MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
September 10, 2026

A special meeting of the Eddy County Water Resource Board was held on September 10, 2026 at 10:00 AM at the Eddy County Courthouse. Board members, Monty Schaefer and Brady Richter and Secretary/Treasurer, Travis S. Peterson, were present in the jury room of the Eddy County Courthouse.

New Business:

Application to Install Subsurface Water Management System #2026-004 for Gary Hilbert in the E1/2 of Section 1 and NE1/4 of Section 12, Township 148 North, Range 68 West (Fairville Township), Wells County, North Dakota and W1/2 of Section 6 and N1/2 of Section 7, Township 148 North, Range 67 West (Rosefield Township), Eddy County, North Dakota.

The Board reviewed the Application to Install Subsurface Water Management System No. 2026-004, dated September 4, 2026, and filed on September 8, 2026 by Ellingson on behalf of Gary Hilbert. Under the application, Applicant seeks to install a 434 acre drain tile system in the E1/2 of Section 1 and NE1/4 of Section 12, Township 148 North, Range 68 West (Fairville Township), Wells County, North Dakota and W1/2 of Section 6 and N1/2 of Section 7, Township 148 North, Range 67 West (Rosefield Township), Eddy County, North Dakota. The project will include twenty (20) surface intakes of various sizes at various locations; two gravity outlets (one 10" and one 15"); and one 10hp pump outlet with a capacity of 1760 gpm. One gravity outlet is located near the south section line in the SW1/4 of Section 1 and one gravity outlet is located in the NE1/4 of Section 12, both in Township 148 North, Range 68 West (Fairville Township), Wells County, North Dakota. Both gravity outlets discharge water into a natural watercourse. Water from the gravity outlets will flow southeast until it reaches the north branch of Rocky Run. The pump outlet is located in the northwest corner of the NE1/4 of Section 1, Township 148 North, Range 68 West (Fairville Township), Wells County, North Dakota and water will discharge into a ditch south of 18th St NE and flow west in the ditch to the NW corner of Section 1 where the water will turn south and continue in a ditch until it reaches a natural watercourse and thereafter flow southeast until it reaches the north branch of Rocky Run. The project drain co-efficient is 3/8".

According to the county tax roll information supplied by Applicant, Gary D. Hilbert and Bonnie M. Hilbert own the following land upon which the subsurface water management system is located:

EDDY COUNTY, NORTH DAKOTA:
Township 148 North, Range 67 West:
Section 6: Lots 4, 5, and 6; and E1/2SW1/4
Section 7: Lots 1 and 2; E1/2NW1/4; and NW1/4NE1/4

WELLS COUNTY, NORTH DAKOTA:
Township 148 North, Range 68 West:
Section 1: Lots 1 and 2; S1/2NE1/4; and SE1/4
Section 12: NE1/4

And Ronald T. O'Connor, subject to a life estate in favor of Richard O'Connor and Sandra O'Connor, own the following land that is located within one mile downstream of one or more of the project outlets:

WELLS COUNTY, NORTH DAKOTA:
Township 148 North, Range 68 West:
Section 1: Lots 3 and 4; S1/2NW1/4; and SW1/4

Schaefer moved, and Richter seconded the motion, to approve Application to Install Subsurface Water Management System No. 2026-004, dated September 4, 2026, and filed on September 8, 2026 by Ellingson on behalf of Gary Hilbert, subject to the following conditions:

1. That Applicant install and maintain erosion protection at any and all outlets;
2. That Applicant re-establish any areas disturbed installing or maintaining Applicant's tile system;
3. That Applicant will not install Applicant's tile system within 20 feet, on either side, of any rural water lines that may exist within the project area;
4. That Applicant will install and operate control structures at any and all outlets, including the requirement that the control structures be closed or pump outlets be turned off during critical flood periods;
5. That Applicant must apply for an amendment to Subsurface Water Management Permit No. 2026-004 in advance of any proposed alterations to outlet locations, the addition of any outlets, or improvements or modifications to the tile system that could increase the capacity or drainage area of the tile system; and
6. That Applicant remove silt and vegetation or repair erosion and scour damages directly caused by the tile system, between the outlet and the natural watercourse.
    a. Downstream damage repair does not include deepening or widening a road ditch or existing drain.
    b. The timing and method of silt and vegetation removal or damage repair in a county or township road ditch must be pre-approved by the appropriate road authorities.
    c. Applicant shall follow any construction site protection requirements of the road authority.
    d. If a downstream landowner or road authority presents substantial evidence that Applicant's tile system directly caused accumulation of silt, vegetation, erosion or scouring, Applicant shall remove the silt and vegetation or repair the erosion and scour damages directly caused by the tile system. However, Applicant may not spread silt, vegetation or debris along adjoining land without the permission of all parties having a legal interest in the land.

Under Section 61-32-03.1, the District cannot attach any additional conditions to Applicant's permit. However, for Applicant's protection, and to ensure protection of Applicant's tile system, the District recommends that Applicant consider complying with the following:

1) that Applicant obtain all other necessary and requisite licenses, permits, registrations, and/or approvals from all applicable federal, state, county, and

municipal governments, and any other applicable governmental entities.

Upon vote, the above motion was carried unanimously. Travis Peterson will provide copies of the Board's Notice of Decision, Subsurface Water Management Permit 2026-004, and Applicant's Downstream Flow Map to the ND Department of Water Resources, ND Office of State Engineer, Rosefield Township Chairman, Fairville Township Chairman, Richard and Sandra O'Connor, and Ronald T. O'Connor. Under the current tile law, Applicant's detailed project design map is an exempt record, and the water board will not provide copies to any third parties.

There being no further business the meeting was adjourned at 10:25AM.

Respectfully submitted,

Travis S. Peterson, Recording Secretary

APPROVED:

Michael Tweed, Chairman