

**BOTTINEAU COUNTY WATER RESOURCE DISTRICT
MINUTES OF THE MEETING HELD ON APRIL 21, 2025
BOTTINEAU COUNTY COURTHOUSE**

1. ATTENDANCES

PRESENT: Clifford Issendorf, Chair
Mitch Opdahl, Vice Chair
Wayne Drangsholt, Treasurer (via video conference)
Jared Abernathey, Manager
Paxton Engelhard, Manager

IN ATTENDANCE: Jennifer Malloy, Administrator/Engineer
Kale Van Bruggen, Secretary/Counsel (via video conference)
Stacy Lorenz, Chad Strand Agency, P.C. – left at 9:12 a.m.
Dwayne Nehring – left at 9:35 a.m.
Susan Nehring – left at 9:35 a.m.
Scott Robinson – left at 10:04 a.m.
Dan Marquardt – left at 10:04 a.m.
See attached sign in sheet

2. COMMENCEMENT The meeting was called to order at 9:00 a.m.

3. SETTING OF THE AGENDA Chair Issendorf called for corrections or additions to the agenda. Manager Opdahl requested to re-add “Serguis Drain” as a continuing agenda item, Item 3.S. Hearing no other corrections or additions, the Chair declared the agenda approved as amended.

4. APPROVAL OF FINANCIAL REPORT/APPROPRIATIONS

4.1 Financial Report & Proposed Appropriations Stacy Lorenz (Chad Strand, P.C.) presented the financial report for April 2025 and proposed appropriations. The report and proposed appropriations were reviewed and discussed by the Board. Lorenz reported that Starion Bank requested the District meeting minutes reflect that former managers Wallace Brandjord and Mark Glinz are to be removed from the District’s account. Lorenz also reported on the financial status of all assessment drain accounts.

Moved Manager Opdahl/Seconded Manager Drangsholt

That the financial reports be taken and confirmed as presented and that the monthly bills due be paid as presented.

Carried.

Moved Manager Drangsholt/Seconded Manager Opdahl

That Wallace Brandjord and Mark Glinz shall be removed from all accounts of the District, including but not limited to, the District’s accounts at Starion Bank.

Carried.

The Board directed Lorenz to provide the draft minutes to Starion Bank. Approved minutes can be provided if requested after the Board’s regularly scheduled May 19, 2025, meeting.

5. NEW BUSINESS

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- 5.1 Draft 2026 Budget** Stacy Lorenz (Chad Strand, P.C.) and Administrator Jennifer Malloy, P.E. (Apex Engineering) presented the 2026 draft budget for the Bottineau County Water Resource District for review by the Board. The budget will be on the Board's regularly scheduled May 19, 2025, meeting for approval.

Stacy Lorenz (Chad Strand, P.C.) left the meeting at 9:12 a.m.

6. OPEN MIC

- 6.1 Dwayne Nehring & Susan Nehring** Dwayne Nehring met with the Board to comment on the White Spur Assessment Drain. Nehring shared a brief background of the initial construction of the drain. Nehring introduced his daughter, Susan Nehring to share information about drainage issues in the assessment district. Nehring stated that in Section 15, Township 160 North, Range 76 West (Oak Creek Township), Bottineau County, there is a problem with alkali and excessive water. Nehring stated that since 1989, 30 acres remain under water year-round because the main channel built in 1988 brought in four times more water. Nehring stated that there are 5 entrances where water runs into this area and 3 feet of water will not run out. Nehring stated that Sections 15 and 16, Oak Creek Township, hold excessive water.

Engineer Jennifer Malloy, P.E. (Apex Engineering) reported on the survey work in Section 13 Apex Engineering has completed, and a 70% construction plan set working on a reroute to avoid impacts to the U.S. Fish and Wildlife Service easement in Section 13, Township 160 North, Range 77 West (Elysian Township). The Service has resisted efforts to work on the alignment through the easement area. The Service has not yet commented on the reroute plan. Apex Engineering is applying to the U.S. Army Corps for a Clean Water Act permit this week.

Once the outlet issues in Section 13 are addressed, the Board consensus was to revisit whether improvements are needed in Sections 15 and 16. Dwayne Nehring and Susan Nehring thanked the Board for its work on the issue.

Dwayne Nehring and Susan Nehring left the meeting at 9:35 a.m.

- 6.2 Dan Marquardt & Scott Robinson** Dan Marquardt introduced Scott Robinson to the Board and informed the Board that Scott Robinson offers drone spraying services. Scott Robinson reported on his spray drone business, based out of Bottineau; his ability to take imagery; and to set up spraying and no-spraying zones. Marquardt & Robinson reported that Robinson's drone services could be utilized for the District's assessment drains. Robinson reported that for full field application, prices are approximately \$11/acre. Use of mapping is charged at \$300-\$500/hour depending on the service.
- 6.3 Dan Marquardt** Dan Marquardt asked the Board for an update on the study of the proposed Gardena Lateral, the lateral to Stone Creek Assessment Drain. Engineer Jennifer Malloy (Apex Engineering) reported that the clean out across a portion of Sections 1 & 2, Township 160 North, Range 77 (Elysian Township) authorized by the Board has not yet taken place. Marquardt noted that he was concerned about whether cleanout in the Gardena area would be able to flow through the private crossings in the North Half (N½) of Section 1, Elysian Township, or if the water would back up at those crossings. Marquardt and Apex will continue to work on the proposed Gardena Lateral project.

Dan Marquardt and Scott Robinson left the meeting at 10:04 a.m.

7. CONFIRMATION OF MINUTES

The Board reviewed the draft minutes from March 17, 2025.

Moved Manager Opdahl/Seconded Manager Abernathey

That the minutes of the regular Board meeting held on March 17, 2025, be approved as presented.
Carried.

8. ASSESSMENT DRAINS Discussion was held on the status of all the District's existing assessment drains and proposed assessment drain projects. Special discussion was held on the following items:

8.1 Baumann Drain Vice Chair Opdahl provided the Board with pictures of rocks dumped in the assessment drain located across the Southeast Quarter (SE¼) of Section 29, Township 163 North, Range 80 (Richburg Township). The Board discussed the concerns rocks cause with obstruction to flow and mowing maintenance of side slopes.

Moved Vice Chair Opdahl/Seconded Manager Engelhard

That Vice Chair Opdahl contact the responsible landowner or tenant about removing the rock obstructions in the Baumann Drain across the SE¼ of Section 29, Richburg Township, and if the rocks are not voluntarily removed, that Rinke Noonan Law Firm prepare and send a letter noting that if the rocks are not removed, the Bottineau County Water Resource District will initiate obstruction to drain procedures under N.D. Century Code § 61-16.1-51 at its regularly scheduled May 19, 2025, Board meeting.

Carried.

8.2 Haas Coulee Drain

8.2.1 Stead Drain Phase II Engineer Jennifer Malloy (Apex Engineering) reviewed the final construction plans and specifications with the Board. Vice Chair Opdahl reported that the landowner of the Southeast Quarter (SE¼) of Section 21, Township 162, Range 81 (Bentick Township) is considering enrolling the tract into the USDA-Conservation Reserve Program. Vice Chair Opdahl will discuss the Phase II project with the landowner and ask whether he would consider delaying enrollment until the project is complete or discuss exempting the right-of-way with USDA.

Moved Vice Chair Opdahl/Seconded Manager Engelhard

That the Construction Plans for Stead Drain Phase II dated April 6, 2025, be approved and that Rinke Noonan Law Firm be directed to send out letters and easements to affected landowners.

Carried.

8.2.2 Haas Coulee Phase V Engineer Jennifer Malloy (Apex Engineering) reviewed the final construction plans and specifications with the Board.

Moved Manager Drangsholt/Seconded Manager Engelhard

That the Construction Plans for Haas Coulee Drain Phase V dated April 10, 2025, be approved and that Rinke Noonan Law Firm be directed to send out letters and easements to affected landowners.

Carried.

8.3 Kane Tacoma Drain Engineer Jennifer Malloy (Apex Engineering) reported that Farden Construction plans to be on site next week to finish its clean out work, and will have a quote for

replacement culverts before the Board for consideration at the regularly scheduled May 19, 2025, meeting.

- 8.4 LaPorte Coulee Drain** Engineer Jennifer Malloy, P.E. (Apex Engineering) presented a cost estimate for construction of a turf reinforcement mat along the proposed side channel cleanout of \$25,726.78. The Board discussed the design modifications and that the proposal does not increase the cost estimate of the project and does not create a significant change to the function of the proposed project for the watershed. Engineer Malloy will discuss the designs with Kerstens and Apex Engineering will proceed with surveying, permitting, and preparation of final construction plans and specifications for the Board's approval.
- 8.5 Russell Drain** Engineer Jennifer Malloy (Apex Engineering) reported that the ND State Water Commission approved the extension until August on the cost-share agreement.

Malloy presented a proposed change order from Mikkelsen Aggregate for re-seeding. The proposed change order is for approximately 20 acres, with a cost estimate for dirt preparation, grass seed, straw mulching, and mobilization of \$28,000. Mikkelsen is responsible for \$9,500 in dirt preparation and \$1,500 in mobilization, for a total of \$11,000. The Assessment District's responsibility is \$17,000 with \$14,400 remaining to be paid, resulting in an increase in \$2,600 to the Assessment District.

Malloy presented a second proposed change order from Mikkelsen Aggregate, dated January 7, 2025, for work requested to conduct approximately 400 feet of grade raise, sediment removal, grading, and mobilization for a cost of \$8,900.

Moved Vice Chair Opdahl/Seconded Manager Engelhard

That the proposed change orders from Mikkelsen Aggregate for an increase of \$2,600 and for \$8,900 of additional work be approved.

Carried.

- 8.6 South Landa Drain** Attorney Kale Van Bruggen (Rinke Noonan Law Firm) reported that Easement 19 (Deborah L. Fiala; Leonard G. Tennyson; Deborah Tennyson; and Derek W. Tennyson) has been recorded at the County Recorder's Office and that the easement acquisition for the assessment drain right-of-way across the NW $\frac{1}{4}$ Sec. 4-162-78 and the SE $\frac{1}{4}$ less Outlot 1 Sec. 33-163-78 is complete. Easement 19 (Fiala/Tennysons) will be removed from future District agendas.

Van Bruggen reported that Easement 26 (Mary Clare Trerise; Robert Trerise; Timothy D. Martinson; Janette L. Martinson; Tara J. Martinson; Vernon H. Hastings; Kathy Hasting; and Estate of Alberta Eva Maxwell) was awarded by the District Court by grant of the BCWRD's Motion for Summary Judgment by Default after the titled landowners failed to respond to the BCWRD's Summons & Complaint condemning the easement. Utility easements held by SRT Communications, Inc. and All Seasons Water Users Association, Inc. remain in priority over the assessment drain easement right-of-way. The Court's Order granting the easement for the assessment drain right-of-way across Lot 1 & 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3-162-79 and S $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 34-163-79 will be recorded and then the easement acquisition will be complete. Attorney Van Bruggen advised that at the time the appraisal value is deposited at the Court, the District will be in possession and the contractor can proceed. The Board directed Lorenz (Chad Strand, P.C.) to deposit the appraisal value with the Clerk of Court today.

Engineer Jennifer Malloy (Apex Engineering) presented a change order from Farden Construction dated April 16, 2025, for construction of the Texas crossing near station 835+00 on Easement 19 located in the SE¼ less Outlot 1 of Section 33, Township 163 N, Range 78 W (Scandia Township) in the amount of \$15,800 and mobilization costs of \$30,000.

Moved Vice Chair Opdahl/Seconded Manager Abernathey

That the proposed change order from Farden Construction in the amount of \$45,800 dated April 16, 2025, be approved.

Carried.

- 8.7 Stone Creek Drain Lateral (Elysian)** Engineer Jennifer Malloy (Apex Engineering) reported on a recommendation to conduct cleaning out of the Stone Creek Drain Lateral (Elysian) across Sections 1 and 2, Township 160 N, Range 77 W (Elysian Township) starting at 90th Street in the Northwest Quarter (NW¼) of Section 1 and continuing to the west section line of Section 2.

Moved Vice Chair Opdahl/Seconded Manager Abernathey

That Apex Engineering shall obtain one or more quotes for cleaning out of the Stone Creek Drain Lateral (Elysian) from 90th Street in the Northwest Quarter (NW¼) of Section 1, Township 160 N, Range 77 W (Elysian Township) to the west side of Section 2, Elysian Township for review at the Board's regularly scheduled May 19, 2025, meeting.

Carried.

8.7.1 Gardena Lateral *See minutes under item 6.3 Open Mic – Dan Marquardt.*

- 8.8 Serguis Drain** Vice Chair Opdahl reported that Farden Construction is looking for clay for its Highway 83 construction job. It is unlikely that an assessment drain project could be approved in time for the Highway 83 construction job. The Board consensus was to encourage Farden Construction to work directly with the area landowners. Apex Engineering can provide recommendations on locations that can align well with a future project if the local landowners support the work.

9. OLD BUSINESS

- 9.1 Oak Creek Water Resource District Boundary** Attorney Kale Van Bruggen (Rinke Noonan Law Firm) reported that the State Water Commission (SWC) considered the Joint Petition by the Bottineau County Water Resource District and the Oak Creek Water Resource District at its April 10, 2025, meeting. Aaron Carranza, P.E., Regulatory Division Director of the Department of Water Resources (DWR) presented the report and recommendation of the DWR to the SWC. Carranza reported that the DWR held a hearing at the Bottineau County Courthouse, and that there was no opposition at the hearing. Carranza reported that there was concern presented about the OCWRD losing some of its funding, but that it was pointed out that the OCWRD could increase its mill levy to make up for any significant budget shortfall. The DWR recommended approval based upon the hearing. After the report, a motion was made and seconded to approve the Joint Petition for the boundary adjustment and unanimously approved by the SWC.

10. ITEMS FOR DISCUSSION & INFORMATION

10.1 Staff Reports

- 10.1.1 Administrator/Engineer Malloy** Administrator/Engineer Jennifer Malloy (Apex Engineering) reported that the ND Water Users Association asked Chair Issendorf, Engineer Malloy, and/or Attorney Van Bruggen to present at the summer meeting on July 9 & 10, 2025, at Devils Lake on "Successfully Managing Water through the

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Assessment Process.” The Board consensus was to support Issendorf, Malloy, and Van Bruggen’s presentation.

Malloy reported she will be co-presenting with Attorney Van Bruggen on behalf of the Renville County Water Resource District on information about assessment drains at the Tully Fire Hall at 9:00 a.m. on June 24, 2025. The meeting is open to the public and interested parties are welcome to attend and to ask questions.

Malloy reported that Eric Blada is willing to do mowing of assessment drains on behalf of the District at \$175/hour per piece of equipment and can run two pieces of equipment simultaneously. Malloy recommended starting with Haas Coulee Drain, then Brander Drain, Russell Drain, and Gessner Drain. Malloy requested managers notify her of other assessment drains that need mowing.

Moved Vice Chair Opdahl/Seconded Manager Abernathey

That Apex Engineering shall be authorized to hire Eric Blada for mowing of the Bottineau County Water Resource District’s assessment drains, as needed, for the 2025 summer season.

Carried.

10.1.2 Souris River Joint Board Chair Issendorf reported on the Saylor Clark Refuge 1980 proposal to raise dams.

10.1.3 Attorney Van Bruggen Attorney Kale Van Bruggen (Rinke Noonan Law Firm) reported that the State Water Commission (SWC) considered a request from the ND Water Resource District Association to increase the cost-share for assessment drain projects, at its April 10, 2025 meeting. The SWC Secretary recommended an increase from 45% up to 60% effective with H.B. 1020 (2025) passing with a specific funding level to cover the increased project costs, and contingent on the legislature keeping the 20.5% revenue stream from oil extraction tax. After discussion, the SWC approved a motion to approve the increased cost-share request with all members of the SWC voting in favor.

Van Bruggen reported on the status of bills before the N.D. legislature that impact the Bottineau County Water Resource District, including S.B. 2180 (public comment policy and opportunities at public meetings) and H.B. 1280 (economic analysis for assessment drain projects).

11. CLOSE OF MEETING Having completed all business on the noticed agenda, the Chair declared the meeting adjourned at 11:57 a.m.

Minutes approved by the Board on May 19, 2025.

Clifford Issendorf, Chair

Kale R. Van Bruggen, Secretary

~~Bohineau~~ Bohineau County WRD

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<u>Name</u>	<u>Contact</u>
SUSAN NEHRING	701-261-7899
DWAYNE NEHRING	701-871-2008
Scott Robertson	701-228-4205
Dan Marguardt	701-228-4736