



Minot during the 2011 flood.

# HOUSE BILL 1020

## An Overview of the State Water Commission's Funding Bill

*At the end of April, 2017 Governor Burgum's signature on House Bill 1020 signified its final passage following the 65th Legislative Assembly. The Bill is the funding legislation for the North Dakota State Water Commission.*

### **Water Project Funding**

Within House Bill 1020, the Legislature directed \$298.8 million toward water development projects. The three funding sources include the Resources Trust Fund, the Water Development Trust Fund, and the Infrastructure Revolving Loan Fund. While more than double this amount was appropriated in the previous biennium, a tremendous amount of progress will still be possible for water supply, rural water supply, flood control, and general water management projects all over North Dakota.

The Bill designated specific funding amounts for the following purposes:

- \$120,125,000 for water supply;
- \$27,000,000 for rural water supply;
- \$136,000,000 for flood control; and
- \$15,750,000 for general water.

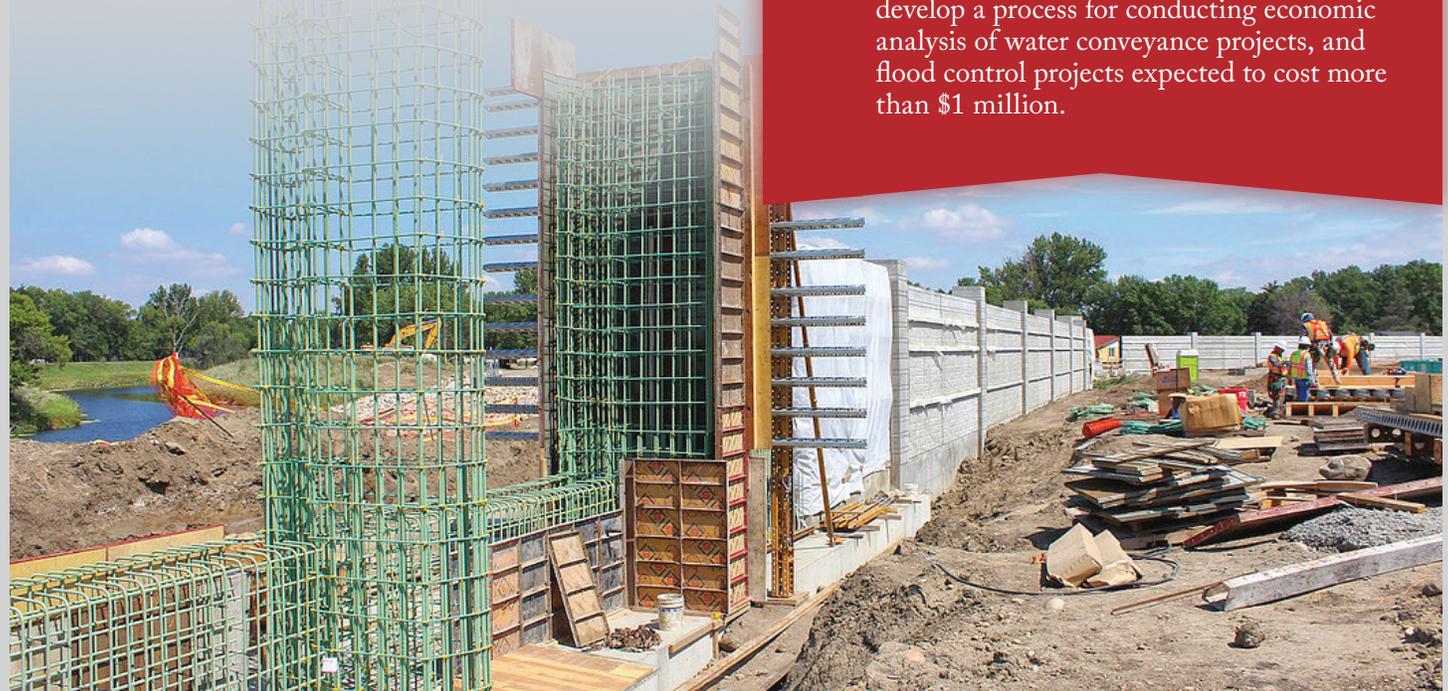
While dollar amounts were identified for each type of project, the bill allows for transfer of funding among these items.

Project-Related Legislative intent within the bill provides:

- Up to \$193 million for Mouse River flood control projects within the City of Minot over the course of the next four biennia—through June 2025; and
- Up to \$30 million in the form of a grant during the 2017-2019 biennium for the Red River Valley Water Supply Project for planning, permitting, and construction-related expenses.

Other key elements that were part of House Bill 1020 are:

- Refinancing of Western Area Water Supply loans from the Bank of North Dakota;
- A flood hazard risk management study within Ward County;
- A cap on the Infrastructure Revolving Loan Fund of \$26 million;
- A requirement of the State Water Commission to develop a process for conducting economic analysis of water conveyance projects, and flood control projects that are expected to cost more than \$1 million; and
- An amendment to existing statute that allows the State Engineer to issue temporary water permits from the Little Missouri River.



Mouse River flood control under construction.

## House Bill 1374

House Bill 1374 focused on several different State Water Commission policies and procedures. Some of the key elements of the Bill are that it:

- Calls for the State Water Commission to have its seven members be appointed geographically—with one commissioner for each of the state's seven major drainage basins (including the upper Missouri River, lower Missouri River, Mouse River, James River, upper Red River, lower Red River, and Devils Lake).
- Requires project sponsors who have received cost-share from the State Water Commission to provide progress reports to the Commission at least every four years. If a progress report is not received, or if the Commission determines the project is not making sufficient progress, the Commission may terminate the agreement.
- Discourages development in flood-prone areas downstream of dams. Political subdivisions proposing this type of development will not be provided state financial assistance and will be held accountable for required dam improvements or upgrades.
- Requires the State Water Commission to develop a process for conducting economic analysis of water conveyance projects, and flood control projects expected to cost more than \$1 million.

# Outlet Advisory Committee Meets to Discuss Devils Lake

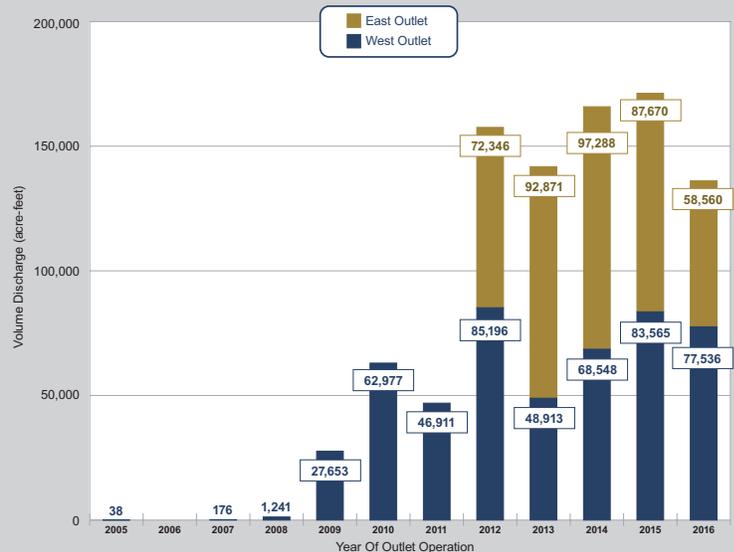
On May 4, the Devils Lake Outlets Management Advisory Committee (DLOMAC) met in Carrington to discuss issues related to the Devils Lake outlets.

At the May meeting, DLOMAC members were presented with information on outlet operations in 2016, maintenance work on the outlets, the precipitation received during the winter, water quality data, monitoring plans, as well as the National Weather Service's elevation forecast for Devils Lake in 2017.

The winter of 2016/2017 started off with an extremely wet fall, followed by a very snowy December, but precipitation in the basin for the rest of the winter was not nearly as substantial. Early fears of a record rise for Devils Lake evaporated with a warmer and drier spring than expected. Devils Lake is now forecast to have a 50% chance of peaking for the year at 1,452.1 feet above mean sea level, only about a half foot higher than the lake's elevation on the day of the DLOMAC meeting, and a little over two feet below the previous record set in 2011.

Also at the meeting, DLOMAC members expressed their gratitude to the Water Commission for their efforts to help the Devils Lake basin with their flooding problems, their timely and thorough communication regarding flows and water chemistry measurements, and their success in using the Devils Lake Adaptive Management Plan to quickly and effectively respond to challenges. It was the consensus of the DLOMAC to continue operating the outlets under the guidelines established in 2016, with the intent to meet before 2018 if Devils Lake drops below an elevation of 1,448 feet.

"I was pleased by the cooperation and communication I witnessed at the DLOMAC meeting today," said State Engineer Garland Erbele. "In 2017, we expect to surpass one million acre-feet of total discharge from the outlets since their construction. If we were to add that volume to Devils Lake today, that would raise the lake nearly five feet. Devils Lake flooding has posed a serious challenge to the state for nearly a quarter century, and the support of not only North Dakotans, but folks from Minnesota and Manitoba as well, have been an important part of that success."



911,611 acre-feet of water has been taken out of Devils Lake by the outlets since their construction. In 2017, cumulative discharges are expected to surpass 1,000,000 acre feet.

The DLOMAC was created by the North Dakota Legislature in 1997, in order to develop an annual operating plan for a Devils Lake outlet, and to maintain communication about outlet-related efforts. Originally, the DLOMAC was made up of nine members. But in 2012, in concert with the construction of the East Devils Lake Outlet, the DLOMAC was expanded to 17 members, including the Governor or Governor's designee (generally the State Engineer); representatives from Barnes, Benson, Ramsey, Towner, and Nelson counties; the Devils Lake Joint Water Resource Board; Spirit Lake Nation; and the cities of Devils Lake, Fargo, Grand Forks, Lisbon or Fort Ransom, and Valley City. Additional members include representatives of the Governor of Minnesota and Premiere of Manitoba; as well as two other members, one from the North Dakota House and Senate (one representing the Devils Lake basin region, and one representing the downstream region).



North Dakota State Water Commission  
Garland Erbele, P.E., State Engineer  
900 East Boulevard Ave. • Bismarck, ND 58505  
(701) 328-2750 • <http://swc.nd.gov>

The State Water Commission does not discriminate on the basis of race, color, national origin, sex, age, or disability in employment or the provision of services.