

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

March 5, 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, Richard Kendall, and LuAnn Kemp, secretary. Attorney Robert Fleming also present. A motion was made by William Gunderson, seconded by Randall Emanuelson, by vote unanimously carried to approve the minutes of February 13, 2024. A motion was made by Donald Kemp, seconded by Randall Emanuelson, by vote unanimously carried to approve the minutes of February 29, 2024.

A motion was made by Donald Kemp, seconded by Randall Emanuelson, by vote unanimously carried to approve the bills as presented:

14053	United Valley	3,345.45
14054	Pembina County	61.61
14055	LuAnn Kemp	5,101.31
14056	Pembina County	18.82
14057	Pembina County	2,623.30
14058	Triple D Construction and Leasing	178,410.00
14059	POlar	20.00
14060	On The Level	7,721.00
14061	Quill	433.60
14062	Fleming DuBOis and Fleming	55.00
14063	US Bank	500.00
14064	Randall Emanuelson	666.67

A motion was made by Donald Kemp, seconded by Randall Emanuelson, by vote unanimously carried to amend the agenda to include the Drain 16 Public notice and Drain 81 change order discussion.

A motion was made by Randall Emanuelson, seconded by William Gunderson, by vote unanimously carried to approve the Kennely tile permit for a 145-acre drain tile system in part of the SE ¼ section 21-159-52 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 ND DOT for the discharge of tile systems into the ND DOT ROW.

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The board reviewed the ND DOT notice regarding structure replacement and work along ND Highway 5. A letter of response will be drafted to request continued updates on plans and agreement that structures are in need of repair/replacement.

The board reviewed the Drain 16 Public meeting notice – a box ad will be placed in the Cavalier Chronicle on March 13, 20 and 27.

Paul LeClaire met electronically to review the request of Whelan's for a change order on Drain 81. Discussion on the side slopes that were designed versus the proposed 4:1. Changing the side slopes on both sides of the drain would require resetting the box-culvert to straighten the area as well as removal of lilac bushes on Whelan property. Dan Fischer- Fischer Land Surveying and Engineering will be contacted to verify the original design was at the request of the Whelans to narrow the ROW on their property to not disturb the bushes and trees which required reducing the side slopes to 3:1 and the slight jog to the box culvert.

Manager Kemp discussed the concerns of Clarence Boettger on the watercourse determination of the Kippen Coulee by the ND DWR. The appeal period of the determination has already passed.

Manager Kendall discussed the Cox complaint. Mr. Olason is waiting for the Corp determination in writing before either agreeing to the work or pursuing the completion of the hearing. Mr. Olason will be contacted later this week regarding his intention to clean or continue the appeal.

Board members were encouraged to get the project list for 2024 and future bienniums to the office as soon as possible.

Attest:

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LuAnn Kemp, Secretary

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Richard Kendall, Chairman