

**State Office Building
Lower Level Conference Room
Bismarck, North Dakota**

**September 21, 2011
1:30 P.M., CDT**

AGENDA

- A. Roll Call
- B. Consideration of Agenda - *Information pertaining to the agenda items is available on the State Water Commission's website at <http://www.swc.nd.gov> (select 'News and Information')*
- C. **Consideration of Draft Minutes of the Following SWC Meetings:**
 - 1) **May 31, 2011 Work Session** **
 - 2) **June 21, 2011 State Water Commission Meeting** **
 - 3) **June 30, 2011 Audio Conference Call Meeting** **
 - 4) **August 17, 2011 Audio Conference Call Meeting** **
 - 5) **September 7, 2011 Audio Conference Call Meeting** **
- D. State Water Commission Financial Updates:
 - 1) Agency Program Budget Expenditures
 - 2) 2009-2011 Biennium Resources Trust Fund and Water Development Trust Fund Revenues
- E. Mouse River Enhanced Flood Protection Project:
 - 1) Project Update
 - 2) **Selection of Engineering Firm** **
- F. **Wahpeton Flood Mitigation Project** **
- G. Fargo Moorhead Metro Diversion Project Update
- H. Consideration of Following Requests for State Cost Participation:
 - 1) **City of Argusville FEMA Levee Certification - Cass County** **
 - 2) **Riverdale Township District #2 - Dickey County** **
 - 3) **Jackson Township Drainage Improvement - Dickey County** **
 - 4) **City of Forman Floodwater Outlet - Sargent County** **
 - 5) **Sargent County Drain No. 4 Reconstruction** **
 - 6) **Maple River Watershed Floodwater Retention Study** **
 - 7) **Rush River Dam Preliminary Soils and Hydraulic Study** **
 - 8) **Brokke Drain No. 30 Lateral A - Traill County** **
 - 9) **Amenia Township Improvement District No. 69 - Cass County** **
 - 10) **McClusky Canal Mile Marker 7.5 Irrigation Project** **
 - 11) **Walsh County Assessment Drain No. 73 and 73-1** **
 - 12) **Traill County Drain No. 27 Improvement/Reconstruction** **
 - 13) **Cass County Drain No. 12 Improvement/Reconstruction** **

AGENDA - Page 2

- H. Consideration of Following Requests for State Cost Participation: (Continued)
 - 14) **Cass County Drain No. 14 Area Improvement** **
 - 15) **Walsh County Drain No. 97 Reconstruction** **
 - 16) **Walsh County Drain No. 31 Reconstruction** **
 - 17) **N.D. Department of Health, Section 319, NPS Pollution** **
 - 18) **Red River Watershed Feasibility Study, Phase II** **
 - 19) **Sheyenne River Snag and Clear, Reaches I, II, III - Cass County** **
 - 20) **Wild Rice River Snag and Clear - Cass County** **
 - 21) **Buffalo Coulee Snag and Clear** **
 - 22) **Goose River Snag and Clear** **
 - 23) **Yorktown-Maple Drainage Improvement District #3 - Dickey County** **

- I. Devils Lake:
 - 1) Hydrologic Update
 - 2) Devils Lake West Outlet:
 - 1) Project Update
 - 2) Sheyenne River Crossing - Eddy County
 - 3) East Devils Lake Outlet:
 - 1) Project Update
 - 2) **Contract 6 - Intake Structure** **
 - 3) **Contract 7 - Outfall Structure** **
 - 4) **Electrical Contract** **
 - 5) **Pipe Incentive Payments** **
 - 4) Emergency Gravity Outflow Channel:
 - 1) Project Update
 - 2) **Consideration of Funding for Investigations, Land Acquisition, and Construction** **
 - 5) Tolna Coulee Control Structure Project Update

- J. Northwest Area Water Supply (NAWS) Project:
 - 1) Project Update
 - 2) **Water Rates for 2012** **

- K. Southwest Pipeline Project (SWPP) Update

- L. Western Area Water Supply (WAWS) Project Update

- M. Missouri River Update

- N. Garrison Diversion Conservancy District

- O. Other Business

- P. Adjournment

**** BOLD, ITALICIZED ITEMS REQUIRE SWC ACTION**

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

MINUTES

North Dakota State Water Commission Bismarck, North Dakota

September 21, 2011

The North Dakota State Water Commission held a meeting at the State Office Building, Bismarck, North Dakota, on September 21, 2011. Governor Jack Dalrymple, Chairman, called the meeting to order at 1:30 P.M., and requested Todd Sando, State Engineer, and Chief Engineer-Secretary to the State Water Commission, to call the roll. Governor Dalrymple announced a quorum was present.

STATE WATER COMMISSION MEMBERS PRESENT:

Governor Jack Dalrymple, Chairman
Doug Goehring, Commissioner, North Dakota Department of Agriculture, Bismarck
Arne Berg, Member from Devils Lake
Maurice Foley, Member from Minot
Larry Hanson, Member from Williston
Jack Olin, Member from Dickinson
Harley Swenson, Member from Bismarck
Robert Thompson, Member from Page
Douglas Vosper, Member from Neche

OTHERS PRESENT:

Todd Sando, State Engineer, and Chief Engineer-Secretary,
North Dakota State Water Commission, Bismarck
State Water Commission Staff
Approximately 50 people interested in agenda items

The attendance register is on file with the official minutes.

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

CONSIDERATION OF AGENDA

There being no additional items for the agenda, Governor Dalrymple announced the agenda approved as presented.

**CONSIDERATION OF DRAFT MINUTES
OF MAY 31, 2011, JUNE 21, 2011,
JUNE 30, 2011, AUGUST 17, 2011, AND
SEPTEMBER 7, 2011 STATE WATER
COMMISSION MEETINGS - APPROVED**

The draft minutes of the May 31, 2011, June 21, 2011, June 30, 2011, August 17, 2011, and September 7, 2011 State Water Commission meetings were approved by the following motion:

It was moved by Commissioner Goehring, seconded by Commissioner Thompson, and unanimously carried, that the draft minutes of the May 31, 2011, June 21, 2011, June 30, 2011, August 17, 2011, and September 7, 2011 State Water Commission meetings be approved as prepared.

**STATE WATER COMMISSION
BUDGET EXPENDITURES,
2011-2013 BIENNIUM**

In the 2011-2013 biennium, the State Water Commission has two line items - administrative and support services, and water and atmospheric resources expenditures. The allocated program expenditures for the period ending July 31, 2011, reflecting 4 percent of the 2011-2013 biennium, were presented and discussed by David Laschkewitsch, State Water Commission accounting manager. The expenditures, in total, are within the authorized budget amounts. **SEE APPENDIX "A"**

The Contract Fund spreadsheet, attached hereto as **APPENDIX "B"**, provides information on the committed and uncommitted funds from the Resources Trust Fund, the Water Development Trust Fund, and the general fund project dollars. The total amount allocated for projects is \$225,118,200, leaving a balance of \$128,878,382 available to commit to projects.

**RESOURCES TRUST FUND
AND WATER DEVELOPMENT
TRUST FUND REVENUES
2009-2011 BIENNIUM**

Oil extraction tax deposits into the Resources Trust Fund ended the 2009-2011 biennium totaling \$148,886,433 and were \$54,170,029, or 57.2 percent above budgeted revenues.

Deposits into the Water Development Trust Fund (tobacco settlement) totaled \$18,248,834 in the 2009-2011 biennium and were \$1,497,702 or 7.6 percent below the budgeted revenues.

**RESOURCES TRUST FUND
AND WATER DEVELOPMENT
TRUST FUND REVENUES,
2011-2013 BIENNIUM**

Oil extraction tax deposits into the Resources Trust Fund were \$10,328,799 through August 31, 2011, and are currently \$2,578,719 or 33.3 percent above budgeted revenues in the 2011-2013 biennium.

No deposits have been received for the Water Development Trust Fund (tobacco settlement) in the 2011-2013 biennium. The first planned deposit is for \$10,300,000 in April of 2012.

MOUSE RIVER ENHANCED FLOOD PROTECTION PROJECT - APPROVAL OF STATE FUNDS FOR PRELIMINARY PROJECT ENGINEERING (\$750,000); AUTHORIZATION FOR ENGINEERING AGREEMENT WITH BARR ENGINEERING, INC., MINNEAPOLIS, MN (SWC Project No. 1974)

The City of Minot intends to develop a flood control project that would provide the city and communities/developments outside of the city limits with protection from the magnitude of flood events experienced in 2011. Since the proposed project is located outside of the city of Minot limits, the Souris River Joint Water Resource Board consented to sponsor the project.

Resolution No. 3004, adopted by the Minot City Council on August 1, 2011, requested that the State Water Commission sponsor improvements to the Mouse River flood control system that would control floods of the magnitude of the 2011 flood, and that the State Water Commission search for and retain an engineering firm to design the project improvements. On August 17, 2011, the State Water Commission approved the request from the Souris River Joint Water Resource Board, and conduct an engineering selection process for the Mouse River Enhanced Flood Protection project preliminary engineering.

Under the Commission's direction of August 17, 2011, an engineering selection committee was formed. The goal of the project is to provide protection for the Mouse River basin from a flood of the magnitude experienced in 2011. The first objective is a levee alignment for Minot and Burlington of sufficient quality and accuracy to guide the owners of flood-damaged homes in their decision-making. This information is due by December 21, 2011. The second objective is a preliminary engineering report that will identify alternatives and features for the entire basin, which is due by March 21, 2012. Tim Fay has been named as the Commission's project engineer to oversee the Mouse River Enhanced Flood Protection project.

A Request for Qualifications for the Mouse River Enhanced Flood Control engineer selection was published on September 2, 2011. The work described in the request included two main components: a levee alignment and ground contact area for Minot and Burlington accurate enough to be used in the acquisition effort to be available to the public by December 21; and, a preliminary engineering report that would list alternatives and costs for measures in the other areas of the valley, which is to be completed by March 31, 2012. The deadline for submission of proposals was September 9, 2011.

Seven proposals were received; 3 firms were selected for interviews that were conducted on September 19, 2011. Barr Engineering, Inc., Minneapolis, MN, received the highest rank, and the negotiations with the firm indicated the general terms of the engineering agreement were acceptable, the scope/tasks of work were discussed, and the rates were reasonable. Barr Engineering's proposal would provide a draft of the levee alignments by November 3, 2011, and the final draft by November 25, 2011, with the preliminary report completed by February 29, 2012. The total estimated preliminary engineering cost is \$2,500,000; the cost to accomplish the November 3 levee alignment report and maintain the necessary progress on other items is \$750,000.

It was the recommendation of Secretary Sando that the State Water Commission authorize the Secretary to the State Water Commission to execute the initial engineering agreement with Barr Engineering, Inc., Minneapolis, MN; and, that the State Water Commission approve an allocation not to exceed \$750,000 from the funds appropriated to the State Water Commission in the 2011-2013 biennium (S.B. 2020) for the initial engineering work for the Mouse River Enhanced Flood Control project.

It was moved by Commissioner Foley and seconded by Commissioner Goehring that the State Water Commission authorize the Secretary to the State Water Commission to execute the initial engineering agreement with Barr Engineering, Inc., Minneapolis, MN; and, that the State Water Commission approve an allocation not to exceed \$750,000 from the funds appropriated to the State Water Commission in the 2011-2013 biennium (S.B. 2020) for the initial engineering work for the Mouse River Enhanced Flood Control project. This action is contingent upon the availability of funds.

Commissioners Berg, Foley, Goehring, Hanson, Olin, Thompson, Swenson, Vosper, and Governor Dalrymple voted aye. Governor Dalrymple announced the motion unanimously carried.

**WAHPETON FLOOD MITIGATION
PROJECT - APPROVAL OF ADDITIONAL
STATE COST PARTICIPATION (\$1,013,000)
(SWC Project No. 1907-01)**

The Wahpeton Flood Mitigation project was included in 1999 Senate Bill 2188 that provided up to 50 percent of state funds for the non-federal share of the cost for the City of Wahpeton to construct a flood control or reduction project. The project consisted of a permanent levee system and the acquisition of flowage easements to maintain a flood flow breakout channel between the Bois de Sioux and Wild Rice Rivers.

The State Water Commission's previous approvals include: December 8, 2000 - \$601,940.50; October 23, 2001 - 1,307,500;

August 16, 2004 - \$250,000; and on June 28, 2006 - \$1,340,559.50, for a total state cost participation of \$3,500,000. Inflation, coordination with the Breckenridge, MN flood mitigation project, and the final project scope have resulted in higher total project costs. The estimated revised total cost of the project is \$21,026,000, of which \$12,000,000 is federal and the remaining \$9,026,000 is determined as eligible for a 50 percent state cost participation (\$4,513,000). A request from the City of Wahpeton was presented for the State Water Commission's consideration for an additional allocation in the amount of \$1,013,000 (\$4,513,000 determined as eligible costs less previous Commission approvals of \$3,500,000).

It was the recommendation of Secretary Sando that the State Water Commission approve a 50 percent state cost participation not to exceed an additional allocation of \$1,013,000 from the funds appropriated to the State Water Commission in the 2011-2013 biennium (S.B. 2020) to the City of Wahpeton for the non-federal share (50 percent) required to complete the Wahpeton Flood Mitigation project. The Commission's affirmative action would increase the total state cost allocation to \$4,513,000.

It was moved by Commissioner Olin and seconded by Commissioner Berg that the State Water Commission approve a 50 percent state cost participation not to exceed an additional allocation of \$1,013,000 from the funds appropriated to the State Water Commission in the 2011-2013 biennium (S.B. 2020) to the City of Wahpeton for the non-federal share (50 percent) required to complete the Wahpeton Flood Mitigation project. This action is contingent upon the availability of funds.

This action increases the total state cost allocation to \$4,513,000 for the Wahpeton Flood Control Mitigation project.

Commissioners Berg, Foley, Goehring, Hanson, Olin, Thompson, Swenson, Vosper, and Governor Dalrymple voted aye. Governor Dalrymple announced the motion unanimously carried.

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

Project representatives provided the status of the Fargo Moorhead Metro Diversion project. The report included technical information relating to the final Corps of Engineers report expected by the end of 2011; critical Civil Works Review Board meeting in Washington on September 23, 2011; the Joint Powers Authority Board is in place with supporting committees; in process of hiring a project management consultant; the Project Management Agreement is in place with the Corps of Engineers; the design agreement is in place; and the design activities are starting.

CITY OF ARGUSVILLE FLOOD CONTROL LEVEE RECERTIFICATION - APPROVAL OF STATE COST PARTICIPATION (\$25,432) (SWC Project No. 1806)

A request from the City of Argusville was presented for the State Water Commission's consideration for state cost participation for recertification of the city's flood control levee. FEMA has been updating its flood insurance rate

maps as part of the map modernization process. As part of the effort, FEMA has determined that the city must provide documentation that the levee protecting the city from floodwaters meets the federal requirements. The deadline is December 1, 2012 to have the levee accredited.

The project engineer's cost estimate is \$42,386, all of which is determined eligible for state cost participation at 60 percent of the eligible costs (\$25,432). The request before the State Water Commission is for a 60 percent state cost participation in the amount of \$25,432.

It was the recommendation of Secretary Sando that the State Water Commission approve state cost participation at 60 percent of the eligible costs, not to exceed an allocation of \$25,432 from the funds appropriated to the State Water Commission in the 2011-2013 biennium (S.B. 2020) for the City of Argusville flood control levee recertification.

It was moved by Commissioner Goehring and seconded by Commissioner Thompson that the State Water Commission approve state cost participation at 60 percent of the eligible costs, not to exceed an allocation of \$25,432 from the funds appropriated to the State Water Commission in the 2011-2013 biennium (S.B. 2020), to the City of Argusville to support their 2011 flood control levee recertification. This action is contingent upon the availability of funds.

Commissioners Berg, Foley, Goehring, Hanson, Olin, Thompson, Swenson, Vosper, and Governor Dalrymple voted aye. Governor Dalrymple announced the motion unanimously carried.

RIVERDALE TOWNSHIP IMPROVEMENT DISTRICT NO. 2 (DICKEY-SARGENT) - CONDITIONAL APPROVAL OF STATE COST PARTICIPATION (\$500,000) (SWC Project No. 1101)

A request from the Dickey-Sargent Joint Water Resource District was presented for the State Water Commission's consideration for state cost participation for construction of the Riverdale Township Improvement District No.

1 project. The proposed project would create a legal assessment drain constituting a pilot routing and three separate laterals that ultimately would provide an outlet for a watershed area of approximately 11,800 acres of agricultural land.

The project engineer's cost estimate is \$10,111,106, of which \$2,113,671 is determined as eligible for state cost participation as a rural flood control project at 45 percent of the eligible costs (\$1,046,267). The State Water Commission's policy limits the 2011-2013 biennium costs to \$500,000 per project. Pursuant to the State Water Commission's cost share policy, conditional approval of a rural flood control project is allowed subject to satisfaction of the required drain permit, a positive assessment vote, and receipt of the final engineering plans. The request before the State Water Commission is for a 45 percent state cost participation in the amount of \$500,000.

It was the recommendation of Secretary Sando that the State Water Commission approve conditional state cost participation as a rural flood control project at 45 percent of the eligible costs, not to exceed an allocation of \$500,000 from the funds appropriated to the State Water Commission in the 2011-2013 biennium (S.B. 2020) for the Riverdale Township Improvement District No. 2 project.

It was moved by Commissioner Vosper and seconded by Commissioner Berg that the State Water Commission approve conditional state cost participation as a rural flood control project at 45 percent of the eligible costs, not to exceed an allocation of \$500,000 from the funds appropriated to the State Water Commission in the 2011-2013 biennium (S.B. 2020), to the Dickey-Sargent Joint Water Resource Board to support the Riverdale Township Improvement District No. 2 project. This action is contingent upon the availability of funds, a positive assessment vote, satisfaction of the required drain permit, and receipt of the final engineering plans.

Commissioners Berg, Foley, Goehring, Hanson, Olin, Thompson, Swenson, Vosper, and Governor Dalrymple voted aye. Governor Dalrymple announced the motion unanimously carried.

JACKSON TOWNSHIP IMPROVEMENT DISTRICT NO. 1 AND KRAFT SLOUGH OUTLET, PARTS I, II, AND III (DICKEY-SARGENT)-CONDITIONAL APPROVAL OF STATE COST PARTICIPATION (\$500,000) (SWC Project No. 1977)

proposed development of the legal assessment drains will improve the agricultural drainage during summer rain events.

A request from the Dickey-Sargent Joint Water Resource Board was presented for the State Water Commission's consideration for state cost participation for Jackson Township Improvement District No. 1 and Kraft Slough Outlet, Parts I, II, and III projects. The

The project engineer's cost estimate is \$8,250,000, of which \$5,121,944 is determined as eligible for state cost participation as a rural flood control project at 45 percent of the eligible costs (\$2,304,875). The State Water Commission's policy limits the 2011-2013 biennium costs to \$500,000 per project. Pursuant to the State Water Commission's cost share policy, conditional approval of a rural flood control project is allowed subject to satisfaction of the required drain permit, a positive assessment vote, and receipt of the final engineering plans. The request before the State Water Commission is for a 45 percent state cost participation in the amount of \$500,000.

It was the recommendation of Secretary Sando that the State Water Commission approve conditional state cost participation as a rural flood control project at 45 percent of the eligible costs, not to exceed an allocation of \$500,000 from the funds appropriated to the State Water Commission in the 2011-2013 biennium (S.B. 2020) for the Jackson Township Improvement District No. 1 and Kraft Slough Outlet, Parts I, II, and III projects.

It was moved by Commissioner Berg and seconded by Commissioner Vosper that the State Water Commission approve conditional state cost participation as a rural flood control project at 45 percent of the eligible costs, not to exceed an allocation of \$500,000 from the funds appropriated to the State Water Commission in the 2011-2013 biennium (S.B. 2020), to the Dickey-Sargent Joint Water Resource Board to support the Jackson Township Improvement District No. 1 and Kraft Slough Outlet, Parts I, II, and III projects. This action is contingent upon the availability of funds, a positive assessment vote, satisfaction of the required drain permit, and receipt of the final engineering plans.

Commissioners Berg, Foley, Goehring, Hanson, Olin, Thompson, Swenson, Vosper, and Governor Dalrymple voted aye. Governor Dalrymple announced the motion unanimously carried.

**CITY OF FORMAN FLOODWATER
OUTLET (SARGENT COUNTY) -
APPROVAL OF STATE COST
COST PARTICIPATION (\$348,070)
(SWC Project No. 1219)**

A request from the Sargent County Water Resource District was presented for the State Water Commission's consideration for state cost participation to construct the City of Forman's Floodwater Outlet project. Water levels

in a large body of water on the west side of the city have been rising over recent years. The natural outlet is too high to provide relief for the city and the capacity of the existing outlet is not capable of controlling the current annual inflow.

The project engineer's cost estimate is \$780,000, of which \$580,117 is determined eligible for state cost participation as a flood control project at 60 percent of the eligible costs (\$348,070). The request before the State Water Commission is for a 60 percent state cost participation in the amount of \$348,070.

It was the recommendation of Secretary Sando that the State Water Commission approve state cost participation as a flood control project at 60 percent of the eligible costs, not to exceed an allocation of \$348,070 from the funds appropriated to the State Water Commission in the 2011-2013 biennium (S.B. 2020) for the City of Forman Floodwater Outlet project.

It was moved by Commissioner Goehring and seconded by Commissioner Olin that the State Water Commission approve state cost participation as a flood control project at 60 percent of the eligible costs, not to exceed an allocation of \$348,070 from the funds appropriated to the State Water Commission in the 2011-2013 biennium (S.B. 2020), to the Sargent County Water Resource District to support the City of Forman Floodwater Outlet project. This action is contingent upon the availability of funds.

Commissioners Berg, Foley, Goehring, Hanson, Olin, Thompson, Swenson, Vosper, and Governor Dalrymple voted aye. Governor Dalrymple announced the motion unanimously carried.

**SARGENT COUNTY DRAIN NO. 4
RECONSTRUCTION - CONDITIONAL
APPROVAL OF STATE COST
PARTICIPATION (\$60,620)
(SWC Project No. 1219)**

A request from the Sargent County Water Resource District was presented for the State Water Commission's consideration for state cost participation in the reconstruction of Sargent County Drain No. 4. An improved floodwater outlet is proposed to take water through the City of Forman which will then discharge into the Sargent County Drain No. 4. The downstream reaches of the drain need to be reconstructed to account for the improved efficiency of the floodwater outlet and accommodate the increase in drainage.

The project engineer's cost estimate is \$300,000, of which \$134,711 is determined eligible for state cost participation as a rural flood control project at 45 percent of the eligible costs (\$60,620). Pursuant to the State

Water Commission's cost share policy, conditional approval of a rural flood control project is allowed subject to satisfaction of the required drain permit, a positive assessment vote, and receipt of the final engineering plans. The request before the State Water Commission is for a 45 percent state cost participation of \$60,620.

It was the recommendation of Secretary Sando that the State Water Commission approve conditional state cost participation as a rural flood control project at 45 percent of the eligible costs, not to exceed an allocation of \$60,620 from the funds appropriated to the State Water Commission in the 2011-2013 biennium (S.B. 2020) for the Sargent County Drain No. 4 reconstruction project.

It was moved by Commissioner Vosper and seconded by Commissioner Berg that the State Water Commission approve conditional state cost participation as a rural flood control project at 45 percent of the eligible costs, not to exceed an allocation of \$60,620 from the funds appropriated to the State Water Commission in the 2011-2013 biennium (S.B. 2020), to the Sargent County Water Resource District to support the reconstruction of Sargent County Drain No. 4. This action is contingent upon the availability of funds, a positive assessment vote, satisfaction of the required drain permit, and receipt of the final engineering plans.

Commissioners Berg, Foley, Goehring, Hanson, Olin, Thompson, Swenson, Vosper, and Governor Dalrymple voted aye. Governor Dalrymple announced the motion unanimously carried.

**MAPLE RIVER WATERSHED FLOOD
WATER RETENTION STUDY -
APPROVAL OF STATE COST
PARTICIPATION (\$82,500)
(SWC Project No. 980)**

A request from the Maple River Water Resource District was presented for the State Water Commission's consideration for state cost participation for their Maple River Watershed Flood Water Retention study. The District has worked

for many years to solve flooding issues by implementing retention, and the development of a Maple River Watershed Retention Plan would further the District's efforts. Following plan development, there will be objectives and priorities to meet the District's goal of peak flow reduction on the Maple River mainstem.

The project engineer's cost estimate is \$165,000, of which all is determined eligible for state cost participation as an engineering feasibility study at 50 percent of the eligible costs (\$82,500). The request before the State Water Commission is for a 50 percent state cost participation in the amount of \$82,500.

It was the recommendation of Secretary Sando that the State Water Commission approve state cost participation as an engineering feasibility study at 50 percent of the eligible costs, not to exceed an allocation of \$82,500 from the funds appropriated to the State Water Commission in the 2011-2013 biennium (S.B. 2020) for the Maple River Watershed Flood Water Retention study.

It was moved by Commissioner Foley and seconded by Commissioner Olin that the State Water Commission approve state cost participation as an engineering feasibility study at 50 percent of the eligible costs, not to exceed an allocation of \$82,500 from the funds appropriated to the State Water Commission in the 2011-2013 biennium (S.B. 2020), to the Maple River Water Resource District to support the Maple River Watershed Flood Water Retention study. This action is contingent upon the availability of funds.

Commissioners Berg, Foley, Goehring, Hanson, Olin, Thompson, Swenson, Vosper, and Governor Dalrymple voted aye. Governor Dalrymple announced the motion unanimously carried.

***RUSH RIVER DAM PRELIMINARY
SOILS AND HYDRAULIC STUDY -
APPROVAL OF STATE COST
PARTICIPATION (\$57,500)
(SWC Project No. 829)***

A request from the Rush River Water Resource District was presented for the State Water Commission's consideration for their Rush River Dam Preliminary Soils and Hydraulic study. The District recently conducted a study to identify

floodwater retention sites in the Rush River watershed. A site upstream of the City of Amenia was recommended for further study and development.

The project engineer's cost estimate is \$115,000, of which all is determined eligible for state cost participation as an engineering feasibility study at 50 percent of the eligible costs (\$57,500). The request before the State Water Commission is for a 50 percent state cost participation in the amount of \$57,500.

It was the recommendation of Secretary Sando that the State Water Commission approve state cost participation as an engineering feasibility study at 50 percent of the eligible costs, not to exceed an allocation of \$57,500 from the funds appropriated to the State Water Commission in the 2011-2013 biennium (S.B. 2020) for the Rush River Dam Preliminary Soils and Hydraulic study.

It was moved by Commissioner Hanson and seconded by Commissioner Goehring that the State Water Commission approve state cost participation as an engineering feasibility study at 50 percent of the eligible costs, not to exceed an allocation of \$57,500 from the funds appropriated to the State Water Commission in the 2011-2013 biennium (S.B. 2020), to the Rush River Water Resource District to support the Rush River Dam Preliminary Soils and Hydraulic study. This action is contingent upon the availability of funds.

Commissioners Berg, Foley, Goehring, Hanson, Olin, Thompson, Swenson, Vosper, and Governor Dalrymple voted aye. Governor Dalrymple announced the motion unanimously carried.

***BROKKE DRAIN NO. 30 LATERAL A
(TRAILL COUNTY) - CONDITIONAL
APPROVAL OF STATE COST
PARTICIPATION (\$23,660)
(SWC Project No. 1101)***

A request from the Traill County Water Resource District was presented for the State Water Commission's consideration for state cost participation to construct a lateral to Brokke Drain No. 30 (referred to as Lateral A). The contributing area

for Lateral A is included in the assessment area of Brokke Drain No. 30. The outlet is into the Brokke Drain No. 30 which outlets into an unnamed coulee that flows into the Red River. The watershed consists of mostly cropland with the exception of several acres of roads and farmsteads.

The project engineer's cost estimate is \$79,660, of which \$52,580 is determined eligible for state cost participation as a rural flood control project at 45 percent of the eligible costs (\$23,660). Pursuant to the State Water Commission's cost share policy, conditional approval of a rural flood control project is allowed subject to satisfaction of the required drain permit, a positive assessment vote, and receipt of the final engineering plans. The request before the State Water Commission is for a 45 percent state cost participation in the amount of \$23,660.

It was the recommendation of Secretary Sando that the State Water Commission approve conditional state cost participation as a rural flood control project at 45 percent of the eligible costs, not to exceed an allocation of \$23,660 from the funds appropriated to the State Water Commission in the 2011-2013 biennium (S.B. 2020) for the Brokke Drain No. 30 Lateral A project.

It was moved by Commissioner Goehring and seconded by Commissioner Olin that the State Water Commission approve conditional state cost participation as a rural flood control project at

45 percent of the eligible costs, not to exceed an allocation of \$23,660 from the funds appropriated to the State Water Commission in the 2011-2013 biennium (S.B. 2020), to the Traill County Water Resource District to support the Brokke Drain No. 30 Lateral A project. This action is contingent upon the availability of funds, a positive assessment vote, satisfaction of the required drain permit, and receipt of the final engineering plans.

Commissioners Berg, Foley, Goehring, Hanson, Olin, Thompson, Swenson, Vosper, and Governor Dalrymple voted aye. Governor Dalrymple announced the motion unanimously carried.

**AMENIA TOWNSHIP IMPROVEMENT
DISTRICT DRAIN NO. 69 (CASS COUNTY) -
CONDITIONAL APPROVAL OF STATE
COST PARTICIPATION (\$313,600)
(SWC Project No. 1603)**

A request from the Rush River Water Resource District was presented for the State Water Commission's consideration for state cost participation for the Amenia Township Improvement District Drain No. 69. The project is the

development of a new legal assessment drain that includes a lateral to the existing drain. The intent of the project is to improve agricultural lands along the project and to increase the hydraulic capacity of the existing road ditches. During the summer rain events, the landowners do not have the ability to properly drain their agricultural lands resulting in lower crop yields and crop losses.

The project engineer's cost estimate is \$1,250,000, of which \$696,889 is determined eligible for state cost participation as a rural flood control project at 45 percent of the eligible costs (\$313,600). Pursuant to the State Water Commission's cost share policy, conditional approval of a rural flood control project is allowed subject to satisfaction of the required drain permit, a positive assessment vote, and receipt of the final engineering plans. The request before the State Water Commission is for a 45 percent state cost participation in the amount of \$313,600.

It was the recommendation of Secretary Sando that the State Water Commission approve conditional state cost participation as a rural flood control project at 45 percent of the eligible costs, not to exceed an allocation of \$313,600 from the funds appropriated to the State Water Commission in the 2011-2013 biennium (S.B. 2020) for the Amenia Township Improvement District Drain No. 69 project.

It was moved by Commissioner Goehring and seconded by Commissioner Foley that the State Water Commission approve conditional state cost participation as a rural flood control project at

45 percent of the eligible costs, not to exceed an allocation of \$313,600 from the funds appropriated to the State Water Commission in the 2011-2013 biennium (S.B. 2020), to the Rush River Water Resource District to support the Amenia Township Improvement District Drain No. 69 project. This action is contingent upon the availability of funds, a positive assessment vote, satisfaction of the required drain permit, and receipt of the final engineering plans.

Commissioners Berg, Foley, Goehring, Hanson, Olin, Thompson, Swenson, Vosper, and Governor Dalrymple voted aye. Governor Dalrymple announced the motion unanimously carried.

**McCLUSKY CANAL MILE MARKER
7.5 IRRIGATION PROJECT, PHASE 1 -
APPROVAL OF ADDITIONAL STATE
COST PARTICIPATION (\$489,069)
(SWC Project No. 1968)**

On June 1, 2011, the State Water Commission approved a request from the Garrison Diversion Conservancy District for state cost participation of 50 percent of the eligible costs not to exceed an allocation of \$1,310,931 for

the costs associated with the intake, pump station, controls, main transmission pipeline and power grid for the first phase of the McClusky Canal Mile Marker 7.5 2010 Irrigation project.

The McClusky canal is a 74-mile long canal designed to transport 1,950 cubic feet of water per second for the irrigation of 250,000 acres and provide water for municipal and rural systems. The Dakota Water Resources Act of 2000 authorizes approximately 24,000 acres of irrigation along the canal.

The Garrison Diversion Conservancy District determined interest in an irrigation project and selected a 7,020-acre project located north of the McClusky canal near mile marker 7.5 as the preferred project, at an estimated total cost of \$8,907,000 for the water delivery system. The total cost of Phase I to serve 2,210 acres was estimated at \$4,666,289, of which \$2,621,862 (off-farm costs) were determined eligible for a 50 percent state cost participation (\$1,310,931).

Landowner interest has since changed and the existing available power is larger than expected resulting in the project revision. The revised project includes portions of Phases I and II to irrigate 3,500 acres at a revised cost estimate of \$6,225,000, of which \$3,600,000 is determined eligible for a 50 percent state cost participation (\$1,800,000). A request from the Garrison Diversion Conservancy District was presented for the State Water Commission's consideration for an additional state cost participation in the amount of \$489,069 (\$1,800,000 eligible costs less \$1,310,931 approved on June 1, 2011).

It was the recommendation of Secretary Sando that the State Water Commission approve state cost participation at 50 percent of the eligible costs, not to exceed an additional allocation of \$489,069 from the funds appropriated to the State Water Commission in the 2011-2013 biennium (S.B. 2020), to support the McClusky Canal Mile Marker 7.5 2010 Irrigation project. The Commission's affirmative action would increase the total state cost allocation to \$1,800,000.

It was moved by Commissioner Olin and seconded by Commissioner Goehring that the State Water Commission approve state cost participation in 50 percent of the eligible costs not to exceed an additional allocation of \$489,069 from the funds appropriated to the State Water Commission in the 2011-2013 biennium (S.B. 2020), to the Garrison Diversion Conservancy District to support the McClusky Canal Mile Marker 7.5 2010 Irrigation project. This action is contingent upon the availability of funds.

This action increases the total state cost allocation to \$1,800,000 for the McClusky Canal Mile Marker 7.5 2010 Irrigation project.

Commissioners Berg, Foley, Goehring, Hanson, Olin, Thompson, Swenson, Vosper, and Governor Dalrymple voted aye. Governor Dalrymple announced the motion unanimously carried.

**WALSH COUNTY ASSESSMENT DRAIN
NO. 73 AND 73-1 CONSTRUCTION
PROJECT - APPROVAL OF ADDITIONAL
STATE COST PARTICIPATION (\$12,929)
(SWC Project No. 1953)**

On August 18, 2009, the State Water Commission approved a request from the Walsh County Water Resource District for state cost participation at 45 percent of the eligible costs not to exceed \$96,990 from the funds appropriated to the State Water Commission in the 2009-2011 biennium (H.B. 1020), for the Walsh County Assessment Drain No. 73 and 73-1 Construction project. The project consisted of constructing a 6-mile drain to address sheetwater runoff from cropland and reduce flood damages to agricultural properties.

The project engineer's revised cost estimate is \$310,574, of which \$244,265 is considered eligible for state cost participation as a rural flood control project at 45 percent of the eligible costs (\$109,919). The cost overage is a result of increased construction costs. A request from the Walsh County Water Resource District was presented for the State Water Commission's consideration for an additional state cost participation in the amount of \$12,929 (eligible costs of \$109,919 less \$96,990 approved on August 18, 2009). The request before the State Water Commission is for a 45 percent state cost participation in the amount of \$12,929.

It was the recommendation of Secretary Sando that the State Water Commission approve state cost participation at 45 percent of the eligible costs, not to exceed an additional allocation of \$12,929 from the funds appropriated to the State Water Commission in the 2011-2013 biennium (S.B. 2020) to support the Walsh County Assessment Drain No. 73 and 73-1 Construction project cost overrun. The Commission's affirmative action would increase the total state cost allocation to \$109,919.

It was moved by Commissioner Berg and seconded by Commissioner Hanson that the State Water Commission approve state cost participation at 45 percent of the eligible costs, not to exceed an additional allocation of \$12,929 from the funds appropriated to the State Water Commission in the 2011-2013 biennium (S.B. 2020), to the Walsh County Water Resource District to support the Walsh County Assessment Drain No. 73 and 73-1 Construction project cost overrun. This action is contingent upon the availability of funds.

This action increases the total state cost allocation to \$109,919 for construction of the Walsh County Assessment Drain No. 73 and 73-1 Construction project.

Commissioners Berg, Foley, Goehring, Hanson, Olin, Thompson, Swenson, Vosper, and Governor Dalrymple voted aye. Governor Dalrymple announced the motion unanimously carried.

***TRAILL COUNTY DRAIN NO. 27
(MOEN DRAIN) 2010 IMPROVEMENT
RECONSTRUCTION AND EXTENSION
PROJECT - CONDITIONAL APPROVAL
OF ADDITIONAL STATE COST
PARTICIPATION (\$500,000)
(SWC Project No. 1244)***

On March 11, 2010, the State Water Commission considered a request from the Traill County Water Resource District for state cost participation in the Traill County Drain No. 27 (also referred to as Moen Drain) improvements and extension project.

The project engineer's cost estimate was \$3,200,000, of which \$2,505,000 was determined as eligible for state cost participation as a rural flood control project at 45 percent of the eligible costs (\$1,127,250). Pursuant to the State Water Commission's cost participation policy for rural flood control projects, the funding limitation was \$500,000 per project for the 2009-2011 biennium. On March 11, 2010, the State Water Commission approved conditional state cost participation as a rural flood control project at 45 percent of the eligible costs not to exceed an allocation of \$500,000 from the funds appropriated to the State Water Commission in the 2009-2011 biennium (H.B. 1020).

A request from the Traill County Water Resource District was presented to the State Water Commission for consideration of the unfunded eligible balance of \$627,250 (\$1,127,250 of eligible costs less \$500,000 approved on March 11, 2010). Pursuant to the State Water Commission's cost participation policy for rural flood control projects, the funding limitation is \$500,000 per project for the 2011-2013 biennium. The request before the State Water Commission is for a 45 percent state cost participation in the amount of \$500,000.

It was the recommendation of Secretary Sando that the State Water Commission approve state cost participation at 45 percent of the eligible costs, not to exceed an additional allocation of \$500,000 from the funds appropriated to the State Water Commission in the 2011-2013 biennium (S.B. 2020), to support the Traill County Drain No. 27 (Moen Drain) 2010 Improvement Reconstruction and Extension project. The Commission's affirmative action would increase the total state cost allocation to \$1,000,000.

It was moved by Commissioner Swenson and seconded by Commissioner Olin that the State Water Commission approve conditional state cost participation at 45 percent of the eligible costs, not to exceed an additional allocation of \$500,000 from the funds appropriated to the State Water Commission in the 2011-2013 biennium (S.B. 2020), to the Traill County Water Resource District to support the Traill County Drain No. 27 (Moen Drain) 2010 Improvement Reconstruction and Extension project. This action is contingent upon the availability of funds, approval of the final engineering plans, a positive assessment vote, and satisfaction of the required permits.

This action increases the total state cost allocation to \$1,000,000 for the Traill County Drain No. 27 (Moen Drain) 2010 Improvement Reconstruction and Extension project.

Commissioners Berg, Foley, Goehring, Hanson, Olin, Thompson, Swenson, Vosper, and Governor Dalrymple voted aye. Governor Dalrymple announced the motion unanimously carried.

**CASS COUNTY DRAIN NO. 14
AREA IMPROVEMENTS PROJECT -
APPROVAL OF ADDITIONAL STATE
COST PARTICIPATION (\$2,402)
(SWC Project No. 1070)**

On March 13, 2008, the State Water Commission considered a request from the Maple River Water Resource District for state cost participation in the District's project to improve an area of Cass County Drain No. 14. Slope failures had occurred as a result of 2006 spring flooding. The project consisted of flattening the slopes through the slide areas and adjacent channel length to provide a

more stable cross section. The areas to be reconstructed were awarded FEMA funds for a repair, and maintenance funds were used to finance the local share along with FEMA funding.

On March 13, 2008, the State Water Commission approved an allocation not to exceed \$175,577 to support the Cass County Drain No. 14 project. The District's letter determined the 2008 project design did not meet the needs of the drain and, therefore, submitted a revised project design for consideration. The approved state cost participation allocation (\$175,577) was de-obligated.

The revised project engineer's cost estimate was \$1,665,000, of which \$1,116,448 was determined eligible for state cost participation as a rural flood control project at 45 percent of the eligible costs (\$502,402). Pursuant to the State Water Commission's cost participation policy for rural flood control projects, the funding limitation was \$500,000 per project for the 2009-2011 biennium. On June 23, 2009, the State Water Commission deferred action on this request due to the potential for flooding in 2009, the need to accelerate flood-related projects, and the decline in revenues into the Resources Trust Fund. On August 18, 2009, the State Water Commission approved conditional state cost participation as a rural flood control project at 45 percent of the eligible costs not to exceed an allocation of \$500,000 from the funds appropriated to the State Water Commission in the 2009-2011 biennium (H.B. 1020).

A request from the Maple River Water Resource District was presented to the State Water Commission for consideration of the unfunded eligible balance of \$2,402 (\$502,402 less \$500,000 approved on August 18, 2009). The request before the State Water Commission is for a 45 percent state cost participation in the amount of \$2,402.

It was the recommendation of Secretary Sando that the State Water Commission approve state cost participation at 45 percent of the eligible costs, not to exceed an additional allocation of \$2,402 from the funds appropriated to the State Water Commission in the 2011-2013 biennium (S.B. 2020), to support the Cass County Drain No. 14 Area Improvements project. The Commission's affirmative action would increase the total state cost allocation to \$502,402.

It was moved by Commissioner Swenson and seconded by Commissioner Olin that the State Water Commission approve state cost participation at 45 percent of the eligible costs, not to exceed an additional allocation of \$2,402 from the funds appropriated to the State Water Commission in the 2011-2013 biennium (S.B. 2020), to the Maple River Water Resource District to support the 2009 Cass County Drain No. 14 Area Improvements project. This action is contingent upon the availability of funds.

This action increases the total state cost allocation to \$502,402 for the 2009 Cass County Drain No. 14 Area Improvements project.

Commissioners Berg, Foley, Goehring, Hanson, Olin, Thompson, Swenson, Vosper, and Governor Dalrymple voted aye. Governor Dalrymple announced the motion unanimously carried.

**2009 CASS COUNTY DRAIN NO. 12
IMPROVEMENT RECONSTRUCTION
PROJECT - STATUS REPORT
(SWC Project No. 1068)**

On June 23, 2009 the State Water Commission considered a request from the Rush River Water Resource District for state cost participation for the improvement reconstruction of a portion of

Cass County Drain No. 12. The proposed project consisted of reconstructing the downstream end of the drain, which are deteriorating and undersized, by flattening the side slopes allowing for drainage improvements. Cass County Drain No. 12 is approximately 13.5 miles in length, and 2 miles of the drain through Sections 28, 29, and 30 of Harwood Township are to be reconstructed. The drain outlets into the Sheyenne River. The project will improve agricultural lands, stabilize the channel bottom and side slopes, and increase the hydraulic capacity through the reach.

The project engineer's cost estimate was \$2,000,000, of which \$1,648,000 was determined eligible for state cost participation as a rural flood control project at 45 percent of the eligible costs (\$741,600). Pursuant to the State Water Commission's cost participation policy for rural flood control projects, the funding limitation was \$500,000 per project for the 2009-2011 biennium.

On June 23, 2009, the State Water Commission deferred action on this request due to the potential for flooding in 2009, the need to accelerate flood-related projects, and the decline in revenues into the Resources Trust Fund. On August 18, 2009, the State Water Commission approved state cost participation as a rural flood control project at 45 percent of the eligible costs not to exceed an allocation of \$500,000 from the funds appropriated to the State Water Commission in the 2009-2011 biennium (H.B. 1020).

Secretary Sando requested that this item be withdrawn from the September 21, 2011 agenda pending additional information. Therefore, the State Water Commission did not consider additional state cost participation of the unfunded eligible costs on September 21, 2011.

**WALSH COUNTY DRAIN NO. 97
RECONSTRUCTION -
CONDITIONAL APPROVAL OF STATE
COST PARTICIPATION (\$50,551)
(SWC Project No. 1252)**

A request from the Walsh County Water Resource District was presented for the State Water Commission's consideration for state cost participation for their project to reconstruct Walsh County Drain No. 97. The drain was severely

damaged during the spring flood of 2010 that restoration of the channel to pre-flood conditions is not practical. The restoration project involves reshaping the channel and installing two drop structures along the reach reducing the slope gradient and velocities in the channel.

The project engineer's cost estimate is \$186,066, of which \$112,336 is determined to be eligible for state cost participation at 45 percent of the eligible costs (\$50,551). Pursuant to the State Water Commission's cost share policy, conditional approval of a rural flood control project is allowed subject to satisfaction of the required drain permit, a positive assessment vote, and receipt of the final engineering plans. The request before the State Water Commission is for a 45 percent state cost participation in the amount of \$50,551.

It was the recommendation of Secretary Sando that the State Water Commission approve conditional state cost participation as a rural flood control project at 45 percent of the eligible costs, not to exceed an allocation of \$50,551 from the funds appropriated to the State Water Commission in the 2011-2013 biennium (S.B. 2020) for the reconstruction of Walsh County Drain No. 97.

It was moved by Commissioner Foley and seconded by Commissioner Thompson that the State Water Commission approve conditional state cost participation as a rural flood control project at 45 percent of the eligible costs, not to exceed an allocation of \$50,551 from the funds appropriated to the State Water Commission in the 2011-2013 biennium (S.B. 2020), to the Walsh County Water Resource District to support the Walsh County Drain No. 97 Reconstruction project. This action is contingent upon the availability of funds, a positive assessment vote, satisfaction of the required drain permit, and receipt of the final engineering plans.

Commissioners Berg, Foley, Goehring, Hanson, Olin, Thompson, Swenson, Vosper, and Governor Dalrymple voted aye. Governor Dalrymple announced the motion unanimously carried.

**WALSH COUNTY LEGAL ASSESSMENT
DRAIN NO. 31 RECONSTRUCTION -
APPROVAL OF CONDITIONAL STATE
COST PARTICIPATION (\$111,116)
(SWC Project No. 1975)**

A request from the Walsh County Water Resource District was presented for the State Water Commission's consideration for state cost participation for their project to reconstruct Walsh County Legal Assessment Drain No. 31. The

entire drain is approximately 9 miles in length with 5.7 miles in Harriston township and 3.6 miles in Pulaski township. Prior to 2003, this was a local ditch that was not set to a uniform grade or a uniform typical section. Once the drain was adopted as a legal drain in 2003, a design grade and typical section were developed to reconstruct the ditch to a uniform grade and with a minimum side slope of 3:1.

The project engineer's cost estimate is \$311,925, of which \$246,925 is determined to be eligible for state cost participation at 45 percent of the eligible costs (\$111,116). Pursuant to the State Water Commission's cost share policy, conditional approval of a rural flood control project is allowed subject to satisfaction of the required drain permit, a positive assessment vote, and receipt of the final engineering plans. The request before the State Water Commission is for a 45 percent state cost participation in the amount of \$111,116.

It was the recommendation of Secretary Sando that the State Water Commission approve conditional state cost participation as a rural flood control project at 45 percent of the eligible costs, not to exceed an allocation of \$111,116 from the funds appropriated to the State Water Commission in the 2011-2013 biennium (S.B. 2020) for the reconstruction of Walsh County Legal Assessment Drain No. 31.

It was moved by Commissioner Hanson and seconded by Commissioner Olin that the State Water Commission approve conditional state cost participation as a rural flood control project at 45 percent of the eligible costs, not to exceed an allocation of \$111,116 from the funds appropriated to the State Water Commission in the 2011-2013 biennium (S.B. 2020), to the Walsh County Water Resource District to support the Walsh County Legal Assessment Drain No. 31 Reconstruction project. This action is contingent upon the availability of funds, a positive assessment vote, satisfaction of the required drain permit, and receipt of the final engineering plans.

Commissioners Berg, Foley, Goehring, Hanson, Olin, Thompson, Swenson, Vosper, and Governor Dalrymple voted aye. Governor Dalrymple announced the motion unanimously carried.

**NORTH DAKOTA DEPARTMENT OF
HEALTH NONPOINT SOURCE
POLLUTION PROJECTS FOR
SECTION 319 FUNDING (\$200,000)
(SWC File ASHEA)**

A request from the North Dakota Department of Health was presented for the State Water Commission's consideration for state cost participation of \$200,000 for the 2011-2013 biennium for projects authorized under Section 319 of the federal Water Pollution Act.

The State Water Commission has approved cost share participation of \$200,000 for each of the past five bienniums.

The North Dakota Department of Health has coordinated with local organizations and state agencies to implement nonpoint source pollution projects that address water quality impacts from concentrated livestock feeding units. Through these projects, more than 100 livestock producers have received financial assistance to support engineering design costs for the most feasible manure management systems. Many of these producers have also received federal Section 319 (h) cost share assistance to construct their systems. These manure-management systems are estimated to have prevented thousands of pounds of nitrogen and phosphorus from reaching lakes and streams, helping to protect and improve their beneficial uses.

It was the recommendation of Secretary Sando that the State Water Commission approve an allocation not to exceed \$200,000 from the funds appropriated to the State Water Commission in the 2011-2013 biennium (S.B. 2020), to the North Dakota Department of Health for their Nonpoint Source Pollution Management program.

It was moved by Commissioner Goehring and seconded by Commissioner Berg that the State Water Commission approve an allocation not to exceed \$200,000 from the funds appropriated to the State Water Commission in the 2011-2013 biennium (S.B. 2020), to the North Dakota Department of Health to support the Nonpoint Source Pollution Management program. This action is contingent upon the availability of funds.

Commissioners Berg, Foley, Goehring, Hanson, Olin, Thompson, Swenson, Vosper, and Governor Dalrymple voted aye. Governor Dalrymple announced the motion unanimously carried.

RED RIVER WATERSHED FEASIBILITY STUDY, PHASE II - APPROVAL OF STATE COST PARTICIPATION (\$60,000) (SWC Project No. 1705)

A request from the Red River Joint Water Resource Board was presented for the State Water Commission's consideration for state cost participation for the Red River Watershed Feasibility

Study, Phase II, for the hydrology model development of the following: Pembina, Park, Forest, Turtle, and Goose Rivers, Cole Creek, and Buffalo and English Coulees.

The Board is the co-sponsor of the overall study. It is important to have local review of the model development to ensure the best representation of each sub-watershed in order to obtain reasonable results from the model runs. It is expected that the models will be used on a basin-wide level to determine impacts of proposed projects. The models should also be beneficial for analyzing local water issues.

The project engineer's estimated cost of the Red River Watershed Feasibility Study, Phase II, is \$120,000, all of which is determined eligible for state cost participation as a feasibility study at 50 percent of the eligible costs (\$60,000). The request before the State Water Commission is for a 50 percent state cost participation in the amount of \$60,000.

It was the recommendation of Secretary Sando that the State Water Commission approve state cost participation as a feasibility study at 50 percent of the eligible costs, not to exceed an allocation of \$60,000 from the funds appropriated to the State Water Commission in the 2011-2013 biennium (S.B. 2020), for the Red River Watershed Feasibility Study, Phase II.

It was moved by Commissioner Goehring and seconded by Commissioner Thompson that the State Water Commission approve state cost participation as a feasibility study at 50 percent of the eligible costs, not to exceed an allocation of \$60,000 from the funds appropriated to the State Water Commission in the 2011-2013 biennium (S.B. 2020), to the Red River Joint Water Resource Board to support the Red River Watershed Feasibility Study, Phase II. This action is contingent upon the availability of funds.

Commissioners Berg, Foley, Goehring, Hanson, Olin, Thompson, Swenson, Vosper, and Governor Dalrymple voted aye. Governor Dalrymple announced the motion unanimously carried.

**SHEYENNE RIVER 2011-2012
SNAG AND CLEAR PROJECT,
REACHES I, II, AND III (CASS
COUNTY) - APPROVAL OF STATE
COST PARTICIPATION (\$255,750)
(SWC Project No. 568)**

A request from the Southeast Cass Water Resource District was presented for the State Water Commission's consideration for state cost participation in their project to snag and clear three reaches of the Sheyenne River during the 2011-2012 winter. The removal of

trees and woody debris will assist with the flow of the river and prevent damage to structures.

Reach 1 consists of snagging and clearing the Sheyenne River from Highway 46 along the Cass County-Richland County line continuing downstream to the Horace diversion inlet; Reach 2 consists of the Horace diversion inlet downstream to the Sheyenne River closure structure north of County Road 10; and Reach 3 is from the Sheyenne River closure structure downstream to the Red River of the North.

The project engineer's cost estimate is \$581,250, of which \$511,500 is determined eligible as a snag and clear project at 50 percent of the eligible costs (\$255,750). The request before the State Water Commission is for a 50 percent state cost participation in the amount of \$255,750 for the 2011-2012 Sheyenne River Snag and Clear Project, Reaches I, II, and III.

It was recommended by Secretary Sando that the State Water Commission approve state cost participation as a snag and clear project at 50 percent of the eligible costs, not to exceed an allocation of \$255,750 from the funds appropriated to the State Water Commission in the 2011-2013 biennium (S.B. 2020), for the Sheyenne River Snag and Clear Project, Reaches I, II, and III.

It was moved by Commissioner Foley and seconded by Commissioner Vosper that the State Water Commission approve state cost participation as a snag and clear project at 50 percent of the eligible costs, not to exceed an allocation of \$255,750 from the funds appropriated to the State Water Commission in the 2011-2013 biennium (S.B. 2020), for the Sheyenne River Snag and Clear Project, Reaches I, II, and III. This action is contingent upon the availability of funds.

Commissioners Berg, Foley, Goehring, Hanson, Olin, Thompson, Swenson, Vosper, and Governor Dalrymple voted aye. Governor Dalrymple announced the motion unanimously carried.

**WILD RICE RIVER 2011-2012
SNAG AND CLEAR PROJECT (CASS
COUNTY) - APPROVAL OF STATE
COST PARTICIPATION (\$99,000)
(SWC Project No. 1842)**

begin at State Highway 46 and proceed downstream to the Red River of the North. The removal of trees and woody debris will assist with the flow of the river and prevent damage to structures.

A request from the Southeast Cass Water Resource District was presented for the State Water Commission's consideration for state cost participation in their project to snag and clear a reach of the Wild Rice River. The project will

The project engineer's cost estimate is \$225,000, of which \$198,000 is determined eligible as a snag and clear project at 50 percent of the eligible costs (\$99,000). The request before the State Water Commission is for a 50 percent state cost participation in the amount of \$99,000 for the 2011-2012 Wild Rice River 2011-2012 Snag and Clear project.

It was recommended by Secretary Sando that the State Water Commission approve state cost participation as a snag and clear project at 50 percent of the eligible costs, not to exceed an allocation of \$99,000 from the funds appropriated to the State Water Commission in the 2011-2013 biennium (S.B. 2020), for the Wild Rice River Snag and Clear project.

It was moved by Commissioner Goehring and seconded by Commissioner Hanson that the State Water Commission approve state cost participation as a snag and clear project at 50 percent of the eligible costs, not to exceed an allocation of \$99,000 from the funds appropriated to the State Water Commission in the 2011-2013 biennium (S.B. 2020), to the Southeast Cass Water Resource District to support the Wild Rice River Snag and Clear project. This action is contingent upon the availability of funds.

Commissioners Berg, Foley, Goehring, Hanson, Olin, Thompson, Swenson, Vosper, and Governor Dalrymple voted aye. Governor Dalrymple announced the motion unanimously carried.

**BUFFALO COULEE 2011-2012
SNAG AND CLEAR PROJECT
(TRAILL COUNTY) - APPROVAL OF
STATE COST PARTICIPATION (\$25,000)
(SWC Project No. 1413)**

A request from the Traill County Water Resource District was presented for the State Water Commission's consideration for state cost participation in their project to snag and clear Buffalo Coulee in Traill County.

The project engineer's cost estimate is \$52,500, of which \$50,000 is determined eligible as a snag and clear project at 50 percent of the eligible costs (\$25,000). The request before the State Water Commission is for a 50 percent state cost participation in the amount of \$25,000 for the 2011-2012 Buffalo Coulee Snag and Clear project.

It was recommended by Secretary Sando that the State Water Commission approve state cost participation as a snag and clear project at 50 percent of the eligible costs, not to exceed an allocation of \$25,000 from the funds appropriated to the State Water Commission in the 2011-2013 biennium (S.B. 2020), for the Buffalo Coulee Snag and Clear project.

It was moved by Commissioner Olin and seconded by Commissioner Vosper that the State Water Commission approve state cost participation as a snag and clear project at 50 percent of the eligible costs, not to exceed an allocation of \$25,000 from the funds appropriated to the State Water Commission in the 2011-2013 biennium (S.B. 2020), to the Traill County Water Resource District to support the Buffalo Coulee Snag and Clear project. This action is contingent upon the availability of funds.

Commissioners Berg, Foley, Goehring, Hanson, Olin, Thompson, Swenson, Vosper, and Governor Dalrymple voted aye. Governor Dalrymple announced the motion unanimously carried.

**GOOSE RIVER 2011-2012
SNAG AND CLEAR PROJECT
(TRAILL COUNTY) - APPROVAL OF
STATE COST PARTICIPATION (\$48,000)
(SWC Project No. 1667)**

A request from the Traill County Water Resource District was presented for the State Water Commission's consideration for state cost participation in their project to snag and clear the north, south, and main branches of the Goose River in

Traill county. A special assessment district has been created to finance the local cost share.

The project engineer's cost estimate is \$100,000, of which \$96,000 is determined eligible as a snag and clear project at 50 percent of the eligible costs (\$48,000). The request before the State Water Commission is for a 50 percent state cost participation in the amount of \$48,000 for the 2011-2012 Goose River Snag and Clear project.

It was recommended by Secretary Sando that the State Water Commission approve state cost participation as a snag and clear project at 50 percent of the eligible costs, not to exceed an allocation of \$48,000 from the funds appropriated to the State Water Commission in the 2011-2013 biennium (S.B. 2020), for the Goose River Snag and Clear project.

It was moved by Commissioner Hanson and seconded by Commissioner Berg that the State Water Commission approve state cost participation as a snag and clear project at 50 percent of the eligible costs, not to exceed an allocation of \$48,000 from the funds appropriated to the State Water Commission in the 2011-2013 biennium (S.B. 2020), to the Traill County Water Resource District to support the Goose River Snag and Clear project. This action is contingent upon the availability of funds.

Commissioners Berg, Foley, Goehring, Hanson, Olin, Thompson, Swenson, Vosper, and Governor Dalrymple voted aye. Governor Dalrymple announced the motion unanimously carried.

***YORKTOWN-MAPLE DRAINAGE
IMPROVEMENT DISTRICT NO. 3
(DICKEY COUNTY) - CONDITIONAL
APPROVAL OF STATE COST
PARTICIPATION (\$242,795)
(SWC Project No. 1101)***

A request from the Dickey County Water Resource District was presented for the State Water Commission's consideration for state cost participation to construct the Yorktown-Maple Drainage Improvement District No. 3. The closed basin has been inundated by rising floodwater

and multiple roadways are currently overtopped. The proposed project will consist of a channel through Yorktown and Maple townships with discharge into the Dickey County Drain No. 1 and the Maple River conveying the water out of the closed basin to alleviate the problem.

The project engineer's cost estimate is \$865,000, of which \$539,545 is determined as eligible for state cost participation as a rural flood control project at 45 percent of the eligible costs (\$242,795). The proposed project was submitted for conditional approval pending an assessment vote and satisfaction of the required drain permit. The State Water Commission's cost share policy provides for conditional approval of rural flood control projects subject to satisfaction of these conditions. The request before the State Water Commission is for a 45 percent state cost participation in the amount of \$242,795.

It was the recommendation of Secretary Sando that the State Water Commission approve conditional state cost participation as a rural flood control project at 45 percent of the eligible costs, not to exceed an allocation of \$242,795 from the funds appropriated to the State Water Commission in the 2011-2013 biennium (S.B. 2020) for construction of the Yorktown-Maple Drainage Improvement District No. 3 project.

It was moved by Commissioner Goehring and seconded by Commissioner Vosper that the State Water Commission approve conditional state cost participation as a rural flood control project at 45 percent of the eligible costs, not to exceed an allocation of \$242,795 from the funds appropriated to the State Water Commission in the 2011-2013 biennium (S.B. 2020), to the Dickey County Water Resource District to support the Yorktown-Maple Drainage Improvement District No. 3 project. This action is contingent upon the availability of funds, a positive assessment vote, satisfaction of the required drain permit, and receipt of the final engineering plans.

Commissioners Berg, Foley, Goehring, Hanson, Olin, Thompson, Swenson, Vosper, and Governor Dalrymple voted aye. Governor Dalrymple announced the motion unanimously carried.

***DEVILS LAKE
HYDROLOGIC UPDATE
(SWC Project No. 416-10)***

June 27, 2011. The total volume of the lake at that time was 4,170,000 acre-feet, which was 83,000 acre-feet higher than the current volume of 4,087,000. The area of the lake on June 27 was 208,000 acres, 5,000 acres higher than the current area of 203,000. Devils Lake is approximately 2.5 feet higher than last year at this time.

As of September 12, 2011, the water surface elevation for Devils Lake was 1453.90 feet msl. The record elevation of Devils Lake was 1454.30 feet msl on

***DEVILS LAKE WEST OUTLET
PROJECT REPORT
(SWC Project No. 416-10)***

and operation of the outlet began on August 15, 2005 within the guidelines of the North Dakota Pollutant Discharge Elimination System (NDPDES) water quality discharge permit and the authorized modifications issued by the North Dakota Department of Health. The NDPDES water quality discharge permit had an expiration date of June 30, 2008, which was extended through June 30, 2013.

The State of North Dakota pursued an emergency phased outlet project from West Bay to the Sheyenne River. Construction commenced in the fall of 2002,

On June 24, 2009, the North Dakota Department of Health rescinded the water quality discharge permit and changed the water quality constraint to 450 mg/L at Bremen instead of 15 percent above the baseline. This allowed for 100 cubic feet per second of discharge until July 6, 2009 and then the discharge varied from 35 to 50 cubic feet per second. On July 15, 2009, the Department implemented an emergency rule for a segment of the Sheyenne River changing the sulfate standard from 450 mg/L to 750 mg/L. The outlet discharge was increased to 100 cubic feet per second since that time with some minor interruptions for maintenance.

On August 18, 2009, the State Water Commission approved an allocation not to exceed \$16,500,000 for the expansion of the Devils Lake west outlet to 250 cubic feet per second (cfs) using the Round Lake alternative. The upgrading of the state outlet to 250 cubic feet per second was completed in June, 2010.

In order to increase the removal of water from Devils Lake, on October 26, 2010, the State Water Commission approved 100 percent of the estimated proposed engineering design costs of \$1,500,000 for the Devils Lake west outlet upgrade, \$2,200,000 for the East Devils Lake outlet, and \$500,000 for the geotechnical investigation from the funds appropriated to the State Water Commission in the 2009-2011 biennium (H.B. 1020). Maintenance was completed on the Devils Lake west outlet which included rock lining of the open channel segments.

The releases of Devils Lake water from the outlet into the Sheyenne River began on May 26, 2011 at 125 cfs. The pumping rate was increased to 250 cfs on June 8, 2011. To date, pumping continues although the pumping rate has been reduced to 75-80 cfs because of pump malfunctions. The volume of 35,130 acre-feet of water has been released into the Sheyenne River, which corresponds to 2.1 inches off the present lake surface area.

***DEVILS LAKE WEST OUTLET -
SHEYENNE RIVER CROSSING B
(EDDY COUNTY) - STATUS REPORT
(SWC Project No. 416-07)***

On October 26, 2010, the State Water Commission was informed of the inability of two river crossings located on the Sheyenne River downstream of the Devils Lake west outlet to handle

higher flows caused by the Devils Lake west outlet. The crossings are located in Eddy County in Section 19, Township 150 North, Range 64 West, and in Section 35, Township 150 North, Range 62 West. Since the required increased capacity at the crossings is to allow the Devils Lake west outlet to operate, the state has a significant responsibility.

The State Water Commission further considered the request to upgrade the crossings in Eddy County at its December 10, 2010 meeting. Because of the complexity and uniqueness of each project, Governor Dalrymple called for a motion to consider each project request separately: 1) Crossing A (upstream) is located in Section 19, Township 150 North, Range 64 West (the original construction cost was \$293,000). On December 10, 2011, the State Water Commission approved an allocation not to exceed \$500,000 to support the upgrade for capacity of up to 800 cubic feet per second (cfs) for Crossing A.

On December 10, 2010, a motion was offered by the State Water Commission that state funding not be allocated for the upgrade of Crossing B located in Section 35, Township 150 North, Range 62 West, Eddy County. Representatives from the Eddy County Commission provided technical information at that meeting involving Crossing B issues relating to legal, liability, ownership, and right-of-way. It was the general consensus of the State Water Commission members that resolve of these issues required additional information in order to make an informed decision. A motion was made to lay the question of the motion on the table.

On June 30, 2011, Commissioner Berg provided the Commission members with updated information following an onsite inspection. The Eddy County Commission has also indicated it does not wish to pursue the project. It was the general consensus that although the information was valuable and appreciated, there are issues that remain unresolved.

***EAST DEVILS LAKE OUTLET
PROJECT STATUS REPORT;
APPROVAL OF CONTRACT 6,
INTAKE STRUCTURE, AND
ALLOCATION OF \$15,110,000;
APPROVAL OF CONTRACT 7,
OUTFALL STRUCTURES, AND
ALLOCATION OF \$8,000,000;
APPROVAL OF CONTRACT 1,
SCHEDULES A AND B, STEEL
AND CONCRETE PIPE PROCURE-
MENT INCENTIVES (\$2,400,000)
(SWC Project No. 416-15)***

To alleviate flooding in the Devils Lake basin and to protect the downstream communities, the State of North Dakota has selected a project plan to build a second outlet from Devils Lake. The project calls for constructing an underground pipeline from East Devils Lake to the downstream side of Tolna Coulee. The outlet will be capable of transferring 350 cubic feet per second (cfs) of water from Devils Lake to the Sheyenne River. From East Devils Lake the pipeline will run approximately 5.5 miles southeast to Tolna Coulee. The

project is scheduled for completion in the spring of 2012, and is expected to cost between \$75,000,000 and \$85,000,000. Bartlett & West/AECOM are the project engineers for the East Devils Lake Outlet project.

On October 26, 2010, the State Water Commission approved 100 percent of the estimated proposed engineering design costs of \$1,500,000 for the Devils Lake west outlet upgrade, \$2,200,000 for the East Devils Lake Outlet project, and \$500,000 for the geotechnical investigation of Tolna Coulee from the funds appropriated to the State Water Commission in the 2009-2011 biennium (H.B. 1020).

On June 21, 2011, the State Water Commission authorized the award of contracts for the pumps and valves; site preparations; electrical supply; and property acquisitions. The geotechnical work has

been completed except for some additional borings at the intake area. On August 17, 2011, the Commission authorized the award of Contract 5, Pipe Installation, to Garney Companies, Inc., Kansas City, MO, in the amount of \$7,998,550.

The East Devils Lake Outlet project is proceeding on schedule with an operational date of June, 2012. The 96-inch diameter steel pipe is on site and the concrete pipe is being manufactured. The land acquisitions for the alignment are completed.

The following contracts were presented for the State Water Commission's consideration. The contract documents allow the Commission to select the most advantageous bids, the award of the contracts and notices to proceed are dependent on the satisfactory completion and submission of the contract documents from the contractors, and the review/approval by the Commission's legal counsel:

1) East Devils Lake Outlet, Contract 6, Intake Structure:

The bid opening was held on East Devils Lake, Contract 6, Intake Structure, on September 19, 2011. There were 4 prequalified contractors that submitted bids. The apparent low bid received was \$13,733,850 submitted by Ames Construction, Inc.

It was the recommendation of Secretary Sando that the State Water Commission authorize the Secretary to the State Water Commission to award East Devils Lake Outlet, Contract 6, Intake Structure, to Ames Construction, Inc., in the amount of \$13,733,850; and that the State Water Commission approve an allocation not to exceed \$15,110,000 (includes a 10 percent contract contingency) from the funds appropriated to the State Water Commission in the 2011-2013 biennium (S.B. 2020).

It was moved by Commissioner Olin and seconded by Commissioner Berg that the State Water Commission:

1) authorize the Secretary to the State Water Commission to award East Devils Lake Outlet, Contract 6, Intake Structure, to Ames Construction, Inc., in the amount of \$13,733,850; and

2) that the State Water Commission approve an allocation not to exceed \$15,110,000 (includes a 10 percent contract contingency) from the funds appropriated to the State Water Commission in the 2011-2013 biennium (S.B. 2020). This action is contingent upon the satisfactory completion, submission of the contract documents by Ames Construction, Inc., and the review/approval by the Commission's legal counsel.

Commissioners Berg, Foley, Goehring, Hanson, Olin, Thompson, Swenson, Vosper, and Governor Dalrymple voted aye. Governor Dalrymple announced the motion unanimously carried.

2) East Devils Lake Outlet, Contract 7, Outfall Structures:

The bid notice for the construction of East Devils Lake Outlet, Contract 7, Outfall Structures (rock filter and terminal structure) will be distributed to the prequalified contractors on September 23, 2011, with a tentative date of October 10, 2011 for the bid opening. The estimated cost of the outfall structures is \$8,000,000.

It was the recommendation of Secretary Sando that the State Water Commission authorize the Secretary to the State Water Commission to award East Devils Lake Outlet, Contract 7, Outfall Structures, to the responsible low bidder not to exceed the estimated project costs of \$8,000,000, and contingent upon the review/approval of the Commission's legal counsel.

It was moved by Commissioner Olin and seconded by Commissioner Berg that the State Water Commission authorize the Secretary to the State Water Commission to award East Devils Lake Outlet, Contract 7, Outfall Structures, to the responsible low bidder not to exceed the estimated project costs of \$8,000,000, contingent upon the satisfactory completion and submission of the contract documents from the contractor, and the review/approval of the Commission's legal counsel.

Commissioners Berg, Foley, Goehring, Hanson, Olin, Thompson, Swenson, Vosper, and Governor Dalrymple voted aye. Governor Dalrymple announced the motion unanimously carried.

3) East Devils Lake Outlet, Contract 1, Steel and Concrete Pipe Procurement:

On June 21, 2011, the State Water Commission authorized the Secretary to the Commission to award Contract 1, Schedule B, Concrete Pipe Procurement, to Cretex Concrete Products Midwest, Menoken, N.D.; and on June 30, the Secretary was authorized to award Contract 1, Schedule A, Steel Pipe Procurement, to Northwest Pipe Company, Saginaw, TX.

The total Incentives for early pipe delivery of approximately \$2,400,000 (steel pipe - \$620,000; concrete pipe of approximately - \$1,740,000) were built into the contract and have created a savings on the installation contract by eliminating some winter construction.

It was the recommendation of Secretary Sando that the State Water Commission approve an allocation not to exceed \$2,400,000 from the funds appropriated to the State Water Commission in the 2011-

2013 biennium (S.B. 2020) for the East Devils Lake Outlet Project, Contract 1, Schedules A and B, Steel and Concrete Pipe Procurement, incentive costs; and that the Secretary to the State Water Commission be authorized to finalize the appropriate incentive payments to the pipe suppliers when delivery schedules have been satisfied. This action is contingent upon the availability of funds.

It was moved by Commissioner Olin and seconded by Commissioner Berg that the State Water Commission:

1) approve an allocation not to exceed \$2,400,000 from the funds appropriated to the State Water Commission in the 2011-2013 biennium (S.B. 2020) for the East Devils Lake Outlet Project, Contract 1, Schedules A and B, Steel and Concrete Pipe Procurement, incentive costs. This action is contingent upon the availability of funds; and

2) that the Secretary to the State Water Commission be authorized to finalize the appropriate incentive payments to the pipe suppliers when delivery schedules have been satisfied.

Commissioners Berg, Foley, Goehring, Hanson, Olin, Thompson, Swenson, Vosper, and Governor Dalrymple voted aye. Governor Dalrymple announced the motion unanimously carried.

4) Electric Supply Contract:

Two electric utilities are capable of supplying power to the pump location; proposals were received from Ottertail Power Company and Nodak Electric/Minnkota Power. The proposals from the electric utilities were comparable in power costs, Ottertail's proposal does not require capital costs to construct the infrastructure, while the proposal from Nodak Electric/Minnkota Power does require substantial infrastructure capital costs.

On June 21, 2011, the State Water Commission authorized the Secretary to the Commission to negotiate and finalize an electric supply contract in the best interest of the East Devils Lake Outlet project. Negotiations are continuing at this time with the electric utilities.

**DEVILS LAKE - EMERGENCY GRAVITY
OUTFLOW CHANNEL - APPROVAL TO
PROCEED WITH DESIGN AND CON-
STRUCTION; AND APPROVAL OF STATE
COST PARTICIPATION (\$17,000,000)
(SWC Project No. 416-17)**

On June 21, 2011, the State Water Commission passed a motion directing the Secretary to the Commission and the Commission's staff to explore the development of a gravity flow outlet from the Devils Lake complex, subject to the timely progress of building a control

structure at Tolna Coulee and the construction of a pump-flow outlet at East Devils Lake.

A preliminary route for the project has been selected through the evaluation of potential routes, preliminary structure configuration and sizing, and landowner relations. The Devils Lake Basin Joint Water Resource Board has agreed to be the local sponsor for the project and is working to obtain the rights of entry for wetland delineation and soils exploration along this route. The proposed project is estimated to cost \$17,000,000.

It was the recommendation of Secretary Sando that the State Water Commission authorize the Secretary to the Commission to proceed with the design and construction of the proposed project, contingent upon the successful negotiations with the Devils Lake Basin Joint Water Resource Board to determine the state's cost share portion of the project up to a maximum of \$17,000,000; and, that the State Water Commission approve an allocation not to exceed \$17,000,000 from the funds appropriated to the State Water Commission in the 2011-2013 biennium (S.B. 2020), for the design and construction of the Emergency Gravity Outflow Channel project.

It was moved by Commissioner Goehring and seconded by Commissioner Berg that that the State Water Commission:

1) authorize the Secretary to the Commission to proceed with the design and construction of the proposed Emergency Gravity Outflow Channel project, contingent upon the successful negotiations with the Devils Lake Basin Joint Water Resource Board to determine the state's cost share portion of the project up to a maximum of \$17,000,000; and

2) that the State Water Commission approve an allocation not to exceed \$17,000,000 from the funds appropriated to the State Water Commission in the 2011-2013 biennium (S.B. 2020), for the design and construction of the Emergency Gravity Outflow Channel project. This action is contingent upon the availability of funds.

Commissioners Berg, Foley, Goehring, Hanson, Olin, Thompson, Swenson, Vosper, and Governor Dalrymple voted aye. Governor Dalrymple announced the motion unanimously carried.

***TOLNA COULEE CONTROL
STRUCTURE PROJECT REPORT
(SWC Project No. 416-13)***

The U.S. Army Corps of Engineers and the State Water Commission are developing the Tolna Coulee control structure project that would allow the natural erosion of the divide between Stump Lake and the Tolna Coulee while protecting the downstream communities from an uncontrolled release of the water in Stump Lake. The project consists of a combination of sheet pile, embankment, and a steel stop log weir structure. The structure is designed to allow flow in the Tolna Coulee to cause erosion the same as would occur naturally while providing the ability to lower the lake elevation in a controlled manner as the divide erodes. It is not the purpose of this project to impound water in Stump Lake above the natural outlet elevation as it exists now or what it may become in the future.

The Corps of Engineers estimates the total project cost at \$9,100,000, with \$8,200,000 being cost shared 75 percent federal/25 percent state, and the remaining \$900,000 being 100 percent state. This results in a net cost allocation rate of 32.8 percent to the state for actual project costs of \$3,000,000. On June 21, 2011, the State Water Commission approved a 32.8 percent state cost participation not to exceed \$3,000,000 for the design and construction of the Tolna Coulee control structure project. The Commission also authorized the Secretary to the State Water Commission to negotiate and finalize the contract between the U.S. Army Corps of Engineers and the North Dakota State Water Commission (the contract would be executed by Governor Dalrymple, chairman of the State Water Commission).

The Corps of Engineers has provided the plans of the Tolna Coulee Control project for bidding, the bid opening was held on September 13, 2011, the award of bid is scheduled for September 27, 2011.

The Project Partnership Agreement between the State Water Commission and the Corps of Engineers has been executed. All of the federal funds were received on August 30, 2011 for the remainder of the project, and the state funds were provided to the Corps of Engineers on September 9, 2011.

The City of Devils Lake did not approve selling the land to the State Water Commission, therefore, a condemnation notice was filed on September 8, 2011, using quick take authority to obtain the needed land. The projected project completion date remains June, 2012.

**NORTHWEST AREA WATER
SUPPLY (NAWS) PROJECT -
CONTRACT AND STATUS REPORT
(SWC Project No. 237-04)**

The Northwest Area Water Supply (NAWS) project update was presented, which is detailed in the staff memorandum, dated September 13, 2011, and attached hereto as **APPENDIX "C"**.

**NORTHWEST AREA WATER
SUPPLY (NAWS) PROJECT -
APPROVAL OF 2012 WATER
RATES FOR CITY OF MINOT
AND NAWS REGION CITIES
(SWC Project No. 237-04)**

The Northwest Area Water Supply (NAWS) project water service contracts stipulate that the water rates for the NAWS project are to be determined by the State Water Commission. The project water rate is based on capital costs, supply and treatment costs, operation

and maintenance costs, and reserve for replacement and extraordinary maintenance (REM).

The following proposed NAWS project water rates for the city of Minot and the NAWS region cities for 2012 were presented for the State Water Commission's consideration:

<u>Capital Costs:</u>	\$0.00 per 1,000 gallons
<u>Supply and Treatment Costs:</u>	City of Minot: \$0.00 per 1,000 gallons NAWS region: \$1.24 per 1,000 gallons
<u>Operation and Maintenance Costs:</u>	City of Minot: \$0.18 per 1,000 gallons NAWS region: \$0.85 per 1,000 gallons
<u>Replacement and Extraordinary Maintenance:</u>	\$0.15 per 1,000 gallons

It was the recommendation of Secretary Sando that the State Water Commission approve the following NAWS water rates for the 2012 calendar year: City of Minot - \$0.33 per 1,000 gallons; NAWS region - \$2.24 per 1,000 gallons.

It was moved by Commissioner Berg and seconded by Commissioner Foley that the State Water Commission approve the following Northwest Area Water Supply project water rates for the 2012 calendar year:

City of Minot: \$0.33 per 1,000 gallons

NAWS region: \$2.24 per 1,000 gallons

Commissioners Berg, Foley, Goehring, Hanson, Olin, Thompson, Swenson, Vosper, and Governor Dalrymple voted aye. Governor Dalrymple announced the motion unanimously carried.

**SOUTHWEST PIPELINE PROJECT -
CONTRACT AND STATUS REPORT
(SWC Project No. 1736)**

The Southwest Pipeline project update was presented, which is detailed in the staff memorandum, dated September 15, 2011 and attached hereto as **APPENDIX "D"**.

**WESTERN AREA WATER SUPPLY
(WAWS) PROJECT STATUS REPORT
(SWC Project No. 1973)**

The Western Area Water Supply project update was presented, which is detailed in the staff memorandum, dated September 15, 2011, and attached hereto as **APPENDIX "E"**.

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

The Missouri River report was provided, which is detailed in the staff memorandum, dated September 13, 2011, and attached hereto as **APPENDIX "F"**.

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

The Dakota Water Resources Act of 2000 authorized the Secretary of the Interior to conduct a comprehensive study of the water quantity and quality needs of the Red River valley in North

Dakota and possible options for meeting those needs. The Act identified two project-related studies: the *Report on Red River Valley Water Needs and Options*, and the *Red River Valley Water Supply Project Environmental Impact Statement (EIS)*. The Bureau of Reclamation completed the *Report on Red River Valley Water Needs and Options*. The State of North Dakota and the Bureau jointly prepared the EIS. Governor Hoeven designated the Garrison Diversion Conservancy District to represent the state in this endeavor.

The final EIS was available to the public on December 28, 2007. The Secretary of the Interior executed a memorandum on January 15, 2009 disclosing the following: the project selected to meet the needs of the Red River Valley is the preferred alternative, pipeline from the McClusky Canal to Lake Ashtabula; and, the identified treatment processes are adequate to meet the requirements of the Boundary Waters Treaty. The U.S. State Department requested that the Bureau of Reclamation delay executing the Record of Decision until discussions with Canada have been concluded.

Dave Koland, Garrison Diversion Conservancy District general manager, provided a status report relating to the specific efforts of the Red River Valley Water Supply project, and the District's ongoing activities.

***CURRENT AND PROPOSED WATER
METERING REQUIREMENTS FOR OIL
FIELD INDUSTRIAL WATER USE
(SWC Project No. 1400)***

meter requirements contained in 2011 S.B. 2020. Governor Dalrymple directed the Secretary to the State Water Commission and the Commission staff to report on the current and proposed water metering requirements for the oil field industrial water use at the Commission October 31, 2011 meeting.

The issue of water usage under water permits issued by the Office of the State Engineer was discussed. Governor Dalrymple articulated reasons that provided the basis of the veto of the remote

***INTERNATIONAL BOUNDARY
ROADWAY DIKE LAWSUIT
(PEMBINA COUNTY) REPORT
(SWC Project No. 1401)***

parties for their alleged actions (along with those of the plaintiffs) in increasing the flow of water in the Pembina River, which caused or contributed to the damages claimed by the plaintiffs.

On August 20, 2010, the North Dakota State Water Commission was served with a Third Party Claim by the Municipalities of Rhineland and Stanley seeking contribution and indemnity from the third

Because the court is located in Winnipeg, Colin MacArthur and John Martens, solicitors with the Canadian law firm of Aikins, MacAulay & Thorvaldson, LLP, have been representing the State Water Commission (and Pembina County, Cavalier County Water Resource District, and several individuals) in preliminary motions to get the State Water Commission dismissed from the lawsuit filed against it as a third-party defendant. A hearing was held on the matter on February 3, 2011. A court decision is expected in late September, 2011.

There being no additional business to come before the State Water Commission, Governor Dalrymple adjourned the meeting at 5:30 P.M.



Jack Dalrymple, Governor
Chairman, State Water Commission

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

STATE WATER COMMISSION
 ALLOCATED PROGRAM EXPENDITURES
 FOR THE PERIOD ENDED JULY 31, 2011
 BIENNIUM COMPLETE: 4%

APPENDIX "A"
 September 21, 2011

PROGRAM	SALARIES/ BENEFITS	OPERATING EXPENSES	GRANTS & CONTRACTS	30-AUG-11 PROGRAM TOTALS
ADMINISTRATION				
Allocated	1,926,299	1,303,575		3,229,874
Expended	78,156	37,649		115,804
Percent	4%	3%		4%
			Funding Source:	
			General Fund:	115,804
			Federal Fund:	0
			Special Fund:	0
PLANNING AND EDUCATION				
Allocated	1,285,138	212,198	99,000	1,596,336
Expended	48,860	8,824	3,000	60,683
Percent	4%	4%	3%	4%
			Funding Source:	
			General Fund:	44,631
			Federal Fund:	10,663
			Special Fund:	5,389
WATER APPROPRIATION				
Allocated	3,949,169	446,511	1,130,000	5,525,680
Expended	160,337	1,944	791	163,072
Percent	4%	0%	0%	3%
			Funding Source:	
			General Fund:	162,281
			Federal Fund:	0
			Special Fund:	791
WATER DEVELOPMENT				
Allocated	5,634,922	9,772,937	265,000	15,672,859
Expended	215,764	2,427	0	218,191
Percent	4%	0%	0%	1%
			Funding Source:	
			General Fund:	178,485
			Federal Fund:	22,724
			Special Fund:	16,982
STATEWIDE WATER PROJECTS				
Allocated			325,881,750	325,881,750
Expended			6,711,261	6,711,261
Percent			2%	2%
			Funding Source:	
			General Fund:	0
			Federal Fund:	6,463
			Special Fund:	6,704,798
ATMOSPHERIC RESOURCE				
Allocated	901,205	712,307	4,694,692	6,308,204
Expended	58,305	2,200	170,210	230,716
Percent	6%	0%	4%	4%
			Funding Source:	
			General Fund:	212,547
			Federal Fund:	0
			Special Fund:	18,168
SOUTHWEST PIPELINE				
Allocated	437,264	6,201,500	38,744,857	45,383,621
Expended	16,304	23	105,170	121,497
Percent	4%	0%	0%	0%
			Funding Source:	
			General Fund:	0
			Federal Fund:	0
			Special Fund:	121,497
NORTHWEST AREA WATER SUPPLY				
Allocated	604,626	5,235,500	49,976,971	55,817,097
Expended	17,957	2,526	2,700	23,183
Percent	3%	0%	0%	0%
			Funding Source:	
			General Fund:	0
			Federal Fund:	0
			Special Fund:	23,183
PROGRAM TOTALS				
Allocated	14,738,623	23,884,528	420,792,270	459,415,421
Expended	595,682	55,593	6,993,132	7,644,407
Percent	4%	0%	2%	2%
FUNDING SOURCE:	ALLOCATION	EXPENDITURES	REVENUE	
GENERAL FUND	14,995,199	713,748	GENERAL FUND:	0
FEDERAL FUND	53,984,383	39,850	FEDERAL FUND:	118,483
SPECIAL FUND	390,435,838	6,890,809	SPECIAL FUND:	9,596,860
TOTAL	459,415,420	7,644,407	TOTAL:	9,715,343

STATE WATER COMMISSION
PROJECTS/GRANTS/CONTRACT FUND
2011-2013 BIENNIUM

Jul-11

	BUDGET	SWC/SE APPROVED	OBLIGATIONS EXPENDITURES	REMAINING UNOBLIGATED	REMAINING UNPAID
CITY FLOOD CONTROL					
FARGO/RIDGEWOOD	50,941	50,941	0	0	50,941
FARGO	66,473,088	66,473,088	0	0	66,473,088
GRAFTON	7,175,000	7,175,000	0	0	7,175,000
MINOT	2,000,000	0	0	2,000,000	0
WAHPETON	1,013,000	0	0	1,013,000	0
WATER SUPPLY	58,389,698	38,339,697	0	20,050,001	38,339,697
IRRIGATION DEVELOPMENT	3,608,353	608,353	0	3,000,000	608,353
GENERAL WATER MANAGEMENT					
OBLIGATED	17,747,299	17,747,299	853	0	17,746,446
UNOBLIGATED	31,212,728			31,212,728	0
FLOOD CONTROL					
RENWICK DAM	1,246,571	1,246,571	0	0	1,246,571
RED RIVER WATER SUPPLY	61,405	61,405	0	0	61,405
DEVILS LAKE					
BASIN DEVELOPMENT	92,340	92,340	1,000	0	91,340
DIKE	12,254,788	12,254,788	0	0	12,254,788
OUTLET	2,420,212	2,420,212	2	0	2,420,210
OUTLET OPERATIONS	6,215,627	6,215,627	7,326	0	6,208,301
DL TOLNA COULEE DIVIDE	4,366,720	4,366,720	0	0	4,366,720
DL EAST END OUTLET	71,848,290	5,745,638	0	66,102,652	5,745,638
DL JOHNSON FARMS STORAGE	125,000	125,000	0	0	125,000
WEATHER MODIFICATIONS	894,314	894,314	0	0	894,314
WESTERN AREA WATER SUPPLY	25,000,000	25,000,000			25,000,000
SOUTHWEST PIPELINE PROJECT	22,369,199	22,369,199	121,497	0	22,247,702
NORTHWEST AREA WATER SUPPLY	19,432,008	13,932,008	16,838	5,500,000	13,915,169
TOTALS	353,996,582	225,118,200	147,516	128,878,382	224,970,683

**STATE WATER COMMISSION
PROJECTS/GRANTS/CONTRACT FUND
2011-2013 Biennium**

PROGRAM OBLIGATION

Approve SWC		Dept		Initial	Total	Total	Jul-11
By	No			Approved			Approved
				Date			
City Flood Control:							
SWC	1927	5000	Fargo/Ridgewood Flood Control Project	6/22/2005	50,941	0	50,941
SWC	1928	5000	Fargo Flood Control Project	6/23/2009	66,473,088	0	66,473,088
SWC	1771	5000	Grafton Flood Control Project	3/11/2010	7,175,000	0	7,175,000
SWC	1974	5000	Minot Mouse River Enhanced Flood Control Project	7/1/2011	0	0	0
SWC	0	5000	Wahpeton Flood Control	7/1/2011	0	0	0
Subtotal City Flood Control					73,699,029	0	73,699,029
Water Supply Advances:							
SWC	2373-09	5000	South Central RWD (Phase II)	6/23/2008	1,295,056	0	1,295,056
	2373-31	5000	North Central Rural Water Consortium (Anamoose/Be	6/23/2008	3,295,000	0	3,295,000
	2373-24	5000	Trail Regional Rural Water (Phase III)	8/18/2009	2,355,670	0	2,355,670
Water Supply Grants:							
	2373-17	5000	City of Parshall	6/23/2008	490,452	0	490,452
	2373-18	5000	Ray & Tioga Water Supply Association	12/17/2008	1,868,153	0	1,868,153
	2373-25	5000	McKenzie Phase II	6/23/2009	868,327	0	868,327
	2373-28	5000	McKenzie Phase IV	3/11/2010	2,352,244	0	2,352,244
	2373-26	5000	Valley City Water Treatment Plant	8/18/2009	15,386,800	0	15,386,800
	2373-29	5000	City of Wilrose - Crosby Water Supply	7/28/2010	97,218	0	97,218
	2373-32	5000	North Central Rural Water Consortium (Berthold-Carpi	6/21/2011	3,150,000	0	3,150,000
	2373-33	5000	Stutsman Rural Water System	6/21/2011	6,800,000	0	6,800,000
Subtotal Water Supply					37,958,921	0	37,958,921
HB No. 1305 Permanent Oil Trust Fund							
	2373-21	5000	Burke, Divide, Williams Water District	6/23/2009	189,415	0	189,415
	2373-22	5000	Ray & Tioga Water Supply Association	6/23/2009	191,362	0	191,362
Subtotal Permanent Oil Trust Fund					380,777	0	380,777
Irrigation Development:							
SWC	1389	5000	BND AgPace Program	10/23/2001	98,907	0	98,907
SWC	AOC/IRA	5000	ND Irrigation Association	8/16/2011	100,000	0	100,000
SWC	1968	5000	2009-11 McClusky Canal Mile Marker 7.5 Irrigation Pr	6/1/2010	409,446	0	409,446
Subtotal Irrigation Development					608,353	0	608,353
General Water Management							
Hydrologic Investigations:					900,000		
SWC	1400/12	3000	Houston Engineering Water Permit Application Review	10/10/2010	8,500	0	8,500
	862	3000	Arietta Herman	6/1/2011	216	216	0
	967	3000	Holly McDaniel	6/1/2011	0	0	0
	1690	3000	Holly McDaniel	6/1/2011	0	0	0
	1703	3000	Neil Flaten	6/1/2011	348	348	0
	1707	3000	Neil Flaten	4/26/2011	228	227	0
	1761	3000	Fran Dobits	6/1/2011	0	0	0
	1395	3000	US Geological Survey, US Dept. Of Interior Investigati	8/15/2011	431,807	0	431,807
Hydrologic Investigations Obligations Subtotal					441,099	791	440,308
Remaining Hydrologic Investigations Authority					458,901		
Hydrologic Investigations Authority Less Payments							
General Projects Obligated					16,847,299	62	16,847,237
General Projects Completed					0	0	0
Subtotal General Water Management					17,747,299	853	17,746,446

**STATE WATER COMMISSION
PROJECTS/GRANTS/CONTRACT FUND
2011-2013 Biennium**

PROGRAM OBLIGATION

Approve SWC				Initial	Total	Total	Jul-11
By	No	Dept		Approved	Approved	Payments	Balance
				Date			
Flood Control:							
SWC	849	5000	Renwick Dam Rehabilitation	5/17/2010	1,246,571	0	1,246,571
Subtotal Flood Control					1,246,571	0	1,246,571
Red River Water Supply:							
SWC	1912	5000	2007-09 (GDCCD'S) Red River Valley Water Supply Prc	3/17/2008	61,405	0	61,405
Subtotal					61,405	0	61,405
Devils Lake Basin Development:							
SWC	416-01	5000	Devils Lake Basin Joint Water Resource Manager	6/15/2011	60,000	0	60,000
SWC	416-02	5000	City of Devils Lake Levee System Extension & Raise	7/1/2011	12,254,788	0	12,254,788
SWC	416-05	2000	Devils Lake Outlet Awareness Manager	6/16/2011	32,340	1,000	31,340
SWC	416-07	5000	Devils Lake Outlet	7/1/2011	2,420,212	2	2,420,210
SWC	416-10	4700	Devils Lake Outlet Operations	7/1/2011	6,215,627	7,326	6,208,301
SWC	416-13	5000	DL Tolna Coulee Divide	7/1/2011	4,366,720	0	4,366,720
SWC	416-15	5000	DL East End Outlet	7/1/2011	5,745,638	0	5,745,638
SWC	416-18	5000	DL Johnson Farms Water Storage Site	6/10/2011	125,000	0	125,000
Devils Lake Subtotal					31,220,325	8,328	31,211,997
SWC		7600	Weather Modification-	7/1/2011	894,314	0	894,314
SWC	1973	5000	Western Area Water Supply	7/1/2011	25,000,000	0	25,000,000
SWC	1736	8000	Southwest Pipeline Project	7/1/2011	22,369,199	121,497	22,247,702
SWC	2374	9000	Northwest Area Water Supply	7/1/2011	13,932,008	16,838	13,915,169
TOTAL					225,118,200	147,516	224,970,684

**STATE WATER COMMISSION
PROJECTS/GRANTS/CONTRACT FUND
2011-2013 Biennium
Resources Trust Fund**

GENERAL PROJECT OBLIGATIONS

Approved SWC By	No	Dept		Initial Approved Date	Total Approved	Total Payments	Jul-11 Balance
SE	269	5000	Fordville Dam Emergency Action Plan/GF CO.	3/3/2010	9,600	0	9,600
SWC	281	5000	Three Affiliated Tribes/Fort Berthold Irrigation Study	10/26/2010	37,500	0	37,500
SWC	322	5000	Long-Term Red River Flood Control Solutions Study (AOC/RRC)	6/23/2009	7,720	0	7,720
SWC	322	5000	ND Water: A Century of Challenge	2/22/2010	34,300	0	34,300
SWC	327	5000	White Earth Dam EAP	8/18/2009	25,000	0	25,000
SWC	347	5000	City of Velva's Flood Control Levee System Certification	3/28/2011	102,000	0	102,000
SE	501	5000	Pheasant Lake Dam Emergency Action Plan	4/20/2011	9,600	0	9,600
SWC	528	5000	McGregor Dam Emergency Action Plan	6/23/2009	25,000	0	25,000
SE	568	5000	Sheyenne River Snagging & Clearing Project	4/11/2008	5,000	0	5,000
SWC	568	5000	SCWRD Sheyenne River Snagging & Clearing Project	12/10/2010	362,250	0	362,250
SE	571	5000	Oak Creek Snagging & Clearing Project	1/28/2011	5,000	0	5,000
SWC	620	5000	Mandan Flood Control Protective Works (Levee)	9/29/2008	125,396	0	125,396
SE	642	5000	Morton Co/Sweetbriar Dam Emergency Action Plan	5/17/2010	15,200	0	15,200
SWC	642-05	5000	Sweetbriar Creek Dam Project	3/6/2009	26,356	0	26,356
SWC	646	5000	Christine Dam Recreation Retrofit Project	10/26/2010	184,950	0	184,950
SWC	646	5000	Hickson Dam Recreation Retrofit Project	10/26/2010	44,280	0	44,280
SE	839	5000	Elm River Detention Dam No. 1 EAP	1/10/2011	12,160	0	12,160
SE	839	5000	Elm River Detention Dam No. 3 EAP	12/6/2010	12,160	0	12,160
SWC	846	5000	Morton Co. Square Butte Dam No. 5 EAP	12/10/2010	24,000	0	24,000
SWC	847	5000	Swan-Buffer Detention Dam No. 12 Flood Control Dam Safety Project	7/28/2010	114,783	0	114,783
SE	847	5000	Absaraka Dam Safety Analysis	8/31/2009	5,719	0	5,719
SWC	847	5000	Swan Creek Diversion Channel Improvement Reconstruction	12/11/2009	76,528	0	76,528
SWC	928/988/1508	5000	Southeast Cass WRD Bois, Wild Rice, & Antelope	6/23/2008	60,000	0	60,000
SE	929	5000	Walsch Co. -Soukop Dam EAP	3/2/2011	10,000	0	10,000
SE	929	5000	Walsch Co. -Chyle Dam EAP	5/6/2011	10,000	0	10,000
SE	985	5000	Kolding Dam Emergency Action Plan	5/29/2009	9,600	0	9,600
SWC	1068	5000	Cass County Drain No. 12 Improvement Reconstruction	8/18/2009	500,000	0	500,000
SWC	1069	5000	Cass County Drain No. 13 Improvement Reconstruction	8/18/2009	122,224	0	122,224
SWC	1070	5000	Cass County Drain No. 14 Improvement Recon	8/18/2009	421,453	0	421,453
SWC	1088	5000	Cass County Drain No. 37 Improvement Recon	8/18/2009	84,423	0	84,423
SWC	1093	5000	Cass Co. Drain No. 45 Extension Project	3/17/2008	124,757	0	124,757
SE	1131	5000	Elm River Detention Dam No. 2 Emergency Action Plan	12/6/2010	12,160	0	12,160
SWC	1161	5000	Pembina Co. Drain 55 Improvement Reconstruction	3/28/2011	88,868	0	88,868
SWC	1164	5000	Pembina County Drain No. 64 Outlet Area Improvement	12/10/2010	41,480	0	41,480
SWC	1180	5000	Richland Co. Drain No. 7 Improvement Reconstruction	3/11/2010	71,933	0	71,933
SWC	1232	5000	Trails Co. Drain No. 13 Channel Extension Project	8/18/2009	23,575	0	23,575
SWC	1244	5000	Trails Co. Drain No. 27 (Moen) Reconstruction & Extension	3/11/2010	178,485	0	178,485
SWC	1245	5000	Trails Co. Drain No. 28 Extension & Improvement Project	3/28/2011	336,007	0	336,007
SE	1289	5000	McKenzie Co. Weed Control on Sovereign Lands	3/4/2011	11,705	0	11,705
SE	1291	5000	Mercer County WRD Knife River Snagging & Clearing	11/1/2010	20,000	0	20,000
SWC	1299	5000	City of Fort Ransom Riverbank Stabilization	9/1/2010	60,803	0	60,803
SE	1301	5000	City of Lidgerwood Engineering & Feasibility Study for Flood Control	2/4/2011	15,850	0	15,850
SWC	1313	5000	City of Minot/Ward Co. Aerial Photo & LiDAR	3/11/2010	186,780	0	186,780
SWC	1331	5000	Richland Co. Drain No. 14 Improvement Reconstruction	3/11/2010	116,988	0	116,988
SWC	1344	5000	Southeast Cass Sheyenne River (Horace Diversion Channel Site A)	3/11/2010	1,762,380	0	1,762,380
SWC	1344	5000	Southeast Cass Sheyenne River Diversion Low-Flow Channel Areas 3 & 4	6/14/2011	2,802,000	0	2,802,000
SWC	1344	5000	Southeast Cass Sheyenne Sheyenne Pump Station	3/28/2011	60,750	0	60,750
SWC	1378	5000	Clausen Springs Dam Emergency Spillway Repair	10/26/2010	746,992	0	746,992
SWC	1392	5000	U. S. Geological Hydrographic Survey of the Missouri River Bis - Washburn	6/15/2011	55,000	0	55,000
SE	1398	5000	Dale Frink Consultant Services Agreement	10/26/2010	18,600	0	18,600
SWC	1401	5000	International Boundary Roadway Dike Pembina	9/21/2009	227,431	0	227,431
SWC	1413	5000	Trails Co/Buffer Coulee Snagging & Clearing	9/1/2010	26,000	0	26,000
SE	1431	5000	NDDOT Aerial Photography - Missouri River	11/19/2010	0	0	0
SE	1433	5000	Whitman Dam Emergency Action Plan	4/14/2011	10,000	0	10,000
SWC	1438	5000	Mulberry Creek Drain Partial Improv Phase III	3/28/2011	226,118	0	226,118
SWC	1444	5000	City of Pembina's Flood Control FEMA Levee Certification	3/11/2010	16,936	0	16,936
SE	1577	5000	Burleigh Co - Fox Island 2010 Flood Hazard Mitigation Evaluation	8/9/2010	11,175	0	11,175
SWC	1577	5000	Hazen Flood Control Levee (1517) & FEMA Accreditation	3/11/2010	449,500	0	449,500
SE	1607	5000	Flood Inundation Mapping of Areas Along Souris & Des Lacs River	6/15/2011	13,011	0	13,011
SE	1625	5000	Sovereign Lands Rules - ND Game & Fish	2/23/2010	6,788	0	6,788
SWC	1638	5000	Red River Basin Non-NRCS Rural/Farmstead Ring Dike Program	6/23/2009	424,262	0	424,262
SWC	1667	5000	Trails Co/Goose River Snagging & Clearing	9/1/2010	12,890	0	12,890
SWC	1671	5000	Dead Cold Creek Dam 2011 Emergency Action Plan	6/14/2011	22,800	0	22,800
SWC	1705	5000	Red River Basin Flood Control Coordinator Position	6/10/2011	36,000	0	36,000
SWC	1785	5000	Maple River Dam EAP	8/18/2009	25,000	0	25,000
SE	1785	5000	Sweetbriar Dam EAP	2/17/2010	15,200	0	15,200
SWC	1782	5000	SE Cass Wild Rice River Dam Study Phase II	12/11/2009	130,000	0	130,000
SE	1842	5000	SCWRD Wild Rice River Snagging & Clearing	5/28/2009	4,331	0	4,331
SWC	1842	5000	SCWRD Wild Rice River Snagging & Clearing	12/10/2010	100,625	0	100,625
SE	1842	5000	Richland Co. - Ph 2- Wild Rice River Snagging & Clearing	2/1/2011	15,000	0	15,000
SWC	1842	5000	Richland Co. Wild Rice River Snagging & Clearing Project - Reach 2	3/28/2011	47,500	0	47,500
SWC	1878-02	5000	Maple-Steele Upper Maple River Dam PE & PD	12/10/2010	187,710	0	187,710
SWC	1882-01	5000	(ESAP) Extended Storage Acreage Program	8/18/2009	63,554	0	63,554
SWC	1882-07	5000	NDSU Development of SEBAL	9/1/2010	15,244	0	15,244
SWC	1878-02	5000	Upper Maple River Dam Project Development & Preliminary Engineering	7/19/2011	187,710	0	187,710
SWC	1921	5000	Square Butte Dam No. 6/Recreational Facility	3/23/2009	852,251	0	852,251
SWC	1942	5000	Walsh County Assessment Drain 10, 10-1, 10-2	9/21/2009	37,267	0	37,267
SWC	1953	5000	Walsh County Drain No. 73 Construction Project	8/18/2009	96,990	0	96,990

**STATE WATER COMMISSION
PROJECTS/GRANTS/CONTRACT FUND
2011-2013 Biennium
Resources Trust Fund**

GENERAL PROJECT OBLIGATIONS

Approved SWC				Initial	Total	Total	Jul-11
By	No	Dept		Approved	Approved	Payments	Balance
				Date			
SWC	1960	5000	Puppy Dog Flood Control Drain Construction	8/18/2009	796,976	0	796,976
SWC	1963	5000	Beaver Bay Embankment Feasibility Study	8/10/2009	258,406	0	258,406
SWC	XXXX	5000	USDA-APHIS North Dakota Wildlife Services - animal control/beaver mgmt	6/1/2011	250,000	0	250,000
SWC	1964	5000	Hydraulic Effects of Rock Wedges Study- UND	11/12/2009	11,651	0	11,651
SWC	1965	5000	ND Silver Jackets Team Charter & Action Plan	7/1/2011	0	62	(62)
SWC	1966	5000	City of Oxbow Emergency Flood Fighting Barrier System	6/1/2010	188,400	0	188,400
SE	1967	5000	Grand Forks County Legal Drain No. 55 2010 Contruction	11/30/2010	9,652	0	9,652
SWC	1968	5000	Absaraka Dam Improvement Rehabilitation Project	8/12/2011	114,783	0	114,783
SWC	1969	5000	Construction of Walsh Co. Legal Assessment Drain #71	3/28/2011	304,141	0	304,141
SWC	1970	5000	Construction of Walsh Co. Legal Assessment Drain #72	3/28/2011	144,807	0	144,807
SE	1971	5000	DES Purchase of Mobile Stream Gages (2 temporary stream gages)	7/19/2011	8,000	0	8,000
SWC	1971	5000	DES Purchase of Mobile Stream Gages	3/28/2011	16,458	0	16,458
SWC	XXXX	5000	Nelson Co. Flood Related Water Projects	6/1/2011	250,000	0	250,000
SWC	1932	5000	Peterson Slough into Dry Run Emergency	5/28/2010	32,150	0	32,150
SWC	1932**	5000	Michigan Spillway Rural Flood Assessment	8/30/2005	1,012,219	0	1,012,219
SWC	1932**	5000	Michigan Spillway Rural Flood Assessment Drain	8/30/2005	500,000	0	500,000
SE	PBS	5000	PBS Documentary on Soil Salinity/Lake Agassiz RC & D	1/29/2010	1,000	0	1,000
SE	AOC/ARB/ND:5000	5000	NDSU Dept of Soil Science - NDAWN Center	3/8/2010	3,000	0	3,000
SE	AOC/RRBC	5000	Red River Basin "A River Runs North"	6/30/2010	5,000	0	5,000
SWC	AOC/RRBC	5000	Red River Basin Commission Contractor	7/1/2009	100,000	0	100,000
SWC	AOC/RRBC	5000	Red River Basin Commission Contractor	8/2/2011	200,000	0	200,000
SWC	AOC/WEF	5000	ND Water Education/North Dakota Water Magazine	6/10/2011	36,000	0	36,000
SWC	PS/IRR/NES	5000	NDSU Williston Research Extension Center - purchase of irrigation equip	3/28/2011	60,050	0	60,050
SE	PS/WRD/MRJ	5000	Missouri River Joint Water Board, (MRJWB) Start up	8/2/2011	20,000	0	20,000
SE	PS/WRD/MRJ	5000	Missouri River Joint Water Board (MRRIC) T. FLECK	1/0/1900	0	0	0
SE	PS/WRD/MRJ	5000	Missouri River Joint Water Board (MRRIC) T. FLECK	8/2/2011	40,000	0	40,000
SE	PS/WRD/USR	5000	Upper Sheyenne River WRB Administration (USRJWRB)	6/15/2011	6,000	0	6,000
TOTAL					16,847,299	62	16,847,237

**STATE WATER COMMISSION
PROJECTS/GRANTS/CONTRACT FUND
2011-2013 Biennium
Resources Trust Fund**

COMPLETED GENERAL PROJECTS

Approved SWC By	No	Dept	Initial Approved Date	Total Approved	Total Payments	Jul-11 Balance
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TOTAL

0 0 0

**STATE WATER COMMISSION
PROJECTS/GRANTS/CONTRACT FUND
2009-2011 BIENNIUM**

Jun-11

	BUDGET	SWC/SE APPROVED	OBLIGATIONS EXPENDITURES	REMAINING UNOBLIGATED	REMAINING UNPAID
CITY FLOOD CONTROL					
FARGO/RIDGEWOOD	2,084,750	2,084,750	2,033,809	0	50,941
FARGO	45,000,000	45,000,000	8,526,912	0	36,473,088
GRAFTON	7,175,000	7,175,000	0	0	7,175,000
WATER SUPPLY					
PERMANENT OIL TRUST FUND	44,304,887	44,304,887	16,151,035	0	28,153,852
	2,442,000	2,442,000	2,061,223	0	380,777
IRRIGATION DEVELOPMENT					
	1,605,370	1,605,370	1,097,017	0	508,353
GENERAL WATER MANAGEMENT					
OBLIGATED	22,337,029	22,337,029	9,781,891	0	12,555,138
UNOBLIGATED	1,089,885			1,089,885	0
MISSOURI RIVER MANAGEMENT					
	342,000	342,000	83,594	0	258,406
FLOOD CONTROL					
RENWICK DAM	1,478,190	1,478,190	231,619	0	1,246,571
RED RIVER WATER SUPPLY					
	3,200,000	3,200,000	3,138,595	0	61,405
DEVILS LAKE					
BASIN DEVELOPMENT	91,152	91,152	91,152	0	(0)
DIKE	25,350,000	25,350,000	23,595,212	0	1,754,788
OUTLET	15,961,325	15,961,325	13,541,113	0	2,420,212
OUTLET OPERATIONS	4,900,000	4,900,000	3,435,482	0	1,464,518
DL TOLNA COULEE DIVIDE	500,000	500,000	133,280	0	366,720
DL EAST END OUTLET	2,200,000	2,200,000	851,710	0	1,348,290
NELSON COUNTY	112,219	112,219	0	0	112,219
WEATHER MODIFICATIONS					
	225,000	225,000	0	0	225,000
SOUTHWEST PIPELINE PROJECT					
	12,782,474	12,782,474	5,459,195	0	7,323,279
NORTHWEST AREA WATER SUPPLY					
	10,832,918	10,832,918	3,414,307	0	7,418,611
TOTALS	204,014,199	202,924,314	93,627,147	1,089,885	109,297,167

**STATE WATER COMMISSION
PROJECTS/GRANTS/CONTRACT FUND
2009-2011 Biennium**

PROGRAM OBLIGATION

Approve SWC		Dept		Initial	Total	Total	Jun-11
By	No			Approved	Approved	Payments	Balance
				Date			
City Flood Control:							
SWC	1927	5000	Fargo/Ridgewood Flood Control Project	6/22/2005	2,084,750	2,033,809	50,941
SWC	1928	5000	Fargo Flood Control Project	6/23/2009	45,000,000	8,526,912	36,473,088
SWC	1771	5000	Grafton Flood Control Project	3/11/2010	7,175,000	0	7,175,000
Subtotal City Flood Control					54,259,750	10,560,721	43,699,029
Water Supply Advances:							
SWC	2373-04	5000	Lakota WS (Tri-Co WD)	7/17/2007	212,065	212,044	21
	2373-09	5000	South Central RWD (Phase II)	6/23/2008	2,350,000	1,054,944	1,295,056
	2373-15	5000	North Central Rural Water Consortium (S. Benson Cot	12/7/2007	916,000	893,064	22,936
	2373-27	5000	Traill Regional Rural Water (Phase I)	1/25/2008	3,199,000	3,193,272	5,728
	2373-16	5000	Traill Regional Rural Water (Phase II)	6/23/2008	2,305,748	2,281,313	24,435
	2373-31	5000	North Central Rural Water Consortium (Anamoose/Bei	6/23/2008	3,295,000	0	3,295,000
	2373-24	5000	Traill Regional Rural Water (Phase III)	8/18/2009	2,750,000	394,330	2,355,670
Water Supply Grants:							
	2373-19	5000	City of Washburn Water Supply	4/28/2009	1,500,000	1,408,188	91,812
	2373-17	5000	City of Parshall	6/23/2008	1,920,274	1,429,822	490,452
	2373-18	5000	Ray & Tioga Water Supply Association	12/17/2008	4,200,000	2,331,847	1,868,153
	2373-25	5000	McKenzie Phase II	6/23/2009	1,500,000	631,673	868,327
	2373-28	5000	McKenzie Phase IV	3/11/2010	3,500,000	1,147,756	2,352,244
	2373-26	5000	Valley City Water Treatment Plant	8/18/2009	15,386,800	0	15,386,800
	2373-29	5000	City of Wilrose - Crosby Water Supply	7/28/2010	1,270,000	1,172,782	97,218
Subtotal Water Supply					44,304,887	16,151,035	28,153,852
HB No. 1305 Permanent Oil Trust Fund							
	2373-21	5000	Burke, Divide, Williams Water District	6/23/2009	985,000	795,585	189,415
	2373-22	5000	Ray & Tioga Water Supply Association	6/23/2009	864,000	672,638	191,362
	2373-23	5000	City of Wildrose	6/23/2009	593,000	593,000	0
Subtotal Permanent Oil Trust Fund					2,442,000	2,061,223	380,777
Irrigation Development:							
SWC	1389	5000	BND AgPace Program	10/23/2001	194,439	95,532	98,907
SWC	AOC/IRA	5000	ND Irrigation Association	7/20/2009	100,000	100,000	0
SWC	1968	5000	2009-11 McClusky Canal Mile Marker 7.5 Irrigation Prc	6/1/2010	1,310,931	901,485	409,446
Subtotal Irrigation Development					1,605,370	1,097,017	508,353
General Water Management Hydrologic Investigations:							
					900,000		
SWC	1400/12	3000	Houston Engineering Water Permit Application Review	10/10/2010	8,500	0	8,500
	1400/11	3000	Houston Engineering Water Permit Application Review	10/10/2010	8,052	8,052	1
	1400/10	3000	Houston Engineering Water Permit Application Review	1/0/1900	5,870	5,870	1
	1400/7	3000	Houston Engineering Water Permit Application Review	4/2/2009	1,325	800	525
	1400/8	3000	Houston Engineering Water Permit Application Review	6/2/2009	7,500	7,473	27
	1400/9	3000	Houston Engineering Water Permit Application Review	1/1/2010	6,759	6,759	0
	862	3000	Arietta Herman	4/7/2008	3,260	3,260	0
	1690	3000	Mary Lou McDaniel	5/6/2009	4,301	4,301	0
	1703	3000	Neil Flaten	4/7/2008	5,467	5,467	0
	1707	3000	Neil Flaten	4/26/2011	4,083	4,083	0
	1714	3000	David Robbins	5/7/2009	1,143	1,143	0
	1761	3000	Gloria Roth	5/6/2009	1,208	1,208	0
	1761	3000	Fran Dobits	4/7/2008	2,001	2,001	0
	1395A	3000	US Geological Survey, US Dept. Of Interior Stream Ga	11/12/2009	381,980	381,980	0
	1395D	3000	US Geological Survey, US Dept. Of Interior Eaton Irrig	10/1/2009	15,300	15,300	0
	1393	3000	US Geological Survey, US Dept. Of Interior StreamSta	7/16/2009	39,008	39,008	0
	1395	3000	US Geological Survey, US Dept. Of Interior Investigati	10/1/2010	410,907	410,907	0
Hydrologic Investigations Obligations Subtotal					906,663	897,609	9,054
Remaining Hydrologic Investigations Authority					(6,663)		
Hydrologic Investigations Authority Less Payments							
General Projects Obligated					15,822,719	3,269,973	12,552,747
General Projects Completed					5,614,310	5,614,310	0
Subtotal General Water Management					22,337,029	9,781,891	12,555,138

**STATE WATER COMMISSION
PROJECTS/GRANTS/CONTRACT FUND
2009-2011 Biennium**

PROGRAM OBLIGATION

Approve SWC					Initial	Total	Total	Jun-11
By	No	Dept			Approved	Approved	Payments	Balance
					Date			
Missour River Management:								
SWC	1963	5000	Beaver Bay Embankment Feasibility Study		8/10/2009	342,000	83,594	258,406
Subtotal						342,000	83,594	258,406
Flood Control:								
SWC	849	5000	Renwick Dam Rehabilitation		5/17/2010	1,478,190	231,619	1,246,571
Subtotal Flood Control						1,478,190	231,619	1,246,571
Red River Water Supply:								
SWC	1912	5000	2007-09 (GDCCD'S) Red River Valley Water Supply Prc		3/17/2008	3,200,000	3,138,595	61,405
Subtotal						3,200,000	3,138,595	61,405
Devils Lake Basin Development:								
SWC	416-01	5000	2009-11 Devils Lake Basin Joint Water Resource Man		6/23/2009	60,000	60,000	0
SWC	416-02	5000	City of Devils Lake Levee System Extension & Raise		12/6/2002	25,350,000	23,595,212	1,754,788
SWC	416-05	2000	2009-11 Devils Lake Outlet Awareness Manager		6/23/2009	31,152	31,152	(0)
SWC	416-07	5000	Devils Lake Outlet		2/20/2002	15,961,325	13,541,113	2,420,212
SWC	416-10	4700	Devils Lake Outlet Operations		8/18/2009	4,900,000	3,435,482	1,464,518
SWC	416-13	5000	DL Tolna Coulee Divide		10/26/2010	500,000	133,280	366,720
SWC	416-15	5000	DL East End Outlet		10/26/2010	2,200,000	851,710	1,348,290
SWC	1932**	5000	Nelson Co. Emergency Pumping Peterson to Dry Run		5/23/2010	112,219	0	112,219
Devils Lake Subtotal						49,114,696	41,647,949	7,466,747
SWC		7600	Weather Modification		7/1/2009	225,000	0	225,000
SWC	1736	8000	Southwest Pipeline Project		7/1/2009	12,782,474	5,459,195	7,323,279
SWC	2374	9000	Northwest Area Water Supply		7/1/2009	10,832,918	3,414,307	7,418,611
TOTAL						202,924,314	93,627,147	109,297,167

**STATE WATER COMMISSION
PROJECTS/GRANTS/CONTRACT FUND
2009-2011 Biennium
Resources Trust Fund**

GENERAL PROJECT OBLIGATIONS

Approved SWC By	No	Dept		Initial Approved Date	Total Approved	Total Payments	Jun-11 Balance
SE	269	5000	2010 Fordville Dam Emergency Action Plan/GF CO.	3/3/2010	9,600	0	9,600
SWC	281	5000	2009-11 Three Affiliated Tribes/Fort Berthold Irrigation Study	10/26/2010	37,500	0	37,500
SWC	322	5000	2009-11 Long-Term Red River Flood Control Solutions Study	6/23/2009	500,000	492,280	7,720
SWC	322	5000	ND Water: A Century of Challenge	2/22/2010	34,300	0	34,300
SWC	327	5000	2009-11 White Earth Dam EAP	8/18/2009	25,000	0	25,000
SWC	347	5000	2009-11 City of Velsa's Flood Control Levee System Certification	3/28/2011	102,000	0	102,000
SE	501	5000	2009-11 Pheasant Lake Dam Emergency Action Plan	4/20/2011	9,600	0	9,600
SWC	528	5000	2009 McGregor Dam Emergency Action Plan	6/23/2009	25,000	0	25,000
SE	568	5000	2008 Sheyenne River Snagging & Clearing Project	4/11/2008	5,000	0	5,000
SWC	568	5000	2009-11 SCWRD Sheyenne River Snagging & Clearing Project	12/10/2010	362,250	0	362,250
SE	571	5000	2009-11 Oak Creek Snagging & Clearing Project	1/28/2011	5,000	0	5,000
SWC	620	5000	2008 Mandan Flood Control Protective Works (Levee)	9/29/2008	125,396	0	125,396
SE	642	5000	2009-11 Morton Co/Sweetbriar Dam Emergency Action Plan	5/17/2010	15,200	0	15,200
SWC	642-05	5000	2007-09 Sweetbriar Creek Dam Project	3/6/2009	683,400	657,044	26,356
SWC	646	5000	2009-11 Christine Dam Recreation Retrofit Project	10/26/2010	184,950	0	184,950
SWC	646	5000	2009-11 Hickson Dam Recreation Retrofit Project	10/26/2010	44,280	0	44,280
SE	839	5000	2009-11 Elm River Detention Dam No. 1 EAP	1/10/2011	12,160	0	12,160
SE	839	5000	2009-11 Elm River Detention Dam No. 3 EAP	12/6/2010	12,160	0	12,160
SWC	846	5000	2009-11 Morton Co.Square Butte Dam No. 5 EAP	12/10/2010	24,000	0	24,000
SWC	847	5000	2009-11 Swan-Buffalo Detention Dam No. 12 Flood Control Dam Safety Projec	7/28/2010	114,783	0	114,783
SE	847	5000	2009-11 Absaraka Dam Safety Analysis	8/31/2009	5,719	0	5,719
SWC	847	5000	2009-11 Swan Creek Diversion Channel Improvement Reconstruction	12/11/2009	76,528	0	76,528
SWC	928/988/1508	5000	2007-09 Southeast Cass WRD Bois, Wild Rice, & Antelope	6/23/2008	60,000	0	60,000
SE	929	5000	200711 Walsch Co. -Soukop Dam EAP	3/2/2011	10,000	0	10,000
SE	929	5000	2009-11 Walsch Co. -Chyle Dam EAP	5/6/2011	10,000	0	10,000
SE	985	5000	2009-11 Kolding Dam Emergency Action Plan	5/29/2009	9,600	0	9,600
SWC	1068	5000	2009-11 Cass County Drain No. 12 Improvement Reconstruction	8/18/2009	500,000	0	500,000
SWC	1069	5000	2009-11 Cass County Drain No. 13 Improvement Reconstruction	8/18/2009	145,472	23,248	122,224
SWC	1070	5000	2009-11 Cass County Drain No. 14 Improvement Recon	8/18/2009	500,000	78,547	421,453
SWC	1088	5000	2009-11 Cass County Drain No. 37 Improvement Recon	8/18/2009	158,535	74,112	84,423
SWC	1093	5000	2007-09 Cass Co. Drain No. 45 Extension Project	3/17/2008	150,800	26,043	124,757
SWC	1161	5000	2007-09 Pembina Co. Drain 55 Improvement Reconstruction	3/28/2011	88,868	0	88,868
SWC	1164	5000	2009-11 Pembina County Drain No. 64 Outlet Area Improvement	12/10/2010	41,480	0	41,480
SWC	1180	5000	2009-11 Richland Co. Drain No. 7 Improvement Reconstruction	3/11/2010	130,681	58,748	71,933
SWC	1232	5000	2009-11 Traill Co. Drain No. 13 Channel Extension Project	8/18/2009	23,575	0	23,575
SWC	1244	5000	2009-11 Traill Co. Drain No. 27 (Moen) Reconstruction & Extension	3/11/2010	500,000	321,515	178,485
SWC	1245	5000	2009-11 Traill Co. Drain No. 28 Extension & Improvement Project	3/28/2011	336,007	0	336,007
SE	1289	5000	2009-11 McKenzie Co. Weed Control on Sovereign Lands	3/4/2011	11,705	0	11,705
SE	1291	5000	2009-11 Mercer County WRD Knife River Snagging & Clearing	11/1/2010	20,000	0	20,000
SWC	1299	5000	2009-11 City of Fort Ransom Riverbank Stabilization	9/1/2010	60,803	0	60,803
SE	1131	5000	2009-11 Elm River Detention Dam No. 2 Emergency Action Plan	12/6/2010	12,160	0	12,160
SE	1301	5000	2009-11 City of Lidgerwood Engineering & Feasibility Study for Flood Control	2/4/2011	15,850	0	15,850
SWC	1313	5000	2009-11 City of Minot/Ward Co. Aerial Photo & LIDAR	3/11/2010	186,780	0	186,780
SWC	1331	5000	2009-11 Richland Co. Drain No. 14 Improvement Reconstruction	3/11/2010	183,364	66,376	116,988
SWC	1344	5000	2009-11 Southeast Cass Sheyenne River Diversion Low Flow Channel Improve	3/11/2010	1,762,380	0	1,762,380
SWC	1344	5000	2009-11 Southeast Cass Sheyenne Pump Station	3/28/2011	60,750	0	60,750
SWC	1378	5000	2009-11 Clausen Springs Dam Emergency Spillway Repair	10/26/2010	790,975	43,983	746,992
SE	1396	5000	2009-11 Dale Frink Consultant Services Agreement	10/26/2010	20,000	1,400	18,600
SWC	1401	5000	2009-11 International Boundary Roadway Dike Pembina	9/21/2009	260,238	32,807	227,431
SWC	1413	5000	2009-11 Traill Co/Bufalo Coulee Snagging & Clearing	9/1/2010	26,000	0	26,000
SE	1431	5000	2009-11 NDDOT Aerial Photography - Missouri River	11/19/2010	36,289	36,289	0
SE	1433	5000	2009-11 Whitman Dam Emergency Action Plan	4/14/2011	10,000	0	10,000
SWC	1438	5000	2007-09 Mulberry Creek Drain Partial Improv Phase III	3/28/2011	226,118	0	226,118
SWC	1444	5000	2009-11 City of Pembina's Flood Control FEMA Levee Certification	3/11/2010	27,156	27,156	0
SE	1577	5000	2009-11 Burleigh Co - Fox Island 2010 Flood Hazard Mitigation Evaluation	8/9/2010	11,175	0	11,175
SWC	1577	5000	2009-11 Hazen Flood Control Levee (1517) & FEMA Accreditation	3/11/2010	567,700	118,200	449,500
SE	1625	5000	2009-11 Sovereign Lands Rules - ND Game & Fish	2/23/2010	10,000	3,213	6,788
SWC	1638	5000	2009-11 Red River Basin Non-NRCS Rural/Farmstead Ring Dike Program	6/23/2009	800,000	375,738	424,262
SWC	1667	5000	2009-11 Traill Co/Goose River Snagging & Clearing	9/1/2010	48,000	35,110	12,890
SWC	1785	5000	2009-11 Maple River Dam EAP	8/18/2009	25,000	0	25,000
SE	1785	5000	2009-11 Sweetbriar Dam EAP	2/17/2010	15,200	0	15,200
SWC	1792	5000	2009-11 SE Cass Wild Rice River Dam Study Phase II	12/11/2009	130,000	0	130,000
SE	1842	5000	2009-11 SCWRD Wild Rice River Snagging & Clearing	5/28/2009	20,000	15,669	4,331
SWC	1842	5000	2009-11 SCWRD Wild Rice River Snagging & Clearing	12/10/2010	100,625	0	100,625
SE	1842	5000	2009-11 Richland Co. - Ph 2- Wild Rice River Snagging & Clearing	2/1/2011	15,000	0	15,000
SWC	1842	5000	2009-11 Richland Co. Wild Rice River Snagging & Clearing Project - Reach 2	3/28/2011	47,500	0	47,500
SWC	1878-02	5000	2009-11 Maple-Steele Upper Maple River Dam PE & PD	12/10/2010	187,710	0	187,710
SWC	1882-01	5000	2009-11 (ESAP) Extended Storage Acreage Program	8/18/2009	142,250	78,696	63,554
SWC	1882-07	5000	2009-11 NDSU Development of SEBAL	9/1/2010	61,404	46,160	15,244
SWC	1921	5000	2007-09 Square Butte Dam No. 6/Recreational Facility	3/23/2009	882,030	29,779	852,251
SWC	1942	5000	2007-09 Walsh County Assessment Drain 10, 10-1, 10-2	9/21/2009	273,056	235,789	37,267
SWC	1953	5000	2009-11 Walsh County Drain No. 73 Construction Project	8/18/2009	96,990	0	96,990
SWC	1960	5000	2009-11 Puppy Dog Flood Control Drain Construction	8/18/2009	796,976	0	796,976
SWC	1964	5000	2009-11 Hydraulic Effects of Rock Wedges Study- UND	11/12/2009	50,000	38,349	11,651
SWC	1965	5000	2009-11 ND Silver Jackets Team Charter & Action Plan	11/12/2009	75,000	52,416	22,584
SWC	1966	5000	2009-11 City of Oxbow Emergency Flood Fighting Barrier System	6/1/2010	188,400	0	188,400
SE	1967	5000	2009-11 Grand Forks County Legal Drain No. 55 2010 Contruction	11/30/2010	9,652	0	9,652
SWC	1969	5000	2009-11 Construction of Walsh Co. Legal Assessment Drain #71	3/28/2011	304,141	0	304,141

**STATE WATER COMMISSION
PROJECTS/GRANTS/CONTRACT FUND
2009-2011 Biennium
Resources Trust Fund**

GENERAL PROJECT OBLIGATIONS

Approved SWC By	No	Dept		Initial Approved Date	Total Approved	Total Payments	Jun-11 Balance
SWC	1970	5000	2009-11 Construction of Walsh Co. Legal Assessment Drain #72	3/28/2011	144,807	0	144,807
SWC	1971	5000	2009-11 DES Purchase of Mobile Stream Gages	3/28/2011	9,875	0	9,875
SWC	1932	5000	2009-11 Peterson Slough into Dry Run Emergency	5/28/2010	112,219	80,069	32,150
SWC	1932**	5000	Michigan Spillway Rural Flood Assessment	8/30/2005	1,012,219	0	1,012,219
SWC	1932**	5000	Michigan Spillway Rural Flood Assessment Drain	8/30/2005	500,000	0	500,000
SE	PBS	5000	2009-11 PBS Documentary on Soil Salinity/Lake Agassiz RC & D	1/29/2010	1,000	0	1,000
SE	AOC/ARB/ND:	5000	2009-11 NDSU Dept of Soil Science - NDAWN Center	3/8/2010	6,000	3,000	3,000
SE	AOC/RRBC	5000	2009-11 Red River Basin "A River Runs North"	6/30/2010	5,000	0	5,000
SWC	AOC/RRBC	5000	2009-11 Red River Basin Commission Contractor	7/1/2009	200,000	150,000	50,000
SWC	CON/WILL-CA	5000	2009-11 Will & Carlson Consulting Contract	8/24/2009	70,000	43,662	26,338
SWC	PS/IRR/NES	5000	2009-11 NDSU Williston Research Extension Center - purchase of irrigation eq	3/28/2011	60,050	0	60,050
SE	PS/WRD/MRJ	5000	Missouri River Joint Water Board, Start up	12/5/2008	14,829	0	14,829
SE	PS/WRD/MRJ	5000	Missouri River Joint Water Board (MRRIC) T. FLECK	6/30/2009	27,500	21,030	6,470
SE	PS/WRD/USR	5000	2009-11 Upper Sheyenne River WRB Administration	7/10/2009	12,000	3,545	8,455
TOTAL					15,822,719	3,269,973	12,552,747

**STATE WATER COMMISSION
PROJECTS/GRANTS/CONTRACT FUND
2009-2011 Biennium
Resources Trust Fund**

COMPLETED GENERAL PROJECTS

Approved SWC			Initial	Total	Total	Jun-11	
By	No	Dept	Approved Date	Approved	Payments	Balance	
SWC	249	5000	2009 Mott Dam Emergency Action Plan	6/23/2009	25,000	12,757	12,243
SWC	281	5000	2007-09 Three Affiliated Tribes/Fort Berthold Irrigation Study	3/23/2009	80,000	80,000	0
SWC	300	5000	Baldhill Dam Flood Pool Raise	4/30/1998	92,832	6,138	86,694
SWC	322	5000	2009-11 Red River Basin Mapping Initiative/Tri-College LIDAR	6/23/2009	300,000	300,000	0
SE	353	5000	2009-11 Cedar Lake Dam, Emergency Action Plan	7/15/2009	9,600	9,600	0
SE	420	5000	2009 Mirror Lake Dam Safety Repair	10/14/2009	12,220	11,887	333
SE	420	5000	Mirror Lake One-Foot Pool Raise	9/17/2009	18,281	18,281	0
SE	450	5000	2007-09 Sykeston Dam 2008 Emergency Action Plan	11/25/2008	7,839	7,839	0
SE	560	5000	2009 Blacktail Dam Emergency Action Plan	5/28/2009	9,600	6,733	2,867
SWC	568	5000	2009 Sheyenne River Snagging & Clearing Project	12/5/2008	135,000	75,085	59,915
SWC	568	5000	2009-11 Richland Co. Sheyenne River Snagging & Clearing Project	12/11/2009	47,500	35,449	12,051
SWC	568	5000	2009-11 Richland Co. Sheyenne River Snagging & Clearing Project	3/11/2010	47,500	47,409	91
SWC	568	5000	2009 Richland Co. Sheyenne River & Wild Rice River Snagging & Clearing #184	12/11/2009	39,500	28,488	11,012
SWC	568	5000	2009-11 SE Cass Sheyenne River Snagging & Clearing	3/11/2010	175,473	173,350	2,123
SWC	568	5000	2009-11 Southeast Cass WRD Sheyenne River Snagging & Clearing Project	12/11/2009	165,000	137,888	27,112
SWC	571	5000	2009-11 Oak Creek Bank Stabilization Project	8/18/2009	33,250	25,365	7,885
SWC	576	5000	2009-11 City of Mandan - Missouri River Emergency Bank Stabilization	12/11/2009	33,429	33,370	59
SE	576	5000	2009-11 Mandan City Flood Controls Works	6/18/2010	2,000	2,000	0
SWC	583	5000	Fargo/Moorhead Study	3/29/2010	300,000	300,000	0
SE	586	5000	2009 Short Creek Dam Emergency Action Plan	5/28/2009	9,600	9,600	0
SWC	620	5000	2009-11 City of Manan - Lower Heart River Bank Stabilization	12/11/2009	63,808	63,808	0
SE	662	5000	2009 WCWRD'S Park River Snagging & Clearing Project	6/30/2009	1,948	0	1,948
SE	671	5000	2007-09 Harvey Dam 2008 Emergency Action Plan	11/25/2008	7,840	7,837	3
SE	829	5000	2009-11 Rush River Watershed Detention Site Engineering Feasibility Study	8/10/2010	11,990	10,351	1,640
SWC	847	5000	2007-09 Swan Creek FC Diversion Ditch	6/23/2008	1,640,992	1,640,992	0
SE	847	5000	2009-11 Swan-Buttalo Detention Dam No. 12 Emergency Action Plan	10/18/2009	20,000	13,908	6,092
SWC	847	5000	Maple River - Retention Study Rush River Joint WRD	8/15/2002	25,000	24,927	73
SE	847	5000	2009-11 Swan Buffalo Detention Dam No. 5 Emergency Action Plan	7/20/2009	20,000	11,397	8,603
SE	847	5000	2009-11 Swan Buffalo Detention Dam No. 8 Emergency Action Plan	8/7/2009	20,000	10,496	9,504
SE	870	5000	2009-11 Crown Butte Dam Emergency Action Plan	7/10/2009	9,600	9,600	0
SWC	988	5000	Southeast Cass WRD Antelope Creek Eng Feas	10/12/2006	40,000	40,000	0
SWC	1080	5000	2007-09 Cass County Drain No. 27 Improvement Recon	10/24/2007	94,197	0	94,197
SWC	1084	5000	2008 Cass Co. Drain No. 32 Partial Improvement Recon	3/17/2008	68,538	13,150	55,388
SWC	1131	5000	Nelson County Channel Maintenance & Misc	9/17/2009	6,413	6,413	0
SWC	1140	5000	Pembina County Drain No 11 Outlet Improvement	9/21/2009	70,846	70,846	0
SWC	1155	5000	2008 Pembina Co. Drain No. 42 Partial Impr.Recon.	3/17/2008	11,386	11,386	0
SWC	1176	5000	2008 Richland Co. Drain No. 2 Partial Improvement Recon.	3/17/2008	5,791	2,964	2,827
SWC	1238	5000	2009-11 Traill County Drain No. 19 Legal/Ext Outlet	8/18/2009	46,187	46,187	0
SWC	1249	5000	2008 Traill Co. Drain No. 34 Partial Improvement Recon	3/17/2008	255,629	192,250	63,379
SWC	1289	5000	2007-09 Noxious Weed McKenzie County -Sovereign	10/24/2007	7,247	0	7,247
SWC	1299	5000	2009-11 City of Lisbon's Mapping & Survey for FEMA Buyouts	3/29/2010	30,000	29,500	500
SWC	1328	5000	2007-09 Cass Co. Drain No. 23 Area Improvement	7/17/2007	35,980	0	35,980
SWC	1334	5000	Traill County Drain No. 38 Reconstruction	6/30/2009	57,631	0	57,631
SE	1346	5000	2009-11 Mt. Carmel Dam Emergency Action Plan	5/5/2010	9,600	9,600	0
SE	1358	5000	2009-11 Sheep Creek Dam Auxiliary Spillway Restoration	1/10/2011	3,459	3,459	0
SE	1378	5000	2009-11 Clausen Springs Dam Incremental Risk Assessment Report	12/22/2009	9,179	9,179	0
SE	1378	5000	2009-11 Clausen Springs Dam Feasibility Study of Improvement Options	12/10/2009	7,921	7,921	0
SE	1378	5000	2009-11 Clausen Springs Dam Emergency Watershed & Dam Hydraulics Repor	8/31/2009	9,418	9,418	0
SWC	1378	5000	2009-11 Barnes Co. Clausen Springs Dam Construction Repair	12/11/2009	1,300,000	0	1,300,000
SE	1382	5000	2009-11 Camel Butte Dam Emergency Action Plan	7/24/2009	9,600	9,600	0
SWC	1401	5000	2009-11 International Boundary Roadway Dike Pembina	9/1/2010	43,000	37,464	5,536
SWC	1403	5000	2009-11 ND Water Resources Research Institute 2011-12 Fellowship Program	12/10/2010	13,850	13,850	0
SWC	1403	5000	2009-11 ND Water Resources Research Institute Fellowship Program	12/11/2009	13,850	13,850	0
SWC	1413	5000	2009 TCWRD Buffalo Coulee Snagging & Clearing Project	6/23/2009	49,000	28,874	20,126
SWC	1431	5000	2007-09 (S.B. 2020) 2009 Emergency Flood Control	4/28/2009	100,000	40,390	59,610
SWC	1431	5000	2009-11 US Geological Survey - Supplemental Flood Info	3/11/2010	11,000	11,000	0
SWC	1431	5000	2009-11 US Geological Survey, DOI Report Describing Peak Discharge Period.	8/5/2009	20,000	20,000	0
SWC	1438	5000	2007-09 Mulberry Creek Drain Partial Improv Phase II	3/17/2008	46,816	24,866	21,950
SWC	1461	5000	2008 Pembina River Area Bank Stabilization Project	12/5/2008	24,307	0	24,307
SWC	1461	5000	2009-11 Pembina River Bank Stabilization Project	3/11/2010	64,383	56,338	8,045
SE	1471	5000	2009-11 Erie Dam Emergency Action Plan	7/24/2009	20,000	7,093	12,907
SWC	1509	5000	2009-11 Sheyenne River Watershed Flood Water Detention Study	7/20/2009	75,000	75,000	0
SE	1515	5000	2009-11 US Geological Survey - monitoring gages Cottonwood Creek Dam	10/18/2009	8,260	8,260	0
SWC	1515	5000	2009-11 Cottonwood Creek Dam	7/28/2010	373,440	188,702	184,738
SWC	1523	5000	2008 Souris River Golf Course Area Bank Stabilization	9/29/2008	31,612	31,612	0
SE	1527	5000	2009-11 Daub Dam Emergency Action Plan	8/16/2010	9,600	7,680	1,920

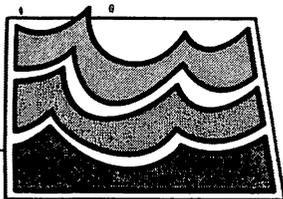
**STATE WATER COMMISSION
PROJECTS/GRANTS/CONTRACT FUND
2009-2011 Biennium
Resources Trust Fund**

COMPLETED GENERAL PROJECTS

Approved SWC By	No	Dept		Initial Approved Date	Total Approved	Total Payments	Jun-11 Balance
SE	1535	5000	2009-11 Lake Agassiz Resource Conservation & Development Council - Soil Sa	2/22/2010	1,000	1,000	0
SE	1556	5000	2009 Indian Creek Dam Emergency Action Plan	5/28/2009	9,600	9,600	0
SWC	1572	5000	Burnt Creek Floodway Diversion Channel	4/30/2008	121,091	112,637	8,454
SWC	1591	5000	Revision of Handbook ND Water Managers Proj	4/12/2007	14,750	0	14,750
SE	1625	5000	High Water Mark Delineation Methods & Guidelines	10/24/2007	54,048	0	54,048
SE	1625	5000	2009-11 Missouri River Contract - Environmental Service Bartlett & West	9/21/2009	5,900	5,900	0
SWC	1625	5000	OHWL Delineations MT/ND Border Yellowstone & Missouri	10/29/2008	75,000	62,250	12,750
SWC	1657	5000	2009-11 City of Enderlin's Flood Control FEMA Levee Certification	3/11/2010	100,578	66,583	33,995
SWC	1667	5000	2009-11 Traill County Goose River Snagging & Clearing Project	12/11/2009	46,500	30,873	15,627
SWC	1705	5000	2009-11 Red River Basin Flood Control Coordinator Position	7/24/2009	36,000	27,177	8,823
SWC	1705	5000	2007-09 Red River Basin Flood Control Coordinator	10/24/2007	27,327	19,445	7,882
SE	1808	5000	2009-11 Beaver Creek Dam Emergency Action Plan	7/14/2009	20,000	20,000	0
SE	1808	5000	2009-11 U.S. Dept of Interior/Beaver Creek Gaging Stations	9/7/2010	11,710	11,710	0
SWC	1842	5000	2009-11 Richland Co. Wild Rice River Snagging & Clearing	12/10/2010	33,500	32,953	548
SWC	1842	5000	2009-10 SCWRD Wild Rice River Snagging & Clearing	12/11/2009	115,000	72,676	42,324
SE	1849	5000	2008 Tongue River Diversion Channel Rock Project	11/25/2008	19,087	17,994	1,093
SWC	1859	5000	2009-11 Section NPS 319 ND Health Dept	8/18/2009	200,000	200,000	0
SWC	1869	5000	2008 McDowell Dam Emergency Action Plan	9/29/2008	25,000	25,000	0
SE	1921	5000	2009 Square Butte Dam No. 6/Emergency Action Plan	3/9/2009	16,000	11,040	4,960
SWC	1934	5000	2007-09 Elm River Snagging & Clearing Project Trial	12/5/2008	3,266	0	3,266
SWC	1934	5000	2007-09 Traill County WRD Elm River Snagging	12/7/2007	290	0	290
SWC	1936	5000	Nash Drain Extension Construction Proj	10/12/2006	19,913	14,399	5,514
SWC	1941	5000	2007-09 Walsh County Assessment Drain 4A Construction	9/21/2009	81,594	81,594	0
SE	1943	5000	2009-11 Missouri River/Oahe Delta Flood Hazard Mitigation Evaluation Project	8/10/2009	12,000	12,000	0
SWC	1943	5000	Missouri River Siltation Assessment Study	10/12/2006	30,000	0	30,000
SWC	1947	5000	Cass County Drain No. 62, Maple River WRD	4/30/2008	39,787	3,687	36,100
SWC	1948	5000	2008 Cass Co. Drain No. 67 Construction Project	3/25/2008	334,250	199,888	134,362
SWC	1950	5000	2008 Cypress Creek Drain No. 2 Construction	6/23/2008	22,400	22,400	0
SWC	1951	5000	2007-09 Lynchburg-Buffalo Drain Improvement	8/31/2009	1,000,000	0	1,000,000
SE	1961	5000	2009-11 Pembina County Drain No. 69 Extension Construction Project	8/10/2009	7,793	7,793	0
SWC	18502	5000	(2008) Drought Disaster Livestock Water Supply	5/14/2008	571,747	157,134	414,613
SWC	1131*	5000	Nelson County Central Hamlin Rural Flood Control	9/17/2009	8,940	8,940	0
SWC	1131*	5000	Nelson County Central-Hamlin Rural Flood	9/17/2009	43,381	43,381	0
SWC	1751-06	5000	2009-11 Southeast Cass WRD/Flood Imagery Project	1/18/2010	30,014	30,014	0
SWC	2373-13	5000	All Seasons Rural Water - (Upham)	7/17/2007	76,734	76,734	0
SWC	2373-30	5000	McKenzie WAWS	10/26/2010	0	0	0
SE	416-11	5000	USGS/US Dept of Interior UnTRIM model on water-quality in Devils Lake	8/13/2010	16,000	16,000	0
SWC	416-14	5000	City of Minnewaukan Flood Risk Reduction Analysis Study	6/3/2010	15,000	15,000	0
SE	AOC/Wf	5000	2009-11 Water Managers Handbook	3/22/2010	16,500	16,100	400
SWC	AOC/Wf	5000	2009-11 North Dakota Water Magazine	7/20/2009	36,000	36,000	0
SE	AOC/Wf	5000	2010 Summer Water Tours Sponsorship	3/1/2010	2,500	2,500	0
SE	AOC/Wf	5000	2009-11 NDWEF Summer Water Tours	4/20/2011	2,500	2,500	0

TOTAL

9,650,643 5,614,310 4,036,333



North Dakota State Water Commission

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MEMORANDUM

TO: Governor Jack Dalrymple
Members of the State Water Commission
FROM: *T. Sando* Todd Sando, P.E., Chief Engineer-Secretary
SUBJECT: NAWS – Project Update
DATE: September 13, 2011

Supplemental EIS

Reclamation has called a cooperating agency meeting on September 14 for the NAWS Supplemental EIS. Agenda includes purpose and need, alternative analysis, water needs and supply, transbasin effects, resource analysis, Missouri River depletion, climate change, and the schedule. When the Supplemental EIS is completed, the report will be provided to the federal court.

Manitoba & Missouri Lawsuit

The Federal Court issued an order on March 5, 2010, requiring Reclamation to take a hard look at (1) the cumulative impacts of water withdrawal on the water levels of Lake Sakakawea and the Missouri River, and (2) the consequences of biota transfer into the Hudson Bay Basin, including Canada. The most recent order dated October 25, 2010, allows construction on the improvements in the Minot Water Treatment Plant to proceed, however did not allow design work to continue on the intake.

Design and Construction Update

Table 1 - NAWS Contracts under Construction				
Contract	Contract Award	Contractor	Contract Amount	Remaining Obligations
2-2C Kenmare	10/1/08	Northern Improvement	\$4,853,166.87	\$164,764.63
5-2C Storage	3/27/09	Caldwell Tanks, KY	\$1,843,903.64	\$93,270.18
2-2D Mohall	7/24/09	American Infrastructure, CO In Default – Being taken on by the Bonding Co - EMC	\$5,196,586.13	\$293,011.04
2-3A Minot AFB	1/4/11	S.J. Louis Construction	\$5,864,000.00	\$5,864,000.00
2-3B Upper Souris/Glenburn	1/4/11	S.J. Louis Construction	\$3,747,982.00	\$2,940,034.04
Total Remaining Construction Contract Obligations				\$9,355,079.89

Table 2 – Design Work on Upcoming NAWS Construction Contracts		
	Bid Opening Planned	Contract Cost Estimate
7-1A Filtration & Piping Minot WTP	Summer 2011, received Court approval	\$10 million

Contract 2-2C – The contract includes 52 miles of 10”-12” pipeline for the Kenmare-Upper Souris pipeline. The contract was awarded to Northern Improvement on October 1, 2008. The substantial completion letter was signed on November 20th. Water service to Kenmare was started on December 7, 2009. Water service to Upper Souris Water District at the Donnybrook turnout started December 22, 2009. The seeding for portions of the contract has completed, however there are several areas requiring reseeding. Contract closeout is expected following final seeding.

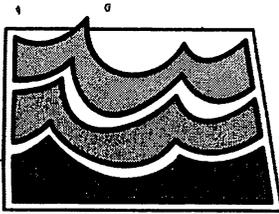
Contract 5-2C - The contract includes a 1 million gallon storage reservoir near Kenmare. The welded tank was lifted in place on the concrete pedestal on November 18, 2009. The tank is now in service. Start up and testing of the cathodic protection will be completed in June 2011.

Contract 2-2D - The contract covers 62 miles of pipeline for the Mohall/Sherwood/All Seasons pipeline. The contract was awarded to American Infrastructure, Colorado. There remains 2000 feet of pipe to be placed. Contractor provided notice of voluntary default. We are working with their bonding company EMC to have the remaining work completed. We are also proving EMC contact information to all subcontractors and suppliers who are calling saying they have worked on the project and have not been paid to date. EMC is close to selecting a completion contractor. An onsite inspection took place June 1st with Houston Engineering, EMC, and a representative from S.J. Louis to examine the remaining work.

Contract 2-3A – The contract covers 13 miles of 24” pipeline between the north side of Minot to the Minot Air Force Base. Work began in early September.

Contract 2-3B – The contract covers the 13 miles of 16” pipeline north of the Minot Air Force Base along Highway 83 to provide service to Upper Souris Water District at their treatment plant and at Glenburn. Work began in late August.

Design on Contract 7-1A – The Federal Court on October 25, 2010, approved construction in the Minot Water Treatment Plant with the piping and filters. The SCADA telemetry system for the Northern Tier has been incorporated into this contract, as well as the design and programming for the SCADA for the entire project. This contract is currently being advertised with bid opening scheduled for September 27, 2011.



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MEMORANDUM

TO: Governor Jack Dalrymple
Members of the State Water Commission
FROM: *Todd* Todd S. Sando, P.E., Chief Engineer - Secretary
SUBJECT: SWPP Project Update
DATE: September 15, 2011

Oliver, Mercer, North Dunn (OMND) Regional Service Area

Contract 3-1D OMND Water Treatment Plant Building and Membrane Equipment Installation: Work has progressed much better with the improved weather since spring. All concrete for the lower level of the treatment plant has been placed. Erection of the pre-cast concrete walls for the upper level and roof has begun. We are still about three months behind schedule. Estimated total project cost is \$11.1 million.

Contract 3-1E OMND Water Treatment Plant Concentrate Disposal Facility: This contract was bid August 25. The bids are summarized below.

Engineer's Estimate	Carstensen Contracting, Inc. Pipestone, MN	Morris, Inc. Pierre, SD	SJ Louis Construction, Inc. Rockville, MN
\$4,075,050.00	\$ 3,736,377.00	\$3,745,222.45	\$ 4,132,640.00

The contract was awarded to Carstensen Contracting, Inc. Contract documents have not yet been executed. The temporary construction license and easement has been received from the Corps of Engineers. Potable water lines will be installed with the reverse osmosis concentrate discharge line under this contract to avoid construction in multiple seasons on the same parcels of land. Total project cost is \$4.7 million

Contract 2-8B Main Transmission Line from Hazen to Stanton and Beulah to Center Elevated Tank: This contract was awarded to Kamphuis Pipeline Company last July and work began on April 18, 2011. All pipelines are installed and tested. We are awaiting startup of a booster pump station and disinfection of the pipelines. Estimated total project cost is \$5.1 million.

Contract 5-15A Zap Potable Reservoir: This contract was awarded to Maguire Iron, Inc. in July 2010. Site work began in late October. The reservoir is erected and the coating system is currently being applied. Estimated total project cost is \$1.4 million.

Contract 5-16 Center Elevated Tank: Landmark Construction began work this summer. The concrete pedestal and most of the site work is complete. Erection of the welded steel tank is under way. The substantial completion date is July 15, 2012. Estimated total project cost is \$1.8 million.

Contract 2-8C/D Main Transmission Line from Center Elevated Tank to Center: This contract was awarded to Niebur Development on May 31, 2011. Construction began in July and is currently progressing. Roughly 12 miles have been installed. Substantial completion is scheduled for July 2012. Estimated total project cost is \$7.2 million.

Contract 7-9C Zap Service Area Rural Distribution Line Phase I: This project was bid August 4, 2011. The Commission approved award of the contract to Northern Improvement Co. at its August 17, 2011, conference call meeting. We are currently awaiting concurrence of award from the Garrison Diversion Conservancy District and the Bureau of Reclamation. Estimated total project cost is \$5.9 million.

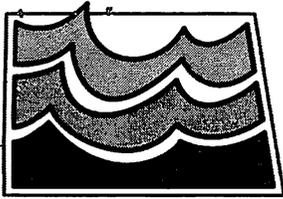
Contract 4-3A/4-4A Jung Lake and Ray Christensen Pump Station Upgrades: This contract was bid and awarded in March with substantial completion scheduled for November. A preconstruction conference was held in August. It was discussed during the preconstruction conference that the substantial completion date would be delayed as the pump shipment is anticipated to be in mid-January and also issues are expected between the SCADA system and the Automatic Transfer Switch. Estimated total project cost is \$544,000.

Contract 7-9D Zap Service Area Rural Distribution Line Phase II: Design work has begun. This contract will consist of 140 miles of PVC pipeline serving 232 users. Cultural resource work will be performed this summer in anticipation of bidding in winter. Estimated total project cost is \$5.6 million.

Little Missouri River Erosion

A specific authorization was executed directing Bartlett & West to develop a solution to the Little Missouri River erosion near Badlands Ministries Bible Camp and the Harold Hugelin ranch south of Medora. We have submitted a plan to the Corps of Engineers, which was approved. We are in negotiation with the affected landowners, one of which is resistant to the planned course of action.

TSS:TJF/1736-05



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MEMORANDUM

TO: Governor Jack Dalrymple
Members of the State Water Commission
FROM: *TSD* Todd Sando, P.E., Chief Engineer-Secretary
SUBJECT: Western Area Water Supply Project – Project Update
DATE: September 15, 2011

House Bill 1206 formed the Western Area Water Supply Authority (Authority). The Authority was established in May and began working on several issues for the Western Area Water Supply Project (Project). The following is an update on those issues.

Construction

State Water Commission staff reviewed and approved specific plans and specifications on the following projects:

Project	Description	Contractor	Cost	Completion
Regional Reservoir No. 1 to Bakken Industrial Park Pipeline	30-inch to 12-inch pipeline in Williston	Merryman Excavation	\$3,096,300	May 31, 2012
US 2 to County Hwy No. 7 Watermain	24-inch to 12-inch pipeline in Williston	Metro Construction	\$3,853,336	November 30, 2011
Williston 26 th St Pump Station	Increase capacity of Williston pump station	John T Jones Construction	\$713,000	May 31, 2012

Loan Application

On page 5, of the legislation, Section 2: "The state water commission shall make available from funding appropriated to the commission for the 2011-13 biennium \$25,000,000 as a zero interest loan to the western area water supply authority, and the Bank of North Dakota shall manage this loan." Discussions were held on June 21 with the Bank of North Dakota on how these loans will be set up and how funding will be transferred. The level of oversight by the State Water Commission is being addressed in the loan documents. The Authority received approval for Phase I of the project, which has an estimated construction cost of \$27 million.

The Industrial Commission approved the loan application for the three phases of the Project and the Bank of North Dakota has issued a letter of commitment dated August 17, 2011. The conditions require:

- 1) Provide conceptual framework for water purchase agreements between the Authority and entities;
- 2) Provide framework for agreements under which the Authority would purchase water from Williston and contract for use of existing infrastructure from other entities for transmission of Project water;
- 3) Provide listing of all leased or owned facilities or infrastructure;
- 4) Demonstrate the conceptual framework is consistent and supportive of the financial projections in the Project business plan.

Private Water Sellers

On page 1 of the legislation, 61-40-01, last sentence: "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." As the project develops, the Authority will need to show how they have considered minimizing the impact on private water sellers. Discussion with the private water providers on water depot demands and locations indicates there is interest in the providers buying bulk water from the Project to sell. We have provided recommendation that an initial meeting be scheduled prior to State Water Commission approval of Phase II.

Phase II and III Development

On page 4 of the legislation, 61-40-06: "The authority shall comply with the policy of the state water commission as the policy relates to bidding, planning, and construction of the project.... The authority shall report to and consult with the state water commission regarding the operation and financial status of the project, as requested by the state water commission. In relation to initial construction of the system and debt repayment, the authority shall present the overall plan and contract plans and specifications for the project to the state water commission for approval."

At this point, approval is still required from the State Water Commission on Phase II and III of the project. The schedule is to bring a recommendation on Phase II and III to the State Water Commission this December. Phase II and III of the project could proceed after the engineering selection process is completed and a new engineering contract is entered into.

WAWSA Executive Director

WAWSA has interviewed applications received for the manager position, but not selected one.

Engineering Selection Process

The Authority selected Advanced Engineering and Environmental Services, Inc., (AE2S) as the project's engineering firm and is negotiating a contract. We provided recommendations on insurance and indemnification language, and suggested this information be available with the advertisement, along with contract language, so the discussion would be upfront with all potential firms. In addition, the initial proposal for services requested the firm's standard hourly fee scheduled. We suggested changes as for the magnitude on this project; an audited actual cost plus percent profit could be negotiated. A subcommittee of the Authority, including the State Engineer designee, was established to negotiate the contract.

Existing Contracts

Included as part of Phase I, the Authority accepted assignment of contracts between McKenzie County Water Resource District and their engineering firm to continue the work on Phase I through the Authority. Assignment of existing contracts is allowed under the Project legislation.

TS:JM:1973



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MEMORANDUM

TO: Governor Jack Dalrymple
Members of the State Water Commission
FROM:  Todd Sando, P.E., Chief Engineer/Secretary
SUBJECT: Missouri River Update
DATE: September 13, 2011

On September 12, system storage in the six mainstem reservoirs was 62.2 million acre-feet (MAF), 6.6 MAF above the average system storage for the end of September, and 0.9 MAF less than last year. Runoff for the calendar year is projected to reach 61.0 MAF, 246% of normal. The previous record of 49 MAF was reached in 1997. Total system storage peaked at 72.8 MAF on July 1. The previous storage record was 72.1 MAF in 1975.

The basin experienced three consecutive months of record runoff above Sioux City since May. June was the highest single month on record with 13.8 MAF of runoff. The previous record monthly runoff was 13.2 MAF in April of 1952. May runoff was 10.5 MAF, the third highest single month since 1898 and July was the fifth highest with 10.0 MAF of runoff. The combined runoff for May through July totaled 34.3 MAF, which is almost 40 percent greater than the normal total annual runoff of 24.8 MAF

On September 12, Lake Sakakawea was at an elevation of 1843.2 feet msl, this is 6.6 feet lower than a year ago and 5.9 feet above its average daily elevation for September. The elevation of Lake Sakakawea peaked this summer at 1854.6 feet msl, on July 2. The record elevation of Lake Sakakawea is 1854.8 feet msl, which was set in July of 1975. The maximum daily September elevation occurred in 1975 and is 1851.3 feet msl. On Sept 12, releases from Garrison Dam were 50,200 cfs. Releases should be cut to 26,000 cfs by the end of September. The maximum release out of Garrison Dam this summer was 150,600 cfs on June 26. The previous maximum release was 65,200 cfs in July 1975.

The elevation of Lake Oahe was 1612.0 feet msl on September 12; this is 0.5 feet lower than last year and 10.8 feet higher than the average daily September elevation. The elevation of Lake Oahe peaked this summer at 1619.7 feet msl on June 27, setting a new record elevation. Previously, the record elevation was 1618.7 feet msl, which occurred in June 1995. The maximum daily September elevation occurred in 1997 and is 1617.5 feet msl

The elevation of Ft. Peck was 2240.4 feet msl on September 12; this is 4.6 feet higher than a year ago and 9.4 feet higher than the average daily September elevation. The elevations of Fort Peck Lake peaked this summer at 2252.3 feet msl on June 16, setting a new record elevation. Previously, the record elevation was 2251.6 feet msl, which occurred in July 1975. The maximum daily September elevation occurred in 1975 and is 2248.5 feet msl.

BE:KC:mmb/1392