

2017 HOUSE ENERGY AND NATURAL RESOURCES

HB 1374

2017 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee

Coteau –A Room, State Capitol

HB 1374

2/2/2017

27816

Subcommittee

Conference Committee

Committee Clerk Signature

Kathleen Davis

Explanation or reason for introduction of bill/resolution:

Relating to contracts and financial assistance for water projects and duties of the state engineer; relating to definitions of types of financial assistance for water projects and the composition and operation of the state water commission.

Minutes:

Attachment #1-#1A

Chairman Porter: Called the committee to order on HB 1374.

Rep. Schmidt: Presented the proposed Amendment, Attachment #1 and #1A

15:24

Rep. Keiser: On the board configuration, 1) you have technically have said the governor isn't the chair but probably would be, do you see any value to maintaining the governor as chair? It changes his responsibility to that commission and it makes it much more likely that he has to be at a meeting, or his designee. Water is such an important thing, isn't there an advantage to having the governor there?

Schmidt: there is. But on the other side, the disadvantage being appointed by the governor I witnessed a lot of times where the membership looked to the governor for the decision rather than to discuss the decision on their own.

Rep. Keiser: It happens. If we go to a community in our meeting, and they start deferring to the legislator, that's natural. 2) It seems to me for the few water commission meetings I've attended, that those commissioners, all current commissioners, have served it seems almost forever. Have you had discussion or thought about putting some reasonable limits to get some turnover on the water commission? I've had discussion with the governor with respect to the membership and how long they're there. We did not come to any conclusion.

Schmidt: continued going over the lines marked up on the proposed amendment.

17:56 If an entity, I'll use my own water resource board. We entered into a contract with the State Water Commission to do recreational practices and develop facilities on a recreation dam we had 6 miles north of Mandan called Lake Harmon. We request \$900,000+ for

that. We were granted those dollars. This issue is none of those contracts approved by the State Water Commission have an end date to them. I'm not afraid to discuss my own water board situation. We got that contract and it was approved in 2009 for \$900,000+. A few years ago, 3 or 4 years ago, have spent some of that money. We had a balance of \$700,000+ and I felt that was unjust to the other projects in the state that needed money. So we were holding money that could be used other places. We discussed and voted 5 – 0 to release \$500,000 back to the Office of the State Engineer and State Water Commission to be used in other places. We discussed it water topics about that, good discussions. We felt those contracts ought to have an end date, and if you're not done then you can reapply and have preference applies, if you will, to get those funds back. So it was obvious that we were going to go after some of those dollars that had been held for at least 4 years or more. A lot of that money is now coming back and well over \$1 million has been released. As another example, the ND Water Education Foundation on February 2010 got \$36,800 and none of that is expended. We're talking over 6 years later. Perhaps it takes a century to right it. Put a 4-year end date on those contracts. Let's not with a bank load of money other people can use.

Chairman Porter: In that section then, when that money is sent back, let's say the term expires, you chose to send \$500k back. Does the water commission have the authority, the way you appropriate the money, to spend that money before we're back in session or is it held off to the side as returned money and reappropriated during a legislative session?

Schmidt: Good question. We would have to talk to Dave Laschkowitz. We have not been able to touch that in the current appropriation bill in front of us.

Chairman Porter: In some cases, when the state gets money back, it can't be respent until the legislature appropriates. I want to be clear it doesn't become their slush fund for projects without going through the process. You might want to look at that.

Schmidt: If we had the dollars in buckets, and that money is released back to the State Water Commission, perhaps that money should go back into the same bucket for other projects. I will look at that thank you.

25:36

Rep. Keiser: The Corp, National Flood Insurance Program and FEMA all just remapped the US and that 100 flood plain changed dramatically in some communities like Fargo. Would you object, instead of saying we not exceed the 100 year, be more than 10% of the 100 year? Just because with drainage technology and changes that are occurring, I can see that move a little bit, and we might want to be a little more proactive and give communities some flexibility to go a little above.

Schmidt: When you redo the hydrology on that, it would depict and it takes in consideration ground cover, drainage, etc. Yes, in many cases that 100 year elevation has changed and basically higher as you get more precipitation. I think that would be calculated within the 100 frequency flood plain. What happens if that 100-year frequency flood plain all of a sudden drop. We go through a drought, or a 20-year period drought, does it go back to where it was before? That's why we try to standardize because it could fluctuate and go back and forth.

Rep. Keiser: It would be standardized at 110% up to or 100%.

Schmidt: We're more than happy to discuss it.

31:23

Rep. Heinert: Page 7 Line 12 on the commission agreements, if the project's not completed they can come back and apply. Switch to Page 3 line 15 #5 a grant is a onetime sum of money. Is this considered a grant or is this not considered a grant.

Schmidt: That's a very good question. We'll have to look at that. Basically what we have there is cost share. Those are all cost share contracts for the most part. If it takes you more than 4 years to spend the money, we want it back

Vice Chairman Damschen: The cost share money doesn't go to the local entity until the project is done and they receive a bill, and they pay the bill?

Schmidt: Cost share is based on a reimbursement. So the local expends the funds and the state reimburses them.

Rep. Keiser: On that same section Page 7, Section 8, on cost share projects, do we ever have projects from beginning to end that exceed 4 years the entire project? Are we putting in an unnecessary requirement they have to come back and reapply even though we've really funded them for 8 years?

Schmidt: Yes they do go beyond 4 years, some do. It depends on when we get the match money when we go out to do something constructive. Under that scenario, after the 4 years, we still have a need, by the way, the state water commission does goes out periodically to these projects and ask, do we need to continue. But under the 4 year scenario, if you're not completed and have money sitting around, like many do, that money would be released back, you'd be given preference points.

Chairman Porter: Line 15 verbiage, aren't we really going after projects that aren't started rather than completed? If they're doing the projects, we're okay with that. What we're not okay with, is if they're sitting on the money and never started the project. Maybe that verbiage is not correct. If a water project isn't started when the agreement for funding terminates, rather than completed, is what we're looking at.

Schmidt: In response I would go back to our recreation dollars. We had \$900,000 and sitting on \$700,000+, we could have held on to that money for decades and that could have been used by other projects to be built. We do not want to carry huge amounts of money over continually when others can use it.

Rep. Anderson: What happens if you run into legal problems and that's what stops your project from moving forward?

Schmidt: I understand that and again, if you have a better idea, we'd be more than happy to hear it. You know what the purpose is.

36:13

Eric Volk, executive director of ND Rural Water. For this bill that is relevant to rural water, we are just fine with it.

Blake Crosby, ND League of Cities. We've come involved in water discussions and agree with the amendments to the bill as explained by Rep. Schmidt. We support the concept of regionalization, the concept of life cycle cost analysis. 2/3 of the cities are hooked up to rural water and want to continue that partnership. We are in support of HB 1374.

Schmidt: George Nodland, member of the State Water Commission sent you an email with respect to his support to the bill. He asked that I mention it to you.

Rep. Devlin: I like what you've done with the basins and I understand the governor. Did you talk about the Ag Commissioners position on the water commission when so many of the projects now are not ag related? They're flood control, municipal water supplies, rural water supplies. I wondered if you talked about that position at all.

Schmidt: We did have some discussion with it. When the first came forward with this bill I had 2 drafts. One took the governor and the ag commissioner totally off the state water commission and one left it the way it was. I said to the governor, I've got one of each, which one would you like? It didn't take long. I agree with your take on that Rep. Devlin.

Rep. Roers Jones: Which governor did you ask?

Schmidt: the present one.

Chairman Porter: Opposition? Closed the hearing

2017 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee

Coteau –A Room, State Capitol

HB 1374
2/10/2017
28204

- Subcommittee
 Conference Committee

Committee Clerk Signature

Kathleen Davis

Explanation or reason for introduction of bill/resolution:

Relating to contracts and financial assistance for water projects and duties of the state engineer; relating to definitions of types of financial assistance for water projects and the composition and operation of the state water commission.

Minutes:

Attachment 1

Chairman Porter: Called the committee to order on HB 1374, the bill Rep. Schmidt presented in regards to water policy. There are also a set of amendments you should have; 02004 he gave with his testimony. There was no opposition to this bill and to the policies that were presented. The rural water people spoke in favor; the League of Cities spoke in favor to be amended.

Rep. Keiser: Move adoption of the amendment.

Rep. Ruby: Second

Chairman Porter: discussion? All those in favor say aye, opposed. Voice vote, motion carries. We have an amended bill in front of us.

Rep. Keiser: Move Do Pass as Amended

Rep. Mitskog: Second

Chairman Porter: we have a motion for a Do Pass as Amended to HB 1374, second from Rep. Mitskog.

Rep. Heinert: I brought up the question with Rep. Schmidt about the grants. Making sure a grant is a one time event.

Chairman Porter: Page 3 Line 15 definition of a grant. The one important thing is that the definition says what it is. The definition says a one time sum of money no matter how they use it in the rest of the code, they have to go back to the definition. Further discussion? Clerk will call the roll to Do Pass as Amended to HB 1374.

Yes 13 No 0 Absent 1 Rep. Anderson is bill carrier

HCO/12 DP
LSP2

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1374

Page 1, line 4, after the fifth comma insert "and"

Page 1, line 4, remove "and 61-02-12,"

Page 1, line 16, after analysis insert "education regarding"

Page 1, line 16, after "for" insert "municipal"

Page 1, line 16, after "projects" insert an underscored comma

Page 1, line 17, after "control" insert "and water conveyance"

Page 2, line 10, replace "and" with an underscored comma

Page 2, line 10, after "maintenance" insert ", and improvements"

Page 3, line 13, after "4." insert """Economic analysis" means an estimate of economic benefits and direct costs that result from the development of a project."

5."

Page 3, after line 16, insert:

"6. "Life cycle analysis" means the summation of all costs associated with the anticipated useful life of a project, including project development, land, construction, operation, maintenance, and disposal or decommissioning."

Page 3, line 17, replace "5." with "7."

Page 3, line 20, replace "6." with "8."

Page 3, line 23, replace "7." with "9."

Page 3, line 26, replace "8." with "10. "Water conveyance project" means any surface or subsurface drainage works, bank stabilization, or snagging and clearing of water courses."

11."

Page 5, remove lines 13 through 22

Page 6, line 21, after "the" insert "costs of"

Page 6, line 21, replace "costs" with "or improvement"

Page 7, line 5, replace "contracts" with "agreements"

Page 7, line 6, replace "A contract" with "An agreement for funding which is"

Page 7, line 7, replace "contract" with "agreement"

Page 7, line 8, replace "contractor" with "project sponsor"

Page 7, line 9, replace "contract" with "funding obligation"

2/16/17 DP
2nd 2

Page 8, line 3, replace "flood" with "breach inundation"

Page 8, line 4, replaced "flood" with "breach inundation"

Page 8, line 5, after "necessitating" insert "structural"

Page 8, line 12, after the second "projects" insert "expected to cost more than seven hundred fifty thousand dollars, and a life cycle analysis process for municipal water supply projects"

Page 8, line 13, replace "or" with an underscored comma

Page 8, line 13, after the underscored comma insert "or water supply project."

Page 8, line 13, replace "apply" with "review"

Page 8, line 14, replace "process to the project" with "or life cycle analysis"

Page 8, line 15, replace "process" with "analysis and review"

Renumber accordingly

Date: 2-10-17

Roll Call Vote #: 1

2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1374

House Energy & Natural Resources Committee

Subcommittee

Amendment LC# or Description: 17.0880.02004 03000

Recommendation

- Adopt Amendment 02004
 - Do Pass Do Not Pass Without Committee Recommendation
 - As Amended Rerefer to Appropriations
 - Place on Consent Calendar
- Other Actions Reconsider _____

Motion Made By Rep. Keiser Seconded By Rep. Reuby

Representatives	Yes	No	Representatives	Yes	No
Chairman Porter			Rep. Lefor		
Vice Chairman Damschen			Rep. Marschall		
Rep. Anderson			Rep. Roers Jones		
Rep. Bosch			Rep. Ruby		
Rep. Devlin			Rep. Seibel		
Rep. Heinert					
Rep. Keiser			Rep. Mitskog		
			Rep. Mock		

*Vote
Carries*

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Date: 2-10-17

Roll Call Vote #: 2

2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1374

House Energy & Natural Resources Committee

Subcommittee

Amendment LC# or
Description: _____

Recommendation

- Adopt Amendment
 - Do Pass Do Not Pass Without Committee Recommendation
 - As Amended Rerefer to Appropriations
 - Place on Consent Calendar
- Other Actions Reconsider _____

Motion Made By Rep Keiser Seconded By Rep Mitskog

Representatives	Yes	No	Representatives	Yes	No
Chairman Porter	✓		Rep. Lefor	✓	
Vice Chairman Damschen	✓		Rep. Marschall	✓	
Rep. Anderson	✓		Rep. Roers Jones	✓	
Rep. Bosch	✓		Rep. Ruby	✓	
Rep. Devlin	✓		Rep. Seibel	AB	
Rep. Heinert	✓				
Rep. Keiser	✓		Rep. Mitskog	✓	
			Rep. Mock	✓	

Total (Yes) 13 No 0

Absent 1

Floor Assignment Rep Anderson

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1374: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1374 was placed on the Sixth order on the calendar.

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Page 1, line 4, remove "and 61-02-12,"

Page 1, line 16, after ~~analysis~~ insert "education regarding"

Page 1, line 16, after "for" insert "municipal"

Page 1, line 16, after "projects" insert an underscored comma

Page 1, line 17, after "control" insert "and water conveyance"

Page 2, line 10, replace "and" with an underscored comma

Page 2, line 10, after "maintenance" insert ", and improvements"

Page 3, line 13, after "4." insert "\"Economic analysis\" means an estimate of economic benefits and direct costs that result from the development of a project."

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Page 3, after line 16, insert:

"6. "Life cycle analysis" means the summation of all costs associated with the anticipated useful life of a project, including project development, land, construction, operation, maintenance, and disposal or decommissioning."

Page 3, line 17, replace "5." with "7."

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Renumber accordingly

2017 SENATE ENERGY AND NATURAL RESOURCES

HB 1374

2017 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Fort Lincoln Room, State Capitol

HB 1374
3/3/2017
Job #28674

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution: Relating to contracts and financial assistance for water projects and duties of the state engineer; relating to definitions of types of financial assistance for water projects and the composition and operation of the state water commission.

Minutes:

Attch#1and#2=JimSchmidt;
Attch#3=GarlandThompson; Attch#4=Gary
Thompson;Attch#5=RyanAckerman;
Attch#6=Monica Zentgraf; Attch#7=LuAnn
Kemp; Attch#8=e-mail

Attendance was taken. All committee members present.

Vice Chair Kreun: Open the hearing for HB 1374.

Representative Jim Schmidt: I have two handouts for you. (see Attch#1-HB1206) and (see Attch#2). (1.25-19.00) Page 1, line 16-the bill describes the life cycle analysis for municipal water supply projects and economic analysis for flood control and water conveyance projects. HB 2016 identified at that time on lines 10-12, that we were going to do cost benefit analysis for projects that cost more than \$500,000. If we are going to be using tax payer dollars, we need to justify to tax payer that their money is being used wisely. Under HB1206 rules over the last four years we had not been able to develop those cost benefit processes. We are trying to do in HB 1374 is to assist in developing a cost benefit analysis process. (3.47) He went on to explain what is needed. We have raised the dollar value to \$750,000. We just want the two processes to be developed. On the bottom of page 4, we took out some lines, line 25. On page 5, one meeting every 2 months. We feel that the State Water Commissions needs to be present and should meet every other month. It is now quarterly. With respect to the chairman, the governor is chairman. Maybe one of the State Water Commission members maybe chairman, so we are leaving this option open. (10.23) On page 7, line 3-8, this refers to Attch#2. Very great document. You can check every month to see if the money if being used wisely. Be found that there is no end date to projects. We feel that contracts should have an end date and if there are funds left, they should be returned and prioritize to get to other areas of need. We cannot afford to sit on millions of dollars for a period on unknown time. We realize that some flood projects need more than 4 years to complete. For most projects, four years is enough. On the 100-year flood event, has history behind it. Two

major agencies provide flood control. The Corps of Engineer and USDA. Anything beyond the 100-year flood protection is considered local cost. Minot is not subject to this because they have already started. On page 8, line 1-6, talks about the land below the dam, should the dam breach, would be immediately flooded. E.g. of a modified dam. (17.25-19.10) A lot of these topics were discussed at water topic committee meetings. These are product of last four years' discussions. Any questions?

Sen. Roers: Going back to section 10, when you say the 100-year bench mark for which participation takes place. I thought Fargo was talking about 500-year bench mark. Are you aware of this?

Representative Schmidt: Not as it relates to Fargo diversion. It has already been initiated, so that is not subject to this.

Sen. Roers: Minot is not subject to this either. What did you call the bench mark?

Representative Schmidt: Flood of record, which may or not be 100. It is grandfather in. We are OK with Fargo.

Sen. Oban: Can you tell me now many projects in water conveyance that are no longer available for cost share?

Representative Schmidt: We are talking about improvements, not construction of a drain. I have not calculated how many are there.

Sen. Schaible: Have you talked to governor about these changes?

Representative Schmidt: Yes, with governor and Ron Rauschenburger. We went through each one of these. There was no objection.

Sen. Schaible (22.15): We run to issue one spending state money on maintenance and improvements. If that defined clear enough?

Representative Schmidt: That needs to be looked at. State does not pay for operation and maintenance. Maybe we can say, we need improvements and then state pays.

Sen. Schaible: The HB1206 that we passed in 2013, there is language on line 13, that was not done.

Representative Schmidt: That they did. And were successful. They established rural meeting and local residents appreciate that.

Sen. Schaible: Have they not made a basis for the cost benefit analysis? That criteria have not been made and that is what is addressed in this bill?

Representative Schmidt: That is correct. We have been trying for 4 years. We do not have a process.

Sen. Armstrong: You are increasing the number of meetings. And you are appointing a surrogate? This is subsection 4, right? This prioritizes the Water Commission meetings over anything else they have going on?

Representative Schmidt: Like to say, Yes, but that is not reality.

Sen. Armstrong: If you increase the meetings and take away their ability to put a surrogate on there, they have one or two choices, go or they are absent. Why couldn't the Governor pick Lt. Gov to go?

Representative Schmidt: He could. But with this bill, it may need to be reworked.

Sen. Cook: I want to go back to Life Cycle Analysis. This comes from an engineering firm. The firm cannot come up with an analysis. I have a hard time with that.

Representative Schmidt: A small community is different. Should be change or attach to a bigger system. A Life Cycle Analysis process could be used to help small community.

Sen. Cook: If this has not been done in four years, what makes you think it can be done in next two.

Representative Schmidt: I think we can. I am positive thinker.

Vice Chair Kreun: One comment I heard, is will all of this analysis slow some projects and bog them down?

Representative Schmidt: Economic Analysis is part of the planning process. It should be part of the design, part of all of that. Not something that is done separately off to the side after everything else is done. Before the money is administered.

Vice Chair Kreun: I was asked about the Life Cycle and improvements and conveyance. That will be defined more, correct?

Representative Schmidt: There are opportunities to make this bill better. (29.40)

NOTE: The recording is too faint to hear and figure out what is said.

Garland Erbele: State Engineer, State Water Commission: (see Atch#3) (32.57) **(Audio came back at 34.58)**

Vice Chair Kreun: Any questions?

Sen. Roers: As it relates to below the dam concern, what are the life safety concerns? This bill is prohibiting the development in those areas where the unintended consequences fall back on the state. So can you expand the life safety issues? We are trying to keep them out of that area.

Garland: (35.42) The State Water Commission participates in financial assistance to fix the problem on the dam. Dams have a hazardous classification rate. If there is potential for damage to structure or highway or bridges if dam breaks, then it is medium hazard class. If there is loss of life, if dam is breached, then the hazard is high classification. The high class dams need to be fixed so they have low hazard classification. We are not encouraging development. We do not think this amendment will prevent this from happening.

Sen. Roers: Why should the state feel obligated to provide assistance to support development that should not be there in the first place.

Garland: In reality, but owner of dam and land owner are different people. Owner of the dam has no control over what happens downstream. If you have a private landowner who want to develop that land, the dam owner has nothing to say about that. But he is stuck with making improvements.

Sen. Schaible: Without this amendment, though, would the State Water Commission have the authority to refuse cost share on those things?

Garland: Yes, they have the option of not funding any project. (39.24)

Sen. Schaible: On the meetings per year, some complaints we heard is that when the water project wants to get funding and get on a meeting agenda, they are supposed to apply 30 days in advance. They may miss a great deal of construction season waiting to get on an agenda. That is where this is coming from. We have project that are shovel ready not going forward because of not enough meetings.

Garland: We have 6 meetings a year. (41.18—tape dead again)

Chairwoman Unruh: (42.6- tape on again) Could we get a list of meeting dates for the last 5 years of the Water Commission? Any more here in support? Opposed to bill?

Gary Thompson, Chair for Red River Joint Water Resource: (see Atch#4) Here in opposition to HB1374. Need better language for cost share. Drainage is very important to ND agriculture. We want to make sure that new drains do not get mixed up in this language.

Chairwoman Unruh: You say new projects would not be improved with the new language. We are trying to make sure that is not the case. I do not see in the new language it would prohibit any new projects from being completed.

Gary: We just want to make sure. I do believe it says improvements. This is compared to maintenance and questions. I am a water manager. An improvement to drain may go from 1:1 to 4:1. That is over what the drain was built for in the beginning. That would be the new improvement to the drain. You do not come to Water Commission for maintenance at all.

Ryan Ackerman, Souris River Joint Water Resource Board :(48.10) (see Attch#5) I am here in opposition. We see a conflict in Section 10. The 2011 flood is the current Flood of Record. It caused over \$Billion in damages in the basin.

Sen. Roers: So what do you want the bench mark to be, if not the 100 year or 250, etc.?

Ryan: At a minimum there should be reference to Flood of Record in Section 10 of the bill.

Vice Chair Kreun: Our 225-year flood has changed to 185 because they changed the model. You have to pick a pint of where you are going to be or you would never get the flood protection finished. Corp or USDA has to have a base and this is what we are getting at in this bill. In Grand Forks, we took it upon ourselves to raise out concrete levies and pay for them.

Sen. Cook: Can you do a Life Cycle analysis or Economic analysis on a municipal water supply system? If I asked another engineer, he would answer yes, also? But your analysis would be different?

Ryan: Yes. They are somewhat subjective. They are based on professional judgement. We are bound by a code of ethics.

Tom Berry, City Manager of Minot, ND: We are against the bill because of Minot and section 10 and further funding of flood control projects. We appreciate the grandfathering of Minot. We do not see the intent. We want it modified to Record of Flood in language. We want clarifying language in the bill to make sure the projects now under way, can continue unchallenged. (1.01.35)

Vice Chair Kreun: There is a bill being drafted to just what you are saying for Minot.

Tom: I am, but I don't see that in language.

Vice Chair Kreun: You will not see that in this bill because you will see that in the other bill and go to appropriations. You do not want Minot or Fargo in this bill. (1.02.55)

Mike Dwire, ND Water Districts: In opposition to bill. Please remove the language for not funding improvements to drainage. Drainage is very important. The Water Commission was started in 1937 to partner with local governments to develop water. We do not like restrictions. There was a provision to limit funding to 4 years. Grand Forks took 10 years. We started funding Fargo in 2011 at it is now 2017. The Corps is hard to deal with. Should not move in that direction. Please use common sense.

Monica Zentgraf: Sec/Treasurer, Richland County Water Resource Dist.: (see Attch#6) We ask for continue cost share funding. We do not want the economy of ND going in reverse. We try to do snagging and snaring projects each year on the rivers. We fund this through our general mill levy. A small snaring/snagging cost a minimum of \$100,000 and we only have \$300,000 to work with in mill levy.

Chairwoman Unruh: How many of these types of projects in Richland County that would need snagging and clearing on them?

Monica: Hard to answer. None for the last few years. We could do one a year, but that is conservative.

Chairwoman Unruh: Do you know how many drains you have?

Monica: About 40-42 legal drains in Richland County.

Lance Yohe: SE Case County Water Board Member: (1.11.24) The BC analysis and we deal with benefit cost analysis all the time through USDA and the Corp. The BC ratio is you have to have someone off to the side to do it for you beside your engineers. It had another cost and slow the process down. If we are looking to do for the whole state, it is very costly. Spend a dollar and get 70 cents benefit. Why do we need to do that? Need more common sense. I need to bring improvements into this. I have noticed that our drains are very old. The goal was to get water off the land, but not take more land than you needed. They built drains too steep for our soils. Over the years, we have learned that the drains erode because of our soil types. You may need to make the slope flatter. Always a trade off because you need to take more easement. Improvements are a key part of how we manage the system. That should qualify for cost share with the state. It adds value to the region through agriculture. Regarding the 100 year flood plain issue. When I was with the basin commission, it was recommended to set the target up high, not down here. They target was set too low and it did not work. What is the target now? Oh, 100 years. Target is too low. Let's get as much flood protection as we can reasonable afford and do it together. (11.17.14)

LuAnn Kemp: I am with the Pembina County Water Resource Dist.: (see Attch #7) I am here in opposition. We are the lowest point in ND. We have water coming from the west on us; we have water coming from the south on us. In the late 1800's, is when some of our drains went in. Some projects were constructed in early 1900's. As time changes, we have to change and improve to meet standards. We need to extend culverts to keep Highway 55 open. It cost \$284,000. The State Water Commission did kick in \$130,000 which made it doable for the farmers. It benefited the whole area, not just the farmers. She went on to explain attch#7. (1.21.44)

Chairwoman Unruh: Any more testimony opposed? Any agencies here? Seeing none we are closed.

Attch#8 was an e-mail received by Chairwoman Unruh.
Attch#9 was left on table.


2017 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Fort Lincoln Room, State Capitol

HB 1374
3/16/2017
Job #29328

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution: Relating to contracts and financial assistance for water projects and duties of the state engineer; relating to definitions of types of financial assistance for water projects and the composition and operation of the state water commission.

Minutes:

Committee work; Atch#1=Senate Kreun amendment;
Atch#2=Xmas Tree=Senate Kreun;

Chairwoman Unruh: Are we ready with HB 1374?

Vice Chair Kreun: I did hand out the amendments and Xmas tree with it. (see atch#1, #2) There are a lot of changes with this bill. He went through all the changes looking at Xmas tree version. (.30) We added a seventh basin and made it independent from the others. The dividing line is Hwy 200. Page 2, line 10,11; these are cost share policies. We took out 'improvements' in that area. I will ask you later to use vegetative materials instead of cat tails. Page 3, no changes. Page 4, will read on line 21, the State Water Commission consists of the Governor, Agriculture Commissioner, and seven other members appointed by the Governor, who shall take into account geographical considerations in making the appointments, with the intent of having each of the seven major drainage basins represented by a commissioner who resides in the basin. Page 5, line 1, is a continuation from age 4. Page 5, line 17, was what committee members wanted this to say commission must hold at least one meeting every 2 months. In the past, there was not a guideline. This committee said 6 meetings a year. If we don't do this work in the winter, we lose the construction season. The committee was strong on that issue. We took the Governor out as chairman, but he insisted his name be put back in as chairman. He also wanted to appoint his Lt Gov. as vice chair. I and a lot of others think there should be more consistency with the people that know exactly what is going on. Could be up to \$ Billion operation. If Governor absent, the Vice-chair will precede. We want the Vice-chair to be from the commission. Page 6, line 21 and 22 just changes an 'and' to an 'or'. This is where we took out 'improvements'. I got lots of e-mails on this. That red line there is very important. Page 7, look at terms and conditions on Sect 8. We added the Red River Valley Water Supply Project, Minot Flood Protection Project, and the Fargo Flood Control Project as approved by the commission before March 1, 2017. These are exempt from this section. Most were happy with it. Not sure that all these long term projects will be approved and funded. We may want to end it. Last page, 8, is still part of section 10. We added and took out events and started on line 2, as provided by FEMA or Corps whichever is higher or the equivalent alternative to National Economic Development Alternative. We used three different methods to analyze a flood control problem is because the Corps has one type of guidelines and then FEMA and they have other controls.

Sen. Armstrong: Thanks for doing all of this. If you add three different one, are these the only ones. If you don't put any in, let them make the decision.

Vice Chair Kreun: He gave the Grand Forks example. (13.00-15.00)

Sen. Oban: Any thought of using Flood of Record instead of 100 year flood? Isn't it simpler?

Sen. Schaible: That is the whole debate of this issue. What protection you want as a community and what is the responsibility of government to provide cost share to that. The Corps uses and rural development uses is the 100-year flood. Sometimes, the cost benefited ratio that doing it higher, provides more bang for the buck. The Corps is interested in that and they do certain things. They use 100 years flood because they provide so much protection for the best value for the dollar you spend. If you go beyond those dollars, you get more protection. The community wants flood of record, because that provides way more protection, but raised the costs. Federal programs use the 100-year flood. If you go higher then you are allowing flexibility to the community.

Vice Chair Kreun: (17.40). I agree. Grand Forks paid for what we added for protection.

Sen. Armstrong: I'm talking about language because I know nothing about this, you are adding some discretion but it is exclusionary discretion. I agree you should start at the 100-year flood plain. I just want the water people to know this is it when this language goes in.

Sen. Roers: I would like to endorse getting rid of all this language, but we felt like it left us with a starting point. By using Flood of Record, we found that the 100- year was a moving target. That is why we used FEMA and Corps to establish to give us a starting point. We could not come up with one word. Many rural communities do not have thing so go by. Big cities do. 100-year mark is not universal around the state.

Chairwoman Unruh: I think we need FEMA and Corps language. I am concerned with the economic development alternative. I think there is value providing additional cost share for projects that would receive additional benefit from a higher level. I get nervous when we give an engineering firm that power. An incentive for them to show one thing in particular so they can make more money on.

Sen. Cook: Please explain National Economic Development Alternative.

Sen. Schaible: Term that is used for a cost analysis study. A water term used by federal government. (22.15) A universal term.

Vice Chair Kreun: Go back to Life Cycle Analysis. The analysis only goes in projects over \$750,000.

Chairwoman Unruh: It is the larger ones I worry about. I don't want the state on the hook. I support the concept of analysis. I don't know if the result of the study but not more money. See you in the morning. Adjourned.

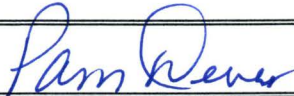
2017 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Fort Lincoln Room, State Capitol

HB 1374
3/16/2017
Job #29362

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Minutes:

Committee work; Atch#1=Dave
Laschkewitch-Water Comm.

Chairwoman Unruh: Take out HB 1374. Vice Chair Kreun gave us this morning, and we were going section by section. Start with Section 1: Any issues you have at all. We may need more amendments. Section 1 was about the comprehensive water development plan. Vice Chair Kreun added in upper Red River and lower Red River Basins. That increases the dollar amount for the Life Cycle analyses. I am comfortable as is.

Section 2: We had discussion with the word 'cat tails' there. Vice Chair Kreun will get that adjusted and changed.

Section 3:

Sen. Armstrong: Is it all projects over \$750,000 that have to do a Life Cycle and an Economic Analysis?

Chairwoman Unruh: Yes. That is the cap.

Sen. Armstrong: How many projects are under that? Seems like not a very high number any more. Things cost lots.

Vice Chair Kreun: We wanted it high enough so we did not have to deal with the small projects. In the larger ones, we wanted to make sure that we got the analyses. \$1 M is not that much anymore. We could leave it but it could be easily changed next session.

Sen. Armstrong: If you look at a chart of the last 100. There seems to be a break point. Look at the last 24 months of water projects, there is usually a number in the chart that distinguishes large and small scale.

Sen. Oban: I think we were given a list from State Water Commission

Chairwoman Unruh: Anything else in section 3?

Sen. Cook: I look at these definitions of Life Cycle and Economic Cycle Analysis, etc. Should there be a definition of National Economic Development Alternative?

Chairwoman Unruh: Good question. I will charge Vice Chair Kreun with investigating that issue. Page 8, on the back, it says National Economic Development.

Sen. Roers: I did ask that very same question during the hearing. He indicated Chapter and verse where that is. I asked what is the National Economic Development Alternative Survey. There is a definition. We can put it in here. (6.55)

Chairwoman Unruh: Any more concerns with section 3?

Section 4: I have information for committee. No, I guess I do not.

Section 5: Is language change.

Section 6: I requested the Water Commission give me the dates of their meetings for the last 5 years. (see Attch#1) Looks OK.

Sen. Armstrong: If the question is about snowbirds. Looking at when these meetings are. I do not see these huge gaps we were told they have. (9.14)

Vice Chair Kreun: He explained the dates. (9.26-9.44)

Chairwoman Unruh: 2014 jumps out at me as a year that has a bit of a gap.

Sen. Armstrong: I have no problem with requiring X number of meetings. Every year but one we have more than 6 meetings. When you put it in, then that is what they are going to do. If you set 6, then it will be 6 not 10. That is historically how legislation works.

Sen. Schaible: You need to understand two things. For a project to get recognized on the State Water Commission meeting, they have to apply 30 days before the meeting. If they do not meet the deadline, they have to wait for the next meeting to get on. In the last few years, we have had projects that got funded and ready to go but could not meet the meeting dates, because they were not meeting enough prior to the construction season. That is the issue. After May or June, it is irrelevant, because you have missed the construction season. They can call other meetings and can change the 30-day lead time. But it has not happened.

Vice Chair Kreun: If you look at the inconsistency as well. 2015 had two in January. (13.09)

Sen. Armstrong: I don't disagree. I don't think the way this is written will solve the problem. Some meetings may not be well attended. I just don't think we are seeing the big gaps.

Sen. Cook: The less flexibility you have in scheduling meetings, the greater the chances of not having five votes in the affirmative to pass something.

Chairwoman Unruh: Good point. Maybe another way to state this.

Sen. Oban: Is there an option of shortening the 30-day requirement. I do not like for us to micro manage.

Vice Chair Kreun: At this point, it is the policy of the water commission. We wanted a person from each of the seven basins to be on the commission so that there is a connection and background in water aspect. It looks like we will get some of this help. I recommend every other month. (19.09)

Chairwoman Unruh: We have a duty here to decide what are the committee position is on this as we go into a conference committee on this bill.

Sen. Armstrong: I want to help them with their frustration. Might be a step in the right direction. If you legislatively mandate six meetings, you will have six meetings in 2017 and six in 2018.

Chairwoman Unruh: I agree. I think one of the things needs to know how many of these meetings had a quorum and their notice requirements and periods.

Sen. Cook: Can't we just say in the chairman's absence. Will have Vice Chair Kreun adjust that in amendments.

Vice Chair Kreun: The vice chairman must be selected by the seven appointed members of the commission. We want them from the commission. Do we have to state that in there? (22.54)

Sen. Armstrong: How are you going to elect a vice-chair that will be held in regular conducted business. What happens if he is missing? Do you have to wait for the next meeting? You don't always have perfect attendance. I would say that the vice-chair will be elected by a majority of commission.

Chairwoman Unruh: Let's ask LC about that.

Sen. Armstrong: The governor's office and the rest of the commission may not be on the page on this issue. There is conflict on this particular thing. Isn't the consistency conflict with

the members of the commission versus the governor or his designee chairing every meeting?
(24.05)

Chairwoman Unruh: Yes.

Vice Chair Kreun: The Lt. Governor can come in Governor's place by the vice-chair would run the meeting as a member of the seven-member commission.

Chairwoman Unruh: Yes. If we get the Water Commission in to speak to us tomorrow, any more questions from you?

Sen. Oban: They could answer Sen. Armstrong question about the number \$750,000.

Chairwoman Unruh: I have a question of whether or not it is important for us to define what an improvement is. On page 6, line 21 and 22. I know that is hairy territory. Testifies wanted to know. Improvements sometimes change the slope of the drainage and that is considered an improvement. Current draft does not take care of this issue. We have to define and provide a threshold.

Sen. Roers: I want to add that we asked that question for that definition and we were told that the Water Commission has a more expanded definition of the word 'improvements' and 'maintenance'. We did not think it was worth putting in here. But committee can decide.
(27.27)

Sen. Oban: Are we having discussion based on these amendments or the original bill? The amendment removes the reference to improvements. Right?

Chairwoman Unruh: Yes. It does. Whether or not you have that work improvement in there, that still, I still think we need a definition what that threshold is.

Vice Chair Kreun: We did describe what you can do with water conveyance projects. Taking the word 'improvements' out, page 6, line 21, and utilizing the definition of State Water Commission has. You could do that.

Sen. Cook: Can you find out if the State Water Commission is governed by Administrative Rules?

Chairwoman Unruh: Yes. I will talk to Morgan.

Sen. Cook: Maybe we need to look at their rules.

Chairwoman Unruh: Anything else?

Vice Chair Kreun: We should put the State Water Commission shall review, and gather stake holder input and rewrite as necessary the ND Water Commission cost share policy procedure and general requirements. We need the State Water Commission project prioritizations guide.

Chairwoman Unruh: Can you get copies and pass out tomorrow?

Vice Chair Kreun: Will do.

Chairwoman Unruh: We adjourn for the day. (31.45)

2017 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Fort Lincoln Room, State Capitol

HB 1374
3/17/2017
Job # 29410

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Minutes:

CommWk;Attch#1=Sen.Roers;Attch#2,
#3, #4=Garland Eberly;

Chairwoman Unruh: Look at HB 1374. Take out amendments. We finished at section 6 yesterday. We have the Water Commission here to answer our questions. (.47) Go to Sect. 7, page 6 line 21, 22. Sect. 8, page 7 on top. I do not like specific exemptions in Code for specific flood control projects. There may be others in the future. Wonder if we can include language that says 'flood control project'.

Vice Chair Kreun: We are meeting with Claire again, and we can consider that, so it does include future projects. We will see how that works in the \$750,000 limit, too. You want to make sure it is large projects that are exempt from this.

Chairwoman Unruh: Yes, but I need to think on the long term ramifications of that would be.

Sen. Roers: You asked for information on 100 Flood Plain and National Economic Development. I have it on my desk. Will be right back.

Chairwoman Unruh: There is a lot of strong language in Sect. 8. Sect. 9. Sect. 11. Sen. Schaible are you ok with that?

Sen. Schaible: The question was the retroactive cause and what that does. It is a question about the changes made below the dam and changing the classification and who is responsible for things that happens and what is the state's responsibility. I like the language. Who is responsible if you do not have the retroactive language in there.

Vice Chair Kreun: In our research, we did not find anything definite that indicated that the state is responsible for a classification change if it was done after the original design and installation of the dam. We will do more research. Some here may have input on that.

Chairwoman Unruh: We will wait for Sen. Roers.

Sen. Roers: Handed out information. (see Attch#1) The first page is a description of the 100-year flood plain according to the Corps. The second is a graph that how the 100-year flood plain changes over the years in elevation. In some areas it is the best you got. Second page, the National Economic Development Alternative is described. That is the one that was used for the Fargo Flood, Grand Forks dike, and the Minot flood.

Chairwoman Unruh: I thought the Fargo Diversion was a local preferred alternative not a National Economic Development.

Sen. Roers: It is, but the base line where the federal government was going to pay was based on this study. It took it into MN. Locally, they decided to take the other route. This is what they used to set the baseline. This was bound to go into MN, but MN would not allow it.

We had to research the other alternatives. We are correct in what we put down here. We can put definitions in here. But what we have in here needs to stay to be able to address all situation that may arise.

Chairwoman Unruh: Thank you for the information. (11.11) Any concerns with Sect. 12? Vice Chair Kreun did not make any changes there. I invite the Water Commission forward.

Garland Eberly, State Engineer with Water Commission: Here to answer questions.

Chairwoman Unruh: In Sect. 1, whether the \$750,000 threshold in the bill for the Life Cycle Analysis is it appropriate or does it need to go up?

Sen. Oban: Are we working from the bill or the amended Xmas Tree copy?

Chairwoman Unruh: The Xmas Tree.

Garland: I need a copy. Thanks. We went through and looked at the projects we had done over the last five years. (see Attch#2) We think the \$750,000 is low.

Sen. Armstrong: Maybe we should not have a number at all. (15.14)

Garland: There are only 3 projects that fall below the \$750,000 threshold. When yhu look at water supply projects summary, (see Attch#3) the wording is intended to cause communities to look at a comparison of costs when they are evaluating whether or not they should develop their own water supply or connect to a rural water system. We are talking about water treatment projects. If you are putting in water distribution project needs

Chairwoman Unruh: What if the total cost of the project there was a threshold based on the state's cost share. Is that workable?

Garland: I think if the \$750,000 was increased to \$ 1M or \$1.5 M and the wording changed to address water treatment works, then that would address the issues the committee has with the language. There are only 11 treatment works projects that are funded. We see the value in doing the economic analysis to compare costs between providing new supply or connecting to a rural water system.

Chairwoman Unruh: Any other questions?

Sen. Oban: Do you have any estimate on how much more time and money would be necessary requiring and economic analysis. Is there a percentage of how much it costs to do an analysis?

Garland: That is the thought process on the smaller projects. We do not have a number. The value is gained is marginal. Once you get into the million dollar projects, then the value is greater.

Chairwoman Unruh: Do you need additional staff to complete the economic analysis?

Garland: The language here, Sect. 12, requires us to develop the process. So it would increase cost. (20.30)

Sen. Schaible: I believe the bill sponsor intent is that State Water Commission develops a formula. They don't have to do it.

Vice Chair Kreun: That was intended to do what Sen. Schaible just said so we don't duplicate in some areas. There was a bill one or two sessions ago that required the State Engineers' Office and/or the Commission to develop this program. This has not been completed and this is why it is here now. In Devils Lake you have a rural line and a city line in the same trench. Duplication. Do not need lines crossing.

Garland: My understanding of that issue, goes back to section 1 of HB1374, where some of the language, is not clear to us.

Vice Chair Kreun: Does this direct enough to get that process started?

Garland: Yes, this we can work with.

Chairwoman Unruh: I asked for the attendance of meetings.

Garland: I am passing around the attendance for past 2 years. (see Attch#4) (25.44)

Chairwoman Unruh: Thank you.

Sen. Armstrong: Some are on the phone, too, right?

Garland: Some could have been conference calls, correct.

Chairwoman Unruh: moving into the definition of improvements for water conveyance project.

Garland: The State Water Commission has a cost share policy and general requirements. This is our guidelines to use to determine cost share for funding a project. In that we define that. I don't have copies. It is defined as: "Improvements are construction rated projects that upgrade a facility to provide increased efficiency or capacity. Improvements do not include any activities that are maintenance, replacement, or reconstruction". We are drawing a distinction between what is a maintenance project when they restore a project to its original form as opposed to an improvement where you actually make a modification to the original project.

Sen. Cook: What so you consider removal of cat tails and sediment? Is that improvements or maintenance?

Garland: That is maintenance.

Sen. Oban: Do you have any idea if the language in bill or in the amended version if any projects on your list, would have no longer qualified for a state cost share? Because of that change in definition?

Garland: It is our policy not to fund maintenance projects. They should have all been improvements projects.

Vice Chair Kreun: We do have the word 'cat tails' in the Xmas Tree version. I think maybe we should expand that to vegetative materials.

Chairwoman Unruh: Moving to Sect. 8, not sure if you have a position on that at all. We exempt three flood control projects that are congoing right now. The date we have listed there is concerning. (29.55) Is there another way to state that?

Garland: In general, we support the concept of a limit to our cost share funding. How do you address the projects that go beyond the four-year term? Yes, they would be required to come back and resubmit an application.

Chairwoman Unruh: Maybe we don't have to list the three projects.

Garland: If they came back to a bill relating to apply. We need to have a process that allows the contracts to carry beyond the deadline.

Sen. Schaible: We are talking long term projects that are making progress and going forward. We have projects that were requested but they can't get the local cost share or whatever. They sit on the book for a long time. Those are the ones we are concerned about. The issue is having money sitting that was designated project that is not going forward. That should be defined, I feel.

Garland: That is preciously the issue. If you can come up with language that addresses that, great and we will support it.

Vice Chair Kreun: The Commission can review that in what Sen. Schaible is indicating. They can prioritize it right there.

Garland: I agree.

Chairwoman Unruh: Move to Sect 10. The language on top of page 8, and the language that deals with FEMA and Corps.

Garland: I am not an expert on NEDA. That is a federal process that they do through and do an economic analysis to compare the costs associated with the benefits. We need to have a means that allows them to determine to what extent we pay our costs. The fed typically pays

up to the 100-years elevation. Whether that is what state should do the same, is a question. The 100-year flood is a moving target. In Minot, FEMA is doing a reanalysis. We would prefer to see terminology that says 100-year or Flood of Record. That would address more issues. Minot Flood of Record was 27,400. Way above the 100-year flood.

Chairwoman Unruh: These larger projects need to talk about providing cost share to Flood of Record. It cost a lot of money. The larger projects take a big piece of the pie.

Garland: Is it appropriate for the state to pay just to the 100-year flood level. Over that is the community's responsibility. You can make an argument for that. If you build to 100-year because that is all we fund, and then FEMA increased the Flood of Record to 10,00. They turn around and come back to us and ask for more money for the new Flood of Record. We again cost share with them, and increase the second project. Had we done it in the beginning, may have saved us money in the long term.

Sen. Roers: I understand the NEDA study takes into account the Flood of Record. Correct?

Garland: Not a question I can answer. Let's ask John.

John Paskowski, Assist State Engineer: When feds come in and build a project, they will take into account the current history up to the point they do the analysis.

Sen. Roers: So would that not be true. The Minot situation was way over the 100-year flood mark.

John: They would look at it, whether they would count that as part, they still only build to the 100-year level, when it is federal.

Sen. Oban: Could you ballpark for me what the difference between state cost share in the 100-year versus the Flood of Record in Minot?

Garland: We don't have that number. Maybe could get for you.

Vice Chair Kreun: You still have the cost benefit ratio with both Corps and FEMA. You still have the base and that's where it starts.

Sen. Roers: In Fargo and Minot, the reason we excluded them by name, is because there is a difference approach that was taken then this bill says. Minot is going to the Flood of Record.

Garland: Yes, that is correct.

Sen. Roers: Are we supporting the cost share to the Flood of Record?

Garland: Yes, that's correct, if the bill passes.

Sen. Roers: That is why we put in the three projects. They don't fit this bill we are drafting anymore. (44.39)

Chairwoman Unruh: My concern is if another one comes up in the future. We have put ourselves in a box.

Sen. Oban: I recall when Garland was here before on this bill, the issue he had with section 11. Does the amended take care of that? How many projects has the state currently assisted with?

Garland: When I testified the first time on this bill, I said that we support the intent of this section. We are concerned below the dam area, should the dam breach. Most of the time, the dam owner does not own or control that breach inundation zone. You are penalizing him for something he has no control over. As the state engineer, our hands are tied in terms of our ability to help that dam owner to fix the problem that he had no control over. We concern this a public safety issue.

Sen. Schaible: How do we address the fact that as the state's responsibility, that someone is building or expanding this access that they should be held responsible for that. How do we address that? The developers or downstream people are taking the risk by developing it and the dam does not have the level of protection. How do we hold them responsible for their actions?

Garland: I look at it through county zone ordinances or city zone ordinances. More at the local level.

Sen. Schaible: Those ordinances have been changed after the fact because of pressure by developers. That puts us in a bind. If you want to do that, then you should be responsible for that protection and that help. This is trying to prevent. If you desire to live by water, then it should be their responsibility and not shift it to the state. (49.07)

Vice Chair Kreun: In the beginning of that section, we could not find anything that makes us responsible for changing the classification of a dam. Did Claire contact you?

John: LC did contact us and ask where are concerns were. We did not give them any language.

Sen. Cook: Sect. 12 starts out "the state engineer shall develop an economic analysis process". What are you going to do? I tend to think this is already developed.

Garland: Our approach would be to contract with someone at NDSU to develop a formula.

Sen. Cook: When you say a formula, are you saying what information can be looked at and what data can't be looked at?

Garland: That's correct.

Chairwoman Unruh: Everyone seems to be done. We will continue to work through this for a week. We adjourn.

2017 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Fort Lincoln Room, State Capitol

HB 1374
3/23/2017
Job #29575

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Minutes:

Comm.wk.; Atch#1=Sen. Kreun;

Attendance was taken. All committee members present

Chairwoman Unruh: We will start with engrossed HB 1374. Vice Chair Kreun has out in a ton of time to make everyone happy.

Vice Chair Kreun: I have copies. (see Atch#1) 17.0880.0003 is the amendment. Look at the green portion for the change. Sect. 10, page 8, is a major change. We took out the name of the specific flood projects We tried to make it simpler. No change in Sect. 4. (2.40)

Chairwoman Unruh: Does the audience have questions, since the water people are here?

Sen. Armstrong: I move the amendments.

Vice Chair Kreun: I forgot on page 8, line 29, we might want to change and add 'from current classification'.

Chairwoman Unruh: "In a dam's current hazard classification" is what you want it to say?

Vice Chair Kreun: Yes.

Chairwoman Unruh: We can have Morgan take care of that.

Sen. Armstrong: I move the amendment as further amended.

Sen. Roers: Vice Chair Kreun, the last revision that we had a couple of words we wanted to add. I do not see those.

Vice Chair Kreun: We did visit with a couple of people, and I think we went over those changes. They did not think they were necessary. I think we are OK. LC said we are OK. (6.55)

Vice Chair Kreun: I have an e-mail from Tony Grindberg with some suggestions.

Sen. Roers: No, they were from Bruce Grubb.

Chairwoman Unruh: We have an amendment before us. We can change later but pass this now.

Sen. Schaible: I second.

Chairwoman Unruh: Any discussion? Call the roll: YES 7 NO 0 -0- absent
Amendments passed.

Chairwoman Unruh: Before us we have engrossed HB 1374 as amended.

Sen. Roers: The suggestion was under Sect. 11. After the word 'classification' to insert 'from the original classification by the state engineer'. That was the request.

Sen. Armstrong: Wouldn't that be the dams current hazard classification? I think the amendment we just did, does the same thing. (9.07)

Sen. Roers: Perfect.

Chairwoman Unruh: We have the bill before us as amended.

Sen. Armstrong: I move a Do Pass as amended.

Sen. Roers: I second.

Chairwoman Unruh: Any discussion? Call the roll: YES 7 NO 0 -0- absent

Vice Chair Kreun will carry the bill.

C3
3/23-2017
1 of 2

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1374

- Page 1, line 18, remove "seven"
- Page 1, line 18, overstrike "hundred"
- Page 1, line 18, remove "fifty"
- Page 1, line 18, overstrike "thousand" and insert immediately thereafter "one million"
- Page 1, line 19, after "the" insert "upper Red River, lower"
- Page 2, line 2, overstrike "adopt a cost-share policy for the financing of water"
- Page 2, line 3, overstrike "projects. The policy" and insert immediately thereafter "review, gather stakeholder input on, and rewrite as necessary the commission's "Cost-share Policy, Procedure and General Requirements" and "Project Prioritization Guidance" documents. The commission's cost-share policy"
- Page 2, line 10, replace the first underscored comma with "and"
- Page 2, line 10, remove "and"
- Page 2, line 11, replace "improvements" with "including removal of vegetative materials and sediment,"
- Page 4, line 22, remove the overstrike over "~~who shall take into account~~"
- Page 4, line 23, remove the overstrike over "~~reasonable geographic considerations in making~~"
- Page 4, line 23, after "~~such~~" insert "the"
- Page 4, line 23, remove the overstrike over "~~appointments~~" and insert immediately thereafter "with the intent of having each of the seven major drainage basins represented by a commissioner who resides in the basin. The major drainage basins are the upper Missouri River basin, the lower Missouri River basin, the James River basin, the upper Red River basin, the lower Red River basin, the Mouse River basin, and the Devils Lake basin"
- Page 4, line 23, remove the overstrike over "~~. The governor or the~~"
- Page 4, remove the overstrike over line 24
- Page 4, line 25, remove the overstrike over "~~capacity at~~"
- Page 4, line 25, remove the overstrike over "~~meetings~~"
- Page 4, line 25, remove the overstrike over "~~that official~~"
- Page 4, line 25, overstrike "may be" and insert immediately thereafter "is"
- Page 4, line 25, remove the overstrike over "~~unable to attend.~~"
- Page 4, line 25, remove "Each of the six major"
- Page 4, remove lines 26 through 28

CJ
3/23-2017
2 of 2

Page 5, line 13, after "**commission**" insert "- Chairman and vice chairman"

Page 5, line 17, remove the overstrike over "~~governor, as~~"

Page 5, line 17, remove the overstrike over the second overstruck comma

Page 5, line 18, remove the overstrike over "~~governor's~~"

Page 5, line 18, remove "chairman's"

Page 5, line 18, remove the overstrike over the overstruck comma

Page 5, line 18, after the period insert "The seven appointed members of the commission shall select an appointed member to serve as vice chairman of the commission."

Page 6, line 17, replace "and" with "or"

Page 6, line 17, replace "or improvement" with ", including removal of vegetative materials and sediment."

Page 7, line 5, remove "may not have a term exceeding four years. If a water project is not"

Page 7, replace lines 6 through 8 with "must require a progress report to the commission at least every four years if the term of the project exceeds four years. If a progress report is not timely received or, if after a review of a progress report, the commission determines the project has not made sufficient progress, the commission may terminate the agreement for project funding. The project sponsor may submit a new application to the commission for funding for a project for which the commission previously terminated funding."

Page 7, replace lines 25 through 28 with "Except for flood control projects authorized by the legislative assembly or the commission before July 1, 2017, the commission shall calculate the amount of its financial assistance, including loans, grants, cost-share, and issuance of bonds, based on the needs for protection of health, property, and enterprise, against:

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

Page 8, line 3, replace "If" with "Notwithstanding any other provision of law, if"

Page 8, line 4, after "dam's" insert "current"

Page 8, line 5, replace "state" with "the political subdivision shall pay for the necessary improvements or upgrades. State"

Page 8, line 6, after the underscored period insert "For purposes of this section, "breach inundation zone" means the area downstream of the dam which would be flooded in the event of a dam failure or uncontrolled release of water."

Renumber accordingly

Date: 3/23/17
 Roll Call Vote #: 1

2017 SENATE STANDING COMMITTEE
ROLL CALL VOTES HB 1324
BILL/RESOLUTION NO.

Senate Energy and Natural Resources Committee

Subcommittee

Amendment LC# or Description: 17.0880.03003

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar

Other Actions: Reconsider as further amended

Motion Made By Sen Armstrong Seconded By Sen. Schaubel

Senators	Yes	No	Senators	Yes	No
Chairman Jessica Unruh	/		Sen. Erin Oban	/	
Vice Chair Curt Kreun	/				
Sen. Kelly Armstrong	/				
Sen. Dwight Cook	/				
Sen. Jim Roers	/				
Sen. Don Schaible	/				

Total (Yes) 7 No 0

Absent -0-

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Date: 3/23/17
 Roll Call Vote #: 2

**2017 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. HB 1374
energy**

Senate Energy and Natural Resources Committee

Subcommittee

Amendment LC# or Description: 17-0880-03003

- Recommendation:
- Adopt Amendment
 - Do Pass Do Not Pass Without Committee Recommendation
 - As Amended Rerefer to Appropriations
 - Place on Consent Calendar
- Other Actions: Reconsider _____

Motion Made By Sen. Armstrong Seconded By Sen. Kren

Senators	Yes	No	Senators	Yes	No
Chairman Jessica Unruh	/		Sen. Erin Oban	/	
Vice Chair Curt Kreun	/				
Sen. Kelly Armstrong	/				
Sen. Dwight Cook	/				
Sen. Jim Roers	/				
Sen. Don Schaible	/				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Sen. Kren

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1374, as engrossed: Energy and Natural Resources Committee (Sen. Unruh, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1374 was placed on the Sixth order on the calendar.

Page 1, line 18, remove "seven"

Page 1, line 18, overstrike "hundred"

Page 1, line 18, remove "fifty"

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Page 4, line 23, remove the overstrike over "~~appointments~~" and insert immediately thereafter "with the intent of having each of the seven major drainage basins represented by a commissioner who resides in the basin. The major drainage basins are the upper Missouri River basin, the lower Missouri River basin, the James River basin, the upper Red River basin, the lower Red River basin, the Mouse River basin, and the Devils Lake basin"

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Page 4, line 25, remove the overstrike over "~~meetings~~"

Page 4, line 25, remove the overstrike over "~~that official~~"

Page 4, line 25, overstrike "may be" and insert immediately thereafter "is"

Page 4, line 25, remove the overstrike over "~~unable to attend.~~"

Page 4, line 25, remove "Each of the six major"

Page 4, remove lines 26 through 28

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Page 6, line 17, replace "and" with "or"

Page 6, line 17, replace "or improvement" with ", including removal of vegetative materials and sediment."

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Page 7, replace lines 6 through 8 with "must require a progress report to the commission at least every four years if the term of the project exceeds four years. If a progress report is not timely received or, if after a review of a progress report, the commission determines the project has not made sufficient progress, the commission may terminate the agreement for project funding. The project sponsor may submit a new application to the commission for funding for a project for which the commission previously terminated funding."

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

Page 8, line 3, replace "If" with "Notwithstanding any other provision of law, if"

Page 8, line 4, after "dam's" insert "current"

Page 8, line 5, replace "state" with "the political subdivision shall pay for the necessary improvements or upgrades. State"

Page 8, line 6, after the underscored period insert "For purposes of this section, "breach inundation zone" means the area downstream of the dam which would be flooded in the event of a dam failure or uncontrolled release of water."

Renumber accordingly

2017 TESTIMONY

HB 1374

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1374

Page 1, line 4, after the fifth comma insert "and"

Page 1, line 4, remove "and 61-02-12,"

Page 1, line 16, after analysis insert "education regarding"

Page 1, line 16, after "for" insert "municipal"

Page 1, line 16, after "projects" insert an underscored comma

Page 1, line 17, after "control" insert "and water conveyance"

Page 2, line 10, replace "and" with an underscored comma

Page 2, line 10, after "maintenance" insert ", and improvements"

Page 3, line 13, after "4." insert "\"Economic analysis\" means an estimate of economic benefits and direct costs that result from the development of a project."

5."

Page 3, after line 16, insert:

6. "Life cycle analysis" means the summation of all costs associated with the anticipated useful life of a project, including project development, land, construction, operation, maintenance, and disposal or decommissioning."

Page 3, line 17, replace "5." with "7."

Page 3, line 20, replace "6." with "8."

Page 3, line 23, replace "7." with "9."

Page 3, after line 25, insert:

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

Page 3, line 26, replace "8." with "11."

Page 5, remove lines 13 through 22

Page 6, line 21, after "the" insert "costs of"

Page 6, line 21, replace "costs" with "or improvement"

Page 7, line 5, replace "contracts" with "agreements"

Page 7, line 6, replace "A contract" with "An agreement for funding which is"

Page 7, line 7, replace "contract" with "agreement"

Page 7, line 8, replace "contractor" with "project sponsor"

Page 7, line 9, replace "contract" with "funding obligation"

Page 8, line 3, replace "flood" with "**breach inundation**"

Page 8, line 4, replaced "flood" with "breach inundation"

Page 8, line 5, after "necessitating" insert "structural"

Page 8, line 12, after the second "projects" insert "expected to cost more than seven hundred fifty thousand dollars, and a life cycle analysis process for municipal water supply projects"

Page 8, line 13, replace "or" with an underscored comma

Page 8, line 13, after the underscored comma insert "or water supply project."

Page 8, line 13, replace "apply" with "review"

Page 8, line 14, replace "process to the project" with "or life cycle analysis"

Page 8, line 15, replace "process" with "analysis and review"

Renumber accordingly

1A
HB 1374
2-2-17

17.0880.02004

Sixty-fifth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1374

Introduced by

Representatives Schmidt, D. Anderson, J. Nelson, Sanford, Streytle, Zubke

Senators Bekkedahl, Kreun, G. Lee, Luick, Schaible, Sorvaag

1 A BILL for an Act to create and enact sections 61-02-14.3, 61-02-80, 61-02-81, and a new
2 section to chapter 61-03 of the North Dakota Century Code, relating to contracts and financial
3 assistance for water projects and duties of the state engineer; and to amend and reenact
4 sections 61-02-01.3, 61-02-01.4, 61-02-02, 61-02-04, 61-02-07, and 61-02-08, ~~and 61-02-12~~,
5 subsection 1 of section 61-02-14, and subsection 4 of section 61-02-62 of the North Dakota
6 Century Code, relating to definitions of types of financial assistance for water projects and the
7 composition and operation of the state water commission.

8 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

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

11 **61-02-01.3. Comprehensive water development plan.**

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

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

1 **61-02-01.4. State water commission cost-share policy.**

2 The state water commission shall adopt a cost-share policy for the financing of water
3 projects. The policy:

- 4 1. Must provide a water supply project is eligible for ~~grants~~a cost-share up to seventy-five
5 percent of the total eligible project costs.
- 6 2. May not determine program eligibility of water supply projects based on a population
7 growth factor. However, a population growth factor may be used in prioritizing projects
8 for that purpose.
- 9 3. Must consider all project costs potentially eligible for reimbursement, except the
10 commission shall exclude operations expense ~~and~~, regular maintenance, and
11 improvements for water conveyance projects and may exclude operations expense
12 and regular maintenance for other projects. The commission shall require a water
13 project sponsor to maintain a capital improvement fund from the rates charged
14 customers for future extraordinary maintenance projects as condition of funding an
15 extraordinary maintenance project.
- 16 4. May not determine program eligibility of water supply projects based on affordability.
17 However, affordability may be used in prioritizing projects for that purpose.

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

20 **61-02-02. Definitions.**

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

- 22 1. "Commission" means the state water commission.
- 23 2. "Cost of works" includes:
 - 24 a. The cost of construction, the cost of all lands, property rights, water rights,
25 easements, and franchises acquired which are deemed necessary for such
26 construction;
 - 27 b. The cost of all water rights acquired or exercised by the commission in
28 connection with such works;
 - 29 c. The cost of all machinery and equipment, financing charges, interest prior to and
30 during construction and for a period not exceeding three years after the
31 completion of construction;

- 1 d. The cost of engineering and legal expenses, plans, specifications, surveys,
2 estimates of cost, and other expenses necessary or incident to determining the
3 feasibility or practicability of any project;
- 4 e. Administrative expenses;
- 5 f. The construction of the works and the placing of the same in operation; and
- 6 g. Such other expenses as may be necessary or incident to the financing authorized
7 in this chapter, including funding of debt service, repair and replacement
8 reserves, capitalized interest, and the payment of bond issuance costs.
- 9 3. "Cost-share" means funds appropriated by the legislative assembly or otherwise
10 transferred by the commission to a local entity under commission policy as
11 reimbursement for a percentage of the total approved cost of a project approved by
12 the commission.
- 13 4. "Economic analysis" means an estimate of economic benefits and direct costs that
14 result from the development of a project.
- 15 5. "Grant" means a one-time sum of money appropriated by the legislative assembly and
16 transferred by the commission to a local entity for a particular purpose. A grant is not
17 dependent on the local entity providing a particular percentage of the cost of the
18 project.
- 19 6. "Life cycle analysis" means the summation of all costs associated with the anticipated
20 useful life of a project, including project development, land, construction, operation,
21 maintenance, and disposal or decommissioning.
- 22 ~~5.7.~~ "Loan" means an amount of money lent to a sponsor of a project approved by the
23 commission to assist with funding approved project components. A loan may be
24 stand-alone financial assistance.
- 25 ~~6.8.~~ "Owner" includes all individuals, associations, corporations, limited liability companies,
26 districts, municipalities, and other political subdivisions of this state having any title or
27 interest in any properties, rights, water rights, easements, or franchises to be acquired.
- 28 ~~4.7.9.~~ "Project" means any one of the works defined in subsection 5, or any combination of
29 such works, which are physically connected or jointly managed and operated as a
30 single unit.

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

3 ~~5.8.11.~~ "Works" includes:

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

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

20 **61-02-04. State water commission - Members - Terms - Qualifications.**

21 The state water commission ~~shall consist~~consists of the governor, agriculture commissioner,
22 and seven other members ~~to be~~ appointed by the governor ~~who shall take into account~~
23 ~~reasonable geographic considerations in making such appointments.~~ The governor or the
24 agriculture commissioner, or both, may appoint a representative to serve in that official's
25 capacity at such meetings as that official may be unable to attend. Each of the six major
26 drainage basins in the state must be represented by at least one commissioner who resides in
27 the basin. The major basins are the upper Missouri River basin, the lower Missouri River basin,
28 the James River basin, the Red River basin, the Mouse River basin, and the Devils Lake basin.
29 The seven appointive members of the commission must be appointed for a term of six years
30 each with ~~their~~the terms of office so arranged that two terms and not more than three terms
31 expire on the first day of July of each odd-numbered year. Each appointive member must be a

1 qualified elector of the state and is subject to removal by judicial procedure. In case of a
2 vacancy, the vacancy must be filled by appointment by the governor for the remainder of the
3 unexpired term. Before entering upon the discharge of official duties, each appointive member
4 shall take, subscribe, and file with the secretary of state the oath prescribed for civil officers.

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

7 **61-02-07. Quorum - What constitutes.**

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

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

13 **61-02-08. Meetings of commission.**

14 The commission ~~may hold meetings at such times and~~shall hold at least one meeting every
15 two months at such places as it, by resolution, may provide. The chairman, or in the chairman's
16 absence or disability, the vice chairman of the commission, may issue a call for any meeting at
17 any time. The ~~governor, as chairman,~~ shall preside at all meetings of the commission and in
18 case of the ~~governor's~~chairman's absence or disability, the vice chairman shall preside.

19 ~~—SECTION 7. AMENDMENT. Section 61-02-12 of the North Dakota Century Code is~~
20 ~~amended and reenacted as follows:~~

21 ~~—61-02-12. Compensation and expenses of appointive members of commission.~~

22 ~~—Each appointive member of the commission is entitled to receive compensation per day in~~
23 ~~the amount provided for members of the legislative management under section 54-35-10 and~~
24 ~~must be reimbursed for expenses in the amounts provided in sections 44-08-04 and 54-06-09~~
25 ~~while attending meetings of the commission or, at the discretion of the member, may receive~~
26 ~~either per diem compensation or expenses in those amounts while otherwise engaged in official~~
27 ~~business of the commission, including time of travel between home and the place at which the~~
28 ~~member performs such duties.~~

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

- 1 1. To investigate, plan, regulate, undertake, construct, establish, maintain, control,
2 operate, and supervise all works, dams, and projects, public and private, which in its
3 judgment may be necessary or advisable:
 - 4 a. To control the low-water flow of streams in the state.
 - 5 b. To impound water for the improvement of municipal, industrial, and rural water
6 supplies.
 - 7 c. To control and regulate floodflow in the streams of the state to minimize the
8 damage of such floodwaters.
 - 9 d. To conserve and develop the waters within the natural watershed areas of the
10 state and, subject to vested rights, to divert the waters within a watershed area to
11 another watershed area and the waters of any river, lake, or stream into another
12 river, lake, or stream.
 - 13 e. To improve the channels of the streams for more efficient transportation of the
14 available water in the streams.
 - 15 f. To provide sufficient water flow for the abatement of stream pollution.
 - 16 g. To develop, restore, and stabilize the waters of the state for domestic,
17 agricultural, and municipal needs, irrigation, flood control, recreation, and wildlife
18 conservation by the construction and maintenance of dams, reservoirs, and
19 diversion canals.
 - 20 h. To promote the maintenance of existing drainage channels in agricultural lands
21 and to construct any needed channels.
 - 22 i. To provide more satisfactory subsurface water supplies for the municipalities of
23 the state.
 - 24 j. To finance the construction, establishment, operation, and maintenance of public
25 and private works, dams, and irrigation projects, which in its judgment may be
26 necessary and advisable, except the commission may not provide a cost-share
27 for the costs of operation and maintenance costs or improvement of a water
28 conveyance project.
 - 29 k. To provide for the storage, development, diversion, delivery, and distribution of
30 water for the irrigation of agricultural land and supply water for municipal and
31 industrial purposes.

- 1 l. To provide for the drainage of lands injured by or susceptible of injury from
2 excessive rainfall or from the utilization of irrigation water, and subject to the
3 limitations prescribed by law, to aid and cooperate with the United States and any
4 department, agency, or officer thereof, and with any county, township, drainage
5 district, or irrigation district of this state, or of other states, in the construction or
6 improvement of such drains.
- 7 m. To provide water for stock.
- 8 n. To provide water for the generation of electric power and for mining and
9 manufacturing purposes.

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

12 **61-02-14.3. Commission ~~contracts~~agreements - Terms, conditions, and reapplication.**

13 ~~A contract~~An agreement for funding which is approved by the commission to fund a water
14 project under this chapter may not have a term exceeding four years. If a water project is not
15 completed when the ~~contract~~agreement for its funding terminates, the ~~contractor~~project sponsor
16 responsible for the project may reapply to the commission for another ~~contract~~funding obligation
17 to complete the project. The commission shall prioritize the timing of its review of the
18 reapplication.

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

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

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

3 **Flood control projects - Financial assistance limited.**

4 For flood control projects, the commission shall calculate the amount of its financial
5 assistance, including loans, grants, cost-share, and issuance of bonds, based on the needs for
6 protection of health, property, and enterprise against one hundred year flood events or the
7 equivalent alternative to the national economic development alternative.

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

10 **Development in floodbreach inundation zones - No financial assistance for dam**
11 **improvements.**

12 If a political subdivision permits building or development within a floodbreach inundation
13 zone and the building or development causes a change in a dam's hazard classification
14 necessitating structural improvements or upgrades to the dam, state loans, grants, cost-share,
15 and other financial assistance may not be provided to pay for the dam improvements or
16 upgrades.

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

19 **Economic analysis process required for certain projects.**

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

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1374

Page 1, line 4, after the fifth comma insert "and"

Page 1, line 4, remove "and 61-02-12,"

Page 1, line 16, after analysis insert "education regarding"

Page 1, line 16, after "for" insert "municipal"

Page 1, line 16, after "projects" insert an underscored comma

Page 1, line 17, after "control" insert "and water conveyance"

Page 2, line 10, replace "and" with an underscored comma

Page 2, line 10, after "maintenance" insert ", and improvements"

Page 3, line 13, after "4." insert "\"Economic analysis\" means an estimate of economic benefits and direct costs that result from the development of a project."

5."

Page 3, after line 16, insert:

6. "Life cycle analysis" means the summation of all costs associated with the anticipated useful life of a project, including project development, land, construction, operation, maintenance, and disposal or decommissioning."

Page 3, line 17, replace "5." with "7."

Page 3, line 20, replace "6." with "8."

Page 3, line 23, replace "7." with "9."

Page 3, after line 25, insert:

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

Page 3, line 26, replace "8." with "11."

Page 5, remove lines 13 through 22

Page 6, line 21, after "the" insert "costs of"

Page 6, line 21, replace "costs" with "or improvement"

Page 7, line 5, replace "contracts" with "agreements"

Page 7, line 6, replace "A contract" with "An agreement for funding which is"

Page 7, line 7, replace "contract" with "agreement"

Page 7, line 8, replace "contractor" with "project sponsor"

Page 7, line 9, replace "contract" with "funding obligation"

Page 8, line 3, replace "flood" with "**breach inundation**"

Page 8, line 4, replaced "flood" with "breach inundation"

Page 8, line 5, after "necessitating" insert "structural"

Page 8, line 12, after the second "projects" insert "expected to cost more than seven hundred fifty thousand dollars, and a life cycle analysis process for municipal water supply projects"

Page 8, line 13, replace "or" with an underscored comma

Page 8, line 13, after the underscored comma insert "or water supply project."

Page 8, line 13, replace "apply" with "review"

Page 8, line 14, replace "process to the project" with "or life cycle analysis"

Page 8, line 15, replace "process" with "analysis and review"

Renumber accordingly

13.0096.03000

FIRST ENGROSSMENT

HB 1374
3-3-17
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Sixty-third
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1206

Introduced by

Representatives Schmidt, Devlin, Kasper, Pollert, Skarphol, Streyle, Thoreson
Senators Bowman, Lyson

1 A BILL for an Act to create and enact section 61-02-01.3 of the North Dakota Century Code,
2 relating to development of a comprehensive water development plan; and to provide for a
3 legislative management study.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** Section 61-02-01.3 of the North Dakota Century Code is created and enacted
6 as follows:

7 **61-02-01.3. Comprehensive water development plan.**

8 Biennially, the commission shall develop and maintain a comprehensive water development
9 plan organized on a river basin perspective, including an inventory of future water projects for
10 budgeting and planning purposes. As part of the commission's planning process, in order to
11 facilitate local project sponsor participation and project prioritization and to assist in project
12 cost-benefit analysis for projects expected to cost more than five hundred thousand dollars, the
13 commission shall develop a policy that outlines procedures for commissioner-hosted meetings
14 within the Red River, James River, Mouse River, upper Missouri River, lower Missouri River,
15 and Devils Lake drainage basins.

16 **SECTION 2. LEGISLATIVE MANAGEMENT STUDY - WATER PROJECT**

17 **PRIORITIZATION.** During the 2013-2014 interim, the legislative management shall conduct a
18 study to evaluate current water project prioritization processes for effectiveness in determining
19 high-priority water projects for state water commission funding. The legislative management
20 shall report its findings and recommendations, together with any legislation required to
21 implement the recommendations, to the sixty-fourth legislative assembly.

original

STATE WATER COMMISSION
PROJECT SUMMARY
2015-2017 BIENNIUM

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	BUDGET	SWC/SE APPROVED	OBLIGATIONS EXPENDITURES	REMAINING UNOBLIGATED	REMAINING UNPAID
FLOOD CONTROL					
FARGO	228,506,200	228,506,200	141,210,942	0	87,295,258
GRAFTON	33,925,000	33,925,000	1,534,675	0	32,390,325
MOUSE RIVER FLOOD CONTROL	46,513,397	25,737,810	9,283,069	20,775,587	16,454,741
VALLEY CITY	28,458,354	27,312,537	9,104,144	1,145,817	18,208,393
LISBON	15,227,187	8,094,752	4,797,642	7,132,435	3,297,110
FORT RANSOM	225,000	0	0	225,000	0
WILLISTON	7,000,000	3,655,517	0	3,344,483	3,655,517
RENWICK DAM	23,320	7,117	7,117	16,203	0
MISSOURI RIVER FLOOD CONTROL	4,000,000	4,000,000	4,000,000	0	0
FLOODWAY PROPERTY ACQUISITIONS					
MINOT	23,879,316	23,879,316	13,678,297	0	10,201,019
WARD COUNTY	6,046,590	6,046,590	31,243	0	6,015,347
VALLEY CITY	4,017,403	4,017,403	142,606	0	3,874,797
BURLEIGH COUNTY	232,649	(114,552)	(114,552)	347,201	0
SAWYER	184,260	184,260	48,416	0	135,844
LISBON	626,250	626,250	22,950	0	603,300
BURLINGTON	43,350	43,350	0	0	43,350
STATE WATER SUPPLY					
REGIONAL & LOCAL WATER SYSTEMS	184,835,694	184,760,694	65,807,869	75,000	118,952,825
FARGO WATER TREATMENT PLANT	22,768,775	22,768,775	21,643,212	0	1,125,563
SOUTHWEST PIPELINE PROJECT	104,761,201	104,761,200	53,956,570	0	50,804,630
NORTHWEST AREA WATER SUPPLY	15,754,482	15,754,482	2,472,746	0	13,281,736
WESTERN AREA WATER SUPPLY AUTHORITY	82,201,384	82,201,384	69,102,021	0	13,099,363
RED RIVER VALLEY WATER SUPPLY	12,521,328	12,521,328	7,032,845	0	5,488,483
CENTRAL NORTH DAKOTA WATER SUPPLY	70,070,800	70,800	69,804	70,000,000	997
UNOBLIGATED STATE WATER SUPPLY	2,081,155			2,081,155	
GENERAL WATER MANAGEMENT					
OBLIGATED	44,739,182	44,739,182	21,623,433	0	23,115,750
UNOBLIGATED GENERAL WATER	28,186,824			28,186,824	
DEVILS LAKE					
OUTLET	870,802	870,802	0	0	870,802
OUTLET OPERATIONS	18,534,211	18,534,210	7,242,499	0	11,291,711
DL EAST END OUTLET	2,774,011	2,774,011	505,355	0	2,268,656
REVOLVING LOAN FUND					
GENERAL WATER PROJECTS	11,000,000	10,574,214	2,274,114	425,786	8,300,100
WATER SUPPLY	25,000,000	14,966,885	11,926,395	10,033,115	3,040,490
TOTALS	1,025,008,125	881,219,517	447,403,410	143,788,609	433,816,106

STATE WATER COMMISSION
PROJECT SUMMARY
2015-2017 Biennium

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PROGRAM OBLIGATION

Approvec SWC By	No	Dept	Sponsor	Project	Initial Approved Date	Total Approved	Total Payments	Jan-17 Balance
Flood Control:								
SB 2020	1928-01	5000	City of Fargo	Fargo Flood Control Project	6/23/2009	99,506,200	70,585,898	28,920,302
SB 2020	1928-02	5000	City of Fargo	Interior Flood Control Project	12/11/2015	30,000,000	30,000,000	0
SB 2020	1928-03	5000	City of Fargo	Interior Disaster Relief Fund	12/11/2015	30,000,000	30,000,000	0
SB 2020	1928-05	5000	Metro Flood Diversion Authority	Fargo Metro Flood Diversion Authority 2015-2017	7/6/2016	69,000,000	10,625,044	58,374,956
	1771-01	5000	City of Grafton	Grafton Flood Control Project	10/12/2016	32,175,000	0	32,175,000
	1771-02	5000	City of Grafton	Grafton Flood Risk Reduction Project	12/5/2014	1,750,000	1,534,675	215,325
	1974-06	5000	Souris River Joint WRD	Development of 2011 Flood Inundation Maps	12/18/2015	5,600	0	5,600
SB 2371	1974-08	5000	Souris River Joint WRD	Mouse River Reconnaissance Study to Meet Fed Guid	2/15/2013	0	0	0
	1974-09	5000	Souris River Joint WRD	Mouse River Flood Control Design Engineering	8/8/2016	7,317,512	6,582,126	735,386
	1974-11	5000	Souris River Joint WRD	Funding of 214 agreement between SRJB & USACE	12/5/2014	106,500	75,000	31,500
	1974-14	5000	Souris River Joint WRD	SIARR Program (Structure Acquisition, Relocation, or	3/9/2016	7,200,000	402,165	6,797,835
	1974-15	5000	Souris River Joint WRD	Perkett Ditch Improvements	12/2/2016	2,188,592	1,127,732	1,060,860
	1974-16	5000	Souris River Joint WRD	Corps of Engineers Feasibility Study MREFFP	12/9/2016	750,000	276,303	473,697
	1974-18	5000	Souris River Joint WRD	Rural Reaches, Preliminary Engineering	10/12/2016	260,000	0	260,000
	1974-19	5000	Souris River Joint WRD	4th Avenue Tieback Levee & Burlington Levee - Desig	10/12/2016	3,900,000	0	3,900,000
	1974-20	5000	Souris River Joint WRD	Utility Relocations	10/12/2016	467,057	0	467,057
	1974-21	5000	Souris River Joint WRD	Highway 83 Bypass & Bridge Replacement	10/12/2016	1,983,623	0	1,983,623
	1758	5000	Souris River Joint WRD-no agreement	International Joint Commission Study Board	5/29/2014	302,500	0	302,500
	1993-01	5000	City of Minot	Downtown Infrastructure Improvements	9/15/2014	1,256,426	819,743	436,683
SB 2371	1344-01	5000	Valley City	Sheyenne River Valley Flood Control Project	12/5/2015	156,993	156,993	0
	1344-04	5000	Valley City	Sheyenne River Valley Flood Control Project PHII	8/29/2016	1,147,500	289,749	857,751
	1504-01	5000	Valley City	Permanent Flood Protection Project	12/5/2014	9,850,444	8,657,402	1,193,042
	1504-02	5000	Valley City	Permanent Flood Protection Project (LOAN)	12/5/2014	3,000,000	0	3,000,000
	1504-03	5000	Valley City	Permanent Flood Protection PH III	12/9/2016	13,157,600	0	13,157,600
SB 2371	1344-02	5000	City of Lisbon	Sheyenne River Valley Flood Control Project	8/8/2016	2,281,610	280,621	2,000,989
	1991-01	5000	City of Lisbon	Permanent Flood Protection Project	5/29/2014	561,702	414,733	146,969
	1991-03	5000	City of Lisbon	Permanent Flood Protection - Levee C Project	3/11/2015	3,153,440	2,775,641	377,799
	1991-06	5000	City of Lisbon	Permanent Flood Protection - Levee E Project	3/9/2016	2,098,000	1,326,647	771,353
SB 2371	1344-03	5000	Fort Ransom	Sheyenne River Valley Flood Control Project	6/19/2013	0	0	0
	849	5000	Pembina Co. WRD	Renwick Dam Rehabilitation	6/26/2014	7,117	0	7,117
SB 2020	1992-02	5000	Burleigh Co. WRD	Missouri River Correctional Center	9/21/2015	1,200,000	1,200,000	0
SB 2020	1992-03	5000	Burleigh Co. WRD	Fox Island Flood Control Funding Update	9/21/2015	2,800,000	2,800,000	0
	2079	5000	City of Williston	West Williston Flood Control	12/9/2016	3,655,517	0	3,655,517
Subtotal Flood Control						331,238,933	169,937,589	161,301,344
Floodway Property Acquisitions:								
	1993-05	5000	City of Minot	Minot Phase 2 - Floodway Acquisitions	2/25/2014	23,879,316	13,678,297	10,201,019
SB 2371	1523-05	5000	Ward County	Ward County Phase 1, 2 & 3 - Floodway Acquisitions	1/27/2012	6,046,590	31,243	6,015,347
SB 2371	1504-05	5000	Valley City	Valley City Phase 1 - Floodway Acquisitions	8/29/2016	4,017,403	142,606	3,874,797
SB 2371	1992-05	5000	Burleigh Co. WRD	Burleigh Co. Phase 1 - Floodway Acquisitions	3/7/2012	(114,552)	(114,552)	0
SB 2371	2000-05	5000	City of Sawyer	Sawyer Phase 1 - Floodway Acquisitions	6/13/2012	184,260	48,416	135,844
	1991-05	5000	City of Lisbon	Lisbon - Floodway Acquisition	12/9/2016	626,250	22,960	603,300
	1987-05	5000	City of Burlington	Mouse River Enhanced Flood Plan Property Acquisitor	12/29/2015	43,350	0	43,350
Subtotal Floodway Property Acquisitions						34,682,617	13,808,960	20,873,657
State Water Supply Grants:								
	2373-35	5000	Grand Forks - Traill RWD	Grand Forks - Traill County WRD	6/13/2012	303,715	303,715	0
	2373-36	5000	Stutsman Rural RWD	Stutsman Rural Water System - Phase IIB, III	2/27/2013	4,739,672	4,443,172	296,500
	2373-38	5000	Stutsman Rural RWD	Kidder Co & Carrington Area Expansion	7/23/2013	991,361	991,361	0
	2373-39	5000	North Central Rural Water Consortium	Carpio Berthold Phase 2	5/29/2014	2,970,141	528,312	2,441,829
	2373-41	5000	North Central Rural Water Consortium	Granville-Deering Area	10/24/2016	5,940,102	3,460,454	2,479,648
	2050-01	5000	Missouri West Water System	South Mandan	3/17/2014	168,606	168,606	0
	2050-02	5000	Grand Forks Traill RWD	Improvements	3/11/2015	4,369,058	3,554,250	814,808
	2050-03	5000	Northeast Regional WD	Langdon RWD - ABM Pipeline Phase 1	10/7/2013	540,437	540,437	0
	2050-04	5000	Northeast Regional WD	Langdon RWD - North Valley Nekoma	3/11/2015	859,341	859,341	0
	2050-05	5000	Northeast Regional WD	North Valley WD - ABM Pipeline Phase 1	3/11/2015	240,672	240,672	0
	2050-06	5000	Northeast Regional WD	North Valley WD - 93 Street	3/11/2015	937,870	937,870	0
	2050-07	5000	Northeast Regional WD	North Valley WD - Rural Expansion	5/29/2014	1,657,591	1,591,977	65,614
	2050-08	5000	Walsh RWD	Ground Storage	10/7/2013	169,977	169,977	(0)
	2050-09	5000	City of Park River	Water Tower	3/11/2015	571,225	571,225	0
	2050-10	5000	City of Surrey	Water Supply Improvements	10/7/2013	1,117,800	1,117,800	0
	2050-11	5000	Cass RWD	Phase 2 Plant Improvements	10/7/2013	3,951,363	3,912,186	39,178
	2050-13	5000	City of Mandan	New Raw Water Intake	10/7/2013	1,567,676	49,788	1,517,888
	2050-14	5000	City of Mandan	Water Treatment Plant Improvements	10/7/2013	226,762	226,762	0
	2050-15	5000	City of Washburn	New Raw Water Intake	10/7/2013	2,334,250	0	2,334,250
	2050-16	5000	Tri-County RWD	Improvements	10/7/2013	845,000	845,000	0
	2050-17	5000	Barnes Rural RWD	Improvements	3/11/2015	6,894,412	5,153,732	1,740,680
	2050-18	5000	City of Grafton	Water Treatment Plant Phase 3	10/7/2013	3,381,148	2,320,691	1,060,457
	2050-19	5000	City of Grand Forks	Water Treatment Plant Improvements	10/7/2013	3,849,151	3,849,151	0
	2050-20	5000	City of Dickinson	Capital Infrastructure	10/6/2015	9,875,025	5,489,597	4,385,428
	2050-21	5000	Watford City	Capital Infrastructure	2/27/2014	1,897,040	1,178,862	718,178
	2050-22	5000	City of Williston	Capital Infrastructure	2/27/2014	4,119,610	2,281,794	1,837,816
	2050-23	5000	Greater Ramsey WRD	SW Nelson County Expansion	3/17/2014	4,199,547	3,357,732	841,816
	2050-24	5000	All Seasons Water District	System 1 Well Field Expansion	9/15/2014	292,500	0	292,500
	2050-25	5000	All Seasons Water District	Bottineau County Extension, Phase I	7/29/2015	896,000	562,571	333,429
	2050-26	5000	City of Fargo	Fargo Water System Regionalization Improvements	7/29/2015	6,841,750	2,420,406	4,421,344
	2050-27	5000	City of Tioga	Tioga Water Supply Improvement Project	7/29/2015	2,190,000	1,914,381	275,619
	2050-28	5000	City of Mandan	Water Systems Improvement Project	10/6/2015	2,582,535	111,904	2,470,631
	2050-29	5000	City of Minot	Water Systems Improvement Project	10/6/2015	3,634,000	78,477	3,555,523
	2050-30	5000	Watford City	Water Systems Improvement Project	10/6/2015	5,435,087	52,092	5,382,995
	2050-31	5000	City of West Fargo	Water Systems Improvement Project	10/6/2015	3,426,210	1,824,470	1,601,740
	2050-32	5000	City of Williston	Water Systems Improvement Project	10/6/2015	10,890,472	2,798,641	8,091,831
	2050-33	5000	Stutsman RWD	Phase V Storage & Pipeline Expansion Project	10/6/2015	4,170,100	2,598,922	1,571,178
	2050-34	5000	North Prairie RWD	Storage and Water Main	10/6/2015	3,459,837	1,212,883	2,246,954
	2050-35	5000	Southeast Water Users Dist	System Wide Expansion Feasibility Study	10/6/2015	11,826,000	211,467	11,614,533
	2050-36	5000	City of Dickinson	Water Systems Improvement Project	10/6/2015	1,042,500	0	1,042,500
	2050-37	5000	City of Dickinson	Dickinson State Avenue South Water Main	12/11/2015	965,000	0	965,000
	2050-38	5000	Dakota Rural Water District	Reservoir C Expansion	12/11/2015	901,500	770,876	130,624
	2050-39	5000	Missouri West Water System	Crown Butte Service Area Expansion Phase II	12/11/2015	308,000	144,582	163,418
	2050-41	5000	Northeast Regional WD	City of Devils Lake Water Supply Project	12/11/2015	15,543,750	1,178,876	14,364,874
	2050-42	5000	Walsh RWD	Phase 1 & 2 System Expansion	12/11/2015	2,093,350	172,052	1,921,298
	2050-43	5000	All Seasons Water District	System 4 Connection to System 1	12/11/2015	4,900,000	0	4,900,000
	2050-44	5000	City of Beulah	Water Treatment Plant	3/9/2016	2,640,000	35,176	2,604,824
	2050-45	5000	Garrison Rural Water District	System Expansion Project	3/9/2016	2,003,550	29,236	1,974,314
	2050-49	5000	City of Grand Forks	Grand Forks Water Treatment Plant	10/12/2016	30,000,000	1,546,393	28,453,607
Subtotal State Water Supply						184,760,694	65,807,869	118,952,825

STATE WATER COMMISSION
PROJECT SUMMARY
2015-2017 Biennium

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PROGRAM OBLIGATION

ed SWC No	Dept	Sponsor	Project	Initial Approved Date	Total Approved	Total Payments	Jan-17 Balance
1984-02	5000	City of Fargo	Fargo Water Treatment Plant	3/17/2014	22,768,775	21,643,212	1,125,563
1736-05	8000	SWPP	Southwest Pipeline Project	7/1/2013	104,761,200	53,956,570	50,804,630
2374	9000	NAWS	Northwest Area Water Supply	7/1/2013	15,754,482	2,472,746	13,281,736
1973-02	5000	WAWSA	WAWSA- (GRANT)	10/6/2015	12,061,806	11,299,637	762,168
1973-05	5000	WAWSA	WAWSA- (GRANT)	10/6/2015	60,000,000	47,662,805	12,337,195
1973-03	5000	Bank of North Dakota	WAWSA - (LOAN)	10/6/2015	10,139,578	10,139,578	0
325-102	5000	RRVWSP	Red River Valley Water Supply - Intake Design Study	5/29/2014	162,328	32,845	129,483
SB 2020 325-104	5000	Garrison Diversion	Red River Valley Water Supply Project	7/29/2015	12,359,000	7,000,000	5,359,000
2051-101	5000	Central ND Water Supply	Black and Veatch investigation	1/27/2015	70,800	69,804	997
Subtotal State Water Supply					238,077,969	154,277,196	83,800,772
General Water Management							
Hydrologic Investigations:						1,125,267	
2041	3000	US Geological Survey	USGS Stream Gage Joint Funding Agreement	3/9/2016	529,075	529,075	0
2041	3000	US Geological Survey	USGS Stream Gage Joint Funding Agreement	10/12/2016	544,110	136,028	408,083
1400	3000	Fireside Office Solutions	Document Conversion (Water Permit Scanning)	8/23/2016	50,000	7,200	42,800
Hydrologic Investigations Obligations Subtotal					1,123,185	672,302	450,883
Remaining Hydrologic Investigations Authority						2,082	
Hydrologic Investigations Authority Less Payments							
General Projects Obligated					27,106,508	7,140,535	19,965,974
General Projects Completed					16,507,407	13,810,596	2,696,811
Subtotal General Water Management					44,739,182	21,623,433	23,115,750
Devils Lake Basin Development:							
SWC 416-07	5000	Multiple	Devils Lake Outlet	7/1/2013	870,802	0	870,802
SWC 416-10	4700	Operations	Devils Lake Outlet Operations	3/9/2016	18,534,210	7,242,499	11,291,711
SWC 416-15	5000	Multiple	DL East End Outlet	7/1/2013	2,774,011	505,355	2,268,656
Devils Lake Subtotal					22,179,023	7,747,854	14,431,170
Revolving Loan Fund:							
(General Water)							
2077-02	1050	City of Lisbon	Permanent Flood Protection - Levee C (LOAN)	3/11/2015	886,500	886,500	0
2077-03	1050	City of Lisbon	Sheyenne River Flood Protection - Levee E (LOAN)	3/9/2016	527,000	527,000	0
2077	1050	City of Lisbon	Permanent Flood Protection - Levee D & F (LOAN)	7/6/2016	243,200	0	243,200
2077	1050	City of Grafton	Grafton Flood Risk Reduction (LOAN)	10/12/2016	3,375,000	0	3,375,000
2077-06	1050	City of Valley City	Permanent Flood Protection Project (LOAN)	12/28/2016	860,614	860,614	0
2077	1050	City of Valley City	Valley City Flood Protection - Phase II Construction (LC	12/9/2016	3,289,400	0	3,289,400
2077	1050	City of Valley City	Valley City Preliminary Design & Engineering	12/9/2016	142,500	0	142,500
2077	1050	City of Valley City	Valley City Phase III Buyouts	12/9/2016	1,250,000	0	1,250,000
(Water Supply)							
2077-01	1050	Bank of North Dakota	WAWSA - (LOAN)	10/6/2015	10,000,000	10,000,000	0
2077-04	1050	North Prairie Rural Water District	Storage & Water Mains (LOAN)	12/11/2015	239,475	239,475	0
2077	1050	City of Beulah	Water Treatment Plant (LOAN)	3/9/2016	880,000	0	880,000
2077-05	1050	Northeast Regional WD	City of Devils Lake Water Supply Project (LOAN)	3/9/2016	1,686,920	1,686,920	0
2077	1050	Walsh Rural WD	Phase 1, 2, & 3 System Expansion Project (LOAN)	3/9/2016	250,490	0	250,490
2077	1050	Barnes Rural Water District	Rural Expansion (LOAN)	10/12/2016	835,000	0	835,000
2077	1050	North Central Rural Water Consortium	Carpio Berhold Phase 2 (LOAN)	10/12/2016	215,000	0	215,000
2077	1050	North Central Rural Water Consortium	Granville-Surrey-Deering Water Supply Project (LOAN)	10/12/2016	139,000	0	139,000
2077-07	1050	Stutsman Rural Water District	Phase 3 Expansion (LOAN)	10/12/2016	721,000	0	721,000
Revolving Loan Fund Subtotal					25,541,099	14,200,509	11,340,590
TOTAL					881,219,517	447,403,410	433,816,106

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GENERAL PROJECT OBLIGATIONS

SWC No	Dept	Approved Biennium	Sponsor	Project	Initial Approved Date	Total Approved	Total Payments	Balance Jan-17
SE 274	5000	2015-17	City of Neche	Neche Levee Certification Project	3/21/2016	54,000	0	54,000
SWC 322	5000	2009-11	ND Water Education Foundati	ND Water: A Century of Challenge	2/22/2010	36,800	0	36,800
SWC 346	5000	2015-17	Williams County WRD	Epping Dam Spillway Reconstruction	3/9/2016	719,045	544,657	174,388
SWC 347	5000	2009-11	City of Velva	City of Velva's Flood Control Levee System Certificat	3/28/2011	102,000	69,503	32,497
SE 390	5000	2015-17	Logan County WRD	Beaver Lake Dam Rehabilitation Feasibility Study	6/8/2016	16,076	0	16,076
SE 394	5000	2015-17	Golden Valley Co WRD	Odland Dam Rehabilitation Feasibility Study	10/13/2016	13,220	0	13,220
SE 399	5000	2013-15	Barnes Co WRD	Kathryn Dam Feasibility Study	9/19/2014	21,250	8,508	12,742
SE 420	5000	2015-17	Hettinger Park Board	Mirror Lake Dam Emergency Action Plan	12/2/2016	24,400	0	24,400
SE 460	5000	2015-17	Griggs Co. WRD	Ueland Dam Rehabilitation Feasibility Study	5/20/2016	17,500	0	17,500
SE 477	5000	2015-17	Valley City	Mill Dam Rehabilitation Feasibility Study	6/8/2016	15,073	0	15,073
SE 512	5000	2015-17	Emmons County WRD	Nieuwsma Dam Emergency Action Plan	11/28/2016	12,000	0	12,000
SE 531	5000	2015-17	Benson Co WRD	Bouret Dam Rehabilitation Feasibility Study	10/11/2016	12,118	0	12,118
SE 561	5000	2015-17	City of Tioga	Tioga Dam EAP	5/20/2016	40,000	0	40,000
SWC 568	5000	2013-15	Southeast Cass WRD	Sheyenne River Reaches Snagging & Clearing Projec	12/5/2014	94,238	0	94,238
SWC 568	5000	2015-17	Southeast Cass WRD	Sheyenne River Snagging & Clearing Reaches I	12/11/2015	99,000	25,098	73,902
SWC 568	5000	2015-17	Southeast Cass WRD	Sheyenne River Snagging & Clearing Reaches II	12/11/2015	105,000	77,095	27,905
SWC 568	5000	2015-17	Southeast Cass WRD	Sheyenne River Snagging & Clearing Reaches III	12/11/2015	90,000	2,965	87,035
SWC 568	5000	2015-17	Southeast Cass WRD	Sheyenne River Snagging & Clearing Reaches I,II,III	12/9/2016	294,000	0	294,000
SE 568	5000	2015-17	Barnes Co WRD	Sheyenne River Snagging & Clearing Reach 1 Proj 2	6/8/2016	49,000	0	49,000
SE 571	5000	2013-15	Oak Creek WRD	Oak Creek Snagging & Clearing Project	3/30/2015	3,672	2,565	1,107
SWC 620	5000	2007-09	Lower Heart WRD	Mandan Flood Control Protective Works (Levee)	9/29/2008	125,396	0	125,396
SE 662	5000	2015-17	Walsh Co. WRD	Park River Snagging & Clearing	1/12/2016	29,264	20,492	8,772
SE 662	5000	2015-17	Walsh Co. WRD	Park River Snagging & Clearing	2/17/2017	55,385	0	55,385
SWC 710	5000	2015-17	Maple River WRD	Upper Swan Creek Channel Improvement Project	10/6/2015	171,763	10,177	161,586
SE 841	5000	2013-15	Maple River WRD	Garsteig Dam Repair Project	1/26/2015	40,163	21,502	18,661
SWC 841	5000	2015-17	Maple River WRD	Swan Buffalo Detention Dam #5(Garsteig Dam)	11/17/2016	156,426	4,574	151,852
SWC 841	5000	2015-17	Maple River WRD	Swan Buffalo Detention Dam #12(Absaraka Dam)	11/15/2016	127,164	5,298	121,866
SE 848	5000	2015-17	Sargent Co WRD	Tewaukon WS-T-1-A (Brummond-Lubke) Dam EAP	12/18/2015	20,000	7,984	12,016
SE 848	5000	2015-17	Sargent Co WRD	Tewaukon WS-T-7 (Nelson) Dam EAP	12/18/2015	20,000	7,820	12,180
SE 849	5000	2015-17	Pembina Co. WRD	Renwick Dam Emergency Action Plan	9/29/2015	63,680	56,784	6,896
SWC 980	5000	2015-17	Cass Co. Joint WRD	Rush River Watershed Detention Study	1/7/2016	154,000	23,269	130,731
SWC 980	5000	2013-15	Cass Co. Joint WRD	Swan Creek Watershed Detention Study PHII	3/11/2015	154,000	28,287	125,713
SWC 980	5000	2015-17	Cass Co. Joint WRD	Upper Maple River Watershed Detention Study	1/11/2016	154,000	20,885	133,115
SWC 1056	5000	2015-17	Bottineau Co. WRD	Tacoma Bitz Legal Drain	7/6/2016	312,105	58,097	254,008
SWC 1056	2000	2015-17	Bottineau Co. WRD	Stead Legal Drain	2/16/2017	19,142	0	19,142
SWC 1064	5000	2013-15	Rush River WRD	Cass County Drain No. 2 Channel Improvements Proji	3/11/2015	106,989	65,306	41,683
SWC 1071	5000	2015-17	Maple River WRD	Cass County Drain #15 Channel Improvements	3/9/2016	296,562	0	296,562
SWC 1088	5000	2015-17	Maple River WRD	Cass Drain #37 Channel Improvements	3/9/2016	230,326	0	230,326
SWC 1089	5000	2015-17	Maple River WRD	Cass County Drain #39 Channel Improvements	3/9/2016	221,871	0	221,871
SWC 1101	5000	2011-13	Dickey Co. WRD	Yorktown-Maple Drainage Improvement Dist No. 3	12/11/2015	798,562	0	798,562
SWC 1101	5000	2011-13	Dickey-Sargent Co WRD	Riverdale Township Improvement District #2 - Dickey	9/21/2011	500,000	0	500,000
SE 1140	5000	2015-17	Pembina Co. WRD	Drain 11 Outlet Extension Cost Overrun Project	7/7/2015	5,088	0	5,088
SWC 1174	5000	2015-17	Richland Co. WRD	Legal Drain #31 Improvements Project	3/9/2016	161,852	128,498	33,354
SWC 1176	5000	2015-17	Richland Co. WRD	Legal Drain #2 Reconstruction/Extension Project	3/9/2016	535,500	252,010	283,490
SWC 1179	5000	2015-17	Richalnd Co. WRD	Legal Drain #5 (Lateral 27) Reconstruction	3/9/2016	531,000	330,516	200,484
SWC 1179	5000	2015-17	North Cass Co. WRD	Drain #23 Channel Improvements	3/9/2016	137,181	0	137,181
SWC 1222	5000	2015-17	Sargent Co WRD	Drain No 11 Channel Improvements	10/12/2016	1,417,967	0	1,417,967
SWC 1227	5000	2011-13	Trail Co. WRD	Mergenthal Drain No. 5 Reconstruction	9/15/2014	18,502	6,277	12,225
SWC 1231	5000	2015-17	Trail Co. WRD	Carson Drain No. 10 Channel Improvements	10/12/2016	152,328	0	152,328
SWC 1236	5000	2015-17	Trail Co. WRD	Murray Drain No. 17 Channel Improvements	10/12/2016	138,450	0	138,450
SWC 1242	5000	2013-15	Trail Co. WRD	Rust Drain No. 24 Project	12/13/2013	25,152	3,002	22,150
SE 1264	5000	2013-15	Barnes Co WRD	Little Dam Repurposing Feasibility Study	6/17/2015	16,100	3,715	12,385
SWC 1270	5000	2013-15	Burleigh Co. WRD	Apple Creek Industrial Park Levee Feasibility Study	10/7/2013	65,180	0	65,180
SE 1270	5000	2015-17	City of Wilton	Wilton Pond Dredging Recreation Project	12/29/2015	35,707	0	35,707
SWC 1273	5000	2015-17	City of Oakes	James River Bank Stabilization	12/11/2015	262,500	0	262,500
SE 1287	5000	2013-15	McHenry Co. WRD	Souris River Snagging & Clearing Project	2/3/2015	15,000	4,500	10,500
SWC 1294	5000	2013-15	Nelson Co. Park Board	Stump Lake Park Bank Stabilization Project	3/11/2015	115,436	0	115,436
SE 1296	5000	2013-15	Pembina Co. WRD	Bathgate-Hamilton & Carlisle Watershed Study	10/17/2013	45,226	38,500	6,726
SWC 1301	5000	2015-17	Richland Co. WRD	North Branch Antelope Creek NRCS Small Watershec	3/9/2016	113,400	0	113,400
SE 1303	5000	2013-15	Sargent Co WRD	Gwinner Dam Improvement Feasibility Study Program	4/17/2015	42,844	18,750	24,094
SWC 1303	5000	2015-17	Sargent Co WRD	Shortfoot Creek Watershed Planning Program	3/9/2016	154,000	27,964	126,036
SWC 1311	5000	2015-17	Trail Co. WRD	Buxton Township Improvement District No. 68	3/9/2016	512,090	384,115	127,975
SE 1328	5000	2015-17	North Cass Co. WRD	Drain No. 23 Channel Improv Preliminary Engineering	9/30/2015	5,775	4,854	921
SWC 1331	5000	2015-17	Richland Co WRD	Drain #14 Reconstruction	12/9/2016	315,000	0	315,000
SWC 1389	5000	2013-15	Bank of ND	BND AgPace Program	12/13/2013	180,316	24,737	155,578
SWC 1401	5000	2015-17	Pembina Co. WRD	International Boundary Roadway Dike Pembina	12/11/2015	786,032	491,504	294,528
SWC 1418	5000	2013-15	City of Bisbee	Big Coulee Dam Feasibility Study	5/29/2014	10,963	0	10,963
SE 1444	5000	2015-17	City of Pembina	Flood Protection System Certification	4/19/2016	75,000	59,413	15,587
SE 1453	5000	2015-17	Hettinger County WRD	Karey Dam Rehabilitation Feasibility Study	5/23/2016	13,550	6,697	6,853
SWC 1486	5000	2015-17	Griggs Co. WRD	Thompson Bridge Outlet No. 4 Project	10/6/2015	621,661	0	621,661
SE 1520	5000	2015-17	Walsh Co. WRD	Walsh Co Drain #30-1	8/29/2016	14,000	10,803	3,197
SWC 1523	5000	2015-17	Ward Co. WRD	Robinwood Bank Stabilization Project	10/6/2015	256,449	0	256,449
SWC 1625	5000	2015-17	Carlson McCain, Inc.	Ordinary High Water Mark Delineations Left Bank of M	12/2/2016	23,800	0	23,800
SWC 1638	5000	2009-11	Multiple	Red River Basin Non-NRCS Rural/Farmstead Ring Di	6/23/2009	177,864	0	177,864
SWC 1650	5000	2015-17	Sargent Co WRD	Drain #7 Improvement	7/6/2016	202,663	137,145	65,518
SE 1667	5000	2015-17	Trail Co. WRD	Goose River Snagging & Clearing	9/2/2016	47,500	0	47,500
SWC 1705	5000	2011-13	Red River Joint Water Resour	Red River Joint WRD Watershed Feasibility Study - PI	9/21/2011	60,000	40,782	19,218
SWC 1705	5000	2011-13	Red River Joint Water Resour	Red River Basin Distributed Plan Study	12/7/2012	560,000	0	560,000
SE 1808	5000	2015-17	Steele Co WRD	Beaver Creek Dam Safety Inspection	5/23/2016	2,625	0	2,625
SE 1842	5000	2013-15	Southeast Cass WRD	Wild Rice River Snagging & Clearing	10/27/2015	57,000	37,334	19,666
SE 1842	5000	2015-17	Southeast Cass WRD	Wild Rice River Snagging & Clearing	12/13/2016	57,000	0	57,000
SWC 1859	5000	2015-17	ND Dept of Health	NPS Pollution Project	7/29/2015	200,000	67,003	132,997
SWC 1891	5000	2015-17	Steele Co WRD	Drain No. 8 Channel Improvement	7/6/2016	411,773	400,268	11,505

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GENERAL PROJECT OBLIGATIONS

SWC No	Dept	Approved Biennium	Sponsor	Project	Initial Approved Date	Total Approved	Total Payments	Balance
SWC 1921	5000	2007-09	Morton Co. WRD	Square Butte Dam No. 6/(Harmon Lake) Recreation F	3/23/2009	231,002	38,651	192,351
SWC 1932	5000	2015-17	Nelson Co. WRD	Michigan Spillway Rural Flood Assessment	3/9/2016	1,214,256	1,188,406	25,850
SE 1934	5000	2015-17	Traill Co. WRD	Elm River Snagging & Clearing	9/2/2016	47,500	0	47,500
SE 1946	5000	2015-17	Walsh Co. WRD	Improvement of Walsh Co Drain #22 Preliminary Engi	4/19/2016	10,500	7,637	2,863
SWC 1951	5000	2015-17	Maple River WRD	Lynchburg Channel Improvements	7/6/2016	1,131,338	0	1,131,338
SWC 1951	5000	2015-17	Maple River WRD	Lynchburg Channel Improvements	7/6/2016	63,788	0	63,788
SWC 1968	5000	2013-15	Garrison Diversion	McClusky Canal Mile Marker 10 & 49 Irrigation Project	3/17/2014	256,321	204,707	51,614
SE 1974	5000	2015-17	USGS	Regulated Streamflow Frequency for the Upper Souris	12/16/2016	37,100	0	37,100
SWC 1975	5000	2015-17	Walsh Co. WRD	Drain 31-1	10/12/2016	111,543	0	111,543
SWC 1977	5000	2011-13	Dickey-Sargent Co WRD	Jackson Township Improvement Dist. #1	5/20/2015	1,601,325	1,153,672	447,653
SE 1978	5000	2015-17	Richland-Sargent Joint WRD	RS Legal Dam #1 - Pre-Construction Engineering	10/24/2016	13,680	0	13,680
SWC 1990	5000	2011-13	Mercer Co. WRD	Lake Shore Estates High Flow Diversion Project	3/7/2012	43,821	0	43,821
SWC 1991	5000	2013-15	City of Lisbon	Sheyenne Riverbank Stabilization Project	9/15/2014	163,720	115,952	47,768
SWC 2008	5000	2013-15	City of Mapleton	Recertification of Flood Control Levee System Project	3/17/2014	101,100	0	101,100
SWC 2022	5000	2011-13	Pembina Co. WRD	Drain #73 Project	6/19/2013	350,400	80,247	270,153
SWC 2043	5000	2015-17	Pembina Co. WRD	District's Drain 78 Outlet Extension Project	12/9/2016	390,041	278,826	111,215
SWC 2045	5000	2013-15	Mercer Co. WRD	LiDAR Collection Project	5/29/2014	10,425	0	10,425
SE 2050-50	5000	2015-17	Grand Forks Traill RWD	Eastern Expansion & TRWD Interconnect Fesibility & I	11/15/2016	75,000	0	75,000
SE 2055	5000	2015-17	Red River Joint Water Resour	Lower Red Basin Regional Detention Study	7/17/2015	45,500	0	45,500
SE 2058	5000	2015-17	City of Grafton	Grafton Debris Removal Plan	9/17/2015	3,900	0	3,900
SWC 2059	5000	2015-17	Park River Joint WRD	North Branch Park River NRCS Watershed Study	10/6/2015	81,200	0	81,200
SWC 2060	5000	2015-17	Walsh Co. WRD	Forest River Watershed Study	10/6/2015	114,100	0	114,100
SWC 2062	5000	2015-17	Traill Co. WRD	Traill Co. Drain #64	7/6/2016	116,558	7,787	108,771
SWC 2063	5000	2015-17	Maple River WRD	Swan Buffalo Detention Dam #8(Embden Dam)	11/17/2016	123,087	4,526	118,561
SWC 2065	5000	2015-17	Cass Co. Joint WRD	Lake Bertha Flood Control Project No. 75	3/9/2016	201,350	0	201,350
SWC 2066	5000	2015-17	Southeast Cass WRD	Sheyenne-Maple Flood Control Dist #1 Mitigation Impr	3/9/2016	198,023	0	198,023
SWC 2068	5000	2015-17	Traill Co. WRD	Stavanger-Belmont Drain No. 52 Channel Impr	10/12/2016	435,015	0	435,015
SE 2068	5000	2013-15	Traill Co. WRD	Stavanger-Belmont Drain No. 52 Channel - Study	4/20/2016	18,589	0	18,589
SE 2069	5000	2015-17	Center Township	Wild Rice River Bank Stabilization	4/19/2016	43,036	42,082	954
SE 2070	5000	2015-17	Garrison Diversion Conservar	Mile Marker 42 Irrigation Project	5/20/2016	29,741	0	29,741
SE 2071	5000	2015-17	Foster County WRD	Alkali Lake High Water Feasibility Study	4/19/2016	5,250	420	4,830
SE 2072	5000	2015-17	Barnes Co WRD	Ten Mile Lake Flood Risk Reduction Project	6/8/2016	37,800	988	36,812
SWC 2073	5000	2015-17	Walsh Co. WRD	Oslo Area Ag Levee Feasibility Study	7/6/2016	187,000	51,146	135,854
SWC 2074	5000	2015-17	City of Wahpeton	Flood Control - Levee Certification	7/6/2016	247,500	0	247,500
SWC 2074	5000	2015-17	City of Wahpeton	Toe Drain & Encroachment Project	7/6/2016	1,125,482	0	1,125,482
SWC 2074	5000	2015-17	City of Wahpeton	Breakout Easements	7/6/2016	265,000	0	265,000
SWC 2075	5000	2015-17	Ward Co. WRD	Second Larson Coulee Detention Pond	7/6/2016	602,307	0	602,307
SWC 2076	5000	2015-17	Elm River Joint WRD	Elm River Dam #1 Modification Study	7/6/2016	9,503	0	9,503
SE 2078	5000	2015-17	Southeast Cass WRD	Raymond-Mapleton Township Improv Dist No. 76	11/15/2016	20,281	0	20,281
SE 2079	5000	2015-17	City of Williston	West Williston Flood Control	10/24/2016	39,900	0	39,900
SWC 2080	5000	2015-17	Walsh Co. WRD	Drain #70	10/12/2016	898,866	0	898,866
SWC 2080	5000	2015-17	Walsh Co. WRD	Sam Berg Coulee Drain	10/12/2016	401,005	0	401,005
SWC 2083	5000	2015-17	Pembina Co. WRD	Herzog Dam Gate & Catwalk Retrofit - Construction	10/12/2016	117,000	0	117,000
SE 2085	5000	2015-17	Adams Co WRD	Orange Dam Rehabilitation Feasibility Study	10/13/2016	10,770	0	10,770
SWC 2088	5000	2015-17	Pembina Co. WRD	Drain No. 79	12/9/2016	875,428	0	875,428
SE 2089	5000	2015-17	Maple River WRD	Tower Township Improvement District No. 77 Study	12/19/2016	28,175	0	28,175
SE 2090	5000	2015-17	International Water Institute	River Watch Program	1/12/2017	24,150	0	24,150
SE 2094	5000	2015-17	McLean Co WRD	Lower Buffalo Creek Flood Management Feasibility	2/16/2017	7,539	0	7,539
SE 2093/1427	5000	2015-17	Bottineau Co. WRD	Moen Legal Drain	9/6/2016	63,458	44,916	18,542
SE 1396-01	5000	2013-15	Trout, Raley, Montano, Witwei	Missouri River Recovery Program	11/17/2015	75,000	16,965	58,035
SE 1878-02	5000	2015-17	Maple-Steele Joint WRD	Upper Maple River Dam EAP	5/20/2016	12,800	0	12,800
SWC 849-01	5000	2015-17	Pembina Co. WRD	Tongue River NRCS Watershed Plan	3/9/2016	104,703	0	104,703
SWC AOC/ASS	5000	2015-17	Assiniboine River Basin	Assiniboine River Basin Initiative Funding	7/29/2015	100,000	75,000	25,000
SWC AOC/IRA	5000	2015-17	ND Irrigation Association (NDI	ND Irrigation Association	10/6/2015	100,000	75,000	25,000
SWC AOC/RRBC	5000	2015-17	Red River Basin Commission	Red River Basin Commission Contractor	5/20/2015	200,000	150,000	50,000
SWC AOC/WEF	5000	2015-17	ND Water Education Foundati	ND Water Magazine	5/20/2015	36,000	27,000	9,000
SE AOC/WUA	5000	2011-13	ND Water Users Association	Dave Koland Term as WUA President	3/23/2015	9,672	5,772	3,899
SWC PS/WRD/ELM	5000	2013-15	Elm River Joint WRD	Dam #3 Safety Improvements Project	9/15/2014	7,297	1,625	5,672
SWC PS/WRD/MRJ	5000	2015-17	Missouri River Joint WRB	Missouri River Joint Water Board, (MRJWB) Start up	5/20/2015	20,000	6,347	13,653
SWC PS/WRD/MRJ	5000	2015-17	Missouri River Joint WRB	Missouri River Joint Water Board (MRRIC) T. FLECK	5/20/2015	45,000	20,212	24,788
SWC PS/WRD/UPP	5000	2015-17	Upper Sheyenne River Joint V	Upper Sheyenne River WRB Administration (USRJWF	5/20/2015	12,000	3,398	8,602

TOTAL

27,106,508 7,140,535 19,965,974

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COMPLETED GENERAL PROJECTS

By	SWC No	Dept	Approved Biennium	Sponsor	Project	Initial Approved Date	Total Approved	Total Payments	Jan-17 Balance
SWC	228	5000	2013-15	U.S. Geological Survey	(USGS) Operation & Maint of Gaging Station on the Missouri R	12/8/2014	8,970	8,970	0
SWC	240	5000	2011-13	Eddy County WRD	Warwick Dam Repair Project	12/7/2012	110,150	110,150	0
SE	274	5000	2013-15	City of Neche	FEMA Levee Certification Feasibility Study	10/17/2014	37,500	37,500	0
SWC	281	5000	2009-11	Three Affiliated Tribes	Three Affiliated Tribes/Fort Berthold Irrigation Study	10/26/2010	37,500	0	37,500
SWC	346	5000	2011-13	Williams County WRD	Epping Dam Evaluation Project	2/27/2013	66,200	60,840	5,360
SE	346	5000	2013-15	Williams County WRD	Design Engineering for Epping Dam Safety Repair	7/6/2016	24,658	24,658	0
SE	391	5000	2011-13	Sargent Co WRD	Sargent Co WRD, Silver Lake Dam Emergency Repairs	10/12/2011	2,800	0	2,800
SE	568	5000	2013-15	Barnes Co WRD	Sheyenne River Snagging & Clearing Project	4/17/2015	49,500	49,500	0
SWC	645	5000	2009-11	City of Fargo	Hickson Dam Recreation Retrofit Project	10/26/2010	44,280	44,280	0
SWC	646	5000	2009-11	City of Fargo	Christine Dam Recreation Retrofit Project	10/26/2010	184,950	139,034	45,916
SWC	829	5000	2011-13	Rush River WRD	Rush River WRD Berlin's Township Improvement District No. 7	10/19/2011	101,317	0	101,317
SE	849	5000	2015-17	Pembina Co. WRD	Renwick Dam Gate Repair	9/4/2015	53,700	50,066	3,634
SWC	980	5000	2011-13	Maple River WRD	Maple River Watershed Flood Water Retention Study/ Maple R	2/19/2015	3,687	3,687	0
SE	1069	5000	2015-17	North Cass & Rush River	Drain #13 Channel Improvements Project	9/29/2015	46,150	12,293	33,857
SWC	1082	5000	2013-15	Rush River WRD	Cass Co. Drain No. 30 Channel Improvement Project	3/17/2014	5,976	5,970	6
SWC	1135	5000	2011-13	Pembina Co. WRD	Drain #4 Reconstruction Project	6/19/2013	2,673	0	2,673
SWC	1161	5000	2009-11	Pembina Co. WRD	Drain 55 Improvement Reconstruction	3/28/2011	13,846	0	13,846
SE	1179	5000	2013-15	Richland Co. WRD	Drain #5 (27) Reconstruction Project	3/30/2015	13,543	13,543	0
SWC	1183	5000	2013-15	Richland Co. WRD	Drain No. 15 Reconstruction Project	9/15/2014	60,300	49,055	11,245
SWC	1217	5000	2013-15	Tri-County WRD	Tri-County Drain Reconstruction Project	3/11/2015	911,881	590,679	321,202
SE	1219	5000	2013-15	Sargent Co WRD	Drain No. 8 Channel Improvement Preliminary Engineering Pro	5/7/2015	6,650	6,650	0
SWC	1219	5000	2011-13	Sargent Co WRD	City of Forman Floodwater Outlet	12/13/2016	47,012	47,012	0
SWC	1224	5000	2013-15	Trail Co. WRD	Palace Drain Improvement District No. 80	5/20/2015	149,828	130,947	18,881
SE	1289	5000	2011-13	McKenzie Co. Weed Con	Control of Noxious Weeds on Sovereign Lands	9/30/2015	12,514	12,514	0
SE	1290	5000	2015-17	McLean Co. WRD	Painted Woods Lake Flood Mitigation Study	4/1/2016	53,200	53,200	0
SE	1301	5000	2009-11	City of Lidgerwood	City of Lidgerwood Engineering & Feasibility Study for Flood Co	2/4/2011	15,850	0	15,850
SE	1301	5000	2011-13	City of Wahpeton	City of Wahpeton Water Reuse Feasibility Study/Richland Co	9/8/2011	2,500	0	2,500
SE	1303	5000	2013-15	Sargent Co WRD	Upper Wild Rice Watershed Study	6/24/2015	73,500	73,485	15
SE	1311	5000	2013-15	Trail Co. WRD	Buxton Township Improvement District No. 68	6/17/2015	15,745	15,745	0
SE	1312	5000	2011-13	Walsh Co. WRD	Skyrud Dam 2011 EAP	12/15/2011	10,000	8,073	1,927
SE	1312	5000	2011-13	Walsh Co. WRD	Union Dam 2011 EAP	12/15/2011	10,000	8,350	1,650
SWC	1314	5000	2013-15	Wells Co. WRD	Oak Creek Drain Lateral E Reconstruction Project	9/15/2014	73,057	73,057	0
SWC	1314	5000	2015-17	Wells Co. WRD	Oak Creek Lateral E Reconstruction	12/29/2015	20,173	20,173	0
SWC	1314	5000	2013-15	Wells Co. WRD	Hurdsfield Area Drain Preliminary Engineering Project	6/11/2015	35,000	35,000	0
SWC	1396	5000	2011-13	U.S. Geological Survey	(USGS) Missouri River Geomorphic Assessment	3/7/2012	10,000	10,000	0
SE	1403	5000	2015-17	ND Water Resources Re: (NDWRRI)	Student Fellowship Program	12/23/2015	18,850	18,850	0
SE	1403	5000	2015-17	ND Water Resources Re: (NDWRRI)	Student Fellowship Program	1/18/2017	18,850	18,850	0
SWC	1418	5000	2013-15	City of Bisbee	Design & Repair of Big Coulee Dam	8/23/2016	1,015,983	1,015,983	0
SWC	1438	5000	2011-13	Cavalier County WRD	Mulberry Creek Phase IV Reconstruction Project	6/19/2013	102,019	2,250	99,769
SWC	1444	5000	2013-15	City of Pembina	2014 Flood Protection System Modification Project	5/29/2014	61,331	61,331	0
SWC	1523	5000	2015-17	Ward Co	Flood Control County Road 18	5/29/2015	325,208	325,208	0
SWC	1554	5000	2013-15	McLean Co. WRD	City of Underwood Floodwater Outlet Project	12/13/2013	1,483,268	1,483,268	0
SWC	1577	5000	2013-15	City of Killdeer & Dunn Co	Floodplain Mapping Project	5/29/2014	55,000	55,000	0
SE	1607	5000	2011-13	Ward Co. WRD	Flood Inundation Mapping of Areas Along Souris & Des Lacs R	6/15/2011	13,011	0	13,011
SWC	1613	5000	2013-15	North Cass Co. WRD	Cass County Drain No. 55 Channel Improvements Project	9/15/2014	99,923	48,703	51,220
SWC	1625	5000	2013-15	Houston Engineering	(OHWM) Ordinary High Water Mark Delineations	8/20/2014	4,560	0	4,560
SE	1625	5000	2015-17	Ross Engineering, LLC	Gather infor regarding pipeline waterway crossings	2/9/2016	25,000	8,745	16,255
SE	1625	5000	2015-17	HDR Engineering, Inc	Dakota Access PipeLine Missouri River crossing sour analysis	2/9/2016	25,000	21,315	3,685
SB2020	1625	5000	2015-17	ND Parks & Recreation	Sovereign Lands Recreation Use Grant	1/10/2017	1,000,000	1,000,000	0
SE	1640	5000	2013-15	U.S. Geological Survey	(USGS) Maintenance of gaging station on Missouri River below	9/25/2013	8,710	0	8,710
SE	1650	5000	2015-17	Sargent Co WRD	Drain #7 Channel Improvements Study	1/17/2016	6,214	6,214	0
SE	1667	5000	2015-17	Trail Co. WRD	Goose River Snagging & Clearing	12/18/2015	47,500	47,500	0
SE	1701	5000	2013-15	US Army Corps of Engine	Red River of the North Unsteady Flow Model	11/25/2015	17,825	17,825	0
SWC	1758	5000	2013-15	U.S. Geological Survey	(USGS) Stochastic Model for the Mouse River Basin	12/13/2013	40,000	40,000	0
SWC	1792	5000	2009-11	Southeast Cass WRD	SE Cass Wild Rice River Dam Study Phase II	1/29/2015	32,252	32,252	0
SE	1814	5000	2013-15	Richland Co. WRD	Wild Rice River Snagging & Clearing - Bridge #121-2	5/28/2015	16,000	16,000	0
SE	1815	5000	2013-15	Ransom Co. WRD	Sheyenne River Snagging & Clearing - Fort Ransom Reach	6/11/2015	6,350	6,350	0
SE	1842	5000	2013-15	Southeast Cass WRD	Wild Rice River Snagging & Clearing - Bridge Location Sites	2/3/2015	11,063	0	11,063
SE	1842	5000	2015-17	Southeast Cass WRD	Wild Rice River Snagging & Clearing	7/6/2016	24,948	24,948	0
SE	1891	5000	2015-17	Steele Co WRD	Drain No. 8 Channel Improvement Preliminary Engineering Pro	9/29/2015	17,500	17,500	0
SWC	1960	5000	2009-11	Ward Co. WRD	Puppy Dog Coulee Flood Control Diversion Ditch Construction	8/18/2009	796,976	0	796,976
HB 2305	1963	5000	2009-11	Emmons County WRD	Beaver Bay Embankment Feasibility Study	8/10/2009	18,078	0	18,078
SE	1967	5000	2009-11	Grand Forks Co. WRD	Grand Forks County Legal Drain No. 55 2010 Contruction	11/30/2010	9,652	9,652	0
SWC	1970	5000	2009-11	Walsh Co. WRD	Walsh Co. Construction of Legal Assessment Drain # 72	3/28/2011	39,115	39,115	0
SE	1974	5000	2015-17	USGS	USGS Web-Based Mouse River Information Page	1/19/2016	24,700	24,700	0
SWC	1975	5000	2011-13	Walsh Co. WRD	Walsh Co. Drain No. 31 Reconstruction Project	9/21/2011	37,742	37,742	0
SWC	1978	5000	2011-13	Richland & Sargent Joint	Richland & Sargent WRD RS Legal Drain No. 1 Extension & Cl	7/23/2015	245,250	168,791	76,459
SWC	1983	5000	2011-13	City of Harwood	City of Harwood Engineering Feasibility Study	12/9/2011	62,500	0	62,500
SWC	1989	5000	2011-13	Barnes Co WRD	Hobart Lake Outlet Project	3/7/2012	266,100	0	266,100
SE	1991	5000	2011-13	City of Lisbon	Sheyenne River Snagging & Clearing Project	2/12/2013	5,000	5,000	0
SE	1992	5000	2011-13	Burleigh Co. WRD	Burnt Creek Flood Restoration Project	7/29/2015	179,890	176,524	3,366
SE	1998	5000	2011-13	Grand Forks Co. WRD	Upper Turtle River Dam #1 2012 EAP	6/28/2012	10,000	9,365	635
SWC	2002	5000	2011-13	Grand Forks Co. WRD	Trutle River Dam #4 2012 EAP	6/29/2012	10,000	8,656	1,344
SWC	2004	5000	2013-15	Grand Forks Co. WRD	Drain No. 57 Project	10/7/2013	413,576	413,576	0
SE	2005	5000	2011-13	Grand Forks Co. WRD	Turtle River Dam #8 2012 EAP	6/29/2012	10,000	9,069	931
SWC	2007	5000	2011-13	Maple River WRD	Pontiac Township Improvement District No. 73 Project	5/11/2015	747,093	594,183	152,910
SWC	2013	5000	2011-13	Richland-Cass Joint WRE	Wild Rice River Watershed Retention Plan	6/8/2015	45,905	45,905	0
SWC	2019	5000	2011-13	Valley City	Sheyenne River Snagging & Clearing Project	12/7/2012	75,000	0	75,000
SWC	2040	5000	2013-15	Walsh Co. WRD	Drain #74 Project	10/7/2013	211,600	211,600	0
SWC	2042	5000	2013-15	Bottineau Co. WRD	Haas Coulee Drain Project	9/15/2014	500,000	500,000	0
SE	2045	5000	2013-15	Stark County	Stark County LiDAR Collection Project (FEMA)	7/17/2015	33,584	33,584	0
SWC	2045	5000	2013-15	McKenzie Co. Commissic	LiDAR Collection Project	9/15/2014	262,308	262,308	0

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

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COMPLETED GENERAL PROJECTS

Approved SWC By	No	Dept	Approved Biennium	Sponsor	Project	Initial Approved Date	Total Approved	Total Payments	Jan-17 Balance
SWC	2046	5000	2013-15	Walsch Co. WRD	North Branch Park River Comprehensive Flood Damage Redu	12/13/2013	134,400	108,772	25,628
SWC	2047	5000	2013-15	LaMoure County	LaMoure Co Memorial Park Streambank Restoration	8/3/2016	91,042	64,240	26,802
SWC	2048	5000	2013-15	City of Marion	Marion Flood Mitigation & Lagoon Drainage Project	5/29/2014	116,659	116,599	60
SWC	1878-02	5000	2011-13	Maple-Steele Joint WRD	Upper Maple River Dam Construction Phase	12/13/2013	4,702,936	4,415,496	287,440
SB2020	1928-04	5000	2015-17	NDSU	Fargo Moorhead Diversion Agricultural Impact (Study)	1/20/2016	80,000	79,716	284
SB2009	1986-03	5000	2015-17	USDA-APHIS, ND Dept A	USDA Wildlife	9/9/2015	250,000	250,000	0
SWC	2003-02	5000	2011-13	Southeast Cass WRD	Re-Certification of the West Fargo Diversion Levee System	7/23/2015	52,564	32,813	19,751
SWC	2009-02	5000	2011-13	Southeast Cass WRD	Recertification of the Horace to West Fargo Diversion Levee S	9/17/2012	25,504	25,504	0
SE	ASNDS	5000	2015-17	NDSU	Oaks Irrigation Research Site - New Linear Irrigation System	11/18/2015	25,636	25,636	0
SE	CON/CAR	5000	2015-17	Garrison Diversion	Will and Carlson Consulting Services	1/12/2016	17,500	10,795	6,705
SWC	CON/WIL/CAF	5000	2013-15	Garrison Diversion Conse	Will and Carlson Consulting Contract	12/13/2013	26,451	1,828	24,623
SE	NDAWN	5000	2015-17	NDSU	NDAWN CENTER	2/11/2016	1,500	1,500	0
SE	NDAWN	5000	2015-17	NDSU	NDAWN CENTER	1/31/2017	1,500	1,500	0
SWC	PS/WRD/DEV	5000	2015-17	Devils Lake Joint WRB	DL Manager	5/20/2015	60,000	60,000	0
SWC	PS/WRD/MRJ	5000	2013-15	Missouri River Joint WRB	Missouri River Coordinator	10/7/2013	37,094	14,327	22,767
SE	PS/IR/BUF	5000	2015-17	Buford Trenton Irrigation I	Upgrade to 3-Phase Power	4/19/2016	32,770	32,770	0
SE	PS/WRD/BUR	5000	2015-17	Burleigh Co. WRD	Pebble Creek Golf Course - Hay Creek Bank Stabilization	10/15/2015	22,782	22,782	0
SE	PS/WRD/CAS	5000	2015-17	Cass Co. Joint WRD	Red River Watershed Comprehensive Detention Plan Updates	11/19/2015	34,025	34,025	0
TOTAL							16,507,407	13,810,596	2,696,811

**NORTH DAKOTA STATE WATER COMMISSION & OFFICE OF THE STATE
ENGINEER TESTIMONY
RELATIVE TO ENGROSSED HOUSE BILL 1374**

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AH # 3
pg 1

PRESENTED TO THE SENATE ENERGY & NATURAL RESOURCES COMMITTEE

MARCH 3, 2017

Good morning Chairman Unruh, and members of the Senate Energy and Natural Resources Committee, I am Garland Erbele, North Dakota's State Engineer and Chief Engineer-Secretary to the North Dakota State Water Commission. I appear before you today to provide testimony pertaining to Section 4, Section 6, and Section 11 of Engrossed House Bill 1374.

Section 4, which amends Section 61-02-04 of North Dakota Century Code, strikes the following language: "The governor or the agriculture commissioner, or both, may appoint a representative to serve in that official's capacity at such meetings as that official may be unable to attend."

This modification would no longer allow the Governor and Commissioner of Agriculture to appoint a representative to serve in their official capacity in their absence. To maintain continuity on the Commission, and to ensure that the state's Executive Office and Department of Agriculture are appropriately represented in Water Commission decision-making processes, I respectfully request that the aforementioned language be reinstated.

Section 6 would amend 61-02-08 of North Dakota Century Code, and would require the Water Commission to "hold at least one meeting every two months." While we understand the intent - to encourage more frequent and timely meetings of the Commission, this does have the potential to cause complications. During odd numbered years when the Legislature is in session, the Governor, Agriculture Commissioner, and State Engineer are often working extensively with

Original

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Legislators and constituents to address legislation on a frequent, and often unpredictable basis. It is also common to find ourselves simultaneously responding to flood-related threats around the state. This would make scheduling multiple State Water Commission meetings during session months very difficult.

By slightly modifying the Section 61-02-08 amendment to: "shall hold at least six meetings every year," I believe we would be able to accomplish the intent of the original amendment, while offering the flexibility we may need during Legislative years and during times of flood emergency response efforts.

The final section that I would like to address is the creation of 61-02-81 of North Dakota Century Code under Section 11 of this bill. The intent of Section 11 is to discourage development downstream of dams, and more specifically, within breach inundation zones. While the intent of this section is admirable, I do not believe it will accomplish its desired outcome as written.

This is most certainly a complicated issue, to say the least, with implications ranging from public safety to private property rights. As North Dakota's State Engineer, I am responsible for overseeing North Dakota's dam safety program, where public safety is of primary concern. Therefore, I feel it is my responsibility to convey to you that I believe development will still continue downstream of dams, within breach inundation zones, even if this language is put into code. With the proposed language, the state would no longer be able to provide financial assistance to fund solutions that address these potentially serious threats to public safety.

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Chairman Unruh, and members of the Senate Energy and Natural Resources Committee, this concludes my testimony. I would be happy to answer any questions that you might have.

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3-8-17
aHch #4
pg 1

Dear Senate Energy & Natural Resources Committee:

My name is Gary Thompson and I am the Chairman of the Red River Joint Board which represents 11 counties from the Canadian border to the South Dakota border.

Section 2, page 2, item #3 of House Bill 1374 prohibits the SWC from providing cost-share to any legal assessed drain improvement and snagging & clearing project.

All of us on the RRJWRD strongly oppose this bill due to the fact that agriculture is the number one industry throughout the state of ND and drainage is the most important component landowners have to assure crop land is not inundated with water from heavy rainfall. Not only cropland benefits but farmsteads and road infrastructure benefit from legal assessment drains as well. We know this because in the administrative code, stream crossing standards are implemented as follows: township culverts are to be no less than a 10 year standard, county culverts are to be no less than a 25 year standard, and state culverts are to be no less than a 50 year standard. Why? because the state does not want roads to be washed out as often as they have been in the past.

Building legal assessment drains have significant costs involved and without SWC cost-share, government entities could not afford to build these drains because of the exuberant costs. The only way they can be built is with the help from the SWC and their assistance in our ability to pay for these projects. New projects and drain improvements that protect the infrastructure of ND will mostly likely end without cost-share from the SWC.

Without cost-share assistance from the SWC, snagging & clearing projects would not be possible. When I testified many years ago on the snag & clear bill, I was told by our County Highway Superintendent to make sure the State understands the importance and need for this program. Why? because the debris in the river channels would collect against the bridges & cause major damage to those bridges. Again, small counties cannot afford to pay for these projects that need to be implemented to save the infrastructure in those counties.

On behalf of the Red River Joint WRD, we ask that you oppose HB 1374, or at least oppose the provision that would eliminate SWC cost-share for drainage projects.

Thank you for your time and consideration.

original

HB 1374

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AH #5

pg 1

Testimony to Senate Energy & Natural Resources Committee

Re: House Bill 1374
Date: Friday, March 3, 2017
By: Ryan Ackerman, PE
Administrator, Souris River Joint Water Resource Board

The Souris River Joint Board is the local sponsor of the Mouse River flood control project. We represent Renville, Ward, McHenry and Bottineau counties and the cities of Minot, Burlington, Sawyer and Velsa. The project was originally developed by the State Water Commission under the guidance of Governor Dalrymple in the wake of the 2011 flood. The 2011 flood is the current flood of record for the Mouse River, and it caused in excess of a billion dollars in damages throughout the basin. In mid-2013, the State of North Dakota transferred control of the project over to the Souris River Joint Board, and we are currently in the process of implementing the project, using the strong support we have received from the Legislature, the Governor and the State Water Commission.

We are here to express our concerns with Section 10 of the bill that was passed by the House. We understand the intent of this section is to establish a cap on funding for flood control projects at the 100-year level of protection or the equivalent of a plan that would be implemented by a federal agency, typically the US Army Corps of Engineers.

As we read it, **Section 10 of the bill could essentially pull the rug out from under the residents of the Mouse River basin.** Our interpretation is that for the State Water Commission to adhere to its previous commitments to provide protection up to the flood of record and to continue to provide up to 65% of the funding for the construction of the project, they would have to do so illegally should Section 10 continue in its current form.

We expressed our concerns early in the session after the bill was introduced. Co-sponsors of the bill on the House side did state that this Section would not apply to the Mouse River project since the project and cost share for the project were previously established. In other words, the Mouse River project would be 'grandfathered in'. However, our concern is that the previous actions taken by the State Water Commission are not part of State law, and **future actions by the State Water Commission would be in conflict with the Century Code if the State Water Commission would adhere to its previous commitments to the people in the Mouse River basin.**

Establishing a value for the 100-year flood event, which is referenced in Section 10, is a subjective process and the result will always be a moving target. For river systems, the traditional approach is to perform a statistical analysis of historical peak stream flows. We have a relatively large sample size for most rivers, as the records go back to approximately 1900. In the context of public safety, the drawbacks of this approach are numerous.

Studies by academics and federal agencies, including FEMA, the USACE and the USGS, have identified that **a large portion of the 1900s was a relative drought, and that we are currently in a wetter period.** It's fairly easy to relate to that.

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pg 2

It seems that Fargo is flood fighting every other year. Grand Forks experienced a record flood in 1997. Bismarck had a big scare in 2011. Prior to the Water Commission's intervention, Devils Lake had been on the rise for the better part of two decades. Minot had a scare in 2009 and was completely devastated in 2011. In Minot for this spring, it is basically a coin flip on whether or not we will need to raise emergency levees again.

Our past was riddled with drought and our future will likely continue to be flood-prone. So if you look at it from a statistical perspective, it essentially means that the longer we continue to collect data, the higher our determination of the 100-year flood will be. Certainly, if our objective is reducing risk of life loss and property damage due to flooding, we should be considering the fact that we are in a wetter period and the statistical approaches that have been relied upon nationwide may lack resilience.

The value of the 100-year flood event is a moving target, and that value has been trending higher. For Minot, the current effective 100-year flood is 5,000 cubic feet per second. FEMA had conducted a study and is proposing that this be increased to 10,000 cfs. The USGS is currently studying the hydrology and the preliminary results tend to show flows higher than 10,000 cfs and possibly close to 20,000 cfs for the 100-year flood. We experienced 27,000 cfs in 2011. It was a massive flood and brought the community to the brink. Those damages cannot happen again.

With the trend of increasing 100-year discharges, there is a real risk that ***an investment made by the State of North Dakota today could be irrelevant in the future, if the 100-year flood event becomes a cap specified in the Century Code.*** And those project sponsors are going to come back to the State requesting assistance to rebuild their flood control projects to handle the updated 100-year flood event of the future. In the end, ***this will cost the State of North Dakota more.***

Another shortcoming of relying on historical data is that the data does not typically account for changes in the watershed. Urbanization and development increases runoff. Changes in land use due to agricultural practices typically increase runoff. Some would argue that we can establish State regulations or rely upon federal regulations to limit the impact of these watershed-altering activities. And that could work, but only in the state of North Dakota. In the Mouse River watershed, a majority of the area that drains through Minot is located not only out of state but out of country in Canada.

We believe the House has indicated their support for Mouse River flood control funding through their actions on House Bill 1020, which is the State Water Commission appropriations bill. We strongly support the House's actions on that particular bill, but it does seem to be in conflict with Section 10 of House Bill 1374.

The State Water Commission has established cost-share policies and a method for assessing the benefits versus the costs of a project. Additionally, the State Water Commission has the staff with the technical expertise to understand the nuances of statistical hydrology, flood risk and uncertainty, and the trends of development and climate that impact the resilience of a project.

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Att. # 6
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Testimony Before The Senate Energy & Natural Resources Committee
Friday, March 3, 2017
HB1374
Monica Zentgraf
Secretary-Treasurer – Richland County Water Resource District

On behalf of the Richland County Water Resource Board, I am asking you to remove the language from SB 1374, Section 2, Item #3, which prohibits the State Water Commission from providing cost-share assistance for any drainage project, which includes new drains, improvements to drains such as reconstruction projects, and snagging & clearing projects. Even with cost-share assistance, it is very difficult for Water Resource Districts to undertake construction of new legal drains and reconstruction of existing drains but if cost-share assistance is eliminated, the projects will certainly become cost prohibitive for the farmers and work will come to a complete halt. Drainage is vital to farming operations and without it, farmers could lose substantial acres of crops from heavy or multiple rainfall events. Spring floods would wreak havoc on farm land and jeopardize farmers ability to plant crops. If farmers lose their ability to drain, they lose crops, which will have a huge negative impact on the North Dakota economy.

Additionally, many cities and towns rely on legal assessment drains for drainage, storm sewer outlets and flood protection and without the drains, they will be put at risk.

The Richland County Water Resource District and many other Water Resource Districts do snagging and clearing projects to remove dead and fallen trees from the rivers. Because of multiple floods and many years of high water levels in the rivers, banks are eroding and trees are falling into the rivers. The debris needs to be removed so it does not dam up the rivers and cause flooding or do damage to roads and bridges. Snagging and clearing is a very expensive undertaking. Water Resource Districts rely on the general fund mill levy they receive annually to pay their share of the costs for these projects. The Richland County Water Resource District's mill levy is approximately \$330,000/year. Just one small snagging and clearing project in the amount of \$100,000 would take 30% of the Richland County Water Resource District's annual mill levy. Multiple projects should be done; however, due to funding constraints the District severely limits the number of projects they do. Without cost-share assistance even fewer projects will be able to be done. The Districts need to be proactive in their work on the rivers rather than reactive.

I understand the financial issues you are facing this year, but eliminating all cost-share assistance for Water Resource Districts will be devastating to farmers and to the North Dakota economy and therefore I respectfully request removal of the language in Section 2, Item #3.

Thank you for your time and consideration.

original

Luann - Kump

HB1374
3-3-17
AH #17
pg 1

PEMBINA COUNTY WATER RESOURCES

Projects Benefitting from ND State Water Commission Cost-Share

Drain 11 Outlet Extension - 6390 Acres



Located in Pembina Township -- Four 60-inch culverts with traps were extended to the Pembina River so that the river wasn't backing up into the drain and flooding County Highway 55 which is the main route between Niche and Walhalla for MCI workers and school kids.

Total Project—\$284,950, SWC cost-share - \$130,000 Total cost per acre with SWC—\$22.53, without SWC — \$44.59

Drain 78 Outlet Construction — 12,967 Acres



Drain 78 previously shared an outlet with Drain 66 which resulted in extended flooding for Drain 78 since Drain 66 water needed to pass first. The outlet construction also re-routed the main flow away from a bridge that was in poor condition.

Total Project—\$900,000, SWC cost-share - \$340,000 Total cost per acre with SWC—\$45, without SWC — \$71

Cook Bridge Riverbank Stabilization



Felson Township board, Red River Joint, ND State Water Commission, Pembina County Water Resource District, and Pembina County farmers worked together to stabilize the riverbank near Cook Bridge in Felson Township. Without the work, access to the bridge would have been cut off and severely limited the transportation of agricultural products to market for northern Pembina County.



Total Project—\$96904 SWC cost-share - \$56374

Drain 4 Reconstruction — 12530 Acres



Reconstruction of Drain 4 in Pembina County just west of Bathgate, ND. Multiple drop structures were installed to flatten the grade and provide more capacity to minimize overland flooding that would threaten the community of Bathgate. A bridge in poor condition was replaced with a Texas Crossing with the flatter grade.

Total Project—\$519,866 SWC cost-share - \$233940 Total cost per acre with SWC—\$41, without SWC — ~~\$234~~ \$23

Other Notable Projects completed with SWC Assistance:

1. Drain 69—extension of drain to the Red River—Pembina city uses Drain 69 for storm water discharge
2. Walhalla 2 and Walhalla 3—cooperated effort with ND SWC and Manitoba to provide flood relief to Walhalla area

UPCOMING PROJECTS

1. Drain 79—in the process of final design, will decrease overland flooding affecting the community of Hensel, ND; decreases the channel grade to alleviate erosion of land
2. Drain 81—designed to take water from flooding into the North Branch/Cart Creek that eventually floods Grafton into the Willow Coulee System that bypasses Grafton into the North Salt Lake

original

WALSH COUNTY
WATER RESOURCE DISTRICT

600 Cooper Avenue
Grafton, ND 58237

Phone: (701) 352-0081
Email: wcwrb@nd.gov

AB 13 74
3-2-17
Attch #8
pg 1

March 1, 2017

Senate Energy & Natural Resources Committee
Sen. Jessica Unruh, Chairman
600 East Boulevard Ave
Bismarck ND 58505

Dear Sen. Unruh & Committee Members,

We, the Walsh County Water Resource District (Board), have reviewed HB 1374 and have some concerns regarding the draft bill and would like to submit the following comments:

State Water Commission Cost Share Policy (Page 2, Section 2, Item 3)

Being located on the eastern edge of North Dakota, our county deals with water drainage problems on a daily basis. Without adequate drainage, a normal spring runoff can cause planting delays to our farmers, a heavy summer rain can destroy a substantial amount of crop acreage and can flood many of our small communities. We rely heavily on being able to provide legal assessment drains, maintaining the existing legal drains and being able to snag & clear our rivers to allow all the water to drain properly.

Our county's bloodline is its farmers and the agricultural industry. With current commodity prices, it is even more imperative that the local farmers are able to produce a crop. Last year the eastern part of our county received almost 45 inches of rain over the summer. Many farmers were left with nothing and some are no longer able to farm this year due to the losses suffered.

Without cost share, many of the drains that are currently proposed and the ones that need maintenance would never come to fruition. The costs would outweigh the benefits, and most farmers would not be able to financially justify the expense. We ask that you give a No Pass recommendation to this bill as it would be detrimental to the citizens and farmers of our county.

Thank you for your time in addressing our concerns regarding this bill.

Sincerely,

Walsh County Water Resource District

WCWRD:jll

by email

Board Members

Daryl Campbell, Chairman

Robert Shirek, Vice Chairman

Larry Tanke, Mgr.

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The Ransom County Water Board is steadfastly opposed to House Bill 1374, particularly to the provision that would prohibit the ND State Water Commission (SWC) from providing any cost-share to any drainage project, including assessment drains, drain improvements, and snagging and clearing. This provision would substantially alter the mission of the SWC.

As I am sure the Senate Energy and Natural Resources Committee is well aware, the ND State Water Commission has had long-standing involvement in water management projects including those related to flood mitigation and those related to agricultural enhancement and support. The SWC's website states: "The State Water Commission's cost-share program provides the agency with a mechanism to partner with local project sponsors to fund flood control, water supply, irrigation, and other general water management projects."

County and multi-county Water Boards as well as many cities and towns across North Dakota are highly dependent on the State Water Commission both for expertise and for cost-sharing to deliver water management projects. Farmers and rural property owners would be negatively impacted without the help of the SWC. People in many cities and towns rely on assessment drains for proper control of runoff, management of storm drain outlets and even flood protection and would likewise be negatively impacted by the provisions of HB 1374.

Thank-you for considering the input of the Ransom County Water Board.

Ronny Hartl, Enderlin, ND
Ransom County Water Board Member

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PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1374

- Page 1, line 19, after "the" insert "upper Red River, lower"
- Page 2, line 10, replace the first underscored comma with "and"
- Page 2, line 10, remove "and"
- Page 2, line 11, replace "improvements" with "including removal of cattails and sediment."
- Page 4, line 22, remove the overstrike over "~~who shall take into account~~"
- Page 4, line 23, remove the overstrike over "~~reasonable geographic considerations in making~~"
- Page 4, line 23, after "~~such~~" insert "the"
- Page 4, line 23, remove the overstrike over "~~appointments~~" and insert immediately thereafter "with the intent of having each of the seven major drainage basins represented by a commissioner who resides in the basin. The major drainage basins are the upper Missouri River basin, the lower Missouri River basin, the James River basin, the upper Red River basin, the lower Red River basin, the Mouse River basin, and the Devils Lake basin"
- Page 4, line 23, remove the overstrike over "~~. The governor or the~~"
- Page 4, remove the overstrike over line 24
- Page 4, line 25, remove the overstrike over "~~capacity at~~"
- Page 4, line 25, remove the overstrike over "~~meetings~~"
- Page 4, line 25, remove the overstrike over "~~that official~~"
- Page 4, line 25, overstrike "~~may be~~" and insert immediately thereafter "is"
- Page 4, line 25, remove the overstrike over "~~unable to attend.~~"
- Page 4, line 25, remove "Each of the six major"
- Page 4, remove lines 26 through 28
- Page 5, line 13, after "**commission**" insert "**- Chairman and vice chairman**"
- Page 5, line 17, remove the overstrike over "~~governor, as~~"
- Page 5, line 17, remove the overstrike over the second overstruck comma
- Page 5, line 18, remove the overstrike over "~~governor's~~"
- Page 5, line 18, remove "chairman's"
- Page 5, line 18, remove the overstrike over the comma
- Page 5, line 18, after the period insert "The vice chairman must be selected by the seven appointed members of the commission."
- Page 6, line 17, replace "and" with "or"

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Page 6, line 17, replace "or improvement" with ", including removal of cattails and sediment,"

Page 7, line 8, after the second underscored period insert "The Red River Valley water supply project, Minot flood control project, and Fargo flood control project approved by the commission before March 1, 2017, are exempt from this section."

Page 7, line 27, replace "events" with "elevations as provided by the federal emergency management agency or army corps of engineers, whichever is higher,"

Page 8, line 3, replace "If" with "Notwithstanding any other provision of law, if"

Page 8, line 6, after the underscored period insert "For purposes of this section, "breach inundation zone" means the area downstream of the dam which would be flooded in the event of a dam failure or uncontrolled release of water."

Renumber accordingly

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Sixty-fifth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1374

Introduced by

Representatives Schmidt, D. Anderson, J. Nelson, Sanford, Streytle, Zubke

Senators Bekkedahl, Kreun, G. Lee, Luick, Schaible, Sorvaag

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

8 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

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

11 **61-02-01.3. Comprehensive water development plan.**

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

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

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1 **61-02-01.4. State water commission cost-share policy.**

2 The state water commission shall adopt a cost-share policy for the financing of water
3 projects. The policy:

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

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

20 **61-02-02. Definitions.**

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

- 22 1. "Commission" means the state water commission.
- 23 2. "Cost of works" includes:
 - 24 a. The cost of construction, the cost of all lands, property rights, water rights,
25 easements, and franchises acquired which are deemed necessary for such
26 construction;
 - 27 b. The cost of all water rights acquired or exercised by the commission in
28 connection with such works;
 - 29 c. The cost of all machinery and equipment, financing charges, interest prior to and
30 during construction and for a period not exceeding three years after the
31 completion of construction;

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- 1 d. The cost of engineering and legal expenses, plans, specifications, surveys,
2 estimates of cost, and other expenses necessary or incident to determining the
3 feasibility or practicability of any project;
- 4 e. Administrative expenses;
- 5 f. The construction of the works and the placing of the same in operation; and
- 6 g. Such other expenses as may be necessary or incident to the financing authorized
7 in this chapter, including funding of debt service, repair and replacement
8 reserves, capitalized interest, and the payment of bond issuance costs.
- 9 3. "Cost-share" means funds appropriated by the legislative assembly or otherwise
10 transferred by the commission to a local entity under commission policy as
11 reimbursement for a percentage of the total approved cost of a project approved by
12 the commission.
- 13 4. "Economic analysis" means an estimate of economic benefits and direct costs that
14 result from the development of a project.
- 15 5. "Grant" means a one-time sum of money appropriated by the legislative assembly and
16 transferred by the commission to a local entity for a particular purpose. A grant is not
17 dependent on the local entity providing a particular percentage of the cost of the
18 project.
- 19 6. "Life cycle analysis" means the summation of all costs associated with the anticipated
20 useful life of a project, including project development, land, construction, operation,
21 maintenance, and disposal or decommissioning.
- 22 7. "Loan" means an amount of money lent to a sponsor of a project approved by the
23 commission to assist with funding approved project components. A loan may be
24 stand-alone financial assistance.
- 25 8. "Owner" includes all individuals, associations, corporations, limited liability companies,
26 districts, municipalities, and other political subdivisions of this state having any title or
27 interest in any properties, rights, water rights, easements, or franchises to be acquired.
- 28 4.9. "Project" means any one of the works defined in subsection 5, or any combination of
29 such works, which are physically connected or jointly managed and operated as a
30 single unit.

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Legislative Assembly

- 1 ~~5.~~10. "Water conveyance project" means any surface or subsurface drainage works, bank
- 2 stabilization, or snagging and clearing of water courses.
- 3 11. "Works" includes:
- 4 a. All property rights, easements, and franchises relating thereto and deemed
- 5 necessary or convenient for their operation;
- 6 b. All water rights acquired and exercised by the commission in connection with
- 7 such works;
- 8 c. All means of conserving and distributing water, including without limiting the
- 9 generality of the foregoing two subdivisions, reservoirs, dams, diversion canals,
- 10 distributing canals, channels, lateral ditches, pumping units, mains, pipelines,
- 11 treatment plants, and waterworks systems; and
- 12 d. All works for the conservation, control, development, storage, treatment,
- 13 distribution, and utilization of water, including without limiting the generality of the
- 14 foregoing subdivisions, works for the purpose of irrigation, flood control, watering
- 15 stock, supplying water for public, domestic, industrial, and recreational use, fire
- 16 protection, and the draining of lands injured or in danger of injury as a result of
- 17 such water utilization.

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

20 **61-02-04. State water commission - Members - Terms - Qualifications.**

21 The state water commission ~~shall consist~~consists of the governor, agriculture commissioner,
22 and seven other members ~~to be~~ appointed by the governor who shall take into account
23 reasonable geographic considerations in making ~~such~~the appointments with the intent of having
24 each of the seven major drainage basins represented by a commissioner who resides in the
25 basin. The major drainage basins are the upper Missouri River basin, the lower Missouri River
26 basin, the James River basin, the upper Red River basin, the lower Red River basin, the Mouse
27 River basin, and the Devils Lake basin. The governor or the agriculture commissioner, or both,
28 may appoint a representative to serve in that official's capacity at ~~such~~ meetings **as** that official
29 ~~may be~~is unable to attend. ~~Each of the six major drainage basins in the state must be~~
30 ~~represented by at least one commissioner who resides in the basin. The major basins are the~~
31 ~~upper Missouri River basin, the lower Missouri River basin, the James River basin, the Red~~

1 | ~~River basin, the Mouse River basin, and the Devils Lake basin.~~ The seven appointive members
2 of the commission must be appointed for a term of six years each with ~~their~~the terms of office so
3 arranged that two terms and not more than three terms expire on the first day of July of each
4 odd-numbered year. Each appointive member must be a qualified elector of the state and is
5 subject to removal by judicial procedure. In case of a vacancy, the vacancy must be filled by
6 appointment by the governor for the remainder of the unexpired term. Before entering upon the
7 discharge of official duties, each appointive member shall take, subscribe, and file with the
8 secretary of state the oath prescribed for civil officers.

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

11 **61-02-07. Quorum - What constitutes.**

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

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

17 **61-02-08. Meetings of commission - Chairman and vice chairman.**

18 The commission ~~may hold meetings at such times and~~shall hold at least one meeting every
19 two months at such places as it, by resolution, may provide. ~~The chairman, or in the chairman's~~
20 ~~absence or disability,~~ the vice chairman of the commission, may issue a call for any meeting at
21 any time. The governor, as chairman, shall preside at all meetings of the commission and in
22 case of the governor's ~~absence or disability,~~ chairman's absence or disability, the vice chairman shall preside. The
23 vice chairman must be selected by the seven appointed members of the commission.

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

- 26 1. To investigate, plan, regulate, undertake, construct, establish, maintain, control,
27 operate, and supervise all works, dams, and projects, public and private, which in its
28 judgment may be necessary or advisable:
- 29 a. To control the low-water flow of streams in the state.
 - 30 b. To impound water for the improvement of municipal, industrial, and rural water
 - 31 supplies.

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- 1 c. To control and regulate floodflow in the streams of the state to minimize the
- 2 damage of such floodwaters.
- 3 d. To conserve and develop the waters within the natural watershed areas of the
- 4 state and, subject to vested rights, to divert the waters within a watershed area to
- 5 another watershed area and the waters of any river, lake, or stream into another
- 6 river, lake, or stream.
- 7 e. To improve the channels of the streams for more efficient transportation of the
- 8 available water in the streams.
- 9 f. To provide sufficient water flow for the abatement of stream pollution.
- 10 g. To develop, restore, and stabilize the waters of the state for domestic,
- 11 agricultural, and municipal needs, irrigation, flood control, recreation, and wildlife
- 12 conservation by the construction and maintenance of dams, reservoirs, and
- 13 diversion canals.
- 14 h. To promote the maintenance of existing drainage channels in agricultural lands
- 15 and to construct any needed channels.
- 16 i. To provide more satisfactory subsurface water supplies for the municipalities of
- 17 the state.
- 18 j. To finance the construction, establishment, operation, and maintenance of public
- 19 and private works, dams, and irrigation projects, which in its judgment may be
- 20 necessary and advisable, except the commission may not provide a cost-share
- 21 for the costs of operation and/or maintenance of improvement, including removal
- 22 of cattails and sediment, of a water conveyance project.
- 23 k. To provide for the storage, development, diversion, delivery, and distribution of
- 24 water for the irrigation of agricultural land and supply water for municipal and
- 25 industrial purposes.
- 26 l. To provide for the drainage of lands injured by or susceptible of injury from
- 27 excessive rainfall or from the utilization of irrigation water, and subject to the
- 28 limitations prescribed by law, to aid and cooperate with the United States and any
- 29 department, agency, or officer thereof, and with any county, township, drainage
- 30 district, or irrigation district of this state, or of other states, in the construction or
- 31 improvement of such drains.

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- 1 m. To provide water for stock.
- 2 n. To provide water for the generation of electric power and for mining and
- 3 manufacturing purposes.

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

6 **61-02-14.3. Commission agreements - Terms, conditions, and reapplication.**

7 An agreement for funding which is approved by the commission to fund a water project
8 under this chapter may not have a term exceeding four years. If a water project is not
9 completed when the agreement for its funding terminates, the project sponsor responsible for
10 the project may reapply to the commission for another funding obligation to complete the
11 project. The commission shall prioritize the timing of its review of the reapplication. The Red
12 River Valley water supply project, Minot flood control project, and Fargo flood control project
13 approved by the commission before March 1, 2017, are exempt from this section.

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

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

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

29 **Flood control projects - Financial assistance limited.**

30 For flood control projects, the commission shall calculate the amount of its financial
31 assistance, including loans, grants, cost-share, and issuance of bonds, based on the needs for

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1 protection of health, property, and enterprise against one hundred year flood eventselevations
2 as provided by the federal emergency management agency or army corps of engineers,
3 whichever is higher, or the equivalent alternative to the national economic development
4 alternative.

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

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

9 Notwithstanding any other provision of law, if a political subdivision permits building or
10 development within a breach inundation zone and the building or development causes a change
11 in a dam's hazard classification necessitating structural improvements or upgrades to the dam,
12 state loans, grants, cost-share, and other financial assistance may not be provided to pay for
13 the dam improvements or upgrades. For purposes of this section, "breach inundation zone"
14 means the area downstream of the dam which would be flooded in the event of a dam failure or
15 uncontrolled release of water.

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

18 **Economic analysis process required for certain projects.**

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

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*pm notes
3/16/17
handed out ^{copy}
by Unruh*

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P81*

Good Morning Sen. Unruh,

At the hearing for House Bill 1374 you requested the State Water Commission to provide you a list of the Commission meetings held over the last 5 years.

That information follows:

2016 – 7 meetings

February 9, 2016
March 9, 2016
April 27, 2016
June 22, 2016
July 6, 2016
October 12, 2016
December 9, 2016

2015 – 7 meetings

January 7, 2015
January 29, 2015
March 11, 2015
May 20, 2015
July 29, 2015
October 6, 2015
December 11, 2015

2014 – 5 meetings

February 27, 2014
March 17, 2014
May 29, 2014
August 15, 2014
December 5, 2014

2013 – 8 meetings

February 15, 2013
February 27, 2013
May 15, 2013
June 19, 2013
July 23, 2013
August 20, 2013
October 7, 2013
December 13, 2013

2012 – 10 meetings

February 2, 2012
March 7, 2012
March 29, 2012
June 13, 2012
June 20, 2012

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July 30, 2012
September 17, 2012
November 27, 2012
December 7, 2012
December 20, 2012

The agencies website has the minutes of all Commission meetings going back to 1995 if you wish to see them. This is a direct link to that page: http://www.swc.nd.gov/theswc/meeting_minutes/

If you have any additional question please let me know.

Thank You,

Dave Laschkewitsch
Director of Administrative Services,
ND State Water Commission
(701) 328-1956

Fr.
Sew
Roads 3-17-17

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100 YEAR FLOOD EVENT

“The Corps has long recognized that uncertainties affect levee design and performance. To account for uncertainties, the Corps has historically established levee heights to pass a flood of a given recurrence probability. This flood has often been the flood with a probability of 1/100 of being exceeded in any given year, commonly called the “100-year flood ” and herein referred to as the 1%-flood. An increment of levee height, called “freeboard,” was then added to the levee design height.

....

Many levees have been designed, built, and certified to a standard equal to the 100-year flood plus 3 feet of freeboard. Nonetheless, this approach has drawbacks, and Corps engineers and planners, flood damage reduction project cosponsors, and others called this traditional standard into question during the 1990s. In particular, this fixed-freeboard approach provided inconsistent degrees of flood protection to different communities and provided substantially different levels of protection in different regions. In a narrow channel with variable hydraulics, a 3 foot safety margin may yield an unacceptably high probability of being overtopped. In a broad basin with overflow into storage areas, 3 feet may result in an exceptionally low probability of being overtopped.”

SOURCE: <https://www.nap.edu/read/9971/chapter/3>

“How do you explain the 1% annual chance of flooding (100 year event)? The 100-year flood has a 1% chance of occurring in any given year, it is not a safety standard, and it has been set as the level that flood insurance is not required if 1% protection is provided. Although a 100-year flood sounds remote, keep in mind that over the life of an average 30-year mortgage, a home located within the 100-year flood zone (A or V zone) has a 26% chance of being inundated by the size flood. This same home has less than a 1% chance of fire damage during the same period. What is more significant is the house in a 10-year flood

area is almost certain to see a 10-year flood (96% chance) in the same 30-year mortgage cycle. In many areas the difference in flood heights between a 10-year and a 100-year event is less than one foot.”

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“Flood Frequency Chart

Flood frequency (years)	Chance of flooding in any given year	Percent chance of flooding during 30-year mortgage
10	10 out of 100 (10%)	96%
50	2 out of 100 (2%)	46%
100	1 out of 100 (1%)	26%
500	0.2 out of 100 (0.2%)	6% ”% ”

SOURCE:

http://www.iwr.usace.army.mil/Portals/70/docs/frmp/revised_FINAL_FAQs_version_9-29-2010.pdf

NATIONAL ECONOMIC DEVELOPMENT ALTERNATIVE

The Principles and Guidelines of the United States Corps of Engineers requires the development of only one water project alternative, the National Economic Development alternative.

SOURCE: <https://www.nap.edu/read/9971/chapter/3#16>

Thus, the National Economic Development alternative is the flood protection plan, as determined by the United States Corps of Engineers, that maximizes net economic benefits to the nation.

“The National Economic Development alternative does not necessarily represent the Corp’s or the local sponsor’s preferred alternative. The Corps will construct water resources projects in

accord with a projects sponsor's wishes and will share the costs of that project. . . .But if a local sponsor desires a project that is larger or more costly than the National Economic Development alternative, then the local sponsor is responsible for 100 percent of the extra costs of levees built higher than the elevation of the National Economic Development levee alternative.

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The *Principles and Guidelines* requirement that the Corps select the alternative that maximizes net economic benefits to the nation has important implications for risk analysis applications and the construction of Corps levees. In a Corps flood damage reduction study, a levee height is determined according to the National Economic Development criterion (i.e., based on prescribed benefit calculation procedures), rather than according to the a levee's ability to withstand a flood of a given magnitude.'

SOURCE: Risk Analyses and Uncertainty in Flood Damage Reduction Studies, By National Research Council, Division on Earth and Life Studies, Commission on Geosciences, Environment and Resources, Water Science and Technology Board, Committee on Risk-Based Analysis for Flood Damage Reduction.

<https://books.google.com/books?id=eQydAgAAQBAJ&pg=PA23&lpg=PA23&dq=national+economic+development+alternative+flood+project&source=bl&ots=VLUEEDGEe56&sig=GE3hmW5rGmQYR88WjzcluamqgHQ&hl=en&sa=X&ved=0ahUKEwjDiqrr6dvSAhVJ7oMKHd03DZ0Q6AEIOTAF#v=onepage&q=national%20economic%20development%20alternative%20flood%20project&f=false>

*Fr. Farland
Eberly St. Engineer*

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AHZ
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**North Dakota State Water Commission
Projects Approved over \$750,000 in the past 5 years**

Flood Control

<u>Date</u>	<u>Name</u>	<u>Total Project Cost</u>	<u>Cost Share</u>
2/2/12	Minot Acquisition	\$23,670,000	\$17,750,000
2/2/12	Ward County Acquisition	\$15,300,000	\$11,500,000
3/7/12	Lisbon Acquisition	\$860,000	\$645,000
3/7/12	Burleigh Acquisition	\$1,900,000	\$1,425,000
6/13/12	Rice Lake Flood Control	\$6,301,670	\$2,842,200
6/13/12	Tavis Road Pump Station	\$2,534,000	\$1,282,410
6/13/12	Mouse River Phase I	\$1,828,000	\$1,828,000
4/17/12	Devils Lake	\$167,800,000	\$3,279,815
12/7/12	Ward County Acquisition	\$9,040,273	\$6,785,205
7/23/13	Valley City Acquisitions	\$1,554,440	\$1,165,830
10/7/13	Renwick Dam	\$9,019,014	\$1,578,328
10/7/13	Minot Acquisition	\$32,544,345	\$24,408,258
10/7/13	Minot Flood Wall	\$3,830,400	\$3,830,400
12/13/13	Uper Maple River Dam	\$7,925,000	\$2,495,025
12/13/13	Michigan Spillway	\$4,041,086	\$2,424,652
12/13/13	City of Underwood	\$2,300,000	\$1,100,727
3/17/14	Mapleton Levee Certification	\$1,635,000	\$718,941
3/17/14	City of Pembina	\$1,441,911	\$660,900
5/29/14	Valley City	\$12,540,294	\$6,509,760
6/24/14	Lisbon	\$1,775,000	\$1,238,698
9/15/14	Lisbon	\$850,000	\$680,000
9/15/14	Minot Infrastructure	\$2,830,014	\$1,256,426
12/5/14	Grafton	\$5,000,000	\$1,750,000
12/5/14	Valley City	\$10,000,000	\$1,634,607
3/11/15	Souris River Joint WRD	\$5,000,000	\$3,000,000
3/11/15	Lisbon	\$4,052,500	\$3,166,000
5/20/15	Maple-Steele Joint WRD	\$9,075,975	\$4,702,936
5/20/15	Lisbon	\$944,000	\$842,850
10/6/15	Burleigh County WRD	\$1,200,000	\$2,800,000
12/11/15	Souris River Joint Water Board	\$2,400,000	\$1,440,000
3/9/16	City of Lisbon	\$2,625,000	\$2,098,000
3/9/16	Souris River Joint Water Board	\$24,000,000	\$7,200,000
3/9/16	Souris River Joint Water Board	\$1,645,000	\$987,000
7/6/16	Fargo		\$69,000,000
7/6/16	Wahpeton	\$3,549,338	\$1,638,232

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Flood Control

<u>Date</u>	<u>Name</u>	<u>Total Project Cost</u>	<u>Cost Share</u>
7/6/16	Maple River WRD	\$3,603,000	\$1,195,126
7/6/16	Ward County WRD	\$1,110,439	\$971,027
7/6/16	Steele County WRD	\$1,135,000	\$411,773
7/6/16	Lisbon	\$265,000	\$198,750
7/6/16	Lisbon	\$2,432,000	\$2,188,000
7/6/16	Lisbon	\$5,950,000	\$4,557,500
7/6/16	Souris River Joint Water Board	\$4,385,243	\$2,188,592
7/6/16	Souris River Joint Water Board	\$1,400,000	\$350,000
7/6/16	Pembina County WRD	\$800,000	\$400,000
10/12/16	City of Grafton	\$47,400,000	\$25,000,000
10/12/16	Souris River Joint Water Board	\$1,437,100	\$467,057
10/12/16	Souris River Joint Water Board	\$3,051,727	\$1,983,623
10/12/16	Souris River Joint Water Board	\$6,000,000	\$3,900,000
12/9/16	McLean County	\$1,263,926	
12/9/16	City of Williston	\$17,900,000	\$3,655,517
12/9/16	City of Lisbon	\$410,000	\$307,500
12/9/16	City of Valley City	\$16,447,000	\$13,157,600

Water Conveyance

<u>Date</u>	<u>Name</u>	<u>Total Project Cost</u>	<u>Cost Share</u>
6/13/12	Meadow Lake Outlet	\$1,834,090	\$500,000
6/13/12	Amenia Township	\$1,650,000.00	\$459,350
6/13/12	Pontiac Township	\$2,950,000	\$500,000
9/17/12	Cass County Drain 13	\$780,000	\$482,222
12/7/12	Souris Valley Golf Course	\$918,753	\$335,937
10/7/13	Grand Forks Drain 57	\$1,318,073	\$413,576
10/7/13	Walsh County Drain 74	\$1,002,036	\$317,852
12/13/13	Pembina County Drain 78	\$920,442	\$287,778
5/29/14	Ward County Road 18	\$845,585	\$325,208
9/15/14	Haas Coulee	\$2,319,684	\$500,000
3/11/15	Cass County	\$3,385,000	\$747,093
3/11/15	Tri County WRD	\$2,041,401	\$911,881
5/20/15	Dickey-Sargent Joint WRD	\$5,200,000	\$1,601,325
7/29/15	Griggs County	\$1,443,408	\$621,661
10/6/15	Maple River	\$975,000	\$171,763
12/11/15	Dickey County WRD	\$2,110,000	\$444,062
3/9/16	Richland County	\$1,675,000	\$535,500
3/9/16	Traill County	\$1,604,495	\$512,090
3/9/16	Sargent County	\$940,000	\$154,000

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Water Conveyance

<u>Date</u>	<u>Name</u>	<u>Total Project Cost</u>	<u>Cost Share</u>
3/9/16	Richland County	\$1,315,000	\$531,000
3/9/16	Pembina County	\$799,151	\$104,703
3/9/16	Richland County	\$824,000	\$113,400
10/12/16	Sargent County	\$3,900,000	\$1,417,967
10/12/16	Traill County	\$1,200,000	\$435,015
10/12/16	Walsh County	\$1,260,205	\$401,005
10/12/16	Walsh County	\$2,438,917	\$898,866
12/9/16	Richland County	\$835,000	\$315,000
12/9/16	Pembina County	\$2,317,885	\$875,428

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WATER SUPPLY

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Project Type	Local Sponsor	Project Name	Priority	Basin	Federal 2017-2019	Potential SWC Grant 2017-2019	Potential SWC Loan 2017-2019	Local 2017-2019	Total 2017-2019
Water Supply (Municipal)	Wildrose	Water Tower Improvements	4 - Low	Missouri	\$0	\$57,000	\$19,000	\$19,000	\$95,000
Water Supply (Municipal)	Williston	48th Ave Chandler Field Water Main Connection	2 - High	Missouri	\$0	\$136,260	\$45,420	\$45,420	\$227,100
Water Supply (Rural)	North Prairie Rural WD	Surrey - Silver Spring Development Supply Line	4 - Low	Mouse	\$0	\$165,000	\$55,000	\$55,000	\$275,000
Water Supply (Municipal)	Granville	Distribution System Improvements	4 - Low	Red	\$0	\$168,000	\$106,000	\$6,000	\$280,000
Water Supply (Municipal)	Flaxton	Water Distribution System Upgrades	4 - Low	Missouri	\$0	\$141,000	\$47,000	\$97,000	\$285,000
Water Supply (Municipal)	Oberon	Well Installation	4 - Low	Devils Lake	\$0	\$159,000	\$81,000	\$60,000	\$300,000
Water Supply (Municipal)	Mohall	Water Main Looping	4 - Low	Mouse	\$0	\$216,000	\$72,000	\$72,000	\$360,000
Water Supply (Municipal)	Killdeer	Southwest Utility Extension	2 - High	Missouri	\$0	\$216,720	\$72,240	\$72,240	\$361,200
Water Supply (Municipal)	Larimore	New Water Mains and Appurtenances	4 - Low	Red	\$0	\$225,000	\$75,000	\$75,000	\$375,000
Water Supply (Municipal)	Watford City	Water Main - 14th St NW (10th Ave NW to 17th Ave NW)	2 - High	Missouri	\$0	\$240,000	\$80,000	\$80,000	\$400,000
Water Supply (Municipal)	Lisbon	Water Main Looping	4 - Low	Red	\$0	\$246,000	\$82,000	\$82,000	\$410,000
Water Supply (Municipal)	Williston	9th Ave E Water Main	2 - High	Missouri	\$0	\$254,580	\$84,860	\$84,860	\$424,300
Water Supply (Municipal)	Williston	140th Ave Water Main	2 - High	Missouri	\$0	\$267,000	\$89,000	\$89,000	\$445,000
Water Supply (Municipal)	Sherwood	Water Supply Improvements	4 - Low	Mouse	\$0	\$267,000	\$89,000	\$89,000	\$445,000
Water Supply (Municipal)	Killdeer	South Water Storage Reservoir	2 - High	Missouri	\$0	\$270,000	\$90,000	\$90,000	\$450,000
Water Supply (Municipal)	Watford City	Water Main - Hwy 23 Bypass Loop	2 - High	Missouri	\$0	\$270,000	\$90,000	\$90,000	\$450,000
Water Supply (Municipal)	Mayville	Water Treatment Plant Improvements	4 - Low	Red	\$0	\$270,000	\$90,000	\$90,000	\$450,000
Water Supply (Municipal)	Watford City	Water Main - 17th Ave NE (Pheasant Ridge to 12th St NE)	2 - High	Missouri	\$0	\$282,000	\$94,000	\$94,000	\$470,000
Water Supply (Municipal)	Killdeer	HWBL Industrial Subdivision Water Supply	2 - High	Missouri	\$0	\$294,000	\$98,000	\$98,000	\$490,000
Water Supply (Municipal)	Mandan	Boundary Road PRV	2 - High	Missouri	\$0	\$294,000	\$98,000	\$98,000	\$490,000
Water Supply (Municipal)	Lisbon	Water Treatment Plant Rehabilitation	4 - Low	Red	\$0	\$300,000	\$100,000	\$100,000	\$500,000
Water Supply (Municipal)	Michigan	Water Tower Replacement	4 - Low	Devils Lake	\$0	\$300,000	\$100,000	\$100,000	\$500,000
Water Supply (Municipal)	Mandan	Collins Reservoir Rehabilitation	2 - High	Missouri	\$0	\$318,300	\$106,100	\$106,100	\$530,500
Water Supply (Municipal)	Lisbon	New Wells & Transmission Line	4 - Low	Red	\$0	\$336,000	\$112,000	\$112,000	\$560,000
Water Supply (Municipal)	Columbus	Water Main Improvements - Phase II	4 - Low	Mouse	\$0	\$346,710	\$115,570	\$115,570	\$577,850
Water Supply (Municipal)	Makoti	New transmission Line	4 - Low	Missouri	\$0	\$360,000	\$120,000	\$120,000	\$600,000
Water Supply (Municipal)	Westhope	Water Main Improvements	4 - Low	Mouse	\$0	\$360,000	\$120,000	\$120,000	\$600,000
Water Supply (Municipal)	Columbus	Water Main Improvements - Phase I	4 - Low	Mouse	\$0	\$365,400	\$121,800	\$121,800	\$609,000
Water Supply (Municipal)	Watford City	HWY 85 (24th Ave S to 37th Ave S)	2 - High	Missouri	\$0	\$371,854	\$123,951	\$123,951	\$619,756
Water Supply (Municipal)	Streeter	Well Installation	4 - Low	James	\$0	\$378,000	\$126,000	\$126,000	\$630,000
Water Supply (Municipal)	Watford City	Water Main - 12th St NE (Hwy 23 to 17th Ave N)	2 - High	Missouri	\$0	\$390,000	\$130,000	\$130,000	\$650,000
Water Supply (Municipal)	Columbus	Water Main Improvements - Phase III	4 - Low	Mouse	\$260,890	\$234,801	\$78,267	\$78,267	\$652,225
Water Supply (Municipal)	Harwood	I-29 South Watermain Loop	4 - Low	Red	\$0	\$392,400	\$130,800	\$130,800	\$654,000
Water Supply (Municipal)	Center	Water Supply Improvements	4 - Low	Missouri	\$0	\$356,224	\$213,734	\$142,490	\$712,448
Water Supply (Municipal)	Davenport	Water Storage, Booster Station, & Transmission Lines	4 - Low	Red	\$0	\$429,600	\$143,200	\$143,200	\$716,000
Water Supply (Municipal)	Wahpeton	New Well	4 - Low	Red	\$0	\$432,000	\$144,000	\$144,000	\$720,000
Water Supply (Municipal)	Williston	US Hwy 2 Water Main Crossings	2 - High	Missouri	\$0	\$434,400	\$144,800	\$144,800	\$724,000
Water Supply (Municipal)	West Fargo	NE Service Area Water Main Loop	2 - High	Red	\$0	\$450,000	\$150,000	\$150,000	\$750,000
Water Supply (Municipal)	Harvey	Water Treatment Plant Improvements	4 - Low	Missouri	\$0	\$480,000	\$160,000	\$160,000	\$800,000
Water Supply (Municipal)	Grafton	Park River Surface Water Intake Improvements	4 - Low	Red	\$0	\$470,000	\$178,000	\$162,000	\$810,000
Water Supply (Municipal)	Watford City	Water Main - 17th Ave NW (Main St to 14th St NW)	2 - High	Missouri	\$0	\$510,000	\$170,000	\$170,000	\$850,000
Water Supply (Municipal)	Langdon	Water Main Looping	4 - Low	Red	\$0	\$600,000	\$200,000	\$200,000	\$1,000,000
Water Supply (Municipal)	Wing	Water Tower Replacement	4 - Low	Missouri	\$550,000	\$300,000	\$100,000	\$100,000	\$1,050,000
Water Supply (Municipal)	LaMoure	Water Tower Replacement	4 - Low	James	\$0	\$660,000	\$220,000	\$220,000	\$1,100,000
Water Supply (Municipal)	Valley City	Distribution System Improvements	4 - Low	Red	\$0	\$660,000	\$220,000	\$220,000	\$1,100,000
Water Supply (Municipal)	Park River	Water Main Improvements	4 - Low	Red	\$0	\$708,796	\$236,265	\$236,265	\$1,181,326
Water Supply (Municipal)	West Fargo	NW to SW Service Area Water Main Loop	2 - High	Red	\$0	\$720,000	\$240,000	\$240,000	\$1,200,000
Water Supply (Municipal)	Mooreton	Reservoir, Pressure System, & Distribution Mains	4 - Low	Red	\$0	\$720,000	\$240,000	\$240,000	\$1,200,000

WATER SUPPLY

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Project Type	Local Sponsor	Project Name	Priority	Basin	Federal 2017-2019	Potential SWC Grant 2017-2019	Potential SWC Loan 2017-2019	Local 2017-2019	Total 2017-2019
Water Supply (Municipal)	Watford City	11th Ave. S Watermain	2 - High	Missouri	\$0	\$744,357	\$248,119	\$248,119	\$1,240,595
Water Supply (Municipal)	Portland	Water Tower Replacement	4 - Low	Red	\$0	\$750,000	\$250,000	\$250,000	\$1,250,000
Water Supply (Municipal)	Fairmount	New Water Tower	4 - Low	Red	\$127,688	\$694,387	\$381,462	\$81,463	\$1,285,000
Water Supply (Municipal)	Watford City	Water Main - 17th Ave NE (12th St NE to Hwy 1806)	2 - High	Missouri	\$0	\$780,000	\$260,000	\$260,000	\$1,300,000
Water Supply (Municipal)	Riverdale	Water Storage Improvements	4 - Low	Missouri	\$0	\$780,000	\$260,000	\$260,000	\$1,300,000
Water Supply (Municipal)	Burlington	South Water Tower	2 - High	Mouse	\$0	\$819,000	\$273,000	\$273,000	\$1,365,000
Water Supply (Municipal)	Arthur	Water Tower Replacement	4 - Low	Red	\$0	\$840,000	\$280,000	\$280,000	\$1,400,000
Water Supply (Municipal)	Belfield	Water Transmission Line	4 - Low	Missouri	\$0	\$840,000	\$280,000	\$280,000	\$1,400,000
Water Supply (Municipal)	Alexander	Water Line Extension	4 - Low	Missouri	\$0	\$900,000	\$300,000	\$300,000	\$1,500,000
Water Supply (Municipal)	Cando	New Water Tower	4 - Low	Devils Lake	\$0	\$900,000	\$300,000	\$300,000	\$1,500,000
Water Supply (Municipal)	Cando	Water Treatment Plant Improvements	4 - Low	Devils Lake	\$0	\$900,000	\$300,000	\$300,000	\$1,500,000
Water Supply (Municipal)	Grafton	Red River Surface Water Intake Improvements	4 - Low	Red	\$0	\$900,000	\$300,000	\$300,000	\$1,500,000
Water Supply (Municipal)	Hazen	Elevated Storage Tank	4 - Low	Missouri	\$0	\$900,000	\$300,000	\$300,000	\$1,500,000
Water Supply (Municipal)	Lakota	New Water Tower	4 - Low	Devils Lake	\$0	\$900,000	\$300,000	\$300,000	\$1,500,000
Water Supply (Rural)	North Prairie Rural WD	Reservoir 9	4 - Low	Mouse	\$0	\$900,000	\$300,000	\$300,000	\$1,500,000
Water Supply (Rural)	Greater Ramsey WD	City of Devils Lake Regionalization	3 - Moderate	Devils Lake	\$0	\$1,162,500	\$77,500	\$310,000	\$1,550,000
Water Supply (Municipal)	Lincoln	Water Supply Main	2 - High	Missouri	\$0	\$954,000	\$500,000	\$136,000	\$1,590,000
Water Supply (Municipal)	Mapleton	New Water Tower	4 - Low	Red	\$0	\$978,000	\$326,000	\$326,000	\$1,630,000
Water Supply (Municipal)	Enderlin	New Wells & Transmission Line	4 - Low	Red	\$0	\$990,000	\$330,000	\$330,000	\$1,650,000
Water Supply (Municipal)	Mercer	Storage & Distribution Improvements	4 - Low	Missouri	\$1,000,000	\$408,557	\$136,186	\$136,186	\$1,680,929
Water Supply (Rural)	Trail Rural WD	Transmission Pipeline Expansion & PRV Installation	4 - Low	Red	\$0	\$1,018,276	\$339,426	\$339,426	\$1,697,128
Water Supply (Municipal)	Drayton	Clearwell Replacement	4 - Low	Red	\$0	\$1,050,000	\$350,000	\$350,000	\$1,750,000
Water Supply (Municipal)	Garrison	Transmission & Supply Line	4 - Low	Missouri	\$0	\$1,080,000	\$360,000	\$360,000	\$1,800,000
Water Supply (Rural)	Walsh Rural WD	System Improvements & New Users	4 - Low	Red	\$0	\$1,126,186	\$375,395	\$375,395	\$1,876,976
Water Supply (Municipal)	Enderlin	Water Tower Replacement	4 - Low	Red	\$0	\$1,173,000	\$391,000	\$391,000	\$1,955,000
Water Supply (Municipal)	New Town	Northwest Water Tower	2 - High	Missouri	\$0	\$1,410,000	\$470,000	\$470,000	\$2,350,000
Water Supply (Municipal)	Sawyer	Treatment Plant Upgrades & Well Replacement	4 - Low	Mouse	\$0	\$1,464,000	\$488,000	\$488,000	\$2,440,000
Water Supply (Municipal)	Watford City	Southwest Water Tower	2 - High	Missouri	\$0	\$1,492,570	\$497,523	\$497,523	\$2,487,616
Water Supply (Municipal)	West Fargo	New Water Tower - South of I 94	2 - High	Red	\$0	\$1,500,000	\$500,000	\$500,000	\$2,500,000
Water Supply (Municipal)	Cavalier	New Water Tower	4 - Low	Red	\$0	\$1,500,000	\$500,000	\$500,000	\$2,500,000
Water Supply (Municipal)	Hankinson	Transmission Line & Well	4 - Low	Red	\$0	\$1,500,000	\$500,000	\$500,000	\$2,500,000
Water Supply (Rural)	Cass Rural WD	Horace Area Water Tank	4 - Low	Red	\$0	\$1,300,000	\$780,000	\$520,000	\$2,600,000
Water Supply (Rural)	McLean-Sheridan Rural WD	New Water Tower & Transmission Lines	4 - Low	Missouri	\$0	\$1,620,000	\$540,000	\$540,000	\$2,700,000
Water Supply (Rural)	Stutsman Rural WD	Phase VI Expansion	3 - Moderate	James	\$0	\$2,175,000	\$145,000	\$580,000	\$2,900,000
Water Supply (Municipal)	Dickinson	Distribution System Improvements	2 - High	Missouri	\$0	\$1,800,000	\$600,000	\$600,000	\$3,000,000
Water Supply (Municipal)	Dickinson	North Side Tank	2 - High	Missouri	\$0	\$1,800,000	\$600,000	\$600,000	\$3,000,000
Water Supply (Municipal)	Williston	18th St Trunk Water Main	2 - High	Missouri	\$0	\$2,068,800	\$689,600	\$689,600	\$3,448,000
Water Supply (Municipal)	Lakota	New Water Treatment Plant	4 - Low	Devils Lake	\$0	\$2,100,000	\$700,000	\$700,000	\$3,500,000
Water Supply (Rural)	Garrison Rural WD	Northwest System Expansion	4 - Low	Missouri	\$0	\$2,175,204	\$725,069	\$725,069	\$3,625,342
Water Supply (Municipal)	Grenora	Water Tower Replacement	4 - Low	Missouri	\$0	\$2,220,000	\$1,000,000	\$480,000	\$3,700,000
Water Supply (Rural)	Tri-County Rural WD	Connection to McVillie & Rural Distribution	4 - Low	Red	\$0	\$2,340,000	\$780,000	\$780,000	\$3,900,000
Water Supply (Rural)	Southeast WUD	System Wide Expansion	3 - Moderate	Red	\$0	\$3,000,000	\$200,000	\$800,000	\$4,000,000
Water Supply (Rural)	North Prairie Rural WD	Mountrail County Water Supply	3 - Moderate	Missouri	\$0	\$3,247,500	\$216,500	\$866,000	\$4,330,000
Water Supply (Municipal)	Dickinson	South Side Tank	2 - High	Missouri	\$0	\$2,700,000	\$900,000	\$900,000	\$4,500,000
Water Supply (Rural)	Grand Forks Traill WD	Eastern System Expansion & Traill Rural Interconnection	4 - Low	Red	\$0	\$2,715,045	\$905,015	\$905,015	\$4,525,075
Water Supply (Rural)	North Prairie Rural WD	Mountrail Regional Expansion Phase III	3 - Moderate	Missouri	\$0	\$3,600,000	\$240,000	\$960,000	\$4,800,000
Water Supply (Municipal)	Mandan	Sunset Avenue Reservoir Transmission Line	2 - High	Missouri	\$0	\$3,006,000	\$1,002,000	\$1,002,000	\$5,010,000
Water Supply (Municipal)	Fargo	New Downtown Elevated Storage Tanks	4 - Low	Red	\$0	\$3,900,000	\$1,300,000	\$1,300,000	\$6,500,000

WATER SUPPLY

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Project Type	Local Sponsor	Project Name	Priority	Basin	Federal 2017-2019	Potential SWC Grant 2017-2019	Potential SWC Loan 2017-2019	Local 2017-2019	Total 2017-2019
Water Supply (Municipal)	Drayton	Water Treatment Plant Improvements	4 - Low	Red	\$0	\$4,200,000	\$1,400,000	\$1,400,000	\$7,000,000
Water Supply (Municipal)	Williston	Airport Water Main & Pump Station	2 - High	Missouri	\$0	\$4,350,000	\$1,450,000	\$1,450,000	\$7,250,000
Water Supply (Rural)	Northeast Rural WD	Langdon Branch System Expansion	3 - Moderate	Red	\$0	\$6,000,000	\$400,000	\$1,600,000	\$8,000,000
Water Supply (Municipal)	Enderlin	New Lime Softening	4 - Low	Red	\$0	\$4,839,000	\$1,613,000	\$1,613,000	\$8,065,000
Water Supply (Municipal)	Garrison	Water Supply & Treatment Improvements	4 - Low	Missouri	\$0	\$5,400,000	\$1,800,000	\$1,800,000	\$9,000,000
Water Supply (Municipal)	Mandan	Conventional Raw Water Intake	2 - High	Missouri	\$0	\$8,160,000	\$2,720,000	\$2,720,000	\$13,600,000
Water Supply (Municipal)	Fargo	Water Treatment Plant Residuals Facility	4 - Low	Red	\$0	\$9,000,000	\$3,000,000	\$3,000,000	\$15,000,000
Water Supply (Regional)	Lake Agassiz Water Authority	Red River Valley Water Supply	2 - High	Multi-Basin	\$0	\$50,000,000	\$0	TBD	\$50,000,000
Water Supply (Municipal)	Grand Forks	Regional Water Treatment Plant	4 - Low	Red	\$0	\$30,549,657	\$0	\$30,549,657	\$61,099,314
Water Supply (Regional)	Western Area Water Supply	Western Area Water Supply	2 - High	Missouri	\$0	\$46,317,008	\$0	\$15,439,002	\$61,756,010
Water Supply (Regional)	Southwest Water Authority	Southwest Pipeline Project	2 - High	Missouri	\$0	\$84,000,000	\$0	\$0	\$84,000,000
Water Supply (Regional)	Minot	Northwest Area Water Supply	2 - High	Mouse	\$0	\$110,500,000	\$0	\$59,500,000	\$170,000,000

STATE WATER COMMISSION
PROJECT SUMMARY
2015-2017 BIENNIUM

Fr. Garland

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	BUDGET	SWC/SE APPROVED	OBLIGATIONS EXPENDITURES	REMAINING UNOBLIGATED	REMAINING UNPAID
FLOOD CONTROL					
FARGO	228,506,200	228,506,200	141,210,942	0	87,295,258
GRAFTON	33,925,000	33,925,000	1,534,675	0	32,390,325
MOUSE RIVER FLOOD CONTROL	46,513,397	25,737,810	9,283,069	20,775,587	16,454,741
VALLEY CITY	28,458,354	27,312,537	9,104,144	1,145,817	18,208,393
LISBON	15,227,187	8,094,752	4,797,642	7,132,435	3,297,110
FORT RANSOM	225,000	0	0	225,000	0
WILLISTON	7,000,000	3,655,517	0	3,344,483	3,655,517
RENWICK DAM	23,320	7,117	7,117	16,203	0
MISSOURI RIVER FLOOD CONTROL	4,000,000	4,000,000	4,000,000	0	0
FLOODWAY PROPERTY ACQUISITIONS					
MINOT	23,879,316	23,879,316	13,678,297	0	10,201,019
WARD COUNTY	6,046,590	6,046,590	31,243	0	6,015,347
VALLEY CITY	4,017,403	4,017,403	142,606	0	3,874,797
BURLEIGH COUNTY	232,649	(114,552)	(114,552)	347,201	0
SAWYER	184,260	184,260	48,416	0	135,844
LISBON	626,250	626,250	22,950	0	603,300
BURLINGTON	43,350	43,350	0	0	43,350
STATE WATER SUPPLY					
REGIONAL & LOCAL WATER SYSTEMS	184,835,694	184,760,694	65,807,869	75,000	118,952,825
FARGO WATER TREATMENT PLANT	22,768,775	22,768,775	21,643,212	0	1,125,563
SOUTHWEST PIPELINE PROJECT	104,761,201	104,761,200	53,956,570	0	50,804,630
NORTHWEST AREA WATER SUPPLY	15,754,482	15,754,482	2,472,746	0	13,281,736
WESTERN AREA WATER SUPPLY AUTHORITY	82,201,384	82,201,384	69,102,021	0	13,099,363
RED RIVER VALLEY WATER SUPPLY	12,521,328	12,521,328	7,032,845	0	5,488,483
CENTRAL NORTH DAKOTA WATER SUPPLY	70,070,800	70,800	69,804	70,000,000	997
UNOBLIGATED STATE WATER SUPPLY	2,081,155			2,081,155	
GENERAL WATER MANAGEMENT					
OBLIGATED	44,739,182	44,739,182	21,623,433	0	23,115,750
UNOBLIGATED GENERAL WATER	28,186,824			28,186,824	
DEVILS LAKE					
OUTLET	870,802	870,802	0	0	870,802
OUTLET OPERATIONS	18,534,211	18,534,210	7,242,499	0	11,291,711
DL EAST END OUTLET	2,774,011	2,774,011	505,355	0	2,268,656
REVOLVING LOAN FUND					
GENERAL WATER PROJECTS	11,000,000	10,574,214	2,274,114	425,786	8,300,100
WATER SUPPLY	25,000,000	14,966,885	11,926,395	10,033,115	3,040,490
TOTALS	1,025,008,125	881,219,517	447,403,410	143,788,609	433,816,106

STATE WATER COMMISSION
PROJECT SUMMARY
2015-2017 Biennium

401374
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All #3

PROGRAM OBLIGATION

				Initial	Total	Total	Jan-17	
ed SWC	No	Dept	Sponsor	Project	Approved Date	Approved	Payments	Balance
	1984-02	5000	City of Fargo	Fargo Water Treatment Plant	3/17/2014	22,768,775	21,643,212	1,125,563
	1736-05	8000	SWPP	Southwest Pipeline Project	7/1/2013	104,761,200	53,956,570	50,804,630
	2374	9000	NAWS	Northwest Area Water Supply	7/1/2013	15,754,482	2,472,746	13,281,736
	1973-02	5000	WAWSA	WAWSA- (GRANT)	10/6/2015	12,061,806	11,299,637	762,168
	1973-05	5000	WAWSA	WAWSA- (GRANT)	10/6/2015	60,000,000	47,662,805	12,337,195
	1973-03	5000	Bank of North Dakota	WAWSA - (LOAN)	10/6/2015	10,139,578	10,139,578	0
	325-102	5000	RRVWSP	Red River Valley Water Supply - Intake Design Study	5/29/2014	162,328	32,845	129,483
SB 2020	325-104	5000	Garrison Diversion	Red River Valley Water Supply Project	7/29/2015	12,359,000	7,000,000	5,359,000
	2051-101	5000	Central ND Water Supply	Black and Veatch investigation	1/27/2015	70,800	69,804	997
<i>Subtotal State Water Supply</i>						238,077,969	154,277,196	83,800,772
<i>General Water Management</i>								
<i>Hydrologic Investigations:</i>						1,125,267		
	2041	3000	US Geological Survey	USGS Stream Gage Joint Funding Agreement	3/9/2016	529,075	529,075	0
	2041	3000	US Geological Survey	USGS Stream Gage Joint Funding Agreement	10/12/2016	544,110	136,028	408,083
	1400	3000	Fireside Office Solutions	Document Conversion (Water Permit Scanning)	8/23/2016	50,000	7,200	42,800
<i>Hydrologic Investigations Obligations Subtotal</i>						1,123,185	672,302	450,883
<i>Remaining Hydrologic Investigations Authority</i>						2,082		
<i>Hydrologic Investigations Authority Less Payments</i>								
<i>General Projects Obligated</i>						27,106,508	7,140,535	19,965,974
<i>General Projects Completed</i>						16,507,407	13,810,596	2,696,811
<i>Subtotal General Water Management</i>						44,739,182	21,623,433	23,115,750
<i>Devils Lake Basin Development:</i>								
SWC	416-07	5000	Multiple	Devils Lake Outlet	7/1/2013	870,802	0	870,802
SWC	416-10	4700	Operations	Devils Lake Outlet Operations	3/9/2016	18,534,210	7,242,499	11,291,711
SWC	416-15	5000	Multiple	DL East End Outlet	7/1/2013	2,774,011	505,355	2,268,656
<i>Devils Lake Subtotal</i>						22,179,023	7,747,854	14,431,170
<i>Revolving Loan Fund:</i>								
<i>(General Water)</i>								
2077-02	1050	City of Lisbon	Permanent Flood Protection - Levee C (LOAN)	3/11/2015	886,500	886,500	0	
2077-03	1050	City of Lisbon	Sheyenne River Flood Protection - Levee E (LOAN)	3/9/2016	527,000	527,000	0	
2077	1050	City of Lisbon	Permanent Flood Protection - Levee D & F (LOAN)	7/6/2016	243,200	0	243,200	
2077	1050	City of Grafton	Grafton Flood Risk Reduction (LOAN)	10/12/2016	3,375,000	0	3,375,000	
2077-06	1050	City of Valley City	Permanent Flood Protection Project (LOAN)	12/28/2016	860,614	860,614	0	
2077	1050	City of Valley City	Valley City Flood Protection - Phase II Construction (LC	12/9/2016	3,289,400	0	3,289,400	
2077	1050	City of Valley City	Valley City Preliminary Design & Engineering	12/9/2016	142,500	0	142,500	
2077	1050	City of Valley City	Valley City Phase III Buyouts	12/9/2016	1,250,000	0	1,250,000	
<i>(Water Supply)</i>								
2077-01	1050	Bank of North Dakota	WAWSA - (LOAN)	10/6/2015	10,000,000	10,000,000	0	
2077-04	1050	North Prairie Rural Water District	Storage & Water Mains (LOAN)	12/11/2015	239,475	239,475	0	
2077	1050	City of Beulah	Water Treatment Plant (LOAN)	3/9/2016	880,000	0	880,000	
2077-05	1050	Northeast Regional WD	City of Devils Lake Water Supply Project (LOAN)	3/9/2016	1,686,920	1,686,920	0	
2077	1050	Walsh Rural WD	Phase 1, 2, & 3 System Expansion Project (LOAN)	3/9/2016	250,490	0	250,490	
2077	1050	Barnes Rural Water District	Rural Expansion (LOAN)	10/12/2016	835,000	0	835,000	
2077	1050	North Central Rural Water Consortium	Carpio Berhold Phase 2 (LOAN)	10/12/2016	215,000	0	215,000	
2077	1050	North Central Rural Water Consortium	Granville-Surrey-Deering Water Supply Project (LOAN)	10/12/2016	139,000	0	139,000	
2077-07	1050	Stutsman Rural Water District	Phase 3 Expansion (LOAN)	10/12/2016	721,000	0	721,000	
<i>Revolving Loan Fund Subtotal</i>						25,541,099	14,200,509	11,340,590
TOTAL						881,219,517	447,403,410	433,816,106

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STATE WATER COMMISSION
PROJECT SUMMARY
2015-2017 Biennium
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GENERAL PROJECT OBLIGATIONS

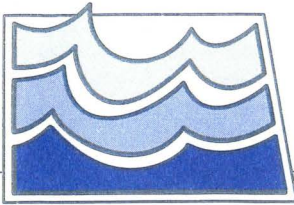
SWC No	Dept	Approved Biennium	Sponsor	Project	Initial Approved Date	Total Approved	Total Payments	Jan-17	
								Balance	
SWC 1921	5000	2007-09	Morton Co. WRD	Square Butte Dam No. 6/(Harmon Lake) Recreation F	3/23/2009	231,002	38,651	192,351	
SWC 1932	5000	2015-17	Nelson Co. WRD	Michigan Spillway Rural Flood Assessment	3/9/2016	1,214,256	1,188,406	25,850	
SE 1934	5000	2015-17	Traill Co. WRD	Elm River Snagging & Clearing	9/2/2016	47,500	0	47,500	
SE 1946	5000	2015-17	Walsh Co. WRD	Improvement of Walsh Co Drain #22 Preliminary Engi	4/19/2016	10,500	7,637	2,863	
SWC 1951	5000	2015-17	Maple River WRD	Lynchburg Channel Improvements	7/6/2016	1,131,338	0	1,131,338	
SWC 1951	5000	2015-17	Maple River WRD	Lynchburg Channel Improvements	7/6/2016	63,788	0	63,788	
SWC 1968	5000	2013-15	Garrison Diversion	McClusky Canal Mile Marker 10 & 49 Irrigation Project	3/17/2014	256,321	204,707	51,614	
SE 1974	5000	2015-17	USGS	Regulated Streamflow Frequency for the Upper Souris	12/16/2016	37,100	0	37,100	
SWC 1975	5000	2015-17	Walsh Co. WRD	Drain 31-1	10/12/2016	111,543	0	111,543	
SWC 1977	5000	2011-13	Dickey-Sargent Co WRD	Jackson Township Improvement Dist. #1	5/20/2015	1,601,325	1,153,672	447,653	
SE 1978	5000	2015-17	Richland-Sargent Joint WRD	RS Legal Dam #1 - Pre-Construction Engineering	10/24/2016	13,680	0	13,680	
SWC 1990	5000	2011-13	Mercer Co. WRD	Lake Shore Estates High Flow Diverstion Project	3/7/2012	43,821	0	43,821	
SWC 1991	5000	2013-15	City of Lisbon	Sheyenne Riverbank Stabilization Project	9/15/2014	163,720	115,952	47,768	
SWC 2008	5000	2013-15	City of Mapleton	Recertification of Flood Control Levee System Project	3/17/2014	101,100	0	101,100	
SWC 2022	5000	2011-13	Pembina Co. WRD	Drain #73 Project	6/19/2013	350,400	80,247	270,153	
SWC 2043	5000	2015-17	Pembina Co. WRD	District's Drain 78 Outlet Extension Project	12/9/2016	390,041	278,826	111,215	
SWC 2045	5000	2013-15	Mercer Co. WRD	LiDAR Collection Project	5/29/2014	10,425	0	10,425	
SE 2050-50	5000	2015-17	Grand Forks Traill RWD	Eastern Expansion & TRWD Interconnect Fesibility & I	11/15/2016	75,000	0	75,000	
SE 2055	5000	2015-17	Red River Joint Water Resour	Lower Red Basin Regional Detention Study	7/17/2015	45,500	0	45,500	
SE 2058	5000	2015-17	City of Grafton	Grafton Debris Removal Plan	9/17/2015	3,900	0	3,900	
SWC 2059	5000	2015-17	Park River Joint WRD	North Branch Park River NRCS Watershed Study	10/6/2015	81,200	0	81,200	
SWC 2060	5000	2015-17	Walsch Co. WRD	Forest River Watershed Study	10/6/2015	114,100	0	114,100	
SWC 2062	5000	2015-17	Traill Co. WRD	Traill Co. Drain #64	7/6/2016	116,558	7,787	108,771	
SWC 2063	5000	2015-17	Maple River WRD	Swan Buffalo Detention Dam #8(Embden Dam)	11/17/2016	123,087	4,526	118,561	
SWC 2065	5000	2015-17	Cass Co. Joint WRD	Lake Bertha Flood Control Project No. 75	3/9/2016	201,350	0	201,350	
SWC 2066	5000	2015-17	Southeast Cass WRD	Sheyenne-Maple Flood Control Dist #1 Mitigation Impr	3/9/2016	198,023	0	198,023	
SWC 2068	5000	2015-17	Traill Co. WRD	Stavanger-Belmont Drain No. 52 Channel Impr	10/12/2016	435,015	0	435,015	
SE 2068	5000	2013-15	Traill Co. WRD	Stavanger-Belmont Drain No. 52 Channel - Study	4/20/2016	18,589	0	18,589	
SE 2069	5000	2015-17	Center Township	Wild Rice River Bank Stabilization	4/19/2016	43,036	42,082	954	
SE 2070	5000	2015-17	Garrison Diversion Conservar	Mile Marker 42 Irrigation Project	5/20/2016	29,741	0	29,741	
SE 2071	5000	2015-17	Foster County WRD	Alkali Lake High Water Feasibility Study	4/19/2016	5,250	420	4,830	
SE 2072	5000	2015-17	Barnes Co WRD	Ten Mile Lake Flood Risk Reduction Project	6/8/2016	37,800	988	36,812	
SWC 2073	5000	2015-17	Walsh Co. WRD	Oslo Area Ag Levee Feasibility Study	7/6/2016	187,000	51,146	135,854	
SWC 2074	5000	2015-17	City of Wahpeton	Flood Control - Levee Certification	7/6/2016	247,500	0	247,500	
SWC 2074	5000	2015-17	City of Wahpeton	Toe Drain & Encroachment Project	7/6/2016	1,125,482	0	1,125,482	
SWC 2074	5000	2015-17	City of Wahpeton	Breakout Easements	7/6/2016	265,000	0	265,000	
2075	5000	2015-17	Ward Co. WRD	Second Larson Coulee Detention Pond	7/6/2016	602,307	0	602,307	
2076	5000	2015-17	Elm River Joint WRD	Elm River Dam #1 Modification Study	7/6/2016	9,503	0	9,503	
SE 2078	5000	2015-17	Southeast Cass WRD	Raymond-Mapleton Township Improv Dist No. 76	11/15/2016	20,281	0	20,281	
SE 2079	5000	2015-17	City of Williston	West Williston Flood Control	10/24/2016	39,900	0	39,900	
SWC 2080	5000	2015-17	Walsh Co. WRD	Drain #70	10/12/2016	898,866	0	898,866	
SWC 2080	5000	2015-17	Walsh Co. WRD	Sam Berg Coulee Drain	10/12/2016	401,005	0	401,005	
SWC 2083	5000	2015-17	Pembina Co. WRD	Herzog Dam Gate & Catwalk Retrofit - Construction	10/12/2016	117,000	0	117,000	
SE 2085	5000	2015-17	Adams Co WRD	Orange Dam Rehabilitation Feasibility Study	10/13/2016	10,770	0	10,770	
SWC 2088	5000	2015-17	Pembina Co. WRD	Drain No. 79	12/9/2016	875,428	0	875,428	
SE 2089	5000	2015-17	Maple River WRD	Tower Township Improvement District No. 77 Study	12/19/2016	28,175	0	28,175	
SE 2090	5000	2015-17	International Water Institute	River Watch Program	1/12/2017	24,150	0	24,150	
SE 2094	5000	2015-17	McLean Co WRD	Lower Buffalo Creek Flood Management Feasibility	2/16/2017	7,539	0	7,539	
SE 2093/1427	5000	2015-17	Bottineau Co. WRD	Moen Legal Drain	9/6/2016	63,458	44,916	18,542	
SE 1396-01	5000	2013-15	Trout, Raley, Montano, Witwer	Missouri River Recovery Program	11/17/2015	75,000	16,965	58,035	
SE 1878-02	5000	2015-17	Maple-Steele Joint WRD	Upper Maple River Dam EAP	5/20/2016	12,800	0	12,800	
SWC 849-01	5000	2015-17	Pembina Co. WRD	Tongue River NRCS Watershed Plan	3/9/2016	104,703	0	104,703	
SWC AOC/ASS	5000	2015-17	Assiniboine River Basin	Assiniboine River Basin Initiative Funding	7/29/2015	100,000	75,000	25,000	
SWC AOC/IRA	5000	2015-17	ND Irrigation Association (NDI)	ND Irrigation Association	10/6/2015	100,000	75,000	25,000	
SWC AOC/RRBC	5000	2015-17	Red River Basin Commission	Red River Basin Commission Contractor	5/20/2015	200,000	150,000	50,000	
SWC AOC/WEF	5000	2015-17	ND Water Education Foundati	ND Water Magazine	5/20/2015	36,000	27,000	9,000	
SE AOC/WUA	5000	2011-13	ND Water Users Association	Dave Koland Term as WUA President	3/23/2015	9,672	5,772	3,899	
SWC PS/WRD/ELM	5000	2013-15	Elm River Joint WRD	Dam #3 Safety Improvements Project	9/15/2014	7,297	1,625	5,672	
SWC PS/WRD/MRJ	5000	2015-17	Missouri River Joint WRB	Missouri River Joint Water Board, (MRJWB) Start up	5/20/2015	20,000	6,347	13,653	
SWC PS/WRD/MRJ	5000	2015-17	Missouri River Joint WRB	Missouri River Joint Water Board (MRRIC) T. FLECK	5/20/2015	45,000	20,212	24,788	
SWC PS/WRD/UPP	5000	2015-17	Upper Sheyenne River Joint V	Upper Sheyenne River WRB Administration (USRJWF)	5/20/2015	12,000	3,398	8,602	
TOTAL						27,106,508	7,140,535	19,965,974	

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

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COMPLETED GENERAL PROJECTS

Approved By	SWC No	Dept	Approved Biennium	Sponsor	Project	Initial Approved Date	Total Approved	Total Payments	Jan 17 Balance
SWC	2046	5000	2013-15	Walsch Co. WRD	North Branch Park River Comprehensive Flood Damage Redu	12/13/2013	134,400	108,772	25,628
SWC	2047	5000	2013-15	LaMoure County	LaMoure Co Memorial Park Streambank Restoration	8/3/2016	91,042	64,240	26,802
SWC	2048	5000	2013-15	City of Marion	Marion Flood Mitigation & Lagoon Drainage Project	5/29/2014	116,659	116,599	60
SWC	1878-02	5000	2011-13	Maple-Steele Joint WRD	Upper Maple River Dam Construction Phase	12/13/2013	4,702,936	4,415,496	287,440
SB2020	1928-04	5000	2015-17	NDSU	Fargo Moorhead Diversion Agricultural Impact (Study)	1/20/2016	80,000	79,716	284
SB2009	1986-03	5000	2015-17	USDA-APHIS,ND Dept A	USDA Wildlife	9/9/2015	250,000	250,000	0
SWC	2003-02	5000	2011-13	Southeast Cass WRD	Re-Certification of the West Fargo Diversion Levee System	7/23/2015	52,564	32,813	19,751
SWC	2009-02	5000	2011-13	Southeast Cass WRD	Recertification of the Horace to West Fargo Diversion Levee S	9/17/2012	25,504	25,504	0
SE	ASNDS	5000	2015-17	NDSU	Oaks Irrigation Research Site - New Linear Irrigation System	11/18/2015	25,636	25,636	0
SE	CON/CAR	5000	2015-17	Garrison Diversion	Will and Carlson Consulting Services	1/12/2016	17,500	10,795	6,705
SWC	CON/WIL/CAF	5000	2013-15	Garrison Diversion Conse	Will and Carlson Consulting Contract	12/13/2013	26,451	1,828	24,623
SE	NDAWN	5000	2015-17	NDSU	NDAWN CENTER	2/11/2016	1,500	1,500	0
SE	NDAWN	5000	2015-17	NDSU	NDAWN CENTER	1/31/2017	1,500	1,500	0
SWC	PS/WRD/DEV	5000	2015-17	Devils Lake Joint WRB	DL Manager	5/20/2015	60,000	60,000	0
SWC	PS/WRD/MRJ	5000	2013-15	Missouri River Joint WRB	Missouri River Coordinator	10/7/2013	37,094	14,327	22,767
SE	PS/RRBUF	5000	2015-17	Buford Trenton Irrigation I	Upgrade to 3-Phase Power	4/19/2016	32,770	32,770	0
SE	PS/WRDBUR	5000	2015-17	Burleigh Co. WRD	Pebble Creek Golf Course - Hay Creek Bank Stabilization	10/15/2015	22,782	22,782	0
SE	PS/WRDCAS	5000	2015-17	Cass Co. Joint WRD	Red River Watershed Comprehensive Detention Plan Updates	11/19/2015	34,025	34,025	0
TOTAL							16,507,407	13,810,596	2,696,811



North Dakota State Water Commission

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

Fr. Garland

*HB1374
3-17-17*

*Att #4
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MEMORANDUM

TO: Senator Jessica Unruh
Chairman, Energy and Natural Resources Committee
FROM: Garland Erbele P.E., Chief Engineer-Secretary
SUBJECT: Commission Attendance History
DATE: March 17, 2017

We are providing a history of attendance at the Commission meetings over the last two years as requested.

2016 – 7 meetings

February 9, 2016 All present
March 9, 2016 Absent: Doug Goerhing was represented by Tom Bodine
April 27, 2016 All present
June 22, 2016 Absent: Doug Goehring, Harley Swenson, Douglas Vosper
July 6, 2016 All present
October 12, 2016 Absent: Robert Thompson
December 9, 2016 All present

2015 – 7 meetings

January 7, 2015 Absent: Doug Goerhing was represented by Tom Bodine
January 29, 2015 All present
March 11, 2015 Absent: Doug Goerhing was represented by Tom Bodine
May 20, 2015 All present
July 29, 2015 All present
October 6, 2015 All present
December 11, 2015 Absent: George Nodland, Doug Vosper

The agencies website has the minutes of all Commission meetings going back to 1995 if you wish to see them. This is a direct link to that page:

http://www.swc.nd.gov/theswc/meeting_minutes/

If you have any additional question please let me know.

3-23-17
AH
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Sixty-fifth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1374

*new
amend* *Kreun*

Introduced by

Representatives Schmidt, D. Anderson, J. Nelson, Sanford, Streyle, Zubke

Senators Bekkedahl, Kreun, G. Lee, Luick, Schaible, Sorvaag

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

8 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

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

11 **61-02-01.3. Comprehensive water development plan.**

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

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

1 **61-02-01.4. State water commission cost-share policy.**

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

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

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

22 **61-02-02. Definitions.**

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

- 24 1. "Commission" means the state water commission.
- 25 2. "Cost of works" includes:
 - 26 a. The cost of construction, the cost of all lands, property rights, water rights,
27 easements, and franchises acquired which are deemed necessary for such
28 construction;
 - 29 b. The cost of all water rights acquired or exercised by the commission in
30 connection with such works;

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

1 4.9. "Project" means any one of the works defined in subsection 5, or any combination of
2 such works, which are physically connected or jointly managed and operated as a
3 single unit.

4 5-10. "Water conveyance project" means any surface or subsurface drainage works, bank
5 stabilization, or snagging and clearing of water courses.

6 11. "Works" includes:

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

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

23 **61-02-04. State water commission - Members - Terms - Qualifications.**

24 The state water commission ~~shall consist~~consists of the governor, agriculture commissioner,
25 and seven other members ~~to be~~ appointed by the governor who shall take into account
26 reasonable geographic considerations in making such the appointments with the intent of having
27 each of the seven major drainage basins represented by a commissioner who resides in the
28 basin. The major drainage basins are the upper Missouri River basin, the lower Missouri River
29 basin, the James River basin, the upper Red River basin, the lower Red River basin, the Mouse
30 River basin, and the Devils Lake basin. The governor or the agriculture commissioner, or both,
31 may appoint a representative to serve in that official's capacity at such meetings as that official

1 ~~may be~~ is unable to attend. ~~Each of the six major drainage basins in the state must be~~
2 ~~represented by at least one commissioner who resides in the basin. The major basins are the~~
3 ~~upper Missouri River basin, the lower Missouri River basin, the James River basin, the Red~~
4 ~~River basin, the Mouse River basin, and the Devils Lake basin.~~ The seven appointive members
5 of the commission must be appointed for a term of six years each with ~~their~~the terms of office so
6 arranged that two terms and not more than three terms expire on the first day of July of each
7 odd-numbered year. Each appointive member must be a qualified elector of the state and is
8 subject to removal by judicial procedure. In case of a vacancy, the vacancy must be filled by
9 appointment by the governor for the remainder of the unexpired term. Before entering upon the
10 discharge of official duties, each appointive member shall take, subscribe, and file with the
11 secretary of state the oath prescribed for civil officers.

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

14 **61-02-07. Quorum - What constitutes.**

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

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

20 **61-02-08. Meetings of commission - Chairman and vice chairman.**

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

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

- 1 1. To investigate, plan, regulate, undertake, construct, establish, maintain, control,
2 operate, and supervise all works, dams, and projects, public and private, which in its
3 judgment may be necessary or advisable:
 - 4 a. To control the low-water flow of streams in the state.
 - 5 b. To impound water for the improvement of municipal, industrial, and rural water
6 supplies.
 - 7 c. To control and regulate floodflow in the streams of the state to minimize the
8 damage of such floodwaters.
 - 9 d. To conserve and develop the waters within the natural watershed areas of the
10 state and, subject to vested rights, to divert the waters within a watershed area to
11 another watershed area and the waters of any river, lake, or stream into another
12 river, lake, or stream.
 - 13 e. To improve the channels of the streams for more efficient transportation of the
14 available water in the streams.
 - 15 f. To provide sufficient water flow for the abatement of stream pollution.
 - 16 g. To develop, restore, and stabilize the waters of the state for domestic,
17 agricultural, and municipal needs, irrigation, flood control, recreation, and wildlife
18 conservation by the construction and maintenance of dams, reservoirs, and
19 diversion canals.
 - 20 h. To promote the maintenance of existing drainage channels in agricultural lands
21 and to construct any needed channels.
 - 22 i. To provide more satisfactory subsurface water supplies for the municipalities of
23 the state.
 - 24 j. To finance the construction, establishment, operation, and maintenance of public
25 and private works, dams, and irrigation projects, which in its judgment may be
26 necessary and advisable, except the commission may not provide a cost-share
27 for the costs of operation and/or maintenance or improvement, including removal
28 of vegetative materials and sediment, of a water conveyance project.
 - 29 k. To provide for the storage, development, diversion, delivery, and distribution of
30 water for the irrigation of agricultural land and supply water for municipal and
31 industrial purposes.

- 1 l. To provide for the drainage of lands injured by or susceptible of injury from
2 excessive rainfall or from the utilization of irrigation water, and subject to the
3 limitations prescribed by law, to aid and cooperate with the United States and any
4 department, agency, or officer thereof, and with any county, township, drainage
5 district, or irrigation district of this state, or of other states, in the construction or
6 improvement of such drains.
- 7 m. To provide water for stock.
- 8 n. To provide water for the generation of electric power and for mining and
9 manufacturing purposes.

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

12 **61-02-14.3. Commission agreements - Terms, conditions, and reapplication.**

13 An agreement for funding which is approved by the commission to fund a water project
14 under this chapter may not have a term exceeding four years. If a water project is not
15 completed when the agreement for its funding terminates, the project sponsor responsible for
16 the project may reapply to the commission for another funding obligation to complete the
17 project. The commission shall prioritize the timing of its review of the reapplication, must require
18 a progress report to the commission at least every four years if the term of the project exceeds
19 four years. If a progress report is not timely received or, if after a review of a progress report,
20 the commission determines the project has not made sufficient progress, the commission may
21 terminate the agreement for project funding. The project sponsor may submit a new application
22 to the commission for funding for a project for which the commission previously terminated
23 funding.

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

- 26 4. Covenant to fix and establish such prices, rates, and charges for water and other
27 services made available in connection with the works or project as to provide at all
28 times funds together with other funds the commission may pledge which will be
29 sufficient:
- 30 a. To pay all costs of operation and maintenance of the works or project, as
31 permitted under this chapter, together with necessary repairs thereto;

- 1 b. To meet and pay the principal and interest of all the bonds as they severally
2 become due and payable; and
- 3 c. To create such reserves for the principal and interest of all the bonds and for the
4 meeting of contingencies in the operation, repair, replacement, and maintenance
5 of the works or project as the commission shall determine.

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

8 **Flood control projects - Financial assistance limited.**

9 ~~For flood control projects, the commission shall calculate the amount of its financial~~
10 ~~assistance, including loans, grants, cost share, and issuance of bonds, based on the needs for~~
11 ~~protection of health, property, and enterprise against one hundred year flood events or the~~
12 ~~equivalent alternative to the national economic development alternative.~~ Except for flood control
13 projects authorized by the legislative assembly or the commission before July 1, 2017, the
14 commission shall calculate the amount of its financial assistance, including loans, grants, cost-
15 share, and issuance of bonds, based on the needs for protection of health, property, and
16 enterprise, against:

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

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

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

27 ~~#~~ Notwithstanding any other provision of law, if a political subdivision permits building or
28 development within a breach inundation zone and the building or development causes a change
29 in a dam's hazard classification necessitating structural improvements or upgrades to the dam,
30 state the political subdivision shall pay for the necessary improvements or upgrades. State
31 loans, grants, cost-share, and other financial assistance may not be provided to pay for the dam

1 improvements or upgrades. For purposes of this section, "breach inundation zone" means the
2 area downstream of the dam which would be flooded in the event of a dam failure or
3 uncontrolled release of water.

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

6 **Economic analysis process required for certain projects.**

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

Subject:

FW: HB 1374

Dear Members of the Senate Natural Resource and Energy Committee, We have had a chance to review the proposed amendments to HB 1374, and they vastly improve the bill. We hope the amendments are adopted. After that, we still (ND Water Users Assn, ND Water Resource Districts Assn, and ND Irrigation Assn) hope that the bill is given a DO NOT PASS AS AMENDED. The reasons are as follows:

1. Economic and Life Cycle Analysis. While these studies may seem only reasonable on the surface, they are making us more like the federal government, where endless feasibility, recon, economic, and other studies only drive up the costs and delay projects. In North Dakota we pretty much know what projects are feasible, depending on both whether locals are willing to pay a share, through assessment or other votes, and what projects are critical and necessary. The Red River Valley depends on drainage for the agriculture industry that drives a major portion of the economy. Locals have multiple hearings and assessment votes before those projects can go forward. Our entire state has experienced the benefit of rural water, where we have over 40,000 miles of pipe serving over 250 of our local communities and 50,000 rural hookups. We already know the four or five communities who may be better off hooking up to a regional water system rather than build their own treatment facilities. We know this without further studies. We have constructed major regional water supply systems that have adopted reasonable economic restrictions, without more studies. We have constructed the Devils Lake outlets, and the Sheyenne, Souris, and Grand Forks flood control projects. We have done all of these things without a state law requiring economic and life cycle analysis. The final result will simply be more funds paid out to consulting firms to do the studies, more delays, and greater opportunities to litigate projects, without changing the need or benefits of projects that are necessary across our state.

2. Meetings and Appointments(Sections 4-6). We have a new Governor, and over the past 40 years SWC members have come from across our state. Rural water systems, regional water supply projects, groundwater studies, irrigation, recreation, and many other water issues have little to do with the river basins. The current law which directs the Governor to take into account reasonable geographic considerations has served us well, and we recommend we let Governor Burgum determine the appointments and meetings without further tying his hands on these matters.

3. Conveyance systems. The new language in Section 2 removes improvements, for which we are relieved, but then why have the amendment. The SWC already doesn't cost share in O&M, and the Legislature has recently provided means for greater local assessments to maintain the assessment drains which are so vital for the economy and agricultural production in the eastern portion of our state. However, the definition of conveyance in Section 3 is very concerning if the intent is to prohibit cost sharing in those kind of works. Ongoing snagging and clearing of the many natural rivers in the eastern half of our state is critical to avoid excessive flooding and major damages as a result. The Legislature has authorized a local assessment procedure for snagging and clearing, which has been very beneficial.

4. Carryover. Since the amendment now excludes our major water projects, which is where most of the carryover money accrues, we would submit that the very few cases when funding is carried over beyond four years should be worked out between the SWC and the project sponsors, due to litigation, permits, local bonding, and other factors which may be justified.

5. Sections 10 and 11. These sections should not be in state law, however they are amended. Local circumstances should determine these items, working with both state and federal governments as we do now.

In summary, we believe the result of this bill, even as amended, will still simply cause delay and greater costs, without achieving any benefits in terms of efficiency or effectiveness of state dollars allocated for water infrastructure, which is critical for both economic growth and quality of life. Thank you for considering these comments, Mike Dwyer, ND Water Users Assn, WRDs Assn, and ND Irrigation Assn.