

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

July 16, 2024

MINUTES OF THE MEETING OF THE
PEMBINA COUNTY WATER RESOURCE DISTRICT BOARD OF MANAGERS
WATER RESOURCE DISTRICT OFFICE, CAVALIER ND

Those present were Managers Randall Emanuelson, Ted Juhl, William Gunderson, Donald Kemp, Richard Kendall and LuAnn Kemp, secretary. Attorney Fleming also present. A motion was made by William Gunderson, seconded by Donald Kemp, by vote unanimously carried to approve the minutes of July 9, 2024.

Steve and Jeff Gap have filed a complaint against the property being farmed by Johnson Farms in the SW of Section 3-Walhalla township. Meeting is scheduled with property owners next week. The two complaints will be handled together.

Rod Longtin had reported some crop damages and residuals along Drain 12 where it was helicopter sprayed last year. Dakota Helicopter has been contacted for spray records.

Ron Sharp had inquired about the drain spraying for weeds and leafy spurge in the drain ROW. Attorney Fleming will review and report back as the drain ROW are easement's and not deeds.

Jon Nordstrom met with the board regarding field drains in Drain 16. Clarence Boettger also in attendance. Nordstrom reports that field drains in Section 21 were blocked during the previous year cleanout by Kendall which is causing water to back up and cause crop damages. Triple D Construction will meet Nordstrom on site and remove the obstructions while he is in the area for the berm leveling projects. Nordstrom will report the final crop damages upon harvest but estimates about 10 acres.

Jeff Duray -Triple D Construction by phone -reported that Olason property should be completed later today. Duray is waiting for confirmation from Dale Johnson regarding the final portion of the cleanout.

Dale Ratchenski requested that thought be given to changing the culvert configuration of Section 7/8 and 17/18 of Hamilton township. Discussion followed on historic culverts in that location. Ratchenski would like more water to move to Kippen Coulee since Drain 82 is built. No action taken.

A public hearing was held at 10:00 AM, as required in NDCC 61-16.1-09, on the proposed Snagging and Clearing project on the Tongue River in Pembina County. Those in attendance include Pembina County Water Board members Randall Emanuelson, Ted Juhl, Bill Gunderson, Don Kemp, and Rick Kendall, LuAnn Kemp, Water Board Secretary and Robert Fleming, Water Board Attorney. Zach Hermann and Mike Ferrie, Houston Engineering. Larry DuBois and Clarence Boettger also present. Zach gave a brief review of the project and presented a handout with pictures of the project to date, along with a map showing the area that is planned to be completed this year, depending on funding availability. The Water Board is hoping to be on the August agenda with the North Dakota State Water Commission to see if cost share funding will be available for the 2024-2025 project year. Larry DuBois discussed the erosion that has happened on his property since the snagging and clearing was completed in his area. He has lost property due to the erosion and feels the project was not beneficial to his property. He is asking the project not be approved. Rick Kendall stated that he has also lost property but is still in favor of the project.

Water Board voted on the project. Motion made by Don Kemp and seconded by Ted Juhl to establish the Snagging and Clearing project as presented. Roll call: Don Kemp – yes; Bill Gunderson – yes; Randall Emanuelson – yes; Ted Juhl – yes; Rick Kendall – yes. Motion carried. Commission vote failed 2-2 which results in ending the Snagging and Clearing project for 2024-2025. No further snagging and clearing work is planned at this time.

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Page 2

Updates on other joint projects were given. Discussion followed on the County Road 4 Pembina County DOT project. There is a request for larger culvert into the drain. WRD is in agreement to allow the larger pipes.

Zach Herrmann and Mike Ferrie – Houston Engineering gave project updates:

- Drain 81 – Discussion on the Ill property, Houston will work with the landowner for a agreeable solution – culvert was suggested, only work within drain ROW is eligible for FEMA projects
- TR Dam Rehabilitation – Herzog/Bourbanis project is moving forward with 100% federal funding
- Drain 16 Expansion – working on final documentation of the project to include public comment
- Renwick Gate – A motion was made by Donald Kemp, seconded by William Gunderson, by vote unanimously carried to purchase the housing and internal parts for \$700. Houston will coordinate purchase
- Drain 66-1 soft bid – 15 foot top on berm, proposed bid package to be reviewed next week with bid date for early August
- Drina 78 outlet repair – discussion followed on the FEMA package for repair and possible mitigation, board would like to get repairs done yet this fall if at all possible, larger project is not feasible economically for the drain
- 2023 FEMA projects
 - Drain 23 – discussion on proposed placement of spoil, easements will be reviewed
 - Drain 78 work is nearly complete
- Fritz vs Symington complaint – a review of the historic LIDAR elevations was done, information will be sent to the parties
- Pembina River Dam – board is acting as sponsor for funding but not wishing to actively participate at this time

A motion was made by Randall Emanuelson, seconded by William Gunderson, by vote unanimously carried to accept the 2025 General and Drain Budgets as proposed. Approved Drain assessments are as follows:

\$1/Acre: Drains 4, 6, 8, 11, 12, 13, 17, 19, 47, 69, 73, 74, 77, W2,
\$2/Acre: Drains 3, 28, 51, 51B, 55, 62R, 75, W3
\$3/Acre: Drain 16
\$4/Acre: Drain 5, 7, 23, 38, 60, 66, 67
\$7/Acre: Drain 78
\$8/Acre: Drain 39
\$10/Acre: Drain 34, 82
\$13/Acre: Drains 64
\$14/Acre: Drain 79, 81

Manager Gunderson reported that no work had been done by the Canadians on Walhalla 3 outlet.

Attest:

LuAnn Kemp, Secretary

Richard Kendall, Chairman