs.
Motor Grader Rental	40 Hrs.
And other Appurtance and Related Items	

All bids are to be submitted on the basis of cash payment for the work, and are to be enclosed in a sealed envelope addressed to the undersigned secretary accompanied by a bidder's bond in the sum equal to five percent (5%) of the full amount of the bid, executed by the bidder as principal and by a surety company authorized to do business in this state, conditioned that if the principal's bid be accepted and the contract awarded to him, he within ten (10) days after the notice of award will execute and effect a contract in accordance with the terms of his bid and a Contractor's bond as required by Chapter 48-01 of the North Dakota Century Code. Bid security shall be as required in Section 48-02-04 of the North Dakota Century Code.

All bidders must be licensed for the highest amount of their bids, as provided by Section 43-07-05 of the North Dakota Century Code.

No bids will be read or considered which does not fully comply with the above provisions as to bonds and licenses, and any deficient bid submitted will be released and returned to the bidder immediately.

Work can begin in the fall when crops are harvested and is to be completed by December 31, 1981.

The right is reserved to reject all bids and waive any informality in any bid and to hold all bids for a period not to exceed 30 days after said date of opening bids.

BY ORDER OF THE WATER BOARDS

Foster County
Wells County
Eddy County

Vance L. Kro, Secretary

MINUTES OF WATER RESOURCE DISTRICT

Merrin to l/2/81

The regular August meeting of the Eddy County Water Resource District was held on August 4, 1981, at 9:00 A.M. in the Eddy County Courthouse. Present were Francis O'Connor, Stanley Ripplinger, and Secretary Hovey. The minutes of the July 7, 1981 meeting were read and approved as read.

Francis O'Connor reported on a July 2~~0~~, 1981, meeting at Jamestown on redistricting. The results of that meeting had been previously reported in the Water Resource District Association newsletter.

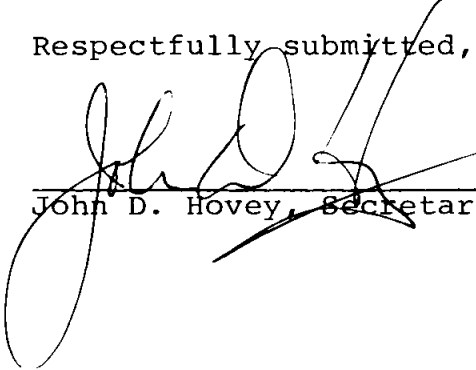
Mike Bickler appeared before the Board. He reiterated the same complaints as he has before. The Board reaffirmed their prior position. Mike threatened the Board that he will see that no water runs through the culvert between Sections One (1) and Two (2).

Secretary Hovey was to write to Becker and have Becker check out the correctness of the location of the present culvert. Also, Becker is to reaffirm that the culvert should actually be there in the first place. We will then notify Mike of these findings.

The Board adjourned to a on-site inspection of the Kittleson crossing because of information they had received regarding problems with the culverts. They were able to determine that the culverts were "kinked" and instructed John Becker to check this out before the installation.

There being no further business, the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Secretary

JDH:md

SECRETARY'S NOTE:

On August 5, 1981, told John Becker that we wanted the survey work done between Sections One (1) and Two (2). He will check this out and submit his report to us.

JDH

MINUTES OF WATER RESOURCE DISTRICT

The regular July meeting of the Eddy County Water Resource District was held on July 7, 1981 at 9:00 A.M. in Eddy County Courthouse. Present were Francis O'Connor, Stanley Ripplinger and Secretary Hovey. The minutes of the June 2, 1981 regular meeting were read and approved as read. All members had attended the June 15, 1981 bid opening session at Fessenden on the Emerick Drain.

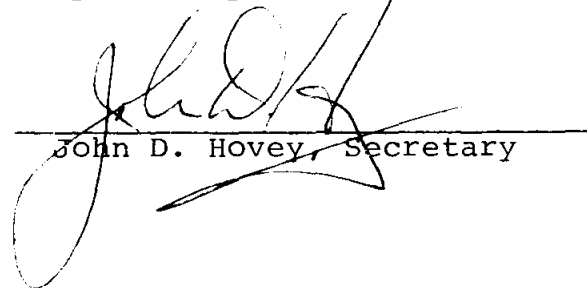
Francis O'Connor reported on a meeting in Fessenden on July 29, 1981 regarding the Emerick Drain whereat the contracts were approved and signed by the Board.

Francis O'Connor also reported on a meeting in Carrington on July 6, 1981 regarding the Emerick Drain. The meeting was with the State Water Commission who approved their participation in the project, except that their present policy will not allow them to pay any part of engineering or legal fees. This has caused a \$11,000. shortfall which will have to be made up by the landowners and/or the various Boards. It was agreed that in view of relatively small participation by Eddy County on the lower end, that our obligation in regards to this matter would be quite insignificant.

The Board then met with the Eddy County Commissioners to present the upcoming budget and to answer any questions.

There being no further business, the meeting was adjourned.

Respectfully submitted,


John D. Hovey, Secretary

MINUTES OF WATER MANAGEMENT BOARD

The regular June meeting of the Eddy County Water Management Board was held on June 2, 1981 at 9:00 A.M. in the Eddy County Courthouse. Present were Francis O'Connor, Marvin Tollefson, and Secretary Hovey. The minutes of the May 5, 1981 regular meeting were read and approved as read.

Hovey reported that he had replied on May 8, 1981 to Mike Bickler's letter of April 31, 1981.

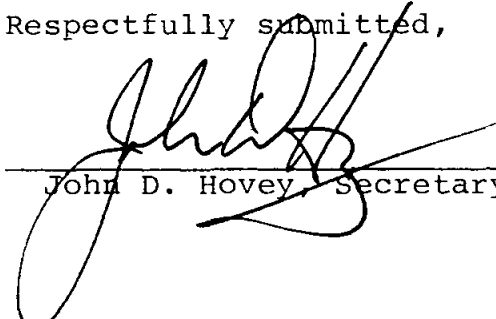
Francis O'Connor reported on a meeting of the Rocky Run Joint Board held May 18, 1981 at Fessenden, ND. The specifications and costs of the culverts were changed somewhat. The new figures are \$17,109.44 (up from \$13,036.78). The increase resulted in part because of extra culvert lengths required by County Commissioners demanding a 2:1 slope (instead of a 1:1 slope as Becker originally specified), and the other part of the increase resulted from higher steel prices.

The advertisement for bids is currently being published and the bids will be open in Fessenden at 8:00 P.M. on June 15, 1981.

The Board then worked on the coming year fiscal budget.

There being no further business, the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Secretary

JDH:dr

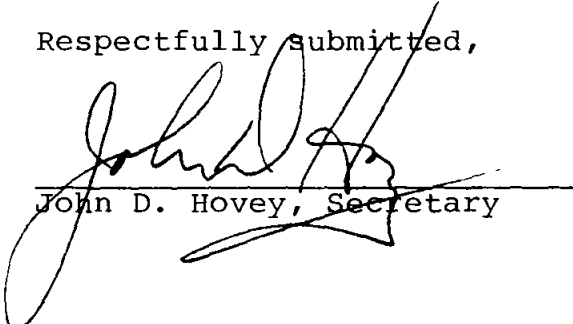
MINUTES OF WATER MANAGEMENT BOARD

The regular May meeting of the Eddy County Water Management Board was held on May 5, 1981 at 9:00 A. M. in the Eddy County Courthouse. Present were Francis O'Connor, Marvin Tollefson, and Secretary Hovey. The minutes of the April 7, 1981 regular meeting were read and approved as read. Mike Bickler's letter of April 31, 1981 was read by the Board. Secretary Hovey was directed to acknowledge the letter and inform Mr. Bickler that since it covers the same subjects as his letter of February 22, 1981 that our reply letter of March 5, 1981 will apply.

The Board then met with the Eddy County Commissioners and were informed that they wanted a 2-to-1 slope on the Haas road.

There being no further business, the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Secretary

JDH:kc

MINUTES OF WATER MANAGEMENT BOARD

The regular April meeting of the Eddy County Water Management Board was held on April 7, 1981 at 9:00 A. M. in the Eddy County Courthouse. Present were Francis O'Connor, Marvin Tollefson, Stanley Ripplinger and Secretary Hovey. The minutes of March 3, 1981 regular meeting and the March 10, 1981 Rocky Run Joint Board meeting were read and approved as read.

Hovey reported that he had written the requested letter to Mike Bickler.

Bob Soderholm met with the Board regarding John Becker's April 1, 1981 letter asking for approval of culverts through the Reis road, Haas road and Kittelson road based on a one-to-one side slope. This is the way it had been bid by the Rocky Run Joint Board without approval from the Eddy County Commission. Bob Soderholm feels that it should be two-to-one on the Haas road but realizes that because of existing bridges on the Reis road and the large existing culvert through Kittelson crossing that it would be impractical if not impossible to obtain a two-to-one slope at those locations.

A call was placed to Becker and Mr. Soderholm visited with him. A second conversation was held with Becker whereby he stated that to make the Haas road a two-to-one slope, an additional 16 ft. of culvert would be needed on the one presently being purchased. This would add approximately \$1,000.00 to the cost of that culvert. In addition, longer end sections would be needed for the existing culvert which would add approximately \$2,000.00 the bid received from H.V. Johnson. Bob Soderholm left the meeting.

The minutes of the March 10, 1981 Rocky Run Joint Water Board meeting were read and approved as read.

Marvin Tollefson reported that he had been in contact with Becker regarding the culvert between Sections 1 and 2 of New Rockford Twp. When Becker staked out the culvert he apparently did not take any measurements as to how far that stake was placed north of the southeast corner of Section 2 (and southwest corner of Section 1) so therefore does not know if his stake was moved before installation of the culvert or not. The only way to recheck this would be to have Becker go in and attempt to relocate the low point between Sections 1 and 2. Since there has been no run off this spring, the Board was unable to make a determination by that means and therefore the matter was tabled for the present time.

The \$75.00 membership dues in the North Dakota Water Management District Association was approved.

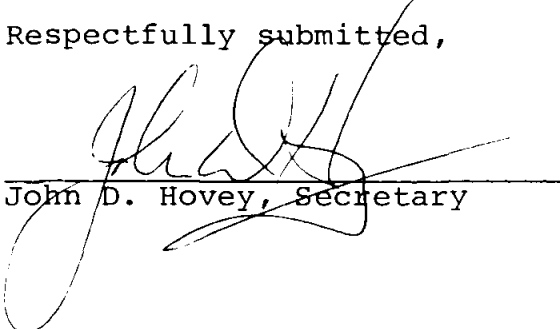
The Board then met with the Eddy County Commissioners and explained to the Commissioners the problems that would be presented if they were to insist on a two-to-one slope on the

Minutes of Water Management Board
April 7, 1981
Page 2

Haas road. The Commissioners will make their decision and notify Mr. Becker by letter.

There being no further business, the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Secretary

JDH:kc

MINUTES OF ROCKY RUN JOINT WATER BOARD

A meeting of the Rocky Run Joint Water Board was held on March 10, 1981 at 2:00 P. M. in the Eddy County Courthouse. Present were: Norman Rudel, Duane Mullenberg, Francis O'Connor, John Becker and John Hovey.

Hovey assured Rudel that the New Rockford High School Basketball team would show up for the game with Fessenden tonight.

Rudel called the meeting to order and stated that the purpose of the meeting was to open bids on culverts. Four bids were submitted:

<u>BIDDER</u>	<u>TOTAL BID</u>
H. V. Johnson Culvert Company-----	\$13,036.78
Fargo Culvert-----	\$13,970.00
Basin Steele, Inc.-----	\$14,933.74
Northwest Sheet & Iron Work-----	\$16,487.86

John Becker checked the specifications on all bids and stated that they conformed to the specifications set forth in the Notice for Bids.

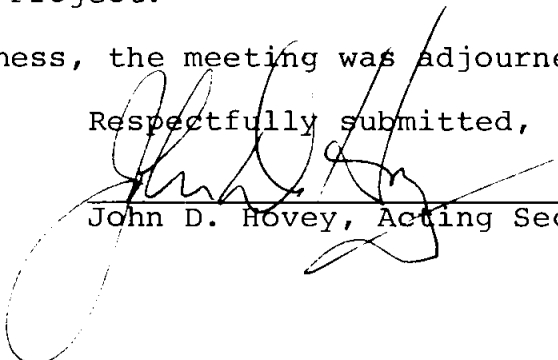
Becker had not yet checked with the Eddy County Commissioners to obtain their approval on the length of culverts through the Haas and Reis roads but will obtain this approval before the next meeting of the board. Becker will also make preliminary inquiry regarding costs of installation of culverts by Eddy County Road Crew. Everyone was agreed that the installation of the culverts would have to be done to engineer's specifications.

It was decided to delay action on the culvert bids for a period of not more than 30 days.

Rudel and Becker briefly reported on an estimated cost overrun of 40% on the Emerick Drain Project.

There being no further business, the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Acting Secretary

cc: Norman Rudel
Duane Mullenberg
Francis O'Connor
John Becker

MINUTUES OF WATER MANAGEMENT BOARD

The regular March meeting of the Eddy County Water Management Board was held on March 3, 1981 at 10:00 A. M. in the Eddy County Courthouse. Present were Francis O'Connor, Marvin Tollefson, Stanley Ripplinger and Secretary Hovey. The minutes of the February 3, 1981 regular meeting and February 6, 1981 Rocky Run Joint Board Meeting were read and approved as read.

Michael Bickler's complaint of February 22, 1981 was considered. The Board divided his letter of complaint into 3 separate parts as follows:

1. That he wants the ditch block between Section 12 of 149-66 and Section 7 of 149-65 removed.
2. That all culverts that have been raised to ground level be put back to the bottom of the road.
3. That the culvert between Sections 1 & 2 of Twp. 149, Rge. 65, be removed.

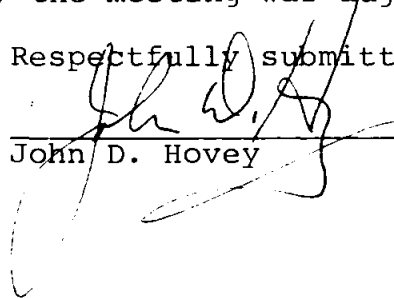
Items 1 & 2 have been the subject of previous complaints and the Boards decision at that time was to leave the ditch block in place and to leave the culverts at ground level. That is also the current decision of the Board and Hovey was instructed to notify Mr. Bickler accordingly.

Item 3 above similar in nature to the Wilcox complaint which was considered at the December 9, 1980 board meeting. At that time it was decided to wait until the spring run off to see what happens to the waterflows in that area. Hovey was instructed to inform Mr. Bickler accordingly. Also, Marvin Tollefson reported that the culvert between Sections 1 & 2 of 149-65 has recently been blocked by someone using a haybale and there is also a question as to whether the culvert was not installed in the wrong place because of someone moving the engineer's stakes. Marvin Tollefson agreed to get all the details regarding culvert and report back at the April meeting.

Hovey reported that no Right-of-Entry forms have been received from any of the landowners in the Rocky Run.

There being no further business, the meeting was adjourned.

Respectfully submitted,



John D. Hovey

JDH:kc

MINUTES OF ROCKY RUN JOINT WATER BOARD

A meeting of the Rocky Run Joint Water Board was held on February 6, 1981 at 10:00 A.M. at the Eddy County Courthouse. Present were Norman Rudel, Arley Brokel, Jerry Schroeder, Francis O'Connor, Stanley Ripplinger, Marvin Tollefson, Duane Mullenberg, John Becker and John Hovey.

Becker reported that he has done some refiguring on the culvert lengths. The State Water Commission told him that the county can buy culverts without bidding. He would assume that this also applies to the joint board.

New figures for all lower-end improvements and culverts including all work at Kittelsons will be approximately \$33,700. Of this amount, the Eddy County Commissioners will contribute \$8,325 toward culverts, the State Water Commission participation will be about \$9,000 and the Emmerick group participation will be about \$10,000. This leaves approximately \$6,375 to be picked up by the joint board.

After much discussion it was decided to request bids on the five culverts to be installed in Eddy County. John Becker was to see that the Notice for Bids was put in the proper publications, after first consulting with the Eddy County Commissioners on the proper length of culverts through Albert Haas and Paul Reis roads.

There being no further business, the meeting was adjourned.

Respectfully submitted,


John D. Hovey, Acting Secretary

JDH:dl

pc: Norman Rudel
Duane Mullenberg
Fran O'Connor
John Becker

MINUTES OF WATER MANAGEMENT BOARD

The regular February meeting of the Eddy County Water Management Board was held on February 3, 1981 at 10:00 A.M. in the Eddy County Courthouse. Present were Francis O'Connor, Marvin Tollefson, Stanley Ripplinger and Secretary Hovey. The minutes of the January 6, 1981 regular meeting and the January 9, 1981 Rocky Run Joint Board Meeting were read and approved as read.

The right-of-entry forms which secretary Hovey had prepared for the signatures of Homer Linderman, Doris Anderson, Elizabeth Wilson, Albert Haas and Paul Reis were discussed and approved as presented. It was decided that Stan and Fran would take the right-of-entry forms to each of the land owners today except that they would drop off Elizabeth Wilson's with Duane Mullenberg and secretary Hovey was to send Homer Linderman's to his address in Arizona.

Francis O'Connor and secretary Hovey reported on a telephone call which Norman Rudel had made to each of them regarding increased costs for culverts resulting from the specifications set forth in John Becker's letter of January 23, 1981. According to the way Norman interpreted that letter he believes there will be a \$5,400 decrease on the culvert cost for Haas and Reis roads but an \$8,000 increase in costs for the pipes at Kittelson crossing due to the increase in length from 50 to 80 feet. Norman had stated that the State Water Commission can participate in the cost of the culverts at Kittelsons but not at Reis and Haas. He was wondering if the Eddy County Commissioners would switch their share of the costs from Kittelson to the Haas and Reis culverts.

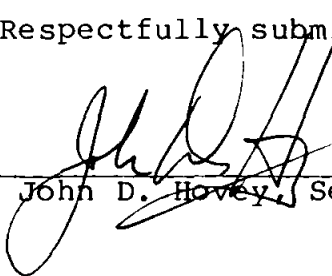
The Board then went to meet with the County Commissioners. Norman Rudel's suggestion (see above) was discussed. The Commissioners finally agreed that they would modify their agreement with the Rocky Run Joint Board so that instead of furnishing 3 culverts up to 50 feet in length they will furnish \$8,325 for the purchase of culverts on the following conditions:

1. That their money is used to purchase culverts.
2. That the culverts so purchased are installed in Eddy County and not in Foster or Wells County.

The Board then reconvened to their office and called Norman Rudel. It was decided to call a meeting for Friday at 10:00 A.M. here in New Rockford. Norman Rudel agreed to Contact Duane Mullenberg and John Becker.

There being no further business, the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Secretary

JDH:dl

MINUTES OF ROCKY RUN JOINT WATER BOARD

A meeting of the Rocky Run Joint Water Board was held on January 9, 1981 at 2:00 P. M. in the Eddy County Courthouse. Present were Norman Rudel, Francis O'Connor, Arley Brokel, Marvin Tollefson, Duane Mullenberg, Jerry Schroeder, Stanley Ripplinger, John Hovey, Wanda Kurtz, Robert Soderholm, Bob Ludwig and Bert Anderson. Also present was Thomas Anderson, an Eddy County farmer.

The Eddy County Water Management Board reported on the meeting with Vance and Doris Anderson. The Joint Board agreed that the three conditions demanded by the Andersons were satisfactory but that they should be put in writing so that there is no question in the future as to what was agreed upon. Those three conditions are as follows:

1. That the Phase 1-Reach 1 channel improvements will be completed to the east of Kittelson farmstead.
2. That the top of the water supply dam will be stablized so as to prevent any future erosion.
3. Any rocks excavated on the Kittelson-Anderson property will be buried or otherwise disposed of.

The next topic discussed was the Eddy County Commissioners' share of the Kittelson crossing culverts. There was some discussion on the history of Eddy County's involvement in the Kittelson crossing and a review of the first agreement between the Eddy County Commissioners and the Rocky Run Board wherein the Rocky Run Board was going to remove the existing crossing and the Eddy County Commissioners were going to construct a new road along the north bank. Since the existing crossing will now be retained the County agreed to furnish three 72" x 44" arched culverts up to but not exceeding 50 ft. in length (each). The County also agreed that the Rocky Run Board could purchase the two additional 95" x 67" arch culverts through Eddy County if we determined that to be the best price. In addition, the Eddy County Commissioners expressed an interest in installing all five of the culverts (three in Kittelson crossing; one north of Albert Haas; and one south of Joe Seiler) here in Eddy County.

It was decided that we would attempt to get right of entry forms from all landowners.

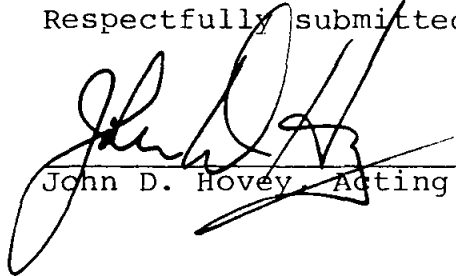
It was estimated that present costs are running approximately \$16,000.00 over original estimates. This includes approximately \$8,000.00 in culverts which the Eddy County Commissioners have agreed to pay for. It was therefore agreed to split the remaining \$8,000.00 overrun on the same percentage as the original \$20,000.00 contribution, which is as follows:

Wells County - 60%
Eddy County - 30%
Foster County - 10%.

Minutes of Rocky Run Joint Water Board
January 9, 1981
Page 2

There being no further business, the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Acting Secretary

JDH:kc

p.c.: Robert Soderholm, Chairman, Eddy County Commissioners
Norman Rudel
Francis O'Connor
Duane Mullenberg

MINUTES OF WATER MANAGEMENT BOARD

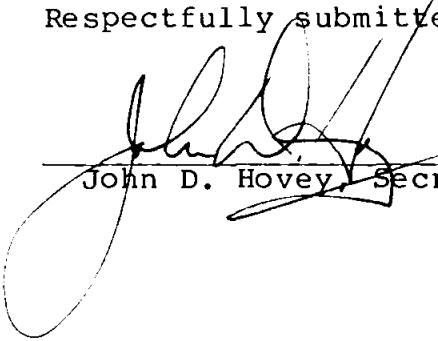
A regular meeting of the Eddy County Water Management Board was held on January 6th, 1981 at 10 00 A.M. All members of the Board together with Secretary Hovey were present. Also present were Vance and Doris Anderson.

The minutes of the December 10, 1980 meeting and the December 16, 1980 meeting were read and approved as read.

Vance and Doris were shown the blueprints of their reservoir and dam. They stated that they would insist something be done to increase the flow of water to the East so that water would not back up as it did this fall and flood out their crop. The Board explained to the Andersons that channel improvement was in the plans for the Phase 1 - Reach 1 improvements. They also insisted that all rocks that are uprooted be buried. They also insisted that the top of the dam must be stabilized so as to keep it from washing out. If all of the above are done, the Andersons will not object to modifications to their dam as proposed (lowering it to 1517.0 feet). The Board agreed to let them know of any changes in plan.

Right-of-entry forms were discussed. Francis O'Connor stated that the subject was brought up at the December 16, 1980 meeting but there was nothing definite decided. It was agreed to bring it up again at the meeting to be held on the 9th of January.

Respectfully submitted,



John D. Hovey, Secretary

JDH:d1

MINUTES OF WATER MANAGEMENT BOARD

A special meeting of the Eddy County Water Management Board together with the Wells and Foster County Boards was held on December 16, 1980 at 2:00 P.M. in the Eddy County Courthouse. Present were Francis O'Connor, Stanley Ripplinger, Norman Rudel, Arley Brokel, Jerry Schroeder, Duane Mullenberg and John Becker. Stanley Ripplinger was appointed secretary of the meeting. Norman Rudel reported that all Wells County Easements have now been signed in regard to the Emmerick Drainage area.

John Becker gave us his engineering opinion on the Kittelson crossing. He stated that the State Water Commission proposed a reduction in the height of the Kittelson Dam from its present elevation to an elevation of 1517.0 feet. This would leave Kittelsons with approximately 12 feet of water in their reservoir however it would greatly increase the water flow since in effect the entire dam would become a spillway. The other option would be to widen the channel on the south edge of the dam. The removal of the top of the dam would involve moving approximately 1200 yards of dirt.

At the Kittelson driveway there will be three small culverts installed measuring 72" by 44". One mile east of Highway 281 there will be a 95" by 67" culvert installed and the same thing two miles east of Highway 281. The cost of all improvements will be approximately \$50,000 as follows:

Channel clean-out	\$ 9,500
Work done between Highway 281 and Kittelson's	1,500
Three Culverts at Kittelson's	16,000
Two miles east of Highway 281	9,300
One mile east of Highway 281	12,600
Lowering of Kittelson Dam	<u>1,500</u>
TOTAL:	\$50,400

It was decided that we would attempt to meet again on the 7th or 9th of January, 1981.

Respectfully submitted,


Stanley Ripplinger, Secretary
By John B. Hovey, Secretary

JDH:dl

p.c.: Norman Rudel
Duane Mullenberg
Francis O'Connor

MINUTES OF WATER MANAGEMENT BOARD

The recessed meeting of the Eddy County Water Management Board was held on December 9, 1980 at 9:00 A.M. in the Eddy County Courthouse. Present were Francis O'Connor, Stanley Ripplinger, secretary Hovey, C. H. Wilcox, Duane Weber and Mike Bickler. The minutes of the November 4, 1980 and November 6, 1980 meetings were read and approved as read.

Francis O'Connor informed the Board that Norman Rudel has requested a meeting for either the 16th or the 18th of December. It was decided to hold it on the 16th at 2:00 P.M.

Wilcox, Weber and Bickler were all present in regard to the same matter; that being the installation of the culvert between Sections 1 & 2 of New Rockford Township. All three stated that the culvert should be removed because it will be a benefit to no one but a detriment to Mr. Wilcox and Mr. Bickler. They also stated that it should not have been installed at its present location because the low point along that section line is approximately one quarter mile north of where it is presently installed. They also pointed out that there was an approach between the Southeast quarter and the Southwest quarter of Section 1. This approach has no culvert in it and if it is removed, it will just allow the water to go onto Mike Bickler's land in Section 1 where it will sit. They did not feel that the water would find its way east into Section 6 of Sheldon Township. It was their opinion that if all of the roads were removed that very little water would go from ~~east~~ ^{west} to ^{east} west across the south portion of Section 1. They did, however, all agree that since the culvert between Sections 1 & 2 has only recently been installed, they don't actually know what will happen when the water starts to run. We should be able to tell in the spring and it was decided by the board to reserve action on Mr. Wilcox's complaint of November 30, 1980 until further information is available.

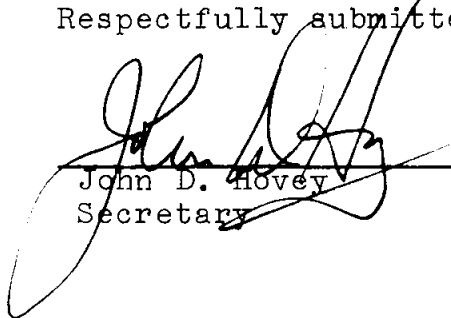
The board was informed by secretary Hovey of Cary Backstrand's call in response to Hovey's inquiry about whose land will have to be entered for cleanout on the Rocky Run. Backstrand stated that we would have to do some cleanout on all parcels from the Section line between Sections 21 & 22 to one mile West of Highway 281. The Board does not agree with this assessment and it was decided to hold up the drafting of any right-of-entry forms until after the joint meeting on December 16th at 2:00 P.M.

Delvaine Gjestvang called Francis O'Connor on December 8th and asked if the Board still wanted the two 36" culverts raised on the Southeast corner of the Quentin Georgeson farm. Since the culvert between Sections 1 & 2 may have to be moved further North or removed completely, it was decided to wait until spring.

Minutes of Water Management Board
December 10, 1980
Page 2

There being no further business, the meeting was adjourned.

Respectfully submitted,



John D. Hovey
Secretary

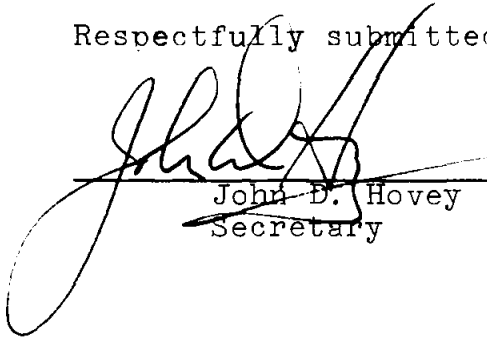
JDH:dl

MINUTES OF WATER MANAGEMENT BOARD

A regular meeting of the Eddy County Water Management Board was held on December 2, 1980 at 9:00 A.M. in the Eddy County Court-house. Present were Stanley Ripplinger, Secretary Hovey, Clarence Wilcox, Duane Weber and Mike Bickler.

There being no quorum the meeting was ~~adjourned~~ ^{resuspended}.

Respectfully submitted,



John D. Hovey
Secretary

JDH:dl

MINUTES OF WATER MANAGEMENT BOARD

A special meeting of the Eddy County Water Management Board was held on November 6, 1980 at 9:00 A.M. in the Eddy County Courthouse. Present were all members of the board, secretary Hovey, Alfred Tollefson and Dale Nystrom from Sheldon Township and Walter Jones and Lawrence Anderson from New Rockford Township.

The complaint from Mike Bickler dated October 7, 1980 and the complaint from C. H. Wilcox dated October 14, 1980 were reviewed by all present. It was pointed out that the culvert between Sections 1 & 2 of New Rockford Township was 18 inches; that the culvert installed between Section 6 of Sheldon Township and Section 1 of New Rockford Township was 24 inches; and that the outlet pipe between Section 6 & 7 of Sheldon Township was back down to 18 inches. It was agreed by all concerned that this was not right and that the 24 inch culvert in the middle should be exchanged for an 18 inch pipe.

The supervisors from the two townships involved agreed to see to the exchange of these pipes. They also will double check the measurement of these pipes before taking any action.

The board unanimously decided not to install a culvert between Sections 1 & 12 of New Rockford Township as requested by C. H. Wilcox in his complaint. Should future evidence show that ~~the~~ *the 24* *unatural* water is being wrongfully diverted to the east, the board would consider a new complaint. Secretary Hovey was directed to write a letter to Mr. Wilcox.

Secretary Hovey was also directed to write a letter to Mike Bickler informing him that the township supervisors have agreed to reduce the culvert between Section 6 of Sheldon Township and Section 1 of New Rockford Township from 24 inches to 18 inches; that the north end of the pipe between Sections 6 & 7 of Sheldon Township will be trimmed; and that Becker Engineering states that the elevation of that same pipe is at ground level and that no further raising or lowering of the pipe will be done at this time.

There being no further business, the meeting was adjourned.

Respectfully submitted,



John D. Hovey
Secretary

JDH:dkl

MINUTES OF WATER MANAGEMENT BOARD

The regular November meeting of the Eddy County Water Management Board was held on November 4, 1980 at 9:00 A. M. in the Eddy County Courthouse. Present were Francis O'Connor, Marvin Tollefson, Stanley Ripplinger and Secretary Hovey. The minutes of the October 7, 1980 meeting were read and approved as read.

The Board O.K.'ed authorization for Becker Engineering to be present when Delvaine Gjestvang moves the culverts between Sections 2 and 12 of New Rockford Twp. Delvaine Gjestvang requested this so that he would not be responsible for elevations.

The Mike Bickler and C.H. Wilcox complaints were considered together since they relate to the same matter. First of all the Board discussed the costs of throttling down the 24" culvert between Section 6 of Sheldon Twp. and Section 1 of New Rockford Twp. The costs of such a throttle would be anywhere from \$130.00 to \$200.00 and probably would not be satisfactory to everyone. The Board then decided to have the New Rockford and Sheldon Twp. Supervisors meet with the Water Management Board at a special meeting on Thursday, November 6, 1980 at 9:00 A. M. Secretary Hovey was instructed to write a letter to the Twp. Chairmen.

The District Meetings of the North Dakota Water Management Districts Association are coming up and it was decided that all of the Eddy County Board members would attempt to be present at the meeting in Devils Lake on November 11, 1980.

Secretary Hovey requested instructions on what to do about the right of entry forms on the lower end of the Rocky Run. He was instructed to wait until it is determined exactly whose land will be affected and from whom we will need a right of entry form.

Cary Backstrand's letter of October 23, 1980 was reviewed. It will be considered at the next Joint Board meeting.

There being no further business, the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Secretary

JDH:kc

F I L E M E M O

Water Board

10-22-80

Received call from Cary Backstrand. State Water Commission has now received Becker's survey (which is more detailed than anything they had before) and that survey shows that the Kittelson water supply dam and impoundment is actually more of a restriction to the flow on the Rocky Run than was originally thought.

That means that the "slope" of the water is going to be steeper than originally thought which will require all culverts through the road to run at a lower head. This means that the recommended culverts (which they originally thought would be plenty large enough to handle all Phase II improvements) are not excessive. When and if Phase II improvements are completed additional culverts would be required.

JDH:kc

Water Board

10-30-80

Received call from Fran O'Connor. He okayed Becker to be present when Gjestvang changes culverts. Called Becker's office and he apparently will be available this weekend. Gjestvang will be notified so that he can coordinate actual times, etc.

JDH:dkl

M E M O

10-10-80

Visited with Dave Sprynczynatyk regarding size and number of culverts on Kittelson road crossing.

According to State Water Commission field data, the Rocky Run capacity immediately west of the Kittelson dam is 700 CFS before Phase II improvements. Anything over and above that will spill over the Rocky Run banks, most of which will go down the Kelly Creek. Dave did say that they had just recently received Becker's field notes which may make some changes in their projections. However, he thought that any changes would be quite small.

I told him that the Eddy County Water Management Board had no objection to modifications in the Kittelson Water Supply Dam so that it would be sufficient to handle all flows after any Phase II improvements might be made. He agreed that we only wanted to make changes to the dam and reservoir this one time only.

Dave was very open and admitted that the only reason for requiring a 1000 CFS culvert capacity through the Kittelson road crossing was so that they did not have to go in again when future Phase II improvements might be made. I told him the Water Board faced two problems if they were going to insist on 1000 CFS through the road:

1. Eddy County would refuse to pay for any excess culvert capacity.
2. Downstream landowners would undoubtedly demand to know why several large culverts were being placed in the Kittelson road crossing and they were each receiving much less in the way of capacity.

I explained to Dave that the Board had "gone to bat" for the State Water Commission's previous position that the road had to be removed and eventually when we found out the road did not actually have to go, it put us in an embarrassing situation. I told him there was much suspicion between the downstream Eddy County landowners and the intentions of the Wells County landowners and Water Management Board.

Dave said that they would look over Becker's information and he would get back to me by telephone next week.

JDH:kc

MINUTES OF WATER MANAGEMENT BOARD

The regular October meeting of the Eddy County Water Management Board was held on October 7, 1980 at 9:00 A.M. in the Eddy County Courthouse. Present were Francis O'Connor, Marvin Tollefson, Stanley Ripplinger and Secretary Hovey.

The minutes of the September 2, 1980 meeting were read and approved as read.

Clay Sorenson from the State Highway Department met with the board regarding the Bernard Mullen matter. He more or less restated the same position that has been taken in the past by Ron Horner. That highway department policy requires a "sponsor" for any drainage into highway right-of-way. The board explained that they fully understood the highway department policy and restated our policy to Mr. Sorenson that the board does not get involved in drainage where less than 80 acres is to be drained. The board agreed with Mr. Sorenson that they investigate all complaints that are filed, but they refuse to police the construction of a drain or maintenance in matters such as we have here.

Mike Bickler appeared before the board and left a written complaint which shall be referred to the October 7, 1980 complaint.

The board then reviewed the State Water Commission letter of September 3, 1980 regarding the additional pipes which they require through the Kittleson road crossing. The board then ~~went~~ ~~and~~ met with the county commission and the county commission stated that it would commit itself to culverts of the size sufficient to handle the flow of the rocky run but would not pay for any excessive sized culverts. John Hovey was instructed to get in touch with Dave Sprynczynatyk to see if the 3 alternatives contained in the September 3, 1980 letter are absolutely necessary for the Rocky Run flow as presently planned.

The October 7, 1980 complaint of Mike Bickler was discussed. The board conducted an on-site inspection of the areas complained of. The board found that there was an 18 inch pipe between Sections One and Two of New Rockford Township and that there was a 24 inch pipe between Section Six of Sheldon Township and Section One of New Rockford Township and that there was an 18 inch pipe between Sections Six and Seven of Sheldon Township. The board instructed secretary Hovey to write a letter directing New Rockford and Sheldon Township to throttle the 24 inch pipe down to 18 inches. The board also found that the culvert between Section Six and Seven of Sheldon Township was bent on the inlet side and ordered it repaired. The board also found that the culverts between Sections Two and Twelve of New Rockford Township had not been raised and secretary Hovey was instructed to contact Delvaine Gjestvang and have this matter taken care of.

Minutes of Water Management Board
October 7, 1980 meeting
Page 2

There being no further business, the meeting was adjourned.

Respectfully submitted,



John D. Hovey

JDH:dkl

P. S. On 10-8-80 call Lawrence Anderson. Lawrence said that in view of all the hassling they decided not to do anything on the culverts between Sections Two and Twelve of New Rockford Township and would let the Water Board move the culverts. I called Delvaine Gjestvang and asked if he would go over and move the culverts and he said he wanted a couple days to consider it. He is to get back to me. He did however agree that he would cut off the bent end of the culvert between Section Six and Seven of Sheldon Township.

MINUTES OF WATER MANAGEMENT BOARD

The regular September meeting of the Eddy County Water Management Board was held on on September 2, 1980 at 9:00 A.M. in the Eddy County Courthouse. Present were Francis O'Connor, Marvin Tollefson and secretary Hovey.

The minutes of the August 5, 1980 regular meeting were read and approved as read. However, Marvin Tollefson pointed out that the information received from Mr. Georgeson and or Mr. Hegland that all of the culvert work has been done is apparently not correct. Marvin Tollefson said that as far as he knew the two culverts running southeast from Quentin Georgeson's land have not yet been moved.

The minutes of the August 13, 1980 and August 16, 1980 special meetings were read and approved as read.

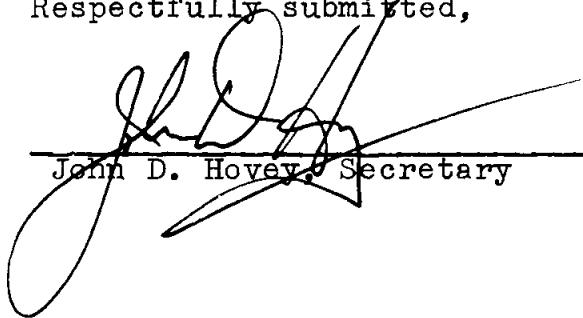
Secretary Hovey reported that he, Jerry Schroeder, and Duane Mullenberg met at the Dairy Queen in New Rockford on August 27, 1980. Cary Backstrand was to have been there but called in that he would be late. In any event, Jerry Schroeder and Duane waited around at the Dairy Queen and delivered the photocopies of the SCS plans on the Kittleson Dam to Mr. Backstrand.

We called Cary Backstrand during our meeting and Cary said that his preliminary reports indicated that the Kittleson water supply problem could be solved by lowering the spillway approximately a foot to one and a half feet and widening the spillway slightly. He said that the State Water Commission is going to suggest the installation of culverts in the road for a ten year flood frequency which, of course, is more capacity than is needed for the work to be done presently.

The Board agreed that work was needed to get the north branch of the Rocky Run project moving again and they agreed to bring the subject up at the next joint Board meeting.

There being no further business, the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Secretary

JDH:dkl

MINUTES OF WATER MANAGEMENT BOARD

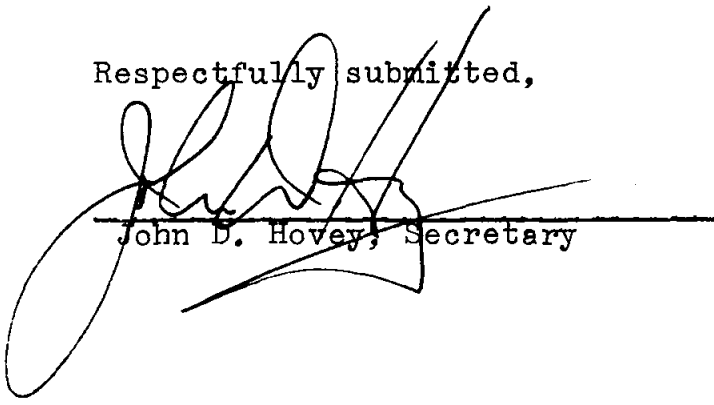
A special meeting of the Eddy County Water Management Board was held on August 16, 1980 at 9:00 A.M. in the offices of Hovey & Bekken, Ltd. All board members and secretary Hovey were present. Also present were all members of the Wells County Board; Duane Mullenberg; and Fabian Noack.

first The results of the meeting between the Eddy County Water Board, Eddy County Commissioners and Doris and Vance Anderson on Friday, August 15, 1980 were presented to the group. The Eddy County Board informed the group that they felt the Kittlesons had a legitimate complaint and that all possibilities should be explored to save their farmstead access road and domestic water supply if possible. Various ways were discussed to accomodate the Andersons on these problems but eventually it was agreed that the State Water Commission and/or John Becker would have to analyze it from an engineering standpoint. Norman Rudel will notify the State Water Commission.

The Wells County Board expressed their concern over the Kittleson situation in the event additional drainage projects were approved upstream. They called attention to the fact that Wells County was making a \$20,000 investment in the lower reaches of the Rocky Run and wondered if this investment would receive any future consideration. The Eddy County Water Board considers all current investments in the lower reaches of the Rocky Run to be an investment relating to the Emerick Drain only and is not to be used as leverage by any county in the event of future drainage projects.

Everyone present then drove to the Doris Kittleson farmstead for an onsite inspection. There being no further business, the meeting was adjourned.

Respectfully submitted,


John D. Hovey, Secretary

JDH:dkl

cc: Duane Mullenberg
Fabian Noack
Norman Rudel

MINUTES OF WATER MANAGEMENT BOARD

A special meeting of the Eddy County Water Management Board was held on August 13, 1980 at 2:00 P.M. All members of the Eddy County Board were present together with all members of the Wells County Board and Duane Mullenberg from Foster County.

The first question discussed was whether construction easements would be an absolute requirement in view of the authority of the Board to enter upon nonnavigable streams under Section 61-01-23 of the North Dakota Century Code for the purpose of "Snag and Clear". It was decided that we would not insist upon easements if the landowners gave right of entry.

The next matter discussed was the Kittleson Crossing and specifically the problems as outlined in my letter of August 8, 1980 addressed to Francis O'Connor. Duane Mullenberg and Norman Rudel both stated that they had visited with the State Water Commission this morning and the State Water Commission is going to stand on their original position that the Kittleson Crossing must be removed.

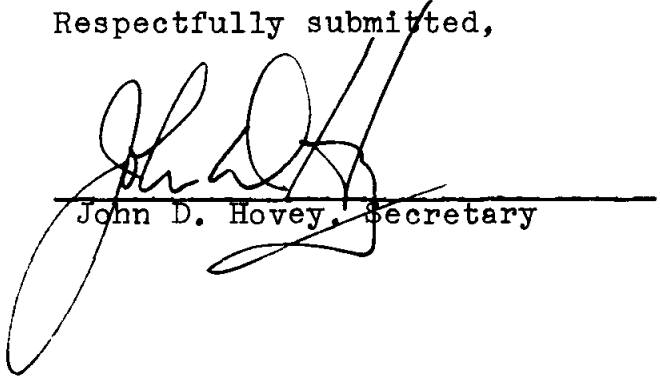
It was then agreed that the following dates would be reasonable deadlines for the progress of the downstream improvements in 1980:

- 8-27-80 Deadline for easements and right of entry forms
- 8-28-80 Start condemnation action
- 9-8-80 Advertise for bids
- 10-01-80 Last date to start construction
- 11-01-80 Freezeup

It was decided that the Eddy County Water Management Board together with the Eddy County Commissioners would attempt to meet with Mrs. Kittleson on Friday morning at 9:00 A.M.

There being no further business, the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Secretary

JDH:dkl

cc: Duane Mullenberg
Norman Rudel

MEMO

8-12-80

Received call from Gary Hegland. He wanted to know if they needed easements. I told him yes and explained why. He also wanted to know if they needed a permit from us and I told him I would find out and since he had been talking to John Becker he learned that the original Drain 1 was designed on a 25 year flood frequency and that the State Water Commission will probably go on a 10 year flood frequency at present. I told him again I would find out.

I called Cary Backstrand and Cary affirmed that they would need a permit from the State Water Commission and he strongly urged that the local Water Board insist on this being a legal drain so that they retain control. Cary also said that the State Water Commission would undoubtedly approve a 10 year frequency on the structures but might insist on the 25 year frequency for the ditches themselves. He also indicated that they may condition the drainage permit on requiring that controls be installed on the structures.

8-13-80

I visited with Mike Dewyer. Told him that on the Rocky Run project we were having problems with some landowners not agreeing to the easements. He informed me that the State Water Commission does not have a policy that would absolutely require easements but that they thought it was good advice to get them.

JDH

MINUTES OF WATER MANAGEMENT BOARD

The regular August meeting of the Eddy County Water Management Board was held on August 5, 1980 at 9:00 A. M. in the Eddy County Courthouse. Present were Francis O'Connor, Stanley Ripplinger, Marvin Tollefson and Secretary Hovey. Also present was Gary Hegland, Quentin Georgeson and Ed Walz. The minutes of the July 1, 1980 regular meeting, the July 14, 1980 special meeting and the July 23, 1980 special meeting were read and approved as read.

Ed Walz made his appearance in regard to the North Branch of the Rocky Run drainage project. He wanted to know what was happening on this project and when the landowners could expect some action. Mr. Walz was told that the Board hoped to bring it to a vote yet this year.

Quentin Georgeson and Gary Hegland came before the Board in regard to the New Rockford and Sheldon Twp. water problems. Apparently all of the culvert work has been done as ordered by the Board. Mr. Georgeson and Mr. Hegland are the leaders of a group who want to construct a drain along the same route as the Eddy County Drain #1. The original 1975 figures concerning Drain #1 were reviewed and they were going to try and obtain the necessary easements.

Orval Roble next appeared on behalf of Dome Pipeline Corporation. The Dome Pipeline maps were reviewed as to where they crossed Oak Creek and the Rocky Run in Eddy County. Mr. Roble said that the pipeline would be buried along its entire length. The Board decided to sign the Permit provided that the pipeline would be under the existing ground level and that Dome Pipeline would bear all costs of moving the line in the future which would be required by the construction of future drainage projects.

Secretary Hovey reviewed the latest information on the Sheyenne Dam and the proposal of the State Water Commission to make the necessary repairs. The Board agreed that the State Water Commission should make the repairs if they are willing to do so.

Hovey then reported on the Water Management District Association Meeting in Carrington held on August 1, 1980.

The Board then discussed the situation concerning the Easements on the lower end of the Rocky Run. Secretary Hovey reported that he had delivered Easements to Paul Reis, Albert Haas, Doris Kitelson, and Homer Linderman. He also reported that Homer Linderman has initially indicated that he will not sign the Easement. It was agreed that we would present Easements to all of the landowners. If any of them refuse to sign, then we will determine which lands can be entered upon under Section 61-01-23 of the North Dakota Century Code (Snag and Clear) and which ones we will

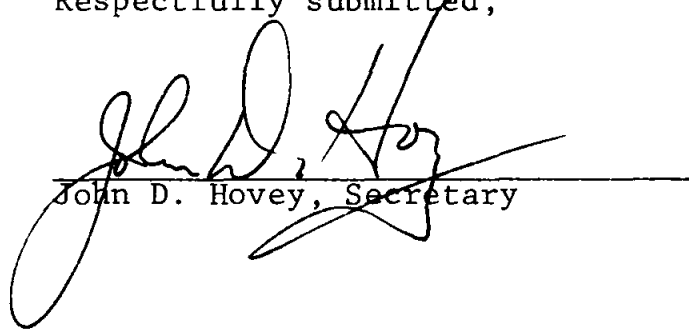
Mintues of Water Management Board
August 5, 1980
Page 2

have to condemn.

Francis O'Connor and Secretary Hovey then met with the County Commissioners regarding the Kittelson driveway and construction of the new road. Ralph Leitchman indicated that it was his understanding also that Doris and Vance Anderson ^{had been} ~~were~~ in agreement to build a new road and that the Board of County Commissioners would send someone out to talk to them.

There being no further business, the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Secretary

JDH:kc

MINUTES OF WATER MANAGEMENT BOARD

A special joint meeting of the Wells, Foster and Eddy County water management boards was held on July 23, 1980 at 8:00 P.M. in the Wells County Courthouse. The topic of discussion was the Emerick Drainage project.

The State Water Commission permit dated July 11, 1980 was reviewed. The responsibility of obtaining construction and flowage easements was discussed. The Eddy County Board will be responsible for obtaining the construction easements on the lower end of the Rocky Run and the Wells County Board will be responsible for easements in their county.

It was agreed to offer to remove the obstruction in the North West Quarter of Section 22, Township 148, Range 66. This would be done at no cost to the owners, Joseph Seiler.

The Eddy County Board was asked to remind the Eddy County Commissioners about the construction of the Kettelson Road.

It was agreed by all present that some form of written agreement would be in order setting forth the rights and responsibilities once the project is complete.

There being no further business, the meeting was adjourned.

Respectfully submitted,


John D. Hovey, Secretary

Board all present
JH

MINUTES OF WATER MANAGEMENT BOARD

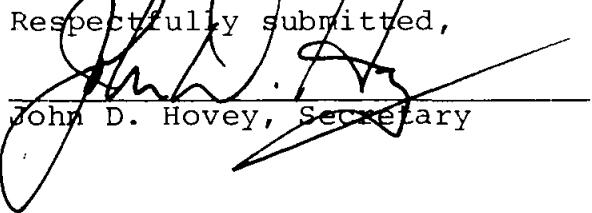
A special meeting of the Eddy County Water Management Board was held on July 14, 1980 at 8:00 P. M. at 523 Central Ave. New Rockford, ND. All board members and Secretary Hovey were present. Also in attendance were Walter Jones and Lawrence Anderson from the Rockford Twp. Supervisors and Delvaine Gjestvang.

Delvaine Gjestvang reported he had recently pulled his equipment over to the corner of the Quentin Georgeson property in New Rockford Twp. Apparently Mike Bickler had approached him and threatened a law suit if a culvert is installed between Sections 1 & 2. Apparently the New Rockford Twp. Supervisors want a decision from the Water Management Board as to the installation of that culvert. The Water Management Board re-emphasized the position they took at the 10-26-79 meeting in that this board will not get involved in the actual placement of culverts. This is a decision that the various twps. will have to make for themselves. Mr. Gjestvang pointed out that there was no threat of bodily injury to himself but he felt that the twp. supervisors and the Water Management Board should be advised about his meeting with Mr. Bickler before any work was done.

The Dome Pipeline request was reviewed again. Maps left by Orval Roble were examined and it was decided to have Mr. Roble come to the August meeting. It was suggested that we identify for Mr. Roble the points of concern and then Dome Pipeline's engineers can tell us how deep the pipe will be at those points. We can then verify with the State Water Commission that the suggested depth is satisfactory for any foreseeable work or improvements on the various channels and at that point can approve Dome Pipeline's request.

Hovey was instructed to contact the Highway Department about the Mullen drainage matter; and more specifically about a recent telephone call Fran O'Connor received from Mr. Ron Horner.

There being no further business, the meeting was adjourned.

Respectfully submitted,

John D. Hovey, Secretary

JDH:kc

P. S. July 17, 1980 - I visited with Ron Horner at the State Highway Department in a.m. Mr. Horner affirmed our prior information that any involvement by our board on behalf of Mr. Mullen is required by Highway Department policy only and that he knows of no statutory requirement that we must get involved. He said that it was his understanding that the local Water Boards must get involved in all drainage and that it is only when the drainage exceeds 80 acres that the State Water Commis-
XXXXXXXXXXXXXXXXXXXX

Minutes of Water Management Board
Special Meeting - July 14, 1980
Page 2

P. S. (Continued...)
sion becomes a party. I explained to him that such a policy would require local Water Board involvement every time a farmer hooked up his scraper. We debated the merits of such a policy with neither being able to convince the other to change his position. JDH

MINUTES OF WATER MANAGEMENT BOARD

The regular July meeting of the Eddy County Management board was held on July 1, 1980 at 9:00 A.M. in the Eddy County Courthouse. Present were Francis O'Connor, Stanley Ripplinger, Marvin Tollefson and Secretary Hovey. The minutes of the May 6, 1980 regular meeting, May 22, 1980 special meeting, and June 3, 1980 regular meeting were read and approved as read.

A motion was made, seconded and carried to inform the New Rockford township supervisors that the culverts at Quentin Georgeson's corner must be completed on or before October 1, 1980.

Secretary Hovey informed the board that Albert Haas has been furnished a copy of his original application to drain dated December 16, 1975 but that Mr. Haas had told Hovey to hold up on the processing of this application until Albert contacts us.

The requested easement submitted by Dome Pipeline Corporation was discussed. Secretary Hovey was instructed to notify Orval Roble that the Water Management Board was not interested in granting them a blanket permit but would consider the permit when the exact route was decided upon.

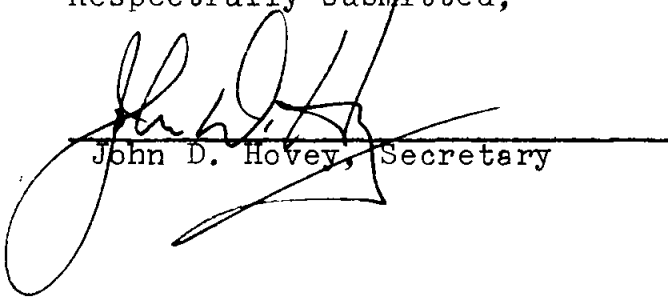
Bernard Mullens letter of June 1, 1980 was discussed. The board again noted that the land owner does not need a permit to drain less than 80 acres. Secretary Hovey was instructed to inform him of this action.

Fabian Noack's letter of May 19, 1980 to Ralph Christianson was read and received favorable comments from all present.

The budget for the fiscal year ending June 30, 1981 was drafted and submitted to the county auditor.

There being no further business, the meeting was adjourned.

Respectfully submitted,


John D. Hovey, Secretary

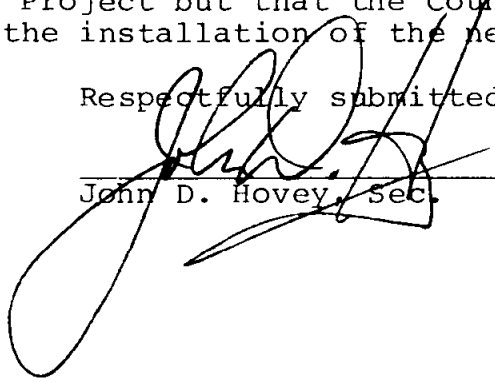
JDH:dkl

MINUTES OF WATER MANAGEMENT BOARD

The regular June meeting of the Eddy County Water Management Board was held on June 3, 1980 at 9:00 A. M. in the Eddy County Courthouse. Present were Francis O'Connor and Secretary Hovey. Since no quorum was present the meeting was recessed until the week of June 9th.

Francis O'Connor and John Hovey met with the County Commissioners regarding the Kittleson farm road. The Commissioners were told that the removal of the Kittleson crossing and culvert would be born by the Emerick Drainage Project but that the County Commissioners will be responsible for the installation of the new road.

Respectfully submitted,



John D. Hovey, Sec.

JDH:kc

MINUTES OF WATER MANAGEMENT BOARD

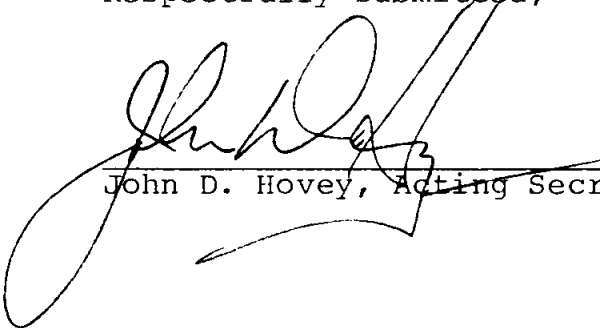
A special joint meeting of the Wells, Foster and Eddy County Water Management Boards was held on May 22, 1980 at 8:00 P. M. in the Eddy County Courthouse. Topic for discussion was the Emerick Drainage Project.

It was agreed to proceed with the Emerick group drain and to make the following improvements on the Lower Rocky Run:

1. Remove Kittleson farm crossing.
2. Add 1-95 x 67 arch culvert one mile east of Highway 281.
3. Add 1-95 x 67 arch culvert two miles east of Highway 281.
4. Make all phase one improvements from 1 mile west of Highway 281 to the James River.

There being no further business, the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Acting Secretary

JDH:kc

MINUTES OF WATER MANAGEMENT BOARD

The regular May meeting of the Eddy County Water Management Board was held on May 6, 1980 at 9:00 A. M. in the Eddy County Courthouse. Present were Francis O'Connor, Stanley Ripplinger, Marvin Tollefson and Sec. Hovey. The minutes of the April 1, 1980 meeting were read and approved as read.

A call was made to John Becker to check on the elevation of the two culverts which run SE from Quentin Georgeson's land in New Rockford Twp. John informed us that he had conducted a survey of this area last fall and that the culverts are approximately each 1 foot low on the controlling end which is the north or northwest end of the culverts.

Mark Krebsbach's Petition for Water Appropriation was reviewed.

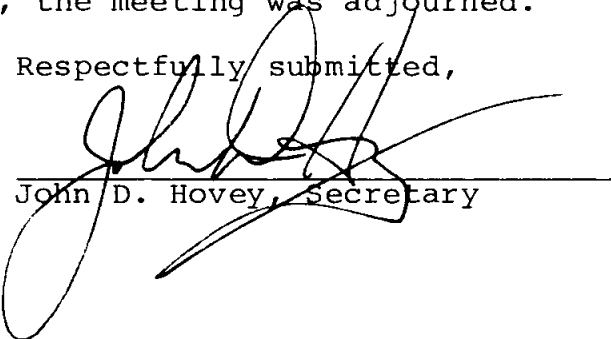
The April 22, 1980 letter from the Wells County Water Board regarding their intentions to proceed with a new drain in the Emrick area was reviewed. The question arose as to whether the Eddy County Water Management Board should take a position at this time either in favor of or against the project. It was decided to defer this action until the State Water Commission's Engineering Report is received so that we know what is needed on the downstream end of the Rocky Run.

A call was placed to Albert Haas to see if he wished to pursue his drainage application #746. He informed the Board that he did want to pursue it and Sec. Hovey is to write a letter to the State Water Commission.

The budget for the coming Fiscal Year will be prepared at the next meeting. Wanda Kurtz is to have details on last year's business ready at that time.

There being no further business, the meeting was adjourned.

Respectfully submitted,


John D. Hovey, Secretary

JDH:kc

MINUTES OF WATER MANAGEMENT BOARD

The regular April meeting of the Eddy County Water Management Board was held on April 1, 1980 at 10:00 A. M. in the Eddy County Courthouse. Present were Francis O'Connor, Stanley Ripplinger, Marvin Tollefson and Sec. Hovey. Also present at the start of the meeting were Jerry Engels and Kenneth Anderson.

Mr. Engels and Mr. Anderson met with the Board regarding the Oak Creek and Emerick Drain Projects. They objected not only to the construction of the project but also to the amount of assessments against their respective land. Mr. Engels stated that his assessment was \$11,000.00 and there was no way that he would get this much benefit from the drain. Kenneth Anderson felt that the Eddy County Board should be against the project and that the Board was not doing enough to stop it. They were advised to attend the meeting in Fessenden on April 7, 1980.

Carl Throlson then appeared before the Board about the raising of the culverts in New Rockford and Sheldon Twps. He was read the ~~January~~ ^{February} 5, 1980 Minutes at the meeting.

The minutes of March 4, 1980 regular meeting and the March 4, 1980 Joint Powers Board meeting were read and approved as read. Sec. Hovey reviewed the Roger C. Smith (State Water Commission) correspondence.

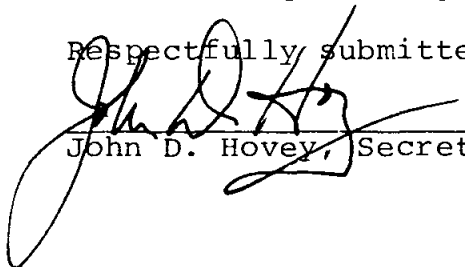
Sec. Hovey then explained what had been done in regard to the correspondence received from Malcomb Brown on behalf of Mike Bickler.

A bill from the Rocky Run Joint Water Management Board in the amount of \$240.00 was submitted. This was for Eddy County's share of advertising and office expense. The bill was approved and a voucher was authorized and delivered to the County Auditor.

The County Nurse has requested exchanging offices with the Water Management Board. After examining the Nurse's office, the Board had no objection and so informed the Board of County Commissioners.

There being no further business, the meeting was adjourned.

Respectfully submitted,


John D. Hovey, Secretary

JDH:kc

MINUTES OF ROCKY RUN JOINT POWERS BOARD

A meeting of the Rocky Run Joint Powers Board was held on March 4, 1980 at 1:00 P. M. in the Eddy County Courthouse. Present were Francis O'Connor, Stanley Ripplinger, Duane Mullenberg, Norman Rudel, Arley Brakel, Cary Backstrand, and John Hovey.

Cary Backstrand reported that the State Water Commission had approved participation in the Oak Creek and Emerick projects in the total amount of \$106,000.00. This was broken down as \$14,000.00 for improvements on the lower reaches of the Rocky Run; \$13,000.00 in the Emerick area; and \$79,000.00 in the Oak Creek area. These funds to be paid out as 40% of eligible cost. Certain conditions were attached to this participation, namely:

1. That the vote of the landowners be in favor of the project.
2. That all of the various areas must be included and that a drainage permit must be obtained.

Norman Rudel noted that two culverts have been added to the project at a cost of \$10,000.00. These will be installed as supplemental culverts to the two existing bridges located south of the Joe Seiler farm. That \$10,000.00 addition brought the total cost of the lower reaches of the Rocky Run up to \$60,000.00. \$14,000.00 of this will be supplied by State Water Commission Funds; \$20,000.00 will come from the various Counties; and \$26,000.00 will be added into the cost of the project and paid by the assessed landowners. This assessment works out to \$.54 per acre, however it was agreed to round this assessment off at \$.75 per acre in order to provide a cushion for contingencies.

Some discussion was then had as to the total number of acres which will be needed for right-of-way in the Oak Creek area. It was estimated that approximately 15 acres would be required at an estimated cost of \$8,000.00.

2:00 P. M. the Board adjourned to the informational meeting of landowners held on the 3rd floor of the Eddy County Courthouse. The meeting was called to order by Norman Rudel. Mr. Rudel explained the history of the current project going back to the defeat of the original Rocky Run Flood Control plan.

Cary Backstrand was then given the floor and he informed the group of the minimum requirements of the State Water Commission on the lower reaches of the Rocky Run before they would get involved in the project. He then explained what improvements would be made in the Oak Creek area, namely the 4½ miles of channel. And explained that that channel will bring the water from the Oak Creek area into the Rocky Run approximately 10 hours

Minutes of Rocky Run Joint Powers Board
March 4, 1980
Page 2

sooner than it normally would have arrived. He also explained that the Emerick Water will be controlled by gated culverts and that this project is designed to handle peak flows on a 10 year frequency.

Cliff Gedrose, Joseph Schaffer and Marvin Riedesel each were given the floor and pointed out various problems in their individual areas.

Norman Rudel then explained the estimated cost for each area. He stated that the estimated cost per average acre in the Oak Creek area will be \$9.70. The estimated cost per acre in the Emerick area will be \$7.85.

Cary Backstrand then explained that the State Water Commission met last week and approved funding for this project up to 40% of eligible cost.

Norman Rudel then explained the proposed procedure and dead lines.

3-17-80 Letter of assessment to be sent out.
4-07-80 Assesement hearing.
4-17-80 Ballots counted.

Marvin Riedesel then expressed his disapproval that only those landowners assessed will be able to vote. Cary Backstrand stated that those without votes will have an opportunity to express themselves at the State Water Commission hearing when the application for a drainage permit is considered. The meeting was officially adjourned at 3:02 P. M. however members of the Board remained present in the Courtroom until 4:00 P. M. to answer questions.

Respectfully submitted,



John D. Hovey, Secretary

JDH:kc

COMMISSIONERS

N. Rudel
Fessenden, N. Dak.

G.F. Schroeder
Harvey, N. Dak.

Paul Schedewald
Sykeston, N. Dak.

Wells County Water Management District

Fessenden, North Dakota

SECRETARY

Vance L. Kro
Fessenden, N. Dak.

February 18th, 1980

RE: Rocky Run Meeting-Joint Water Board-Fessenden Courtroom.

Members present: Arley Brakei WCWMB, G. F. Schroeder WCWMB, Norman Rudel WCWMB, Marvin Tollefson ECWMB, Francis O'Connor ECWMB and Duane Mulenberg FCWMB.

Reviewed additional work on lower Rocky Run-Reach I, agreed to proceed with proposed improvements as planned. Will contact the State Water Commission for additional information in regards to where the cleanouts in improvement 1 of Reach I Phase I are planned. The cost of these improvements are listed as a \$7,000.00 to \$8,000.00 item. A review of conditions in this area will be held after improvements are used to consider if any additional work is needed.

Discussed farm driveway west of Highway 281, were informed that this obstruction to Rocky Run will be removed either voluntary by people or County involved or legal action will be started to have same removed.

Reviewed what inter-district or statewide significance means to project.

Set tentative date for public hearing March 20th, 1980 and request that the State Water Commission conduct hearing or at least have a representative at the hearing.

State Water Commission meeting in Bismarck on February 29th, 1980, may ask that Joint Water Board appear in support of Rocky Run funding.

Discussed tentative agreement on cost sharing on Rocky Run improvements by Counties. At present this County cost sharing would be on \$20,000.00 of improvements-shared 60% Wells County, 30% Eddy County and 10% Foster County. If the project as planned should fail any cost sharing of improvements on lower Rocky Run would be evaluated and a new agreement would be considered at that time.

Statement from Dick Moun, Professional Engineer was discussed. Statement will be paid as follows:

	Eddy County	Wells County
North Branch	\$255.87	\$127.94
Oak Creek	\$255.87	204.70
Emrick Group	\$127.94	127.94
Totals	\$639.68	\$460.58

Norman Rudel, Chairman

cc: All members listed
SWC

MINUTES OF WATER MANAGEMENT BOARD

The regular March meeting of the Eddy County Water Management Board was held on March 4, 1980 at 10:00 A. M. in the Eddy County Courthouse. Present were Francis O'Connor, Stanley Rippinger and Secretary Hovey. The minutes of the February 5, 1980 regular meeting, the February 21, 1980 special meeting and the February 25, 1980 special meeting were read and approved as read.

Francis O'Connor reported on a meeting he had attended in Fessenden on February 18, 1980. That meeting being in reference to the Emerick-Oak Creek drainage project. (See copy of minutes of that meeting attached hereto).

Secretary Hovey was instructed to either write or call Mr. Roger C. Smith in regard to his letter of February 25, 1980. We are to determine whether that letter applied to past permits or future permits.

The Board next discussed their established policy on Complaints relating to culverts. It was decided to take no action on changing that policy at the present time.

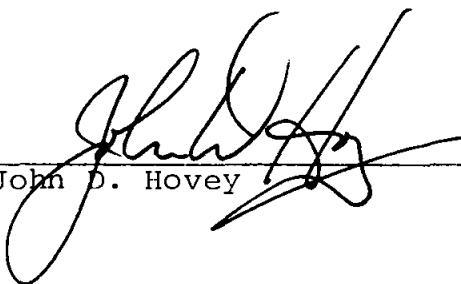
Brief discussion was held regarding the meeting scheduled for this afternoon on the Oak Creek and Emerick drainage projects.

A bill from Richard Moum in the amount of \$180.00 was approved. This being the Eddy County Board's share of his engineering services.

The Board then drove to the Albert Haas-Joe Seiler area in an attempt to inspect the two bridges but were unable to get close enough due to the snow cover.

There being no further business, the meeting was adjourned.

Respectfully submitted,



John D. Hovey

JDH:kc

Secretary's Note: On the afternoon of March 4, 1980 I called Roger C. Smith. The February 25, 1980¹⁹⁸⁰ did pertain to past permits. Apparently they have approximately 1400 permits on file at the present time but have no indication on how the various Boards acted on the first 1000 of those permits. They wanted to bring their files up to date. Mr. Smith stated that the February 25th letter was not to have been sent to any County who had never issued a drainage permit. Therefore he ~~is~~ assumed that we have issued permits. He will go into our file and furnish us with a list of names if in fact any information is needed. JDH

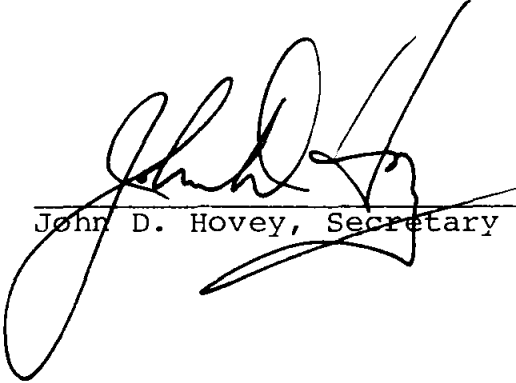
MINUTES OF WATER MANAGEMENT BOARD

A special meeting of the Eddy County Water Management Board was held on February 25, 1980 at 2:00 P. M. at the Eddy County Court-house. All members of the Eddy County Water Management Board were present. Also present were Gerald Schroeder and Norman Rudel from the Wells County Water Management Board; Duane Mullenberg from the Foster County Water Management Board and landowners, Joe Troske, James Ferguson, Albert Haas and Paul Reis.

The purpose of the meeting was to explain to the landowners on the lower reach of the Rocky Run what improvements were planned if the Emerick and Oak Creek drainage matters become a reality. The consensus of the landowners seemed to be that if additional culverts were installed between Sections 28 & 29 of Superior Twp. then additional culverts would also be needed to supplement the two bridges between Sections 21 & 22 of Superior Twp.

There being no further business, the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Secretary

JDHkc

MINUTES OF WATER MANAGEMENT BOARD

A special meeting of the Eddy County Water Management Board was held on February 21, 1980 at the Garrison Diversion Conservancy headquarters in Carrington, ND. This meeting being held in conjunction with the Wells and Foster County Boards, immediately following the informational meeting regarding state wide reorganization of water districts. All members of the Eddy County Water Board were present. Also present was Mike Dwyer and Cary Backstrand from the State Water Commission. Norman Rudel chaired the meeting.

As presently planned, work on the lower reaches of the Rocky Run to be done in conjunction with the Oak Creek and Emerick drainage plan, will consist of only minor modifications. Duane Mullenberg re-emphasized his concern about removing localized high spots on the Elizabeth Wilson and Paul Reis property (and others?). Cary Backstrand said that before the State Engineer would consider the application to drain, 3 things must be done on the lower reaches of the Rocky Run:

1. Phase 1 improvements must be completed.
2. The Kittelson road crossing must be removed.
3. Culverts must be sized.

If this is accomplished, the downstream impact on a 10 year frequency will not exceed present levels.

Norman Rudel suggested that we go to a vote of the landowners before making application to the State Water Commission for a drainage permit. Also, Norman suggested that the State Water Commission commit funds to the project so that the Joint Board will know how much assessments will have to be made against the landowners. Everyone seemed to agree. Cary Backstrand stated that he has included a request for that commitment which will apparently be considered at the State Water Commission meeting on February 29th.

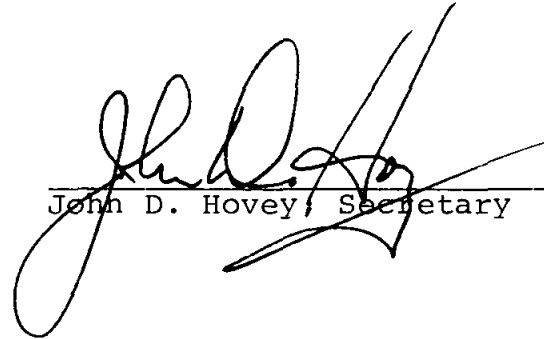
Gerald Schroeder pointed out that if the Kittelson road is removed either voluntarily or by a court action, there will be many problems east of Highway #281 and this should be pointed out to the landowners. It was decided that no permission is needed to go in and clean out obstructions on the downstream lands so long as such improvements are within the confines of channel.

Norman will set up a public information meeting for March 4, 1980 at 2:00 P. M. in the Eddy County Courthouse.

Minutes
Special Meeting
February 21, 1980

There being no further business the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Secretary

JDHkc

MINUTES OF WATER MANAGEMENT BOARD

The regular February meeting of the Eddy County Water Management Board was held on February 5, 1980 at 10:00 A. M. in the Eddy County Courthouse. Present were Francis O'Connor, Stanley Ripplinger and Secretary Hovey. Also present were Walter Jones, George Labor, Jr., and Lawrence Anderson from the New Rockford Twp. supervisors; and Harold Wick and Mike Bickler representing the Sheldon Twp. Supervisors. The minutes of the January 2, 1980 regular meeting and the January 4, 1980 special meeting were read and approved as read.

The first question addressed was the failure of the New Rockford and Sheldon Twp. Boards to complete the culvert modifications before November 20, 1979. The Board was informed that all of the culverts had been surveyed and Delvaine Gjestvang has been contracted to do the work. This work is scheduled to be completed first thing in the spring of 1980. All of the guests except Mike Bickler then left.

Mike Bickler's complaint regarding the ridge between Carl Throlson and James Cleveland's land was the next item of business. John Becker's letter of January 9, 1980 stating that no ridge or dam remained was read and the Board agreed that no further action was necessary. Mike Bickler then left the meeting.

Christ Schatz complaint as to the draining done by Harold Klein was then addressed. Secretary Hovey read John Becker's letter of January 9, 1980. In view of the fact that the land involved totals less than 80 acres it was agreed that no action was to be taken on Mr. Schatz's complaint. Secretary Hovey was instructed however to advise Mr. Schatz of the reasoning behind this action.

The Mullen-Throlson matter was then discussed. Secretary Hovey reported on letters written to both of them on January 4, 1980. Bernard Mullen's letter of January 16, 1980 was then read. Secretary Hovey was instructed to write a letter to Mr. Mullen advising him to discuss this matter with Dr. Throlson. Since this matter involves less than 80 acres, it too is not a matter for proper consideration by the Water Board.

A discussion was then had regarding the new Rocky Run (Oak Creek-Emerick) drain and the North Branch of the Rocky Run drain.

Two bills from Becker for the survey work done on the Harold Klein and Carl Throlson lands were approved for payment. Also the dues for the Water Management Districts of North Dakota Association in the amount of \$75.00 was approved.

There being no further business, the meeting was adjourned.

Respectfully submitted,



John D. Hovey
Secretary

MINUTES OF WATER MANAGEMENT BOARD

A special meeting of the Eddy County Water Management Board was held on January 4, 1980 at 11:00 A. M.. All members of the Board were present. Also present was the entire Wells County Board and Duane Mullenberg from the Foster County Board.

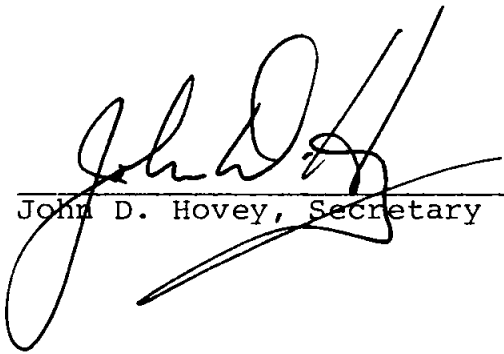
Maps of the North Branch of the Rocky Run were reviewed, those ^{maps} ~~Branch~~ having been prepared by A. Richard Moun, who is a consultant to the Joint Powers Board. Some concern was expressed about the possibility of getting easements from the Schwoebel family, Christ Schatz, etc..

After breaking for lunch, the meeting reconvened at 1:00 P. M. and the first topic of discussion was the Main Branch of the Rocky Run as modified to include only the Oak Creek and Emerick Units. There was general agreement that easements would be required from landowners below the Oak Creek and Emerick outlets and that in order to acquire the right of condemnation we will have to include them in the district even though they will not be assessed.

It seemed to be consensus of the meeting that the Oak Creek and North Branch boundaries would remain as originally prepared some time ago. However, the Emerick area will probably require some changes due to the difference between Moun's map and the original map.

There will be a meeting on Monday with the State Water Commission regarding the revised Rocky Run drainage district.

Respectfully submitted,



John D. Hovey, Secretary

MINUTES OF WATER MANAGEMENT BOARD

The regular January meeting of the Eddy County Water Management Board was held on January 2, 1980 at 10:00 A.M. in the Eddy County Courthouse. Present were Francis O'Connor, Marvin Tollefson, Stanley Ripplinger and Secretary Hovey. The minutes of the December 4, 1979 meeting were read and approved as read.

Secretary Hovey reported on letters he had written to Carl Throlson, John Becker, the township supervisors for Sheldon and New Rockford Townships, and the North Dakota State Highway Department regarding the Throlson - Mullen matter. The Board directed Sec. Hovey to notify the clerks of the New Rockford and Sheldon Township boards that we would not be meeting on the 8th of January and that they should be meeting with us on February 5th.

The following matters were addressed:

1. Christ Schatz complaint:- It was decided to have John Becker review topographical maps and/or conduct whatever survey is necessary to determine if Harold Klein was draining more than 80 acres. Hovey was also instructed to write a letter to Christ explaining what has been done to date.
2. Carl Throlson ridge: Again it was decided to have John Becker shoot some elevations in an effort to determine if in fact there is a ridge.
3. Bernard Mullen request: Hovey was instructed to send a copy of the Highway Department letter to Mr. Mullen and Dr. Throlson. If in fact the water does run south instead of north, it will go into the north branch of the Rocky Run which is being considered for a legal drain at the present time. The Board did not feel they should put their stamp of approval on any drainage when it does not fall within our "excess of 80 acre" jurisdiction.

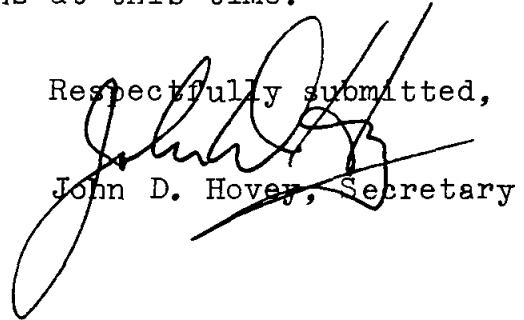
We called John Becker from the Management District Office and he agreed to do the work at Throlsons and on Harold Klein's land.

Francis O'Connor reported on the Water Management District Convention meeting which he attended in Fargo on December 10, 11 and 12 of 1979.

The Board then met with the County Commissioners regarding the Doris Kittelson driveway problem. The State Water Commission has determined that the large culvert under said driveway is one foot too high which causes some water to back up and spill over into the Kelly Creek drain. That water normally should have gone down the Rocky Run. The alternative would be to build a road out to the north or excavate one foot of dirt under the culvert and lower the same. County Commission informed us they had never talked to Mrs. Kittelson as to her wishes and Bert Anderson noted that the present culvert does not have a bottom to it. The bottom of the ~~drain~~ ^{drain} is just compacted rocks. The County Board will talk to Arnold Myhre about the possibility of

digging one foot out of the bottom and the Water Management Board should check with the State Water Commission to see if the existing culvert will be sufficient in size to handle the flow from the Emerick and Oak Creek drain areas. If it is not, then it would apparently be a duplication of effort and funds to make any modifications at this time.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John D. Hoyer", is written over the typed name. The signature is stylized with a large loop at the end of the last name.

John D. Hoyer, Secretary

MINUTES OF WATER MANAGEMENT BOARD

The regular December meeting of the Eddy County Water Management Board was held on December 4, 1979 at 9:00 A. M. in the Eddy County Courthouse. Present were Francis O'Connor, Marvin Tollefson, and Secretary Hovey * The minutes of the November 6, 1979 meeting were read and approved as amended. * and Stanley Ripplinger.

A motion was made and seconded and carried to sign the Kenneth Throlson and Bernard Mullen letter and forward to the Highway Department for action.

A discussion was held concerning the Water Management District Association meeting in Fargo, ND on December 10, 11, & 12th. O'Connor and Ripplinger indicated that they will try and attend.

Francis O'Connor reported on a meeting of the Eddy, Wells and Foster Joint Powers Board which was held on December 3, 1979 at Fessenden. This is in regard to the proposed Oak Creek and Emerick Drain Water Sheds. Mr. O'Connor reported that this will be a controlled drain and that they will have to go through the normal procedure such as protest hearing, vote, etc. A motion was made, seconded and carried that the Eddy County Water Management District shall use their district funds to pay 30% of the total costs of improvements on this project, on the main stem of the Rocky Run from the point where Oak Creek enters the Rocky Run until the Rocky Run empties into the James River. The total estimated cost for this portion of the project is \$21,000.00. Therefore, Eddy County's estimated share is \$6300.00 and Foster County will be paying 10% or \$2,100.00 with Wells County paying the remaining 60% or \$12,600.00.

Secretary Hovey was instructed to contact John Becker for the purpose of surveying the property line between Carl Throlson and James Cleveland to see if a ridge does in fact exist at that property line. Secretary Hovey was also to inform Carl Throlson the surveyor would be coming out.

The Board read a letter from Christ Schatz protesting some drainage done by Harold and Frank Klein in Section 6 of Superior Twp. The Board conducted a on-sight inspection and was unable to determine if the drained area consisted of 80 acres or more. The Board then stopped at the Eddy County Soil Conservation District Office and ordered topographical maps of this entire area.

The Board then discussed the letter which was sent to the New Rockford and ~~Shelton~~ Twp. Supervisors regarding the raising of culverts before November 20, 1979. This work has not been done.

Secretary Hovey was instructed to write a letter to both Twp. Boards informing them that they should send a representative to our January meeting.

There being no further business, the meeting was adjourned.

Respectfully submitted,


John D. Hovey, Sec.

MINUTES OF WATER MANAGEMENT BOARD

The regular November meeting of the Eddy County Water Management Board was held on November 6, 1979 at 9:00 A. M. in the Eddy County Courthouse. Present were Francis O'Connor, Marvin Tollefson, and Secretary Hovey. Also at the meeting was Ben Kuske, a landowner from Pleasant Prairie Twp. and Lucky Huether from the Soil Conservation District Office. The minutes of the October 2, 1979 regular meeting and the October 5th and October 26th, 1979 special meetings were read and approved as read. Hovey reported that he had written a letter to Mike Bickler as per instructions given him at the October 26th, 1979 special meeting.

O'Connor and Tollefson reported on a meeting that they and Ripplinger had attended with the County Commissioners and Arnold Myhre. That meeting having taken place shortly after the Board's special meeting on October 5th. The reason for that meeting was to find out why the County Road crew had pulled off the job in New Rockford Twp. without raising the culverts. Commissioners stated that they would contact the New Rockford and Sheldon Twp. Boards and recommend that the Twp. Boards hire a back hoe service to raise the culverts in question.

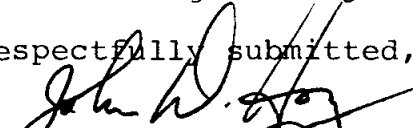
Mr. Kuske and Mr. Huether then presented their problem which is in regard to drainage ~~an~~ to Mr. Kuske's land located in Sections 32 and 33 of Pleasant Prairie Twp. and in Section 5 Nordmore Twp. in Foster County. Mr. Kuske stated that he was receiving water from various parcels of land in Eddy and Foster County which was being routed through his land without an easement. This water apparently comes from the Southeast Quarter (SE $\frac{1}{4}$) of Section 26 (owned by Clayton Steele), all of Section 35 (Donald Norton Land) and all of Section 36 (owned by Clayton Steele, George Simmons, and Elmer Indergaard) of Superior Twp.; and the Southwest Quarter (SW $\frac{1}{4}$) of Section 31 (Sidney Hoveskeland land) in Pleasant Prairie Twp., all in Eddy County, North Dakota; and from all of Section 1 (Sidney Hoveskeland land and Edna Hall land) of Estabrook Twp.; and the North Half (N $\frac{1}{2}$) of Section 6 (John Aaland and Orville Kuske land) in Nordmore Twp, all in Foster County, North Dakota.

Mr. Kuske stated this water all passes through the North Half (N $\frac{1}{2}$) of Section 5 which is owned by himself and then turns south through the Southeast Quarter (SE $\frac{1}{4}$) of Section 5 in Nordmore Twp. which is owned by Stanley Roaldson. At that point there is a localized high spot in the SE $\frac{1}{4}$ of Section 5 which retains the water.

Mr. Kuske was advised to file a written complaint with the Board setting forth the exact location of the drainage complained of, and where such drainage creates the problem on his property. It was also suggested that since some of the property drained is in Foster County that he file a copy of that complaint with the Water Management Board in Foster County.

There being no further business, the meeting was adjourned.

Respectfully submitted,


John D. Hovey, Secretary

MINUTES OF WATER MANAGEMENT BOARD

A special meeting of the Eddy County Water Management Board was held on October 5, 1979 at 11:00 A. M. in the Office of Hovey & Bekken, Ltd. Present were O'Connor, Ripplinger, Tollefson and Hovey. Also present were members of the Sheldon and New Rockford Township Boards of Supervisors. A general discussion was had regarding the problems relating to the construction of the new road and the raising of the culverts in the New Rockford and Sheldon Twp. areas.

There being no further business, the meeting was adjourned.

At 1:00 P. M. a meeting was held in the Courtroom of the Eddy County Courthouse. Besides the members of the Water Management Board, the following people were present: Quentin Georgeson, Gary Geisinger, Gary Hegland, Mike Bichler, Carl Throlson, Lawrence Anderson, Gary Throlson, Walter Jones, Shirley Jones and Harold Wick. Dennis Hegland appeared about half way through the meeting.

A general discussion of the problems associated with the new road construction in New Rockford Twp. and the raising of the culverts in both New Rockford and Sheldon Twps. was had at this time. Some of the points that were made were as follows:

Gary Hegland - thinks the new road will act as a dam. Feels that all approaches should have culverts. Objects to the installation of the block. Feels that a culvert should be inserted between Quentin Georgeson's property and Clarence Wilcox's property so as to divert some of the water east rather than southeast.

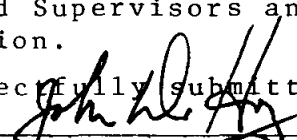
Quentin Georgeson - he would be agreeable to installing the culverts at land level but wants at least one more culvert installed so that the water would be off his land in 48 hours. Threatened suit and withholding of gravel from the road surfacing if this was not consented to.

Gary Throlson - he has problems with water going straight east from the southeast corner of Gary Hegland's property when in fact he feels it should go more southerly towards the James River.

Carl Throlson - he is in favor of all culverts being raised to land level and the installation of the ditch block. Feels that the ditch brings too much water down towards his property as now constructed.

The Water Management Board felt that the original decision of July 3, 1979 is still the correct one and that no deviation will be had from that decision. The New Rockford Supervisors and Sheldon Supervisors both agreed with this conclusion.

Respectfully submitted,


John D. Hovey, Secretary

MINUTES OF WATER MANAGEMENT BOARD

A special meeting of the Eddy County Water Management Board was held on October 26, 1979 at 1:00 P. M. in the Eddy County Courthouse. Present were O'Connor, Tollefson, Ripplinger and Hovey. Also present was Gary Hegland, landowner in New Rockford Twp.

A general discussion of Cary Backstrand's letter dated October 19, 1979 was held. Gary Hegland also filed with the board a written complaint requesting that an additional culvert be placed between Sections 1 and 2 of New Rockford Twp. A written complaint from Mike Bickler dated October 10, 1979 was also considered.

The board informed Mr. Hegland that it was its policy not to get involved in the placement of culverts. That responsibility lies with the individual twps. and/or county and the Water Management Board only gets involved with culverts when a complaint is filed that they illegally divert water. Mr. Hegland thereupon withdrew his written complaint and indicated that he will present it to the twp. board.

Secretary Hovey was instructed to draft a letter to be sent to the New Rockford and Sheldon Twp. Supervisors, emphasizing the Water Board's position that it will not get involved in the installation of culverts but only in the placement of culverts should they be determined to be an illegal diversion of water or below ground level. Secretary Hovey was also instructed to inform Mike Bickler that they will take no action relative to his October 10, 1979 written complaint.

There being no further business, the meeting was adjourned.

Respectfully submitted,

By 
John D. Hovey, Secretary

JDH:kc

MINUTES OF WATER MANAGEMENT BOARD

The regular October meeting of the Eddy County Water Management Board was held on October 2, 1979 at 9:00 A. M. in the Eddy County Courthouse. Present were Francis O'Connor, Marvin Tollefson and Secretary Hovey. The minutes of the September 4, 1979 meeting were read and approved as read. Hovey reported that he had contacted Carl Throlson as per instructions and that Carl had first O.K.ed and then refused permission for our engineer to go on his land for the purpose of shooting some elevations.

At 9:15 A. M. Carl Throlson appeared before the board. He denied that he had built a ridge between the NE $\frac{1}{4}$ and the NW $\frac{1}{4}$ of Section 7, in Sheldon Twp. He said that a surveyor can come on his land only when the block is put in place on the north edge of Section 12, in New Rockford Twp., and the culverts to the west of Carl's farmstead have been raised as agreed at the July 3, 1979 meeting. Carl again attempted to rehash all of the past problems in this area and nothing of any substance was settled. Hovey reported to the board that he was attempting to determine if the board has the right to go on Carl Throlson's land and conduct a survey without Carl Throlson's permission.

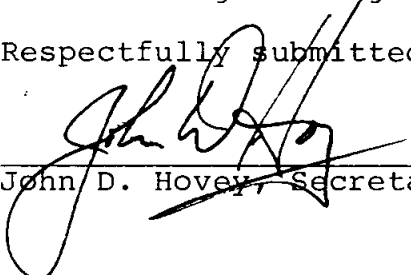
Hovey then reported on the meeting he had with the Wells County Water Management Board regarding the Emerick drain. The Emerick drain is apparently going to be completed one way or the other and the Wells County Board will be asking for our cooperation.

Mike Bickler then appeared before the board. Said the board was helping Carl but ^{not} himself. He wants the board to put in the block on the north edge of Section 12, in New Rockford Twp. but he wants to leave all of the culverts (see July 3, 1979 minutes) where they are. It was pointed out that he was at the July meeting and was aware of the apparent agreement that had been reached at that time. Again, nothing of any substance was settled.

The board then went out to the Lawrence Anderson farm and advised Lawrence that the New Rockford supervisors should oversee the installation of the block and they should not delegate that authority to Carl Throlson. Lawrence understood and he will be talking to Arnold Myhre this evening.

There being no further business, the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Secretary

LAW OFFICES
HOVEY & BEKKEN, LTD.
PROFESSIONAL CORPORATION

JOHN D. HOVEY
JAMES M. BEKKEN

523 CENTRAL AVE.
NEW ROCKFORD, ND 58356

Sept. 6, 1979

OF COUNSEL
EDGAR P. MATTSON

TELEPHONE
(701) 947-2442

Mr. Carl W. Throlson
Sheyenne, ND 58374

Dear Carl:

This letter is in reference to our conversation here in my office on Tuesday and your letter to me yesterday morning.

Since you indicated to me that you would not allow any survey to be taken on your land but would like to meet with the Water Board, I would suggest that you attend our next regular board meeting on Tuesday the 2nd of October at 9:00 A.M.

Yours truly,

John D. Hovey

JDH:kc

p.c. Marvin Tollefson
Francis O'Connor
Stanley Ripplinger

F I L E M E M O

On 9/4/79 I met with Carl Throlson in the afternoon regarding the Water Board's wishes. Carl agreed that some elevations could be taken on his land by the surveyor.

On Sept. 5, 1979 Carl Throlson called me back. He said that after thinking about it during the night, he had decided that he wanted no trespassers on his land and that he would not allow any survey to be taken. See accompanying letter. JDH

MINUTES OF WATER MANAGEMENT BOARD

The regular September meeting of the Eddy County Water Management Board was held on September 4, 1979 at 9:00 A. M. in the Eddy County Courthouse. Present were Francis O'Connor, Stanley Ripplinger, Marvin Tollefson and Secretary Hovey. The minutes of the August 7, 1979 meeting were read and approved as read.

O'Connor, Ripplinger and Tollefson reported on their attendance at a meeting in Carrington on August 7, 1979 with the State Water Commission. At that time, they raised the question to the State Water Commission as to whether a non-affected landowner could complain about a nonconforming or illegal drainage practice. The answer from the State Water Commission was not at all black and white but rather that the local board should adopt a policy either one/^{way}or the other, and thereafter adhere to that policy.

A motion was thereupon made, seconded and carried that the Eddy County Water Management Board would take no action on complaints filed by non-affected landowners, of illegal or nonconforming drainage practices, except in those instances where extenuating circumstances would dictate otherwise.

In view of the above, the Mike Bickler complaint dated July 23, 1979 was considered. This complaint consisted of three basic items namely: that there is a ridge between the Northeast Quarter (NE $\frac{1}{4}$) and the Northwest Quarter (NW $\frac{1}{4}$) of Section 7, Twp. 149, Rge. 65 which retains water from flowing in a southeasterly direction; that the culverts east of Carl Throlson's farmstead should be raised to land level for a distance of 2 miles; and that Carl Throlson removed some dirt from a road ditch approximately 1 mile north of his farmyard to allow water to follow in a northerly direction. The following action was taken:

1. The Board directed Sec. Hovey to contact John Becker who is to conduct a survey of the ~~border~~ border line between the NE $\frac{1}{4}$ and the NW $\frac{1}{4}$ of Section 7, Twp. 149, Rge. 65 in an effort to determine if there still is a ridge holding back the water. If that survey determines that there is such a ridge, the board will send Mr. Throlson and Mr. James Cleveland a notice to have it removed.
2. The Board, in view of the motion hereinabove adopted, will make no consideration of the culverts east of the Carl Throlson farmstead or the ~~ditch~~ ditch removed from the ditch north of the Carl Throlson farmstead.

Sec. Hovey then reported on the Sheyenne Dam. Sec. Hovey reported that he had contacted James J. Igoe which indicated that they were absolutely not interested in the job. He had also called a Mr. Virgil Hardy at Northern Improvement in Bismarck and a Mr. Bruce Nelson at Annco, Inc. in Bismarck. Both Mr. Hardy and Mr. Nelson indicated that their firms would be unable to complete the work this fall but that they would inspect the Sheyenne

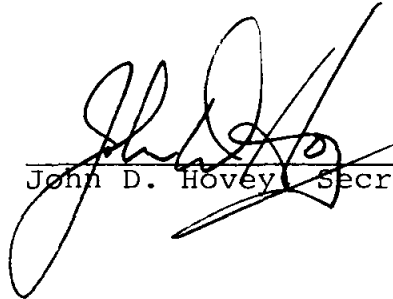
Minutes
September 4, 1979
Page 2

Dam and furnish the Eddy County Water Management Board with an estimate of the repair cost. Since we have not received any of those cost estimates at the time of this meeting, no action was taken at this time.

A motion was made, seconded and carried to pay North Dakota Water Users Association dues in the amount of \$40.00 and to pay the final assessment for the Rocky Run Project in the amount of \$975.00.

There being no further business, the meeting was adjourned.

Respectfully submitted,



John D. Hovey Secretary

F I L E M E M O

8/9/79 - Called Virgil Hardy at North Improvement in Bismarck and Bruce Nelson at Annco, Inc. in Bismarck. Requested that each of them take a look at the Sheyenne Dam and submit an estimate of the repair cost.

Both of them stated that they had more work than they could handle for the year of 1979 and in each case I got the impression they weren't too excited about the job since there is very little work to be done.

However, both of them did say they would look at the Dam and get back to me.

I also had called James J. Igoe and they absolutely were not interested in the job.

JDH

MINUTES OF WATER MANAGEMENT BOARD

The regular August meeting of the Eddy County Water Management Board was held on August 7, 1979 at 9:30 A. M. in the Eddy County Courthouse. Present were Francis O'Connor, Stanley Ripplinger, Marvin Tollefson, John Hovey. The minutes of the July 3, 1979 meeting were read and approved as read.

The Sheyenne Dam matter was discussed and it was decided to await results of Bob Soderholm's letter to the Disaster Services Department in Bismarck. Secretary Hovey also advised the board that he had written to the States Attorney regarding the Open Meeting Law.

Mike Bickler's complaint came before the board. The question arose as to whether a person not directly affected can complain about an illegal practice. It was decided to bring this matter up to the State Water Commission at the meeting in Carrington tonight. If State Water Commission is unable to furnish an answer, one of the board members will get in touch with Secretary Hovey.

The board then reviewed the topographical maps which were recently acquired from the Bureau of Reclamation.

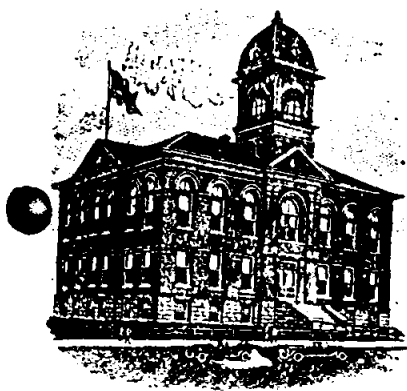
Bob Soderholm appeared before the board with a letter from the Disaster Emergency Services Office in Bismarck. It was suggested in that letter that we obtain a cost estimate of the work to be done - pass this information on to the Disaster Emergency Services - and they will advise if funds are available. Secretary Hovey was instructed to contact James J. Igoe and Sons Construction Co. of Bismarck, ND who are currently erecting a bridge across the Sheyenne River near Ardy Allmaras Ranch. If Igoe is not interested in the work, then perhaps they will know who would be interested.

Gary Throlson then appeared before the board and advised that he will be doing some draining in Sections 4 & 9 of Sheldon Twp. He will be draining a watershed of approximately 20 acres into another slough which is located on his own property, which slough will act as an impoundment. The impounded slough totals about 60 acres but does not overflow into any distinct channel. Mr. Throlson was advised that if the drainage affects less than 80 acres, it was unnecessary for him to obtain a permit but that he would be doing this work at his own risk and if the impoundment ever overflowed it could mean that someone could file a complaint and he might be forced to close down the drainage into the impoundment.

of the
The next meeting/board was set for September 4, 1979 at 9:00 A. M.
There being no further business, the meeting was adjourned.

Respectfully submitted,


John Hovey Secretary



Eddy County

NORTH DAKOTA.

COUNTY
COMMISSIONERS

Bert Anderson
Robert Soderholm
Ralph Leichtman

Office of Elizabeth H. Heilman, Auditor

~~NEW ROGKFORD, NORTH DAKOTA~~

July 24, 1979

Disaster Emergency Services
Box 1817
Bismarck, ND 58505

Attn: Don Van Beek

Re: Eddy County, North Dakota
Item #1394

Dear Mr. Van Beek:

This letter is in regard to the damage survey report in connection with the Sheyenne Dam north of Sheyenne, North Dakota.

If you will refer to that report, you will note that the total estimated repairs amount to \$2,033.00. We have consulted with our engineer regarding this matter and he informs us that since our county does not have the equipment or personnel necessary to accomplish this work, that the required repairs can not be done for the amount of money as estimated.

We therefore request that your office conduct an engineering study to more accurately determine the probable cost of repairs

~~NEW ROGKFORD, NORTH DAKOTA~~

July 24, 1979
Disaster Emergency Services
Page 2

by a private contractor.

Yours truly,

Robert Soderholm
Disaster Representative
Eddy County Board of Commissioners

F I L E M E M O

Re: Sheyenne Dam Matter.

The Board was quite concerned that the amount allocated for repair of the Sheyenne Dam appeared to be totaling inadequate. Secretary Hovey was instructed to contact the Disaster Emergency Services Office in Bismarck, ND and obtain answers to the following questions:

1. Does the work have to be let on bids? If yes, what bidding procedures used?
2. ~~Who~~ is to engineer or supervise the job?
3. What happens if there is cost overrun?
4. Will we receive 100% reimbursement on any overrun?
5. Does the estimated cost as set forth in the damage survey report include labor?

I called Jeff Klein at 224-2111 regarding the above questions. His answers were as follows:

1. ~~It~~ It was anticipated that the County machinery and personnel would be utilized to make these repairs. If the County can not perform this job, then we would have to let a contract and use the applicable state bidding procedures.
2. It would be up to us if we needed an engineer. There would be no reimbursement.
3. & 4. If there is an overrun, we would submit it to the Disaster Emergency Services and HUD. If they feel that it was reasonable then they will go along. If it is not fair and reasonable, the County will have to pick up the balance. All would depend upon a reexamination of the work that done.
5. The cost figures as itemized supposedly include labor.

Mr. Klein also informed me that if the County does it, HUD will want a detailed record of the work to be done, and how long it took to do it. If we did not furnish them with this detailed record, there would be reimbursement.

I then met with the County Commissioners in the afternoon of July 3rd. I informed them of the above. They informed me that they have neither the men nor the machinery to accomplish this work and they too agree that the probable cost of correction would far exceed the \$2,033.00 allocated. It was decided that we would wait until the County engineer (Richmond Engineering

File Memo
Re: Sheyenne Dam Matter
Page 2

out of Grand Forks) stopped in New Rockford at which time we would visit with them about the estimated cost of making these repairs. The County Commissioners would be intouch with me.

JDH

MINUTES OF WATER MANAGEMENT BOARD

The regular July meeting of the Eddy County Water Management Board was held on July 3, 1979 at 9:30 A. M. in the Eddy County Courthouse. Present were: Francis O'Connor, Stanley Ripplinger, Marvin Tollefson, and Secretary Hovey. Also present was John Kringler. The minutes of the June 19, 1979 meeting were read and approved as amended. The amendment relates to the written complaint which Carl Throlson filed with the Board on June 19, 1979.

Secretary Hovey discussed with the Board the new requirements that the North Dakota Open Meeting Law requires a posting of a sign or notice stating when the Board meets. John Kringler's secretary will make up two signs, one of which will be put on the Water Management Board door and one will be posted in the main entry of the Courthouse. Secretary Hovey was to notify the States Attorney of the regular meeting of the Board.

At 10:00 A. M. Township Supervisors Dale Nystrom, Mike Bickler, *Harold Wick* and Alfred Tollefson from Sheldon Twp.; and Walter Jones, Lawrence Anderson, and ~~Harold Wick~~, from New Rockford Twp. met with the Board. The purpose of the meeting was to arrive at some common consensus as to the placement of the culverts along the East-West Twp. road between Bob Hoffmann's and Carl Throlson's. The idea ~~of~~ being to agree upon culvert placements so that this issue would be settled once and for all. It was agreed that the following steps should be taken:

1. The two culverts which lie at an angle between Sections 2 & 12 of New Rockford Twp. should be raised so that the bottom of those culverts will be level with the adjoining farmland on the outside edges of the ditches. It was agreed that they are somewhere between 6" and 1' below ground level at the present time.
2. There is a high spot along the north edge of the NW $\frac{1}{4}$ of Section 12 in New Rockford Twp. Since the ditch cuts through that high spot, it allows the water to flow east rather than in a southerly or southeasterly direction. It was agreed to put in a block in the ditch which block will be at the same elevation as the adjacent farmland.
3. There will be inserted between Section 1 of New Rockford Twp. and Section 6 of Sheldon Twp. a culvert which will allow the water in those two sections to equalize. That culvert will also be installed so that the bottom of the culvert will be at ground level.
4. There is presently a culvert located in the north ditch between the NE $\frac{1}{4}$ of Section 12 of New Rockford Twp. and the NW $\frac{1}{4}$ of Section 7 of Sheldon Twp. which is presently below ground level. That culvert shall be raised to ground level.

5. There is presently a culvert running north and south between Sections 6 & 7 of Sheldon Twp. That culvert shall be raised so that the bottom edge is also at ground level.
6. There is a culvert running east and west, south of the twp. road, at the quarter line between the NW $\frac{1}{4}$ and the NE $\frac{1}{4}$ of Section 7. This is the culvert which Carl Throlson had blocked in the spring of 1978. That culvert shall be raised so that the bottom edge is at ground level.

It was agreed by all present that the above changes should do a great deal to equalize the water levels in the New Rockford and Sheldon Twp. areas.

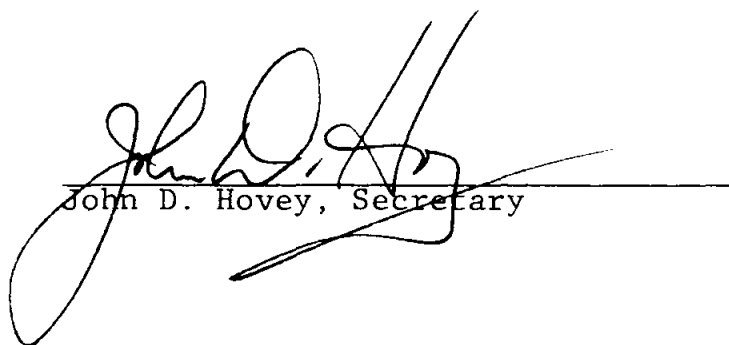
Secretary Hovey was directed to order topographical maps from the Bureau of Reclamation for the areas in New Rockford and Sheldon Twp. that we have been having the most problem with.

At 11:30 A. M. the Board met with the County Commissioners. The County Commissioners asked that the Water Management Board take over the repairs to the Sheyenne Dam which have received a disaster appropriation. The Board then went and met with Ed Almaras whose is the disaster coordinator in Eddy County who provided us with some additional information.

In the afternoon, the Board members together with Secretary Hovey conducted on an onsite inspection of the areas in New Rockford and Sheldon Twps. between Robert Hoffman's and Carl Throlson's.

There being no further business, the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Secretary

MINUTES OF WATER MANAGEMENT BOARD

The regular June meeting of the Eddy County Water Management Board was held on June 19, 1979 at 9:00 A.M. in the Eddy County Courthouse. Present were: Francis O'Connor, Stanley Ripplinger, Marvin Tollefson, and Secretary Hovey. Also present was Carl Throlson. The minutes of the May 1, 1979 meeting were read and approved as read.

Carl Throlson appeared before the Board and filed a complaint regarding several culverts in New Rockford and Sheldon Townships which he feels divert the water from the west down towards his farm. He stated that he was very concerned about the 3 miles of grading to be done by the New Rockford Township Supervisors. He is concerned that this regrading of the road will allow additional water to come from the west, along the road ditches, to his farmstead. He requested that the supervisors place blocks in the road ditch in order to force the water to take its natural course. He also stated that the culvert located approximately one-half mile west of his buildings between Sections 6 & 7 of Sheldon Township is below ground level and should be raised. He stated that if it was raised to ground level he would have no objection to the installation of the culvert between Section 1 of New Rockford Township and Section 6 of Sheldon Township. His main concern is on the water which would be coming from further west.

Secretary Hovey was instructed to request that representatives of the New Rockford and Sheldon Twp. Boards be present at our July meeting at which time New Rockford Twp. will be advised that all culverts involved in the regrading project should be maintained at ground level in order to avoid future problems. We will also discuss at that time the culvert in New Rockford Twp. which runs kitty-corner between Sections 2 & 12. And the culverts in Sheldon Twp. which run north and south between Sections 6 & 7 and east and west between Section 7 of Sheldon Twp. and Section 12 of New Rockford Twp.

The Board then discussed the proposed budget for the coming year and filed the budget request with the County Auditor.

There being no further business, the meeting was adjourned.

Respectfully submitted,

By


John D. Hovey, Secretary

MINUTES OF WATER MANAGEMENT BOARD

The regular ~~meeting~~ May meeting of the Eddy County Water Management Board was held on May 1, 1979 at 10:00 A. M. in the Eddy County Courthouse. Present were: Francis O'Connor, Stanley Ripplinger and Secretary Hovey. Also present were Lawrence Anderson and George Labor, Jr. representing the New Rockford Township Board of Supervisors. The minutes of the April 3, 1979 April 17, and April 24, 1979 meetings were read and approved as read.

A short discussion was had regarding the Joint Rocky Run Board Meeting held on April 27, 1979 at which all board members and Secretary Hovey were in attendance. A discussion of the upcoming meeting on May 2, 1979 at 8:00 P. M. also took place.

The New Rockford Township Board says that Quentin Georgeson wants another culvert at the SE corner of Section 2. They stated that the water did reach the top of the road but that ^{the} water was gone in two days except for that water which is in low spots and will have to soak in because of no outlet.

They also stated that the South portion of Section 1 in New Rockford Township forms a basin with no outlet since there are no culverts either west, south or east. This property is owned by Wilcox and Bickler. A topographical map of the area was examined and it would appear that that whole general area is a very shallow slough but that when the water gets about 1 foot deep it will run to the SE. A review of the June 7, 1977 minutes reveal that Mike Bickler asked for a culvert out of Section 1 at that time and it was referred to the Township Board as it was their problem. Mr. Anderson and Mr. Labor stated that the New Rockford Township did not intend to install any culverts unless those culverts were first O.K.ed by the Water Management Board since the New Rockford Township could not afford to remove the culverts later.

O'Connor, Ripplinger and Hovey then drove to the Mike Bickler, Carl Throlson vicinity for an on sight inspection. It was very apparent that the water in Section 1 of New Rockford Township was at least one foot higher than the water directly to the east in Section 6 of Sheldon Township. In view of what was learned from the examination of the topographical map, it was agreed that a culvert should be installed between Sections 1 of New Rockford Township and Section 6 of Sheldon Township so as to let the water equalize itself in those two tracts of land. This water then will eventually work its way east until it passes south through a culvert located approximately $\frac{1}{2}$ + miles west of Carl Throlson's farmstead.

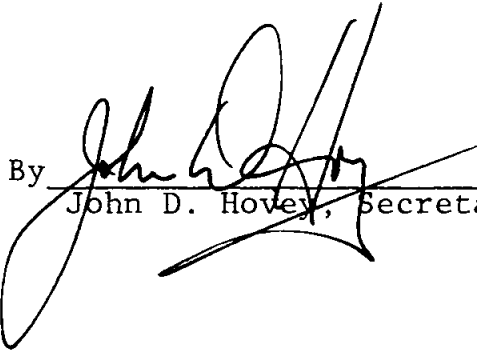
We then drove to the Mike Bickler residence and took Mike down and showed him our suggestions. He had no objection to the installation of that culvert.

Page 2
May 1, 1979

Later in the afternoon Carl Throlson stopped in at Secretary Hovey's office and he was told of the Board's findings and he too had no objection. However, when Hovey mentioned to Throlson that the Board felt that there still appears to be a ridge or high spot between the NE $\frac{1}{4}$ of Sections 7 and NW $\frac{1}{4}$ of Section 7, he very forcefully informed Secretary Hovey that the grass was holding the water back in that area and there is no draw through the NE $\frac{1}{4}$ of Section 7 in Sheldon Township.

There being no further business, the meeting was adjourned.

Respectfully submitted,

By 
John D. Hovey, Secretary

MINUTES OF WATER MANAGEMENT BOARD

A special meeting of the Eddy County Water Management Board was held on the 24th day of April, 1979 at 10:00 A. M. in the Eddy County Courthouse. Present were: Board members O'Connor and Tollefson. Also present was Secretary Hovey.

The purpose of the meeting was to determine the parcels of land affected and the approximate number of acres within each parcel as the same pertain to the Rocky Run Joint Flood Control Project.

This was done as accurately as possible and there being no further business, the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Secretary

MINUTES OF WATER MANAGEMENT BOARD

A special meeting of the Eddy County Water Management Board was held on April 17, 1979 at 9:45 A. M. in the Eddy County Courthouse. Present were: Francis O'Connor, and Secretary Hovey. Also present were: Norman Rudel, Jack McDowell, Quentin Georgeson, Ed Waltz and Glenn Waltz.

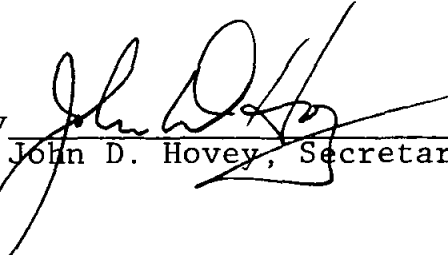
The purpose of the meeting was a general discussion regarding the North Branch of Rocky Run and the possibility of establishing a legal drain to ease the flooding problems in that area. The reason Messers. McDowell, Georgeson, Waltz and Waltz were asked to come to the meeting is, because of the Fish and Wildlife Easement on Mr. Georgeson's land, there may be localized flooding to the south and west of Highway 15.

It was the general consensus of the landowners that they wanted to reserve judgment on whether they would grant flood or flowage easements on their land until after the engineer's report was received.

There being no further business, the meeting was adjourned.

Respectfully submitted,

By



John D. Hovey, Secretary

MINUTES OF WATER MANAGEMENT BOARD

A regular meeting of the Eddy County Water Management Board was held on April 3, 1979 at 10:00 A. M. in the Eddy County Courthouse. Present were Francis O'Connor, Marvin Tollefson, Stanley Ripplinger and Secretary Hovey. The minutes of the March 6, 1979 meeting and the March 14, 1979 Special Meeting were read and approved as read.

A general discussion was held regarding the March 21, 1979 meeting of the Joint Board on Rocky Run. A letter from Ed Tollefson was also reviewed and all attempts are going to be to drain the North Branch of the Rocky Run through George-son's, Schwoebel's, and past John's Country House.

The Board next discussed the proposal regarding culverts and the proposed request that we are to make to our County Commissioners. In working out the benefit acres, it would appear that Eddy County has 8% of the benefit acres; Foster 3%; and Wells 89%. A motion was therefore made, seconded and carried that Eddy County's share of the total cost of culverts in the entire Rocky Run Project should be in direct proportion to the Eddy County benefit. In other words, if the County Com-missions of the three counties agree to pay for 20% of the cul-verts, Eddy County Commissioner's share would be \$4,383.00 and likewise if the County were to pick up 40% of the culverts, they would pay \$8,766.00. It was agreed to inform the Joint Rocky Run Board of this position at the meeting in Fessenden, North Dakota this afternoon.

There was also some discussion regarding the need for petitions on the lower end of the Rocky Run and we will discuss this mat-ter in Fessenden this P. M.

The field inspection, as set up at the March 6, 1979 meeting, has been delayed one month or sooner if melting occurs before.

There being no further business, the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Secretary

WATER MANAGEMENT BOARD MINUTES

A special meeting of the Eddy County Water Management Board was held on March 14, 1979 at 9:30 A.M. in the Eddy County Courthouse. Present were board members O'Connor, Tollefson, Ripplinger and Secretary Hovey. Also present was Ed Tollefson who resides in Rosefield Township.

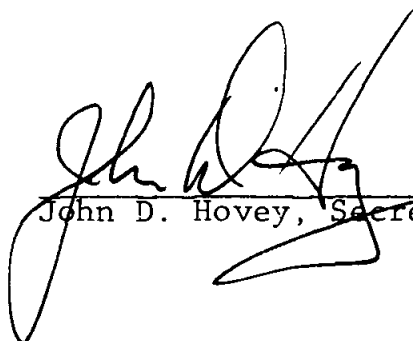
The purpose of the meeting and the only matters discussed were in regard to obtaining an easement through Ed Tollefson's land for the north branch of the Rocky Run flood control project. Ed Tollefson informed the board that his land all drains naturally with the exception of one small three acre slough. He feels that he would receive no benefit and consequently does not want to be a party to a project which would give him no benefits but yet cost him assessments.

He did not rule out the possibility of giving an easement to run the water through his land; however, before doing so he would want to know how deep the cuts would be and the location of the ditch bottom on his land. He would also want to know what the assessment would be on his land.

Assuming that the foregoing questions were answered satisfactorily, and that he did agree to give an easement to go through his land, he would want compensation for the loss of all past and future waterbank income should there be any. He also pointed out that the property in Rosefield Township is only part of the land which he has in the waterbank. He also has some land out east of town which is in the waterbank and under the same contract. For both tracts he receives approximately \$2,000.00 per year in waterbank payments.

There being no further business, the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Secretary

WATER MANAGEMENT BOARD MINUTES

A regular meeting of the Eddy County Water Management Board was held on March 6, 1979 at 10:00 A. M. in the Eddy County Courthouse. Present were Francis O'Connor, Marvin Tollefson, Stanley Ripplinger, and Secretary Hovey. The minutes of the February 6, 1979 meeting were read and approved as read.

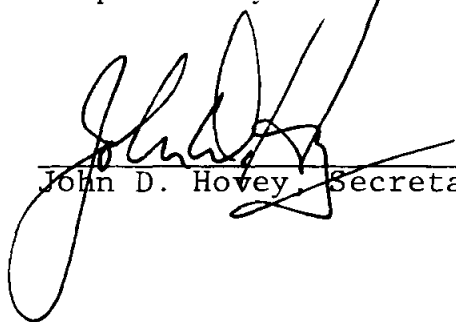
The February 21, 1979 meeting regarding the North Branch of the Rocky Run were discussed at considerable length. Also the up coming meeting with the State Water Commission and all land owners in the entire Rocky Run range was talked about.

It was decided that the April meeting would be held on the 3rd at 10:00 A. M. and that the Board would then have lunch in town and review all past trouble spots provided that the spring thaw is then in progress.

It was decided that we should set up a meeting with Ed Tollefson very soon. Marvin Tollefson will schedule a meeting for the next day or so.

There being no futher business, the meeting was adjourned.

Respectfully submitted,



John D. Hovey Secretary

WATER MANAGEMENT BOARD MINUTES

A regular meeting of the Eddy County Water Management Board was held on February 6, 1979 at 9:30 A. M. in the Eddy County Courthouse. Present were Francis O'Connor, Marvin Tollefson, Stanley Ripplinger, and Secretary Hovey. The minutes of the January 9, 1979 meeting were read and approved as read.

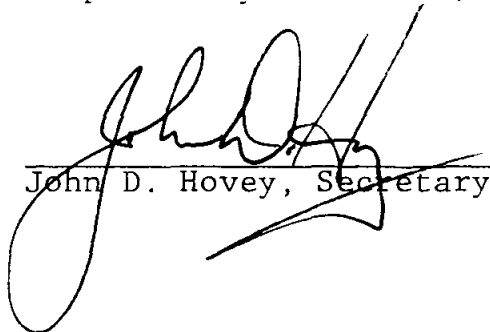
The board reviewed the letter which Secretary Hovey had sent to the legislators from this district. The board also reviewed a letter from John Becker to the State Water Commission regarding the transmittal of his documentation for the north branch of the Rocky Run. The board also received the joint powers agreement on the Rocky Run after it had been signed by all parties and that joint powers agreement was filed with the board for future reference.

The board then recessed and met with the County Commissioners regarding the necessity of obtaining prior approval from the County Commissioners before disbursement of Water Management funds. The commissioners agreed that the funds should be available to the Water Management Board immediately when it requested and would so instruct the County Auditor.

A bill from Becker Engineering in the amount of \$223.00 for a survey done on the Carl Throlson culvert was approved.

There being no further business the meeting was adjourned.

Respectfully submitted,


John D. Hovey, Secretary

WATER MANAGEMENT BOARD MINUTES

A regular meeting of the Eddy County Water Management Board was held on January 9, 1979 at 1:15 P. M. in the Eddy County Courthouse. Present were Francis O'Connor, Marvin Tollefson, Stanley Ripplinger, and Secretary John Hovey. The minutes of the December 5, 1978 regular meeting and the December 14, 1978 special meeting were read and approved as read.

The board reviewed the proposed revised joint powers agreement as submitted by Mike Dwyer. They were then executed by Francis O'Connor and John Hovey and sent back to Fessenden with Norman Rudel.

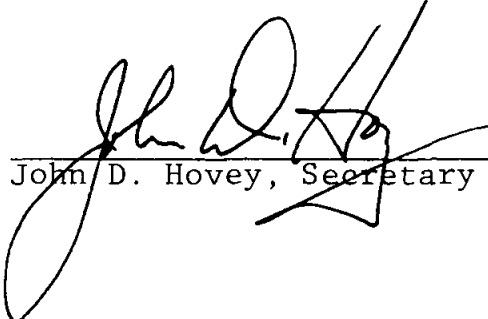
Francis O'Connor reported on a meeting which was held in Fessenden on January 8, 1979 regarding the Rocky Run Joint Flood Control Board. Norman Rudel was elected president and Vance Kro was designated as treasurer. John D. Hovey and Fabian Noack are to serve as attorneys for the joint board.

A motion was made, seconded and carried to pay \$600.00 to the joint board as Eddy County's initial share of administrative costs on the Rocky Run Project.

A motion was made, seconded and carried to pay the annual dues to the North Dakota Water Management District Association in the amount of \$50.00.

There being no further business the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Secretary

WATER MANAGEMENT BOARD MINUTES

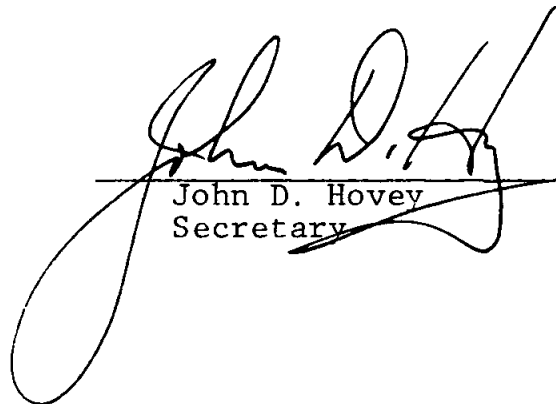
A special meeting of the Eddy County Water Management Board was held on December 14, 1978 at 1:00 P. M. in the Eddy County Courthouse. Present from the Eddy County Board were Francis O'Connor, Stanley Ripplinger and Secretary Hovey. Also present were the entire Foster County Board and their attorney, the entire Wells County Board; and Duane Marthaller, Dave Sprynczynatyk, and Mike Dwyer from the State Water Commission.

Mike Dwyer went through the joint powers agreement and explained changes which he was proposing. Those changes were agreed to. He is to prepare a revised draft and submit it to the Eddy County Water Board for execution.

The proposal of including the north branch of the Rocky Run in on this project was explained to all those present. Each of the three individual boards indicated that they were in favor of such a combination.

There was some additional discussion regarding the joint project; and after that there being no further business the meeting was adjourned.

Respectfully submitted,



John D. Hovey
Secretary

MINUTES OF WATER MANAGEMENT BOARD

A meeting of the Eddy County Water Management Board was held on December 5, 1978 at 9:30 A. M. in the Eddy County Courthouse. Present were Francis O'Connor, Marvin Tollefson, Stanley Ripplinger and Secretary Hovey.

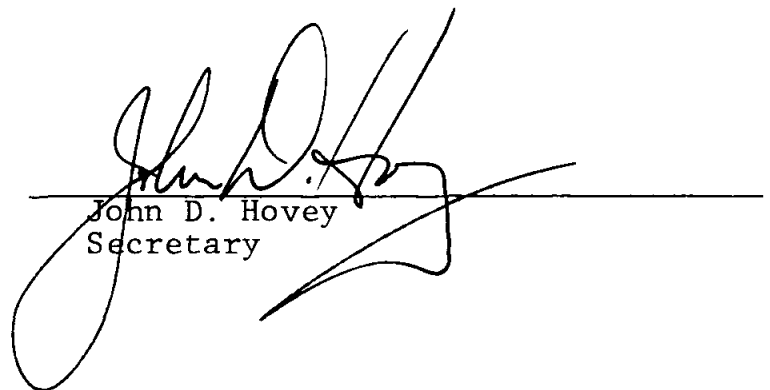
The minutes of the November 6, 1978 regular and special meetings were read and approved as read.

The proposed joint powers agreement for the Rocky Run Project as submitted by Michael Dwyer was presented and discussed. Upon motion by Marvin Tollefson and seconded by Stan Ripplinger, this agreement was ratified by the Eddy County Water Management Board. Secretary Hovey was instructed to write a letter to Norman Rudel to this effect.

Fran O'Connor reported on a meeting which he had attended during the evening of November 6, 1978 at the Wells County Courthouse. Also in attendance at that meeting were representatives of the Wells and Foster County Boards and several landowners from Wells and Eddy Counties. The Rocky Run project was explained by Duane Marthaller and Mike Dwyer from the State Water Commission office in Bismarck. After explanation, a hand-vote was taken of the landowners present as to whether they were in favor of the project. A majority of the landowners present seemed to be in favor of the three county boards proceeding with the next phase of the project.

There being no further business, the meeting was adjourned.

Respectfully submitted,


John D. Hovey
Secretary

MINUTES OF SPECIAL MEETING OF WATER MANAGEMENT BOARD

A special meeting of the Eddy County Water Management Board was held on November 6, 1978 at the New Rockford Courthouse. Present were Norman Rudel, Jerry Shroeder, and Clifford Gross from the Wells County Water Management Board; Mr. Stangeland, Duane Mullenberg, R. D. Reimer, and Fabian E. Noack from the Foster County Water Management Board; and Francis O'Connor, Marvin Tollefson and John D. Hovey from the Eddy County Water Management Board. Also present were Mike Dwyer and Duane Marthaller from the State Water Commission office in Bismarck.

The purpose of the meeting was to establish a joint board for the Rocky Run Watershed project.

Mike Dwyer reviewed a rough draft of an agreement which was prepared for the Red River Valley Water Management District and explained what would be needed in our case. He also explained that each county is permitted by law to levy an additional two mills subject to county commission approval if they become a member of a joint water management board.

The name "Rocky Run Joint Flood Control Board of Foster, Wells and Eddy Counties" was selected. It was agreed that the board would be a three member body with one representative appointed by each county board. This three member body would in effect be an executive committee.

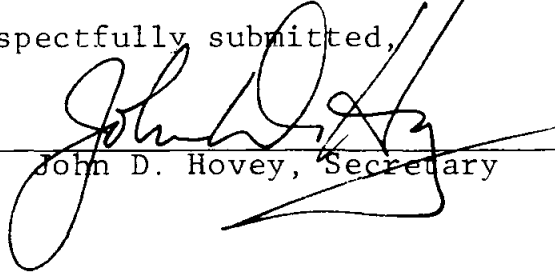
It was further agreed that when the time for assessment came the three member board would establish recommended benefits for the property in all three counties. Each member would then take that proposal back to his individual board for ratification.

It was further agreed that each of the counties would contribute to a common fund for the payment of administrative costs in the following proportions: 60% - Wells County; 10% - Foster County; 30% - Eddy County, and that an initial fund of \$1,000.00 should be sufficient. The only exception to expenses to be paid out of this fund would be per diem and mileage with each individual county paying its own member for these ~~members~~ **COSTS.**

Mike Dwyer agreed to draft and submit a proposed form of agreement for establishing the joint board. That agreement would then have to be ratified by each of the three individual boards. The joint board would be authorized to retain their own legal counsel and employ a secretary-treasurer as the need arose.

There being no further business the meeting was adjourned.

Respectfully submitted,


John D. Hovey, Secretary

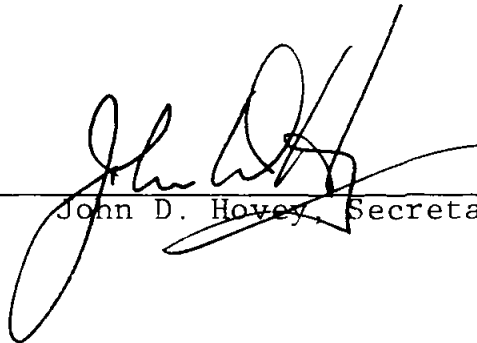
MINUTES OF REGULAR MEETING OF WATER MANAGEMENT BOARD

The regular meeting of the Eddy County Water Management Board was held on November 6, 1978 at the Eddy County Courthouse. Present were Francis O'Connor, Marvin Tollefson and Secretary Hovey.

Due to a lack of regular business for the November meeting, it was decided to hold the meeting today rather than Tuesday, the 7th of November, because of the general election.

There being no further business the meeting was adjourned.

Respectfully submitted,



John D. Hovey Secretary

MINUTES OF SPECIAL MEETING OF WATER MANAGEMENT BOARD

A special meeting of the Eddy County Water Management Board was held on October 17, 1978 at the New Rockford Courthouse. Present were three members of the Wells County Water Management Board, Francis O'Connor, Marvin Tollefson, and Secretary Hovey from the Eddy County Water Management Board. Also present were two representatives from the U. S. Fish & Wildlife Service.

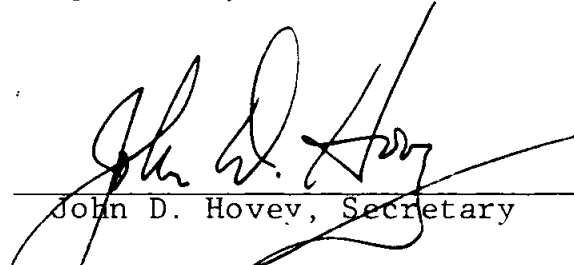
The U. S. Fish & Wildlife Service Representatives displayed aerial photos of Sections 1 through 12 inclusive of Fairville Township, Wells County, North Dakota. These sections are being used as a representative sampling of the entire North Branch Rocky Run drainage project. As stated in previous minutes of the Eddy County Water Management Board, the U. S. Fish & Wildlife Service is in a position to create considerable difficulties getting a drainage ditch through the Quentin Georgeson land in Section 11 of Rosefield Township by virtue of the fact that that section is under easement. The Fish & Wildlife Service would be willing to trade the right to go through that property in exchange for a complete moratorium on the draining of class 3 wetlands throughout the North Rocky Run Basin.

All wetlands were indicated by red circles on the aerial photos. Those with a value of less than class 3 wetlands or those that have already been drained were crossed out. It would appear that only about one-third of the marsh areas could be drained and that approximately two-thirds would have to be retained. It was the general consensus of the meeting that this program could not be sold to the landowners in Wells County.

After the Fish & Wildlife Representatives left, the group instructed John Becker to do some additional survey work on a proposed southerly route which would go through the Northeast Quarter of Section 14 and the North Half of Section 13 in Rosefield Township and then on through Sections 18, 20, 21 and 22 of Superior Township. He is to report back to the group when that survey is completed.

There being no further business the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Secretary

Addition to Minutes -

The board was presented with a bill from Becker Engineering in the amount of \$1500.00 as part payment of work done to date. It was agreed to pay this bill out of the joint funds of the North Branch Rocky Run combined district.

MINUTES OF WATER MANAGEMENT BOARD

A meeting of the Eddy County Water Management Board was held on October 3, 1978 at 9:00 A. M. in the Eddy County Courthouse. Present were Francis O'Connor, Marvin Tollefson and Secretary Hovey. Stan Ripplinger decided to take the day off and go goose hunting.

The minutes of the September 5, 1978 meeting were read and approved as read.

A letter from the State Water Commission requesting payment of their preliminary survey costs for the North Rocky Run was presented. Eddy County's share of this survey is \$1500.00 as previously agreed to. A voucher was drafted and issued to the County Commissioners to make payment of this amount.

Carl Throlson, Mike Bickler and Engineer John Becker were also present at the meeting.

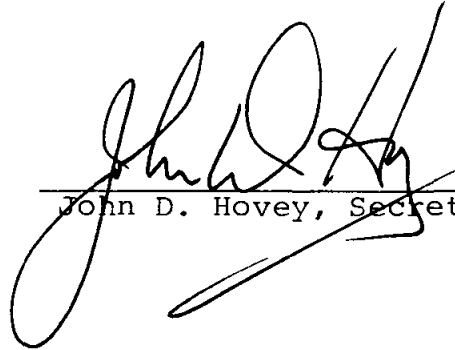
There was much discussion regarding the culvert which runs through the approach which is situated south of the road on the quarter line in Section 7 of Sheldon Township. The minutes of the October 5, 1976 meeting which set forth the terms of a prior agreement on the dike, ditch and culverts in this area were read. Carl W. Throlson said that in view of the fact that he removed more dirt from the dike than he had personally put on the dike, he now wants the subject culvert raised to ground level (a raise of six inches on the east and 1½ feet on the west). Michael Bickler wants it left as is; or, if that culvert is raised, then he wants all other culverts in the area raised to ground level.

A compromise was offered by the board but was not accepted by either Mike or Carl.

the
The board then ordered that the west end of/culvert which had been plugged by Carl Throlson is to be opened. But the board reserved judgment on whether or not to raise the entire culvert to ground level until such time as they can determine water flows in this area and whether there has been any improvement of the water flows in light of the prior work done on the culverts, approaches, etc. over the past several years between Carl Throlson's farm on the east and Quentin Georgeson's farm on the west. If during some future runoff it becomes apparent that this culvert (on the quarter line of Section 7) is creating an illegal diversion of water to the east, the board will at that time direct that this culvert together with the culvert located through the north-south road between Section 12 of New Rockford Township and Section 7 of Sheldon Township shall be raised so that the bottoms of both are equal to ground level.

Carl W. Throlson was advised of this decision.
There being no further business the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Secretary

MINUTES OF WATER MANAGEMENT BOARD

A meeting of the Eddy County Water Management Board was held on September 5, 1978 at 9:00 A. M. in the Eddy County Courthouse. Present were Francis O'Connor, Stan Ripplinger, Marvin Tollefson and Secretary Hovey.

The minutes of the August 1, 1978 meeting were read and approved as read. A report was given on an August 29, 1978 meeting which members O'Connor, Ripplinger and Tollefson and Norman Rudel from the Wells County Board had at Francis O'Connor's farm. Also in attendance was a representative from the Fish & Wildlife Service. The meeting was in regard to the north branch of the Rocky Run and the difficulties we have encountered in getting the Fish & Wildlife Service's cooperation through the Quentin Georgeson land.

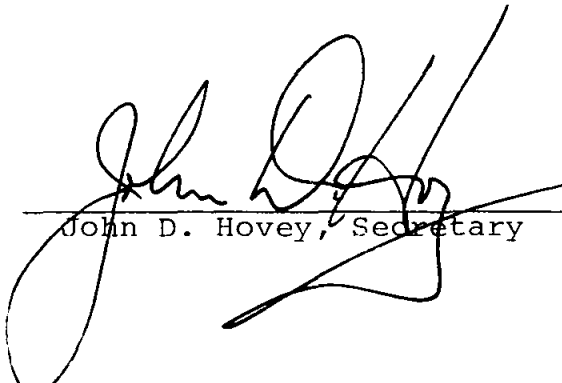
The Fish & Wildlife representative stated that the Fish & Wildlife Service was going to survey Fairville Township, Wells County, ND. To determine if there is any wetlands which they are interested in and which could be traded in order to get their permission to go through the Quentin Georgeson property. It was pointed out that our board will also need wetlands approval before the Soil Conservation Service would even consider giving any help towards paying for the project.

A State Water Commission letter of August 21, 1978 regarding the main Rocky Run Project was discussed.

A call was put into John Becker of Carrington regarding our request that he survey between Section 12 in New Rockford Township and Section 7 in Sheldon Township. Mr. Becker reported that he had not been able to conduct the survey at this time but will have a report for us at our October meeting.

There being no further business the meeting was adjourned.

Respectfully submitted,


John D. Hovey, Secretary

MINUTES OF WATER MANAGEMENT BOARD

A meeting of the Eddy County Water Management Board was held on August 1, 1978 at 9:00 A. M. at the Eddy County Courthouse. Present were Francis O'Connor, Stan Ripplinger and Secretary Hovey. Absent was Marvin Tollefson.

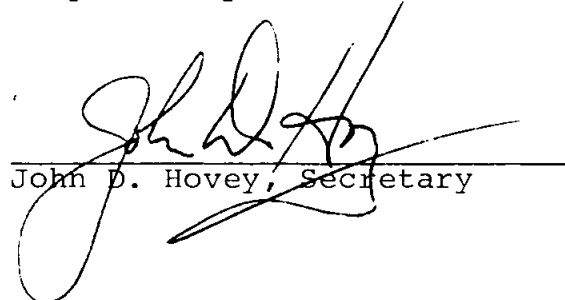
The minutes of the July 11, 1978 and July 17, 1978 meetings were read and approved as read. Hovey reported that a copy of the preliminary engineering report on the Rocky Run Creek and Oak Creek drains was sent to Greg Clites at the Missouri River Basin Commission in Omaha, Nebraska; that the township supervisors in the New Rockford Township were notified of the board's instructions that they reconstruct the approach in the middle of Section 12, Township 149, Range 66; and that John Becker had been notified that we wanted him to shoot some elevations on the culvert in the northeast corner of the NE $\frac{1}{4}$ of Section 12, New Rockford Township. Hovey also reported that a copy of the minutes of the special meeting held July 17, 1978 had been sent to the State Water Commission.

Stan Ripplinger reported on a meeting he attended in Carrington, North Dakota of the North Dakota Water Management Districts Association. That meeting having been held on July 19, 1978. The question of liability insurance was raised at that meeting and after some discussion the board met with the County Commissioners who instructed us to ask Rod Lindstrom whether the Water Management Board was covered. The board did meet with Rod Lindstrom and were advised that they were covered for all errors and omissions (liability).

Mike Bickler met with the board regarding the culvert along the north quarter line of Section 7, Sheldon Township which was plugged by Carl Throlson. He stated that the water should go east along the north edge of the NE $\frac{1}{4}$ of Section 7 and then turn south and that the culvert should be open to accommodate this flow. This was a culvert that the Water Management Board had reserved judgment on. The Water Management Board decided to let John Becker shoot some levels in that area at the same time as he surveys the NE $\frac{1}{4}$ of Sec. 12.

There being no further business the meeting was adjourned.

Respectfully submitted,


John D. Hovey, Secretary

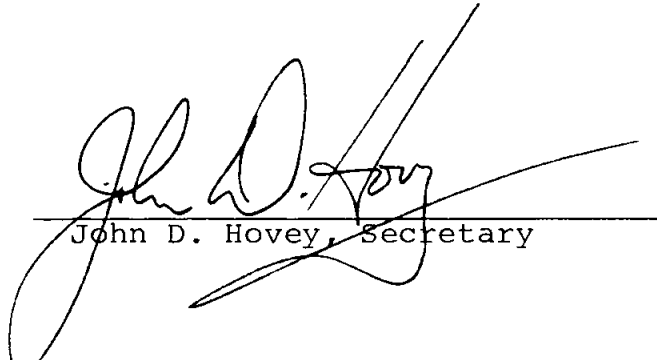
MINUTES OF SPECIAL MEETING OF
WATER MANAGEMENT BOARD

A special meeting of the Eddy County Water Management Board was held on July 17, 1978 at 10:00 P. M. Present were board members Francis O'Connor, Marvin Tollefson, Stanley Ripplinger, and secretary John D. Hovey.

Motion was made by Marvin Tollefson and seconded by Stanley Ripplinger authorizing the chairman of the Eddy County Water Management Board to enter into and execute an agreement whereby the Eddy County Water Management Board would join with the Wells and Foster County Water Management Boards jointly for the purpose of developing the Rocky Run Creek and Oak Creek drainage districts as set forth in the State Water Commission Preliminary Engineering Report dated June of 1978. This joint water management board is to be formed pursuant to Section 61-16-11.1 of the North Dakota Century Code. Upon vote duly taken, all members voted in favor of said motion and none against.

There being no further business the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Secretary

MINUTES OF WATER MANAGEMENT BOARD

The July meeting of the Eddy County Water Management Board was held in the Eddy County Courthouse on July 11, 1978 at 9:00 A.M. Present were Francis O'Connor, Stan Ripplinger and Secretary Hovey. Absent was Marvin Tollefson.

The minutes of the June 6, 1978 meeting were read and approved as read.

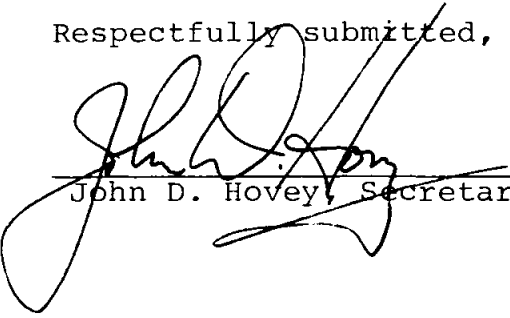
Francis O'Connor reported that he had attended a meeting of the Missouri River Basin Commission in Carrington, ND on June 27th. He was advised at that meeting that if there were any problems on the upper reaches of the James River, we should notify Mr. Greg Clites (Planner with Commission) at Suite 403, 10050 Regency Circle, Omaha, NB 68114. John Hovey was instructed to get a copy of the preliminary engineering report on the Rocky Run Creek and Oak Creek drains and submit the same to Mr. Clites.

John Hovey was also instructed to contact the New Rockford Township Supervisors and direct them to reconstruct the approach in the middle of Section 12, Twp. 149, Rge. 66 to its original elevation which would be existing land level. This was the approach which was apparently washed or dug out this spring. If these repairs do not do the job, the Board will have to consider a new and dry approach west of that approach, in the vicinity of the block requested by Carl W. Throlson.

The Board also took under consideration Carl W. Throlson's request that the culvert in the northeast corner of the NE $\frac{1}{4}$ of Sec. 12 of New Rockford Township be raised. The next time we have an engineer in the area, we will have him shoot some elevations.

There being no further business, the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Secretary

MINUTES OF WATER MANAGEMENT BOARD

The June meeting of the Eddy County Water Management Board was held in the Eddy County Courthouse on June 6, 1978 at 9:00 A. M. Present were all board members and Secretary Hovey. Also present was Carl Throlson.

The minutes of the May 2, 1978 meeting were read and approved as read.

Hovey reported that he had made contact with Archie Campbell, Inc. and had taken two representatives from that firm out to the Georgeson and Throlson farms. Archie Campbell, Inc. had submitted a bid for the work to be done. Hovey then contacted Throlson and Georgeson, both of whom stated that they would complete the work themselves. Francis O'Connor also reported that Throlson and Cleveland had seen him regarding this matter.

Carl Throlson was then given the floor and stated that he wished to inform the board that when he removed the ridge between his and Cleveland's land, he pushed the dirt north to the approach which is located on that quarter line. This is the approach located on the south side of the east-west road. He reported that he pushed the dirt into the ditch on the west side of the approach since the culvert ^{to} that approach was located below ground level. He admitted that this dirt now covered the culvert and this corresponds with a letter received by the board from Michael Bickler.

Mr. Throlson then requested of the board that a "block" be placed in the south ditch at existing ground level at a point 20 to 30 rods west of the northeast corner of the NW $\frac{1}{4}$ of Section of 12, in /Rockford Township.

New

The board then conducted an on-site inspection and determined that Quentin Georgeson had adequately filled in the ditch across his land and that Carl Throlson had adequately removed the ridge between his and Cleveland's land. They also inspected the approach and culvert which Carl Throlson had blocked (and which was also the subject of the Mike Bickler complaint) and upon motion duly made, seconded and carried, decided to reserve judgment on the Mike Bickler complaint as to whether such blockage will constitute an illegal diversion of water. It was also moved, seconded and carried that no action be taken on Carl Throlson's request that a block be inserted in ^{New} the ditch along the north edge of the NW $\frac{1}{4}$ of Section 12 in /Rockford Township until such time as the board can determine whether that road ditch constitutes an illegal diversion of water.

The board also inspected the approach located on the south side of that same east-west line which approach is located approximately on the quarter line between the NW $\frac{1}{4}$ and the NE $\frac{1}{4}$ of Section 12 of New Rockford Township. This is the same approach from which the culvert was removed at board direction sometime ago. It appears

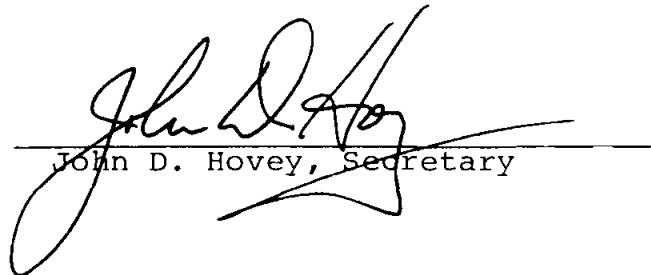
that a portion of that approach has either been removed by some person or persons or washed away which will allow the water to continue in an easterly direction along said road ditch. If the board receives a written complaint regarding this matter, they will instruct the township to restore the approach to its original height (existing land level) and if it washes out again they will consider a replacement approximately 20 to 30 rods to the west which would be in the vicinity of the block which was requested by Carl Throlson.

The board then considered the letter submitted by Tom Olson regarding Sections 26 and 35 in Gates Township. The board has no objection to him making the requested changes at point 1 as long as the grade is not lowered below adjacent ground level and the board will have no objection to replacement of the culvert at point 2 so long as the bottom of the culvert does not go below the existing ground level.

John Hovey was instructed to write letters to Carl Throlson, Mike Bickler and Thomas Olson regarding the above matters.

There being no further business the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Secretary

MINUTES OF WATER MANAGEMENT BOARD

The May meeting of the Eddy County Water Management Board was held in the Eddy County Courthouse on May 2, 1978 at 9:00 A. M. Present were all board members and Secretary Hovey.

The minutes of the April 4, 1978 meeting were read and approved as read.

It was reported that none of the board members were able to attend the meeting in Lakota on April 19, 1978.

All three board members made a field trip inspection on April 5, 1978 to the Kenneth Topp, Carl Throlson-James Cleveland, and Quentin Georgeson farms.

Kenneth Topp - It was found that there are still rocks piled on the east side of the culvert but apparently the water is running through the culvert towards the east. The ~~By~~ has not been filled.
cut in the ditch

Throlson - Cleveland - The on-site inspection revealed that the ridge has not been removed.

Georgeson - The inspection revealed that the ditch is still not completely filled.

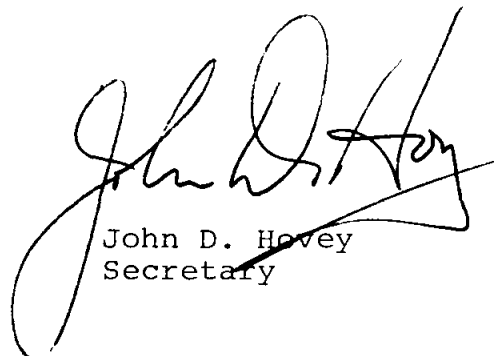
Motion made, seconded and carried to hire either a private contractor or the County road crew to remove the ridge between Throlson-Cleveland land and fill in the Georgeson drain. The costs of this work are to be assessed against the respective landowners.

The board then met with the County Commissioners and advised them of their decision. The board then went to Archie Campbell's office but Norman Anderson and Don Schafer were not there.

John Hovey is to contact Cleveland, Georgeson and Archie Campbell.

There being no further business the meeting was adjourned.

Respectfully submitted,



John D. Hovey
Secretary

MINUTES OF WATER MANAGEMENT BOARD

The April meeting of the Eddy County Water Management Board was held in the Eddy County Courthouse on April 4, 1978 at 1:00 P. M. Present were all board members and Secretary Hovey.

The minutes of the March 7, 1978 meeting were read and approved as read.

O'Connor reported that he had met with the County Commissioners and that the commissioners had agreed another desk in the Water Management office would overcrowd. It was agreed that Mrs. Anderson should set up her desk in the first office. (But it showed up in the Water Management Board office anyway by the April meeting.)

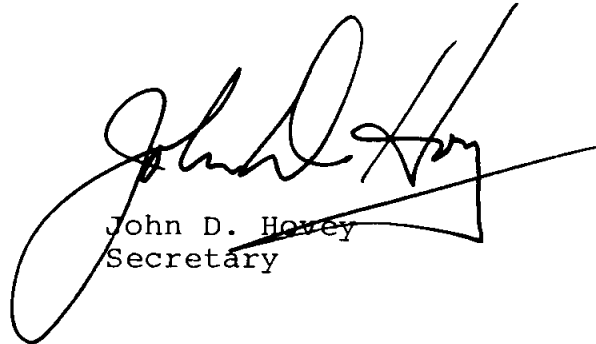
It was noted that the annual meeting of water management districts would be held in Lakota on April 19, 1978 at 9:00 A. M. All members will try and attend depending upon spring work.

Meetings for the summer months were scheduled for 9:00 A. M. starting with the month of May.

Board members agreed to conduct an on-site inspection of the Carl Throlson, Quentin Georgeson and Kenneth Topp drainage sites on April 5, 1978 at 1:00 P. M.

There being no further business the meeting was adjourned.

Respectfully submitted,



John D. Hovey
Secretary

MINUTES OF WATER MANAGEMENT BOARD

The March meeting of the Eddy County Water Management Board was held in the Eddy County Courthouse on March 7, 1978 at 1:00 P. M. Present were all board members and Secretary Hovey.

The minutes of the February 7, 1978 meeting were read and approved as read.

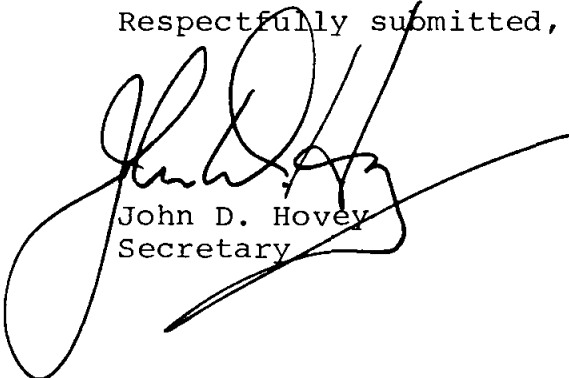
Board member O'Connor reported that Mrs. Judy Anderson had called and wanted to move a desk into the office. It was the consensus of the board that this would overcrowd the office, and it was decided that O'Connor and Ripplinger would talk to the County Commissioners this afternoon.

Stan Ripplinger reported that a Mr. Marthaller (?) from the State Water Commission called and wanted to know the names of everyone who had ever done any work or surveys with the Rocky Run. He and Fran O'Connor came up with a list of three names and this was forwarded to Mr. Marthaller.

It was agreed that at the April meeting the board would have to make on site inspections at the Kenneth Topp, Carl Throlson and Quentin Georgeson drainage sites in regard to Notice of Violations which are still pending. If the work is not done this spring by the landowners, we will write them a letter notifying each of them that the county road crew will be in to do the work and the cost of the same will be added to their taxes.

There being no further business the meeting was adjourned.

Respectfully submitted,



John D. Hovey
Secretary

MINUTES OF WATER MANAGEMENT BOARD

The February meeting of the Eddy County Water Management Board was held in the Eddy County Courthouse on February 7, 1978 at 1:00 P. M. Present were all board members and Secretary Hovey.

The minutes of the January 3, 1978 meeting were read and approved as read. A bill for \$50.00 dues to the North Dakota Water Management Districts Association was presented. It was moved, seconded and carried that the bill be paid.

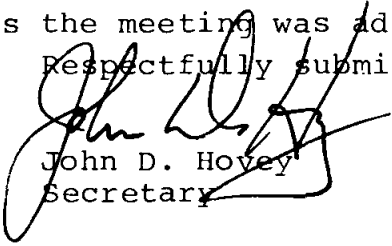
Board members Ripplinger and O'Connor reported on their meeting with the Wells County Water Management Board, John Becker, and the representative from the U. S. Fish & Wildlife Service (Arrowwood Station) which was held in New Rockford on January 19, 1978. The U. S. Fish & Wildlife Service representative was advised on what the Eddy and Wells Boards wanted to accomplish in the Rocky Run Drainage District. They were told that nothing would be done until spring at which time the wildlife service is going to take fly-over pictures of the Rocky Run area in order to get an overall picture. They were told that the wildlife representative was going to take their request back to ~~the~~ superiors and we would be advised in due time. Our board members were left with the impression that the Fish & Wildlife is going to take the position that the Fish & Wildlife Service may allow a drain through the Georgeson land but that they would probably attach strict conditions which would in effect stop or at least severely impair drainage on the upper reaches of the Rocky Run basin. There was also some discussion as to whether present marsh areas could be replaced by other marsh areas and it is hoped that the Fish & Wildlife Service will discuss this matter. One of the proposed replacement areas might possibly be in the area of the Duda Dam in Superior Township, which could be used for trading purposes. There is an easement on record in the courthouse which the board considered at their February 7, 1978 meeting.

Letters dated June 28, 1977 and September 27, 1977 to John Becker from the Fish & Wildlife Service were reviewed by the board. These letters were not forwarded to the board until January of 1978 and this was the first time the board had a chance to see them. It was the consensus of the board that we should have had these prior to this time as they would have been helpful in answering questions raised by the Rocky Run landowners last fall.

Bob Soderholm met with the board regarding Judy Anderson's request to use the Water Management Office for a headquarters of the Senior Citizens Meals Program. It was agreed ~~that~~ that would be okay so long as the office was vacated when needed by the Water Management Board for their business.

There being no further business the meeting was adjourned.

Respectfully submitted,


John D. Hovey
Secretary

MINUTES OF WATER MANAGEMENT BOARD

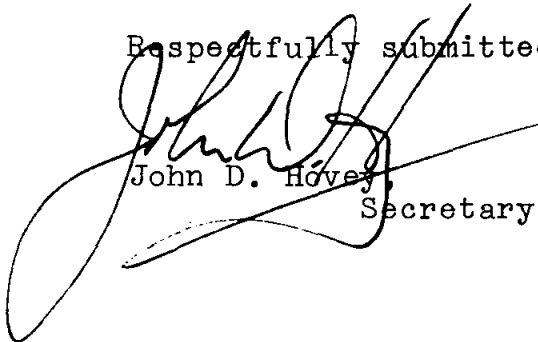
The January meeting of the Eddy County Water Management Board was held in the Eddy County Courthouse on January 3, 1978 at 9:30 A.M. Present were all board members and Secretary Hovey.

The minutes of the December 1, 1977 meeting were read and approved as read. Vouchers for mileage and per diem for the period June 8, 1977 through 12-31-77 were filed by all board members and Secretary Hovey, and approved. They were then filed with the County Auditor.

Ralph Leichtman met briefly with the Board regarding the Kenneth Topp drainage matter.

There being no further business, the meeting was adjourned.

Respectfully submitted,



John D. Hovey
Secretary

MINUTES OF WATER MANAGEMENT BOARD

The December meeting of the Eddy County Water Management Board was held in the Eddy County Courthouse on December 1, 1977 at 8:00 A.M. Present were board members, Francis O'Connor, Marvin Tollefson and Stanley Ripplinger. Also present was Board Secretary, John D. Hovey. Also present was Ed Walz of New Rockford.

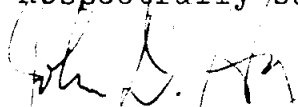
The minutes of the November 1, 1977 meeting were read and approved as read. A bill from Becker Engineering, Carrington, N.D. for survey work done on the Kenneth Topp land was approved in the amount of \$137.50.

Some general discussion was held regarding the north branch of the Rocky Run. Nothing has been heard from the US Fish and Wildlife Service in regards to this project.

A press release from the State Water Commission regarding drainage is to be published in the Transcript in the spring of 1978. Secretary Hovey is to attend to this.

There being no further business, the meeting was adjourned.

Respectfully submitted,


John D. Hovey,
Secretary

MINUTES OF WATER MANAGEMENT BOARD

A regular meeting of the Eddy County Water Management Board was held in the Eddy County Courthouse on November 1, 1977 at 9:15 A.M. Present were Board members Francis O'Connor and Marvin Tollefson. Also present was Board Secretary John Hovey. Absent was Board member Stanley Ripplinger.

The minutes of the September 29, 1977 meeting were read and approved as read.

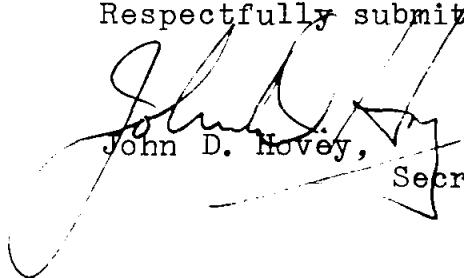
Correspondence to Malcolm Brown dated September 29, 1977 regarding the Kenneth Topp matter and the letter to James Guler, et al regarding the North Branch of the Rocky Run were reviewed.

Francis O'Connor reported that Quentin Georgeson had approached him again regarding the north branch of the Rocky Run. Mr. Georgeson had hoped that some construction might be started this fall. Francis O'Connor informed Mr. Georgeson and it was agreed by the Board at today's meeting that nothing could be done until a reply was received from the U. S. Fish and Wildlife Service in response to Beckers letter of September 22nd.

Winter meetings of the Water Management Board will start at 9:30 A.M.

There being no further business, the meeting was adjourned.

Respectfully submitted,


John D. Hovey,
Secretary

MINUTES OF WATER MANAGEMENT BOARD

The October meeting of the Eddy County Water Management Board which would ordinarily be held on October 4, 1977, was rescheduled to and held on September 29, 1977 at 9:00 o'clock A.M. in the Eddy County Courthouse. All board members were present together with Secretary John D. Hovey. The minutes of the September 6, 1977 meeting were read and approved as read.

The first item on the agenda was the Kenneth Topp drainage matters. The report of John W. Becker, Engineer for the Water Board, as contained in his letter of September 22, 1977 and attached map was reviewed. Also reviewed were the minutes of the March 1, 1977 meeting at which time the original complaint was filed by the Paradise Township Supervisors against Kenneth Topp for deepening the ditch on the west side of the road running between Section 19 in Paradise Township and 24 of Cherry Lake Township; the March notice of violation directed to Kenneth Topp; the April 7th notice of violation issued to Kenneth Topp; and the minutes of the July 5, 1977 board meeting at which time Mr. Topp and his attorney appeared before the Board at a requested hearing on the April 7, 1977 notice of violation.

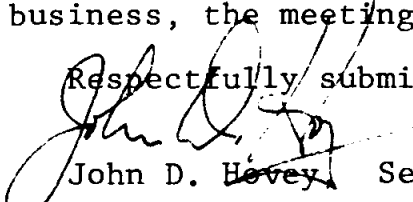
It was the general consensus of the board after the reviewal of the above documents that the water will run out of the slough in Section 25 to the southwest as alleged by the complainant rather than to the northeast as alleged by Mr. Topp at the hearing on July 5, 1977. It would appear that in fact the road on the north edge of the northwest quarter of section 30-148-62 is 2.6 feet higher than the divide located at the southwest edge of the slough in the southwest quarter of section 25-148-63. A motion was made, seconded and carried to notify Kenneth Topp and his attorney, Malcolm Brown, that the April 7, 1977 notice of violation wherein Kenneth Topp was ordered to fill in said ditch, should be in all respects complied with and the bottom of said ditch running on the west side of the road between Section 19 of Paradise Township and Section 24 of Cherry Lake Township return to its original elevation.

A letter from John Becker to the Fish and Wildlife Service concerning the north branch of the Rocky Run was discussed. Secretary Hovey was directed to send a letter to Ed Walz, James Guler, Jack McDowell, Quentin Georgeson, and Herb Engels explaining what has happened so far and reason for the delay in this matter.

Board member Ripplinger will reserve one room at the Westward Ho in Grand Forks, ND for the annual meeting of State Water Management Districts scheduled for December 5, 6 and 7 of 1977.

There being no further business, the meeting was adjourned.

Respectfully submitted,


John D. Hovey Secretary

MINUTES OF WATER MANAGEMENT BOARD

A regular meeting of the Eddy County Water Management Board was held in the Eddy County Courthouse on September 6, 1977 at 9:30 A. M. All board members were present together with Secretary John D. Hovey. The minutes of the August 2, 1977 meeting were read and approved as read.

Hovey reported that he had written a letter to John Becker regarding the Kenneth Topp survey and the Bureau of Sports Fisheries and Wildlife information on the north branch of Rocky Run. He reported that Mr. Becker would be doing some work in connection with the Bureau of Sports Fisheries and Wildlife information but that no had been received on the results of the Kenneth Topp survey. Secretary Hovey is to contact Becker again regarding both items.

There being no further business, the meeting was adjourned.

Respectfully submitted,

report

John D. Hovey, Secretary

MINUTES OF WATER MANAGEMENT BOARD

A regular meeting of the Eddy County Water Management Board was held in the Eddy County Courthouse on August 2, 1977 at 9:15 A.M. All board members were present together with Secretary John D. Hovey. The minutes of the July 5, 1977 meeting was read and approved as read.

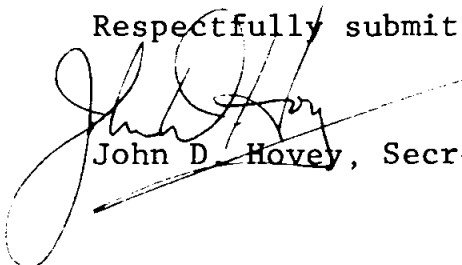
Secretary Hovey reviewed his letters to John Becker and Quentin Georgeson. Routine communications to the Board were also discussed and disposed of.

Board members O'Connor, Tollefson and Ripplinger reported on their attendance at a meeting held in Eddy County Courthouse on July 20, 1977. Also in attendance were representatives from the Wells and Foster County Water Management Boards, the State Water Commission and the Soil Conservation Service.

A slide presentation regarding the main Rocky Run Watershed Project was given to those assembled. The State Water Commission reported that the cost of completing their preliminary survey work on the Rocky Run Watershed would be \$11,000. They requested a contribution from the 3 counties of \$5000. to complete this work. It was agreed that Wells County would pay \$3000., Eddy County \$1500. and Foster County \$500. Apparently this will complete all preliminary survey and other work in preparation for the eventual construction of the project. The State Water Commission seemed to feel that much relief could be gained just by resizing the culverts in a uniform pattern. The Soil Conservation Service indicated that they would not be able to contribute financial assistance to the project due to the destruction of wetlands.

There being no further business, the meeting was adjourned.

Respectfully submitted,


John D. Hovey, Secretary

MINUTES OF WATER MANAGEMENT BOARD

A regular meeting of the Eddy County Water Management Board was held in the Eddy County Courthouse on July 5, 1977 at 9:30 A. M. All board members were present together with Secretary John D. Hovey. The minutes of the two previous meetings were read and approved as read.

Secretary Hovey reviewed the communication with Norman Rudel and other correspondence in connection with the North Branch Rocky Run Drainage Project.

The Columbia Township Supervisors (Wilford Wipperling, Lawrence Dungan and Charles Collier) met with the board regarding a ditch on the south edge of the SW $\frac{1}{4}$ of Section 34, Columbia Township. This ditch was constructed by Kenneth Topp to drain a slough located approximately in the SE $\frac{1}{4}$ of the same section.

The supervisors informed the board that they were not complaining at this time about the drainage of the slough, but they wanted the board to assist them in getting Mr. Topp to properly backslope the ditch. The board informed the supervisors that the Water Management Board had no jurisdiction over road problems except when it involved a drainage complaint. The board also informed the supervisors that no action could be taken unless a written complaint was filed with the board.

The board then recessed and conducted an on-site inspection of the Quentin Georgeson property in New Rockford Township and found that the ditch has not been filled as was previously ordered by the board. Secretary Hovey was instructed to write Mr. Georgeson another letter informing him that this work was to be done by September 15, 1977 or the board would do the work themselves and assess the costs against the property.

At 11:00 A. M. the board reconvened for a hearing requested by Kenneth Topp on the Notice of Violation in Cherry Lake Township. Present at the meeting were Kenneth and Jeff Topp, Hugo Loffelmacher, Myron Kulsrud and Malcolm Brown, attorney for Mr. Topp. Also present was Forrest Topp from the Columbia Board of Supervisors.

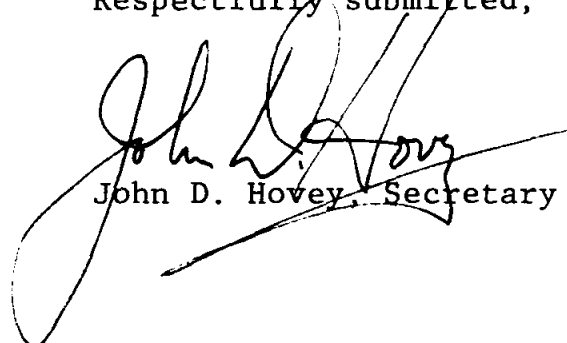
Attorney Brown presented Kenneth Topp's position in regard to the cut in the ditch. Mr. Topp admits that the flow of water to the east has been decreased somewhat and that this water now flows in a southerly direction. However, Mr. Topp stated that all of the water which goes to the south ends up on his own property and that, therefore, results in no detriment to adjoining landowners. Mr. Topp feels that the action taken was good farming practices and that before any water could reach the land owned by Duane ~~White~~, which is located to the southwest, the water would

Hoyt

drain back east through Mr. Topp's land and eventually into the Overbeck Game Refuge. Attorney Brown cited the North Dakota case of Jacobson vs. Peterson found in 190 NW 2d, page 1, in ^{support of his} ~~favor~~ contention. Marvin Tollefson made a motion to have Engineer John Becker make a survey of the area so that the board has some independent findings in regard to Mr. Topp's allegations. This was seconded by Stan Ripplinger and upon vote taken was carried.

There being no further business the meeting was adjourned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John D. Hovey". The signature is stylized with large loops and a long horizontal stroke at the end.

John D. Hovey, Secretary

MINUTES OF WATER MANAGEMENT BOARD

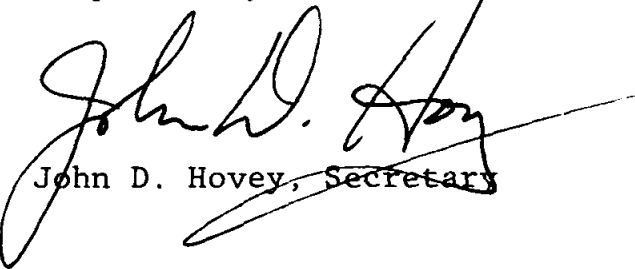
A special meeting of the Eddy County Water Management Board was held in the Eddy County Courthouse on June 8, 1977 at 8:00 P. M. All board members were present together with secretary John Hovey. Also present were the members of the Wells County Water Management Board, Clifford Gross and Engineer John Becker.

We went over the plans and specs as presented by Engineer Becker. The proposed boundary of district was compared with the suggested boundary of the district as prepared by the Soil Conservation Service.

A general discussion was held as to the problems presented by the Fish & Wildlife Service easements on the Quentin Georgeson and Bernie Whetham land. It was decided that before the project could go any further a determination would have to be made as to the extent of such easements and whether or not the Fish & Wildlife will allow a ditch. Hovey was directed to obtain the information as to location of Fish & Wildlife easements and to notify members of both boards. He also was to get a map of all wildlife easements in Eddy County.

There being no further business the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Secretary

Addendum: The person to contact for a colored map of the Fish & Wildlife easements is Don Fitzgerald at the U. S. Fish & Wildlife Service, Box 1897, Bismarck, ND 58501

MINUTES OF WATER MANAGEMENT BOARD

A regular meeting of the Water Management Board was held in the Eddy County Courthouse on June 7, 1977 at 9:30 A.M. Present were board members Francis O'Connor, Stanley Ripplinger, and Marvin Tollefson. Also present was John D. Hovey, board secretary and legal counsel. The minutes of the May 3, 1977 meeting were read and approved as read.

Letters written to Carl Throlson, James Cleveland, Quentin Georgeson, and the State Water Commission since the May 3, 1977 meeting were read by the Board.

The Board then worked out the budget for the coming fiscal year ending June 30, 1978.

Mike Bickler appeared before the board and requested that a culvert be installed between the SE $\frac{1}{4}$ of Section 1 and the NE $\frac{1}{4}$ of Section 12, New Rockford Township. It was suggested that this is a matter to be handled by the Rockford Township supervisors and that he should contact them.

Board members vouchers for the period January 1, 1977 through June 7, 1977 were prepared and filed with the County Auditor.

There being no further business, the meeting was adjourned.

Respectfully submitted,


John D. Hovey, Secretary

MINUTES OF WATER MANAGEMENT BOARD

A regular meeting of the Water Management Board was held in the Eddy County Courthouse on May 3, 1977 at 9:30 A. M. Present were board members Francis O'Connor, Stanley Ripplinger, and Marvin Tollefson. Also present was John D. Hovey, board secretary and legal counsel. The minutes of the April 5, 1977 were read and approved as read.

Secretary Hovey reviewed matters concerning the Kenneth Topp ditching on the west side of the road running between Section 19 of Paradise Township and Section 24 of Cherry Lake Township, Eddy County, North Dakota. Letters to and from Malcolm Brown (attorney for Kenneth Topp) were read. The board approved Kenneth Topp's request for a hearing which was scheduled for July 5, 1977 at 11:00 A. M.

Correspondence regarding the proposed Legal Drain on the north branch of the Rocky Run was read. Engineer John Becker is apparently now working on the survey.

County Commissioner Ralph Leichtman appeared before the board regarding the Warwick Dam. Mr. Leichtman informed the board that the County Commissioners probably will not take any action other than to agree to donate some materials which would be paid for out of the County Park Funds. The County Commissioners feel that it is up to the Warwick Gun Club to take whatever action is necessary to satisfy the State Water Commission's requirements for plans. Mr. Leichtman informed the Water Board that he had already called the president of the Warwick Gun Club and informed him of this decision.

Board members reviewed their field trip to the Quentin Georgeson farm on April 5, 1977. They agreed that the ditch was not closed all of the way to the driveway as ordered. Secretary Hovey was to send a letter informing Mr. Georgeson that the remainder of the ditch is to be filled in.

The board then reviewed the Cleveland-Throlson matters which date back to the October, November, and December, 1976 board meetings. Secretary Hovey was directed to send a reminder to both Mr. Cleveland and Mr. Throlson that they have until June 1, 1977 to complete the work.

Robert and Lannes Ellingson appeared before the board regarding an application by Kenneth Topp to irrigate out of a dug-out located in Section 25, Township 148, Range 63. The Ellingsons requested that the Eddy County Water Management Board send a representative to the hearing when that hearing is held in Bismarck, North Dakota.

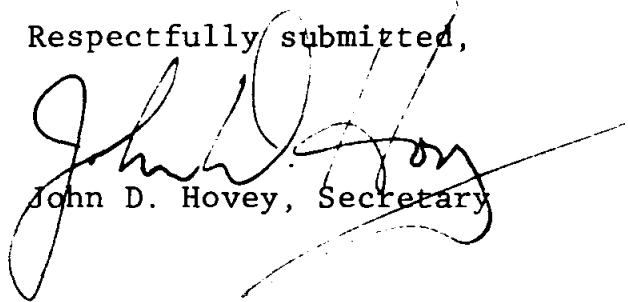
The board decided that after receiving a notice of the date of hearing, that they would write a letter to the State Water Commission suggesting that the State Water Commission review Mr. Topp's application very carefully and explore any possible damage that such irrigation might do to:

1. Wetlands in the immediate area.
2. Depletion of the sub-surface water table which might result in a drying up of the domestic water supplies in the local area.
3. The effect such irrigation might have on haylands in the slough area itself.

Marvin Tollefson and John D. Hovey reported on their attendance at the Regional Meeting in Lakota of the State Water Management Districts which was held on April 13, 1977.

There being no further business the meeting was adjourned.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "John D. Hovey", written in black ink. The signature is fluid and somewhat stylized, with a long horizontal stroke extending to the right.

John D. Hovey, Secretary

MINUTES OF WATER MANAGEMENT BOARD

A regular meeting of the Water Management Board was held in the Eddy County Courthouse on April 5, 1977 at 9:00 A. M. Present were board members Francis O'Connor, Stanley Ripplinger and Marvin Tollefson. Also present was John Hovey, board secretary and legal counsel. The minutes of the March 1, 1977 meeting were read and approved as read.

The secretary was instructed to inform Kenneth Topp by a Notice of Violation that he is to close the cut which he made in that ditch on the west side of the road running between Section 19 of Paradise Township and Section 24 of Cherry Lake Township, Eddy County, North Dakota.

Ed Walz and Quentin Georgeson then appeared at the meeting in regard to Eddy County Drain #2. They deposited checks with the board to cover anticipated survey costs in the amount of \$1450.00. This will be the Eddy County landowners' share as agreed upon at the March 11, 1977 meeting in Fessenden. The secretary was instructed to cash these checks and purchase a bank draft which is to be forwarded to the Wells County Auditor in Fessenden, North Dakota. The checks as received were from: H. J. Engels, \$207.00; Ed Walz, \$207.00; Jack McDowell, \$207.00; Randy Guler, \$207.00; Watson Farm Account, \$207.00; Quentin Georgeson, \$207.00; Eddy County, \$208.00; total \$1450.00.

O'Connor and Tollefson reported on the joint meeting of the Wells and Eddy County Water Management Boards which was held in Fessenden, North Dakota on March 11, 1977. Also present at that meeting were several Wells County landowners. The subject of the meeting was the project which this board has to this time entitled "Eddy County Drain #2".

O'Connor and Tollefson reported that enthusiasm appeared to be good among the Wells County landowners about this project. It was decided that each county would contribute one-half towards the preliminary survey; Norman Rudel was elected chairman of the combined boards, and it was further agreed that the Wells County Secretary-Treasurer would handle the joint funds.

The board members then left the courthouse for an inspection trip to the Quentin Georgeson farm which is located in Section 2 of New Rockford Township.

There being no further business the meeting was adjourned.

Respectfully submitted,


John D. Hovey, Secretary

MINUTES OF WATER MANAGEMENT BOARD

A regular meeting of the Water Management Board was held in the Eddy County Courthouse on March 1, 1977 at 2:00 P. M. Present were board members Francis O'Connor, Stanley Ripplinger, and Marvin Tollefson. Also present was John Hovey, board secretary and legal counsel; all members of the Eddy County Board of Commissioners and Ralph Harding, Stephen Balvitsch, Duwayne Hoyt and Oscar Hov as supervisors of Paradise Township.

The Paradise Township Supervisors filed a complaint with the board that Kenneth Topp has plugged a culvert between Section 19 of Paradise Township and Section 24 of Cherry Lake Township and then deepened a ditch on the west side of the road running between those two sections from a point close to the plugged culvert to the south. The Paradise Township Supervisors claim that this diverts the water to the south where it eventually doubles back to the southwest rather than letting it follow its natural course due east through the culvert and eventually to the northeast in the vicinity of the Overbeck Game Management Area.

The County Commissioners and the Supervisors then left the meeting. John Kringler, Eddy County Agent, then arrived at the meeting. Chairman Francis O'Connor called the meeting to order and the minutes of the February 1 meeting were read and approved as read.

Stan Ripplinger reported that he had been in contact with Quentin Georgeson and Mr. Georgeson and Mr. Walz will get the SCS questionnaires completed and mailed in.

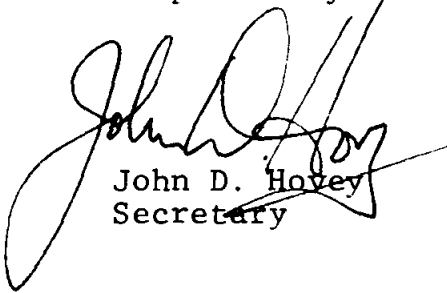
Francis O'Connor and Stanley Ripplinger reported that they had attended a meeting at the Wells County Courthouse on February 25, 1977 regarding the extension of Eddy County Drain #2 into Wells County. The Wells County Board was also present and were in agreement with getting a legal drain started. The Wells County Board will set up a meeting at which the Eddy County Board should attend. This meeting will be to see if all of the Wells County landowners are in accord with such a legal drain. If so, some contribution towards the survey costs will be required of the Wells County landowners.

The board then made an on-site inspection at the site of the alleged plugged culvert and illegal drainage by Kenneth Topp. They found that the ditches were full ^{of snow} and that they were unable to determine exactly whether or not the water would run east or south. In any event, it was decided that if the culvert is

plugged, it at least must be reopened. The board reserved decision on whether or not to order the ditch filled back in. Secretary Hovey was ordered to serve a notice on Mr. Topp that the culvert must be opened in sufficient time to accommodate any spring run-off and that the board will reserve their right to make a future decision on the cut in the ditch.

There being no further business, the meeting was adjourned.

Respectfully submitted,



John D. Hovey
Secretary

MINUTES OF WATER MANAGEMENT BOARD

A regular meeting of the Water Management Board was held in the Eddy County Courthouse on February 1, 1977 at 2:00 P. M. Present were board members Francis O'Connor, Marvin Tollefson and Stanley Ripplinger. Also present was John D. Hovey. The minutes of the January 4, 1977 meeting were read and approved as read.

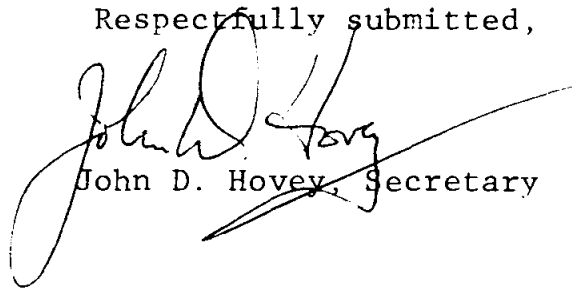
A bill from WS Seig Co. for \$2.00 was approved.

The letter from John Becker dated January 28, 1977 in regards to the proposed Eddy County Drain #2 was read and discussed. Hovey was directed to write a letter to the petitioners and inform them of the costs of survey. He is also to advise them that they are to deposit the sum of \$2900.00, after which time the board will proceed with the project according to law. If the petitioners have any questions, they can meet with the board on March 1, 1977 at 2:00 P. M.

Francis O'Connor and Stanley Ripplinger reported on the January 12, 1977 meeting in Fessenden regarding the SCS flood questionnaires. Six members from Eddy County attended, namely Francis O'Connor, Stanley Ripplinger, Johnny Eisenzimmer, Paul Rice, Glenn Walz and Quentin Georgeson. Rice and Eisenzimmer have already completed the questionnaires for Superior Township and have turned them into Stanley Ripplinger. Stan will contact Georgeson and Walz and inform them that the deadline is February 6, 1977.

There being no further business the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Secretary

MINUTES OF WATER MANAGEMENT BOARD

A regular meeting of the Water Management Board was held in the Eddy County Courthouse on January 4, 1977 at 1:30 P. M. Present were board members Francis O'Connor, Stanley Ripplinger and Marvin Tollefson. Also present was John Hovey, board secretary and legal counsel. The minutes of the December 14, 1976 meeting were read and approved.

The first matter considered was the petition to establish a legal drain in Rosefield Township and Superior Township. The proposed drain would be given the name of Eddy County Drain #2. John Hovey reported that the petition appeared to be in order and meets the minimum requirements of law. Hovey was instructed to write a letter to Becker Engineering in Carrington, North Dakota and without incurring any costs or fees, they are to furnish to the board an estimate of their costs of survey to the Eddy County line and in the alternative out to the origin of the drain about a mile and one-half west of the Bremen Catholic Church. Hovey was then instructed that when a reply is received from Becker Engineering that the petitioners should be notified to appear at the regular February meeting.

The Rocky Run Project was then discussed. Hovey reported on his meeting with the Superior and Rosefield Township Supervisors. The upcoming meeting at Fessenden, North Dakota on January 12, 1977 was discussed. O'Connor, Ripplinger and Hovey are all to attend if possible. A motion made, seconded and carried that Eddy County's share of State Water Commission request be limited to \$1,000.00.

Canvassers were appointed from Superior and Rosefield Townships as follows:

Superior Township

1. Johnny Eisenzimmer
2. Paul Reis

Rosefield Township

1. Glenn Walz
 2. Quentin Georgeson
- Alternate: Randy Guler

The above individuals will take the Flood Damage questionnaires around to the various landowners in their townships.

The following bills were allowed: \$50.00 for 1977 membership at the North Dakota Water Management Districts Association; \$480.35 Mattson, Williams & Hovey for services rendered to 12-15-76.

There being no further business the meeting was adjourned.

Respectfully submitted,


John D. Hovey, Secretary

MATTSON, WILLIAMS & HOVEY, LTD.

ATTORNEYS-AT-LAW
NEW ROCKFORD, NORTH DAKOTA
58356

December 15, 1976

Mr. Carl Throlson
Sheyenne, ND 58374

Mr. James Cleveland
New Rockford, ND 58356

Dear Mr. Throlson and Mr. Cleveland:

I am writing this letter on behalf of the Eddy County Water Management Board.

The Water Management Board at its regular December meeting again took up the matter of the agreement which was arrived at back on October 5, 1976.

The two items that are to be completed are as follows:

1. The ditch leading from the slough to the road along the NW $\frac{1}{4}$ of Section 7 is to be filled.
2. The ridge lying between the NW $\frac{1}{4}$ of Section 7 and the NE $\frac{1}{4}$ of Section 7 is to be removed.

The board understands that there is some question as to where the ridge is located, whether it is on Mr. Throlson's land or Mr. Cleveland's land. Since the board is not in a position to conduct a survey it has decided to direct the two of you to jointly agree on the removal of the ridge and at the same time on the filling of the ditch. The board has set June 1, 1977 as the last date for this work to be done.

Yours truly,

John D. Hovey
Secretary
Eddy County Water
Management Board

JDHbw

MINUTES OF WATER MANAGEMENT BOARD

A rescheduled regular meeting of the Water Management Board was held in the Eddy County Courthouse on December 14, 1976 at 3:00 P. M. Present were board members Stanley Ripplinger, Marvin Tollefson and Francis O'Connor. Also present were John D. Hovey, board secretary; Christ Schatz; and all three members of the Eddy County Board of County Commissioners. The minutes of the November 3, 1976 meeting were read and approved.

Board secretary reported to the board that Mr. Georgeson had been notified by letter to close his ditch as ordered at the last board meeting. Marvin Tollefson indicated that he understands it has not yet be filled. John Hovey then reported that the Notice to the New Rockford Township Supervisors had not been mailed because no completion date had been set at the last meeting. The board set a June 1, 1977 completion date and Hovey was instructed to mail the same.

Motion made, seconded and carried to write Carl Throlson and James Cleveland ordering and directing them to jointly cut down and remove the ridge between their property and also to fill in the ditch from the slough to the road as soon as possible.

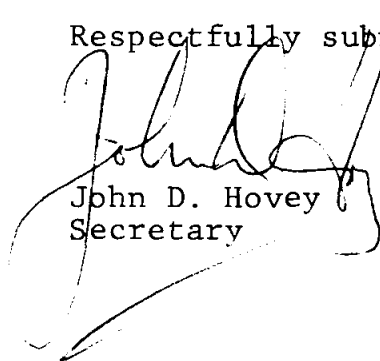
Christ Schatz then discussed his letter to the board and presented a general discussion of the flooding problems he has on his land and the promises that had been made in the past and allegedly not kept. He indicated that he was not filing a formal complaint at this time, but he feels that there should be six foot flat bottom culverts through the roads north and east of his farmstead.

The Board of Commissioners met in regards to Kenneth Topp having plugged a culvert between Section 19 of Paradise Township and Section 24 of Cherry Lake Township. This is a township culvert and township road. The board told the County Commissioners that the board could not take any action until some individual or Board of Supervisors filed a written formal complaint.

A petition to establish a legal drain was filed with the board. John D. Hovey was ordered to investigate its sufficiency and report back at the January meeting.

There being no further business the meeting was adjourned.

Respectfully submitted,



John D. Hovey
Secretary

MINUTES OF WATER MANAGEMENT BOARD

A regular meeting of the Water Management Board was held in the Eddy County Courthouse on November 3, 1976 at 10:00 A. M. Present were board members Francis O'Connor, Marvin Tollefson and Secretary John D. Hovey. Also present was James Cleveland. The minutes of the October 5, 1976 meeting were read and approved.

James Cleveland advised the board that he has no objections to filling in the ditch which has been cut from that certain slough located in the NW $\frac{1}{4}$ of Section 7, Sheldon Township which runs north from said slough to the township road located on the north side of said section. No decision was reached as to what party or parties would be responsible for removal of the ridge between Sections 7 and 8 and a filling of the Cleveland ditch.

The next item considered was the Schwoebel Drain Easement. Marvin Tollefson reported that Mrs. Schwoebel has indicated that she and her husband feel they had been misled regarding the legal propriety of this drain and that they do not feel that they want to sign any easement at this time. The board members present, therefore, considered the matter closed for the present time and requested that John D. Hovey visit with the Schwoebels in an effort to clear up any misunderstandings.

The next item considered was a letter from Christ Schatz, dated October 28, 1976. From the contents of the letter the board was unable to determine if that letter constituted a formal complaint whereby he was asking that some drains be closed. Mr. Schatz is to advise yes or no on that question, and if the letter is a formal complaint, he is to specify exactly what drains he considers to be nonconforming. If Mr. Schatz wishes, he can meet with the board at the December meeting in order to clarify his position.

The next item considered was the Quentin Georgeson ditch located in the SE $\frac{1}{4}$ of Section 2 of New Rockford Township. The New Rockford Township Supervisors have advised the board that they feel the closing of the ditch is insufficient to hold back water, will wash out, and that it should be filled from end to end. This matter also was complained of by Mr. Alfred Tollefson in his letter of November 2, 1976 addressed to the board. A motion was made, seconded and carried that John D. Hovey was to write and advise Mr. Georgeson of the board's decision that the drain must be completely filled.

Alfred Tollefson filed a further complaint with the board requesting that a cut located in the west ditch of that certain road running between Sections 1 and 2 of New Rockford Township, which cut was made for the purpose of draining water to the south rather than having it flow north; and further complaining ^{that} one (of two) culvert running from the SE $\frac{1}{4}$ of Section 2, New

Rockford Township to the northwest corner of Section 12, New Rockford Township is alleged to be below the adjacent ground level.

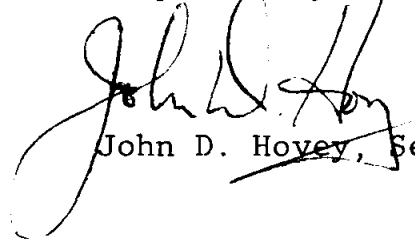
From an on-site inspection of both the cut in the road ditch and the culvert it was the unanimous decision of the board that the cut in the ditch and the level of the culvert are both nonconforming practices and that the board attorney draft and serve upon the New Rockford Township Supervisors a Notice of Violation ordering and directing them to fill the cut and raise the bottom of the nonconforming culvert to adjacent ground level.

A bill from Mattson, Williams and Hovey in the amount of \$643.50 was approved.

Quentin Georgeson then appeared at the meeting. He was informed that John D. Hovey was directed by the board to contact Mr. and Mrs. Lynn Schwoebel as per above. The Christ Schatz letter described above was also reviewed with Mr. Georgeson. Mr. Georgeson asked if he should visit with Mr. Schatz and he was advised that the decision was up to him.

There being no further business the meeting was adjourned.

Respectfully submitted,



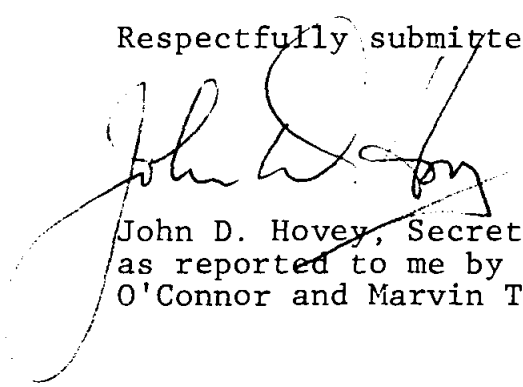
John D. Hovey, Secretary

MINUTES OF WATER MANAGEMENT BOARD

A special meeting of the Eddy County Water Management Board was held in the Eddy County Courthouse on October 11, 1976 at 8:00 P. M. Present were board members Francis O'Connor, Marvin Tollefson, and Stanley Ripplinger. Also present were Quentin Georgeson, Randy and James Guler, Jack McDowell, Glenn and Ed Walz, John Kringler, and Herbert Engels. Absent was John D. Hovey.

A general discussion was held regarding the proposed ditch and easement through the Lynn Schwoebel property.

Respectfully submitted,



John D. Hovey, Secretary
as reported to me by Francis
O'Connor and Marvin Tollefson.

MINUTES OF WATER MANAGEMENT BOARD

A regular meeting of the Eddy County Management Board was held in the Eddy County Courthouse on October 5, 1976 at 9:30 A.M. Present were board members, Francis O'Connor, Marvin Tollefson and secretary, John D. Hovey. Absent was Stanley Ripplinger. Also present were the Sheldon Township Supervisors, Alford Tollefson, Dale Nystrom, and Harold Wick, and Mike Bichler, Clerk. Also present was Carl W. Throlson.

The minutes of the September 7, 1976 meeting were read and approved.

The Sheldon Township Supervisors asked for a hearing on the notice of violation served on them in reference to the culverts through the two approaches lying north and south of the road running between sections 6 and 7 of Sheldon Township. Their position was that these culverts did not alter the flow of water and that to raise these culverts would mean that most all other culverts in the county would also have to be raised. They indicated that they wanted to leave the culverts in their present location.

There was much discussion on this matter and also regarding water problems in general in the New Rockford Township and Sheldon Township area. It was also alleged that there is a 6 to 12 inch ridge of dirt located between the Northwest quarter of section 7 which is owned by James Cleveland and the Northeast quarter of section 7 which is owned by Carl Throlson which holds back the water to the northwest. Also there was discussion concerning a small slough in the northwest quarter of section 7 which Mr. Cleveland has drained into the road ditch along the north edge of that quarter. It was finally agreed by all parties present to remove the ridge between the northwest quarter and the northeast quarter of section 7; plug the drainage ditch from the slough on James Cleveland's land; and leave the culverts where they are. The Water Management Board members agreed to contact Mr. Cleveland.

The Board then approved a telephone bill and a bill from Gaffaney's Office Supply for furniture.

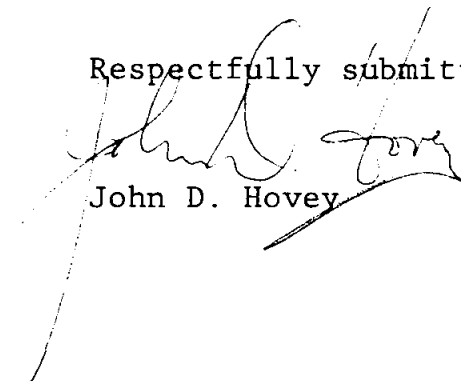
The Board then met with the Eddy County Commissioners regarding a proposed ditch through Lynn Schwoebel's land which is described as the North Half of Section 12 of Rosefield Township. The County Commissioners agreed that the easement for constructing such ditch can run to Eddy County, North Dakota as opposed to the landowners who want the ditching done. Also the damage payment of \$1000.00 can be paid to the county and in turn paid by county voucher to Mr. Schwoebel.

In the afternoon an onsite inspection of the ridge between the Throlson land and Cleveland land was conducted. It appears that there is in fact a ridge which will have to be removed. The Board members then went to the James Cleveland residence and found no one home.

We then visited with Mr. Kenneth G. Anderson regarding whether any drainage had ever been done on the Southeast Quarter of Section 27, Rosefield Township (this being in regards to Jack McDowell's request for permission to drain). Mr. Anderson informed the Board that he was unaware that any drainage had ever been done. The Board decided to investigate this matter further.

There being no further business, the meeting was adjourned.

Respectfully submitted,



John D. Hovey

MINUTES OF WATER MANAGEMENT BOARD

A regular meeting of the Eddy County Water Management Board was held in the Eddy County Courthouse on September 7, 1976 at 9:00 A. M. Present were board members Francis O'Connor, Marvin Tollefson, and Stanley Ripplinger. Also present was John D. Hovey.

Minutes of the August 3, 1976 meeting were read and approved.

The agenda consisted of seven matters as follows:

1. James Ferguson had inquired if the board would object to the removal of dirt along the south side of that certain east-west road running between Sections 18 and 19 in Superior Township.

2. Jack McDowell asked the board to investigate a water problem in the SW $\frac{1}{4}$ of Section 26, Rosefield Township.

3. Quentin Georgeson has filed a complaint regarding a dam constructed by Carl Throlson along the section line between Sections 17 and 18 in Sheldon Township.

4. Carl Throlson had requested the board, through his attorney, John T. Traynor, for the removal of culverts located under the approaches on either side of the county road approximately one-half mile west of the Carl Throlson farm.

5. Carl Throlson and Duane Weber orally requested permission to deepen a drain which starts in Sections 5 and 6 of Sheldon Township and works its way northwest through Section 32 of Bush Township and thence east and eventually draining into a slough in Section 33 of Bush Township.

6. Rodney O'Clair of the Soil Conservation Service requested use of the board's name as a sponsor for a drop structure on the Ralph Anderson farm east of Sheyenne, North Dakota.

7. Letter from the State Water Commission regarding proposed Rocky Run Drainage Project.

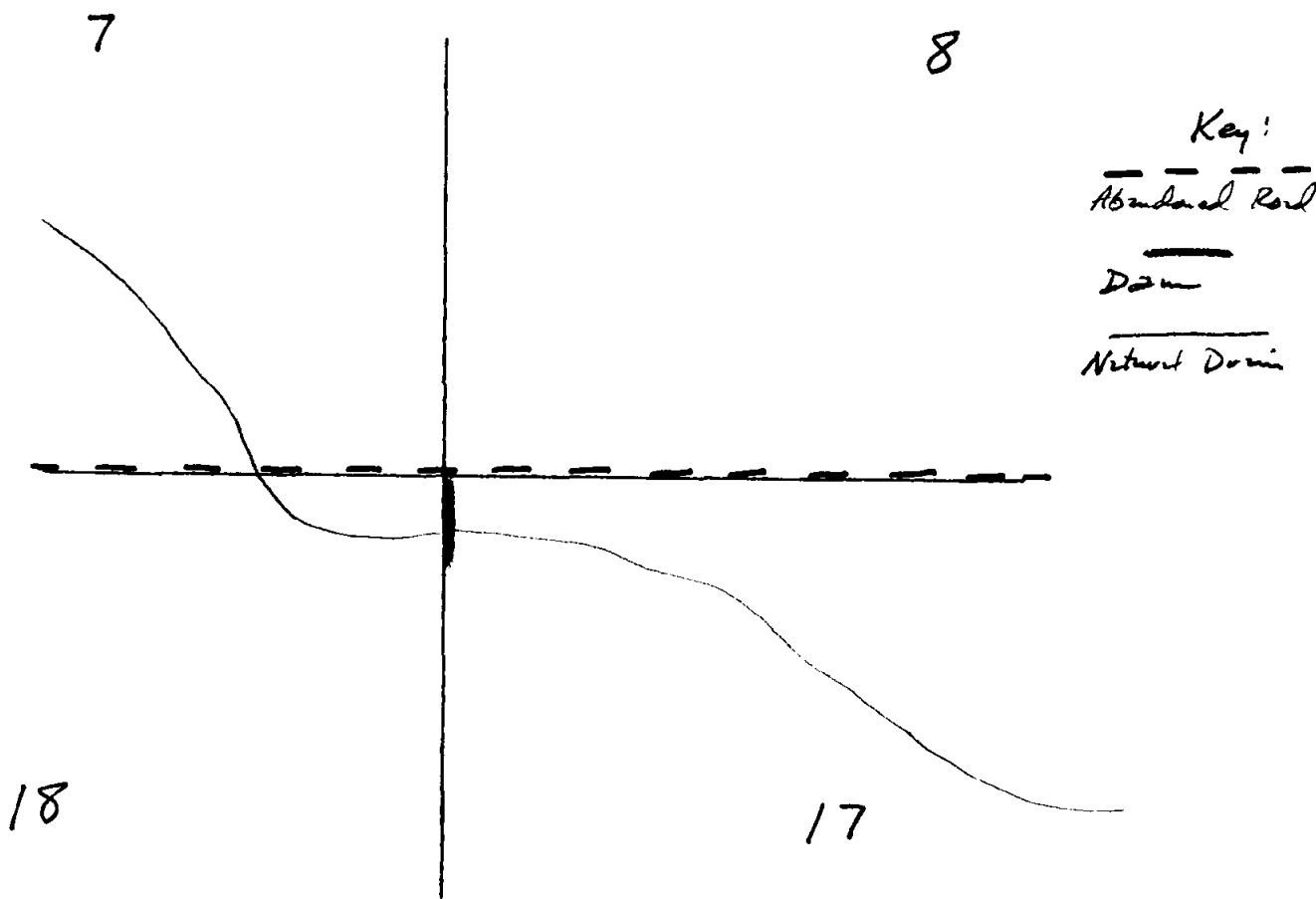
The secretary was instructed to write to the North Dakota Water Users Association to ascertain whether or not the board was current in its dues.

The letters from John T. Traynor, Quentin Georgeson and the State Water Commission were passed around and read by all members. A telephone bill in the amount of \$11.02 was approved. The secretary was instructed to get an Affidavit of Publication from the Transcript showing the date of publication back in June or July of 1975 that no further drainage would be permitted in Eddy County without permission from the board.

The board then left the Courthouse for on-site inspection of the above matters. The first stop was in relation to item #1 above. The superintendent for Mayo Construction Company informed the board that they wished to remove dirt from the ditch on the south side of the road located along the north edge of the NE $\frac{1}{4}$ of Section 19, Superior Township in order to use this dirt to raise that east-west road to the same elevation as Highway 281 will be. Also any excess dirt will be used to increase the height of U.S. Highway 281 by three feet where it crosses Schwoebel's slough. Since it is apparent to the board that the purpose for removing the dirt is to drain water from the N $\frac{1}{2}$ of Section 19, no approval could be given unless an application was filed and permission granted.

The board then picked up Jack McDowell and went to the W $\frac{1}{2}$ of Section 26, Rosefield Township, formerly known as the Gust Kolsrud farm. Mr. McDowell requests permission to deepen that drain which crosses his property in a southwesterly to northeasterly direction and eventually joins with the Rocky Run in the NW $\frac{1}{4}$ of Section 26. The decision of the board was to table this matter until further information could be obtained. It did appear, however, that the culvert crossing the road between the SE $\frac{1}{4}$ of Section 27 and the SW $\frac{1}{4}$ of Section 26 was lower than land level and should probably be raised. However, no action was taken on this matter at this time. Another alternative suggested by Mr. McDowell was to deepen the ditch on the west side of the road running between Sections 27 and 26 which would carry the water from the southwest direct to the Rocky Run.

The board then went to the section corner of Section 7, 8, 17 and 18 in Sheldon Township. It was apparent to the board that the natural flow of water across Section 7 is from northwest to southeast where it encounters an old road grade running east and west between Sections 7 and 8. That grade acts as a dam, however, when the water gets high enough it will flow over the grade. After getting across the road grade it appears that the water wants to run directly east from the NE $\frac{1}{4}$ of Section 18 onto the NW $\frac{1}{4}$ of Section 17. However, there has been a dam constructed by Mr. Throlson along the north part of the section line between Section 17 and 18. This forces the water south across Section 18. A sketch of this area is shown below.



It was the unanimous decision of the board to order Carl Throlson to remove the dam or install culverts at ground level (at his own expense) to allow the water to follow its natural course. The board also instructed the secretary to order the Sheldon Township Commissioners to remove dirt from the road grade where it acts as a dam on the south edge of the southeast corner of Section 7, Sheldon Township.

The board then inspected the culverts which Mr. Throlson wants removed from the approaches approximately one-half mile west of his farm. It appeared to the board that the culverts were below ground level and that they should be raised but not removed.

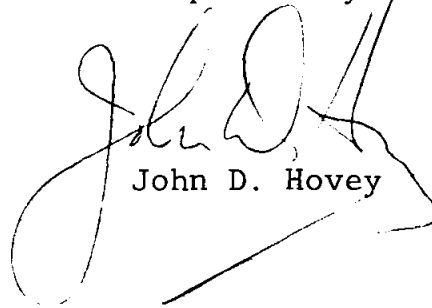
The board then inspected the proposed drainage by Throlson and Duane Weber in Sections 5 and 6 of Sheldon Township and Sections 32 and 33 of Bush Township. The board denied permission to construct that drain.

The board then authorized use of its name as a sponsor on the Ralph Anderson drop project provided that it would be at no cost to the Management District.

The board then authorized the secretary to work out details for a meeting with the Foster and Wells County Water Management Boards regarding the proposed Rocky Run Drainage Project.

There being no further business the meeting was adjourned.

Respectfully submitted,



John D. Hovey

MINUTES OF WATER MANAGEMENT BOARD

A regular meeting of the Eddy County Water Management Board was held in the Eddy County Courthouse on August 3, 1976 at 9:00 A. M. Present were board members Francis O'Connor, Marvin Tollefson, and Stanley Ripplinger. Also present was John D. Hovey, board counsel.

Hovey reported that Albert Haas and Adolph Gross would like to have the following information before they visit with Lynn Schwoebel:

1. A survey showing width, depth and length of cut.
2. Assurance from Mr. Georgeson and/or Mr. Walz that all rocks will be buried and that they will hold Mr. Schwoebel harmless from all claims of landowners downstream.
3. Assurance that they can offer Lynn Schwoebel \$1000.00 if they feel it is necessary.

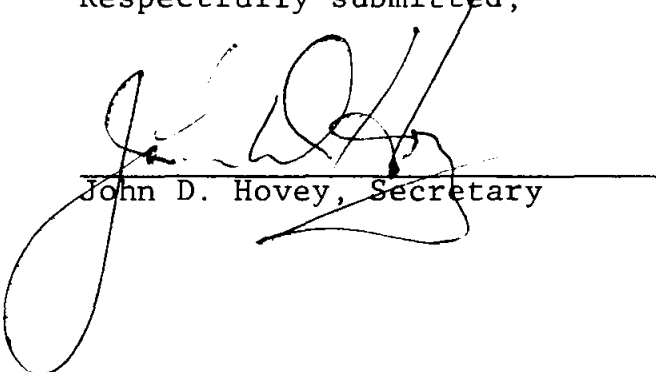
A complaint was received from Quentin Georgeson regarding Carl Throlson's dam in Section 17 of Sheldon Township. This was tabled until after the harvest was completed and the board can conduct an investigation.

Ed Walz and Quentin Georgeson appeared at the meeting. They were informed about Albert Haas' request and Mr. Georgeson informed the board that R. D. Reimer of Carrington, North Dakota conducted a survey. Mr. Georgeson will obtain that survey from Mr. Reimer and deliver to John Hovey.

Mr. Georgeson and Mr. Walz agreed that they will hold Mr. Schwoebel harmless from all claims of downstream landowners and that they will bury all rocks. They also agreed that they will pay Lynn Schwoebel \$1000.00 if necessary.

There being no further business the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Secretary

MINUTES OF WATER MANAGEMENT BOARD

A regular meeting of the Eddy County Water Management Board was held in the Eddy County Courthouse on July 6, 1976 at 10:00 A. M. Present were board members Marvin Tollefson, Francis O'Connor and Stanley Ripplinger. Also present was board secretary John D. Hovey.

Francis O'Connor was appointed temporary chairman of the meeting. The minutes of the last meeting were read and approved as amended.

The first item of business was the reorganization of the Board of Commissioners. Marvin Tollefson nominated Francis O'Connor for president. This was seconded by Ripplinger and upon vote taken was duly carried. Stanley Ripplinger then nominated Marvin Tollefson for treasurer. This motion also carried.

Mattson, Williams & Hovey, Ltd. were reappointed as district legal counsel and as secretary to the board with the provision that in the event Adolph P. Gross agreed to assume the secretary's duties, he would be so appointed.

The first Tuesday of every month at 10:00 A. M. was again set as the regular board meeting time.

There being no further business the meeting was recessed until 1:00 P. M.

The recessed meeting of the Eddy County Water Management Board was reconvened at 1:00 P. M. July 6, 1976 in the Eddy County Courtroom. Present were all board members and John D. Hovey. Also present were Richard Weisenburger, Quentin Georgeson, Ed Walz, Ed Tollefson, Jack McDowell, Herb Engels, Glenn Walz, and all members of the Eddy County Commissioners.

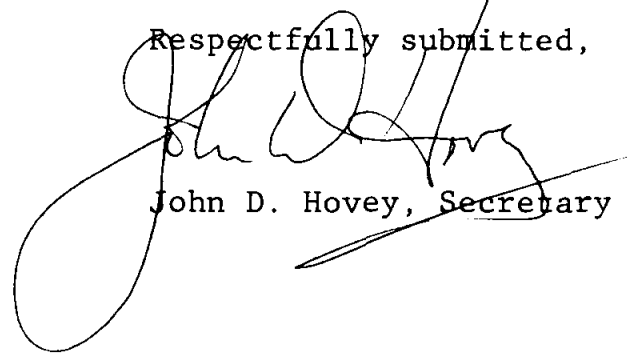
Ed Walz and Quentin Georgeson brought up the subject of drainage south and west of the City of New Rockford. A brief summary of past efforts was presented to the meeting and they then presented an ultimatum to the Water Management Board and the Eddy County Commissioners that unless some steps were taken to move the water on down below, they would file complaints against all landowners maintaining legal drains from the James River to the Bremen Church.

Board member Francis O'Connor requested a one month delay in order to see if necessary easements could be obtained from Lynn Schwoebel and other involved landowners.

After recessing again to the basement of the Courthouse, Adolph P. Gross met with the board and agreed that he and Albert Haas would attempt to convince Lynn Schwoebel to allow excavation on his land.

There being no further business the meeting was adjourned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John D. Hovey". The signature is written in a cursive style with a large loop at the end of the last name.

John D. Hovey, Secretary

MINUTES OF WATER MANAGEMENT BOARD

A special meeting of the Eddy County Water Management Board was held in the Eddy County Courthouse on June 29, 1976 at 10:00 A. M. Present were board members, Albert Haas, Francis O'Connor, Marvin Tollefson, and John D. Hovey, secretary. Also present were Adolph P. Gross, John Kringler from the Eddy County Agent's office, and Stanley Ripplinger who will replace Albert Haas on July 1.

The minutes of the June 1, 1976 and June 7, 1976 meetings were read and approved.

Chairman Haas informed the board that Ed Walz wanted to meet with the board on July 6. The subject of Carl W. Throlson's complaint against Quentin Georgeson and the New Rockford Township Supervisors was then considered. After much discussion it was the unanimous determination of the board that the ditch on the south side of the east-west road lying between Sections 1 and 12 of New Rockford Township is a non-complying, illegal drain insofar as it materially alters the natural flow of water in an easterly direction along the road ditch along the north side of Section 12 rather than allowing the water to follow its natural course south and southeast across Section 12. It was ordered that a Notice of Violation be served upon the New Rockford Township Supervisors, ordering and directing them to close the ditch on the north side of Section 12 by removing the culvert from that certain approach which is located approximately on the quarter line and raising or lowering the crest of said approach, as necessary, until the crest of said approach is equal in elevation to the adjoining land.

It was the further unanimous determination of the board that Quentin Georgeson is maintaining a non-complying and illegal drain in the Southeast Quarter of Section Two of New Rockford Township, whereby he has constructed a ditch running in a northwesterly to southeasterly direction and eventually terminating in the road ditch in the southeast corner of Section Two. It was ordered that a Notice of Violation be served upon Quentin Georgeson, ordering and directing him to close said drain by filling and restoring said drain to its original elevation.

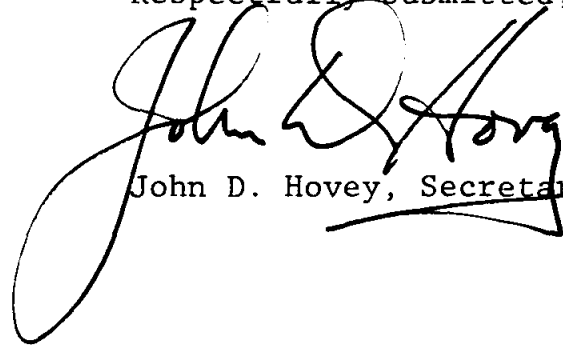
Both the New Rockford Township Supervisors and Quentin Georgeson will be given until October 1, 1976 to comply with the determination of the board.

Ed Tollefson appeared in reference to the Ed Walz request for drainage. He was informed that Mr. Walz had requested a meeting with the board and will be in attendance at the regular meeting on July 6.

There being no further business the meeting was adjourned with an expression of thanks to Albert Haas for his faithful

attention to the board business during the last two years.

Respectfully submitted,

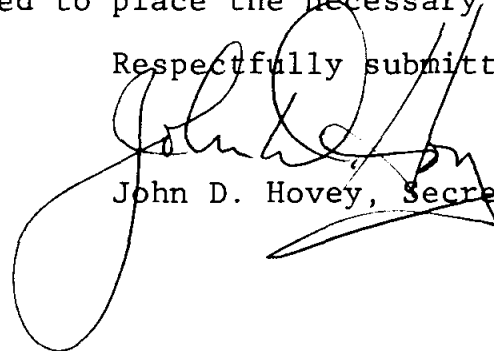

John D. Hovey, Secretary

Amendment to Minutes as Approved on July 6, 1976

The minutes of the June 29, 1976 meeting were amended to provide that the Board approved the purchase of one desk, one swivel chair, five padded chairs and six steel folding chairs for use in the District offices.

Adolph P. Gross agreed to place the necessary order.

Respectfully submitted,


John D. Hovey, Secretary

Eddy County Water Management District

The Eddy County Water Management District Board met on June 7, 1976. Those in attendance were:

Marvin Tollefson
Francis O'Connor
Robert Soderholm
Ralph Leichtman
Adolph P. Gross

The Water Management Board reviewed a bill from the County Commissioners. The following bill contained culvert and scraper and dozer work done on the Rocky Run, near the Albert Haas and near the James river. The work was done approximately 9/16/75. The amount of the bill was \$8,843.42.

The Water Management Board okayed this statement and agreed to pay the total amount if possible.

The County Commissioners approached the Water Management Board about removing the culvert in the Oris Kittleson driveway and rerouting her driveway road. The Water Management Board was to look at the situation and see if it is possible to remove the culvert, so less complaints of excess water would be coming from Foster County farmers.

The following vouchers were reviewed and submitted June 14, 1976.

Albert Haas \$150.00	Becker Engineer \$63.00
Marvin Tollefson \$162.60	John Hovey \$389.00
Francis O'Connor \$224.00	

This brings all bill up to date as of June 14, 1976.

Adolph P. Gross
Recording Secretary

MINUTES OF WATER MANAGEMENT BOARD

A regular meeting of the Eddy County Water Management Board was held in the Eddy County Courthouse on June 1, 1976 at 10:00 A. M. Present were board members Marvin Tollefson and Francis O'Connor. Also present was Secretary and Legal Counsel John D. Hovey. Albert Haas, chairman, was absent.

The minutes of the last meeting were read and approved.

A discussion was held regarding the Quentin Georgeson and New Rockford Township drains. A decision on whether to close these drains was tabled until Albert Haas returns from out of state and a special meeting can be held.

Hovey was asked to contact Pete Helm again regarding the missing Rocky Run survey permits.

The matter of a part time executive secretary was again discussed. The names of Pete Helm and Adolph P. Gross are being under consideration. Adolph Gross was called in to the meeting and asked if he is still interested in such a part time job. He informed the Board that he would be interested in a limited assignment which would entail the preparation of minutes, answering the correspondence, and doing some of the leg work necessary to carry out the orders of the Board. However, it would have to be a very limited type assignment. This matter was tabled until the special meeting which will be held later this month.

There being no further business the meeting was adjourned.

Respectfully submitted,


John D. Hovey, Secretary

MINUTES OF WATER MANAGEMENT BOARD

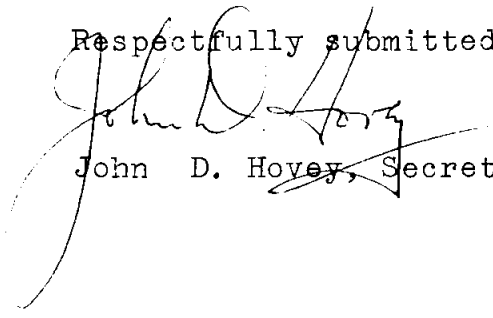
A special meeting of the Eddy County Water Management Board was held in the courtrooms of the Eddy County courthouse on May 18, 1976 at 10:00 A.M. Present were board members, Haas, O'Connor, and Tollefson. Also present were John D. Hovey, Board secretary; John Becker of Becker Engineering in Carrington; Rockford Township Supervisors, Carl W. Throlson, Jack Traynor, attorney for Carl Throlson; Cliff Hanson, Engineer for Carl Throlson; Adolph P. Gross and all of the Eddy County Commissioners.

Attorney Traynor outlined Carl W. Throlson's allegation that Quentin Georgeson and the Rockford Township Supervisors were maintaining illegal drains without the required permits. Quentin Georgeson's drain was apparently constructed in 1973. Cliff Hanson explained that it was his conclusion that the construction of the township road running east and west along the north edge of Section 12, altered the flow of water to the east rather than letting it flow directly south over the western portion of Section 12. There was then a general discussion regarding where the water would flow if everything returns to normal. Some opinions were expressed that a part of it would eventually work its way east into the Robinson Coulee and thence into the Sheyenne River and there were other opinions that it would eventually work itself to the south and into the James River.

After all of the presentations had been made, the factfinding portion of the meeting was adjourned and all those present were excused except for the Eddy County Commissioners and the Water Management Board together with Mr. Becker and Mr. Hovey. The Commissioners and the Water Management Board then explored the possibilities of getting county, state or federal money to assist in the construction of the New Rockford-Sheldon drain as originally proposed. None of those present had any idea whether such funds were available and it was generally agreed that they probably would not be.

It was decided that the Board members would ponder the allegations presented today and a decision would be made at the regular June meeting as to whether the Board will order the Georgeson and New Rockford Township drains closed.

Respectfully submitted,


John D. Hovey, Secretary

MINUTES OF WATER MANAGEMENT BOARD

A regular meeting of the Eddy County Water Management Board was held at the Courthouse in New Rockford on May 4, 1976 at 9:30 A.M. Present were chairman, Albert Haas and members Francis O'Connor and Marvin Tollefson. Also present was John D. Hovey.

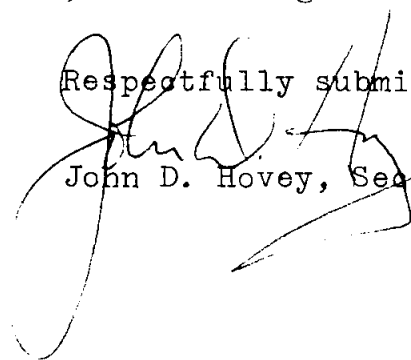
Hovey was asked to check out letter regarding bonding of District Treasurer. Also check out letter from Ray Christianson regarding Warsing Dam embankment. Also was to inquire of State Water Commission if they have forms relating to complaint and notice used when closing noncomplying drains.

A meeting was set for the Carl Throlson complaint and is to be held on May 18, 1976 at 10:00 A.M. Persons to be notified are John Becker, Quentin Georgeson and the New Rockford Township Board.

At approximately 11:10 A.M. the New Rockford Township Board appeared. Informed the Board that Quentin Georgeson had requested that the township purchase a large culvert to be placed in the SE corner of Section 2 of New Rockford Township. They were wondering if they were required to furnish such a culvert. After informing them of the meeting on May 18th, the discussion was dropped since the water problems with Mr. Georgeson will be discussed at that time.

There being no further business, the meeting was adjourned.

Respectfully submitted,


John D. Hovey, Secretary

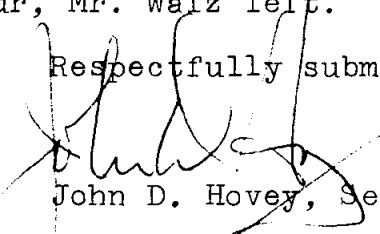
MINUTES OF WATER MANAGEMENT BOARD

A regular meeting of the Eddy County Water Management Board was held in the Courthouse in New Rockford on March 2, 1976. Present were Chairman Haas and Francis O'Connor. Absent were Marvin Tollefson and John Hovey. Also present was Adolph Gross, Eddy County Agent.

The Board met with Mr. Ed Walz who inquired what action the Board intended to take regarding the water on his land, located in Sec. 14 of Rosefield Township. The Board informed Mr. Walz that they were unable to do anything about the water on his land without a complaint regarding a non-complying drain or other such matter which would fall within their jurisdiction.

No commitments were made and after discussing the matter for approximately 1 hour, Mr. Walz left.

Respectfully submitted,


John D. Hovey, Secretary

MINUTES OF WATER MANAGEMENT BOARD

A regular meeting of the Eddy County Water Management Board was held at New Rockford in the Courthouse on February 19, 1976 at 2:00 P.M. Present were board members Albert Haas, Francis O'Connor and John D. Hovey, Sec.

The final bill from John Becker on the New Rockford-Sheldon Drain was presented and approved.

John Hovey reported that he had called all landowners along the Rocky Run watershed and had obtained approval for the surveyors to conduct a survey. It was then brought to our attention that the State Water Commission would probably require written agreement. A call was placed to the State Water Commission and they will send out 25 agreement forms to be signed by the landowners.

There being no further business, the meeting was adjourned.

Respectfully submitted,


John D. Hovey, Secretary

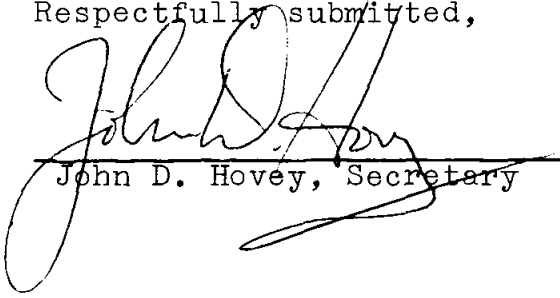
MINUTES OF WATER MANAGEMENT BOARD

A regular meeting of the Eddy County Water Management Board was held at New Rockford in the Courthouse on January 15, 1976 at 2:00 o'clock P.M. Present were board members Marvin Tollefson, temporary chairman, Francis O'Connor, Adolph P. Gross, County Extension Agent, John D. Hovey, Sec.

Purpose of the meeting was to canvass votes filed in connection with the establishment of Drain #1. It was determined that 145,903.73 votes were cast out of a total possible vote of 161,349.18. Of those voting, 49,737.42 voted yes and 96,166.31 voted no. Certificate of canvass was executed and the votes were then ordered sealed and deposited in the county Safe.

There being no further business, the meeting was adjourned.

Respectfully submitted,


John D. Hovey, Secretary

MINUTES OF MEETING OF HEARING ON
PETITION TO ESTABLISH DRAIN #1

December 15, 1975 9:00 AM

A meeting was held in the Courtrooms of the Eddy County Courthouse on December 15, 1975 at 9:00 A.M. This meeting was conducted as a hearing on the Petition to Establish Drain #1 pursuant to Section 61-21-14 of the North Dakota Century Code. Present were Board members, Albert Haas and Marvin Tollefson. Also present were Engineer John Becker of Carrington, N. D. and John D. Hovey, attorney for the Board and Secretary.


Also present were the following land owners and purchasers under contract for deed.

Hubert Lies, New Rockford, N. Dak.
Stephen Lies, New Rockford, N. Dak.
Alford Tollefson, New Rockford, N. Dak.
Owen Anderson, representing the State Land Dept.
Bismarck, North Dakota
Malcolm E. Thompson, New Rockford, ND
Michael Bickler, Sheyenne, N. Dak.
Ed Walz, New Rockford, N. Dak.
Walter Jones, New Rockford, N. Dak.
Peter P. Gross, New Rockford, N. Dak.
Kenneth Sanderson, Sheyenne, N. Dak.
Delbert Sanderson, Sheyenne, N. Dak.
E. V. Anderson, New Rockford, N. Dak.
Thomas Olson, Mandan, N. Dak.
Lawrence Sanderson, New Rockford, N. Dak.
Carl W. Throlson, Sheyenne, N. Dak.
A. F. Allmaras, New Rockford, N. Dak.
James Gussiaas, Carrington, N. Dak.
Gerard Allmaras, New Rockford, N. Dak.
Robert Hoffman, Sheyenne, N. Dak.
Dwayne Weber, Sheyenne, N. Dak.
C. H. Wilcox, Sheyenne, N. Dak.
Vernon Cooper, New Rockford, N. Dak.
J. Edwin Olson, Sheyenne, N. Dak.
W. P. Romanoski, New Rockford, N. Dak.

The affected landowners were informed of the probable total cost of the project and their individual share of such costs and the amount of their property to be condemned for this project. The Board then fixed the 26th day of December, 1975 as the last date on which objections or approvals of the drain may be filed in writing. A general discussion of the project was then held and all questions were answered.

There being no further business, the meeting was adjourned.

Respectfully submitted,


John D. Hovey, Secretary

MINUTES OF WATER MANAGEMENT BOARD

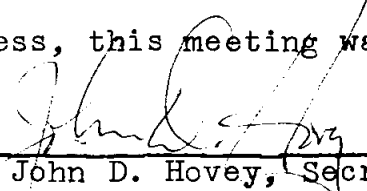
A regular meeting of the Eddy County Water Management Board was held at New Rockford in the office of the County Agent on December 2, 1975 at 10:00 o'clock A.M. Present were board members, Albert Haas, Francis O'Connor and Marvin Tollefson. Also present was secretary, John D. Hovey.

Some discussion was had as to whether or not there was sufficient activity in Water Management problems to justify the hiring of a part-time executive secretary. Otto (Pete) Helm's name was mentioned in connection with this job. No action was taken.

The Board was then brought up to date by Attorney Hovey as to the current status of the Drain #1 (formerly known as New Rockford-Sheldon drainage project). The assessment list was reviewed and approved. It was then signed by all members. The Notice of Hearing was reviewed and approved and discussion was held as to the proposed cover letter to go out to all landowners along with the Notice of Hearing.

Attorney Hovey then called Murray Sagsveen at the State Water Commission regarding the board's understanding that all votes not cast on this project would be counted as yes votes. Mr. Sagsveen was also asked about whether the purchasers under a Contract for Deed could vote in the event that the legal title owner did not. He did not have answers to these questions and agreed to call Attorney Hovey back later in the afternoon.

There being no further business, this meeting was adjourned.



John D. Hovey, Secretary

MINUTES OF WATER MANAGEMENT BOARD

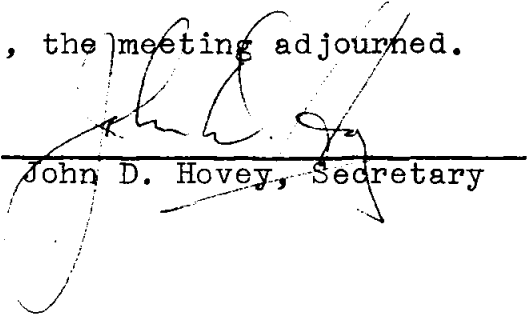
A meeting of the Eddy County Water Management Board was held at New Rockford in the office of the Eddy County Agent on November 4, 1975 at 10:00 o'clock A.M. Present were board members Albert Haas and Francis O'Connor and Secretary John D. Hovey. Absent was board member Marvin Tollefson.

The board was brought up to date by Attorney Hovey as to the current status of the New Rockford-Sheldon drainage project.

Roy Brown, Mayor of the city of New Rockford, then met with the Board concerning the necessity of obtaining a permit for the drainage of certain areas located on the south edge of the city. Mayor Brown stated that the Eddy County Commissioners desired to conduct some drainage on the fairgrounds property which will eventually find its way eastward in a vicinity north of the city ball park. From thence it will follow the Great Northern right of way to the vicinity of the overpass where it will end up in the west ditch of Highway 281, south of the overpass. He stated that Burlington Northern had agreed to bring in their drag line to open the railway right of way ditch and that the State of North Dakota had given permission to use their ditch for drainage.

The Board indicated to Mayor Brown that it had no objection to the city and county working out a drainage of these areas provided that they met with the requirements of the law. It was suggested that they obtain easements from all property owners between US Highway 281 and the James River where it traverses the SW $\frac{1}{4}$ of Sec. 14-148-66. These points being the beginning and ending points of the natural drain as it passes over privately owned property.

There being no further business, the meeting adjourned.



John D. Hovey, Secretary

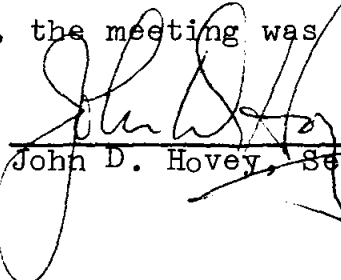
MINUTES OF WATER MANAGEMENT BOARD

A meeting of the Eddy County Water Management Board was held at New Rockford in the office of the Eddy County Agent on October 21, 1975 at 9:00 o'clock A.M. All board members were present. Also present were John Becker, John Hovey and landowners, Carl W. Throlson, Alford Tollefson, Edward Tollefson, Dwayne Weber, Wm. P. Romanoski and Doris Thompson.

It was explained to the landowners present that after the previous meeting, some information had reached the Board regarding inclusion of additional property within this District. The amount and percentage of benefits to this additional property were explained to the affected landowners present and it was generally agreed that these proposed changes are in order.

The meeting was then adjourned and the board met in executive session. Marvin Tollefson moved to delete the $S\frac{1}{2}N\frac{1}{2}$ of Section 31 in Bush Township from the project and to include the $S\frac{1}{2}SE\frac{1}{4}$ of Sec. 25, New Rockford Township; $SW\frac{1}{4}$ Sec. 5, $W\frac{1}{2}$ and $SE\frac{1}{4}$ of Sec. 8, all of Section 17, 20 and 29, the $SE\frac{1}{4}$ of Sec. 19 and the $E\frac{1}{2}$ and $SW\frac{1}{4}$ of Sec. 30 in Sheldon Township to be included within the district. The motion was seconded by Board member Francis O'Connor and upon vote duly taken was carried.

There being no further business, the meeting was adjourned.



John D. Hovey, Secretary

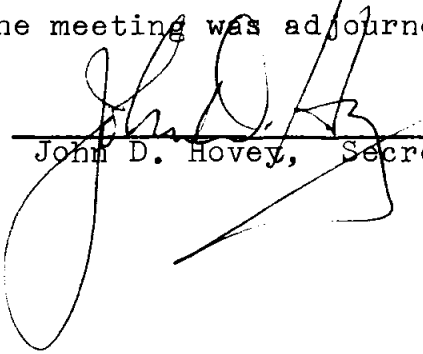
MINUTES OF WATER MANAGEMENT BOARD

A meeting of the Eddy County Water Management Board was held at New Rockford in the office of the Management Board on October 16, 1975 at 9:00 A.M. All board members were present as well as John Becker and John Hovey.

Albert Haas reported that he and John Hovey had gone out to Richard Weisenburgers on October 8th but did not find Mr. Weisenburger at home. He did visit with Mr. Weisenburger the next day, however and Mr. Weisenburger informed him that all drainage was being done onto his own land and that he was not draining over 40 acres. No further action on this matter was taken at this time.

The main purpose of the meeting called today was in regards to the Sheldon drainage project. Since the informational meeting which was held on October 8, 1975, there has been some feed back from interested parties along the northeasterly edge of the project. Marvin Tollefson reported that he had had several conversations with these people and that they feel several changes should be made, to-wit: The S $\frac{1}{2}$ N $\frac{1}{2}$ of Sec. 31 in Bush Township should be deleted from the project. The SE $\frac{1}{4}$ of Sec. 31, Bush Township should be reduced from 75% benefit to 50% benefit. The SW $\frac{1}{4}$ of Sec. 5; the NW $\frac{1}{4}$ and the S $\frac{1}{2}$ of Sec. 8, all of Sections 17, 20, 29, the SE $\frac{1}{4}$ of Sec. 19, the E $\frac{1}{2}$ and the SW $\frac{1}{4}$ of Sec. 30 all in Sheldon Township and the E $\frac{1}{2}$ SE $\frac{1}{4}$ of Sec. 25 in New Rockford Township should also be included in this drainage project. The reason for the inclusion of these parcels is that they will receive benefits from the drainage district because the ditch will keep water off their land. John Hovey was instructed to write a letter to Carl Throlson, Dwayne Weber, Gary Throlson, Alford Tollefson, Ed Tollefson, Mickey Thompson, Wm. Romanoski and Fabian Noack informing them of a meeting to be held at the Eddy County Courthouse on Tuesday, October 21, 1975 at 9:00 A.M. at which time these matters will be discussed.

There being no further business, the meeting was adjourned.


John D. Hovey, Secretary

MINUTES OF WATER MANAGEMENT BOARD

A meeting of the Eddy County Water Management Board was held at New Rockford in the Courtrooms of the Eddy County Courthouse on Oct. 8, 1975 at 9:00 A.M. All board members were present as well as John Becker, Engineer and John D. Hovey, secretary of the Board and Attorney. In addition the following interested parties were present:

Carl W. Throlson, C. H. Wilcox, Rodger C. Williams, Dwayne Weber, Ed Tollefson, Jack McDowell, Russell Weber, Lawrence Sanderson, Michael Bickler, A. F. Allmaras, Gerard Allmaras, Bert Anderson, Ralph Leichtman, Robert Soderholm, Stephen Lies, Elder Daugherty, Kenneth Montgomery, Harvey J. Metz ASCS Office, Wm. Neuharth, Alford Tollefson, Geo. Laber, Hubert Lies and Quentin Georgeson.

Albert Haas opened the meeting with a report that he, John Becker and Francis O'Connor had attended 2 meetings at the State Water Commission in Bismarck, North Dakota on October 6, 1975. 1 meeting being in regards to the Rocky Run drainage project and 1 meeting in reference to obtaining State Water Commission funds for construction of the Sheldon drainage project. Chairman Haas then explained what has been done on the Sheldon drain to date. Engineer John Becker explained his drawings and passed copies of these drawings among those in attendance. He reported that 3 routes have been planned for this project with approximate costs as follows:

ROUTE	Cost if all existing culverts are replaced	Cost if culverts replaced only at section line
C	\$185,000.00	\$132,000.00
A	200,000.00	134,000.00
B	237,000.00	140,000.00

John Hovey then explained how assessments and benefits were arrived at. Discussion followed and it was generally agreed that Route C would be the most feasible.

There being no further business, the meeting was adjourned.

The board then reconvened in the basement of the Courthouse with Jack McDowell present. Mr. McDowell's concern was regarding drainage into the Rocky Run. The Board does not feel that they can grant him a permit at this time until the culvert problems closer to the James River have been settled. He agreed to wait one year.

The Board Attorneys were instructed to proceed with the next steps in the legal drain process, prepare the ballots, set a protest meeting and proceed on the basis of utilizing Route C.

It was agreed that Albert Haas and John Hovey would visit with Richard Weisenburger this afternoon regarding some drainage he is doing in Sheldon Township.

There being no further business the meeting was adjourned.


John D. Hovey, Secretary

MINUTES OF WATER MANAGEMENT BOARD

A meeting of the Eddy County Water Management Board was held at the Courthouse in New Rockford, North Dakota on September 25, 1975 at 8:30 A.M. Present were chairman Albert Haas and members Francis O'Connor and Marvin Tollefson. Also present were John Becker and John D. Hovey.

Chairman Haas read a letter from Vern Fahy of the State Water Commission regarding a meeting to be held in Bismarck on October 7, 1975 at 2:00 P.M. regarding the Rocky Run Watershed. It is hoped that one or more board members can attend.

John N. Becker reported on his revised plans and estimates and answered questions of the Board members. The Board then worked on assessing benefits against each quarter section of property and John D. Hovey was then directed to rough out the cost to each landowner on the basis of a total project cost of \$160,000.00.

An informational meeting was scheduled for October 8, 1975 at 9:00 A.M. John Hovey was directed to insert a notice of this meeting in the Transcript.

There being no further business, the meeting was adjourned.


John D. Hovey

Secretary

MINUTES OF WATER MANAGEMENT BOARD

A meeting of the Eddy County Water Management Board was held at the Courthouse in New Rockford, North Dakota on September 23, 1975 at 8:30 A.M. Present were Chairman Albert Haas and members Francis O'Connor and Marvin Tollefson. Also present was James H. Williams.

The meeting was called to order by Chairman Albert Haas, and the minutes of the August 13th and August 29th board meetings were read and approved as read.

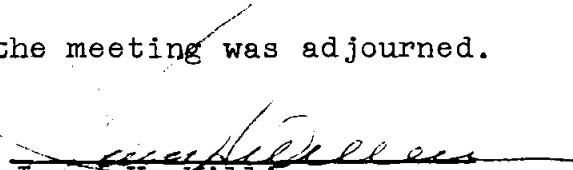
Chairman Haas explained that the purpose of this meeting was to review and discuss the revised survey and cost estimates on proposed Sheldon drainage project. These engineering plans and cost estimates have just been completed by Mr. Becker and include 3 alternate plans with cost estimates for each.

The Board felt that at this point it would be good to hold a public meeting for the purpose of explaining the survey and cost estimates to all landowners in the proposed Sheldon drainage project, but decided to first have a meeting with Mr. Becker and go over the plans and work out tentative benefits and assessments to landowners based on Mr. Becker's cost estimates. Mr. Becker was called by telephone and a meeting was arranged for Thursday morning, September 25th, 1975 at 8:30 A.M. at the Board office for the purpose of working out benefits and assessments.

A bill of John W. Becker in the amount of \$2,979.00 for engineering services on the proposed Sheldon drain was approved for payment.

Chairman Haas announced that there were no bids received in response to the call for bids for the work to be done on the Rocky Run drain. Upon motion duly made, seconded and carried Chairman Haas was authorized to negotiate with contractors as well as the county for completion of the temporary work to be done on the Rocky Run drain. Mr. Haas explained that he had talked to the Archie Campbell, Inc. construction company and had also talked to Robert Johanns regarding this work and that neither had submitted bids because they were busy and also because there were a lot of rocks involved in the work to be done and it would be hard on their equipment. He indicated that he would again talk to Eddy County and explore the possibility of having the county road equipment do this work on a contract basis.

There being no further business, the meeting was adjourned.


James H. Williams,
Secretary

MINUTES OF WATER MANAGEMENT BOARD

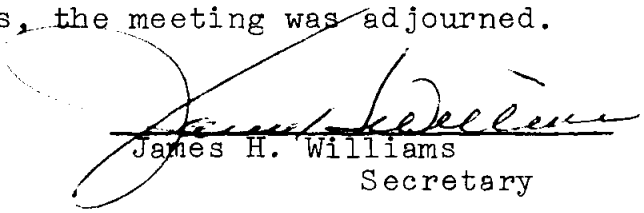
A meeting of the Eddy County Water Management Board was held at Poppa's Wishinsky's Restaurant on August 29, 1975 at 7:00 A.M. Present were Board members Albert Haas and Marvin Tollefson. Also present were Wm. Romanoski, Hubert Lies, Stephen Lies, James H. Williams and John Becker.

The purpose of this meeting was to explain to Romanoski, Hubert and Steve Lies the preliminary survey of the proposed Sheldon-New Rockford drainage project and show them how the proposed drain would affect their land. Also to determine how they felt about giving easements for the project. Most of the ditching would be done on their land.

Mr. Becker explained the project and the results of his engineering study and answered to the best of his ability all questions that were asked. Each of the landowners was given a copy of the plat showing the boundaries of the proposed drainage district and the route that the drainage ditch would follow. Hubert Lies indicated a general willingness to go along with the project and give such easements as might be necessary. William Romanoski indicated a reluctance to get involved with an easement inasmuch as he felt he would receive absolutely no benefit from the project. Stephen Lies was concerned about the drainage ditch affecting his well water supply on his farm. These people ask that they be given a few days to study the proposed plan and think the matter over and it was generally agreed that they would then meet again with the Board and give a better indication of their willingness to give easements.

The Board authorized Mr. Becker to make an additional survey to provide another alternate to the proposed plan. This alternate would run the ditch stright south to Highway #15, then west at Mickey Thompson's corner down Highway 15 road ditch. Mr. Becker agreed to proceed with this additional survey work and to let the Board know just as soon as he has completed the same.

There being no further business, the meeting was adjourned.


James H. Williams
Secretary

MINUTES OF WATER MANAGEMENT BOARD

A meeting of the Eddy County Water Management Board was held in the basement of the Courthouse on August 13, 1975 at 8:30 A.M. Present were Board members Albert Haas, Marvin Tollefson and Francis O'Connor. Also present was James H. Williams and John Becker of Carrington, North Dakota.

Chairman, Albert Haas, instructed Attorney Williams to write a letter to the Foster County and Wells County Water Management Boards to advise them that the Eddy County Water Management District will accept any and all financial assistance as the other two counties may be willing to contribute toward the work to be completed this fall, being work of a temporary nature on the Rocky Run drain. Any contributions made however, would be subject to a gentleman's agreement between the three boards that no further drainage would be permitted into the Rocky Run drain unless approved by all three county boards. A further condition would be that the Eddy County Board would be authorized to expend such funds as the other two counties may contribute as per engineering that has been done to date.

Minutes of the joint meeting of the Eddy, Foster and Wells County Boards held August 4, 1975 were read and approved.

Mr. Becker advised the Board that he had completed his engineering study and survey on the proposed Sheldon-New Rockford Township drainage project. He presented to the Board the results of his survey and the engineering plats and details. Mr. Becker felt the project is feasible and suggested it should be done with a drop at least 2 feet per mile, and a ditch with varying from 8 to 24 feet at the bottom and with a 4 to 1 slope is going to require a number of additional culverts. He pointed out that as the ditch was laid out, it should handle water the equivalent of $1\frac{1}{4}$ inches per hour. Mr. Becker had prepared and submitted to the Board a cost estimate for the project totalling \$169,000.00. A copy of Cost Estimate is attached to these minutes and made a part of the permanent records of this Board.

He pointed out that there were some alternatives as to the size of the area that could utilize the drain and in this regard pointed out that 1 plan would include 13,540 acres and that the cost on this plan would be approximately \$200,000.00 which would result in an average cost of about \$14.20 per acre. Another plan which would include 12,000 acres at a cost of approximately \$150,000.00 would result in a per acre cost of \$12.50.

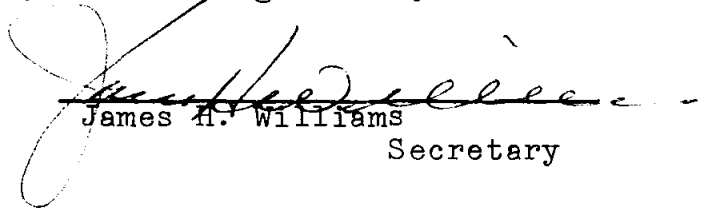
Mr. Becker was instructed to do some additional survey to determine what would be involved in taking the proposed ditch south to Highway #15 between the Mechle land and the Bud Lies land, then down the Highway 15 road ditch to the James River.

The Board felt that it would be good to hold a meeting with landowners Sullivan, Charles or Stephen Lies, Hubert Lies and William Romanoski who are the people who would be most affected by the ditching. At this meeting Mr. Becker, Mr. Williams and members of the Board would explain the proposed plan to these people and attempt to get their feeling on whether or not they would be willing to give easements. It was suggested that this should be an early morning meeting, perhaps

a breakfast meeting because of the harvest season.

The Board felt that after the above meeting or at such time as they get the feeling from the above named people, they would hold a general meeting for all of the landowners in the proposed district for the purpose of explaining the project to all of those who would be included in the District.

There being no further business, the meeting was adjourned.



James H. Williams
Secretary

MINUTES OF JOINT MEETING OF WATER
MANAGEMENT BOARDS OF EDDY, FOSTER AND WELLS
COUNTIES, NORTH DAKOTA

Meeting held at New Rockford, North Dakota Courthouse, Aug. 4, 1975 at 8:00 P.M. Meeting called by letter mailed to members of all Boards by Wells County Water Management Board.

The meeting was called to order by Norman Rudel from Wells County Water Management Board who served as Chairman. Mr. Rudel stated that the purpose of this meeting was to discuss the drainage and other water problems in the Rocky Run drainage area and to hopefully arrive at some solutions or an approach to some of the solutions to these problems. In addition to the members of the Water Management Boards of the 3 counties, those present at the meeting included Robert D. Reimer, licensed surveyor of Carrington, N.D.; Rodney O'Clair, Eddy County Soil Conservation Service; Merle Huhner, Wells County Soil Conservation Service; Harold Jelleberg, Area Conservationist, Soil Conservation Service, Grand Forks, N.D.; Stephen Hoetzer, Bismarck, N.D. representing the North Dakota State Water Commission and Attorneys Fabian E. Noack of Carrington, N.D. and James H. Williams of New Rockford, N. D. Board members present included Albert Haas, Francis O'Connor and Marvin Tollefson from Eddy County; Sam Nicolson, Steve Reimer and Duane Mullenberg from Foster County; and Jerry Schroeder, Norman Rudel and Paul G. Schadewald from Wells County.

Albert Haas, commenting on behalf of Eddy County, said we recognize we have problems and we are looking to our State Water Commission personnel and Soil Conservation Service personnel for some help. Stephen Hoetzer, representative of the State Water Commission said he felt there should be a joint effort and agreement between the 3 counties to work out a program for the entire area that drains through the Rocky Run to the James River. He suggested that it might be called the Rocky Run Watershed Drainage Project. He indicated that he was sure that the State Water Commission would assist the Boards in completing a study and some costs estimates for the project. Under present law, he said that if the State Water Commission were to participate in the project, about 40% of the construction costs could be funded through the State. The State would not share in any of the right of way acquisition but would furnish the engineering in addition to approximately 40% of construction costs. Harold Jelleberg of the Soil Conservation Service, Area Conservationist, from Grand Forks County said that the Soil Conservation Service had received requests in 1968 and again in 1972 for assistance in working out a drainage program. He said that because of the very large area included in this project and because of a problem in replacing and setting aside wetlands to comply with game and fish requirements, the project had been more or less dropped because it appeared that sufficient wetlands could not be set aside, at least at that time. He said that if enough farmers would become interested to the point where enough wetlands

could be secured and set aside, the project could then qualify for Federal funding to the extent of over 90% of total cost.

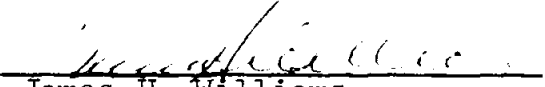
Bob Reimer, Engineer and Surveyor from Carrington, N. D. pointed out that he felt a major problem is in the area south and east of New Rockford where culverts are too small and there are some channel obstructions. Also in that area, the land is very level and there is very little drop to the Rocky Run drain which causes a very slow flow.

It was decided by the 3 boards that a joint request be made to the State Water Commission for an engineering study and for costs estimates on developing a plan for the Rocky Run Watershed Project. It was agreed that Jim Williams would draft a letter for the signatures of the chairmen of the 3 county boards and send the same to the State Water Commission.

Albert Haas informed the meeting that Eddy County would be doing a small amount of work on the Rocky Run drain in the area between the James River and US Highway 281. This work would include placement of some additional and larger culverts and some ditching. He pointed out that this was certainly not an answer or solution to the overall problem but would be a small step in eliminating a portion of the problem.

There being no further business, the meeting was adjourned.

Respectfully submitted,


James H. Williams,
Acting Secretary

MINUTES OF WATER MANAGEMENT BOARD

A meeting of the Eddy County Water Management Board was held at the Eddy County Courthouse on July 22, 1975 at 8:00 A.M. Present were Board members Albert Haas and Marvin Tollefson. Also present was John D. Hovey, Board secretary and legal counsel. Board member Francis O'Connor was absent.

A petition to establish a legal drain signed by 11 land owners in Gates, Sheldon and New Rockford townships was presented to the Board and ordered filed with the minutes of the meeting.

The bond required under Section 61-21-11 N.D.C.C. was waived.

Marvin Tollefson made the following resolution and moved it's adoption:

RESOLVED

The petition to establish a legal drain as filed with the Board appears to satisfy in all respects the requirements of Sec. 61-21-10 N.D.C.C.

It is the consensus of the Eddy County Water Management Board that further proceedings are warranted to establish a legal drain as requested in the aforementioned petition.

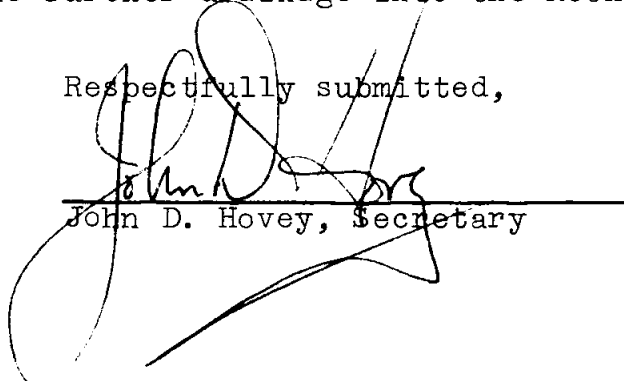
That John Becker Engineering of Carrington, N.D. be designated as surveyor for this project and be ordered to prepare profile plans and specifications of the proposed drain and estimates of the total cost thereof together with a map or plan of the lands to be drained which he shall file in the office of the County Auditor.

Resolution seconded by Albert Haas and carried.

John Hovey was directed to contact Mr. Becker and inform him of the decision to proceed on the drain. The board agreed to meet again as soon after Mr. Becker's plans are on file at which time they will take up the matter of dividing total costs between the affected land owners.

Albert Haas reported that he had again visited with Norman Rudel about the Rocky Run drainage problems. He informed Mr. Rudel that Eddy County wanted no further drainage into the Rocky Run at this time.

Respectfully submitted,



John D. Hovey, Secretary

MINUTES OF WATER MANAGEMENT BOARD

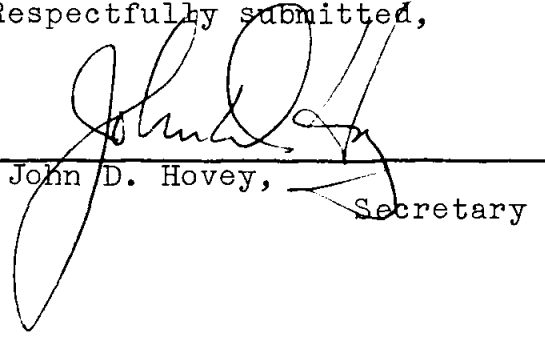
A meeting of the Eddy County Water Management Board was held in the basement of the Courthouse on July 2, 1975 at 9:00 o'clock, A.M. Present were board members Albert Haas, Marvin Tollefson and Francis O'Connor. Also present were the Rockford Township Supervisors, Emil Anderson, Harold Eldridge, and Walter Jones. Also present was John D. Hovey, board counsel.

Rockford Township Supervisors agreed that the ditch as proposed could be placed in the roadway ditch on the west side of the road and that they would cooperate in every way possible to accomplish this project.

A discussion was held as to whether or not the meeting could be definitely set for July 18th. After explanation of preliminary procedures by Mr. Hovey, it was agreed that it would be impossible to hold the protest meeting at that time.

Mr. Hovey was instructed to draft a new petition in conformance with the statute and also to contact Mr. Becker and explain exactly what will be expected of him for his filing with the County Auditor.

Respectfully submitted,



John D. Hovey, Secretary

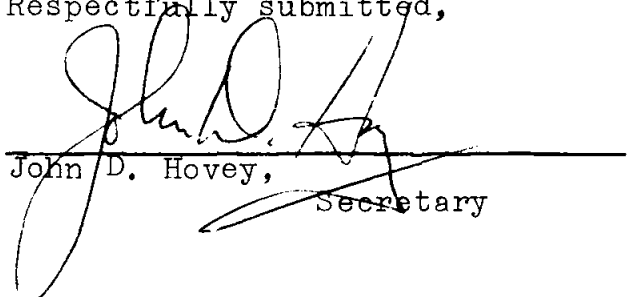
MINUTES OF WATER MANAGEMENT BOARD

A meeting of the Eddy County Water Management Board was held in the basement of the Courthouse on July 1, 1975 at 9:15 A.M. Present were board members Albert Haas, Marvin Tollefson and Francis O'Connor. Also present was John D. Hovey and John Becker of Carrington, N. D.

Mr. Becker proceeded to outline the findings of his survey in the area known as "Sheldon Drain". A meeting was tentatively set for July 18, 1975 at 9:00 A.M. and Mr. Becker agreed that he would get his estimated cost figures and landowner names in by that time.

The meeting was adjourned.

Respectfully submitted,



John D. Hovey,
Secretary

MINUTES OF WATER MANAGEMENT BOARD

A meeting of the Eddy County Water Management Board was held in the basement of the Courthouse on May 6, 1975 at 10:00 A.M. Present were board members Albert Haas, Marvin Tollefson and Francis O'Connor. Also present were Board Council, John D. Hovey, Quentin Georgeson and Carl Throlson.

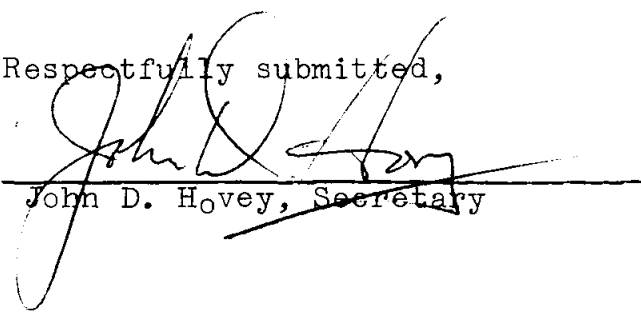
A letter was presented to the meeting signed by Alford Tollefson, Michael Bickler, Delvaine Gjestvang, Rodger C. Williams and Quentin Georgeson whereby they request a survey in their area as a preliminary step to establishing a legal drain. Motion made by Marvin Tollefson and seconded by Francis O'Connor to hire John Becker of Carrington, North Dakota to survey that area known as the "Sheldon Drain".

Discussion was then held concerning the drainage which originates up on the continental divide in the Gates and New Rockford township areas and then proceeds in a southeasterly direction to the vicinity of the Carl Throlson - Michael Bickler farms. Carl Throlson requested that Quentin plug his culverts to land level which he stated would hold water in the ditches and still not flood any of Mr. Georgeson's farm land. Mr. Georgeson stated that he was hesitant to plug any culverts, however he would be willing to close the ditch that he has made through his pasture.

Chairman Haas then reported that the Water Management Board will conduct a survey of the area, get a cost estimate of work to be done. This will then be put to a vote of the land owners and if it passes, a legal drain can be established. It was pointed out to Mr. Throlson and Mr. Georgeson that if the vote failed, the Board will have done all that it legally can do and any further action would have to be up to the landowners. It was reported that Albert Haas and Francis O'Connor were out on April 21st in Sheldon Township to look at the water problems. On April 25th Marvin Tollefson and Albert Haas met with the Wells County Water Management Board and visually surveyed the Rocky Run and 2 tributaries east of Highway #281. On May 1, 1975 Francis O'Connor and Marvin Tollefson made another inspection of the Sheldon Township Water problem.

It was also reported that the Wells County Board wants to solicit the help of the State Water Commission for assistance in surveying the entire Rocky Run water shed. No action was taken by the Board at this time.

Respectfully submitted,


John D. Hovey, Secretary

MINUTES OF JOINT MEETING OF WATER
MANAGEMENT BOARDS AND BOARDS OF COUNTY COMMISSIONERS
OF EDDY, FOSTER AND WELLS COUNTIES, NORTH DAKOTA

Meeting held at New Rockford, North Dakota Courthouse, December 27, 1974 at 1:30 P.M. Meeting called by letter mailed to members of all Boards and all County Auditors.

The meeting was called to order by Mr. Albert Haas, Chairman of the Eddy County Water Management Board. All persons present at the meeting were asked to stand, introduce and identify themselves. Those present at the meeting were as follows:

<u>Name</u>	<u>Address</u>	<u>Title</u>
Albert Haas	New Rockford	Eddy Co. Water Man. Board
Orval E. Hart	Chaseley	Co. Commissioner
Ralph E. Hager, Sr.	Harvey	Co. Commissioner
Harvey J. Lenz	Fessenden	Co. Commissioner
L. A. Krueger	Harvey	Wells Co. Commissioner
Daris D. Bittner	Cathay	Wells Co. Commissioner
John Murphy	Bordulac	Foster Co. Commissioner
Avolt Grager	Carrington	Foster Co. Commissioner
Marvin Tollefson	New Rockford	Eddy Co. Water Man. Board
Lawrence Schagunn	New Rockford	Wells Co.
Lester Seibold	Cathay	
John Schafer	New Rockford	
Robert Soderholm	Sheyenne	Eddy Co. Commissioner
Elder Daugherty	Sheyenne	Director of Tax Equalization
Roy Brown	New Rockford	New Rockford Mayor
Normal Rudel	Fessenden	Water Board
Jerry Schroeder	Harvey,	Water Board
Paul O. Schadewald	Sykeston	Water Board
Merle Huhner	Fessenden	S.C.S.
Eilert Nelson	Manfred	Farmers
Bert Anderson	New Rockford	Eddy Co. Commissioner
Ralph Leichtman	McHenry	Eddy Co. Commissioner
Lannes Ellingson	McHenry	Foster Co. Commissioner
Ernest Anderson	New Rockford	Anderson-Gilliss Const.

Mr. Haas informed the meeting that the Eddy County Water Management Board had engaged Robert D. Reimer, a licensed surveyor and engineer from Carrington, N. D. to complete a survey for drainage purposes and information which survey includes the Rocky Run Creek from the Wells County line to the James River and also the natural drain which follows for the most part along Highway #15 from the Eddy County line to the James River. In the discussion that followed, the two drains were referred to as the Rocky Run Creek on the one part and the Highway 15 drain on the other part. Mr. Haas then called upon Mr. Robert Reimer to review and discuss his survey, the results thereof and his recommendations for draining surface waters through the drains to the James River.

Mr. Reimer began his review and discussion with the Rocky Run Creek which he explained has always served as a natural drain. He pointed out that

over the years the natural flow of Rocky Run Creek has become restricted at various points by rocks, debris, and other accumulations in the drain bed. He further pointed out that pothole drainage into the creek in the past few years has added to the flow. He further pointed out that during periods of heavy flow and surface run-off, Rocky Run Creek fills to a point where excess waters then began to flow over into a creek called Kelly Creek which flows into Foster County, N. Dak. As to Rocky Run Creek, his survey disclosed that from the Wells County line east to Highway 281, the creek flow and the culvert situation is quite good, but from Highway 281 east to the James River there are some major problems. To correct this situation it would be necessary to install at least one additional culvert and do some ditching.

Mr. Reimer pointed out and stressed the fact that in completing his survey, he did so by first determining the flow of water at the county line, taking into account the size of the culverts at that point, and then determine what should be done in order to handle that flow from the point of the county line to the James River.

Mr. Reimer next reviewed drainage from the Wells County line to the James River along the natural drain that follows along North Dakota Highway 15. Here he recommended at least 11 additional culverts and also some ditching to allow part of the run-off waters to go down to and through what we know as Schwoebel slough and from that point on to the James River. He pointed out that another 42" culvert should be installed where the water from Schwoebel slough would cross Highway 281. He pointed out that from his survey he concluded that the natural drainage from the Highway 15 drain down to and through the Schwoebel slough had been obstructed by a dam, and if the dam were removed and with a very minor amount of ditching, there would be 2 outlets to the James River from the point where water accumulates near the Ed Walz farm.

In summary, Mr. Reimer pointed out that on the Rocky Run Creek there should be one additional culvert at location #39 and some ditching done on Sec. 29, 28 and 21. To improve the situation for Foster County, he recommended an 8 ft. culvert at location 37. As to the Highway 15 drain, he recommended 11 additional culverts and some ditching.

The question of the cost of the project was raised and Mr. Haas said that he had obtained some cost estimates to complete the work recommended and that the costs estimates was \$20,000. for culverts and installation and \$5,000.00 to complete the ditching and dozer work necessary, for a total of \$25,000.00.

Mr. Haas called upon Attorney Jim Williams for his comments and remarks. Mr. Williams pointed out that the purpose of the meeting was to discuss the survey report and recommendations and cost estimates with the appropriate boards from the 3 counties involved. He pointed out that all three counties were either directly or indirectly affected by the existing problems which each year seem to become more serious as a result of more and more sporadic surface and pothole drainage by the landowners adjoining these drains. He pointed out that it was the hope of the Eddy County Water Management District that the 3 counties involved could arrive at an agree-

ment to fund and complete the work recommended by Mr. Reimer. He suggested that the 3 counties arrive at a plan whereby each of the counties would contribute a portion of the cost of completing the work and that plans be formulated to proceed with the work.

Following Mr. Williams remarks, a lengthy discussion followed during which many comments, suggestions and questions were discussed, some of which are as follows:

1. Foster County Commissioner, John Murphy indicated that so far as Foster County was concerned, anything that might be done to increase the flow of surface drainage into the James River would aggravate already existing problems in Foster County at several points where bridges cross the James River.

2. It was suggested that the possibility of a legal drain or a small watershed project be explored.

3. It was pointed out that the possibility of these projects had been previously explored with the result that the Fish and Wildlife Service had more or less indicated disapproval which meant that no Federal funds could be used for the projects.

4. It was suggested that instead of installing culverts as recommended by Mr. Reimer, that all of this be increased by about 30% to handle additional pothole drainage that will no doubt be done in the future, both in Eddy County and Wells County.

5. It was suggested that another meeting be called at a later date where representatives of the State Water Commission, the Bureau of Reclamation and the State Highway Department be present.

6. The matter of stopping "illegal drainage" without proper easements was discussed at great length.

No financial commitments were received from any county and the meeting was adjourned with the agreement that another meeting be called sometime after the middle of February at which time representatives of the Bureau of Reclamation, the State Water Commission and the State Highway Dept. be present. It was agreed that the Eddy County Water Management Board would try to arrange such a meeting.


James H. Williams

Acting Secretary