

MINUTES

North Dakota State Water Commission Bismarck, North Dakota February 13, 2025

The ND State Water Commission (Commission or SWC) held a meeting at the Bank of North Dakota, 1200 Memorial Highway, Bismarck, ND, and via phone conference on February 13, 2025. Lt. Governor Strinden called the meeting to order at 1:00 PM. A quorum was present. The board opened the meeting by reciting the Pledge of Allegiance.

State Water Commission Members Present:

Lt. Governor Strinden, Acting Chairman
Doug Goehring, Commissioner, ND Agriculture Commissioner
Michael Anderson, Lower Red River Basin
Jeff Frith, Devils Lake Basin
James Odermann, Little Missouri, Upper Heart, and Upper Cannonball River Basins (online)
Gene Veeder, Upper Missouri River Basin
Jay Volk, Lower Missouri River Basin
April Walker, Upper Red River Basin
Jason Zimmerman, Mouse River Basin

State Water Commission Members Absent:

Connie Ova, James River Basin

Others Present:

Reice Haase, Director, ND Dept. of Water Resources (DWR or Department) and
Commission Secretary
John Paczkowski, DWR State Engineer
DWR Staff
Matthew Sagsveen, General Counsel, Attorney General's Office
Approximately 87 people present online and in person.

Confirmation of ND Department of Water Resources Director

Lt. Governor Strinden asked for a motion to approve the confirmation of Reice Haase as the Director of the ND Department of Water Resources.

There was no discussion, and the following motion was made:

Moved by Commissioner Goehring and seconded by Commissioner Walker the Commission approve the confirmation of Reice Haase as the Director of the ND Department of Water Resources, effective January 9, 2025.

Commissioners Anderson, Frith, Odermann, Veeder, Volk, Walker, Zimmerman, Goehring, and Lt. Governor Strinden voted aye. There were no nay votes. The motion carried.

Consideration of Agenda

Commissioner Anderson moved to approve the February 13, 2025, meeting agenda as presented. The motion was seconded by Commissioner Veeder and passed by unanimous vote.

Disclosure of Potential Conflicts of Interest

Commissioner Odermann disclosed a conflict of interest with the Southwest Pipeline Project.

Consideration of Meeting Minutes

Commissioner Frith moved to approve the December 13, 2024, State Water Commission meeting minutes as written. The motion was seconded by Commissioner Zimmerman and passed by unanimous vote.

Commissioner Zimmerman moved to approve the January 23, 2025, Pre-Commission meeting minutes as written. The motion was seconded by Commissioner Veeder and passed by unanimous vote.

Financial Report

The Glossary of Terms, allocated program expenditures, and financial reports were presented by Chris Kadrmas, DWR Administration Division Director (**APPENDIX A**).

The oil extraction tax deposits total \$369,648,722 estimated through January 2025 for the 2023-25 biennium, which is \$25,148,817 over the projected biennium revenue of \$344,499,905 through January 2025. Transfers in the amount of \$25,148,817 from the Resources Trust Fund to the Water Projects Stabilization Fund have occurred through January 2025.

The 68th Legislative Assembly estimates oil extraction tax deposits for the 2023-2025 biennium to total \$449,859,211 through June 2025. It also provided for the transfer of oil extraction tax deposits in excess of the legislative forecast for the 2023-2025 biennium to be transferred quarterly to the water projects stabilization fund.

Commission Secretary Update

Reice Haase, Secretary, gave a few updates on the work that DWR has been involved with this legislative session. House Bill (HB) 1020, DWR's appropriation bill, had \$580 million for water projects in the executive budget and also includes the lines of credit for Southwest Pipeline Project and Red River Valley Water Supply Project. Haase reminded commission all the funding comes from the oil extraction tax revenue deposited into the Resources Trust Fund (RTF).

Petition to Adjust Water Resource District Boundaries

Patrick Fridgen, DWR Planning and Education Division Director, discussed a letter and petition (**APPENDIX B**) requesting an adjustment to the boundaries of Bottineau County Water Resource District (WRD) and Oak Creek WRD. The fundamental reason for the boundary modification petition is to make the WRD boundaries more reflective of

watershed boundaries in the area. Since the boundaries were originally established decades ago, additional engineering and surveying efforts provide for more accurate district delineations. Existing boundaries have resulted in two (2) water conveyance projects spanning the boundaries of each of the petitioning districts. Therefore, the petitioning boards believe the modified boundaries will improve the efficiency and effectiveness of water management in the region.

As a result of DWR's investigation of the petition submitted by the Bottineau County WRD and Oak Creek WRD, it is determined that all petition requirements as outlined in NDCC § 61-16-06.1 have been met. The next step is a public hearing. Once the hearing is complete and all comments reviewed, the DWR will return to the SWC to recommend either granting or denying the petition of the WRD boundary adjustment.

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

Moved by Commissioner Zimmerman and seconded by Commissioner Veeder the Commission accept the results of this report and investigation and direct the Department of Water Resources to set a date, time, and location within one (1) of the petitioning district boundaries for a public hearing related to this request as required by NDCC § 61-16-06.1(2).

Commissioners Anderson, Frith, Odermann, Veeder, Volk, Walker, Zimmerman, Goehring, and Lt. Governor Strinden voted aye. There were no nay votes. The motion carried.

Drainage Cost-Share Increase Request

Fridgen discussed a formal written request from the Water Resource Districts Association (WRDA) (**APPENDIX C**) to increase the cost-share percentage for conveyance projects from the current 45-percent to 75-percent. The letter from the WRDA states the current cost-share percentage puts a significant burden on local private landowners to support infrastructure that provides both private and public benefit. The WRDA believes increasing the cost-share to 75-percent would enable water boards to maintain and improve important pieces of infrastructure. DWR recommends SWC discuss again after the legislative session, until it is known how much funding will be available for different types of projects and if there is any legislation that may impact the cost-share policy. After a lengthy discussion, the following motion was made:

Moved by Commissioner Frith and seconded by Commissioner Walker the Commission approve the cost-share recommendation for water resource districts and conveyance projects to increase the cost-share level to 75-percent.

Commissioners Frith, Walker, Zimmerman, and Goehring voted aye. Commissioners Anderson, Odermann, Veeder, Volk, and Lt. Governor Strinden voted nay. The motion failed.

Further discussion took place, and the following motion was made:

Moved by Commissioner Anderson and seconded by Commissioner Volk the Commission table the drainage cost-share increase request for further discussion before the next legislative session.

Commissioners Anderson, Odermann, Veeder, Volk, Zimmerman, Goehring, and Lt. Governor Strinden voted aye. Commissioner Frith and Walker voted nay. Motion carried.

Southwest Pipeline Project (SWPP)

Replacement of Capital Projects Policy Approval

Justin Froseth, SWPP Project Manager, reviewed the 2022 approved guidance for the SWPP's Replacement and Extraordinary Maintenance (REM). The guidance noted that the REM fund will provide for 100-percent of the Extraordinary Maintenance expenses and a portion of the replacement expenses of Capital Projects to include: large-scale assets such as metallic pipelines, water treatment plants, reservoirs, and pump stations.

A metallic line replacement project near the City of Dodge is currently under development and the Southwest Water Authority (SWA) is seeking guidance on the process of moving forward with the project. The project is unique as the location is in the plans for the raw water main transmission line expansion so the replacement project design could be modified to benefit the expansion project in the future. At this time there is no policy in place for defining when a metallic pipeline replacement project is considered a Capital Project and who will be responsible for managing it – SWA or DWR.

DWR staff recommends the SWC consider pipeline replacement projects that exceed the public improvement threshold limit defined in North Dakota Century Code (NDCC) § 48-01.2, currently at \$200,000, as a Capital Project. DWR staff also recommends the replacement of a Capital Project be managed by DWR staff since the SWC is the owner of the SWPP and most of the funding would come from the Capital Assets funding bucket. DWR has staff with construction administration experience that would allow for streamlining the accounting of expenditures towards the project. SWA will be requested to reimburse the local share of the replacement of the Capital Project from the REM fund.

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

Moved by Commissioner Goehring and seconded by Commissioner Volk the Commission approve replacement of pipeline projects that exceed the public improvement threshold limit as Capital Project and approve Department of Water Resources staff managing the replacement of Capital Projects for the Southwest Pipeline Project; and, to approve moving forward with the final design of the metallic pipeline project near Dodge.

Commissioners Anderson, Frith, Veeder, Volk, Walker, Zimmerman, Goehring, and Lt. Governor Strinden voted aye. Commissioner Odermann abstained. There were no nay votes. The motion carried.

Consent Agenda

The Consent Agenda included the following cost-share projects with requested funding amounts for approval:

Flood Control

City of Grand Forks	South End Interior Flood Planning – Phase 2	\$179,062
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Water Supply (Municipal/Regional)

City of Bowman	New Water Storage Reservoir	\$132,000
City of Medora	New Water Storages	\$63,000

Water Supply (Rural)

All Season WUD	Bottineau County Expansion	\$180,000
South Central RWD	Service to Napoleon	\$289,500

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

Moved by Commissioner Walker and seconded by Commissioner Zimmerman the Commission approve the Consent Agenda items as presented.

Commissioners Anderson, Frith, Odermann, Veeder, Volk, Walker, Zimmerman, Goehring, and Lt. Governor Strinden voted aye. There were no nay votes. The motion carried.

State Cost-Share Requests

General Water

Abigail Franklund, DWR Cost-Share Program Manager, presented the following request for general water projects.

Logan County: Irrigation District Feasibility Study (SWC Project No.PS/IRR/LOG) \$150,000

Logan County requests cost-share for the Logan County Irrigation District Feasibility Study – Phase 1. The sponsor is pursuing the creation of an irrigation district. The purpose of the project is to prepare a feasibility report addressing the statutory requirements for irrigation district formation per NDCC § 61-05-08. The feasibility report will be split into two (2) phases. The first phase will include gathering public input, defining the proposed district's boundaries, identifying water storage solutions, and determining the water conveyance route. The second phase will encompass preliminary design, modeling, and cost estimates. The project's proposed water source is the Missouri River. The project is primarily in Logan County, with portions extending into Emmons County and Kidder County.

This project meets requirements of the Water Commission's cost-share policy. There was no discussion, and the following motion was made:

Moved by Commissioner Goehring and seconded by Commissioner Frith the Commission approve the request by Logan County for state cost participation in the Logan County Irrigation District Feasibility

Study at 75-percent of eligible costs, not to exceed \$150,000. This approval is contingent on available funding.

Commissioners Anderson, Frith, Odermann, Veeder, Volk, Walker, Zimmerman, Goehring, and Lt. Governor Strinden voted aye. There were no nay votes. The motion carried.

Water Supply (Municipal/Regional)

Julie Prescott, DWR Engineer Manager, presented the following municipal/regional water supply projects.

**City of Beach: Street and Utility Improvements \$3,160,110
(SWC Project No. 2050BEA)**

The City of Beach is requesting construction cost-share for their 2025 Watermain Improvements. The project is replacement of 10,251 feet of aging cast iron water main along 2nd, 3rd, 4th, 5th, and 6th Avenues SE, 1st Street SE, Main Street, and Central Avenue North in the City of Beach. The project will be constructed in conjunction with planned street replacement work by the North Dakota Department of Transportation along Main Street and Central Avenue North.

This project meets requirements of the Water Commission's cost-share policy for municipal water supply projects. After a brief discussion, the following motion was made:

Moved by Commissioner Goehring and seconded by Commissioner Volk the Commission approve the request from the City of Beach for state cost-share participation in the 2025 Street and Utility Improvements project in the amount of \$3,160,110, or 60-percent of eligible costs, with total cost-share not to exceed \$3,377,663. This approval is contingent on available funding.

Commissioners Anderson, Frith, Odermann, Veeder, Volk, Walker, Zimmerman, Goehring, and Lt. Governor Strinden voted aye. The motion carried.

**City of New Town: Utility Improvements – Phase 2 \$2,125,637
(SWC Project No. 2050NEW)**

The City of New Town is requesting construction cost-share for their Utility Improvements – Phase 2. The project will include replacement of 7,259 feet of aging PVC water main along 4th Street North, 5th Street North, 8th Street North, 2nd Avenue East, 3rd Avenue East, 5th Avenue East, and Rainbow Drive. The project is part of combined water, sanitary sewer, and storm sewer infrastructure improvements planned for New Town. Only water-related costs are eligible for cost-share.

This project meets requirements of the Water Commission's cost-share policy for regional water supply projects. There were no questions, and the following motion was made:

Moved by Commissioner Walker and seconded by Commissioner Volk the Commission approve the request from the City of New Town for state cost-share participation in the Utility Improvements Phase 2

project in the amount of \$2,125,637, or 60-percent of eligible costs, with total cost-share not to exceed \$2,210,633. This approval is contingent on available funding.

Commissioners Anderson, Frith, Odermann, Veeder, Volk, Walker, Zimmerman, Goehring, and Lt. Governor Strinden voted aye. There were no nay votes. The motion carried.

**WAWSA: MCWRD Phase 2 Transmission Line
(SWC Project No. 1973)**

\$3,343,802

The Western Area Water Supply Authority (WAWSA) is requesting a construction cost-share increase for their McKenzie County Water Resource District Phase 2 Transmission Line project. The project is installation of approximately 4.4 miles of water transmission pipeline between the Williston water treatment plant and the Lewis and Clark pump station southwest of Williston. Construction has been delayed pending US Army Corps of Engineers approval and WAWSA now requests additional cost-share as a result of interim cost increases.

This project meets requirements of the Water Commission's cost-share policy for regional water supply projects. There was no discussion, and the following motion was made:

Moved by Commissioner Veeder and seconded by Commissioner Goehring the Commission approve the request from the Western Area Water Supply Authority for additional state cost-share participation in the McKenzie County Water Resource District Phase 2 Transmission Line project in the amount of \$3,343,802, or 50-percent of eligible costs, with total cost-share not to exceed \$9,765,802. This approval is contingent on available funding.

Commissioners Anderson, Frith, Odermann, Veeder, Volk, Walker, Zimmerman, Goehring, and Lt. Governor Strinden voted aye. There were no nay votes. The motion carried.

Water Supply (Rural)

Prescott presented the following rural water supply projects.

**Fort Berthold Rural Water: Four Bears WTP, Intake, & Raw Water Line \$2,763,820
(SWC Project No. 2050FOR)**

Fort Berthold Rural Water is requesting construction cost-share for their Four Bears Water Treatment Plant, Intake, and Raw Water Line project. The project includes a raw water intake, water line, and water treatment plant to replace the existing facility. The project will be constructed approximately two (2) miles west of the water treatment plant and will serve the Four Bears Segment of the Fort Berthold Reservation. This cost-share request is for procurement of sediment basin and membrane filtration components of the project in advance of raw water intake, water line, and water treatment plant construction.

This project meets requirements of the Water Commission's cost-share policy for rural water supply projects. After a brief discussion, the following motion was made:

Moved by Commissioner Veeder and seconded by Commissioner Anderson the Commission approve the request from Fort Berthold Rural Water for state cost-share participation in the Four Bears Water Treatment Plant, Intake, and Raw Water Line project in the amount of \$2,763,820, or 75-percent of eligible costs, with total cost-share not to exceed \$4,154,320. This approval is contingent on available funding.

Commissioners Anderson, Frith, Odermann, Veeder, Volk, Walker, Zimmerman, Goehring, and Lt. Governor Strinden voted aye. There were no nay votes. The motion carried.

**Greater Ramsey WD: 2024 User Expansion
(SWC Project No. 2050EAS)**

\$7,183,572

Greater Ramsey Water District is requesting construction cost-share for their 2024 User Expansion project. The project is installation of a total of approximately 107 miles of water main to provide service to 128 new users throughout the Greater Ramsey Water District. The project is located in Ramsey, Benson, Nelson, Eddy, Griggs, and Foster counties.

This project meets requirements of the Water Commission's cost-share policy for rural water supply projects. There were no questions, and the following motion was made:

Moved by Commissioner Goehring and seconded by Commissioner Zimmerman the Commission approve the request from the Greater Ramsey Water District for state cost-share participation in the 2024 User Expansion project in the amount of \$7,183,572, or 75-percent of eligible costs, with total cost-share not to exceed \$7,653,072. This approval is contingent on available funding.

Commissioners Anderson, Frith, Odermann, Walker, Zimmerman, Goehring, and Lt. Governor Strinden voted aye. There were no nay votes. The motion carried.

Project Updates

DWR staff provided updates on the following projects:

- Devils Lake: Yaping Chi, Water Resources Engineer
- Mouse River: Alexis Faber, Investigations Section Manager
- Missouri River: Clay Carufel, Missouri River Engineer
- NAWS: Travis Johnson, NAWS Project Manager
- SWPP: Justin Froseth, SWPP Manager

Legal Update

Matthew Sagsveen, General Counsel, Attorney General's Office, provided an update on current legal matters involving the SWC and DWR.

SWPP Intake – Contract 1-2A Summary

Froseth provided a brief project history, summary of claim related expenses, projections through March 2025, and overall expenditures towards the SWPP Supplementary Intake

project. With \$2.63 million expended to date and with the projection of needing an additional \$180,000 through March, an additional authorization of \$100,000 is projected to be required for mediation related expenses.

Moved by Commissioner Goehring and seconded by Commissioner Anderson the Commission authorize an additional \$100,000, for total authorized to date an amount of \$2.81 million, towards claim related expenses for the Southwest Pipeline Project Contract 1-2A.

Commissioners Anderson, Frith, Veeder, Volk, Walker, Zimmerman, Goehring, and Lt. Governor Strinden voted aye. Commissioner Odermann abstained. The motion carried.

Executive Session

Under Authority of NDCC § 44-04-19.1(9) for Attorney Client Consultation regarding SWPP – Intake, Contract 1-2A

It was the recommendation of Lt. Governor Strinden that further discussion relating to the SWPP/Fowler Intake be held in Executive Session, under the provisions of NDCC § 44-04-19.1(9), for the purpose of attorney consultation. The Commission invited the following to participate in the Executive Session:

State Water Commission Members Present:

Lt. Governor Strinden, Acting Chairman

Doug Goehring, Commissioner, ND Agriculture Commissioner

Michael Anderson, Lower Red River Basin

Jeff Frith, Devils Lake Basin

James Odermann, Little Missouri, Upper Heart, and Upper Cannonball River Basins (online)

Gene Veeder, Upper Missouri River Basin

Jay Volk, Lower Missouri River Basin

April Walker, Upper Red River Basin

Jason Zimmerman, Mouse River Basin

Others Present:

Reice Haase, DWR Director and Commission Secretary

John Paczkowski, DWR State Engineer

Matthew Sagsveen, General Counsel, Attorney General's Office

Elizabeth Mayans, Attorney General's Office

Sindhuja S.Pillai-Grinolds, DWR Water Development Division Director

Justin Froseth, Southwest Pipeline Project Manager

Chris Kadrmas, DWR Administration Division Director

Shana Brost, Administrative Officer

Ben Gehrig, DWR Data & Technology Services

Aaron Weber, Policy Advisor, Governor's Office

Elise Radaj, Fabyanske, Westra, Hart & Thomson, P.A. (online)

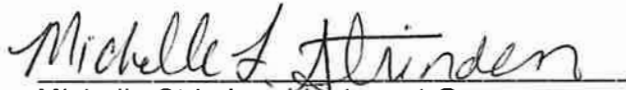
Moved by Commissioner Walker and seconded by Commissioner Anderson that under the provision of NDCC § 44-04-19.1(9), the Commission proceed into Executive Session on February 13, 2025, at

2:41 PM for the purpose of attorney consultation relating to the Southwest Pipeline Project/Fowler Intake—Contract 1-2A.

Commissioners Anderson, Frith, Odermann, Veeder, Volk, Walker, Zimmerman, Goehring, and Lt. Governor Strinden voted aye. There were no nay votes. The motion carried.

Following attorney consultation regarding the Southwest Pipeline Project/Fowler Intake, Contract 1-2A, Lt. Governor Strinden reconvened the open session of the Commission meeting at 3:06 PM.

There being no further business to come before the Commission, Lt. Governor Strinden adjourned the February 13, 2025, meeting at 3:07 PM. The next State Water Commission meeting will be held on April 10, 2025, at 1:00 PM CT at the Bank of North Dakota, Lewis & Clark Room #238, 1200 Memorial Highway, Bismarck, North Dakota.



Michelle Strinden, Lieutenant Governor
Acting Chairman, State Water Commission



Reice Haase, Director, DWR
Secretary to the State Water Commission



TO: Lt. Governor Michelle Strinden & North Dakota Water Commission Members
FROM: Reice Haase, Director-Secretary 
SUBJECT: Financial Updates
DATE: February 13, 2025

Glossary

The updated glossary of terms is attached on pages 2-3.

2023–2025 Resources Trust Fund

Oil extraction tax deposits total \$369,648,722 estimated through January 2025 for the 2023-25 biennium. This is \$25,148,817 over the projected biennium revenue of \$344,499,905 through January 2025. Pages 4-5 of your packet have line charts showing the deposits into the Resources Trust Fund month by month and cumulative to date and how they track with the projection. Page 6 of your packet has a breakdown of our monthly deposits with the net revenue projection of \$449,859,211 for the biennium. The last column in blue shows the cumulative amount over projection that will be transferred to the Water Projects Stabilization Fund in accordance with Senate Bill 2020. Transfers from the Resources Trust Fund to the Water Projects Stabilization Fund total \$25,148,817 through January 2025.

Page 7 is a flowchart that shows 20.5% of the Oil Extraction Tax that goes into the Resources Trust.

2023-2025 Purpose Funding Summary

Page 8 is the bucket report showing appropriations versus approvals for the purpose funding line. The navy blue shows the appropriation amounts and the light blue shows how much has been approved of that amount.

Page 9-11 has charts that shows the 2023-2025 purpose funding. It shows the funding available in comparison to the February 2025 requests identified on pages 12-13.

Project Summary Reports

The January 2025 project summary report is attached on page 14. Page 14 shows carryover in yellow, new appropriations in blue, and the total appropriation in red. The unobligated appropriation is shown in pink for all funding sources.

Page 15 shows the 2023-2025 expenditures and unpaid approvals as of January 29, 2025. The blue shows the total approved which ties to the blue on page 14, the teal green shows the unpaid approvals, and the lime green shows the expenditures.

Glossary of Terms

Allocated-To apportion for a specific purpose. To set apart or earmark.

Anticipated Construction Request-Potential construction requests for prior approved and current projects.

Appropriation-Specifies the amount of funds to be used for a particular purpose during a period of time, normally one biennium.

Original-Legislative authorization to expend.

Current-Requesting authorization to allocate funds.

Unobligated-Funding available to be obligated to a project.

Appropriation Authority-Legislative authority in an Appropriation Act for an agency to expend funds.

Appropriation Bill-A bill which appropriations are given legal effect.

Approved-Funds approved and allocated by the State Water Commission.

Beginning Balance-Resource Trust Fund cash balance that carries over from the previous biennium. This information is provided by Legislative Council and includes carryover and funds not approved or allocate by the State Water Commission.

Carryover Funds-Approved funds unpaid during the current biennium which are transferred to the appropriation for the following biennium.

Carryover Projects-Projects approved but not finished by the end of the current biennium. The time is limited to 2 years after the end of the current biennium, 6/30/21, unless approved by the State Water Commission to continue past that date.

Cash-Resource Trust Fund money received and not allocated to a specific appropriation purpose.

Cost Increase-Funding needed above original cost estimate.

De-Obligation-Funds released from project allocation made from the current biennium appropriation.

Expenditure-Payment or funds spent.

Obligation-Funds allocated from current biennium appropriation to pay based on a contract.

Unexpended-Not yet spent or paid.

Turnback-Carryover funds released from prior biennium from a project allocation.

Unobligated Carryover-Previous biennium funding, not associated with a project released to the Resource Trust Fund.

Unpaid Approval-A commitment to an expense at a future date.

Water Infrastructure Revolving Loan Fund (WIRLF) Eligibility-Approval by the State Water Commission of the eligibility of projects to apply for a Water Infrastructure Revolving Loan in compliance with cost share and statutory authority. Final loan approval is by the Bank of North Dakota.

OIL EXTRACTION REVENUE
FOR THE 2023 - 2025 BIENNium

MONTH / YEAR	PROJECTED				ACTUAL			
	REVENUE	ENERGY CONS. ¹ ALLOCATION	RENEWABLE ¹ ALLOCATION	RESOURCES TRUST FUND ALLOCATION	REVENUE	TRANSFERS TO ¹ ENERGY CONS.	TRANSFERS TO ¹ RENEWABLE	RESOURCES TRUST FUND NET DEPOSIT
AUGUST, 2023	\$19,607,811	\$98,039	\$588,234	\$18,921,538	\$17,438,367	\$87,192	\$523,151	\$16,828,025
SEPTEMBER, 2023	20,261,405	101,307	607,842	19,552,256	19,897,352	99,487	596,921	19,200,945
OCTOBER, 2023	20,261,405	101,307	607,842	19,552,256	22,030,025	110,150	660,901	21,258,974
NOVEMBER, 2023	19,607,811	98,039	588,234	18,921,538	25,681,808	128,408	770,448	24,782,752
DECEMBER, 2023	20,261,405	101,307	607,842	19,552,256	24,757,068	123,785	448,579	24,184,704
JANUARY, 2024	19,607,811	98,039	6	19,509,766	24,074,426	120,372		23,954,054
FEBRUARY, 2024	20,261,405	101,307		20,160,098	19,707,741	98,539		19,609,202
MARCH, 2024	20,261,405	101,307		20,160,098	17,937,246	89,686		17,847,560
APRIL, 2024	18,300,624	91,503		18,209,121	19,221,776	96,109		19,125,667
MAY, 2024	20,261,405	101,307		20,160,098	22,520,865	112,604		22,408,260
JUNE, 2024	19,607,811	98,039		19,509,772	22,609,462	113,047		22,496,414
JULY, 2024	20,261,405	101,307		20,160,098	20,403,558	20,620		20,382,938
AUGUST, 2024	17,366,918	7,192		17,359,726	19,772,137			19,772,137
SEPTEMBER, 2024	17,945,816			17,945,816	20,157,498			2,405,219
OCTOBER, 2024	17,945,816			17,945,816	20,051,630			2,211,682
NOVEMBER, 2024	17,366,918			17,366,918	17,541,906			2,105,814
DECEMBER, 2024	17,945,816			17,945,816	17,541,906			17,541,906
JANUARY, 2025	17,366,918			17,366,918	17,606,797			17,606,797
FEBRUARY, 2025	17,945,816			17,945,816	18,239,260			18,239,260
MARCH, 2025	17,945,816			17,945,816				
APRIL, 2025	16,209,124			16,209,124				
MAY, 2025	17,945,816			17,945,816				
JUNE, 2025	17,366,918			17,366,918				
JULY 2025-JUNE REVENUE	17,945,816			17,945,816				
TOTALS	\$449,859,211	\$1,200,000	\$3,000,000	\$445,659,211	\$369,648,722	\$1,200,000	\$3,000,000	\$365,448,722
								\$25,148,817

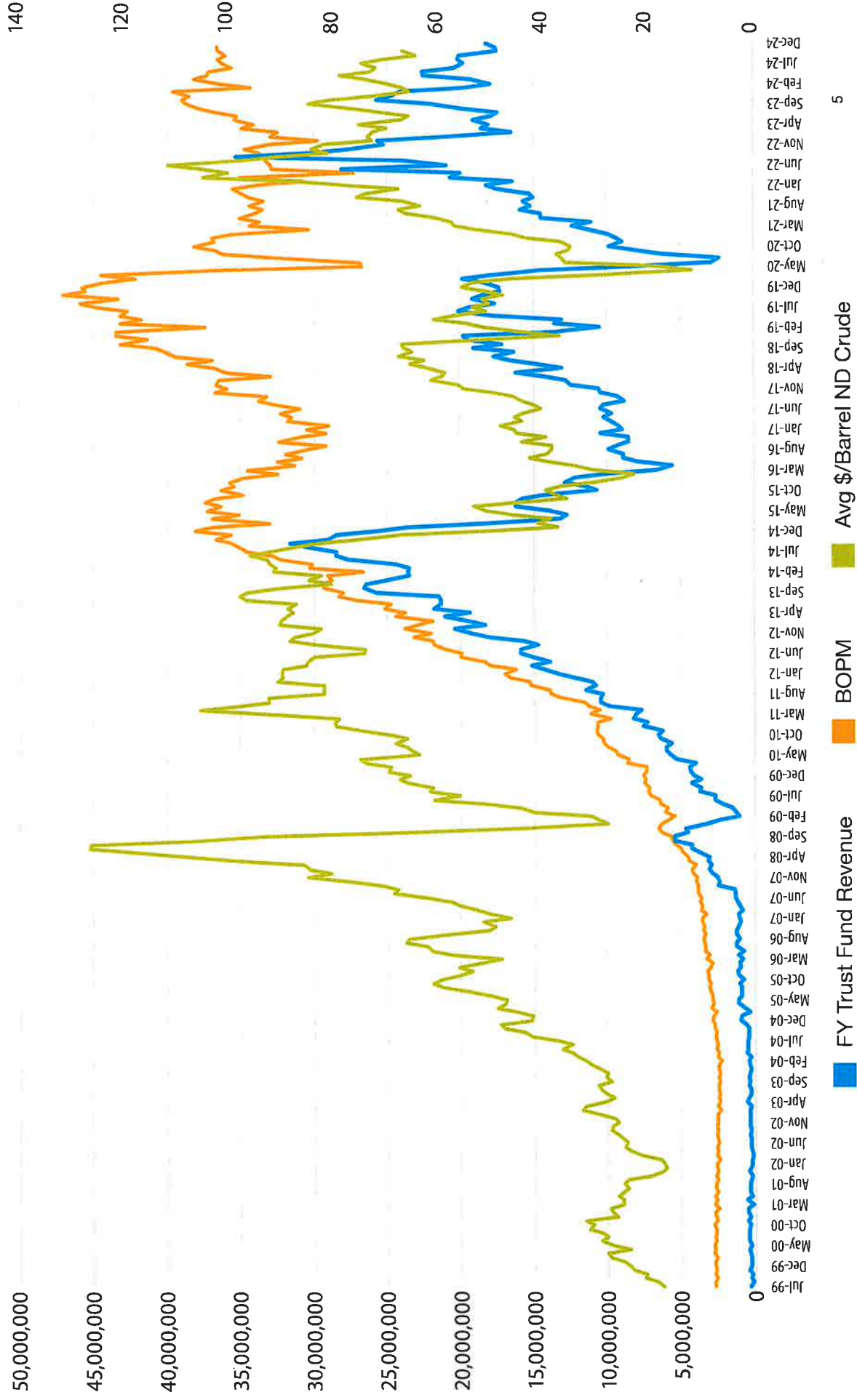
¹ Transfers to the renewable energy development fund and the energy conservation grant fund are established in North Dakota Century Code Section 57-51.1-07.

² Transfers to the water project stabilization fund are calculated after transfers to the renewable energy development fund and energy conservation grant fund occur

RESOURCES TRUST FUNDED REVENUE

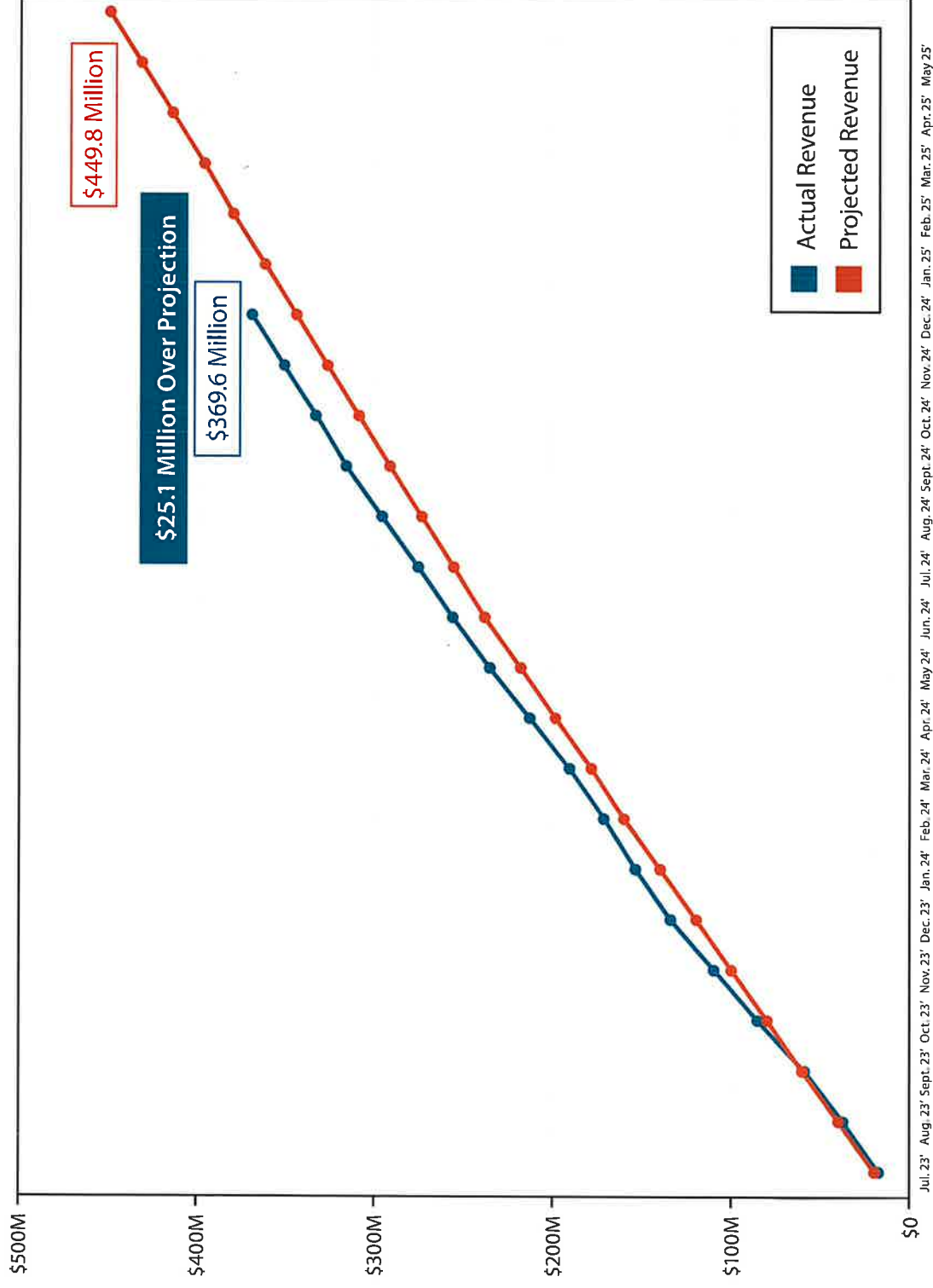
JULY 2004-DECEMBER 2024

NORTH DAKOTA OIL PRODUCTION & RESOURCES TRUST FUND REVENUE

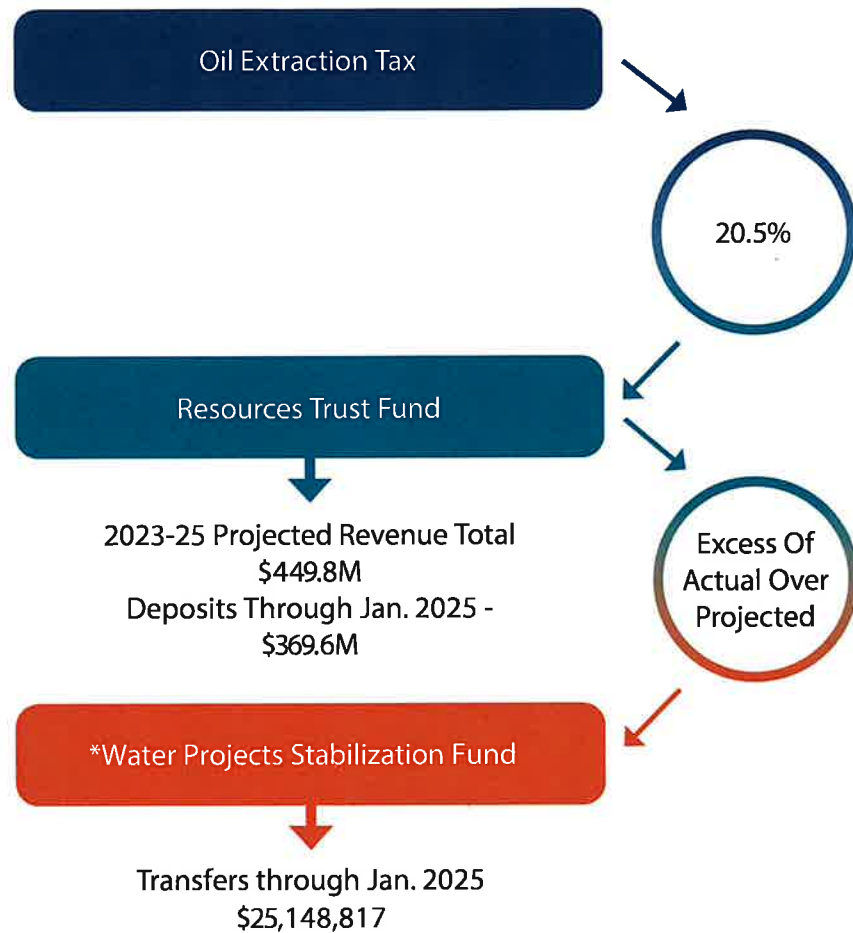


RESOURCES TRUST FUND REVENUE

2023-2025 (Cumulative) | January 2025



RESOURCES TRUST FUND REVENUE



*Authorized in Sections 5-7 of Senate Bill 2020 during the November special session.

2023-25 PURPOSE FUNDING

JULY 2023-JANUARY 2025

\$316.2M

\$42.9M

\$193.4M

\$95.7M

\$97.7M

Water Supply

* Capital Assets

Flood Control Projects

\$115.7M

\$27.9M

\$87.8M

\$52M

\$9.9M

\$42.1M

Rural Water

\$10.25M

\$3.56M

\$6.69M

General Water

\$9M

\$8.8M

\$0.2M

Discretionary Funds

APPROVED

UNOBLIGATED

*Capital Assets bucket includes \$100M line of credit.

2023-25 PURPOSE FUNDING

JULY 2023-JANUARY 2025

GENERAL WATER

\$12M

TOTAL \$7,962,304

TOTAL \$4,283,383

\$10M

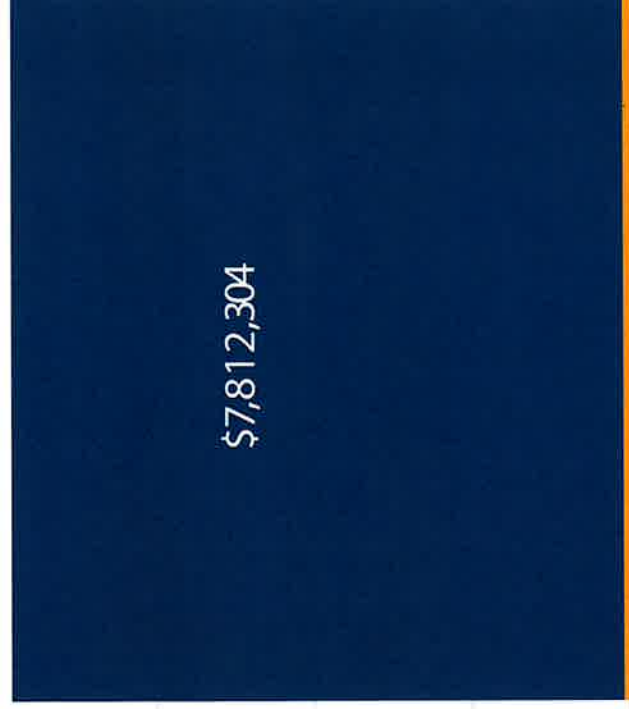
\$8M

\$6M

\$4M

\$2M

\$0



■ Anticipated Construction

■ Current Requests

▨ Potential Shortfall

■ 23-25 Remaining Unobligated Appropriation

■ Carry Over

2023-25 PURPOSE FUNDING

JULY 2023-JANUARY 2025

RURAL WATER



- Anticipated Construction
- Current Requests
- 23-25 Remaining Unobligated Appropriation
- Potential Shortfall
- Carry Over

2023-25 PURPOSE FUNDING

JULY 2023-JANUARY 2025

WATER SUPPLY

TOTAL \$60,104,926

TOTAL \$42,936,327



- Anticipated Construction
- Current Requests
- 23-25 Remaining Unobligated Appropriation
- Potential Shortfall
- Carry Over

PURPOSE FUNDING SUMMARY
State Water Commission Cost-Share
for February 13, 2025

2023-2025
Unobligated
Appropriation
01-29-25

Carryover
Turnback
06-30-23

Flood Control		Unobligated Appropriation	\$ 27,949,081	\$ 1,527,682
		Cost-Share		
Cost Increase	1	Grand Forks: South End Interior Flood Master Planning-Ph.2		\$ 179,062
		Current Requests	\$ -	\$ 179,062
		Estimated Unobligated Appropriation =	\$ 27,949,081	\$ 1,348,620

General Water		Unobligated Appropriation	\$ 3,562,447	\$ 720,936
		Cost-Share		
Pre/Construction	1	Logan County: Irrigation District Feasibility Study		\$ 150,000
		Current Requests	\$ -	\$ 150,000
		Estimated Unobligated Appropriation =	\$ 3,562,447	\$ 570,936

Water Supply		Unobligated Appropriation	\$ 42,922,351	\$ 13,976
		Cost-Share		
Pre/Construction	1	City of Bowman: New Water Storage Reservoir		\$ 132,000
Construction	2	City of Beach: Street and Utility Improvements		\$ 3,160,110
Construction	3	City of New Town: Utility Improvements Phase 2		\$ 2,766,523
Intent	4	City of Medora: New Water Storage		\$ 63,000
Cost Increase	5	WAWSA: MCWRD Phase 2 Transmission Line		\$ 3,343,802
		Current Requests	\$ 9,465,435	\$ -
		Estimated Unobligated Appropriation =	\$ 33,456,916	\$ 13,976

Rural Water		Unobligated Appropriation	\$ 9,943,260	\$ 12,877
		Cost-Share		
Pre/Construction	1	All Seasons WUD: Bottineau County Expansion		\$ 180,000
Pre/Construction	2	South Central RWD: Service to Napoleon		\$ 289,500
Construction	3	Greater Ramsey WD: 2024 User Expansion		\$ 7,476,752
		Current Requests	\$ 7,946,252	\$ -
		Estimated Unobligated Appropriation =	\$ 1,997,008	\$ 12,877

Discretionary		Unobligated Appropriation	\$ 8,768,861	\$ 2,601,400
		Cost-Share		
Construction	1	Fort Berthold Rural Water: 4 Bears WTP, Intake, and Raw Water Line		\$ 1,148,600
		Current Requests	\$ 1,148,600	\$ 2,601,400
		Estimated Unobligated Appropriation =	\$ 7,620,261	\$ 0

PURPOSE FUNDING SUMMARY
State Water Commission Cost-Share
for February 13, 2025

2023-2025
Unobligated
Appropriation
01-29-25

Carryover
Turnback
06-30-23

Capital Assets		Unobligated Appropriation	\$	95,681,797	\$	-
SWPP		Cost-Share				
1						
2						
		Current Requests	\$	-		
NAWS						
1						
2						
		Current Requests	\$	-		
		Capital Assets Current Requests	\$	-		
		Less line of credit	\$	100,000,000		
		Anticipated Unobligated Appropriation Capital Assets =	\$	(4,318,203)		
2023-2025 Unobligated Appropriation for Purpose and Capital Assets		\$	188,827,797	\$	4,876,870	
Current Requests		\$	18,560,287	\$	2,930,462	
2023-2025 Anticipated Unobligated Appropriation =		\$	170,267,510			

**DEPARTMENT OF WATER RESOURCES
PROJECT SUMMARY
2023-2025 BIENNIUM**

January 29, 2025

	2021-2023 CARRYOVER	2023-2025 APPROPRIATION	TOTAL	SWC/Secretary APPROVED	UNOBLIGATED APPROPRIATION
MUNICIPAL & REGIONAL WATER SUPPLY:					
MUNICIPAL WATER SUPPLY	53,007,838	84,713,944	137,721,782	137,721,782	0
RED RIVER VALLEY	38,269,022	180,000,000	218,269,022	218,269,022	0
OTHER REGIONAL WATER SUPPLY	27,300,734	8,563,705	35,864,439	35,864,439	0
UNOBLIGATED MUNICIPAL/REG WATER SUPPLY	13,976	42,922,351	42,936,327		42,936,327
Total	118,591,570	316,200,000	434,791,570	391,856,243	42,936,327
% OBLIGATED		86%			
RURAL WATER SUPPLY:					
RURAL WATER SUPPLY	55,311,784	42,056,740	97,368,524	97,368,524	0
UNOBLIGATED RURAL WATER SUPPLY	12,877	9,943,260	9,956,137		9,956,137
Total	55,324,661	52,000,000	107,324,661	97,368,524	9,956,137
% OBLIGATED		81%			
FLOOD CONTROL:					
FARGO	0	0	0	0	0
MOUSE RIVER	9,425,991	76,100,000	85,525,991	85,525,991	0
MOUSE RIVER HB1431 BOND PROCEEDS	64,354,625	0	64,354,625	64,354,625	0
VALLEY CITY	10,072,490	0	10,072,490	10,072,490	0
LISBON	259,160	0	259,160	259,160	0
OTHER FLOOD CONTROL	8,933,841	1,577,022	10,510,863	10,510,863	0
PROPERTY ACQUISITIONS	57,573	9,750,000	9,807,573	9,807,573	0
WATER CONVEYANCE	9,190,294	323,897	9,514,191	9,514,191	0
UNOBLIGATED FLOOD CONTROL	1,527,682	27,949,081	29,476,763		29,476,763
Total	103,821,656	115,700,000	219,521,656	190,044,894	29,476,763
% OBLIGATED		76%			
GENERAL WATER:					
GENERAL WATER	10,909,909	6,687,553	17,597,462	17,597,462	0
UNOBLIGATED GENERAL WATER	720,936	3,562,447	4,283,383		4,283,383
Total	11,630,845	10,250,000	21,880,845	17,597,462	4,283,383
% OBLIGATED		65%			
SUBTOTAL	289,368,732	494,150,000	783,518,732	696,866,123	86,652,609
CAPITAL ASSETS:					
SWPP CAPITAL ASSETS	24,100,389	86,438,203	110,538,592	110,538,592	0
NAWS CAPITAL ASSETS	36,181,771	11,080,000	47,261,771	47,261,771	0
DEVILS LAKE OUTLET	200,000	200,000	200,000	200,000	0
UNOBLIGATED CAPITAL ASSETS	0	95,681,797	95,681,797		95,681,797
Total	60,282,160	193,400,000	253,682,160	158,000,363	95,681,797
% OBLIGATED		51%			
DISCRETIONARY FUNDING:					
DISCRETIONARY FUNDING PROJECTS	3,001,605	231,139	3,232,744	3,232,744	0
UNOBLIGATED DISCRETIONARY FUNDS	2,601,400	8,768,861	11,370,261		11,370,261
Total	5,603,005	9,000,000	14,603,005	3,232,744	11,370,261
% OBLIGATED		3%			
BASINWIDE PLAN IMPLEMENTATION:					
BASINWIDE PLAN IMPLEMENTATION	773,787	0	773,787	773,787	0
UNOBLIGATED BASINWIDE PLAN IMPLEMENTATION FUNDS	0	0	0		0
Total	773,787	0	773,787	773,787	0
% OBLIGATED		0%			
STATE FISCAL RECOVERY FUND:					
STATE FISCAL RECOVERY FUNDS - SB 2345	10,972,317	0	10,972,317	10,972,317	0
UNOBLIGATED STATE FISCAL RECOVERY FUNDS	0	0	0		0
Total	10,972,317	0	10,972,317	10,972,317	0
% OBLIGATED		0%			
TOTAL	367,000,000	696,550,000	1,063,550,001	869,845,333	193,704,667

**DEPARTMENT OF WATER RESOURCES
PROJECT SUMMARY
2023-2025 BIENNIUM**

Jan-25

	SWC/Secretary APPROVED	EXPENDITURES	UNPAID APPROVALS
MUNICIPAL & REGIONAL WATER SUPPLY:			
MUNICIPAL WATER SUPPLY	137,721,782	50,755,040	86,966,742
RED RIVER VALLEY	218,269,022	82,044,830	136,224,192
OTHER REGIONAL WATER SUPPLY	35,864,439	17,111,349	18,753,091
TOTAL	391,855,243	149,911,218	241,944,025
RURAL WATER SUPPLY:			
RURAL WATER SUPPLY	97,368,524	51,639,704	45,728,820
FLOOD CONTROL:			
FARGO	0	0	0
MOUSE RIVER	85,525,991	3,972,431	81,553,560
MOUSE RIVER HB1431	64,354,625	36,333,075	28,021,550
VALLEY CITY	10,072,490	187,679	9,884,811
LISBON	259,160	4,500	254,660
OTHER FLOOD CONTROL	10,510,863	3,237,360	7,273,503
PROPERTY ACQUISITIONS	9,807,573	57,573	9,750,000
WATER CONVEYANCE	9,514,191	5,309,398	4,204,793
TOTAL	190,044,894	49,102,016	140,942,877
GENERAL WATER:			
GENERAL WATER	17,597,462	8,719,882	8,877,580
SUBTOTAL	696,866,123	259,372,820	437,493,303
CAPITAL ASSETS:			
SWPP CAPITAL ASSETS	110,538,592	6,066,779	104,471,813
NAWS CAPITAL ASSETS	47,261,771	10,744,371	36,517,401
DEVILS LAKE OUTLET	200,000	41,266	158,734
TOTAL	158,000,363	16,852,415	141,147,948
DISCRETIONARY FUNDING:			
DISCRETIONARY FUNDING PROJECTS	3,232,744	1,199,180	2,033,564
BASINWIDE PLAN IMPLEMENTATION:			
BASINWIDE PLAN IMPLEMENTATION	773,787	285,627	488,160
STATE FISCAL RECOVERY FUNDS SB2345			
STATE FISCAL RECOVERY FUND PROJECTS	10,972,317	8,788,231	2,184,086
TOTALS	869,845,333	286,498,274	583,347,059



January 22, 2025

Direct Dial: 320-656-3522
Kvanbruggen@RinkeNoonan.com

North Dakota State Water Commission
c/o Mr. Reice Haase, Director, Department of Water Resources
1200 Memorial Highway
Bismarck, ND 58504-5262

SENT VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED

**Re: Petition to Adjust Boundaries:
Bottineau County Water Resource District & Oak Creek Water Resource District
Our File No. 25341-0077**

Dear Members of the North Dakota State Water Commission:

Rinke Noonan Law Firm serves as general counsel to the Bottineau County Water Resource District. I am writing to submit and enclose a petition on behalf of the Bottineau County Water Resource District and the Oak Creek Water Resource District, requesting the adjustment of the boundaries of said districts under the provisions of North Dakota Century Code, section 61-16-06.1.

The petition, signed by all members of the Board of Managers of both districts, outlines the rationale for the boundary adjustment, which is being requested to more accurately reflect the current needs and characteristics of the water management areas within these districts. The Board of Managers of both districts believes that this adjustment will more accurately reflect watershed boundaries and will improve the efficiency and effectiveness of water resource management in the region.

The enclosed petition includes all necessary documentation and supporting information required for review. We kindly ask that the State Water Commission, with the aid of the Department of Water Resources, consider this petition for approval and any necessary actions for implementation.

If you have any questions, or require additional information, please do not hesitate to contact the following individuals:

1. Clifford Issendorf, Chair of the Bottineau County Water Resource District, 641 – 88th Street NW, Newburg, ND 58762, issbros@srt.com, 701-228-4070;

Suite 300 US Bank Plaza
1015 W. St. Germain St.
P.O. Box 1497
St. Cloud, MN 56302
320.251.6700

www.rinkenoonan.com

2. Dan Bullinger, Chair of the Oak Creek Water Resource District; 1115 Burnetts Road, Bottineau, ND 58318, dbullinger@hotmail.com, 701-228-8344;
3. Professional Engineer Jennifer Malloy, Apex Engineering, for the Bottineau County Water Resource District, 600 South 2nd Street, Suite 145, Bismarck, ND 58504, jennifer.malloy@apexenggroup.com, 701-323-3950; and
4. Attorney Kale Van Bruggen, Rinke Noonan, Ltd. Attorney & Secretary for the Bottineau County Water Resource District; 1015 W. St. Germain St., Suite 300, P.O. Box 1497, St. Cloud, MN 56302, kvanbruggen@rinkenoonan.com, 320-656-3522.

Sincerely,

/s/ Kale R. Van Bruggen

Kale R. Van Bruggen
KRV/cmt

Enclosure

cc: Board of Managers, Bottineau County Water Resource District (via email w/encls.)
Board of Managers, Oak Creek Water Resource District (via email w/encls.)
Jennifer Malloy, P.E., Apex Engineering (via email w/encls.)
Matt Lindsay, Water Resource Engineer Manager (via email w/encls.)

STATE OF NORTH DAKOTA
DEPARTMENT OF WATER RESOURCES
BEFORE THE STATE WATER COMMISSION

In the Matter of the Bottineau County Water Resource District and the Oak Creek Water Resource District Boundary Adjustment	JOINT PETITION FOR BOUNDARY CHANGE
--	---

Pursuant to North Dakota Century Code, section 61-16-06.1, the Board of Managers for the Bottineau County Water Resource District, and the Board of Managers for the Oak Creek Water Resource District, Petition the North Dakota State Water Commission, for an adjustment to their respective jurisdictional boundaries to better reflect watershed boundaries. For their Joint Petition for Boundary Change ("Petition"), the undersigned Petitioners hereby state and allege the following:

[¶1.] Pursuant to ND Century Code section 61-16.06-1, Petitioners hereby request that the North Dakota State Water Commission adjust the boundaries of the Bottineau County Water Resource District (the "BCWRD") and the Oak Creek Water Resource District (the "OCWRD") to better reflect watershed boundaries as described herein.

[¶2.] The undersigned Petitioners represent a majority of the members of the BCWRD and a majority of the members of the OCWRD. The 5 Managers on the BCWRD Board, and the 3 Managers on the OCWRD, have unanimously approved this Petition.

[¶3.] Attached hereto as **EXHIBIT A¹** is a map showing the current jurisdictional boundaries of the BCWRD and the OCWRD within Bottineau County, North Dakota.

[¶4.] In 1973, the North Dakota Legislature mandated that all land in North Dakota shall be within a water resource district. Prior to that time, ND Century Code section 61-16-05 provided that "the area to be included in a water . . . district shall embrace the territory described in the petition," and then authorized the State Water Commission to "consider, and include within the boundaries of the district, the watershed and drainage areas which will be benefited by the construction and maintenance of works therein for water conservation, flood control, or drainage as the case may be."

¹ A map showing the current jurisdictional boundaries of the water resource districts within Bottineau County is maintained on the Bottineau County website at:

https://www.bottineauco.com/_files/ugd/5ce0a9_3944925a022848e280437aa1b98c3626.pdf.

[¶5.] The order creating the boundary for the OCWRD followed what was believed to be the watershed boundary at that time. Since that time, extensive engineering, surveying, and topographic work has been conducted by the BCWRD with the cooperation and under formal Joint Powers Agreements with the OCWRD to provide accurate assessment district boundaries for several assessment drain projects, two of which span the jurisdictional boundaries of the BCWRD and the OCWRD.

[¶6.] As depicted on **EXHIBIT B** attached hereto, the Stone Creek Lateral Assessment Drain (also known locally as the Elysian Township Drain or Elysian Drain) and the White Spur Assessment Drain and their respective assessment districts span the jurisdictional boundaries between the BCWRD and the OCWRD. Additional engineering, surveying, and topographic work is soon to be initiated for a new, proposed assessment drain in this region known locally as the Gardena Lateral. The Gardena Lateral, if established, will flow into the Stone Creek Lateral.

[¶7.] As a result of this extensive engineering, surveying, and topographic work over the years, it has become apparent to the BCWRD and the OCWRD that the existing jurisdictional boundaries for the BCWRD and the OCWRD do not follow the watershed boundary between the two districts.

[¶8.] To construct the White Spur Drain and Stone Creek Lateral, the BCWRD and the OCWRD entered into Joint Powers Agreements whereby the OCWRD authorized the BCWRD to establish, construct, and maintain the assessment drain projects within a portion of the OCWRD jurisdictional boundary, and assess lands within the OCWRD thereby benefited by these projects.

[¶9.] Today, the BCWRD remains responsible for the inspection, operation, maintenance, construction, and water management of the White Spur Drain and Stone Creek Lateral, both of which flow into the Stone Creek Drain. The Stone Creek Drain is inspected, operated, and maintained by the BCWRD, and its watershed and assessment district are wholly within the BCWRD jurisdictional boundary.

[¶10.] This Petition seeks to adjust the boundaries between the BCWRD and the OCWRD to reflect what is better known and understood today as the watershed boundary between the Stone Creek Drain and Oak Creek. The parcels affected by the boundary change proposed in this Petition are within the assessment districts of the White Spur Drain or Stone Creek Lateral, which flow into the Stone Creek Drain, or otherwise flow across lands within the BCWRD to the Stone Creek Drain watershed.

[¶11.] Despite their flow into the Stone Creek Drain and across lands within the BCWRD, these parcels are presently within the jurisdictional boundaries of the OCWRD. This means that revenue generated for the annual mill levy approved by the OCWRD for these parcels is directed to the OCWRD, despite the parcels within the watershed of the Stone Creek Lateral or White Spur Drain and the Stone Creek Drain being managed by the BCWRD.

[¶12.] This Petition requests that upon completion of the required procedures in ND Century Code, section 61-16-06.1, the State Water Commission issue an order granting the Petition and make the necessary boundary adjustments to the BCWRD and OCWRD as depicted on **EXHIBIT C** attached hereto. Exhibit C depicts the existing boundary line between the OCWRD and the BCWRD, and the proposed boundary change between the OCWRD and the BCWRD.

[¶13.] As depicted in Exhibit C, certain parcels that are presently within the OCWRD jurisdictional boundary will be affected by this Petition as those parcels are proposed to be within the BCWRD jurisdictional boundary if this Petition is granted. The following parcels are affected by this Petition:

- a. Township 161 North, Range 76 West (Oak Valley Township): Sections 22, 27, & 34
- b. Township 160 North, Range 76 West (Oak Creek Township): Sections 4, 5, 6, 7, 8, 9, Part of 15, 16, 17, 18, 19, 20, 21, Part of 22, Part of 28, 29, 30, and Part of 32.
- c. Township 160 North, Range 77 West (Elysian Township): Sections 1, 2, Part of 9, Part of 10, 11, 12, 13, Part of 14, Part of 15, and Part of 24

[¶14.] Additional information regarding the engineering, surveying, and topographic data supporting this Petition can be obtained from the BCWRD's Professional Engineer, Jennifer Malloy, of Apex Engineering ((701) 323-3967; jennifer.malloy@apexenggroup.com).

[¶15.] A certified copy of the resolution of the BCWRD authorizing the members of the BCWRD to sign this Joint Petition is attached as **EXHIBIT D** hereto.

[¶16.] A certified copy of the resolution of the OCWRD authorizing the members of the OCWRD to sign this Joint Petition is attached as **EXHIBIT E** hereto.

[¶17.] ND Century Code, section 61-16-06.1 requires the Petition to provide a detailed plan for the disposition of the property, assets, and liabilities of each of the districts. This plan must be as equitable as practicable to every landowner within the districts and must fully protect creditors and the holders of improvement warrants of the petitioning districts. The plan may provide for a continuance of assessments upon properties in the petitioning districts to retire outstanding obligations, or for the assumption of outstanding obligations and the spreading of assessments for the payment of the outstanding obligations over properties in the newly created district. The state water commission may not approve the petition unless the petition fully meets the requirements of this section.

[¶18.] In this regard, there will be no disposition of property, assets, and liabilities of the BCWRD or the OCWRD affected by this Petition. In addition, the only creditors or holders of improvement warrants within the parcels affected by this Petition will not be affected if the Petition is granted because those creditors or holders of improvement warrants are through the BCWRD acting with jurisdiction over the OCWRD parcels subject to the existing Joint Powers Agreements between the BCWRD and OCWRD. Special assessments will continue the affected parcels in the same manner, unaffected by this Petition. If approved, this Petition will direct the

mill levy against affected parcels to the BCWRD; whereas, the current mill levy for the affected parcels is directed to the OCWRD.

[¶19.] The proposed boundary change will adjust existing jurisdictional boundaries of the BCWRD and the OCWRD to better reflect existing watershed boundaries and enable both districts to better govern existing and future assessment drain projects within the Stone Creek, Stone Creek Lateral, and White Spur, and the Oak Creek watersheds respectively.

[¶20.] This plan is equitable to every landowner within the BCWRD and the OCWRD as they now exist and fully protects creditors and holders of improvement warrants of each district because the OCWRD has no liabilities.

[¶21.] The petitioned adjustments would cause the common jurisdictional boundary to conform more closely to the hydrological boundary, would facilitate watershed-based water resource planning and management, and for these and other reasons would be more consistent with the purposes and requirements of ND Century Code, section 61-16.06-1.

WHEREFORE, in accordance with ND Century Code, section 61-16.06.1, Petitioners respectfully Petition the North Dakota Department of Water Resources and State Water Commission to take the following actions:

1. Fix a time and place for a public hearing on this Petition at a site convenient and accessible for a majority of the affected individuals.
2. At least fifteen days prior to the date of the hearing, publish notice of the hearing in at least one newspaper of general circulation in the BCWRD and the OCWRD.
3. Make or cause to be made an investigation of the need for adjusting the boundary between the BCWRD and the OCWRD and present said report at the Petition hearing.
4. Upon completing said report and conducting the Petition Hearing, and based upon the record therein, find that the problems of flood control, watershed development or improvement, drainage, water supply, or other reasons make the boundary adjustment as proposed herein desirable, grant this Petition, and create the new adjusted boundaries for the BCWRD and OCWRD as depicted on Exhibit C.

Respectfully submitted by the undersigned Petitioners, representing a majority of the members of the Bottineau County Water Resource District and the Oak Creek Water Resource District Boards of Managers.

[Petition Signatures to Follow]

**BOTTINEAU COUNTY WATER RESOURCE DISTRICT BOARD OF MANAGERS
SIGNATURE PAGE TO JOINT PETITION FOR BOUNDARY CHANGE BETWEEN THE
BOTTINEAU COUNTY WATER RESOURCE DISTRICT & OAK CREEK WATER RESOURCE DISTRICT**



Clifford Issendorf, Chair
641 – 88th Street NW
Newburg, ND 58762
issbros@srt.com; (701) 228-4070

Dated: 12/16/2024



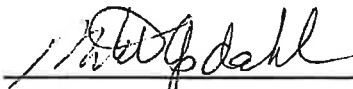
Paxton Engelhard, Vice Chair
10570 – 5th Avenue NW
Souris, ND 58783
engelhardfarms@gmail.com; (701) 263-5665

Dated: 12-7-25



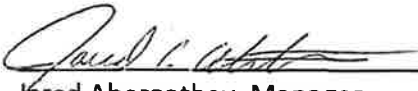
Wayne Drangsholt, Treasurer
10188 – 35th Avenue NW
Mohall, ND 58761
wdrangsholtbcwrd@gmail.com; (701) 833-1839

Dated: 12/16/2024



Mitch Opdahl, Manager
415 – 1st Avenue East
Westhope, ND 58793
opdahl97@gmail.com; (701) 263-1454

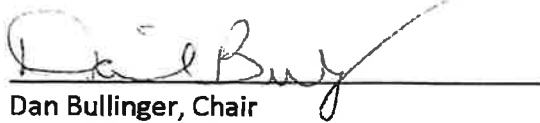
Dated: 12/16/2024



Jared Abernathey, Manager
8340 – 30th Avenue NW
Lansford, ND 58750
abernatheybrothers@gmail.com; (701) 818-2323

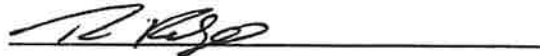
Dated: 12-31-2024

**OAK CREEK COUNTY WATER RESOURCE DISTRICT BOARD OF MANAGERS
SIGNATURE PAGE TO JOINT PETITION FOR BOUNDARY CHANGE BETWEEN THE
BOTTINEAU COUNTY WATER RESOURCE DISTRICT & OAK CREEK WATER RESOURCE DISTRICT**



Dan Bullinger, Chair
1115 Burnetts Road
Bottineau, ND 58318
dbullinger@hotmail.com; (701) 228-8344

Dated: 12-2-2024



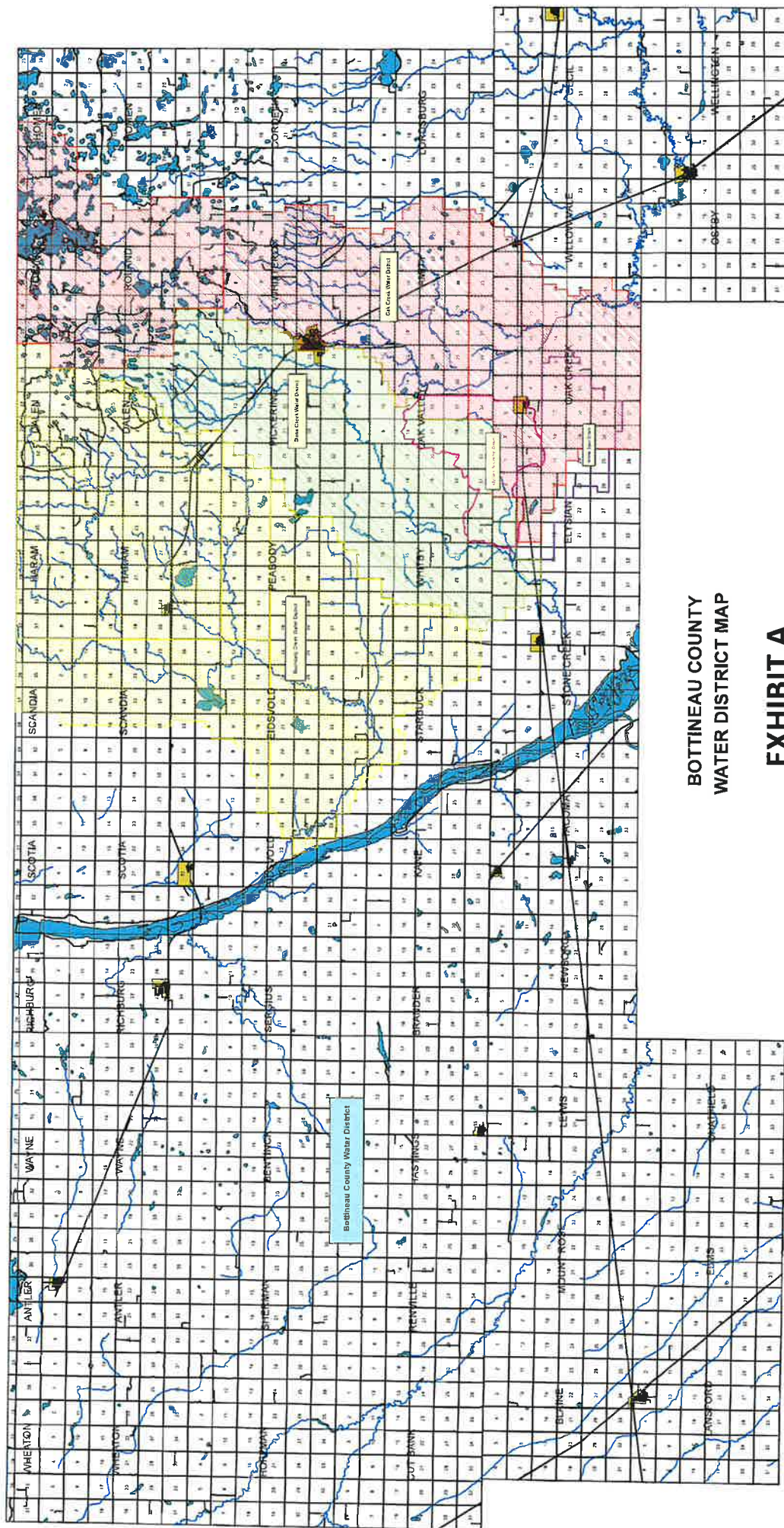
Tim Fedje, Vice Chair
114 Hahn Bay Road
Bottineau, ND 58318
fedje@srt.com; (701) 720-2043

Dated: 12-2-2024



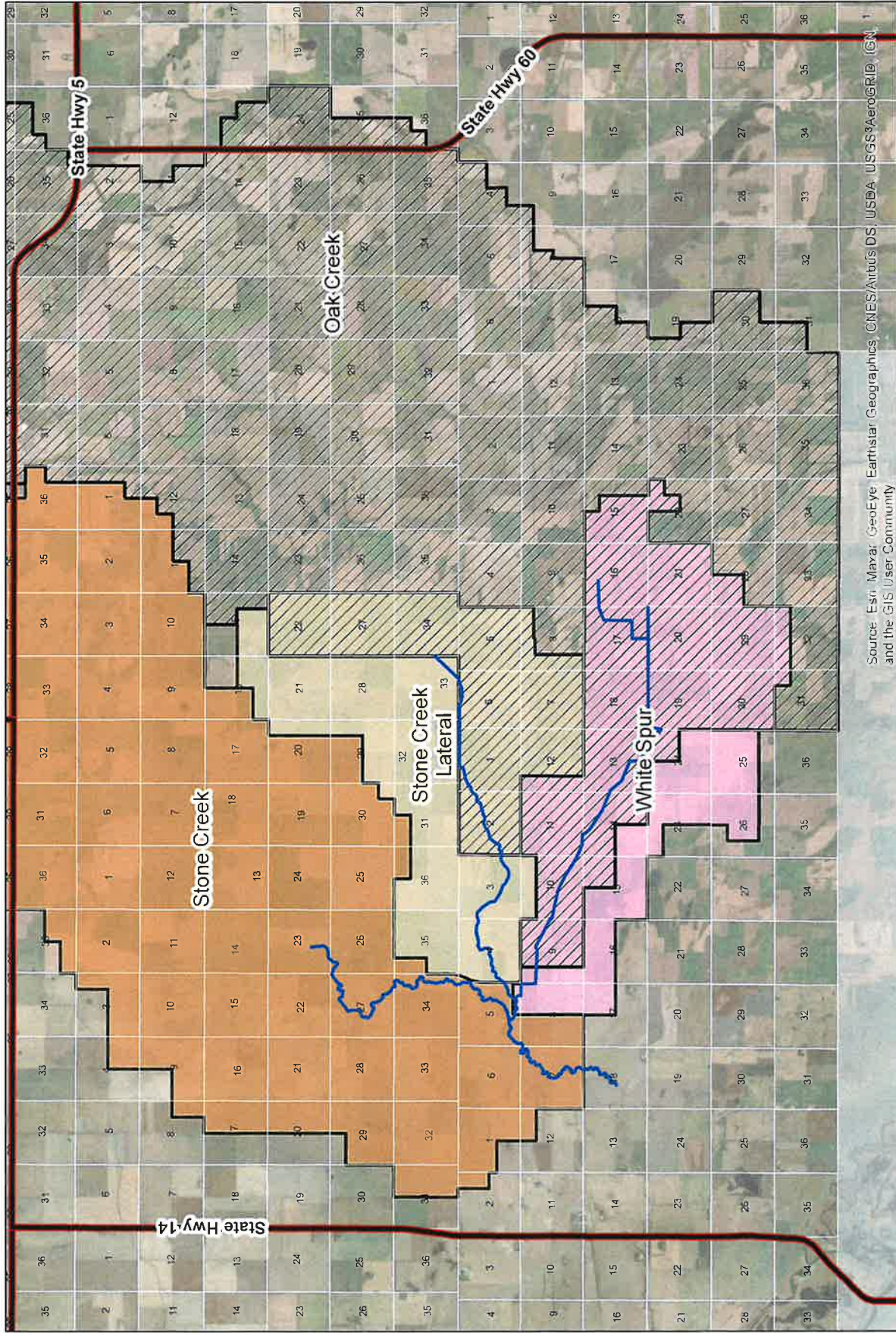
Keith Fulsebakke, Treasurer
1251 100th Street NE
Bottineau, ND 58318

Dated: 12-2-2024



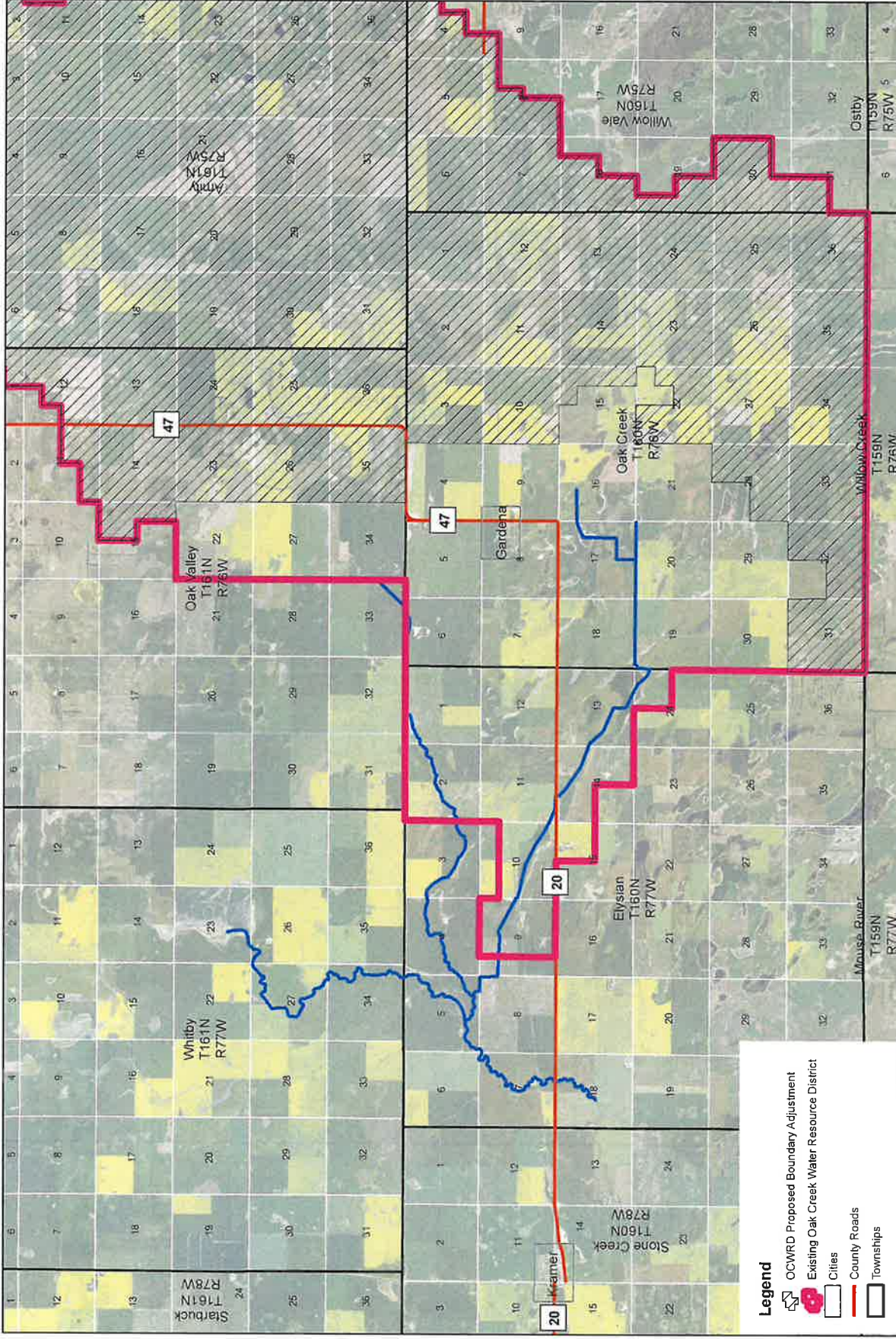
**BOTTINEAU COUNTY
WATER DISTRICT MAP**

EXHIBIT A



Existing Oak Creek Water Resource District

EXHIBIT B



Oak Creek Boundary Adjustment



**BOTTINEAU COUNTY WATER RESOURCE DISTRICT
BOARD OF MANAGERS
BOTTINEAU COUNTY, NORTH DAKOTA**

RESOLUTION AUTHORIZING THE SIGNING OF THE JOINT PETITION FOR BOUNDARY CHANGE

WHEREAS, this Board of Managers is authorized by N.D. Century Code chapter 61-16.1 to file a Joint Petition for Boundary Change with the North Dakota State Water Commission to adjust existing jurisdictional boundaries of the Oak Creek Water Resource District and the Bottineau County Water Resource District to reflect watershed boundaries; and

WHEREAS, this Board of Managers has determined that it is reasonable, fair, equitable, and practical, and in the best interests of the Bottineau County Water Resource District and the parcels of property within the District that are in the watershed of the Stone Creek Drain, Stone Creek Drain Lateral, and White Spur Drain, to cooperate with the Oak Creek Water Resource District to petition the State Water Commission to correct the boundaries between our respective water resource districts to better reflect the watershed boundaries, as described and depicted in the Joint Petition.

NOW, THEREFORE, BE IT RESOLVED by this Board of Managers as follows:

1. That each member of this Board of Managers is hereby authorized to sign the Joint Petition for the purpose of adjusting the boundaries of this District and the Oak Creek Water Resource District to better reflect existing watershed boundaries.
2. That this Board of Managers hereby agrees to abide by the terms and conditions of said Joint Petition, a copy of which shall be attached to this resolution and filed herewith as a public record of this District with the North Dakota State Water Commission.
3. This Board of Managers further agrees to abide by all reasonable and necessary decisions duly and properly made on its behalf by the governing board in the course of the administration of the Joint Petition.

Adopted at the meeting of the District this 16th day of December, 2024.

Signed: Clifford Issendorf
Name: Clifford Issendorf Chair, Board of Managers

Attest: Kale VanBruggen
Name: Kale R. Van Bruggen Secretary, Board of Managers

**OAK CREEK WATER RESOURCE DISTRICT
BOARD OF MANAGERS
BOTTINEAU COUNTY, NORTH DAKOTA**

RESOLUTION AUTHORIZING THE SIGNING OF THE JOINT PETITION FOR BOUNDARY CHANGE

WHEREAS, this Board of Managers is authorized under ND Century Code, section 61-16-06.1 to file a Joint Petition for Boundary Change with North Dakota State Water Commission to adjust existing jurisdictional boundaries of the Oak Creek Water Resource District and the Bottineau County Water Resource District to reflect watershed boundaries; and

WHEREAS, this Board of Managers has determined that it reasonable, fair, equitable, and practical, and in the best interests of the Oak Creek Water Resource District and the parcels of property within the this District that are in the watershed of the Stone Creek Drain, Stone Creek Drain Lateral, and White Spur Drain, to cooperate with the Bottineau County Water Resource District to petition the State Water Commission to correct the boundaries between our respective water resource districts to better reflect the watershed boundaries, as described and depicted in the Joint Petition.

NOW, THEREFORE, BE IT RESOLVED by this Board of Managers as follows:

1. That each member of this Board of Managers is hereby authorized to sign the Joint Petition for the purpose of adjusting the boundaries of this District and the Bottineau County Water Resource District to better reflect existing watershed boundaries.
2. That this Board of Managers hereby agrees to abide by the terms and conditions of said Joint Petition, a copy of which shall be attached to this resolution and filed herewith as a public record of this District with the North Dakota State Water Commission.
3. This Board of Managers further agrees to abide by all reasonable and necessary decisions duly and properly made on its behalf by the governing board in the course of the administration of the Joint Petition.

Adopted at the meeting of the District this 2 day of December 2024.

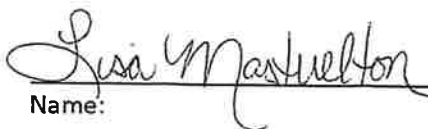
Signed:



Name:

Chair, Board of Managers

Attest:



Name:

Secretary, Board of Managers

**North Dakota
Water Resource
Districts Association**

APPENDIX C

JACK P. DWYER, EXECUTIVE SECRETARY
701-730-5469 (c) • jack@ndwaterlaw.com
P.O. Box 2254 • Bismarck, North Dakota 58502
701-223-4615 (o) • staff@ndwater.net

January 3, 2025

State Water Commission
1200 Memorial Highway
Bismarck, ND 58504

Governor Armstrong, Commissioner Goehring and State Water Commissioners,

The Water Resource Districts Association (WRDA) is formally requesting an increase in the cost share percentage for conveyance projects from the current 45% to 75%. Further we would ask that the Commission make a final decision on this request by the April 2025 meeting so there is certainty as we move into the 2025 construction season.

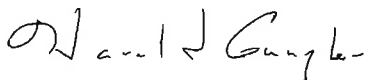
As you are aware, conveyance projects are critical for the effective management and distribution of our water resources. These projects not only play a vital role in flood control but also are critical for agriculture production and protection of infrastructure. However, the financial burden associated with these projects has become increasingly challenging for landowners and water boards to manage.

While we are grateful for the financial support provided by the state for these important projects, the current cost share percentage puts a significant burden on local private landowners to support infrastructure that provide both private and public benefits. By increasing the cost share percentage to 75%, the State Water Commission would provide much-needed financial support, enabling water boards to maintain and improve these important pieces of water infrastructure.

In conjunction with this request, the WRDA is actively working with legislatures during the 2025 session to ensure there are adequate dollars for the 2025-2027 biennium to support these important projects under a higher cost share percentage.

Thank you for your consideration. Please reach out to Jack Dwyer, Executive Secretary, at jack@ndwaterlaw.com with any questions.

Sincerely,



Harold Gaugler
President
Water Resource Districts Association