

**State Water Commission (SWC) Meeting  
SWC Building (SWC staff only)  
900 E. Boulevard Ave.  
Bismarck, North Dakota  
October 8, 2020 – 1:00 p.m. CT**

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**AGENDA**

- A. Roll Call (no attachment)
- B. Consideration of Agenda (no attachment)
- C. **Consideration of Minutes** \*\*
  - 1. **Draft Minutes for August 13, 2020, SWC Meeting;**
  - 2. **Draft Minutes for September 10, 2020, Commission interviews of AE2S/Nexus, Raftelis, and HDR Engineering**
  - 3. **Draft Minutes for September 10, 2020, meeting related to certification Of Garrison Diversion Conservancy District requirements and project funding for Red River Valley Water Supply Project**
  - 4. **Draft Minutes for September 22, 2020, Finance, Planning, and Budget Subcommittee Meeting**
- D. SWC Financial Reports
  - 1. 2019-21 Deobligation of Funds/Turnback of Funds (no attachment)
  - 2. Budget Forecast Tool (no attachment)
- E. **Cost-Share Policy Application Deadline** \*\*
- F. 2021 Water Development Plan
- G. 2021-2023 Agency Strategic Plan
- H. **Strategic Governance and Finance Study – Award of RFP (no attachment)** \*\*
- I. **Southwest Pipeline Project – REM Reimbursement Request** \*\*
- J. **Northwest Area Water Supply – Award of Contract 4-3A/5-3A  
Lansford Reservoir and Pump Station** \*\*
- K. Navigability Study/Deobligation of Funds

- L. Cost-Share Requests
  - Water Supply
    - 1. **Red River Valley Water Supply Project - \$5,202,000** \*\*
  - Flood Control
    - 2. **FM Area Diversion Project - \$44,000,000** \*\*
    - 3. **Upper Sheyenne River Joint WRB: Upper Sheyenne Watershed Pilot Project - Defer** \*\*
- M. Tabled Cost-Share Requests \*\*
  - 1. Attachment A
 

Water Supply:	\$20,984,300
Rural Water:	\$ 7,035,000
General Water:	\$ 111,876
Flood Control:	<u>\$ 3,278,289</u>
Grand Total	\$31,409,465
  - 2. **Lower Heart River WRD: Heart River Flood Risk Reduction - \$1,200,000** \*\*
- N. State Engineer Approval Requests
  - 1. Attachment B
 

Water Supply:	\$ 45,300
Rural Water:	\$ 0
General Water:	\$217,075
Flood Control:	<u>\$223,891</u>
Grand Total	\$486,266
  - 2. **Red River Joint WRD: Lower Red River Detention Study - \$32,905** \*\*
- O. **Proposed Legislation for 2021 Session** \*\*
- P. Legal Updates (**Informational Only – no presentations**)
- Q. Project Updates (**Informational Only – no presentations**)
  - 1. Devils Lake
  - 2. Missouri River
  - 3. Mouse River
  - 4. NAWS
  - 5. SWPP
- R. Adjourn

**\*\* BOLD ITEMS REQUIRE SWC ACTION**

To provide telephone accessibility to the State Water Commission meeting for those people who are deaf, hard of hearing, deaf and/or blind, and speech disabled, please contact Relay North Dakota, and reference ... TTY-Relay ND ... 1-800-366-6888, or 711.

## MINUTES

### **North Dakota State Water Commission Bismarck, North Dakota**

**October 8, 2020**

The North Dakota State Water Commission (SWC or Commission) held a meeting via telephone conference on October 8, 2020. Governor Burgum called the meeting to order at 1:35 p.m. A quorum was present.

#### **STATE WATER COMMISSION MEMBERS PRESENT:**

Governor Burgum, Chairman  
Doug Goehring, Commissioner, ND Department of Agriculture, Bismarck (left call at 4:30 p.m.)  
Michael Anderson, Hillsboro  
Katie Hemmer, Jamestown  
Richard Johnson, Devils Lake  
Mark Owan, Williston  
Matthew Pedersen, Valley City  
Jay Volk, Bismarck  
Steven Schneider, Dickinson  
Jason Zimmerman, Minot

#### **OTHERS PRESENT:**

Lt. Governor Sanford  
John Paczkowski, Interim State Engineer, and Chief Engineer-Secretary  
SWC Staff  
Jennifer Verleger, General Counsel, Attorney General's Office  
Reice Haase, Policy Advisor, Governor's Office  
Approximately 135 people interested in agenda items.

#### **CONSIDERATION OF AGENDA**

The agenda for the October 8, 2020, SWC meeting was presented. Agenda items L1.-L3. Cost-Share Requests, were moved after agenda item M. Tabled Cost-Share Requests.

#### **CONSIDERATION OF DRAFT MEETING MINUTES**

The draft minutes for the 1) August 13, 2020, SWC meeting, 2) September 10, 2020, Commission interviews of AE2S/Nexus, Raftelis, and HDR Engineering, 3) September 10, 2020, certification of Garrison Diversion Conservancy District requirements and project funding for Red River Valley Water Supply Project, and 4) September 22, 2020, Finance, Planning, and Budget Subcommittee meetings were reviewed. There were no modifications.

**It was moved by Commissioner Hemmer, seconded by Commissioner Anderson, and unanimously carried, that the minutes for the 1) August**

13, 2020 SWC meeting, 2) September 10, 2020, Commission interviews of AE2S/Nexus, Raftelis, and HDR Engineering, 3) September 10, 2020, certification of Garrison Diversion Conservancy District requirements and project funding for Red River Valley Water Supply Project, and 4) September 22, 2020, Finance, Planning, and Budget Subcommittee meetings be approved as presented.

### **STATE WATER COMMISSION FINANCIAL REPORTS AND BUDGET FORECAST TOOL**

The allocated program expenditures for the period ending July 2020, revenue projections, project requests, and project funds were presented by Heide Delorme, Administrative Services Director (**APPENDIX A**). The oil extraction tax deposits into the Resources Trust Fund (RTF) total \$188,292,296 through September 2020. The original budgeted revenue for the 2019-21 biennium was \$433 million. The revised revenue projection is now \$293M, or 32% less than the original forecasted amount. The current revenue forecast for the 2021-23 biennium is \$269M.

Heide stated SWC staff have had discussions regarding budget details with Commissioner Hemmer. Heide indicated additional review was needed, and further information would be provided.

Commissioner Hemmer asked for clarification of where the Water Development Trust Fund of \$49M was included in “other revenue” from the funding summary. Heide clarified that the funds were used to repay a loan balance to the Bank of North Dakota and for carry forward projects. This led to further discussion on actual expenses and income related to cash available and appropriated funds.

Duane Pool, SWC Resource Economist, provided calculations based on the budget forecast tool spreadsheet. Based on this information, there was further discussion on committed funds of the payoff relative to the revenue included in the RTF. Duane clarified that the loan payment was not placed in the operational expenses, nor in the RTF revenue. The budget forecast tool was developed to provide relative positioning based upon relevant forecasts and action of the Commission.

Commissioner Hemmer further stated that approximately \$40M is listed as expended and committed capital assets, but only \$2.3M in capital assets has been committed this biennium. Commissioner Hemmer was concerned that there was a balance in the RTF that covered the prior biennium’s expenses, and \$40M of the capital asset’s line item was from the prior biennium and is available for projects.

Heide reiterated the need to have further discussions with Legislative Council and others to determine if the approximate \$40M is actual carry forward funds or if the \$40M was paid in the prior biennium. If it is determined the funds are carry forward funds, the \$40M might be designated for capital assets (NAWS/SWPP) and may not be available for additional project funding for the current biennium. Heide will bring detailed analysis to the December meeting for review.

## **COST-SHARE POLICY APPLICATION DEADLINE**

Pat Fridgen, Planning and Education Division Director, presented a request to change the application deadline in the Project Funding Policy, Procedure and General Requirements from 45 days to 60. Currently, the local sponsor is required to provide an application for cost-share to the Chief Engineer at least 45 days prior to a Commission meeting in order to be considered at that meeting.

Governor Burgum was concerned that stakeholders did not have input related to the change and the actual workflow process was not provided. Commissioner Goehring was in support of the request. Duane Pool stated the workflow, based upon deadlines, was invisible to the process.

After discussion, it was determined that the Commission would be provided additional information and the request was tabled.

## **2021 WATER DEVELOPMENT PLAN**

Pat Fridgen provided an update on the status of the 2021 Water Development Plan (Plan). The SWC is required to provide the Plan on a biennial basis and is preparing the Plan for the 2021-23 biennium.

In June, projects submitted for the inventory were reviewed with Commission subcommittees to determine cost-share eligibility, and project types were assigned to each submittal for prioritization. Commissioner-hosted meetings were held in late July, and the Finance, Planning, and Budget subcommittee met in September to discuss options for presenting priorities in the Plan. SWC staff have also compiled a 10-year financial forecast to include in the Plan.

A first draft of the Plan will be sent to Commissioners for their comments and feedback by the end of October.

## **2021-2023 AGENCY STRATEGIC PLAN**

Pat Fridgen provided a final draft of the 2021-2023 SWC and State Engineer Strategic Plan (Strategic Plan) for the Commissioners' consideration.

As part of the strategic planning process and the Governor's budgeting and strategy review directives, each SWC division identified their highest project and program priorities. With that information, the SWC established new agency initiatives and priorities to define how the SWC and its staff can accomplish the goals. Key elements from Team North Dakota's shared purposes are also incorporated into the Strategic Plan.

The Strategic Plan will be submitted at the December meeting for final approval. Commissioners were asked to provide comments or suggested changes.

## **STRATEGIC GOVERNANCE AND FINANCE STUDY CONTRACT AWARD**

Interviews were held on September 10 for the three candidates that submitted proposals for the Strategic Governance and Finance Study (Study): AE2S/Nexus, Raftelis, and HDR Engineering, Inc.

Jon Kelsch, Water Development Division Director, provided a summary of the scores received from three Commissioners and stated that AE2S Nexus received the highest score. John requested input from the Commission for how to proceed. Jon clarified that the proposed budget for the Study was not to exceed \$200,000. Jon also clarified that all of the firms had stated in the proposal that they did not have a possible conflict of interest or had identified any potential conflict.

Commissioner Hemmer stated all three firms were strong candidates and agreed that AE2S/Nexus had the necessary strengths and expertise to complete the Study.

After discussion, the following motion was made:

**It was moved by Commissioner Zimmerman and seconded by Commissioner Hemmer the Commission authorize the SWC staff to award the contract for the Study to AE2S/Nexus in the amount not to exceed \$200,000.**

**Commissioners Anderson, Hemmer, Johnson, Owan, Pedersen, Schneider, Volk, Zimmerman, Goehring, and Governor Burgum voted aye. There were no nay votes. Governor Burgum announced the motion carried.**

## **REIMBURSEMENT FROM RESERVE FUND FOR REPLACEMENT AND EXTRAORDINARY MAINTENANCE**

Sindhuja S.Pillai-Grinolds presented Southwest Water Authority's (SWA) request for \$194,949.99 in reimbursement from the reserve fund for Replacement and Extraordinary Maintenance (REM). The fund is required by authorizing legislation, and expenditures from this fund are to be authorized by the Commission.

The items requested for reimbursement included:

1. Replacement of the pump motor #5 at the Richardton Pump Station for \$22,738.89,
2. Replacement of pump motor PA2 at the Intake for \$42,664.47,
3. Replacement of the pump motor #2 at the Scranton Booster Pump Station for \$23,166.06,
4. Rebuild of the pump motor PA3 at the intake for \$44,703.61,
5. Replacement of the bypass valve at the Jung Lake Booster pump station for \$23,287.34, and
6. Repair of Contract 2-4A/2-4C connection for \$38,389.62.

The total costs for all items requested for reimbursement was \$194,949.99. The current balance in the REM fund as of September 14, 2020, was \$22,608,044.95 and the budgeted year-end balance for 2020 is approximately \$20M.

**It was moved by Commission Owan and seconded by Commissioner Zimmerman the Commission approve the reimbursement from the Reserve Fund for REM in the amount of \$194,949.99.**

**Commissioners Anderson, Hemmer, Johnson, Owan, Pedersen, Schneider, Volk, Zimmerman, Goehring, and Governor Burgum voted aye. There were no nay votes. Governor Burgum announced the motion carried.**

### **NORTHWEST AREA WATER SUPPLY (NAWS)**

Tim Freije, NAWS Project Manager, provided an update on the Lansford reservoir and pump station project. The project was bid with multiple bids accordingly to NDCC Title 48. There were five contracts bid.

The contracts will be funded with carry forward funds from the 2017-19 biennium, with 35 percent cost-share from Minot. The estimated engineering cost for construction management services was estimated at \$800,000 and will be funded with 2019-21 biennium funding from agency operation funds, with 35 percent cost-share from Minot. Sixty-five percent of project funding is eligible from the federal Municipal, Rural, and Industrial Water Supply Program (MR&I).

Five contractors submitted bids and the combined low bids totaled \$9,237,983, which was \$2,262,017 below estimates. The bids were reviewed by Houston Engineering, Inc., and their recommendation was to award the bids to ICS, Inc., and DN Tanks.

Commissioner Hemmer requested clarification that reimbursement for the NAWS project costs was comprised of 65 percent reimbursement from federal MR&I funds, 35 percent reimbursement from the city of Minot, and that zero dollars were reimbursed from the RTF.

Tim clarified that 65 percent cost-share was eligible from MR&I funds, but there was no current appropriation funding for the NAWS project. Therefore, the 65 percent of funding would be reimbursed with carry forward funds from previous biennia as noted above.

Commissioner Zimmerman stated that the project parameters have been very clear since the onset of the NAWS project that federal MR&I was available for certain aspects of the project. NAWS is a state-owned project with the state cost-share of 65 percent and 35 percent cost-share from Minot.

Tim stated that under the cooperative agreement with the Garrison Diversion Conservancy District (GDCCD) and the Bureau of Reclamation (Bureau), all eligible costs

under the NAWS project were cost-shared at 65 percent, and more recently as federal funds are appropriated to MR&I, individual contracts are approved using the 65 percent cost-share.

Jeffrey Mattern, Engineer Manager, clarified that the federal government annually decides on the actual MR&I funding appropriation. There is no guaranteed amount of funding that North Dakota will receive. The state MR&I program Five-Year Plan for fiscal years 2020-2024 was reviewed at the GDCD executive committee in March 2020 and presented to the Commission at the April 2020 meeting. The plan is used to address variations in appropriations, priorities, and is submitted to the Bureau for their use in estimating the state's capacity to expend federal funding. The Bureau's budget is based on a three-year forecast. Currently, the federal MR&I program has zero dollars allocated for North Dakota in 2021. Any 2021 federal funding would have to be approved and authorized through the United States Senate and House.

Jeffrey further explained that North Dakota can move forward on contracts for the NAWS project by following federal requirements and then request reimbursement from the Bureau when federal MR&I funding becomes available. The GDCD MR&I construction contract list shows only the contracts, federal funds, and amounts received, and access to the appropriations available to cover the authorizations. Additional projects can be submitted, through GDCD, to the Bureau for review, and if an appropriation is available, then the project is added to the federal MR&I cooperative agreement. The cooperative agreement allows the state to fiscally receive construction dollars if available within the current authorization and current appropriation.

The GDCD and SWC have agreed that if there is federal money appropriated in a particular year, that will be applied to the NAWS project. Therefore, in order for the project to move forward, the state of North Dakota will need to fund the project until federal appropriations become available. Reimbursement would be sought from the Bureau for the 65 percent portion of the NAWS project costs the SWC approved.

Commissioner Hemmer again asked that if the Commission were to approve the Lansford project, the Commission anticipates reimbursement of 65 percent from federal MR&I funds and 35 percent from Minot. The Lansford reservoir and pump station project is not listed on the approved construction list from the GDCD, but listed on the 5-year work plan that was submitted in March 2020 to the Bureau as a potential project for federal MR&I funds. Jeffrey confirmed.

Commissioner Johnson stated he was in support of the requested funds and the Commission should keep the NAWS project funding moving forward.

Governor Burgum asked if the NAWS project could be given a line of credit from the Bank of North Dakota until the federal funds are available. John Paczkowski indicated that the NAWS project was to be covered under carry forward funds.

Tim also clarified that \$22.5M carry forward funds were made available in the RTF and appropriated to the NAWS project. Approximately \$20M is still available to fund any additional requests.

Commissioner Johnson asked whether or not the NAWS Advisory Board (Board) had input on this particular NAWS project. Tim indicated that the Board receives all project updates and information related to NAWS projects. Commissioner Zimmerman also stated that at the last Board meeting, there were no questions or concerns regarding the proposed project.

Governor Burgum asked for an update on our line of credit with the Bank of North Dakota and the circumstance that we would use the line of credit.

Heide stated that the SWC applied for and was granted a line of credit in the amount of \$20M. \$75M is available. If funds were drawn, the interest rate is LIBOR plus 1.5 percent. The SWC currently has funds available, and there are no plans to use the line of credit in the near future. John clarified that the line of credit is only available for the NAWS Biota Water Treatment Plant (Biota Plant) and could not be used for other projects as directed by the Water Topics Overview Committee.

Tim stated the final advertisements for the pipeline contract going into Bottineau and the Biota Plant are currently out for bid and the Board would review when received. Tim also clarified that approximately \$5.2M has been spent on the Biota Plant. This has been reimbursed at 100 percent from the federal MR&I fund.

Commissioner Owan questioned whether the Biota Plant expenses should have come from the line of credit. Tim indicated that the intent of the line of credit was to give the SWC the opportunity to have funding availability to cover the expense of the contract amount prior to receipt of the federal MR&I funds. Tim stated we may need to clarify whether or not the line of credit is to be used for the Biota Plant or use the line of credit to cover the cost of the difference between the total costs and federal funding available. The project started the last biennium, so there was no federal funding available prior to the line of credit being available. Tim also clarified that the prior line of credit was not specific to funding NAWS or the Biota Plant.

Commissioner Owan inquired if the federal MR&I dollars could be going to other projects that are eligible for MR&I and if the SWC could advance on the Biota Plant line of credit. Commissioner Owan also stated that the Water Topics Overview Committee's intent of the line of credit was specifically for the Biota Plant. Commissioner Owan stated the Commission should take advantage of the line of credit and pay for those expenses and utilize the MR&I funds on other eligible projects.

Commissioner Hemmer also expressed her concerns about utilizing MR&I funds for the Biota Plant and not being able to submit other projects for MR&I funding. Approximately \$5M has been reimbursed through the MR&I program for the Biota Plant. Commissioner Hemmer stated the GDCD agreed that the Commission could utilize the line of credit to reverse the \$5M already reimbursed. This could provide another \$5M of funding for projects similar to the contracts for Lansford by utilizing the line of credit as it was intended for the Biota Plant.

Jeffrey stated that if \$5M was borrowed with the line of credit, with approximately 2.5 percent interest, the state would incur \$10,000 per month. The line of credit is due June

30 and would work as an operating loan. The interest is not eligible for repayment with federal MR&I funds. The state is responsible for paying the interest. Jeffrey also clarified that legislation states that when federal MR&I funds are received, the funds are placed in the RTF.

After further discussion, the following motion was made:

**It was moved by Commissioner Hemmer and seconded by Commissioner Owan the Commission award NAWS Contract 4-3A/5-3A Contract No. 4 to ICS, Inc., in the amount of \$6,073,183 and NAWS Contract 4-3A/5-3A Contract No. 5 in the amount of \$3,164,800 pending concurrence from GDCD. The approval is contingent on available funding, the project follows the federal MR&I program requirements, and the SWC will apply for 65 percent reimbursement from federal MR&I funds and 35 percent reimbursement from Minot.**

**Commissioners Anderson, Hemmer, Johnson, Owan, Pedersen, Schneider, Volk, Zimmerman, Goehring, and Governor Burgum voted aye. There were no nay votes. Governor Burgum announced the motion carried.**

### **NAVIGABILITY STUDY AND DEOBLIGATION OF FUNDS**

Aaron Carranza, Regulatory Division Director, provided an update on the Navigability Study (Study) originally submitted to the Commission in August 2019, and the subsequent deobligation of funds (\$400,000) for the Study.

The Study was implemented to comply with Section 4 of HB 1202 passed in 2019, and SWC staff is now responsible for completing the research necessary to determine navigability. Staff have begun reviewing determination of navigability for 14 currently claimed navigable waters that have not been deemed navigable by a court, following legislative intent outlined in Section 4 of HB 1202. Once the review and research phase is complete, the review will be opened to public input and appeal in accordance with NDCC § 61-33-05.1.

SWC staff will provide the Commission with preliminary findings of navigability and supporting information at a later date.

The state of North Dakota, through the State Office of the Engineer, has the responsibility to claim and manage all navigable waters for the benefit of all current and future North Dakotans.

Governor Burgum asked for clarification that the deobligation of funds did not require a motion, was formerly to be completed by contract, and that the Study was now being completed internally. John Paczkowski confirmed.

## TABLED STATE COST-SHARE REQUESTS

Pat Fridgen, provided a list of cost-share requests tabled at the June and August 2020 Commission meetings because of budget shortfalls and revenue deficit projections, **APPENDIX B.**

**It was moved by Commissioner Goehring, seconded by Commissioner Hemmer, and unanimously carried, that the Commission reconsider and discuss, the tabled cost-share requests listed on APPENDIX B, in the amount of \$31,409,465.**

The Commission discussed each cost-share request, and the following motion was made:

**It was moved by Commissioner Hemmer, seconded by Commissioner Johnson, and unanimously carried, that the Commission approve the tabled cost-share requests 1, 3, 4, 5, 6, 7, 8, 9, 11, 12, 14, and 17, listed as follows, in the amount of \$32,601,743. Commissioner Anderson abstained from voting on cost-share request 6. The approvals are contingent on available funding for the 2019-2021 biennium.**

<b>WATER SUPPLY</b>	
1. Mandan: Raw Water Intake	\$9,450,000
3. Killdeer: 2020 Watermain and Pump Station	\$1,060,500
4. Bismarck: Lockport Pump Station	\$675,000
5. WAWSA: Phase 6 Construction	\$9,003,400
WATER SUPPLY TOTAL	<b>\$20,188,900</b>
<b>RURAL WATER</b>	
6. East Central RWD: 2019 Expansion Phase 4 Construction	\$3,711,000
7. Walsh RWD: Drayton Water Supply	\$4,713,600
8. North Prairie RWD: Minot to Velva Hwy 52 Improvement	\$3,249,000
RURAL WATER TOTAL	<b>\$11,673,600</b>
<b>GENERAL WATER</b>	
9. Logan County WRD: McKenna Lake Hydrologic Study Phase 2	\$111,876
GENERAL WATER TOTAL	<b>\$111,876</b>
<b>FLOOD CONTROL</b>	
11. Mercer County WRD: Knife Riverbank Stabilization	\$87,831
12. Richland County, Center Township: Wild Rice Riverbank Stabilization	\$78,644
14. Pembina County WRD: Tongue River Snag & Clear	\$98,400
17. Bottineau County WRD: McHenry Laterals A & B	\$362,492
FLOOD CONTROL TOTAL	<b>\$627,367</b>
<b>APPROVED COST-SHARE REQUEST TOTAL</b>	<b>\$32,601,743</b>

Cost-share request 2 was removed from approval list and will be resubmitted by sponsor at a later date in order to review alternative options. Cost-share request 10 was removed from approval list to review separately. Cost-share requests 13, 15, and

16, were removed from approval list based on concerns with a recent Attorney General's opinion related to funding assessment drain maintenance.

After further discussion, the following motion was made:

**It was moved by Commissioner Goehring, seconded by Commissioner Zimmerman, and unanimously carried, that the Commission approve tabled cost-share request 10, Lower Heart River WRD: Lower Heart River Flood Risk Reduction in the amount of \$1,200,000, utilizing turnback funds.**

### **STATE ENGINEER APPROVAL REQUESTS**

Pat Fridgen provided the Commission with a list of cost-share requests below the \$75,000 threshold for State Engineer approval (**APPENDIX C**). The requests were deferred for consideration at the July 16, 2020, Commission meeting until further revenue forecasts and actual revenue levels were received.

After discussion, the following motion was made:

**It was moved by Commissioner Hemmer and seconded by Commissioner Volk the Commission approve the authority of the State Engineer to approve cost-share requests below the \$75,000 threshold according to policy, and those deferred requests listed on APPENDIX C. The motion includes the Red River Joint WRD cost-share request in the amount of \$32,905. The approvals are contingent on available funding.**

**Commissioners Anderson, Hemmer, Johnson, Owan, Pedersen, Schneider, Volk, Zimmerman, Goehring, and Governor Burgum voted aye. There were no nay votes. Governor Burgum announced the motion carried.**

### **STATE COST-SHARE REQUESTS**

#### **WATER SUPPLY PROJECTS:**

#### **RED RIVER VALLEY WATER SUPPLY PROJECT (RRVWSP) (SWC Project No. 0325)**

John Paczkowski presented Garrison Diversion Conservancy District's (GDCCD) request for \$16,400,000 of the total estimated cost of \$18,978,000, for early out construction and additional design of the RRVWSP. SB 2020, the Commission's appropriation bill, allocated \$13,000,000 to GDCCD for the early out construction, and an additional \$30,000,000 for additional portions of the project at 75 percent cost-share.

Sections 12 and 14 of SB 2020, established that requirements for funding be met. The GDCCD outlined completion of their certification - meeting the requirements as outlined in

correspondence received September 3, 2020. The GDCD District requested, and received, certification from the State Engineer and Commission September 10, 2020. On September 17, 2020, Interim Legislative Budget Section approved the Commission and State Engineer's certification that the requirements were fulfilled.

The estimated cost for early out construction is \$14,444,400 for bidding and construction of (1) Missouri River intake pumping station wet-well; (2) Transmission Pipeline East (Contract 5a); and (3) Sheyenne River discharge structure. The GDCD's request is for 90 percent of costs associated with early out construction, up to \$13,000,000.

In addition to the early out construction costs, GDCD presented the estimated cost of the Missouri River intake, crib, and tunnel of \$4,533,300. The GDCD's request was for 75 percent of costs associated with the crib and tunnel, as required by Senate Bill 2020, section 13, up to \$3,400,000.

At the September 10, 2020, Commission meeting, GDCD was asked to prioritize the elements of their current request in the context of the agency's current financial situation. GDCD identified the Missouri River intake wet well (\$4.03M), and final design of the Missouri River intake, crib, and tunnel (\$2.10M) as highest priorities.

The recommendation was to approve cost-share for the intake wet well project at 90 percent of eligible costs, up to \$3,627,000; and 75 percent of eligible costs for final design of the Missouri River intake, crib, and tunnel, up to \$1,575,000, for a total cost-share of \$5,202,000. It was also recommended that turned-back carry forward funds from water supply projects totaling \$4,702,000 be utilized to fund the request, with the remaining \$500,000 from funds appropriated during the 2019-2021 biennium.

Duane DeKrey, GDCD General Manager, presented a summary sheet indicating the final request for funding was \$16.4M (**APPENDIX D**). Duane was asked to clarify GDCD's involvement with the RRVWSP. NDCC 61-24 states that GDCD is to study and provide water for the needs of eastern North Dakota communities and water districts, and western Minnesota communities through the RRVWSP. Under NDCC 61-39, GDCD may acquire, construct, improve and own RRVWSP and may enter into water supply contracts with member cities and water districts for the sale of water for consumption within or outside of the district to include Canada.

Duane also provided an update on the lawsuit with Missouri. The request for funding today involves the state project only. There is no federal involvement with the present request.

Duane stated that the current request is \$16.4M. The \$16.4M is comprised of \$5.75M for the Missouri River intake; \$7.76M for the transmission pipeline costs; \$1.76M for the Sheyenne River discharge structure; and \$1.13M for property acquisition and project planning. To date, the GDCD and Lake Agassiz Water Authority have contributed \$7M towards the project.

Commissioner Owan asked why the cost-share request was at 90 percent of the \$3.62M. Duane indicated the 90 percent cost-share was based on legislation granting that amount for the development phase of the project. Commissioner Owan also asked what the average cost per user was for this project. Duane indicated he would provide this information to the Commission at a later date.

Duane also clarified that the governance of the project is held by the GDCD Board, along with the Lake Agassiz Water Authority.

After further discussion, the following motion was made:

**It was moved by Commission Goehring and seconded by Commissioner Johnson the Commission approve cost-share for the Missouri River intake project at 90 percent of eligible costs up to \$5.75M; and 75 percent of eligible costs for property acquisition and project planning up to \$1.13M, for a total cost-share of \$6.88M. \$4,728,394 turn-back carry forward funds will be utilized to fund this request, and \$2,151,606 RTF funds appropriated during the 2019-2021 biennium. The approval is contingent on available funding for the 2019-2021 biennium.**

**Commissioners Anderson, Hemmer, Johnson, Owan, Pedersen, Schneider, Volk, Zimmerman, Goehring, and Governor Burgum voted aye. There were no nay votes. Governor Burgum announced the motion carried.**

Governor Burgum requested the GDCD attend the December Commission meeting to provide an update on the progress of the project and status of additional funding that may be made available.

## **FLOOD CONTROL PROJECTS:**

### **FM AREA DIVERSION PROJECT (SWC Project No. 1928)**

The Metro Flood Diversion Authority (Authority) requested additional cost-share of \$44M for the Fargo Flood Control Project (Project). The estimated total project cost is \$2.75B. The State Water Commission's 2015-2017 biennium appropriation bill Senate Bill SB 2020 expressed the legislature's intent to provide state funding not to exceed \$570,000,000 for construction of a federally authorized Project. SB 2020 also provided that the \$266,000,000 yet to be designated by the state for the Project was to be made available in equal installments of \$66.5M over the next four biennia, beginning July 1, 2017.

Because of budget shortfalls and reduced revenue forecasts, the sponsor reduced their request for state funding to \$44M with the expectation that they will request the remaining \$22.5M in a future biennium.

Joel Paulsen, Executive Director, FM Diversion Project, stated that procurement is moving forward with the P3 developer. As the procurement moves forward, large amounts of cash expenditures and obligations will be made. The current carry forward funds and additional \$44M will be expended by June 2021. Approximately \$32M in expenditures will be sent to the SWC for reimbursement in the near future. Additional expenditures of \$18.5M for professional fees, \$12.5M for in-town construction projects, \$7.5M for utility relocates, and \$17M for land acquisitions were discussed.

Governor Burgum thanked Joel for providing the recent tour of the Project during the Water Topics Overview Committee meetings in Fargo. Governor Burgum asked Joel to reach out to Commissioners for additional tours at a later date as Covid restrictions lessen. Joel will send contact information to Commissioners.

Joel stated that a federal request of \$225M for the Corps of Engineers work accounts for various projects, including the Red River control structure will be received in February or March 2021. Joel also informed the Commission that the \$565M WIFIA loan through the EPA would be finalized within the next month.

The MN DNR contested hearing date has closed. The administrative law judge is currently reviewing the record and preparing the findings of fact and should be received within 60 days. The findings of fact will then go to the MN DNR for any consideration of changes in permitting or modifications.

The recommendation was to approve the request for state cost-share participation at 50 percent of eligible costs for the Fargo Flood Control Project, for an additional \$44,000,000 of the \$66,500,000 appropriated to the Commission in the 2019-2021 biennium, with the remaining \$22,500,000 to be deferred to a future funding request.

After discussion, the following motion was made:

**It was moved by Commission Owan and seconded by Commissioner Pedersen the Commission approve state cost-share participation at 50 percent of eligible costs for the Project, for an additional \$44,000,000 of the \$66,500,000 appropriated to the Commission in the 2019-2021 biennium, with the remaining \$22,500,000 to be deferred to a future funding request. The approval is contingent on available funding for the 2019-2021 biennium.**

**Commissioners Anderson, Hemmer, Johnson, Owan, Pedersen, Schneider, Volk, Zimmerman, and Governor Burgum voted aye. There were no nay votes. Governor Burgum announced the motion carried.**

**UPPER SHEYENNE RIVER JOINT WATER RESOURCE BOARD –  
UPPER SHEYENNE WATERSHED PILOT PROJECT  
(SWC Project No. WRD/UPP)**

Pat Fridgen presented Upper Sheyenne River Joint Water Resource District's (District) request for a grant in the amount of \$1,000,000 for its Upper Sheyenne Watershed Pilot

Project (Project). The Project consists of seven individual bank stabilization projects within the Upper Sheyenne watershed selected by the District for the purposes of minimizing impacts to public infrastructure and private structures, and for improving downstream water quality. The total estimated cost of the Project is \$3,868,093, of which the District is seeking \$2,018,093 in federal funds.

SB 2020 authorized up to \$1,000,000 from the Commission's flood appropriation funding for pilot project grants to be used in implementing a basin wide water plan. SB 2020 requires an applicant for a pilot project grant to first apply to the Commission. The application must contain a basin wide plan developed by all of the water resource districts and joint water resource districts in the basin, and must also identify water conveyance, flood control, and other water projects to be undertaken in that basin. The District's application included a study report to be considered equivalent to the required basin wide plan for the purpose of grant eligibility.

The seven project sites identified by the District in their application are described as areas of bank erosion along the Sheyenne River in Eddy, Nelson, and Griggs counties. Two of the sites involve protection of public roadways, three sites are associated with the protection of private property, and two have been identified as affecting water quality. Under Commission cost-share policy, bank stabilization is categorized as water conveyance, and only projects constructed for the purpose of protecting public facilities and located on public lands or lands under easement by federal, state, or political subdivisions are considered eligible for cost-share assistance.

Members of the District include Steele, Barnes, Nelson, Griggs, Sheridan, Pierce, Stutsman, Benson, and Eddy counties. Portions of McHenry, Wells, and McLean counties also comprise the upper Sheyenne River sub-basin but are not represented by the District. To date, the District has not yet forwarded to the Commission evidence of concurrence on its pilot project grant application from all of the water resource districts and joint water resource districts basin wide, as required by SB 2020.

NDCC 61-03-21.4 requires the State Engineer review an economic analysis or life cycle analysis when considering whether to fund a water conveyance project, flood-related project, or water supply projects. An economic analysis was not completed or submitted with the application for review.

The Project does not meet the requirements of SB 2020 in that its sponsorship currently does not include all of the water resource districts and joint water resource districts within the upper Sheyenne River basin. In addition, the Project does not meet NDCC 61-03-21.4, in that an economic analysis was not provided as part of the application process. And finally, the Project intent is to protect some sites that are not located on public lands, or lands under easement by federal, state, or political subdivisions, which would require an exception from current cost-share policy.

The recommendation was to defer consideration of the request until all Legislative and statutory requirements were met by the District.

After discussion, the Commission requested the request be brought back for further discussion at a later date and requirements met.

**PROPOSED LEGISLATION FOR 2021-23 SESSION**

Jennifer Verleger, General Counsel, Attorney General's Office, provided the Commission with bills the SWC is proposing to submit during the 2021-23 legislative session for consideration (**APPENDIX E**).

John Paczkowski requested clarification related to the NAWS project. The Three Affiliated Tribes is listed, but is not actually part of the service area. John suggested the Three Affiliated Tribes be removed. Tim Freije confirmed that Three Affiliated Tribes reservation does not receive water system from the NAWS system. However, at one time, it was suggested that Turtle Mountain be added as a representative. After discussion, it was agreed Commission would discuss at a later time, and discussions with tribal leaders was ongoing.

After further discussion, the following motion was made:

**It was moved by Commissioner Johnson and seconded by Commissioner Anderson the Commission approve the submittal of the proposed bills, attached as APPENDIX E, for pre-filing to be considered during the 2021-23 legislative session.**

**Commissioners Andersen, Hemmer, Johnson, Owan, Pedersen, Schneider, Volk, Zimmerman, and Governor Burgum voted aye. There were no nay votes. Governor Burgum announced the motion carried.**

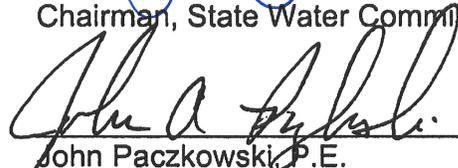
Jennifer also provided a brief update on Commission and Office of the State Engineer litigation.

Project updates were submitted as informational only, and there was no discussion.

There being no further business to come before the Commission, Governor Burgum adjourned the October 8, 2020, meeting at 5:21 p.m.



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Doug Burgum, Governor  
Chairman, State Water Commission

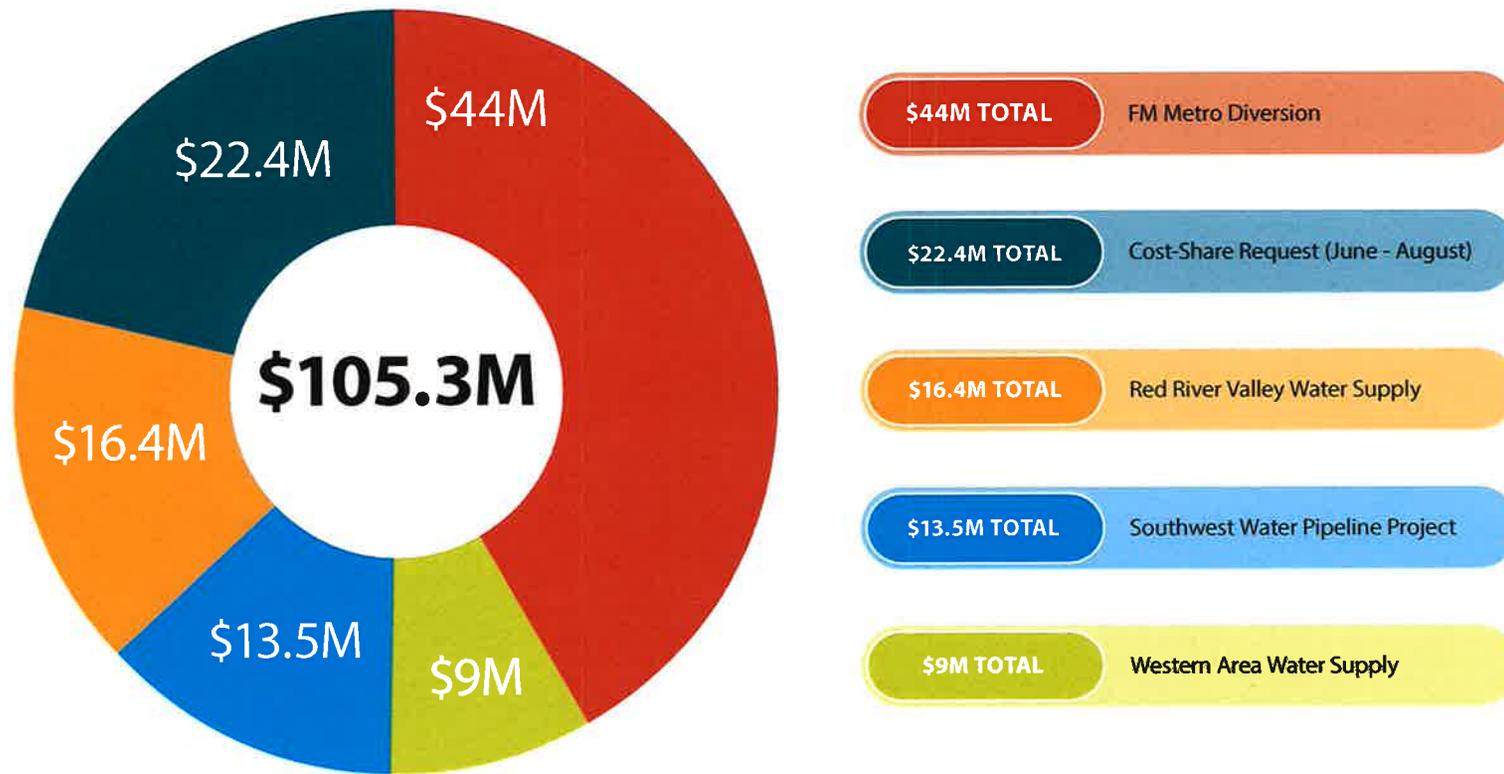


\_\_\_\_\_  
John Paczkowski, P.E.  
Interim North Dakota State Engineer,  
and Chief Engineer-Secretary  
to the State Water Commission

# REVENUE PROJECTIONS

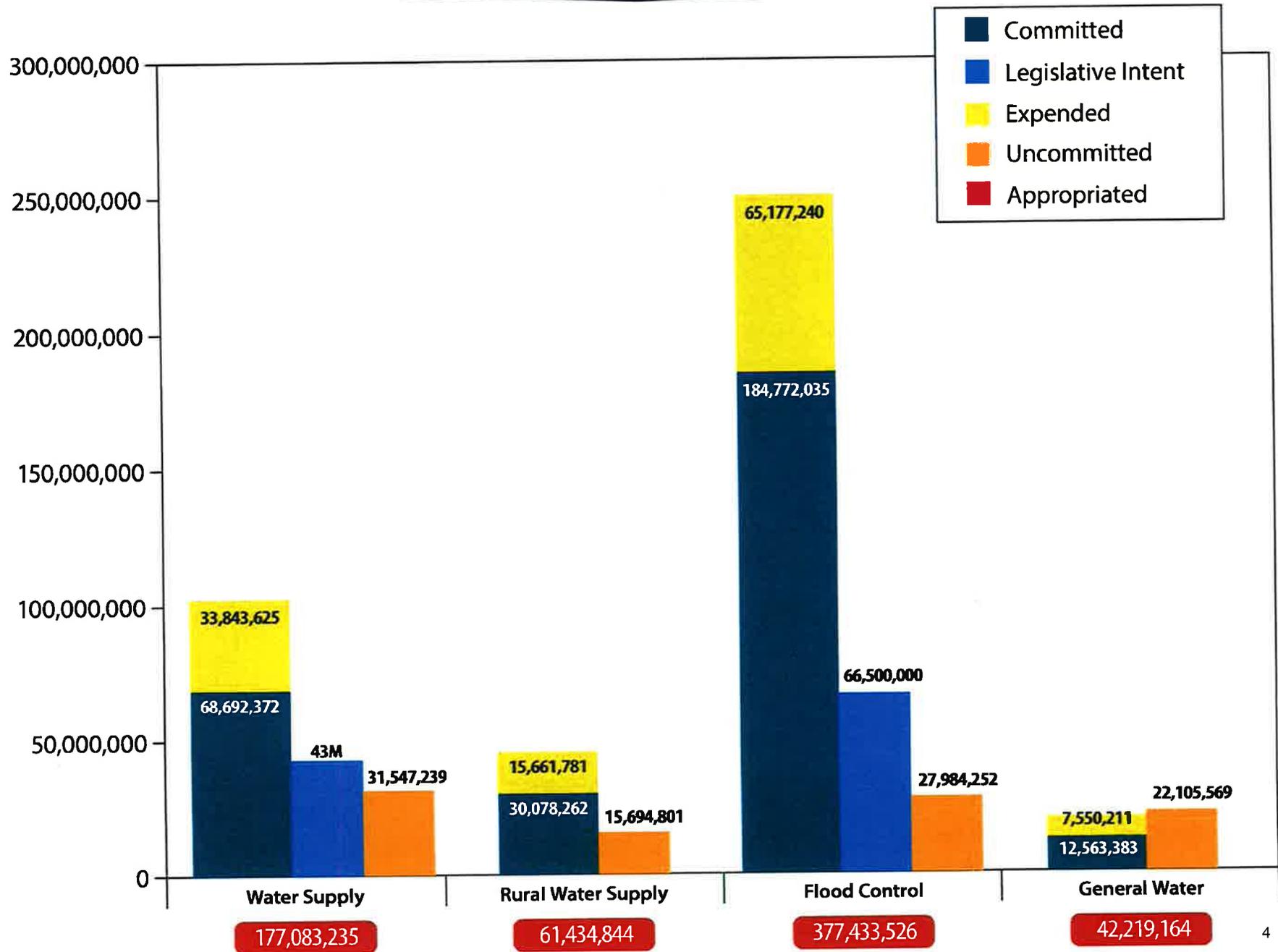
Revenue Projections	Amount	Turnback Carryover Funds-Uncommitted
Original Revenue Projection-Resource Trust Fund	\$433,040,803	Water Supply \$4,728,394
		Rural Water \$97,630
Revised Revenue Projection-Resource Trust Fund	\$293,352,096	General Water \$362,455
Other Revenue	\$18,600,000	Flood Control \$2,636,758
Total Projected Revenue	\$311,952,096	<b>Total \$7,825,237</b>
Less Current Expenses & Obligations	\$227,600,000	
<b>Additional Revenue Projected for New Projects</b>	<b>\$84,352,096</b>	

# MAJOR PROJECT NEEDS NOT YET APPROVED



*NAWS Line Of Credit Is Available To Fund With Federal Reimbursement - \$75,000,000*

# PROJECT FUNDS



**STATE WATER COMMISSION  
PROJECT SUMMARY  
2019-2021 BIENNIUM**

Jul-20

	2017-2019 CARRYOVER	2019-2021 FUNDING	2019-2021 BUDGET	SWC/SE APPROVED	REMAINING UNOBLIGATED
<b>MUNICIPAL &amp; REGIONAL WATER SUPPLY:</b>					
MUNICIPAL WATER SUPPLY	35,784,882	48,046,507	83,831,389	83,831,389	(0)
RED RIVER VALLEY	4,000,000	43,000,000	47,000,000	4,000,000	43,000,000
OTHER REGIONAL WATER SUPPLY	9,228,607	5,476,000	14,704,607	14,704,607	(0)
UNOBLIGATED MUNICIPAL/REG WATER SUPPLY	69,746	31,477,493	31,547,239		31,547,239
<b>Total</b>	<b>49,083,236</b>	<b>128,000,000</b>	<b>177,083,235</b>		<b>74,547,238</b>
<b>% OBLIGATED</b>		<b>41.76%</b>			
<b>RURAL WATER SUPPLY:</b>					
RURAL WATER SUPPLY	24,177,214	21,562,829	45,740,043	45,740,043	0
UNOBLIGATED RURAL WATER SUPPLY	57,630	15,637,171	15,694,801		15,694,801
<b>Total</b>	<b>24,234,844</b>	<b>37,200,000</b>	<b>61,434,844</b>		<b>15,694,801</b>
<b>% OBLIGATED</b>		<b>57.81%</b>			
<b>FLOOD CONTROL:</b>					
FARGO	105,735,612	66,500,000	172,235,612	105,735,612	66,500,000
MOUSE RIVER	42,969,758	67,400,000	110,369,758	77,369,758	33,000,000
VALLEY CITY	4,858,687	11,610,554	16,469,241	16,469,241	0
LISBON	1,411,117	0	1,411,117	1,411,117	0
OTHER FLOOD CONTROL	15,379,498	3,039,800	18,419,298	18,419,298	0
PROPERTY ACQUISITIONS	820,117	15,175,000	15,995,117	15,995,117	(0)
WATER CONVEYANCE	9,009,466	5,539,666	14,549,132	14,549,132	(0)
UNOBLIGATED FLOOD CONTROL	249,272	27,734,979	27,984,251		27,984,252
<b>Total</b>	<b>180,433,527</b>	<b>197,000,000</b>	<b>377,433,526</b>		<b>127,484,251</b>
<b>% OBLIGATED</b>		<b>35.29%</b>			
<b>GENERAL WATER:</b>					
GENERAL WATER	14,760,432	5,353,162	20,113,595	20,113,595	0
UNOBLIGATED GENERAL WATER	364,955	21,740,614	22,105,569		22,105,569
<b>Total</b>	<b>15,125,386.68</b>	<b>27,093,776</b>	<b>42,219,164</b>		<b>22,105,569</b>
<b>% OBLIGATED</b>		<b>18.41%</b>			
<b>CAPITAL ASSETS:</b>					
SWPP CAPITAL ASSETS	15,792,359	2,320,000	18,112,359	18,112,359	(0)
NAWS CAPITAL ASSETS	22,248,857	0	22,248,857	22,248,857	0
UNOBLIGATED SWPP CAPITAL ASSETS	0	0	0		0
<b>Total</b>	<b>38,041,216</b>	<b>2,320,000</b>	<b>40,361,216</b>		<b>0</b>
<b>% OBLIGATED</b>		<b>100.00%</b>			
<b>REVOLVING LOAN FUND:</b>					
GENERAL WATER PROJECTS	0	3,676,600	3,676,600	3,676,600	0
UNOBLIGATED REVOLVING LOAN FUND	0	1,105,911	1,105,911		1,105,911
<b>Total</b>	<b>0</b>	<b>4,782,511</b>	<b>4,782,511</b>		<b>1,105,911</b>
<b>% OBLIGATED</b>		<b>76.88%</b>			
<b>TOTALS</b>	<b>306,918,208</b>	<b>396,396,287</b>	<b>703,314,496</b>	<b>462,376,724</b>	<b>239,831,860</b>

**STATE WATER COMMISSION  
PROJECT SUMMARY  
2019-2021 BIENNIUM**

*Jul-20*

	SWC/SE APPROVED	EXPENDITURES	REMAINING UNPAID
<b>MUNICIPAL &amp; REGIONAL WATER SUPPLY:</b>			
MUNICIPAL WATER SUPPLY	83,831,389	19,606,693	64,224,696
RED RIVER VALLEY	4,000,000	3,000,000	1,000,000
OTHER REGIONAL WATER SUPPLY	14,704,607	11,236,932	3,467,675
TOTAL	102,535,997	33,843,625	68,692,372
<b>RURAL WATER SUPPLY:</b>			
RURAL WATER SUPPLY	45,740,043	15,661,781	30,078,262
<b>FLOOD CONTROL:</b>			
FARGO	105,735,612	20,861,965	84,873,647
MOUSE RIVER	77,369,758	26,258,818	51,110,940
VALLEY CITY	16,469,241	3,996,768	12,472,473
LISBON	1,411,117	1,032,826	378,291
OTHER FLOOD CONTROL	18,419,298	6,579,465	11,839,833
PROPERTY ACQUISITIONS	15,995,117	2,294,096	13,701,021
WATER CONVEYANCE	14,549,132	4,153,302	10,395,830
TOTAL	249,949,275	65,177,240	184,772,035
<b>GENERAL WATER:</b>			
GENERAL WATER	20,113,595	7,550,211	12,563,383
<b>CAPITAL ASSETS:</b>			
SWPP CAPITAL ASSETS	18,112,359	6,210,742	11,901,617
NAWS CAPITAL ASSETS	22,248,857	4,312,659	17,936,197
TOTAL	40,361,216	10,523,402	29,837,814
<b>REVOLVING LOAN FUND:</b>			
GENERAL WATER PROJECTS	3,676,600	0	3,676,600
WATER SUPPLY	0	0	0
<b>TOTALS</b>	<b>462,376,724</b>	<b>132,756,259</b>	<b>329,620,466</b>

**STATE WATER COMMISSION  
PROJECT SUMMARY  
2019-2021 Biennium**

**WATER SUPPLY**

Approved SWC By	No	Dept	Sponsor	Project	Approved Date	Total Approved	Total Payments	Jul-20 Balance
<b>Municipal Water Supply:</b>								
	2050-13	5000	Mandan	New Raw Water Intake	6/19/19	11,898,205	308,103	11,590,102
	2050-15	5000	Washburn	New Raw Water Intake	10/7/13	1,889,711	16,762	1,872,949
	2050-20	5000	Dickinson	Capital Infrastructure	10/8/15	0	0	0
	2050-26	5000	Fargo	Fargo Water System Regionalization Improvements	7/29/15	1,971,286	182,854	1,788,433
	2050-29	5000	Minot	Water Systems Improvement Project	10/6/15	599,301	307,977	291,324
	2050-30	5000	Watford City	Water Systems Improvement Project	10/6/15	2,400,000	1,633,476	766,524
	2050-32	5000	Williston	Water Systems Improvement Project	10/6/15	7,857,010	0	7,857,010
	2050-37	5000	Dickinson	Dickinson State Avenue South Water Main	12/11/15	963,920	0	963,920
	2050-49	5000	Grand Forks	Grand Forks Water Treatment Plant	8/23/17	7,089,371	7,089,371	0
	2050-52	5000	New Town	Water Transmission Storage	10/11/18	743,477	495,476	248,002
	2050-53	5000	West Fargo	Brooks Harbor Water Tower	8/23/17	797,335	0	797,335
	2050-54	5000	West Fargo	North Loop Connection	8/23/17	510,000	0	510,000
	2050-55	5000	West Fargo	West Loop Connection	8/23/17	1,110,000	0	1,110,000
	2050-66	5000	Lincoln	Lincoln Water System Improvement Project	2/8/18	1,415,788	1,017,437	398,351
	2050-67	5000	Williston	Williston Water System Improvements	2/8/18	2,336,000	1,268,889	1,067,111
	2050-68	5000	Valley City	Valley City Membrane Replacement Project	2/8/18	0	0	0
	2050-69	5000	Mandan	Sunset Reservoir Water Transmission Line	4/12/18	2,043,479	382,592	1,660,887
	2050-75-19	5000	Bismarck	Lockport Water Pump Station	6/19/19	2,280,000	508,040	1,771,960
	2050-76-19	5000	Mapleton	Water Storage Tank	6/19/19	840,000	345,586	494,414
	2050-84-19	5000	Cavalier	Water Tower Replacement	10/10/19	1,022,500	0	1,022,500
	2050-85-19	5000	Mapleton	300,000 Gallon Storage Tank	10/10/19	540,000	111,704	428,296
	2050-86-19	5000	Minot	SW Water Tower	10/10/19	2,855,000	0	2,855,000
	2050-87-19	5000	Streeter	Well Installation and Tower Rehabilitation	10/10/19	265,000	0	265,000
	2050-88-19	5000	Davenport	Water Improvement District No. 2019-1	10/10/19	466,000	0	466,000
	2050-89-19	5000	West Fargo	9th Street NW Water Main	10/10/19	594,000	0	594,000
	2050-90-19	5000	Grand Forks	Water Treatment Plant	10/10/19	9,875,000	5,469,564	4,405,436
	2050-94-19	5000	Watford City	Water Distribution 2019	12/6/19	1,580,000	0	1,580,000
	2050-95-19	5000	Garrison	Water Supply Treatment and Transmission Line	2/13/20	3,396,000	0	3,396,000
	2050-96-19	5000	Larimore	2020 Water System Replacement	2/13/20	2,617,000	0	2,617,000
	2050-97-19	5000	Park River	2020 Water Main Improvement	2/13/20	970,000	0	970,000
	2050-98-19	5000	Sykeston	Water Tower Replacement	2/13/20	587,000	0	587,000
	2050-99-19	5000	Valley City	Water Main Improvement 100/101	2/13/20	700,000	0	700,000
	2050-100-19	5000	Wyndmere	2020 Water Main Improvements	2/13/20	1,730,000	208,582	1,521,418
	2050-101-19	5000	Fargo	Downtown Water Tower	2/13/20	2,814,000	0	2,814,000
	2050-102-19	5000	Lincoln	Water Tank Replacement	2/13/20	1,268,000	0	1,268,000
	2050-103-19	5000	Kindred	Water Main Looping 2020	2/13/20	134,000	0	134,000
	2050-104-19	5000	Hazen	Water Storage Improvements	2/13/20	1,430,000	0	1,430,000
	2050-105-19	5000	Williston	42nd Street and 16th Avenue Water Main	2/13/20	1,196,000	0	1,196,000
	2050-106-19	5000	Parshall	Water Tower Storage	4/9/20	1,323,000	0	1,323,000
	2050-107-19	5000	Dickinson	North Annexation Water Supply	4/9/20	856,400	0	856,400
	2050-108-19	5000	Valley City	Water Treatment Plant Membrane Replacement	4/9/20	867,607	260,282	607,325
<b>TOTAL MUNICIPAL WATER SUPPLY</b>						<b>83,831,389</b>	<b>19,806,693</b>	<b>64,224,696</b>
<b>Regional Water Supply:</b>								
	1973-05	5000	WAWSA	WAWSA Phase IV (moved to Phase V)	10/6/15	3,001,967	2,550,688	451,279
	1973-06	5000	WAWSA	WAWSA Phase V	12/8/17	6,226,640	6,226,640	0
	1973-07	5000	WAWSA	WAWSA Phase VI	6/19/19	5,476,000	2,459,603	3,016,397
	325-105	5000	RRVWSP	RRVWSP Garrison Diversion	8/23/17	4,000,000	3,000,000	1,000,000
<b>TOTAL REGIONAL WATER SUPPLY</b>						<b>18,704,607</b>	<b>14,236,932</b>	<b>4,467,675</b>
<b>Rural Water Supply:</b>								
	2050-34	5000	North Prairie RWD	Storage and Water Main	10/6/15	1,012,854	735,733	277,120
	2050-35	5000	Southeast Water Users Dist.	System Wide Expansion	2/13/20	3,473,377	2,883,384	589,993
	2050-43	5000	All Seasons Water District	System 4 Connection to System 1	12/11/15	4,900,000	0	4,900,000
	2373-39	5000	North Central Rural Water Consortium	Carpio Barthold Phase 2	4/1/15	926,882	345,994	580,888
	2373-41	5000	North Central Rural Water Consortium	Granville-Deering Area	10/24/16	459,137	338,604	120,533
	2050-57	5000	North Central Regional Water District	Mountrail Expansion Phase II	8/23/17	3,034,288	0	3,034,288
	2050-58	5000	North Central Regional Water District	Mountrail Co. Watery Phase III	8/23/17	3,430,000	0	3,430,000
	2050-59	5000	Cass Rural Water District	Horace Storage Tank	10/11/18	1,336,637	1,283,826	52,811
	2050-60	5000	North Prairie Rural District	Reservoir 9 Water Supply	6/12/18	398,997	27,620	371,376
	2050-61	5000	North Prairie Rural District	Surrey/Silver Spring	6/12/18	38,289	3,900	34,389
	2050-63	5000	Walsh RWD	System Expansion Project	4/12/18	667,629	604,458	63,171
	2050-64	5000	McLean-Sheridan Water District	Turtle Lake Water Tower	8/9/18	846,065	413,136	432,930
	2050-65	5000	Tri-County Rural Water District	System Expansion Project	8/9/18	1,316,004	1,227,775	88,228
	2050-71	5000	East Central RWD	Grand Forks/Trail Project	12/7/18	2,004,028	1,244,980	759,048
	2050-72	5000	Stutsman RWD	Phase 6 Pettibone Project	4/12/18	464,606	464,606	(0)
	2050-73	5000	Northeast Regional WD	Master Plan	10/11/18	55,922	55,922	0
	2050-74	5000	Walsh RWD	Drayton Long-Term Water Supply Feasibility Study	5/8/19	37,500	37,500	0
	2050-77-19	5000	Dakota Rural Water District	2019 Expansion	4/9/20	4,650,000	728,647	3,921,353
	2050-78-19	5000	McLean-Sheridan Rural Water District	2019 Expansion	4/9/20	4,980,000	832,889	4,147,111
	2050-79-19	5000	Northeast Regional WD	Devils Lake Water Supply Phase II	6/19/19	1,197,829	1,197,829	0
	2050-80-19	5000	Stutsman RWD	Phase 7, including Reule Lake	6/19/19	1,812,000	561,269	1,250,731
	2050-81-19	5000	South Central RWD	North Burleigh Water Treatment Plant	6/19/19	920,000	681,007	238,993
	2050-82-19	5000	Missouri West Water System	North Mandan/Highway 25 and Harmon Lake Area	8/8/19	1,095,000	671,466	423,534
	2050-83-19	5000	Tri-County Rural Water District	Phase 5	8/8/19	1,990,000	471,289	1,518,711
	2050-91-19	5000	Agassiz Water Users District	2019 Expansion	4/9/20	2,990,000	514,041	2,475,959
	2050-92-19	5000	East Central RWD	2019 Expansion Phase IV	10/10/19	375,000	268,060	106,940
	2050-93-19	5000	Greater Ramsey Water District	2019 Expansion	10/10/19	1,328,000	67,844	1,260,156
<b>TOTAL RURAL WATER SUPPLY</b>						<b>45,740,043</b>	<b>15,661,781</b>	<b>30,078,262</b>
<b>TOTAL</b>						<b>148,276,039</b>	<b>49,505,406</b>	<b>98,770,633</b>
<b>Capital Assets:</b>								
	1736-05	8000	SWPP	Southwest Pipeline Project	7/1/17	18,112,359	6,210,742	11,901,617
	2374	9000	NAWS	Northwest Area Water Supply	2/8/18	22,248,857	4,312,659	17,936,197
<b>TOTAL CAPITAL ASSETS</b>						<b>40,361,216</b>	<b>10,523,402</b>	<b>29,837,814</b>

SWC Board Approved to Continue

**STATE WATER COMMISSION  
PROJECT SUMMARY  
2019-2021 Biennium**

**FLOOD CONTROL**

				<i>Jul-20</i>				
Approved SWC By	No	Dept	Sponsor	Project	Approved Date	Total Approved	Total Payments	Balance
				<b>Flood Control:</b>				
SE	274	5000	City of Neche	Neche Levee Certification Project	9/16/19	36,600	0	36,600
SB 2020	1928-05	5000	Fargo Metro Flood Diversion	Fargo Metro Flood Diversion Authority 2015-2017	2/14/19	105,735,612	20,861,965	84,873,647
	1771-01	5000	Grafton	Grafton Flood Control Project	10/12/16	12,284,127	6,488,599	5,795,528
	1974	Rural	Souris River Joint WRD	Mouse River Rural Projects	6/19/19	32,251,930	4,935,517	27,316,413
	1974	M-15	Souris River Joint WRD	Mouse River Municipal Projects carryover 2015-17	various	4,928,633	4,069,655	858,978
	1974	M-17	Souris River Joint WRD	Mouse River Municipal Projects carryover 2017-19	various	29,402,346	15,614,045	13,788,301
	1974	M-19	Souris River Joint WRD	Mouse River Municipal New Projects	6/19/19	9,750,000	1,237,878	8,512,122
SWC	2107-02	5000	City of Minot	SWF 2018 Outfall Pipe Project	10/11/18	880,421	322,437	557,984
SE	2122	5000	US Army Corps of Engineers	Development of Comprehensive Plan for Souris Basin	9/5/17	156,428	79,286	77,142
	1344-04	5000	Valley City	Sheyenne River Valley Flood Control Project PHII	8/29/16	4,531	4,532	(0)
	1504-01	5000	Valley City	Permanent Flood Protection Project Phase I	5/1/15	49,556	7,415	42,141
	1504-03	5000	Valley City	Permanent Flood Protection PH II	12/9/16	2,384,405	2,086,074	298,331
	1504-06	5000	Valley City	Permanent Flood Protection PH III & PH IV	12/8/17	153,732	153,732	0
	1504-07	5000	Valley City	Permanent Flood Protection PH III Construction	10/11/18	1,786,179	1,428,273	357,906
	1504-08	5000	Valley City	Permanent Flood Protection Erosion Sites	4/9/19	480,283	0	480,283
	1504-09	5000	Valley City	Permanent Flood Protection PH IV and V	4/9/20	11,610,554	316,741	11,293,813
SB 2371	1344-02	5000	Lisbon	Sheyenne River Valley Flood Control Project	8/8/16	103,971	0	103,971
	1991-10	5000	Lisbon	Permanent Flood Protection - Levee F Project	4/12/18	457,173	182,854	274,320
	1991-13	5000	Lisbon	Permanent Flood Protection - Levee C & E Extension	2/14/19	849,972	849,972	0
	2079-01	5000	Williston	West Williston Flood Control	12/9/16	2,472,255	0	2,472,255
	2131	5000	Lower Heart River WRD	Flood Risk Reduction Project	6/14/18	225,916	90,866	135,050
SWC	2111	5000	Maple River WRD	Davenport Flood Risk Reduction	4/9/20	2,083,600	0	2,083,600
SWC	2118	5000	Cass County Joint WRD	Sheldon Subdivision Levee	10/11/18	370,200	0	370,200
SE	2124	5000	City of Belfield	Heart River & Tributaries Flood Control Study	11/6/18	27,000	0	27,000
SWC	2128	5000	City of Minot	Minot 2019 Bank Stabilization SWF Action E	8/8/19	823,180	0	823,180
SWC	2129	5000	Burleigh County WRD	Sibley Island Flood Control Project	8/8/19	96,420	0	96,420
<b>Subtotal Flood Control</b>						<b>219,405,025</b>	<b>58,729,841</b>	<b>160,675,184</b>
				<b>Floodway Property Acquisitions:</b>				
0	1993-05	5000	Minot	Minot Phase - Floodway Acquisitions	4/12/18	123,277	123,276	0
0	1974-MA19	5000	Minot Acquisitions	Minot Phase - Floodway Acquisitions	6/19/19	11,950,000	976,794	10,973,206
0	1974-RA19	5000	Rural Floodway Acquisitions	Minot Rural - Floodway Acquisitions	6/19/19	3,225,000	918,799	2,306,201
SB 2371	1504-05	5000	Valley City	Valley City - Floodway Acquisitions	12/8/17	675,173	275,226	399,947
0	1991-05	5000	Lisbon	Lisbon - Floodway Acquisition	5/8/19	21,668	0	21,668
<b>Subtotal Floodway Property Acquisitions</b>						<b>15,995,117</b>	<b>2,294,096</b>	<b>13,701,021</b>
<b>TOTAL FLOOD CONTROL</b>						<b>235,400,143</b>	<b>61,023,938</b>	<b>174,376,205</b>
				<b>Revolving Loan Fund:</b>				
				<b>(General Water)</b>				
SWC	1504	1050	Valley City	Valley City - Permanent Flood Protection Loan	12/6/19	3,676,600	0	3,676,600
				<b>(Water Supply)</b>				
<b>REVOLVING LOAN TOTAL</b>						<b>3,676,600</b>	<b>0</b>	<b>3,676,600</b>
<b>TOTAL</b>						<b>239,076,743</b>	<b>61,023,938</b>	<b>178,052,805</b>

SWC Board Approved to Continue

**STATE WATER COMMISSION  
PROJECT SUMMARY  
2019-2021 Biennium  
Resources Trust Fund**

**WATER CONVEYANCE**

Approved SWC		Dept	Approved Biennium	Sponsor	Project	Approved Date	Total Approved	Total Payments	Jul-20
By	No								Balance
<b>Drain &amp; Channel Improvement Projects:</b>									
SE	1056	5000	2015-17	Bottineau Co. WRD	Stead Legal Drain	2/16/17	3,068	0	3,068
SE	1059	5000	2017-19	Bottineau Co WRD	Baumann Legal Drain	3/7/18	41,427	0	41,427
SWC	1059	5000	2017-19	Bottineau Co WRD	Baumann Legal Drain	12/7/18	378,976	42,825	336,151
SWC	1070	5000	2015-17	Maple River WRD	Drain #14 Channel Improvements	3/29/17	327,990	151,418	176,571
SWC	1090	5000	2019-21	Southeast Cass WRD	Cass County Drain No. 40 Improvement Project	6/19/19	192,600	14,219	178,381
SWC	1217	5000	2019-21	Tri-County WRD	Drain No 6	10/10/19	738,900	0	738,900
SWC	1222	5000	2015-17	Sargent Co WRD	Drain No 11 Channel Improvements	10/12/16	1,374,596	17,588	1,357,009
SWC	1314	5000	2015-17	Wells Co. WRD	Hurdsfield Legal Drain	3/29/17	644,292	412,908	231,384
SWC	1486	5000	2015-17	Griggs Co. WRD	Thompson Bridge Outlet No. 4 Project	10/6/15	590,146	0	590,146
SWC	1520	5000	2015-17	Walsh Co. WRD	Walsh County Drain 30-1	3/29/17	92,198	0	92,198
SWC	1520	5000	2017-19	Walsh Co. WRD	Walsh County Drain 30-2	10/11/18	301,501	205,483	96,018
SE	1638	5000	2019-21	Rush River WRD	Auka Ring Dike	10/30/19	24,374	0	24,374
SWC	1951	5000	2015-17	Maple River WRD	Lynchburg Channel Improvements	7/6/16	1,115,337	297,866	817,451
SWC	1978	5000	2015-17	Richland-Sargent Joint WRD	RS Legal Drain #1 Extension & Channel Improvemen	3/29/17	70,422	20,704	49,718
SWC	1990	5000	2011-13	Mercer Co. WRD	Lake Shore Estates High Flow Diversion Project	3/7/12	43,821	0	43,821
SWC	1999	5000	2019-21	Pembina Co. WRD	Tongue River Cutoff Channel Improvements	2/13/20	85,329	56,185	29,144
SE	2016	5000	2015-17	Pembina Co. WRD	Establishment of Pembina County Drain No. 80	4/10/17	24,609	20,628	3,981
SWC	2049	5000	2015-17	Grand Forks Co. WRD	Grand Forks Legal Drain No. 58	3/29/17	774,986	361,119	413,867
SWC	2068	5000	2015-17	Traill Co. WRD	Stavanger-Belmont Drain No. 52 Channel Impr	10/12/16	120,139	34,104	86,035
SWC	2087	5000	2015-17	Walsh Co. WRD	Drain #87/McLeod Drain	3/29/17	2,419,961	1,524,704	895,258
SWC	2094	5000	2019-21	McLean County WRD	Fort Mandan/4H Camp Access Road	4/9/20	67,996	0	67,996
SE	2101	5000	2017-19	Walsh Co. WRD	Walsh Co Drain #90	4/11/19	70,603	0	70,603
SWC	2104	5000	2019-21	Bottineau Co. WRD	Overgaard Extension	2/13/20	215,969	0	215,969
SWC	2108	5000	2015-17	Walsh Co. WRD	Walsh Co Drain #22	6/22/17	81,176	0	81,176
SE	2112	5000	2017-19	Pembina Co. WRD	Pembina Co Drain #81	7/30/17	340,982	0	340,982
SWC	2127	5000	2019-21	Sargent Co WRD	Sargent County Drain 12 Improvement	2/13/20	267,512	0	267,512
SE	2133	5000	2017-19	Burleigh Co. WRD	Missouri River Section 32 Bank Stabilization Projects	4/11/19	22,500	0	22,500
SWC	2136	5000	2019-21	Pembina County WRD	Drain No. 39	4/9/20	210,928	0	210,928
SWC	2138	5000	2019-21	Pembina County WRD	Drain No. 82	12/6/19	1,011,666	0	1,011,666
SWC	2140	5000	2019-21	Grand Forks-Traill County Joint	Thompson Drainage	4/9/20	688,107	0	688,107
SE	2143	5000	2019-21	Traill Co. WRD	Hillsboro Drain No. 26 Channel Improvements	3/27/20	72,041	0	72,041
SWC/SE	1413-01	5000	2019-21	Traill Co. WRD	Camrud Drainage Improvement District No. 79	4/9/20	827,482	12,097	815,384
SE	2093/1427	5000	2015-17	Bottineau Co. WRD	Moen Legal Drain	9/6/16	17,412	0	17,412
SE	2152	5000	2019-21	Enderlin Park Board	Maple River Bank Stabilization Project	6/24/20	11,250	0	11,250
<b>Snagging &amp; Clearing Projects:</b>									
SWC	568	5000	2019-21	Southeast Cass WRD	Sheyenne River Snag & Clear	8/8/19	294,000	123,103	170,897
SE	662	5000	2019-21	Walsh County WRD	Park River Snag and Clear	1/28/20	50,500	0	50,500
SWC/SE	1694	5000	2019-21	Pembina County WRD	Tongue River Snag and Clear	4/2/20	116,837	110,281	6,556
SE	2095	5000	2015-17	Nelson Co WRD	Sheyenne River Snagging & Clearing	4/10/17	19,700	0	19,700
SE	2095	5000	2019-21	Bames Co WRD	2019 Sheyenne River Snag & Clear Reach 1 - Projec	9/16/19	49,750	0	49,750

TOTAL

**13,801,083    3,405,253    10,395,830**

SWC Board Approved to Continue



**STATE WATER COMMISSION  
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Resources Trust Fund**

**COMPLETED WATER CONVEYANCE**

Approved SWC By	No	Dept	Approved Biennium	Sponsor	Project	Approved Date	Total Approved	Total Payments	<i>Jul-20</i> Balance
SE	662	5000	2015-17	Walsh Co. WRD	Park River Snagging & Clearing	B. Nangare	25,608	0	25,608
SWC	1071	5000	2015-17	Maple River WRD	Cass County Drain #15 Channel Improvements	B. Nangare	89,533	4,534	84,999
SWC	1180	5000	2017-19	Richland Co WRD	Legal Drain #7 Channel Improvements	B. Nangare	200,812	200,812	0
SE	1277	5000	2019-21	Emmons County WRD	Beaver Creek Snag and Clear	B. Nangare	74,000	72,581	1,419
SWC	1311	5000	2015-17	Trail Co. WRD	Buxton Township Improvement District No. 68	B. Nangare	29,133	0	29,133
SWC	1331	5000	2015-17	Richland Co WRD	Drain #14 Reconstruction	B. Nangare	72,886	0	72,886
SWC	1650	5000	2017-19	Sargent Co WRD	Sargent County Drain No. 7 Cost Overrun	B. Nangare	114,227	110,638	3,589
SE	1842	5000	2019-21	Richland County WRD	2019 Wild Rice River Snag and Clear	B. Nangare	150,000	150,000	0
SWC	1868	5000	2019-21	Southeast Cass WRD	Wild Rice River Snag and Clear	B. Nangare	120,000	120,000	0
SE	2069	5000	2017-19	Center Township	Center Township Bank Stabilization	B. Nangare	3,720	3,720	0
SWC	2088	5000	2015-17	Pembina Co. WRD	Drain No. 79	B. Nangare	84,402	52,764	31,638
SE	2110	5000	2015-17	Ward Co. WRD	Meadowbrook Snagging & Clearing	B. Nangare	33,000	33,000	0

**SNAGGING & CLEARING PROJECTS**

TOTAL							997,321	748,049	249,272
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**STATE WATER COMMISSION  
PROJECT SUMMARY  
2019-2021 Biennium  
Resources Trust Fund**

**GENERAL PROJECTS**

Approved SWC By	No	Dept	Approved Biennium	Sponsor	Project	Approved Date	Total Approved	Total Payments	Jul-20 Balance
<b>Hydrologic Investigations:</b>									
SWC	2041	3000	2017-19	USGS	Stream Gage Joint Funding Agreement	12/7/18	1,251,736	694,531	557,205
SE	989	3000	2019-21	ND Dept of Environmental Quality	Water Sampling Testing	8/13/19	110,000	55,000	55,000
<b>Subtotal Hydrologic Investigations</b>							<b>1,361,736</b>	<b>749,531</b>	<b>612,205</b>
<b>Devils Lake Basin Development:</b>									
SWC	416-10	4700		Operations	Devils Lake Outlet Operations	4/9/19	3,760,132	2,496,381	1,263,751
<b>Subtotal Devils Lake Basin Development</b>							<b>3,760,132</b>	<b>2,496,381</b>	<b>1,263,751</b>
<b>General Water Management:</b>									
SWC	160	5000	2017-19	McLean Co WRD	Painted Woods Lake Flood Damage Reduction & Habita	8/9/18	284,768	32,603	252,165
SWC	269	5000	2017-19	Walsh Co. WRD	Fordville Dam Rehabilitation	6/19/19	122,595	11,076	111,519
SE	390	5000	2015-17	Logan County WRD	Beaver Lake Dam Rehabilitation Feasibility Study	6/8/16	2,140	0	2,140
SWC	391	5000	2019-21	Sargent Co WRD	Silver Lake Dam Improvements	4/9/20	190,524	3,142	187,383
SWC	394	5000	2019-21	Golden Valley Co WRD	Odland Dam Rehabilitation Project	4/9/20	705,855	110,055	595,800
SWC	399	5000	2017-19	Barnes Co WRD	Kathryn Dam Project	8/9/18	754,875	0	754,875
SE	420	5000	2015-17	Hettinger Park Board	Mirror Lake Dam Emergency Action Plan	12/2/16	11,573	0	11,573
SE	531	5000	2017-19	Benson Co WRD	Bouret Dam Rehabilitation	12/20/18	31,843	0	31,843
SWC	531	5000	2017-19	Benson Co WRD	Bouret Dam Rehabilitation	4/9/19	591,750	5,034	586,716
SWC	551	5000	2015-17	McHenry Co. WRD	Buffalo Lodge Lake Outlet	6/22/17	61,540	0	61,540
SE	632	5000	2019-21	Bottineau County Highway Dept	Antler Dam Repair	1/16/20	34,800	0	34,800
SWC	688	5000	2017-19	Grand Forks Co WRD	Larimore Dam Rehabilitation	6/19/19	91,800	1,937	89,863
SWC	848	5000	2017-19	Sargent Co WRD	Brunmond/Lubke Dam	10/11/18	280,043	192,439	87,604
SWC	980	5000	2015-17	Cass Co. Joint WRD	Rush River Watershed Detention Study	1/7/16	99,257	50,566	48,692
SWC	980	5000	2015-17	Cass Co. Joint WRD	Upper Maple River Watershed Detention Study	1/11/16	70,699	29,490	41,209
SE	1264	5000	2013-15	Barnes Co WRD	Little Dam Repurposing Feasibility Study	6/17/15	12,385	6,588	5,797
SE/SWC	1267	5000	2019-21	Bottineau County WRD	Westhope Dam Rehabilitation	6/9/20	71,293	0	71,293
SE	1289	5000	2015-17	McKenzie Co. Weed Board	Control of Noxious Weeds on Sovereign Land	4/10/17	27,549	0	27,549
SE	1299	5000	2019-21	Ransom County	Maple River Bridge Bank Stabilization	5/5/20	31,675	0	31,675
SWC/SE	1301	5000	2015-17	Richland Co. WRD	North Branch Antelope Creek NRCS Small Watershed	3/9/16	71,439	53,939	17,500
SWC	1303	5000	2015-17	Sargent Co WRD	Shortfoot Creek Watershed Planning Program	3/9/16	84,475	21,823	62,652
SE	1378	5000	2019-21	Barnes Co WRD	Clausen Springs Dam EAP	8/8/19	72,052	0	72,052
SWC	1389	5000	2013-15	Bank of ND	BND AgPace Program	8/8/19	180,365	100,000	80,365
SE	1431	5000	2019-21	USGS/LaMoire County	Rapid Deployment Gages under FEMA Hazard Mit	10/17/19	500	0	500
SE	1444	5000	2015-17	City of Pembina	Flood Protection System Certification	4/19/16	1,657	1,657	0
SE	1453	5000	2015-17	Hettinger County WRD	Karey Dam Rehabilitation Feasibility Study	5/23/16	6,853	6,853	0
SE	1453	5000	2017-19	Hettinger County WRD	Karey Dam Rehabilitation Design & Planning	12/14/18	48,284	0	48,284
SE	1453	5000	2017-19	Hettinger County WRD	Karey Dam Rehabilitation Project	4/9/19	971,325	0	971,325
HB1202	1625	5000	2019-21	Various Consulting Firms	Sovereign Land Navigability Determination	8/8/19	400,000	0	400,000
SWC	1785	5000	2019-21	Maple River WRD	Maple River Dam Site T-180 Improvements	2/13/20	212,216	0	212,216
SWC	1851-01	5000	2015-17	ND State Water Commission	Drought Disaster Livestock Water Supply Assistance	2/8/18	656,983	99,705	557,277
SWC	1878-02	5000	2017-19	Maple-Steele Joint WRD	Upper Maple River Dam Outlet Channel Improvements	4/9/19	82,320	0	82,320
SWC	1968	5000	2015-17	Garrison Diversion	MM 15 Irrigation Project	3/29/17	93,615	0	93,615
SWC	1968	5000	2015-17	Garrison Diversion	MM 42L Irrigation Project	8/23/17	77,958	0	77,958
SWC	1968	5000	2017-19	Garrison Diversion	MM 0 and MM 0.4 Irrigation Project	12/7/18	1,673,793	29,089	1,644,704
SE	2055	5000	2015-17	Red River Joint Water Resource District	Lower Red Basin Regional Detention Study	7/17/15	45,000	0	45,000
SWC	2059	5000	2015-17	Park River Joint WRD	North Branch Park River NRCS Watershed Study	10/6/15	81,200	0	81,200
SWC	2060	5000	2015-17	Walsh Co. WRD	Forest River Watershed Study	4/10/17	154,012	0	154,012
SWC	2060	5000	2017-19	Walsh Co. WRD	Matejcek Dam Rehabilitation	10/11/18	194,345	63,906	130,439
SE	2071	5000	2015-17	Foster County WRD	Alkali Lake High Water Feasibility Study	4/19/16	4,830	3,134	1,696
SE	2072	5000	2015-17	Barnes Co WRD	Ten Mile Lake Flood Risk Reduction Project	6/8/16	36,812	2,862	33,950
SWC	2075	5000	2015-17	Ward Co. WRD	Second Larson Coulee Detention Pond	7/6/16	602,307	0	602,307
SWC	2083	5000	2015-17	Pembina Co. WRD	Herzog Dam Gate & Catwalk Retrofit - Construction	10/12/16	106,188	81,817	24,370
SE	2089	5000	2015-17	Maple River WRD	Tower Township Improvement District No. 77 Study	12/19/16	16,458	0	16,458
SE	2090	5000	2015-17	International Water Institute	River Watch Program	1/12/17	59,074	41,744	17,330
SWC	2103	5000	2017-19	Walsh Co. WRD	Bylin Dam Rehabilitation	6/19/19	131,370	10,055	121,315
SE	2109	5000	2017-19	Logan County WRD	McKenna Lake Feasibility Study	6/21/17	2,247	0	2,247
SE	2109	5000	2017-19	Logan County WRD	McKenna Lake Hydrologic Study	9/12/18	55,961	51,690	4,271
SWC	2115	5000	2017-19	Applied Weather Associates, LLC	(PMP) Probable Maximum Precipitation Estimates	10/11/18	600,000	337,565	262,435
SWC	2121	5000	2017-19	Pembina Co. WRD	Senator Young Dam Rehabilitation	6/19/19	129,210	15,065	114,145
SWC	2123	5000	2017-19	Geotech, Inc.	Airborne Electromagnetic (AEM) 2018	8/9/18	427,354	404,250	23,104
SWC	2141	5000	2019-21	Pembina Co. WRD	Weller Dam Gate and Catwalk Retrofit	4/9/20	118,924	0	118,924
SE	2142	5000	2019-21	City of Bismarck	Jackman Coulee Dam 2 Emergency Action Plan	5/5/20	25,600	0	25,600
SE	2146	5000	2019-21	City of Bismarck	Jackman Coulee Dam 2 Pipe Rehab	5/5/20	65,000	0	65,000
SE	2150	5000	2019-21	SD Dept of Transportation	Multi-State DOT Pooled Fund Study	7/1/20	55,600	0	55,600
SE	1396-01	5000	2013-15	State Water Commission	Missouri River Recovery Program	11/17/15	46,510	0	46,510
SWC	ARB-WMI-19-1	7600	2019-21	Weather Modification, Inc.	Atmospheric Resource Operations and Research Gr	6/19/19	875,722	151,361	724,361
SWC	PS/IRR/LOW	5000	2017-19	Lower Yellowstone Irrigation District #2	Lateral W Irrigation Project	6/14/18	366,445	0	366,445
SE	AOC/WEF	5000	2019-21	ND Water Education Foundation	ND Water Magazine	7/23/19	26,000	6,500	19,500
SWC	AOC/RRB	5000	2019-21	Red River Basin Commission	Red River Basin Commission Contractor	6/19/19	200,000	100,000	100,000
SWC	AOC/ASS	5000	2019-21	Assiniboine River Basin Initiative	ARBI's Outreach Efforts	6/19/19	100,000	50,000	50,000
SE	AOC/IRA	5000	2019-21	ND Irrigation Association	Water Irrigation Funding	6/28/19	50,000	50,000	0
SE	AOC/WRD	5000	2019-21	ND Water Resource Districts Association	Water Managers Handbook and Workshops	7/1/20	20,500	0	20,500
SE	PS/WRD/DEV	5000	2019-21	Devils Lake Basin Joint WRB	Board Manager	7/1/19	60,000	0	60,000
SE	PS/WRD/MRJ	5000	2019-21	Missouri River Joint WRB	MRRIC Terry Fleck	5/2/19	45,000	20,237	24,763
SE	PS/WRD/LOW	5000	2015-17	Lower Heart WRD	Lower Heart Flood Control Study	5/10/17	21,140	0	21,140
<b>Subtotal General Projects</b>							<b>12,833,608</b>	<b>2,146,181</b>	<b>10,687,428</b>
<b>TOTAL</b>							<b>17,955,476</b>	<b>5,392,093</b>	<b>12,563,383</b>
SWC Board Approved to Continue									

**STATE WATER COMMISSION  
PROJECT SUMMARY  
2019-2021 Biennium  
Resources Trust Fund**

**COMPLETED GENERAL PROJECTS**

Approvec SWC		Approved			Project	Approved Date	Total Approved	Total Payments	Jul-20 Balance	
By	No	Dept	Biennium	Sponsor						
					<b>Hydrologic Investigations:</b>					
	0	0	0	0	0	1/0/00	0	0	0	
							<b>0</b>	<b>0</b>	<b>0</b>	
SE		460	5000	2015-17	Griggs Co. WRD	Ueland Dam Rehabilitation Feasibility Study	5/20/16	17,500	0	17,500
SE		477	5000	2015-17	Valley City	Mill Dam Rehabilitation Feasibility Study	6/8/16	2,937	2,937	0
SE		512	5000	2015-17	Emmons County WRD	Nieuwsma Dam Emergency Action Plan	11/28/16	6,720	6,707	13
SE		561	5000	2015-17	City of Tioga	Tioga Dam EAP	5/20/16	40,000	40,000	0
SE		667	5000	2017-19	Burke Co WRD	Northgate Dam 2 Emergency Action Plan	9/5/17	26,396	25,866	530
SE		1270	5000	2015-17	City of Wilton	Wilton Pond Dredging Recreation Project	12/29/15	35,707	0	35,707
SE		1273	5000	2019-21	City of Oakes	James River Bank Stabilization	11/26/19	16,869	16,869	0
SWC		1296	5000	2015-17	Pembina Co. WRD	Tongue River NRCS Watershed Plan	3/9/16	64,334	64,334	0
SE		1303	5000	2013-15	Sargent Co WRD	Gwinner Dam Improvement Feasibility Study Program	4/17/15	20,181	501	19,681
SE		1403	5000	2019-21	NDSU	ND Water Resource Institute grant student stipends	1/16/20	25,000	25,000	0
SE		1431	5000	2017-19	USGS	Rapid Deployment Gage on the James River at Adrian	3/20/19	4,900	4,900	0
SWC		1859	5000	2017-15	ND Dept of Environmental Quality	NPS Pollution	8/23/17	200,629	200,000	629
SB2009		1986	5000	2019-21	ND Dept of Agriculture	Wildlife Services	8/15/19	125,000	125,000	0
SE		2070	5000	2015-17	Garrison Diversion Conservancy Dist.	Mile Marker 42 Irrigation Project	5/20/16	444	0	444
SWC		2074	5000	2015-17	City of Wahpeton	Breakout Easements	7/6/16	265,250	265,250	0
SWC		2074	5000	2015-17	City of Wahpeton	Flood Control - Levee Certification	7/6/16	247,500	247,500	0
SE		2085	5000	2015-17	Adams Co WRD	Orange Dam Rehabilitation Feasibility Study	10/13/16	8,840	0	8,840
SWC		2096	5000	2015-17	Southeast Cass WRD	Sheyenne-Maple Flood Control Dist. #2 Improvements	3/29/17	322,617	43,539	279,079
SWC		2120	5000	2017-19	Apex Engineering	SWPP Transfer of Ownership Study	4/9/19	170,909	170,876	33
SE		2090-02	5000	2017-19	International Water Institute	River of Dreams Program	6/6/18	8,331	8,331	0
SE	849-01		5000	2017-19	Pembina Co. WRD	Goschke Dam Spillway Gate Retrofit	4/9/19	119,010	119,010	(0)
SE	AOC/WEF/TOURS		5000	2019-21	ND Water Education Foundation	Summer Water Tours	3/20/20	2,500	0	2,500
SE	ARB-NDAWN		5000	2019-21	North Dakota State University	North Dakota Agricultural Weather Network	3/16/20	1,500	1,500	0
SWC	FUGRO		5000	2019-21	FUGRO	Aerial Imagery Project	6/19/19	790,000	790,000	0
<b>Subtotal General Projects</b>								<b>2,523,074</b>	<b>2,158,119</b>	<b>364,955</b>
<b>TOTAL</b>								<b>2,523,074</b>	<b>2,158,119</b>	<b>364,955</b>

**MUNICIPAL/REGIONAL WATER SUPPLY**

**July-20  
Balance**

**BUCKET TOTAL S.B.2020 2019-2021** **\$ 128,000,000**

**APPROPRIATED TO RED RIVER VALLEY** **\$ 43,000,000**

**OBLIGATED THIS BIENNIUM**

2050-13	5000 Mandan	Mandan Raw Water Intake	6/19/19	7,840,000
2050-75-19	5000 Bismarck	Lockport Water Pump Station	6/19/19	2,280,000
2050-76-19	5000 Mapleton	Water Storage Tank	6/19/19	840,000
1973-07	5000 WAWSA	WAWSA	6/19/19	5,476,000
2050-84-19	5000 Cavalier	Water Tower Replacement	10/10/19	1,022,500
2050-85-19	5000 Mapleton	300,000 Gallon Storage Tank	10/10/19	540,000
2050-86-19	5000 Minot	SW Water Tower	10/10/19	2,855,000
2050-87-19	5000 Streeter	Well Installation and Tower Rehabilitation	10/10/19	265,000
2050-88-19	5000 Davenport	Water Improvement District No. 2019-1	10/10/19	466,000
2050-89-19	5000 West Fargo	9th Street NW Water Main	10/10/19	594,000
2050-90-19	5000 Grand Forks	Water Treatment Plant	10/10/19	9,875,000
2050-94-19	5000 Watford City	Water Distribution 2019	12/6/19	1,580,000
2050-95-19	5000 Garrison	Water Supply Treatment and Transmission Line	2/13/20	3,396,000
2050-96-19	5000 Larimore	2020 Water System Replacement	2/13/20	2,617,000
2050-97-19	5000 Park River	2020 Water Main Improvement	2/13/20	970,000
2050-98-19	5000 Sykeston	Water Tower Replacement	2/13/20	587,000
2050-99-19	5000 Valley City	Water Main Improvement 100/101	2/13/20	700,000
2050-100-19	5000 Wyndmere	2020 Water Main Improvements	2/13/20	1,730,000
2050-101-19	5000 Fargo	Downtown Water Tower	2/13/20	2,814,000
2050-102-19	5000 Lincoln	Water Tank Replacement	2/13/20	1,268,000
2050-103-19	5000 Kindred	Water Main Looping 2020	2/13/20	134,000
2050-104-19	5000 Hazen	Water Storage Improvements	2/13/20	1,430,000
2050-105-19	5000 Williston	42nd Street and 16th Avenue Water Main	2/13/20	1,196,000
2050-106-19	5000 Parshall	Water Tower Storage	4/9/20	1,323,000
2050-107-19	5000 Dickinson	North Annexation Water Supply	4/9/20	856,400
2050-108-19	5000 Valley City	Water Treatment Plant Membrane Replacement	4/9/20	867,607

**MUNICIPAL/REGIONAL WATER SUPPLY OBLIGATED** **53,522,507**

**BALANCE** **31,477,493**

**COMPLETED WATER SUPPLY - FUNDS TURNED BACK**

2050-20	5000 Dickinson	Capital Infrastructure		1,926
2050-68	5000 Valley City	Valley City Membrane Replacement Project		67,820

**MUNICIPAL/REGIONAL FUNDS TURNED BACK** **69,746**

**BALANCE PER PROJECT SUMMARY REPORT** **31,547,239**

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**RURAL WATER SUPPLY****July-20  
Balance****BUCKET TOTAL S.B.2020 2019-2021****\$ 37,200,000****OBLIGATED THIS BIENNIUM**

2050-77-19	5000	Dakota Rural Water District	2019 Expansion	4/9/20	4,650,000
2050-78-19	5000	McLean-Sheridan Rural Water District	2019 Expansion	4/9/20	4,980,000
2050-79-19	5000	Northeast Regional WD	Devils Lake Water Supply Phase II	6/19/19	1,197,829
2050-80-19	5000	Stutsman RWD	Phase 7, including Reule Lake	6/19/19	1,812,000
2050-81-19	5000	South Central RWD	North Burleigh Water Treatment Plant	6/19/19	920,000
2050-82-19	5000	Missouri West Water System	North Mandan/Highway 25 and Harmon Lake Area	8/8/19	1,095,000
2050-83-19	5000	Tri-County Rural Water District	Phase 5	8/8/19	1,990,000
2050-91-19	5000	Agassiz Water Users District	2019 Expansion	4/9/20	2,990,000
2050-92-19	5000	East Central RWD	2019 Expansion Phase IV	10/10/19	375,000
2050-93-19	5000	Greater Ramsey Water District	2019 Expansion	10/10/19	1,328,000
2050-35	5000	Southeast Water Users Dist.	System Wide Expansion	2/13/20	225,000

**RURAL WATER SUPPLY OBLIGATED****21,562,829****BALANCE****15,637,171****COMPLETED RURAL WATER SUPPLY - FUNDS TURNED BACK**

2050-72	5000	Stutsman RWD	Phase 6 Pettibone Project		57,630.00
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**RURAL WATER SUPPLY - FUNDS TURNED BACK****57,630****BALANCE PER PROJECT SUMMARY REPORT****15,694,801**

**STATE WATER COMMISSION  
PROJECT SUMMARY  
2019-2021 Biennium**

**FLOOD CONTROL PROJECTS BUCKET**

**July-20  
Balance**

**BUCKET TOTAL S.B.2020 2019-2021 \$ 197,000,000**

**APPROPRIATED TO FARGO 66,500,000**

**APPROPRIATED TO MINOT 33,000,000**

**FLOOD CONTROL OBLIGATED THIS BIENNIUM**

SWC	1504-09	2019-21	10/10/19	Valley City	Permanent Flood Protection PH IV and V	11,610,554
SWC	1974-M19	2019-21	6/19/19	Souris River Joint WRD	MREFPP Minot Projects	9,750,000
SWC	1974-MA19	2019-21	6/19/19	Souris River Joint WRD	MREFPP Minot Acquisitions	11,950,000
SWC	1974-R19	2019-21	6/19/19	Souris River Joint WRD	MREFPP Rural Projects	24,575,000
SWC	1974-RA19	2019-21	6/19/19	Souris River Joint WRD	MREFPP Rural Acquisitions	3,225,000
SE	2122	2019-21	7/10/19	US Army Corps of Engineers	Development of Comprehensive Plan for Souris Basin	75,000
SWC	2128	2019-21	8/8/19	City of Minot	Minot 2019 Bank Stabilization SWIF Action E	823,180
SWC	2129	2019-21	8/8/19	Burleigh County WRD	Sibley Island Flood Control Project	96,420
SWC	274	2019-21	9/16/19	City of Neche	Neche Levee Certification Project	36,600
SWC	2111	2019-21	4/9/20	Maple River WRD	Davenport Flood Risk Reduction	2,083,600
						<b>OBLIGATED 2019-2021 64,225,354</b>

**WATER CONVEYANCE OBLIGATED THIS BIENNIUM**

SWC	568	2019-21	8/8/19	Southeast Cass WRD	Sheyenne River Snag & Clear	294,000
SE	662	2019-21	1/28/20	Walsh County WRD	Park River Snag & Clear	50,500
SWC	1090	2019-21	6/19/19	Southeast Cass WRD	Cass County Drain No. 40 Improvement Project	192,600
SWC	1217	2019-21	10/10/19	Tri-County WRD	Drain No. 6	738,900
SE	1277	2019-21	1/16/20	Emmons County WRD	Beaver Creek Snag & Clear	74,000
SWC	1638	2019-21	10/30/19	Rush River WRD	Auka Ring Dike	24,374
SWC	1694	2019-21	8/8/19	Pembina County WRD	Tongue River Snag & Clear	116,837
SE	1842	2019-21	1/15/20	Richland County WRD	2019 Wild Rice River Snag & Clear	150,000
SWC	1868	2019-21	8/8/19	Southeast Cass WRD	Wild Rice River Snag & Clear	120,000
SWC	2095	2019-21	9/16/19	Barnes County WRD	2019 Sheyenne River Snag & Clear Reach 1 - Project 2	49,750
SWC	2138	2019-21	12/6/19	Pembina County WRD	Drain No. 82	1,011,666
SWC	1999	2019-21	2/13/20	Pembina Co. WRD	Tongue River Cutoff Channel Improvements	85,329
SWC	2104	2019-21	2/13/20	Bottineau Co. WRD	Overgaard Extension	215,969
SWC	2127	2019-21	2/13/20	Sargent Co WRD	Sargent County Drain 12 Improvement	267,512
SWC	2112	2019-21	2/13/20	Pembina Co. WRD	Pembina Co Drain #81	284,982
SE	2143	2019-21	3/27/20	Trail Co. WRD	Hillsboro Drain No. 26 Channel Improvements	72,041
SWC	2094	2019-21	4/9/20	McLean County WRD	Fort Mandan/4H Camp Access Road	67,996
SWC	2136	2019-21	4/9/20	Pembina County WRD	Drain No. 39	210,928
SWC	2140	2019-21	4/9/20	Grand Forks-Trail County Joint Wf	Thompson Drainage	688,107
SWC	2152	2019-21	6/24/20	Enderlin Park Board	Maple River Bank Stabilization Project	11,250
SWC/SE	1413-01	2019-21	4/9/20	Trail Co. WRD	Camrud Drainage Improvement District No. 79	812,925

**OBLIGATED 2019-2021 5,539,666**

**SUBTOTAL OBLIGATED THIS BIENNIUM 69,765,020**

**BALANCE OF S.B. 2020 BUCKET \$ 27,734,980**

**COMPLETED FLOOD CONTROL - FUNDS TURNED BACK**

**COMPLETED WATER CONVEYANCE - FUNDS TURNED BACK**

SE	1277	2019-21	1/16/20	Emmons County WRD	Beaver Creek Snag and Clear	1,419
SWC	1650	2017-19	6/19/19	Sargent Co WRD	Sargent County Drain No. 7 Cost Overrun	3,589
SE	662	2015-17	2/17/17	Walsh Co. WRD	Park River Snagging & Clearing	25,608
SWC	1311	2015-17	3/9/16	Trail Co. WRD	Buxton Township Improvement District No. 68	29,133
SWC	2088	2015-17	12/9/16	Pembina Co. WRD	Drain No. 79	31,638
SWC	1331	2015-17	12/9/16	Richland Co WRD	Drain #14 Reconstruction	72,886
SWC	1071	2015-17	3/9/16	Maple River WRD	Cass County Drain #15 Channel Improvements	84,999

**TOTAL FUNDS TURNED BACK 249,272**

**BALANCE PROJECT SUMMARY WORKSHEET \$ 27,984,252**

**STATE WATER COMMISSION  
PROJECT SUMMARY  
2019-2021 Biennium**

**GENERAL PROJECTS BUCKET**

**July-20  
Balance**

**BUCKET TOTAL S.B.2020 2019-2021**

**\$ 27,093,776**

2019-21	6/19/19	Red River Basin Commission	Red River Basin Commission Contractor	200,000
2019-21	6/19/19	Assiniboine River Basin Initiative	ARBI's Outreach Efforts	100,000
2019-21	6/19/19	USGS	Stream Gage Joint Funding Agreement	638,354
2019-21	6/19/19	Weather Modification Inc.	Atmospheric Resource Operations and Research Grants	875,722
2019-21	6/19/19	Fugro	Aerial Imagery Project	790,000
2019-21	7/23/19	ND Water Education Foundation	ND Water Magazine	26,000
2019-21	1/16/20	Bottineau County Highway Department	Antler Dam Repair	34,800
2019-21	6/19/19	USGS	Stream Gage Joint Funding Agreement	110,000
2019-21	6/9/20	Bottineau County WRD	Westhope Dam Rehabilitation	23,764
2019-21	11/26/19	City of Oakes	James River Bank Stabilization	16,869
2019-21	5/5/20	Ransom County	Maple River Bridge Bank Stabilization	31,675
2019-21	8/8/19	Bank of ND	BND AgPace Program	150,000
2019-21	1/16/20	NDSU	ND Water Resource Institute Grant Student Stipends	25,000
2019-21	10/17/19	USGS/LaMoure County	Rapid Deployment Gages Under FEMA Hazard Mitigation Grant Program	500
2019-21	8/8/19	ND Dept of Environmental Quality	NPS Pollution	200,000
2019-21	8/15/19	ND Dept of Agriculture	Wildlife Services	125,000
2019-21	8/2/19	International Water Institute	River Watch Program	53,840
2019-21	8/8/19	Various Consulting Firms	Sovereign Land Navigability Determination	400,000
2019-21	6/28/19	ND Irrigation Association	Water Irrigation Funding	50,000
2019-21	7/1/19	Devils Lake Basin Joint WRB	Board Manager	60,000
2019-21	5/2/19	Missouri River Joint WRB	MRRIC Terry Fleck	45,000
2019-21	4/9/20	Sargent Co WRD	Silver Lake Dam Improvements	161,918
2019-21	4/9/20	Golden Valley Co WRD	Odland Dam Rehabilitation Project	595,800
2019-21	2/7/20	Bottineau County WRD	Westhope Dam Rehabilitation	47,529
2019-21	2/7/20	Barnes Co WRD	Clausen Springs Dam EAP	72,052
2019-21	2/13/20	Maple River WRD	Maple River Dam Site T-180 Improvements	212,216
2019-21	3/30/20	Richland Co. WRD	North Branch Antelope Creek NRCS Small Watershed	17,500
2019-21	4/9/20	Pembina Co. WRD	Weiler Dam Gate and Catwalk Retrofit	118,924
2019-21	5/5/20	City of Bismarck	Jackman Coulee Dam 2 Emergency Action Plan	25,600
2019-21	5/5/20	City of Bismarck	Jackman Coulee Dam 2 Pipe Rehab	65,000
2019-21	7/1/20	SD Dept of Transportation	Multi-State DOT Pooled Fund Study	55,600
2019-21	7/1/20	ND Water Resource Districts Association	Water Managers Handbook and Workshops	20,500
2019-21	3/20/20	ND Water Education Foundation	Summer Water Tours	2,500
2019-21	3/16/20	North Dakota State University	North Dakota Agricultural Weather Network	1,500

**OBLIGATED 2019-2021**

**5,353,163**

**BALANCE OF S.B. 2020 BUCKET**

**\$ 22,105,569**

2015-17	5/20/16	Griggs Co. WRD	Ueland Dam Rehabilitation Feasibility Study	17,500
2015-17	11/28/16	Emmons County WRD	Nieuwsma Dam Emergency Action Plan	13
2017-19	9/5/19	Burke County WRD	Northgate Dam 2 Emergency Action Plan	530
2015-17	12/29/15	City of Wilton	Wilton Pond Dredging Recreation Project	35,707
2013-15	4/17/15	Sargent Co WRD	Gwinner Dam Improvement Feasibility Study Program	19,681
2017-19	8/8/19	ND Dept of Environmental Quality	NPS Pollution	629
2015-17	5/20/16	Garrison Diversion Conservancy Dist.	Mile Marker 42 Irrigation Project	444
2015-17	10/13/16	Adams Co WRD	Orange Dam Rehabilitation Feasibility Study	8,840
2015-17	3/29/17	Southeast Cass WRD	Sheyenne-Maple Flood Control Dist. #2 Improvements	279,079
2019-21	3/20/20	ND Water Education Foundation	Summer Water Tours	2,500
2017-19	4/9/19	Apex Engineering	SWPP Transfer of Ownership Study	33
			<b>TOTAL FUNDS TURNED BACK</b>	<b>364,955</b>

**BALANCE PROJECT SUMMARY WORKSHEET**

**\$ 22,105,569**

# APPENDIX B

## Tabled SWC Cost-Share Requests

<b>WATER SUPPLY</b>	
1. Mandan: Raw Water Intake*	<b>\$9,450,000</b>
2. Grandin: Water Storage Improvement	\$795,400
3. Killdeer: 2020 Watermain and Pump Station	\$1,060,500
4. Bismarck: Lockport Pump Station	\$675,000
5. WAWSA: Phase 6 Construction	\$9,003,400
WATER SUPPLY TOTAL	<b>\$20,984,300</b>
<b>RURAL WATER</b>	
6. East Central RWD: 2019 Expansion Phase 4 Construction	\$3,711,000
7. Walsh RWD: Drayton Water Supply	\$75,000
8. North Prairie RWD: Minot to Velva Hwy 52 Improvement	\$3,249,000
RURAL WATER TOTAL	<b>\$7,035,000</b>
<b>GENERAL WATER</b>	
9. Logan County WRD: McKenna Lake Hydrologic Study Phase 2	\$111,876
GENERAL WATER TOTAL	<b>\$111,876</b>
<b>FLOOD CONTROL</b>	
10. Lower Heart River WRD: Lower Heart River Flood Risk Reduction*	<b>\$1,200,000</b>
11. Mercer County WRD: Knife Riverbank Stabilization	\$87,831
12. Richland County, Center Township: Wild Rice Riverbank Stabilization	\$78,644
13. Richland County WRD: Richland County Drain No. 31 Reconstruction	\$147,075
14. Pembina County WRD: Tongue River Snag & Clear	\$98,400
15. Rush River WRD: Cass County Drain No. 2 Improvement	\$605,379
16. Maple River WRD: Upper Swan Creek Channel Improvement	\$698,468
17. Bottineau County WRD: McHenry Laterals A & B	\$362,492
FLOOD CONTROL TOTAL	<b>\$3,278,289</b>
<b>TABLED COST-SHARE REQUEST TOTAL</b>	
	<b>\$31,409,465</b>

\*Carryover Projects

## Turnback Carryover Funds By Purpose – Currently Uncommitted

Water Supply	\$4,728,394
Rural Water	\$97,630
General Water	\$362,455
Flood Control	\$2,636,758

# APPENDIX C

## Deferred Chief Engineer Cost-Share Requests

<b>WATER SUPPLY</b>	
City of Portland: Water System Improvements Feasibility Study	\$45,300
<b>WATER SUPPLY TOTAL</b>	<b>\$45,300</b>
<b>GENERAL WATER</b>	
City of Pembina: Pembina City Dam Renovation Alternatives Eval.	\$37,545
Elm River Joint WRD: Elm River Watershed Study	\$72,000
Red River Joint WRD: Lower Red River Regional Detention Study*	\$32,905
Valley City: Mill Dam Rehab. Final Design & Permitting	\$74,625
<b>GENERAL WATER TOTAL</b>	<b>\$217,075</b>
<b>FLOOD CONTROL</b>	
Cavalier County WRD: Cavalier County Cypress Drain 3	\$50,715
Maple River WRD: Towner Township Imp. Dist. No. 79 Prelim. Eng.	\$8,750
North Cass WRD: Cass County Drain #18 Extension Prelim. Eng.	\$10,350
Sargent County WRD: Sargent County Drain 12 Cost Increase	\$42,876
Traill County WRD: Elm River Snagging and Clearing	\$47,500
Traill County WRD: Goose River Snagging and Clearing	\$47,500
Traill County WRD: Hong Drainage Imp. Dist. No. 81 Prelim. Eng.	\$16,200
<b>FLOOD CONTROL TOTAL</b>	<b>\$223,891</b>
<b>DEFERRED CHIEF ENGINEER COST-SHARE REQUEST TOTAL</b>	<b>\$486,266</b>

\*Carryover Projects

## Turnback Carryover Funds By Purpose – Currently Uncommitted

Water Supply	\$4,728,394
Rural Water	\$97,630
General Water	\$362,455
Flood Control	\$2,636,758



## NEED FOR THE PROJECT

**> SEVERE DROUGHT**  
A 1930s-style drought would cause extreme water supply shortages and devastating impacts.

**> MODERATE DROUGHT**  
With future population projections, models indicate the Project will operate more extensively than anticipated during more moderate drought periods such as those seen in the 1950s, 1960s, 1970s, 1980s, and 1990s.

**LEGISLATIVE INTENT:**

**\$43.0 MILLION**  
AUTHORIZED IN SB2020

REDUCED TO

**\$16.4 MILLION**  
REDUCED REQUEST TO SWC

*\$16.4 million is the project's critical need in order to complete substantial construction on early out features.*

**THE \$16.4 M CRITICAL NEED INCLUDES:**

**\$5.75 M**  
MISSOURI RIVER INTAKE

**\$7.80 M**  
TRANSMISSION PIPELINE COSTS (INCLUDING ROW)

**\$1.76 M**  
SHEYENNE RIVER DISCHARGE STRUCTURE

**\$1.13 M**  
PROPERTY ACQUISITION & PROJECT PLANNING



**NATIONWIDE 12 INTAKE PERMIT EXPIRES MARCH 18, 2022**  
(POTENTIAL ONE-YEAR EXTENSION)

**EVERY DAY IS CRITICAL**

to complete the Missouri River Intake construction within the timeline of the Nationwide 12 intake permit!

**WOTUS**

WATERS OF THE UNITED STATES



MEMORANDUM

TO: Governor Doug Burgum  
North Dakota State Water Commission Members

FROM: John Paczkowski, P.E.   
Interim Chief Engineer-Secretary/Interim State Engineer

SUBJECT: Proposed Legislation for 2021 Session

DATE: September 24, 2020

The following bills are proposed for submittal on behalf of the **State Water Commission** during the upcoming legislative session:

- N.D.C.C. § 61-02-01.3 – Comprehensive water development plan.

The purpose of this bill is to add areas for commissioner hosted meetings to reflect the new Commission member added last session in N.D.C.C. § 61-02-04. (Adding Little Missouri River, upper Heart River, upper Cannonball River basins.)

- N.D.C.C. § 61-02-01.5 – North Dakota outdoor heritage fund grants – Effect on local cost-share.

Existing statutory language creates the potential for the State to incur the entire cost of local projects that receive Outdoor Heritage Fund Grants – with no local stakeholder contribution to project costs.

- N.D.C.C. § 61-24.6-02 – Northwest area water supply advisory committee – Created
- N.D.C.C. § 61-24.6-10 – Areas served by the northwest area water supply project.

The purpose of this bill is to remove the city of Williston and Divide, Mountrail, and Williams County members from the advisory committee because the NAWS project will not be providing water in these areas.

The following bills are proposed for submittal on behalf of the **Office of the State Engineer** (OSE) during the upcoming legislative session:

- N.D.C.C. § 61-03-21 – State engineer may require plan of operation – Adequate structure.

The purpose of this bill is to:

- Eliminate the annual operating plan requirement for water storage reservoirs having a capacity of more than one thousand acre-feet.
- Remove the one thousand acre-foot capacity cut-off from the remaining section addressing adequate structures.

N.D.C.C. § 61-03-21 currently requires the operators of all water storage reservoirs with a capacity of more than one thousand acre-feet to submit an annual operating plan to the State Engineer. This requirement for annual operating plans is impractical for both dam owners and the State and adds no benefit to the regulation of dams in North Dakota. While recently noted as a deficiency in the audit of the dam safety program, the Office of the State Engineer (OSE) has already developed strong dam safety and water appropriation mechanisms in lieu of this section to fulfill the OSE's mission to manage water resources of North Dakota for the benefit of its people.

The remaining language in N.D.C.C. § 61-03-21 addresses the need for operators of water storage reservoirs to maintain adequate structures. Currently, this language applies only to water storage reservoirs with a capacity of more than one thousand acre-feet. The proposed language will remove the arbitrary one thousand acre-foot volume cut-off. It is possible for dams smaller than one thousand acre-feet to present a hazard downstream. The people of North Dakota stand to benefit if operators of all water storage structures are required to maintain adequate structures, not just those greater than one thousand acre-feet.

- N.D.C.C. § 61-16.1-38 – Permit to construct or modify dam, dike, or other device required – Penalty – Emergency.

The purpose of this bill is to:

- Create the groundwork for hazard or risk classifications for dikes/levees in North Dakota, thereby opening up the opportunity for the OSE to optimize permitting requirements based on hazard or risk of a dike and not a “one-size-fits-all” dike regulation strategy.
- Create a clearer, “tiered” permitting threshold for dikes, similar to that of dam permitting thresholds, thereby streamlining permitting decisions and regulation. The proposal changes the permit threshold for dikes from a convoluted volume-based calculation to an intuitive area-protected-based calculation, which the OSE believes will be more readily understood, computable, and identifiable by the OSE, water resource districts, project sponsors, and the general public.
- Remove the proscriptive professional engineer requirements from Century Code, thereby allowing the OSE to develop a process whereby a specific project's potential impacts to public health and safety drive when a professional engineer is required to be involved in a project.

Dikes have been regulated under N.D.C.C. since at least 1979 when the term “dikes” was added to the construction permitting statute (currently N.D.C.C. § 61-16.1-38). Since that time, all dikes have generally been regulated equally by the OSE, with the same permitting requirements for small agricultural dikes as for dikes within the City of Fargo, for example.

The proposed changes would enable the OSE to innovatively optimize the regulation of dikes based upon the associated risk of the dike/levee. The OSE believes this is achievable by better articulating the permitting thresholds and requirements for different dike systems via the construction permitting statute. The ultimate goal with these changes is to provide clearer regulations and guidance to agency staff, water resource districts, project sponsors, and the general public regarding dike systems in North Dakota. The optimization of the permitting process will help prioritize agency resources while also enabling a commensurate and reasonable application and review process to be experienced by all permit applicants.

The proposed changes to the professional engineer language would allow for more flexibility to the OSE to put those sorts of proscriptive professional engineer requirements in Administrative Code, again with the intent to provide flexibility and reasonability in the permitting and design process, so regulations can be more readily adapted with changes in the state of engineering practice, as well as tailored to the specific type and associated public risk of the water project being regulated.

- N.D.C.C. § 61-16.2-06 – Permissible floodway uses.

The purpose of this bill is to:

- Better align with the regulations of the National Flood Insurance Program and streamline the OSE’s floodway review process by associating allowable floodway development with an increase in flood level instead of a loss of conveyance.
- Add clarification as to when an exception may be granted for floodway development. This clarification makes clear the applicability of federally authorized exceptions to floodway development regulations within the state.
- Add clarification as to when an exception may be granted for floodplain development. This clarification makes clear the local responsibility in issuing exceptions as well as recognizing the applicability of federally authorized exceptions for floodplain development regulations within the state.

The use of consistent terminology and clear review practices will eliminate confusion regarding the difference between federal and state regulations around floodway and floodplain development.

Currently, the lack of consistency and clarity has caused both extraneous review from agency team members, while also needlessly causing project sponsors to provide data not in line with the guiding federal program's intent.

By pursuing this change, a more efficient and clearer path will be developed that will make submittal requirements more easily understood and achievable, while simultaneously optimizing the agency review process.

**I recommend that the State Water Commission approve the submittal of the above-described proposed bills (attached) for pre-filing to be considered during the 2021 legislative session.**

JP/jlv

## CHAPTER 61-02 – WATER COMMISSION

### 61-02-01.3. Comprehensive water development plan.

Biennially, the commission shall develop and maintain a comprehensive water development plan organized on a river basin perspective, including an inventory of future water projects for budgeting and planning purposes. As part of the commission's planning process, to facilitate local project sponsor participation and project prioritization and to assist in education regarding life cycle analyses for municipal water supply projects, and economic analyses for flood control and water conveyance projects expected to cost more than one million dollars, the commission shall develop a policy that outlines procedures for commissioner-hosted meetings within the ~~upper Red River, lower Red River, James River, Mouse River, upper Missouri River, lower Missouri River, and Devils Lake drainage basins.~~ upper Missouri River basin; the lower Missouri River basin; the James River basin; the upper Red River basin; the lower Red River basin; the Mouse River basin; the Devils Lake basin; and the Little Missouri River, upper Heart River, and upper Cannonball River basin.

### ~~61-02-01.5. North Dakota outdoor heritage fund grants – Effect on local cost share.~~

~~For projects involving the repair of an existing flood control or recreation structure, the state water commission may not deduct North Dakota outdoor heritage fund moneys provided from the cost of the project before determining the local cost share. The state water commission shall include those provided moneys as part of the local cost share, however, the local entity may not receive funding in excess of the total project cost.~~

## CHAPTER 61-24.6 – NORTHWEST AREA WATER SUPPLY PROJECT

### 61-24.6-02. Northwest area water supply advisory committee - Created.

The northwest area water supply advisory committee consists of the following representatives, appointed by the state engineer:

1. One person from the city of Minot recommended by the Minot city council.
- ~~2. One person from the city of Williston recommended by the Williston city council.~~
- ~~2.~~ ~~3.~~ One person from the Bottineau, Burke, ~~Divide~~, McHenry, McLean, ~~Mountrail~~, Pierce, Renville, or Ward, ~~or Williams~~ County water resource districts recommended jointly by the governing boards of the Bottineau, Burke, ~~Divide~~, McHenry, McLean, ~~Mountrail~~, Pierce, Renville, or Ward, ~~or Williams~~ County water resource districts.
- ~~3.~~ ~~4.~~ One representative of the state water commission recommended by the commission.
- ~~4.~~ ~~5.~~ One representative of the Three Affiliated Tribes, representing that area of the Fort Berthold Indian Reservation north of the Missouri River and Lake Sakakawea recommended by the tribal council.
- ~~5.~~ ~~6.~~ One representative of rural water distribution systems located in northwestern North Dakota. This representative must be a resident of Bottineau, Burke, ~~Divide~~, McHenry, McLean, ~~Mountrail~~, Pierce, Renville, or Ward, ~~or Williams~~ County.
- ~~6.~~ ~~7.~~ One representative of a municipality other than the city of Minot, located in Bottineau, Burke, ~~Divide~~, McHenry, McLean, ~~Mountrail~~, Pierce, Renville, or Ward, ~~or Williams~~ County.
- ~~7.~~ ~~8.~~ One representative of the Garrison Diversion Conservancy District recommended by the board of directors of the conservancy district.
- ~~8.~~ ~~9.~~ One at-large representative.

### 61-24.6-10. Areas served by the northwest area water supply project.

The commission may provide, as part of the northwest area water supply project, delivery, distribution, and treatment of water from the Missouri River or other sources, to areas in Bottineau, Burke, ~~Divide~~, McHenry, McLean, ~~Mountrail~~, Pierce, Renville, or Ward, ~~and Williams~~ Counties. The facilities for delivery of water may be from a pipeline transmission and delivery system or through other works, as determined by the commission.

## CHAPTER 61-03 – STATE ENGINEER

### 61-03-21. State engineer ~~may require plan of operation~~ – Adequate structure.

Every operator of a water storage reservoir in North Dakota ~~having a capacity of more than one thousand acre feet [1233481.84 cubic meters]~~ shall annually, ~~between the first and fifteenth day of February, file with the state engineer an operating plan for such reservoir for the calendar year in which the same is filed.~~ The operator of any such reservoir shall be required to cooperate with the state engineer to the end that all water releases shall be compatible with the best interest of the greatest number of downstream water users and affected landowners. ~~In the event that the state engineer declares an emergency to exist in connection with the operation of any such reservoir, the operator thereof shall promptly submit to the state engineer a separate interim operating plan therefor in addition to the annual reservoir operating plan herein required. Such interim operating plan shall then be coordinated and integrated with the suggestions and plans of the state engineer to best serve the affected interests during such emergency.~~ The state engineer may also require such operators to maintain adequate structures and to operate them in a manner that will prevent waste, promote the beneficial use of water and not endanger the general health and welfare of persons affected thereby. In the event such operator fails to maintain and operate adequate structures in the manner provided in this section, the state engineer shall set a place and time for hearing and shall serve notice upon such operator to show cause at such time and place why his water permit should not be declared terminated and canceled. A copy of any order terminating or canceling such water right shall be filed in the office of the recorder in the county or counties where the land to which the right is appurtenant is located. An appeal may be taken from the decision of the state engineer in accordance with the provisions of chapter 28-32.

## CHAPTER 61-16.1 – OPERATION OF WATER RESOURCE DISTRICTS

### 61-16.1-38. Permit to construct or modify dam, dike, or other device required – Penalty - Emergency.

No dikes, dams, or other devices for water conservation, flood control regulation, watershed improvement, or storage of water which are capable of retaining, obstructing, or diverting more than fifty acre-feet [61674.08 cubic meters] of water for a low-hazard dam or other device or twenty-five acre-feet [30837.04 cubic meters] of water for a medium-hazard or high-hazard dam; or protecting more than eighty acres [32.37 hectares] of land area for a low-risk dike or any land area for a moderate-risk or high-risk dike may be constructed within any district except in accordance with the provisions of this chapter. An application for the construction of any dike, dam, or other device, along with complete plans and specifications, must be presented first to the state engineer. ~~Except for low-hazard dams less than ten feet [3.05 meters] in height or agricultural dikes less than two feet [0.61 meters] in height~~ Unless otherwise stipulated by the state engineer, the plans and specifications must be completed by a professional engineer. The professional engineer must be registered in this state. After receipt, the state engineer shall consider the application in such detail as the state engineer deems necessary and proper. The state engineer shall refuse to allow the construction of any unsafe or improper dike, dam, or other device which would interfere with the orderly control of the water resources of the district, or may order such changes, conditions, or modifications as in the judgment of the state engineer may be necessary for safety or the protection of property. Within forty-five days after receipt of the application, except in unique or complex situations, the state engineer shall complete the state engineer's initial review of the application and forward the application, along with any changes, conditions, or modifications, to the water resource board of the district within which the contemplated project is located. The board thereupon shall consider, within forty-five days, the application, and suggest any changes, conditions, or modifications to the state engineer.

If the application meets with the board's approval, the board shall forward the approved application to the state engineer. If the board fails to respond within forty-five days, it shall be determined the board has no changes, conditions, or modifications. The state engineer shall make the final decision on the application and forward that decision to the applicant and the local water resource board. The state engineer may issue temporary permits for dikes, dams, or other devices in cases of an emergency. Any person constructing a dam, dike, or other device, which is capable of retaining, obstructing, or diverting more than fifty acre-feet [61674.08 cubic meters] of water for a low-hazard dam or other device or twenty-five acre-feet [30837.04 cubic meters] of water for a medium-hazard or high-hazard dam; or protecting more than eighty acres of land area for a low-risk dike or any land area for a moderate or high-risk dike without first securing a permit to do so, as required by this section, is liable for all damages proximately caused by the dam, dike, or other device, and is guilty of a class B misdemeanor.

## CHAPTER 61-16.2 – FLOODPLAIN MANAGEMENT

### 61-16.2-06. Permissible floodway uses.

Upon delineation of the floodway under the national flood insurance program [42 U.S.C. 4001 et seq.], uses shall be permitted within the floodway to the extent that they do not ~~cause any measurable decrease in the hydraulic conveyance in the affected area.~~ result in any increase in flood levels during the occurrence of the base flood discharge.

Any exception to the national flood insurance program [42 U.S.C. 4001 et seq.] in implementing regulations granted by the appropriate federal agency to a community which is participating in the national flood insurance program [42 U.S.C. 4001 et seq.] shall be an approved exception pursuant to this section.