

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD

December 21, 2016

As a result of an early December 2016 snow storm the regular meeting of the Eddy County Water Resource Board that was scheduled for December 6, 2016 was rescheduled to December 21, 2016 at 10 AM. Present were Mike Tweed, Peter Larson, Kenny Reis and Travis S. Peterson, Secretary/Treasurer. Also present were Eddy County Landowners Monty Schaefer, Roger Duda, and Paul Skadberg along with his attorney, Kale Van Bruggen of Rinke Noonan Law Firm. Present on behalf of the Wells County Water Resource Board were Larry Skiftun, Philip T. Hoff and Mike Wiehmueller. Present on behalf of the Foster County Water Resource Board was Doug Zink.

The minutes of the November 1, 2016 regular meeting were presented. Larson made a motion to approve the minutes. Second by Tweed. Motion carried.

The Treasurer's Report was presented and reviewed. The Treasurer's report consisted of a reconciliation of both the November and December bank statements. Reis made a motion to approve the report. Second by Larson. Motion carried.

Later in the meeting, after dealing with old business and new business, the following bills were presented for payment:

ND Water Users Association - annual dues	\$300.00
ND Water Resource District Association - annual dues	\$475.00
Devils Lake Joint Water Resource Board - annual dues	\$550.00
Insure Forward - annual premium	\$354.00
Michael Tweed - July - December, 2016 - meetings and mileage	\$1,429.28
Peter Larson - July - December, 2016 - meetings and mileage	\$720.00
Kenny Reis - July - December, 2016 - meetings and mileage	\$425.64
Peterson Law Offices PC (June - December fees/costs)	\$5,467.97

Reis made a motion to approve the bills. Second by Tweed. Motion carried.

**Correspondence:** Various correspondence was reviewed. Except as otherwise set forth in these minutes, no action is required.

**Old Business:**

**Ron Schaefer/BNSF Main Line Culvert:** Peterson informed the Board that he has not received a call back from anyone with BNSF. Therefore, the Eddy County Water Board letter has not been sent to BNSF. Reis indicated that no culvert work has been done.

**Duda/Skadberg Obstruction:** The Board reviewed the file. Kale Van Bruggen, attorney for Paul Skadberg, was given an opportunity to comment. Van Bruggen is of the opinion that the Water Board lacks jurisdiction because the obstruction is not within a watercourse or drain. As a result, Van Bruggen asserted that the Water Board should dismiss the complaint and leave this dispute to be resolved or litigated between Skadberg and Duda. So that the Water Board and Peterson could consider and research the matter further, Tweed made a motion to table this matter. Second by Larson. Motion carried.

**Doug Skadberg/Monty Schaefer:** On November 4, 2016, the Water Board received from the Office of the State Engineer (OSE) a cover letter and investigation report regarding Doug Skadberg's appeal of the action previously taken by the Eddy County Water Board. The conclusion of OSE is that the work performed by Schaefer meets the definition of construction and, as a result, an OSE Construction Permit was required for the work performed by Schaefer. OSE returned the matter to the Water Board for the Board to reevaluate the original complaint filed by Doug Skadberg. Monty Schaefer was given an opportunity to comment and present information in response to the OSE findings and recommendations. After discussion, Reis made a motion to determine the elevation at the top of the dam as it currently exists. Second by Tweed. Motion carried.

**Bureau of Reclamation/Garrison Diversion Conservancy District/New Rockford Canal:** The Water Board has received no further communication from Garrison Diversion Conservancy District or the US Bureau of Reclamation. Tweed indicated that he learned while at the Joint North Dakota Water Convention and Irrigation Expo that the ND Irrigation Association has this matter on its radar and is considering various options.

**Joint North Dakota Water Convention and Irrigation Expo:** Mike Tweed attended a portion of the convention. Larson was unable to attend due to weather. Tweed indicated that there was discussion about refunds for those individuals unable to attend due to the weather.

**New Business:**

**Kittleson Crossing/Foster and Wells County Water Boards:** Doug Zink, Mike Wiehmueller, and attorney Kale Van Bruggen presented information concerning their assertion that the Kittleson Crossing constitutes an obstruction to a watercourse/drain. Zink referred to a stream crossing study prepared for Foster and Wells Counties by Moore Engineering. Foster and Wells Counties propose that the culverts and road going into the farmstead currently owned by Mark Rue and/or his son be removed; that the road into the Rue farmstead be rerouted to the north; that downstream culverts be replaced with appropriate sized culverts; and that Eddy County commit to sharing 30% of the cost of the necessary engineering studies. The course of action proposed by Foster and Wells Counties would increase the current capacity at Kittleson Crossing from 488 cu. ft. to between 1000 and 1100 cu. ft. The Eddy County Water Board took no action but requested it be presented with a cost estimate for the proposed engineering.

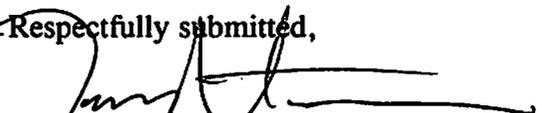
**Upper Sheyenne River Joint Water Resource Board:** Due to the length of the meeting and other Board member commitments, no update was provided.

**Devils Lake Basin Joint Water Resource Board:** Due to the length of the meeting and other Board member commitments, no update was provided.

**Next Meeting:** As a result of conflicts in Board Members' schedules the next regular meeting of the Eddy County Water Resource Board will be held on January 5, 2017 at 10:00 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

November 1, 2016

A regular meeting of the Eddy County Water Resource Board was held on November 1, 2016 at 9:00 AM in the Eddy County Courthouse. Present were Mike Tweed, Peter Larson, Kenny Reis and Travis S. Peterson, Secretary/Treasurer.

The minutes of the October 4, 2016 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. Except as otherwise set forth in these minutes, no action is required.

## **Old Business:**

**Ron Schaefer/BNSF Main Line Culvert:** Peterson informed the Board that after the October meeting he called Rick Randal at BNSF to get clarification and direction on where to send the letter. Randal informed Peterson that he needed to get back to Peterson with a name and address. Having heard nothing from Randal, Peterson called Randal again on November 1, 2016 before the Water Board meeting. Randal indicated that he passed the information to his boss, Lane Gilleland and was surprised that Peterson hadn't received a call back. Randal said he would do some checking and have somebody get back to Peterson. This all being the case, the Water Board letter has not yet been sent.

**Duda/Skadberg Obstruction:** None of the Board members have heard anything from Duda or Skadberg. The Board members are also unaware whether anything has been done in the area in question. A follow up to the September 23, 2016 hearing is on the agenda for the Water Board's December 6, 2016 meeting.

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

**Bureau of Reclamation/Garrison Diversion Conservancy District/New Rockford Canal:** No information or updates are available.

## **New Business:**

**Joint North Dakota Water Convention and Irrigation Expo:** This is scheduled for December 7 and 8 at the Best Western Ramkota in Bismarck. The Agenda was reviewed. Tweed and Larson indicated they will attend. Tweed and Larson completed their registration forms. Reis made a motion to pay the registration for Tweed and Larson. Second by Larson. Motion carried.

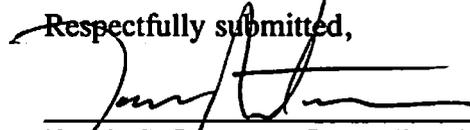
**Upper Sheyenne River Joint Water Resource Board:** Larson provided a summary of the business conducted at the October 19, 2016 meeting held at the Pizza Ranch in Carrington. Topics included the Sheyenne River Geomorphic Assessment proposed by Barr Engineering and Eminent Domain/Quick Take Legislation. The next meeting is scheduled for 7PM on December 6, 2016 in Bismarck in conjunction with the North Dakota Water Convention and Irrigation Expo.

**Devils Lake Basin Joint Water Resource Board:** Tweed summarized the business conducted at the last meeting held on October 12, 2016 at the Ramsey County Courthouse at Devils Lake. Tweed indicated it was a quiet meeting. The next meeting is scheduled for noon on December 8, 2016 in Bismarck in conjunction with the Joint ND Water Convention and Irrigation Expo. Tweed asked whether Peterson has paid the 2017 dues. Peterson indicated he has not because he has not received an invoice from Jeff Frith.

**Next Meeting:** The next regular meeting of the Eddy County Water Resource Board will be held on December 6, 2016 at 10:00 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  
October 4, 2016

A regular meeting of the Eddy County Water Resource Board was held on October 4, 2016 at 9:00 AM in the Eddy County Courthouse. Present were Mike Tweed, Peter Larson, Kenny Reis and Travis S. Peterson, Secretary/Treasurer. Also present were Eddy County Landowners, Ron Schaefer, Robert Schaefer and Roger Duda.

The minutes of the September 6, 2016 regular meeting were presented. Reis made a motion to approve the minutes. Second by Tweed. Motion carried.

The minutes of the September 23, 2016 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. Reis made a motion to approve the report. Second by Tweed. Motion carried.

**Correspondence:** Various correspondence was reviewed. Except as otherwise set forth in these minutes, no action is required.

**Old Business:**

**Ron Schaefer/BNSF Main Line Culvert:** There is a 24" culvert under the BNSF main track located in the NW1/4 of Section 28, Township 148, Range 65, Eddy County, ND. Schaefer has been dealing with BNSF for a number of years in an effort to have a larger culvert installed. The current 24" culvert is insufficient because north of this culvert there are the following culverts:

1. An 18" culvert in the West Section line of the SW1/4 of Section 21, Township 148, Range 65, Eddy County, ND;
2. A 24" culvert in the North section line of the NE1/4 of Section 21, Township 148, Range 65, Eddy County, ND; and
3. A 36" culvert in the North section of the NE1/4 of Section 21, Township 148, Range 65, Eddy County, ND.

The three culverts referenced above feed more water than the 24" culvert under the BNSF main track can handle. This causes significant water to pool north of the BNSF main track. It also causes the water to run all year thereby causing the channel south of the BNSF main track to deepen/erode. It is also noted that there currently exists a 50 inch culvert in the South section line of the SW1/4 of Section 28, Township 148, Range 65, Eddy County, ND. Over the years, Schaefer has dealt with the following individuals at BNSF: Lane, Inspector, (701-552-0957), Loren Hoff, Inspector, (701-898-7346), and Rick Randle, Inspector (701-205-5234). According to Schaefer the previous inspector, Loren Hoff, indicated to Schaefer that it appears a 48 inch culvert is appropriate. However, Loren Hoff has since transferred within BNSF. The current inspector, Rick Randle, has suggested to Schaefer that a culvert with increased capacity may be beneficial but a letter of direction from the Eddy County Water Board may help the cause. For these reasons, Schaefer is asking the Water Board to send a letter requesting BNSF's installation of a 48" culvert. After reviewing the matters, Peter Larson moved to send a letter to BNSF requesting and supporting BNSF's installation of a 48" culvert in order to alleviate the pooling north of the BNSF main track. Mike Tweed seconded. Motion carried.

**Paul Skadberg Hearing on Notice to Remove Obstruction from Drain or Watercourse:** At the September 23, 2016 Special Meeting, Paul Skadberg requested a hearing regarding the Eddy County Water Board's Notice to Remove Obstruction from Drain or Watercourse. Joining the meeting at this time were Paul Skadberg, Randy Guler Rosefield Township Supervisor, Monty Schafer - Rosefield Township Supervisor, and Kim Stafford - Rosefield Township Clerk.

Peterson began by reviewing the history of this matter as set forth in the minutes of the Special Meeting held on September 23, 2016. Peterson also reminded the Board of the statutory elements regarding obstruction complaints under NDCC 61-16.1-51. Specifically, the Board must consider the following elements:

- 1) the date of the construction of the alleged obstruction. Section 61-16.1-51 went into effect in 1981;
- 2) whether or not the alleged obstruction obstructs a natural watercourse or an artificial drain;
- 3) whether Skadberg constructed the obstruction ~~and~~<sup>in</sup> the natural watercourse or artificial drain by negligent act or omission; and
- 4) whether or not the obstruction materially affects the free flow of water.

Because Skadberg requested this hearing, Peterson proposed that Skadberg have the opportunity to be heard first with Board members having an opportunity to ask questions they deem relevant. Next, Duda would have an opportunity to be heard with Board members having an opportunity to ask any questions they deem relevant. Finally, Skadberg will have an opportunity to offer any rebuttal information and/or make a final statement followed by Duda having the same opportunity. Skadberg began stating that Duda never approached him prior to Duda's cleanout of the Duda drain in the fall of 2014. Skadberg claimed that the Duda drain had not been maintained or cleaned out since 1960 and there is nothing on record indicating the appropriate elevation for the Duda drain. Skadberg admitted to hauling in clay. Skadberg also stated that he did not want to "fight about this for the rest of my life". Skadberg offered to take 10 inches off the top of the clay he brought in and slope it back into his field. Skadberg based his offer of 10 inches from the photographs Duda provided the Board on a previous date. Board member Tweed asked whether this offer to remove 10 inches of clay included the section line. Skadberg indicated that it did.

Because Skadberg was referring to various documents and photographs, Peterson asked Skadberg if he would like to offer for the Board's consideration the same exhibits that were presented and admitted at the January 23, 2015 hearing. Skadberg agreed and Skadberg exhibits 1-16, inclusive were accepted into the record.

With Skadberg's proposal to remove 10 inches of clay, the Board inquired of Duda whether Skadberg's proposal was acceptable. Duda indicated that he did not like the proposal to remove only 10 inches of clay. Duda stated that he did not believe 10 inches is sufficient and he believes Skadberg must remove the clay for the entire width of what was hauled in and not just make one pass through the center. Duda expressed concern about future siltation and that to remove just one pass through the center would result in the parties being back before the Water Board in future years. Further, Duda objected to the fact that Skadberg would be given 30 days to remove the clay. Duda stated that Skadberg should be required to remove the clay immediately.

While Duda had the floor, Peterson inquired whether Duda would like to offer for the record all the same exhibits he presented at the January 23, 2015 hearing. Duda indicated that he would like those same exhibits (1-33d, inclusive) made a part of the hearing record. Said exhibits were received for the record.

As a result of Skadberg's proposal, the Board discussed with the parties how this matter might be resolved. The Board indicated to Skadberg that it did not expect Skadberg to be stuck with the water flowing from Duda's land but that hauling in the fill and creating the obstruction was not the appropriate remedy.

Mike Tweed discussed the possibility of having the area surveyed from the west end of Duda's land to the east end

of Skadberg's land in order to determine elevations that permit water to flow from west to east across all the land. Concern was expressed about the expense and timeliness of obtaining a survey. In the alternative, Tweed suggested that Lidar/GPS technology existed and could be rented by the parties to accomplish the same.

Ultimately, Skadberg indicated that he was agreeable to working towards an agreeable resolution to the situation. Duda also indicated that he was agreeable to working towards a resolution.

In light of the representations by Skadberg and Duda, Reis made a motion to continue the hearing to the regular Water Board meeting scheduled for December 6, 2016 under the following conditions: Upon removal of his 2016 corn crop (anticipated to be in October of 2016), Skadberg will remove the clay he hauled in, subject to the inspection and approval of the Water Board. Tweed seconded the motion. Motion unanimously approved.

In the course of discussing these matters, removal of the clay from the section line and installation of a culvert in the section line was discussed by the parties, the Water Board and the Rosefield Township representatives. It was agreed that the Rosefield Township Supervisors would be contacted as the work progresses so that the township would have an opportunity to inspect the work and further discuss and consider whether the section line be returned to its original condition, a culvert installed, or construction of an appropriate Texas crossing.

There be no further discussion the Board adjourned the hearing until the December 6, 2016 Water Board meeting.

**New Business:**

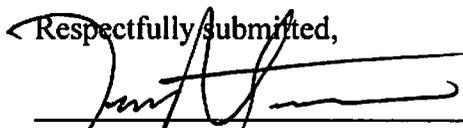
**Upper Sheyenne River Joint Water Resource Board:** Larson informed the Board that there has been no meeting since the last Eddy County Water Board meeting.

**Devils Lake Basin Joint Water Resource Board:** Tweed summarized the business conducted at the September 14, 2016 meeting. The next meeting is scheduled for October 12, 2016 at 8:00 AM in the Ramsey County Courthouse.

**Next Meeting:** The next regular meeting of the Eddy County Water Resource Board will be held on November 8, 2016 at 9:00 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  
September 23, 2016

A special meeting of the Eddy County Water Resource Board was held on September 23, 2016 at 9:00 AM in the Eddy County Courthouse. Present were Mike Tweed, Peter Larson, Kenny Reis and Travis S. Peterson, Secretary/Treasurer. Also present were Eddy County Landowners, Roger Duda and Paul Skadberg.

The purpose of the meeting was to address Duda's complaint regarding the alleged obstruction created by Paul Skadberg.

## Background:

On November 7, 2014 Roger Duda filed with the Water Board a complaint alleging that Paul Skadberg obstructed a drain. The obstruction was placed on the section line between the SE1/4 of Section 35 and the SW1/4 of Section 36 in Township 148, Range 67, Eddy County, ND and also east of the Section line on Skadberg's land in the SW1/4 of Section 36, Township 148, Range 67 in Eddy County. The obstruction prevents the flow of water from Duda's land in the SE1/4 of Section 35, Township 148, Range 67, Eddy County, ND.

On January 6, 2015 the Eddy County Water Board provided Skadberg a Notice to Remove Obstruction from Drain or Watercourse. On January 9, 2015, the Eddy County Water Board received Skadberg's written request for a hearing. Notice of Hearing was served on Skadberg on January 16, 2015 and the return receipt signed by Ginger Skadberg was returned to the Eddy County Water Board. The Hearing was conducted on January 23, 2015. After receiving various exhibits and testimony from both parties, 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 that motion. After discuss the motion passed unanimously.

On January 6, 2015, Peterson emailed to Mandar Nangare of the NDSWC/State Engineer a request for watercourse determination pursuant to NDCC 61-01-06.

The Water Board received the watercourse determination, dated July 28, 2016, from by the ND Office of the State Engineer. The State Engineer determined that a watercourse does not exist in the area in question. The watercourse determination makes no finding as to whether a drain exists.

At the September 6, 2016 regular meeting of the Water Board the Watercourse Determination was reviewed and considered. Also reviewed and considered was the October 6, 1960 Form ND-51 prepared by the USDA/SCS and that depicts the Duda drain. Before making a final decision and in order to have all pertinent information available to it, the Water Board requested that Duda follow with USDA/FSA and inquire whether any other information is available. After being advised by Duda that no additional information is available, this Special Meeting was scheduled.

After reviewing and considering all the information available to the Water Board, including but not limited to the Watercourse Determination prepared by the State Water Commission/State Engineer, the exhibits and testimony offered at the January 23, 2015 hearing by both Roger Duda and Paul Skadberg, **Kenneth Reis made a motion** to find that a drain existed, that Paul Skadberg created an obstruction to the drain, and to provide Paul Skadberg with a Notice to Remove Obstruction from Drain or Watercourse. **Peter Larson seconded.** For discussion, Kenneth Reis noted that the October 6, 1960 Form ND-51 prepared by the USDA/SCS demonstrates the existence of a drain. Larson also commented that, since Duda's complaint was filed, the Water Board has had an opportunity to make on-site visits and thoroughly review and consider the information on file. There being no further discussion, Larson

called for the question and the Board voted unanimously to find that a drain does exist and that Skadberg created an obstruction thereto.

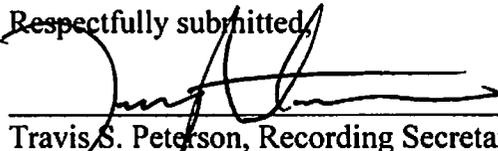
**Kenneth Reis moved** that the Notice to Remove Obstruction from Drain or Watercourse permit Skadberg 30 days from the date of Notice to remove the obstruction. **Tweed seconded.** Motion approved unanimously.

Thereafter, the Notice to Remove Obstruction, dated September 23, 2016, was prepared and signed by Kenneth Reis and handed to Skadberg. Skadberg then verbally notified the Water Board of his demand for hearing. After discussion among the Board, Skadberg and Duda, a hearing was scheduled for 9:30 AM on October 4, 2016 at the Eddy County Water Board meeting room in the Eddy County Courthouse. Peterson prepared and signed a Notice of Hearing. Peterson also completed a Certificate of Service evidencing personal service of the Notice to Remove Obstruction and Notice of Hearing upon Skadberg. Skadberg signed an Admission of Service for the same.

The Board instructed Peterson to provide copies of the Notice of Hearing to the Rosefield Township Supervisors (Randy Guler, Monty Schaefer, Glenn Walz) and the Rosefield Township Clerk (Kim Stafford).

Tweed moved to adjourn the meeting. Larson second. Motion carried.

Respectfully submitted,



Travis S. Peterson, Recording Secretary

APPROVED:



Kenneth Reis, Chairman

# MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD

September 6, 2016

A regular meeting of the Eddy County Water Resource Board was held on September 6, 2016 at 9:00 AM in the Eddy County Courthouse. Present were Mike Tweed, Peter Larson, Kenny Reis and Travis S. Peterson, Secretary/Treasurer. Also present were Eddy County Landowners, Roger Duda and Tracy Duda. Ashley Lies was also present.

The minutes of the August 2, 2016 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. Except as otherwise set forth in these minutes, no action is required.

## **Old Business:**

**Roger Duda Complaint regarding Paul Skadberg Obstruction:** The Board reviewed the watercourse determination prepared by the ND Office of the State Engineer dated July 28, 2016. It was determined that a watercourse does not exist in the area in question. The watercourse determination makes no finding as to whether or not a drain exists. The issue of whether a drain exists was discussed. Roger Duda asserted that a drain does exist as evidenced by the USDA/SCS Form ND-51 dated October 6, 1960. After further discussion and consideration of the information currently available, the Board requested that Duda obtain from the USDA any and all information the USDA possesses regarding the creation and/or existence of a drain. The Board requested that any and all information obtained from the USDA be provided to the Board for consideration prior to making its final decision on this matter.

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

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

**Bureau of Reclamation/Garrison Diversion Conservancy District/NR Canal:** At approximately 9:45 AM the following individuals joined the meeting to discuss the New Rockford Canal: Duane DeKrey, GDCD; Kip Kovar, GDCD; Patience Hurley, USBOR; Darrin Goetzfried, USBOR; and David Rosenkrance, USBOR. The purpose of their attendance was to explain that the US Bureau of Reclamation is informed that consideration is being given to decommissioning the NR Canal and the Oakes Test Area. As a result, USBOR and GDCD are contacting state and local entities/individuals to discuss options/preferences in order to develop an exit strategy. The process will likely be slow and uncertain. Nevertheless, USBOR and GDCD believe it important to formulate an exit strategy rather than do nothing. To do nothing could result in the US Office of Management and Budget (OMB) disposing of the canal property as surplus. In such a case state and local interests may be left exposed and without any control or voice in the disposition process. The following are some of the initial thoughts about appropriate future uses of the NR Canal: complete the project as originally planned, develop the canal for irrigation, develop the canal for drainage, or reclaim the canal. Rosenkrance reiterated that this process is in its infancy but that it was important to be thinking/talking about the future. The general consensus is that public meetings on the issue is a good idea.

Rosenkrance indicated that USBOR would coordinate those meetings at the appropriate time.

**Warwick Dam:** Peterson informed the Board that Harvey Sand and Gravel Progressive Estimate No. 4 was paid. Peterson informed the Board that he requested that Damon DeVillers, P.E., work up a final invoice from Interstate Engineering. Peterson also presented a US Army Corp of Engineer Certificate of Project Completion. As instructed by DeVillers, Chairman, Kenneth Reis, signed and dated the Certification of Project Completion. Except for payment of final invoice to Interstate Engineering and erecting appropriate signage at the Dam, the project is complete.

**New Business:**

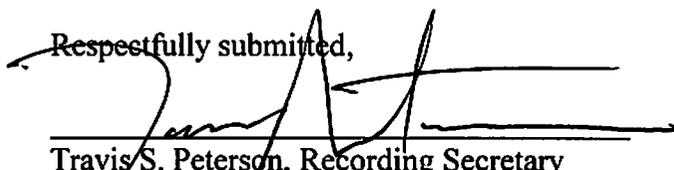
**Upper Sheyenne River Joint Water Resource Board:** Larson informed the Board that he was not able to attend the last meeting.

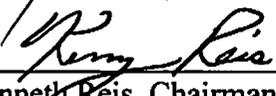
**Devils Lake Basin Joint Water Resource Board:** Tweed summarized the business conducted at the August 10, 2016 meeting. The next meeting is scheduled for September 14, 2016 at 8:00 AM in the Ramsey County Courthouse.

**Next Meeting:** The next regular meeting of the Eddy County Water Resource Board will be held on October 4, 2016 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

August 2, 2016

A regular meeting of the Eddy County Water Resource Board was held on August 2, 2016 at 9:00 AM in the Eddy County Courthouse. Present were Kenneth Reis, Mike Tweed, Peter Larson, and Travis S. Peterson, Secretary/Treasurer. Also in attendance for portions of the meeting were Ryan Anderson, P.E., from the Garrison Diversion Conservancy District and Roger Duda, Eddy County landowner.

The minutes of the July 7, 2016 regular meeting were presented. Tweed 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.

Peterson presented Harvey Sand and Gravel's Progressive Estimate No. 4 (Final) of work completed at the Warwick Dam. The Progressive Estimate was reviewed and discussed. Reis made a motion to pay Harvey Sand and Gravel \$9661.42 as requested and as approved by Damon DeVillers, P.E. Second by Larson. Motion carried.

**Correspondence:** Various correspondence was reviewed. Except as otherwise set forth in these minutes, no action is required.

### **Old Business:**

**New Rockford Canal:** Ryan Anderson, P.E., of Garrison Diversion Conservancy District was present and presented various culvert scenarios for a 10 year rain event and a 100 year rain event. This relates to the area adjacent to the New Rockford Canal near Hwy 281 and Steve Weisenburger's land. After Anderson's presentation and discussion by the Board it was agreed this matter would be tabled pending landowner input and future developments.

**Roger Duda Complaint regarding Paul Skadberg Obstruction:** Peterson informed the Board that he has not heard or seen anything from the State Water Commission. Roger Duda was present to update the Board on discussions he had in June with Aaron Carranza of the State Water Commission and concerning the watercourse determination requested by the Eddy County Water Board. Because the Water Board and the parties continue to wait for the watercourse determination, the Board instructed Peterson to contact Aaron Carranza and inquire about the status of this matter.

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

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

**Warwick Dam:** As noted above Peterson presented Progressive Estimate No. 4 (final) submitted by Harvey Sand and Gravel and approved for payment by Damon DeVillers, P.E. Also discussed was the fact that a final bill from Interstate Engineering is likely to come and that there is a final report required by USACE.

**Jim Cudworth/Warwick Dam:** No new information since the June 7, 2016 meeting.

**Colvin Township Culvert Replacement:** Tweed informed the Board that he discussed the matter with Colvin

Township Supervisors. He also made a site visit on the morning of August 2, 2016. The culvert is in good condition. The culvert may be a bit high, but the real problem is that beavers are plugging the culvert. Local affected parties are policing for beavers and the Township Supervisors are looking for a State trapper. During the course of the meeting Tweed found the business card for Tyler Hasse, the State trapper for this region. Tweed indicated he would pass the contact information for Tyler Hasse to the Township Supervisors

**New Business:**

**2017 Budget:** The 2017 budget was discussed. Larson made a motion to request a budget in the total amount of \$28,150.00 as more particular in detail on the budget form to be submitted to the Eddy County Auditor. Second by Reis. After discussion, motion carried.

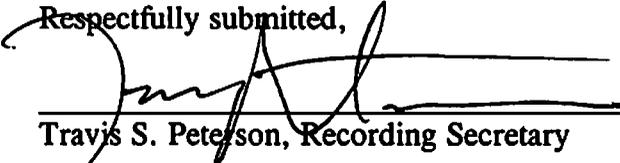
**Upper Sheyenne River Joint Water Resource Board:** Larson informed the Board that there has been no meeting since the Eddy County Water Board meeting. Larson is unsure of when the next meeting will be held.

**Devils Lake Basin Joint Water Resource Board:** Tweed provided an update of the business conducted at the July 13, 2016 meeting. Tweed also summarized his attendance at the annual Summer Water Convention. The next meeting is scheduled for August 10, 2016 at 8 a.m. in the Ramsey County Courthouse.

**Next Meeting:** The next regular meeting of the Eddy County Water Resource Board will be held on September 6, 2016 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

July 7, 2016

A regular meeting of the Eddy County Water Resource Board was held on July 7, 2016 at 9:00 AM in the Eddy County Courthouse. Present were Mike Tweed, Peter Larson, and Travis S. Peterson, Secretary/Treasurer.

The minutes of the June 7, 2016 regular meeting were presented. Tweed 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.

**Correspondence:** Various correspondence was reviewed. Except as otherwise set forth in these minutes, no action is required.

## **Old Business:**

**New Rockford Canal:** No new information available. Waiting for report from Garrison Diversion Conservancy District.

**Roger Duda Complaint regarding Paul Skadberg Obstruction:** Peterson informed the Board that he has not heard or seen anything from the State Water Commission.

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

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

**Warwick Dam:** No new information since the June 7, 2016 meeting.

**Jim Cudworth/Warwick Dam:** No new information since the June 7, 2016 meeting.

**Colvin Township Culvert Replacement:** Tweed indicated he made a site visit. Tweed noted lots of cattails and that the culvert is possibly collapsed. Tweed will attempt to contact the township supervisors to discuss culvert replacement.

## **New Business:**

**2017 Budget:** Peterson informed the Board that the 2017 budget should be finalized at the August meeting. It was agreed that Peterson would scan and email prior years budgets to the board members for their review and consideration in advance of the August meeting.

**Upper Sheyenne River Joint Water Resource Board:** Larson provided an update of the business conducted at the June 14, 2016 meeting held at the Pizza Ranch in Devils Lake. That meeting was held the evening before the Devils Lake Basin Tour. The next meeting is scheduled for August 17, 2016 at 9 am at the Pizza Ranch in Carrington.

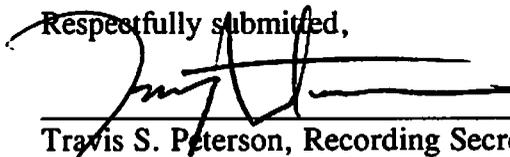
**Devils Lake Basin Joint Water Resource Board:** Tweed provided an update of the business conducted at the June 8, 2016 meeting. Tweed also summarized the Devils Lake Basin Tour which focused on the North and East

portions of the Devils Lake Basin. Approximately 40 people participated in the tour. The next meeting is scheduled for July 13, 2016 at 8 am in the Ramsey County Courthouse.

**Next Meeting:** The next regular meeting of the Eddy County Water Resource Board will be held on August 2, 2016 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  
June 7, 2016

A regular meeting of the Eddy County Water Resource Board was held on June 7, 2016 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 May 3, 2016 regular meeting were presented. Tweed 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.

Reis made a motion to pay the following bills:

Peter Larson - January -June, 2016 - meetings and mileage	\$801.00
Kenny Reis - January - June, 2016 - meetings and mileage	\$563.74
Mike Tweed - January - June, 2016 - meetings and mileage	\$1,564.14
Peterson Law Offices PC (January to May- fees/costs)	\$4,469.23
ND Water Resource District Association - summer meeting (Mike Tweed)	\$135.00

Second by Larson. Motion carried.

**Correspondence:** Various correspondence was reviewed. Except as otherwise set forth in these minutes, no action is required.

**Old Business:**

**New Rockford Canal:** No new information available. Waiting for report from Garrison Diversion Conservancy District.

**Roger Duda Complaint regarding Paul Skadberg Obstruction:** Peterson informed the Board that he emailed the State Water Commission for a status report. SWC indicates that a recommendation has been made by Aaron Carranza and it has been sent up the chain of command within the SWC for further review and approval. No definite time line for completion was provided.

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

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

**Warwick Dam:** Landscaping and seeding is complete. Waiting for final invoices from Harvey Sand and Gravel and Interstate Engineering. Larson has not had time to investigate signage options.

**Jim Cudworth/Warwick Dam:** Peterson informed the Board that on May 13, 2016, he mailed to Jim Cudworth the Mitigation Application and requested Cudworth's help in completing the same. As of today, Peterson has not heard from Cudworth.

**BNSF Request for Permit:** Peterson informed the Board that he forwarded a copy of the unapproved May 3, 2016 minutes to the Gregg Thielmann, PE, on behalf of BNSF.

**New Business:**

**Colvin Township Culvert Replacement:** Tweed indicated he was contacted by a landowner in Colvin Township regarding a culvert that may need to be replaced. The culvert is in a township road west of Bryant Huso's farmstead. Tweed indicated he would stop and look at the culvert. The Colvin Township Supervisors will also need to be involved in this matter.

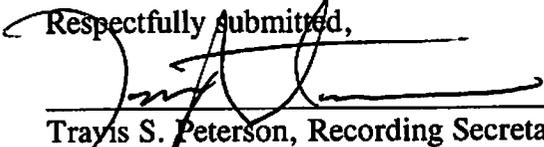
**Upper Sheyenne River Joint Water Resource Board:** There has been no meeting since the last Eddy County Water Resource Board meeting. The next meeting is scheduled for June 14, 2016 at 7:00 PM at the Pizza Ranch in Devils Lake.

**Devils Lake Basin Joint Water Resource Board:** Tweed provided an update of the business conducted at the May 11, 2016 meeting. Among other things, discussed were operation of the Devils Lake outlets and the Devils Lake Basin Summer Tour scheduled for June 15, 2016. The next meeting is scheduled for June 8, 2016 at 9 AM in the Ramsey County Courthouse.

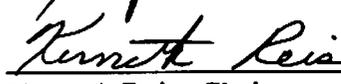
**Next Meeting:** The next regular meeting of the Eddy County Water Resource Board will be held on July 5, 2016 at 9 a.m. in the Eddy County Courthouse.

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

May 3, 2016

A regular meeting of the Eddy County Water Resource Board was held on May 3, 2016 at 9:00 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 April 5, 2016 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 Reis. Motion carried.

**Correspondence:** Various correspondence was reviewed. Except as otherwise set forth in these minutes, no action is required.

### **Old Business:**

**New Rockford Canal:** Peterson informed the Board that he met with Steve Weisenburger and reviewed the various maps. Peterson then met with Ryan Anderson, PE, from Garrison Diversion Conservancy District to discuss Weisenburger's concerns. Anderson informed Peterson that the maps and Weisenburger's concerns would be forwarded to the engineering firm for analysis of culvert size and location.

**Roger Duda Complaint regarding Paul Skadberg Obstruction:** Reis informed the Board that he, Duda and Skadberg met Aaron Carranza, PE, SWC for a site visit on April 25, 2016. Reis is hopeful that the SWC Watershed determination will be coming in the near future.

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

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

**Warwick Dam:** Larson suggested that the Board should consider signage on site recognizing the project partners. Tweed suggested that signage regarding Aquatic Nuisance Species (ANS) should also be put up. Larson indicated that as his schedule permits he will investigate these matters further.

**Jim Cudworth/Warwick Dam:** Peterson explained that he had not submitted the application for mitigation. After discussion it was agreed that the application form should be sent to Jim Cudworth along with a request for details regarding the erosion. After the information is received from Cudworth then the application will be forwarded to the SWC.

**BNSF Request for Permit:** The Board again reviewed the proposed project (BNSF MP 129.19, Line Segment 34 near New Rockford, ND, Section 21, Township 149N, Range 67W, Eddy County, ND). The Board had no concerns or objections. Larson made a motion to approve the proposed improvements. Tweed seconded. Motion carried.

### **New Business:**

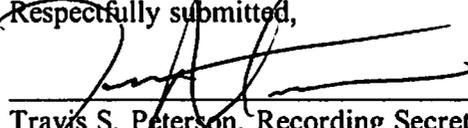
**Upper Sheyenne River Joint Water Resource Board:** The last meeting was held on April 20, 2016 at 9 AM at the Pizza Ranch in Carrington. Larson was not able to attend.

**Devils Lake Basin Joint Water Resource Board:** Tweed provided an update of the business conducted at the April 13, 2016 meeting held in the Ramsey County Courthouse. The next meeting is scheduled for May 11, 2016 at 9 AM in the Ramsey County Courthouse.

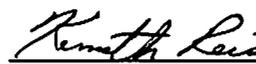
**Next Meeting:** The next regular meeting of the Eddy County Water Resource Board will be held on June 7, 2016 at 9 a.m. in the Eddy County Courthouse.

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

April 5, 2016

A regular meeting of the Eddy County Water Resource Board was held on April 5, 2016 at 9:00 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 March 1, 2016 regular meeting were presented. Tweed 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. Except as otherwise set forth in these minutes, no action is required.

## **Old Business:**

**New Rockford Canal:** Peterson informed the Board that he forwarded by email to Steve Weisenburger the various maps. Still awaiting a reply from Weisenburger.

**Roger Duda Complaint regarding Paul Skadberg Obstruction:** Peterson informed the Board that he received nothing from the State Water Commission.

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

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

**Warwick Dam:** Peterson informed the Board that all known cost share funds have been received. Peterson reviewed with the Board members a project cost/income spreadsheet. Peterson will forward a copy of the spreadsheet to the board members. All that remains to be done to complete this project is landscaping and seeding, and payment of final bills.

**Jim Cudworth/Warwick Dam:** Erosion of the north shore downstream from the Warwick Dam was again discussed. It is believed that the land in question is owned by the Sheyenne Valley Rod and Gun Club and is described as Lot 8 of Section 21, Township 150, Range 63. Based on research Peterson did before the start of the Warwick Dam Modification and Rehabilitation project, it is believed that the Sheyenne Valley Rod and Gun Club is defunct and/or inactive. The last known representatives of the club are Craig Estenson, Eugene Gleason and Darrell Walter. Jim Cudworth indicates that he rents the land in question from the Sheyenne Valley Rod and Gun Club. Due to the uncertain status of the Sheyenne Valley Rod and Gun Club and the fact that Jim Cudworth is a tenant, Tweed moved that the Eddy County Water Board submit a Mitigation Application to the State Water Commission requesting that the SWC remedy this erosion. Second by Larson. After discussion, motion carried unanimously.

**Annual Joint Rocky Run Water Board Meeting:** The minutes of the Annual meeting held on March 1, 2016 were reviewed. The board thought the minutes were accurate and agreed they should be forwarded to Foster County and Wells County for their review and consideration pending approval at the 2017 annual meeting.

**New Business:**

**BNSF Request for Permit:** Houston Engineering, Inc., on behalf of BNSF, presented a written Engineer's Report/Hydraulic Analysis concerning replacement of two lines of existing 24" CMP culverts with an 84' three span concrete bridge. The work to be done is within the James River basin/watershed at a location approximately 5.7 miles west-north-west of New Rockford and is located in Section 21, Township 149, Range 67, Eddy County, ND. Peterson suggested that he contact Houston Engineering and request a .pdf of the Engineer's Report/Hydraulic Analysis so that Peterson can email a complete copy to each of the board members.

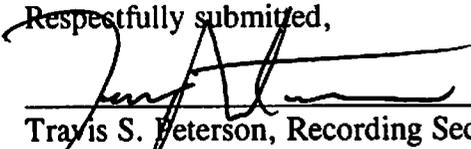
**Upper Sheyenne River Joint Water Resource Board:** Larson provided an update of the business conducted at the March 16, 2016 meeting held at the Eagles Club in Valley City ND. The next meeting is scheduled for April 20, 2016 at 9 AM at the Pizza Ranch in Carrington ND.

**Devils Lake Basin Joint Water Resource Board:** Tweed provided an update of the business conducted at the March 2, 2016 meeting held in the Ramsey County Courthouse. The next meeting is scheduled for April 13, 2016 at 9 AM in the Ramsey County Courthouse. Tweed noted that the 2016 Devils Lake Basin Water Tour is scheduled for June 15<sup>th</sup>; and the Devils Lake Executive Committee will meet in the near future to discuss operation of the Devils Lake outlets and long term efforts to reduce flood risks within the Devils Lake Basin. (While preparing these minutes, Peterson emailed Jon Kelsch at the ND SWC and learned that the meeting is May 3, 2016 at 9:00 AM at the Chieftan Conference Center in Carrington ND.)

**Next Meeting:** The next regular meeting of the Eddy County Water Resource Board will be held on May 3, 2016 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 1, 2016

A regular meeting of the Eddy County Water Resource Board was held on March 1, 2016 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 Eddy County landowners, Roger Duda and Paul Skadberg. Also present were Kip Kovar and Ryan Anderson from the Garrison Diversion Conservancy District.

The minutes of the February 2, 2016 regular meeting were presented. Tweed 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. Peterson informed the board that Bank Forward Certificate of Deposit #74723 matures on March 9, 2016. The Certificate will renew at the same rate (.25%) and for the same terms (6 month) if the Board takes no action. Peterson informed the Board that he spoke with Julie Ehni at Bank Forward and she indicated that the next best rate is .30% for 12 months. Reis made a motion to take no action and have the CD renew at the same rate and for the same terms and conditions. Second by Larson. Motion carried.

**Correspondence:** Various correspondence was reviewed. Except as otherwise set forth in these minutes, no action is required.

## **Old Business:**

**New Rockford Canal:** Kip Kovar and Ryan Anderson were present with watershed maps depicting two, five, ten and one hundred year rain events. Kovar and Anderson would like the Board to review the maps and consider whether they appear accurate. It was agreed that Steve Weisenburger should also have an opportunity to review the maps and comment. After the maps are determined to be accurate, then Garrison Diversion Conservancy District will study the number, size and location of culverts that are necessary to deal with the appropriate rain events.

**Roger Duda Complaint regarding Paul Skadberg Obstruction:** Peterson informed the Board that he received nothing from the State Water Commission. Neither Duda nor Skadberg had any new information. They are, however, anxious for a determination from the State Water Commission and/or Eddy County Water Board.

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

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

**Warwick Dam:** Peterson informed the Board that he submitted cost share funding requests to ND Game & Fish and ND State Water Commission. The ND OHF cost share request was submitted and all remaining funds (\$49,500.00) were received and deposited on February 18, 2016. The Upper Sheyenne Joint Water Resource Board cost share request was submitted and the \$1500 in funds have been received and deposited on February 12, 2016. In order to have enough funds available to remit payment in full to Harvey Sand and Gravel, Peterson attended the February 16, 2016 Eddy County Commission meeting and requested that the County disburse the balance (\$27,607.89) of Eddy County Water Board's 2016 budget. The Eddy County Commission granted the request and said funds were deposited in the Water Board account on February 18, 2016. Upon collection of the above referenced amounts from Eddy County, ND OHF and USJWRB Peterson mailed Harvey Sand and Gravel payment for Progressive Estimate No. 3.

**Upper Sheyenne River Joint Water Resource Board:** Larson provided an update of the business conducted at the February 17, 2016 meeting held in Carrington. The next meeting is scheduled for March 16, 2016 in Valley City. Larson was not aware of the time or location.

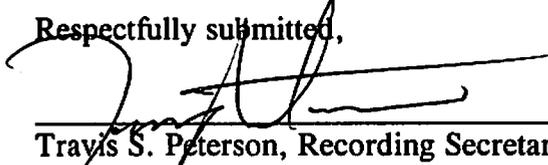
**Devils Lake Basin Joint Water Resource Board:** Tweed provided an update of the business conducted at the February 10, 2016 meeting held in the Ramsey County Courthouse. The next meeting is scheduled for March 2, 2016 at 9 AM in the Ramsey County Courthouse.

**Annual Joint Rocky Run Water Board Meeting:** Peterson reminded the Board that the meeting is scheduled for today at 1:00 PM at the New Rockford Garrison Diversion Conservancy District meeting room.

**Next Meeting:** The next regular meeting of the Eddy County Water Resource Board will be held on April 5, 2016 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

February 2, 2016

A regular meeting of the Eddy County Water Resource Board was held on February 2, 2016 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 January 5, 2016 regular meeting were presented. Tweed 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.

The following bills were presented for payment:

Beaver Creek Archeology (Warwick Dam)	\$2,350.00
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Larson made a motion to pay this bill. Second by Tweed. Motion carried.

Harvey Sand and Gravel (Warwick Dam)	\$72,631.63
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Larson made a motion to pay the bill. Second by Reis. Motion carried.

**Correspondence:** Peterson received from the State Water Commission and distributed to the Board members copies of "Reference Guide to North Dakota Waters". Peterson informed the Board the 2016 Dushinske and Jamison Water Resources Scholarship deadline is April 1, 2016. Peterson also informed the Board that the State Water Commission is updating the 2015 State Water Plan for the 2017-2019 biennium. In the event the Water Board anticipates any projects or programs that may require SWC cost share during the 2017-2019 biennium then a Project Information and Planning Form should be completed and submitted to the SWC by April 22, 2016.

## New Business:

**Jim Cudworth/Warwick Dam:** Tweed reported that he was contacted by Jim Cudworth regarding significant bank erosion downstream from the Warwick Dam. Cudworth indicated that the affected land is owned by the Warwick Gun and Rod Club and rented by Jim Cudworth. Tweed indicated to Cudworth that this is a Devils Lake Outlet/State Water Commission mitigation issue and that Cudworth and/or landowner should file a Mitigation Application with the State Water Commission.

**Langley Crossing:** Tweed was contacted by an interested party that has complaints about the placement of the culverts in the Langley Crossing. Apparently the culverts are set at an angle that causes water to flow toward the east bank. This is resulting in bank erosion and is endangering water wells located on Byron Langley land. Tweed informed the interested party that this is a Devils Lake Outlet/State Water Commission mitigation issue and that the interested party should file a Mitigation Application with the State Water Commission.

## Old Business:

**New Rockford Canal:** No further information is available. The Board is still waiting on the hydrology/hydraulic analysis that is being prepared by Garrison Diversion Conservancy District.

**Roger Duda Complaint regarding Paul Skadberg Obstruction:** Prior to the meeting Roger Duda contacted Peterson and informed him that Mandar Nangare is no longer employed by the State Water Commission. Peterson called the State Water Commission and confirmed this fact. Peterson discussed the watershed determination with Aaron Carranza (701-328-4813), the engineer that is now working on this file. Carranza indicated that he has reviewed Nangare's report and it requires some revisions. After Carranza completes the report then it will go to his supervisor followed by Todd Sando, Director of the State Water Commission. Peterson urged Carranza to have the watercourse determination to the Eddy County Water Board by the March 1, 2016 meeting.

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

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

**Warwick Dam:** After last month's meeting Peterson received from Damon DeVillers the most recent Harvey Sand and Gravel Progressive Estimate of work completed. It appears there will be one final invoice from Harvey Sand and Gravel after landscaping and seeding is completed in the spring of 2016. Peterson still has not seen a current invoice from Interstate Engineering. It appears that with the current Harvey Sand and Gravel invoice there are sufficient out of pocket expenditures to maximize the State Water Commission cost share commitment (\$110,150.00). Therefore Peterson will complete and submit requests for funds from the State Water Commission, ND Game and Fish, ND OHF, and USJWRB.

**Upper Sheyenne River Joint Water Resource Board:** No meeting since the last Eddy County Water Board Meeting.

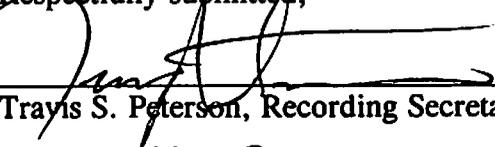
**Devils Lake Basin Joint Water Resource Board:** Tweed provided an update of the business conducted at the January 13, 2016 meeting. The next meeting is scheduled for February 10, 2016 at 9 AM in the Ramsey County Courthouse.

**Annual Joint Rocky Run Water Board Meeting:** Peterson informed the Board that the meeting is scheduled for March 1, 2016 at 1:00PM. The location was discussed. Peterson was instructed to do some checking and make arrangements as he deems appropriate.

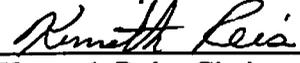
**Next Meeting:** The next regular meeting of the Eddy County Water Resource Board will be held on March 1, 2016 at 10 a.m. in the Eddy County Courthouse.

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

January 5, 2016

A regular meeting of the Eddy County Water Resource Board was held on January 5, 2016 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 December 1, 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.

The following bills were presented for payment:

North Dakota Water Resource District Association (2016 dues)	\$475.00
North Dakota Water Users Association (2016 dues)	\$300.00
Insure Forward (NDRF GL Renewal)	\$341.00

Larson made a motion to pay the bills. Second by Reis. Motion carried.

**Correspondence:** Various correspondence was reviewed. Except as otherwise noted herein, no specific action was required.

## **New Business:**

**Complaint for Water Related Issues:** In December 2015 Peterson received from the ND State Engineer's Office a new form developed by the Office of the State Engineer and entitled "Complaint for Water Related Issues - SFN 60840". The complaint form was developed to provide clarity in the Complaint process and assist the general public with water related complaints/issues. The complaint form is two pages, front and back, and lists the entire complaint process as well as all the types of complaints to be filed with a Water Resource District. A hard copy of the complaint form was provided to the Water Board. Copies are also available on the State Engineer's website (swc.nd.gov) on the "Construction Permits" and "Drainage permits" page under the "Regulation and Appropriation" heading. The Board reviewed and discussed the complaint form. Larson made a motion to adopt the complaint form as the initiating document required to be filed by anyone having a complaint about water related issues and seeking assistance from the Eddy County Water Resource District. Reis seconded the motion. After discussion the motion was unanimously approved.

## **Old Business:**

**New Rockford Canal:** No further information is available. The Board is still waiting on the hydrology/hydraulic analysis that is being prepared by Garrison Diversion Conservancy District.

**Roger Duda Complaint regarding Paul Skadberg Obstruction:** While at the Winter Water Convention, Tweed discussed the matter with Mandar Nangare. Nangare indicated to Tweed that he hoped to have the report to the Board by the January 2016 meeting. Peterson informed the Board that he has not received the report. Peterson indicated that as soon as he sees the report he will email it to the board and interested parties.

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

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

**Warwick Dam:** Peterson presented to the Board two financial reports: 1) Projected Project Costs and Summary of Cost Shares/Partners; and 2) Detailed Income and Expense Report. The Board reviewed and discussed these reports. Peterson also informed the board that he was waiting for a final progressive estimate of work completed from Harvey Sand and Gravel and information from Interstate Engineering regarding their final estimate of costs/fees. Upon receipt of those items Peterson will complete and submit requests for funds from the following entities: 1) State Water Commission; 2) ND Game and Fish; 3) North Dakota Outdoor Heritage Fund; and 4) Upper Sheyenne Joint Water Resource Board.

The Board also discussed the work done by Harvey Sand and Gravel and Industrial Builders. Although none of the Board members were able to attend the final inspection conducted on December 18, 2015, all board members have been to the Warwick Dam and observed the final work product. Based on what the Board members have seen the work appears satisfactory. However, the Board has not heard from Interstate Engineering since completion of the project. Work that remains for spring of 2016 is landscaping and seeding.

**Upper Sheyenne River Joint Water Resource Board:** Tweed summarized the last meeting held in Bismarck on December 8, 2015 in conjunction with the Annual Winter Water Convention. At this time, the date of the next meeting is unknown.

Peterson informed the Board that he received an email from Ben Varnson on January 4, 2016. That email indicated that the Upper Sheyenne River Joint Water Resource Board has agreed to contribute \$1,500 in cost share funds to the Warwick Dam Modification and Rehabilitation. It will be necessary for Peterson to complete and submit the USRJWRB request for project support.

**Devils Lake Basin Joint Water Resource Board:** Tweed summarized the business conducted at the meeting held in Bismarck on December 10, 2015 in conjunction with the Annual Winter Water Convention. The next meeting is scheduled for January 13, 2016 at 9:00 AM at the Ramsey County Courthouse.

**Annual ND Winter Water Convention:** Tweed summarized his attendance at the various meetings held in Bismarck December 8-10, 2015. Among other materials, Tweed obtained "A Reference Guide to North Dakota Water" published by the State Water Commission. The Board agreed it is an impressive brochure pertaining to North Dakota Waters and Water Law. The Board asked Peterson to contact the State Water Commission to see if we could get six or so copies of the brochure.

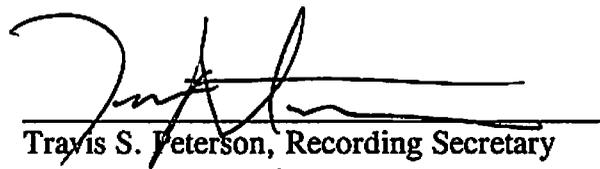
**Annual Joint Rocky Run Water Board Meeting:** The Board discussed scheduling the 2016 meeting. It was agreed that we would try to schedule it for March 1, 2016 at 1:00PM. Peterson will contact Foster County and Wells County to try and coordinate the meeting.

**Next Meeting:** The next regular meeting of the Eddy County Water Resource Board will be held on February 2, 2016 at 10 a.m. in the Eddy County Courthouse.

There being no further business the meeting was adjourned.

Respectfully submitted,

APPROVED:



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Travis S. Peterson, Recording Secretary



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Kenneth Reis, Chairman