

**State Water Commission (SWC) Meeting  
Pioneer Room, 1<sup>st</sup> Floor, Judicial Wing, Capitol  
600 E. Boulevard Ave., Bismarck  
June 7, 2022 – 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 April 12, 2022, SWC Meeting
  - 2. Draft Minutes for May 12, 2022, Pre-Commission Meeting
- D. SWC Secretary Update (no attachments) (Andrea)
- E. Financials
  - 1. DWR Financial Report (Heide)
  - 2. Purpose Funding Summary (Jeffrey)
  - 3. Director Compensation Adjustment (Heide)
- F. Cost-Share Policy Modifications (Pat)
- G. Water Development Plan – Project Inventory and Reviews (Pat)
- H. Commissioner-Hosted Basin Meetings (Pat)
- I. Strategic Governance and Finance Update (Jon Kelsch)
  - 1. Replacement/Capital Improvement Plan for Water Projects
  - 2. Western Area Water Supply
  - 3. Infrastructure Loan Funds
- J. ND Drinking Water State Revolving Loan Fund – Amended 2022 Intended Use Plan (Shannon Fisher)
- K. Northwest Area Water Supply – Operation of Biota Water Treatment Plant (Tim Freije)

**CONSENT AGENDA**

**A consent agenda can be approved with one motion, or an item or items can be removed for additional discussion and separate action. Director Travnicek recommends approval of the following items:**

- L. Flood Control (Julie)
  - 1. Pembina County WRD: Drain 16 Expansion Analysis - \$112,590 PC
  - 2. Lisbon: Levee D/F and Levee F Reallocation - \$80,489 PC and C
- M. General Water (Julie)
  - 1. Minot: Water Supply Low Head Dam Remediation - \$231,576 C
  - 2. DWR/USGS Cooperative Monitoring Program FY 2023 - \$468,650 O

- N. Water Supply (Municipal) (Jeffrey)
  - 1. **Williston: Williston Square 9<sup>th</sup> Ave. and 33<sup>rd</sup> St. - \$956,400** C
  - 2. **Williston: 9<sup>th</sup> Ave. West Watermain Replacement - \$224,700** C

**AGENDA**

- O. Flood Control (Julie)
  - 1. **Cass County Highway Dept.: Wild Rice River Bank Stabilization - \$732,950** PC and C
  - 2. **Pembina County WRD: County Drain 34 Reconstruction - \$913,897** C
  - 3. **Richland County WRD: County Drain 1 Reconstruction Phase 1 - \$99,355** C

- P. Water Supply (Municipal) (Jeffrey)
  - 1. **Bismarck: Water Treatment Plant Improvements - \$192,600** PC
  - 2. **Bismarck: WU137 Watermain Replacement - \$2,170,000** C
  - 3. **Devils Lake: West Side Watermain Replacement - \$850,000** C
  - 4. **Williston: 2<sup>nd</sup> Ave. NW and 13<sup>th</sup> Ave. West Improvements - \$684,300** C

- Q. Water Supply (Rural) (Jeffrey)
  - 1. **Greater Ramsey WD: North System Capacity Improvements - \$590,000** PC
  - 2. **Cass RWD: 2022 System-Wide Distribution Improvements - \$1,953,500** C
  - 3. **Rolette County: TMPUC Highway 43 Corridor Expansion - \$4,870,000** C

- R. Federal MR&I Water Supply (Jeffrey)
  - 1. State MR&I: Five-Year Plan FY2022-FY2026 O
  - 2. **Northwest Area Water Supply: FY2022 Funds** C
  - 3. **Garrison Diversion Conservancy District ENDAWS: FY2022 Funds** C

- S. Project Updates (**Presentations if time allows**)
  - 1. Devils Lake (Jon)
  - 2. Missouri River (Chris Korkowski)
  - 3. Mouse River (Chris)
  - 4. NAWS (Tim)
  - 5. SWPP (Sindhuj)

- T. Legal Updates (**Presentation if time allows**) (Jen Verleger)

U. Adjourn

**BOLD ITEMS REQUIRE SWC ACTION**

- PC Pre-Construction
- C Construction
- L Legislative
- CI Cost Increase
- O Other

## MINUTES

### **North Dakota State Water Commission Bismarck, North Dakota June 7, 2022**

The ND State Water Commission (Commission or SWC) held a meeting in the Pioneer Room, State Capitol, 600 E. Boulevard Ave., Bismarck, ND, and via phone conference on June 7, 2022. Lt. Governor Sanford called the meeting to order at 1:03 p.m. A quorum was present.

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

Lt. Governor Sanford, Acting Chairman  
Tom Bodine, Deputy Commissioner, ND Dept. of Agriculture, Bismarck  
Michael Anderson, Hillsboro  
Richard Johnson, Devils Lake  
James Odermann, Belfield  
Connie Ova, Cleveland (phone – departed at 3:15 p.m.)  
Gene Veeder, Watford City  
Jay Volk, Bismarck  
April Walker, West Fargo (phone)  
Jason Zimmerman, Minot

#### **OTHERS PRESENT:**

Andrea Travnicek, Ph.D., Director, ND Dept. of Water Resources (DWR) and Commission Secretary  
John Paczkowski, DWR State Engineer  
DWR Staff  
Jennifer Verleger, General Counsel, Attorney General's Office  
Approximately 100 people interested in agenda items.

### CONSIDERATION OF AGENDA

The agenda for the June 7, 2022, Commission meeting was approved as presented.

### CONSIDERATION OF DRAFT MEETING MINUTES

**It was moved by Commissioner Veeder, seconded by Commissioner Volk, and carried on a voice vote that the minutes of the April 12, 2022, Commission meeting, and May 12, 2022, Pre-Commission meeting, be approved as written.**

### COMMISSION SECRETARY UPDATE

Andrea Travnicek, DWR Director and Commission Secretary, provided an update on the status of the agency's Cost-Share Policy revisions and the agency's 5-Year Strategic Plan. The Water Topics Overview Committee meeting is scheduled for June 23 and several DWR team members will be presenting. Andrea also introduced Abby Ebach, DWR Policy Advisor, and announced that Jon Kelsch, DWR Water Development Division Director, will retire June 30, 2022.

### FINANCIAL REPORT

The allocated program expenditures, financial reports, and financial spreadsheets were presented by Heide Delorme, DWR Administrative Services Director (**APPENDIX A**).

The oil extraction tax deposits into the Resources Trust Fund (RTF) total \$181,764,083 through May 2022 which is \$43,550,492 over projected revenue. Heide stated that funds available above projection will be transferred to the Water Project Stabilization Fund (WPSF) and approximately \$50 million will be available by end of June 2022. Heide clarified that there is no upper limit on the WPSF.

### **DIRECTOR COMPENSATION ADJUSTMENT**

Heide Delorme presented a request for the approval of Andrea Travnicek's annual compensation increase in the amount of two percent based upon her current regular salary. There were no questions.

**It was moved by Commissioner Odermann, seconded by Commissioner Johnson, and unanimously carried, that the Commission approve the monthly increase for Andrea Travnicek of two percent effective July 1, 2022.**

### **COST-SHARE POLICY MODIFICATIONS**

Pat Fridgen, DWR Planning and Education Division Director, presented the Draft Project Funding Policy, Procedure, and General Requirements, and Project Prioritization Guidance (Modifications) for discussion (**APPENDIX B**). The Modifications were reviewed at the May 12, 2022, Pre-Commission meeting. Additional comments and recommendations received from Commissioners have been incorporated into the draft.

Pat clarified that projects related to new expansion of water supply services that result in decommissioning of existing infrastructure could receive up to 75 percent cost-share reimbursement. Pat also clarified that of the 1,500 approved Drought Disaster Livestock Water Supply Project Assistance Program projects, 170 were specifically for rural water hookups.

Commissioners agreed that the 45-day comment period for the proposed Modifications is very important in order for sponsors and stakeholders to provide input and feedback related to the proposed revisions.

After discussion, the following motion was made:

**It was moved by Commissioner Volk and seconded by Commissioner Veeder the Commission approve the Draft Project Funding Policy, Procedure, and General Requirements, and Project Prioritization Guidance be released as written on July 1, 2022, for a 45-day comment period for broader stakeholder input.**

**Commissioners Anderson, Johnson, Ova, Veeder, Volk, Walker, Zimmerman, Bodine, and Lt. Governor Sanford voted aye. Commissioner Odermann voted nay. The motion carried.**

### **WATER DEVELOPMENT PLAN (WDP)**

Pat Fridgen presented the 2023 WDP Timeline and Milestones for discussion. April 30 was the deadline for sponsors to submit project planning forms and over 400 submittals were received. Projects have been categorized into different project types. Commissioners requested they be able to review the categorizations and were sent a link to the project planning forms for their review. Commissioners' recommendations and input should be sent to DWR staff by June 17.

Stakeholder review and input will be received during the Commissioner-Hosted meetings scheduled for July.

Pat stated the final WDP will be presented to legislators in January for the 2023-25 Session. DWR completed a survey to determine if sponsors and stakeholders would support an electronic version of the WDP rather than hard copy versions. Seventy-two percent of respondents support an electronic version. This will also enable DWR staff to update necessary data in the WDP regularly and would eliminate costs related to printing the WDPs. Pat also clarified that industrial projects are not included in the prioritization process.

### **COMMISSIONER-HOSTED BASIN MEETINGS**

Pat Fridgen presented the schedule for the Commissioner-Hosted Basin meetings scheduled for July 2022 and proposed agenda (**APPENDIX C**). Commissioners were asked to provide DWR staff with any changes to the agenda.

### **STRATEGIC GOVERNANCE AND FINANCE UPDATE**

Jon Kelsch, DWR Water Development Division Director, and Sindhuja S.Pillai-Grinolds, DWR Southwest Pipeline Project (SWPP) Manager, provided information on continued research completed for the Commission regarding the Strategic Governance and Finance Study directives (**APPENDIX D**).

#### **Replacement/Capital Improvement Plan for Water Projects**

Sindhuja provided an analysis and history of SWPP's Replacement and Extraordinary Maintenance (REM) fund and information on replacement and capital improvement reserves for water projects in general. It is crucial for a water system to create a reserve fund for REM or capital improvement reserve to become sustainable or viable, and reduce its reliance on significant grant funding from the state. The analysis provides suggestions on guidance for SWPP's REM fund and proposed policy options for Commission discussion and consideration for other water supply projects. Sindhuja will present SWPP REM fund analysis information at the June 23 Water Topics Overview Committee meeting.

Andrea stated that this information will also be discussed at the Commissioner-Hosted meetings. The analysis may lead to future funding models going forward, reviewing other state-owned projects, and other rural water districts. Discussion is needed to clearly define terms to be included in the policy.

Sindhuja clarified that most water systems have a reserve fund based on the debt service required for its loan. Loans provided by USDA, require the water systems to have a reserve for debt service. The ND Drinking Water Revolving Loan Fund also requires water systems to have a reserve fund for debt service. Andrea also stated that there would be continued discussion and feedback needed to determine if a requirement would be made for water systems to have some type of REM fund before they would qualify for grant money from the RTF.

One of the suggested policies for Commission consideration was to have a funding program like North Carolina's Asset Inventory and Assessment (AIA) program. Andrea clarified that data had not been utilized from North Carolina's AIA program to determine possible funding amounts needed for North Dakota. Andrea stated that asset management is becoming extremely important in the planning process. After feedback from the Commission-Hosted meetings and the Commission, this may be discussed as another potential program to assist other systems to develop their capital improvement plan.

Andrea also clarified that if revisions to the Cost-Share Policy are finalized and additional projects are eligible for funding, the current WPD and project inventory would be revised. If the WDP is in an electronic format, DWR staff would have an opportunity to update those policy decisions, however, the timeline needs stay on schedule in order to meet deadlines.

### **Western Area Water Supply (WAWS)**

Jon Kelsch provided an updated matrix with suggested changes to the current ND Century Code for transferring the oversight of WAWS from Industrial Commission to the State Water Commission. DWR staff incorporated comments from the WAWS Authority in the updated matrix. There were no questions.

Andrea Travnicek stated that the DWR staff continue to stay engaged with the Industrial Commission, Bank of North Dakota, and WAWS regarding the transfer of WAWS oversight. The goal is to have draft legislation for the Commission to review at the August Commission meeting in preparation for presenting it at the upcoming legislative session. There were no questions.

### **Infrastructure Loan Funds**

Jon Kelsch provided information on the two types of infrastructure loans currently available along with advantages and other considerations for combining them. Andrea stated that this was based on early discussions with the Bank of North Dakota and feedback received from legislators and stakeholders. Any proposed changes will be presented for Commission's consideration and discussion. There were no questions.

## **ND DRINKING WATER STATE REVOLVING LOAN FUND (DWSRLF)**

Shannon Fisher, ND Department of Environmental Quality (Department) Program Manager, presented the amended 2022 Intended Use Plan (IUP) (**APPENDIX E**) for approval. The original 2022 IPU was approved by the Commission in December 2021.

Thirteen additional projects were added to the priority list which would allow the projects to apply for funds. The addition of the projects will not impact the availability of funds for any projects previously listed on the priority list. A public hearing was held in accordance with federal statutes.

There were no questions, and the following motion was made:

**It was moved by Commissioner Zimmerman and seconded by Commissioner Walker the Commission approve the revised Comprehensive Project Priority List and the Fundable List and authorize the Department to administer the 2022 IUP for the DWSRLF.**

**Commissioners Anderson, Johnson, Odermann, Ova, Veeder, Volk, Walker, Zimmerman, Bodine, and Lt. Governor Sanford voted aye. There were no nay votes. The motion carried.**

## **NORTHWEST AREA WATER SUPPLY (NAWS) – BIOTA WATER TREATMENT PLANT (BWTP) OPERATIONS**

Tim Freije, DWR NAWS Project Manager, provided an update, history of the project, and operations considerations for the BWTP in order to enter into a three-party agreement for the operation and maintenance of the BWTP.

On April 28, 2022, DWR staff, Dept. of Environmental Quality, Minot, the Bureau of Reclamation, and Houston Engineering met to discuss the operation and maintenance of the BWTP. The consensus was to draft a three-party agreement with DWR, Minot, and the Bureau of Reclamation. The NAWS Advisory Board met on June 1, 2022, and supports the agreement.

After discussion, the following motion was made:

**It was moved by Commissioner Zimmerman and seconded by Commissioner Anderson the Commission authorize the Secretary to pursue a three-party contract with the Bureau of Reclamation and Minot for the operation and maintenance of the NAWS BWTP.**

**Commissioners Anderson, Johnson, Odermann, Ova, Veeder, Volk, Walker, Zimmerman, Bodine, and Lt. Governor Sanford voted aye. There were no nay votes. The motion carried.**

### **CONSENT AGENDA**

The consent agenda included the following cost-share projects with requested funding amount for approval:

#### **Flood Control**

- Pembina County Water Resource District: Drain 16 Expansion Analysis - \$112,590
- Lisbon: Levee D/F and Levee F Reallocation - \$80,489

#### **General Water**

- Minot: Water Supply Low Head Dam Remediation - \$231,576
- DWR/USGS Cooperative Monitoring Program FY 2023 - \$468,650

#### **Water Supply (Municipal)**

- Williston: Williston Square 9<sup>th</sup> Ave. and 33<sup>rd</sup> St. - \$1,003,900
- Williston: 9<sup>th</sup> Ave. West Watermain Replacement - \$224,700

**It was moved by Commissioner Johnson, seconded by Commissioner Odermann, and unanimously carried, that the consent agenda items be approved as presented.**

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

#### **FLOOD CONTROL PROJECTS**

Julie Prescott, DWR Cost-Share Program Manager, presented the requests for the flood control projects.

#### **CASS COUNTY HIGHWAY DEPT.: WILD RICE RIVER BANK STABILIZATION - \$732,950 (SWC Project No. 2178)**

The Cass County Highway Department requested cost-share for the Wild Rice River Bank Stabilization project. The project is for preconstruction and construction costs for repair of a slope failure on the left bank of the Wild Rice River that is impacting two sewer forcemains.

The project meets requirements of the Commission's cost-share policy for flood control projects and the recommendation was to approve the request. Julie clarified that this project was

submitted April 21, 2022, and is considered bank stabilization at 50 percent cost-share rather than drain work which is 45 percent cost-share.

After discussion, the following motion was made:

**It was moved by Commissioner Walker and seconded by Commissioner Veeder the Commission approve the request by the Cass County Highway Department for state cost-share participation in the Wild Rice River Bank Stabilization project at 50 percent of eligible costs not to exceed \$732,950. The approval is contingent on available funding.**

**Commissioners Anderson, Johnson, Odermann, Ova, Veeder, Volk, Walker, Zimmerman, Bodine, and Lt. Governor Sanford voted aye. There were no nay votes. The motion carried.**

**PEMBINA COUNTY WATER RESOURCE DISTRICT: COUNTY DRAIN 34 RECONSTRUCTION - \$913,897**

**(SWC Project No. 1153)**

The Pembina County Water Resource District requested cost-share for construction costs associated with the Pembina County Drain 34 Reconstruction project. The project is reconstruction of Pembina County Drain 34 in its entirety, a length of approximately 8.5 miles. The project will reduce flooding of agricultural land and include deepening and widening of the channel and road crossing upgrades.

The project meets requirements of the Commission's cost-share policy for flood control projects and the recommendation was to approve the request.

There were no questions. The following motion was made:

**It was moved by Commissioner Goehring and seconded by Commissioner Ova the Commission approve the request by the Pembina County Water Resource District for state cost-share participation of \$913,897 at 45 percent of eligible costs for the Pembina County Drain 34 Reconstruction project with the total not to exceed \$961,125. The approval is contingent on available funding.**

**Commissioners Anderson, Johnson, Odermann, Ova, Veeder, Volk, Walker, Zimmerman, Bodine, and Lt. Governor Sanford voted aye. There were no nay votes. The motion carried.**

**RICHLAND COUNTY WATER RESOURCE DISTRICT: COUNTY DRAIN 1 RECONSTRUCTION PHASE 1 - \$99,355**

**(SWC Project No. 1175)**

The Richland County Water Resource District requested cost-share for construction costs associated with Phase 1 of the Richland County Drain 1 Reconstruction project. The project is reconstruction of the westernmost two miles of Richland County Drain 1. The project will reduce flood impacts to agricultural land, and include improving the channel bottom slope, flattening sideslopes, and replacing a county road crossing.

The project meets requirements of the Commission's cost-share policy for flood control projects and the recommendation was to approve the request.

There were no questions. The following motion was made:

**It was moved by Commissioner Volk and seconded by Commissioner Johnson the Commission approve the request by the Richland County Water Resource District for state cost-share participation in the Richland County Drain 1 Reconstruction - Phase 1 project not to exceed \$99,355 at 27 percent of eligible costs. The approval is contingent on available funding.**

**Commissioners Anderson, Johnson, Odermann, Ova, Veeder, Volk, Walker, Zimmerman, Bodine, and Lt. Governor Sanford voted aye. There were no nay votes. The motion carried.**

### **PURPOSE FUNDING SUMMARY**

Jeffrey Mattern, DWR Engineer Manager, presented the purpose funding summary of overall appropriations available for June cost-share requests. There were no questions.

#### **WATER SUPPLY AND FEDERAL MUNICIPAL, RURAL AND INDUSTRIAL (MR&I) WATER SUPPLY PROJECTS**

Jeffrey Mattern presented the requests for the Water Supply and Federal MR&I Water Supply projects.

#### **BISMARCK: WATER TREATMENT PLANT IMPROVEMENTS - \$184,000 (SWC Project No. 2050BIS)**

Bismarck requested preconstruction cost-share for the replacement of piping for filters 1-6 and filter improvements due to degradation of the piping. The project would also upsize the softening basin effluent pipe from 30-inch to 36-inch to remove the restriction that is causing a backup and reduction of capacity. A portion of preconstruction may be complete, which will require reducing the request based on Bismarck providing the cost of work remaining after the Commission's June 7, 2022, meeting.

The project meets requirements of the Commission's cost-share policy for municipal water supply projects and the recommendation was to approve the request.

There were no questions. The following motion was made:

**It was moved by Commissioner Goehring and seconded by Commissioner Zimmerman the Commission approve the request by Bismarck for state cost-share participation at 60 percent of eligible costs for the Water Treatment Plant Improvements project with the total amount not to exceed \$184,000. The approval is contingent on available funding.**

**Commissioners Anderson, Johnson, Odermann, Ova, Veeder, Volk, Walker, Zimmerman, Bodine, and Lt. Governor Sanford voted aye. There were no nay votes. The motion carried.**

#### **BISMARCK: WU137 WATERMAIN REPLACEMENT - \$2,170,000 (SWC Project No. 2050BIS)**

Bismarck requested cost-share for the replacement of approximately 34 city blocks or 12,600-feet of cast iron watermain in the south-central area of Bismarck due to rust buildup and pipe breaks.

The project meets requirements of the Commission's cost-share policy for municipal water supply projects and the recommendation was to approve the request.

In response to a question from a commissioner, Jeffrey Mattern clarified that the 10 percent overage of original cost was due to price of pipe increase.

There were no questions. The following motion was made:

**It was moved by Commissioner Volk and seconded by Commissioner Bodine the Commission approve the request by Bismarck for state cost-share participation at 60 percent of eligible costs for the WU137 Watermain Replacement project with the total amount not to exceed \$2,170,000. The approval is contingent on available funding.**

**Commissioners Anderson, Johnson, Odermann, Ova, Veeder, Volk, Walker, Zimmerman, Bodine, and Lt. Governor Sanford voted aye. There were no nay votes. The motion carried.**

**DEVILS LAKE: WEST SIDE WATERMAIN REPLACEMENT - \$850,000  
(SWC Project No. 2050DEV)**

Devils Lake requested cost-share for construction costs to replace 13 blocks of aging 4-inch to 6-inch cast iron watermain on the northwest side of Devils Lake with 6-inch to 8-inch polyethylene or PVC pipe.

The project meets requirements of the Commission's cost-share policy for municipal water supply projects and the recommendation was to approve the request.

There were no questions. The following motion was made:

**It was moved by Commissioner Veeder and seconded by Commissioner Walker the Commission approve the request by Devils Lake for state cost-share participation at 60 percent of eligible costs for the West Side Watermain Replacement project, with the total amount not to exceed \$850,000. The approval is contingent on available funding.**

**Commissioners Anderson, Odermann, Ova, Veeder, Volk, Walker, Zimmerman, Bodine, and Lt. Governor Sanford voted aye. Commissioner Johnson abstained. There were no nay votes. The motion carried.**

**WILLISTON: 2<sup>ND</sup> AVE. NW AND 13<sup>TH</sup> AVE. WEST IMPROVEMENTS - \$684,300  
(SWC Project No. 2050WLL)**

Williston requested construction cost-share for the installation of approximately 3,500 feet of 10-inch and 12-inch watermain along 2<sup>nd</sup> Avenue NW and 13<sup>th</sup> Avenue W. The construction of this project is another component of development to expand services in the former Soulin Field Airport.

The project meets requirements of the Commission's cost-share policy for municipal water supply projects and the recommendation was to approve the request.

Jeffrey Mattern clarified that the large non-eligible costs of the project were related to street, sewer, and other components such as utilities related to new water systems.

After discussion, the following motion was made:

**It was moved by Commissioner Zimmerman and seconded by Commissioner Volk the Commission approve the request by Williston for state cost-share participation at 60 percent of eligible costs for the 2<sup>nd</sup> Avenue NW and 13<sup>th</sup> Avenue W Improvement project for a total amount not to exceed \$684,300. The approval is contingent on available funding.**

**Commissioners Anderson, Johnson, Odermann, Ova, Veeder, Volk, Walker, Zimmerman, Bodine, and Lt. Governor Sanford voted aye. There were no nay votes. The motion carried.**

**GREATER RAMSEY WATER DISTRICT: NORTH SYSTEM CAPACITY IMPROVEMENTS - \$590,000**

**(SWC Project No. 2050RAM)**

The Greater Ramsey Water District (District) requested cost-share for preconstruction costs to make improvements in the North System with a new 500,000-gallon storage reservoir and pump station, the installation of seven miles of 16-inch transmission line, a new well, and water treatment plant improvements to increase capacity by an additional 300 gallons-per-minute.

The project meets requirements of the Commission's cost-share policy for rural water supply projects and the recommendation was to approve the request.

Jeffrey Mattern clarified that alternatives for other water sources for this project were not an option due to the area of the project. Nels Halgren, District Manager, clarified that the minimum water user rates will increase slowly from \$35 to \$45 over the next five years. Sarah Sesselman, AE2S, also clarified that the improvements were not for an additional 100 users, but for the additional users brought onto the system in 2021 due to drought conditions and to meet the demands placed on the system.

After discussion, the following motion was made:

**It was moved by Commissioner Zimmerman and seconded by Commissioner Anderson the Commission approve the request by the Greater Ramsey Water District for state cost-share participation at 75 percent of eligible costs for the North System Capacity Improvements project with cost-share not to exceed \$590,000. The approval is contingent on available funding.**

**Commissioners Anderson, Johnson, Odermann, Ova, Veeder, Volk, Walker, Zimmerman, Bodine, and Lt. Governor Sanford voted aye. There were no nay votes. The motion carried.**

**CASS RURALWATER DISTRICT: 2022 SYSTEM-WIDE DISTRIBUTION IMPROVEMENTS - \$1,953,500**

**(SWC Project No. 2050CAS)**

The Cass Rural Water District requested cost-share for construction costs to add 32 miles of parallel and looping water mains in rural areas. The system is experiencing very low pressure during times of peak usage with agriculture water usage increasing over the past five years from five gallons per acre up to 20 gallons per acre. A future request will be made for the construction of the regionalization extension portion to Fargo.

The project meets requirements of the Commission's cost-share policy for rural water supply projects and the recommendation was to approve the request.

There were no questions. The following motion was made:

**It was moved by Commissioner Volk and seconded by Commissioner Anderson the Commission approve the request by the Cass Rural Water District for state cost-share participation at 75 percent of eligible costs for the 2022 System Distribution project for additional cost-share of \$1,953,500, with the total amount not to exceed \$2,401,000. The approval is contingent on available funding.**

**Commissioners Anderson, Johnson, Odermann, Ova, Veeder, Volk, Walker, Zimmerman, Bodine, and Lt. Governor Sanford voted aye. There were no nay votes. The motion carried.**

**ROLETTE COUNTY: TURTLE MOUNTAIN PUBLIC UTILITIES COMMISSION (TMPUC)  
HIGHWAY 43 CORRIDOR EXPANSION - \$2,600,000  
(SWC Project No. 2050ROL)**

Rolette County (County) requested cost-share on construction costs for the TMPUC Highway 43 Corridor Expansion project to expand water service in the Carpenter Lake area to 35 new users, 23 potential users, and address capacity for another future project area of 400 users. This project would install 2.6 miles of 10-inch transmission watermain and 17.6 miles of 6-inch to 2-inch distribution line to connect to and loop the current system with a connection at Highway 281 and two connections along 108<sup>th</sup> Street.

The project meets requirements of the Commission's cost-share policy for rural water supply projects and the recommendation was to approve the request.

Dan Heitzman, Houston Engineering, clarified that the project would add approximately 400 users and benefit 250 current users. Kenny Azure, TMPUC, clarified that the project is part of a 30-year plan developed 18 years ago to serve the people of Rolette County and tribal members in the area across tribal and non-tribal lands. The project will eliminate disinfection issues and create storage for approximately 500 users.

After discussion, the following motion was made:

**It was moved by Commissioner Goehring and seconded by Commissioner Zimmerman the Commission approve the request by Rolette County for state cost-share participation at 75 percent of eligible costs for the TMPUC Highway 43 Corridor Expansion project with the total amount not to exceed \$2,600,000. The approval is contingent on available funding.**

**Commissioners Anderson, Johnson, Odermann, Ova, Veeder, Volk, Walker, Zimmerman, Bodine, and Lt. Governor Sanford voted aye. There were no nay votes. The motion carried.**

**FEDERAL MR&I WATER SUPPLY**

**State MR&I: Five-Year Plan Fiscal Years (FY) 2022-2026**

Jeffrey Mattern presented the Garrison Diversion Unit State MR&I Program Five-Year Plan (Plan) for FY 2022-2026 (**APPENDIX F**). The Plan is used to address project funding, variations in federal appropriations, and is submitted to the Bureau of Reclamation (Bureau) for their use in estimating the state's capacity to expend funding. At the request of the Bureau, the project cost schedules have been accelerated to four years within the Plan to expand the remaining authorization of \$76 million.

Jeffrey Mattern clarified that there was no motion or vote needed. Andrea Travnicek stated that the MR&I funding authorization through the Dakota Water Resources Act is nearing the end in the plan. Discussions are being held at the federal level with Senator Hoeven's office to determine if additional MR&I funds will be needed and how the funds will be obtained.

**Northwest Area Water Supply (NAWS): FY2022 Funds**

Jeffrey Mattern presented a request to allocate \$46.6 million of the estimated \$49 million of FY 2022 federal MR&I program funding to the NAWS project. The remaining appropriation of \$2.4 million would be \$0.68 million for state MR&I program administration and \$1.72 million for continuing work on the Eastern North Dakota Alternative Water Supply (ENDAWS) project.

The Biota Water Treatment Plant (BWTP) was determined to be 100 percent federal funding responsibility. The FY 2022 funds of \$27.7 million are sufficient to cover the remaining federal balance for construction of the BWTP Phase I near Max with estimated completion in June 2024. There is another \$2.5 million for design of the BWTP Phase II.

There is funding for design and construction of the Minot Water Treatment Facility Phase III. The total estimated cost is \$25.2 million, with project funding split between a 65 percent federal share of \$16.4 million, and a 35 percent local share of \$8.8 million, being paid by Minot.

There were no questions. The following motion was made:

**It was moved by Commissioner Odermann and seconded by Commissioner Zimmerman the Commission approve the Northwest Area Water Supply Project for additional federal MR&I funding of \$46,600,000. The approval is contingent on available funding, that the project follows federal MR&I program requirements, and delegates to the Secretary the ability to move funds between project elements to facilitate efficient project completion.**

**Commissioners Anderson, Johnson, Odermann, Veeder, Volk, Walker, Zimmerman, Bodine, and Lt. Governor Sanford voted aye. There were no nay votes. The motion carried.**

**Garrison Diversion Conservancy District (GDGD) ENDAWS: FY 2022 Funds**

GDGD requested \$1,720,000 from FY 2022 federal MR&I program funding to conduct additional engineering design and right of way acquisition on the ENDAWS project. The overall MR&I FY 2022 budget is \$49,000,000, with \$46,600,000 being recommended for the NAWS project.

In January 2019, the GDGD requested the Bureau consider ENDAWS and evaluate up to 165 cubic feet per second of water from the McClusky Canal to serve as an alternate water supply for the Red River Valley Water Supply Project. In September 2019, the Bureau began the Environmental Impact Statement (EIS) process for ENDAWS. The Bureau completed an EIS in November 2020, and a record of decision was signed January 15, 2021.

After discussion, the following motion was made:

**It was moved by Commissioner Zimmerman and seconded by Commissioner Bodine the Commission approve additional funding of \$1,720,000 at 75 percent, resulting in total federal MR&I Program funds of \$3,600,000, with \$1,230,000 funded at 100 percent, and \$2,370,000 funded at 75 percent, to the GDGD for the ENDAWS Project. This approval is contingent on available funding and the project following federal MR&I Program requirements, and**

delegates to the Secretary the ability to move funds between project elements to facilitate efficient project completion.

Commissioners Anderson, Johnson, Odermann, Ova, Veeder, Volk, Walker, Zimmerman, Bodine, and Lt. Governor Sanford voted aye. There were no nay votes. The motion carried.

### PROJECT UPDATES

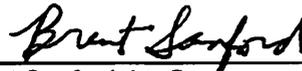
DWR staff provided brief updates on the following projects:

- Jon Kelsch, DWR Water Development Division Director, Devils Lake Outlet
- Chris Korkowski, DWR Investigations Section Chief, Missouri River and Mouse River
- Tim Freije, DWR NAWS Project Manager, NAWS
- Sindhuja S.Pillai-Grinolds, DWR SWPP Project Manager, SWPP

### LEGAL UPDATE

Jennifer Verleger, General Counsel, Attorney General's Office, provided a brief update.

There being no further business to come before the Commission, Lt. Governor Sanford adjourned the June 7, 2022, meeting at 4:12 p.m.



\_\_\_\_\_  
Brent Sanford, Lt. Governor  
Acting Chairman, State Water Commission

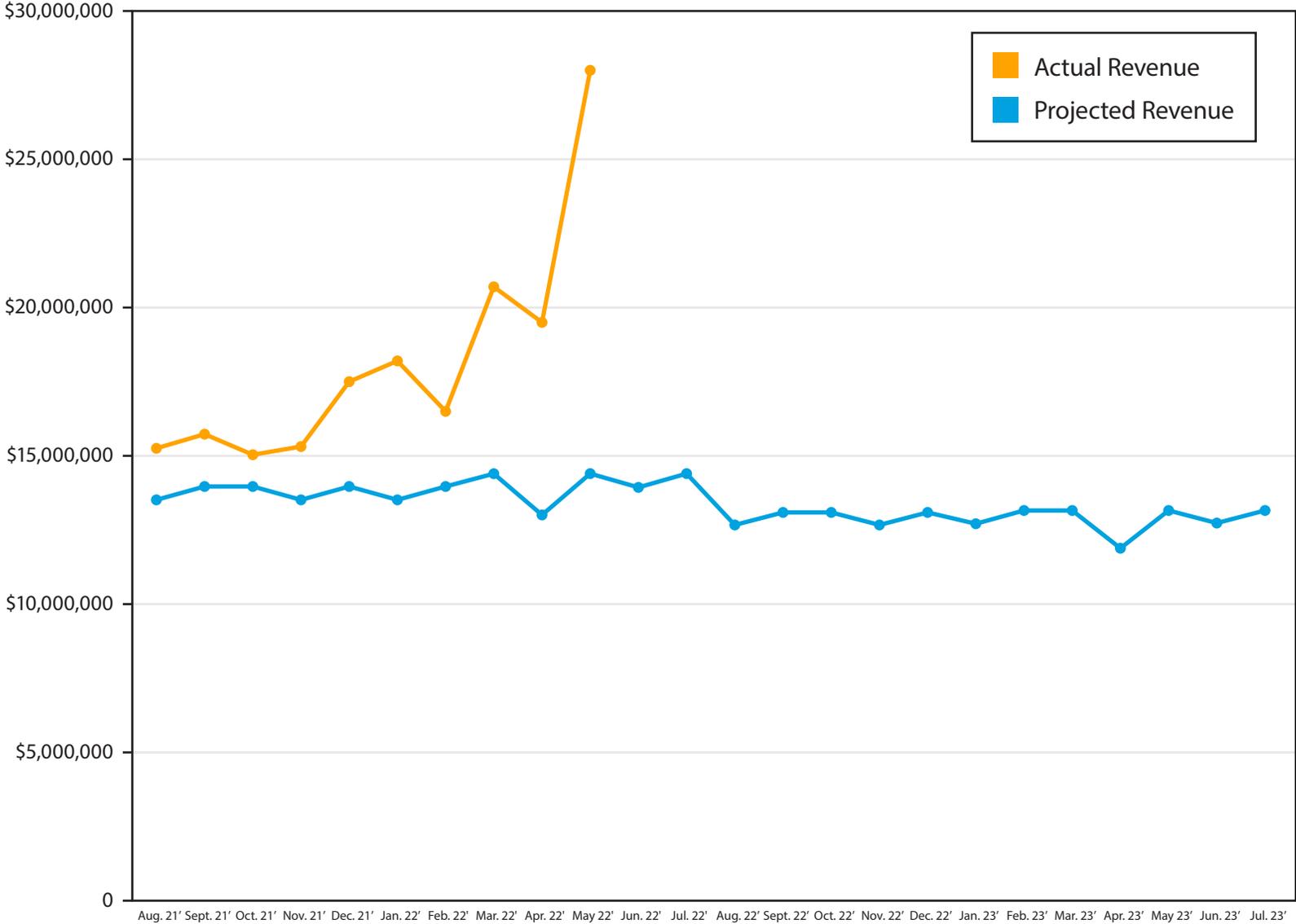


\_\_\_\_\_  
Andrea Travnicek, Ph.D.  
Director, DWR, and Secretary to the State  
Water Commission

# RESOURCES TRUST FUND REVENUE

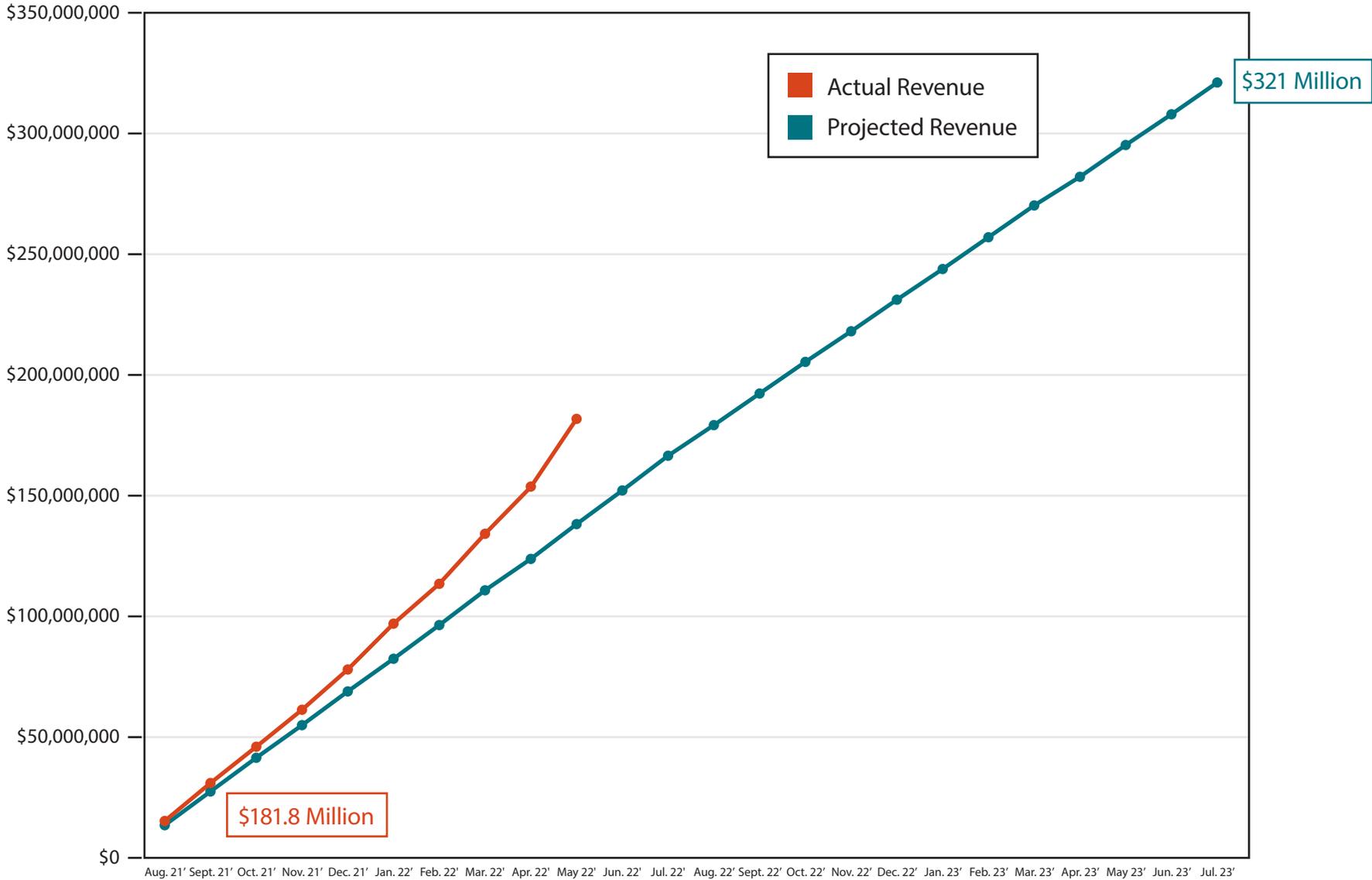
2021-2023 (Month by Month) | May 2022

APPENDIX A



# RESOURCES TRUST FUND REVENUE

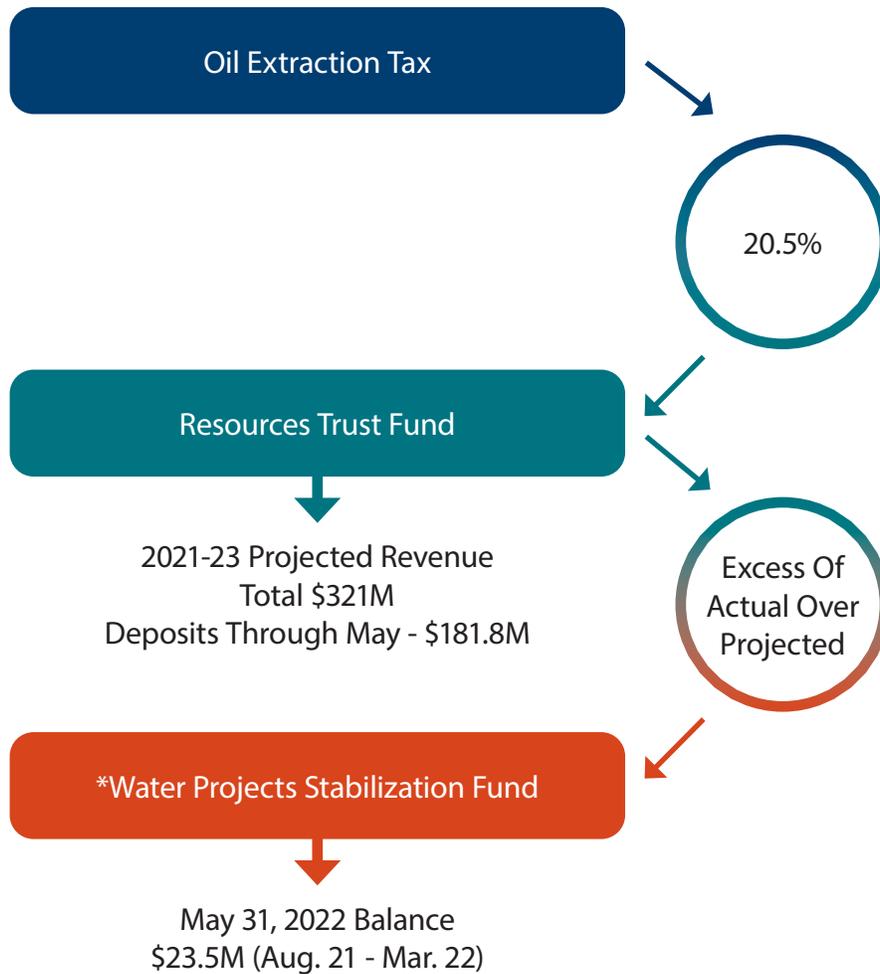
2021-2023 (Cumulative) | May 2022



NORTH DAKOTA DEPARTMENT OF WATER RESOURCES  
OIL EXTRACTION REVENUE  
FOR THE 2021 - 2023 BIENNIUM

MONTH / YEAR	PROJECTED <u>REVENUE</u>	<b>ACTUAL <u>REVENUE</u></b>	OVER PROJECTION TRANSFERS TO WATER PROJECTS <u>STABILIZATION FUND</u>
AUGUST, 2021	13,515,385	<b>15,253,686</b>	1,738,301
SEPTEMBER, 2021	13,965,897	<b>15,731,071</b>	1,765,174
OCTOBER, 2021	13,965,897	<b>15,037,222</b>	1,071,325
NOVEMBER, 2021	13,515,385	<b>15,313,493</b>	1,798,108
DECEMBER, 2021	13,965,897	<b>17,521,266</b>	3,555,369
JANUARY, 2022	13,515,385	<b>18,199,333</b>	4,683,948
FEBRUARY, 2022	13,965,897	<b>16,454,479</b>	2,488,582
MARCH, 2022	14,397,263	<b>20,665,252</b>	6,267,989
APRIL, 2022	13,006,515	<b>19,488,299</b>	6,481,784
MAY, 2022	14,400,070	<b>28,099,982</b>	13,699,912
JUNE, 2022	13,935,552		
JULY, 2022	14,400,070		
AUGUST, 2022	12,668,683		
SEPTEMBER, 2022	13,090,973		
OCTOBER, 2022	13,090,973		
NOVEMBER, 2022	12,668,683		
DECEMBER, 2022	13,090,973		
JANUARY, 2023	12,709,026		
FEBRUARY, 2023	13,156,757		
MARCH, 2023	13,156,757		
APRIL, 2023	11,883,522		
MAY, 2023	13,156,757		
JUNE, 2023	12,732,345		
JULY 2023-JUNE REVENUE	13,156,757		
<b>TOTALS</b>	<b>321,111,419</b>	<b>181,764,083</b>	<b>43,550,492</b>

# RESOURCES TRUST FUND REVENUE



\*Authorized in Sections 5-7 of Senate Bill 2345 during the November special session.

\*Budget Section approval is needed to transfer from the Water Projects Stabilization Fund to the Resources Trust Fund.

# 2021-23 PURPOSE FUNDING

April 30, 2022

APPROVED

APPROPRIATED



\*Capital Assets bucket includes \$45.6M line of credit.



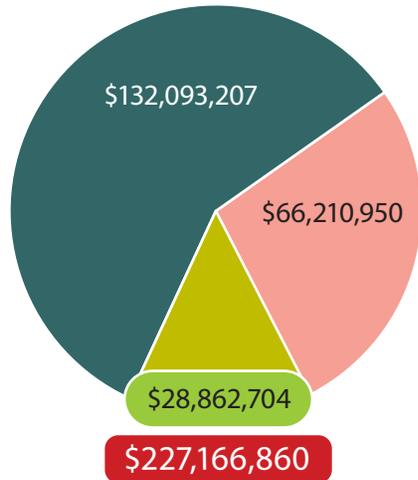
Federal Funds-State Fiscal Recovery Funds - SB 2345

Spent

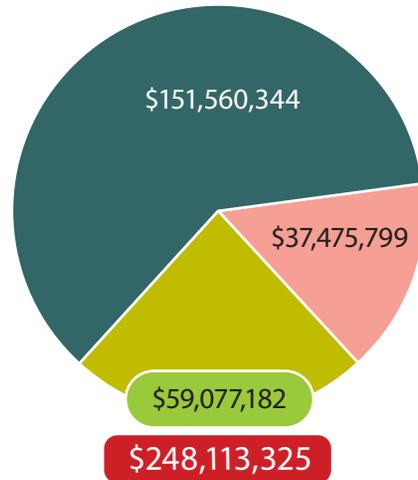
# 2021-2023 BIENNIUM TO DATE

Project Funds | April 30, 2022

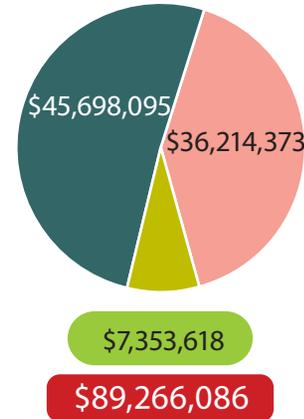
Water Supply



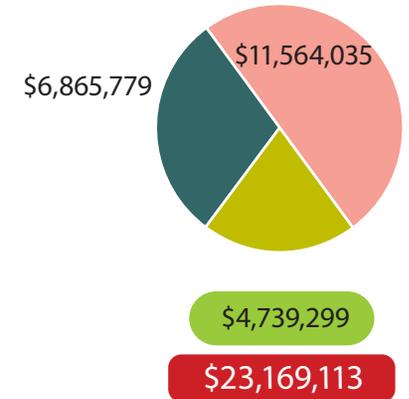
Flood Control



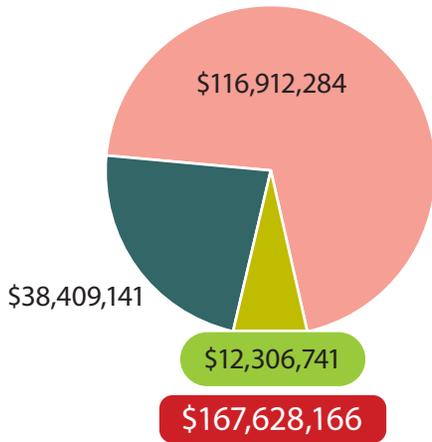
Rural Water Supply



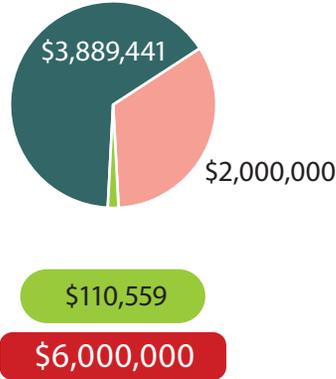
General Water



Capital Assets



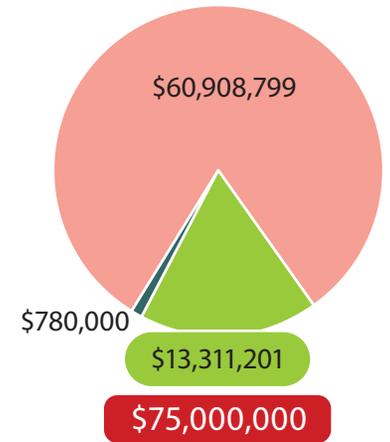
Discretionary



Basin Wide Plan



State Fiscal Recovery Fund



■ Expenditures   
 ■ Unpaid Approvals   
 ■ Appropriation Balance   
 ■ 21-23 Total Appropriation (Carryover and New Money)

**DEPARTMENT OF WATER RESOURCES  
BUDGET SUMMARY  
2021-2023 BIENNIUM**

April 30, 2022

**Projected Funding**

Cash Balance (April 30, 2022)	\$385,120,000
Future Projected Revenue (15 months at \$11.13 Million / Month)	\$166,950,000
Other Projected Revenue (SWPP, Interest, etc.)	\$8,400,000
SB 2345 State Fiscal Recovery Funds	\$60,908,799
<b>TOTAL</b>	<b>\$621,378,799</b>

**Projected Expenditures**

Unpaid Approvals (April 30, 2022)	\$380,290,000
SWC Operations (April 30, 2022)	\$38,000,000
<b>TOTAL</b>	<b>\$418,290,000</b>

<b>Projected Funding Balance</b>	<b>\$203,088,799</b>
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<b>ANTICIPATED REQUESTS (June 7, 2022 SWC Meeting)</b>	<b>\$15,050,518</b>
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<b>PROJECTED BALANCE</b>	<b>\$188,038,281</b>
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**Federal Funding**

MR&I Federal Funds Authority	\$50,000,000
SFRF Funds Authority	\$75,000,000
Federal Funds Expenditures	(\$26,835,790)
Remaining Federal Funds Authority	\$98,164,210

**DEPARTMENT OF WATER RESOURCES  
PROJECT SUMMARY  
2021-2023 BIENNIUM**

April 30, 2022

	2019-2021 CARRYOVER	2021-2023 APPROPRIATION	2021-2023 TOTAL	SWC/DIRECTOR APPROVED	APPROPRIATION BALANCE
<b>MUNICIPAL &amp; REGIONAL WATER SUPPLY:</b>					
MUNICIPAL WATER SUPPLY	44,497,587	14,477,531	58,975,118	58,975,118	(0)
RED RIVER VALLEY	23,318,863	46,629,182	69,948,045	69,948,045	0
OTHER REGIONAL WATER SUPPLY	21,422,747	10,610,000	32,032,747	32,032,747	(0)
UNOBLIGATED MUNICIPAL/REG WATER SUPPLY	12,927,662	53,283,288	66,210,950		66,210,950
<b>Total</b>	<b>102,166,859</b>	<b>125,000,000</b>	<b>227,166,860</b>	<b>160,955,910</b>	<b>\$ 66,210,950</b>
% OBLIGATED		57.37%			
<b>RURAL WATER SUPPLY:</b>					
RURAL WATER SUPPLY	29,564,313	23,487,400	53,051,713	53,051,713	(0)
UNOBLIGATED RURAL WATER SUPPLY	101,773	36,112,600	36,214,373		36,214,373
<b>Total</b>	<b>29,666,086</b>	<b>59,600,000</b>	<b>89,266,086</b>	<b>53,051,713</b>	<b>36,214,373</b>
% OBLIGATED		39.41%			
<b>FLOOD CONTROL:</b>					
FARGO	50,966,383	(0)	50,966,383	50,966,383	(0)
MOUSE RIVER	38,406,498	10,000,000	48,406,498	48,406,498	(0)
MOUSE RIVER HB1431 BOND PROCEEDS	0	74,500,000	74,500,000	74,500,000	0
VALLEY CITY	11,120,628	(0)	11,120,628	11,120,628	(0)
LISBON	174,579	(0)	174,579	174,579	(0)
OTHER FLOOD CONTROL	3,902,200	341,285	4,243,485	4,243,485	(0)
PROPERTY ACQUISITIONS	7,056,475	30,000	7,086,475	7,086,475	0
WATER CONVEYANCE	10,853,972	3,285,505	14,139,477	14,139,477	(0)
UNOBLIGATED FLOOD CONTROL	3,132,587	34,343,213	37,475,800		37,475,800
<b>Total</b>	<b>125,613,325</b>	<b>122,500,000</b>	<b>248,113,325</b>	<b>210,637,526</b>	<b>37,475,799</b>
% OBLIGATED		39.77%			
<b>GENERAL WATER:</b>					
GENERAL WATER	8,919,173	2,685,904	11,605,078	11,605,078	(0)
UNOBLIGATED GENERAL WATER	22,665	11,541,370	11,564,035		11,564,035
<b>Total</b>	<b>8,941,838</b>	<b>14,227,274</b>	<b>23,169,113</b>	<b>11,605,078</b>	<b>11,564,035</b>
% OBLIGATED		18.88%			
<b>SUBTOTAL</b>	<b>266,388,108</b>	<b>321,327,274</b>	<b>587,715,384</b>	<b>436,250,227</b>	<b>151,465,157</b>
<b>CAPITAL ASSETS:</b>					
SWPP CAPITAL ASSETS	8,528,779	18,863,203	27,391,982	27,391,982	0
NAWS CAPITAL ASSETS	10,865,900	12,458,000	23,323,900	23,323,900	0
UNOBLIGATED CAPITAL ASSETS	0	116,912,284	116,912,284		116,912,284
<b>Total</b>	<b>19,394,679</b>	<b>148,233,487</b>	<b>167,628,166</b>	<b>50,715,882</b>	<b>116,912,284</b>
% OBLIGATED		21.13%			
<b>DISCRETIONARY FUNDING:</b>					
DISCRETIONARY FUNDING PROJECTS	0	4,000,000	4,000,000	4,000,000	0
UNOBLIGATED DISCRETIONARY FUNDS	0	2,000,000	2,000,000		2,000,000
<b>Total</b>	<b>0</b>	<b>6,000,000</b>	<b>6,000,000</b>	<b>4,000,000</b>	<b>2,000,000</b>
% OBLIGATED		66.67%			
<b>BASINWIDE PLAN IMPLEMENTATION:</b>					
BASINWIDE PLAN IMPLEMENTATION	0	1,100,000	1,100,000	1,100,000	0
UNOBLIGATED BASINWIDE PLAN IMPLEMENTATION FUNDS	0	0	0		0
<b>Total</b>	<b>0</b>	<b>1,100,000</b>	<b>1,100,000</b>	<b>1,100,000</b>	<b>0</b>
% OBLIGATED		100.00%			
<b>STATE FISCAL RECOVERY FUND:</b>					
STATE FISCAL RECOVERY FUNDS - SB 2345	0	14,091,201	14,091,201	14,091,201	0
UNOBLIGATED STATE FISCAL RECOVERY FUNDS	0	60,908,799	60,908,799		60,908,799
<b>Total</b>	<b>0</b>	<b>75,000,000</b>	<b>75,000,000</b>	<b>14,091,201</b>	<b>60,908,799</b>
% OBLIGATED		18.79%			
<b>TOTAL</b>	<b>285,782,787</b>	<b>551,660,761</b>	<b>837,443,551</b>	<b>506,157,310</b>	<b>331,286,240</b>

Water Supply, Rural Water, Flood Control, General Water 2021-2023 Appropriation	321,327,274
SWC/SE Approved 2021-2023	169,862,120
Water Supply, Rural Water, Flood Control, General Water 2021-2023 Appropriation Balance	151,465,155

PROJECTED FUNDING	
\$385,120,000	Cash Balance 4/30/22
\$166,950,000	Future Revenue (15 months) \$11.13 Million / Month
\$8,400,000	Other Revenue
\$60,908,799	SWPP, Interest, etc. SB 2345 SFRF
<b>\$621,378,799</b>	<b>Balance</b>

LEGISLATIVE INTENT BALANCE	UNPAID APPROVALS	SWC OPERATIONS	PENDING REQUESTS	PROJECTED BALANCE
\$0	\$380,290,000	\$38,000,000	\$15,051,000	\$188,037,799
		May 2022-June 2023	\$203,088,799	

**DEPARTMENT OF WATER RESOURCES  
PROJECT SUMMARY  
2021-2023 BIENNIUM**

*Apr-22*

	SWC/DIRECTOR APPROVED	EXPENDITURES	UNPAID
<b>MUNICIPAL &amp; REGIONAL WATER SUPPLY:</b>			
MUNICIPAL WATER SUPPLY	58,975,118	13,698,151	45,276,967
RED RIVER VALLEY	69,948,045	8,286,666	61,661,379
OTHER REGIONAL WATER SUPPLY	32,032,747	6,877,886	25,154,861
<b>TOTAL</b>	<b>160,955,910</b>	<b>28,862,704</b>	<b>132,093,207</b>
<b>RURAL WATER SUPPLY:</b>			
RURAL WATER SUPPLY	53,051,713	7,353,618	45,698,095
<b>FLOOD CONTROL:</b>			
FARGO	50,966,383	32,470,105	18,496,279
MOUSE RIVER	48,406,498	15,909,462	32,497,036
MOUSE RIVER HB1431	74,500,000	872,301	73,627,699
VALLEY CITY	11,120,628	246,775	10,873,853
LISBON	174,579	94,090	80,489
OTHER FLOOD CONTROL	4,243,485	231,292	4,012,194
PROPERTY ACQUISITIONS	7,086,475	3,991,409	3,095,065
WATER CONVEYANCE	14,139,477	5,261,749	8,877,728
<b>TOTAL</b>	<b>210,637,526</b>	<b>59,077,182</b>	<b>151,560,344</b>
<b>GENERAL WATER:</b>			
GENERAL WATER	11,605,078	4,739,299	6,865,779
<b>SUBTOTAL</b>	<b>436,250,227</b>	<b>100,032,802</b>	<b>336,217,425</b>
<b>CAPITAL ASSETS:</b>			
SWPP CAPITAL ASSETS	27,391,982	5,293,196	22,098,786
NAWS CAPITAL ASSETS	23,323,900	7,013,545	16,310,355
<b>TOTAL</b>	<b>50,715,882</b>	<b>12,306,741</b>	<b>38,409,141</b>
<b>DISCRETIONARY FUNDING:</b>			
DISCRETIONARY FUNDING PROJECTS	4,000,000	110,559	3,889,441
<b>BASINWIDE PLAN IMPLEMENTATION:</b>			
BASINWIDE PLAN IMPLEMENTATION	1,100,000	103,807	996,193
<b>STATE FISCAL RECOVERY FUNDS SB2345</b>			
STATE FISCAL RECOVERY FUND PROJECTS	14,091,201	13,311,201	780,000
<b>TOTALS</b>	<b>506,157,310</b>	<b>125,865,110</b>	<b>380,292,200</b>

**DEPARTMENT OF WATER RESOURCES  
PROJECT SUMMARY  
2021-2023 Biennium  
Resources Trust Fund**

**TER SUPPLY**

Apr-22

Approved SWC By No	Dept	Approved Biennium	Sponsor	Project	Approved Date	Total Approved	Total Payments	Balance
<b>Municipal Water Supply:</b>								
SWC 2050-13	5000	2017-19	Mandan	New Raw Water Intake	10/7/13	580,025	580,025	0
SWC 2050-13	5000	2019-21	Mandan	New Raw Water Intake	10/7/13	13,554,280	2,270,681	11,283,600
SWC 2050-15	5000	2017-19	Washburn	New Raw Water Intake	10/7/13	1,872,949	8,202	1,864,747
SWC 2050-32	5000	2017-19	Williston	Water Systems Improvement Project	10/6/15	3,629,490	1,626,235	2,003,255
SWC 2050-37	5000	2017-19	Dickinson	Dickinson State Avenue South Water Main	12/11/15	900,043	0	900,043
SWC 2050-75-19	5000	2019-21	Bismarck	Lockport Water Pump Station	10/8/20	408,339	191,960	216,378
SWC 2050-84-19	5000	2019-21	Cavalier	Water Tower Replacement	2/11/21	1,175,325	859,474	315,851
SWC 2050-86-19	5000	2019-21	Minot	SW Water Tower	10/10/19	976,010	425,372	550,639
SWC 2050-87-19	5000	2019-21	Streeter	Wall Installation and Tower Rehabilitation	10/10/19	96,812	3,707	93,105
SWC 2050-88-19	5000	2019-21	Davenport	Water Improvement District No. 2019-1	10/10/19	421,582	374,189	47,393
SWC 2050-89-19	5000	2019-21	West Fargo	9th Street NW Water Main	10/10/19	594,000	0	594,000
SWC 2050-95-19	5000	2019-21	Garrison	Water Supply Treatment and Transmission Line	2/13/20	3,076,759	272,589	2,804,171
SWC 2050-96-19	5000	2019-21	Larimore	2020 Water System Replacement	12/11/20	3,329,005	1,045,500	2,283,505
SWC 2050-98-19	5000	2019-21	Sykeston	Water Tower Replacement	5/4/21	414,966	321,332	93,634
SWC 2050-99-19	5000	2019-21	Valley City	Water Main Improvement 100/101	2/13/20	47,939	0	47,939
SWC 2050-100-19	5000	2019-21	Wyndmere	2020 Water Main Improvements	2/13/20	663,203	636,904	26,299
SWC 2050-101-19	5000	2019-21	Fargo	Downtown Water Tower	2/13/20	2,751,478	1,289,597	1,461,880
SWC 2050-102-19	5000	2019-21	Lincoln	Water Tank Replacement	2/13/20	1,268,000	0	1,268,000
SWC 2050-103-19	5000	2019-21	Kindred	Water Main Looping 2020	2/13/20	35,546	0	35,546
SWC 2050-104-19	5000	2019-21	Hazen	Water Storage Improvements	2/13/20	1,283,038	50,330	1,232,708
SWC 2050-105-19	5000	2019-21	Williston	42nd Street and 16th Avenue Water Main	2/13/20	230,157	9,251	220,906
SWC 2050-106-19	5000	2019-21	Parshall	Water Tower Storage	4/9/20	262,686	262,686	0
SWC 2050-107-19	5000	2019-21	Dickinson	North Annexation Water Supply	4/9/20	842,408	0	842,408
SWC 2050-115-19	5000	2019-21	Killdeer	2020 Water Main and Pump Station Project	10/8/20	1,011,008	87,685	923,323
SWC 2050-116-19	5000	2019-21	Portland	Water Systems Improvement Feasibility Study	11/16/20	0	0	0
SWC 2050-121-19	5000	2019-21	Killdeer	HWBL Water Expansion	2/11/21	72,300	2,700	69,600
SWC 2050-122-19	5000	2019-21	Bowbells	Watermain Improvements 2020	2/11/21	22,800	19,879	2,921
SWC 2050-123-19	5000	2019-21	Horace	District 2020-06 Water System Improvements	6/8/21	3,053,000	841,302	2,211,698
SWC 2050-124-19	5000	2019-21	Horace	District 2020-07 Connection to Cass RWD	2/11/21	75,750	0	75,750
SWC 2050-125-19	5000	2019-21	Williston	Williston Square Watermain	2/11/21	280,100	0	280,100
SWC 2050-127-19	5000	2019-21	Valley City	Watermain Improvement District 100 Project	4/8/21	166,645	0	166,645
SWC 2050-128-19	5000	2019-21	Bismarck	43rd Avenue Expansion Phase I	6/8/21	584,000	470,890	113,110
SWC 2050-129-19	5000	2019-21	Napoleon	Water Tower Replacement	6/8/21	177,000	0	177,000
<b>TOTAL MUNICIPAL WATER SUPPLY CARRYOVER</b>						<b>43,856,643</b>	<b>11,827,489</b>	<b>32,029,154</b>
SWC 2050-95-21	5000	2021-23	Garrison	Water Supply Treatment and Transmission Line	2/23/22	924,000	0	924,000
SWC 2050-104-21	5000	2021-23	Hazen	Water Systems Improvement Project	8/12/21	367,000	0	367,000
SWC 2050-106-21	5000	2021-23	Parshall	Water Tower	8/12/21	703,200	201,958	501,242
SWC 2050-122-21	5000	2021-23	Bowbells	Watermain Improvements 2021	4/12/22	298,200	0	298,200
SWC 2050-124-21	5000	2021-23	Horace	Watermain Improvement District 2020-7 to Cass	8/12/21	1,232,250	392,807	839,443
SWC 2050-128-21	5000	2021-23	Bismarck	43rd Avenue Expansion Phase 2	4/12/22	2,936,000	0	2,936,000
SWC 2050-129-21	5000	2021-23	Napoleon	Water Tower Replacement	8/12/21	1,617,000	212,649	1,404,351
SWC 2050-134-21	5000	2021-23	Stanley	Country Estates Watermain Extension	8/12/21	29,400	0	29,400
SWC 2050-138-21	5000	2021-23	Wahpeton	Well Field and Transmission Line	10/14/21	223,400	0	223,400
SWC 2050-139-21	5000	2021-23	Rugby	Water Treatment Plant Improvements Phase 3	10/14/21	881,000	0	881,000
SWC 2050-140-21	5000	2021-23	McLean Sheridan RWD	Service to Blue Flint Ethanol Plant	10/14/21	140,131	0	140,131
SWC 2050-143-21	5000	2021-23	Fargo	Regional Waer System Distribution Extensions	2/23/22	172,000	0	172,000
SWC 2050-144-21	5000	2021-23	Minot	NW Minot Residential Watermain Replacement	2/23/22	225,000	0	225,000
SWC 2050-145-21	5000	2021-23	Valley City	Watermain Improvement District 59	2/23/22	222,600	0	222,600
SWC 2050-146-21	5000	2021-23	Valley City	6th Street NW Watermain District 102	2/23/22	252,000	0	252,000
SWC 2050-147-21	5000	2021-23	Grand Forks	Agribusiness Park Raw Water Supply Improvements	2/23/22	1,200,000	0	1,200,000
SWC 2050-148-21	5000	2021-23	Riverdale	Raw Water Supply and Gate Valve Improvements	2/23/22	225,000	0	225,000
SWC 2050-149-21	5000	2021-23	Jamestown	ER Cross Town Water Supply Repair	2/23/22	438,000	422,304	15,696
SWC 2050-150-21	5000	2021-23	Portland	Water System Improvements	2/23/22	97,350	0	97,350
SWC 2050-153-21	5000	2021-23	Grand Forks	2022 Waterline Expansion	4/12/22	144,000	0	144,000
SWC 2050-154-21	5000	2021-23	Wilton	2022 Street and Utility Improvements	4/12/22	2,150,000	0	2,150,000
<b>TOTAL MUNICIPAL WATER SUPPLY 2021-2023</b>						<b>14,477,531</b>	<b>1,229,718</b>	<b>13,247,814</b>
SB2345 2050-140-21	5000	2021-23	McLean Sheridan RWD	Service to Blue Flint Ethanol Plant	10/14/21	390,469	390,469	0
SB2345 2050-13	5000	2021-23	Mandan	New Raw Water Intake	11/15/21	3,735,720	3,735,720	(0)
<b>TOTAL MUNICIPAL WATER SUPPLY</b>						<b>62,460,363</b>	<b>17,183,395</b>	<b>45,276,967</b>
<b>Regional Water Supply:</b>								
SWC 1973-07	5000	2019-21	WAWSA	WAWSA Phase VI	6/8/21	21,422,747	6,831,615	14,591,132
SWC 325-17-19	5000	2017-19	RRVWSP	RRVWSP Garrison Diversion	10/8/20	1,452,074	1,452,074	0
SWC 325-19-21	5000	2019-21	RRVWSP	RRVWSP Garrison Diversion	6/8/21	21,866,790	6,813,299	15,053,490
<b>TOTAL REGIONAL WATER SUPPLY CARRYOVER</b>						<b>44,741,611</b>	<b>15,096,988</b>	<b>29,644,623</b>
SWC 1973-08	5000	2021-23	WAWSA	McKenzie County WRD 2021 System I North Project	12/10/21	3,478,000	46,271	3,431,729
SWC 1973-09	5000	2021-23	WAWSA	Stanley Rural Distribution Part 2 Project	4/12/22	7,132,000	0	7,132,000
SWC 325-21-23	5000	2021-23	RRVWSP	RRVWSP Garrison Diversion	10/14/21	46,629,181	21,293	46,607,888
<b>TOTAL REGIONAL WATER SUPPLY 2021-2023</b>						<b>57,239,181</b>	<b>67,564</b>	<b>57,171,617</b>
SB2345 325-19-21	5000	2019-21	RRVWSP	RRVWSP Garrison Diversion	11/15/21	7,814,193	7,814,193	0
SB2345 325-21-23	5000	2021-23	RRVWSP	RRVWSP Garrison Diversion	11/15/21	1,370,819	1,370,819	0
<b>TOTAL REGIONAL WATER SUPPLY</b>						<b>111,165,804</b>	<b>24,349,564</b>	<b>86,816,240</b>
<b>TOTAL</b>						<b>173,626,167</b>	<b>41,532,960</b>	<b>132,093,207</b>
<b>Capital Assets:</b>								
SWC 1736-05	8000		SWPP	Southwest Pipeline Project	10/14/21	27,391,982	5,293,196	22,098,786
SWC 2374	9000		NAWS	Northwest Area Water Supply	2/8/18	23,323,900	7,013,545	16,310,355
<b>TOTAL CAPITAL ASSETS</b>						<b>50,715,882</b>	<b>12,306,741</b>	<b>38,409,141</b>

PROGRESS REPORT REQUIRED

SWC Board Approved to Continue

	BUDGET	APPROVED	BALANCE
RRVWSP WATER SUPPLY	48,000,000	46,629,181	1,370,819
OTHER WATER SUPPLY	77,000,000	25,087,531	51,912,468
OTHER WATER SUPPLY - COMPLETED	0	0	0
<b>BUDGET WATER SUPPLY 2021-2023</b>	<b>125,000,000</b>	<b>71,716,713</b>	<b>53,283,287</b>

**DEPARTMENT OF WATER RESOURCES  
PROJECT SUMMARY  
2021-2023 Biennium  
Resources Trust Fund**

										<b>Apr-22</b>
Approved SWC			Approved			Approved	Total	Total		
By	No	Dept	Biennium	Sponsor	Project	Date	Approved	Payments	Balance	
<b>Municipal Water Supply:</b>										
SWC	2050-54	5000	2017-19	West Fargo	North Loop Connection	8/23/17	117,461	117,461	-	
SWC	2050-55	5000	2017-19	West Fargo	West Loop Connection	8/23/17	10,000	10,000	-	
SWC	2050-85-19	5000	2019-21	Mapleton	300,000 Gallon Storage Tank	10/10/19	13,845	13,845	159,595.55	
SWC	2050-90-19	5000	2019-21	Grand Forks	Water Treatment Plant	10/10/19	450,037	450,037	-	
SWC	2050-94-19	5000	2019-21	Watford City	Water Distribution 2019	12/6/19	0	0	541,400.00	
SWC	2050-117-19	5000	2019-21	Lakota	Water Transmission Line Replacement Project	12/11/20	49,601	49,601	135,353.40	
<b>TOTAL MUNICIPAL WATER SUPPLY CARRYOVER</b>							<b>640,944</b>	<b>640,944</b>	<b>836,349</b>	
0	0	0	0	0	0	1/0/00	0	0	-	
<b>TOTAL MUNICIPAL WATER SUPPLY 2021-2023</b>							<b>0</b>	<b>0</b>	<b>0</b>	
<b>TOTAL MUNICIPAL WATER SUPPLY</b>							<b>640,944</b>	<b>640,944</b>	<b>836,349</b>	
<b>Regional Water Supply:</b>										
0	0	0	0	0	0	1/0/00	0	0	-	
<b>TOTAL REGIONAL WATER SUPPLY CARRYOVER</b>							<b>0</b>	<b>0</b>	<b>0</b>	
0	0	0	0	0	0	1/0/00	0	0	-	
<b>TOTAL REGIONAL WATER SUPPLY 2021-2023</b>							<b>0</b>	<b>0</b>	<b>0</b>	
<b>TOTAL REGIONAL WATER SUPPLY</b>							<b>0</b>	<b>0</b>	<b>0</b>	
<b>State Fiscal Recovery Funds:</b>										
SWC	325-19-21	5000	2019-21	RRVWSP	RRVWSP Garrison Diversion	6/8/21	7,814,194	0	7,814,193.35	
SWC	325-21-23	5000	2021-23	RRVWSP	RRVWSP Garrison Diversion	10/14/21	1,087,620	0	1,024,090.95	
SWC	2050-140-21	5000	2021-23	McLean Sheridan RWD	Service to Blue Flint Ethanol Plant	10/14/21	390,469	0	390,468.63	
SWC	2050-13	5000	2019-21	Mandan	New Raw Water Intake	10/7/13	3,735,720	0	3,735,719.56	
<b>TOTAL STATE FISCAL RECOVERY FUNDS</b>							<b>13,028,002</b>	<b>0</b>	<b>12,964,472</b>	
<b>TOTAL</b>							<b>13,668,947</b>	<b>640,944</b>	<b>13,800,821</b>	
<b>Capital Assets:</b>										
0	0	0	0	0	0	1/0/00	0	0	-	
<b>TOTAL CAPITAL ASSETS</b>							<b>0</b>	<b>0</b>	<b>0</b>	

SWC Board Approved to Continue



**DEPARTMENT OF WATER RESOURCES  
PROJECT SUMMARY  
2021-2023 Biennium  
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**RURAL WATER**

Apr-22

Approved SWC By	No	Dept	Approved Biennium	Sponsor	Project	Approved Date	Total Approved	Total Payments	Balance
<b>Rural Water Supply:</b>									
SWC	2050-43	5000	2017-19	All Seasons Water District	System 4 Connection to System 1	12/11/15	4,900,000	71,215	4,828,785
SWC	2050-57	5000	2017-19	North Central Regional Water District	Mountrail Expansion Phase II	8/23/17	2,981,628	491,609	2,490,019
SWC	2050-58	5000	2017-19	North Central Regional Water District	Mountrail Co. Watery Phase III	8/23/17	3,386,181	6,174	3,380,007
SWC	2050-65	5000	2017-19	Tri-County Rural Water District	System Expansion Project	8/9/18	28,929	0	28,929
SWC	2373-39	5000	2017-19	North Central Rural Water Consortium	Carpio Berthold Phase 2	4/1/15	258,691	0	258,691
SWC	2050-77-19	5000	2019-21	Dakota Rural Water District	2019 Expansion	4/9/20	2,053,156	1,330,992	722,164
SWC	2050-91-19	5000	2019-21	Agassiz Water Users District	2019 Expansion	4/9/20	206,532	151,799	54,732
SWC	2050-92-19	5000	2019-21	East Central Regional Water District	2019 Expansion Phase IV	10/8/20	2,665,243	1,978,444	686,799
SWC	2050-113-19	5000	2019-21	North Prairie Regional Water District	Minot to Velva Highway 52 Improvement	10/8/20	3,074,030	8,440	3,065,590
SWC	2050-114-19	5000	2019-21	Walsh Rural Water District	Drayton Water Supply Project	2/11/21	7,323,029	412,393	6,910,636
SWC	2050-119-19	5000	2019-21	Southeast Water Users District	West System Supply Study	2/11/21	134,408	83,322	51,085
SWC	2050-120-19	5000	2019-21	East Central Regional Water District	Grandin Water Supply	6/8/21	1,640,000	95,607	1,544,393
SWC	2050-126-19	5000	2019-21	East Central Regional Water District	Hatton Water Supply	4/8/21	75,000	75,000	0
SWC	2050-130-19	5000	2019-21	Bames Rural Water District	2021 Storage Expansion	10/14/21	112,000	97,961	14,039
SWC	2050-131-19	5000	2019-21	Northeast Regional Water District	Expansion - Adams/Walsh RWD	6/8/21	50,000	0	50,000
<b>TOTAL RURAL WATER SUPPLY CARRYOVER</b>							<b>28,888,826</b>	<b>4,802,956</b>	<b>24,085,870</b>
SWC	2050-77-21	5000	2021-23	Dakota Rural Water District	2019 Expansion	8/12/21	1,877,000	0	1,877,000
SWC	2050-114-21	5000	2021-23	Walsh Rural Water District	Drayton Water Supply Project	4/12/22	1,025,300	0	1,025,300
SWC	2050-120-21	5000	2021-23	East Central Regional Water District	Grandin Water Supply	4/12/22	528,000	0	528,000
SWC	2050-126-21	5000	2021-23	East Central Regional Water District	Hatton Water Supply	4/12/22	1,683,000	10,880	1,672,120
SWC	2050-130-19	5000	2021-23	Bames Rural Water District	2021 Storage Expansion	10/14/21	2,262,400	0	2,262,400
SWC	2050-131-19	5000	2021-23	Northeast Regional Water District	Expansion - Adams/Walsh RWD	6/8/21	160,000	0	160,000
SWC	2050-132-21	5000	2021-23	McLean-Sheridan Rural Water District	McClusky Water Tower Replacement	2/23/22	3,045,000	250,937	2,794,063
SWC	2050-133-21	5000	2021-23	Rolette County	Turtle Mountain Public Utilities Comm: WTP Membrane	6/8/21	1,036,800	1,029,622	7,178
SWC	2050-135-21	5000	2021-23	East Central Regional Water District	WTP and Transmission Expansion	4/12/22	2,139,500	157,806	1,981,694
SWC	2050-136-21	5000	2021-23	McLean-Sheridan Rural Water District	System Improvements Phase 2	2/23/22	6,870,000	290,506	6,579,494
SWC	2050-137-21	5000	2021-23	Upper Souris Water District	2021 Improvements and Expansion	8/12/21	245,000	0	245,000
SWC	2050-140-21	5000	2021-23	McLean Sheridan Rural Water District	Service to Blue Flint Ethanol Plant	10/14/21	290,400	0	290,400
SWC	2050-141-21	5000	2021-23	Agassiz Water Users District	2022 Expansion Phase 2	10/14/21	266,000	0	266,000
SWC	2050-142-21	5000	2021-23	Cass Rural Water District	2022 System Distribution Project	10/14/21	447,500	72,668	374,833
SWC	2050-151-21	5000	2021-23	Walsh Rural Water District	Interconnect with NRWD	2/23/22	161,500	0	161,500
SWC	2050-152-21	5000	2021-23	Rolette County	Turtle Mountain Public Utilities: Thome Reservoir	2/23/22	1,135,000	62,757	1,072,243
SB2345	2050-155-21	5000	2021-23	Cass Rural Water District	ND Soybean Processors Facility and Pipeline	4/12/22	780,000	0	780,000
SWC	2050-156-21	5000	2021-23	Dakota Rural Water District	Service to Hannaford and WTP Expansion	4/12/22	315,000	0	315,000
<b>TOTAL RURAL WATER SUPPLY 2021-2023</b>							<b>24,267,400</b>	<b>1,875,174</b>	<b>22,392,225</b>
<b>TOTAL RURAL WATER SUPPLY</b>							<b>53,156,226</b>	<b>6,678,131</b>	<b>46,478,095</b>

PROGRESS REPORT REQUIRED

SWC Board Approved to Continue

	BUDGET	APPROVED	BALANCE
OTHER RURAL WATER	59,600,000	24,267,400	35,332,600
OTHER RURAL WATER - COMPLETED	0	0	0
<b>BUDGET RURAL WATER 2021-2023</b>	<b>59,600,000</b>	<b>24,267,400</b>	<b>35,332,600</b>

DEPARTMENT OF WATER RESOURCES  
 PROJECT SUMMARY  
 2021-2023 Biennium  
 Resources Trust Fund

**COMPLETED RURAL WATER**

Approved SWC By	No	Dept	Approved Biennium	Sponsor	Project	Approved Date	Total Approved	Total Payments	<i>Apr-22</i> Balance
<b>Rural Water Supply:</b>									
SWC	2050-34	5000	2017-19	North Prairie Rural Water District	Storage and Water Main	10/6/15	26,708	26,708	81,544.00
SWC	2050-78-19	5000	2019-21	McLean-Sheridan Rural Water District	2019 Expansion	4/9/20	648,780	648,780	20,228.54
<b>TOTAL RURAL WATER SUPPLY CARRYOVER</b>							<b>675,487</b>	<b>675,487</b>	<b>101,773</b>
0	0	0	0	0	0	1/0/00	0	0	-
<b>TOTAL RURAL WATER SUPPLY 2021-2023</b>							<b>0</b>	<b>0</b>	<b>0</b>
<b>TOTAL RURAL WATER SUPPLY</b>							<b>675,487</b>	<b>675,487</b>	<b>101,773</b>

SWC Board Approved to Continue



**DEPARTMENT OF WATER RESOURCES  
PROJECT SUMMARY  
2021-2023 Biennium  
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**FLOOD CONTROL**

Apr-22

Approved SWC By	No	Dept	Approved Biennium	Sponsor	Project	Approved Date	Total Approved	Total Payments	Balance
<b>Flood Control:</b>									
SB 2020	1928-19	5000	2019-21	Fargo Metro Flood Diversion	Fargo Metro Flood Diversion Authority 2019-2021	10/8/20	44,000,000	25,503,721	18,496,279
SWC	1974	Rural	2017-19	Souris River Joint WRD	Mouse River Rural Projects	6/19/19	1,045,902	460,611	585,291
SWC	1974	Rural	2019-21	Souris River Joint WRD	Mouse River Rural Projects	6/19/19	21,913,543	8,666,998	13,246,545
SWC	1974	M-15	2017-19	Souris River Joint WRD	Mouse River Municipal Projects carryover 2015-17	3/29/17	415,310	415,310	0
SWC	1974	M-17	2017-19	Souris River Joint WRD	Mouse River Municipal Projects carryover 2017-19	4/12/18	8,992,670	3,230,328	5,762,343
SWC	1974	M-19	2019-21	Souris River Joint WRD	Mouse River Municipal New Projects 2019-21	6/19/19	5,907,657	3,034,250	2,873,407
SWC	2107-02	5000	2017-19	City of Minot	SWIF 2018 Outfall Pipe Project	10/11/18	131,415	101,965	29,450
SWC	1504-09	5000	2019-21	Valley City	Permanent Flood Protection PH IV and V	4/9/20	10,926,068	80,137	10,845,930
SWC	1504-10	5000	2019-21	Valley City	Permanent Flood Protection Storage Building	6/8/21	150,000	122,175	27,825
SB 2371	1344-02	5000	2017-19	Lisbon	Sheyenne River Valley Flood Control Project	8/8/16	103,971	78,001	25,971
SWC	1991-10	5000	2017-19	Lisbon	Permanent Flood Protection - Levee F Project	4/12/18	70,608	16,090	54,518
SWC	2111	5000	2019-21	Maple River WRD	Davenport Flood Risk Reduction	4/9/20	2,012,115	0	2,012,115
SWC	2118	5000	2017-19	Cass County Joint WRD	Sheldon Subdivision Levee	10/11/18	370,200	0	370,200
SWC	416-02	5000	2019-21	City of Devils Lake	Devils Lake Flood Risk Management Levee	4/8/21	266,250	0	266,250
SE	2124	5000	2017-19	City of Belfield	Heart River & Tributaries Flood Control Study	11/6/18	27,000	0	27,000
SWC	2129	5000	2019-21	Burleigh County WRD	Sibley Island Flood Control Project	8/8/19	48,473	0	48,473
SWC	2131	5000	2017-19	Lower Heart River WRD	Lower Heart Flood Risk Reduction	10/8/20	781,430	0	781,430
<b>TOTAL FLOOD CONTROL CARRYOVER</b>							<b>97,162,612</b>	<b>41,709,586</b>	<b>55,453,026</b>
SWC	1974	MRA-21	2021-23	Souris River Joint WRD	Mouse River Municipal, Rural, and Rural Acquisitions	8/12/21	71,350,000	872,301	70,477,699
SWC	475	5000	2021-23	Steele County WRD	Golden Lake Complex Improvement Study	10/14/21	60,000	31,594	28,406
SWC	2131	5000	2017-19	Lower Heart River WRD	Lower Heart Flood Risk Reduction	10/8/20	209,285	0	209,285
SWC	2168	5000	2021-23	Bismarck	Wastewater Treatment Plant Effluent Flood Control	10/14/21	72,000	0	72,000
<b>TOTAL FLOOD CONTROL 2021-2023</b>							<b>71,691,285</b>	<b>903,894</b>	<b>70,787,391</b>
<b>TOTAL FLOOD CONTROL</b>							<b>168,853,897</b>	<b>42,613,480</b>	<b>126,240,417</b>
<b>Floodway Property Acquisitions:</b>									
SWC	1974-MA19	5000	2019-21	Minot Acquisitions	Minot Phase - Floodway Acquisitions	6/19/19	7,035,716	3,961,409	3,074,307
SWC	1974-RA19	5000	2019-21	Rural Floodway Acquisitions	Mouse River Rural - Floodway Acquisitions	6/19/19	0	0	0
Director	1504-05	5000	2021-23	Valley City	Valley City - Floodway Acquisitions	11/19/22	71,340	0	71,340
SWC	1991-05	5000	2017-19	Lisbon	Lisbon - Floodway Acquisition	5/8/19	20,759	0	20,759
<b>TOTAL FLOOD FLOODWAY PROPERTY ACQUISITIONS CARRYOVER</b>							<b>7,127,815</b>	<b>3,961,409</b>	<b>3,166,405</b>
SWC	1974	MA-21	2021-23	Souris River Joint WRD	Minot Phase - Floodway Acquisitions 2021-23	8/12/21	13,150,000	0	13,150,000
<b>TOTAL FLOOD FLOODWAY PROPERTY ACQUISITIONS 2021-2023</b>							<b>13,150,000</b>	<b>0</b>	<b>13,150,000</b>
<b>FLOODWAY PROPERTY ACQUISITIONS</b>							<b>20,277,815</b>	<b>3,961,409</b>	<b>16,316,405</b>
<b>TOTAL FLOOD CONTROL</b>							<b>189,131,712</b>	<b>46,574,889</b>	<b>142,556,823</b>
<b>Discretionary Funding Projects:</b>									
SWC	1851	5000	2021-23	ND State Water Commission	Drought Disaster Livestock Water Supply Assistance	7/30/21	2,000,000	0	2,000,000
SWC	0	5000	2021-23	ND State Water Commission	Emergency Livestock Water Supply Program	1/0/00	2,000,000	110,559	1,889,441
<b>Basinwide Plan Implementation:</b>									
SWC	PS/WRD/UIP	5000	2021-23	Upper Sheyenne River Joint WRB	Upper Sheyenne River Watershed Pilot Project	8/12/21	1,100,000	103,807	996,193
<b>TOTAL</b>							<b>194,231,712</b>	<b>46,789,255</b>	<b>147,442,457</b>

PROGRESS REPORT REQUIRED

SWC Board Approved to Continue

	BUDGET	APPROVED	BALANCE
FLOOD CONTROL	119,184,495	84,841,285	34,343,210
FLOOD CONTROL - COMPLETED	30,000	30,000	0
CONVEYANCE	3,285,505	3,285,505	0
<b>BUDGET FLOOD CONTROL 2021-2023</b>	<b>122,500,000</b>	<b>88,156,790</b>	<b>34,343,210</b>

DEPARTMENT OF WATER RESOURCES  
PROJECT SUMMARY  
2021-2023 Biennium  
Resources Trust Fund

COMPLETED FLOOD CONTROL

Approved SWC By	No	Dept	Approved Biennium	Sponsor	Project	Approved Date	Total Approved	Total Payments	Apr-22 Balance
<b>Flood Control:</b>									
SB 2020	1928-17	5000	2017-19	Fargo Metro Flood Diversion	Fargo Metro Flood Diversion Authority 2017-2019	2/14/19	6,966,383	6,966,383	0
SWC	1504-03	5000	2017-19	Valley City	Permanent Flood Protection PH II	12/9/16	0	0	234,498
SWC	1504-08	5000	2017-19	Valley City	Permanent Flood Protection Erosion Sites	4/9/19	44,560	44,462	0
SWC	1771-01	5000	2017-19	Grafton	Grafton Flood Control Project	10/12/16	396,733	199,698	0
SWC	1771-01	5000	2017-19	Grafton	Grafton Flood Control Project	10/12/16	0	0	1,864,788
<b>TOTAL FLOOD CONTROL CARRYOVER</b>							<b>7,407,677</b>	<b>7,210,544</b>	<b>2,099,286</b>
0	0	0	0		0	0	1/0/00	0	0
<b>TOTAL FLOOD CONTROL 2021-2023</b>							<b>0</b>	<b>0</b>	<b>0</b>
<b>TOTAL FLOOD CONTROL</b>							<b>7,407,677</b>	<b>7,210,544</b>	<b>2,099,286</b>
<b>Floodway Property Acquisitions:</b>									
SB 2371	1504-05	5000	2017-19	Valley City	Valley City - Floodway Acquisitions	12/8/17	0	0	260,280
<b>TOTAL FLOOD FLOODWAY PROPERTY ACQUISITIONS CARRYOVER</b>							<b>0</b>	<b>0</b>	<b>260,280</b>
Director	1504-05	5000	2021-23	Valley City	Valley City - Floodway Acquisitions	8/18/21	30,000	30,000	0
<b>TOTAL FLOOD FLOODWAY PROPERTY ACQUISITIONS 2021-2023</b>							<b>30,000</b>	<b>30,000</b>	<b>0</b>
<b>FLOODWAY PROPERTY ACQUISITIONS</b>							<b>30,000</b>	<b>30,000</b>	<b>260,280</b>
<b>TOTAL FLOOD CONTROL</b>							<b>7,437,677</b>	<b>7,240,544</b>	<b>2,359,566</b>
<b>Discretionary Funding Projects:</b>									
0	0	0	0	0	0	0	0	0	0
<b>Basinwide Plan Implementation</b>									
								0	0
<b>TOTAL</b>							<b>7,437,677</b>	<b>7,240,544</b>	<b>2,359,566</b>

SWC Board Approved to Continue



**DEPARTMENT OF WATER RESOURCES  
PROJECT SUMMARY  
2021-2023 Biennium  
Resources Trust Fund**

**WATER CONVEYANCE**

Apr-22

Approved SWC By	No	Dept	Approved Biennium	Sponsor	Project	Approved Date	Total Approved	Total Payments	Balance
<b>Drain &amp; Channel Improvement Projects:</b>									
SWC	1064	5000	2019-21	Rush River WRD	Cass County Drain 2 Channel Improvement	6/8/21	605,379	0	605,379
SWC	1090	5000	2019-21	Southeast Cass WRD	Cass County Drain 40 Channel Improvements 2021	6/8/21	320,017	0	320,017
SWC	1222	5000	2015-17	Sargent Co WRD	Drain No 11 Channel Improvements	10/12/16	1,350,501	0	1,350,501
SWC	1951	5000	2015-17	Maple River WRD	Lynchburg Channel Improvements	7/6/16	505,707	0	505,707
SWC	1975	5000	2019-21	Walsh Co. WRD	Walsh County Drain 31 Improvements	6/8/21	287,349	59,440	227,909
SWC	1990	5000	2011-13	Mercer Co. WRD	Lake Shore Estates High Flow Diversion Project	3/7/12	43,821	0	43,821
SE	2016	5000	2015-17	Pembina Co. WRD	Establishment of Pembina County Drain No. 80	4/10/17	3,981	2,965	1,016
SWC	2084	5000	2019-21	Richland County WRD	Richland County Drain 31 Reconstruction	6/8/21	174,771	0	174,771
SWC	2094	5000	2019-21	McLean County WRD	Fort Mandan/4H Camp Access Road	4/9/20	67,996	0	67,996
SWC	2112	5000	2019-21	Pembina Co. WRD	Pembina Co Drain #81	2/13/20	284,982	284,982	0
SWC	2135	5000	2019-21	Grand Forks-Traill County Joint WRD	Grand Forks County Legal Drain No.59	12/11/20	2,783,837	2,525,360	258,477
SWC	2138	5000	2019-21	Pembina County WRD	Drain No. 82	6/16/19	985,718	0	985,718
SWC	2140	5000	2019-21	Grand Forks-Traill County Joint WRD	Thompson Drainage	4/9/20	613,751	543,793	69,958
SE	2143	5000	2019-21	Traill Co. WRD	Hillsboro Drain No. 26 Channel Improvements	3/27/20	7,612	0	7,612
SWC	2157	5000	2019-21	Maple River WRD	Upper Swan Creek Channel Improvements	6/8/21	698,468	0	698,468
SWC/SE	1413-01	5000	2019-21	Traill Co. WRD	Camrud Drainage Improvement District No. 79	4/9/20	740,307	659,312	80,995
SWC	2152	5000	2019-21	Enderlin Park Board	Maple River Bank Stabilization Project	12/11/20	132,500	90,875	41,625
SE	2153	5000	2019-21	Traill Co. WRD	Hong Drainage Improvement District No. 81	11/16/20	2,279	779	1,501
SWC	2155	5000	2019-21	Richland County, Center Township	Wild Rice River Bank Stabilization	10/8/20	44,423	40,929	3,494
SE	2159	5000	2019-21	North Cass WRD	Cass County Drain 18 Extension	10/14/21	10,350	0	10,350
SWC	PS/WRD/MER	5000	2019-21	Mercer County WRD	Knife River Bank Stabilization	10/8/20	87,831	78,768	9,063
<b>TOTAL RURAL FLOOD CONTROL CARRYOVER</b>							<b>9,751,580</b>	<b>4,287,203</b>	<b>5,464,377</b>
SWC	1061	5000	2021-23	Bottineau County WRD	Stone Creek Lateral B	10/14/21	20,250	0	20,250
SWC	1061	5000	2021-23	Bottineau County WRD	Stone Creek Lateral B Construction	2/23/22	157,537	0	157,537
Director	1085	5000	2021-23	Maple River WRD	Cass County Drain 34 Planning Study	12/21/21	22,500	0	22,500
Director	1088	5000	2021-23	Maple River WRD	Cass County Drain 37 Improvement Project	1/12/22	12,375	0	12,375
SWC	1108	5000	2021-23	Grand Forks County WRD	Drain 9 Improvements	4/12/22	230,983	0	230,983
Director	1153	5000	2021-23	Pembina Co. WRD	Pembina Co Drain 34 Reconstruction Project	1/21/22	47,228	0	47,228
SWC	1221	5000	2021-23	Sargent County WRD	County Drain No. 9/11	8/12/21	35,618	0	35,618
SWC	1241	5000	2021-23	Traill Co. WRD	Blanchard-Norman Drain 23-40	4/12/22	1,215,547	9,212	1,206,336
Director	1296	5000	2021-23	City of Wahalla	Pembina River Bank Stabilization	4/19/22	3,750	0	3,750
SWC	1650	5000	2021-23	Sargent Co WRD	County Drain No.7	8/12/21	185,927	0	185,927
SWC	1923	5000	2021-23	Pembina Co. WRD	Drain 66 Outlet Feasibility Review	5/4/21	69,930	16,890	53,040
Director	1978	5000	2021-23	Richland-Sargent Joint WRD	Richland-Sargent Drain 1 Improvements Phase 3	3/18/22	20,025	0	20,025
SWC	1999	5000	2021-23	Pembina Co. WRD	Tongue River Cut-off Channel Improvements	8/12/21	145,980	0	145,980
SWC	2140	5000	2021-23	Grand Forks-Traill County Joint WRD	Thompson Drainage Improvement District 72	8/12/21	168,148	0	168,148
SWC	2159	5000	2019-21	North Cass WRD	Cass County Drain 18 Extension	10/14/21	147,149	0	147,149
SWC	2162	5000	2021-23	Steele County WRD	Drain 1 Lateral A - Construction Phase	9/30/21	128,007	1,313	126,694
SWC	2163	5000	2021-23	Nelson County WRD	Petersburg Infrastructure and Flood Mitigation	10/14/21	78,509	0	78,509
Director	2167	5000	2021-23	Steele County WRD	Steele County Drain 11 Outlet Improvements	8/18/21	74,250	0	74,250
SWC	2171	5000	2021-23	Maple River WRD	Comell Township Drainage Improvement District 80	12/10/21	31,500	0	0
<b>TOTAL RURAL FLOOD CONTROL 2021-2023</b>							<b>2,795,213</b>	<b>27,415</b>	<b>2,767,798</b>
<b>TOTAL RURAL FLOOD CONTROL</b>							<b>12,546,793</b>	<b>4,314,618</b>	<b>8,200,675</b>
<b>Snagging &amp; Clearing Projects:</b>									
SWC	568	5000	2019-21	Southeast Cass WRD	Sheyenne River Snag & Clear	8/8/19	84,852	0	84,852
SE	1277	5000	2019-21	Emmons County WRD	2020-2021 Beaver Creek Snag & Clear	12/10/20	74,000	0	74,000
SE	1667	5000	2019-21	Traill County WRD	Goose River Snagging & Clearing	10/27/20	44,683	30,491	14,192
SWC	1694	5000	2019-21	Pembina County WRD	Tongue River Snag and Clear, City of Cavalier	10/8/20	98,400	89,093	9,307
SWC	1868	5000	2019-21	Southeast Cass WRD	2020-2021 Wild Rice River Snag & Clear	12/11/20	9,956	0	9,956
SE	1934	5000	2019-21	Traill County WRD	Elm River Snagging & Clearing	10/27/20	45,739	44,925	814
SE	1945	5000	2019-21	Rush River WRD	Rush River Snagging & Clearing	2/10/21	70,000	0	70,000
SE	2095	5000	2019-21	Barnes Co WRD	2019 Sheyenne River Snag & Clear Reach 1 - Project 2	9/16/19	7,435	0	7,435
SWC	2095	5000	2019-21	Southeast Cass WRD	2020-2021 Sheyenne River Snag & Clear	12/11/20	39,244	0	39,244
<b>TOTAL SNAGGING &amp; CLEARING CARRYOVER</b>							<b>474,309</b>	<b>164,510</b>	<b>309,799</b>
SWC	568	5000	2021-23	Southeast Cass WRD	2021-2022 Sheyenne River Snag & Clear	12/10/21	98,000	0	98,000
Director	662	5000	2021-23	Walsh County WRD	Park River Snag & Clear 2021	8/13/21	40,538	784	39,754
Director	1271	5000	2021-23	Southeast Cass WRD	Rose Coulee Snagging and Clearing	8/18/21	50,000	0	50,000
Director	1816	5000	2021-23	Barnes Co WRD	Sheyenne River Snag & Clear 2021-2022	1/19/22	50,000	0	50,000
SWC	1868	5000	2019-21	Southeast Cass WRD	2021-2022 Wild Rice River Snag & Clear	12/10/21	98,000	0	98,000
<b>TOTAL SNAGGING &amp; CLEARING 2021-2023</b>							<b>336,538</b>	<b>784</b>	<b>335,754</b>
<b>TOTAL SNAGGING &amp; CLEARING</b>							<b>810,847</b>	<b>165,294</b>	<b>645,553</b>
<b>TOTAL WATER CONVEYANCE</b>							<b>13,357,640</b>	<b>4,479,912</b>	<b>8,846,228</b>
TOTAL							<b>13,357,640</b>	<b>4,479,912</b>	<b>8,846,228</b>

PROGRESS REPORT REQUIRED

SWC Board Approved to Continue

	BUDGET	APPROVED	BALANCE
WATER CONVEYANCE	3,131,751	3,131,751	0
COMPLETED WATER CONVEYANCE	153,754	153,754	0
<b>BUDGET WATER CONVEYANCE 2021-2023</b>	<b>3,285,505</b>	<b>3,285,505</b>	<b>0</b>

**DEPARTMENT OF WATER RESOURCES  
PROJECT SUMMARY  
2021-2023 Biennium  
Resources Trust Fund**

**COMPLETED WATER CONVEYANCE**

Approved SWC		Dept	Approved Biennium	Sponsor	Project	Approved Date	Total Approved	Total Payments	<b>Apr-22</b>	
By	No								Balance	
SWC	1059	5000	2017-19	Bottineau Co WRD	Baumann Legal Drain	12/7/18	156,132	225	155,907	
SWC	1217	5000	2019-21	Tri-County WRD	Drain No 6	10/10/19	174,013	71,180	102,833	
SE	1299	5000	2019-21	Ransom County	Maple River Bridge Bank Stabilization	6/11/21	50,267	40,423	9,844	
SWC	1520	5000	2017-19	Walsh Co. WRD	Walsh County Drain 30-2	10/11/18	82,318	308	82,010	
SE	1638	5000	2019-21	Rush River WRD	Auka Ring Dike	5/20/21	55,000	55,000	0	
SWC	1999	5000	2019-21	Pembina Co. WRD	Tongue River Cutoff Channel Improvements	2/13/20	6,812	6,082	730	
SWC	2087	5000	2015-17	Walsh Co. WRD	Drain #87/McLeod Drain	3/29/17	374,907	166,028	208,878	
SWC	2104	5000	2019-21	Bottineau Co. WRD	Overgaard Extension	2/13/20	57,899	0	57,899	
SWC	2136	5000	2019-21	Pembina County WRD	Drain No. 39	4/9/20	27,683	12,060	15,623	
Director	2144	5000	2019-21	Ransom County	Virgil Schultz Bridge Bank Slope Stabilization	5/5/20	36,531	36,531	0	
SE	2149	5000	2019-21	Maple River WRD	Tower Township Improvement District No. 79	12/2/20	8,051	0	8,051	
SWC	2156	5000	2019-21	Bottineau County WRD	McHenry Laterals A and B	10/8/20	362,492	231,246	131,246	
SE	2162	5000	2019-21	Steele Couty WRD	Drain 1 Lateral A - Preliminary Design Phase	4/13/21	9,000	9,000	0	
<b>TOTAL WATER CONVEYANCE CARRYOVER</b>								<b>1,401,104</b>	<b>628,083</b>	<b>773,021</b>
SWC	1842	5000	2021-23	Richland County WRD	Wild Rice River Snagging and Clearing 2021	10/14/21	85,000	85,000	0	
Director	2144	5000	2021-23	Ransom County	Virgil Schultz Bridge Bank Slope Stabilization	8/18/21	18,754	18,754	0	
SWC	2170	5000	2021-23	Richland County WRD	Sheyenne River Snag & Clear	8/30/21	50,000	50,000	0	
<b>TOTAL WATER CONVEYANCE 2021-2023</b>								<b>153,754</b>	<b>153,754</b>	<b>0</b>
							0			
<b>TOTAL</b>								<b>1,554,858</b>	<b>781,837</b>	<b>773,021</b>
SWC Board Approved to Continue										

**DEPARTMENT OF WATER RESOURCES  
PROJECT SUMMARY  
2021-2023 Biennium  
Resources Trust Fund**

**GENERAL PROJECTS**

Approved SWC By No	Dept	Approved Biennium	Sponsor	Project	Approved Date	Total Approved	Total Payments	Apr-22 Balance	
SWC 2041	3000	2017-19	<b>Hydrologic Investigations:</b> USGS	Stream Gage Joint Funding Agreement	6/8/21	463,860	347,895	115,965	
<b>TOTAL CARRYOVER</b>						<b>463,860</b>	<b>347,895</b>	<b>115,965</b>	
<b>Subtotal Hydrologic Investigations</b>						<b>463,860</b>	<b>347,895</b>	<b>115,965</b>	
<b>General Water Management:</b>									
SWC 269	5000	2017-19	Walsh Co. WRD	Fordville Dam Rehabilitation	6/19/19	45,098	20,594	24,504	
SWC 391	5000	2019-21	Sargent Co WRD	Silver Lake Dam Improvements	4/9/20	46,047	17,491	28,556	
SWC 394	5000	2019-21	Golden Valley Co WRD	Odland Dam Rehabilitation Project	12/11/20	306,000	169,099	136,901	
SE 477	5000	2019-21	City of Valley City	Mill Dam Rehabilitation	11/16/20	74,625	0	74,625	
SE 531	5000	2017-19	Benson Co WRD	Bouret Dam Rehabilitation	12/20/18	8,124	8,124	0	
SE 531	5000	2019-21	Benson Co WRD	Bouret Dam Rehabilitation	12/2/20	75,000	24,962	50,038	
SE 632	5000	2019-21	Bottineau County Highway Dept	Antler Dam Repair	1/16/20	31,207	29,728	1,479	
SWC 688	5000	2017-19	Grand Forks Co WRD	Larimore Dam Rehabilitation	6/19/19	43,211	14,928	28,284	
SWC 980	5000	2015-17	Cass Co. Joint WRD	Upper Maple River Watershed Detention Study	6/11/21	35,910	22,589	13,321	
SWC 980	5000	2015-17	Cass Co. Joint WRD	Rush River Watershed Detention Study	1/7/16	38,602	0	38,602	
SE 1264	5000	2013-15	Bames Co WRD	Little Dam Repurposing Feasibility Study	6/17/15	5,797	0	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	3/23/21	40,111	4,945	35,166	
SWC 1303	5000	2015-17	Sargent Co WRD	Shortfoot Creek Watershed Planning Program	3/9/16	45,560	14,559	31,000	
SE 1378	5000	2019-21	Bames Co WRD	Clausen Springs Dam EAP	2/7/20	3,304	0	3,304	
SWC 1389	5000	2013-15	Bank of ND	BND AgPace Program	2/11/21	220,291	12,768	207,523	
SE 1431	5000	2019-21	USGS/LaMoure County	Rapid Deployment Gages under FEMA Hazard Mit	10/17/19	500	0	500	
SE 1453	5000	2017-19	Hettinger County WRD	Karey Dam Rehabilitation Design & Planning	12/14/18	48,284	48,284	0	
SE 1453	5000	2017-19	Hettinger County WRD	Karey Dam Rehabilitation Project	4/9/19	181,661	78,146	103,515	
SWC 1785	5000	2019-21	Maple River WRD	Maple River Dam Site T-180 Improvements	2/13/20	35,759	0	35,759	
SWC 1851-01	5000	2015-17	ND State Water Commission	Drought Disaster Livestock Water Supply Assistance	6/8/21	3,853,243	2,614,426	1,238,817	
SWC 1968	5000	2017-19	Garrison Diversion	MM 0 and MM 0.4 Irrigation Project	12/7/18	1,620,054	0	1,620,054	
SE 2055	5000	2015-17	Red River Joint Water Resource District	Lower Red Basin Regional Detention Study	11/3/20	77,905	19,433	58,472	
SWC 2059	5000	2015-17	Park River Joint WRD	North Branch Park River NRCS Watershed Study	10/6/15	4,904	0	4,904	
SWC 2060	5000	2017-19	Walsh Co. WRD	Matejcek Dam Rehabilitation	10/11/18	85,993	32,994	52,999	
SE 2073	5000	2019-21	Walsh Co. WRD	BTAG Oslo, MN Area Hydraulic Analysis	4/15/21	3,139	0	3,139	
SE 2089	5000	2015-17	Maple River WRD	Tower Township Improvement District No. 77 Study	12/19/16	11,769	0	11,769	
SE 2090	5000	2015-17	International Water Institute	River Watch Program	8/2/19	17,330	0	17,330	
SWC 2103	5000	2017-19	Walsh Co. WRD	Bylin Dam Rehabilitation	6/19/19	50,341	45,692	4,649	
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	4,271	4,270	2	
SWC 2109-02	5000	2019-21	Logan County WRD	McKenna Lake Hydrologic Study Phase 2	10/8/20	89,786	39,496	50,290	
SWC 2115	5000	2017-19	Applied Weather Associates, LLC	(PMP) Probable Maximum Precipitation Estimates	10/11/18	11,822	6,130	5,692	
SWC 2121	5000	2017-19	Pembina Co. WRD	Senator Young Dam Rehabilitation	6/19/19	53,205	22,146	31,059	
SWC 2123	5000	2017-19	Geotech, Inc.	Airborne Electromagnetic (AEM) 2018	8/9/18	23,104	0	23,104	
SE 2164	5000	2019-21	City of Dickinson	East Broadway Dam Rehabilitation	4/1/21	34,732	18,947	15,786	
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	307,223	0	307,223	
<b>TOTAL GENERAL WATER CARRYOVER</b>						<b>8,117,822</b>	<b>3,617,646</b>	<b>4,500,176</b>	
Director 275	5000	2021-23	Ransom Co. WRD	Fort Ransom Dam Rehabilitation Feasibility Study	4/19/22	37,500	0	37,500	
Director 653	5000	2021-23	McLean County WRD	Katz Dam Spillway Safety Improvements	3/17/22	13,088	0	13,088	
SE 671	5000	2021-23	Wells Co. WRD	Harvey Dam Hydrologic and Hydraulics Analysis	7/23/21	12,800	0	12,800	
SWC 849-01	5000	2021-23	Pembina Co. WRD	Tongue River NRCS Watershed Plan Implementation	12/10/21	441,086	0	441,086	
SWC 1264	5000	2021-23	Bames Co WRD	Valley City Little Dam Improvement Project	10/14/21	102,000	0	102,000	
SWC 1859	5000	2021-23	ND Dept of Environmental Quality	NPS Pollution	8/12/21	200,000	0	200,000	
Director 1869	5000	2021-23	Burleigh County WRD	McDowell Dam Supplemental Water Supply	3/21/22	45,177	0	45,177	
SE 1923	5000	2019-21	Pembina Co. WRD	Drain 66 Outlet Feasibility Review	5/4/21	69,930	0	69,930	
SE 2165	5000	2021-23	USGS	Red River Low Flow Study	6/21/21	25,000	0	25,000	
SWC 2169	5000	2021-23	Minot	Water Supply Low Head Dam Remediation	10/14/21	93,750	0	93,750	
SWC 2172	5000	2021-23	Missouri River Joint WRB	Coordinator and Outreach	4/12/22	73,835	0	73,835	
SWC 2173	5000	2021-23	Elm River Joint WRD	Elm River Dams 1 and 2 Improvements	2/2/22	213,000	0	213,000	
Director 2174	5000	2021-23	Garrison Diversion	MM 7.4 Irrigation Project	3/17/22	71,957	0	71,957	
SWC 2176	5000	2021-23	University of North Dakota	Cold Region Hydrologic Modeling	4/12/22	165,000	0	165,000	
SE AOC/WEF/MAG	5000	2021-23	ND Water Education Foundation	North Dakota Water Magazine	1/3/22	26,000	6,500	19,500	
SE PS/WRD/DEV	5000	2021-23	Devils Lake Basin Joint WRB	Board Manager	8/18/21	60,000	0	60,000	
SWC ARB-WMI-21-1	7600	2021-23	Weather Modification, Inc.	Atmospheric Resource Operations and Research Gr	8/12/21	429,980	0	429,980	
SE PS/WRD/MRJ	5000	2021-23	Missouri River Joint WRB	MRRIC Terry Fleck	8/19/21	42,000	0	42,000	
SWC AOC/ASS	5000	2019-21	Assiniboine River Basin Initiative	ARBI's Outreach Efforts 21-23	6/8/21	100,000	0	100,000	
SWC AOC/RRB	5000	2019-21	Red River Basin Commission	Red River Basin Commission Contractor 21-23	6/8/21	200,000	50,000	150,000	
<b>TOTAL GENERAL WATER 2021-2023</b>						<b>2,422,103</b>	<b>56,500</b>	<b>2,365,603</b>	
<b>TOTAL GENERAL WATER</b>						<b>10,539,925</b>	<b>3,674,146</b>	<b>6,865,779</b>	
<b>TOTAL</b>						<b>10,539,925</b>	<b>3,674,146</b>	<b>6,865,779</b>	

PROGRESS REPORT REQUIRED

SWC Board Approved to Continue

	BUDGET	APPROVED	BALANCE
GENERAL WATER	13,904,972	2,422,103	11,482,869
COMPLETED GENERAL WATER	322,303	263,803	58,500
<b>BUDGET GENERAL WATER 2021-2023</b>	<b>14,227,275</b>	<b>2,685,906</b>	<b>11,541,369</b>

**DEPARTMENT OF WATER RESOURCES  
PROJECT SUMMARY  
2021-2023 Biennium  
Resources Trust Fund**

COMPLETED GENERAL PROJECTS

Approved SWC By	No	Dept	Approved Biennium	Sponsor	Project	Approved Date	Total Approved	Total Payments	Apr-22 Balance	
0		0	0	0	0	1/0/00	0	0	0	
<b>Hydrologic Investigations:</b>										
							<b>0</b>	<b>0</b>	<b>0</b>	
SE	1378	5000	2019-21	Barnes Co WRD	Clausen Springs Dam Improvements	2/7/20	17,258	2,748	14,510	
SWC	160	5000	2017-19	McLean Co WRD	Painted Woods Lake Flood Damage Reduction & Habitat	8/9/18	5,547	5,547	0	
SWC	394	5000	2019-21	Golden Valley Co WRD	Odland Dam Rehabilitation Project	4/9/20	571,582	571,582	0	
SWC	531	5000	2017-19	Benson Co WRD	Bouret Dam Rehabilitation	4/9/19	79,058	79,058	(0)	
SE	2072	5000	2015-17	Barnes Co WRD	Ten Mile Lake Flood Risk Reduction Project	6/8/16	4,901	4,901	0	
SWC	2141	5000	2019-21	Pembina Co. WRD	Weiler Dam Gate and Catwalk Retrofit	4/9/20	28,661	20,505	8,156	
SE	2154	5000	2019-21	Elm River Joint WRD	Elm River Watershed Study	11/3/20	1,035	1,035	0	
SWC	2161	5000	2019-21	AE2S	Strategic Governance and Finance Study	6/8/21	115,975	115,975	0	
<b>TOTAL GENERAL WATER CARRYOVER</b>								<b>824,016</b>	<b>801,350</b>	<b>22,666</b>
SE	249	5000	2021-23	City of Mott	Mott City Dam Feasibility Study	7/23/21	57,344	0	57,344	
SE	1403	5000	2021-23	NDSU	ND Water Resource Institute grant student stipends	6/11/21	25,000	25,000	0	
SWC	2154	5000	2021-23	Elm River Joint WRD	Elm River Watershed Study	8/12/21	36,000	34,844	1,156	
SWC	2161	5000	2021-23	AE2S	Strategic Governance and Finance Study	12/21/21	74,959	74,959	(0)	
SWC	2177	5000	2021-23	ND AGRICULTURAL WEATHER NETV	NDAWN	3/28/22	1,500	1,500	0	
SE	AOC/WEF/TOURS	5000	2019-21	ND Water Education Foundation	2022 Summer Water Tours	4/20/22	2,500	2,500	0	
HB2009	1986	5000	2021-23	ND Dept of Agriculture	Wildlife Services	7/1/21	125,000	125,000	0	
<b>TOTAL GENERAL WATER 2021-2023</b>								<b>322,303</b>	<b>263,803</b>	<b>58,500</b>
<b>TOTAL GENERAL WATER</b>								<b>1,146,319</b>	<b>1,065,153</b>	<b>81,166</b>
TOTAL								<u>1,146,319</u>	<u>1,065,153</u>	<u>81,166</u>



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# PROJECT FUNDING POLICY, PROCEDURE, AND GENERAL REQUIREMENTS

The State Water Commission has adopted this policy to support local sponsors in development of sustainable water related projects in North Dakota. This policy reflects the State Water Commission's cost-share priorities and provides basic requirements for all projects considered for prioritization during the agency's budgeting process. Projects and studies that receive funding from the agency's appropriated funds are consistent with the public interest. The State Water Commission values and relies on local sponsors and their participation to assure on-the-ground support for projects and prudent expenditure of funding for ~~evaluations and project~~ or program development, ~~construction~~. It is the policy of the State Water Commission that only the items described in this document will be eligible for cost-share or loans upon approval by the State Water Commission, unless specifically authorized by State Water Commission action.

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I. DEFINITIONS

- A. CAPITAL IMPROVEMENT FUND is money set aside using a portion of user fees for future asset replacement, ~~and When applicable, a cost-share application shall include documentation of the following:~~
1. Current capital improvement fund balance
  2. Existing and new assets
  3. Replacement cost of assets
  4. Average life of assets
  5. Current and future monthly reserve per user
- B. CONSTRUCTION COSTS include earthwork, concrete, mobilization and demobilization, dewatering, materials, seeding, rip-rap, crop damages, re-routing electrical transmission lines, moving storm and sanitary sewer system and other underground utilities and conveyance systems affected by construction, mitigation required by law related to the construction contract, water supply works, irrigation supply works, and other items and services provided by the contractor. Construction costs are only eligible for cost-share if incurred after State Water Commission approval and if the local sponsor has complied with North Dakota Century Code (N.D.C.C.) in soliciting and awarding bids and contracts, and complied with all applicable federal, state, and local laws.
- C. COST-SHARE means funds appropriated by the legislative assembly or otherwise transferred by the Commission to a local entity under Commission policy as reimbursement for a percentage of the total approved cost of a project approved by the Commission.
- D. DEPARTMENT means the Department of Water Resources.
- E. ECONOMIC ANALYSIS means an estimate of the economic benefits and direct costs that result from the development of a project.
- F. ECONOMIC IMPACT describes the direct and indirect changes in a defined region's economy due to a specific business, organization, policy, program, project, activity or other economic event.
- G. ENGINEERING SERVICES include pre-construction and construction engineering. Pre-construction engineering is the engineering necessary to develop plans and specifications for permitting and construction of a project including preliminary and final design, material testing, flood insurance studies, hydraulic models, and geotechnical investigations. Construction engineering is the engineering necessary to build the project designed in the pre-construction phase including construction contract management, and construction observation. Administrative and support services not specific to the approved project are not engineering services. Engineering services are eligible costs if incurred after State Water Commission approval. ~~If the total anticipated engineering costs are greater than the threshold stipulated in NDCC 54-44.7-04, then the local sponsor must follow the engineering selection process~~

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provided in NDCC 54-44.7 and provide a copy of the selection committee report to the Secretary. The local sponsor will be considered to have complied with this requirement if they have completed a selection process for a general engineering services agreement at least once every three years and have formally assigned work to a firm or firms under an agreement. The local sponsor must inform the Secretary of any change in the provider of general engineering services.

- H. EXPANSIONS are construction related projects that increase the project area or users served. Expansions do not include maintenance, replacement, or reconstruction activities.
- I. EXTRAORDINARY MAINTENANCE COSTS include the repair or replacement of portions of facilities or components that extends the overall life of the system or components that are above and beyond regular or normal maintenance. Extraordinary maintenance activities extend the asset's useful life beyond its originally predicted useful life.
- J. GRANT means a one-time sum of money appropriated by the legislative assembly and transferred by the Commission to a local entity for a particular purpose. A grant is not dependent on the local entity providing a particular percentage of the cost of the project.
- K. IMPROVEMENTS are construction related projects that upgrade a facility to provide increased efficiency, capacity, or redundancy. Improvements do not include any activities that are maintenance, replacement, or reconstruction.
- L. LIFE CYCLE COST ANALYSIS means the summation of all costs associated with the anticipated useful life of a project, including project development, land, construction, operation, maintenance, and disposal or decommissioning.
- M. LITIGATION for this policy is defined as legal action that would materially affect the ability of the local sponsor to construct the project; that would delay construction such that the authorized funds could not be spent; or is between political subdivisions related to the project.
- N. LOAN means an amount of money lent to a sponsor of a project approved by the Commission to assist with funding approved project components. A loan may be stand-alone financial assistance.
- O. LOCAL SPONSOR is the entity submitting a cost-share application and must be a political subdivision, state entity, or commission legislatively granted North Dakota recognition that applies the necessary local share of funding to match State Water Commission cost-share. They provide direction for studies and projects, public point of contact for communication on public benefits and local concerns, and acquire necessary permits and rights-of-way.
- P. RECLAIMED WATER is municipal wastewater that has been treated to meet specific water quality criteria with the intent of being used for a range of purposes. The term recycled water is synonymous with reclaimed water.
- Q. REGULAR MAINTENANCE COSTS include normal repairs and general upkeep of facilities to allow facilities to continue proper operation and function. These maintenance items occur on a regular or annual basis. Regular maintenance activities simply help ensure the asset will remain serviceable throughout its originally predicted useful life.
- R. STORMWATER is rainwater or melted snow that runs off streets, lawns, and other sites.

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S. SUSTAINABLE OPERATION, MAINTENANCE, AND REPLACEMENT PLAN is a description of the anticipated operation, maintenance, and replacement costs with a statement that the operation, maintenance, and replacement of the project will be sustainable by the local sponsor. ~~For water supply projects, a~~ A summary of the project sponsor's Capital Improvement Fund must also be included.

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T. WASTEWATER is used water discharged from homes, businesses, industry, and agricultural facilities.

U. WATER CONVEYANCE PROJECT means any surface or subsurface drainage works, bank stabilization, or snagging and clearing of water bodies.

II. INELIGIBLE ITEMS ~~excluded~~ from cost-share include:

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1 Administrative costs, including salaries for local sponsor members and employees as well as consultant services that are not project specific and other incidental costs incurred by the sponsor.

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2 Property and easement acquisition costs paid to ~~a~~ the landowner unless specifically identified as eligible within the ~~Flood Recovery Property Acquisition Program, the Flood Protection Program, or~~ for Water Retention Projects.

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3 Work and costs incurred prior to a cost-share approval date, except for emergencies as determined by the Secretary.

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4 Project related operation and regular maintenance costs.

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5 Sediment removal as part of reconstruction of an existing drain.

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6 Funding contributions provided by federal, other state, or other North Dakota state entities that supplant costs.

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7 Elements of finished water storage projects that are sized in excess of the capacity necessary for average daily consumption. This excludes storage associated with water treatment plants. Average daily consumption means average reported water usage over a ten year period.

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8 Wastewater treatment processes and wastewater effluent transmission lines.

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9 Work incurred outside the scope of the approved study or project.

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10 Local requirements imposed beyond State and Federal requirements for the project may be ineligible.

III. COST-SHARE APPLICATION AND APPROVAL PROCEDURES

The State Water Commission will not consider any cost-share applications unless the local sponsor first makes an application to the Secretary. No funds will be used in violation of Article X, § 18 of the North Dakota Constitution (Anti-Gift Clause).

A. APPLICATION REQUIRED. An application for cost-share is required in all cases and must be submitted by the local sponsor ~~on to~~ the State Water Commission ~~Cost-Share Application form.~~ Applications for cost-share are accepted at any time. Applications received less than 45 days

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before a State Water Commission meeting will not be considered at that meeting and will be held for consideration at a future meeting unless specifically exempted by the Secretary. The application form is maintained and updated by the Secretary. A completed application must include the following:

- 1 Category of cost-share activity.
- 2 Location of the proposed project or study area shown on a map.
- 3 Description, purpose, goal, objective, and narrative of the proposed activities.
- 4 Delineation of costs with contingencies of no more than 10 percent of the total project cost.
- 5 Anticipated timeline of project from preliminary study through final closeout.
- 6 Potential federal, other state, or other North Dakota state entity participation.
- 7 ~~Documentation of an engineering selection process if engineering costs are anticipated to be greater than the threshold provided in NDCC 54-44.7-04~~
- 8 Engineering plans, if applicable.
- 9 Status of required permitting, including submission of completed drain, sovereign land, or construction permits if required by the Department. (Required at the time applications include a request for construction cost-share.)
- 10 When applicable for flood control projects, a Conditional Letter of Map Revision (CLOMR) from the United State's Federal Emergency Management Agency. (Required at the time applications include a request for construction cost-share.)
- 11 Potential territorial service area conflicts or service area agreements, if applicable.
- 12 Sustainable operation, maintenance, and replacement plan for projects. (Required at the time applications include a request for construction cost-share.)
- 13 Completed economic analysis worksheet for water conveyance and flood-related projects expected to cost two hundred thousand dollars or more. (Required at the time applications include a request for construction cost-share.)
- 14 Completed life cycle cost analysis worksheet for water supply ~~construction~~ projects. The completed worksheet must include a no action alternative, and up to three additional plausible alternatives - including repair, replacement, and regionalization options. If repair, replacement, and regionalization alternatives are excluded from the life cycle cost analysis, justification must be provided by the project sponsor.
- 15 For Water Infrastructure Revolving Loan Fund or Legacy Infrastructure Loan Fund requests - sponsors must provide a letter of verification from the Bank of North Dakota indicating the sponsor's debt service capacity, and an explanation of the overall economic impact of the project,
- 16 Additional information as deemed appropriate by the Secretary or Commission.

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Applications for cost-share are separate and distinct from the State Water Commission biennial project information collection effort that is part of the budgeting process and published as the State Water Plan. All local sponsors are encouraged to submit project financial needs for the State Water Plan. Projects not submitted as part of the State Water Plan development process may be held until action can be taken on those that were included during budgeting, unless determined to be an emergency that directly impacts human health and safety or that are a direct result of a natural disaster.

- B. PRE-APPLICATION. A pre-application process is allowed for cost-share of assessment projects. This process will require the local sponsor to submit a brief narrative of the project, and a delineation of costs. The Secretary will then review the material presented, make a determination of project eligibility, and estimate the cost-share funding the project may anticipate receiving. A project eligibility letter will then be sent to the local sponsor noting the percent of cost-share assistance that may be expected on eligible items as well as listing those items that are not considered to be eligible costs. In addition, the project eligibility letter will state that the Secretary will recommend approval when all cost-share requirements are addressed. The local sponsor may use the project eligibility letter to develop a project budget for use in the assessment voting process. Upon completion of the assessment vote and all other requirements an application for cost-share can be submitted.
- C. REVIEW. Upon receiving an application for cost-share, the Secretary will review the application and accompanying information. If the Secretary is satisfied that the proposal meets all requirements, the local sponsor will be asked to present the application, and the Secretary will provide a recommendation to the State Water Commission for its action. The Secretary's review of the application will include the following items and any other considerations that the Secretary deems necessary and appropriate.
- 1 Applicable engineering plans;
  - 2 Field inspection, if deemed necessary by the Secretary;
  - 3 The percent and limit of proposed cost-share determined by category of cost-share activity and eligible expenses;
  - 4 Assurance of sustainable operation, maintenance, and replacement of project facilities by the local sponsor;
  - 5 Status of permitting and service area agreements;
  - 6 Available funding in the State Water Commission budget, if in the State Water Plan, and a priority ranking when appropriate;
  - 7 Results of economic analysis of water conveyance or flood-related projects, when applicable; and
  - 8 Results of life cycle cost analysis for water supply projects, when applicable.

~~For cost-share applications over \$100 million, additional information requested by the State Water Commission will be used to determine cost-share.~~

- D. SECRETARY APPROVALS. The Secretary is authorized to approve cost-share up to \$75,000 and also approve cost overruns up to \$75,000 without State Water Commission action. The Secretary

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will respond to such requests within 60 days of receipt of the request. A final decision may be deferred if warranted by funding or regulatory consideration.

- E. NOTICE. The Secretary will give a 10-day notice to local sponsors when their application for cost-share is placed on the tentative agenda of the State Water Commission's next meeting.
- F. AGREEMENT AND DISTRIBUTION OF FUNDS. No funds will be disbursed until the State Water Commission and local sponsor have entered into an agreement for cost-share participation. No agreement for construction funding will be entered into until all required ~~State Engineer~~ Department permits have been acquired.

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For construction projects, the agreement will address indemnification and vicarious liability language. The local sponsor must require that the local sponsor and the state be made an additional insured on the contractor's commercial general liability policy including any excess policies, to the extent applicable. The levels and types of insurance required in any contract must be reviewed and agreed to by the Secretary. The local sponsor may not agree to any provision that indemnifies or limits the liability of a contractor.

For any property acquisition, the agreement will specify that if the property is later sold, the local sponsor is required to reimburse the Commission the percent of sale price equal to the percent of original cost-share.

The Secretary may make partial payment of cost-sharing funds as deemed appropriate. Upon notice by the local sponsor that all work or construction has been completed, the Secretary may conduct a final field inspection. If the Secretary is satisfied that the work has been completed in accordance with the agreement, the final payment will be disbursed to the local sponsor, less any partial payment previously made.

- G. PROJECT PROGRESS REPORTS. The project sponsor must provide a progress report to the Commission at least once every ~~two~~ four years if the term of the project exceeds ~~two~~ four years. If a progress report is not received in a timely fashion, or if after a review of the progress report the Commission determines the project has not made sufficient progress, the Commission may terminate the agreement for project funding. The project sponsor may submit a new application to the Commission for funding for a project for which the Commission previously terminated funding.

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- H. LITIGATION. If a project submitted for cost-share is the subject of litigation, the application may be deferred until the litigation is resolved. If a project approved for cost-share becomes the subject of litigation before all funds have been disbursed, the Secretary may withhold funds until the litigation is resolved.

**Moved up [1]:** Litigation for this policy is defined as legal action that would materially affect the ability of the local sponsor to construct the project; that would delay construction such that the authorized funds could not be spent; or is between political subdivisions related to the project.

- I. ECONOMIC ANALYSIS. Project sponsors seeking cost-share for construction of flood control or water conveyance projects with a total cost of two hundred thousand dollars or more must complete the Water Commission's economic analysis worksheet. The results of the economic analysis must be provided with the sponsor's application for cost-share assistance for agency review. When the results of the economic analysis are determined by the agency to be accurate, the results will then be presented to the State Water Commission for their consideration as part of the cost-share request.

Projects that yield a benefit to cost (BC) ratio of one to one, or greater, are eligible for up to the maximum allowable cost-share per project type and policy. Projects that yield a BC ratio of less

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than one to one will have the BC ratio used as a percentage of the allowable cost-share (i.e. eligible costs, multiplied by the applicable cost-share percentage, multiplied by the BC ratio) – unless otherwise authorized by the Commission. Projects that will result in Federal Emergency Management Agency accredited flood protection for communities may be exempt from the requirement of using the BC ratio as a percentage of the allowable cost-share.

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- J. LIFE CYCLE COST ANALYSIS. Project sponsors seeking cost-share for ~~construction of~~ water supply projects must complete the Water Commission's life cycle cost analysis worksheet. The completed worksheet must include a no action alternative, and up to three additional plausible alternatives - including repair, replacement, and regionalization options. If repair, replacement, and regionalization alternatives are excluded from the life cycle cost analysis, justification must be provided by the project sponsor.

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The results of the life cycle cost analysis must be provided with the sponsor's application for cost-share assistance for agency review. When the results of the life cycle cost analysis are determined by the agency to be accurate, the results will then be presented to the State Water Commission for their consideration as part of the cost-share request.

- K. PROJECT FRACTURING. The fracturing or separating of projects into smaller components to avoid policy requirements is prohibited. If the Commission determines a project has been fractured for this purpose, the entire project, or elements of the project, may be considered ineligible for cost-share assistance.

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#### IV. COST-SHARE CATEGORIES

The State Water Commission supports the following categories of projects for cost-share. ~~Engineering expenses related to construction are cost-shared at the same percent as the construction costs when approved by the State Water Commission.~~ The Commission will consider cost-share requests and issue agreements under a two-tier process. Cost-share for pre-construction expenses will be considered first; followed by construction-related expenses after completion of pre-construction activities, including plans and specifications for bidding project construction. In addition to cost-share and grants, the State Water Commission may lend a portion of the local share based on demonstrated financial need.

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*[Note - As part of the Strategic Governance and Finance study, information about North Carolina's (NC) Asset Inventory Assessment (AIA) program was provided. The NC AIA offers up to \$150,000 in matching funds over three fiscal years for developing an inventory of water infrastructure, to assess the condition of assets, to prioritize the most critical infrastructure needs, and to develop a capital improvement plan to fund the projects. This type of program could be added to future policy at the Commission's discretion. Its purpose would be to help with the development of capital improvement funds necessary for proactive financial management of the system and to reduce the reliance on grant funding from the state.]*

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- A. PRE-CONSTRUCTION EXPENSES. The State Water Commission supports local sponsor development of feasibility studies, engineering designs, and mapping as part of pre-construction activities to develop support for projects within this cost-share policy. The Commission may provide up to 50 percent cost-share for pre-construction expenses, or up to the construction cost-share percentage if less than 50%. The following projects and studies are eligible.

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- 1 Feasibility studies to identify water related problems, evaluate options to solve or alleviate the problems based on technical and financial feasibility, and provide a recommendation and cost estimate of the best option to pursue.
- 2 Engineering design to develop plans and specifications for permitting and construction of a project, including associated cultural resource and archeological studies.
- 3 Mapping and surveying to gather data for a specific task such as flood insurance studies and flood plain mapping, LiDAR acquisition, and flood imagery attainment, which are valuable to managing water resources.

Copies of the deliverables must be provided to the Secretary upon completion. The Secretary will determine the payment schedule and interim progress report requirements.

B. COST INCREASES. When a sponsor has been approved for cost-share assistance and additional cost-share is requested as a result of increased construction-related costs, only those eligible construction-related costs resulting in the cost increase are eligible for additional cost-share. Pre-construction engineering costs are a non-eligible expense as part of cost increase cost-share requests.

C. MAIN STREET INITIATIVE. The Commission supports water development infrastructure that aligns with the Main Street Initiative, which is one of North Dakota's five Strategic Initiatives. The four foundational pillars of the Main Street Initiative are Skilled Workforce; Smart, Efficient Infrastructure; Healthy, Vibrant Communities; and Economic Diversification. In support of the Main Street Initiative, the Commission can provide additional cost-share assistance of 10 percent beyond existing cost-share percentages, with a maximum of \$250,000 in additional funding, if an eligible water infrastructure project:

1. Is located within a community that has received a "Main Street Champion" designation from North Dakota's Department of Commerce (NDDC);
2. Has been identified as an integral part of a completed comprehensive planning effort or action plan that was developed through the NDDC "Partners In Planning" grant program; and
3. Meets all other Commission eligibility requirements for cost-share.

D. WATER SUPPLY

1 REGIONAL, RURAL, AND MUNICIPAL WATER SUPPLY PROJECTS. The State Water Commission supports water supply efforts associated with regional, rural, and municipal water supply systems. The transmission of reclaimed water for beneficial use is also an eligible cost. The local sponsor may apply for funding, and the application will be reviewed to determine project priority. Debt per capita, water rates and financial need may be considered by the Commission when determining an appropriate cost-share percentage. The Commission reserves flexibility to adjust percentages on a case by case basis, but generally may provide up to 65 percent cost-share for water system expansions, improvements, and replacements.

New connections between communities and rural or regional water systems that result in decommissioning of existing infrastructure, including, but not limited to water wells, surface

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~~water intakes, water treatment, water storage, or water transmission lines, are eligible for up to 75 percent cost-share.~~

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~~Up to 75% cost-share may be provided for:~~

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- ~~• Rural Water System Expansions and Improvements~~
- ~~• Connection of communities to a regional system~~
- ~~• Improvements required to meet primary drinking water standards~~

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~~Up to 60% cost-share may be provided for:~~

- ~~• Municipal Water Supply Expansions and Improvements~~
- ~~• Connection of new rural water customers located within extraterritorial areas of a municipality~~

Water Depots for industrial use receiving water from facilities constructed using State Water Commission funding or loans have the following additional requirements:

- a) Domestic water supply has priority over industrial water supply in times of shortage. This must be explicit in the water service contracts with industrial users.
  - b) If industrial water service will be contracted, public notice of availability of water service contracts is required when the depot becomes operational.
  - c) Public access to water on a non-contracted basis must be provided at all depots.
2. FEDERAL MUNICIPAL, RURAL, AND INDUSTRIAL WATER SUPPLY PROGRAM. The Municipal, Rural, and Industrial Water Supply Program, which uses federal funds, is administered according to North Dakota Administrative Code Article 89-12.
3. DROUGHT DISASTER LIVESTOCK WATER ASSISTANCE PROGRAM. This program ~~is to provide~~ assistance ~~with for~~ water supply ~~projects that support for~~ livestock impacted during drought declarations and is administered according to North Dakota Administrative Code Article 89-11. ~~The Commission may provide up to 65 percent cost-share for Drought Disaster Livestock Water Assistance Program projects, but no more than \$4,500 per project, and three projects per applicant.~~

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E. FLOOD CONTROL. The State Water Commission may provide cost-share for eligible items of flood control projects protecting communities from flooding and may include the repair of dams that provide a flood control benefit. When applicable, project sponsors must first acquire a Conditional Letter of Map Revision (CLOMR) from the United State's Federal Emergency Management Agency prior to applying for construction-related cost-share assistance.

~~1. FLOOD RECOVERY PROPERTY ACQUISITION PROGRAM. This program is used to assist local sponsors with flood recovery expenses that provide long term flood damage reduction benefits through purchase and removal of structures in areas where flood damage has occurred. All contracted costs directly associated with the acquisition will be considered eligible for cost-share. Contracted costs may include: appraisals, legal fees (title and abstract search or update, etc.), property survey, closing costs, hazardous materials abatement needs (asbestos, lead paint, etc.), and site restoration.~~

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The State Water Commission may provide cost-share of the eligible costs of approved flood recovery expenses that provide long-term flood reduction benefits based on the following criteria and priority order:

- a) Local sponsor has flood damage and property may be needed for construction of temporary or long-term flood control projects, may be cost-shared up to 75 percent.
- b) Local sponsor has flood damage and property would increase conveyance or provide other flood control benefits, may be cost-shared up to 60 percent.

Prior to applying for assistance, the local sponsor must adopt and provide to the Secretary an acquisition plan (similar to plans required by Hazard Mitigation Grant Program (HMGP)) that includes the description and map of properties to be acquired, the estimated cost of property acquisition including contract costs, removal of structures, the benefit of acquiring the properties, and information regarding the ineligibility for HMGP funding. Property eligible for HMGP funding is not eligible for this program. The acquisition plan must also include a description of how the local sponsor will insure there is not a duplication of benefits.

Over the long-term development of a flood control project following a voluntary acquisition program, the local sponsor's governing body must officially adopt a flood risk reduction plan or proposal including the flow to be mitigated. The flow used to develop the flood risk reduction plan must be included in zoning discussions to limit new development on other flood-prone property. An excerpt of the meeting minutes documenting the local sponsor's official action must be provided to the Secretary.

The local sponsor must fund the local share for acquisitions. This requirement will not be waived. Federal funds are considered "local" for this program if they are entirely under the authority and control of the local sponsor.

The local sponsor must include a perpetual restrictive covenant on acquired properties, similar to the restrictions required by the federal HMGP funding with the additional exceptions being that the property may be utilized for flood control structures and related infrastructure, paved surfaces, and bridges. These covenants must be recorded either in the deed or in a restrictive covenant that would apply to multiple deeds.

The local sponsor must provide justification, acceptable to the Secretary, describing the property's ineligibility to receive federal HMGP funding. This is not meant to require submission and rejection by the federal government, but rather an explanation of why the property would not be eligible for federal funding. Example explanations include: permanent flood control structures may be built on the property; project will not achieve required benefit-cost analysis to support HMGP eligibility; or lack of available HMGP funding. If inability to receive federal funding is not shown to the satisfaction of the Secretary, following consultation with the North Dakota Department of Emergency Services, the cost-share application will be returned to the local sponsor for submittal for federal funding prior to use of these funds.

- 2 FLOOD PROTECTION PROGRAM. This program supports local sponsor efforts to mitigate impacts and prevent future property damage due to flood events. The State Water Commission may provide cost-share up to 60 percent of eligible costs for flood protection

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~~projects and related property acquisitions.~~ For projects with federal participation, the cost-share may be up to 50 percent of eligible non-federal costs. The State Water Commission may consider a greater level of cost participation for projects involving a total cost greater than \$100 million and having a basin-wide or regional benefit.

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~~Local share must be provided on a timely basis. The State Water Commission may lend a portion of the local share based on demonstrated financial need.~~

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Property acquisition costs limited to the purchase price of the property that is not eligible for HMGP funding and within the footprint of a project may be eligible under this program. ~~All contracted costs directly associated with property acquisitions for project development or recovery under this program will be considered eligible for cost-share. This includes the acquisition of flood damaged properties or properties necessary for project development. Contracted costs may include: appraisals, legal fees (title and abstract search or update, etc.), property survey, closing costs, hazardous materials abatement needs (asbestos, lead paint, etc.), and site restoration.~~

~~Prior to applying for assistance related to acquisitions, the local sponsor must adopt and provide to the Secretary an acquisition plan that includes a description and map of properties to be acquired; the estimated cost of property acquisition, including contract costs and removal of structures; and the benefit of acquiring the properties.~~

The local sponsor must include a perpetual restrictive covenant on any properties purchased under this program ~~similar to the restrictions required by the federal HMGP funding with the additional exceptions being that the property may be utilized for flood control structures and related infrastructure, paved surfaces, and bridges.~~ These covenants must be recorded either in the deed or in a restrictive covenant that would apply to multiple deeds. ~~Costs for property acquired, by easement or fee title, to preserve the existing conveyance of a breakout corridor recognized as essential to FEMA system accreditation may be eligible under this program.~~

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~~The local sponsor must fund the local share for acquisitions. Federal funds are considered "local" for this program if they are entirely under the authority and control of the local sponsor.~~

~~For any property acquisition, the agreement will specify that if the property is later sold, the local sponsor is required to reimburse the Commission the percent of sale price equal to the percent of original cost-share.~~

The cost-share application must include the return interval or design flow for which the ~~structure project~~ will provide protection. The Commission will calculate the amount of its financial assistance, based on the needs for protection against:

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1. One-hundred year flood event as determined by a federal agency;
2. The national economic development alternative; or
3. The local sponsor's preferred alternative if the Commission first determines the historical flood prevention costs and flood damages and the risk of future flood prevention costs and flood damages, warrant protection to the level of the local sponsor's preferred alternative.

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Storm water management is not an eligible cost-share category. In order to differentiate between a flood control project and storm water management, the Commission may reduce the cost-share provided by the percentage of the contributing watershed that is located within the community's corporate limits as calculated on an acreage basis.

- 3 FEMA LEVEE SYSTEM ACCREDITATION PROGRAM. The State Water Commission may provide cost-share up to 60 percent for eligible services for FEMA 44 CFR 65.10 flood control or reduction levee system certification analysis. The analysis is required for FEMA to accredit the levee system for flood insurance mapping purposes. Typical eligible costs include site visits and field surveys to include travel expenses, hydraulic evaluations, closure evaluations, geotechnical evaluations, embankment protection, soils investigations, interior drainage evaluations, internal drainage hydrology and hydraulic reports, system modifications, break-out flows, and all other engineering services required by FEMA. The analysis will result in a comprehensive report to be submitted to FEMA and the Secretary.

Administrative costs to gather existing information or to recreate required documents, maintenance and operations plans and updates, and emergency warning systems implementation are not eligible.

- 4 WATER RETENTION PROJECTS. The goal of water retention projects is to reduce flood damages by storing floodwater upstream of areas prone to flood damage. The State Water Commission may provide cost-share up to 60 percent of eligible costs for water retention projects including purchase price of the property. ~~For projects with federal participation, the cost-share may be up to 50 percent.~~ Water retention structures constructed with State Water Commission cost-share must meet state dam safety requirements, including the potential of cascade failure. A hydrologic analysis including an operation plan and a quantification of the flood reduction benefits for 25, 50, and 100-year events must be submitted with the cost-share application.

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- 5 INDIVIDUAL RURAL AND FARMSTEAD RING DIKE PROGRAM. This program is intended to protect individual rural homes and farmsteads through ring dike programs established by water resource districts. All ring dikes within the program are subject to the Commission's Individual Rural and Farmstead Ring Dike Criteria provided in Attachment A. Protection of a city, community or development area does not fall under this program but may be eligible for the flood control program. The State Water Commission may provide up to 60 percent cost-share of eligible items for ring dikes up to a limit of \$55,000 per ring dike.

Landowners enrolled in the Natural Resource Conservation Service's (NRCS) Environmental Quality Incentive Program (EQIP) who intend to construct rural or farmstead ring dikes that meet the ~~State Water Commission~~ Department's elevation design criteria are eligible for a cost-share reimbursement of 20 percent of the NRCS construction payment, limited to a combined NRCS and State Water Commission contribution of 80 percent of project costs.

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#### F. WATER CONVEYANCE.

- 1 RURAL FLOOD CONTROL. These projects are intended to improve the drainage and management of runoff from agricultural sources. The State Water Commission may provide cost-share up to 45 percent of the eligible items for the construction of drains, channels, or diversion ditches. Construction costs for public road crossings that are integral to the project are eligible for cost-share as defined in N.D.C.C. § 61-21-31 and 61-21-32. If an

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assessment-based rural flood control project involves multiple districts, each district involved must join in the cost-share application.

Cost-share applications for rural assessment drains will only be processed after the assessment vote has passed, and a drain permit has been obtained. If the local sponsor wishes to submit a cost-share application prior to completion of the aforementioned steps, a pre-application process will be followed.

A sediment analysis must be provided with any application for cost-share assistance for reconstruction of an existing drain. The analysis must be completed by a qualified professional engineer and must clearly indicate the percentage volume of sediment removal involved in the project. The cost of that removal must be deducted from the total for which cost-share assistance is being requested.

2. **BANK STABILIZATION.** The State Water Commission may provide cost-share up to 50 percent of eligible items for bank stabilization projects on public lands or those lands under easement by federal, state, or political subdivisions. Bank stabilization projects are intended to stabilize the banks of lakes or watercourses, as defined in N.D.C.C § 61-01-06, with the purpose of protecting public facilities. Drop structures and outlets are not considered for funding as bank stabilization projects, but may be eligible under other cost-share program categories. Bank stabilization projects typically consist of a rock or vegetative design and are intended to prevent damage to public facilities including utilities, roads, or buildings adjacent to a lake or watercourse.
3. **SNAGGING AND CLEARING.** Snagging and clearing projects consist of the removal and disposal of fallen trees and associated debris encountered within or along the channel of a natural watercourse. Snagging and clearing projects are intended to prevent damage to structures such as bridges, and maintain the hydraulic capacity of the channel during flood flows. The Water Commission may provide cost-share for up to 50 percent of the eligible items for snagging and clearing as well as any sediment that has accumulated in the immediate vicinity of snags and any trees in imminent danger of falling in the channel or watercourses as defined in N.D.C.C § 61-01-06. Items that are not eligible include snagging and clearing of man-made channels; the dredging of watercourses for sediment removal; the clearing and grubbing of cattails and other plant vegetation; or the removal of any other unwanted materials.
- G. **RECREATION.** The State Water Commission may provide cost-share up to 40 percent for projects intended to provide water-based recreation. Typical projects provide or complement water-based recreation associated with dams.
- H. **IRRIGATION.** The State Water Commission may provide cost-share for up to 50 percent of the eligible items for irrigation projects. The items eligible for cost-share are those associated with the off-farm portion of new central supply works, including water storage facilities, intake structures, wells, pumps, power units, primary water conveyance facilities, and electrical transmission and control facilities. The Commission will only enter into cost-share agreements with political subdivisions, including irrigation districts, and not with individual producers.
- I. **DAMS AND EMERGENCY ACTION PLANS.** The State Water Commission supports projects that address dam safety, deficiencies, repairs, and removals, as well as emergency action plans. In addition to the following cost-share percentages, the State Water Commission may lend a

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portion of the local share based on demonstrated financial need. For dams and emergency action plans, the Water Commission may:

1. Provide cost-share for up to 60 percent of the eligible items for dam deficiency or repair projects and dam breach or removal projects.
2. Provide cost-share up to 75 percent to mitigate public dangers associated with low head dam roller effects. Cost-share funding will be considered under this category for dam removals, or the placement of rock rip rap, but not both. Modifications, repairs, or removals that go beyond what is minimally required to mitigate roller effects may be cost-shared at lesser amounts – depending on the purpose for which the supplemental modifications or repairs are being made (i.e. recreation water supply, flood control, irrigation, etc).
3. Provide cost-share up to ~~80~~ 75 percent for emergency action plans of each dam classified as high or medium/significant hazard. The cost of a dam break model is only eligible for reimbursement for dams classified as a high hazard.

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ATTACHMENT A  
INDIVIDUAL RURAL AND FARMSTEAD RING DIKE CRITERIA

MINIMUM DESIGN CRITERIA

- Height: The dike must be built to an elevation 2 ft above either the 100-year flood or the documented high water mark of a flood event of greater magnitude, whichever is greater.
- Top Width:
  - If dike height is 5 ft or less: 4 ft top width
  - If dike height is between 5 ft and 14 ft: 6 ft top width
  - If dike height is greater than 14 ft: 8 ft top width
- Side Slopes: 3 horizontal to 1 vertical
- Strip topsoil and vegetation: 1 ft
- Adequate embankment compaction: Fill in 6-8 inch layers, compact with passes of equipment
- Spread topsoil and seed on ring dike

LANDOWNER RESPONSIBILITY

Landowners are responsible to address internal drainage on ring dikes. If culverts and flap gates are installed, these costs are eligible for cost-share. The landowner has the option of completing the work or hiring a contractor to complete the work.

IF CONTRACTOR DOES THE WORK, payment is for actual costs with documented receipts.

IF LANDOWNER DOES THE WORK, payment is based on the following unit prices:

- Stripping, spreading topsoil, and embankment fill: Secretary will determine rate schedule based on current local rates.
- Seeding: Cost of seed times 200%
- Culverts: Cost of culverts times 150%
- Flap gates: Cost of flap gates times 150%

OTHER FACTS AND CRITERIA

- The topsoil and embankment quantities will be estimated based on dike dimensions. Construction costs in excess of the 3:1 side slope standard will be the responsibility of the landowner. Invoices will be used for the cost of seed, culverts, and flap gates.
- Height can be determined by existing FIRM data or known elevations available at county floodplain management offices. Engineers or surveyors may also assist in establishing height elevations.

- The projects will not require extensive engineering design or extensive cross sections.
- A dike permit is required if the interior volume of the dike consists of 50 acre-feet, or more.

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## ATTACHMENT B

### Standard Operating Procedures Cost-Share Program Administration

It has been determined by the Commission that there are Cost-Share Program operational procedures that are more appropriately clarified through Standard Operation Procedures (SOP). The following SOP have been approved by the Commission to assist Department staff with various administrative decisions related to the Cost-Share Program.

#### COST INCREASES

The following are various types of projects for which sponsors request cost increase assistance.

1. Projects approved for cost-share during the current biennium, and are requesting additional cost-share funding for cost increases.

#### SOP

- Requests in excess of \$75,000 will be presented to the Commission for consideration.
- Requests of \$75,000 or less will be considered by the ~~Director~~ Secretary.

2. Projects approved for cost-share during past biennia, and are requesting current biennium cost-share funding or available carryover funds for cost increases.

#### SOP

- Requests in excess of \$75,000 may be deferred for the first six months of the biennium before being presented to the Commission for consideration.
- Requests of \$75,000 or less may be deferred for the first six months of the biennium before being considered by the ~~Director~~ Secretary.

3. Projects that were denied or deferred for cost increase funding during the previous biennium.

#### SOP

- Requests in excess of \$75,000 may be deferred for the first six months of the biennium before being presented to the Commission for consideration.
- Requests of \$75,000 or less may be deferred for the first six months of the biennium before being considered by the ~~Director~~ Secretary.

#### PROJECTS NOT SUBMITTED TO THE WATER DEVELOPMENT PLAN

Project sponsors will sometimes request cost-share funding for projects that are eligible under the agency's cost-share policy, but were not submitted or included in the current Water

Development Plan (WDP). The following are various types of projects that are not included in the current WDP, but are submitted for cost-share consideration.

1. Projects that were, or were not identified in the previous biennium WDP, and are not included in the current WDP.

***SOP***

- These projects will be deferred for the first six months of the biennium for Commission consideration. (Exceptions are those projects considered to be an emergency – directly impacting human health and safety.)

**INVOICE ELIGIBILITY**

Project sponsors are encouraged to submit invoices for reimbursement in a timely manner to, in part, help with reductions in agency budget carry-over amounts from previous budget cycles.

1. Invoices that are dated one year or more before the date they are received by the Department for reimbursement.

***SOP***

- Those invoices are considered ineligible for reimbursement. Invoices submitted by livestock producers who have been approved for cost-share through the Drought Disaster Livestock Water Assistance Program are exempt from this SOP.

**LOW HEAD DAM REPAIRS—ROLLER EFFECT MITIGATION**

Under the revised “Dam Safety and Emergency Action Plans” section of the Water Commission’s cost-share policy, the Commission will provide 75% cost-share to mitigate public dangers associated with low head dam roller effects. The following are various types of low head dam improvement projects that are submitted for cost-share consideration:

1. Dam breaches, removals, or rock rip rap.

***SOP***

- The Water Commission may cost-share up to 75% to mitigate public dangers associated with low head dam roller effects. Cost-share funding will be considered under this category for dam removals, or the placement of rock rip rap, but not both.
- Modifications, repairs, or removals that go beyond what is minimally required to mitigate roller effects may be cost-shared at lesser amounts—depending on the purpose for which the supplemental modifications or repairs are being made (i.e. recreation, water supply, flood control, irrigation, etc).

**Commented [A6]:** Included in cost-share policy.

**LIFE CYCLE COST ANALYSIS FOR PRECONSTRUCTION & CONSTRUCTION REQUESTS**

Under the “Life Cycle Cost Analysis” section of the Water Commission’s cost-share policy, project sponsors seeking cost-share for construction of water supply projects must complete and submit

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~~the Commission's Life Cycle Cost Analysis worksheet. In addition, effective February 2021, the Commission considers cost-share requests and issues agreements under a two-tier process. Cost share for pre-construction activities are considered first, followed by requests for construction-related expenses.~~

~~1. Projects seeking pre-construction cost-share funding.~~

~~**SOP**~~

- ~~• The Water Commission and Director will require the submittal of life cycle cost analysis results with cost-share applications.~~

~~2. Projects seeking construction cost-share funding.~~

~~**SOP**~~

- ~~• The Water Commission and Director will require updated life cycle cost analysis results with cost-share applications.~~

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# DRAFT

# STATE WATER COMMISSION COST-SHARE POLICY SUMMARY

See Water Commission's "Project Funding Policy, Procedure, And General Requirements" For Additional Details.

## APPLICATION & APPROVAL PROCEDURES

Applications received by the Director less than 45 days before a SWC meeting will not be considered at the next meeting, unless specifically exempted by the Director. The Director is authorized to approve up to \$75,000 without SWC approval.

## COST-SHARE CATEGORIES

The SWC supports the following categories of projects and studies for cost-share assistance.

### Pre-Construction Expenses

Development of feasibility studies, engineering designs, and mapping.

Current: Up To project %  
Proposed: Up to 50% OR Project % - The Lesser Amount

### Water Supply

The SWC supports water supply project development in municipal, rural, and regional systems. Project sponsors seeking cost-share for water supply projects must complete and submit the SWC's life cycle cost analysis worksheet.

#### Rural Water Supply

Rural water system expansions and improvements, connection of communities to regional/rural systems, or improvements to meet primary drinking water standards.

Current: Up To 75%  
Proposed: Up To 65%\*

\*Up to 75% for regionalization as defined in policy.

#### Municipal Water Supply

Municipal water supply expansions or improvements, or connection of new rural water customers located within extraterritorial areas of a municipality.

Current: Up To 60%  
Proposed: Up To 65%\*

#### Federal MR&I Water Supply Program

Federally funded for municipal, rural, and industrial water supply projects. Administered according to North Dakota Administrative Code 89-12.

Current: Up To 75%  
Proposed: Up To 65%

#### Drought Disaster Livestock Water Assistance Program

Long-term drought resistant water supply systems for livestock impacted by severe drought conditions. Administered according to North Dakota Administrative Code 89-11.

Current: Up To 50%  
Proposed: Up To 65%

And modify NDAC to say "The applicant may receive reimbursement for eligible costs at a cost-share percentage as determined by the State Water Commission, not to exceed four thousand five hundred dollars per project, with a limit of three projects."

# STATE WATER COMMISSION COST-SHARE POLICY SUMMARY

## Flood Control

Protect communities from flooding and may include repair of dams that provide flood control benefits. Project sponsors seeking cost-share for construction of flood control projects with a total cost of \$200,000 or more must complete and submit the SWC's economic analysis worksheet.

### Flood Recovery Property Acquisition Program

Flood damage has occurred. Property needed for construction of flood protection.

Current: Up To 75%  
Proposed: Up To 60%

Flood damage has occurred. Property needed for conveyance.

Up to 60%

### Flood Protection Program

Support projects that prevent future damages related to flooding and there is no federal participation.

Up to 60%

Support projects that prevent future damages related to flooding and there is federal participation.

~~Up to 50% of Non-Federal~~

### FEMA Levee System Accreditation Program

Federal Emergency Management Agency requirement to accredit a levee system for flood insurance mapping purposes.

Up to 60%

### Water Retention

Reduce flood damages by storing water upstream of areas prone to flood damage, and there is no federal participation.

Up to 60%

Reduce flood damages by storing water upstream of areas prone to flood damage, and there is federal participation.

~~Up to 50% of Non-Federal~~

### Individual Rural & Farmstead Ring Dikes

This program is for rural homes and farmsteads. Cost-share up to \$55,000 is available, with combined NRCS and SWC approval capped at 80% of eligible costs.

Up to 60%

# STATE WATER COMMISSION COST-SHARE POLICY SUMMARY

## Water Conveyance

Drainage works, bank stabilizations, or snagging and clearing. Project sponsors seeking cost-share for construction of conveyance projects with a total cost of \$200,000 or more must complete and submit the SWC's economic analysis worksheet.

### Rural Flood Control (Drains, Channels, or Diversions)

Improve water management of runoff from agricultural sources and reduce flood-related impacts in rural settings.

Up to 45%

### Bank Stabilization

Protect public infrastructure or facilities on public land along the banks of lakes or watercourses.

Up to 50%

### Snagging & Clearing

Removal and disposal of fallen trees and associated debris within or along the channel of natural watercourses.

Up to 50%

## Recreation

Water-based recreation, typically associated with dams.

Up to 40%

## Irrigation

Costs associated with off-farm principal supply works.

Up to 50%

# STATE WATER COMMISSION COST-SHARE POLICY SUMMARY

## Dams & Emergency Action Plans

Deficiencies, repairs, breaches, and removals.

Up to 60%

## Roller Effect Mitigation

Mitigation of low head dam roller effects.

Up to 75%

## Emergency Action Plans

Emergency action plans for high and medium/significant hazard dams.  
Dam break models are funded only on high hazard dams.

Current: Up To 80%  
Proposed: Up To 75%

# SWC PROJECT PRIORITIZATION GUIDANCE

Projects submitted during the project planning inventory process<sup>1</sup> that meet SWC cost-share eligibility requirements will be considered for prioritization. In the interest of strategically investing in the state’s highest water development priorities, the Water Commission will give funding preference to projects designated as higher priorities for the first 12 months of each budget cycle.

**ESSENTIAL PROJECTS** *(No Priority Ranking)*

- Agency operational expenses.
- An imminent water supply loss to an existing multi-user system, an immediate flood or dam related threat to human life or primary residences, or emergency response efforts.
- Existing agency debt obligations.
- SWC project mitigation.

**HIGH PRIORITY PROJECTS**

- Federally authorized water supply or flood control projects ~~with a federal funding appropriation.~~  
*Mitigation of low head dam roller effects.*
- ~~Federally authorized water supply or flood control projects that do not have a federal appropriation.~~
- New water supply connections between communities and rural or regional water systems that result in decommissioning of existing infrastructure.*
- ~~Corrects a lack of water supply for a group of water users or connects a city to a regional/rural system.~~
- Main Street Initiative related projects.*
- Corrects a violation of a primary water quality condition in a water supply system.
- Addresses ~~severe~~ *existing* or anticipated water supply shortages for domestic use in a service area or city ~~with rapid population growth.~~
- Protects primary residences or businesses from flooding in population centers or involves flood ~~recovery~~ *-related* property acquisitions.

**MODERATE PRIORITY PROJECTS**

- Dam safety repairs and emergency action plans.
- Expansion of an existing water supply system.
- Levee system accreditations, water retention, ~~or flood protection property acquisitions.~~
- Irrigation system construction.
- New rural flood control projects.
- Bank stabilization.
- Snagging and clearing in population centers.

**LOW PRIORITY PROJECTS**

- Studies, reports, analyses, surveys, models, evaluations, mapping projects, or engineering designs.<sup>11</sup>
- Improvement or extraordinary maintenance of a water supply system.
- Improvement or extraordinary maintenance of rural flood control projects.
- Recreation projects.
- Individual rural and farmstead ring dike constructions.
- Snagging and clearing in sparsely populated areas.

**Footnotes**

1. All local sponsors are encouraged to submit project financial needs during the budgeting process. Projects not submitted as part of the project information collection effort may be held until action can be taken on those that were included during budgeting, unless determined to be an emergency that directly impacts human health and safety or that are a direct result of a natural disaster.

11. May be considered as a higher priority if the related project is of higher priority.

**Disclaimer**

*This process is meant to provide guidance for prioritizing water projects during the budgeting process that may be eligible for cost-share assistance through the Department of Water Resources. Interpretation and deviations from the process are within the discretion of the state as authorized by the State Water Commission or Legislature.*

## 2022 WATER COMMISSIONER-HOSTED BASIN MEETING SCHEDULE

### **Mouse River - Commissioner Jason Zimmerman**

Wednesday, July 6, 3:00 PM  
Minot - City Hall Council Chambers  
515 2nd Ave SW

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### **Lower Missouri River - Commissioner Jay Volk**

Thursday, July 7, 10:00 AM  
Bismarck - State Capitol, Pioneer Room  
**(Virtual Option Available)**  
Or call in:  
+1 701-328-0950,,608961183#  
Phone Conference ID: 608 961 183#

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### **Upper Red River - Commissioner April Walker**

Monday, July 11, 3:00 PM  
Fargo - Holiday Inn  
3803 13th Ave South

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### **James River - Commissioner Connie Ova**

Friday, July 15, 10:00 AM  
Jamestown - City Hall, Lower Level Conference Room  
102 3rd Ave SE

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### **Upper Missouri River - Commissioner Gene Veeder**

Wednesday, July 20, 10:00 AM  
Watford City - The Watford Hotel  
810 3rd Ave SW

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### **Little Missouri, Upper Heart, & Upper Cannonball Rivers - Commissioner James Odermann**

Wednesday, July 20, 3:00 PM (Mountain)  
Dickinson - Stark-Billings NDSU Extension Office  
2680 Empire Rd

## 2022 WATER COMMISSIONER-HOSTED BASIN MEETING SCHEDULE

### **Lower Red River - Commissioner Michael Anderson**

Wednesday, July 27, 9:00 AM  
Grand Forks - City Hall Council Chambers  
255 N 4th St

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### **Devils Lake - Commissioner Richard Johnson**

Wednesday, July 27, 3:00 PM  
Devils Lake - Lake Region State College, Chautauqua Gallery  
1801 College Drive N

## **SWC DRAFT AGENDA**

### **2022 State Water Commissioner-Hosted Basin Meetings**

**July 2022**

- I. Welcome & Introductions [Commissioners]
- II. NDCC § 61-02-01.3 – SWC Hosted Meetings [Commissioners]
- III. DWR & SWC Updates [DWR Staff]
  - a. Five-Year Agency Strategic Plan
  - b. Agency Budget Update (Current Biennium & 2023 Guidelines)
  - c. 2023 Water Development Planning Process
  - d. Cost-Share Policy & Prioritization Guidance Modifications
- IV. Project Summaries from Sponsors & Public Comments (Approx. 5 Minutes Per Speaker [Commissioners])
- V. Concluding Remarks [Commissioners]

## REPLACEMENT/CAPITAL IMPROVEMENT RESERVE FOR WATER PROJECTS

Infrastructure management is one of the focus areas necessary for a utility system to become viable or sustainable. State water infrastructure funding programs can promote viable utilities by recognizing that many entities can afford to incur some amount of debt and by encouraging utilities to transition to local funding solutions and end long term reliance on grant funding.

The 2021 Water Development Plan for North Dakota estimates a total 10-year water supply infrastructure funding need of over \$2.8 billion, with grant funding from the State expected at over \$2 billion. The Resources Trust Fund (RTF) is the primary revenue source for funding water projects in North Dakota. Though North Dakota is very fortunate for the infrastructure investments that RTF has helped realize, the future of RTF revenues cannot be predicted with certainty. The Water Development Plan demonstrated that funding shortfalls under multiple revenue scenarios for the RTF are likely under the current State Water Commission Cost Share Program.

Utilities can reduce the reliance on significant grant funding from the State by creating a reserve fund for replacement/capital improvement projects. State-owned regional water supply projects, Southwest Pipeline Project (SWPP) and Northwest Area Water Supply (NAWS), have reserve funds called Replacement and Extraordinary Maintenance (REM) funds, while other systems in the state have reserve funds with different names. It is the agency's understanding that most other systems in the State do not have a restricted reserve fund for replacement/capital improvement. Most other systems do have a debt service reserve fund dictated by loan programs from the United States Department of Agriculture (USDA) or North Dakota Department of Environmental Quality's- Drinking Water State Revolving Loan Program.

Century Code and State Water Commission (Commission) cost-share policy requirements regarding REM fund and capital improvement funds are briefly described below.

### **REM Fund For SWPP**

Century Code sections 61-24.3-16 and 61-24.5-21 stipulate that the SWPP maintain a fund designated as the SWPP reserve fund for replacement. Century Code also states that the revenues for replacement must be used to pay for replacement or extraordinary maintenance of works that are part of, or associated with, the SWPP. However, replacement or extraordinary maintenance is not defined in the Century Code.

The agreement that transferred the management, operations, and maintenance responsibilities of the SWPP from the Commission to the Southwest Water Authority (SWA) states that the reserve fund shall be accumulated with interest and maintained in an amount to be determined by the Commission and that the Commission shall determine whether or not a proposed project is replacement or extraordinary maintenance. At the time of transfer, the base water rate for replacement and extraordinary maintenance (REM) was \$0.30/1,000 gallons for transmission replacement and \$0.10/1,000 gallons for distribution replacement. The 2022 REM rate is \$.70/1,000 gallons for transmission replacement (contract users) and \$.10/1,000

gallons for distribution replacement (rural users). Attachment 1 shows the history of the SWPP's REM rate. The REM fund balance as of April 20, 2022, is \$23.3 Million.

The Commission set the eligibility criterion for expenditure from the REM fund at its June 19, 1996, meeting and a single event with a repair or replacement cost of \$10,000 or more which was not normal maintenance was considered eligible for funding from the REM fund. At the Commission's March 29, 2017, meeting the \$10,000 threshold was increased to \$20,000.

Though SWPP has a REM fund which includes the term "Replacement," the intended use of the REM funds for replacement, guidance on projects eligible for using REM funds, and REM rate adjustments necessary to meet the REM guidance need to be developed. This exercise on the SWPP is also intended to develop a guidance for replacement reserves for other water supply projects throughout the State.

Over the years, the REM fund has been expended on various projects. Attachment 2 shows the actual expenses approved for reimbursement from the REM fund by the SWA Board of Directors and the Commission through February 2022.

SWPP's REM fund was used for two metallic line replacement projects as shown in Attachment 2. The two projects that used REM funds were for the Contract 2-3E pipeline, the 16-inch Ductile Iron Pipe (DIP) south of Dickinson. Attachment 3 is a map showing the metallic line and failure locations. In 2016, approximately 450 ft of the Contract 2-3E pipeline (16-inch diameter DIP) south of Dickinson was replaced following a leak repair that indicated the pipe had corroded in the vicinity. The leak location was near the location of an earlier leak repaired in 2004. The total cost for replacement in 2016 was \$435,000. In December 2019, another failure happened at a different location on the Contract 2-3E pipeline. Approximately, 1,600 ft of pipeline was replaced in 2020, and the total cost for replacement was approximately \$750,000.

In May 2020, a leak occurred on the Contract 2-3A pipeline involving 30-inch diameter DIP east of Dickinson near Taylor. The leak repair took more than 40 hours. A preliminary assessment of the pipeline indicated around 1,800 ft of pipeline needed replacement at an estimated cost of \$1.8 million. Testing confirmed that microbes that cause Microbiologically Induced Corrosion (MIC) were present at the 2016, 2019 and 2020 leak locations.

SWPP's has around 125 miles of metallic pipeline on the system. Out of the 125 miles, 78 miles is polyethylene encased DIP, while the remaining 47 miles is dielectric tape-wrapped, welded, steel pipe. Except for Contract 2-1B, which includes approximately 4 miles of 30-inch dielectric tape-wrapped, welded, steel parallel piping from the intake to the Oliver Mercer North Dunn Water Treatment Plant, the other metallic pipelines were installed between 1986-1994. Contract 2-1B was constructed between 2017-2018.

SWA requested using Capital Assets funding for the replacement of Contract 2-3A pipeline as SWA was concerned that these failures are not isolated, and more instances of metallic line

failure are possible in the future. This was discussed at the December 2020, Commission meeting and SWA was directed to use REM funds for this replacement project.

A condition assessment of around 2.8 miles of pipeline in the vicinity of the Contract 2-3A leak area using free swimming ultrasonic sensors called PipeDiver was completed by Pure Technology in March 2021. Preliminary review of the assessment report and validation through excavation indicates approximately 3,660 ft of pipeline needs to be replaced. SWA procured 30-inch bonded and coated ductile iron pipeline and some materials needed for the replacement project. The contract for the installation of the pre-purchased pipe and other materials was awarded at the April 2022, SWA board meeting. The current estimated project cost for the replacement project is \$5.7-\$6 million.

Since REM stands for Replacement and Extraordinary Maintenance, the question that needed to be answered was whether the term “replacement” in the REM fund meant replacement of capital projects.

The Commission’s cost-share policy defines “Extraordinary Maintenance” as “repair or replacement” of portions of facilities or components that extends the overall life of the system or component that are above and beyond regular or normal maintenance. Extraordinary maintenance activities extend the asset’s useful life beyond its originally predicted useful life. The “replacement” under the extraordinary maintenance category only includes components. Examples of extraordinary maintenance items include replacement of water treatment membranes, pumps, motors, VFDs, cathodic protection anode beds, roof membranes, polyvinyl chloride (PVC) pipeline in right-of-way etc. Examples of extraordinary maintenance items include tank recoating, pumps, motor rebuilding, repairs, condition assessment of pipeline etc. An analysis was completed for SWPP that projected the extraordinary maintenance expenses on the SWPP over the next 50 years.

Capital projects include replacements of large-scale assets such as metallic lines, water treatment plants, reservoirs, and pump stations. In order to determine the sustainability of REM funds to support both replacement of capital projects and extraordinary maintenance expenses in the future, a spreadsheet analysis was completed. As described before, an accounting of estimated extraordinary maintenance expenses anticipated over the next 50 years was completed by SWA. Replacement costs for the different capital projects were estimated using historic construction costs, construction cost inflation adjustments, and useful life of the capital project. The replacement cost estimation is very sensitive to the construction cost inflation assumption. The useful life assumed for the different projects are listed in the table below. Then the REM fund expenses to provide a certain percentage of the capital replacement costs and 100% of the extraordinary maintenance cost was compared to the REM fund balance based on a yearly increase in the REM rate, yearly water usage increases, and interest on the REM fund account. The REM fund balance is highly sensitive to the assumptions regarding capital replacement costs being covered from the fund, yearly water sales increases, interest earned by the fund balance, and yearly REM rate increases.

### Useful Life of Projects

Project Type	Useful Life (Years)
Metallic Main Transmission Line (MTL)	50
PVC MTL	100
Rural MTL	100
Reservoirs	50
Pump Stations	50
Water Treatment Plants	50

Attachment 4 are the charts that show the REM fund balance based on the assumptions listed on the charts including both capital replacement expenses and extraordinary maintenance expenses.

### Analysis Conclusion For SWPP

The analysis indicates that the SWPP's REM fund can sustainably fund 100% of the extraordinary maintenance expenses and 25% of the capital replacement cost expenses if the REM rate is increased annually at a nominal rate (between 0.5-9%) based on the assumptions indicated on the chart (Attachment 4 – Chart 1). For the REM fund to provide for 35% of the capital replacement cost expenses, the REM rate has to be increased annually between 0.5-10.5% based on the assumptions indicated on the chart (Attachment 4 – Chart 2).

### Northwest Area Water Supply

Northwest Area Water Supply's reserve fund for replacement is stipulated in Century Code section 61-24.6-08. Expenditures out of this fund are to be approved by the Commission. NAWs's current REM rate is \$0.15/1,000 gallons. The REM rate analysis similar to the SWPP analysis should be completed to determine the annual REM rate increase necessary for NAWs.

### Other Projects

Century Code stipulates that the Commission shall require a water project sponsor to maintain a capital improvement fund from rates charged to customers for future extraordinary maintenance projects as a condition of funding an extraordinary maintenance project.

The Commission's cost-share policy requires a summary of the project sponsor's Capital Improvement Fund be included with the cost-share application for water supply projects. At the March 2022 pre-commission meeting, Commissioners expressed the desire to require all projects to submit a summary of Capital Improvement Fund information. Cost-share policy will be modified in the future upon further discussion and feedback. Currently, neither the DWR nor the Commission comment on Capital Improvement Fund summary information provided by the sponsor.

### **Guidance for SWPP**

SWPP and SWA historically have not received the typical cost-share for construction from the Commission because of SWPP's capital repayment model for initial construction. The Commission, as the owner of the SWPP, provides 100% funding for initial construction costs with the local share paid back to the State through capital repayment.

For capital replacement projects, analysis shows that REM funds can provide for a certain percentage of the replacement costs and 100% of the extraordinary maintenance costs with a nominal annual increase in REM. The Commission could consider the SWPP's capital replacement projects similar to other water supply projects seeking cost-share funding and provide cost-share assistance for the replacement project instead of funding it 100% as the owner of the project. The local share for the SWPP's replacement projects will be provided by the REM fund instead of capital repayment.

Use of SWPP's REM funds could be restricted to extraordinary maintenance and capital replacement projects. The traditional SWPP funding model with 100% construction costs paid by the Commission and the local share paid back by capital repayment could be continued for new construction, capacity upgrades, and expansions or a traditional cost-share percentage can be implemented.

### **Suggested Approach For Other Projects Based On SWPP Analysis**

Water supply projects in North Dakota generally seek grants from the Commission for capital replacement projects, and the local share for the replacement project is typically met through debt financing. The REM analysis for SWPP shows that water supply projects can fund a portion of the capital replacement costs from a restricted reserve fund for replacement, and in turn, can accommodate a lower grant assistance from the Commission if funding for water supply projects are limited due to other funding needs, or due to reductions in RTF funds or other water funding sources in the future.

### **Guidance For Other Projects**

- Commission could require water supply cost-share applicants to have a separate restricted capital improvement fund, strictly to provide for local cost-share for future capital replacement projects.
- Commission could consider requirements be met by cost-share applicants when completing the summary of the capital improvement fund.
- The capital improvement fund could include all assets that are owned by the applicant, date constructed, cost when constructed, estimated time for replacement, estimated replacement cost, and estimated cost to be met from the capital improvement fund.

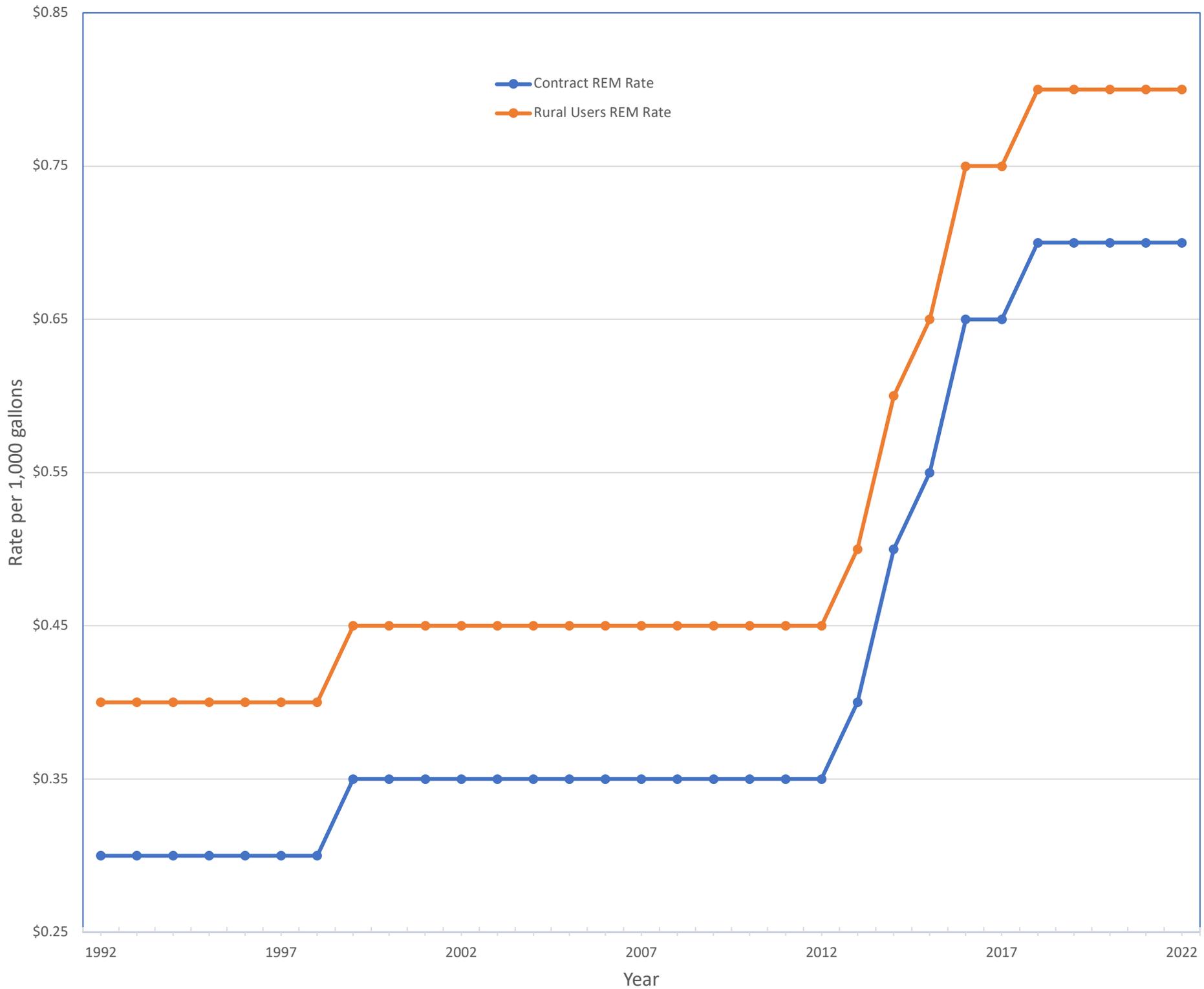
## **Proposed Policy Options for Commission Discussion and Consideration**

### **Capital Improvement Plan For Water Supply Projects**

- Commission could require all water supply cost-share applicants to complete a capital improvement plan.
- Commission could consider developing uniform parameters for developing replacement cost estimation for applicants to complete the capital improvement plan.
- Commission could consider a funding program similar to North Carolina's Asset Inventory and Assessment (AIA) program to help cost-share applicants complete the capital improvement plan. Details of the AIA program were discussed in the write-ups included with the February and April 2022 Commission meeting packets. In brief, the AIA grant program provides grant assistance for developing an inventory of water infrastructure, to assess the condition of the assets, prioritize the most critical infrastructure needs, and to develop a capital improvement plan to fund the projects. Having this information empowers utilities to become more proactive in managing and financing their systems by identifying their most critical needs, thus ensuring that financing for capital improvements is used most efficiently.
- Commission could consider other policy parameters.

# SWPP REM Rate History

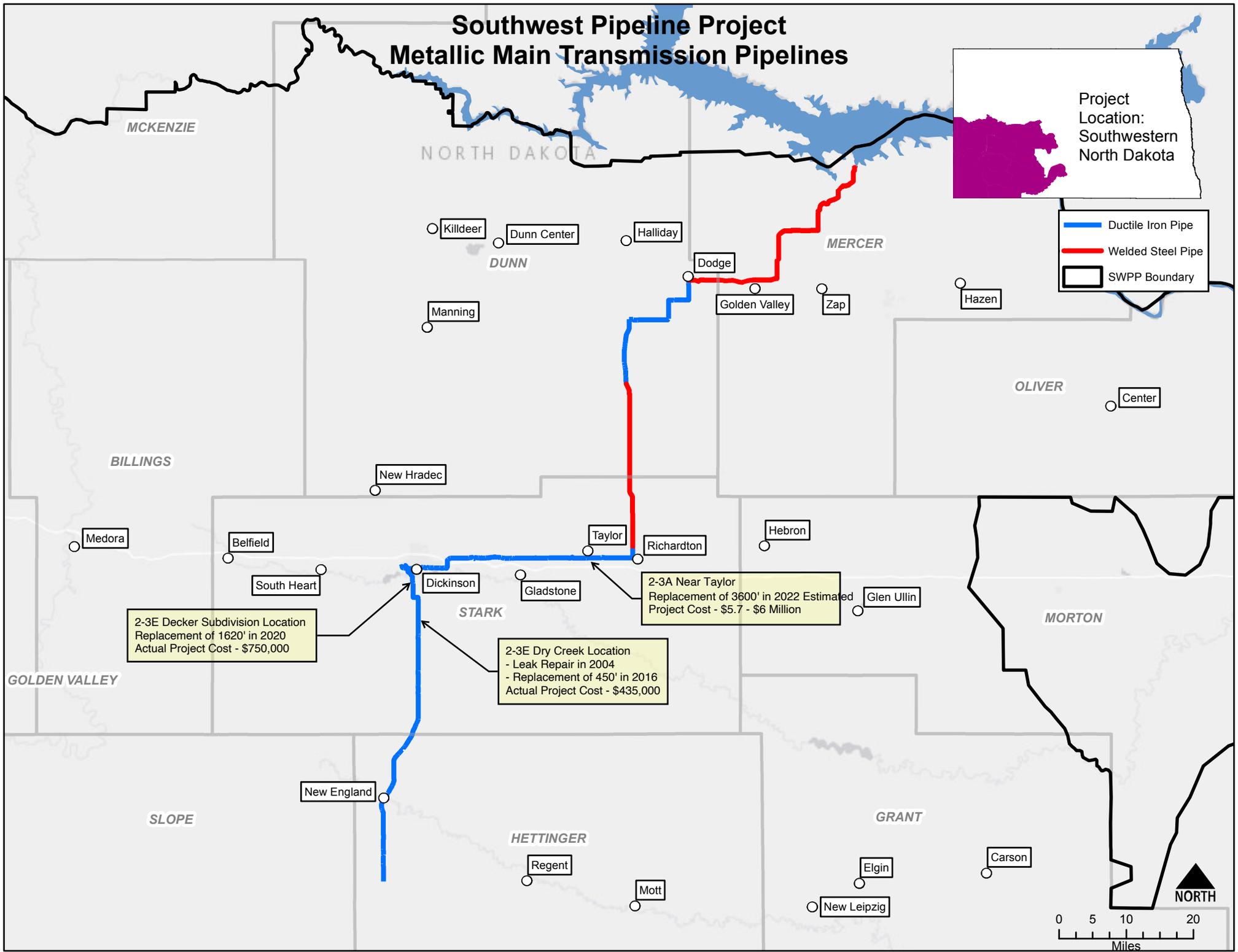
Attachment 1



## REM Reimbursement History

Date SWA Approved	Date SWC Approved	Date of Disbursement	Amount	Reason
		1/30/97	\$ 16,945.00	to O&M acct (for main transmission air valve replacement)
2/2/98	2/13/98	5/13/98	\$ 26,820.29	telemetry upgrade in 1997 approved by SWC in part on 2/13/98 & 4/30/98
7/6/98	8/13/98	9/21/98	\$ 27,617.25	blow off replacement in 1998
	do not count	1/22/99	\$ 55,536.51	Disbursement of Debt Service Credit in REM
1/4/99	1/27/99	2/24/99	\$ 40,250.00	JD Tractor - pipeline alignment reclamation tractor
	9/13/99	9/22/99	\$ 16,025.00	O&M Center Roof Repair
9/1/99	1/27/99	1/19/00	\$ 21,881.50	payment for sludge pond removal
4/3/00	4/10/00	5/5/00	\$ 13,042.00	alumimun sub-flashing on ventilon seal at Dkn Res
9/1/99	1/27/99	5/10/00	\$ 127,590.75	payment for sludge pond removal
9/1/99	1/27/99	7/21/00	\$ 6,930.27	final payment on sludge ponds
	12/8/00	12/28/00	\$ 4,750.00	man hole replacement
	3/6/01	4/24/01	\$ 13,098.08	blow off replacement 1 in 1999 & 2 in 2000
	12/8/00	8/22/01	\$ 5,350.00	man hole replacement
11/4/02	12/6/02	12/11/02	\$ 41,783.65	blow off replacement - 3 in 2001 & 6 in 2002
1/6/03	3/5/03	4/16/03	\$ 14,874.00	motor rewind at the Richardton Pump Station
3/1/04	8/16/04	11/9/04	\$ 28,260.16	replacement of voltage regulators at Richardton Substation
12/6/04	6/12/03	12/15/04	\$ 164,859.05	WTP paving project - SWC approval letter dated 11/4/04
2/7/05	3/10/05	3/24/05	\$ 31,753.50	blow off replacement - 6 in 2004 (total of 24 complete so far)
2/6/06	3/22/06	4/11/06	\$ 20,925.55	blow off replacement - 4 in 2005 (total of 28 complete so far)
6/5/06	8/30/05	7/6/06	\$ 82,846.00	lime slaker replacement at WTP
5/1/06	3/22/06	10/3/06	\$ 45,313.00	replacement transformer at Richardton Substation/pd by SWA 9/13/06
10/5/09	6/23/08	2/18/10	\$ 98,640.00	lime slaker replacement at WTP
10/5/2009 & 11/2/09	12/11/09	2/18/10	\$ 43,278.84	VFD pumps in the New Hradec BPS and the W Medora BPS
11/1/10	12/10/10	1/10/11	\$ 313,332.59	Phase I Replacement of the Card Rack Telemetry Units
10/3/11	11/10/11	11/25/11	\$ 35,363.32	Disaster Items not paid by FEMA
11/7/11	1/4/12	1/9/12	\$ 171,567.61	Rectifiers and Anode Beds for Taylor and Gladstone and WTP Scraper Drive Repair
9/6/12	9/17/12	10/1/12	\$ 719,714.70	Dickinson WTP Rehabilitation
8/4/14	9/18/14	10/21/14	\$ 582,414.78	Replacement of telemetry units, Dickinson WTP rehab, October 2013 storm related damages, asphalt replacement north and south of the O&M building, motor replacement at the Intake and Dodge pump station, pipe relocation and repair of the raw water MTL
11/2/15	12/11/15	1/8/16	\$ 311,265.74	SWA's portion of the Rhame Booster Pump Station, costs not covered by insurance at the RO concentrate discharge vault, a pump motor replacement at the Intake, replacement of the electrical service at the WTP in Dickinson, an electrical bushing and pump motors at the Richardton pump station and the control valve at the Dodge pump station.
12/6/16 & 2/6/17	3/29/17	3/31/17	\$ 924,579.42	The VFD repair at the Jung Lake BPS, the electrical service to the WTP in Dickinson, two contactors for the Intake, pump motors at the Intake, pipeline relocation in right-of-ways, repair of the 6MG reservoir at the WTP in Dickinson, the Egly two inch CL200 service line, replacing the steam unit heaters and steam traps at the WTP in Dickinson, pipeline relocation at the railroad crossing and repair of the Tooz PRV vault and Dry Creek 2-3E.
7/2/18	8/9/18	8/17/18	\$ 647,318.17	Egly line repair, the pipeline relocation in the right-of-way in Dunn County, the 2-2C, 2-2D and 2-2E Dry Creek Crossing cathodic protection facility improvements and the East Lime Sludge pond berm raise.
11/5/18 & 5/6/19	6/20/19	6/25/19	\$ 174,687.65	The balace on the anode replacement on 2-2C, 2-2D and 2-2E contracts, the balance on the east lime sludge pond berm raise, additional cathodic protection at the Tesoro Crossing on Contract 2-2B and replacement of the variable frequency drive on the 350 hp motor at the Jung Lake Pump Station
10/1/18	10/11/18	8/1/19	\$ 117,896.60	Contract 4-1E/4-2B, Dodge and Richardton Upgrades to include the 12" control valve and the HVAC systems at Dodge and Richardon. Request No. 1
10/1/18	10/11/18	7/24/20	\$ 230,202.04	Contract 4-1E/4-2B, Dodge and Richardton Upgrades to include the 12" control valve and the HVAC systems at Dodge and Richardon. Request No. 2
08/03/2020 & 09/08/2020	10/14/20	10/29/20	\$ 194,949.99	Replacement of pump motor #5 at the Richardton PS, pump motor PA2 at the Intake, pump motor #2 at the Scranton BPS, rebuild pump motor PA3 at the Intake, replacement of bypass valve at the Jung Lake BPS and repair of Contract 2-4A/2-4C Connection.
10/1/2018 & 4/24/20	10/11/2018 & 04/24/20	7/30/21	\$ 108,476.17	Contract 4-1E/4-2B, Dodge and Richardton Upgrades to include the 12" control valve and the HVAC systems at Dodge and Richardon. Request No. 3
10/4/21	12/10/21	12/28/21	\$ 1,286,852.17	Contract 2-3E Replacement of Ductile Iron Pipeline, Contract 2-3A Leak Repair & Initial Corrosion Assessment
12/6/21	2/23/22		\$ 823,662.39	IDT AMR replacements
			<b>\$ 7,590,653.74</b>	<b>Total from REM Fund to date</b>

# Southwest Pipeline Project Metallic Main Transmission Pipelines



Project Location:  
Southwestern  
North Dakota

— Ductile Iron Pipe  
— Welded Steel Pipe  
□ SWPP Boundary

MCKENZIE

NORTH DAKOTA

DUNN

MERCER

BILLINGS

OLIVER

GOLDEN VALLEY

STARK

MORTON

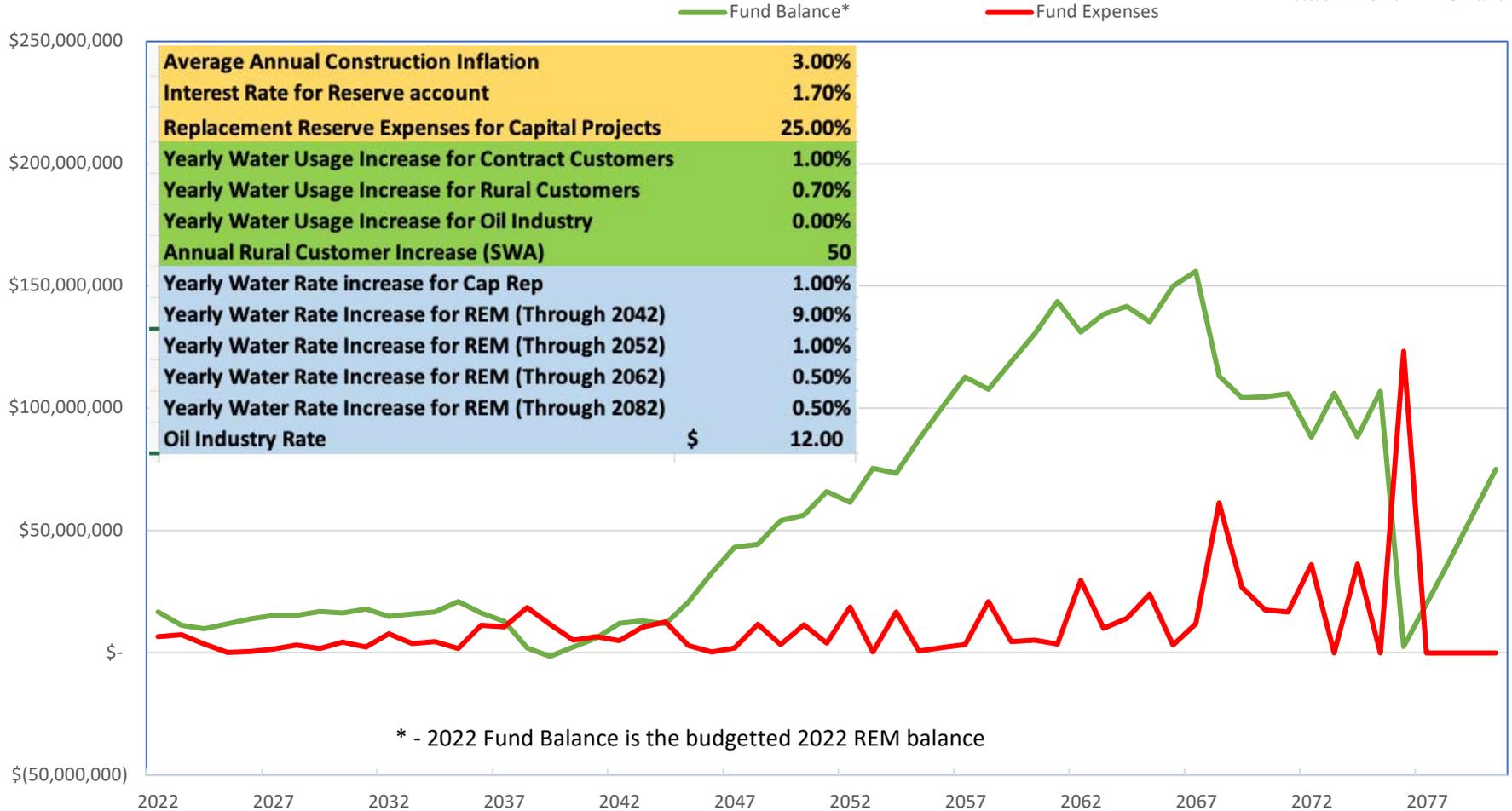
SLOPE

HETTINGER

GRANT

# SWPP REM (CAPITAL REPLACEMENT & EXTRAORDINARY MAINTENANCE) CHART

Attachment 4 - Chart 1

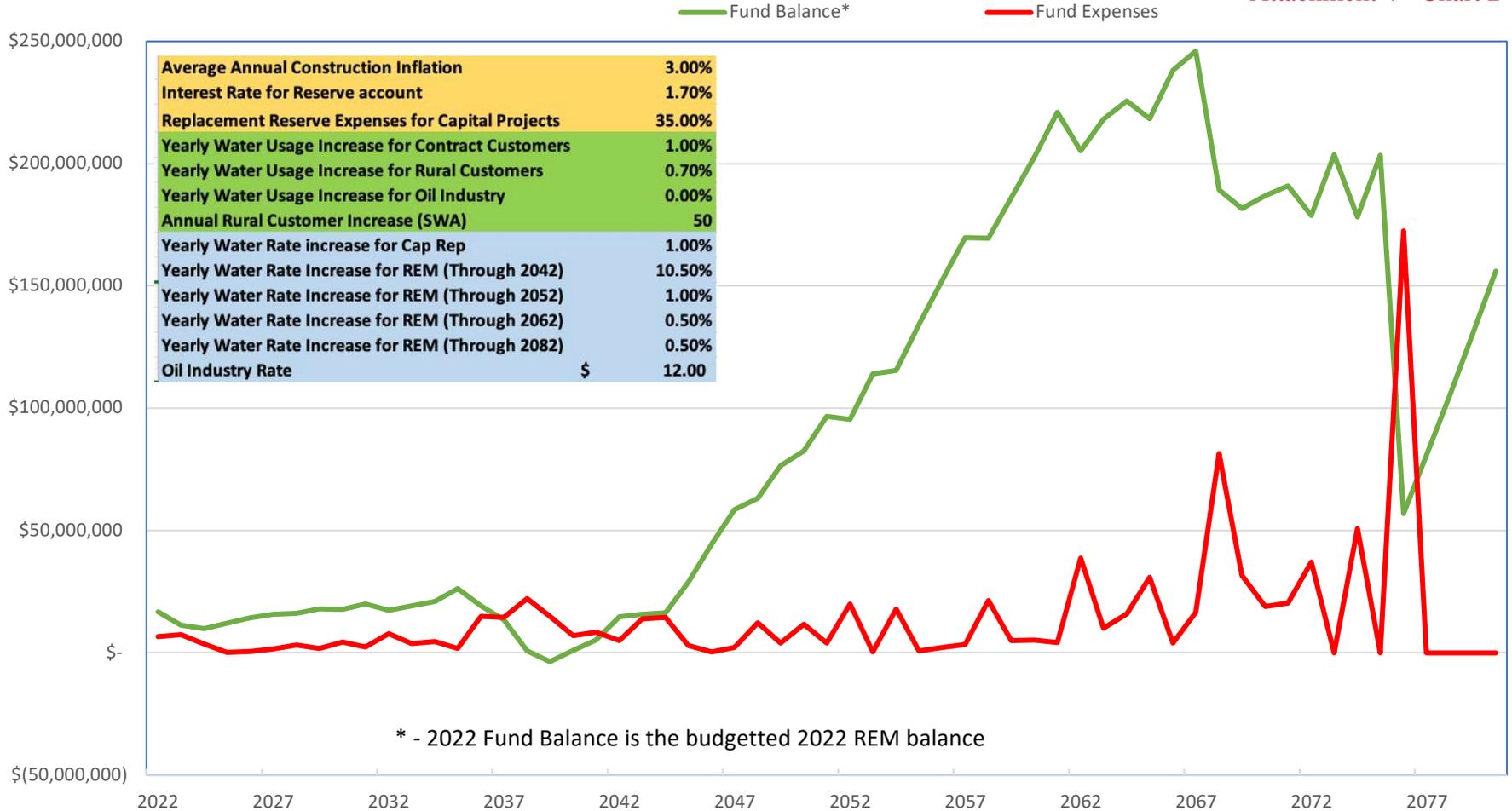


<b>Average Annual Construction Inflation</b>	<b>3.00%</b>
<b>Interest Rate for Reserve account</b>	<b>1.70%</b>
<b>Replacement Reserve Expenses for Capital Projects</b>	<b>25.00%</b>
<b>Yearly Water Usage Increase for Contract Customers</b>	<b>1.00%</b>
<b>Yearly Water Usage Increase for Rural Customers</b>	<b>0.70%</b>
<b>Yearly Water Usage Increase for Oil Industry</b>	<b>0.00%</b>
<b>Annual Rural Customer Increase (SWA)</b>	<b>50</b>
<b>Yearly Water Rate increase for Cap Rep</b>	<b>1.00%</b>
<b>Yearly Water Rate Increase for REM (Through 2042)</b>	<b>9.00%</b>
<b>Yearly Water Rate Increase for REM (Through 2052)</b>	<b>1.00%</b>
<b>Yearly Water Rate Increase for REM (Through 2062)</b>	<b>0.50%</b>
<b>Yearly Water Rate Increase for REM (Through 2082)</b>	<b>0.50%</b>
<b>Oil Industry Rate</b>	<b>\$ 12.00</b>

\* - 2022 Fund Balance is the budgetted 2022 REM balance

# SWPP REM (CAPITAL REPLACEMENT & EXTRAORDINARY MAINTENANCE) CHART

Attachment 4 - Chart 2



# WAWS Oversight Transfer to SWC

## 61-40 Summary Matrix

The following matrix summarizes the current legislative code creating and providing for the oversight of the Western Area Water Supply project and identifies those sections in the code where changes are needed to transfer of oversight from the Industrial Commission to the State Water Commission / Department of Water Resources. It is intended to provide a brief overview of the current oversight and help identify where changes could be/should be made in the in a graphical presentation. At this time, this does not consider any changes that may be necessary to adapt the WAWS oversight to a different governance/finance model that is also being studied.

The full text of 61-40 along with proposed changes to it is included in Attachment 1. The potential changes for transfer of oversight have been indicated in **RED text**. The Western Area Water Supply Authority has provided comments on this draft change. We have inserted their comments, in part, into the draft indicated in **BLUE text**. The WAWSA memo is attached for your review.

In the matrix below, items where a change is proposed are highlighted in yellow.

An acronym glossary is included at the end of the matrix.

Section No. and Title				
Sub Sec	Purpose	Current Authority	Proposed Authority	Proposed Revisions to Legislation
<b>61-40-01. Legislative declarations – Authority of western area water supply authority.</b>				
	<ul style="list-style-type: none"> <li>• Declaration of need and creation of WAWS project.</li> <li>• Authority of WAWSA.</li> <li>• Limit impact on private water sellers.</li> </ul>	Legislative Assembly WAWSA WAWSA	Legislative Assembly WAWSA WAWSA	None
<b>61-40-02. Western area water supply authority.</b>				
	<ul style="list-style-type: none"> <li>• Definition of WAWSA.</li> <li>• Participating member requirements.</li> </ul>	WAWSA	WAWSA	None
<b>61-40-03. Western area water supply authority – Board of directors.</b>				
1.	<ul style="list-style-type: none"> <li>• Initial makeup of the board of directors</li> </ul>	Member Entities	Member Entities	None
2.	<ul style="list-style-type: none"> <li>• Additional member entities</li> </ul>	WAWSA BOD	WAWSA BOD	None
3.	<ul style="list-style-type: none"> <li>• Alternate representative</li> <li>• Associate members</li> <li>• Initial members removed for lack of contract</li> </ul>	Member Entities WAWSA BOD WAWSA BOD	Member Entities WAWSA BOD WAWSA BOD	None
<b>61-40-04. Board of Directors – Officers – Meetings.</b>				
1.	<ul style="list-style-type: none"> <li>• Rules and bylaws</li> <li>• Bylaw approval</li> </ul>	WAWSA BOD Member Entities	WAWSA BOD Member Entities	None

<b>Section No. and Title</b>				
Sub Sec	Purpose	Current Authority	Proposed Authority	Proposed Revisions to Legislation
2.	<ul style="list-style-type: none"> <li>• Officers</li> <li>• Special meetings</li> </ul>	WAWSA BOD Board chairperson or majority of board	WAWSA BOD Board chairperson or majority of board	None
3.	<ul style="list-style-type: none"> <li>• Board member compensation and reimbursement</li> </ul>	WAWSA BOD	WAWSA BOD	None
<b>61-40-05. Authority of the western area water supply authority.</b>				
1.	<ul style="list-style-type: none"> <li>• Can sue and be sued</li> </ul>	WAWSA	WAWSA	None
2.	<ul style="list-style-type: none"> <li>• Eminent domain</li> </ul>	WAWSA	WAWSA	None
3.	<ul style="list-style-type: none"> <li>• Relationship with federal, state, local government, and private entities</li> </ul>	WAWSA	WAWSA	None
4.	<ul style="list-style-type: none"> <li>• Cooperate and contract with the agencies or political subdivisions of this or other states</li> </ul>	WAWSA	WAWSA	None
5.	<ul style="list-style-type: none"> <li>• Employee compensation and reimbursement</li> <li>• Procure services (engineers, attorneys, etc.)</li> </ul>	WAWSA	WAWSA	None
6.	<ul style="list-style-type: none"> <li>• Operate and manage the authority to fulfill its purpose</li> </ul>	WAWSA	WAWSA	None
7.	<ul style="list-style-type: none"> <li>• Property</li> </ul>	WAWSA	WAWSA	None
8.	<ul style="list-style-type: none"> <li>• Contracts to obtain water supply</li> </ul>	WAWSA	WAWSA	None
9.	<ul style="list-style-type: none"> <li>• Acquire, construct, improve and own infrastructure, office, and maintenance space</li> </ul>	WAWSA	WAWSA	None
10.	<ul style="list-style-type: none"> <li>• Contracts for water sale, lease, or other supply of water</li> </ul>	WAWSA	WAWSA	None
11.	<ul style="list-style-type: none"> <li>• Borrow money</li> </ul>	WAWSA	WAWSA	None
12.	<ul style="list-style-type: none"> <li>• Make contracts, instruments, all things necessary or convenient to exercise powers, perform covenants or duties, secure payment</li> </ul>	WAWSA	WAWSA	None
13.	<ul style="list-style-type: none"> <li>• Accept loans or grants and enter agreements respecting the loans and grants</li> <li>• Additional debt approval required</li> </ul>	WAWSA IC & EC	WAWSA BND & EC	See Attachment 1
14.	<ul style="list-style-type: none"> <li>• Contract debts and borrow money</li> </ul>	WAWSA	WAWSA	None
15.	<ul style="list-style-type: none"> <li>• Distribute water to out-of-state cities or systems</li> </ul>	WAWSA	WAWSA	None
16.	<ul style="list-style-type: none"> <li>• Accept, apply for, and hold water allocation permits</li> </ul>	WAWSA	WAWSA	None
17.	<ul style="list-style-type: none"> <li>• Adopt rules for planning, management, operation, maintenance, sale, and rate-setting</li> </ul>	WAWSA	WAWSA	None
18.	<ul style="list-style-type: none"> <li>• Develop infrastructure and set terms and rates</li> </ul>	WAWSA	WAWSA	None

<b>Section No. and Title</b>				
Sub Sec	Purpose	Current Authority	Proposed Authority	Proposed Revisions to Legislation
19.	<ul style="list-style-type: none"> <li>Contract to purchase or improve infrastructure or obtain bulk supply without vote of public</li> <li>Municipalities also exempt from public voting requirements or contract duration limits in relation to initial construction and entering contract with authority</li> </ul>	WAWSA	WAWSA	None
20.	<ul style="list-style-type: none"> <li>Accept assignment by member entities</li> </ul>	WAWSA	WAWSA	None
21.	<ul style="list-style-type: none"> <li>Issue revenue bonds to repay BND loan(s)</li> </ul>	WAWSA	WAWSA	None
<b>61-40-05.1. Revenue bonds and bonds exempt from taxation.</b>				
1.	<ul style="list-style-type: none"> <li>Issue revenue bonds to construct infrastructure</li> </ul>	WAWSA	WAWSA	None
2.	<ul style="list-style-type: none"> <li>Issuance approval</li> </ul>	Majority of BOD	Majority of BOD	None
3.	<ul style="list-style-type: none"> <li>Pledge sufficient revenue for payment of bonds</li> </ul>	WAWSA	WAWSA	None
4.	<ul style="list-style-type: none"> <li>Revenue bonds may not be general obligation of participating member, state, secured by property taxes</li> </ul>	Legislative Assembly	Legislative Assembly	None
5.	<ul style="list-style-type: none"> <li>Revenue bonds may be issued and sold at public or private sale</li> </ul>	WAWSA BOD	WAWSA BOD	None
6.	<ul style="list-style-type: none"> <li>Bonds exempt from taxation by state</li> </ul>	Legislative Assembly	Legislative Assembly	None
<b>61-40-06. Oversight of authority projects. (Repealed by S.L. 2013, ch. 490, § 24.)</b>				
<b>61-40-07. Easement granted for pipelines and appurtenant facilities on any public lands.</b>				
	<ul style="list-style-type: none"> <li>Use of public roadway right-of-way must be approved</li> </ul>	DOT & DWR	DOT & DWR	None
<b>61-40-08. Proceedings to judicially confirm contracts and other acts.</b>				
	<ul style="list-style-type: none"> <li>Special proceedings in District Court</li> </ul>	WAWSA	WAWSA	None
<b>61-40-09. Default</b>				
	<ul style="list-style-type: none"> <li>Oversight of WAWSA's ability to repay loans.</li> <li>If WAWSA is in default on BND loan, request funding from legislature.</li> </ul>	IC SWC	BND DWR	See Attachment 1
<b>61-40-10. Industrial water depot and lateral sales.</b>				
1.	<ul style="list-style-type: none"> <li>Accounting of water sales</li> <li>Transfer of sales to authority</li> <li>Notification to boards and member entities</li> <li>Application of revenues per a thru f below</li> </ul>	WAWSA & IC	WAWSA & DWR?	See Attachment 1
a.	Funding for FTE	IC	DWR	See Attachment 1
b.	Reimburse for capital improvements and cost of delivery	WAWSA	WAWSA	None

Section No. and Title				
Sub Sec	Purpose	Current Authority	Proposed Authority	Proposed Revisions to Legislation
c.	Payments on participating member entity debt	WAWSA	WAWSA	None
d.	Payments on state-guaranteed loans	WAWSA	WAWSA	None
e.	Additional principal payment on state-guaranteed loans	WAWSA	WAWSA	None
f.	Payment to resources trust fund	WAWSA	WAWSA	None
2.	• Approval to dispose of revenue producing assets	IC	BND	See Attachment 1
3.	• SWC approval required	SWC	SWC	None
<b>61-40-11. Water rates.</b>				
	• Industrial & lateral water rates • Domestic water rates	IC WAWSA	SWC WAWSA	See Attachment 1
<b>61-40-12. Construction funding.</b>				
	• Funding approval	SWC	SWC	None
<b>61-40-13. Franchise protection.</b>				
	• Protection of right to assert franchise protection	WAWSA	WAWSA	None

Acronym Glossary

BND.....Bank of North Dakota  
 BOD.....WAWSA Board of Directors  
 DOT.....ND Department of Transportation  
 DWR.....ND Department of Water Resources  
 EC.....ND Emergency Commission  
 IC.....ND Industrial Commission  
 SWC .....ND State Water Commission  
 WAWSA.....Western Aera Water Supply Authority

Attachment 1  
WAWS Oversight Transfer to SWC  
61-40 Proposed Code Changes

**CHAPTER 61-40 WESTERN AREA WATER SUPPLY AUTHORITY**

**61-40-01. Legislative declarations - Authority of western area water supply authority.**

The legislative assembly declares that many areas and localities in western North Dakota do not enjoy adequate quantities of high-quality drinking water; that other areas and localities in western North Dakota do not have sufficient quantities of water to ensure a dependable, long-term domestic or industrial water supply; that greater economic security and the protection of health and property benefits the land, natural resources, and water resources of this state; and that the promotion of the prosperity and general welfare of all of the people of this state depend on the effective development and utilization of the land and water resources of this state and necessitates and requires the exercise of the sovereign powers of this state and concern a public purpose. To accomplish this public purpose, it is declared necessary that a water authority to treat, store, and distribute water to western North Dakota be established to provide for the supply and distribution of water to the people of western North Dakota for purposes, including domestic, rural water, municipal, livestock, industrial, oil and gas development, and other uses, and provide for the future economic welfare and prosperity of the people of this state, and particularly the people of western North Dakota, by the creation and development of a western area water supply project for beneficial and public uses. The western area water supply authority may acquire, construct, improve, develop, and own water supply infrastructure and may enter water supply contracts with member cities, water districts, and private users, such as oil and gas producers, for the sale of water for use within or outside the authority boundaries or the state. The western area water supply authority shall consider in the process of locating industrial water depots the location of private water sellers so as to minimize the impact on private water sellers. The

independent water providers shall consider in the process of locating industrial water depots the location of private water sellers so as to minimize the impact on private water sellers.

### **61-40-02. Western area water supply authority.**

The western area water supply authority consists of participating political subdivisions located within McKenzie, Williams, Burke, Divide, and Mountrail Counties which enter a water supply contract with the authority. Other cities and water systems, within or outside the authority counties' boundaries, including cities or water systems in Montana, may contract with the authority for a bulk water supply. The authority is a political subdivision of the state, a governmental agency, body politic and corporate, with the authority to exercise the powers specified in this chapter, or which may be reasonably implied. Participating member entities may be required to pay dues or water sale income to the authority, as determined by the bylaws and future resolutions of the authority. Participating member entities may not withdraw from the authority or fail or refuse to pay any water sale income to the authority until the state-guaranteed loans have been repaid. The provisions of subsections 1 through 5 of section 61-35-02.1 apply if the authority's board of directors unanimously votes to convert to a water district.

### **61-40-03. Western area water supply authority - Board of directors.**

1. The initial board of directors of the western area water supply authority consists of two representatives from each of the following entities: Williams rural water district, McKenzie County water resource district, the city of Williston, BDW water system association, and R&T water supply association. The governing body of each member entity shall select two representatives to the authority board who are water users of the member entity. If a vacancy arises for a member entity, the governing body of the member entity shall select a new representative to act on its behalf on the authority board. Directors have a term of one year and may be reappointed.

2. Additional political subdivisions or water systems may be given membership on the board upon two-thirds majority vote of the existing board. To be eligible for membership on the board, the member entity must first contract with the authority for financial participation in the project.
3. A member entity may designate an alternate representative to attend meetings and to act on the member's behalf. The board may designate associate members who are nonvoting members of the board. Notwithstanding this section, initial board members must be removed if they have not entered a contract with the authority, before August 1, 2013, for financial participation in the project.

#### **61-40-04. Board of directors - Officers - Meetings.**

1. The board of directors shall adopt such rules and bylaws for the conduct of the business affairs of the authority as it determines necessary, including the time and place of regular meetings of the board, financial participation structure for membership in the authority, and membership appointment and changes. Bylaws need to be approved by member entity boards.
2. The board shall elect from its members a chairman and a vice chairman. The board shall elect a secretary and a treasurer, which offices may be held by the same individual, and either or both offices may be held by an individual who is not a member of the board. Special meetings of the board may be called by the secretary on order of the chairman or upon written request of a majority of the qualified members of the board. Notice of a special meeting must be mailed to each member of the board at least six days before the meeting, provided that a special meeting may be held at any time when all members of the board are present or consent in writing.
3. Board members are entitled to receive as compensation an amount determined by the board not to exceed the amount per day provided members of the legislative management under section 54-35-10 and must be reimbursed for their mileage and expenses in the amount provided for by sections 44-08-04 and 54-06-09.

### **61-40-05. Authority of the western area water supply authority.**

In addition to authority declared under section 61-40-01, the board of directors of the western area water supply authority may:

1. Sue and be sued in the name of the authority.
2. Exercise the power of eminent domain in the manner provided by title 32 or as described in this chapter for the purpose of acquiring and securing any right, title, interest, estate, or easement necessary or proper to carry out the duties imposed by this chapter, and particularly to acquire the necessary rights in land for the construction of an entire part of any pipeline, reservoir, connection, valve, pumping installation, or other facility for the storage, transportation, or utilization of water and all other appurtenant facilities used in connection with the authority. However, if the interest sought to be acquired is a right of way for any project authorized in this chapter, the authority, after making a written offer to purchase the right of way and depositing the amount of the offer with the clerk of the district court of the county in which the right of way is located, may take immediate possession of the right of way, as authorized by section 16 of article I of the Constitution of North Dakota. Within thirty days after notice has been given in writing to the landowner by the clerk of the district court that a deposit has been made for the taking of a right of way as authorized in this subsection, the owner of the property taken may appeal to the district court by serving a notice of appeal upon the acquiring agency, and the matter must be tried at the next regular or special term of court with a jury unless a jury be waived, in the manner prescribed for trials under chapter 32-15.
3. Accept funds, property, services, pledges of security, or other assistance, financial or otherwise, from federal, state, and other public or private sources for the purpose of aiding and promoting the construction, maintenance, and operation of the authority. The authority may cooperate and contract with the state or federal government, or any department or agency of state or federal government, or any city, water district, or water system within the

authority, in furnishing assurances and meeting local cooperation requirements of any project involving treatment, control, conservation, distribution, and use of water.

4. Cooperate and contract with the agencies or political subdivisions of this state or other states, in research and investigation or other activities promoting the establishment, construction, development, or operation of the authority.
5. Appoint and fix the compensation and reimbursement of expenses of employees as the board determines necessary to conduct the business and affairs of the authority and to procure the services of engineers and other technical experts, and to retain attorneys to assist, advise, and act for the authority in its proceedings.
6. Operate and manage the authority to distribute water to authority members and others within or outside the territorial boundaries of the authority and this state.
7. Hold, own, sell, or exchange any and all property purchased or acquired by the authority. All money received from any sale or exchange of property must be deposited to the credit of the authority and may be used to pay expenses of the authority.
8. Enter contracts to obtain a supply of bulk water through the purchase of infrastructure, bulk water sale or lease, which contracts may provide for payments to fund some or all of the authority's costs of acquiring, constructing, or reconstructing one or more water supply or infrastructure.
9. Acquire, construct, improve, and own water supply infrastructure, office and maintenance space in phases, in any location, and at any time.
10. Enter contracts to provide for a bulk sale, lease, or other supply of water for beneficial use to persons within or outside the authority. The contracts may provide for payments to fund some or all of the authority's costs of acquiring, constructing, or reconstructing one or

more water system projects, as well as the authority's costs of operating and maintaining one or more projects, whether the acquisition, construction, or reconstruction of any water supply project actually is completed and whether water actually is delivered pursuant to the contracts. The contracts the cities, water districts, and other entities that are members of the western area water supply authority are authorized to execute are without limitation on the term of years.

11. Borrow money as provided in this chapter.
12. Make all contracts, execute all instruments, and do all things necessary or convenient in the exercise of its powers or in the performance of its covenants or duties or in order to secure the payment of its obligations, but an encumbrance, mortgage, or other pledge of property of the authority may not be created by any contract or instrument.
13. Accept from any authorized state or federal agency loans or grants for the planning, construction, acquisition, lease, or other provision of a project, and enter agreements with the agency respecting the loans or grants. Other than state-guaranteed loans, additional debt that may form the basis of a claim for territorial or franchise protection for industrial water sales for oil and gas exploration and production may be acquired by the authority or member entities only upon approval by the ~~industrial commission~~ Bank of North Dakota and the emergency commission.
14. Contract debts and borrow money, pledge property of the authority for repayment of indebtedness, and provide for payment of debts and expenses of the authority.
15. Operate and manage the authority to distribute water to any out-of-state cities or water systems that contract with the authority.
16. Accept, apply for, and hold water allocation permits.

17. Adopt rules concerning the planning, management, operation, maintenance, sale, and rate setting regarding water sold by the authority. The authority may adopt a rate structure with elevated rates set for project industrial water depot and lateral supplies in recognition that a large component of the project expense is being incurred to meet the demands of industrial users. The industrial water depot and lateral rate structure must be approved in accordance with section 61-40-11.
18. Develop water supply systems; store and transport water; and provide, contract for, and furnish water service for domestic, municipal, and rural water purposes; milling, manufacturing, mining, industrial, metallurgical, and any and all other beneficial uses; and fix the terms and rates therefore. The authority may acquire, construct, operate, and maintain dams, reservoirs, ground water storage areas, canals, conduits, pipelines, tunnels, and any and all treatment plants, works, facilities, improvements, and property necessary the same without any required public vote before taking action.
19. Contract to purchase or improve water supply infrastructure or to obtain bulk water supplies without requiring any vote of the public on the projects or contracts. In relation to the initial construction of the system and for the purposes of entering a contract with the authority, municipalities are exempt from the public voting requirements or water contract duration limitations otherwise imposed by section 40-33-16.
20. Accept assignment by member entities of contracts that obligate member entities to provide a water supply, contracts that relate to construction of water system infrastructure, or other member entity contracts that relate to authorities transferred to the authority under this chapter.
21. Issue revenue bonds to repay its loan obligations to the Bank of North Dakota. For the purpose of issuing such revenue bonds, the provisions of chapters 40-35 and 40-36 apply to the extent necessary and consistent with S.L. 2017, ch. 19, § 12.

### **61-40-05.1. Revenue bonds and bonds exempt from taxation.**

1. The authority shall have the power and authority to issue revenue bonds, to include refunding bonds, for the purpose of financing construction of projects and incidental facilities authorized by this chapter. Revenue bonds issued under this section must be issued as provided in chapter 61-35, and are not subject to section 61-35-15.
2. Issuance of revenue bonds must be approved by a majority of the members of the board of directors of the authority.
3. The authority shall pledge sufficient revenue from any revenue-producing facility or other revenue sources, excluding industrial water sales, for the payment of principal and interest on the bonds and shall establish rates for the facilities at a sufficient level, together with any other available funds, to provide for the operation of the facilities and for the bond payments in the manner provided by section 61-40-11.
4. Revenue bonds may not be a general obligation of any participating member entity or the state and may not be secured by property taxes.
5. The revenue bonds may be issued and sold at public or private sale on the terms and conditions determined by the board of directors.
6. Bonds issued under this section and their income are exempt from taxation by the state.

### **61-40-06. Oversight of authority projects.**

Repealed by S.L. 2013, ch. 490, § 24.

### **61-40-07. Easement granted for pipelines and appurtenant facilities on any public lands.**

In connection with the construction and development of the project, there is granted over all the lands belonging to the state, including lands owned or acquired for highway right-of-way purposes, a right of way for pipelines, connections, valves, and all other appurtenant facilities constructed as part of the project. However, the plans of the authority with respect to the use of right of way of roads must be approved by the director of the department of transportation and the director of the department of water resources before the grant becomes effective.

#### **61-40-08. Proceedings to judicially confirm contracts and other acts.**

The authority, before making any contract or taking any special action, may commence a special proceeding in district court by which the proceeding leading up to the making of such contract or leading up to any other special action must be examined, approved, and confirmed. The judicial proceedings must comply substantially with the procedure required in the case of judicial confirmation of proceedings, acts, and contracts of an irrigation district.

#### **61-40-09. Default.**

The ~~industrial commission~~ Bank of North Dakota may review the ability of water depot and lateral sales to meet expenses in subdivisions a through d of subsection 1 of section 61-40-10, and if the ~~industrial commission~~ Bank of North Dakota is uncertain of that ability, the ~~industrial commission~~ Bank of North Dakota shall ~~provide written notification to the state water commission and direct the Bank of North Dakota to~~ consider revision of the terms of the loan repayments. If the authority is in default in the payment of the principal of or interest on the obligation to the Bank of North Dakota for a loan for which the Bank of North Dakota is the source of funds for the loan, the ~~state water commission~~ Bank of North Dakota or department of water resources or western area water supply authority shall request funding from the legislative assembly to repay the principal and interest due.

#### **61-40-10. Industrial water depot and lateral sales.**

1. An accounting of industrial water depot and lateral sales collected and distributed by the authority must be reported to the ~~industrial~~

~~commission ???~~ state water commission or department of water resources??? on a monthly basis. Participating member entities shall transfer industrial water depot and lateral sales to the authority within thirty days of receipt of the revenues. The boards of the authority and participating member entities must be notified of the sweep of revenues; however, board approval is not required. Upon the receipt of industrial water depot and lateral revenues by the authority, the authority shall apply immediately all revenues each month in the following order:

- a. WAWSA suggests eliminating this subsection. One hundred fifty thousand dollars per biennium to the industrial commission department of water resources for one additional full-time equivalent position to implement this section.
- b. Reimburse the authority for industrial water depot capital improvements and the cost for delivery of potable or nonpotable water sold at industrial water depots and lateral lines, at a cost no greater than the participating member, or submember, if applicable, entity rate at the location of the depot or lateral line.
- c. Regular payments on the participating member entity debt as described in the agreements with the authority as of March 31, 2013, and baseline 2010 industrial water sales included in and subject to the terms of the authority and participating member agreements as of March 31, 2013. Baseline 2010 industrial water sales for the city of Tioga in the year 2013 are limited to the lesser of legally permitted industrial water sales or the amount in the member agreement.
- d. Required monthly payments on state-guaranteed loans. The required transfer must occur no later than the twentieth day of the following month.
- e. Additional principal payment on state-guaranteed loans.
- f. Payment to the resources trust fund.

2. ~~WAWSA suggests eliminating this section. If the state-guaranteed loans have not been repaid, without the written consent of the industrial commission-Bank of North Dakota the authority may not sell, lease, abandon, encumber, or otherwise dispose of any part of the property used in a water system of the authority if the property is used to provide revenue. Any requirements on the state-guaranteed loans for establishment of reserve funds for operation and maintenance or debt service are waived.~~
3. ~~WAWSA suggests eliminating this section. The state water commission shall approve the planning, location, and water supply contracts of any authority depots, laterals, taps, turnouts, and risers for industrial sales for oil and gas exploration and production after July 1, 2013.~~

#### **61-40-11. Water rates.**

~~WAWSA suggests eliminating this first sentence. The industrial commission-department of water resources may authorize the authority to contract at competitive, floating, market rates for industrial water depot and lateral retail sales.~~ The authority shall provide a report on the rates to the ~~commission~~ department and legislative management's water topics overview committee on a regular basis. The authority shall develop domestic water rates that must include all costs for operation, maintenance, and operating and capital reserves, and debt repayment of all infrastructure managed or constructed by the authority, with the exception of the costs identified in section 61-40-10 which are paid for by industrial water depot and lateral sales.

#### **61-40-12. Construction funding.**

The authority shall follow the state water commission requirements for funding through the resources trust fund or Bank of North Dakota state-guaranteed loans and shall present the overall plan and project components to the state water commission for funding approval. Priority on project funding first is reserved for state-guaranteed loan payments if not met by industrial water depot and lateral sales, second is for full repayment of existing federal debt if 7 U.S.C. 1926(b) protection for oil and gas exploration and production industrial water sales is asserted,

and third for expanding domestic water supply to areas currently not served. In accepting construction funding, the authority and participating member entities agree to not hinder or prevent depot and lateral industrial water sales for oil and gas exploration and production.

**61-40-13. Franchise protection.**

Notwithstanding any other provision of law, neither the authority nor its participating member entities may be required to waive the right to assert franchise protection under state or federal law with regard to water used for purposes other than industrial sales for oil and gas exploration and production.



# WESTERN AREA WATER SUPPLY AUTHORITY

## MEMORANDUM

TO: Dr. Andrea Travnick, Department of Water Resources  
FROM: Tami Madsen, Western Area Water Supply Authority  
DATE: April 11, 2022  
RE: WAWSA Comments and Edits to Proposed Legislation

Western Area Water Supply Authority (WAWSA) received proposed amendments to NDCC 61-40 from the Department of Water Resources (DWR) that would facilitate the transfer the oversight of WAWSA's industrial water supply sales from the North Dakota Industrial Commission (NDIC) to the DWR. This memorandum outlines some comments and suggested edits from WAWSA regarding the proposed legislation.

The title of the document suggests that it is being done in furtherance of the ND DWR Governance Study. WAWSA has some concern regarding this reference since WAWSA is not aware of any decisions being made regarding the status of any project as a result of the Governance Study. Yet, if the sole focus of the proposed legislation is to move WAWSA out of the NDIC, the initiative is not objectionable. That said, there are many provisions in the WAWSA legislation that were amended in 2013 as a result of extreme concern of the Independent Water Providers (IWP) that WAWSA was somehow going to undercut all the IWP members' sales, that WAWSA would take over the water market, that WAWSA would put the IWP water sellers out of business. As a result of heavy lobbying, the legislature added a system of approvals and inserted the NDIC as an overseer or guardian, who could sweep all of WAWSA's industrial revenue monthly and pay all of WAWSA's loan obligations to make sure the loans got paid. It is noteworthy that the guardian role was not required because of any issue at WAWSA. WAWSA was very appropriately marketing and selling its water to the oil industry, paid its loans regularly and paid other obligations of and to its Member Entities that were required pursuant to agreements. The oversight role was solely put into place to appease the IWP members concerns. WAWSA objected to the need for any oversight at the time, but has dutifully complied with any NDIC requests or other requirements.

Times have changed. Now, IWP members are undisputedly WAWSA's top customers. WAWSA is generally not the primary water source for the oil industry. WAWSA sells water to water transport companies and to IWP members, who use WAWSA water to supplement their other private water supplies in areas where they lack sufficient water for a job. WAWSA intentionally markets to the IWP and appreciates the many relationships it has built with the IWP water selling industry for everyone's mutual benefit. While there are no statistics available on market share, WAWSA's market share has likely decreased since 2013, when the concerns were raised about WAWSA putting IWP members out of business. WAWSA has not been accused of undercutting prices when competing

with IWP members for water sales. In short, the 2013 concerns raised by IWP to legislators have not come to fruition, so I would encourage the DWR to make some adjustments if WAWSA oversight is transitioned from the NDIC to the DWR. Some of the oversight requirements simply make unnecessary work for the DWR in areas that have not been a problem and are not expected to be a problem. Further, DWR is tasked with oversight of many water projects and is very effective in its oversight and management. There is simply no reason to add additional layers of oversight on top of what is otherwise imposed and required of DWR. For example, WAWSA has regular audits. WAWSA meets with DWR staff and reports to the State Water Commission regularly. WAWSA needs the approval of the SWC for funding, so the SWC clearly has ample authority over WAWSA's operations, since it can require action or insert conditions on funding approvals. As such, in addition to changes suggested by DWR staff, WAWSA would suggest some additional changes to streamline the oversight of the WAWSA project to be consistent with other water projects and to minimize a waste of time and resources within DWR. Below, I have identified the DWR's proposed edits, then will add comments for your consideration regarding additional suggested changes.

#### 61-40-09. Default.

The ~~industrial commission~~Bank of North Dakota may review the ability of water depot and lateral sales to meet expenses in subdivisions a through d of subsection 1 of section 61-40-10, and if the ~~industrial commission~~Bank of North Dakota is uncertain of that ability, the ~~industrial commission~~Bank of North Dakota shall ~~provide written notification to the state water commission and direct the Bank of North Dakota to~~ consider revision of the terms of the loan repayments. If the authority is in default in the payment of the principal of or interest on the obligation to the Bank of North Dakota for a loan for which the Bank of North Dakota is the source of funds for the loan, the ~~state water commission~~Bank of North Dakota or department of water resources shall request funding from the legislative assembly to repay the principal and interest due.

#### COMMENT:

If WAWSA is in default on a loan, it should be WAWSA who requests funding from the legislative assembly instead of or in addition to BND or DWR in the last edit of this section. WAWSA has a proven track record of engaging with the legislature and BND when the oil industry crashed and the loan terms needed to be modified. I'll take this opportunity to remind you that the WAWSA loan payment schedule was set up on a very short payback term, approximately 7 years, rather than a traditional water project that typically has 30-40 years to repay loans. There has never been a concern about WAWSA financial mismanagement, but instead there was a recalibration of a reasonable payment term due to an unexpected, temporary collapse of the oil industry. WAWSA should be leading any discussions with legislative leadership if any funding issues arise, so should be inserted in the final edit noted above.

## Section 61-40-10

### 61-40-10. Industrial water depot and lateral sales.

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1. An accounting of industrial water depot and lateral sales collected and distributed by the authority must be reported to the industrial commission on a monthly basis. Participating member entities shall transfer industrial water depot and lateral sales to the authority within thirty days of receipt of the revenues. The boards of the authority and participating member entities must be notified of the sweep of revenues; however, board approval is not required. Upon the receipt of industrial water depot and lateral revenues by the authority, the authority shall apply immediately all revenues each month in the following order:
  - a. One hundred fifty thousand dollars per biennium to the ~~industrial commission~~ department of water resources for one additional full-time equivalent position to implement this section.
  - b. Reimburse the authority for industrial water depot capital improvements and the cost for delivery of potable or nonpotable water sold at industrial water depots and lateral lines, at a cost no greater than the participating member, or submember, if applicable, entity rate at the location of the depot or lateral line.
  - c. Regular payments on the participating member entity debt as described in the agreements with the authority as of March 31, 2013, and baseline 2010 industrial water sales included in and subject to the terms of the authority and participating member agreements as of March 31, 2013. Baseline 2010 industrial water sales for the city of Tioga in the year 2013 are limited to the lesser of legally permitted industrial water sales or the amount in the member agreement.
  - d. Required monthly payments on state-guaranteed loans. The required transfer must occur no later than the twentieth day of the following month.
  - e. Additional principal payment on state-guaranteed loans.
  - f. Payment to the resources trust fund.

### COMMENT:

Section 61-40-10 is the section that requires WAWSA to pay \$150,000 per biennium to the NDIC (or DWR) to pay for a staff member to be in charge of receiving WAWSA's industrial revenue and paying WAWSA's loan obligations. WAWSA has proven through their operations and professional staff that there is no need to have another governmental agency sweep accounts or otherwise receive the monthly proceeds from WAWSA's industrial account and pay WAWSA's loan payments for WAWSA. No other project needs an agency to make sure the loan payments get made. WAWSA had no issues paying its loan payments in 2013 when this oversight by NDIC was requested by the IWP. Frankly, despite having this legislative authority, the NDIC has never actually swept the industrial water account at WAWSA. WAWSA has regularly managed its money, paid its own loans, remitted the industrial revenue pursuant to the hierarchy for payments directed by the legislation. Since the NDIC is not currently doing that work, there is no reason to shift the responsibility to the DWR and require an additional staffer to take that responsibility away from WAWSA to pay its own bills. WAWSA is a transparent governmental entity with regular audits. There is an accounting system in place to track industrial revenue and for WAWSA to write its own checks for its loan obligations.

I would suggest revising this section to confirm that WAWSA will keep a separate accounting of its industrial and domestic revenue. I would strike the requirement to pay \$150,000 for a DWR staff member and revise the remainder of the section to identify the priority of payments for industrial revenue. WAWSA's audit will provide adequate checks and balances to insure compliance with this priority list. No other project in North Dakota requires a guardian to make sure the project's bills and debts get paid. If there are changes to be made to this section to have WAWSA solely under the DWR supervision, it should not be treated differently than other water projects. DWR staffers know how water projects operate and have adequate oversight through funding and audits, so no additional resources should be taken

**61-40-10 (2)**

2. If the state-guaranteed loans have not been repaid, without the written consent of the ~~industrial commission~~Bank of North Dakota the authority may not sell, lease, abandon, encumber, or otherwise dispose of any part of the property used in a water system of the authority if the property is used to provide revenue. Any requirements on the state-guaranteed loans for establishment of reserve funds for operation and maintenance or debt service are waived.

**COMMENT:**

DWR should consider deleting this provision altogether. There are already loans that pledge current infrastructure as collateral for the loans. The proposed insertion of BND as the approving entity really does nothing additional, since that precise authority already exists in the loan covenants for BND. Further, this isn't the type of provision typically included in legislation. The infrastructure at issue is a large public water system and is not at risk of being sold to private entities, leaving BND without sufficient collateral for the loans. Frankly, a concessionaire model was reviewed years ago and dismissed as infeasible. I would suggest deleting this paragraph, or at least the first sentence.

**61-40-10 (3)**

3. The state water commission shall approve the planning, location, and water supply contracts of any authority depots, laterals, taps, turnouts, and risers for industrial sales for oil and gas exploration and production after July 1, 2013.

**COMMENT:**

The DWR does not approve water contracts, pipeline turnouts or risers for any other water systems in North Dakota. Again, there is sufficient oversight by the DWR and SWC in the approval of construction funding such that the location of and plans for any project is already going to be reviewed by the SWC before construction. Additionally, the SWC is not obligated to exercise oversight over every contract of the Southwest Pipeline or NAWS, or every turnout or riser added to the system. This was another provision that the IWP was concerned about, in case WAWSA located a depot next to an IWP depot. No additional depots are planned. Any new depot would require SWC funding and

approval, so there are already sufficient checks and balances that would address any concerns. WAWSA has a professional staff that has not proven to be a concern for the SWC requiring oversight. If you are amending the language of the NDCC, I would propose striking this provision as unnecessary. It simply requires additional staff time to review something that is not a problem.

#### **61-40-11. Water rates.**

The ~~industrial commission~~department of water resources may authorize the authority to contract at competitive, floating, market rates for industrial water depot and lateral retail sales. The authority shall provide a report on the rates to the ~~commission~~department and legislative management's water topics overview committee on a regular basis. The authority shall develop domestic water rates that must include all costs for operation, maintenance, and operating and capital reserves, and debt repayment of all infrastructure managed or constructed by the authority, with the exception of the costs identified in section 61-40-10 which are paid for by industrial water depot and lateral sales.

#### **COMMENT:**

No other North Dakota water projects are required to obtain approval of their water rates by the DWR. Again, if there is a concern about WAWSA's water rates, that concern can be addressed when WAWSA provides updates to the SWC or as a condition of loans or grants. There is already sufficient oversight through the current process in obtaining funding from the SWC to make sure that WAWSA does not step significantly out of line on water rates. I would suggest removing the first sentence of this paragraph in its entirety to avoid an unnecessary regulatory process, wasting time and money.

#### **CONCLUSION:**

WAWSA is not trying to avoid regulation in proposing these changes for DWR consideration. WAWSA has been dutifully following the letter and spirit of the law to date as requested by NDIC, yet knows some of these requirements create more processes for your valuable DWR staff to complete, which could be much more efficiently addressed internally at WAWSA, as has been the case since 2013 in some respects. WAWSA has proven itself over the last 10 years, with professional, competent staff in place who can manage money, pay loans, set water rates, approve their own contracts and be financially responsible. If you are planning to streamline some processes with the DWR's proposed legislation to remove the NDIC for oversight, I would suggest going a step further and create some additional efficiencies that put WAWSA back in line with all other water systems in the state.

## Infrastructure Loan Funds

Water projects are eligible for loans from the Water Infrastructure Revolving Loan fund (WIRLF) and Infrastructure Revolving Loan Fund (IRLF). Information on the two loans is attached. The Commission approves water projects seeking loans from both the WIRLF and IRLF.

Consolidating these two loans into one loan program would have the following benefits:

- Would provide for additional liquidity to the WIRLF, as the IRLF has more funding available to it.
- Would reduce administration for Bank of North Dakota as there would be one fund, versus the two we have today.
- Both funds currently have an annual audit, performed by an external auditor. Consolidating would eliminate the costs and work of one of these audits.

As noted on the Attachment, there are some differences between the WIRLF and IRLF and if these two loans are combined these differences need to be addressed.

- WIRLF does not have a maximum term for the loans, whereas IRLF has a maximum term of the lesser of 30-years or the useful life of the asset. Some loans in the WIRLF have demonstrated 40-year useful life, and this is an advantage to that program. Maintaining the ability to do so if the funds were combined should be ensured. This could be accomplished by allowing certain types of projects (water supply, general water management, flood control, etc.) to have a maximum term of the lesser of 40-years or the useful life.
- The WIRLF does not have a limit on the maximum outstanding loan amount, whereas IRLF has a limit of \$40 million per qualified applicant. It is possible the WIRLF may have qualified applicants who would exceed the \$40 million of outstanding loans. If desired to maintain this, it needs to be ensured that the maximum outstanding loan amount language does not apply to certain types of projects (water supply, general water management, flood control, etc.)

Department of Water Resources staff will continue to work with Bank of North Dakota and the legislators regarding the above two loan funds and will keep the Commissioners informed about any suggested changes for consideration.

# INFRASTRUCTURE LOAN FUNDING OPPORTUNITIES

## BACKGROUND

In 2021, North Dakota's Legislature and Governor's Office worked to advance legislation intended to support and create loan opportunities for a broad spectrum of infrastructure needs. This included the creation of the WIRLF, and continued support of the IRLF. Both the WIRLF and IRLF are sourced in part from Legacy Fund principal through the newly created LILF, and previously existing loan funds. The following outlines these newly created opportunities.

HB 1425

**LEGACY INFRASTRUCTURE  
LOAN FUND (LILF)\***

**~\$300,000,000**

- Increases with Growth of Legacy Fund
- Same Definitions of Essential Infrastructure as Existing Programs
- When Liquidity is Needed in WIRLF and IRLF - Loans are Sold to the LILF
- Principal & Interest to Legacy Fund

**WIRLF  
SOURCES**

**\$40M - LILF**

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**\$35M - CDWLF**

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**\$26M - SWC IRLF**

**IRLF  
SOURCES**

**\$260M - LILF**

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**\$225M - BND IRLF**

HB 1431

**\$101,000,000 - WIRLF\*\***

**ADMINISTRATION**

SWC Reviews Applications & Makes Decisions

---

BND Approves & Administers Loans

---

Repayment to WIRLF

---

Total Liquidity = **\$60M**

**PROJECTS**

Water Supply

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Flood Protection

---

Conveyance

---

Other Water Management & Development Projects

HB 1425  
SB 2014

**\$485,000,000 - IRLF\*\*\***

**ADMINISTRATION**

BND, PFA, DOT, SWC Review & Make Decisions

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BND Approves & Administers Loans

---

Repayment to IRLF

---

Total Liquidity = **\$310M**

**PROJECTS**

Sewer & Water Lines, Roads, Bridges, Airports, Communications, Electric/ Gas Transmission, Water/Waste Treatment, Emergency Facilities, Political Sub Buildings, Red River Valley Water Supply

\* When funding in the existing revolving loan funds are maximized, loans will be sold to the LILF to create liquidity.  
 | \*\* The interest rate for loans is 2%. Loan amounts and terms are set by the SWC - in consideration of useful life of assets.  
 | \*\*\* The interest rate for loans is 2%. Loans are for 30 years or useful life of assets, and the maximum outstanding loan balance, per qualified applicant, is set at \$40M.

KEY

**BND** - Bank of North Dakota

**CDWLF** - Community Development Water Loan Fund

**DOT** - Department of Transportation

**IRLF** - Infrastructure Revolving Loan Fund

**LILF** - Legacy Infrastructure Loan Fund

**PFA** - Public Finance Authority

**SWC** - State Water Commission

**WIRLF** - Water Infrastructure Revolving Loan Fund

# Amendment to the 2022 INTENDED USE PLAN

for the

NORTH DAKOTA DRINKING WATER STATE REVOLVING FUND

prepared by the

DRINKING WATER STATE REVOLVING FUND PROGRAM

DIVISION OF MUNICIPAL FACILITIES



May 9, 2022

## Purpose

On August 6, 1996, President Clinton signed into law the Safe Drinking Water Act (SDWA) Amendments of 1996 (P.L. 104-182). Section 1452 of the SDWA authorizes a Drinking Water State Revolving Loan Fund (DWSRF) Program. It further requires the U.S. Environmental Protection Agency (EPA) to enter into agreements with and make capitalization grants to eligible states to assist public water systems (PWSs) in financing the costs of infrastructure needed to achieve or maintain compliance with the SDWA and to protect public health.

North Dakota's legislature, under North Dakota Century Code (NDCC) section 61-28.1-11, established a drinking water revolving loan fund that would be administered by the North Dakota Department of Environmental Quality (NDDEQ). The powers and duties of the department include applying for grants from the EPA to be used for purposes authorized under SDWA, administering the fund, disbursing funds, establishing assistance priorities, and adopting rules necessary for the administration of the fund.

North Dakota's 2022 DWSRF Intended Use Plan (IUP) was approved by the State Water Commission at its December 10, 2021 meeting and submitted to the EPA. The IUP has been incorporated into the capitalization grant agreement between the NDDEQ and EPA.

All projects, except for projects funded on an emergency basis, must be ranked using a State's priority system and go through a public review process prior to receiving assistance (40 CFR §35.3555). To ensure that projects are able to proceed to construction in a timely manner in order to ensure the health and welfare of the citizens of North Dakota, the NDDEQ submits this revision to its IUP.

Water systems were given the opportunity to submit projects for ranking and inclusion on the 2022 revised IUP. Twelve projects were submitted, ranked, and added to the priority list. The revised Appendix B includes the additional projects. Additional subsidization will not be available to these projects in 2022, but will be reconsidered in future years. A public hearing was held and one public comment was received, which led to the ranking and addition of one project for South Central RWD.

# Appendix B (Revised)

Shaded projects are on the fundable list  
 Added projects in red

## Comprehensive Project Priority List and Fundable List for 2022

Priority Ranking	Tracking No.	System Name	Present Population	Project Description	Project Cost (\$1,000)	Construction Start Date	Est. Loan Term <sup>5</sup>	Engineering Firm
183	1801056-21-01	Agassiz WUD	4,104	User and transmission expansion - Phase II	1,500	2022		AE2S
61	4001153-14-01	All Seasons WUD	754	Parallel & looped pipelines to increase flow in low pressure areas	796	2022		Bartlett & West
140	4001153-14-02	All Seasons WUD	754	Service to Turtle Mountains/Lake Metigoshe area	27,920	2022		Bartlett & West
141	4001153-15-01	All Seasons WUD	754	System 4 to system 1 interconnection	6,638	2022		Bartlett & West
3	4001153-21-01	All Seasons WUD	4,200	Refinance of projects for well, reservoir, SCADA, & pipeline improvements	3,929	-	20+	Bartlett & West
62	4001153-21-02	All Seasons WUD	4,200	Increased supply to area around and north of Rolla	371	2022		Bartlett & West
80	3000012-22-01	Almont	115	Water main & service line replacement	1,000	2022		Moore
5	0900017-22-01	Amenia <sup>4</sup>	94	Water main replacement & looping, water meter replacement, & storage improvements	500	2023		Moore
24	3200023-21-01	Aneta	222	Water main replacement	3,000	2023		Moore
69	2600038-21-01	Ashley	700	Water tower replacement	2,000	2022		Moore
64	2600038-21-02	Ashley	700	Water main replacement & looping	1,000	2022		Moore
7	2600038-21-03	Ashley	700	WTP upgrade	2,500	2022		Moore
196	0201058-20-01	Barnes RWD	5,037	Additional storage at four booster stations	3,181	2022		Interstate
139	1700059-20-01	Beach	981	Water tower rehab	398	2022		AE2S
21	1700059-22-01	Beach <sup>4</sup>	981	Water main & lead service line replacement, transmission main for looping	1,900	2022		AE2S
190	4500065-15-01	Belfield	1,013	Transmission line & pressure reducing valves	1,615	2023		Brosz
162	4500065-18-01	Belfield	1,000	Water main replacement	2,606	2022		AE2S
238	4500065-18-02	Belfield	1,000	Water storage rehab or replacement	3,193	2022		AE2S
290	5100072-18-02	Berthold	454	Water tower rehab	300	2022		Moore
115	5100072-21-01	Berthold	454	Water main, hydrant, gate valve, & service line replacement	5,000	2023		Moore
52	2900074-20-01	Beulah	3,328	Water main, hydrant, gate valve, & service line replacement	37,315	2022		Intestate
9	4800078-22-01	Bisbee <sup>4</sup>	125	Water main, service line, gate valve, & hydrant replacement	3,600	2022		Apex
261	0800080-22-02	Bismarck	85,400	WTP expansion	60,000	2023		-
184	0800080-22-01	Bismarck <sup>4</sup>	85,400	Water main & lead service line replacement	3,520	2022		-
271	0700114-20-01	Bowbells	301	Water tower site piping upgrades	100	2022		AE2S
280	0700114-20-02	Bowbells	301	Transmission line improvements	236	2022		AE2S
220	0700114-21-01	Bowbells	301	Water tower replacement	1,854	2022		AE2S
283	0700114-21-02	Bowbells	301	Water main looping (Railway St SE)	175	2022		AE2S
262	0600119-14-01	Bowman	1,620	Water main replacement (4th Ave W)	1,210	2022		Brosz
276	0600119-19-01	Bowman	1,620	Storage tank improvements	1,015	2022		Brosz
100	0900134-11-01	Buffalo	225	Water main, service line, gate valve, & hydrant replacement	1,900	2023		Moore
284	5100138-12-01	Burlington	1,310	Water storage tank	1,650	2023		Ackerman-Estvold
213	5100138-22-01	Burlington <sup>4</sup>	1,310	Water main replacement	435	2022		Ackerman-Estvold

Priority Ranking	Tracking No.	System Name	Present Population	Project Description	Project Cost (\$1,000)	Construction Start Date	Est. Loan Term <sup>5</sup>	Engineering Firm
81	4800152-13-02	Cando <sup>4</sup>	1,115	Water main, service line, gate valve, & hydrant replacement	2,000	2022		Moore
176	1600159-20-01	Carrington	2,220	Water main replacement & rehab	1,000	2022		Interstate
256	1600159-22-01	Carrington	2,220	Water main to Dakota Growers Pasta Co.	500	2022		Interstate
33	1900162-22-01	Carson	238	Water main replacement (Railroad Ave, 1st Ave, & 2nd Ave)	4,700	2023		Moore
51	1900162-22-02	Carson	238	Water tank replacement	2,250	2023		Moore
113	0901060-16-01	Cass RWD	17,500	Transmission lines for correction of water quantity & pressure issues	7,500	2022		AE2S
163	0900166-20-01	Casselton	2,513	Water main, gate valve, & hydrant replacement	4,500	2024		Moore
157	0900166-22-01	Casselton	2,513	Water main, service line, gate valve, & hydrant replacement (2nd St N) & water main looping	1,350	2023		Moore
269	0900166-19-01	Casselton <sup>4</sup>	2,513	Lead service line replacement	910	2022		Moore
83	3400170-22-01	Cavalier	1,302	Water main replacement (W 2nd Ave, Madison St, & River St)	1,316	2022		AE2S
1	3300174-22-01	Center	600	Reservoir improvements & water main replacement	3,100	2023		Moore
106	3900183-09-01	Christine	150	Water main, gate valve, & hydrant replacement	700	2022		Moore
37	2800194-20-02	Coleharbor	82	Water main & service line replacement	1,500	2022		Moore
287	3900196-06-01	Colfax	175	Water main for redundancy	656	2022		Interstate
96	3900196-22-01	Colfax	175	Reservoir improvements	800	2023		Interstate
187	0700198-16-01	Columbus	133	Water main replacement	1,700	2022		Ackerman-Estvold
14	1200211-22-01	Crosby <sup>4</sup>	1,065	Water main replacement	3,115	2024		Interstate
231	2001061-21-01	Dakota RWD	3,869	Service to users on private wells	750	2022		AE2S
73	2001061-21-02	Dakota RWD	3,869	Well & WTP expansion for service to Hannaford	750	2023		AE2S
164	0900217-11-01	Davenport	293	Pump station & water storage replacement, distribution system redundancy	1,035	2022		Interstate
19	0200226-22-01	Dazey	104	Electrical upgrades, generator installation, pump repair	120	2022		Interstate
211	4500242-21-01	Dickinson <sup>4</sup>	22,000	Water main, lead service line, & hydrant replacement (Sims St)	2,500	2022		Apex
212	4500242-22-01	Dickinson <sup>4</sup>	22,000	Water main, lead service line, & hydrant replacement (4th Ave W & 5th Ave W)	1,500	2022		Apex
48	1300259-22-01	Dodge	101	Water distribution system improvements (Phase 2)	8,100	2022		KLJ
101	3400269-21-01	Drayton	751	Water main & hydrant replacement	5,000	2022		Moore
144	1300276-22-01	Dunn Center	200	Distribution system improvements (2023 Municipal Improvements Project)	1,500	2023		Hyalite
197	1801062-15-01	East Central RWD	21,098	Transmission lines	1,372	2022		AE2S
119	1801062-21-01	East Central RWD	21,098	Transmission line & WTP improvements	2,250	2023		AE2S
58	1801062-22-01	East Central RWD	15,000	Service to Buxton	2,300	2022		AE2S
38	1900303-21-01	Elgin	642	Water main replacement	2,300	2022		Moore
91	3700314-02-01	Enderlin	890	Well field & transmission line	1,700	2024		Moore
130	3700314-02-03	Enderlin	890	WTP improvements	4,700	2025		Moore
131	3700314-08-01	Enderlin	890	Water tower replacement	2,000	2024		Moore

Priority Ranking	Tracking No.	System Name	Present Population	Project Description	Project Cost (\$1,000)	Construction Start Date	Est. Loan Term <sup>5</sup>	Engineering Firm
132	3700314-02-02	Enderlin <sup>4</sup>	890	Water main replacement	900	2024		Moore
128	3900333-06-01	Fairmount	367	Water main, gate valve, hydrant, & service line replacement	800	2022		Moore
246	0900336-11-01	Fargo	166,000	High service pump station modifications	9,343	2024		AE2S
247	0900336-11-02	Fargo	166,000	WTP residuals facility	38,246	2024		AE2S
217	0900336-21-01	Fargo	166,000	Sheyenne River Fargo emergency water supply pipeline	5,150	2023		AE2S
258	0900336-22-02	Fargo	166,000	AMI meter improvements	5,000	2024		AE2S
218	0900336-18-02	Fargo <sup>4</sup>	166,000	Lead service line replacement	1,200	2023		AE2S
97	0900336-22-01	Fargo <sup>4</sup>	166,000	Water main replacement	40,000	2023		AE2S
118	3000342-20-01	Flasher	290	Curb stop & water meter replacement	350	2022		Moore
95	0700334-13-02	Flaxton	74	Water main, gate valve, hydrant, & service line replacement	455	2022		Ackerman-Estvold
53	1100345-15-01	Forbes	53	Water main, service line, meter, gate valve, & hydrant replacement	1,500	2023		Moore
84	4100357-08-01	Forman	504	Water tower replacement	1,200	2022		Interstate
39	4100357-14-01	Forman	504	Well improvements & transmission line replacement	750	2022		Interstate
47	4100357-15-01	Forman	504	Distribution system upgrades	1,030	2022		Interstate
111	4100357-22-01	Forman	509	Refinance of WTP improvements	375	-		-
57	2400380-19-01	Gackle	310	Water meter & pump house improvements & water main replacement	500	2022		Moore
195	2400380-22-01	Gackle	310	Refinance of well improvements	830	-		Moore
107	2800389-13-01	Garrison	1,462	WTP improvements	5,000	2022		Moore
153	2800389-15-01	Garrison	1,462	Intake structure replacement	3,500	2022		Moore
226	2801430-19-01	Garrison RWD	1,480	Water mains, gate valves, & hydrants	1,000	2022		Ackerman-Estvold
88	2800389-13-02	Garrison <sup>4</sup>	1,462	Water main replacement & looping	2,500	2022		Moore
17	3000400-22-01	Glen Ullin	807	Water reservoir, transmission line, water meter, & control improvements	1,500	2022		Moore
2	3000400-19-02	Glen Ullin <sup>2</sup>	807	Water main replacement & looping	4,500	2022	30	Moore
99	3800397-13-01	Glenburn <sup>4</sup>	380	Water main, gate valve, hydrant, & service line replacement	5,500	2022		Moore
200	5000408-02-01	Grafton	4,913	WTP improvements	5,150	2040		AE2S
202	5000408-03-01	Grafton	4,913	Park River water intake improvements	2,060	2036		AE2S
198	5000408-16-01	Grafton	4,913	Raw water transmission line	6,798	2029		AE2S
201	5000408-16-02	Grafton	4,913	Red River water intake improvements	4,200	2028		AE2S
177	1800410-20-01	Grand Forks	57,122	Existing WTP decommissioning	5,150	2022		AE2S
29	1800410-22-01	Grand Forks	59,166	Distribution system improvements for area to be annexed into the city	3,504	2022		AE2S
178	1800410-21-01	Grand Forks <sup>4</sup>	57,365	Lead service line replacement	375	2022		-
219	2500415-12-01	Granville	330	Water main & gate valve replacement	476	2022		Ackerman-Estvold
240	5300425-20-01	Grenora	350	Water main replacement (Main St)	1,913	2023		Ackerman-Estvold
270	5300425-20-02	Grenora	350	Water main replacement (Jetson St)	622	2022		Ackerman-Estvold

Priority Ranking	Tracking No.	System Name	Present Population	Project Description	Project Cost (\$1,000)	Construction Start Date	Est. Loan Term <sup>5</sup>	Engineering Firm
224	5300425-20-03	Grenora	350	Storage tank replacement	3,435	2024		Ackerman-Estvold
98	5300425-20-04	Grenora	350	Water treatment & softening	3,118	2026		Ackerman-Estvold
241	5300425-20-05	Grenora	350	Well #1 rehabilitation	1,664	2026		Ackerman-Estvold
239	5300425-20-06	Grenora	350	Well #2 rehabilitation	1,951	2026		Ackerman-Estvold
249	3900433-20-01	Hankinson	921	Water main extension	134	2022		Bolton & Menk
250	3900433-22-01	Hankinson	921	Redundant water transmission line	1,300	2022		Bolton & Menk
16	2000446-09-01	Hannaford	150	Water tower replacement & pump house improvements	1,500	2023		Moore
27	5200458-16-01	Harvey	1,783	WTP improvements	800	2023		Moore
281	0900460-16-01	Harwood	718	Water main looping	1,000	2023		Moore
272	2900470-22-01	Hazen <sup>4</sup>	2,411	Lead service line replacement	1,000	2023		Moore
102	3000473-20-01	Hebron	867	Water main replacement	3,200	2023		AE2S
147	3000473-22-01	Hebron	867	Water main replacement (Summit Ave)	178	2022		AE2S
75	0100476-20-01	Hettinger	1,200	Water main, gate valve, & hydrant replacement	1,370	2022		Brosz
137	4600487-08-01	Hope	258	Water main extension	210	2022		Moore
277	0900488-15-01	Horace	1,750	Water tower improvements	400	2022		Interstate
282	0900488-16-01	Horace	1,750	Water main, gate valve, & hydrant replacement	5,291	2022		Interstate
70	0900488-18-01	Horace	1,750	WTP improvements	7,098	2022		Interstate
215	0900488-20-01	Horace	1,750	Connection to Cass RWD	1,500	2022		Interstate
72	0900452-15-01	Hunter	261	Pump house upgrades & water tower replacement	2,300	2022		Moore
122	0900452-15-02	Hunter	261	Water main replacement	3,400	2022		Moore
204	4700498-09-01	Jamestown	16,000	Remote reading water meters & software	2,835	2022		Interstate
207	4700498-13-01	Jamestown	16,000	WTP, storage, & distribution system SCADA improvements	455	2022		Interstate
151	4700498-13-02	Jamestown	16,000	WTP filter controls & filter media replacement	860	2022		Interstate
205	4700498-14-02	Jamestown	16,000	Transmission line to improve flow to NE pressure zone	4,968	2022		Interstate
179	4700498-18-01	Jamestown	16,000	Pitless unit well improvements	200	2022		Interstate
208	4700498-19-01	Jamestown	16,000	Backwash recycle system	400	2022		Interstate
209	4700498-19-02	Jamestown	16,000	Water tower improvements	350	2022		Interstate
180	4700498-22-01	Jamestown <sup>4</sup>	16,000	Water main replacement	1,500	2023		Interstate
12	2300508-15-01	Jud	72	Distribution system & pump house improvements	350	2022		Moore
221	1500515-15-01	Kenmare	1,013	Water main, gate valve, & hydrant replacement	575	2022		Ackerman-Estvold
265	2300535-09-01	Kulm	402	Water tower repair	100	2022		-
50	3200536-22-01	Lakota	625	Valve & ARV replacement on raw water transmission line, hydrant replacement	925	2022		Apex
168	2300537-14-01	LaMoure	889	Water main replacement & looping	525	2022		Moore
145	1000543-09-01	Langdon	1,878	Water main replacement	2,100	2022		Moore
257	1000543-09-02	Langdon	1,878	Water tower rehabilitation	475	2022		Moore
252	1000543-21-01	Langdon	1,878	Water main looping	770	2022		Moore
87	0300553-13-01	Leeds	427	Well & transmission line upgrades	500	2022		Moore
150	0300553-13-02	Leeds	427	WTP improvements	425	2022		Moore

Priority Ranking	Tracking No.	System Name	Present Population	Project Description	Project Cost (\$1,000)	Construction Start Date	Est. Loan Term <sup>5</sup>	Engineering Firm
103	0300553-20-01	Leeds	427	Water main, gate valve, & hydrant replacement (1st St S)	525	2022		Moore
171	0300553-13-03	Leeds <sup>4</sup>	427	Lead service line replacement	650	2022		Moore
49	2600556-11-01	Lehr	80	Water main replacement	500	2023		Moore
23	3900567-16-01	Lidgerwood	652	Water main replacement	608	2022		Interstate
155	1500571-21-01	Linton	990	Curb stop replacement	1,500	2022		Moore
167	3700574-11-01	Lisbon	2,154	Water well	200	2022		Moore
104	3700574-11-02	Lisbon	2,154	Water main replacement	2,500	2022		Moore
112	3700574-14-01	Lisbon	2,154	WTP upgrades	1,000	2022		Moore
4	0300587-22-01	Maddock	384	WTP rehabilitation & water tower replacement	3,300	2022	20+	Ulteig
15	5100593-13-01	Makoti	154	Well improvements & transmission line	400	2022		Moore
18	5100593-13-02	Makoti	154	Water main replacement	2,000	2022		Moore
285	3000596-13-03	Mandan	82,990	Distribution system improvements (Boundary Road PRV)	661	2023		AE2S
273	3000596-19-01	Mandan	82,990	Reservoir replacement	3,566	2025		AE2S
158	3000596-21-01	Mandan	82,990	Memorial Highway water main upgrade	5,500	2022		AE2S
286	3000596-21-02	Mandan	82,990	South end pump station expansion	419	2024		AE2S
185	3000596-22-01	Mandan	82,990	WTP optimization (Phase III)	6,587	2024		AE2S
268	3000596-22-02	Mandan <sup>4</sup>	82,990	Lead service line replacement	200	2022		AE2S
159	0900613-20-01	Mapleton	1,240	Water main replacement & looping	500	2023		Moore
82	2800619-18-01	Max	334	Water main & service line replacement	574	2022		Ackerman-Estvold
110	2800619-20-01	Max	334	Gate valve replacement	143	2022		Ackerman-Estvold
154	4900622-16-01	Mayville	1,858	WTP upgrades	790	2022		Moore
133	4900622-22-01	Mayville	1,858	Refinance of water main replacement	950	-		Moore
10	4200626-22-01	McClusky	380	Water main, valve, & hydrant replacement	300	2023		Moore
54	2801400-19-01	McLean Sheridan RWD	3,536	WTP & distribution system improvements	3,000	2022		AE2S
170	2801400-22-01	McLean Sheridan RWD	2,450	McClusky water tower replacement	4,200	2022		Moore
230	2801400-22-02	McLean Sheridan RWD	3,536	Service to residents on private wells in Strawberry Lake area	600	2024		AE2S
32	3200626-19-01	McVille	375	WTP improvements	1,000	2023		Moore
34	3200626-22-01	McVille	375	Water tower replacement	1,500	2023		Moore
11	3200626-22-02	McVille	375	Water main replacement & looping	9,600	2024		Moore
26	4700637-16-01	Medina	300	WTP & well house improvements	840	2022		Moore
85	4700637-16-02	Medina	300	Water main replacement	2,600	2022		Moore
93	4700637-16-03	Medina	300	Water tower replacement	1,000	2022		Moore
143	TBD-20-01	Metro Flood Diversion Authority	19,500	Existing drinking water infrastructure relocation for flood resiliency	17,500	2022		AE2S
142	TBD-22-01	Metro Flood Diversion Authority	19,500	USACE southern embankment & infrastructure	19,000	2023		AE2S
259	3200653-13-01	Michigan	345	Water tower improvements	75	2023		Moore
105	4101425-19-01	Milnor	638	Control replacement, booster station renovation, generator, water main	490	2022		Interstate

Priority Ranking	Tracking No.	System Name	Present Population	Project Description	Project Cost (\$1,000)	Construction Start Date	Est. Loan Term <sup>5</sup>	Engineering Firm
275	5100660-22-01	Minot <sup>4</sup>	80,000	Lead service line replacement	5,012	2023		-
222	3001431-22-01	Missouri West WS	6,230	Distribution system improvements	1,500	2022		Bartlett & West
253	3800695-14-01	Mohall	705	Water main looping	490	2023		Ackerman-Estvold
146	3800695-21-01	Mohall	705	Water main replacement	601	2022		Ackerman-Estvold
71	3900703-11-01	Mooreton	197	Gate valve replacement, control upgrades, & bladder tank storage	400	2022		Interstate
8	2100704-22-01	Mott	728	Pump house improvements & water tower replacement	2,000	2022		Moore
40	2100704-22-02	Mott	728	Water main replacement	1,500	2022		Moore
55	2400715-13-01	Napoleon	707	Service to residents on private wells, water storage, well, meter, & water main replacement	2,000	2022		Moore
175	2400715-22-01	Napoleon	767	Refinance of water main replacement	3,100	-		Moore
214	2100726-20-01	New England	600	Water main replacement & looping	840	2022		Moore
263	2100726-22-01	New England	600	Refinance of Water System Improvement District No. 2015-1, Phase 1	2,533	-		Moore
264	2100726-22-02	New England	600	Refinance of Water Replacement District No. 2016-1, Phase 2	2,499	-		Moore
186	2100726-22-03	New England	600	Refinance of Water Improvement District No. 2017-1, Phase 3	963	-		Moore
28	1900731-22-01	New Leipzig	218	Water main replacement	708	2023		Moore
30	1400732-12-01	New Rockford	1,391	Water main replacement & WTP upgrades	5,800	2022		Interstate
172	3100744-18-02	New Town	2,524	Water main & service line replacement	406	2022		Ackerman-Estvold
129	1200748-18-01	Noonan	144	Water main replacement (Main St)	748	2023		Ackerman-Estvold
74	1200748-20-01	Noonan	144	Water main replacement (Washington St)	598	2023		Ackerman-Estvold
225	5101189-19-01	North Prairie RWD	13,000	Generators at reservoirs & booster stations	650	2023		Interstate
192	5101189-22-01	North Prairie RWD	13,000	Distribution system improvements (E of Hwy 41 & N of Velva)	500	2023		Interstate
194	1001380-21-02	Northeast RWD	5,773	Service to Milton	250	2023		AE2S
166	1100758-09-01	Oakes	1,856	Water reservoir, pumping station, & transmission line	720	2022		Moore
243	1100758-11-01	Oakes	1,856	WTP Improvements	2,000	2022		Moore
244	1100758-11-02	Oakes	1,856	Well & well house replacement	400	2022		Moore
123	0300762-15-01	Oberon	104	Distribution system replacement	3,200	2022		Moore
117	0300762-15-02	Oberon	104	Well & pump house replacement	550	2022		Moore
63	0200763-09-01	Oriska	128	Reservoir & pump house replacement	550	2022		Moore
199	3100775-21-01	Parshall	903	Water main looping	670	2022		AE2S
108	3100775-22-01	Parshall	903	Water supply line improvements	9,000	2023		AE2S
254	31000798-16-02	Plaza	171	Hydrant rehab or replacement	530	2021		AE2S
288	0700800-19-01	Portal	150	Water main looping	150	2022		Ackerman-Estvold
289	0700800-19-02	Portal	150	Hydrant & gate valve replacement	100	2022		Ackerman-Estvold
89	4900803-08-01	Portland	606	Water tower replacement & water main looping	1,400	2022		Moore
248	2800825-20-01	Riverdale	226	Gate valve replacement	1,000	2022		Moore
223	2800825-20-02	Riverdale	226	Raw water supply line replacement	4,500	2022		Moore

Priority Ranking	Tracking No.	System Name	Present Population	Project Description	Project Cost (\$1,000)	Construction Start Date	Est. Loan Term <sup>5</sup>	Engineering Firm
13	2200827-16-01	Robinson	37	Pumping system improvements & water main, gate valve, hydrant, & curb stop replacement	500	2022		Moore
206	4000833-19-01	Rolette	594	Water meters and meter reading software	200	2022		Moore
126	4000834-20-01	Rolla <sup>4</sup>	1,280	Lead service line replacement	543	2022		AE2S
90	3500842-20-01	Rugby	7,111	WTP upgrades- Phase 3	618	2022		AE2S
94	3500842-21-01	Rugby	7,111	Distribution system replacement	2,000	2024		AE2S
41	3500842-21-03	Rugby	7,111	Raw water line & air release valve replacement	3,322	2022		AE2S
169	4100848-16-01	Rutland	163	Water main replacement & looping	600	2025		Interstate
174	4100848-22-01	Rutland	163	Water tower replacement	1,100	2024		Interstate
121	5100849-21-01	Ryder	80	Water tower replacement	1,800	2022		-
193	0200858-13-01	Sanborn	194	Water main, service line, gate valve, & hydrant replacement	650	2023		Moore
188	5100868-14-01	Sawyer	367	Water main, gate valve, & hydrant replacement	1,000	2022		Moore
165	0600869-22-01	Scranton	365	Water main replacement	1,170	2022		Brosz
242	3800877-15-01	Sherwood	256	Water main replacement	427	2022		Ackerman-Estvold
237	3800877-22-01	Sherwood	256	Water main replacement (12 block area)	1,099	2022		Ackerman-Estvold
124	1400879-15-01	Sheyenne	204	Water main replacement	3,100	2022		Moore
191	0801154-22-01	South Central RWD	10,400	Elevated finished water storage tank	2,228	2023		Bartlett & West
245	4500891-19-01	South Heart	307	Water main replacement	3,165	2022		Brosz
251	3901068-14-01	Southeast WUD	8,862	Automated meter reading system	2,000	2022		AE2S
203	3901068-20-01	Southeast WUD	8,862	WTP improvements or regionalization	12,645	2022		AE2S
210	3100898-19-01	Stanley <sup>4</sup>	2,400	Water main, service line, gate valve, & hydrant replacement	8,700	2021		Brosz
35	4700922-12-01	Streeter	170	Water main extension & looping	500	2022		Interstate
25	4700922-13-01	Streeter	170	WTP improvements	500	2022		Interstate
20	4700922-13-02	Streeter	170	Well & pump house improvements	800	2022		Interstate
36	4701303-19-01	Stutsman RWD	6,600	Service to Streeter	776	2022		Bartlett & West
56	4701303-19-04	Stutsman RWD	6,600	Transmission lines & WTP improvements to accommodate new well	4,264	2022		Bartlett & West
266	5100923-22-01	Surrey	1,358	Hydrant & gate valve replacement	150	2023		AE2S
149	5100923-22-02	Surrey	1,358	Distribution system upgrades (Wenz Additions)	1,400	2023		AE2S
274	5200927-13-01	Sykeston	117	Water main, corporation, curb stop, & hydrant replacement	250	2022		Moore
160	5301152-16-01	Tioga	2,500	Water main replacement	9,500	2022		Moore
267	0900945-09-01	Tower City	252	Water tower improvements	500	2022		Moore
152	0900945-12-01	Tower City	252	Water main & hydrant replacement	2,100	2022		Moore
255	0900945-19-01	Tower City	252	Refinance of gate valve & service line replacement	600	-		Moore
86	2500946-21-01	Towner	571	Connection to rural water or WTP improvements	2,060	2022		AE2S
181	3201072-22-01	Tri-County WD	2,850	Phase 6 system improvements	1,800	2023		Bartlett & West
182	3201072-22-02	Tri-County WD	2,850	Phase 7 system improvements	3,286	2023		Bartlett & West
216	3201072-22-03	Tri-County WD		Refinance of Phase 2 system improvements	1,091	-		-
66	2800949-20-01	Turtle Lake	575	Water main replacement & looping	1,000	2022		Moore

Priority Ranking	Tracking No.	System Name	Present Population	Project Description	Project Cost (\$1,000)	Construction Start Date	Est. Loan Term <sup>5</sup>	Engineering Firm
189	2800953-22-01	Underwood	850	Water tower & meter replacement	2,000	2022		-
68	2500956-16-01	Upham	133	Water main, gate valve, hydrant, & service line replacement	508	2022		Ackerman-Estvold
161	5101074-21-01	Upper Souris WD	1,365	Parallel pipelines, pump station improvements, & SCADA to increase flow & pressure	1,049	2022		AE2S
135	0200958-20-02	Valley City	6,585	Water main & service line replacement	825	2022		KLJ
136	0200958-21-01	Valley City	6,585	Water main & service line replacement (6th Ave NW)	500	2023		KLJ
92	0200958-22-02	Valley City	6,585	NW standpipe/water tower replacement	3,000	2023		KLJ
76	0200958-22-01	Valley City <sup>4</sup>	6,585	Water main & service line replacement (2nd Ave NE & 3rd St NE)	750	2023		KLJ
77	0200958-22-03	Valley City <sup>4</sup>	6,585	NW water main replacement	750	2023		KLJ
134	0200958-22-04	Valley City <sup>4</sup>	6,585	Lead service line replacement	2,000	2023		Moore
148	2500964-19-01	Velva <sup>4</sup>	1,265	Water main & service line replacement	604	2022		Ackerman-Estvold
46	2300969-12-01	Verona	85	Water main & meter replacement	515	2022		Moore
60	2300969-14-01	Verona	85	Reservoir & pump house replacement	300	2022		Moore
156	2300969-19-01	Verona	85	Water meter replacement	100	2022		Moore
67	3900973-04-01	Wahpeton	7,766	Water main replacement & looping (4th St, Oakwood Court, 8th Ave S, 5th Ave N)	284	2023		
31	3900973-16-01	Wahpeton	7,766	WTP improvements	10,707	2025		Stantec
42	3900973-18-01	Wahpeton	7,766	Water main replacement (12th St & Loy Ave)	1,416	2022		Interstate
43	3900973-18-03	Wahpeton	7,766	Water main replacement (15th Ave N & 14th St N)	1,102	2024		
65	3900973-19-01	Wahpeton	7,766	Well field relocation, well house, & controls	6,654	2023		Interstate
44	3900973-18-04	Wahpeton <sup>4</sup>	7,766	Water main replacement (8th Ave N)	1,715	2023		Interstate
45	3900973-19-02	Wahpeton <sup>4</sup>	7,766	Water main and service line replacement	1,196	2022		Interstate
138	5001075-19-01	Walsh RWD	3,448	Service to residents on private wells, pipelines to increase capacity, & interconnection with NRWD	500	2022		AE2S
260	2800989-18-01	Washburn	1,313	Intake, wet well, & pump house	4,835	2022		AE2S
278	5301686-20-01	WAWSA	0	Acquisition of Williston WTP	7,155	-		AE2S
116	5301686-21-01	WAWSA	0	2022 improvements & expansion	16,500	2022		AE2S
227	5101447-16-01	West River WD	650	Service line replacement	471	2022		Ackerman-Estvold
127	0501001-09-01	Westhope	429	Water main & service line replacement	477	2022		Ackerman-Estvold
125	0501001-22-01	Westhope	429	Water main & service line replacement	1,133	2022		Ackerman-Estvold
173	5301011-20-01	Wildrose	150	Water main replacement	562	2023		Ackerman-Estvold
292	5201012-19-04	Williston	30,000	Water main improvements (47th St, 6th Ave, 44th St)	711	2023		AE2S
291	5201012-19-05	Williston	30,000	Water main improvements (Borsheim Addition)	2,266	2023		AE2S
293	5201012-19-06	Williston	30,000	Water main improvements (Front St & Reiger Dr)	1,492	2023		AE2S
294	5201012-22-06	Williston	30,000	Water main along 9th Ave	257	2022		AE2S
295	5201012-22-07	Williston	30,000	Water meter replacement	2,500	2022		AE2S
232	5201012-22-01	Williston <sup>4</sup>	30,000	Water main & service line replacement (1st Ave W)	257	2023		AE2S
233	5201012-22-02	Williston <sup>4</sup>	30,000	Water main & service line replacement (5th Ave W, phase 1)	604	2024		AE2S

Priority Ranking	Tracking No.	System Name	Present Population	Project Description	Project Cost (\$1,000)	Construction Start Date	Est. Loan Term <sup>5</sup>	Engineering Firm
234	5201012-22-03	Williston <sup>4</sup>	30,000	Water main & service line replacement (5th Ave W, phase 2)	627	2025		AE2S
235	5201012-22-04	Williston <sup>4</sup>	30,000	Water main & service line replacement (7th Ave W, phase 1)	531	2026		AE2S
236	5201012-22-05	Williston <sup>4</sup>	30,000	Water main and service line replacement	562	2027		AE2S
279	0801031-18-01	Wilton	808	Refinance of the city's portion of a project to connect to South Central RWD	250	-		Moore
114	0801031-18-01	Wilton <sup>4</sup>	750	Water main replacement	8,235	2022		Moore
6	0801036-19-01	Wing	152	Water tower, water main, hydrant, & gate valve replacement	1,400	2022		Moore
22	0801036-20-01	Wing	152	Distribution system replacement	1,400	2022		Moore
79	0801036-21-01	Wing	152	Chemical feed building & equipment, decommissioning of well house & well, controls & gate valve for water tower	425	2022		Moore
228	2601037-18-01	Wishek	1,002	Water meters and meter reading software	410	2022		Interstate
229	2601037-20-01	Wishek	1,002	Hydrant replacement	350	2022		Interstate
120	2601037-20-02	Wishek	1,002	Iron & manganese removal equipment	1,200	2022		Interstate
109	3901043-08-01	Wyndmere	454	Distribution system improvements	1,000	2023		Bolton & Menk
78	3901043-16-01	Wyndmere	454	Service line, water meter, & SCADA system replacement	1,000	2023		Bolton & Menk
59	3901043-20-02	Wyndmere	454	Distribution system improvements (Phase II & III- from 3rd St to the west)	8,000	2023		Bolton & Menk

**Total Project Cost:** 809,546

<sup>1</sup> Twenty percent of the capitalization grant amount will be provided as loan forgiveness to disadvantaged communities. Because the actual capitalization grant amount has not yet been determined, a funding level of \$2,202,200 has been assumed for additional subsidization (as loan forgiveness). Adjustments will be made, as necessary, based on the actual capitalization grant amount.

<sup>2</sup> These projects appear eligible for 75% loan forgiveness. The actual loan forgiveness amount is dependent upon available funds. Loan forgiveness eligibility will be confirmed when the loan application is submitted.

<sup>3</sup> These projects appear eligible for 40% loan forgiveness. The actual loan forgiveness amount is dependent upon available funds. Loan forgiveness eligibility will be confirmed when the loan application is submitted.

<sup>4</sup> These projects appear eligible for lead service line replacement loan forgiveness. The actual loan forgiveness amount is dependent upon available funds. Loan forgiveness eligibility will be confirmed when the loan application is submitted.

<sup>5</sup> Estimated length of the loan term only. The loan term will be set at the time of loan approval.

DRAFT

May 4, 2022

Garrison Diversion Unit  
 State Municipal, Rural, and Industrial Water Supply Program  
 Five Year Plan FY2022 - FY2026  
 Cooperative Agreement No. R17AC00049

Project	Total Costs			FY 2022			FY 2023			FY 2024		
	Non Federal Share*	Federal Share	Project Total	Non Federal Share*	Federal Share	Project Total	Non Federal Share*	Federal Share	Project Total	Non Federal Share*	Federal Share	Project Total
NAWS Biota WTP and Pump Station Phase I Construction (7-2A/4-1A)	0	27,700,000	27,700,000	0	27,700,000	27,700,000	0	0	0	0	0	0
NAWS Minot WTP Phase III Design (7-1C)	753,850	1,400,000	2,153,850	753,850	1,400,000	2,153,850	0	0	0	0	0	0
NAWS Minot WTP Phase III Construction (7-1C)	8,130,770	15,100,000	23,230,770	8,130,770	15,100,000	23,230,770	0	0	0	0	0	0
NAWS Bottineau Reservoir and Pump Station Construction (5-4A)	2,808,400	5,215,600	8,024,000	0	0	0	0	0	0	2,808,400	5,215,600	8,024,000
NAWS Souris Reservoir and Pump Station Construction (5-4B)	1,974,540	3,667,000	5,641,540	0	0	0	0	0	0	1,974,540	3,667,000	5,641,540
NAWS Biota WTP and Pump Station Phase II Design (7-2B/4-2B)	0	2,400,000	2,400,000	0	2,400,000	2,400,000	0	0	0	0	0	0
NAWS Biota WTP and Pump Station Phase II Construction (7-2B/4-2B)	0	25,000,000	25,000,000	0	0	0	0	11,891,910	11,891,910	0	13,108,090	13,108,090
NAWS Inline Booster Pump Stations Design (4-2D)	84,000	156,000	240,000	0	0	0	0	0	0	0	0	0
NAWS Inline Booster Pump Stations Construction (4-2D)	626,500	1,163,500	1,790,000	0	0	0	0	0	0	0	0	0
Eastern North Dakota Alternate Water Supply (ENDAWS)	16,271,085	48,813,245	65,084,330	573,333	1,720,000	2,293,333	471,664	1,415,000	1,886,664	6,634,126	19,902,360	26,536,486
NAWS Biota WTP and Pump Station Phase III Design (7-2C/4-1C)	0	2,100,000	2,100,000	0	0	0	0	0	0	0	0	0
NAWS Biota WTP and Pump Station Phase III Construction (7-2C/4-1C)	0	19,400,000	19,400,000	0	0	0	0	0	0	0	0	0
SWPP Supplemental Raw Water Intake Construction (1-2A)		TBD		0	0	0	0	0	0	0	0	0
Administration (BOR / GDCD / DWR)	117,093	3,536,643	3,653,736	22,500	680,000	702,500	22,950	693,090	716,040	23,411	706,950	730,361
<b>Total</b>	<b>\$30,766,238</b>	<b>\$155,651,988</b>	<b>\$186,418,226</b>	<b>\$9,480,453</b>	<b>\$49,000,000</b>	<b>\$58,480,453</b>	<b>\$494,614</b>	<b>\$14,000,000</b>	<b>\$14,494,614</b>	<b>\$11,440,477</b>	<b>\$42,600,000</b>	<b>\$54,040,477</b>

Project	FY 2025			FY 2026			Grant %
	Non Federal Share*	Federal Share	Project Total	Non Federal Share*	Federal Share	Project Total	
NAWS Biota WTP and Pump Station Phase I Construction (7-2A/4-1A)	0	0	0	0	0	0	100%
NAWS Minot WTP Phase III Design (7-1C)	0	0	0	0	0	0	65%
NAWS Minot WTP Phase III Construction (7-1C)	0	0	0	0	0	0	65%
NAWS Bottineau Reservoir and Pump Station Construction (5-4A)	0	0	0	0	0	0	65%
NAWS Souris Reservoir and Pump Station Construction (5-4B)	0	0	0	0	0	0	65%
NAWS Biota WTP and Pump Station Phase II Design (7-2B/4-2B)	0	0	0	0	0	0	100%
NAWS Biota WTP and Pump Station Phase II Construction (7-2B/4-2B)	0	0	0	0	0	0	100%
NAWS Inline Booster Pump Stations Design (4-2D)	84,000	156,000	240,000	0	0	0	65%
NAWS Inline Booster Pump Stations Construction (4-2D)	626,500	1,163,500	1,790,000	0	0	0	65%
Eastern North Dakota Alternate Water Supply (ENDAWS)	8,591,962	25,775,885	34,367,847	0	0	0	75%
NAWS Biota WTP and Pump Station Phase III Design (7-2C/4-1C)	0	2,100,000	2,100,000	0	0	0	100%
NAWS Biota WTP and Pump Station Phase III Construction (7-2C/4-1C)	0	19,400,000	19,400,000	0	0	0	100%
SWPP Supplemental Raw Water Intake Construction (1-2A)	0	0	0	0	0	0	100%
Administration (BOR / GDCD / DWR)	23,877	721,091	744,968	24,355	735,513	759,867	100/100/75%
<b>Total</b>	<b>\$9,326,339</b>	<b>\$49,316,476</b>	<b>\$58,642,815</b>	<b>\$24,355</b>	<b>\$735,513</b>	<b>\$759,867</b>	

\*The non-federal share may be Department of Water Resources, City of Minot, Garrison Diversion Conservancy District or line of credit. Costs associated with Biota Water Treatment Plant are anticipated to be reimbursed by the federal government.

Northwest Area Water Supply  
January 2021

