BOTTINEAU COUNTY WATER RESOURCE DISTRICT
MINUTES OF THE MEETING HELD ON NOVEMBER 16, 2026
BOTTINEAU COUNTY COURTHOUSE

1. ATTENDANCE

PRESENT: Clifford Issendorf, Chair
Wayne Drangsholt, Treasurer (via video conference)
Mitch Opdahl, Vice Chair

IN ATTENDANCE: Jennifer Malloy, Administrator/Engineer
Kale Van Bruggen, Secretary/Counsel (via video conference)
Stacy Lorenz, Chad Strand Agency, P.C. – left at 9:04 a.m.
See also the attached attendance sheet.

APOLOGIES: Jared Abernathey, Manager
Paxton Engelhard, Manager

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 November 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.

Lorenz reported that in addition to the financial report, three landowners brought cash bond checks to her office in contribution toward the total Stone Creek Lateral C Assessment Drain cash bond.

Moved Manager Opdahl/Seconded Manager Drangsholt
That the November 2026 financial report be approved as presented and that the bills presented for approval be authorized for payment.
Carried.

Stacy Lorenz (Chad Strand, P.C.) left the meeting at 9:04 a.m.

5. OPEN MIC

5.1 Jon Gorder – Stone Creek Lateral C Assessment Drain Jon Gorder appeared with a Petition for Establishment of Stone Creek Lateral C and a bond. Gorder submitted the Petition signed by eight landowners and cash bond in the amount of $61,500 to the Board and requested that the Board initiate proceedings for establishment of an assessment drain under N.D. Century Code chapter 61-16.1. Attorney Kale Van Bruggen (Rinke Noonan, Ltd.) and Administrator/Engineer Jennifer Malloy, P.E. (Apex Engineering) advised on the assessment drain establishment procedures in Century Code. The Board reviewed and discussed the Petition and cash bond.

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Moved Manager Drangsholt/Seconded Manager Opdahl

That the Petition for Establishment of the Stone Creek Lateral C Assessment Drain and bond be accepted for proceedings under N.D.C.C. ch. 61-16.1; that the Petition and bond be referred to the District's Legal Counsel for review and for preparation of the resolution or resolutions necessary under N.D.C.C. § 61-16.1-17; and that Jennifer Malloy, P.E. and Apex Engineering Group, Inc. be appointed as the District's Engineer for the proposed project and that Malloy and Apex Engineering be authorized to assist the District with the preliminary examination and review of the proposed project, proposed alignment, watershed, drainage area, engineering considerations, and other matters relevant to the Board's consideration of whether further proceedings are warranted.

Carried.

6. 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:

6.1 LaPorte Coulee Assessment Drain Landowners affected by the proposed LaPorte Coulee Assessment Drain appeared for the Informational Meeting sent by mailed notice to the Roster of Affected Landowners. The Informational Meeting was noticed for 9:00 a.m. or thereafter as the agenda allows, and began at 9:05 a.m.

The District's Attorney, Kale Van Bruggen (Rinke Noonan, Ltd.) presented an overview of the LaPorte Coulee Assessment Drain proceeding and project history for the affected landowners in attendance. Van Bruggen reviewed the statutory process followed by the District under N.D.C.C. ch. 61-16.1, including the petition, appointment of the Engineer, Engineer's Report and estimate project costs, public notice and hearing, landowner ballot, establishment of the project following the favorable landowner vote, assessment hearing, confirmation of the final assessment list, preparation of final construction plans, and efforts to acquire the easement necessary for construction and future maintenance of the assessed drain. Van Bruggen also reviewed the history of the District's voluntary easement negotiations, the correction of the easement depiction on the construction plans, the District's efforts to accommodate requests made during negotiations, current project costs, and the additional appraisal, acquisition, and legal expenses anticipated if the required easement must be acquired through eminent domain. Van Bruggen explained that the purpose of the informational meeting was to provide affected landowners with the project record and updated cost information and to receive their feedback before the Board determines how to proceed.

Following the presentation, affected landowners discussed the history and purpose of the project, the size of the LaPorte Coulee Assessment District and contributing watershed, the benefits of the project, changes between the preliminary and final construction plans, and the scope of the permanent and temporary easements. Engineer Jennifer Malloy explained that, following site visits and discussions with the Kersten landowners, the final design reduced the amount of work along the assessment-drain channel and increased the work proposed at the spillway. Malloy confirmed that the current plans include permanent easement rights along the assessment drain and into a portion of the spillway, together with temporary construction rights for additional spillway work.

Landowners expressed concern regarding the benefit of the assessment-drain portion of the project, the need for permanent easement rights, and the possibility of eminent-domain

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acquisition. Van Bruggen explained that the project was established following the statutory landowner vote and that the Board must now determine whether to proceed with the additional expense required to acquire the necessary easement or discontinue further efforts to construct the project. Van Bruggen further explained that easement-acquisition costs are project costs of the LaPorte Coulee Assessment District and cannot be shifted to other assessment districts.

The Board and landowners discussed whether additional adjustments to the easement terms or other reasonable accommodations could result in a voluntary agreement. Malloy stated that she remained willing to discuss reasonable modifications that would not interfere with construction and future operation and maintenance of the assessment drain. Mac Kersten stated that he was interested in compensation for the easement but remained concerned about the assessment-district landowners bearing that cost.

The Kersten landowners requested approximately one week to consider the information presented and determine whether they wished to provide a further response or proposal concerning the easement. Chair Issendorf, with consensus from the Board, agreed that additional time was reasonable.

The affected landowners left the meeting at approximately 10:47 a.m.

7. CONFIRMATION OF MINUTES The Board reviewed the draft minutes from the October 19, 2026, regularly scheduled Board meeting.

Moved Manager Opdahl/Seconded Manager Drangsholt

That the minutes of the regular Board meeting held on October 19, 2026, be approved as presented.

Carried.

6. ASSESSMENT DRAINS (CONTINUED)

6.2 Haas Coulee Drain

6.2.1 Stead Drain Phase II Engineer Jennifer Malloy, P.E. (Apex Engineering) reported that the contractor is near completion of this project.

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6.2.3 Haas Coulee Improvement (2026-1) Attorney Kale Van Bruggen (Rinke Noonan Law Firm) updated the Board regarding the North Dakota Department of Water Resources' review of Surface Drain Permit Application No. 7040 for the proposed Haas Coulee Assessment Drain improvement at the U.S. Highway 83/ND Highway 5 crossing. Van Bruggen reported that following review of the project and comments received, DWR issued its November 2, 2026 determination finding the proposed drainage is not drainage of statewide or interdistrict significance and referred Application No. 7040 to the District for consideration and approval under N.D.C.C. § 61-32-03. Van Bruggen reviewed DWR's accompanying technical memorandum. DWR considered comments from the U.S. Army Corps of Engineers, NDDOT, North Dakota Game and Fish Department, and the District. DWR concluded there was no basis to classify the project as drainage of statewide or interdistrict significance and did not identify a need for special conditions for purposes of that classification. DWR recommended that the

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District continue coordinating with the Corps, NDDOT, and Game and Fish regarding their respective comments.

Van Bruggen noted that the Corps advised that the project may require authorization under Section 404 of the Clean Water Act, while NDDOT requested its separate drainage-modification application, hydraulic report, and sealed construction plans before work occurs within the highway right-of-way. The District and Apex Engineering are continuing that separate permitting and coordination work.

Van Bruggen explained that, following DWR's referral, N.D.C.C. § 61-32-03 requires the District to complete an investigation sufficient to determine whether the quantity of water proposed to be drained will flood or otherwise adversely affect downstream lands. If the investigation demonstrates such downstream impacts, the District cannot issue the permit until the necessary flowage easements have been obtained and recorded.

District Engineer Jennifer Malloy, P.E. (Apex Engineering) reviewed the engineering investigation and technical information supporting Surface Drain Permit Application No. 7040.

Malloy concluded that the investigation demonstrates that the quantity of water proposed to be drained through the improvement will not flood or otherwise adversely affect downstream lands that flowage easements are therefore not required under N.D.C.C. § 61-32-03.

The Board reviewed the application, DWR's November 2, 2026 determination and technical memorandum, the comments received through DWR's Solicitation of Views process, the Engineer's Report and supporting hydraulic information, and Malloy's technical review presented to the Board.

Following discussion, the Board determined, based upon the investigation and engineering information presented, that the quantity of water proposed to be drained under Surface Drain Permit Application No. 7040 will not flood or otherwise adversely affect downstream lands and that no flowage easements are required under N.D.C.C. § 61-32-03.

Moved Manager Opdahl/Seconded Manager Drangsholt

> That, based upon the application, Engineer's Report, hydraulics analysis, DWR materials, and technical investigation and recommendation by the District Engineer, the Board find that the quantity of water proposed to be drained under Surface Drain Permit Application No. 7040 will not flood or otherwise adversely affect downstream lands and that no flowage easements are required under N.D.C.C. § 61-32-03; that Surface Drain Permit Application No. 7040 shall be approved; that the Chair and appropriate District representatives shall be authorized to execute and complete the permit documents; and that the District Engineer/Administrator or Legal Counsel shall provide written notice of the Board's decision to all parties of record, any person who has requested written notice, and the Department of Water Resources.

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Carried.

Attorney Kale Van Bruggen (Rinke Noonan, Ltd.) and Engineer Jennifer Malloy, P.E. (Apex Engineering) provided an update on the status of negotiations with NDDOT on the permit draft. Van Bruggen suggested redlines to NDDOT to address their final comments which NDDOT expressed general acceptance of. Apex Engineering is working with consultants to review the Risk Management Appendix and will provide those comments to NDDOT.

6.3 LaPorte Coulee Drain

6.3.1 Easement 01 (Kersten et al.) Attorney Kale Van Bruggen (Rinke Noonan, Ltd.) noted that per the direction from the Board and the prior authorizations regarding formal easement acquisition, Rinke Noonan would wait until Monday, November 23, 2026 to confirm whether a signed voluntary easement is coming from the granting landowners. If not, then Rinke Noonan would re-engage with Point Value Appraisal to complete the appraisal of the easement value as the next step in the formal easement acquisition process.

6.4 White Spur Drain

6.4.1 White Spur Drain Reroute Engineer Jennifer Malloy, P.E. (Apex Engineering) reported that the contractor has started work on the White Spur Drain reroute.

6.5 Starbuck Assessment Drain Engineer Jennifer Malloy, P.E. (Apex Engineering) reported that she is meeting with local landowners at 1:00 p.m. today to preview a draft engineer's report and cost estimate. Malloy noted that one of the challenges is that the assessment district for the project is small, which takes the assessment drain overhead and drives up the cost per acre of the project.

8. OLD BUSINESS

8.1 2027 Legislative Issues Attorney Kale Van Bruggen (Rinke Noonan, Ltd.) reported that he attended the Legislative Committee meeting of the North Dakota Water Resource District Association (NDWRDA) on October 23. Van Bruggen reported that the Committee reviewed proposed legislation and Department of Water Resources proposals involving stream crossings, agricultural drain crossings of public roads, construction and drainage permitting and appeals, joint water resource boards, and recommendations arising from the State's review of boards and commissions. Administrator/Engineer Jennifer Maloy, P.E. (Apex Engineering) reported on the assessment-drain maintenance and bonding authority bill discussed at the NDWRDA meeting on November 6.

9. NEW BUSINESS

9.1 Stone Creek Lateral C Assessment District Attorney Kale Van Bruggen (Rinke Noonan, Ltd.) reported that the December Board packet will include the draft Findings and Order formally initiating proceedings for the Stone Creek Lateral C Assessment Drain proposed project.

10. ITEMS FOR DISCUSSION & INFORMATION

10.1 Staff Reports

10.1.1 Engineer/Administrator Administrator Jennifer Malloy, P.E. (Apex Engineering) reported that Apex Engineering will send out draft reports for Board members to review for final 2026 reimbursement on manager compensation.

10.1.2 Attorney Report No report.

10.2 Upcoming Events

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

10.2.2 January Board Meeting The January Board Meeting will be held at 9:00 a.m. on January 18, 2027, 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, activities, and expenditures of the Souris River Joint Board.

11. CLOSE OF MEETING There being no further business, Chair Clifford Issendorf adjourned the meeting at 11:28 a.m.

Minutes approved by the Board on December 21, 2026.

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Clifford Issendorf, Chair

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Kale R. Van Bruggen, Secretary

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Apex Engineering Group
Water | Transportation | Municipal | Facilities

Sign In Sheet

Regular Board Meeting
Bottineau County Water Resource District

Monday, November 16, 2026 | 9:00am CST | Bottineau County Courthouse

Apex Project No. 19.137.0027

Name	Representing	Phone	Email
Jon Gorder		612 619 0652	
Ron Turdt		701-721-3473	
Kelly Thorenson		701 263 1707	
Mac Kersten		720-8463	
Lucy Kersten		2631073	
Linda Kersten		263-1589	
Gene Kersten		263-1729	
Ryan Dunn		441-9466	