

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD

January 8, 2013

The regular meeting of the Eddy County Water Resource Board was cancelled due to lack of a quorum. Present was member, Michael Tweed, and recording Secretary/Treasurer, Travis Peterson. Absent were members Peter Larson and Kenny Reis.

The next regular meeting of the Eddy County Water Resource Board will be held on February 5, 2013 at 10:00 AM in the Eddy County Courthouse.

Respectfully submitted,



Travis S. Peterson, Recording Secretary

APPROVED:



Kenneth Reis, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
February 5, 2013

A regular meeting of the Eddy County Water Resource Board was held on February 5, 2013 at 10:00 AM in the Eddy County Courthouse. Present were Kenneth Reis, Michael Tweed, Peter Larson and Travis S. Peterson, Secretary/Treasurer. Also present were Mike Hargiss and Heather Duchscherer, ND Department of Health/Regional TMDL Coordinators; Tony Yow and Anne Ehni, Wells County Soil Conservation District; Jackie Schmaltz, Eddy County Soil Conservation District; and Don Olds, Eddy County NRCS.

The minutes of the December 4, 2012 regular meeting were presented. Reis made a motion to approve the minutes. Second by Tweed. Motion carried. There was no January 8, 2013 meeting for lack of a quorum.

The January 2013 and February 2013 Treasurer's Report were presented and reviewed. Larson made a motion to approve the report. Second by Reis. Motion carried.

The following bills were presented for payment:

Insure Forward (2013 policy renewal)	\$ 341.00
ND Water Resource District (2013 dues)	\$ 475.00
ND Water Users Association (2013 dues)	\$ 300.00
Interstate Engineering (July 1, 2012 to January 19, 2013)	\$1,709.45
Transcript Publishing (meeting notice)	\$ 28.75
Upper Sheyenne River Joint Water Resource Board (2013)	\$ 883.00

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

Correspondence: Various correspondence was reviewed. No specific action required.

Old Business:

Upper Sheyenne River Water Quality Assessment:

Mike Hargiss and Heather Duchscherer, ND Department of Health/TMDL Coordinators, were present to discuss the Water Quality and Watershed Assessment results for the "Eddy Model" Watershed in Eddy, Ramsey, Griggs and Nelson Counties (2009-2010). Hargiss and Duchscherer handed out a power point presentation and other various documents resulting from this assessment/study. The focus of this assessment/study was nutrients (nitrogen and phosphorus) and bacteria (ecoli) within the "Eddy Model" watershed of the Sheyenne River. Also discussed was predicted run off and sediment, as well as Section 319 project opportunities and the North Dakota Nutrient Reduction Strategy.

Warwick: Peterson updated the Board on his recent contacts with Damon DeVillers, PE. Larson and Tweed also indicated that, since the December 4, 2012 ECWRB meeting, they each had contact with Interstate Engineering representatives and/or Ben Varson. All

indications are that the Warwick Dam Project is on track to be bid and completed in 2013. The Board suggested that Peterson contact DeVillers and reiterate to him that the Board desires to complete this project in 2013. In terms of cost share, Tweed indicated that ND State Water Commission approved \$150,000.00 at its December meeting.

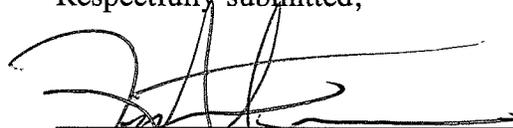
Devils Lake Basin Joint Water Resource Board: Tweed did not give a summary of the last meeting because the meeting was running late. Tweed will bring the Eddy County Water Board up to speed at the March board meeting.

Upper Sheyenne River Joint Water Resource Board: Larson provided a summary of the last meeting held on January 16, 2013 in Carrington, ND.

Next Meeting: The next regular meeting of the Eddy County Water Resource Board will be held on March 5, 2013 at 10 a.m. in the Eddy County Courthouse

There being no further business the meeting was adjourned.

Respectfully submitted,



Travis S. Peterson, Recording Secretary

APPROVED:



Kenneth Reis, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
March 5, 2013

A regular meeting of the Eddy County Water Resource Board was held on March 5, 2013 at 10:00 AM in the Eddy County Courthouse. Present were Kenneth Reis, Michael Tweed, Peter Larson and Travis S. Peterson, Secretary/Treasurer. Also present was Reed Schwartzkopf, PE (Jamestown City Engineer and Representative of the James River Joint Water Resource Board).

The minutes of the February 5, 2013 regular meeting were presented. Tweed made a motion to approve the minutes. Second by Reis. Motion carried.

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

Peterson informed the Board that Bank Forward CD #74723 matures on March 9, 2013. Larson made a motion to renew the CD on the same terms and conditions (6 months at .25%); Second by Reis. Motion carried.

Correspondence: Various correspondence was reviewed.

2013 Project WET-Discover Today's Northwestern Missouri River Watershed Institute. The Board agreed to sponsor and cover the \$300 registration fee for up to two (2) New Rockford-Sheyenne School District Staff members. Peterson was instructed to forward the brochure and registration information to the school.

New Business:

Rocky Run: Peterson informed the Board that the annual meeting of the joint Rocky Run Water Board is scheduled for 10 AM on March 12, 2013. This meeting is scheduled to take place in the Eddy County Courthouse in New Rockford, ND. Peterson caused notice to be published in Eddy, Foster, and Wells County Newspapers. Peterson also forwarded notices to the Foster and Wells County Water Boards.

Old Business:

Warwick Dam: The State Water Commission Cost Share Agreement was reviewed. Peterson confirmed that the Water Board's NDIRF coverage satisfies the liability requirements of paragraph 8. After discussion, Larson moved to approve the Cost Share Agreement. Second by Tweed. Motion carried.

Peterson shall return one original, along with the District's "Certificate of Insurance" to the State Water Commission. The other duplicate original is for the Eddy County Water Board's file. Peterson will also provide a copy to Damon DeVillers and inquire as to the status of bid letting and cost shares.

Jamestown River Joint Water Resource Board: Reed Schwartzkopf, Jamestown City Engineer and James River Joint Water Board representative, was present to discuss the status of the James River Basin Reconnaissance Study and Feasibility Study (Phase I). Schwartzkopf explained that the first step of this project was a Reconnaissance Study. The Reconnaissance Study is completed. The project has now progressed to the Feasibility Study (Phase I). Schwartzkopf explained how this project may benefit to the counties upstream from the Jamestown and Pipestem reservoirs (Foster, Eddy and Wells). Potential benefits include access to LIDAR maps, flood plain type mapping, possible flood protection, and road protection and preservation. Schwartzkopf indicated that he believes it highly unlikely that the project will ever reach Phase II. Phase II would include implementation of larger scale flood protection projects (diversions, etc). The James River Joint Water Resource Board is seeking a financial commitment of \$2,000 from each of the upstream counties. A financial commitment of \$2,000 from each of the upstream counties will cause one or more of the downstream counties to contribute additional funds to the cost of Phase I. Schwartzkopf answered the Board's various questions. Thereafter, Schwartzkopf thanked the Board for its time and left the meeting. After discussion, Kenneth Reis made a motion to make a one-time contribution of \$2,000 to the James River Joint Water Board for the Feasibility Study (Phase I). This financial contribution carries with it no continuing financial commitment to James River Joint Water Board for either Phase I or Phase II or any other phase of this project. Any future financial contributions to this project, either Phase I, Phase II or otherwise requires further action by the Eddy County Water Resource Board. Larson seconded the motion. Motion carried unanimously.

Devils Lake Basin Joint Water Resource Board: Tweed provided an overview of the last meeting held on February 20, 2013 in Cando, ND. Issues to note are: 1) the 2013 Devils Lake Basin tour is tentatively set for June 19, 2013. The focus will likely be the east-end outlet; and 2) the Board intends to sponsor, in conjunction with Ramsey County and NRCS, a drain tiling workshop. This workshop is anticipated to take place in March. The next meeting is scheduled for March 13, 2013 in Munich, ND.

Upper Sheyenne River Joint Water Resource Board: No update.

Next Meeting: The next regular meeting of the Eddy County Water Resource Board will be held on April 2, 2013 at 9 a.m. in the Eddy County Courthouse

There being no further business the meeting was adjourned.

Respectfully submitted,



Travis S. Peterson, Recording Secretary

APPROVED:



Kenneth Reis, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD

April 2, 2013

A regular meeting of the Eddy County Water Resource Board was held on April 2, 2013 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 5, 2013 regular meeting were presented. Reis made a motion to approve the minutes. Second by Tweed. Motion carried.

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

Correspondence: Various correspondence was reviewed. No action necessary.

New Business:

Drain Tile: Monty Schaefer contacted Peterson and inquired about Eddy County Drain Tile Application procedures. Schaefer indicated he is still in the information gathering and planning stage. Peterson will forward an Application and other relevant information as soon as it becomes available.

Old Business:

Warwick Dam: Peterson informed the Board that he had contact with DeVillers shortly after last months meeting. DeVillers questioned whether the Board had purchased any rock or other materials. DeVillers asked whether the project specifications should require the bidders to provide rock and materials. Based on the feedback from the Board members, Peterson informed DeVillers to require bidders to provide the rock and other materials. Since that correspondence, Peterson has heard nothing more from DeVillers. The Board instructed Peterson to follow up with DeVillers and inquire about bid letting.

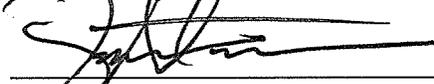
Devils Lake Basin Joint Water Resource Board: Tweed provided a summary of the March 13, 2013 meeting held in Munich, ND. The next meeting is scheduled for April 10, 2013 at 8:00AM in the Devils Lake Courthouse.

Upper Sheyenne River Joint Water Resource Board: No update.

Next Meeting: The next regular meeting of the Eddy County Water Resource Board will be held on May 7, 2013 at 9 a.m. in the Eddy County Courthouse

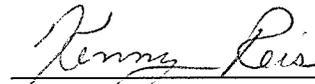
There being no further business the meeting was adjourned.

Respectfully submitted,



Travis S. Peterson, Recording Secretary

APPROVED:



Kenneth Reis, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD

May 7, 2013

A regular meeting of the Eddy County Water Resource Board was held on May 7, 2013 at 9:00 AM in the Eddy County Courthouse. Present were Michael Tweed, Peter Larson and Travis S. Peterson, Secretary/Treasurer. Absent was Kenneth Reis.

The minutes of the April 2, 2013 regular meeting were presented. Tweed made a motion to approve the minutes. Second by Larson. Motion carried.

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

Peterson presented his bill for Eddy County's share of the Annual 2013 Rocky Run Meeting. Larson moved to pay. Second by Tweed. Motion carried.

Correspondence: Various correspondence was reviewed. No action necessary.

Old Business:

Warwick Dam: The Board would like to see the final engineering plan completed and details regarding cost shares/funding sources. The Board also wants bids let. Peterson was instructed to contact Damon DeVillers, PE, and inquire about the status of this project.

Drain Tile: Since the April meeting both Larson and Tweed have attended meetings regarding Drain Tile and Drain Tile Applications. Attorney Sean Fredricks (Ohnstad Twitchell) spoke at one of these meetings. Fredrick's summary was that a local Water Resource Board may not exceed the statutory framework set forth in NDCC Chapter 61-32. Further, the local Water Resource Board has little regulatory authority on a subsurface drain system in an area comprising less than 80 acres. After discussing these matters, Tweed made a motion to require that all applications for subsurface drain systems on an area comprising 80 acres or more be accompanied by a \$250 non-refundable application fee. Second by Larson. Motion carried. The Board also requested that Peterson provide Board members copies of NDCC Chapter 61-32. The Board also requested that Peterson provide them a copy of the Notice that Benson County Water Resource Board is currently publishing in the Benson County Farmers Press.

Devils Lake Basin Joint Water Resource Board: Tweed provided a summary of the April 10, 2013 meeting held in the Ramsey County Courthouse. This meeting included drain tile information for public entities. Other business on the agenda was the June 19, 2013 Devils Lake Tour (East End), the 2014 Budget and the hiring of Jason Trana as the East End Outlet Manager. The next meeting is scheduled for 8:00AM on May 8, 2013 at the Ramsey County Courthouse.

Upper Sheyenne River Joint Water Resource Board: Larson attended and provided a summary of the last meeting held at the Pizza Ranch in Carrington on April 22, 2013. Attorney Sean Fredricks was present to discuss drain tile issues. The Upper Sheyenne River Management Plan is being updated. The handbook for North Dakota Water Managers is again being updated. Nelson County informed the Board that it mailed out a survey/questionnaire to landowners and concerning the Sheyenne River. The next regular meeting is scheduled for June 18, 2013 at 7 pm at the Fireside Inn in Devils Lake.

Next Meeting: The next regular meeting of the Eddy County Water Resource Board will be held on June 4, 2013 at 9 a.m. in the Eddy County Courthouse

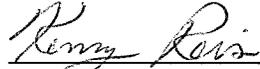
There being no further business the meeting was adjourned.

Respectfully submitted,



Travis S. Peterson, Recording Secretary

APPROVED:



Kenneth Reis, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD

June 4, 2013

A regular meeting of the Eddy County Water Resource Board was held on June 4, 2013 at 9:00 AM in the Eddy County Courthouse. Present were Michael Tweed, Peter Larson, Kenneth Reis and Travis S. Peterson, Secretary/Treasurer.

The minutes of the May 7, 2013 regular meeting were presented. Tweed made a motion to approve the minutes. Second by Larson. Motion carried.

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

The following bills were presented for payment:

Michael Tweed (January to June meetings and mileage)	\$1,371.33
Peter Larson (January to June meetings and mileage)	\$569.00
Kenneth Reis (January to June meetings and mileage)	\$421.16
Peterson Law Offices, PC (January to June costs & fees)	\$2,292.51
Registration for the 2013 Summer Conference and Expo-Mike Tweed	\$125.00

Reis made a motion to approve. Second by Larson. Motion carried.

Correspondence: Various correspondence was reviewed. No action necessary.

Old Business:

Warwick Dam: Peterson updated the Board on his recent correspondence with Damon DeVillers, PE. The Board indicated they would like bids opened at the July 2, 2013 meeting. The Board instructed Peterson to follow up with DeVillers and request that DeVillers attend the July 2, 2013 meeting.

Drain Tile: Peterson provided the Board with copies of NDCC Chapter 61-32, along with a photocopy of the Notice that Benson County Water Board recently published and that requires landowners and/or contractors to notify Benson County Water Board of any and all drain projects. After discussion it was decided that the Eddy County Water Board would not publish such a Notice and, for the time being, not request notification from landowners who are installing projects affecting an area of less than 80 acres.

New Business:

Culvert Complaints/Eddy County Highway #1: Peter Larson indicated that he received complaints and requests that two culverts along Eddy County #1 west of Sheyenne be cleaned/cleared/unplugged. The first is located west of Sheyenne and approximately a quarter-mile east of the Jackie and Nicoli Thompson Farm. This particular culvert is located underneath the County Road. The second is located approximately two miles east of the Eddy County/Wells County Line and is underneath an approach/township road on the North side of Eddy County #1. After discussion, Larson made a motion that Peterson draft a letter to the Eddy County Road Department and request that the culverts be inspected and the appropriate remedial action be taken.

Second by Tweed. Motion carried.

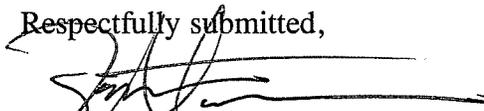
Devils Lake Basin Joint Water Resource Board: No update. The next meeting is scheduled on June 12, 2013 in Wolford, North Dakota.

Upper Sheyenne River Joint Water Resource Board: No update. The next regular meeting is scheduled for June 18, 2013 at 7 pm at the Fireside Inn in Devils Lake.

Next Meeting: The next regular meeting of the Eddy County Water Resource Board will be held on July 2, 2013 at 9 a.m. in the Eddy County Courthouse

There being no further business the meeting was adjourned.

Respectfully submitted,



Travis S. Peterson, Recording Secretary

APPROVED:



Kenneth Reis, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD

July 2, 2013

A regular meeting of the Eddy County Water Resource Board was held on July 2, 2013 at 9:00 AM in the Eddy County Courthouse. Present were Michael Tweed, Peter Larson, and Travis S. Peterson, Secretary/Treasurer. Absent was Kenneth Reis.

The minutes of the June 4, 2013 regular meeting were presented. Tweed made a motion to approve the minutes. Second by Larson. Motion carried.

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

Correspondence: Various correspondence was reviewed. No action necessary.

Old Business:

Warwick Dam: Peterson updated the Board concerning bid opening. The plan is to advertise for bids for three successive weeks and conduct bid opening at 10 am on August 6, 2013.

Culvert Complaints/Eddy County Highway #1: Peterson informed the Board that he mailed a letter to the Eddy County Road Supervisor. Peterson has heard nothing further in this regard. Larson indicated that the water in those areas is down, but doesn't know whether it is the result of work done or weather conditions.

New Business:

Eddy County Highway #8/Washington Lake Road: David Eversvik and Steve Waldo complained to the Eddy County Commission that North Washington Lake continues to rise and they want a culvert under County Highway #8 in the E1/2SE1/4 of Section 28, Township 151, Range 63, Eddy County, ND. The Eddy County Commissioners attended the Eddy County Water Resource Board meeting to discuss this complaint. The Eddy County Commission would appreciate the Water Board's assistance. It was agreed that between the Boards that:

1. Additional facts and information must be gathered;
2. Peterson needs to research the law and procedure;
3. County Engineer, Steve Thompson, may need to be involved;
4. Notice to interested landowner may be appropriate; and
5. A public hearing may need to be held to address these matters.

Based on information provided by Eversvik and/or Waldo and based on preliminary investigation conducted by the County, the following is believed:

1. County Road #8 was built approximately 1953;
2. There are no culverts in the area in question;
3. The State of ND owns the SE1/4 of Section 28 (ie, the land on both sides of County #8); and
4. Water in the area appears to flow north and east and eventually into the Sheyenne River.

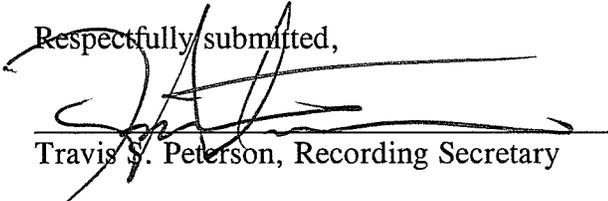
Devils Lake Basin Joint Water Resource Board: Tweed summarized the last meeting held on June 12, 2013 in Wolford, ND. Tweed also gave an overview of the Devils Lake Basin Tour conducted on June 19, 2013. The next meeting is scheduled on July 17, 2013 in Rolla at the Rollette County Courthouse.

Upper Sheyenne River Joint Water Resource Board: Peter Larson summarized the business of the last meeting held on June 18, 2013 at the Fireside Inn in Devils Lake. That meeting was held the evening prior to the Devils Lake Basin Tour. The next regular meeting is scheduled for August 21, 2013 in Carrington, ND.

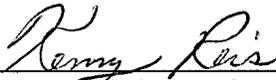
Next Meeting: The next regular meeting of the Eddy County Water Resource Board will be held on August 6, 2013 at 9 a.m. in the Eddy County Courthouse

There being no further business the meeting was adjourned.

Respectfully submitted,


Travis S. Peterson, Recording Secretary

APPROVED:


Kenneth Reis, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD

August 6, 2013

A regular meeting of the Eddy County Water Resource Board was held on August 6, 2013 at 9:00 AM in the Eddy County Courthouse. Present were Michael Tweed, Kenneth Reis and Travis S. Peterson, Secretary/Treasurer. Absent was Peter Larson.

The minutes of the July 2, 2013 regular meeting were presented. Tweed made a motion to approve the minutes. Second by Reis. Motion carried.

The Treasurer's Report was presented and reviewed. Reis made a motion to approve the report. Second by Tweed. Motion carried. The 2014 budget was discussed. Reis made a motion to submit the following budget:

Insurance	\$ 400.00
Dues	\$ 2,500.00
Engineering	\$10,000.00
Cleanouts & Misc. Projects	\$ 5,000.00
Per Diem	\$ 6,100.00
Secretary & Legal	\$ 6,000.00
Warwick Dam restoration	<u>\$10,000.00</u>
Total	\$40,000.00

Tweed second the motion. Motion carried.

The following bills were presented for payment:

Transcript (publishing the notice of advertisement for bids re: Warwick Dam)	\$205.92
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Reis made a motion to approve. Second by Tweed. Motion carried.

Correspondence: Various correspondence was reviewed. No action necessary.

Old Business:

Eddy County #8 Washington Lake Road: TSP updated the Board on on what has occurred since the July meeting. Basically, Peterson researched the identity of those land owners that may be affected by the proposed culvert. Peterson also discussed the matter with Eddy County engineer, Steve Thompson. Thompson recommended that the County first resolve various easement issues with the state of North Dakota (County Hwy #8 issues). If the culvert issue remains, then Thompson recommends that landowners in the area be contacted and this matter be discussed informally before any engineering surveys, public hearings, etc. are conducted. Thompson felt that the landowners in the area might have the best feedback and ideas about how and where increased water would flow.

Warwick Dam: DeVillers, PE, of Interstate Engineering was present for the bid opening for the rehabilitation and modification of the Warwick Dam. Bid opening took place promptly at 10 AM. Also present

were: Todd Weber of Harvey Sand and Gravel, Inc.; Luke Rygg of Industrial Builders, Inc.; Josh Quast of Meier Contracting, Inc.; and Louie Cater of Spruce Valley Corporation. DeVillers opened and inspected all bid packets submitted by the four companies referenced above. All bid bonds, contractor licenses and acknowledgments of Addendum No. 1 were properly included with each bid. Harvey Sand and Gravel bid \$218,702.25; Industrial Builders bid \$406,900.00; Meier Contracting bid \$484,620.00 and Spruce Valley Corporation bid \$330,122.50. The lowest apparent bid was Harvey Sand and Gravel, Inc. at \$218,702.25. DeVillers indicated that he would take the bids back to his office, examine them more thoroughly and report back to the Board. The Board thanked the bidders for their interest and bids.

The Board discussed with DeVillers the status of the project and fundraising. At this point it seems the highest priority is to confirm/secure cost share partners. At this point, apparent or potential cost share partners are as follows:

Harvey Sand & Gravel Bid	\$218,702.25
NDSWC ¹	(110,150.00)
ND Game and Fish ²	(40,000.00)
Upper Sheyenne River Joint Water Resource Board ³	(1,500.00)
Devils Lake Basin Joint Water Resource Board ⁴	(1,500.00)
Southeast Cass Water Resource District ⁵	(10,000.00)
Eddy County Water Board ⁶	(32,805.34)
US Fish & Wildlife ⁷	(\$25,000.00)

Total: 2,253.09 (excess funds)

¹Confirmed by written agreement.

²As indicated by Jerry J. Weigel in May 25, 2012 email to Damon DeVillers. (Up to \$40,000.00, possibly more.)

³Not confirmed.

⁴Not confirmed.

⁵SECWRD allocated \$10,000.00 to the Upper Sheyenne River Joint Water Resource Board for projects "like this." This needs to be discussed with Ben Varnson. Allocation of any or all of this sum has not been agreed to or confirmed by Ben Varnson.

⁶By motion unanimously approved on November 2, 2006 the Eddy County Water Resource District agreed to contribute an amount not more than 15% of the total project cost.

⁷Not Confirmed.

Drain Tile: The Board reviewed the Subsurface Drain Tile Application dated July 10, 2013 for Monty Schaefer (Application No. 2013-001). The Board concluded the application does not propose drainage of a statewide significance so the board has jurisdiction to approve the permit (without forwarding to the state engineer's office to consider and approve). According to the application, applicant seeks to install a drain tile system in the following described real estate:

Township 148, Range 67, Eddy County, North Dakota:
Section 20: SE1/4;
Section 21: S1/2;
Section 28: NW1/4

The system utilizes four pumps. As proposed, the four pumps will discharge into Rosefield Slough. All of the proposed pumps are located more than 1 mile from the nearest downstream landowner(s). As a result, the Applicant/Board is not required to issue a 30 day notice under NDCC 61-32-03.1. The Board did, however, discuss various conditions that may attach to the issuance of the requested permit. The Board specifically requested that Peterson research the date range during which the pumps may be operated. Other conditions the Board members discussed and recommended included:

1. That Applicant obtain easements from the owner of any land, besides land owned by Applicant, on which Applicant will construct the tile system;
2. That Applicant provide and maintain adequate erosion protection at any and all drain outlets from Applicant's tile system;
3. That Applicant obtain written permission from the Rosefield Township Board of Township Supervisors to discharge into, or otherwise utilize, any of its township road ditches, or to bore through its township road;
4. That Applicant obtain written permission from the Rosefield Township Board of Township Supervisors to install, operate, and maintain a buried pipe in any of its township road ditches;
5. That Applicant obtain written permission from Eddy County to discharge into, or otherwise utilize, any of its county highway right of way, or to bore through its highway;
6. That Applicant notify the Eddy County Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets;
7. That Applicant notify the Eddy County Water Resource District in advance of any proposed improvements to the tile system, or any proposed increase in the capacity or drainage area of the tile system and, if necessary, submitting an additional permit application.
8. That, upon a determination by, and notice from, the Eddy County Water Resource District that Emerick Drain/Rocky Run is full or otherwise unable to accommodate the discharge of water from Applicant's tile system, Applicant shall close all outlets and/or turn off any an all pumps;

9. That Applicant shall close all outlets and/or turn off any an all pumps during flood occurrences or under conditions that may cause adverse impacts to downstream landowners, as determined by the Eddy County Water Resource District;
10. That Applicant is responsible for thawing downstream culverts frozen as a result of discharges from Applicant's tile system during winter months;
11. That Applicant obtain all other necessary and requisite licenses, permits, registrations, and/or approvals from all applicable federal state, county, and municipal governments, and any other applicable governmental entities.

The Board agreed to revisit the application upon being provided further information by Peterson.

Red Bridge: Mike Tweed informed the Board that the culverts have been installed and, as of August 2, 2013, it appears the improvements to the Red Bridge are complete.

Summer Water Convention and Expo: Tweed indicated that he very much enjoyed his attendance at the summer conference held in Dickinson, North Dakota. Drain Tile issues were a hot topic. Tweed indicated he would rate the Summer Conference as very good.

New Business:

Devils Lake Basin Joint Water Resource Board: Tweed summarized the July 17, 2013 meeting held in Rolla at the Rolette County Courthouse. Tweed also gave an overview of the Devils Lake Basin Tour conducted on July 19, 2013. There were enough attendees at the Basin Tour to require two buses.

Upper Sheyenne River Joint Water Resource Board: No update because Peter Larson was absent.

Next Meeting: The next regular meeting of the Eddy County Water Resource Board will be held on September 3, 2013 at 9 a.m. in the Eddy County Courthouse

There being no further business the meeting was adjourned.

Respectfully submitted,



Travis S. Peterson, Recording Secretary

APPROVED:



Kenneth Reis, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
September 3, 2013

A regular meeting of the Eddy County Water Resource Board was held on September 3, 2013 at 9:00 AM in the Eddy County Courthouse. Present were Michael Tweed, Kenneth Reis, Peter Larson and Travis S. Peterson, Secretary/Treasurer.

The minutes of the August 6, 2013 regular meeting were presented. Reis made a motion to approve the minutes. Second by Tweed. Motion carried.

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

Peterson informed the Board that Bank Forward CD #74723 matures on September 9, 2013. After discussing CD rates and options, Larson made a motion to renew the CD on the same terms and conditions (6 months at .25%). Second by Reis. Motion carried.

Correspondence: Various correspondence was reviewed. No action necessary.

Old Business:

Warwick Dam: The Board reviewed the tabulation of bids prepared by Interstate Engineering. Harvey Sand and Gravel submitted the low bid at \$218,702.25. Reis made a motion to accept the Harvey Sand and Gravel bid. Larson second. Motion carried.

Cost share partners were discussed. DeVillers received written confirmation that neither the Southeast Cass Water Resource District nor the Cass County Joint Water Resource District will make financial contribution to this project. The Cass County Water Boards are focusing their financial support to projects that include water retention designs. The Cass County Boards do not believe the Warwick Dam meets their water retention cost share criteria.

Peter Larson indicated that it is his understanding that US Fish and Wildlife Service has a new program focused on Fish and Habitat projects. Larson believes it might be worthwhile to discuss the Warwick Dam project with Steve Krenz at USWFS. Peterson was instructed to pass that information on to Damon DeVillers, PE.

At this point, apparent or potential cost share partners are as follows:

Harvey Sand & Gravel Bid	\$218,702.25
NDSWC ¹	(110,150.00)
ND Game and Fish ²	(40,000.00)
Upper Sheyenne River Joint Water Resource Board ³	(1,500.00)
Devils Lake Basin Joint Water Resource Board ⁴	(1,500.00)
Southeast Cass Water Resource District ⁵	(0.00)
Eddy County Water Board ⁶	(32,805.34)
US Fish & Wildlife ⁷	(\$25,000.00)

Total: 7,746.91 (additional funds needed)

Monty Schaefer Application to Install Subsurface Drain Tile (Application No. 2013-001): The Board reviewed the Subsurface Drain Tile Application dated July 10, 2013 for Monty Schaefer (Application No. 2013-001). The Board concluded the application does not propose drainage of a statewide significance so the board has jurisdiction to approve the permit (without forwarding to the state engineer's office to consider and approve). According to the application, applicant seeks to install a drain tile system in the following described real estate:

Township 148, Range 67, Eddy County, North Dakota:
 Section 20: SE1/4;
 Section 21: S1/2;
 Section 28: NW1/4

¹Confirmed by written agreement.

²As indicated by Jerry J. Weigel in May 25, 2012 email to Damon DeVillers. (Up to \$40,000.00, possibly more.)

³Not confirmed.

⁴Not confirmed.

⁵Damon DeVillers received written confirmation that neither SECWRD nor CCJWB will contribute to this project.

⁶By motion unanimously approved on November 2, 2006 the Eddy County Water Resource District agreed to contribute an amount not more than 15% of the total project cost.

⁷Not Confirmed.

The system utilizes four pumps. As proposed, the four pumps will discharge into Rosefield Slough. All of the proposed pumps are located more than 1 mile from the nearest downstream landowner(s). As a result, the Applicant/Board is not required to issue a 30 day notice under NDCC 61-32-03.1. Peter Larson moved and Kenneth Reis seconded a motion to approve Monty Schaefer Subsurface Drain Application No. 2013-001, subject to the following conditions:

1. That Applicant obtain easements from the owner of any land, besides land owned by Applicant, on which Applicant will construct the tile system;
2. That Applicant provide and maintain adequate erosion protection at any and all drain outlets from Applicant's tile system;
3. That Applicant obtain written permission from the Rosefield Township Board of Township Supervisors to discharge into, or otherwise utilize, any of its township road ditches, or to bore through its township road;
4. That Applicant obtain written permission from the Rosefield Township Board of Township Supervisors to install, operate, and maintain a buried pipe in any of its township road ditches;
5. That Applicant obtain written permission from Eddy County to discharge into, or otherwise utilize, any of its county highway right of way, or to bore through its highway;
6. That Applicant notify the Eddy County Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets;
7. That Applicant notify the Eddy County Water Resource District in advance of any proposed improvements to the tile system, or any proposed increase in the capacity or drainage area of the tile system and, if necessary, submitting an additional permit application.
8. That, upon a determination by, and notice from, the Eddy County Water Resource District that Oak Creek Drain/Rocky Run is full or otherwise unable to accommodate the discharge of water from Applicant's tile system, Applicant shall close all outlets and/or turn off any an all pumps;
9. That Applicant shall close all outlets and/or turn off any an all pumps during flood occurrences or under conditions that may cause adverse impacts to downstream landowners, as determined by the Eddy County Water Resource District;
10. That Applicant is responsible for thawing downstream culverts frozen as a result of discharges from Applicant's tile system during winter months;
11. That Applicant obtain all other necessary and requisite licenses, permits, registrations, and/or approvals from all applicable federal state, county, and municipal governments, and any other applicable governmental entities.

New Business:

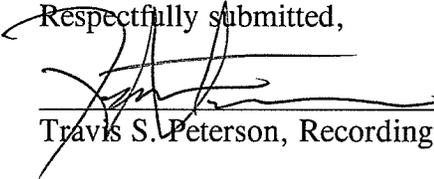
Devils Lake Basin Joint Water Resource Board: Tweed gave an update on the August 14, 2013 meeting held at the Ramsey County Courthouse. Next meeting is scheduled for 8 am on September 11, 2013 at the Adams Café.

Upper Sheyenne River Joint Water Resource Board: Larson provided a summary of the business conducted at the last meeting held on August 21, 2013 in Carrington ND and the next meeting is scheduled for October 16, 2013 at 9 am in Carrington, ND.

Next Meeting: The next regular meeting of the Eddy County Water Resource Board will be held on October 1, 2013 at 9 a.m. in the Eddy County Courthouse

There being no further business the meeting was adjourned.

Respectfully submitted,



Travis S. Peterson, Recording Secretary

APPROVED:



Kenneth Reis, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD

October 1, 2013

A regular meeting of the Eddy County Water Resource Board was held on October 1, 2013 at 9:00 AM in the Eddy County Courthouse. Present were Michael Tweed, Peter Larson and Travis S. Peterson, Secretary/Treasurer. Absent was Kenny Reis.

The minutes of the September 3, 2013 regular meeting were presented. Tweed made a motion to approve the minutes. Second by Larson. Motion carried.

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

The following bill was presented for payment: Interstate Engineering for services rendered and costs related to Warwick Dam in the amount of \$6,539.00. Tweed moved to pay. Second by Larson. Motion carried.

Correspondence: Various correspondence was reviewed. No action necessary.

Old Business:

Warwick Dam: Peterson updated the Board on his recent correspondence with Damon DeVillers, PE. Peterson also informed the Board that the North Dakota Department of Trust Lands submitted comment to the State Engineer indicating that Eddy County does not possess an Easement for ingress and egress over and across the SE1/4 of Section 16, Township 150, Range 63 to the Warwick Dam. Peterson and DeVillers are working to address this Easement issue.

New Business:

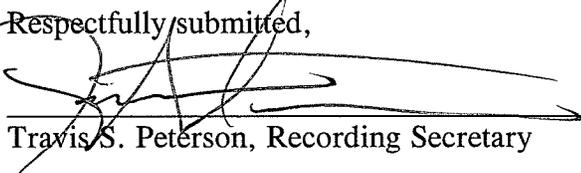
Devils Lake Basin Joint Water Resource Board: Tweed gave an update on the September 11, 2013 meeting held in Adams, ND. The next meeting is scheduled for 8 am on October 9, 2013 at the Nelson County Courthouse in Lakota.

Upper Sheyenne River Joint Water Resource Board: There has been no meeting since August 21, 2013. The next meeting is scheduled for October 16, 2013 at 9 am in Carrington, ND.

Next Meeting: The next regular meeting of the Eddy County Water Resource Board will be held on November 5, 2013 at 10 a.m. in the Eddy County Courthouse

There being no further business the meeting was adjourned.

Respectfully submitted,


Travis S. Peterson, Recording Secretary

APPROVED:


Kenneth Reis, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD
SPECIAL MEETING
October 17, 2013 at 9 AM

A special meeting of the Eddy County Water Resource Board was held on October 17, 2013 at 9:00 AM in the basement of the Eddy County Courthouse. On the Agenda was the preconstruction conference relative to the Warwick Dam Rehabilitation. Present from the Eddy County Water Board were Michael Tweed, Kenneth Reis, Peter Larson and Travis S. Peterson, Secretary/Treasurer. Others present were: Damon DeVillers, PE, Interstate Engineering; Todd Weber from Harvey Sand and Gravel; Susan Shearer from Industrial Builders; and Nathan _____ from Industrial Builders.

Various issues concerning the rehabilitation of the Warwick Dam were discussed and clarified. Todd Weber of Harvey Sand and Gravel indicated that he anticipated clearing and grubbing would begin the week of October 28, 2013. Upon completion Industrial Builders would arrive to install the sheet piling. Harvey Sand and Gravel would then return to finish up the remainder of its work. Green View Landscaping would be in charge of the landscape and seeding. It was suggested that the seeding may not occur until spring of 2014. From start to finish Weber expects the project to take approximately five weeks.

Issues that need to be resolved are:

1. Shutdown of the west end outlet pumps. DeVillers will make the appropriate contacts. The local pump manager is Jeff Trana (cell phone 701-527-4873) and the State contact is Jonathan Kelsch.
2. Sovereign Lands Permit from the State Water Commission. DeVillers will work on this.
3. Condemnation/easement issue with the ND Department of Trust Lands. The State contact is Michael Humann (701-328-1917). The ND Department of Trust Lands claims it is necessary for the County to obtain a right of way easement in order to access the Dam. DeVillers and Peterson will work to resolve this issue;
4. Access easement from Sheyenne Valley Rod and Gun Club for access to the Dam from the North. DeVillers and Peterson will work to obtain this Easement.

Regarding the easement from the ND Department of Trust Lands, Michael Humann informs Peterson that there is a \$50 application fee. Peterson proposed that the Board authorize payment of the application fee. Larson moved to approve payment of the application fee; Tweed seconded. Motion carried. Eddy County Water Resource Board check #753 in the amount \$50 was prepared and signed by Peterson and Reis.

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 5, 2013

A regular meeting of the Eddy County Water Resource Board was held on November 5, 2013 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 1, 2013 regular meeting were presented. Larson made a motion to approve the minutes. Second by Tweed. Motion carried.

The minutes of the October 17, 2013 special meeting were presented. Reis made a motion to approve the minutes. Second by Tweed. Motion carried.

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

The following bills were presented for payment:

Devils Lake Basin Joint Water Resource Board (2012 and 2013 membership dues)	\$875.00
ND Water Users Association (Tweed registration/annual water convention)	\$175.00

Reis moved to pay. Second by Larson. Motion carried.

Correspondence: Various correspondence was reviewed. No action required other than as more particularly set forth below.

Old Business:

Warwick Dam: Peterson updated the Board on the status of the project. Two issues prevent Harvey Sand and Gravel from starting: 1) State Water Commission has not issued the Sovereign Lands Permit; and 2) ND Department of Trust Lands insists that an access easement (or land acquisition by Eddy County Water Resource Board) is required. Peterson and DeVillers are working to resolve these issues. An actual start date is currently unknown.

The Board expressed concern about the potential loss of cost share funding if the project is not completed in 2013. The Board also asked whether it was possible that cost share partners might release funding prior to completion of the project. The Board asked Peterson to address these issues with DeVillers.

New Business:

Annual North Dakota Water Users Association Convention and Irrigation Expo: Tweed intends to attend. Garrison Diversion Conservancy District will pay for Tweed's room. It was agreed that the Eddy County Water Resource Board would pay for Tweed's registration. (See motion above regarding payment of registration fee.)

Devils Lake Basin Joint Water Resource Board: Tweed summarized the business conducted at the last meeting held on October 9, 2013 in Lakota, ND. The next meeting is scheduled for November 13, 2013 at 8 am in Shyenenne ND at Ostby Hall. Tweed will not be able to attend that meeting. However, Larson will cover the necessary arrangements and plan to attend this meeting.

Upper Sheyenne River Joint Water Resource Board: Larson summarized the business conducted at the last meeting held on October 16, 2013 in Carrington. The next meeting is scheduled for December 10, 2013 at 7 pm in Bismarck in conjunction with the annual convention and irrigation expo. Larson does not anticipate attending the December meeting.

Next Meeting: The next regular meeting of the Eddy County Water Resource Board will be held on December 3, 2013 at 10 a.m. in the Eddy County Courthouse

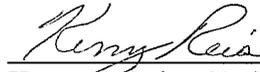
There being no further business the meeting was adjourned.

Respectfully submitted,



Travis S. Peterson, Recording Secretary

APPROVED:



Kenneth Reis, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD

December 3, 2013

A regular meeting of the Eddy County Water Resource Board was held on December 3, 2013 at 10:00 AM in the Eddy County Courthouse. Present were Michael Tweed, Peter Larson, Travis S. Peterson, Secretary/Treasurer and Eddy County Landowner, Doug Skadberg. Kenny Reis was absent.

The minutes of the November 5, 2013 regular meeting were presented. Tweed made a motion to approve the minutes. Second by Larson. Motion carried.

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

The following bills were presented for payment:

Peterson Law Offices (July through December - legal fees)	\$2270.46
Mike Tweed (July - December Meetings and mileage)	\$1804.00
Peter Larson (July - December Meetings and mileage)	\$927.24
Kenneth Reis (July-December meetings and mileage)	\$284.88

Tweed moved to pay. Second by Larson. Motion carried.

Correspondence: Various correspondence was reviewed. No action required other than as more particularly set forth below.

Old Business:

Warwick Dam: Peterson updated the Board on the status of the project. The North Dakota Department of Trust Lands access issue has been resolved. The North Dakota Department of Trust Lands issued a Permit Letter authorizing access over and across their land. The State Water Commission has still not issued the Sovereign Lands Permit. Construction work cannot begin until the State Water Commission Sovereign Lands Permit is issued. In light of the recent snow and weather forecast, it appears unlikely this project will begin anytime soon. Peterson informed the Board that he submitted a grant application to the Outdoor Heritage Fund. Peterson requested a grant in the amount of \$95,002.75. Oral presentations concerning the grant requests will be scheduled for the week of January 13, 2014.

New Business:

Doug Skadberg Complaint: Doug Skadberg presented a complaint regarding water blocks in the W1/2 of Section 28, Township 148, Range 67, Eddy County. Monty Schaefer owns the land. Skadberg claims that Schaefer has constructed or repaired dams and/or spillways within a natural watercourse above and below Rosefield Slough. In support his complaint, Skadberg offered a map of the Oak Creek Drain and other maps that identify the problem areas. Skadberg also presented a November 13, 2013 letter from the ND State Engineer's Office regarding a WPA dam constructed many years ago in the Rocky Run in the NE1/4SW1/4 of Section 28, Township 148, Range 67, Eddy County, ND. In addition to the dams/spillways, Skadberg claims there are culverts that need cleaning and/or are insufficient in size; and that there exists an old road bed north bound into Schaefer's farmstead that holds back water. According to Skadberg, all of these things combined result in a significant hold back of water to the detriment of the land in Section 29. The Board reviewed the materials and

asked various questions of Skadberg. It was agreed the information would be provided to all board members for their further review and consideration. Thereafter, the Board would decide how to proceed.

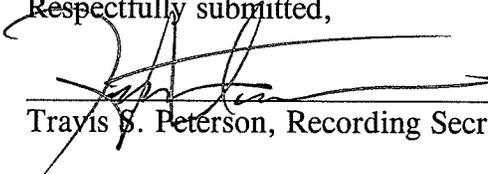
Devils Lake Basin Joint Water Resource Board: Larson summarized the business conducted at the last meeting held on November 13, 2013 in Sheyenne ND at the Ostby Hall. The next meeting is scheduled for December 12, 2013 at 11:30 AM in Bismarck at the Ramkota in conjunction with annual convention.

Upper Sheyenne River Joint Water Resource Board: There has been no meeting since the last Eddy County Water Board meeting. The next meeting is scheduled for December 10, 2013 at 7 pm in Bismarck at the Ramkota in conjunction with the annual convention.

Next Meeting: The next regular meeting of the Eddy County Water Resource Board will be held on January 7, 2014 at 10 a.m. in the Eddy County Courthouse

There being no further business the meeting was adjourned.

Respectfully submitted,



Travis S. Peterson, Recording Secretary

APPROVED:



Kenneth Reis, Chairman