

**BOTTINEAU COUNTY WATER RESOURCE DISTRICT
MINUTES OF THE MEETING HELD ON AUGUST 17, 2026
BOTTINEAU COUNTY COURTHOUSE**

1. ATTENDANCE

PRESENT: Clifford Issendorf, Chair
Mitch Opdahl, Vice Chair
Paxton Engelhard, Manager

IN ATTENDANCE: Jennifer Malloy, Administrator/Engineer (via video conference)
Kale Van Bruggen, Secretary/Counsel (via video conference)
Stacy Lorenz, Chad Strand Agency, P.C.
Ric Johnson – left at 9:16 a.m.

ABSENT: Wayne Drangsholt, Treasurer
Jared Abernathey, Manager

2. COMMENCEMENT The meeting was called to order at 9:04 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 August 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.

Moved Manager Opdahl/Seconded Manager Engelhard

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

Carried.

4.2 2nd Quarter 2026 Financial Drain Summary Administrator/Engineer Jennifer Malloy (Apex Engineering) and Stacy Lorenz (Chad Strand Agency, P.C.) reviewed the 2nd Quarter 2026 Financial Drain Summary (through July 31) with the Board, which was made available to the Board and the public in advance of the meeting.

Moved Manager Opdahl/Seconded Manager Engelhard

That the 2nd Quarter 2026 Financial Drain Summary be approved as presented and that the bills presented for approval be authorized for payment.

Carried.

5. OPEN MIC

5.1 Ric Johnson – Starbuck Assessment Drain Ric Johnson appeared and inquired on the status of work on the Starbuck Assessment Drain. Engineer Jennifer Malloy (Apex Engineering) reported that the survey data has been collected and Apex Engineering is working on the preliminary plans and the cost-share analysis.

Ric Johnson left the meeting at 9:16 a.m.

- 6. CONFIRMATION OF MINUTES** The Board reviewed the draft minutes from the July 20, 2026, regularly scheduled Board meeting.

Moved Manager Opdahl/Seconded Manager Engelhard

That the minutes of the regular Board meeting held on July 20, 2026, be approved as presented.
Carried.

- 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 Haas Coulee Drain

7.1.1 Haas Coulee Drain Stead Drain Phase II

7.1.2 Haas Coulee Phase V

Haas Coulee Improvement (2026-1) Attorney Kale Van Bruggen (Rinke Noonan Law Firm) further reported that NDDOT has contacted him by telephone on two occasions and advised that NDDOT is working on a formal response, but NDDOT has not yet provided the substance of that response or a written position. The Board discussed the status of NDDOT coordination, the need to maintain the District's position under N.D.C.C. § 61-16.1-42, and the need to continue DWR and USACE permitting coordination.

The Board directed Apex Engineering Group to continue DWR and USACE permit coordination and to continue developing the final design and construction coordination materials to the extent possible pending NDDOT's formal response.

7.2 LaPorte Coulee Drain

7.2.1 Easement 01 (Kersten et al.) Engineer Jennifer Malloy (Apex Engineering) reported on a conversation she had with Mac Kersten regarding the LaPorte Coulee Assessment Drain design and easement area. Mac Kersten asked whether the Board would be willing to change the easement on the assessment drain from a permanent easement to a temporary easement. The Board discussed the request for a temporary easement but noted that this is the only easement for the assessment drain project, the need to acquire the permanent right to construct, inspect, and maintain the easement area for the benefit of the assessment district. Engineer Malloy will discuss these concerns with Mac Kersten and report back to the Board at the September board meeting.

7.3 White Spur Drain

7.3.1 White Spur Drain Reroute Manager Paxton Engelhard reported that Matthew & Heather Kersten have a copy of Easement 01 and are planning to sign it in front of a notary public. Manager Engelhard will follow up with Kerstens and report back.

8. OLD BUSINESS

8.1 2027 Legislative Issues Attorney Kale Van Bruggen provided the Board with an overview of three draft bills being considered for introduction during the 2027 North Dakota Legislative Session relating to agricultural drainage and coordination between water resource districts and state, county, and township road authorities. Van Bruggen explained that the proposed legislation has been developed in response to issues water resource districts and its constituents have encountered involving agricultural drain tile crossings of public roads, roadway stream crossings that restrict drainage, and jurisdiction over culverts associated with assessment drains and assessment districts. The drafts are under review and revision before introduction, including with the ND Water Resource District Association. The Board expressed

general support for continuing to work on the proposed legislation and providing additional comments as the drafts are refined.

- 8.2 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 dated August 17, 2026. The Board discussed the current balance in the operation and maintenance account, the debt service balance, the 2026 loan assessment and proposed assessment for each drain.

Moved Manager Opdahl/Seconded Manager Engelhard

That the Bottineau County Water Resource District Board of Commissioners approve the proposed 2026 operation and maintenance assessment levies for each of the District's assessment drains, as set forth in the August 17, 2026 report presented to the Board, and authorize the appropriate officers and staff to take all actions necessary to certify and implement the approved levies.

Carried.

9. NEW BUSINESS

- 9.1 Drain Mowing** Engineer/Administrator Jennifer Malloy (Apex Engineering) displayed a map of the Assessment Drains proposed for spraying for weed and vegetation management. Malloy also discussed fall mowing. The Board discussed spraying, mowing, and maintenance needs and provided directions for the Administrator to speak to the District's contractors on maintenance.

10. ITEMS FOR DISCUSSION & INFORMATION

10.1 Staff Reports

10.1.1 Engineer/Administrator No report.

10.1.2 Attorney Report The Board received an update regarding USDA's new interim Swampbuster rule, effective July 28, 2026. The rule clarifies the treatment of certain older NRCS wetland determinations, including determinations made between November 28, 1990 and July 3, 1996. Under the rule, a wetland determination issued after November 28, 1990, is considered certified if the affected producer received notice of the determination and appeal rights. The Board advised that the rule may provide greater certainty regarding reliance on existing NRCS wetland determinations when evaluating drainage work affecting agricultural property. The rule concerns eligibility for USDA program benefits and does not replace or eliminate other applicable federal, state, or local drainage, wetland, or permitting requirements. Public comments on the interim rule are due September 28, 2026.

10.2 Upcoming Events

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

10.2.2 October Board Meeting The October Board Meeting will be held at 9:00 a.m. on October 19, 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.

- 11. CLOSE OF MEETING** There being no further business, Chair Clifford Issendorf adjourned the meeting at 10:56 a.m.

DRAFT/UNOFFICIAL MEETING MINUTES

Minutes approved by the Board on September 21, 2026.

Clifford Issendorf, Chair

Kale R. Van Bruggen, Secretary

Draft