

MINUTES

North Dakota State Water Commission Bismarck, North Dakota

December 10, 2021

The ND State Water Commission (Commission) held a meeting in the Grand Pacific Room, Ramkota Hotel, 800 S. 3rd St., Bismarck, ND, December 10, 2021. Lt. Governor Sanford called the meeting to order at 9:11 a.m. A quorum was present.

STATE WATER COMMISSION MEMBERS PRESENT:

Lt. Governor Sanford, Chairman
Doug Goehring, Commissioner, ND Department of Agriculture, Bismarck
Michael Anderson, Hillsboro
Richard Johnson, Devils Lake
James Odermann, Belfield
Gene Veeder, Watford City
Jay Volk, Bismarck
April Walker, West Fargo
Jason Zimmerman, Minot

STATE WATER COMMISSION MEMBERS ABSENT:

Connie Ova, Cleveland

OTHERS PRESENT:

Andrea Travnicek, Ph.D., Director, ND Department of Water Resources (DWR)
John Paczkowski, State Engineer
DWR Staff
Jennifer Verleger, General Counsel, Attorney General's Office
Reice Haase, Policy Advisor, Governor's Office
Approximately 50 people interested in agenda items.

CONSIDERATION OF AGENDA

The agenda for the December 10, 2021, Commission meeting was approved as presented.

CONSIDERATION OF DRAFT MEETING MINUTES

The draft minutes for the following meetings were reviewed and approved as written:

- July 30, 2021, Commission meeting
- October 14, 2021, Commission meeting
- November 10, 2021, Joint Subcommittee meeting
- November 19, 2021, Special Commission meeting

It was moved by Commissioner Walker, seconded by Commissioner Goehring, and unanimously carried, that the minutes for the July 30, October 14, November 10, and November 19, 2021, meetings be approved as written.

MEETING EFFICIENCIES

Andrea Travnicek, DWR Director, provided various suggestions and means of improving Commission and Subcommittee meeting efficiencies for discussion (**APPENDIX A**).

Commissioners were asked to provide specific criteria needed to determine which agenda items to consider placing on consent agendas and provide feedback on the newly developed memo templates. The criteria and feedback will be discussed further at the January 2022 Joint Subcommittee meeting.

Currently, cost-share policy authorizes the DWR Secretary to approve cost-share and approve cost overruns up to \$75,000 without Commission action. However, due to downturns in revenue funding last biennium, the Commission asked that cost-share requests of \$75,000 or less be brought to the Commission if future cost-share requests related to those projects exceeded \$75,000. DWR funding has now stabilized and Andrea requested, as Secretary, the ability to address all cost-share requests of \$75,000 or less per existing policy.

After discussion, the Commission unanimously agreed that the Secretary may address all cost-share requests of \$75,000 or less per existing policy effective immediately. Commissioners will continue to receive all Secretary approvals which are identified in each monthly financial project summary.

COST-SHARE POLICY UPDATES AND STRATEGIC GOVERNANCE

Andrea Travnicek discussed the framework to begin discussion on overall clarifications needed for the cost-share policy and that beginning with the Subcommittee meeting in January 2022, the review of cost-share policy will be an initiative for six to eight months.

Andrea also provided an update on the timeline being prepared for the continued work towards building the framework needed to complete the tasks identified through the Strategic Governance study which was received by the Commission in October 2021. Jon Kelsch, DWR Water Development Division director, was named the project manager at the Special Commission meeting in November. Jon will work with the DWR project team to implement the Commission's long-term goals identified at the Special meeting to better prioritize and utilize available funding by developing future financial models and strategic governance. Timelines and milestones will be provided when finalized.

Commissioner Goehring asked the Commission and DWR staff to review snagging and clearing cost-share projects individually when using the Economic Analysis (EA) to determine the benefit-to-cost ratio for these projects. Lt. Governor Sanford stated that if EAs continue to be required for snagging and clearing projects, review of the current formulation is needed to determine a better cost-benefit ratio and cumulative benefit. Andrea stated that DWR staff will continue to work with the Commission to determine a better defined denominator (benefits) and clarification for these projects.

FINANCIAL REPORTS, SENATE BILL 2345, AND WATER INFRASTRUCTURE REVOLVING LOAN FUND (WIRLF)

The allocated program expenditures, financial reports, and financial spreadsheets were presented by Heide Delorme, DWR Administrative Services Director (**APPENDIX B**). The oil extraction tax deposits into the Resources Trust Fund (RTF) total \$61,335,472 through November 2021 which is \$6,372,908 over projected revenue.

Heide also provided Senate Bill 2345 (SB 2345) which was passed during the 67th Special Legislative Session (**APPENDIX C**). SB 2345 increased DWR's appropriation authority by \$75M for water infrastructure projects through the American Rescue Plan Act (ARPA) which included State Fiscal Recovery Funds (SFRF) effective December 1, 2021. SB 2345 requires use of funds from the SFRF prior to funds from the RTF and water supply and flood control projects, including property acquisitions, qualify. Previously approved amounts for these eligible projects also qualify including amounts approved to the Garrison Diversion Conservancy District (GDCCD) at the August and October Commission meetings which totaled \$48 million.

SB 2345 also created the Water Projects Stabilization Fund (WPSF). Office of Management and Budget will transfer \$1M from the RTFs estimated ending fund balance for 2021-23 in January 2022. In addition, all oil extraction tax deposits over the projection for the 2021-23 biennium that exceed the amounts forecasted between August 1, 2021, and February 28, 2023, will be transferred from the RTF to the WPSF on a quarterly basis. Funds available in the WPSF are available to the DWR through the Commission if needed pending Budget Section approval.

House Bill 1431 (HB 1431), passed during the 67th Legislative Session, created the WIRLF. The WIRLF combined the Commission's Infrastructure Revolving Loan Fund (IRLF) (\$26M) with the Bank of North Dakota's (BND) Community Development Water Loan Fund (\$35M), and allows using the Legacy Infrastructure Loan Fund (LILF) (\$40M), if needed, to provide a total of \$101M in loans. The loans are for water supply, flood protection or other water development and management projects.

The WIRLF is administered by BND but the Commission will approve eligibility of these projects. BND will work with the loan applicant to ensure they have the ability to repay the loan, and the Commission will approve or disapprove the loan as an eligible water project. If approved, BND will complete the loan process and the administer loan. The interest rate for loans is two percent and the term is to be determined by the Commission.

The LRLF was established through House Bill 1425 and also provides low interest loans for essential infrastructure. The Commission shall review and approve eligible projects to construct new water-related infrastructure or to replace existing water related infrastructure. This provides for \$485M in loans to eligible projects with \$260M from LILF and \$225M from BND IRLF.

ND DRINKING WATER STATE REVOLVING LOAN FUND – 2022 INTENDED USE PLAN

An update of the ND Drinking Water State Revolving Loan Fund (DWSRF) was presented by Shannon Fisher, Program Manager, ND Department of Environmental Quality (Department).

The Department prepared the 2022 Intended Use Plan (IUP), which contains the Comprehensive Project Priority List and the Fundable List. The IUP was available to the public for review and comment, with a public hearing held on November 4 and comments were accepted until November 18.

In accordance with NDCC Chapter 61-28.1, the Department must administer and disburse DWSRF funds with the approval of the Commission. Also, the Department must establish assistance priorities and expend grant funds pursuant to the priority list for the DWSRF, after consulting with and obtaining the approval of the Commission.

The process of prioritizing new or modified projects is completed on an annual basis. The list includes 282 projects, with a cumulative total project cost of \$746.4M.

Following Commission approval of the 2022 Comprehensive Project Priority List and Fundable List, the Department will apply for the Environmental Protection Agency (EPA) program. Commission approval will enable the Department to proceed with disbursement of funds once the EPA has approved the capitalization grant. The Department intends to disburse DWSRF funds according to the 2022 Comprehensive Project Priority List and Fundable List, attached as **APPENDIX D**.

Shannon stated that the IUP does not include funding that has been allocated to the DWSRF programs in the Bipartisan Infrastructure Law and the Department is waiting for guidance from the EPA regarding the process that will be used to award those funds. The Department does expect that the current IUP will need to be revised to include those funds or a separate IUP will need to be developed. Shannon clarified that an additional \$63M will be available through the DWSRF and the Clean Water State Revolving Fund.

The recommendation was to approve the 2022 Comprehensive Project Priority List and the Fundable List, and authorize the Department to administer the 2022 IUP for the DWSRF. The approval is subject to the entire contents contained herein.

The following motion was made:

It was moved by Commissioner Volk and seconded by Commissioner Walker the Commission approve the 2022 Comprehensive Project Priority List and the Fundable List, and authorize the Department to administer the 2022 IUP for the DWSRF. This action is subject to the entire contents contained herein.

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

SOUTHWEST PIPELINE PROJECT (SWPP) – REIMBURSEMENT FROM RESERVE FUND FOR REPLACEMENT AND EXTRAORDINARY MAINTENANCE (REM)

Sindhuja S.Pillai-Grinolds, SWPP Project Manager, provided background information related to Southwest Water Authority's (SWA) reserve fund for REM expenditures. Expenditures from the reserve fund are authorized by the Commission. The reserve fund accumulates interest and the amount of the reserve fund to be maintained is determined by the Commission. Sindhuja also discussed the process for approval of REM project funds and the reimbursement process.

SWA requested reimbursement in the amount of \$1,286,852.17 from the REM funds for two separate projects involving 1) replacement of 16" ductile iron pipe (DIP) on Contract 2-3E south of Dickinson, and 2) leak repair and corrosion assessment on 30" DIP on Contract 2-3A east of Taylor. Additional corrosion assessment on Contract 2-3A continues and current estimated cost for pipe replacement is an additional \$3.5m. A condition assessment plan for all DIP on the SWPP is being developed. In December 2020, SWA requested the use of construction dollars for replacement of DIP near Taylor (Contract 2-3A), which the Commission approved using REM funds for Contract 2-3A replacement and the assessment of all metallic pipelines on the SWPP.

Sustainability of REM funds is a concern given the age of the SWPP infrastructure and major capital projects being funded from the REM fund. DWR staff, in consultation with the SWA, will develop draft guidance on projects that could be considered REM which will be brought before the Commission for discussion and approval at a later date.

The recommendation was to approve the reimbursement from the reserve fund for REM expenditures in the amount of \$1,286,852.17. Sindhuja clarified that \$24M was available in the reserve fund at this time and it does not include the current request.

The following motion was made:

It was moved by Commissioner Goehring and seconded by Commissioner Zimmerman the Commission approve the reimbursement from the reserve fund for REM expenditures in the amount of \$1,286,852.17.

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

SWPP – CAPITAL REPAYMENT, REM RATES, AND SWA 2022 BUDGET

Sindhuja S.Pillai-Grinolds also presented SWA's water rates and budget for 2022 and requested the Commission establish the 2022 Capital Repayment and REM rates (**APPENDIX E**).

The SWA's budget must be prepared by December 15 of each year and submitted to the Secretary of the Commission. The budget is deemed approved unless the SWA is notified of the Commission's disapproval by February 15. The budget for 2022 was received on November 10, 2021. The recommendation was to establish the 2022 Capital Repayment and REM rates as presented in APPENDIX E.

Lt. Governor Sanford congratulated Sindhuja for receiving the *Water Wheel Award* presented by the ND Water Users Association at the annual convention.

There were no questions. The following motion was made:

It was moved by Commissioner Goehring and seconded by Commissioner Volk the Commission approve the 2022 Capital Repayment and REM rates as follows:

Capital Repayment for contract and rural customers:

\$1.32 per thousand gallons for contract users; \$31.78 for rural users in Morton County with water service from Missouri West Water System; and \$40.12 per month for other rural users.

Capital Repayment for oil industry contracts:

\$3.00 per thousand gallons for SWA's Dickinson Water Depot and \$4.00 per thousand gallons for other oil industry contracts.

REM Rate: \$0.70 per thousand gallons for the contract users, \$0.80 per thousand gallons for rural users, \$3.00 per thousand gallons for the SWA's Dickinson Water Depot and \$4.00 per thousand gallons for other oil industry contracts.

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

NORTHWEST AREA WATER SUPPLY (NAWS) – AWARD OF CONTRACT 5-1A

Tim Freije, NAWS Project Manager, presented a request and recommendation to award NAWS Contract 5-1A Contract No. 4 to Preload, Inc., and Contract 5-1A Contract No. 6 to Stanek Constructors pending concurrence from the GDCD and U.S. Bureau of Reclamation, as well as \$11.5M in capital assets funding for the state's obligated share of this project (**APPENDIX F**).

Tim clarified that Stanek Constructors responded accordingly, provided a legitimate and responsive bid, and all protocols were followed.

After discussion, the following motion was made:

It was moved by Commissioner Goehring and seconded by Commissioner Veeder the Commission 1) approve the award of NAWS Contract 5-1A Contract No. 4 – 10.5M Gallon Reservoir Construction to Preload, Inc., in the amount of \$7,815,005.00, and NAWS Contract 5-1A Contract 6 – Combined General, Mechanical, and Electrical Construction to Stanek Constructors in the amount of \$7,120,200.00 pending concurrence from the GDCD and U.S. Bureau of Reclamation; and 2) the Commission obligate \$11.5 million in capital assets funding to the NAWS project to cover the state's share of this project.

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

NAWS – UNITED STATES ARMY CORPS OF ENGINEERS (USACE)

Tim Freije also presented a request for the Secretary to enter into an 1156 Agreement with the USACE to fund necessary review and permitting for the Snake Creek Pumping Plant Intake Modifications and approve \$208,000 capital assets for funding (**APPENDIX G**).

Commissioner Volk requested a projected timeframe be added to the scope of the contract to ensure completion of the necessary review and permitting for modifications because of the additional request for funding. Tim will add the necessary language to the contract.

After discussion, the following motion was made:

It was moved by Commissioner Goehring and seconded by Commissioner Walker the Commission 1) authorize the Secretary to enter into an 1156 Agreement with the USACE to fund the necessary review and permitting for the Snake Creek Pumping Plant Intake Modifications, and 2) approve \$208,000 from the 2021-2023 Biennium Capital Assets Funding for the agreement.

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

COST-SHARE POLICY MODIFICATIONS

DWR staff have identified multiple Cost-Share Program policy issues over the course of the last several months that have been discussed by Commissioners or staff for future consideration. Two of those issues have been implemented in practice more recently, but are not specified in written policy and are related to 1) loan requests and evaluations and 2) Conditional Letter of Map Revision (CLOMR) acquisition.

In consideration of the cost-share modifications being currently implemented, DWR staff requested these two issues be formally supported by a timelier policy modification. For the remaining policy issues that will require additional discussion, planning, and constituent input, DWR staff suggested the Commission's subcommittees meet specifically to address various policy issues in the coming months.

There were no questions. The following motion was made:

It was moved by Commissioner Goehring and seconded by Commissioner Anderson the Commission approve the modifications as indicated in APPENDIX H to the Project Funding Policy, Procedure, and General Requirements related to loan requests and CLOMR acquisition be implemented immediately.

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

WEBGRANTS

Jeffrey Mattern, DWR Engineer Manager, provided an update on the WebGrants portal and application process for all water projects requesting state funds. DWR continues to work with BND, Department of Environmental Quality, and ND Public Finance Authority on the platform to use for funding requests. All future DWR cost-share requests will be made through the WebGrants portal with an initial target date for implementation being the Commission's meeting in February 2022. Sponsors have been invited to a WebGrants tutorial session scheduled for December 15, 2021.

2023 WATER DEVELOPMENT PLAN UPDATE

Jared Huibregtse, DWR Water Resource Planner, provided an update of the 2023 Water Development Plan (WDP). The DWR is required to provide the WDP on a biennial basis and staff are beginning the initial process of developing the Plan for the 2023-2025 biennium.

Notice will be sent to potential project sponsors in January 2022 directing them to the DWR online submission process. The project information will be used as the foundation of the DWR's budget request for the next biennium. The deadline for submissions is April 30, 2022. After receipt, the projects will be reviewed and prioritized by Commissioners, and a draft inventory will be developed for Commissioner-hosted meetings and sponsor review.

Commissioner-hosted basin meetings will be scheduled in summer 2022 in each Commissioners' respective basin to encourage local project sponsor participation in the water planning process and DWR's water project development efforts.

PURPOSE FUNDING SUMMARY

Jeffrey Mattern, DWR Engineer Manager, presented the purpose funding summary of overall appropriations available for December cost-share requests. There were no questions.

STATE COST-SHARE REQUESTS

FLOOD CONTROL AND GENERAL WATER PROJECTS

Julie Prescott, DWR Cost-Share Program Manager, presented the requests for the Flood Control and General Water projects.

MAPLE RIVER WATER RESOURCE DISTRICT (MRWRD)– CORNELL TOWNSHIP DRAINAGE IMPROVEMENT DIST. NO. 80 - \$31,500 (SWC Project No. 2171)

The MRWRD requested preconstruction cost-share for the Cornell Township Drainage Improvement District 80 Project which involves preliminary engineering for new drain construction to benefit agricultural land in Cornell Township of Cass County.

The total eligible preconstruction cost is \$70,000 with 45 percent cost-share of \$31,500. The Project was included in the 2021 WDP as a moderate priority and meets requirements of the Commission's cost-share policy. The recommendation was to approve the cost-share request.

There were no questions. The following motion was made:

It was moved by Commissioner Goehring and seconded by Commissioner Zimmerman the Commission approve the request of the MRWRD for state cost participation for the Cornell Township Drainage Improvement District 80 project at 45 percent of eligible costs, not to exceed \$31,500. The approval is contingent on available funding.

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

SNAGGING AND CLEARING PROJECTS

Commissioners discussed the current cost-share policy related to snagging and clearing projects and the required Economic Analysis (EA) for cost-share requests over \$200,000, and the removal of the Southeast Cass Water Resource District's (SECWRD) Sheyenne and Wild Rice River snagging and clearing cost-share requests from the initial agenda.

Commissioners agreed that the EA was important and required tool needed to incorporate recommendations and final approval. Commissioner Walker stated that the projects met current policy and should be reconsidered. Commissioner Goehring stated that current policy needs to be reviewed and feels an EA is not needed for snagging and clearing projects.

After discussion, the following motion was made:

It was moved by Commissioner Walker and seconded by Commissioner Veeder the Commission reconsider the SECWRD's cost-share requests for 1) Sheyenne River Snagging and Clearing in the amount of \$98,000 and 2) Wild Rice Snagging and Clearing in the amount of \$98,000.

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

**SECWRD - 2021-2022 SHEYENNE RIVER SNAGGING AND CLEARING - \$98,000
(SWC Project No. 568)**

The SECWRD requested cost-share for the Sheyenne River Snagging and Clearing 2021-2022 project (Project). The Project involves engineering and construction for snagging and clearing work on the Sheyenne River. On December 11, 2020, the Commission approved cost-share for snagging and clearing of this same stretch of the Sheyenne River. An EA performed for that project yielded a benefit-to-cost ratio of 0.178, which resulted in a reduced cost-share of 8.9 percent of eligible costs. The total cost of the current project is under \$200,000, according to policy, an EA is not required.

The total eligible cost is \$196,000 with 50 percent cost-share of \$98,000. The Project was included in the 2021 WDP as a low priority and meets requirements of the Commission's cost-share policy. The recommendation was to approve the cost-share request, however, DWR staff suggested the Commission may want to provide additional direction related to this request.

Kurt Lynse, Moore Engineering, clarified that general funds at the county level would be used for funding and that not all of the 67 miles of area would be completed, but only as much as possible dependent on weather and circumstance.

Commissioners agreed that many snagging and clearing projects are needed and using the EA for these types of projects is still hard to quantify realistic cost ratios. Commissioner Walker stated that it is difficult to create a damage curve that actually represents the benefits of this particular work, however, there are many benefits to continuous snagging and clearing. Historic damages that represent the value of prior snagging and clearing projects is not captured in an EA.

After discussion, the following motion was made:

It was moved by Commissioner Goehring and seconded by Commissioner Walker the Commission approve of the request by the SECWRD for state cost participation in the Sheyenne River Snagging and Clearing 2021-2022 project at 50 percent of eligible costs, not to exceed \$98,000. The approval is contingent on available funding.

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

**SECWRD - 2021-2022 WILD RICE RIVER SNAGGING AND CLEARING - \$98,000
(SWC Project No. 1868)**

The SECWRD requested cost-share for the Wild Rice River Snagging and Clearing 2021-2022 project (Project). The Project involves engineering and construction for snagging and clearing work on the Wild Rice River south of Fargo. On December 11, 2020, the Commission approved

cost-share for snagging and clearing of this same stretch of the Wild Rice River. An EA performed for that project yielded a benefit to cost ratio of 0.151, which resulted in a reduced cost-share of 7.55 percent of eligible costs. The total cost of the current project is under \$200,000, according to policy, an EA is not required.

The total eligible cost is \$196,000 with 50 percent cost-share of \$98,000. The Project was included in the 2021 WDP as a low priority and meets requirements of the Commission's cost-share policy. The recommendation was to approve the cost-share request, however, DWR staff suggested the Commission may want to provide additional direction related to this request.

There were no questions. The following motion was made:

It was moved by Commissioner Goehring and seconded by Commissioner Walker the Commission approve of the request by the SECWRD for state cost participation in the Wild Rice River Snagging and Clearing 2021-2022 project at 50 percent of eligible costs, not to exceed \$98,000. The approval is contingent on available funding.

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

PEMBINA COUNTY WATER RESOURCE DISTRICT (PCWRD) - TONGUE RIVER NRCS WATERSHED PLAN - \$441,086 (SWC Project No. 0849-01)

The PCWRD requested cost-share for the Tongue River NRCS Watershed Plan Implementation (Project). The Project involves preconstruction and construction activities to restore the Tongue River channel upstream from Renwick.

The total eligible cost is \$1,102,716 with 40 percent cost-share of \$441,086. The Project was included in the 2021 WDP as a moderate priority and meets requirements of the Commission's cost-share policy. The recommendation was to approve the cost-share request.

There were no questions. The following motion was made:

It was moved by Commissioner Goehring and seconded by Commissioner Zimmerman the Commission approve the request by the PCWRD for state cost participation in the Tongue River NRCS Watershed Plan Implementation project at up 40 percent of eligible costs, pending funding participation by other local, state, and federal entities, not to exceed \$441,086. The approval is contingent on available funding.

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

WATER SUPPLY AND FEDERAL MUNICIPAL, RURAL, AND INDUSTRIAL WATER SUPPLY (MR&I) WATER SUPPLY PROJECTS

Jeffrey Mattern presented the requests for the Water Supply and Federal MR&I Water Supply projects.

GDCD – RED RIVER VALLEY WATER SUPPLY PROJECT (RRVWSP) WATER INFRASTRUCTURE REVOLVING LOAN - \$18,215,000 (SWC Project No. 325)

GDCD requested a loan from the WIRLF for the RRVWSP. GDCD received previous cost-share for the Missouri River intake; pipeline contracts 5A, 5B, 5C, 5D, and 6; Sheyenne River outfall; land easements; and program management. BND did an initial review, and based on the financing resolution, the sponsor has demonstrated debt service capacity for the amount requested.

Per the passage of HB 1431, the Commission is tasked with the review of loan requests from the WIRLF. Following the recommendation of a loan amount from the WIRLF by the Commission, BND will proceed with formally reviewing the loan in accordance with BND loan policy. GDCD will fund the local share using a WIRLF loan of \$18,215,000 and funds on hand of \$4,210,000. The recommendation was to approve the loan request.

There were no questions. The following motion was made:

It was moved by Commissioner Johnson and seconded by Commissioner Odermann the Commission approve the request by GDCD for a loan of \$18,215,000, at an interest rate of two percent, and a term of 40 years, from the WIRLF through the BND for the RRVWSP. The approval is contingent on the availability of funds.

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

WESTERN AREA WATER SUPPLY AUTHORITY (WAWSA) – MCKENZIE COUNTY WATER RESOURCE DISTRICT (MCWRD) SYSTEM I NORTH EXPANSION - \$3,478,000 (SWC Project No. 1973)

WAWSA requested cost-share for construction costs for transmission and distribution pipeline north of Watford City to provide service to 63 rural users and provide for the installation of a meter and pressure reducing valve. Preconstruction costs were funded by MCWRD.

The total eligible cost is \$4,637,333 with 75 percent cost-share of \$3,478,000. The project is in the 2021 WDP as a high priority and meets requirements of the Commission's cost-share policy. The recommendation was to approve the cost-share request.

Cory Chorne, AE2S, clarified that the water user rates will not change with construction of this project. The transmission and distribution system will service the rural service area north of Watford City and provide capacity for a portion of Watford City. The water user rates are not stand-alone, but are part of the overall water resource district system. The project has potential for further expansion to add additional users.

After discussion, the following motion was made:

It was moved by Commissioner Goehring and seconded by Commissioner Veeder the Commission approve the request from WAWSA for state cost-share participation at 75 percent of eligible costs for the MCWRD 2021 System I North Expansion, with the total amount not to exceed \$3,478,000. The approval is contingent on available funding.

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

GDCD – EASTERN NORTH DAKOTA ALTERNATIVE WATER SUPPLY (ENDAWS) - \$650,000

(SWC Project No. 0237-03/1912)

GDCD requested \$650,000 from additional FY2021 MR&I program funding to conduct engineering to bring pipeline design to 30 percent on the ENDAWS project. The overall MR&I FY2021 budget is \$21,050,000, with \$20,400,000 approved for the NAWS project.

In January 2019, GDCD requested the Bureau of Reclamation (Bureau) to consider ENDAWS and evaluate up to 165 cfs of water from the McClusky Canal to serve as an alternate water supply for the RRVWSP to provide supplemental water in the event of drought conditions. In September 2019, the Bureau began the Environmental Impact Statement (EIS) process for ENDAWS.

MR&I funding was approved in February 2020 to prepare supporting documents on various options, including a water treatment plant report for the EIS. Additional MR&I funding was approved in April 2020 to complete an Aquatic Invasive Species (AIS) analysis to evaluate the risks and consequences of the potential transfer of AIS from the Missouri River Basin to the Hudson Bay Basin. The Bureau completed an EIS in November 2020, and a record of decision was signed January 15, 2021.

The recommendation was to approve the federal funding request.

There were no questions. The following motion was made:

It was moved by Commissioner Zimmerman and seconded by Commissioner Goehring the Commission approve additional funding of \$650,000 at 75 percent, resulting in total Federal MR&I program funds of \$1,880,000, with \$1,230,000 funded at 100 percent, and \$650,000 funded at 75 percent, to GDCD for the ENDAWS Project. The approval is contingent on available funding and the project following Federal MR&I program requirements.

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

FIVE-YEAR PLAN

(SWC Project No. 237-03/237-04NAWS/1912)

The Garrison Diversion Unit State Water Supply (MR&I) program Five-Year Plan for fiscal years 2022 to 2026 is used to address project funding, variations in federal appropriations, and is submitted to the Bureau of Reclamation for their use in estimating the state's capacity to expend funding (**APPENDIX I**).

The NAWS project is projected to receive the remaining MR&I program funding in the Five-Year Plan, involving the Biota Water Treatment Plant, Minot Water Treatment Plant Phase III, and Bottineau Pump Station. However, the DWR and Commission members will continue to work with GDCD regarding future MR&I program allocations from the federal government. GDCD reviewed the plan at their November 30, 2021, MR&I subcommittee meeting.

LEGAL UPDATE

Jennifer Verleger, General Counsel, Attorney General's Office, provided an update on current Commission and DWR litigation.

EXECUTIVE SESSION UNDER AUTHORITY OF NDCC § 44-04-19.1(9) FOR ATTORNEY CLIENT CONSULTATION REGARDING SWPP/FOWLER INTAKE AND NAWS/WAGNER CONSTRUCTION

It was the recommendation of Lt. Governor Sanford, Acting Chairman, that the discussion relating to the SWPP/Fowler Intake and NAWS/Wagner Construction be held in executive session, under the provisions of NDCC § 44-04-19.1(9), for the purpose of attorney consultation. The Commission invited the following to participate in the executive session:

STATE WATER COMMISSION MEMBERS PRESENT:

Lt. Governor Sanford, Chairman
Doug Goehring, Commissioner, ND Department of Agriculture, Bismarck
Michael Anderson, Hillsboro
Richard Johnson, Devils Lake
James Odermann, Belfield
Gene Veeder, Watford City
Jay Volk, Bismarck
April Walker, West Fargo
Jason Zimmerman, Minot

OTHERS PRESENT:

Andrea Travnicek, Ph.D., DWR Director
John Paczkowski, DWR State Engineer
Jon Kelsch, DWR Water Development Director
Cheryl Fitzgerald, DWR Executive Assistant
Sindhuja S.Pillai-Grinolds, SWPP Project Manager
Tim Freije, NAWS Project Manager
Jennifer Verleger, General Counsel, Attorney General's Office
Jim Lennington, Bartlett & West (SWPP discussion only)
Kevin Martin, Houston Engineering (NAWS discussion only)
Reice Haase, Policy Advisor, Governor's Office

It was moved by Commissioner Goehring and seconded by Commissioner Walker that under the provision of NDCC § 44-04-19.1 (9), the Commission proceed into executive session on December 10, 2021, at 11:43 a.m., for the purpose of attorney consultation relating to the SWPP/Fowler Intake and NAWS/Wagner Construction.

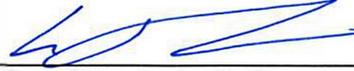
Commissioners Anderson, Johnson, Odermann, Veeder, Volk, Walker, Zimmerman, Goehring, and Lt. Governor Sanford voted aye. There were no nay votes. The motion carried.

Following attorney consultation regarding the SWPP/Fowler Intake and NAWS/Wagner Construction, Lt. Governor Sanford reconvened the open session of the Commission meeting on December 10, 2021, at 1:16 p.m. Instruction was given to Commission attorney to proceed with litigation if needed regarding NAWS/Wagner Construction and continue to negotiate with Fowler regarding SWPP/Fowler Intake.

There being no further business to come before the Commission, Lt. Governor Sanford adjourned the December 10, 2021, meeting at 1:17 p.m.



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



Andrea Travnicek, Ph.D.
Director, North Dakota Department of Water
Resources, and Secretary to the State Water
Commission

MEMORANDUM

TO: Governor Doug Burgum
Members of the State Water Commission
FROM: Andrea Travnicek, Ph.D., Secretary 
SUBJECT: SWC Meeting Efficiencies
DATE: November 24, 2021

Water Commission members and staff have been discussing various means of improving meeting efficiencies. Some suggestions have included the implementation of consent agendas, new formats for presenting information – including new memo templates, and most recently, Secretary approvals. With these ideas in mind, I thought it prudent to provide an update and to encourage additional discussion or ideas.

Consent Agendas – During the November 10 subcommittee meeting, there was clear support for the addition of consent agendas on future Water Commission meeting agendas. As such, I would respectfully request the Commission give thought to how they would like to proceed with this concept – including criteria for how items are added to consent agendas. Additional discussion could then take place during the January subcommittee meeting.

Memo Templates – Staff have created new memo templates in an effort to provide a clear and concise format to present information of greatest interest related to project cost-share requests. Examples of those new templates were used for many of the project memos in the December 10 meeting packet. This is a first attempt at new template concepts, so if there are other pieces of information you would like included, or revisions of the templates in general, please provide your input to Pat Fridgen.

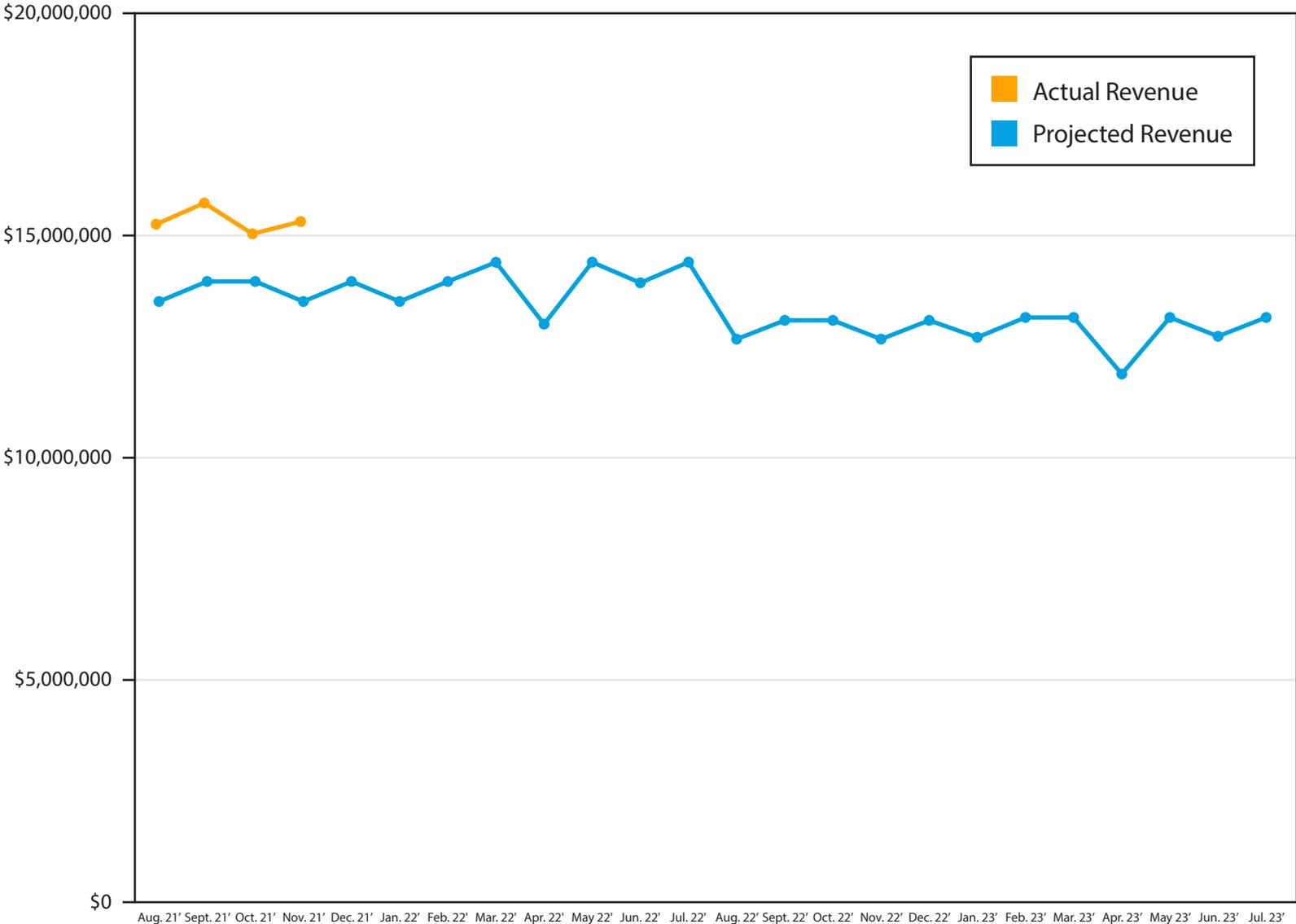
Secretary Approvals – Current Water Commission policy says “The Secretary is authorized to approve cost-share up to \$75,000, and also approve cost overruns up to \$75,000, without State Water Commission action.” In response to downturns in revenue last biennium because of COVID-related impacts, the Water Commission asked that cost-share requests of \$75,000 or less be brought before them if future cost-share requests related to those projects exceeded \$75,000. With Resources Trust Fund payments tracking above projections, and with the recent appropriation of American Rescue Act funds, the Department of Water Resources’ financial situation appears to be quite strong. As such, I would respectfully request the ability to address all cost-share requests of \$75,000 or less per existing policy. Also note – all Secretary approvals are identified in each monthly financial project summary for your information and transparency.

If Commission members have additional ideas to improve any of the aforementioned concepts, or if there are any other ideas, I would encourage your thoughts and feedback. I look forward to working with all of you to support the best use of our time together.

RESOURCE TRUST FUND REVENUE

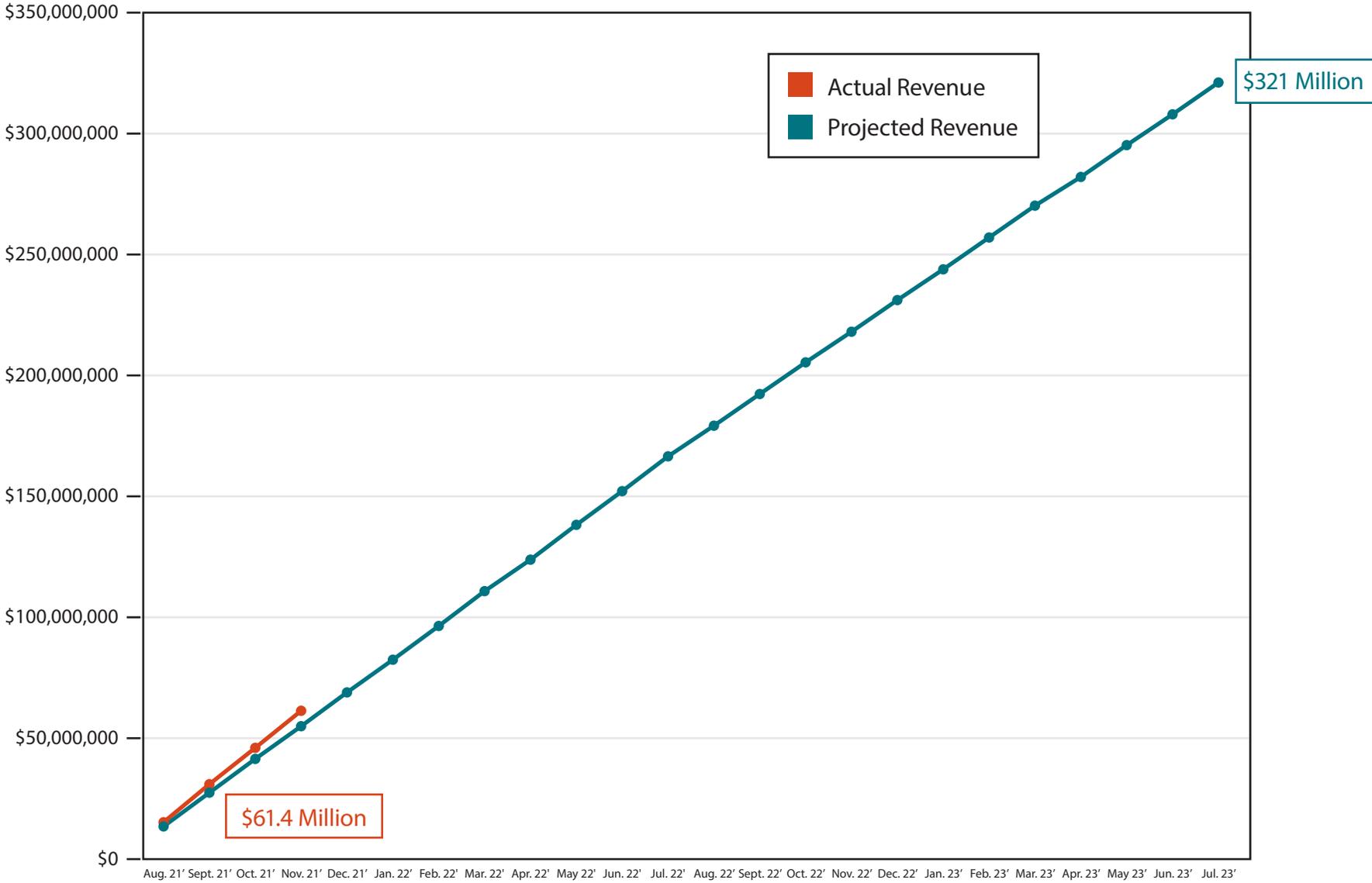
2021-2023 (Month by Month) | October 31, 2021

APPENDIX B



RESOURCE TRUST FUND REVENUE

2021-2023 (Cumulative) | October 31, 2021



RESOURCE TRUST FUND REVENUE

OIL EXTRACTION REVENUE

FOR THE 2021 - 2023 BIENNIUM

MONTH / YEAR	PROJECTED <u>REVENUE</u>	ACTUAL <u>REVENUE</u>	<u>AMOUNT OVER PROJECTION TO BE TRANSFERRED TO THE WATER PROJECTS STABILIZATION FUND</u>
AUGUST, 2021	13,515,385	15,253,686	1,738,301
SEPTEMBER, 2021	13,965,897	15,731,071	1,765,174
OCTOBER, 2021	13,965,897	15,037,222	1,071,325
NOVEMBER, 2021	13,515,385	15,313,493	1,798,108
DECEMBER, 2021	13,965,897		
JANUARY, 2022	13,515,385		
FEBRUARY, 2022	13,965,897		
MARCH, 2022	14,397,263		
APRIL, 2022	13,006,515		
MAY, 2022	14,400,070		
JUNE, 2022 (INC A/B)	13,935,552		
JULY, 2022	14,400,070		
AUGUST, 2022	12,668,683		
SEPTEMBER, 2022	13,090,973		
OCTOBER, 2022	13,090,973		
NOVEMBER, 2022	12,668,683		
DECEMBER, 2022	13,090,973		
JANUARY, 2023	12,709,026		
FEBRUARY, 2023	13,156,757		
MARCH, 2023	13,156,757		
APRIL, 2023	11,883,522		
MAY, 2023	13,156,757		
JUNE, 2023	12,732,345		
JULY 2023-JUNE REVENUE	13,156,757		
TOTALS	321,111,419	61,335,472	6,372,908

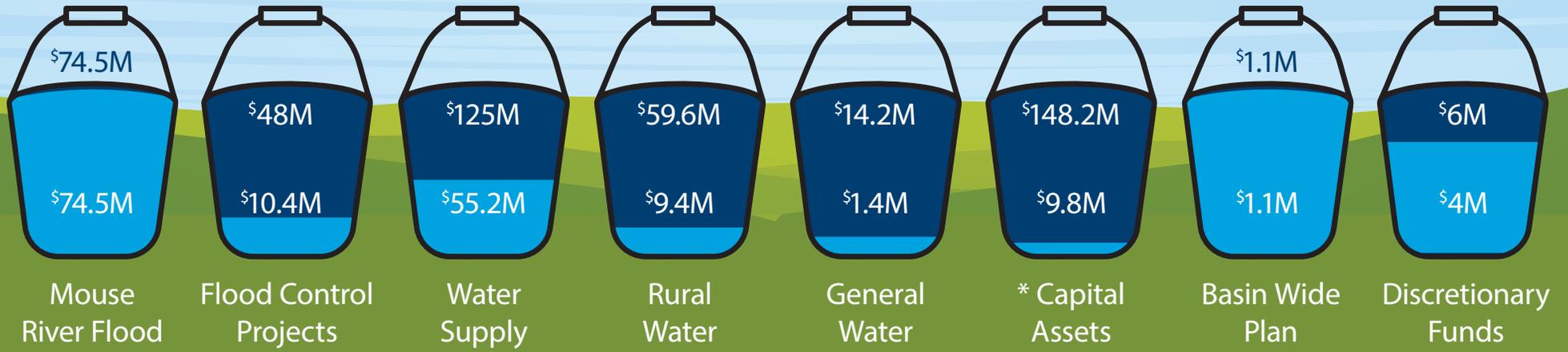
2021-2023 PURPOSE FUNDING

HOUSE BILL NO. 1020

October 31, 2021

APPROVED

APPROPRIATED



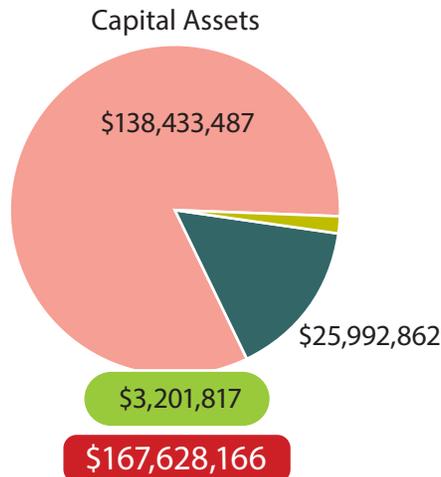
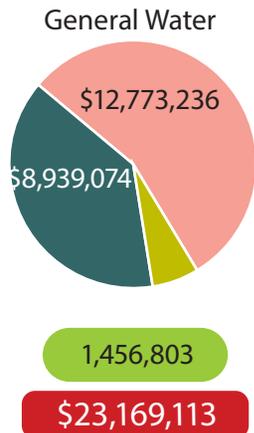
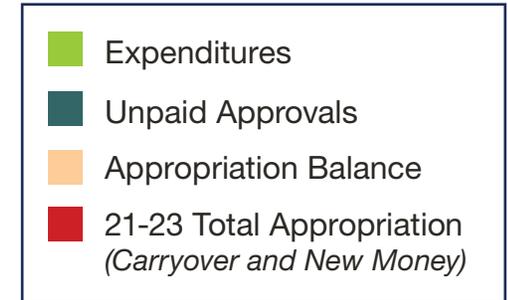
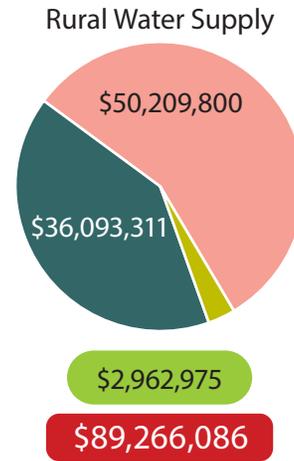
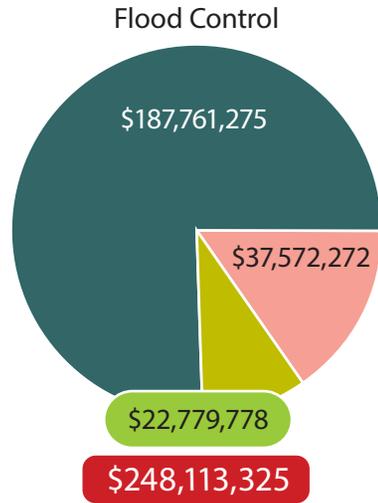
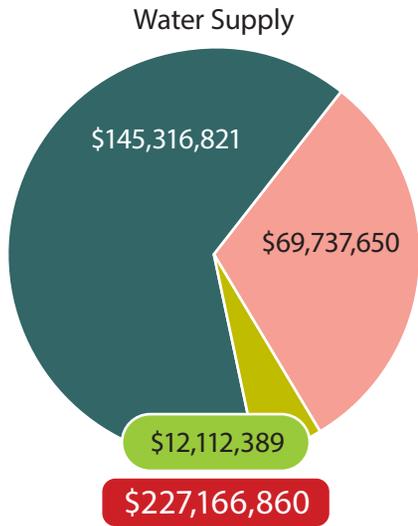
House Bill No. 1431

*Capital Assets bucket includes \$50M line of credit.

PURPOSE FUNDING

2021-2023 BIENNIUM TO DATE

Project Funds | October 31, 2021



BUDGET SUMMARY

BUDGET SUMMARY 2021-2023 BIENNIUM

October 31, 2021

Projected Funding

Cash Balance (October 31, 2021)	\$301,900,000
Future Projected Revenue (21 months at \$13.1 Million / Month)	\$275,100,000
Other Projected Revenue (SWPP, Interest, etc.)	\$12,000,000
HB 1431 Pending	\$74,500,000
TOTAL	\$663,500,000

Projected Expenditures

Unpaid Approvals (September 30, 2021)	\$409,200,000
SWC Operations (September 2021)	\$54,000,000
TOTAL	\$463,200,000

Projected Funding Balance	\$200,300,000
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PENDING REQUESTS (December 10, 2021 SWC Meeting)	\$13,209,586
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PROJECTED BALANCE	\$187,090,414
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Federal Funding (Capital Assets)

Federal Funds Authority	\$50,000,000
Federal Funds Expenditures	(\$5,797,080)
Remaining Federal Funds Authority	<u>\$44,202,920</u>

DEPARTMENT OF WATER RESOURCES PROJECT SUMMARY

PROJECT SUMMARY

2021-2023 BIENNIUM

October 31, 2021

	2019-2021 CARRYOVER	2021-2023 APPROPRIATION	2021-2023 TOTAL	SWC/DIRECTOR APPROVED	APPROPRIATION BALANCE
MUNICIPAL & REGIONAL WATER SUPPLY:					
MUNICIPAL WATER SUPPLY	49,069,655	7,803,750	56,873,405	56,873,405	(0)
RED RIVER VALLEY	31,133,057	48,000,000	79,133,057	79,133,057	(0)
OTHER REGIONAL WATER SUPPLY	21,422,747	(0)	21,422,747	21,422,747	(0)
UNOBLIGATED MUNICIPAL/REG WATER SUPPLY	541,400	69,196,250	69,737,650		69,737,650
Total	102,166,860	125,000,000	227,166,859	157,429,210	\$ 69,737,650
% OBLIGATED		80.65%			
RURAL WATER SUPPLY:					
RURAL WATER SUPPLY	29,666,086	9,390,200	39,056,286	39,056,286	(0)
UNOBLIGATED RURAL WATER SUPPLY	0	50,209,800	50,209,800		50,209,800
Total	29,666,086	59,600,000	89,266,086	39,056,286	50,209,800
% OBLIGATED		18.70%			
FLOOD CONTROL:					
FARGO	50,966,383	(0)	50,966,383	50,966,383	(0)
MOUSE RIVER	38,406,498	10,000,000	48,406,498	48,406,498	(0)
MOUSE RIVER HB1431 BOND PROCEEDS	0	74,500,000	74,500,000	74,500,000	0
VALLEY CITY	11,120,628	(0)	11,120,628	11,120,628	(0)
LISBON	174,579	(0)	174,579	174,579	(0)
OTHER FLOOD CONTROL	5,105,467	206,250	5,311,717	5,311,717	(0)
PROPERTY ACQUISITIONS	7,316,754	30,000	7,346,754	7,346,754	(0)
WATER CONVEYANCE	11,405,137	1,309,355	12,714,492	12,714,492	(0)
UNOBLIGATED FLOOD CONTROL	1,117,875	36,454,399	37,572,274		37,572,274
Total	125,613,325	122,500,002	248,113,325	210,541,053	37,572,272
% OBLIGATED		31.67%			
GENERAL WATER:					
GENERAL WATER	8,927,329	1,468,547	10,395,877	10,395,877	0
UNOBLIGATED GENERAL WATER	14,510	12,758,726	12,773,236		12,773,236
Total	8,941,838	14,227,274	23,169,113	10,395,877	12,773,236
% OBLIGATED		11.51%			
SUBTOTAL	266,388,109	321,327,276	587,715,383	417,422,425	170,292,959
CAPITAL ASSETS:					
SWPP CAPITAL ASSETS	8,528,779	9,800,000	18,328,779	18,328,779	0
NAWS CAPITAL ASSETS	10,865,900	0	10,865,900	10,865,900	0
UNOBLIGATED CAPITAL ASSETS	0	138,433,487	138,433,487		138,433,487
Total	19,394,679	148,233,487	167,628,166	29,194,679	138,433,487
% OBLIGATED		7.08%			
DISCRETIONARY FUNDING:					
DISCRETIONARY FUNDING PROJECTS	0	4,000,000	4,000,000	4,000,000	0
UNOBLIGATED DISCRETIONARY FUNDS	0	2,000,000	2,000,000		2,000,000
Total	0	6,000,000	6,000,000	4,000,000	2,000,000
% OBLIGATED		0.00%			
BASINWIDE PLAN IMPLEMENTATION:					
BASINWIDE PLAN IMPLEMENTATION	0	1,100,000	1,100,000	1,100,000	0
UNOBLIGATED DISCRETIONARY FUNDS	0	0	0		0
Total	0	1,100,000	1,100,000	1,100,000	0
% OBLIGATED		0.00%			
TOTAL	285,782,788	476,660,763	762,443,550	451,717,104	310,726,446

DEPARTMENT OF WATER RESOURCES PROJECT SUMMARY

PROJECT SUMMARY

2021-2023 BIENNIUM

	<i>Oct-21</i>		
	SWC/DIRECTOR APPROVED	EXPENDITURES	UNPAID
MUNICIPAL & REGIONAL WATER SUPPLY:			
MUNICIPAL WATER SUPPLY	56,873,405	4,260,425	52,612,980
RED RIVER VALLEY	79,133,057	5,261,074	73,871,983
OTHER REGIONAL WATER SUPPLY	21,422,747	2,590,890	18,831,857
TOTAL	157,429,210	12,112,389	145,316,821
RURAL WATER SUPPLY:			
RURAL WATER SUPPLY	39,056,286	2,962,975	36,093,311
FLOOD CONTROL:			
FARGO	50,966,383	11,405,660	39,560,724
MOUSE RIVER	48,406,498	6,314,981	42,091,517
MOUSE RIVER HB1431	74,500,000	0	74,500,000
VALLEY CITY	11,120,628	166,637	10,953,991
LISBON	174,579	94,090	80,489
OTHER FLOOD CONTROL	5,311,717	0	5,311,717
PROPERTY ACQUISITIONS	7,346,754	2,385,729	4,961,025
WATER CONVEYANCE	12,714,492	2,412,681	10,301,812
TOTAL	210,541,053	22,779,778	187,761,275
GENERAL WATER:			
GENERAL WATER	10,395,877	1,456,803	8,939,074
SUBTOTAL	417,422,425	39,311,945	378,110,480
CAPITAL ASSETS:			
SWPP CAPITAL ASSETS	18,328,779	477,266	17,851,513
NAWS CAPITAL ASSETS	10,865,900	2,724,551	8,141,349
TOTAL	29,194,679	3,201,817	25,992,862
DISCRETIONARY FUNDING:			
DISCRETIONARY FUNDING PROJECTS	4,000,000	0	4,000,000
BASINWIDE PLAN IMPLEMENTATION:			
BASINWIDE PLAN IMPLEMENTATION	1,100,000	0	1,100,000
TOTALS	451,717,104	42,513,762	409,203,342

DEPARTMENT OF WATER RESOURCES PROJECT SUMMARY

PROJECT SUMMARY

2021-2023 Biennium

Resources Trust Fund

WATER SUPPLY

Oct-21

Approved SWC By	No	Dept	Approved Biennium	Sponsor	Project	Approved Date	Total Approved	Total Payments	Balance
Municipal Water Supply:									
SWC	2050-13	5000	2017-19	Mandan	New Raw Water Intake	6/19/19	580,025	580,025	0
SWC	2050-13	5000	2019-21	Mandan	New Raw Water Intake	6/19/19	17,290,000	955,926	16,334,075
SWC	2050-15	5000	2017-19	Washburn	New Raw Water Intake	4/12/18	1,872,949	0	1,872,949
SWC	2050-32	5000	2017-19	Williston	Water Systems Improvement Project	12/6/19	3,629,490	0	3,629,490
SWC	2050-37	5000	2017-19	Dickinson	Dickinson State Avenue South Water Main	12/6/19	900,043	0	900,043
SWC	2050-75-19	5000	2019-21	Bismarck	Lockport Water Pump Station	10/8/20	408,339	188,461	219,877
SWC	2050-84-19	5000	2019-21	Cavalier	Water Tower Replacement	2/11/21	1,175,325	0	1,175,325
SWC	2050-85-19	5000	2019-21	Mapleton	300,000 Gallon Storage Tank	10/10/19	173,441	0	173,441
SWC	2050-86-19	5000	2019-21	Minot	SW Water Tower	10/10/19	976,010	0	976,010
SWC	2050-87-19	5000	2019-21	Streeter	Well Installation and Tower Rehabilitation	10/10/19	96,812	707	96,105
SWC	2050-88-19	5000	2019-21	Davenport	Water Improvement District No. 2019-1	10/10/19	421,582	0	421,582
SWC	2050-89-19	5000	2019-21	West Fargo	9th Street NW Water Main	10/10/19	594,000	0	594,000
SWC	2050-90-19	5000	2019-21	Grand Forks	Water Treatment Plant	10/10/19	450,037	0	450,037
SWC	2050-94-19	5000	2019-21	Watford City	Water Distribution 2019	12/6/19	541,400	0	541,400
SWC	2050-95-19	5000	2019-21	Garrison	Water Supply Treatment and Transmission Line	2/13/20	3,076,759	224,530	2,852,229
SWC	2050-96-19	5000	2019-21	Larimore	2020 Water System Replacement	12/11/20	3,329,005	670,584	2,658,421
SWC	2050-98-19	5000	2019-21	Sykeston	Water Tower Replacement	5/4/21	414,966	168,207	246,759
SWC	2050-99-19	5000	2019-21	Valley City	Water Main Improvement 100/101	2/13/20	47,939	0	47,939
SWC	2050-100-19	5000	2019-21	Wyndmere	2020 Water Main Improvements	2/13/20	663,203	615,482	47,721
SWC	2050-101-19	5000	2019-21	Fargo	Downtown Water Tower	2/13/20	2,751,478	381,919	2,369,559
SWC	2050-102-19	5000	2019-21	Lincoln	Water Tank Replacement	2/13/20	1,268,000	0	1,268,000
SWC	2050-103-19	5000	2019-21	Kindred	Water Main Looping 2020	2/13/20	35,546	0	35,546
SWC	2050-104-19	5000	2019-21	Hazen	Water Storage Improvements	2/13/20	1,283,038	0	1,283,038
SWC	2050-105-19	5000	2019-21	Williston	42nd Street and 16th Avenue Water Main	2/13/20	230,157	0	230,157
SWC	2050-106-19	5000	2019-21	Parshall	Water Tower Storage	4/9/20	262,686	248,595	14,091
SWC	2050-107-19	5000	2019-21	Dickinson	North Annexation Water Supply	4/9/20	842,408	0	842,408
SWC	2050-115-19	5000	2019-21	Killdeer	2020 Water Main and Pump Station Project	10/8/20	1,011,008	1,272	1,009,736
SWC	2050-116-19	5000	2019-21	Portland	Water Systems Improvement Feasibility Study	11/16/20	0	0	0
SWC	2050-117-19	5000	2019-21	Lakota	Water Transmission Line Replacement Project	12/11/20	184,954	46,822	138,132
SWC	2050-121-19	5000	2019-21	Killdeer	HWBL Water Expansion	2/11/21	72,300	0	72,300
SWC	2050-122-19	5000	2019-21	Bowbells	Watermain Improvements 2020	2/11/21	22,800	0	22,800
SWC	2050-123-19	5000	2019-21	Horace	District 2020-06 Water System Improvements	6/8/21	3,053,000	0	3,053,000
SWC	2050-124-19	5000	2019-21	Horace	District 2020-07 Connection to Cass RWD	2/11/21	75,750	0	75,750
SWC	2050-125-19	5000	2019-21	Williston	Williston Square Watermain	2/11/21	280,100	0	280,100
SWC	2050-127-19	5000	2019-21	Valley City	Watermain Improvement District 100 Project	4/8/21	166,645	0	166,645
SWC	2050-128-19	5000	2019-21	Bismarck	43rd Avenue Expansion Phase I	6/8/21	584,000	0	584,000
SWC	2050-129-19	5000	2019-21	Napoleon	Water Tower Replacement	6/8/21	177,000	50,435	126,565
TOTAL MUNICIPAL WATER SUPPLY CARRYOVER							48,942,195	4,132,964	44,809,230
SWC	2050-104-21	5000	2021-23	Hazen	Water Systems Improvement Project	8/12/21	367,000	0	367,000
SWC	2050-106-21	5000	2021-23	Parshall	Water Tower	8/12/21	703,200	0	703,200
SWC	2050-124-21	5000	2021-23	Horace	Watermain Improvement District 2020-7 to Cass	8/12/21	1,232,250	0	1,232,250
SWC	2050-128-21	5000	2021-23	Bismarck	43rd Avenue Expansion Phase 2	10/14/21	2,340,000	0	2,340,000
SWC	2050-129-21	5000	2021-23	Napoleon	Water Tower Replacement	8/12/21	1,617,000	0	1,617,000
SWC	2050-134-21	5000	2021-23	Stanley	Country Estates Watermain Extension	8/12/21	29,400	0	29,400
SWC	2050-138-21	5000	2021-23	Wahpeton	Well Field and Transmission Line	10/14/21	223,400	0	223,400
SWC	2050-139-21	5000	2021-23	Rugby	Water Treatment Plant Improvements Phase 3	10/14/21	881,000	0	881,000
SWC	2050-140-21	5000	2021-23	McLean Sheridan RWD	Service to Blue Flint Ethanol Plant	10/14/21	410,500	0	410,500
TOTAL MUNICIPAL WATER SUPPLY 2021-2023							7,803,750	0	7,803,750
TOTAL MUNICIPAL WATER SUPPLY							56,745,945	4,132,964	52,612,980
Regional Water Supply:									
SWC	1973-07	5000	2019-21	WAWSA	WAWSA Phase VI	6/8/21	21,422,747	2,590,890	18,831,857
SWC	325-17-19	5000	2017-19	RRVWSP	RRVWSP Garrison Diversion	10/8/20	1,452,074	560,631	891,443
SWC	325-19-21	5000	2019-21	RRVWSP	RRVWSP Garrison Diversion	6/8/21	29,680,983	4,679,150	25,001,833
TOTAL REGIONAL WATER SUPPLY CARRYOVER							52,555,804	7,830,671	44,725,134
SWC	325-21-23	5000	2021-23	RRVWSP	RRVWSP Garrison Diversion	10/14/21	48,000,000	21,293	47,978,707
TOTAL REGIONAL WATER SUPPLY 2021-2023							48,000,000	21,293	47,978,707
TOTAL REGIONAL WATER SUPPLY							100,555,804	7,851,964	92,703,840
TOTAL							157,301,749	11,984,928	145,316,821
Capital Assets:									
SWC	1736-05	8000		SWPP	Southwest Pipeline Project	10/14/21	18,328,779	477,266	17,851,513
SWC	2374	9000		NAWS	Northwest Area Water Supply	2/8/18	10,865,900	2,724,551	8,141,349
TOTAL CAPITAL ASSETS							29,194,679	3,201,817	25,992,862

PROGRESS REPORT REQUIRED

SWC Board Approved to Continue

	BUDGET	APPROVED	BALANCE
RRVWSP WATER SUPPLY	48,000,000	48,000,000	0
OTHER WATER SUPPLY	77,000,000	7,803,750	69,196,250
OTHER WATER SUPPLY - COMPLETED	0	0	0
BUDGET WATER SUPPLY 2021-2023	125,000,000	55,803,750	69,196,250

DEPARTMENT OF WATER RESOURCES PROJECT SUMMARY

PROJECT SUMMARY

2021-2023 Biennium

Resources Trust Fund

COMPLETED WATER SUPPLY

Approved SWC By	No	Dept	Approved Biennium	Sponsor	Project	Approved Date	Total Approved	Total Payments	Oct-21 Balance
Municipal Water Supply:									
SWC	2050-54	5000	2017-19	West Fargo	North Loop Connection	8/23/17	117,461	117,461	0
SWC	2050-55	5000	2017-19	West Fargo	West Loop Connection	8/23/17	10,000	10,000	0
SWC	2050-94-19	5000	2019-21	Watford City	Water Distribution 2019	12/6/19	0	0	541,400
TOTAL MUNICIPAL WATER SUPPLY CARRYOVER							127,461	127,461	541,400
0	0	0	0	0	0	1/0/00	0	0	0
TOTAL MUNICIPAL WATER SUPPLY 2021-2023							0	0	0
TOTAL MUNICIPAL WATER SUPPLY							127,461	127,461	541,400
Regional Water Supply:									
0	0	0	0	0	0	1/0/00	0	0	0
TOTAL REGIONAL WATER SUPPLY CARRYOVER							0	0	0
0	0	0	0	0	0	1/0/00	0	0	0
TOTAL REGIONAL WATER SUPPLY 2021-2023							0	0	0
TOTAL REGIONAL WATER SUPPLY							0	0	0
TOTAL							127,461	127,461	541,400
Capital Assets:									
0	0	0	0	0	0	1/0/00	0	0	-
TOTAL CAPITAL ASSETS							0	0	0

SWC Board Approved to Continue



DEPARTMENT OF WATER RESOURCES PROJECT SUMMARY

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RURAL WATER

										Oct-21
Approved SWC By	No	Dept	Approved Biennium	Sponsor	Project	Approved Date	Total Approved	Total Payments	Balance	
Rural Water Supply:										
SWC	2050-34	5000	2017-19	North Prairie Rural Water District	Storage and Water Main	10/6/15	108,252	0	108,252	
SWC	2050-43	5000	2017-19	All Seasons Water District	System 4 Connection to System 1	12/11/15	4,900,000	0	4,900,000	
SWC	2050-57	5000	2017-19	North Central Regional Water District	Mountrail Expansion Phase II	8/23/17	2,981,628	0	2,981,628	
SWC	2050-58	5000	2017-19	North Central Regional Water District	Mountrail Co. Watery Phase III	8/23/17	3,386,181	0	3,386,181	
SWC	2050-65	5000	2017-19	Tri-County Rural Water District	System Expansion Project	8/9/18	28,929	0	28,929	
SWC	2373-39	5000	2017-19	North Central Rural Water Consortium	Carpio Berthold Phase 2	4/1/15	258,691	0	258,691	
SWC	2050-77-19	5000	2019-21	Dakota Rural Water District	2019 Expansion	4/9/20	2,053,156	668,813	1,384,342	
SWC	2050-78-19	5000	2019-21	McLean-Sheridan Rural Water District	2019 Expansion	4/9/20	669,008	471,718	197,291	
SWC	2050-91-19	5000	2019-21	Agassiz Water Users District	2019 Expansion	4/9/20	206,532	60,243	146,288	
SWC	2050-92-19	5000	2019-21	East Central Regional Water District	2019 Expansion Phase IV	10/8/20	2,665,243	1,589,198	1,076,045	
SWC	2050-113-19	5000	2019-21	North Prairie Regional Water District	Minot to Velva Highway 52 Improvement	10/8/20	3,074,030	0	3,074,030	
SWC	2050-114-19	5000	2019-21	Walsh Rural Water District	Drayton Water Supply Project	2/11/21	7,323,029	47,181	7,275,849	
SWC	2050-119-19	5000	2019-21	Southeast Water Users District	West System Supply Study	2/11/21	134,408	25,133	109,275	
SWC	2050-120-19	5000	2019-21	East Central Regional Water District	Grandin Water Supply	6/8/21	1,640,000	56,393	1,583,607	
SWC	2050-126-19	5000	2019-21	East Central Regional Water District	Hatton Water Supply	4/8/21	75,000	44,297	30,703	
SWC	2050-130-19	5000	2019-21	Barnes Rural Water District	2021 Storage Expansion	10/14/21	112,000	0	112,000	
SWC	2050-131-19	5000	2019-21	Northeast Regional Water District	Expansion - Adams/Walsh RWD	6/8/21	50,000	0	50,000	
TOTAL RURAL WATER SUPPLY CARRYOVER							29,666,086	2,962,975	26,703,111	
SWC	2050-77-21	5000	2021-23	Dakota Rural Water District	2019 Expansion	8/12/21	1,877,000	0	1,877,000	
SWC	2050-126-21	5000	2021-23	East Central Regional Water District	Hatton Water Supply	8/12/21	1,220,000	0	1,220,000	
SWC	2050-130-19	5000	2021-23	Barnes Rural Water District	2021 Storage Expansion	10/14/21	2,262,400	0	2,262,400	
SWC	2050-131-19	5000	2021-23	Northeast Regional Water District	Expansion - Adams/Walsh RWD	6/8/21	160,000	0	160,000	
SWC	2050-132-21	5000	2021-23	McLean-Sheridan Rural Water District	McClusky Water Tower Replacement	6/8/21	274,000	0	274,000	
SWC	2050-133-21	5000	2021-23	Rolette County	Turtle Mountain Public Utilities Comm: WTP Membrane	6/8/21	1,036,800	0	1,036,800	
SWC	2050-135-21	5000	2021-23	East Central Regional Water District	WTP and Transmission Expansion	8/12/21	521,000	0	521,000	
SWC	2050-136-21	5000	2021-23	McLean-Sheridan Rural Water District	System Improvements Phase 2	8/12/21	670,000	0	670,000	
SWC	2050-137-21	5000	2021-23	Upper Souris Water District	2021 Improvements and Expansion	8/12/21	245,000	0	245,000	
SWC	2050-140-21	5000	2021-23	McLean Sheridan Rural Water District	Service to Blue Flint Ethanol Plant	10/14/21	410,500	0	410,500	
SWC	2050-141-21	5000	2021-23	Agassiz Water Users District	2022 Expansion Phase 2	10/14/21	266,000	0	266,000	
SWC	2050-142-21	5000	2021-23	Cass Rural Water District	2022 System Distribution Project	10/14/21	447,500	0	447,500	
TOTAL RURAL WATER SUPPLY 2021-2023							9,390,200	0	9,390,200	
TOTAL RURAL WATER SUPPLY							39,056,286	2,962,975	36,093,311	

PROGRESS REPORT REQUIRED

SWC Board Approved to Continue

	BUDGET	APPROVED	BALANCE
OTHER RURAL WATER	59,600,000	9,390,200	50,209,800
OTHER RURAL WATER - COMPLETED	0	0	0
BUDGET RURAL WATER 2021-2023	59,600,000	9,390,200	50,209,800

DEPARTMENT OF WATER RESOURCES PROJECT SUMMARY

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Resources Trust Fund

COMPLETED RURAL WATER

Approved SWC By	SWC No	Dept	Approved Biennium	Sponsor	Project	Approved Date	Total Approved	Total Payments	Oct-21 Balance
0	0	0	0	0	<i>Rural Water Supply:</i>				
					0	1/0/00	0	0	0
					TOTAL RURAL WATER SUPPLY CARRYOVER		0	0	0
0	0	0	0	0	0	1/0/00	0	0	0
					TOTAL RURAL WATER SUPPLY 2021-2023		0	0	0
					TOTAL RURAL WATER SUPPLY		0	0	0

SWC Board Approved to Continue



DEPARTMENT OF WATER RESOURCES PROJECT SUMMARY

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Resources Trust Fund

FLOOD CONTROL

							Oct-21		
Approved SWC By	No	Dept	Approved Biennium	Sponsor	Project	Approved Date	Total Approved	Total Payments	Balance
Flood Control:									
SB 2020	1928-17	5000	2017-19	Fargo Metro Flood Diversion	Fargo Metro Flood Diversion Authority 2017-2019	2/14/19	6,966,383	6,966,383	0
SB 2020	1928-19	5000	2019-21	Fargo Metro Flood Diversion	Fargo Metro Flood Diversion Authority 2019-2021	10/8/20	44,000,000	4,439,276	39,560,724
SWC	1771-01	5000	2017-19	Grafton	Grafton Flood Control Project	10/12/16	1,600,000	0	1,600,000
SWC	1974	Rural	2017-19	Souris River Joint WRD	Mouse River Rural Projects	6/19/19	1,045,902	138,801	907,101
SWC	1974	Rural	2019-21	Souris River Joint WRD	Mouse River Rural Projects	6/19/19	21,913,543	3,630,451	18,283,092
SWC	1974	M-15	2017-19	Souris River Joint WRD	Mouse River Municipal Projects carryover 2015-17	3/29/17	415,310	415,310	0
SWC	1974	M-17	2017-19	Souris River Joint WRD	Mouse River Municipal Projects carryover 2017-19	4/12/18	8,992,670	688,957	8,303,713
SWC	1974	M-19	2019-21	Souris River Joint WRD	Mouse River Municipal New Projects 2019-21	6/19/19	5,907,657	1,389,170	4,518,487
SWC	2107-02	5000	2017-19	City of Minot	SWIF 2018 Outfall Pipe Project	10/11/18	131,415	52,291	79,124
SWC	1504-08	5000	2017-19	Valley City	Permanent Flood Protection Erosion Sites	4/9/19	44,560	44,462	98
SWC	1504-09	5000	2019-21	Valley City	Permanent Flood Protection PH IV and V	4/9/20	10,926,068	0	10,926,068
SWC	1504-10	5000	2019-21	Valley City	Permanent Flood Protection Storage Building	6/8/21	150,000	122,175	27,825
SB 2371	1344-02	5000	2017-19	Lisbon	Sheyenne River Valley Flood Control Project	8/8/16	103,971	78,001	25,971
SWC	1991-10	5000	2017-19	Lisbon	Permanent Flood Protection - Levee F Project	4/12/18	70,608	16,090	54,518
SWC	2111	5000	2019-21	Maple River WRD	Davenport Flood Risk Reduction	4/9/20	2,012,115	0	2,012,115
SWC	2118	5000	2017-19	Cass County Joint WRD	Sheldon Subdivision Levee	10/11/18	370,200	0	370,200
SWC	416-02	5000	2019-21	City of Devils Lake	Devils Lake Flood Risk Management Levee	4/8/21	266,250	0	266,250
SE	2124	5000	2017-19	City of Belfield	Heart River & Tributaries Flood Control Study	11/6/18	27,000	0	27,000
SWC	2129	5000	2019-21	Burleigh County WRD	Sibley Island Flood Control Project	8/8/19	48,473	0	48,473
SWC	2131	5000	2017-19	Lower Heart River WRD	Lower Heart Flood Risk Reduction	10/8/20	781,430	0	781,430
TOTAL FLOOD CONTROL CARRYOVER							105,773,556	17,981,368	87,792,188
SWC	1974	MRA-2	2021-23	Souris River Joint WRD	Mouse River Municipal, Rural, and Rural Acquisitions	8/12/21	71,350,000	0	71,350,000
SWC	475	5000	2021-23	Steele County WRD	Golden Lake Complex Improvement Study	10/14/21	60,000	0	60,000
Director	2167	5000	2021-23	Steele County WRD	Steele County Drain 11 Outlet Improvements	8/18/21	74,250	0	74,250
SWC	2168	5000	2021-23	Bismarck	Wastewater Treatment Plant Effluent Flood Control	10/14/21	72,000	0	72,000
TOTAL FLOOD CONTROL 2021-2023							71,556,250	0	71,556,250
TOTAL FLOOD CONTROL							177,329,806	17,981,368	159,348,438
Floodway Property Acquisitions:									
SWC	1974-MA19	5000	2019-21	Minot Acquisitions	Minot Phase - Floodway Acquisitions	6/19/19	7,035,716	2,355,729	4,679,987
SWC	1974-RA19	5000	2019-21	Rural Floodway Acquisitions	Minot Rural - Floodway Acquisitions	6/19/19	0	0	0
SB 2371	1504-05	5000	2017-19	Valley City	Valley City - Floodway Acquisitions	12/8/17	260,280	0	260,280
SWC	1991-05	5000	2017-19	Lisbon	Lisbon - Floodway Acquisition	5/8/19	20,759	0	20,759
TOTAL FLOOD FLOODWAY PROPERTY ACQUISITIONS CARRYOVER							7,316,754	2,355,729	4,961,025
SWC	1974	MA-21	2021-23	Souris River Joint WRD	Minot Phase - Floodway Acquisitions 2021-23	8/12/21	13,150,000	0	13,150,000
TOTAL FLOOD FLOODWAY PROPERTY ACQUISITIONS 2021-2023							13,150,000	0	13,150,000
FLOODWAY PROPERTY ACQUISITIONS							20,466,754	2,355,729	18,111,025
TOTAL FLOOD CONTROL							197,796,560	20,337,097	177,459,463
Discretionary Funding Projects:									
SWC	1851	5000	2021-23	ND State Water Commission	Drought Disaster Livestock Water Supply Assistance	7/30/21	4,000,000	0	4,000,000
Basinwide Plan Implementation:									
SWC	PS/WRD/UPI	5000	2021-23	Upper Sheyenne River Joint WRB	Upper Sheyenne River Watershed Pilot Project	8/12/21	1,100,000	0	1,100,000
TOTAL							202,896,560	20,337,097	182,559,463

PROGRESS REPORT REQUIRED

SWC Board Approved to Continue

	BUDGET	APPROVED	BALANCE
FLOOD CONTROL	121,160,645	84,706,250	36,454,395
FLOOD CONTROL - COMPLETED	30,000	30,000	0
CONVEYANCE	1,309,355	1,309,355	0
BUDGET FLOOD CONTROL 2021-2023	122,500,000	86,045,605	36,454,395

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COMPLETED FLOOD CONTROL

Approved SWC By	No	Dept	Approved Biennium	Sponsor	Project	Approved Date	Total Approved	Total Payments	Oct-21 Balance
Flood Control:									
SWC	1504-03	5000	2017-19	Valley City	Permanent Flood Protection PH II	12/9/16	0	0	234,498
SWC	1771-01	5000	2017-19	Grafton	Grafton Flood Control Project	10/12/16	0	0	661,521
TOTAL FLOOD CONTROL CARRYOVER							0	0	896,019
0	0	0	0	0	0	1/0/00	0	0	0
TOTAL FLOOD CONTROL 2021-2023							0	0	0
TOTAL FLOOD CONTROL							0	0	896,019
Floodway Property Acquisitions:									
0	0	0	0	0	0	1/0/00	0	0	0
TOTAL FLOOD FLOODWAY PROPERTY ACQUISITIONS CARRYOVER							0	0	0
Director	1504-05	5000	2021-23	Valley City	Valley City - Floodway Acquisitions	8/18/21	30,000	30,000	0
TOTAL FLOOD FLOODWAY PROPERTY ACQUISITIONS 2021-2023							30,000	30,000	0
FLOODWAY PROPERTY ACQUISITIONS							30,000	30,000	0
TOTAL FLOOD CONTROL							30,000	30,000	896,019
Discretionary Funding Projects:									
0	0	0	0	0	0	0	0	0	0
Basinwide Plan Implementation									
								0	0
TOTAL							30,000	30,000	896,019

SWC Board Approved to Continue



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Resources Trust Fund

WATER CONVEYANCE

							Oct-21		
Approved SWC By	No	Dept	Approved Biennium	Sponsor	Project	Approved Date	Total Approved	Total Payments	Balance
Drain & Channel Improvement Projects:									
SWC	1064	5000	2019-21	Rush River WRD	Cass County Drain 2 Channel Improvement	6/8/21	605,379	0	605,379
SWC	1090	5000	2019-21	Southeast Cass WRD	Cass County Drain 40 Channel Improvements 2021	6/8/21	320,017	0	320,017
SWC	1217	5000	2019-21	Tri-County WRD	Drain No 6	10/10/19	174,013	0	174,013
SWC	1222	5000	2015-17	Sargent Co WRD	Drain No 11 Channel Improvements	10/12/16	1,350,501	0	1,350,501
SE	1299	5000	2019-21	Ransom County	Maple River Bridge Bank Stabilization	6/11/21	50,267	36,527	13,740
SWC	1520	5000	2017-19	Walsh Co. WRD	Walsh County Drain 30-2	10/11/18	82,318	0	82,318
SWC	1951	5000	2015-17	Maple River WRD	Lynchburg Channel Improvements	7/6/16	505,707	0	505,707
SWC	1975	5000	2019-21	Walsh Co. WRD	Walsh County Drain 31 Improvements	6/8/21	287,349	0	287,349
SWC	1990	5000	2011-13	Mercer Co. WRD	Lake Shore Estates High Flow Diversion Project	3/7/12	43,821	0	43,821
SWC	1999	5000	2019-21	Pembina Co. WRD	Tongue River Cutoff Channel Improvements	2/13/20	6,812	0	6,812
SE	2016	5000	2015-17	Pembina Co. WRD	Establishment of Pembina County Drain No. 80	4/10/17	3,981	0	3,981
SWC	2084	5000	2019-21	Richland County WRD	Richland County Drain 31 Reconstruction	6/8/21	174,771	0	174,771
SWC	2087	5000	2015-17	Walsh Co. WRD	Drain #87/McLeod Drain	3/29/17	374,907	0	374,907
SWC	2094	5000	2019-21	McLean County WRD	Fort Mandan/4H Camp Access Road	4/9/20	67,996	0	67,996
SWC	2112	5000	2019-21	Pembina Co. WRD	Pembina Co Drain #81	2/13/20	284,982	284,982	0
SWC	2135	5000	2019-21	Grand Forks-Traill County Joint WRD	Grand Forks County Legal Drain No.59	12/11/20	2,783,837	1,159,180	1,624,657
SWC	2136	5000	2019-21	Pembina County WRD	Pembina County Drain No. 39	4/9/20	27,683	0	27,683
SWC	2138	5000	2019-21	Pembina County WRD	Drain No. 82	12/6/19	985,718	0	985,718
SWC	2140	5000	2019-21	Grand Forks-Traill County Joint WRD	Thompson Drainage	4/9/20	613,751	18,768	594,983
SE	2143	5000	2019-21	Traill Co. WRD	Hillsboro Drain No. 26 Channel Improvements	3/27/20	7,612	0	7,612
Director	2144	5000	2019-21	Ransom County	Virgil Schultz Bridge Bank Slope Stabilization	5/5/20	36,531	36,531	0
SWC	2157	5000	2019-21	Maple River WRD	Upper Swan Creek Channel Improvements	6/8/21	698,468	0	698,468
SWC/SE	1413-01	5000	2019-21	Traill Co. WRD	Camrud Drainage Improvement District No. 79	4/9/20	740,307	607,969	132,338
SWC	2152	5000	2019-21	Enderlin Park Board	Maple River Bank Stabilization Project	12/11/20	132,500	81,385	51,115
SE	2153	5000	2019-21	Traill Co. WRD	Hong Drainage Improvement District No. 81	11/16/20	2,279	779	1,501
SWC	2155	5000	2019-21	Richland County, Center Township	Wild Rice River Bank Stabilization	10/8/20	44,423	40,929	3,494
SWC	2156	5000	2019-21	Bottineau County WRD	McHenry Laterals A and B	10/8/20	362,492	0	362,492
SE	2159	5000	2019-21	North Cass WRD	Cass County Drain 18 Extension	10/14/21	10,350	0	10,350
SE	2162	5000	2019-21	Steele County WRD	Drain 1 Lateral A - Preliminary Design Phase	4/13/21	9,000	0	9,000
SWC	PS/WRD/MER	5000	2019-21	Mercer County WRD	Knife River Bank Stabilization	10/8/20	87,831	78,768	9,063
TOTAL RURAL FLOOD CONTROL CARRYOVER							10,875,603	2,345,817	8,529,786
SWC	1061	5000	2021-23	Bottineau County WRD	Stone Creek Lateral B	10/14/21	20,250	0	20,250
SWC	1221	5000	2021-23	Sargent County WRD	County Drain No. 9/11	8/12/21	35,618	0	35,618
SWC	1241	5000	2021-23	Traill Co. WRD	Blanchard-Norman Drain 23-40	10/14/21	85,545	0	85,545
SWC	1650	5000	2021-23	Sargent Co WRD	County Drain No.7	8/12/21	185,927	0	185,927
SWC	1923	5000	2021-23	Pembina Co. WRD	Drain 66 Outlet Feasibility Review	5/4/21	69,930	0	69,930
SWC	1999	5000	2021-23	Pembina Co. WRD	Tongue River Cut-off Channel Improvements	8/12/21	145,980	0	145,980
SWC	2140	5000	2021-23	Grand Forks-Traill County Joint WRD	Thompson Drainage Improvement District 72	8/12/21	168,148	0	168,148
Director	2144	5000	2021-23	Ransom County	Virgil Schultz Bridge Bank Slope Stabilization	8/18/21	18,754	11,639	7,116
SWC	2159	5000	2019-21	North Cass WRD	Cass County Drain 18 Extension	10/14/21	147,149	0	147,149
SWC	2162	5000	2021-23	Steele County WRD	Drain 1 Lateral A - Construction Phase	9/30/21	128,007	0	128,007
SWC	2163	5000	2021-23	Nelson County WRD	Petersburg Infrastructure and Flood Mitigation	10/14/21	78,509	0	78,509
TOTAL RURAL FLOOD CONTROL 2021-2023							1,083,817	11,639	1,072,179
TOTAL RURAL FLOOD CONTROL							11,959,420	2,357,455	9,601,965
Snagging & Clearing Projects:									
SWC	568	5000	2019-21	Southeast Cass WRD	Sheyenne River Snag & Clear	8/8/19	84,852	0	84,852
SE	1277	5000	2019-21	Emmons County WRD	2020-2021 Beaver Creek Snag & Clear	12/10/20	74,000	0	74,000
SE	1667	5000	2019-21	Traill County WRD	Goose River Snagging & Clearing	10/27/20	44,683	0	44,683
SWC	1694	5000	2019-21	Pembina County WRD	Tongue River Snag and Clear, City of Cavalier	10/8/20	98,400	0	98,400
SWC	1868	5000	2019-21	Southeast Cass WRD	2020-2021 Wild Rice River Snag & Clear	12/11/20	9,956	0	9,956
SE	1934	5000	2019-21	Traill County WRD	Elm River Snagging & Clearing	10/27/20	45,739	0	45,739
SE	1945	5000	2019-21	Rush River WRD	Rush River Snagging & Clearing	2/10/21	70,000	0	70,000
SE	2095	5000	2019-21	Bames Co WRD	2019 Sheyenne River Snag & Clear Reach 1 - Project 2	9/16/19	7,435	0	7,435
SWC	2095	5000	2019-21	Southeast Cass WRD	2020-2021 Sheyenne River Snag & Clear	12/11/20	39,244	0	39,244
TOTAL SNAGGING & CLEARING CARRYOVER							474,309	0	474,309
Director	662	5000	2021-23	Walsh County WRD	Park River Snag & Clear 2021	8/13/21	40,538	0	40,538
Director	1271	5000	2021-23	Southeast Cass WRD	Rose Coulee Snagging and Clearing	8/18/21	50,000	0	50,000
SWC	1842	5000	2021-23	Richland County WRD	Wild Rice River Snagging and Clearing 2021	10/14/21	85,000	0	85,000
SWC	2170	5000	2019-21	Richland County WRD	Sheyenne River Snag & Clear	8/30/21	50,000	0	50,000
TOTAL SNAGGING & CLEARING 2021-2023							225,538	0	225,538
TOTAL SNAGGING & CLEARING							699,847	0	699,847
TOTAL WATER CONVEYANCE							12,659,267	2,357,455	10,301,812
TOTAL							12,659,267	2,357,455	10,301,812

PROGRESS REPORT REQUIRED

SWC Board Approved to Continue

	BUDGET	APPROVED	BALANCE
WATER CONVEYANCE	1,309,355	1,309,355	0
COMPLETED WATER CONVEYANCE	0	0	0
BUDGET WATER CONVEYANCE 2021-2023	1,309,355	1,309,355	0

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Resources Trust Fund

COMPLETED WATER CONVEYANCE

Approved SWC By	No	Dept	Approved Biennium	Sponsor	Project	Approved Date	Total Approved	Total Payments	Oct-21 Balance
SWC	1059	5000	2017-19	Bottineau Co WRD	Baumann Legal Drain	12/7/18	156,132	225	155,907
SE	1638	5000	2019-21	Rush River WRD	Auka Ring Dike	5/20/21	55,000	55,000	0
SWC	2104	5000	2019-21	Bottineau Co. WRD	Overgaard Extension	2/13/20	57,899	0	57,899
SE	2149	5000	2019-21	Maple River WRD	Tower Township Improvement District No. 79	12/2/20	8,051	0	8,051
TOTAL WATER CONVEYANCE CARRYOVER							277,081	55,225	221,856
0	0	0	0	0	0	0	0	0	0
TOTAL WATER CONVEYANCE 2021-2023							0	0	0
TOTAL							277,081	55,225	221,856
SWC Board Approved to Continue									

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2021-2023 Biennium

Resources Trust Fund

GENERAL PROJECTS

									Oct-21
Approved SWC By	No	Dept	Approved Biennium	Sponsor	Project	Approved Date	Total Approved	Total Payments	Balance
Hydrologic Investigations:									
SWC	2041	3000	2017-19	USGS	Stream Gage Joint Funding Agreement	6/8/21	463,860	115,965	347,895
TOTAL CARRYOVER							463,860	115,965	347,895
Subtotal Hydrologic Investigations							463,860	115,965	347,895
General Water Management:									
SWC	269	5000	2017-19	Walsh Co. WRD	Fordville Dam Rehabilitation	6/19/19	45,098	0	45,098
SWC	391	5000	2019-21	Sargent Co WRD	Silver Lake Dam Improvements	4/9/20	46,047	17,491	28,556
SWC	394	5000	2019-21	Golden Valley Co WRD	Odland Dam Rehabilitation Project	4/9/20	571,582	184,657	386,924
SWC	394	5000	2019-21	Golden Valley Co WRD	Odland Dam Rehabilitation Project	12/11/20	306,000	0	306,000
SE	477	5000	2019-21	City of Valley City	Mill Dam Rehabilitation	11/16/20	74,625	0	74,625
SE	531	5000	2017-19	Benson Co WRD	Bouret Dam Rehabilitation	12/20/18	8,124	0	8,124
SWC	531	5000	2017-19	Benson Co WRD	Bouret Dam Rehabilitation	4/9/19	79,058	0	79,058
SE	531	5000	2019-21	Benson Co WRD	Bouret Dam Rehabilitation	12/2/20	75,000	0	75,000
SE	632	5000	2019-21	Bottineau County Highway Dept	Antler Dam Repair	1/16/20	31,207	0	31,207
SWC	688	5000	2017-19	Grand Forks Co WRD	Larimore Dam Rehabilitation	6/19/19	43,211	0	43,211
SWC	980	5000	2015-17	Cass Co. Joint WRD	Upper Maple River Watershed Detention Study	6/11/21	35,910	22,589	13,321
SWC	980	5000	2015-17	Cass Co. Joint WRD	Rush River Watershed Detention Study	1/7/16	38,602	0	38,602
SE	1264	5000	2013-15	Barnes Co WRD	Little Dam Repurposing Feasibility Study	6/17/15	5,797	0	5,797
SE/SWC	1267	5000	2019-21	Bottineau County WRD	Westhope Dam Rehabilitation	6/9/20	71,293	0	71,293
SE	1289	5000	2015-17	McKenzie Co. Weed Board	Control of Noxious Weeds on Sovereign Land	3/23/21	40,111	0	40,111
SWC	1303	5000	2015-17	Sargent Co WRD	Shortfoot Creek Watershed Planning Program	3/9/16	45,560	7,709	37,851
SE	1378	5000	2019-21	Barnes Co WRD	Clausen Springs Dam EAP	2/7/20	3,304	0	3,304
SWC	1389	5000	2013-15	Bank of ND	BND AgPace Program	2/11/21	220,291	0	220,291
SE	1431	5000	2019-21	USGS/LaMoore County	Rapid Deployment Gages under FEMA Hazard Mit	10/17/19	500	0	500
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	181,661	0	181,661
SWC	1785	5000	2019-21	Maple River WRD	Maple River Dam Site T-180 Improvements	2/13/20	35,759	0	35,759
SWC	1851-01	5000	2015-17	ND State Water Commission	Drought Disaster Livestock Water Supply Assistance	6/8/21	3,853,243	906,660	2,946,582
SWC	1968	5000	2017-19	Garrison Diversion	MM 0 and MM 0.4 Irrigation Project	12/7/18	1,620,054	0	1,620,054
SE	2055	5000	2015-17	Red River Joint Water Resource District	Lower Red Basin Regional Detention Study	11/3/20	77,905	19,433	58,472
SWC	2059	5000	2015-17	Park River Joint WRD	North Branch Park River NRCS Watershed Study	10/6/15	4,904	0	4,904
SWC	2060	5000	2017-19	Walsh Co. WRD	Matejcek Dam Rehabilitation	10/11/18	85,993	0	85,993
SE	2072	5000	2015-17	Barnes Co WRD	Ten Mile Lake Flood Risk Reduction Project	6/8/16	4,901	0	4,901
SE	2073	5000	2019-21	Walsh Co. WRD	BTAG Oslo, MN Area Hydraulic Analysis	4/15/21	3,139	0	3,139
SE	2089	5000	2015-17	Maple River WRD	Tower Township Improvement District No. 77 Study	12/19/16	11,769	0	11,769
SE	2090	5000	2015-17	International Water Institute	River Watch Program	8/2/19	17,330	0	17,330
SWC	2103	5000	2017-19	Walsh Co. WRD	Bylin Dam Rehabilitation	6/19/19	50,341	0	50,341
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	4,271	0	4,271
SWC	2109-02	5000	2019-21	Logan County WRD	McKenna Lake Hydrologic Study Phase 2	10/8/20	89,786	0	89,786
SWC	2115	5000	2017-19	Applied Weather Associates, LLC	(PMP) Probable Maximum Precipitation Estimates	10/11/18	11,822	130	11,692
SWC	2121	5000	2017-19	Pembina Co. WRD	Senator Young Dam Rehabilitation	6/19/19	53,205	0	53,205
SWC	2123	5000	2017-19	Geotech, Inc.	Airborne Electromagnetic (AEM) 2018	8/9/18	23,104	0	23,104
SWC	2141	5000	2019-21	Pembina Co. WRD	Weiler Dam Gate and Catwalk Retrofit	4/9/20	28,661	0	28,661
SE	2154	5000	2019-21	Elm River Joint WRD	Elm River Watershed Study	11/3/20	1,035	1,035	0
SWC	2161	5000	2019-21	AE2S	Strategic Governance and Finance Study	10/8/20	115,975	0	115,975
SE	2164	5000	2019-21	City of Dickinson	East Broadway Dam Rehabilitation	4/1/21	34,732	0	34,732
SE	1396-01	5000	2013-15	State Water Commission	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	307,223	0	307,223
TOTAL GENERAL WATER CARRYOVER							8,919,034	1,275,669	7,643,365
Director	653	5000	2021-23	McLean County WRD	Katz Dam Spillway Safety Improvement Feasibility Study	8/26/21	7,088	0	7,088
SE	671	5000	2021-23	Wells Co. WRD	Harvey Dam Hydrologic and Hydraulics Analysis	7/23/21	12,800	0	12,800
SWC	1264	5000	2021-23	Barnes Co WRD	Valley City Little Dam Improvement Project	10/14/21	102,000	0	102,000
SE	1403	5000	2021-23	NDSU	ND Water Resource Institute grant student stipends	6/11/21	25,000	25,000	0
SWC	1859	5000	2021-23	ND Dept of Environmental Quality	NPS Pollution	8/12/21	200,000	0	200,000
SE	1923	5000	2019-21	Pembina Co. WRD	Drain 66 Outlet Feasibility Review	5/4/21	69,930	0	69,930
SWC	2154	5000	2021-23	Elm River Joint WRD	Elm River Watershed Study	8/12/21	36,000	22,839	13,161
SE	2165	5000	2021-23	USGS	Red River Low Flow Study	6/21/21	25,000	0	25,000
SWC	2169	5000	2021-23	Minot	Water Supply Low Head Dam Remediation	10/14/21	93,750	0	93,750
SWC	ARB-WMI-21-1	7600	2021-23	Weather Modification, Inc.	Atmospheric Resource Operations and Research Gr	8/12/21	429,980	0	429,980
SE	PS/WRD/MRJ	5000	2021-23	Missouri River Joint WRB	MRRIC Terry Fleck	8/19/21	42,000	0	42,000
SWC	AOC/ASS	5000	2019-21	Assiniboine River Basin Initiative	ARBI's Outreach Efforts 21-23	6/8/21	100,000	0	100,000
SWC	AOC/RRB	5000	2019-21	Red River Basin Commission	Red River Basin Commission Contractor 21-23	6/8/21	200,000	0	200,000
TOTAL GENERAL WATER 2021-2023							1,343,548	47,839	1,295,709
TOTAL GENERAL WATER							10,262,582	1,323,508	8,939,074
TOTAL							10,262,582	1,323,508	8,939,074

PROGRESS REPORT REQUIRED

SWC Board Approved to Continue

	BUDGET	APPROVED	BALANCE
GENERAL WATER	14,044,931	1,343,548	12,701,383
COMPLETED GENERAL WATER	182,344	125,000	57,344
BUDGET GENERAL WATER 2019-2021	14,227,275	1,468,548	12,758,727

DEPARTMENT OF WATER RESOURCES PROJECT SUMMARY

PROJECT SUMMARY

2021-2023 Biennium

Resources Trust Fund

COMPLETED GENERAL PROJECTS

Approved SWC By	No	Dept	Approved Biennium	Sponsor	Project	Approved Date	Total Approved	Total Payments	<i>Oct-21</i> Balance
<i>Hydrologic Investigations:</i>									
	0	0	0	0	0	1/0/00	0	0	0
							0	0	0
SE		1378	5000	2019-21	Barnes Co WRD	2/7/20	17,258	2,748	14,510
SWC		160	5000	2017-19	McLean Co WRD	8/9/18	5,547	5,547	0
TOTAL GENERAL WATER CARRYOVER							22,805	8,295	14,510
SE		249	5000	2021-23	City of Mott	7/23/21	57,344	0	57,344
HB2009		1986	5000	2021-23	ND Dept of Agriculture	7/1/21	125,000	125,000	0
TOTAL GENERAL WATER 2021-2023							182,344	125,000	57,344
TOTAL GENERAL WATER							205,149	133,295	71,854
TOTAL							205,149	133,295	71,854
SWC Board Approved to Continue						<input style="width: 80px; height: 15px;" type="text"/>			

**Sixty-seventh Legislative Assembly of North Dakota
In Special Session Commencing Monday, November 8, 2021**

SENATE BILL NO. 2345
(Legislative Management)
(Appropriations Committee)

AN ACT to create and enact a new section to chapter 27-20.4 and a new section to chapter 61-01 of the North Dakota Century Code, relating to records and cooperative agreements to provide services to juveniles adjudicated in tribal court and the water projects stabilization fund; to amend and reenact subsection 1 of section 21-10-06 and section 27-20.2-21 of the North Dakota Century Code and section 3 of chapter 20 of the 2021 Session Laws, relating to funds invested by the state investment board, the inspection of juvenile court files, and the appropriation of additional amounts to the state water commission; to provide appropriations to various state agencies; to provide for a transfer; to provide for a report; to provide a limitation; to provide a statement of legislative intent; to provide an exemption; to provide an effective date; and to provide an expiration date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION - TRANSFER - FEDERAL STATE FISCAL RECOVERY FUND - ONE-TIME FUNDING - REPORT - EXEMPTION.

1. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$150,000,000, or so much of the sum as may be necessary, to the industrial commission for the purpose of pipeline infrastructure grants to allow for the transportation of natural gas to eastern North Dakota for the period beginning with the effective date of this Act, and ending June 30, 2023. Of the funds appropriated in this subsection, at least \$10,000,000 must be used for a project to transport natural gas to areas in Grand Forks County.
2. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$3,200,000, or so much of the sum as may be necessary, to the industrial commission for the purpose of an abandoned oil well conversion to water supply grant program for the period beginning with the effective date of this Act, and ending June 30, 2023.
3. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$75,000,000, or so much of the sum as may be necessary, to the department of water resources for the purpose of water infrastructure projects for the period beginning with the effective date of this Act, and ending June 30, 2023. The state water commission shall expend moneys from the state fiscal recovery fund before moneys from the resources trust fund for projects the department determines comply with federal guidance for the state fiscal recovery fund.
4. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$4,800,000, or so much of the sum as may be necessary, to the department of corrections and rehabilitation for the purpose of providing stipends to county jails for costs to house inmates sentenced to the department of corrections and rehabilitation but deferred admission due to the pandemic for the period beginning with the effective date of this Act, and ending June 30, 2023.
5. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$5,000,000, or so much of the sum as may be necessary, to the parks and recreation department for the purpose of grants to local park districts to renovate and upgrade existing facilities with priority for outdoor facilities for the period

beginning with the effective date of this Act, and ending June 30, 2023. Local park districts must provide one dollar of local matching funds for each one dollar received under this subsection. A local park district may not receive more than \$1,000,000 under this subsection.

6. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$8,029,000, or so much of the sum as may be necessary, to the North Dakota state university main research center for the purpose of one-time projects, including \$446,000 for projects at the Carrington research center, \$1,963,000 for projects at the central grasslands research center, \$2,200,000 for projects at the Dickinson research center, and \$3,420,000 for projects at the Hettinger research center for the period beginning with the effective date of this Act, and ending June 30, 2023.
7. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$15,000,000, or so much of the sum as may be necessary, to the state department of health for the purpose of a public health laboratory capital project for the period beginning with the effective date of this Act, and ending June 30, 2023. The state department of health shall report to the appropriations committees of the sixty-eighth legislative assembly regarding its plan for the project.
8. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$2,995,200, or so much of the sum as may be necessary, to the department of corrections and rehabilitation for the purpose of the free through recovery program for the period beginning with the effective date of this Act, and ending June 30, 2023.
9. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$10,000,000, or so much of the sum as may be necessary, to the parks and recreation department for the purpose of deferred maintenance and capital projects for the period beginning with the effective date of this Act, and ending June 30, 2023. Of the funding appropriated in this subsection, the parks and recreation department shall spend at least \$100,000 on projects or deferred maintenance at each state park.
10. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$10,000,000, or so much of the sum as may be necessary, to the office of management and budget for the purpose of critical maintenance projects for the period beginning with the effective date of this Act, and ending June 30, 2023. The office of management and budget may transfer appropriation authority under this subsection to eligible state agencies for deferred maintenance of state-owned buildings.
11. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$7,000,000, or so much of the sum as may be necessary, to the office of management and budget for the purpose of improvements to the heating, ventilation, and air conditioning systems of the legislative chambers and the Brynhild Haugland room for the period beginning with the effective date of this Act, and ending June 30, 2023.
12. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$950,000, or so much of the sum as may be necessary, to the state historical society for the purpose of essential infrastructure at historic sites for the period beginning with the effective date of this Act, and ending June 30, 2023.
13. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$1,600,000, or so much of the sum as may be necessary, to North Dakota state university for the purpose of high-performance computing for the period beginning with the effective date of this Act, and ending June 30, 2023.
14. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$50,000,000, or so much of the sum as may be necessary,

to the university of North Dakota for the purpose of a Merrifield hall renovation project for the period beginning with the effective date of this Act, and ending June 30, 2023.

15. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$38,000,000, or so much of the sum as may be necessary, to Bismarck state college for the purpose of constructing a polytechnic building and related startup costs for the period beginning with the effective date of this Act, and ending June 30, 2023. Of the funds appropriated in this subsection, not more than \$3,000,000 may be used for startup costs.
16. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$25,000,000, or so much of the sum as may be necessary, to Minot state university for the purpose of a Hartnett hall renovation project for the period beginning with the effective date of this Act, and ending June 30, 2023.
17. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$2,104,121, or so much of the sum as may be necessary, to the university of North Dakota school of medicine and health sciences for the purpose of purchasing equipment and hiring personnel to provide hyperbaric oxygen therapy for the period beginning with the effective date of this Act, and ending June 30, 2023.
18. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$475,000, or so much of the sum as may be necessary, to the state board of higher education for the purpose of providing for the Dakota digital academy for the period beginning with the effective date of this Act, and ending June 30, 2023.
19. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$300,000, or so much of the sum as may be necessary, to the attorney general for the purpose of establishing a missing persons database for the period beginning with the effective date of this Act, and ending June 30, 2023.
20. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$1,000,000, or so much of the sum as may be necessary, to the attorney general for the purpose of replacing the prosecuting case management system for the period beginning with the effective date of this Act, and ending June 30, 2023.
21. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$2,612,000, or so much of the sum as may be necessary, to the highway patrol for the purpose of purchasing radios compatible with the statewide interoperable radio network for the period beginning with the effective date of this Act, and ending June 30, 2023.
22. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$2,057,384, or so much of the sum as may be necessary, to the department of corrections and rehabilitation for the purpose of purchasing radios compatible with the statewide interoperable radio network for the period beginning with the effective date of this Act, and ending June 30, 2023.
23. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$401,000, or so much of the sum as may be necessary, to the information technology department for the purpose of providing a grant to the North Dakota stockmen's association for conversion of a paper-based brand inspection program to an electronic system for the period beginning with the effective date of this Act, and ending June 30, 2023.
24. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$450,000, or so much of the sum as may be necessary, to

the adjutant general for the purpose of replacing the state active-duty software for the period beginning with the effective date of this Act, and ending June 30, 2023.

25. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$2,020,000, or so much of the sum as may be necessary, to the judicial branch for the purpose of replacing the supreme court docket system for the period beginning with the effective date of this Act, and ending June 30, 2023.
26. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$20,000, or so much of the sum as may be necessary, to the office of administrative hearings for the purpose of developing a web-based document management system for the period beginning with the effective date of this Act, and ending June 30, 2023.
27. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$2,500,000, or so much of the sum as may be necessary, to the department of human services for the purpose of providing financial assistance to developmental disabilities services providers to provide retention bonuses for direct services professionals serving clients with intellectual or developmental disabilities for the period beginning with the effective date of this Act, and ending June 30, 2023. The requirements of chapter 54-44.4 do not apply to this subsection, including the selection of recipients and the disbursement of funds.
28. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$25,350,000, or so much of the sum as may be necessary, to the department of human services for the purpose of financial assistance to long-term care facilities and the state hospital for the period beginning with the effective date of this Act, and ending June 30, 2023. Of the funds appropriated in this subsection, \$20,800,000 is for financial assistance to nursing facilities, \$2,950,000 is for financial assistance to basic care facilities, \$1,250,000 is for financial assistance to assisted living facilities, and \$350,000 is for nursing staff retention payments at the state hospital. The requirements of chapter 54-44.4 do not apply to this subsection, including the selection of recipients and the disbursement of funds.
29. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$29,000,000, or so much of the sum as may be necessary, to the department of human services the purpose of projects, financial assistance, grants, and services, including \$5,000,000 for Medicaid eligibility system upgrades, \$17,000,000 for child care services, \$4,000,000 to provide community-based behavioral health services, and \$3,000,000 for substance use disorder treatment voucher system grants for the period beginning with the effective date of this Act, and ending June 30, 2023. Notwithstanding subsection 3 of section 50-11.1-14.1, the department may provide financial assistance to beneficiaries related to child care services. Notwithstanding subsection 2 of section 50-06-42.1, the department may award up to four grants rather than two grants for substance use disorder treatment voucher system grants. The requirements of chapter 54-44.4 do not apply to this subsection, including the selection of recipients and the disbursement of funds.
30. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$1,500,000, or so much of the sum as may be necessary, to the department of human services for the purpose of alternatives-to-abortion services for the period beginning with the effective date of this Act, and ending June 30, 2023. The funding provided in this subsection may only be used for the current agreement and any future alternatives-to-abortion services agreements. The requirements of chapter 54-44.4 do not apply to the current alternatives-to-abortion services agreement.
31. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$2,000,000, or so much of the sum as may be necessary,

to the adjutant general for the purpose of enhancing housing at camp Grafton for the period beginning with the effective date of this Act, and ending June 30, 2023.

32. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$500,000, or so much of the sum as may be necessary, to the department of veterans' affairs for the purpose of providing a grant to assist in the construction of the Fisher house at the Fargo veterans' affairs medical center for the period beginning with the effective date of this Act, and ending June 30, 2023.
33. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$147,000, or so much of the sum as may be necessary, to the department of veterans' affairs for the purpose of improving and expanding veterans' medical transportation for the period beginning with the effective date of this Act, and ending June 30, 2023.
34. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$21,000,000, or so much of the sum as may be necessary, to the Bank of North Dakota for the purpose of a fuel production facility incentive program for the period beginning with the effective date of this Act, and ending June 30, 2023. The Bank of North Dakota shall award grants under the program to eligible fuel production facilities based on a formula that considers the facility's outstanding fuel production facility loan guarantee at the Bank of North Dakota.
35. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$5,000,000, which the office of management and budget shall transfer to the North Dakota development fund under chapter 10-30.5 during the period beginning with the effective date of this Act, and ending June 30, 2023.
36. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$20,000,000, or so much of the sum as may be necessary, to the industrial commission for the purpose of providing hydrogen development grants, as approved by the clean sustainable energy authority, for the period beginning with the effective date of this Act, and ending June 30, 2023.
37. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$10,000,000, or so much of the sum as may be necessary, to the department of commerce for the purpose of providing autonomous agriculture matching grants for the period beginning with the effective date of this Act, and ending June 30, 2023. A grant recipient must provide one dollar of matching funds for every one dollar of grant funding received under this subsection.
38. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$15,000,000, or so much of the sum as may be necessary, to the department of commerce for the purpose of adding or expanding a local workforce development incentive grant program to support efforts to recruit, retain, and retrain workers for the period beginning with the effective date of this Act, and ending June 30, 2023. The grant recipient must provide one dollar of local matching funds for every four dollars received under this subsection.
39. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$5,000,000, or so much of the sum as may be necessary, to the department of commerce for the purpose of adding or expanding a technical skills training grant program and a workforce innovation grant program for the period beginning with the effective date of this Act, and ending June 30, 2023.
40. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$10,000,000, or so much of the sum as may be necessary,

to the university of North Dakota for the purpose of a space education and research initiative for the period beginning with the effective date of this Act, and ending June 30, 2023.

41. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$5,000,000, or so much of the sum as may be necessary, to the aeronautics commission for the purpose of airport grants for the period beginning with the effective date of this Act, and ending June 30, 2023.
42. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$50,000, or so much of the sum as may be necessary, to the attorney general for the purpose of information technology costs related to the implementation of charitable gaming tax changes for the period beginning with the effective date of this Act, and ending June 30, 2023.
43. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$1,000,000, or so much of the sum as may be necessary, to the office of management and budget for the purpose of providing a grant for the construction of a new medical center located in the county seat of Pierce County for the period beginning with the effective date of this Act, and ending June 30, 2023.
44. The funding provided under this section is considered a one-time funding item.

SECTION 2. AMENDMENT. Subsection 1 of section 21-10-06 of the North Dakota Century Code is amended and reenacted as follows:

1. Subject to the provisions of section 21-10-02, the board shall invest the following funds:
 - a. State bonding fund.
 - b. Teachers' fund for retirement.
 - c. State fire and tornado fund.
 - d. Workforce safety and insurance fund.
 - e. Public employees retirement system.
 - f. Insurance regulatory trust fund.
 - g. State risk management fund.
 - h. Budget stabilization fund.
 - i. Water projects stabilization fund.
 - j. Health care trust fund.
 - ~~j-k.~~ Cultural endowment fund.
 - ~~k-l.~~ Petroleum tank release compensation fund.
 - ~~l-m.~~ Legacy fund.
 - ~~m-n.~~ Legacy earnings fund.
 - ~~n-o.~~ A fund under contract with the board pursuant to subsection 3.

SECTION 3. AMENDMENT. Section 27-20.2-21 of the North Dakota Century Code is amended and reenacted as follows:

27-20.2-21. Inspection of court files and records - Penalty. (Effective through August 31, 2022)

1. Except as provided in this section, all files and records of the juvenile court, whether in the office of the clerk of court or juvenile court, of a proceeding under this chapter are closed to the public. Juvenile court files and records are open to inspection only by:
 - a. The judge and staff of the juvenile court.
 - b. The parties to the proceeding or the parties' counsel or the guardian ad litem of any party.
 - c. A public or private agency or institution providing supervision or having custody of the child under order of the juvenile court which must be given a copy of the findings and order of disposition when the agency or institution receives custody of the child. If a case involves the federal Indian Child Welfare Act of 1978 [25 U.S.C. 1901 through 1963], the agency or institution having custody of the child shall serve the appropriate Indian Child Welfare Act service agent, tribe or tribal designee, or an Indian Child Welfare Act qualified expert witness with the findings and order of disposition.
 - d. Any court and the court's probation and other officials or professional staff and the attorney for the defendant for use in preparing a presentence report in a criminal case in which the defendant is convicted and who, before the criminal case, had been a party to the proceeding in juvenile court.
 - e. The professional staff of the uniform crime victims compensation program if necessary for the discharge of the duties of the staff pursuant to chapter 54-23.4.
 - f. A staff member of the division of children and family services of the department of human services or a law enforcement officer if necessary for the performance of that staff member's duties under section 50-11.1-06.2 or the federal National Child Protection Act of 1993 [Pub. L. 103-209; 107 Stat. 2490; 42 U.S.C. 5119 et seq.].
 - g. An employee or agent of the department of human services if necessary for performance of that individual's duty under chapter 50-11 or 50-11.1 to investigate the background of an individual living or working in the facility, home, or residence for which licensure is sought.
 - h. A criminal justice agency if the juvenile is required to register under section 12.1-32-15.
 - i. The staff of a children's advocacy center if the juvenile or a victim of the child has been referred for or has received services at the children's advocacy center.
 - j. A victim of the delinquent child or the victim's guardian. All records including medical, educational, and school information must be redacted before inspection. For purposes of this subdivision, only records pertaining to the specific offense between the victim and the delinquent child may be inspected.
 - k. The information technology department to the extent authorized by the supreme court for use in the statewide longitudinal data system.
2. Juvenile court files and records are also open to inspection with written leave of a juvenile court judge or judicial referee to whom juvenile court matters have been referred:
 - a. Upon a showing in writing of a legitimate interest in a proceeding or in the work of the juvenile court, but only to the extent necessary to respond to the legitimate interest; and
 - b. By the principal of any public or private school that is a member of the North Dakota high school activities association, or the superintendent of any school district that has one or

more schools involved in the association, but only to the extent necessary to enforce the rules and regulations of the North Dakota high school activities association.

3. In a proceeding under this chapter, if the juvenile court finds a child committed a delinquent act that constitutes a violation of a law or local ordinance governing the operation of a motor vehicle or a delinquent act of manslaughter or negligent homicide caused by the child's operation of a motor vehicle, the juvenile court shall report the finding to the director of the department of transportation within ten days.
4. Following an adjudication of delinquency for an offense that would be a felony if committed by an adult, the child's school principal, chief administrative officer, or designated school guidance counselor, if requested, must be allowed access to the disposition order. Any other juvenile court files and records of a child may be disclosed to a superintendent or principal of the school in which the child is currently enrolled or in which the child wishes to enroll if the child's documented behavior appears to present a danger to self or to the students or staff of the school.
5. Following an adjudication of delinquency for an offense that results in the prohibitions included in subsection 1 or 2 of section 62.1-02-01, if requested, a law enforcement officer must be allowed access to the disposition order.
6. The juvenile court may notify a referring agency of the disposition of a case.
7. Notwithstanding that juvenile court records are closed to the public, nothing in this section may be construed to limit the release upon request of general information not identifying the identity of any juvenile, witness, or victim in any proceeding under this chapter. Files in the clerk of court's office are open to public inspection if the related hearing was open to the public under section 27-20.3-13.
8. To the extent necessary to provide victim services or benefits under chapter 12.1-41, the judge and staff of the juvenile court may disclose information to refer a child, who may be a victim of human trafficking, to a program for runaway and homeless children located in the state and approved by the juvenile court of jurisdiction. Information disclosed under this subsection must remain confidential.
9. An individual with access or authorization to inspect juvenile court files and records under this section may not share the information contained in the files and records with any other person not authorized by law. An individual who violates this subsection is guilty of a class B misdemeanor.

Inspection of court files and records - Penalty. (Effective after August 31, 2022)

1. Except as provided in this section, all files and records of the juvenile court, whether in the office of the clerk of court or juvenile court, of a proceeding under this chapter are closed to the public. Juvenile court files and records are open to inspection only by:
 - a. The judge and staff of the juvenile court.
 - b. The parties to the proceeding or the parties' counsel or the guardian ad litem of any party.
 - c. A public or private agency or institution providing supervision or having custody of the child under order of the juvenile court which must be given a copy of the findings and order of disposition when the agency or institution receives custody of the child. If a case involves the federal Indian Child Welfare Act of 1978 [25 U.S.C. 1901 through 1963], the agency or institution having custody of the child shall serve the appropriate Indian Child Welfare Act service agent, tribe or tribal designee, or an Indian Child Welfare Act qualified expert witness with the findings and order of disposition.

- d. Any court and the court's probation and other officials or professional staff and the attorney for the defendant for use in preparing a presentence report in a criminal case in which the defendant is convicted and who, before the criminal case, had been a party to the proceeding in juvenile court.
 - e. The professional staff of the uniform crime victims compensation program if necessary for the discharge of the duties of the staff pursuant to chapter 54-23.4.
 - f. A staff member of the division of children and family services of the department of health and human services or a law enforcement officer if necessary for the performance of that staff member's duties under section 50-11.1-06.2 or the federal National Child Protection Act of 1993 [Pub. L. 103-209; 107 Stat. 2490; 42 U.S.C. 5119 et seq.].
 - g. An employee or agent of the department of health and human services if necessary for performance of that individual's duty under chapter 50-11 or 50-11.1 to investigate the background of an individual living or working in the facility, home, or residence for which licensure is sought.
 - h. A criminal justice agency if the juvenile is required to register under section 12.1-32-15.
 - i. The staff of a children's advocacy center if the juvenile or a victim of the child has been referred for or has received services at the children's advocacy center.
 - j. A victim of the delinquent child or the victim's guardian. All records including medical, educational, and school information must be redacted before inspection. For purposes of this subdivision, only records pertaining to the specific offense between the victim and the delinquent child may be inspected.
 - k. The information technology department to the extent authorized by the supreme court for use in the statewide longitudinal data system.
2. Juvenile court files and records are also open to inspection with written leave of a juvenile court judge or judicial referee to whom juvenile court matters have been referred:
 - a. Upon a showing in writing of a legitimate interest in a proceeding or in the work of the juvenile court, but only to the extent necessary to respond to the legitimate interest; and
 - b. By the principal of any public or private school that is a member of the North Dakota high school activities association, or the superintendent of any school district that has one or more schools involved in the association, but only to the extent necessary to enforce the rules and regulations of the North Dakota high school activities association.
 3. In a proceeding under this chapter, if the juvenile court finds a child committed a delinquent act that constitutes a violation of a law or local ordinance governing the operation of a motor vehicle or a delinquent act of manslaughter or negligent homicide caused by the child's operation of a motor vehicle, the juvenile court shall report the finding to the director of the department of transportation within ten days.
 4. Following an adjudication of delinquency for an offense that would be a felony if committed by an adult, the child's school principal, chief administrative officer, or designated school guidance counselor, if requested, must be allowed access to the disposition order. Any other juvenile court files and records of a child may be disclosed to a superintendent or principal of the school in which the child is currently enrolled or in which the child wishes to enroll if the child's documented behavior appears to present a danger to self or to the students or staff of the school.

5. Following an adjudication of delinquency for an offense that results in the prohibitions included in subsection 1 or 2 of section 62.1-02-01, if requested, a law enforcement officer must be allowed access to the disposition order.
6. The juvenile court may notify a referring agency of the disposition of a case.
7. Notwithstanding that juvenile court records are closed to the public, nothing in this section may be construed to limit the release upon request of general information not identifying the identity of any juvenile, witness, or victim in any proceeding under this chapter. Files in the clerk of court's office are open to public inspection if the related hearing was open to the public under section 27-20.3-13.
8. To the extent necessary to provide victim services or benefits under chapter 12.1-41, the judge and staff of the juvenile court may disclose information to refer a child, who may be a victim of human trafficking, to a program for runaway and homeless children located in the state and approved by the juvenile court of jurisdiction. Information disclosed under this subsection must remain confidential.
9. An individual with access or authorization to inspect juvenile court files and records under this section may not share the information contained in the files and records with any other person not authorized by law. An individual who violates this subsection is guilty of a class B misdemeanor.

SECTION 4. A new section to chapter 27-20.4 of the North Dakota Century Code is created and enacted as follows:

Tribal juvenile services cooperative agreement - Report to legislative management.

1. The department of corrections and rehabilitation, through the division of juvenile services; the supreme court, through the office of the state court administrator; and the Indian affairs commission may negotiate and enter a memorandum of understanding with the tribal government of a federally recognized Indian tribe in the state for the purpose of accepting and providing for, in accordance with this chapter, the treatment and rehabilitation of tribal juveniles who have been adjudicated in tribal court under tribal or federal laws. Under the pilot program and terms of a memorandum of understanding:
 - a. The tribal government, the department of corrections and rehabilitation, and the juvenile court may exchange information relevant to the treatment and rehabilitation needs of a tribal juvenile and the juvenile's family, including tribal court orders, medical and psychiatric reports, law enforcement reports, and other information pertinent to the referral;
 - b. The juvenile court and the department of corrections and rehabilitation shall provide services based on the individualized need of each tribal juvenile referred to and accepted by the tribal court, juvenile court, and department of corrections and rehabilitation;
 - c. The juvenile court and the department of corrections and rehabilitation shall maintain regular contact with the tribe regarding each tribal juvenile who has been placed in the supervision of the respective agency; and
 - d. The juvenile court and the department of corrections and rehabilitation may limit the number of tribal juveniles accepted based on criteria developed by the juvenile court and the availability of state resources and services.
2. Before July first of each even-numbered year, the department of corrections and rehabilitation, the juvenile court, and the Indian affairs commission shall report and make recommendations to the legislative management on the status, effectiveness, performance, and sustainability of a memorandum of understanding established under this section.

SECTION 5. A new section to chapter 61-01 of the North Dakota Century Code is created and enacted as follows:

Water projects stabilization fund.

The water projects stabilization fund is a special fund in the state treasury. The fund consists of all money transferred to the fund and all interest and earnings upon moneys in the fund. Moneys in the fund may be used for defraying planning and construction expenses of water-related projects.

SECTION 6. AMENDMENT. Section 3 of chapter 20 of the 2021 Session Laws is amended and reenacted as follows:

SECTION 3. ADDITIONAL INCOME - APPROPRIATION - BUDGET SECTION APPROVAL. In addition to the amounts appropriated in section 1 of this Act, any additional amounts in the resources trust fund or the water projects stabilization fund which become available are appropriated, subject to budget section approval, to the state water commission for the purpose of defraying the expenses of that agency, for the period beginning with the effective date of this Act, and ending June 30, 2023. Before approving any request, the budget section shall determine:

1. Approving additional appropriations will not negatively affect the sixty-seventh legislative assembly's ability to address water-related needs;
2. The proposed use of the additional income complies with legislative intent; and
3. The proposed use of the additional income will not result in future funding commitments.

SECTION 7. WATER PROJECTS STABILIZATION FUND - TRANSFERS.

1. The office of management and budget shall transfer the sum of \$1,000,000 from the resources trust fund to the water projects stabilization fund during the month of January 2022.
2. Notwithstanding subsections 1 and 2 of section 57-51.1-07, any oil extraction tax revenues deposited in the resources trust fund that exceed the amount included in the 2021 legislative forecast during the period beginning August 1, 2021, and ending February 28, 2023, must be transferred at least quarterly by the office of management and budget from the resources trust fund to the water projects stabilization fund for the period beginning with the effective date of this Act, and ending June 30, 2023.

SECTION 8. DEPARTMENT OF HUMAN SERVICES - FEDERAL FUNDING APPEAL LIMITATION. A person may not appeal a denial, revocation, reduction in services or payment, or the termination of a program or service by the department of human services due to the unavailability of federal coronavirus funding received under federal law resulting from the federal coronavirus pandemic emergency declaration for the period beginning with the effective date of this Act, and ending June 30, 2023.

SECTION 9. LEGISLATIVE INTENT - NATURAL GAS PIPELINE INFRASTRUCTURE. It is the intent of the sixty-seventh legislative assembly that the sixty-eighth legislative assembly consider providing additional funding for continuing the development of high-pressure transmission pipeline infrastructure for the transportation and competitive selling of natural gas to eastern North Dakota.

SECTION 10. EFFECTIVE DATE. This Act becomes effective on December 1, 2021.

SECTION 11. EXPIRATION DATE. Section 4 of this Act is effective through July 31, 2023, and after that date is ineffective.



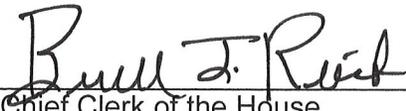
President of the Senate



Speaker of the House



Secretary of the Senate

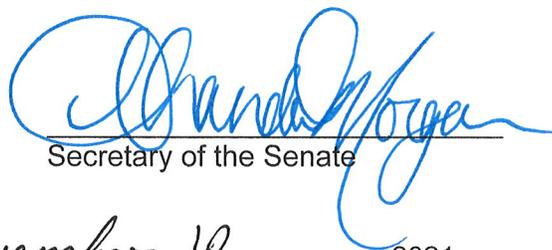


Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-seventh Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2345.

Senate Vote: Yeas 39 Nays 7 Absent 1

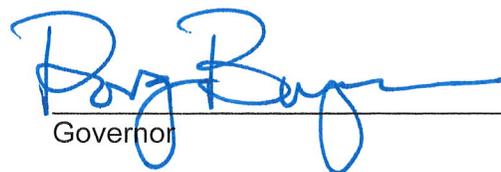
House Vote: Yeas 79 Nays 14 Absent 1



Secretary of the Senate

Received by the Governor at 12:23 PM on November 12, 2021.

Approved at 4:57 PM on November 15, 2021.



Governor

Filed in this office this 15th day of November, 2021,

at 5:17 o'clock P. M.



Secretary of State

Appendix B

Comprehensive Project Priority List and Fundable List for 2022

Shaded projects are on the fundable list

Priority Ranking	Tracking No.	System Name	Present Population	Project Description	Project Cost (\$1,000)	Construction Start Date	Est. Loan Term ⁵	Engineering Firm
175	1801056-21-01	Agassiz WUD	4,104	User and transmission expansion - Phase II	1,500	2022		AE2S
59	4001153-14-01	All Seasons WUD	754	Parallel & looped pipelines to increase flow in low pressure areas	796	2022		Bartlett & West
135	4001153-14-02	All Seasons WUD	754	Service to Turtle Mountains/Lake Metigoshe area	27,920	2022		Bartlett & West
136	4001153-15-01	All Seasons WUD	754	System 4 to system 1 interconnection	6,638	2022		Bartlett & West
3	4001153-21-01	All Seasons WUD	4,200	Refinance of projects for well, reservoir, SCADA, & pipeline improvements	3,929	-	20+	Bartlett & West
60	4001153-21-02	All Seasons WUD	4,200	Increased supply to area around and north of Rolla	371	2022		Bartlett & West
78	3000012-22-01	Almont	115	Water main & service line replacement	1,000	2022		Moore
5	0900017-22-01	Amenia ⁴	94	Water main replacement & looping, water meter replacement, & storage improvements	500	2023		Moore
24	3200023-21-01	Aneta	222	Water main replacement	3,000	2023		Moore
67	2600038-21-01	Ashley	700	Water tower replacement	2,000	2022		Moore
62	2600038-21-02	Ashley	700	Water main replacement & looping	1,000	2022		Moore
7	2600038-21-03	Ashley	700	WTP upgrade	2,500	2022		Moore
186	0201058-20-01	Barnes RWD	5,037	Additional storage at four booster stations	3,181	2022		Interstate
134	1700059-20-01	Beach	981	Water tower rehab	398	2022		AE2S
21	1700059-22-01	Beach ⁴	981	Water main & lead service line replacement, transmission main for looping	1,900	2022		AE2S
182	4500065-15-01	Belfield	1,013	Transmission line & pressure reducing valves	1,615	2023		Brosz
156	4500065-18-01	Belfield	1,000	Water main replacement	2,606	2022		AE2S
227	4500065-18-02	Belfield	1,000	Water storage rehab or replacement	3,193	2022		AE2S
277	5100072-18-02	Berthold	454	Water tower rehab	300	2022		Moore
111	5100072-21-01	Berthold	454	Water main, hydrant, gate valve, & service line replacement	5,000	2023		Moore
51	2900074-20-01	Beulah	3,328	Water main, hydrant, gate valve, & service line replacement	37,315	2022		Intestate
9	4800078-22-01	Bisbee ⁴	125	Water main, service line, gate valve, & hydrant replacement	3,600	2022		Apex
249	0800080-22-02	Bismarck	85,400	WTP expansion	60,000	2023		-
176	0800080-22-01	Bismarck ⁴	85,400	Water main & lead service line replacement	3,520	2022		-
259	0700114-20-01	Bowbells	301	Water tower site piping upgrades	100	2022		AE2S
267	0700114-20-02	Bowbells	301	Transmission line improvements	236	2022		AE2S
209	0700114-21-01	Bowbells	301	Water tower replacement	1,854	2022		AE2S
270	0700114-21-02	Bowbells	301	Water main looping (Railway St SE)	175	2022		AE2S
250	0600119-14-01	Bowman	1,620	Water main replacement (4th Ave W)	1,210	2022		Brosz
264	0600119-19-01	Bowman	1,620	Storage tank improvements	1,015	2022		Brosz
97	0900134-11-01	Buffalo	225	Water main, service line, gate valve, & hydrant replacement	1,900	2023		Moore
271	5100138-12-01	Burlington	1,310	Water storage tank	1,650	2023		Ackerman-Estvold
203	5100138-22-01	Burlington ⁴	1,310	Water main replacement	435	2022		Ackerman-Estvold

Priority Ranking	Tracking No.	System Name	Present Population	Project Description	Project Cost (\$1,000)	Construction Start Date	Est. Loan Term ⁵	Engineering Firm
79	4800152-13-02	Cando ⁴	1,115	Water main, service line, gate valve, & hydrant replacement	2,000	2022		Moore
170	1600159-20-01	Carrington	2,220	Water main replacement & rehab	1,000	2022		Interstate
245	1600159-22-01	Carrington	2,220	Water main to Dakota Growers Pasta Co.	500	2022		Interstate
32	1900162-22-01	Carson	238	Water main replacement (Railroad Ave, 1st Ave, & 2nd Ave)	4,700	2023		Moore
50	1900162-22-02	Carson	238	Water tank replacement	2,250	2023		Moore
109	0901060-16-01	Cass RWD	17,500	Transmission lines for correction of water quantity & pressure issues	7,500	2022		AE2S
157	0900166-20-01	Casselton	2,513	Water main, gate valve, & hydrant replacement	4,500	2024		Moore
151	0900166-22-01	Casselton	2,513	Water main, service line, gate valve, & hydrant replacement (2nd St N) & water main looping	1,350	2023		Moore
257	0900166-19-01	Casselton ⁴	2,513	Lead service line replacement	910	2022		Moore
81	3400170-22-01	Cavalier	1,302	Water main replacement (W 2nd Ave, Madison St, & River St)	1,316	2022		AE2S
1	3300174-22-01	Center	600	Reservoir improvements & water main replacement	3,100	2023		Moore
103	3900183-09-01	Christine	150	Water main, gate valve, & hydrant replacement	700	2022		Moore
36	2800194-20-02	Coleharbor	82	Water main & service line replacement	1,500	2022		Moore
274	3900196-06-01	Colfax	175	Water main for redundancy	656	2022		Interstate
94	3900196-22-01	Colfax	175	Reservoir improvements	800	2023		Interstate
179	0700198-16-01	Columbus	133	Water main replacement	1,700	2022		Ackerman-Estvold
14	1200211-22-01	Crosby ⁴	1,065	Water main replacement	3,115	2024		Interstate
220	2001061-21-01	Dakota RWD	3,869	Service to users on private wells	750	2022		AE2S
71	2001061-21-02	Dakota RWD	3,869	Well & WTP expansion for service to Hannaford	750	2023		AE2S
158	0900217-11-01	Davenport	293	Pump station & water storage replacement, distribution system redundancy	1,035	2022		Interstate
19	0200226-22-01	Dazey	104	Electrical upgrades, generator installation, pump repair	120	2022		Interstate
201	4500242-21-01	Dickinson ⁴	22,000	Water main, lead service line, & hydrant replacement (Sims St)	2,500	2022		Apex
202	4500242-22-01	Dickinson ⁴	22,000	Water main, lead service line, & hydrant replacement (4th Ave W & 5th Ave W)	1,500	2022		Apex
47	1300259-22-01	Dodge	101	Water distribution system improvements (Phase 2)	8,100	2022		KLJ
98	3400269-21-01	Drayton	751	Water main & hydrant replacement	5,000	2022		Moore
187	1801062-15-01	East Central RWD	21,098	Transmission lines	1,372	2022		AE2S
115	1801062-21-01	East Central RWD	21,098	Transmission line & WTP improvements	2,250	2023		AE2S
37	1900303-21-01	Elgin	642	Water main replacement	2,300	2022		Moore
89	3700314-02-01	Enderlin	890	Well field & transmission line	1,700	2024		Moore
126	3700314-02-03	Enderlin	890	WTP improvements	4,700	2025		Moore
127	3700314-08-01	Enderlin	890	Water tower replacement	2,000	2024		Moore
128	3700314-02-02	Enderlin ⁴	890	Water main replacement	900	2024		Moore

Priority Ranking	Tracking No.	System Name	Present Population	Project Description	Project Cost (\$1,000)	Construction Start Date	Est. Loan Term ⁵	Engineering Firm
124	3900333-06-01	Fairmount	367	Water main, gate valve, hydrant, & service line replacement	800	2022		Moore
235	0900336-11-01	Fargo	166,000	High service pump station modifications	9,343	2024		AE2S
236	0900336-11-02	Fargo	166,000	WTP residuals facility	38,246	2024		AE2S
206	0900336-21-01	Fargo	166,000	Sheyenne River Fargo emergency water supply pipeline	5,150	2023		AE2S
207	0900336-18-02	Fargo ⁴	166,000	Lead service line replacement	1,200	2023		AE2S
114	3000342-20-01	Flasher	290	Curb stop & water meter replacement	350	2022		Moore
93	0700334-13-02	Flaxton	74	Water main, gate valve, hydrant, & service line replacement	455	2022		Ackerman-Estvold
52	1100345-15-01	Forbes	53	Water main, service line, meter, gate valve, & hydrant replacement	1,500	2023		Moore
82	4100357-08-01	Forman	504	Water tower replacement	1,200	2022		Interstate
38	4100357-14-01	Forman	504	Well improvements & transmission line replacement	750	2022		Interstate
46	4100357-15-01	Forman	504	Distribution system upgrades	1,030	2022		Interstate
56	2400380-19-01	Gackle	310	Water meter & pump house improvements & water main replacement	500	2022		Moore
104	2800389-13-01	Garrison	1,462	WTP improvements	5,000	2022		Moore
147	2800389-15-01	Garrison	1,462	Intake structure replacement	3,500	2022		Moore
215	2801430-19-01	Garrison RWD	1,480	Water mains, gate valves, & hydrants	1,000	2022		Ackerman-Estvold
86	2800389-13-02	Garrison ⁴	1,462	Water main replacement & looping	2,500	2022		Moore
17	3000400-22-01	Glen Ullin	807	Water reservoir, transmission line, water meter, & control improvements	1,500	2022		Moore
2	3000400-19-02	Glen Ullin ²	807	Water main replacement & looping	4,500	2022	30	Moore
96	3800397-13-01	Glenburn ⁴	380	Water main, gate valve, hydrant, & service line replacement	5,500	2022		Moore
190	5000408-02-01	Grafton	4,913	WTP improvements	5,150	2040		AE2S
192	5000408-03-01	Grafton	4,913	Park River water intake improvements	2,060	2036		AE2S
188	5000408-16-01	Grafton	4,913	Raw water transmission line	6,798	2029		AE2S
191	5000408-16-02	Grafton	4,913	Red River water intake improvements	4,200	2028		AE2S
171	1800410-20-01	Grand Forks	57,122	Existing WTP decommissioning	5,150	2022		AE2S
172	1800410-21-01	Grand Forks ⁴	57,365	Lead service line replacement	375	2022		-
208	2500415-12-01	Granville	330	Water main & gate valve replacement	476	2022		Ackerman-Estvold
229	5300425-20-01	Grenora	350	Water main replacement (Main St)	1,913	2023		Ackerman-Estvold
258	5300425-20-02	Grenora	350	Water main replacement (Jetson St)	622	2022		Ackerman-Estvold
213	5300425-20-03	Grenora	350	Storage tank replacement	3,435	2024		Ackerman-Estvold
95	5300425-20-04	Grenora	350	Water treatment & softening	3,118	2026		Ackerman-Estvold
230	5300425-20-05	Grenora	350	Well #1 rehabilitation	1,664	2026		Ackerman-Estvold
228	5300425-20-06	Grenora	350	Well #2 rehabilitation	1,951	2026		Ackerman-Estvold
238	3900433-20-01	Hankinson	921	Water main extension	134	2022		Bolton & Menk
239	3900433-22-01	Hankinson	921	Redundant water transmission line	1,300	2022		Bolton & Menk

Priority Ranking	Tracking No.	System Name	Present Population	Project Description	Project Cost (\$1,000)	Construction Start Date	Est. Loan Term ⁵	Engineering Firm
16	2000446-09-01	Hannaford	150	Water tower replacement & pump house improvements	1,500	2023		Moore
27	5200458-16-01	Harvey	1,783	WTP improvements	800	2023		Moore
268	0900460-16-01	Harwood	718	Water main looping	1,000	2023		Moore
260	2900470-22-01	Hazen ⁴	2,411	Lead service line replacement	1,000	2023		Moore
99	3000473-20-01	Hebron	867	Water main replacement	3,200	2023		AE2S
141	3000473-22-01	Hebron	867	Water main replacement (Summit Ave)	178	2022		AE2S
73	0100476-20-01	Hettinger	1,200	Water main, gate valve, & hydrant replacement	1,370	2022		Brosz
132	4600487-08-01	Hope	258	Water main extension	210	2022		Moore
265	0900488-15-01	Horace	1,750	Water tower improvements	400	2022		Interstate
269	0900488-16-01	Horace	1,750	Water main, gate valve, & hydrant replacement	5,291	2022		Interstate
68	0900488-18-01	Horace	1,750	WTP improvements	7,098	2022		Interstate
205	0900488-20-01	Horace	1,750	Connection to Cass RWD	1,500	2022		Interstate
70	0900452-15-01	Hunter	261	Pump house upgrades & water tower replacement	2,300	2022		Moore
118	0900452-15-02	Hunter	261	Water main replacement	3,400	2022		Moore
194	4700498-09-01	Jamestown	16,000	Remote reading water meters & software	2,835	2022		Interstate
197	4700498-13-01	Jamestown	16,000	WTP, storage, & distribution system SCADA improvements	455	2022		Interstate
145	4700498-13-02	Jamestown	16,000	WTP filter controls & filter media replacement	860	2022		Interstate
195	4700498-14-02	Jamestown	16,000	Transmission line to improve flow to NE pressure zone	4,968	2022		Interstate
173	4700498-18-01	Jamestown	16,000	Pitless unit well improvements	200	2022		Interstate
198	4700498-19-01	Jamestown	16,000	Backwash recycle system	400	2022		Interstate
199	4700498-19-02	Jamestown	16,000	Water tower improvements	350	2022		Interstate
174	4700498-22-01	Jamestown ⁴	16,000	Water main replacement	1,500	2023		Interstate
12	2300508-15-01	Jud	72	Distribution system & pump house improvements	350	2022		Moore
210	1500515-15-01	Kenmare	1,013	Water main, gate valve, & hydrant replacement	575	2022		Ackerman-Estfold
253	2300535-09-01	Kulm	402	Water tower repair	100	2022		-
49	3200536-22-01	Lakota	625	Valve & ARV replacement on raw water transmission line, hydrant replacement	925	2022		Apex
162	2300537-14-01	LaMoure	889	Water main replacement & looping	525	2022		Moore
139	1000543-09-01	Langdon	1,878	Water main replacement	2,100	2022		Moore
246	1000543-09-02	Langdon	1,878	Water tower rehabilitation	475	2022		Moore
241	1000543-21-01	Langdon	1,878	Water main looping	770	2022		Moore
85	0300553-13-01	Leeds	427	Well & transmission line upgrades	500	2022		Moore
144	0300553-13-02	Leeds	427	WTP improvements	425	2022		Moore
100	0300553-20-01	Leeds	427	Water main, gate valve, & hydrant replacement (1st St S)	525	2022		Moore
165	0300553-13-03	Leeds ⁴	427	Lead service line replacement	650	2022		Moore
48	2600556-11-01	Lehr	80	Water main replacement	500	2023		Moore
23	3900567-16-01	Lidgerwood	652	Water main replacement	608	2022		Interstate
149	1500571-21-01	Linton	990	Curb stop replacement	1,500	2022		Moore

Priority Ranking	Tracking No.	System Name	Present Population	Project Description	Project Cost (\$1,000)	Construction Start Date	Est. Loan Term ⁵	Engineering Firm
161	3700574-11-01	Lisbon	2,154	Water well	200	2022		Moore
101	3700574-11-02	Lisbon	2,154	Water main replacement	2,500	2022		Moore
108	3700574-14-01	Lisbon	2,154	WTP upgrades	1,000	2022		Moore
4	0300587-22-01	Maddock	384	WTP rehabilitation & water tower replacement	3,300	2022	20+	Ulteig
15	5100593-13-01	Makoti	154	Well improvements & transmission line	400	2022		Moore
18	5100593-13-02	Makoti	154	Water main replacement	2,000	2022		Moore
272	3000596-13-03	Mandan	82,990	Distribution system improvements (Boundary Road PRV)	661	2023		AE2S
261	3000596-19-01	Mandan	82,990	Reservoir replacement	3,566	2025		AE2S
152	3000596-21-01	Mandan	82,990	Memorial Highway water main upgrade	5,500	2022		AE2S
273	3000596-21-02	Mandan	82,990	South end pump station expansion	419	2024		AE2S
177	3000596-22-01	Mandan	82,990	WTP optimization (Phase III)	6,587	2024		AE2S
256	3000596-22-02	Mandan ⁴	82,990	Lead service line replacement	200	2022		AE2S
153	0900613-20-01	Mapleton	1,240	Water main replacement & looping	500	2023		Moore
80	2800619-18-01	Max	334	Water main & service line replacement	574	2022		Ackerman-Estvold
107	2800619-20-01	Max	334	Gate valve replacement	143	2022		Ackerman-Estvold
148	4900622-16-01	Mayville	1,858	WTP upgrades	790	2022		Moore
10	4200626-22-01	McClusky	380	Water main, valve, & hydrant replacement	300	2023		Moore
53	2801400-19-01	McLean Sheridan RWD	3,536	WTP & distribution system improvements	3,000	2022		AE2S
164	2801400-22-01	McLean Sheridan RWD	2,450	McClusky water tower replacement	4,200	2022		Moore
219	2801400-22-02	McLean Sheridan RWD	3,536	Service to residents on private wells in Strawberry Lake area	600	2024		AE2S
31	3200626-19-01	McVille	375	WTP improvements	1,000	2023		Moore
33	3200626-22-01	McVille	375	Water tower replacement	1,500	2023		Moore
11	3200626-22-02	McVille	375	Water main replacement & looping	9,600	2024		Moore
26	4700637-16-01	Medina	300	WTP & well house improvements	840	2022		Moore
83	4700637-16-02	Medina	300	Water main replacement	2,600	2022		Moore
91	4700637-16-03	Medina	300	Water tower replacement	1,000	2022		Moore
138	TBD-20-01	Metro Flood Diversion Authority	19,500	Existing drinking water infrastructure relocation for flood resiliency	17,500	2022		AE2S
137	TBD-22-01	Metro Flood Diversion Authority	19,500	USACE southern embankment & infrastructure	19,000	2023		AE2S
247	3200653-13-01	Michigan	345	Water tower improvements	75	2023		Moore
102	4101425-19-01	Milnor	638	Control replacement, booster station renovation, generator, water main	490	2022		Interstate
263	5100660-22-01	Minot ⁴	80,000	Lead service line replacement	5,012	2023		-
211	3001431-22-01	Missouri West WS	6,230	Distribution system improvements	1,500	2022		Bartlett & West
242	3800695-14-01	Mohall	705	Water main looping	490	2023		Ackerman-Estvold
140	3800695-21-01	Mohall	705	Water main replacement	601	2022		Ackerman-Estvold
69	3900703-11-01	Mooreton	197	Gate valve replacement, control upgrades, & bladder tank storage	400	2022		Interstate
8	2100704-22-01	Mott	728	Pump house improvements & water tower replacement	2,000	2022		Moore
39	2100704-22-02	Mott	728	Water main replacement	1,500	2022		Moore

Priority Ranking	Tracking No.	System Name	Present Population	Project Description	Project Cost (\$1,000)	Construction Start Date	Est. Loan Term ⁵	Engineering Firm
54	2400715-13-01	Napoleon	707	Service to residents on private wells, water storage, well, meter, & water main replacement	2,000	2022		Moore
169	2400715-22-01	Napoleon	767	Refinance of water main replacement	3,100	-		Moore
204	2100726-20-01	New England	600	Water main replacement & looping	840	2022		Moore
251	2100726-22-01	New England	600	Refinance of Water System Improvement District No. 2015-1, Phase 1	2,533	-		Moore
252	2100726-22-02	New England	600	Refinance of Water Replacement District No. 2016-1, Phase 2	2,499	-		Moore
178	2100726-22-03	New England	600	Refinance of Water Improvement District No. 2017-1, Phase 3	963	-		Moore
28	1900731-22-01	New Leipzig	218	Water main replacement	708	2023		Moore
29	1400732-12-01	New Rockford	1,391	Water main replacement & WTP upgrades	5,800	2022		Interstate
166	3100744-18-02	New Town	2,524	Water main & service line replacement	406	2022		Ackerman-Estvold
125	1200748-18-01	Noonan	144	Water main replacement (Main St)	748	2023		Ackerman-Estvold
72	1200748-20-01	Noonan	144	Water main replacement (Washington St)	598	2023		Ackerman-Estvold
214	5101189-19-01	North Prairie RWD	13,000	Generators at reservoirs & booster stations	650	2023		Interstate
183	5101189-22-01	North Prairie RWD	13,000	Distribution system improvements (E of Hwy 41 & N of Velva)	500	2023		Interstate
185	1001380-21-02	Northeast RWD	5,773	Service to Milton	250	2023		AE2S
160	1100758-09-01	Oakes	1,856	Water reservoir, pumping station, & transmission line	720	2022		Moore
232	1100758-11-01	Oakes	1,856	WTP Improvements	2,000	2022		Moore
233	1100758-11-02	Oakes	1,856	Well & well house replacement	400	2022		Moore
119	0300762-15-01	Oberon	104	Distribution system replacement	3,200	2022		Moore
113	0300762-15-02	Oberon	104	Well & pump house replacement	550	2022		Moore
61	0200763-09-01	Oriska	128	Reservoir & pump house replacement	550	2022		Moore
189	3100775-21-01	Parshall	903	Water main looping	670	2022		AE2S
105	3100775-22-01	Parshall	903	Water supply line improvements	9,000	2023		AE2S
243	31000798-16-02	Plaza	171	Hydrant rehab or replacement	530	2021		AE2S
275	0700800-19-01	Portal	150	Water main looping	150	2022		Ackerman-Estvold
276	0700800-19-02	Portal	150	Hydrant & gate valve replacement	100	2022		Ackerman-Estvold
87	4900803-08-01	Portland	606	Water tower replacement & water main looping	1,400	2022		Moore
237	2800825-20-01	Riverdale	226	Gate valve replacement	1,000	2022		Moore
212	2800825-20-02	Riverdale	226	Raw water supply line replacement	4,500	2022		Moore
13	2200827-16-01	Robinson	37	Pumping system improvements & water main, gate valve, hydrant, & curb stop replacement	500	2022		Moore
196	4000833-19-01	Rolette	594	Water meters and meter reading software	200	2022		Moore
122	4000834-20-01	Rolla ⁴	1,280	Lead service line replacement	543	2022		AE2S
88	3500842-20-01	Rugby	7,111	WTP upgrades- Phase 3	618	2022		AE2S
92	3500842-21-01	Rugby	7,111	Distribution system replacement	2,000	2024		AE2S
40	3500842-21-03	Rugby	7,111	Raw water line & air release valve replacement	3,322	2022		AE2S
163	4100848-16-01	Rutland	163	Water main replacement & looping	600	2025		Interstate
168	4100848-22-01	Rutland	163	Water tower replacement	1,100	2024		Interstate

Priority Ranking	Tracking No.	System Name	Present Population	Project Description	Project Cost (\$1,000)	Construction Start Date	Est. Loan Term ⁵	Engineering Firm
117	5100849-21-01	Ryder	80	Water tower replacement	1,800	2022		-
184	0200858-13-01	Sanborn	194	Water main, service line, gate valve, & hydrant replacement	650	2023		Moore
180	5100868-14-01	Sawyer	367	Water main, gate valve, & hydrant replacement	1,000	2022		Moore
159	0600869-22-01	Scranton	365	Water main replacement	1,170	2022		Brosz
231	3800877-15-01	Sherwood	256	Water main replacement	427	2022		Ackerman-Estvold
226	3800877-22-01	Sherwood	256	Water main replacement (12 block area)	1,099	2022		Ackerman-Estvold
120	1400879-15-01	Sheyenne	204	Water main replacement	3,100	2022		Moore
234	4500891-19-01	South Heart	307	Water main replacement	3,165	2022		Brosz
240	3901068-14-01	Southeast WUD	8,862	Automated meter reading system	2,000	2022		AE2S
193	3901068-20-01	Southeast WUD	8,862	WTP improvements or regionalization	12,645	2022		AE2S
200	3100898-19-01	Stanley ⁴	2,400	Water main, service line, gate valve, & hydrant replacement	8,700	2021		Brosz
34	4700922-12-01	Streeter	170	Water main extension & looping	500	2022		Interstate
25	4700922-13-01	Streeter	170	WTP improvements	500	2022		Interstate
20	4700922-13-02	Streeter	170	Well & pump house improvements	800	2022		Interstate
35	4701303-19-01	Stutsman RWD	6,600	Service to Streeter	776	2022		Bartlett & West
55	4701303-19-04	Stutsman RWD	6,600	Transmission lines & WTP improvements to accommodate new well	4,264	2022		Bartlett & West
254	5100923-22-01	Surrey	1,358	Hydrant & gate valve replacement	150	2023		AE2S
143	5100923-22-02	Surrey	1,358	Distribution system upgrades (Wenz Additions)	1,400	2023		AE2S
262	5200927-13-01	Sykeston	117	Water main, corporation, curb stop, & hydrant replacement	250	2022		Moore
154	5301152-16-01	Tioga	2,500	Water main replacement	9,500	2022		Moore
255	0900945-09-01	Tower City	252	Water tower improvements	500	2022		Moore
146	0900945-12-01	Tower City	252	Water main & hydrant replacement	2,100	2022		Moore
244	0900945-19-01	Tower City	252	Refinance of gate valve & service line replacement	600	-		Moore
84	2500946-21-01	Towner	571	Connection to rural water or WTP improvements	2,060	2022		AE2S
64	2800949-20-01	Turtle Lake	575	Water main replacement & looping	1,000	2022		Moore
181	2800953-22-01	Underwood	850	Water tower & meter replacement	2,000	2022		-
66	2500956-16-01	Upham	133	Water main, gate valve, hydrant, & service line replacement	508	2022		Ackerman-Estvold
155	5101074-21-01	Upper Souris WD	1,365	Parallel pipelines, pump station improvements, & SCADA to increase flow & pressure	1,049	2022		AE2S
130	0200958-20-02	Valley City	6,585	Water main & service line replacement	825	2022		KLJ
131	0200958-21-01	Valley City	6,585	Water main & service line replacement (6th Ave NW)	500	2023		KLJ
90	0200958-22-02	Valley City	6,585	NW standpipe/water tower replacement	3,000	2023		KLJ
74	0200958-22-01	Valley City ⁴	6,585	Water main & service line replacement (2nd Ave NE & 3rd St NE)	750	2023		KLJ
75	0200958-22-03	Valley City ⁴	6,585	NW water main replacement	750	2023		KLJ
129	0200958-22-04	Valley City ⁴	6,585	Lead service line replacement	2,000	2023		Moore

Priority Ranking	Tracking No.	System Name	Present Population	Project Description	Project Cost (\$1,000)	Construction Start Date	Est. Loan Term ⁵	Engineering Firm
142	2500964-19-01	Velva ⁴	1,265	Water main & service line replacement	604	2022		Ackerman-Estvold
45	2300969-12-01	Verona	85	Water main & meter replacement	515	2022		Moore
58	2300969-14-01	Verona	85	Reservoir & pump house replacement	300	2022		Moore
150	2300969-19-01	Verona	85	Water meter replacement	100	2022		Moore
65	3900973-04-01	Wahpeton	7,766	Water main replacement & looping (4th St, Oakwood Court, 8th Ave S, 5th Ave N)	284	2023		
30	3900973-16-01	Wahpeton	7,766	WTP improvements	10,707	2025		Stantec
41	3900973-18-01	Wahpeton	7,766	Water main replacement (12th St & Loy Ave)	1,416	2022		Interstate
42	3900973-18-03	Wahpeton	7,766	Water main replacement (15th Ave N & 14th St N)	1,102	2024		
63	3900973-19-01	Wahpeton	7,766	Well field relocation, well house, & controls	6,654	2023		Interstate
43	3900973-18-04	Wahpeton ⁴	7,766	Water main replacement (8th Ave N)	1,715	2023		Interstate
44	3900973-19-02	Wahpeton ⁴	7,766	Water main and service line replacement	1,196	2022		Interstate
133	5001075-19-01	Walsh RWD	3,448	Service to residents on private wells, pipelines to increase capacity, & interconnection with NRWD	500	2022		AE2S
248	2800989-18-01	Washburn	1,313	Intake, wet well, & pump house	4,835	2022		AE2S
266	5301686-20-01	WAWSA	0	Acquisition of Williston WTP	7,155	-		AE2S
112	5301686-21-01	WAWSA	0	2022 improvements & expansion	16,500	2022		AE2S
216	5101447-16-01	West River WD	650	Service line replacement	471	2022		Ackerman-Estvold
123	0501001-09-01	Westhope	429	Water main & service line replacement	477	2022		Ackerman-Estvold
121	0501001-22-01	Westhope	429	Water main & service line replacement	1,133	2022		Ackerman-Estvold
167	5301011-20-01	Wildrose	150	Water main replacement	562	2023		Ackerman-Estvold
279	5201012-19-04	Williston	30,000	Water main improvements (47th St, 6th Ave, 44th St)	711	2023		AE2S
278	5201012-19-05	Williston	30,000	Water main improvements (Borsheim Addition)	2,266	2023		AE2S
280	5201012-19-06	Williston	30,000	Water main improvements (Front St & Reiger Dr)	1,492	2023		AE2S
281	5201012-22-06	Williston	30,000	Water main along 9th Ave	257	2022		AE2S
282	5201012-22-07	Williston	30,000	Water meter replacement	2,500	2022		AE2S
221	5201012-22-01	Williston ⁴	30,000	Water main & service line replacement (1st Ave W)	257	2023		AE2S
222	5201012-22-02	Williston ⁴	30,000	Water main & service line replacement (5th Ave W, phase 1)	604	2024		AE2S
223	5201012-22-03	Williston ⁴	30,000	Water main & service line replacement (5th Ave W, phase 2)	627	2025		AE2S
224	5201012-22-04	Williston ⁴	30,000	Water main & service line replacement (7th Ave W, phase 1)	531	2026		AE2S
225	5201012-22-05	Williston ⁴	30,000	Water main and service line replacement	562	2027		AE2S
110	0801031-18-01	Wilton ⁴	750	Water main replacement	8,235	2022		Moore
6	0801036-19-01	Wing	152	Water tower, water main, hydrant, & gate valve replacement	1,400	2022		Moore
22	0801036-20-01	Wing	152	Distribution system replacement	1,400	2022		Moore
77	0801036-21-01	Wing	152	Chemical feed building & equipment, decommissioning of well house & well, controls & gate valve for water tower	425	2022		Moore

Priority Ranking	Tracking No.	System Name	Present Population	Project Description	Project Cost (\$1,000)	Construction Start Date	Est. Loan Term ⁵	Engineering Firm
217	2601037-18-01	Wishek	1,002	Water meters and meter reading software	410	2022		Interstate
218	2601037-20-01	Wishek	1,002	Hydrant replacement	350	2022		Interstate
116	2601037-20-02	Wishek	1,002	Iron & manganese removal equipment	1,200	2022		Interstate
106	3901043-08-01	Wyndmere	454	Distribution system improvements	1,000	2023		Bolton & Menk
76	3901043-16-01	Wyndmere	454	Service line, water meter, & SCADA system replacement	1,000	2023		Bolton & Menk
57	3901043-20-02	Wyndmere	454	Distribution system improvements (Phase II & III- from 3rd St to the west)	8,000	2023		Bolton & Menk

Total Project Cost: 746,432

¹ Twenty percent of the capitalization grant amount will be provided as loan forgiveness to disadvantaged communities. Because the actual capitalization grant amount has not yet been determined, a funding level of \$2,202,200 has been assumed for additional subsidization (as loan forgiveness). Adjustments will be made, as necessary, based on the actual capitalization grant amount.

² These projects appear eligible for 75% loan forgiveness. The actual loan forgiveness amount is dependent upon available funds. Loan forgiveness eligibility will be confirmed when the loan application is submitted.

³ These projects appear eligible for 40% loan forgiveness. The actual loan forgiveness amount is dependent upon available funds. Loan forgiveness eligibility will be confirmed when the loan application is submitted.

⁴ These projects appear eligible for lead service line replacement loan forgiveness. The actual loan forgiveness amount is dependent upon available funds. Loan forgiveness eligibility will be confirmed when the loan application is submitted.

⁵ Estimated length of the loan term only. The loan term will be set at the time of loan approval.

MEMORANDUM

TO: Governor Doug Burgum
Members of the State Water Commission

FROM: Andrea Travnicek, Ph.D., Secretary 

SUBJECT: SWPP – Capital Repayment, REM rates and SWA Budget for 2022

DATE: November 18, 2021

Under the agreement for the Transfer of Management, Operations, and Maintenance Responsibilities for the Southwest Pipeline Project (SWPP), (Transfer Agreement) the Southwest Water Authority (SWA) must prepare a budget by December 15 of each year and submit it to the Secretary of the State Water Commission (Commission). This budget is deemed approved unless the SWA is notified of the Commission's disapproval by February 15. The budget for 2022 was received on November 10, 2021.

Water rates are a primary component of the SWA's budgeting process. The Commission approves the Capital Repayment rate and the reserve fund for Replacement and Extraordinary Maintenance (REM) rate explicitly by SWC action.

Capital Repayment Rate:

Capital Repayment portion of the water rate collected is currently returned to the Resources Trust Fund (RTF) on a monthly basis. An amendment to the Transfer Agreement that transferred the operations and maintenance of the SWPP to the SWA, established the Consumer Price Index (CPI) in effect on September 1 (August CPI) as the basis for determining the Capital Repayment rate. The September 1, 2021, CPI adjustment results in a 5.27 percent increase in the Capital Repayment rate for 2022. Based on that adjustment, the Capital Repayment rate for contract customers increases from \$1.25/1,000 gallons to \$1.32/1,000 gallons, rural customer's Capital Repayment rate increases from \$38.11/month to \$40.12/month, and the Capital Repayment rate for SWPP customers that tie into the Missouri West Water System increases from \$30.19/month to \$31.78/month. The SWA Board of Directors approved the 2022 water rates along with the above Capital Repayment rates on November 1. The 2022 budget estimates depositing \$5.9 million in Capital Repayment from all SWPP customers into the RTF.

The SWA's budget proposes \$12.00/1,000 gallons for oil industry contracts. The oil industry rate for 2022 will remain unchanged from the 2021 rate. The Capital Repayment for general

oil industry rate is \$4.00/1,000 gallons. For SWA's water depot east of Dickinson, the Capital Repayment rate is \$3.00/1,000 gallons.

REM Rate:

The REM rate adjustment and guidance for using REM funds is not spelled out explicitly in the Transfer Agreement. The Transfer Agreement states that the REM reserve fund shall be accumulated with interest and maintained in an amount to be determined by the Commission and also the Commission shall determine whether or not a proposed project is replacement or extraordinary maintenance.

In the Transfer Agreement, the base rate for REM was set at \$0.30/1,000 gallons for contract customers and \$.10/1,000 gallons for rural customers. The REM rate for rural customers has remained at \$.10/1,000 gallons to date since the Transfer Agreement was signed on December 21, 1995. However, rural customer's water rate includes the contract REM rate in addition to the rural REM rate. REM rate for contract customers was increased to \$0.35/1,000 gallons in 1999. Since then, the REM rate has increased a number of times, ultimately to the current \$0.70/1,000 gallons where it has remained since 2018. At the SWA Board meeting on November 1, 2021, water rate with no REM rate increase was approved for 2022. The attached graph shows the REM rate history.

Department of Water Resources (DWR) staff, in consultation with the SWA, will develop a guidance on projects that would be considered REM. That guidance will be brought to the Commission for discussion and approval. DWR staff, in consultation with the SWA, will also determine the REM rate adjustments necessary to meet the REM guidance. The adjustments, if necessary, will be recommended for 2023 water rates and beyond.

Included in the SWA's budget is the budget for the REM funds. The estimated beginning balance in REM funds for 2022 is \$23.8 million; estimated income for 2022 is \$2.08 million; and estimated expenses is \$6.1 million, with an estimated year end balance of \$19.6 million. The budgeted expenses for 2022 from the REM fund include pump and motor replacements, SCADA upgrades retainage payment, pipe relocation in road rights-of-way, cathodic protection of steel vaults, replacement of SCADA computers, recoating of Davis Buttes reservoir, replacement of automatic meter read equipment, metallic line assessment, repairs and replacement of Contract 2-3A raw water line near City of Taylor, assessment of all ductile iron pipe on SWPP, pump replacement at residual handling facility, and replacement of reverse osmosis membranes at the Oliver Mercer North Dunn water treatment plant.

The REM rate for general oil industry rate is \$4.00/1,000 gallons. For SWA's water depot east of Dickinson, the REM rate is \$3.00/1,000 gallons.

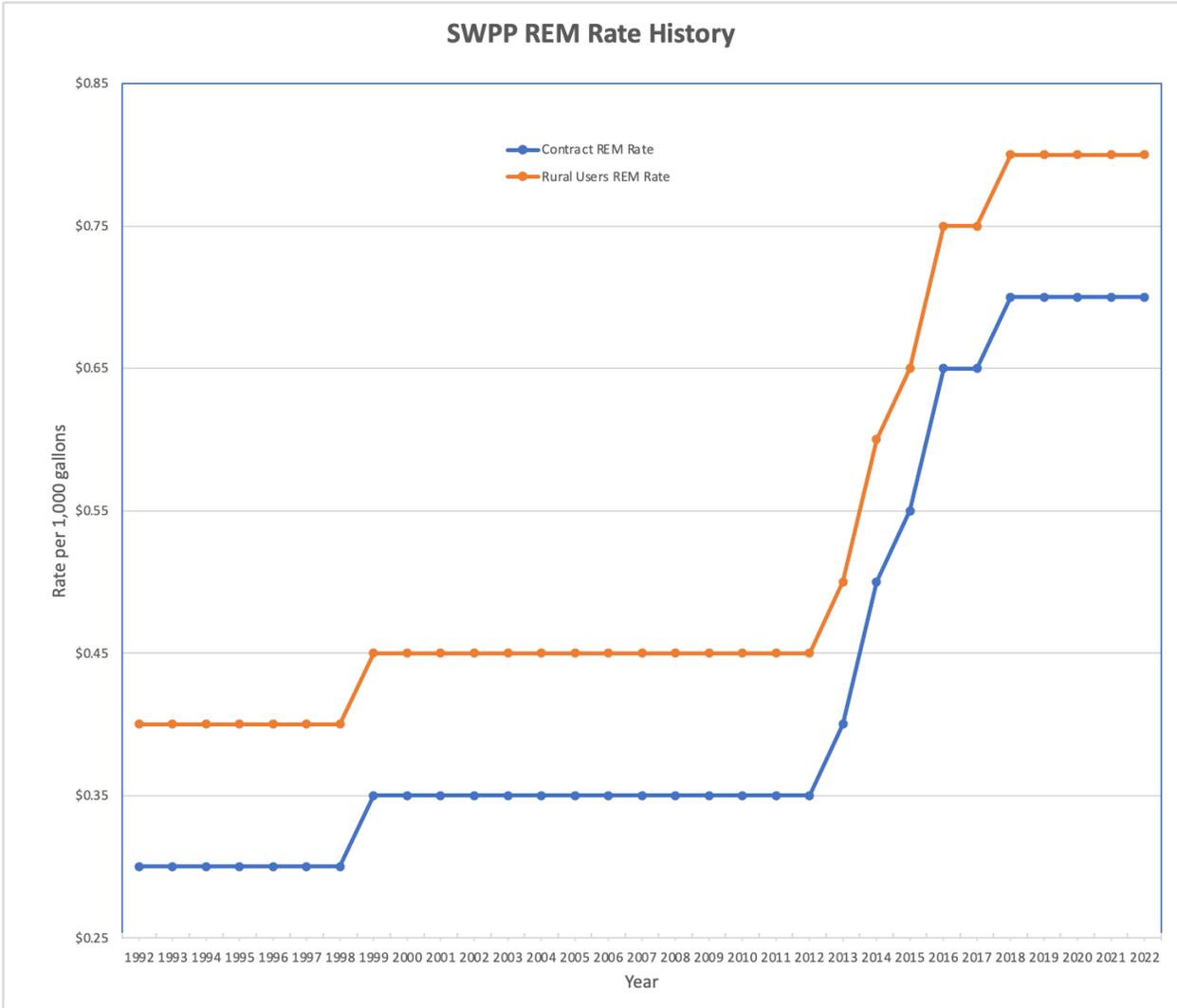


Figure 1: SWPP REM Rate History

Overall Water Rate:

The SWA’s water rate for the contract customers in 2022 increases from \$5.60/1,000 gallons to \$5.71/1,000 gallons. The increase of \$0.11/1,000 gallons is comprised of a \$0.07/1,000 gallons increase in capital repayment, and a \$0.04/1,000 gallons in treatment costs.

The minimum monthly rate for rural customers in 2022 is increasing from \$50.00 to \$52.01. The breakdown of the monthly minimum is \$40.12 towards capital repayment and \$11.89 towards the operations and maintenance fee. The SWC receives \$5.00 of operation and maintenance fee for the first two years, and then it goes to the SWA for fixed operation and maintenance. The usage rate for the rural customers increased from \$6.36/1,000 gallons to \$6.40/1,000 gallons. The increase of \$0.04 is for the increase in treatment.

Budget projections indicate the SWA will end 2022 with a cash balance that would be sufficient to cover 7.37 months of expenses in their operations and maintenance reserve.

Tables below show the summary of the Capital Repayment and REM rates.

Capital Repayment Rates

Customer	2021 Rate	2022 Rate	Change
Contract Customer	\$ 1.25	\$ 1.32	\$ 0.07
SWA Rural Customer	\$ 38.11	\$ 40.12	\$ 2.01
Morton County Customer	\$ 30.19	\$ 31.78	\$ 1.59
Oil Industry Rate - SWA Depot	\$ 3.00	\$ 3.00	\$ -
Oil Industry Rate - Others	\$ 4.00	\$ 4.00	\$ -

REM Rates

Customer	2021 Rate	2022 Rate	Change
Contract Customer	\$ 0.70	\$ 0.70	\$ -
SWA Rural Customer	\$ 0.80	\$ 0.80	\$ -
Morton County Customer	\$ 0.80	\$ 0.80	\$ -
Oil Industry Rate - SWA Depot	\$ 3.00	\$ 3.00	\$ -
Oil Industry Rate - Others	\$ 4.00	\$ 4.00	\$ -

I recommend that the State Water Commission establish 2022 Capital Repayment and REM rates as follows:

Capital Repayment for contract and rural customers: \$1.32 per thousand gallons for contract users, \$31.78 for rural users in Morton County with water service from Missouri West Water System, \$40.12 per month for other rural users. Capital Repayment for oil industry contracts: \$3.00 per thousand gallons for Dickinson Water Depot and \$4.00 per thousand gallons for other oil industry contracts.

REM Rate: \$0.70 per thousand gallons for the contract users, \$0.80 per thousand gallons for rural users, \$3.00 per thousand gallons for the SWA’s Dickinson Water Depot and \$4.00 per thousand gallons for other oil industry contracts.

TO: Governor Doug Burgum
Members of the State Water Commission
FROM: Andrea Travnicek, Ph.D., Secretary 
SUBJECT: NAWS – Award of Contract 5-1A
DATE: December 9, 2021

Bids for NAWS Contract 5-1A South Prairie Reservoir and Hydraulic Control Structure were opened November 17, 2021. In accordance with the North Dakota Century Code Chapter 48, the project was comprised of multiple bids. There are six (6) contracts: Contract No. 1 – General Construction; Contract No. 2 – Mechanical Construction; Contract No. 3 – Electrical Construction, and Contract No. 4 – Reservoir Construction, as well as two combined construction contracts, Contract 5- combined General, Mechanical, Electrical, and Reservoir construction, and Contract 6 – Combined General, Mechanical, and Electrical Construction, which may be bid separately.

Contract No. 1 – General Construction includes but is not limited to site stripping, construction of a new 63-ft by 23-ft concrete and steel Hydraulic Control Structure, construction of a new 67-ft by 56-ft concrete, steel, and precast building for flow control that includes a loading area/garage, pipe gallery, miscellaneous metalwork, doors, windows, flooring, and coatings, site paving and surfacing, landscaping, and other miscellaneous work. **Contract No. 2 – Mechanical Construction** includes but is not limited to: construction of new process piping in sizes ranging from 1-inch to 30-inch, valves, actuators, meters, supports, mechanical coatings, sump pumps, plumbing, ventilation and propane heating, and other miscellaneous work. **Contract No. 3 – Electrical Construction** includes but is not limited to new PLC/PC based process control systems, sensors and instrumentation, control consoles, buried cable, general building and process control electrical work, a propane generator, and other miscellaneous work.

Contract No. 4 – 10.5 MG Wire-Wound Reservoir Construction includes construction of a new 10.5 MG wire-wound, AWWA D10 Type III reservoir, excavation and backfill for construction of the reservoir, interior and overflow piping within the reservoir, metalwork, hatches, coatings, and other miscellaneous work.

Contract No. 5 includes combined work of Contracts No. 1, 2, 3, and 4. Contract No. 6 includes work of Contracts 1, 2, and 3. All contracts also includes conveyance of water for testing of the site piping, hydraulic control structure, process piping, reservoir and approximately 15 miles of 36-inch pipe.

NAWS – Contract 5-1A Award

Page 2 of 3

December 9, 2021

Ten bids were received from seven bidders, all of which were opened and read aloud. Two bids were received for Contract No. 1 – General Construction and are summarized below.

Contractor	Contract Bid	Bid Amount	Above Low Bid	Above Low Bid
ICS, Inc.	1-General Construction	\$ 6,244,288.00	\$1,398,088.00	29%
Stanek Constructors	1-General Construction	\$ 4,846,200.00	-	0%
Engineer's OPCC	1-General Construction	\$ 4,543,159.00	\$ -303,0441	-6.25%

Stanek Contractors was the only contractor to submit as bid for Contract No. 2 - Mechanical Construction in the amount of \$3,000,000, which was \$630,000 or 26.5% above the engineer's estimate.

Two bids were opened and read aloud for Contract No. 3 - Electrical Construction and are summarized below.

Contractor	Contract Bid	Bid Amount	Above Low Bid	Above Low Bid
Colstrip Electric	3-Electrical Construction	\$ 588,000.00	\$ 106,166.00	22%
Engineer's OPCC	3-Electrical Construction	\$ 552,000.00	\$ 70,166.00	14.6%
Fusion Automation	3-Electrical Construction	\$ 481,834.00	-	0%

Two bids were opened and read aloud for Contract No. 4 – 10.5M Gallon Reservoir Construction and are summarized below.

Contractor	Contract Bid	Bid Amount	Above Low Bid	Above Low Bid
DN Tanks	4-10.5M Gallon Reservoir Construction	\$ 8,146,765.10	\$ 331,765.10	4.25%
Preload	4-10.5M Gallon Reservoir Construction	\$7,815,005.00	-	0%
Engineer's OPCC	4-10.5M Gallon Reservoir Construction	\$7,429,162.00	\$ 385,843.00	-4.9%

No bids were received for Contract 5 – Combined General, Mechanical, Electrical, and 10.5M Gallon Reservoir construction.

December 9, 2021

Three bids were received for Contract 6 – Combined General, Mechanical, and Electrical Construction and are summarized below.

Contractor	Contract Bid	Bid Amount	Above Low Bid	Above Low Bid
ICS, Inc.	6 – Combined General, Mechanical, and Electrical Construction	\$ 9,061,788.00	\$ 1,941,588.00	27.3%
Engineer's OPCC	6 – Combined General, Mechanical, and Electrical Construction	\$ 7,465,159.00	\$ 344,959.00	4.8%
PKG Contracting, Inc.	6 – Combined General, Mechanical, and Electrical Construction	\$ 7,356,900.00	\$ 236,700.00	3.3%
Stanek Constructors	6 – Combined General, Mechanical, and Electrical Construction	\$7,120,200.00	\$ -	0%

A bid review and recommendation of award from Houston Engineering, Inc. is attached along with a bid tabulation. A list of subcontractors and named equipment/material manufacturers was required as part of the bid package submittal. Exceptions or additions to the named equipment suppliers other than included in the specifications must be submitted and approved 10 days prior to the bid opening date. This point was stressed at the mandatory pre-bid conference. The bid from Stanek Constructors included a manufacturer of the standby power generation that was not included in the project specifications and no exception was ever requested from Stanek's electrical subcontractor. The bid submitted by Stanek was therefore considered non-responsive. Article 12.03 of the Instructions to Bidders states that if the engineer or owner, after due investigation, has reasonable objection to any subcontractor, supplier, individual, or entity, the bidder may submit a substitute. Upon being notified of the issue with their bid, Stanek has offered to use Main and Holmes Electric Construction as their electrical subcontractor which includes approved equipment and suppliers. We feel Article 12.03 of the Instructions to Bidders allowed a path forward for Stanek to remedy the error in their bid and we feel they have properly utilized. The lowest combination of responsive and responsible bids is the bid for Contract 4 from Preload and the bid for Contract 6 from Stanek Constructors.

I recommend the State Water Commission award NAWS Contract 5-1A Contract No. 4 – 10.5M Gallon Reservoir Construction to Preload, Inc. in the amount of \$7,815,005.00, and NAWS Contract 5-1A Contract 6 – Combined General, Mechanical, and Electrical Construction to Stanek Constructors in the amount of \$7,120,200.00 pending concurrence from the Garrison Diversion Conservancy and US Bureau of Reclamation. I also recommend the State Water Commission obligate \$11.5 million in capital assets funding to the NAWS project to cover the state share of this project.

ARTICLE 10 – LIQUIDATED DAMAGES

- 10.01 Provisions for liquidated damages, if any, for failure to timely attain a Milestone, Substantial Completion, or completion of the Work in readiness for final payment, are set forth in the Agreement (**Document No. C-520**).

ARTICLE 11 – SUBSTITUTE AND “OR-EQUAL” ITEMS

- 11.01 The Contract for the Work, as awarded, will be on the basis of materials and equipment specified or described in the Bidding Documents, and those “or-equal” or substitute or materials and equipment subsequently approved by Engineer prior to the submittal of Bids and identified by Addendum. No item of material or equipment will be considered by Engineer as an “or-equal” or substitute unless written request for approval has been submitted by Bidder and has been received by Engineer at least **10 days** prior to the date for receipt of Bids. Each such request shall comply with the requirements of Paragraphs 7.04 and 7.05 of the General Conditions. The burden of proof of the merit of the proposed item is upon Bidder. Engineer’s decision of approval or disapproval of a proposed item will be final. If Engineer approves any such proposed item, such approval will be set forth in an Addendum issued to all prospective Bidders. Bidders shall not rely upon approvals made in any other manner.
- 11.02 All prices that Bidder sets forth in its Bid shall be based on the presumption that the Contractor will furnish the materials and equipment specified or described in the Bidding Documents, as supplemented by Addenda. Any assumptions regarding the possibility of post-Bid approvals of “or-equal” or substitution requests are made at Bidder’s sole risk.

ARTICLE 12 – SUBCONTRACTORS, SUPPLIERS, AND OTHERS

- 12.01 A Bidder shall be prepared to retain specific Subcontractors, Suppliers, or other individuals or entities for the performance of the Work if required by the Bidding Documents (most commonly in the Specifications) to do so. If a prospective Bidder objects to retaining any such Subcontractor, Supplier, or other individual or entity, and the concern is not relieved by an Addendum, then the prospective Bidder should refrain from submitting a Bid.
- 12.02 Subsequent to the submittal of the Bid, Owner may not require the Successful Bidder or Contractor to retain any Subcontractor, Supplier, or other individual or entity against which Contractor has reasonable objection.
- 12.03 **A Bidder shall provide with the Bid** ~~The apparent Successful Bidder, and any other Bidder so requested, shall within five days after Bid opening, submit to Owner a list of the Subcontractors~~ **and approved Suppliers proposed for the following portions of the Work. *Subcontractors or suppliers providing the majority of the work or material for any single bid item must be listed.***
- If requested by Owner **after Bid opening**, such list shall be **supplemented** ~~accompanied~~ by an experience statement with pertinent information regarding similar projects and other evidence of qualification for each such Subcontractor, Supplier, or other individual or entity. If Owner or Engineer, after due investigation, has reasonable objection to any proposed Subcontractor, Supplier, individual, or entity, Owner may, before the Notice of Award is given, request apparent Successful Bidder to submit an acceptable substitute, in which case apparent Successful Bidder shall submit a substitute, Bidder’s Bid price will be increased (or decreased) by the difference in cost occasioned by such substitution, and Owner may consider such price adjustment in evaluating Bids and making the Contract award, **in accordance with Article 19.02.**

- 12.04 If apparent Successful Bidder declines to make any such substitution, Owner may award the Contract to the next lowest Bidder that proposes to use acceptable Subcontractors, Suppliers, or other individuals or entities. Declining to make requested substitutions will constitute grounds for forfeiture of the Bid security of any Bidder. Any Subcontractor, Supplier, individual, or entity so listed and against which Owner or Engineer makes no written objection prior to the giving of the Notice of Award will be deemed acceptable to Owner and Engineer subject to subsequent revocation of such acceptance as provided in Paragraph 7.06 of the General Conditions.
- 12.05 **All Subcontractors must possess a North Dakota Contractors License prior to beginning work.**

ARTICLE 13 – PREPARATION OF BID

- 13.01 The Bid Form is included with the Bidding Documents.
- A. All blanks on the Bid Form shall be completed in ink and the Bid Form signed in ink. Erasures or alterations shall be initialed in ink by the person signing the Bid Form. A Bid price shall be indicated for each section, Bid item, alternate, adjustment unit price item, and unit price item listed therein.
- B. If the Bid Form expressly indicates that submitting pricing on a specific alternate item is optional, and Bidder elects to not furnish pricing for such optional alternate item, then Bidder may enter the words “No Bid” or “Not Applicable.”
- 13.02 A Bid by a corporation shall be executed in the corporate name by a corporate officer (whose title must appear under the signature), accompanied by evidence of authority to sign. The corporate address and state of incorporation shall be shown.
- 13.03 A Bid by a limited liability company shall be executed in the name of the firm by a member or other authorized person and accompanied by evidence of authority to sign. The state of formation of the firm and the official address of the firm shall be shown.
- 13.04 A Bid by an individual shall show the Bidder’s name and official address.
- 13.05 A Bid by a joint venture shall be executed by an authorized representative of each joint venture in the manner indicated on the Bid Form. The official address of the joint venture shall be shown.
- 13.06 All names shall be printed in ink below the signatures.
- 13.07 The Bid shall contain an acknowledgment of receipt of all Addenda, the numbers of which shall be filled in on the Bid Form.
- 13.08 Postal and e-mail addresses and telephone number for communications regarding the Bid shall be shown.
- 13.09 The Bid shall contain evidence of Bidder’s authority and qualification to do business in the state where the Project is located, or Bidder shall covenant in writing to obtain such authority and qualification prior to award of the Contract and attach such covenant to the Bid. Bidder’s state contractor license number, if any, shall also be shown on the Bid Form.

ARTICLE 14 – BASIS OF BID

- 14.01 *Lump Sum*
- A. Bidders shall submit a Bid on a lump sum basis as set forth in the Bid Form.

TO: Governor Doug Burgum
Members of the State Water Commission
FROM: Andrea Travnicek, Ph.D., Secretary 
SUBJECT: NAWS – USACE 1156 Agreement
DATE: December 1, 2021

Snake Creek Intake Modifications

The Supplemental Environmental Impact Statement and Record of Decision developed for the NAWS project and submitted to and approved by the District Court for the District of Columbia included modifications to the existing Snake Creek Pumping Plant to serve as an intake for the project. These modifications will include removing one of the existing pumps and replacing it with four high service pumps, associated piping, electrical and controls hardware, an intake pipe and screen, and a discharge pipeline connecting to the existing NAWS raw water pipeline. A temporary intake screen can be utilized on the face of the existing Snake Creek Pumping Plant, but an intake pipe bored through a portion of the lakebed with an intake screen located further from the pumping plant in deeper water away from the influence of poor-quality groundwater is the permanent solution. The discharge piping will run through the existing discharge tunnel before turning out of the existing infrastructure and being installed along the toe of the Snake Creek Embankment before being connected to the existing NAWS raw water pipeline. Because the Snake Creek Embankment impounds water in the form of Lake Audubon, federal dam safety requirements apply.

Permitting and Timeline

Several agreements and permits are required for construction of the intake modifications as the Snake Creek facility is owned by Reclamation on land owned by the United State Army Corps of Engineers (USACE). Soil borings required for the design process were performed this fall, which also required permits from the USACE. The process of obtaining those permits took nearly two years, which was much longer than anticipated, or indicated to us, due to delays caused by the recent pandemic amongst other factors. Several meetings have been held with the USACE and they have indicated that much of the work on the intake modifications will not require permits, but some of it certainly will. The work inside the existing Snake Creek facilities should not require any Section 10 404 or 408 permits. Installation of the discharge piping in the existing Snake Creek Embankment and the boring of the intake pipeline and installation of the intake screen will require a 408 permit as they impact the Snake Creek Embankment. If work inside the Snake Creek facilities could not start until a federal permit was obtained, the completion of the Biota Water Treatment Plant and delivery of Lake Sakakawea water to Minot would be delayed by one to two years and significant cost overruns would be incurred.

Path Forward

Fortunately, the time required for construction for the discharge pipeline is fairly short and the timing on the installation of the intake piping isn't overly critical as a temporary intake screen can be fitted to the face of the Snake Creek facility. The 2021 construction season has already passed, and the 2022 construction season is already lost for any work requiring federal permits. The work to be performed inside the Snake Creek facilities (building and discharge tunnel) will take the longest time to complete and has equipment with the longest lead times, but since no permits should be required, this work can commence in 2022.

Issuance of the necessary federal permits for the work in the lake and along the embankment in a timely manner is critical. The intake modifications can be completed in time to avoid delays to the completion of downstream facilities if the requisite federal permits are obtained in the mid/early 2023. Section 1156 of the 2016 Water Resources Development Act allows the USACE to enter into an agreement where a Section 408 applicant can fund the requisite review associated with the permit application.

1156 Agreement

We think we have a viable solution to the problems we face, and we think efficiencies may likely have been gained in the permitting process through working closely with our federal partners. However, there are still potential hurdles that may cause problems. Timely review and issuance of the permits needed from the USACE is critical. The pandemic and turnover of crucial USACE personnel are out of our control. Federal funding of the departments and activities needed to perform the duties needed for the issuance of the permits is also a potential hurdle. The funding for these activities has been covered under continuing resolutions so the workload and needs are not necessarily reflected in the funding amounts. If the funding allocated to these activities runs out, the activities are suspended until more funding is allocated. There is an option for permit applicants to fund the review activities under an 1156 agreement. Entering into one of these agreements shifts the financial burden of the USACE's review to the applicant but eliminates the possibility of delays due to federal funding shortfalls.

The attached 1156 Agreement and Scope of Work and Cost Estimate were provided by the USACE November 30, 2021. The estimated cost of \$208,000 is higher than can be approved by the Director/Secretary. In order to keep the project on track an 1156 agreement should be considered and at the same time DWR will impress upon USACE the importance of timely permit review and approval.

I recommend the State Water Commission authorize the Secretary to enter into an 1156 Agreement with the United States Army Corps of Engineers to fund the necessary review and permitting for the Snake Creek Pumping Plant Intake Modifications. I also recommend the State Water Commission approve \$208,000 from the 2021-2023 Biennium Capital Assets Funding for this agreement.

AGREEMENT BETWEEN
THE DEPARTMENT OF THE ARMY
AND
[FULL NAME OF CONTRIBUTOR]

THIS AGREEMENT is entered into this ____ day of _____, 20__, by and between the Department of the Army (hereinafter the “Government”), represented by the U.S. Army Engineer, Omaha District (hereinafter “District Engineer”) and the **[FULL NAME OF THE CONTRIBUTOR]** (hereinafter the “Contributor”), together (“the Parties”).

WITNESSETH, THAT:

WHEREAS, the Contributor considers it to be in its own interest to contribute funds voluntarily to be used by the Government to evaluate a request under 33 U.S.C 408 (hereinafter “Section 408”) to alter Garrison Dam/Lake Sakakawea, Snake Creek Embankment and Snake Creek Pumping Plant (“hereinafter the “Project(s)”);

WHEREAS, the Government is authorized pursuant to Section 408 to accept and expend funds to evaluate such requests;

NOW, THEREFORE, the Government and Contributor agree as follows:

1. The Contributor plans to contribute funds to the Government to pay costs associated with evaluation of engineering plans and other information prepared by Contributor related to a request under Section 408. The Contributor shall provide funds in accordance with the provisions of this paragraph:

a. The Government and Contributor shall develop a scope of work for activities that will be undertaken with funds provided by the Contributor. The scope of work shall provide a detailed description of activities to be undertaken, including a detailed estimate of cost for each activity and schedules, and identification of travel by Government personnel that may be necessary to the activities covered under this Agreement, with such travel to be undertaken in accordance with the Federal Travel Regulations and estimated separately. The Government and Contributor shall review and update, as necessary, the scope of work.

b. Prior to the Government initiating any activities identified in the scope of work, the Contributor shall provide to the Government funds to cover the estimated cost of activities under the scope of work through the current and next fiscal year quarter of the Government. No later than fifteen calendar days before the beginning of each subsequent fiscal year quarter, the Contributor shall provide to the Government funds for all estimated costs of activities to be accomplished during that quarter.

c. If at any time the Government determines that additional funds are needed, the Government shall notify the Contributor in writing and no later than fifteen calendar days from

receipt of such notice, the Contributor shall provide to the Government the full amount of such additional funds.

d. The Contributor shall provide funds to the Government by delivering a check payable to “FAO, USAED Omaha” to the District Engineer or by providing an Electronic Funds Transfer of such funds in accordance with procedures established by the Government.

2. The Government shall provide the Contributor with quarterly reports of obligations for the activities under this Agreement. The Government shall provide the first report within thirty calendar days after the final day of the first full fiscal year quarter following initial receipt of funds pursuant to this Agreement. The Government shall provide subsequent reports within thirty calendar days after the final day of each succeeding quarter until the Government concludes work under this Agreement.

3. Upon conclusion of all work under this Agreement, the Government shall complete a final accounting and furnish the Contributor with written notice of the results of such final accounting. If the costs of the activities under this Agreement exceed the amount of funds provided by the Contributor, the Contributor shall provide the required additional funds within thirty calendar days of such written notice. If any funds provided by the Contributor were not obligated for activities under this Agreement, the Government shall refund those funds to the Contributor within thirty calendar days of completion of the final accounting.

4. No credit or repayment is authorized, nor shall be provided, for any funds provided by the Contributor and obligated by the Government for activities under this Agreement

5. Nothing herein shall constitute, represent, or imply any commitment regarding the Government’s consideration of the Section 408 request. The acceptance and expenditure of funds will not impact impartial decision making at any level of the Government with respect to the review and any final decision, either substantively or procedurally. The review must comply with all applicable laws, regulations and procedures. None of the funds provided under this Agreement will be used by the decision maker in his or her review, recommendations, or decision concerning a Section 408 request.

6. The Parties agree to use their best efforts to resolve any dispute in an informal fashion through consultation and communication. If the Parties cannot resolve the dispute through negotiation, they may agree to a mutually acceptable method of non-binding alternative dispute resolution with a qualified third party acceptable to the Parties. Each party shall pay an equal share of any costs for the services provided by such a third party as such costs are incurred. The existence of a dispute shall not excuse the parties from performance pursuant to this Agreement.

7. This Agreement may be modified only by a written amendment to this Agreement signed by both Parties. Either party may terminate further performance under this Agreement by providing 60 calendar days advance written notice to the other party. In the event of termination, the Contributor remains responsible for all costs incurred by the Government pursuant to this Agreement.

8. Any notice, request, demand, or other communication required or permitted to be given under this Agreement shall be deemed to have been duly given if in writing and delivered personally or mailed by registered or certified mail, with return receipt, as follows:

If to the Contributor:

[TITLE]
[ADDRESS]

If to the Government:

District Engineer
U.S. Army Corps of Engineers
Omaha District
1616 Capitol Avenue
Omaha, NE 68102

A party may change the recipient or address to which such communications are to be directed by giving written notice to the other party in the manner provided in this paragraph.

9. In the exercise of their respective rights and obligations under this Agreement, the Government and the Contributor each act in an independent capacity, and neither is to be considered the officer, agent, or employee of the other.

10. To the extent permitted by the laws governing each party, the parties agree to maintain the confidentiality of exchanged information when requested to do so by the providing party.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement, which shall become effective upon the date it is signed by the District Engineer.

DEPARTMENT OF THE ARMY

CONTRIBUTOR

BY: _____

Mark R. Himes
COL, Commanding

BY: _____

[TYPED NAME]
[TITLE]

DATE: _____

DATE: _____

SCOPE AND COST ESTIMATE

Northwest Area Water Supply and Snake Creek Pumping Plant Design/Construction Section 408 Permission, Easement, and Construction Oversight 1156 Agreement U.S. Army Corps of Engineers, Omaha District

1. INTRODUCTION

The general scope of this effort is to complete the review of all necessary permits, documents, plans, authorizations, projects, and other activities that may be required or associated with the Northwest Area Water Supply (NAWS) Snake Creek Pumping Plant (SCPP) project. The Bureau of Reclamation (BoR), the lead federal agency, is proposing on behalf of the North Dakota State Water Commission (NDSWC) to design and construct the NAWS intake and SCPP internal modifications projects, located on Lake Sakakawea in two parts. One part of the project will be the temporary intake and interior SCPP modifications. The other part will be the permanent intake, intake pipeline and discharge pipeline.

The review will follow the requirements outlined in Engineering Circular 1165-2-220, Engineering Regulation 1165-2-217, and other applicable laws and regulations. This review will also include an agency technical review (ATR) by engineering disciplines outside of the Omaha District. An ATR is required due to embankment excavation and other significant modifications. At this time an Independent External Peer Review (IEPR) or Safety Assurance Review (SAR) are not anticipated due to low life safety risk. Therefore, neither are included in this scope and cost estimate. However, an IEPR may still be required based on the District and ATR review findings.

The costs to complete this effort are provided in Section 2.0. The costs reflect the use of existing products and prior work completed by BoR or the NDSWC. Prior work includes the Environmental Impact Statement and drilling program plan for completed geotechnical borings.

Please note the accompanying scope and cost estimates assume labor performed at current pay rates and only includes tasks known to be essential at this time. Some deviation may occur over the duration of the project's development.

2. SUMMARY OF COSTS.

Table 2.1 contains a breakdown of project costs for the total project (parts one and two). Descriptions of the work are located in the sections following the cost estimate.

Table 2.1 – Summary of Costs

OPERATIONS DIVISION	\$ 47,049.52
Natural Resources (ODG-GN-R)	\$ 35,425.60
Natural Resources (ODT-N)	\$ 2,518.56
Mgmt Support (ODS-S)	\$ 9,105.36
REAL ESTATE DIVISION	\$ 11,519.12
RE Civil (REC)	\$ 11,519.12
ENGINEERING DIVISION	\$ 141,007.00
Dam Safety (EDE-B)	\$ 57,268.56

Structural Engineering (EDD-F)	\$ 10,848.48
Geology (EDG-G)	\$ 45,153.92
Mechanical (EDD-A)	\$ 6,503.40
Hydrology (EDH-E)	\$ 1,734.24
Agency Technical Review	\$ 19,498.40
PLANNING BRANCH	\$ 8,650.48
Environmental (PMA-C)	\$ 5,672.80
Economic & Cultural (PMA-B)	<u>\$ 2,977.68</u>
ROUNDED TOTAL	\$208,000.00

2.1 Operations Division

Project management includes coordinating the work of both the Corps and the requestor to distribute, direct and complete the review of the required submittals. A primary PM task is to establish a schedule to complete the effort in a timely manner. Other PM tasks include the necessary upward reporting, coordination, permission preparation and quality management.

The Civil Works operation and maintenance program requires that all those that request use of government property comply with the environmental regulations applicable to such a project. The personnel in Natural Resources will review documents to ensure that Clean Water Act, Clean Air Act, National Pollution Discharge Elimination System, Resource Conservation and Recovery Act and other pertinent laws are followed. They will also ensure that the request is in compliance with the Garrison Project Master Plan and associated documents.

Management support includes the receipt, set-up and expenditure tracking of all funds received. To ensure the process is compliant with federal law and meets the expectations of the requestor, management support will work with the PM and technical disciplines to provide funding needed for review, monitor expenditures, and provide reporting for accountability purposes.

2.2 Real Estate Division

Preparation of the appropriate out grant will be the primary work completed. Coordination with internal and external entities will be conducted to ensure that the out grant will meet the legal, regulatory and policy requirements.

2.3 Engineering Division

Engineering will ensure that the technical requirements of the project meet the legal, regulatory and policy requirements of the Corps of Engineers. The major review items include, but are not limited to plans and specifications, NAWS boring and testing data, HDD hydrofracture calculations and drilling plan, embankment dewatering, slope stability, and pressurized water line policy compliance.

As mentioned previously an ATR is required due to embankment excavation and other significant modifications. The ATR team will include at least four disciplines from other Corps Districts that have expertise in the type of work being proposed and the dam safety requirements of the Corps. Engineering personnel will coordinate the activities of the ATR team.

Also included in this scope and cost estimate are major construction oversight requirements. This funding would be utilized if a Section 408 permission is granted. The oversight could consist of, but not be limited to oversight of directional drill methods to verify pressures to ensure they are within tolerable limits, and pressurized water line construction, excavation, backfill materials and compaction.

2.3 Planning Branch

Planning is responsible for ensuring that the National Environmental Policy Act, National Historic Preservation Act (Section 106) and other environmental laws are complied with. They will review and prepare a record of decision for our commander's signature. Much of the work has already been done during the preparation of the Bureau of Reclamation Environmental Impact Statement for this project. Planning will tier off the final document.

- 13 Completed life cycle cost analysis worksheet for water supply construction projects. The completed worksheet must include a no action alternative, and up to three additional plausible alternatives - including repair, replacement, and regionalization options. If repair, replacement, and regionalization alternatives are excluded from the life cycle cost analysis, justification must be provided by the project sponsor.
- 14 A letter of verification from the Bank of North Dakota indicating the sponsor's debt service capacity for Water Infrastructure Revolving Loan Fund or Legacy Infrastructure Loan Fund requests.
- 15 Additional information as deemed appropriate by the Secretary

Applications for cost-share are separate and distinct from the State Water Commission biennial project information collection effort that is part of the budgeting process and published as the State Water Plan. All local sponsors are encouraged to submit project financial needs for the State Water Plan. Projects not submitted as part of the State Water Plan development process may be held until action can be taken on those that were included during budgeting, unless determined to be an emergency that directly impacts human health and safety or that are a direct result of a natural disaster.

- B. PRE-APPLICATION. A pre-application process is allowed for cost-share of assessment projects. This process will require the local sponsor to submit a brief narrative of the project, and a delineation of costs. The Secretary will then review the material presented, make a determination of project eligibility, and estimate the cost-share funding the project may anticipate receiving. A project eligibility letter will then be sent to the local sponsor noting the percent of cost-share assistance that may be expected on eligible items as well as listing those items that are not considered to be eligible costs. In addition, the project eligibility letter will state that the Secretary will recommend approval when all cost-share requirements are addressed. The local sponsor may use the project eligibility letter to develop a project budget for use in the assessment voting process. Upon completion of the assessment vote and all other requirements an application for cost-share can be submitted.
- C. REVIEW. Upon receiving an application for cost-share, the Secretary will review the application and accompanying information. If the Secretary is satisfied that the proposal meets all requirements, the local sponsor will be asked to present the application, and the Secretary will provide a recommendation to the State Water Commission for its action. The Secretary's review of the application will include the following items and any other considerations that the Secretary deems necessary and appropriate.
 - 1 Applicable engineering plans;
 - 2 Field inspection, if deemed necessary by the Secretary;
 - 3 The percent and limit of proposed cost-share determined by category of cost-share activity and eligible expenses;
 - 4 Assurance of sustainable operation, maintenance, and replacement of project facilities by the local sponsor;
 - 5 Status of permitting and service area agreements;

B. WATER SUPPLY

- 1 RURAL AND MUNICIPAL WATER SUPPLY PROJECTS. The State Water Commission supports water supply efforts. The local sponsor may apply for funding, and the application will be reviewed to determine project priority. Debt per capita, water rates and financial need may be considered by the Commission when determining an appropriate cost-share percentage. The Commission reserves flexibility to adjust percentages on a case by case basis, but generally:

Up to 75% cost-share may be provided for:

- Rural Water System Expansions and Improvements
- Connection of communities to a regional system
- Improvements required to meet primary drinking water standards

Up to 60% cost-share may be provided for:

- Municipal Water Supply Expansions and Improvements
- Connection of new rural water customers located within extraterritorial areas of a municipality

Water Depots for industrial use receiving water from facilities constructed using State Water Commission funding or loans have the following additional requirements:

- a) Domestic water supply has priority over industrial water supply in times of shortage. This must be explicit in the water service contracts with industrial users.
 - b) If industrial water service will be contracted, public notice of availability of water service contracts is required when the depot becomes operational.
 - c) Public access to water on a non-contracted basis must be provided at all depots.
- 2 FEDERAL MUNICIPAL, RURAL, AND INDUSTRIAL WATER SUPPLY PROGRAM. The Municipal, Rural, and Industrial Water Supply Program, which uses federal funds, is administered according to North Dakota Administrative Code Article 89-12.
 - 3 DROUGHT DISASTER LIVESTOCK WATER ASSISTANCE PROGRAM. This program is to provide assistance with water supply for livestock impacted during drought declarations and is administered according to North Dakota Administrative Code Article 89-11.

- C. FLOOD CONTROL. The State Water Commission may provide cost-share for eligible items of flood control projects protecting communities from flooding and may include the repair of dams that provide a flood control benefit. [When applicable, project sponsors must first acquire a Conditional Letter of Map Revision \(CLOMR\) from the United State's Federal Emergency Management Agency prior to applying for construction-related cost-share assistance.](#)

- 1 FLOOD RECOVERY PROPERTY ACQUISITION PROGRAM. This program is used to assist local sponsors with flood recovery expenses that provide long term flood damage reduction benefits through purchase and removal of structures in areas where flood damage has occurred. All contracted costs directly associated with the acquisition will be considered eligible for cost-share. Contracted costs may include: appraisals, legal fees (title and

November 10, 2021

**Garrison Diversion Unit
State Municipal, Rural, and Industrial Water Supply Program
Five Year Plan FY2022 - FY2026
Cooperative Agreement No. R17AC00049**

Project	Total Costs			FY 2022			FY 2023			FY 2024		
	Non Federal Share*	Federal Share	Project Total	Non Federal Share*	Federal Share	Project Total	Non Federal Share*	Federal Share	Project Total	Non Federal Share*	Federal Share	Project Total
NAWS Biota WTP and Pump Station Phase I Construction (7-2A/4-1A)	0	27,416,000	27,416,000	0	20,562,000	20,562,000	0	6,854,000	6,854,000	0	0	0
NAWS Minot WTP Phase III Construction (7-1C)	2,873,500	5,336,500	8,210,000	0	0	0	2,873,500	5,336,500	8,210,000	0	0	0
NAWS Bottineau/All Seasons Pumps and Storage Construction (5-4A)	2,905,350	5,395,650	8,301,000	0	0	0	2,905,350	5,395,650	8,301,000	0	0	0
NAWS Inline Booster Pump Stations Design (4-2D)	71,750	133,250	205,000	0	0	0	71,750	133,250	205,000	0	0	0
NAWS Inline Booster Pump Stations Construction (4-2D)	518,700	963,300	1,482,000	0	0	0	518,700	963,300	1,482,000	0	0	0
NAWS Biota WTP and Pump Station Phase II Design (7-2B/4-2B)	823,200	1,528,800	2,352,000	0	0	0	823,200	1,528,800	2,352,000	0	0	0
NAWS Biota WTP and Pump Station Phase II Construction (7-2B/4-2B)	5,487,000	20,344,000	25,831,000	0	0	0	0	0	0	0	19,373,250	19,373,250
NAWS Biota WTP and Pump Station Phase III Design (7-2C/4-1C)	2,046,000	0	2,046,000	0	0	0	0	0	0	0	0	0
NAWS Biota WTP and Pump Station Phase III Construction (7-2C/4-1C)	19,960,000	0	19,960,000	0	0	0	0	0	0	0	0	0
Eastern North Dakota Alternate Water Supply (ENDAWS)	0	0	0	0	0	0	0	0	0	0	0	0
Administration (BOR / GDCD / DWR)	117,091	3,536,645	3,653,736	22,500	680,000	702,500	22,950	693,090	716,040	23,409	706,952	730,361
Total	\$34,802,591	\$64,654,145	\$99,456,736	\$22,500	\$21,242,000	\$21,264,500	\$7,215,450	\$20,904,590	\$28,120,040	\$23,409	\$20,080,202	\$20,103,611

Project	FY 2025			FY 2026			Grant %	FY 2021			
	Non Federal Share*	Federal Share	Project Total	Non Federal Share*	Federal Share	Project Total		Non Federal Share*	Federal Share	Project Total	
NAWS Biota WTP and Pump Station Phase I Construction (7-2A/4-1A)	0	0	0	0	0	0	100%	NAWS Biota WTP Phase I	\$0	\$20,400,000	\$20,400,000
NAWS Minot WTP Phase III Construction (7-1C)	0	0	0	0	0	0	65%				
NAWS Bottineau/All Seasons Pumps and Storage Construction (5-4A)	0	0	0	0	0	0	65%		0	0	0
NAWS Inline Booster Pump Stations Design (4-2D)	0	0	0	0	0	0	65%		0	0	0
NAWS Inline Booster Pump Stations Construction (4-2D)	0	0	0	0	0	0	65%		0	0	0
NAWS Biota WTP and Pump Station Phase II Design (7-2B/4-2B)	0	0	0	0	0	0	65%		0	0	0
NAWS Biota WTP and Pump Station Phase II Construction (7-2B/4-2B)	5,487,000	970,750	6,457,750	0	0	0	100%		0	0	0
NAWS Biota WTP and Pump Station Phase III Design (7-2C/4-1C)	2,046,000	0	2,046,000	0	0	0	100%		0	0	0
NAWS Biota WTP and Pump Station Phase III Construction (7-2C/4-1C)	19,960,000	0	19,960,000	0	0	0	100%		0	0	0
Eastern North Dakota Alternate Water Supply (ENDAWS)	0	0	0	0	0	0	75%	ENDAWS	216,700	650,000	866,700
Administration (BOR / GDCD / DWR)	23,877	721,091	744,968	24,355	735,513	759,867	100/100/75%	Administration	22,500	680,000	702,500
Total	\$27,516,877	\$1,691,841	\$29,208,718	\$24,355	\$735,513	\$759,867			\$239,200	\$21,730,000	\$21,969,200

*The non-federal share may be Department of Water Resources, City of Minot, Garrison Diversion Conservancy District or line of credit. Costs associated with Biota Water Treatment Plant are anticipated to be reimbursed by the federal government.