

MINUTES

North Dakota State Water Commission Bismarck, North Dakota

June 22, 2017

The North Dakota State Water Commission held a meeting at the State Office Building, Bismarck, North Dakota, on June 22, 2017. Governor Doug Burgum, Chairman, called the meeting to order at 1:00 p.m., and requested Garland Erbele, State Engineer, and Chief Engineer-Secretary to the State Water Commission, to call the roll. Governor Burgum announced a quorum was present.

STATE WATER COMMISSION MEMBERS PRESENT:

Governor Doug Burgum, Chairman

Tom Bodine, Deputy, representing Doug Goehring, Commissioner,
North Dakota Department of Agriculture, Bismarck

Maurice Foley

Larry Hanson

George Nodland

Harley Swenson

Robert Thompson

Douglas Vosper

STATE WATER COMMISSION MEMBER ABSENT:

Arne Berg

OTHERS PRESENT:

Garland Erbele, State Engineer, and Chief Engineer-Secretary,
North Dakota State Water Commission, Bismarck

State Water Commission Staff

Approximately 50 people interested in agenda items

The attendance register is on file with the official minutes.

The meeting was recorded to assist in compilation of the minutes.

CONSIDERATION OF AGENDA

The agenda for the June 22, 2017 State Water Commission meeting was presented; there were no modifications.

It was moved by Commissioner Thompson, seconded by Commissioner Nodland, and unanimously carried, that the agenda be accepted as presented.

June 22, 2017 - 1

**CONSIDERATION OF DRAFT MINUTES
OF MARCH 29, 2017 STATE WATER
COMMISSION MEETING - APPROVED**

The draft final minutes of the March 29, 2017 State Water Commission meeting were approved by the following motion:

It was moved by Commissioner Nodland, seconded by Commissioner Hanson, and unanimously carried, that the draft final minutes of the March 29, 2017 State Water Commission meeting be approved as prepared.

**RESOLUTION OF APPRECIATION -
SHARON LOCKEN, STATE WATER
COMMISSION'S ADMINISTRATIVE
STAFF OFFICER, RETIREMENT,
EFFECTIVE JUNE 30, 2017
(SWC Resolution No. 2015-05-529)**

Sharon Locken, State Water Commission's Administrative Staff Officer, announced her retirement, effective June 30, 2017, after a monumental fifty-year career with the Office of the State Engineer and the North Dakota State Water Commission.

The State Water Commission recognized Ms. Locken for her tireless and unmistakable devotion to 10 decades of professionalism, commitment, and renowned dedication that have been unceasingly exhibited throughout her career. Numerous community organizations along with agency events and activities have been markedly impacted due to Ms. Locken's direction, aptitude, and exemplary coordination - her exceptional guidance and heartfelt involvement have set a precedent on several projects.

Governor Burgum expressed his gratitude and appreciation to Ms. Locken stating that because of her "knowledge, organization, and immense attention to detail, the State Water Commission meetings have been conducted and facilitated with tremendous success. Her expertise and principle have provided a professional administrative liaison with the State Water Commission members, the Governor's office, the legislative assembly, the congressional delegation, and a variety of regional organizations, along with various local, state, and federal agencies. Because of her integrity, attentiveness, and support, the State Water Commission has achieved a highly respectable and positive reputation; and her valuable and steadfast efforts have earned multiple awards and the respect and admiration of her peers. Ms. Locken's distinguished and exemplary service will enhance the lives of people of the great State of North Dakota for generations to come."

It was moved by Commissioner Vosper, seconded by Commissioner Foley, and unanimously carried, that the State Water Commission approve Resolution of Appreciation No. 2017-06-532 to Sharon Locken. SEE APPENDIX "A"

**STATE WATER COMMISSION -
PROGRAM BUDGET EXPENDITURES
AND CONTRACT FUND ALLOCATIONS,
2015-2017 BIENNIUM**

penditures for the period ending April 30, 2017 were presented and discussed by David Laschkewitsch, State Water Commission's Director of Administrative Services. The expenditures, in total, are within the authorized budget amounts. **SEE APPENDIX "B"**

In the 2015-2017 biennium, the State Water Commission has two line items - administrative and support services, and water and atmospheric resources expenditures. The allocated program ex-

The Contract Fund for the 2015-2017 biennium, **APPENDIX "C"**, provides information on the committed and uncommitted funds from the Resources Trust Fund and the Water Development Trust Fund. The current Contract Fund total allocation for projects is \$914,428,318 with expenditures of \$481,522,537. A balance of \$110,579,807 remains available to commit to projects in the 2015-2017 biennium.

**STATE WATER COMMISSION -
RESOURCES TRUST FUND
AND WATER DEVELOPMENT
TRUST FUND REVENUES,
2015-2017 BIENNIUM**

2015-2017 biennium will be short by \$29,351,757.

Oil extraction tax deposits into the Resources Trust Fund total \$219,893,743 through May, 2017, and are currently \$19,432,637 below originally budgeted revenues. Using revised forecast figures, the projected oil extraction income for the

Deposits into the Water Development Trust Fund (tobacco settlement) total \$18,208,436 through May, 2017, and are currently \$298,436, or 1.7 percent above budgeted revenues.

**APPROVAL OF 2015-2017 BIENNIUM
CONTRACT FUND CARRYOVER TO
2017-2019 BIENNIUM
(SWC Project No. 1753)**

program have been reviewed to identify the status of those remaining obligated funds to determine which projects are still active, completed, or were not/will not be undertaken.

Water projects commonly require several years to implement due to regulatory issues, funding needs, contract bidding, and construction delays. The projects administered under the cost share

On June 23, 2009, the State Water Commission passed a motion to inquire into the progress and future intention of projects with unexpended obligations not spent within three years following the Commission's approval. As a result, all of the cost share projects with obligated funds are either still active or will begin construction in the foreseeable future.

All of the programs and projects listed on the 2015-2017 biennium projects/grants/contract fund with obligated funds are to be pursued in the foreseeable future with the exception of the following projects: a \$3,000,000 loan approval to the city of Valley City for their permanent flood protection project. Valley City received funding through the Valley City State University which eliminated the need for this loan. The unexpended balances for the Devils Lake outlet construction project will be released, and the unexpended funding for operation of the outlets will be carried over into the 2017-2019 biennium.

It was the recommendation of Secretary Erbele that the State Water Commission carry forward all of the 2015-2017 program and general project unexpended obligation amounts, which includes all previous biennium carryovers, and the program/project itself to the 2017-2019 biennium with the exception of the identified projects.

It was moved by Commissioner Swenson and seconded by Commissioner Vosper that the State Water Commission carry forward all of the 2015-2017 program and general project unexpended obligation amounts, which includes all previous biennium carryovers, and the program/project itself to the 2017-2019 biennium except for the identified projects. This action is contingent upon the availability of funds.

In discussion of the motion, representatives from the Lower Heart Water Resource District expressed appreciation for the Commission's support, and provided detailed information relating to their project for the Mandan Flood Control Protective Works (Levee), which was approved initially for funding on September 29, 2008. Because bids have been let for a portion of the project, the District requested that \$15,000 be carried over to the 2017-2019 biennium and the remaining unexpended funding of \$110,396 be released.

The Commission members discussed the unexpended funding to the Morton County Water Resource District for the Square Butte Dam No. 6 (Harmon Lake), which was approved initially for funding on March 23, 2009, and recommended the remaining \$173,828 not be carried over into the 2017-2019 biennium.

An amendment to the original motion was offered by Commissioner Foley and seconded by Commissioner Swenson that a portion of the unexpended funding to the Lower Heart Water Resource District for the Mandan Flood Control Protective Works (Levee) in the amount of \$15,000 be carried over into the 2017-2019 biennium, and that the remaining unexpended balance of \$110,396 not be carried over and

released; and that the unexpended funding of \$173,828 to the Morton County Water Resource District for the Square Butte Dam No. 6 (Harmon Lake) not be carried over and released. This approval is contingent upon the availability of funds.

Governor Burgum called the question on the amendment to the original motion and asked for a roll call vote.

Commissioners Foley, Deputy Bodine, Hanson, Nodland, Swenson, Thompson, Vosper, and Governor Burgum voted aye. There were no nay votes. Governor Burgum announced the amendment to the original motion unanimously carried.

Governor Burgum called the question on the original motion, as amended, and asked for a roll call vote.

Commissioners Foley, Deputy Bodine, Hanson, Nodland, Swenson, Thompson, Vosper, and Governor Burgum voted aye. There were no nay votes. Governor Burgum announced the original motion, as amended, unanimously carried.

2017 LEGISLATIVE UPDATE

The State Water Commission staff provided a legislative summary relative to bills considered in the 2017 Sixty-Fifth Legislative Assembly of North Dakota having a direct impact on water issues. H.B.1020, the State Water Commission's appropriation bill, was heard before the Education and Environment Division of the House Appropriations Committee on January 10, 2017; and was heard before the Senate Appropriations Committee on March 16, 2017. Governor Burgum made reference to the vetoes of House Bill 1020.

Senator Curt Kreun, District 42, provided a legislative overview relative to H.B. 1374 as it relates to the composition and operation of the State Water Commission. In summary, he emphasized the importance of the State Water Commission and the interim legislative Water Topics Overview committee interacting and working together for the betterment of the people of North Dakota, and for the State Water Commission to carry out its mission, duties and responsibilities. **SEE APPENDIX "D" FOR H.B. 1020 AND H.B. 1374, AND LETTER FROM GOVERNOR BURGUM, DATED MAY 2, 2017 TO SPEAKER OF THE LEGISLATIVE HOUSE RELATIVE TO VETOES.**

**CITY OF MINOT 2017 LEVEE REPAIR,
BANK STABILIZATION, AND SNAGGING
PROJECT - APPROVAL OF STATE COST
PARTICIPATION GRANT (\$950,254)
(SWC Project No. 2107)**

A request from the city of Minot was presented for the State Water Commission's consideration for state cost participation for their 2017 levee repair, bank stabilization, and snagging and clearing projects.

The Mouse River flood control system provides flood protection for the city of Minot and has a significant risk to loss of life if a failure occurs. The U.S. Army Corps of Engineers performs annual inspections on the Mouse River flood control system through Minot to assess the condition of the system. These inspections identified multiple deficiencies that pose a risk to the integrity of the flood control system. In order to address these deficiencies, the city developed a system wide improvement framework that outlines the city's strategy for addressing the system's deficiencies.

The deficiencies proposed to be addressed and resolved by this project include channel bank failures affecting system stability, trees along the channel bank that are compromising the integrity of the levees, discontinuous levee segments that require emergency measures during flood events, and damage to one of the river grade control structures. The project is scheduled to be designed and bid in 2017; construction is anticipated to begin in 2017 and completed in 2018.

The project engineer's cost estimate is \$1,974,095, of which \$86,267 is for tree removals which are considered deferred maintenance and ineligible for cost share assistance. A total of \$164,508 is determined eligible as pre-construction engineering at 35 percent (\$57,578); \$1,413,146 is determined eligible for bank stabilization costs and pre-construction engineering at 50 percent (\$706,573); and \$310,172 is determined eligible for flood protection costs at 60 percent (\$186,103), for a total state cost participation of \$950,254.

It was the recommendation of Secretary Erbele that the State Water Commission approve a state cost participation grant of 35 percent of the eligible costs for pre-construction engineering, a 50 percent grant of the eligible costs for bank stabilization costs and pre-construction engineering, and a 60 percent grant for flood protection costs, not to exceed a total allocation of \$950,254 from the funds appropriated to the State Water Commission in the 2015-2017 biennium (S.B. 2020), to the city of Minot to support their 2017 levee repair, bank stabilization, and snagging project.

It was moved by Commissioner Foley and seconded by Commissioner Thompson that the State Water Commission approve a state cost participation grant of 35 percent of the eligible costs for pre-construction engineering, a 50 percent grant of the eligible costs for bank stabilization costs and pre-construction engineering, and a 60 percent grant for flood protection costs, not to exceed a total allocation of \$950,254 from the funds appropriated to the State Water Commission in the 2015-2017 biennium (S.B. 2020), to the city of Minot to support their 2017 levee repair, bank stabilization, and snagging project. This approval is contingent upon the availability of funds, and satisfaction of the required permits.

Commissioners Foley, Deputy Bodine, Hanson, Nodland, Swenson, Thompson, Vosper, and Governor Burgum voted aye. There were no nay votes. Governor Burgum announced the motion unanimously carried.

***HAAS COULEE LEGAL DRAIN,
PHASE II (BOTTINEAU COUNTY) -
APPROVAL OF 45% ADDITIONAL STATE
COST PARTICIPATION GRANT (\$86,361)
(SWC Project No. 2042)***

On September 15, 2014, the State Water Commission adopted a motion approving a state cost participation grant of 45 percent of the eligible costs as a rural flood control project, not to exceed an allocation of \$500,000 from the funds

appropriated to the State Water Commission in the 2013-2015 biennium (H.B. 1020), to the Bottineau County Water Resource District to support the Haas Coulee Legal Drain Project, Phase I.

Since 2009, Haas Coulee has received unprecedented amounts of precipitation resulting in overland flooding due to back up behind culverts and washed out culverts. Haas Coulee is located in northeastern Bottineau county, has a drainage area of 94,140 acres, and is 39 miles in length consisting of 3 reaches. There is a high concentration of U.S. Fish and Wildlife Service perpetual easements in the watershed which will limit the potential for future drainage.

A request from the Bottineau County Water Resource District was presented for the State Water Commission's consideration for state cost participation for the Haas Coulee Legal Drain Project, Phase II, which would involve improvements within the upper portion of the contributing watershed upstream of Phase I. The assessment district has been established, construction permit application No. 4952 was submitted to the Office of the State Engineer and is pending review, and the U.S. Army Corps of Engineers Section 404 permit has been approved for Phase II of the project.

The project engineer's cost estimate for Phase II is \$330,488, of which \$191,914 is determined eligible for state cost participation as a rural flood control project at 45 percent of the eligible costs (\$86,361).

It was the recommendation of Secretary Erbele that the State Water Commission approve a 45 percent state cost participation grant of the eligible costs as a rural flood control project, not to exceed an additional allocation of \$86,361 from the funds appropriated to the State Water Commission in the 2015-2017 biennium (S.B. 2020), to the Bottineau County Water Resource District to support the Haas Coulee Legal Drain Project, Phase II.

It was moved by Commissioner Hanson and seconded by Commissioner Swenson that the State Water Commission approve a 45 percent state cost participation grant of the eligible costs as a rural flood control project, not to exceed an additional allocation of \$86,361 from the funds appropriated to the State Water Commission in the 2015-2017 biennium (S.B. 2020), to the Bottineau County Water Resource District to support the Haas Coulee Legal Drain Project, Phase II. This action is contingent upon the availability of funds, and satisfaction of the required permits.

Commissioners Foley, Deputy Bodine, Hanson, Nodland, Swenson, Thompson, Vosper, and Governor Burgum voted aye. There were no nay votes. Governor Burgum announced the motion unanimously carried.

***BUFFALO LODGE LAKE OUTLET
PROJECT (MCHENRY COUNTY) -
APPROVAL OF 40% STATE COST
PARTICIPATION GRANT (\$134,915)
(SWC Project No. 0551)***

A request from the McHenry County Water Resource District was presented for the State Water Commission's consideration for state cost participation for their Buffalo Lodge Lake Outlet project. The proposed project is located in Egg Creek Township in McHenry County.

Buffalo Lodge Lake is a recreational resource for the county which includes a county park, picnic shelters, camping area, fishing pier, and seasonal homes located on its shore. The existing outlet structure is an undersized 10-foot long timber bridge with timber stop-logs installed at the inlet of the bridge. The outlet structure is located on a township road and acts as an access bridge to pasture land. The proposed outlet structure will provide an outlet for Buffalo Lodge Lake capable of passing the 100-year event without endangering the seasonal homes. The drain permit application and the water use application have been received in the Office of the State Engineer, and are pending review.

The project engineer's cost estimate is \$337,288 which is determined eligible as a recreation project at 40 percent (\$134,915). Bidding of the project is anticipated in the summer of 2017, and construction is expected to occur in the fall of 2017.

It was the recommendation of Secretary Erbele that the State Water Commission approve a state cost participation grant as a recreation project at 40 percent of the eligible costs not to exceed an allocation of \$134,915 from the funds appropriated to the State Water Commission in the 2015-2017 biennium (S.B. 2020), to the McHenry County Water Resource District to support the Buffalo Lodge Lake Outlet project.

It was moved by Commissioner Foley and seconded by Commissioner Vosper that the State Water Commission approve a state cost participation grant as a recreation project at 40 percent of the eligible costs not to exceed an allocation of \$134,915 from the funds appropriated to the State Water Commission in the 2015-2017 biennium (S.B. 2020), to the McHenry County Water Resource District to support the Buffalo Lodge Lake Outlet project. This approval is contingent upon the availability of funds, and satisfaction of the required permits.

Commissioners Foley, Deputy Bodine, Hanson, Nodland, Swenson, Thompson, Vosper, and Governor Burgum voted aye. There were no nay votes. Governor Burgum announced the motion unanimously carried.

**WALSH COUNTY DRAIN NO. 22
IMPROVEMENTS - APPROVAL OF STATE
COST PARTICIPATION GRANT (\$266,086)
(SWC Project No. 2108)**

project. The proposed project would provide agricultural drainage for approximately 3,606 acres within Walshville Township of Walsh County.

A request from the Walsh County Water Resource District was presented for the State Water Commission's consideration for state cost participation for improvements to the Walsh County Drain No. 22

Drain No. 22 is a combined system consisting of three laterals that outlet directly into the Red River of the North. The area proposed to be benefitted from Drain No. 22 currently has poor drainage resulting from insufficient channel and culvert capacity. The improvements will provide a channel with an 8-foot bottom width and 3:1 side slopes. The culverts will be replaced with the appropriate size to facilitate a 5-year design capacity, and meet the requirements of the North Dakota Stream Crossing Standards. The assessment vote has been approved, and the appropriate permits have been submitted, which are pending review. It is anticipated the project will be bid in the summer of 2017, with construction commencing in the fall of 2017.

The project engineer's cost estimate is \$738,043, of which \$536,858 is determined eligible as a rural flood control project at 45 percent (\$241,586), and \$70,000 is determined eligible as pre-construction engineering at 35 percent (\$24,500), for a total state cost participation of \$266,086.

It was the recommendation of Secretary Erbele that the State Water Commission approve a state cost participation grant as a rural flood control project at 45 percent of the eligible costs for construction, and 35 percent of the eligible costs for pre-construction engineering, not to exceed a total allocation of \$266,086 from the funds appropriated to the State Water Commission In the 2015-2017 biennium (S.B. 2020), to the Walsh County Water Resource District to support the Walsh County Drain No. 22 improvements project.

It was moved by Commissioner Vosper and seconded by Commissioner Hanson that the State Water Commission approve a state cost participation grant as a rural flood control project at 45 percent of the eligible costs for construction, and 35 percent of the eligible costs for pre-construction engineering, not to exceed a total allocation of \$266,086 from the funds appropriated to the State Water Commission in the 2015-2017 biennium (S.B. 2020), to the Walsh County Water Resource District to support the Walsh County Drain No. 22 improvements project. This approval is contingent upon the availability of funds, and satisfaction of the required permits.

Commissioners Foley, Deputy Bodine, Hanson, Nodland, Swenson, Thompson, Vosper, and Governor Burgum voted aye. There were no nay votes. Governor Burgum announced the motion unanimously carried.

**RED RIVER BASIN COMMISSION -
APPROVAL OF ALLOCATION
(\$200,000) FROM JULY 1, 2017
THROUGH JUNE 30, 2019
(SWC File AOC/RRBC)**

The Red River Basin Commission (RRBC) was formed in 2001 to serve as a grassroots effort to address land and water issues in a basinwide context. The RRBC was originally known as the Red River Basin Board, and is a result of the amalgamation of the Board, The International Coalition, and the Red River Water Resource Council. The organization is comprised of a 44-member board of directors representing a broad cross-section of local and state/provincial governments and other interests. The State Engineer, who was initially appointed by Governor Hoeven, is a member of the board.

The states of North Dakota and Minnesota, the Province of Manitoba, and the local governments in the three major jurisdictions have participated in funding the activities of the Red River Basin Board/Commission for several years. Contributions of \$100,000 per year are requested of the primary sponsors to fund the Red River Basin Commission's operating costs.

A request from the Red River Basin Commission was presented for the State Water Commission's consideration to provide an allocation not to exceed \$200,000 from July 1, 2017 through June 30, 2019 to support the efforts relating to the Natural Resource Framework Plan (NRFP) including working across political boundaries, integration, data and technology, education and communication, forecasting, flood damage reduction, drainage, water quality, water supply, and fish, wildlife, and outdoor recreation. The work plan summary for the activities that relate to the North Dakota base funding were included in the funding request.

The Red River Basin Commission will continue to address efforts relating to basin-wide activities including water supply, flood damage reduction including mainstem modeling, flow reduction goals and distributed storage, water quality, soil conservation-land use issues, fish, wildlife and aquatic ecosystem health, recreation plus public support, and jurisdictional dialogue.

It was the recommendation of Secretary Erbele that the State Water Commission approve an allocation not to exceed \$200,000 from the funds appropriated to the State Water Commission in the 2017-2019 biennium (H.B. 1020), to support the Red River Basin Commission's efforts from July 1, 2017 through June 30, 2019.

It was moved by Commissioner Thompson and seconded by Commissioner Hanson that the State Water Commission approve an allocation not to exceed \$200,000 from the funds appropriated to the State Water Commission in the 2017-2019 biennium (H.B. 1020), to support the efforts of the Red River Basin Commission from July 1, 2017 through June 30, 2019. This action is contingent upon the availability of funds.

Commissioners Foley, Deputy Bodine, Hanson, Nodland, Swenson, Thompson, Vosper, and Governor Burgum voted aye. There were no nay votes. Governor Burgum announced the motion unanimously carried.

**ASSINIBOINE RIVER BASIN INITIATIVE -
APPROVAL OF ALLOCATION (\$100,000),
JULY 1, 2017 THROUGH JUNE 30, 2019
(SWC File AOC/ARBI)**

After decades of flood-related impacts throughout the greater Assiniboine River basin, grassroot efforts emerged to bring basin stakeholders together in a collaborative effort to address water

management issues and challenges. The Assiniboine River Basin Initiative (ARBI) was formed, which covers the entire Assiniboine River basin including the Qu'Appelle, Mouse (Souris in Canada), and Assiniboine River watersheds in North Dakota, Manitoba, and Saskatchewan.

ARBI began when basin stakeholders first met in 2008 to explore opportunities to work together and take collaborative actions across the basin. The initiative gained momentum in 2014 through a spring workshop in Virden, Manitoba, which reaffirmed stakeholder interests in collaborative actions and the formation of a basin-wide organization. At the November, 2014 conference in Regina, Saskatchewan, the ARBI was formed with board leadership and direction relating to land and water issues and concerns. A vision and mission statement was developed along with guiding principles, goals and objectives. The board structure is 17 members from the three jurisdictions for a total of 51 board members.

A request from the Assiniboine River Basin Initiative was presented for the State Water Commission's consideration to support their efforts in the amount of \$100,000 in the 2017-2019 biennium. The funding will be coupled with other funds to assist the ARBI with key projects identified by stakeholders for the benefit of the Assiniboine River basin.

A framework plan has been identified and a number of projects will be undertaken over the course of the 2017-2019 biennium. The plan has four major areas: increase stakeholder understanding of the basin, increase basinwide stakeholder decision-making capabilities, create a more resilient basin respecting water issues, and develop a basin strategy for addressing land use issues based on jurisdictional approaches.

It was the recommendation of Secretary Erbele that the State Water Commission approve an allocation not to exceed \$100,000 from the funds appropriated to the State Water Commission in the 2017-2019 biennium (H.B. 1020), to the Assiniboine River Basin Initiative to support funding from July 1, 2017 through June 30, 2019.

It was moved by Commissioner Hanson and seconded by Commissioner Vosper that the State Water Commission approve an allocation not to exceed \$100,000 from the funds appropriated to the State Water Commission in the 2017-2019 biennium (H.B. 1020), to support the Assiniboine River Basin Initiative's efforts from July 1, 2017 through June 30, 2019. This action is contingent upon the availability of funds.

June 22, 2017 - 12

Commissioners Foley, Deputy Bodine, Hanson, Nodland, Swenson, Thompson, Vosper, and Governor Burgum voted aye. There were no nay votes. Governor Burgum announced the motion unanimously carried.

**SHEYENNE RIVER VALLEY
FLOOD PROTECTION PROGRAM -
CITY OF LISBON PERMANENT FLOOD
CONTROL PROJECT, CONSTRUCTION
OF PHASE I - LEVEE F PROJECT -
APPROVAL OF ADDITIONAL STATE COST
PARTICIPATION GRANTS (\$3,800,000)
(SWC Project No. 1991-10)**

On June 19, 2013, the State Water Commission adopted a motion approving a state cost participation grant of 90 percent not to exceed an allocation of \$700,650 from the funds appropriated to the State Water Commission in 2011 Senate Bill 2371 for the Sheyenne River Valley Flood Protection Program to assist the city of Lisbon with their preliminary engineering design and legal costs associated with the development of a permanent flood control project, Phase I - Levee C. The basis for granting this exception to the Commission's cost share policy included multiple years of flooding that the city has experienced, their limited financial ability due to recurring flood recovery efforts, and potential impacts from Devils Lake releases.

On June 19, 2013, the State Water Commission adopted a motion approving a state cost participation grant of 90 percent not to exceed an allocation of \$700,650 from the funds appropriated to the State Water Commission in 2011 Senate Bill 2371 for the Sheyenne River Valley Flood Protection Program to assist the city of Lisbon with their preliminary engineering design and legal costs associated with the development of a permanent flood control project, Phase I - Levee C. The basis for granting this exception to the Commission's cost share policy included multiple years of flooding that the city has experienced, their limited financial ability due to recurring flood recovery efforts, and potential impacts from Devils Lake releases.

Previous state cost participation funding approvals include:

On May 29, 2014, the State Water Commission adopted a motion approving a total state cost participation grant of 80 percent not to exceed an allocation of \$1,238,698 (60 percent of the eligible costs as a flood control project - \$929,023; and 20 percent of the eligible costs to mitigate the flood risk from the Devils Lake outlets - \$309,675), from the funds appropriated to the State Water Commission in the 2013-2015 biennium (H.B. 1020), and a 30-year loan with an interest rate of 1.5 percent from the State Water Commission's Infrastructure Revolving Loan Fund in the amount of \$536,302 for the remaining costs to the city of Lisbon to support its permanent flood protection project, Phase I - Levee A floodwall. Project estimated cost of \$1,775,000.

On September 15, 2014, the State Water Commission adopted a motion approving a total state cost participation grant of 80 percent not to exceed an additional allocation of \$680,000 (60 percent of the eligible costs as a flood control project - \$510,000; and 20 percent of the eligible costs to mitigate the flood risk from the Devils Lake outlets - \$170,000), from the funds appropriated to the State Water Commission in the 2013-2015 biennium (H.B. 1020), and a 30-year loan with an interest rate of 1.5 percent from the State Water Commission's Infrastructure Revolving Loan Fund in the amount of \$170,000 to the city of Lisbon to support its permanent flood protection project, Phase I - Levee A floodwall.

On March 11, 2015, the State Water Commission adopted a motion approving a total state cost participation grant of 80 percent not to exceed an additional allocation of \$3,166,000 (60 percent of the eligible costs as a flood control project - \$2,375,500; and 20 percent of the eligible costs to mitigate the flood risk from the Devils Lake outlets - \$791,500), from the funds appropriated to the State Water Commission in the 2013-2015 biennium (H.B. 1020), and a 30-year loan with an interest rate of 1.5 percent from the State Water Commission's Infrastructure Revolving Loan Fund in the amount of \$886,500 of the remaining costs to the city of Lisbon to support its permanent flood protection project, Phase I, Levee C.

On May 20, 2015, the State Water Commission adopted a motion to approve a state cost participation grant of 90 percent not to exceed an additional allocation of \$142,200 (90 percent of the eligible costs (\$842,850) less \$700,650 approved June 19, 2013 for Phase I - Levee C) from the funds appropriated to the State Water Commission in the 2013-2015 biennium (H.B. 1020), for the Sheyenne River Valley Flood Protection Program to the city of Lisbon, Phase I - Levee E to assist in the engineering and legal services.

On March 9, 2016, the State Water Commission adopted a motion approving a total state cost participation grant of 80 percent not to exceed an additional allocation of \$2,098,000 (60 percent of the eligible costs as a flood control project - \$1,573,500; and 20 percent of the eligible costs to mitigate the flood risk from the Devils Lake outlets - \$524,500), from the funds appropriated to the State Water Commission in the 2015-2017 biennium (S.B. 2020), and a 30-year loan with an interest rate of 1.5 percent from the State Water Commission's Infrastructure Revolving Loan Fund in the amount of \$527,000 of the remaining costs to the city of Lisbon to support its permanent flood protection project, Phase I - Levee E. Project estimated cost of \$2,625,000.

On July 6, 2016, the State Water Commission adopted a motion approving a total state cost participation grant of 90 percent not to exceed an additional allocation of \$2,188,800 from the funds appropriated to the State Water Commission in the 2015-2017 biennium (S.B. 2020); and a 30-year loan with an interest rate of 1.5 percent from the State Water Commission's Infrastructure Revolving Loan Fund in the amount of \$243,200 for the Sheyenne River Valley Flood Protection Program to the city of Lisbon to support its permanent flood protection project, preliminary engineering and legal services, Levee D and Levee F.

On March 29, 2017, the State Water Commission adopted a motion approving an additional allocation of \$3,600,000 (60 percent of the eligible costs as a flood control project - \$2,700,000; and 20 percent of the eligible costs to mitigate the flood risk from the Devils Lake outlets - \$900,000) from the funds appropriated to the State Water Commission in the 2015-2017 biennium (S.B. 2020), to the city of Lisbon to support construction of its permanent flood protection project, Phase I - Levee D.

A request from the city of Lisbon was presented for the State Water Commission's consideration for state cost participation for the construction of Phase I - Levee F project. The proposed project will be constructed on the west side of the Sheyenne River and will include approximately 650 linear feet of flood protection as well as utility relocation for the remainder of segment F. This levee will provide flood protection to homes and the city's infrastructure. The project engineer's estimated cost of the permanent flood protection for Phase I, Levee F is \$4,750,000, which is eligible for state cost participation at 60 percent of the eligible costs as a flood control project (\$2,850,000); and 20 percent of the eligible costs to mitigate the flood risk from the Devils Lake outlets (\$950,000). The city of Lisbon also requested a 30-year loan with an interest rate of 1.5 percent from the State Water Commission's Infrastructure Revolving Loan Fund for the remaining 20 percent local share of \$950,000.

It was the recommendation of Secretary Erbele that the State Water Commission approve a state cost participation grant as a flood control project at 60 percent of the eligible costs (\$2,850,000); and provide an exception from its current cost share policy to approve an additional state cost participation grant of 20 percent of the eligible costs (\$950,000) to mitigate the flood risk from the Devils Lake outlets, which would provide a total state cost participation grant of 80 percent not to exceed a total additional allocation of \$3,800,000 from the funds appropriated to the State Water Commission in the 2015-2017 biennium (S.B. 2020), to the city of Lisbon for construction of its permanent flood protection project, Phase I - Levee F.

It was moved by Commissioner Thompson and seconded by Commissioner Vosper that the State Water Commission:

- 1) approve a state cost participation grant as a flood control project at 60 percent of the eligible costs (\$2,850,000); and***
- 2) approve a state cost participation grant to mitigate the flood risk from the Devils Lake outlets at 20 percent of the eligible costs (\$950,000).***

The above approvals include total state cost participation grants of 80 percent not to exceed a total allocation of \$3,800,000 from the funds appropriated to the State Water Commission in the 2015-2017 biennium (S.B. 2020) to the city of Lisbon for construction of its permanent flood protection project, Phase I - Levee F.

These approvals are contingent upon the availability of funds, and satisfaction of the required permits.

Commissioners Foley, Deputy Bodine, Hanson, Nodland, Swenson, Thompson, Vosper, and Governor Burgum voted aye. There were no nay votes. Governor Burgum announced the motion unanimously carried.

Because of the current legislation capping the State Water Commission's Infrastructure Revolving Loan Fund at \$25,000,000 for the 2017-2019 biennium, no action was taken on June 22, 2017 on the loan request from the city of Lisbon dated May 1, 2017.

The total state cost participation and loan summaries for the Sheyenne River Valley Flood Protection Program, City of Lisbon Permanent Flood Control Project include to date:

Levee A:

60 percent state cost participation grant for construction - \$929,023; 20 percent state cost participation grant - \$309,675 to mitigate flood risk from the Devils Lake outlets; and a loan of \$536,302 from the State Water Commission's Infrastructure Revolving Loan Fund (approved May 29, 2014)

60 percent state cost participation grant for construction - \$510,000; 20 percent state cost participation grant - \$170,000 to mitigate flood risk from the Devils Lake outlets; and a loan of \$170,000 from the State Water Commission's Infrastructure Revolving Loan Fund (approved September 15, 2014)

Levee C:

90 percent state cost participation grant for preliminary engineering design and legal services - \$700,650 (approved June 19, 2013)

60 percent state cost participation grant for construction - \$2,375,500; 20 percent state cost participation grant - \$791,500; and loan of \$886,500 from the State Water Commission's Infrastructure Revolving Loan Fund (approved May 20, 2015)

Levee D:

60 percent state cost participation grant for Phase I construction - \$2,700,000; and 20 percent state cost participation grant - \$900,000 to mitigate flood risk from the Devils Lake outlets (approved March 29, 2017)

Levee D and Levee F:

90 percent state cost participation for preliminary engineering design and legal services - \$2,188,800; and loan of \$243,200 from State Water Commission's Infrastructure Revolving Loan Fund (approved July 6, 2016)

Levee E:

90 percent state cost participation grant for preliminary engineering design and legal services - \$842,850 (approved May 20, 2015)

60 percent state cost participation grant for construction - \$1,573,500; 20 percent state cost participation grant - \$524,500 to mitigate flood risk from the Devils Lake outlets; and loan of \$527,000 from State Water Commission's Infrastructure Revolving Loan Fund (approved March 9, 2016)

Levee F:

60 percent state cost participation grant for Phase I construction - \$2,850,000; and 20 percent state cost participation grant - \$950,000 to mitigate flood risk from the Devils Lake outlets (approved June 22, 2017)

FEDERAL MUNICIPAL, RURAL AND INDUSTRIAL WATER SUPPLY PROGRAM FUNDING - NORTHEAST REGIONAL WATER DISTRICT - EXPANSION OF LANGDON RURAL BRANCH - APPROVAL OF 75% GRANT ALLOCATION (\$6,000,000) (SWC Project No. 237-03NOE)

The federal 2017 fiscal year allocation for the Garrison Diversion Unit has not been finalized to date. Final approval could include funding for projects under the North Dakota Municipal, Rural and Industrial Water Supply (MR&I) project.

In an effort to move projects forward and be reimbursed with current and future federal MR&I funding, a request was presented for the State Water Commission's consideration from the Northeast Regional Water District proposing an expansion project of the Langdon Rural Branch for an additional 200 users in western Cavalier county. The water supply for the project will be from a pipeline under construction from the city of Devils Lake water treatment plant to the Langdon Rural Branch. Development of the expansion project include completion of the user sign-up process, feasibility study, satisfying the requirements of the National Environmental Policy Act, federal cost-price analysis, and completion of the plans and specifications for bidding the project.

The project engineer's revised cost estimate is \$8,000,000, which is determined eligible for a 75 percent grant (\$6,000,000). The Garrison Diversion Conservancy District Board of Directors approved the request at its June 8, 2017 meeting.

It was the recommendation of Secretary Erbele that the State Water Commission approve a 75 percent federal Municipal, Rural and Industrial Water Supply program grant of the eligible costs not to exceed an allocation of \$6,000,000 to the Northeast Regional Water District to support an expansion project of the Langdon Rural Branch.

It was moved by Commissioner Vosper and seconded by Commissioner Foley that the State Water Commission approve a 75 percent federal Municipal, Rural and Industrial Water Supply program grant of the eligible costs not to exceed an allocation of \$6,000,000 to the Northeast Regional Water District to support an expansion project of the Langdon Rural Branch. This approval is contingent upon the availability of funds, satisfaction of the federal Municipal, Rural and Industrial Water Supply program requirements, and is subject to future revisions.

Commissioners Foley, Deputy Bodine, Hanson, Nodland, Swenson, Thompson, Vosper, and Governor Burgum voted aye. There were no nay votes. Governor Burgum announced the motion unanimously carried.

FEDERAL MUNICIPAL, RURAL AND INDUSTRIAL WATER SUPPLY PROGRAM FUNDING - SOUTHWEST PIPELINE PROJECT - APPROVAL OF ALLOCATION (\$4,000,000) (SWC Project No. 1736-99)

The federal 2017 fiscal year allocation for the Garrison Diversion Unit has not been finalized to date. Final approval could include funding for projects under the North Dakota Municipal, Rural and Industrial (MR&I) Water Supply program.

In an effort to move projects forward and to be reimbursed with current and future federal MR&I funding, a request was presented for the State Water Commission's consideration to allocate \$4,000,000 to the Southwest Pipeline Project. Development of projects include satisfaction of the requirements of the National Environmental Policy Act, federal cost-price analysis, and completion of the plans and specification for bidding the project. The Garrison Diversion Conservancy District Board of Directors approved the request at its June 8, 2017 meeting.

It was the recommendation of Secretary Erbele that the State Water Commission approve a federal Municipal, Rural and Industrial Water Supply program grant of the eligible costs not to exceed an allocation of \$4,000,000 to the Southwest Pipeline Project.

It was moved by Commissioner Nodland and seconded by Deputy Bodine that the State Water Commission approve a federal Municipal, Rural and Industrial Water Supply program grant of the eligible costs not to exceed an allocation of \$4,000,000 to the Southwest Pipeline Project. This approval is contingent upon the availability of funds, satisfaction of the federal Municipal, Rural and Industrial Water Supply program requirements, and is subject to future revisions.

Commissioners Foley, Deputy Bodine, Hanson, Nodland, Swenson, Thompson, Vosper, and Governor Burgum voted aye. There were no nay votes. Governor Burgum announced the motion unanimously carried.

MOUSE RIVER ENHANCED FLOOD PROTECTION PROJECT UPDATE (SWC Project No. 1974)

The Mouse River Enhanced Flood Protection project status report was provided, which is detailed in the staff memorandum dated May 30, 2017, and included as **APPENDIX "E"**. Chuck Barney, city of Minot Mayor, provided detailed project information, and expressed appreciation for the State Water Commission's support.

MOUSE RIVER ENHANCED FLOOD PROTECTION PROJECT - AUTHORIZE OBLIGATED/UNSPENT FUNDS FOR WARD COUNTY FLOOD PROTECTION PROJECT BE MADE AVAILABLE FOR PROPERTY ACQUISITIONS WITHIN CITY OF MINOT (SWC Project No. 1974)

The Mouse River Enhanced Flood Protection project is a basin-wide program which provides flood control for all residents, urban and rural, in the Mouse River basin. The need for an acquisition program in these areas was identified in the rural reaches component of the preliminary engineering study. In response, the Souris River Joint Board developed the Structure Acquisition, Relocation or Ring Dike (StARR) program, whereby the rural residents would be given an opportunity to participate in the program.

On March 9, 2016, the State Water Commission adopted a motion to approve a state cost participation grant of 60 percent of the eligible costs, not to exceed an allocation of \$7,200,000 from the funds appropriated to the State Water Commission in the 2015-2017 biennium (S.B. 2020), to the Souris River Joint Board to support the StARR program.

The State Water Commission adopted the following motions approving state cost participation grants for the Ward County Flood Protection project for property acquisitions:

February 2, 2012, the State Water Commission approved a 75 percent grant of the eligible costs not to exceed \$11,500,000 from the funds appropriated to the State Water Commission in 2011 Senate Bill 2371 to support the Ward County Flood Protection Project, Phase I, to acquire 56 properties.

June 24, 2012, the State Water Commission approved the Ward County Flood Protection project, Phase II, for an additional 27 properties, and authorized the allocation approved on February 2, 2012 be available to acquire properties for either Phase I or Phase II.

December 7, 2012, the State Water Commission approved a 75 percent grant of the eligible costs not to exceed an additional allocation of \$6,785,205 for Phases II and III from the funds appropriated to the State Water Commission in 2011 Senate Bill 2371.

October 7, 2013, the State Water Commission approved a request for the acquisition of 21 properties identified in Phase IV; remaining funds from previous approvals was used, therefore, no additional funding was requested.

While additional property acquisitions in Ward county remain, the county's voluntary acquisition program is nearing completion. Approximately \$6,015,347 previously obligated by the State Water Commission to the Ward County Flood Protection project presently remains unspent.

A request from the Ward County Commission was presented for the State Water Commission's consideration that the \$6,015,347 currently obligated and unspent for the Ward County Flood Protection project property acquisitions be made available for property acquisitions within the city of Minot; and that the property acquisition list for Ward county be expanded to include the city of Minot's acquisition list.

It was the recommendation of Secretary Erbele that the \$6,015,347 currently obligated and unspent for the Ward County Flood Protection project acquisitions be made available for acquisitions within the city of Minot; and that the property acquisition list for Ward county be expanded to include the city of Minot's acquisition list.

It was moved by Commissioner Foley and seconded by Commissioner Vosper that the State Water Commission authorize the \$6,015,347 currently obligated and unspent for the Ward County Flood Protection project property acquisitions be made available for property acquisitions within the city of Minot; and that the property acquisition list for Ward county be expanded to include the city of Minot's acquisition list.

Commissioners Foley, Deputy Bodine, Hanson, Nodland, Swenson, Thompson, Vosper, and Governor Burgum voted aye. There were no nay votes. Governor Burgum announced the motion unanimously carried.

***SOUTHWEST PIPELINE PROJECT -
PROJECT UPDATE
(SWC Project No. 1736-99)***

The Southwest Pipeline Project update was presented, which is detailed in the staff memorandum dated May 24, 2017 and included as ***APPENDIX "F"***.

**SOUTHWEST PIPELINE PROJECT -
AWARD OF CONTRACT 2-1B,
RAW WATER TRANSMISSION LINE
PIPELINE INTAKE TO ZAP RESERVOIRS,
TO RACHEL CONTRACTING,
ST. MICHAEL, MN (\$6,288,350.00)
(SWC Project No. 1736-99)**

Southwest Pipeline Project Contract 2-1B is for the raw water main transmission line pipeline intake to Zap reservoirs. The scope of work generally consists of furnishing and the installation of 19,026 lineal feet of 30" diameter steel pipeline, 304 lineal feet of 48" diameter jacked steel casing at three (3) locations,

ten (10) combination air-vacuum valve manholes, ten (10) blowoff assembly manholes, replacement of four (4) existing blowoff manhole assemblies, four (4) 30" plug valves, two (2) connections to existing 30" diameter welded steel pipelines, pressure testing, and pipeline reclamation for the raw water main transmission pipeline upgrades as required by the contract documents and general requirements. The project is located in Mercer county, approximately 12 miles northwest of Beulah, North Dakota, adjacent to the existing 30" welded steel pipeline.

Six bid packages were received for Southwest Pipeline Project Contract 2-1B. One bid was not opened because the bid bond envelope did not include the required acknowledgement of principal. Five bid packages were found to be in order and were opened on June 8, 2017 from Rachel Contracting, St. Michael, MN, S.J. Louis Construction, Rockville, MN, Quam Construction, Willmar, MN, Garney Companies, Kansas City, MO, and Treco Constructors, Billings, MT.

The contract documents specified that the contractor or sub-contractor shall demonstrate successful completion of three or more welded steel water pipelines of 30" diameter or larger in the previous five years, built in the contractor's or sub-contractor's own name, and the proposed pipeline construction superintendent shall be currently employed by the bidder and shall have been the pipeline construction superintendent on no less than two welded steel water pipelines during the last five years. This was later modified in an addendum issued stating that the bidders not meeting these qualifications can submit their bid and acceptance of their bid is at the owner's discretion.

The low bid was received from Rachel Contracting, St. Michael, MN in the amount of \$6,288,350.00. Review of their bid indicated that Rachel Contracting, as a company, does not have any welded steel pipeline installation experience, however, Rachel Contracting's proposed project manager and superintendent have extensive experience in welded steel pipeline installation. Reference checks by Bartlett & West/AECOM regarding Rachel Contracting, as a company, and the proposed project manager and superintendent were positive. Rachel Contracting has provided a letter of commitment confirming that the proposed project manager and superintendent will be committed to Contract 2-1B for its entirety. Based on the letter of commitment, positive references of the company, and the experience of the project manager and superintendent, Rachel Contracting is considered a responsive bidder.

The contract documents require that the State Water Commission award the contract, if awarded, within 60 calendar days after the bid opening as stipulated in the Invitation for Bids and on the Bid Form, that date would be August 7, 2017. Because the funding for this contract will not be used to qualify for future federal cost sharing through the state's Municipal, Rural and Industrial Water Supply program, the award of the contract does not require concurrence from the Garrison Diversion Conservancy District. The award of the contract and the Notice to Proceed are dependent on the satisfactory completion and submission of the contract documents by Rachel Contracting, and the review/approval by the Commission's legal counsel.

It was the recommendation of Secretary Erbele that the State Water Commission authorize the Secretary to the Commission to award Southwest Pipeline Project Contract 2-1B to Rachel Contracting, St. Michael, MN, in the amount of \$6,288,350.00.

It was moved by Commissioner Foley and seconded by Commissioner Nodland that the State Water Commission authorize the Secretary to the Commission to award Southwest Pipeline Project Contract 2-1B to Rachel Contracting, St. Michael, MN, in the amount of \$6,288,350.00. This approval is contingent on the satisfactory completion and submission of the contract documents by Rachel Contracting, and the review/approval by the Commission's legal counsel.

Commissioners Foley, Deputy Bodine, Hanson, Nodland, Swenson, Thompson, Vosper, and Governor Burgum voted aye. There were no nay votes. Governor Burgum announced the motion unanimously carried.

**FARGO MOORHEAD AREA
DIVERSION PROJECT REPORT
(SWC Project No. 1928)**

Nathan Boerboom, city of Fargo, provided updates on the local, state and federal efforts currently underway relating to the Fargo Moorhead Area Diversion project.

A summary of the presentation is included herewith as **APPENDIX "G"**.

**GARRISON DIVERSION
CONSERVANCY DISTRICT
(SWC Project No. 237)**

Duane DeKrey, Garrison Diversion Conservancy District general manager, provided a status report on the District's activities relating to the MR&I Water

Supply program federal funding process, the Red River Valley Water Supply project, and operations and maintenance efforts. The State Water Commission members were briefed on the U.S. Army Corps of Engineers proposal to change the operation of Lake Audubon. The changes would limit the water surface elevation differential between Lake Audubon and Lake Sakakawea due to concerns with potential piping through a porous layer underlying the Snake Creek embankment.

**DEVILS LAKE HYDROLOGIC
AND PROJECT UPDATES
(SWC Project No. 416-10)**

time constraints, a verbal report was not provided.

The Devils Lake hydrologic report and project updates are detailed in the staff memorandum dated May 30, 2017, and included as **APPENDIX "H"**. Because of

**MISSOURI RIVER REPORT
(SWC Project No. 1392)**

as **APPENDIX "I"**. Because of time constraints, a verbal report was not provided.

The Missouri River report was provided, which is detailed in the staff memorandum dated May 30, 2017, and included

**NORTHWEST AREA WATER SUPPLY
(NAWS) PROJECT UPDATE
(SWC Project No. 237-04)**

as **APPENDIX "J"**. Because of time constraints, a verbal report was not provided.

The Northwest Area Water Supply (NAWS) project update was provided, which is detailed in the staff memorandum dated May 30, 2017, and included

**FLOOD PROTECTION PROPERTY
ACQUISITION REPORT
(SWC Project No. 1753)**

guidelines for determining the final buyout expenditure was questioned. As a result of the discussion, Governor Burgum requested the Secretary to the State Water Commission and the staff provide statewide property acquisition buyout information specifically relating to the appraisal valuation and the purchase price. Governor Burgum stated that a clarification of the property acquisition guidelines and the process would provide valuable assistance to both the local sponsors and to the State Water Commission members when considering informed decisions.

During the March 29, 2017 State Water Commission meeting, the process for property acquisition buyouts was discussed at length, and the appraisal valuation

In response to Governor Burgum's request, **APPENDIX "K"** provides information relating to flood protection property acquisition. The tables indicate the property value and purchase price for flood protection projects for the cities of Burlington, Fargo, Lisbon, Minot, Sawyer, Valley City, and Ward county. Because of time constraints, a verbal report was not provided.

**DROUGHT DISASTER LIVESTOCK
WATER SUPPLY PROJECT ASSISTANCE
PROGRAM - APPROVAL TO REACTIVE
PROGRAM, EFFECTIVE JUNE 22, 2017;
AND COST SHARE ASSISTANCE
GRANT ALLOCATION (\$250,000)
(SWC Project No. 1851)**

The Drought Disaster Livestock Water Supply Project Assistance Program was established by the North Dakota Legislature in 1991 during a severe statewide drought. North Dakota Administrative Code Article 89-11 provides the North Dakota State Water Commission the ability to provide cost share assist-

ance to livestock producers with water supply shortages caused by a drought. Eligible livestock producers in the specific drought proclamation counties may qualify for up to \$3,500 in cost share assistance, up to three (3) projects on the following items: new water wells; new rural water system connections; new pipeline extensions for pasture taps, and associated works; labor, materials, and equipment rentals for work completed by the producer to develop new water supply projects.

The program was last activated in 2006 following an emergency drought proclamation issued by Governor John Hoeven and remained effective into 2009. Through the life of the program, the State Water Commission has allocated approximately \$1,800,000 in cost share assistance to livestock producers.

What appears to be the beginning of a severe drought in North Dakota, livestock producers are experiencing challenges in finding adequate water supplies for their livestock. In order to reactivate the Drought Disaster Livestock Water Supply Project Assistance Program, North Dakota Administrative Code ch. 89-11-01 requires an executive order executed by the Governor of North Dakota declaring a drought-related emergency exists within the State of North Dakota, and to order the Chief Engineer and Secretary to the North Dakota State Water Commission to administer the North Dakota Drought Disaster Livestock Water Supply Assistance Program within the counties identified in the order. (***SEE APPENDIX "L" - EXECUTIVE ORDER 2017-06, DATED JUNE 22, 2017***)

It was the recommendation of Secretary Erbele that the State Water Commission reactivate the Drought Disaster Livestock Water Supply Project Assistance Program, effective June 22, 2017; and that the State Water Commission approve an allocation not to exceed \$250,000 from the funds appropriated to the State Water Commission in the 2015-2017 biennium (S.B. 2020), to support the Drought Disaster Livestock Water Supply Project Assistance Program.

It was moved by Commissioner Nodland and seconded by Commissioner Hanson that the State Water Commission:

- 1) reactive the Drought Disaster Livestock Water Supply Project Assistance Program, effective June 22, 2017; and***
- 2) approve an allocation not to exceed \$250,000 from the funds appropriated to the State Water Commission in the 2015-2017 biennium (S.B. 2020), to support the Drought Disaster Livestock Water Supply Project Assistance Program. This approval is contingent upon the availability of funds.***

Commissioners Foley, Deputy Bodine, Hanson, Nodland, Swenson, Thompson, Vosper, and Governor Burgum voted aye. There were no nay votes. Governor Burgum announced the motion unanimously carried.

**WESTERN AREA WATER SUPPLY
(WAWS) PROJECT, PHASE IV, OVERALL
PLAN - APPROVAL OF INCLUSION OF
WILLIAMS RURAL WATER DISTRICT
EAST HIGHWAY 1804 TRANSMISSION
MAIN INTO PHASE IV OVERALL PLAN
(SWC Project No. 1973)**

2011 House Bill 1206 created the Western Area Water Supply (WAWS) project under chapter 61-40 of the North Dakota Century Code.

The 2013 North Dakota Legislature allocated \$229,000,000 in funding from various sources for the WAWS project to build water supply, treatment, transmission, and distribution infrastructure to provide water supplies for western North Dakota. In addition to the Legislature providing this funding, 2013 Senate Bill 2233 requires the Western Area Water Supply Authority to submit its overall project plan for the State Water Commission's approval.

On September 15, 2014, the State Water Commission adopted a motion approving the overall plan that would include Phase III projects and potential alternate projects; and approved an additional allocation not to exceed \$39,000,000 (a loan of \$19,500,000 managed by the Bank of North Dakota, and a grant of \$19,500,000 from the funds appropriated to the State Water Commission in the 2013-2015 biennium (H.B. 1020).

On May 20, 2015, the State Water Commission adopted a motion approving a request from the Western Area Water Supply Authority for the overall plan that would include the Phase IV projects, which are a priority for the Authority to initiate design and construction in the 2015-2017 biennium.

A request from the Western Area Water Supply Authority (WAWSA) was presented for the State Water Commission's consideration that the Williams Rural Water District East Highway 1804 Transmission Main project be included within the Phase IV projects under the \$309,000,000 spending authority. This project was originally planned to be constructed during the 2017-2019 biennium, however, due to the reconstruction of Highway 1804 by the North Dakota Department of Transportation, approximately 7 miles of rural water infrastructure was deemed to be in conflict and would need to be adjusted/relocated as part of the highway reconstruct. The East Highway 1804 Transmission Main project encompasses the installation of approximately 7 miles of 12" pipeline which will replace the existing 4" Williams Rural Water infrastructure that is currently insufficient to support current buildout and future growth along Highway 1804. The addition of the Williams Rural Water District project requires no additional funding.

It was the recommendation of Secretary Erbele that the State Water Commission approve the inclusion of the Williams Rural Water District East Highway 1804 Transmission Main project into the overall Western Area Water Supply Project, Phase IV, plan as submitted for design and construction in the 2015-2017 biennium. No additional funding was requested.

It was moved by Commissioner Hanson and seconded by Commissioner Nodland that the State Water Commission approve the inclusion of the Williams Rural Water District East Highway 1804 Transmission Main project into the overall Western Area Water Supply Project, Phase IV, plan as submitted for design and construction in the 2015-2017 biennium. This approval is contingent upon the availability of funds.

Commissioners Foley, Deputy Bodine, Hanson, Nodland, Swenson, Thompson, Vosper, and Governor Burgum voted aye. There were no nay votes. Governor Burgum announced the motion unanimously carried.

**LITTLE MISSOURI RIVER/
TEMPORARY WATER USE UPDATE -
APPROVAL OF REVISED INTERIM
POLICY FOR ISSUING TEMPORARY
INDUSTRIAL WATER-DEPOT PERMITS
IN LITTLE MISSOURI RIVER BASIN,
EFFECTIVE JUNE 22, 2017
(SWC Project No. 1400)**

In March of 2017, while evaluating temporary water permits for points of diversion in the Little Missouri River basin, a question of consideration of North Dakota Century Code § 61-29-06 was raised. Upon consideration of the express prohibition of industrial diversions of water within the basin, all applications for water permits were placed on

hold. Further inquiries indicated that provisions of the statute had never, from the time of passage of the law, reached or been applied in the permitting of water, which is governed under provisions of North Dakota Century Code ch. 61-04, and North Dakota Administrative Code Article 89-03.

In response to Governor Burgum's request for an assessment of basin water management needs and policies in the Little Missouri River basin, Jon Patch, Water Appropriations director, presented the historical, current, and prospective future surface water management in the Little Missouri River basin. The power point presentation is included herewith as **APPENDIX "M"**.

Policy and regulation for the appropriation of water is normally established and administered by the Office of the State Engineer. North Dakota Century Code ch. 61-29, The Little Missouri State Scenic River Act, (**APPENDIX "N"**), warrants the involvement of the State Water Commission in es-

establishing policy for temporary water permitting for industrial use in the Little Missouri River watershed. Included among considerations in establishing the policy are: 1) the Little Missouri State Scenic River Act, its requirements, purpose and intent; 2) public interest water requirements for road and infrastructure construction; 3) public interest requirements for a well-distributed water supply system when large water supplies for oil-field use are transported within the basin, including safety and road damage consideration; and 4) livestock, irrigation, recreation, wildlife and aesthetic considerations within the basin.

An interim policy was developed under the purview of the Office of the State Engineer for temporary industrial water-depot permits in the Little Missouri River basin, effective May 3, 2017 (**APPENDIX "O"**). Standard operating procedures were developed to address limits to the rate and volume of temporary permits from the mainstem of the Little Missouri River, as well as the following low-flow restrictions in the river:

- 1) maximum pumping rate permit is 1,000 gallons per minute from the mainstem of the river;
- 2) maximum appropriation of 200.0 acre-feet of water per temporary water permit; and
- 3) all pumping is curtailed when flows at the nearest upstream gage (Long-X gage) are below 30 cubic feet per second.

The State Water Commission members discussed the interim policy, dated May 3, 2017, for issuing temporary industrial water-depot permits in the Little Missouri River basin at length. The Commission members also considered options that could allow for temporary water use diversions for minor industrial uses (road construction dust control, and aggregate washing) upstream of the Long-X bridge, allow the use by water depots upstream of the Long-X bridge from September 15 through May 15 outside of the tourist and irrigation season, and allow industrial use upstream of the Long-X bridge from January through December.

Deputy Tom Bodine, representing Commissioner Doug Goehring, Department of Agriculture, requested the State Water Commission members consider deferring action at this meeting on proposed revisions to the interim policy pending the Commissioner of Agriculture an opportunity to review any revisions that may be considered.

Governor Burgum made reference to North Dakota Century Code § 61-20-04 which provides the administration by a Little Missouri River Commission. Because of the past inactivity of the Commission, Governor Burgum has requested this Commission be reactivated. Composition of the Commission

includes the director of the Parks and Recreation Department, the State Health Officer of the State Department of Health, the Chief Engineer of the State Water Commission, or their designated representative, and one member from each of the following counties: McKenzie, Billings, Slope, Golden Valley, Dunn, and Bowman.

It was moved by Commissioner Thompson and seconded by Commissioner Nodland that the State Water Commission approve retaining the current interim policy of the State Engineer, dated May 3, 2017, and include the following revisions to the interim policy, dated May 3, 2017, for issuing temporary industrial water permits in the Little Missouri River Basin. The revised interim policy shall be effective June 22, 2017:

- 1) Retain the current interim policy of the State Engineer, dated May 3, 2017;***
- 2) Allow temporary water use diversions for minor industrial uses (road construction, dust control, and aggregate washing) upstream of the Long-X bridge;***
- 3) Allow industrial use by water depots upstream of the Long-X bridge from September 15 through May 15, outside of the tourist and irrigation seasons; and***
- 4) Allow for industrial use upstream of the Long-X bridge from January through December.***

Conditions comparable to those conditions applied to the river reach downstream of the Long-X bridge shall be applied upstream of the Long-X bridge.

Commissioners Foley, Hanson, Nodland, Swenson, Thompson, Vosper, and Governor Burgum voted aye. Deputy Bodine voted nay. Recorded votes were 7 ayes; 1 nay. Governor Burgum announced the motion carried.

**INTERNATIONAL BOUNDARY
ROADWAY DIKE PROJECT UPDATE -
(SWC Project No. 1401)**

On November 11, 2004, the State Water Commission adopted a motion to approve a state cost participation grant of 50 percent of the eligible costs, not to exceed an allocation of \$200,000 from the funds appropriated to the State Water Commission in the 2003-2005 biennium for legal costs and action of a lawsuit filed on behalf of Pembina county and others against the Minister of Canadian Conservancy and others seeking a court order for the removal of the dike that extends approximately 30 miles along the Canadian border west from the city of Pembina. The dike was constructed between 1946 and 1966 and has caused significant flood damages to North Dakota landowners.

Previous state cost participation funding approvals include:

On March 22, 2006, the State Water Commission approved a request from the Pembina County Water Resource District for a 50 percent state cost participation grant, not to exceed an additional allocation of \$100,000 from the funds appropriated to the State Water Commission in the 2005-2007 biennium, for the plaintiff's legal and expert costs in the District's legal action to remove the international boundary roadway dike project. This approval increased the total state cost participation grant to \$300,000.

The State Water Commission provided a letter of intent to Pembina county on May 1, 2006 indicating the Commission's consent that \$175,000 would be reserved to cover any costs assessed to the plaintiffs. The State Water Commission has not approved specific funding for this reserve.

On September 17, 2012, the State Water Commission adopted a motion approving a state cost participation grant of 50 percent, not to exceed an additional allocation of \$200,000 from the funds appropriated to the State Water Commission in the 2011-2013 biennium (S.B. 2020), to the Pembina County Water Resource District for their legal action to remove the Canadian border dike and to recover damages to public property caused by the dike project. This approval increased the total state cost participation grant to \$500,000.

On December 11, 2015, the State Water Commission adopted a motion approving a state cost participation grant of 50 percent, not to exceed an additional allocation of \$125,000 from the funds appropriated to the State Water Commission in the 2015-2017 biennium (S.B. 2020), to the Pembina County Water Resource District for their legal action to remove the Canadian border dike and to recover damages to public property caused by the dike project. This approval increased the total state cost participation grant to \$625,000.

On July 6, 2016, the State Water Commission adopted a motion approving a state cost participation grant of 50 percent, not to exceed an additional allocation of \$400,000 from the funds appropriated to the State Water Commission in the 2015-2017 biennium (S.B. 2020), to the Pembina County Water Resource District to support the District's legal action to remove the Canadian border dike and to recover damages to public property caused by the dike project.

To date, the state cost participation grants of 50 percent of the eligible items total an allocation of \$1,025,000 to the Pembina County Water Resource District for the international boundary roadway dike project.

The lawsuit on the Pembina border dikes was dismissed for lack of jurisdiction by the trial judge. This decision was appealed, heard in Winnipeg on November 15, 2016, but the appeal was not successful. Pursuing the appeal (leave) to the Supreme Court of Canada prior to August 1, 2017 is estimated to cost \$65,000 CDN including the filing fees. It is recommended that the State of North Dakota file an affidavit in support of the application for leave - if this appeal is not made, the case expires and will leave an ambiguous legal situation and no relief for the residents of northern Pembina county.

The Pembina Basin task team was formed in 2003 by the International Joint Commission's International Red River Board. The team developed hydraulic models and has used them to analyze various flooding situations. The team has not formulated any comprehensive solutions but it was in the process of preparing a report in 2015. When the lawsuit went to trial in 2016, the task team suspended its work. It is recommended it would be appropriate to re-start the efforts of the task team.

UPCOMING STATE WATER COMMISSION MEETINGS

The State Water Commission is scheduled to meet on the following dates in 2017:

August 23, 2017: convening at 1:00 p.m. in the Commission's lower level conference room, Bismarck

October 12, 2017: convening at 1:00 p.m. in the Commission's lower level conference room, Bismarck

December 8, 2017: convening at 9:00 a.m. at the Best Western Ramkota Hotel in the Lamborn Room, Bismarck

**STATE WATER COMMISSION
MEMBERSHIP RESIGNATIONS,
EFFECTIVE JUNE 22, 2017; AND
STATE WATER COMMISSION
MEMBERSHIP REAPPOINTMENTS**

North Dakota Century Code § 54-07-01.2 "provides the Governor to have power to appoint majority of members of certain boards and commissions-limitations (includes the State Water Commission):

1. All members must be considered to have resigned effective January first of the first year of each four-year term of the governor.
2. The governor shall have the option of reappointing any member to any board or commission to complete the term to which the member was appointed or the governor may appoint a simple majority of any board or commission to complete the terms of those resigned members who do not receive reappointments. In order to assure continuity, the governor shall reappoint for the completion of their original terms no fewer than one less than a simple majority of the former members of each board or commission.
3. If the governor has not acknowledged in writing the resignation of any members of any board or commission prior to July first of the first year of the governor's term, the board or commission member must be considered to have been reappointed to complete the term to which the member was originally appointed. All members of boards and commissions shall continue to serve until the time they are notified of the acceptance of their resignation by the governor, and in all cases, the members of boards and commissions shall continue to serve until their successors have been named and qualified.
4. In those instances where nominations for the filling of vacancies on boards and commissions are submitted to the governor pursuant to state law, the governor shall notify such persons and organizations of acceptance of the resignation of any board or commission member. Such persons and organizations shall furnish the governor with the number of required nominations to fill the vacancies within sixty days after the notice or the governor may nominate and appoint such members as are otherwise qualified.
5. The provisions of this section do not apply to those constitutional officers who serve on board and commissions, except insofar as a governor may count such constitutional officers among those the governor reappoints in order to conform to the continuity requirements of this section.
6. All vacancies created by resignation after July first of the first year of each term of a governor must be filled as provided by law. If any person refuses an appointment, the governor shall fill such position as otherwise provided by law."

Governor Burgum notified, in writing, and accepted resignations from the following State Water Commission members, effective June 22, 2017: Robert Thompson, Douglas Vosper, George Nodland, Harley Swenson, Arne Berg, Maurice Foley, and Larry Hanson.

In order to assure continuity pursuant to North Dakota Century Code § 54-07-01.2, Governor Burgum reappointed the following members to the State Water Commission: Arne Berg, Maurice Foley, and Larry Hanson.

Governor Burgum expressed his appreciation and gratitude to the members of the State Water Commission for their admirable and dedicated service to the people of the great State of North Dakota. Governor Burgum explained applications would be accepted until July 21, 2017 for those persons interested in serving on the State Water Commission.

There being no further business to come before the State Water Commission, Governor Burgum adjourned the June 22, 2017 meeting at 6:40 p.m.

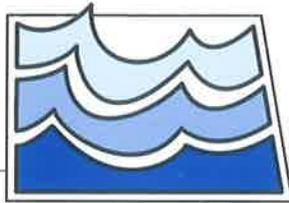




Doug Burgum, Governor
Chairman, State Water Commission



Garland Erbele, P.E.
North Dakota State Engineer,
and Chief Engineer-Secretary
to the State Water Commission



North Dakota State Water Commission

900 EAST BOULEVARD AVENUE, DEPT 770 • BISMARCK, NORTH DAKOTA 58505-0850
(701) 328-2750 • TTY 1-800-366-6888 or 711 • FAX (701) 328-3696 • <http://swc.nd.gov>

RESOLUTION NO. 2017-06-532

In Appreciation To

Sharon Locken

WHEREAS, Sharon Locken began her career with the North Dakota State Water Commission in 1967 and has admirably served the people of North Dakota for 50 years as an Administrative Staff Officer; and

WHEREAS, Sharon has consistently demonstrated professionalism, commitment, and renowned dedication to the administrative operations of both the Office of the State Engineer and State Water Commission. Her unmistakable devotion to the agency and people of North Dakota has been unceasingly exhibited throughout her career; and

WHEREAS, Because of Sharon's knowledge, organization, and immense attention to detail, Water Commission meetings have been conducted and facilitated with tremendous success. Her expertise and principle have provided a professional administrative liaison with Water Commission members, the Governor's Office, the legislative assembly, the congressional delegation, and a variety of regional organizations, along with various local, state, and federal agencies; and

WHEREAS, Numerous community organizations along with agency events and activities have been markedly impacted due to Sharon's direction, aptitude, and exemplary coordination. Her exceptional guidance and heartfelt involvement has set a precedent on several projects; and

WHEREAS, Because of Sharon's integrity, attentiveness, and support, the North Dakota State Water Commission has achieved a highly respectable and positive reputation; and

WHEREAS, Sharon has served the State of North Dakota with distinction and perseverance while earning the admiration and respect of her peers; and

WHEREAS, Sharon is retiring after a monumental fifty-year career with the North Dakota State Water Commission on June 30, 2017.

NOW, THEREFORE, BE IT RESOLVED that Governor Doug Burgum, other members of the North Dakota State Water Commission, and the Water Commission staff, assembled this 22nd day of June, 2017, in Bismarck, North Dakota, hereby convey their gratitude and appreciation to Sharon Locken for her admirable and dedicated service to the people of the Great State of North Dakota as an employee of the State Water Commission; and

BE IT FURTHER RESOLVED that we wish Sharon and her family the best of health and happiness in the future.

FOR THE NORTH DAKOTA STATE WATER COMMISSION:



Doug Burgum, Governor-Chairman

STATE WATER COMMISSION
 ALLOCATED PROGRAM EXPENDITURES
 FOR THE PERIOD ENDED APRIL 30, 2017
 BIENNIUM COMPLETE: 92%

APPENDIX "B"
 JUNE 22, 2017

PROGRAM	SALARIES/ BENEFITS	OPERATING EXPENSES	GRANTS & CONTRACTS	23-May-17 PROGRAM TOTALS
ADMINISTRATION				
Allocated	2,729,489	2,806,129		5,535,618
Expended	2,434,386	1,657,862		4,092,248
Percent	89%	59%		74%
			General Fund:	0
			Federal Fund:	82,370
			Special Fund:	4,009,878
PLANNING AND EDUCATION				
Allocated	1,472,573	352,990		1,825,563
Expended	1,339,421	200,251		1,539,672
Percent	91%	57%		84%
			General Fund:	0
			Federal Fund:	227,287
			Special Fund:	1,312,384
WATER APPROPRIATION				
Allocated	5,762,691	1,185,300	1,372,844	8,320,835
Expended	4,988,684	753,082	960,059	6,701,825
Percent	87%	64%	70%	81%
			General Fund:	0
			Federal Fund:	59,429
			Special Fund:	6,642,397
WATER DEVELOPMENT				
Allocated	4,713,717	10,742,500	1,562,500	17,018,717
Expended	4,049,833	7,023,479	825,880	11,899,192
Percent	86%	65%	53%	70%
			General Fund:	0
			Federal Fund:	180,516
			Special Fund:	11,718,676
STATEWIDE WATER PROJECTS				
Allocated			959,003,567	959,003,567
Expended			398,300,626	398,300,626
Percent			42%	42%
			General Fund:	0
			Federal Fund:	0
			Special Fund:	398,300,626
REGULATORY DIVISION				
Allocated	2,828,565	2,947,500	15,000	5,791,065
Expended	2,128,987	1,125,913	0	3,254,901
Percent	75%	38%	0%	56%
			General Fund:	0
			Federal Fund:	1,335,793
			Special Fund:	1,919,108
ATMOSPHERIC RESOURCE				
Allocated	1,107,158	743,382	4,885,212	6,735,752
Expended	930,783	372,467	1,372,944	2,676,194
Percent	84%	50%	28%	40%
			General Fund:	0
			Federal Fund:	0
			Special Fund:	2,676,194
SOUTHWEST PIPELINE				
Allocated	512,995	10,461,744	97,502,498	108,477,237
Expended	582,380	9,186,183	51,271,629	61,040,191
Percent	114%	88%	53%	56%
			General Fund:	0
			Federal Fund:	3,000,000
			Special Fund:	58,040,191
NORTHWEST AREA WATER SUPPLY				
Allocated	705,632	13,910,277	31,611,573	46,227,482
Expended	548,999	3,442,654	1,551,604	5,543,258
Percent	78%	25%	5%	12%
			General Fund:	0
			Federal Fund:	0
			Special Fund:	5,543,258
PROGRAM TOTALS				
Allocated	19,832,820	43,149,822	1,095,953,194	1,158,935,836
Expended	17,003,473	23,761,893	454,282,741	495,048,107
Percent	86%	55%	41%	43%

STATE WATER COMMISSION
PROJECT SUMMARY
2015-2017 BIENNIUM

Apr-17

	BUDGET	SWC/SE APPROVED	OBLIGATIONS EXPENDITURES	REMAINING UNOBLIGATED	REMAINING UNPAID
FLOOD CONTROL					
FARGO	228,506,200	228,506,200	143,211,205	0	85,294,995
GRAFTON	33,925,000	33,925,000	1,750,000	0	32,175,000
MOUSE RIVER FLOOD CONTROL	42,533,741	42,533,741	10,813,970	0	31,719,771
VALLEY CITY	28,458,354	27,312,537	10,416,979	1,145,817	16,895,558
LISBON	15,227,187	11,694,752	5,366,351	3,532,435	6,328,401
FORT RANSOM	225,000	0	0	225,000	0
WILLISTON	7,000,000	3,655,517	0	3,344,483	3,655,517
RENWICK DAM	21,154	7,117	7,117	14,037	0
MISSOURI RIVER FLOOD CONTROL	4,000,000	4,000,000	4,000,000	0	0
FLOODWAY PROPERTY ACQUISITIONS					
MINOT	27,858,972	27,858,972	17,883,486	0	9,975,486
WARD COUNTY	6,046,590	6,046,590	31,243	0	6,015,347
VALLEY CITY	4,017,403	4,017,403	1,321,476	0	2,695,927
BURLEIGH COUNTY	232,649	(114,552)	(114,552)	347,201	0
SAWYER	184,260	184,260	48,416	0	135,844
LISBON	626,250	626,250	22,950	0	603,300
BURLINGTON	45,516	45,516	43,350	0	2,166
STATE WATER SUPPLY					
REGIONAL & LOCAL WATER SYSTEMS	184,760,694	182,922,878	73,186,780	1,837,816	109,736,097
FARGO WATER TREATMENT PLANT	22,768,775	22,768,775	22,740,900	0	27,875
SOUTHWEST PIPELINE PROJECT	104,761,201	104,761,200	58,040,191	0	46,721,009
NORTHWEST AREA WATER SUPPLY	15,754,482	15,754,482	2,861,146	0	12,893,335
WESTERN AREA WATER SUPPLY AUTHORITY	82,201,384	82,201,384	70,564,448	0	11,636,936
RED RIVER VALLEY WATER SUPPLY	12,521,328	12,521,328	10,032,845	0	2,488,483
CENTRAL NORTH DAKOTA WATER SUPPLY	70,070,800	70,800	69,804	70,000,000	997
UNOBLIGATED STATE WATER SUPPLY	2,156,155			2,156,155	
GENERAL WATER MANAGEMENT					
OBLIGATED	55,408,046	55,408,046	22,706,071	0	32,701,975
UNOBLIGATED GENERAL WATER	17,517,960			17,517,960	
DEVILS LAKE					
OUTLET	870,802	870,802	0	0	870,802
OUTLET OPERATIONS	18,534,211	18,534,210	7,473,296	0	11,060,914
DL EAST END OUTLET	2,774,011	2,774,011	505,355	0	2,268,656
REVOLVING LOAN FUND					
GENERAL WATER PROJECTS	11,000,000	10,574,214	5,892,314	425,786	4,681,900
WATER SUPPLY	25,000,000	14,966,885	12,647,395	10,033,115	2,319,490
TOTALS	1,025,008,125	914,428,318	481,522,537	110,579,807	432,905,781

STATE WATER COMMISSION
PROJECT SUMMARY
2015-2017 Biennium

PROGRAM OBLIGATION

Approve SWC					Initial	Total	Total	Apr-17
By	No	Dept	Sponsor	Project	Approved	Approved	Payments	Balance
					Date			
Flood Control:								
SB 2020	1928-01	5000	City of Fargo	Fargo Flood Control Project	6/23/2009	99,506,200	72,588,161	26,920,039
SB 2020	1928-02	5000	City of Fargo	Interior Flood Control Project	12/11/2015	30,000,000	30,000,000	0
SB 2020	1928-03	5000	City of Fargo	Interior Disaster Relief Fund	12/11/2015	30,000,000	30,000,000	0
SB 2020	1928-05	5000	Metro Flood Diversion Authority	Fargo Metro Flood Diversion Authority 2015-2017	7/6/2016	69,000,000	10,625,044	58,374,956
	1771-01	5000	City of Grafton	Grafton Flood Control Project	10/12/2016	32,175,000	0	32,175,000
	1771-02	5000	City of Grafton	Grafton Flood Risk Reduction Project	12/5/2014	1,750,000	1,750,000	0
	1974-06	5000	Souris River Joint WRD	Development of 2011 Flood Inundation Maps	12/19/2015	5,600	4,078	1,522
SB 2371	1974-08	5000	Souris River Joint WRD	Mouse River Reconnaissance Study to Meet Fed Guid	2/15/2013	0	0	0
	1974-09	5000	Souris River Joint WRD	Mouse River Flood Control Design Engineering	8/8/2016	7,317,512	6,834,570	482,942
	1974-11	5000	Souris River Joint WRD	Funding of 214 agreement between SRJB & USACE	12/5/2014	106,500	75,000	31,500
	1974-14	5000	Souris River Joint WRD	SIARR Program (Structure Acquisition, Relocation, or f	3/9/2016	7,200,000	1,088,907	6,111,093
	1974-15	5000	Souris River Joint WRD	Perkett Ditch Improvements	12/2/2016	2,188,592	1,149,107	1,039,485
	1974-16	5000	Souris River Joint WRD	Corps of Engineers Feasibility Study MREFFPP	12/9/2016	750,000	279,096	470,904
	1974-18	5000	Souris River Joint WRD	Rural Reaches, Preliminary Engineering	10/12/2016	260,000	12,193	247,807
	1974-19	5000	Souris River Joint WRD	4th Avenue Tieback Levee & Burlington Levee - Desig	10/12/2016	3,900,000	506,253	3,393,747
	1974-20	5000	Souris River Joint WRD	Utility Relocations	10/12/2016	467,057	45,023	422,034
	1974-21	5000	Souris River Joint WRD	Highway 83 Bypass & Bridge Replacement	10/12/2016	1,983,623	0	1,983,623
	1974-22	5000	Souris River Joint WRD	Broadway Pump Station	3/29/2017	15,197,000	0	15,197,000
	1974-23	5000	Souris River Joint WRD	Peterson Coulee Outlet	3/29/2017	1,427,022	0	1,427,022
	1974-24	5000	Souris River Joint WRD	Independent Peer Review Phases BU-1 & MI-5	3/29/2017	171,909	0	171,909
	1758	5000	Souris River Joint WRD-no agreement	International Joint Commission Study Board	5/29/2014	302,500	0	302,500
	1993-01	5000	City of Minot	Downtown Infrastructure Improvements	9/15/2014	1,256,426	819,743	436,683
SB 2371	1344-01	5000	Valley City	Sheyenne River Valley Flood Control Project	12/5/2015	156,993	156,993	0
	1344-04	5000	Valley City	Sheyenne River Valley Flood Control Project PHII	8/29/2016	1,147,500	966,962	180,538
	1504-01	5000	Valley City	Permanent Flood Protection Project	12/5/2014	9,850,444	9,293,024	557,420
	1504-02	5000	Valley City	Permanent Flood Protection Project (LOAN)	12/5/2014	3,000,000	0	3,000,000
	1504-03	5000	Valley City	Permanent Flood Protection PH III	12/9/2016	13,157,600	0	13,157,600
SB 2371	1344-02	5000	City of Lisbon	Sheyenne River Valley Flood Control Project	8/6/2016	2,281,610	587,647	1,693,963
	1991-01	5000	City of Lisbon	Permanent Flood Protection Project	5/29/2014	561,702	414,733	146,969
	1991-03	5000	City of Lisbon	Permanent Flood Protection - Levee C Project	3/11/2015	3,153,440	2,775,641	377,799
	1991-06	5000	City of Lisbon	Permanent Flood Protection - Levee E Project	3/9/2016	2,098,000	1,588,330	509,670
	1991-08	5000	City of Lisbon	Permanent Flood Protection - Levee D Project	3/29/2017	3,600,000	0	3,600,000
SB 2371	1344-03	5000	Fort Ransom	Sheyenne River Valley Flood Control Project	6/19/2013	0	0	0
	849	5000	Pembina Co. WRD	Renwick Dam Rehabilitation	6/26/2014	7,117	7,117	0
SB 2020	1992-02	5000	Burleigh Co. WRD	Missouri River Correctional Center	9/21/2015	1,200,000	1,200,000	0
SB 2020	1992-03	5000	Burleigh Co. WRD	Fox Island Flood Control Funding Update	9/21/2015	2,800,000	2,800,000	0
	2079	5000	City of Williston	West Williston Flood Control	12/9/2016	3,655,517	0	3,655,517
Subtotal Flood Control						351,634,864	175,565,622	176,069,242
Floodway Property Acquisitions:								
	1993-05	5000	City of Minot	Minot Phase 2 - Floodway Acquisitions	3/29/2017	27,858,972	17,883,486	9,975,486
SB 2371	1523-05	5000	Ward County	Ward County Phase 1, 2 & 3 - Floodway Acquisitions	1/27/2012	6,046,590	31,243	6,015,347
SB 2371	1504-05	5000	Valley City	Valley City Phase 1 - Floodway Acquisitions	8/29/2016	4,017,403	1,321,476	2,695,927
SB 2371	1992-05	5000	Burleigh Co. WRD	Burleigh Co. Phase 1 - Floodway Acquisitions	3/7/2012	(114,552)	(114,552)	0
SB 2371	2000-05	5000	City of Sawyer	Sawyer Phase 1 - Floodway Acquisitions	6/13/2012	184,280	48,416	135,864
	1991-05	5000	City of Lisbon	Lisbon - Floodway Acquisition	12/9/2016	626,250	22,950	603,300
	1987-05	5000	City of Burlington	Mouse River Enhanced Flood Plan Property Acquisition	5/10/2017	45,516	43,350	2,166
Subtotal Floodway Property Acquisitions						38,664,439	19,236,369	19,428,070
State Water Supply Grants:								
	2373-35	5000	Grand Forks - Traill RWD	Grand Forks - Traill County WRD	6/13/2012	303,715	303,715	0
	2373-36	5000	Stutsman Rural RWD	Stutsman Rural Water System - Phase IIB, III	2/27/2013	4,443,172	4,443,172	0
	2373-38	5000	Stutsman Rural RWD	Kidder Co & Carrington Area Expansion	7/23/2013	1,287,861	1,287,861	0
	2373-39	5000	North Central Rural Water Consortium	Carpio Berthold Phase 2	5/29/2014	2,970,141	534,051	2,436,091
	2373-41	5000	North Central Rural Water Consortium	Granville-Deering Area	10/24/2016	5,940,102	3,494,322	2,445,779
	2050-01	5000	Missouri West Water System	South Mandan	3/17/2014	168,606	168,606	0
	2050-02	5000	Grand Forks Traill RWD	Improvements	3/11/2015	4,369,058	3,816,605	552,453
	2050-03	5000	Northeast Regional WD	Langdon RWD - ABM Pipeline Phase 1	10/7/2013	540,437	540,437	0
	2050-04	5000	Northeast Regional WD	Langdon RWD - North Valley Nekoma	3/11/2015	859,341	859,341	0
	2050-05	5000	Northeast Regional WD	North Valley WD - ABM Pipeline Phase 1	3/11/2015	240,672	240,672	0
	2050-06	5000	Northeast Regional WD	North Valley WD - 93 Street	3/11/2015	937,870	937,870	0
	2050-07	5000	Northeast Regional WD	North Valley WD - Rural Expansion	5/29/2014	1,657,591	1,605,795	51,796
	2050-08	5000	Walsh RWD	Ground Storage	10/7/2013	169,977	169,977	(0)
	2050-09	5000	City of Park River	Water Tower	3/11/2015	571,225	571,225	0
	2050-10	5000	City of Surrey	Water Supply Improvements	10/7/2013	1,117,800	1,117,800	0
	2050-11	5000	Cass RWD	Phase 2 Plant Improvements	10/7/2013	3,951,363	3,951,363	0
	2050-13	5000	City of Mandan	New Raw Water Intake	10/7/2013	1,567,676	49,788	1,517,888
	2050-14	5000	City of Mandan	Water Treatment Plant Improvements	10/7/2013	226,762	226,762	0
	2050-15	5000	City of Washburn	New Raw Water Intake	10/7/2013	2,334,250	18,776	2,315,474
	2050-16	5000	Tri-County RWD	Improvements	10/7/2013	845,000	845,000	0
	2050-17	5000	Barnes Rural RWD	Improvements	3/11/2015	6,894,412	5,243,704	1,650,708
	2050-18	5000	City of Grafton	Water Treatment Plant Phase 3	10/7/2013	3,381,148	2,564,805	816,343
	2050-19	5000	City of Grand Forks	Water Treatment Plant Improvements	10/7/2013	3,849,151	3,849,151	0
	2050-20	5000	City of Dickinson	Capital Infrastructure	10/6/2015	9,875,025	7,510,749	2,364,276
	2050-21	5000	Walford City	Capital Infrastructure	2/27/2014	1,897,040	1,343,327	553,713
	2050-22	5000	City of Williston	Capital Infrastructure	2/27/2014	2,281,794	2,281,794	0
	2050-23	5000	Greater Ramsey WRD	SW Nelson County Expansion	3/17/2014	4,199,547	3,370,230	829,317
	2050-24	5000	All Seasons Water District	System 1 Well Field Expansion	9/15/2014	292,500	0	292,500
	2050-25	5000	All Seasons Water District	Bottineau County Extension, Phase I	7/29/2015	896,000	562,571	333,429
	2050-26	5000	City of Fargo	Fargo Water System Regionalization Improvements	7/29/2015	6,841,750	2,420,406	4,421,344
	2050-27	5000	City of Fargo	Tioga Water Supply Improvement Project	7/29/2015	2,190,000	1,914,381	275,619
	2050-28	5000	City of Mandan	Water Systems Improvement Project	10/6/2015	2,582,535	111,904	2,470,631
	2050-29	5000	City of Minot	Water Systems Improvement Project	10/6/2015	3,634,000	78,477	3,555,523
	2050-30	5000	Walford City	Water Systems Improvement Project	10/6/2015	5,435,087	60,324	5,374,763
	2050-31	5000	City of West Fargo	Water Systems Improvement Project	10/6/2015	3,426,210	2,169,751	1,256,459
	2050-32	5000	City of Williston	Water Systems Improvement Project	10/6/2015	10,890,472	3,033,462	7,857,010
	2050-33	5000	Stutsman RWD	Phase V Storage & Pipeline Expansion Project	10/6/2015	4,170,100	2,633,295	1,536,805
	2050-34	5000	North Prairie RWD	Storage and Water Main	10/6/2015	3,459,837	1,367,453	2,092,384
	2050-35	5000	Southeast Water Users Dist	System Wide Expansion Feasibility Study	10/6/2015	11,826,000	401,943	11,424,057
	2050-36	5000	City of Dickinson	Water Systems Improvement Project	10/6/2015	1,042,500	347,145	695,355
	2050-37	5000	City of Dickinson	Dickinson State Avenue South Water Main	12/11/2015	965,000	0	965,000
	2050-38	5000	Dakota Rural Water District	Reservoir C Expansion	12/11/2015	901,500	804,066	97,434
	2050-39	5000	Missouri West Water System	Crown Butte Service Area Expansion Phase II	12/11/2015	308,000	146,094	161,906
	2050-41	5000	Northeast Regional WD	City of Devils Lake Water Supply Project	12/11/2015	15,543,750	1,356,864	14,186,886
	2050-42	5000	Walsh RWD	Phase 1 & 2 System Expansion	12/11/2015	2,093,350	172,052	1,921,298
	2050-43	5000	All Seasons Water District	System 4 Connection to System 1	12/11/2015	4,900,000	0	4,900,000
	2050-44	5000	City of Beulah	Water Treatment Plant	3/9/2016	2,640,000	374,272	2,265,728
	2050-45	5000	Garrison Rural Water District	System Expansion Project	3/9/2016	2,003,550	76,952	1,926,598
	2050-49	5000	City of Grand Forks	Grand Forks Water Treatment Plant	10/12/2016	30,000,000	3,808,470	26,191,530
Subtotal State Water Supply						162,922,878	73,186,780	109,736,097

STATE WATER COMMISSION
PROJECT SUMMARY
2015-2017 Biennium

PROGRAM OBLIGATION

Approved SWC By	No	Dept	Sponsor	Project	Initial Approved Date	Total Approved	Total Payments	Apr-17 Balance
	1984-02	5000	City of Fargo	Fargo Water Treatment Plant	3/17/2014	22,768,775	22,740,900	27,875
	1736-05	8000	SWPP	Southwest Pipeline Project	7/1/2013	104,761,200	58,040,191	46,721,009
	2374	9000	NAWS	Northwest Area Water Supply	7/1/2013	15,754,482	2,861,146	12,893,335
	1973-02	5000	WAWSA	WAWSA- (GRANT)	10/6/2015	12,061,806	11,479,100	582,706
	1973-05	5000	WAWSA	WAWSA- (GRANT)	10/6/2015	60,000,000	48,945,769	11,054,231
	1973-03	5000	Bank of North Dakota	WAWSA - (LOAN)	10/6/2015	10,139,578	10,139,578	0
	325-102	5000	RRVWSP	Red River Valley Water Supply - Intake Design Study	5/29/2014	162,328	32,845	129,483
SB 2020	325-104	5000	Garrison Diversion	Red River Valley Water Supply Project	7/29/2015	12,359,000	10,000,000	2,359,000
	2051-101	5000	Central ND Water Supply	Black and Veatch Investigation	1/27/2015	70,800	69,804	997
Subtotal State Water Supply						238,077,969	164,309,334	73,768,635
General Water Management								
Hydrologic Investigations:						1,125,267		
	2041	3000	US Geological Survey	USGS Stream Gage Joint Funding Agreement	3/9/2016	529,075	529,075	0
	2041	3000	US Geological Survey	USGS Stream Gage Joint Funding Agreement	10/12/2016	544,110	272,055	272,055
	1400	3000	Fireside Office Solutions	Document Conversion (Water Permit Scanning)	8/23/2016	50,000	16,305	33,695
Hydrologic Investigations Obligations Subtotal						1,123,185	817,435	305,750
Remaining Hydrologic Investigations Authority						2,082		
Hydrologic Investigations Authority Less Payments								
General Projects Obligated						38,273,178	8,585,486	29,687,692
General Projects Completed						16,009,601	13,303,150	2,706,451
Subtotal General Water Management						55,408,046	22,706,071	32,701,975
Devils Lake Basin Development:								
SWC	416-07	5000	Multiple	Devils Lake Outlet	7/1/2013	870,802	0	870,802
SWC	416-10	4700	Operations	Devils Lake Outlet Operations	3/9/2016	18,534,210	7,473,296	11,060,914
SWC	416-15	5000	Multiple	DL East End Outlet	7/1/2013	2,774,011	505,355	2,268,656
Devils Lake Subtotal						22,179,023	7,978,651	14,200,372
Revolving Loan Fund:								
(General Water)								
	2077-02	1050	City of Lisbon	Permanent Flood Protection - Levee C (LOAN)	3/11/2015	886,500	886,500	0
	2077-03	1050	City of Lisbon	Sheyenne River Flood Protection - Levee E (LOAN)	3/9/2016	527,000	527,000	0
	2077-09	1050	City of Lisbon	Permanent Flood Protection - Levee D & F (LOAN)	7/6/2016	243,200	243,200	0
	2077-08	1050	City of Grafton	Grafton Flood Risk Reduction (LOAN)	10/12/2016	3,375,000	3,375,000	0
	2077-06	1050	City of Valley City	Permanent Flood Protection Project (LOAN)	12/28/2016	860,614	860,614	0
	2077	1050	City of Valley City	Valley City Flood Protection - Phase II Construction (LC)	12/9/2016	3,289,400	0	3,289,400
	2077	1050	City of Valley City	Valley City Pre Design & Eng & Phase III Buyouts (LOA)	12/9/2016	1,392,500	0	1,392,500
(Water Supply)								
	2077-01	1050	Bank of North Dakota	WAWSA - (LOAN)	10/6/2015	10,000,000	10,000,000	0
	2077-04	1050	North Prairie Rural Water District	Storage & Water Mains (LOAN)	12/11/2015	239,475	239,475	0
	2077	1050	City of Beulah	Water Treatment Plant (LOAN)	3/9/2016	880,000	0	880,000
	2077-05	1050	Northeast Regional WD	City of Devils Lake Water Supply Project (LOAN)	3/9/2016	1,686,920	1,686,920	0
	2077	1050	Walsh Rural WD	Phase 1, 2, & 3 System Expansion Project (LOAN)	3/9/2016	250,490	0	250,490
	2077	1050	Barnes Rural Water District	Rural Expansion (LOAN)	10/12/2016	835,000	0	835,000
	2077	1050	North Central Rural Water Consortium	Carpio Berhold Phase 2 (LOAN)	10/12/2016	215,000	0	215,000
	2077	1050	North Central Rural Water Consortium	Granville-Surrey-Deering Water Supply Project (LOAN)	10/12/2016	139,000	0	139,000
	2077-07	1050	Stutsman Rural Water District	Phase 3 Expansion (LOAN)	10/12/2016	721,000	721,000	0
Revolving Loan Fund Subtotal						25,541,099	18,539,709	7,001,390
TOTAL						914,428,318	481,522,537	432,905,781

STATE WATER COMMISSION
PROJECT SUMMARY
2015-2017 Biennium
Resources Trust Fund

GENERAL PROJECT OBLIGATIONS

Approved SWC By	No	Dept	Approved Biennium	Sponsor	Project	Initial Approved Date	Total Approved	Total Payments	Apr-17 Balance
SE	274	5000	2015-17	City of Neche	Neche Levee Certification Project	3/21/2016	54,000	0	54,000
SWC	322	5000	2009-11	ND Water Education Foundati	ND Water: A Century of Challenge	2/22/2010	36,800	0	36,800
SWC	346	5000	2015-17	Williams County WRD	Epping Dam Spillway Reconstruction	3/29/2017	846,134	544,657	301,477
SWC	347	5000	2009-11	City of Velva	City of Velva's Flood Control Levee System Certificati	3/28/2011	102,000	69,503	32,497
SE	390	5000	2015-17	Logan County WRD	Beaver Lake Dam Rehabilitation Feasibility Study	6/8/2016	16,076	0	16,076
SE	394	5000	2015-17	Golden Valley Co WRD	Odland Dam Rehabilitation Feasibility Study	10/13/2016	13,220	0	13,220
SE	399	5000	2013-15	Barnes Co WRD	Kathryn Dam Feasibility Study	9/19/2014	21,250	8,508	12,742
SE	420	5000	2015-17	Hettinger Park Board	Mirror Lake Dam Emergency Action Plan	12/2/2016	24,400	0	24,400
SE	460	5000	2015-17	Griggs Co. WRD	Ueland Dam Rehabilitation Feasibility Study	5/20/2016	17,500	0	17,500
SE	477	5000	2015-17	Valley City	Mill Dam Rehabilitation Feasibility Study	6/8/2016	15,073	0	15,073
SE	512	5000	2015-17	Emmons County WRD	Nieuwsma Dam Emergency Action Plan	11/28/2016	12,000	4,468	7,532
SE	531	5000	2015-17	Benson Co WRD	Bouret Dam Rehabilitation Feasibility Study	10/11/2016	12,118	0	12,118
SE	561	5000	2015-17	City of Tioga	Tioga Dam EAP	5/20/2016	40,000	0	40,000
SWC	568	5000	2013-15	Southeast Cass WRD	Sheyenne River Reaches Snagging & Clearing Projec	12/5/2014	94,238	0	94,238
SWC	568	5000	2015-17	Southeast Cass WRD	Sheyenne River Snagging & Clearing Reaches I	12/11/2015	99,000	25,098	73,902
SWC	568	5000	2015-17	Southeast Cass WRD	Sheyenne River Snagging & Clearing Reaches II	12/11/2015	105,000	77,095	27,905
SWC	568	5000	2015-17	Southeast Cass WRD	Sheyenne River Snagging & Clearing Reaches III	12/11/2015	90,000	2,965	87,035
SWC	568	5000	2015-17	Southeast Cass WRD	Sheyenne River Snagging & Clearing Reaches I,II,III	12/9/2016	294,000	0	294,000
SE	568	5000	2015-17	Barnes Co WRD	Sheyenne River Snagging & Clearing Reach 1 Proj 2	5/9/2017	74,000	0	74,000
SE	571	5000	2013-15	Oak Creek WRD	Oak Creek Snagging & Clearing Project	3/30/2015	3,672	2,565	1,107
SWC	620	5000	2007-09	Lower Heart WRD	Mandan Flood Control Protective Works (Levee)	9/29/2008	125,396	0	125,396
SE	662	5000	2015-17	Walsh Co. WRD	Park River Snagging & Clearing	2/17/2017	55,385	0	55,385
SE	662	5000	2015-17	Walsh Co. WRD	Park River Snagging & Clearing	5/10/2017	50,228	29,264	20,964
SWC	710	5000	2015-17	Maple River WRD	Upper Swan Creek Channel Improvement Project	10/6/2015	171,763	109,702	62,061
SE	841	5000	2013-15	Maple River WRD	Garsteig Dam Repair Project	1/26/2015	40,163	21,502	18,661
SE	848	5000	2015-17	Sargent Co WRD	Tewaukon WS-T-1-A (Brummond-Lubke) Dam EAP	12/18/2015	20,000	7,984	12,016
SE	848	5000	2015-17	Sargent Co WRD	Tewaukon WS-T-7 (Nelson) Dam EAP	12/18/2015	20,000	7,820	12,180
SE	849	5000	2015-17	Pembina Co. WRD	Renwick Dam Emergency Action Plan	9/29/2015	63,680	56,784	6,896
SWC	980	5000	2015-17	Cass Co. Joint WRD	Rush River Watershed Detention Study	1/7/2016	154,000	23,269	130,731
SWC	980	5000	2013-15	Cass Co. Joint WRD	Swan Creek Watershed Detention Study PHII	3/11/2015	154,000	28,287	125,713
SWC	980	5000	2015-17	Cass Co. Joint WRD	Upper Maple River Watershed Detention Study	1/11/2016	154,000	20,885	133,115
SWC	1056	5000	2015-17	Bottineau Co. WRD	Tacoma Bitz Legal Drain	7/6/2016	312,105	58,097	254,008
SE	1056	2000	2015-17	Bottineau Co. WRD	Stead Legal Drain	2/16/2017	19,142	0	19,142
SWC	1064	5000	2013-15	Rush River WRD	Cass County Drain No. 2 Channel Improvements Proje	3/11/2015	106,989	65,306	41,683
SWC	1070	5000	2015-17	Maple River WRD	Drain #14 Channel Improvements	3/29/2017	741,562	0	741,562
SWC	1071	5000	2015-17	Maple River WRD	Cass County Drain #15 Channel Improvements	3/9/2016	296,562	0	296,562
SWC	1088	5000	2015-17	Maple River WRD	Cass Drain #37 Channel Improvements	3/9/2016	230,326	0	230,326
SWC	1089	5000	2015-17	Maple River WRD	Cass County Drain #39 Channel Improvements	3/9/2016	221,871	0	221,871
SE	1180	5000	2015-17	Richland Co WRD	Legal Drain No. 7 Channel Improvements	5/11/2017	24,926	0	24,926
SWC	1101	5000	2011-13	Dickey Co. WRD	Yorktown-Maple Drainage Improvement Dist No. 3	12/11/2015	798,562	0	798,562
SWC	1101	5000	2011-13	Dickey-Sargent Co WRD	Riverdale Township Improvement District #2 - Dickey	9/21/2011	500,000	0	500,000
SE	1140	5000	2015-17	Pembina Co. WRD	Drain 11 Outlet Extension Cost Overrun Project	7/7/2015	5,088	0	5,088
SWC	1174	5000	2015-17	Richland Co. WRD	Legal Drain #31 Improvements Project	3/9/2016	161,852	128,498	33,354
SWC	1176	5000	2015-17	Richland Co. WRD	Legal Drain #2 Reconstruction/Extension Project	3/9/2016	535,500	252,010	283,490
SWC	1179	5000	2015-17	Richland Co. WRD	Legal Drain #5 (Lateral 27) Reconstruction	3/9/2016	531,000	330,516	200,484
SWC	1222	5000	2015-17	Sargent Co WRD	Drain No 11 Channel Improvements	10/12/2016	1,417,967	0	1,417,967
SWC	1227	5000	2011-13	Traill Co. WRD	Mergenthal Drain No. 5 Reconstruction	9/15/2014	18,502	6,277	12,225
SWC	1231	5000	2015-17	Traill Co. WRD	Carson Drain No. 10 Channel Improvements	10/12/2016	152,328	0	152,328
SWC	1236	5000	2015-17	Traill Co. WRD	Murray Drain No. 17 Channel Improvements	10/12/2016	138,450	0	138,450
SWC	1242	5000	2013-15	Traill Co. WRD	Rust Drain No. 24 Project	12/13/2013	25,152	3,002	22,150
SE	1264	5000	2013-15	Barnes Co WRD	Little Dam Repurposing Feasibility Study	6/17/2015	16,100	3,715	12,385
SWC	1270	5000	2013-15	Burleigh Co. WRD	Apple Creek Industrial Park Levee Feasibility Study	10/7/2013	65,180	0	65,180
SE	1270	5000	2015-17	City of Wilton	Wilton Pond Dredging Recreation Project	12/29/2015	35,707	0	35,707
SWC	1273	5000	2015-17	City of Oakes	James River Bank Stabilization	12/11/2015	262,500	0	262,500
SE	1287	5000	2013-15	McHenry Co. WRD	Souris River Snagging & Clearing Project	2/3/2015	15,000	4,500	10,500
SE	1289	5000	2015-17	McKenzie Co. Weed Board	Control of Noxious Weeds on Sovereign Land	4/10/2017	44,010	0	44,010
SWC	1294	5000	2013-15	Nelson Co. Park Board	Stump Lake Park Bank Stabilization Project	3/11/2015	115,436	0	115,436
SE	1296	5000	2013-15	Pembina Co. WRD	Bathgate-Hamilton & Carlisle Watershed Study	10/17/2013	45,226	38,500	6,726
SWC	1301	5000	2015-17	Richland Co. WRD	North Branch Antelope Creek NRCS Small Watershec	3/9/2016	113,400	0	113,400
SE	1303	5000	2013-15	Sargent Co WRD	Gwinner Dam Improvement Feasibility Study Program	4/17/2015	42,844	18,750	24,094
SE	1303	5000	2015-17	Sargent Co WRD	Gwinner Dam Breach Project	2/20/2017	31,125	0	31,125
SWC	1303	5000	2015-17	Sargent Co WRD	Shortfoot Creek Watershed Planning Program	3/9/2016	154,000	44,953	109,047
SWC	1311	5000	2015-17	Traill Co. WRD	Buxton Township Improvement District No. 68	3/9/2016	512,090	384,115	127,975
SWC	1314	5000	2015-17	Wells Co. WRD	Hurdsfield Legal Drain	3/29/2017	644,292	0	644,292
SE	1328	5000	2015-17	North Cass Co. WRD	Drain No. 23 Channel Improv Preliminary Engineering	9/30/2015	5,775	4,854	921
SWC	1328	5000	2015-17	North Cass Co. WRD	Drain #23 Channel Improvements	3/9/2016	137,181	55,569	81,612
SWC	1331	5000	2015-17	Richland Co WRD	Drain #14 Reconstruction	12/9/2016	315,000	0	315,000
SWC	1389	5000	2013-15	Bank of ND	BND AgPace Program	12/13/2013	180,316	9,951	170,365
SWC	1401	5000	2015-17	Pembina Co. WRD	International Boundary Roadway Dike Pembina	12/11/2015	786,032	491,504	294,528
SWC	1418	5000	2013-15	City of Bisbee	Big Coulee Dam Feasibility Study	5/29/2014	10,963	0	10,963
SWC	1418	5000	2015-17	City of Bisbee	Design & Repair of Big Coulee Dam	4/10/2017	1,090,983	1,070,678	20,305
SE	1418	5000	2015-17	City of Bisbee	Big coulee Dam EAP	5/10/2017	11,320	0	11,320
SE	1444	5000	2015-17	City of Pembina	Flood Protection System Certification	4/19/2016	75,000	73,343	1,657
SE	1453	5000	2015-17	Hettinger County WRD	Karey Dam Rehabilitation Feasibility Study	5/23/2016	13,550	6,697	6,853
SWC	1486	5000	2015-17	Griggs Co. WRD	Thompson Bridge Outlet No. 4 Project	10/6/2015	621,661	0	621,661
SWC	1520	5000	2015-17	Walsh Co. WRD	Walsh County Drain 30-1	3/29/2017	282,307	0	282,307
SWC	1520	5000	2015-17	Walsh Co. WRD	Drain 87/McLeod Drain	3/29/2017	5,238,586	0	5,238,586
SWC	1523	5000	2015-17	Ward Co. WRD	Robinwood Bank Stabilization Project	10/6/2015	256,449	38,331	218,118
SE	1625	5000	2015-17	Carlson McCain, Inc.	Ordinary High Water Mark Delineations Left Bank of M	12/2/2016	23,800	0	23,800
SWC	1638	5000	2009-11	Mutiple	Red River Basin Non-NRCS Rural/Farmstead Ring Dil	6/23/2009	177,864	0	177,864
SWC	1650	5000	2015-17	Sargent Co WRD	Drain #7 Improvement	7/6/2016	202,663	186,245	16,418
SWC	1705	5000	2011-13	Red River Joint Water Resour	Red River Joint WRD Watershed Feasibility Study - PI	9/21/2011	60,000	40,782	19,218
SWC	1705	5000	2011-13	Red River Joint Water Resour	Red River Basin Distributed Plan Study	12/7/2012	560,000	0	560,000

STATE WATER COMMISSION
PROJECT SUMMARY
2015-2017 Biennium
Resources Trust Fund

GENERAL PROJECT OBLIGATIONS

Approved SWC By	No	Dept	Approved Biennium	Sponsor	Project	Initial Approved Date	Total Approved	Total Payments	Apr-17 Balance
SE	1808	5000	2015-17	Steele Co WRD	Beaver Creek Dam Safety Inspection	5/23/2016	2,625	0	2,625
SE	1842	5000	2013-15	Southeast Cass WRD	Wild Rice River Snagging & Clearing	10/27/2015	57,000	37,334	19,666
SE	1842	5000	2015-17	Southeast Cass WRD	Wild Rice River Snagging & Clearing	12/13/2016	57,000	0	57,000
SWC	1859	5000	2015-17	ND Dept of Health	NPS Pollution Project	7/29/2015	200,000	67,003	132,997
SWC	1891	5000	2015-17	Steele Co WRD	Drain No. 8 Channel Improvement	7/6/2016	411,773	400,293	11,480
SWC	1921	5000	2007-09	Morton Co. WRD	Square Butte Dam No. 6/(Harmon Lake) Recreation F	3/23/2009	231,002	57,176	173,826
SWC	1932	5000	2015-17	Nelson Co. WRD	Michigan Spillway Rural Flood Assessment	3/9/2016	1,214,325	1,188,406	25,850
SE	1946	5000	2015-17	Walsh Co. WRD	Improvement of Walsh Co Drain #22 Preliminary Engi	4/19/2016	10,500	9,304	1,196
SWC	1951	5000	2015-17	Maple River WRD	Lynchburg Channel Improvements	7/6/2016	1,131,338	0	1,131,338
SWC	1951	5000	2015-17	Maple River WRD	Lynchburg Channel Improvements	7/6/2016	63,788	0	63,788
SWC	1968	5000	2013-15	Garrison Diversion	McClusky Canal Mile Marker 10 & 49 Irrigation Project	3/17/2014	256,321	204,707	51,614
SWC	1968	5000	2015-17	Garrison Diversion	MM 15 Irrigation Project	3/29/2017	321,781	0	321,781
SE	1974	5000	2015-17	USGS	Regulated Streamflow Frequency for the Upper Souris	12/16/2016	37,100	12,366	24,734
SE	1974	5000	2015-17	USGS	Installation of 5 Rapid Deployment Gages in the Mous-	3/23/2017	23,200	0	23,200
SWC	1975	5000	2015-17	Walsh Co. WRD	Drain 31-1	10/12/2016	111,543	0	111,543
SWC	1977	5000	2011-13	Dickey-Sargent Co WRD	Jackson Township Improvement Dist. #1	5/20/2015	1,601,325	1,153,672	447,653
SE	1978	5000	2015-17	Richland-Sargent Joint WRD	RS Legal Dam #1 - Pre-Construction Engineering	10/24/2016	13,680	0	13,680
SWC	1978	5000	2015-17	Richland-Sargent Joint WRD	RS Legal Drain #1 Extension & Channel Improvement	3/29/2017	378,000	0	378,000
SWC	1990	5000	2011-13	Mercer Co. WRD	Lake Shore Estates High Flow Diversion Project	3/7/2012	43,821	0	43,821
SWC	1991	5000	2013-15	City of Lisbon	Sheyenne Riverbank Stabilization Project	9/15/2014	163,720	115,952	47,768
SWC	2008	5000	2013-15	City of Mapleton	Recertification of Flood Control Levee System Project	3/17/2014	101,100	0	101,100
SE	2016	5000	2015-17	Pembina Co. WRD	Establishment of Pembina County Drain No. 80	4/10/2017	74,965	0	74,965
SWC	2022	5000	2011-13	Pembina Co. WRD	Drain #73 Project	6/19/2013	350,400	111,196	239,204
SWC	2043	5000	2015-17	Pembina Co. WRD	District's Drain 78 Outlet Extension Project	12/9/2016	390,041	296,678	93,363
SWC	2045	5000	2013-15	Mercer Co. WRD	LIDAR Collection Project	5/29/2014	10,425	0	10,425
SWC	2049	5000	2015-17	Grand Forks Co. WRD	Grand Forks Legal Drain No. 58	3/29/2017	1,481,850	0	1,481,850
SE	2050-50	5000	2015-17	Grand Forks Traill RWD	Eastern Expansion & TRWD Interconnect Fesibility & I	11/15/2016	75,000	0	75,000
SE	2055	5000	2015-17	Red River Joint Water Resour	Lower Red Basin Regional Detention Study	7/17/2015	45,500	0	45,500
SE	2058	5000	2015-17	City of Grafton	Grafton Debris Removal Plan	4/10/2017	8,177	0	8,177
SWC	2059	5000	2015-17	Park River Joint WRD	North Branch Park River NRCS Watershed Study	10/6/2015	81,200	0	81,200
SWC	2060	5000	2015-17	Walsh Co. WRD	Forest River Watershed Study	4/10/2017	154,012	0	154,012
SWC	2062	5000	2015-17	Traill Co. WRD	Traill Co. Drain #64	7/6/2016	116,558	7,787	108,771
SWC	2065	5000	2015-17	Cass Co. Joint WRD	Lake Bertha Flood Control Project No. 75	3/9/2016	201,350	0	201,350
SWC	2066	5000	2015-17	Southeast Cass WRD	Sheyenne-Maple Flood Control Dist #1 Mitigation Impr	3/9/2016	198,023	0	198,023
SWC	2068	5000	2015-17	Traill Co. WRD	Stavanger-Belmont Drain No. 52 Channel Impr	10/12/2016	435,015	0	435,015
SE	2068	5000	2013-15	Traill Co. WRD	Stavanger-Belmont Drain No. 52 Channel - Study	4/20/2016	18,589	0	18,589
SE	2069	5000	2015-17	Center Township	Wild Rice River Bank Stabilization	4/19/2016	43,036	42,082	954
SE	2070	5000	2015-17	Garrison Diversion Conservar	Mile Marker 42 Irrigation Project	5/20/2016	29,741	0	29,741
SE	2071	5000	2015-17	Foster County WRD	Alkali Lake High Water Feasibility Study	4/19/2016	5,250	420	4,830
SE	2072	5000	2015-17	Barnes Co WRD	Ten Mile Lake Flood Risk Reduction Project	6/8/2016	37,800	988	36,812
SWC	2073	5000	2015-17	Walsh Co. WRD	Oslo Area Ag Levee Feasibility Study	7/6/2016	187,000	86,464	100,536
SWC	2074	5000	2015-17	City of Wahpeton	Flood Control - Levee Certification	7/6/2016	247,500	0	247,500
SWC	2074	5000	2015-17	City of Wahpeton	Toe Drain & Encroachment Project	7/6/2016	1,125,482	0	1,125,482
SWC	2074	5000	2015-17	City of Wahpeton	Breakout Easements	7/6/2016	265,000	0	265,000
SWC	2075	5000	2015-17	Ward Co. WRD	Second Larson Coulee Detention Pond	7/6/2016	602,307	0	602,307
SE	2076	5000	2015-17	Elm River Joint WRD	Elm River Dam #1 Modification Study	7/6/2016	9,503	0	9,503
SE	2078	5000	2015-17	Southeast Cass WRD	Raymond-Mapleton Township Improv Dist No. 76	11/15/2016	20,281	0	20,281
SE	2079	5000	2015-17	City of Williston	West Williston Flood Control	10/24/2016	39,900	0	39,900
SWC	2080	5000	2015-17	Walsh Co. WRD	Sam Berg Coulee Drain	10/12/2016	401,005	0	401,005
SWC	2081	5000	2015-17	Walsh Co. WRD	Drain #70	10/12/2016	898,866	0	898,866
SWC	2083	5000	2015-17	Pembina Co. WRD	Herzog Dam Gate & Catwalk Retrofit - Construction	10/12/2016	117,000	0	117,000
SE	2085	5000	2015-17	Adams Co WRD	Orange Dam Rehabilitation Feasibility Study	10/13/2016	10,770	0	10,770
SWC	2088	5000	2015-17	Pembina Co. WRD	Drain No. 79	12/9/2016	875,428	0	875,428
SE	2089	5000	2015-17	Maple River WRD	Tower Township Improvement District No. 77 Study	12/19/2016	28,175	0	28,175
SE	2090	5000	2015-17	International Water Institute	River Watch Program	1/12/2017	24,150	0	24,150
SE	2094	5000	2015-17	McLean Co WRD	Lower Buffalo Creek Flood Management Feasibility	2/16/2017	7,539	0	7,539
SE	2095	5000	2015-17	Nelson Co WRD	Sheyenne River Snagging & Clearing	4/10/2017	19,700	0	19,700
SWC	2096	5000	2015-17	Southeast Cass WRD	Sheyenne-Maple Flood Control Dist #2 Improvements	3/29/2017	1,035,358	0	1,035,358
SE	2093/1427	5000	2015-17	Bottineau Co. WRD	Moen Legal Drain	9/6/2016	63,458	44,916	18,542
SE	1396-01	5000	2013-15	Trout, Raley, Montano, Witwei	Missouri River Recovery Program	11/17/2015	75,000	27,840	47,160
SE	1878-02	5000	2015-17	Maple-Steele Joint WRD	Upper Maple River Dam EAP	5/20/2016	12,800	0	12,800
SWC	849-01	5000	2015-17	Pembina Co. WRD	Tongue River NRCS Watershed Plan	3/9/2016	104,703	0	104,703
SWC	AOC/ASS	5000	2015-17	Assiniboine River Basin	Assiniboine River Basin Initiative Funding	7/29/2015	100,000	75,000	25,000
SWC	AOC/IRA	5000	2015-17	ND Irrigation Association (NDI	ND Irrigation Association	10/6/2015	100,000	75,000	25,000
SWC	AOC/RRBC	5000	2015-17	Red River Basin Commission	Red River Basin Commission Contractor	5/20/2015	200,000	150,000	50,000
SWC	AOC/WEF	5000	2015-17	ND Water Education Foundati	ND Water Magazine	5/20/2015	36,000	27,000	9,000
SE	AOC/WUA	5000	2011-13	ND Water Users Association	Dave Koland Term as WUA President	3/23/2015	9,672	5,772	3,899
SWC	PS/WRD/ELM	5000	2013-15	Elm River Joint WRD	Dam #3 Safety Improvements Project	9/15/2014	7,297	1,625	5,672
SWC	PS/WRD/MRJ	5000	2015-17	Missouri River Joint WRB	Missouri River Joint Water Board. (MRJWB) Start up	5/20/2015	20,000	6,347	13,653
SWC	PS/WRD/MRJ	5000	2015-17	Missouri River Joint WRB	Missouri River Joint Water Board (MRRIC) T. FLECK	5/20/2015	45,000	20,212	24,788
SWC	PS/WRD/UPP	5000	2015-17	Upper Sheyenne River Joint V	Upper Sheyenne River WRB Administration (USRJWF	5/20/2015	12,000	3,398	8,602
SE	PS/WRD/LOW	5000	2015-17	Lower Heart WRD	Lower Heart Flood Control	5/10/2017	21,140	0	21,140
TOTAL							38,273,178	8,585,486	29,687,692

**STATE WATER COMMISSION
PROJECT SUMMARY
2015-2017 Biennium
Resources Trust Fund**

COMPLETED GENERAL PROJECTS

Approved SWC By	No	Dept	Approved Biennium	Sponsor	Project	Initial	Total Approved	Total Payments	Apr-17
						Approved Date			Balance
SWC	228	5000	2013-15	U.S. Geological Survey	(USGS) Operation & Maint of Gaging Station on the Missouri R	12/8/2014	8,970	8,970	0
SWC	240	5000	2011-13	Eddy County WRD	Warwick Dam Repair Project	12/7/2012	110,150	110,150	0
SE	274	5000	2013-15	City of Neche	FEMA Levee Certification Feasibility Study	10/17/2014	37,500	37,500	0
SWC	281	5000	2009-11	Three Affiliated Tribes	Three Affiliated Tribes/Fort Berthold Irrigation Study	10/26/2010	37,500	0	37,500
SWC	346	5000	2011-13	Williams County WRD	Epping Dam Evaluation Project	2/27/2013	66,200	60,840	5,360
SE	346	5000	2013-15	Williams County WRD	Design Engineering for Epping Dam Safety Repair	7/6/2016	24,658	24,658	0
SE	391	5000	2011-13	Sargent Co WRD	Sargent Co WRD, Silver Lake Dam Emergency Repairs	10/12/2011	2,800	0	2,800
SE	568	5000	2013-15	Barnes Co WRD	Sheyenne River Snagging & Clearing Project	4/17/2015	49,500	49,500	0
SWC	645	5000	2009-11	City of Fargo	Hickson Dam Recreation Retrofit Project	10/26/2010	44,280	44,280	0
SWC	646	5000	2009-11	City of Fargo	Christine Dam Recreation Retrofit Project	10/26/2010	184,950	139,034	45,916
SWC	829	5000	2011-13	Rush River WRD	Rush River WRD Berlin's Township Improvement District No. 7	10/19/2011	101,317	0	101,317
SWC	841	5000	2015-17	Maple River WRD	Swan Buffalo Detention Dam #12(Absaraka Dam)	11/15/2016	127,164	121,561	5,603
SWC	841	5000	2015-17	Maple River WRD	Swan Buffalo Detention Dam #5(Garsteig Dam)	11/17/2016	156,426	154,672	1,754
SE	849	5000	2015-17	Pembina Co. WRD	Renwick Dam Gate Repair	9/4/2015	53,700	50,066	3,634
SWC	980	5000	2011-13	Maple River WRD	Maple River Watershed Flood Water Retention Study/ Maple R	2/19/2015	3,687	3,687	0
SE	1069	5000	2015-17	North Cass & Rush River	Drain #13 Channel Improvements Project	9/29/2015	46,150	12,293	33,857
SWC	1082	5000	2013-15	Rush River WRD	Cass Co. Drain No. 30 Channel Improvement Project	3/17/2014	5,976	5,970	6
SWC	1135	5000	2011-13	Pembina Co. WRD	Drain #4 Reconstruction Project	6/19/2013	2,673	0	2,673
SWC	1161	5000	2009-11	Pembina Co. WRD	Drain 55 Improvement Reconstruction	3/28/2011	13,846	0	13,846
SE	1179	5000	2013-15	Richland Co. WRD	Drain #5 (27) Reconstruction Project	3/30/2015	13,543	13,543	0
SWC	1183	5000	2013-15	Richland Co. WRD	Drain No. 15 Reconstruction Project	9/15/2014	60,300	49,055	11,245
SWC	1217	5000	2013-15	Tri-County WRD	Tri-County Drain Reconstruction Project	3/11/2015	911,881	590,679	321,202
SE	1219	5000	2013-15	Sargent Co WRD	Drain No. 8 Channel Improvement Preliminary Engineering Pro	5/7/2015	6,650	6,650	0
SWC	1219	5000	2011-13	Sargent Co WRD	City of Forman Floodwater Outlet	12/13/2016	47,012	47,012	0
SWC	1224	5000	2013-15	Trail Co. WRD	Palace Drain Improvement District No. 80	5/20/2015	149,828	130,947	18,881
SE	1289	5000	2011-13	McKenzie Co. Weed Con	Control of Noxious Weeds on Sovereign Lands	9/30/2015	12,514	12,514	0
SE	1290	5000	2015-17	McLean Co. WRD	Painted Woods Lake Flood Mitigation Study	4/1/2016	53,200	53,200	0
SE	1301	5000	2009-11	City of Lidgerwood	City of Lidgerwood Engineering & Feasibility Study for Flood Cc	2/4/2011	15,850	0	15,850
SE	1301	5000	2011-13	City of Wahpeton	City of Wahpeton Water Reuse Feasibility Study/Richland Co	9/8/2011	2,500	0	2,500
SE	1303	5000	2013-15	Sargent Co WRD	Upper Wild Rice Watershed Study	6/24/2015	73,500	73,485	15
SE	1311	5000	2013-15	Trail Co. WRD	Buxton Township Improvement District No. 68	6/17/2015	15,745	15,745	0
SE	1312	5000	2011-13	Walsh Co. WRD	Skyrud Dam 2011 EAP	12/15/2011	10,000	8,073	1,927
SE	1312	5000	2011-13	Walsh Co. WRD	Union Dam 2011 EAP	12/15/2011	10,000	8,350	1,650
SWC	1314	5000	2013-15	Wells Co. WRD	Oak Creek Drain Lateral E Reconstruction Project	9/15/2014	73,057	73,057	0
SE	1314	5000	2015-17	Wells Co. WRD	Oak Creek Lateral E Reconstruction	12/29/2015	20,173	20,173	0
SE	1314	5000	2013-15	Wells Co. WRD	Hurdsfield Area Drain Preliminary Engineering Project	6/11/2015	35,000	35,000	0
SWC	1396	5000	2011-13	U.S. Geological Survey	(USGS) Missouri River Geomorphic Assessment	3/7/2012	10,000	10,000	0
SE	1403	5000	2015-17	ND Water Resources Re	(NDWRRR) Student Fellowship Program	12/23/2015	18,850	18,850	0
SE	1403	5000	2015-17	ND Water Resources Re	(NDWRRR) Student Fellowship Program	1/18/2017	18,850	18,850	0
SWC	1438	5000	2011-13	Cavalier County WRD	Mulberry Creek Phase IV Reconstruction Project	6/19/2013	102,019	2,250	99,769
SWC	1444	5000	2013-15	City of Pembina	2014 Flood Protection System Modification Project	5/29/2014	61,331	61,331	0
SE	1520	5000	2015-17	Walsh Co. WRD	Walsh Co Drain #30-1	8/29/2016	14,000	14,000	0
SWC	1523	5000	2015-17	Ward Co	Flood Control County Road 18	5/29/2015	325,208	325,208	0
SWC	1554	5000	2013-15	McLean Co. WRD	City of Underwood Floodwater Outlet Project	12/13/2013	1,483,268	1,483,268	0
SWC	1577	5000	2013-15	City of Killdeer & Dunn Co	Floodplain Mapping Project	5/29/2014	55,000	55,000	0
SE	1607	5000	2011-13	Ward Co. WRD	Flood Inundation Mapping of Areas Along Souris & Des Lacs R	6/15/2011	13,011	0	13,011
SWC	1613	5000	2013-15	North Cass Co. WRD	Cass County Drain No. 55 Channel Improvements Project	9/15/2014	99,923	48,703	51,220
SWC	1625	5000	2013-15	Houston Engineering	(OHWM) Ordinary High Water Mark Delineations	8/20/2014	4,560	0	4,560
SE	1625	5000	2015-17	Ross Engineering, LLC	Gather infor regarding pipeline waterway crossings	2/9/2016	25,000	8,745	16,255
SE	1625	5000	2015-17	HDR Engineering, Inc	Dakota Access PipeLine Missouri River crossing sour analysis	2/9/2016	25,000	21,315	3,685
SB2020	1625	5000	2015-17	ND Parks & Recreation	Sovereign Lands Recreation Use Grant	1/10/2017	1,000,000	1,000,000	0
SE	1640	5000	2013-15	U.S. Geological Survey	(USGS) Maintenance of gaging station on Missouri River below	9/25/2013	8,710	0	8,710
SE	1650	5000	2015-17	Sargent Co WRD	Drain #7 Channel Improvements Study	1/17/2016	6,214	6,214	0
SE	1667	5000	2015-17	Trail Co. WRD	Goose River Snagging & Clearing	12/18/2015	47,500	47,500	0
SE	1667	5000	2015-17	Trail Co. WRD	Goose River Snagging & Clearing	9/2/2016	47,500	47,501	(1)
SE	1701	5000	2013-15	US Army Corps of Engine	Red River of the North Unsteady Flow Model	11/25/2015	17,825	17,825	0
SWC	1758	5000	2013-15	U.S. Geological Survey	(USGS) Stochastic Model for the Mouse River Basin	12/13/2013	40,000	40,000	0
SWC	1792	5000	2009-11	Southeast Cass WRD	SE Cass Wild Rice River Dam Study Phase II	1/29/2015	32,252	32,252	0
SE	1814	5000	2013-15	Richland Co. WRD	Wild Rice River Snagging & Clearing - Bridge #121-2	5/28/2015	16,000	16,000	0
SE	1815	5000	2013-15	Ransom Co. WRD	Sheyenne River Snagging & Clearing - Fort Ransom Reach	6/11/2015	6,350	6,350	0
SE	1842	5000	2013-15	Southeast Cass WRD	Wild Rice River Snagging & Clearing - Bridge Location Sites	2/3/2015	11,063	0	11,063
SE	1842	5000	2015-17	Southeast Cass WRD	Wild Rice River Snagging & Clearing	7/6/2016	24,948	24,948	0
SE	1891	5000	2015-17	Steele Co WRD	Drain No. 8 Channel Improvement Preliminary Engineering Pro	9/29/2015	17,500	17,500	0
SE	1934	5000	2015-17	Trail Co. WRD	Elm River Snagging & Clearing	9/2/2016	47,500	47,500	0
SWC	1960	5000	2009-11	Ward Co. WRD	Puppy Dog Coulee Flood Control Diversion Ditch Construction	8/18/2009	796,976	0	796,976
HB 2305	1963	5000	2009-11	Emmons County WRD	Beaver Bay Embankment Feasibility Study	8/10/2009	18,078	0	18,078
SE	1967	5000	2009-11	Grand Forks Co. WRD	Grand Forks County Legal Drain No. 55 2010 Contruction	11/30/2010	9,652	9,652	0
SWC	1970	5000	2009-11	Walsh Co. WRD	Walsh Co. Construction of Legal Assessment Drain # 72	3/28/2011	39,115	39,115	0
SE	1974	5000	2015-17	USGS	USGS Web-Based Mouse River Information Page	1/19/2016	24,700	24,700	0
SWC	1975	5000	2011-13	Walsh Co. WRD	Walsh Co. Drain No. 31 Reconstruction Project	9/21/2011	37,742	37,742	0
SWC	1978	5000	2011-13	Richland & Sargent Joint	Richland & Sargent WRD RS Legal Drain No. 1 Extension & CI	7/23/2015	245,250	168,791	76,459
SWC	1983	5000	2011-13	City of Harwood	City of Harwood Engineering Feasibility Study	12/9/2011	62,500	0	62,500
SWC	1989	5000	2011-13	Barnes Co WRD	Hobart Lake Outlet Project	3/7/2012	266,100	0	266,100
SE	1991	5000	2011-13	City of Lisbon	Sheyenne River Snagging & Clearing Project	2/12/2013	5,000	5,000	0
SWC	1992	5000	2011-13	Burleigh Co. WRD	Burnt Creek Flood Restoration Project	7/29/2015	179,890	176,524	3,366
SE	1998	5000	2011-13	Grand Forks Co. WRD	Upper Turtle River Dam #1 2012 EAP	6/28/2012	10,000	9,365	635
SE	2002	5000	2011-13	Grand Forks Co. WRD	Trutle River Dam #4 2012 EAP	6/29/2012	10,000	8,656	1,344
SWC	2004	5000	2013-15	Grand Forks Co. WRD	Drain No. 57 Project	10/7/2013	413,576	413,576	0
SE	2005	5000	2011-13	Grand Forks Co. WRD	Turtle River Dam #8 2012 EAP	6/29/2012	10,000	9,069	931
SWC	2007	5000	2011-13	Maple River WRD	Pontiac Township Improvement District No. 73 Project	5/11/2015	747,093	594,183	152,910
SWC	2013	5000	2011-13	Richland-Cass Joint WRC	Wild Rice River Watershed Retention Plan	6/8/2015	45,905	45,905	0
SWC	2019	5000	2011-13	Valley City	Sheyenne River Snagging & Clearing Project	12/7/2012	75,000	0	75,000

STATE WATER COMMISSION
PROJECT SUMMARY
2015-2017 Biennium
Resources Trust Fund

COMPLETED GENERAL PROJECTS

Approved SWC By	No	Dept	Approved Biennium	Sponsor	Project	Initial Approved Date	Total Approved	Total Payments	Apr-17 Balance
SWC	2040	5000	2013-15	Walsh Co. WRD	Drain #74 Project	10/7/2013	211,600	211,600	0
SWC	2042	5000	2013-15	Boltineau Co. WRD	Haas Coulee Drain Project	9/15/2014	500,000	500,000	0
SE	2045	5000	2013-15	Stark County	Stark County LIDAR Collection Project (FEMA)	7/17/2015	33,584	33,584	0
SWC	2045	5000	2013-15	McKenzie Co. Commissic	LIDAR Collection Project	9/15/2014	262,308	262,308	0
SWC	2046	5000	2013-15	Walsch Co. WRD	North Branch Park River Comprehensive Flood Damage Redu	12/13/2013	134,400	108,772	25,628
SWC	2047	5000	2013-15	LaMoure County	LaMoure Co Memorial Park Streambank Restoration	8/3/2016	91,042	64,240	26,802
SWC	2048	5000	2013-15	City of Marion	Marion Flood Mitigation & Lagoon Drainage Project	5/29/2014	116,659	116,599	60
SWC	2063	5000	2015-17	Maple River WRD	Swan Buffalo Detention Dam #8(Embden Dam)	11/17/2016	123,087	120,803	2,284
SWC	1878-02	5000	2011-13	Maple-Steele Joint WRD	Upper Maple River Dam Construction Phase	12/13/2013	4,702,936	4,415,496	287,440
SB2020	1928-04	5000	2015-17	NDSU	Fargo Moorhead Diversion Agricultural Impact (Study)	1/20/2016	80,000	79,716	284
SB2009	1986-03	5000	2015-17	USDA-APHIS,ND Dept A	USDA Wildlife	9/9/2015	250,000	250,000	0
SWC	2003-02	5000	2011-13	Southeast Cass WRD	Re-Certification of the West Fargo Diversion Levee System	7/23/2015	52,564	32,813	19,751
SWC	2009-02	5000	2011-13	Southeast Cass WRD	Recertification of the Horace to West Fargo Diversion Levee S	9/17/2012	25,504	25,504	0
SE	AOC/WEF/TO	5000	2015-17	ND Water Education Fou	2017 Summer Water Tours Sponsorship	4/5/2017	2,500	2,500	0
SE	ASNDS	5000	2015-17	NDSU	Oaks Irrigation Research Site - New Linear Irrigation System	11/18/2015	25,636	25,636	0
SE	CON/CAR	5000	2015-17	Garrison Diversion	Will and Carlson Consulting Services	1/12/2016	17,500	10,795	6,705
SWC	CON/WIL/CAF	5000	2013-15	Garrison Diversion Conse	Will and Carlson Consulting Contract	12/13/2013	26,451	1,828	24,623
SE	NDAWN	5000	2015-17	NDSU	NDAWN CENTER	2/11/2016	1,500	1,500	0
SE	NDAWN	5000	2015-17	NDSU	NDAWN CENTER	1/31/2017	1,500	1,500	0
SWC	PS/WRD/DEV	5000	2015-17	Devils Lake Joint WRB	DL Manager	5/20/2015	60,000	60,000	0
SWC	PS/WRD/MRJ	5000	2013-15	Missouri River Joint WRB	Missouri River Coordinator	10/7/2013	37,094	14,327	22,767
SE	PSIRRBUR	5000	2015-17	Buford Trenton Irrigation I	Upgrade to 3-Phase Power	4/19/2016	32,770	32,770	0
SE	PSWRDBUR	5000	2015-17	Burleigh Co. WRD	Pebble Creek Golf Course - Hay Creek Bank Stabilization	10/15/2015	22,782	22,782	0
SE	PSWRDCAS	5000	2015-17	Cass Co. Joint WRD	Red River Watershed Comprehensive Detention Plan Updates	11/19/2015	34,025	34,025	0
TOTAL							16,009,601	13,303,150	2,706,451



— State of —
North Dakota
Office of the Governor

Doug Burgum
Governor

May 2, 2017

The Honorable Larry Bellew
Speaker of the House
North Dakota House of Representatives
State Capitol
Bismarck, ND 58505

Dear Speaker Bellew:

Pursuant to Article V, Section 9 of the North Dakota Constitution, I have vetoed the last sentence of paragraph 2, Section 5 and all of Section 27 of House Bill 1020, the appropriations bill for the State Water Commission.

The portion of Section 5 that reads: "subject to budget section approval and upon notification to the legislative management's water topics overview committee." is vetoed. This sentence requires the Commission to seek budget section approval before transferring funding between the projects identified under paragraph 1, Section 5.

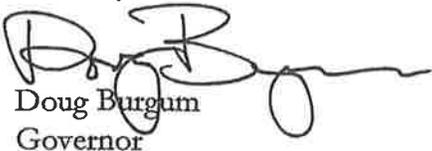
In *Kelsch v. Jaeger*, the North Dakota Supreme Court concluded the legislature may not delegate legislative powers to a subset of its members. 641 N.W.2d 100 (ND 2002). If enacted, the vetoed portion of Section 5 will interfere with the duties and responsibilities of the State Water Commission as defined under North Dakota law. NDCC § 61-02-04.

Section 27 of House Bill 1020 requires the Commission budget for the 2019-2021 biennium comply with NDCC §§ 54-44.1-16 and include line items for salaries and wages, operating expenses, capital assets, project carryover, new projects "and any additional line items as determined necessary by the commission or office of management and budget." NDCC § 54-44.1-04.

While well intentioned, these requirements will impair the duties and responsibilities of the Commission. Many water projects fit into multiple line item categories. Certain projects proceed slowly, delayed by legal, environmental, cost share and other factors driven by outside parties. The simpler budgeting format previously adopted and approved by the legislature gives the Commission a flexible and efficient model from which to work and should be retained.

As Chair of the State Water Commission, I will ensure our governing board prioritizes public transparency of project expenditures through regular and detailed reporting.

Sincerely,


Doug Burgum
Governor

**Sixty-fifth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 3, 2017**

HOUSE BILL NO. 1020
(Appropriations Committee)

AN ACT to provide an appropriation for defraying the expenses of the state water commission; to provide an appropriation to the industrial commission; to amend and reenact section 57-51.1-07, subsection 10 of section 61-02-02, section 61-02-08, subsection 1 of section 61-02-78, section 61-02-79, the new section to chapter 61-03, as created by section 12 of House Bill No. 1374, as approved by the sixty-fifth legislative assembly, and sections 61-29-06, 61-40-05, and 61-40-11 of the North Dakota Century Code, relating to the oil extraction tax development fund, the definition of water conveyance project, the state water commission chairman and vice chairman, the infrastructure revolving loan fund, a Bank of North Dakota line of credit, economic analyses for certain water projects, management of the Little Missouri scenic river, the authority of the western area water supply authority, and water rates of the western area water supply authority; to provide for budget section approval; to provide for a state engineer study; to provide for an industrial commission study; to provide for a legislative management study; to provide for reports; to provide a statement of legislative intent; to designate funding; to provide for a transfer; to provide exemptions; to provide a contingent effective date; to provide an effective date; to provide an expiration date; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated from special funds derived from federal funds and other income, to the state water commission for the purpose of defraying the expenses of the state water commission, for the biennium beginning July 1, 2017, and ending June 30, 2019, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Administrative and support services	\$5,535,618	\$97,568	\$5,633,186
Water and atmospheric resources	<u>863,400,218</u>	<u>(146,859,929)</u>	<u>716,540,289</u>
Total all funds	\$868,935,836	(\$146,762,361)	\$722,173,475
Full-time equivalent positions	97.00	(4.00)	93.00

SECTION 2. HEALTH INSURANCE INCREASE. The appropriation in section 1 of this Act includes the sum of \$257,498 of other funds, for increases in employee health insurance premiums from \$1,130 to \$1,241 per month.

SECTION 3. ADDITIONAL INCOME - APPROPRIATION - BUDGET SECTION APPROVAL. In addition to the amounts appropriated in section 1 of this Act, any additional amounts in the resources trust fund and water development trust fund which become available are appropriated, subject to budget section approval, to the state water commission for the purpose of defraying the expenses of that agency, for the biennium beginning July 1, 2017, and ending June 30, 2019.

SECTION 4. GRANTS - WATER-RELATED PROJECTS - CARRYOVER AUTHORITY. Section 54-44.1-11 does not apply to funding for grants or water-related projects included in the water and atmospheric resources line item in section 1 of this Act. However, this exclusion is only in effect for two years after June 30, 2019. Any unexpended funds appropriated from the resources trust fund after that period has expired must be transferred to the resources trust fund and any unexpended funds appropriated from the water development trust fund after that period has expired must be transferred to the water development trust fund.

SECTION 5. STATE WATER COMMISSION PROJECT FUNDING DESIGNATIONS - TRANSFERS - BUDGET SECTION APPROVAL.

1. Of the funds appropriated in the water and atmospheric resources line item in section 1 of this Act from funds available in the resources trust fund and water development trust fund, \$298,875,000 is designated as follows:
 - a. \$120,125,000 for water supply;
 - b. \$27,000,000 for rural water supply;
 - c. \$136,000,000 for flood control; and
 - d. \$15,750,000 for general water.
2. The funding designated in this section is for the specific purposes identified; however, the state water commission may transfer funding among these items, ~~subject to budget section approval and upon notification to the legislative management's water topics overview committee.~~

SECTION 6. LEGISLATIVE INTENT - MOUSE RIVER FLOOD CONTROL PROJECT FUNDING.

Except for funding provided during bienniums prior to the 2017-19 biennium, it is the intent of the sixty-fifth legislative assembly that the state provide no more than \$193,000,000 of state funding for Mouse River flood control projects within the city limits of Minot. It is the intent of the sixty-fifth legislative assembly that the \$193,000,000 be made available during the 2017-19, 2019-21, 2021-23, and 2023-25 bienniums.

SECTION 7. LEGISLATIVE INTENT - RED RIVER VALLEY WATER SUPPLY PROJECT - BUDGET SECTION APPROVAL. It is the intent of the sixty-fifth legislative assembly that the state water commission provide, in the form of a grant, up to \$30,000,000, of which \$17,000,000 is for the completion of the planning and permitting process and \$13,000,000 is to initiate construction of phase one prioritized project features identified in accordance with subsection 2 of section 8 of this Act, to the Garrison diversion conservancy district for the Red River valley water supply project, for the biennium beginning July 1, 2017, and ending June 30, 2019. The Garrison diversion conservancy district must receive budget section approval prior to changing any funding between designations identified in this section.

SECTION 8. RED RIVER VALLEY WATER SUPPLY PROJECT - REPORT TO LEGISLATIVE MANAGEMENT - BUDGET SECTION APPROVAL. Any funding received by the Garrison diversion conservancy district from the state water commission for the Red River valley water supply project during the biennium beginning July 1, 2017, and ending June 30, 2019, is subject to the following requirements:

1. Any funding received for the completion of the planning and permitting process of the Red River valley water supply project must result in the following accomplishments:
 - a. The completed Red River valley water supply plan document that will be the basis and justification for project construction and must include alternative selection, water supply needs, projected project costs, easement acquisitions, environmental regulation compliance to include the Boundary Waters Treaty of 1909, and an implementation schedule;
 - b. Acquisition of all state and federal permits required for the construction of any project features intended to be constructed with funding provided during the 2017-19 biennium;
 - c. A signed bureau of reclamation water service contract agreeing to a minimum of one hundred sixty-five cubic feet per second over a minimum of forty years or equivalent to ensure an adequate water source for the project's needs;
 - d. Prioritized project features for phase one construction; and

- e. A recommendation for funding options for all phases of the Red River valley water supply project.
2. Any funding received to initiate construction of phase one prioritized project features identified in subsection 1 may be spent and construction of phase one may begin only after the budget section receives and approves certification from the state water commission and the state engineer that all items listed in subsection 1 have been accomplished.
3. Quarterly progress reports on the Red River valley water supply project from the Garrison diversion conservancy district to the water topics overview committee of the legislative management, during the 2017-18 interim.

SECTION 9. WESTERN AREA WATER SUPPLY AUTHORITY - BANK OF NORTH DAKOTA LOAN - REPORTS. Notwithstanding section 5 of chapter 500 of the 2011 Session Laws, the Bank of North Dakota shall consolidate the \$40,000,000 loan to the western area water supply authority authorized in section 5 of chapter 20 of the 2013 Session Laws, the \$50,000,000 loan to the western area water supply authority authorized in section 2 of chapter 500 of the 2011 Session Laws, and the \$25,000,000 loan from the general fund to the western area water supply authority authorized in section 3 of chapter 500 of the 2011 Session Laws. The terms and conditions of the consolidation loan must be negotiated by the western area water supply authority and the Bank of North Dakota. The western area water supply authority is not obligated to repay principal on loans from the resources trust fund for the period beginning July 1, 2017, and ending June 30, 2018. The interest rate on the \$10,000,000 loan to the western area water supply authority authorized in section 4 of chapter 500 of the 2011 Session Laws must be 2.5 percent on any outstanding balance remaining after the effective date of this Act. The Bank of North Dakota shall report the terms of the consolidation loan upon its completion to the legislative management's water topics overview committee during the 2017-18 interim. The western area water supply authority shall provide its monthly financial statements and industrial sales to the legislative council for the legislative management's water topics overview committee's review during the 2017-18 interim.

SECTION 10. WESTERN AREA WATER SUPPLY AUTHORITY DEBT SERVICE SHORTFALL - BUDGET SECTION APPROVAL. If the western area water supply authority defaults on its payment of the principal or interest on the consolidation loan provided for in section 9 of this Act or the revenue bonds or other financing provided for in section 12 of this Act, the Bank of North Dakota shall notify the legislative council, and the state water commission shall provide a payment, subject to budget section approval, to the Bank of North Dakota in an amount of the default as certified to the budget section by the Bank of North Dakota.

SECTION 11. APPROPRIATION - INDUSTRIAL COMMISSION STUDY - WESTERN AREA WATER SUPPLY AUTHORITY - REPORT TO LEGISLATIVE MANAGEMENT. There is appropriated out of any moneys in the resources trust fund, in the state treasury, the sum of \$150,000, or so much of the sum as may be necessary, to the industrial commission for the purpose of conducting an independent study of the feasibility and desirability of the sale or lease of the industrial water supply assets of the western area water supply authority, for the period beginning with the effective date of this Act, and ending June 30, 2019. The study must provide information regarding the financial impact to the western area water supply authority, its members and customers, the financial viability of the authority, and options available to the authority for debt servicing. The industrial commission may form a nonvoting advisory committee chaired by the state engineer to provide input regarding the scope of the study and to receive reports on the status of the study. The industrial commission shall report to the legislative management's interim water topics overview committee on the results of the study by June 1, 2018.

SECTION 12. ACTIONS RESULTING FROM THE WESTERN AREA WATER SUPPLY AUTHORITY STUDY.

1. If the industrial commission determines, based on the study directed in section 11 of this Act, that it is feasible and desirable to lease or sell the industrial water supply assets of the western

area water supply authority, the industrial commission shall develop a timeline to complete the lease or the sale of the industrial water assets of the western area water supply authority and report to the legislative management's interim water topics overview committee.

2. If the industrial commission determines, based on the study directed in section 11 of this Act, that it is not feasible and desirable to lease or sell the industrial water supply assets of the western area water supply authority, notwithstanding section 5 of chapter 500 of the 2011 Session Laws, the western area water supply authority shall, with the assistance of the industrial commission and the Bank of North Dakota, repay its obligations to the Bank of North Dakota through the issuance of revenue bonds or other financing options acceptable to the industrial commission and Bank of North Dakota.

SECTION 13. STATE ENGINEER - FLOOD HAZARD RISK MANAGEMENT STUDY - ADDITIONAL INCOME - APPROPRIATION. The water and atmospheric resources line item in section 1 of this Act includes \$30,000 of which \$15,000 is from the resources trust fund and \$15,000 of other funds received from Ward County, for the purpose of conducting a flood hazard risk management framework study and demonstration in section 14 of this Act, for the biennium beginning July 1, 2017, and ending June 30, 2019. The state engineer may seek funding from federal, local, and private sector co-funding partnerships. Any fees collected from data users and partners and any other funds from public or private sources, including federal grants and county revenue contributions, are appropriated to the state engineer for the study and for expanding the project to additional counties for the biennium beginning July 1, 2017, and ending June 30, 2019.

SECTION 14. LEGISLATIVE MANAGEMENT STUDY - FLOOD HAZARD RISK MANAGEMENT. During the 2017-18 interim, the legislative management shall study issues related to the state's development of a statewide flood hazard risk management framework by granting authority to the state engineer to perform a study and proof of concept demonstration to implement statewide flood risk management capabilities for assessing, managing, and reducing property-specific flood risk.

1. In performing the study and proof of concept demonstration, the state engineer may leverage, coordinate, and partner with the North Carolina floodplain mapping program and with Ward County to conduct the study and proof of concept demonstration. The state engineer shall acquire and leverage data necessary to support the study and proof of concept demonstration including:
 - a. Footprints and elevations from current and future light detection and ranging data collections that meet federal emergency management agency risk mapping, assessment, and planning standards;
 - b. First floor elevations and elevation certificates from local planning and zoning offices or light detection and ranging data;
 - c. Parcel, address, and imagery data necessary for individual property flood hazard identification, assessment, and reduction; and
 - d. Any other data the state engineer deems necessary to meet the objectives in creating the database.
2. To complete the pilot project, the state engineer shall:
 - a. Construct and maintain flood hazard and risk data in a spatial, relational database;
 - b. Disseminate flood hazard and risk data through a digital display environment prompted through dynamic querying;
 - c. Coordinate, incentivize, and partner with a least one county to obtain the necessary parcel data and other data needed for this study and serve as the repository for the property flood risk dataset;

- d. Establish a technical committee consisting of federal, state, local, and private sector stakeholders and providers to the greatest extent possible to allow data sharing, coordination, synergy, and partnering;
 - e. Work with the North Carolina floodplain mapping program to incorporate the property risk dataset into the multistate flood risk information system maintained by North Carolina, augment the dataset with federal emergency management agency digital flood insurance data, and assess any data or other gaps preventing this state's full use of the system;
 - f. Make the data publicly available on the state water commission's website in an easily accessible and useable format;
 - g. Provide technical assistance to data users, including reports and analysis as needed; and
 - h. Work with the federal emergency management agency and the study county to enable the communities and property owners to use the elevation, light detection and ranging, and other data provided on the website to submit letters of map amendment or revision to the federal emergency management agency.
3. The state engineer shall report to the legislative management as requested by the legislative management. At the conclusion of the study, the state engineer shall provide the following information to the legislative management:
- a. A description of the engineer's current cooperative technical flood mapping partnership with the federal emergency management agency and any additional authority, staffing, and funding required to create a fully independent and self-sustaining state flood mapping program in lieu of the federal emergency management agency program, including the processing of letters of map change;
 - b. A detailed estimate of overall program costs and flood risk reductions of a self-sustaining state flood mapping program; and
 - c. A county assessment of the private, county, state, and federal data and resources that are currently available as compared to the resources that would be required to fully use North Carolina's flood risk information system for flood risk management, including recommendations for improvement or the statewide expansion of the project established under this study and suggested funding mechanisms and alternatives for data dissemination, which may include a one-state online repository or the provision of data by local planning and zoning offices.

SECTION 15. AMENDMENT. Section 57-51.1-07 of the North Dakota Century Code is amended and reenacted as follows:

57-51.1-07. Allocation of moneys in oil extraction tax development fund.

Moneys deposited in the oil extraction tax development fund must be transferred monthly by the state treasurer as follows:

1. Twenty percent must be allocated and credited to the sinking fund established for payment of the state of North Dakota water development bonds, southwest pipeline series, and any moneys in excess of the sum necessary to maintain the accounts within the sinking fund and for the payment of principal and interest on the bonds must be credited to a special trust fund, to be known as the resources trust fund. The resources trust fund must be established in the state treasury and the funds therein must be deposited and invested as are other state funds to earn the maximum amount permitted by law which income must be deposited in the resources trust fund. ~~Five~~Three percent of the amount credited to the resources trust fund must be transferred no less than quarterly into the renewable energy development fund, not to

exceed three million dollars per biennium. One-half of one percent of the amount credited to the resources trust fund must be transferred no less than quarterly into the energy conservation grant fund not to exceed ~~one million~~ two hundred thousand dollars per biennium. The principal and income of the resources trust fund may be expended only pursuant to legislative appropriation and are available to:

- a. The state water commission for planning for and construction of water-related projects, including rural water systems. These water-related projects must be those which the state water commission has the authority to undertake and construct pursuant to chapter 61-02; and
 - b. The industrial commission for the funding of programs for development of renewable energy sources; for studies for development of cogeneration systems that increase the capacity of a system to produce more than one kind of energy from the same fuel; for studies for development of waste products utilization; and for the making of grants and loans in connection therewith.
 - c. The department of commerce for the funding of programs for development of energy conservation and for the making of grants and loans relating to energy conservation.
2. Twenty percent must be allocated to the common schools trust fund and foundation aid stabilization fund as provided in section 24 of article X of the Constitution of North Dakota.
 3. Thirty percent must be allocated to the legacy fund as provided in section 26 of article X of the Constitution of North Dakota.
 4. Thirty percent must be allocated and credited to the state's general fund.

SECTION 16. AMENDMENT. Section 57-51.1-07 of the North Dakota Century Code is amended and reenacted as follows:

57-51.1-07. Allocation of moneys in oil extraction tax development fund.

Moneys deposited in the oil extraction tax development fund must be transferred monthly by the state treasurer as follows:

1. Twenty percent must be allocated and credited to the sinking fund established for payment of the state of North Dakota water development bonds, southwest pipeline series, and any moneys in excess of the sum necessary to maintain the accounts within the sinking fund and for the payment of principal and interest on the bonds must be credited to a special trust fund, to be known as the resources trust fund. The resources trust fund must be established in the state treasury and the funds therein must be deposited and invested as are other state funds to earn the maximum amount permitted by law which income must be deposited in the resources trust fund. Three percent of the amount credited to the resources trust fund must be transferred no less than quarterly into the renewable energy development fund, not to exceed three million dollars per biennium. One-half of one percent of the amount credited to the resources trust fund must be transferred no less than quarterly into the energy conservation grant fund not to exceed one million two hundred thousand dollars per biennium. The principal and income of the resources trust fund may be expended only pursuant to legislative appropriation and are available to:
 - a. The state water commission for planning for and construction of water-related projects, including rural water systems. These water-related projects must be those which the state water commission has the authority to undertake and construct pursuant to chapter 61-02; and
 - b. The industrial commission for the funding of programs for development of renewable energy sources; for studies for development of cogeneration systems that increase the

capacity of a system to produce more than one kind of energy from the same fuel; for studies for development of waste products utilization; and for the making of grants and loans in connection therewith.

- c. The department of commerce for the funding of programs for development of energy conservation and for the making of grants and loans relating to energy conservation.
2. Twenty percent must be allocated to the common schools trust fund and foundation aid stabilization fund as provided in section 24 of article X of the Constitution of North Dakota.
3. Thirty percent must be allocated to the legacy fund as provided in section 26 of article X of the Constitution of North Dakota.
4. Thirty percent must be allocated and credited to the state's general fund.

SECTION 17. AMENDMENT. Subsection 10 to section 61-02-02 of the North Dakota Century Code as amended by section 3 of House Bill No. 1374, as approved by the sixty-fifth legislative assembly, is amended and reenacted as follows:

10. "Water conveyance project" means any surface ~~or~~ ~~subsurface~~ drainage works, bank stabilization, or snagging an clearing of water courses.

SECTION 18. AMENDMENT. Section 61-02-08 of the North Dakota Century Code as amended by section 6 of House Bill No. 1374, as approved by the sixty-fifth legislative assembly, is amended and reenacted as follows:

61-02-08. Meetings of commission.

The commission shall hold at least one meeting every two months at places as it, by resolution, may provide. The governor shall serve as chairman, and the commission shall select a member of the commission to serve as vice chairman. The chairman, or in the chairman's absence or disability, the vice chairman of the commission, may issue a call for any meeting at any time. The governor, ~~as chairman, or governor's appointed representative~~ shall preside at all meetings of the commission ~~and in case of the governor's, and in case of the absence or disability of the governor and governor's appointed representative,~~ the vice chairman shall preside. ~~The seven appointed members of the commission shall select an appointed member to serve as vice chairman of the commission.~~

SECTION 19. AMENDMENT. Subsection 1 of section 61-02-78 of the North Dakota Century Code is amended and reenacted as follows:

1. An infrastructure revolving loan fund is established on January 1, 2015, within the resources trust fund to provide loans for water supply, flood protection, or other water development and water management projects. Ten percent of oil extraction moneys deposited in the resources trust fund, not to exceed a total deposit from oil extraction moneys of twenty-six million dollars, are made available on a continuing basis for making loans in accordance with this section. Accounts may be established in the resources trust fund as necessary for its management and administration.

SECTION 20. AMENDMENT. Section 61-02-79 of the North Dakota Century Code is amended and reenacted as follows:

61-02-79. Bank of North Dakota - Line of credit.

The Bank of North Dakota shall extend a line of credit not to exceed ~~two hundred seventy-five million dollars~~ at a rate ~~that of one and one-half percent over the three month London interbank offered rate,~~ but may not exceed one and three quarters ~~three~~ percent to the state water commission. The state water commission shall repay the line of credit from funds available in the resources trust fund, water development trust fund, or other funds, as appropriated by the legislative assembly. The state water commission may access the line of credit, as necessary, to provide funding as authorized by the

legislative assembly for ~~water supply projects in suspense, water supply projects identified in section 19 of chapter 54 of the 2015 session laws, and water supply projects approved before June 30, 2017~~2019, and flood control projects that have approval for funding before June 30, 20172019.

SECTION 21. The new section to chapter 61-03 of the North Dakota Century Code created by section 12 of House Bill No. 1374, as approved by the sixty-fifth legislative assembly, is amended and reenacted as follows:

Economic analysis process required for certain projects.

The state engineer shall develop an economic analysis process for water conveyance projects and flood-related projects expected to cost more than ~~seven hundred fifty thousand~~ one million dollars, and a life cycle analysis process for municipal water supply projects. When the state water commission is considering whether to fund a water conveyance project, flood-related project, or water supply project, the state engineer shall review the economic analysis or life cycle analysis, and inform the state water commission of the findings from the analysis and review.

SECTION 22. AMENDMENT. Section 61-29-06 of the North Dakota Century Code is amended and reenacted as follows:

61-29-06. Management.

Channelization, reservoir construction, or diversion other than for agricultural or recreational, or temporary use purposes and the dredging of waters within the confines of the Little Missouri scenic river and all Little Missouri River tributary streams are expressly prohibited. Flood control dikes may be constructed within the floodplain of the Little Missouri River. Diking and riprapping for bank erosion control shall be permitted within the confines of the Little Missouri scenic river. The construction of impoundments for any purpose on the Little Missouri mainstream shall be prohibited.

This chapter shall in no way affect or diminish the rights of owners of the land bordering the river to use the waters for domestic purposes, including livestock watering, or any other rights of riparian landowners.

SECTION 23. AMENDMENT. Section 61-40-05 of the North Dakota Century Code is amended and reenacted as follows:

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

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

1. Sue and be sued in the name of the authority.
2. Exercise the power of eminent domain in the manner provided by title 32 or as described in this chapter for the purpose of acquiring and securing any right, title, interest, estate, or easement necessary or proper to carry out the duties imposed by this chapter, and particularly to acquire the necessary rights in land for the construction of an entire part of any pipeline, reservoir, connection, valve, pumping installation, or other facility for the storage, transportation, or utilization of water and all other appurtenant facilities used in connection with the authority. However, if the interest sought to be acquired is a right of way for any project authorized in this chapter, the authority, after making a written offer to purchase the right of way and depositing the amount of the offer with the clerk of the district court of the county in which the right of way is located, may take immediate possession of the right of way, as authorized by section 16 of article I of the Constitution of North Dakota. Within thirty days after notice has been given in writing to the landowner by the clerk of the district court that a deposit has been made for the taking of a right of way as authorized in this subsection, the owner of the property taken may appeal to the district court by serving a notice of appeal upon the

acquiring agency, and the matter must be tried at the next regular or special term of court with a jury unless a jury be waived, in the manner prescribed for trials under chapter 32-15.

3. Accept funds, property, services, pledges of security, or other assistance, financial or otherwise, from federal, state, and other public or private sources for the purpose of aiding and promoting the construction, maintenance, and operation of the authority. The authority may cooperate and contract with the state or federal government, or any department or agency of state or federal government, or any city, water district, or water system within the authority, in furnishing assurances and meeting local cooperation requirements of any project involving treatment, control, conservation, distribution, and use of water.
4. Cooperate and contract with the agencies or political subdivisions of this state or other states, in research and investigation or other activities promoting the establishment, construction, development, or operation of the authority.
5. Appoint and fix the compensation and reimbursement of expenses of employees as the board determines necessary to conduct the business and affairs of the authority and to procure the services of engineers and other technical experts, and to retain attorneys to assist, advise, and act for the authority in its proceedings.
6. Operate and manage the authority to distribute water to authority members and others within or outside the territorial boundaries of the authority and this state.
7. Hold, own, sell, or exchange any and all property purchased or acquired by the authority. All money received from any sale or exchange of property must be deposited to the credit of the authority and may be used to pay expenses of the authority.
8. Enter contracts to obtain a supply of bulk water through the purchase of infrastructure, bulk water sale or lease, which contracts may provide for payments to fund some or all of the authority's costs of acquiring, constructing, or reconstructing one or more water supply or infrastructure.
9. Acquire, construct, improve, and own water supply infrastructure, office and maintenance space in phases, in any location, and at any time.
10. Enter contracts to provide for a bulk sale, lease, or other supply of water for beneficial use to persons within or outside the authority. The contracts may provide for payments to fund some or all of the authority's costs of acquiring, constructing, or reconstructing one or more water system projects, as well as the authority's costs of operating and maintaining one or more projects, whether the acquisition, construction, or reconstruction of any water supply project actually is completed and whether water actually is delivered pursuant to the contracts. The contracts the cities, water districts, and other entities that are members of the western area water supply authority are authorized to execute are without limitation on the term of years.
11. Borrow money as provided in this chapter.
12. Make all contracts, execute all instruments, and do all things necessary or convenient in the exercise of its powers or in the performance of its covenants or duties or in order to secure the payment of its obligations, but an encumbrance, mortgage, or other pledge of property of the authority may not be created by any contract or instrument.
13. Accept from any authorized state or federal agency loans or grants for the planning, construction, acquisition, lease, or other provision of a project, and enter agreements with the agency respecting the loans or grants. Other than state-guaranteed loans, additional debt that may form the basis of a claim for territorial or franchise protection for industrial water sales for oil and gas exploration and production may be acquired by the authority or member entities only upon approval by the industrial commission and the emergency commission.

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

SECTION 24. AMENDMENT. Section 61-40-11 of the North Dakota Century Code is amended and reenacted as follows:

61-40-11. Water rates.

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

SECTION 25. TRANSFER - INFRASTRUCTURE REVOLVING LOAN FUND TO RESOURCES TRUST FUND. On July 1, 2017, the state treasurer shall transfer any oil extraction moneys exceeding \$26,000,000 which have been deposited in the infrastructure revolving loan fund from the infrastructure revolving loan fund to the resources trust fund.

SECTION 26. LEGISLATIVE MANAGEMENT STUDY - OIL AND GAS INDUSTRIAL WATER USE. During the 2017-18 interim, the legislative management shall study industrial water use of the oil and gas industry. The study must include the recapture of water used in fracking, the recycling of water used in fracking, and other oil and gas activities, fracking methods which do not require the use of water, and taxes or fees other states charge for water used in the oil and gas industry.

~~**SECTION 27. STATE WATER COMMISSION - 2019-21 BIENNIUM BUDGET.** The state water commission, in accordance with section 54-44.1-04, shall prepare its 2019-21 biennium budget request and the office of management and budget shall prepare the draft appropriations Act under section 54-44.1-16 for the state water commission for consideration by the sixty-sixth legislative assembly with funding provided separately in a salaries and wages line item, operating expenses line item, capital assets line item, project carryover line item, new projects line item, and any additional line items as determined necessary by the commission or the office of management and budget. The state water commission shall present funding for projects in a manner consistent with the funding designations identified in section 5 of this Act, for the 2019-21 biennium.~~

SECTION 28. EFFECTIVE DATE - EXPIRATION DATE. Section 15 of this Act becomes effective on August 1, 2017, is effective through July 31, 2019, and after that date is ineffective. Section 16 of this Act becomes effective on August 1, 2019. Sections 17, 18, and 21 of this Act become effective on August 1, 2017.

SECTION 29. CONTINGENT EFFECTIVE DATE. Section 23 of this Act is contingent on certification by the industrial commission to the legislative council that the industrial commission has determined the western area water supply authority shall, with the assistance of the industrial commission and the Bank of North Dakota, repay its obligations to the Bank of North Dakota through the issuance of revenue bonds, as provided under subsection 2 of section 12 of this Act.

SECTION 30. EMERGENCY. Sections 9, 10, 11, 12, 22, 23, and 29 of this Act are declared to be an emergency measure.

Larry Bellon
Speaker of the House

[Signature]
President of the Senate

Bill J. Reith
Chief Clerk of the House

[Signature]
Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-fifth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1020 and that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote: Yeas 76 Nays 11 Absent 7

Larry Bellon
Speaker of the House

Bill J. Reith
Chief Clerk of the House

This certifies that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote: Yeas 47 Nays 0 Absent 0

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

Received by the Governor at 1:00P M. on April 27, 2017.

Approved at 6:15P M. on May 2, 2017.

[Signature]
Governor

Filed in this office this 3 day of May, 2017,
at 8:30 o'clock A M.

[Signature]
Secretary of State

**Sixty-fifth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 3, 2017**

HOUSE BILL NO. 1374

(Representatives Schmidt, D. Anderson, J. Nelson, Sanford, Streyle, Zubke)
(Senators Bekkedahl, Kreun, G. Lee, Luick, Schaible, Sorvaag)

AN ACT to create and enact sections 61-02-14.3, 61-02-80, 61-02-81, and a new section to chapter 61-03 of the North Dakota Century Code, relating to contracts and financial assistance for water projects and duties of the state engineer; and to amend and reenact sections 61-02-01.3, 61-02-01.4, 61-02-02, 61-02-04, 61-02-07, and 61-02-08, subsection 1 of section 61-02-14, and subsection 4 of section 61-02-62 of the North Dakota Century Code, relating to definitions of types of financial assistance for water projects and the composition and operation of the state water commission.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 61-02-01.3 of the North Dakota Century Code is amended and reenacted as follows:

61-02-01.3. Comprehensive water development plan.

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

SECTION 2. AMENDMENT. Section 61-02-01.4 of the North Dakota Century Code is amended and reenacted as follows:

61-02-01.4. State water commission cost-share policy.

The state water commission shall ~~adopt a cost-share policy for the financing of water projects. The policy~~ review, gather stakeholder input on, and rewrite as necessary the commission's "Cost-share Policy, Procedure and General Requirements" and "Project Prioritization Guidance" documents. The commission's cost-share policy:

1. Must provide a water supply project is eligible for ~~grants~~ a cost-share up to seventy-five percent of the total eligible project costs.
2. May not determine program eligibility of water supply projects based on a population growth factor. However, a population growth factor may be used in prioritizing projects for that purpose.
3. Must consider all project costs potentially eligible for reimbursement, except the commission shall exclude operations expense and regular maintenance, including removal of vegetative materials and sediment, for water conveyance projects and may exclude operations expense and regular maintenance for other projects. The commission shall require a water project sponsor to maintain a capital improvement fund from the rates charged customers for future extraordinary maintenance projects as condition of funding an extraordinary maintenance project.

4. May not determine program eligibility of water supply projects based on affordability. However, affordability may be used in prioritizing projects for that purpose.

SECTION 3. AMENDMENT. Section 61-02-02 of the North Dakota Century Code is amended and reenacted as follows:

61-02-02. Definitions.

In this chapter, unless the context or subject matter otherwise requires:

1. "Commission" means the state water commission.
2. "Cost of works" includes:
 - a. The cost of construction, the cost of all lands, property rights, water rights, easements, and franchises acquired which are deemed necessary for such construction;
 - b. The cost of all water rights acquired or exercised by the commission in connection with such works;
 - c. The cost of all machinery and equipment, financing charges, interest prior to and during construction and for a period not exceeding three years after the completion of construction;
 - d. The cost of engineering and legal expenses, plans, specifications, surveys, estimates of cost, and other expenses necessary or incident to determining the feasibility or practicability of any project;
 - e. Administrative expenses;
 - f. The construction of the works and the placing of the same in operation; and
 - g. Such other expenses as may be necessary or incident to the financing authorized in this chapter, including funding of debt service, repair and replacement reserves, capitalized interest, and the payment of bond issuance costs.
3. "Cost-share" means funds appropriated by the legislative assembly or otherwise transferred by the commission to a local entity under commission policy as reimbursement for a percentage of the total approved cost of a project approved by the commission.
4. "Economic analysis" means an estimate of economic benefits and direct costs that result from the development of a project.
5. "Grant" means a one-time sum of money appropriated by the legislative assembly and transferred by the commission to a local entity for a particular purpose. A grant is not dependent on the local entity providing a particular percentage of the cost of the project.
6. "Life cycle analysis" means the summation of all costs associated with the anticipated useful life of a project, including project development, land, construction, operation, maintenance, and disposal or decommissioning.
7. "Loan" means an amount of money lent to a sponsor of a project approved by the commission to assist with funding approved project components. A loan may be stand-alone financial assistance.
8. "Owner" includes all individuals, associations, corporations, limited liability companies, districts, municipalities, and other political subdivisions of this state having any title or interest in any properties, rights, water rights, easements, or franchises to be acquired.

4.9. "Project" means any one of the works defined in subsection 5, or any combination of such works, which are physically connected or jointly managed and operated as a single unit.

5-10. "Water conveyance project" means any surface or subsurface drainage works, bank stabilization, or snagging and clearing of water courses.

11. "Works" includes:

- a. All property rights, easements, and franchises relating thereto and deemed necessary or convenient for their operation;
- b. All water rights acquired and exercised by the commission in connection with such works;
- c. All means of conserving and distributing water, including without limiting the generality of the foregoing two subdivisions, reservoirs, dams, diversion canals, distributing canals, channels, lateral ditches, pumping units, mains, pipelines, treatment plants, and waterworks systems; and
- d. All works for the conservation, control, development, storage, treatment, distribution, and utilization of water, including without limiting the generality of the foregoing subdivisions, works for the purpose of irrigation, flood control, watering stock, supplying water for public, domestic, industrial, and recreational use, fire protection, and the draining of lands injured or in danger of injury as a result of such water utilization.

SECTION 4. AMENDMENT. Section 61-02-04 of the North Dakota Century Code is amended and reenacted as follows:

61-02-04. State water commission - Members - Terms - Qualifications.

The state water commission ~~shall consist~~consists of the governor, agriculture commissioner, and seven other members ~~to be~~ appointed by the governor who shall take into account reasonable geographic considerations in making ~~such~~the appointments with the intent of having each of the seven major drainage basins represented by a commissioner who resides in the basin. The major drainage basins are the upper Missouri River basin, the lower Missouri River basin, the James River basin, the upper Red River basin, the lower Red River basin, the Mouse River basin, and the Devils Lake basin. The governor or the agriculture commissioner, or both, may appoint a representative to serve in that official's capacity at ~~such~~ meetings ~~as that official may be~~is unable to attend. The seven appointive members of the commission must be appointed for a term of six years each with ~~their~~the terms of office so arranged that two terms and not more than three terms expire on the first day of July of each odd-numbered year. Each appointive member must be a qualified elector of the state and is subject to removal by judicial procedure. In case of a vacancy, the vacancy must be filled by appointment by the governor for the remainder of the unexpired term. Before entering upon the discharge of official duties, each appointive member shall take, subscribe, and file with the secretary of state the oath prescribed for civil officers.

SECTION 5. AMENDMENT. Section 61-02-07 of the North Dakota Century Code is amended and reenacted as follows:

61-02-07. Quorum - What constitutes.

A majority of the members of the commission ~~shall constitute~~constitutes a quorum, and the affirmative or negative vote of five members ~~shall be~~is necessary to bind the commission except for adjournment.

SECTION 6. AMENDMENT. Section 61-02-08 of the North Dakota Century Code is amended and reenacted as follows:

61-02-08. Meetings of commission - Chairman and vice chairman.

The commission ~~may hold meetings at such times and~~ shall hold at least one meeting every two months at such places as it, by resolution, may provide. The chairman, or in the chairman's absence or disability, the vice chairman of the commission, may issue a call for any meeting at any time. The governor, as chairman, shall preside at all meetings of the commission and in case of the governor's absence or disability, the vice chairman shall preside. The seven appointed members of the commission shall select an appointed member to serve as vice chairman of the commission.

SECTION 7. AMENDMENT. Subsection 1 of section 61-02-14 of the North Dakota Century Code is amended and reenacted as follows:

1. To investigate, plan, regulate, undertake, construct, establish, maintain, control, operate, and supervise all works, dams, and projects, public and private, which in its judgment may be necessary or advisable:
 - a. To control the low-water flow of streams in the state.
 - b. To impound water for the improvement of municipal, industrial, and rural water supplies.
 - c. To control and regulate floodflow in the streams of the state to minimize the damage of such floodwaters.
 - d. To conserve and develop the waters within the natural watershed areas of the state and, subject to vested rights, to divert the waters within a watershed area to another watershed area and the waters of any river, lake, or stream into another river, lake, or stream.
 - e. To improve the channels of the streams for more efficient transportation of the available water in the streams.
 - f. To provide sufficient water flow for the abatement of stream pollution.
 - g. To develop, restore, and stabilize the waters of the state for domestic, agricultural, and municipal needs, irrigation, flood control, recreation, and wildlife conservation by the construction and maintenance of dams, reservoirs, and diversion canals.
 - h. To promote the maintenance of existing drainage channels in agricultural lands and to construct any needed channels.
 - i. To provide more satisfactory subsurface water supplies for the municipalities of the state.
 - j. To finance the construction, establishment, operation, and maintenance of public and private works, dams, and irrigation projects, which in its judgment may be necessary and advisable, except the commission may not provide a cost-share for the costs of operation or maintenance, including removal of vegetative materials and sediment, of a water conveyance project.
 - k. To provide for the storage, development, diversion, delivery, and distribution of water for the irrigation of agricultural land and supply water for municipal and industrial purposes.
 - l. To provide for the drainage of lands injured by or susceptible of injury from excessive rainfall or from the utilization of irrigation water, and subject to the limitations prescribed by law, to aid and cooperate with the United States and any department, agency, or officer thereof, and with any county, township, drainage district, or irrigation district of this state, or of other states, in the construction or improvement of such drains.
 - m. To provide water for stock.

- n. To provide water for the generation of electric power and for mining and manufacturing purposes.

SECTION 8. Section 61-02-14.3 of the North Dakota Century Code is created and enacted as follows:

61-02-14.3. Commission agreements - Terms, conditions, and reapplication.

An agreement for funding which is approved by the commission to fund a water project under this chapter must require a progress report to the commission at least every four years if the term of the project exceeds four years. If a progress report is not timely received or, if after a review of a progress report, the commission determines the project has not made sufficient progress, the commission may terminate the agreement for project funding. The project sponsor may submit a new application to the commission for funding for a project for which the commission previously terminated funding.

SECTION 9. AMENDMENT. Subsection 4 of section 61-02-62 of the North Dakota Century Code is amended and reenacted as follows:

4. Covenant to fix and establish such prices, rates, and charges for water and other services made available in connection with the works or project as to provide at all times funds together with other funds the commission may pledge which will be sufficient:
 - a. To pay all costs of operation and maintenance of the works or project, as permitted under this chapter, together with necessary repairs thereto;
 - b. To meet and pay the principal and interest of all the bonds as they severally become due and payable; and
 - c. To create such reserves for the principal and interest of all the bonds and for the meeting of contingencies in the operation, repair, replacement, and maintenance of the works or project as the commission shall determine.

SECTION 10. Section 61-02-80 of the North Dakota Century Code is created and enacted as follows:

Flood control projects - Financial assistance limited.

Except for flood control projects authorized by the legislative assembly or the commission before July 1, 2017, the commission shall calculate the amount of its financial assistance, including loans, grants, cost-share, and issuance of bonds, based on the needs for protection of health, property, and enterprise, against:

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

SECTION 11. Section 61-02-81 of the North Dakota Century Code is created and enacted as follows:

Development in breach inundation zones - No financial assistance for dam improvements.

Notwithstanding any other provision of law, if a political subdivision permits building or development within a breach inundation zone and the building or development causes a change in a dam's current hazard classification necessitating structural improvements or upgrades to the dam, the political subdivision shall pay for the necessary improvements or upgrades. State loans, grants, cost-share, and

other financial assistance may not be provided to pay for the dam improvements or upgrades. For purposes of this section, "breach inundation zone" means the area downstream of the dam which would be flooded in the event of a dam failure or uncontrolled release of water.

SECTION 12. A new section to chapter 61-03 of the North Dakota Century Code is created and enacted as follows:

Economic analysis process required for certain projects.

The state engineer shall develop an economic analysis process for water conveyance projects and flood-related projects expected to cost more than seven hundred fifty thousand dollars, and a life cycle analysis process for municipal water supply projects. When the state water commission is considering whether to fund a water conveyance project, flood-related project, or water supply project, the state engineer shall review the economic analysis or life cycle analysis, and inform the state water commission of the findings from the analysis and review.

Larry Bellw
Speaker of the House

[Signature]
President of the Senate

Buell J. Reich
Chief Clerk of the House

[Signature]
Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-fifth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1374.

House Vote: Yeas 82 Nays 8 Absent 4

Senate Vote: Yeas 25 Nays 22 Absent 0

Buell J. Reich
Chief Clerk of the House

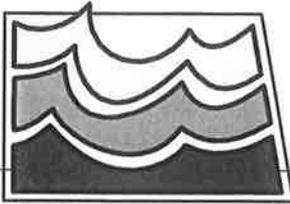
Received by the Governor at 8:30A M. on April 13, 2017.

Approved at 3:27P M. on April 18, 2017.

[Signature]
Governor

Filed in this office this 18 day of April, 2017,
at 430 o'clock P M.

[Signature]
Secretary of State



APPENDIX "E"
JUNE 22, 2017
North Dakota State Water Commission

900 EAST BOULEVARD AVENUE, DEPT 770 • BISMARCK, NORTH DAKOTA 58505-0850
(701) 328-2750 • TTY 1-800-366-6888 or 711 • FAX (701) 328-3696 • <http://swc.nd.gov>

MEMORANDUM

TO: Governor Doug Burgum
Members of the State Water Commission
FROM: Garland Erbele, P.E., Chief Engineer-Secretary
SUBJECT: Mouse River Enhanced Flood Protection Project Status Report
DATE: May 30, 2017

Permitting:

Comments have been received on the EIS, and they are currently being addressed. This component is on schedule. When the EIS is completed and a favorable Record of Decision is made, processing of the 404 application (fill in wetlands) can proceed. The 408 permit (modification of federal works) has been submitted by the St. Paul District Corps of Engineers to the COE Division office. After review there, it will be submitted to Corps headquarters for final approval. This is expected in September. There are no known issues arising from any of these processes. If this timeline holds, construction contracts could be awarded in September. Although this would allow no major work to be done in 2017, it may be possible to select and mobilize a contractor to the site and perhaps begin some site work this fall.

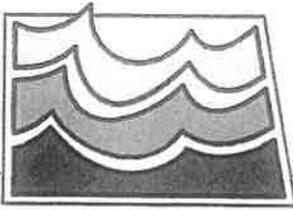
Feasibility Study:

The St. Paul District is moving ahead with the feasibility study. The next milestone is identification of a "Tentatively Selected Plan". This should occur some time in August. We do not yet know what this plan will look like, however the Corps and the Project are making great efforts to coordinate. The Tentatively Selected Plan (TSP) is what the Corps will evaluate for feasibility. When this is identified we will have a much firmer idea of what they can do and many of the currently unanswerable questions can be addressed.

Design:

The design of the 4th Avenue tieback and the Burlington levees is progressing and is on schedule.

GE:JTF:pdh/1974



North Dakota State Water Commission

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MEMORANDUM

TO: Governor Doug Burgum
Members of the State Water Commission
FROM: Garland Erbele, P.E., Chief Engineer - Secretary
SUBJECT: SWPP - Project Update
DATE: May 24, 2017

Oliver, Mercer, North Dunn (OMND) Regional Service Area Center SA Rural Distribution System 7-9E & 7-9F:

Contract 7-9F has been closed out. Final administrative items remain before final payments can be made to Contract 7-9E.

Contract 7-9G Halliday and Dunn Center Service Area:

This contract includes furnishing and installing approximately 330 miles of 6"-1 ½" ASTM D2241 gasketed joint pipe; 395 services; road crossings; connections to existing pipelines and other related appurtenances. The project is located in Mercer and Dunn Counties of North Dakota. The contract has two Bid Schedules. The State Water Commission (SWC) awarded Bid Schedule 1 to Swanberg Construction, Inc., and Bid Schedule 2 to Northern Improvement Company at its March 11, 2015 meeting.

Bid Schedule 1 consists of furnishing and installing approximately 170 miles of 6" - 1 ½" ASTM D2241 PVC gasketed joint pipe and 173 services. This contract had an intermediate completion date of November 1, 2015 for installation of 37 miles of pipeline and 32 users. Because of the 50 additional users added to Contract 7-9E and removal of intermediate completion date, a new milestone completion date was added to this contract. The milestone completion date was August 1, 2016 for 123 users. The contractor requested a 21-day extension on the milestone completion date because of delays caused by easement problems, permit delays and changes made in the field. The 21-day extension was granted to the contractor. The contractor turned over 123 users on August 27, 2016. Twenty-six change orders have been signed by all parties to date, which added 98 additional users and 47 more miles of pipeline to the contract. The Dakota Access Pipeline (DAPL) crossed at five locations in this contract. A change order was issued to bore the crossings with a minimum of 7-foot separation between the proposed DAPL line and the rural water line and to case the water line with fusible PVC. This change order cost was reimbursed by DAPL through an agreement with Southwest Water Authority (SWA). The substantial completion date including modifications through Change Order No. 27 is June 7, 2018. The contract has two additional intermediate dates November 20, 2016 for the original 173 users and September 27, 2017 for 212 users. To date, the contractor has turned over 254 users. The contractor refused to install a few items added by field orders to the contract. Those items were included in a Change Order to Contract 7-9G Bid Schedule 2. The Bid Schedule 2 contractor agreed to complete those items with their unit price cost and remobilization charges for each location. Pipeline installation on Contract 7-9G Bid Schedule 1 is mostly complete, with installation of service, pressure testing, disinfection, flushing, bacterial testing and reclamation remaining to be completed.

Bid Schedule 2 consists of furnishing and installing approximately 164 miles of 6" - 1 ½" ASTM

D2241 PVC gasketed joint pipe and 218 services. The area is west of Halliday.

Twenty-two change orders have been signed by all parties to date which added 104 additional users and 38 more miles to the contract. The substantial completion date including modifications through Change Order No. 22 is September 18, 2017. The contractor has turned over 315 users.

Contract 5-17 Dunn Center Elevated Reservoir:

This contract includes furnishing and installing a 1,000,000-gallon elevated composite reservoir. The substantial completion date on this contract was August 15, 2014. The tank was turned over for service on August 13, 2015. \$260,250 is currently being withheld in liquidated damages for 347 days' delay. We granted a 16-day extension through a change order. The contractor's attorney sent a letter to Bartlett & West indicating that the contractor is willing to pay the actual damages incurred by the Owner. The damage caused by the delay in completion of this tank is the delay in serving the City of Killdeer. We estimated the actual damages to be \$212,058.32. This information has been relayed to the contractor's attorney by our legal counsel.

Other Contracts

Contract 8-1A New Hradec Reservoir:

This contract involves furnishing and installing a 296,000-gallon fusion powder coated bolted steel reservoir. Olander Contracting Company is the contractor. The contract documents were executed on May 16, 2013, and the Notice to Proceed was issued on June 3, 2013. The substantial completion date on this contract was September 15, 2013. The tank was put into service on February 20, 2014. The contractor disputes the liquidated damages withheld. The contractor has not provided any justification for the delays. The contractor has filed a lawsuit against us and their tank sub-contractor. Our legal counsel has filed an answer to their lawsuit.

Contract 1-2A Supplemental Raw Water Intake:

The first section of the intake pipe was lowered on July 15, 2015. Through October 31, 2015 tunneling had proceeded to approximately 1786 feet.

In the early morning of November 1, 2015, the contractor's employees heard a loud pop and noticed uncontrolled flow of sand and water entering the pipe approximately 40-50 feet from the caisson end of the pipe. The water and sand flowed out from the pipe and into the caisson shaft, and the employees quickly evacuated the caisson shaft as the water and sand level began to rise.

To remedy the problem, the contractor stabilized the existing pipe to stop the inflow of sand and water with jet grouting. Jet grouting was also completed at the microtunnelling launch zone. Jet grouting is a construction process using high pressure to loosen up the ground and mix it with thin slurry and forming soilcrete columns. The contractor's plan includes a new secondary floor and installing a new intake pipe at a higher elevation. The new intake pipe is proposed to be 12 feet above the center line of the existing installed intake pipe. The new alignment will be rotated 7 degrees to the east from the installed intake alignment. This would result in the intake screen center line to be at 1785 feet compared to 1782 feet originally specified in the Bid Documents. For comparison, the permanent pool elevation for Lake Sakakawea is 1776.3 feet.

The contractor has completed cleaning out the shaft bottom and a plug has been welded on to the installed intake pipe. Approximately 12 feet of lean concrete mix has been poured at the

shaft bottom and the contractor is finishing up grouting the launch zone with micro fine cement grout.

Most of the new pipeline and most of the parts of the new microtunneling boring machine have been delivered to site. In the following weeks, the contractor will install the break out frame, launch seal, jacking frame, head wall and thrust wall. The current schedule from the contractor indicates the new launch date of June 14, 2017.

On February 17, 2017 Bureau of Reclamation (BOR) on behalf of the project submitted an application for a new easement and temporary construction license from US Army Corps of Engineers (Corps). On March 7, 2017 Corps sent a letter to BOR requesting certain documentations regarding after action report, plan for abandonment of the existing MTBM under the lake, plans and specifications of the new pipe and new alignment and the geotechnical analysis completed so far on the project. A meeting with the Corps, BOR, SWC, BW/AECOM and the contractor was held on April 25, 2017 to discuss the items requested in the letter. All the requested information was sent to the Corps on May 12, 2017. The Riverdale Garrison Project office has indicated that their review is mostly complete and partial documents have been transmitted to the Omaha District office for their review.

The contractor has been working with the project's builder's risk insurance policy for reimbursements for the failed project and for rebuilding the intake pipe. The insurance policy has reimbursed the contractor \$7,002,500.64 to date. The SWC submitted a claim of \$835,000 for the additional engineering expense to the Contract's Builder's Risk Policy. The insurance company responded that the Contract's builder's risk policy has a sublimit of \$100,000 for "Architects and Engineers Fee", and that has been already paid to the contractor. The builder's risk insurance company ACE American Insurance Company has filed a lawsuit against the contractor, James W. Fowler Company and the SWC regarding the insurance payouts.

The pipe submittal and the microtunnelling alignment submittal have been reviewed by BW/AECOM and have been incorporated into a proposed change order which is under review by the contractor. A new schedule received from the contractor indicates completion of the project by December 14, 2017. The contractor had requested extension of contract completion to December 14, 2017. A proposed change order that was provided to the contractor before the lawsuit was filed by ACE American Insurance Company included provisions for the contractor seeking reimbursement for additional construction management costs incurred by SWC with the builder's risk policy and also SWC agreeing to execute a future no-cost change order extending the substantial completion date to December 14, 2017 contingent on the contractor achieving the substantial completion by that date. The contractor has verbally indicated that they would assist SWC in seeking reimbursement from the builder's risk insurance policy but however do not want to be held responsible for additional construction management expense for the SWC. So, a new change order only covering the new pipe and microtunneling alignment has been sent to the Contractor for their review. We have indicated to the Contractor that the tunneling along the new alignment cannot commence until the change order is executed and also permission from Corps is obtained regarding the new easement and construction license.

Contract 3-2D Six (6) MGD Water Treatment Plant (WTP) at Dickinson:

The preconstruction conference for Contract 3-2D was held on January 13, 2016 with both the General contractor, John T. Jones Construction Company, Inc., and the Mechanical contractor, Williams Plumbing and Heating, Inc. Bids for Contract 3-2D Electrical Contract were opened on January 28, 2016, and the contract was awarded to Edling Electric, Inc. at the March 3, 2016 meeting.

The General contractor, John T. Jones, has completed all of the basement walls and slabs. The first-floor and second floor cast-in place slabs are complete. The precast wall installation and site piping installation is complete. The installation of roof joists, roof decking, process piping in the basement, equipment components installation, painting and stud wall installation in the administration area is ongoing.

Two change orders have been signed by all parties on this contract. The net increase in contract price is \$38,088, and the intermediate completion date was extended to December 16, 2016, and the substantial completion date extended to November 28, 2017. The milestone completion date is for completing all site piping and completing the backfill against the WTP structure foundation walls. The contractor did not complete the items for the intermediate completion. The intent of the milestone completion date was to allow for some secondary settlement prior to the installation of paving. In order to meet the intent of the milestone completion date, the contractor was asked to complete the remaining areas of backfill at least 100 days prior to placement of paving. With regards to remaining pipeline installation that are under areas with paving, the contractor was instructed to use trench backfill material classified as fill or structural fill. A certificate of milestone completion was signed by all parties with the contractor agreeing to the above conditions.

The Electrical contractor, Edling Electric, Inc., and the Mechanical contractor, Williams Plumbing and Heating, Inc., are following the General contractor in their work. The Electrical contractor is continuing to install power, lighting and fire alarm conduits in the basement. The Mechanical contractor is working on HVAC duct installation, fire sprinkler pipe, waste, water and vent installation in the basement. One change order which increased the contract price by \$46,272.62 has been signed by all parties for the Mechanical contract.

Contract 3-2E Residual Handling Building at Dickinson WTP:

Bid ready documents for this contract are mostly complete. This contract will be ready for advertising for bids in a month.

Contract 4-1F/4-2C Generator Upgrades:

The scope of this contract includes relocating the existing 1000 kW generator at the Dodge pump station to the Dickinson Finished Water Pump Station and installing a new standby engine generator at the Dodge pump station. This contract also includes relocating the existing 1,500 kW generator at the Richardton Pump Station to the intake booster pump station and installing a new generator at the Richardton Pump Station. Bids for this contract were opened on January 28, 2016, and the contract was awarded to Edling Electric, Inc. at the March 3, 2016 meeting. The preconstruction conference for this contract was held on May 19, 2016.

The contract is substantially complete. A final punch list will be developed soon. Once the final punch list items and the administrative items are complete, the contract will be closed out.

Contract 5-1A and 5-2A 2nd Richardton Reservoir and 2nd Dickinson Reservoir:

The SWC, at its October 12, 2016 meeting, awarded Contract 5-2A, 2nd Dickinson Reservoir, to John T. Jones Construction Company. Preconstruction conference for this contract was held on March 30, 2017. The earthwork excavation for the reservoir is complete and the inlet and outlet piping installation is complete. The contractor is currently installing the perimeter drain, drain rock at the reservoir base and installing the reinforcing steel for reservoir wall footing.

The SWC at its December 9, 2016 meeting awarded Contract 5-1A, 2nd Richardton Reservoir, to Engineering America, Inc. A preconstruction conference for this contract is currently scheduled for May 31, 2017.

Contract 2-1B Raw Water Line Capacity Upgrade from intake to OMND WTP:

This contract is currently advertised for bids with a bid opening date of June 8, 2017.

Transfer of Service Agreements:

At the December 12, 2015 SWC meeting, the Commission approved the Transfer of Service agreement between City of Killdeer, SWA and SWC. This was the first annexation agreement negotiated between a City served by Southwest Pipeline Project and SWA. In early January 2016, SWA mailed similar agreements to 33 communities within the SWPP service area except for City of Dickinson using the same template as used for City of Killdeer. SWA has been negotiating different terms with the City of Dickinson, but now City of Dickinson is agreeable to the same terms as the other communities. Some communities executed the agreement, while many communities expressed concerns about terms of the annexation agreement that was mailed to them. SWA continues to meet with the communities to negotiate the terms. Twenty-six communities out of the total 35 communities have executed the agreement.

GE:SSP:pdh/1736-99



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MEDIA ADVISORY

U.S. Army Corps includes \$20M for FM Area Diversion Project in its FY2017 Work Plan

The FM Area Diversion Project is slated for \$20 Million in federal funding through the U.S. Army Corps of Engineers work plan for fiscal year 2017 (FY2017).

The Project previously received a “new start” and \$5 Million in federal appropriations for construction in the FY2016 Corps work plan. The FY2016 funding is being used for construction of the Diversion Inlet and Control Structure south of Horace. The federal government has committed to a total of \$450 Million in construction appropriations toward the FM Area Diversion Project.

“The news of additional federal funding further reiterates the commitment and importance of this Project to our region and the nation,” Diversion Board of Authority Chair Tim Mahoney, mayor of Fargo, said. “The people of Fargo and Cass County spoke loudly last election in November to put up the local share of the costs, and now the federal government has responded.”

“The Army Corps continues to move this Project forward and that means a lot to Moorhead,” Board Vice Chair and Mayor of Moorhead Del Rae Williams said. “There are a number of steps to build a Project like this and we are one step closer today.”

The FY2017 funds will be used to continue construction on the Inlet and Control Structure and to further design on Project features along the Southern Embankment and other environmental mitigation projects.

The FM Diversion Project was not included in the President’s FY2018 budget proposal. Presidents’ initial budgets are useful blueprints for the priorities from each administration for the next year. These budgets require Congressional approval and therefore end up merging with other national priorities. The Corps and Congress have consistently put a high priority on the Diversion Project. For example, the Project was also not included in the FY2017 president’s budget, but Congress chose the Diversion Project as one of only six new projects nationwide to appropriate money to start construction. The inclusion in the Corps FY2017 work plan, and the Corps’ groundbreaking on the Project in April, indicates a good chance the Project will also be included in the FY2018 work plan.



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Financing for the project includes \$450 Million from the federal government, \$570 Million from the state of North Dakota and more than \$1.1 Billion from local (City of Fargo and Cass County) sales tax funds. A special assessment district also exists to help the Project obtain better financing terms such as a better bond rating and lower interest rate compared to borrowing from sales taxes. The Assessment is planned to act solely as loan security.

For more information about the financial plan visit www.fmdiversion.com/how-is-it-funded/.

For more information about the U.S. Army Corps of Engineers work plan visit <http://www.usace.army.mil/Missions/Civil-Works/Budget/>.

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06.08.17

HOEVEN SECURES COMMITMENT FROM OMB REGULATORY NOMINEE TO ADDRESS BENEFIT-COST RATIO, GIVE CREDIT TO NON-FEDERAL FUNDING SOURCES IN ARMY CORPS PROJECTS

Senator Continues Efforts to Ensure Fair Treatment of Public-Private Partnerships

WASHINGTON – At a hearing of the U.S. Senate Committee on Homeland Security and Governmental Affairs this week, Senator John Hoeven secured a commitment from Neomi Rao, nominee to head the Office of Information and Regulatory Affairs (OIRA) at the Office of Management and Budget (OMB), to work with the senator to address the inconsistencies in the benefit-cost ratio used by OMB for U.S. Army Corps of Engineers projects. OIRA serves as the chief regulatory authority for the executive branch and oversees the implementation of policies like the benefit-cost analysis.

Currently, OMB does not give due credit to projects that secure non-federal funding, like comprehensive flood protection in the Red River Valley. The agency compares project benefits to the project's total cost, rather than just the federal project costs. This understates the value of the federal investment, which can put such projects at a disadvantage.

“Public-private partnerships can serve as an important tool to reduce costs to the federal government and help the Army Corps work through its backlog and complete more projects,” Hoeven said. “Red River Valley flood protection is a great example of this model, however OMB’s standard calculation of costs and benefits doesn’t properly account for the state and local contributions to this project. That doesn’t make sense. The White House, the OMB Director and the Corps have committed to address this, and I look forward to working with Ms. Rao to ensure public-private partnerships are given fair treatment.”

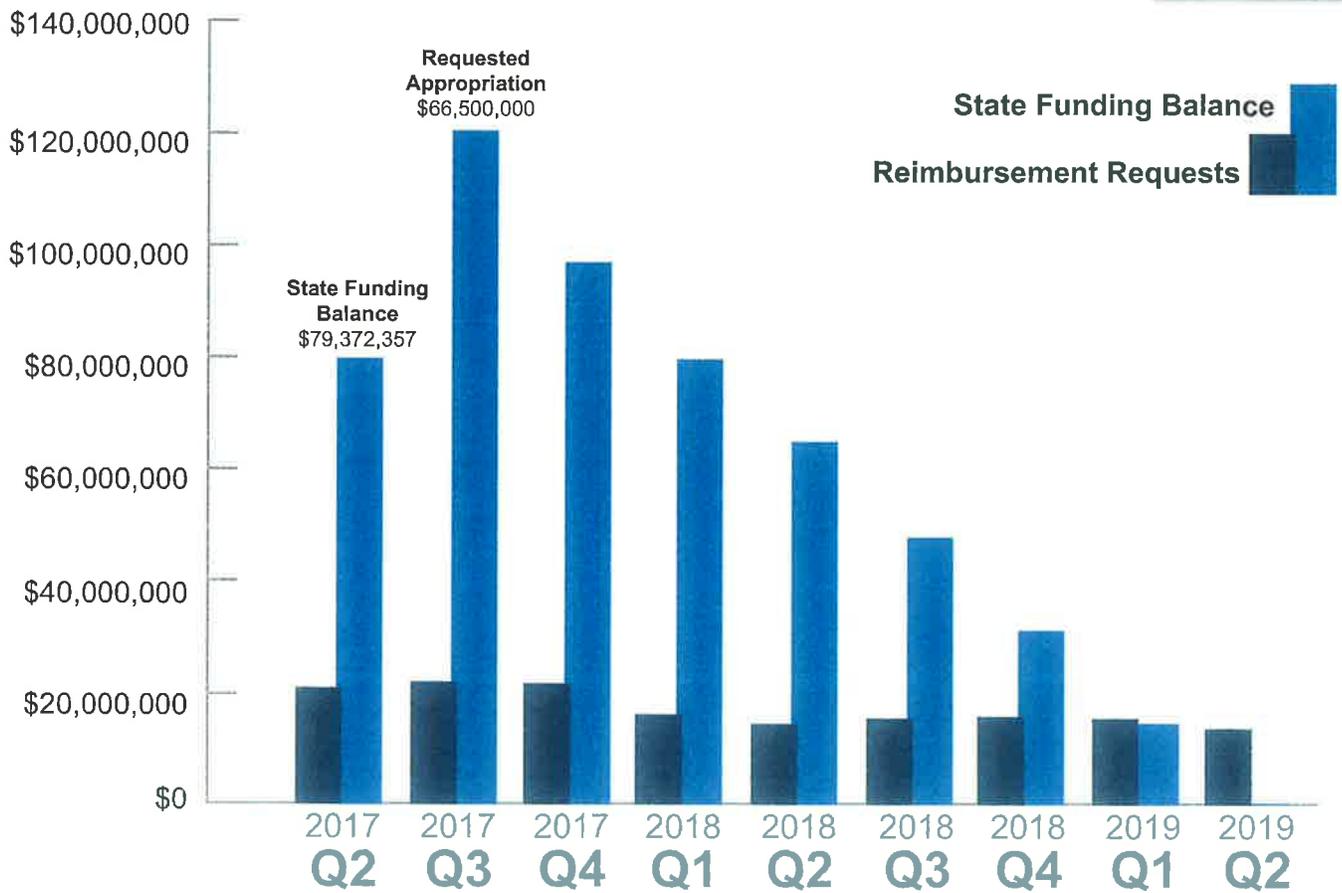
Hoeven has repeatedly spoken with OMB Director Mick Mulvaney and Army Corps Chief Lt. Gen. Todd T. Semonite to ensure that innovative funding methods are accounted for in OMB and Corps calculations. The senator recently joined a bipartisan letter to Mulvaney asking him to reevaluate the process for calculating the benefit to cost ratio for Army Corps projects.

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2017-2019 Forecasted State Funding Balance



Federal and Fargo Interior Flood Protection Projects





Box 2806 • 211 Ninth Street South • Fargo, ND 58108

FOR IMMEDIATE RELEASE

Leaders break ground on Diversion Inlet and Control Structure

(April 17, 2017) Local, state and federal officials gathered today to commemorate the fight against the floodwaters of 1997 and officially mark the beginning of construction on the FM Area Diversion Project.

More than 100 people attended the event south of Horace today. The site will be the future location of the Diversion Inlet and Control Structure that marks the southern end of the Diversion Channel.

“We are here to remember all the hard work that went in to fighting those floods and others that followed, but also to look forward to a brighter future,” Col. Sam Calkins, commander of the St. Paul District of the U.S. Army Corps of Engineers, said. “We have a project that, in the end, is good for the entire region. It’s the public safety of the 230,000 residents of Fargo and Moorhead that is our top priority. The corps of engineers is dedicated to getting this project done.”

“We have to have safety. People worry about flooding every spring,” Fargo Mayor and Chair of the Diversion Authority Board Tim Mahoney said. “This is a very historic day. We are moving forward at a rapid pace. We will continue to move forward and continue to work with people and find solutions.”

“This is a long time coming,” Mayor of Moorhead and Vice Chair of the Diversion Authority Del Rae Williams said. “It is not just a Fargo project. It’s a Moorhead project too, and of course anything that happens to Fargo in a huge way impacts Moorhead because we are very intertwined as a community. You can see that it is an important to Moorhead, and it really is important to Minnesota.”

“The idea here is comprehensive flood protection for the region that recognizes that everybody is important. The thing that is so important is that we have to work together,” Sen. John Hoeven said. “And for those folks who are impacted, we can work hard to make sure they are treated fairly and well, and we are committed to doing that.”

“We know how devastating a flood can be but we also know that North Dakota is always stronger when we stand together. North Dakota is always stronger when we work together and that’s a lesson that has to be learned and relearned every time we approach a project like this,” Sen. Heidi Heitkamp said. “We are going to do everything that we can to make sure that not only do we get this project done for the future of the region but that we get this project done in a way that is fair to all of our neighbors in this region.”



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“You are gathered here making history in what has been described as a public private partnership,” Major General Michael Wehr, Commander of the Mississippi Valley Division of the Corps said. “This project is in fact the first one ever to be done by the Corps. You are making that history.

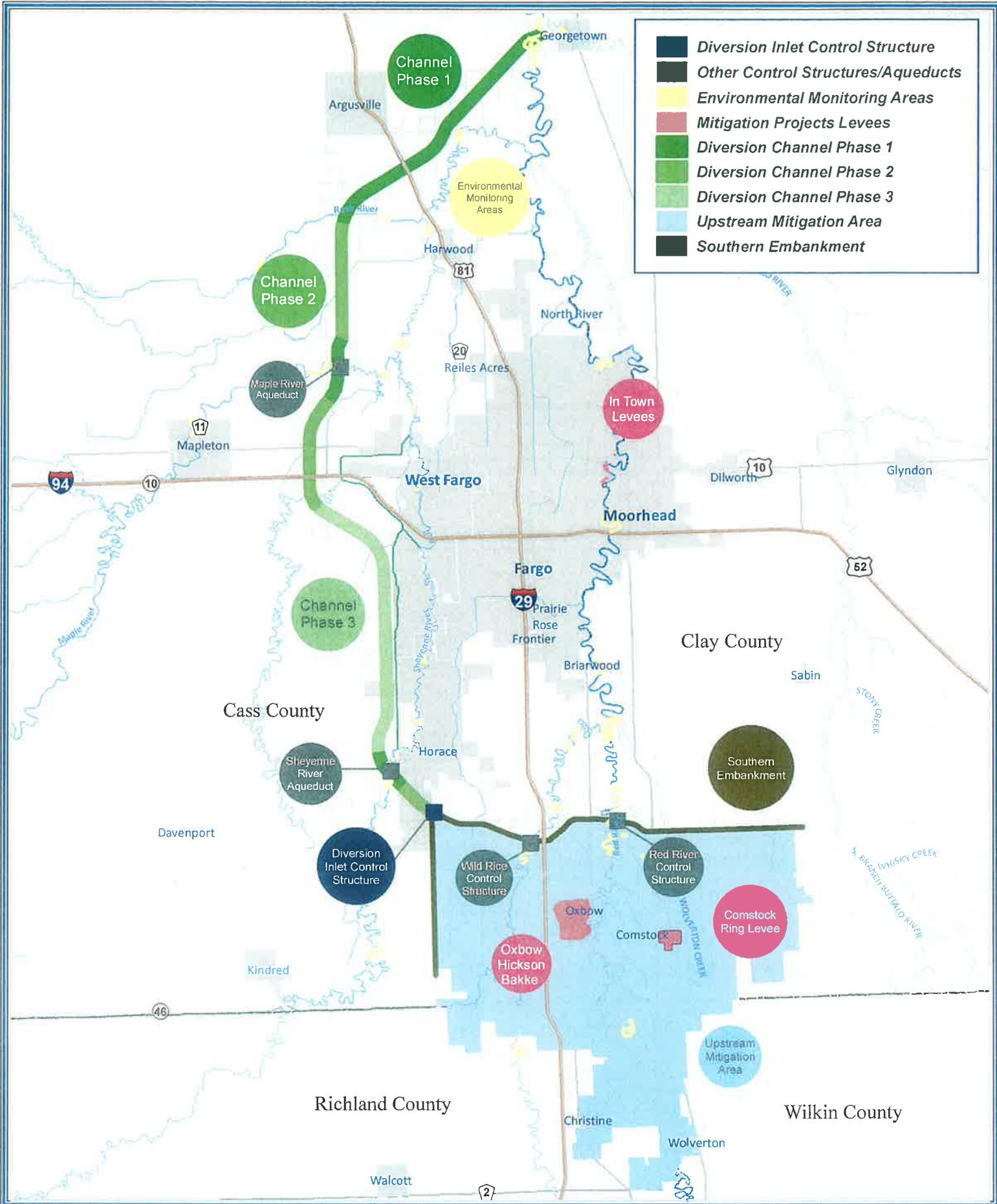
Hoeven also recalled the flood fights of 1997 in Fargo and Grand Forks and the flood of 2011 in Minot. “They fought valiantly, but that’s the problem with emergency measures. They are just that, emergency measures. Sometimes they work and sometimes they don’t and when they don’t lives are potentially lost, they are certainly put at risk, and homes and businesses and hundreds of millions of dollars are spent but you still can’t get that home back. In this case we are talking about an area that has more than a quarter of a million people.”

Construction on the Inlet will begin with site preparation and piling soil. Ames Construction Inc. out of Burnsville, MN was awarded the construction contract by the U.S. Army Corps of Engineers in December of last year.

The entire project includes a 30-mile long earthen channel and a 12-mile long southern embankment. The Project also includes 19 highway crossings, four railroad crossings, and two more gated control structures. The other structures will be on the Red River and the Wild Rice River. There will also be two aqueduct structures along the Maple River and the Sheyenne River.

Inlet and Control Structure





- Diversion Inlet Control Structure
- Other Control Structures/Aqueducts
- Environmental Monitoring Areas
- Mitigation Projects Levees
- Diversion Channel Phase 1
- Diversion Channel Phase 2
- Diversion Channel Phase 3
- Upstream Mitigation Area
- Southern Embankment

Maps are for graphical purposes only. They do not represent a legal survey. While every effort has been made to ensure that these data are accurate and reliable, The Diversion Authority does not guarantee the accuracy of the information, and waives any warranty or guarantee of any kind, express or implied. The data involved in the project is continuously refined and revised, you should not rely on this information for technical purposes or accuracy.



FM Area Diversion Key Acquisition Areas



Quick Take Timeline and Steps (per SB2047)

June 19, 2017

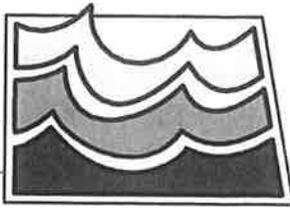


Introduction

The following timeline and steps are based on the interpretation of Senate Bill 2047 passed during the North Dakota 65th Legislative Assembly, and will become effective August 1, 2017. The use of quick take eminent domain is not the preferred solution to acquiring property rights, but the process is relied upon for schedule certainty. As such, the Cass County Joint Water Resource District (CCJWRD) will utilize the following timeline and steps for acquisition of property rights for the FM Area Diversion Project if it becomes a necessity.

Timeline / Steps

Step	Timeline
1. Complete pre-acquisition processes. Including: Identification of parcels and common ownership, Contracting actions, Rights of entry, Certificates of surveys, Obtain and review abstracts.	
2. Appraisal of property rights ordered	Day 1
3. Appraisal reviewed and just compensation amount approved by CCJWRD Board	Day 60
4. Contact with property owners and provide property owners with copy of appraisal of property rights.	Day 61
Informal negotiations	+60 days
5. Informal negotiations between Land Agent and Property Owner	Day 121
Formal negotiations – If no agreement, no sooner than 60 days, proceed into formal negotiations	
6. Send to property owner by certified mail the appraisal and offer of just compensation.	Day 121
If no agreement, no sooner than 15 days...	+15 days
7. Send to property owners by certified mail, an invitation to meet in person with CCJWRD representatives.	Day 136
8. Meet with property owner	Day 136 – 166
If no agreement, no sooner than 30 days...	+30 days
9. Send to property owner by certified mail, a notice that CCJWRD intends to take possession of the right of way within 30 days if there is not agreement regarding compensation.	Day 166
If no agreement, ...	
10. CCJWRD requests approval from Cass County Commission for approval to take possession of the right of way by utilizing quick take eminent domain.	Day 167
11. Cass County Commission agrees to consider request from CCWJRD, places the topic on its agenda, and provides a 30-day notice to the property owner of the public meeting.	Day 167
12. CCJWRD board chair files affidavit to Cass County Commission verifying that no reference or threat of quick take eminent domain was used during negotiations.	Day 167
	+30 days
13. Cass County Commission holds public meeting and votes to approve use of quick take eminent domain by CCJWRD to take possession of right of way.	Day 197 (or the next regular County Commission Meeting)
14. CCJWRD board chair files affidavit stating the CCWJRD fulfilled the negotiating steps and deposits the amount of the written offer with the clerk of district court.	Day 198
Meeting schedules and contingency allowance	+30 days
15. Done	Day 228



North Dakota State Water Commission

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MEMORANDUM

TO: Governor Doug Burgum
Members of the State Water Commission
FROM:  Garland Erbele P.E., Chief Engineer – Secretary
SUBJECT: Devils Lake Hydrologic and Outlet Updates
DATE: May 30, 2017

Hydrologic Update

The May 30 Devils Lake water surface elevation is 1451.5 feet. Below average precipitation through the late winter and spring led to a lake level rise of approximately 1.6 feet; much less than the 3 to 4 foot rise that was predicted early in the year.

2017 precipitation has averaged between 50 percent and 75 percent of normal throughout the basin, and the long-range forecast shows no strong signal toward either wet or dry conditions through the summer. Additional precipitation may cause the lake to rise slightly from the current elevation but evaporation and discharge will hopefully exceed inflows from summer rainfall. In late June, the National Weather Service will be releasing the non-exceedance probabilities for how much the lake may be drawn down by the end of the operating season.

Outlet Update

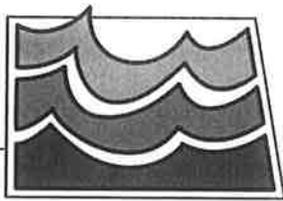
The Devils Lake Outlets began discharging on May 4th (East) and May 8th (West). Combined outlet discharge was 17,724 acre-feet in May with an average discharge rate of 350 cfs after May 8th. Winter maintenance was completed before startup, and both outlets have been performing steadily with no major operational difficulties. Early observations are that the modifications to the West Outlet standpipes appear to be successful in their purpose of keeping the foam suppressed, however, the overall success won't be clear until later in the year when rising water temperatures cause the foam to develop more steadily.

The Josephine number 2 motor (50 cfs) was refurbished and is scheduled for return the week of June 5th. With the return of the motor, the West Outlet will be back to 250 cfs discharge capacity. The return was delayed by one motor component that was unavailable until late May.

Devils Lake Outlet Management Advisory Committee

The Devils Lake Outlet Management Advisory Committee met on May 4th in Carrington, North Dakota. The meeting provided an opportunity for all outlet related concerns and questions to be addressed. In particular, concerns of downstream water quality and quantity were discussed with a general approval of how the outlets were operated in 2016. Also discussed was a long-term goal of drawing the lake down to 1448 feet before operating parameters are re-evaluated by the Committee. Meeting minutes and the 2017 PowerPoint presentation are available on the State Water Commission website under Basins/Devils Lake/Outlets/Tolna Structure.

GE:JK:TD:ph/416-10



North Dakota State Water Commission

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MEMORANDUM

TO: Governor Doug Burgum
Members of the State Water Commission
FROM:  Garland Erbele, P.E., Chief Engineer-Secretary
SUBJECT: Missouri River Update
DATE: May 30, 2017

System/Reservoir Status

System volume on May 30 in the six mainstem reservoirs was 60.3 million acre-feet (MAF), 4.2 MAF above the base of flood control. This is 3.6 MAF above the average system volume for the end of May and 1.1 MAF more than last year. The volume of water in the system on May 30, 2011 was 70.1 MAF.

On May 30, Lake Sakakawea was at an elevation of 1843.1 feet, 5.6 feet above the base of flood control. This is 3.6 feet higher than a year ago and 8.4 feet above its average end of May elevation. The minimum end of May elevation was 1808.8 feet in 2005, and the maximum end of May elevation was 1853.3 feet in 2011.

On May 30, the elevation of Lake Oahe was 1609.7 feet, 2.2 feet above the base of flood control. This is 1.7 feet lower than a year ago and 4.4 feet higher than the average end of May elevation. The minimum end of May elevation was 1576.5 feet in 2005, and the maximum end of May elevation was 1618.8 feet in 2011.

On May 30, the elevation of Fort Peck was 2238.9 feet, which is 4.9 feet above the base of flood control. This is 3.0 feet higher than a year ago and 8.4 feet higher than the average end of May elevation. The minimum end of May elevation was 2199.6 feet in 2005, and the maximum end of May elevation was 2248.9 feet in 2011.

Runoff and Reservoir Forecasts

Mountain snowpack peaked in early May and is currently melting. On May 29, mountain snowpack in the "Above Fort Peck" reach was 111 percent of average. In the "Fort Peck to Garrison" reach it was 169 percent of average.

The U.S. Army Corps of Engineers' (Corps) latest 2017 runoff forecast predicts annual runoff above Sioux City to be 29.7 MAF or 117 percent of average. Releases from Garrison Dam are currently at 35,000 cfs and the Corps' most recent reservoir forecast shows that releases will

remain that high through August. Lake Sakakawea is forecasted to peak at about elevation 1848.0 feet in July (2.0 feet below the base of the Exclusive Flood Control Zone).

Missouri River Recovery Implementation Committee (MRRIC)

Section 5018 of the 2007 Water Resources Development Act (WRDA) authorized the Missouri River Recovery Implementation Committee (MRRIC). The Committee is to make recommendations and provide guidance on activities of the Missouri River Recovery Program (MRRP). MRRIC has nearly 70 members representing local, state, tribal, and federal interests throughout the Missouri River Basin. The representatives for the State of ND on MRRIC are John Paczkowski (primary) and Laura Ackerman (alternate).

The comment period for the Corps' *Missouri River Recovery Management Plan and Environmental Impact Statement* (MRRMP-EIS) ended on April 24. The MRRMP-EIS evaluates a range of alternatives for the purposes of avoiding jeopardy to species on the Missouri River protected under the Endangered Species Act, specifically the threatened piping plover and endangered least tern and pallid sturgeon.

The Preferred Alternative (PA), as identified in the MRRMP-EIS, includes mechanical construction of habitat for the piping plover, least tern, and pallid sturgeon. In North Dakota, this would include the construction of new or maintenance of existing Emergent Sandbar Habitat (ESH) on the Garrison Reach. The PA also includes a one-time flow test for the pallid sturgeon spawning cue if naturally high flow does not occur on the Missouri River within about the next ten years. This one-time flow test would require a deviation from or change in the Master Manual.

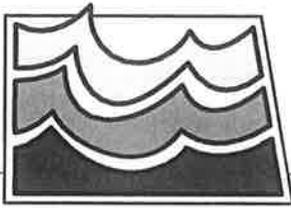
Comments were coordinated between the ND State Water Commission, ND Game and Fish Department, ND Department of Health, ND Department of Agriculture, and State Historical Society of ND. The main point of the comments was that the state tentatively supports the PA under the following conditions:

- (1) Reconvene consultation with the North Dakota Interagency ESH Team on annual activities related to the Missouri River Recovery Program;
- (2) The final EIS and Record of Decision (ROD) state that any flow modifications outside the bounds of the current *Missouri River Mainstem Reservoir System Master Water Control Manual* (Master Manual) would require the preparation of an additional EIS, including consultation with affected states; and
- (3) The final EIS commits the USACE to obeying all applicable state laws, permit and regulatory requirements, and policies.

Water Supply Rule

The Corps extended the comment period, for the second time, to August 18 for their proposed Water Supply Rule. The proposed rule pertains to the use of Corps reservoirs for domestic, municipal, and industrial water supply. It attempts to define how the Corps would require users to enter into storage contracts and be charged for the use of water for those purposes. The state submitted comments that primarily center around the issue that the proposed rule is fundamentally flawed because of the Corps' misunderstanding of state versus federal jurisdictions with respect to water appropriation and western water law, and its interpretation of the 1944 Flood Control Act. The proposed rule does not recognize states' rights to allocate water and interferes with states' sovereign rights.

GE:LCA:pdh/1392



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MEMORANDUM

TO: Governor Doug Burgum
Members of the State Water Commission
FROM: Garland Erbele, P.E., Chief Engineer-Secretary
SUBJECT: NAWS – Project Update
DATE: May 30, 2017

Manitoba & Missouri Lawsuit

Injunction relief motion and appeal:

Oral arguments were held January 13, 2017 in front of circuit judges Brown and Wilkins and senior circuit judge Edwards. The decision was filed by circuit judge Brown March 3, 2017 remanding the decision to Judge Collyer with instruction to grant the modification to the injunction. The mandate was issued to the District Court April 10, 2017 and the District Court vacated the minute order from June 14, 2016 and granted the injunctive relief motion on April 11, 2017.

Summary judgement:

Oral argument for the cross-motions for summary judgement was held March 30, 2017, in DC District Court. A transcript of the hearing is available upon request. Judge Collyer said she would ‘try to decide this as quickly as possible.’ The Court issued a minute order April 3, 2017 requesting consent from the Federal Defendants and the State of North Dakota to including a representative from the Province of Manitoba on the adaptive management team as the Court perceives this as an issue before it. Responses were filed April 14, 2017.

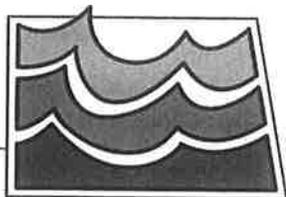
Biota Water Treatment Plant Design

A pre-design meeting for the Biota WTP has held May 23, 2017 at Reclamation’s office in Bismarck with the intent of establishing the guidelines for the design to ensure compliance with the Final SEIS and ROD, determining federal/project cost responsibilities, and establishing the design team constituency. The Dakota Water Resource Act of 2000 makes compliance with the Boundary Waters Treaty Act a federal responsibility. Reclamation had indicated that after the preferred alternative changed from UV and Chlorine in the Draft SEIS to conventional treatment in the Final SEIS that the federal responsibility was limited to the UV and Chlorination as the sedimentation and filtration processes were to address safe drinking water act compliance and not treaty compliance. Reclamation is now indicating that the entire facility will be a federal responsibility, potentially saving \$15-\$30 million in local resources.

Sundre Aquifer Supply Pipeline

This project is broken up into two contracts; one for the pipeline and one for the pumping and storage facilities. A preconstruction conference was held for the pipeline in Minot on May 24, 2017, and bids were opened May 26, 2017 for the pumping and storage facilities.

GE:TJF:pdh/237-04



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MEMORANDUM

TO: Governor Doug Burgum
Members of the State Water Commission

FROM: Garland Erbele, P.E., Chief Engineer/Secretary *Garland Erbele*

SUBJECT: NDSWC Cost-Share – Flood Protection Property Acquisition

DATE: June 1, 2017

Several communities receiving cost-share for their permanent flood protection projects require purchase of real property. The cost-share policy states “The State Water Commission values and relies on local sponsors and their participation to assure on-the-ground support for projects and prudent expenditure of funding for evaluations and project construction.” The property acquisition purchases are based on adjusted assessed value, market value appraisal, or negotiated value. The typical acquisition methods are based on the federal government’s Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA).

The URA, passed by Congress in 1970, is a federal law that establishes minimum standards for federally funded programs and projects that require the acquisition of real property (real estate) or displace persons from their homes, businesses, or farms. The URA's protections and assistance apply to the acquisition, rehabilitation, or demolition of real property for federal or federally funded projects. The basic for real property acquisition guidelines are listed.

- Appraise property before negotiations
- Invite the property owner to accompany the appraiser during the property inspection
- Provide the owner with a written offer of just compensation and a summary of what is being acquired
- Pay for property before possession
- Reimburse expenses resulting from the transfer of title such as recording fees, prepaid real estate taxes, or other expenses.

In the case of voluntary acquisitions, under URA, there is nothing in the regulations to preclude negotiations resulting in agreements at, above, or even below the estimate of market value after the property owner has been so informed and all applicable requirements have been satisfied.

Attached are tables showing flood protection projects property values and purchased price for Burlington, Fargo, Lisbon, Minot, Sawyer, Valley City, and Ward County.

GE:JM:ph/1753
Attachments

Burlington Floodway Acquisition

June 1, 2017

No.	Property Address	Assessed Value	Purchase Price
1	1 Cherry Street	\$ 180,600	\$ 141,094
2	2 Cherry Street	223,400	222,959
3	3 Cherry Street	162,600	127,031
4	5 Cherry Street	125,000	37,256
5	7 Cherry Street	69,600	37,256
6	9 Cherry Street	75,600	76,253
7	11 Cherry Street	151,600	118,438
8	15 Cherry Street	194,600	152,031
9	16 Cherry Street	194,000	147,188
10	811 Colton Ave	132,000	91,430
11	827 Colton Ave	124,600	37,256
12	Hacienda Acres 3rd Addition ,	35,800	56,100
		Total	\$ 1,244,290

Fargo Interior Flood Acquisition
June 1, 2017

No.	Property Address	110% of Assessed Value	Purchase Price
1	3944 33rd St S	\$ 180,070	\$ 180,070
2	1518 South River Road	399,300	399,300
3	3938 33rd St S	152,240	152,240
4	3204 39th Ave S	191,620	191,620
5	3930 33rd St S	165,440	165,440
6	3942 33rd St S	179,850	179,850
7	3210 39th Ave S	189,640	189,420
8	3932 33rd St S	149,710	149,710
9	3936 33rd St S	149,490	149,490
10	3209 39th Ave S	191,840	191,840
11	3934 33rd St S	149,710	149,710
12	4525 Riverwood Drive N	60,280	78,364
13	3405 39th Ave S	173,910	173,910
14	3201 39th Ave S	207,900	207,900
		Total	\$ 2,558,864

Property submitted under \$60 million approved 2015-2017.

Fargo-Moorhead Metropolitan Area Flood Risk Management Project
June 1, 2017

No.	PROPERTY ADDRESS	110% of Assessed Value	Appraised Value	Purchase Price
1	4633 Riverwood Drive N	\$ 47,960	\$ -	\$ 109,990
2	1201 49th Avenue South		180,000	178,502
3	1121 49th Avenue South		245,000	245,708
4	3632 River Drive South		435,000	435,052
5	1342 South River Road		230,000	189,127
6	1135 49th Avenue South		210,000	213,534
7	3626 River Drive South		285,000	289,008
8	1141 49th Avenue South		228,000	228,690
9	3610 River Drive South		305,000	303,103
10	4477 Riverwood Drive North	54,670		73,083
11	201 Lindenwood Drive South		370,000	390,828
12	42 North Terrace	87,230		92,275
13	44 North Terrace	97,790		68,343
14	510 Southwood Drive South		370,000	367,852
15	503 Southwood Drive South		700,000	699,661
16	49 South Terrace		75,000	74,819
17	41 South Terrace		95,000	93,174
18	618 Southwood Drive		430,000	430,574
19	814 Southwood Drive		400,000	402,969
20	135 South Terrace		120,000	101,603
21	1522 South River Road		155,000	153,064
22	1334 South River Road		235,000	233,417
23	3618 River Dr. S		540,000	540,144
24	701 Harwood Dr. S		1,100,000	1,150,523
25	3602 River Drive South		325,000	341,570
26	2130 Sterling Rose Lane		685,000	692,153
27	233 Lindenwood Dr. S		195,000	233,518
28	1 11th Ave. N	198,110		217,234
29	517 Southwood		280,000	289,589
30	1037 Oak St. N	93,720		130,342
31	4332 Timberline Dr. S		645,000	651,275
X	4332 Timberline Dr. S			(452,993)
32	723 North River Rd		89,000	96,347
33	17 South Terrace N		152,000	155,018
34	810 Southwood Drive		290,000	292,033
35	33-35 South Terrace N		130,000	134,999
36	1330 South River Road		190,000	208,724
37	1141 48th Avenue		200,000	199,722
38	23 South Terrace North		164,000	170,258
39	706 Southwood Drive		450,000	452,775
40	31 South Terrace North		153,000	161,536

Fargo-Moorhead Metropolitan Area Flood Risk Management Project
June 1, 2017

No.	PROPERTY ADDRESS	110% of Assessed Value	Appraised Value	Purchase Price
41	718 Southwood Drive		300,000	306,718
42	37 South Terrace North		164,000	176,532
43	806 Southwood Drive S		300,000	312,729
44	4602 Rose Creek Parkway S		705,000	718,473
45	432 12th Avenue South		80,000	93,798
46	434 12th Avenue South		108,500	109,422
47	4603 Rose Creek Parkway		510,000	508,505
48	5436 11th Street South		370,000	367,269
49	1100 55th Avenue South		325,000	334,927
50	5430 11th Street South		382,000	393,238
51	4609 Rose Creek Parkway S		410,000	473,627
52	3920 River Drive South		270,000	288,787
53	5442 11th Street South		335,000	337,602
54	1454 South River Road		200,000	203,213
55	1450 South River Road		165,000	170,619
56	1442 South River Road		250,000	266,208
57	509 Southwood Drive		410,000	446,441
58	3914 River Drive South		335,000	338,711
59	1430 South River Road		480,000	484,418
60	3926 River Drive South		315,000	330,630
61	1106 55th Avenue South		355,000	359,536
62	1112 55th Avenue South		365,000	378,424
63	1414 South River Road		320,000	337,709
64	1041 Oak Street North		107,000	109,290
65	1045 Oak Street North		109,000	112,398
66	2853 Lilac Lane		850,000	850,915
X	2853 Lilac Lane			(454,344)
67	2816 64th Avenue South		170,000	178,024
68	515 Southwood Drive		540,000	595,426
69	601 Harwood Drive South	623,810		626,498
70	619 Harwood Drive South	533,720		535,955
71	3006 64th Ave South	219,890		304,059
72	1130 55th Ave South	318,120		321,651
73	1136 55th Ave South	341,110		346,632
74	5437 12th St. South	326,480		333,558
X	5437 12th St. South			(234,509)
75	1118 55th Ave South	273,680		278,744
76	5424 11th St. South	366,630		373,869
77	5400 11th St. South	282,040		287,985
78	5418 11 St. S	386,650		390,528
79	1124 55th Ave S		290,000	292,835

Fargo-Moorhead Metropolitan Area Flood Risk Management Project
June 1, 2017

No.	PROPERTY ADDRESS	110% of Assessed Value	Appraised Value	Purchase Price
80	517 Harwood Drive	511,170		513,030
81	5412 11th St S	359,920		354,569
82	5406 11th St S	365,860		366,393
83	8308 River View Rd, Stanley Twp		330,000	350,000
84	501 Harwood Drive South	502,260		500,939
85	4469 S Oakcreek Drive	374,880		375,367
86	4461 Oakcreek Drive	438,130		437,857
87	4485 Oakcreek Drive S	462,220		460,828
88	4481 Oakcreek Drive S	375,760		375,577
89	4477 Oakcreek Drive S	504,900		503,812
90	4465 Oakcreek Drive S	487,410		486,691
91	4489 Oakcreek Drive S	496,100		494,775
92	437 Harwood Drive S	561,550		559,310
93	509 Harwood Drive S	492,800		498,240
94	1114 S 4th St	158,730		163,477
95	4453 Oakcreek Dr S	568,700		572,115
96	610 Hackberry Drive	563,420		564,334
97	321 10th Ave S	174,790		179,499
98	3656 River Drive S	297,550		301,651
99	3726 River Drive S	438,130		441,583
100	3644 River Drive S	438,020		441,217
101	3662 S River Drive	351,010		354,324
102	198 North Woodcrest Drive	324,720		328,264
103	3650 S River Drive	339,130		343,566
104	3532 River Drive S	425,480		428,785
105	4497 Oakcreek Drive S	451,550		445,496
106	3538 River Drive S	504,020		506,176
107	502 Harwood Drive S	531,960		533,941
108	179 South Woodcrest Drive N	425,480		428,085
109	160 North Woodcrest Drive N	360,470		363,341
110	3830 River Drive S	513,040		515,325
111	1436 South River Road	293,590		297,406
112	125 South Terrace N	145,090		149,545
113	3512 River Drive S	290,840		294,313
114	3720 River Drive S	778,690		778,408
115	3902 River Drive S	330,990		333,953
116	3506 River Drive S	426,250		428,591
117	192 North Woodcrest Drive	429,220		430,901
118	3518 River Drive S	321,640		324,300
119	3676 River Drive S	356,400		358,988
120	720 Hackberry Drive S	456,280		458,231

Fargo-Moorhead Metropolitan Area Flood Risk Management Project
June 1, 2017

No.	PROPERTY ADDRESS	110% of Assessed Value	Appraised Value	Purchase Price
121	3638 River Drive S	320,870		323,803
122	3832 River Drive S	353,100		355,801
123	520 Hackberry Drive S	619,300		619,373
124	3702 River Drive S	297,990		301,187
125	3524 River Drive S	328,240		330,725
126	166 North Woodcrest Drive	345,290		346,875
127	333 Schnell Dr, Oxbow ND	88,000		104,088
128	3820 River Drive S	592,900		592,505
129	3674 River Drive S	407,440		409,055
130	3668 River Drive South	363,330		365,024
131	4120 S 15th Street	284,020		285,514
132	626 Hackberry Drive S	571,780		569,480
133	4128 17th St S	504,130		509,776
134	1408 South River Road	320,320		325,856
135	802 Hackberry Drive S	517,990		523,661
136	4127 S 17th St	534,600		540,019
137	1348 South River Road	425,370		430,882
138	4015 Copperfield Court South	460,680		466,025
139	204 North Woodcrest Drive	384,230		389,555
140	3227 39th Ave S	167,310		172,666
141	1124 4th St S	101,860		107,083
142	3415 39th Ave S	150,040		155,379
143	4457 Oakcreek Drive S	748,770		758,023
144	3838 River Drive S	300,300		305,625
145	3427 39th Ave S	151,800		170,199
146	3333 39th Ave S	151,030		156,272
147	3419 39th Ave S	143,660		151,183
148	3311 39th Ave S	156,970		162,144
149	3339 39th Ave S	159,830		166,856
150	3373 39th Ave S	159,060		163,759
151	3369 39th Ave S	159,060		164,748
152	3233 39th Ave S	155,100		162,445
153	3305 39th Ave S	150,590		155,678
154	3401 39th Ave S	161,810		166,890
155	3361 39th Ave S	154,110		159,230
156	3301 39th Ave S	156,970		162,010
157	3355 39th Ave S	155,650		160,567
158	3315 39th Ave S	152,900		157,896
159	3423 39th Ave S	138,160		143,183
160	702 Hackberry Drive South	513,810		517,686
161	3409 39th Ave S	157,850		162,018

Fargo-Moorhead Metropolitan Area Flood Risk Management Project
June 1, 2017

No.	PROPERTY ADDRESS	110% of Assessed Value	Appraised Value	Purchase Price
162	3309 39th Ave S	156,310		151,605
163	3347 39th Ave S	167,310		171,787
164	3221 39th Ave S	209,400		213,891
165	3321 39th Ave S	151,690		156,045
166	602 Southwood Drive S	235,950		239,970
167	4493 Oakcreek Dr S	595,320		597,285
168	4473 Oakcreek Dr S	937,090		936,907
169	3808 River Drive S	342,210		345,439
170	345 Schnell Dr, Oxbow ND		481,100	478,703
171	1322 Elm St N, Fargo ND		350,000	347,270
172	3802 River Dr S	435,820		437,491
173	1118 4th St S	150,040	140,000	200,327
174	1326 Elm St N, Fargo ND		230,000	230,196
175	1341 N Oak St, Fargo ND		310,000	309,888
176	336 Schnell Dr, Oxbow ND		311,000	310,889
177	1330 Elm St N, Fargo ND		230,000	229,982
178	18 North Terrace N, Fargo ND		130,000	129,698
179	17495 52nd St SE, Hickson, ND		716,000	785,748
180	Pleasant Township, Babe's Addition Block 1 Lots 1,2, 3		2,048,700	2,698,227
181	1318 Elm Street N, Fargo ND		230,000	229,013
182	724 North River Road, Fargo ND		205,000	204,458
183	357 Schnell Drive, Oxbow, ND		469,400	466,721
184	1333 Oak Street N, Fargo, ND		240,000	238,513
185	349 Schnell Drive, Oxbow, ND		307,600	306,725
186	748 Riverbend Road, Oxbow ND		483,100	480,784
187	361 Schnell Drive, Oxbow ND		492,100	490,091
188	752 Riverbend Road, Oxbow ND		471,100	469,078
189	353 Schnell Drive, Oxbow ND		496,000	494,343
190	26 North Terrace N, Fargo ND		140,000	138,620
191	16 North Terrace N, Fargo ND		230,000	227,988
192	828 Riverbend Road, Oxbow ND		833,500	955,929
193	330 Schnell Drive, Oxbow ND		330,000	328,135
194	1314 Elm Street, Fargo ND		225,000	225,800
195	24 North Terrace N, Fargo ND		184,000	182,437
196	350 Schnell Dr, Oxbow ND		490,700	491,024
197	852 Riverbend Road, Oxbow ND		750,000	1,222,608
198	334 Schnell Drive, Oxbow ND		321,000	321,090
199	749 Riverbend Road, Oxbow ND		599,100	598,885
200	326 Schnell Drive, Oxbow, ND		327,000	326,842
201	1313 Elm Street, Fargo, ND		299,000	350,000
202	839 Riverbend Road, Oxbow ND		1,257,500	1,775,312

Fargo-Moorhead Metropolitan Area Flood Risk Management Project
June 1, 2017

No.	PROPERTY ADDRESS	110% of Assessed Value	Appraised Value	Purchase Price
203	844 Riverbend Road, Oxbow ND		651,300	716,599
204	309 Schnell Dr, Oxbow ND		540,800	539,896
205	810 Riverbend Road, Oxbow ND		673,300	672,126
206	1421 42nd Ave S, Fargo ND		565,000	454,997
207	4117 15th St S & 4123 15th St S, Fargo ND		868,500	935,992
208	817 Riverbend Road, Oxbow ND		448,300	448,300
209	833 Riverbend Rd, Oxbow ND		804,100	801,672
210	328 Schnell Dr, Oxbow ND		321,800	320,804
211	4989 & 4985 Klitzke Dr, Oxbow ND		246,700	245,927
212	1510 South River Road, Fargo ND	325,050		328,898
213	332 Schnell Dr, Oxbow ND		330,000	328,639
214	1462 South River Road, Fargo ND	308,660		311,897
215	3732 River Drive S, Fargo ND		525,000	561,633
216	317 Schnell Drive, Oxbow ND		550,800	548,394
217	848 Riverbend Road, Oxbow ND		782,000	306,000
218	3714 River Drive S, Fargo ND		1,020,000	1,359,141
219	4009 Copperfield Court S, Fargo ND		665,000	666,503
220	329 Schnell Dr, Oxbow ND		552,500	549,277
221	321 Schnell Dr, Oxbow ND		464,800	462,335
222	843 Riverbend Road, Oxbow ND		985,000	700,000
223	813 Riverbend Road, Oxbow ND		664,100	660,998
224	3738 River Drive S, Fargo ND		500,000	500,664
225	325 Schnell Dr, Oxbow ND		405,800	403,499
226	341 Schnell Dr, Oxbow ND		484,200	480,922
227	840 Riverbend Rd, Oxbow ND		551,500	547,075
228	816 Riverbend Rd, Oxbow ND		571,400	567,413
229	821 Riverbend Rd, Oxbow ND		580,600	580,617
230	2351 173rd Ave SE, Argusville ND		215,000	215,031
231	805 Riverbend Rd, Oxbow ND		508,600	508,203
232	17471 49th St SE, Horace ND		780,000	883,581
233	17465 49th St SE, Horace ND		746,000	828,561
234	808 Riverbend Rd, Oxbow ND		714,400	713,815
235	338 Schnell Dr, Oxbow ND		561,000	560,402
			Total	\$ 91,809,477

Lisbon Property Acquisitions
June 1, 2017

No.	Property Address	Assessed Value	Appraised Value	Purchase Price
1	3 Main St	\$ 22,600	\$ -	\$ -
2	21 7th Ave E	59,000		78,100
3	708 Harris St	119,500		150,000
4	712 Harris St	38,400		50,600
5	107 1st Ave E	45,600		55,100
6	113 2nd Ave E	74,300		80,800
7	115 2nd Ave E	63,600		68,500
8	310 Rose St	33,600		38,700
9	108 1st Ave E	16,200		18,600
10	205 Valley St	31,200		34,800
11	207 Valley St	14,500		15,800
12	103 Valley St	400		7,050
13	9 Valley St	65,300		72,450
14	517 1/2 Main	31,500		34,700
15	113 2nd Ave E	15,100		22,000
16	12 Valley St	900		2,000
17	107 Valley St	17,600		2,000
18	508 Harris St	500		20,000
19	510 Harris St	400		10,600
20	606 Harris St	62,500	80,000	78,000
21	702 Harris St	83,800		19,867
22	706 Harris St	70,600		70,600
23	802 Harris St	90,700		-
24	805 Harris St	112,300		-
			Total	\$ 930,267

Minot Floodway Acquisition

June 1, 2017

No.	Property Address	115% Assessed Value	Offer	Purchase Price
1	1213 5th Ave SW	\$141,100	\$162,265	\$162,265
2	1217 5th Ave SW	154,000	177,100	177,100
3	1226 6th Ave SW	171,500	197,225	197,225
4	1208 6th Ave SW	114,800	132,710	132,710
5	1220 8th Ave SW	204,500	235,175	235,175
6	1229 6th Ave SW	234,700	269,905	269,905
7	1221 6th Ave SW	159,400	183,310	195,000
8	1217 6th Ave SW	163,700	188,255	190,000
9	301 3rd St NW	65,100	74,865	74,865
10	213 3rd St NW	79,000	90,850	90,850
11	209 3rd St NW	84,400	97,060	117,500
12	107 4th Ave NW	19,600	22,540	22,540
13	105 4th Ave NW	105,800	121,670	121,670
14	102 4th St NW	172,100	197,915	197,915
15	108 4th St NW	165,900	190,785	190,785
16	200 4th St NW	116,900	134,435	150,000
17	116 4th St NW	90,200	103,730	103,730
18	112 4th St NW	138,300	159,045	159,045
19	326 1st Ave NW	76,300	87,745	107,400
20	328 1st Ave NW	76,800	88,320	107,400
21	401 2nd St NE	140,200	161,230	161,230
22	109 4th Ave NE	54,300	62,445	62,445
23	400 1st St NE	129,300	148,695	192,600
24	408 1st St NE	64,000	73,600	73,600
25	11 4th Ave NE	68,400	78,660	78,660
26	401 Main St N	99,500	115,000	115,000
27	12 4th Ave NW	104,200	119,830	119,830
28	14.5 4th Ave NW	54,400	62,560	62,560
29	209 4th Ave NE	39,200	45,080	45,080
30	207 4th Ave NE	45,700	52,555	52,555
31	10 5th St NE	59,400	68,310	68,310
32	14 5th St NE	132,300	152,145	152,145
33	605 Central Ave E	107,500	123,625	123,625
34	601 Central Ave E	136,200	156,630	156,630
35	525 Central Ave E	75,900	87,285	87,285

Minot Floodway Acquisition

June 1, 2017

No.	Property Address	115% Assessed Value	Offer	Purchase Price
36	521 Central Ave E	\$84,100	\$96,715	\$96,715
37	18 5th St NE	112,600	129,490	129,490
38	1212 3rd Ave SW	218,200	250,930	250,930
39	605 Forest Rd	203,000	233,450	233,450
40	609 Forest Rd	210,600	242,190	242,190
41	601 Forest Rd	175,300	201,595	201,595
42	519 Forest Rd	196,300	225,745	240,000
43	511 Forest Rd	201,000	231,150	231,150
44	507 Forest Rd	194,400	223,560	233,680
45	503 Forest Rd	213,900	245,985	245,985
46	501 Forest Rd	226,000	259,900	259,900
47	1404 4th Ave SW	188,400	216,660	216,660
48	1405 4th Ave SW	230,100	264,615	268,985
49	816 2nd Ave NE	72,600	83,490	123,360
50	1015 3rd Ave NE	58,100	66,815	66,815
51	409 15th St SE	209,300	240,695	240,695
52	413 15th St SE	181,800	209,070	209,070
53	417 15th St SE	186,600	214,590	214,590
54	421 15th St SE	184,200	211,830	211,830
55	425 15th St SE	186,400	214,360	214,360
56	429 15th St SE	189,200	217,580	217,580
57	433 15th St SE	170,800	196,420	224,480
58	441 15th St SE	179,800	206,770	222,800
59	437 15th St SE	186,600	214,590	214,590
60	115 15th St SE	83,400	95,910	95,910
61	201 15th St SE	159,300	183,195	183,195
62	207 15th St SE	99,700	114,655	114,655
63	1501 3rd Ave SE	101,100	116,265	116,265
64	1726 Burdick Ex E	116,100	133,515	133,515
65	1722 Burdick Ex E	80,600	92,690	92,690
66	1720 Burdick Ex E	49,000	47,150	47,150
67	1618 Burdick Ex E	70,700	81,305	81,305
68	1524 Burdick Ex E	106,200	122,130	122,130
69	1530 Burdick Ex E	62,300	71,645	71,645
70	1534 Burdick Ex E	115,600	132,940	132,940

Minot Floodway Acquisition

June 1, 2017

No.	Property Address	115% Assessed Value	Offer	Purchase Price
71	1614 Burdick Ex E	\$128,900	\$148,235	\$148,235
72	1729 8th Ave SE	115,900	133,285	133,285
73	1723 8th Ave SE	165,000	189,750	189,750
74	17 Souris Ct	207,800	238,970	238,970
75	15 Souris Ct	211,100	242,765	242,765
76	13 Souris Ct	229,000	263,350	263,350
77	11 Souris Ct	179,400	206,310	206,310
78	1602 Burdick Expy E	76,400	87,860	87,860
79	1604 Burdick Expy E	43,700	50,255	50,255
80	1225 6th Ave SW	187,800	215,970	215,970
81	1224 8th Ave SW	168,400	193,660	193,660
82	1220 6th Ave SW	176,000	202,400	210,000
83	332 Walders St	100,500	115,575	115,575
			Totals	\$13,052,920

Minot Floodway Acquisition
June 1, 2017

No.	Property Address	Assessed Value	Offer	Purchase Price
1	106 4th Ave NW	\$ 19,300.00	\$ 135,000.00	\$ 135,000.00
2	2 5th St NW	33,900	113,900	121,000
3	505 West Central Ave	44,500	135,000	135,000
4	509 Central Ave W	69,000	153,000	153,000
5	1409 3rd Ave SW	97,000	213,000	241,000
6	216 Maple St	18,100	115,000	115,000
7	212 Maple St	27,200	108,000	108,000
8	202 Maple Street	25,000	120,000	120,000
9	112 5th St NW	27,800	115,000	115,000
10	419 2nd Ave NW	22,100	145,000	145,000
11	422 1st Ave NW	40,000	83,000	88,000
12	438 1st Ave NW	45,000	115,000	115,000
13	449 1st Ave NW	55,000	145,000	145,000
14	441 1st Ave NW	29,000	109,900	109,900
15	435 1st Ave NW	46,600	129,900	129,900
16	427 1st Ave NW	51,500	130,289	130,289
17	23 5th St NW	116,000	139,000	139,000
18	19 5th St NW	45,300	130,000	130,000
19	13 5th St NW	23,200	123,500	123,500
20	115 4th St NW	70,000	135,000	135,000
21	205 4th St NW	42,900	178,500	178,500
22	201 4th St NW	37,300	129,900	129,900
23	401 1st Ave NW	34,000	159,000	159,000
24	6 1/2 6th St NW	25,900	100,000	100,000
25	6 6th St NW	41,600	210,000	210,000
26	23 6th St SW	37,000	99,900	99,900
27	21 6th St SW	30,500	130,000	130,000
28	1 6th St NW	60,000	188,000	195,000
29	16 7th St SW	51,000	155,000	155,000
30	18 7th St SW	45,700	154,900	154,900
31	22 7th St SW	39,900	165,000	165,000
32	24 7th St SW	41,400	196,000	196,000
33	108 8th St SW	34,800	134,900	134,900
34	1510 5th Ave SW	84,400	198,000	198,000
35	716 & 800 Forest Rd	81,700	242,000	242,000
36	615 Forest Rd	101,000	229,900	229,900

Minot Floodway Acquisition
June 1, 2017

No.	Property Address	Assessed Value	Offer	Purchase Price
37	208 3rd St NW	\$ 10,000	\$ 70,000	\$ 70,000
38	1200 3rd Ave SW	14,000	45,000	45,000
39	204 Maple St	64,000	16,000	40,000
40	226 Maple St	47,000	34,000	40,500
41	424 1st Ave NW	32,800	150,000	150,000
42	1409 3rd Ave SW Add Lot	20,000		City Park District
43	1718 Burdick Expressway East	53,000	138,900	138,900
44	220 Maple Street	21,000	18,500	18,500
45	202 3rd St NE	29,000	165,000	165,000
46	429 2nd Ave NW	98,000	124,500	124,500
47	300 & 304 6th St NE	23,000	187,500	187,500
48	311 and 313 10th St NE	25,000	125,000	125,000
49	25 5th St NE	72,100	106,000	106,000
50	801 2ND AVE NE	53,400	132,000	132,000
51	215 15TH ST SE	85,600	144,750	144,750
52	1223 5th Ave SW	68,700	165,500	165,500
			Total	\$ 6,964,739

Minot Floodway Acquisition

June 1, 2017

No.	Property Address	Assessed Value	Offer	Purchase Price
1	412 2nd Ave NW	\$ 32,200	\$ 158,500	\$ 158,500
2	712 Forest Road	198,400	232,500	232,500
3	111 4th Ave. NW	76,900	109,900	109,900
4	19 6th St SW	107,200	163,563	163,563
5	9 5th St NW	124,300	180,000	180,000
6	436 Central Ave W	90,800	110,000	110,000
7	401 1st St NE	86,900	135,000	135,000
8	614 Forest Rd	183,100	297,000	297,000
9	1206 6th Ave SW	223,500	235,000	235,000
10	7 5th St NW	127,400	140,900	140,900
11	103 5th St NW	134,000	180,000	180,000
12	203 4th Ave NE	63,900	113,900	113,900
13	415 1st Ave NW	163,400	180,000	180,000
14	30 7th St SW	164,000	200,000	200,000
15	804 & 802 Forest RD	293,300	262,000	262,000
16	405 Main St N	69,000	130,000	130,000
17	1 5th St SW	113,000	163,900	169,000
18	613 16th St SW	203,000	247,500	255,000
19	328 Walders St	174,000	205,000	205,000
20	10 6th St NW	161,000	197,000	197,000
21	407 1st St NE	107,100	133,000	133,000
22	12 6th St NW	199,000	265,000	265,000
23	708 Forest Rd	185,000	260,000	260,000
24	100 4th Ave NW	182,000	292,000	292,000
25	448 1st Ave NW	103,000	165,000	165,000
26	438 Central ave w	19,000	8,940	8,940
27	409 2nd St NE	187,000	182,500	182,500
28	425 2nd Ave NW	28,000	19,900	19,900
29	105 4th St NW	45,000	20,000	45,000
30	416 1st Ave NW	24,000	17,000	24,000
31	302 Maple Street	75,000	103,000	103,000
32	105 5th St NW	122,000	183,135	183,135
33	109 5th St NW	28,000	38,000	45,000
34	442 1st Ave NW	61,000	40,000	68,000
35	412 1st Ave NW	96,000	120,000	120,000
36	402 1st St NW	44,000	40,000	40,000
37	540 Central Ave W Unit 1	203,000	250,000	250,000
38	436 1st Ave NW	83,000	90,000	90,000

Assessments and fair market value not on the same timeline.

Minot Floodway Acquisition

June 1, 2017

No.	Property Address	Assessed Value	Offer	Purchase Price
39	806 2nd Ave NE	\$ 23,000	\$ 25,000	\$ 25,000
40	433 2nd Ave NW	208,000	225,000	250,000
41	300 Maple Street	107,000	90,000	98,500
42	15 6th St NW	116,000	130,000	170,000
43	11 6th St NW	54,000	147,000	156,000
44	820 2nd Ave NE	25,000	22,500	25,000
45	1405 4th Ave SW	-	30,000	36,000
46	7 6th St NW	156,000	180,000	180,000
47	1030 5th Ave SW	625,000	860,000	1,025,000
48	1200 5th Ave SW	207,000	260,000	260,000
49	202 1/2 & 208 Maple St	160,000	170,000	170,000
50	5 6th St SW	104,000	180,000	186,200
51	501 Central Ave W	40,000	17,500	40,000
52	Parking lot next to Home Sweet	-	7,000	12,000
53	803 2nd Ave SW	165,000	200,000	200,000
54	522 1st Ave NE	250,000	176,000	240,000
55	2402 El Rio Dr	213,000	220,000	220,000
56	406 2ND ST NE	152,000	230,000	230,000
57	210 5TH AVE NE	100,000	125,000	125,000
58	224 Maple St	98,000	145,000	157,500
59	445 1st AVE NW	115,000	155,000	162,200
60	418 2nd St NE	190,000	270,000	270,000
61	127 15th St SE	38,000	175,500	175,500
62	417 2nd Ave NW	111,000	145,000	145,000
63	1400 & 1404 3rd Ave SW	314,000	361,000	361,000
64	1434 1st Ave SE	115,000	142,000	150,000
65	605 2ND AVE NE	81,000	127,000	127,000
66	425 5th Ave NE	56,000	64,500	64,500
67	1209 5th Ave SW	248,000	293,000	293,000
68	309 3RD ST NW	197,000	300,000	315,000
69	511 1st Ave NW	815,000	810,000	870,000
70	515 Central Ave E	18,000	25,000	25,000
71	11 5th St NW	48,000	27,000	30,000
72	422 2nd St NE	131,000	177,000	177,000
73	413 2nd Ave NW	250,000	280,000	300,000
74	7 6th St SW	138,000	172,000	187,000
75	9 6th St SW	122,000	163,500	180,000
76	509 1/2 Central Ave W	33,000	48,000	55,000

Assessments and fair market value not on the same timeline.

Minot Floodway Acquisition

June 1, 2017

No.	Property Address	Assessed Value	Offer	Purchase Price
77	1401 3rd Ave SW	\$ 257,000	\$ 285,000	\$ 305,000
78	1601 7th Ave SW	271,000	301,000	301,000
79	606 Forest Road	228,000	240,000	270,000
80	1212 8th Ave SW	44,000	56,750	56,750
81	1304 3rd Ave SW	307,000	355,000	355,000
82	121 15th St SE	151,000	172,000	172,000
83	412 2nd ST NE	156,000	230,000	230,000
84	1213 6th Ave SW	226,000	255,000	255,000
85	501 3rd St NE	496,000	820,000	820,000
86	310 6TH ST NE	23,000	45,000	50,000
87	619 2ND AVE NE	12,000	20,000	25,000
88	110 6TH ST NE	45,000	52,000	52,000
89	102 8th St SW	40,000	79,000	114,000
90	1 6th ST SW	431,000	550,000	550,000
91	500 12th St SW	203,000	250,000	250,000
92	610 Forest Road	300,000	333,000	363,000
93	1800 Burdick EXPY W	184,000	196,000	196,000
94	111 4th St NW	167,000	207,000	207,000
95	1111 5th Ave SW	121,000	224,900	224,900
96	Vacant lots	102,000	267,000	330,000
97	615 12TH ST SW	202,000	225,000	225,000
98	2317 El Rio Drive	270,000	300,000	300,000
99	2401 El Rio Drive	207,000	231,300	231,300
100	1115 5TH AVE SW	191,000	220,000	220,000
101	1039 5TH AVE SW	105,000	142,000	142,000
102	1035 5th Ave SW	114,000	121,000	121,000
103	324 1st Ave NW	109,000	145,000	145,000
104	332 1st Ave NW	152,000	150,000	155,000
105	UNPLATTED SEC 27-155-83	40,000	44,000	49,500
106	1200 28TH ST SW & Additional	215,000	255,000	255,000
107	2800 28th Street SW	10,000	16,500	16,500
108	1313 27TH ST SW	365,000	400,000	440,000
109	211 4th Ave NE	52,000	50,000	56,300
110	306 Maple Street	143,000	150,000	178,000
111	701 12TH ST SW	145,000	156,000	156,000
112	1121 5th Ave SW	155,000	163,000	163,000
			Total	\$ 21,622,388

Sawyer Floodway Acquisition

June 1, 2017

No.	Property Address	115% 2011 Assessed Value	Purchase Price
1	502 N Dakota Ave	\$52,670	\$50,248
		Totals	\$0

Valley City Floodway Acquisition
June 1, 2017

No.	Property Address	110% Assessed Value	Appraisal Value	Purchase Price
1	260 College St SW	\$ 35,640	\$ 68,000	\$ 68,000
2	280 College St SW	58,190	127,000	127,000
3	286 College St SW	47,740	56,000	56,000
4	302 College St SW	34,870		34,870
5	330 College St SW	375,760	670,000	670,000
6	344 College St SW	7,700	11,000	11,000
7	225 College St SE	40,700		40,700
8	239 College St SE	26,070		26,070
9	257 College St SE	42,680	56,000	56,000
10	265 College St SE	53,240		53,240
11	239 4th St, SW	21,780		21,780
12	225 4th St, SW	54,670		54,670
13	232 4th St, SE	15,400		15,400
14	242 4th St, SE	35,970		35,970
15	408 3rd Ave, SE	40,370		40,370
16	304 4th St, SE	20,680	45,000	45,000
17	320 4th St, SE	19,360	50,000	50,000
18	328 4th St, SE	25,740	40,000	40,000
19	338 4th St, SE	64,020	79,000	79,000
20	346 4th St, SE	11,770	24,000	24,000
21	460 8th Ave, NE	70,070		70,070
22	352 4th St, SE	18,150	33,500	33,500
23	362 4th St, SE	36,410	62,000	62,000
24	1440 Chautauqua Blvd	122,540		122,540
25	1450 Chautauqua Blvd	194,810	231,000	231,000
26	1454 Chautauqua Blvd	191,620	200,000	200,000
27	856 6th St, NE	16,280		21,780
28	856 6th St, NE	9,460		9,460
29	411 West Main	133,320		133,320
30	404 5 Ave SW	53,240		53,240
31	422 5th Ave SW	8,360		8,360
32	440 5th Ave SW	4,510		4,510
33	542 5th Ave SW	67,100	81,000	81,000
34	454 5th Ave SW	98,780	217,000	217,000
35	492 5th Ave SW	63,470	142,000	142,000
36	667 5th Ave SW	42,460	130,000	130,000
37	524 5th Ave SW	36,630		36,630
38	480 5th Ave SW	46,310	145,000	145,000
39	504 5th Ave SW	36,410	98,000	98,000
40	512 5th Ave SW	44,550	129,000	129,000

Valley City Floodway Acquisition
June 1, 2017

No.	Property Address	110% Assessed Value	Appraisal Value	Purchase Price
41	497 6th St SW	10,230		10,230
42	468 Viking Drive	42,020		42,020
43	659 5th Ave SW	33,440	76,500	76,500
44	496 6th St SW	76,340	130,000	130,000
45	651 5th Ave SW	29,700	77,000	77,000
46	534 5th Ave SW	49,170		49,170
47	492 6th St SW	33,220	133,500	133,000
48	746 Main Street E	47,410		
49	136 8th Ave SE	2,310		
50	Vacant lot	330		
51	127 8th Ave SE	20,790		127,500
52	804 Main St E	15,620		
53	740 Main St E	7,590		
54	474 5th Ave SW	38,170	89,000	115,000
55	704 Main St E	20,020		20,020
56	147 5th Ave SW	42,900		42,900
57	348 9th Ave NE	102,630	175,500	175,500
58	360 9th Ave NE	95,810	171,000	171,000
59	737 6th Ave SW	48,290		48,290
60	310 9th Ave NE	85,910	166,000	166,000
61	725 6th Ave SW	38,720		38,720
62	336 9th Ave NE	89,100	163,000	163,000
63	460 3rd St SE	29,040	53,000	53,000
64	519 8th Ave NE	70,400	144,000	144,000
65	606 East Main	44,660	97,000	97,000
66	322 9th Ave NE	82,500	157,000	157,000
67	847 2nd St NE	65,890	117,000	117,000
68	137 5th Ave SW	87,890	114,000	114,000
69	890 Main St E	40,370	125,000	125,000
70	538 Main St E	51,700	125,000	125,000
71	558 Main St E	73,480	180,000	180,000
72	512 Main St E	131,010		
73	494 Main St E	32,780	160,000	160,000
74	201 4th St SW	255,640	305,000	330,000
75	205 4th St SW	285,010	325,000	325,000
76	259 4th St SW	688,380	1,025,000	1,025,000
77	Lots 19-21 2&2nd SW	275,000	290,000	290,000
			Total	8,305,330

Ward County Floodway Acquisition

June 1, 2017

No.	Property Address	115% of 2010 Assessed	Duplication of Benefits	Purchased Price
1	1400 66th St NW	\$ 301,070	\$ 11,321	\$ 289,749
2	1411 66th St NW	525,320		525,320
3	1420 66th St NW	238,970	28,363	210,607
4	1511 69th St NW	217,580	22,464	195,116
5	1521 69th St NW	257,140		257,140
6	1601 69th St NW	311,420		311,420
7	1611 69th St NW	342,470	15,673	326,797
8	1615 27th St SE	850,000	250,141	599,859
9	1621 69 St NW (Olt 13)	27,370		27,370
10	1621 69th St NW	244,950	23,876	221,074
11	1701 69th Street NW	346,035	24,924	321,111
12	2216 73rd St NW	158,930	27,129	131,801
13	2300 75th St NW	217,580	27,078	190,502
14	2310 75th St NW	170,200	28,363	141,837
15	2311 75th St NW	168,130	27,940	140,190
16	2321 75th St NW	160,000	27,278	132,722
17	2401 75th St NW	219,000	27,078	191,922
18	2421 75th St NW	197,030	28,020	169,010
19	2501 75th St NW	144,670		144,670
20	2521 75th St NW	171,350	25,452	145,898
21	2601 75th St NW	235,000	24,640	210,360
22	2621 75th St NW	191,820	16,064	175,756
23	2701 75th St NW	235,000	25,231	209,769
24	3210 54th St SE	213,785		213,785
25	3230 54th St SE	209,760	28,363	181,397
26	4100 River Rd Burlington	177,790	28,363	149,427
27	4120 River Rd Burlington	175,260	28,363	146,897
28	5005 33 Ave SE	322,575	24,560	298,015
29	5115 33rd Ave SE	316,940	27,078	289,862
30	3 Outlots	44,045		44,045
31	620 37th St SW	452,985	22,635	430,350
32	6405 16 Ave NW	239,700	27,233	212,467
33	6411 16th Ave NW	289,800	27,078	262,722
34	6421 16th Ave NW	268,640	243,570	25,070
35	6441 16th Ave NW	460,000		460,000
36	6511 16 Ave NW (E1/2)	460,920	27,940	432,980

Ward County Floodway Acquisition

June 1, 2017

No.	Property Address	115% of 2010 Assessed	Duplication of Benefits	Purchased Price
37	6511 16 Ave NW (W1/2)	\$ 17,020		\$ 17,020
38	6521 16th Ave NW	421,015		421,015
39	6601 14th Ave NW	255,760	224,710	31,050
40	6611 14th Ave NW	387,920	24,426	363,494
41	6620 14th Ave NW	218,270	27,260	191,010
42	6700 14th Ave NW	210,680	26,538	184,142
43	6701 14th Avenue NW	268,640	181,675	86,965
44	6711 14th Ave NW	268,180	26,152	242,028
45	6800 14 Ave NW	425,500		425,500
46	6810 14th Ave NW	302,450	28,061	274,389
47	6811 14th Ave NW	297,160		297,160
48	6820 18th Ave NW	682,180		682,180
49	6821 14th Ave NW	188,830		188,830
50	700 37th St NW	377,890	248,431	129,459
51	720 37th St SW	392,000	322	391,678
52	801 36th St SW	280,000	24,974	255,026
53	LD of Por olt 2 SE ls N10'	4,945		4,945
54	Olt 30 SWNE less SE 100'	6,095		6,095
55	Olt 46 NESE SENE	5,290		5,290
56	Olt 9 of SWSE	1,600		1,600
57	Robinwood Estates Lot 19	36,000		36,000
58	Tierrecita Vallejo 1st SD L 20	19,435		19,435
59	SWNE NE of River Less Por Olts 52 & 85, Olts. Rd & Benno AC	15,000		15,000
60	4301 River Road, Burlington	229,540	27,940	201,600
61	1500 66th St NW	266,340		266,340
62	SE 55' of Olt 31	160,000		160,000
63	Extra Lot - Outlot 12	1,495		1,495
64	5405 33rd Ave SE	530,300	647	529,653
65	2221 75th St NW	225,630		225,630
			Total	\$ 14,071,045



State of
North Dakota
Office of the Governor

Doug Burgum
Governor

EXECUTIVE ORDER 2017-06

WHEREAS, I, Doug Burgum, Governor of the State of North Dakota, by the authority vested in me, do hereby declare a drought emergency for the following counties that are experiencing extreme drought conditions: Adams, Billings, Bowman, Burleigh, Divide, Golden Valley, Hettinger, McLean, Mercer, Morton, Oliver, Slope, Stark, Ward, Williams and all adjacent counties; and

WHEREAS, the above-named counties and all adjacent counties (Burke, Dunn, Emmons, Grant, Kidder, McHenry, McKenzie, Mountrail, Renville, Sheridan and Sioux) are eligible for assistance under the North Dakota Drought Disaster Livestock Water Supply Project Assistance Program pursuant to North Dakota Administrative Code Chapter 89-11-01; and

WHEREAS, lack of precipitation during the spring and early summer months of 2017 have caused dry conditions and low soil moisture levels that have had a detrimental impact on crop and pasture conditions in the affected counties; and

WHEREAS, the United States Drought Monitor shows large portions of North Dakota to be in moderate, severe, and extreme drought; and

WHEREAS, these conditions have had an adverse impact on livestock pasture conditions and water supplies, crop emergence and production, and agribusiness in general; and

WHEREAS, current and anticipated drought conditions will contribute to water supply shortages for livestock and agricultural producers; and

WHEREAS, producers may be forced into supplemental feeding and sell-down of livestock herds to enable operations during this period of drought conditions; and

WHEREAS, financial losses to the agricultural industry and agri-business constitute a serious economic hardship for the entire state; and

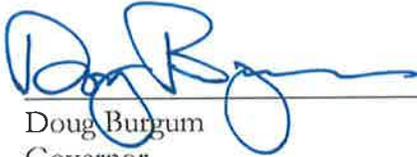
NOW THEREFORE, I hereby declare a drought-related emergency exists within the State of North Dakota, and order the Chief Engineer and Secretary of the North Dakota State Water Commission to administer the North Dakota Drought Disaster Livestock Water Supply Project Assistance Program within the counties included in this order, as well as all adjacent counties.

This order is issued pursuant to the following authority and for the following reasons:

1. The Governor is vested with the executive authority pursuant to Article V, Section 1 of the North Dakota Constitution; and,
2. The Governor is vested with statutory authority to issue executive orders to minimize or avert the effects of a drought emergency pursuant to Chapter 37-17.1 of the North Dakota Century Code; and Chapter 89-11-01, North Dakota Administrative Code.

This order is in effect immediately, and shall remain in effect until it is rescinded.

Executed at Bismarck, North Dakota, this 22nd day of June, 2017.



Doug Burgum
Governor

ATTEST:



Alvin A. Jaeger
Secretary of State

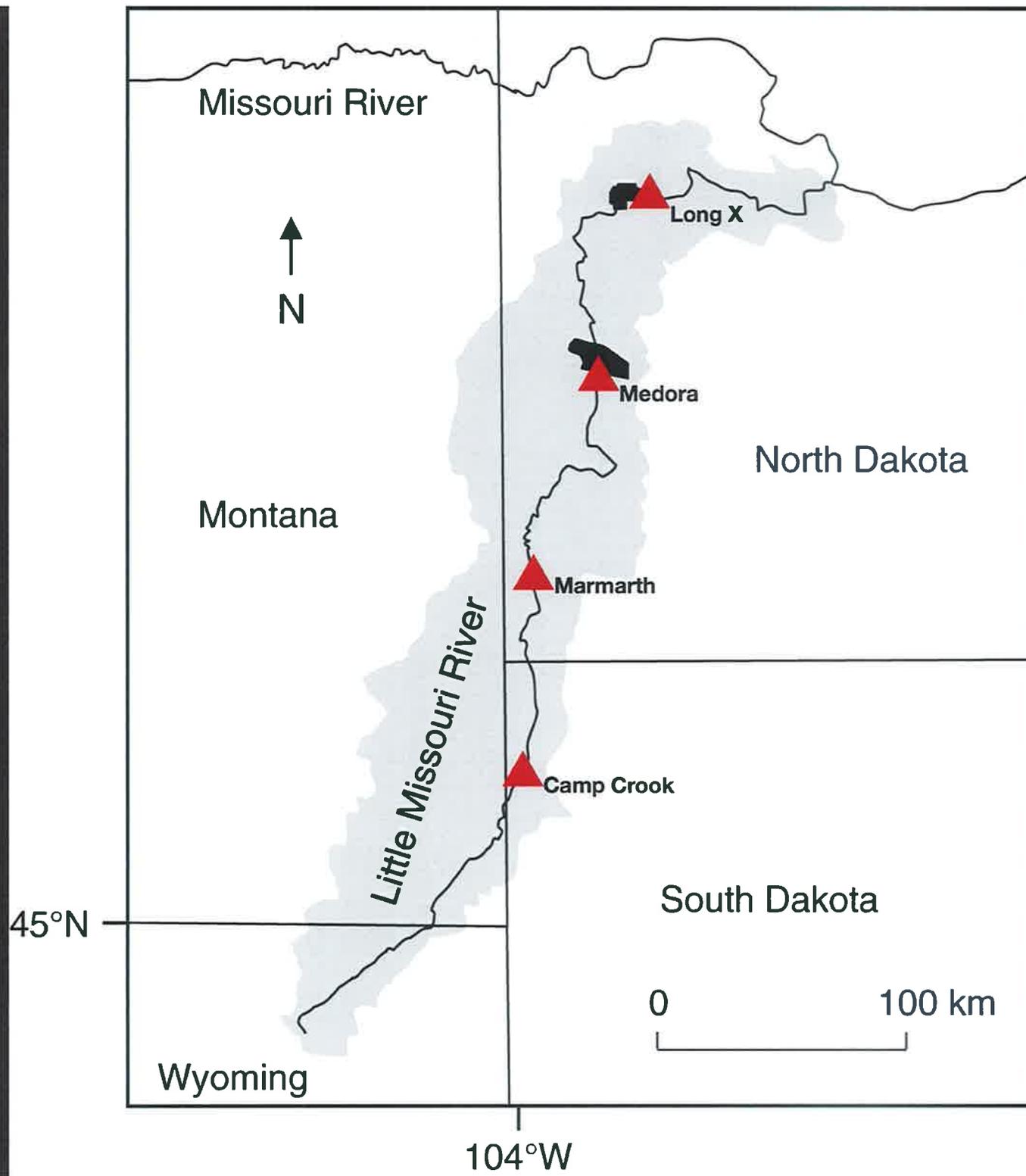
HISTORICAL, CURRENT AND PROSPECTIVE FUTURE SURFACE WATER MANAGEMENT IN THE LITTLE MISSOURI RIVER BASIN

Response to Request of Governor
Burgum for Assessment of Basin Water
Management Needs and Policies



Jon Patch, PE
Water
Appropriations
Director

APPENDIX 'M'
JUNE 22, 2017



LITTLE MISSOURI STATE SCENIC RIVER ACT

- In **1975** the Legislature passed the "**Little Missouri State Scenic River Act**" (N.D.C.C. ch. 61-29)
- The intent of which was *"to preserve the Little Missouri River as nearly as possible in its present state, which shall mean that the river will be maintained in a free-flowing natural condition, and to establish a **Little Missouri River commisson.**"*
- Primary reason for the bill was the interest of several energy interests in dams for purposes of coal gasification or electricity generation
- *"Channelization, reservoir construction, or diversion other than for agricultural or recreational purposes, and the dredging of waters within the confines of the Little Missouri scenic river and all Little Missouri River tributary streams are **expressly prohibited**"*

2017 AMENDMENT TO LMSSRA

At the request of the State Engineer, the 65th Legislature through House Bill 1020 Section 22 modified the NDCC 61-29-06 to:

“Channelization, reservoir construction, or diversion other than for agricultural, recreational, or temporary use purposes, and the dredging of waters within the confines of the Little Missouri scenic river and all Little Missouri River tributary streams are expressly prohibited”

ND WATER RIGHTS ADMINISTRATION

■ *Background:*

■ All water belongs to the State

- **North Dakota Constitution (adopted in 1889) ARTICLE XI Section 3.** All flowing streams and natural watercourses shall forever remain the property of the state for mining, irrigating and manufacturing purposes.

■ State Engineer has the regulatory authority for the appropriation of water in North Dakota.

■ Authorization to use and store waters of the State are done through a permitting system. NDCC 61-04 and NDAC 89-03

■ Two types of water permits:

- **Conditional Water permit -> Perfected Water Permit -> Water Right**
- **Temporary permits: 12 month max. No water right accrues.**

WHY WAS THE REQUEST MADE TO MODIFY THE LMRSSA?

- While doing research on a recommended decision for a temporary industrial permit a staff hydrologist discovered the provisions of NDCC 61-29 that state that diversions for other than agricultural and recreational purposes **are expressly prohibited**.
- Brought to the attention of division management
- Decision was made to immediately suspend issuing temporary industrial permits until the matter was resolved by the policy makers.
- Hence the request to the Legislature and the subsequent signing of the legislation by Governor Burgum.

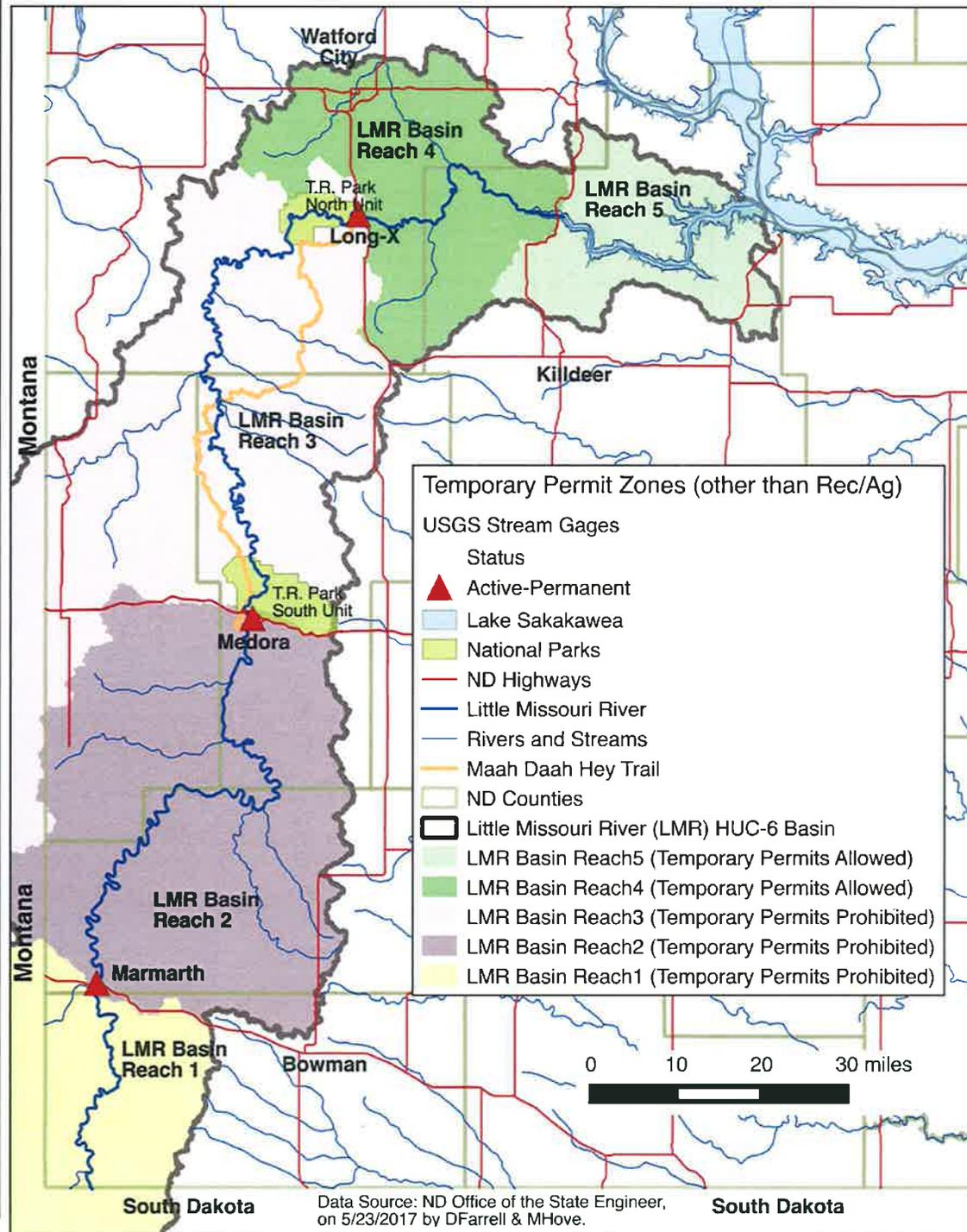
PAST POLICY OF THE STATE ENGINEER

- It has been the policy of the State Engineer to issue temporary permits for minor industrial uses in the LMR basin
- Minor industrial uses were for road construction, dust abatement, aggregate washing, etc.
- The advent of hydraulic fracturing placed demands on the local nearby water supplies and the practice of issuing temporary industrial use permits was expanded to include oil-field use.
- Since 1990 when database records began, about 600 temporary industrial water permits have been issued in the Little Missouri Basin, about one-half of those were for industrial use for oil-field related activities.
- No SW industrial conditional permits have been issued but several were under review and are being denied.

REPORT ORDERED BY GOVERNOR

- Although the Governor signed the bill allowing the temporary use permits, he ordered a report on the past practice along with several items:
 1. Suspend issuance of temporary industrial permits upstream of the Long-X bridge until a new policy is developed.
 2. Provide open and transparent public access to all the permitting information and data.
 3. Evaluate the need for additional gages

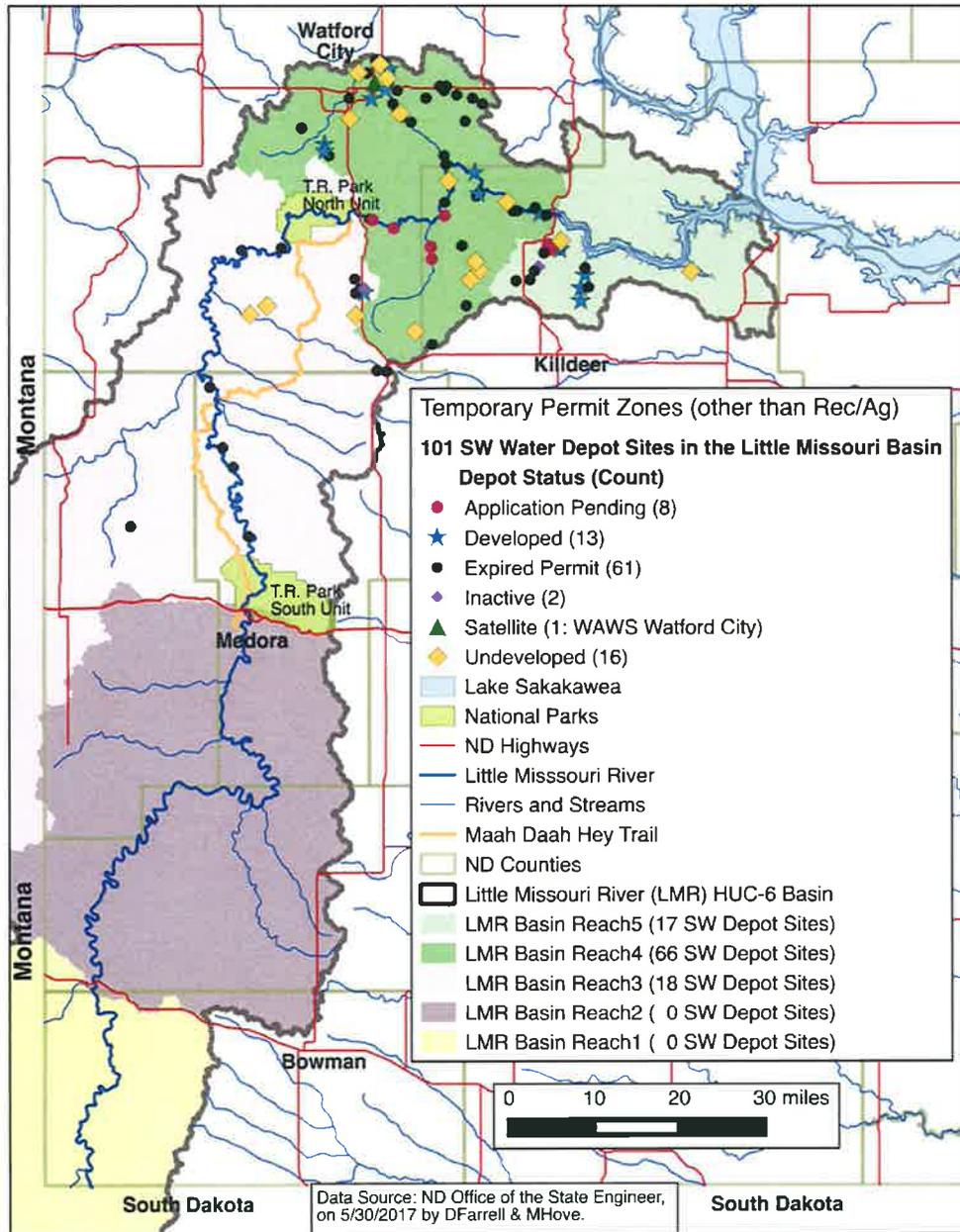
Little Missouri Basin : Authorization Zones for
Temporary, Recreation (Rec), & Agriculture (Ag) Surface Water Permits.



Overview of
the Hydrology
of the LMR
Basin

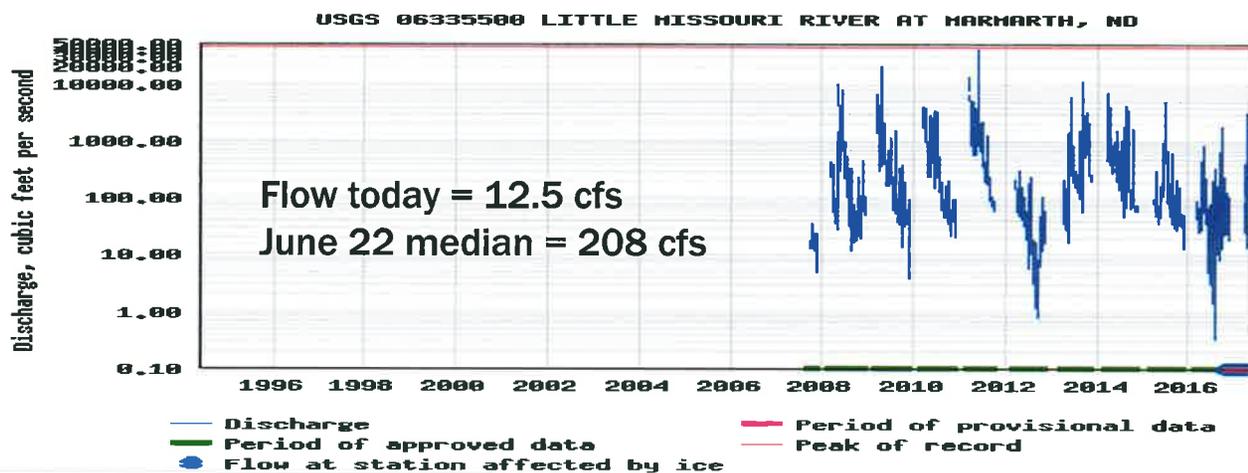
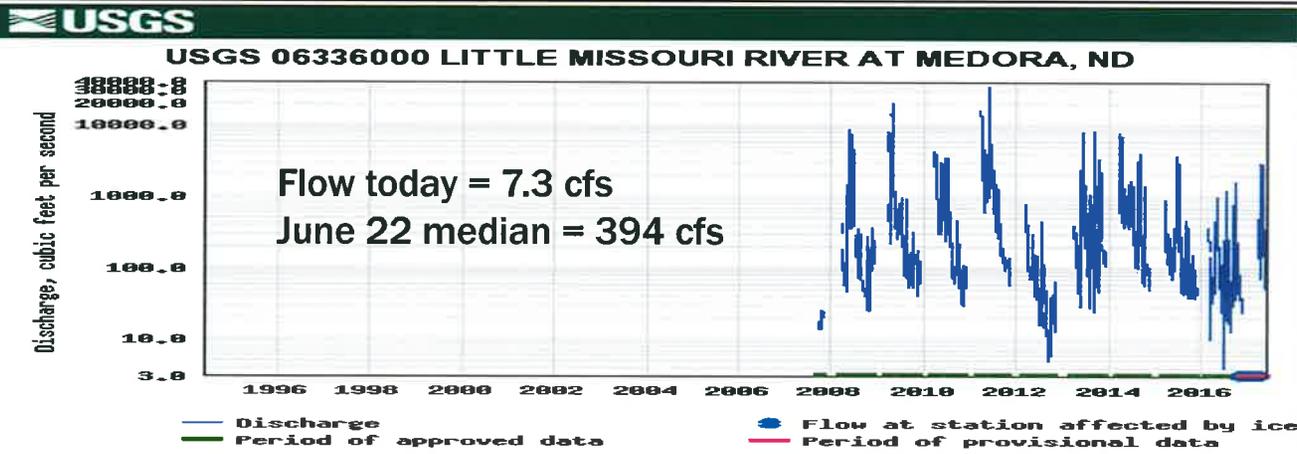
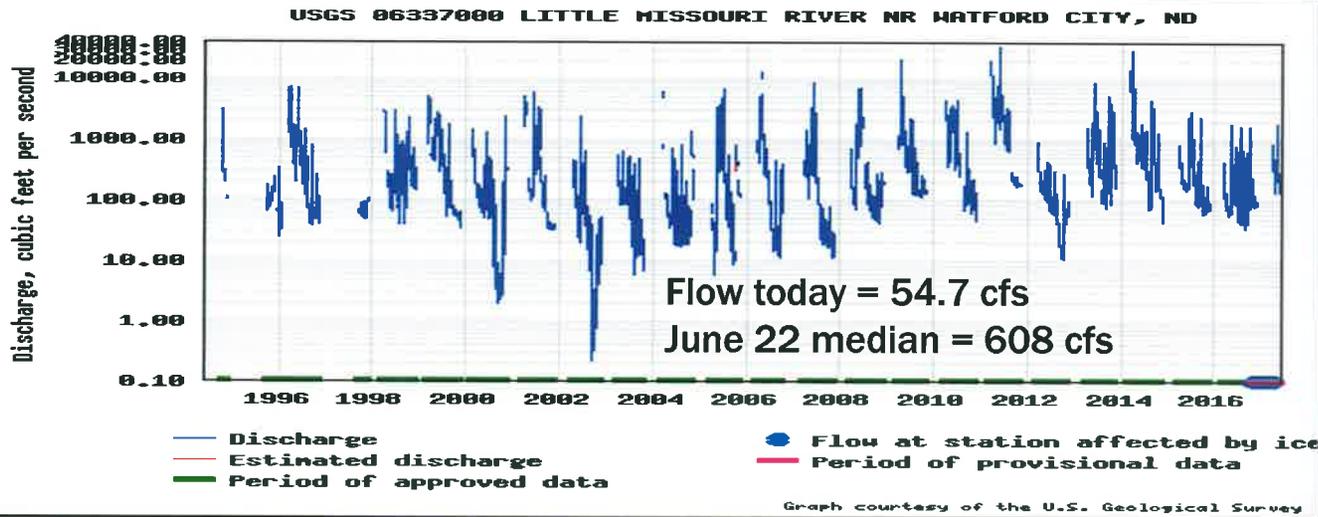
Page 7

Surface Water (SW) Water Depot Sites (which have been used, or are currently in use) from Jan, 2011 to May 2017 in the Little Missouri Basin.



Map of Water Depots permits issued

Page 13



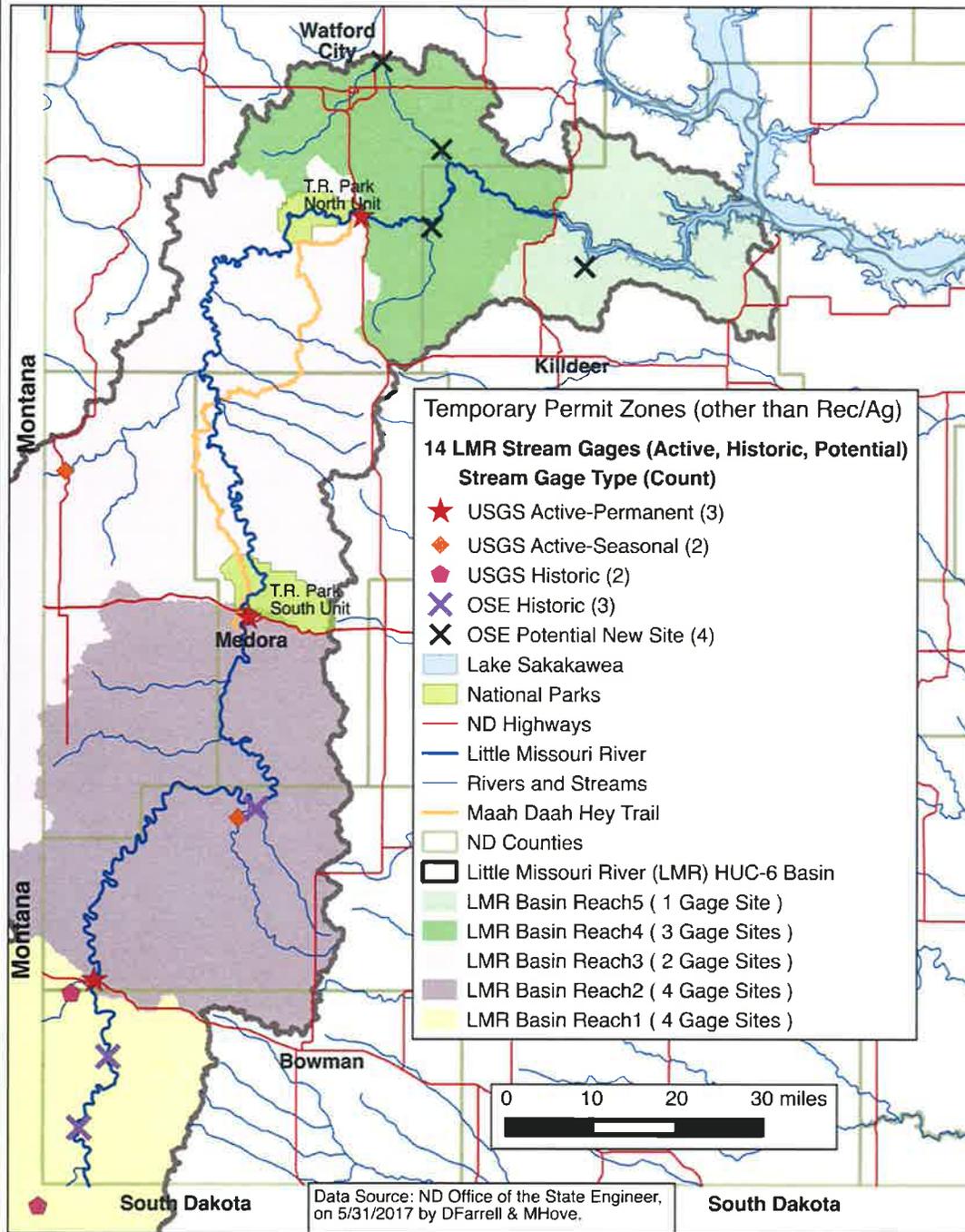
Streamflow
gages on the
Little Missouri

If the proposed withdrawal is directly from the mainstem or within 100' of the confluence with the mainstem of the LMR, the following conditions shall be added to the permit:

-
- Precautions shall be taken to minimize the visual and audible disruption to the scenic Little Missouri River valley.
- The shorelines in and around intake locations shall be kept free of construction debris and litter.
- Pumps and motors shall be sheltered from view for those wishing to travel along the waterway.
- Pumps and motors shall be set back from the shoreline sufficient distance to ensure any fluids or oils that may leak from these will be contained before they have a chance to enter the stream. Portable containment for pump and motor fluid leakage may be required upon order of the State Engineer.
- Internal combustion motors shall be muffled to maintain the tranquility and ambiance and minimize audible disruption of the scenic river experience.

**Current
Interim policy
As of
May 3, 2017
(page 30)**

Stream Gage Stations of the U.S. Geological Survey (USGS) and N.D. Office of the State Engineer (OSE) in the Little Missouri River (LMR) Basin.



Additional gages

Page 24

Full access to all documentation through the web.

mapservice.swc.nd.gov
ND State Water Commission Mapservice

View Tutorial Help/Demos

Print Window Information New Window Help Close

Back

Permit Number ND2017-17890
Status Approved
Permit Information

Permit Holder: Jorgenson Family Mineral Trust
12012 15th Street NW
Watford City, ND

Location: 14809710C
Civil Township: Unorganized Territory
County: Dunn

Source: Little Missouri River
Source Type: Surface Water
Use Type: Industrial - Water Depot

Basin (HU6): Little Missouri
Sub-Basin (HU8): Lower Little Missouri
Watershed (HU10): Burnt Creek
Sub-Watershed (HU12): Cottonwood Creek

Use Description: Industrial - Water Depot

Allocation (AcFt): 325.0
Withdrawal Rate (gpm): 750

Longitude: -103.03069
Latitude: 47.64991

Document
[Permit Application](#)
[Temp 2017-17890.pdf](#)
[Hydrologic Review.pdf](#)
[Temporary Annual Use](#)
[764MonthlyMeterReadingForm.pdf](#)
[Temporary Water Permit.pdf](#)

ND State Water Commission Mapservice
disclaimer

274670 Update 10/27/2014

Current Location Recommended Settings Print Refresh Resize Show Reference Map Log On

Active Layer: Temporary Permits - Active

- Political Boundaries
- Air Photos/Imagery
- Public Lands
- Prohibited Areas
- Hydrography
- Water Resources
- Transportation
- Precipitation
- Snow Data
- Depth to Water
- Irrigation
- FEMA
- LIDAR
- Energy Resources
- Water Permits
- Water Permits-Temporary
 - Temporary Permits - Active
 - Archaeology
 - Commercial
 - Construction
 - Domestic
 - Fire Protection
 - Fish and Wildlife
 - Flood Control
 - Industrial
 - Industrial-Water Depot
 - Irrigation
 - Livestock
 - Municipal
 - Rural Water
 - Resource Planning
 - Temporary Permits - Pending
 - Archaeology
 - Commercial
 - Construction
 - Domestic
 - Fire Protection
 - Fish and Wildlife
 - Flood Control
 - Industrial
 - Industrial-Water Depot
 - Irrigation
 - Livestock
 - Municipal
 - Rural Water
 - Resource Planning
 - Temporary Permits - Expired

Efforts toward transparency and public data access

Discussion on page 21

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ND State Water Commission Mapservice

View Tutorial | Help/Demos

Active Layer: Townships

- Political Boundaries
- Air Photos/Imagery
 - Shaded Relief
 - 1995-98 State-wide B/W Photos
 - 2003 State-wide Color Photos
 - 2004 State-wide Color Photos
 - 2005 State-wide Color Photos
 - 2006 State-wide Color Photos
 - 2009 State-wide Color Photos
 - 2010 State-wide Color Photos
 - 2012 State-wide Color Photos
 - 2014 State-wide Color Photos
 - 2015 State-wide Color Photos
 - 2016 State-wide Color Photos
 - 2016 Bismarck/Mandan Photos
 - Grand Forks 6 In. Color Photos
 - Williams County 9 In. Color Photos
 - USGS DRG 24k Topo Maps
 - USGS DRG 250k Topo Maps
 - USGS DRG 100k Topo Maps
 - NOAA NEXRAD
- Public Lands
- Prohibited Areas
- Hydrography
- Water Resources
 - Aquifers
 - Precipitation Sites
 - Drillers Logs
 - USGS Gages
 - Ground/Surface Water Sites
 - DL Outlet Monitoring Sites
 - Dams
 - Drains
 - Dikes
 - Diversion Structures
 - Dugouts
 - Restorations
 - Ordinary High Water Mark
 - River Miles
 - Water Depots
 - Wellhead Protection Area-Communi
 - Wellhead Protection Area-Other
- Transportation
 - Precipitation
 - Snow Data
 - Depth to Water
 - Irrigation
 - FEMA
 - Water Permits
 - LIDAR
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61-29-01. Short title.

This chapter may be cited as the Little Missouri State Scenic River Act.

61-29-02. Intent.

The purpose of this chapter shall be to preserve the Little Missouri River as nearly as possible in its present state, which shall mean that the river will be maintained in a free-flowing natural condition, and to establish a Little Missouri River commission.

61-29-03. Definitions.

For the purposes of this chapter, unless the context otherwise indicates:

1. "Free-flowing" shall mean existing or flowing in a natural condition without impoundment, diversion, straightening, or other modification of the waterway.
2. "Little Missouri River" means the river commencing at the North Dakota-South Dakota state border and terminating at its juncture with Lake Sakakawea, with such juncture defined as the bridge crossing of state highway twenty-two in section thirty-four, range ninety-five west, township one hundred forty-eight north, with boundaries established as the natural channels of the river to the low watermark.

61-29-04. Administration.

This chapter must be administered by a Little Missouri River commission composed of the director of the parks and recreation department, the state health officer of the state department of health, the chief engineer of the state water commission, or their designated representatives, and one member from each of the following counties: McKenzie, Billings, Slope, Golden Valley, Dunn, and Bowman. The commission members representing the above-mentioned counties must be appointed by their respective boards of county commissioners and shall serve without compensation except that each appointing board of county commissioners may reimburse its county representative for actual and necessary mileage to and from meetings of the commission at the same rate as state officers. The county representatives appointed must be resident landowners who live adjacent to the Little Missouri River with the exception of the Golden Valley County representative. A county representative unable to attend a meeting of the commission may be represented by a person who has a written proxy from the representative authorizing that person to act and vote for the representative. The proxy must be a resident landowner of the county that the proxy is representing, but need not live adjacent to the Little Missouri River. The county members shall serve terms of office as follows: two members shall serve one-year terms, two members shall serve two-year terms, and two members shall serve three-year terms.

61-29-05. Powers and duties of commission.

The commission may advise local or other units of government to afford the protection adequate to maintain the scenic, historic, and recreational qualities of the Little Missouri River and its tributary streams. The commission shall also have the power and duties of promulgating management policies to coordinate all activities within the confines of the Little Missouri River when such action is deemed necessary.

61-29-06. Management.

Channelization, reservoir construction, or diversion other than for agricultural, recreational, or temporary use purposes and the dredging of waters within the confines of the Little Missouri scenic river and all Little Missouri River tributary streams are expressly prohibited. Flood control dikes may be constructed within the floodplain of the Little Missouri River. Diking and riprapping for bank erosion control shall be permitted within the confines of the Little Missouri scenic river. The construction of impoundments for any purpose on the Little Missouri mainstream shall be prohibited.

This chapter shall in no way affect or diminish the rights of owners of the land bordering the river to use the waters for domestic purposes, including livestock watering, or any other rights of riparian landowners.



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**Interim Policy for issuing Temporary Industrial Water-Depot Permits
in the Little Missouri River Basin
Developed by the Water Appropriation Division of the Office of the State Engineer
May 3, 2017**

This policy will be used in the interim period until a formal policy is adopted by the State Engineer after consultation with the Little Missouri River (LMR) Commission and the Governor's Office, which is expected to occur by July 15, 2017.

The Office of the State Engineer will continue to process temporary water permit applications for locations in the Little Missouri River Basin that drain into the LMR downstream (generally east) of the Highway 85 crossing (Long X bridge). The following condition will be added to all the temporary water permits issued:

- 1) This permit is subject to cancellation or curtailment if it is deemed to significantly impact the free-flowing natural state of the Little Missouri River.

If the proposed withdrawal is directly from the mainstem or within 100' of the confluence with the mainstem of the LMR, the following conditions shall be added to the permit.

- 1) Precautions shall be taken to minimize the visual and audible disruption to the scenic Little Missouri River valley.
- 2) The shorelines in and around intake locations shall be kept free of construction debris and litter.
- 3) Pumps and motors shall be sheltered from view for those wishing to travel along the waterway.
- 4) Pumps and motors shall be set back from the shoreline sufficient distance to ensure any fluids or oils that may leak from these will be contained before they have a chance to enter the stream. Portable containment for pump and motor fluid leakage may be required upon order of the State Engineer.
- 5) Internal combustion motors shall be muffled to maintain the tranquility and ambiance and minimize audible disruption of the scenic river experience.

New temporary industrial permits will not be issued upstream of the Highway 85 Long X Bridge.

Approved by:

Garland Erbele, P.E.
State Engineer

Date: May 5, 2017

GARLAND ERBELE
SECRETARY AND STATE ENGINEER