

## MINUTES

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

**April 12, 2022**

The ND State Water Commission (Commission) held a meeting via telephone conference on April 12, 2022. Lt. Governor Sanford called the meeting to order at 1:05 p.m. A quorum was present.

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

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

#### **OTHERS PRESENT:**

Andrea Travnicek, Ph.D., Director, ND Dept. of Water Resources (DWR) and Commission Secretary  
John Paczkowski, DWR State Engineer  
DWR Staff  
Jennifer Verleger, General Counsel, Attorney General's Office  
Reice Haase, Policy Advisor, Governor's Office  
Approximately 100 people interested in agenda items.

### CONSIDERATION OF AGENDA

The agenda for the April 12, 2022, Commission meeting was approved as presented.

### CONSIDERATION OF DRAFT MEETING MINUTES

**It was moved by Commissioner Ova, seconded by Commissioner Goehring, and carried on a voice vote that the minutes of the February 23, 2022, Commission meeting and March 17, 2022, Pre-Commission meeting, be approved as written.**

### COMMISSION SECRETARY UPDATE

Andrea Travnicek, DWR Director and Commission Secretary, provided an update on the status of the agency's Cost-Share Policy revisions. DWR's goal is to have the revised Cost-Share Policy available in June 2022 for a public 45-day public comment period beginning in July. The agency is working with Commissioners to schedule basin-wide Commissioner-hosted meetings in June and July.

## **FINANCIAL REPORT**

The allocated program expenditures, financial reports, and financial spreadsheets were presented by Heide Delorme, DWR Administrative Services Director (**APPENDIX A**). The oil extraction tax deposits into the Resources Trust Fund (RTF) total \$134,175,802 through March 2022 which is \$23,368,796 over projected revenue. There were no questions.

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

Sindhuja S.Pillai-Grinolds, SWPP Project Manager, provided information on SWPP's Contract HI 2021 related to a hydraulic improvement project that includes strategic improvements to address waiting list users. All feasibility criteria based on the original cost estimate were met, and the project will proceed with construction. Bids were due March 30, 2022; however no bids were received.

After discussion with contractors no bids were received because pipe manufacturers are not producing the needed pipe size and pressure classes. At this time, production is very limited and product is not available. SWPP is considering several options on how to proceed with the project and will provide further updates.

There were no questions.

## **STRATEGIC GOVERNANCE AND FINANCE UPDATE**

Jon Kelsch, DWR Water Development Division Director, provided a brief update on several directives from the Commission regarding the Strategic Governance and Finance Study (**APPENDIX B**).

### **Western Area Water Supply (WAWS) Matrix**

Jon provided a matrix with current ND Century Code for the oversight of the WAWS. DWR staff continues to research required changes needed for the transfer of oversight from the Industrial Commission to DWR and the Commission.

Andrea Travnicek stated that DWR is working with the Industrial Commission, Bank of North Dakota, and WAWS to determine additional options for the transfer of oversight. The goal is to have additional information available for the June Commission meeting.

There were no questions.

### **Missouri River Use**

Jon discussed the information compiled related to tribal and states water rights quantification along the Missouri River and how other state's water usage compares to North Dakota. DWR staff will pursue additional information as requested.

### **Other State Programs**

Jon also presented a summary of grant and loan programs available in North Carolina and Texas for comparison to North Dakota. Andrea Travnicek stated that this information would be discussed at a Pre-Commission meeting to determine if these programs would be of benefit for North Dakota.

## **COST-SHARE POLICY MODIFICATIONS**

### **Cost-Share Policy Modifications**

Pat Fridgen, DWR Planning and Education Division Director, reiterated that DWR's goal is to have the revised Cost-Share Policy available in June 2022 for a 45-day public comment period that would begin in July. DWR staff is currently drafting policy language.

### **Industrial Plant Water Supply Options**

Pat presented Industrial Water Plant Supply options for 1) proposed wastewater treatment plant and reclaimed water definitions with eligible cost-share participation criteria and 2) water treatment plant eligible cost-share participation criteria (**APPENDIX C**). The options will be incorporated into the proposed language being drafted for cost-share policy modifications.

There were no questions.

## **PURPOSE FUNDING SUMMARY**

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

## **CONSENT AGENDA**

The consent agenda included the following cost-share projects with requested funding amount for approval:

### **Flood Control**

- Souris River Joint Board: Mouse River Enhanced Flood Protection Project - \$0

### **General Water**

- Missouri River Joint WRD: Outreach and Coordination - \$73,835
- UND: Cold Region Hydrologic Modeling - \$165,000

### **Water Supply (Municipal/Regional)**

- Bowbells: Watermain Improvements - \$298,200
- Bismarck: 43<sup>rd</sup> Avenue Water System Expansion Phase 2 - \$596,000

### **Water Supply (Rural)**

- East Central RWD: Service to Hatton - \$463,000
- East Central RWD: Service to Grandin - \$528,000

**It was moved by Commissioner Goehring, seconded by Commissioner Volk, and unanimously carried, that the consent agenda items be approved as presented. Commissioner Anderson abstained from voting on East Central RWD Hatton and Grandin projects.**

## **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.

**GRAND FORKS COUNTY WATER RESOURCE DISTRICT (DISTRICT): GRAND FORKS  
DRAIN 9 - \$230,983  
(SWC Project No. 1108)**

The District requested cost-share for the Grand Forks County Drain 9 Improvement project. The project will improve Grand Forks County Drain 9 to include deepening and widening of the drain and culvert replacements and increase capacity of the drain in order to provide fresh water to the English Coulee within Grand Forks, and to address dangerous side-slopes.

The project meets requirements of the Commission's cost-share policy for flood control projects and the recommendation was to approve the request.

In response to questions from commissioners, Tom Purdue, District Board Member, stated that the District and city of Grand Forks is participating in the cost-share, and the local share has been resolved. Jerry Pribula, District Engineer, provided history of the original drain and ditch area in relation to the US Army Corps of Engineers project and the overall issues with fresh water flow into the coulee.

In response to questions from commissioners, Duane Pool, Ph.D., DWR Resource Economist, stated that this project will reestablish the fresh water flow to the English Coulee and will also repair the issues associated with the side slopes of the ditch and the safety issues of the adjacent industrial road.

After discussion, the following motion was made:

**It was moved by Commissioner Goehring and seconded by Commissioner Zimmerman the Commission approve the request by the Grand Forks County Water Resource District for state cost participation in the Grand Forks County Drain 9 Improvements - Construction project at 45 percent of eligible costs, not to exceed \$230,983. The approval is contingent on available funding.**

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

**TRAILL COUNTY WATER RESOURCE DISTRICT (DISTRICT): BLANCHARD-NORMAN  
DRAIN - \$1,130,002  
(SWC Project No. 1241)**

The District requested cost-share for the Blanchard-Norman Drain 23-40 Improvement project. The project includes deepening and widening of the drain and culvert replacements, and will increase capacity of the drain to provide rural flood protection.

The project meets requirements of the Commission's cost-share policy for flood control projects and the recommendation was to approve the request.

There were no questions. The following motion was made:

**It was moved by Commissioner Goehring and seconded by Commissioner Ova the Commission approve the request by the Traill County Water Resource District for state cost participation of \$1,130,002 at 45 percent of eligible costs for the Blanchard-Norman Drain 23-40 Improvements - Construction project, with the total not to exceed \$1,215,547. The approval is contingent on available funding.**

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

## **MUNICIPAL/REGIONAL AND RURAL WATER SUPPLY PROJECTS**

Jeffrey Mattern presented the requests for the Municipal/Regional and Rural Water Supply projects.

### **GRAND FORKS: 2022 WATERLINE EXPANSION - \$144,000 (SWC Project No. 2050GRF)**

Grand Forks requested cost-share on design costs to install a watermain into an area proposed for annexation. The area is currently being served by an extension from Agassiz Water Users District and Grand Forks has an agreement to address Agassiz's existing infrastructure and service area. The project would provide water service to 68 new users, including domestic and a proposed agricultural processing industrial user.

The project meets requirements of the Commission's cost-share policy for municipal water supply projects and the recommendation was to approve the request.

In response to questions from commissioners, Todd Feland, Grand Forks City Administrator, stated that most of the annexation and assessment concerns have been resolved and the annexation will be presented to the City Council on April 18. Grand Forks is responsible for 40 percent of the cost-share which will be provided through the ND Drinking Water State Revolving Fund Program. The project will also provide additional capacity and future expansion capabilities. The petition modification related to the annexation is due April 16 and will be discussed at the City Council meeting. Todd stated that even if the annexation did not come to fruition, the project will provide more water supply and fire protection for additional industrial and agribusiness customers.

Todd clarified that this project is only for the design of the potable water supply. The water source for the Industrial Agriculture Park would be the Red River and from the current intake which would provide water for the Fufong industrial processing plant. Water usage is estimated at 6 million gallons per day. Two additional pumps will be placed in the current raw water intake route. Shawn Gaddie, AE2S, clarified that 6.6 million gallons is the average gallons per day with peak usage at 7.2 million gallons.

Commissioner Volk stated that during the preconstruction phase of projects, project sponsors should review all alternatives that support the project. Because of continued cost increases due to supply issues, sponsors should look at alternative ways to save costs such as use of different material or size of pipe.

After discussion, the following motion was made:

**It was moved by Commissioner Goehring and seconded by Commissioner Zimmerman the Commission approve the request by the City of Grand Forks for state cost-share participation at 60 percent of eligible costs for the 2022 Waterline Expansion project, with the total amount not to exceed \$144,000. The approval is contingent on available funding.**

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

**WILTON: 2022 STREET AND UTILITY IMPROVEMENTS - \$2,150,000  
(SWC Project No. 2050WIL)**

Wilton requested cost-share for replacement of aging watermain, in combination with the replacement of the existing sewer lines. Only the watermain portion is considered eligible for cost-share as part of the request.

The project meets requirements of the Commission's cost-share policy for municipal water supply projects and the recommendation was to approve the request.

In response to a question from a commissioner, Jeffrey Mattern clarified that the 10 percent overage of original cost was due to price of pipe increase.

After discussion, the following motion was made:

**It was moved by Commissioner Goehring and seconded by Commissioner Johnson the Commission approve the request by the City of Wilton for state cost-share participation at 60 percent of eligible costs for the 2022 Street and Utility Improvements project, with the total amount not to exceed \$2,150,000. The approval is contingent on available funding.**

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

**WAWS: PHASE 6 STANLEY RURAL PART 2 - \$7,132,000  
(SWC Project No. 1973)**

The Western Area Water Supply Authority requested cost-share for construction costs for the Phase 6 Stanley Rural Distribution Part 2 project. The project is for the installation of additional transmission pipeline to increase capacity in the R&T Water Supply Association service area.

The project meets requirements of the Commission's cost-share policy for regional water supply projects and the recommendation was to approve the request.

There were no questions. The following motion was made:

**It was moved by Commissioner Goehring and seconded by Commissioner Veeder the Commission approve the request by the Western Area Water Supply Authority for state cost-share participation at 75 percent of eligible costs for the Stanley Rural Distribution Part 2 project, for an additional \$7,132,000, with the total amount not to exceed \$7,396,000. The approval is contingent on available funding.**

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

**CASS RURAL WATER DISTRICT (DISTRICT): ND SOYBEAN PROCESSORS FACILITY  
AND PIPELINE - \$780,000 (SFRF)  
(SWC Project No. 2050CAS)**

The District requested cost-share for preconstruction costs to provide reclaimed water from Fargo's Wastewater Treatment Plant Effluent Reuse Facility (ERF) to the ND Soybean Processor's (NDSP) proposed location north of Casselton. The eligible project includes 29

miles of distribution pipeline to supply reclaimed water to the NDSP plant. Ineligible costs include expanding Fargo's ERF to provide additional capacity, the wastewater pipeline from the NDSP plant back to Fargo, and project easements.

The project meets requirements of the Commission's cost-share policy for rural water supply projects and the recommendation was to approve the request.

In response to questions from commissioners, Andrea Travnicek and Jeffrey Mattern stated that the request is for preconstruction costs and the water supply source is coming from treated wastewater in Fargo. Fargo will use water from an industrial water permit received in 2007.

Commissioner Goehring stated that federal funds received for these projects are from the State Fiscal Recovery Fund (SFRF) and being directed to be used for building infrastructure. Economic development and industrial infrastructure is very important in this area.

Jeffrey Mattern also clarified that the cost-share request is not being provided on the return of NDSP plant wastewater or increase capacity in Fargo's ERF, but rather only the transmission pipeline to provide the water supply component to NDSP. Jerry Blomeke, District Manager, stated that the treatment plant portion of this project is not eligible for any cost-share funding, and that the NDSP plant is located on the outskirts of Casselton.

Commissioner Goehring requested future requests be written to focus on the actual component of the request, without adding too much irrelevant background information. Commissioner Walker also stated that the Industrial Plant Supply option provided earlier was applied appropriately to this request.

Duane Pool also stated that an Economic Impact Analysis is available for this project and would be provided to Commissioners if needed. Commissioners were encouraged to request this information from DWR staff as needed. Duane stated that economies of scale work especially well in the public service area. Jerry added that using wastewater as a water supply also defrays costs and helps keep water user rates more stable.

After discussion, the following motion was made:

**It was moved by Commissioner Goehring and seconded by Commissioner Walker the Commission approve the request by the Cass Rural Water District for state cost-share participation at 75 percent of eligible costs for the Service to North Dakota Soybean Processors project, with a total amount not to exceed \$780,000. The approval is contingent on available funding.**

**Commissioners Anderson, Johnson, Odermann, Veeder, Volk, Walker, Zimmerman, Goehring, and Lt. Governor Sanford voted aye. Commissioner Ova voted nay. The motion carried.**

**DAKOTA RURAL WATER DISTRICT (DISTRICT): SERVICE TO HANNAFORD AND WATER TREATMENT PLANT EXPANSION - \$315,000 (SWC Project No. 2050DAK)**

The District requested cost-share for preconstruction for the expansion of the South Water Treatment Plant to provide additional capacity to the system's recent expansions and the construction of a pipeline to serve Hannaford.

The project meets requirements of the Commission's cost-share policy for rural water supply projects and the recommendation was to approve the request.

There were no questions. The following motion was made:

**It was moved by Commissioner Goehring and seconded by Commissioner Volk the Commission approve the request by the Dakota Rural Water District for state cost-share participation at 75 percent of eligible costs for the Service to Hannaford and Water Treatment Plant Expansion project, for a total amount not to exceed \$315,000. The approval is contingent on available funding.**

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

**MCLEAN SHERIDAN RURAL DISTRICT: SERVICE TO BLUE FLINT ETHANOL PLANT - \$10,892,000 (SFRF)  
(SWC Project No. MCL)**

The request was tabled.

**EAST CENTRAL RURAL WATER DISTRICT (DISTRICT): WATER TREATMENT PLANT (WTP) AND TRANSMISSION PIPELINE EXPANSION - \$1,618,500  
(SWC Project No. 2050EAS)**

The District requested cost-share for construction costs for the installation of additional pipeline to address the addition of Agassiz Water Users, Larimore, and numerous rural users added in Traill and Grand Forks Counties. The project will also ultimately include the construction of an 800 gallons-per-minute WTP expansion. The WTP expansion will be submitted as part of a separate future funding request.

The project meets requirements of the Commission's cost-share policy for rural water supply projects and the recommendation was to approve the 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 East Central Regional Water District for state cost-share participation at 75 percent of eligible costs for the Water Treatment Plant and Transmission Pipeline project, for an additional \$1,618,500, with the total amount not to exceed \$2,139,500. The approval is contingent on available funding.**

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

**WALSH RURAL WATER DISTRICT (DISTRICT): DRAYTON WATER SUPPLY PHASE 2 - \$1,025,300  
(SWC Project No. 2050WAL)**

The District requested additional cost-share for construction of the Drayton Water Supply expansion project due to increased cost of materials. The project is a joint venture with Drayton, Park River, and Northeast Regional Water District (NRWD) to increase the capacity from the water source at Park River north to the Hoople area, install 46 miles of pipeline,

provide service to Drayton, replace Drayton's existing ground storage with a new water tower, and provide a connection to nearby NRWD for a backup water source.

The project meets requirements of the Commission's cost-share policy for rural water supply projects and the recommendation was to approve the request.

In response to questions from commissioners, Jeffrey Mattern stated that the contractor switched to poly pipe instead of PVC pipe which lowered the initial project bid price by \$721,000.

Tim Freije, Northwest Area Water Supply Project Manager, also stated that the use of PVC pipe instead of poly pipe is not always possible. The type of pipe used is dependent on the type of project and type of pipe needed. Poly pipe is much more flexible and easier to tap into and has a higher thermal expansion. This is why many projects use PVC rather than poly.

After discussion, the following motion was made:

**It was moved by Commissioner Ova and seconded by Commissioner Anderson the Commission approve the request by the Walsh Rural Water District for state cost-share participation at 75 percent of eligible costs for the Service to Drayton project for an additional \$1,025,300, with the total amount not to exceed \$8,995,000. The approval is contingent on available funding.**

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

#### **FOUR-YEAR PROJECT REPORTS**

Julie Prescott provided a summary of projects requesting funding extensions and a project completed with pending final reimbursement request.

#### **MERCER COUNTY WATER RESOURCE DISTRICT (DISTRICT) – LAKE SHORE ESTATES**

In response to questions from commissioners, Mark Kaffar, District Secretary/Treasurer, stated that necessary permits from the US Army Corps of Engineers and an alternative plan was chosen to complete the project. If pipe is available, the District will begin the project and hopes to complete in fall 2022.

After discussion, the following motion was made:

**It was moved by Commissioner Goehring and seconded by Commissioner Walker the Commission approve the extension of the current agreement by the Mercer County Water Resource District based on project sponsors continuing to make progress in 2022-2023.**

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

## **WASHBURN – NEW RAW WATER INTAKE**

In response to a question from a commissioner, Eric Lothspeich, AE2S, clarified that the project began prior to the Blue Flint Ethanol Plant (Blue Flint) project, approximately 20 years ago. Because of issues related to the Red River Valley Water Supply project and further project review, the project was placed on hold. The project is needed whether or not the Blue Flint project continues. The local shared dollars for the intake project have been secured and the anticipated completion date is fall 2023. Eric also clarified that a request for additional funding due to increased cost will be presented at the June Commission meeting.

Eric also stated that the intake project would not need to be completed for the Blue Flint project to go forward. Water would be supplied by the existing intake in Washburn. The intake project will relocate the intake to the west side of the river and alleviate sediment and channel migration issues.

Jeffrey Mattern suggested a completion date of June 2024 be approved.

After discussion, the following motion was made:

**It was moved by Commissioner Goehring and seconded by Commissioner Volk the Commission approve the extension of the current agreement by the city of Washburn based on project sponsors continuing to make progress in 2022-2023, and proposed completion date of June 2024.**

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

There was no discussion related to the pending final reimbursement request from the city of Lisbon.

## **PROJECT UPDATES**

DWR staff provided brief updates on the following projects:

- Jon Kelsch, DWR Water Development Division Director, Devils Lake Outlet
- Chris Korkowski, DWR Investigations Section Chief, Missouri River and Mouse River.
- Tim Freije, DWR NAWS Project Manager, NAWS
- Sindhuja S.Pillai-Grinolds, DWR SWPP Project Manager, SWPP, and Andrea Travnicek
- Drought Disaster Livestock Water Supply Program, Pat Fridgen, DWR Planning and Education Division Director

## **LEGAL UPDATE**

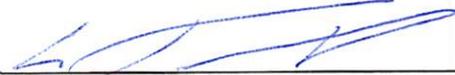
Jennifer Verleger, General Counsel, Attorney General's Office, provided a brief update. The majority of active cases are in the briefing schedule phase. The *WOTUS* case is part way through the briefing phase, and North Dakota may join an amicus brief received April 12.

There being no further business to come before the Commission, Lt. Governor Sanford adjourned the April 12, 2022, meeting at 3:18 p.m.



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



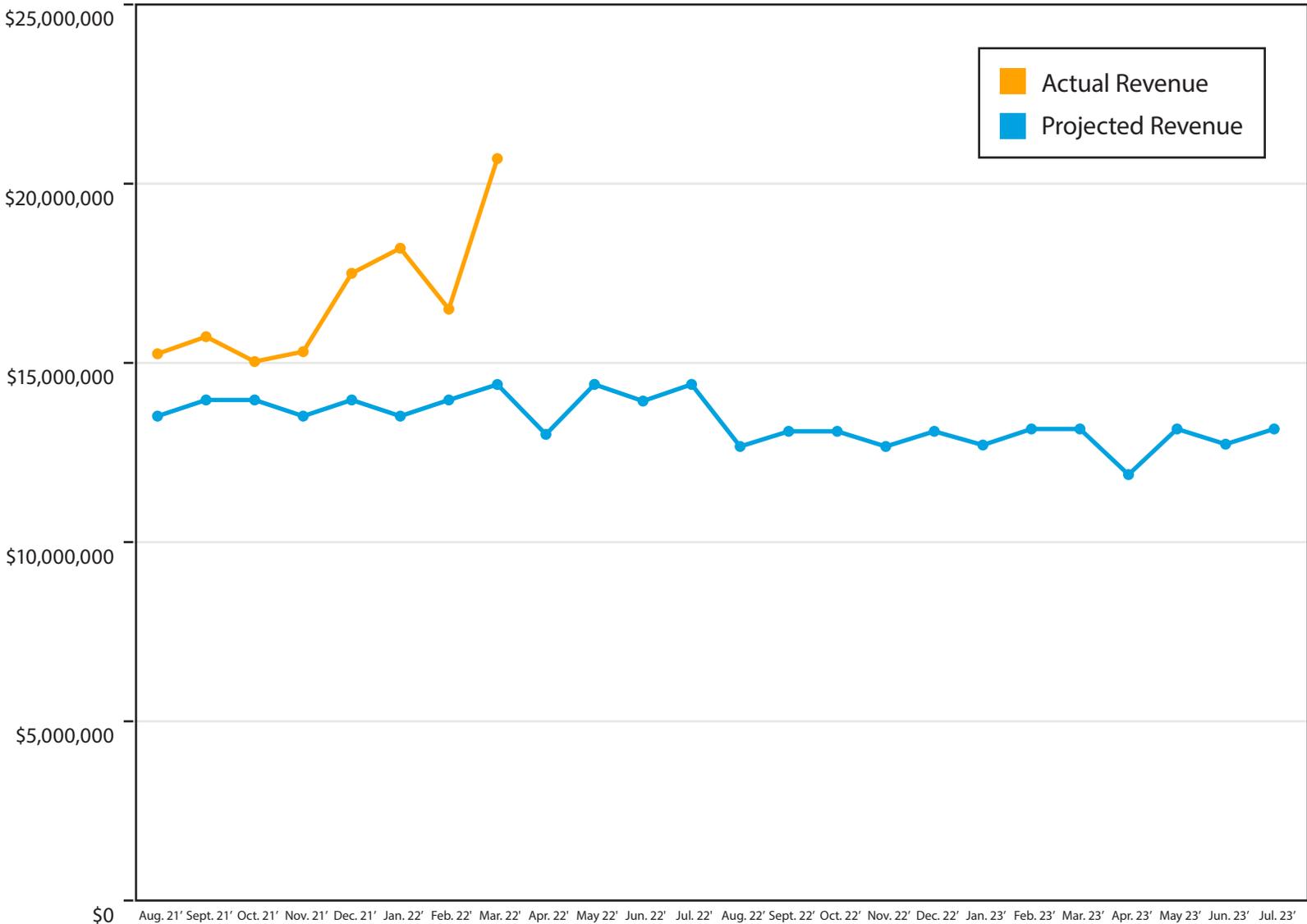
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Andrea Travnicek, Ph.D.  
Director, DWR, and Secretary to the State  
Water Commission

# RESOURCES TRUST FUND REVENUE

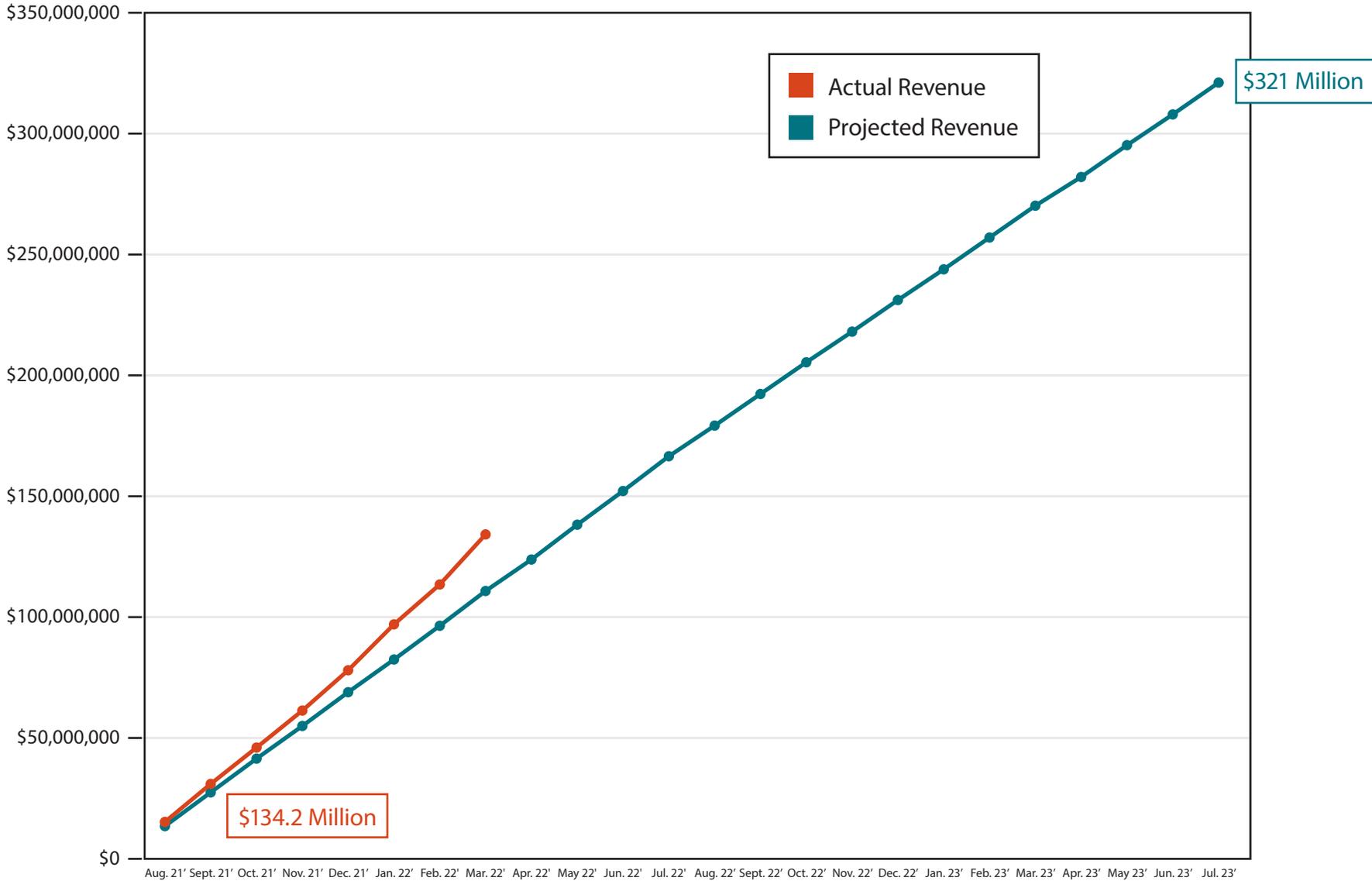
2021-2023 (Month by Month) | March 2022

APPENDIX A



# RESOURCES TRUST FUND REVENUE

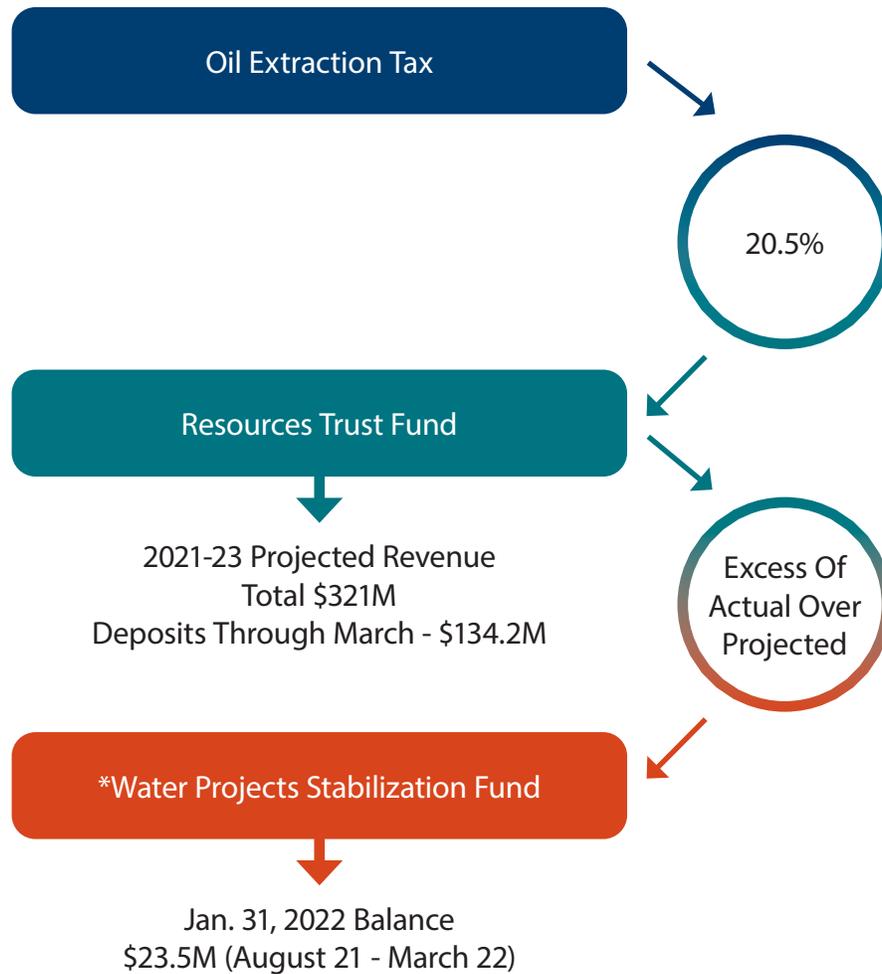
2021-2023 (Cumulative) | March 2022



NORTH DAKOTA DEPARTMENT OF WATER RESOURCES  
OIL EXTRACTION REVENUE  
FOR THE 2021 - 2023 BIENNIUM

MONTH / YEAR	PROJECTED <u>REVENUE</u>	<b>ACTUAL <u>REVENUE</u></b>	OVER PROJECTION TRANSFERS TO WATER PROJECTS <u>STABILIZATION FUND</u>
AUGUST, 2021	13,515,385	<b>15,253,686</b>	1,738,301
SEPTEMBER, 2021	13,965,897	<b>15,731,071</b>	1,765,174
OCTOBER, 2021	13,965,897	<b>15,037,222</b>	1,071,325
NOVEMBER, 2021	13,515,385	<b>15,313,493</b>	1,798,108
DECEMBER, 2021	13,965,897	<b>17,521,266</b>	3,555,369
JANUARY, 2022	13,515,385	<b>18,199,333</b>	4,683,948
FEBRUARY, 2022	13,965,897	<b>16,454,479</b>	2,488,582
MARCH, 2022	14,397,263	<b>20,665,252</b>	6,267,989
APRIL, 2022	13,006,515		
MAY, 2022	14,400,070		
JUNE, 2022	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		
<b>TOTALS</b>	<b>321,111,419</b>	<b>134,175,802</b>	<b>23,368,796</b>

# RESOURCES TRUST FUND REVENUE



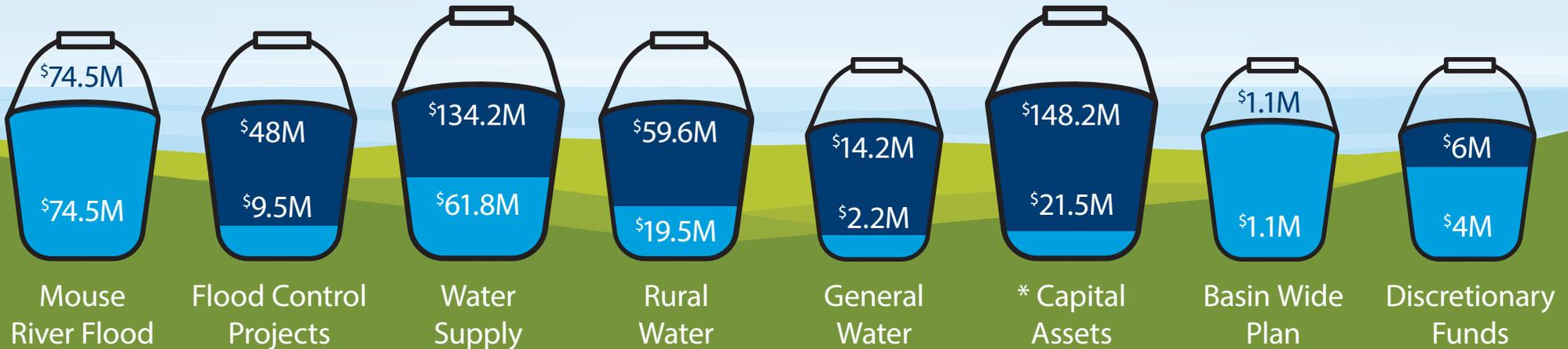
\*Authorized in Sections 5-7 of Senate Bill 2345 during the November special session.

# 2021-23 PURPOSE FUNDING

February 28, 2022

APPROVED

APPROPRIATED



\*Capital Assets bucket includes \$45.6M line of credit.



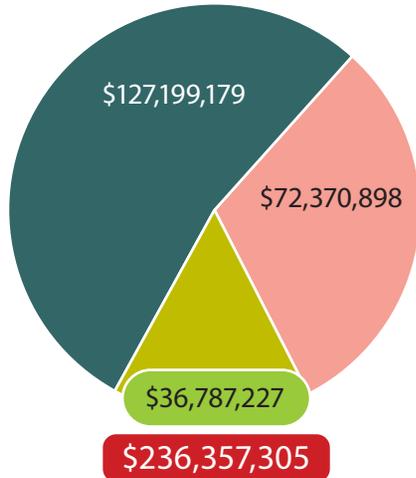
Federal Funds-State Fiscal Recovery Funds - SB 2345

Spent

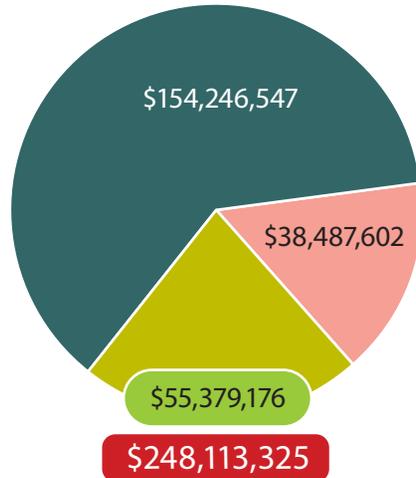
# 2021-2023 BIENNIUM TO DATE

Project Funds | February 28, 2022

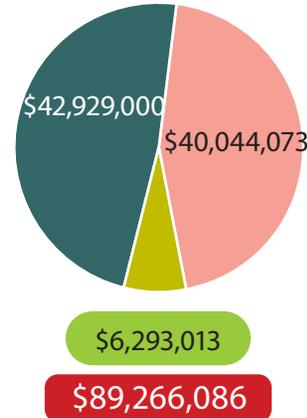
Water Supply



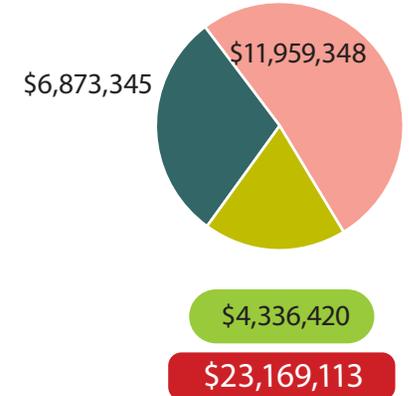
Flood Control



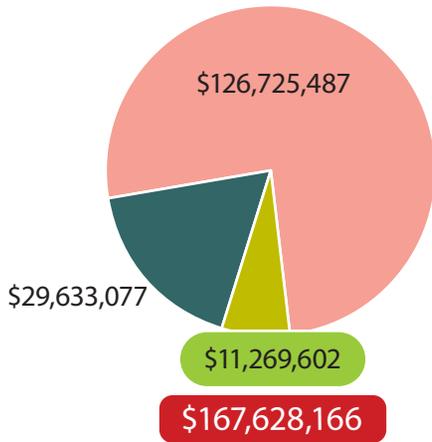
Rural Water Supply



General Water



Capital Assets



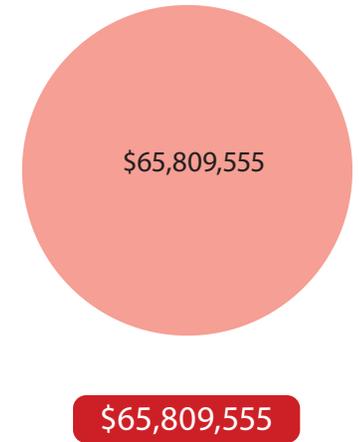
Discretionary



Basin Wide Plan



State Fiscal Recovery Fund



■ Expenditures   
 ■ Unpaid Approvals   
 ■ Appropriation Balance   
 ■ 21-23 Total Appropriation (Carryover and New Money)

**DEPARTMENT OF WATER RESOURCES  
BUDGET SUMMARY  
2021-2023 BIENNIUM**

February 28, 2022

**Projected Funding**

Cash Balance (February 28, 2022)	\$367,600,000
Future Projected Revenue (17 months at \$12.21 Million / Month)	\$207,570,000
Other Projected Revenue (SWPP, Interest, etc.)	\$9,600,000
SB 2345 State Fiscal Recovery Funds	\$65,809,555
<b>TOTAL</b>	<b>\$650,579,555</b>

**Projected Expenditures**

Unpaid Approvals (February 28, 2022)	\$375,670,000
SWC Operations (February 28, 2022)	\$42,000,000
<b>TOTAL</b>	<b>\$417,670,000</b>

<b>Projected Funding Balance</b>	<b>\$232,909,555</b>
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<b>\$28,538,820</b>
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<b>PROJECTED BALANCE</b>	<b>\$204,370,735</b>
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**Federal Funding**

MR&I Federal Funds Authority	\$50,000,000
SFRF Funds Authority	\$75,000,000
Federal Funds Expenditures	(\$20,078,970)
Remaining Federal Funds Authority	\$104,921,030

**DEPARTMENT OF WATER RESOURCES  
PROJECT SUMMARY  
2021-2023 BIENNIUM**

*February 28, 2022*

	2019-2021 CARRYOVER	2021-2023 APPROPRIATION	2021-2023 TOTAL	SWC/DIRECTOR APPROVED	APPROPRIATION BALANCE
<b>MUNICIPAL &amp; REGIONAL WATER SUPPLY:</b>					
MUNICIPAL WATER SUPPLY	46,499,025	11,559,700	58,058,725	58,058,725	0
RED RIVER VALLEY	24,872,719	46,963,771	71,836,490	71,836,490	(0)
OTHER REGIONAL WATER SUPPLY	21,422,747	3,478,000	24,900,747	24,900,747	(0)
STATE FISCAL RECOVERY FUNDS - SB 2345	0	9,190,445	9,190,445	9,190,445	0
UNOBLIGATED MUNICIPAL/REG WATER SUPPLY	9,372,369	62,998,529	72,370,898		72,370,898
Total	102,166,859	134,190,445	236,357,305	163,986,406	\$ 72,370,898
% OBLIGATED		53.05%			
<b>RURAL WATER SUPPLY:</b>					
RURAL WATER SUPPLY	29,564,313	19,657,700	49,222,013	49,222,013	(0)
UNOBLIGATED RURAL WATER SUPPLY	101,773	39,942,300	40,044,073		40,044,073
Total	29,666,086	59,600,000	89,266,086	49,222,013	40,044,073
% OBLIGATED		32.98%			
<b>FLOOD CONTROL:</b>					
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	3,902,200	341,285	4,243,485	4,243,485	(0)
PROPERTY ACQUISITIONS	7,316,754	30,000	7,346,754	7,346,754	(0)
WATER CONVEYANCE	10,966,650	1,900,745	12,867,395	12,867,395	0
UNOBLIGATED FLOOD CONTROL	2,759,629	35,727,974	38,487,603		38,487,603
Total	125,613,325	122,500,002	248,113,325	209,625,723	38,487,602
% OBLIGATED		34.35%			
<b>GENERAL WATER:</b>					
GENERAL WATER	8,927,329	2,282,435	11,209,765	11,209,765	(0)
UNOBLIGATED GENERAL WATER	14,509	11,944,839	11,959,348		11,959,348
Total	8,941,838	14,227,274	23,169,113	11,209,765	11,959,348
% OBLIGATED		19.11%			
<b>SUBTOTAL</b>	<b>266,388,108</b>	<b>330,517,721</b>	<b>596,905,829</b>	<b>434,043,908</b>	<b>162,861,921</b>
<b>CAPITAL ASSETS:</b>					
SWPP CAPITAL ASSETS	8,528,779	9,800,000	18,328,779	18,328,779	0
NAWS CAPITAL ASSETS	10,865,900	11,708,000	22,573,900	22,573,900	0
UNOBLIGATED CAPITAL ASSETS	0	126,725,487	126,725,487		126,725,487
Total	19,394,679	148,233,487	167,628,166	40,902,679	126,725,487
% OBLIGATED		16.97%			
<b>DISCRETIONARY FUNDING:</b>					
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%			
<b>BASINWIDE PLAN IMPLEMENTATION:</b>					
BASINWIDE PLAN IMPLEMENTATION	0	1,100,000	1,100,000	1,100,000	0
UNOBLIGATED BASINWIDE PLAN IMPLEMENTATION FUNDS	0	0	0		0
Total	0	1,100,000	1,100,000	1,100,000	0
% OBLIGATED		0.00%			
<b>STATE FISCAL RECOVERY FUND:</b>					
STATE FISCAL RECOVERY FUND:					0
UNOBLIGATED STATE FISCAL RECOVERY FUNDS	0	65,809,555	65,809,555		65,809,555
Total	0	65,809,555	65,809,555	0	65,809,555
% OBLIGATED		0.00%			
<b>TOTAL</b>	<b>285,782,787</b>	<b>551,660,763</b>	<b>837,443,551</b>	<b>480,046,587</b>	<b>357,396,963</b>

**DEPARTMENT OF WATER RESOURCES  
PROJECT SUMMARY  
2021-2023 BIENNIUM**

*Feb-22*

	SWC/DIRECTOR APPROVED	EXPENDITURES	UNPAID
<b>MUNICIPAL &amp; REGIONAL WATER SUPPLY:</b>			
MUNICIPAL WATER SUPPLY	58,058,725	12,552,055	45,506,669
RED RIVER VALLEY	71,836,490	8,286,666	63,549,823
OTHER REGIONAL WATER SUPPLY	24,900,747	6,758,060	18,142,687
STATE FISCAL RECOVERY FUNDS SB2345	9,190,445	9,190,445	(0)
<b>TOTAL</b>	<b>163,986,406</b>	<b>36,787,227</b>	<b>127,199,179</b>
<b>RURAL WATER SUPPLY:</b>			
RURAL WATER SUPPLY	49,222,013	6,293,013	42,929,000
<b>FLOOD CONTROL:</b>			
FARGO	50,966,383	29,716,475	21,249,909
MOUSE RIVER	48,406,498	15,256,304	33,150,194
MOUSE RIVER HB1431	74,500,000	792,144	73,707,856
VALLEY CITY	11,120,628	246,775	10,873,853
LISBON	174,579	94,090	80,489
OTHER FLOOD CONTROL	4,243,485	226,615	4,016,871
PROPERTY ACQUISITIONS	7,346,754	3,991,409	3,355,345
WATER CONVEYANCE	12,867,395	5,055,364	7,812,030
<b>TOTAL</b>	<b>209,625,723</b>	<b>55,379,176</b>	<b>154,246,547</b>
<b>GENERAL WATER:</b>			
GENERAL WATER	11,209,765	4,336,420	6,873,345
<b>SUBTOTAL</b>	<b>434,043,908</b>	<b>102,795,836</b>	<b>331,248,071</b>
<b>CAPITAL ASSETS:</b>			
SWPP CAPITAL ASSETS	18,328,779	5,102,462	13,226,317
NAWS CAPITAL ASSETS	22,573,900	6,167,141	16,406,759
<b>TOTAL</b>	<b>40,902,679</b>	<b>11,269,602</b>	<b>29,633,077</b>
<b>DISCRETIONARY FUNDING:</b>			
DISCRETIONARY FUNDING PROJECTS	4,000,000	110,559	3,889,441
<b>BASINWIDE PLAN IMPLEMENTATION:</b>			
BASINWIDE PLAN IMPLEMENTATION	1,100,000	10,156	1,089,844
<b>TOTALS</b>	<b>480,046,587</b>	<b>114,186,153</b>	<b>365,860,433</b>

**DEPARTMENT OF WATER RESOURCES  
PROJECT SUMMARY  
2021-2023 Biennium  
Resources Trust Fund**

**WATER SUPPLY**

Feb-22

Approved SWC By	No	Dept	Approved Biennium	Sponsor	Project	Approved Date	Total Approved	Total Payments	Balance
<b>Municipal Water Supply:</b>									
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	15,396,122	2,270,681	13,125,442
SWC	2050-15	5000	2017-19	Washburn	New Raw Water Intake	4/12/18	1,872,949	1,300	1,871,649
SWC	2050-32	5000	2017-19	Williston	Water Systems Improvement Project	12/6/19	3,629,490	1,626,235	2,003,255
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	191,960	216,378
SWC	2050-84-19	5000	2019-21	Cavalier	Water Tower Replacement	2/11/21	1,175,325	859,474	315,851
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	425,372	550,639
SWC	2050-87-19	5000	2019-21	Streeter	Well Installation and Tower Rehabilitation	10/10/19	96,812	3,707	93,105
SWC	2050-88-19	5000	2019-21	Davenport	Water Improvement District No. 2019-1	10/10/19	421,582	200,821	220,761
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	2050-95-19	5000	2019-21	Garrison	Water Supply Treatment and Transmission Line	2/13/20	3,076,759	272,589	2,804,171
SWC	2050-96-19	5000	2019-21	Lainore	2020 Water System Replacement	12/11/20	3,329,005	1,045,500	2,283,505
SWC	2050-98-19	5000	2019-21	Sykeston	Water Tower Replacement	5/4/21	414,966	321,332	93,634
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	636,904	26,299
SWC	2050-101-19	5000	2019-21	Fargo	Downtown Water Tower	2/13/20	2,751,478	1,289,597	1,461,880
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	16,011	1,267,027
SWC	2050-105-19	5000	2019-21	Williston	42nd Street and 16th Avenue Water Main	2/13/20	230,157	9,251	220,906
SWC	2050-106-19	5000	2019-21	Parshall	Water Tower Storage	4/9/20	262,686	262,686	0
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	87,685	923,323
SWC	2050-116-19	5000	2019-21	Portland	Water Systems Improvement Feasibility Study	11/16/20	0	0	0
SWC	2050-121-19	5000	2019-21	Killdeer	HWBL Water Expansion	2/11/21	72,300	2,700	69,600
SWC	2050-122-19	5000	2019-21	Bowbells	Watermain Improvements 2020	2/11/21	22,800	19,879	2,921
SWC	2050-123-19	5000	2019-21	Horace	District 2020-06 Water System Improvements	6/8/21	3,053,000	841,302	2,211,698
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	470,890	113,110
SWC	2050-129-19	5000	2019-21	Napoleon	Water Tower Replacement	6/8/21	177,000	177,000	0
<b>TOTAL MUNICIPAL WATER SUPPLY CARRYOVER</b>							<b>46,321,963</b>	<b>11,612,901</b>	<b>34,709,062</b>
SWC	2050-95-21	5000	2021-23	Garrison	Water Supply Treatment and Transmission Line	2/23/22	924,000	0	924,000
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	190,624	512,576
SWC	2050-124-21	5000	2021-23	Horace	Watermain Improvement District 2020-7 to Cass	8/12/21	1,232,250	392,807	839,443
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	178,662	1,438,338
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
SWC	2050-143-21	5000	2021-23	Fargo	Regional Water System Distribution Extensions	2/23/22	172,000	0	172,000
SWC	2050-144-21	5000	2021-23	Minot	NW Minot Residential Watermain Replacement	2/23/22	225,000	0	225,000
SWC	2050-145-21	5000	2021-23	Valley City	Watermain Improvement District 59	2/23/22	222,600	0	222,600
SWC	2050-146-21	5000	2021-23	Valley City	6th Street NW Watermain District 102	2/23/22	252,000	0	252,000
SWC	2050-147-21	5000	2021-23	Grand Forks	Agribusiness Park Raw Water Supply Improvements	2/23/22	1,200,000	0	1,200,000
SWC	2050-148-21	5000	2021-23	Riverdale	Raw Water Supply and Gate Valve Improvements	2/23/22	225,000	0	225,000
SWC	2050-149-21	5000	2021-23	Jamestown	ER Cross Town Water Supply Repair	2/23/22	438,000	0	438,000
SWC	2050-150-21	5000	2021-23	Portland	Water System Improvements	2/23/22	97,350	0	97,350
<b>TOTAL MUNICIPAL WATER SUPPLY 2021-2023</b>							<b>11,559,700</b>	<b>762,093</b>	<b>10,797,607</b>
SB2345	2050-13	5000	2021-23	Mandan	New Raw Water Intake	11/15/21	1,893,878	1,893,878	0
<b>TOTAL MUNICIPAL WATER SUPPLY</b>							<b>59,775,540</b>	<b>14,268,871</b>	<b>45,506,669</b>
<b>Regional Water Supply:</b>									
SWC	1973-07	5000	2019-21	WAWSA	WAWSA Phase VI	6/8/21	21,422,747	6,728,407	14,694,340
SWC	325-17-19	5000	2017-19	RRVWSP	RRVWSP Garrison Diversion	10/8/20	1,452,074	1,452,074	0
SWC	325-19-21	5000	2019-21	RRVWSP	RRVWSP Garrison Diversion	6/8/21	23,420,645	6,813,299	16,607,346
<b>TOTAL REGIONAL WATER SUPPLY CARRYOVER</b>							<b>46,295,466</b>	<b>14,993,780</b>	<b>31,301,686</b>
SWC	1973-08	5000	2021-23	WAWSA	McKenzie County WRD 2021 System I North Project	12/10/21	3,478,000	29,653	3,448,347
SWC	325-21-23	5000	2021-23	RRVWSP	RRVWSP Garrison Diversion	10/14/21	46,963,771	21,293	46,942,478
<b>TOTAL REGIONAL WATER SUPPLY 2021-2023</b>							<b>50,441,771</b>	<b>50,946</b>	<b>50,390,825</b>
SB2345	325-19-21	5000	2019-21	RRVWSP	RRVWSP Garrison Diversion	11/15/21	6,260,338	6,260,338	0
SB2345	325-21-23	5000	2021-23	RRVWSP	RRVWSP Garrison Diversion	11/15/21	1,036,229	1,036,229	0
<b>TOTAL REGIONAL WATER SUPPLY</b>							<b>104,033,804</b>	<b>22,341,293</b>	<b>81,692,511</b>
<b>TOTAL</b>							<b>163,809,344</b>	<b>36,610,165</b>	<b>127,199,180</b>
<b>Capital Assets:</b>									
SWC	1736-05	8000		SWPP	Southwest Pipeline Project	10/14/21	18,328,779	5,102,462	13,226,317
SWC	2374	9000		NAWS	Northwest Area Water Supply	2/8/18	22,573,900	6,167,141	16,406,759
<b>TOTAL CAPITAL ASSETS</b>							<b>40,902,679</b>	<b>11,269,602</b>	<b>29,633,077</b>

PROGRESS REPORT REQUIRED

SWC Board Approved to Continue

	BUDGET	APPROVED	BALANCE
RRVWSP WATER SUPPLY	48,000,000	46,963,771	1,036,229
OTHER WATER SUPPLY	77,000,000	15,037,700	61,962,300
STATE FISCAL RECOVERY FUNDS - SB 2345	9,190,445	9,190,445	0
OTHER WATER SUPPLY - COMPLETED	0	0	0
<b>BUDGET WATER SUPPLY 2021-2023</b>	<b>134,190,445</b>	<b>62,001,471</b>	<b>72,188,974</b>

DEPARTMENT OF WATER RESOURCES  
PROJECT SUMMARY  
2021-2023 Biennium  
Resources Trust Fund

COMPLETED WATER SUPPLY

										<i>Feb-22</i>
Approved SWC By	No	Dept	Approved Biennium	Sponsor	Project	Approved Date	Total Approved	Total Payments	Balance	
<b>Municipal Water Supply:</b>										
SWC	2050-54	5000	2017-19	West Fargo	North Loop Connection	8/23/17	117,461	117,461	-	
SWC	2050-55	5000	2017-19	West Fargo	West Loop Connection	8/23/17	10,000	10,000	-	
SWC	2050-94-19	5000	2019-21	Watford City	Water Distribution 2019	12/6/19	0	0	541,400.00	
SWC	2050-117-19	5000	2019-21	Lakota	Water Transmission Line Replacement Project	12/11/20	49,601	49,601	135,353.40	
<b>TOTAL MUNICIPAL WATER SUPPLY CARRYOVER</b>							<b>177,062</b>	<b>177,062</b>	<b>676,753</b>	
0	0	0	0	0	0	1/0/00	0	0	-	
<b>TOTAL MUNICIPAL WATER SUPPLY 2021-2023</b>							<b>0</b>	<b>0</b>	<b>0</b>	
<b>TOTAL MUNICIPAL WATER SUPPLY</b>							<b>177,062</b>	<b>177,062</b>	<b>676,753</b>	
<b>Regional Water Supply:</b>										
0	0	0	0	0	0	1/0/00	0	0	-	
<b>TOTAL REGIONAL WATER SUPPLY CARRYOVER</b>							<b>0</b>	<b>0</b>	<b>0</b>	
0	0	0	0	0	0	1/0/00	0	0	-	
<b>TOTAL REGIONAL WATER SUPPLY 2021-2023</b>							<b>0</b>	<b>0</b>	<b>0</b>	
<b>TOTAL REGIONAL WATER SUPPLY</b>							<b>0</b>	<b>0</b>	<b>0</b>	
<b>State Fiscal Recovery Funds:</b>										
SWC	325-19-21	5000	2019-21	RRVWSP	RRVWSP Garrison Diversion	6/8/21	6,260,339	0	6,260,338.08	
SWC	325-21-23	5000	2021-23	RRVWSP	RRVWSP Garrison Diversion	10/14/21	1,036,229	0	1,024,090.95	
SWC	2050-13	5000	2019-21	Mandan	New Raw Water Intake	10/7/13	1,893,878	0	1,893,877.56	
<b>TOTAL STATE FISCAL RECOVERY FUNDS</b>							<b>9,190,445</b>	<b>0</b>	<b>9,178,307</b>	
<b>TOTAL</b>							<b>9,367,507</b>	<b>177,062</b>	<b>9,855,060</b>	
<b>Capital Assets:</b>										
0	0	0	0	0	0	1/0/00	0	0	-	
<b>TOTAL CAPITAL ASSETS</b>							<b>0</b>	<b>0</b>	<b>0</b>	

SWC Board Approved to Continue



**DEPARTMENT OF WATER RESOURCES  
PROJECT SUMMARY  
2021-2023 Biennium  
Resources Trust Fund**

**RURAL WATER**

*Feb-22*

Approved SWC By	No	Dept	Approved Biennium	Sponsor	Project	Approved Date	Total Approved	Total Payments	Balance
<b>Rural Water Supply:</b>									
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	420,272	2,561,356
SWC	2050-58	5000	2017-19	North Central Regional Water District	Mountrail Co. Watery Phase III	8/23/17	3,386,181	6,174	3,380,007
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	1,315,552	737,604
SWC	2050-91-19	5000	2019-21	Agassiz Water Users District	2019 Expansion	4/9/20	206,532	116,872	89,660
SWC	2050-92-19	5000	2019-21	East Central Regional Water District	2019 Expansion Phase IV	10/8/20	2,665,243	1,963,890	701,353
SWC	2050-113-19	5000	2019-21	North Prairie Regional Water District	Minot to Velva Highway 52 Improvement	10/8/20	3,074,030	8,440	3,065,590
SWC	2050-114-19	5000	2019-21	Walsh Rural Water District	Drayton Water Supply Project	2/11/21	7,323,029	265,718	7,057,312
SWC	2050-119-19	5000	2019-21	Southeast Water Users District	West System Supply Study	2/11/21	134,408	60,908	73,500
SWC	2050-120-19	5000	2019-21	East Central Regional Water District	Grandin Water Supply	6/8/21	1,640,000	89,982	1,550,018
SWC	2050-126-19	5000	2019-21	East Central Regional Water District	Hatton Water Supply	4/8/21	75,000	75,000	0
SWC	2050-130-19	5000	2019-21	Bames Rural Water District	2021 Storage Expansion	10/14/21	112,000	97,961	14,039
SWC	2050-131-19	5000	2019-21	Northeast Regional Water District	Expansion - Adams/Walsh RWD	6/8/21	50,000	0	50,000
<b>TOTAL RURAL WATER SUPPLY CARRYOVER</b>							<b>28,888,826</b>	<b>4,420,768</b>	<b>24,468,058</b>
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	5,255	1,214,745
SWC	2050-130-19	5000	2021-23	Bames 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	2/23/22	3,045,000	235,937	2,809,063
SWC	2050-133-21	5000	2021-23	Rolette County	Turtle Mountain Public Utilities Comm: WTP Membrane	6/8/21	1,036,800	532,852	503,948
SWC	2050-135-21	5000	2021-23	East Central Regional Water District	WTP and Transmission Expansion	8/12/21	521,000	112,694	408,307
SWC	2050-136-21	5000	2021-23	McLean-Sheridan Rural Water District	System Improvements Phase 2	2/23/22	6,870,000	272,577	6,597,423
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	37,444	410,056
SWC	2050-151-21	5000	2021-23	Walsh Rural Water District	Interconnect with NRWD	2/23/22	161,500	0	161,500
SWC	2050-152-21	5000	2021-23	Rolette County	Turtle Mountain Public Utilities: Thome Reservoir	2/23/22	1,135,000	0	1,135,000
<b>TOTAL RURAL WATER SUPPLY 2021-2023</b>							<b>19,657,700</b>	<b>1,196,758</b>	<b>18,460,942</b>
<b>TOTAL RURAL WATER SUPPLY</b>							<b>48,546,526</b>	<b>5,617,526</b>	<b>42,929,000</b>

PROGRESS REPORT REQUIRED

SWC Board Approved to Continue

	BUDGET	APPROVED	BALANCE
OTHER RURAL WATER	59,600,000	19,657,700	39,942,300
OTHER RURAL WATER - COMPLETED	0	0	0
<b>BUDGET RURAL WATER 2021-2023</b>	<b>59,600,000</b>	<b>19,657,700</b>	<b>39,942,300</b>

DEPARTMENT OF WATER RESOURCES  
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**COMPLETED RURAL WATER**

Approved SWC By	No	Dept	Approved Biennium	Sponsor	Project	Approved Date	Total Approved	Total Payments	Feb-22 Balance
					<b>Rural Water Supply:</b>				
SWC	2050-34	5000	2017-19	North Prairie Rural Water District	Storage and Water Main	10/6/15	26,708	26,708	81,544.00
SWC	2050-78-19	5000	2019-21	McLean-Sheridan Rural Water District	2019 Expansion	4/9/20	648,780	648,780	20,228.54
					<b>TOTAL RURAL WATER SUPPLY CARRYOVER</b>		<b>675,487</b>	<b>675,487</b>	<b>101,773</b>
0	0	0	0	0	0	1/0/00	0	0	-
					<b>TOTAL RURAL WATER SUPPLY 2021-2023</b>		<b>0</b>	<b>0</b>	<b>0</b>
<b>TOTAL RURAL WATER SUPPLY</b>							<b>675,487</b>	<b>675,487</b>	<b>101,773</b>

SWC Board Approved to Continue



**DEPARTMENT OF WATER RESOURCES  
PROJECT SUMMARY  
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**FLOOD CONTROL**

Feb-22

Approved SWC By	No	Dept	Approved Biennium	Sponsor	Project	Approved Date	Total Approved	Total Payments	Balance
<b>Flood Control:</b>									
SB 2020	1928-19	5000	2019-21	Fargo Metro Flood Diversion	Fargo Metro Flood Diversion Authority 2019-2021	10/8/20	44,000,000	22,750,091	21,249,909
SWC	1974	Rural	2017-19	Souris River Joint WRD	Mouse River Rural Projects	6/19/19	1,045,902	323,551	722,351
SWC	1974	Rural	2019-21	Souris River Joint WRD	Mouse River Rural Projects	6/19/19	21,913,543	8,666,998	13,246,545
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	2,714,230	6,278,440
SWC	1974	M-19	2019-21	Souris River Joint WRD	Mouse River Municipal New Projects 2019-21	6/19/19	5,907,657	3,034,250	2,873,407
SWC	2107-02	5000	2017-19	City of Minot	SWIF 2018 Outfall Pipe Project	10/11/18	131,415	101,965	29,450
SWC	1504-09	5000	2019-21	Valley City	Permanent Flood Protection PH IV and V	4/9/20	10,926,068	80,137	10,845,930
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
<b>TOTAL FLOOD CONTROL CARRYOVER</b>							<b>97,162,612</b>	<b>38,302,799</b>	<b>58,859,814</b>
SWC	1974	MRA-21	2021-23	Souris River Joint WRD	Mouse River Municipal, Rural, and Rural Acquisitions	8/12/21	71,350,000	792,144	70,557,856
SWC	475	5000	2021-23	Steele County WRD	Golden Lake Complex Improvement Study	10/14/21	60,000	26,917	33,083
SWC	2131	5000	2017-19	Lower Heart River WRD	Lower Heart Flood Risk Reduction	10/8/20	209,285	0	209,285
SWC	2168	5000	2021-23	Bismarck	Wastewater Treatment Plant Effluent Flood Control	10/14/21	72,000	0	72,000
<b>TOTAL FLOOD CONTROL 2021-2023</b>							<b>71,691,285</b>	<b>819,061</b>	<b>70,872,224</b>
<b>TOTAL FLOOD CONTROL</b>							<b>168,853,897</b>	<b>39,121,859</b>	<b>129,732,038</b>
<b>Floodway Property Acquisitions:</b>									
SWC	1974-MA19	5000	2019-21	Minot Acquisitions	Minot Phase - Floodway Acquisitions	6/19/19	7,035,716	3,961,409	3,074,307
SWC	1974-RA19	5000	2019-21	Rural Floodway Acquisitions	Mouse River Rural - Floodway Acquisitions	6/19/19	0	0	0
SB 2371	1504-05	5000	2017-19	Valley City	Valley City - Floodway Acquisitions	11/9/22	331,620	0	260,280
SWC	1991-05	5000	2017-19	Lisbon	Lisbon - Floodway Acquisition	5/8/19	20,759	0	20,759
<b>TOTAL FLOOD FLOODWAY PROPERTY ACQUISITIONS CARRYOVER</b>							<b>7,388,094</b>	<b>3,961,409</b>	<b>3,355,345</b>
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
<b>TOTAL FLOOD FLOODWAY PROPERTY ACQUISITIONS 2021-2023</b>							<b>13,150,000</b>	<b>0</b>	<b>13,150,000</b>
<b>FLOODWAY PROPERTY ACQUISITIONS</b>							<b>20,538,094</b>	<b>3,961,409</b>	<b>16,505,345</b>
<b>TOTAL FLOOD CONTROL</b>							<b>189,391,992</b>	<b>43,083,268</b>	<b>146,237,383</b>
<b>Discretionary Funding Projects:</b>									
SWC	1851	5000	2021-23	ND State Water Commission	Drought Disaster Livestock Water Supply Assistance	7/30/21	2,000,000	0	2,000,000
SWC	0	5000	2021-23	ND State Water Commission	Emergency Livestock Water Supply Program	1/0/00	2,000,000	110,559	1,889,441
<b>Basinwide Plan Implementation:</b>									
SWC	PS/WRD/UIP	5000	2021-23	Upper Sheyenne River Joint WRB	Upper Sheyenne River Watershed Pilot Project	8/12/21	1,100,000	10,156	1,089,844
<b>TOTAL</b>							<b>194,491,992</b>	<b>43,203,983</b>	<b>151,216,668</b>

PROGRESS REPORT REQUIRED

SWC Board Approved to Continue

	<u>BUDGET</u>	<u>APPROVED</u>	<u>BALANCE</u>
LEGISLATIVE INTENT	-	-	-
FLOOD CONTROL	120,569,255	84,841,285	35,727,970
FLOOD CONTROL - COMPLETED	30,000	30,000	0
CONVEYANCE	1,900,745	1,900,745	0
<b>BUDGET FLOOD CONTROL 2021-2023</b>	<b>122,500,000</b>	<b>86,772,030</b>	<b>35,727,970</b>

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**COMPLETED FLOOD CONTROL**

Approved SWC By	No	Dept	Approved Biennium	Sponsor	Project	Approved Date	Total Approved	Total Payments	Feb-22 Balance
<b>Flood Control:</b>									
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
SWC	1504-03	5000	2017-19	Valley City	Permanent Flood Protection PH II	12/9/16	0	0	234,498
SWC	1504-08	5000	2017-19	Valley City	Permanent Flood Protection Erosion Sites	4/9/19	44,560	44,462	0
SWC	1771-01	5000	2017-19	Grafton	Grafton Flood Control Project	10/12/16	396,733	199,698	0
SWC	1771-01	5000	2017-19	Grafton	Grafton Flood Control Project	10/12/16	0	0	1,864,788
<b>TOTAL FLOOD CONTROL CARRYOVER</b>							<b>7,407,677</b>	<b>7,210,544</b>	<b>2,099,286</b>
0	0	0	0	0	0	1/0/00	0	0	0
<b>TOTAL FLOOD CONTROL 2021-2023</b>							<b>0</b>	<b>0</b>	<b>0</b>
<b>TOTAL FLOOD CONTROL</b>							<b>7,407,677</b>	<b>7,210,544</b>	<b>2,099,286</b>
<b>Floodway Property Acquisitions:</b>									
0	0	0	0	0	0	1/0/00	0	0	0
<b>TOTAL FLOOD FLOODWAY PROPERTY ACQUISITIONS CARRYOVER</b>							<b>0</b>	<b>0</b>	<b>0</b>
Director	1504-05	5000	2021-23	Valley City	Valley City - Floodway Acquisitions	8/18/21	30,000	30,000	0
<b>TOTAL FLOOD FLOODWAY PROPERTY ACQUISITIONS 2021-2023</b>							<b>30,000</b>	<b>30,000</b>	<b>0</b>
<b>FLOODWAY PROPERTY ACQUISITIONS</b>							<b>30,000</b>	<b>30,000</b>	<b>0</b>
<b>TOTAL FLOOD CONTROL</b>							<b>7,437,677</b>	<b>7,240,544</b>	<b>2,099,286</b>
<b>Discretionary Funding Projects:</b>									
0	0	0	0	0	0	0	0	0	0
<b>Basinwide Plan Implementation</b>									
							<b>0</b>	<b>0</b>	<b>0</b>
<b>TOTAL</b>							<b>7,437,677</b>	<b>7,240,544</b>	<b>2,099,286</b>

SWC Board Approved to Continue



**DEPARTMENT OF WATER RESOURCES  
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**WATER CONVEYANCE**

Feb-22

Approved SWC By	No	Dept	Approved Biennium	Sponsor	Project	Approved Date	Total Approved	Total Payments	Balance
<b>Drain &amp; Channel Improvement Projects:</b>									
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	70,515	103,498
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	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	59,440	227,909
SWC	1990	5000	2011-13	Mercer Co. WRD	Lake Shore Estates High Flow Diversion Project	3/7/12	43,821	0	43,821
SE	2016	5000	2015-17	Pembina Co. WRD	Establishment of Pembina County Drain No. 80	4/10/17	3,981	2,965	1,016
SWC	2084	5000	2019-21	Richland County WRD	Richland County Drain 31 Reconstruction	6/8/21	174,771	0	174,771
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-Trail County Joint WRD	Grand Forks County Legal Drain No.59	12/11/20	2,783,837	2,525,360	258,477
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-Trail County Joint WRD	Thompson Drainage	4/9/20	613,751	534,025	79,726
SE	2143	5000	2019-21	Trail Co. WRD	Hillsboro Drain No. 26 Channel Improvements	3/27/20	7,612	0	7,612
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	Trail Co. WRD	Camrud Drainage Improvement District No. 79	4/9/20	740,307	659,312	80,995
SWC	2152	5000	2019-21	Enderlin Park Board	Maple River Bank Stabilization Project	12/11/20	132,500	90,875	41,625
SE	2153	5000	2019-21	Trail 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
SE	2159	5000	2019-21	North Cass WRD	Cass County Drain 18 Extension	10/14/21	10,350	0	10,350
SWC	PS/WRD/MER	5000	2019-21	Mercer County WRD	Knife River Bank Stabilization	10/8/20	87,831	78,768	9,063
<b>TOTAL RURAL FLOOD CONTROL CARRYOVER</b>							<b>9,975,860</b>	<b>4,384,477</b>	<b>5,591,383</b>
SWC	1061	5000	2021-23	Bottineau County WRD	Stone Creek Lateral B	10/14/21	20,250	0	20,250
SWC	1061	5000	2021-23	Bottineau County WRD	Stone Creek Lateral B Construction	2/23/22	157,537	0	157,537
Director	1085	5000	2021-23	Maple River WRD	Cass County Drain 34 Planning Study	12/21/21	22,500	0	22,500
Director	1088	5000	2021-23	Maple River WRD	Cass County Drain 37 Improvement Project	1/12/22	12,375	0	12,375
Director	1153	5000	2021-23	Pembina Co. WRD	Pembina Co Drain 34 Reconstruction Project	1/21/22	47,228	0	47,228
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	Trail Co. WRD	Blanchard-Norman Drain 23-40	10/14/21	85,545	3,781	81,764
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	16,890	53,040
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-Trail 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	1,313	126,694
SWC	2163	5000	2021-23	Nelson County WRD	Petersburg Infrastructure and Flood Mitigation	10/14/21	78,509	0	78,509
Director	2167	5000	2021-23	Steele County WRD	Steele County Drain 11 Outlet Improvements	8/18/21	74,250	0	74,250
SWC	2171	5000	2021-23	Maple River WRD	Cornell Township Drainage Improvement District 80	12/10/21	31,500	0	0
<b>TOTAL RURAL FLOOD CONTROL 2021-2023</b>							<b>1,429,207</b>	<b>33,623</b>	<b>1,364,084</b>
<b>TOTAL RURAL FLOOD CONTROL</b>							<b>11,405,067</b>	<b>4,418,100</b>	<b>6,955,468</b>
<b>Snagging &amp; Clearing Projects:</b>									
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	Trail 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	Trail 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	Barnes 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
<b>TOTAL SNAGGING &amp; CLEARING CARRYOVER</b>							<b>474,309</b>	<b>0</b>	<b>474,309</b>
SWC	568	5000	2021-23	Southeast Cass WRD	2021-2022 Sheyenne River Snag & Clear	12/10/21	98,000	0	98,000
Director	662	5000	2021-23	Walsh County WRD	Park River Snag & Clear 2021	8/13/21	40,538	784	39,754
Director	1271	5000	2021-23	Southeast Cass WRD	Rose Coulee Snagging and Clearing	8/18/21	50,000	0	50,000
Director	1816	5000	2021-23	Barnes Co WRD	Sheyenne River Snag & Clear 2021-2022	1/19/22	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	70,000	15,000
SWC	1868	5000	2019-21	Southeast Cass WRD	2021-2022 Wild Rice River Snag & Clear	12/10/21	98,000	0	98,000
<b>TOTAL SNAGGING &amp; CLEARING 2021-2023</b>							<b>421,538</b>	<b>70,784</b>	<b>350,754</b>
<b>TOTAL SNAGGING &amp; CLEARING</b>							<b>895,847</b>	<b>70,784</b>	<b>825,063</b>
<b>TOTAL WATER CONVEYANCE</b>							<b>12,300,914</b>	<b>4,488,884</b>	<b>7,780,530</b>
TOTAL							12,300,914	4,488,884	7,780,530

PROGRESS REPORT REQUIRED

SWC Board Approved to Continue

	BUDGET	APPROVED	BALANCE
WATER CONVEYANCE	1,850,745	1,850,745	0
COMPLETED WATER CONVEYANCE	50,000	50,000	0
<b>BUDGET WATER CONVEYANCE 2021-2023</b>	<b>1,900,745</b>	<b>1,900,745</b>	<b>0</b>

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**COMPLETED WATER CONVEYANCE**

							<b>Feb-22</b>			
Approvec By	SWC No	Dept	Approved Biennium	Sponsor	Project	Approved Date	Total Approved	Total Payments	Balance	
SWC	1059	5000	2017-19	Bottineau Co WRD	Baumann Legal Drain	12/7/18	156,132	225	155,907	
SWC	1520	5000	2017-19	Walsh Co. WRD	Walsh County Drain 30-2	10/11/18	82,318	308	82,010	
SE	1638	5000	2019-21	Rush River WRD	Auka Ring Dike	5/20/21	55,000	55,000	0	
SWC	1999	5000	2019-21	Pembina Co. WRD	Tongue River Cutoff Channel Improvements	2/13/20	6,812	6,082	730	
SWC	2087	5000	2015-17	Walsh Co. WRD	Drain #87/McLeod Drain	3/29/17	374,907	166,028	208,878	
SWC	2104	5000	2019-21	Bottineau Co. WRD	Overgaard Extension	2/13/20	57,899	0	57,899	
SWC	2136	5000	2019-21	Pembina County WRD	Drain No. 39	4/9/20	27,683	12,060	15,623	
Director	2144	5000	2019-21	Ransom County	Virgil Schultz Bridge Bank Slope Stabilization	5/5/20	36,531	36,531	0	
SE	2149	5000	2019-21	Maple River WRD	Tower Township Improvement District No. 79	12/2/20	8,051	0	8,051	
SWC	2156	5000	2019-21	Bottineau County WRD	McHenry Laterals A and B	10/8/20	362,492	231,246	131,246	
SE	2162	5000	2019-21	Steele County WRD	Drain 1 Lateral A - Preliminary Design Phase	4/13/21	9,000	9,000	0	
<b>TOTAL WATER CONVEYANCE CARRYOVER</b>								<b>1,176,824</b>	<b>516,480</b>	<b>660,343</b>
SWC	2170	5000	2021-23	Richland County WRD	Sheyenne River Snag & Clear	8/30/21	50,000	50,000	0	
<b>TOTAL WATER CONVEYANCE 2021-2023</b>								<b>50,000</b>	<b>50,000</b>	<b>0</b>
<b>TOTAL</b>								<b>1,226,824</b>	<b>566,480</b>	<b>660,343</b>
SWC Board Approved to Continue										

**DEPARTMENT OF WATER RESOURCES  
PROJECT SUMMARY  
2021-2023 Biennium  
Resources Trust Fund**

**GENERAL PROJECTS**

Approved SWC By No	Dept	Approved Biennium	Sponsor	Project	Approved Date	Total Approved	Total Payments	Feb-22 Balance
SWC 2041	3000	2017-19	<b>Hydrologic Investigations:</b> USGS	Stream Gage Joint Funding Agreement	6/8/21	463,860	231,930	231,930
<b>TOTAL CARRYOVER</b>						<b>463,860</b>	<b>231,930</b>	<b>231,930</b>
<b>Subtotal Hydrologic Investigations</b>						<b>463,860</b>	<b>231,930</b>	<b>231,930</b>
<b>General Water Management:</b>								
SWC 269	5000	2017-19	Walsh Co. WRD	Fordville Dam Rehabilitation	6/19/19	45,098	13,897	31,202
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	12/11/20	306,000	169,099	136,901
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	8,124	0
SE 531	5000	2019-21	Benson Co WRD	Bouret Dam Rehabilitation	12/2/20	75,000	24,962	50,038
SE 632	5000	2019-21	Bottineau County Highway Dept	Antler Dam Repair	1/16/20	31,207	29,728	1,479
SWC 688	5000	2017-19	Grand Forks Co WRD	Larimore Dam Rehabilitation	6/19/19	43,211	14,928	28,284
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	4,945	35,166
SWC 1303	5000	2015-17	Sargent Co WRD	Shortfoot Creek Watershed Planning Program	3/9/16	45,560	14,559	31,000
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	12,768	207,523
SE 1431	5000	2019-21	USGS/LaMoure 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	48,284	0
SE 1453	5000	2017-19	Hettinger County WRD	Karey Dam Rehabilitation Project	4/9/19	181,661	78,146	103,515
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	2,384,848	1,468,395
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	22,898	63,095
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	34,555	15,786
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	4,270	2
SWC 2109-02	5000	2019-21	Logan County WRD	McKenna Lake Hydrologic Study Phase 2	10/8/20	89,786	39,496	50,290
SWC 2115	5000	2017-19	Applied Weather Associates, LLC	(PMP) Probable Maximum Precipitation Estimates	10/11/18	11,822	6,130	5,692
SWC 2121	5000	2017-19	Pembina Co. WRD	Senator Young Dam Rehabilitation	6/19/19	53,205	22,146	31,059
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 2164	5000	2019-21	City of Dickinson	East Broadway Dam Rehabilitation	4/1/21	34,732	18,947	15,786
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
<b>TOTAL GENERAL WATER CARRYOVER</b>						<b>8,151,384</b>	<b>3,244,173</b>	<b>4,907,211</b>
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 849-01	5000	2021-23	Pembina Co. WRD	Tongue River NRCS Watershed Plan Implementation	12/10/21	441,086	0	441,086
SWC 1264	5000	2021-23	Barnes Co WRD	Valley City Little Dam Improvement Project	10/14/21	102,000	0	102,000
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
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 2173	5000	2021-23	Elm River Joint WRD	Elm River Dams 1 and 2 Improvements	2/2/22	213,000	0	213,000
SE AOC/WEF/MAG	5000	2021-23	ND Water Education Foundation	North Dakota Water Magazine	1/3/22	26,000	6,500	19,500
SE PS/WRD/DEV	5000	2021-23	Devils Lake Basin Joint WRB	Board Manager	8/18/21	60,000	0	60,000
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	50,000	150,000
<b>TOTAL GENERAL WATER 2021-2023</b>						<b>2,022,634</b>	<b>56,500</b>	<b>1,966,134</b>
<b>TOTAL GENERAL WATER</b>						<b>10,174,018</b>	<b>3,300,673</b>	<b>6,873,345</b>
<b>TOTAL</b>						<b>10,174,018</b>	<b>3,300,673</b>	<b>6,873,345</b>

PROGRESS REPORT REQUIRED

SWC Board Approved to Continue

	BUDGET	APPROVED	BALANCE
GENERAL WATER	13,908,972	2,022,634	11,886,338
COMPLETED GENERAL WATER	318,303	259,803	58,500
<b>BUDGET GENERAL WATER 2021-2023</b>	<b>14,227,275</b>	<b>2,282,437</b>	<b>11,944,838</b>

**DEPARTMENT OF WATER RESOURCES  
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>Feb-22</i> Balance	
0		0	0	0	0	1/0/00	0	0	0	
<b>Hydrologic Investigations:</b>										
							<b>0</b>	<b>0</b>	<b>0</b>	
SE	1378	5000	2019-21	Barnes Co WRD	Clausen Springs Dam Improvements	2/7/20	17,258	2,748	14,510	
SWC	160	5000	2017-19	McLean Co WRD	Painted Woods Lake Flood Damage Reduction & Habitat	8/9/18	5,547	5,547	0	
SWC	394	5000	2019-21	Golden Valley Co WRD	Odland Dam Rehabilitation Project	4/9/20	571,582	571,582	0	
SWC	531	5000	2017-19	Benson Co WRD	Bouret Dam Rehabilitation	4/9/19	79,058	79,058	(0)	
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	6/8/21	115,975	115,975	0	
<b>TOTAL GENERAL WATER CARRYOVER</b>								<b>790,454</b>	<b>775,944</b>	<b>14,510</b>
SE	249	5000	2021-23	City of Mott	Mott City Dam Feasibility Study	7/23/21	57,344	0	57,344	
SE	1403	5000	2021-23	NDSU	ND Water Resource Institute grant student stipends	6/11/21	25,000	25,000	0	
SWC	2154	5000	2021-23	Elm River Joint WRD	Elm River Watershed Study	8/12/21	36,000	34,844	1,156	
SWC	2161	5000	2021-23	AE2S	Strategic Governance and Finance Study	12/21/21	74,959	74,959	(0)	
HB2009	1986	5000	2021-23	ND Dept of Agriculture	Wildlife Services	7/1/21	125,000	125,000	0	
<b>TOTAL GENERAL WATER 2021-2023</b>								<b>318,303</b>	<b>259,803</b>	<b>58,500</b>
<b>TOTAL GENERAL WATER</b>								<b>1,108,757</b>	<b>1,035,747</b>	<b>73,010</b>
<b>TOTAL</b>								<b>1,108,757</b>	<b>1,035,747</b>	<b>73,010</b>

## WAWS Oversight Transfer to SWC 61-40 Summary Matrix

The following matrix summarizes the current legislative code creating and providing for the oversight of the Western Area Water Supply project and identifies those sections in the code where changes are needed to transfer of oversight from the Industrial Commission to the State Water Commission/ Department of Water Resources. It is intended to provide a brief overview of the current oversight and help identify where changes could be/should be made in the in a graphical presentation. The full text of 61-40 along with proposed changes to it is included in Attachment 1.

In the matrix below, items where a change is proposed are highlighted in yellow.

An acronym glossary is included at the end of the matrix.

Section No. and Title				
Sub Sec	Purpose	Current Authority	Proposed Authority	Proposed Revisions to Legislation
<b>61-40-01. Legislative declarations – Authority of western area water supply authority.</b>				
	<ul style="list-style-type: none"> <li>• Declaration of need and creation of WAWS project.</li> <li>• Authority of WAWSA.</li> <li>• Limit impact on private water sellers.</li> </ul>	Legislative Assembly WAWSA WAWSA	Legislative Assembly WAWSA WAWSA	None
<b>61-40-02. Western area water supply authority.</b>				
	<ul style="list-style-type: none"> <li>• Definition of WAWSA.</li> <li>• Participating member requirements.</li> </ul>	WAWSA	WAWSA	None
<b>61-40-03. Western area water supply authority – Board of directors.</b>				
1.	<ul style="list-style-type: none"> <li>• Initial makeup of the board of directors</li> </ul>	Member Entities	Member Entities	None
2.	<ul style="list-style-type: none"> <li>• Additional member entities</li> </ul>	WAWSA BOD	WAWSA BOD	None
3.	<ul style="list-style-type: none"> <li>• Alternate representative</li> <li>• Associate members</li> <li>• Initial members removed for lack of contract</li> </ul>	Member Entities WAWSA BOD WAWSA BOD	Member Entities WAWSA BOD WAWSA BOD	None
<b>61-40-04. Board of Directors – Officers – Meetings.</b>				
1.	<ul style="list-style-type: none"> <li>• Rules and bylaws</li> <li>• Bylaw approval</li> </ul>	WAWSA BOD Member Entities	WAWSA BOD Member Entities	None
2.	<ul style="list-style-type: none"> <li>• Officers</li> <li>• Special meetings</li> </ul>	WAWSA BOD Board chairperson or majority of board	WAWSA BOD Board chairperson or majority of board	None
3.	<ul style="list-style-type: none"> <li>• Board member compensation and reimbursement</li> </ul>	WAWSA BOD	WAWSA BOD	None

Section No. and Title				
Sub Sec	Purpose	Current Authority	Proposed Authority	Proposed Revisions to Legislation
<b>61-40-05. Authority of the western area water supply authority.</b>				
1.	• Can sue and be sued	WAWSA	WAWSA	None
2.	• Eminent domain	WAWSA	WAWSA	None
3.	• Relationship with federal, state, local government, and private entities	WAWSA	WAWSA	None
4.	• Cooperate and contract with the agencies or political subdivisions of this or other states	WAWSA	WAWSA	None
5.	• Employee compensation and reimbursement • Procure services (engineers, attorneys, etc.)	WAWSA	WAWSA	None
6.	• Operate and manage the authority to fulfill its purpose	WAWSA	WAWSA	None
7.	• Property	WAWSA	WAWSA	None
8.	• Contracts to obtain water supply	WAWSA	WAWSA	None
9.	• Acquire, construct, improve and own infrastructure, office, and maintenance space	WAWSA	WAWSA	None
10.	• Contracts for water sale, lease, or other supply of water	WAWSA	WAWSA	None
11.	• Borrow money	WAWSA	WAWSA	None
12.	• Make contracts, instruments, all things necessary or convenient to exercise powers, perform covenants or duties, secure payment	WAWSA	WAWSA	None
13.	• Accept loans or grants and enter agreements respecting the loans and grants • Additional debt approval required	WAWSA IC & EC	WAWSA BND & EC	See Attachment 1
14.	• Contract debts and borrow money	WAWSA	WAWSA	None
15.	• Distribute water to out-of-state cities or systems	WAWSA	WAWSA	None
16.	• Accept, apply for, and hold water allocation permits	WAWSA	WAWSA	None
17.	• Adopt rules for planning, management, operation, maintenance, sale, and rate-setting	WAWSA	WAWSA	None
18.	• Develop infrastructure and set terms and rates	WAWSA	WAWSA	None
19.	• Contract to purchase or improve infrastructure or obtain bulk supply without vote of public • Municipalities also exempt from public voting requirements or contract duration limits in relation to initial construction and entering contract with authority	WAWSA	WAWSA	None
20.	• Accept assignment by member entities	WAWSA	WAWSA	None

<b>Section No. and Title</b>				
Sub Sec	Purpose	Current Authority	Proposed Authority	Proposed Revisions to Legislation
21.	<ul style="list-style-type: none"> <li>Issue revenue bonds to repay BND loan(s)</li> </ul>	WAWSA	WAWSA	None
<b>61-40-05.1. Revenue bonds and bonds exempt from taxation.</b>				
1.	<ul style="list-style-type: none"> <li>Issue revenue bonds to construct infrastructure</li> </ul>	WAWSA	WAWSA	None
2.	<ul style="list-style-type: none"> <li>Issuance approval</li> </ul>	Majority of BOD	Majority of BOD	None
3.	<ul style="list-style-type: none"> <li>Pledge sufficient revenue for payment of bonds</li> </ul>	WAWSA	WAWSA	None
4.	<ul style="list-style-type: none"> <li>Revenue bonds may not be general obligation of participating member, state, secured by property taxes</li> </ul>	Legislative Assembly	Legislative Assembly	None
5.	<ul style="list-style-type: none"> <li>Revenue bonds may be issued and sold at public or private sale</li> </ul>	WAWSA BOD	WAWSA BOD	None
6.	<ul style="list-style-type: none"> <li>Bonds exempt from taxation by state</li> </ul>	Legislative Assembly	Legislative Assembly	None
<b>61-40-06. Oversight of authority projects. (Repealed by S.L. 2013, ch. 490, § 24.)</b>				
<b>61-40-07. Easement granted for pipelines and appurtenant facilities on any public lands.</b>				
	<ul style="list-style-type: none"> <li>Use of public roadway right-of-way must be approved</li> </ul>	DOT & DWR	DOT & DWR	None
<b>61-40-08. Proceedings to judicially confirm contracts and other acts.</b>				
	<ul style="list-style-type: none"> <li>Special proceedings in District Court</li> </ul>	WAWSA	WAWSA	None
<b>61-40-09. Default</b>				
	<ul style="list-style-type: none"> <li>Oversight of WAWSA's ability to repay loans.</li> <li>If WAWSA is in default on BND loan, request funding from legislature.</li> </ul>	IC SWC	BND DWR/SWC?	See Attachment 1
<b>61-40-10. Industrial water depot and lateral sales.</b>				
1.	<ul style="list-style-type: none"> <li>Accounting of water sales</li> <li>Transfer of sales to authority</li> <li>Notification to boards and member entities</li> <li>Application of revenues per a thru f below</li> </ul>	WAWSA & IC	WAWSA & DWR/SWC?	See Attachment 1
a.	Funding for FTE	IC	DWR	See Attachment 1
b.	Reimburse for capital improvements and cost of delivery	WAWSA	WAWSA	None
c.	Payments on participating member entity debt	WAWSA	WAWSA	None
d.	Payments on state-guaranteed loans	WAWSA	WAWSA	None
e.	Additional principal payment on state-guaranteed loans	WAWSA	WAWSA	None
f.	Payment to resources trust fund	WAWSA	WAWSA	None

Section No. and Title				
Sub Sec	Purpose	Current Authority	Proposed Authority	Proposed Revisions to Legislation
2.	• Approval to dispose of revenue producing assets	IC	BND	See Attachment 1
3.	• SWC approval required	SWC	SWC	None
<b>61-40-11. Water rates.</b>				
	• Industrial & lateral water rates • Domestic water rates	IC WAWSA	SWC WAWSA	See Attachment 1
<b>61-40-12. Construction funding.</b>				
	• Funding approval	SWC	SWC	None
<b>61-40-13. Franchise protection.</b>				
	• Protection of right to assert franchise protection	WAWSA	WAWSA	None

Acronym Glossary

BND.....Bank of North Dakota  
 BOD.....WAWSA Board of Directors  
 DOT.....ND Department of Transportation  
 DWR.....ND Department of Water Resources  
 EC.....ND Emergency Commission  
 IC.....ND Industrial Commission  
 SWC .....ND State Water Commission  
 WAWSA.....Western Aera Water Supply Authority

Attachment 1  
WAWS Oversight Transfer to SWC  
61-40 Proposed Code Changes

**CHAPTER 61-40 WESTERN AREA WATER SUPPLY AUTHORITY**

**61-40-01. Legislative declarations - Authority of western area water supply authority.**

The legislative assembly declares that many areas and localities in western North Dakota do not enjoy adequate quantities of high-quality drinking water; that other areas and localities in western North Dakota do not have sufficient quantities of water to ensure a dependable, long-term domestic or industrial water supply; that greater economic security and the protection of health and property benefits the land, natural resources, and water resources of this state; and that the promotion of the prosperity and general welfare of all of the people of this state depend on the effective development and utilization of the land and water resources of this state and necessitates and requires the exercise of the sovereign powers of this state and concern a public purpose. To accomplish this public purpose, it is declared necessary that a water authority to treat, store, and distribute water to western North Dakota be established to provide for the supply and distribution of water to the people of western North Dakota for purposes, including domestic, rural water, municipal, livestock, industrial, oil and gas development, and other uses, and provide for the future economic welfare and prosperity of the people of this state, and particularly the people of western North Dakota, by the creation and development of a western area water supply project for beneficial and public uses. The western area water supply authority may acquire, construct, improve, develop, and own water supply infrastructure and may enter water supply contracts with member cities, water districts, and private users, such as oil and gas producers, for the sale of water for use within or outside the authority boundaries or the state. The western area water supply authority shall consider in the process of locating industrial water depots the location of private water sellers so as to minimize the impact on private water sellers. The

independent water providers shall consider in the process of locating industrial water depots the location of private water sellers so as to minimize the impact on private water sellers.

### **61-40-02. Western area water supply authority.**

The western area water supply authority consists of participating political subdivisions located within McKenzie, Williams, Burke, Divide, and Mountrail Counties which enter a water supply contract with the authority. Other cities and water systems, within or outside the authority counties' boundaries, including cities or water systems in Montana, may contract with the authority for a bulk water supply. The authority is a political subdivision of the state, a governmental agency, body politic and corporate, with the authority to exercise the powers specified in this chapter, or which may be reasonably implied. Participating member entities may be required to pay dues or water sale income to the authority, as determined by the bylaws and future resolutions of the authority. Participating member entities may not withdraw from the authority or fail or refuse to pay any water sale income to the authority until the state-guaranteed loans have been repaid. The provisions of subsections 1 through 5 of section 61-35-02.1 apply if the authority's board of directors unanimously votes to convert to a water district.

### **61-40-03. Western area water supply authority - Board of directors.**

1. The initial board of directors of the western area water supply authority consists of two representatives from each of the following entities: Williams rural water district, McKenzie County water resource district, the city of Williston, BDW water system association, and R&T water supply association. The governing body of each member entity shall select two representatives to the authority board who are water users of the member entity. If a vacancy arises for a member entity, the governing body of the member entity shall select a new representative to act on its behalf on the authority board. Directors have a term of one year and may be reappointed.

2. Additional political subdivisions or water systems may be given membership on the board upon two-thirds majority vote of the existing board. To be eligible for membership on the board, the member entity must first contract with the authority for financial participation in the project.
3. A member entity may designate an alternate representative to attend meetings and to act on the member's behalf. The board may designate associate members who are nonvoting members of the board. Notwithstanding this section, initial board members must be removed if they have not entered a contract with the authority, before August 1, 2013, for financial participation in the project.

#### **61-40-04. Board of directors - Officers - Meetings.**

1. The board of directors shall adopt such rules and bylaws for the conduct of the business affairs of the authority as it determines necessary, including the time and place of regular meetings of the board, financial participation structure for membership in the authority, and membership appointment and changes. Bylaws need to be approved by member entity boards.
2. The board shall elect from its members a chairman and a vice chairman. The board shall elect a secretary and a treasurer, which offices may be held by the same individual, and either or both offices may be held by an individual who is not a member of the board. Special meetings of the board may be called by the secretary on order of the chairman or upon written request of a majority of the qualified members of the board. Notice of a special meeting must be mailed to each member of the board at least six days before the meeting, provided that a special meeting may be held at any time when all members of the board are present or consent in writing.
3. Board members are entitled to receive as compensation an amount determined by the board not to exceed the amount per day provided members of the legislative management under section

54-35-10 and must be reimbursed for their mileage and expenses in the amount provided for by sections 44-08-04 and 54-06-09.

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

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

1. Sue and be sued in the name of the authority.
2. Exercise the power of eminent domain in the manner provided by title 32 or as described in this chapter for the purpose of acquiring and securing any right, title, interest, estate, or easement necessary or proper to carry out the duties imposed by this chapter, and particularly to acquire the necessary rights in land for the construction of an entire part of any pipeline, reservoir, connection, valve, pumping installation, or other facility for the storage, transportation, or utilization of water and all other appurtenant facilities used in connection with the authority. However, if the interest sought to be acquired is a right of way for any project authorized in this chapter, the authority, after making a written offer to purchase the right of way and depositing the amount of the offer with the clerk of the district court of the county in which the right of way is located, may take immediate possession of the right of way, as authorized by section 16 of article I of the Constitution of North Dakota. Within thirty days after notice has been given in writing to the landowner by the clerk of the district court that a deposit has been made for the taking of a right of way as authorized in this subsection, the owner of the property taken may appeal to the district court by serving a notice of appeal upon the acquiring agency, and the matter must be tried at the next regular or special term of court with a jury unless a jury be waived, in the manner prescribed for trials under chapter 32-15.
3. Accept funds, property, services, pledges of security, or other assistance, financial or otherwise, from federal, state, and other public or private sources for the purpose of aiding and promoting

the construction, maintenance, and operation of the authority. The authority may cooperate and contract with the state or federal government, or any department or agency of state or federal government, or any city, water district, or water system within the authority, in furnishing assurances and meeting local cooperation requirements of any project involving treatment, control, conservation, distribution, and use of water.

4. Cooperate and contract with the agencies or political subdivisions of this state or other states, in research and investigation or other activities promoting the establishment, construction, development, or operation of the authority.
5. Appoint and fix the compensation and reimbursement of expenses of employees as the board determines necessary to conduct the business and affairs of the authority and to procure the services of engineers and other technical experts, and to retain attorneys to assist, advise, and act for the authority in its proceedings.
6. Operate and manage the authority to distribute water to authority members and others within or outside the territorial boundaries of the authority and this state.
7. Hold, own, sell, or exchange any and all property purchased or acquired by the authority. All money received from any sale or exchange of property must be deposited to the credit of the authority and may be used to pay expenses of the authority.
8. Enter contracts to obtain a supply of bulk water through the purchase of infrastructure, bulk water sale or lease, which contracts may provide for payments to fund some or all of the authority's costs of acquiring, constructing, or reconstructing one or more water supply or infrastructure.
9. Acquire, construct, improve, and own water supply infrastructure, office and maintenance space in phases, in any location, and at any time.

10. Enter contracts to provide for a bulk sale, lease, or other supply of water for beneficial use to persons within or outside the authority. The contracts may provide for payments to fund some or all of the authority's costs of acquiring, constructing, or reconstructing one or more water system projects, as well as the authority's costs of operating and maintaining one or more projects, whether the acquisition, construction, or reconstruction of any water supply project actually is completed and whether water actually is delivered pursuant to the contracts. The contracts the cities, water districts, and other entities that are members of the western area water supply authority are authorized to execute are without limitation on the term of years.
11. Borrow money as provided in this chapter.
12. Make all contracts, execute all instruments, and do all things necessary or convenient in the exercise of its powers or in the performance of its covenants or duties or in order to secure the payment of its obligations, but an encumbrance, mortgage, or other pledge of property of the authority may not be created by any contract or instrument.
13. Accept from any authorized state or federal agency loans or grants for the planning, construction, acquisition, lease, or other provision of a project, and enter agreements with the agency respecting the loans or grants. Other than state-guaranteed loans, additional debt that may form the basis of a claim for territorial or franchise protection for industrial water sales for oil and gas exploration and production may be acquired by the authority or member entities only upon approval by the ~~industrial commission~~[Bank of North Dakota](#) and the emergency commission.
14. Contract debts and borrow money, pledge property of the authority for repayment of indebtedness, and provide for payment of debts and expenses of the authority.
15. Operate and manage the authority to distribute water to any out-of-state cities or water systems that contract with the authority.

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

provisions of chapters 40-35 and 40-36 apply to the extent necessary and consistent with S.L. 2017, ch. 19, § 12.

**61-40-05.1. Revenue bonds and bonds exempt from taxation.**

1. The authority shall have the power and authority to issue revenue bonds, to include refunding bonds, for the purpose of financing construction of projects and incidental facilities authorized by this chapter. Revenue bonds issued under this section must be issued as provided in chapter 61-35, and are not subject to section 61-35-15.
2. Issuance of revenue bonds must be approved by a majority of the members of the board of directors of the authority.
3. The authority shall pledge sufficient revenue from any revenue-producing facility or other revenue sources, excluding industrial water sales, for the payment of principal and interest on the bonds and shall establish rates for the facilities at a sufficient level, together with any other available funds, to provide for the operation of the facilities and for the bond payments in the manner provided by section 61-40-11.
4. Revenue bonds may not be a general obligation of any participating member entity or the state and may not be secured by property taxes.
5. The revenue bonds may be issued and sold at public or private sale on the terms and conditions determined by the board of directors.
6. Bonds issued under this section and their income are exempt from taxation by the state.

**61-40-06. Oversight of authority projects.**

Repealed by S.L. 2013, ch. 490, § 24.

**61-40-07. Easement granted for pipelines and appurtenant facilities on any public lands.**

In connection with the construction and development of the project, there is granted over all the lands belonging to the state, including lands owned or acquired for highway right-of-way purposes, a right of way for pipelines, connections, valves, and all other appurtenant facilities constructed as part of the project. However, the plans of the authority with respect to the use of right of way of roads must be approved by the director of the department of transportation and the director of the department of water resources before the grant becomes effective.

**61-40-08. Proceedings to judicially confirm contracts and other acts.**

The authority, before making any contract or taking any special action, may commence a special proceeding in district court by which the proceeding leading up to the making of such contract or leading up to any other special action must be examined, approved, and confirmed. The judicial proceedings must comply substantially with the procedure required in the case of judicial confirmation of proceedings, acts, and contracts of an irrigation district.

**61-40-09. Default.**

The ~~industrial commission~~Bank of North Dakota may review the ability of water depot and lateral sales to meet expenses in subdivisions a through d of subsection 1 of section 61-40-10, and if the ~~industrial commission~~Bank of North Dakota is uncertain of that ability, the ~~industrial commission~~Bank of North Dakota shall ~~provide written notification to the state water commission and direct the Bank of North Dakota to~~ consider revision of the terms of the loan repayments. If the authority is in default in the payment of the principal of or interest on the obligation to the Bank of North Dakota for a loan for which the Bank of North Dakota is the source of funds for the loan, the ~~state water commission~~Bank of North Dakota or department of water resources shall request funding from the legislative assembly to repay the principal and interest due.

**61-40-10. Industrial water depot and lateral sales.**

1. An accounting of industrial water depot and lateral sales collected and distributed by the authority must be reported to the industrial commission on a monthly basis. Participating member entities shall transfer industrial water depot and lateral sales to the authority within thirty days of receipt of the revenues. The boards of the authority and participating member entities must be notified of the sweep of revenues; however, board approval is not required. Upon the receipt of industrial water depot and lateral revenues by the authority, the authority shall apply immediately all revenues each month in the following order:
  - a. One hundred fifty thousand dollars per biennium to the ~~industrial commission~~ department of water resources for one additional full-time equivalent position to implement this section.
  - b. Reimburse the authority for industrial water depot capital improvements and the cost for delivery of potable or nonpotable water sold at industrial water depots and lateral lines, at a cost no greater than the participating member, or submember, if applicable, entity rate at the location of the depot or lateral line.
  - c. Regular payments on the participating member entity debt as described in the agreements with the authority as of March 31, 2013, and baseline 2010 industrial water sales included in and subject to the terms of the authority and participating member agreements as of March 31, 2013. Baseline 2010 industrial water sales for the city of Tioga in the year 2013 are limited to the lesser of legally permitted industrial water sales or the amount in the member agreement.
  - d. Required monthly payments on state-guaranteed loans. The required transfer must occur no later than the twentieth day of the following month.
  - e. Additional principal payment on state-guaranteed loans.
  - f. Payment to the resources trust fund.

2. If the state-guaranteed loans have not been repaid, without the written consent of the ~~industrial commission~~Bank of North Dakota the authority may not sell, lease, abandon, encumber, or otherwise dispose of any part of the property used in a water system of the authority if the property is used to provide revenue. Any requirements on the state-guaranteed loans for establishment of reserve funds for operation and maintenance or debt service are waived.
3. The state water commission shall approve the planning, location, and water supply contracts of any authority depots, laterals, taps, turnouts, and risers for industrial sales for oil and gas exploration and production after July 1, 2013.

#### **61-40-11. Water rates.**

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

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#### **61-40-12. Construction funding.**

The authority shall follow the state water commission requirements for funding through the resources trust fund or Bank of North Dakota state-guaranteed loans and shall present the overall plan and project components to the state water commission for funding approval. Priority on project funding first is reserved for state-guaranteed loan payments if not met by industrial water depot and lateral sales, second is for full repayment of existing federal debt if 7 U.S.C. 1926(b) protection for oil and gas exploration and production industrial water sales is asserted,

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and third for expanding domestic water supply to areas currently not served. In accepting construction funding, the authority and participating member entities agree to not hinder or prevent depot and lateral industrial water sales for oil and gas exploration and production.

**61-40-13. Franchise protection.**

Notwithstanding any other provision of law, neither the authority nor its participating member entities may be required to waive the right to assert franchise protection under state or federal law with regard to water used for purposes other than industrial sales for oil and gas exploration and production.

Draft

## INTEROFFICE MEMORANDUM

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To: Jon Kelsch, Director, Water Development  
From: Clay Carufel, Water Resource Engineer, Investigations Section  
Subject: Missouri River Water Use Data  
Date: March 29, 2022

Jon,

The Governor requested that we find data on water usage along the Missouri River at the State Water Commission meeting on 02/23/2022. We made an attempt to collect water use data for each state along its course. States that draw water from the Missouri include Montana, North Dakota, South Dakota, Nebraska, Iowa, Kansas, and Missouri. Below are summaries for each state's Missouri River water use data.

### Montana:

Water use for Montana was collected from the Montana Department of Natural Resources & Conservation Water Right Query System. Summing the approved water use for Missouri River permits resulted in a total appropriation of roughly **132 million acre-feet per year (MAFY)**. This would equate to a flow rate that's roughly 8 times the average flow of the Missouri River past Bismarck (years 1960-2021). Many of the largest permits were for assumed non-consumptive uses like power generation and water reservations but this suggests the Missouri River in Montana is over-appropriated. Montana has dealt with over-appropriated rivers for some time (*Montana Trout Unlimited v. Montana Department of Natural Resources & Conservation*, ¶ 7) and has instituted basin closure laws in the past that kept rivers from being further-appropriated. Significant amounts of Missouri River water still cross into North Dakota from Montana so the assumption is that permits must not all be used at the same time. Next steps for determining Missouri water use in MT could include checking with the Western States Water Council (WSWC) and their Water Data Exchange (WaDE) Program or asking the state directly for the data.

### North Dakota:

Missouri River water use in North Dakota was compiled by the Department of Water Resources and presented at the previous State Water Commission meeting. The state's average annual usage of Missouri River water is **117,570 acre-feet per year (AFY)**.

### South Dakota:

Missouri River water use in South Dakota was collected in two ways. The first was by using the South Dakota Department of Agriculture & Natural Resources Water Rights Database. Summing all of the Missouri River water use permits resulted in total appropriations of 2.2 MAFY. The second way was via correspondence between Jennifer Verleger, Assistant Attorney General of North Dakota, and a Natural Resource Engineer with the State of South Dakota. The engineer reported that there was 270 active water permits along the Missouri appropriating **919,439 AFY**. We believe the number reported by the engineer is more reasonable given their expertise and that the number they reported likely takes non-consumptive water uses into account where the database number did not.

### Nebraska:

Missouri River water use for Nebraska was collected from Nebraska's Department of Natural Resources Water Rights Data Retrieval database. Total appropriations along the river were 4.4 MAFY. However, 98.3% of the appropriations are for power plant cooling. Some water used in the cooling process will be consumed when it's converted to steam but most of the water use is assumed to be non-consumptive. For this reason, we estimate consumptive Missouri River water use in the state to be roughly **74,800 AFY** (4.4 MAFY x 1.7%).

### Iowa:

More work is needed to determine Iowa's use of Missouri River water. Iowa doesn't have a water rights database where all permits for a river can be viewed by the public. Next steps for determining water usage in the state could include researching documents like water use plans and/or asking the state directly for the data.

### Kansas:

Missouri River water use data for Kansas was collected through personal communication between the Kansas Department of Agriculture and Jennifer Verleger. The department stated that there are 19 permanent permits allocating 460,587 AFY. The department stated that about 300,000 AFY is non-consumptive. Therefore, Kansas's consumptive water use is approximately **160,587 AFY**.

### Missouri:

Consumptive Missouri River water use in the state was taken from the Missouri Water Resources Plan 2020 Update. In Table 3-21., Missouri states consumptive use of the Lower Missouri was 350,277 AFY and use of the Missouri-Nishnabotna Rivers was 115,788 AFY in 2016. Only a small section of the Nishnabotna River passes through Missouri so it was assumed all of the Missouri-Nishnabotna water usage was out of the Missouri. This results in a total consumptive use of the Missouri River of roughly **466,065 AFY**. Missouri forecasts their consumptive draws on the river to be 487,025 AFY by 2030 and 539,034 AFY by 2060.

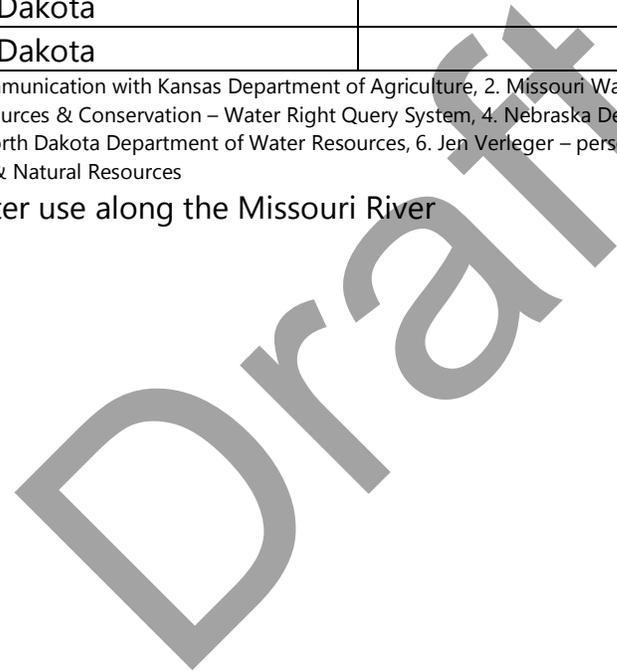
**Summary:**

Consumptive use of the Missouri River for each state is summarized in Table 1. Significant findings at this point in the review include the Missouri River likely being over-appropriated in Montana and North Dakota being on the lower end of Missouri River water use for states along its course. Further work on this review could include determining Iowa’s water use, seeking Montana water use data from the WSWC’s WaDE program, and asking the states directly for their usage data.

State	Consumptive Water Use (AFY)
Iowa	TBD
Kansas	~160,587 <sup>1</sup>
Missouri	~466,065 <sup>2</sup> (2016)
Montana	~131,557,953 <sup>3</sup>
Nebraska	~74,800 <sup>4</sup>
North Dakota	117,570 <sup>5</sup>
South Dakota	~919,439 <sup>6</sup>

1. Jen Verleger – personal communication with Kansas Department of Agriculture, 2. Missouri Water Resources Plan 2020 Update, 3. Montana Department of Natural Resources & Conservation – Water Right Query System, 4. Nebraska Department of Natural Resources – Water Rights Data Retrieval System, 5. North Dakota Department of Water Resources, 6. Jen Verleger – personal communication with South Dakota Department of Agriculture & Natural Resources

Table 1. Consumptive water use along the Missouri River





## Other States Funding Programs

This writeup include details about water funding programs in North Carolina and Texas.

### North Carolina:

In the 2013 legislative session, North Carolina General Assembly created the Division of Water Infrastructure to consolidate the state and federal funding programs. The funding programs under the Division includes:

- **Drinking Water State Revolving Fund (DWSRF):** Provides low-interest loans to local government units and certain non-profit water corporations for projects to provide safe drinking water.
- **Clean Water State Revolving Fund (CWSRF):** Provides low interest loans to local government units to fund wastewater collection and treatment facilities as well as programs associated with estuary and non-point sources.
- **Community Development Block Grant – Infrastructure:** Provides grants to local government units to address water and wastewater infrastructure needs in HUD qualified low to moderate income communities.
- **State Wastewater & Drinking Water Reserve Programs:** Provides grants and loans for technical assistance and for construction of critical needs for wastewater collection systems, wastewater treatment works, and public water system projects.
- **Merger/Regionalization Feasibility Grant Program (MRF):** Provides grants for studies to evaluate the potential consolidation of two or more systems into one system and the potential physical interconnection with another system for regional wastewater treatment or regional water supply.
- **Asset Inventory and Assessment Grant Program (AIA):** Provides grants for developing asset inventories, condition assessment of critical assets, and other components of a comprehensive asset management programs.

Funding decisions are made by the State Infrastructure Authority (SWIA) created during the same legislative session. SWIA was created to assess and make recommendations about the water and wastewater infrastructure needs and the infrastructure funding programs available to the local government and utilities. The General Assembly tasked the Authority with twelve different activities which included developing a master plan to meet the state's water infrastructure needs, making recommendations on the role of the state in the development and funding water infrastructure, and developing a troubled systems protocol.

In 2017, North Carolina's Statewide Water and Wastewater Infrastructure Master Plan: The Road to Viability was published. The SWIA's vision is for viable water utilities across North Carolina. According to the plan, utility systems can become viable by focusing on: **Infrastructure management, organizational management, and financial management.**

In 2020, legislation creating Viable Utilities Reserve (VUR) was passed and \$9 Million was allocated to the VUR. This resulted in a new viable utility program which provides funding to build a path toward viable utility systems using long term solutions for distressed water and wastewater units in North Carolina.

The SWIA and the Local Government Commission have developed criteria to determine how local government units should be assessed for need and eligibility under the Viable Utility Reserve. Identified distressed units must:

- Conduct an asset assessment and rate study
- Participate in a training and educational program, and
- Develop an action plan

With regards to infrastructure management, the Master Plan promotes taking proactive approaches to enable right investments being made on the right projects at the right time by taking into consideration life cycle costs and risk management. To incentivize utility management, the AIA and MRF grant programs were developed.

#### **AIA Grant Program:**

AIA grant program provides for developing an inventory of water and wastewater infrastructure, assess the condition of the assets, prioritize the most critical infrastructure needs and to develop capital improvement plan to fund the projects. Having this information empowers utilities to become more proactive in managing and financing their systems by identifying their most critical needs, thus ensuring that financing for capital improvements is used most efficiently.

AIA grants from the State Reserve Program have the following guidelines:

- Grants to a recipient are limited to \$150,000 over a period of three fiscal years for each system type
- Recipient must supply a match.
- Affordability criteria does not limit eligibility but play a role in the amount of match required from the applicant.

Match required for the AIA grant is determined based on the number of indicators that the recipient exceeds over the state benchmarks. The indicators are listed below:

- Population Change
- Poverty Rate
- Median Household Income
- Unemployment Rate
- Total appraised property value per capita

The percentage of match required is based on the number of indicators that the recipient exceeds the state benchmark and the percentage of match is listed below.

- 5 out of 5 indicators: 5% match
- 4 out of 5 indicators: 10% match
- 3 out of 5 indicators: 15% match
- < 3 out of 5 indicators: 20% match

AIA grants from the Viable Utility Reserve program which is specifically meant for distressed communities does not require a match.

**MRF Grant Program:**

MRF grant program provides for studying the feasibility of consolidating the management of multiple utilities into a single utility operation, utilizing management companies, developing shared resources with other utilities to provide regional treatment, and determining the best way of carrying out the consolidation or regionalization alternatives. The purpose of these grants is to allow a utility to identify challenges, benefits, and implications and then work with potential partners. The MRF grants are especially helpful for systems that may have compliance or viability concerns. These grants also offer a benefit to systems seeking opportunities to improve their operational efficiency by joining with other utility.

MRF grants to an applicant are limited to \$50,000 over a period of three fiscal years for each system type. Affordability criteria do not limit eligibility for this program. Funded applicants receive 100 percent grant with no match required.

The Table below shows the AIA and MRF grants provided from the water and wastewater reserve funding since the Authority was formed.

Meeting award date	SRP - AIA	No. of Applicants	No. Of Recipients	SRP-MRF	No. Of Applicants	No. of Recipients
Jul-16	\$ 5,129,444	182	42	\$ 490,000	10	10
Feb-17	\$ 8,274,229	196	65	\$ 150,000	3	3
Jul-17	\$ -			\$ -		
Feb-18	\$ 4,657,384	176	37	\$ 235,000	5	5
Jul-18	\$ -			\$ -		
Feb-19	\$ 4,682,800	166	32	\$ 485,000	10	10
Jul-19	\$ -			\$ -		
Feb-20	\$ 4,462,500	129	31	\$ 500,000	10	10
Jul-20	\$ -			\$ -		
Feb-21	\$ 4,425,000	110	31	\$ 500,000	10	10
Jul-21	\$ -					
Feb-22	\$ 3,730,000	123	25	\$ 600,000	18	12
<b>Total</b>	<b>\$ 35,361,357</b>	<b>1,082</b>	<b>263</b>	<b>\$ 2,960,000</b>	<b>66</b>	<b>60</b>

It was noted in every annual report that the interest in funding for AIA always exceeded the funding availability and that is evident in the table above based on the number of applications received and the number of the recipients for the AIA grants.

## Texas:

Texas Water Development Board (TWDB) has numerous financial assistance programs. One of their funding programs specifically for water supply is the State Water Implementation Fund for Texas (SWIFT) program. The SWIFT program includes two funds, SWIFT fund and State Water Implementation Revenue Fund for Texas (SWIRFT). Bonds for the program are issued through SWIRFT.

SWIFT program was devised after the drought in 2010-2011. The 2013 legislature created SWIFT and SWIRFT funds to assist in the financing of priority projects in the state water plan. The 2013 legislature allocated \$2 Billion dollars from the Texas Economic Stabilization Fund commonly referred as the Rainy Day fund to finance the newly created funds. The Rainy Day Fund in Texas is generated primarily by taxes on oil and natural gas production in the state. Through Fiscal Year 2020, SWIFT has committed approximately \$9 billion for projects across Texas.

The SWIFT program provides affordable, ongoing financial assistance for projects in the state water plan. The SWIFT programs offers a variety of loans. **Grants are not available in the program.** TWDB provides many different financing options to the borrowers.

**Low – interest obligations** – This includes long-term, fixed-rate loans offered at below-market rate. Maturities range from 20-30 years. Interest rates are based on TWDB's cost of funds which reflects its AAA credit rating. This interest rate is further reduced by a subsidy established by the TWDB each funding cycle.

**Deferred obligations** – This option is used to fund developmental costs of the project which includes planning and design. The maturities range from 20-30 years. This option is targeted for projects that have long development periods in which the applicant must spend considerable time and money before actual delivery of water and the accompanying revenue stream materializes. Principal and interest are deferred up to eight years from the delivery date or until the end of construction, whichever is sooner. Interest rates are based on TWDB's cost of funds and no additional interest rate subsidy is applied.

**Board Participation** – This option is a long-term, structured, fixed-rate financing through a temporary TWDB ownership interest in a regional facility that is being right-sized to accommodate future demand.

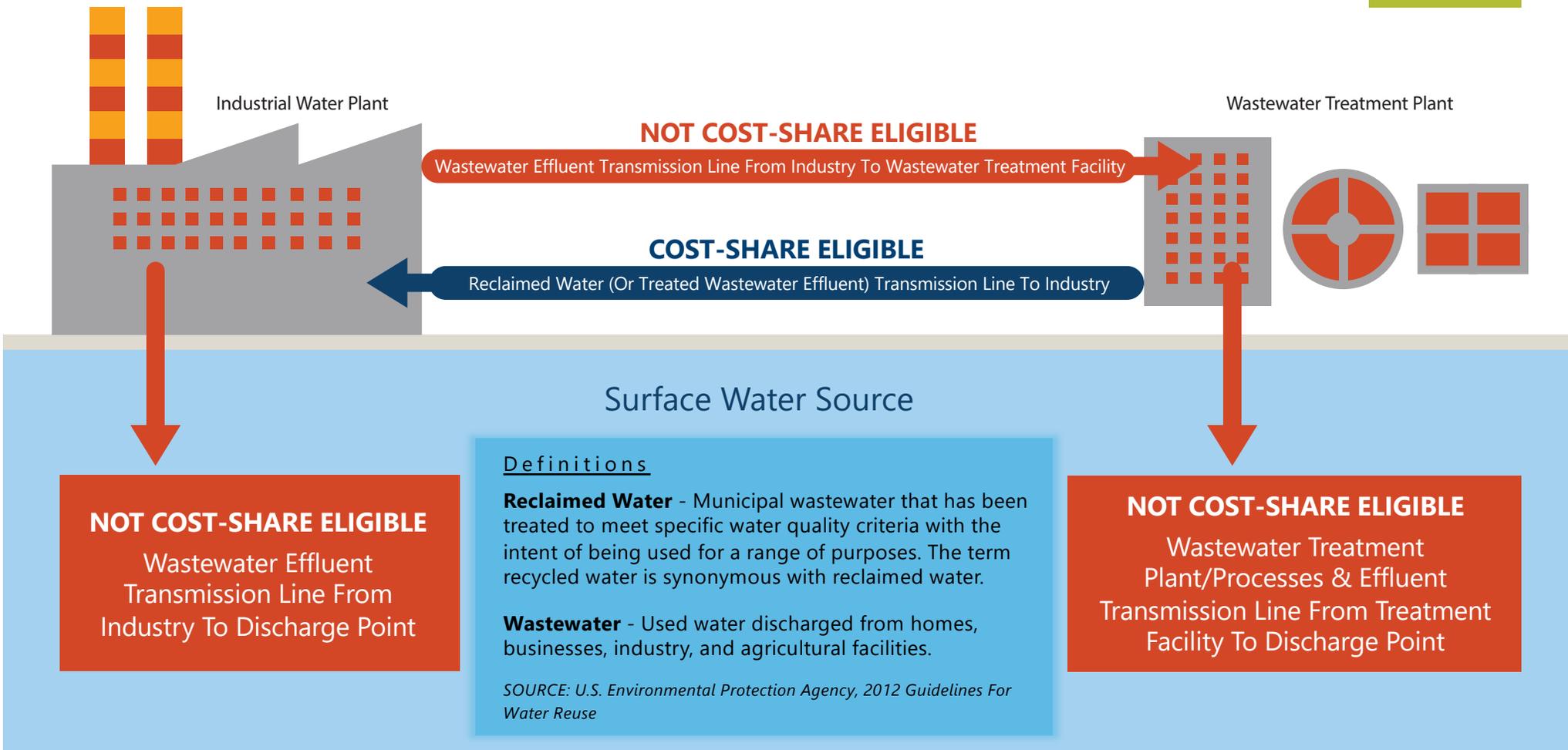
TWDB will provide financial assistance to political subdivisions through the Board Participation Program for projects where at least 20% of the total facility capacity is serving the existing need. Financing for at least 20% of the total project cost will have to come from sources other the Board Participation program. In this program, the TWDB interest in the excess capacity portion of the project are limited to 80% of the total project costs.

The political subdivision repurchases the TWDB's ownership interest under a repayment schedule that allows for the structured deferral of both principal and interest. Interest rates are based on the TWDB's cost of funds, which reflects the programs AAA credit rating. No additional interest rate subsidy is applied. Financing terms vary but are generally 34-year term.

The board and the political subdivision enter and execute a master agreement regarding responsibilities, duties and liabilities of each party, the board's cost of acquisition, procedures for disbursement of board funds for the project and a schedule for purchase of the board's interest in the project.

# WASTEWATER TREATMENT PLANT & RECLAIMED WATER EXAMPLE

DRAFT



# WATER TREATMENT PLANT EXAMPLE

DRAFT

