

**These are DRAFT minutes, subject to amendment before final approval by  
the Pembina County Water Resource District**

March 28, 2024

MINUTES OF THE MEETING OF THE PEMBINA COUNTY WATER RESOURCE DISTRICT  
BOARD OF MANAGERS

FARMERS ROOM – PEMBINA COUNTY COURTHOUSE CAVALIER ND

Those present were Managers Randall Emanuelson, Ted Juhl, Donald Kemp, William Gunderson, and LuAnn Kemp, secretary. A motion was made by Randall Emanuelson, seconded by William Gunderson, by vote unanimously carried to approve the minutes of March 19, 2024.

A motion was made by William Gunderson, seconded by Randall Emanuelson, by vote unanimously carried to approve the bills for April 2, 2024 as presented:

14069	Stock Growers Bank	29,256.25
14070	Zion Bank	119,132.50
14071	LuAnn Kemp	5,101.31
14072	Pembina County	2,623.60

The board reviewed the progress on the Tongue River Watershed Dam planning projects and discussed the need to continue planning projects at Bourbanis and Herzog Dams. A motion was made by Ted Juhl, seconded by Randall Emanuelson by vote unanimously carried to request NRCS Funding for the Watershed Rehabilitation planning on Bourbanis and Herzog dams.

A motion was made by William Gunderson, seconded by Randall Emanuelson, by vote unanimously carried to approve the Johnson tile permit for a 310-acre drain tile system in part of the NE ¼ Section 16-160-53 with the following conditions on the permit:

1. that Applicant install and maintain erosion protection at any and all outlets
2. that Applicant install and maintain erosion protection or other ditch stabilization materials at any and all outlets into Pembina County’s highway right of way/NDDOT’s highway right of way;
3. that Applicant install and maintain erosion protection at any and all outlets
4. that Applicant re-establish any areas disturbed installing or maintaining Applicant’s tile system;
5. that Applicant will not install Applicant’s tile system within 20 feet, on either side, of any rural water lines of North Valley Rural Water District
6. that Applicant must turn off any pump outlets and otherwise close all outlets during “critical flood periods,” as determined by the Pembina County Water Resource District;
7. that Applicant must apply for an amendment to SUBSURFACE WATER MANAGEMENT PERMIT in advance of any proposed alterations to outlet locations, the addition of any outlets, or improvements or modifications to the tile system that could increase the capacity or drainage area of the tile system;
8. that Applicant remove silt or vegetation, or repair erosion or scour damages *directly* caused by Applicant’s tile system, but only up to one mile downstream from project outlet

The board reviewed the tile notification for Christenson tile system under 80 acres for the SW ¼ Section 33-161-51.

Discussion on the soft bid package for the dam maintenance and Drain 82 gates. Board would like the Drain 82 gates to be an optional bid item.

Paul LeClaire, Houston Engineering present.

The board reviewed the project list for 2024 – deadline for 2024 projects will be April 9, 2024 with any projects for the ND DWR Waterplan to be submitted to the office by April 16, 2024.

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The board reviewed the correspondence from NDDDES regarding the Drain 78 outlet. Discussion followed on options to revise the outlet based on NDDDES funding availability.

The board reviewed the spring draw-down. Dams will be left open for the time being with the forecasted weather. Closing the gates will be reviewed on April 9, 2024.

The board reviewed the payments for the engineering fees in the Johnson Farms vs Hughes and the Cameron vs Johnson Farms. Both were due March 1, 2024 – Mr. Hughes has been making regular payments. No response from Johnson Farms regarding payment. A motion was made by William Gunderson, seconded by Randall Emanuelson, by vote unanimously carried to send a final notice of payment to Johnson Farms to demand payment by May 1, 2024 or the fees will be assessed to the 2024 property taxes.

A motion was made by Ted Juhl, seconded by William Gunderson by vote unanimously carried to grant Mr. Olason an extension to May 15, 2024 for the cleanout required by the Cox vs Olason complaint.

The board reviewed the Bourbanis Dam easement. No action taken until further information is received from the landowner.

No meeting is scheduled for April 2, 2024.

The board held a public meeting for review of the Drain 16 Expansion. Those present included: Jon Kippen, Alan Peterson, Mike Brown, Dutch Fleming, Alex Cull, Kim Cull, Curtis Christenson, Wayne Chale, Andrew Cull, Kevin Sharp, Luke Sharp, Paul Gunderson, Jon Nordstrom, Chad Krump, Brian Kiner, Kelly Brown, Neil Meagher, Clarence Boettger, Greg Kemp, Lee Menzies, Brent Kemp, Ronald Sharp, Dennis Morrison, Dennis Lindsay, and Robert Vivatson. LeClaire presented information on the progress of the feasibility study. Discussion on the proposed routes, impact of split flow in Drain 64, potential additional outlet for Drain 64, probable costs, and future steps. Discussion followed on need to do the comment forms to give the board direction.

Attest:

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LuAnn Kemp, Secretary

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Donald Kemp, Vice-Chairman