

**BOTTINEAU COUNTY WATER RESOURCE DISTRICT
MINUTES OF THE MEETING HELD ON AUGUST 21, 2023
BOTTINEAU COUNTY COURTHOUSE**

1. ATTENDANCES

PRESENT: Wally Brandjord, Vice-Chair
Wayne Drangsholt, Treasurer
Clifford Issendorf, Chair

IN ATTENDANCE: Jennifer Malloy, Administrator/Engineer
Kale Van Bruggen, Secretary/Counsel – via video conference
Stacy Lorenz, Chad Strand Agency, P.C. – left at 9:32 a.m.
Craig Harper – left at 9:26 a.m.

APOLOGIES: Mark Glinz, Manager
Mitch Opdahl, Manager

2. COMMENCEMENT The meeting commenced at 9:00 a.m.

3. OPEN MIC

3.1 Craig Harper Harper met with the Board and reported saturation issues on his property in Sec. 33-163-80, which is not draining into the Baumann Drain because the water cannot flow north and downstream to the drain through the County Road 6 crossing. Harper's property is in the 50 percent assessment area for the Baumann Assessment District. Apex Engineering will review and provide Harper with information to discuss a private improvement between Harper's property and Baumann Drain.

4. SETTING OF THE AGENDA Chair Issendorf called for corrections or additions to the agenda. Hearing no other corrections or additions to the agenda, the Chair declared the agenda adopted as presented.

5. APPROVAL OF FINANCIAL REPORT/APPROPRIATIONS

5.1 Financial Report & Proposed Appropriations Lorenz presented the financial report for August 2023 and proposed appropriations. The report and proposed appropriations were reviewed and discussed by the Board.

Moved Manager Drangsholt/Seconded Manager Brandjord

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

Carried.

6. CONFIRMATION OF MINUTES

Moved Manager Drangsholt/Seconded Manager Brandjord

That the minutes of the regular Board meeting held on July 17, 2023, 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 Westhope Dam Jennifer Malloy (Apex Engineering) reported that Westhope Dam construction is complete. Apex Engineering will send in the final cost-share request application. Westhope Dam will be removed from the Board's future agendas.

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- 7.2 Kane Tacoma Drain** Jennifer Malloy (Apex Engineering) reported that the repair survey is complete and the repair can be completed by Mikkelsen Aggregate this fall.
- 7.3 LaPorte Coulee** Jennifer Malloy (Apex Engineering) shared maps with the Board showing the watershed of the LaPorte Coulee to the wildlife refuge. The Board discussed various ideas for projects to secure rights to maintain the LaPorte Coulee outlet.
- 7.4 South Landa Drain** Jennifer Malloy (Apex Engineering) reported the District is still waiting to receive the permit from the Army Corps. The permit has been in process with the Army Corps for eight months. Kale Van Bruggen (Rinke Noonan, Ltd.) reported on the status of acquiring Easements 04 (Larson), 09 (Myron & Rebecca Hanson), 12 (Artz), 14 (S&S Farms), 24 (Siercks), 25 (Andersen), 26 (Martinson, Maxwell, et al.), 27 (Tonneson), 28 (Jodi Quiner et al.), and Burlington Northern, Inc. RR Crossing. The Board discussed follow up with grantors about easements. Malloy reported on discussions with Burlington Northern, Inc. RR regarding right-of-way crossings for Parcel Nos. 56-0000-01663-000 & 56-0000-01654-050. The Board requested Van Bruggen draft a letter from the Water Resource Board and County Commissioners to the RR addressing RR right-of-way obstructing flows and need for reasonable response for right-of-way crossings.

8. OLD BUSINESS

- 8.1 Oak Creek Water Resource District Boundary Correction** No updates.
- 8.2 2023 Operation and Maintenance Spraying Services** Jennifer Malloy (Apex Engineering) reviewed a map and reported on the spraying services by Pro Ag Solutions, LLC for maintenance of assessment drains in the District.
- 8.3 2023 Special Assessments** Jennifer Malloy (Apex Engineering) reviewed the BCWRD Annual Drain Report for July 2023 and the Board discussed maintenance needs of assessment drains for 2023-2024 year.

Moved Manager Drangsholt/Seconded Manager Brandjord

To authorize a levy of the special assessments to support the maintenance needs of respective assessment drains as follows:

Baumann Extension	\$0.50 / acre
Brander	\$4.00 / acre
Brandt	\$4.00 / acre
Haas Coulee	\$1.00 / acre
Kane Tacoma #4	\$1.00 / acre
Moen	\$2.25 / acre
Scandia-Scotia	\$2.25 / acre
Tacoma Bitz	\$1.00 / acre
White Spur	\$1.00 / acre
Willow	\$2.00 / acre

Carried.

9. NEW BUSINESS

- 9.1 Surface Drain Permit Application No. 6206 – White Spur Drain Reroute** Engineer Jennifer Malloy (Apex Engineering) reported the Department of Water Resources (“DWR”) issued a decision on July 17, 2023 that Surface Drain Permit Application No. 6206 – White Spur Drain Improvement & Reroute, was not of statewide or interdistrict significance. The Application has been referred to the Bottineau County Water Resource District (“BCWRD”) for review as required under N.D.C.C. § 61-32-03 and N.D.A.C. § 89-02-01-08. N.D.A.C. § 89-02-01-09.1(2) requires the BCWRD Board of Managers to review the permit application and any supporting documentation and determine whether public and private interests would be better served by a specific public meeting to consider

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the project. The Board deliberated whether public and private interests would be better served by a specific public meeting to consider the project.

Moved Manager Drangsholt/Seconded Manager Brandjord

That the BCWRD determines based upon the Surface Drain Permit Application No. 6206 and supporting documentation, and the entire record of proceedings, that public and private interests are not better served by a specific public meeting to consider the Application.

Carried.

The BCWRD Board considered Surface Drain Permit Application No. 6206 under the criteria found in N.D.A.C. § 89-02-01-09.2. Specifically, the BCWRD Board reviewed an analysis prepared by Apex Engineering of the criteria in § 89-02-01-09.2.

Moved Manager Brandjord/Seconded Manager Drangsholt

That based upon the criteria in N.D.A.C. § 89-02-01-09.2, the BCWRD Board of Managers grants Surface Drain Permit Application No. 6206 subject to the conditions provided by the Department of Water Resources and assigns the permit number locally as Bottineau County Water Resource District Permit No. 2023-001.

Carried.

N.D.A.C. § 89-02-01-09.1(2)(c) requires written notice of the BCWRD's decision on the Application be provided to all parties of record, anyone who has requested in writing to be notified, and the DWR. Engineer Malloy will issue written notice of the BCWRD's decision to approve the Application.

10. CLOSE OF MEETING Having completed all business on the noticed and amended agenda, the chair declared the meeting adjourned at 11:16 a.m.

Minutes approved by the Board on September 18, 2023.

Clifford Issendorf, Chair

Kale R. Van Bruggen, Secretary