

A 2005

Project No. Project **Page Nos.**

237-04 ALL SEASONS WATER USERS DISTRICT, SYSTEM V -
PIERCE COUNTY

Refer to: *Garrison Diversion Conservancy District,
Water Development and Research Fund*

ATMOSPHERIC RESOURCE BOARD, NORTH DAKOTA

AS/SWCIARB COOPERATIVE RESEARCH PROGRAM, 2005-2007 BIENNIUM

- | | | |
|----|---|----|
| 1) | Status Reports | 62 |
| 2) | Approval of an allocation of \$10,609
for the Atmospheric Resource Board
cooperative research program | |

Approved: *June 22, 2005* 62
\$10,609 in 2005-2007 biennium (H.B. 1021)

B 2005

Project No.	Project	Page Nos.
1882-01	<u>BILLINGS LAKE SURVEY - DEVILS LAKE BASIN</u>	
	1) Status Reports	138
	2) In October, 2004, SWC staff and Devils Lake Basin Joint Water Resource District became aware of a possible pathway for the introduction of an aquatic nuisance species into Devils Lake. The pathway exists in the incorporated city limits of Loma between the Snowflake Creek and the Billings Lake watersheds; Billings Lake subcommittee was formed with staffs of the State Water Commission and the North Dakota Game and Fish Department serving as technical advisors; and Agreement drafted between State Water Commission and Devils Lake Joint Board where Commission staff would survey the divide area to determine the downstream effects of how much water would be redirected if the culvert near the divide was blocked, and to develop models to determine the downstream effects <i>(August 30, 2005 SWC meeting)</i>	138
1295	<u>BOECK-ERDMAN DAM, CENTER, ND - OLIVER COUNTY</u>	
	1) Status Reports	142
	2) Approval of release of easements and dedication, pursuant to North Dakota Century Code section 61-02-14.1, for the easements as described for the Erdman-Boeck Dam, Center, ND, Oliver county <u>Approved:</u> August 30, 2005	142

B 2005

<u>Project No.</u>	<u>Project</u>	<u>Page Nos.</u>
576	<u>BOMMM (BURLEIGH, OLIVER, MORTON, MERCER AND MCLEAN) JOINT BOARD</u>	
322	<u>MISSOURI RIVER JOINT WATER BOARD</u>	
	1) Status Reports	33, 116
	2) Presentation by Andy Mork, chairman, Morton County Water Resource District, on efforts for formation of a Missouri River Joint Water Board (March 10, 2005 SWC meeting)	33
	3) Approval of state cost participation to the Missouri River Joint Water Board to retain a water resource consultant and secretary-treasurer, develop an action plan and bylaws, and assist with operating costs to get the board properly functioning.	
	<u>Approved:</u> August 30, 2005 50 percent of eligible costs \$20,000 in 2005-2007 biennium (H.B. 1021)	116
	4) Comments by Andy Mork, member of the Missouri River Joint Board, relative to sedimentation problems in North Dakota, particularly in Bismarck and Williston areas; and Briefing relative to project efforts that are being pursued by new-formed Missouri River Joint Board (December 9, 2005 SWC meeting)	202
330-01	<u>BOTTINEAU COUNTY, LAKE METIGOSHE FLOODING - OAK CREEK WATER RESOURCE DISTRICT</u>	
	1) Status Reports	110
	2) State Engineer briefing relative to significant rainfall events in May and June, 2005, which caused extensive damage within county; Contract was executed with the State Engineer and Oak Creek Water Resource District to expend \$20,000 to provide technical assistance; and	

B 2005

Project No. Project **Page Nos.**

330-01 **BOTTINEAU COUNTY, LAKE METIGOSHE FLOODING -
OAK CREEK WATER RESOURCE DISTRICT (Continued)**

Meeting on July 7, 2005 with state and
local officials to discuss short and long-
term options to address the issue, financial
assistance, and the appointment of a task
force by Governor John Hoeven
(August 11, 2005 meeting)

110

1401 **BUFFALO CREEK CHANNEL ENHANCED DRAINAGE CAPACITY
PROJECT (ALSO REFERRED TO AS WALHALLA DRAIN NOS. 2 AND 3**

- 1) Status Reports 17

- 2) SWC direction that State Engineer forward letter
to Manitoba Minister of Water Stewardship
requesting that Manitoba notify the SWC in
writing by April 4, 2005 as to whether it intends
to install the culverts in Walhalla Drain No. 2 by
September 11, 2005

- SWC Direction: *March 10, 2005* 17

- 3) Letter from State Engineer to Manitoba Minister
of Water Stewardship, dated March 11, 2005 40

BUREAU OF RECLAMATION, UNITED STATES

237 **RED RIVER VALLEY WATER SUPPLY PROJECT**

Refer to: *Garrison Diversion Unit,
Dakota Water Resources Act of 2000*

C 2005

Project No. Project **Page Nos.**

1090 CASS COUNTY DRAIN NO. 40 IMPROVEMENT
RECONSTRUCTION PROJECT

1) Status Reports 121

2) Approval of request from Southeast Cass
Water Resource District for additional state
cost participation in the Cass County Drain
No. 40 improvement reconstruction project

Approved: August 30, 2005 121
35 percent of eligible costs
\$124,500 in 2005-2007 biennium (H.B. 1021)

Total state cost participation - \$374,500

CASS COUNTY JOINT WATER RESOURCE DISTRICT

1878 MAPLE RIVER DAM - COMPONENT OF SHEYENNE RIVER
FLOOD CONTROL PROJECT - CASS COUNTY

1) Status Reports 177

2) Comments from Thomas Fischer, North
Dakota Senate, District 46, relating to
project features and downstream benefits,
projected schedule, and project funding
(December 9, 2005 SWC meeting) 178

3) Approval of request from Cass County Joint
Water Resource District for additional state
cost participation for the Maple River Dam

Approved: December 9, 2005 177
50 percent of eligible costs
\$8,675,000 in 2005-2007 biennium (H.B. 1021)

Total state cost participation - \$14,675,000

4) Governor Hoeven's directive that the
rural flood control committee and others
revisit the State Water Commission's policy
and guidelines as it relates to state cost
participation for water retention structures,
with the inclusion of land acquisition costs
as an eligible project cost share item
(December 9, 2005 SWC meeting) 180

C 2005

Project No. Project ***Page Nos.***

1271 and 1753	<u>CASS COUNTY RING DIKE PROGRAMS</u>	
	1) Status Reports	54, 124, 149
	2) SWC directive that the State Engineer and Commission staff scrutinize the incomplete projects, specifically addressing the Maple River and Southeast Cass farmstead ring dikes, with a report provided to the State Water Commission <i>(June 22, 2005 SWC meeting)</i>	54
	3) Status report from June 22, 2005 SWC meeting directive relative to 2005-2007 biennium active cost share projects, and to specifically address the Cass county ring dike programs <i>(August 30, 2005 SWC meeting)</i>	124, 149

847 CASSELTON TOWNSHIP IMPROVEMENT DISTRICT NO. 64 PROJECT -
 CASS COUNTY

1) Status Reports	56
2) Approval of request from Maple River Water Resouce District for state cost participation in Casselton Township Improvement District No. 64 project	
<u>Approved:</u> <i>June 22, 2005</i>	56
	<i>35 percent of eligible costs</i>
	<i>\$117,250 in 2003-2005 biennium (S.B. 2022)</i>

C 2005

Project No. Project Page Nos.

1131 CENTRAL-HAMLIN RURAL FLOOD CONTROL DRAIN CONSTRUCTION - NELSON COUNTY

1) Status Reports 171

2) Approval of request from Nelson County Water Resource District for state cost participation in Central-Hamlin rural flood control drain construction

Approved: December 9, 2005 171
35 percent of eligible costs
\$47,020 in 2005-2007 biennium (H.B. 1021)

15 percent of eligible costs
\$20,151 in 2005-2007 biennium
from funds obligated for water-related infrastructure in Nelson County (H.B. 1021)

Total state cost participation - \$67,171

1859 CLEAN WATER ACT - SECTION 319 FUNDS - NORTH DAKOTA DEPARTMENT OF HEALTH

Refer to: North Dakota Department of Health

ACTIRES CONTRACT FUND EXPENDITURES, 2003-2005 BIENNIUM

Refer to: State Water Commission, North Dakota

ACTIRES CONTRACT FUND EXPENDITURES, 2005-2007 BIENNIUM

Refer to: State Water Commission, North Dakota

870 CROWN BUTTE DAM - MORTON COUNTY

1) Status Reports 11

2) Approval of state cost participation for one-third of the non-federal eligible costs, not to exceed \$41,000, for repairs and modifications to Crown Butte Dam

Approved: March 10, 2005 11
\$24,000 in 2003-2005 biennium (S.B. 2022)
\$17,000 in-kind services

D 2005

Project No. Project **Page Nos.**

1579	<u>DAMS (NORTH DAKOTA) REHABILITATION NEEDS</u>	
	1) Status Reports	180, 210
	2) SWC discussion relating to recreational dam maintenance and potential state cost share (December 9, 2005 SWC meeting)	180
	3) Spreadsheet relating to 134 dams in the state that are inspected on a regular basis by the Commission staff (December 9, 2005 SWC meeting)	210
	4) State Water Commission directive that State Engineer and staff proceed in the development of a priority schedule and time line for addressing dam repair issues (December 9, 2005 SWC meeting)	180

ASI/HEAA DEPARTMENT OF HEALTH, NORTH DAKOTA

Refer to: *North Dakota Department of Health*

DEVILS LAKE

1882-01	<u>BILLINGS LAKE SURVEY</u>	
	1) Status Reports	138
	2) In October, 2004, SWC staff and Devils Lake Basin Joint Water Resource District became aware of a possible pathway for the introduction of an aquatic nuisance species into Devils Lake. The pathway exists in the incorporated city limits of Loma between the Snowflake Creek and the Billings Lake watersheds; Billings Lake subcommittee was formed, with staffs of the State Water Commission and the North Dakota Game and Fish Department serving as technical advisors; and	

D 2005

Project No. Project **Page Nos.**

DEVILS LAKE (Continued)

416-07

NORTH DAKOTA DEVILS LAKE EMERGENCY OUTLET PROJECT

1) Status Reports 23, 86, 109,137, 192

March 5, 2003 - SWC approved continued construction of the North Dakota Devils Lake outlet project and allocated \$7,500,000 from the funds appropriated to the SWC in the 2001-2003 biennium, for Phases I(a) and I(b).
(June 22, 2005 SWC meeting) 86

August 6, 2003 - SWC approved award of Devils Lake Emergency Outlet, Initial Canal Segments, Contract 2, to Park Construction, Inc., Minneapolis, MN, in the amount of \$766,614. The contract was for 3.2 miles of 300 cubic feet per second open channel.
(June 22, 2005 SWC meeting) 86

August 22, 2003 - The State of North Dakota received the 402 Water Quality Discharge Permit from the North Dakota Department of Health. The Department received several requests to reconsider the permit, which extended the comment period until October 20, 2003. In letters to those individuals questioning the issuance of the permit, the Department stated that no new information had been provided.
(June 22, 2005 SWC meeting) 86

December 5, 2003 - SWC approved an allocation of an additional \$19,000,000 from the funds appropriated to the SWC in the 2003-2005 biennium, to bid and construct the final phases of the project.
(June 22, 2005 SWC meeting) 86

August 23, 2004 - The 402 permit was upheld in the initial hearing. The first appeal was filed jointly by the People to Save the Sheyenne and the Province of Manitoba, and the second appeal was filed by the Peterson Coulee Association.
(June 22, 2005 SWC meeting) 86

DEVILS LAKE (Continued)

416-07

NORTH DAKOTA DEVILS LAKE EMERGENCY OUTLET PROJECT
Continued)

March 11, 2004 - SWC approved the awards of Devils Lake Emergency Outlet Contract 4, Final Canal Segments, in the amount of \$2,371,134, to Park Construction Company, Minneapolis, MN; and the Devils Lake Emergency Outlet Contract 5, Canal Structures, in the amount of \$5,041,000, to Industrial Builders, Inc., Fargo, ND.
(June 22, 2005 SWC meeting) 86

April 16, 2004 - SWC approved the awards of Devils Lake Emergency Outlet Contract 2A/2B, Round Lake and Josephine Pump Stations, in the amount of \$5,879,700, to Excel Construction, Inc., Sheridan, WY; and the Devils Lake Emergency Outlet Contract 3, Round Lake and Josephine Pipelines, in the amount of \$3,682,120, to S. J. Louis Construction, Inc., Waite Park, MN.
(June 22, 2005 SWC meeting) 86

June 13, 2004 - SWC received a notice of intent to file a legal challenge from The People to Save the Sheyenne, Peterson Coulee Outlet Association, National Wildlife Federation, Minnesota Conservation Federation, Minnesota Center for Environmental Advocacy, and the Government of the Province of Manitoba. The notice challenges that the State of North Dakota and the U.S. Army Corps of Engineers are in violation of the Clean Water Act Section 404 discharge permit for the project. Based on reviews of their information, the Corps of Engineers provided the State Engineer a letter restating that the 404 provisions were not violated.
(June 22, 2005 SWC meeting) 86

June 28, 2004 - SWC approved the electric service agreement for the project with Northern Plains Electric Cooperative, Cando, ND. The agreement provided for the allocation of \$2,400,000 for construction of the facilities necessary to provide electric power and energy to the Round Lake and Josephine pump stations.
(June 22, 2005 SWC meeting) 86

D 2005

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DEVILS LAKE (Continued)

416-07

NORTH DAKOTA DEVILS LAKE EMERGENCY OUTLET PROJECT
(Continued)

March 10, 2005 - SWC preauthorized the State Engineer to award the Devils Lake Emergency Outlet Contract 6, Radio Telemetry SCADA System, to the lowest responsible bidder.
(March 10, 2005 SWC meeting) 86

June 3, 2005 - Contract 6 was awarded to U.S. Filter.
(June 22, 2005 SWC meeting) 86

House Bill 1021 - SWC appropriation bill for the 2005-2007 biennium, provides a legislative appropriation for two full-time positions for the operation of the Devils Lake outlet.
(June 22, 2005 SWC meeting) 86

August 4-6, 2005 - Pump tests were conducted on August 4, 2005, and a small amount of water was discharged into the Sheyenne River on August 5 & 6, 2005.
(August 30, 2005 SWC meeting) 137

August 15, 2005 - Continuous operation of outlet, within the guidelines of the water quality discharge permit began.
(August 30, 2005 SWC meeting) 137

The sulfate levels in west Devils Lake and the Sheyenne River are both high enough to restrict discharges into the river and, therefore, the outlet's water flow into the Sheyenne River was reduced to avoid water quality problems.
(August 30, 2005 SWC meeting) 137

The North Dakota Department of Health Water Quality Discharge 402 permit that governs the outlet's operation, specifies that the water may not have an average weekly sulfate concentration of more than 300 milligrams per liter. Because the sulfate levels in west Devils Lake and the Sheyenne River are both high enough to restrict discharges

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DEVILS LAKE (Continued)

416-07

NORTH DAKOTA DEVILS LAKE EMERGENCY OUTLET PROJECT
(Continued)

into the Sheyenne River, the outlet's water flow into the Sheyenne River was reduced to avoid water quality problems.
(June 22, 2005 SWC meeting) 86

The 402 permit also specifies that the 14-mile channel cannot pump water from December through April, and cannot put more than 50 cubic feet per second of water in 2005 into the Sheyenne River. The maximum rate then increases to 100 cubic feet per second in 2006.
(June 22, 2005 SWC meeting) 86

2) Approval to preauthorize the State Engineer to award Contract 6, Radio Telemetry SCADA System, to lowest responsible bidder. Funding for Contract 6 to be provided from funds appropriated to SWC in 2003-2005 biennium

Approved: *March 10, 2005* 25

3) Joe Belford, Devils Lake Downstream Acceptance program coordinator, briefing relating to meeting on August 9, 2005 in Selkirk, Manitoba, with representatives of North Dakota and Manitoba to discuss the Devils Lake outlet project
(August 11, 2005 SWC meeting) 110

4) Appreciative comments from Governor Hoeven and Commission member, Curtis Hofstad, relative to the expeditious and professional manner in which the staffs of the State Water Commission, North Dakota Game and Fish Department, and North Dakota Department of Health accomplished the efforts and issues relating to the North Dakota Devils Lake outlet project
(August 30, 2005 SWC meeting) 138

D 2005

Project No. Project **Page Nos.**

1851 DROUGHT DISASTER LIVESTOCK WATER ASSISTANCE PROGRAM

- 1) Status Reports 30

- 2) Recommendation that remaining funds allocated
 to the Drought Disaster Livestock Water Assistance
 program be expended to the livestock producers,
 followed by program termination

Approved: March 10, 2005 31

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Project No. Project **Page Nos.**

EASEMENTS - RELEASE OF

1295	<u>ERDMAN-BOECK DAM, CENTER, ND - OLIVER COUNTY</u>	
	1) Status Reports	142
	2) Approval of release of easements and dedication, pursuant to North Dakota Century Code section 61-02-14.1, for the easements as described for the Erdman-Boeck Dam, Center, ND, Oliver county	
	<u>Approved:</u> August 30, 2005	142

1934	<u>ELM RIVER SNAGGING AND CLEARING PROJECT - TRAILL COUNTY</u>	
	1) Status Reports	167
	2) Approval of request from Traill County Water Resource District for state cost participation in Elm River snagging and clearing project	
	<u>Approved:</u> December 9, 2005 25 percent of eligible costs \$21,875 in 2005-2007 biennium (H.B. 1021)	167

F 2005

<u>Project No.</u>	<u>Project</u>	<u>Page Nos.</u>
1927	<u>FARGO, CITY OF - RIDGEWOOD FLOOD CONTROL PROJECT</u>	
	1) Status Reports	58
	2) Approval of request from city of Fargo for state cost participation in Fargo Ridgewood flood control project	
	<u>Approved:</u> June 22, 2005	58
	50 percent of eligible costs	
	\$2,084,750 in 2003-2005 biennium (S.B. 2022)	
1928	<u>FARGO, CITY OF - SOUTHSIDE FLOOD CONTROL PROJECT</u>	
	1) Status Reports	15
	2) Request from city of Fargo for state cost participation in city of Fargo's south side flood control project preliminary engineering development project	
	<u>Approved:</u> March 10, 2005	15
	50 percent of eligible costs	
	\$500,000 in 2003-2005 biennium (S.B. 2022)	
1053	<u>FLOOD CONTROL (RURAL) POLICY CRITERIA</u>	
	<u>Refer to:</u> State Water Commission, North Dakota	
1431-08	<u>FLOOD OUTLOOK - 2005</u>	
	1) Status Reports	31
	2) National Weather Service hydrologic conditions	43
	3) SWC staff memorandum, dated February 28, 2005, relating to National Weather Service's hydrologic conditions for the Red, Sheyenne, Pembina, and Souris Rivers (March 10, 2005 SWC meeting)	31, 43

G 2005

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GARRISON DIVERSION CONSERVANCY DISTRICT

237-03

WATER DEVELOPMENT AND RESEARCH FUND

1) Status Reports 26, 90, 93, 139, 140,
196, 197, 198, 199

237-04

2) All Seasons Water Users District,
System V, Pierce County

Approval of state cost participation
of 35 percent of the eligible costs,
not to exceed an allocation of \$200,000
from the funds appropriated to the
State Water Commission in the
2005-2007 biennium; and

a 35 percent grant, not to exceed
an expenditure of \$200,000 from the
Water Development and Research Fund

Approved: August 30, 2005 139

237-03

3) LaMoure, City of, Water Supply

Approval of state cost participation
of 28 percent of the eligible project
costs, not to exceed an allocation of
\$500,000 from the funds appropriated
to the SWC in the 2005-2007 biennium; and

an allocation of \$500,000 from the Water
Development and Research Fund for the
city of LaMoure water supply

Approved: December 9, 2005 196

237-03

4) North Valley Water District,
Capacity for Service to City of Pembina

Approval of a 70 percent grant,
not to exceed an additional
allocation of \$30,800 from the
Water Development and Research
Fund for capacity for service to the
city of Pembina

Approved: August 30, 2005 140

GARRISON DIVERSION CONSERVANCY DISTRICT (Continued)

237-03 WATER DEVELOPMENT AND RESEARCH FUND (Continued)

237-03 7) Traill Rural Water District Water/Feasibility Studies

Approval of a 65 percent grant, not to exceed an additional allocation of \$91,750 from the Water Development and Research Fund for the Traill Rural Water District water study (an additional \$17,000) and the feasibility study (\$74,750)

Approved: December 9, 2005 197

Increases total allocation to \$134,000

237-03 8) Walsh Rural Water District -
City of Park River Component

Approval of a 26 percent grant, not to exceed an allocation of \$750,000 from Water Development and Research Fund for the Walsh Rural Water District to purchase its bulk water supply from the city of Park River

Approved: December 9, 2005 199

237 WILL & CARLSON CONTRACT - PETER CARLSON

1) Status Reports 65

2) Approval of allocation of \$70,000 (\$35,000 for each year of the 2005-2007 biennium) to continue the Will and Carlson consulting contract from July 1, 2005 through June 30, 2007

Approved: June 22, 2005 65
\$70,000 in 2005-2007 biennium (H.B. 1021)

G 2005

<u>Project No.</u>	<u>Project</u>	<u>Page Nos.</u>
237	<u>GARRISON DIVERSION UNIT, DAKOTA WATER RESOURCES ACT OF 2000</u>	
	1) Status Reports	29, 41, 95, 106, 141, 151, 158, 199, 200, 216
1826	<u>NORTH DAKOTA NATURAL RESOURCES TRUST (formerly known as North Dakota Wetlands Trust)</u>	
	1) Status Reports	166
	2) Approval of allocation of \$17,958.67 for one-third of state's fiscal year 2005 contribution to the North Dakota Natural Resources Trust	
	<u>Approved:</u> December 9, 2005	166
	\$17,958.67 in 2005-2007 biennium (H.B. 1021)	

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<u>Project No.</u>	<u>Project</u>	<u>Page Nos.</u>
237	<u>GARRISON DIVERSION UNIT, DAKOTA WATER RESOURCES ACT OF 2000 (Continued)</u>	
237	<u>RED RIVER VALLEY WATER SUPPLY PROJECT</u>	
	1) Status Reports (provided by Garrison Diversion Conservancy District staff)	29, 41, 95, 106, 141, 151, 158, 200, 216
	2) Project time line schedule	141
	3) Bureau of Reclamation distribution of draft <i>Report on Red River Valley Water Needs and Options</i> , dated May 27, 2005 (June 22, 2005 SWC meeting)	95
	4) Garrison Diversion Conservancy District briefing session on October 18, 2005 for presentation on alternatives	142, 152
	5) Lake Agassiz Water Authority designated as official governing body representing the affected communities; Lake Agassiz Water Authority and Garrison Diversion board of directors voted unanimously on October 4 and October 7, 2005, respectively, to select the Garrison Diversion Unit (GDU) import to the Sheyenne River alternative as their preferred alternative; and GDU import alternative to the Sheyenne River would use a combination of the Red River, other North Dakota in-basin sources, and Missouri River water to meet future water demands. The principal feature of this option would be a pipeline from the McClusky Canal to Lake Ashtabula that would release treated Missouri River water into the Sheyenne River. (November 1, 2005 SWC meeting)	158

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237 GARRISON DIVERSION UNIT,
DAKOTA WATER RESOURCES ACT OF 2000 (Continued)

237 RED RIVER VALLEY WATER SUPPLY PROJECT (Continued)

6) State Water Commission endorsement
of the Garrison Diversion Unit (GDU)
Import to the Sheyenne River
alternative as the preferred
option to meet the comprehensive
water quantity and quality needs
of the Red River Valley

Approved: November 1, 2005 158

7) On November 1, 2005, Governor
Hoeven executed a letter to the
Honorable Gale A. Norton, Secretary,
U.S. Department of the Interior,
indicating the State of North Dakota's
selection of the Garrison Diversion
Unit (GDU) Import to the Sheyenne
River as its preferred alternative
in the draft Environmental Impact
Statement (EIS)
(November 1, 2005 SWC meeting) 163

8) Bureau of Reclamation and Garrison
Diversion Conservancy District release
draft Red River Valley Water Supply Project
Environmental Impact Statement (EIS),
dated December, 2005
(December 9, 2005 SWC meeting) 200, 216

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Project No. Project **Page Nos.**

237 GARRISON DIVERSION UNIT,
DAKOTA WATER RESOURCES ACT OF 2000 (Continued)

237-04 WILLISTON, CITY OF - WATER SYSTEM IMPROVEMENTS

1) Status Reports 199

2) Approval of a partial advance of the
\$5,000,000 grant (approved by SWC on
August 15, 2002), not to exceed an
allocation of \$1,000,000, for the city
of Williston water system improvements

Approved: December 9, 2005 199
Partial advance of \$1,000,000
in 2005-2007 biennium (H.B. 1021)

*State of North Dakota to be reimbursed
\$1,000,000 using future federal MR&I
grant funding authorized under the
Dakota Water Resources Act of 2000*

G 2005

<u>Project No.</u>	<u>Project</u>	<u>Page Nos.</u>
237	<u>GARRISON MUNICIPAL, RURAL AND INDUSTRIAL (MR&I) WATER SUPPLY PROGRAM</u>	
	1) Status Reports	27, 88
	4) SWC staff memorandum, dated June 13, 2005, summarized projects recommended for funding approval, and the approved projects status (June 22, 2005 SWC meeting)	88, 105
237-03	<u>MR&I FEDERAL FISCAL YEAR 2005 FUNDING</u>	
	1) Status Reports	27
	2) Approval of MR&I Water Supply program revised proposed allocation of \$3,000,000 for fiscal year 2005	
	<u>Approved:</u> March 10, 2005	27
237-03	<u>MR&I FEDERAL FISCAL YEAR 2006 FUNDING</u>	
	1) Status Reports	88
	2) Approval of MR&I Water Supply program proposed allocation of \$4,083,500 for fiscal year 2006	
	<u>Approved:</u> June 22, 2005	88
237-03	<u>MR&I COMMITTEE OF SWC AND GDCD</u>	
	1) Status Reports	29, 88, 196
	2) Appointment of SWC member, Curtis Hofstad, to serve as an alternate member of the SWC's MR&I committee, effective March 10, 2005	29
	3) MR&I committee met on April 28, 2005 to discuss project status and funding of MR&I projects (June 22, 2005 meeting)	88

G 2005

<u>Project No.</u>	<u>Project</u>	<u>Page Nos.</u>
237	<u>GARRISON MUNICIPAL, RURAL AND INDUSTRIAL (MR&I) WATER SUPPLY PROGRAM (Continued)</u>	
237-03	<u>MR&I COMMITTEE OF SWC AND GDCD (Continued)</u>	
	4) SWC staff memorandum, dated June 13, 2005, summarized projects recommended for funding approval, and the approved projects status (June 22, 2005 SWC meeting)	88, 105
	5) MR&I committee met on November 30, 2005 to discuss project status and funding of MR&I projects (December 9, 2005 SWC meeting)	196
237-03	<u>NORTHWEST AREA WATER SUPPLY (NAWS) PROJECT - PHASE II, MINOT</u>	
	<u>Refer to:</u> Northwest Area Water Supply	
237-03	<u>NORTHWEST AREA WATER SUPPLY (NAWS) PROJECT - PHASE I, RUGBY</u>	
	<u>Refer to:</u> Northwest Area Water Supply	
1736	<u>SOUTHWEST PIPELINE PROJECT</u>	
	<u>Refer to:</u> Southwest Pipeline Project	
237-STA	<u>STANLEY, CITY OF - WATER SUPPLY PROJECT</u>	
	1) Status Reports	92
	2) Approval for city of Stanley to expend \$35,000 from the capital replacement reserve fund for the relocation of a portion of the water supply pipeline; the time requirement for the accumulation of reserve funds was extended to 2011	
	<u>Approved:</u> June 22, 2005	92

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<u>Project No.</u>	<u>Project</u>	<u>Page Nos.</u>
237	<u>GARRISON MUNICIPAL, RURAL AND INDUSTRIAL (MR&I) WATER SUPPLY PROGRAM (Continued</u>	
237-03	<u>UNDERWOOD, CITY OF - WATER SUPPLY PROJECT</u>	
	1) Status Reports	91
	2) Approval of state cost participation for the city of Underwood's water supply project	
	<u>Approved:</u> June 22, 2005	91
	17 percent of eligible costs	
	\$400,000 in 2005-2007 biennium (H.B. 1021)	
237-04	<u>WILLISTON, CITY OF - WATER SYSTEM IMPROVEMENTS</u>	
	1) Status Reports	199
	2) Approval of a partial advance of the \$5,000,000 grant (approved by SWC on August 15, 2002), not to exceed an allocation of \$1,000,000, for the city of Williston water system improvements	
	<u>Approved:</u> December 9, 2005	199
	Partial advance of \$1,000,000 in 2005-2007 biennium (H.B. 1021)	
	State of North Dakota to be reimbursed \$1,000,000 using future federal MR&I grant funding authorized under the Dakota Water Resources Act of 2000	

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237-RAM GRAHAMS ISLAND STATE PARK, RELOCATION OF WATER LINE -
RAMSEY COUNTY RURAL UTILITIES

1) Status Reports 93

2) Approval of state cost participation
of 50 percent of the eligible items,
not to exceed an allocation of \$175,000
from the funds appropriated to the SWC
in the 2005-2007 biennium; and

a 35 percent grant, not to exceed an
expenditure of \$125,000 from the Water
Development and Research Fund
(Garrison Diversion Conservancy
District), for the Ramey County Rural
Utilities to relocate the water line that
Serves Grahams Island state park.

Approved: June 22, 2005 93
50 percent of eligible costs
\$175,000 in 2005-2007 biennium (H.B. 1021)

\$125,000 from Water
Development and Research Fund

H 2005

Project No. Project **Page Nos.**

HALCROW, CHARLES "MAC", DRAYTON, ND -
STATE WATER COMMISSION MEMBER

- 1) Reappointment by Governor Hoeven to serve as
 a member of the State Water Commission 51

Term: July 1, 2005 through June 30, 2011

HANSON, LARRY, WILLISTON, ND -
STATE WATER COMMISSION MEMBER

- 1) Reappointment by Governor Hoeven to serve
 as a member of the State Water Commission 51

Term: July 1, 2005 through June 30, 2011

1935

HARWOOD TOWNSHIP DRAIN - CASS COUNTY

- 1) Status Reports 172
- 2) Approval of request from Southeast Cass
 Water Resource District for state cost
 participation in Harwood Township Drain
 construction project

Approved: December 9, 2005 172
 35 percent of eligible costs
 \$70,875 in 2005-2007 biennium (H.B. 1021)

ASIHEA

HEALTH DEPARTMENT, NORTH DAKOTA

Refer to: North Dakota Department of Health

HOEVEN, JOHN - GOVERNOR OF NORTH DAKOTA

- 1) Elected Governor of North Dakota;
 Chairman of State Water Commission

Term: Elected: 1-01-2001 to 12-31-2004
 Re-Elected: 1-01-2004 to 12-31-2008

H 2005

Project No. Project

Page Nos.

HOFSTAD, CURTIS L., DEVILS LKE, ND -
STATE WATER COMMISSION MEMBER

- | | | |
|----|---|----|
| 1) | Reappointment by Governor Hoeven to serve
as a member of the State Water Commission | 51 |
| | Term: July 1, 2005 through June 30, 2011 | |
| 2) | Appointment to serve as an alternate
member of State Water Commission's
MR&I committee,
effective March 10, 2005 | 29 |

Project No. Project **Page Nos.**

AOC/IRR IRRIGATION ASSOCIATION, NORTH DAKOTA

Refer to: North Dakota Irrigation Association

1389 IRRIGATION COST SHARE POLICY CRITERIA

Refer to: State Water Commission, North Dakota

K 2005

Project No. Project **Page Nos.**

KLOSE, MICHELLE -
STATE WATER COMMISSION EMPLOYEE

- 1) Michelle Klose, hired for the position as manager of the Northwest Area Water Supply Project, vacated by James C. Lennington, effective January 2, 2006 191

L 2005

<u>Project No.</u>	<u>Project</u>	<u>Page Nos.</u>
330-01	<u>LAKE METIGOSHE FLOODING, BOTTINEAU COUNTY - OAK CREEK WATER RESOURCE DISTRICT</u>	
	1) Status Reports	110
	2) State Engineer briefing relative to significant rainfall events in May and June, 2005, which caused extensive damage within county; contract was executed with the State Engineer and Oak Creek Water Resource District to expend \$20,000 to provide technical assistance; and meeting on July 7, 2005 with state and local officials to discuss short and long-term options to address the issue, financial assistance, and the appointment of a task force by Governor Hoeven. (August 11, 2005 meeting)	110
237-03	<u>LAMOURE, CITY OF - WATER SUPPLY</u>	
	1) Status Reports	196
	2) Approval of state cost participation of 28 percent of the eligible project costs, not to exceed an allocation of \$500,000 from the funds appropriated to the SWC in the 2005-2007 biennium; and an allocation of \$500,000 from the Water Development and Research Fund (Garrison Diversion Conservancy District), for the City of LaMoure water supply <u>Approved:</u> December 9, 2005 28 percent of eligible costs \$500,000 in 2005-2007 biennium (H.B. 1021) \$500,000 from Water Development and Research Fund	196

L 2005

Project No. Project **Page Nos.**

LEGISLATIVE ASSEMBLY (FIFTY-NINTH) - 2005

- | | | |
|----|---|--------|
| 1) | Status Reports | 31, 42 |
| 2) | House Bill 1021, State Water Commission appropriation bill for 2005-2007 biennium, authorizes the State Water Commission to provide up to \$500,000 for water-related damage to infrastructure in Nelson county | 66 |

M 2005

MEETINGS, STATE WATER COMMISSION - 2005

January 28, 2005	Audio Conference Call	Bismarck, ND
March 10, 2005	Meeting included executive session - Northwest Area Water Supply Project Relating to Manitoba v. Bureau of Reclamation Lawsuit	Bismarck, ND
May 11, 2005	Audio Conference Call	Bismarck, ND
June 22, 2005		Bismarck, ND
August 11, 2005	Audio Conference Call	Bismarck, ND
August 30, 2005		Bismarck, ND
October 18, 2005	Red River Valley Water Supply Project briefing session provided by Garrison Diversion Conservancy District	Carrington, ND
November 1, 2005	Audio Conference Call	Bismarck, ND
December 9, 2005		Bismarck, ND

MINUTES OF STATE WATER COMMISSION MEETINGS

December 10, 2004	APPROVED	8
January 28, 2005	APPROVED	8
March 10, 2005	APPROVED	45
May 11, 2005	APPROVED	51
June 22, 2005	APPROVED	113
August 11, 2005	APPROVED	113
August 30, 2005	APPROVED	165
November 1, 2005	APPROVED	165

Project No. Project **Page Nos.**

1878	<u>MAPLE RIVER DAM - COMPONENT OF SHEYENNE RIVER FLOOD CONTROL PROJECT - CASS COUNTY</u>	
	1) Status Reports	177
	2) Comments from Thomas Fischer, North Dakota Senate, District 46, relating to project features and downstream benefits, projected schedule, and project funding (December 9, 2005 SWC meeting)	178
	3) Approval of request from Cass County Joint Water Resource District for additional state cost participation for the Maple River Dam	
	<u>Approved:</u> December 9, 2005	177
	50 percent of eligible costs	
	\$8,675,000 in 2005-2007 biennium (H.B. 1021)	
	Total state cost participation - \$14,675,000	
	4) Governor Hoeven's directive that the rural flood control committee and others revisit the State Water Commission's policy and guidelines as it relates to state cost participation for water retention structures, with the inclusion of land acquisition costs as an eligible project cost share item (December 9, 2005 SWC meeting)	180

MAPLE RIVER WATER RESOURCE DISTRICT

847	<u>CASSELTON TOWNSHIP IMPROVEMENT DISTRICT NO. 64 PROJECT - CASS COUNTY</u>	
	1) Status reports	56
	2) Approval of request from Maple River Water Resouce District for state cost participation in Casselton Township Improvement District No. 64 project	
	<u>Approved:</u> June 22, 2005	56
	35 percent of eligible costs	
	\$117,250 in 2003-2005 biennium (S.B. 2022)	

M 2005

Project No. Project **Page Nos.**

MAPLE RIVER WATER RESOURCE DISTRICT (Continued)

1271 and 1753

MAPLE RIVER WATER RESOURCE DISTRICT -
RING DIKE PROGRAM

- | | | |
|----|--|--------------|
| 1) | Status Reports | 54, 124, 149 |
| 2) | SWC directive that the State Engineer and Commission staff scrutinize the incomplete projects, specifically addressing the Maple River and Southeast Cass farmstead ring dikes, with a report provided to the State Water Commission
<i>(June 22, 2005 SWC meeting)</i> | 54 |
| 3) | Status report from June 22, 2005 SWC meeting directive relative to 2005-2007 biennium active cost share projects, and to specifically address the Cass county ring dike programs
<i>(August 30, 2005 SWC meeting)</i> | 124, 149 |

847

SWAN CREEK TRIBUTARY CHANNEL IMPROVEMENTS PROJECT -
CASS COUNTY

- | | | |
|----|---|---|
| 1) | Status Reports | 14 |
| 2) | Request from Maple River Water Resource District for additional state cost participation in Swan Creek tributary channel improvements project | |
| | <u>Approved:</u> <i>March 10, 2005</i> | 14 |
| | | <i>35 percent of eligible costs</i> |
| | | <i>\$19,600 in 2003-2005 biennium (S.B. 2022)</i> |
| | <i>Total state cost participation - \$78,303</i> | |

M 2005

<u>Project No.</u>	<u>Project</u>	<u>Page Nos.</u>
1932	<u>MICHIGAN, CITY OF - RURAL FLOOD CONTROL ASSESSMENT DRAIN - WATER-RELATED DAMAGE TO INFRASTRUCTURE IN NELSON COUNTY (H.B. 1021)</u>	
	1) Status Reports	119
	2) Approval for state cost participation for the construction of the city of Michigan spillway rural flood control assessment drain, for a total allocation of \$461,696, of which \$311,696 (40 percent of the eligible costs) are to be allocated from the funds appropriated to the State Water Commission in the 2005-2007 biennium; and an additional allocation of \$150,000 from the funds obligated for the water-related damage to infrastructure in Nelson county	
	<u>Approved:</u> August 30, 2005	119
	40 percent of eligible costs	
	\$311,696 in 2005-2007 biennium (H.B. 1021)	
	 \$150,000 in 2005-2007 biennium from funds obligated for water- related infrastructure in Nelson county (H.B. 1021)	
1392	<u>MISSOURI RIVER</u>	
	1) Status Reports	32, 96, 143, 201
	2) Missouri River basin lake levels reports	32, 96, 143, 201
	3) Briefing relative to Corps of Engineers effort to preserve water quality in Lake Sakakawea that will sustain cold water habitat for the fishery; and	
	the alternative selected consists of a barrier installation on the trash racks for two of the five intakes, integrated with variable daily flow release from the power plant. Modifications are anticipated to take place in mid-July, 2005	
	(June 22, 2005 SWC meeting)	97
	(August 30, 2005 SWC meeting)	143
	(December 9, 2005 SWC meeting)	202

Project No. Project **Page Nos.**

1392

MISSOURI RIVER (Continued)

- 4) Discussion related to meetings with Missouri River basin states and stakeholders in an effort to develop a plan for a spring rise from Gavins Point Dam in 2006
 (June 22, 2005 SWC meeting) 97
 (August 30, 2005 SWC meeting) 143

- 5) 8th Circuit Court of Appeals upheld a district court ruling on August 16, 2005 that the Corps of Engineers has the power to regulate the operation of the Missouri River. Some states, including North Dakota, had filed lawsuits challenging the Corps' control of the river; and

 Appeals Court decision declares that the "dominant functions" of the Missouri River's reservoirs are controlling floods and supporting downstream shipping. Recreation, fish, wildlife and irrigation are secondary according to the ruling. North Dakota cannot use the federal anti-pollution laws to compel the Corps to divert less water from Lake Sakakawea into the Missouri River.
 (August 30, 2005 SWC meeting) 144

- 6) Corps of Engineers release of draft 2005-2006 Annual Operating Plan (AOP) for Missouri River Basin, dated October 24, 2005;

 AOP included technical criteria for spring rise; and

 public meeting on AOP held in Bismarck, ND, on November 17, 2005. Comments provided by Governor John Hoeven, and Dale Frink, State Engineer, included urging the Corps of Engineers to further develop conservation measures for Missouri River system storage, reservoir habitat enhancement, and to balance the requirements of the upper and lower basin states in times of drought
 (December 9, SWC meeting) 202

M 2005

<u>Project No.</u>	<u>Project</u>	<u>Page Nos.</u>
1392	<u>MISSOURI RIVER (Continued)</u>	
322 and 1392	7) Missouri Sedimentation Action Coalition - multi-state coalition formed to raise awareness of sedimentation issues and promote efforts that can mitigate the problems; <i>(December 9, 2005 SWC meeting)</i>	202
	comments by Andy Mork, member of the Missouri River Joint Board, relative to sedimentation problems in North Dakota, particularly in Bismarck and Williston areas <i>(December 9, 2005 SWC meeting); and</i>	202
	approval of Resolution No. 2005-12-515, Support of the Missouri Sedimentation Action Coalition; and that State Engineer be directed to seek a Class I membership, states-resolution of support, in the Missouri Sedimentation Action Coalition reserved for various public entities	
	<u>Approved:</u> December 9, 2005	202, 217
322	<u>MISSOURI RIVER JOINT WATER BOARD</u>	
	1) Status Reports	33, 116
	2) Presentation by Andy Mork, chairman, Morton County Water Resource District, on efforts for formation of a Missouri River Joint Water Board <i>(March 10, 2005 SWC meeting)</i>	33
	3) Approval of state cost participation to the Missouri River Joint Water Board to retain a water resource consultant and secretary-treasurer, develop an action plan and bylaws, and assist with operating costs to get the board properly functioning	
	<u>Approved:</u> August 30, 2005 50 percent of eligible costs \$20,000 in 2005-2007 biennium (H.B. 1021)	116

Project No. Project **Page Nos.**

322

MISSOURI RIVER JOINT WATER BOARD (Continued)

- 4) Comments by Andy Mork, member of the Missouri River Joint Board, relative to sedimentation problems in North Dakota, particularly in Bismarck and Williston areas; and

briefing relative to project efforts that are being pursued by new-formed Missouri River Joint Board
(December 9, 2005 SWC meeting)

202

N 2005

Project No. Project Page Nos.

1936 NASH DRAIN EXTENSION CONSTRUCTION PROJECT -
NELSON COUNTY

- 1) Status Reports 170

- 2) Request from Nelson County Water Resource District for state cost participation to construct an extension to the existing Nash Drain to provide flood relief for the city of Petersburg.

Request was withdrawn by District due to high initial project cost estimate.
(December 9, 2005 SWC meeting) 170

NELSON COUNTY WATER RESOURCE DISTRICT

1131 CENTRAL-HAMLIN RURAL FLOOD CONTROL DRAIN CONSTRUCTION

- 1) Status Reports 171

- 2) Approval of request from Nelson County Water Resource District for state cost participation in Central-Hamlin rural flood control drain construction

Approved: December 9, 2005 171
35 percent of eligible costs
\$47,020 in 2005-2007 biennium (H.B. 1021)

15 percent of eligible costs
\$20,151 in 2005-2007 biennium
from funds obligated for water-related infrastructure in Nelson County (H.B. 1021)

Total state cost participation - \$67,171

1294 WATER-RELATED DAMAGE TO INFRASTRUCTURE

- 1) Status Reports 66, 108, 119

- 2) House Bill 1021 authorized the State Water Commission to provide up to \$500,000 for water-related damage to infrastructure in Nelson county 66

N 2005

Project No. Project Page Nos.

NELSON COUNTY WATER RESOURCE DISTRICT (Continued)

- 1294 WATER-RELATED DAMAGE TO INFRASTRUCTURE (Continued)
- 3) State Engineer letter to Nelson County Water Resource District, dated May 11, 2005, requesting District provide a prioritized list of flood-related water projects
(June 22, 2005 SWC meeting) 66
- 4) Approval to obligate \$500,000 for water-related damage to infrastructure in Nelson county; and, of that amount (\$500,000), approval of an allocation of \$250,000 from the funds appropriated to the State Water Commission in the 2005-2007 biennium, for road maintenance in Nelson county
- Approved: *August 11, 2005* 109
\$250,000 in 2005-2007 biennium (H.B. 1021)
- 1932 5) Approval for state cost participation for the construction of the city of Michigan spillway rural flood control assessment drain, for a total allocation of \$461,696, of which \$311,696 (40 percent of the eligible costs) are to be allocated from the funds appropriated to the State Water Commission in the 2005-2007 biennium; and an additional allocation of \$150,000 from the funds obligated for the water-related damage to infrastructure in Nelson county
- Approved: *August 30, 2005* 119
40 percent of eligible costs
\$311,696 in 2005-2007 biennium (H.B. 1021)
- \$150,000 in 2005-2007 biennium from funds obligated for water-related infrastructure in Nelson county (H.B. 1021)*

N 2005

Project No. Project **Page Nos.**

NELSON COUNTY WATER RESOURCE DISTRICT (Continued)

1294

WATER-RELATED DAMAGE TO INFRASTRUCTURE (Continued)

- 6) Approval of request from Nelson County Water Resource District for state cost participation in Central-Hamlin rural flood control drain construction

Approved: December 9, 2005 171
35 percent of eligible costs
\$47,020 in 2005-2007 biennium (H.B. 1021)

15 percent of eligible costs
\$20,151 in 2005-2007 biennium
from funds obligated for water-related infrastructure in Nelson County (H.B. 1021)

Total state cost participation - \$67,171

NORTH DAKOTA DEPARTMENT OF HEALTH

AS/HEA

NORTH DAKOTA DRINKING WATER REVOLVING LOAN FUND PROGRAM

- 1) Status Reports 181, 211

- 2) Approval of project priority list for fiscal year 2006 as listed in the Intended Use Plan for the North Dakota Drinking Water Revolving Loan Fund program, dated November 28, 2005; and

authorize North Dakota Department of Health to administer and disburse fiscal years 1997 through 2006 North Dakota Drinking Water Revolving Loan Fund program funds pursuant to fiscal year 2006 Intended Use Plan.

Approved: December 9, 2005 181

- 3) Fiscal Year 2006 Intended Use Plan for North Dakota Drinking Water Revolving Loan Fund program, dated November 28, 2005 (December 9, 2005 SWC meeting) 211

N 2005

Project No. Project Page Nos.

1859

NORTH DAKOTA NON-POINT SOURCE POLLUTION TASK
FORCE - CLEAN WATER ACT, SECTION 319 PROGRAM

- | | | |
|----|--|---------|
| 1) | Status Reports | 97, 117 |
| 2) | Consideration of request to provide \$200,000 for the 2005-2007 biennium for projects authorized under Section 319 of the federal Water Pollution Act; and | |
| | presentation by Dennis Fewless, North Dakota Department of Health, to explain program criteria | |
| | <i>(June 22, 2005 SWC meeting)</i> | 97 |
| | <i>(August 30, 2005 SWC meeting)</i> | 117 |
| | State Engineer's history explanation of funding in previous bienniums | |
| | <i>(June 22, 2005 SWC meeting)</i> | 97 |
| | <i>(August 30, 2005 SWC meeting)</i> | 117 |
| | State Water Commission comments relative to appropriate agency to provide funds for a state match in the Section 319 program | |
| | <i>(June 22, 2005 SWC meeting)</i> | 97 |
| | <u>Tabled:</u> <i>June 22, 2005</i> | 97 |
| | <u>Approved:</u> <i>August 30, 2005</i> | 117 |
| | <i>\$200,000 in 2005-2007 biennium (H.B. 1021)</i> | |

AOC/IRR

NORTH DAKOTA IRRIGATION ASSOCIATION

- | | | |
|----|--|----------|
| 1) | Status Reports | 175, 208 |
| 2) | Strategic Plan for Irrigation Development in North Dakota | 208 |
| 3) | Approval of request from North Dakota Irrigation Association for allocation to support the efforts of the Association in pursuance of the activities outlined in the Strategic Plan for Irrigation Development | |
| | <u>Approved:</u> <i>December 9, 2005</i> | 175 |
| | <i>\$100,000 in 2005-2007 biennium (H.B. 1021)</i> | |

N 2005

Project No. Project **Page Nos.**

1826

NORTH DAKOTA NATURAL RESOURCES TRUST
(formerly known as North Dakota Wetlands Trust -
name changed by Dakota Water Resources Act of 2000)

- 1) Status Reports 166

- 2) Approval of allocation of \$17,958.67 for
 one-third of state's fiscal year 2005
 contribution to the North Dakota
 Natural Resources Trust

Approved: December 9, 2005 166
 \$17,958.67 in 2005-2007 biennium (H.B. 1021)

322

NORTH DAKOTA SOVEREIGN LAND MANAGEMENT PLAN

- 1) Status Reports 144, 203

- 2) North Dakota Office of the Attorney General
 response, dated January 3, 2005, to request
 from Burleigh county regarding the ability
 of land developers to construct wildlife
 habitat on sovereign lands for mitigation
 requirements; and

Attorney General Opinion 2005-L-01 states,
in part, "The state may allow land developers
to construct wildlife habitat on the Missouri
River sandbars to satisfy federal mitigation
requirements provided the state permit is
issued under a comprehensive river
management plan"
(August 30, 2005 SWC meeting) 144

- 3) State Engineer's response to request and
 in discussion with the North Dakota Office
 of the Attorney General's staff, it was
 determined to be in the best interest
 of the state to pursue the development
 of a comprehensive statewide sovereign
 land management plan, since no such
 plan currently exists; and

purpose of the plan will be to satisfy
the requirements outlined in the
Attorney General's Opinion; provide a
greater consistency in the management
of sovereign land and the administration
of regulations; serve as a supplement to

N 2005

Project No. Project **Page Nos.**

322 NORTH DAKOTA SOVEREIGN LAND MANAGEMENT PLAN (Continued)

the state's administrative rules concerning
sovereign land management; and, generally
improve management of the state's sovereign
land for present and future generations; and

State Water Commission's planning and
education division responsible for development
of plan
(August 30, 2005 SWC meeting) 144

4) Technical work group consisting of staffs
from several state agencies and others will
identify the critical resource management
issues and special management considerations
that the State Engineer should consider while
developing the plan; and
(December 9, 2005 SWC meeting) 203

5) subcommittee formed to develop guidelines
for the ordinary high water mark delineations
(December 9, 2005 SWC meeting) 204

NORTH DAKOTA STATE WATER COMMISSION

Refer to: State Water Commission, North Dakota

1907-01 NORTH DAKOTA WATER DEVELOPMENT TRUST
FUND PROGRAM - FOR FUNDING PROJECTS
CREATED UNDER 1999 SENATE BILL 2188 AND
1999 HOUSE BILL 1475 - 2003-2005 BIENNIUM

Refer to: State Water Commission, North Dakota

1907-01 NORTH DAKOTA WATER DEVELOPMENT TRUST
FUND PROGRAM - FOR FUNDING PROJECTS
CREATED UNDER 1999 SENATE BILL 2188 AND
1999 HOUSE BILL 1475 - 2005-2007 BIENNIUM

Refer to: State Water Commission, North Dakota

N 2005

Project No. Project **Page Nos.**

1826 NORTH DAKOTA WETLANDS TRUST
(Presently known as North Dakota Natural Resources Trust -
name changed by Dakota Water Resources Act of 2000)

Refer to: North Dakota Natural Resources Trust

237-03 NORTH VALLEY WATER DISTRICT -
CAPACITY FOR SERVICE TO CITY OF PEMBINA

- 1) Approval of a 70 percent grant,
not to exceed an additional
expenditure of \$30,800 from the
Water Development and Research
Fund (Garrison Diversion Conservancy
District) for capacity for service to the
city of Pembina

Approved: August 30, 2005

N 2005

Project No. Project **Page Nos.**

237-04 NORTHWEST AREA WATER SUPPLY PROJECT (NAWS)

- 1) Project Status Reports 27, 33, 82, 135, 189

ADVISORY COMMITTEE, NAWS

- 1) Status Reports 191
- 2) Appointment of Tom Ritter, member
of Williston city council, appointed by
State Engineer on November 2, 2005
to represent city of Williston on
committee - replaced Jim Yochim
(December 9, 2005 SWC meeting) 191

ARSENIC REGULATIONS FOR DRINKING WATER

- 1) Status Reports 84

CONTRACTS

Contract 2-1B
Pretreated Water Pipeline (9.5 Miles)
Extending From End of Contract 2-1A
to a Point Just South of N.D. Highway 23

- 1) Status Reports 82, 135

Contract 2-1C
Pretreated Water Pipeline Station 1600+00
to Max Pumping Station (11.6 Miles)
Extending from N.D. Highway 23 to
South Side of the City of Max

- 1) Status Reports 82, 135, 189

N 2005

Project No. Project **Page Nos.**

237-04 NORTHWEST AREA WATER SUPPLY PROJECT (NAWS) (Continued)

CONTRACTS (Continued)

Contract 2-1D
Main Transmission Pipeline (14.9 Miles)
Extending From North on N.D. Highway 53
at City of Max to South of Totten Trail
Restaurant and Lounge on East Side of
Snake Creek Embankment

- | | | |
|----|--|------------------|
| 1) | Status Reports | 35, 82, 135, 190 |
| 2) | Judge Collyer found that an injunction stopping all construction activity on the project was not appropriate and, therefore, she allowed construction to proceed on existing contracts and on contract 2-1D
(June 22, 2005 SWC meeting) | 83 |
| 3) | Authorize State Engineer discretionary approval to award Northwest Area Water Supply Project Contract 2-1D

<u>Approved: March 10, 2005</u> | 35 |
| 4) | Contract 2-1D was awarded to Molstad Excavating, Inc., Grand Forks, ND, on April 18, 2005
(August 30, 2005 SWC meeting) | 36 |

HIGH SERVICE PUMP STATION (LOCATED EAST OF CITY OF MINOT WATER TREATMENT PLANT)

- | | | |
|----|----------------|-----|
| 1) | Status Reports | 135 |
|----|----------------|-----|

N 2005

Project No. Project **Page Nos.**

237-04 NORTHWEST AREA WATER SUPPLY PROJECT (NAWS) (Continued)

LENNINGTON, JAMES C. - PROJECT MANAGER

- | | | |
|----|--|----------|
| 1) | Resignation from State Water Commission after serving 17 years with state; effective December 31, 2005 (December 9, 2005 SWC meeting) | 191 |
| 2) | Resolution No. 2005-12-516, Resolution of Appreciation to James C. Lennington

<u>Approved:</u> December 9, 2005 | 191, 215 |
| 3) | Announcement that Michelle Klose was hired for the position as manager of the Northwest Area Water Supply project vacated by James Lennington (December 9, 2005 SWC meeting) | 191 |

MANITOBA V. BUREAU OF RECLAMATION LAWSUIT

- | | | |
|----|--|-----------------------|
| 1) | Status Reports | 33, 82, 135, 189, 214 |
| 2) | Fred Wagner of Beveridge & Diamond, P.C., attorney, Washington, DC, retained to complement staff of the North Dakota Office of the Attorney General in the lawsuit | 34 |
| 3) | Judge Rosemary Collyer ruling, dated February 3, 2005, that the federal government needed to provide additional information in support of the Finding Of No Significant Impact for the project's environmental assessment; and

Judge Collyer deferred a ruling on the Province of Manitoba's request for an injunction prohibiting the authorization for expending federal funds on the project or taking further steps to build the project (March 10, 2005 SWC meeting) | 34 |
| 4) | SWC executive session for purposes of attorneys consultation regarding the Manitoba v. Bureau of Reclamation lawsuit (March 10, 2005 SWC meeting) | 33 |

Project No. Project **Page Nos.**

237-04 NORTHWEST AREA WATER SUPPLY PROJECT (NAWS) (Continued)

MANITOBA V. BUREAU OF RECLAMATION LAWSUIT (Continued)

- 5) Judge Collyer found that an injunction stopping all construction activity on the project was not appropriate and, therefore, she allowed construction to proceed on existing contracts and on contract 2-1D;

Judge Collyer stated that construction could proceed on other features of the project if the government could demonstrate why the proposed additional construction would not influence the ability to choose water treatment options in the ongoing NEPA review; and

on June 13, 2005, the Department of the Interior and the State of North Dakota filed an appeal to Judge Collyer's February, 2004 ruling on the adequacy of the NEPA review as well as the issue of Manitoba and Canada having standing to file suit under NEPA
(June 22, 2005 SWC meeting)

83

- 6) Governor Hoeven's directive to State Engineer and Commission staff to work with the North Dakota Office of the Attorney General relative to a time line for the legal issues in the Manitoba lawsuit
(August 30, 2005 SWC meeting)

136, 190

- 7) Pursuant to Governor Hoeven's August 30, 2005 directive (No. 6 above), presentation of two scenarios representing two possible time lines for getting water to Minot in conjunction with the legal process and the environmental review
(December 9, 2005 SWC meeting)

190, 214

N 2005

Project No. Project **Page Nos.**

237-04 NORTHWEST AREA WATER SUPPLY PROJECT (NAWS) (Continued)

MR&I WATER SUPPLY PROGRAM FUNDING

1) Status Reports 27, 88

2) Approval of an additional federal
fiscal year 2005 MR&I grant of up
to \$700,000, not to exceed 65 percent
of the eligible project costs

Approved: March 10, 2005 27

*Increases total federal
MR&I grant to \$18,477,464*

3) Approval of an additional federal
fiscal year 2006 MR&I grant of up
to \$3,600,000, not to exceed 65 percent
of the eligible project costs for the
city of Minot component

Approved: June 22, 2005 88

*Increases total federal
MR&I grant to \$22,077,464*

Project No. Project **Page Nos.**

OAK CREEK WATER RESOURCE DISTRICT

330-01

LAKE METIGOSHE FLOODING - BOTTINEAU COUNTY

- | | | |
|----|--|-----|
| 1) | Status Reports | 110 |
| 2) | State Engineer briefing relative to significant rainfall events in May and June, 2005, which caused extensive damage within county;

contract was executed with the State Engineer and Oak Creek Water Resource District to expend \$20,000 to provide technical assistance; and

meeting on July 7, 2005 with state and local officials to discuss short and long-term options to address the issue, financial assistance, and the appointment of a task force by Governor Hoeven
<i>(August 11, 2005 SWC meeting)</i> | 110 |

OLIN, JACK, DICKINSON, ND - STATE WATER COMMISSION MEMBER

- | | |
|----|--|
| 1) | Designation by Governor John Hoeven as Vice Chairman of State Water Commission
<i>(February 20, 2002 SWC meeting)</i> |
|----|--|

Project No. Project **Page Nos.**

POLICIES - STATE WATER COMMISSION , NORTH DAKOTA

1753

RURAL FARMSTEAD RING DIKES POLICY CRITERIA

Refer to: State Water Commission, North Dakota

1053

RURAL FLOOD CONTROL POLICY CRITERIA

Refer to: State Water Commission, North Dakota

R 2005

RESOLUTIONS

No.	Subject	Date Approved
2005-06-513	State Water Commission's declaration of intent to reimburse project expenditures with proceeds of bonds	June 22, 2005
2005-08-514	Resolution of Appreciation to David P. Ripley, State Water Commission employee	August 30, 2005
2005-12-515	Resolution in support of the Missouri Sedimentation Action Coalition; and that State Engineer be directed to seek a Class I membership, states-resolution of support, in the Missouri Sedimentation Action Coalition reserved for various public entities	December 9, 2005
2005-12-516	Resolution of Appreciation to James C. Lennington, State Water Commission employee	December 9, 2005

R 2005

Project No. Project **Page Nos.**

237-RAM

RAMSEY COUNTY RURAL UTILITIES -
GRAHAMS ISLAND STATE PARK WATER LINE RELOCATION

Refer to: *Garrison Diversion Conservancy District,
Water Development and Research Fund*

AOC/RBB

RED RIVER BASIN COMMISSION

- | | | |
|----|---|--------------|
| 1) | Status Reports | 64, 176 |
| 2) | Commission activity reports from Lance Yohe,
Commission executive director | 64, 176, 209 |
| 3) | Natural Resource Framework Plan (NRFP) | 64, 209 |
| 4) | Approval of allocation of \$50,000 to support
the Red River Basin Commission's Natural
Resource Framework Plan efforts from
July 1, 2005 through December 31, 2005 | |

Approved: *June 22, 2005* 64
\$50,000 in 2005-2007 biennium (H.B. 1021)

- | | | |
|----|---|--|
| 5) | Approval of allocation of 150,000 to support
the Red River Basin Commission's Natural
Resource Framework Plan efforts from
January 1, 2006 through June 30, 2007 | |
|----|---|--|

Approved: *December 9, 2005* 176
\$150,000 in 2005-2007 biennium (H.B. 1021)

237

RED RIVER VALLEY WATER SUPPLY PROJECT

Refer to: *Garrison Diversion Unit,
Dakota Water Resources Act of 2000*

ACT/BUD/
01-03 and
ACT/RES

RESOURCES TRUST FUND, 2003-2005 BIENNIUM

Refer to: *State Water Commission, North Dakota*

ACT/BUD/
01-03 and
ACT/RES

RESOURCES TRUST FUND, 2005-2007 BIENNIUM

Refer to: *State Water Commission, North Dakota*

R 2005

Project No. Project **Page Nos.**

RIPLEY, DAVID P. - STATE WATER COMMISSION EMPLOYEE

- 1) Retirement from State of North Dakota, serving with the State Water Commission for 31 years; directed the water resource efforts of the Commission's appropriation division for 2 years, effective August 1, 2005 113

- 2) Resolution No. 2005-08-514, Resolution of Appreciation to David P. Ripley

Approved: August 30, 2005 113, 146

- 3) Robert Shaver, hydrologist manager with the State Water Commission's water appropriation division, was hired for the position vacated by David Ripley, effective August 1, 2005 113

1753 RURAL FARMSTEAD RING DIKES POLICY CRITERIA

Refer to: State Water Commission, North Dakota

1753 RURAL FLOOD CONTROL POLICY CRITERIA

Refer to: State Water Commission, North Dakota

RUSH RIVER WATER RESOURCE DISTRICT

1271 and 1753 RUSH RIVER WATER RESOURCE DISTRICT - RING DIKE PROGRAM

- 1) Status Reports 54, 124, 149

- 2) SWC directive that the State Engineer and Commission staff scrutinize the incomplete projects, specifically addressing the Maple River and Southeast Cass farmstead ring dikes, with a report provided to the State Water Commission
(June 22, 2005 SWC meeting) 54

- 3) Status report from June 22, 2005 SWC meeting directive relative to 2005-2007 biennium active cost share projects, and to specifically address the Cass county ring dike programs
(August 30, 2005 SWC meeting) 124, 149

S 2005

Project No. Project **Page Nos.**

SHAVER, ROBERT - STATE WATER COMMISSION EMPLOYEE

- 1) Robert Shaver, hydrologist manager with the State Water Commission's water appropriation division, hired as director of the water appropriation division, vacated by David P. Ripley, effective August 1, 2005 113

SHEYENNE RIVER FLOOD CONTROL PROJECT

1878

MAPLE RIVER DAM - CASS COUNTY

- 1) Status Reports 177

- 2) Comments from Thomas Fischer, North Dakota Senate, District 46, relating to project features and downstream benefits, projected schedule, and project funding (December 9, 2005 SWC meeting) 178

- 3) Approval of request from Cass County Joint Water Resource District for additional state cost participation for the Maple River Dam

 Approved: December 9, 2005 177
 50 percent of eligible costs
 \$8,675,000 in 2005-2007 biennium (H.B. 1021)

 Total state cost participation - \$14,675,000

- 4) Governor Hoeven's directive that the rural flood control committee and others revisit the State Water Commission's policy and guidelines as it relates to state cost participation for water retention structures, with the inclusion of land acquisition costs as an eligible project cost share item
 (December 9, 2005 SWC meeting) 180

S 2005

Project No. Project **Page Nos.**

568 SHEYENNE RIVER SNAGGING AND CLEARING PROJECT -
CASS COUNTY

- 1) Status Reports 168

- 2) Approval of request from Southeast
Cass Water Resource District for state
cost participation in the Sheyenne River
snagging and clearing project

Approved: December 9, 2005 168
25 percent of eligible costs
\$60,000 in 2005-2007 biennium (H.B. 1021)

SOUTHEAST CASS WATER RESOURCE DISTRICT

1090 CASS COUNTY DRAIN NO. 40 IMPROVEMENT
RECONSTRUCTION PROJECT

- 1) Status Reports 121

- 2) Approval of request from Southeast Cass
Water Resource District for additional state
cost participation in the Cass County Drain
No. 40 improvement reconstruction project

Approved: August 30, 2005 121
35 percent of eligible costs
\$124,500 in 2005-2007 biennium (H.B. 1021)

Total state cost participation - \$374,500

1935 HARWOOD TOWNSHIP DRAIN - CASS COUNTY

- 1) Status Reports 172

- 2) Approval of request from Southeast Cass
Water Resource District for state cost
participation in Harwood Township Drain
construction project

Approved: December 9, 2005 172
35 percent of eligible costs
\$70,875 in 2005-2007 biennium (H.B. 1021)

S 2005

Project No. Project **Page Nos.**

SOUTHEAST CASS WATER RESOURCE DISTRICT (Continued)

568

SHEYENNE RIVER SNAGGING AND CLEARING PROJECT

- 1) Status Reports 168

- 2) Approval of request from Southeast
Cass Water Resource District for state
cost participation in the Sheyenne River
snagging and clearing project

Approved: December 9, 2005 168
25 percent of eligible costs
\$60,000 in 2005-2007 biennium (H.B. 1021)

1271 and 1753

SOUTHEAST CASS WATER RESOURCE DISTRICT -
RING DIKE PROGRAM

- 1) Status Reports 54, 124, 149

- 2) SWC directive that the State Engineer and
Commission staff scrutinize the incomplete
projects, specifically addressing the Maple
River and Southeast Cass farmstead ring
dikes, with a report provided to the State
Water Commission
(June 22, 2005 SWC meeting) 54

- 3) Status report from June 22, 2005 SWC
meeting directive relative to 2005-2007
biennium active cost share projects,
and to specifically address the Cass
county ring dike programs
(August 30, 2005 SWC meeting) 124, 149

S 2005

Project No. Project **Page Nos.**

1736 SOUTHWEST PIPELINE PROJECT (SWPP)

BEULAH INTERIM SERVICE -
OLIVER-MERCER-NORTH DUNN REGIONAL SERVICE AREA

- | | | |
|----|---|-------------------|
| 1) | Status Reports | 73, 186, 188, 213 |
| 2) | Approval to serve the Country Club Estates through the Beulah interim service project

<i>Approved: June 22, 2005</i> |

73 |
| 3) | Approval for development of the Beulah interim service project, conditioned on receiving a 45 percent grant from USDA. Rural Development

<i>Approved: June 22, 2005</i> |

73 |
| 4) | Adoption and approval of execution of the Series B bond resolution for the North Dakota State Water Commission Water Development Revenue Bonds, Southwest Pipeline Project, Beulah Interim Service Area, In the amount of \$572,000

<i>Approved: December 9, 2005</i> |

186, 212 |
| 5) | Executed 2005 Series B bond general authorization resolution | 212 |
| 6) | Approval of amendment to Southwest Pipeline Project water service contract 1736-30, City of Zap, for interim service from Beulah through the Southwest Pipeline Project

<i>Approved: December 9, 2005</i> |

188, 213 |

BUDGET FOR OPERATIONS - 2005

- | | | |
|----|--|------|
| 1) | Status Reports | 3, 6 |
| 2) | Memorandum, dated November 23, 2004, prepared by Southwest Water Authority describing budget/proposed rates for 2005 | 6 |

S 2005

Project No. Project **Page Nos.**

1736 SOUTHWEST PIPELINE PROJECT (SWPP) (Continued)

BURT SERVICE AREA RURAL DISTRIBUTION SYSTEM -
CONTRACT 7-6A

- | | | |
|----|--|----|
| 1) | Status Reports | 67 |
| 2) | Briefing relative to leak that was discovered in May, 2005 in the area of the Cannonball River crossing west of the city of New Leipzig
(June 22, 2005 SWC meeting) | 67 |

CAPITAL REPAYMENT RATES - 2005

- | | | |
|----|--|--------|
| 1) | Status Reports | 3, 184 |
| 2) | Approval of capital repayment rate for the Junction Inn service area and the North Crown Butte pocket (Morton county) area at \$22.00 per month per equivalent service unit, and the capital repayment rate be adjusted annually in accordance with rate adjustments on the Southwest Pipeline Project

<u>Approved:</u> June 22, 2005 | 78 |

CAPITAL REPAYMENT RATES - 2006

- | | | |
|----|---|-----|
| 1) | Status Reports | 184 |
| 2) | Approval of capital repayment rates for 2006

<u>Approved:</u> December 9, 2005 | 184 |

CONSTRUCTION AND CONTRACTS - 2005

- | | | |
|----|----------------|---------------------|
| 1) | Status Reports | 3, 12, 67, 125, 182 |
|----|----------------|---------------------|

Project No. Project Page Nos.

1736 SOUTHWEST PIPELINE PROJECT (SWPP) (Continued)

CONTRACTS (Continued)

Contract 7-8C
Medora-Beach Regional Service Area, Phase II,
Morton County Areas (Junction Inn Service Area,
North Crown Butte and Tower Hill Booster Areas)

- | | | |
|----|--|-----|
| 1) | Status Reports | 127 |
| 2) | Award of Southwest Pipeline Project contract 7-8C, Medora-Beach regional service area, Phase II, Morton county areas, (Junction Inn service area, North Crown Butte and Tower Hill booster areas) to Northern Improvement Co., Bismarck, ND, in the amount of \$2,480,278.95 | |

Approved: August 30, 2005 127

DECLINING BLOCK WATER RATE

- | | | |
|----|--|-----|
| 1) | Status Reports | 125 |
| 2) | In July, 2002, the Southwest Water Authority adopted a declining block rate for rural water users on a three-year trial basis ending June 30, 2005. Results of trial will be reviewed as part of the annual budget review. (August 30, 2005 SWC meeting) | 125 |

DICKINSON, CITY OF

- | | | |
|----|--|-----|
| 1) | Status Reports | 133 |
| 2) | State Water Commission concurrence in the determination that the replacement of the lime slakers at the Dickinson water treatment plant is eligible for reimbursement from the reserve fund for replacement and extraordinary maintenance; and | |

S 2005

Project No. Project **Page Nos.**

1736 SOUTHWEST PIPELINE PROJECT (SWPP) (Continued)

JUNCTION INN SERVICE AREA AND THE TOWER HILL
AND NORTH CROWN BUTTE VFD POCKET AREAS
(MORTON COUNTY AREAS), MEDORA-BEACH REGIONAL
SERVICE AREA, PHASE II - CONTRACT 7-8C (Continued)

- 3) Award of Southwest Pipeline Project contract 7-8C, Medora-Beach regional service area, Phase II, Morton county areas, (Junction Inn service area, North Crown Butte and Tower Hill booster areas) to Northern Improvement Co., Bismarck, ND, in the amount of \$2,480,278.95

 Approved: August 30, 2005 127

LENNINGTON, JAMES C. - PROJECT MANAGER

- 1) Resignation from State Water Commission after serving 17 years with state; effective December 31, 2005 (December 9, 2005 SWC meeting) 191

- 2) Resolution No. 2005-12-516, Resolution of Appreciation to James C. Lennington

 Approved: December 9, 2005 191, 215

MEDORA-BEACH REGIONAL SERVICE AREA, PHASES I AND II

- 1) Status Reports 18, 67, 69, 126, 150, 127, 182, 183

- 2) 2003-2005 biennium construction table 19

- 3) Table showing facilities to be constructed 19

- 4) Funding allocations in 2005-2007 biennium, H.B. 1021 19

S 2005

Project No. Project **Page Nos.**

1736 SOUTHWEST PIPELINE PROJECT (SWPP) (Continued)

MEDORA-BEACH REGIONAL SERVICE AREA, PHASES I AND II
(Continued)

and South Fryburg pocket,
respectively), in the amount of
\$4,769,783.00

Approved: August 30, 2005 127

- 10) Award of Southwest Pipeline
Project contract 7-8C, Medora-
Beach regional service area,
Phase II, Morton county areas,
(Junction Inn service area, North
Crown Butte and Tower Hill booster
areas) to Northern Improvement
Co., Bismarck, ND, in the amount
of \$2,480,278.95

Approved: August 30, 2005 127

MEDORA, CITY OF - WATER SERVICE CONTRACT

- 1) Status Reports 187

- 2) Approval of prorating the city of
Medora's Southwest Pipeline Project
minimum water purchase for 2005 to
9,750,000 gallons. Water use in excess
of 9,750,000 will result in payment for
actual water use.

Approved: December 9, 2005 187

MISSOURI WEST WATER SYSTEM - MORTON COUNTY

- 1) Status Reports 78

- 2) Approval of capital repayment rate for the
Junction Inn service area and the North
Crown Butte pocket area at \$22.00 per
month per equivalent service unit, and
that the capital repayment rate be adjusted
annually in accordance with rate adjust-
ments on the Southwest Pipeline Project

Approved: June 22, 2005 78

S 2005

Project No. Project **Page Nos.**

1736

SOUTHWEST PIPELINE PROJECT (SWPP) (Continued)

NORTH CROWN BUTTE POCKET AREA, MEDORA-BEACH
REGIONAL SERVICE AREA, PHASE II

- 1) Status Reports 78

- 2) Approval of capital repayment rate for the
 Junction Inn service area and the North
 Crown Butte pocket area at \$22.00 per
 month per equivalent service unit, and
 that the capital repayment rate be adjusted
 annually in accordance with rate adjust-
 ments on the Southwest Pipeline Project

Approved: June 22, 2005 78

OLIVER-MERCER-NORTH DUNN REGIONAL SERVICE AREA

- 1) Status Reports 73

- 2) Approval to serve the Country Club Estates
 through the Beulah interim service project

Approved: June 22, 2005 73

- 3) Approval for development of the Beulah
 interim service project, conditioned on
 receiving a 45 percent grant from USDA,
 Rural Development

Approved: June 22, 2005 73

- 4) Approval of amendment to Southwest
 Pipeline Project water service contract
 1736-30, City of Zap, for interim service
 from Beulah through the Southwest
 Pipeline Project

Approved: December 9, 2005 188, 213

Project No. Project **Page Nos.**

1736 SOUTHWEST PIPELINE PROJECT (SWPP) (Continued)

RED TRAIL ENERGY

- | | | |
|----|--|-------------|
| 1) | Status Reports | 20, 67, 125 |
| 2) | House Bill 1274, which amends North Dakota Century Code § 61-24-3.07 to remove a requirement that industrial users have to pay at least their proportionate cost of the Southwest Pipeline Project | 20 |

REPLACEMENT AND EXTRAORDINARY MAINTENANCE RATE - 2006

- | | | |
|----|---|-----|
| 1) | Status Reports | 184 |
| 2) | Approval of replacement and extraordinary maintenance rate for 2006 (\$0.35 per thousand gallons) | |
| | <u>Approved:</u> December 9, 2005 | 184 |

REPLACEMENT AND EXTRAORDINARY MAINTENANCE RESERVE FUND REIMBURSEMENTS

- | | | |
|----|--|--------|
| 1) | Status Reports | 3, 133 |
| 2) | Approval of reimbursement of \$31,753,50 for replacement of six blowoff valves in 2003 | |
| | <u>Approved:</u> March 10, 2005 | 21 |
| 3) | State Water Commission concurrence in the determination that the replacement of the lime slakers at the Dickinson water treatment plant is eligible for reimbursement from the reserve fund for replacement and extraordinary maintenance; and | |
| | that the State Engineer be authorized to approve the award of the lime slakers contract and determine the final completion of the work | |
| | <u>Approved:</u> August 30, 2005 | 133 |

S 2005

Project No. Project **Page Nos.**

1736

SOUTHWEST PIPELINE PROJECT (SWPP) (Continued)

SOUTHWEST WATER AUTHORITY

DECLINING BLOCK WATER RATE

- | | | |
|----|--|-----|
| 1) | Status Reports | 125 |
| 2) | In July, 2002, the Southwest Water Authority adopted a declining block rate for rural water users on a three-year trial basis ending June 30, 2005. Results of trial will be reviewed as part of the annual budget review. (August 30, 2005 SWC meeting) | 125 |

SURVEYING COSTS INVOLVING STATE LAND

- | | | |
|----|--|----|
| 1) | Status Reports | 68 |
| 2) | Briefing relative to State Land Department requirement of a legal survey by a registered land surveyor during the process of obtaining easements to cross state lands; and

the issue was to be conveyed by the Office of the Governor to the State Land Department. (June 22, 2005 SWC meeting) | 68 |

UNITED STATES DEPARTMENT OF AGRICULTURE,
RURAL DEVELOPMENT FUNDING

- | | | |
|----|--|------------------------|
| 1) | Status Reports | 69, 126, 150, 186, 212 |
| 2) | Approval of funding package for Medora-Beach, Phase II, which includes a total state funding allocation of up to \$5,300,000 from the funds appropriated to the SWC in the 2005-2007 biennium, and USDA, Rural Development funding of \$3,523,000.

<u>Approved:</u> June 22, 2005 | 69 |
| 3) | Approval for development of the Beulah interim service project, conditioned on receiving a 45 percent grant from USDA, Rural Development

<u>Approved:</u> June 22, 2005 | 73 |

S 2005

Project No. Project **Page Nos.**

1736

SOUTHWEST PIPELINE PROJECT (SWPP) (Continued)

UNITED STATES DEPARTMENT OF AGRICULTURE,
RURAL DEVELOPMENT FUNDING (Continued)

- | | | |
|----|---|----------|
| 4) | Adoption and approval of execution of the 2005 Series A bond resolution for the North Dakota State Water Commission Water Development Revenue Bonds, Southwest Pipeline Project, Medora-Beach Regional Service Area, Phase II, in the amount of \$1,999,000 | |
| | <u>Approved:</u> August 30, 2005 | 126, 150 |
| 5) | 2005 Series A bond general authorization resolution | 150 |
| 6) | Adoption and approval of execution of the Series B bond resolution for the North Dakota State Water Commission Water Development Revenue Bonds, Southwest Pipeline Project, Beulah Interim Service Area, In the amount of \$572,000 | |
| | <u>Approved:</u> December 9, 2005 | 186, 212 |
| 7) | 2005 Series B bond general authorization resolution | 212 |

WATER PERMIT APPLICATION FOR INDUSTRIAL USERS

- | | | |
|----|--|----|
| 1) | Status Reports | 80 |
| 2) | Approval to submit an application to the North Dakota Office of the State Engineer for a conditional water use permit for the Southwest Pipeline Project in the amount of 1,130 acre-feet of water annually for industrial use | |
| | SWC Water Permit Application No. 5754 | |
| | <u>Approved:</u> June 22, 2005 | 80 |

S 2005

Project No. Project **Page Nos.**

1736

SOUTHWEST PIPELINE PROJECT (SWPP) (Continued)

WATER DEVELOPMENT REVENUE BONDS,
NORTH DAKOTA STATE WATER COMMISSION,
SOUTHWEST PIPELINE PROJECT

2005 SERIES A BOND

- | | | |
|----|--|----------|
| 1) | Status Reports | 126, 150 |
| 2) | Adoption and approval of execution of the Series A bond resolution for the North Dakota State Water Commission Water Development Revenue Bonds, Southwest Pipeline Project, Medora-Beach Regional Service Area, Phase II, in the amount of \$1,999,000 | |
| | <i>Approved: August 30, 2005</i> | 126, 150 |
| 3) | 2005 Series A bond general authorization resolution | 150 |

2005 SERIES B BOND

- | | | |
|----|---|----------|
| 1) | Status Reports | 186, 212 |
| 2) | Adoption and approval of execution of the Series B bond resolution for the North Dakota State Water Commission Water Development Revenue Bonds, Southwest Pipeline Project, Beulah Interim Service Area, In the amount of \$572,000 | |
| | <i>Approved: December 9, 2005</i> | 186, 212 |
| 3) | 2005 Series B bond general authorization resolution | 212 |

S 2005

Project No. Project **Page Nos.**

1736

SOUTHWEST PIPELINE PROJECT (SWPP) (Continued)

ZAP, CITY OF - WATER SERVICE CONTRACT 1736-30

- 1) Status Reports 188, 213

- 2) Approval of amendment to Southwest Pipeline Project water service contract 1736-30, city of Zap, for interim service from Beulah through the Southwest Pipeline Project

Approved: December 9, 2005 188, 213

S 2005

Project No. Project **Page No.**

237-STA STANLEY, CITY OF, WATER SUPPLY PROJECT

1) Status Reports 92

2) Approval for city of Stanley to
 expend \$35,000 from the capital
 replacement reserve fund for the
 relocation of a portion of the water
 supply pipeline; the time requirement
 for the accumulation of reserve funds
 was extended to 2011

Approved: June 22, 2005 92

S 2005

Project No. Project **Page No.**

STATE WATER COMMISSION, NORTH DAKOTA

BUDGET, 2005-2007 BIENNIUM

1) Status Reports 9

CONTRACT FUND EXPENDITURES - 2003-2005 BIENNIUM

1) Status Reports 8, 38, 51, 101, 114, 148

2) Approval that all 2003-2005 biennium unexpended project obligation amounts (which includes all previous bienniums carry over) be carried forward through June 30, 2007, with the exceptions to those projects as identified in the table (page 5 of June 22, 2005 SWC minutes)

Approved: June 22, 2005 54

CONTRACT FUND EXPENDITURES - 2005-2007 BIENNIUM

1) Status Reports 55, 104, 114, 147, 149, 165, 206

1753 2) Proposed project allocations for 2005-2007 biennium (June 22, 2005 SWC meeting) 55, 104

1271 and 1753 3) SWC directive that the State Engineer and Commission staff scrutinize the incomplete projects, specifically addressing the Maple River and Southeast Cass farmstead ring dikes, with a report provided to the State Water Commission (June 22, 2005 SWC meeting) 54

1271 and 1753 4) Status report from June 22, 2005 SWC meeting directive relative to 2005-2007 biennium active cost share projects, and to specifically address the Cass county ring dike programs (August 30, 2005 SWC meeting) 124, 149

5) Water projects funding proposed schedule for 2005-2007 biennium (December 9, 2005 SWC meeting) 165, 207

S 2005

Project No. Project **Page No.**

STATE WATER COMMISSION, NORTH DAKOTA (Continued)

1579

DAMS (NORTH DAKOTA) REHABILITATION NEEDS

- | | | |
|----|---|----------|
| 1) | Status Reports | 180, 210 |
| 2) | SWC discussion relating to recreational dam maintenance and potential state cost share
(December 9, 2005 SWC meeting) | 180 |
| 3) | Spreadsheet relating to 134 dams in the state that are inspected on a regular basis by the Commission staff
(December 9, 2005 SWC meeting) | 210 |
| 4) | State Water Commission directive that State Engineer and staff proceed in the development of a priority schedule and time line for addressing dam repair issues
(December 9, 2005 SWC meeting) | 180 |

FINANCIAL STATEMENTS, AND ALLOCATED PROGRAM EXPENDITURES - 2003-2005 BIENNIUM

- | | | |
|----|----------------|--------------------------|
| 1) | Status Reports | 8, 38, 51, 100, 114, 147 |
|----|----------------|--------------------------|

FINANCIAL STATEMENTS, AND ALLOCATED PROGRAM EXPENDITURES - 2005-2007 BIENNIUM

- | | | |
|----|----------------|--------------------|
| 1) | Status Reports | 114, 147, 165, 205 |
|----|----------------|--------------------|

HALCROW, CHARLES "MAC", DRAYTON, ND - STATE WATER COMMISSION MEMBER

- | | | |
|----|---|----|
| 1) | Reappointment by Governor Hoeven to serve as a member of the State Water Commission | 51 |
|----|---|----|

Term: July 1, 2005 through June 30, 2011

S 2005

Project No. Project **Page No.**

STATE WATER COMMISSION, NORTH DAKOTA (Continued)

HANSON, LARRY, WILLISTON, ND -
STATE WATER COMMISSION MEMBER

- | | | |
|----|---|----|
| 1) | Reappointment by Governor Hoeven to serve as a member of the State Water Commission | 51 |
| | Term: July 1, 2005 through June 30, 2011 | |

HOEVEN, JOHN, GOVERNOR OF NORTH DAKOTA

- | | | |
|----|--|--|
| 1) | Elected Governor of North Dakota; Chairman of State Water Commission | |
| | Term: 1- 1-2001 to 12-31-2004 | |
| | Re-Elected: 1- 1-2005 to 12-31-2008 | |

HOFSTAD, CURTIS L., DEVILS LAKE, ND -
STATE WATER COMMISSION MEMBER

- | | | |
|----|--|----|
| 1) | Reappointment by Governor Hoeven to serve as a member of the State Water Commission | 51 |
| | Term: July 1, 2005 through June 30, 2011 | |
| 2) | Appointment to serve as an alternate member of State Water Commission's MR&I committee, effective March 10, 2005 | 29 |

RESOURCES TRUST FUND, 2003-2005 BIENNIUM

- | | | |
|----|---|------------|
| 1) | Status Reports | 8, 51, 114 |
| 2) | Resources Trust Fund recap for 2003-2005 biennium (August 30, 2005 SWC meeting) | 114 |

S 2005

Project No. Project **Page No.**

STATE WATER COMMISSION, NORTH DAKOTA (Continued)

RESOURCES TRUST FUND, 2005-2007 BIENNIUM

- | | | | |
|--|----|--|----------|
| | 1) | Status Reports | 114, 166 |
| | 2) | Projected Resources Trust Fund revenues for 2005-2007 biennium (August 30, 2005 SWC meeting) | 114 |

1753

RURAL FARMSTEAD RING DIKES POLICY CRITERIA, 2003-2005 BIENNIUM

- | | | | |
|--|----|---|----|
| | 1) | Status Reports | 57 |
| | 2) | Comments by Harley Swenson, SWC member, relating to downstream impact analysis requirements and possible liabilities which could be incurred as a result of negative downstream impacts (June 22, 2005 SWC meeting) | 57 |
| | 3) | State Engineer indicated that copies of all recorded drain permits will be made available to the SWC members (June 22, 2005 SWC meeting) | 57 |

1053

RURAL FLOOD CONTROL POLICY CRITERIA, 2005-2007 BIENNIUM

- | | | | |
|--|----|----------------|----|
| | 1) | Status Reports | 55 |
|--|----|----------------|----|

1753

- | | | | |
|--|----|---|-----|
| | 2) | Approval of the policy of funding limitation for individual rural flood control projects to \$230,000 per project for the 2005-2007 biennium | |
| | | <u>Approved:</u> June 22, 2005 | 55 |
| | 3) | Governor Hoeven's directive that the rural flood control committee and others revisit the State Water Commission's policy and guidelines as it relates to state cost participation for water retention structures, with the inclusion of land acquisition costs as an eligible project cost share item (December 9, 2005 SWC meeting) | 180 |

S 2005

Project No. Project

Page No.

STATE WATER COMMISSION, NORTH DAKOTA (Continued)

SWENSON, HARLEY, BISMARCK, ND -
STATE WATER COMMISSION MEMBER

- | | | |
|----|---|----|
| 1) | Comments relating to rural flood control projects and the downstream impact analysis requirements and possible liabilities which could be incurred as a result of negative downstream impacts
<i>(June 22, 2005 SWC meeting)</i> | 57 |
|----|---|----|

VICE CHAIRMAN - STATE WATER COMMISSION

- | | | |
|----|---|--|
| 1) | Designation by Governor John Hoeven of Commission member, Jack Olin, as vice chairman of State Water Commission
<i>(February 20, 2002 SWC meeting)</i> | |
|----|---|--|

WATER DEVELOPMENT TRUST FUND, WATER
DEVELOPMENT AND MANAGEMENT PROGRAM
BONDS (CREATED UNDER 1999 SENATE BILL 2188
AND 1999 HOUSE BILL 1475) - 2003-2005 BIENNIUM

- | | | |
|----|--|---------------------------------|
| 1) | Status Reports | 2, 5, 8, 10, 45, 51, 53,
115 |
| 2) | Memorandum, dated January 21, 2005, prepared by Public Financial Management, Inc., SWC financial manager, relating to independent analysis of feasibility of advance refunding of 2000 Series A bond | 5 |
| 3) | Approval of an advance refunding of \$20,340,000 of the outstanding \$32,095,000 Water Development Trust Fund, Water Development and Management Program Bonds, 2000 Series A bond | |
| | <u>Approved:</u> <i>January 28, 2005</i> | 2 |

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STATE WATER COMMISSION, NORTH DAKOTA (Continued)

WATER DEVELOPMENT TRUST FUND, WATER
DEVELOPMENT AND MANAGEMENT PROGRAM
BONDS (CREATED UNDER 1999 SENATE BILL 2188
AND 1999 HOUSE BILL 1475) - 2003-2005 BIENNIUM
(Continued)

	4)	Adoption of 2005 Series A bond resolution for issuance of North Dakota State Water Commission Water Development Trust Fund, Water Development and Management Program Refunding Bonds, 2005 Series A bond	
		<i>Approved: March 10, 2005</i>	11, 39
	5)	Executed 2005 Series A bond resolution (March 10, 2005 SWC meeting)	39
	6)	Adoption of 2005 Series B bond resolution for the issuance of North Dakota State Water Commission, Water Development Trust Fund, Water Development and Management Program Bonds, 2005 Series B bond	
		<i>Approved: May 11, 2005</i>	45, 49
	7)	Executed 2005 Series B Bond Resolution (May 11, 2005 SWC meeting)	49
	8)	Schedules detailing payments and projected revenue, and sources and uses of funds for the 2005 Series B bond (June 22, 2005 SWC meeting)	52, 102
PER/BON	9)	Approval of resolution to declare official intent to reimburse project expenditures with proceeds of bonds	
		<i>Approved: June 22, 2005</i>	53, 103
	10)	Water Development Trust Fund recap for 2003-2005 biennium (August 30, 2005 SWC meeting)	115

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STATE WATER COMMISSION, NORTH DAKOTA (Continued)

WATER DEVELOPMENT TRUST FUND, WATER
DEVELOPMENT AND MANAGEMENT PROGRAM
BONDS (CREATED UNDER 1999 SENATE BILL 2188
AND 1999 HOUSE BILL 1475) - 2005-2007 BIENNIUM

- | | | |
|----|--|----------|
| 1) | Status Reports | 115, 166 |
| 2) | Water Development Trust Fund projected
revenues for 2005-2007 biennium
(August 30, 2005 SWC meeting) | 115 |

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Project No. Project **Page No.**

STEELE COUNTY WATER RESOURCE DISTRICT

1926

STEELE-TRAILL DRAIN NO. 2

- | | | |
|----|--|---------|
| 1) | Status Reports | 13, 122 |
| 2) | Request from Steele County Water Resource District for state cost participation for Steele-Trail Drain No. 2 construction project | |
| | <i>Approved: March 19, 2005</i> | 13 |
| | <i>35 percent of eligible costs</i> | |
| | <i>\$250,000 in 2003-2005 biennium (S.B. 2022)</i> | |
| 3) | Request from Steele County Water Resource District for additional state cost participation for Steele-Trail Drain No. 2 construction project | |
| | <i>Approved: August 30, 2005</i> | 122 |
| | <i>35 percent of eligible costs</i> | |
| | <i>\$101,750 in 2005-2007 biennium (H.B. 1021)</i> | |
| | <i>Total state cost participation - \$351,750</i> | |

1552

STEELE COUNTY DRAIN NO. 3 IMPROVEMENT,
RECONSTRUCTION AND EXTENSION PROJECT

- | | | |
|----|--|-----|
| 1) | Status Reports | 169 |
| 2) | Approval of request from Steele County Water Resource District for state cost participation in Steele County Drain No. 3 improvement, reconstruction and extension project | |
| | <i>Approved: December 9, 2005</i> | 169 |
| | <i>35 percent of eligible costs</i> | |
| | <i>\$132,300 in 2005-2007 biennium (H.B. 1021)</i> | |

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Project No. Project **Page Nos.**

237-03 UNDERWOOD, CITY OF - WATER SUPPLY PROJECT

- 1) Status Reports 91
- 2) Approval of state cost participation for
 city of Underwood's water supply project

Approved: June 22, 2005 91
 17 percent of eligible costs
 \$400,000 in 2005-2007 biennium (H.B. 1021)

UNITED STATES, BUREAU OF RECLAMATION

237 RED RIVER VALLEY WATER SUPPLY PROJECT

Refer to: Garrison Diversion Unit,
 Dakota Water Resources Act of 2000

W 2005

Project No. Project Page Nos.

1401

WALHALLA DRAIN NOS. 2 AND 3 (ALSO REFERRED TO AS BUFFALO CREEK CHANNEL ENHANCED DRAINAGE)

- 1) Status Reports 17

- 2) SWC direction that State Engineer forward letter to Manitoba Minister of Water Stewardship requesting that Manitoba notify the SWC in writing by April 4, 2005 as to whether it intends to install the culverts in Walhalla Drain No. 2 by September 11, 2005

 SWC Direction: *March 10, 2005* 17

- 3) Letter from State Engineer to Manitoba Minister of Water Stewardship, dated March 11, 2005 40

WALSH COUNTY WATER RESOURCE DISTRICT

1931

WALSH COUNTY ASSESSMENT DRAIN 4B

- 1) Status Reports 61

- 2) Request from Walsh County Water Resource District for state cost participation for construction of the Walsh County Assessment Drain 4B

 Approved: *June 22, 2005* 61
 35 percent of eligible costs
 \$97,713 in 2003-2005 biennium (S.B. 2022)

1258

WALSH COUNTY DRAIN NO. 27

- 1) Status Reports 123

- 2) Request from Walsh County Water Resource District for additional state cost participation for the Walsh County Drain No. 27 improvement reconstruction project

 Approved: *August 30, 2005* 123
 35 percent of eligible costs
 \$22,744 in 2005-2007 biennium (H.B. 1021)

 Total state cost participation - \$57,580

W 2005

<u>Project No.</u>	<u>Project</u>	<u>Page Nos.</u>
237-03	<u>WALSH RURAL WATER DISTRICT - CITY OF PARK RIVER COMPONENT</u> <u>Refer to:</u> Garrison Diversion Conservancy District, Water Development and Research Fund	
237-03	<u>WATER DEVELOPMENT AND RESEARCH FUND, GARRISON DIVERSION CONSERVANCY DISTRICT</u> <u>Refer to:</u> Garrison Diversion Conservancy District, Water Development and Research Fund <u>WATER DEVELOPMENT TRUST FUND, WATER DEVELOPMENT AND MANAGEMENT PROGRAM BONDS (CREATED UNDER 1999 SENATE BILL 2188 AND 1999 HOUSE BILL 1475) - 2003-2005 BIENNIUM</u> <u>Refer to:</u> State Water Commission, North Dakota <u>WATER DEVELOPMENT TRUST FUND, WATER DEVELOPMENT AND MANAGEMENT PROGRAM BONDS (CREATED UNDER 1999 SENATE BILL 2188 AND 1999 HOUSE BILL 1475) - 2005-2007 BIENNIUM</u> <u>Refer to:</u> State Water Commission, North Dakota	
1826	<u>WETLANDS TRUST, NORTH DAKOTA</u> <u>(Presently known as North Dakota Natural Resources Trust - name changed by passage of Dakota Water Resources Act of 2000)</u> <u>Refer to:</u> North Dakota Natural Resources Trust	
237	<u>WILL & CARLSON CONTRACT - PETER CARLSON</u> <u>Refer to:</u> Garrison Diversion Conservancy District	

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Project No. Project **Page Nos.**

1736 ZAP, CITY OF - SOUTHWEST PIPELINE PROJECT
WATER SERVICE CONTRACT 1736-30

- | | | |
|----|---|----------|
| 1) | Status Reports | 188, 213 |
| 2) | Approval of amendment to Southwest Pipeline Project water service contract 1736-30, city of Zap, for interim service from Beulah through the Southwest Pipeline Project | |

Approved: December 9, 2005 188, 213