

**State Water Commission (SWC) Meeting  
Brynhild Haugland Room, State Capitol  
600 E. Boulevard Ave.  
Bismarck, North Dakota  
February 13, 2020  
12:30 p.m. CT**

**AGENDA**

- A. Roll Call
- B. Consideration of Agenda
- C. Consideration of Draft Minutes of Following Meetings:
  - 1) **SWC meeting of December 6, 2019** \*\*
  - 2) **SWC meeting of December 20, 2019** \*\*
  - 3) **SWC meeting of January 16, 2020** \*\*
- D. SWC Financial Reports
- E. State Cost-Share Requests
  - Water Supply
    - 1. Water Supply Funding Summary
    - 2. **Mandan: New Raw Water Intake** \*\*
    - 3. **Western Area Water Supply: Phase 5 Cost Overrun** \*\*
    - 4. **Garrison: Water Supply Treatment and Transmission Line** \*\*
    - 5. **Larimore: 2020 Water System Replacement** \*\*
    - 6. **Park River: 2020 Water Main Improvement** \*\*
    - 7. **Sykeston: Water Tower Replacement** \*\*
    - 8. **Valley City: Water Main Improvement 100/101** \*\*
    - 9. **Wyndmere: 2020 Water Main Improvements** \*\*
    - 10. **Fargo: Downtown Water Tower** \*\*
    - 11. **Lincoln: Water Tank Replacement** \*\*
    - 12. **Kindred: Water Main Looping 2020** \*\*
    - 13. **Hazen: Water Storage Improvements** \*\*
    - 14. **Williston: 42<sup>nd</sup> Street and 16<sup>th</sup> Avenue Water Main** \*\*
  - Rural Water
    - 15. Rural Water Funding Summary
    - 16. **Southeast Water Users District: System Wide Expansion** \*\*
    - 17. **Stutsman Rural Water District: Phase 7 Reule Lake Area** \*\*
  - Federal MR&I
    - 18. **Eastern ND Water Supply – McClusky Canal Alternative** \*\*
  - General Water
    - 19. General Water Funding Summary
    - 20. **Maple River WRD: Maple River Dam Site T-180 Improvements** \*\*
    - 21. **Sargent County WRD: Silver Lake Dam Improvements** \*\*
    - 22. **Golden Valley County WRD: Odland Dam Rehabilitation Project** \*\*

Rural Food Control

- 23. Flood Control Funding Summary
- 24. Pembina County WRD: Pembina County Drain #81 Construction \*\***
- 25. Pembina County WRD: Tongue River Cutoff Channel Improvements \*\***
- 26. Sargent County WRD: Drain 12 Improvement \*\***
- 27. Bottineau County WRD: Overgaard Lateral Extension and North Central Lateral Extension \*\***

Flood Control

- 28. Devils Lake: Devils Lake Levee \*\***
- 29. Valley City: Phase IV Permanent Flood Protection \*\***

**F. Executive Session under Authority of NDCC 44-04-19.1(9) for Attorney Consultation Regarding Devils Lake West End Outlet Settlement \*\***

**G. Northwest Area Water Supply – Award of Contract 2-4B \*\***

- H. Water Permits Over 5,000 Acre Feet and Water Permit Update
- 1. Oasis Midstream Services, LLC, Water Permit Application No. 6729 \*\***
  - 2. Lalim, Dallas, Industrial, Water Permit Application No. 7026 \*\***
  - 3. Select Energy Services LLC, Water Permit Application No. 7046 \*\***
  - 4. Update on Water Permit Activity

- I. Southwest Pipeline Project Ownership Study
- 1. Summary of Tasks
  - 2. Draft Revised Scope and Fee

J. Project Planning Process – Water Development Plan

K. Meeting Efficiency Options

L. Discussion on State Engineer Position

M. Roundtable Updates with Commissioners

- N. Project Updates (Informational Only – no presentations)
- 1. Devils Lake
  - 2. Missouri River
  - 3. Mouse River
  - 4. NAWS
  - 5. SWPP

O. Legal Updates (Informational Only – no presentations)

P. Adjourn

**\*\* BOLD ITEMS REQUIRE SWC ACTION**

To provide telephone accessibility to the State Water Commission meeting for those people who are deaf, hard of hearing, deaf and/or blind, and speech disabled, please contact Relay North Dakota, and reference ... TTY-Relay ND ... 1-800-366-6888, or 711.

## MINUTES

### **North Dakota State Water Commission Bismarck, North Dakota**

**February 13, 2020**

The North Dakota State Water Commission (SWC or Commission) held a meeting at the State Capitol, Brynhild Haugland Room, Bismarck, North Dakota, on February 13, 2020. Governor Burgum called the meeting to order at 12:37 p.m. A quorum was present.

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

Governor Burgum, Chairman  
Doug Goehring, Commissioner, ND Department of Agriculture, Bismarck  
Michael Anderson, Hillsboro  
Katie Hemmer, Jamestown  
Richard Johnson, Devils Lake  
Matthew Pedersen, Valley City  
Jay Volk, Bismarck  
Steven Schneider, Dickinson  
Jason Zimmerman, Minot

#### **OTHERS PRESENT:**

Lt. Governor Sanford  
Garland Erbele, State Engineer, and Chief Engineer-Secretary  
SWC Staff  
Jennifer Verleger, General Counsel, Attorney General's Office  
Reice Haase, Policy Advisor, Governor's Office  
Leslie Bakke-Oliver, General Counsel, Governor's Office  
Approximately 100 people interested in agenda items.

### **CONSIDERATION OF AGENDA**

The agenda for the February 13, 2020, SWC meeting was presented. Agenda item F. Executive Session, was moved after D. SWC Financial Reports.

### **CONSIDERATION OF DRAFT MEETING MINUTES FOR DECEMBER 6, 2019, DECEMBER 20, 2019, AND JANUARY 16, 2020 MEETINGS**

The draft minutes for the December 6 and December 20, 2019, and January 16, 2020, meetings were reviewed. There were no modifications.

**It was moved by Commissioner Hemmer, seconded by Commissioner Johnson, and unanimously carried, that the minutes for December 6 and December 20, 2019, and January 16, 2020, be approved as presented.**

## **STATE WATER COMMISSION FINANCIAL REPORTS**

The allocated program expenditures for the period ending December 31, 2019, were presented and discussed by Heide Delorme, Director of Administrative Services. The total expenditures were within the authorized budget amounts.

A bar chart summarizing project expenditures and commitments and Project Summary for the 2019-2021 Biennium, **APPENDIX A**, provided information on the committed and uncommitted funds from the Resources Trust Fund and the Water Development Trust Fund. The final summary for projects showed approved projects totaling \$459,087,298 with expenditures of \$62,659,023. A balance of \$243,121,286 remains available to commit to projects in the 2019-2021 biennium.

The oil extraction tax deposits into the Resources Trust Fund total \$108,457,582 through January 2020 and are \$3,367,015 or 3.2 percent above budgeted revenues. The budgeted revenue for the biennium is \$433 million.

### **EXECUTIVE SESSION UNDER AUTHORITY OF NDCC § 44-04-19.1(9) FOR ATTORNEY CLIENT CONSULTATION REGARDING DEVILS LAKE WEST END OUTLET SETTLEMENT**

It was the recommendation of Governor Burgum, Chairman, that the discussion relating to the Devils Lake West End Outlet settlement be held in executive session, under the provisions of NDCC § 44-04-19.1(9), for the purpose of attorney consultation. The State Water Commission invited the following to participate in the executive session:

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

Governor Burgum, Chairman  
Doug Goehring, Commissioner, ND Department of Agriculture, Bismarck  
Michael Anderson, Hillsboro  
Katie Hemmer, Jamestown  
Richard Johnson, Devils Lake  
Matthew Pedersen, Valley City  
Jay Volk, Bismarck  
Steven Schneider, Dickinson  
Jason Zimmerman, Minot

#### **OTHERS PRESENT:**

Lt. Governor Sanford  
Garland Erbele, State Engineer, and Chief Engineer-Secretary  
State Water Commission staff: John Paczkowski, Jon Kelsch, Tim Dodd, Duane Pool, and Cheryl Fitzgerald  
Jennifer Verleger, General Counsel, Attorney General's Office  
Leslie Bakken-Oliver, General Counsel, Governor's Office  
Reice Haase, Policy Advisor, Governor's Office

**It was moved by Commissioner Pedersen and seconded by Commissioner Goehring that under the provision of NDCC §44-04-19.1(9), the State Water Commission proceed into executive session on February 13, 2020, at 12:44 p.m., for the purpose of attorney consultation relating to the Devils Lake West End Outlet settlement.**

**Commissioners Anderson, Hemmer, Johnson, Pedersen, Schneider, Volk, Zimmerman, Goehring, and Governor Burgum voted aye. There were no nay votes. Governor Burgum announced the motion unanimously carried.**

Following attorney consultation regarding the Devils Lake West End Outlet settlement, Governor Burgum reconvened the open session of the State Water Commission meeting on February 13, 2020, at 1:06 p.m., and the following motion was made:

**It was moved by Commissioner Goehring and seconded by Commissioner Schneider that the SWC attorney finalize the mediated settlement agreement on the Devils Lake West End Outlet with the Mays.**

**Commissioners Anderson, Hemmer, Johnson, Pedersen, Schneider, Volk, Zimmerman, Goehring, and Governor Burgum voted aye. There were no nay votes. Governor Burgum announced the motion unanimously carried.**

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

Jeffrey Mattern, Engineer Manager, presented summaries of the Water Supply and Rural Water Funding and cost-share requests for Water Supply, Rural Water, and Federal MR&I projects with the exception of the Mandan New Raw Water Intake project, presented by Heide Delorme, Administration Division Director.

#### **WATER SUPPLY PROJECTS:**

##### **MANDAN: NEW RAW WATER INTAKE - \$10,977,000 (SWC Project No. 2050MAN)**

In June 2019, Mandan received cost-share for construction of a new raw water intake to improve the capacity for both residential services and the Marathon Refinery. The project was approved for \$10,977,000 with \$9,570,000 from 2019-2021 biennium funds, and \$1,407,000 from 2017-2019 biennium funds.

Based on Section 7 of Senate Bill 2020 from the 2019 legislative session, a condition on carryover funds was the funds may be used only for project carryover.

Dickinson's de-obligated water supply carryover funding is \$1,731,926, and could be used to decrease 2019-2021 biennium funds approved for Mandan. This would increase funding for other 2019-2021 projects. Heide proposed the approved

\$10,977,000 be funded with \$7,840,000 from 2019-2021 biennium funds, and \$3,137,000 from 2017-2019 biennium funds as shown below.

<b>Project</b>	<b>2017-2019</b>	<b>2019-2021</b>	<b>Total</b>
Dickinson Capital Project Balance	(\$1,731,926)	\$0	(\$1,731,926)
2017-2019 Carryover Funds	\$1,730,000	(\$1,730,000)	(\$0)
Mandan Raw Water Intake	\$1,407,000	\$9,570,000	\$10,977,000
Recommended Total for Mandan Intake	\$3,137,000	\$7,840,000	\$10,977,000

The recommendation was to approve up to \$3,137,000 in 2017-2019 biennium carryover funds with the remaining \$7,840,000 from 2019-2021 biennium funding for a total cost-share of no more than \$10,977,000.

**It was moved by Commission Goehring and seconded by Commissioner Hemmer the Commission approve up to \$3,137,000 in 2017-2019 biennium carryover funds for the Mandan Raw Water Intake, with the remaining \$7,840,000 from 2019-2021 biennium funding, for a total cost-share of no more than \$10,977,000, as previously approved. The funding is in the form of 60 percent cost-share towards eligible costs, and is contingent on available funding.**

**Commissioners Anderson, Hemmer, Johnson, Pedersen, Schneider, Volk, Zimmerman, Goehring, and Governor Burgum voted aye. There were no nay votes. Governor Burgum announced the motion carried.**

**WESTERN AREA WATER SUPPLY AUTHORITY (WAWSA): PHASE 4 CARRYOVER TO PHASE 5 EXPANSIONS – REALLOCATION OF \$3,001,967 (SWC Project No. 1973)**

WAWSA requested reallocation of 2017-2019 WAWSA Phase IV carryover funds to WAWSA Phase V. Phase IV and Phase V are projects that were funded in previous biennia and carried over to the current biennium. Based on Section 7 of Senate Bill 2020 from the 2019 legislative session, a condition on carryover funds is they may be used only for project carryover.

The estimated Phase IV project cost was \$80,000,000, with cost-share of 35 percent on pre-construction costs and 75 percent on construction costs, for a total cost-share of \$60,000,000. Phase IV was completed under budget with \$3,001,967 remaining as carryover funds from the 2017-2019 biennium.

The previous estimated cost for Phase V was \$33,052,000, with cost-share of 35 percent on pre-construction costs, and 75 percent on construction costs, for a total cost-share of \$22,400,000. The December 2019 balance for Phase V is \$1,762,865. The current estimated Phase V project cost is \$39,000,000. Project cost increases are due to additional users and an increase in the water treatment plant pre-treatment construction cost. The estimated cost increase is \$5.2 million from \$10,376,000 in 2016, to the current 2019 estimate of \$15,583,284.

Previous phases of the project were allowed the flexibility of carrying over funds as needed to maximize cost savings and schedule other improvements concurrently. The addition of new users to Phase V was done with the knowledge that Phase IV was under budget and the expectation that any remaining Phase IV cost-share would be reallocated to Phase V.

The recommendation was to approve the reallocation of \$3,001,967 from 2017-2019 carryover funds from Phase IV to Phase V.

**It was moved by Commissioner Goehring and seconded by Commissioner Pedersen the Commission approve the reallocation of \$3,001,967 in 2017-2019 carryover funds from WAWAS Phase IV to Phase V with state cost-share participation to remain at 35 percent of eligible pre-construction costs and 75 percent of construction costs. The approval is in addition to the previous \$22,400,000 approved cost-share, for a total cost-share amount not to exceed \$25,401,967. The approval is contingent on available funding.**

**Commissioners Anderson, Hemmer, Johnson, Pedersen, Schneider, Volk, Zimmerman, Goehring, and Governor Burgum voted aye. There were no nay votes. Governor Burgum announced the motion carried.**

**GARRISON: WATER SUPPLY TREATMENT AND TRANSMISSION LINE –  
\$3,396,000  
(SWC Project No. 2050GRR)**

Garrison requested cost-share for the rehabilitation of their 1992 water treatment plant and looping of a transmission line to increase the capacity of the system.

The life cycle cost analysis compared four alternatives and the preferred alternative was to rehabilitate the existing treatment system.

Garrison plans to fund the local share of the project through the Drinking Water State Revolving Loan Fund. The total eligible cost is \$5,660,000.

The project was in the 2019 Water Plan and meets requirements of the Commission's cost-share policy for municipal water supply projects. The recommendation was to provide cost-share at 60 percent of eligible costs in the amount of \$3,396,000.

**It was moved by Commissioner Goehring and seconded by Commissioner Hemmer the Commission approve the request of Garrison for state cost-share participation at 60 percent of eligible costs for the water treatment plant and transmission line at an amount not to exceed \$3,396,000. The approval is contingent on available funding for the 2019-2021 biennium.**

**Commissioners Anderson, Hemmer, Johnson, Pedersen, Schneider, Volk, Zimmerman, Goehring, and Governor Burgum voted aye. There were no nay votes. Governor Burgum announced the motion carried.**

**LARIMORE: 2020 WATER SYSTEM REPLACEMENT - \$2,617,000  
(SWC Project No. 2050LAR)**

Larimore requested cost-share for the replacement of a water distribution system, including 45,000 feet of water main, 36 fire hydrants, and over 400 user connections. Replacement of their aging infrastructure would make it financially more feasible for the future-planned connection to East Central Regional Water District.

The life cycle cost analysis considered one alternative to replace the distribution system with PVC piping, ductile fittings, and valves.

The estimated total cost is \$4,473,024. Policy requires ineligible items to be excluded from cost-share for funding contributions provided by other state entities that supplant costs. Larimore will receive a \$111,357 Community Development Block Grant. The total eligible cost is \$4,361,667, with 60 percent cost-share of \$2,617,000. The local share of the project would be a loan from the Drinking Water State Revolving Loan Fund, covered by city sales tax, special assessments, and a utility rates increase.

The project was in the 2019 Water Plan and meets requirements of the Commission's cost-share policy for municipal water supply projects. The recommendation was to provide cost-share at 60 percent of eligible costs in the amount of \$2,617,000.

**It was moved by Commissioner Pedersen and seconded by Commissioner Volk the Commission approve the request of Larimore for state cost-share participation at 60 percent of eligible costs for the water system replacement at an amount not to exceed \$2,617,000. The approval is contingent on available funding for the 2019-2021 biennium.**

**Commissioners Anderson, Hemmer, Johnson, Pedersen, Schneider, Volk, Zimmerman, Goehring, and Governor Burgum voted aye. There were no nay votes. Governor Burgum announced the motion carried.**

**PARK RIVER: 2020 WATER MAIN IMPROVEMENT - \$970,000  
(SWC Project No. 2050PAR)**

Park River requested cost-share for the replacement of deteriorating cast iron water mains. Prioritization was given to approximately 10 city blocks most affected by recent water main breaks.

The life cycle cost analysis compared the alternative of replacing water mains to the "Do Nothing" alternative which is insufficient to address ongoing pipe failures. Park River will fund the local share of the project through the Drinking Water State Revolving Loan Fund.

The project is in the 2019 Water Plan and meets requirements of the Commission's cost-share policy for municipal water supply projects. The total eligible cost is \$1,616,667. The recommendation was to provide cost-share at 60 percent in the amount of \$970,000.

**It was moved by Commissioner Goehring and seconded by Commissioner Volk the Commission approve the request from Park River for state cost-share participation at 60 percent of eligible costs for water main improvements at an amount not to exceed \$970,000. The approval is contingent on available funding for the 2019-2021 biennium.**

**Commissioners Anderson, Hemmer, Johnson, Pedersen, Schneider, Volk, Zimmerman, Goehring, and Governor Burgum voted aye. There were no nay votes. Governor Burgum announced the motion carried.**

**SYKESTON: WATER TOWER REPLACEMENT - \$587,000  
(SWC Project No. 2050SYK)**

Sykeston requested cost-share for the construction of a new 50,000-gallon elevated water tower to replace an existing 50,000-gallon tower to meet water demands for domestic and fire.

The life cycle cost analysis considered three alternatives and the preferred alternative was the new elevated tower. The estimated total cost is \$1,070,333. Policy requires ineligible items be excluded from cost-share for funding contributions provided by other state entities that supplant costs. Sykeston will receive a \$72,000 Community Development Block Grant. The total eligible cost is \$978,333, with 60 percent cost-share in the amount of \$587,000. The local share of the project would be from the Drinking Water State Revolving Loan Fund.

The project is in the 2019 Water Plan and meets requirements of the Commission's cost-share policy for municipal water supply projects. The recommendation was to provide cost-share at 60 percent in the amount of \$587,000.

**It was moved by Commissioner Goehring and seconded by Commissioner Hemmer the Commission approve the request from Sykeston for state cost-share participation at 60 percent of eligible costs for the water tower replacement at an amount not to exceed \$587,000. The approval is contingent on available funding for the 2019-2021 biennium.**

**Commissioners Anderson, Hemmer, Johnson, Pedersen, Schneider, Volk, Zimmerman, Goehring, and Governor Burgum voted aye. There were no nay votes. Governor Burgum announced the motion carried.**

**VALLEY CITY: WATER MAIN IMPROVEMENTS 100/101 - \$700,000  
(SWC Project No. 2050VAL)**

Valley City requested cost-share for the replacement of 10 blocks of aging cast iron water mains.

The life cycle cost analysis considered two alternatives and the preferred alternative was the open cut alternative. Valley City will fund the local share of the project through assessments, local sales tax, and income from an infrastructure fund.

The project is in the 2019 Water Plan and meets requirements of the Commission's cost-share policy for municipal water supply projects. The estimated total eligible cost is \$1,166,667. The recommendation was to provide cost-share at 60 percent in the amount of \$700,000.

**It was moved by Commissioner Zimmerman and seconded by Commissioner Volk the Commission approve the request from Valley City for state cost-share participation at 60 percent of eligible costs for the water main improvement projects at an amount not to exceed \$700,000. The approval is contingent on available funding for the 2019-2021 biennium.**

**Commissioners Anderson, Hemmer, Johnson, Pedersen, Schneider, Volk, Zimmerman, Goehring, and Governor Burgum voted aye. There were no nay votes. Governor Burgum announced the motion carried.**

**WYNDMERE: WATER MAIN IMPROVEMENTS - \$1,730,000  
(SWC Project No. 2050WYN)**

Wyndmere requested cost-share for the water system portion of its larger water, sewer, and street replacement project. Mixed-type piping and a high water table have been major contributors to the degradation of the water mains.

The life cycle cost analysis considered three alternatives and the preferred alternative was to complete replacement to significantly reduce operating and maintenance costs related to storm water and street repairs. Valley City will fund the local share through the Drinking Water State Revolving Fund Loan paid through an increase in the base water rate. The storm sewer project will be funded through a Clean Water State Revolving Fund loan paid through assessments.

The project is in the 2019 Water Plan and meets requirements of the Commission's cost-share policy for municipal water supply projects. The eligible total cost is \$2,883,333. The recommendation was to provide cost-share at 60 percent in the amount of \$1,730,000.

**It was moved by Commissioner Volk and seconded by Commissioner Pedersen the Commission approve the request from Wyndmere for state cost-share participation at 60 percent of eligible**

**costs for the water main improvement project at an amount not to exceed \$1,730,000. The approval is contingent on available funding for the 2019-2021 biennium.**

**Commissioners Anderson, Hemmer, Johnson, Pedersen, Schneider, Volk, Zimmerman, Goehring, and Governor Burgum voted aye. There were no nay votes. Governor Burgum announced the motion carried.**

**FARGO: DOWNTOWN WATER TOWER - \$2,814,000  
(SWC Project No. 2050FAR)**

Fargo requested cost-share for a new two million-gallon elevated water tower to replace three existing water towers in order to meet water demands with adequate pressure and fire flows in the far north, south, and west extents of the system, and meet capacity for downtown development.

The life cycle cost analysis included three alternatives. The preferred alternative was the two million-gallon alternative. The local share of the project is programmed into Fargo's capital improvement plan and revenues will cover their 50 percent using reserve funds.

The project is in the 2019 Water Plan and meets requirements of the Commission's cost-share policy for municipal water supply projects. The estimated total eligible cost is \$5,628,000. The recommendation was to provide 50 percent of eligible costs in the amount of \$2,814,000.

**It was moved by Commissioner Hemmer and seconded by Commissioner Pedersen the Commission approve the request from Fargo for state cost-share participation at 50 percent of eligible costs for the downtown water tower project at an amount not to exceed \$2,814,000. The approval is contingent on available funding.**

**Commissioners Anderson, Hemmer, Johnson, Pedersen, Schneider, Volk, Zimmerman, Goehring, and Governor Burgum voted aye. There were no nay votes. Governor Burgum announced the motion carried.**

**LINCOLN: WATER TANK REPLACEMENT - \$1,268,000  
(SWC Project No. 2050LIN)**

Lincoln requested cost-share for constructing a new one million-gallon water storage tank to replace one of their two existing glass-fused 500,000-gallon tanks.

The life cycle cost analysis considered three alternatives and the preferred alternative, the concrete tank, had the lowest present value cost of \$2,182,000. Lincoln will fund the local share of the project through the Drinking Water State Revolving Loan Fund.

The project is in the 2019 Water Plan and meets requirements of the Commission's cost-share policy for municipal water supply projects. The estimated eligible total cost is \$2,113,300. The recommendation was to provide cost-share of 60 percent in the amount of \$1,268,000.

**It was moved by Commissioner Volk and seconded by Commissioner Goehring the Commission approve the request from Lincoln for state cost-share participation at 60 percent of eligible costs for the water tank replacement project at an amount not to exceed \$1,268,000. The approval is contingent on available funding for the 2019-2021 biennium.**

**Commissioners Anderson, Hemmer, Johnson, Pedersen, Schneider, Volk, Zimmerman, Goehring, and Governor Burgum voted aye. There were no nay votes. Governor Burgum announced the motion carried.**

**KINDRED: WATER MAIN LOOP - \$134,000  
(SWC Project No. 2050KIN)**

Kindred requested cost-share for the construction of a water main loop in their distribution system in order to improve water quality, provide redundancy, and improve fire flows across the system. The recent completion of a new water tower will accommodate future demands for supply, but improvements are needed to the distribution system.

The life cycle cost analysis considered two water main looping alternatives and preferred alternative two, which considers future development, improves fire flow, and additional water service. Kindred will fund the local share of the project through the Bank of North Dakota's Infrastructure Loan Fund.

The project is in the 2019 Water Plan and meets requirements of the Commission's cost-share policy for municipal water supply projects. The estimated eligible total cost is \$223,333. The recommendation was to provide cost-share at 60 percent in the amount of \$134,000.

**It was moved by Commissioner Goehring and seconded by Commissioner Pedersen the Commission approve the request from Kindred for state cost-share participation at 60 percent of eligible costs for the water main looping project at an amount not to exceed \$134,000. The approval is contingent on available funding for the 2019-2021 biennium.**

**Commissioners Anderson, Hemmer, Johnson, Pedersen, Schneider, Volk, Zimmerman, Goehring, and Governor Burgum voted aye. There were no nay votes. Governor Burgum announced the motion carried.**

**HAZEN: WATER STORAGE IMPROVEMENTS - \$1,430,000  
(SWC Project No. 2050HAZ)**

Hazen requested cost-share for constructing a new 750,000-gallon water storage tank. Hazen has experienced low water pressure in the higher elevation areas of the system as well as deterioration of the interior and exterior coatings on the water tower.

The life cycle cost analysis considered four alternatives and the preferred alternative was a new concrete tank at a different higher elevation site, which offers lower maintenance costs and corrects the low pressure issue. Hazen will fund the local share of the project through the Drinking Water State Revolving Loan Fund.

The project is in the 2019 Water Plan and meets requirements of the Commission's cost-share policy for municipal water supply projects. The estimated eligible total cost is \$2,383,333. The recommendation was to provide cost-share at 60 percent in the amount of \$1,430,000.

**It was moved by Commissioner Schneider and seconded by Commissioner Hemmer the Commission approve the request from Hazen for state cost-share participation at 60 percent of eligible costs for the water storage improvements at an amount not to exceed \$1,430,000. The approval is contingent on available funding for the 2019-2021 biennium.**

**Commissioners Anderson, Hemmer, Johnson, Pedersen, Schneider, Volk, Zimmerman, Goehring, and Governor Burgum voted aye. There were no nay votes. Governor Burgum announced the motion carried.**

**WILLISTON: WATER MAIN EXTENSIONS - \$1,196,000  
(SWC Project No. 2050WLL)**

Williston requested cost-share for the extension of water mains on 16<sup>th</sup> Avenue and 42<sup>nd</sup> Street totaling 11,800 feet.

The life cycle cost analysis considered one alternative to extend the water mains creating additional looping in the current system and allowing development. This project has a present value cost of \$2,990,000. Williston will fund the local share of the project through local sales tax or gross production tax.

The project is in the 2019 Water Plan and meets requirements of the Commission's cost-share policy for municipal water supply projects. The estimated total eligible cost is \$2,746,300. A 60 percent cost-share would be \$1,648,000. The 2019-2021 water supply funding balance available for this project is \$1,196,000. Williston was contacted and they would accept the available balance towards the two water main projects. The recommendation was to provide cost-share at 60 percent in the amount not to exceed \$1,196,000.

**It was moved by Commissioner Pedersen and seconded by Commissioner Volk the Commission approve the request from Williston for state cost-share participation at 60 percent of eligible costs for the 16<sup>th</sup> Avenue and 42<sup>nd</sup> Street water main projects at an amount not to exceed \$1,196,000. The approval is contingent on available funding for the 2019-2021 biennium.**

**Commissioners Anderson, Hemmer, Johnson, Pedersen, Schneider, Volk, Zimmerman, Goehring, and Governor Burgum voted aye. There were no nay votes. Governor Burgum announced the motion carried.**

## **RURAL WATER PROJECTS:**

### **SOUTHEAST WATER USERS DISTRICT: SYSTEM-WIDE EXPANSION - \$225,000 (SWC Project No. 2050SOE)**

Southeast Water Users District (Southeast) submitted a request for additional cost-share on a previously approved project that added rural users to the system within Richland, Ransom, Sargent, LaMoure, Dickey, and Logan counties. The previous estimated total cost of \$20,500,000 was approved for cost-share at 35 percent for pre-construction, and 75 percent for construction, in the amount of \$14,540,000.

The life cycle cost analysis considered one alternative of extending water service with a present value cost of \$22,018,000. The local share of the project would be funded with sign-up commitments from water users, system reserve funds, and the Drinking Water State Revolving Loan Fund.

The project encountered wet conditions in 2019 requiring additional pipeline borings. With approximately 20 miles of pipeline left to install, the estimated cost to complete the project is \$300,000. The new estimated cost is \$20,800,000. The previously approved cost-share of \$14,540,000, combined with the current request, brings the total cost-share to \$14,765,000.

The project is in the 2019 Water Development Plan and meets requirements of the Commission's cost-share policy for rural water supply projects. The recommendation was to provide cost-share of 75 percent for an additional \$225,000.

**It was moved by Commissioner Goehring and seconded by Commissioner Zimmerman the Commission approve the request from Southeast for state cost-share participation at 75 percent of eligible costs for the system-wide expansion project for an additional \$225,000, with the total amount not to exceed \$14,765,000. The approval is contingent on available funding for the 2019-2021 biennium.**

**Commissioners Anderson, Hemmer, Johnson, Pedersen, Schneider, Volk, Zimmerman, Goehring, and Governor Burgum voted aye. There were no nay votes. Governor Burgum announced the motion carried.**

## **STUTSMAN RURAL WATER DISTRICT: PHASE 7, REULE LAKE (SWC Project No. 2050STU)**

Stutsman Rural Water District (Stutsman) requested a modification to the scope of the approved Phase 7 project to include service to water users in the Reule Lake area. The additional project would include installation of 21,600-feet of 4-inch transmission pipeline for potential service to over 65 water users with no additional cost-share funds. Stutsman received 30 additional sign-ups and anticipates enough funds will be available from the original Phase 7 project to address the Reule Lake addition.

Phase 7 had an estimated total cost of \$2,787,693, was approved in June 2019 for 2019-2021 biennium cost-share at 65 percent in the amount of \$1,812,000. Stutsman will fund the local share of the project through the Drinking Water State Revolving Loan Fund and also charge \$600 for new customer sign-ups. The recommendation was to amend the Phase 7 scope to include service for the Reule Lake area with no additional cost-share.

**It was moved by Commissioner Hemmer and seconded by Commissioner Schneider the Commission approve the request from Stutsman to amend the Phase 7 scope to include the Reule Lake area with no additional state cost-share. The approval is contingent on available funding for the 2019-2021 biennium.**

**Commissioners Anderson, Hemmer, Johnson, Pedersen, Schneider, Volk, Zimmerman, Goehring, and Governor Burgum voted aye. There were no nay votes. Governor Burgum announced the motion carried.**

## **FEDERAL MUNICIPAL, RURAL, AND INDUSTRIAL WATER SUPPLY PROJECTS:**

### **EASTERN NORTH DAKOTA ALTERNATE WATER SUPPLY: MCCLUSKY CANAL ALTERNATIVE - \$885,000 (SWC Project No. 1912)**

Garrison Diversion Conservancy District (GDCCD) requested federal Municipal, Rural, and Industrial Water Supply (MR&I) Program funding for engineering support towards the Eastern North Dakota Alternate Water Supply (ENDAWS) Project. GDCCD requested the Bureau of Reclamation consider and evaluate up to 165 cfs of water from the McClusky Canal to serve as an alternate water supply for the Red River Valley Water Supply Project. This alternate water supply would provide a supplemental water supply in the event of drought conditions.

In response to GDCCD's request for this alternate water supply, the Bureau of Reclamation is preparing an environmental impact statement (EIS). In order to prepare the EIS, the Bureau of Reclamation has tasked Black & Veatch Engineering with preparing an engineering analysis of options for the removal and conveyance of water from the McClusky Canal to the Red River Valley Water Supply Project. Black & Veatch was also tasked with reporting an appraisal level design and cost estimates for a biota

water treatment plant and various alternatives. The estimated total cost of the EIS engineering support is \$885,000.

In December 2019, the U.S. Congress passed a FY2020 budget for the Bureau of Reclamation, which should exceed \$15 million for the North Dakota state MR&I program. FY2020 dollars will be used to fund the request for ENDAWS. The recommendation was to approve federal MR&I funding in the amount of \$885,000.

**It was moved by Commissioner Goehring and seconded by Commissioner Pedersen the Commission approve federal MR&I funding of \$885,000, to GDCD, for the ENDAWS EIS. The funding is contingent on available funding and that the project follows federal MR&I program requirements.**

**Commissioners Anderson, Hemmer, Johnson, Pedersen, Schneider, Volk, Zimmerman, Goehring, and Governor Burgum voted aye. There were no nay votes. Governor Burgum announced the motion carried.**

Pat Fridgen, Planning and Education Division Director, presented summaries of the General Water and Flood Control Funding and cost-share requests for General Water, Rural Flood Control, and Flood Control projects.

#### **GENERAL WATER PROJECTS:**

##### **MAPLE RIVER WATER RESOURCE DISTRICT: MAPLE RIVER DAM SITE T-180 IMPROVEMENTS - \$212,216 (SWC Project No. 1785)**

Maple River Water Resource District (Maple River) requested cost-share for the Maple River Dam Site T-180 improvements. The dam is classified as a high hazard dam and the purpose of the dam is flood control. The project would replace the spillway pipe that shows signs of deterioration, which includes fine cracking on top of the pipe and small gaps between sections of pipe.

The project meets requirements of the Commission's cost-share policy for dam safety projects. The total eligible project cost is \$282,955 for cost-share at 75 percent as a dam safety project in the amount of \$212,216. The recommendation was to approve the request at 75 percent as a dam safety project in the amount of \$212,216.

**It was moved by Commissioner Hemmer and seconded by Commissioner Schneider the Commission approve the request by Maple River for cost-share participation of \$212,216, at 75 percent of eligible costs for the Maple River Dam Site T-180 improvements. The approval is contingent on available funding.**

**Commissioners Anderson, Hemmer, Johnson, Pedersen, Schneider, Volk, Zimmerman, Goehring, and Governor Burgum voted aye. There were no nay votes. Governor Burgum announced the motion carried.**

**SARGENT COUNTY WATER RESOURCE DISTRICT:  
SILVER LAKE DAM IMPROVEMENTS - \$107,945  
(SWC Project No. 0391)**

Sargent County Water Resource District (Sargent County) requested cost-share for the Silver Lake Dam improvements project. The dam is classified as a low hazard dam. Since it was constructed, the dam has served as a source of recreation along the Wild Rice River.

A report from February 2016 by the SWC identified that uncontrolled seepage conditions were present in the dam embankment. The project would mitigate water seepage through the embankment. The feasibility study completed in October 2019 considered a full breach, relocation, or remedial work. The result of the study was a recommendation that included the installation of a toe drain along the embankment of the existing spillway, maintaining the pool for recreational use, and protection to upstream structures. The sponsor requested 75 percent cost-share as a dam safety project – the cost-share percentage provided by the Commission for the feasibility study.

This project is included in the 2019 Water Development Plan and meets requirements of the Commission's cost-share policy for recreation projects. The total eligible project cost is \$269,864 for cost-share at 40 percent as a recreation project in the amount of \$107,945. The recommendation was 40 percent cost-share as a recreation project, due to the purpose of the dam as recreation and because it is a low hazard dam.

After discussion on low, medium, and high hazard dam categories defined by Administrative Code 89-08 and SWC cost-share policy related to the dam safety program, recreational use of dams, and low-head dams, the following motion was made:

**It was moved by Commissioner Goehring and seconded by Commissioner Anderson the Commission 1) approve the request from Sargent County for state cost-share participation of \$107,945, at 40 percent of eligible costs for the Sargent County Silver Lake Dam improvements as a recreation project; and 2) discuss the project at the March 2020 subcommittee meeting to determine if the project may be approved at the original 75 percent cost-share request as a dam safety project rather than at 40 percent as a recreation project. The approval is contingent on available funding for the 2019-2021 biennium.**

**Commissioners Anderson, Hemmer, Johnson, Pedersen, Schneider, Volk, Zimmerman, Goehring, and Governor Burgum voted aye. There were no nay votes. Governor Burgum announced the motion carried.**

**GOLDEN VALLEY COUNTY WATER RESOURCE DISTRICT:  
ODLAND DAM REHABILITATION PROJECT - \$397,200  
(SWC Project No. 0394)**

Golden Valley County Water Resource District (Golden Valley) requested cost-share for the Odland Dam rehabilitation project. The dam is classified as a low hazard dam. According to project sponsors, the dam is an important regional recreation and sport fishing destination.

A feasibility study was completed in November 2017. The project would replace the deteriorating primary spillway, fill in low points along the dam, and raise the auxiliary spillway. The sponsor requested 75 percent cost-share as a dam safety project – the cost-share percentage provided by the Commission for the final design and permitting.

The total spillway construction cost is \$990,000, which is eligible for cost-share at 40 percent as a recreation project in the amount of \$396,000. The sponsor also requested cost-share for a low-level drawdown as a component of the overall rehabilitation. The total project cost for the low-level drawdown is \$3,000, which is eligible for cost-share at 40 percent, or \$1,200. The total cost-share for both the spillway construction and low-level drawdown is \$397,200.

This project is included in the 2019 Water Development Plan and meets requirements of the Commission's cost-share policy for recreation projects. The recommendation was to approve at 40 percent cost-share as a recreation project, due to the purpose of the dam as recreation, and because it is a low hazard dam.

**It was moved by Commissioner Volk and seconded by Commissioner Schneider the Commission 1) approve the request from Golden Valley for cost-share participation of \$397,200, at 40 percent of eligible costs for the Odland Dam rehabilitation; and 2) discuss the project at the March 2020 subcommittee meeting to determine if the project may be approved at the original 75 percent cost-share request as a dam safety project rather than at 40 percent as a recreation project. The approval is contingent on available funding for the 2019-2021 biennium.**

**Commissioners Anderson, Hemmer, Johnson, Pedersen, Schneider, Volk, Zimmerman, Goehring, and Governor Burgum voted aye. There were no nay votes. Governor Burgum announced the motion carried.**

**FLOOD CONTROL PROJECTS:**

**PEMBINA COUNTY WATER RESOURCE DISTRICT – DRAIN NO. 81: \$284,982  
(SWC Project No. 2112)**

Pembina County Water Resource District (District) requested cost-share for the Pembina County Drain 81 construction project.

Pembina County Drain 81 was petitioned by area farmers to address flooding from overland water. The drain will provide improved drainage with better control to the area and discharge into Drain 67A. A positive assessment vote was received for the project, and drain permit #5294 was approved. Construction is expected in 2020. The results of the economic analysis for the project yielded a benefit to cost ratio of 6.9.

St. Thomas wrote a letter to the State Engineer on December 1, 2019, with concerns about impacts of Drain 81 flowing into Drain 67A, which flows through St. Thomas. The project was deferred by the Commission at the December 2019 Commission meeting to allow the District and St. Thomas to meet and discuss issues.

Commissioner Anderson indicated he had met with representatives from each entity to discuss their overall concerns and costs related to the project. St. Thomas may need approximately \$100,000 to repair or replace culverts and diking, and St. Thomas indicated the funding is not readily available.

Paul Larson, Councilman, St. Thomas, and other representatives from St. Thomas, presented concerns related to the funds needed and requested the Commission hold approval of the project until funds are available.

Don Kemp, Pembina County Water Resource District Board, indicated the Board is willing to work with St. Thomas to identify funding sources. The current proposal offered to St. Thomas by Pembina County is a 60/40 split of the costs to mitigate failing culverts at a crossing in St. Thomas. Pembina County would provide 60 percent and St. Thomas would be responsible for 40 percent.

After discussion, it was agreed that Commissioner Anderson would continue to work with the parties for resolution. Also assisting would be Aaron Carranza, Regulatory Division Director, SWC.

The project is in the 2019 Water Development Plan and meets requirements of the Commission's cost-share policy for water conveyance projects. The total eligible project cost is \$633,293 for cost-share at 45 percent in the amount of \$284,982. The recommendation was to approve the cost-share request at 45 percent in the amount of \$284,982.

**It was moved by Commissioner Anderson and seconded by Commissioner Goehring the Commission approve the request by the District for state cost-share participation of \$284,982 at 45 percent of eligible costs for the Pembina County Drain 81 construction project. The approval is contingent on available funding for the 2019-2021 biennium.**

**Commissioners Anderson, Hemmer, Johnson, Pedersen, Schneider, Volk, Zimmerman, Goehring, and Governor Burgum voted aye. There were no nay votes. Governor Burgum announced the motion carried.**

**PEMBINA COUNTY WATER RESOURCE DISTRICT:  
TONGUE RIVER CUTOFF CHANNEL IMPROVEMENTS - \$85,329  
(SWC Project No. 1999)**

Pembina County Water Resource District (District) requested cost-share for a feasibility study of the Tongue River cutoff channel improvement project. The project was deferred in October 2019 due to not being in the 2019 Water Development Plan.

In the 1960s the NRCS constructed the Tongue River cutoff channel to reduce flood damages. The channel has been beneficial, however there are still flood damages that occur. The feasibility study will develop a plan to maximize benefits and review current conditions. Soil stability will be evaluated to ensure project efficiency is maximized by minimizing future maintenance.

This project meets requirements of the Commission's cost-share policy for water conveyance projects. The total project cost is \$189,620, which is eligible for cost-share at 45 percent in the amount of \$85,329. It was the recommendation to approve the cost-share request at 45 percent in the amount of \$85,329.

**It was moved by Commissioner Goehring and seconded by Commissioner Johnson the Commission approve the request by the District for state cost-share participation of \$85,329 at 45 percent of eligible costs for the Tongue River cutoff channel improvements project. The approval is contingent on available funding for the 2019-2021 biennium.**

**Commissioners Anderson, Hemmer, Johnson, Pedersen, Schneider, Volk, Zimmerman, Goehring, and Governor Burgum voted aye. There were no nay votes. Governor Burgum announced the motion carried.**

**SARGENT COUNTY WATER RESOURCE DISTRICT:  
DRAIN NO. 12 IMPROVEMENTS - \$267,512  
(SWC Project No. 2127)**

Sargent County Water Resource District (Sargent County) requested cost-share for the Sargent County Drain No. 12 improvement project. The project includes sizing culverts, installing permanent rock checks to reduce channel velocities, and improves conveyance through County Road 5 by increasing the culvert size. Drain permit #5284 was approved on July 18, 2019, and the assessment district was formed. The economic analysis yielded a benefit to cost ratio of 1.02.

This project is included in the 2019 Water Development Plan and meets requirements of the Commission's funding policy for water conveyance projects. The project is eligible for 45 percent cost-share as a rural flood control project. The total eligible cost is \$594,472. The recommendation was to provide cost-share of 45 percent in the amount of \$267,512.

**It was moved by Commissioner Zimmerman and seconded by Commissioner Pedersen the Commission approve the request by Sargent County for state cost-share participation of \$267,512, at 45 percent of eligible costs for the Sargent County Drain No. 12 channel improvements project. The approval is contingent on available funding for the 2019-2021 biennium.**

**Commissioners Anderson, Hemmer, Johnson, Pedersen, Schneider, Volk, Zimmerman, Goehring, and Governor Burgum voted aye. There were no nay votes. Governor Burgum announced the motion carried.**

**BOTTINEAU COUNTY WATER RESOURCE DISTRICT:  
OVERGAARD LATERAL EXTENSIONS - \$215,969  
(SWC Project No. 2104)**

Bottineau County Water Resource District (Bottineau County) requested cost-share for the Overgaard lateral extension and North Central lateral expansion project.

A positive assessment vote was received, and drain permit #5272 was approved. The results of the economic analysis yielded a benefit to cost ratio of 1.7.

This project meets the requirements of the Water Commission's cost-share policy for water conveyance projects. The total project cost is \$479,931, which is eligible for cost-share at 45 percent in the amount of \$215,969. The recommendation was to approve the request at 45 percent in the amount of \$215,969.

**It was moved by Commissioner Goehring and seconded by Commissioner Zimmerman the Commission approve the request by Bottineau County for state cost-share participation of \$215,969 at 45 percent of eligible costs for the Overgaard lateral extension and North Central lateral extension. This approval is contingent on available funding for the 2019-2021 biennium.**

**Commissioners Anderson, Hemmer, Johnson, Pedersen, Schneider, Volk, Zimmerman, Goehring, and Governor Burgum voted aye. There were no nay votes. Governor Burgum announced the motion carried.**

**FLOOD CONTROL PROJECTS:**

**DEVILS LAKE: DEVILS LAKE LEVEE - \$1,600,000  
(SWC Project No. 0416-02)**

Devils Lake requested additional cost-share for the Devils Lake Flood Risk Management levee project. The project is a federal US Army Corps of Engineers (Corps) project, with Devils Lake serving as the local sponsor.

The original Devils Lake levee was constructed in 1984. In the mid 1990s Devils Lake entered into a contract with the Corps to raise the levee embankment to a top elevation

of 1,450 feet. Since that time, the levee has gone through a series of raises and funding approvals from the Commission. The last levee raise was initiated in 2009, raising the top of the embankment to an elevation of 1,468 feet.

The total project cost from 1995-2012 was \$215,530,920. The Corps paid \$159,798,190 during this timeframe, which is approximately 75 percent of the total cost. The local share was \$55,732,730, or 25 percent of the total cost. Of the local share, the Commission cost-shared \$40,889,815. The final Commission payment from previously executed agreements was made in 2012, and as a result, the project was closed-out. When the project was initiated, the Commission had committed to cost-share at 50 percent of the local share. Beginning in 2009, the Commission covered nearly all of the local share because of financial hardship experienced by the Devils Lake area.

In April 2019, the city of Devils Lake received a revised cost estimate from the Corps in the amount of \$13,200,000 – with a local responsibility of \$3,200,000. The Corps is responsible for \$10,000,000, which is 75 percent of the cost. Devils Lake indicated they do not have funding for the local share and requested the Commission cover the \$3,200,000, or 100 percent of the local share.

The levee project was closed out in 2012, with the final payment made at that time. The request should, more appropriately, be considered a new request for cost-share under the flood control category. As stated in the Cost-share Funding Policy under the Flood Protection Program, “For projects with federal participation, the cost-share may be up to 50 percent of eligible non-federal costs.” The recommendation was to cost-share at 50 percent of eligible non-federal costs in the amount of \$1,600,000.

After discussion, the following motion was made:

**It was moved by Commissioner Zimmerman and seconded by Commissioner Pedersen the Commission defer the funding request until the State and city of Devils Lake meet with North Dakota’s congressional delegation on open-ended funding requests from the US Army Corps of Engineers.**

**Commissioners Anderson, Hemmer, Pedersen, Schneider, Volk, Zimmerman, Goehring, and Governor Burgum voted aye. There were no nay votes. Commissioner Johnson abstained. Governor Burgum announced the motion carried.**

**VALLEY CITY: PERMANENT FLOOD PROTECTION CONDITIONAL LETTER OF MAP REVISION (CLOMR) ENGINEERING - \$277,166 (SWC Project No. 1504-06)**

Valley City requested cost-share for cost overruns related to preliminary and design engineering for Phase IV of their permanent flood protection (PMP) project. The engineering for this phase included work toward acquisition of a CLOMR from the Federal Emergency Management Agency (FEMA).

Phases I, II, and III of Valley City's PMP are either complete, or underway, with plans to proceed with construction on Phase IV during summer 2020. To date, no CLOMR has been issued for any of the previously completed or proposed phases. In late December 2019, FEMA representatives requested a conference call with SWC staff and Valley City officials to convey their concerns about issuing a CLOMR for any PMP project phases.

FEMA indicated that without being able to review a hydraulic model with all phases of the project designed to a certain level, and submitted for review, it is unlikely that a CLOMR can be issued. Without a CLOMR, Valley City is left with few options to proceed with construction of Phase IV. In the past, Valley City has been able to proceed with construction on Phases I, II, and III because modeling efforts by Valley City's engineering team have shown no water surface elevation increases or losses of conveyance as a result of levee construction efforts. They have not been able to definitively replicate this for Phase IV.

At the October 2019 Commission meeting, \$10,834,504 was approved for construction engineering and construction of Phase IV, at 80 percent cost-share. In addition, \$776,050 was approved for design engineering of Phase V, at 85 percent cost-share. The current cost overrun request for engineering on Phase IV of Valley City's PMP is \$276,500, of which \$235,025 is potentially eligible for 85 percent cost-share. In addition, \$42,141 was de-obligated from Valley City's completed Phase I project, and remains available for carryover projects. Based on Section 7 of Senate Bill 2020 from the 2019 legislative session, a condition on carryover funds is that they may be used only for project carryover. The Phase IV project meets that requirement.

Receiving a CLOMR for Valley City's PMP project is a critical component to the long-term advancement and effectiveness of the project. To proceed with additional construction without a CLOMR puts the state and local sponsor at risk of making additional investments in a project that has not yet been approved by FEMA through the CLOMR process. It indicates whether the project, if built as proposed, would be recognized by FEMA. Once a project has been completed, the community must request a revision to the Flood Insurance Rate Map (FIRM) to reflect the project. "As-built" certification and other data must be submitted to support the revision request.

The recommendation was to 1) reprogram \$235,025 of the \$10,834,504, approved in October 2019 for construction of Phase IV, towards preliminary engineering and design efforts related to CLOMR acquisition; and 2) reallocate \$42,141, available in 2017-2019 biennium carryover funds for Valley City's CLOMR-related engineering. The total cost-share of \$277,166 would be at 85 percent.

**It was moved by Commissioner Goehring and seconded by Commissioner Johnson the Commission 1) reprogram \$235,025 of the \$10,834,504, approved in October 2019 for construction of Phase IV, towards preliminary engineering and design efforts related to CLOMR acquisition; and 2) reallocate \$42,141, available in 2017-2019 biennium carryover funds for Valley City's CLOMR-related**

engineering. The total cost-share of \$277,166 would be at 85 percent. The approval is contingent on available funding.

Commissioners Anderson, Hemmer, Johnson, Schneider, Volk, Zimmerman, Goehring, and Governor Burgum voted aye. There were no nay votes. Commissioner Pedersen abstained. Governor Burgum announced the motion carried.

### **NORTHWEST AREA WATER SUPPLY (NAWS)**

**(SWC Project No. 237-04)**

Tim Freije, NAWS Project Manager, provided an opinion of probable construction costs for NAWS Contract 2-4B. The recommendation was to authorize the Chief Engineer to award Contract 2-4B to the low responsive bidder pending review of bids received and concurrence from Garrison Diversion Conservancy District.

**It was moved by Commissioner Goehring and seconded by Commissioner Zimmerman the Commission authorize the Chief Engineer/Secretary to award NAWS Contract 2-4B to the low responsive bidder pending review of the bids received and concurrence from Garrison Diversion Conservancy District.**

**Commissioners Andersen, Hemmer, Johnson, Pedersen, Schneider, Volk, Zimmerman, Goehring, and Governor Burgum voted aye. There were no nay votes. Governor Burgum announced the motion carried.**

### **APPROVAL OF WATER PERMITS OVER 5,000 ACRE FEET**

Jon Patch, Appropriations Division Director, presented information on conditional water permits exceeding the 5,000 acre-foot threshold for final approval by the Commission. Statute gives final approval authority to the Commission for water permits exceeding 5,000 acre feet.

Jon also provided an update related to current water permits authorizing more than 5,000 acre-feet of use annually, and the overall policy the SWC uses to approve water permits. Jon will present information related to the development of recent technology advancements such as the electronic routing system, the PRESENS system, and AEM, at a future Commission meeting.

The following conditional water permits were presented for approval:

<b>Permit No.</b>	<b>Permitholder</b>	<b>Use Type</b>	<b>Recommended Acre Feet</b>	<b>Priority Date</b>
6729	Oasis Midstream Services	Industrial	8,000	10/14/14

7026	Dallas Lalim	Industrial	10,000	10/22/18
7046	Select Energy Services	Industrial	18,000	03/04/19

The recommendation was for the Commission to give final approval to the conditional water permits that exceeded 5,000 acre-feet.

**It was moved by Commissioner Goehring and seconded by Commissioner Volk the Commission approve conditional water permit numbers 6729, 7026, and 7046.**

**Commissioners Anderson, Hemmer, Johnson, Pedersen, Schneider, Volk, Zimmerman, Goehring, and Governor Burgum voted aye. There were no nay votes. Governor Burgum announced the motion carried.**

### **SOUTHWEST PIPELINE OWNERSHIP TRANSFER STUDY**

Mike Berg, Apex Engineering Group, and Matt Oedekoven, DGR Engineering, presented a summary of work tasks and draft revised scope and fee on the Southwest Pipeline Ownership Transfer Study based on recent Commission discussions. The presentation is attached as **APPENDIX B**.

The Commission discussed whether a new Request for Qualifications (RFQ) and scope be drafted for bid, or continue with Apex’s revised scope and fee for Phase 2. It was determined that a selection based on a qualifications-based contract be followed and the following motion was made:

**It was moved by Commissioner Johnson and seconded by Commissioner Zimmerman that SWC staff draft a Request for Qualifications for selecting firms to complete a long-term comprehensive strategic planning model for funding water supply systems in North Dakota.**

**Commissioners Anderson, Hemmer, Johnson, Pedersen, Schneider, Volk, Zimmerman, Goehring, and Governor Burgum voted aye. There were no nay votes. Governor Burgum announced the motion carried.**

Governor Burgum requested a conference call in two weeks for Commissioners to discuss and approve the RFQ prior to the April Commission meeting. Commissioners expect major findings of the study to be presented by December 2020 and it is the intent to present findings and financial models during the next legislative session.

### **STATE ENGINEER POSITION**

Governor Burgum announced the retirement of Garland Erbele effective March 31, 2020. Governor Burgum thanked Garland for his service and leadership.

Governor Burgum announced a search committee will be formed to complete the initial applicant screening and the findings will be brought to the full Commission for hiring. The search committee will consist of representatives from the ND Agriculture Department and Governor's Office, and Commissioners Anderson and Johnson.

**It was moved by Commissioner Goehring, seconded by Commissioner Schneider, and unanimously carried, that a search committee be created with representatives from the ND Agriculture Department and Governor's Office, and Commissioners Anderson and Johnson; John Paczkowski, Deputy State Engineer, be named Interim State Engineer effective April 1; and the Search Committee will bring forward to Commission finding and recommendations for hiring of State Engineer.**

### **PROJECT PLANNING PROCESS – WATER DEVELOPMENT PLAN**

Pat Fridgen reviewed the 2021-2023 Water Development Planning Process with the Commission. The Planning and Education Division has begun developing the 2021 Water Development Plan, focusing on the 2021-2023 biennium and beyond. To initiate the process, staff sent notice to potential project sponsors across the state; directing them to an online submission form, and asked for assistance in identifying water development projects to move forward. The input gained from local project sponsors and water managers will become the foundation of the SWC's budget request to the Governor and Legislature.

The SWC is also required to schedule commissioner-hosted meetings within North Dakota's major drainage basins. The meetings are held to promote and encourage local project sponsor participation in the water planning process, and in the agency's project development efforts. Eight meetings will be held - one in each of the commissioners' respective basins.

The deadline for project submittals is April 30. After projects have been submitted, they will be reviewed and prioritized by Commissioners, and a draft inventory will be developed for Commissioner-hosted meetings.

### **MEETING EFFICIENCY OPTIONS**

As discussed at the December 2019 Commission meeting, State Engineer Erbele presented options for making future meetings more efficient. Options discussed were to offer time-saving opportunities without sacrificing the availability of important information critical to the decision-making process. Governor Burgum asked that discussions continue.

### **ROUNDTABLE UPDATES WITH COMMISSIONERS**

Commissioners provided brief updates on relevant issues related to their basins.

Jennifer Verleger stated an executive session may be needed in April to discuss the recent Missouri lawsuit related to the 20 cfs from the McClusky Canal for Central North Dakota.

### PROJECT UPDATES

Tim Freije, Project Engineer, NAWS, provided a brief update. Mary Massad, Manager/CEO of Southwest Water Authority, gave a brief update on the Southwest Pipeline Project.

There being no further business to come before the Commission, Governor Burgum adjourned the February 13, 2020, meeting at 6:15 p.m.



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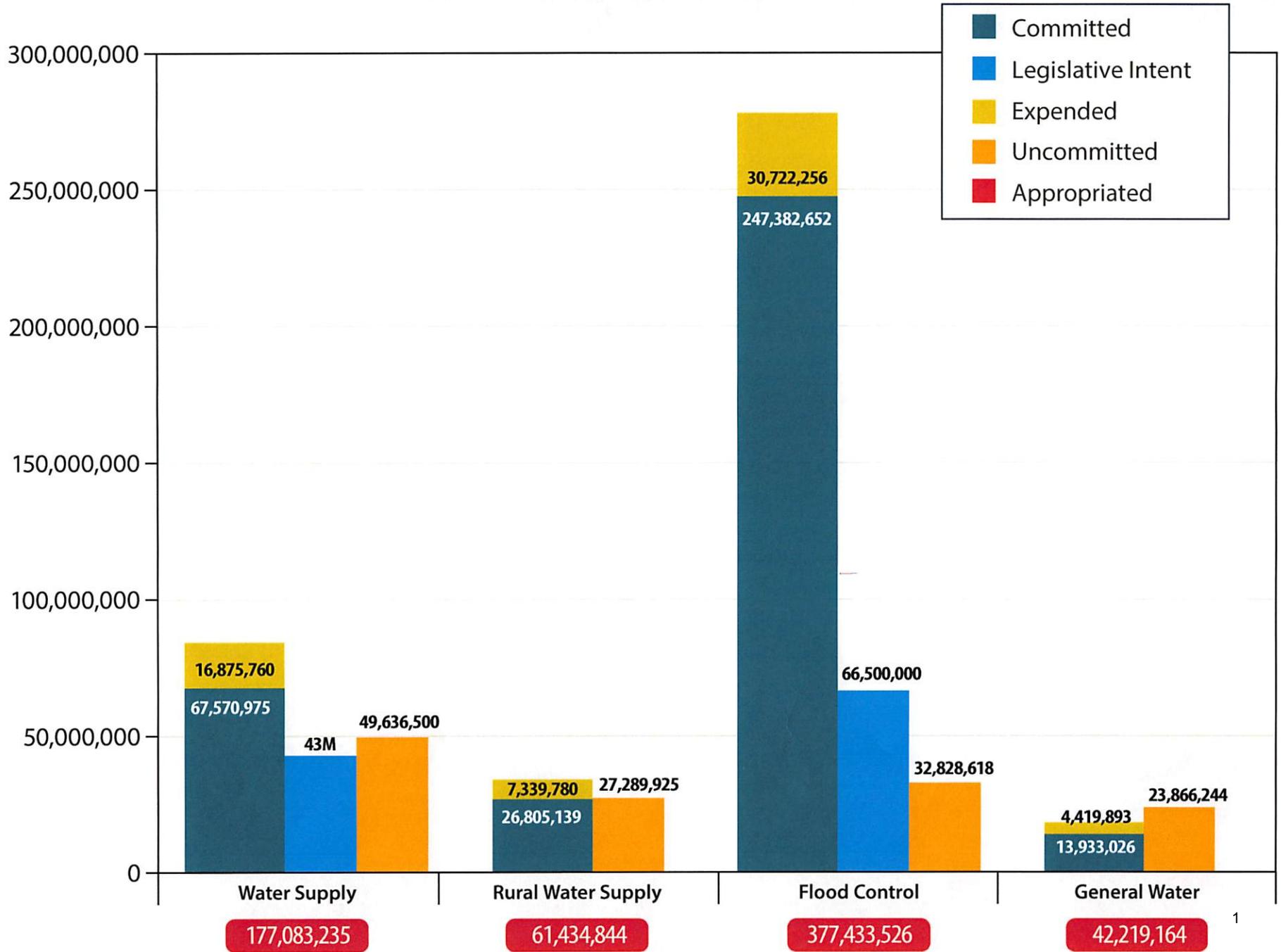
Brent Sanford, Lt. Governor  
Acting Chairman, State Water Commission



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John Paczkowski, P.E.  
Interim North Dakota State Engineer,  
and Chief Engineer-Secretary  
to the State Water Commission

# PROJECT FUNDS



**STATE WATER COMMISSION  
PROJECT SUMMARY  
2019-2021 BIENNIUM**

*Dec-19*

	SWC/SE APPROVED	EXPENDITURES	REMAINING UNPAID
<b>MUNICIPAL &amp; REGIONAL WATER SUPPLY:</b>			
MUNICIPAL WATER SUPPLY	65,742,128	8,716,582	57,025,546
RED RIVER VALLEY	4,000,000	2,000,000	2,000,000
OTHER REGIONAL WATER SUPPLY	14,704,607	6,159,178	8,545,430
TOTAL	84,446,736	16,875,760	67,570,975
<b>RURAL WATER SUPPLY:</b>			
RURAL WATER SUPPLY	34,144,919	7,339,780	26,805,139
<b>FLOOD CONTROL:</b>			
FARGO	105,735,612	3,704,669	102,030,944
MOUSE RIVER	110,369,758	16,711,129	93,658,629
VALLEY CITY	16,469,241	1,084,972	15,384,269
LISBON	1,411,117	847,724	563,392
OTHER FLOOD CONTROL	16,335,698	5,784,634	10,551,064
PROPERTY ACQUISITIONS	15,995,117	815,247	15,179,870
WATER CONVEYANCE	11,788,365	1,773,881	10,014,484
TOTAL	278,104,908	30,722,256	247,382,652
<b>GENERAL WATER:</b>			
GENERAL WATER	18,352,920	4,419,893	13,933,026
<b>CAPITAL ASSETS:</b>			
SWPP CAPITAL ASSETS	18,112,359	2,487,898	15,624,461
NAWS CAPITAL ASSETS	22,248,857	813,436	21,435,421
TOTAL	40,361,216	3,301,334	37,059,882
<b>REVOLVING LOAN FUND:</b>			
GENERAL WATER PROJECTS	3,676,600	0	3,676,600
WATER SUPPLY	0	0	0
<b>TOTALS</b>			
	459,087,298	62,659,023	396,428,275

**STATE WATER COMMISSION  
PROJECT SUMMARY  
2019-2021 BIENNIUM**

*Dec-19*

	2017-2019 CARRYOVER	2019-2021 FUNDING	2019-2021 BUDGET	SWC/SE APPROVED	REMAINING UNOBLIGATED
<b>MUNICIPAL &amp; REGIONAL WATER SUPPLY:</b>					
MUNICIPAL WATER SUPPLY	35,854,628	29,887,500	65,742,128	65,742,128	(0)
RED RIVER VALLEY	4,000,000	43,000,000	47,000,000	4,000,000	43,000,000
OTHER REGIONAL WATER SUPPLY	9,228,607	5,476,000	14,704,607	14,704,607	(0)
UNOBLIGATED MUNICIPAL/REG WATER SUPPLY	1,731,926	47,904,574	49,636,500		49,636,500
Total	49,083,236	128,000,000	177,083,235		92,636,499
% OBLIGATED		26.64%			
<b>RURAL WATER SUPPLY:</b>					
RURAL WATER SUPPLY	24,234,844	9,910,075	34,144,919	34,144,919	(0)
UNOBLIGATED RURAL WATER SUPPLY	0	27,289,925	27,289,925		27,289,925
Total	24,234,844	37,200,000	61,434,844		27,289,925
% OBLIGATED		26.64%			
<b>FLOOD CONTROL:</b>					
FARGO	105,735,612	66,500,000	172,235,612	105,735,612	66,500,000
MOUSE RIVER	42,969,758	67,400,000	110,369,758	110,369,758	0
VALLEY CITY	4,858,687	11,610,554	16,469,241	16,469,241	0
LISBON	1,411,117	0	1,411,117	1,411,117	0
OTHER FLOOD CONTROL	15,379,498	956,200	16,335,698	16,335,698	0
PROPERTY ACQUISITIONS	820,117	15,175,000	15,995,117	15,995,117	(0)
WATER CONVEYANCE	9,258,738	2,529,627	11,788,365	11,788,365	0
UNOBLIGATED FLOOD CONTROL	0	32,828,618	32,828,618		32,828,618
Total	180,433,527	197,000,000	377,433,526		99,328,618
% OBLIGATED		49.58%			
<b>GENERAL WATER:</b>					
GENERAL WATER	15,068,840	3,284,079	18,352,920	18,352,920	0
UNOBLIGATED GENERAL WATER	56,547	23,809,697	23,866,244		23,866,244
Total	15,125,386.68	27,093,776	42,219,164		23,866,244
% OBLIGATED		11.91%			
<b>CAPITAL ASSETS:</b>					
SWPP CAPITAL ASSETS	15,792,359	2,320,000	18,112,359	18,112,359	(0)
NAWS CAPITAL ASSETS	22,248,857	0	22,248,857	22,248,857	0
UNOBLIGATED SWPP CAPITAL ASSETS	0	0	0		0
Total	38,041,216	2,320,000	40,361,216		0
% OBLIGATED		100.00%			
<b>REVOLVING LOAN FUND:</b>					
GENERAL WATER PROJECTS	0	4,054,221	4,054,221	3,676,600	377,621
UNOBLIGATED REVOLVING LOAN FUND	0	0	0		0
Total	0	4,054,221	4,054,221		377,621
% OBLIGATED		90.69%			
<b>TOTALS</b>	<b>306,918,209</b>	<b>391,613,776</b>	<b>702,586,206</b>	<b>459,087,298</b>	<b>243,121,286</b>

**STATE WATER COMMISSION  
PROJECT SUMMARY  
2019-2021 Biennium**

**WATER SUPPLY**

Approved SWC					Approved	Total	Total	Dec-19
By	No	Dept	Sponsor	Project	Date	Approved	Payments	Balance
<b>Municipal Water Supply:</b>								
	2050-13	5000	Mandan	New Raw Water Intake	6/19/19	11,898,205	0	11,898,205
	2050-15	5000	Washburn	New Raw Water Intake	4/12/18	1,889,711	16,762	1,872,949
	2050-20	5000	Dickinson	Capital Infrastructure	10/6/15	1,731,926	0	1,731,926
	2050-26	5000	Fargo	Fargo Water System Regionalization Improvements	12/6/19	1,971,286	0	1,971,286
	2050-29	5000	Minot	Water Systems Improvement Project	12/6/19	599,301	28,157	571,144
	2050-30	5000	Watford City	Water Systems Improvement Project	12/7/17	2,400,000	862,088	1,537,912
	2050-32	5000	Williston	Water Systems Improvement Project	12/6/19	7,857,010	0	7,857,010
	2050-37	5000	Dickinson	Dickinson State Avenue South Water Main	12/6/19	963,920	0	963,920
	2050-49	5000	Grand Forks	Grand Forks Water Treatment Plant	8/23/17	7,089,371	5,289,266	1,800,105
	2050-52	5000	New Town	Water Transmission Storage	10/11/18	743,477	233,985	509,492
	2050-53	5000	West Fargo	Brooks Harbor Water Tower	8/23/17	797,335	0	797,335
	2050-54	5000	West Fargo	North Loop Connection	8/23/17	510,000	0	510,000
	2050-55	5000	West Fargo	West Loop Connection	8/23/17	1,110,000	0	1,110,000
	2050-66	5000	Lincoln	Lincoln Water System Improvement Project	2/8/18	1,415,788	1,017,437	398,351
	2050-67	5000	Williston	Williston Water System Improvements	2/8/18	2,336,000	1,268,889	1,067,111
	2050-68	5000	Valley City	Valley City Membrane Replacement Project	2/8/18	67,820	0	67,820
	2050-69	5000	Mandan	Sunset Reservoir Water Transmission Line	4/12/18	2,043,479	0	2,043,479
	2050-75-19	5000	Bismarck	Lockport Water Pump Station	6/19/19	2,280,000	0	2,280,000
	2050-76-19	5000	Mapleton	Water Storage Tank	6/19/19	840,000	0	840,000
	2050-84-19	5000	Cavalier	Water Tower Replacement	10/10/19	1,022,500	0	1,022,500
	2050-85-19	5000	Mapleton	300,000 Gallon Storage Tank	10/10/19	540,000	0	540,000
	2050-86-19	5000	Minot	SW Water Tower	10/10/19	2,855,000	0	2,855,000
	2050-87-19	5000	Streeter	Well Installation and Tower Rehabilitation	10/10/19	265,000	0	265,000
	2050-88-19	5000	Davenport	Water Improvement District No. 2019-1	10/10/19	466,000	0	466,000
	2050-89-19	5000	West Fargo	9th Street NW Water Main	10/10/19	594,000	0	594,000
	2050-90-19	5000	Grand Forks	Water Treatment Plant	10/10/19	9,875,000	0	9,875,000
	2050-94-19	5000	Watford City	Water Distribution 2019	12/6/19	1,580,000	0	1,580,000
<b>TOTAL MUNICIPAL WATER SUPPLY</b>						<b>65,742,128</b>	<b>8,716,582</b>	<b>57,025,546</b>
<b>Regional Water Supply:</b>								
	1973-05	5000	WAWSA	WAWSA Phase IV	10/6/15	3,001,967	0	3,001,967
	1973-06	5000	WAWSA	WAWSA Phase V	12/8/17	6,226,640	6,001,687	224,953
	1973-07	5000	WAWSA	WAWSA Phase VI	6/19/19	5,476,000	157,491	5,318,509
	325-105	5000	RRVWSP	RRVWSP Gamison Diversion	8/23/17	4,000,000	2,000,000	2,000,000
<b>TOTAL REGIONAL WATER SUPPLY</b>						<b>18,704,607</b>	<b>8,159,178</b>	<b>10,545,430</b>
<b>Rural Water Supply:</b>								
	2050-34	5000	North Prairie RWD	Storage and Water Main	12/6/19	1,012,854	494,799	518,054
	2050-35	5000	Southeast Water Users Dist	System Wide Expansion Feasibility Study	8/23/17	3,248,377	1,995,734	1,252,643
	2050-43	5000	All Seasons Water District	System 4 Connection to System 1	12/6/19	4,900,000	0	4,900,000
	2373-39	5000	North Central Rural Water Consortium	Carpio Berthold Phase 2	12/6/19	926,882	288,686	638,196
	2373-41	5000	North Central Rural Water Consortium	Granville-Deering Area	10/24/16	459,137	75,133	384,003
	2050-57	5000	North Central Regional Water District	Mountrail Expansion Phase II	8/23/17	3,034,288	0	3,034,288
	2050-58	5000	North Central Regional Water District	Mountrail Co. Watery Phase III	8/23/17	3,430,000	0	3,430,000
	2050-59	5000	Cass Rural Water District	Horace Storage Tank	10/11/18	1,336,637	1,010,867	325,770
	2050-60	5000	North Prairie Rural District	Reservoir 9 Water Supply	6/12/18	398,997	0	398,997
	2050-61	5000	North Prairie Rural District	Surey/Silver Spring	6/12/18	38,289	0	38,289
	2050-63	5000	Walsh RWD	System Expansion Project	4/12/18	667,629	59,663	607,967
	2050-64	5000	McLean-Sheridan Water District	Turtle Lake Water Tower	8/9/18	846,065	257,845	588,220
	2050-65	5000	Tri-County Rural Water District	System Expansion Project	8/9/18	1,316,004	949,826	366,177
	2050-71	5000	East Central RWD	Grand Forks/Traill Project	12/7/18	2,004,028	987,455	1,016,574
	2050-72	5000	Stutsman RWD	Phase 6 Pettibone Project	4/12/18	522,236	371,087	151,149
	2050-73	5000	Northeast Regional WD	Master Plan	10/11/18	55,922	0	55,922
	2050-74	5000	Walsh RWD	Drayton Long-Term Water Supply Feasibility Study	5/8/19	37,500	18,750	18,750
	2050-77-19	5000	Dakota Rural Water District	2019 Expansion	6/19/19	461,250	131,875	329,375
	2050-78-19	5000	McLean-Sheridan Rural Water District	2019 Expansion	6/19/19	327,075	0	327,075
	2050-79-19	5000	Northeast Regional WD	Devils Lake Water Supply Phase II	6/19/19	1,328,000	521,506	806,494
	2050-80-19	5000	Stutsman RWD	Phase 7	6/19/19	1,812,000	0	1,812,000
	2050-81-19	5000	South Central RWD	North Burleigh Water Treatment Plant	6/19/19	920,000	101,564	818,436
	2050-82-19	5000	Missouri West Water System	North Mandan/Highway 25 and Harmon Lake Area	8/8/19	1,095,000	0	1,095,000
	2050-83-19	5000	Tri-County Rural Water District	Phase 5	8/8/19	1,990,000	0	1,990,000
	2050-91-19	5000	Agassiz Water Users District	2019 Expansion	10/10/19	273,750	0	273,750
	2050-92-19	5000	East Central RWD	2019 Expansion Phase IV	10/10/19	375,000	74,989	300,011
	2050-93-19	5000	Greater Ramsey Water District	2019 Expansion	10/10/19	1,328,000	0	1,328,000
<b>TOTAL RURAL WATER SUPPLY</b>						<b>34,144,919</b>	<b>7,339,780</b>	<b>26,805,139</b>
<b>TOTAL</b>						<b>118,591,655</b>	<b>24,215,540</b>	<b>94,376,115</b>
<b>Capital Assets:</b>								
	1736-05	8000	SWPP	Southwest Pipeline Project	7/1/17	18,112,359	2,487,898	15,624,461
	2374	9000	NAWS	Northwest Area Water Supply	2/8/18	22,248,857	813,436	21,435,421
<b>TOTAL CAPITAL ASSETS</b>						<b>40,361,216</b>	<b>3,301,334</b>	<b>37,059,882</b>

SWC Board Approved to Continue

STATE WATER COMMISSION  
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FLOOD CONTROL

Approved SWC		Dept	Sponsor	Project	Approved Date	Total Approved	Total Payments	Dec-19
By	No							Balance
<b>Flood Control:</b>								
SE	274	5000	City of Nache	Nache Levee Certification Project	9/16/19	36,600	0	36,600
SB 2020	1928-05	5000	Fargo Metro Flood Diversion	Fargo Metro Flood Diversion Authority 2015-2017	2/14/19	105,735,612	3,704,669	102,030,944
0	1771-01	5000	Grafton	Grafton Flood Control Project	10/12/16	12,284,127	5,784,634	6,499,493
0	1974	Rural	Souris River Joint WRD	Mouse River Rural Projects	6/19/19	40,351,930	3,610,111	36,741,818
0	1974	M-15	Souris River Joint WRD	Mouse River Municipal Projects carryover 2015-17	various	4,928,633	4,017,754	910,879
0	1974	M-17	Souris River Joint WRD	Mouse River Municipal Projects carryover 2017-19	various	29,402,346	8,988,617	20,413,729
0	1974	M-19	Souris River Joint WRD	Mouse River Municipal New Projects	6/19/19	34,650,000	40,362	34,609,638
SWC	2107-02	5000	City of Minot	SWIF 2018 Outfall Pipe Project	10/11/18	880,421	0	880,421
SE	2122	5000		Development of Comprehensive Plan for Souris Basin	9/5/17	156,428	54,286	102,142
0	1344-04	5000	Valley City	Sheyenne River Valley Flood Control Project PHII	8/29/16	4,531	92	4,440
0	1504-01	5000	Valley City	Permanent Flood Protection Project Phase I	5/1/15	49,556	7,415	42,141
0	1504-03	5000	Valley City	Permanent Flood Protection PH II	12/9/16	2,384,405	1,032,569	1,351,836
0	1504-06	5000	Valley City	Permanent Flood Protection PH III & PH IV	12/8/17	153,732	44,896	108,836
0	1504-07	5000	Valley City	Permanent Flood Protection PH III Construction	10/11/18	1,786,179	0	1,786,179
0	1504-08	5000	Valley City	Permanent Flood Protection Erosion Sites	4/9/19	480,283	0	480,283
0	1504-09	5000	Valley City	Permanent Flood Protection PH IV and V	10/10/19	11,610,554	0	11,610,554
SB 2371	1344-02	5000	Lisbon	Sheyenne River Valley Flood Control Project	8/8/16	103,971	0	103,971
0	1991-10	5000	Lisbon	Permanent Flood Protection - Levee F Project	4/12/18	457,173	1,294	455,880
0	1991-13	5000	Lisbon	Permanent Flood Protection - Levee C & E Extension	2/14/19	849,972	846,431	3,541
0	2079-01	5000	Williston	West Williston Flood Control	12/9/16	2,472,255	0	2,472,255
0	2131	5000	Lower Heart River WRD	Flood Risk Reduction Project	6/14/18	225,916	0	225,916
SWC	2118	5000	Cass County Joint WRD	Sheldon Subdivision Levee	10/11/18	370,200	0	370,200
SE	2124	5000	City of Beifield	Heart River & Tributaries Flood Control Study	11/6/18	27,000	0	27,000
SWC	2128	5000	City of Minot	Minot 2019 Bank Stabilization SWIF Action E	8/8/19	823,180	0	823,180
SWC	2138	5000	Pembina County WRD	Drain No. 82	12/6/19	1,011,666	0	0
<b>Subtotal Flood Control</b>						<b>250,321,425</b>	<b>28,133,128</b>	<b>222,188,298</b>
<b>Floodway Property Acquisitions:</b>								
0	1993-05	5000	Minot	Minot Phase - Floodway Acquisitions	4/12/18	123,277	123,276	0
0	1974-MA19	5000	Minot Acquisitions	Minot Phase - Floodway Acquisitions	6/19/19	11,950,000	225,566	11,724,434
0	1974-RA19	5000	Rural Floodway Acquisitions	Minot Rural - Floodway Acquisitions	6/19/19	3,225,000	328,596	2,896,404
SB 2371	1504-05	5000	Valley City	Valley City - Floodway Acquisitions	12/8/17	675,173	137,809	537,364
0	1991-05	5000	Lisbon	Lisbon - Floodway Acquisition	5/8/19	21,668	0	21,668
<b>Subtotal Floodway Property Acquisitions</b>						<b>15,995,117</b>	<b>815,247</b>	<b>15,179,870</b>
<b>TOTAL FLOOD CONTROL</b>						<b>266,316,543</b>	<b>28,948,375</b>	<b>237,368,168</b>
<b>Revolving Loan Fund:</b>								
<b>(General Water)</b>								
SWC	1504-09	1050	Valley City	Valley City - Permanent Flood Protection Loan	12/6/19	3,676,600	0	3,676,600
<b>(Water Supply)</b>								
<b>REVOLVING LOAN TOTAL</b>						<b>3,676,600</b>	<b>0</b>	<b>3,676,600</b>
<b>TOTAL</b>						<b>269,993,143</b>	<b>28,948,375</b>	<b>241,044,768</b>

SWC Board Approved to Continue



**STATE WATER COMMISSION  
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**WATER CONVEYANCE**

Approved SWC By	No	Dept	Approved Biennium	Sponsor	Project	Approved Date	Total Approved	Total Payments	Dec-19 Balance
<b>Drain &amp; Channel Improvement Projects:</b>									
SE	1056	5000	2015-17	Bottineau Co. WRD	Stead Legal Drain	2/16/17	3,068	0	3,068
SE	1059	5000	2017-19	Bottineau Co WRD	Baumann Legal Drain	3/7/18	41,427	0	41,427
SWC	1059	5000	2017-19	Bottineau Co WRD	Baumann Legal Drain	12/7/18	378,976	0	378,976
SWC	1070	5000	2015-17	Maple River WRD	Drain #14 Channel Improvements	3/29/17	327,990	0	327,990
SWC	1071	5000	2015-17	Maple River WRD	Cass County Drain #15 Channel Improvements	3/9/16	89,533	0	89,533
SWC	1090	5000	2019-21	Southeast Cass WRD	Cass County Drain No. 40 Improvement Project	6/19/19	192,600	0	192,600
SWC	1180	5000	2017-19	Richland Co WRD	Legal Drain #7 Channel Improvements	12/7/18	200,812	175,506	25,306
SWC	1217	5000	2019-21	Tri-County WRD	Drain No 6	10/10/19	738,900	0	738,900
SWC	1222	5000	2015-17	Sargent Co WRD	Drain No 11 Channel Improvements	10/12/16	1,374,596	0	1,374,596
SWC	1311	5000	2015-17	Trail Co. WRD	Buxton Township Improvement District No. 68	3/9/16	29,133	0	29,133
SWC	1314	5000	2015-17	Wells Co. WRD	Hurdfield Legal Drain	3/29/17	644,292	68,034	576,258
SWC	1331	5000	2015-17	Richland Co WRD	Drain #14 Reconstruction	12/9/16	72,886	0	72,886
SWC	1486	5000	2015-17	Griggs Co. WRD	Thompson Bridge Outlet No. 4 Project	12/6/19	590,146	0	590,146
SWC	1520	5000	2015-17	Walsh Co. WRD	Walsh County Drain 30-1	3/29/17	92,198	0	92,198
SWC	1520	5000	2017-19	Walsh Co. WRD	Walsh County Drain 30-2	10/11/18	301,510	201,574	99,926
SE	1638	5000	2019-21	Rush River WRD	Auka Ring Dike	10/30/19	24,374	0	24,374
SWC	1650	5000	2017-19	Sargent Co WRD	Sargent County Drain No. 7 Cost Overrun	6/19/19	114,227	0	114,227
SWC	1951	5000	2015-17	Maple River WRD	Lynchburg Channel Improvements	7/6/16	1,115,337	0	1,115,337
SWC	1978	5000	2015-17	Richland-Sargent Joint WRD	RS Legal Drain #1 Extension & Channel Improvemen	3/29/17	70,422	0	70,422
SWC	1990	5000	2011-13	Mercer Co. WRD	Lake Shore Estates High Flow Diversion Project	4/12/18	43,821	0	43,821
SE	2016	5000	2015-17	Pembina Co. WRD	Establishment of Pembina County Drain No. 80	4/10/17	24,609	0	24,609
SWC	2049	5000	2015-17	Grand Forks Co. WRD	Grand Forks Legal Drain No. 58	3/29/17	774,986	338,366	436,620
SWC	2068	5000	2015-17	Trail Co. WRD	Stavanger-Belmont Drain No. 52 Channel Impr	10/12/16	120,139	34,104	86,035
SWC	2087	5000	2015-17	Walsh Co. WRD	Drain #87/McLeod Drain	3/29/17	2,419,961	887,715	1,532,247
SWC	2088	5000	2015-17	Pembina Co. WRD	Drain No. 79	12/9/16	84,402	52,764	31,638
SE	2101	5000	2017-19	Walsh Co. WRD	Walsh Co Drain #90	4/11/19	70,603	0	70,603
SWC	2108	5000	2015-17	Walsh Co. WRD	Walsh Co Drain #22	6/22/17	81,176	0	81,176
SE	2112	5000	2017-19	Pembina Co. WRD	Pembina Co Drain #81	7/30/17	56,000	0	56,000
SE	2133	5000	2017-19	Burfeigh Co. WRD	Missouri River Section 32 Bank Stabilization Projects	4/11/19	22,500	0	22,500
SWC	2138	5000	2019-21	Pembina County WRD	Drain No. 82	12/6/19	1,011,666	0	1,011,666
SE	1413-01	5000	2017-19	Trail Co. WRD	Camrud Drainage Improvement District No. 79	4/11/19	14,557	12,097	2,459
SE	2093/1427	5000	2015-17	Bottineau Co. WRD	Moen Legal Drain	9/6/16	17,412	0	17,412
<b>Snagging &amp; Clearing Projects:</b>									
SE	662	5000	2015-17	Walsh Co. WRD	Park River Snagging & Clearing	2/17/17	25,608	0	25,608
SE	2095	5000	2015-17	Nelson Co WRD	Sheyenne River Snagging & Clearing	4/10/17	19,700	0	19,700
SE	2095	5000	2019-21	Bames Co WRD	2019 Sheyenne River Snag & Clear Reach 1 - Projec	9/16/19	49,750	0	49,750
SE	2110	5000	2015-17	Ward Co. WRD	Meadowbrook Snagging & Clearing	6/21/17	33,000	0	33,000
SWC	1868	5000	2019-21	Southeast Cass WRD	Wild Rice River Snag and Clear	8/8/19	120,000	0	120,000
SWC	568	5000	2019-21	Southeast Cass WRD	Sheyenne River Snag & Clear	8/8/19	294,000	0	294,000
SWC	1694	5000	2019-21	Pembina County WRD	Tongue River Snag and Clear	8/8/19	98,337	0	98,337

TOTAL

**11,784,645    1,770,161    10,014,484**

SWC Board Approved to Continue

STATE WATER COMMISSION  
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 Resources Trust Fund

COMPLETED WATER CONVEYANCE

Approvec SWC By	No	Dept	Approved Biennium	Sponsor	Project	Approved Date	Total Approved	Total Payments	Dec-19 Balance	
SE		2069	5000	2017-19	Center Township	Center Township Bank Stabilization	B. Nangare	3,720	3,720	0
<b>SNAGGING &amp; CLEARING PROJECTS</b>										
TOTAL								3,720	3,720	0

**STATE WATER COMMISSION  
PROJECT SUMMARY  
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Resources Trust Fund**

**GENERAL PROJECTS**

Approved SWC		Dept	Approved Biennium	Sponsor	Project	Approved Date	Total Approved	Total Payments	Dec-19
By	No								Balance
<b>Hydrologic Investigations:</b>									
SWC	2041	3000	2017-19	USGS	Stream Gage Joint Funding Agreement	12/7/18	694,531	280,425	414,106
SE	989	3000	2019-21	ND Dept of Environmental Quality	Water Sampling Testing	8/13/19	110,000	55,000	55,000
<b>Subtotal Hydrologic Investigations</b>							<b>604,531</b>	<b>335,425</b>	<b>469,106</b>
<b>Devils Lake Basin Development:</b>									
SWC	416-10	4700		Operations	Devils Lake Outlet Operations	4/9/19	3,760,132	1,467,906	2,292,226
<b>Subtotal Devils Lake Basin Development</b>							<b>3,760,132</b>	<b>1,467,906</b>	<b>2,292,226</b>
<b>General Water Management:</b>									
SWC	160	5000	2017-19	McLean Co WRD	Painted Woods Lake Flood Damage Reduction & Habita	8/9/18	284,768	0	284,768
SWC	269	5000	2017-19	Walsh Co. WRD	Fordville Dam Rehabilitation	6/19/19	122,595	127	122,468
SE	390	5000	2015-17	Logan County WRD	Beaver Lake Dam Rehabilitation Feasibility Study	6/8/16	2,140	0	2,140
SE	391	5000	2017-19	Sargent Co WRD	Silver Lake Dam Improvements	12/20/18	28,606	3,142	25,465
SWC	394	5000	2017-19	Golden Valley Co WRD	Odland Dam Rehabilitation Project	12/7/18	110,055	64,100	45,955
SWC	399	5000	2017-19	Barnes Co WRD	Kathryn Dam Project	8/9/18	754,875	0	754,875
SE	420	5000	2015-17	Hettinger Park Board	Mirror Lake Dam Emergency Action Plan	12/2/16	11,573	0	11,573
SE	460	5000	2015-17	Griggs Co. WRD	Ueland Dam Rehabilitation Feasibility Study	5/20/16	17,500	0	17,500
SE	477	5000	2015-17	Valley City	Mill Dam Rehabilitation Feasibility Study	6/8/16	2,937	0	2,937
SE	512	5000	2015-17	Emmons County WRD	Nieuwsma Dam Emergency Action Plan	11/28/16	6,720	0	6,720
SE	531	5000	2017-19	Benson Co WRD	Bouret Dam Rehabilitation	12/20/18	31,843	0	31,843
SWC	531	5000	2017-19	Benson Co WRD	Bouret Dam Rehabilitation	4/9/19	591,750	5,034	586,716
SWC	551	5000	2015-17	McHenry Co. WRD	Buffalo Lodge Lake Outlet	6/22/17	61,540	0	61,540
SE	561	5000	2015-17	City of Tioga	Tioga Dam EAP	5/20/16	40,000	0	40,000
SWC	688	5000	2017-19	Grand Forks Co WRD	Larimore Dam Rehabilitation	6/19/19	91,800	0	91,800
SWC	848	5000	2017-19	Sargent Co WRD	Brunmond/Lubke Dam	10/11/18	280,043	192,439	87,604
SE	849-01	5000	2017-19	Pembina Co. WRD	Goschke Dam Spillway Gate Retrofit	4/9/19	119,010	73,882	45,128
SWC	980	5000	2015-17	Cass Co. Joint WRD	Rush River Watershed Detention Study	1/7/16	99,257	0	99,257
SWC	980	5000	2015-17	Cass Co. Joint WRD	Upper Maple River Watershed Detention Study	1/11/16	70,699	0	70,699
SE	1264	5000	2013-15	Barnes Co WRD	Little Dam Repurposing Feasibility Study	12/6/19	12,385	6,588	5,797
SE	1289	5000	2015-17	McKenzie Co. Weed Board	Control of Noxious Weeds on Sovereign Land	4/10/17	27,549	0	27,549
SWC	1296	5000	2015-17	Pembina Co. WRD	Tongue River NRCS Watershed Plan	3/9/16	64,334	7,196	57,138
SWC	1301	5000	2015-17	Richland Co. WRD	North Branch Antelope Creek NRCS Small Watershed	3/9/16	53,939	23,935	30,004
SWC	1303	5000	2015-17	Sargent Co WRD	Shortfoot Creek Watershed Planning Program	3/9/16	84,475	2,736	81,740
SWC	1389	5000	2013-15	Bank of ND	BND AgPace Program	8/8/19	180,365	20,000	160,365
SE	1431	5000	2019-21	USGS/LaMoore County	Rapid Deployment Gages under FEMA Hazard Mit	10/17/19	500	0	500
SE	1444	5000	2015-17	City of Pembina	Flood Protection System Certification	4/19/16	1,657	0	1,657
SE	1453	5000	2015-17	Hettinger County WRD	Karey Dam Rehabilitation Feasibility Study	5/23/16	6,853	0	6,853
SE	1453	5000	2017-19	Hettinger County WRD	Karey Dam Rehabilitation Design & Planning	12/14/18	48,284	0	48,284
SE	1453	5000	2017-19	Hettinger County WRD	Karey Dam Rehabilitation Project	4/9/19	971,325	0	971,325
HB1202	1625	5000	2019-21	Various Consulting Firms	Sovereign Land Navigability Determination	8/8/19	400,000	0	400,000
SWC	1851-01	5000	2015-17	ND State Water Commission	Drought Disaster Livestock Water Supply Assistance	2/8/18	656,983	49,117	607,865
SWC	1878-02	5000	2017-19	Maple-Steele Joint WRD	Upper Maple River Dam Outlet Channel Improvements	4/9/19	82,320	0	82,320
SWC	1968	5000	2015-17	Garrison Diversion	MM 15 Irrigation Project	3/29/17	93,615	0	93,615
SWC	1968	5000	2015-17	Garrison Diversion	MM 42L Irrigation Project	8/23/17	48,660	0	48,660
SWC	1968	5000	2017-19	Garrison Diversion	MM 0 and MM 0.4 Irrigation Project	12/7/18	1,673,793	29,089	1,644,704
SB2009	1986	5000	2019-21	ND Dept of Agriculture	Wildlife Services	8/15/19	125,000	0	125,000
SE	2055	5000	2015-17	Red River Joint Water Resource District	Lower Red Basin Regional Detention Study	12/8/19	45,000	0	45,000
SWC	2059	5000	2015-17	Park River Joint WRD	North Branch Park River NRCS Watershed Study	12/6/19	81,200	0	81,200
SWC	2060	5000	2015-17	Walsh Co. WRD	Forest River Watershed Study	4/10/17	154,012	0	154,012
SWC	2060	5000	2017-19	Walsh Co. WRD	Matejok Dam Rehabilitation	10/11/18	194,345	21,620	172,725
SE	2070	5000	2015-17	Garrison Diversion Conservancy Dist	Mile Marker 42 Irrigation Project	5/20/16	29,741	0	29,741
SE	2071	5000	2015-17	Foster County WRD	Alkali Lake High Water Feasibility Study	4/19/16	4,830	0	4,830
SE	2072	5000	2015-17	Barnes Co WRD	Ten Mile Lake Flood Risk Reduction Project	6/8/16	36,812	0	36,812
SWC	2075	5000	2015-17	Ward Co. WRD	Second Larson Coulee Detention Pond	7/6/16	602,307	0	602,307
SWC	2083	5000	2015-17	Pembina Co. WRD	Herzog Dam Gate & Catwalk Retrofit - Construction	10/12/16	106,188	0	106,188
SE	2085	5000	2015-17	Adams Co WRD	Orange Dam Rehabilitation Feasibility Study	10/13/16	8,840	0	8,840
SE	2089	5000	2015-17	Maple River WRD	Tower Township Improvement District No. 77 Study	12/19/16	16,458	0	16,458
SE	2090	5000	2015-17	International Water Institute	River Watch Program	1/12/17	59,074	5,234	53,840
SWC	2096	5000	2015-17	Southeast Cass WRD	Sheyenne-Maple Flood Control Dist #2 Improvements	3/29/17	322,617	0	322,617
SWC	2103	5000	2017-19	Walsh Co. WRD	Byrn Dam Rehabilitation	6/19/19	131,370	127	131,243
SE	2109	5000	2017-19	Logan County WRD	McKenna Lake Feasibility Study	6/21/17	2,247	0	2,247
SE	2109	5000	2017-19	Logan County WRD	McKenna Lake Hydrologic Study	9/12/18	55,961	0	55,961
SWC	2115	5000	2017-19	Applied Weather Associates, LLC	(PMP) Probable Maximum Precipitation Estimates	10/11/18	600,000	176,185	423,815
SWC	2120	5000	2017-19	Apex Engineering	SWPP Transfer of Ownership Study	4/9/19	170,909	109,004	61,905
SWC	2121	5000	2017-19	Pembina Co. WRD	Senator Young Dam Rehabilitation	6/19/19	129,210	0	129,210
SWC	2123	5000	2017-19	Geotech, Inc.	Airborne Electromagnetic (AEM) 2018	8/9/18	427,354	186,292	241,062
SE	1396-01	5000	2013-15	Trout, Raley, Montano, Witwer, & Freeman	Missouri River Recovery Program	11/17/15	46,510	0	46,510
SWC	ARB-WMI-19-1	7600	2019-21	Weather Modification, Inc.	Atmospheric Resource Operations and Research Gr	6/19/19	875,722	0	875,722
SWC	PS/IRR/LOW	5000	2017-19	Lower Yellowstone Irrigation District #2	Lateral W Irrigation Project	6/14/18	366,445	0	366,445
SE	AOC/WEF	5000	2019-21	ND Water Education Foundation	ND Water Magazine	7/23/19	26,000	6,500	19,500
SWC	AOC/RRB	5000	2019-21	Red River Basin Commission	Red River Basin Commission Contractor	6/19/19	200,000	50,000	150,000
SWC	AOC/ASS	5000	2019-21	Assiniboine River Basin Initiative	ARBI's Outreach Efforts	6/19/19	100,000	0	100,000
SE	AOC/IRA	5000	2019-21	ND Irrigation Association	Water Irrigation Funding	6/28/19	50,000	25,000	25,000
SE	PS/WRD/DEV	5000	2019-21	Devils Lake Basin Joint WRB	Board Manager	7/1/19	60,000	0	60,000
SE	PS/WRD/UPP	5000	2017-19	Upper Sheyenne River Joint WRB	USRJWB Operational Costs	6/20/17	0	0	0
SE	PS/WRD/MRJ	5000	2019-21	Missouri River Joint WRB	MRRJC Terry Fleck	5/2/19	45,000	0	45,000
SE	PS/WRD/MRJ	5000	2017-19	Missouri River Joint WRB	Board Operational Costs	6/7/17	0	0	0
SE	PS/WRD/LOW	5000	2015-17	Lower Heart WRD	Lower Heart Flood Control Study	5/10/17	21,140	0	21,140
<b>Subtotal General Projects</b>							<b>12,229,041</b>	<b>1,067,347</b>	<b>11,171,695</b>

TOTAL

16,793,704 2,860,678 13,933,026

SWC Board Approved to Continue

STATE WATER COMMISSION  
PROJECT SUMMARY  
2019-2021 Biennium  
Resources Trust Fund

COMPLETED GENERAL PROJECTS

Approved SWC By	No	Dept	Approved Biennium	Sponsor	Project	Approved Date	Total Approved	Total Payments	Dec-19 Balance	
	0	0	0	0	0	0	1/0/00	0	0	0
					<i>Hydrologic Investigations:</i>			0	0	0
SWC	FUGRO	5000	2019-21	FUGRO	Aerial Imagery Project	6/19/19	790,000	790,000	0	
SWC	2074	5000	2015-17	City of Wahpeton	Breakout Easements	7/6/16	265,250	265,250	0	
SWC	2074	5000	2015-17	City of Wahpeton	Flood Control - Levee Certification	7/6/16	247,500	247,500	0	
SE	2090-02	5000	2017-19	International Water Institu	River of Dreams Program	6/6/18	8,331	8,331	0	
SE	1270	5000	2015-17	City of Wilton	Wilton Pond Dredging Recreation Project	12/29/15	35,707	0	35,707	
SE	1273	5000	2019-21	City of Oakes	James River Bank Stabilization	11/26/19	16,869	16,869	0	
SE	1431	5000	2017-19	USGS	Rapid Deployment Gage on the James River at Adrian	3/20/19	4,900	4,900	0	
SE	1303	5000	2013-15	Sargent Co WRD	Gwinner Dam Improvement Feasibility Study Program	4/17/15	20,181	501	19,681	
SWC	1859	5000	2017-15	ND Dept of Environmenta	NPS Pollution	8/23/17	200,629	200,000	629	
SE	667	5000	2017-19	Burke Co WRD	Northgate Dam 2 Emergency Action Plan	9/5/17	26,396	25,866	530	
					<b>Subtotal General Projects</b>		<b>1,615,763</b>	<b>1,559,216</b>	<b>56,547</b>	
					<b>TOTAL</b>		<b>1,615,763</b>	<b>1,559,216</b>	<b>56,547</b>	

**STATE WATER COMMISSION  
PROJECT SUMMARY  
2019-2021 Biennium**

<b>MUNICIPAL/REGIONAL WATER SUPPLY</b>				<b>December-19 Balance</b>
<b>BUCKET TOTAL S.B.2020 2019-2021</b>				<b>\$ 128,000,000</b>
<b>APPROPRIATED TO RED RIVER VALLEY</b>				<b>\$ 43,000,000</b>
<b>OBLIGATED THIS BIENNIUM</b>				
2050-13	5000 Mandan	Mandan Raw Water Intake	6/19/19	9,570,000
2050-75-19	5000 Bismarck	Lockport Water Pump Station	6/19/19	2,280,000
2050-76-19	5000 Mapleton	Water Storage Tank	6/19/19	840,000
1973-07	5000 WAWSA	WAWSA	6/19/19	5,476,000
2050-84-19	5000 Cavalier	Water Tower Replacement	10/10/19	1,022,500
2050-85-19	5000 Mapleton	300,000 Gallon Storage Tank	10/10/19	540,000
2050-86-19	5000 Minot	SW Water Tower	10/10/19	2,855,000
2050-87-19	5000 Streeter	Well Installation and Tower Rehabilitation	10/10/19	265,000
2050-88-19	5000 Davenport	Water Improvement District No. 2019-1	10/10/19	466,000
2050-89-19	5000 West Fargo	9th Street NW Water Main	10/10/19	594,000
2050-90-19	5000 Grand Forks	Water Treatment Plant	10/10/19	9,875,000
2050-94-19	5000 Watford City	Water Distribution 2019	12/6/19	1,580,000
<b>MUNICIPAL/REGIONAL WATER SUPPLY OBLIGATED</b>				<b>35,363,500</b>
<b>BALANCE</b>				<b>49,636,500</b>
<b>COMPLETED WATER SUPPLY - FUNDS TURNED BACK</b>				
<b>MUNICIPAL/REGIONAL FUNDS TURNED BACK</b>				<b>0</b>
<b>BALANCE PER PROJECT SUMMARY REPORT</b>				<b>49,636,500</b>
<b>VARIANCE</b>				<b>0</b>

**STATE WATER COMMISSION  
PROJECT SUMMARY  
2019-2021 Biennium**

<b>RURAL WATER SUPPLY</b>				<b>December-19 Balance</b>
<b>BUCKET TOTAL S.B.2020 2019-2021</b>				<b>\$ 37,200,000</b>
<b>OBLIGATED THIS BIENNIUM</b>				
2050-77-19	5000 Dakota Rural Water District	2019 Expansion	6/19/19	461,250
2050-78-19	5000 McLean-Sheridan Rural Water District	2019 Expansion	6/19/19	327,075
2050-79-19	5000 Northeast Regional Water District	Devils Lake Water Supply Phase II	6/19/19	1,328,000
2050-80-19	5000 Stutsman Rural Water District	Phase 7	6/19/19	1,812,000
2050-81-19	5000 South Central Regional Water District	North Burleigh Water Treatment Plant	6/19/19	920,000
2050-82-19	5000 Missouri West Water System	North Mandan/Highway 25 and Harmon Lake Area	8/8/19	1,095,000
2050-83-19	5000 Tri-County Rural Water District	Phase 5	8/8/19	1,990,000
2050-91-19	5000 Agassiz Water Users District	2019 Expansion	10/10/19	273,750
2050-92-19	5000 East Central RWD	2019 Expansion Phase IV	10/10/19	375,000
2050-93-19	5000 Greater Ramsey Water District	2019 Expansion	10/10/19	1,328,000
<b>RURAL WATER SUPPLY OBLIGATED</b>				<b>9,910,075</b>
<b>BALANCE</b>				<b>27,289,925</b>
<b>COMPLETED RURAL WATER SUPPLY - FUNDS TURNED BACK</b>				
<b>RURAL WATER SUPPLY - FUNDS TURNED BACK</b>				<b>0</b>
<b>BALANCE PER PROJECT SUMMARY REPORT</b>				<b>27,289,925</b>
<b>VARIANCE</b>				<b>0</b>

**STATE WATER COMMISSION  
PROJECT SUMMARY  
2019-2021 Biennium**

<b>FLOOD CONTROL PROJECTS BUCKET</b>						<b>December-19 Balance</b>	
<b>BUCKET TOTAL S.B.2020 2019-2021</b>						<b>\$ 197,000,000</b>	
<b>APPROPRIATED TO FARGO</b>						<b>66,500,000</b>	
<b>FLOOD CONTROL OBLIGATED THIS BIENNIUM</b>							
SWC	1504-09	5000	2019-21	10/10/19	Valley City	Permanent Flood Protection PH IV and V	11,610,554
SWC	1974-M19	5000	2019-21	6/19/19	Souris River Joint WRD	MREFPP Minot Projects	34,650,000
SWC	1974-MA19	5000	2019-21	6/19/19	Souris River Joint WRD	MREFPP Minot Acquisitions	11,950,000
SWC	1974-R19	5000	2019-21	6/19/19	Souris River Joint WRD	MREFPP Rural Projects	32,675,000
SWC	1974-RA19	5000	2019-21	6/19/19	Souris River Joint WRD	MREFPP Rural Acquisitions	3,225,000
SE	2122	5000	2019-21	7/10/19	US Army Corps of Engineers	Development of Comprehensive Plan for Souris Basin	75,000
SWC	2128	5000	2019-21	8/8/19	City of Minot	Minot 2019 Bank Stabilization SWIF Action E	823,180
SWC	2129	5000	2019-21	8/8/19	Burleigh County WRD	Sibley Island Flood Control Project	96,420
SWC	274	5000	2019-21	9/16/19	City of Neche	Neche Levee Certification Project	36,600
<b>OBLIGATED 2019-2021</b>						<b>95,141,754</b>	
<b>WATER CONVEYANCE OBLIGATED THIS BIENNIUM</b>							
SWC	568	5000	2019-21	8/8/19	Southeast Cass WRD	Sheyenne River Snag & Clear	294,000
SWC	1090	5000	2019-21	6/19/19	Southeast Cass WRD	Cass County Drain No. 40 Improvement Project	192,600
SWC	1217	5000	2019-21	10/10/19	Tri-County WRD	Drain No. 6	738,900
SWC	1638	5000	2019-21	10/30/19	Rush River WRD	Auka Ring Dike	24,374
SWC	1694	5000	2019-21	8/8/19	Pembina County WRD	Tongue River Snag and Clear	98,337
SWC	1868	5000	2019-21	8/8/19	Southeast Cass WRD	Wild Rice River Snag and Clear	120,000
SWC	2095	5000	2019-21	9/16/19	Barnes County WRD	2019 Sheyenne River Snag & Clear Reach 1 - Project 2	49,750
SWC	2138	5000	2019-21	12/6/19	Pembina County WRD	Drain No. 82	1,011,666
<b>OBLIGATED 2019-2021</b>						<b>2,529,627</b>	
<b>SUBTOTAL OBLIGATED THIS BIENNIUM</b>						<b>97,671,381</b>	
<b>BALANCE OF S.B. 2020 BUCKET</b>						<b>\$ 32,828,619</b>	
<b>COMPLETED FLOOD CONTROL - FUNDS TURNED BACK</b>							
<b>TOTAL FUNDS TURNED BACK</b>						<b>0</b>	
<b>COMPLETED WATER CONVEYANCE - FUNDS TURNED BACK</b>							
<b>BALANCE PROJECT SUMMARY WORKSHEET</b>						<b>\$ 32,828,619</b>	
<b>VARIANCE</b>						<b>0</b>	

STATE WATER COMMISSION  
PROJECT SUMMARY  
2019-2021 Biennium

GENERAL PROJECTS BUCKET

December-19  
Balance

**BUCKET TOTAL S.B.2020 2019-2021**

**\$ 27,093,776**

**OBLIGATED THIS BIENNIUM**

SWC	AOC/RRC	5000	2019-21	6/19/19	Red River Basin Commission
SWC	AOC/ASS	5000	2019-21	6/19/19	Assiniboine River Basin Initiative
SWC	2041	5000	2019-21	6/19/19	USGS
SWC	62019	7600	2019-21	6/19/19	Weather Modification Inc.
SWC	FUGRO	5000	2019-21	6/19/19	Fugro
SE	AOC/WEF	5000	2019-21	7/23/19	ND Water Education Foundation
SWC	989	5000	2019-21	6/19/19	USGS
SE	1273	5000	2019-21	11/26/19	City of Oakes
SWC	1389	5000	2019-21	8/8/19	Bank of ND
SE	1431	5000	2019-21	10/17/19	USGS/LaMoure County
SWC	1859	7600	2019-21	8/8/19	ND Dept of Environmental Quality
SWC	1986	5000	2019-21	8/15/19	ND Dept of Agriculture
SE	2090	5000	2019-21	8/2/19	International Water Institute
SWC	HB1202	5000	2019-21	8/8/19	Various Consulting Firms
SE	AOC/IRA	5000	2019-21	6/28/19	ND Irrigation Association
SE	PS/WRD/DEV	5000	2019-21	7/1/19	Devils Lake Basin Joint WRB
SE	PS/WRD/MRJ	5000	2019-21	5/2/19	Missouri River Joint WRB

Red River Basin Commission Contractor	200,000
ARBI's Outreach Efforts	100,000
Stream Gage Joint Funding Agreement	81,149
Atmospheric Resource Operations and Research Grants	875,722
Aerial Imagery Project	790,000
ND Water Magazine	26,000
Stream Gage Joint Funding Agreement	110,000
James River Bank Stabilization	16,869
BND AgPace Program	150,000
Rapid Deployment Gages Under FEMA Hazard Mitigation Grant Program	500
NPS Pollution	200,000
Wildlife Services	125,000
River Watch Program	53,840
Sovereign Land Navigability Determination	400,000
Water Irrigation Funding	50,000
Board Manager	60,000
MRRIC Terry Fleck	45,000

**OBLIGATED 2019-2021**

**3,284,080**

**BALANCE OF S.B. 2020 BUCKET**

**\$ 23,866,243**

**COMPLETED GENERAL PROJECTS - FUNDS DEOBLIGATED**

SE	1270	5000	2015-17	12/29/15	City of Wilton
SE	667	5000	2017-19	9/5/19	Burke County WRD
SE	1303	5000	2013-15	4/17/15	Sargent Co WRD
SE	1859	5000	2017-19	8/8/19	ND Dept of Environmental Quality

Wilton Pond Dredging Recreation Project	35,707
Northgate Dam 2 Emergency Action Plan	530
Gwinner Dam Improvement Feasibility Study Program	19,681
NPS Pollution	629

**TOTAL FUNDS DE OBLIGATED**

**56,547**

**BALANCE PROJECT SUMMARY WORKSHEET**

**\$ 23,866,243**

**VARIANCE**

**0**



# Southwest Pipeline Project Transfer of Ownership – Revised Scope

North Dakota State Water Commission Subcommittee

February 13, 2020

Mike Berg, PE – Apex Engineering Group  
Matt Oedekoven, PE – DGR Engineering



# Prior Committee Meetings

- December 20<sup>th</sup>
  - Discussion of Objectives
  - Request to Develop a Purpose Statement and Tasks to Meet the Objectives
- January 16<sup>th</sup>
  - Review of the Purpose Statement and Tasks
  - Request to Summarize the Tasks in the Original Request for Proposals (RFP ) and the Work Scope

## Southwest Pipeline Project Transfer of Ownership Study

### MEMORANDUM

DATE: February 5<sup>th</sup>, 2020  
TO: Garland Erbele  
FROM: Mike Berg, Apex Engineering Group  
Susan Hazelett, Apex Engineering Group  
SUBJECT: Southwest Pipeline Project Transfer of Ownership Study  
Summary of Work Tasks

This memorandum summarizes the project scope as requested at the January 16<sup>th</sup>, 2020 subcommittee meeting. It covers the following items:

- Tasks listed in the Request for Proposals (RFP)
- Tasks identified in the Phase 1 Scope of Work
- Content sections in the draft reports

The tasks listed in the RFP were divided into Phase 1 (financial) and Phase 2 (logistics). The Phase 1 Scope of Work was awarded at the April 2019 SWC meeting. Phase 2 was postponed pending the results of Phase 1 and was not awarded.

All of the items in the Phase 1 Scope of Work have been addressed in the draft reports. Some of the items in the draft reports will be expanded upon for the final report to address questions and comments that have been received from various stakeholders. Submitted questions will also be answered in the final report.

The following excerpt is from pages 1 and 2 in the RFP:

#### **Request for Proposals – Southwest Pipeline Project Transfer of Ownership**

October 22, 2018

The North Dakota State Water Commission (NDSWC) is requesting proposals from qualified firms to conduct a Study regarding the Transfer of Ownership of Southwest Pipeline Project (SWPP) from the State Water Commission (SWC) to Southwest Water Authority (SWA).

The purpose of the Study is to determine the advantages and disadvantages of the State divesting ownership of the SWPP.

A full copy of the request for proposals and additional information are available at [http://www.swc.nd.gov/project\\_development/swpp.html](http://www.swc.nd.gov/project_development/swpp.html)

## Draft Scope of Services – SWPP Transfer of Ownership RFP

The NDSWC seeks an independent review of the transfer of ownership of SWPP to the SWA. The chosen firm(s) will evaluate the advantages and disadvantages of transferring the ownership from the State of North Dakota to the SWA. The firm(s) will provide a report to the NDSWC, which addresses the following:

- 1) **CAPITAL REPAYMENT** – Review the existing capital repayment model for SWPP, and evaluate potentially equitable options for adjustments if ownership were transferred. *phase 1, task 2*
- 2) **OWNERSHIP OF LAND AND ASSOCIATED FACILITIES** – Evaluate a potential process for transferring all land interests and associated facilities from NDSWC to SWA, including a quantification of anticipated costs. *phase 2*
- 3) **CONSTRUCTION CONTRACTS** – Evaluate the effect of transfer of ownership on open construction contracts. *phase 2\**
- 4) **WATER SUPPLY CONTRACTS** – Evaluate a process, including a quantification of costs, for amending the existing water supply contracts with cities, bulk users, and other entities. *phase 2*
- 5) **EASEMENTS AND PERMITS** – Evaluate a process, including a quantification of costs, for amending the easements and permits (Examples include Main Transmission Line easements, USACE Easements, BNSF Railroad Crossing permits, DOT permits, County road crossing permits, US Forest Service permits) issued to NDSWC for SWPP, and any associated impacts to SWPP. *phase 2*
- 6) **OTHER AGREEMENTS** – Determine the cost and steps required to amend all other agreements (Examples include agreement with Basin Electric for the intake, Western Area Power Administration and agreements with other rural electric cooperatives) issued to NDSWC for SWPP. *phase 2*
- 7) **WATER RATE** – Evaluate the potential impact of rates to existing water users. *phase 1, task 4*
- 8) **EVALUATION OF RESULTS** – Based on the analyses above, evaluate the relative merits or lack thereof of the State divesting ownership of SWPP to SWA. *phase 1, task 5*
- 9) **COMPARATIVE ANALYSIS** - Complete a comparative analysis of the funding framework currently used for the SWPP with that currently used by other regional water systems in North Dakota, including Western Area Water Supply (WAWS), Northwest Area Water Supply (NAWS), and the proposed Red River Valley Water Supply Projects (RRVWSP). *phase 1, task 6*
- 10) **LEGISLATION CHANGES** – Identify legislative changes required to transfer the ownership of the SWPP. *phase 2*

*\* One part of of Task 3 is included in Phase 1, estimating the additional costs for SWA to manage construction contracts, the remainder is in Phase 2.*

# Phase 1

## ■ Findings

- SWPP ownership can be transferred in a way that is equitable and does not negatively impact water rates.
- Capital financing models that achieve this are identified.

# Phase 1

## ■ Findings

- The existing SWPP capital repayment model was initially a net benefit to SWPP water users. It is becoming a net benefit to the State.
- The proposed funding models used by the other large systems can be equitably applied to the SWPP.

## Draft Scope of Services – SWPP Transfer of Ownership RFP

The NDSWC seeks an independent review of the transfer of ownership of SWPP to the SWA. The chosen firm(s) will evaluate the advantages and disadvantages of transferring the ownership from the State of North Dakota to the SWA. The firm(s) will provide a report to the NDSWC, which addresses the following:

- 1) **CAPITAL REPAYMENT** – Review the existing capital repayment model for SWPP, and evaluate potentially equitable options for adjustments if ownership were transferred. *phase 1, task 2*
- 2) **OWNERSHIP OF LAND AND ASSOCIATED FACILITIES** – Evaluate a potential process for transferring all land interests and associated facilities from NDSWC to SWA, including a quantification of anticipated costs. *phase 2*
- 3) **CONSTRUCTION CONTRACTS** – Evaluate the effect of transfer of ownership on open construction contracts. *phase 2\**
- 4) **WATER SUPPLY CONTRACTS** – Evaluate a process, including a quantification of costs, for amending the existing water supply contracts with cities, bulk users, and other entities. *phase 2*
- 5) **EASEMENTS AND PERMITS** – Evaluate a process, including a quantification of costs, for amending the easements and permits (Examples include Main Transmission Line easements, USACE Easements, BNSF Railroad Crossing permits, DOT permits, County road crossing permits, US Forest Service permits) issued to NDSWC for SWPP, and any associated impacts to SWPP. *phase 2*
- 6) **OTHER AGREEMENTS** – Determine the cost and steps required to amend all other agreements (Examples include agreement with Basin Electric for the intake, Western Area Power Administration and agreements with other rural electric cooperatives) issued to NDSWC for SWPP. *phase 2*
- 7) **WATER RATE** – Evaluate the potential impact of rates to existing water users. *phase 1, task 4*
- 8) **EVALUATION OF RESULTS** – Based on the analyses above, evaluate the relative merits or lack thereof of the State divesting ownership of SWPP to SWA. *phase 1, task 5*
- 9) **COMPARATIVE ANALYSIS** - Complete a comparative analysis of the funding framework currently used for the SWPP with that currently used by other regional water systems in North Dakota, including Western Area Water Supply (WAWS), Northwest Area Water Supply (NAWS), and the proposed Red River Valley Water Supply Projects (RRVWSP). *phase 1, task 6*
- 10) **LEGISLATION CHANGES** – Identify legislative changes required to transfer the ownership of the SWPP. *phase 2*

*\* One part of of Task 3 is included in Phase 1, estimating the additional costs for SWA to manage construction contracts, the remainder is in Phase 2.*

## Phase 2 Project Scope

- Purpose Statement
- To expand the financial modeling of the Capital Repayment Methods to include all four Regional Water Systems in ND.
- To assist the State Water Commission in developing an equitable funding model for regional potable water projects.

## Task 2

- Financial Modeling – Alternatives
  - Representative Theoretical Regional Water System
  - Definition of Models
  - Determine Cash Flow Requirements
  - Discuss Advantages / Disadvantages of each model

## Task 2

- Financial Modeling – Alternatives
  - Existing SWPP Capital Repayment Model
  - Termed Debt Payments with 25% and 35% Cost Share
  - Hybrid Model (Existing SWPP model until payments reach cost share)
  - Utility Basis
  - Indexed Rate to AWWA Region 3 Benchmark (e.g. Return on Assets)

## Task 3

- Comparison of Financial Modeling Alternatives
  - Application of each alternative to the four existing large regional water systems
    - Collect information from each of the 4 Regional Systems
    - Determine and compare the annual capital cash flow requirements
    - Discuss other financial impacts for each system if they were to follow a different model

# Task 4

- Discussion of Funding Practices
  - Review Existing Funding Practices
  - Similarities/differences to alternatives in Task 2
  - Prioritization of Projects
  - Other Funding Options
    - Ownership issues and impacts
    - Access to Federal grant participation

## Task 5

- 30%, 60%, and 90% Work Sessions with the Subcommittee
  - Present progress on tasks
  - Make necessary course corrections
  - Collect input from regional systems and commissioners
- Biweekly Updates to the Lt. Governor's Office

# Task 6

- Report

- Draft Report/Commission Presentation
- 30 Day comment period
- Final Report

# Schedule

<u>Milestones</u>	<u>Completion Date</u>
Execute Engineering Agreement	February, 2020
30% Review meeting with Subcommittee	March, 2020
60% Review meeting with Subcommittee	July, 2020
90% Review meeting with Subcommittee	September, 2020
Deliver Draft report to Subcommittee	October, 2020
Presentation of Draft report to SWC	October, 2020
30 Day Comment Period	November, 2020
Deliver Final Report to Commission Staff	December, 2020

# Discussion

- Questions/comments