

APPENDIX "A"
December 10, 2010

RESOLUTION NO. 2010-12-524

In Appreciation to
John Hoeven
Governor of North Dakota

WHEREAS, John Hoeven was sworn in as the 31st Governor of North Dakota in December, 2000 and, as such, he has also served as the Chairman of the North Dakota State Water Commission; and

WHEREAS, Governor Hoeven has consistently throughout his tenure been a strong and progressive leader in addressing a wide range of challenges facing water management across North Dakota; and

WHEREAS, Governor Hoeven has benefited the State Water Commission with his guidance and commitment to securing the resources critical to fulfilling the role of water in expanding and diversifying the state's economy; and

WHEREAS, Governor Hoeven recently won his bid to become a Senator in the United States Congress and, on December 7, 2010, he will officially resign as Governor of North Dakota thus ending his position as Chairman of the State Water Commission.

NOW, THEREFORE, BE IT RESOLVED that on December 8, 2010, the members of the North Dakota Water Commission; Todd Sando, State Engineer; and the staff of the State Water Commission do hereby wish to convey their gratitude and appreciation to John Hoeven for his admirable service to the people of the Great State of North Dakota as Governor and Chairman of the State Water Commission; and


BE IT FURTHER RESOLVED that we wish Senator John Hoeven, his wife, Mikey, and their family, the best of health and happiness in their future endeavors.



FOR THE NORTH DAKOTA
STATE WATER COMMISSION:



Jack Dalrymple
Governor-Chairman



Todd Sando
North Dakota State Engineer and Chief Engineer-Secretary
to the State Water Commission

December 10, 2010

STATE WATER COMMISSION
ALLOCATED PROGRAM EXPENDITURES
FOR THE PERIOD ENDED OCTOBER 31, 2010
BIENNIUM COMPLETE: 67%

PROGRAM	SALARIES/ BENEFITS	OPERATING EXPENSES	GRANTS & CONTRACTS	1-Dec-10 PROGRAM TOTALS
ADMINISTRATION				
Allocated	1,812,056	1,212,732		3,024,788
Expended	1,185,847	612,577		1,798,424
Percent	65%	51%		59%
			Funding Source:	
			General Fund:	1,704,066
			Federal Fund:	94,358
			Special Fund:	0
PLANNING AND EDUCATION				
Allocated	1,192,175	208,511	99,000	1,499,686
Expended	771,513	107,244	62,295	941,052
Percent	65%	51%	63%	63%
			Funding Source:	
			General Fund:	742,898
			Federal Fund:	129,855
			Special Fund:	68,299
WATER APPROPRIATION				
Allocated	3,633,879	483,162	1,078,935	5,195,976
Expended	2,342,942	302,396	401,534	3,046,872
Percent	64%	63%	37%	59%
			Funding Source:	
			General Fund:	2,645,354
			Federal Fund:	0
			Special Fund:	401,517
WATER DEVELOPMENT				
Allocated	5,041,486	4,837,457	225,000	10,103,943
Expended	3,204,080	3,457,176	105,301	6,766,558
Percent	64%	71%	47%	67%
			Funding Source:	
			General Fund:	2,990,464
			Federal Fund:	1,805,066
			Special Fund:	1,971,028
STATEWIDE WATER PROJECTS				
Allocated			203,185,070	203,185,070
Expended			53,150,607	53,150,607
Percent			26%	26%
			Funding Source:	
			General Fund:	0
			Federal Fund:	65,660
			Special Fund:	53,084,947
ATMOSPHERIC RESOURCE				
Allocated	854,950	712,830	4,694,692	6,262,472
Expended	588,478	261,280	1,148,633	1,998,690
Percent	69%	37%	24%	32%
			Funding Source:	
			General Fund:	545,035
			Federal Fund:	0
			Special Fund:	1,453,656
SOUTHWEST PIPELINE				
Allocated	400,498	1,665,314	37,556,958	39,622,770
Expended	273,359	1,689,090	4,494,731	6,457,190
Percent	68%	101%	12%	16%
			Funding Source:	
			General Fund:	0
			Federal Fund:	2,182,974
			Special Fund:	4,274,215
NORTHWEST AREA WATER SUPPLY				
Allocated	530,958	6,229,700	50,289,114	57,049,772
Expended	286,943	2,736,787	15,364,676	18,388,607
Percent	54%	44%	31%	32%
			Funding Source:	
			General Fund:	0
			Federal Fund:	8,771,639
			Special Fund:	9,616,958
PROGRAM TOTALS				
Allocated	13,466,002	15,349,706	297,128,769	325,944,477
Expended	8,653,172	9,166,550	74,728,277	92,547,999
Percent	64%	60%	25%	28%
FUNDING SOURCE:	ALLOCATION	EXPENDITURES	REVENUE	
GENERAL FUND	14,124,223	8,627,817	GENERAL FUND:	154,287
FEDERAL FUND	67,070,358	13,049,552	FEDERAL FUND:	13,099,721
SPECIAL FUND	244,749,896	70,870,630	SPECIAL FUND:	72,591,833
TOTAL	325,944,477	92,547,999	TOTAL:	85,845,842

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

	<i>Oct-10</i>				
	BUDGET	SWC/SE APPROVED	OBLIGATIONS EXPENDITURES	REMAINING UNOBLIGATED	REMAINING UNPAID
CITY FLOOD CONTROL					
FARGO/RIDGEWOOD	2,084,750	2,084,750	2,033,809	0	50,941
FARGO	45,000,000	45,000,000	0	0	45,000,000
FARGO/MOOREHEAD STUDY	300,000	300,000	0	0	300,000
GRAFTON	7,175,000	7,175,000	0	0	7,175,000
WATER SUPPLY	38,296,087	38,296,087	10,841,282	0	27,454,805
PERMANENT OIL TRUST FUND	2,442,000	2,442,000	997,273	0	1,444,727
IRRIGATION DEVELOPMENT	1,605,370	1,605,370	111,546	0	1,493,824
GENERAL WATER MANAGEMENT					
OBLIGATED	20,160,433	20,160,433	5,661,522	0	14,498,911
UNOBLIGATED	1,987,456			1,987,456	0
MISSOURI RIVER MANAGEMENT	372,000	372,000	0	0	372,000
FLOOD CONTROL					
BALDHILL DAM	92,832	92,832	6,138	0	86,694
RENWICK DAM	1,478,190	1,478,190	0	0	1,478,190
UPPER MAPLE RIVER DAM	112,500	112,500	0	0	112,500
RED RIVER WATER SUPPLY	3,200,000	3,200,000	2,740,785	0	459,215
DEVILS LAKE					
BASIN DEVELOPMENT	102,000	102,000	20,763	0	81,237
DIKE	25,350,000	25,350,000	4,848,000	0	20,502,000
OUTLET	15,961,325	15,961,325	12,693,829	0	3,267,496
OUTLET OPERATIONS	4,900,000	4,900,000	1,940,355	0	2,959,645
DL USGS MODEL STUDY	16,000	16,000	0	0	16,000
DL TOLNA COULEE DIVIDE	500,000	500,000	0	0	500,000
CITY OF MINNEWAUKAN	15,000	15,000	15,000	0	0
DL EAST END OUTLET	2,200,000	2,200,000	0	0	2,200,000
NELSON COUNTY	636,064	636,064	8,492	0	627,572
WEATHER MODIFICATIONS	225,000	225,000	0	0	225,000
SOUTHWEST PIPELINE PROJECT	12,782,474	12,782,474	4,204,243	0	8,578,231
NORTHWEST AREA WATER SUPPLY	10,832,918	10,832,918	2,294,703	0	8,538,215
TOTALS	197,827,399	195,839,943	48,417,740	1,987,456	147,422,203

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

PROGRAM OBLIGATION

Approve SWC By	No	Dept		Initial Approved Date	Total Approved	Total Payments	Oct-10 Balance
City Flood Control:							
SWC	1927	5000	Fargo/Ridgewood Flood Control Project	6/22/2005	2,084,750	2,033,809	50,941
SWC	1928	5000	Fargo Flood Control Project	6/23/2009	45,000,000	0	45,000,000
SWC	583	5000	Fargo/Moorhead Study	3/29/2010	300,000	0	300,000
SWC	1771	5000	Grafton Flood Control Project	3/11/2010	7,175,000	0	7,175,000
Subtotal City Flood Control					54,559,750	2,033,809	52,525,941
Water Supply Advances:							
SWC	2373-04	5000	Lakota WS (Tri-Co WD)	7/17/2007	212,065	91,918	120,147
	2373-09	5000	South Central RWD (Phase II)	6/23/2008	2,350,000	635,480	1,714,520
	2373-13	5000	All Seasons Rural Water - (Upham)	7/17/2007	128,000	43,976	84,024
	2373-15	5000	North Central Rural Water Consortium (S. Benson Cou)	12/7/2007	916,000	696,899	219,102
	2373-15	5000	North Central Rural Water Consortium (Anamoose/Ber)	6/23/2008	3,295,000	31,900	3,263,100
	2373-27	5000	Trails Regional Rural Water (Phase I)	1/25/2008	3,199,000	3,070,777	128,223
	2373-16	5000	Trails Regional Rural Water (Phase II)	6/23/2008	2,305,748	1,890,044	415,704
	2373-24	5000	Trails Regional Rural Water (Phase III)	8/18/2009	1,300,000	254,078	1,045,922
Water Supply Grants:							
	2373-19	5000	City of Washburn Water Supply	4/28/2009	1,500,000	1,136,350	363,650
	2373-17	5000	City of Parshall	6/23/2008	1,920,274	773,080	1,147,194
	2373-18	5000	Ray & Tioga Water Supply Association	12/17/2008	4,200,000	1,445,166	2,754,834
	2373-25	5000	McKenzie Phase II	6/23/2009	1,500,000	0	1,500,000
	2373-28	5000	McKenzie Phase IV	3/11/2010	3,500,000	0	3,500,000
	2373-30	5000	McKenzie WAWS	10/26/2010	1,500,000	0	1,500,000
	2373-26	5000	Valley City Water Treatment Plant	8/18/2009	9,200,000	0	9,200,000
	2373-29	5000	City of Wilrose - Crosby Water Supply	7/28/2010	1,270,000	771,615	498,385
Subtotal Water Supply					38,296,087	10,841,282	27,454,805
HB No. 1305 Permanent Oil Trust Fund							
	2373-21	5000	Burke, Divide, Williams Water District	6/23/2009	985,000	534,753	450,247
	2373-22	5000	Ray & Tioga Water Supply Association	6/23/2009	864,000	160,138	703,862
	2373-23	5000	City of Wildrose	6/23/2009	593,000	302,382	290,618
Subtotal Permanent Oil Trust Fund					2,442,000	997,273	1,444,727
Irrigation Development:							
SWC	1389	5000	BND AgPace Program	10/23/2001	194,439	61,546	132,893
SWC	AOC/IRA	5000	ND Irrigation Association	7/20/2009	100,000	50,000	50,000
SWC	1968	5000	2009-11 McClusky Canal Mile Marker 7.5 Irrigation Pro	6/1/2010	1,310,931	0	1,310,931
Subtotal Irrigation Development					1,605,370	111,546	1,493,824
General Water Management							
					880,000		
Hydrologic Investigations:							
SWC	1400/7	3000	Houston Engineering Water Permit Application Review	4/2/2009	1,325	800	525
	1400/8	3000	Houston Engineering Water Permit Application Review	6/2/2009	7,500	7,473	27
	1400/9	3000	Houston Engineering Water Permit Application Review	1/1/2010	6,759	6,759	0
	1400/10	3000	Houston Engineering Water Permit Application Review	1/0/1900	5,870	5,870	1
	1400/11	3000	Houston Engineering Water Permit Application Review	10/10/2010	6,500	1,457	5,043
	862	3000	Arletta Herman	4/7/2008	2,416	2,636	(220)
	1690	3000	Mary Lou McDaniel	5/6/2009	3,338	3,659	(321)
	1703	3000	Neil Flaten	4/7/2008	3,877	4,175	(298)
	1707	3000	Neil Flaten	4/7/2008	2,957	3,181	(224)
	1714	3000	David Robbins	5/7/2009	1,143	1,143	0
	1761	3000	Gloria Roth	5/6/2009	983	1,095	(113)
	1761	3000	Fran Dobits	4/7/2008	1,617	1,812	(195)
	1393	3000	US Geological Survey, US Dept. Of Interior StreamStat	7/16/2009	39,008	17,340	21,668
	1395A	3000	US Geological Survey, US Dept. Of Interior Stream Ga	11/12/2009	381,980	286,485	95,495
	1395	3000	US Geological Survey, US Dept. Of Interior Water Qua	10/21/2009	13,205	0	13,205
	1395D	3000	US Geological Survey, US Dept. Of Interior Eaton Irri	10/1/2009	15,300	15,300	0
Hydrologic Investigations Obligations Subtotal					83,293	57,399	25,894
Remaining Hydrologic Investigations Authority					796,708		
Hydrologic Investigations Authority Less Payments							
General Projects Obligated					17,547,479	3,569,385	13,978,095
General Projects Completed					1,732,954	1,732,954	0
Subtotal General Water Management					20,160,433	5,661,522	14,498,911

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

PROGRAM OBLIGATION

Approve SWC By	No	Dept		Initial Approved Date	Total Approved	Total Payments	Oct-10 Balance
Missour River Management:							
SWC	1943	5000	Missouri River Siltation Assessment Study	10/12/2006	30,000	0	30,000
SWC	1963	5000	Beaver Bay Embankment Feasibility Study	8/10/2009	342,000	0	342,000
Subtotal					372,000	0	372,000
Flood Control:							
SWC	300	5000	Baldhill Dam Flood Pool Raise	4/30/1998	92,832	6,138	86,694
SWC	849	5000	Renwick Dam Rehabilitation	5/17/2010	1,478,190	0	1,478,190
SWC	1878-02	5000	Upper Maple River Dam Project Dev & Preliminary Eng	9/29/2008	112,500	0	112,500
Subtotal Flood Control					1,683,522	6,138	1,677,384
Red River Water Supply:							
SWC	1912	5000	2007-09 (GDCD'S) Red River Valley Water Supply Pro	3/17/2008	3,000,000	2,740,785	259,215
SWC	1912	5000	2009-11 (GDCD's) RRVWSP Value Engineering Study	6/1/2010	200,000	0	200,000
Subtotal					3,200,000	2,740,785	459,215
Devils Lake Basin Development:							
SWC	416-01	5000	2009-11 Devils Lake Basin Joint Water Resource Man:	6/23/2009	60,000	0	60,000
SWC	416-02	5000	City of Devils Lake Levee System Extension & Raise	12/6/2002	25,350,000	4,848,000	20,502,000
SWC	416-05	2000	2009-11 Devils Lake Outlet Awareness Manager	6/23/2009	42,000	20,763	21,237
SWC	416-07	5000	Devils Lake Outlet	2/20/2002	15,961,325	12,693,829	3,267,496
SWC	416-10	4700	Devils Lake Outlet Operations	8/18/2009	4,900,000	1,940,355	2,959,645
SE	416-11	5000	USGS/US Dept of Interior UnTRIM model on water-qu:	8/13/2010	16,000	0	16,000
SWC	416-13	5000	DL Tolna Coulee Divide	10/26/2010	500,000	0	500,000
SWC	416-14	5000	City of Minnewaukan Flood Risk Reduction Analysis St	6/3/2010	15,000	15,000	0
SWC	416-15	5000	DL East End Outlet	10/26/2010	2,200,000	0	2,200,000
SWC	1932**	5000	Michigan Spillway Rural Flood Assessment Drain	8/30/2005	508,492	8,492	500,000
SWC	1932**	5000	Nelson Co. Emergency Pumping Peterson to Dry Run	5/23/2010	112,219	0	112,219
SWC	1131*	5000	Nelson County Central Hamlin Rural Flood Control	9/17/2009	8,940	0	8,940
SWC	1131	5000	Nelson County Channel Maintenance & Misc	9/17/2009	6,413	0	6,413
Devils Lake Subtotal					49,680,389	19,526,438	30,153,951
SWC		7600	Weather Modification	7/1/2009	225,000	0	225,000
SWC	1736	8000	Southwest Pipeline Project	7/1/2009	12,782,474	4,204,243	8,578,231
SWC	2374	9000	Northwest Area Water Supply	7/1/2009	10,832,918	2,294,703	8,538,215
TOTAL					195,839,943	48,417,740	147,422,203

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

GENERAL PROJECT OBLIGATIONS

Approved By	SWC No	Dept		Initial Approved Date	Total Approved	Total Payments	Oct-10 Balance
SE	269	5000	2010 Fordville Dam Emergency Action Plan/GF CO.	3/3/2010	9,600	0	9,600
SWC	281	5000	2009-11 Three Affiliated Tribes/Fort Berthold Irrigation Study	10/26/2010	37,500	0	37,500
SWC	322	5000	2009-11 Red River Basin Mapping Initiative/Tri-College LiDAR	6/23/2009	300,000	244,596	55,404
SWC	322	5000	2009-11 Long-Term Red River Flood Control Solutions Study	6/23/2009	500,000	69,112	430,888
SWC	322	5000	ND Water: A Century of Challenge	2/22/2010	34,300	0	34,300
SWC	327	5000	2009-11 White Earth Dam EAP	8/18/2009	25,000	0	25,000
SE	394	5000	2007-09 Odland Dam Spillway Rehabilitation	8/25/2008	16,700	0	16,700
SWC	528	5000	2009 McGregor Dam Emergency Action Plan	6/23/2009	25,000	0	25,000
SE	568	5000	2008 Sheyenne River Snagging & Clearing Project	4/11/2008	5,000	0	5,000
SWC	568	5000	2009-11 Southeast Cass WRD Sheyenne River Snagging & Clearing Project	12/11/2009	165,000	0	165,000
SWC	620	5000	2008 Mandan Flood Control Protective Works (Levee)	9/29/2008	125,396	0	125,396
SE	642	5000	2009-11 Morton Co/Sweetbriar Dam Emergency Action Plan	5/17/2010	15,200	0	15,200
SWC	642-05	5000	2007-09 Sweetbriar Creek Dam Project	3/6/2009	683,400	283,055	400,345
SWC	646	5000	2009-11 Christine Dam Recreation Retrofit Project	10/26/2010	184,950	0	184,950
SWC	646	5000	2009-11 Hickson Dam Recreation Retrofit Project	10/26/2010	44,280	0	44,280
SE	829	5000	2009-11 Rush River Watershed Detention Site Engineering Feasibility Study	8/10/2010	11,990	0	11,990
SWC	847	5000	2007-09 Swan Creek FC Diversion Ditch	6/23/2008	1,640,992	1,481,182	159,810
SE	847	5000	2009-11 Swan-Bufferlo Detention Dam No. 12 Emergency Action Plan	10/18/2009	20,000	0	20,000
SWC	847	5000	2009-11 Swan-Bufferlo Detention Dam No. 12 Flood Control Dam Safety Project	7/28/2010	114,783	0	114,783
SE	847	5000	2009-11 Absaraka Dam Safety Analysis	8/31/2009	5,719	0	5,719
SWC	847	5000	2009-11 Swan Creek Diversion Channel Improvement Reconstruction	12/11/2009	76,528	0	76,528
SWC	928/988/1508	5000	2008 Southeast Cass WRD Bois, Wild Rice, & Antelope	6/23/2008	60,000	0	60,000
SE	985	5000	2009-11 Kolding Dam Emergency Action Plan	5/29/2009	9,600	0	9,600
SWC	1068	5000	2009-11 Cass County Drain No. 12 Improvement Reconstruction	8/18/2009	500,000	0	500,000
SWC	1069	5000	2009-11 Cass County Drain No. 13 Improvement Reconstruction	8/18/2009	145,472	23,248	122,224
SWC	1070	5000	2009-11 Cass County Drain No. 14 Improvement Recon	8/18/2009	500,000	60,490	439,510
SWC	1080	5000	2007-09 Cass County Drain No. 27 Improvement Recon	10/24/2007	94,197	0	94,197
SWC	1088	5000	2009-11 Cass County Drain No. 37 Improvement Recon	8/18/2009	158,535	68,735	89,800
SWC	1093	5000	2008 Cass Co. Drain No. 45 Extension Project	3/17/2008	150,800	26,043	124,757
SWC	1131	5000	2009-11 Richland Co. Drain No. 14 Improvement Reconstruction	3/11/2010	183,364	0	183,364
SWC	1180	5000	2009-11 Richland Co. Drain No. 7 Improvement Reconstruction	3/11/2010	130,681	0	130,681
SWC	1232	5000	2009-11 Traill Co. Drain No. 13 Channel Extension Project	8/18/2009	23,575	0	23,575
SWC	1244	5000	2009-11 Traill Co. Drain No. 27 (Moen) Reconstruction & Extension	3/11/2010	500,000	0	500,000
SWC	1289	5000	2007-09 Noxious Weed McKenzie County -Sovereign	10/24/2007	7,247	0	7,247
SE	1291	5000	2009-11 Mercer County WRD Knife River Snagging & Clearing	11/1/2010	20,000	0	20,000
SWC	1299	5000	2009-11 City of Lisbon's Mapping & Survey for FEMA Buyouts	3/29/2010	30,000	6,522	23,478
SWC	1299	5000	2009-11 City of Fort Ransom Riverbank Stabilization	9/1/2010	60,803	0	60,803
SWC	1313	5000	2009-11 City of Minot/Ward Co. Aerial Photo & LiDAR	3/11/2010	186,780	0	186,780
SWC	1328	5000	2007 Cass Co. Drain No. 23 Area Improvement	7/17/2007	35,980	0	35,980
SWC	1344	5000	2009-11 Southeast Cass Sheyenne River Diversion Low Flow Channel Improve	3/11/2010	2,037,600	0	2,037,600
SE	1346	5000	2009-11 ML Carmel Dam Emergency Action Plan	5/5/2010	9,600	0	9,600
SWC	1378	5000	2009-11 Clausen Springs Dam Emergency Spillway Repair	10/26/2010	790,975	43,983	746,992
SE	1396	5000	2009-11 Dale Frink Consultant Services Agreement	10/26/2010	20,000	0	20,000
SWC	1401	5000	2009-11 International Boundary Roadway Dike Pembina	9/21/2009	260,238	19,938	240,300
SWC	1401	5000	2009-11 International Boundary Roadway Dike Pembina	9/1/2010	30,000	0	30,000
SWC	1413	5000	2009-11 Traill Co/Bufferlo Coulee Snagging & Clearing	9/1/2010	26,000	0	26,000
SWC	1431	5000	2009-11 US Geological Survey, DOI Report Describing Peak Discharge Perio	8/5/2009	20,000	0	20,000
SWC	1431	5000	2009-11 US Geological Survey - Supplemental Flood Info	3/11/2010	11,000	0	11,000
SWC	1431	5000	2007-2009 (S.B. 2020) 2009 Emergency Flood Control	4/28/2009	100,000	40,390	59,610
SWC	1431	5000	2009-11 DES Purchase of Mobile Stream Gages	9/13/2010	11,214	0	11,214
SWC	1438	5000	2008 Mulberry Creek Drain Partial Improv Phase II	3/17/2008	46,816	23,029	23,787
SWC	1444	5000	2009-11 City of Pembina's Flood Control FEMA Levee Certification	3/11/2010	27,156	0	27,156
SWC	1461	5000	2009-11 Pembina River Bank Stabilization Project	3/11/2010	64,383	0	64,383
SWC	1509	5000	2009-11 Sheyenne River Watershed Flood Water Detention Study	7/20/2009	75,000	31,785	43,215
SWC	1515	5000	2009-11 Cottonwood Creek Dam	7/28/2010	373,440	0	373,440
SE	1535	5000	2009-2011 Lake Agassiz Resource Conservation & Development Council - Soil	2/22/2010	1,000	0	1,000
SE	1577	5000	2009-2011 Burleigh Co - Fox Island 2010 Flood Hazard Mitigation Evaluation	8/9/2010	11,175	0	11,175
SWC	1577	5000	2009-11 Hazen Flood Control Levee (1517) & FEMA Accreditation	3/11/2010	567,700	0	567,700
SWC	1591	5000	Revision of Handbook ND Water Managers Proj	4/12/2007	14,750	0	14,750
SE	1625	5000	High Water Mark Delineation Methods & Guidelines	10/24/2007	54,048	0	54,048
SWC	1625	5000	OHWM Delineations MT/ND Border Yellowstone & Missoun	10/29/2008	75,000	0	75,000
SE	1625	5000	2009-11 Sovereign Lands Rules - ND Game & Fish	2/23/2010	10,000	3,213	6,788
SE	1625	5000	2009-11 NDDOT Aerial Photography - Missouri River	11/19/2010	5,200	0	5,200
SWC	1638	5000	2009-11 Red River Basin Non-NRCS Rural/Farmstead Ring Dike Program	6/23/2009	800,000	285,026	514,974
SWC	1657	5000	2009-11 City of Enderlin's Flood Control FEMA Levee Certification	3/11/2010	100,578	0	100,578
SWC	1657	5000	2009-11 Traill Co/Goose River Snagging & Clearing	9/1/2010	48,000	0	48,000
SWC	1705	5000	2009-11 Red River Basin Flood Control Coordinator Position	7/24/2009	36,000	0	36,000
SWC	1785	5000	2009-11 Maple River Dam EAP	8/18/2009	25,000	0	25,000
SE	1785	5000	2009-11 Sweetbriar Dam EAP	2/17/2010	15,200	0	15,200
SWC	1792	5000	2009-11 SE Cass Wild Rice River Dam Study Phase II	12/11/2009	130,000	0	130,000
SE	1808	5000	2009-11 U.S. Dept of Interior/Beaver Creek Gaging Stations	9/7/2010	11,710	0	11,710
SE	1842	5000	2009-11 SCWRD Wild Rice River Snagging & Clearing	5/28/2009	20,000	15,669	4,331
SWC	1842	5000	2009-10 SCWRD Wild Rice River Snagging & Clearing	12/11/2009	115,000	0	115,000
SWC	1859	5000	2009-11 Section NPS 319 ND Health Dept	8/18/2009	200,000	70,895	129,105
SWC	18502	5000	(2008) Drought Disaster Livestock Water Supply	5/14/2008	571,747	157,134	414,613
SWC	1882-07	5000	2009-11 NDSU Development of SEBAL	9/1/2010	61,404	0	61,404
SWC	1921	5000	Square Butte Dam No. 6/Recreational Facility	3/23/2009	882,030	0	882,030
SWC	1934	5000	2007-08 Traill County WRD Elm River Snagging	12/7/2007	24,500	0	24,500

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

GENERAL PROJECT OBLIGATIONS

Approvec SWC				Initial	Total	Total	Oct-10
By	No	Dept		Approved	Approved	Payments	Balance
				Date			
SWC	1934	5000	2009 Elm River Snagging & Clearing Project Trial	12/5/2008	3,266	0	3,266
SWC	1941	5000	Walsh County Assessment Drain 4A Construction	9/21/2009	81,594	81,594	0
SWC	1942	5000	Walsh County Assessment Drain 10, 10-1, 10-2	9/21/2009	273,056	235,789	37,267
SE	1943	5000	2009-11 Missouri River/Oahe Delta Flood Hazard Mitigation Evaluation Project	8/10/2009	12,000	0	12,000
SWC	1953	5000	2009-11 Walsh County Drain No. 73 Construction Project	8/18/2009	96,990	0	96,990
SWC	1960	5000	2009-11 Puppy Dog Flood Control Drain Construction	8/18/2009	796,976	0	796,976
SE	1961	5000	2009-11 Pembina County Drain No. 69 Extension Construction Project	8/10/2009	7,793	0	7,793
SWC	1964	5000	2009-11 Hydraulic Effects of Rock Wedges Study- UND	11/12/2009	50,000	2,409	47,591
SWC	1965	5000	2009-11 ND Silver Jackets Team Charter & Action Plan	11/12/2009	75,000	17,903	57,097
SWC	1966	5000	2009-11 City of Oxbow Emergency Flood Fighting Barrier System	6/1/2010	188,400	0	188,400
SWC	1131*	5000	Nelson County Central-Hamlin Rural Flood	9/17/2009	47,020	37,541	9,479
SWC	1932**	5000	Michigan Spillway Rural Flood Assessment	8/30/2005	1,012,219	80,069	932,150
SE	PBS	5000	2009-11 PBS Documentary on Soil Salinity/Lake Agassiz RC & D	1/29/2010	1,000	0	1,000
SE	AOC/ARB/ND:	5000	2009-11 NDSU Dept of Soil Science - NDAWN Center	3/8/2010	6,000	3,000	3,000
SE	AOC/RRBC	5000	2009-11 Red River Basin "A River Runs North"	6/30/2010	5,000	0	5,000
SWC	AOC/RRBC	5000	2009-11 Red River Basin Commission Contractor	7/1/2009	200,000	100,000	100,000
SWC	AOC/WEF	5000	2009-11 North Dakota Water Magazine	7/20/2009	36,000	18,000	18,000
SE	AOC/WRD	5000	2010 Water Managers Handbook	3/22/2010	16,500	0	16,500
SWC	CON/WILL-CA	5000	2009-11 Will & Carlson Consulting Contract	8/24/2009	70,000	27,730	42,270
SE	PSAWRD/MRJ	5000	Missouri River Joint Water Board, Start up	12/5/2008	14,829	0	14,829
SE	PSAWRD/MRJ	5000	Missouri River Joint Water Board (MRRIC) T. FLECK	6/30/2009	20,000	10,806	9,194
SE	PSAWRD/USR	5000	2009-11 Upper Sheyenne River WRB Administration	7/10/2009	12,000	500	11,500
TOTAL					17,547,479	3,569,385	13,978,095

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

COMPLETED GENERAL PROJECTS

Approved By	SWC No	Dept		Initial Approved Date	Total Approved	Total Payments	Oct-10 Balance
SWC	249	5000	2009 Mott Dam Emergency Action Plan	6/23/2009	25,000	12,757	12,243
SWC	281	5000	2007-09 Three Affiliated Tribes/Fort Berthold Irrigation Study	3/23/2009	80,000	80,000	0
SE	353	5000	2009-11 Cedar Lake Dam, Emergency Action Plan	7/15/2009	9,600	9,600	0
SE	420	5000	2009 Mirror Lake Dam Safety Repair	10/14/2009	12,220	11,887	333
SE	420	5000	Mirror Lake One-Foot Pool Raise	9/17/2009	18,281	18,281	0
SE	450	5000	2007-09 Sykeston Dam 2008 Emergency Action Plan	11/25/2008	7,839	7,839	0
SE	560	5000	2009 Blacktail Dam Emergency Action Plan	5/28/2009	9,600	6,733	2,867
SWC	568	5000	2009 Sheyenne River Snagging & Clearing Project	12/5/2008	135,000	75,085	59,915
SWC	568	5000	2009-11 Richland Co. Sheyenne River Snagging & Clearing Project	12/11/2009	47,500	35,449	12,051
SWC	568	5000	2009-11 Richland Co. Sheyenne River Snagging & Clearing Project	3/11/2010	47,500	47,409	91
SWC	568	5000	2009 Richland Co. Sheyenne River & Wild Rice River Snagging & Clearing #184	12/11/2009	39,500	28,488	11,012
SWC	568	5000	2009-11 SE Cass Sheyenne River Snaggin & Clearing	3/11/2010	175,473	173,350	2,123
SWC	571	5000	2009-11 Oak Creek Bank Stabilization Project	8/18/2009	33,250	25,365	7,885
SWC	576	5000	2009-11 City of Mandan - Missouri River Emergency Bank Stabilization	12/11/2009	33,429	33,370	59
SE	576	5000	2009-11 Mandan City Flood Controls Works	6/18/2010	2,000	2,000	0
SE	586	5000	2009 Short Creek Dam Emergency Action Plan	5/28/2009	9,600	9,600	0
SWC	620	5000	2009-11 City of Manan - Lower Heart River Bank Stabilization	12/11/2009	63,808	63,808	0
SE	662	5000	2009 WCWRD'S Park River Snagging & Clearing Project	6/30/2009	1,948	0	1,948
SE	671	5000	2007-09 Harvey Dam 2008 Emergency Action Plan	11/25/2008	7,840	7,837	3
SWC	847	5000	Maple River - Retention Study Rush River Joint WRD	8/15/2002	25,000	24,927	73
SE	847	5000	2009-11 Swan Buffalo Detention Dam No. 5 Emergency Action Plan	7/20/2009	20,000	11,397	8,603
SE	847	5000	2009-11 Swan Buffalo Detention Dam No. 8 Emergency Action Plan	8/7/2009	20,000	10,496	9,504
SE	870	5000	2009-11 Crown Butte Dam Emergency Action Plan	7/10/2009	9,600	9,600	0
SWC	988	5000	Southeast Cass WRD Antelope Creek Eng Feas	10/12/2006	40,000	40,000	0
SWC	1084	5000	2008 Cass Co. Drain No. 32 Partial Improvement Recon	3/17/2008	68,538	13,150	55,388
SWC	1140	5000	Pembina County Drain No 11 Outlet Improvement	9/21/2009	70,846	70,846	0
SWC	1155	5000	2008 Pembina Co. Drain No. 42 Partial Impr.Recon.	3/17/2008	11,386	11,386	0
SWC	1176	5000	2008 Richland Co. Drain No. 2 Partial Improvement Recon.	3/17/2008	5,791	2,964	2,827
SWC	1238	5000	2009-11 Traill County Drain No. 19 Legal/Ext Outlet	8/18/2009	46,187	46,187	0
SWC	1249	5000	2008 Traill Co. Drain No. 34 Partial Improvement Recon	3/17/2008	255,629	192,250	63,379
SWC	1334	5000	Traill County Drain No. 38 Reconstruction	6/30/2009	57,631	0	57,631
SE	1378	5000	2009-11 Clausen Springs Dam Incremental Risk Assessment Report	12/22/2009	9,179	9,179	0
SE	1378	5000	2009-11 Clausen Springs Dam Feasibility Study of Improvement Options	12/10/2009	7,921	7,921	0
SE	1378	5000	2009-11 Clausen Springs Dam Emergency Watershed & Dam Hydraulics Repor	8/31/2009	9,418	9,418	0
SWC	1378	5000	2009-11 Barnes Co. Clausen Springs Dam Construction Repair	12/11/2009	1,300,000	0	1,300,000
SE	1382	5000	2009-11 Camel Butte Dam Emergency Action Plan	7/24/2009	9,600	9,600	0
SWC	1403	5000	2009-11 ND Water Resources Research Institute Fellowship Program	12/11/2009	13,850	13,850	0
SWC	1413	5000	2009 TCWRD Buffalo Coulee Snagging & Clearing Project	6/23/2009	49,000	28,874	20,126
SWC	1461	5000	2008 Pembina River Area Bank Stabilization Project	12/5/2008	24,307	0	24,307
SE	1471	5000	2009-11 Erie Dam Emergency Action Plan	7/24/2009	20,000	7,093	12,907
SE	1515	5000	2009-11 US Geological Survey - monitoring gages Cottonwood Creek Dam	10/18/2009	8,260	8,260	0
SWC	1523	5000	2008 Souris River Golf Course Area Bank Stabilization	9/29/2008	31,612	31,612	0
SE	1527	5000	2009-11 Daub Dam Emergency Action Plan	8/16/2010	9,600	7,680	1,920
SE	1556	5000	2009 Indian Creek Dam Emergency Action Plan	5/28/2009	9,600	9,600	0
SWC	1572	5000	Burnt Creek Floodway Diversion Channel	4/30/2008	121,091	112,637	8,454
SE	1625	5000	2009-11 Missouri River Contract - Environmental Service Bartlett & West	9/21/2009	5,900	5,900	0
SWC	1667	5000	2009-11 Traill County Goose River Snagging & Clearing Project	12/11/2009	46,500	30,873	15,627
SE	1808	5000	2009-11 Beaver Creek Dam Emergency Action Plan	7/14/2009	20,000	20,000	0
SE	1849	5000	2008 Tongue River Diversion Channel Rock Project	11/25/2008	19,087	17,994	1,093
SWC	1869	5000	2008 McDowell Dam Emergency Action Plan	9/29/2008	25,000	25,000	0
SE	1921	5000	2009 Square Butte Dam No. 6/Emergency Action Plan	3/9/2009	16,000	11,040	4,960
SWC	1936	5000	Nash Drain Extension Construction Proj	10/12/2006	19,913	14,399	5,514
SWC	1947	5000	Cass County Drain No. 62, Maple River WRD	4/30/2008	39,787	3,687	36,100
SWC	1948	5000	2008 Cass Co. Drain No. 67 Construction Project	3/25/2008	334,250	199,888	134,362
SWC	1950	5000	2008 Cypress Creek Drain No. 2 Construction	6/23/2008	22,400	22,400	0
SWC	1951	5000	2007-09 Lynchburg-Buffalo Drain Improvement	8/31/2009	1,000,000	11,474	988,526
SWC	1751-06	5000	2009-11 Southeast Cass WRD/Flood Imagery Project	1/18/2010	30,014	30,014	0
SE	AOC/MI	5000	2010 Summer Water Tours Sponsorship	3/1/2010	2,500	2,500	0

TOTAL

4,594,785 1,732,954 2,861,831

Fargo-Moorhead Metropolitan Feasibility Study

Presentation for FMM Work Group
November 18, 2010



US Army Corps of Engineers
BUILDING STRONG®



Brief Project History

- ✓ From the Draft EIS
 - ✓ The screening results produced –
 - ✓ Diversion channels with tie back levees
 - ✓ Minnesota
 - ✓ North Dakota
- ✓ The different alignments were compared at various flow volumes
- ✓ The Locally Preferred Plan (LPP) is ND 35K.
- ✓ The Federally Comparable Plan (FCP) in MN 35K.
- ✓ Project impacts were estimated for the LPP and FCP



Brief Project History

- ✓ Downstream impacts
 - ✓ Computer modeled to Halstad
 - ✓ No zero impact point identified
 - ✓ Computer model extended to Thompson
 - ✓ No zero impact point identified
 - ✓ Computer model extended to Drayton
 - ✓ No zero impact point identified



- ✓ Initial model showed no zero impact point, this was not anticipated.

Current Analysis

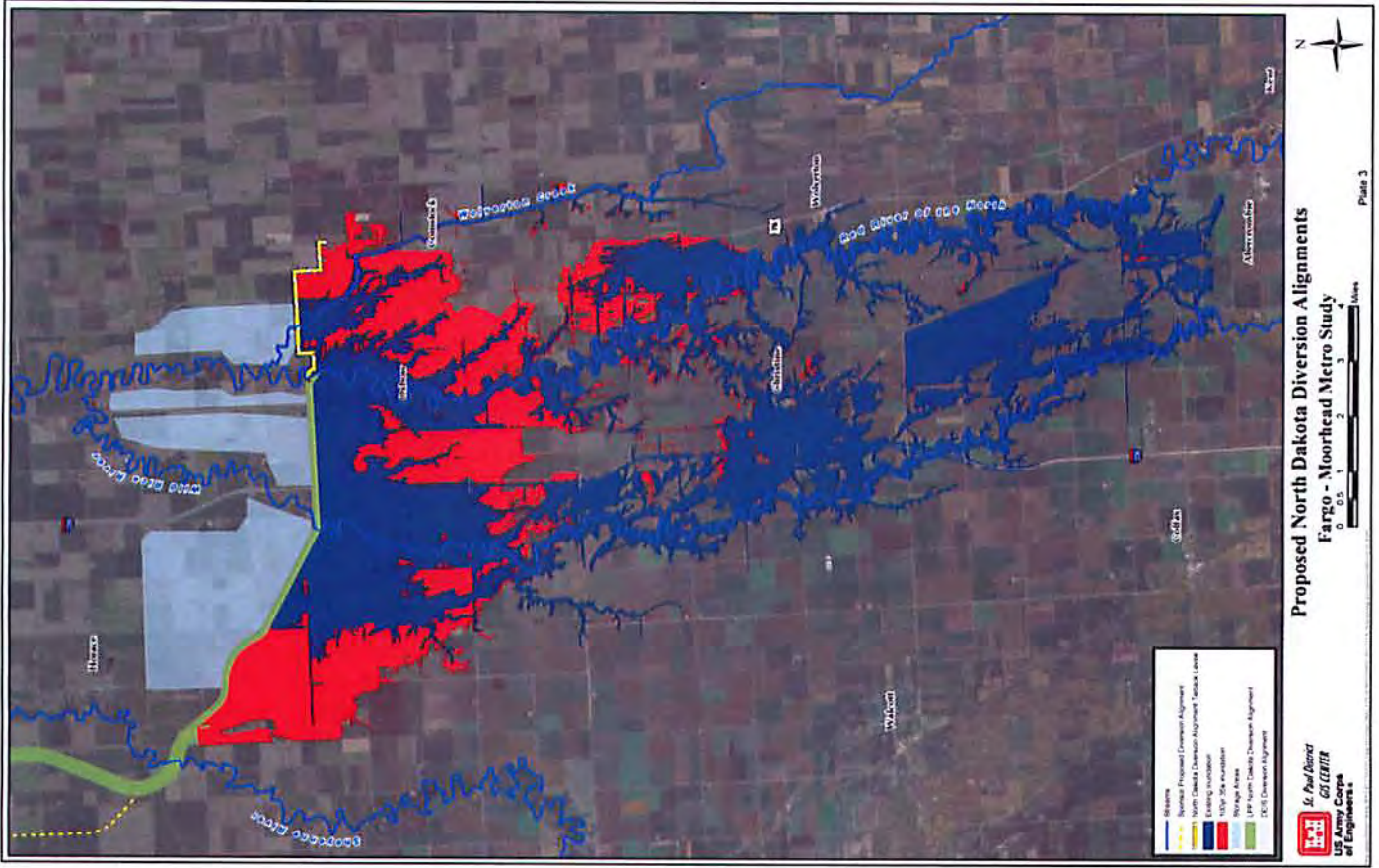
- ✓ Additional hydraulic modeling completed
 - ✓ Model reviewed by others

- ✓ Looking at concepts to reduce downstream impacts
 - ✓ Storage cells along diversion
 - ✓ Upstream staging



Fargo-Moorhead Flood 2009







**ND Diversion 1% event
Possible number of structures Impacted***

Estimated Downstream Structures – 4500

Or

Estimated Upstream Structures - 800

***Estimates based on preliminary information – Actual impacts will be different - depth of impacts has not been determined and will vary by location**

Path Forward:

- ✓ Quantify downstream impacts
- ✓ Quantify upstream impacts
- ✓ Analyze non-structural solutions downstream of ND Diversion.
- ✓ Upstream/Storage Impacts
 - ✓ Analyze non-structural solutions
 - ✓ Buy-outs
 - ✓ Relocations
 - ✓ Ring Levees
 - ✓ Complete Takings Analysis
 - ✓ Continue working with Project Sponsors to address impacts.



Path Forward:

- ✓ Continue survey work
- ✓ Continue geotechnical work
- ✓ Continue working with natural resources agencies
- ✓ Conduct geomorphology study
- ✓ Resolve issues generated by public and agency reviews
- ✓ No additional NED/FCP analysis
- ✓ Working with HQ/ASA(CW) on downstream impact costs



• Red River of the North

F-M Metro Study Timeline:

✓	26 Nov 10	Unsteady model updated
✓	10 Jan 11	Refinement of LPP
✓	Feb/Mar 11	Meetings in impacted areas (up or downstream)
✓	27 Apr 11	Supplemental Draft EIS to EPA for publication
✓	May 11	Public Meeting(s)
✓	20 Jun 11	Complete 45-day NEPA public comment period
✓	1 Aug 11	Division Engineer's Transmittal
✓	7 Sept 11	Submit Draft Chief's Report and Final EIS to EPA for publication
✓	1 Dec 11	Sign Chief's Report



GARRISON DIVERSION CONSERVANCY DISTRICT **STATUS REPORT ON THE** **RED RIVER VALLEY WATER SUPPLY PROJECT**

Garrison Diversion is the co-lead representing the State of North Dakota on the Red River Valley Water Supply Project Environmental Impact Statement (EIS). This update is provided on a regular basis to all state agencies. If you would like additional information, please contact us at gdcd@daktel.com, 800-532-0074 or go to www.garrisondiversion.org.

Environmental Impact Statement

- The Secretary of Interior signed a memorandum on January 15, 2009, disclosing the following:
 - The project selected to meet the needs of the Red River Valley is the Preferred Alternative, a pipeline from the McClusky Canal to Lake Ashtabula; and,
 - The identified treatment processes are adequate to meet the requirements of the Boundary Waters Treaty.
- The Final EIS was available to the public on December 28, 2007.

Lake Agassiz Water Authority

- The LAWA board met on September 14. The preliminary findings of the value engineering process were presented. The board also discussed the potential funding needs in the upcoming North Dakota legislative session. The next meeting of the LAWA board is scheduled for December 8 in Bismarck.

Pre-final Design Effort

- The following is a summary of the ongoing efforts on the task orders:

Right-of-Way: Garrison Diversion has wrapped up the effort to obtain options for right-of-way. The next steps to acquire the right-of-way will occur when the decision is made to exercise the options. Access to all of the right-of-way has been secured to complete the studies. Out of 173 landowners, 132 or 76% have signed option agreements for easements.

Permitting and Environmental Services: Notice on the determination of wetlands under the jurisdiction of the Corps of Engineers has been provided to Garrison Diversion. These wetlands, along with the other isolated wetlands, have been field verified. The wetlands under easement by the US Fish and Wildlife Service have been field verified and surveyed to develop contour maps, and the permit application to cross wetland easements has been submitted.

The class 3 cultural and historic properties field review has been completed for the entire right-of-way, and there were no significant findings. These results have been submitted to Reclamation, and consultation with the North Dakota Historic Properties Office was requested.

The Wetland Delineation Report has been completed, and the field verified jurisdictional wetlands have been submitted to the Corps of Engineers with a request to amend the jurisdictional determination to account for the adjustments in alignment.

The remaining effort in this task order is to complete the other miscellaneous permit applications so that they are ready when the decision is made to move forward.

Operational Plan: The technical memorandums supporting the operational plan have been completed. The operational plan and the supporting technical memorandums were sent to the work group for written comments. This will end the development of the operational plan at this stage of the project. It will remain in draft form until the project moves closer to construction.

Preliminary Design: Work on engineering evaluations regarding the preliminary design is 100% complete. Final deliverables have been delivered.

Utility potholing, soil boring and supplemental surveying has been completed.

Value Engineering Review

- The firm of Robinson, Stafford & Rude, Inc. facilitated the value engineering review. A team of engineers, contractors, environmental specialists, maintenance specialists and federal and state agencies completed a week-long review of the project. The results were delivered to the design team, and a meeting was conducted on September 7 to discuss the design team's response. The recommendations are currently under review.

Schedule

- The next steps are to obtain a Record of Decision from the lead federal agency and to get authorization for the use of Missouri River water from Congress. Garrison Diversion, the State Water Commission and the Governor's office are working with the Congressional Delegation to move these efforts forward.



Dave Koland, General Manager

December 10, 2010



North Dakota State Water Commission

900 EAST BOULEVARD AVENUE, DEPT 770 • BISMARCK, NORTH DAKOTA 58505-0850
701-328-2750 • TDD 701-328-2750 • FAX 701-328-3696 • INTERNET: <http://swc.nd.gov>

MEMORANDUM

TO: Governor John Hoeven and Governor-designate Jack Dalrymple
Members of the State Water Commission
FROM: ~~John~~ Todd Sando, PE, Chief Engineer/Secretary
SUBJECT: Missouri River Update
DATE: December 2, 2010

On November 23, system storage in the six mainstem reservoirs was 58.3 million acre-feet (MAF), 5.2 MAF above the average system storage for the end of November, and 3.4 MAF more than last year. The record minimum system storage for the end of November was 34.6 MAF in 2006, and the maximum system storage for the end of November was 61.3 MAF in 1975. The Corps predicts runoff above Sioux City for 2010 to be 38.65 MAF, 156% of normal. This results in a forecast that the system will have 57.1 MAF at the end of the year. The record low end of year system storage was 34.4 MAF in 2005, and the maximum end of year storage was 60.95 MAF in 1975.

On November 23, Lake Sakakawea was at an elevation of 1843.1 feet msl, about 5.6 feet into the Flood Pool; this is 1.7 feet higher than a year ago and 8.3 feet above its average end of month November elevation. The record minimum end of month November elevation was 1808.9 feet msl in 2006, and the maximum end of month November was 1846.7 in 1972. Lake Sakakawea peaked at 1851.4 ft msl on July 30, which was 1.4 feet into the Exclusive Flood Pool. Releases averaged 29,500 cfs during October, compared to the long-term average of 18,700 cfs. November releases are expected to average 31,000 cfs. The forecast shows Sakakawea falling to 1841 by the end of the year, and to the base of the Flood Pool, 1837.5 feet msl, by end of February 2011.

The elevation of Lake Oahe was 1607.5 feet msl on November 23; this is 0.6 feet lower than last year and 9.1 feet higher than its average end of month November elevation. The record minimum end of month November elevation for Lake Oahe was 1573.2 feet msl in 2006, and maximum end of month November elevation was 1612.4 in 1997. Lake Oahe peaked at 1617.6 feet msl on July 1, and was 0.6 feet into the Exclusive Flood Pool. Releases from Oahe averaged 38,100 cfs in October and will average 37,500 cfs in November. The forecast shows Oahe falling to 1606.5 by the end of the year, and then rising to the base of the Flood Pool, 1607.5 feet msl, by the end of February 2011.

The elevation of Fort Peck Lake was 2235.7 feet msl on November 23; this is 15.0 feet higher than a year ago and 6.4 feet above its average end of month November elevation. Releases averaged 6,100 cfs in October compared to the long-term average of 8,000 cfs. Releases will remain near 6,000 cfs through November before being increased to 9,000 cfs the beginning of December. The forecast shows for Fort Peck falling to 2235.2 by the end of the year.

The Corps basic forecast, 38.7 MAF of runoff, shows full service flows for navigation, and an extended navigation season. The navigation season has been extended 10 days and will close in Sioux City, Iowa on December 2.

The Corps released the draft Programmatic Environmental Impact Statement (PEIS) for Emergent Sandbar Habitat creation on November 1st for public comment. The PEIS will focus on mechanically created sandbars in areas identified in the 2003 Biological Opinion. The comment period will run from November 1, 2010 to January 21, 2011. The Corps will be holding a public meeting November 30, 5-8pm at the Best Western Doublewood Inn.

The task force that was implemented by the Missouri River Protection and Improvement Act of 2000 (Title VII) held a vote by email on October 8, 2010 for a plan that will allow suggested sedimentation management projects to be brought to the task force. If a proposed project meets the criteria of the plan the task force will then suggest the project to the Corps for cost share funds. The proposed plan did not pass. A Task Force meeting will be held December 13 at 1pm at the Best Western Doublewood Inn.

TSS:BE:KC:mmb/1392

Sixty-second
Legislative Assembly
of North Dakota

Introduced by

State Engineer

A BILL for an Act to amend and reenact section 61-04-01.1, subsection 5 of section 61-04-05, and section 61-04-05.1 of the North Dakota Century Code, relating to definitions and informational and adjudicative hearings on a water permit application.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 61-04-01.1 of the North Dakota Century Code is amended and reenacted as follows:

61-04-01.1. Definitions. In this chapter, unless the context or subject matter otherwise requires:

1. "Adjudicative hearing" means an administrative proceeding under chapter 28-32 that provides for an appeal of a recommended decision prepared by the state engineer for a water permit application.
2. "Beneficial use" means a use of water for a purpose consistent with the best interests of the people of the state.
- ~~2.~~ 3. "Commission" means the state water commission.
- ~~3.~~ 4. "Domestic use" means the use of water by an individual, or by a family unit, or household, for personal needs and for household purposes, including heating, drinking, washing, sanitary, and culinary uses; irrigation of land not exceeding five acres [2.0 hectares] in area for ~~noncommercial~~

gardens, orchards, lawns, trees, or shrubbery; and for household pets and domestic animals kept for household sustenance and not for sale or commercial use, when the water is supplied by the individual or family unit. Also included within this use are "domestic rural uses" which must be defined by the state engineer by rule.

- 4- 5. "Fish, wildlife, and recreation" means the use of water for the purposes of propagating and sustaining fish and wildlife resources and for the development and maintenance of water areas necessary for outdoor recreation activities.
- 5- 6. "Industrial use" means the use of water for the furtherance of a commercial enterprise wherever located, including manufacturing, mining, or processing.
- 6- 7. "Informational hearing" means an administrative proceeding that provides all interested persons an opportunity to present oral or written comment on a water permit application.
8. "Irrigation use" means the use of water for application to more than five acres [2.0 hectares] of land to stimulate the growth of agricultural crops, including gardens, orchards, lawns, trees, or shrubbery, or the maintenance of recreation areas such as athletic fields, golf courses, parks, and similar types of areas, except when the water for the facility is provided by a municipal water system.
- 7- 9. "Livestock use" means the use of water for drinking purposes by herds, flocks, or bands of animals kept for commercial purposes.

- ~~8.~~ 10. "Municipal or public use" means the use of water by the state through its political subdivisions, institutions, facilities, and properties, and the inhabitants thereof, or by unincorporated communities, subdivision developments, rural water systems, and other entities, whether supplied by the government or by a privately owned public utility or other agency or entity, for primarily domestic purposes, as defined herein.
- ~~9.~~ 11. "Person" includes political subdivisions, corporations, limited liability companies, partnerships, associations, the United States and its departments or agencies, the state of North Dakota and its departments or agencies, and any other legal entity.
- ~~10.~~ 12. "Rural water system" means a water supply system designed to serve regional needs.
- ~~14.~~ 13. "Water of the state" or "waters of the state" means those waters identified in section 61-01-01.

SECTION 2. AMENDMENT. Subsection 5 of section 61-04-05 of the North Dakota Century Code is amended and reenacted as follows:

5. The notice must give all essential facts as to the proposed appropriation, including the places of appropriation and of use, amount of water, the use, the name and address of the applicant, and the date by which written comments and requests for an informational hearing regarding the proposed appropriation must be filed with the state engineer. The notice must also state that anyone who files written comments with the state

engineer will be mailed a copy of the state engineer's recommended decision on the application.

SECTION 3. AMENDMENT. Section 61-04-05.1 of the North Dakota Century Code is amended and reenacted as follows:

61-04-05.1. Comments - Hearing.

1. Comments regarding a proposed appropriation must be in writing and filed by the date specified by the state engineer under subsection 5 of section 61-04-05. The comments must state the name and address of the person filing the comments.
2. Any person filing written comments may also request an informational hearing on the application by the date specified by the state engineer under subsection 5 of section 61-04-05. If a request for an informational hearing is made and if the state engineer determines an informational hearing is necessary to obtain additional information to evaluate the application or to receive public input, the state engineer shall designate a time and place for the informational hearing and serve a copy of the notice of hearing upon the applicant and any person who filed written comments. Service must be made in the manner allowed for service under the North Dakota Rules of Civil Procedure at least twenty days before the hearing.
3. If two or more municipal or public use water facilities request the informational hearing to be held locally, the state engineer shall hold the hearing in the county seat of the county in which the proposed water appropriation site is located.

4. The state engineer shall consider all written comments received and testimony presented at an informational hearing, if held, and shall recommend in writing approval or disapproval of the application or that the application be held in abeyance. A copy of the recommended decision must be mailed to the applicant and any person who filed written comments.
- ~~3-~~ 5. Within thirty days of service of the recommended decision, the applicant and any person who would be aggrieved by the decision and who filed written comments by the date specified under subsection 5 of section 61-04-05 may file additional written comments with the state engineer or request a an adjudicative hearing on the application, or both. A request for a an adjudicative hearing must be made in writing and must state with particularity how the person would be aggrieved by the decision and the issues and facts to be presented at the adjudicative hearing. If a request for a an adjudicative hearing is not made, the state engineer shall consider the additional comments, if any are submitted, and issue a final decision. If a request for a an adjudicative hearing is made, ~~or if the state engineer determines a hearing is necessary to obtain additional information to evaluate the application or to receive public input,~~ the state engineer shall designate a time and place for the adjudicative hearing and serve a copy of the notice of hearing upon the applicant and any person who filed written comments. Service must be made in the manner allowed for

service under the North Dakota Rules of Civil Procedure at least twenty days before the hearing.

4. ~~If two or more municipal or public use water facilities request the hearing to be held locally, the state engineer shall hold the hearing in the county seat of the county in which the proposed water appropriation site is located.~~

Sixty-second
Legislative Assembly
of North Dakota

Introduced by

State Water Commission

A BILL for an Act to create and enact section 61-02-14.2 of the North Dakota Century Code, relating to the state engineer's authority to execute contracts on behalf of the state water commission.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Section 61-02-14.2 of the North Dakota Century Code is created and enacted as follows:

61-02-14.2. Commission contracts may be executed by state engineer. As the secretary of the commission, the state engineer has the authority to execute contracts approved by the commission.