

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD

January 7, 2014

A regular meeting of the Eddy County Water Resource Board was held on January 7, 2014 at 10:00 AM in the Eddy County Courthouse. Present were Kenny Reis, Michael Tweed, Peter Larson, and Travis S. Peterson, Secretary/Treasurer.

The minutes of the December 3, 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 following bills were presented for payment:

North Dakota Water Users Association (2014 dues)	\$300.00
North Dakota Water Resource District Association (2014 dues)	\$475.00
Insurance Forward (2014 premiums)	\$341.00
Interstate Engineering (Inv #16379)	\$5912.44

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. According to information provided by the State Water Commission, the Sovereign Lands Permit and Construction Permit have been signed by the State Engineer. However, the conditional water use permit still needs to be issued. Because the State Water Commission does not consider one permit valid without the other, they are holding the Construction Permit and Sovereign Lands Permit until after issuance of the Conditional Water Use Permit. Apparently the Conditional Water Use Permit is in the process of being mailing out to interested parties for comment. That comment period is 30 days.

The Outdoor Heritage Fund Advisory Board has scheduled the Warwick Dam grant application presentation for Monday, January 13, 2014 at 4 PM in the Department of Mineral Resources Conference Room (1000 East Calgary, Bismarck ND). Peter Larson volunteered to present on behalf of the Eddy County Water Board. Potential issues to be presented were discussed. It was agreed that Larson and Peterson would work together with DeVillers to prepare the presentation materials.

Doug Skadberg Complaint: Copies of Skadberg's complaint have been distributed to all Board Members. A copy of the materials have also been provided to Edwin Curry, PE, of the Devils Lake Basin Joint Water Resource Board. Kenneth Reis has also visited with Doug Skadberg about the issue. It was agreed that these matters would be addressed at the annual meeting of the Rocky Run Joint Water Resource Board to be held in March of 2014. It is hoped that both Skadberg and Schaefer will be present at that meeting.

ND Annual Water Convention: Tweed provided the Board with an overview of his attendance at the Convention held in Bismarck from December 10th - 12th.

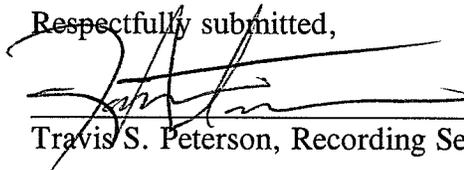
Devils Lake Basin Joint Water Resource Board: Tweed provided a summary of the last meeting held at 11:30 AM on December 12, 2013 in Bismarck ND in conjunction with the Annual ND Water Users Association Convention. The next meeting is scheduled for 9 AM on January 8, 2014 in Devils Lake. Tweed also informed the Board that the 2014 Devils Lake Basin Tour is tentatively scheduled for June 18, 2014.

Upper Sheyenne River Joint Water Resource Board: Tweed provided a summary of the last meeting held at 7 pm on December 10, 2013 in Bismarck ND in conjunction with the Annual ND Water Users Association Convention. The next meeting has not been scheduled.

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

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD

February 4, 2014

A regular meeting of the Eddy County Water Resource Board was held on February 4, 2014 at 10:00 AM in the Eddy County Courthouse. Present were Kenny Reis, Peter Larson, and Travis S. Peterson, Secretary/Treasurer, and Eddy County landowner Monty Schaefer. Absent was Mike Tweed.

The minutes of the January 7, 2014 regular meeting were presented. Larson made a motion to approve the minutes. Second by Reis. Motion carried.

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

The following bills were presented for payment:

Upper Sheyenne Joint Water Resource Board (2014 dues)	\$883.00
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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. Since last meeting, Peterson received a construction status inquiry from the bonding company, Granite Re, Inc. Peterson completed and returned via email that status inquiry. Peterson also received from the ND Department of Health a general permit for storm water discharges from construction activity. A copy of this was emailed to Damon DeVillers. The Board was also informed that Larson presented the Warwick Dam project to the ND Outdoor Heritage Fund Advisory Board. Larson was successful in securing \$55,000. Peterson updated the project cost share income worksheet and provided a copy to the board. Based on past discussions with Ben Varnson, Chairman of USRJWRB, it is Peterson's understanding that US Fish and Wildlife and Cass County Joint Water Resource Board funds are available for disbursement upon request. Peterson suggested that the Board request disbursement. Larson indicated that he would discuss this with Varnson at the next Upper Sheyenne Joint Water Resource Board meeting.

Doug Skadberg Complaint: Kenneth Reis invited Monty Schaefer to today's meeting to discuss Skadberg's complaint. Schaefer had not seen any of the Skadberg materials prior to the meeting. After a brief review of the Skadberg documents, Schaefer addressed various aspects of Skadberg's complaint. It was agreed that the Board would schedule a time to view the areas in question. If possible the Board would like both interested parties and Erwin Curry, PE of the Devils Lake Basin Joint Water Resource Board, to be present so that all parties can hear first-hand any concerns or discussion that may result. Peterson informed Schaefer that he would email a complete color copy of the Skadberg complaint documents. Reis also requested that Peterson follow up with Erwin Curry to see if he had an opportunity to review the Skadberg documents and if it was possible for him to visit the property in question.

New Business:

2014 Joint Rocky Run Water Board Meeting: Peterson informed the Board that the meeting is scheduled for Tuesday, March 4, 2014 at 1 pm at the Chieftan in Carrington ND. Peterson informed the Board that he would mail notice, along with a copy of last year's meeting minutes, to the Board members prior to the meeting.

North Dakota State Water Commission, State Water Plan 2015-2017 Biennium: The Board discussed the State Water Commission's request for help in developing its budget for the 2015-2017 biennium. Peterson shared with the Board Mike Tweed's comments about proposing completion of the New Rockford Canal as an Eddy County Water Resource Board Project. It was agreed that these matters would be revisited at the March water board meeting.

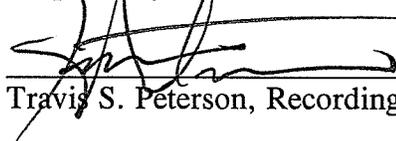
Devils Lake Basin Joint Water Resource Board: No update.

Upper Sheyenne River Joint Water Resource Board: Larson informed the Board that the next meeting is scheduled for February 19, 2014 at 9 am at the Pizza Ranch in Carrington ND.

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

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD

March 4, 2014

A regular meeting of the Eddy County Water Resource Board was held on March 4, 2014 at 10:00 AM in the Eddy County Courthouse. Present were Kenny Reis, Peter Larson, Mike Tweed and Travis S. Peterson, Secretary/Treasurer, and Eddy County landowner Monty Schaefer. Eddy County landowner Doug Skadberg and Kris Skadberg arrived sometime after the meeting began.

The minutes of the February 4, 2014 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.

Peterson also informed the Board that Bank Forward Certificate of Deposit #74723 matures on March 9, 2014. After discussing available rates, Reis made a motion to let the CD automatically renew under the same terms and rates. (6 months and 0.25%). 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 informed the Board that the State Water Commission granted Conditional Water Permit #6039 and Construction Permit #2408. These permits were forwarded to Damon DeVillers. At this time it appears Eddy County possesses the proper permit to proceed with the Warwick Dam Modification and Rehabilitation. Peterson informed the Board that he has not heard from DeVillers regarding payment of construction materials previously acquired and paid for by Harvey Sand and Gravel. Peterson will follow up with DeVillers in this regard.

Peterson also informed the Board that he has not heard anything from the Industrial Commission regarding the Outdoor Heritage Fund Grant.

Doug Skadberg Complaint: Doug Skadberg, Kris Skadberg and Monty Schaefer were present to discuss the issues identified by Doug Skadberg. Peterson and Tweed both indicated they had provided Skadberg's complaint documents to Erwin Curry, PE, Devils Lake Basin Joint Water Resource Board. Peterson also informed the Board that he had email correspondence with Erwin Curry. Curry did indicate that he could schedule a trip to the site to survey and document changes made to the dam/slough. Curry indicated that he would like somebody to accompany him to the location. Curry stated that he would call after he has studied the problem further and when he would like to schedule a site visit.

Black Slough (Benson County, ND): Brian Maddock of the Benson County Water Resource Board called to discuss the cleanout of an area in Minco Township (Benson County), north and east of Hamar. This issue was brought to the attention of the Eddy County Water Board in June 2010. The cleanout was never completed. Benson County called to confirm that Eddy County had no objections to completing this project and to inquire whether the appropriate authorizations were granted. After reviewing these matters, Peterson was able to email (lbjacobson@nd.gov) a letter of approval from the BIA and Eddy County Water Resource Board.

New Business:

Drain Tile Permit Application: The Board reviewed the Subsurface Drain Tile Application dated December 16, 2013 for Stuart Richter (Application No. 2014-001). 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 65, Eddy County, North Dakota:
Section 11: NW1/4 and W1/2NE1/4

The system will drain approximately 185 acres and utilizes two gravity fed outlets having maximum outlet capacity of 2 cfs. As proposed, the two gravity fed outlets will discharge into a natural waterway. Kenneth Reis is the only downstream landowner within one mile. Kenneth Reis was provided 30 day notice under NDCC 61-32-03.1. Peter Larson moved and Kenneth Reis seconded a motion to approve Stuart Richter's Subsurface Drain Application No. 2014-001, 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 Pleasant Prairie 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 Pleasant Prairie 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 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;
9. That Applicant is responsible for thawing downstream culverts frozen as a result of discharges from Applicant's tile system during winter months;

10. 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.

Motion carried.

Devils Lake Basin Joint Water Resource Board: No update. Next meeting is scheduled for March 12, 2014 at 9 am in the Ramsey County Courthouse.

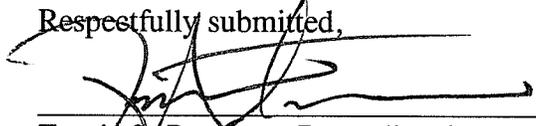
Upper Sheyenne River Joint Water Resource Board: Larson provided a summary of the business conducted at the last meeting. The next meeting is scheduled for March 19, 2014 in Carrington ND.

Annual Joint Rocky Run Meeting: Scheduled for March 4, 2014 at 1 pm in Carrington at the Chieftan.

Next Meeting: The next regular meeting of the Eddy County Water Resource Board will be held on April 1, 2014 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 1, 2014

A regular meeting of the Eddy County Water Resource Board was held on April 1, 2014 at 9:00 AM in the Eddy County Courthouse. Present were Kenny Reis, Peter Larson, and Travis S. Peterson, Secretary/Treasurer.

The minutes of the March 4, 2014 regular meeting were presented. Larson made a motion to approve the minutes. Second by Reis. Motion carried.

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

Correspondence: The Board reviewed a State Water Commission Notice regarding temporary water permit issued to KD Hoyt, Inc. and notice of an NDIRF Annual Meeting.

Old Business:

Rocky Run: The Board reviewed Peterson's draft of the minutes of the March 4, 2014 annual meeting.

Warwick Dam: Peterson reported that he received the proposed agreement with the Outdoor Heritage Fund. The agreement was reviewed. Reis made a motion to enter into the agreement. Larson seconded. Motion carried.

Peterson reported to the Board that Industrial Builders submitted a request for payment in the amount of \$17,491.48. Larson made a motion to pay, contingent upon the review and recommendations to pay from Damon DeVillers. Reis seconded. Motion carried.

Doug Skadberg Complaint: It was agreed that the Board would have Erwin Curry, PE, of the Devils Lake Basin Joint Water Resource Board investigate these matters. Peterson explained that, based on his discussions with the Eddy County Engineer, Steve Thompson of Interstate Engineering, culvert modifications will not be a part of the Eddy County Road 16 overlay project. Proper placement and repair of the existing culverts will, however, take place as part of that project. In the event this does not resolve Skadberg's concerns, then it may be necessary to discuss these matters further to determine whether more in depth hydrological studies are appropriate and necessary.

Stuart Richter Drain Tile Application 2014-001: This matter was revisited in order that Chairman Reis could sign the backside of the permit application. Peterson will forward copies of the appropriate documentation to Richter and the State Water Commission.

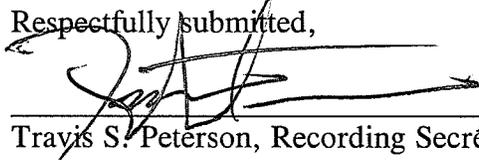
Devils Lake Basin Joint Water Resource Board: No information or update available because Mike Tweed was absent.

Upper Sheyenne River Joint Water Resource Board: The next meeting is scheduled for April 16, 2014 in Pekin, ND.

Next Meeting: The next regular meeting of the Eddy County Water Resource Board will be held on May 6, 2014 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 6, 2014

A regular meeting of the Eddy County Water Resource Board was held on May 6, 2014 at 9:00 AM in the Eddy County Courthouse. Present were Kenny Reis, Peter Larson, Mike Tweed and Travis S. Peterson, Secretary/Treasurer.

The minutes of the April 1, 2014 regular meeting were presented. Larson made a motion to approve the minutes. Second by Tweed. Motion carried.

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

Peterson presented his bill for the Eddy County Water Board's share of the 2014 Annual Rocky Run Joint Water Board meeting. Reis moved to pay it. Second by Tweed. Motion carried.

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

Old Business:

Doug Skadberg Complaint: Peterson informed the Board he emailed Erwin Curry, PE, of the Devils Lake Basin Joint Water Resource Board, and requested that a time be scheduled to tour the area complained about by Skadberg. Peterson suggested that the tour could take place after the Water Board meeting on May 6, 2014 or on some other date if necessary. Erwin Curry did not respond to Peterson's email. In the meantime, on May 2, 2014, all three Water Board members, Monty Schaefer and Doug Skadberg toured the areas complained about. It is agreed that the areas in question need to be studied and surveyed by an engineer. Mike Tweed indicated that he would follow up with Erwin Curry at the next Devils Lake Basin meeting scheduled for May 14, 2014. If Mr. Curry indicates he is unable or unwilling to study and survey these matters, then the Water Board will pursue other options.

Warwick Dam: Peterson presented the Harvey Sand and Gravel Statement of Costs for the sheet piling purchased to date. Damon DeVillers has reviewed and approved payment of this invoice in the total amount of \$17,491.48. Consistent with a motion previously carried by the Water Board, Peterson was instructed to mail payment and provide copies of the same to DeVillers and Ben Varnson of the Upper Sheyenne Joint Water Resource Board.

Rocky Run: During the meeting Peterson was informed that Kevin Wolsky contacted Peterson. The Board adjourned to Peterson's office and returned Wolsky's telephone call. Wolsky asked if Wells County Water Board had been in contact with Eddy County regarding stream crossing studies or any other Rocky Run business. The Eddy County Board had not heard from Wells County; neither has Foster County. Wolsky was basically curious whether Eddy County had requested a stream crossing study within the Rocky Run or, if not, whether it was willing to do so. Peterson requested that Wolsky provide the name of the contact person at the State Water Commission, along with a list of that information required by the State Water Commission in order to complete a stream crossing study. Wolsky also visited some about Kittelson Crossing and suggested that his current focus is gathering up as much information as possible about Rocky Run stream flows so that Foster County can appropriately size culverts within Foster County to appropriately deal with Rocky Run flows.

New Business:

Jay Topp Drain Title Concerns: Peter Larson received a call from Jay Topp. Topp expressed concerns about a drain tile project that a neighbor is considering. Details are scarce. It is believed that the neighbor may be considering a project in the SW1/4 of Section 20, Township 148, Range 64. Water therefrom would flow over and across Section 29 that is owned by Jay Topp. Until or unless a drain tile application is submitted to the Water Board, the Board lacks sufficient information or authority to respond to Mr. Topp's concerns.

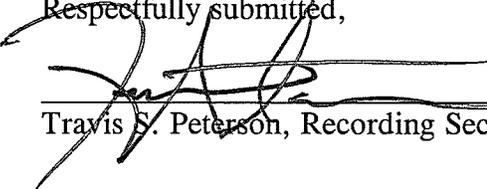
Devils Lake Basin Joint Water Resource Board: Mike Tweed provided an update of the last meeting held on April 9, 2014. The next meeting is scheduled for May 14, 2014 in Ramsey County Courthouse, Devils Lake ND.

Upper Sheyenne River Joint Water Resource Board: Peter Larson summarized the business conducted at the last meeting held on April 16, 2014 in Pekin, ND. Larson is on the audit committee. The committee was impressed with the books maintained by Charlene Varnson. At the regular meeting various topics were addressed, including a study of mussels and sulfates within the Sheyenne River. The next regular meeting is scheduled for June 17, 2014 at 7 pm in Devils Lake. This is the evening prior to the annual Devils Lake Basin Tour.

Next Meeting: The next regular meeting of the Eddy County Water Resource Board will be held on June 3, 2014 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 3, 2014

A regular meeting of the Eddy County Water Resource Board was held on June 3, 2014 at 9:00 AM in the Eddy County Courthouse. Present were Kenny Reis, Peter Larson, Mike Tweed and Travis S. Peterson, Secretary/Treasurer.

The minutes of the May 6, 2014 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.

Reis made a motion to pay and Larson seconded the following bills to be paid:

ND Water Resource District Assn - Summer Conference (Mike Tweed)	\$125.00
Peter Larson - January to June 2014 - meetings and mileage	\$919.53
Kenny Reis - January to June 2014 - meetings and mileage	\$731.96
Mike Tweed - January to June 2014 - meetings and mileage	\$1,198.64

Motion carried.

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

Old Business:

Doug Skadberg Complaint: All three board members, Monty Schaefer and Doug Skadberg toured the area in question on May 1, 2014. On May 14, 2014 all three board members met on site with Edwin Curry, P.E. Also on May 14, 2014, Kenneth Reis met on site with Aaron Carranza of the ND State Water Commission. The Board requested that both Curry and Carranza prepare a report for the water board. As of today's date, neither Peterson nor the Board has received anything from Curry or Carranza. The Board instructed Peterson to follow up with Curry and Carranza and inquire as to the status of these matters. The Board asked Peterson to forward them whatever he receives as soon as it is received.

Warwick Dam: Peterson informed the Board that he received partial reimbursement from Upper Sheyenne River Joint Water Resource Board. USRJWRB did not reimbursement for sales tax charged and paid. Peterson will attempt to obtain from the Eddy County Auditor the Eddy County sales tax exempt number and then work with the engineer and/or Harvey Sand and Gravel to credit the sales tax previously paid. Peterson will also work to ensure that sales tax is not charged in the future. The Board consensus is that the modification and rehabilitation will not begin until fall.

Rocky Run: No decision was made on obtaining a current stream crossing study. It is possible that information already exists. The Board requested that Peterson discuss this matter with the State Water Commission.

Jay Topp Drain Title Concerns: Neither the Board nor Peterson has heard anything further in this regard.

New Business:

Jeff Topp/Columbia Township/Grace City Road - County Road #2: Shortly after the meeting Peterson was called to the Eddy County Commission Meeting. Commissioner Collier invited Jeff Topp to the meeting to discuss concerns he has about culverts in County Road #2. Jeff Topp would like additional culverts in the Grace City Road. The Commissioners requested that the Water Board investigate the matter to determine if a hydrology study was necessary and/or give the Commissioners some advice as to the appropriateness of additional culverts and the location and sizing of any such culverts. Peterson had Topp summarize the situation and then contacted Kenneth Reis and Mike Tweed. Reis and Tweed planned to meet Topp on-site at 12:00 PM on June 3, 2014.

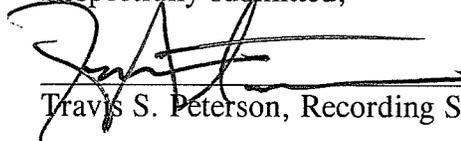
Devils Lake Basin Joint Water Resource Board: Mike Tweed provided a summary of the meeting held on May 14, 2014. It was generally a quiet meeting. Tweed reminded the Board that the Devils Lake Basin Tour is scheduled for June 18, 2014. Tweed believes the 2014 tour will focus on the ~~west~~^{east} end of the Basin. The next meeting is scheduled for June 11, 2014 in Ramsey County Courthouse, Devils Lake ND.

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 the evening of June 17, 2014 in Devils Lake ND. This is the evening before the Devils Lake Basin Tour.

Next Meeting: The next regular meeting of the Eddy County Water Resource Board will be held on July 1, 2014 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 1, 2014

A regular meeting of the Eddy County Water Resource Board was held on July 1, 2014 at 9:00 AM in the Eddy County Courthouse. Present were Kenny Reis, Peter Larson, Mike Tweed and Travis S. Peterson, Secretary/Treasurer. Also present were Mike Marohl, Bureau of Reclamation; Kip Kovar, Garrison Diversion; Lawrence Anderson, Eddy County Landowner; Loren Anderson, Eddy County Landowner; Todd Koepplin, Eddy County Landowner; Steve Weisenburger, Eddy County Landowner, Joan Heckaman, District 23 Senator; Chet Pollert, District 29 Representative.

The minutes of the June 3, 2014 regular meeting were presented. Reis made a motion to approve the minutes. Second by Tweed. Motion carried.

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

Larson made a motion to pay and Tweed seconded the following bill to be paid:

Peterson Law Offices - January to June 2014 - costs and fees	\$3,238.90
Peterson Law Offices - Warwick Dam (June 10, 2013 through June 3, 2014)	\$4,803.96
Total	\$8,042.86

Motion Carried.

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

Old Business:

Doug Skadberg Complaint: The Board received a letter from Aaron Carranza, PE, Office of the State Engineer, dated June 20, 2014 outlining Mr. Skadberg's complaint as filed with the State Water Commission. Said letter indicates that the State Engineer's office is returning the complaint to the Eddy County Water Board for further review and processing. Said letter further outlined the Board's various options for dealing with the complaint. It is noted that the complaint filed with the Office of the State Water Engineer is not the same as the complaint filed with the Eddy County Water Board. Particularly, Skadberg added "10) Monty Trackhoe" and a Google Earth map depicting a trackhoe in Monty's pasture.

After much consideration and deliberation, Reis moved to give Monty Schaefer the opportunity to retain the dam/spillway located in the NW1/4 of Section 28 if he satisfies the permit requirements of NDCC 61-16.1-38 and on the following further conditions: 1) Any and all culverts installed shall be at an elevation, quantity and size approved by the waterboard; 2) Any and all costs associated with the project shall be the obligation of Monty Schaefer (including but not limited to construction, engineering, equipment, labor, and materials); and 3) Monty Schaefer must enter into a maintenance agreement that requires that he and his assigns/successors will assume all future costs of and responsibility for maintenance and repairs. Tweed seconded. After further discussion, motion carried unanimously.

Jeff Topp/Columbia Township/Grace City Road #2: Peterson informed the Board that he met with the Eddy County Commission concerning this matter. Based on that meeting, Peterson believes that the Eddy County Commission engaged Interstate Engineering to conduct a Hydraulic Study of the area in question. If

the Eddy County Commission had any questions or concerns after obtaining the Hydraulic Study then the Eddy County Commission would be in contact with the Eddy County Water Board. The Eddy County Commission hoped that the Hydraulic Study might be complete by the July 15, 2014 Commission meeting so that a final decision could be made prior to commencement of the County Road #2 overlay project.

New Business:

Anderson/Koepplin/Weisenburger/New Rockford Canal: Prior to the meeting Kip Kovar, P.E., Garrison Diversion Conservancy District (GDCD), called and requested that the New Rockford Canal be placed on the agenda. There are drainage/pooling issues north and south of the canal and east and west of Highway 281. (See Frank Walker complaint of 2003 for additional background and information. See also Peterson Law Offices File 2010104.12). By way of further background and introduction, Kovar explained that US Bureau of Reclamation owns the canal and GDCD leases the canal from the Bureau. Mike Marohl then explained that the Bureau and GDCD have an obligation to operate and maintain the canal according to the dictates of Congress. The current directives are contained in the Dakota Water Resources Act of 2000. The current intended and stated purpose of the canal is irrigation. Therefore, all current maintenance and management practices must be consistent therewith.

The current issue complained of by Weisenburger is restricted cross drainage. Particularly, the siphons in the area of Highway 281 are insufficient to permit adequate drainage from North to South. Kovar and Marohl assert that there are other contributing factors in addition to the siphons being insufficient. Particularly, Kovar and Marohl point out that: the area is in an extreme wet cycle; clean outs/maintenance occurred in the west ditch of Highway 281; and a culvert was added north of the canal and west of highway 281 in a township road/approach. All of these factors appear to contribute to water stacking up on the north side of the canal and both east and west of Highway 281. Lawrence Anderson and Loren Anderson are impacted on both the north and south sides of the canal. Todd Koepplin is impacted on the south side of the canal. The issue south of the canal is that water does not stay within Highway 281 ditch but instead spreads out to the south and east.

Marohl indicated that he would like the interested parties to focus on the future and solutions, rather than dwell on the past. Marohl suggested that input from the local level is important in determining how to best manage the canal and also address the landowners' water issues. Marohl proposed that the Eddy County Water Resource Board discuss these issues with the affected landowners and thereafter send a letter to the US Bureau of Reclamation (David Rosenkrance, Area Manager, Bismarck, ND) that identifies/outlines the current issues and that specifically requests that the US Bureau respond to the issues presented. It is likely that this situation will require a hydrology study in order to identify how to most appropriately get the water across the canal and/or utilize the canal in a fashion that is consistent with the intended purpose of the canal but that also accommodates the affected landowners (i.e. temporary water retention, etc).

In addition to a letter from the Water Board to the US Bureau of Reclamation, affected landowners may proceed with requests for loss mitigation/reimbursement. Any such requests are the responsibility of the affected landowners. Whether or not the requests are granted, the requests might be valuable to document the ongoing nature of the problem. It was agreed that the waterboard would draft a letter to the US Bureau of Reclamation requesting its attention to these restricted cross drainage issues. Peterson was informed that he could call Kovar if he has particular questions or concerns.

Devils Lake Basin Joint Water Resource Board: Mike Tweed summarized the last meeting held on June

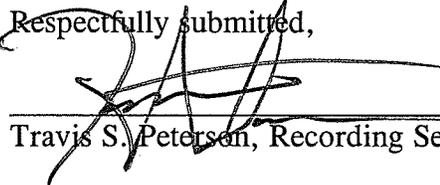
11, 2014 and the Devils Lake Basin Tour that took place on June 18, 2014. The next meeting is scheduled for July 9, 2014 at 8 am in the Ramsey County Courthouse, Devils Lake ND.

Upper Sheyenne River Joint Water Resource Board: Peter Larson provided a summary of the meeting held June 17, 2014 in Devils Lake ND. The next meeting is scheduled for August 20, 2014 at 9 am in Carrington ND at the Pizza Ranch.

Next Meeting: The next regular meeting of the Eddy County Water Resource Board will be held on August 5, 2014 at 9 a.m. in the Eddy County Courthouse.

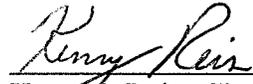
There being no further business the meeting was adjourned.

Respectfully submitted,



Travis S. Peterson, Recording Secretary

APPROVED:



Kenneth Reis, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD

August 5, 2014

A regular meeting of the Eddy County Water Resource Board was held on August 5, 2014 at 9:00 AM in the Eddy County Courthouse. Present were Kenny Reis, Peter Larson, Mike Tweed and Travis S. Peterson, Secretary/Treasurer. Also present were Eddy County Landowners Steve Weisenburger, Tom Anderson, Monty Schaefer, Chris Skadberg.

The minutes of the July 1, 2014 regular meeting were presented. Reis made a motion to approve the minutes. Second by Tweed. Motion carried.

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

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

Old Business:

Doug Skadberg Complaint: This matter was discussed and debated by those interested parties in attendance. The Board also had a conference call with Aaron Caranza, P.E., Water Resource Engineer, Regulatory Section, North Dakota State Engineer's Office. The Board reviewed with Caranza his letter of June 20, 2014. In a nutshell the options available to the Eddy County Water Board are to: 1) remove the unauthorized dam/spillway or 2) permit construction/modification after following the procedures and requirements of NDCC 61-16.1-38. Consistent with the Board's motion of July 1, 2014, the Board directed Peterson to send Schaefer a letter providing him an opportunity to leave the dam and spillway in place if NDCC 61-16.1-38 is satisfied; but if not then the Water Board will proceed with removal of the dam and spillway. Said motion was made by Mike Tweed, seconded by Peter Larson and unanimously approved.

New Rockford Canal: Steve Weisenburger was present and seeking an update as to what has been accomplished since the July 1, 2014 meeting. Peterson explained that a letter has been drafted and emailed to Kip Kovar. Peterson has received no response from Kovar. After discussion, the Board directed that Peterson include in the letter the Water Board's recommendation that it is a priority to install a culvert/drain in the north side of the canal and west of Highway 281. It was also agreed that the letter should be copied to GDCD, ND DOT, Joan Heckaman, District 23 Senator, Chet Pollert, District 29 Representative and Steve Weisenburger.

Warwick Dam: Peter Larson stated that he discussed the project with Todd Weber of Harvey Sand and Gravel (HS&G). Weber suggested that HS&G might be able to begin the project in October. Due to the various grants and cost shares, Larson felt it important to mail a letter to HS&G to urge their timely scheduling of the project. It was also agreed that Peterson should contact Damon DeVillers and Ben Varnson to inquire about any additional cost shares which may be available but not yet contributed (i.e. FWS Habitat monies, etc). Peterson also mentioned that the ND Department of Trust Lands granted a construction easement through September 30, 2014. Because the project will not be complete by September 30, 2014, Peterson indicated he would contact Michael Humann at the ND Department of Trust Lands and request an extension of the letter of permission.

New Business:

Mike Schaefer/Louis Schaefer Drain Tile Application: An application for tile drainage, dated June 18, 2014, was received by Mike Schaefer and Louis Schaefer. Said Application proposes to drain 260 acres in the W1/2

Section 2, Township 148 Range 67, Eddy County, ND. Thirty (30) day notice to downstream landowners was mailed on July 23, 2014. Tom Anderson was present to discuss his concerns and object to issuance of the permit. Anderson was instructed to submit his objection in writing. Because the 30 day notice to downstream landowners does not expire until August 23, 2014, no decision was made on the issuance of the permit.

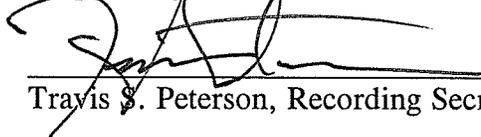
Devils Lake Basin Joint Water Resource Board: Tweed missed the last meeting because he was at the Summer Conference. Tweed gave a brief summary of that Summer Conference.

Upper Sheyenne River Joint Water Resource Board: There has been no meeting since June 17, 2014. The next meeting is scheduled for August 20, 2014 at 9 am in Carrington at the Pizza Ranch.

Next Meeting: The next regular meeting of the Eddy County Water Resource Board will be held on September 2, 2014 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 2, 2014

A regular meeting of the Eddy County Water Resource Board was held on September 2, 2014 at 9:00 AM in the Eddy County Courthouse. Present were Peter Larson, Mike Tweed and Travis S. Peterson, Secretary/Treasurer. Also present were Eddy County Landowners Tom Anderson, Monty Schaefer, Doug Skadberg, Mike Schaefer and Steve Weisenburger.

The minutes of the August 5, 2014 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 also informed the Board that Bank Forward Certificate of Deposit #74723 matures on September 9, 2014. Larson made a motion to allow the CD to renew under the same terms and conditions (6 months at .25%). Second by Tweed. Motion carried.

2015 Budget was discussed. Tweed made a motion to submit a total budget request in the amount of \$36,650 as previously drafted and emailed to the Board members. Second by Larson. Motion carried.

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

Old Business:

Doug Skadberg Complaint: Monty Schaefer was present to discuss the Board's letter of August 6, 2014. Schaefer presented a Certificate of Survey (Interstate Engineering Project No. 14-07-063) within Section 26, Township 148, Range 67, Eddy County, North Dakota. Said Certificate of Survey identified various elevations in the area of the Rosefield Slough dam, spillway and a 48" reinforced concrete pipe (RCP). Schaefer also presented a sketch he prepared that further depicts these items and that includes his notes relative to various elevations. Monty also provided a copy of Easements and Dedications, dated September 24, 1936 (recorded in Eddy County Recorder's Office in Book 10 of Miscellaneous, Pages 557 and 558. Said Easements concern the construction of a 300' long dam being 7' high, along with flooded or inundated lands. Based on the Interstate Engineering Certificate of Survey, it appears that, on average, the top of the dam is 7'2" above the upstream streambed.

Schaefer desires to maintain and preserve the dam and spillway. Schaefer proposes to fix the leading edge of the spillway by initially pulling out the chunks of concrete that have heaved and are a potential obstruction to water flow. Although pouring a new concrete spillway may be ideal, Schaefer indicates this will be difficult due to current wet conditions.

Doug Skadberg was present and filed with the Water Board what he termed a "continuing complaint". Skadberg demanded answers; stated that he does not agree with "rebuilding" the dam; insisted that the dam must be engineered; and insisted that "dikes" constructed by Schaefer be removed. Skadberg also stated that the culverts in the county road are the problem. Skadberg presented no documentation or written evidence to indicate that any of the items identified in his complaint presented at the December 3, 2013 meeting or his "continuing complaint" presented at the September 2, 2014 meeting obstruct the flow of water or adversely affect land upstream.

Board member Larson indicated that, based on the evidence presented and based on prior on-site inspections, he believes the flow of water is impeded at the road to/from the Schaefer farmstead.

Based on: 1) prior on-site visits and the information resulting therefrom; 2) the Interstate Engineering Certificate of Survey (Project No. 14-07-063) dated August 27, 2014; 3) the sketch of Monty Schaefer depicting various elevations of the dam, spillway and RCP; 4) the Easements and Dedications of September 24, 1936; and 5) the lack of evidence presented by Doug Skadberg, Mike Tweed moved to determine that the Rosefield Slough Dam located in Section 28, Township 148, Range 67 was not altered or modified such that a construction permit was required under NDCC 61-16.1-38. Larson seconded. Motion carried.

With regard to the other various items identified in the Skadberg complaint filed on December 3, 2013 and the “continuing complaint” filed on September 2, 2014, the Board determined as follows:

1. To the extent the Skadberg complaint concerns any county road, county culverts, and/or debris within the county road right of way, Skadberg is hereby referred to the Eddy County Commission;
2. With regard to any “dam” or earthen berms constructed by Schaefer on the northwesterly shore of Rosefield Slough and near 62nd Ave NE, Schaefer is ordered to remove (and Schaefer agrees to remove) said “dam” or earthen berms;
3. With regard to any “structure built by Monty on east side of slew(sp)”, the Board finds no action necessary because it appears the complained of “structure” is the result of Schaefer’s efforts to remove cattails and no impediment or obstruction to water flow has been created thereby;
4. Concerning a “structure built by Monty on west side of slew(sp) below dam”, no impediment or obstruction to water flow has occurred because the elevation thereof is lower than the spillway;
5. With regard to an “ATV crossing built by Monty”, no impediment or obstruction to water flow has occurred because the elevation thereof is lower than the spillway;
6. With regard to “old road left into slow water”, no impediment or obstruction to water flow exists because there are culverts with sufficient capacity to handle the water that flows through the culverts in the county road;
7. With regard to “Monty driveway”, the Water Board agrees that culvert improvements are necessary. The Water Board, Township and Schaefer will coordinate installation of additional and/or improved culverts necessary to increase flow capacity.

Mike Schaefer/Louis Schaefer Drain Tile Application No. 2014-002: Tom Anderson was present and spoke in opposition of the Schaefer Drain Tile Application. Mike Schaefer was present and spoke in support of the application. After listening to the parties comments, the Board determined that it was necessary to conduct an on-site inspection. The on-site inspection took place on September 2, 2014 immediately after the Board completed the remainder of its other business. Present for the on-site inspection were Peter Larson, Mike Tweed, Kenneth Reis and Travis Peterson, secretary/treasurer.

Based on the application, the comments of interested parties and the on-site inspection, the Board adopts the following:

**Eddy County Water Resource District
Investigative Findings & Notice of Determination**

The Board reviewed *Application to Install a Subsurface Drain No. 2014-002* dated June 18, 2014 for Mike Schaefer and Louis Schaefer. The Board concluded the application does not propose drainage of statewide significance, so the Board has jurisdiction to approve the permit (without forwarding to the State Engineer's office to consider and approve). Under the application, Applicant seeks to install a drain tile system upon the following described property, to-wit:

Township 148, Range 67, Eddy County, ND:
Section 2: Auditor's Lot 2 (located in Government Lot 2); Government Lots 3 and 4; and SW1/4, consisting of 297 acres, more or less.

The project will consist of the following:

Number and Type of Outlet: 1/Pump
Outlet flow capacity: 4 cfs
Design capacity: 3/8"
Acres Tiled: 260

The Board, on July 23, 2014, provided Thirty-day Notice to the downstream landowners within one (1) mile of the proposed sub-surface drain as required by NDCC 61-32-03.1. Said Landowners are as follows:

Tom & Sharon Anderson
701 13th St S.
New Rockford ND 58356

Township 148, Range 67:
Section 2: Auditor's Lot 1 (located in Govt Lot 2) and Government Lot 1
Section 1: Government Lots 1, 2, 3 and 4;
N1/2S1/2

Todd & Karen Koeplin
2081 61st Ave NE
New Rockford ND 58356

Township 148, Range 67:
Section 2: SE1/4

Todd Koeplin and Karen Koeplin did not submit any comments to the Board. The Board did, on August 21, 2014, receive a letter from Tom Anderson wherein he objected to the proposed drain tile system. Said letter appeared to be incorrectly dated August 27, 2014.

According to the records on file with the Eddy County Recorder's Office, applicant, Louis M. Schaefer and spouse, Jeanne M. Schaefer, owns the following described property, to-wit: Township 148, Range 67: Section 2: SW1/4; and applicant, Mike D. Schaefer, owns the following described property, to-wit: Township 148, Range 67: Section 2: Auditor's Lot 2 (located in Government Lot 2) and Government Lots 3 and 4.

The Board reviewed the application and, on September 2, 2014, toured the land applicant proposes to drain and the land owned by Tom Anderson and Sharon Anderson. Based upon a review of the maps available through the ND LiDAR dissemination map service, it appears the project will discharge directly into a natural watercourse. However, it further appears that Tom Anderson and Sharon Anderson may, from time to time, farm the affected land. Therefore, it appears to the Board that land of Tom Anderson and Sharon Anderson located within one mile of the proposed drain may be flooded or adversely affected by the proposed drain.

Based on the foregoing facts and considerations, Kenneth Reis moved and Mike Tweed seconded the motion to approve Application to Install a Subsurface Drain 2014-002, dated June 18, 2014, subject to the following conditions:

1. That Applicant obtain and record (with the Eddy County Recorder's office) a flowage easement (and not just written consents), including language that permits saline water, from Tom Anderson and Sharon Anderson and regarding the following described real estate, to-wit:

Eddy County, ND:

Township 148, Range 67:

Section 2: Auditor's Lot 1 (located in Govt Lot 2) and Government Lot 1

Section 1: Government Lots 1, 2, 3 and 4; N1/2S1/2

2. That Applicant obtain easements from the owner of any land, besides land owned by Applicant, on which Applicant will construct the tile system;
3. That Applicant provide and maintain adequate erosion protection at any and all drain outlets from Applicant's tile system;
4. 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;
5. 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;
6. 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;
7. That Applicant notify the Eddy County Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets;
8. 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.
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.

Upon roll call vote, the motion carried unanimously.

New Rockford Canal: Peterson informed the Board of a letter received on August 30, 2014 from David Rosenkrance, Area Manager, of US Department of the Interior, Bureau of Reclamation. The letter generally concurs that the New Rockford Canal north of New Rockford and adjacent to Highway 281 requires attention to address and alleviate the concerns of Weisenburger and Anderson. Said letter further indicates that US Department of Interior/Bureau of Reclamation will be in touch with the Eddy County Water Resource Board to schedule a meeting to further discuss these matters. Steve Weisenburger was present and discussed concerns about this proposal and the feasibility thereof.

Warwick Dam: Peterson informed the Board that: 1) ND Department of Trust Lands extended the Construction Easement until September 30, 2015; 2) Peterson provided Karlene Fine (Outdoor Heritage Fund) a status report required by the grant contract; and 3) Peterson contacted Damon DeVillers and DeVillers indicated he would contact Harvey Sand and Gravel to begin coordinating project construction.

New Business:

Monty Schaefer culverts (farmstead road): Schaefer wishes to pursue installation of additional/improved culverts in the road leading to his farmstead. Schaefer proposed that he work with the township in this regard. The township board consists of Randy Guler, Monty Schaefer and Glen Walz.

Based on the investigation conducted in the course of the Skadberg complaint, the Board agrees that additional/improved culverts in the Schaefer farmstead road are appropriate and necessary. The Board is willing to assist and/or coordinate this effort, if necessary.

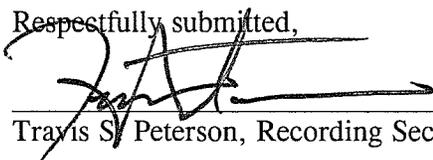
Devils Lake Basin Joint Water Resource Board: Tweed provided a summary of business conducted at the August 13, 2014 meeting held at the Ramsey County Courthouse in Devils Lake, ND. The next regular meeting is scheduled for September 10, 2014 in the Ramsey County Courthouse.

Upper Sheyenne River Joint Water Resource Board: Larson provided a summary of business conducted at the August 20, 2014 meeting held at the Pizza Ranch in Carrington. The next regular meeting is scheduled for October 15, 2014 at the Pizza Ranch in Carrington at 9 am.

Next Meeting: The next regular meeting of the Eddy County Water Resource Board will be held on October 7, 2014 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 Reiss, Chairman

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD

October 7, 2014

A regular meeting of the Eddy County Water Resource Board was held on October 7, 2014 at 9:00 AM in the Eddy County Courthouse. Present were Peter Larson, Mike Tweed, Kenneth Reis and Travis S. Peterson, Secretary/Treasurer. Also present were Kip Kovar, P.E., Garrison Diversion Conservancy District and Mike Marohl, Bureau of Reclamation.

The minutes of the September 2, 2014 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 Reis. Motion carried.

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

Old Business:

Doug Skadberg Complaint: Based on today's approval of the September 2, 2014 minutes, Peterson was instructed to forward copies of the September 2, 2014 minutes to both Skadberg and Shaefer.

Mike Schaefer/Louis Schaefer Drain Tile Application No. 2014-002: Peterson informed the Board that he is working with Mike Schaefer and Tom Anderson to complete the flowage easement. According to Reis the drain tile work is complete in the wheat stubble portion of the project area.

New Rockford Canal: Kip Kovar, PE, District Engineer Garrison Diversion Conservancy District, and Mike Marohl, Bureau of Reclamation, were present to discuss those concerns identified at the July 1, 2014 Eddy County Water Board meeting. Marohl explained that if Eddy County determines the appropriate size culvert(s) and purchases the culvert(s), Garrison Diversion Conservancy District will install and maintain said culvert(s). Garrison Diversion Conservancy District will also provide and install the culvert and dike that must remain in the base of the canal (under the cross-culvert) so as to remain in compliance with the authorizing legislation that prohibits drainage into the canal. Marohl also offered that Eddy County could accept the burdens of installation and maintenance of the culvert. This offer was promptly rejected. Based on a preliminary examination it appears the necessary culvert(s) will be 2 (qty.) - 24" culverts or 2 (qty.) - 30" culverts being 500 feet in length. It was agreed that Kovar would get some price quotes on the culverts and report back to the water board. The water board will then give further consideration to these matters and discuss them with the Eddy County Commission. Due to Garrison Diversion Conservancy District's work schedule and US Bureau of Reclamation review procedures, the work will not take place until 2015.

Warwick Dam: DeVillers contacted Peterson on October 6, 2014 and inquired whether there was a definite date the west-end outlets would be shut down. Kip Kovar, being present during this discussion, offered to contact John Kelsch at the State Water Commission to see if it would be possible to establish a firm date in order to more easily coordinate the start of construction.

Jamestown River Joint Water Resource Board: Reis received and presented the preliminary feasibility study. It was briefly reviewed. It was agreed this would be stored in the water board's file cabinet.

Devils Lake Basin Joint Water Resource Board: Tweed provided a summary of business conducted at the September 10, 2014 meeting held at the Ramsey County Courthouse in Devils Lake, ND. The next regular meeting is scheduled for October 8, 2014 in the Ramsey County Courthouse.

Upper Sheyenne River Joint Water Resource Board: There has been no meeting since the last Eddy County Water Board Meeting. The next regular meeting is scheduled for October 15, 2014 at the Pizza Ranch in Carrington at 9 am.

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

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD

November 7, 2014

A regular meeting of the Eddy County Water Resource Board was held on November 7, 2014 at 10:00 AM in the Eddy County Courthouse. Present were Peter Larson, Mike Tweed, Kenneth Reis and Travis S. Peterson, Secretary/Treasurer. Also present were Eddy County landowners, Roger Duda and Tracy Duda.

The minutes of the October 7, 2014 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. Larson made a motion to approve the report. Second by Reis. Motion carried.

Correspondence: Various correspondence was reviewed, including information about this year's Joint North Dakota Water Convention and Irrigation Workshop. Tweed indicated he plans to attend and that Garrison Diversion Conservancy District will cover the costs of his room. Tweed inquired whether the Eddy County Water Board would cover the cost of his convention registration. Larson made a motion to pay Tweed's registration. Reis seconded. Motion carried.

New Business:

Roger Duda Complaint regarding Paul Skadberg: Roger Duda presented a written complaint alleging that Paul Skadberg hauled in fill and built up the section line between the SE1/4 of Section 35 and the SW1/4 of Section 36, Township 148, Range 67, Eddy County, ND. In addition to building up the section line, Skadberg has allegedly built up the drain/water course on his land (SW1/4 of Section 36) such that Duda believes water will not flow naturally through the drain/water course but instead back up on Duda's land (SE1/4 of Section 35). Duda requested the Water Board's assistance to resolve this matter and/or order the removal of this new, intentionally placed, obstruction.

After completing its other business, the Water Board made a site visit. The Board confirmed Duda's allegations. The Board instructed Peterson to research the Board's authority to order removal of the obstruction and, if appropriate, prepare the necessary paperwork to accomplish the same.

Old Business:

Mike Schaefer/Louis Schaefer Drain Tile Application No. 2014-002: Peterson informed the Board that he has heard nothing further since last month's meeting. Reis indicated that the corn is off the remainder of the project area, but he did not know if the remaining tile was installed.

New Rockford Canal: The Board reviewed the cost estimates for the various culverts that might be required to drain from north to south across the canal. The Board requested that Peterson send a letter to the Eddy County Commission requesting that they consider covering the expense of the culvert. The Board also suggested that the Eddy County Water Board and the Eddy County Commission have a joint meeting in this regard. The Board also discussed that in the event Eddy County is not willing to cover the costs of the culvert, Garrison Diversion Conservancy District, North Dakota DOT and US Bureau of Reclamation should share in the cost of the culvert.

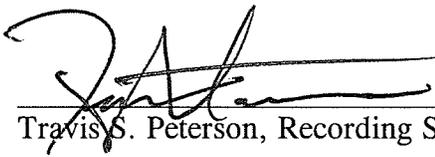
Devils Lake Basin Joint Water Resource Board: Tweed provided a summary of business conducted at the October 8, 2014 meeting. Tweed said it was a pretty quiet meeting. The next regular meeting is scheduled for November 12, 2014 at the Ramsey County Courthouse.

Upper Sheyenne River Joint Water Resource Board: Larson provided a summary of the business conducted at the October 15, 2014 meeting. Larson reminded the Eddy County Water Board to make a formal request for \$1500 when work on the Warwick Dam begins. The next regular meeting is scheduled for December 2, 2014 at 6 pm in Bismarck in conjunction with the Annual Water Convention and Irrigation Workshop. Larson indicated he will not be able to attend that meeting. Tweed indicated he would make an effort to attend.

Next Meeting: The next regular meeting of the Eddy County Water Resource Board will be held on December 2, 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

MINUTES OF THE EDDY COUNTY WATER RESOURCE BOARD

December 2, 2014

A regular meeting of the Eddy County Water Resource Board was held on December 2, 2014 at 10:00 AM in the Eddy County Courthouse. Present were Peter Larson, Mike Tweed , Kenneth Reis and Travis S. Peterson, Secretary/Treasurer. Also present was Eddy County landowner, Monty Schaefer.

The minutes of the November 7, 2014 regular meeting were presented. Larson made a motion to approve the minutes. Second by Tweed. Motion carried.

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

Reis made a motion to pay the following bill:

ND Water Resource District Assn - Annual Dues	\$300.00
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Larson seconded. Motion carried.

Larson made a motion to pay the following bills:

Peter Larson - July to December 2014 - meetings and mileage	\$644.30
Kenny Reis - July to December 2014 - meetings and mileage	\$439.19
Mike Tweed - July to December 2014 - meetings and mileage	\$1,299.75
Peterson Law Offices PC (July to December - fees/costs)	\$4,217.95

Tweed seconded. Motion carried.

Correspondence: Various correspondence was reviewed, no specific action was required.

Doug Skadberg Complaint: Monty Schaefer was present and informed the Board that he received a letter from Mandar Nangare, Water Resources Engineer/Water Development Division/ND State Water Commission, informing Schaefer that Skadberg appealed the decision of the Eddy County Water Resource Board. The appeal was apparently filed on October 22, 2014. Schaefer has been in contact with the SWC and Interstate Engineering. As of today's date, neither Eddy County Water Resource Board nor Peterson have received any correspondence or notification of the appeal from the SWC . At this point it appears this matter is between Skadberg, SWC and Schaefer. Peterson did ask Schaefer to provide a copy of the SWC letter. Schaefer indicated he would keep the Water Board informed of the status of this matter.

Warwick Dam: Peterson informed the Board that he emailed Damon DeVillers for a status report. DeVillers did not respond by meeting time. Larson and Tweed both indicated they recently traveled past the Dam and there was absolutely no activity or any indication that there would be in the near future. The Board decided to contact DeVillers during the meeting. DeVillers was not available. The Board then decided to contact Todd Weber at Harvey Sand and Gravel. Weber stated that, because he could not get any definite answers about a start date, Harvey Sand and Gravel has taken on other significant projects that will prevent them from starting the project before spring of 2015. The apparent problem is that SWC will not shut down the west end pump until immediately before freeze up and the contractor cannot do the work after freeze up. This basically prevents any work from being done in the fall. The Board agreed that further investigation into this matter is required in order

to determine how or if this project might be completed. It is also necessary to reevaluate the various permits to determine whether any of them might expire prior to completion of the work and also review cost share and grant conditions/contracts to determine whether any funding is in jeopardy. DeVillers called Peterson after the meeting; these matters were discussed; and DeVillers indicated he would review these matters.

Roger Duda Complaint regarding Paul Skadberg: Peterson shared his findings regarding obstructions to watercourse. Watercourses are defined at NDCC 61-01-06. The notice requirements are set forth at NDCC 61-16.1-51. The initial inquiry before the Board is whether the area in question constitutes a drain or watercourse entitled to the protections provided by statute. Based on the written complaint of Roger Duda and further based on the site visit of November 7, 2014, Kenneth Reis moved to make the following findings:

- 1) That the fill hauled in and dirt work done by Paul Skadberg constitutes an obstruction to a drain and/or watercourse;
- 2) That the obstruction will materially affect the free flow of water in the drain and/or watercourse;
- 3) That the obstruction was caused by the negligent and/or intentional act of Paul Skadberg; and
- 4) That Peterson provide Skadberg Notice as required by NDCC 61-16.1-51.

Peter Larson seconded the motion. After discussion the motion carried unanimously.

New Rockford Canal: At 10:30 AM the Eddy County Commissioners (Glenda Collier, Neal Rud and Jeff Pfau) joined the Water Board to discuss the current New Rockford Canal drainage issues. The Water Board outlined those issues for the Eddy County Commission. After discussing the matter, it was the consensus of the Water Board and the Eddy County Commission that letters be sent to Garrison Diversion Conservancy District and US Bureau of Reclamation supporting a solution to the drainage issues but stating that it is the opinion of the Water Board and the Eddy County Commission that all costs and expenses incurred, along with installation and maintenance should be the sole and absolute burden and responsibility of the Garrison Diversion Conservancy District and/or the US Bureau of Reclamation. The primary reason for this position is that the drainage issue at hand was not caused by or the result of projects under the direction of either the Water Board or the Eddy County Commission. Rather, the drainage issue is a result of the construction and/or design of the New Rockford Canal. Further, the Water Board and the Eddy County Commission prefer that the remedial action consist of culverts discharging directly into the canal so as to not create additional downstream water problems. The Water Board and the Eddy County Commission believe that drainage directly into the New Rockford Canal is reasonable and appropriate and should be permitted due to the fact that there are other numerous instances where this is occurring along the Canal and this drain is for the purpose of addressing emergency and/or intermittent rain events. As such, this drain will not result in regular or steady discharge into the canal, but only in emergency circumstances.

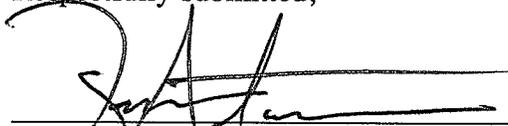
Devils Lake Basin Joint Water Resource Board: Tweed provided a summary of business conducted at the November 12, 2014 meeting. The next regular meeting is scheduled for December 4, 2014 in conjunction with the ND Water Convention in Bismarck.

Upper Sheyenne River Joint Water Resource Board: There has been no meeting since the last time the Eddy County Water Resource Board met. The next meeting is scheduled for December 2, 2014 at 6pm in conjunction with the ND Water Convention in Bismarck..

Next Meeting: The next regular meeting of the Eddy County Water Resource Board will be held on January 5, 2015 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