

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
September 1, 2020

A regular meeting of the Eddy County Water Resource Board was held on September 1, 2020 at 9:00 AM in the Eddy County Courthouse. Present were Mike Tweed , Monty Schaefer, and Travis S. Peterson, Secretary/Treasurer. Also present was the following Eddy County landowner: Doug Skadberg.

The minutes of the regular August 4, 2020 meeting were presented. Tweed made a motion to approve the minutes. Second by Schaefer. Motion carried.

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

Old Business:

Rosefield Dam Matter: Schaefer indicated that the permit application requires a plan with an engineer's drawing. Schaefer will work on this over the winter. Schaefer also indicated that the State Water Commission wants evidence of an agreement with the upstream landowner, Clifford Knecht. No further action taken.

New Rockford Canal/Garrison Diversion Conservancy District: Tweed indicated that the next meeting is scheduled for September 10, 2020 in Carrington ND.

Upper Sheyenne Joint Water Resource Board: The August 19, 2020 meeting was via Zoom. The Watershed Pilot Project as it relates to the Upper Sheyenne Joint Water Resource District is on hold as a result of reduced state oil revenues. Other topics discussed included the Devils Lake Basin; and cattail spraying. The next meeting is scheduled for October 21, 2020.

Devils Lake Joint Water Resource Board: Tweed summarized the business conducted at the August 12, 2020 meeting. In late July, Devils Lake reached its peak elevation for 2020 (1450'). Due to the heavy rain in July the pumps were shut down for a couple of weeks. The 2020 Devils Lake Basin Water Tour was cancelled as a result of COVID. The Devils Lake Joint Water Resource Board sponsored NDAWN sites within the basin. The DLBJRB contributed \$50,000 to the Precision Ag Building on the Lake Region State College campus. ND Game and Fish is considering and researching implementation of ANS wash stations in the region. The next meeting is scheduled for September 9, 2020 at 8 AM at the Ramsey County Courthouse.

Marvin Walter, Jr./Sheyenne River Erosion: Tweed discussed the matter with Marvin Walter. Marvin Walter indicated that he is not interested in pursuing the matter.

New Business:

Wade Halvorson/Obstruction to a Drain/Watercourse: On August 5, 2020 Peterson received from the Office of the State Engineer (OSE) a complaint filed with the OSE by Wade Halvorson. OSE forwarded the complaint to Peterson pursuant to NDAC 89-02-04-03.

Halvorson's complaint alleges that years of erosion and blowing have caused fence lines to fill with silt. Halvorson further alleges that natural drains are plugged and full of cattails and silt. Halvorson identifies the area as Eddy County, North Dakota: Township 149, Range 62: Section 1: SW1/4NW1/4. The Board considered the definition of "watercourse" (NDCC 61-01-06). The Board further examined the USDA Map provided with Halvorson's complaint, as well as other topographical maps. Based on the information provided and reviewed, Tweed made a motion that the Water Board take no action on the Halvorson complaint because the complained of obstruction is not within a watercourse as defined by NDCC 61-01-06 and the Water Board therefore has no jurisdiction over the matter. Second by Schaefer. Motion carried. Peterson indicated that he would prepare an Order of Determination and present it to the Board at the October meeting.

Kristine Ryan Complaint Regarding Dam/Dike or other Device: On August 25, 2020 Peterson received from the Office of the State Engineer (OSE) a complaint filed with the OSE by Kristine Ryan. OSE forwarded the complaint to Peterson pursuant to NDAC 89-02-04-03.

Ryan alleges that on some previous unidentified date the landowner to the north (Chester Flaagan), moved earth to create a dam-like structure that prevents the natural flow of water through the Flaagan land thereby causing water to back up on Ryan land. Ryan alleges that the dam-like structure has impacted tillable acres, killed trees and has caused a loss of production and income. The complaint identifies the area as Eddy County North Dakota: Township 149, Range 62: Section 1: SW1/4NW1/4. The complaint and seven attached color photos were studied. Peterson also provided the Board with various aerial photographs and topographical maps. Questions exist as the location of the alleged dam, dike or other device. Based on the Board's examination of aerial maps, it appears the alleged dam, dike or other device is located on the quarter line between the SE1/4NW1/4 and the NE1/4SW1/4 of Section 1, Township 149, Range 62. There is also question as to whether the alleged dike, dam or other device is capable of retaining, obstructing or diverting more than 50 acre feet of water. Further, it appears the alleged dam, dike and other device is not within a watercourse as defined by NDCC 61-01-06.

Based on the questions that remain, Tweed will further investigate prior to the October 6, 2020 water board meeting and provide a report at that meeting.

Next Meeting: The next regularly scheduled meeting will be October 6, 2020 at 9 AM in the Eddy County Courthouse.

There being no further business the meeting was adjourned at 10:41 AM.

Respectfully submitted,

Travis S. Peterson, Recording Secretary

APPROVED:

Kenneth Reis, Chairman