5 May 2023 Photos of
Eisenbeis farmland.

Water flows downhill inside the North American Coal (NAC) diversion ditch. When the diversion ditch is full, the water overflows the diversion ditch across the farmland and into the creek. This has resulted in significant erosion on the farmland.

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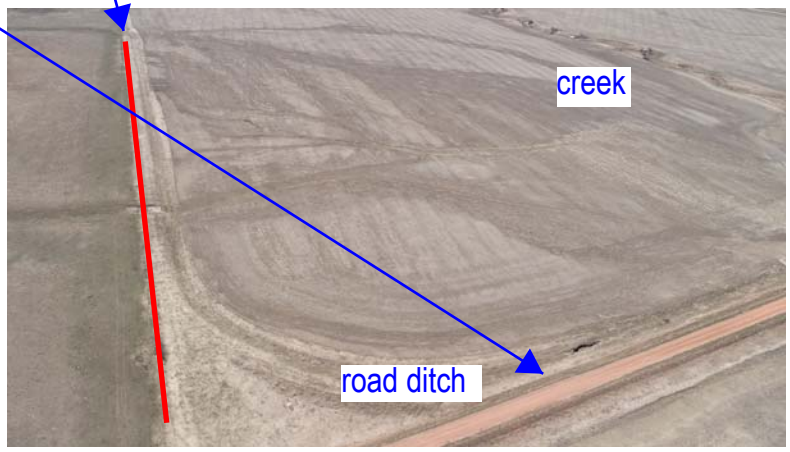
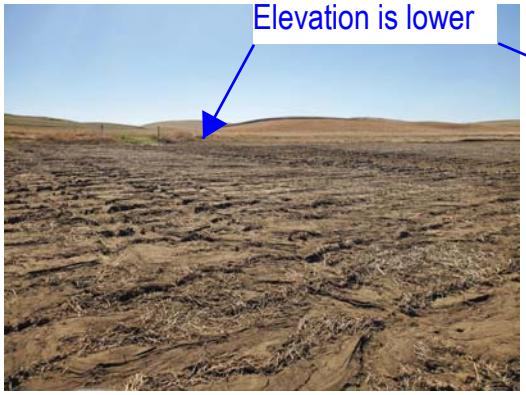
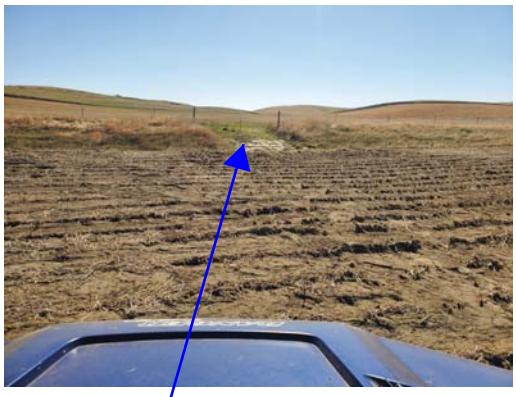
Much of the water does "not" flow into the "road ditch".

NAC should install a 3 foot wide, 3,500 psi, concrete berm next to the fence to direct all water into the road ditch. The concrete should contain multiple layers of rebar for the entire length to ensure the berm stays together as one piece.

The top of the berm should be 2 feet higher than the highest elevation of the farmland.







The previous berm was removed by NAC. This provides a direct path from NAC land onto the farmland.

Prairie grass has deep roots up to 15 feet into the ground. Prairie grass deep roots help absorb water. The prairie grass, between the fence and field, was removed by NAC.

6 Mar 2008 PSC Photos of
Eisenbeis farmland.

Original prairie grass between fence and field.

Original road ditch. Easy for a grain truck to cross onto the field.

31 Aug 2011 PSC Photos
of Eisenbeis farmland.

Esther Eisenbeis was not
compensated for crop loss.

North American Coal Pond Water Overflow in 2011.

NAC should be
required to pay the
landowners $10,000
when a Pond
overflows.

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The odds are
increased that a Pond
would never overflow.

16 Sep 2014 PSC Photos of Eisenbeis farmland.

Esther Eisenbeis was not compensated for crop loss.

North American Coal Pond Water Overflow in 2014.

A PSC Inspector found pond water netting on the farmland.

16 Sep 2014 and 26 Apr 2018 PSC
Photos of Eisenbeis farmland.

North American Coal
Deep / Wide Diversion Ditch

2014

The NAC diversion ditch was dug on Esther Eisenbeis' farmland without proper authorization.

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Per NAC, Esther Eisenbeis gave verbal authorization, even though NAC knew she had Alzheimer's.

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NAC had called Eisenbeis' son (Power of Attorney) who told NAC to dig the ditch on NAC land. He was not told about the blocking of access to the farmland.

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Esther Eisenbeis died on 18 Jun 2016.

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Her two sons and daughter lived in other states. They did not know about the NAC damage to the Esther Eisenbeis farmland until one son retired and moved back to ND.

2014

2018

The original prairie grass was removed by NAC.

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Prairie grass has deep roots up to 15 feet into the ground.

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Prairie grass deep roots help absorb water.

26 Apr 2018 PSC Photos and 2021 Photo of Eisenbeis farmland.

North American Coal (NAC)
Deep / Wide Road Ditch

NAC did not obtain a Mercer County permit to dig the road ditch deeper.

2018

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This is not an approach. A truck loaded with grain would tip over.

NAC agreed to install an approach in 2016. The farmland renters were at that meeting by the farmland.

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NAC reneged after NAC was not allowed to discharge more water into the creek.

2018

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The road ditch begins to erode.

NAC should install an approach large enough to accommodate a semi-grain truck.

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The approach should have two large culverts in parallel to ensure water does not flow onto the farmland.

2022.

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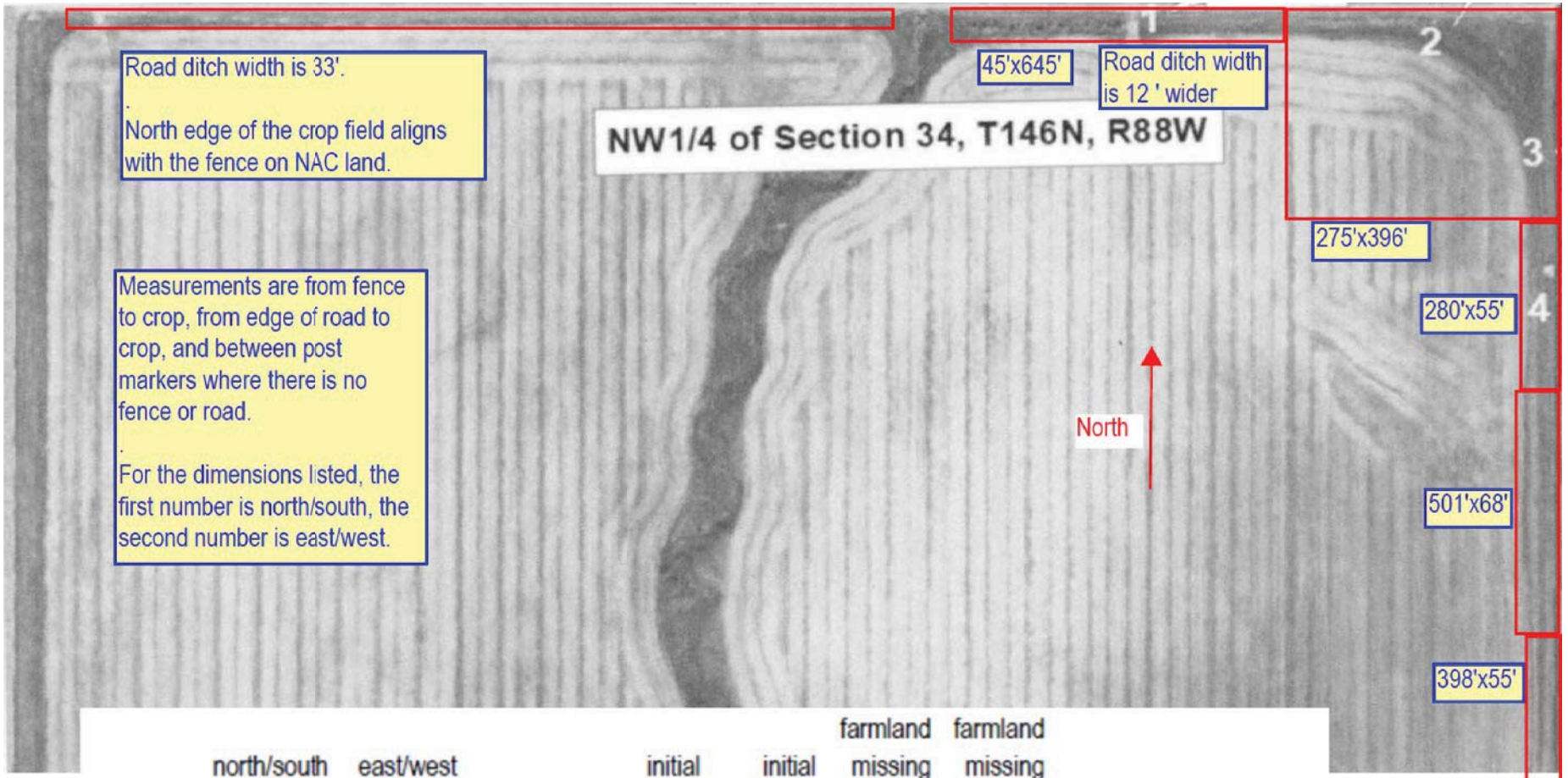
The road ditch continues to erode.

Aug 2022 Farmland Measurements



	north/south ft	east/west ft	sq ft	initial ft	initial sq ft	farmland missing ft	farmland missing sq ft	
road ditch	45	645	29,025	33	21,285	12	7,740	
corner	275	396	108,900					
	cut to 30%		32,670				32,670	
fence ditch	280	55	15,400	10	2,800	45	12,600	
fence ditch	501	68	34,068	10	5,010	58	29,058	
fence ditch	398	55	21,890	10	3,980	45	17,910	
fence ditch	415	58	24,070	10	4,150	48	19,920	122,474 sq ft
fence ditch	112	33	3,696	10	1,120	23	2,576	43,500 sq ft per acre
							122,474	2.8 acres

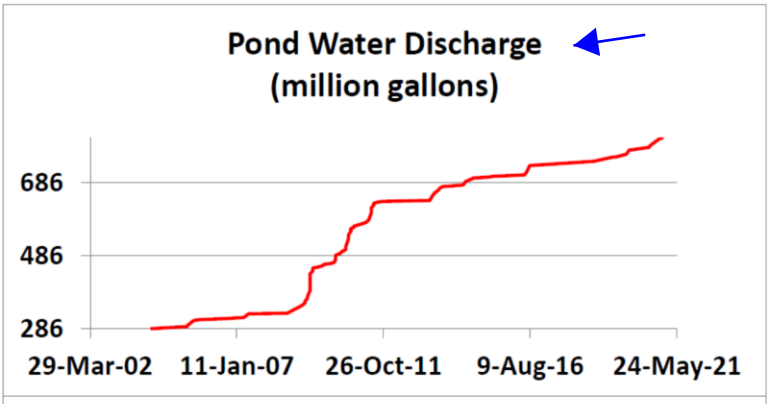
Esther Eisenbeis was not compensated for acreage lost.

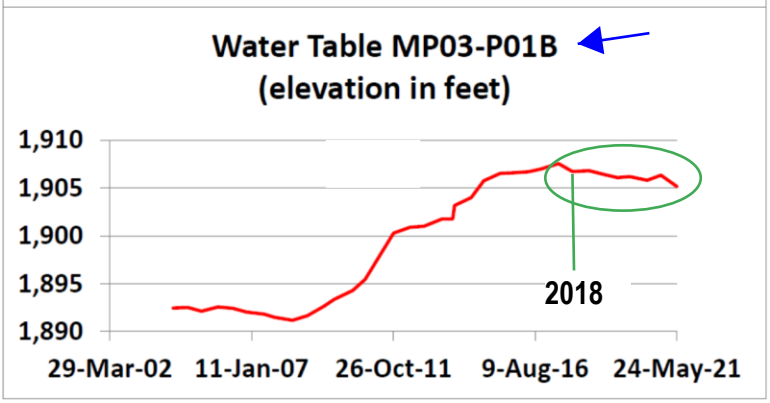
May 2021 Pond Water Discharge
into Farmland Creek

Pond water discharge raised the elevation of the water table. Eventually the water table elevation reached the farmland elevation. The southwest corner of the farmland was flooded.

Wayne Eisenbeis, who farms the land south of the Esther Eisenbeis farmland got stuck often because of the high water table elevation. His farmland elevation is slightly higher.

The pond water discharge information comes from the ND Water Board.





A Zap water pipeline was installed on the west side of the farmland in 2018. This installation required extensive pumping of water before the pipe could be laid. This extensive pumping reduced the water table elevation.

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The SW corner of the farmland is no longer under water.

As the SW corner of the farmland was flooded for many years, the quality of the soil has deteriorate. The crop yield in that area is now less than 10 bushels per acre.

Discharge of pond water in the creek, also damaged Lyle Eisenbeis farmland north of the road. The low quality of the soil is visible (close to the road).

NAC claims that extra rain caused the water table elevation to increase. NAC does not disclose is that extra rain required more water discharge from the pond into the creek which raised the water table.

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The creek was full of water, and much wider, in 2016. That had never occurred before. The creek was almost always dry. The only time water was in the creek was after a heavy rain. That creek emptied quickly, then was dry again.

NAC should be required to discharge pond water via pipe directly into Lake Sakakawea to guarantee the pond water does not raise the water table elevation.

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NAC should also be required to place a plastic liner under every pond to ensure none of the water flows into the ground, which could raise water tables.