

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD

February 5, 2019

A regular meeting of the Eddy County Water Resource Board was held on February 5, 2019 at 10:00 AM in the Eddy County Courthouse. Present were Kenny Reis, Michael Tweed, Peter Larson and Travis S. Peterson, Secretary/Treasurer; Eddy County landowners, Monty Schaefer and Ed O'Connor.

The minutes of the January 8, 2019 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 treasurer's report. Second by Larson. Motion carried.

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

Old Business:

Doug Skadberg/Monty Schaefer/Rosefield Dam Matter: Peterson informed the Board that as of this date Schaefer has not filed a Notice of Appeal.

Monty Schaefer was present and presented a cover letter and various information, some old and some new, concerning his position. Schaefer's position is set forth in the letter. The attachments to the letter include: 1) SWC and OSE dam information from the SWC website; 2) USGS Historical topographical map, circa 1950 (Barlow quadrangle); 3) Quadrangle map prepared by Interstate Engineering measuring the pool behind the dam at 16.47 acres; 4) aerial imagery map prepared by Interstate Engineering showing area of pool in 2016 at 19.32 acres; 5) aerial imagery map prepared by Interstate Engineering showing the Rosefield Slough in 1950; 6) Google earth map showing the Rosefield Slough on July 27, 1990; 7) aerial map showing the Rosefield Slough in 1944; 8) aerial imagery prepared by Interstate Engineering showing the Rosefield Slough, circa 1995-1998; 9) aerial imagery prepared by Interstate Engineering for the years 2003, 2009, 2010, 2012, 2014, 2015, 2016, and 2017.

Schaefer was not requesting any particular action but wanted this information filed in the Eddy County Water Board's records. Schaefer indicated that many mistakes were made by numerous people throughout the course of this matter and described the entire situation as a "comedy of errors". Schaefer is disappointed that determinations and findings were based on erroneous information, misstatements and opinions rather than based on fact. Schaefer wished there was some way to still have the facts considered, but procedurally, that won't happen. Schaefer indicated that he was still considering how to proceed but acknowledged that it was likely the dam would ultimately be removed.

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 20, 2019 at 9 am at the Chieftan in Carrington.

Devils Lake Basin Joint Water Resource Board: Tweed provided a brief update of the January 23, 2019 meeting. The next meeting is scheduled for February 13, 2019 at the Ramsey County Courthouse.

New Business:

Ed O'Connor was present to discuss the bridge installed by BNSF in Munster Township (Eddy County, ND: Township 149, Range 67, Section 21: E1/2). O'Connor was concerned that the bridge was installed without any

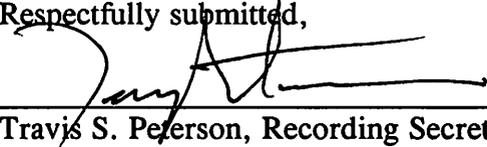
permission or permits. A review of the Eddy County Water Board minutes reflect that BNSF did request a permit at the April 5, 2016 Water Board Meeting and the permit was approved at the May 3, 2016 Water Board meeting. Being informed that BNSF did seek permission and obtained a permit, O'Connor was satisfied.

Rocky Run Joint Water Board Annual Meeting: Peterson informed the Board that the annual meeting is scheduled for 1:00 PM on March 12, 2019 at the Garrison Diversion Conservancy District building in New Rockford. Peterson informed the board that he will be out of town and will not attend.

Next Meeting: The next regularly scheduled meeting will be March 5, 2019 at 10 AM.

There being no further business the meeting was adjourned.

Respectfully submitted,



Travis S. Peterson, Recording Secretary

APPROVED:



Kenneth Reis, Chairman