

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD

December 8, 2009

A regular meeting of the Eddy County Water Resource Board was held on December 8, 2009 at 10:00 AM in the Eddy County Courthouse. Present were Michael Tweed, Peter Larson, and Travis S. Peterson, Secretary/Treasurer.

The minutes of the November 10, 2009 regular meeting were read. Michael Tweed made a motion to approve the minutes. Second by Peter Larson. Motion carried.

The Treasurer's Report was presented and reviewed. Peter Larson made a motion to approve. Second by Michael Tweed. Motion carried. Peter Larson moved to pay the following bills:

Peter Larson for meetings and mileage	\$ 942.00
Mike Tweed for meetings and mileage	1,948.60
Peterson Law Offices, P.C. for fees and costs advanced	2,596.36

Correspondence:

Various correspondence was reviewed. No action necessary.

Old Business:

Hamar, ND: No work has occurred in the Hamar area (culverts and ditches). It appears the work will have to be done next spring. A priority will be installation of a culvert in the approach immediately north of Hamar. Michael Tweed made a motion to pay one half the cost of this culvert but Eddy County Water Board's contribution shall not exceed \$500.00. Second by Peter Larson. Motion carried.

Eddy Township: (Altendorf intersection request for culvert.) Tweed visited with Jim Cudworth regarding the intersection and the lack of a culvert(s) at this intersection. Cudworth informed Tweed that 2009 is the first year Cudworth ever remembers water being an issue at this intersection. The Board determined this matter would be tabled.

Warwick Dam: Peterson informed the Board that he did send the State Water Commission a letter inquiring as to the status of this project. Peter Larson requested that Peterson send a copy of the letter to Ben Varnson, Chairman, Upper Sheyenne Joint Water Resource Board.

New Business:

Devils Lake West End Outlet/ Sheyenne River: Gene Langley contacted Eddy County Commissioner Neal Rud and Eddy County Water Board member Michael Tweed concerning the future of the Sheyenne River Crossing located at 7865 Langley Drive, Sheyenne, ND. This crossing is located on a township road and is used regularly by the Langleys. Langley is concerned about the impact on this crossing as a result of the State Water Commission's plan

to increase the quantity of water pumped from Devils Lake through the West End Outlet. Langley and other landowners noted increased water flows in the Sheyenne River in 2009. 2010 water flows are anticipated to be higher. After discussion the Water Board directed Peterson to mail a letter to the State Water Commission inquiring about the State Water Commission's plan for maintenance or improvement of those structures currently existing within the Sheyenne River and which will be negatively impacted by the increased pumping from Devils Lake. The Water Board also suggested that Peterson inquire about the State Water Commission's plan for mitigating river bank erosion and other adverse affects on adjacent land owners. The Board instructed Peterson to send a copy of this letter to Ben Varnson, Chairman, Upper Sheyenne River Joint Water Resource Board.

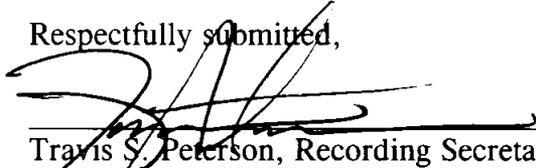
Devils Lake Basin Joint Water Resource Board: Tweed provided an overview of the last meeting held in Sheyenne, ND on November 12, 2009 at 9:00 AM. The next meeting is scheduled for December 9, 2009, in Bismarck, ND at the Annual Water Convention.

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

The next regular meeting of the Eddy County Water Resource Board will be held on January 12, 2010 at 10:00 AM in the Eddy County Courthouse.

There being no further business the meeting was adjourned.

APPROVED:

Respectfully submitted,


Travis S. Peterson, Recording Secretary


Kenneth Reis, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
November 10, 2009

A regular meeting of the Eddy County Water Resource Board was held on November 10, 2009 at 10:00 AM in the Eddy County Courthouse. Present were Michael Tweed, Peter Larson, and Travis S. Peterson, Secretary/Treasurer.

The minutes of the October 13, 2009 regular meeting were read. Michael Tweed made a motion to approve the minutes. Second by Peter Larson. Motion carried.

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

Correspondence:

Various correspondence was reviewed. No action necessary.

Old Business:

Hamar, ND: The various culvert and drain issues were briefly discussed. There has been no additional activity since the October 13th, 2009 meeting.

Drain Tile Permits: The Board briefly discussed this issue. Tweed believes that new drain permit forms are available from the State Water Commission. Tweed requested that Peterson obtain that form for the Eddy County Water Board file.

Sheyenne Dam: Peter Larson is in possession of the sign made by Rough Rider Industries. The sign acknowledges the project partners and the financial contributors. Larson will obtain the rest of the materials necessary to install the sign. Larson and Tweed will install the sign.

New Business:

Tweed informed the board that he was contacted by a land owner (Altendorf) who inquired about the installation of a culvert in the section line/approach to Township road between the SE1/4 of Section 11 and the NE1/4 of Section 14, Township 150, Range 63, Eddy County, ND. Apparently there are no culverts at this intersection. In the spring of 2009 the intersection was under water. Because this culvert would be placed in an approach on a Township road the culvert would be placed at the discretion of Eddy Township supervisors. If the Eddy Township supervisors agree to the installation of the culvert, and if the Eddy Township supervisors contact the Water Board, then the Water Board will consider cost-sharing. The matter was tabled pending further contact from Eddy Township.

Devils Lake Basin Joint Water Resource Board:

Tweed summarized the October 14, 2009 meeting held at the Nelson County Court House. The next meeting is scheduled for November 12, 2009, at 9:00 AM in Ostby Hall in Sheyenne, ND. Tweed and Larson are coordinating refreshments, etc.

Eddy County Water Resource Board Minutes

November 10, 2009

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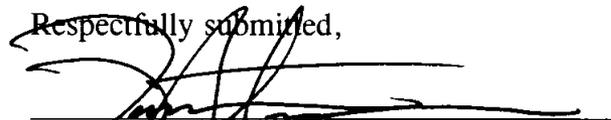
Upper Sheyenne Water Resource Board:

Larson summarized the October 12th, 2009 meeting that was held in Carrington, ND. The Warwick Dam was discussed. Because the State Water Commission has been overwhelmed with other higher priority projects in 2009, no progress has been made on the Warwick Dam project. The State Water Commission has suggested that Eddy County may want to consider pursuing its own engineering and also receiving bids from private contractors because it is likely the project will exceed the one-hundred thousand dollar (\$100,000) threshold. Because it appears this project has stalled in the Office of the State Water Commissioner, the Board requested that Peterson send a letter to the State Water Commission requesting an update as to the official status of this matter.

The next regular meeting of the Eddy County Water Resource Board will be held on December 8, 2009 at 10:00 AM in the Eddy County Courthouse.

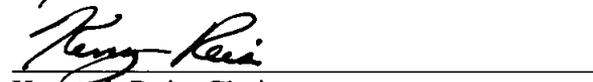
There being no further business the meeting was adjourned.

Respectfully submitted,



Travis S. Peterson, Recording Secretary

APPROVED:



Kenneth Reis, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD

October 13, 2009

A regular meeting of the Eddy County Water Resource Board was held on October 13, 2009 at 9:00 AM in the Eddy County Courthouse. Present were Michael Tweed, Kenneth Reis and Travis S. Peterson, Secretary/Treasurer.

The minutes of the August 11, 2009 regular meeting were read. Kenneth Reis made a motion to approve the minutes. Second by Michael Tweed . Motion carried.

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

The following bills were presented by Kenneth Reis for payment:

1.	Johnston Fargo Culvert, Inc. (6 ft x 80 ft culvert)	\$ 7,835.20
2.	Albert Pfeiffer (70 yds clay)	227.50
3.	Carter Richter (Culvert installation/track hoe services)	1,050.00
4.	Kenneth Reis (Hauling clay and gravel)	490.00
5.	NCZ Express (80 yds Gravel)	394.10

Reis explained that the above bills relate to the replacement of a culvert located in the road immediately west and slightly north of the Kenneth Reis farmstead and for fixing the dike located in Section 28, Township 148, Range 66 immediately east of the culvert. The road is the section line between Sections 28 and 29, Township 148, Range 66. Both the culvert and dike protect the Reis farmstead from high flows in the Rocky Run. Prior to undertaking this work, Reis met with the Wells County Water Board and Paul Straley of the Foster County Water Board. Both agreed that the cost of repairs would be split according to the typical Rocky Run cost share (Eddy County equals 30%; Foster County equals 10%; and Wells County equals 60%). Tweed made a motion that the Eddy County Water Resource District pay the bills submitted by Reis and then request reimbursement from the Foster County and Wells County Water Boards. Reis seconded. Motion carried.

Correspondence:

A letter from the North Dakota Water Users Association was discussed. The annual convention is scheduled for December 9th and 10th in Bismarck at the Ramkota Inn. Tweed indicated that he intends to attend. Reis made motion that Tweed's registration fees (\$165.00) be paid by the Water Board. Tweed seconded. Motion carried. Peterson was instructed to get Tweed registered.

The Board reviewed Project WET materials provided by the North Dakota State Water Commission. Reis moved to sponsor two faculty members from the New Rockford-Sheyenne School District No. #2. Michael Tweed seconded the motion. Motion carried.

Other various correspondence was reviewed. No further action required.

Old Business:

Red River Basin Commission: Janeen Stenso contacted both Peterson and Tweed and informed them that she was unable to attend today's meeting. Stenso hoped to be available for the November meeting. Various materials regarding the Red River Basin Commission were reviewed. With regard to the Red River Basin's request for 2009 funding in the amount of \$631.00 it was noted that of the nine counties which are members of the Devils Lake Basin Joint Water Resource Board, only two counties have not made their contribution: Eddy County and Walsh County.

"Red Bridge": Travis S. Peterson informed the Board that he received a telephone call on October 12, 2009 from Cliff Gleason. Mr. Gleason wanted to make it known to the Water Board that he is not in favor of the "Red Bridge" being removed. Peterson informed Mr. Gleason that at present no such plan is being considered.

Hamar, ND: Peterson informed the Board that a letter to Erik Frohberg of BNSF and concerning cattails and siltation in the ditch south of the railroad right of way and near Hamar will be sent.

With regard to other culvert and drain issues near Hamar, Tweed informed the Board that nothing has happened. The State Water Commission Engineer is waiting for the LIDAR Elevation Mapping to be available before any determinations are made as to the appropriate elevations and locations of culverts.

Freeborn Township: Tweed informed the Board that nothing has happened with the proposed culvert in the Eddy/Benson County line. A representative of Heck Construction will call Tweed when they are ready to do the work. It is hoped that the work will still be done this fall.

Tweed informed the Board that no cost share will be required of Eddy County for the culvert(s) installed in the Eddy/Nelson County line. Nelson County and FEMA covered one hundred percent (100%) of these costs.

New Business:

North Dakota Insurance Department/State Bonding Fund: Peterson informed the Board that he completed an application for coverage through the North Dakota Insurance Department/State Bonding Fund. This is now an annual application that the State of North Dakota requires. Kenneth Reis signed the application.

2010 Water Board Budget: The 2010 Water Board Budget was discussed. Reis made a motion to submit a request in the amount of \$35,500.00. Tweed seconded. Motion carried.

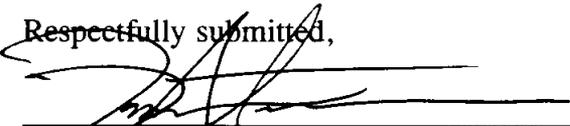
Drain Tile Meeting: The Drain Tile Meeting held in Fessenden on September 16, 2009 was briefly discussed. Neither Reis nor Tweed were able to attend. Peterson relayed to the Board those observations of Peter Larson who did attend the meeting.

Devils Lake Basin Joint Water Resource Board: Tweed gave an update of Joint Board activities. The Tolna Coulee was discussed. A portion of the Tolna Coulee was purchased by the City of Devils Lake. The North Dakota State Engineer, Dale Frink, previously indicted that one foot of sediment could be removed without requiring a permit. The City of Devils Lake is moving forward with the removal of that one foot of sediment. The Joint Board voted to support the City with a \$6,000.00 contribution. The Joint Board's intent was to use those monies obtained from the nine member counties. After researching the issue the DLBJWRB determined that the county contributions were intended for legal fees and land acquisition. As a result, the DLBJWRB mailed to each member county a request to redirect the monies to the City's removal of the sediment. Reis made a motion to encourage the Eddy County Commission to permit DLBJWRB to redirect those funds previously contributed by Eddy County to the sediment clean out project rather than being used for legal fees and land acquisition. Tweed seconded. Motion carried.

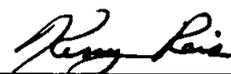
The next regular meeting of the Eddy County Water Resource Board will be held on November 10, 2009 at 10:00 AM in the Eddy County Courthouse.

There being no further business the meeting was adjourned.

Respectfully submitted,


Travis S. Peterson, Recording Secretary

APPROVED:

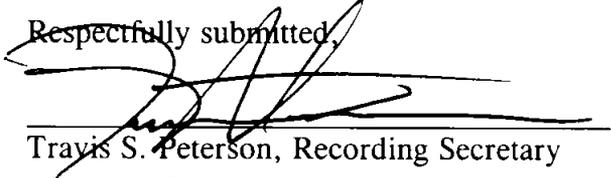

Kenneth Reis, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD

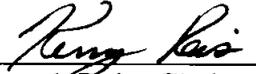
September 8, 2009

As a result of Recording Secretary and Treasurer, Travis S. Peterson, being unavailable for the meeting, it was determined that the September 8, 2009 meeting would be cancelled and the next regularly schedule meeting will be held on October 13, 2009 at 9:00 AM in the basement of the Eddy County Courthouse.

Respectfully submitted,


Travis S. Peterson, Recording Secretary

APPROVED:


Kenneth Reis, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD

August 11, 2009

A regular meeting of the Eddy County Water Resource Board was held on August 11, 2009 at 9:00 AM in the Eddy County Courthouse. Present were Michael Tweed, Kenneth Reis and Travis S. Peterson, Secretary/Treasurer.

The minutes of the July 14, 2009 regular meeting were read. Kenneth Reis made a motion to approve the minutes. Second by Michael Tweed. Motion carried.

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

Correspondence:

Various correspondence was reviewed. No action required.

Old Business:

Hamar, ND: Peterson informed the Board that he is still trying to make contact with a representative of BNSF. Tweed indicated that he plans to meet with the State Engineer tomorrow after the DLBJWRB meeting. Tweed anticipates that they will travel to and view the areas in question.

Kenneth Reis/Joe Seiler Texas Crossing: Reis informed the Board that he met with FEMA representatives. The repair expenses may be reimbursed by FEMA.

U.S. Senate Bill 787 "Clean Water Restoration Act": Peterson presented the proposed letter to the ND Congressional Delegation requested by Tweed. The Board reviewed and signed the proposed letter.

Devils Lake Basin Joint Water Resource Board: Mike Tweed gave an update on the last meeting held in Rolla, ND. The next meeting is scheduled for August 12, 2009 in Cando, ND.

Upper Sheyenne River Joint Water Resource Board: No report as Peter Larson was absent from the meeting.

Red River Basin Commission: Eddy County received a request for funding the Red River Basin Commission for 2010. Eddy County's share is \$631. This amount is 75 percent of one-quarter mil and is based on the County's valuation of land area in the Red River Basin. This matter was tabled.

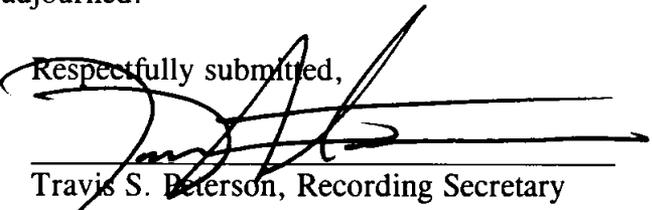
New Business:

Freeborn Township: The culvert between Eddy County and Nelson County has been replaced. Another culvert on the north section line of Section 1 in Freeborn Township also needs to be replaced. This culvert is approximately 1/4 mile west of the northeast corner of Section 1, Township 150, Range 62 which is the County line between Benson and Eddy Counties. The culvert is concrete and has collapsed. A cost share between Benson and Eddy Counties, Freeborn and Minco Townships, and the Benson and Eddy Water Resource Districts is anticipated.

The next regular meeting of the Eddy County Water Resource Board will be held on September 8, 2009 at 9:00 AM in the Eddy County Courthouse.

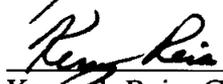
There being no further business the meeting was adjourned.

Respectfully submitted,



Travis S. Peterson, Recording Secretary

APPROVED:



Kenneth Reis, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD

July 14, 2009

A regular meeting of the Eddy County Water Resource Board was held on July 14, 2009 at 9:00 AM in the Eddy County Courthouse. Present were Peter Larson, Michael Tweed, Kenneth Reis and Travis S. Peterson, Secretary/Treasurer.

The minutes of the June 9, 2009 regular meeting were read. Kenneth Reis made a motion to approve the minutes. Second by Michael Tweed . Motion carried.

The Verified Financial Report was presented and reviewed. Michael Tweed made a motion to approve. Second by Peter Larson. Motion carried.

Correspondence:

Correspondence from the North Dakota State Water Commission, North Dakota Insurance Reserve Fund and Wells County Soil Conservation District was reviewed and discussed.

Old Business:

Hamar, ND: Peterson informed the Board that he is still trying to make contact with a representative of BNSF. A letter will be sent to an appropriate representative of BNSF when that representative's identity has been determined. Tweed indicated that he had a brief discussion with the State Engineer. As of today's date the Engineer had not had time to investigate this matter. Tweed indicated he would see the Engineer again at the July 15, 2009 Devils Lake Basin Joint Water Resource Board Meeting.

Freeborn Township: Tweed reported that the culvert between Eddy County and Nelson County (Township 150, Range 62, Section 1) has not been installed. After the installation is complete, however, Tweed anticipates that a cost share request will be submitted by Freeborn Township and/or Nelson County.

Tubby Bymoan/Munster Township: The Water Board members met with Tubby Bymoan after the June 9, 2009 Water Board meeting. Since that time Munster Township has addressed Mr. Bymoan's concerns. No further action by the Water Board is required until or unless it hears further from Mr. Bymoan.

Devils Lake Basin Joint Water Resource Board. Mike Tweed gave an update on the last meeting held June 10, 2009 in Walford. The next meeting is scheduled for July 15, 2009 in Rolla, ND.

Upper Sheyenne River Joint Water Resource Board: Peter Larson attended the June 17, 2009 meeting in Valley City, ND. That meeting included a tour of the Valley City area. Larson provided the Eddy County Water Board with an update of Upper Sheyenne River happenings. The next Upper Sheyenne River Joint Water Resource Board meeting is scheduled for July 15, 2009 at Stump Lake Park.

Warwick Dam Modification/Rehabilitation: Due to the wet spring the State Water Commission has been busy dealing with other higher priority water issues. It appears this project is delayed until 2010.

ND Water Resource District Association Annual Meeting: Mike Tweed attended this meeting which was held in Grand Forks on July 7-9. Tweed gave the Board an overview of meeting events. The events included a tour of the Grand Forks green way and a pipeline safety presentation. Tweed indicated that a point of discussion at the meeting was US Senate Bill 787: "Clean Water Restoration Act". Part of this act proposes to vest the US Army Corps of Engineers with legal authority over all waters including but not limited to lakes, rivers, streams, intermittent streams, wet lands, sloughs, prairie potholes, etc. Essentially, USACE authority would not be limited to navigable waters but would extend to all waters within the United States. The consensus at the North Dakota Water Resource District Association Annual Meeting was that all local water boards should send letters in opposition of US Senate Bill 787 to the North Dakota Congressional Delegation and the ND State Water Commission. Tweed requested that Peterson draft a letter in opposition of SB 787.

New Business:

Camp Fahocha: Mike Tweed was contacted by the director of Camp Fahocha. The director expressed concerns about the installation of a culvert(s) in the road on the north shore of Lake Washington. The director complained that the level of Lake Washington is damaging the camp's personal property and buildings. Because the director did not appear personally at the Water Board meeting this matter was tabled until the Board receives a formal complaint.

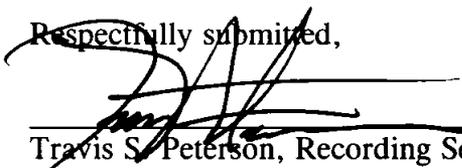
Kenneth Reis/Joe Seiler Texas Crossing: Reis informed the Board that he took steps to have the Texas Crossing straight south of Joe Seiler's farm repaired. The Texas Crossing was damaged this spring by the Rocky Run. Reis will submit a bill for cost sharing by the Rocky Run Joint Water Resource Board.

The next regular meeting of the Eddy County Water Resource Board will be held on August 11, 2009 at 9:00 AM in the Eddy County Courthouse.

There being no further business the meeting was adjourned.

APPROVED:

Respectfully submitted,


Travis S. Peterson, Recording Secretary


Kenneth Reis, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD

June 9, 2009

A regular meeting of the Eddy County Water Resource Board was held on June 9, 2009 at 9:00 AM in the Eddy County Courthouse. Present were Peter Larson, Michael Tweed, Kenneth Reis and Travis S. Peterson, Secretary/Treasurer.

The minutes of the May 12, 2009 regular meeting were read. Peter Larson made a motion to approve the minutes. Second by Michael Tweed. Motion carried.

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

With regard to the following bills Kenneth Reis made a motion to approve. Second by Michael Tweed. Motion carried:

Michael Tweed - January to June monthly meetings	\$ 1,066.00
Peterson Law Offices, P.C. - January to June monthly meetings	2,473.99
Peterson Law Offices, P.C. - Rocky Run Annual Meeting	159.81
Kenneth Reis - January to June monthly meetings	505.40
Peter Larson - January to June monthly meetings	713.50
ND Water Resource District Association - Mike Tweed Annual Meeting registration	95.00

Correspondence:

Various correspondence was reviewed. The Board received a letter from Interstate Engineering regarding the North Central Rural Water Consortium (NCRWC) and proposed improvements intend to serve rural residents within the area that do not currently have rural water service with potable drinking water. Interstate Engineering is seeking comment on or before June 12, 2009. The Board discussed this letter and agreed that northwest Eddy County is in need of rural water service. The Board indicated it is hopeful that Interstate Engineering and NCRWC are considering the residents of northwest Eddy County in the proposed expansion. The Board requested that Peterson draft a letter to Interstate Engineering to inform them of the Board's concerns.

Old Business:

Hamar, ND: Peterson informed the Board that he is still trying to make contact with a representative of BNSF. A letter will be sent to an appropriate representative of BNSF when that representative's identity has been determined. Peterson has a letter ready to be sent to Mike Fandrich concerning the culvert located in the section line between Sections 2 and 3 and north of the BNSF railroad bed. After discussion Tweed suggested that he should contact the DLBJWRB engineer and request that he investigate this matter. Tweed indicated that one of the benefits to belonging to the DLBJWRB is access to engineering services. Peterson was

instructed not to mail the letter to Fandrich until Tweed had an opportunity to contact the DLBJWRB engineer to discuss this matter.

John Winskye: Peterson informed the Board that he heard from John Winskye that the culvert was installed. No further details were available.

Superior Township:

1. The 24 inch culvert was installed in 67th Avenue south of the railroad crossing and north of the Travis Steele driveway.
2. Albert Pfeiffer continues to investigate the north/south culvert (parallel to 67th Avenue) and located in the railroad bed. Apparently Pfeiffer discussed this matter with Doc Throlson and Throlson recalls there being a culvert somewhere between the Highway 281 overpass and the railroad crossing south of Jeff Engels farmstead. It may be necessary to involve the ND DOT if the culvert was lost in the 2008 reconstruction of the Highway 281 overpass south of New Rockford.
3. After the May 12, 2009 meeting, all three Water Board members went to the area where Albert Pfeiffer proposes that Superior Township install a culvert (in the Township road between the NW1/4 of Section 16 and the NE1/4 of Section 17, Township 148, Range 66, Eddy County, ND). This matter was tabled.

Upper Sheyenne River Joint Water Resource Board: There has been no meeting since the Eddy County Water Resource District last met. The next meeting is scheduled for June 17, 2009 in Valley City, ND.

Devils Lake Basin Joint Water Resource Board. Tweed attended the last meeting of May 13, 2009. Tweed gave a summary of that meeting. The Tolna Coulee is again a hot issue. The next meeting is scheduled for June 10, 2009 in Walford, ND.

New Business:

Freeborn Township: Mike Tweed was contacted by a Township Board member with a request to share one-half the cost of a culvert placed in the road between Eddy County and Nelson County. It is a 24 inch culvert and its location is Section 1 of Township 150, Range 62 (Freeborn Township). The new culvert replaces an old

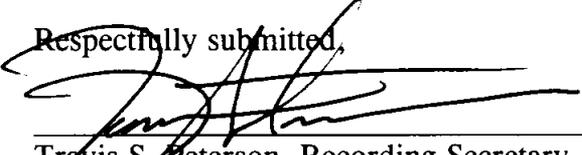
aluminum culvert which collapsed. This matter was tabled until an appropriate invoice and/or formal request is presented to the Board.

Tubby Bymoen: Kenneth Reis received a call from Tubby Bymoen requesting that the Board visit a location in Munster Township and inspect a culvert. The Board agreed that it would meet with Tubby Bymoen after the meeting and proceed to the area in question.

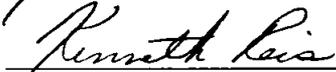
The next regular meeting of the Eddy County Water Resource Board will be held on July 14, 2009 at 9:00 AM in the Eddy County Courthouse.

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 12, 2009

A regular meeting of the Eddy County Water Resource Board was held on May 12, 2009 at 9:00 AM in the Eddy County Courthouse. Present were Peter Larson, Michael Tweed, Kenneth Reis and Travis S. Peterson, Secretary/Treasurer. Also present were landowners John Winskye and Albert Pfeiffer and County Commissioners Jeff Pfau, Earl Sauer and Neal Rud.

The minutes of the April 14, 2009 regular meeting were read. Michael Tweed made a motion to approve the minutes. Second by Peter Larson. Motion carried.

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

Correspondence:

Various correspondence was reviewed. No action was necessary.

Old Business:

Hamar, ND: Durbin Excavating cleaned some of the sediment from the ditches near Hamar. More sediment removal is required. It appears that certain culverts located in certain township road approaches are higher than ground level. It also appears the ditch south of the BNSF railroad bed is silted and overgrown with cattails. Larson made the following motions; second by Kenneth Reis; and the motions were approved:

1. Peterson shall contact BNSF and request that they inspect the ditch south of the railroad bed for siltation and cattails and clean the same if necessary.
2. Peterson shall contact land surveyor Mike Fandrich to inspect and survey a culvert located in the section line between sections 2 and 3 and north of the BNSF railroad bed. The current location of the culvert should be mapped (with elevations) and a recommendation of the appropriate location should be requested.

These blockages are located in Township 150, Range 62, Sections 2 and 3 (Freeborn Township).

Devils Lake Basin Joint Water Resource Board. Mike Tweed informed the Board that the Devils Lake Basin Joint Water Resource Board has not met since the last time the Eddy County Water Resource Board met.

Upper Sheyenne River Joint Water Resource Board. Larson informed the Board that the last meeting was to be held in McClusky, ND. A quorum was lacking and therefore no formal

New Business:

John Winskye: John Winskye was present to discuss an approach to County Road 4 which lacks a culvert and which impedes the natural flow of water. The approach in question is located in the NE1/4 of Section 10, Township 149, Range 65 (Sheldon Township) and south of the John Winskye farmstead. After much discussion Kenneth Reis made a motion to recommend that the County place a culvert in this approach and also place a culvert in the driveway of H. Dale Nystrom. Larson seconded the motion. Motion carried.

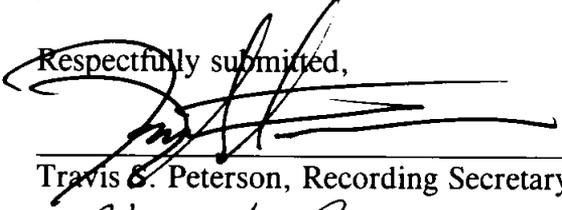
Superior Township: Albert Pfeiffer was present to discuss various Superior Township issues.

- 1) Pfeiffer indicated that the Superior Township Supervisors intend to place a culvert in 67th Avenue south of the railroad crossing and north of the Travis Steele driveway. More specifically, this culvert will be a 24 inch culvert located in the section line road between Sections 5 and 6 of Township 148, Range 66, Eddy County, ND. Larson made a motion in support of installation of this culvert. Tweed seconded. Motion carried.
- 2) A north/south culvert (parallel to 67th Avenue) on the east side of 67th Avenue and located in the railroad bed was discussed. More specifically, this culvert would be located in the railroad bed in Lot 4 of Section 5, Township 148, Range 66, Eddy County, ND. Reis made a motion to recommend that the railroad bore and place this proposed culvert. Larson seconded. Motion approved.
- 3) Mr. Pfeiffer also proposes that an east/west culvert be placed in the township road between the NW1/4 of Section 16 and the NE1/4 of Section 17, Township 148, Range 66, Eddy County, ND. Pfeiffer requested that the Water Board visit the area in question and provide an opinion to the Superior Township Supervisors about the appropriateness of this proposed culvert.

The next regular meeting of the Eddy County Water Resource Board will be held on June 9, 2009 at 9:00 AM 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 14, 2009

A regular meeting of the Eddy County Water Resource Board was held on April 14, 2009 at 9:00 AM in the Eddy County Courthouse. Present were Peter Larson, Michael Tweed and Travis S. Peterson, Secretary/Treasurer. Kenneth Reis was absent.

The minutes of the March 10, 2009 regular meeting were read. Peter Larson made a motion to approve the minutes. Second by Michael Tweed. Motion carried.

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

Correspondence:

Various correspondence was reviewed. No action was necessary.

Old Business:

Peterson addressed Larson's inquiry about the objectives or mission or policy of a Water Resource District. Peterson referred to NDCC 61-16.1-01 which sets forth the North Dakota Legislative intent and purpose for Water Resource Districts.

Devils Lake Basin Joint Water Resource Board. Mike Tweed indicated that he missed the March 17, 2009 Devils Lake Basin Joint Water Resource Board meeting. He did attend the April 8, 2009 meeting in Devils Lake. Tweed gave an update of the recent Devils Lake Basin Joint Water Resource Board happenings.

Upper Sheyenne River Joint Water Resource Board. Larson did not attend the March 18, 2009 meeting held in Carrington. However, Larson reviewed the Minutes and provided a summary thereof.

The Upper Sheyenne River Water Quality Assessment Project was discussed at length. As of the date of this meeting the Eddy County Water Resource District has not paid its cost share in the total amount of \$640.00 (\$320.00 for 2008 and \$320.00 for 2009). Tweed made a motion to pay the Eddy County Water Resource District cost share. Larson seconded. Motion carried.

Rocky Run Joint Water Board Annual Meeting. Peterson summarized the Annual Meeting held in Fessenden on April 7, 2009. The main issue before the Rocky Run Joint Water Board is the revised operating agreement that is proposed by Mike Gunsch and Houston Engineering. The plan is to have Mike Gunsch and other representatives of Houston Engineering visit the Rocky Run this spring while the water is still flowing and provide a hands on demonstration/explanation of how the revised plan is intended to work. A special meeting will be called when this occurs.

New Business:

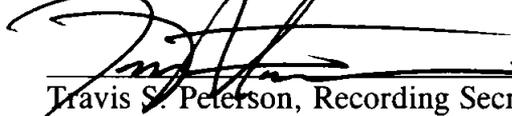
Mike Tweed indicated that he was contacted by Jason Gleason and Odean Gleason regarding the red bridge. The Gleasons would like to see repairs to the red bridge or money available for the repair of the red bridge. No action was taken until a formal written request is presented to the Eddy County Water Resource District.

Mike Tweed was also contacted concerning drainage issues in and around Hamar, ND. Apparently water is backing up into certain homes as a result of blocked culverts. Tweed indicated that Durbin Excavating was hired to clean sediment from the ditches in the problem areas.

The next regular meeting of the Eddy County Water Resource Board will be held on May 12, 2009 at 9:00 AM 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

March 10, 2009

A regular meeting of the Eddy County Water Resource Board was held on March 10, 2009 at 10:00 AM in the Eddy County Courthouse. Present were Peter Larson, Kenneth Reis and Travis S. Peterson, Secretary/Treasurer. Michael Tweed was absent.

The minutes of the February 10, 2009 regular meeting were read. Peterson Larson made a motion to approve the minutes. Second by Kenneth Reis. Motion carried.

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

Peterson presented the revised bill of Surety Title Company for the 2009 insurance premium. The indemnity clause providing coverage to the State of North Dakota was deleted. The annual premium is \$341.00. Kenneth Reis moved to pay this bill. Peter Larson seconded. Motion carried.

Bank Forward Certificate of Deposit #69314 has reached maturity. The Board reviewed the various terms of renewal. Peter Larson made a motion to renew the CD for a term of 13 months at the rate of 2.630 percent. Kenneth Reis seconded. Motion carried.

Correspondence:

Of the various correspondence reviewed, only two matters required attention:

- 1) Peterson will provide the North Dakota Water Users Association updated contact information for each of the members; and
- 2) Peterson will provide the North Dakota Insurance Department the information they request concerning the State Bond Fund.

Old Business:

Peterson gave the Board an update on the Dam inventories which were sent to various Eddy County landowners. Eight of the eleven landowners replied to the request for information.

Upper Sheyenne River Joint Water Resource Board. The Board meeting scheduled for March 11, 2009 to be held in Valley City was postponed due to bad weather. The meeting is rescheduled for March 18, 2009 in Carrington.

Devils Lake Basin Joint Water Resource Board. The March 11, 2009 meeting was postponed to March 17, 2009 due to bad weather.

Rocky Run Joint Water Board. The Annual 2009 Meeting has not been scheduled because the Board is waiting to hear from Mike Gunsch, PE, regarding the Emrick and Oak Creek Drain study. The Annual Meeting is usually held the first week of March. The Board asked Peterson to contact Wells County and schedule the meeting.

New Business:

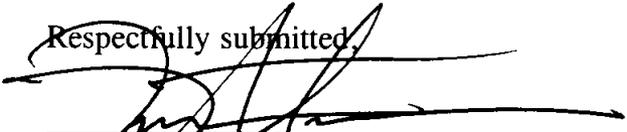
As a point of discussion, Board member Larson inquired about the objectives or mission or policy of a Water Resource District. Larson would like the Board to consider whether the Board's concern is water flow or water quality or both. Larson noted that there is increasing pressure on water boards to become involved in water quality projects and Larson believes it is important for the Board to reach an understanding about its role in these water quality projects. Larson asked Peterson to research this issue and report back to the Board.

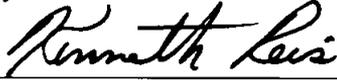
The next regular meeting of the Eddy County Water Resource Board will be held on April 14, 2009 at 9:00 AM in the Eddy County Courthouse.

There being no further business the meeting was adjourned.

APPROVED:

Respectfully submitted,


Travis S. Peterson, Recording Secretary


Kenneth Reis, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD

February 10, 2009

A regular meeting of the Eddy County Water Resource Board was held on February 10, 2009 at 10:00 AM in the Eddy County Courthouse. Present were Michael Tweed, Peter Larson, Kenneth Reis and Travis S. Peterson, Secretary/Treasurer.

The minutes of the January 13, 2009 regular meeting were read. Michael Tweed made a motion to approve the minutes. Second by Peter Larson. Motion carried.

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

The following bills were presented for payment:

Fandrich Land Surveying	\$247.50
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Peter Larson moved to pay the above-referenced bill. Second by Kenneth Reis. Motion carried.

Correspondence:

Various correspondence was reviewed. No action required.

New Business:

Appointment of Members/Officers. Reviewing the file it appears the term of Peter Larson expired on December 31, 2008. Larson served the remaining two years of the seat previously held by Neal Rud. Larson indicated he was willing to serve another three year term.

Reis moved to reappoint Travis Peterson of Peterson Law Offices, P.C. as the Secretary/Treasurer. Second by Tweed. Motion carried.

Larson moved to reappoint Kenneth Reis as the Chairman. Tweed seconded. Motion carried.

Old Business:

Upper Sheyenne River Joint Water Resource Board. The last meeting scheduled for January 15, 2009 was cancelled due to weather. Therefore, Peter Larson had no report.

Peterson gave an update regarding the Dam/Water Retention Inventory questionnaires. Those questionnaires will be going out in the mail on February 10, 2009.

Devils Lake Basin Joint Water Resource Board. The last meeting was held on January 7, 2009. The board has not met since that date. Therefore, Mike Tweed had no report. It was noted, however, that the meeting scheduled for February 11, 2009 has been postponed due to anticipated poor weather and road conditions.

Rocky Run Joint Water Board. It was tentatively decided that the Annual Meeting should be held on March 3, 2009 in Fessenden at 1:00 PM. Peterson is to check with Foster and Wells County and if this is acceptable Peterson is to publish notice and mail reminders.

The next regular meeting of the Eddy County Water Resource Board will be held on March 10, 2009 at 10:00 AM in the Eddy County Courthouse.

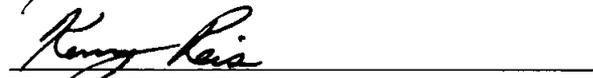
There being no further business the meeting was adjourned.

Respectfully submitted,



Travis S. Peterson, Recording Secretary

APPROVED:



Kenneth Reis, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD

January 13, 2009

A regular meeting of the Eddy County Water Resource Board was held on January 13, 2009 at 10:00 AM in the Eddy County Courthouse. Present were Michael Tweed, Peter Larson and Travis S. Peterson, Secretary/Treasurer.

The minutes of the December 9, 2008 regular meeting were read. Michael Tweed made a motion to approve the minutes. Second by Peter Larson. Motion carried.

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

The following bills were presented for payment:

ND Water Resource District's Association (2009 dues)	\$ 375.00
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Peter Larson moved to pay the above-referenced bills. Second by Michael Tweed. Motion carried.

Correspondence:

The Board reviewed and discussed the 2009 Water Management Plan prepared by NDSWC. Other correspondence was reviewed. No action required.

New Business:

13th Street, New Rockford Bridge Improvements. The NDSWC provided the Board a "Solicitation of Views" concerning proposed improvements to the 13th Street bridge. The Board reviewed the proposal and had no objection thereto. No further action required of the Water Board at this time.

Old Business:

Upper Sheyenne River Joint Water Resource Board. The Board discussed the Upper Sheyenne River Watershed Assessment Project. The matter was tabled.

The Board discussed the Eddy County Dam and Water Retention Inventory. Peterson still needs to research adjacent land owners and mail the inventory worksheets to those land owners.

The next meeting of the USRJWRB is scheduled for January 15, 2009 at the Pizza Ranch in Carrington.

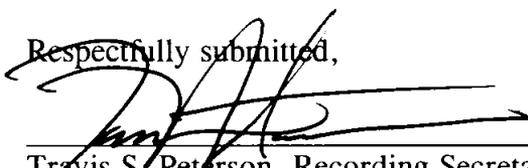
Minutes of the Eddy County Water Resource Board
January 13, 2009
Page 2

Devils Lake Basin Joint Water Resource Board. Mike Tweed provided an update on the last meeting held in Devils on January 7, 2009. The next meeting is scheduled for February 11, 2009 in Cando. [^]
Lake

The next regular meeting of the Eddy County Water Resource Board will be held on February 10, 2009 at 10:00 AM in the Eddy County Courthouse.

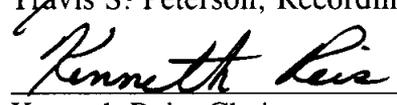
There being no further business the meeting was adjourned.

Respectfully submitted,



Travis S. Peterson, Recording Secretary

APPROVED:



Kenneth Reis, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD

December 9, 2008

A regular meeting of the Eddy County Water Resource Board was held on December 9, 2008 at 10:00 AM in the Eddy County Courthouse. Present were Kenneth Reis, Michael Tweed, Peter Larson and Travis S. Peterson, Secretary/Treasurer.

The minutes of the November 19, 2008 regular meeting were read. Kenneth Reis made a motion to approve the minutes. Second by Michael Tweed. Motion carried.

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

The following bills were presented for payment:

ND Water User's Association (2009 dues)	\$ 300.00
Kenneth Reis	
(Meetings and mileage July 1 - December 31, 2008)	489.65
Michael Tweed	
(Meetings and mileage July 1 - December 31, 2008)	2,434.35
Peter Larson	
(Meetings and mileage July 1 - December 31, 2008)	933.90
Peterson Law Offices, P.C.	
(Fees and costs July 1 - December 31, 2008)	3,320.57

Kenneth Reis moved to pay the above-referenced bills. Second by Michael Tweed. Motion carried.

Correspondence:

Various correspondence was reviewed. Correspondence which requires attention is as follows:

1. The Upper Sheyenne River Joint Water Resource Board is compiling an inventory of dams/retention structures throughout the Upper Sheyenne River Watershed. The Upper Sheyenne River Joint Water Resource Board provided the current inventory of dams within Eddy County. The Eddy County Water Resource District was asked to contact adjacent owners and obtain updated information as to the various dams' history and condition. The Board requested Peterson to review the current dam inventory and mail the questionnaire to adjacent landowners.
2. The North Dakota State Water Commission provided the 2009 Project WET information. Kenneth Reis made a motion to sponsor two faculty members from the New Rockford-Sheyenne School District No. #2. Peter Larson seconded the motion. Motion carried.

Old Business:

Sheyenne Dam. The Board discussed the final total expense to the Eddy County Resource District for the rehabilitation of the Sheyenne Dam. The final cost to the Water Board was \$9,250.48. Also discussed was a sign of recognition which will be erected at the Sheyenne Dam. Mike Tweed indicated that the Eddy County Water Resource District would be responsible for erecting that sign next spring.

Upper Sheyenne River Joint Water Resource Board. Mike Tweed gave an update on the last meeting which was held at the annual convention in Bismarck. The Board discussed the Upper Sheyenne River Watershed Assessment. The total cost to Eddy County is \$1,280.00. This amount is payable over two years and is to be shared 50 percent/50 percent between Eddy County Water Board and the Eddy County Soil Conservation District. Thus, the Eddy County Water Board is being asked to contribute \$320.00 in 2009 and \$320.00 in 2010. Thus far, however, the Eddy County Water Resource Board has not approved a resolution to provide financial support.

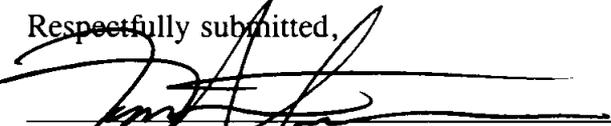
Devils Lake Basin Joint Water Resource Board. Mike Tweed provided an update on the last meeting held in Bismarck at the annual convention. The next meeting is scheduled for January 7, 2009 in the Devils Lake Courthouse.

North Dakota Water Convention. The 45th Annual Joint North Dakota Water Convention and Irrigation Expo took place December 2nd - 4th in Bismarck, ND. Mike Tweed indicated it was a well organized event and he was able to take part in many of the conferences.

The next regular meeting of the Eddy County Water Resource Board will be held on January 13, 2009 at 10:00 AM 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

November 18, 2008

A regular meeting of the Eddy County Water Resource Board was held on November 18, 2008 at 10:00 AM in the Eddy County Courthouse. Present were Kenneth Reis, Michael Tweed, Peter Larson and Travis S. Peterson, Secretary/Treasurer.

The minutes of the October 14, 2008 regular meeting were read. Michael Tweed made a motion to approve the minutes. Second by Peter Larson. Motion carried.

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

The following bills were presented for payment:

Transcript Publishing (Notice of Water Permit Application regarding Warwick Dam)	\$ 58.22
Peterson Law Offices, P.C. (Rocky Run - 30%)	130.98

Kenneth Reis moved to pay the above-referenced bills. Second by Peterson Larson. Motion carried.

Correspondence:

Various correspondence was reviewed. Any correspondence requiring specific attention will be addressed later herein under either Old Business or New Business. Other correspondence reviewed was notification from the Jamestown Reservoir Watershed of their last meeting; a letter from the ND Office of State Engineer regarding an Attorney General's Opinion further regarding drain tile; and a letter from the Wells County Soil Conservation District regarding the Upper Sheyenne River Watershed Assessment.

Old Business:

Warwick Dam. Peterson informed the Board that Notice of Application for Water Permit has been published in the Eddy County Transcript. Written comments regarding the Application must be filed in the North Dakota Office of the State Engineer by 5:00 PM on November 28, 2008. Thereafter the State Engineer will make a final decision on the Water Permit Application.

Sheyenne Dam. Peterson presented the Board with a letter from the North Dakota State Water Commission requesting final reimbursement in the amount of \$2,667.98. Kenneth Reis made a motion to pay the North Dakota State Water Commission the amount owed. Peterson Larson seconded. Motion carried. Also discussed was the fact that the Eddy County Water Resource Board has not received the cost share pledged by Devils Lake Basin Joint Water

Resource Board. Larson and Tweed believe the Upper Sheyenne River Joint Water Resource Board submitted a formal request for disbursement of funds and that Devils Lake Basin Joint Water Resource Board approved disbursement of the pledged amount. If these funds are not received by the December meeting then Peterson will contact the Upper Sheyenne River Joint Water Resource Board and inquire into the status of this matter.

Upper Sheyenne River Joint Water Resource Board. Peter Larson gave an update on the last meeting held in Carrington on October 15, 2008.

Devils Lake Basin Joint Water Resource Board. Mike Tweed gave an update on the last meeting held on November 12, 2008 at 9:00 AM in Sheyenne, ND.

Red River Basin Commission. Peterson informed the Board that Janeen Stenso of the Red River Basin Commission stopped at Peterson's Office on October 21, 2008 and requested the Eddy County Water Resource District pass a Resolution in support of the Red River Basin Commission activities. The Board discussed the Red River Commission and its activities. The Board also reviewed its January 10, 2008 meeting minutes and noted that a Resolution in support of the Red River Basin Commission had been passed. As a result of that prior Resolution, the Board executed the Red River Basin Commission's model Resolution.

New Business:

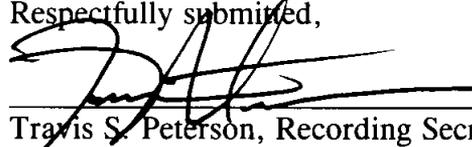
North Dakota Water Convention. The 45th Annual Joint North Dakota Water Convention and Irrigation Expo is scheduled for December 2nd - 4th in Bismarck, ND. Mike Tweed indicated that he is willing and able to attend. Tweed completed the Advance Registration Form and Peterson was instructed to mail the same. Kenneth Reis moved to pay Tweed's registration fees of \$165.00. Peter Larson seconded. Motion carried. Peter Larson requested that Michael Tweed attend the Upper Sheyenne River Joint Water Resource meeting scheduled during the convention if Tweed did not have other scheduling conflicts.

Proposed Legislation for 2009 Session. Peterson presented four proposed Resolutions for the Board's consideration. The resolutions concern: 1.) Maintenance of Federal Projects; 2.) Indemnity; 3.) Eminent Domain; and 4.) Monument Requirements. These resolutions will be deliberated at the Annual Water Convention held in Bismarck. Peterson was instructed to provide photocopies of these resolutions to Mike Tweed.

The next regular meeting of the Eddy County Water Resource Board will be held on December 9, 2008 at 10:00 AM 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 14, 2008

A regular meeting of the Eddy County Water Resource Board was held on October 14, 2008 at 9:00 AM in the Eddy County Courthouse. Present were Kenneth Reis, Michael Tweed, Peter Larson and Travis S. Peterson, Secretary/Treasurer.

The minutes of the September 9, 2008 regular meeting were read. Kenneth Reis made a motion to approve the minutes. Second by Peter Larson. Motion carried.

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

Old Business:

Devils Lake Basin Water Management Plan. The open seats on the Economic Development and Recreation subcommittees were discussed. Peter Larson informed the Board that Aaron Labrensz will serve on the Recreation subcommittee. Peterson informed the Board that Amy Wobbema is not interested in filling the Economic Development seat. The Economic Development subcommittee seat will remain unfilled unless or until the Board is able to find someone willing to fill that seat. Mike Tweed requested that Peterson forward to the Manager of Devils Lake Basin Joint Water Resource Board the names of our subcommittee members.

Sheyenne Watershed Water Quality Assessment. Larson presented to the Board a worksheet which indicates Eddy County's share is approximately \$320 a year. This is supposed to be a two year program. Reviewing the August 12, 2008 Minutes, the Board noted that it passed a resolution of support without committing any financial resources. No further action taken at this time.

Sheyenne Dam. It appears the project is complete except for the requests for funding from the State Water Commission, ND Game and Fish and Devils Lake Basin Water Resource Board. The Board also expects a bill from the State Water Commission. Larson indicated he would bring this matter up at tomorrow's Upper Sheyenne River Joint Water Resource Board meeting.

New Business:

Rocky Run. A Special Meeting of the Rocky Run Joint Water Board was held on October 7, 2008 in the KTL Building in Fessenden, ND. That meeting concerned the Houston Engineering evaluation of operating conditions within the Emrick and Oak Creek Drains, as well as the various checkpoints and culverts within the Rocky Run. Mike Gunsch, P.E., is suggesting that the Emrick and Oak Creek Drain operating plans be revised. Also discussed was a clean out of the Rocky Run channel between the Wells/Foster County line and the Paul Skadberg farmstead.

Devils Lake Basin Joint Water Resource Board. Mike Tweed gave an update of the meetings held on September 10, 2008 in Adams, ND and October 8, 2008 in Lakota, ND. The next meeting is scheduled for November 12, 2008 at 9:00 AM in Sheyenne, ND. Tweed asked Larson to reserve the Ostby Hall and make arrangements for snacks and beverages.

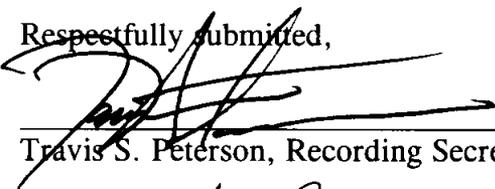
Upper Sheyenne River Joint Water Resource Board. Peter Larson informed the Board that there was no September meeting. The next meeting is scheduled for October 15, 2008 at 9:00 AM in Carrington at the Pizza Ranch.

The Board reviewed the calendar and determined that the next regular meeting of the Eddy County Water Resource Board would be held on November 18, 2008 at 10:00 AM in the Eddy County Courthouse. This date was chosen because the regular meeting date of November 11, 2008 is Veteran's Day.

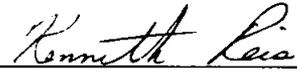
There being no further business Kenneth Reis made a motion to adjourn. Second by Peter Larson. Motion carried.

APPROVED:

Respectfully submitted,



Travis S. Peterson, Recording Secretary



Kenneth Reis, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD

September 9, 2008

A regular meeting of the Eddy County Water Resource Board was held on September 9, 2008 at 9:00 AM in the Eddy County Courthouse. Present were Kenneth Reis, Michael Tweed, Peter Larson and Travis S. Peterson, Secretary/Treasurer.

The minutes of the August 12, 2008 regular meeting were read. Kenneth Reis moved to approve the minutes. Second by Michael Tweed. Motion carried.

The Treasurer's Report was presented and reviewed. Kenneth Reis made a motion to approve. Peter Larson seconded. Motion carried.

Old Business:

The Red River Basin Commission (RRBC). The issue of dues requested from RRBC in the amount of \$631.00 was tabled indefinitely.

Warwick Dam Rehabilitation Project. Peterson informed the Board that Notice of Application for Appropriation of Water (Application No. 6039) was served by certified mail upon all land owners located within a one mile radius of the Warwick Dam.

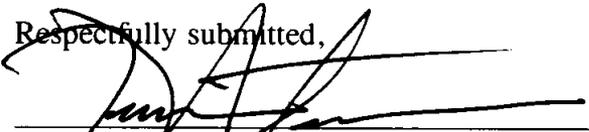
Devils Lake Basin Water Management Plan. Peterson informed the Board that Bill Starke is willing to serve on the Agriculture subcommittee and that Corey Longnecker is willing to serve on the Wildlife and Fisheries subcommittee. Peterson has been unable to locate replacements for the Recreation and Economic Development subcommittees. Aaron Labrensz was mentioned as a possible member of the Recreation subcommittee. Peterson was asked to follow up with Amy Wobbema about her willingness to serve on the Economic Development subcommittee.

New Business:

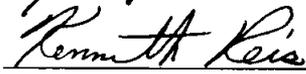
Devils Lake Basin Joint Water Resource Board. Mike Tweed gave an update. The last meeting was August 13, 2008 in Minnewaukan. The next meeting is September 10, 2008 at 8:00 AM in Adams, ND.

Upper Sheyenne River Joint Water Resource Board. Peter Larson informed the Board that there was no August meeting. Larson is unsure whether there will be a September meeting.

The next regular meeting of the Eddy County Water Resource Board will be held on October 14, 2008 at 9:00 AM 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 12, 2008

A regular meeting of the Eddy County Water Resource Board was held on August 12, 2008 at 9:00 AM in the Eddy County Courthouse. Present were Kenneth Reis, Michael Tweed, Peter Larson and Travis S. Peterson, Secretary/Treasurer.

The minutes of the July 8, 2008 regular meeting were read. Kenneth Reis moved to approve the minutes. Second by Michael Tweed. Motion carried.

The Treasurer's Report was presented and reviewed. Michael Tweed made a motion to approve. Peter Larson seconded. Motion carried.

The Board discussed the 2009 Budget. Michael Tweed made a motion to submit a Budget request to the Eddy Commission in the total amount of \$31,675.00. Kenneth Reis seconded. Motion carried.

Old Business:

The Red River Basin Commission (RRBC). The RRBC mailed to the Eddy County Auditor a second request for funding. Eddy County's share is calculated by the RRBC to be \$631.00. The \$631.00 figure is apparently based on 75 percent of 1/4 mill and 1 mill value being equal to \$5,461.00. This request was tabled.

Upper Sheyenne River Watershed Assessment Project. Peter Larson made a motion to support the Upper Sheyenne River Watershed Assessment Project without committing any financial resources. Kenneth Reis seconded. Motion approved.

Rocky Run Watershed Assessment/Section 319 Project - Final Report. At the July 8, 2008 meeting the Eddy County Water Resource Board indicated to Dave Frison (Wells County Soil Conservation District/Water Project Coordinator) that it did not recall receiving a copy of the Final Report concerning the Rocky Run Section 319 Project. Since that meeting Dave Frison did provide a complete copy of that report. That report is dated July 1, 2007.

Warwick Dam Rehabilitation Project. Peterson informed the Board that surveyor Mike Fandrich did prepare the required map. Peterson will forward a copy of that map to James MacArthur at the State Engineer's Office. Upon receipt of that map the State Water Commission should have the materials necessary to process the application for conditional water permit.

New Business:

Devils Lake Basin Water Management Plan. Peterson received correspondence from the Devils Lake Basin Joint Water Resource Board requesting that the Eddy County Water Resource District reappoint or appoint members to the various subcommittees so that the Devils Lake Basin Water Management Plan can be reviewed and updated this fall. Those subcommittees are as follows: Agriculture, Wildlife and Fisheries, Recreation, and Economic

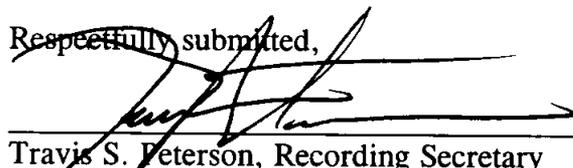
Development. Peterson was instructed to send out letters to the present committee members and inquire whether they will agree to serve again.

Devils Lake Basin Joint Water Resource Board. Mike Tweed summarized the July 9, 2008 meeting which took place in Rolla, ND. The next meeting is scheduled for August 13, 2008 in Minnewaukan, ND.

Upper Sheyenne River Joint Water Resource Board. Peter Larson discussed the July 30, 2008 meeting. The main topics of discussion were the Sheyenne Dam Rehabilitation Project and the Upper Sheyenne River Watershed Assessment Project. There will be no August meeting of the USRJWRB. The September meeting may be by conference call if concerns about open meeting laws can be sufficiently addressed.

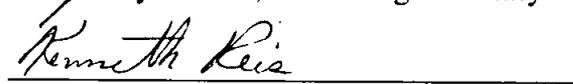
The next regular meeting of the Eddy County Water Resource Board will be held on September 9, 2008 at 9:00 AM in the Eddy County Courthouse. There being no further business the meeting was adjourned.

Respectfully submitted,



Travis S. Peterson, Recording Secretary

APPROVED:



Kenneth Reis, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD

July 8, 2008

A regular meeting of the Eddy County Water Resource Board was held on July 9, 2008 at 9:00 AM in the Eddy County Courthouse. Present were Kenneth Reis, Michael Tweed, Peter Larson and Travis S. Peterson, Secretary/Treasurer.

The minutes of the June 11, 2008 regular meeting were read. Michael Tweed moved to approve the minutes. Second by Peter Larson. Motion carried.

The Treasurer's Report was presented and reviewed. Kenneth Reis made a motion to approve. Michael Tweed seconded. Motion carried.

Various correspondence was reviewed. Any action required is addressed elsewhere within these minutes.

Tweed gave an update concerning the Devils Lake Basin Joint Water Resource Board. The last meeting was in Walford, ND on June 11, 2008. Tweed took part in the Devils Lake Basin tour on June 26, 2008. Tweed also attended a conference in Williston which included a tour of an oil rig training site. The next meeting of the Devils Lake Basin Joint Water Resource Board is July 9, 2008 in Rolla, ND.

Larson gave an update concerning the Upper Sheyenne River Joint Water Resource Board. The last meeting was June 18, 2008. The next meeting is scheduled for July 30, 2008 at 9:00 AM in Sheyenne, ND.

The Board discussed the Sheyenne Dam Rehabilitation Project. The State Water Commission construction crew is making significant progress on the project.

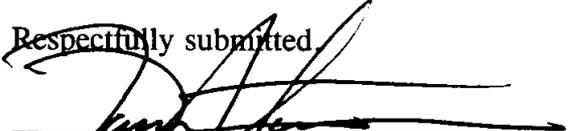
Peterson informed the Board that the Conditional Water Permit Application regarding the Warwick Dam was submitted to the State Water Commission. In response thereto Peterson received a letter from the Office of the State Engineer requesting that a map be prepared and submitted. Peterson was directed to contact surveyor Michael Fandrich and attempt to hire Fandrich to prepare the required map.

On the agenda at 9:30 AM was discussion of the "Upper Sheyenne River Watershed Assessment" project. Joining the meeting at this time were: Bruce Kjelgaard, Eddy County Soil Conservation District Board Member; Bryant Huso, Eddy County Soil Conservation District Supervisor; Toni Yow, Wells County Soil Conservation District Technician; Dave Frison, James River Headwater Project Coordinator/Wells County Soil Conservation District Water Project Coordinator; and Mike Ell, ND Department of Health/Water Quality Division. The discussion was led by Mike Ell who was assisted by Dave Frison. The project consists of a two year assessment of water quality within the Upper Sheyenne River Watershed (ie, upstream from Lake Ashtabula). The information gathered from the water quality assessment will then be used to initiate and/or implement various Section 319 projects geared toward improving water quality within the watershed. Wells County SCD is the sponsoring agency. Other agencies assisting with the assessment are USGS, NDSWC and ND Department of

Health. The Wells County Soil Conservation District and ND Department of Health are seeking resolutions of support and financial assistance, if possible. No formal action was taken on the request.

The next regular meeting of the Eddy County Water Resource Board will be held on August 12, 2008 at 9:00 AM 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 10, 2008

A regular meeting of the Eddy County Water Resource Board was held on June 10, 2008 at 9:00 AM in the Eddy County Courthouse. Present were Kenneth Reis, Michael Tweed, Peter Larson and Travis S. Peterson, Secretary/Treasurer.

The minutes of the May 13, 2008 regular meeting were read. Kenneth Reis moved to approve the minutes. Second by Michael Tweed. Motion carried.

The Treasurer's Report was presented and reviewed. Kenneth Reis made a motion to approve. Peter Larson seconded. Motion carried.

Kenneth Reis made a motion to pay the following bills. Mike Tweed seconded. Motion carried.

Peter Larson - January-June meetings and mileage	\$ 744.00
Kenneth Reis - January-June meetings and mileage	394.65
Mike Tweed - January-June meetings and mileage	1,187.10
Peterson Law Offices, P.C. - January-June costs and fees	1,856.53

Kenneth Reis made a motion to pay the \$100.00 Water Permit Application fee to the State Water Commission concerning the Warwick Dam rehabilitation. Peter Larson seconded. Motion carried.

Peterson advised the Board that Certificate of Deposit No. 64332 matures on June 14, 2008. Peterson reported to the Board that the current Bank Forward certificate of deposit special is an 8 month term for 2.75 percent AGY. Peterson also reviewed other CD terms. Peter Larson made a motion to reinvest the proceeds from CD No. 64332 in an 8 month special CD with a rate of 2.75 percent. Tweed seconded. Motion carried.

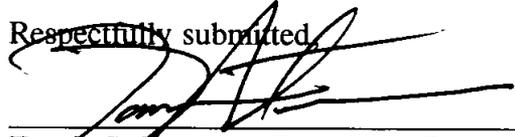
Various correspondence was reviewed. No action necessary.

Peter Larson informed the Board that the next Upper Sheyenne River Joint Water Resource Board meeting is scheduled for June 18, 2008 in Carrington. Larson was aware of no other USRJWRB activities.

Mike Tweed gave an update on the activities of the Devils Lake Basin Joint Water Resource Board. The next meeting is scheduled for June 11, 2008 in Walford. He reminded the Board that the Annual Devils Lake tour is scheduled for June 26, 2008.

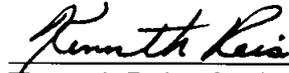
The next regular meeting of the Eddy County Water Resource Board will be held on July 8, 2008 at 9:00 AM in the Eddy County Courthouse. There being no further business the meeting was adjourned.

Respectfully submitted,



Travis S. Peterson, Recording Secretary

APPROVED:



Kenneth Reis, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
May 13, 2008

A regular meeting of the Eddy County Water Resource Board was held on May 13, 2008 at 9:00 AM in the Eddy County Courthouse. Present were Kenneth Reis, Michael Tweed, Peter Larson and Travis S. Peterson, Secretary/Treasurer.

The minutes of the April 8, 2008 regular meeting were read. Kenneth Reis moved to approve the minutes. Second by Michael Tweed. Motion carried.

The Treasurer's Report was presented and reviewed. Michael Tweed made a motion to approve. Kenneth Reis seconded. Motion carried.

Peterson submitted the bill of Peterson Law Offices, P.C. in the amount of \$100.37 relative to the Rocky Run 2008 Annual Meeting. Michael Tweed made a motion to pay said bill; Peter Larson seconded; motion carried.

Various correspondence was reviewed. No action necessary.

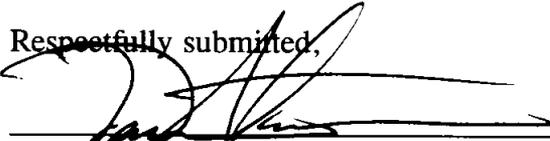
Peterson gave an update on the Sheyenne Dam and Warwick Dam projects. Peterson received a \$6,000.00 contribution from Aggregate Industries, Inc. for work to be done on the Sheyenne Dam. Peterson is in the process of completing the Application for Water Permit on the Warwick Dam. Peterson is waiting to hear from Laura Ackerman of the State Water Commission. Peterson is in need of the number of acre feet of water the Warwick Dam stores and also the annual evaporative losses which occur as a result of the Warwick Dam. The application for Water Permit is otherwise complete.

Peter Larson gave an update on the activities of the Upper Sheyenne River Joint Water Resource Board. The last meeting was April 16, 2008. The next meeting is scheduled for June 18, 2008 in Carrington.

Mike Tweed gave an update on the activities of the Devils Lake Basin Joint Water Resource Board. The last meeting was April 9, 2008. A Joint Water Board tour of the Devils Lake Basin is scheduled for June 26, 2008. Interested persons must register for the tour by June 6, 2008.

The next regular meeting of the Eddy County Water Resource Board will be held on June 10, 2008 at 9:00 AM 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 8, 2008

A regular meeting of the Eddy County Water Resource Board was held on April 8, 2008 at 9:00 AM in the Eddy County Courthouse. Present were Kenneth Reis, Michael Tweed, Peter Larson and Travis S. Peterson, Secretary/Treasurer.

The minutes of the March 11, 2008 regular meeting were read. Kenneth Reis moved to approve the minutes. Second by Michael Tweed. Motion carried.

The Treasurer's Report was presented and reviewed. Michael Tweed made a motion to approve. Peter Larson seconded. Motion carried.

Peterson presented to the Board a bill from Great Plains Excavating the amount of \$38,616. This bill is for rock and the hauling of rock for the Sheyenne Dam Rehabilitation Project. Kenneth Reis made a motion to pay the bill. Second by Tweed. After discussion the motion carried unanimously.

Various correspondence was reviewed. The only correspondence which required action was related to the Sheyenne Dam and was addressed under the Sheyenne Dam discussion below.

With regard to the Devils Lake Basin Joint Water Resource Board, Tweed indicated he missed the March 12, 2008 meeting and therefore had no update. Tweed did attend the Congressional Hearing in Devils Lake concerning the status of Devils Lake. The North Dakota Congressional Delegation (Conrad, Dorgan and Pomeroy) took part in this hearing. The comment period remains open for 15 days after the date of the hearing. Tweed indicated the next Devils Lake Basin Joint Water Resource Board meeting is scheduled for April 9, 2008 in Devils Lake at the Courthouse.

There was no March meeting of the Upper Sheyenne River Joint Water Resource Board. The next meeting is scheduled for April 16, 2008.

With regard to the Sheyenne Dam Rehabilitation Project Peterson informed the Board of the following:

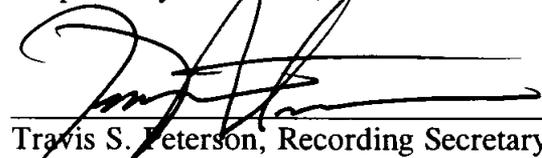
1. Peterson received from Ben Varnson (USJWRB) the Great Plains Excavation bill in the amount of \$38,616.00.
2. Peterson received from Ben Varnson (USJWRB) a check in the amount of \$13,000.00 which constitutes the US Fish and Wildlife Service cost share contribution. These funds were deposited in the Eddy County Water Resource Board checking account on April 8, 2008.
3. Peterson received from Aggregate Industries a request to complete two forms before Aggregate Industries will disburse the \$6,000.00 they committed.

4. On April 8, 2008 Peterson had a telephone conference with Jonathan Kelsch (SWC). Kelsch informed Peterson that:
 - a. SWC has confirmed that Great Plains Excavating delivered the agreed upon number of rocks.
 - b. SWC is working with Williston Basin to address Williston Basin's concerns relative to the Williston Basin Pipeline located in the area of the Rehabilitation Project.
 - c. SWC will not begin work until after June 1, 2008 because of the spawning restrictions as set forth in the COE project authorization.

Also with regard to the Sheyenne Dam Project it was decided that Peterson should take steps to formally request disbursement of committed funds from Devils Lake Basin Joint Water Resource Board. Peterson indicated he would discuss the matter with Ben Varnson and either Peterson or Varnson would forward a request for funds to DLBJWRB.

The next regular meeting of the Eddy County Water Resource Board will be held on May 13, 2008 at 9:00 AM 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

March 11, 2008, ~~2008~~

A regular meeting of the Eddy County Water Resource Board was held on March 11, 2008 at 9:00 AM in the Eddy County Courthouse. Present were Kenneth Reis, Michael Tweed, Peter Larson and Travis S. Peterson, Secretary/Treasurer.

The minutes of the February 12, 2008 regular meeting were read. Michael Tweed moved to approve the minutes. Second by Peter Larson. Motion carried.

The Treasurer's Report was presented and reviewed. Michael Tweed made a motion to approve. Peter Larson seconded. Motion carried.

Peterson informed the Board that he received notice from Bank Forward that Certificate of Deposit No. 58820 matures on March 14, 2008. The Board was informed of various renewal terms. Kenneth Reis made a motion to reinvest the Certificate of Deposit proceeds for the term of three months at the rate of 2.22 percent APY. Peter Larson seconded the motion. Motion carried.

The Board reviewed various correspondence. The only correspondence requiring action was a letter from the State Water Commission requesting information regarding water-related projects during the 2009-2011 biennium. The State Water Commission requests that the Water Board complete a project inventory list which will become the foundation of the State Water Commission's budget request to the Governor and Legislature. The Warwick Dam modification and rehabilitation was the only project the Board could think of for inclusion on the project inventory.

Mike Tweed gave an update on the Devils Lake Basin Joint Water Resource Board. The last meeting was February 11, 2008 in Cando. Tweed indicated that Benson County wants off the Joint Board. Tweed stated that the next meeting is scheduled for March 12, 2008 in Munich.

Peter Larson gave an update on the Upper Sheyenne River Joint Water Resource Board. At the last meeting the Board reviewed its conceptual plan. Also at the last meeting Wells County representatives noted that they no longer wish to remain part of the Board. Apparently there is displeasure with the amount of time invested (meetings) compared to accomplishments.

The Board next discussed the Sheyenne Dam project. Great Plains Construction/Excavating of Edinburg, ND has been hauling rock to the project site. Larson indicated that hauling could be complete by March 15, 2008. It is believed that Great Plains will expect payment shortly thereafter. The Board has no way to determine whether the agreed upon quantity of rock has been hauled. The consensus is that partial payment may be appropriate until the State Water Commission can confirm that the agreed upon quantity of rock was provided. The Board requested that Peterson visit with the State Water Commission to discuss various issues including the rock hauling, project payment concerns, and the above-referenced project inventory. Peterson agreed that he would contact Mike Noone and/or Jonathan Kelsch to

discuss these issues. Also in light of the anticipated bills it was determined that Peterson should send a letter to Aggregate Industries requesting distribution of the previously \$6,000.00.

Peterson reminded the Board that the Annual Rocky Run Meeting is scheduled for 2:00 PM on March 11, 2008 in the Foster County Courthouse. Tweed indicated he was unavailable. Reis and Larson indicated they would be present.

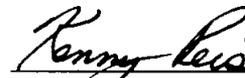
The next regular meeting of the Eddy County Water Resource Board will be held on April 8, 2008 at 9:00 AM in the Eddy County Courthouse. There being no further business the meeting was adjourned.

Respectfully submitted,



Travis S. Peterson, Recording Secretary

APPROVED:



Kenneth Reis, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD

February 12, 2008

A regular meeting of the Eddy County Water Resource Board was held on February 12, 2008 at 10:00 AM in the Eddy County Courthouse. Present were Michael Tweed, Peter Larson and Travis S. Peterson, Secretary/Treasurer.

The minutes of the January 10, 2008 regular meeting were read. Michael Tweed moved to approve the minutes. Second by Peter Larson. Motion carried.

The Treasurer's Report was presented and reviewed. Peter Larson made a motion to approve. Michael Tweed seconded. Motion carried. The following bills were presented for payment:

\$573.00 Surety Title Company - Insurance premiums.

350.00 Devils Lake Joint Water Resource Board - 2008 Dues

Mike Tweed moved to pay the above bills. Peter Larson seconded the motion. Motion carried.

Various correspondence was viewed. No action was necessary.

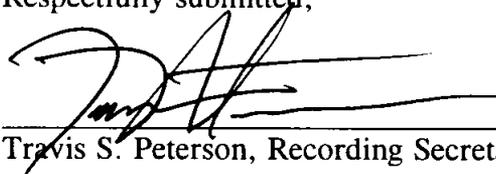
Peter Larson gave an overview of Upper Sheyenne River Joint Water Resource Board activities. The next meeting will be on February 20, 2008 at 9:00 AM at the Pizza Ranch in Carrington. The USRJWRB will be reviewing the Conceptual Plan at that time.

The Devils Lake Basin Joint Water Resource Board has not met since the last Eddy County Water Resource Board meeting.

Peterson informed the Board that the Annual Rocky Run Joint Water Board meeting is usually held the first Tuesday in March. It was decided that Peterson would attempt to schedule the meeting for 1:00 PM on March 4, 2008 in Carrington. Peterson will take steps to publish notice of the meeting and send reminders to the Eddy County Board members.

The next regular meeting of the Eddy County Water Resource Board will be held on March 11, 2008 at 9:00 AM 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
January 10, 2008

A regular meeting of the Eddy County Water Resource Board was held on January 10, 2008 at 10:00 AM in the Eddy County Courthouse. Present were Michael Tweed, Kenneth Reis, Peter Larson and Travis S. Peterson, Secretary/Treasurer.

The minutes of the December 11, 2007 regular meeting were read. Michael Tweed moved to approve the minutes. Second by Kenneth Reis. Motion carried.

The Treasurer's Report was presented. Kenneth Reis made a motion to approve. Peter Larson seconded. Motion carried. The following bills were presented for payment:

\$1,199.00 Wells County Water Resource Board - Reimbursement of costs advanced to Dakota Helicopters for spraying a section within the north branch of the Rocky Run in Eddy County.

889.50 Peter Larson - July through December, 2007 meetings and mileage

Kenneth Reis moved to pay the above bills. Michael Tweed seconded the motion. Motion carried.

A motion was made by Kenneth Reis to pay \$375.00 to the North Dakota Water Resource District Association for 2008 dues. Peter Larson seconded the motion and it was carried.

Peterson informed Kenneth Reis that his last three year term expired on December 31, 2007. Kenneth Reis agreed to serve another three year term. Peterson will inform the Eddy County Commissioners of this fact and request that Reis be reappointed for another three year term.

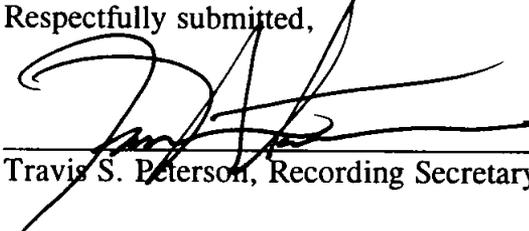
The Board discussed various Red River Basin Commission issues. Peter Larson moved to approve the Resolution in Support of the Red River Basin Commission. Michael Tweed seconded the motion. Motion carried.

Peter Larson gave an update on the Upper Sheyenne River Joint Water Resource Board activities. Peter Larson moved and Mike Tweed seconded the motion to approve and execute the proposed cost share agreement regarding the Sheyenne Dam and between the Eddy County Water Resource Board, North Dakota State Water Commission, and North Dakota Game and Fish Department. Kenneth Reis, Chairman, executed the agreement. Peterson will forward two original copies of that agreement to Jon Kelsch, State Water Commission.

Mike Tweed gave an update concerning Devils Lake Basin Joint Water Resource Board activities. The next meeting is scheduled for February 13, 2008 at 9:00 AM in Cando, ND.

The next regular meeting of the Eddy County Water Resource Board will be held on February 12, 2008 at 10:00 AM in the Eddy County Courthouse. There being no further business Kenneth Reis moved that the meeting be adjourned; second by Michael Tweed. Motion carried.

Respectfully submitted,



Travis S. Peterson, Recording Secretary

APPROVED:



Kenneth Reis, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
December 11, 2007

A regular meeting of the Eddy County Water Resource Board was held on December 11, 2007 at 10:00 AM in the Eddy County Courthouse. Present were Michael Tweed, Kenneth Reis and Travis S. Peterson, Secretary/Treasurer.

The minutes of the November 13, 2007 regular meeting were read. Michael Tweed moved to approve the minutes. Second by Kenneth Reis. Motion carried.

The Treasurer's Report was presented. Kenneth Reis made a motion to approve. Michael Tweed seconded. Motion carried. The following bills were presented for payment: ND Water Users Association (2008 dues) - \$300.00; Peterson Law Offices, P.C. (July - December 2007) - \$3255.83; Kenneth Reis - \$320.63; Michael Tweed - \$1,570.03. Kenneth Reis moved to pay the above bills. Michael Tweed second the motion. Motion carried.

Various correspondence was reviewed. The Board tabled the Red River Basin Commission request for financial support. The Board also tabled the proposed resolution of support for the Red River Basin Commission.

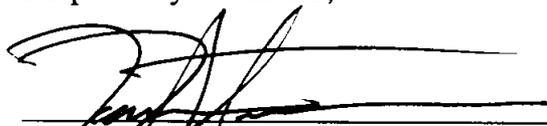
Tweed gave an update on the Devils Lake Basin Joint Water Resource Board. The next meeting is scheduled for January 9, 2008 in Devils Lake.

The Board reviewed the most recent minutes and correspondence concerning the Upper Sheyenne River Joint Water Resource Board.

The Sheyenne Dam project was discussed. Peterson presented and discussed the United States Army Corps of Engineer (USACE) Project Authorization (NWO-2007-2957-BIS). Upon completion of the project the Board must certify that the project was completed as permitted. Peterson also presented and the Board discussed the cost share agreement between the Eddy County Water Resource Board, NDSWC, and ND Game and Fish Department. The indemnification and insurance clauses were discussed at length. Rodney Lindstrom attended the meeting and informed the Board that the indemnification coverage will cost a flat annual fee of \$116.00. That flat fee is not prorated. The annual renewal date on the Water Resource District's insurance policy is January 5. Thus, it is in the Board's best interest to wait until the January 5, 2008 renewal and at that time add the indemnification coverage. Thereafter Chairman Reis will execute the cost share agreements. Reis made a motion to have Rodney Lindstrom add the necessary indemnification coverage to the renewal; Tweed seconded; motion carried. Also reviewed was a December 7, 2007 letter from Ben Varnson, Chairman, Upper Sheyenne Joint Water Resource Board and various enclosures to that letter. One issue presented by Varnson was the handling of Sheyenne Dam Project funds. The Board determined that Secretary/Treasurer Peterson was the appropriate party to handle incoming/outgoing funds.

The next regular meeting of the Eddy County Water Resource Board will be held on January 8, 2008 at 10:00 AM in the Eddy County Courthouse. There being no further business Kenneth Reis moved that the meeting be adjourned; second by Michael Tweed. Motion carried.

Respectfully submitted,



Travis S. Peterson, Recording Secretary

APPROVED:



Kenneth Reis, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD

November 13, 2007

A regular meeting of the Eddy County Water Resource Board was held on November 13, 2007 at 10:00 AM in the Eddy County Courthouse. Present were Michael Tweed, Peter Larson, Kenneth Reis and Travis S. Peterson, Secretary/Treasurer.

The minutes of the October 9, 2007 regular meeting were read. Michael Tweed moved to approve the minutes. Second by Peter Larson. Motion carried.

The Treasurer's Report was presented. Peter Larson made a motion to approve. Kenneth Reis seconded. Motion carried. Peterson Larson made a motion to pay \$165.00 to the North Dakota Water Users Association for Mike Tweed's registration to attend the 2007 State Water Convention. Kenneth Reis seconded the motion. Motion carried.

Coming into the meeting were Jeff Anderson of Colvin Township and Leon Hoyt. Anderson discussed with the Board an area within the NW1/4 of Section 10, Township 149, Range 62 which he would like cleared of beaver dams and any other obstructions. The area is just east of Highway 20 and is situated on land owned by Ronnie Knutson. The area is between one-quarter and one-half mile in length. Chairman Reis explained that Anderson needs to contact the Natural Resource Conservation Service and obtain their approval. If the NRCS approves then the Eddy County Water Resource District will not object to Anderson's efforts. Chairman Reis further explained that there is precedent for Eddy County Water Resource District to share in the cost of the project. Leon Hoyt was present as the proposed machine operator. Hoyt explained that he charges \$95.00/hour for his track hoe services. He estimated a total cost in the approximate amount of \$2,000.00, assuming it is not necessary to haul the residue from the site. Anderson indicated he would contact NRCS and then contact the Water Board to discuss cost share matters.

Next appearing at the meeting was Lance Yohe of the Red River Basin Commission. Mr. Yohe gave a presentation to the Board concerning the various efforts of the Red River Basin Commission. Yohe provided numerous handouts for the Water Board's review. Included as part of those handouts was a resolution of support for the Board's future consideration. The Board did not act on the proposed resolution of support.

Next discussed were Upper Sheyenne River Joint Water Resource Board activities. With regard to the Sheyenne Dam Peterson informed the Board that he received an October 9, 2007 letter from Ben Varnson which indicated that ND Game and Fish and US Fish and Wildlife Service now indicate they are agreeable to providing funding to the project, including the fish passage. Peterson also informed the Board that he is in receipt of Construction Permit No. 2137 issued by the State of North Dakota relative to the Sheyenne Dam. The Easement signed by the adjacent landowners in favor of Eddy County Water Resource District was also discussed.

With regard to the Warwick Dam, Peter Larson indicated that the Eddy County Water Resource District should begin applying for a water permit. The water permit will be necessary prior to the modification and/or restoration of the Warwick Dam.

Larson also discussed the Upper Sheyenne River Joint Water Resource Board's October 17, 2007 meeting. Of particular note was the presentation by Keystone Pipeline representatives. Larson indicated it was a good presentation. The Upper Sheyenne River Joint Water Resource Board did not change its recommendation that the Pipeline should be moved to a location further east of Lake Ashtabula.

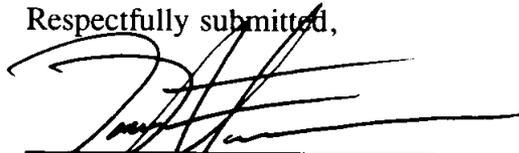
Mike Tweed gave an update on the Devils Lake Basin Joint Water Resource Board. The next meeting is on November 14, 2007 at 9:00 in Ostby Hall in Sheyenne, ND.

The following correspondence was reviewed:

1. Project WET materials have been distributed by the North Dakota State Water Commission. The Board instructed Peterson to send a letter to the New Rockford-Sheyenne School inviting one faculty member to take part in the Project WET program.
2. Peterson received two requests from the University of North Dakota to complete a survey entitled "North Dakota Adaption Planning for Potential Impacts From Climate Change." One survey was addressed to the Eddy County Water Resource District, the other to the Rocky Run Joint Water Board. The Board decided not to respond to the survey requests.
3. Peterson received from the North Dakota Water Resource District Association a request for information concerning the terms of present members. Peterson was instructed to complete the request for information and return it to the North Dakota Water Resource District Association.
4. Peterson presented a letter to the Water Board from the North Dakota Game and Fish Department. The letter was from Lynn Schlueter and concerned proposed legislation on aquatic nuisance species (ANS). The proposed legislation permits ND Game and Fish to adopt administrative rules. A comment period on the proposed rules closes on November 26, 2007.
5. Peterson revisited the Application for Coverage from the State Bonding Fund. Kenneth Reis signed the Application.

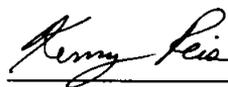
The next regular meeting of the Eddy County Water Resource Board will be held on December 11, 2007 at 10:00 AM in the Eddy County Courthouse. There being no further business the meeting was adjourned.

Respectfully submitted,



Travis S. Peterson, Recording Secretary

APPROVED:



Kenneth Reis, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
October 9, 2007

A regular meeting of the Eddy County Water Resource Board was held on October 9, 2007 at 9:00 AM in the Eddy County Courthouse. Present were Michael Tweed, Peter Larson and Travis S. Peterson, Secretary/Treasurer.

The minutes of the September 11, 2007 regular meeting were read. Peter Larson moved to approve the minutes. Second by Michael Tweed. Motion carried.

The Treasurer's Report was presented. Mike Tweed made a motion to approve. Peter Larson seconded. Motion carried.

Various correspondence was reviewed. No action necessary.

The Sheyenne Dam Project was discussed. Peterson informed the Board that just prior to the meeting he received a call from Ben Varnson. Ben Varnson has had recent numerous discussions with representatives of the State Water Commission (Jonathan Kelsch and Mike Noone) and the ND Game and Fish (Terry Weigel). According to Varnson the Game and Fish has reneged on its financial commitment. ND Game and Fish indicates they are no longer willing to provide one-third of the financial support for a project that includes a fish passage. Apparently a fish passage option increases the project cost by \$25,000.00 to \$30,000.00. According to the Game and Fish, the minimal fish habitat benefits do not justify the added costs. According to Varnson the Game and Fish will provide financial support for the project in a lesser amount if it does not include a fish passage. Also according to Varnson, it sounds as if ND Game and Fish will not support fish passage construction at Warwick Dam (Eddy County) or Bouret Dam (Benson County). US Fish and Wildlife Service funding may also be in jeopardy. At this time no further information is available regarding the other various funding sources. Peter Larson indicated that he believes USRJWRB has entered into a contract for the purchase of rock. As of 1:30 PM on October 2, 2007 ND Game and Fish, despite reservations, indicated to Varnson they would honor their original financial commitment. Thus, the Game and Fish decision to renege comes as a surprise.

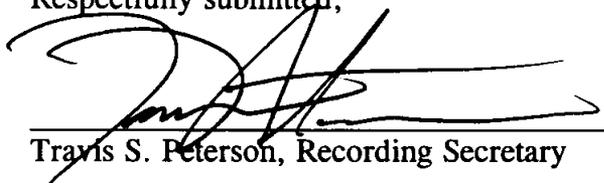
With regard to the Sheyenne Dam Project, Larson indicates that Aggregate Industries has given verbal commitment to the \$6,000.00 contribution requested by the Eddy County Water Resource Board. Larson pointed out that Dean Swenson, Manager of Aggregate Industries, believes the dam provides a great deal of wildlife benefit and habitat. As a result, Swenson believes the ND Game and Fish should do more to support the project.

Peter Larson gave an update on Upper Sheyenne River Joint Water Resource Board happenings. Of note at the last meeting was discussion concerning the Keystone Pipeline Project. Larson believes a representative of Keystone will be at the next USRJWRB meeting scheduled for October 17, 2007 at 9:00 AM in Ostby Hall, Sheyenne, ND. Larson will make arrangements to reserve Ostby Hall.

Mike Tweed gave an update concerning the Devils Lake Basin Joint Water Resource Board. The next meeting is scheduled for October 10, 2007 in the Nelson County Courthouse, Lakota, ND.

The next regular meeting of the Eddy County Water Resource Board will be held on November 13, 2007 at 10:00 AM 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
September 11, 2007

A regular meeting of the Eddy County Water Resource Board was held on September 11, 2007 at 9:00 AM in the Eddy County Courthouse. Present were Kenneth Reis, Michael Tweed, Peter Larson and Travis S. Peterson, Secretary/Treasurer.

The minutes of the August 14, 2007 regular meeting were read. Peter Larson moved to approve the minutes. Second by Kenneth Reis. Motion carried.

The Treasurer's Report was presented. Mike Tweed made a motion to approve. Peter Larson seconded. Motion carried. Peterson also informed the Board that Certificate of Deposit #53572 was reinvested for seven months at the rate of 5.165 percent. The Certificate of Deposit matures on March 14, 2008. Peterson also indicated that the 2008 budget request in the amount of \$27,923.00 was submitted to the Eddy County Commissioners. Because the North Dakota Century Code limits the number of mills able to be levied for a Water Resource District it appears the maximum levy may be slightly less than the budget request.

Various correspondence was reviewed. No action necessary.

Larson gave an update on the Sheyenne Dam Project. The State Water Commission estimates the total expense of the project to be \$99,000.00 or slightly less. The present cost share breakdown is as follows:

- 33% State Water Commission
- 33% State Game and Fish Department
- 33% Other/Local
 - \$10,000 will come from the Southeast Cass Water District
 - \$9,000 from US Fish and Wildlife Service
 - \$1,500 from the Upper Sheyenne River Joint Water Resource Board
 - \$1,000 from Devils Lake Basin Joint Water Resource Board
 - \$15,000 (or less) from Eddy County Water Resource District
 - \$6,000 (requested) Aggregate Industries, Sheyenne, ND

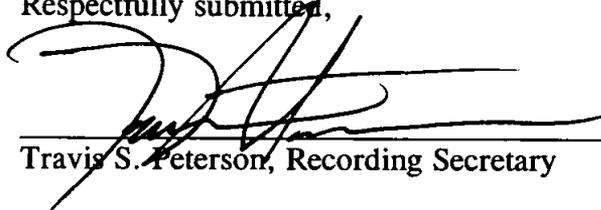
Larson recently visited with Ben Varnson, Upper Sheyenne River Joint Water Resource Board, and Varnson suggested that the Eddy County Water Resource Board make a formal request of funds from Aggregate Industries. Six percent of the total cost was the suggested amount of the request. Kenneth Reis moved to request \$6,000.00 from Aggregate Industries to be used for and applied to the Sheyenne Dam rehabilitation and modification project. Mike Tweed seconded. Motion carried. Peterson was instructed to prepare a letter of request and provide a photocopy of the request and these minutes to Ben Varnson.

In other USRJWRB business, Larson informed the Board that the USRJWRB approved a motion to support the Lidar mapping project but not to provide present financial support.

Tweed indicated that the next Devils Lake Basin Joint Water Resource Board meeting is tomorrow, September 12, 2007, in Adams, ND.

The next regular meeting of the Eddy County Water Resource Board will be held on October 9, 2007 at 9:00 AM 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
August 14, 2007

A regular meeting of the Eddy County Water Resource Board was held on August 14, 2007 at 9:00 AM in the Eddy County Courthouse. Present were Kenneth Reis, Michael Tweed, Peter Larson and Travis S. Peterson, Secretary/Treasurer.

The minutes of the July 10, 2007 regular meeting were read. Michael Tweed moved to approve the minutes. Second by Peter Larson. Motion carried.

The Treasurer's Report was presented. Kenneth Reis made a motion to approve. Mike Tweed seconded. Motion carried. Peterson informed the Board that Certificate of Deposit #53572 at Bank Forward matures on August 14, 2007. Peterson presented to the Board information regarding renewal rates. Kenneth Reis made a motion to renew the Certificate of Deposit for seven months at the special rate of 5.22 percent APY. Peter Larson seconded. Motion carried. Kenneth Reis brought to the Board's attention the 2008 Budget Request. After discussion it was determined that \$15,000.00 should be requested for the Sheyenne Dam restoration and modification project. Peterson will prepare the budget form and Kenneth Reis will review and sign the Budget Request.

Various correspondence was reviewed. No action necessary.

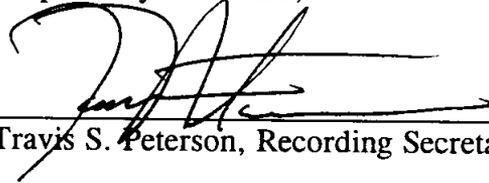
Mike Tweed gave a Devils Lake Basin Joint Water Resource Board (DLBJWRB) update. The August 8, 2007 meeting was in Minnewaukan. Tweed indicated that the Board is still accepting applications for the pilot project. The next meeting is scheduled for September 12, 2007.

Peter Larson gave an update regarding the Upper Sheyenne River Joint Water Resource Board (USRJWRB). The last meeting was scheduled for July 12, 2007 in Jamestown. A quorum was lacking and therefore no business was conducted. Larson did visit with Mike Noone, however, regarding the Sheyenne Dam Project. Noone requested some help in getting cost estimates on rocks. Noone was also hopeful that the cost estimate for the Sheyenne Dam Project will be less than originally anticipated.

The Eddy County Board also discussed the various Lidar funding requests which have been presented to the USRJWRB and the DLBJWRB. Tweed informed the Board that the DLBJWRB declined to contribute funds. After discussion it was agreed that this Board is not presently in favor of providing financial support, either directly or indirectly, to the Lidar Mapping Project. The Board's position could change as more detailed information is made available.

The next regular meeting of the Eddy County Water Resource Board will be held on September 11, 2007 at 9:00 AM 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 10, 2007

A regular meeting of the Eddy County Water Resource Board was held on July 10, 2007 at 9:00 AM in the Eddy County Courthouse. Present were Kenneth Reis, Michael Tweed, Peter Larson and Travis S. Peterson, Secretary/Treasurer.

The minutes of the June 11, 2007 regular meeting were read. Kenneth Reis moved to approve the minutes. Second by Michael Tweed. Motion carried.

The Verified Financial Statement dated June 30, 2007 was presented. Peter Larson made a motion to approve. Mike Tweed seconded. Motion carried.

With regard to the Sheyenne Dam, Peterson indicated that since the last meeting he visited with Jonathan Kelsch and Mike Noone of the State Water Commission. According to Noone, the permit issues have resolved themselves and it is only necessary for the Water Board to decide who the water right filing should be transferred to. Noone indicates that it can be whomever the Water Board determines appropriate (i.e., Eddy County Water Resource District, Upper Sheyenne River Joint Water Resource Board, Aggregate Industries, etc.). Kelsch indicated that the survey was done and the engineers were working on design plans and cost estimates. Both Kelsch and Noone suggested the project may be completed in two phases (2007 and 2008) if the cost estimate is in excess of \$100,000.00.

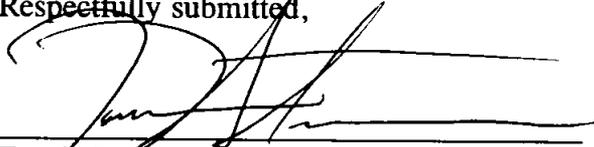
Peter Larson discussed details of the June 20, 2007 Upper Sheyenne River Joint Water Resource Board (USRJWRB) meeting. Of particular concern to Larson was a request for \$25,000.00 from the Joint Board to support the Lidar mapping efforts. Larson's concern is whether Lidar mapping presents sufficient local benefit to justify the cost. The other concern is whether the most recent technology available is used and, if not, whether the final product would soon become outdated. The consensus of the Board would be that further inquiry into Lidar mapping needs to be made before the Board is willing to be in favor of financial support. Larson also informed the Board that the next meeting of the USRJWRB is in Jamestown on July 12, 2007 at 7:30 PM. Larson plans to attend.

Mike Tweed gave an update regarding the Devils Lake Basin Joint Water Resource Board (DLBJWRB). The last meeting was June 13, 2007 in Walford, ND. Tweed indicated that the DLBJWRB also received a request for \$25,000.00 to fund the Lidar mapping project. Tweed concurred with the concerns expressed by Larson.

Peterson informed the Board that Jennifer Stewart of the Red River Basin Commission called to inquire when she could attend a Water Board meeting and explain the Red River Basin Commission funding request. The Board directed Peterson to invite Stewart to the September 11, 2007 meeting.

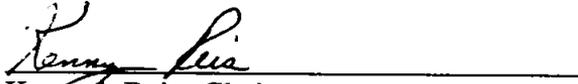
The next regular meeting of the Eddy County Water Resource Board will be held on August 14, 2007 at 9:00 AM in the Eddy County Courthouse. There being no further business the meeting was adjourned.

Respectfully submitted,



Travis S. Peterson, Recording Secretary

APPROVED:



Kenneth Reis, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
June 12, 2007

A regular meeting of the Eddy County Water Resource Board was held on June 12, 2007 at 9:00 AM in the Eddy County Courthouse. Present were Kenneth Reis, Michael Tweed, Peter Larson and Travis S. Peterson, Secretary/Treasurer.

The minutes of the May 8, 2007 regular meeting were read. Michael Tweed moved to approve the minutes. Second by Peter Larson. Motion carried.

The Financial Report was presented. Peter Larson made a motion to approve the Treasurer's Report. Mike Tweed seconded. Motion carried.

Kenneth Reis made a motion to pay the following bills. Seconded by Peter Larson. Motion carried.

Surety Title Company	
Increased coverage	\$ 36.00
Peter Larson	
April, May & June meetings & mileage	202.50
Kenneth Reis	
January - June meetings & mileage	389.63
Mike Tweed	
January - June meetings & mileage	1,236.75
Peterson Law Offices	
January - June costs and fees	1,813.49
Peterson Law Offices	
Rocky Run Annual Meeting	91.40

Various correspondence was reviewed. The ND Water Resource District Association Annual Meeting is scheduled for July 12th and 13th in Jamestown. If a member chooses to attend they should submit to the Water Board their registration costs and other expenses. A letter from Midwest Helicopters regarding spraying was reviewed. No action taken. The New Rockford Township request for cost share was reviewed. This matter will be tabled until Brad Weber makes further contact with the Water Board.

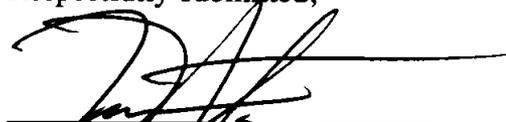
The Red River Basin Commission request for funding was discussed. Mike Tweed believed that a representative of the Commission would be present at today's meeting. Peterson informed the Board that he has heard nothing from any Commission representative. This matter tabled.

Peterson informed the Board that on May 23, 2007 he mailed to Jonathan Kelsch at the State Water Commission the Construction Permit, Request for Transfer of Perfected Use Permit, and 404 Corps of Engineers Permit. Since then Peterson has heard nothing from the State Water Commission. Tweed instructed Peterson to call Jonathan Kelsch and request an update.

Tweed gave a Devils Lake Basin Joint Water Resource Board update. The last meeting was May 9, 2007 in the Ramsey County Courthouse. The Devils Lake Basin Joint Water Resource Board is sponsoring another pilot project. Applications are available to those land owners interested. The next Devils lake Basin Joint Water Resource Board meeting is scheduled for June 13, 2007 in Wolford, North Dakota.

The next regular meeting of the Eddy County Water Resource Board will be held on July 10, 2007 at 9:00 AM 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 8, 2007

A regular meeting of the Eddy County Water Resource Board was held on May 8, 2007 at 9:00 AM in the Eddy County Courthouse. Present were Kenneth Reis, Michael Tweed, Peter Larson and Travis S. Peterson, Secretary/Treasurer.

The minutes of the April 10, 2007 regular meeting were read. Michael Tweed moved to approve the minutes. Second by Peter Larson. Motion carried.

The Financial Report was presented. Kenneth Reis made a motion to approve the Treasurer's Report. Peter Larson seconded. Motion carried.

Insurance Agent Rodney Lindstrom was present to discuss the Board's General Liability Policy. That policy also provides coverage for the Board's errors and omissions. Lindstrom explained that the Board could increase this coverage to 2 million dollars for an additional \$55.00 in premiums (approx.) per year. Reis moved to increase the coverage to 2 million dollars; seconded by Larson; motion carried.

Peterson informed the board that he visited with the Eddy County Auditor, Mary Ripplinger, about a culvert and bridge crossing inventory. Ripplinger indicated that an inventory is available either from her office or from the county road Superintendent. Tweed stated that he would visit with Tim Larson, State Water Commission, to find out what, if anything, needs to be done with this inventory.

On a previous date the Eddy County Auditor provided Peterson with a letter from the Red River Basin Commission (RRBC), dated April 3, 2007, which requests payment in the amount of \$631.00 from Eddy County. The \$631.00 is Eddy County's "share", as determined by the RRBC, for RRBC's water management planning and advocacy activities. According to RRBC the initial request was made in June 2006. Reviewing the March 14, 2006 Eddy County Water Resource Board Minutes, the matter was tabled. The matter was again tabled at the May 8, 2007 meeting.

Peterson informed the Board that New Rockford Township Supervisor Brad Weber dropped off the request for financial assistance regarding the Tim Tollefson matter. Kenneth Reis explained that the Water Board has typically provided the townships a 50 percent cost share on the culverts. Installation of the culverts and other incidental expenses have traditionally been the financial obligation of the township. Reis proposed that this matter be handled in the same fashion. First, Reis requested that Peterson contact Weber and inquire about any other financial assistance the township has received. Specifically, Reis was curious whether the township had requested any cost share from the County (See April 11, 2006 Minutes for further discussion.)

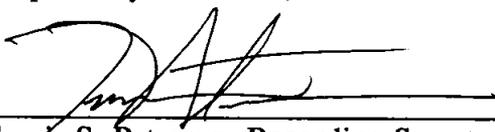
Peterson informed the Board that he received from the State Water Commission a Notice of request for modification of water permit No. 4041. The request for modification was filed by Altendorf/Bjornstad Farms.

Upper Sheyenne River Joint Water Resource Board matters were discussed. Peterson informed the Board that he spoke to Jonathan Kelsch, SWC, regarding the various permits for the Sheyenne Dam and Warwick Dam. Mr. Kelsch informed Peterson that he would consult with Mike Noone, SWC, and then informed Peterson of any remaining permit requirement. Kelsch also informed Peterson that the investigation/survey crew should be working on the Sheyenne Dam study. Mike Tweed indicated he stopped at Aggregate Industries and spoke with Dean Swenson about in-kind assistance. Aggregate Industries will probably help with concrete but does not have access to the type of rock required for the Sheyenne Dam project.

Peterson received an email from Ben Varnson about the empty Eddy County seat on the Upper Sheyenne River Joint Water Resource Board. After discussion, Peter Larson agreed to represent Eddy County on the Upper Sheyenne River Joint Water Resource Board.

The next regular meeting of the Eddy County Water Resource Board will be held on June 12, 2007 at 9:00 AM 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 10, 2007

A regular meeting of the Eddy County Water Resource Board was held on April 10, 2007 at 9:00 AM in the Eddy County Courthouse. Present were Michael Tweed, Peter Larson and Travis S. Peterson, Secretary/Treasurer.

The minutes of the March 13, 2007 regular meeting were read. Michael Tweed moved to approve the minutes. Second by Peter Larson. Motion carried.

The Financial Report was presented. Mike Tweed made a motion to approve the Treasurer's Report. Peter Larson seconded. Motion carried.

Peterson presented information about increased liability insurance coverage. The Board asked Peterson to invite Rodney Lindstrom to the May 8, 2007 meeting to discuss the Board's insurance coverage.

Peterson reviewed the minutes from the 2007 Annual Meeting of the Joint Rocky Run Water Board. Tweed requested that Peterson make photocopies of the Rocky Run map and Operation Plan. These materials will be distributed to Larson and Tweed at the May 8, 2007 meeting.

Mike Tweed gave an update regarding the Devils Lake Basin Joint Water Resource Board. The next meeting is scheduled for April 11, 2007 at the Ramsey County Courthouse.

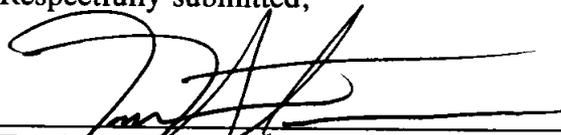
Upper Sheyenne River Joint Water Resource Board matters were discussed. The last meeting was March 21, 2007 at the Spirit Lake Casino. Mike Tweed was present and discussed that meeting.

Peterson informed the board that he received a letter from the State Water Commission. That letter indicated that the State Water Commission does not have on file a conditional water permit or a construction permit for Warwick Dam. The letter also makes reference to the Bouret Dam. The Board discussed the fact that the Bouret Dam is not located in Eddy County. Peterson was instructed to forward a copy of that letter to the Benson County Water Board. The Board also requested that Peterson find out the permit status of both the Sheyenne Dam and Warwick Dam and take whatever steps necessary to acquire the necessary permits.

Also with regard to the Sheyenne River, Peter Larson informed the Board that he believes there is another dam on the Sheyenne River 2 ½ to 3 miles east of the Eddy-Wells County line. Larson believes the dam is located in the S1/2 of Section 9, Township 150, Range 67.

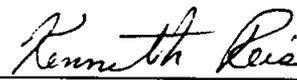
The next regular meeting of the Eddy County Water Resource Board will be held on May 8, 2007 at 9:00 AM. There being no further business the meeting was adjourned.

Respectfully submitted,



Travis S. Peterson, Recording Secretary

APPROVED:



Kenneth Reis, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD

March 13, 2007

A regular meeting of the Eddy County Water Resource Board was held on March 13, 2007 at 10:00 AM in the Eddy County Courthouse. Present were Kenneth Reis, Michael Tweed and Travis S. Peterson, Secretary/Treasurer.

The minutes of the February 13, 2007 regular meeting were read. Mike Tweed moved to approve the minutes. Second by Kenneth Reis. Motion carried.

The Treasurer's Report was presented. Peterson also informed the Board that on today's date he received a check from the Eddy County Auditor for part of the 2007 levy in the \$6,319.17. Kenneth Reis moved to approve the Treasurer's Report. Mike Tweed seconded. Motion carried.

Kenneth reis informed the Board that the next Upper Sheyenne Joint Water Resource Board meeting is schedule at the Spirit Lake Casino on March 21, 2007. Mike Tweed indicated he would make an effort to attend.

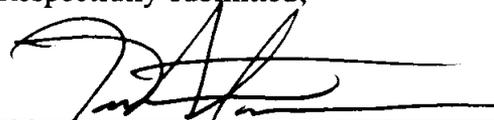
The Sheyenne Dam project was briefly discussed. Peterson informed the Board that he sent a letter to Todd Sando, State Water Commission, and informed Sando that the Upper Sheyenne Joint Water Resource Board would be in charge of all future requests for assistance. Peterson also informed the Board that he has heard nothing from Aggregate Industries regarding any kind of assistance for the Sheyenne Dam Project.

Mike Tweed gave a Devils Lake Basin Joint Water Resource Board update. The next meeting is scheduled for March 14, 2007 in Munich.

Peterson gave an update on the Rocky Run Joint Water Board Annual Meeting which was held on March 6, 2007. There were no new or unexpected issues at that meeting. The minutes from the March 2006 Annual Meeting were revisited. If the Eddy County Water Board wants any spraying of cattails within the Rocky Run they should provide a map to the Wells County Water Board by June 1, 2007.

The next regular meeting of the Eddy County Water Resource Board will be held on April 10, 2007 at 9:00 AM. 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 13, 2007

A regular meeting of the Eddy County Water Resource Board was held on February 13, 2007 at 10:00 AM in the Eddy County Courthouse. Present were Kenneth Reis, Michael Tweed and Travis S. Peterson, Secretary/Treasurer.

The minutes of the January 9, 2006 regular meeting were read. Kenneth Reis moved to approve the minutes. Second by Michael Tweed. Motion carried.

The Financial Report was presented. The following bills were presented for payment:

Kenneth Reis made a motion to approve the Treasurer's Report. Mike Tweed seconded. Motion carried.

Peterson informed the Board that certificate of deposit #50060 matures on February 14, 2007. The Board reviewed the various certificate of deposit interest rates offered by Bank Forward. Mike Tweed made a motion to reinvest the \$15,000.00 from CD #50060 into another six month certificate of deposit at the current rate of 4.18 percent. Kenneth Reis seconded. Motion carried. Kenneth Reis made a motion to pay the Devils Lake Basin Joint Water Resource Board dues in the amount of \$325.00 Mike Tweed seconded. Motion carried.

The Board discussed various Upper Sheyenne Joint Water Resource Board issues. Concerning the Sheyenne Dam Rehabilitation and Modification Project, the following matters were discussed:

1. In light of the various duplicate requests for financial assistance, Kenneth Reis moved to have the Upper Sheyenne River Joint Water Resource Board take care of all future requests for financial, in-kind, and other assistance regarding the Sheyenne Dam and Warwick Dam projects. Mike Tweed seconded the motion. Motion carried.
2. Concern was raised by the State Water Commission that they received two requests for money regarding the Sheyenne Dam Rehabilitation and Modification Project; one request from the Eddy County Water Resource Board and one request from the Upper Sheyenne River Joint Water Resource Board. The State Water Commission will only act on one request and prefer that one request be withdrawn. The Board instructed Peterson to send a letter to the State Water Commission and withdraw the Eddy County Water Resource Board's previous request for financial support (see Eddy County Water Resource District letter dated November 2, 2006).
3. Mike Tweed informed the Board that the next meeting of the Devils Lake Basin Joint Water Resource Board will be held on February 14, 2007.

The next regular meeting of the Eddy County Water Resource Board will be held on March 13, 2007 at 10:00 AM. 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

January 9, 2007

A regular meeting of the Eddy County Water Resource Board was held on January 9, 2007 at 10:00 AM in the Eddy County Courthouse. Present were Kenneth Reis, Michael Tweed and Travis S. Peterson, Secretary/Treasurer.

The minutes of the December 12, 2006 regular meeting were read. Mike Tweed moved to approve the minutes. Second by Kenneth Reis. Motion carried.

The Financial Report was presented. The following bills were presented for payment:

Upper Sheyenne River Joint Water Resource Board 2007 dues	\$936.11
Surety Title Company - general liability policy	287.00
ND Water Resource District Association 2007 dues	375.00

Kenneth Reis made a motion to approve the Treasurer's Report and pay the bills. Mike Tweed seconded. Motion carried.

The general liability policy was discussed. The Board requested that Peterson contact Rodney Lindstrom and inquire about the cost of increasing the limits of liability to One Million Dollars.

January is the month in which the Board reorganizes. It was unanimously decided that Kenneth Reis would remain Water Board Chairman; Mike Tweed will act as Vice-Chairman, and Peterson Law Offices will remain Secretary/Treasurer.

The vacancy on the Water Resource Board which results from Neal Rud's election to the Eddy County Commission was discussed. The Board continues to look for a qualified nominee.

The Sheyenne Dam rehabilitation project was discussed at length. The following issues came before the Board:

1. State of North Dakota Temporary Water Permit #ND2006-3338/State Water Commission Project #1400A. This Temporary Water Permit was dated December 29, 2006 for the period of March 16, 2007 through March 15, 2008. The permit concerns the Sheyenne River. The legal description contained in the permit suggests the permit concerns the Sheyenne Dam. However, permittee is ND DOT and the nature of use is "road construction." The Board instructed Peterson to follow up on this permit to determine if it does, in fact, concern the Sheyenne Dam rehabilitation project and whether any further permits are required. According to the permit, the contact person is F. Scott Carter (701) 328-6905.

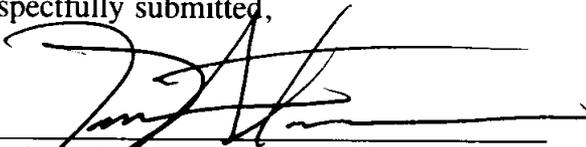
2. Mike Tweed presented a fax from Jason Boyle, State Water Commission, to Ben Varnson. The fax indicates that the quantity of materials required to complete the Sheyenne Dam project are greater than originally anticipated. The rough numbers are 36 cubic feet of concrete, 3000 cubic yards of rock, and 3600 lbs of steel. Boyle's fax to Varnson indicates that if these numbers are correct then the State Water Commission construction crew will not be able to do the work because the project cost will exceed \$100,000.00. It should be pointed out that these numbers are rough and the field survey and preliminary engineering report have not been completed.
3. Mike Tweed made a motion to have Peterson send a letter to Aggregate Industries, Inc. and request in-kind assistance (labor and materials) as their contribution to the Sheyenne Dam project. Kenneth Reis seconded. Motion carried.
4. The Board received from the State Water Commission a proposed "Agreement for an Investigation of Sheyenne Dam." The Board reviewed that agreement. Mike Tweed made a motion to sign the contract. Kenneth Reis seconded. Motion carried.
5. Kenneth Reis made a motion to pay to the State Water Commission the \$3,600.00 deposit called for in the Agreement for an Investigation of Sheyenne Dam. Mike Tweed seconded. Motion carried.
6. Kenneth Reis made a motion to request from the Devils Lake Basin Joint Water Resource Board financial support in the amount of five percent of the total project cost for the Sheyenne Dam project and also for the Warwick Dam project. Mike Tweed seconded the motion. Motion carried.

With regard to the Upper Sheyenne Joint Water Resource Board, it was decided that Tweed would attend future meetings on behalf of Eddy County. However, Tweed will not be a voting member of the Upper Sheyenne Joint Water Resource Board. This matter will be revisited when the empty seat on the Eddy County Water Board is filled. Also discussed was the 2007 dues payment in the amount of \$936.11. Reviewing the Eddy County Water Board records, it appears that Eddy County's dues are paid in full according to the original agreement (See Eddy County Water Board minutes dated February 10, 2004.) Mike Tweed was asked to inquire about the amount of future dues payments.

Mike Tweed gave an update on the Devils Lake Basin Joint Water Resource Board. The next meeting scheduled for that Board is February 14, 2007 in Cando, ND.

The next regular meeting of the Eddy County Water Resource Board will be held on February 13, 2007 at 10:00 AM. 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

December 12, 2006

A regular meeting of the Eddy County Water Resource Board was held on December 12, 2006 at 10:00 AM in the Eddy County Courthouse. Present were Neal Rud, Kenneth Reis, Michael Tweed and Travis S. Peterson, Secretary/Treasurer.

The minutes of the November 14, 2006 regular meeting were read. Mike Tweed moved to approve the minutes. Second by Kenneth Reis. Motion carried.

The Financial Report was presented. Kenneth Reis moved to approve. Second by Mike Tweed. Motion carried. The following bills were presented for payment:

ND Water User's Association 2007 dues - \$300
Peterson Law Offices, P.C. (Services rendered and costs advanced) - \$2,401.17
Kenneth Reis July-December meetings and mileage - \$393.75
Mike Tweed July -December meetings and mileage - \$1,496.00
Neal Rud July - November meetings and mileage - \$615.00

Kenneth Reis made a motion that the bills be paid. Mike Tweed seconded. Motion carried.

Peterson addressed the vacancy left by Rud's election to the County Commission. It was explained that, in Peterson's opinion, Rud may no longer act as a member of the Water Resource Board because Rud's position on the County Commission is incompatible with his role on the Water Resource Board. This opinion is supported by North Dakota Attorney General Opinions and the North Dakota Century Code. Rud therefore did not vote on any matters at this meeting. Also concerning the vacancy left by Rud's election to the County Commission, it was determined that the members would continue to seek a replacement and inform the County Commission when a replacement was found.

Peterson informed the Board that Michael Tweed's current term expires December 31, 2006. Tweed served the remainder of Peter Becherl's term which ran from January 1, 2004 through December 31, 2006. After discussion Mike Tweed indicated that he would agree to serve another three year term. Peterson was instructed to send a letter to the Eddy County Auditor requesting reappointment of Michael Tweed and informing the Auditor that the Water Resource Board is searching for a replacement for Neal Rud.

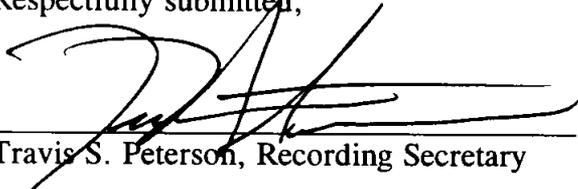
Various correspondence was reviewed. Also discussed was an NDSU survey requesting information about the operations of the Eddy County Water Resource Board. The survey was provided to Peterson by an NDSU graduate student. Participation in the survey is voluntary. The Board determined that Peterson should not complete the survey.

Michael Tweed shared his North Dakota Water Convention experience. Tweed also gave the Board members an update on the Devils Lake Basin Joint Water Resource Board happenings.

There was no new Upper Sheyenne Joint Water Resource Board activity to report.

The next regular meeting of the Eddy County Water Resource Board will be held on January 9, 2007 at 10:00 AM. 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

November 14, 2006

A regular meeting of the Eddy County Water Resource Board was held on November 14, 2006 at 10:00 AM in the Eddy County Courthouse. Present were Neal Rud, Kenneth Reis and Travis S. Peterson, Secretary/Treasurer.

The minutes of the October 10, 2006 regular meeting and the November 2, 2006 special meeting were read. Neal Rud moved to approve both meetings' minutes. Second by Kenneth Reis. Motion carried.

The October 31, 2006 Financial Report was presented. Kenneth Reis moved to approve. Second by Neal Rud. Motion carried. Kenneth Reis moved to pay Baker's Dozen \$15.00 for food stuffs provided for the Devils Lake Basin Joint Water Resource Board meeting held November 8, 2006 in Sheyenne. Neal Rud seconded. Motion carried.

Various correspondence was reviewed. Peterson informed the Board that he is in receipt of a 2006 US Department of Commerce Annual Survey of Local Government Finances. Peterson informed the Board that he will complete and return the survey. Peterson also informed the Board that he received the 2007 State Water Commission Project Wet materials. The 2007 program focuses on the Mouse River/Watershed. Kenneth Reis made a motion to have Peterson send a letter to the New Rockford-Sheyenne School offering to sponsor one faculty member from the School District. Neal Rud seconded the motion. Motion carried.

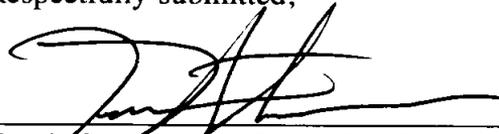
Neal Rud's position on the Water Board was discussed. Because Neal Rud was elected to the Eddy County Commission it is believed that it will be necessary to find a replacement for Rud's position on the Water Board. Rud has discussed the position with a couple rural Sheyenne Eddy County residents. Rud will continue to discuss this matter with potential replacements and Peterson will research the legal issues (i.e., how long, if at all, may Rud hold over after taking a seat as Eddy County Commissioner).

Rud gave an Upper Sheyenne Joint Water Resource Board update. The Sheyenne and Warwick Dam rehabilitation and modification projects continue to move forward. However, it appears that the Warwick Dam project may take place in the year 2008. It also appears that cost share/funding sources remain unsettled. Neal Rud informed the Board that he discussed the Warwick Dam and Sheyenne Dam water permit issues with State Water Commission representative Jason Boyle. Boyle took the information gathered by Peterson and indicated that he would pursue completion of the water permit.

Because Mike Tweed was absent, Neal Rud gave the Devils Lake Basin Joint Water Resource Board update.

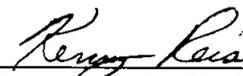
The next regular meeting of the Eddy County Water Resource Board will be held on December 12, 2006 at 10:00 AM. There being no further business the meeting was adjourned. 12, 2006

Respectfully submitted,



Travis S. Peterson, Recording Secretary

APPROVED:



Kenneth Reis, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD

November 2, 2006

A special meeting of the Eddy County Water Resource Board was held on November 2, 2006 at 9:00 AM in the Eddy County Courthouse. Present were Neal Rud, Michael Tweed, Kenneth Reis and Travis S. Peterson, Secretary/Treasurer.

On the agenda for this special meeting was the rehabilitation and modification of the Sheyenne Dam and Warwick Dam. The modification aspect of these projects is the implementation of fish passages.

Neal Rud explained that he, Kenneth Reis and Travis Peterson attended the October 18, 2006 Upper Sheyenne Joint Water Resource Board meeting in Carrington, ND. At that meeting the USRJWRB expressed its interest in the projects and Chairman Varnson suggested that the USRJWRB would be interested in co-sponsoring and coordinating these projects.

Neal Rud moved that the Eddy County Water Resource District move forward with the Sheyenne Dam and Warwick Dam rehabilitation and modification projects, contingent upon financial commitments from local cost-share partners/sources, the North Dakota State Water Commission, North Dakota Game and Fish Department, Upper Sheyenne Joint Water Resource Board, and the Southeast Cass Water Resource District; the financial commitment from those various partners/sources must be to the extent that the Eddy County Water Resource District shall not be required to contribute any more than 15 percent of the total project costs. Mike Tweed seconded the motion. Motion unanimously carried.

Kenneth Reis made a motion to request the USRJWRB to be a co-sponsor and the coordinator of the Sheyenne Dam and Warwick Dam rehabilitation and modification projects. Neal Rud seconded the motion. Motion carried unanimously.

Mike Tweed made a motion that the Eddy County Water Resource District present a formal request for construction assistance to the North Dakota State Water Commission. Neal Rud seconded the motion. Motion carried unanimously.

Mike Tweed made a motion to have Travis Peterson prepare the Water Permit applications necessary to move forward with and complete these projects. Kenneth Reis seconded the motion. Discussion indicated that the permit necessary to complete the Sheyenne Dam project was previously obtained. It is believed that an application for the Warwick Dam project is required. After Discussion the motion passed unanimously.

There being no further business Kenneth Reis moved to adjourn the meeting. Neal Rud seconded. Motion carried.

Respectfully submitted,



Travis S. Peterson, Recording Secretary

APPROVED:



Kenneth Reis, Chairman

Posted November 1, 2006 at the following locations:
Transcript Building
Hagen's Super Valu
New Rockford City Hall
Eddy County Courthouse
Eddy County Auditor

NOTICE:
Special Meeting of
Eddy County Water Board

Thurs, November 2, 2006
at 9:00 AM

Basement of Eddy County
Courthouse

Agenda:

1. Sheyenne Dam
 2. Warwick Dam
-

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
October 10, 2006

A regular meeting of the Eddy County Water Resource Board was held on October 10, 2006 at 9:00 AM in the Eddy County Courthouse. Present were Neal Rud, Michael Tweed, Kenneth Reis and Travis S. Peterson, Secretary/Treasurer. Also present were landowners Wade Wipperlingle and Wilfred Wipperlingle and Columbia Township Supervisor Jim Ludwig.

The minutes of the September 12, 2006 meeting were read. Neal Rud moved to approve. Second by Michael Tweed. Motion carried.

The September 30, 2006 Financial Report was presented. Kenneth Reis moved to approve. Second by Neal Rud. Motion carried.

The Wipperlingle and Columbia Township Supervisor Jim Ludwig were in to discuss the long-standing Wipperlingle complaint. This complaint concerns a culvert or lack thereof between Sections 8 and 17 in Columbia Township. The Water Board has previously recommended the installation of a culvert between Sections 8 and 17 at the elevation of 1503'. The Columbia Township Supervisors are presently proposing to burn off the cattails in Section 8 and scrape that area so as to return it to the natural elevation (approximately 1506'). In addition to the burning and scraping the Columbia Township Supervisors agreed to install a culvert between Sections 8 and 17. After the proposed work has been completed it is believed that water would flow naturally to the southeast toward Robert Collier's place. The culvert between Sections 8 and 17 would be available to handle any overflow. Wilfred Wipperlingle was agreeable to the proposal and signed a US/FWS Burn Easement. An original of the easement was provided to Peterson in order that Peterson could keep a copy for the Water Board file. Peterson agreed to forward the original to Stacy Whipp, Wetland District Manager, Arrow Wood Natural Wildlife Refuge (US/FWS). Ludwig indicated that, depending on the weather forecast, the work would likely be done the week of October 16, 2006.

Neal Rud gave an Upper Sheyenne River Joint Water Resource Board update. The next meeting is schedule for October 18, 2006 at 9:30 AM in Carrington at the Pizza Ranch. A significant part of Rud's information concerned the proposed work on the Sheyenne Dam and Warwick Dam. This topic will be discussed in further detail at the next scheduled Upper Sheyenne River Joint Water Resource Board meeting. I appears, however, that State Water Commission and North Dakota Game and Fish will make significant contributions to the projects. Other possible contributors are Aggregate Industries, Inc., the Southeast Cass Water Resource District, the Devils Lake Basin Joint Water Resource Board, Garrison Diversion Conservancy District. It appears likely these projects will take place in 2007.

Mike Tweed indicated that the Devils Lake Basin Joint Water Resource Board activities have been slow. The next meeting is tomorrow, October 11, 2006.

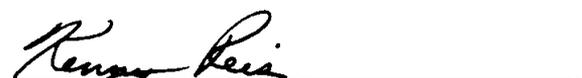
The next regular meeting of the Eddy County Water Resource Board will be held on November 14, 2006 at 10:00 AM. There being no further business the meeting was adjourned.

Respectfully submitted,



Travis S. Peterson, Recording Secretary

APPROVED:



Kenneth Reis, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
September 12, 2006

A regular meeting of the Eddy County Water Resource Board was held on September 12, 2006 at 9:00 AM in the Eddy County Courthouse. Present were Neal Rud, Michael Tweed, Kenneth Reis and Travis S. Peterson, Secretary/Treasurer.

The minutes of the August 8, 2006 meeting were read. Neal Rud moved to approve. Second by Michael Tweed. Motion carried.

The August 31, 2006 Financial Report was presented. Michael Tweed moved to approve. Second by Neal Rud. Motion carried. Security State Bank Certificate of Deposit No. 46437 matures on September 14, 2006. Kenneth Reis moved to renew the CD for a similar term. Neal Rud seconded. Motion carried.

Peterson reviewed with the Board a letter received from the State Water Commission and concerning the Sheyenne Dam and Warwick Dam. Neal Rud indicated he would follow up on the letter by contacting Jason Boyle of the State Water Commission. Peterson also informed the Board that as of today's date Peterson has received no response from the Game and Fish or Garrison Diversion Conservancy District. No further action taken regarding these matters.

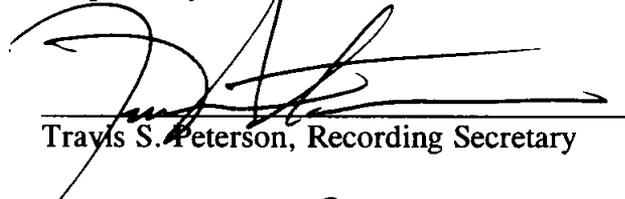
Other various correspondence was reviewed. No action was necessary.

Neal Rud informed the Board that the Upper Sheyenne River Joint Water Resource Board has not met since the July 5, 2006 meeting. Rud was unsure of the next meeting date.

Tweed gave a Devils Lake Basin Joint Water Resource Board update. The last meeting was on August 9, 2006 in Minnewaukan. The next meeting is September 13, 2006 in Devils Lake.

The next regular meeting of the Eddy County Water Resource Board will be held on October 10, 2006 at 9:00 AM. 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
August 8, 2006

A regular meeting of the Eddy County Water Resource Board was held on August 8, 2006 at 9:00 AM in the Eddy County Courthouse. Present were Neal Rud, Michael Tweed, and Travis S. Peterson, Secretary/Treasurer.

The minutes of the July 12, 2006 meeting were read. Michael Tweed moved to approve. Second by Neal Rud. Motion carried.

The July 31, 2006 Financial Report was presented. Neal Rud moved to approve. Second by Michael Tweed. Motion carried.

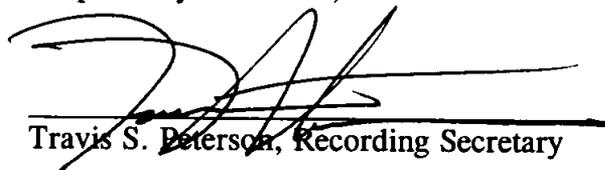
Peterson gave an update on the proposed spraying within the Rocky Run. Peterson and Reis worked to complete the map highlighting the areas which may benefit from being sprayed. The map was mailed to Tammy Roehrich, Secretary of the Wells County Water Board. Tammy Roehrich later called Peterson and informed him that due to the limited number of miles that needed spraying the Wells County Water Board decided not to contact Dakota Helicopter. (According to Roehrich the three counties combined had less than 10 miles to be sprayed: Foster County 2 miles, Eddy County 4 miles, and Wells County 4 miles (approximate).) Rud suggested that Peterson contact Dakota Helicopter anyway and inquire about their willingness to spray the Eddy County area.

Rud gave an Upper Sheyenne River Joint Water Resource Board update. Since last meeting Rud spoke with Jason Boyle of the State Water Commission. Boyle confirmed that the State Water Commission did the piling work at Warwick Dam. With regard to the Warwick and Sheyenne Dams, Rud indicated he would monitor the situation through the Upper Sheyenne Joint Water Resource Board. Finally, Rud informed the Board that he attended the July 20th Devils Lake Basin tour. The tour included Hawk Museum, Leeds Irrigation System and the West End Outlet. Neal indicated it was a worthwhile event.

Tweed updated the Board on the Devils Lake Basin Joint Water Resource Board. The last meeting was July 12, 2006. With regard to the Tolna Coulee clean out project, nothing is happening except that the State Water Commission will be doing some testing in the area. Tweed also noted that the area near Billings Lake where carp were being controlled has dried up. As such, the chemical drip is currently not necessary as no carp can pass through into Devils Lake.

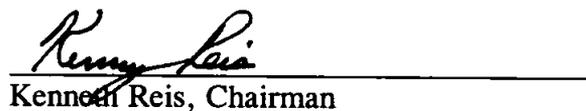
The next regular meeting of the Eddy County Water Resource Board will be held on September 12, 2006 at 9:00 AM. There being no further business the meeting was adjourned.

Respectfully submitted,



Travis S. Peterson, Recording Secretary

APPROVED:



Kenneth Reis, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
July 11, 2006

A regular meeting of the Eddy County Water Resource Board was held on July 11, 2006 at 9:00 AM in the Eddy County Courthouse. Present were Neal Rud, Michael Tweed, Kenneth Reis and Travis S. Peterson, Secretary/Treasurer. Landowner Byron Langley and Lynn R. Schlueter, Special Fisheries Projects Biologist, North Dakota Game and Fish Department were also present.

The minutes of the June 13, 2006 meeting were read. Neal Rud moved to approve. Second by Michael Tweed. Motion carried.

The June 30, 2006 Verified Financial Report was presented. Kenneth Reis moved to approve. Second by Michael Tweed. Motion carried.

Kenneth Reis moved to increase the members' meeting stipend from \$45.00 per meeting to \$60.00 per meeting. Second by Michael Tweed. The members discussed the fact that when visiting with members of other counties' Water Boards the consensus was that most Board members receive a stipend between \$60.00 and \$100.00 per meeting. It was believed that \$45.00 per meeting was the lowest stipend in the state of North Dakota. After dicussion, motion carried.

Neal Rud made a motion to pay the following bills:

Peterson Law Offices - Rocky Run Annual Meeting	\$ 167.18
Peterson Law Offices - January - June legal fees and costs	1,718.74
Kenneth Reis - January - June meetings and mileage	336.75
Neal Rud - January - June meetings and mileage	1,174.38
Michael Tweed - January - June meetings and mileage	1,554.37

Michael Tweed seconded. Motion carried.

Byron Langley was in to express his concerns regarding the Warwick Dam. Lynn Schlueter, NDGF, was in to address the Sheyenne and Warwick Dams. All parties present agreed that both the Sheyenne and Warwick Dams are deteriorating and in need of repair. Schlueter, as a biologist for NDGF, is concerned with the Sheyenne River as a fishery. Schlueter proposes to retrofit the dam with large rocks in such a fashion that it provides a fish passage and habitat. The project would basically consist of a long tapered rock bed at a 5-7 percent grade. Schlueter believed such a project may be eligible to receive financial and other support from ND Game and Fish, ND State Water Commission and possibly the Garrison Diversion Conservancy District. Other agencies might also be willing to provide financial or other assistance. Schlueter informed the Board that it needs to submit a letter of request to Schlueter. The letter must ask the ND Game and Fish to investigate the dams; set forth the

options available to the County; and request financial, in-kind, and technical support. Schlueter indicated that after he has received such a letter he will start working to develop the project. Neal Rud also indicated that the Upper Sheyenne River Joint Water Resource Board supports the repair of these dams and these projects will be a pilot project for the Joint Board. Byron Langley indicated that there have been approximately 10-15 feet of pilings recently installed at the Warwick Dam. Neal Rud thought the work may have been done at the direction of the State Water Commission because Neal recently received a call from Jason Boyle of the State Water Commission. Mr. Boyle left a message for Neal to the effect that the State Water Commission and the USGS were interested in improving and/or repairing the Warwick Dam. Rud did not personally talk to Boyle and has not been able to touch base with him about these matters. In any event, Neal Rud made a motion which was seconded by Kenneth Reis to have Peterson send a letter of request to Lynn Schlueter regarding both the Sheyenne and Warwick Dams. Motion carried.

Michael Tweed gave a Devils Lake Basin Joint Water Resource Board update. Tweed attended the June 22, 2006 special meeting. Based on the information presented at that special meeting, it is Tweed's impression that the Corps of Engineers intends to do nothing with regard to the Tolna Coulee. Tweed also indicated that Stump Lake needs to rise another 5 feet to equalize with Devils Lake. Stump Lake is rising much faster than anticipated.

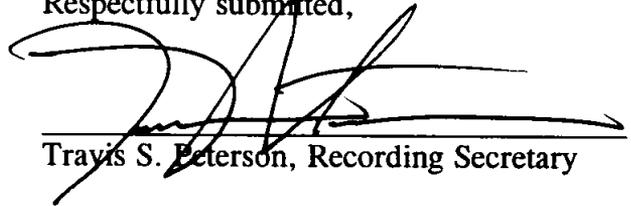
Neal Rud gave an update on the Upper Sheyenne River Joint Water Resource Board. The Board is looking at the repair of the Eddy County Dams (Sheyenne and Warwick) as pilot projects. The Board is also working on an inventory of culverts which drain into the Sheyenne River.

Neal and Mike gave a report on their attendance at the State Water Convention which was held in Mandan July 5th through July 7th. Rud and Tweed indicated that their experience was interesting and informative.

Spraying within the Rocky Run was discussed. Reis and Peterson are going to finish up the map and obtain the final landowner authorizations and forward the information to Tammy Roehrich.

The next regular meeting of the Eddy County Water Resource Board will be held on August 8, 2006 at 9:00 AM. 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 13, 2006

A regular meeting of the Eddy County Water Resource Board was held on June 13, 2006 at 9:00 AM in the Eddy County Courthouse. Present were Neal Rud, Michael Tweed, Kenneth Reis and Travis S. Peterson, Secretary/Treasurer.

The minutes of the May 9, 2006 meeting were read. Neal Rud moved to approve. Second by Michael Tweed. Motion carried.

The June 13, 2006 Financial Report was presented. Kenneth Reis moved to approve. Second by Neal Rud. Motion carried.

Various correspondence was reviewed. No further action necessary.

With regard to the Rocky Run, the spraying by Dakota Helicopters was discussed. Reis indicated he would get to Tammy Roehrich, Wells County Water Resource Board Secretary/Treasurer, the portions of the North Branch of the Rocky Run which need to be sprayed.

Peterson informed the Board that Wanda Kurtz requested the Eddy County Commissioners to install an approach along the east edge of Section 22 in Sheldon Township. The north/south road adjacent to the Eastern Section line is a county road. This area is also very close to the Robinson Coulee. Peterson's reason for presenting this information was to alert the Board that it may need to provide input regarding the location of the culvert if an approach is installed.

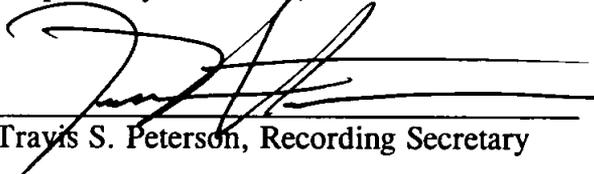
Peterson also informed the Board that Byron Langley and Gordon Mellum contacted Eddy County Commissioners regarding the condition of the Warwick Dam. Peterson was instructed to send letters to Langley and Mellum and invite them to attend a future Water Board Meeting so that Langley and Mellum could express their concerns and/or complaints.

Tweed gave a Devils Lake Basin Joint Water Resource Board update. Tweed indicated that it appears the Tolna Coulee clean out project lacks the support necessary to move forward. Tweed will know for sure when he attends the next Devils Lake Basin Joint Water Resource Board meeting scheduled for June 14, 2006. Tweed also advised the Board that a special meeting of the Devils Lake Basin Joint Water Resource Board will be held on June 22, 2006 at 10:00 AM in the Memorial Building, Devils Lake, North Dakota. The purpose of the meeting will be to discuss the Tolna Coulee outlet options with representatives of the United States Army Corps of Engineers, the Governor's office, North Dakota Congressional Delegation, and the State Water Commission.

Neal Rud gave an update concerning the Upper Sheyenne River Joint Water Resource Board. Of most importance is the pending application with the North Dakota Department of Health to modify the Devils Lake Outlet Discharge Permit. A public informational meeting will be held on June 19, 2006 at 1:00 PM in Valley City regarding the application for modification. The public hearing will be held at 2:00 PM in Devils Lake on June 27, 2006.

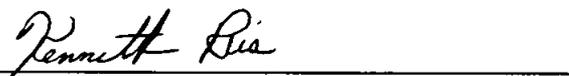
The next regular meeting of the Eddy County Water Resource Board will be held on July 11, 2006 at 9:00 AM. There being no further business the meeting was adjourned.

Respectfully submitted,



Travis S. Peterson, Recording Secretary

APPROVED:



Kenneth Reis, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
May 9, 2006

A regular meeting of the Eddy County Water Resource Board was held on May 9, 2006 at 9:00 AM in the Eddy County Courthouse. Present were Neal Rud, Michael Tweed and Travis S. Peterson, Secretary/Treasurer.

The minutes of the April 11, 2006 meeting were read and Michael Tweed moved to approve as read. Second by Neal Rud. Motion carried.

The May 9, 2006 Financial Report was presented and was approved as presented. Neal Rud moved to approve. Second by Michael Tweed. Motion carried. Peterson explained to the Board that he received an email from Mike Connor, Manager of the Devils Lake Basin Joint Water Board, wherein Connor requested Peterson review the Eddy County Water Board Financial Reports to determine whether Eddy County paid its 2005 dues. Peterson did review the Eddy County Water Board Financial Report and it does not appear that the 2005 dues were paid. Neal Rud made a motion to pay the 2005 dues in the amount of \$300. Mike Tweed seconded the motion. Motion carried.

Peterson informed the Board that he received a call from Jim Ludwig, Columbia Township Supervisor, regarding the Wilfred Wipperling complaint. A file memo was placed in the Wipperling complaint file.

Various correspondence was reviewed. No further action necessary.

Mike Tweed gave a Devils Lake Basin Joint Water Resource Board update. The main issue of concern is phase one of the Tolna Coulee east end outlet project. Tweed indicated that DLBJWRB has not received a response from the Eddy County Commission regarding Eddy County's position on the east end outlet. Tweed made the following recommendation: In the event all other member counties of the Devils Lake Basin Joint Water Resource Board support Phase One ("Land Acquisition") of the proposed Tolna Coulee clean out project by the Devils Lake Basin Joint Water Resource Board, then and in that event Eddy County should support Phase One of the Tolna Coulee clean out project. Tweed moved to have Peterson draft a letter on behalf of the Eddy County Water Board and addressed to the Eddy County Commissioners setting forth the Water Board recommendation. Neal Rud seconded the motion. Motion carried.

Neal Rud gave an update regarding the Upper Sheyenne Joint Water Resource Board. As part of the last meeting Rud went to Valley City and toured the Bald Hill Dam and areas along the Sheyenne River. Rud indicated that the tour was very interesting and informative. Rud also indicated that a State Water Commission representative, Jason Boyle, provided the Board a

summary of the information gathered during the April 13, 2006 Sheyenne River Dam inspection. The summary includes preliminary recommendations. Boyle also indicated that it is possible the state would share one-third of repair costs if the county determined it appropriate to pursue repairing the dams. This information will be placed in the Upper Sheyenne River Joint Water Resource Board file.

The next regular meeting of the Eddy County Water Resource Board will be held on June 13, 2006 at 9:00 AM. 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 11, 2006

A regular meeting of the Eddy County Water Resource Board was held on April 11, 2006 at 9:00 AM in the Eddy County Courthouse. Present were Kenneth Reis, Neal Rud, Michael Tweed and Travis S. Peterson, Secretary/Treasurer. Also present were New Rockford Township Supervisor Brad Weber and Jay Deckert, Director of Fahocha Bible Camp.

The minutes of the March 14, 2006 meeting were read and Neal Rud moved to approve as read. Second by Kenneth Reis. Motion carried.

The April 11, 2006 Financial Report was presented and was approved as presented. Mike Tweed moved to approve. Second by Kenneth Reis. Motion carried.

Jay Deckert was present to discuss concerns about Fahocha Bible Camp and Lake Washington. Lake Washington is fed by natural springs and run off. The lake has been rising over the last 13 years and at present the lake is approximately six vertical feet from the main building. Over time the camp has had to move various recreational facilities (horseshoes, archery range, etc.). If the water continues to rise consideration will have to be given to moving the main building. Mr. Deckert requested no particular action but rather wanted his concerns noted on the record. Various ideas were discussed, including: Contacting the Lake Washington Township Board of Supervisors and the National Guard to inquire about their willingness to assist with future projects (culverts on the north, a drain on the south, and/or a dike around the main building). No further action was necessary at this time.

New Rockford Township Supervisor Brad Weber was in to update the board on the Tim Tollefson matter. The District Judge who heard the Tollefson appeal agreed with the Township that a prescriptive easement existed. The Judge also determined that the installation of three 30 inch culverts is necessary and appropriate. Tollefson must now decide whether or not to appeal this matter to the North Dakota Supreme Court. Installation of the culverts will not occur until the time period to appeal expires or until the Supreme Court makes its ruling on this matter. Weber inquired whether the Water Board would be willing to share in the cost of the culverts. The general consensus of the Board was that it would share in the costs of the culverts (with the County) and the Township would pay for installation.

Also discussed with Weber was an inquiry from landowner David Fite. Mr. Fite owns land east of Highway 281 and south of the Continental Divide. Mr. Fite contacted Peterson's office on April 7, 2006 and requested that he be placed on the agenda of the next Water Board meeting. In addition to placing Mr. Fite on the Water Board agenda, Peterson suggested that Fite contact the New Rockford Township Supervisors to discuss his concerns. Prior to this meeting Mr. Fite contacted Weber and they discussed Mr. Fite's concerns. Mr. Fite did not appear at the Eddy County Water Board meeting. No further action necessary.

Eddy County Water Resource Board Minutes

April 11, 2006

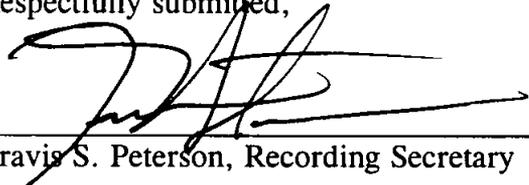
Page 2

Neal Rud gave an Upper Sheyenne River Joint Water Resource Board update. Members of that board traveled to the Sheyenne and Warwick Dams and took pictures. The Upper Sheyenne River Joint Water Resource Board intends to inquire into cost sharing and restoration options.

Mike Tweed gave an update on the Devils Lake Basin Joint Water Resource Board. The next meeting of this board is April 12, 2006. Tweed also indicated that Odean Gleason again contacted the Freeborn Township Board of Supervisors about the Texas crossing located in the far east end of Eddy County. The culverts within the Texas crossing are too small and, as a result, the crossing holds back water and floods the adjacent land. Tweed indicated that it is doubtful the Township Board will provide any financial support to improve or modify the Texas crossing because of safety issues and because the primary use of the crossing is by the one farmer who transports equipment back and forth across the crossing. Tweed indicated that he informed Mr. Gleason to file a written complaint with the Water Board. No further action until or unless a formal complaint is filed with the Water Board.

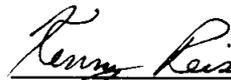
The next regular meeting of the Eddy County Water Resource Board will be held on May 9, 2006 at 9:00 AM. There being no further business the meeting was adjourned.

Respectfully submitted,



Travis S. Peterson, Recording Secretary

APPROVED:



Kenneth Reis, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
March 14, 2006

A regular meeting of the Eddy County Water Resource Board was held on March 14, 2006 at 10:00 AM in the Eddy County Courthouse. Present were Kenneth Reis, Neal Rud, Michael Tweed and Travis S. Peterson, Secretary/Treasurer.

The minutes of the February 14, 2006 meeting were read and approved as read.

The March 14, 2006 Financial Report was presented and was approved as presented. Kenneth Reis moved to pay the 2006 Devils Lake Basin Joint Water Resource Board assessment. Neal Rud seconded. Motion carried. Neal Rud moved to have Peterson renew the \$15,000.00 certificate of deposit for a 3-6 month term at the best rate available. The interest accrued on certificate #44573 shall be deposited into the Water Board checking account. Mike Tweed second the motion. Motion carried.

Peterson presented to the Board a letter from the Red River Basin Commission inviting Eddy County to become a member. Darlene Haugen, Eddy County Auditor, forwarded the letter to Peterson at the request of the Eddy County Commissioners. Eddy County's annual membership dues would be approximately \$631.00 based on the Red River Basin Commission's dues formula. A photocopy of the letter was provided to Neal Rud in order that he could take it to the next Upper Sheyenne River Joint Water Resource Board meeting. This matter was tabled for future consideration.

Various correspondence was reviewed. No action necessary.

With regard to the Wilfred Wipperling complaint, Peterson informed the Board that Robert Collier mentioned the matter to Peterson while the two were at the bank. Collier basically informed Peterson that the township intends to do nothing about the complaint.

Neal Rud gave an Upper Sheyenne River Joint Water Resource Board update. At present USRJWRB is working on an inventory of dams within the Sheyenne River. The Eddy County Board examined the Eddy County inventory and maps. Rud will bring the information to the next USRJWRB meeting.

Mike Tweed gave an update regarding the Devils Lake Basin Joint Water Resource Board. The main issue of present concern is the Tolna Coulee land acquisition. Tweed suggested that on some future date the Eddy County Board may have to decide whether to financially support the Tolna Coulee land purchase effort.

The next meeting of the Eddy County Water Resource Board will be held on April 11, 2006 at ~~10:00~~ AM. There being no further business the meeting was adjourned.

9:50

Respectfully submitted,



Travis S. Peterson, Recording Secretary

APPROVED:



Kenneth Reis, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD

February 14, 2006

A regular meeting of the Eddy County Water Resource Board was held on February 14, 2006 at 10:00 AM in the Eddy County Courthouse. Present were Kenneth Reis, Neal Rud, and Travis S. Peterson, Secretary/Treasurer.

The minutes of the December 20, 2005 and January 10, 2006 meeting were read and approved as read.

The January 10, 2006 Verified Financial Report was presented. The February 14, 2006 Financial Report was also presented. Both reports were approved as presented.

Reis and Rud approved payment of the 2006 general liability premium in the amount of \$287.00 to Surety Title Company.

January is the month the Board usually reorganizes. Because there was no January, 2006 meeting the Board reorganized in February of 2006. It was unanimously decided that Reis would remain Water Board Chairman, Rud would remain Vice-Chairman and Peterson Law Offices would remain Secretary/Treasurer. Also discussed was the fact that Rud has been reappointed by the Eddy County Commissioners for another 3 year term. Rud's term will expire December 31, 2008.

Devils Lake Basin Joint Water Resource Board minutes and Upper Sheyenne River Joint Water Resource Board minutes were handed out for the Board's review. Neal indicated he would be attending the February 15, 2006 Upper Sheyenne River Joint Water Resource Board meeting in Carrington at the Pizza Ranch. No further action was necessary with regard to either of these Water Boards.

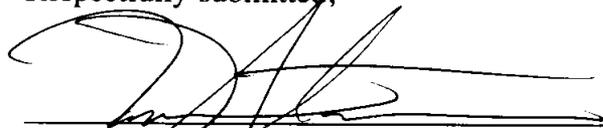
Peterson informed the Board that he received notice from the Foster County Water Board that the Annual Rocky Run Meeting would be held in the Courtroom of the Wells County Courthouse on Thursday, March 9 at 1:30 PM. After the meeting Peterson contacted Attorney Noack and it was decided that Peterson would take steps to publish notice of the meeting in the Eddy, Foster and Wells County newspapers.

The Wilfred Wipperling complaint was briefly discussed. On December 20, 2005 Peterson mailed a letter to the Columbia Township Supervisors. At of today's date neither Peterson nor any member of the Eddy County Water Resource District had heard anything from any interested party.

Other various correspondence was reviewed. No action necessary.

The next meeting of the Eddy County Water Resource Board will be held on March 14, 2006 at 10:00 AM. 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
January 10, 2006

No meeting of the Eddy County Water Resource Board was held in January for lack of a quorum. Neal Rud and Travis S. Peterson, Secretary/Treasurer were the only individuals that showed up for the meeting.

The next meeting of the Eddy County Water Resource Board will be held on February 14, 2006 at 10:00 AM.

Respectfully submitted,



Travis S. Peterson, Recording Secretary

APPROVED:



Kenneth Reis, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD

December 20, 2005

A regular meeting of the Eddy County Water Resource Board was held on December 20, 2005 at 10:00 AM in the Eddy County Courthouse. Present were Kenneth Reis, Neal Rud, Michael Tweed, Travis S. Peterson, Secretary/Treasurer, landowners Wilfred and Edith Wipperling.

The minutes of the November 8, 2005 meeting were read and approved as read.

The Financial Report was unanimously approved. Kenneth Reis moved to pay the following bills:

ND Water Users Association (2006 dues)	\$ 300.00
ND Water Resource District Association (2006 dues)	375.00
Peterson Law Offices, P.C. (Services rendered & costs advanced)	1,669.53
Kenneth Reis (July thru December meetings and mileage)	294.75
Mike Tweed (July thru December meetings and mileage)	1,460.50
Neal Rud (July thru December meetings and mileage)	682.50

Second by Michael Tweed. Motion carried.

Wilfred and Edith Wipperling were present to inquire whether there have been any changes in the law relating to the Water Board's authority to install culverts under township roads. The Wipperlings' concerns date back to their Complaint presented at the May 1, 2001 meeting. Basically, the Wipperlings complaint is that a natural drain is obstructed by the presence of the township road between Sections 8 and 17 in Columbia Township. This matter has been an ongoing problem for the Wipperlings and the Water Board previously recommended that the township install a culvert. At the present meeting the Water Board informed the Wipperlings that nothing has changed with regard to the Water Board's legal authority. After the Wipperlings left, Michael Tweed made a motion to have Peterson send a letter to the Township Supervisors wherein the Eddy County Water Resource District again recommends that a culvert be installed in the township road at that location and at that elevation recommended by the survey prepared by Mike Fandrich. Second by Neal Rud. Motion carried.

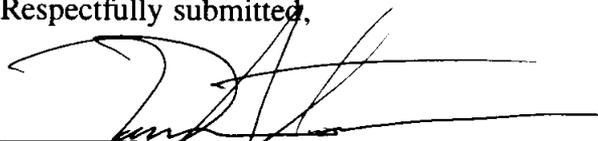
Various correspondence was reviewed. Rodney Lindstrom of Surety Title Company provided Peterson with an NDIRF Liability Application. Peterson informed the Board that he will complete the application and return it to Lindstrom.

Tweed briefed the board on his attendance at the State Water Convention and his most recent Devils Lake Basin Joint Water Resource Board meetings.

Rud briefed the Board on the most recent Upper Sheyenne Joint Water Resource Board activities.

The next meeting of the Eddy County Water Resource Board will be held on January 10, 2006 at 10:00 AM. 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

November 8, 2005

A regular meeting of the Eddy County Water Resource Board was held on November 8, 2005 at 10:00 AM in the Eddy County Courthouse. Present were Kenneth Reis, Neal Rud, Michael Tweed, Travis S. Peterson, Secretary/Treasurer.

The minutes of the October 11, 2005 meeting were read and approved as read.

The Financial Report was unanimously approved.

Various correspondence was reviewed. Peterson informed the Board that he received from the State Water Commission information concerning the 2006 Project WET Program. This year's topic is "Discover Today's James and Sheyenne Rivers". The Board instructed Peterson to send a mailing to the New Rockford and Sheyenne Schools offering to sponsor one faculty member from each school.

Neal Rud gave an Upper Sheyenne Joint Water Resource Board update. Neal indicated that there will be a special meeting on November 9, 2005 at 1:00 PM in New Rockford at Rough Cuts restaurant. Representatives from the State Water Commission and the Red River Basin are scheduled to attend.

Mike Tweed gave the Devils Lake Basin Joint Water Resource Board update. The November 9, 2005 meeting is scheduled for 9:00 AM in Sheyenne, ND at Ostby Hall. Tweed and Rud have made the necessary arrangements for this meeting.

Rud informed the Board that he would be unavailable for the December 13, 2005 meeting. Peterson was instructed to schedule the meeting on a different Tuesday in December. Peterson was further instructed to advertise the change of meeting and mail to the members a notice of the rescheduled meeting.

The next meeting of the Eddy County Water Resource Board will be held on December 20, 2005 at 10:00 AM. 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 11, 2005

A regular meeting of the Eddy County Water Resource Board was held on October 11, 2005 at 9:00 AM in the Eddy County Courthouse. Present were Neal Rud, Michael Tweed, Travis S. Peterson, Secretary/Treasurer.

The minutes of the September 13, 2005 meeting were read and approved as read.

The Financial Report was unanimously approved. Michael Tweed made a motion to transfer \$15,000.00 into a five month certificate of deposit. Neal Rud seconded the motion. Motion carried.

The Board discussed the Tim Tollefson/New Rockford Township matter. The Water Board received a photocopy of New Rockford Township's Order regarding this matter.

Tweed gave an update regarding the Odean Gleason complaint. Basically, Gleason was informed that his complaint must be written. Gleason is considering whether or not to file a written complaint. If a written complaint is filed a copy should be provided to Mike Noon of the State Water Commission and they will also review the matter.

Tweed gave a Devils Lake Basin Joint Water Resource Board update. The next meeting is schedule for October 12, 2005 at 8:00 AM in the Ramsey County Courthouse. The November meeting is scheduled for November 9, 2005 at ~~8:00~~^{9:00} AM in Ostby Hall, Sheyenne, ND. Tweed and Rud are making plans for that November meeting.

With regard to the Upper Sheyenne Joint Water Resource Board, Rud indicated that the conceptual plan received final approval. The next meeting will be December 8, 2005 at the State Water Convention.

The next meeting is scheduled for November 8, 2005 at 10:00 AM. 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

September 13, 2005

A regular meeting of the Eddy County Water Resource Board was held on September 13, 2005 at 9:00 AM in the Eddy County Courthouse. Present were Neal Rud, Michael Tweed, Kenneth Reis, Travis S. Peterson, Secretary/Treasurer.

The minutes of the August 9, 2005 meeting were read and approved as read.

The Financial Report was unanimously approved.

There was brief discussion regarding the Tollefson matter. As of the meeting date Peterson had not received anything from the New Rockford Township attorney.

Peterson received from the North Dakota Department of Insurance an application for coverage with the State Bonding Fund. Peterson completed that application and presented it to Chairman Reis for his signature.

Other correspondence was reviewed. No action necessary.

Rud informed the Board that the next Upper Sheyenne Joint Water Resource Board meeting is scheduled for Thursday, September 15, 2005 at 9:00 AM in Carrington at the Pizza Ranch.

Tweed gave a Devils Lake Basin Joint Water Resource Board update. The next meeting is September 14, 2005 in Devils Lake at 8:00 AM.

Tweed informed the Board that he had received verbal notification of a Texas Crossing in the N1/2 of Section 35, Township 150, Range 62 which is apparently holding back water and drowning out fields. The complainant, Odean Gleason, proposes that two five foot culverts be placed in the crossing to keep water flowing. At present there are culverts within the crossing but they are not large enough to permit adequate flow downstream. This crossing is located on a half mile line and not a section line. It was decided that Tweed would inform the complainant to file a written complaint with the Township.

The next meeting is scheduled for October 11, 2005 at 9:00 AM. 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

August 9, 2005

A regular meeting of the Eddy County Water Resource Board was held on August 9, 2005 at 9:00 AM in the Eddy County Courthouse. Present were Neal Rud, Michael Tweed, Kenneth Reis, Travis S. Peterson, Secretary/Treasurer.

The minutes of the July 14, 2005 meeting were read and approved as read.

The Financial Report was unanimously approved.

Various correspondence was reviewed. No action was necessary.

The Eddy County Auditor mailed to Kenneth Reis the budget request for 2006. After discussion the Board unanimously approved a motion to submit a budget requesting \$12,887.00, the same budget request as submitted in 2005.

Peterson informed the Board that he received a notice from New Rockford Township regarding the Tollefson complaint. A public hearing is scheduled for Thursday, September 1, 2005, at 9:00 AM in the courtroom of the Eddy County Courthouse.

Neal Rud reported that there was no new business with the Sheyenne River Joint Water Resource Board.

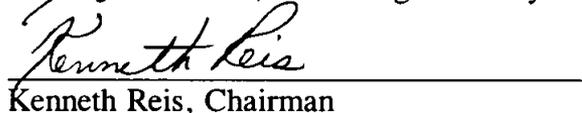
Michael Tweed gave a Devils Lake Basin Joint Water Resource Board update. No action necessary in this regard.

The next meeting is scheduled for September 13, 2005 at 9:00 AM. 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 14, 2005

A regular meeting of the Eddy County Water Resource Board was held on July 14, 2005 at 9:00 AM in the Eddy County Courthouse. Present were Neal Rud, Michael Tweed, Kenneth Reis, Travis S. Peterson, Secretary/Treasurer.

The minutes of the June 14, 2005 meeting were read and approved as read.

The Financial Report was unanimously approved. Various correspondence was reviewed. No action was necessary in this regard.

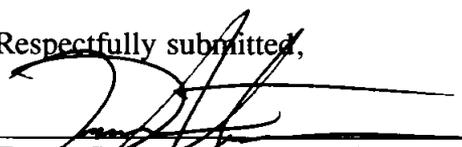
Rud and Tweed talked about their attendance at the North Dakota Water Resource District Association annual meeting. They were informed that the standard mileage rate has been increased to 37.5 cents per mile. The Board unanimously decided that it would begin paying mileage at this new updated rate.

Rud gave a brief Sheyenne River Joint Water Resource Board update. Pierce County joined the Joint Board. Sheridan County is the only county which has not yet joined. The fall meeting will be scheduled in September.

Tweed gave the Devils Lake Basin Joint Water Resource Board update.

The next regular meeting of the Eddy County Water Resource Board shall be on August 9, 2005 at 9:00 AM. 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 14, 2005

A regular meeting of the Eddy County Water Resource Board was held on June 14, 2005 at 9:00 AM in the Eddy County Courthouse. Present were Neal Rud, Michael Tweed, Kenneth Reis, Travis S. Peterson, Secretary/Treasurer.

The minutes of the May 10, 2005 meeting were read and approved as read.

Peterson presented the Verified Financial Report reflecting all financial transactions for January 1, 2005 through May 31, 2005. Said report was approved as presented. A motion was made by Neal Rud, seconded by Mike Tweed, and approved unanimously to pay the following bills:

Kenneth Reis	\$ 338.87
Neal Rud	533.70
Michael Tweed	867.31
Peterson Law Offices, P.C.	1,505.47

The Board had no update regarding any old business.

Various correspondence was reviewed. Peterson informed the Board that he received information from the State Water Commission concerning contact they had received from Wilfred Wippering. No action was necessary in this regard.

Peterson was instructed to send the registration for Rud and Tweed to attend the North Dakota Water Resource District Association annual meeting in Fargo.

Tweed informed the Board that there is an Eddy County Zoning Committee meeting on Thursday, June 16, 2005 at 7:30 PM in the Eddy County Courthouse.

Rud had nothing to report with regard to the Sheyenne River Joint Water Resource Board.

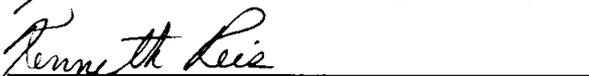
Peterson handed out the Devils Lake Basin Joint Water Resource Board minutes for May and June. Those were reviewed. Tweed reminded the Board that the Board members were invited to a Devils Lake Basin tour on July 21, 2005. Registration forms were provided to Reis and Rud.

The next regular meeting of the Eddy County Water Resource Board shall be on July 12, 2005 at 9:00 AM. 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 10, 2005

A regular meeting of the Eddy County Water Resource Board was held on May 10, 2005 at 9:00 AM in the Eddy County Courthouse. Present were Neal Rud, Michael Tweed, Kenneth Reis, Travis S. Peterson, Secretary/Treasurer.

The minutes of the April 12, 2005 meeting were read and approved as read.

The Treasurer's Report was approved as presented.

Peterson reminded the Board members that the Tim Tollefson hearing was scheduled for May 13, 2005 at 9:30 AM. Peterson further informed the Board that he would attend the hearing.

Michael Tweed informed the Board that he heard that a dam located on Langley real estate east of New Rockford broke and washed out a couple ~~roads~~ roads near the Jim Eversvik farm and the Tim/Mark Becker farm. No action was taken due to the fact that none of the affected land owners have contacted the Water Board.

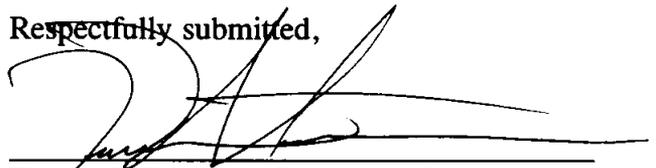
Neal Rud indicated that he had received a revised/updated Upper Sheyenne River Joint Water Resource Board Management Plan. Rud had nothing further to report concerning USRJWRB.

Tweed gave the Board a brief update regarding the DLJWRB. In general all was quiet. Tweed did note that the Tolna Coulee negotiation committee was still gathering information and landowners in that area had not yet been contacted.

The next regular meeting of the Eddy County Water Resource Board shall be on June 14, 2005 at 9:00 AM.

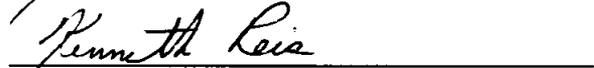
There being no further business the meeting was adjourned.

Respectfully submitted,



Travis S. Peterson, Recording Secretary

APPROVED:



Kenneth Reis, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD

April 12, 2005

A regular meeting of the Eddy County Water Resource Board was held on April 12, 2005 at 9:00 AM in the Eddy County Courthouse. Present were Neal Rud, Michael Tweed, Kenneth Reis, Travis S. Peterson, Secretary/Treasurer. The minutes of the March 8, 2005 meeting were read and approved as read.

The Treasurer's Report was approved as presented.

The Board was informed that Frank Walker contacted Peterson twice on April 11, 2005 regarding Walker's water drainage issues north of New Rockford and adjacent to Highway 281. Peterson informed the Board that he instructed Walker to submit his complaint in writing. In lieu of a complaint Walker submitted to the Water Board a letter dated March 15, 2005 and signed by Bradley Weber and Todd Haley of the New Rockford Township Board. Mr. Walker was not present at this meeting due to scheduling conflicts. These matters will be considered further when Mr. Walker is able to be present at a Water Board meeting.

Other various correspondence was reviewed. No action necessary.

Tweed indicated that Freeborn Township paid for the culvert which was recently installed in the Nelson/Eddy County line.

Neal Rud informed the Board that the Tim Tollefson/New Rockford Township court hearing is scheduled for May 13, 2005 at 9:30 AM. Apparently the engineer completed his study and a hearing will be held with regard to those findings.

Neal Rud gave an Upper Sheyenne River Joint Water Resource Board update. The last meeting was held on March 29, 2005 at the Pizza Ranch in Carrington, ND. The entire meeting consisting of fine tuning the Upper Sheyenne River Basin Management Plan. Neal anticipated that the management plan would be approved at the next Upper Sheyenne Board Meeting which will likely take place at the State Convention in Fargo in July. Rud informed the Board that Ben Varnson received Eddy County's check for 2005 dues.

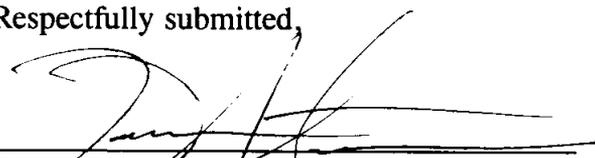
Michael Tweed gave a Devils Lake Joint Water Resource Board update. With regard to the Tolna Coulee Tweed stated that a negotiation committee was appointed. That committee will attempt to negotiate a buyout of the various Tolna Coulee real estate. Tweed also indicated that the Minko Township illegal drain matters were discussed by the Joint Water Resource Board. Basically, Benson County turned the matter over to the Corps of Engineers and the Corps is still investigating the matter.

Michael Tweed informed the Board that he has been appointed to the Eddy County Agricultural Zoning Committee.

The next regular meeting of the Eddy County Water Resource Board shall be on May 10, 2005 at 9:00 AM.

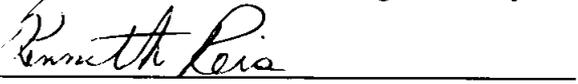
There being no further business the meeting was adjourned.

Respectfully submitted,



Travis S. Peterson, Recording Secretary

APPROVED:



Kenneth Reis, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD

March 8, 2005

A regular meeting of the Eddy County Water Resource Board was held on March 8, 2005 at 10:00 AM in the Eddy County Courthouse. Present were Neal Rud, Michael Tweed, Kenneth Reis, Travis S. Peterson, Secretary/Treasurer and Frank Soule, Source Water Specialist, ND Rural Water Systems Association.

The meeting began with Mr. Soule's presentation. Mr. Soule was present to inform the Board of his activities within Eddy County. Basically, Soule is involved with Source Water Protection Plans. Such plans begin in rural towns and communities wherein a committee is created to develop a plan to protect their local water sources. The idea is to maintain and/or improve local water quality and provide a contingency plan for the public water supply in the event of contamination. Mr. Soule indicated that he will be presenting a water protection workshop at Brown Memorial Auditorium in New Rockford at 1:00 PM on Monday, March 14, 2005.

Minutes of the February 8, 2005 meeting were read and approved as read.

The Treasurer's Report was approved as presented. Neal Rud indicated that he was informed that the Upper Sheyenne River Joint Water Resource Board had not yet received our 2005 dues payment. Reis and Peterson will review their files and see that the check is mailed.

Various correspondence was reviewed. No action necessary.

Tweed indicated he was approached by an individual concerning a township road in Freeborn Township which also acts as the county line between Nelson and Eddy Counties. The issue presented was whether the Water Board had previously agreed or is currently agreeable to sharing any of the cost to install a new culvert. The work was recently completed without the Water Board's knowledge. Reviewing previous Water Board minutes it was noted that this same issue was addressed in May, 2003 and June, 2003. The June 3, 2003 Eddy County Water Resource Board minutes indicate that the Water Board agreed to pay for half the cost of a pipe/culvert which was installed at that time. Since that time the Water Board has heard nothing in this regard. The Board's current consensus was that the installation of a culvert under that township road is a township and/or county matter and the Water Board was not agreeable to sharing in the current cost of this project.

Tweed gave a Devils Lake Joint Water Resource Board update. Tweed indicated that the Board approved a motion to begin buy out negotiations with Tolna Coulee landowners. Appointment of a negotiation committee will take place at the next Devils Lake Joint Water Resource Board meeting.

Neal Rud gave an Upper Sheyenne River Joint Water Resource Board update. At the last meeting the Upper Sheyenne River Basin Management Plan was presented. Rud anticipates that the plan will be fine tuned and possibly adopted at the next meeting which is scheduled for March 29, 2005 at the Chieftain Conference Center in Carrington, ND.

Eddy County Water Resource Board meeting minutes
March 8, 2005 - page 2

The next regular meeting of the Eddy County Water Resource Board shall be on April 12, 2005 at 10:00 AM.

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 8, 2005

A regular meeting of the Eddy County Water Resource Board was held on February 8, 2005 at 10:00 AM in the Eddy County Courthouse. Present were Neal Rud, Michael Tweed, and Travis S. Peterson, Secretary/Treasurer.

Minutes of the January 11, 2005 meeting were read and approved as read.

The Treasurer's Report was approved as presented.

A STARTII preliminary assessment of New Rockford CCC grain bin sites (located on the Eddy County Fairgrounds) was reviewed. Also reviewed was the 2005-2007 North Dakota State Water Commission Water Development report. No action was necessary with regard to either of these documents.

Neal Rud brought up the Tim Tollefson complaint. It appears that Tollefson's attorney Doug Goulding, contacted either the Eddy County Commissioners or Steve Thompson of Interstate Engineering and requested that the area near Tollefsons be surveyed so as to resolve the various water issues.

Peterson will contact Wells County and Foster County and schedule the annual joint Rocky Run Meeting for the first week of March, 2005. Peterson will mail notice of the meeting to the Eddy County Water Board members and take steps to have notice published in the Eddy, Foster and Wells County newspapers.

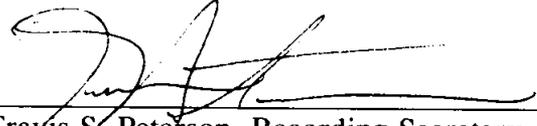
Tweed gave an update on the Devils Lake Joint Water Resource Board. Larry Gelner of Cavalier County is the new Board President. Attorney Tom Traynor has been retained by the Devils Lake Board to assist with various issues, including the Tolna Coulee.

Neal Rud gave an update regarding the Upper Sheyenne River Joint Water Resource Board. The 2005 dues in the amount of \$936.11 is due. Neal made a motion to pay the dues. Tweed seconded the motion; motioned carried. The next Upper Sheyenne Board meeting is February 22nd at 9:00 AM at the Chieftain in Carrington. The major topic to be discussed is the creation of an Upper Sheyenne River Water Management plan. Neal also presented a three ring binder which includes aerial photos of the entire Upper Sheyenne River Basin. The State Water Commission prepared and provided the three ring binder to each of the counties within the Upper Sheyenne River Joint Board.

The next regular meeting of the Eddy County Water Resource Board shall be on March 8, 2005 at 10:00 AM.

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

January 11, 2005

A regular meeting of the Eddy County Water Resource Board was held on January 11, 2005 at 10:00 AM in the Eddy County Courthouse. Present were Neal Rud, Kenneth Reis, and Travis S. Peterson, Secretary/Treasurer.

Minutes of the December 14, 2004 meeting were read and approved as read.

The Treasurer's Report was approved as presented. Reis moved to pay the following bill and Rud seconded the motion:

\$375 to the ND Water Resource Districts Association for 2005 dues.

Peterson informed the Board that he forwarded the State Water Commission Project WET materials to both New Rockford and Sheyenne Schools.

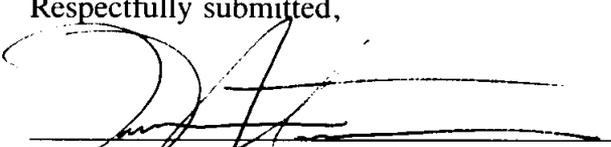
January is the month for the Board to reorganize. Rud moved and Reis seconded a motion to have Reis remain as Water Board Chairman, Rud become Vice-Chairman and Peterson Law Offices remain Secretary/Treasurer. Motion carried.

Rud gave an update regarding the Upper Sheyenne River Basin Joint Water Resource Board. In preparation of the next meeting the Board prepared an inventory of dams within Eddy County. Those dams consist of the Sheyenne Dam and the Warwick Dam.

The next regular meeting of the Eddy County Water Resource Board shall be on February 8, 2005 at 10:00 AM.

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

December 14, 2004

A regular meeting of the Eddy County Water Resource Board was held on December 14, 2004 at 10:00 AM in the Eddy County Courthouse. Present for the start of the meeting were Neal Rud, Mike Tweed, Kenneth Reis, and Travis S. Peterson, Secretary/Treasurer.

Minutes of the November 9, 2004 meeting were read and approved as read.

Peterson presented a Verified Financial Report. Tweed moved to approve; Reis seconded; motion carried. Peterson will provide a copy of the Verified Financial Report to the Eddy County Auditor. Rud moved to pay the following bills:

North Dakota Water Users Association (2005 dues)	\$ 300.00
Surety Title Company (NDIRF premium)	287.00
Peterson Law Offices, P.C. (Services rendered)	1,417.40
Kenneth Reis (Meetings and mileage)	387.59
Neal Rud (Meetings and mileage)	1,029.66
Mike Tweed (Meetings and mileage)	1,074.60

Reis seconded the motion to pay the above bills; motion carried.

The Garrison Diversion/Highway 281 project was discussed. It appears the project is complete. The low spot east of Highway 281 and north of the canal has been filled in. A back slope in the ditch west of Highway 281 has been created. The work should help Frank Walker's and Steve Weisenburger's water issues in those areas.

Kenneth Reis indicated that Mark Rue has not worked on the bridges or Texas crossings in the area of the Reis farm. With the change of seasons it is likely this work will not be completed until fall of 2005.

Various correspondence was reviewed. Kenneth Reis received a Spirit Lake Phase II study which was filed with the Phase I study. Peterson informed the Board that he received the State Water Commission Project Wet Materials for 2005. The Board instructed Peterson to send a letter to both New Rockford and Sheyenne Schools and inform the schools that the Water Board would sponsor one faculty member from each school to attend either the Devils Lake Dilemma Workshop or the Missouri River Institute.

Mike Tweed gave an overview of the November and December Devils Lake Basin Joint Water Resource Board Meetings. Tweed also gave an overview of his attendance at the North Dakota Water Convention which was held in Bismarck on December 8th and 9th.

Rud reported that he and Tweed attended the Upper Sheyenne River Joint Water Resource Board meeting which was held in Cooperstown on November 17, 2004. Rud indicated the meeting was informative. Of particular interest was information presented by Attorney Tom Moe from Mayville. Attorney Moe represents the North Dakota Township Association and spoke of issues which concern both Township Boards and Water Boards.

The next regular meeting of the Eddy County Water Resource Board shall be on January 11, 2005 at 10:00 AM.

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

November 9, 2004

A regular meeting of the Eddy County Water Resource Board was held on November 9, 2004 at 10:00 AM in the Eddy County Courthouse. Present for the start of the meeting were Neal Rud, Mike Tweed, and Travis S. Peterson, Secretary/Treasurer. Kenneth Reis showed up shortly after the meeting started.

Minutes of the October 12, 2004 meeting were read and approved as read.

The Treasurer's Report was approved as presented. Neal Rud moved and Mike Tweed seconded a motion to let the Certificate of Deposit mature and have the principal and interest deposited into the Water Board checking account. Motion carried.

The Garrison Conservancy District/Highway 281 project was discussed. Apparently work has started within the west ditch of Highway 281. It appears that the excavated materials are being hauled east on the road north of the canal.

Kenneth Reis reported that Mark Rue completed removal of trees and beaver dams between the north halves of Section 15 and 16 in Superior Township. One culvert was also installed in the same area. Reis anticipates that the Water Board will receive a bill for some portion of the clearing of trees and beaver dams. The Township will be paying for the culvert work.

Mike Tweed reviewed the Devils Lake Basin Joint Water Resource Board minutes from the October 13, 2004 meeting. The next Devils Lake Basin meeting will be November 10, 2004.

Neal Rud reported that the Upper Sheyenne River Joint Water Resource Board has its next meeting on November 17, 2004 in Cooperstown.

Various correspondence was reviewed. The North Dakota Water Convention will take place December 8th and 9th in Bismarck. Mike Tweed plans to attend. Mike was provided the registration form and the Water Board will reimburse him for costs incurred.

The next regular meeting of the Eddy County Water Resource Board shall be on December 14, 2004 at 10:00 AM.

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 12, 2004

A regular meeting of the Eddy County Water Resource Board was held on October 12, 2004 at 9:00 AM in the Eddy County Courthouse. Present were Kenneth Reis, Neal Rud, Mike Tweed, and Travis S. Peterson, Secretary/Treasurer. Also present was Jim Cromwell and Kip Kovar of the Garrison Diversion Conservancy District.

Minutes of the September 14, 2004 meeting were read and approved as read.

The Treasurer's Report was approved as presented. Peterson also informed the Board that the budget request for 2005 was approved by the Eddy County Commission.

Kip Kovar of the Garrison Conservancy District presented details of a proposed back slope grade raise project located approximately 2.5 miles north of New Rockford near the intersection of Highway 281 and the New Rockford Canal. One aspect of the proposal is to clean and remove materials from the West ditch of Highway 281 and place the excavated material on the back slope. The raised back slope will prevent water from overtopping the ditch and spilling into Steve Weisenburger's field. It is proposed that the top of the backslope will be increased approximately 1.5 feet. The other aspect of the project is located at the northeast corner of the intersection of Highway 281 and the canal. The fence line and ridge (soil) that has built up over time will be removed and the siltation in the ditch will be removed and the excavated material will be placed on the adjacent landowner's field. This will permit the water from the field to flow into the ditch. Kovar presented the proposal to the Eddy County Water Board as a result of his mistaken belief that the Eddy County Water Board approved Frank Walker's ditch cleaning and installation of a 30 inch culvert. (See Eddy County Water Resource Board Minutes of July 8, 2003 through April 13, 2004.) In fact, Eddy County Water Board did not authorize Walker's actions but instead informed Walker that it had no objection to Walker pursuing authorization through ND DOT and NRCS. Upon learning that Eddy County Water Board was not the agency which authorized Walker to clean the ditch and install the culvert, Kovar indicated that he would contact ND DOT for their approval. Kovar indicated that he would likely be in touch with the Eddy County Water Board regarding this matter in the future. It was not necessary for the Water Board to take any action regarding this matter at this time.

Kenneth Reis reported that Mark Rue has been working to remove the trees and beaver dams between the north halves of Section 15 and 16 in Superior Township. This is the work which Albert Pfeiffer brought to the attention of the Board at the March 9, 2004 meeting. Reis also reported that Mark Rue has been out to look at the bridges near the Reis farm and Rue indicated he would be out in the very near future to remove the bridges and replace them with Texas crossings.

Mike Tweed did not have a Devils Lake Basin update because there have been no meetings since the last Eddy County Water Board meeting. Neal Rud indicated that the same was true with regard to the Upper Sheyenne Joint Water Board.

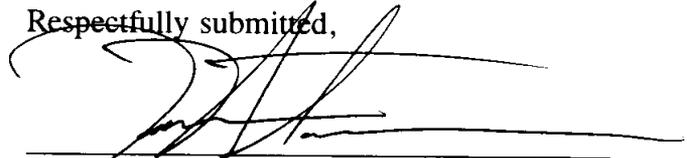
Various correspondence was reviewed. No action necessary in this regard.

Kenneth Reis presented a letter from US Fish and Wildlife which stated that their fee for removal of beaver dams will increase from \$75 to \$100 effective October 1, 2004.

The next regular meeting of the Eddy County Water Resource Board shall be on November 9, 2004 at 10:00 AM.

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

September 14, 2004

A regular meeting of the Eddy County Water Resource Board was held on September 14, 2004 at 9:00 AM in the Eddy County Courthouse. Present were Kenneth Reis, Neal Rud, Mike Tweed, and Travis S. Peterson, Secretary/Treasurer.

Minutes of the August 10, 2004, 2004 meeting were read and approved as read.

The Treasurer's Report was approved as presented.

Kenneth Reis informed the Board that he contacted Johnny Carlson regarding FEMA alternatives within Tiffany Township. Apparently Johnny Carlson did meet with FEMA representatives regarding culverts and roads within Tiffany Township. No further details were available at the time of the meeting.

Kenneth Reis also indicated that he met with the FEMA representative and they viewed the road and culverts east of the Kenneth Reis farm. Reis indicated that the FEMA representative generally agreed that the Texas Crossing was an appropriate solution to the problems in that area but that no FEMA funds were available because it appeared that the problems were the result of time and old age as opposed to a natural disaster.

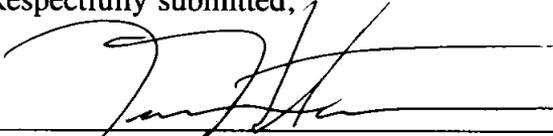
Mike Tweed gave an update on the Devils Lake Basin Joint Water Resource Board. Tweed explained that Eddy County was assessed \$84.00 for legal and professional services relative to the Tolna Coulee project. The total amount of funds the Devils Lake Basin Joint Water Resource Board is raising to get that project started is \$20,000.00. The Devils Lake Basin Joint Water Resource Board minutes from August and September were also reviewed and discussed.

Neal Rud gave an update on the Upper Sheyenne Joint Water Resource Board. There was a good turnout at the August 24, 2004 meeting in Sheyenne. The next meeting is scheduled for November 17, 2004 at 9:30 AM in Cooperstown.

The next regular meeting of the Eddy County Water Resource Board shall be on October 12, 2004 at 9:00 AM.

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

August 10, 2004

A regular meeting of the Eddy County Water Resource Board was held on August 10, 2004 at 9:00 AM in the Eddy County Courthouse. Present were Neal Rud, Mike Tweed, and Travis S. Peterson, Secretary/Treasurer. Also present for a portion of the meeting was Eddy County Commissioner Rodney Lindstrom.

Minutes of the July 13, 2004, 2004 meeting were read and approved as read.

The Treasurer's Report was approved as presented. Peterson also presented to the Board the 2005 budget request which had been previously signed by Chairman Reis and submitted to Eddy County Auditor Darlene Haugen.

Lindstrom and the Water Board members again discussed Robinson Coulee. The Interstate Engineering bid on a proposed hydraulic study came in at \$22,700.00. Lindstrom indicated that he has discussed some of the Robinson Coulee issues with some interested landowners, namely Danny Carlson and Johnny Carlson. The Carlsons indicated that rather than spend \$22,700.00 the County/Townships/Water Board should address specific culverts in an attempt to keep the water flowing. Commissioner Lindstrom and the Water Board agreed with this course of action. Also discussed was the fact that FEMA representatives had previously visited Eddy County to discuss funding of certain projects which result from the recent disaster declaration. Any and all requests for FEMA funds must go through the Eddy County Emergency Manager, Joseph Lies. Among other things, funding is available for work on culverts/roads which were damaged or washed out as a result of the significant rain events which occurred earlier this year. In this regard, Commissioner Lindstrom indicated that he would contact Johnny Carlson and suggest that Carlson contact Joseph Lies in order to request FEMA funds for any roads within Tiffany Township which were affected by the previous rain events.

At the July 13, 2004 meeting Peterson was instructed to write a letter to the State Water Commission concerning a hydraulic study and/or cost share funds which might be available for a hydraulic study within Robinson Coulee. Peterson gave an update to the Board and Commissioner Lindstrom regarding Peterson's correspondence with the State Water Commission. See the attached file memo for an overview of Peterson's correspondence with the State Water Commission.

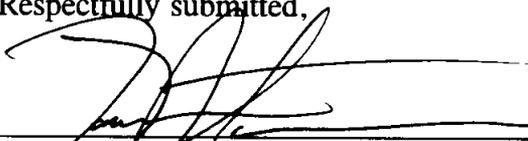
Mike Tweed updated the Board on the Devils Lake Basin Joint Water Resource Board activities. At present the most significant issues concern Stump Lake and the East End Outlet. The Devils Lake Basin Joint Water Resource Board has formed a finance committee whose purpose is to raise funds sufficient to purchase the Roger Johnson farmland. Across the Roger Johnson farmland runs a portion of the Coulee which leads to the Tolna Dam. In order to get the water flowing from Stump Lake to the Tolna Dam it will be necessary to clean out a portion of the Coulee which sits on the Johnson farm. Tweed further informed the Eddy County Board that the Devils Lake Joint Water Resource Board intends to assess each member county in order to assist in the purchase of the Johnson land.

Neal Rud gave an update on the Upper Sheyenne River Joint Water Resource Board. He indicated that the next meeting is scheduled for August 24, 2004 at 8:30 AM at the Ostby Hall in Sheyenne. Neal will pick up rolls and have refreshments available for that meeting.

The next regular meeting of the Eddy County Water Resource Board shall be on September 14, 2004 at 9:00 AM.

There being no further business the meeting was adjourned.

Respectfully submitted,



Travis S. Peterson, Recording Secretary

APPROVED:



Kenneth Reis, Chairman

FILE MEMO

7-23-2004

TSP received a call from Caroline at the State Water Commission. Caroline had questions regarding the Robinson Coulee and my request for a hydraulic study.

Caroline indicated that the State Water Commission generally does not provide cost share or assistance unless it concerns a legal drain. The SWC is leery to invest its time and resources unless they are satisfied that the work undertaken will result in long term affects. In other words, the SWC prefers not to get involved in a project like this where it is likely that the same problem will arise in the future (i.e. additional future sedimentation which requires periodic clean out of the coulee).

Caroline also suggested that to create a legal drain/assessment district is further supported by the fact that the water issues within the Robinson Coulee are not seasonal or climatological events but are instead a regular condition. Further support for an assessment district is that we are dealing almost completely with a run off and all land owners whose land drains into the coulee are benefitting. Caroline basically indicated that it would be beneficial to create a legal drain so that funds are regularly available to address clean out and culvert issues.

Caroline had a few questions for TSP, one of which was whether all the culverts of concern are within the coulee itself or are there other culverts were concerned with that are not in the coulee and are located elsewhere within the watershed. Caroline also asked whether the coulee was "stable" and whether sedimentation/vegetation was an issue.

Caroline informed TSP to inform the boards to hold tight for now and she would discuss our request further with other representatives of the SWC and they would get back in touch with us. TSP did inform Caroline that, if she had further concerns or questions, TSP would prefer to have a Water Board member and interested landowners present to discuss this matter (i.e. Kenny Reis and Randy Tedrow).

7-26-2004

Caroline from the State Water Commission called and informed Peterson that the SWC has determined to do nothing until more is known regarding the Tim Tollefson litigation. It is the State Water Commission's position/thought that the Court may ultimately enter into an order which would address who will be required to pay for any study relative to the Tim Tollefson complaint. That Court order might also specify the extent or detail which any such study must be completed. In other words, the Tollefson complaint may force this issue and may also help determine how much of the Robinson Coulee should be studied. When the Court enters an order regarding the Tim Tollefson complaint the Eddy County Water Board should review these matters and forward the relevant information to the State Water Commission in order that the State Water Commission can reevaluate its position and determine whether any cost share or technical assistance is then available.

TSP

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD

July 13, 2004

A regular meeting of the Eddy County Water Resource Board was held on July 13, 2004 at 9:00 AM in the Eddy County Courthouse. Present were Neal Rud, Kenneth Reis, Mike Tweed, and Travis S. Peterson, Secretary/Treasurer. Also present were Eddy County Commissioners Rodney Lindstrom, Earl Sauer, and Lorraine Allmaras; John Paczkowski of the North Dakota State Water Commission; Steve Thompson of Interstate Engineering, Inc.; Joe Belford of the Devils Lake basin; and landowners Randy Tedrow and Dennis Rimmereid.

Minutes of the June 8, 2004 meeting were read and approved as read.

The Treasurer's Report was approved as presented. Motion by Neal Rud and second by Mike Tweed to pay a Baker's Dozen bill in the amount of \$15.00. Motion was made and carried to have Peterson fill out the 2005 budget and request the levy of two mills.

The Eddy County Commissioners, interested landowners, State Water Commission representative, and engineer Steve Thompson were present to discuss concerns and ideas regarding the Robinson Coulee. Commissioner Lindstrom presented some background information and an overview of his understanding of culverts currently located within the Robinson Coulee. At present the following culverts are found in the Robinson Coulee within Tiffany Township:

Three culverts under County Road 6 between Sections 29 and 30

Two culverts between Sections 28 and 29

One culvert between Sections 23 and 26

One culvert between Sections 10 and 15

Two (18 inch) culverts in Randy Tedrow's cattle crossing in the NE1/4 of Section 5

As a result of the significant rain events of spring 2004 the three culverts between Sections 29 and 30 have been running full. The two culverts between Sections 28 and 29 have been running at less than full capacity. Those interested parties in attendance generally agreed that in order to keep the water flowing, the following additional culverts should be added within Tiffany Township:

One 24 inch culvert between the NE1/4 of Section 19 and the NW1/4 of Section 20

One 4 foot culvert between Sections 29 and 30

One 4 foot culvert between Sections 28 and 29

One 4 foot culvert in Section 26 under John B. Gisi's driveway

One 4 foot or 6 foot* between Sections 23 and 26 (* 6 foot preferred)

One 4 foot between Sections 10 and 15

Two 18 inch culverts under Randy Tedrow's cattle crossing in the NE1/4 of Section 5

The County Commissioners and the Water Board expressed concerns about the cost of this project and also whether it may be appropriate to obtain a hydraulic study of all roadway crossings within the Robinson Coulee. Steve Thompson of Interstate Engineering and John Paczkowski of North Dakota State Water Commission explained to the individuals present that a hydraulic study would provide an inventory of all culverts within the Coulee and would recommend the appropriate number and size of culverts within the Coulee, based on a ten year flood event. After considerable discussion it was decided that Peterson was to send a letter to Bruce Engelhardt, North Dakota State Water Commission, requesting that the State Water Commission conduct a hydraulic study on the Robinson Coulee watershed within New Rockford, Sheldon and Tiffany Townships. Lorraine Allmaras, Eddy County Commissioner, requested that Peterson inquire whether it is possible for Eddy County to hire its own engineering firm and receive reimbursement from the State Water Commission, as opposed to the State Water Commission conducting the study. No further action was taken with regard to these various culverts within the Robinson Coulee.

Neal Rud gave an update on his trip to Medora to attend the Water District Association Summer Meeting. Neal Rud indicated that it was a worthwhile time and that he met many water board members from around the state. Neal requested that Peterson provide him a copy of the Kadlec case in order that he can provide it to an individual he met in Medora.

Mike Tweed gave the Water Board an update on the Friz Brodell complaint which was discussed at the July 8, 2003 meeting. Brodell farms and has land along the Sheyenne River in Section 19 of Freeborn Township. Brodell is still of the opinion that the Texas crossing is holding water back because the culverts are not big enough and, as a result, his land is becoming saturated. Because Brodell was not present no action was taken in this regard.

The next regular meeting of the Eddy County Water Resource Board shall be on August 10, 2004 at 9:00 AM.

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 8, 2004

A regular meeting of the Eddy County Water Resource Board was held on June 8, 2004 at 9:00 AM in the Eddy County Courthouse. Present were Neal Rud, Peter Becherl, and Travis S. Peterson, Secretary/Treasurer.

Minutes of the May 11, 2004 meeting were read and approved as read.

Peterson presented the June Verified Financial Report as required by N.D.C.C. 61-16.1-25. Said report also served as the Treasurer's Report and was approved as presented. Peter Becherl made a motion and Neal Rud approved payment of the following bills:

Peter Becherl (Meetings and mileage)	\$1,221.02
Neal Rud (Meetings and mileage)	489.40
Peterson Law Offices (Services rendered and costs advanced)	1,752.72
Houston Engineering (30% Rocky Run)	1,216.09
Devils Lake Basin Joint Water Resource Board (2004 Assessment)	300.00

Peterson informed the Water Board that Commissioner Lindstrom requested that a Water Board representative attend the June 15, 2004 meeting to address Edwin Peterson water issues. Peter Becherl indicated he would attend to hear this matter. Becherl also indicated that he would present the Water Board's nominee to replace Becherl's position on the Water Board. The Water Board's nominee is Mike Tweed. Tweed has indicated that he is also willing to take Peter's place on the Devil's Lake Basin Joint Water Resource Board.

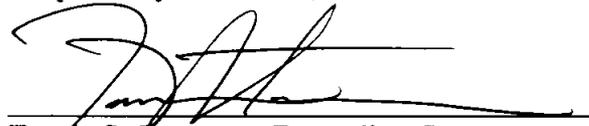
Various correspondence was reviewed. No action was necessary.

Peter Becherl reviewed Devils Lake Basin Joint Water Resource Board issues. The only matter which required Eddy County action is the Joint Devils Lake Board meeting which is tomorrow, June 9, 2004 at 8:00 AM in Ostby Hall in Sheyenne, North Dakota. The Water Board requested that Peterson remind Lindstrom about this joint meeting and that he contact the other commissioners to remind them of the same.

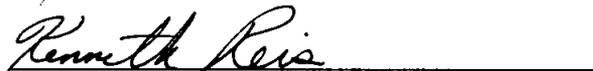
The next regular meeting of the Eddy County Water Resource Board shall be on July 13, 2004 at 9:00 AM.

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 11, 2004

A regular meeting of the Eddy County Water Resource Board was held on May 11, 2004 at 9:00 AM in the Eddy County Courthouse. Present were Neal Rud, Peter Becherl, and Travis S. Peterson, Secretary/Treasurer.

Minutes of the April 13, 2004 meeting were read and approved as read.

The Treasurer's Report was presented and approved as presented. Peter Becherl made a motion and Neal Rud approved payment of the following bills:

Peterson Law Offices (2004 Rocky Run annual meeting)	\$141.79
ND State Water Commission (Kelly Hochhalter Project WET registration fee)	125.00

Peterson informed the Water Board that the current certificate of deposit matures on May 19, 2004. A motion was made and approved to have Peterson reinvest \$20,000.00 in another 181 day certificate of deposit and deposit the balance (\$5,000.00 plus accrued interest) in the Water Board checking account.

Peterson informed the Water Board that Ervin Longnecker obtained a photocopy of an easement, dated December 15, 1967 and affecting certain parcels in Superior and Pleasant Prairie Townships. Longnecker indicated that the drainage ditch previously authorized and constructed under the terms of the easement is not draining properly (i.e., the water is pooling rather than making its way all the way to the James River). Peterson informed Longnecker that he and/or other interested parties should attend today's Water Board meeting to express their concerns. Because no affected landowners were present at today's meeting no action was taken. Peterson did inform the Water Board, however, that this matter was discussed with Stu Richter and he was of the opinion that the interested parties could clean the drainage ditch to its original depth but that prior to doing they should get approval from the Soil Conservation Service.

Peterson reviewed other correspondence with the Water Board. The correspondence included a May 6, 2004 letter from Interstate Engineering requesting comment on a proposed project to raise Eddy County No. 1 between Sections 1 and 12, Township 150, Range 64. This is a small portion of Eddy County Highway No. 1 just west of the old JP Langley ranch and which has a slough on the north and south sides of the highway. Because the Water Board has no objection to the proposed work and because the Water Board has no immediate concerns in this regard it was decided that the Water Board would take no action in this regard.

Other various correspondence was reviewed and no action was necessary in that regard. Peterson was instructed to obtain Kenneth Reis' signature on a check in order that Peterson could mail a letter and Kelly Hochhalter's registration form for the "Discover Today's Devils Lake Dilemma Workshop".

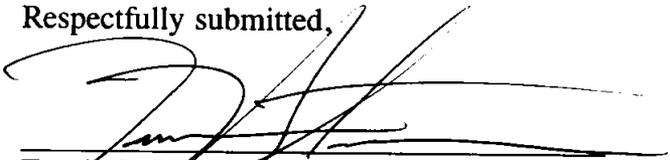
Peter Becherl presented various information regarding the Upper Sheyenne River Joint Water Resource Board. This information included the April 21, 2004 minutes and final drafts of the Upper Sheyenne River Joint Water Resource Board Joint Power Agreements and by-laws.

Becherl next reviewed the most recent Devils Lake Basin Joint Water Resource Board minutes. Concerning the Devils Lake Basin Joint Water Resource Board, Becherl informed the Board that the June 9, 2004 meeting is scheduled for Sheyenne. Neal Rud will arrange for use of Ostby Hall and refreshments.

The next regular meeting of the Eddy County Water Resource Board shall be on June 8, 2004 at 9:00 AM.

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 13, 2004

A regular meeting of the Eddy County Water Resource Board was held on April 13, 2004 at 9:00 AM in the Eddy County Courthouse. Present were Neal Rud, Peter Becherl, and Travis S. Peterson, Secretary/Treasurer. Also present were landowners Tim Tollefson and Frank Walker and Township Supervisor Brad Weber.

Minutes of the March 9, 2004 meeting were read and approved as read.

The Treasurer's Report was presented and approved as presented.

Tim Tollefson presented a copy of a February 18, 2004 letter prepared by his attorney, Doug Goulding, to New Rockford Township. This letter petitioned the New Rockford Township to install certain culverts in Section 12 of New Rockford Township. On April 9, 2004, Mike Fandrich, at the request of the New Rockford Township Supervisors, surveyed certain ditches. Ten points were addressed on Fandrich's April 9, 2004 letter. As a result of Fandrich's survey the New Rockford Township Supervisors propose to implement Fandrich's ten recommendations, subject to the following changes:

1. With regard to recommendation No. 5 the Township Supervisors intend to install one of the 36 inch culverts referenced therein 500 feet north of the southwest corner of Section 1 (see recommendation No. 6). In other words, the Township Supervisors propose to take one of the 36 inch culverts noted at recommendation No. 5 and use it as the culvert to be installed at recommendation No. 6.
2. The Township Supervisors also propose to remove the west ditch block on the south side of the road in Section 2.

Tollefson indicated he was agreeable to the Township's plan except for recommendation No. 3. Tollefson believes that to install a culvert between Sections 1 and 12 will allow the water to travel outside its natural drain. Much discussion took place in this regard and, in the end, no agreement was reached. Tollefson refused to accept any plan that included this culvert. Weber indicated that the Township Board had agreed to implement Fandrich's plan, including the culvert called for by recommendation No. 3. Because the parties were at an impasse, Weber indicated that the New Rockford Township Supervisors would have a special meeting to further address these matters.

Regarding the New Rockford Township/Tim Tollefson matters, the Eddy County Water Board reiterated that it would pay for one-half the cost of culverts needed to implement the project.

Frank Walker was in to follow up on his drainage project and to express his gratitude to the Water Board. A 36 inch culvert was installed in the Township road in Section 8 of New

Rockford Township. Walker will see that this culvert is maintained. After seeing the effects of this culvert, Walker believes more strongly than ever that the culverts, or lack thereof, in the Township road were not and are not the problem which prevent adequate drainage near his place. Rather, Walker firmly believes that the problem was the Corps of Engineers' engineering and problems related to elevation. Walker requested that the Water Board write a letter to the Corps of Engineers which indicates that installation of the culvert reduced the amount of water pooling in this area but that it did not increase the amount of water taken in by the Garrison Diversion siphon. In other words, the problem is a result of the Corps' engineering and/or modifications to ditch elevations. The Water Board indicated that they would discuss whether or not they were able to write such a letter and act accordingly.

Tim Tollefson presented further information regarding an issue between his land and that which was owned by Ed Haman. The history of this matter dates back to at least 1995 when Tim's father, Alfred, owned the land. Tim indicated that he will be requesting the New Rockford Township to cap the west side of those culverts referred to as culverts No. 4 and No. 8 and referenced in the September 7, 1999 Water Board minutes. These culverts are located between Sections 25 and 26 between Ed Haman's farm and Highway 15.

Various correspondence was reviewed. No action was necessary in this regard.

Peter Becherl will be resigning from the Water Board at the end of June. Peter indicated that he has contacted Marcus Tweed, a semi-retired farmer, about becoming a member of the Water Board. Mr. Tweed lives in the eastern part of Eddy County and Peter indicated he would be a good candidate. Peter was hopeful that he could convince Tweed to join.

The next regular meeting of the Eddy County Water Resource Board shall be on May 11, 2004 at 9:00 AM.

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

March 9, 2004

A regular meeting of the Eddy County Water Resource Board was held on March 9, 2004 at 10:00 AM in the Eddy County Courthouse. Present were Neal Rud, Peter Becherl, Kenneth Reis and Travis S. Peterson, Secretary/Treasurer.

Minutes of the February 10, 2004 meeting were read and approved as read. The Treasurer's Report was presented and approved as presented.

The Upper Sheyenne River Watershed Joint Powers Agreement was reviewed. Peterson discussed Provision IX, Withdrawal by Individual District, of the Joint Powers Agreement. Peterson explained that, in his opinion, Member Districts may be allowed to withdraw if, in the subjective opinion of the Joint Board, the District desiring to withdraw is not benefitted or will not be benefitted by the activities of the Upper Sheyenne River Joint Board. The Board indicated that although the Withdrawal Provision of the Joint Power Agreement may not change the decision to join the Upper Sheyenne River Joint Board, this matter should be brought up at the March 31, 2004 Upper Sheyenne River Joint Board meeting to be held at Bill's Place, New Rockford. Also in this regard the Board requested that Peterson provide a copy of the agreement to the Eddy County Commissioners for their review and consideration.

Neal Rud indicated that he visited with Brad Weber regarding the Tim Tollefson water issues. Weber informed Rud that the township continues to receive correspondence from Tollefson's attorney.

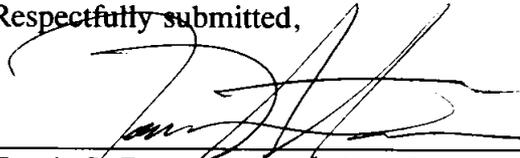
Land owner Albert Pfeiffer stopped in to discuss a culvert in the north/south township road between the north halves of sections 15 and 16 of Superior Township. Eddy County will be paying for a larger culvert and the township will be paying for installation of that culvert. Pfeiffer inquired whether the Water Board would be agreeable to paying some share towards the clean out of that area (north branch of the Rocky Run and west of the above-referenced township road). Pfeiffer indicated that there are some trees and beaver dams which should be removed in order to keep the water flowing and prevent the east/west county road between sections 16 and 9 from being overrun with or washed out by water. The Water Board instructed Pfeiffer to obtain a cost estimate and report back to the Water Board.

Peter Becherl updated the Board on the most recent Devils Lake Basin Joint Water Resource Board meetings. Of greatest significance was the fact that the moratorium proposed by Benson County was rejected for lack of support.

The next regular meeting of the Eddy County Water Resource Board shall be on April 13, 2004 at 9:00 AM. Peterson was instructed to send notice of the meeting time to the Board members.

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 10, 2004

A regular meeting of the Eddy County Water Resource Board was held on February 10, 2004 at 10:00 AM in the Eddy County Courthouse. Present were Neal Rud, Peter Becherl, Kenneth Reis and Travis S. Peterson, Secretary/Treasurer.

Minutes of the January 13, 2004 meeting were read and approved as read.

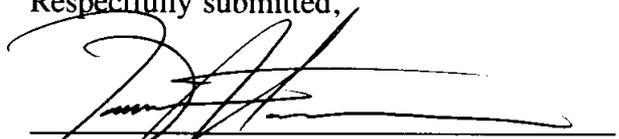
The Treasurer's Report was presented and approved as presented. A motion was made by Kenneth Reis and seconded by Peter Becherl to contribute \$250 to the "Wet With Lewis and Clark" class offered by New Rockford School. A motion was made by Peter Becherl and seconded by Neal Rud to pay the 2004 dues to the ND Water Resource District Association in the amount of \$375.00. A motion was made by Peter Becherl and seconded by Neal Rud to join the Upper Sheyenne River Joint Water Resource Board and remit \$936.11 as one-fourth of the amount due to join the Board. This amount is based on the following figures and calculations: One full Eddy County Mill equals \$6240.76; 60 percent of Eddy County falls within the Upper Sheyenne River Water Basin; 60 percent of one Eddy County Mill is \$3,744.45; one-fourth of the Basin Mill (\$3,744.45) equals \$936.11. Eddy County will contribute to the Upper Sheyenne River Joint Water Resource Board \$936.11 in 2004, 2005, 2006 and 2007. After those four payments are made Eddy County's membership dues will be paid in full. Peter Becherl indicated that he will deliver a 2004 dues payment to Ben Varnson, chairman, tomorrow at the Devils Lake Basin Joint Water Resource Board meeting.

Peter Becherl provided an update concerning Devils Lake Basin Joint Water Resource Board. Things to note concerning the Devils Lake Joint Board are the February 11, 2004 regular meeting in Brocket, and a February 19, 2004 special meeting at 10:00 AM in the Devils Lake Courthouse. The special meeting concerns the voluntary moratorium within the Devils Lake Basin.

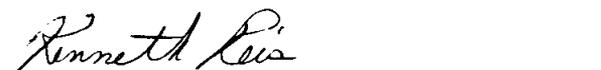
The next regular meeting of the Eddy County Water Resource Board shall be on March 9, 2004 at 10:00 AM.

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
January 13, 2004

A regular meeting of the Eddy County Water Resource Board was held on January 13, 2004 at 10:00 AM in the Eddy County Courthouse. Present were Neal Rud, Peter Becherl and Travis S. Peterson, Secretary/Treasurer.

Minutes of the December 9, 2003 meeting were read and approved as read.

The Verified Financial Report for December, 2003 was presented and approved as presented. The Verified Financial Report serves as the January Financial Report as well. The Board also unanimously approved payment of the following bills:

\$ 300.00	North Dakota Water Users Association (dues)
287.00	Surety Title Company (2004 insurance premium)

January is the month for the Board to reorganize. Peter Becherl moved and Neal Rud seconded a motion to have Kenneth Reis remain as Water Board Chairman, Peter Becherl remain as Water Board Vice-Chairman and Peterson Law Offices remain Secretary/Treasurer. Motion carried.

There was discussion regarding the Upper Sheyenne River Joint Water Resource Board meeting scheduled for January 20, 2004. Peter Becherl indicated he will contact the Eddy County Commissioners and encourage them to attend. The meeting will be held at 1:00 PM in the Eddy County Courtroom. Concerning the Upper Sheyenne River Joint Water Resource Board, Ben Varnson, Chairman, provided Eddy County Water Resource Board an agenda and previous meeting minutes for Eddy County's review. These materials were reviewed and discussed.

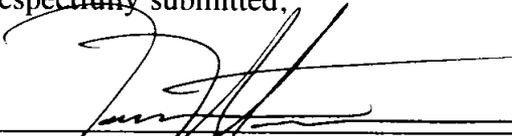
Peter Becherl provided an update concerning Devils Lake Basin Joint Water Resource Board. It was noted that Benson County, after breaking from the Joint Board, is again a member. Part of Benson County's motivation for returning to the Board is to push for a voluntary moratorium on larger projects within the Devils Lake Basin. In this regard DLBJWRB will be holding a special meeting on February 19, 2004 to consider the moratorium.

Other various correspondence was reviewed. No action necessary in this regard.

The next regular meeting of the Eddy County Water Resource Board shall be on February 10, 2004 at 10:00 AM.

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
December 9, 2003

A regular meeting of the Eddy County Water Resource Board was held on December 9, 2003 at 10:00 AM in the Eddy County Courthouse. Present were Kenneth Reis, Neal Rud, Peter Becherl and Travis S. Peterson, Secretary/Treasurer.

Minutes of the November 18, 2003 meeting were read and approved as read.

The Treasurer's Report was presented and approved as presented. The Board also unanimously approved payment of the following bills:

\$ 19.40	Transcript Publishing (change of meeting date advertisement)
338.87	Kenneth Reis (July through December stipend and mileage)
1,122.75	Peter Becherl (July through December stipend and mileage)
364.60	Neal Rud (July through December stipend and mileage)
1,535.74	Peterson Law Offices (legal fees and costs advanced)

Peterson informed the Board that to date he has not received anything from the Wells County Water Board regarding the work done on Rocky Run by Houston Engineering, Inc.

Kenneth Reis informed the Board that Mark Rue has not yet been out to provide an estimate of cost for work to be done on the east end of Rocky Run.

Neal Rud indicated that he has heard nothing further concerning the Tim Tollefson complaint.

Peterson informed the Board that the Project Wet materials were sent to both New Rockford and Sheyenne Schools.

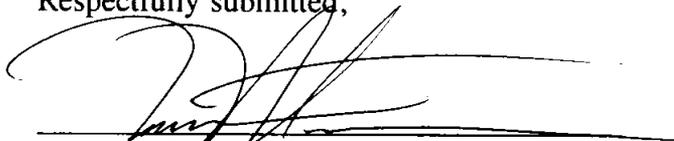
Peter Becherl provided an update concerning the Devils Lake Basin Joint Water Resource Board.

Peter Becherl also presented information concerning the Upper Sheyenne River Basin. Ben Varnson informed Becherl that he would like to have a meeting at which time all Board members from each county within the Sheyenne River Water Shed could attend and membership to the Upper Sheyenne River Basin Board would be discussed. The Board instructed Peterson to contact George Ritzke to inquire about reserving the meeting room at Brown Memorial for 1:00 PM on January 20, 2004. This matter will be further discussed at the January 13, 2004 Eddy County Water Board meeting.

The next regular meeting of the Water Board shall be on January 13, 2003.

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

November 18, 2003

A regular meeting of the Eddy County Water Resource Board was held on November 18, 2003 at 10:00 AM in the Eddy County Courthouse. Present were Kenneth Reis, Neal Rud, Peter Becherl and Travis S. Peterson, Secretary/Treasurer.

Minutes of the October 14, 2003 meeting were read and approved as read.

The Treasurer's Report was presented and approved as presented. The Board also unanimously approved payment of the following bills:

\$ 947.85	Wells County Water Resource Board (30% of Houston Engineering work on Rocky Run)
133.00	Becherl registration for North Dakota Water Convention

With regard to Wells County Water Resource District and the Houston Engineering, Inc. bill, the Board requested that Peterson write a letter to Wells County and ask for copies of the reports, etc. which Houston Engineering, Inc. put together as a result of their most recent analysis of the Rocky Run.

Kenneth Reis indicated that he visited with Mark Rue regarding work to be done on the Rocky Run east of the Kenneth Reis farm. Rue has not yet been out to provide an estimate but hopes he can make it out yet this year. Obviously, no work will be done this year.

Neal Rud indicated that he has heard nothing new with regard to the Tim Tollefson matter.

Peterson informed the Board that he received a brochure and other information concerning the annual Project WET Institute. Kenneth Reis moved and Neal Rud approved a motion to again sponsor one faculty member from each of New Rockford and Sheyenne schools to attend either the Devils Lake Dilemma Workshop or the Missouri River Institute. Motion carried. Peterson was instructed to get copies of the information to both the schools.

Various correspondence was reviewed. No action necessary in this regard.

Peter Becherl gave an update on the Devils Lake Basin Joint Water Resource Board. No action necessary in this regard. Becherl did indicate that he plans to attend the Joint North Dakota Water Convention in Bismarck as a representative of both Eddy County Water Resource Board and the Devils Lake Basin Joint Water Resource Board.

The next regular meeting of the Water Board shall be on December 9, 2003.

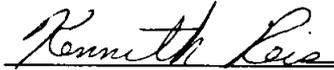
There being no further business the meeting was adjourned.

Respectfully submitted,



Travis S. Peterson, Recording Secretary

APPROVED:



Kenneth Reis, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD

October 14, 2003

A regular meeting of the Eddy County Water Resource Board was held on October 14, 2003 at 9:00 AM in the Eddy County Courthouse. Present were Kenneth Reis, Neal Rud, Peter Becherl and Travis S. Peterson, Secretary/Treasurer. Also present was landowner Frank Walker.

Minutes of the September 9, 2003 meeting were read and approved as read.

The Treasurer's Report was presented and approved as presented. Peterson also informed the Board that the State Auditors reviewed the Water Board books for the years 2001 and 2002. In this regard Peterson executed a "Standard Form to Confirm Account Balance Information with Financial Institutions" for years ending 2001 and 2002. It was noted that the current certificate of deposit matures on November 12, 2003. Peter Becherl moved and Neal Rud seconded a motion to renew the Security State Bank certificate of deposit which matures on November 12, 2003 as follows: \$25,000.00 remain in certificate of deposit and the balance (both principal and interest) transferred to Security State Bank checking account. Motion carried.

Landowner Frank Walker was present to provide an update concerning his dealings with the Bureau of Reclamation and Garrison Conservancy District. Since last month's meeting Walker has met with representatives of these agencies. These agencies deny any fault or responsibility for Walker's drainage problems. The agencies did indicate that if Walker took steps to have an additional culvert installed in State Highway 281 right of way under the township road between Sections 8 and 17 of Township 149, Range 66 and the culvert does not resolve the drainage problems they would revisit the adequacy of the drain under Highway 281 and the syphon into the canal. Peter Becherl moved and Neal Rud seconded a motion to consent to and agree with Frank Walker's request to the State Highway Department for drainage on the Highway 281 right of way. The culvert Walker proposes to install will be 30 inches and will be located within the highway right of way on the township road between Sections 8 and 17 in Township 149, Range 66. Walker presented a second request for drainage on highway right of way which he plans to submit to the State Highway Department. Said request asks for permission to install a culvert and modify the ditch slope in the west ditch of Highway 281 north of the township road in Section 8, Township 149, Range 66. Neal Rud moved to consent to and agree with said request; Peter Becherl seconded and motion carried.

The August and September minutes of the Devils Lake Basin Joint Water Resource Board were presented and reviewed. No action necessary in this regard. Also presented and reviewed were letters from the Devils Lake Basin Joint Water Resource Board concerning the following matters: Confined animal feeding operations (CAFO); Water Stewardship Award nomination; and Road and Railroad Crossing Inventory. No action was necessary concerning these letters.

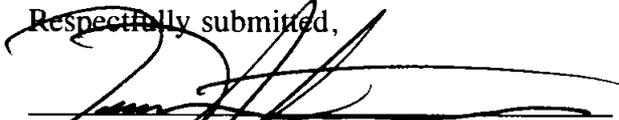
Since the last Water Board meeting Neal Rud had an opportunity to discuss the Tim Tollefson complaint with Township Supervisor Brad Weber. Rud indicated to Weber that the Water Board would likely recommend that a culvert be installed. Weber stated that Tollefson had retained an attorney out of Devils Lake. As there were no interested parties at the Water Board meeting no action was taken by the Water Board.

Concerning Rocky Run Kenneth Reis indicated that Mark Rue had not yet been out to provide an estimate. Reis indicated that he would like to get Rue out there because the Rocky Run had stopped flowing.

Because the next regular meeting of the Water Board lands on Veteran's Day (November 11, 2003) it was decided that Peterson should publish notice that the November meeting will be held on November 18, 2003 at 10:00 AM.

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

September 9, 2003

A regular meeting of the Eddy County Water Resource Board was held on September 9, 2003 at 9:00 AM in the Eddy County Courthouse. Present were Kenneth Reis, Neal Rud, Peter Becherl and Travis S. Peterson, Secretary/Treasurer. Also present were landowner Frank Walker, Michael Marohl (Facilities Manager, Bureau of Reclamation), Jerry Schaack (Garrison Conservancy District, District Engineer), and Dave Koland (Garrison Conservancy District, Manager).

Minutes of the July 8, 2003 meeting were read and approved as read.

It was also noted that no August meeting was held for lack of a quorum.

The Treasurer's Report for August and July were presented and approved as presented. Peter Becherl moved and Neal Rud seconded a motion to remit payment to the Nelson County Highway Department in the amount of \$753.34 for one-half the cost of work done in Freeborn Township. Motion carried.

Landowner Frank Walker and the above-referenced representatives of the Bureau of Reclamation and Garrison Conservancy District were present to discuss the parties' positions regarding Frank Walker's drainage issues north of the New Rockford Canal and adjacent to Highway 281.

For purposes of background Jerry Schaack indicated that the New Rockford Canal is operated jointly by the Garrison Conservancy District and the Bureau of Reclamation. Because the Bureau of Reclamation is the entity which deals directly with claims associated with the canal, Mike Marohl presented the position of the Garrison Conservancy District and Bureau of Reclamation. Marohl's conclusion was that there are no significant errors or omissions in the design of the canal and that the drain which crosses under Highway 281 (from west to east) and the syphon under the canal is adequate. As a general rule such designs are based on a 25 year storm event. Marohl was of the opinion that Walker's drainage issues and standing water is the result of four factors:

1. The culvert capacity in the township approach/road between Sections 8 and 17 in New Rockford Township are insufficient. At present there are two 18 inch culverts in this location.
2. The slope between the township road referenced above at ~~number 1~~^{1.} and the New Rockford Canal is limiting. It appears there is a drop of only 1.07 feet between the township road and the canal.
3. Excess vegetation in the ditch on the west side of Highway 281.
4. A significant wet cycle since approximately 1993.

Frank Walker is of the opinion that, as a result of the construction of the New Rockford Canal, there exists a hump in the ditch on the west side of Highway 281 and the natural slope which existed prior to construction of the canal has been altered to prevent the natural drainage of water in this area. The parties generally agreed that water is not getting to the drain syphon on the east side of Highway 281 and north of the canal. The dispute concerns why the water is not reaching the syphon. Marohl indicated that he would take steps to look at the preconstruction survey and compare the ditch elevations at that time with the current ditch elevations to determine whether or not the current ditch elevation has increased and thereby impeding the natural flow of water in the ditch on the west side of Highway 281. Walker indicated that he would deal with the Township Board and the State, if necessary, in an attempt to have larger culverts installed under the township approach/road. Walker inquired whether the Bureau of Reclamation would reimburse him for costs incurred in having the culverts installed under the township road in the event the larger culverts did not resolve the drainage problems. Likewise, Marohl suggested that if the Bureau of Reclamation undertakes steps to increase the size of the syphon at the canal and that does not resolve the drainage issues then Walker should reimburse the Bureau for expenses incurred in increasing the size of the syphon. Both parties indicated that they would be agreeable to reimbursing the other for costs incurred if the other parties' actions were ~~necessary~~ to resolve the drainage issues. At present the Eddy County Water Board need not take any direct action regarding this matter.

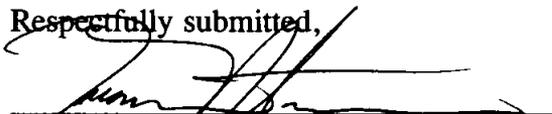
unnecessary

There was discussion regarding the Tim Tollefson drainage issue. At this time Tollefson is dealing with the Township Board in an effort to remedy his drainage issues.

Various correspondence was reviewed. No action necessary in this regard.

There being no further business the meeting was adjourned.

Respectfully submitted,


Travis S. Peterson, Recording Secretary

APPROVED:

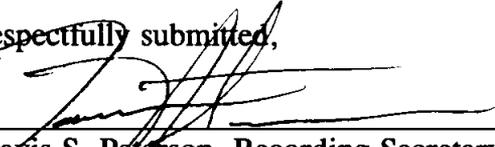

Kenneth Reis, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD

August 12, 2003

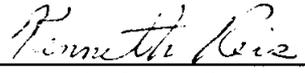
No meeting was held for lack of a quorum. Present were Neal Rud and Travis S. Peterson, Secretary/Treasurer.

Respectfully submitted,



Travis S. Peterson, Recording Secretary

APPROVED:



Kenneth Reis, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD

July 8, 2003

A regular meeting of the Eddy County Water Resource Board was held on July 8, 2003 at 9:00 AM in the Eddy County Courthouse. Present were Kenneth Reis, Neal Rud, Peter Becherl, Travis S. Peterson, Secretary/Treasurer, Frank Walker and Grant Tweed.

Minutes of the June 3, 2003 meeting were read and approved as read.

The Treasurer's Report and Verified Financial Report were presented and approved as presented. Neal Rud made a motion and Peter Becherl seconded a motion to pay the following bills: Kenneth Reis, meetings and mileage - \$288.29; James River Headwater Watershed Project 2003 cash commitment - \$1,500.00.

Frank Walker presented to the Board concerns he has concerning water ponding near the Garrison Diversion. Since the construction of the canal Walker has been dealing with increased ponding along the highway right of way and into his fields. Walker initiated contact with the ~~Corps of Engineers~~ ^{Bureau of Reclamation} and the Garrison Conservancy District representatives in June of 2000. Since that time Walker has received very little information or help from those two agencies and inquired about the Water Board's authority to address these issues. Walker was informed that the Water Board has little or no authority in this matter and that he should continue dealing with the ~~Corps~~, Garrison Conservancy District and/or the North Dakota Department of Transportation. The Water Board took no further action in this regard.

Peter Becherl and Grant Tweed discussed a complaint made by Friz Brodell. Apparently Brodell contacted Lorraine Allmaras who directed Brodell to the Water Board. Grant Tweed was present to represent Freeborn Township. Mr. Brodell was not present. Brodell farms and has land along the Sheyenne River in Section 19 of Freeborn Township. Brodell is of the opinion that a certain Texas crossing in that area is holding back water and causing his land to become saturated. Peter Becherl and Grant Tweed both went to the "problem area" for a first hand look. Grant Tweed is of the opinion that the Texas crossing is not causing Brodell's problems as Brodell's land is significantly higher (8 feet) than the river channel. As Brodell was not present to discuss his concerns no action was taken.

Various correspondence was reviewed. No action necessary in this regard.

Concerning the Devils Lake Basin Joint Water Resource Board, Neal Rud moved and Peter Becherl seconded an amendment to the Devils Lake Basin Joint Water Resource Board Joint Powers Agreement which permits the Devils Lake Basin Joint Water Resource Board to conduct regular business with a quorum consisting of six of the nine members. Prior to amendment, the Joint Powers Agreement called for a quorum which consisted of seven of nine county representatives present. Kenneth Reis signed the amendment to the Joint Powers Agreement; Peterson attested.

Eddy County Water Resource Board Minutes

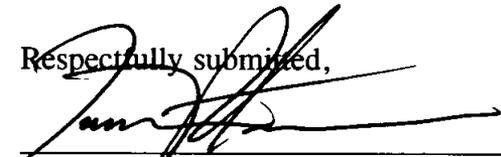
July 8, 2003

Page 2

Concerning the Rocky Run, Kenneth Reis indicated that he had again discussed the east end work with Mark Rue. Rue indicated that he is still interested but has not provided an estimate of costs. Kenny also visited with Albert Pfeiffer and Joseph Seiler (Superior Township Supervisors) regarding their preferences and concerning the proposed work. To date Pfeiffer and Seiler have not given Reis any indication of where they stand on the issue (Texas crossing, etc.).

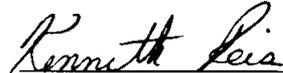
There being no further business the meeting was adjourned.

Respectfully submitted,



Travis S. Peterson, Recording Secretary

APPROVED:



Kenneth Reis, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD

June 3, 2003

A regular meeting of the Eddy County Water Resource Board was held on June 3, 2003 at 9:00 AM in the Eddy County Courthouse. Present were Neal Rud, Peter Becherl and Travis S. Peterson, Secretary/Treasurer.

Minutes of the May 13, 2003 meeting were read and approved as read.

The Treasurer's Report and Verified Financial Report were presented and approved as presented. The following bills were approved and paid: Peterson Law Offices, P.C. - \$1628.80, for costs and services rendered; Peter Becherl - \$742.02 for meetings and miles; Neal Rud - \$370.80 for meetings and miles.

The Board again discussed the Nelson County/Eddy County/Freeborn Township culvert issue. Becherl indicated that he discussed this matter with Freeborn Township Supervisors. Apparently the road will be reworked so it will only be necessary for a trench to be dug across the road and a new culvert laid. In visiting with the Freeborn Township Supervisor Becherl indicated that the Eddy County Water Board would pay for half the cost of the pipe/culvert.

A May 30, 2003 letter from Mike Gunsch of Houston Engineering, Inc. was reviewed. Said letter is the result of the 2003 Rocky Run Joint Water Board Annual Meeting. At the Annual Rocky Run Meeting it was decided that Gunsch would assess and provide information to the joint Rocky Run Board concerning the flow capacity and crossings from the Kittleson Crossing area east to the Kenneth Reis farm. The letter basically indicates that a more comprehensive study is necessary and such a study would cost the Joint Rocky Run Board \$38,200.00.

Peterson handed out the April Devils Lake Basin Joint Water Resource minutes. No action was necessary in this regard.

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 13, 2003

A regular meeting of the Eddy County Water Resource Board was held on May 13, 2003 at 9:00 AM in the Eddy County Courthouse. Present were Neal Rud, Kenneth Reis and Travis S. Peterson, Secretary/Treasurer.

Minutes of the April 8, 2003 meeting were read and approved as read.

The Treasurer's Report was presented and approved as presented. Peterson informed the Board that the \$30,000.00 certificate of deposit matures on May 14, 2003. The Board instructed Peterson to renew the certificate of deposit for 182 days. The following bills were approved paid: DLBJWRB - \$300.00 (Dues), Peterson Law Offices - \$186.15 (Eddy County share of annual Rocky Run Meeting) and ND State Water Commission - \$225.00 (Hochhalter/Missouri River Institute registration).

The Board again discussed the Nelson County proposal regarding a culvert under the township road between Eddy and Nelson Counties. Nelson County proposes that a culvert be installed and that Eddy County Water Board contribute to installation of the culvert. The Water Board determined that this matter should be left up to the Freeborn Township Board of Supervisors.

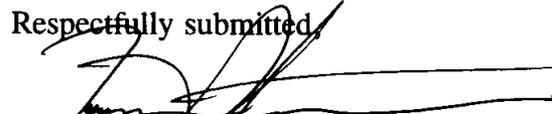
Kenneth Reis met with Mark Rue to discuss the east end Rocky Run issues (one mile south of Joseph Seiler's farmstead). This matter concerns the Rocky Run proposal to begin work on the east end of the channel in order to keep the water flowing within the channel. Rue indicated he would inspect the area and provide an estimate to Reis.

On May 8, 2003 Kenneth Reis attended a meeting at the NRCS Office. The meeting involved Matt Wassman of TKDA (consulting firm to BNSF) and NRCS officials regarding the proposed culvert to be installed under the railroad right of way in Pleasant Prairie Township near the Anderson farmland. The individuals proceeded to the site location and discussed the situation. Steve Clausen from the NRCS Office and Matt Wassman from TKDA indicated they would research the matter further and evaluate the feasibility of the project.

Peterson handed out the March Devils Lake Basin Joint Water Resource Board minutes. No action was necessary in this regard.

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 8, 2003

A regular meeting of the Eddy County Water Resource Board was held on April 8, 2003 at 9:00 AM in the Eddy County Courthouse. Present were Neal Rud, Peter Becherl and Travis S. Peterson, Secretary/Treasurer.

Minutes of the March 11, 2003 meeting were read and approved as read.

The Treasurer's Report was presented and approved as presented. Peterson also presented a deposit ticket from Conferment of Benefits issued by ND Insurance Reserve Fund in the amount of \$135.00.

The Wilfred Wipperling complaint was discussed. Neal Rud did have an opportunity to visit with Township Supervisor Troske. Troske seemed to indicate that the Township was interested in trenching/draining across Wipperling's land to the east. Neal Rud indicated to Troske that there may be legal considerations which prevent any trenching. No further action has been taken in this regard. Peterson did inform the Board, however, that Wipperling was in Peterson's office on April 4, 2003 and again mentioned that no action had been taken concerning the culverts Wipperling would like to see installed.

Various correspondence was reviewed. Eddy County Water Resource Board has received correspondence from Ben Varnson on behalf of the Upper Sheyenne River Joint Water Resource Board. The Upper Sheyenne Board is soliciting involvement from other counties within the Sheyenne River Watershed, Eddy County being one of them. Although no immediate action was taken by the Eddy County Water Board Peter Becherl indicated that he would discuss the matter further with Ben Varnson and if appropriate the Eddy County Commission would be contacted to discuss their interest in becoming involved in the Upper Sheyenne Joint Water Resource Board.

Next a letter from Nelson County regarding a proposed culvert under the township road between Eddy and Nelson Counties was reviewed. Nelson County would like to see a culvert installed to help relieve water issues caused by unauthorized trenching by Howard Perry. Apparently Perry took it upon himself to trench in Benson County after culverts had been installed in the railroad right of way south and east of Hamar. (See John Beckstrand complaint/folder).

Peterson discussed his bill from the Joint Rocky Run Annual Meeting. Peterson will divide that in the respective shares and send direct to Eddy, Foster and Wells Counties.

The Board reviewed the Devils Lake Basin Joint Water Resource Board minutes of February 12, 2003. No action was necessary in this regard.

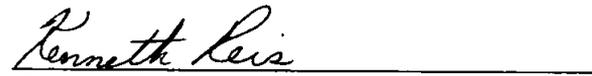
There being no further business the meeting was adjourned.

Respectfully submitted,



Travis S. Peterson, Recording Secretary

APPROVED:



Kenneth Reis, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
March 11, 2003

A regular meeting of the Eddy County Water Resource Board was held on March 11, 2003 at 10:00 AM in the Eddy County Courthouse. Present were Neal Rud, Peter Becherl, Kenneth Reis and Travis S. Peterson, Secretary/Treasurer. Also present was landowner Wilfred Wipperling.

Minutes of the February 11, 2003 meeting were read and approved as read.

The Treasurer's Report was presented and approved as presented. Peterson also presented a check from the Eddy County Treasurer in the amount of \$393.01 for previous years' mill levies. The check will be deposited in the Security State Bank checking account on March 11, 2003.

Wilfred Wipperling was in to inform the Board that he still has not received any action regarding the culverts he would like to see installed between Sections 8 and 17 in Columbia Township. Based on the North Dakota Supreme Court decision of Kadlec it was again explained to Wilfred that the Water Board's authority is only advisory in nature regarding the installation of culverts under Township roads. And, the Water Board has, in the past, recommended to the Columbia Township Board of Supervisors that a culvert be installed under the Township road. A photocopy of the Fandrich survey was provided to Wipperling and to Neal Rud. Neal Rud indicated that he would give a copy of the survey to Troske and discuss these matters with Troske.

Peterson informed the Board members that the Rocky Run Joint Water Board Annual Meeting is scheduled for March 25, 2003. It will take place at 1:00 PM in the Wells County Courthouse. The Board members will meet Peterson at his office at 12:30 on March 25th.

Becherl gave an update and the Board reviewed the January 18, 2003 minutes of said Board. No action necessary in this regard. ^{DLBJWR}

Various correspondence was reviewed. No action necessary.

Peterson read a memo he received from Joseph Lies regarding LEPC (Local Emergency Preparedness Committee). There is a meeting scheduled for Friday, March 14, 2003, at the County Agent's Office at 9:00 AM. Kenny Reis indicated he would make an effort to attend. If he is not able to attend he will contact Neal Rud to see if he is available.

Peterson informed the Board that he has a scheduling conflict with the Eddy County Water Board meeting scheduled for the second Tuesday in June. It was decided that the meeting would be rescheduled for the first Tuesday in June at 9:00 AM.

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 11, 2003

A regular meeting of the Eddy County Resource Board was held on February 11, 2003 at 10:00 AM in the Eddy County Courthouse. Present were Peter Becherl, Neal Rud, Kenneth Reis, and Travis Peterson (Secretary/Treasurer).

Minutes of the January 13, 2003 meeting were read and approved as read.

The Treasurer's report was presented and approved as presented.

Kenneth Reis moved and Peter Becherl seconded a motion to pay 2003 dues in the amount of \$375.00 to North Dakota Water Resource District Association. Motion carried.

Various correspondence was reviewed. No further action necessary at this time.

Peterson informed the Board that March is the month of the Annual Joint Rocky Run Meeting. The Board instructed Peterson to schedule said meeting. This year the meeting will take place in Wells County unless Wells County suggests otherwise.

Peterson informed the Board that he received a call from Jim Hoschka of TKDA Engineering and employed by BNSF regarding the culvert under the railway near the Anderson farm. Peterson and the three Water Board members went to Peterson's office and had a conference call with Jim Hoschka and Matt _____. It was explained to Hoschka that the Water Board has no decision making authority concerning the installation of the culvert but that the Water Board has no objection to the installation of the culvert if it is deemed appropriate by the other various interested agencies (i.e. Township Board of Supervisors, NRCS, Game and Fish, etc.). The Water Board informed Hoschka that he was to contact Peterson with any and all future correspondence and Peterson would forward the same to the Board members. (Jim Hoschka's phone number is (651) 292-4424; his fax number is (651) 292-0083.)

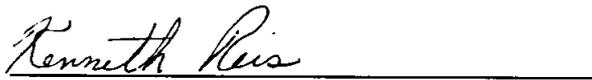
There being no further business the meeting was adjourned.

Respectfully submitted,



Travis S. Peterson, Secretary/Treasurer

APPROVED:



Kenneth Reis, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD

January 13, 2003

A regular meeting of the Eddy County Water Resource Board was held on January 13, 2003 at 10:00 AM in the Eddy County Courthouse. Present were Neal Rud, Peter Becherl and Travis S. Peterson, Secretary/Treasurer. Kenneth Reis was absent.

Minutes of the December 10, 2002 meeting were read and approved as read.

The Treasurer's Report and verified Financial Report were presented and approved as presented.

Peter Becherl moved and Neal Rud seconded a motion to pay the following bills:

North Dakota Water Users Association	\$ 300.00
North Dakota Insurance Reserve Fund (<i>Surety Title Company</i>)	287.00

Motion carried.

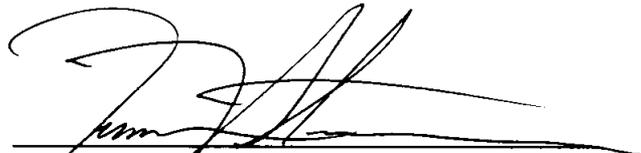
Various correspondence was reviewed. No further action was necessary at this time.

Minutes of the two most recent Devils Lake Basin Joint Water Resource Board meetings were reviewed. No action necessary in this regard.

January of each year is the month in which the Eddy County Water Resource Board reorganizes. Neal Rud moved and Peter Becherl seconded to have Kenneth Reis remain chairman of the Eddy County Resource Board and Peterson Law Offices, P.C. to remain Secretary/Treasurer.

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

December 10, 2002

A regular meeting of the Eddy County Resource Board was held on December 10, 2002 at 10:00 AM in the Eddy County Courthouse. Present were Peter Becherl, Neal Rud, Kenneth Reis, and Travis Peterson (Secretary/Treasurer).

Minutes of the November 5, 2002 meeting were read and approved as read.

The Treasurer's report was presented and approved as presented.

Kenneth Reis moved and Peter Becherl seconded a motion to pay the following bills:

Peterson Law Offices - meetings and mileage	\$ 1,800.40
Peter Becherl - meetings and mileage	1,115.20
Kenneth Reis - meetings and mileage	403.40
Neal Rud - meetings and mileage	485.60

Motion carried.

Peter Becherl moved and Neal Rud seconded a motion to have Peterson send a letter to the Benson County Water Management District rejecting their request, dated November 14, 2002, for reimbursement in the amount of \$284.51 for Eddy County's share of a culvert installed between the SW1/4 of Section 35 in Minco Township (Benson County) and the Eddy County line. Motion carried.

North Dakota State Water Commission 2003 Project WET information was reviewed. Kenneth Reis moved and Peter Becherl seconded a motion to have Peterson distribute this information to the New Rockford and Sheyenne Schools and inform the schools that the Water Board will sponsor one educator from each school to attend the Summer Water Quality Institute.

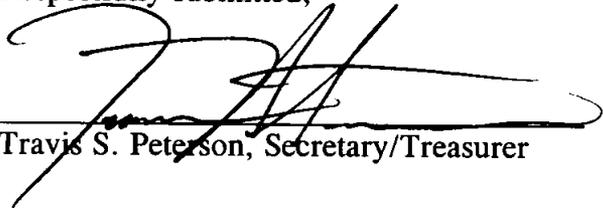
Other various correspondence was reviewed. No action necessary in this regard.

Kenneth Reis moved and Peter Becherl seconded a motion to have Peterson draft a letter to Burlington Northern Sante Fe Railroad authorizing and permitting the railroad to lower a culvert located in Township 148, Range 65, Section 20. Said culvert is on the railroad right of way on the Dave and Gary Anderson property. Peterson will copy the letter to Stuart Richter, Township Board Member.

Peterson discussed the telephone call he received from John Nihill of Kensal concerning the Rocky Run. No further action is necessary at this time in this regard.

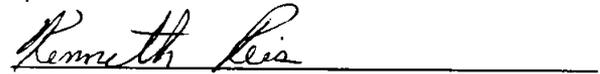
There being no further business the meeting was adjourned.

Respectfully submitted,



Travis S. Peterson, Secretary/Treasurer

APPROVED:



Kenneth Reis, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD

November 5, 2002

A regular meeting of the Eddy County Resource Board was held on November 5, 2002 at 10:00 AM in the Eddy County Courthouse. Present were Peter Becherl, Neal Rud, Kenneth Reis, and Travis Peterson (Secretary/Treasurer).

Minutes of the October 1, 2002 meeting were read and approved as read.

The Treasurer's report was presented and approved as presented.

Neal Rud moved and Peter Becherl seconded a motion to renew the Security State Bank certificate of deposit which matures on November 13, 2002 as follows: \$30,000.00 remain in certificate of deposit and balance transferred to Security State Bank checking account. Motion carried.

Peter Becherl moved and Neal Rud seconded a motion to pay the following bills:

Fandrich Land Surveying (Wipperling culverts)	\$325.40
Penny's Pastries (DLBJWRB November meeting in Eddy County)	33.00

Various correspondence was reviewed. No action was necessary.

Kenneth Reis indicated that he had been contacted by Stu Richter regarding a culvert under the railroad track in Pleasant Prairie Township which Richter would like to see lowered. Apparently the Railroad has agreed to lower the culvert but before they do a representative of the Water Resource Board must sign an authorization form. Peter Becherl moved and Neal Rud seconded a motion to permit Kenneth Reis to sign any necessary Railroad authorization forms requested by the Railroad to be signed prior to lowering the culvert in question. Motion carried.

Peter Becherl moved and Kenneth Reis seconded a motion to move the regular meeting dates to the second Tuesday of each month. Motion carried. In this regard, Peterson is to see that notice of the change in meeting dates is published in two issues of the Transcript.

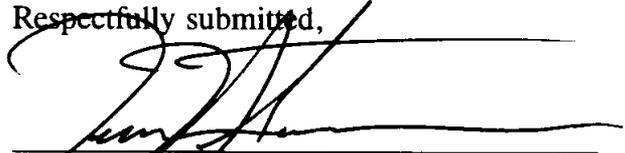
Kenneth Reis indicated that a flow meter was installed near his farm by Dave Friezen and Randy Sucket as part of the Section 319 project.

Minutes of the September 11, 2002 DLBJWRB were reviewed. No further action necessary.

The November 13, 2002 DLBJWRB meeting agenda was also discussed. Said meeting is to be held at Ostby Hall in Sheyenne. Becherl and Rud have taken steps to organize the meeting and arrange refreshments.

There being no further business the meeting was adjourned.

Respectfully submitted,



Travis S. Peterson, Secretary/Treasurer

APPROVED:



Kenneth Reis, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD

October 1, 2002

A regular meeting of the Eddy County Resource Board was held on October 1, 2002 at 9:00 AM in the Eddy County Courthouse. Present were Peter Becherl, Neal Rud, Kenneth Reis, Travis Peterson (Secretary/Treasurer) and Nancy Ritzke, NRCS District Manager.

Minutes of the September 3, 2002 meeting were read and approved as read.

The Treasurer's report was presented and approved as presented.

Nancy Ritzke was present to make a formal request for Eddy County Water Board's contribution to the upper James River Head Water Watershed Project. Eddy County Water Board's contribution for 2002 is ~~\$15,000.00~~. Kenneth Reis moved to pay, Neal Rud seconded, motion carried. ^{1,500.00}

Nancy Ritzke also presented an application prepared by Steven Weisenburger for installation of a well, tank and rotational grazing contract. Said application is submitted under the Section 319 Program. Approved Section 319 contracts result in a 60(Section 319 Federal monies)/40(Producer monies) cost share. This project will be taking place in Eddy County, Township 148, Range 67, Section 23. Neal Rud moved to give Water Board approval to the Weisenburger Section 319 cost share contract. Peter Becherl seconded. Motion carried.

Nancy Ritzke also stated that the Water Board must appoint a representative to the Eddy County Section 319 Review Board. Neal Rud was nominated and appointed the Eddy County Water Board representative.

Nancy Ritzke also reminded the Water Board that she should be provided copies of the Water Board minutes which reference Water Board involvement in Section 319 issues. Time spent addressing such issues are eligible for in kind compensation/reimbursement.

Peterson presented the Rocky Run survey prepared by Mike Fandrich. The Water Board reviewed the survey and discussed the idea of having Mike Fandrich attend a future meeting to discuss his findings and clarify whether or not culvert size had been established within the section of the Rocky Run which was surveyed.

Peter Becherl moved and Neal Rud seconded a motion to pay the following bills:

Fandrich Land Surveying	\$ 500.00
Mark's Diesel Repair	200.00

Motion carried.

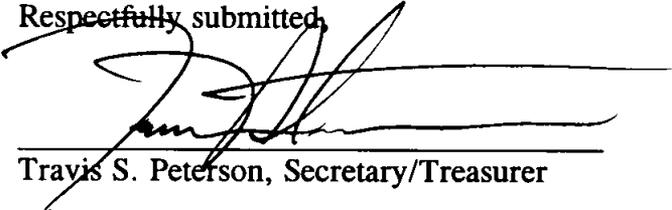
As a result of the previous inquiry by Fr. Chuck of Ft. Totten, Peterson reported on the Water

Board's authority regarding dams within the Water Shed. The Water Board authority is set forth at NDCC 61-16.1-37, et. seq. Basically, the Water Board, along with final approval of the State Engineer, has the legal authority to address issues of dam repair, reconstruction, construction, etc. No further action was taken in this regard.

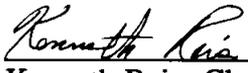
Wilfred Wipperling was in concerning culvert issues near his homestead in Columbia Township between Sections 8 and 17. The Water Board informed Wipperling that the Township Supervisors have the ultimate authority to deal with culverts under Township roads. It was also explained that the Water Board only has authority to advise and recommend placement of culverts within Township roads. No further action was taken in this regard.

There being no further business the meeting was adjourned.

Respectfully submitted,


Travis S. Peterson, Secretary/Treasurer

APPROVED:


Kenneth Reis, Chairman

waterboard.10-1-2002

5319
45 min.

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
September 3, 2002

A regular meeting of the Eddy County Resource Board was held on September 3, 2002 at 9:00 AM in the Eddy County Courthouse. Present were Peter Becherl, Neal Rud, Travis Peterson (Secretary/Treasurer) and Mike Fandrich, land surveyor.

Minutes of the August 6, 2002 meeting were read and approved as read.

The Treasurer's report was presented and approved.

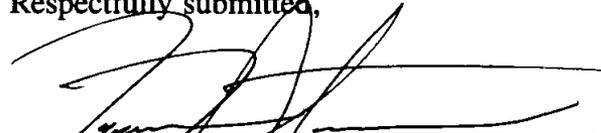
Mike Fandrich, land surveyor, was present to discuss issues regarding the Rocky Run. Fandrich was invited for purposes of determining how we might proceed for purposes of the Section 319 Project. Peter Becherl moved to have Fandrich establish the gradient and size culverts within a 5 1/2 mile stretch of the Rocky Run. This area will be in the ~~Tollison~~ area and will be approximately 2 1/2 miles on both sides of Highway 281. Neal Rud seconded. Motion carried. Fandrich estimated the cost of such a survey to be \$500-600.

Vance Anderson

Various correspondence was reviewed. No further action necessary. Peter Becherl reported on the Devils Lake Basin Joint Water Resource Board and indicated that the November meeting will be held at Ostby Hall in Sheyenne. This meeting will take place on November 13, 2002 from 9:00 AM until 12:00 PM. Peterson reported on a discussion he had with Fr. Chuck from the Catholic Seven Dolors' Church in Ft. Totten (701) 766-4314. Fr. Chuck is interested in conservation issues and was inquiring about repairs to the dam just north of Sheyenne on the west side of Highway 281. Fr. Chuck would like to see some improvements to maintain the structural integrity of the dam and someone led him to Peterson's office. The Board instructed Peterson to make some phone calls to find out who the appropriate entity is to deal with matters within the river.

There being no further business the meeting was adjourned.

Respectfully submitted,


Travis S. Peterson, Secretary/Treasurer

APPROVED:


Kenneth Reis, Chairman

319
20 min

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
August 6, 2002

A regular meeting of the Eddy County Resource Board was held on August 6, 2002 at 9:00 AM in the Eddy County Courthouse. Present were Peter Becherl, Neal Rud and Travis Peterson (Secretary/Treasurer).

Minutes of the July 2, 2002 meeting were read and approved as read.

The Treasurer's report was presented and approved.

The Budget request from the County was discussed. Peter Becherl made a motion and Neal Rud seconded that Peterson submit the Water Board Budget and request no additional funds from the County for the next year.

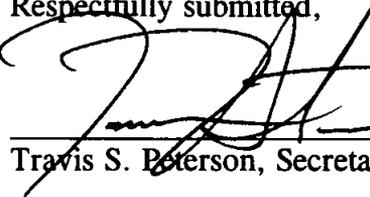
Peter Becherl moved and Neal Rud seconded to pay Eddy County's share of Peterson Law Office's P.C. bill regarding the Rocky Run (\$125.18).

Minutes of the Devils Lake Basin Joint Water Resource Board were handed out. Becherl indicated that the Corps of Engineers is proposing a west end outlet and that Becherl will try to schedule a future Devils Lake Basin Joint Water Resource Board meeting in Eddy County. No further action is necessary in this regard.

Concerning Rocky Run Peterson informed the Board that Donovan Meier, Wells County Water Board, stated that Mark Rue has been hired to finish the work near the Kenneth Reis farm. Peterson also reported on a discussed he had with Mike Fandrich, land surveyor. Peterson was instructed to request Fandrich to be available for the September 3, 2002 Water Board meeting.

There being no further business the meeting was adjourned.

Respectfully submitted,



Travis S. Peterson, Secretary/Treasurer

APPROVED:



Kenneth Reis, Chairman

319
15 min

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
July 2, 2002

A regular meeting of the Eddy County Resource Board was held on July 2, 2002 at 9:00 AM in the Eddy County Courthouse. Present were Kenneth Reis, Peter Becherl, Neal Rud, Travis Peterson (Secretary/Treasurer), and landowners Bruce Larson and Peter Larson, and New Rockford Township Supervisors Brad Weber, Lawrence Anderson, and George Laber.

Minutes of the June 4, 2002 meeting were read and approved as read.

The Larson complaint was next addressed. Township Supervisor Weber asked why they were even called to attend this meeting. Weber indicated that culverts had been modified previously with no notice to the Township Board. A review of the Kedlec North Dakota Supreme Court case was reviewed to establish the Township Board's authority relative to culvert under roads within the township. Those in attendance then discussed what the recommended height of the culvert should be. The Eddy County Water Resource Board recommended that the township place the culvert at ground level. It was decided that the Township Board of Supervisors will meet with Larsons and adjoining landowner Glenn Walz to agree upon ground level. The township will then see that the culvert is relocated accordingly.

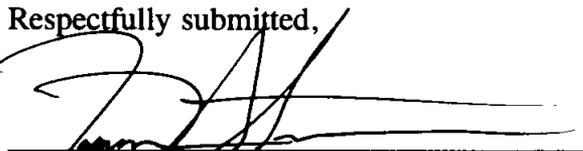
The Treasurer's report was presented and approved as presented.

The Board approved payment of Devils Lake Basin Joint Water Resource Board dues in the amount of \$300.00.

Various correspondence was reviewed. No action necessary at this time.

There being no further business the meeting was adjourned.

Respectfully submitted,



Travis S. Peterson, Secretary/Treasurer

APPROVED:



Kenneth Reis, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
June 4, 2002

A regular meeting of the Eddy County Resource Board was held on June 4, 2002 at 9:00 AM in the Eddy County Courthouse. Present were Kenneth Reis, Peter Becherl, Neal Rud, Travis Peterson (Secretary/Treasurer), and landowners Bruce Larson and Peter Larson.

Minutes of the May 7, 2002 meeting were read and approved as read.

Concerning the Larson complaint, Peterson handed out the culvert survey prepared by Mike Fandrich. The survey indicates that the west end of the culvert is 4 to 5 inches lower than the east end of the culvert. After discussing this matter it was decided that Peterson would mail to the Township Supervisors (Lawrence Anderson, George Laber and Bradley Weber) a photocopy of Fandrich's survey and request a joint meeting between the Township Supervisors and the Water Board members. At this meeting the Water Board will recommend that the culvert be leveled. The Water Board will also recommend an elevation for the culvert. Concerning this matter Peter Larson stated that he does not believe the pooling of water in this area is caused by his irrigation and that this particular culvert drains hundreds of acres and not just water from land owned by Larson.

Peterson presented to the Board a Verified Financial Report required by NDCC 61-16.1-25. Peterson also informed the Board that a copy of the Verified Financial Report has been provided to the Eddy County Auditor. There being no questions or corrections the Treasurer's report was approved as presented.

The following bills were approved and paid:

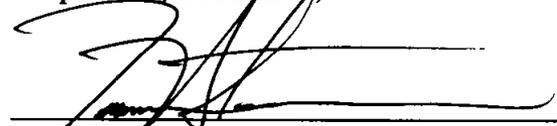
Mike Fandrich (Larson survey)	\$ 150.00
Peterson Law Offices	1,324.30
Peter Becherl (meetings and mileage)	917.63
Kenneth Reis (meetings and mileage)	385.42
Neal Rud (meetings and mileage)	316.50

Various correspondence was reviewed. No action necessary at this time.

Peterson handed out the April minutes of the Devils Lake Joint Water Resource Board.

There being no further business the meeting was adjourned.

Respectfully submitted,



Travis S. Peterson, Secretary/Treasurer

APPROVED:



Kenneth Reis, Chairman

EDDY COUNTY WATER RESOURCE BOARD
FILE MEMO

June 3, 2002

Peterson contacted surveyor Mike Fandrich to survey the culvert in the Southeast corner of SW1/4 of Section 4, Township 149, Range 66 regarding the Bruce Larson culvert complaint. Fandrich prepared the survey and Peterson provided it to the Water Board members under cover of letter dated May 13, 2002. Fandrich's bill is \$150.00.

The Water Board certificate of deposit was renewed at 2.10 percent for 182 days.

Peterson called Steve Thompson of Interstate Engineering to get a better idea of what kind of information Thompson was looking for. Thompson informed Peterson that he is in search of any information concerning any action which has been taken within the Rocky Run Watershed which may increase/decrease flowage within Rocky Run. Thompson is interest in both legal and illegal drains. Thompson is basically looking for any information regarding any factors which affect the flows within Rocky Run.

Peterson also contacted Dave Frison regarding the 319 Project in Eddy and Wells Counties and also flow monitoring within the Rocky Run. Frison indicated that his agency has purchased a "data logger" to monitor flows within the Rocky Run. Frison indicates that every couple weeks' data is recorded from the following three sites: Emrick Drain Outlet, Oak Creek Drain Outlet, and the confluence by the Kenneth Reis farm. As for the Section 319 project in Eddy County and Wells Counties Frison stated that applications must be submitted to Nancy Ritzke. The Joint Board which consists of various Eddy and Wells County representatives (NRCS reps, Water Board reps, County Commissioners) will then review those applications and allocate money to the applicants deemed appropriate.

TSP

↓
TSP Contact (Nancy Ritzke)
§ 319
25 min.

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
May 7, 2002

A regular meeting of the Eddy County Resource Board was held on May 7, 2002 at 9:00 AM in the Eddy County Courthouse. Present were Kenneth Reis, Peter Becherl, Neal Rud, Travis Peterson (Secretary/Treasurer), and landowner Bruce Larson.

Minutes of the March 5, 2002 and April 2, 2002 meeting were read and approved as read.

Landowner Bruce Larson was present to discuss water problems he's having in the SE corner of the SW1/4 of Section 4, Township 149, Range 66. Just north of the Township road on the quarter line between the SW1/4 and SE corner there is an approach with a culvert which runs west/east. Larson believes the culvert is high and is not doing its job. The Township road in this area is in poor shape because of the wet conditions. 25 to 30 acres of Larson's field is also inundated with water. Kenneth Reis stated that he inspected the culvert on May 6, 2002. Reis stated that this culvert was installed at what was believed to be ground level many ~~(30?)~~ (10?) years ago. At the time the ground level installation was recommended because there was concern about the increased flow affecting down stream landowners (Tollefson/Haman). Larson believes that a culvert with a cover would be a good idea. Larson also wants to have a joint meeting between the Eddy County Water Resource Board and the New Rockford Township Supervisors. The Eddy County Water Resource Board instructed Peterson to contact Mike Fandrich to measure the ground level and culvert level on both sides of the approach. After Fandrich provides the measurements the Water Board will schedule a meeting with the Township Supervisors and the affected landowners. Peterson was also instructed to provide Larson a photocopy of the Ness Case (585NW2d793) and NDCC 24-03-06.

The Treasurer's reports for March and April were presented and approved as presented. Also, Peterson informed the Board that the Security State Bank certificate of deposit matures on May 15, 2002. Peterson was instructed to check the CD renewal rates and obtain a CD for a term of up to six months which provides the best interest rate.

Peter Becherl moved and Kenneth Reis seconded to pay the following bill: Peterson Law Offices - \$170.44 for Eddy County's share of Rocky Run Joint Water Board annual meeting.

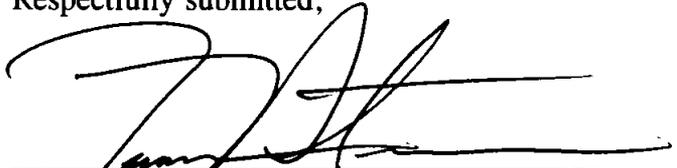
Peterson reviewed various correspondence with the Water Board. The only correspondence which required any action was an April 11, 2002 letter from Steve Thompson at Interstate Engineering regarding a proposed box culvert within the Rocky Run channel and north of Barlow. Peterson is to contact Steve Thompson and ask whether Thompson is in need of any additional information. Regarding this same matter Lorraine Allmaras stopped by the meeting and provided a May 6, 2002 letter from Steve Thompson. In the May 6, 2002 letter Thompson indicates that a Foster County Water Resource member is of the opinion that an increase in the Rocky Run flows will cause the Rocky Run to overflow into a different drainage area. Apparently Thompson informed the Foster County Water Board member to submit his concerns in writing.

Matters concerning the James River Head Water Watershed Project and the Rocky Run were discussed. To date the Water Board has not purchased a CFS gauge. Peterson is to check with Dave Frison to determine whether they have been monitoring the Rocky Run. Kenneth Reis indicated that Frison and others have been out within the past couple weeks to monitor flows within the Rocky Run. Peterson is also to discuss with Frison the logistics of the 319 Project approved for Eddy and Wells Counties. At the Joint Rocky Run meeting the Board determined that Eddy and Wells County should determine priority areas within their counties and contact their respective NRCS Offices for engineering assistance and technical support regarding priority areas. The Eddy County Water Board would like to know how the money available for the 319 Project will be allocated. In other words, is it possible that all monies be awarded to one county even if both counties would like to utilize the money available.

Also concerning the Rocky Run Peterson informed the Board that he had been contacted by Tami of the Wells County Water Board regarding a special joint Rocky Run meeting. To date, however, the meeting is on hold until Wells County determines whether or not the meeting is necessary.

There being no further business the meeting was adjourned.

Respectfully submitted,



Travis S. Peterson, Secretary/Treasurer

APPROVED:



Kenneth Reis, Chairman

319
40 min

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
April 2, 2002

No meeting of the Eddy County Water Resource Board was held in April for lack of a quorum. Neal Rud and Travis Peterson, Secretary/Treasurer were the only individuals that showed up for the meeting.

Respectfully submitted,



Travis S. Peterson, Secretary/Treasurer

APPROVED:



Kenneth Reis, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD

March 5, 2002

A regular meeting of the Eddy County Water Resource Board was held on March 5, 2002 at 9:30 AM in the Eddy County Courthouse. Present were Kenneth Reis, Peter Becherl, Neal Rud and Travis Peterson, Secretary/Treasurer. Also present were Nancy Ritzke and Don Olds of Eddy County Soil Conservation District.

Minutes of the February 5, 2002 meeting were read and approved as read.

The Treasurer's Report was presented and approved as presented.

Peterson handed out minutes of the January 9, 2002 DLJWRB meeting. Also concerning the DLJWRB, Becherl stated that the Devils Lake Basin Water Management Plan of 1995 is in the process of being reviewed and updated. In order to do so each member county has been requested to provide four representatives. One representative will serve on each of the following subcommittees: Agriculture, wildlife and fisheries, recreation, and economic development. The subcommittees will meet four to six times. Subcommittee members will be reimbursed for mileage. DLJWRB should be informed of the Eddy County representatives by March 15, 2002.

Peterson presented to the Board a Department of Army/Corps of Engineers planning report/environmental impact statement regarding Devils Lake. No further action is necessary.

Nancy Ritzke was present to discuss the James River Head Waters Watershed Rocky Run Project. Ritzke informed the Board that the grant application was approved and that the beginning date of the project is April 1, 2002. Ritzke also presented the Water Resource Board a Memorandum of Agreement to be signed by the Board. The Memorandum of Agreement states that the Eddy County Water Resource District agrees to commit \$1,500.00 per year for the next five years to fund the Rocky Run Watershed Project. For purposes of this 319 Project Eddy County will have a Board which consists of one member each from the County Commissioners, Soil Conservation District and Water Board. The Eddy County Board will then consult with a Wells County Board consisting of like members. After further inquiry Ritzke has learned that Eddy County Water Resource District would not be permitted to offset its \$1,500.00 contribution as a result of purchasing a CFS gauge/flow meter. Ritzke believes, however, that such a purchase would qualify for cost share monies. The Water Board informed Ritzke that it would like to place the CFS gauge/flow meter in the box culvert located under Highway 281 near the Vance Anderson farm. The Water Board would like to have this meter in place for the 2002 spring thaw. Ritzke indicated that she would discuss this matter with Dave Frison at a March 7, 2002 meeting. Ritzke also informed the Water Board that Wells County will be in charge of keeping the Section 319 financial books and that the Eddy County Soil Conservation District Office would be acting as Eddy County Water Board's liaison for purposes of this project.

Don Olds was also present to discuss these matters. Don Olds also informed the Board that the Rocky Run Watershed is considered an EQIP priority area. However, no federal monies have been appropriated to this program in Eddy County because no land owners applied to participate.

Peterson and the Board discussed the Joint Rocky Run Water Shed and Snagging and Clearing Legislation. Peterson advised the Board that the County Commissioners possess the ultimate authority to approve and assess land benefitted by a snagging and clearing project and within their respective counties snagging and clearing project. Peterson further stated that it is his opinion that monies raised by special assessment within the County must remain in the County for the benefit of County landowners and may not be co-mingled with other counties funds. This being the case Peterson sees no real benefit in proceeding with the Foster and Wells County Boards on a "joint" project because, from a financial standpoint, each party must act independently of the other. And, even if all three water boards were in agreement the final decision to assess rests with the County Commissioners.

There being no further business the meeting was adjourned.

Respectfully submitted,



Travis S. Peterson, Secretary/Treasurer

APPROVED:



Kenneth Reis, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD

February 5, 2002

A regular meeting of the Eddy County Water Resource Board was held on February 5, 2002 at 10:00 AM in the Eddy County Courthouse. Present were Kenneth Reis, Peter Becherl and Travis Peterson, Secretary/Treasurer.

Minutes of the January 8, 2002 meeting were read and approved as read.

The Treasurer's Report was presented and approved as presented.

The following bills were approved and paid:

Peterson Law Offices, P.C. (Eddy County share of 1-8-02 special meeting)	\$ 171.28
North Dakota Water Resource District Association dues for 2002	375.00

Peterson handed out minutes of the December 6, 2001 DLJWRB meeting.

Becherl gave an update on the CFS gauge. A good unit would cost approximately \$1,000.00. Becherl also spoke with NRCS and NRCS indicated that Eddy County Water Resource Board could purchase this monitor and that the purchase price would constitute a payment in kind on behalf of the Water Board towards the James River Head Water Watershed Section 319 project. Becherl was advise, however, to wait to purchase the gauge until after the Section 319 application was approved.

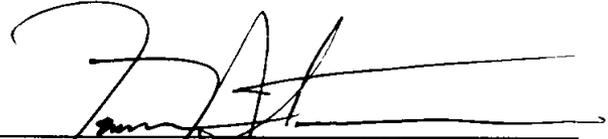
Peterson informed the Board that he placed a call with Dwayne Whitaker of BNSF regarding the Hamar/Beckstrand reimbursement. As of today's date Peterson has received no response from Whitaker. Peterson will follow up in the form of a letter.

The Board determined that the annual Rocky Run Joint Water Board meeting would take place on March 6, 2002 at 1:00 PM. Peterson is to take steps to inform the Foster and Wells County Water Boards.

The Board requested that Peterson contact Mike Dwyer in an effort to obtain more information concerning the logistics of a special assessment under the Snagging and Clearing Legislation so that the Board can be better informed in making its decision of whether or not to join the Joint Rocky Run Special Assessment Project.

There being no further business the meeting was adjourned.

Respectfully submitted,



Travis S. Peterson, Secretary/Treasurer

APPROVED:



Kenneth Reis, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD

January 8, 2002

A regular meeting of the Eddy County Water Resource Board was held on January 8, 2002 at 10:00 AM in the Eddy County Courthouse. Present were Kenneth Reis, Neal Rud, Peter Becherl, Travis Peterson, Secretary/Treasurer, and landowner Monty Schaefer.

Minutes of the December 4, 2001 meeting were read and approved as read. Rud moved to approve; Becherl seconded; motion carried.

The December 31, 2001 Verified Financial Report was presented. Rud moved to approve; Becherl seconded; motion carried.

The following bills were approved and paid:

North Dakota Water User's Association dues	\$ 300.00
North Dakota Insurance Reserve Fund premium	287.00

Becherl asked whether BNSF has reimbursed Eddy County Water Board for the Hamar/Beckstrand work. Peterson indicated he had not yet received a check. Peterson was instructed to follow up with Duane Widiger of BNSF.

January of each year is the month in which the Eddy County Water Resource Board reorganizes. Neal Rud moved and Peter Becherl seconded to have Kenneth Reis remain Chairman of the Eddy County Water Resource Board; Peter Becherl remain Vice-Chairman of the Eddy County Water Resource Board; and Neal Rud to remain a member of the Eddy County Water Resource Board. Motion approved as presented.

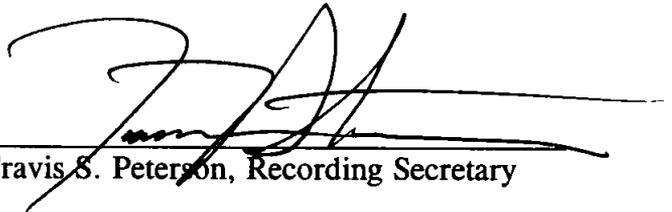
Peter Becherl moved and Neal Rud seconded to hire Peterson Law Offices, P.C. to act as Secretary/Treasurer. Motion carried.

Landowner Schaefer and the Board discussed in general terms the possible impact of the increased number of culverts on the Rocky Run. The suggestion was that there are many more culverts now than years back and the additional number of culverts can only increase the drainage to and flow of the Rocky Run. Schaefer also asked whether the CFS within the Rocky Run can be measured or gauged. Schaefer is curious whether the current CFS is within the acceptable standards of the various operating plans. Becherl indicated that he would be at a DLJWRB meeting on January 9, 2002 and he would inquire about obtaining a CFS gauge. Becherl indicated that he believes the CFS is regularly measured in the Devils Lake Basin. The Board indicated that it would see what it could do to obtain a CFS gauge and take steps to measure the Rocky Run CFS in the upcoming year. There was also general discussion about the various operating plans affecting the Rocky Run and other documentation relevant to the Rocky Run. It was stated that there is much relevant information in the Water Board file

cabinet but that it lacks any useful organizational scheme. Rud moved and Reis seconded to have Peterson go through the Water Board file cabinet to familiarize himself with the materials therein and to also attempt to organize the materials so that they are more useful and readily available for reference purposes.

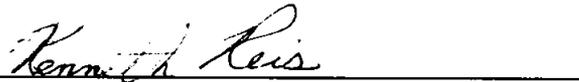
There being no further business the meeting was adjourned.

Respectfully submitted,



Travis S. Peterson, Recording Secretary

APPROVED:



Kenneth Reis, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
December 4, 2001

A regular meeting of the Eddy County Water Resource Board was held on December 4, 2001 at 10:00 AM in the Eddy County Courthouse. Present were Neal Rud, Peter Becherl and Travis Peterson, Secretary/Treasurer.

Minutes of the November 6, 2001 meeting were read and approved as read. The Treasurer's Report was presented and approved as presented.

The following bills were approved and paid:

Gjestvang Backhoe Service (Rod Settlemyer ditch cleaning)	\$ 350.00
Gjestvang Backhoe Service (Hamar/BNSF Railroad project)	4,000.00
Kenneth Reis (meetings and mileage)	145.23
Peter Becherl (meetings and mileage)	1,127.08
Neal Rud (meetings and mileage)	288.60
Peterson Law Offices, P.C. (services rendered June 2001 - December 2001)	2,264.62

Various correspondence was reviewed. The North Dakota State Water Commission provided information on the 2002 Project WET Explore Your Watershed Summer Water Quality Institute and Lewis and Clark's Big Muddy Missouri River Cultural History Institute. The Commission asks that the Water Board again consider reimbursing educators for registration fees for these two institutes. The Lewis and Clark Big Muddy Institute registration fee is \$200; the Summer Water Quality Institute registration fee is \$150. The Water Board approved sponsoring one educator from each of the New Rockford and Sheyenne Schools. The Water Board instructed Peterson to distribute this information to the schools as has been done in the past.

The Devils Lake Basin Joint Water Resource Board has distributed a "Request for Project or Program Support" Form. The DLBJWRB asks that local water boards complete the Request for Project or Program Support Form if a project affecting the Devils Lake Basin is undertaken. This form will be kept in the Water Board file and used in the future when appropriate.

The Water Board will conduct its January 2002 meeting on January 8, 2002 at 10:00 AM. Peterson is to put a notice of the change of date in the Transcript and send letters to the Board members.

Becherl gave an update on DLBJWRB. No action was necessary in this regard.

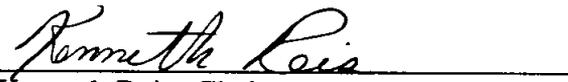
There being no further business the meeting was adjourned.

Respectfully submitted,



Travis S. Peterson, Recording Secretary

APPROVED:



Kenneth Reis, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
November 6, 2001

A regular meeting of the Eddy County Water Resource Board was held on November 6, 2001 at 10:00 AM in the Eddy County Courthouse. Present were Neal Rud, Peter Becherl and Travis Peterson, Secretary/Treasurer.

The minutes of the October 9, 2001 meeting were read and approved as read.

The Treasurer's Report was presented and approved as presented. The Board instructed Peterson to allow Security State Bank CD #24797 to renew for another six months.

Various correspondence was reviewed; no action necessary.

Regarding the Beckstrand/Hamar railroad bed project, Becherl met Delvaine Gjestvang at the project site this morning. As of 8:00 AM this morning the rails had not been removed from the railroad bed. Becherl and Peterson attempted to contact Jeff Hagen of BNSF to inform Hagen that Gjestvang is ready to start cutting the railroad bed as of Monday, November 12, 2001. Becherl and Peterson were unsuccessful in contacting Hagen but did leave a message. Peterson is to contact Becherl after Peterson visits with Hagen.

Becherl gave an update on the Devils Lake Basin Joint Water Resource Board. Becherl informed the Eddy County Water Board that the State Water Commission Engineering Services are available to Eddy County at no cost only concerning matters directly related to the Devils Lake Basin Joint Water Resource Board.

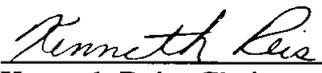
There being no further business the meeting was adjourned.

Respectfully submitted,



Travis S. Peterson, Recording Secretary

APPROVED:



Kenneth Reis, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD

October 9, 2001

A regular meeting of the Eddy County Water Resource Board was held on October 9, 2001 at 9:00 AM in the Eddy County Courthouse. Present were Neal Rud, Peter Becherl, Kenneth Reis and Travis Peterson, Secretary/Treasurer.

The minutes of the September 4, 2001 meeting were read and approved as read.

The Treasurer's Report was presented and approved as presented.

The following bills were approved and paid:

Transcript publishing for notice of October 9, 2001 meeting	\$ 18.00
Swenson, Hagen & Co. P.C. - Eddy County's 30 percent bill of Joint Rocky Run services	462.00

Various correspondence was reviewed; no action necessary.

The Board discussed the John Beckstrand/Hamar railroad bed issue. Eddy County Water Resource District has received approval from all interested agencies. Gerald Haas, an interested landowner, was the last party objecting to the proposed cut in the railroad bed. Haas has a crossing which he believes will be washed out if the railroad bed is cut. Peter Becherl and Gerald Haas inspected the area in question. Basically, Haas wants the Water Board to pay all costs incurred in installing the culvert. If the Water Board covers all costs incurred and installs the culvert Haas has no objection to the proposed cut in the railroad bed. Becherl felt that the crossing was approximately 30 foot in width and a 36 inch culvert would be sufficient. Kenneth Reis moved to take steps to have a 36 inch culvert installed in the Haas crossing with all costs incurred being paid by the Eddy County Water Resource District. Neal Rud seconded. Motion carried. Kenneth Reis indicated he will contact Vern Duda and request that Vern contact Peter who will then show Vern what needs to be done. If Duda is unavailable or unwilling Kenneth will attempt to contact Delvaine Gjestvang. Peterson is to send a letter to the railroad instructing them to proceed. Ideally this project will be completed before winter.

Norman Remboldt, Wells County Water Resource District, contacted Kenneth Reis regarding the Snagging and Clearing Bill. Donovan Meier of the Wells County Water Resource District is in favor of the bill. Remboldt indicated that the Wells County Water Board will have Mike Dwyer to a future Wells County Water Board Meeting to explain the bill and its ramifications. Kenneth Reis will call Norman Remboldt and request that Wells County contact Eddy County Water Board members so they may attend this informational meeting.

Peter Becherl gave an update on the Devils Lake Basin Joint Water Resource Board. The next meeting is scheduled for October 10, 2001. Peter indicated that Devils Lake is down 6 inches

but that water continues to run into Stump Lake. Peter also stated that he has been informed that because Eddy County is a member of the Devils Lake Joint Water Resource Board Eddy County is eligible to receive services from the State Water Commission Engineer. As this may be a great benefit to Eddy County Peter Becherl will check further into this.

The next Eddy County Water Resource District meeting will be held on November 6, 2001 at 10:00 AM. There being no further business the meeting was adjourned.

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

September 4, 2001

A regular meeting of the Eddy County Water Resource Board was held on September 4, 2001 at 9:00 AM in the Eddy County Courthouse. Present were Neal Rud, Peter Becherl and Travis Peterson, Secretary/Treasurer. The treasurer's report was presented and approved as presented.

The minutes of the August 7, 2001 meeting were read and approved as read.

Peterson gave an update on the John Beckstrand/Hamar complaint. Peterson is waiting for comments from Nelson County NRCS and the Nelson County Water Resource District. After Peterson receives a response from Nelson NRCS and Nelson WRD he will mail a letter to Dwayne Whitaker of BNSF indicating that all interested agencies consent to a cut in the railroad bed.

Various correspondence was reviewed. No further action was necessary.

Peterson informed the Board that he is unavailable for the October 2, 2001 meeting. The Board decided to schedule the meeting for October 9, 2001 at 9:00 AM in the Eddy County Courthouse. Peterson is to put a notice to this effect in the Eddy County Transcript. Peterson was also instructed to mail a reminder letter to the Board members.

Pete Becherl gave an update on the Devils Lake Basin Joint Water Resource Board.

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

August 7, 2001

A regular meeting of the Eddy County Water Resource Board was held on August 7, 2001 at 9:00 AM in the Eddy County Courthouse. Present were Kenneth Reis, Neal Rud, Peter Becherl, Travis Peterson, Secretary/Treasurer, Don Olds and Steve Cashen, both of Eddy County NRCS. Olds and Cashen were present to address any concerns NRCS may have with the John Beckstrand complaint of water overflowing the railroad bed near Hamar. On July 18, 2001 Peterson discussed with Dwayne Whitaker of BNSF the possibility of BNSF installing a culvert or cutting a channel through the railroad bed. Whitaker indicated that the area in question is being abandoned and will eventually be sold. Thus, BNSF is not willing to install a culvert but is agreeable to making a cut in the railroad bed. Whitaker indicates the expense of doing so will be paid in full by BNSF. In order to do this, however, BNSF is requiring a letter from the Water Board stating that the Water Board approves of the cut and that all other interested government agencies consent to the same. Olds and Cashen indicated that NRCS has no objections to the proposed cut because it does effect any USDA farm benefits programs. Olds suggested that we contact the Nelson County NRCS and also the Fish and Wildlife Service (Dave Azure, Arrowwood (701) 285-3341) to see if they have objections and/or comments. Olds suggested that we contact the other affected landowner, Gerald Haas, and ask him to contact Nelson County NRCS to confirm that there are no objections. Peterson was instructed to contact Dave Azure and Gerald Haas regarding the proposed cut.

Lorraine Allmaras, Eddy County Commissioner, stopped and indicated that Ed Walz would be into the Commissioners meeting to discuss the installation of a culvert on Eddy County #14 South of Highway 15. Allmaras indicated that the Commissioners would meet with Walz and contact the Water Board if there were additional questions or concerns. The Water Board was not sure how beneficial an additional culvert would be since the existing culvert is not full and doesn't appear to be holding back water.

Concerning the Brian Schwann letter of July 15, 2001 regarding the Application to Modify a Dam, the Water Board has no additional comments.

The minutes of the July 3, 2001 meeting were read and approved as read. The treasurer's report was presented and approved as presented.

Various correspondence was reviewed. No further action was necessary.

The 2002 budget request was prepared and signed by Kenneth Reis. Peterson will deliver the budget request to the Auditor's office.

Pete Becherl gave an update on the Devils Lake Basin Water Board meeting.

Eddy County Water Resource District
August 7, 2001
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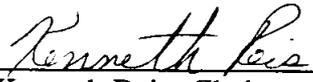
There being no further business the meeting was adjourned.

Respectfully submitted,



Travis S. Peterson, Recording Secretary

APPROVED:



Kenneth Reis, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
July 3, 2001

A regular meeting of the Eddy County Water Resource Board was held on July 3, 2001 at 9:00 AM in the Eddy County Courthouse. Present were Kenneth Reis, Neal Rud, Peter Becherl, and Travis S. Peterson, Secretary/Treasurer.

Minutes of the June 5, 2001 meeting were read and approved as read. The Treasurer's Report was presented and approved as presented.

There was discussion concerning the 1998 culvert work done at Ed Haman's place. The total bill for three culverts was \$1,269.10. Eddy County billed the Water Board for the entire \$1,269.10. Reviewing previous months' Water Board minutes it appears there was an agreement that the Water Board would be responsible for half of this amount. Eddy County Water Board paid its half (\$634.55) on February 9, 1999. The North Dakota State Auditors determined that the other half of this bill (\$634.55) has not yet been paid. Lorraine Allmaras, Eddy County Commissioner, stopped and informed the Water Board that the County will send a bill to New Rockford Township for the other half. The Commissioners will then figure out how to handle this if New Rockford Township refuses to pay. Kenneth Reis believes that the Water Board paid one half on behalf of New Rockford Township and the other half is the obligations of the County. The North Dakota State Auditors indicated to Peterson that the balance due would not be considered a liability of the Water board. No further action is necessary at this time.

The Water Board reviewed the Brian Schwan application to restore a dam located in Township 149, Range 62, Section 28, NE1/4SE1/4. The Eddy County Water Board had no further comments or objections. No further action is necessary in this regard.

John Beckstrand called Pete Becherl and stated that water is flowing over the railroad bed one to two miles east of Hamar. The Water Board instructed Peterson to contact Burlington Northern/Sante Fe Railroad to determine who has the authority to clean out or install culverts in that area. Peterson will attempt to let Pete Becherl know what he learns by July 11, 2001.

Kenneth Reis was contacted by Johnny Carlson who requested photocopies of the elevation maps of Sheldon and Tiffany Township. Peterson is to make photocopies of them and mail the same to Johnny Carlson.

On July 10, 2001 there will be an Executive Briefing and Water Law Seminar in Minot, North Dakota. The Water Board informed Peterson that the Water Board will pay Peterson's registration if Peterson wishes to attend. Peterson is to take care of the details if he attends.

Becherl indicated that there was nothing to report concerning the Devils Lake Basin.

Eddy County Water Resource District - minutes
July 3, 2001
Page 2

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 5, 2001

A regular meeting of the Eddy County Water Resource Board was held on June 5, 2001 at 9:00 AM in the Eddy County Courthouse. Present were Kenneth Reis, Neal Rud, Peter Becherl, Travis S. Peterson, Secretary/Treasurer.

Minutes of the May 1, 2001 meeting were read and approved as read.

The Treasurer's Report was presented and approved as presented. Further, Peterson presented to the Board the Verified Financial Statement which must be filed with the Eddy County Auditor pursuant to NDCC 61-16.1-25. Neal Rud moved to approve the Verified Financial Report. Peter Becherl seconded. Motion approved as presented.

Peterson informed the Water Board that Certificate of Deposit No. 24797 matured on May 16, 2001 and was renewed for another six months. The next maturity date is November 14, 2001. The current interest rate on CD No. 24797 is 4.21 percent.

Peter Becherl moved to pay the following bills; Neal Rud seconded; motion carried.

Peter Becherl - meetings and mileage	\$887.56
Neal Rud - meetings and mileage	530.60
Kenneth Reis - meetings and mileage	485.65
Peterson Law Offices - services rendered December 2000 through May 2001	1,271.18
Peterson Law Offices - Eddy County's share of Joint Rocky Run fees	175.04
Durbin Excavating - Hamar/Freeborn Township excavating	520.00

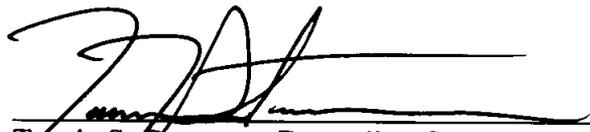
The Water Board reviewed the culvert issue in Columbia Township concerning Jay Topp and Wilfred Wipperling. Neal Rud and Kenny Reis received telephone calls from Jay Topp. Kenneth Reis instructed Peterson to make photocopies of Kadlec vs. Greendale Township Board of Township Supervisors, 583NW2d817. Copies will be provided to Rud, Reis and Jay Topp. Kenneth Reis also requested that Peterson make photocopies of the elevation survey for Columbia Township.

Various correspondence was reviewed with the Water Board. No further action was necessary.

Regarding Rocky Run, there was nothing to report at this time.

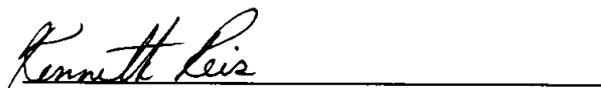
There being no further business the meeting was adjourned.

Respectfully submitted,



Travis S. Peterson, Recording Secretary

APPROVED:



Kenneth Reis, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
May 1, 2001

A regular meeting of the Eddy County Water Resource Board was held on May 1, 2001 at 9:00 AM in the Eddy County Courthouse. Present were Kenneth Reis, Neal Rud, Peter Becherl, Travis S. Peterson, Secretary/Treasurer and Dave Troske.

Minutes of the April 3, 2001 meeting were read and approved as read.

Dave Troske was present to discuss water culvert issues east of Wilfred Wipperlings and southwest of Bob Colliers. Wipperling would like to see a culvert installed in the Township road and Troske was present to ask whether the Water Board had any objections to installing the requested culvert. Kenneth Reis and Neal Rud are familiar with the area Troske is talking about. The Water Board felt that if a culvert was installed in the east/west Township road another one would be necessary in the east/west County road. Because the culvert(s) would be installed at the authority and discretion of the Township Board and County Commissioners the Water Board had no objections to installing the requested culvert(s). No further action on this matter is necessary at this time.

Peterson handed out the minutes and handouts from the April 26, 2001 Multi-Agency meeting regarding the James River Headwater Watershed. Becherl and Rud were present at the April 26, 2001 Multi-Agency meeting. After reviewing the materials Peter Becherl made a motion to become a sponsor in the James River Headwater Watershed project. Seconded by Neal Rud. Motion approved as presented.

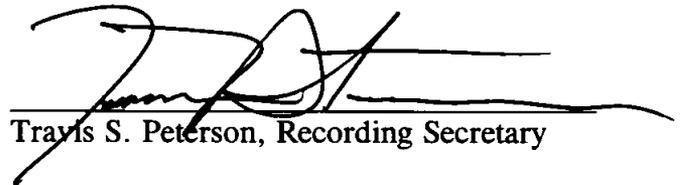
Peterson presented and reviewed various correspondence. No action was necessary.

Peterson informed the Board that Security State Bank certificate of deposit #24797 will mature on May 16, 2001. Peterson was instructed to renew the CD for six months.

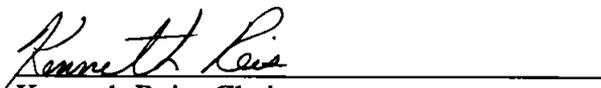
Peterson handed out the Treasurer's Report and also the proposed minutes of the Rocky Run Joint Water District Annual Meeting. No further action was necessary.

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 3, 2001

A regular meeting of the Eddy County Water Resource Board was held on April 3, 2001 at 9:00 AM in the Eddy County Courthouse. Present were Kenneth Reis, Neal Rud, Peter Becherl, Travis S. Peterson, Secretary/Treasurer, Dave Frison and Randy Sucket, both of the Upper Sheyenne Watershed Project, Nancy Ritzke of Eddy County Soil Conservation District (SCD), and Don Olds of Eddy County Natural Resource Conservation Service (NRCS).

Dave Frison was present to discuss the Water Resource Board's partnership/sponsorship in the Rocky Run Watershed Project. Nancy Ritzke indicated that the Eddy County SCD is interested in establishing a Section 319 project and is also interested in becoming a partner/sponsor in the Rocky Run Watershed Project. Other possible partners/sponsors are the Eddy County Commission and the New Rockford City Commission. The Eddy County SCD will have a meeting on April 12, 2001 at 1:00 PM in the USDA Office regarding the possibilities of such a partnership/sponsorship and project.

Don Olds of the Eddy County NRCS was present to discuss the Wetland Reserve Project (WRP). Olds handed out some WRP materials and basically wanted the Water Resource Board to be aware of this opportunity for interested land owners.

Minutes of the February 6, 2001 and March 6, 2001 meetings were read and approved as read.

Correspondence from various entities was reviewed. No action was necessary.

Neal Rud moved and Kenneth Reis seconded to pay the 2001 Devils Lake Basin Joint Water Resource Board dues. Said dues are \$300 for 2001.

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
March 6, 2001

No meeting of the Eddy County Water Resource Board was held in March for lack of a quorum. Kenneth Reis and Travis Peterson were the only individuals that showed up for the meeting.

Respectfully submitted,



Travis S. Peterson, Recording Secretary

APPROVED



Kenneth Reis, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD

February 6, 2001

A regular meeting of the Eddy County Water Resource Board was held on February 6, 2001 at 10:00 AM in the Eddy County Courthouse. Present were Kenneth Reis, Neal Rud, Peter Becherl, Travis S. Peterson, Secretary/Treasurer, and Jill Hakanson from the Eddy County USDA Office.

Minutes of the January 9, 2001 meeting were read and approved as read.

Correspondence from North Dakota Water Resource Districts Association and North Dakota Water Resource Research Institute were reviewed. Also reviewed was the various correspondence which Travis S. Peterson sent out pursuant to the minutes of the January 9, 2001 Eddy County Water Resource Board meeting.

The following bills were presented and ordered paid: Transcript Publishing - \$11.25, Donovan Meier (mileage reimbursement)- \$74.70, Kenneth Reis (meal reimbursement) - \$15.07.

Jill Hakanson from the Eddy County USDA Office was present to present information concerning the EQIP Program which has been approved for the Rocky Run Water Shed. The Board was informed that there will be an informational meeting concerning this EQIP Program on Thursday, February 22, 2001 at 1:00 PM in Sykeston, North Dakota. Jill Hakanson also indicated that the Eugene Gleason/Hamar improvement project has been approved. Jill Hakanson will confirm that Gleason has been made aware of this.

Travis S. Peterson was instructed to schedule the Joint Rocky Run meeting on a date when John D. Hovey is available and notify the Board members of the same.

Kenneth Reis reported on his trip to Bismarck with Donovan Meier regarding the hearings on the proposed Snagging and Clearing Bill.

Peter Becherl reported on the most recent Devils Lake Basin Joint Water Resource Board meeting.

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

January 9, 2001

A regular meeting of the Eddy County Water Resource Board was held on January 9, 2001 at 10:00 AM in the Eddy County Courthouse. Present were Kenneth Reis, Neal Rud, Peter Becherl and Travis S. Peterson, Secretary/Treasurer.

Minutes of the December 5, 2000 meeting were read and approved as read. The December 31, 2000 Verified Financial Report was presented and approved.

Correspondence from North Dakota Water Resource District Association and North Dakota State Water Commission was reviewed. Travis S. Peterson was instructed to write to Glenn McCrory, President of North Dakota Water Resource Districts, requesting information concerning the proposed snagging and clearing and protest vote procedures for assessment projects legislation. Peter Becherl moved to have Travis S. Peterson send "Project Wet" materials to the New Rockford and Sheyenne Schools. The Eddy County Water Resource District will agree to sponsor one faculty member from Sheyenne and one faculty member from New Rockford to attend any one "Project Wet" workshop. Kenneth Reis seconded; motion approved as presented.

Peter Becherl moved to have Kenneth Reis remain Chairman of the Eddy County Water Resource Board; Peter Becherl remain Vice-Chairman of the Eddy County Water Resource Board; and to hire Peterson Law Offices, P.C., d/b/a Hovey and Peterson, as Recording Secretary/Treasurer. Neal Rud seconded; motion approved as presented.

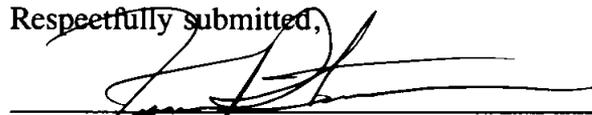
Peter Becherl moved to have Travis S. Peterson added to the Eddy County Water Resource District checking account signature card at Security State Bank. John D. Hovey will remain on the account as an authorized signer. Neal Rud seconded; motion carried.

Peter Becherl moved to have the North Dakota Water Resource District dues, in the amount of \$375.00, paid. Neal Rud seconded; motion approved. Neal Rud moved to pay the North Dakota Water users association dues in the amount of \$300.00. Peter Becherl seconded; motion approved.

Peter Becherl reported on the most recent Devils Lake Basin Joint Water Resource Board.

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
December 5, 2000

A regular meeting of the Eddy County Water Resource Board was held on December 5, 2000 at 10:00 AM in the Eddy County Courthouse. Present were Kenneth Reis, Neal Rud, Peter Becherl and John D. Hovey, Secretary/Treasurer.

Minutes of the November 7, 2000 meeting were read and approved as read. The December financial report was approved and the new CD was reviewed.

The correspondence from North Dakota Water commission was reviewed. No action was needed or taken.

Hovey reported on a meeting with Monty Schaefer on November 22, 2000 at which he reviewed files and copied board information relating to the Wells County drainage projects.

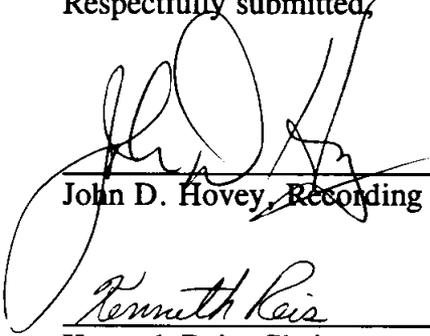
The following bills were presented and ordered paid:

Surety Title Company - Insurance premium	287.00
Kenneth Reis - through December, 2000 meeting	488.20
Neal Rud - through December, 2000 meeting	341.10
Peter Becherl - through December, 2000 meeting	904.50
Hovey Law Offices - Rocky Run expense	197.94
Hovey Law Offices - through November, 2000	1,188.00

Due to the New Year's holiday it was decided that the next meeting would be held on January 9th at 10:00 AM. Hovey is to put a notice in the Transcript.

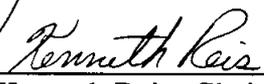
There being no further business the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Recording Secretary

APPROVED:



Kenneth Reis, Chairman

Secretary's Note:

Right after the meeting Hovey talked to Mike Dwyer regarding the possibility of raising funds to support Rocky Run. Dwyer informed Hovey that in addition to the regular 4 mills that the County can levy for Water Board use (and which can be used either for general board operations or special projects) the County can levy up to 2 mills without a vote for the improvement and maintenance of drainage in the County. This means that a total of 6 mills can be levied. The extra 2 mills can be levied against all property in the county and is not limited to the property benefitted by the improvements.

He also says that there are some bills that will be introduced in the next legislative session expanding the Water Board and County Commission's powers.

JDH

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
November 7, 2000

A regular meeting of the Eddy County Water Resource Board was held on November 7, 2000 at 10:00 AM in the Eddy County Courthouse. Present were Kenneth Reis, Neal Rud, Peter Becherl and John D. Hovey, Secretary/Treasurer. Also present were Don Olds from USDA Soil Conservation Service, Jerald Haas and Trevor Haas, Minco Township farmers.

Minutes of the October 3, 2000 meeting were read and approved as read. The November financial report was approved.

(The numbers referred to hereafter can be located on the attached map.) Three weeks ago Reis, Becherl and Rud met with the Haas' and Gleason regarding a water problem in Sections 1 and 2 of Freeborn Township. The Haas' and Gleason want to clean out a drain (4) on Indian land located in Section 2. Don Olds brought with him a letter from the BIA Superintendent approving clean out of silt at this point for 500 feet.

In Section 1 there is a 36 inch culvert through the railroad bed at (1) and a 30 inch culvert through the field trail at (2). Either or both of these culverts can be resized or removed to natural ground elevation without any swamp buster violation.

Likewise, the road crossing at (3) which is located on the section line between Sections 1 and 2 can be removed.

To do the work at (4) the tribe needs to apply for "minimal effect" to clean out silt, or request a conversion to "wetlands non-ag use". If either application is granted and if the silt removal is completed the culvert at (2) will hold back water until it overtops the trail. Then the water will eventually find its way to the railroad embankment and through the 36 inch culvert.

Don Felch is the USDA Tribal liaison in Ft. Totten. He and/or Don Olds have been discussing this matter with Rod Cavanaugh of the BIA.

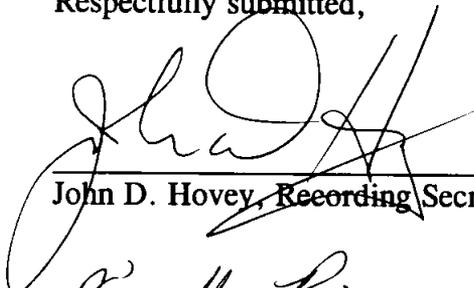
It's up to the tribe to initiate the action. But Haas' and Gleason are going to have to prompt them. Haas' agreed that they will work with Gleason in order to get the ball rolling.

The Devils Lake Joint Water Board dues of \$300 were approved and paid.

The district's CD will mature on November 15th and it was approved to renew it for another six months.

There being no further business the meeting was adjourned.

Respectfully submitted,

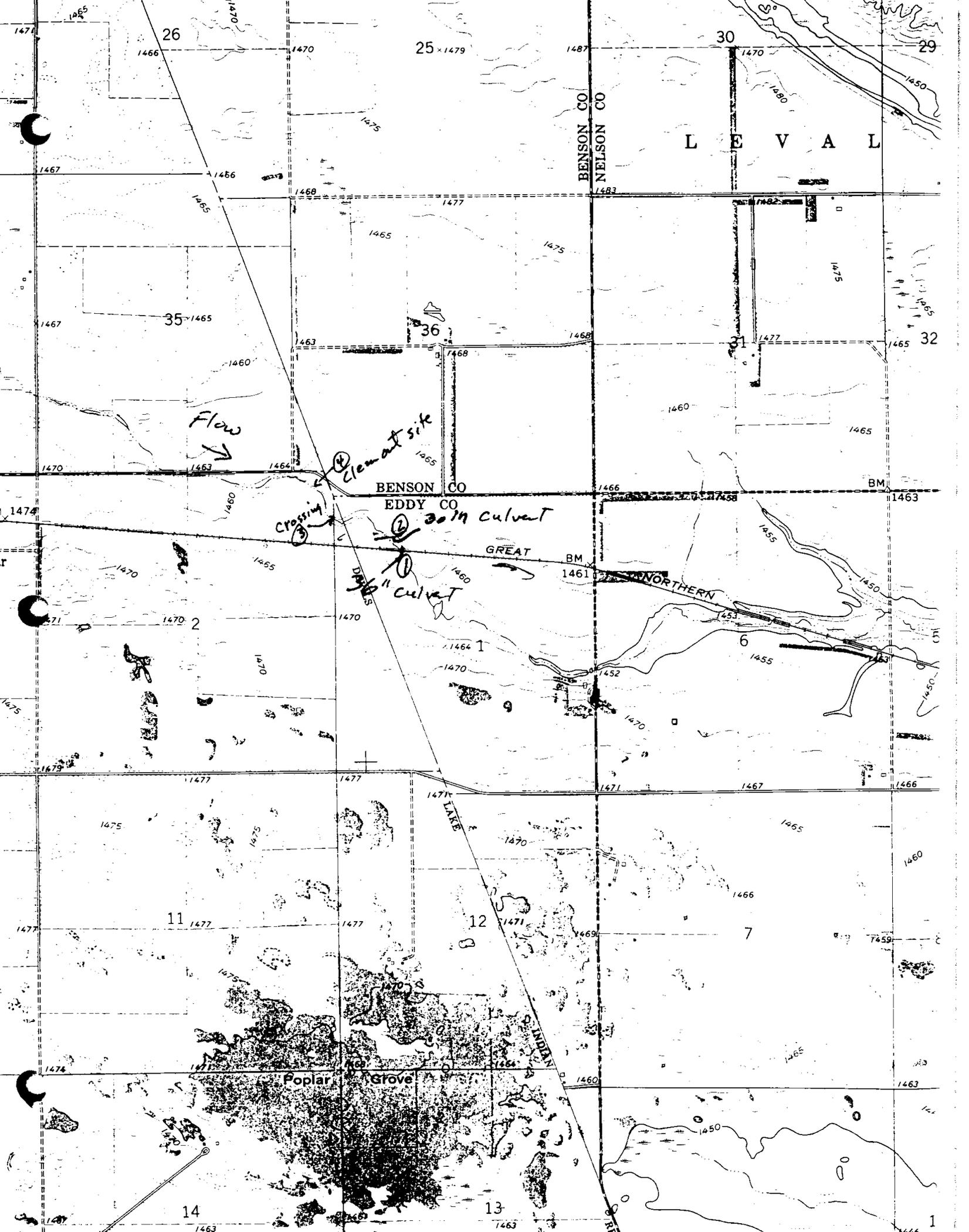


John D. Hovey, Recording Secretary



Kenneth Reis, Chairman

APPROVED:



26

25 1479

30

29

L E V A L

BENSON CO
NELSON CO

35 1465

36

32

Flow
↓

① Clemat site

BENSON CO

EDDY CO

③ Crossing

② 30\"/>

① 11\"/>

GREAT

NORTHERN

2

1

6

11 1477

12

7

Poplar Grove

INDIAN

14

13

1

M I N C O

BENSON
EDDY C

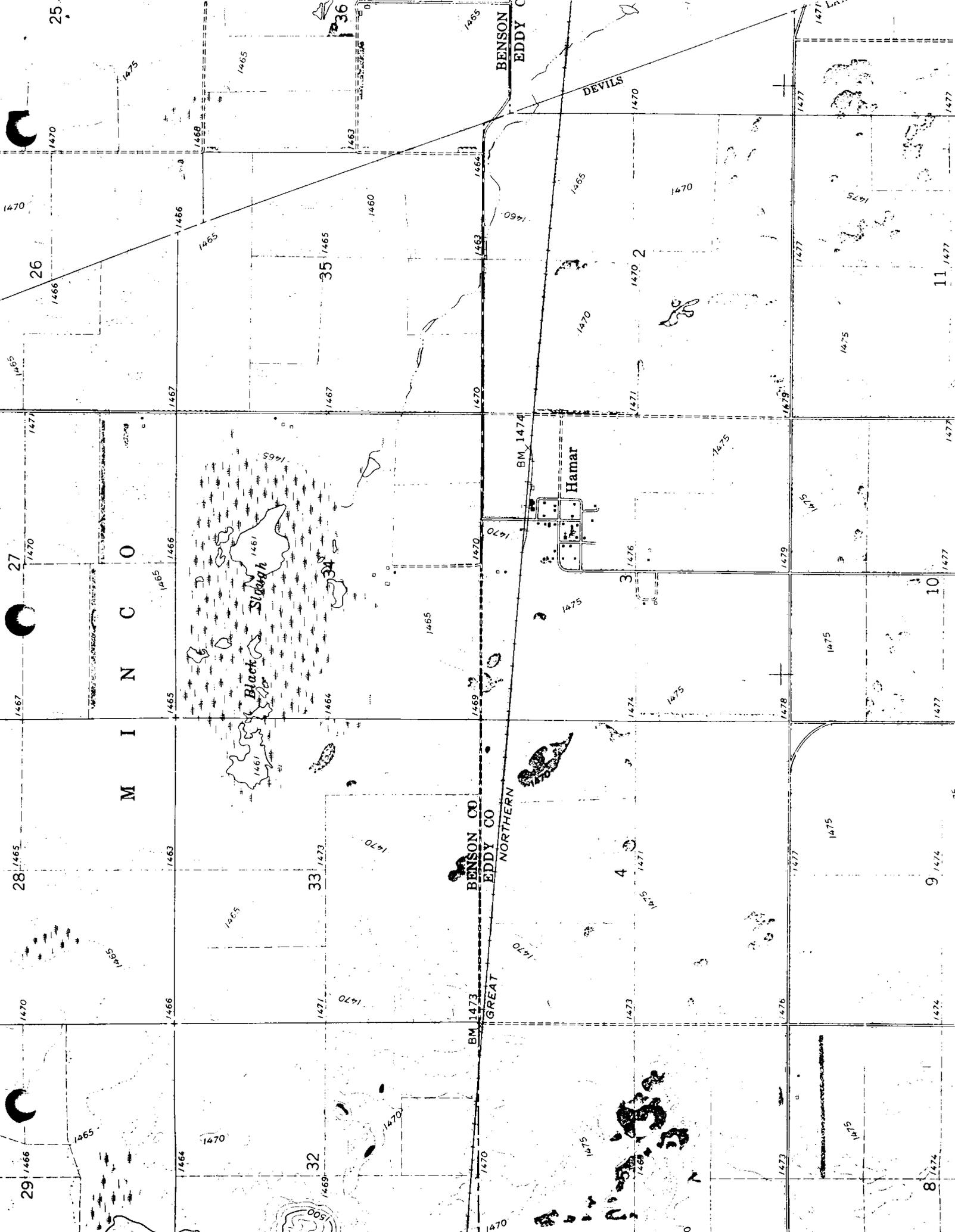
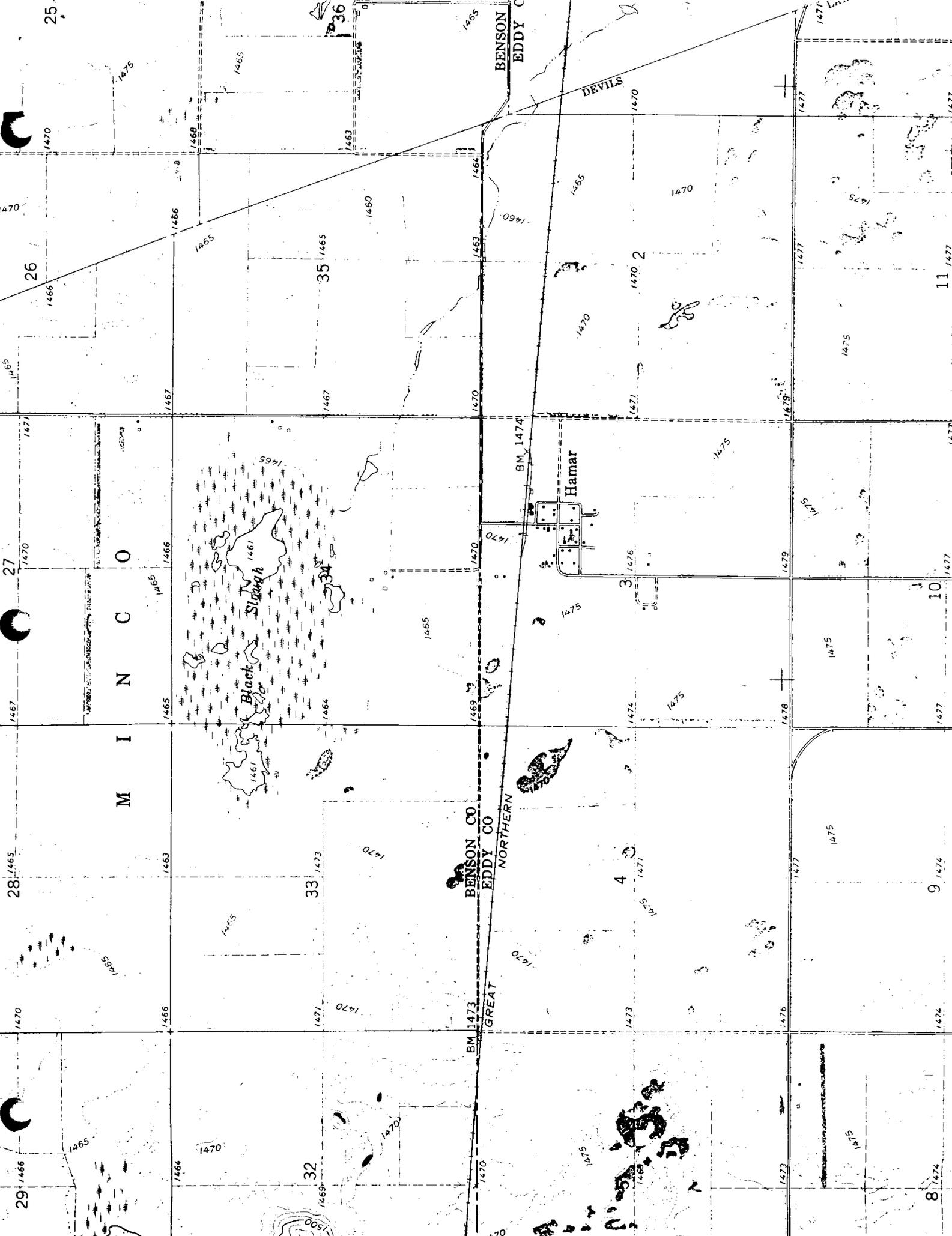
DEVILS

Hamar

BENSON CO
EDDY CO
NORTHERN

GREAT

Black Slough





United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Fort Totten Agency

P.O. Box 270

Fort Totten, North Dakota 58335-0270

IN REPLY REFER TO:

Real Prop Mgmt.

Eugene Gleason
2943 Hamar Rd.
Hamar, ND 58336

*Water board
Tues 10:00 AM*

OCT 26 2000

Dear Mr. Gleason:

In response to your request to clean out an existing drainage ditch on the following property leased by you:

DLS-0474-A Lot 1 Sec.02 T.15N.,R.62W., 5th P.M., North Dakota

A field inspection was conducted on October 24, 2000. This inspection revealed an area of the drainage ditch on the east side of the above tract has been silted and obscured with cattails and other vegetation.

Since this area was previously not obstructed you are hereby authorized to remove the silt and vegetation from the existing drainage ditch for a length of approximately 500 feet.

You are restricted to a depth not to exceed 2 feet or below any existing clay.

The spoil removed from the ditch must be spread in a manner that blends with the existing terrain in the area adjacent to the drainage ditch. *water board*

Should you have any questions, feel free to contact the Branch of Realty at 766-4130. *404*

Sincerely,

Christine Deann

a/s Superintendent

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
October 3, 2000

A regular meeting of the Eddy County Water Resource Board was held on October 3, 2000 at 9:00 AM in the Eddy County Courthouse. Present were Kenneth Reis, Peter Becherl, Neal Rud and John D. Hovey, Secretary/Treasurer.

Minutes of the September 5, 2000 meeting were read and approved as read.

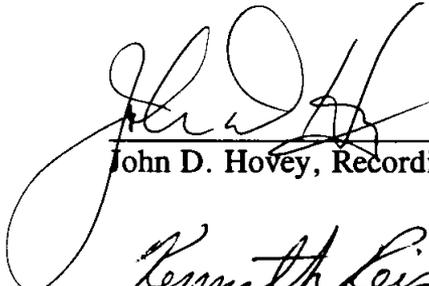
Treasurer's report was presented and approved.

Pete Becherl reported that there was no Devils Lake Basin meeting last month.

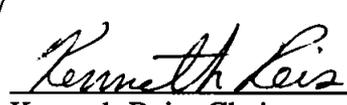
The October 12, 2000 joint meeting of the Rocky Run Water Board was discussed. The meeting is at 7:00 so members will leave from the Eddy County Courthouse at 6:30 for Fessenden. A proposed request for more controls on the lower end was discussed. Hovey will take some photocopies of the control gate maps and Kenneth Reis will add his comments.

There being no further business the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Recording Secretary



Kenneth Reis, Chairman

APPROVED:

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
September 5, 2000

A regular meeting of the Eddy County Water Resource Board was held on September 5, 2000 at 9:00 AM in the Eddy County Courthouse. Present were Kenneth Reis, Peter Becherl, Neal Rud and John D. Hovey, Secretary-Treasurer. Also present was Jill Haakenson, District Conservationist from USDA.

Minutes of the August 1, 2000 meeting were read and approved as read.

Treasurer's Report was presented and approved.

Hovey reported that he had turned in the budget request and he also read to the Board his letter to Joe Lies.

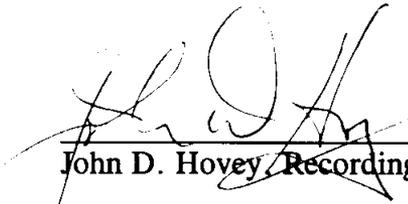
Jill Haakenson reported that Gordon Mellum was allowed to open up a wet land because of flooding on his access road.

Pete Becherl reported on the Devils Lake Basin. The Basin manager is resigning effective 12-31-00. He also reported that James Landenburger is replacing Mike Grafsgard as engineer from the State Water Commission.

Some discussion was had as to water impacts on farmsteads etc. in Eddy County. Jill Haakenson stated that on a case by case basis some relief can be granted by lowering wetlands if the wetland is impacting a farmer's farmstead.

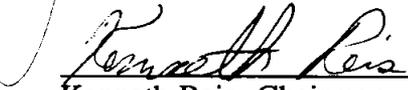
There being no further business the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Recording Secretary

APPROVED:



Kenneth Reis, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
August 1, 2000

A regular meeting of the Eddy County Water Resource Board was held on August 1, 2000 at 9:00 AM in the Eddy County Courthouse. Present were Kenneth Reis, Peter Becherl, Neal Rud and John D. Hovey, Secretary-Treasurer.

Minutes of the July 11, 2000 meeting were read and approved as read.

Treasurer's Report was presented and approved.

Budget request from the County was reviewed. Again like last year there appears to be no need for additional funds and the Secretary was instructed to submit the budget accordingly.

The complaint from Hamar property owners was addressed. This is apparently a Township matter and Hovey is to write a letter to Joe Lies suggesting that they contact the Township. If on the other hand they decide to go with some kind of a legal drain the Water Board will be more than happy to assist them with the paperwork.

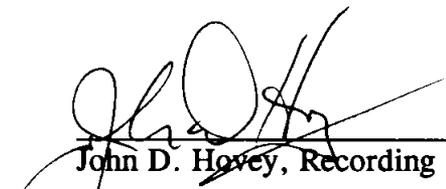
A letter from Sandy O'Connor was read and filed with the minutes. Several Board members had observed fish kill on the river as well as on the Rocky Run in the vicinity of Ken Throlson's ranch.

The Harold Peterson letter regarding Grandfield Township flooding was read and reviewed. Neal Rud reported that he had talked to the Grandfield Township supervisors and that they had agreed to put in a culvert. Apparently this culvert will satisfy Harold at least for the present until he has an opportunity to see what difference it makes.

There was discussion on the Rocky Run flooding during a recent period of heavy rains. The Board may want to visit with the Wells and Foster Boards about additional controls. This will probably take place at the next joint meeting.

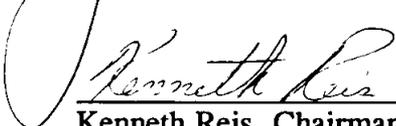
There being no further business the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Recording Secretary

APPROVED:



Kenneth Reis, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
July 11, 2000

A regular meeting of the Eddy County Water Resource Board was held on July 11, 2000 at 9:00 AM in the Eddy County Courthouse. Present were Kenneth Reis, Neal Rud and John D. Hovey, Recording Secretary and Treasurer. Absent was Peter Becherl.

Minutes of the June 6, 2000 meeting were read and approved as read.

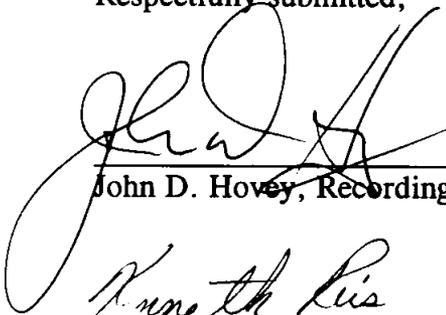
The Treasurer's report was approved as presented.

Hovey reported on a meeting with Dick Turcotte regarding flooding in the Tim Tollefson area. Hovey and Turcotte made an on-sight inspection; Turcotte was given information on the history of culverts in that area; Turcotte was given copies of all past board minutes dealing with that situation. Hovey reported he has heard nothing from Turcotte since that meeting.

Reis gave a brief report on the Rocky Run. He says that it has peaked twice this summer causing some flooding of crop land in his area.

There being no further business the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Recording Secretary

APPROVED:



Kenneth Reis, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
June 6, 2000

A regular meeting of the Eddy County Water Resource Board was held on June 6, 2000 at 9:00 AM in the Eddy County Courthouse. Present were Kenneth Reis, Neal Rud, Peter Becherl and John D. Hovey, Recording Secretary and Treasurer.

Minutes of the April 4, 2000 meeting were read and approved as read.

The Board members were provided with a financial report consisting of a photocopy of the May bank statement from Security State Bank as well as the Treasurer's account summary showing income and expenses to date. The Treasurer's report together with a verified financial report submitted by the Treasurer was approved.

Treasurer read a letter from Surety Title Company regarding the return of benefits from North Dakota Insurance Reserve Fund.

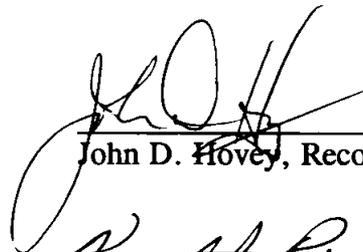
Various items of correspondence were reviewed, none of which required action.

The following bill were approved and paid:

Neal Rud meeting and mileage expense through June, 2000 - \$182.00
Kenneth Reis meeting and mileage expense through June, 2000 - \$192.00
Peter Becherl meeting and mileage expense through June, 2000 - \$592.00
Hovey Law Offices, P.C. - \$757.65

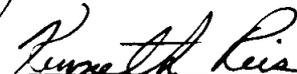
There being no further business the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Recording Secretary

APPROVED:



Kenneth Reis, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
April 4, 2000

A regular meeting of the Eddy County Water Resource Board was held on April 4, 2000 at 9:00 AM in the Eddy County Courthouse. Present were Kenneth Reis, Neil Rud, Peter Becherl, Jill Haakenson from NRCS, and Travis S. Peterson, acting as the Recording Secretary and Treasurer.

Minutes of the February 1, 2000 meeting were read and approved as read.

Board members were provided a photocopy of the Water Resource Board's March 20, 2000 account summary from Security State Bank. The Water Resource Board's certificate of deposit #23321 matured on March 15, 2000 and was automatically renewed for another eight months at 5.43 percent. The certificate of deposit as renewed matured on November 15, 2000.

Various correspondence from the following parties were reviewed by the Board:

1. North Dakota Insurance Reserve Fund;
2. North Dakota Water Commission;
3. Swenson, Hagen and Company P.C.;
4. Notice of Application on Petition for Appropriation of Water from the James River.

No action was needed or was taken on the above-referenced correspondence. The Water Resource Board also received a copy of the 2000 Drainage Statutes and Rules.

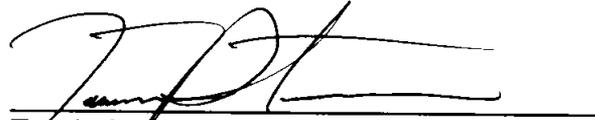
Pete Becherl reported on the Devils Lake Basin activities. No action required by our board.

Neil Rud moved to pay Eddy County's share (\$195.80) of Hovey Law Offices' bill to the Rocky Run Joint Water Board. Second by Kenneth Reis. Motion approved as presented.

Jill Haakenson from Eddy County NRCS Office was present and updated the Water Resource Board on activities within Eddy County. No action was required by our board.

There being no further business the meeting was adjourned.

Respectfully submitted,



Travis S. Peterson,
Acting Recording Secretary

APPROVED:



Kenneth Reis, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
February 1, 2000

A regular meeting of the Eddy County Water Resource Board was held on February 1, 2000 at 10:00 AM in the Eddy County Courthouse. Present were Kenneth Reis, Neal Rud, Peter Becherl and John D. Hovey, Recording Secretary and Treasurer.

Minutes of the December 7, 1999 meeting were read and approved as read.

Treasurer's Financial Report was reviewed and accepted.

Board was reorganized with all officers re-elected for an additional year.

The December 7, 1999 letter to Wells and Foster County was reviewed. Wells County has paid but Foster County has not.

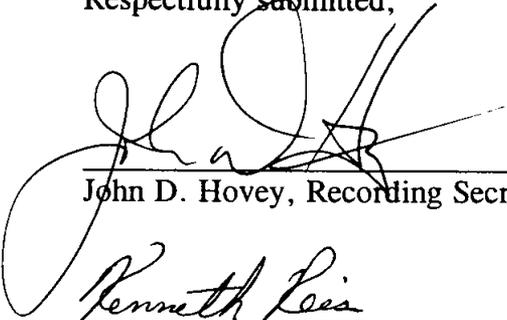
Motion made, seconded and carried to pay the following bills:

\$287.00	Surety Title Company - (ND Insurance Reserve Fund premium)
375.00	North Dakota Water Resource Association dues
42.42	Wells County - reimbursement on Rocky Run expense
300.00	North Dakota Water Users Association dues

Pete Becherl reported on the Devils Lake Basin Board activities. No action required by our board.

There being no further business the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Recording Secretary

APPROVED:



Kenneth Reis, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
December 7, 1999

A regular meeting of the Eddy County Water Resource Board was held on December 7, 1999 at 10:00 AM in the Eddy County Courthouse. Present were Neal Rud, Peter Becherl and John D. Hovey, Recording Secretary. Absent was Kenneth Reis.

Minutes of the November 2, 1999 meeting were read and approved as read.

Treasurer's report was okayed. Board members were presented with the pre-dated verified financial report which also will be filed with the County Auditor.

A November 30, 1999 letter from the North Dakota State Water Commission regarding Eddy County projects was reviewed. This Board is unaware of the status or origination of those projects. They must be under the direction of the County Commissioners. No action was taken by this Board.

A November 29, 1999 letter from Swenson, Hagen Engineers regarding inspection of Rocky Run and Kelly Creek at Linderman's was reviewed. Hovey was instructed to send a copy of this letter to Linderman.

A November 23, 1999 letter from Interstate Engineering regarding their suggestions on the Alford Tollefson complaint was reviewed. Their only real suggestion was to put a flap gate on the west end of the culvert going through the north/south road north of Eddie Haman's.

The November 18, 1999 letter from Wayne Simon suggesting that we meet with the Soil Conservation Service if we think there is a problem with water and soil management in Eddy County was reviewed. Pete Becherl will check in with the Soil Conservation Service and see if they'd like to have a meeting.

Hovey's proposed letter to Rocky Run landowners was reviewed. It was agreed that it will probably draw little or no response because of lack of specificity. But Hovey is to send it to the Wells and Foster County Boards for their input.

Pete Becherl reported on his attendance at Devils Lake meetings.

The following bills were presented and ordered paid:

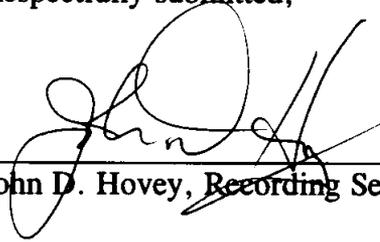
Foster County Independent - Rocky Run	\$ 18.00
Transcript - Rocky Run	18.00
Wells County - Rocky Run	21.00
Kenneth Reis - through Dec. 1999 meeting	238.75
Neal Rud - through Dec. 1999 meeting	367.50
Peter Becherl - through Dec. 1999 meeting	1049.00
Hovey Law Office - (including Rocky Run)	2,778.33

Minutes of the Eddy County Water Resource Board
December 7, 1999
Page 2

Hovey was instructed to bill Wells and Foster County for their share of the Rocky Run fees totaling \$1,197.00.

There being no further business the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Recording Secretary

APPROVED:



Kenneth Reis, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
November 2, 1999

A regular meeting of the Eddy County Water Resource Board was held on November 2, 1999 at 10:00 AM in the Eddy County Courthouse. Present were Peter Becherl, Neal Rud, Kenneth Reis and John D. Hovey, Secretary/Treasurer.

Minutes of the October 5, 1999 meeting were read and approved as read. Treasurer's report was approved.

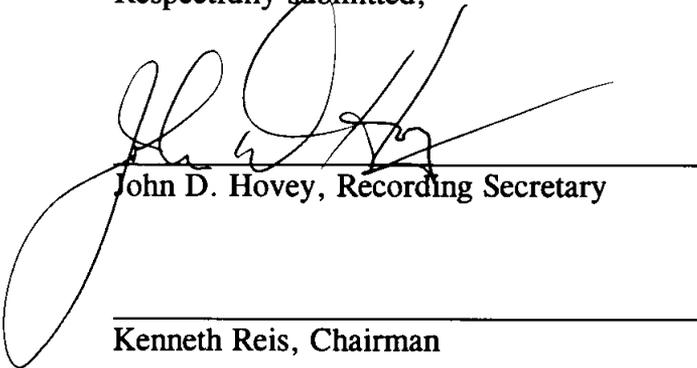
Permit application memorandum from North Dakota State Water Commission together with proposed new forms were reviewed.

No one has heard anything from the Wells County Water Board regarding Rocky Run matter.

Pete Becherl reported on his attendance at Devils Lake meetings.

There being no further business the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Recording Secretary

APPROVED:

Kenneth Reis, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
October 5, 1999

A regular meeting of the Eddy County Water Resource Board was held on October 5, 1999 at 9:00 AM in the Eddy County Courthouse. Present were Board members Kenneth Reis, Peter Becherl and Neal Rud. Also present was John D. Hovey, Recording Secretary.

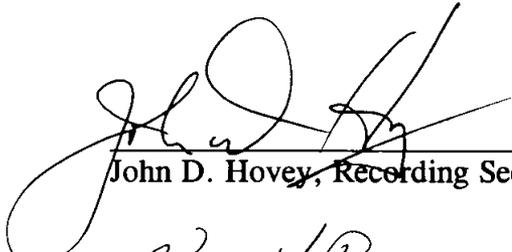
Minutes of the September 7, 1999 meeting were read and approved as read. Treasurer's financial report was also approved.

Hovey's letter of September 9, 1999 to Board members regarding Tollefson drainage matter and the duties of the Board in light of the 1998 court decisions were discussed.

Hovey's letter of September 8, 1999 to Wells County was reviewed. Hovey reported the last contact he had from Wells County (after the September 8, 1999 letter) was that they would discuss it and get back to us. To date we have heard nothing.

There being no further business the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Recording Secretary

APPROVED:



Kenneth Reis, Chairman

EDDY COUNTY WATER MANAGEMENT DISTRICT

523 CENTRAL AVENUE
NEW ROCKFORD, ND 58356

KENNETH REIS, CHAIRMAN
PETER BECHERL, MEMBER
NEAL RUD, MEMBER

JOHN D. HOVEY, SECRETARY/TREASURER

SEPTEMBER 9, 1999

Neal Rud
1013 1st Avenue N
New Rockford, ND 58356

Peter Becherl
1548 94th Avenue NE
McHenry, ND 58464

Kenneth Reis
1380 68th Avenue NE
New Rockford, ND 58356

RE: Alford Tollefson Complaint

Gentlemen:

At your instruction I contacted the State Water Commission to:

1. Verify that a policy of installing culverts at land level (bottom of pipe to be at same elevation as field level on outside of ditch) was still valid; and
2. Discuss with them the legal ramifications of the removal or permanent blockage of the east/west culvert immediately north of the Ed Haman farmstead as requested by Mr. Tollefson.

I talked to both Mike Grafsgaard who I believe is in the Investigation Section and Jim Lindseth who is in the Regulatory Division. Both of these individuals informed me that there have been two recent cases decided by the Supreme Court ruling that Water Management District Boards do not have the authority to install or set elevations of culverts.

Those two cases are Kadlec vs. Greendale Township Board of Township Supervisors and Richland County Water Board 583 NW 2nd 817 and Ness vs. Ward County Water Resource District 585 NW 2nd 793. I am enclosing herewith a photostatic copy of each of those cases for your information. I am also enclosing herewith a photostatic copy of North Dakota Century Code Sections 24-06-34 and 61-16.1-09 which are cited in the two Supreme Court cases and have a direct bearing on duties and authority of Water Management Districts.

Neal Rud
Kenneth Reis
Peter Becherl
September 9, 1999
Page 2

Relying on these two decisions it is my opinion that Mr. Tollefson's request is for the Water Board to make changes it no longer has authority to do. Since the Eddy County Water Board has no authority to make these changes, they are the sole responsibility of the Eddy County Commission and/or New Rockford Township. As Mr. Lindseth informed me "a Water Board can order an opening through a road but it's up to the Township Supervisors to decide what kind of an opening and at what elevation".

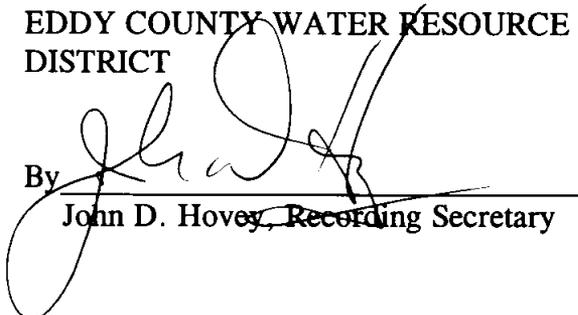
Incidentally both of them did say that roads cannot act as dams and that the policy of installing culverts at land level is still a sound and valid policy.

I'm sending a copy of this letter to the Eddy County Commission, New Rockford Township Supervisors and Alfred Tollefson so that they can attend our October meeting if they have any questions or comments.

It appears to me that Mr. Tollefson's relief would be from the Township or County and if he is dissatisfied with their decision then through the courts.

Yours truly,

EDDY COUNTY WATER RESOURCE
DISTRICT

By 

John D. Hovey, Recording Secretary

JDH:so
PC: Alford Tollefson
Lorraine Allmaras
George Laber
Including enclosures

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD

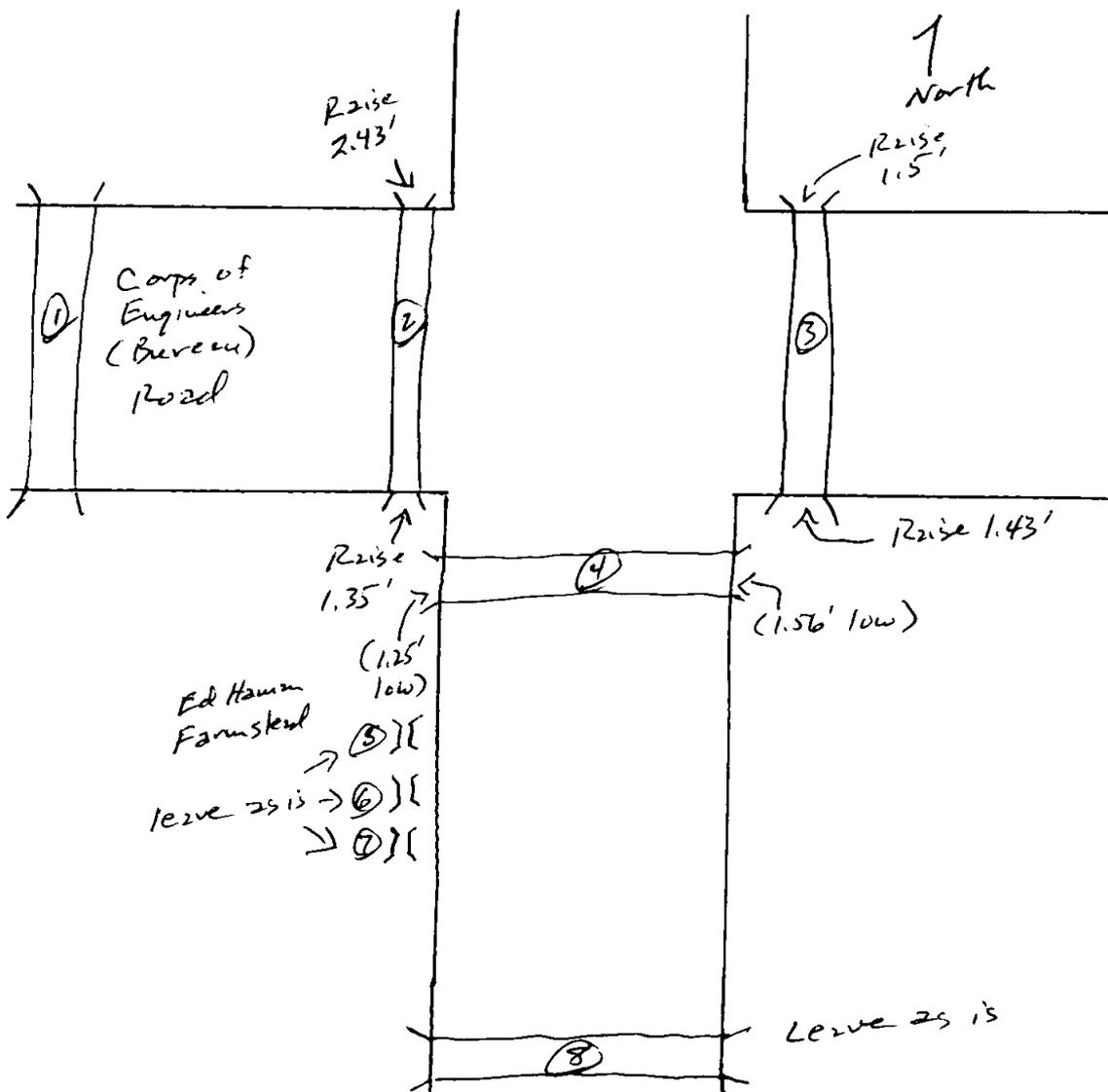
September 7, 1999

A regular meeting of the Eddy County Water Resource Board was held on September 7, 1999 at 9:00 AM in the Eddy County Courthouse. Present were Kenneth Reis, Peter Becherl and Neal Rud, Board Members, and John D. Hovey, Recording Secretary.

The Minutes of the August 3, 1999 meeting were read and approved as read.

Anthony Bush, Munster Township farmer, appeared before the Board and wanted to make sure that his removal of silt from a drainage ditch located along the South edge of Section 29 in Munster Township would be acceptable to the Water Board. He presented documents obtained from the Soil Conservation Service which shows that at the ditch location there should be zero ponding and had no objection.

Alfred Tollefson appeared before the Board regarding the water problems dating back to 1993 in the vicinity of the Ed Haman farmstead of New Rockford Township. A plat of the culverts complained of is shown below:



The culverts are numbered 1 through 8 for referral purposes only.

Culvert No. 1: Mr. Tollefson has no objection to leaving it as it is at its current elevation.

Culverts No. 2 and 3: He asks that these culverts be raised to land level. The figures shown adjacent to each end of these culverts is the amount that was determined by Mike Fandrich Surveyor as necessary to raise each end of the culvert to ground level.

Culvert No. 4: Mr. Tollefson wants this culvert removed or plugged.

Culverts No. 5, 6 and 7: These are three culverts located in approaches to the Ed Haman farmstead. These culverts can be left as is.

Culvert No. 8: This culvert can be left at its current elevation. The east end of this culvert is at the proper grade and the west end of the culvert is .78' high.

Hovey was instructed to determine the possible legal consequences of removing or plugging culvert No. 4. The Board conducted an on-site inspection which revealed little in additional information.

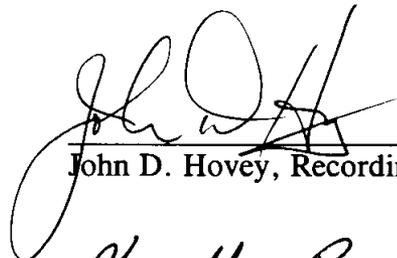
Hovey presented his financial report to the Board which was approved as presented.

The Robert Linderman letter of August 18, 1999 was presented to the Board and Hovey was instructed to send a copy of this letter to Wells County.

Pete Becherl reported on several Devils Lake meetings that had been held recently.

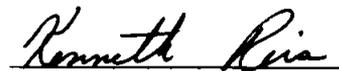
There being no further business the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Recording Secretary

APPROVED:



Kenneth Reis, Chairman

Dakota secure a certificate of authority under N.D.C.C. ch. 10-22. Although minimum contacts were constitutionally sufficient to allow exercise of personal jurisdiction over a foreign corporation, only those corporations transacting business were subject to the mandates of Chapter 10-22. Similarly, because the service-of-process provisions in N.D.C.C. § 10-22-10 remained based upon "transacting business," service under that section was only appropriate if that more stringent requirement was met. Accordingly, *Hebron Brick* did not overrule *Scranton Grain* and *Fisher*, and those cases remained valid law on the interpretation of "transacting business" for purposes of Chapter 10-22.

[¶ 18] Although it may appear inconsistent to apply different standards to the service-of-process provisions in Rule 4 and N.D.C.C. § 10-22-10, we believe there are valid reasons for the difference. Rule 4 allows acquisition of personal jurisdiction over a foreign corporation upon a showing of minimum contacts with North Dakota. Because the corporation's contacts with North Dakota fall short of "transacting business," and its relationship with North Dakota is more tangential, Rule 4 imposes a stricter service-of-process requirement: return-receipt mail addressed to, and actual delivery to, an officer, director, or other management official of the company. By contrast, N.D.C.C. § 10-22-10 allowed service upon a foreign corporation by mail to its last known address only if the corporation was transacting business in this state without the required certificate of authority. By definition, such a corporation was already acting in violation of North Dakota law. If the corporation had complied with North Dakota law, service could have been accomplished upon its registered agent in the state, or upon the secretary of state as the corporation's agent. See N.D.C.C. § 10-22-10. When the corporation had failed to comply with the dictates of North Dakota law, mail service directed to the corporation's last known address was sufficient.

[¶ 19] We conclude service upon Fleetguard under N.D.C.C. § 10-22-10 was appropriate only if it was transacting business in North Dakota. The record in this case demonstrates Fleetguard was not transacting

business in North Dakota under Chapter 10-22.

V

[¶ 20] Because Fleetguard was never properly served under N.D.R.Civ.P. 4 or N.D.C.C. § 10-22-10, the court lacked personal jurisdiction and the judgment was void. Accordingly, we reverse and remand for entry of an order vacating the judgment.

[¶ 21] VANDE WALLE, C.J. and MARING, MESCHKE and SANDSTROM, JJ., concur.



1998 ND 165

Ray KADLEC, Petitioner and Appellee,

v.

GREENDALE TOWNSHIP BOARD
OF TOWNSHIP SUPERVISORS,
Respondent and Appellee.

Richland County Water Board, Richland
County North Dakota, Respondent
and Appellant.

Civil No. 970359.

Supreme Court of North Dakota.

Sept. 15, 1998.

Landowner sought writ of mandamus directing the township board of supervisors to install a culvert through a road adjacent to his land. The District Court, Richland County, Southeast Judicial District, Richard W. Grosz, J., granted writ of mandamus, and county water resource district appealed. The Supreme Court, Meschke, J., held that: (1) township, and not county water resource district, had the supervisory authority to decide whether to put a culvert under a township road; (2) township had a statutory duty to install a culvert to prevent obstruction of the natural drainage of surface water; (3) other

than writ of mandamus, landowner had no other plain, speedy and adequate remedy in the ordinary course of law; and (4) culvert, rather than being harmful, was beneficial to the public.

Affirmed.

VandeWalle, C.J., filed an opinion concurring in result, in which Sandstrom, J., joined.

1. Mandamus \Rightarrow 3(2.1), 10

Applicant for a writ of mandamus must demonstrate a clear legal right to the performance of the act and must have no other plain, speedy and adequate remedy in the ordinary course of law. NDCC 32-34-01.

2. Mandamus \Rightarrow 7, 187.9(5)

Issuance of a writ of mandamus is left to the sound discretion of the trial court, and Supreme Court will not reverse the court unless, as a matter of law, the writ should not issue or the court abused its discretion.

3. Waters and Water Courses \Rightarrow 119(2)

Township, and not county water resource district, had the supervisory authority to decide whether to put a culvert under a township road in a natural watercourse. NDCC 24-03-06, 24-06-01, 24-06-34, 61-16.1-09.

4. Waters and Water Courses \Rightarrow 119(2)

For purposes of landowner's petition for writ of mandamus, township had a statutory duty to install a culvert to prevent obstruction of the natural drainage of surface water; when water from landowner's slough overflowed, it naturally flowed north and would have continued to flow north but for road, there was no contributing artificial drainage, and the water was natural surface run-off that had not been concentrated or increased in volume from its natural condition. NDCC 24-03-06, 32-34-01.

5. Waters and Water Courses \Rightarrow 119(1)

Owner of the lower, or servient, estate must receive surface water from the upper or dominant estate in its natural flow.

6. Waters and Water Courses \Rightarrow 119(1)

Neither the owner of the upper land nor the owner of the lower land may interfere with the natural drainage so as to injure the rights of the other.

7. Mandamus \Rightarrow 168(4)

Lack of scientific and engineering data about placement of the culvert at trial on landowner's petition for writ of mandamus directing township to install a culvert through a road adjacent to his land did not preclude finding township had a clear legal duty to install the culvert, where township was ordered to install an appropriately sized and placed culvert in the roadway. NDCC 24-03-06, 32-34-01.

8. Mandamus \Rightarrow 4(5)

Landowner who sought writ of mandamus directing township to install a culvert through a township road adjacent to his land had no other plain, speedy and adequate remedy in the ordinary course of law; appeal of decision of county water district's decisions denying request for installation of culvert was inadequate, since district persisted in asserting it had sole authority to decide landowner's request. NDCC 32-34-01.

9. Mandamus \Rightarrow 98(.5)

For purposes of landowner's petition for writ of mandamus directing township to install culvert in road adjacent to his property, culvert, rather than being harmful, was beneficial to the public; allowing a steady, even flow of water was less injurious than allowing acres of water to pond behind the road, eventually breach the road, and escape in a gully-washing torrent of water. NDCC 32-34-01.

10. Mandamus \Rightarrow 15

Even if an applicant shows a clear legal right making mandamus an appropriate remedy and if, without the writ, the applicant would be without a remedy, a court may still deny the writ if its issuance would injuriously affect the public.

Joseph J. Cichy, of Olson Cichy, Bismarck, for petitioner and appellee.

Steven J. Lies, of Lies & Bullis, Wahpeton, for respondent and appellee.

Duane R. Breitling, of Ohnstad Twichell, Fargo, for respondent and appellant.

MESCHKE, Justice.

[¶ 1] The Richland County Water Resource District (District)¹ appealed a judgment granting Ray Kadlec a writ of mandamus directing the Board of Supervisors of Greendale Township (Township) to install a culvert through a road adjacent to Kadlec's land. We conclude the trial court did not abuse its discretion in granting the writ and, therefore, we affirm.

I

[¶ 2] Kadlec owns land in South Dakota located directly south of the North and South Dakota state line. Robert Vellenga owns the land north of and adjacent to the Kadlec property in Greendale Township, Richland County, North Dakota. Between the Kadlec and Vellenga properties is a Greendale Township road running in an east-west direction that has existed since the 1960s. The road is commonly dubbed the "State Line Road" even though it is located in North Dakota. A slough is located on the Kadlec property next to and south of the State Line Road.

[¶ 3] There is no artificial drainage into the Kadlec slough but, during wet years, the slough overflows and runs north to State Line Road at a point across from the Vellenga property. State Line Road dams and retains the water on the Kadlec property and, during periods of extreme overflow, the accumulating water runs westward onto property owned by others. In 1995 and 1997, the water overflowing from the slough washed out a portion of the State Line Road 33 feet long, 14 feet across, and 4 feet deep.

[¶ 4] In April 1995, Kadlec petitioned the District for placement of a culvert under the State Line Road. After initially denying the request, the District amended its decision and authorized Kadlec to ditch eastward on the south side of the State Line Road to an

existing culvert. In May 1995, Kadlec, along with the Township and others, petitioned the District for placement of a culvert under the State Line Road. The District denied the petition.

[¶ 5] In February 1997, Kadlec again petitioned the District for authorization to place a culvert under the State Line Road. However, the District deferred acting on the petition "until the natural [sic] has been cleaned and work is done on Dr. # 3 to improve the drain so it can handle the water." The District had no plan or time frame for working on Drain No. 3, the prerequisite it set before it would consider authorizing the culvert. Kadlec withdrew the petition.

[¶ 6] In August 1997, Kadlec sued the Township for an alternative writ of mandamus to compel the Township to install the culvert under the State Line Road. At the urging of the trial court, the parties stipulated to adding the District as a party-respondent to the action. The court further directed that copies of relevant documents be served on Vellenga, the downstream landowner of the property the water would first flow over if the culvert was installed.

[¶ 7] After a hearing, the trial court found Kadlec had no plain, speedy and adequate remedy in the ordinary course of law, and ruled Kadlec, under N.D.C.C. § 24-03-06, had a "legal entitlement to the installation of the culvert as the roadway cannot be allowed to act as a dam or dike and water must be allowed to follow its natural and ordinary course." The court found no potential public injury would be caused by the culvert's installation, and that it would be "beneficial for the travel[ing] public." The court granted the writ of mandamus, directing the Township

to install an appropriately sized and placed culvert in the roadway between the Kadlec and [Vellenga] properties on or before November 21, 1997. The Township Board shall consult with the Water Board regarding the size and placement of the culvert and that that consultation must be completed by Friday, November 7, 1997, at

1. Although the District has been identified in the caption of this case as the Richland County Wa-

ter Board, we use the correct title, District, as did the parties in their briefs.

5:00 p.m., after which time the Township has the authority to place the culvert unless both sides agree that the consultation shall be extended subject to the November 21, 1997, deadline. The Township Board has the ultimate authority regarding the sizing and placing of the culvert.

Only the District has appealed.

II

[1, 2] [¶ 8] Under N.D.C.C. § 32-34-01, a trial court may issue a writ of mandamus to "any inferior tribunal, corporation, board, or person to compel the performance of an act which the law specifically enjoins as a duty resulting from an office, trust, or station." An applicant for a writ of mandamus must demonstrate a clear legal right to the performance of the act and must have no other plain, speedy and adequate remedy in the ordinary course of law. *Old Broadway Corp. v. Backes*, 450 N.W.2d 734, 736 (N.D.1990). The issuance of a writ of mandamus is left to the sound discretion of the trial court, and we will not reverse the court unless, as a matter of law, the writ should not issue or the court abused its discretion. *Krabseth v. Moore*, 1997 ND 224, ¶ 6, 571 N.W.2d 146. As we have often explained, as in *Gowin v. Trangsrid*, 1997 ND 226, ¶ 8, 571 N.W.2d 824, a court abuses its discretion when it acts arbitrarily, unconscionably, or unreasonably, or when its decision is not the product of a rational mental process.

[¶ 9] We reject the District's argument that summary judgment standards under N.D.R.Civ.P. 56 should be applied in our review of the trial court's decision. The court invited the parties to submit evidence at the hearing, but they all said they had no dispute with factual assertions made in the affidavits, attachments, and exhibits already presented to the court. Because there were no factual disputes, the court treated all factual assertions in the affidavits and attachments as "the factual findings for this mandamus proceeding." The clearly erroneous standard under N.D.R.Civ.P. 52(a) applies to a trial court's findings of fact made from undisputed or documentary evidence. See *Stracka v. Peterson*, 377 N.W.2d 580, 582 (N.D.1985). We apply the clearly erroneous

standard in reviewing the court's factual findings in this case.

A

[3] [¶ 10] The trial court ruled the Township had the legal authority to decide whether the culvert should be installed under the State Line Road. The District baldly asserts, in a footnote in its brief and without any legal analysis at all, that it has sole authority to allow or disallow installation of the culvert in this case. The District claims resolution of this authority issue is not necessary because Kadlec failed to meet the requirements for obtaining a writ of mandamus. We disagree with the District's peculiar position that resolution of the authority issue is unnecessary. This case hinges upon who has authority over installation of the culvert.

[¶ 11] Several times in the past, this Court has ruled the board of township supervisors has the authority to install culverts in township roads when necessary to preserve a natural drainway for surface waters. See *Lemer v. Koble*, 86 N.W.2d 44, 47-48 (N.D. 1957); *Viestenz v. Arthur Tp.*, 78 N.D. 1029, 1034, 54 N.W.2d 572, 575 (1952); see also *Olson v. Cass County*, 253 N.W.2d 179, 183 (N.D.1977). The District's position seems to be that later legislation amending statutes for water resource districts has made these cases obsolete.

[¶ 12] The statutory powers of the Township and the District are found in N.D.C.C. Titles 24 and 61, respectively. Statutory interpretation is a question of law fully reviewable on appeal. *Heck v. Reed*, 529 N.W.2d 155, 160 (N.D.1995). The primary goal in construing statutes is to ascertain the legislature's intent. *Northern X-Ray Co. v. State*, 542 N.W.2d 733, 735 (N.D.1996). In ascertaining legislative intent, we first look to the language of the statute, giving the language its plain, ordinary meaning. *Raboin v. North Dakota Workers Compensation Bureau*, 1997 ND 221, ¶ 17, 571 N.W.2d 833. As we said in *Interest of K.G.*, 551 N.W.2d 554, 556 (N.D.1996), we interpret statutes in context, endeavoring to give meaningful effect to each statute on the same subject without making one or the other useless.

[¶ 13] The township in the over the road throughout the 06-01. "Superior direct, and in-hand the access see with the po the implement intentions." *National Dictionary* 24-03-06. N.D. township superior or reconstruct natural water

Any and all constructed partment, at ers, any by their contra or by any limited liability signed as into such rivers, and and terrain ways are scientific engineering so into and a overflow at the constr provided, t surface wa such water natural cou terrain of t Still, the town

[¶ 14] When insertion will increase townships, t the other at § 24-06-26.1 to construct ways. See and 24-06-2 visors deny the petition water resou over the dit However, a

[¶ 13] The board of supervisors of any township in the state has general supervision over the roads, highways, and bridges throughout the township. N.D.C.C. § 24-06-01. "Supervise" means "to coordinate, direct, and inspect continuously and at first hand the accomplishment of," and to "oversee with the powers of direction and decision the implementation of one's own or another's intentions." *Webster's Third New International Dictionary*, at p. 2296 (1971). Section 24-03-06, N.D.C.C., imposes upon a board of township supervisors a duty to not construct or reconstruct a road in a way that blocks a natural watercourse:

Any and all highways of any kind hereafter constructed or reconstructed by the department, any board of county commissioners, any board of township supervisors, their contractors, subcontractors or agents, or by any individual firm, corporation, or limited liability company must be so designed as to permit the waters running into such ditches to drain into coulees, rivers, and lakes according to the surface and terrain where such highway or highways are constructed in accordance with scientific highway construction and engineering so as to avoid the waters flowing into and accumulating in the ditches to overflow adjacent and adjoining lands. In the construction of highways, as herein provided, the natural flow and drainage of surface waters may not be obstructed, but such water must be permitted to follow the natural course according to the surface and terrain of the particular terrain.

Still, the township does not act in a void.

[¶ 14] When construction, reconstruction, or insertion of a culvert in a township road will increase surface water flow in other townships, the township must give notice to the other affected townships. *See* N.D.C.C. § 24-06-26.1. A township also has authority to construct and maintain ditches along roadways. *See* N.D.C.C. §§ 24-06-11, 24-06-26, and 24-06-26.1. If a board of township supervisors denies permission to maintain a ditch, the petitioner may appeal that decision to the water resource board that has jurisdiction over the ditch. *See* N.D.C.C. § 24-06-26.3. However, a water resource board is given no

appeal authority when a township proposes to install a culvert.

Whenever a county or township plans to construct or reconstruct a bridge, install or modify a culvert, or construct or reconstruct a drain in connection with a roadway or railway, the county or township shall provide notice in any way to the water resource board of the water resource district in which is located the bridge, culvert, or drain. This notice must be given at least thirty days prior to the date construction or reconstruction is to begin. The water resource board may submit comments concerning the construction or reconstruction to the appropriate officials of the county or township. This section does not apply in times of emergency, unexpected events, or acts of God.

N.D.C.C. § 24-06-34. Although this section allows a water resource board to advise the township, the statute does not give the water resource board any decision-making authority to control the process.

[¶ 15] A water resource district is given power to

[c]oordinate proposals for installation, modification, or construction of culverts and bridges in an effort to achieve appropriate sizing and maximum consistency of road openings. The department of transportation, railroads, counties, and townships shall cooperate with the districts in this effort. Each district shall also consider the possibility of incorporating appropriate water control structures, where appropriate, as a part of such road openings.

N.D.C.C. § 61-16.1-09(21). The words "coordinate" and "cooperate" denote working together toward a common end. *Webster's Third New International Dictionary*, at p. 501 (1971), and do not connote the level of control included in "supervision." While water resource districts have been given broad powers to control waters within their jurisdictions, *see* N.D.C.C. § 61-16.1-09(5-7) and (16), they have not been given authority to make the decision to install a culvert under a township road in a natural watercourse. Rather, water resource districts have the authority to direct a township to install a culvert to accommodate a drain. *See*

N.D.C.C. §§ 61-16.1-42 and 61-21-31. Compare N.D.C.C. §§ 61-16.1-47 and 61-21-42 (excluding township drains from authority of a water resource district). It is undisputed in this case that no existing drain is involved.

[¶ 16] Construing the statutes together, we reaffirm prior precedents and conclude that the Township, and not the District, has the supervisory authority to decide whether to put a culvert in the State Line Road.

B

[4] [¶ 17] An applicant for a writ of mandamus must first demonstrate a clear legal right to the performance of an act that the law specifically enjoins as a duty. See N.D.C.C. § 32-34-01. Kadlec asserts N.D.C.C. § 24-03-06 imposes on the township a duty to install a culvert to prevent obstruction of the natural drainage of surface water. We agree.

[5, 6] [¶ 18] That the owner of the lower, or servient, estate must receive surface water from the upper or dominant estate in its natural flow is a well established principle in this jurisdiction. See *Jones v. Boeing Company*, 153 N.W.2d 897, 903 (N.D.1967); *Rynestad v. Clemetson*, 133 N.W.2d 559, 563 (N.D.1965). Neither the owner of the upper land nor the owner of the lower land may interfere with the natural drainage so as to injure the rights of the other. See *Nilson v. Markestad*, 353 N.W.2d 312, 315 (N.D.1984); *Lemer*, 86 N.W.2d at 45, Syllabus 1. Long ago, this Court construed the forerunner of N.D.C.C. § 24-03-06 as imposing a mandatory duty upon township supervisors to provide drainage for any water that might accumulate in ditches along roadways so as to prevent the water from overflowing onto adjoining lands, and held that the township supervisors could be compelled to comply with this mandate.

By this law those in charge of the construction of highways in addition to making the roads fit for travel must consider the

2. The District asserts the trial court incorrectly found the State Line Road acted as an obstruction to the natural flow and drainage of surface waters. The District claims the natural drainage patterns have been altered through the years

drainage affected by the construction. It is made their mandatory duty to provide drainage towards a natural water course of any water which may accumulate in the ditches along the highway.

Under this law the highways involved in the instant case were constructed. The question then is whether the board of supervisors in carrying out that work complied with the provisions of this law. If they failed in that respect and obstructed the natural flow of surface waters thereby causing plaintiffs irreparable damage for which they have no adequate remedy at law, their actions, in violation of that law, may be enjoined.

Viestenz, 78 N.D. at 1034-35, 54 N.W.2d at 575. The statute and its prior construction by this Court make it clear that the Township has a duty to maintain its roads so they do not impede the natural flow of water.

[7] [¶ 19] The District asserts N.D.C.C. § 24-03-06 was violated because no evidence was presented to the trial court establishing a culvert under the State Line Road would comply with scientific highway construction and engineering methods. Although no scientific and engineering data about placement of the culvert were presented at trial, we do not believe this precluded the court from finding the Township had a clear legal duty to install the culvert.

[¶ 20] The trial court ordered the Township "to install an appropriately sized and placed culvert in the roadway." This directive contemplates the development of sufficient engineering data before the culvert is actually installed. This evidence was not necessary before the court could find a clear legal duty on the part of the Township to install a culvert.

[¶ 21] The evidence in the record establishes when water from Kadlec slough overflows, it naturally flows north and would continue to flow north but for the State Line Road.² It is undisputed there is no contrib-

because of the "prescriptive" nature of the road, and the natural flow of water is not through the roadway at the point Kadlec requested installation of the culvert, but is along the roadside ditches. The District did not raise this argument

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uting artificial drainage and the water is natural surface run-off that has not been concentrated or increased in volume from its natural condition. We conclude the trial court did not err in finding the Township has a clear legal duty to install the culvert.

C

[8] [¶22] An applicant for a writ of mandamus must also demonstrate there is no other plain, speedy and adequate remedy in the ordinary course of law. See N.D.C.C. § 32-34-01. This Court has held mandamus is not available if the applicant has failed to pursue and exhaust appeal rights associated with any available administrative remedies. See, e.g., *Tooley v. Alm*, 515 N.W.2d 137, 140 (N.D.1994); *Olson*, 253 N.W.2d at 182. The District asserts Kadlec was not entitled to mandamus because he failed to pursue administrative appeal of the District's 1995 decision to not authorize a culvert and failed to pursue administrative remedies "allegedly" available to him from the Township. Under the peculiar circumstances of this case, we disagree.

[¶23] While N.D.C.C. § 61-16.1-54 allows for appeals from decisions of a water resource district, we do not believe this appeal procedure gave Kadlec a plain, speedy and adequate remedy. The record is replete with instances of Kadlec and the Township, while continuously stressing their position that the culvert should be installed, being constantly met with the District's insistence that the District had the sole legal authority to determine whether the culvert should be installed. The District informed the Township that the District held the authority, and the District's position was reinforced by the Richland County Board of Commissioners (Commissioners) when they referred the Township back to the District when the Township sought the Commissioners' assistance. Efforts by Kadlec and the Township to install the culvert during necessary road repairs were simply overridden by the District, even though it did not have controlling authority over that decision. Compare 52

for an easement by prescription in the trial court. Issues not raised in the trial court cannot be raised for the first time on appeal. See, e.g.,

Am.Jur.2d Mandamus § 37 (1970) (mandamus will not be granted to compel performance of an act where performance would exceed respondent's legal authority). Kadlec's right to appeal from the District's 1995 denial of his request for installation of the culvert cannot be considered a plain, speedy and adequate remedy in the ordinary course of law when the District did not have any authority to make that decision.

[¶24] The District's claim an adequate remedy existed because Kadlec should have, but did not, petition the Township to install the culvert and appeal from any possible adverse decision under N.D.C.C. § 58-03-15, is equally unavailing. The District relies on *Olson*, 253 N.W.2d at 182-83, where this Court held downstream landowners, who failed to convince a board of county commissioners to not install a culvert and did not appeal that decision under N.D.C.C. § 11-11-39, were not entitled to injunctive relief prohibiting installation of the culvert. However, the downstream landowners in *Olson* were not faced with an entity claiming and exercising authority, but actually without authority, to make the culvert decision. Moreover, the Township has not complained about Kadlec failing to exhaust its procedures, and does not contest the writ of mandamus to it on this appeal.

[¶25] The exhaustion of remedies doctrine has several well-recognized exceptions. See *Leude v. Workers' Compensation Bureau*, 1997 ND 178, ¶23, 568 N.W.2d 755. In *Shark Brothers, Inc. v. Cass County*, 256 N.W.2d 701, 705 (N.D.1977), we explained whether "exhaustion of remedies" applies in each case depends on a mixed bundle of considerations, "including, but not limited to, expertise of administrative bodies, statutory interpretation, pure questions of law, constitutional issues, discretionary authority of the courts, primary, concurrent, or exclusive jurisdiction, inadequacies of administrative bodies, etc." Thus, if exhaustion would be futile, see *Tracy v. Central Cass Public School*, 1998 ND 12, ¶13, 574 N.W.2d 781, or if a case involves only the interpretation of an

Cernak v. Cernak, 1997 ND 187, ¶15, 569 N.W.2d 280. We therefore refuse to decide this question.

unambiguous statute, *see Medcenter One v. North Dakota State Board of Pharmacy*, 1997 ND 54, ¶ 21, 561 N.W.2d 634. exhaustion is not required.

[¶ 26] Requiring Kadlec to apply to the Township for installation of the culvert would not result in a plain, speedy or adequate remedy as long as the District persisted in asserting it had sole authority, because the District would override the Township decision. Unfortunately, the Township was apparently uncertain about its clear legal authority. Kadlec and the Township have been confronting this dilemma for more than two years without progress, and it appears the deadlock would only have continued. Indeed, the District to this day continues to claim sole authority over installation of the culvert, yet it even sought to have us avoid deciding that issue in this appeal. This gamesmanship must end.

[¶ 27] We conclude the trial court correctly held Kadlec had no plain, speedy and adequate remedy in the ordinary course of law.

D

[9.10] [¶ 28] Even if an applicant shows a clear legal right making mandamus an appropriate remedy and if, without the writ, the applicant would be without a remedy, a court may still deny the writ if its issuance would injuriously affect the public. *See Fargo Ed. Ass'n v. Paulsen*, 239 N.W.2d 842, 849 (N.D. 1976). The District claims the writ should have been denied because installation of the culvert would lead to additional flooding in North Dakota.

[¶ 29] The trial court specifically found "there was no showing of any potential public injury by the installation of the culvert and, in fact, the culvert will be beneficial for the travel[ing] public." The District relied on a regional engineering study indicating that increased uncontrolled drainage would increase flooding in the area. However, the court found the report "too conclusory for me to consider . . . you have not given me anything specific." The court concluded that putting a culvert in the road to allow a steady, even flow of water would be less injurious than allowing acres of water to pond behind the

road, eventually breach the road, and escape in a gully-washing torrent of water.

[¶ 30] The District's argument is really a plea for the exclusive authority to manage and control all the surface waters in its watershed jurisdiction. The Legislature, however, has not chosen to give water resource districts this plenary power. The District's plea should be made to the Legislature.

[¶ 31] We affirm the trial court's finding that the culvert, rather than being harmful, will be beneficial to the public.

III

[¶ 32] We conclude the trial court did not abuse its discretion in granting the writ of mandamus. We therefore affirm the judgment.

[¶ 33] MARING and NEUMANN, JJ., concur.

VANDE WALLE, Chief Justice, concurring in result.

[¶ 34] I agree with the result reached by the majority opinion. I write separately as to part II C of the majority opinion concerning exhaustion of remedies. It seems to me it is precisely when a party is forced with the Water District's "insistence that the District had the sole legal authority to determine whether the culvert should be installed" and the party's efforts were "simply overridden by the District" that an appeal should be taken. The majority also excuses Kadlec's failure to petition the Township to install the culvert as required in *Olson v. Cass County*, 253 N.W.2d 179 (N.D.1977), because in *Olson* the landowners "were not faced with an entity claiming and exercising authority, but actually without authority, to make the culvert decision." It is apparent that had Kadlec taken an appeal from the District decision in 1995 or petitioned the Township, or both appealed and petitioned at that time, his remedy would not only have been plain, but more speedy and adequate than the petition for mandamus finally filed in 1997 and only now being finally determined.

[¶ 35] I do not believe that in applying the exhaustion-of-remedies doctrine the failure to take an appeal is excused because of the

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1998 ND 191

James NESS, Plaintiff and Appellant,

v.

WARD COUNTY WATER RESOURCE DISTRICT, Defendant and Appellee.

Civil No. 980072.

Supreme Court of North Dakota.

Oct. 30, 1998.

Landowner sought judicial review of county water resource district's order mandating placement of a culvert beneath a township road along boundary of his property. The District Court, Ward County, Northwest Judicial District, Wallace D. Berning, J., affirmed district's order and landowner appealed. The Supreme Court, Maring, J., held that water resources district lacked authority to make final decision regarding location and depth of culvert.

Reversed and remanded with directions.

1. Highways ⇨120(1)

Township board, rather than water resource district, had supervisory authority to decide issues concerning construction of culvert beneath township road adjacent to landowner's property and, thus, district's orders mandating culvert's depth and location supplanted board's authority. NDCC 24-03-06, 61-16.1-09, subd. 21.

2. Appeal and Error ⇨842(1)

Statutory interpretation is a question of law fully reviewable on appeal.

3. Statutes ⇨181(1)

Primary goal in construing a statute is to ascertain the legislature's intent.

4. Statutes ⇨208, 223.2(.5)

Supreme Court interprets statutes in context, endeavoring to give meaningful effect to each statute on the same subject without making one or the other useless.

5. Highways ⇨120(.5)

When a township road is constructed or reconstructed, applicable statute imposes three obligations on the township board of supervisors: (1) the natural flow and drainage of surface waters must be permitted to follow the natural drainage pattern according to the natural terrain of the land; (2) drainage must be provided for any water that might accumulate in ditches along roadways in order to prevent overflowing onto adjoining lands; and (3) the best method of finding the natural outlet for the surface waters must be determined by the township board in accordance with good engineering practices. NDCC 24-03-06.

6. Highways ⇨120(.5)

With regard to township roads, because township boards, not the courts, were given the statutory authority to determine the natural drainage pattern of surface waters, standard of review in such cases is limited to whether the township board acted arbitrarily, capriciously, or unreasonably in making its decision. NDCC 24-03-06.

7. Highways ⇨120(1)

Legislature envisioned township and water resource district boards working together on decisions regarding construction of township roads; however, Legislature made it clear that a board of township supervisors, not a water resource district, has the authority to install culverts beneath township roads when necessary to preserve the natural drainage of surface waters. NDCC 24-06-34, 61-16.1-09, subd. 21.

Joseph J. Cichy, of Olson Cichy, Bismarck, for plaintiff and appellant.

Gary H. Lee, of Olson Burns Lee, Minot, for defendant and appellee.

MARING, Justice.

[¶1] James Ness appeals the district court's affirmance of the Ward County Water Resource District's (District) order mandating the placement of a culvert beneath a township road. The appeal involves Ness' dispute with the District over the depth and location of the culvert on a township road

that runs east-west on the northern border of his property. Ness complains the current placement of the culvert does not allow drainage in its natural drainage pattern, and as such, his land is damaged due to the accumulation of excess water not being drained off his land. We reverse the district court's amended judgment affirming the District's order because the District did not possess the authority to make such a determination.

I

[¶ 2] James Ness owns the NW $\frac{1}{4}$ of Section 35 in Freedom Township, Ward County, North Dakota. Section 26 is directly to the north of Section 35. A Freedom Township road (Road) runs along the northern border of Section 35 and southern border of Section 26. At a point near the northwest corner of Section 35, and southwest corner of Section 26, the Road curves gradually to the north and then back to the south, following the natural contour of the land. The arcing of the Road at this point results in water being artificially impounded upon Ness' land in the northwest corner of Section 35.

[¶ 3] Prior to the Road's construction in approximately 1950, surface waters flowed naturally between Sections 35 and 26. It was only after the construction of the Road that water began to pond in the northwest corner of Section 35 on what is now Ness' property. Around the time of construction, a culvert was placed in the Road near the northwest corner of Section 35 to allow draining of surface water to the northwest. In 1986, Freedom Township built up the Road due to high water, and as a result, the culvert was filled in and lost.

[¶ 4] In approximately September 1994, Marvin Ness, on behalf of his son James, requested the Freedom Township Board of Supervisors (Township Board) install a culvert beneath the Road near the northwest corner of Section 35. On September 22, 1994, the Township Board applied to the District for a culvert permit. The application sought authorization from the District to install a culvert under the Road in the location requested by James Ness. The record does not indicate whether the application was

granted or denied by the District. Nevertheless, on April 7, 1995, Township Board members installed a culvert beneath the Road near the northwest corner of Section 35. Specifically, the culvert was placed on the northwest side of the wetland formed in the Road's arc. In the following weeks, Marvin Ness expressed his concerns about the culvert's depth to Township Board president, John Pietsch. Marvin Ness was concerned the culvert could not effectively drain the pond at the depth it was placed. Mr. Pietsch responded that the District had determined the culvert's location and depth, and the Township Board intended to follow that determination. In May 1995, Marvin Ness met with representatives of the District, Township Board, Natural Resources Conservation Service, and U.S. Fish and Wildlife at the site to discuss his concerns. The various representatives decided the Road had been handled properly, and the culvert's location and depth were not changed.

[¶ 5] On June 13, 1995, James Ness, through his counsel, expressed to the Township Board and District representatives that he wished to have the culvert placed at its natural level of drainage. The Township Board met on August 7, 1995, and determined no action was necessary since the Road was in good condition. On November 1, 1995, James Ness made a formal request to the District for a hearing to determine the proper location of the culvert. Ness asserted the culvert was not placed in the natural drain, and as a result, water continued to pond to the detriment of his land.

[¶ 6] The District conducted a formal hearing on February 7, 1996. Testimony was taken from several individuals, including Marvin Ness. At the hearing, Marvin Ness initially argued a northeast drainage route (as opposed to the current northwest drainage) was in fact the natural drainage pattern of the surface waters, and thus the culvert should be placed to allow drainage in that direction. At some point during the hearing, Ness, by and through his attorney, amended his complaint seeking establishment of a drain not in any specific location, but rather at the natural drainage elevation.

[¶ 7] At the close of the February 7, 1996 hearing, the District left the record open and requested further technical assistance from the State Engineer to determine the appropriate depth and location for the culvert. The State Engineer's report reached a number of conclusions: 1) a northeasterly drain would cause significant downstream damage to Section 26 because the flow would pass over and erode the section's tilled soil; 2) a northwesterly drain would pass through a grassed swale and graveled ditch, causing significantly less downstream impact and would better respect the affected federal wetland easements; and 3) a depth of 2079 msl (mean sea level) was recommended for a culvert in the northwest corner of the pond. On July 8, 1996, based upon this report, the District ordered the culvert remain in the northwest corner, with a depth of 2079 msl.

[¶ 8] Following an order from the district court on October 23, 1996, the District reopened proceedings to accept further evidence, specifically additional surveys conducted to determine the appropriate depth of the culvert. James Ness and the District each had a survey performed. Ness' surveyor, a private, licensed surveyor, concluded the natural drainage elevation of the culvert was at a depth of 2076.8 msl. The District's surveyor, the Ward County Highway Engineer, concluded the natural drainage elevation of the culvert was at a depth of 2077.9 msl.

[¶ 9] The District conducted a second hearing on January 16, 1997, and received both surveys as well as additional testimony. At the conclusion of the hearing, the District was essentially left with three choices as to depth of the culvert: 1) 2079 msl (State Engineer); 2) 2077.9 msl (District's surveyor); and 3) 2076.8 msl (Ness' surveyor). The District chose the second depth, issuing its second order on May 18, 1997, leaving the culvert in the northwest corner of Section 35 at a depth of 2077.9 msl.

[¶ 10] James Ness appealed the District's order to the district court. The district court determined the District had properly exercised its discretion, and affirmed the District's order. Ness appeals the district

court's amended judgment affirming the District's order to this Court.

II

[1] [¶ 11] The parties in this case have focused their arguments on the propriety of the District's order leaving the culvert in the northwest corner outlet of Section 35 at a depth of 2077.9 msl. The District argues its decision was not arbitrary and capricious because it carefully considered the three elevation alternatives for the culvert and fully considered the downstream impact caused by the project. Ness, on the other hand, argues the District abused its discretion because its decision violates the mandates of N.D.C.C. § 24-03-06, which requires township roads to be constructed in a way that does not obstruct the natural flow of surface water. Before reviewing the District's decision, however, we must first determine whether the District had the authority to make that decision.

[2-4] [¶ 12] The statutory powers of a township board of supervisors are found in N.D.C.C. Titles 24 and 58, while a water resource district's statutory powers are found in Title 61. Statutory interpretation is a question of law fully reviewable on appeal. *Heck v. Reed*, 529 N.W.2d 155, 160 (N.D. 1995). The primary goal in construing a statute is to ascertain the legislature's intent. *Medcenter One, Inc. v. North Dakota State Bd. of Pharmacy*, 1997 ND 54, ¶ 13, 561 N.W.2d 634. We interpret statutes in context, endeavoring to give meaningful effect to each statute on the same subject without making one or the other useless. *Interest of K.G.*, 551 N.W.2d 554, 556 (N.D. 1996).

[¶ 13] We recently addressed the issue of whether a township board of supervisors or a water resource district has the authority to install a culvert beneath a township road to preserve a natural drainway for surface waters. See *Kadlec v. Greendale Tp. Bd. of Tp. Supervisors*, 1998 ND 165, ¶ 10, 583 N.W.2d 817. In so doing, we reconciled a number of statutes conferring various powers upon township and water resource district boards. *Id.* at ¶¶ 13-16. In construing the statutes together, we reaffirmed prior precedents and concluded township boards, and not water

resource districts, have supervisory authority under N.D.C.C. § 24-03-06 to decide whether to install a culvert beneath a township road to preserve a natural drainage for surface waters. *Id.* at ¶¶ 13, 16.

[5, 6] [¶ 14] We have consistently interpreted N.D.C.C. § 24-03-06 as imposing upon a township board of supervisors a mandatory duty to not construct or reconstruct township roads in a way that obstructs the natural flow and drainage of surface waters. See *Viestenz v. Arthur Tp.*, 129 N.W.2d 33, 39-40 (N.D.1964); *Lemer v. Koble*, 86 N.W.2d 44, 47-48 (N.D.1957); *Viestenz v. Arthur Tp.*, 78 N.D. 1029, 1033-34, 54 N.W.2d 572, 575 (1952). N.D.C.C. § 24-03-06 provides:

Any and all highways of any kind hereafter constructed or reconstructed by the department, any board of county commissioners, any board of township supervisors, their contractors, subcontractors or agents, or by any individual firm or corporation, *must be so designed as to permit the waters running into such ditches to drain in coulees, rivers, and lakes according to the surface and terrain where such highway or highways are constructed in accordance with scientific highway construction and engineering* so as to avoid the waters flowing into and accumulating in the ditches to overflow adjacent and adjoining lands. In the construction of highways, as herein provided, *the natural flow and drainage of surface waters may not be obstructed, but such water must be permitted to follow the natural course according to the surface and terrain of the particular terrain.* (Emphasis added.)

In other words, when a township road is constructed or reconstructed, N.D.C.C. § 24-03-06 imposes three obligations on the town-

1. We note here the question of what constitutes the natural drainage pattern of surface waters is a question of fact. *Viestenz*, 129 N.W.2d at 35 (stating whether a township board followed "good engineering practices . . . to reestablish the natural flow of such waters . . . is a question of fact"). The Legislature has vested township boards with the discretion to determine, according to good engineering practices, the natural drainage pattern of surface waters through which a township road runs, and we have previ-

ously stated we will not substitute our judgment for that of a township board. *Cf. Ames v. Rose Tp. Bd. of Supervisors*, 502 N.W.2d 845, 851 (N.D.1993). Because township boards, not the courts, were given the authority under N.D.C.C. § 24-03-06 to determine the natural drainage pattern of affected surface waters, our standard of review in such cases is limited to whether the township board acted arbitrarily, capriciously, or unreasonably in making its decision. See *Hector v. Bd. of Tp. Supervisors of Stanley Tp.*, 177 N.W.2d 547, 550 (N.D.1970).

[¶ 15] The water resource district's role in a township's endeavor to install a culvert under a township road is described in N.D.C.C. 24-06-34, which provides in part:

Whenever a county or township plans to construct or reconstruct a bridge, install or modify a culvert, or construct or reconstruct a drain in connection with a roadway or railway, the county or township shall provide notice in any way to the water resource board of the water resource district in which is located the bridge, culvert, or drain. This notice must be given at least thirty days prior to the date construction or reconstruction is to begin. *The water resource board may submit comments concerning the construction or reconstruction to the appropriate officials of the county or township.* (Emphasis added.)

In *Kadlec*, we determined although N.D.C.C. § 24-06-34 allows a water resource district board to advise a township on plans to, among other things, construct or reconstruct a culvert, "the statute does not give the water resource board any decisionmaking authority to control the process." 1998 ND 165, ¶ 14, 583 N.W.2d 817. Rather, a water

resource board of supervisors: 1) the natural flow and drainage of surface waters must be permitted to follow the natural drainage pattern according to the natural terrain of the land, *Kadlec*, 1998 ND 165 at ¶ 18, 583 N.W.2d 817; 2) drainage must be provided for any water that might accumulate in ditches along roadways in order to prevent overflowing onto adjoining lands, *id.*; and 3) the best method of finding the natural outlet for the surface waters "must be determined by the township board in accordance with good engineering practices."¹ *Viestenz*, 129 N.W.2d at 34 (citations omitted).

resource district is given power only to "[c]o-ordinate proposals for installation, modification, or construction of culverts and bridges in an effort to achieve appropriate sizing and maximum consistency of road openings." *Id.* at ¶ 15 (quoting N.D.C.C. § 61-16.1-09(21)). We concluded

[w]hile water resource districts have been given broad powers to control waters within their jurisdictions, they have not been given authority to make the decision to install a culvert under a township road in a natural watercourse. Rather, water resource districts have the authority to direct a township to install a culvert to accommodate a drain.²

Id. (citations omitted).

[¶ 16] In light of *Kadlec*, therefore, we must determine whether the District's decision supplanted the authority of the Township Board on this matter. In September 1994, Marvin Ness initially requested the Township Board install a culvert under the Road near the northwest corner of Section 35. On September 22, 1994, apparently under the impression they were required to do so, the Township Board applied to the District for a culvert permit. We acknowledge the Record is replete with references to the District's "recommendations" as to the culvert's depth and location. The minutes from District board meetings on February 12, March 18, and April 8, 1996, however, clearly reflect the decision was being considered by representatives of the District, not the Township Board. Moreover, it was the District's orders on July 8, 1996, and May 18, 1997, which mandated the depth and location of the culvert. From the time the Township Board applied to the District for a culvert permit, the decision whether to install a culvert, and its depth and location, was solely in the hands of the District. Under *Kadlec*, the

2. The record reflects the parties at various times referred to the permit which the District was considering as a "drainage permit." This is not a drainage case, however. We have previously held maintaining a drainway in its natural state does not require a drainage permit. See *Nilson v. Markestad*, 353 N.W.2d 312, 314 (N.D.1984) (interpreting N.D.C.C. § 61-01-22 (now repealed), which is now embodied in § 61-32-03, see *Matter of Stone Creek Channel Improvements*, 424 N.W.2d 894, 896-97 n.2 (N.D. 1988)). Jim

District clearly had no authority to make that decision in this case.

[7] [¶ 17] Clearly, the Legislature envisioned township and water resource district boards working together on such decisions. See N.D.C.C. §§ 24-06-34 & 61-16.1-09(21). The Legislature has also made it clear, however, that a board of township supervisors, not a water resource district, has the authority to install culverts beneath township roads when necessary to preserve the natural drainage of surface waters. *Kadlec*, 1998 ND 165, ¶¶ 13-15, 583 N.W.2d 817; N.D.C.C. § 24-03-06.

III

[¶ 18] We conclude the District lacked authority to make the final decision under the facts in this case. The district court's amended judgment affirming the District's order is therefore reversed, and the case is remanded with directions the district court order the District to vacate its order.

[¶ 19] VANDE WALLE, C.J., NEUMANN and SANDSTROM, JJ., and BENNY A. GRAFF, District Judge, concur.

[¶ 20] BENNY A. GRAFF, District Judge, sitting in place of MESCHKE, J., disqualified, who retired effective October 1, 1998.



Lindseth of the State Water Commission recognized as much in a December 1, 1994, letter, in which he informed the District that although the drainage area for this project was greater than 80 acres, "a permit is not required to maintain natural or permitted drains, provided channel hydraulics are not changed by deepening or widening." Since "the wetlands located within this drainage area are linked together by natural or constructed drains," Mr. Lindseth concluded no drainage permit would be required.

24-06-30. Removal of fences — Notice — Cost. When a public highway is opened along any section line, the board of county commissioners or the board of township supervisors, as the case may be, shall notify the owner of adjacent property to remove any fences not constructed pursuant to subsection 2 of section 24-06-28 within thirty-three feet [10.06 meters] of the section line in the manner provided for notice to remove stones or rubbish. If the owner of adjacent property fails to remove the fences within thirty days after the notice has been given, the board of county commissioners or the board of township supervisors, as the case may be, shall cause the fences to be removed, and the cost thereof must be returned and entered the same as taxes against the property and must be paid in the same manner as taxes are paid.

Source: S.L. 1919, ch. 142, § 2; 1925 Supp., § 2037a2; R.C. 1943, § 24-0630; S.L. 1955, ch. 182, § 1; 1957 Supp., § 24-0630; S.L. 1975, ch. 242, § 2; 1977, ch. 234, § 2.

limits of incorporated cities, unless closed by statutory proceedings, are open for public travel without the necessity of any prior action by a board of township supervisors or county commissioners. *Small v. Burleigh County* (1974) 225 NW 2d 295.

Cross-References.

Removal of fences, see § 24-07-19.

Availability of Section Lines for Travel.
Congressional section lines outside the

24-06-31. Obstructions in highway. Each overseer of highways having personal knowledge, or on being notified in writing, of any obstruction in the highway or public street in his district immediately shall remove or cause any such obstruction to be removed.

Source: Pol. C. 1877, ch. 29, § 71; R.C. 1895, § 1110; R.C. 1899, § 1110; R.C. 1905, § 1400; C.L. 1913, § 1973; R.C. 1943, § 24-0631.

Cross-References.

Obstructions prohibited, see § 24-12-02.

24-06-32. Penalty for refusal to serve as road overseer. Repealed by S.L. 1949, ch. 193, § 1.

24-06-33. Method of construction of highway ditches. Repealed by S.L. 1953, ch. 177, § 120.

24-06-34. Notice to water resource districts. Whenever a county or township plans to construct or reconstruct a bridge, install or modify a culvert, or construct or reconstruct a drain in connection with a roadway or railway, the county or township shall provide notice in any way to the water resource board of the water resource district in which is located the bridge, culvert, or drain. This notice must be given at least thirty days prior to the date construction or reconstruction is to begin. The water resource board may submit comments concerning the construction or reconstruction to the appropriate officials of the county or township. This section does not apply in times of emergency, unexpected events, or acts of God.

Each district may invest any money in the district treasury, including money in any sinking fund established for the purpose of providing for the payment of the principal or interest of any contract, bond, or other indebtedness or for any other purpose, not required for the immediate needs of the district, in accordance with chapter 21-04.

Funds of the district shall be paid out or expended only upon the authorization or approval of the water resource board and by check, draft, warrant, or other instrument in writing, signed by the treasurer, assistant treasurer, or any other officer, employee, or agent of the district authorized by the treasurer to sign on behalf of the treasurer. The authorization shall be in writing and filed with the secretary of the district.

Source: S.L. 1981, ch. 632, § 1; 1985, ch. 677, § 1.

61-16.1-09. Powers of water resource board. Each water resource board shall have the power and authority to:

1. Sue and be sued in the name of the district.
2. Exercise the power of eminent domain in the manner provided by title 32 for the purpose of acquiring and securing any rights, titles, interests, estates, or easements necessary or proper to carry out the duties imposed by this chapter, and particularly to acquire the necessary rights in land for the construction of dams, flood control projects, and other water conservation, distribution, and supply works of any nature and to permit the flooding of lands, and to secure the right of access to such dams and other devices and the right of public access to any waters impounded thereby. Provided, however, that when the interest sought to be acquired is a right of way for any project authorized in this chapter for which federal funds have been appropriated, the district, after making a written offer to purchase the right of way and depositing the amount of the offer with the clerk of the district court of the county wherein the right of way is located, may thereupon take immediate possession of the right of way, as authorized by section 16 of article I of the Constitution of North Dakota. Within thirty days after notice has been given in writing to the landowner by the clerk of the district court that a deposit has been made for the taking of a right of way as authorized in this subsection, the owner of the property taken may appeal to the district court by serving a notice of appeal upon the acquiring agency, and the matter must be tried at the next regular or special term of court with a jury unless a jury be waived, in the manner prescribed for trials under chapter 32-15.
3. Accept funds and property or other assistance, financial or otherwise, from federal, state, and other public or private sources for the purposes of aiding the construction or maintenance of water conservation, distribution, and flood control projects; and cooperate and

- contract with the state or federal government, or any department or agency thereof, or any municipality within the district, in furnishing assurances and meeting local cooperation requirements of any project involving control, conservation, distribution, and use of water.
4. Procure the services of engineers and other technical experts, and employ an attorney or attorneys to assist, advise, and act for it in its proceedings.
 5. Plan, locate, relocate, construct, reconstruct, modify, maintain, repair, and control all dams and water conservation and management devices of every nature and water channels, and to control and regulate the same and all reservoirs, artificial lakes, and other water storage devices within the district.
 6. Maintain and control the water levels and the flow of water in the bodies of water and streams involved in water conservation and flood control projects within the district and regulate streams, channels, or watercourses and the flow of water therein by changing, widening, deepening, or straightening the same, or otherwise improving the use and capacity thereof.
 7. Regulate and control water for the prevention of floods and flood damages by deepening, widening, straightening, or diking the channels or floodplains of any stream or watercourse within the district, and construct reservoirs or other structures to impound and regulate such waters.
 8. Make rules and regulations concerning the management, control, regulation, and conservation of waters and prevent the pollution, contamination, or other misuse of the water resources, streams, or bodies of water included within the district.
 9. Do all things reasonably necessary and proper to preserve the benefits to be derived from the conservation, control, and regulation of the water resources of this state.
 10. Construct, operate, and maintain recreational facilities, including beaches, swimming areas, boat docking and landing facilities, toilets, wells, picnic tables, trash receptacles, and parking areas, and to establish and enforce rules and regulations for the use thereof.
 11. Have, in addition to any powers provided in this chapter, the authority to construct an assessment drain in accordance with the procedures and provisions of chapter 61-21.
 12. Acquire by lease, purchase, gift, condemnation, or other lawful means and to hold in its corporate name for its use and control both real and personal property and easements and rights of way within or without the limits of the district for all purposes authorized by law or necessary to the exercise of any other stated power.
 13. Convey, sell, dispose of, or lease personal and real property of the district as provided by this chapter.

14. Authorize and issue warrants to finance construction of water conservation and flood control projects, assess benefited property for part or all of the cost of such projects, and require appropriations and tax levies to maintain sinking funds for construction warrants on a cash basis at all times.
15. Borrow money within the limitations imposed by this chapter for projects herein authorized and pledge security for the repayment of such loans.
16. Order or initiate appropriate legal action to compel the entity responsible for the maintenance and repair of any bridge or culvert to remove from under, within, and around such bridge or culvert all dirt, rocks, weeds, brush, shrubbery, other debris, and any artificial block which hinders or decreases the flow of water through such bridge or culvert.
17. Order or initiate appropriate legal action to compel the cessation of the destruction of native woodland bordering within two hundred feet [60.96 meters] of that portion of a riverbank subject to overflow flooding that will cause extensive property damage, or in the alternative, order, that, if such destruction is permitted, the party or parties responsible for the destruction must, when the board has determined that such destruction will cause excessive property damage from overflow flooding due to the erosion or blocking of the river channel, plant a shelterbelt which meets the specifications of the board. In the event the native woodland within such area has already been destroyed, the board may, in its discretion, order the planting of a shelterbelt which, in the judgment of the board, will curtail the erosion or blocking of such river channel where overflow flooding has caused extensive property damage. For purposes of this subsection, the words "riverbank" and "river channel" relate to rivers as defined in the United States geological survey base map of North Dakota, edition of 1963. The provisions of this subsection shall not be construed to limit, impair, or abrogate the rights, powers, duties, or functions of any federal, state, or local entity to construct and maintain any flood control, irrigation, recreational, or municipal or industrial water supply project.
18. Petition any zoning authority established pursuant to chapter 11-33, 11-35, or 40-47 or section 58-03-13 to assume jurisdiction over a floodplain for zoning purposes when such zoning is required to regulate and enforce the placement, erection, construction, reconstruction, repair, and use of buildings and structures to protect and promote the health, safety, and general welfare of the public within a floodplain area. In the event such zoning authority fails to act or does not exist, the board may request the state water commission to assist it in a study to determine and delineate the floodplain area. Upon completion of such study, the board shall make suitable recommendations for the establishment of a floodplain zone to all zon-

- ing authorities and the governing bodies of all political subdivisions having jurisdiction within the floodplain area.
19. Plan, locate, relocate, construct, reconstruct, modify, extend, improve, operate, maintain, and repair sanitary and storm sewer systems, or combinations thereof, including sewage and water treatment plants, and regulate the quantity of sewage effluent discharged from municipal lagoons; and contract with the United States government, or any department or agency thereof, or any private or public corporation or limited liability company, the government of this state, or any department, agency, or political subdivision thereof, or any municipality or person with respect to any such systems.
 20. Develop water supply systems, store and transport water, and provide, contract for, and furnish water service for domestic, municipal, and rural water purposes, irrigation, milling, manufacturing, mining, metallurgical, and any and all other beneficial uses, and fix the terms and rates therefor. Each district may acquire, construct, operate, and maintain dams, reservoirs, ground water storage areas, canals, conduits, pipelines, tunnels, and any and all works, facilities, improvements, and property necessary therefor.
 21. Coordinate proposals for installation, modification, or construction of culverts and bridges in an effort to achieve appropriate sizing and maximum consistency of road openings. The department of transportation, railroads, counties, and townships shall cooperate with the districts in this effort. Each district shall also consider the possibility of incorporating appropriate water control structures, where appropriate, as a part of such road openings.
 22. Plug abandoned water wells and participate in cost-sharing arrangements with water well owners to plug water wells to protect aquifers from pollution or depletion, maintain pressure, and prevent damage to surrounding property.
 23. Have, in addition to any powers provided in this chapter, the authority to conduct weather modification operations in accordance with the procedures and provisions of chapter 61-04.1.

Source: S.L. 1981, ch. 632, § 1; 1987, ch. 492, § 2; 1989, ch. 746, § 2; 1993, ch. 54, § 106; 1993, ch. 599, § 2; 1993, ch. 603, § 1.

Eminent Domain.

There is nothing in the general language of subsection 12 of this section, relating to methods of acquiring property, which indicates a legislative intent to deviate from the specific language of subsection 2 of this section limiting the county water resource board's exercise of the power of eminent domain to the manner provided by title 32. *Johnson v. Wells County Water Resource Bd.*, 410 N.W.2d 525 (N.D. 1987).

Quick Take Authority.

Without legislation specifically granting quick take authority to the county water resource board to carry into effect the quick take provision of N.D. Const., Art. I, § 16, the board lacks authority to acquire flowage easements through the quick take provision of the constitution in its exercise of the power of eminent domain conferred upon it in this section. *Johnson v. Wells County Water Resource Bd.*, 410 N.W.2d 525 (N.D. 1987).

Wildlife Refuge Act.

The terms of the Wildlife Refuge Act are to be given their full effect, and any conflict

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD

August 3, 1999

A regular meeting of the Eddy County Water Resource Board was held on August 3, 1999 at 9:00 AM in the Eddy County Courthouse. Present were Kenneth Reis, Peter Becherl, and Neal Rud, as well as Recording Secretary John D. Hovey.

Minutes of the June 1, 1999 and July 6, 1999 meeting were read and approved as read.

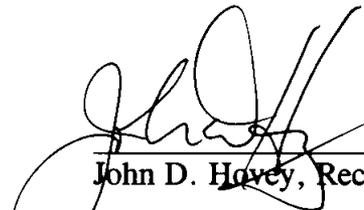
Harold Peterson of Sheyenne was in to review his situation in Grandfield Township. He brought aerial maps which he thought would better explain the situation. Mr. Peterson will contact the township regarding the enlarging and lowering of the culvert into Mattson's slough. He just wanted our board to be aware of what the situation is.

The Swenson, Hagen and Company letter regarding the Rocky Run survey was reviewed. The estimated cost was more than any of the Board members had expected and the question was raised whether Swenson, Hagen was proposing more work than we need at this time. Hovey is to call Wells County to see what they propose.

The Alford Tollefson ^{letter} of early July was reviewed. The Board felt it needs to meet with Alford Tollefson to see exactly what it is that he proposes. Hovey is to write him a letter.

There being no further business the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Recording Secretary

APPROVED:



Kenneth Reis, Chairman

No Formal Action was taken re: Harold Peterson. Neal Rnd said he would drive by and look at the situation because he farms in that area. No formal action seemed necessary because Harold was still in the process of contacting the appropriate wetland agencies to determine what his best options are (ie, create wetland/slough/pond or drain it).

Treviis
7-12-99

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
July 6, 1999

A regular meeting of the Eddy County Water Resource Board was held on July 6, 1999 at 9:00 AM in the Eddy County Courthouse. Present were Peter Becherl, Neal Rud, Kenneth Reis, and Travis S. Peterson, Acting Secretary for John D. Hovey.

Minutes of the June 1, 1999 meeting were not read.

Harold Peterson of Sheyenne was in to see the Board concerning a water problem in Grandfield Township, Sections 19, 30, and 31. Mr. Peterson presented two pictures and a diagram of the current situation. Under the north/south road dividing Wells and Eddy County a culvert was installed within Section 30 sometime within the last year to year and a half. Apparently, this culvert is too high and is not draining efficiently. Mr. Peterson would like to see this drain replaced in the future because it contributes to a pool of water on Section 19. Mr. Peterson indicated that he is more in need of culverts, however, on the east/west township road which divides Section 19 and 30. Mr. Peterson requests the Eddy County Water Board's cooperation in seeing that a culvert can be placed under this road and between the sections. The other culvert Mr. Peterson is requesting is a new culvert under the north/south road dividing Wells and Eddy County. Mr. Peterson requests that a culvert be placed under this road in Section 19. Mr. Peterson stated that he understands this cannot be done to fix the immediate situation. However, he would like to see these culverts in place to alleviate the problems in future years.

Peter Becherl moved to renew Security State Bank 7-month CD #22610 for 11 months. Neal Rud seconded. Motion carried.

Neal Rud made a motion to pay the following bills:

Transcript Publishing	\$ 18.00
Hovey Law Offices	\$908.47
Neal Rud	\$240.00
Kenneth Reis	\$323.00
Peter Becherl	\$783.00

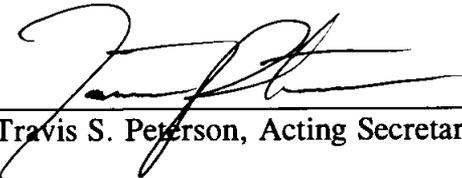
Second by Kenneth Reis, Motion carried.

Peter Becherl moved to pay the Eddy County Water Resource District dues for the Devils Lake Basin Joint Water Resource Board in the amount of \$300.00. Second by Neal Rud. Motion carried.

Becherl reported on the latest meeting at Devils Lake and presented a Letter Agreement Representation/Joint Defense Arrangements, dated July 1, 1999, for review by Hovey Law Offices.

There being no further business the meeting was adjourned.

Respectfully submitted,



Travis S. Peterson, Acting Secretary

APPROVED:



Kenneth Reis, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
June 1, 1999

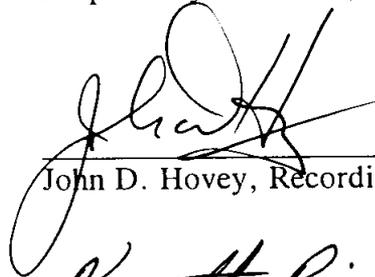
A regular meeting of the Eddy County Water Resource Board was held on June 1, 1999 at 9:00 AM in the Eddy County Courthouse. Present were Peter Becherl, Neal Rud and Travis S. Peterson for John D. Hovey, Recording Secretary. Absent was Kenneth Reis.

Minutes of the May 4, 1999 meeting were read and approved as read.

Clay Sorenson from the State Highway Department did not attend this meeting. Peter Becherl, however, moved to permit the replacement of the culvert through the township road north of Highway 15 and west of Glenn Walz with a larger one, as contemplated by the May 19, 1999 letter from Eddy County Water Management District to Kenneth Reis, Peter Becherl, and Neal Rud. Second by Neal Rud. Motion carried.

There being no further business the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Recording Secretary

APPROVED:



Kenneth Reis, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
May 4, 1999

A regular meeting of the Eddy County Water Resource Board was held on May 4, 1999 at 9:00 AM in the Eddy County Courthouse. Present were Peter Becherl, Neal Rud and John D. Hovey, Recording Secretary. Absent was Kenneth Reis.

Minutes of the April 6, 1999 meeting were read and approved as read. The May Treasurer's report was reviewed and approved.

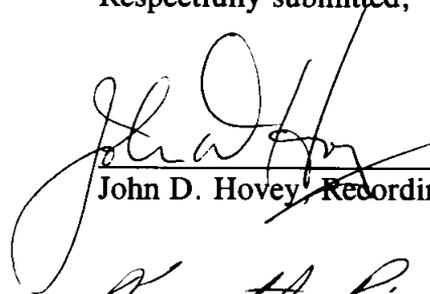
The Donald Gussiaas dam permit in Lake Washington Township was reviewed. No action deemed necessary.

Hovey reported that the Board had received a \$153.00 insurance refund from NDIRF.

Becherl reported on the latest meeting at Devils Lake. Apparently water is very close to overflowing into Stump Lake and there is at least one application in the works to clean out the channel.

There being no further business the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Recording Secretary

APPROVED:



Kenneth Reis, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
April 6, 1999

A regular meeting of the Eddy County Water Resource Board was held on April 6, 1999 at 9:00 AM in the Eddy County Courthouse. Present were Kenneth Reis, Peter Becherl and John D. Hovey, Recording Secretary. Absent was Neal Rud.

Minutes of the February 2, 1999 and March 2, 1999 meetings were read and approved as read. The April Treasurer's Report was reviewed and approved.

Hovey reported that he had not heard anything from either Sheyenne or New Rockford schools regarding the Summer Institute on Water Resources.

State Water Commission report on Johnson Lake for last year's operations and this year's plans were reviewed. No action was deemed necessary.

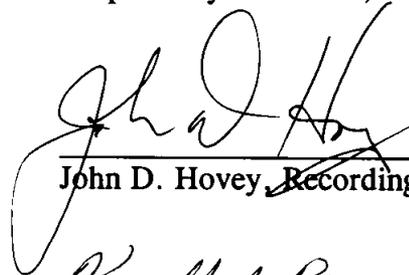
The Devils Lake Scoping Document and Environmental Impact Statement was reviewed. Again no action was deemed necessary.

Kenneth Reis reported on Rocky Run. The crest has passed and the water is back in its banks. He felt there was no real flooding problem this year. He had made several trips out into the Wells County area and felt that the gates were managed in a suitable fashion. He also reported that Mike Gunsch had been here on March 27th.

The Board then went to the Eddie Haman area and there appeared to be no flooding or potential water problems at that point.

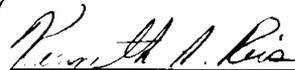
There being no further business the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Recording Secretary

APPROVED:



Kenneth Reis, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD

March 2, 1999

A short meeting of the Eddy County Water Resource Board was held on March 2, 1999 at 2:30 PM in the Eddy County Courthouse. Present were Kenneth Reis, Peter Becherl and Neil Rud. Also present was John D. Hovey, Recording Secretary.

Minutes of the February 2, 1998 meeting were not read.

The following bills were approved:

New Rockford Transcript - advertising -	\$18.00
Foster County Independent - advertising -	\$18.00
Wells County Herald Press - advertising -	\$22.00

for a total of \$58.00.

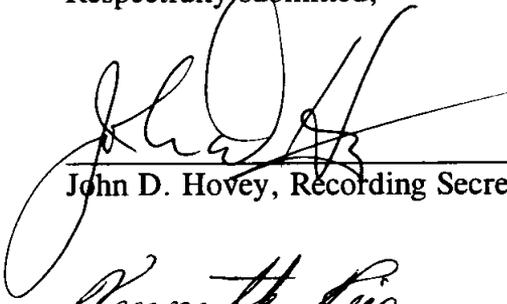
Hovey was instructed to bill Wells and Foster Counties for their share of the advertising together with their share of the Lavern Duda work last November.

The February 10, 1999 letter from the State Engineer regarding Donald Gusiaas dam repair was discussed. No action was taken.

Treasurer's Report for March was reviewed.

There being no further business the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Recording Secretary

APPROVED:



Kenneth Reis, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
February 2, 1999

A regular meeting of the Eddy County Water Resource Board was held on February 2, 1999 at 10:00 AM in the Eddy County Courthouse. Present were Kenneth Reis, Peter Becherl and new member Neil Rud. Also present was John D. Hovey, Recording Secretary.

Minutes of the December 1, 1998 meeting were read and approved as read.

The February Treasurer's Report was reviewed and approved as amended.

The Board was reorganized with Kenneth Reis as Chairman, Peter Becherl as Vice Chairman and John D. Hovey as Recording Secretary/Legal Counsel.

The following bills were approved:

Surety Title Company - Insurance	\$ 305.00
ND Water Users - Dues	300.00
Swenson, Hagen and Company - Engineering services	482.14
Eddy County Road Dept. - one-half of culverts at Haman's	634.55
ND Water Resource District Association - dues	375.00

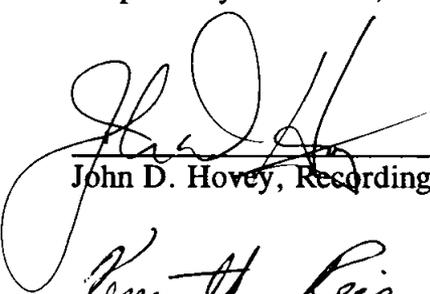
Hovey was instructed to write a letter to the Sheyenne and New Rockford Schools offering to sponsor a teacher at the ND Summer Institute on Water Resources.

Peter Becherl reported on a recent meeting he attended in Devils Lake of the Devils Lake Basin Joint Water Resource Board.

The certification of records disposal from Office of Management and Budget was reviewed and completed.

There being no further business the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Recording Secretary

APPROVED:



Kenneth Reis, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
January, 1999

No meeting of the Eddy County Water Resource Board was held in January for lack of a quorum. Peter Becherl and Travis Peterson were the only ones that showed.

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD

December 1, 1998

A regular meeting of the Eddy County Water Resource Board was held on December 1, 1998 at 10:00 AM in the Eddy County Courthouse. Present were Kenneth Reis, Peter Becherl, and John D. Hovey, Recording Secretary. Also present was Travis Peterson.

Minutes of the November 3, 1998 meeting were read and approved as read. The December Treasurer's Report was reviewed and approved and the December, 1998, Financial Report required by state law was reviewed and filed with the Board and with the County Auditor's Office.

Kenneth Reis reported that he had contacted engineer Michael Gunsch but Gunsch has not been out to check the Kelly Creek matter nor has he checked on the Texas Crossing.

The previous authorized bill from CAMAS, which had already been paid in the amount of \$358.09 was affirmed.

The Alliance Pipeline Water Permit from Rocky Run for the summer of 1999 was reviewed.

Treasurer reported that the District's certificate of deposit at Security State Bank of New Rockford would mature on December 5th. He was instructed to reinvest it for a period of six months to one year at the highest interest rate at Security State Bank of ND.

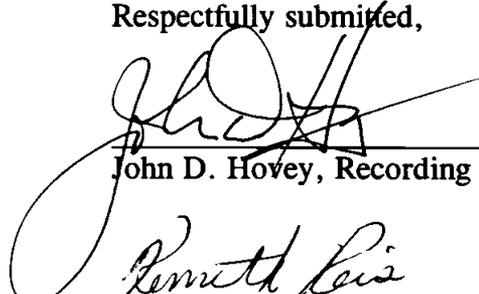
The following vouchers for the months of July through December were approved:

Michael Bickler	\$225.50
Kenneth Reis	\$387.75
Peter Becherl	\$505.50
Hovey Law Office	\$855.75

A number of individuals were discussed as a replacement for Michael Bickler's seat on the Board. At the County Commissioners request, that list was delivered to them for their consideration.

There being no further business the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Recording Secretary

APPROVED:



Kenneth Reis, Chairman

EDDY COUNTY WATER MANAGEMENT DISTRICT

523 CENTRAL AVENUE
NEW ROCKFORD, ND 58356

KENNETH REIS, CHAIRMAN
PETER BECHERL, MEMBER
MIKE BICKLER, MEMBER

JOHN D. HOVEY, SECRETARY/TREASURER

NOVEMBER 3, 1998

Mary Ann Bickler
Route 1
Sheyenne, ND 58374

Dear Mary Ann:

The Eddy County Water Resource Board has asked me to express to you their deep sorrow over the death of your husband, Mike. Even though he had not served on the Water Board for a long time he was a fast learner and contributed greatly to the Water Board business. He will be missed.

Mike should have had a little book or scratch pad on which he kept records of his attendance at Board meetings and Devils Lake meetings. Also mileage to and from each meeting. If you could get me that information I will be glad to send you a check for his fees and mileage.

Yours truly,

EDDY COUNTY WATER RESOURCE
BOARD

By _____
John D. Hovey

JDH:so

EDDY COUNTY WATER MANAGEMENT DISTRICT

523 CENTRAL AVENUE
NEW ROCKFORD, ND 58356

KENNETH REIS, CHAIRMAN
PETER BECHERL, MEMBER
MIKE BICKLER, MEMBER

JOHN D. HOVEY, SECRETARY/TREASURER

November 3, 1998

Peter Becherl
1548 94th Avenue NE
McHenry, ND 58464

Dear pete:

Enclosed find a copy of mike Gunsch's letter and the Water Board Minutes as he has corrected them.

Yours truly,

EDDY COUNTY WATER RESOURCE
BOARD

By _____
John D. Hovey
Recording Secretary

JDH:so

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
November 3, 1998

A regular meeting of the Eddy County Water Resource Board was held on November 3, 1998 at 10:00 AM in the Eddy County Courthouse. Present were Kenneth Reis, Peter Becherl and John D. Hovey, Recording Secretary. Also present was landowner Bob Linderman.

Minutes of the October 6, 1998 meeting were read and approved as read. The November Treasurer's Report was reviewed and approved.

Bob Linderman said that he would like a copy of the 198? letter from the State Engineer. Kenneth has a copy and will send him one. Bob also asked why the dirt was taken from the old spoil bank when Duda did the work and Kenneth explained.

Kenneth said that Laverne Duda left his machine out there so that in case Mike Gunsch has any suggested changes he will do them before the snow flies.

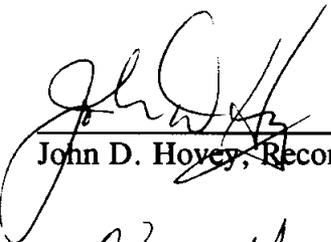
A motion was made, seconds and carried, to pay Laverne Duda's statement for backhoe work for the following jobs:

\$130.00	Rocky Run at Kittleson's
\$485.00	Ed Haman culverts

All work planned at Haman's has been done and Hovey was instructed to write a letter to Alfred Tollefson.

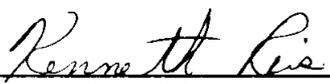
There being no further business the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Recording Secretary

APPROVED:



Kenneth Reis, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD

October 6, 1998

A regular meeting of the Eddy County Water Resource Board was held on October 6, 1998 at 9:00 AM in the Eddy County Courthouse. Present were Kenneth Reis, Pete Becherl and John D. Hovey, Recording Secretary. Absent was Michael Bickler.

Minutes of the August 4, 1998 meeting were read and approved as read.

Treasurer's report showing a balance of \$65,769.88 (including the \$35,000.00 CD) was reviewed and approved. There were no bills presented for payment.

Kenneth Reis reported that the Rocky Run/Linderman meeting with American Engineering has been delayed twice. The meeting has been rescheduled for this week.

Regarding the Ed Haman farmstead culverts, there have been no efforts to install these culverts through the approaches nor has the Water District received any bill for ditch cleaning and spoil bank work.

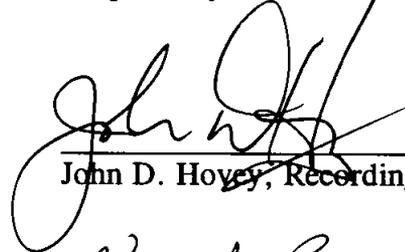
A motion was made, seconded and carried directing Kenneth Reis to meet with the Township Board, and:

1. Find out if they intend to install three culverts at the Ed Haman farmstead.
2. If they don't then inform them that we will be installing the culverts but will not share in any costs of ditch cleaning or spoil bank work since it was our understanding that all of this work was contingent upon the other.

Pete Becherl reported on two recent meetings at Devils Lake regarding flooding and Sheyenne River Diversion. Nothing really that affects Eddy County at this time.

There being no further business the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Recording Secretary

APPROVED:



Kenneth Reis, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
August 4, 1998

A regular meeting of the Eddy County Water Resource Board was held on August 4, 1998 at 9:00 AM in the Eddy County Courthouse. Present were Peter Becherl, Michael Bickler and John D. Hovey, Recording Secretary. Absent was Kenneth Reis.

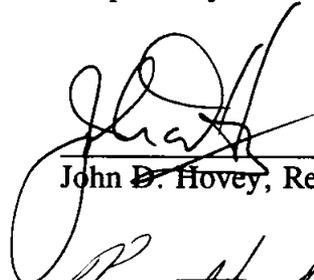
Minutes of the July 14, 1998 meeting were read and approved as read. Treasurer's report showing a balance of \$64,285.39 (including \$35,000.00 CD) was reviewed and approved. Treasurer noted that he had received a bill from the Devils Lake Joint Water Resource Board for dues in the amount of \$250.00 which were paid.

The following voucher was approved and ordered paid: Kenneth Reis - January through June - \$564.25.

State Engineer's Office letter on Johnson Lake Refuge was reviewed. No action was necessary nor was taken.

There being no further business the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Recording Secretary



Kenneth Reis, Chairman

APPROVED:

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
July 14, 1998

A regular meeting of the Eddy County Water Resource Board was held on July 14, 1998 at 9:00 AM in the Eddy County Courthouse. Present were Peter Becherl, Michael Bickler and John D. Hovey, Recording Secretary. Absent was Kenneth Reis.

Minutes of the June 2, 1998 meeting were read and approved as read. Treasurer's Report showing a balance of \$66,974.68 (including CD) was reviewed and approved. Treasurer noted that he had received the final payment from Foster County for their pro-rata assessment.

The following vouchers were approved and ordered paid:

Michael Bickler - January through June	\$443.50
Peter Becherl - January through June	369.50
Hovey Law Offices, P.C. - January through June	1,666.47

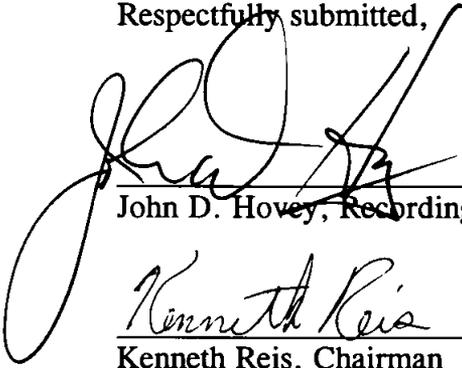
Mike Bickler reported that at the last Devils Lake Joint Water Resource Board meeting he was informed that we are delinquent \$300.00 on our dues. He told them to send us a bill. Hovey mentioned this to the County Auditor in case the bill was directly to her office. This bill was also approved in an amount not to exceed \$300.00.

Various items of correspondence were reviewed, none of which required action by this Board.

Budget requests for 1998-1999 period was reviewed. Based on current reserves the Board did not feel that additional funds were needed at the coming time to meet our needs during the next fiscal year.

There being no further business the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Recording Secretary

APPROVED:



Kenneth Reis, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
June 2, 1998

A regular meeting of the Eddy County Water Resource Board was held on June 2, 1998 at 9:00 AM in the Eddy County Courthouse. Present were Kenneth Reis, Michael Bickler, Peter Becherl and John D. Hovey, Recording Secretary.

Minutes of the May 5, 1998 meeting were read and approved as read.

Treasurer's Report showing a balance of \$66,857.98 (including CD) was reviewed and approved. A copy of the Treasurer's Report was also filed with the Eddy County Auditor's Office.

Treasurer noted that he had received ^{partial} payment from Wells County but nothing from Foster County.

Kenneth Reis reported that the construction at Haman's had started. They've cleaned out the spoil bank and they're building a new approach to Fabian Noack's land. He assumes that the culvert through this new approach will be at the bottom of the ditch. He also reported that according to information he was furnished the Township still plans to put culverts through the three Eddie Haman approaches. Ken warned Haman that if the pipe was not removed north of Haman's that we may be forced to raise the pipe to land level.

April 13, 1998 letter from State Engineer was reviewed. Eddy County has no illegal drains in the Devils Lake Watershed.

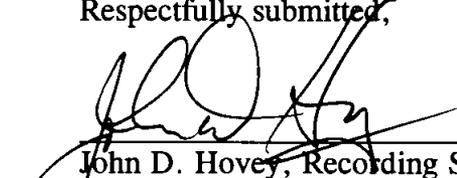
Peterson Coulee Outlet letter and right of entry documents were reviewed.

Hovey was instructed to have a sign painter paint a new sign regarding meeting dates and times.

The July meeting was changed from July 7th to July 14th at 9:00 AM.

There being no further business the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Recording Secretary

APPROVED:



Kenneth Reis, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
May 5, 1998

A regular meeting of the Eddy County Water Resource Board was held on May 5, 1998 at 9:00 AM in the Eddy County Courthouse. Present were Kenneth Reis, Michael Bichler, Peter Becherl and John D. Hovey, Recording Secretary.

Minutes of the April 7, 1998 meeting were read and approved as read. Treasurer's report showing a balance of \$66,296.60 was reviewed and approved.

Motion made, seconded and approved to transfer \$35,000.00 to a seven month or six month CD, whichever rate was best.

Kenneth Reis reported that Eddie Haman informed him that the Rockford Township Supervisors have apparently agreed to place culverts through his driveways. They will also remove the culvert between Sections 25 and 26 immediately north of Eddie's farmstead, and they will clean out the ditch and spoil bank on the west side of the road south of Eddie's farmstead. The Water Board's share of dirt work may be \$2,000.00 and this will probably eliminate the need for any ditch blocks. Mike Bichler brought a topographical map which shows that the slough level across the road from Eddie Haman's is 1525 feet.

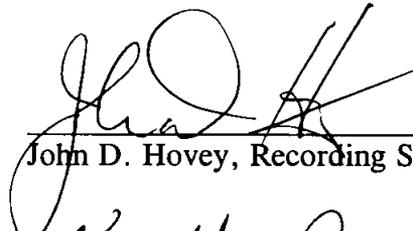
Hovey review^{ed} correspondence to Foster County regarding delinquent accounts and the State Water Commission regarding possible Kelly Creek cost sharing.

Pete Becherl and Kenny Reis reported on their attendance at a Devils Lake Outlet meeting in Sheyenne on April 7th. There definitely will be some effect on Eddy County and Eddy County landowners if the outlet is developed.

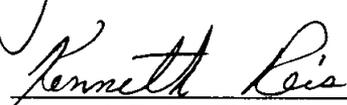
There being no further business the meeting was adjourned.

~~Supra Top. bill~~

Respectfully submitted,



John D. Hovey, Recording Secretary



Kenneth Reis, Chairman

APPROVED:

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD

April 7, 1998

A regular meeting of the Eddy County Water Resource Board was held on April 7, 1998 at 10:00 AM in the Eddy County Courthouse. Present were Kenneth Reis, Michael Bickler, Peter Becherl and John D. Hovey, Recording Secretary.

Minutes of the February 3, 1998 meeting were read and approved as read. All members had received a copy of the proposed March 3, 1998 Rocky Run annual meeting and the reading of those minutes was waived.

Treasurer's report showing a balance on hand in the amount of \$66,088.96 was reviewed and approved.

Bill for \$384.98 from Superior Township for rock installed on Rocky Run Texas Crossing was approved.

The Board received from Wells County a map of the Oak Creek and Emrick gate locations. This was reviewed and ordered filed with the operating procedures.

Ken Reis reported that he went to the Devils Lake Joint Water Resource Board meeting on March 13th. Nothing much really applies to Eddy County since we have very minimal land involved in the watershed. Apparently there is a lot of water coming in from the north and Eddy County may be affected if the Devils Lake outlet is constructed.

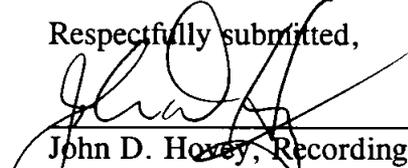
Ken Reis or Pete Becherl will try and attend the Devils Lake outlet meeting in Sheyenne tonight.

The request for comments from the ND Water Resource District's Association was reviewed. We had no comments to make. Hovey was instructed to inquire if the Rocky Run/Kelly Creek bank stabilization project would qualify.

It was agreed that we should try and go to Bismarck regarding the Alfred Tollefson matter in order to resolve this issue. The Board believes that input is needed from the State Water Commission.

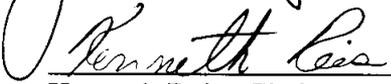
There being no further business the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Recording Secretary

APPROVED:



Kenneth Reis, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
February 3, 1998

A regular meeting of the Eddy County Water Resource Board was held on February 3, 1998 at 10:00 AM in the Eddy County Courthouse. Present were Kenneth Reis, John D. Hovey, Recording Secretary and new members Mike Bichler and Pete Becherl.

Minutes of the December 20, 1997 special meeting were read and approved as read.

Treasurer reported \$46,686.49 in the bank. This Treasurer's report was approved.

A general over view of the duties of Board members were reviewed for Mike and Pete.

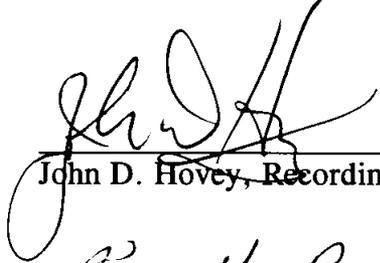
Kelly Creek matter was reviewed in some detail.

The Board was reorganized with a motion made, seconded and carried to appoint Kenneth as Chairman and John Hovey as Secretary/Treasurer.

ND Water Resource District Association dues in the amount of \$375.00 were approved and paid.

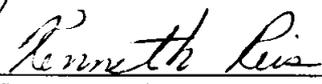
There being no further business the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Recording Secretary

APPROVED:



Kenneth Reis, Chairman

MINUTES OF A SPECIAL MEETING OF THE EDDY COUNTY WATER
RESOURCE BOARD

December 20, 1997

A special meeting of the Eddy County Water Resource Board was held on December 20, 1997 at 9:30 AM in the offices of Hovey Law Offices, P.C. Present were Stanley Ripplinger, Kenneth Reis and John D. Hovey, Recording Secretary.

The minutes of the December 2, 1997 meeting were read and approved.

The following bills were approved:

Surety Title Company - insurance	\$305.00
ND Water Users - dues	\$300.00
Hovey Law Offices, P.C. - briefcase	\$ 66.99

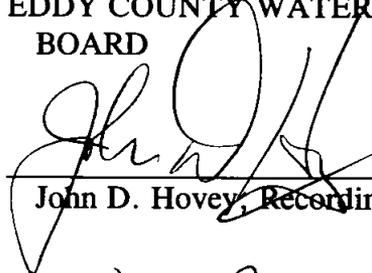
The ND Water Commission letter dated December 10, 1997 was reviewed. The Board did not feel that they could make a decision without input from Fandrich and the Rocky Run Board. Questions to be answered are:

1. Where to site the levy?
2. How high?
3. Who pays the cost?

There being no further business the meeting was adjourned.

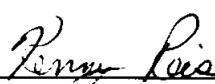
Respectfully submitted,

EDDY COUNTY WATER RESOURCE
BOARD



John D. Hovey, Recording Secretary

APPROVED



Stanley Ripplinger, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
December 2, 1997

A regular meeting of the Eddy County Water Resource Board was held on December 2, 1997 at 10:00 AM in the Eddy County Courthouse. Present were Stanley Ripplinger, Kenneth Reis, and John D. Hovey, Recording Secretary.

The minutes of the October 7th and November 4th meetings were read and approved as read.

The Joint Rocky Run Minutes of November 5, 1997 were reviewed and neither Stan or Ken had any suggested changes. My letter of November 12, 1997 to the State Water Commission was reviewed. Hovey reported that he had received no response.

Stan reported that he had visited with Alford Tollefson and that Alford had agreed to wait until after Stan met with the US Fish and Wildlife Service to see if the ditch south of Ed Haman's could be cut lower. Stan met with the US Fish and Wildlife Service and they would not allow a further cut. The Board believes that we should talk to the State Water Commission and see if there are some kind of emergency powers that our Board has to order this cut either because of flooding and/or health reasons at the Eddie Haman farmstead. Stan has not reported back to Alford on his meeting with the Fish and Wildlife.

The Board was notified by Dick Turcotte that Marvin Tollefson had resigned from the Board and also as Treasurer. After some discussion it was agreed that the Board should reorganize at this time and the following motion was made, seconded and carried:

1. That Kenneth Reis would be the acting Chairman.
2. That John Hovey would be appointed Treasurer to go along with his duties as Secretary.
3. That the Security State Bank of North Dakota continue to be the depository of Board funds and that Kenneth Reis and John D. Hovey are authorized to sign checks on those funds and that the signatures of both are required on each check.

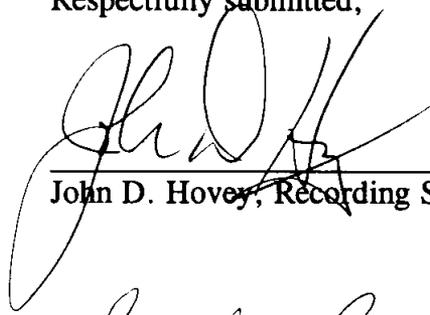
It was agreed by the Board to purchase a briefcase for the Secretary/Treasurer at a cost of not more than \$70.00.

Vouchers of the Board members for the period July 1, 1997 through December 2, 1997 were approved. Hovey Law Office bill in the amount of \$1486.18 was also approved.

The Board requested the County Commission that the Board's records be moved from the third floor down to the basement and that the Board be given a spot of its own in the area formerly occupied by the Eddy County Agent. Commission agreed to this proposal.

Their being no further business the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Recording Secretary

APPROVED



Stanley Ripplinger, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD

November 4, 1997

A regular meeting of the Eddy County Water Resource Board was held on November 4, 1997 at 9:00 AM in the Eddy County Courthouse. Present were Stanley Ripplinger, Kenneth Reis, Marvin Tollefson and John D. Hovey, Recording Secretary.

The minutes of the September 2, 1997 meeting were read and approved as read. The October, 1997 minutes were missing and will be brought to the next meeting.

It was noted that there will be a joint Rocky Run Water Board meeting on Wednesday the 5th of November, 1997 at 7:30 PM in the Wells County Courthouse.

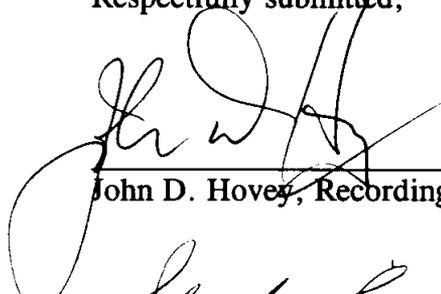
The Alford Tollefson complaint was again addressed. Mike Fandrich was present and explained his survey notes for the work done in the vicinity of Ed Haman's farm. A number of the culverts are below land level and the Board again discussed whether or not the New Rockford Township Commissioners would agree to culverts through the approaches into Ed Haman's farmstead in lieu of raising the culverts. Also discussed was the questions of whether the Fish and Wildlife would agree to lowering the ditch and culvert between Ed Haman's and the highway.

The State Auditor's October 2, 1997 recommendations were reviewed. It was agreed to implement the suggestions.

Mike Fandrich's bill in the amount of \$225.00 was approved.

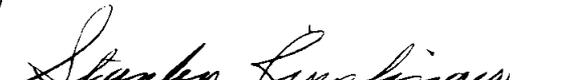
There being no further business the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Recording Secretary

APPROVED:



Stanley Ripplinger, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
September 2, 1997

A regular meeting of the Eddy County Water Resource Board was held on September 2, 1997 at 9:00 AM in the Eddy County Courthouse. Present were Stanley Ripplinger, Kenneth Reis, Marvin Tollefson and John D. Hovey, Secretary.

The minutes of the August 5, 1997 meeting were read and approved as read.

Hovey reviewed his August 16, 1997 letters to Ed Haman, Cary Backstrand and the August 18, 1997 letter to Interstate Engineering.

Steve Aasand's letter was reviewed. The Board made an on site inspection of the property and was unable to find evidence that Vernon Hoyt pumped or drained water from Section 35 to Section 34 in Paradise Township. It is the Board's belief that water was undoubtedly moved and probably by illegal means and probably by Vernon Hoyt but the Board needs proof before they can take any action.

Hovey was instructed to write a letter to Aasand informing him of this and to let us know in the spring (or whenever) if he suspects that water is being moved again. If we are unable to get close enough to observe from a ground inspection the Board could do an aerial inspection.

(Kenneth Reis arrived at this time and was not present when the foregoing matters were discussed).

The August 28, 1997 letter from Raymond Oliger was read. Secretary Hovey also reviewed for the Board all minutes and actions taken on the Alford Tollefson complaint back to August 1, 1995. It was agreed that the ditch blocks north and south of the corps road were put on hold back in May of 1995 when it was hoped that a culvert between the NW1/4 of Section 25 and the NE1/4 of Section 26 could be removed and that culvert together with two additional culverts could be installed through the three approaches into Eddie Haman's farmstead. This Board at one time thought they had an agreement to that effect but were later notified that the New Rockford Township would not agree to it.

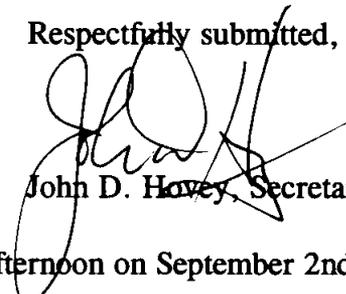
Hovey was instructed to do the following:

1. Contact Mike Fandrich as soon as possible to survey the three? culverts at the junction of Section 23, 24, 25 and 26 in New Rockford Township, the culvert located one-fourth mile, plus or minus, south of Haman's farmstead between the NW1/4 of Section 25 and the NE1/4 of Section 26, the ditch bottoms and the adjacent land level.

2. Fandrich should also shoot the elevation of the bottom of the culvert between SE1/4 of Section 23 and NE1/4 of Section 26, the bottom of the ditches and the adjacent land level.
3. Fandrich is also to shoot elevations between Sections 23 and 26 in an effort to determine where the natural division would be between the culvert through the corps road and the junction of Sections 23, 24, 25 and 26. It is at that division point that the Board anticipates installing ditch blocks on the north and south side of the corps road.

There being no further business the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Secretary

P.S. Hovey met with Fandrich at 3:00 in the afternoon on September 2nd and Fandrich agreed to get at the surveying right away. JDH

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD

August 5, 1997

A regular meeting of the Eddy County Water Resource Board was held on August 5, 1997 at 9:00 AM in the Eddy County Courthouse. Present were Stanley Ripplinger, Kenneth Reis and John D. Hovey, Secretary. Absent was Marvin Tollefson.

The minutes of the June 3, 1997 meeting, July 1, 1997 meeting and special meeting of Rocky Run Management Board held July 15, 1997 were read and approved as read.

Correspondence from the Devils Lake-Sheyenne River- Red River Advisory Committee were reviewed and a motion was made seconded and carried to enter into the Joint Exercise of powers Agreement. Hovey was directed to complete the Agreement and return to the Advisory Committee.

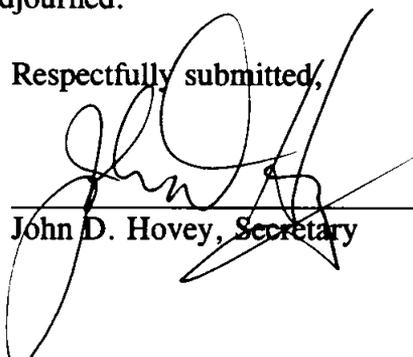
A motion was made, seconded and carried to adopt a budget for the coming fiscal year totaling \$18,700.00.

Cary Backstrand's July 31, 1997 letter was reviewed. Hovey was instructed to send Backstrand copies of all operating agreements and amendments for the Emerick and Oak Creek drains, with a copy to Lorraine and the other county boards.

Eddie Haman contacted one of the board members and said that the New Rockford Township wants to remove a culvert west of Tim Tollefson's. Hovey was instructed to write a letter that removal or installation of culverts are up to the township boards and that we only address questions of culverts if there is a complaint that they were improperly installed.

There being no further business the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Secretary

JDH:so

7-1-97

Regular meeting of the Eddy Co. Water board held at Eddy Co. Court House. Stan, Marvin, Ken, present John Houey Absent. No minutes of previous meeting and no new complaints or new business. Due have been paid by County to Devils Lake-Sheyenne River Advisory Committee Stan Ripplinger to represent Eddy Co. water board. No other business to report, Moved to adjourn.

Ken Reia

~~8-5-97~~

~~Regular meeting of Eddy Co. Water board held at Eddy Co Court House. Stan, Ken present Marvin + John Absent.~~



EDWARD T. SCHAFER
GOVERNOR

State of North Dakota

OFFICE OF THE GOVERNOR
600 E. Boulevard Avenue
BISMARCK, NORTH DAKOTA 58505-0001
(701) 328-2200
FAX (701) 328-2205 TDD (701) 328-2887

May 27, 1997

Stan Ripplinger
Chair
Eddy County Water Resource District Board
RR 1, Box 171
New Rockford, ND 58356

Dear Stan,

During the past several months, many questions have been raised about possible illegal drainage, under state law, in the Devils Lake Basin. These questions have come from within the basin as well as outside the basin. Most recently, resolutions and letters from the Benson County Commission, the City of Minnewaukan, the Ramsey County Farm Bureau, and the Ramsey County Farmers Union have asked that this issue be addressed.

In response to these concerns, earlier this year I directed the State Engineer to begin an inventory of drainage in the Devils Lake basin and to identify, as best we can, illegal drainage under state law.

As you know, the state has required a permit for drainage of an area with a watershed of 80 acres since 1957. Also state law requires the water resource districts be involved in any determination of illegal drainage.

State Engineer, David Sprynczynatyk, and his staff are in the process of identifying drains in the Devils Lake Basin and will then research state and county files for permits. He will also try to determine drained areas with watersheds of less than 80 acres. At that point, he will then turn the information over to the water resource boards in the basin for final determination of legality, as provided by NDCC §§ 61-32-07 and 61-32-08. Any illegal drain identified will have to be closed, as required by law.

Although this will be a difficult and lengthy effort, I ask for your full cooperation on the effort. In order for us to properly manage the water in the Devils Lake basin on a watershed basis in a wise and prudent manner, this task must be done as soon as possible. No North Dakota citizen has the right to illegally drain water upon his neighbor's land.

If you have any questions, please call this office or the State Engineer at ph. 701-328-4940. Thank you for your full cooperation in this undertaking.

Sincerely,

A handwritten signature in black ink, appearing to read "E. Schafer".

Edward T. Schafer
Governor

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD

June 3, 1997

A regular meeting of the Eddy County Water Resource Board was held on June 3, 1997 at 9:00 AM in the Eddy County Courthouse. Present were Stanley Ripplinger, Marvin Tollefson, Kenneth Reis and John D. Hovey, Secretary.

Minutes of the May 6, 1997 meeting were read and approved as read.

Marvin reported that he had driven by Bruce Larson's culvert and it appears it is not level but the problem is that even if the culvert is leveled at land level it probably will not drain the water from Bruce's land.

Harold Peterson from Sheyenne, North Dakota, met with the Board regarding water problems in Sections 19, 30 and 31 of Grandfield Township. The first problem concerns water which ponds on a 40 acre tract in Section 19, 32 acres of which have been previously farmed. There is an approximate 8 acre wetland which has increased substantially due to our recent wet conditions.

Harold went to the FSA Office with this problem and requested permission to cut a trench that would drain the excess water but still preserve the wetland. Wendi at the FSA Office said that they could not grant him that permission. Harold was wondering if our Water Board could overrule the FSA and give him this permission. Harold was told that this Board cannot.

He also complained about the inadequacy of culverts through the township road between Section 30 of Grandfield Township and Section 25 of Valhalla Township, Wells County, immediately to the west. He says that the water ponds on his land in Section 30 and he has been to the County Commissioners and Grandfield Township and they have said they will investigate. If he believes that they don't give adequate relief he was instructed to file a complaint with this Board and was given a complaint form. He realizes that this Board would probably not be able to act upon this complaint until next spring or until the next big runoff. He was not guaranteed a favorable decision by this Board.

Stan reported that there is a Devils Lake Emergency Commission meeting on June 14th. Stan will try and attend and will contact the others.

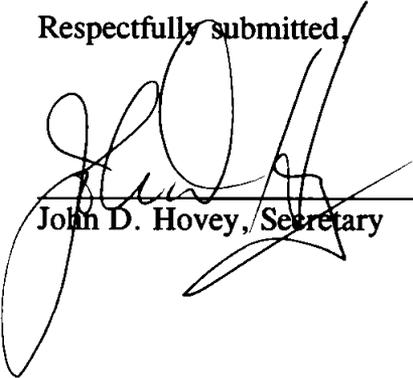
Letter from Governor Schafer regarding drainage inventory in the Devils Lake Basin was reviewed and is filed with these minutes.

Eddy County Water Resource Board minutes
June 3, 1997
Page 2

Vouchers for January through June of 1997 were prepared and approved.

There being no further business the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Secretary

JDH:so

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
May 6, 1997

A regular meeting of the Eddy County Water Resource Board was held on May 6, 1997 at 9:00 AM in the Eddy County Courthouse. Present were Stanley Ripplinger, Marvin Tollefson, Kenneth Reis and John D. Hovey, Secretary.

Minutes of the April 1, 1997 meeting were read and approved as read.

All three members reported on a meeting with the Eddy County Commissioners on April 3, 1997. Steve Thompson, the engineer for the Whetham road project was also in attendance. The Commissioners seemed to feel that the Water Board needs to give approval to this project. Hovey met with the Commissioners after this meeting and told them that the Board has never been the final approval for any road project and doesn't believe it should do so here or in the future. A copy of the minutes of that meeting are attached hereto.

It's the Board's feeling that the entire Oak Creek drainage project needs review. This year the gates were not operated as agreed at least partly because of Wells County's worry about washing out their roads. But the problem is that when they open the gates to save their roads and cemeteries the water comes down to Eddy County and our roads get washed out. So it's a question of whose roads are going to suffer the damages.

Our Board feels that additional gates are needed to minimize damage to all roads - maybe every mile or so, so that each road holds back some water but hopefully eliminates the washout danger to any specific road.

It's also apparent that some gates have been installed on the down stream side of the culverts instead of the upstream side and this defeats much of the purpose of the gate. When the gate is on the upstream end the gate is held against the culvert but when it's on the down stream end it's pushed away from the culvert and water is allowed to escape. The reason for this is probably because it's easier to get to the down stream gates. This issue should be addressed at the Joint Board meeting that is going to be held after spring's work and all gates moved to upstream end.

Eddie Haman talked to Stan about Bruce Larson's property. The pipe in the southeast corner of his irrigated quarter north of New Rockford is holding back water which Bruce feels should be corrected. The township has looked at the pipe and they believe it is not level. They will have Mike Fandrich do a survey and send us a copy. The pipe will then be leveled. The problem here is that Bruce will probably want it in the bottom of the ditch and the Board believes that both ends of the pipe should be at land level.

Stan reported on a trip that he and Lorraine made to Fessenden for a James River meeting. This was on April 21, 1997. Kenneth joined them in the afternoon for a meeting with the Wells County Water Board on Oak Creek.

Eddy County Water Resource Board minutes

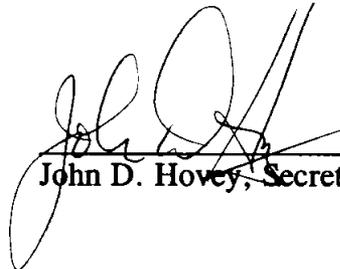
May 6, 1997

Page 2

Stan reported on a meeting he attended in Devils Lake regarding the Devils Lake joint board. This meeting was held April 30th. Stan does not believe there is much being accomplished.

There being no further business the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Secretary

JDH:so

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD

April 1, 1997

A regular meeting of the Eddy County Water Resource Board was held on April 1, 1997 at 10:00 AM in the Eddy County Courthouse. Present were Stanley Ripplinger, Marvin Tollefson, Kenneth Reis and John D. Hovey, Secretary.

Minutes of the February 4 and March 4, 1997 meetings were read and approved as read.

Kenneth Reis said that Bob Linderman had told him that the Wells County Water Management Board had straightened a section of the Rocky Run channel close (north?) to the Paul Skadberg farm. The Board will check this out when the water recedes.

Daryl Ludwig met with the Board regarding a water problem in Columbia Township. Daryl owns the E1/2 of Section 31 and his son Jim owns all of Section 32. The Topog. map should show that the water drains north from the NE1/4 of Section 31 into the SE1/4 of Section 30 and would then go east by northeast across the Ingvard Aam and Stanley Topp property where it would eventually flow into a creek in either the NE1/4 of Section 29 or the NW1/4 of Section 28. Water is now pooling on the NE1/4 of Section 31 due to a lack of a culvert. Daryl was instructed to go to the Township and request a culvert. If they refuse he will then file a written complaint with this Board and the Board will investigate.

The Water District Association dues in the amount of \$375.00 were approved.

Reis and Ripplinger reported on their attendance at a March 25, 1997 meeting in Carrington on culvert placement. They both said the meeting was very informative and that there is literature coming.

Four temporary water permits from the State Water Commission were reviewed. No action was required.

There was a general discussion on flows in the Rocky Run. Not much happening but it's anticipated the next two days will bring many changes.

Steve Thompson's letters and ^{com} instruction plans regarding the County road west past Whethams were discussed. Steve's fall of 1995 report was reviewed along with his current correspondence and Hovey reported that Steve had orally requested that the Water Board give its approval to the plans as they are proposing them. Those plans leave the ditch blocks in place but possibly could lower them by one foot.

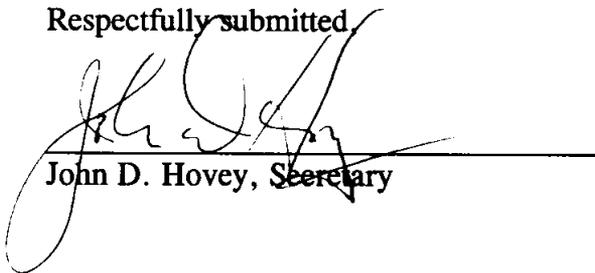
Water Board minutes
April 1, 1997
Page 2

The Board did not give any approval to the project because it is their position that the decision on this project must be made by the Commissioners in consultation with their engineer. The Water Board's only involvement was to bring to the Commission's attention the concerns of the Whethams and to facilitate any disputes between the parties. About this time Lorraine Allmaras stopped in and she was asked why there was a change in Steve's position between the fall of 1995 and the spring of 1997. She said she did not know but would invite our Board to meet with Steve when he meets with the Commissioners regarding this ~~product~~ *problem.*

The Haman water matters were then discussed. It was decided to have Mike Fandrich take elevations on the three culverts at the junction where Sections 23, 24, 25 and 26 meet as well as the culvert located approximately one-half mile south of Haman's farmstead between the NW1/4 of Section 25 and NE1/4 of Section 26. The purpose would be to compare the elevations of the culvert bottoms to the adjacent land level. This work also will have to be done after the water has receded.

There being no further business the meeting was adjourned.

Respectfully submitted,


John D. Hovey, Secretary

JDH:so

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
March 4, 1997

A regular meeting of the Eddy County Water Resource Board was held on March 4, 1997 at 10:00 AM in the Eddy County Courthouse. Present were Stanley Ripplinger, Marvin Tollefson, Kenneth Reis and John D. Hovey, Secretary, together with the entire Wells County Board. Foster County had been notified but no delegation appeared.

Minutes of the March 7, 1996 joint meeting were read and approved as read.

Norman Remboldt stated that he had been present at the survey done on the Donovan Meier problem. It was found that the Rocky Run was blocked by a dirt dam that had been installed by the Skadberg family to create a water hole for cattle. The dam was removed and they anticipate no further problems.

Wells County's concern is the anticipated spring run off in the Oak Creek and Rocky Run drainage areas.

The spring outlook for flooding along the Rocky Run looks bad. Probably more snow pack than there has been in years. Wells County Board reported that they have already or will be adding six gates on culverts at the following locations:

- 2 between Sections 19 and 20
- 2 between Sections 32 and 33
- 1 between Section 29 and 30
- 1 between Section 7 and 8

all in Fairville Township of Wells County. Four of these gates are on private drainage channels. They also reported that they continue to search for more areas in which to install gates to better control the water flow.

Concern was expressed by Kenneth Reis regarding downstream landowners. Kenneth believes that the snow should not be removed from the five mile diversion ditch so that the bottom end of the Rocky Run will clear sufficiently before additional water comes in from Oak Creek. He also thinks that there should be a gate at the east end of the diversion ditch.

The Wells County Board says that they believe the ditch should be kept clear of snow and ice so as to better control the flow and to prevent the water from breaking through the dike along the north side of the ditch. They don't believe that a gate at the east end of the ditch would hold back water and they also seem to feel that if they keep the gates closed to the west there isn't a lot of area that drains from the vicinity of Cliff Gedrose and Jerry Engels anyway.

There was also talk that the Engels family might allow some water to be diverted through their land (north of the diversion channel). This would be accomplished by installing a gated culvert through the dike on the north side of the diversion channel. This would be used as an emergency overflow when the situation dictates.

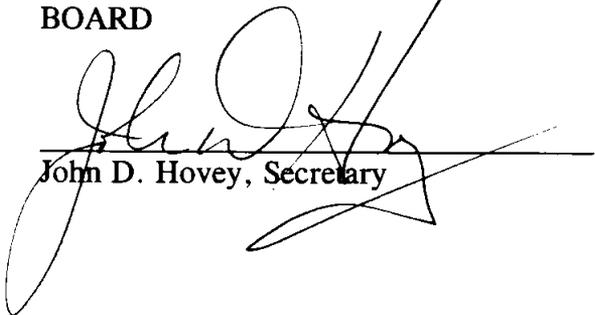
Both Boards agreed that at least for present the key is to operate the gates accordingy to the prior agreement until everyone sees what happens.

The Boards felt that they should probably be holding a joint Board meeting on an annual basis at which the public could participate. It was decided to schedule it for the first Tuesday or Wednesday in March of each year at 1:00 PM. On even number years it will be held in Fessenden on Tuesday and on odd number years in New Rockford on Wednesday. These meetings would be preceded by one publication in each of the three county newspapers.

There being no further business the meeting was adjourned.

Respectfully submitted,

EDDY COUNTY WATER RESOURCE
BOARD



John D. Hovey, Secretary

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
February 4, 1997

A regular meeting of the Eddy County Water Resource Board was held on February 4, 1997 at 10:00 AM in the Eddy County Courthouse. Present were Stanley Ripplinger, Marvin Tollefson, Kenneth Reis and John D. Hovey, Secretary.

Minutes of the January 7, 1997 meeting were read and approved as read.

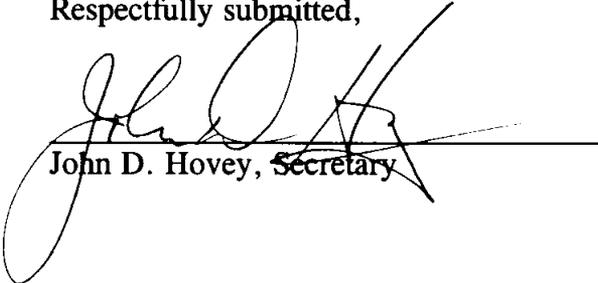
Letter from the Soil Conservation District was reviewed regarding the February 19, 1997 meeting at the Garrison Diversion Building. Stan has agreed to attend.

The following bills were approved for payment:

North Dakota Insurance Reserve Fund - insurance premium -	\$305.00
North Dakota Water Users - dues	\$300.00

There being no further business the meeting was adjourned.

Respectfully submitted,


John D. Hovey, Secretary

JDH:so

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD

January 7, 1997

A regular meeting of the Eddy County Water Resource Board was held on January 7, 1997 at 10:00 AM in the Eddy County Courthouse. Present were Stanley Ripplinger, Marvin Tollefson and Kenneth Reis. John D. Hovey, Secretary, was absent.

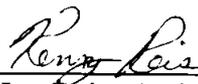
Stanley Ripplinger called the meeting to order with no old business to report.

Stanley reported on a Roadway Drainage Permits Workshop to be held at the Chieftain Motel in Carrington, January 15, 1997. Stanley and Ken will try to attend if possible. A \$35.00 fee will be sent in for pre-registration.

It was decided that the officers remain the same with Stanley Ripplinger as President, Marvin Tollefson as Treasurer and Ken Reis as regular ~~meeting~~
member.

There being no further business the meeting was adjourned.

Respectfully submitted,



Ken Reis, Acting Secretary

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD

December 3, 1996

A regular meeting of the Eddy County Water Resource Board was held on December 3, 1996 at 10:00 AM in the Eddy County Courthouse. Present were Stanley Ripplinger, Marvin Tollefson, Kenneth Reis and John D. Hovey, Secretary. Minutes of the November 5, 1996 meeting were read and approved as read.

Hovey reported on a November 25, 1996 request for one member from our Board to serve on the Devils Lake Basin Joint Water Board. Stanley agreed to serve. Hovey to contact Devils Lake Basin Joint Water Board and Eddy County Commission. No one from our Board attended the Cooperstown meeting on November 25th but we believe that Lorraine did so.

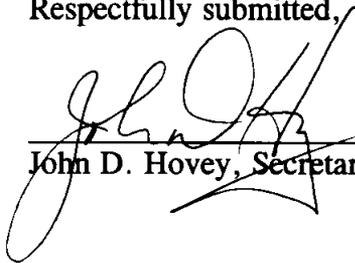
Various items of correspondence were received and discussed.

Vouchers for the month of July through December, 1996 were prepared and submitted to the Treasurer for payment.

Hovey reported he will be gone for the January, 1997 meeting.

There being no further business the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Secretary

PC: Stan Ripplinger

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
November 5, 1996

A regular meeting of the Eddy County Water Resource Board was held on November 5, 1996 at 10:00 AM in the Eddy County Courthouse. Present were Stanley Ripplinger, Marvin Tollefson, Kenneth Reis and John D. Hovey, Secretary. Minutes of the September 3, 1996 meeting were read and approved as read.

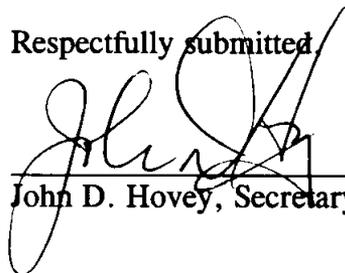
Only Stanley Ripplinger showed for the October meeting so the meeting lacked a quorum.

Stanley Ripplinger reported on a meeting that he had attended in Carrington with the Foster County Water Resource District. The purpose of the meeting was that Kevin Lura wanted to clean out a shelter belt on his land and a prairie road between he and Kenneth Anderson, all of which is located in Eddy County. Stan told him that if he wanted to make an appearance it should be before the Eddy County Water Board.

Stan, Marvin and Ken reported on the trip to the Steve Messner farm on October 25th regarding replacement of a culvert. The Board told Steve that the decision to install culverts would be up to the Township Boards and landowners. They informed him that the Eddy County Board would only address complaints of improperly installed culverts. (36 miles Kenny).

There being no further business the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Secretary

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
September 3, 1996

A regular meeting of the Eddy County Water Resource Board was held on September 3, 1996 at 9:00 AM in the Eddy County Courthouse. Present were Stanley Ripplinger, Marvin Tollefson and John D. Hovey, Secretary. Absent was Kenneth Reis. Minutes of the August 6th meeting were read and approved as read.

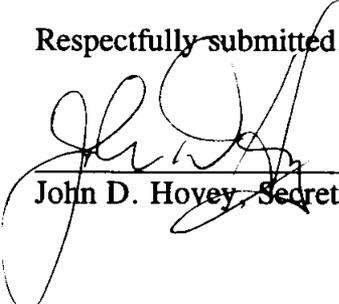
Elder Daugherty correspondence regarding levy limitations was reviewed. No action was necessary.

Letter regarding animal damage control and annual fee ^{of} ~~was~~ \$1,000.00 was discussed. We do not believe we have sufficient beaver problem in Eddy County to warrant this expenditure. Offer was refused.

We filled out the Lake Management Survey and returned it to Lake Emergency Management Committee.

There being no further business the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Secretary

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD

August 6, 1996

A regular meeting of the Eddy County Water Resource Board was held on August 6, 1996 at 9:00 AM in the Eddy County Courthouse. Present were Stanley Ripplinger, Marvin Tollefson, Kenneth Reis and John D. Hovey, Secretary. The minutes of the July 1, 1996 meeting were read and approved as read.

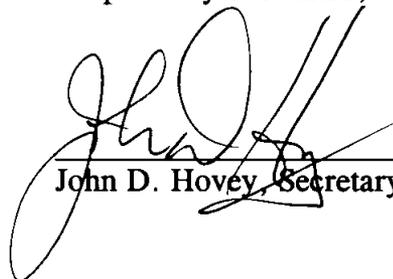
Hovey reviewed his letter to Glenn Walz of July 1, 1996 regarding Jeff Olson maps and report. He has received no reply from Mr. Walz.

Stan Ripplinger reported that Sid Gunderson from Wells County thought that Meier's flood problem on Rocky Run could be solved by killing foliage in the channel with Round Up. Wells County is apparently working on this.

Stan and John reported on the Devils Lake Basin meeting held July 16, 1996 at the Eddy County Courthouse with Ray Horne, Vern Thompson and the Eddy County Commissioners. There is no action that needs to be taken on this meeting at this time.

The Board then prepared the 1997 budget which was submitted to the County Auditor. There being no further business the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Secretary

JDH:so

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
July 1, 1996

A regular meeting of the Eddy County Water Resource Board was held on July 1, 1996 at 9:00 AM in the Eddy County Courthouse. Present were Stanley Ripplinger, Marvin Tollefson, Kenneth Reis and John D. Hovey, Secretary. The minutes of the March 7, 1996 Joint Rocky Run Meeting and the April 2, 1996, March 16, 1996, April 16, 1996, April 17, 1996, April 19, 1996, April 22, 1996, May 7, 1996, and June 10, 1996 Regular and Special Meeting minutes and notations were read and approved as read.

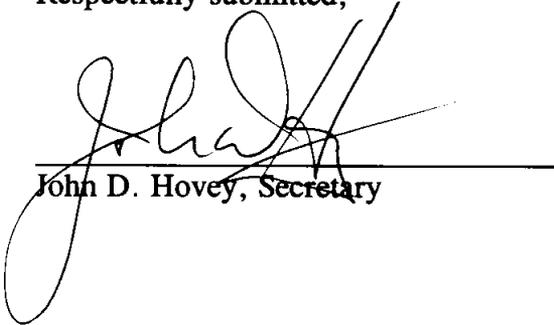
Stan reported that he attended the April 10, 1996 Rocky Run meeting regarding the Meier complaint with Lorraine Allmaras.

The State Water Commission letter from Jeff Olson dated June 20, 1996 regarding Glenn Walz was reviewed. Hovey was instructed to write Glenn and offer copies of any documents that he did not get and to explain that the Board will expect Glenn to follow through from this point on but to offer any help that we can.

The Board's vouchers were then computed through the month of June, 1996 and presented to the Treasurer for payment.

There being no further business the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Secretary

JDH:so

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
JUNE 10, 1996

A special meeting of the Eddy County Water Resource Board was held on June 10, 1996 at 10:00 AM in the US Government Office and at the Glenn Walz Farm. Present were Stanley Ripplinger and John D. Hovey from the Water Board; Wendy Barthomay (New Rockford), Verle Marsaa (New Rockford), Dave Dewald (Bismarck) and Paul Halco (Devils Lake) from NRCS; Carmen R. Luna from US Fish and Wildlife Service; Jeff Olson from SWC; Glenn Walz, Ed Walz and Richard Weisenberger.

Glenn explained his proposal. He stated that the main channel is to the North and not to the South.

Jeff Olson says the topags show that Glenn's proposal to by-pass his land would take it out of the main channel and State Water Commission would probably not agree. Glenn feels the creation of the wetland on his property is a fairly recent event. It was not designated a wetland until 1989. Ed Walz stated that until Highway 15 was built there was not problem.

Jeff Olson stated that the topag map was drawn in 1950 and shows a wetland on the Walz land but the wetland is fairly small on this map. He says that water resource districts can make landowners reverse drainage done since 1975 which is the first time that permits were required. This would be for any drainage done without a permit.

He says that the Water Resource District can also order landowners to remove siltation from their property even if it can't be proved that the silt came from their land.

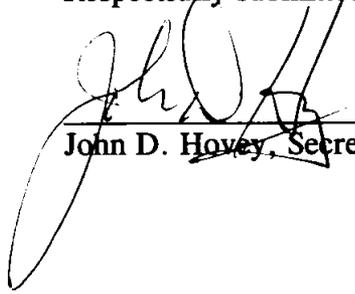
It was agreed that the suggested solution would be as follows:

1. First of all they need a survey. We can request this from the State Water Commission. We should send them a map, ask them to determine the size of the watershed area, determine proper culvert sizes and to do an actual survey.
2. Request the State Water Commission look at obstructions such as Highway 15, etc.
3. Suggest the possible use of a box culvert through Highway 15. If not, look for high spots or obstructions.
4. State will need the size of the watershed.

The group then drove around and conducted an onsite inspection.

There being no further business the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Secretary

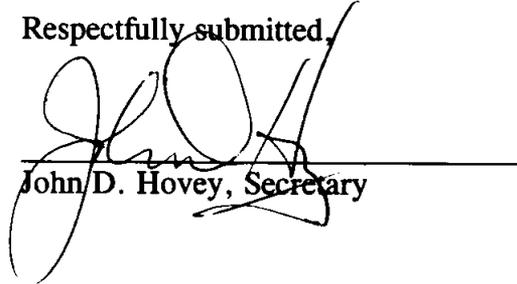
JDH:so

**MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
JUNE 4, 1996**

The regular June meeting of the Eddy County Water Board was held on June 4, 1996 at 9:00 AM in the Eddy County Courthouse. Present were Stanley Ripplinger and John D. Hovey, Secretary. Meeting was not held for lack of a quorum.

Stan and John took a tour of the Ed Haman/Alford Tollefson area.

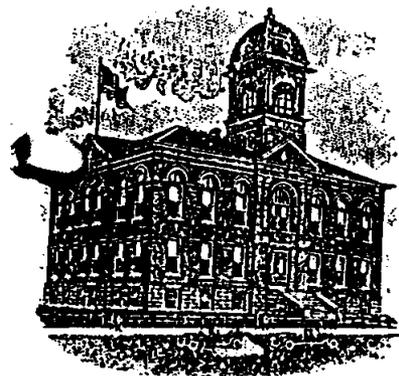
Respectfully submitted,



John D. Hovey, Secretary

Eddy Co Water Board Meeting 5-2-1996 all members present John Abner
Called to order by Pres. Stan Ripplinger no minutes from previous
meeting to be read. Decided to go to summer schedule for the June
meeting. Wendy from soil conservation requested the board let her
know of any culverts being put in roadway. No complaints brought
in so moved to adjourn.

Ken Lee



Eddy County

Committee

NORTH DAKOTA.

EDDY COUNTY WATER RESOURCE BOARD

NEW ROCKFORD, NORTH DAKOTA

April 24, 1996

James H. Johnson
607 7th Avenue South
New Rockford, ND 58356

Dear Jim:

This letter is in reply to your inquiry of the Eddy County Water Resource Board regarding a permit to drain water from behind your home in an easterly direction along 7th Avenue South of the City of New Rockford.

North Dakota law requires a permit only when the water shed to be drained exceeds 80 acres so therefore it is not necessary for you to apply for a permit from this office.

This letter is not intended to imply that the Water Board has reviewed your proposed drainage and gives its approval. Rather, this is a matter that should be worked out between yourself, the City of New Rockford and whoever farms the land immediately to the east of your property since it appears that they have been farming right up to the traveled portion of 7th Avenue South.

If you have any further questions please advise.

Yours truly,

EDDY COUNTY WATER RESOURCE
BOARD

By _____
John D. Hovey, Secretary

JDH:so

4-19-96

Kenny and I drove out to see water. The culvert south of Eddy Hamans was running east to west, then down the road ditch south to Highway 15. We then went out to Hamar to look at Hass water. It was running through the culverts full, north to south $\frac{1}{2}$ mile west of Hass driveway, then looked like it went over Hass dams, because it was going through the culvert full $\frac{1}{2}$ mile east and $\frac{1}{2}$ mile south of Hass driveway. On return trip drove up to Mowens Tollefson road. About $\frac{1}{4}$ mile north of Highway 15 water was 12 inches higher on west side of road than on east side. The culvert was shot and was not put in last fall. Kenny drove 104 miles.

4-22-96

Kenny and I were called by Jerry Merning to see if we had any objections to the Co. putting a pipe in Co. road No 3 at Ole Erickson's farm, just west of farm. We decided we had nothing against it. Stopped at John's office on way back to converse with John about answering the complaint of Glenn. Decided that Hass dam was not obstructing water as we could see. Also discussed Jim Johnson's request to drain small pot hole south of town. Decided not to give written permit unless we knew exactly what he was going to do. Kenny drove 90 miles.

4-16-96 - 9:00 AM

Kenny and I drove out to Rick Thomas to see the water problems on some of the land he farms. Decided the problem could only be helped by drainage, which would have to be cleared with FSA. We all stopped there but Wendy was gone. Nancy Hitchey said she would relay the message. Kenny drove 16 miles.

4-16-96 - 1:00 PM

Marvin and I went to see the erosion on ~~the~~ Bruce Larson's land, at ~~his~~^{his} request, about 1 mile south of Skyeone on east side of 281. Marvin drove 20 miles.

4-17-96 - 8:00 PM

I alone went to Hesselton to a joint meeting on siltation of main Rabbit Run. It was decided to have FSA survey to see where and how much siltation there was between Miers farm and Paul Spadberg farm. Then decide what needs to be done. Drove 63 miles.

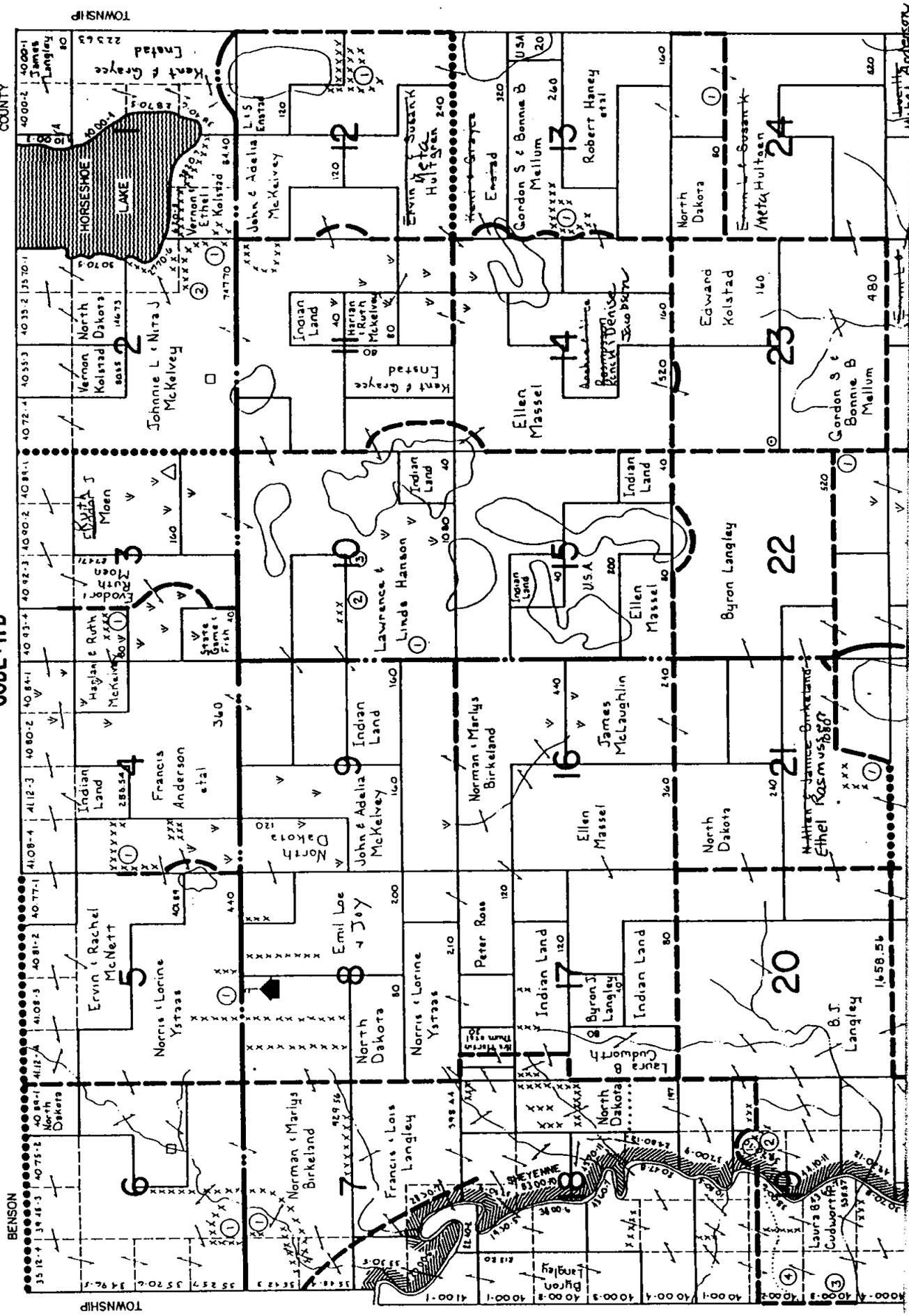
Stanley Lesplinger

HILLSDALE

TOWNSHIP : 150 N.

CODE : HD

RANGE : 64 W.

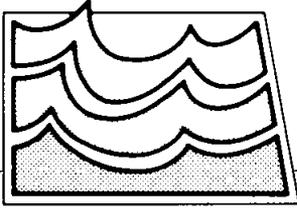


BENSON

TOWNSHIP

TOWNSHIP

MILWAUKEE, SOUTH DAKOTA



North Dakota State Water Commission

900 EAST BOULEVARD • BISMARCK, ND 58505-0850 • 701-328-2750 • TDD 701-328-2750 • FAX 701-328-3696

April 15, 1996

Stan Ripplinger, Chr.
Eddy County WRD
523 Central
New Rockford, ND 58356

Dear Stan,

Ray Horne, Devils Lake Basin Coordinator, asked me to identify the portions of Eddy County that are located within the Devils Lake Basin. Based on the information I have, these tracts are as follows:

Hillsdale Township (T 150 N, R 64 W):

Sections 1, 2, 3, SE1/4 4, E1/2 9, 10, 11, 12, NW1/4 13, 14, 15, E1/2 16,
NE1/4 21, N1/2 22, NW1/4 23

Eddy Township (T 150 N, R 63 W):

Sections NW1/4 1, NE1/4 2, W1/2 2, 3, N1/2 4, N1/2 5, W1/2 6, NE1/4 6,
W1/2 7, N1/2 10, NW1/4 11

If you have any questions, please contact me at (701) 662-7076.

Sincerely,

C. Gregg Thielman, P.E.
Water Resources Engineer

GT/416

Town



Country

Business

Personal

Commercial

March 16 - 1996

Kenny Reis and Stan Replinger went out to the Haman farm to observe the movement of water, and found that water was flowing west to east at first pipe south of Haman farm. It was also going west to east right at the Haman farm. Water was just starting through pipe on east side of road on approach, flowing north to south. Water was flowing north to south through pipe that was put in canal road. There was water movement through pipe west of Tim Tolleson drive way from north to south. Could not tell any water movement through pipe in road 1/2 mile west of Alfred Tolleson road. Observed no water movement in west ditch of Haman road, where new ditch was put.

Kenny drove 27 miles
Donn Frahm, Representative

Stanley Replinger

New Rockford, North Dakota 58356

Phone: 947-2724



MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
APRIL 2, 1996

The regular April meeting of the Eddy County Water Board was held on April 2, 1996 at 10:00 AM in the Eddy County Courthouse. Present were Stanley Ripplinger, Kenneth Reis, Marvin Tollefson and John D. Hovey, Secretary. The minutes of the March 5, 1996 meeting were read and approved as read.

Stan and Kenny reported on the Rocky Run Joint Board meeting. Both Foster and Wells County SCS Offices had looked into the Meier problem last summer. There definitely is siltation in Foster County which backs the water up into Wells County. Corrective measures will be taken and monitored by Foster and Wells County. The cost of the work will be assessed against those two counties.

Fabian Noack is to send us minutes of the meeting.

Hovey is to send another bill to Foster County for the costs we advanced.

Hovey reported that he had signed as Secretary the refunding bond documents regarding the Joint Water District of Wells, Foster and Eddy Counties.

It was decided to skip the ^{May}~~main~~ meeting unless one of the members called with a problem.

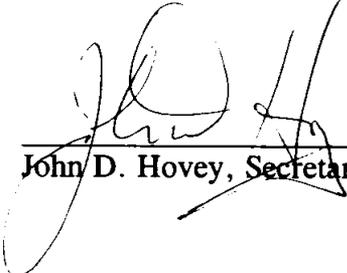
Stan reviewed minutes of a special trip he and Ken had taken regarding the Alfred Tollefson complaint. They had called Marvin but he couldn't make it so on March 16, 1996 they drove to the Eddie Haman area. See attached copy of Stan's contemporaneous minutes.

Hovey reported that on March 20, 1996 he drove by the Gerald Haas farm and there was no water moving and it did not appear that there had been any water moving.

Lorraine Allmaras met with the Board regarding Devils Lake Basin proposed legislation. Apparently they are setting up a study group that will meet on April 10th. Stan may go up and sit in on the meeting. The study group is to establish legislation which would deal with the Devils Lake Basin water flooding and probably provide for a levy of taxes.

There being no further business the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Secretary

**MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
MARCH 5, 1996**

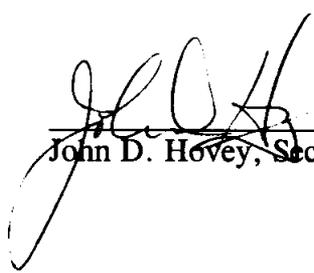
The regular March meeting of the Eddy County Water Board was held on March 5, 1996 at 10:00 AM in the Eddy County Courthouse. Present were Stanley Ripplinger, Kenneth Reis and John D. Hovey, Secretary. Marvin Tollefson was absent. The minutes of the February 6, 1996 meeting were read and approved as read.

Jerry Fleming and Lorraine Allmaras met with the Board regarding Mervin Whetham complaint. Commissioners agreed that in view of the engineer's report, they will have the County Road Department plug the two culverts through the farm to market road which will divert water east to the curves on the south side of the road and then through the culvert to the river. This will be done until some permanent solution is arrived at. Ervin Loe will monitor this operation.

Stan reported that there will be a meeting of the Joint Water Board on Thursday the 7th of March. Donovan Meier's 1995 complaint will be addressed. Board reviewed the April 11, 1995 minutes and Stan will take a copy to the meeting.

There being no further business the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Secretary

**MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
FEBRUARY 6, 1996**

The regular February meeting of the Eddy County Water Resource Board was held on February 6, 1996 at 10:00 AM in the Eddy County Courthouse. Present were Stanley Ripplinger, Marvin Tollefson, Kenneth Reis and John D. Hovey, Secretary. The minutes of the December 5, 1995 and January 2, 1996 minutes were read and approved as read.

Marvin Tollefson reported that there had been no reimbursement received to date from either Wells or Foster County on the Lesmeister bill for the beaver dam removal.

The following bills were approved:

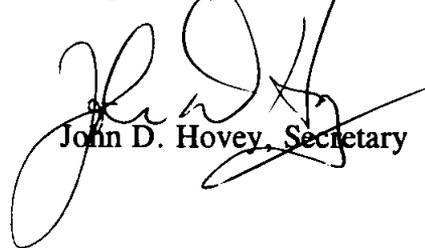
North Dakota Water Users - Dues	\$300.00
North Dakota Water Resource District Association - Dues	\$375.00
North Dakota Insurance Reserve Fund	\$309.00

Marvin Tollefson also reported that the Water Resource District reimbursed Eddy County for Hovey's last half 1995 fees and costs which were billed to and paid by the County in error.

The Board then met with the County Commissioners who agreed that when their engineers do a survey in the vicinity of Mervin Whetham's farm that they will take whatever shots are necessary to determine if the culverts through the paved farm to market road in fact divert water across Whetham's land as Mervin alleges. If so, it was agreed that the culverts should either be plugged, half plugged, or some steps taken to relieve this pressure on Mervin Whetham's land.

There being no further business the meeting was adjourned.

Respectfully submitted,


John D. Hovey, Secretary

**MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
JANUARY 2, 1996**

The regular January meeting of the Eddy County Resource Board was held on January 2, 1996 at 10:00 AM in the Eddy County Courthouse. Present were Stanley Ripplinger, Marvin Tollefson and Kenneth Reis. Absent was John D. Hovey, Secretary. Due to the absence of Secretary Hovey the December 5th minutes were unavailable for approval.

A letter from David Dewald of the US Department of Agriculture dated December 21, 1995 was reviewed. This letter suggest that ditch blocks be installed along the south road ditch located between Section 23 and 26 of New Rockford Township to force water out of the ditch and into the natural ~~colley~~. It was decided to have this reviewed by Secretary Hovey when he returned from his absence. Also it should be determined if the suggested ditch blocks would be located in both the north and south ditches of the Corps road between Sections 23 and 26.

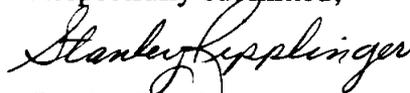
Stan Ripplinger reported that Norman Remboldt called regarding siltation in the main Rocky Run. The suggestion was that this should be discussed at a meeting of the joint boards of the Rocky Run.

The board discussed the payment error on John Hovey's billing and decided to leave it until Hovey returns at the February meeting.

The Board reorganized with all officers retaining their same positions.

There being no further business the meeting was adjourned.

Respectfully submitted,



Stanley Ripplinger
Acting Secretary

**MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
DECEMBER 5, 1995**

The regular December meeting of the Eddy County Resource Board was held on December 5, 1995 at 10:00 AM in the Eddy County Courthouse. Present were Stanley Ripplinger, Marvin Tollefson, Kenneth Reis and John D. Hovey, Secretary. The November 7, 1995 minutes were read and approved as read.

The first item had to do with the Alford Tollefson complaint. Marvin Tollefson thought that we should have some minutes or letter or other "hard" evidence in our files and minute book that the representative from the State who met with the Board and Jeff Roel last spring was the first one to suggest that ditch blocks be installed on the north and south side of the Corps maintenance road. If this cannot be done at the present time it was agreed that at all meetings in the future someone should take minutes.

Mervin and Vivian Whetham appeared before the Board. They object to the clean out of the ends of the culvert that was done when the east ditch block was removed. They said that the culverts should be either plugged or removed. Mervin says that without a road all the water would run east until you get about a half mile west of his farmstead and then there is some that would run north across his field. Steve Thompson's report seems to bear this out. It appears that Steve is questioning why the culverts went through the farm to market road in the first place. We would have to verify this with Steve however.

It was decided to ask the County Commissioners if they would pay for some type of survey to be taken in the area to see if the culverts through the farm to market road should be removed or should never have been installed in the first place.

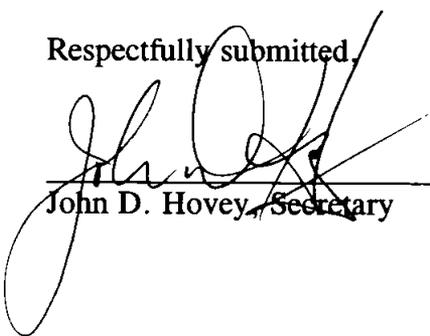
The bill from Frontier Precision in the amount of \$192.32 for the survey equipment was approved and ordered paid.

Hovey's November 9, 1995 letter to Eugene Gleason was read and filed with the Gleason complaint file.

Vouchers for the months of July through December were prepared and approved.

There being no further business the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Secretary

**MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
NOVEMBER 7, 1995**

The regular November meeting of the Eddy County Resource Board was held on November 7, 1995 at 9:05 AM in the Eddy County Courthouse. Present were Stanley Ripplinger, Marvin Tollefson, Kenneth Reis and John D. Hovey, Secretary. The October 3, 1995 minutes were read and approved as read. Also present at the meeting was Mary Evanson who asked for relief from water which is ponding in the old highway ditch east of their home. This is causing water problems in their house.

She believes that the old highway ditch was partially filled in and has silted in but felt if it was cleaned out the water would run south towards the north branch of the rocky run and eventually get away. Board will contact SCS and see if they can do core samples in the ditch and come up with a solution to this problem.

Marvin Tollefson then asked that the Alford Tollefson complaint be addressed. Marvin suggests that ditch blocks will be needed on both the north and south side of the Corps maintenance road which runs between Sections 23 and 26 to force the water ^{South} instead of allowing it to flow east. Marvin also said there were culverts through Haman's approaches before the Corp rebuilt the north/south "township" road between Sections 25 and 26. As per August 1st minutes this will be monitored again next spring.

Next the October 4, 1995 special minutes of the Board were read and approved as read. These minutes deal with the Gleason complaint and it was decided to:

1. Hovey is to write Gleasons and ask for pictures of the washed out road between Hamar and Haas.
2. Ask them to advise us when the water first starts running in the spring; later when it crests; and finally when it stops running altogether.

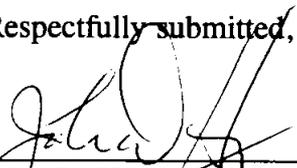
Hamel from the railroad said that they found no beaver obstruction in the culvert and nothing further will be done on that matter.

Next addressed was the Whetham complaint. Steve Thompson's 10-5-95 report was reviewed. We then met with Jerry Fleming since the Commissioners were not having an official meeting today. Jerry thought that the County could probably go in with the loader and clean out the end of the culverts and also knock a hole in the east dike. Stan would contact Jeff Roel before this is done.

Eddy County Water Resource Board minutes
November 7, 1995
Page 2

There being no further business the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Secretary

P.S. I called Frontier Precision in Bismarck and talked to Carol. They have a 16 foot rod that's broken down into tenths for approximately \$80.00, a two power heavy duty hand level for approximately \$90.00 and a 100 foot chain in tenths for approximately \$35.00 for a total of \$205.00 plus tax.

**MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
OCTOBER 4, 1995**

A special meeting of the Eddy County Water Resource Board was held on October 4, 1995. Present were Stanley Ripplinger, Kenneth Reis and John D. Hovey, Secretary. Absent was Marvin Tollefson.

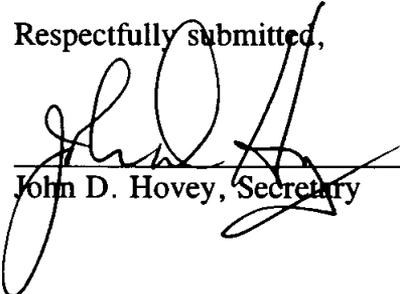
The Board first traveled to the Ed Hartl farmstead North of Warwick where it found that the culvert being offered by the Benson County Commissioners was 30 feet long by 30 inches in diameter. The Board then traveled to the Gerald Haas farm where the following took place:

1. The Board was unable to determine with absolute certainty whether the railroad had removed the beaver dam from the culvert through its embankment.
2. The Board met with Gerald Haas and his son who were quite belligerent regarding the installation of any culvert in what they now refer to as a "dam" south of the railroad tracks.
 - A. They insisted that neither the dam north of the tracks, the tracks nor the dam south of the tracks held back any water on their neighbors. They also denied that the road between their place and Hamar had been under water last spring. (Gleasons say they have pictures.)
 - B. They said that if the high spots were removed in the Indian land and further north that the water would flow on through and nobody would be flooded.
 - C. At one point they stated that we could go ahead and install the culvert ourselves.

There being no further business the Board returned to New Rockford.

Hovey is to call Robert Hamel from the railroad to see what they have done regarding the beaver dam. Stan Ripplinger will check on the coupling ring for the culvert. Hovey is also to get procedure for assessing Water Board costs against landowners.

Respectfully submitted,



John D. Hovey, Secretary

JDH:so

**MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
OCTOBER 3, 1995**

A regular meeting of the Eddy County Water Resource Board was held on October 3, 1995 at 9:00 AM in the Eddy County Courthouse. Present were Stanley Ripplinger, Kenneth Reis and John D. Hovey, Secretary. Absent was Marvin Tollefson. The September 5, 1995 minutes were read and approved as read.

Also read was Secretary Hovey's September 6, 1995 letter to the Whethams.

Vivian Whetham again met with the Board regarding Hovey's September 6, 1995 letter as well as additional correspondence she had received from the North Dakota Attorney General's Office. The Attorney General information was basically the same information we had given Mrs. Whetham in September.

In any event the Board agreed to an on site inspection which it did following the meeting. The Board together with Steve Thompson traveled to the Whetham farmstead. Mrs. Whetham accompanied the Board from this point on. They examined all approaches and ditch blocks involved and Steve Thompson, with the approval of the Eddy County Commissioners, will review the original construction blueprints for that section of the road and furnish us with his report as to "why the ditch blocks?" and what could be done. It was evident from looking at those approaches (with culverts already installed) that the culverts in the bottom of the ditches were silted in and that much of the water was being held back by that silt.

The Haas complaint was then addressed. The Board will travel to Warwick to look at the culverts in Hartl's yard and will then go on to talk to Haas. Eddy County Commission will supply the coupling ring.

It was reported that all of the culvert work agreed to with the New Rockford Township Board had been completed.

It was also reported that Wayne Lesmeister had removed the beaver dam at the Kittleson farmstead. There has been no bill submitted yet but when it is it can be submitted to both the Foster and Wells County Boards.

A complaint from Alfred Tollefson, Dwayne Weber and Malcolm Thompson dated September 28, 1995 was then addressed. This complaint alleges that culverts installed through the driveway leading into Ed Haman's farmstead were part of the agreement to dig the ditch to Highway No. 15 but that New Rockford Township has now broken that promise and that therefore the complainants want the culvert between the NW1/4 of Section 25 and NE1/4 of Section 26 removed.

At a meeting held on May 24th attended by Jeff Roel, Kenneth Reis, Marvin Tollefson, Ed Haman, Dwayne Weber, and a representative of the US Fish and Wildlife Service, Ed Haman

Eddy County Water Resource Board

October 3, 1995

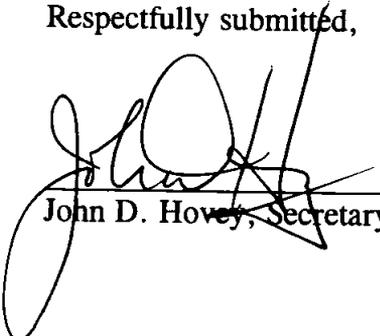
Page 2

suggested the removal of the existing east/west culvert between the NW1/4 of Section 25 and NE1/4 of Section 26 and to use that culvert together with two additional culverts through the three approaches into his farmstead. This all being a part of the discussion in connection with the clean out of the ditch on the east side of Section 26 from a point south of Ed Haman's yard to Highway 15. However, only Ed Haman was present at the May 24th meeting and he emphatically denies committing or that he could commit the Township Board to that proposal. The full New Rockford Township Board has refused to go along with that proposal.

The Eddy County Water Board has consistently refused to order the removal of any culvert unless it can be shown with absolute certainty that the culvert diverts water from its natural water course. Since there are no defined water courses in this immediate area it would appear from the topographical maps and information supplied by Fandrich Surveying that water from the north and northwest of Ed Haman's farmstead could work its way east and southeast, as well as south and southwest, of Ed Haman's farmstead in the absence of any roads in the area. Therefore the position taken by the Water Board at its August 1, 1995 meeting was reaffirmed. Hovey is to inform Tollefson, Thompson and Weber of the Board's decision.

There being no further business the meeting was adjourned.

Respectfully submitted,


John D. Hovey, Secretary

JDH:so



OFFICE OF ATTORNEY GENERAL
STATE OF NORTH DAKOTA

Heidi Heitkamp
ATTORNEY GENERAL

September 19, 1995

CAPITOL TOWER

State Capitol
600 E. Boulevard Ave.
Bismarck, ND 58505-0040
701-328-2210
FAX 701-328-2226

Consumer Protection
and Antitrust Division
701-328-3404 (V/TDD)
800-472-2600 (V/TDD)
Toll Free in North Dakota
FAX 701-328-3535

Gaming Division
701-328-4848
FAX 701-328-3535

Licensing Section
701-328-4848
FAX 701-328-3535

CAPITOL COMPLEX

State Office Building
900 E. Boulevard Ave.
Bismarck, ND 58505-0041
FAX 701-328-4300

Civil Litigation
701-328-3640

Natural Resources
701-328-3640

Racing Commission
701-328-4290

Bureau of Criminal
Investigation
P.O. Box 1054
Bismarck, ND 58502-1054
701-328-5500
800-472-2185
Toll Free in North Dakota
FAX 701-328-5510

Fire Marshal
Northbrook Mall
1929 N. Washington
Bismarck, ND 58501-1616
701-328-5470
FAX 701-328-5474

Fargo Office
P.O. Box 1773
Fargo, ND 58107-1773
701-239-7126
FAX 701-239-7129

Vivian Whetham
Route 1, Box 88
New Rockford, ND 58356

Dear Ms. Whetham:

Pursuant to our conversation, enclosed is a copy of North Dakota Century Code sections 61-01-06, 61-01-07, and 24-03-06, and Lemer v. Koble, 86 N.W. 2d 44 (N.D. 1957).

N.D.C.C. § 24-03-06 requires the entity responsible for the road, i.e. the township is responsible for township roads, the county for county roads, etc., to construct and maintain the road to allow for the natural flow and drainage of surface waters. Failure to do so may result in obstruction of the water course which is prohibited by N.D.C.C. § 61-01-07. Where a natural water course exists, proper culverts must be installed to assure there is no obstruction and the water will flow as it would were no road present. See Attorney General's Opinion 88-3, copy enclosed.

I hope this information is helpful.

Sincerely,

Julie Krenz
Assistant Attorney General
Office of Attorney General
900 East Boulevard Avenue
Bismarck, ND 58505-0041
Telephone (701) 328-3640
Facsimile (701) 328-4300

lt
Enclosures

e:\nr\krenz\wetham.1e1

STATE OF NORTH DAKOTA
ATTORNEY GENERAL'S OPINION 88-3

Date issued: February 8, 1988

Requested by: James W. Wold, Griggs County State's Attorney

- QUESTION PRESENTED -

Whether a county has a duty to furnish, install, or maintain a culvert in a township road at the intersection of a natural watercourse?

- ATTORNEY GENERAL'S OPINION -

It is my opinion that, absent an agreement to the contrary, a county has no duty to furnish, install, or maintain a culvert in a township road at the intersection of a natural watercourse unless the natural watercourse has been or is "proposed to be opened and improved for the purpose of drainage."

- ANALYSIS -

This inquiry arises in light of an attempt to determine the application of N.D.C.C. § 24-08-02.1 to natural watercourses. That section requires a county to furnish and install culverts on township roads which are intersected by an "established drain." N.D.C.C. § 24-08-02.1. This office earlier opined that an "established drain" was defined by N.D.C.C. § 61-21-01(4).¹ 1983 N.D. Op. Att'y Gen. 12. Under that definition a natural watercourse which has been, or will be, improved for drainage is

¹In the earlier opinion the citation was to N.D.C.C. § 61-21-01(1). However, the subsections have been rearranged alphabetically and subsection 1 has now become subsection 4. Subsection 2 of N.D.C.C. § 61-16.1-02 also uses the same language to define "assessment drain." N.D.C.C. § 61-16.1-02(2) (1985). This was not noted in the earlier opinion. It is evident, however, that an "established drain" includes an "assessment drain."

an "established drain." In that instance, N.D.C.C. § 24-08-02.1 would require the county to furnish and install any necessary culverts.

However, in 1981 the Legislative Assembly enacted N.D.C.C. §§ 61-16.1-42, 61-16.1-43. These sections apply when it is necessary to run a drain through a road. The cost, after state and federal funds are considered, is to be split 60-40 between the water resource district and the county, respectively.

The object of N.D.C.C. §§ 24-08-02.1, 61-16.1-42, and 61-16.1-43 is to allocate the financial responsibility for installation of culverts upon various entities. While each relates to the same subject matter, N.D.C.C. § 24-08-02.1 conflicts with N.D.C.C. §§ 61-16.1-42 and 61-16.1-43. N.D.C.C. § 24-08-02.1 requires the county to absorb all the costs of furnishing and installing the culverts. N.D.C.C. §§ 61-16.1-42 and 61-16.1-43, on the other hand, require the water resource district to absorb 60% of the costs not absorbed by the state or federal governments.

Each provision of the North Dakota Century Code is to be construed "liberally, with a view to effecting its objects and to promoting justice." N.D.C.C. § 1-02-01. If possible, apparently conflicting statutes relating to the same subject matter should be read in a manner which gives effect to both. Kosmatka v. Safety Responsibility Div., 196 N.W.2d 402 (N.D. 1972); Strandinger v. Hatzenbuhler, 137 N.W.2d 212 (N.D. 1965).

These statutes may all be given effect and their object achieved if interpreted as follows: N.D.C.C. § 24-08-02.1 must be read to apply only to drains existing, factually or legally, prior to the time the road is constructed. Thus, the term "established drain" means a structure defined in N.D.C.C. § 61-21-01(4) which is actually built or which has been "established" by completing the legal procedures necessary for a drain (i.e., having a final assessment area or a final drainage permit). N.D.C.C. §§ 61-16.1-42, 61-16.1-43, on the other hand, must be read to apply to those drains which are "established" after a road has been built. Read in this light, these statutes would further a legislative policy of requiring the party changing the status quo and benefiting from the change to pay the costs.

For example, if a drainage project is established, the plans are finalized and the costs are fixed. Costs of construction of a new road across the drain are absorbed by the county as a cost of the road because the new road changes the status quo and benefits all the public. However, when there is an existing road those wishing to construct a drain or modify an existing channel through that road are required to pay a portion of that cost

because their activities change the status quo and the greater benefit accrues to them. Because the Legislature has recognized the public benefits of drainage, a portion of the costs is also shared by the road entity.

Thus, in those cases where a road has yet to be constructed and there is a natural watercourse which is or will be improved² as a legally established drain, the county must bear the costs. In other cases where the road has already been built and a natural watercourse is to be improved by the water resource district to be used as a part of a drain, the cost is to be shared pursuant to N.D.C.C. § 61-16.1-42, 61-16.1-43. In either case, unless the drain is a private drain, once the culvert is finished and installed, maintenance costs should be allocated according to N.D.C.C. §§ 61-16.1-42, 61-16.1-43.

As to natural watercourses which are not improved or will not be improved for drainage, the entity responsible for the road (i.e., the township is responsible for township roads, the county for county roads, etc.) must construct and maintain the road so as to allow for "the natural flow and drainage of surface waters." N.D.C.C. § 24-03-06. Failure to do so may result in an obstruction of a watercourse which is prohibited. N.D.C.C. § 61-01-07. Where such a natural watercourse exists, proper culverts must be installed to assure there is no obstruction and the water will flow as it would were no road present.

Finally, it is conceivable a county and township may have entered an agreement whereby the county agreed to furnish and install culverts on certain township roads. Likewise, a water resource district may have a similar agreement. To the extent such agreements are lawfully entered, they may be enforced against the party agreeing to furnish and install the culvert. Nonetheless, ultimate responsibility will fall on the governmental entity to which the statutes assign the duty of furnishing and installing the culverts.

²In this instance a "legally established drain" is one which may not legally be challenged because an assessment area has been set up, a permit has been granted, or it is an existing drain for which no permit was required when it was built.

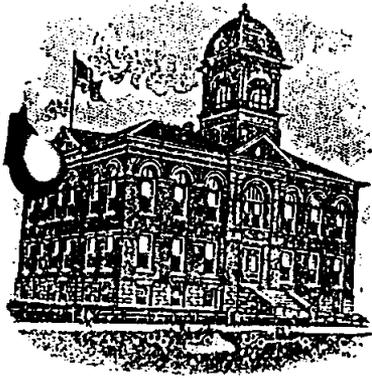
- EFFECT -

This opinion is issued pursuant to N.D.C.C. § 54-12-01. It governs the actions of public officials until such time as the question presented is decided by the courts.

Nicholas J. Spaeth
Attorney General

Assisted by: Rosellen M. Sand
Assistant Attorney General

dfm



Golden Community

NORTH DAKOTA.

NEW ROCKFORD, NORTH DAKOTA

September 6, 1995

Mervin & Vivian Whetham
RR 1
New Rockford, ND 58356

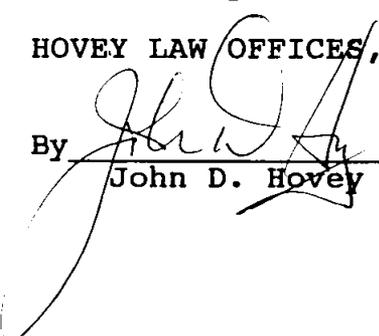
Dear Mervin and Vivian:

The Water Board did meet with the County Commissioners as agreed. Also present was the County Engineer, Steve Thompson. I am enclosing copy of our Board minutes herewith.

As you can see from the minutes the County Commissioners refused to remove the ditch blocks at this time without approval from the Engineer. The Engineer believes that they were put in the ditch for a specific reason and he suspects that it was to keep water in its previous "watershed". The County did agree to review this problem when the road is rebuilt however that will probably be a couple of years from now. If you would like to visit with the Water Board again please feel free to attend our October meeting which will be held on October 3rd at 9:00 AM in the basement of the Courthouse.

Yours truly,

HOVEY LAW OFFICES, P.C.

By 
John D. Hovey

JDH:so
Enclosure

**MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
SEPTEMBER 5, 1995**

A regular meeting of the Eddy County Water Resource Board was held on September 5, 1995 at 9:00 AM in the Eddy County Courthouse. Present were Stanley Ripplinger, Kenneth Reis and John D. Hovey, Secretary. Absent was Marvin Tollefson. The August 1, 1995 minutes were read and approved as read.

Mervin and Vivian Whetham met with the Board regarding two ditch blocks located along the County farm to market road that passes their farmstead. One ditch block is approximately one-fourth mile west and the other is approximately one-fourth mile east both being in the south ditch. These ditch blocks were installed when the road was rebuilt and paved several years ago. Their complaint is that the ditch blocks hold water and have created a slough or low area where none was before.

The Whethams had talked to Lorraine Allmaras in August and she referred them to the Water Board. The Board agreed to talk to the County Commissioners which they did. Also present was Steve Thompson the County Engineer.

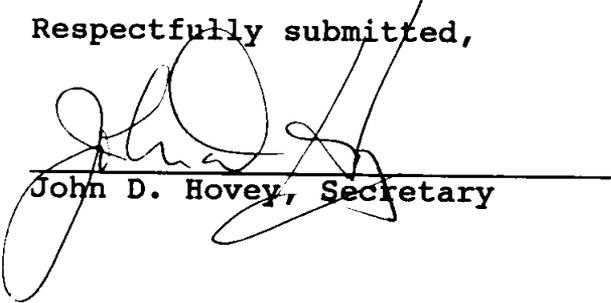
Steve Thompson had been informed of this problem previously and he checked the original plans for that road. The ditch blocks are in the original plans although the exact reason was not given. The road will be rebuilt in the next two or three years but it may be just resurfaced. However, if it is completely rebuilt then it possibly could be redesigned. For now the County Commissioners won't remove the ditch blocks unless the Engineer recommends their removal and the Engineer won't recommend removal unless his firm can do a proper study.

The New Rockford Township Board minutes of August 15, 1995 were reviewed. They seem to conform with our understanding.

Nothing to report on the Gerald Haas complaint. Hovey is to call Howard Pare again to see if they found the culvert.

There being no further business the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Secretary

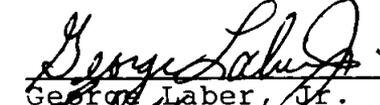
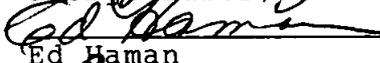
Minutes of the New Rockford Township Board
August 15, 1995

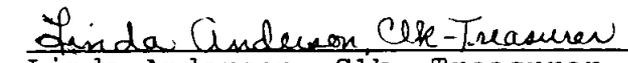
The New Rockford Township Board met on August 15, 1995 at the home of the Clerk. All members present were George Laber, Jr.; Ed Haman; Lawrence and Linda Anderson.

In regards to the letter we received dated August 1, 1995 about the culvert work to be done:

1. The "Geisinger Culvert" between Sections 11 and 12 of New Rockford Township is about to wash out, that culvert will be raised to ground level.
2. A new 24 inch culvert will be installed between the S $\frac{1}{2}$ of Section 12 and N $\frac{1}{2}$ of Section 13 approximately in the vicinity of Tim Tollefson's driveway or where stated by Tim Tollefson.
3. A new 36 inch culvert will be installed between the NE $\frac{1}{4}$ of Section 13, New Rockford Township and the NW $\frac{1}{4}$ of Section 18, Sheldon Township.
4. That the West road ditch on the road between the SW $\frac{1}{4}$ of Section 25 and SE $\frac{1}{4}$ of Section 26 be lowered to its maximum elevation as permitted by State & Federal law. This work has already been completed.
5. All board members present agreed to install the culvert in the Corp Road between Section 23 and Section 26, with no ditch blocks.

The work will be completed as soon as possible.


George Laber, Jr.

Ed Haman

Lawrence Anderson

Linda Anderson, Clk.-Treasurer

COPY: Water Board, John Hovey, Sec.

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
August 1, 1995

A regular meeting of the Eddy County Water Resource Board was held on August 1, 1995 at 9:00 AM in the Eddy County Courthouse. Present were Stanley Ripplinger, Marvin Tollefson, Kenneth Reis and John D. Hovey, Secretary. The July 13, 1995 minutes were read and approved as read.

All of the New Rockford Township Supervisors (George Laber, Lawrence Anderson and Ed Haman) were present. They took issue with the three additional items outlined in our July 13, 1995 minutes. They deny agreeing to the three culverts through the Haman approaches or the removal of the east/west culvert located in the northeast corner of Eddie Haman's farmstead. They do however agree that the original plan was to install a culvert through the Corps road but now doubt that it will do any good. There was a tentative proposal by the Township Supervisors that perhaps another culvert through the Township road south of the Haman farmstead might be sufficient.

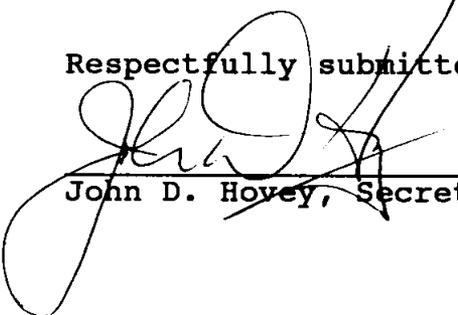
After a heated discussion, Lawrence Anderson left the meeting and the matter was further discussed. It was agreed by the three Water Board members and the two remaining Township Supervisors (**but subject to approval of Lawrence Anderson**) to do the four items as outlined in the June 22nd New Rockford Township letter but to also install the culvert through the Corps road as previously agreed. This culvert will be installed at the bottom of the ditch in an effort to intercept as much water as is possible. It was also agreed that this work would again be reviewed next spring or the next time there are high water flows in the area to see if we have accomplished as much as can be accomplished given the circumstances.

The animal control damage letter from the USDA was reviewed. Our Board is not going to participate.

The Gleason, et. al. complaint was reviewed. The Board agreed to go out on Monday, August 7th. We will leave New Rockford at 8:00 AM and Hovey is to write Mr. Haas and invite him to meet with the Board, on site, at 9:00 AM.

There being no further business the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Secretary

Copy to Linda Anderson 8-1-95

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
July 13, 1995

A regular meeting of the Eddy County Water Resource Board was held on July 13, 1995 at 8:00 AM in the Eddy County Courthouse. Present were Stanley Ripplinger, Marvin Tollefson, Kenneth Reis and John D. Hovey, Secretary. The June 6, 1995 minutes were read and approved as corrected.

The June 22nd letter/minutes from New Rockford Township was reviewed. Hovey was instructed to write a letter informing them that the four items listed therein are satisfactory but reminding them that there are three additional items they agreed to as follows:

1. Removal of the east/west culvert located in the northeast corner of Ed Haman's farmstead.
2. Installation of three culverts through the three approaches leading into Ed Haman's farmstead.
3. Installation of an 18 inch culvert through the Corps road between the SE1/4 of Section 23 and the NE1/4 of Section 26.

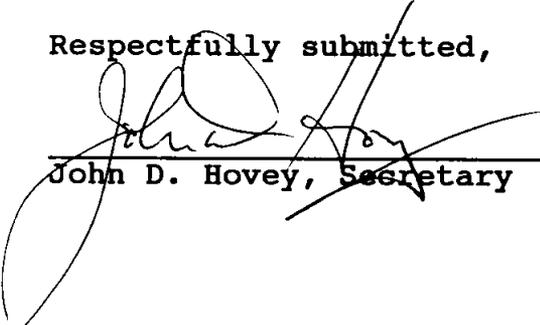
The budget for the coming year was approved and is to be filed with the County Auditor.

Vouchers for the months of January through June for Board members were approved.

Purchase of the recent update to Water Manager's Handbook was approved. Marvin will send in a check.

There being no further business the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Secretary

MINUTES OF THE NEW ROCKFORD TOWNSHIP BOARD
JUNE 22, 1995

The New Rockford Township Board met on June 22, 1995 at the home of the Clerk at 9:00 P.M. All members present were George Laber, JR., Ed Haman, Lawrence and Linda Anderson.

In regards to culvert work:

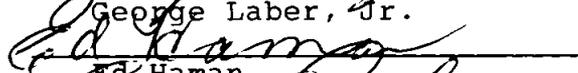
1. The "Geisinger Culvert" between Sections 11 and 12 of New Rockford Township is about to wash out, that culvert will be raised to ground level.
2. A new 24 inch culvert will be installed between the S $\frac{1}{2}$ of Section 12 and N $\frac{1}{2}$ of Section 13 approximately in the vicinity of Tim Tollefson's driveway or where stated by Tim Tollefson.
3. A new 36 inch culvert will be installed between the NE $\frac{1}{4}$ of Section 13, New Rockford Township and the NW $\frac{1}{4}$ of Section 18, Sheldon Township.
4. That the WEST road ditch on the road between the SW $\frac{1}{4}$ of Section 25 & SE $\frac{1}{4}$ of Section 26 be lowered to its maximum elevation as permitted by State & Federal law. This work has been completed.

Item #4 has already been completed, and the above # 1, 2, and 3 will be completed when you, the Water Resource Board, send us an approval letter signed by all 3 Board members that this will complete the entire project.

The New Rockford Township Board, George Laber, Jr., Ed Haman, and Lawrence Anderson, has agreed that this is our final proposal to this project. We'll await your signed letter of approval.

Copies sent to:

Water Board, John Hovey, Sec.
Stan Ripplinger
Kenny Reis
Marvin Tollefson
Eddy County Commissioners


George Laber, Jr.

Ed Haman

Lawrence Anderson

Linda Anderson, Clk.-Treasurer

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
June 6, 1995

A regular meeting of the Eddy County Water Resource Board was held on June 6, 1995 at 9:00 AM in the Eddy County Courthouse. Present were Stanley Ripplinger, Marvin Tollefson and John D. Hovey, Secretary. Absent was Kenneth Reis. The May 2, 1995 and May 22, 1995 minutes were read and approved as corrected.

Marvin Tollefson reported on a meeting held May 24th? and attended by Jeff Roel, Kenneth Reis, Marvin Tollefson, Ed Haman, Dwaine Weber and Carl@ ___?___ from US Fish and Wildlife. At that meeting it was agreed to remove the existing east/west culvert through the township road in the northeast corner of the Ed Haman farmstead and install north/south culverts in all three approaches between the township road on the east and Ed Haman's yard on the west to facilitate water getting to the new ditch that has been constructed along the east side of the southeast quarter of section 26.

Hovey is to send a copy of the May 22nd approved minutes as well as a copy of today's unapproved minutes to the New Rockford Township Board setting forth what they have agreed to and informing them that this work must be done by freeze up.

Lorraine Allmaras appeared before the Board. She received a complaint from Eugene Gleason regarding Gerald Haas blocking a natural waterway. Stan and Marvin will check this out but a written complaint will be needed before any action can be taken.

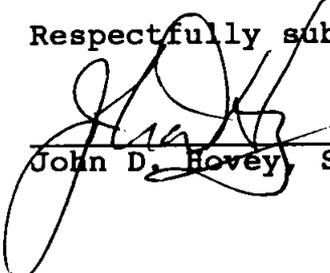
Mike Fandrich's bill in the amount of \$282.04 was approved.

The Minimal Effect Agreement received from Jeff Roel was reviewed. It needs changes to Exhibit A to move the ditch from the east side of the road to the west side and to change the culvert installation from between Section 25 and 26 to the three culverts in the approaches leading to Ed Haman's farmstead.

The State Health Department letter questionnaire regarding point and non-point water pollution was completed and is to be returned.

There being no further business the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Secretary

COPY

MINIMAL EFFECT AGREEMENT FOR FLOOD RELIEF

This agreement is to stipulate the conditions which must be created and maintained by the New Rockford Township Board in order to receive a determination of minimal effect which will enable the provision of USDA program benefits to said property owner (Duane Weber) despite the manipulation of wetland (see Exhibit "A").

All involved parties hereby agree to the terms set forth below and understand that any willful action on our part that is not consistent with the stipulated terms will result in a loss of the minimal effects determination and USDA program benefits. We agree that the following terms must be installed and maintained in a condition that is to the satisfaction of the Natural Resources Conservation Service (NRCS) prior to a determination of minimal effect and agree to provide the right of access to wetlands involved in the minimal effect determination to USDA personnel to monitor if terms of the agreement are being carried out.

TERMS:

High water in said wetland is creating the potential for damaging a section line Township road and creating a potential water quality hazard by flooding a livestock feedlot situated in the NE1/4 of Section 26, T149N, R66W Eddy County, ND. Silt within the existing road ditch on the east section line of Section 26 (See Exhibit "A") will be removed down to the 1525' elevation as identified on attached USDI Geological Survey map (See Exhibit "B"). A survey profile of the elevation along the road ditch is also attached (See Exhibit "C").

This ditch cleaning may be maintained at anytime in the future so long as silt removed is no lower than the 1525' elevation of the wetland's bank. No fill material will be placed in the wetland nor any dredging occurring from within the wetland basin as required of Swampbuster regulations. It should also be noted that new culverts may be installed on all approaches. It has been determined this will not detrimentally impact this wetland. Any changes regarding this Minimal Effect Agreement will need to be requested in writing and agreed to by all representatives undersigned below.

Mawin Tolleson 6/8/95
Eddy County Water Date
Resource Board

Jeffrey C. Boal 6/8/95
Natural Resources
Conservation Service

Carmen R. Luna 6/14/95
US Fish & Wildlife Service

Ed Kame 6/20/95
New Rockford Township
Board Member

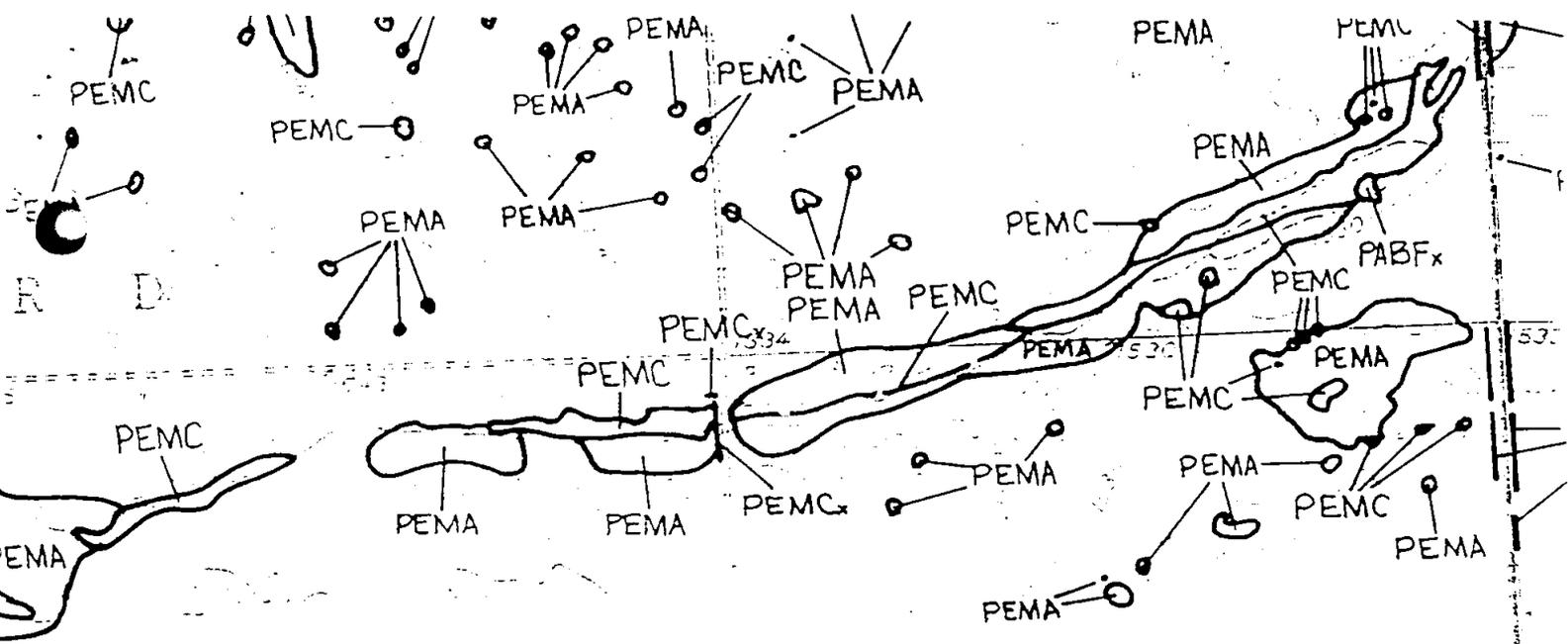
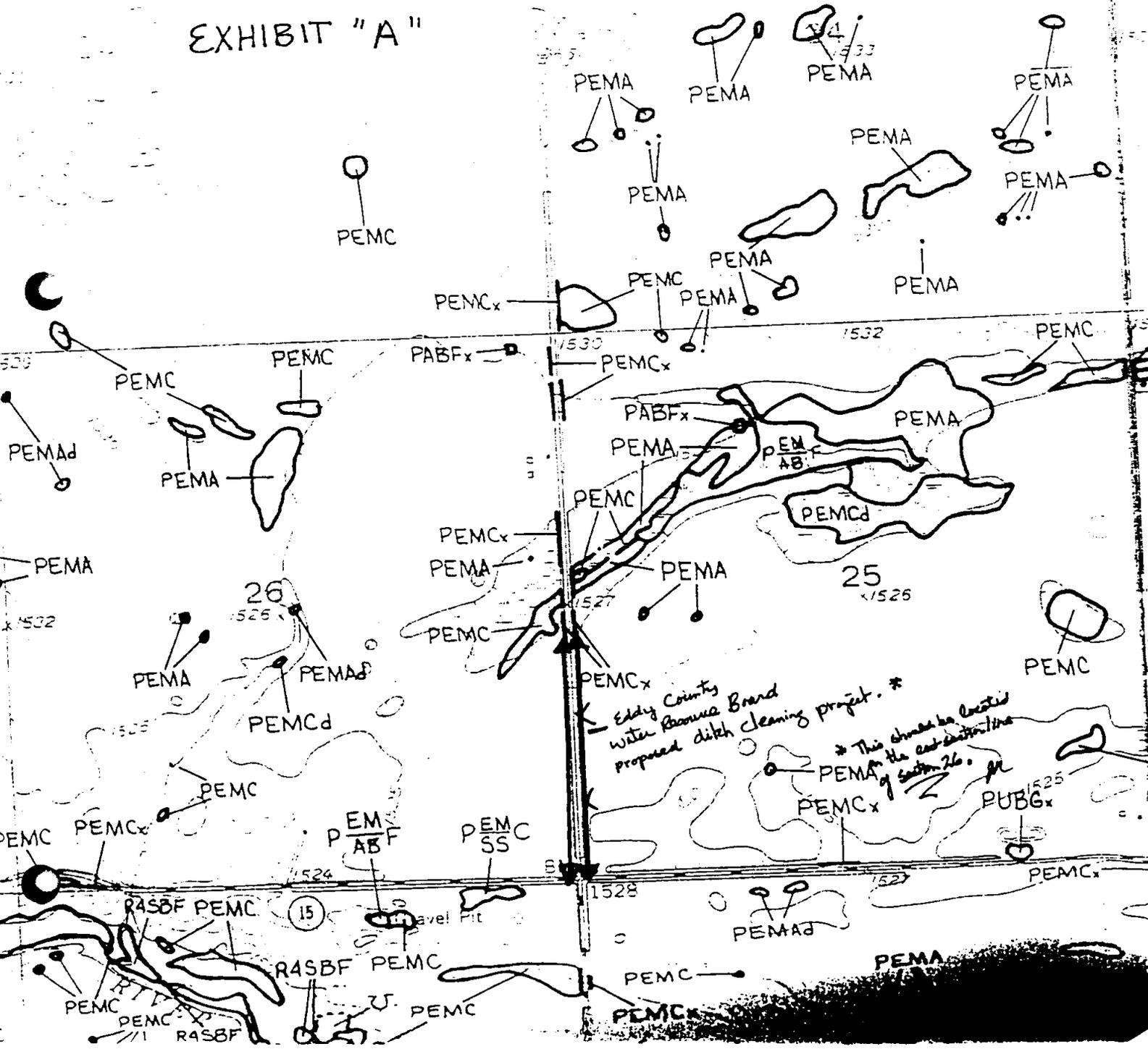


EXHIBIT "A"





SECTION 25
 CORNER OF
 T14913 ROAD

2ND
 POINT

6TH
 POINT

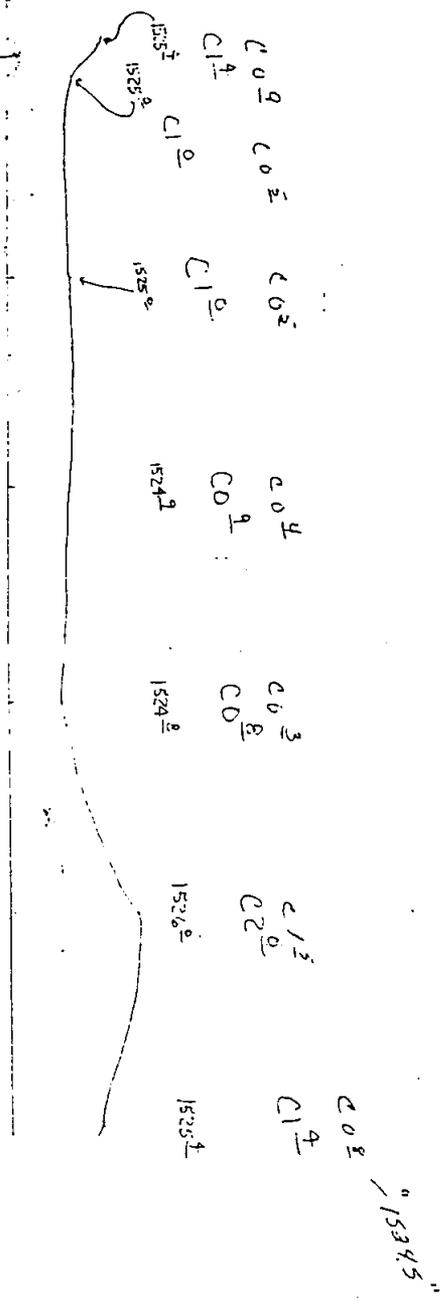


EXHIBIT "C"

1" = 2'



PROFILE WEST DITCH OF
 N-S ROAD TO ED HANNAKS

1524

WATER ELEVATION
 1525.54

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
May 22, 1995

A special meeting of the Eddy County Water Resource Board was held on May 22, 1995 at 10:00 AM in the Eddy County Courthouse. Present were Stanley Ripplinger, Kenneth Reis, Marvin Tollefson, and John D. Hovey, Secretary. Also present were Lawrence Anderson and Ed Haman representing the New Rockford Township Board, Mike Fandrich and Jeff Roel from the Soil Conservation Service.

Mike Fandrich explained that when the water elevation gets somewhere between 1524 and 1525 feet above sea level water which comes from the Tim Tollefson area to the North will head both east to Robinson Cogle and south to Ed Haman. He further explained that Ed Haman had hired him to do some surveying in the road ditch from Ed Haman's house south to the river. Ed would like to take everything down to 1524.5 feet but probably will have to stop at about 1525 feet because of wet land elevations as shown on the Bureau of Reclamation maps. If this cut could be made the New Rockford Township stated they would have no problem with installing the Tim Tollefson culverts as requested. They would however prefer to eliminate the culvert through the Bureau road between the SE1/4 of Section 23 and NE1/4 of Section 26. Tollefsons insist that this be part of the project because as now situated all of the water from the SE1/4 of Section 23 has to go east then through a culvert to the east side of the north/south township road and then south which puts additional water pressure on the Tollefsons. The Water Board also wants this culvert installed. The question was also raised about ditch blocks on the north and the south sides of the Bureau road which a state employee had suggested that the Water Board might want to investigate.

A motion was made by Kenneth Reis and seconded by Marvin Tollefson that the Water Board agrees to and recommends to the New Rockford Township supervisors:

1. The "Geisinger culvert" between Sections 11 and 12 of New Rockford Township is about to wash out. That culvert will either be
 - A. Removed and a Texas crossing installed or,
 - B. Raised to land level.
2. A new 24 inch culvert would be installed between the S1/2 of Section 12 and N1/2 of Section 13 approximately in the vicinity of Tim Tollefson's driveway.
3. A new 36 inch culvert would be installed between the NE1/4 of Section 13, New Rockford Township and the NW1/4 of Section 18, Sheldon Township.

4. A new 18 inch culvert will be installed through the Corps road between the SE1/4 of Section 23 and NE1/4 of Section 26.
5. That the ~~West~~ road ditch on the road between the SW1/4 of Section 25 and SE1/4 of Section 26 be lowered to its maximum elevation as permitted by state and federal law.

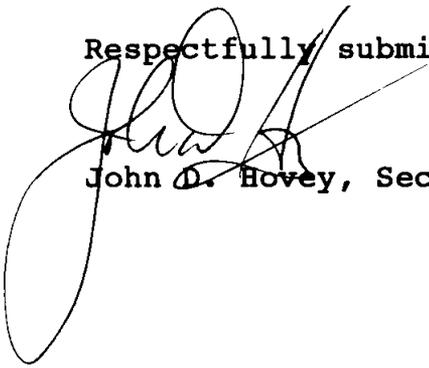
Upon vote duly taken the motion was unanimously approved.

Jeff Roel says that the ditch cut has to be approved by the appropriate Federal officials. He will start work on this this afternoon and if he can get the right people up here today he may have an answer for us tomorrow.

The Board then reviewed the Arlan Hoyt complaint. We understand that Mr. Topp was ordered to fill in his drainage ditch by Jeff Roel but that he intends to take the matter further.

There being no further business the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Secretary

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
May 2, 1995

A regular meeting of the Eddy County Water Resource Board was held on May 2, 1995 at 9:00 AM in the Eddy County Courthouse. Present were Stanley Ripplinger, Kenneth Reis, Marvin Tollefson and John D. Hovey, Secretary. The minutes of the April 4, 1995, April 11, 1995 and April 25, 1995 meetings were read and approved as read. The Joint Rocky Run minutes of April 11, 1995 were approved as mailed subject to corrections by the other two Boards.

Board again reviewed the Tollefson Complaint materials together with additional maps furnished by Mike Fandrich. The decision of the Board is as follows:

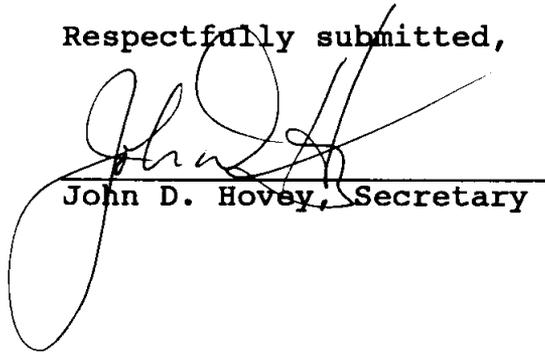
1. The condition attached to the installation of culverts, namely that a cap or gate be put on an existing culvert located one-half mile north of Romanoski's farmstead was rejected, so
2. Decided to call a special meeting with Fandrich and have him explain to the Board what he feels the effect of the culverts at Tim Tollefson's would be as to causing any problems for Haman and also discuss with him whether water from the Tim Tollefson area can work its way south to the Ed Haman area.

Norman Remboldt had called and wondered if Eddy County was going to ask for emergency declaration status. If so Remboldt suggests that the Rosefield culverts be put in on application for funds. It is understood that the Eddy County Commissioners will be asking for that declaration.

It was moved, seconded and carried to pay Troske the \$300.00 owed on his \$2200.00 bill for the Texas Crossing in his pasture.

There being no further ^{business} the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Secretary

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
April 25, 1995

A special meeting of the Eddy County Water Resource Board was held on April 25, 1995 at 8:00 AM in the Eddy County Courthouse. Present were Kenneth Reis, Marvin Tollefson and John D. Hovey, Secretary. Absent was Stanley Ripplinger. Also present were Ed Haman, Lawrence Anderson and George Laber from the New Rockford Township Supervisors.

It was tentatively agreed as follows:

1. They would install a 24 inch culvert between the S1/2 of Section 12 and the N1/2 of Section 13 approximately in the vicinity of Tim Tollefson's driveway.
2. They would install a 36 inch culvert between the NE1/4 of Section 13, New Rockford Township and NW1/4 of Section 18, Sheldon Township.
3. They would install an 18 inch culvert through the ~~corps~~ road between the SE1/4 of Section 23 and the NE1/4 of Section 26. ✓
4. Tim Tollefson would be responsible for his own culvert through his farmstead road.

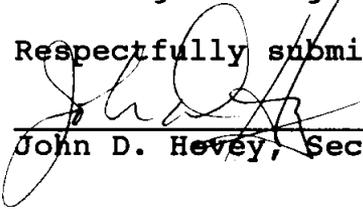
If the water from Tim Tollefson's land flows south to Ed Haman's, the Township Supervisors want to reserve the right to pull the 24 inch culvert (1. above) or cap an existing culvert located one-half mile north of Romanoski's. The cap to be on the west side of the road.

The cap north of Romanoski's is the cap that Alford Tollefson had disagreed with at the April 11th meeting and will probably be unacceptable. Marvin suggested having a survey done on the draw that runs east and west by Eddie Haman's place and the draw that runs east and west from the NW1/4 of Section 18, Sheldon Township to the Robinson coulee, this survey to also check elevations on culverts in the area including the culvert between Sections 11 and 12 (just north of the quarter line) as well as culverts between Sections 23 and 24, 26 and 25 and any others in the area that might affect water flows.

Lawrence Anderson requested copies of the April 4th, 11th and 25th minutes. Hovey is to talk to Mike Fandrigh and get an estimate of when he might be able to do this work, and the cost.

There being no further business the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Secretary

**MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
APRIL 11, 1995**

A special meeting of the Eddy County Water Resource Board was held on April 11, 1995 at 11:00 AM in the Eddy County Courthouse. Present were Stan Ripplinger, Marvin Tollefson, Kenneth Reis and John D. Hovey, Secretary.

No previous minutes were read.

George Laber, Jr. and Ed Haman, (two-thirds of the New Rockford Township Supervisor Board) and Alford and Tim Tollefson met with the Board regarding the two problems in New Rockford Township.

The first problem is in Sections 12 and 13 of New Rockford Township and involves Tim Tollefson's home place. Ed Haman believes that the water from that area works its way east, then south and then back west to his place. Tollefsons say that it cannot go that direction and that it all has to go east eventually finding its way into the Robinson Coulee. They insist that none comes down south to Haman's and that the section line running east and west, north of Delvaine Gjestvang's farmstead is basically the divide.

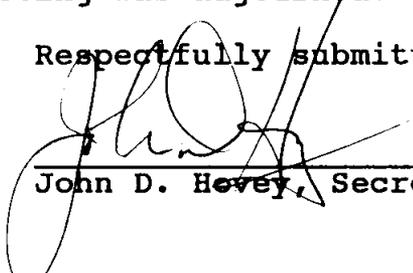
The secondsm problem is the waterway in Section 26 which Alford Tollefson backs water up onto his property. Ed Haman stated that he believes that the water runs west to east from Section 26 to 25 and he would prefer a short cut (never a drain before) entirely located in the SE1/4 of Section 26 rather than follow the channel north and around Ed Haman's buildings. It was suggested that a gate be put on the east side of the road between Sections 25 of New Rockford Township and 30 of Sheldon Township but Alford Tollefson said that would just cause him additional problems.

It was agreed as follows:

1. The Water Board is to have the Soil Conservation Service determine siltation in the waterway in Section 26.
2. Ed Haman and Tim Tollefson will send water samples to the State Health Department in order to determine if their wells are polluted which it is hoped might eventually lead to the State allowing a new cut (never a drain) all in the SE1/4 of Section 26 of New Rockford Township from the west end of the slough to the waterway. This would bypass the natural waterway that runs to the north and then on the west of Ed Haman's buildings.

There being no further business the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Secretary

Addendum: After the Joint Rocky Run Water Board meeting the entire Eddy County Board did an on site inspection of the Alford/Tim Tollefson problem areas. JDH

Second Addendum: Stan, Ken and Marvin went to Ed Haman's. They drove down the Corp of Engineers' access road north of Ed Haman's and found a spot to the west where a culvert could be inserted and used to bypass some of the water that now flows east. Ed Haman seemed agreeable with this procedure and also said he would probably be agreeable to the culverts that Tim Tollefson wants up north. JDH

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
April 4, 1995

The regular April meeting of the Eddy County Water Resource Board was held on April 4, 1995 at 10:00 AM in the Eddy County Courthouse. Present were Stan Ripplinger, Marvin Tollefson, Kenneth Reis and John D. Hovey, Secretary.

The minutes of the February 7, 1995 meeting were read and approved as read. By prior agreement there was no meeting held during March.

Joe Troske met with the Board regarding the Texas Crossing problems in Section 14 of Superior Township. All he wants from the Joint Water District is a stock pile of rocks from the east side of the river to a point located near the Texas Crossing on the west side of the river. This would require the use of a payloader and truck. He will then scatter the rocks himself to repair the Texas Crossing as needed in future years. He also said there was a culvert needed between Sections 11 and 12 of Superior Township through the Township road and immediately north of the county road. (SE1/4 of 11 and SW1/4 of 12). Since it goes through the Township road he was instructed to contact the Township supervisors.

Jeff Topp met with the Board. He owns the SW1/4 and NE1/4 of Section 25, the SE1/4 of Section 23, all of Section 24 and the E1/2 and SW1/4 of Section 26. He wants to:

1. Lower the culvert between the SW1/4 of Section 25 and the NW1/4 of Section 36 to ground level and move it about 200 feet further west to the SW corner of SW1/4 of Section 25 if a survey showed that it would be advantageous to do so.
2. He wants to clean out about 200 feet of ditch that has been silted in on the north side of the prairie trail between the SW1/4 of Section 25 and the NW1/4 of Section 36. Jeff Roel is going out tomorrow to do a "cause and effect" study to determine the amount of siltation and clean out that would be permitted. Jeff Topp will clear this work with Gauderman and the Hov Bros. whose land this water would flow across before reaching Round Lake.

Tim Tollefson met with the Board regarding water problems in Section 12 of New Rockford Township. He requested culverts from the Township and the Township told him to see the Water Board.

Water Board met with the County Commissioners about who would pay for the cost of an additional 36 inch culvert between the SW1/4 of Section 12 and the NW1/4 of Section 13; a 24 inch culvert through the road leading into Tim's farmstead; and an additional 36 inch

culvert between the NE1/4 of Section 13, New Rockford Township and the NW1/4 of Section 18 in Sheldon Township. The County Commissioners agreed to pay one-half of the cost. We will request a meeting with the New Rockford Township Supervisors next Tuesday morning at 11:00 AM. Stan Ripplinger will contact them.

Hovey reported that the 404 Application for cleanout of Section 26-149-66 Alfred Tollefson complaint had been approved.

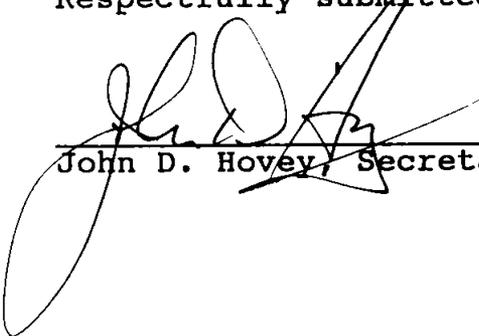
Wells County check in the amount of \$120.00 as their share of the Beaver Dam removal has been received. Nothing has been received from Foster County.

The bill from Surety Title Company for insurance in the amount of \$319.00 was approved.

Board passed a resolution that we would pay the mileage and registration fee for one person each from the Sheyenne School and New Rockford School to the Wet and Wild workshops this summer.

There being no further business the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Secretary

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
February 7, 1995

The regular February meeting of the Eddy County Water Resource Board was held on February 7, 1995 at 10:00 AM in the Eddy County Courthouse. Present were Marvin Tollefson, Kenneth Reis and John D. Hovey, Secretary. Absent was Stan Ripplinger.

The minutes of the December 6, 1994 meeting were read and approved as read. By prior agreement there was no meeting held during January.

Application to modify a dam signed by the Fish and Wildlife Service and Anthony Bush was reviewed. No action was needed and the conditions attached to the application as set forth by the State Water Commission were duly noted.

The North Dakota Water Resource District dues in the amount of \$375.00 were approved and ordered paid.

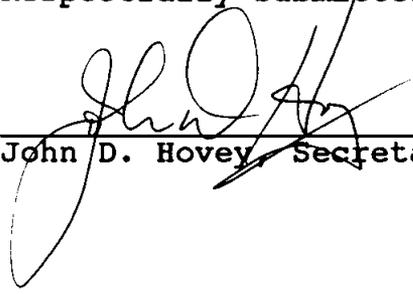
The Board was reorganized for 1995 with all current officers being re-elected.

Matter of insurance coverage was discussed. A letter from Surety Title Company was read and upon motion duly made, second and carried the insurance quote was approved with the addition of the errors and omissions coverage.

Treasurer Tollefson reported that he had received a first transfer of funds from the County Treasurer in the amount of \$6,000.00.

There being no further business the meeting was adjourned.

Respectfully submitted,



John D. Hovey, Secretary