

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
September 2, 2025

A regular meeting of the Eddy County Water Resource Board was held on September 2, 2025 at 9:00 AM at the Eddy County Courthouse. Board members Monty Schaefer, Kenneth Reis and Secretary/Treasurer, Travis S. Peterson, were present in the basement of the Eddy County Courthouse. Mike Tweed joined the meeting at 9:40 AM. Eddy County Landowner Jeff Topp was present. Eddy County Landowner Jessica Carlson joined the meeting at approximately 9:45 AM

The minutes of the regular August 5, 2025 meeting were presented. Reis made a motion to approve. Second by Schaefer. Motion carried.

The Treasurer's Report was presented and reviewed. Schaefer made a motion to approve the Treasurer's report. Reis seconded the motion. Motion carried.

The following bills were presented for payment:

ND Water Users Association - 2026 dues	\$325.00
ND Water Resource District Association – 2026 dues	\$700.00

Reis made a motion to pay the bills presented. Seconded by Schaefer. Motion carried.

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

Old Business:

Upper Sheyenne Joint Water Resource Board: The board met on August 20, 2025. Schaefer reported that not much new is going on, but working on pilot projects.

Devils Lake Basin Joint Water Resource Board: Tweed reported that not much new is going on. The next meeting is scheduled for September 10, 2025 at the Ramsey County Courthouse.

Garrison Diversion Conservancy District: Tweed reported that the Executive Board met last week.

Columbia Township Coulee Cleanout: Received prior to this meeting were cost share applications from Topp Land and Cattle, LLC/Topp Family Farms, LLLP, Nate Collier and Kathy Erickson/Larry Erickson. Those applications were reviewed and discussed. Further consideration of the cost share applications was tabled to provide other adjacent landowners an opportunity to submit cost share applications. Cost share applications have not been received from Wade Wipperling, Ryan Topp, Paul Topp and Jason Otto.

Casey Weber Drain Tile Permit #2025-001: Peterson reported that the permit was completed and mailed to interested parties on August 6, 2025.

T-T Drain Tile Permit #2025-002, #2025-003 and #2025-004: Peterson reported that the permits were completed and mailed to interested parties on August 29, 2025.

Greg Hegland Cost Share Application: Peterson reported that he did receive a Cost Share Application from Hegland. Peterson also spoke with Hegland. Hegland reported that Hager has not begun work on the channel cleanout.

New Business:

Monty Schaefer Notification of Subsurface Drain System less than 80 acres: Schaefer notified the board that he is installing drain tile on two acres south of his farmstead. The notification was provided as required by NDCC 62-32-03.3.

Jessica Carlson/Columbia Township Drain Complaints: On September 2, 2025, Jessica Carlson filed three drainage complaints under NDCC 61-32-07 regarding Justin Topp and/or T-T Ranch subsurface drain projects (#2023-003, #2025-003 and #2025-004). One complaint concerns the SW1/4 of Section 15, Township 148, Range 64. One complaint concerns the SE1/4 of Section 15, Township 148, Range 64. One complaint concerns the SW1/4 and SE1/4 of Section 16, Township 148, Range 64. All three complaints describe the issue as “Permitted subsurface pump will pump water at a higher rate than what the natural surface water drain can accommodate resulting in overland flooding.” The complaints were reviewed and discussed. Construction of systems 2025-003 and 2025-004 has not begun. There is no allegation that the subsurface drain systems complained of are operated in an unauthorized manner. The complaints are premised on the assertion that the natural watercourse is unable to accommodate water removed by the subsurface drain systems. Peterson advised the board that NDCC 61-32-07 does not apply to these complaints regarding subsurface water management systems permitted under NDCC 61-32-03.1; and that the Eddy County Water Resource Board is not the appropriate body to hear Carlson’s complaints.

Larry Erickson/Columbia Township Drain Complaint: On September 2, 2025, Jessica Carlson filed one drainage complaint under NDCC 61-32-07 signed by Larry R. Erickson regarding a T-T Ranch subsurface drain project (2025-002). This complaint concerns the NE1/4, NW1/4, SW1/4 and SE1/4 of Section 2, Township 148, Range 64. This complaint describes the issue as “Permitted subsurface pump will pump water at a higher rate than what the natural surface water drain can accommodate resulting in overland flooding.” The complaint was reviewed and discussed. Construction of system 2025-002 has not begun. There is no allegation that the subsurface drain system complained of is operated in an unauthorized manner. The complaint is premised on the assertion that the natural watercourse is unable to accommodate the water removed by the subsurface drain system. Peterson advised the board that NDCC 61-32-07 does not apply to these complaints regarding subsurface water management systems permitted under NDCC 61-32-03.1; and that the Eddy County Water Resource Board is not the appropriate body to hear Erickson’s complaint.

Kathy Erickson/Columbia Township Drain Complaint: On September 2, 2025, Jessica Carlson filed four drainage complaints under NDCC 61-32-07 signed by Kathy Erickson regarding Justin Topp and/or T-T Ranch subsurface drain projects (2023-003, 2025-002, 2025-003 and 2025-004). One complaint concerns the NE1/4, NW1/4 and SE1/4 of Section 15, Township 148, Range 64. One complaint concerns the SW1/4 of Section 15, Township 148, Range 64. One complaint concerns the SE1/4 and SW1/4 of Section 16, Township 148, Range 64. One complaint concerns the NE1/4, NW1/4, SE1/4, and SW1/4 of Section 2, Township 148, Range 64. All four complaints describe the issue as “Permitted subsurface pump will pump water at a higher rate than what the natural surface water drain can accommodate resulting in overland flooding.” The complaints were reviewed and

discussed. Construction of systems 2025-002, 2025-003 and 2025-004 has not begun. There is no allegation that the subsurface drain systems complained of are operated in an unauthorized manner. The complaints are premised on the assertion that the natural watercourse is unable to accommodate water removed by the subsurface drain systems. Peterson advised the board that NDCC 61-32-07 does not apply to these complaints regarding subsurface water management systems permitted under NDCC 61-32-03.1; and that the Eddy County Water Resource Board is not the appropriate body to hear Erickson's complaints.

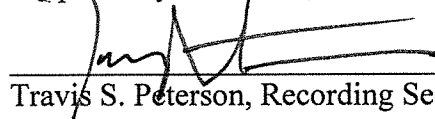
After discussion of all of the above drainage complaints, Tweed moved to deny the Jessica Carlson complaints, the Kathy Erickson complaints, and the Larry R. Erickson complaint. Seconded by Reis. Motion carried. At Carlson's request copies of the Notices of Decision will be emailed to her. Copies will also be provided to interested parties as required by NDCC 61-32-08.

While discussing the above complaints, Peterson referenced NDCC 61-32-03.1(5), which reads as follows "A district shall approve a permit, including any permissible conditions, within 30 days after the district receives the completed application. If the district fails to approve the permit application within that period, the permit is deemed approved with no conditions." Peterson's statement was made when explaining that approval of subsurface water management system applications is not discretionary to a water resource district.

Next Meeting: The next regular meeting is scheduled for October 7, 2025 at 9:00 AM in the Eddy County Courthouse.

There being no further business the meeting was adjourned at 10:30 AM.

Respectfully submitted,



Travis S. Peterson, Recording Secretary

APPROVED:



Kenneth Reis, Chairman