

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

February 29, 2024

MINUTES OF THE MEETING OF THE PEMBINA COUNTY WATER RESOURCE DISTRICT BOARD OF MANAGERS
PEMBINA COUNTY WATER RESOURCE DISTRICT OFFICE,
CAVALIER, NORTH DAKOTA.

Those present were Managers Randall Emanuelson, Ted Juhl – electronically, Donald Kemp, William Gunderson - electronically, and LuAnn Kemp, secretary. Attorney Robert Fleming and Jon Kippen also present.

Clarence Boettger met with the board regarding a possible extension of Drain 66-1A. Discussion followed on the two options: private individuals bring the proposed extension up to the drain standards of existing Drain 66-1A and petitioned into the drain or extension of the drain by using the petition and vote of the drain. If the private route is used, easements will need to be provided to the WRD.

Attorney Fleming reviewed the appeal filed by Mr. Friesen in the border complaint against Mr. Wilwand. Discussion followed on the complaint and appeal process. ND DWR did not grant an appeal to the original decision in the complaint.

Fleming reviewed the request for extension in the Cox Complaint. It was received via email prior to the deadline. A motion was made by Randall Emanuelson, seconded by Ted Juhl, by vote unanimously carried to grant an extension to Mr. Dennisson in the Cox Complaint until May 15, 2024. Dennisson's renter, Dennis Bliske, has hired Triple D Construction to complete the work.

Paul LeClaire – Houston Engineering met with monthly updates.

- Drain 16 – Discussion on the elevation differences between the current set and the old set – different datum was used so elevations are very close, the route proposed south of Drain 64 may have issues with current EWP easements, the board reviewed presentation for the upcoming public meeting, discussion on vote/petition/assessments on the project
 - Public meeting tentatively set for March 28, 2024 @ 9:30 am in Farmers Room
- Tongue River Channel Restoration – work continues, LeClaire discussed the current proposed schedule, trees from the previous snagging and clearing project and from the Fleming property will be adequate for the project, the cost-share for Red River Joint was reviewed – A motion was made by Ted Juhl, seconded by Randall Emanuelson, by vote unanimously carried to approve the RRJB cost-share application for the Tongue River Channel Restoration.
- Tongue River Cutoff – project did not receive additional funding from the USFWS, permitting process is currently underway with 6 month projection for completion, construction is likely to start in 2025, easement will be worked on this spring with landowners, discussion on needing permission to clean the channel on the south loop
- The 2023-24 snagging and clearing is complete – a pay estimate is prepared for next week

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- Senator Young Dam rehabilitation – an extension for the watershed plan was requested from the ND DWR
- 2023 FEMA -
 - Drain 78 – memo and proposed repairs are ready for FEMA review
 - Drain 81 – discussion on the Whelan request for flattening of the slopes, waiting on email from Whelan regarding the request
- Drain 5 and Drain 7 projects are scheduled for survey after spring melt
- Emergency Action Plans – breach zones are being updated, O & M for each dam will also be included at board request
- Drain 66-1 culvert project – the board reviewed the estimate from Houston for project management, discussion on what services are needed was held to reduce engineering costs
- Complaint investigations – Fritz complaints were reviewed; estimates for investigation will be provided and reviewed at the March meeting
- The Scharmer culvert investigation was reviewed – estimate will be provided for services

A motion was made by Ted Juhl, seconded by Randall Emanuelson, by vote unanimously carried to approve the Thompson tile permit for a 97-acre drain tile system in part of the NE ¼ Section 23-159-51 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 the project outlet

Board recommends permission from the ND DOT for the discharge of tile systems into the ND DOT ROW.

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The board reviewed the ND DOT request for information on the four drain crossings in Highway 32 north of Walhalla. A motion was made by Ted Juhl, seconded by Randall Emanuelson, by vote unanimously carried to request Dan Fischer – Fischer Land Surveying and Engineering provide the requested information to the ND DOT on the crossing in question.

Manager Emanuelson reviewed an area of erosion on a private channel north Drayton.

The bridge replacement on Highway 44 over Drain 66 is moving forward to bid in the near future.

Attest:

LuAnn Kemp, Secretary

Donald Kemp, Vice-Chairman