

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD  
December 1, 2015

A regular meeting of the Eddy County Water Resource Board was held on December 1, 2015 at 10:00 AM in the Eddy County Courthouse. Present were Mike Tweed, Peter Larson, Kenneth Reis, and Travis S. Peterson, Secretary/Treasurer. Also present was Eddy County landowners, Roger Duda and Monty Schaefer.

The minutes of the November 3, 2015 regular meeting were presented. Reis made a motion to approve the minutes. Second by Larson. Motion carried.

The Treasurer's Report was presented and reviewed. Tweed made a motion to approve the report. Second by Larson. Motion carried.

Tweed inquired whether the dues to the Devils Lake Basin Joint Water Resource Board had been paid. Peterson stated that he did not recall receiving an invoice/statement and that he does not recall paying any dues. Tweed requested that Peterson inquire with Jeff Frith to determine whether Eddy County is current with payment of dues. Tweed made a motion to pay any dues that are owing. Reis seconded. Motion carried.

Peterson presented Progressive Estimate No. 2 of Work Completed regarding Warwick Dam Rehabilitation and Modification. The Progressive Estimate was submitted by Harvey Sand and Gravel and was reviewed by Damon DeVillers, PE. DeVillers approved payment of \$117,323.97. Larson made a motion to pay said amount, subject to Peterson conferring with DeVillers that the amount should be paid prior to formally seeking cost share funds. Reis seconded. Motion carried.

Larson made a motion to pay the following bills:

Peter Larson - July - December, 2015 - meetings and mileage	\$741.74
Kenny Reis - July - December, 2015 - meetings and mileage	\$577.50
Mike Tweed - July - December, 2015 - meetings and mileage	\$1,339.45
Peterson Law Offices PC (June to December- fees/costs)	\$5,470.25

Second by Tweed. Motion carried.

**Correspondence:** Various correspondence was reviewed, no specific action was required.

**Old Business:**

**New Rockford Canal:** Peterson shared with the Board an email he received from Kip Kovar. Kovar indicates that Garrison Diversion Conservancy District has been considering the matter and has decided that the culvert issue is best addressed after completion of the hydrology/hydraulic analysis of the area. According to Kovar's email, the analysis should be done sometime in December of 2015 or January of 2016. The Board requested that Peterson follow up with Kovar to inquire about the extent of "the area" that will be included in the hydrology/hydraulic analysis.

**Roger Duda Complaint regarding Paul Skadberg Obstruction:** Peterson informed the Board that since the November meeting he has twice been in contact with Mandar Nangare of the State Water Commission. According to Nangare, his report is under review by his superiors. Peterson indicated that as soon as he sees the report he will email it to the Board and interested parties. Roger Duda was present and had no additional information but expressed his frustration with the delayed resolution of this matter.

**Paul Skadberg Complaint regarding Duda Drain:** See above.

**Doug Skadberg/Monty Schaefer:** No additional information available.

**Monty Schaefer update:** Monty Schaefer updated the Board on his various projects. His drain tile project is complete. He also installed a new culvert (60") in his driveway, eradicated the large number of cattails, and finished the channel cleaning/maintenance. All that remains is some grooming/smoothing of materials removed from the channel.

**Warwick Dam:** Peterson presented to the Board Progressive Estimate No. 2 received from Harvey Sand and Gravel. Damon DeVillers, PE, reviewed and approved for payment. The Board requested that Peterson work with DeVillers and Ben Varnson to obtain cost share funds as appropriate. Larson expressed concern about obtaining funds from USFWS prior to the end of the year.

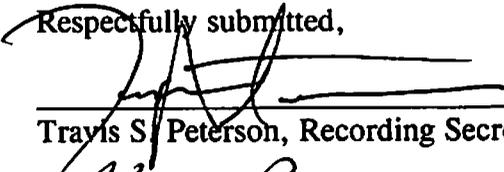
**Upper Sheyenne River Joint Water Resource Board:** Larson indicated that there has been no meeting since the last Eddy County Water Board meeting. The next meeting is scheduled for December 8, 2015 at 7 PM in the Cannonball Room of the Ramkota Hotel in Bismarck, ND.

**Devils Lake Basin Joint Water Resource Board:** Tweed summarized the business of the November 9, 2015 meeting held at the Ramsey County Courthouse. Much discussion on Devils Lake elevation and zebra mussels. The next meeting is scheduled for December 10, 2015 at 12:00PM in the Sheyenne Room of the Ramkota Hotel in Bismarck, ND.

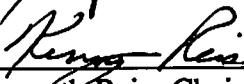
**Next Meeting:** The next regular meeting of the Eddy County Water Resource Board will be held on January 5, 2015 at 10 a.m. in the Eddy County Courthouse.

There being no further business the meeting was adjourned.

Respectfully submitted,

  
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Travis S. Peterson, Recording Secretary

APPROVED:

  
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Kenneth Reis, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD

November 3, 2015

A regular meeting of the Eddy County Water Resource Board was held on November 3, 2015 at 10:00 AM in the Eddy County Courthouse. Present were Mike Tweed, Peter Larson, Kenneth Reis, and Travis S. Peterson, Secretary/Treasurer. Also present was Eddy County landowner, Roger Duda.

The minutes of the October 6, 2015 regular meeting were presented. Reis made a motion to approve the minutes. Second by Tweed. Motion carried.

The minutes of the October 9, 2015 special meeting were presented. Reis made a motion to approve the minutes. Second by Larson. Motion carried.

The Treasurer's Report was presented and reviewed. Tweed made a motion to approve the report. Second by Larson. Motion carried.

Reis made a motion to pay bills as follows:

Eunice Reeves and Jerry Reeves (easement payment)	\$300.00
ND Water Users Association (Mike Tweed registration)	\$180.00

Second by Larson. Motion carried.

**Correspondence:** Various correspondence was reviewed, no specific action was required.

**Old Business:**

**New Rockford Canal:** Peterson informed the Board that he has not heard from Kip Kovar regarding culvert cost estimates.

**Roger Duda Complaint regarding Paul Skadberg Obstruction:** Peterson informed the Board that he has not heard from Mandar Nangare, PE, of the State Water Commission. Roger Duda updated the Water Board as follows: on or about October 20, 2015 Skadberg began hauling more fill to the area in question; Nangare, on October 22, 2015, made another site visit; and Nangare informed Duda that he hoped to have his report to the Eddy County Water Board by the November meeting. (This did not happen.)

The Board asked Peterson to again email Nangare in hopes of bringing this matter to a head.

**Paul Skadberg Complaint regarding Duda Drain:** See above.

**Doug Skadberg/Monty Schaefer:** No additional information available.

**Warwick Dam:** Peterson updated the Board of the developments since the October 9, 2015 special meeting. At this time it appears all permits are in place. The Class III Cultural Survey did not discover any artifacts that required protection or remediation. DeVillers met on site with Harvey Sand and Gravel on October 23, 2015 at which time he observed a significant amount of additional erosion on the south side of the dam. The additional erosion will result in design revisions. Peterson has not received any specifics about design revisions/costs. Jonathan Kelsch of the State Water Commission informed Damon DeVillers that the west end pumps will be shut

down no later than November 9, 2015. With regard to haul permits, DeVillers indicated that Interstate Engineering will do preconstruction and post construction surveys of the roads and any damage will be fixed. In the event excess weight/haul permits are necessary, Harvey Sand and Gravel will deal direct with the Eddy County Commission.

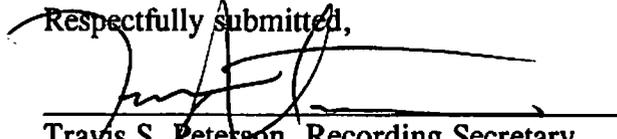
**Upper Sheyenne River Joint Water Resource Board:** Larson provided a brief summary of the last meeting held on October 21, 2015 in Carrington at the Pizza Ranch. The next meeting is scheduled for the evening of December 9, 2015 in Bismarck in conjunction with the Water Convention and Irrigation Expo. Larson does not plan to attend. Tweed will attend if he is able.

**Devils Lake Basin Joint Water Resource Board:** Tweed provided an updated of the last meeting held on October 14, 2015. There was much discussion about lake elevation and zebra mussels. The Summer 2016 Devils Lake Basin Tour is scheduled for June 15, 2016. The next regular meeting of the Devils Lake Basin Joint Water Resource Board is scheduled for November 9, 2015 at the Ramsey County Courthouse in Devils Lake, ND.

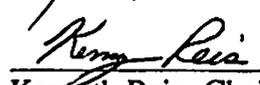
**Next Meeting:** The next regular meeting of the Eddy County Water Resource Board will be held on December 1, 2015 at 10 a.m. in the Eddy County Courthouse.

There being no further business the meeting was adjourned.

Respectfully submitted,

  
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Travis S. Peterson, Recording Secretary

APPROVED:

  
\_\_\_\_\_  
Kenneth Reis, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD  
SPECIAL MEETING  
October 9, 2015

A special meeting of the Eddy County Water Resource Board commenced at the conference room of Peterson Law Offices, P.C. on October 9, 2015 at 1:30 PM. Present were Mike Tweed, Peter Larson, Kenny Reis, Travis S. Peterson, Secretary/Treasurer, and Damon DeVillers, PE, of Interstate Engineering.

**Award Class III Cultural Resources Survey Contract:** In the course of reviewing all permits in order to confirm that they had not expired, Peterson determined that he did not have a copy of the Sovereign Lands Permit issued by the State Water Commission. Peterson informed DeVillers of this and DeVillers contacted the State Water Commission. For some inexplicable reason, the State Water Commission never provided the approved permit to the Water Board. The Sovereign Lands Permit was then provided to the Water Board under cover of letter dated October 9, 2015. The Sovereign Lands Permit requires a Class III Cultural Resources Survey. This matter was discussed with DeVillers and various architectural firms were solicited to conduct this study and issue a report. The following cost estimates were received:

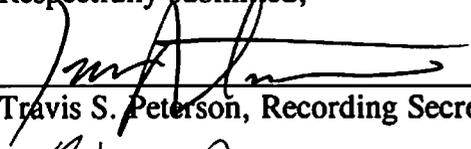
1. Beaver Creek Archeology \$1,950
2. Metcalf Archeological Consultants Inc. \$2,413
3. Juniper Environmental Consultant \$2,950

After reviewing the bids and discussing the same with DeVillers, Reis made a motion to engage Beaver Creek Archeology to prepare the Class III Survey. Tweed seconded. Motion approved.

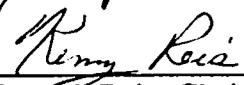
**Reeves Easement:** It was also brought to the Board's attention that an access easement had not yet been obtained from Eunice Reeves and Jerry Reeves. The Board discussed compensation to Reeves for the easement. The affected area is approximately .37 acres, more or less. After discussing the matter with Damon DeVillers and Steve Thompson, both of Interstate Engineering, and reviewing the NDDOT manual regarding Federal Aid Projects, Tweed made a motion to pay Eunice Reeves and Jerry Reeves the sum of \$300 for the easement. Larson seconded. Motion carried.

There being no further business the meeting was adjourned.

Respectfully submitted,

  
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Travis S. Peterson, Recording Secretary

APPROVED:

  
\_\_\_\_\_  
Kenneth Reis, Chairman

## MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD

October 6, 2015

A regular meeting of the Eddy County Water Resource Board was held on October 6, 2015 at 9:00 AM in the Eddy County Courthouse. Present were Mike Tweed, Peter Larson, Kenneth Reis, and Travis S. Peterson, Secretary/Treasurer.

The minutes of the September 1, 2015 regular meeting were presented. Reis made a motion to approve the minutes. Second by Larson. Motion carried.

The Treasurer's Report was presented and reviewed. Tweed made a motion to approve the report. Second by Larson. Motion carried.

**Correspondence:** Various correspondence was reviewed, no specific action was required.

### **Old Business:**

**New Rockford Canal:** Peterson informed the Board that he again emailed Kip Kovar and requested an updated price for both 18" and 24" culverts. Peterson has not received a response. Upon receiving a response, Peterson will forward the information to the Board members.

**Roger Duda Complaint regarding Paul Skadberg Obstruction:** Peterson emailed Mandar Nangare, PE, on September 24, 2015 requesting a status report. Nangare replied that the water course determination remained his desk and would not be complete by the October 6, 2015 meeting. Nangare indicated he hoped it would be complete sometime in the month of October.

**Paul Skadberg Complaint regarding Duda Drain:** See above.

**Doug Skadberg/Monty Schaefer:** No additional information available.

**Warwick Dam:** Peterson informed the Board that he had correspondence with Damon DeVillers, PE, Interstate Engineering and Todd Weber of Harvey Sand and Gravel. The west-end pumps will not be shut down until freeze up. All parties are hopeful that the project will be completed this fall/winter.

**Washington Lake Road:** The Eddy County Board of Commissioners is moving forward with this project as evidenced by the August 31, 2015 request for comment received by the Eddy County Water Board from Interstate Engineering. The project consists of grade raises, slope flattening and bituminous surfacing. It appears there are three areas where grade raises will occur and three different areas where slope repairs will occur.

**Monty Schaefer Clean-out:** Larson and Reis discussed their site visit. Larson and Reis explained that there appeared to be a ridge of sediment east of Schaefer's driveway that causes water to back up and pool. The consensus is the Schaefer's clean-out will help keep water moving in the area south and east of Rosefield Slough and within Oak Creek Drain.

**BNSF Drain Permit #4679:** Peterson returned the original approved drain permit to Mandar Nangare on September 9, 2015.

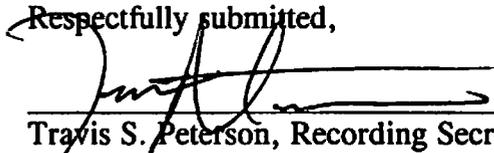
**Upper Sheyenne River Joint Water Resource Board:** There has been no meeting since the last Eddy County Water Board Meeting. The next meeting is scheduled for October 21, 2015 at 9 am in Carrington at the Pizza Ranch.

**Devils Lake Basin Joint Water Resource Board:** Tweed provided a summary of the meeting held on September 9, 2015 at the Ramsey County Courthouse in Devils Lake. It was a quiet meeting. Devils Lake elevation on that date was 1450.93 feet. The pumps, not including evaporation, removed seven inches off of the lake so far in 2015. The next regular meeting is scheduled for October 14, 2015 in the Ramsey County Courthouse in Devils Lake, ND.

**Next Meeting:** The next regular meeting of the Eddy County Water Resource Board will be held on November 3, 2015 at 10 a.m. in the Eddy County Courthouse.

There being no further business the meeting was adjourned.

Respectfully submitted,

  
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Travis S. Peterson, Recording Secretary

APPROVED:

  
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Kenneth Reis, Chairman

## MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD

September 1, 2015

A regular meeting of the Eddy County Water Resource Board was held on September 1, 2015 at 9:00 AM in the Eddy County Courthouse. Present were Peter Larson, Kenneth Reis, and Travis S. Peterson, Secretary/Treasurer. Absent was Mike Tweed. Also present were the following Eddy County Landowners: David Eversvik, Monty Schaefer and Roger Duda.

The minutes of the August 6, 2015 regular meeting were presented. Reis made a motion to approve the minutes. Second by Larson. Motion carried.

The Treasurer's Report was presented and reviewed. Larson made a motion to approve the report. Second by Reis. Motion carried. Peterson informed the board that Bank Forward Certificate of Deposit #74723 matures on September 9, 2015. According to Deb Rud at Bank Forward, renewal terms remain the same. Reis made a motion to let the CD mature and renew under the same terms and conditions. Second by Larson. Motion carried.

**Correspondence:** Various correspondence was reviewed, no specific action was required.

### **Old Business:**

**New Rockford Canal:** Peterson informed the Board that he emailed Kip Kovar and requested an updated price for both 18" and 24" culverts. Peterson will forward the information to the Board members after it is received from Kovar.

**Roger Duda Complaint regarding Paul Skadberg Obstruction:** No further information was available. It was suggested that Peterson could again email Mandar Nangare, PE, at the State Water Commission.

**Paul Skadberg Complaint regarding Duda Drain:** See above.

**Doug Skadberg/Monty Schaefer:** No additional information available.

**Warwick Dam:** Susan Shearer, President, Harvey Sand and Gravel, sent a letter to Damon DeVillers inquiring about completion of this project in 2015. That letter prompted Damon's emails to/from Peterson and Jonathan Kelsch at the State Water Commission. Harvey Sand and Gravel would like to begin construction in mid-October. According to Kelsch, however, the west-end pumps will not be shut down until freeze up. Historically freeze up has occurred November 8<sup>th</sup> or 9<sup>th</sup>. According to Kelsch, this should leave sufficient time for the construction company.

**Washington Lake Road:** Davidd Eversvik was present with photographs of various areas of concern resulting from the lack of culvert(s) in the Washington Lake Road. It is the Water Board's understanding that Eddy County is preparing to improve the Washington Lake Road in 2016. It is the Water Board's further understanding that placement of culverts will be part of that project. The Board suggested that Eversvik might stop at this morning's commission meeting upstairs to express his concerns.

### **New Business:**

**Monty Schaefer Clean-out:** Monty Schaefer was present to discuss clean-out of the Oak Creek Drain and/or the tributary thereto from Rosefield Slough. The area to be cleaned is located east of his driveway. The proposed

cleaning and maintenance would consist of removing approximately 20 inches of sediment that accumulated with the growth of cattails and other vegetation during the recent wet years. Schaefer indicated the area dried out enough so that he was able to effectively burn off the cattails and now is an ideal time to clean the sediment and clear the drain. After the meeting, Reis and Larson made a site visit with Schaefer. Based on the nature of the proposed work a permit under NDCC 61-32-03 is not required. Reis made a motion to approve Schaefer's proposed clean-out; Larson seconded. Motion carried.

**BNSF Drain Permit #4679:** The ND SWC forwarded to the Water Board an application made by BNSF seeking approval of construction and extension of an existing access road north of and adjacent to the railroad. This project is located in the SW1/4 of Section 25, Township 149, Range 67, Eddy County, North Dakota. Based on a review of the materials, it appears BNSF has its federal and state requirements satisfied, however, because the State Water Commission determined that the project is not of Statewide or inter-district significance, Eddy County must evaluate and approve the permit. The Board reviewed the application and proposed project and evaluated the factors set forth in NDAC 89-02-01-09.2. Based on that evaluation and review, Reis moved to approve the permit. Larson seconded. Motion carried.

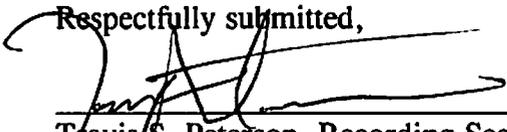
**Upper Sheyenne River Joint Water Resource Board:** Larson provided a summary of the meeting held on August 19, 2015 in Cooperstown. The reason the meeting was held in Cooperstown was because many downstream landowners wanted an opportunity to discuss their concerns about the Devils Lake outlets. Larson summarized many of those concerns, erosion and sediment taking center stage. The next meeting is scheduled for October 21, 2015 at 9 am in Carrington at the Pizza Ranch.

**Devils Lake Basin Joint Water Resource Board:** There was no update because Mike Tweed was not at the meeting.

**Next Meeting:** The next regular meeting of the Eddy County Water Resource Board will be held on October 6, 2015 at 9 a.m. in the Eddy County Courthouse.

There being no further business the meeting was adjourned.

Respectfully submitted,

  
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Travis S. Peterson, Recording Secretary

  
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Kenneth Reis, Chairman

APPROVED:

# MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD

August 6, 2015

A regular meeting of the Eddy County Water Resource Board was held on August 6, 2015 at 9:00 AM in the Eddy County Courthouse. Present were Peter Larson, Kenneth Reis, and Travis S. Peterson, Secretary/Treasurer. Absent was Mike Tweed. Also present were the following Eddy County Landowners: Steve Weisenburger and Roger Duda.

The minutes of the July 7, 2015 regular meeting were presented. Reis made a motion to approve the minutes. Second by Larson. Motion carried.

The minutes of the July 22, 2015 special meeting were presented. Larson made a motion to approve the minutes. Second by Reis. Motion carried.

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

The 2016 budget was considered and discussed. Larson made a motion to submit a budget request in the total amount of \$40,000.00. Reis seconded. Motion carried.

**Correspondence:** Various correspondence was reviewed, no specific action was required.

## **Old Business:**

**New Rockford Canal:** The location and size of the cross culvert(s) were discussed. Pros and cons of both east and west locations were debated. Steve Weisenburger expressed no preference between east or west location as long as the cross-culvert(s) gets the water off of his land before it drowns out his crop and the water does not back up across his land all the way back to Highway 281 (149-66-16:NW1/4).

The Board requested that Peterson contact Kip Kovar to get an updated price per foot for both 18 inch and 24 inch culverts. The Board will then review the updated figures and make a plan.

**Roger Duda Complaint regarding Paul Skadberg Obstruction:** Peterson informed the Board that he emailed Mandar Nangare, PE, to inquire about the status of the water course determination. Nangare responded that he intends to have the report off his desk by the end of the day on August 7, 2015. It will then go to his supervisor for review and signature. Roger Duda was present to discuss this matter and was informed that he would be provided a copy of the report as soon as it is made available to the water board.

**Paul Skadberg Complaint regarding Duda Drain:** See above.

**Doug Skadberg/Monty Schaefer:** No additional information available.

**Warwick Dam:** Jonathan Kelsch of the State Water Commission replied to the Water Board's mitigation application. The application was denied and Kelsch indicated that the west end pumps will not be shut down unless or until Devils Lake elevation reaches 1,450 feet. Kelsch indicated that there should be sufficient time after the pumps shut down and before freeze up.

**New Business:**

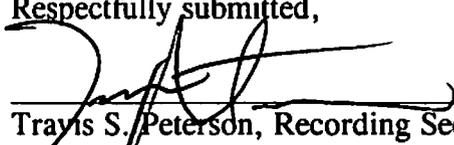
**Devils Lake Basin Joint Water Resource Board:** There was no update because Mike Tweed was not at the meeting.

**Upper Sheyenne River Joint Water Resource Board:** There was no update because there has been no meeting since the last Eddy County Water Board meeting.

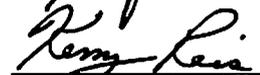
**Next Meeting:** The next regular meeting of the Eddy County Water Resource Board will be held on September 1, 2015 at 9 a.m. in the Eddy County Courthouse.

There being no further business the meeting was adjourned.

Respectfully submitted,

  
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Travis S. Peterson, Recording Secretary

APPROVED:

  
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Kenneth Reis, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD  
SPECIAL MEETING  
July 22, 2015

A special meeting of the Eddy County Water Resource Board commenced at the Eddy County Courthouse on July 22, 2015 at 10:30 AM. Present were Mike Tweed, Peter Larson, and Travis S. Peterson, Secretary/Treasurer.

The parties in attendance proceeded to the New Rockford Canal site. On site, the above individuals met Board Member Kenneth Reis; County Commissioners Glenda Collier and Neal Rud; Kip Kovar with the Garrison Conservancy District; Mike Marohl, Nathan Kraft and Tyler Stremcha with the US Bureau of Reclamation; and Amy Wobbema from the New Rockford Transcript. The parties inspected that section of the New Rockford Canal east and west near Highway 281. The culverts and ditches were also viewed. Options for cross culverts were considered and discussed.

Kip Kovar recommended a cross culvert west and parallel with Highway 281. Kovar expressed that this location is the most direct way of dealing with the water back-up issue. This location requires the longest culvert (approximately 570 Feet for one culvert; or 1140 Feet for two culverts).

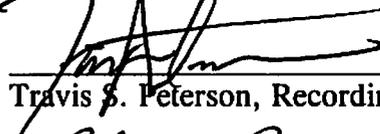
Kenneth Reis suggested that a cross culvert east of Highway 281 in a narrower section of the canal be considered. This location would be just west of the existing 30 inch inverted siphon/cross drain. Reis believes a cross culvert in this location will be sufficient to remedy the water back-up issue and will not require as many feet of culvert.

After the possible locations for the cross culvert were discussed, Reis located and reported on the current culverts between the canal and Mark Rue's place. Reis indicated there are three culverts under Highway 281 between the canal and Mark Rue's. Those culverts appear to be 30". Reis also reported that there is one 18" culvert in Steve Weisenburger's drive-way. That culvert appeared to be mostly plugged and, if a cross culvert is located west of Highway 281, it will likely require clean out. An additional culvert in Steve Weisenburger's driveway might also be required if the cross culvert is located west of Highway 281. Based on the location and size of the culverts under Highway 281 and in Steve Weisenburger's driveway, it did not appear that a cross culvert west of Highway 281 would cause any additional problems for Mark Rue or other landowners south of Mark Rue. It appeared that the existing culverts would be sufficient to allow the water to flow in its natural direction to the southeast.

It was decided that Kenneth Reis would contact Steve Weisenburger to discuss Weisenburger's ideas about cross culvert location. Weisenburger would also be invited in to the August Water Board Meeting. At the August Water Board meeting a final plan would be developed for presentation to Kip Kovar. The Water Board will then request assistance from Kip Kovar relative to culvert size and cost estimates.

There being no further business the meeting was adjourned.

Respectfully submitted,



Travis S. Peterson, Recording Secretary

APPROVED:



Kenneth Reis, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD  
July 7, 2015

A regular meeting of the Eddy County Water Resource Board was held on July 7, 2015 at 9:00 AM in the Eddy County Courthouse. Present were Peter Larson, Kenneth Reis, Mike Tweed and Travis S. Peterson, Secretary/Treasurer. Also present were the following Eddy County Landowners: Darrel Walter, Cleus Walter, Nick Walter, David Eversvik, Matthew Hultgren, Steve Waldo, Roger Duda, Tracy Duda and Monty Schaefer.

The minutes of the June 2, 2015 regular meeting were presented. Reis made a motion to approve the minutes. Second by Tweed. Motion carried.

The Treasurer's Report was presented and reviewed. Tweed made a motion to approve the report. Second by Larson. Motion carried.

**Correspondence:** Various correspondence was reviewed, no specific action was required.

**Old Business:**

**New Rockford Canal:** Peterson reported that after the June meeting he emailed to Kip Kovar at Garrison Diversion Conservancy District the letter requesting further assistance and investigation. No response has been received from Kip Kovar.

**Roger Duda Complaint regarding Paul Skadberg Obstruction:** The Water Course Determination has not been completed. Upon receipt, Peterson will forward a copy to the Board members, Duda and Skadberg.

**Paul Skadberg Complaint regarding Duda Drain:** See above.

**Doug Skadberg/Monty Schaefer:** No additional information available.

**Warwick Dam:** There has been no activity and no additional information is available at this time.

**Monty Schaefer Drain Tile Application:** The permit was signed and the documents completed, except for finishing the easement between Schaefer and Lura.

**Larry & Janice Lura Drain Tile Application:**

The permit was signed and the documents completed, except for finishing the easement between Schaefer and Lura.

**Eddy County Highway #8/Washington Lake Road:** Prior to the meeting Peterson received a written response from the ND SWC and Jerry Adams. ND SWC had no objection to the project and Jerry Adams was in support of the project. Peterson informed the Board that the Eddy County Commission plans to study improvements to Eddy County Highway #8 and that placement of appropriate culvert(s) will be part of that project. The Eddy County Commission anticipates this project may take place in 2016.

This matter was further discussed by the Eddy County Water Board and the interested landowners in attendance. Darrel Walter and Cleus Walter are concerned that a culvert will result in them taking additional water in the NE1/4 of Section 27. The Walters indicate that the additional water will cause a problem for them because their land is subject to a wildlife easement that prohibits draining. As a result, the Walters do not believe the water

will flow through their land but rather increase the amount of water that remains on their land. The Walters also question whether the water naturally runs from its current location to the northeast or whether it instead flows north/northwest through Section 28 to the Sheyenne River. Ultimately, the Walters are opposed to any additional water coming their direction unless they are able to drain so the water continues to flow to the Sheyenne River.

Steve Waldo asked whether there are any records of culverts ever being placed under the county road. Waldo also wondered what immediate relief might be available to him - - damming, pumping, etc.

David Eversvik stated that 10 years ago this water was not an issue. He also asked whether there are any engineering studies related to this water and/or drains.

**New Business:**

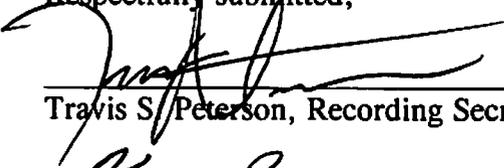
**Devils Lake Basin Joint Water Resource Board:** Tweed summarized the business of the June 2, 2015 meeting. The next meeting is scheduled for July 15, 2015 at 8:00 am at the Ramsey County Courthouse.

**Upper Sheyenne River Joint Water Resource Board:** Larson summarized the business conducted at the June 16, 2015 meeting. That meeting was held in Devils Lake in conjunction with the Devils Lake Basin Tour. The next meeting is scheduled for the evening of August 19, 2015. The exact location and time has not been set but it will likely be held in Cooperstown, ND.

**Next Meeting:** The next regular meeting of the Eddy County Water Resource Board will be held on August 4, 2015 at 9 a.m. in the Eddy County Courthouse.

There being no further business the meeting was adjourned.

Respectfully submitted,

  
\_\_\_\_\_  
Travis S. Peterson, Recording Secretary

  
\_\_\_\_\_  
Kenneth Reis, Chairman

APPROVED:

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD  
June 2, 2015

A regular meeting of the Eddy County Water Resource Board was held on June 2, 2015 at 9:00 AM in the Eddy County Courthouse. Present were Peter Larson, Kenneth Reis, Mike Tweed and Travis S. Peterson, Secretary/Treasurer. At various times during the course of the meeting the following Eddy County landowners were present: Steven Weisenburger, Roger Duda and Monty Schaefer.

The minutes of the May 5, 2015 regular meeting were presented. Reis made a motion to approve the minutes. Second by Tweed. Motion carried.

The minutes of the May 12, 2015 special meeting were presented. Reis made a motion to approve the minutes. Second by Larson. Motion carried.

The Treasurer's Report was presented and reviewed. Larson made a motion to approve the report. Second by Tweed. Motion carried.

Tweed made a motion to pay the following bills:

Peter Larson - January to June, 2015 - meetings and mileage	\$705.75
Kenny Reis - January to June, 2015 - meetings and mileage	\$641.92
Mike Tweed - January to June, 2015 - meetings and mileage	\$1,482.15
Peterson Law Offices PC (January to June - fees/costs)	\$2,938.77

Larson seconded. Motion carried.

**Correspondence:** Various correspondence was reviewed, no specific action was required.

**Old Business:**

**New Rockford Canal:** Peterson reviewed with the Board the proposed letter to Kip Kovar at Garrison Diversion Conservancy District. The Board agreed with its contents. The letter will be emailed to Kovar.

**Roger Duda Complaint regarding Paul Skadberg Obstruction:** Peterson informed the Board that he emailed Mandar Nangare, PE, to inquire about the status of the watercourse determination. Nangare responded that he hopes to have the watercourse determination completed in two or three weeks.

**Paul Skadberg Complaint regarding Duda Drain:** See above.

**Doug Skadberg/Monty Schaefer:** No additional information available.

**Warwick Dam:** Peterson informed the Board that after the May 5, 2015 meeting he received an email from Karlene Fine regarding the status of the project. Based on that discussion, it was agreed that the contract with the Outdoor Heritage Fund should be extended to July 2016. The amended contract was reviewed with the Board. Larson moved to execute the contract amendment. Reis seconded. Motion carried.

**Monty Schaefer Drain Tile Application:** Peterson informed the Board that notice was mailed to the downstream landowners. No objections or response was received. Based on the application, the Board adopts the finds the following:

**Eddy County Water Resource District  
Investigative Findings & Notice of Determination**

The Board reviewed APPLICATION TO INSTALL A SUBSURFACE DRAIN NO. 2015-001 dated April 6, 2015 for Monty Schaefer. The Board concluded the application does not propose drainage of statewide significance, so the Board has jurisdiction to approve the permit (without forwarding to the State Engineer's office to consider and approve). Under the application, Applicant seeks to install a drain tile system upon the above-described property, to-wit:

Eddy County, ND:  
Township 148, Range 67:  
Section 27: SE1/4  
Section 34: NW1/4

The project will consist of the following:

Gravity Outlet  
Flow Rate: 7 gallons per acre/ per minute  
Total Maximum flow rate: 630 gpm  
Acres Tiled: 90

The Board reviewed the application. According to records on file with the Eddy County Recorder's Office, Applicant owns all of the above-described real estate. Peter A. Cook, Annette K. Moore and Suzanne M. Corkins are the only downstream property owner within one (1) mile of the proposed outlets/pumps. It appears that applicant provided Peter A. Cook, Annette K. Moore and Suzanne M. Corkins with 30 day notice as required by N.D. Cent. Code Section 61-32-03.1. It also appears all of the proposed outlets/pumps will discharge directly into a slough and/or natural watercourse, as defined by ND law and, as a result, the Board cannot require applicant to obtain any flowage easements from downstream landowners.

Mike Tweed moved, and Peter Larson seconded the motion to approve APPLICATION TO INSTALL A SUBSURFACE DRAIN NO. 2015-001 dated April 6, 2015 for Monty Schaefer as above-described, subject to the following conditions:

1. That Applicant obtain easements from the owner of any land, besides land owned by Applicant, on which Applicant will construct the tile system;
2. That Applicant provide and maintain adequate erosion protection at any and all drain outlets from Applicant's tile system;
3. That Applicant obtain written permission from the Rosefield Township Board of Township Supervisors to discharge into, or otherwise utilize, any of its township road ditches, or to bore through its township road;
4. That Applicant obtain written permission from the Rosefield Township Board of Township Supervisors to install, operate, and maintain a buried pipe in any of its township road ditches;
5. That Applicant obtain written permission from Eddy County to discharge into, or otherwise utilize, any of its county highway right of way, or to bore through its highway;
6. That Applicant notify the Eddy County Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets;

7. That Applicant notify the Eddy County Water Resource District in advance of any proposed improvements to the tile system, or any proposed increase in the capacity or drainage area of the tile system and, if necessary, submitting an additional permit application.
8. That Applicant shall close all outlets and/or turn off any an all pumps during flood occurrences or under conditions that may cause adverse impacts to downstream landowners, as determined by the Eddy County Water Resource District;
9. That Applicant is responsible for thawing downstream culverts frozen as a result of discharges from Applicant's tile system during winter months;
10. 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 roll call vote, the motion carried unanimously.

**Larry & Janice Lura Drain Tile Application:** Peterson informed the Board that notice was mailed to the downstream landowners. No objections or response was received. Based on the application, the Board adopts the finds the following:

**Eddy County Water Resource District  
Investigative Findings & Notice of Determination**

The Board reviewed APPLICATION TO INSTALL A SUBSURFACE DRAIN NO. 2015-002 dated April 7, 2015 for Larry and Janice Lura. The Board concluded the application does not propose drainage of statewide significance, so the Board has jurisdiction to approve the permit (without forwarding to the State Engineer's office to consider and approve). Under the application, Applicant seeks to install a drain tile system upon the above-described property, to-wit:

Eddy County, ND:  
Township 148, Range 67:  
Section 34: NE1/4 and SW1/4

The project will consist of the following:

Gravity Outlet  
Flow Rate: 958 gallons per minute  
Acres Tiled: 135

The Board reviewed the application. According to records on file with the Eddy County Recorder's Office, Applicant owns all of the above-described real estate. Peter A. Cook, Annette K. Moore and Suzanne M. Corkins are the only downstream property owner within one (1) mile of the proposed outlets/pumps. It appears that applicant provided Peter A. Cook, Annette K. Moore and Suzanne M. Corkins with 30 day notice as required by N.D. Cent. Code Section 61-32-03.1. It also appears all of the proposed outlets/pumps will discharge directly into a slough and/or natural watercourse, as defined by ND law and, as a result, the Board cannot require applicant to obtain any flowage easements from downstream landowners.

Mike Tweed moved, and Peter Larson seconded the motion to approve APPLICATION TO INSTALL A SUBSURFACE DRAIN NO. 2015-002 dated April 7, 2015 for Larry and Janice Lura as above-described, subject to the following conditions:

1. That Applicant obtain easements from the owner of any land, besides land owned by Applicant, on which Applicant will construct the tile system;
2. That Applicant provide and maintain adequate erosion protection at any and all drain outlets from Applicant's tile system;
3. That Applicant obtain written permission from the Rosefield Township Board of Township Supervisors to discharge into, or otherwise utilize, any of its township road ditches, or to bore through its township road;
4. That Applicant obtain written permission from the Rosefield Township Board of Township Supervisors to install, operate, and maintain a buried pipe in any of its township road ditches;
5. That Applicant obtain written permission from Eddy County to discharge into, or otherwise utilize, any of its county highway right of way, or to bore through its highway;
6. That Applicant notify the Eddy County Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets;
7. That Applicant notify the Eddy County Water Resource District in advance of any proposed improvements to the tile system, or any proposed increase in the capacity or drainage area of the tile system and, if necessary, submitting an additional permit application.
8. That Applicant shall close all outlets and/or turn off any an all pumps during flood occurrences or under conditions that may cause adverse impacts to downstream landowners, as determined by the Eddy County Water Resource District;
9. That Applicant is responsible for thawing downstream culverts frozen as a result of discharges from Applicant's tile system during winter months;
10. 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 roll call vote, the motion carried unanimously.

**Eddy County Highway #8/Washington Lake Road:** Eddy County Commissioner Neal Rud came to the meeting and informed the Water Board that Eddy County has solved the various easement issues with the North Dakota Department of Trust Lands. As a result, Waldo's culvert complaint may now be further investigated. It was agreed that Peterson would prepare a letter to send to the various interested or affected landowners. The letter will request written comment and/or attendance at the July 7, 2015 water board meeting at which time this matter will be further discussed.

**New Business:**

**Devils Lake Outlet Advisory Committee Meeting:** Mike Tweed informed the Board that he attended the Governor's Advisory Committee Meeting held on May 13, 2015 in Carrington. Since the repair of the Tolna Dam, the East End outlet/pumps have been turned on. The East End and West End outlets/pumps have been operating intermittently depending on the amount of rain received in the Devils Lake Basin. If/when Devils Lake elevation reaches 1450' then other Advisory Committee meeting will be held.

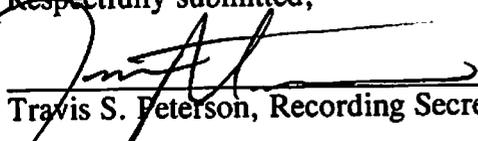
**Devils Lake Basin Joint Water Resource Board:** Tweed indicated that the last meeting was short and sweet. The next meeting is scheduled for June 10, 2015 at 8:00 am at the Ramsey County Courthouse.

**Upper Sheyenne River Joint Water Resource Board:** There has been no meeting since the last Eddy County Water Board meeting. The next meeting is scheduled for the evening of June 16, 2015 prior to the Devils Lake Basin Watershed Tour.

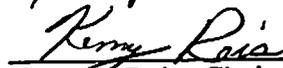
**Next Meeting:** The next regular meeting of the Eddy County Water Resource Board will be held on July 7, 2015 at 9 a.m. in the Eddy County Courthouse.

There being no further business the meeting was adjourned.

Respectfully submitted,

  
\_\_\_\_\_  
Travis S. Peterson, Recording Secretary

APPROVED:

  
\_\_\_\_\_  
Kenneth Reis, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD  
SPECIAL MEETING  
May 12, 2015

A special meeting of the Eddy County Water Resource Board commenced at the Eddy County Courthouse on May 12, 2015 at 10:00 AM. Present were Mike Tweed, Peter Larson, and Travis S. Peterson, Secretary/Treasurer. Also present were Paul Skadberg and Roger Duda, landowners.

The parties in attendance proceeded to the section line between the SE1/4 of Section 35 and the SW1/4 of Section 36, Township 148, Range 67, Eddy County, ND. On site, the above individuals met Board Member Kenneth Reis and Mandar Nangare, PE, of the State Water Commission. The drain/watercourse issue and the obstruction created by Paul Skadberg were discussed. Mr. Nangare, after being briefed by the parties, explained that he would continue his on-site inspection and also make contact with the USDA/NRCS to learn more about the drain/watercourse. Mr. Nangare further explained that he would issue his written recommendations after gathering and studying all of the pertinent information.

The meeting was adjourned at approximately 11:15 AM.

Respectfully submitted,



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Travis S. Peterson, Recording Secretary

APPROVED:



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Kenneth Reis, Chairman

# MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD

May 5, 2015

A regular meeting of the Eddy County Water Resource Board was held on May 5, 2015 at 9:00 AM in the Eddy County Courthouse. Present were Peter Larson, Kenneth Reis, Mike Tweed and Travis S. Peterson, Secretary/Treasurer. Also present were Eddy County Landowners Steve Weisenburger and Roger Duda.

The minutes of the April 7, 2015 regular meeting were presented. Reis made a motion to approve the minutes. Second by Tweed. Motion carried.

The Treasurer's Report was presented and reviewed. Larson made a motion to approve the report. Second by Tweed. Motion carried.

**Correspondence:** Various correspondence was reviewed, no specific action was required.

## **Old Business:**

**New Rockford Canal:** Steve Weisenburger was present to discuss. Weisenburger believes the current water issues on the north side of the canal result from design flaws and not county or water board wrong doing. Weisenburger believes that US Bureau of Reclamation/Garrison Diversion Conservancy District should be responsible for whatever it takes to remedy the situation.

The Board and Weisenburger again discussed and agreed that the best solution was an emergency discharge into the canal. However, because the US Bureau and Garrison Diversion Conservancy District will not agree, cross culverts were again discussed. Tweed made a motion to request engineering assistance from Kip Kovar and/or Garrison Diversion Conservancy District regarding installation of cross culverts located east and/or west of Highway 281 and near the siphons and, to the extent possible, at the narrowest points north/south. Larson seconded. Motion carried.

Other matters discussed were: 1) concern that if a culvert was installed west of Highway 281 then there may be additional culverts required (i.e. one in an approach north of the canal and one south of the canal in Steve Weisenburger's farmstead driveway); and 2) whether there might be a benefit to having our State Legislators contact US Bureau/Garrison Diversion Conservancy District.

**Roger Duda Complaint regarding Paul Skadberg Obstruction:** Duda inquired about the status of his complaint. The board explained that it was waiting for a site visit from the State Water Commission. Peterson was instructed to follow up with the State Water Commission to schedule a site visit.

**Paul Skadberg Complaint regarding Duda Drain:** See above.

**Doug Skadberg/Monty Schaefer:** No additional information available.

**Warwick Dam:** Since the last meeting, Reis contacted Todd Weber at Harvey Sand and Gravel and Peterson contacted Damon DeVillers at Interstate Engineering. Despite Harvey Sand and Gravel's willingness to proceed, government regulations prohibit work in the river channel from April 15 to June 1 due to the fish spawn. However, based on current Devils Lake elevations, DeVillers is hopeful that there may be some flexibility with the State Water Commission's operation of the west-end outlets. In this regard, Tweed commented that the Governor's Advisory Committee is likely to meet to discuss outlet operations if/when Devils Lake elevation

reaches 1450'. The Devils Lake Advisory Committee meeting would be a good place to address water board concerns about operation of the west-end outlet. It was also noted that Peterson still needs to file the Devils Lake Outlet Mitigation Application.

**Monty Schaefer Drain Tile Application:** Peterson informed the Board that he mailed the 30 day notices. The comment period will expire between now and the June meeting. If Schaefer requests a determination prior to the June meeting then Peterson will contact the Board members about a special meeting.

**Larry & Janice Lura Drain Tile Application:** Peterson informed the Board that he mailed the 30 day notices. The comment period will expire between now and the June meeting. If Luras request a determination prior to the June meeting then Peterson will contact the Board members about a special meeting.

**New Business:**

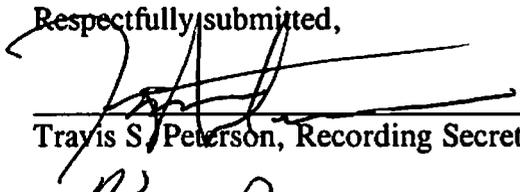
**Devils Lake Basin Joint Water Resource Board:** Tweed summarized the business of the April 8, 2015 meeting. The Devils Lake Basin Summer Tour is scheduled for June 8, 2015 and will focus on the north end of the basin. The next meeting is scheduled for May 13, 2015 at 9:00 am at the Ramsey County Courthouse.

**Upper Sheyenne River Joint Water Resource Board:** Larson was not able to attend the last meeting. The next meeting has not been scheduled.

**Next Meeting:** The next regular meeting of the Eddy County Water Resource Board will be held on June 2, 2015 at 9 a.m. in the Eddy County Courthouse.

There being no further business the meeting was adjourned.

Respectfully submitted,

  
\_\_\_\_\_  
Travis S. Peterson, Recording Secretary

APPROVED:

  
\_\_\_\_\_  
Kenneth Reis, Chairman

# MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD

April 7, 2015

A regular meeting of the Eddy County Water Resource Board was held on April 7, 2015 at 9:00 AM in the Eddy County Courthouse. Present were Peter Larson, Kenneth Reis, Mike Tweed and Travis S. Peterson, Secretary/Treasurer. Also present were Eddy County Landowners Lawrence Anderson and Monty Schaefer.

The minutes of the March 3, 2015 regular meeting were presented. Reis made a motion to approve the minutes. Second by Tweed. Motion carried.

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

**Correspondence:** Various correspondence was reviewed, no specific action was required.

## **Old Business:**

**New Rockford Canal:** As a result of the Water Board's invite, Lawrence Anderson was present regarding the New Rockford Canal. Steve Weisenburger was not able to attend. There was apparently a miscommunication because some believed that Garrison Diversion/US Bureau of Reclamation were to be present. Peterson explained that he did not invite Garrison Diversion/US Bureau of Reclamation but instead anticipated the time would be spent discussing with the land owners the US Bureau of Reclamation letter dated February 10, 2015. Mike Tweed indicated that regular Garrison Diversion Conservancy District meeting was scheduled for April 9<sup>th</sup> and 10<sup>th</sup>. Tweed believed this matter was on the agenda. This matter was tabled for a later date.

**Roger Duda Complaint regarding Paul Skadberg Obstruction:** Peterson explained to the Board that he has little success obtaining information from the USDA. Peterson inquired with the State Water Commission about the requested watercourse determination. Mandar Nangare, Water Resource Engineer/Water Development Division/State Water Commission, responded that he plans to conduct the site visit sometime in late April. Nangare requests that someone from the Water Board take a couple of photos of the area/surface and send those to him by email. Nangare also requests that a couple members from the Water Board and the interested parties be present during the site visit. After discussion, it was decided that Peterson should search the county records to determine whether there are any easements recorded that benefit the Duda land and burden the Skadberg land. The Board also requested that Peterson inform them of the time and date of the site visit. Neither of the interested parties were present at this meeting.

**Paul Skadberg Complaint regarding Duda Drain:** Peterson explained to the Board that he has little success obtaining information from the USDA. After discussion, it was decided that Peterson should search the county records to determine whether there are any easements recorded that benefit the Duda land and burden the Skadberg land. Neither of the interested parties were present at this meeting.

**Doug Skadberg/Monty Schaefer:** No additional information available.

**Warwick Dam:** After much discussion it was decided that an effort should be made to immediately begin the construction work. The snow is gone; the river is down; the west-end pumps are not pumping. The frost is not yet out of the ground but that may not be a problem. In an effort to get the project started, it was agreed that Reis would contact Todd Weber at Harvey Sand and Gravel and Peterson would contact Damon DeVillers at Interstate Engineering. Also discussed was the apparent lack of cooperation from the State Water Commission. As a

result, Tweed moved to have Peterson complete and file with the State Water Commission a Devils Lake Outlet Mitigation Application. Larson seconded. Motion carried.

**New Business:**

**Monty Schaefer Drain Tile Application:** An application for tile drainage, dated April 6, 2015, was received by Monty Schaefer. Said Application proposes to drain 90 acres in the SE1/4 of Section 27 and NW1/4 of Section 34, Township 148 Range 67, Eddy County, ND. Thirty (30) day notice to downstream landowners will be mailed.

**Larry & Janice Lura Drain Tile Application:** An application for tile drainage, dated April 7, 2015, was received by Larry Lura. Said Application proposes to drain 135 acres in the NE1/4 of Section 34; SW1/4 of Section 34; and SE1/4 of Section 27, Township 148 Range 67, Eddy County, ND. Thirty (30) day notice to downstream landowners will be mailed.

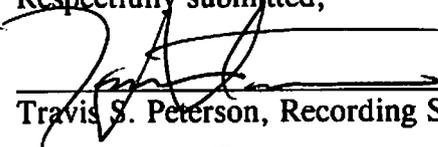
**Devils Lake Basin Joint Water Resource Board:** No update was provided. The next meeting is scheduled for April 8, 2015 at 9:00 AM at the Ramsey County Courthouse.

**Upper Sheyenne River Joint Water Resource Board:** No update was provided. The next meeting is scheduled for 9 am on April 15, 2015 at the Pizza Ranch in Carrington, ND.

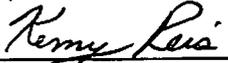
**Next Meeting:** The next regular meeting of the Eddy County Water Resource Board will be held on May 5, 2015 at 9 a.m. in the Eddy County Courthouse.

There being no further business the meeting was adjourned.

Respectfully submitted,

  
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Travis S. Peterson, Recording Secretary

APPROVED:

  
\_\_\_\_\_  
Kenneth Reis, Chairman

# MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD

March 3, 2015

A regular meeting of the Eddy County Water Resource Board was held on March 3, 2015 at 10:00 AM in the Eddy County Courthouse. Present were Peter Larson, Kenneth Reis, Mike Tweed and Travis S. Peterson, Secretary/Treasurer.

The minutes of the February 3, 2015 regular meeting were presented. Reis made a motion to approve the minutes. Second by Larson. Motion carried.

The Treasurer's Report was presented and reviewed. Larson made a motion to approve the report. Second by Tweed. Motion carried. Peterson informed the board that Bank Forward Certificate of Deposit #74723 matures on March 9, 2015. According to Julie Ehni at Bank Forward, renewal terms remain the same. Larson made a motion to let the CD mature and renew under the same terms and conditions. Second by Reis. Motion carried.

**Correspondence:** Various correspondence was reviewed, no specific action was required.

## **Old Business:**

**Doug Skadberg/Monty Schaefer:** No additional information available.

**Roger Duda Complaint regarding Paul Skadberg Obstruction:** Peterson still has not heard from the State Water Commission about a site visit for preparation of a watercourse determination.

**New Rockford Canal:** The US Bureau of Reclamation letter dated February 10, 2015 was reviewed. That letter indicates that the United States Department of Interior/Bureau of Reclamation is not agreeable to any drains that discharge directly into the canal. The letter further indicates that the Bureau believes they reached a good faith solution with the water board and that if the water board thinks Garrison Diversion Conservancy District and/or Bureau of Reclamation should incur the full cost associated with the project then they want additional data and/or information to substantiate the water board's position. After discussion it was agreed that a copy of the letter would be mailed to Steve Weisenburger, Lawrence Anderson and Loren Anderson with an invite to attend to the April 7, 2015 meeting.

**Warwick Dam:** Peterson informed the Board that he sent an email to Jonathan Kelsch at the State Water Commission regarding the Water Board's concerns about the Devils Lake west-end outlet and the fact that operation of it prohibits the Warwick Dam Rehabilitation. Peterson also informed the Board that he has not heard anything from Damon DeVillers or Harvey Sand and Gravel.

**Paul Skadberg Complaint regarding Duda Drain:** Peterson updated the Board on some of the legal aspects of this complaint. Peterson also suggested to the Board that it obtain releases of information from both parties so that the Board can obtain records from the USDA.

**Devils Lake Basin Joint Water Resource Board:** Tweed provided a summary of business conducted at the last meeting on February 9, 2015 at the Ramsey County Courthouse. The next meeting is scheduled for March 11, 2015 at 9:00 AM in the gymnasium of the Memorial Auditorium.

**Upper Sheyenne River Joint Water Resource Board:** Peter Larson provided a summary of the business conducted at the February 18, 2015 meeting held at the Pizza Ranch in Carrington, ND. The next meeting is

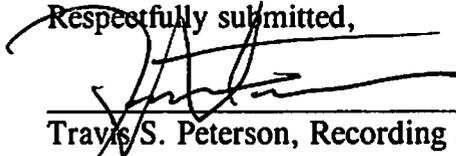
scheduled for March 18, 2015 at the Pizza Ranch in Carrington, ND.

**Joint Rocky Run Water Board Annual Meeting:** All three Eddy County Water Board members attended the annual meeting held in Fessenden, ND at the KTL Building on February 10, 2015. It was a quiet meeting. The annual 2016 meeting will be held in Eddy County, ND.

**Next Meeting:** The next regular meeting of the Eddy County Water Resource Board will be held on April 7, 2015 at 9 a.m. in the Eddy County Courthouse.

There being no further business the meeting was adjourned.

Respectfully submitted,



Travis S. Peterson, Recording Secretary

APPROVED:



Kenneth Reis, Chairman

# MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD

February 3, 2015

A regular meeting of the Eddy County Water Resource Board was held on February 3, 2015 at 10:00 AM in the Eddy County Courthouse. Present were Peter Larson, Kenneth Reis, Mike Tweed and Travis S. Peterson, Secretary/Treasurer. Also present were Eddy County Landowners: Paul Skadberg, Roger Duda and Tracy Duda.

The minutes of the January 6, 2015 regular meeting were presented. Tweed made a motion to approve the minutes. Second by Larson. Motion carried.

The January 23, 2015 minutes of Special Meeting/Hearing that was requested by Paul Skadberg regarding the Roger Duda Complaint of Obstruction to Watercourse/Drain were presented. Reis made a motion to approve the minutes. Second by Larson. Motion carried.

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

**Correspondence:** Various correspondence was reviewed, no specific action was required.

## **Old Business:**

**Doug Skadberg/Monty Schaefer:** No additional information available.

**Roger Duda Complaint regarding Paul Skadberg Obstruction:** Peterson informed the Board that on January 3, 2015 he sent an email to the State Water Commission asking about the possibility of a site visit. The State Water Commission acknowledged receipt of Peterson's email but no further information was available. Tweed questioned whether it is appropriate to reconsider the action taken at the January 23, 2015 meeting in light of the fact that it appears to be a defined channel on both sides of the obstruction and because it appears there is a drainage ditch involved. After discussion, the Board agreed that a watercourse determination by the State Water Commission remains appropriate.

**New Rockford Canal:** Tweed asked whether the letter from the Eddy County Water Board to the US Bureau of Reclamation was mailed. Peterson explained that it had not because Kip Kovar received a copy of the proposed letter and Peterson wanted to share Kovar's comments with the Board. Peterson shared Kovar's comments. After considering the same, Reis moved to mail the letter as drafted; Tweed seconded; Motion carried.

**Warwick Dam:** Peterson informed the Board that he emailed Damon after the last meeting and requested that Damon: 1) work with whatever agencies/entities that are appropriate and necessary to secure a project start date; 2) confirm that cost shares/funding remain in place and are not jeopardized; and 3) confirm that all necessary permits are in place and are not jeopardized. DeVillers responded and indicated that he had been working on these things. Peterson also informed the Board that he received Notice of Expiration of the ND Department of Health Storm Water Discharge Permit (NDR106234). Peterson informed the Board that he completed the renewal application and sent a copy of the same to DeVillers. Peterson also received a construction status inquiry from the bonding company for Harvey Sand and Gravel Inc. Peterson completed and returned the construction status inquiry.

There was discussion about the State Water Commission's policy (or lack thereof) regarding operation of the

Devils Lake outlets so as to accommodate projects within the Sheyenne River Channel. Larson suggested that a complaint be sent to the State Water Commission. After discussion it was agreed that Peterson would research whether policy currently exists and thereafter follow up with State Water Commission Representatives (i.e. Jonathon Kelsch) to address these matters. It was also suggested that Peterson include DeVillers in this correspondence or research because DeVillers may already know whether such policy exists.

**New Business:**

**Paul Skadberg Complaint regarding Duda Drain:** Paul Skadberg filed a written complaint regarding alleged work done by Roger Duda in the S1/2 of Section 35. Skadberg alleges the drain work is illegal and caused 89 acres of prevented plant on SW1/4 of Section 36 that is farmed/owned by Skadberg. Skadberg alleges that the drain work done by Duda "exceeds the 80 acre rule". Skadberg also indicates that there is a pipeline on his brother's (Doug Skadberg) land that is causing water to back up on Doug Skadberg and Paul Skadberg land. The complaint was received and copies will be distributed to the Board for future review and consideration.

**Paul Skadberg Complaint Against Rosefield Township Supervisors and Kevin Lura:** Paul Skadberg complained about placement of a culvert in a certain Rosefield Township Road. After discussion, Skadberg withdrew the complaint.

**Mike Tweed, Garrison Diversion Conservancy District Representative on the ND Water Users Association and ND Irrigation Association Board:** Mike Tweed provided the Board an update regarding his role on the Garrison Diversion Conservancy District and the other boards to which he has been delegated (ND Water Users Association and ND Irrigation Association). Tweed also explained the structure of the ND Water Users association, along with its five subsidiaries (ND Irrigation Association, ND Water Coalition, ND Water Education Foundation and ND Water Resource Districts Association and Upper Missouri Water Association).

**Devils Lake Basin Joint Water Resource Board:** Tweed provided a summary of business conducted at the last meeting on January 14, 2015 at the Ramsey County Courthouse. The next meeting is February 11, 2015 at 9:00 AM in the Ramsey County Courthouse.

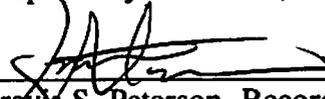
**Upper Sheyenne River Joint Water Resource Board:** There has been no meeting since the last Eddy County Water Board Meeting. The next meeting is scheduled for February 18, 2015 at 9:00 AM in Carrington.

**Joint Rocky Run Water Board Annual Meeting:** The meeting is scheduled for February 10, 2015 at 10:00 AM in the KTL building in Fessenden. The Board members suggested meeting at 9:30 AM at the Eddy County Courthouse and carpooling to Fessenden.

**Next Meeting:** The next regular meeting of the Eddy County Water Resource Board will be held on March 3, 2015 at 10 a.m. in the Eddy County Courthouse.

There being no further business the meeting was adjourned.

Respectfully submitted,

  
\_\_\_\_\_  
Travis S. Peterson, Recording Secretary

APPROVED:

  
\_\_\_\_\_  
Kenneth Reis, Chairman

**MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD  
SPECIAL MEETING  
January 23, 2015**

A special meeting of the Eddy County Water Resource Board was held on January 23, 2015 at 10:00 AM in the Eddy County Courthouse. Present were Mike Tweed, Peter Larson, Kenneth Reis and Travis S. Peterson, Secretary/Treasurer. Also present were Paul Skadberg, Roger Duda and Tracy Duda, landowners.

The matter on the agenda was the Roger Duda Complaint regarding obstruction of drain/watercourse created by Paul Skadberg.

The following history was reviewed:

1. November 7, 2014 minutes - written complaint filed by Duda; photos and site visit;
2. December 2, 2014 minutes - findings of fact by Board;
3. January 6, 2015 - minutes (unapproved/unofficial); 30 days for Skadberg to remove obstruction; Notice completed and mailed (certified/return receipt);
4. January 5, 2015 - Ginger Skadberg signed for Notice (wrong date);
5. January 9, 2015 - Paul Skadberg filed request for hearing

Peterson proposed that the hearing proceed as follows:

1. Presentation of Duda evidence;
2. Opportunity to inquire about Duda evidence;
3. Presentation of Skadberg evidence;
4. Opportunity to inquire about Skadberg evidence;
5. Rebuttal/Wrap up by Duda;
6. Rebuttal/Wrap up by Skadberg;
7. Board consideration of Duda/Skadberg evidence; and
8. Board decision/determination.

Peterson also informed the Board and interested parties that the hearing would be recorded.

Duda presented his information, including Exhibits 1-33D, inclusive. The Board and Skadberg asked questions as they felt appropriate.

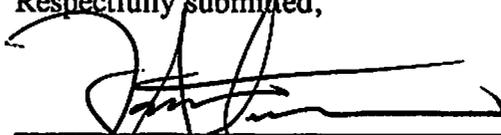
Skadberg presented his information, including Exhibits 1-16, inclusive. The Board and Duda asked questions as they felt appropriate.

The Board then gave Duda an opportunity to present rebuttal information and/or make final comment. Thereafter Skadberg was given the same opportunity.

After hearing the information and reviewing the evidence, Mike Tweed moved to delay enforcement of the January 6, 2015 Notice to Remove Obstruction from Drain/Watercourse pending a determination by the State Water Commission as to whether or not the area in question does, in fact, constitute a drain/watercourse. Peter Larson seconded. After discussion the motion passed unanimously.

There being no further business Reis moved to adjourn the meeting; Larson seconded; motion carried.

Respectfully submitted,



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Travis S. Peterson, Recording Secretary

APPROVED:



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Kenneth Reis, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD

January 6, 2015

A regular meeting of the Eddy County Water Resource Board was held on January 6, 2015 at 10:00 AM in the Eddy County Courthouse. Present were Peter Larson, Kenneth Reis and Travis S. Peterson, Secretary/Treasurer. Absent was Mike Tweed.

The minutes of the December 2, 2014 regular meeting were presented. Larson made a motion to approve the minutes. Second by Reis. Motion carried.

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

Reis made a motion to pay the following bill:

ND Water Resource District Assn - Annual Dues	\$475.00
Insure Forward	\$341.00

Larson seconded. Motion carried.

**Correspondence:** Various correspondence was reviewed, no specific action was required.

**Old Business:**

**Doug Skadberg Complaint:** No information has been received since the December 2, 2014 meeting.

**Roger Duda Complaint regarding Paul Skadberg:** The notice was reviewed. It was agreed that Paul Skadberg would be given 30 days from the date of the notice to remove the obstruction. Peterson was instructed to immediately mail the notice.

**New Rockford Canal:** The proposed letter to the Garrison Diversion Conservancy District and US Bureau of Reclamation was reviewed. Peterson was instructed to mail the letter.

**Warwick Dam:** Peterson had received no information from Damon DeVillers. Peterson was instructed to follow up with DeVillers and get confirmation that DeVillers will secure a project commencement date and confirm that funding and permitting remain in place and are not in jeopardy.

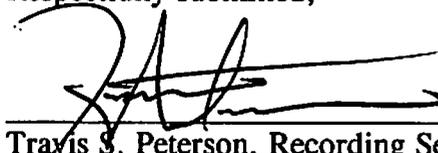
**Devils Lake Basin Joint Water Resource Board:** Because Mike Tweed was absent there was no update.

**Upper Sheyenne River Joint Water Resource Board:** Because Mike Tweed was absent there was no update.

**Next Meeting:** The next regular meeting of the Eddy County Water Resource Board will be held on February 3, 2015 at 10 a.m. in the Eddy County Courthouse.

There being no further business the meeting was adjourned.

Respectfully submitted,



Travis S. Peterson, Recording Secretary

APPROVED:



Kenneth Reis, Chairman