

**BOTTINEAU COUNTY WATER RESOURCE DISTRICT
MINUTES OF THE MEETING HELD ON JULY 20, 2026
BOTTINEAU COUNTY COURTHOUSE**

1. ATTENDANCE

PRESENT: Clifford Issendorf, Chair
Mitch Opdahl, Vice Chair – arrived at 9:04 a.m.
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 9:05 a.m.
Jon J. Gorder – left at 9:42 a.m.
Ric Johnson – left at 9:56 a.m.
Emily Deschamp – arrived at 11:04 a.m.; left at 11:06 a.m.

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. Hearing no corrections or additions, Chair Issendorf declared the agenda approved as presented.

4. APPROVAL OF FINANCIAL REPORT/APPROPRIATIONS

4.1 Financial Report & Proposed Appropriations Stacy Lorenz (Chad Strand Agency, P.C.) presented the financial report for July 2026 and proposed appropriations. The report and proposed appropriations were made available to the Board and the public in advance of the meeting and were reviewed and discussed by the Board.

Vice Chair Mitch Opdahl arrived at 9:04 a.m.

Moved Manager Abernathey/Seconded Manager Engelhard

That the July 2026 financial report be approved as presented and that the bills presented for approval be authorized for payment.

Carried.

Stacy Lorenz (Chad Strand Agency, P.C.) left the meeting at 9:05 a.m.

5. CONFIRMATION OF MINUTES The Board reviewed the draft minutes from the June 15, 2026, regularly scheduled Board meeting.

Moved Manager Opdahl/Seconded Manager Abernathey

That the minutes of the regular Board meeting held on June 15, 2026, be approved as presented.
Carried.

6. OPEN MIC

6.1 Jon J. Gorder Jon Gorder addressed the Board regarding drainage and water flow within the Stone Creek drainage area, beginning in Section 11 and continuing through Section 34, Township 161 North, Range 77 West (Whitby Township). Gorder identified a flow restriction

that he stated contributes to flooding in the Northeast Quarter of Section 28 and discussed other locations where drainage improvements may be beneficial. Engineer Jennifer Malloy (Apex Engineering) reported that, in 2019, the District coordinated with area landowners regarding a potential Lateral C to Stone Creek along the same general alignment. The landowners did not pursue a petition to establish an assessment drain at that time. Malloy recommended that Gorder discuss with affected landowners whether they wish to pursue a private drainage project or petition the District to establish an assessment drain. Malloy advised that the District could provide information regarding the petition, assessment drain, and assessment district processes.

Jon Gorder left the meeting at 9:42 a.m.

- 6.2 Ric Johnson** Ric Johnson requested an update regarding the proposed Starbuck Assessment Drain. At the June Board meeting, Johnson asked the District to review whether his property in Sections 15, 16, and 21, Township 161 North, Range 78 West (Starbuck Township), contributes drainage to the proposed drain alignment and should be included in the proposed assessment district. Engineer Jennifer Malloy (Apex Engineering) presented the results of the investigation and outlined potential options. The Board reviewed and discussed the findings and options with Johnson. Malloy reported that areas determined not to contribute drainage to the proposed assessment drain will be excluded from the proposed assessment district. If those areas are later improved to use the assessment drain as an outlet, the affected acreage would need to be added to the assessment district and assessed at that time.

Ric Johnson left the meeting at 9:56 a.m.

- 7. 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:
- 7.1 Baumann Drain** Engineer Jennifer Malloy (Apex Engineering) reported that she would conduct a site visit following the meeting to evaluate potential cleanout, repair, and improvement needs.
- 7.2 Haas Coulee Drain**
- 7.2.1 Haas Coulee Drain Stead Drain Phase II** Engineer Jennifer Malloy (Apex Engineering) reported that Mikkelsen Aggregates is available to complete the work, but crops remain in the affected work area. By consensus, the Board directed Malloy to coordinate with the contractor to complete the work after the crops are removed to avoid unnecessary crop-damage costs. Malloy reported that the work is anticipated to be completed this fall.
- 7.2.2 Haas Coulee Phase V** Engineer Jennifer Malloy (Apex Engineering) reported that the work is anticipated to be completed this fall.
- 7.2.3 Haas Coulee Improvement (2026-1)** Attorney Kale Van Bruggen (Rinke Noonan Law Firm) updated the Board regarding service of the District's Notice of Decision and Resolution on the North Dakota Department of Transportation concerning the Haas Coulee Assessment Drain U.S. Highway 83 crossing near Structure No. 83-248.343. Attorney Van Bruggen reported that the District's notice requested NDDOT's construction coordination comments, requirements, and proposed next steps within 21 days of receipt. Attorney Van Bruggen reported that NDDOT did not provide a formal written response to the Resolution within the 21-day period requested. However, NDDOT contacted Van Bruggen by telephone and advised that NDDOT is working on a

formal response to the District's Notice of Decision and Resolution. Attorney Van Bruggen advised the Board that, because NDDOT has indicated a formal response is forthcoming, the District can continue to allow a short period for NDDOT's written response while preserving the District's position under N.D.C.C. § 61-16.1-42. Engineer Jennifer Malloy (Apex Engineering) and the Board discussed the status of NDDOT coordination, the need to continue DWR and USACE permitting coordination, and the importance of keeping a complete written record of agency communications. The Board confirmed that no construction contract will be awarded and no final construction obligation will be incurred until final plans and specifications, final cost estimates, permitting status, bidding or quote procedure, and contract award are brought back to the Board for further action.

7.3 LaPorte Coulee Drain

7.3.1 Easement 01 (Kersten et al.) Attorney Kale Van Bruggen (Rinke Noonan, Ltd.) reported that a letter responding to Mac Kersten's latest comments and questions about the easement acquisition was mailed on July 17, 2026. A copy was sent to the Board of Managers. Van Bruggen reported on the requirements for formal negotiation steps under North Dakota Century Code, section 61-16.1-09(2)(b)(1)(b). The Board discussed the comments from Mac Kersten and counsel's response to grantors, as well as the formal negotiation steps in Century Code.

Moved Manager Abernathey/Seconded Manager Opdahl

That the Bottineau County Water Resource District Board authorizes the hiring of Point Value Appraisal, Inc. to prepare an appraisal of the just compensation due for acquisition of Easement 01, including the permanent assessment drain easement and temporary construction easement described in the proposed Easement 01 and final construction plans for the LaPorte Coulee Assessment Drain; and further authorizes the Board Chair, District Engineer, and District Counsel to provide Point Value Appraisal, Inc. with the easement, construction plans, legal descriptions, and other project records necessary to complete the appraisal for use in formal negotiations under North Dakota Century Code section 61-16.1-09(2)(b). Further, if Point Value Appraisal, Inc. is unavailable or unable to complete the appraisal timely, the Board Chair is authorized to select and retain another qualified appraiser to prepare the appraisal.

Carried.

7.4 Stone Creek Drain

7.4.1 Lateral B Engineer Jennifer Malloy (Apex Engineering) reported that construction is complete and the contract has been closed out.

7.5 Stone Creek Lateral (Elysian)

7.5.1 Gardena Lateral to Stone Creek Lateral Engineer Jennifer Malloy (Apex Engineering) and Chair Issendorf reported that the cleanout in Sections 1 and 2, Township 160 North, Range 77 West, is complete. Apex Engineering is awaiting the contractor's invoice before closing out the work.

7.6 White Spur Drain

7.6.1 White Spur Drain Reroute Engineer Jennifer Malloy (Apex Engineering) reported that the Department of Water Resources (DWR) determined that the White Spur Drain Sections 13 and 14 Improvement qualifies for State Water Commission cost-share and recommended funding at 60% of eligible construction costs, not to exceed \$63,748. The project will reroute the assessment drain, improve the channel gradient, and install

appropriate sized culvert crossings to improve drainage conveyance. The cost-share agreement requires the District to complete and maintain the project, obtain all required permits and easements, comply with applicable law, document eligible costs, and submit supporting materials with reimbursement requests.

Moved Manager Opdahl/Seconded Manager Engelhard

That the Agreement for Cost-Share Reimbursement with the North Dakota State Water Commissioner for the White Spur Drain Sections 13 and 14 Improvement, DWR Project No. 2268 providing reimbursement of 60% of actual eligible project costs not to exceed \$63,749 be approved; that Chairman Clifford Issendorf be authorized to execute the agreement on behalf of the Bottineau County Water Resource District; and that the District Administrator and Legal Counsel be authorized to administer the agreement and submit the required reimbursement documentation.

Carried.

8. OLD BUSINESS

8.1 2027 Legislative Issues No report.

9. NEW BUSINESS

9.1 Proposed 2026 Operation & Maintenance Special Assessments by Assessment Drain Administrator Jennifer Malloy, P.E. (Apex Engineering), reviewed the proposed 2026 special assessments set forth in the BCWRD Annual Drain Report – July 2026. For each assessment drain, the report identifies the debt-service balance and estimated operation-and-maintenance balance as of June 2026, along with the proposed 2026 assessment. The Board reviewed the proposed assessments and directed adjustments to certain recommended operation-and-maintenance assessments. The updated report is available for public inspection upon request to Administrator Malloy. The Board will consider final approval of the proposed assessments at its regular August meeting.

10. ITEMS FOR DISCUSSION & INFORMATION

10.1 Staff Reports

10.1.1 Engineer/Administrator No report.

10.1.2 Attorney Report No report.

10.2 Upcoming Events

10.2.1 July to August – 2026 ND Water Education Foundation Water Tours

10.2.2 August Board Meeting The August Board Meeting will be held at 9:00 a.m. on August 17, 2026, in the Commissioners Room of the Bottineau County Courthouse.

10.2.3 September Board Meeting The July Board Meeting will be held at 9:00 a.m. on September 21, 2026, in the Commissioners Room of the Bottineau County Courthouse.

10.3 Managers' Updates

10.3.1 Souris River Joint Board Chair Clifford Issendorf reported on recent meetings and activities of the Souris River Joint Board.

Emily Deschamp arrived at the meeting at 11:04 a.m.

Bottineau County Auditor Emily Deschamp reported that a software error caused an underpayment to the District in February and an overpayment in June. After reconciliation, the County determined that

DRAFT/UNOFFICIAL MEETING MINUTES

an additional net payment is due to the District and will transmit the payment to the appropriate District accounts.

Emily Deschamp left the meeting at 11:06 a.m.

11. CLOSE OF MEETING There being no further business, Chair Clifford Issendorf adjourned the meeting at 11:11 a.m.

Minutes approved by the Board on August 17, 2026.

Clifford Issendorf, Chair

Kale R. Van Bruggen, Secretary

Draft

BCWRD July Monthly Meeting

7/20/26

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