

DEVILS LAKE BASIN JOINT WATER RESOURCE BOARD

SERVING

CAVALIER, EDDY, NELSON, PIERCE, RAMSEY, TOWNER & WALSH COUNTIES

524 4th Avenue NE, #27, Devils Lake, ND 58301 – Phone: 701-662-7076

E-mail: manager@dlbasin.com Web Site: <http://www.dlbasin.com>

JUNE, 2020 BOARD MEETING AGENDA

8:00 a.m. Wednesday, June 17th

**In person at the Ramsey County Courthouse Historical Meeting Room or
Call in at:**

1 877-309-2073

Access Code:630328069

PLEASE NOTE TIME & LOCATION!

AGENDA:

- Call to Order
- Roll Call
- Approval of May 13th, 2020 Minutes #
- Financial Report #
- Review & Approval of Bills #
- Approve Agenda #

AGENCY REPORTS:

- State Water Commission
- National Weather Service
- ND Game & Fish
- NRCS
- US Fish & Wildlife

VISITORS & INTRODUCTIONS:

OLD BUSINESS:

- 2021 Budget – Final Reading & Approval #
- New Office Computer
- Basin NDAWN Sites
- Recap of Various Meetings
- Other Old Business

NEW BUSINESS:

- Letter of Credit (formerly pledge of assets) #
- USGS Basin Stream Gage Cooperative Agreement #
- Water Commission Update – Richard Johnson, Basin Commissioner
- Up Coming Meetings & Cancelations
- Correspondence & Miscellaneous
- Other New Business

BASIN COUNTY REPORTS:

ADJOURN:

**THE PUBLIC IS ALWAYS WELCOME AT JOINT BASIN BOARD
MEETINGS!**

July Joint Board meeting will be held Wednesday, July 15th Time & Location TBD

DEVILS LAKE BASIN JOINT WATER RESOURCE BOARD

Minutes of the regular monthly meeting held Wednesday, May 13th, 2020 via GoTo Meeting web/conference call.

Chairman Benson called the meeting to order at 8am. Roll call of the counties was taken, all counties, had representatives present.

Cavalier County	Larry Gellner
Eddy County	Mike Tweed
Nelson County	David Sateren
Pierce County	Joe Bohl
Ramsey County	Duaine Ash
Towner County	Randy Benson
Walsh County	Albin Jallo

Chairman Benson stated that minutes of the April 8th board meeting had been sent out and asked if everyone had an opportunity to read the minutes and if there were any corrections or additions. **Tweed moved to approve the minutes of the April 8th, 2020 meeting, second by Sateren, motion passed unanimously.**

The financial report for the month was presented:

30-Apr-20

ASSETS

Current Assets	
Administration	-\$4,460.76
Projects	\$17,041.95
Bremer-Checking Account - Other	-\$633.45
Total Bremer-Checking Account	\$11,947.74
Bremer Investment Account	
Administration	\$105,659.00
Pilot Project Fund	-\$1,109.50
Projects	\$235,315.83
Bremer Investment Account - Other	-\$8,875.23
Total Bremer Investment Account	\$330,990.10
Total Checking/Savings	\$342,937.84
Total Current Assets	\$342,937.84
TOTAL ASSETS	\$342,937.84
Opening Bal Equity	\$40,201.71
Retained Earnings	\$273,830.27
Net Income	\$28,904.04
Total Equity	\$342,936.02
TOTAL LIABILITIES & EQUITY	\$342,937.84

Bohl moved to approve the financial report, second by Jallo, motion carried unanimously.

May, 2020 Bills

	May 2020 Bills	Amount	Ck #
	NDTC (Website Hosting)	\$30.73	4570
	Jeff Frith, (Manager Cell Phone Expense May 2020)	\$101.25	4571
	Ramsey County Auditor: Rent	\$190.00	4572
	Ramsey County Auditor - Postage	\$20.00	4572
	Ramsey County Auditor: Telephone:	\$55.49	4572
	Ramsey County Water Resource District (Copier Rent)	\$125.00	4573
	Ramsey County Auditor	\$4,810.46	4574
	Ramsey County Auditor - Health Insurance	\$1,791.62	4575
	ND SWC - 1st Qtr Engineering	\$2,500.00	4576
	Total Admin	\$7,168.55	
	Total General Project	\$2,500.00	
Total		\$9,668.55	

The list of bills was presented for payment:

Ash moved to pay the bills as listed, second by Sateren, motion carried unanimously.

APPROVAL OF AGENDA:

Chairman Benson asked if anyone had any changes to the agenda? **Jallo made a motion to approve the agenda as amended, motion seconded by Sateren, motion passed unanimously.**

VISITORS & DELEGATIONS:

Chairman Benson asked if there were any visitors that would like to be recognized, no one responded.

AGENCY REPORTS:

NATIONAL WEATHER SERVICE: Frith shared the report he had received from National Weather Service staff with those in attendance.

ND GAME & FISH: Randy Hiltner didn't attend today's meeting, no report.

NRCS: USDA staff member David Remmen was attendance not filling in for Paul Thompson but just listening in for Mr. Thompson as he was not able to attend today's meeting, no report.

US FISH & WILDLIFE: Matt Sprenger, Devils Lake District Manager didn't attend today's meeting, no report.

OLD BUSINESS:

2021 BUDGET 2nd READING:

Frith presented the board with the 2nd reading of the 2021 budget. Frith went through the numbers with the board members and asked for questions and or recommendations. Frith stated that the 2021 budget must be submitted to county auditors by July 1st. Frith mentioned that he will continue to look at the numbers and bring back a budget that can be finalized at the June meeting.

NEW OFFICE COMPUTER:

Frith stated that this he is still working on replacing the office computer. So far, the existing computer has been working so it is not a dire situation.

NDAWN STATIONS:

Daryl Ritchison, Director of North Dakota Agriculture Weather Network (NDAWN) joined the meeting and gave the board an update on stations and how large of an area that is needed. Daryl stated that with the wires needed to secure the towers they need about a 50-foot radius and would really prefer road access especially in the winter time. They would also prefer an approach so they can safely pull-off the roads.

SPRING FLOOD OUTLOOK:

Frith stated that much of this reviewed from the Weather Service report that indicated that there wasn't too much change from the previous outlook but has been trending downwards based on the lack of precipitation since mid-January. The next outlook will come out tomorrow and should continue the downward trend.

BASIN NDAWN SITES:

Frith stated that he has been in contact with Daryl Ritchison, Director of the North Dakota Agriculture Weather Network (NDAWN) and Mr. Ritchison provided maps of the Devils Lake Basin regarding potential or preferred locations of additional NDAWN stations in the basin. Mr. Ritchison stated that they will be working on getting the Wolford station installed as soon as soil and weather conditions permit. in Pierce County and that one will be installed this spring.

COVID-19 OFFICE ISSUES:

Frith stated that he is still working from home, the courthouse is still closed to the public and the county is following Governor's guidelines for working from home, social-distancing and the office will continue to follow those as well.

2020 ANNUAL WATER TOUR:

Lance Gaebe joined the meeting and discussed the upcoming tours and different options for how to conduct tours with the COVID-19 and social-distancing protocols. The board discussed various options canceling versus postponing. A car parade and communicate through an FM-transmitter type of communication device and other options. **Jallo made a motion to cancel the 2020 water tour, motion was seconded by Tweed, motion passed unanimously.**

MEETING RECAP:

Frith asked Lance Gaebe to provide an update from the Water Coalition Board Meeting. Gaebe stated that the Water Coalition met via GoToMeeting video/tele conference on May 6th and as a part of that meeting Tax Commissioner Ryan Rauschenberger & OMB Director Joe Morrissette presented an update on revenue forecasts for the Natural Resource Trust Fund that provides funding for water projects in North Dakota.

OTHER OLD BUSINESS:

None

NEW BUSINESS:**OUTLETS ADVISORY COMMITTEE MEETING:**

The State Outlets Advisory Committee will be meeting next Wednesday, May 20th. Frith stated that he is one of the representatives on the committee and would like to know what the board members thoughts are on outlet operations for the 2020 season. Frith stated that he would like to see the committee approve or recommend that the outlets operate when possible during the operating season as long as they meet quality and quantity constraints.

UP COMING MEETINGS:

Frith stated that with the Governor's Executive order concerning gathering of more than 10 people and giving political subdivisions the ability to conduct business remotely all meeting that were related to water have gone to that format. Frith stated that he plans to participate in as many as his schedule allows.

CORRESPONDANCE & MISCELLANEOUS:

Frith stated that he didn't have anything under this category this time around.

OTHER NEW BUSINESS:

None

STATE WATER COMMISSION REPORT:

Tim Dodd, P.E. – Provided his report: Tim did mention that looking back at inflows beginning last fall the lake has come up about 19 inches since September. Tim stated that the outlets are ready to go whenever they get the go-a-head following the Outlet Advisory Committee meeting next week. Tim stood for questions but none arose.

Lake Levels* as of 5/12/2020 (compared to 1/1/20)

Devils Lake Elevation	-	1449.80 ft	(1448.90 ft)
Area of Lake	-	145,100 acres	
Volume of Lake	-	2.80 million ac-ft	
Stump Lake Elevation	-	1449.62 ft	(1448.90 ft)
Area of Lake	-	15,860 acres	
Volume of Lake	-	535,590 ac-ft	
Morrison Lake	-	1460.07 ft	(1458.63 ft)
Dry Lake	-	1449.72 ft	(1448.85 ft)

Hydrologic Update

Devils Lake rose steadily at a rate of nearly two inches per week from late March to early May. The rise has begun to slow but additional precipitation may continue to increase the lake level. Devils Lake was last at the current level in summer 2018. The Climate Prediction Center is currently indicating chances for above average precipitation for the 6-10 day and 8-14 day outlooks. The one and three month outlooks show equal chances for above and below average precipitation.

The Sheyenne River at Cooperstown peaked near 2300 cubic feet per second (cfs) in early April and is now back below 900 cfs. A flow of 600 cfs and dropping at Cooperstown is typically targeted for outlet startup to ensure that the outlets don't contribute to spring flooding. The Red River also peaked from late March to mid April and the beneficial spring thaw conditions resulted in lower than expected peak flood stages in Fargo and Grand Forks.

Outlet Update

Maintenance and inspections are currently underway at both outlets. The West End Outlet is ready for startup testing and steady operation when downstream conditions allow. A long-term project to recoat the pumps began in fall 2019 and will continue for several seasons. The SWC construction crew is performing additional erosion repairs at the East End Outlet outfall and the outlet is expected to be ready for operation later in May.

Devils Lake Outlet Management Advisory Committee

The Committee will be meeting via GoToMeeting on May 20th at 1 pm. The 2019 operating season will be reviewed and an outlook for the 2020 operating season will be discussed. Login information will be posted to the SWC website and social media. It will also be emailed to Committee members. The public is encouraged to listen in and will be able to provide comments through the chat function.

BASIN BOARD REPORTS:

Cavalier County: Gellner stated it is cold wet and cloudy, there was a few guys in the field but it just isn't fit yet. They made it through the spring real well without too many problems.

Eddy County: Tweed stated that they had a meeting last week in person. Not too much to report except there is a problem being reported on highway 281 on the New Rockford Canal where the water drains back and is supposed to flow through a siphon drain but it ends up flooding farmers fields. They are currently working with the Garrison board

Nelson County: Sateren reported that they have had several telephone meetings dealing with water issues from this spring's run-off. One of the main problems they are having is with the community of Kloten is flooding and they have applied for an emergency drain permit through the State Water Commission but have not heard anything back yet. Kloten is in between McVile & Aneta

Pierce County: Bohl reported they have been meeting through phone meetings. Not too much going on but they are having issues with culverts on the north end of Hurricane Lake that are rusting out and will need to be replaced. Field work in most of the county has been progressing nicely.

Ramsey County: Ash stated that they had an in-person meeting on Monday. They had some drain complaints that they reviewed and accepted and will be investigating on moving forward. There are a few farmers out in the field but thus far field work hasn't begun in full force.

Towner County: Benson reported that they haven't met yet this month and they are very wet with no little to no field work yet.

Walsh County: Jallo reported that they have met regularly in person and mainly dealing with the flooding problems that took place on the eastern side of the county earlier this spring.

MANAGER'S REPORT:

Frith gave the board an update of all the activities that he has been doing throughout the past month and gave them an indication of the activities planned for the remainder May.

Chairman Benson thanked everyone for coming today and reminded everyone that the next Joint Board meeting will be on June 10th at 8am Location will be determined later based on the most updated information regarding the COVID-19 restrictions and safety protocols. The meeting was adjourned at 10:21am

Date approved: **June 17th, 2020**

Randy Benson, Chairman

Jeff W. Frith, Manager

1:34 PM

06/16/20

Cash Basis

Devils Lake Basin Joint Water Resource Board

Balance Sheet

As of May 31, 2020

	May 31, 20
ASSETS	
Current Assets	
Checking/Savings	
Bremer-Checking Account	
Administration	-4,416.31
Projects	17,041.95
Bremer-Checking Account - Other	-633.45
Total Bremer-Checking Account	11,992.19
Bremer Investment Account	
Administration	99,883.78
Pilot Project Fund	-1,109.50
Projects	234,104.82
Bremer Investment Account - Other	-8,875.23
Total Bremer Investment Account	324,003.87
Total Checking/Savings	335,996.06
Total Current Assets	335,996.06
TOTAL ASSETS	335,996.06
LIABILITIES & EQUITY	
Liabilities	
Long Term Liabilities	
Country Bank Test Project LOC	1.82
Total Long Term Liabilities	1.82
Total Liabilities	1.82
Equity	
Opening Bal Equity	40,201.71
Retained Earnings	273,830.27
Net Income	21,962.26
Total Equity	335,994.24
TOTAL LIABILITIES & EQUITY	335,996.06

Devils Lake Basin Joint Water Resource Board

Profit & Loss Budget vs. Actual

January through May 2020

	Jan - May 20	Budget	\$ Over Budget	% of Budget
Ordinary Income/Expense				
Income				
County Levy				
Cavalier County	13,070.93	14,905.00	-1,834.07	87.7%
Eddy County	0.00	550.00	-550.00	0.0%
Nelson County	0.00	9,000.00	-9,000.00	0.0%
Pierce County	3,576.26	3,900.00	-323.74	91.7%
Ramsey County	58,587.62	62,000.00	-3,412.38	94.5%
Rolette County	0.00	0.00	0.00	0.0%
Towner County	16,704.38	22,250.00	-5,545.62	75.1%
Walsh County	0.00	22,650.00	-22,650.00	0.0%
Total County Levy	91,939.19	135,255.00	-43,315.81	68.0%
Interest Income	1,741.15	1,500.00	241.15	116.1%
State Water Comm	0.00	30,000.00	-30,000.00	0.0%
Total Income	93,680.34	166,755.00	-73,074.66	56.2%
Gross Profit	93,680.34	166,755.00	-73,074.66	56.2%
Expense				
Basin Projects	28,000.00	30,000.00	-2,000.00	93.3%
Dues and Subscriptions	0.00	4,500.00	-4,500.00	0.0%
Engineering Expenses	5,000.00	10,000.00	-5,000.00	50.0%
Insurance				
Health-staff	8,958.10	20,000.00	-11,041.90	44.8%
Other	0.00	1,708.00	-1,708.00	0.0%
Insurance - Other	0.00	21,708.00	-21,708.00	0.0%
Total Insurance	8,958.10	43,416.00	-34,457.90	20.6%
Meeting Expense				
Water Tour	2,500.00	2,500.00	0.00	100.0%
Meeting Expense - Other	86.73	1,250.00	-1,163.27	6.9%
Total Meeting Expense	2,586.73	3,750.00	-1,163.27	69.0%
Morrison Outlet	0.00	25,000.00	-25,000.00	0.0%
Office Supplies	0.00	3,000.00	-3,000.00	0.0%
Postage and Delivery	109.50	350.00	-240.50	31.3%
Professional Fees	0.00	4,000.00	-4,000.00	0.0%
Rent	950.00	2,280.00	-1,330.00	41.7%
Supplies				
Office	625.00			
Total Supplies	625.00			
Telephone	783.70	2,000.00	-1,216.30	39.2%
Travel & Mgr's Expense				
Travel	254.20			
Travel & Mgr's Expense - Other	244.90	5,000.00	-4,755.10	4.9%
Total Travel & Mgr's Expense	499.10	5,000.00	-4,500.90	10.0%
Wages	20,750.85	51,500.00	-30,749.15	40.3%
Water Quality Monitoring	0.00	18,850.00	-18,850.00	0.0%
Website Expenses	153.65	1,000.00	-846.35	15.4%
Withholding taxes	3,301.45	11,000.00	-7,698.55	30.0%
Total Expense	71,718.08	215,646.00	-143,927.92	33.3%
Net Ordinary Income	21,962.26	-48,891.00	70,853.26	-44.9%
Net Income	21,962.26	-48,891.00	70,853.26	-44.9%

DEVILS LAKE BASIN JOINT WATER RESOURCE BOARD

June 2020 Bills		Amount	Ck #
	Insure Forward - General Liability Insurance Renewal	\$948.00	4577
	NDTC (Website Hosting)	\$30.73	4578
	Jeff Frith, (Manager Cell Phone Expense May 2020)	\$101.25	4579
	Ramsey County Auditor: Rent	\$190.00	4580
	Ramsey County Auditor - Postage	\$21.00	4580
	Ramsey County Auditor: Telephone:	\$55.49	4580
	Ramsey County Water Resource District (Copier Rent)	\$125.00	4581
	Ramsey County Auditor	\$4,810.46	4582
	Ramsey County Auditor - Health Insurance	\$1,791.62	4583
	Howatt's Excavating - Dirt Repair Work on Morrison Outlet	\$300.00	4584

	Total Admin	\$8,117.55
	Total General Project	\$300.00

Total **\$8,417.55**

SWC Devils Lake and Upper Sheyenne Update – June 15, 2020

Lake Levels* and River Flow as of 6/15/2020 (compared to 1/1/20)

Devils Lake Elevation	-	1449.50 ft	(1448.90 ft)
Stump Lake Elevation	-	1449.60 ft	(1448.90 ft)
Combined Area (DL + SL)	-	158,500 acres	
Combined Volume	-	3.30 million ac-ft	
Morrison Lake	-	1458.66 ft	(1458.63 ft)
Dry Lake	-	1449.50 ft	(1448.85 ft)
Sheyenne River at Warwick	-	400 cfs	
Sheyenne River at Cooperstown	-	563 cfs	

Hydrologic Update

Devils Lake peaked at 1449.85 feet in May and has slowly begun to decline. Overall drier than average spring conditions resulted in a lower than projected lake rise. The lake was most recently at the current elevation in July 2018. The Sheyenne River at Cooperstown peaked near 2300 cubic feet per second (cfs) in early April, dropped briefly below 300 cfs, and is currently near 600 cfs with outlet discharge contributing.

Outlet Update

The West and East outlets were started on June 1st and 2nd respectively. The West Outlet has been discharging 250 cfs, the East End began at 80 cfs and was increased to 160 cfs on June 10th. Outlet operations staff and the SWC construction crew recently completed several maintenance projects including outfall stabilization at the East Outlet and adding a mesh fence to a portion of the West Outlet right of way. Both outlets have been performing reliably and discharge will continue to be adjusted as downstream water quality and quantity conditions allow.

Devils Lake Outlet Management Advisory Committee

The Devils Lake Outlet Management Advisory Committee held a virtual meeting on May 20th 2020. State Water Commission staff presented a summary of the 2019 operating season and gave an outlook for the 2020 season with assistance from the National Weather Service and Department of Environmental Quality.

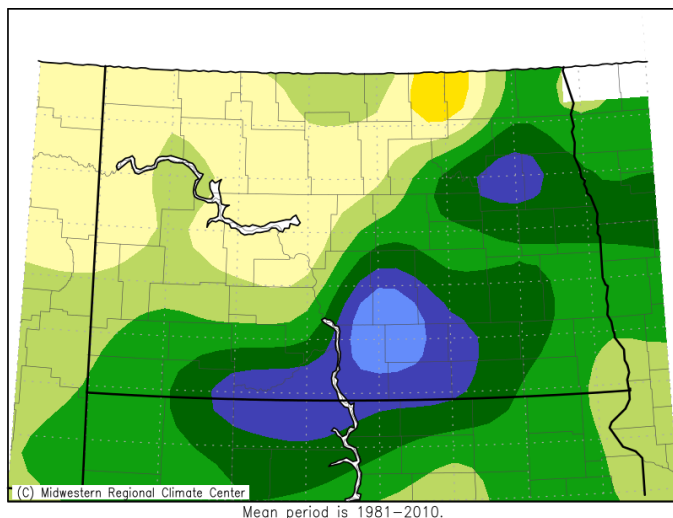
Committee members discussed the past outlet operation and their recommendations for outlet operation in 2020. Overall, the Committee recommendation was similar to recent years. The Committee recommends that both outlets should be operated within the downstream limitations on water quality and quantity and to reconvene to discuss future outlet operating parameters when the lake level reaches 1448.0 feet. A minority recommendation was made by 6 of the 17 Committee Members to remove the specific reference to any target lake elevation and to recommend operation whenever possible within the water quality and quantity guidelines.

* All elevations refer to NGVD29 vertical datum

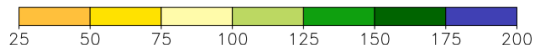
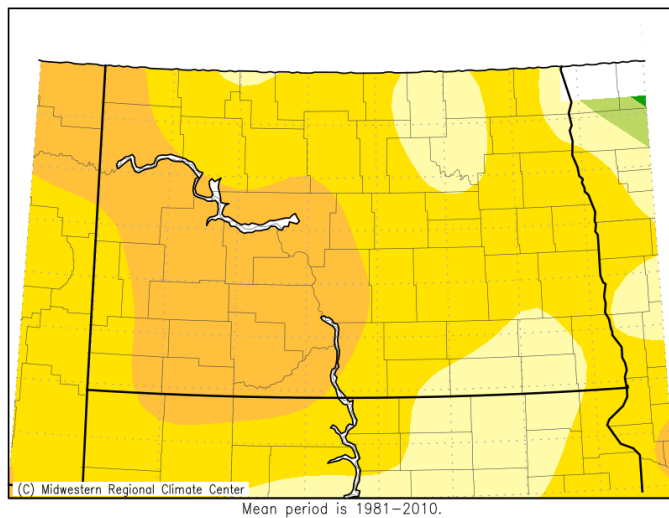
June 2020 Devils Lake Briefing

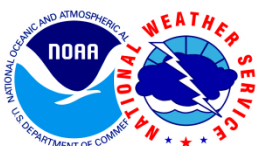
- Precipitation last fall and early winter was above to much above normal across the basin before tapering off for the second half of winter
- Spring precipitation was below normal which has continued into the first part of the summer
- Latest exceedance outlook (issued May 28th) suggests a rise of another ~0.5 ft possible
- Next outlook will be issued Thursday, June 25th and will include both high-water and low-water exceedances
- The Climate Prediction Center (CPC) predicts normal to above normal temperatures through the remainder of the summer and into fall with normal precipitation (maybe trending towards above normal?)

Oct. 2019 – Feb. 2020 Precipitation
(Percent of Mean)



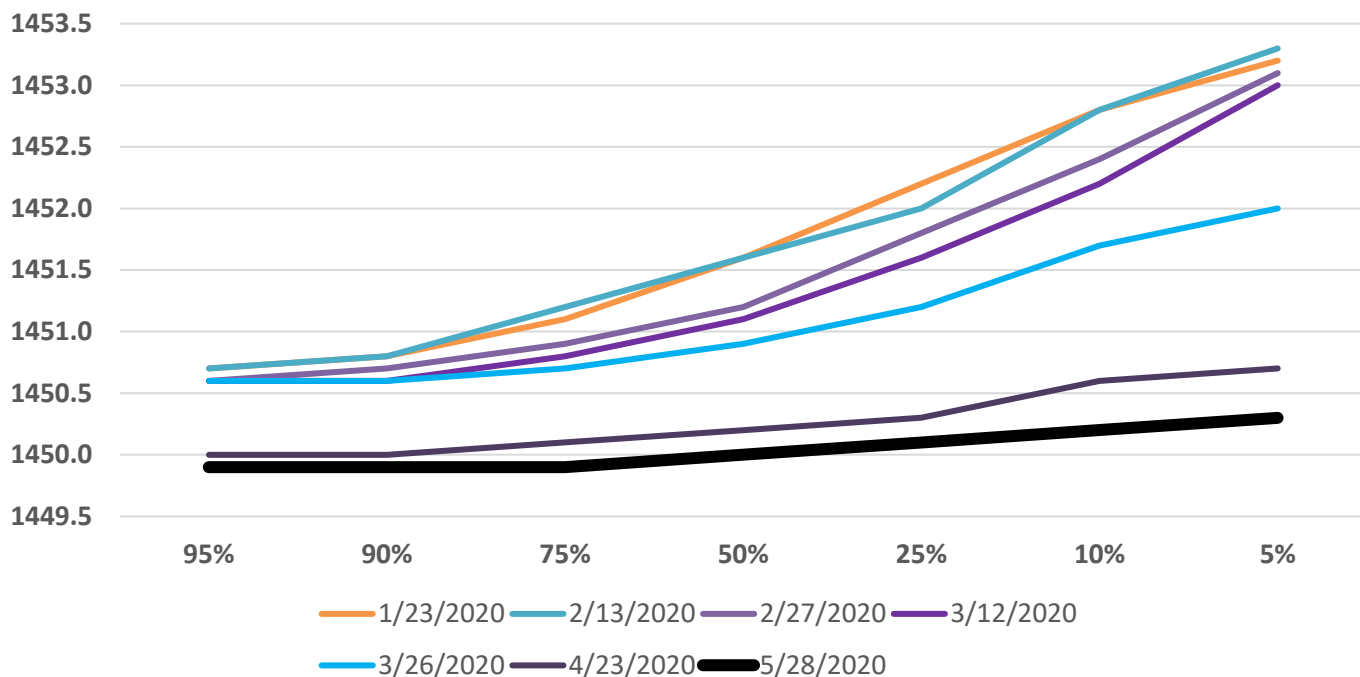
March 2020 – Current Precipitation
(Percent of Mean)



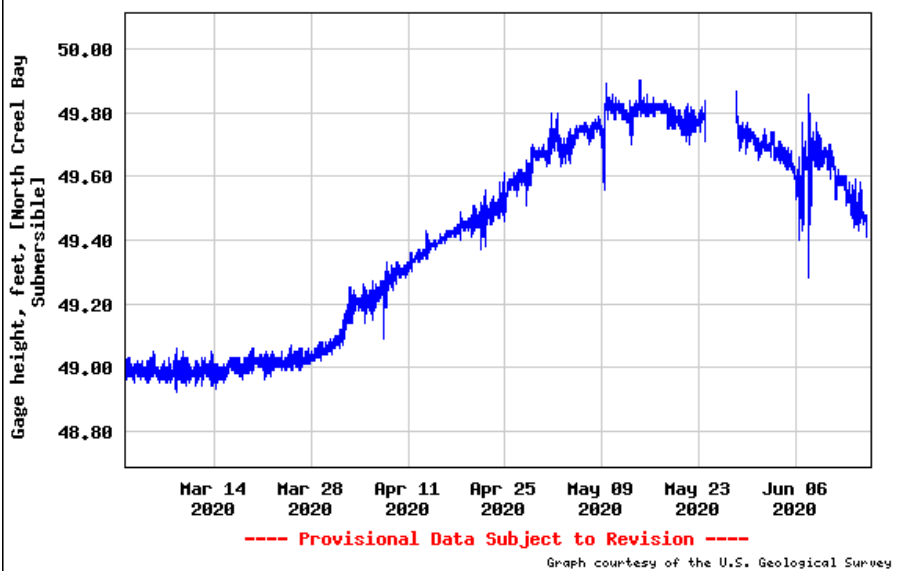


Wednesday, June 17, 2020

2020 Devils Lake Outlooks



Current Lake Level ~1449.4 ft



Summer Lake Level Exceedance Probabilities

Probability	Level at Creel Bay
90%	1449.9
50%	1450.0
25%	1450.1
10%	1450.2
5%	1450.3

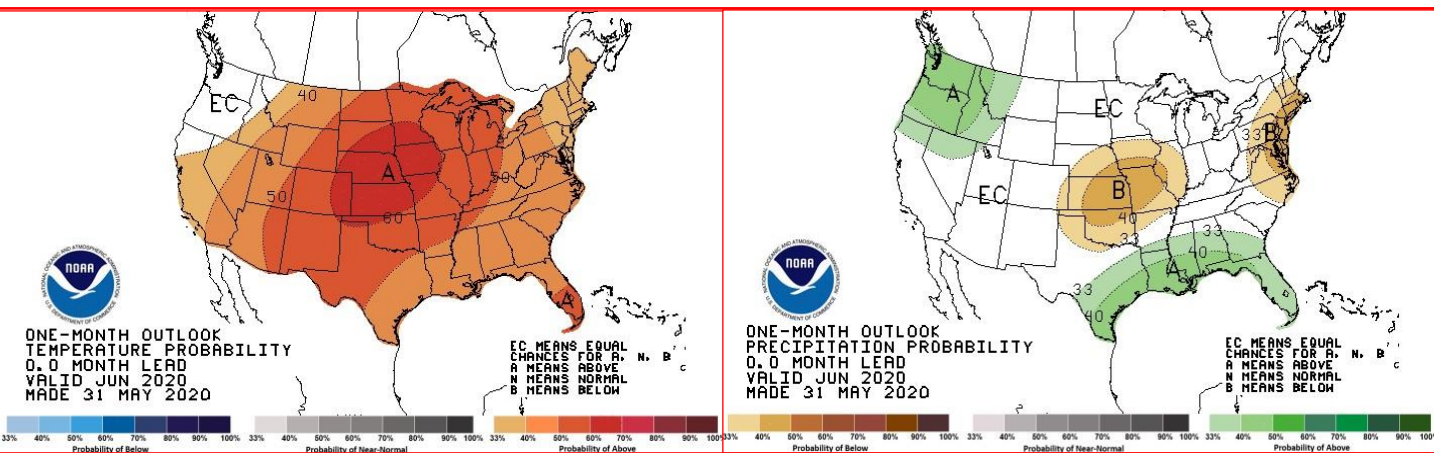
Next Outlook June 25th, 2020

Outlook information provided by the North Central River Forecast Center Chanhassen, MN

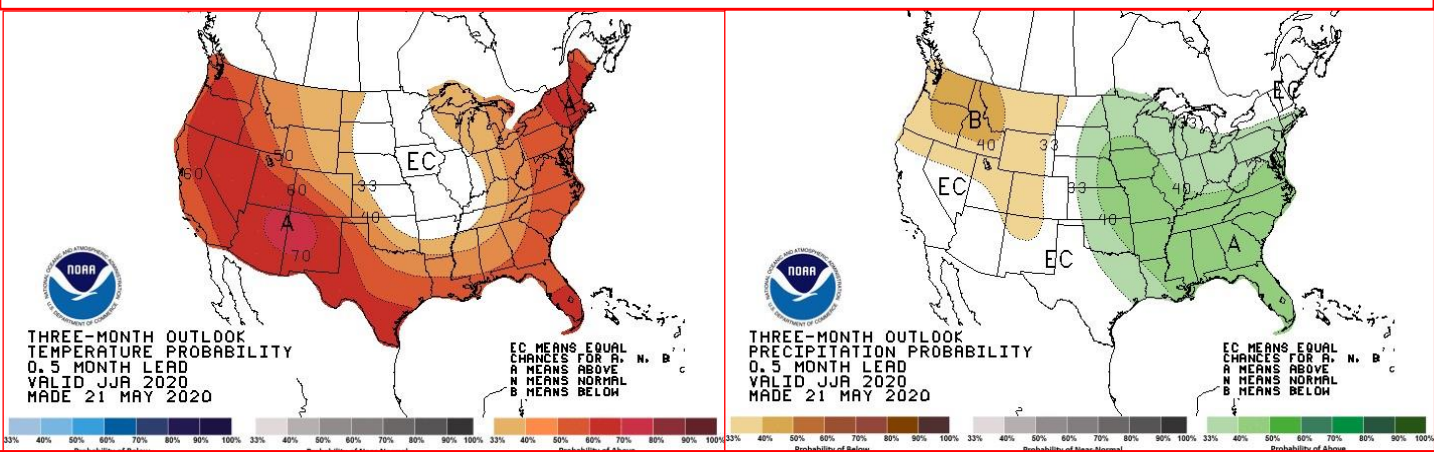
Wednesday, June 17, 2020

Devils Lake Briefing

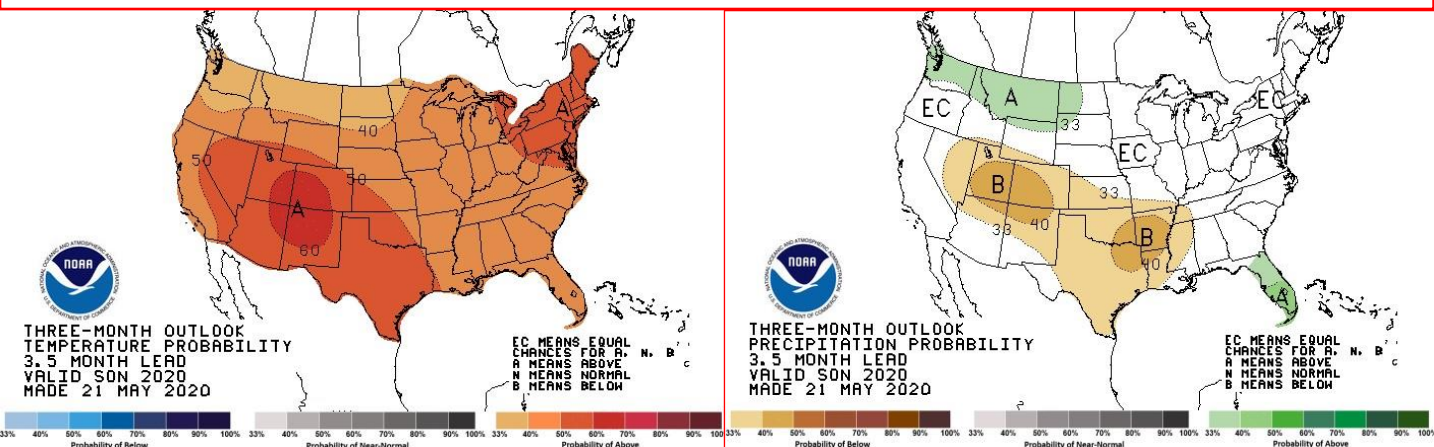
June Temperature (left) and Precipitation (right) CPC Outlooks



June/July/August Temperature (left) and Precipitation (right) CPC Outlooks



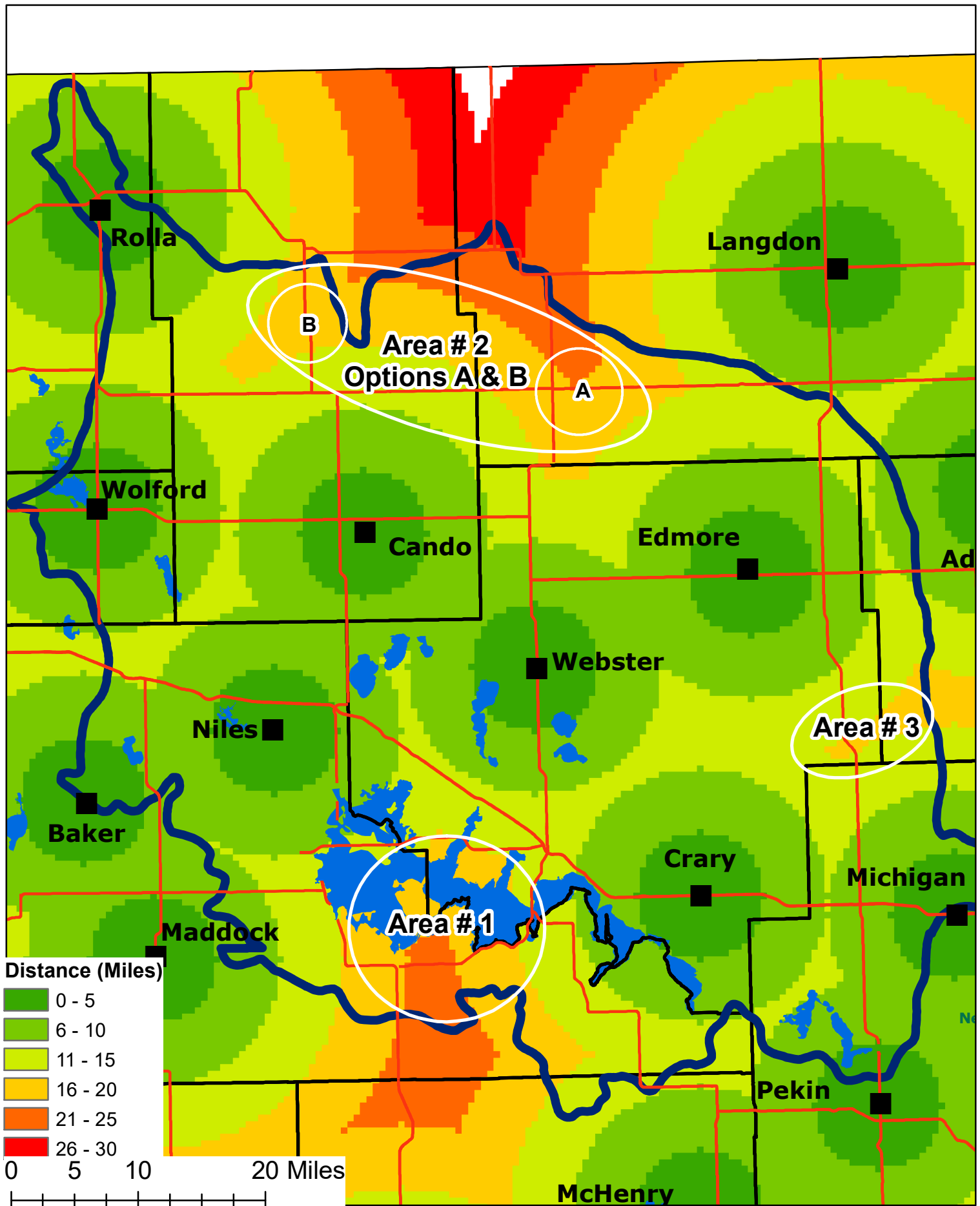
September/October/November Temperature (left) and Precipitation (right) CPC Outlooks



DEVILS LAKE BASIN JOINT WATER RESOURCE BOARD 2021 BUDGET - FINAL READING						
EXPENDITURE BUDGET FOR THE YEAR ENDING 2020						
ADMINISTRATION	2018	2019	2020 FINAL	2021 REQUESTED		
Salaries	\$52,292.00	\$50,000	\$51,500.00	\$53,500.00		
FICA/Retirement	\$8,125.00	\$10,933	\$11,000.00	\$12,100.00		
Insurance	\$21,000.00	\$21,000	\$21,708.00	\$24,000.00		
Office Supplies	\$2,500.00	\$3,000	\$3,000.00	\$1,500.00		
Rent	\$2,280.00	\$2,280	\$2,280.00	\$2,280.00		
Manager Expense	\$6,000.00	\$6,000	\$5,000.00	\$4,500.00		
Membership Dues	\$2,000.00	\$5,500	\$4,500.00	\$4,000.00		
Telephone	\$2,000.00	\$2,000	\$2,000.00	\$2,000.00		
Audit/Legal	\$4,000.00	\$4,000	\$4,000.00	\$4,000.00		
Postage	\$550.00	\$350	\$350.00	\$300.00		
Meeting Expense	\$1,500.00	\$1,250	\$1,250.00	\$1,250.00		
Misc.	\$200.00	\$200	\$200.00			
Tour	\$3,500.00	\$2,500	\$2,500.00	\$2,500.00		
Website	\$1,500.00	\$1,500	\$1,000.00	\$1,000.00		
Administration Sub-total	\$107,447.00	\$110,513	\$110,288.00	\$112,930.00		
PROJECTS:						
ND SWC-Engineering	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00		
Water Monitoring & Gauging	\$16,000.00	\$16,000.00	\$18,850.00	\$18,850.00		
Basin Projects & Grants	\$50,000.00	\$50,000.00	\$30,000.00	\$20,000.00		
Sweetwater/Morrison	\$4,000.00	\$4,000.00	\$25,000.00	\$20,000.00		
DL Watershed Maintenance Program	\$1,000.00					
Sub-Basin Expense						
PROJECTS:	\$81,000.00	\$80,000.00	\$83,850.00	\$68,850.00		
TOTALS:	\$188,447.00	\$190,513.00	<u>\$194,138.00</u>	\$181,780.00		

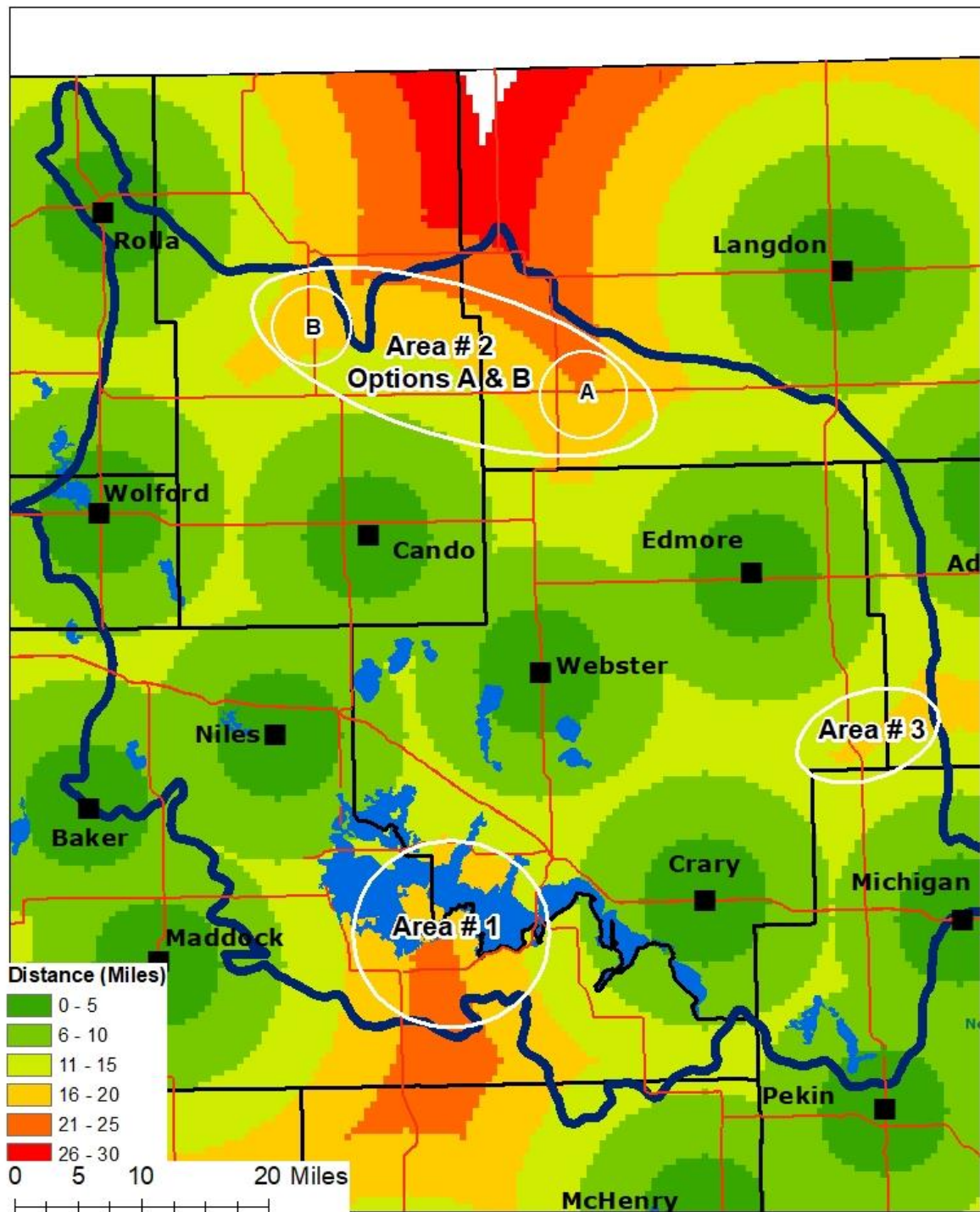
REVENUES	2018	2019	2020 FINAL	2021 REQUESTED		
CAVALIER CO.	\$14,905.00	\$14,905.00	\$14,905.00	\$14,905.00		
EDDY CO.	\$550.00	\$550.00	\$550.00	\$550.00		
NELSON CO.	\$9,000.00	\$9,000.00	\$9,000.00	\$9,000.00		
PIERCE CO.	\$3,900.00	\$3,900.00	\$3,900.00	\$3,900.00		
RAMSEY CO.	\$62,000.00	\$62,000.00	\$62,000.00	\$62,000.00		
ROLETTE CO.	\$5,550.00	\$5,550.00	\$0.00	\$0.00		
TOWNER CO.	\$22,250.00	\$22,250.00	\$22,250.00	\$22,250.00		
WALSH CO.	\$2,650.00	\$2,650.00	\$2,650.00	\$2,650.00		
COUNTY RECEIPTS-SUB-TOTAL	\$120,805.00	\$120,805.00	\$115,255.00	\$115,255.00		
SWC-Admin Reimbursement	\$30,000.00	\$30,000.00	\$30,000.00	\$30,000.00		
Contributions	\$0.00	\$0.00				
Miscellaneous	\$0.00	\$0.00				
SWC-Projects reimbursement	\$0.00	\$0.00				
Interest income	\$0.00	\$0.00	\$1,500.00	\$4,000.00		
Dollars From Money Market Account	\$40,000.00	\$52,525.00	\$48,000.00	\$48,000.00		
	\$190,805.00	\$203,330.00	<u>\$194,755.00</u>	\$197,255.00		
DEVILS LAKE BASIN JOINT WATER RESOURCE BOARD 2021 BUDGET - FINAL READING						
	I hereby certify the foregoing is a full, true and itemized statement of the amount					
	required for the Devils Lake Basin Joint Water Resource Board, State of North					
	Dakota, for the fiscal year ending December 31, 2020 to the best of my knowledge					
	and belief.					
	Dated at Devils Lake, ND this ____th Day of June, 2020					
		Signed: _____				

Distance from NDAWN Stations : Devils Lake Basin



Suggestions for new NDAWN station locations based on current & future NDAWN station coverage gaps.

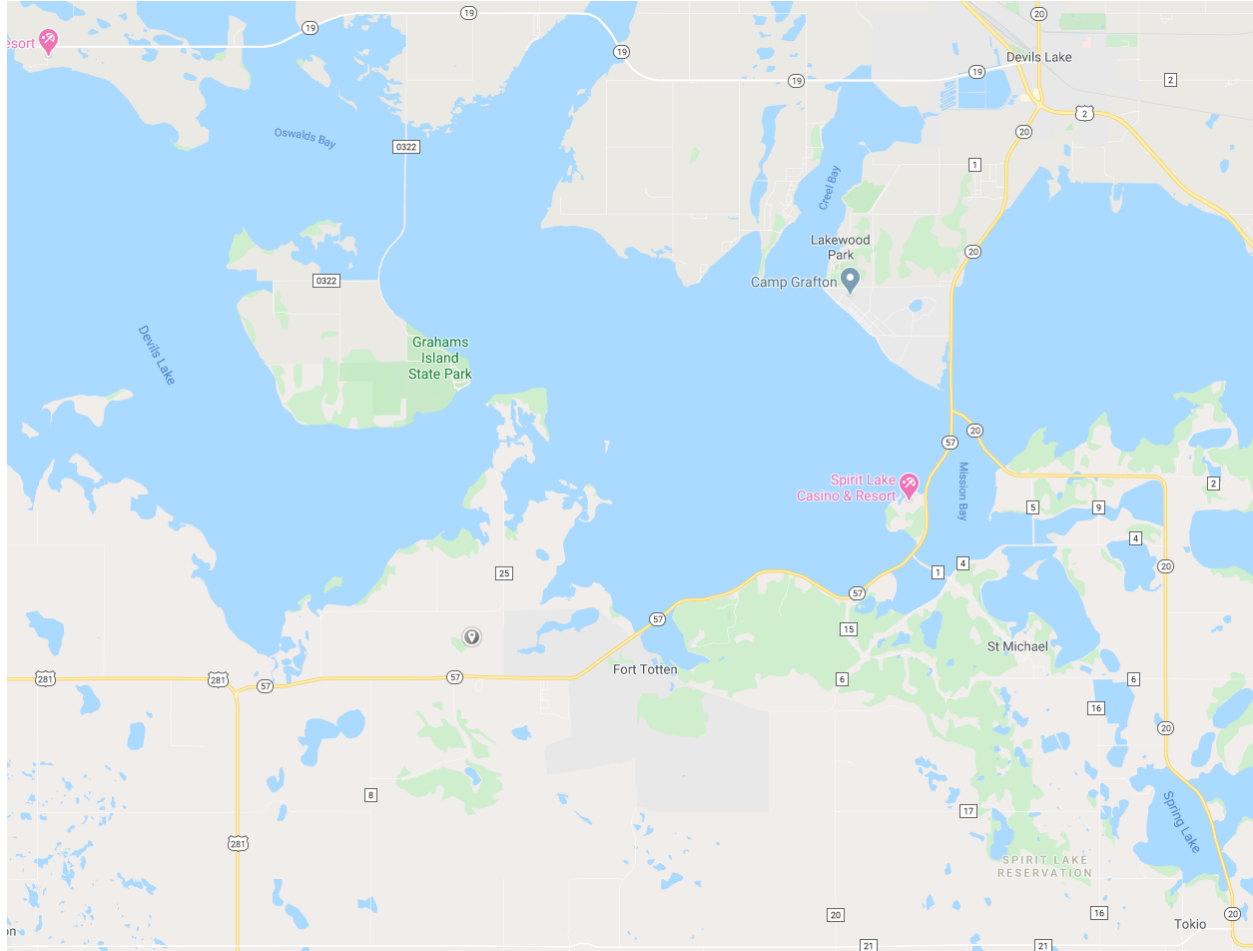
Distance from NDAWN Stations : Devils Lake Basin



Area 1:

Far Southwest Ramsey County / Northeast Benson Co. (South or Southeast of Devils Lake)

- South Side of the Lake (Ft. Totten or along ND57)
- Grahams Island
- North Side of Lake; South or Southwest of the DVL Airport

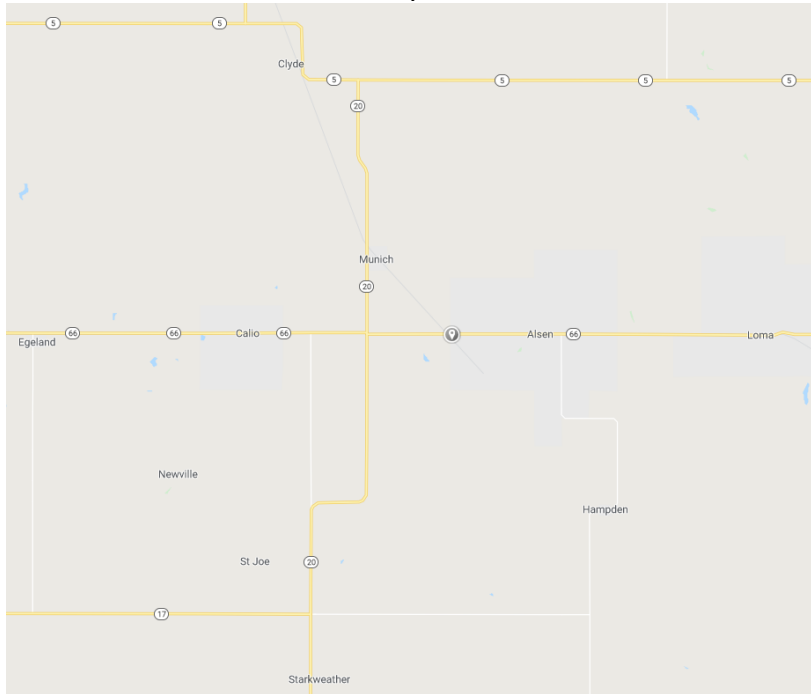


Area 2:

Option A

Southwest Cavalier Co west of Alsen along ND66

- West or Southwest of Alsen by 3-6 miles.



OR

Option B

Central Towner Co: Between Rocklake and Bisbee along US281

- Northeast of Bisbee (5-10 miles) / South of Rocklake (4-8 miles)



Area 3:

Far Eastern Ramsey Co. or Far SW Walsh Co.

-Near Bocket





LETTER OF CREDIT NO. 2234-4923

Effective Date: June 12, 2020

Devils Lake Basin Joint Water Resource Board
manager@dlbasin.com
524 4th Avenue NE, #27
Devils Lake, ND 58301
Attention: Jeff Frith

Dear Sir/Madam:

We have established this irrevocable and unconditional Letter of Credit ("Letter of Credit") in your favor as beneficiary ("Beneficiary") and you are hereby irrevocably authorized to draw on the Federal Home Loan Bank of Des Moines (the "Bank"), Irrevocable Standby Letter of Credit No. 2234-4923 for the account of Bremer Bank, National Association, Saint Paul, MN (the "Member"), available upon the terms and conditions hereinafter set forth, an aggregate amount not exceeding \$400,000.00 ("Stated Amount").

1. Funds under this Letter of Credit are available to you against our receipt by the Bank of a certificate in the form attached as Exhibit "A" hereto (a "Drawing") which Drawing may be for all or any part of, but shall not exceed, the Stated Amount.
2. Presentation of such certificate(s) shall be made: (a) at our office located at 909 Locust Street, Des Moines, Iowa 50309, (b) via facsimile to 515.699.1250, or (c) via email to moneydesk@fhlbdm.com. We hereby agree that all drafts drawn under and in compliance with the terms of this Letter of Credit will be duly honored by us upon delivery of the certificate(s), as specified, if presented as described in this paragraph on or before the expiration date hereof.
3. If a drawing in respect of payment is made by you hereunder on a business day on or prior to the Expiration Date, and provided that such drawing and the documents presented in connection therewith conform to the terms and conditions hereof, payment shall be promptly made to you or to your designee, of the amount specified, which shall not exceed, with other draws previously submitted and not repaid, the Stated Amount in immediately available funds, within three (3) business days of the receipt of such drawing. If a drawing made by you hereunder does not, in any instance, conform to the terms and conditions of this Letter of Credit, we will give you prompt notice stating the reasons therefore and that we are holding any documents presented to us at your disposal or are returning the same to you, at our discretion. Upon being notified that the drawing was not in accordance with the Letter of Credit, you may attempt to correct any such drawing if, and to the extent that, you are entitled (without regard to the provision of this sentence) and able to do so.
4. As used herein "business day" shall mean any day other than a Saturday, Sunday, a day on which financial institutions in the State of Iowa are authorized or required by law to close or on which the Fed wire system of the Federal Reserve Board is closed for fund transfers.

5. Only you may make a drawing under this Letter of Credit. Upon the payment to you, to your designee or to your account of the amount specified in a sight draft(s) drawn hereunder, we shall be fully discharged on our obligation under this Letter of Credit with respect to such sight draft(s) and we shall not thereafter be obligated to make any further payments under this Letter of Credit in respect of such sight draft(s) to you or any other person.
6. This Letter of Credit shall automatically terminate upon the earlier of (i) the making by you of a drawing which reduces the available balance hereunder, to \$0, or (ii) the date on which we receive notice from you, signed by an Authorized Officer, indicating that such letter of credit is being returned to the Bank for cancellation, (iii) thirty (30) days following notice from the Bank of a default by the Member pursuant to the various agreements between the Bank and the Member and payment to you on or before such thirtieth (30th) day of the full amount of the letter of credit, and (iv) 12:00 p.m. Iowa time on September 11, 2020 (after honoring any draws received in accordance with the Letter of Credit) (the "Initial Expiration Date")..
7. This Letter of Credit is issued subject the International Standby Practices 1998 ("ISP 98"). This Letter of Credit shall also be governed by the laws of the State of Iowa to the extent not inconsistent with ISP 98. If this Letter of Credit expires during an interruption of business, as described in ISP 98, the Bank hereby specifically agrees to effect payment if this Letter of Credit is drawn against within 30 days after the resumption of business.
8. This Letter of Credit sets forth in full our undertaking, and such undertaking shall not in any way be modified, amended, amplified or limited by reference to any document, instrument or agreement referred to herein except only the certificate(s); and any such reference shall not be deemed to incorporate herein by reference any document, instrument or agreement except for such certificate(s).

FEDERAL HOME LOAN BANK OF DES MOINES
909 Locust Street
Des Moines, IA 50309

By: Candy Cave

Title: Money Desk Manager Jun 12, 2020

Effective Date: June 12, 2020

LETTER OF CREDIT NO. 2234-4923

EXHIBIT A

DRAWING CERTIFICATE

The undersigned, a duly authorized officer of Devils Lake Basin Joint Water Resource Board (the "Beneficiary") hereby certifies to the Federal Home Loan Bank of Des Moines (the "Bank") with reference to Irrevocable Standby Letter of Credit No. 2234-4923 (the "Letter of Credit") (any capitalized term used herein and not defined shall have its respective meaning as set forth in the Letter of Credit) issued by the Bank in favor of Beneficiary, that:

1. An Event of Default has occurred pursuant to agreements between the Beneficiary and your Member which authorizes a draw upon this Letter of Credit.
2. The amount of the drawing when added to the amount of any other drawing under the Letter of Credit made simultaneously herewith, does not exceed the Stated Amount of the Letter of Credit.
3. Payment by the Bank pursuant to this drawing shall be made by wire transfer in immediately available funds to _____, ABA Number _____, Account Number _____, Attention: _____, Re: _____.

IN WITNESS WHEREOF, this Certificate has been executed this ____ day of _____, 20____.

**DEVILS LAKE BASIN JOINT WATER
RESOURCE BOARD**

By _____

Title: _____



United States Department of the Interior
U.S. GEOLOGICAL SURVEY
Dakota Water Science Center

ND Programs Office
821 E. Interstate Avenue
Bismarck, ND 58503

SD Programs Office
1608 Mountain View Road
Rapid City, SD 57702

June 12, 2020

Mr. Jeff Frith
Board Manager
Devils Lake Basin Joint Water Resource Board
524 4th Avenue # 27
Devils Lake, North Dakota 58301

Dear Mr. Frith:

Enclosed are two signed originals of our standard joint-funding agreement (20NTJFAND0066) for the Dakota Water Science Center for the Water Resource Investigations project for the operation and maintenance of stage gages near Webster, Penn, Chuchs Ferry, Devils Lake, and Lakota, ND, during the period July 1, 2020 through June 30, 2021 in the amount of \$18,850 from your agency. U.S. Geological Survey contributions for this agreement are \$13,650 for a combined total of \$32,500. Please sign and return one fully-executed original to Anthony Anable at the address above.

Federal law requires that we have a signed agreement before we start or continue work. Please return the signed agreement by July 1, 2020. If, for any reason, the agreement cannot be signed and returned by the date shown above, please contact Christopher Laveau by phone number (701) 775-7221 or email cdlaveau@usgs.gov to make alternative arrangements.

This is a fixed cost agreement to be billed annually via Down Payment Request (automated Form DI-1040). Please allow 30-days from the end of the billing period for issuance of the bill. If you experience any problems with your invoice(s), please contact Travis Culp at phone number (605) 394-3218 or email at toculp@usgs.gov.

The results of all work performed under this agreement will be available for publication by the U.S. Geological Survey. We look forward to continuing this and future cooperative efforts in these mutually beneficial water resources studies.

Sincerely,

Peter J. Cinotto
Acting Director

Enclosure
20NTJFAND0066 (2)



United States Department of the Interior
U.S. GEOLOGICAL SURVEY
Dakota Water Science Center

ND Programs Office
821 E. Interstate Avenue
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1608 Mountain View Road
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Sincerely,

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Acting Director

Enclosure
20NTJFAND0066 (2)

cc: Official File/AO
Chron
USGS:WRD:A.Anable:aba:6/12/2020:(701)775-7221:001ND/6000000111

**U.S. Department of the Interior
U.S. Geological Survey
Joint Funding Agreement
FOR
Water Resource Investigations**

**Customer #: 6000000111
Agreement #: 20NTJFAND0066 Zh
Project #: NT00GT1
TIN #: 45-0409400**

Fixed Cost Agreement YES[X] NO[]

THIS AGREEMENT is entered into as of the July 1, 2020, by the U.S. GEOLOGICAL SURVEY, Dakota Water Science Center, UNITED STATES DEPARTMENT OF THE INTERIOR, party of the first part, and the Devils Lake Basin Joint Water Resource Board party of the second part.

1. The parties hereto agree that subject to the availability of appropriations and in accordance with their respective authorities there shall be maintained in cooperation Water Resource Investigations project for the operation and maintenance of stage gages near Webster, Penn, Chuchs Ferry, Devils Lake, and Lakota, ND, herein called the program. The USGS legal authority is 43 USC 36C; 43 USC 50, and 43 USC 50b.

2. The following amounts shall be contributed to cover all of the cost of the necessary field and analytical work directly related to this program. 2(b) include In-Kind-Services in the amount of \$0.00

- (a) \$13,650 by the party of the first part during the period
July 1, 2020 to June 30, 2021
- (b) \$18,850 by the party of the second part during the period
July 1, 2020 to June 30, 2021
- (c) Contributions are provided by the party of the first part through other USGS regional or national programs, in the amount of: \$0

Description of the USGS regional/national program:

- (d) Additional or reduced amounts by each party during the above period or succeeding periods as may be determined by mutual agreement and set forth in an exchange of letters between the parties.
- (e) The performance period may be changed by mutual agreement and set forth in an exchange of letters between the parties.

3. The costs of this program may be paid by either party in conformity with the laws and regulations respectively governing each party.

4. The field and analytical work pertaining to this program shall be under the direction of or subject to periodic review by an authorized representative of the party of the first part.

5. The areas to be included in the program shall be determined by mutual agreement between the parties hereto or their authorized representatives. The methods employed in the field and office shall be those adopted by the party of the first part to insure the required standards of accuracy subject to modification by mutual agreement.

6. During the course of this program, all field and analytical work of either party pertaining to this program shall be open to the inspection of the other party, and if the work is not being carried on in a mutually satisfactory manner, either party may terminate this agreement upon 60 days written notice to the other party.

7. The original records resulting from this program will be deposited in the office of origin of those records. Upon request, copies of the original records will be provided to the office of the other party.

8. The maps, records or reports resulting from this program shall be made available to the public as promptly as possible. The maps, records or reports normally will be published by the party of the first part. However, the party of the second part reserves the right to publish the results of this program, and if already published by the party of the first part shall, upon request, be furnished by the party of the first part, at cost, impressions suitable for purposes of reproduction similar to that for which the original copy was prepared. The maps, records or reports published by either party shall contain a statement of the cooperative relations between the parties. The Parties acknowledge that scientific information and data developed as a result of the Scope of Work (SOW) are subject to applicable USGS review, approval, and release requirements, which are available on the USGS Fundamental Science Practices website (<https://www.usgs.gov/about/organization/science-support/science-quality-and-integrity/fundamental-science-practices>).

U.S. Department of the Interior
U.S. Geological Survey
Joint Funding Agreement
FOR

Customer #: 6000000111
Agreement #: 20NTJFAND0066 Zh
Project #: NT00GT1
TIN #: 45-0409400

Water Resource Investigations

9. Billing for this agreement will be rendered annually. Invoices not paid within 60 days from the billing date will bear Interest, Penalties, and Administrative cost at the annual rate pursuant the Debt Collection Act of 1982, (codified at 31 U.S.C. § 3717) established by the U.S. Treasury.

USGS Technical Point of Contact

Name: Christopher Laveau
Supervisory Hydrologist
Address: 4575 32nd Ave. S. Suite 6
Grand Forks, ND 58201
Telephone: (701) 775-7221
Fax: (701) 775-1114
Email: cdlaveau@usgs.gov

Customer Technical Point of Contact

Name: Jeff Frith
Board Manager
Address: 524 4th Avenue # 27
Devils Lake, North Dakota 58301
Telephone: (701) 662-7076
Fax: (701) 662-7096
Email: manager@dlbasin.com

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U.S. Geological Survey
United States
Department of Interior

Devils Lake Basin Joint Water Resource Board

Signature

By _____ Date: 06/12/2020
Name: Peter J. Cinotto
Title: Acting Director

Signatures

By _____ Date: _____
Name:
Title:

By _____ Date: _____
Name:
Title:

By _____ Date: _____
Name:
Title:

**U.S. Department of the Interior
U.S. Geological Survey
Joint Funding Agreement
FOR
Water Resource Investigations**

**Customer #: 6000000111
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Fixed Cost Agreement YES[X] NO[]

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U.S. Department of the Interior
U.S. Geological Survey
Joint Funding Agreement
FOR

Customer #: 6000000111
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U.S. Geological Survey
United States
Department of Interior

Devils Lake Basin Joint Water Resource Board

Signature

By _____ Date: 06/12/2020
Name: Peter J. Cinotto
Title: Acting Director

Signatures

By _____ Date: _____
Name:
Title:

By _____ Date: _____
Name:
Title:

By _____ Date: _____
Name:
Title:

Devils Lake Basin Joint Water Resource Board

Attachment for 20NTJFAND0066

7/1/2020 to 6/30/2021

SURFACE WATER

SITE NUMBER & DESCRIPTION	FUNDS		
	USGS	COOP	TOTAL
05056222 MORRISON LAKE NEAR WEBSTER, ND Stage, Continuous	\$2,730	\$3,770	\$6,500
05056241 DRY LAKE NEAR PENN, ND Stage, Continuous	\$2,730	\$3,770	\$6,500
05056265 BIG COULEE AT HWY 2 NEAR CHURCHS FERRY, ND Stage, Continuous	\$2,730	\$3,770	\$6,500
05056500 DEVILS LAKE NR DEVILS LAKE, ND Stage, Continuous	\$2,730	\$3,770	\$6,500
05056665 EASTERN STUMP LAKE NR LAKOTA, ND Stage, Continuous	\$2,730	\$3,770	\$6,500
Total: \$13,650 \$18,850 \$32,500			
GRAND TOTAL: \$13,650 \$18,850 \$32,500			

WATER TOPICS OVERVIEW COMMITTEE - June 4, 2020 Meeting Recap

Committee Members Representatives Jim Schmidt (Chairman), Chuck Damschen, Ron Guggisberg, Michael Howe, Bob Martinson, Jon O. Nelson, Todd Porter, Denton Zubke, Senators: David Hogue (vice-chair), Curt Kreun, Gary Lee, Larry Luick, Larry Robinson, Donald Schaible, Ronald Sorvaag were present and were joined in the meeting by Senators Rich Wardner, Ray Holmberg, and Rep. Karen Rohrs

The committee learned of the anticipated funding shortfall of the State Water Commission (SWC) budget and its action and necessary next steps related to the drop in the funding to the Resources Trust Fund (RTF). Due to declines in oil production and prices, instead of the forecast \$433 million of deposits into the RTF, revenue for the biennium will possibly be \$170 million to \$230 million less. Well short of the project and category appropriations allocated by the 2019 Legislature.

The committee heard brief status and funding updates from water projects sponsors and leaders from across the state. In the RTF, the SWC has collected \$168.7 million so far in 2019-2021 budget but has already approved \$182.5 million of grants. The June 9 SWC agenda has an additional \$50 million of grant requests.

During the course of the hearing committee identified about \$140 million in project efforts and grant requests that can wait until a future budget cycle. The committee had targeted to reduce the project list by trying to 'find' at least \$170 million in delayable spending.

The committee expressed appreciation to water and community leaders for recognizing the state water budget challenge and for volunteering to forgo some aspects of their project construction until later.

The committee adopted a formal recommendation to the SWC to take a hard look at prioritizing project requests within the \$50 million of funding requests slated for consideration at its June 9 meeting and to only fund critical projects and it

hold off on other projects spending of the RTF until July when it the oil production and revenue situation might be more clear.

The State Water Commission June 9 agenda can be found at this [link](#) and the full package of meeting materials and documents (465 pages) is available at this [site](#).

The SWC will be meeting by telephone starting at 1:00, call-in numbers and access codes appear on the agenda.

Slightly more detail of the June 4 meeting proceedings, links to presentations and committee discussion:

Dick Johnson, vice-chairman, State Water Commission

- discussed the anticipated funding shortfall of the SWC budget and its action and necessary next steps related to the drop in the funding to the RTF.
- June RTF deposit, which had been forecast to be slightly under \$18 million will be \$2.9 million- and 80% drop in the expected amount.
- Grants overspent \$16 million from current revenue and cost of operations is an additional \$25 million for remainder of biennium
- June 9, 2020 SWC agenda has \$50 million in requests.
- Asked for Water Topics Committee guidance on how to address shortfall and legislative intent.
- 320 projects submitted for the 2021 water development plan
- Water Coalition is working on a funding subcommittee to identify more reductions

Chris Kadrmas, Legislative Council staff - [presentation](#)

- May report of the RTF status does not yet reflect the decline in oil extract tax collections- two-month lag
- Report not reflective of the 80% drop in June deposits
- Based on oil price at \$20 per barrel in 2020 and \$26 per barrel in 2021, with 1.2 million barrels per day production, the RTF may receive \$163 to \$170 million less than the \$435 of the forecast revenue.

Heide Delorme, State Water Commission Director of Administration- discussed budget situation – [presentation](#)

- Estimated Deposits of \$230 million for biennium, when initially \$433 million was expected
- In June \$17.7 million projected but only collected \$2.9 million
- \$137 million deficit based on future obligations and earmarks
- \$75 million line of credit for biota treatment for NAWS is included in budget
- \$170 million shortfall anticipated from forecast

Jim Neubauer, Mandan, Bill Robinson and Dennis Reep Lower Heart WRD regarding the funding and status of the Mandan flood control project. [Presentation](#)

- Existing flood levee system provides protection.
- FEMA accreditations needed related to 4,400 residential and commercial structures.
- Flood insurance needed if the levees cannot be addressed
- Project involves hydraulic analysis; levee improvements including reinforcement and raise of 1 to 3 feet and interior drainage
- Legislature anticipated \$21million for Heart River project ins SB 2020.
- Completed \$10 million in current biennium and will carry forward \$2-3 million to next year.
- **\$11 million available to address the shortfall**

Duane DeKrey, regarding the Red River Valley Water Supply Project Recent progress, funding and future funding and project status. [Presentation](#)

- Discharge permit approval shifted to August
- \$13 million of 2017-19 money has been committed
- Because local cost-share are challenge local entities are not able to commit to the full \$30 million workplan.
- Fargo, Grand Forks and Cass Rural likely to proceed, but the other smaller-scale users have not formally committed to project
- Project will proceed with \$7.5 million for early out construction.

- Will defer \$20 million of funding.
- Next biennium request will be \$50 million in 2021-23.

Joel Paulson, regarding funding for the FM Area Diversion Project. [Presentation](#)

- Continuing construction during pandemic and workers still working
- Acquired over 370 parcels - 4,000 acres needed for construction
- Acquired and relocated over 200 residents to date
- Schedule is aligned with P3 procurement & USACE construction plan
- State Engineer approved the mitigation agreement earlier in week, which was a requirement of the SB 2020
- SB 2020 criteria: funding from MN including \$7 million, downstream mitigation approved, federal funding, no drainage permit required from OSE
- \$553 million local cost-share will be funded with a \$553 million WIFIA (federal Water Infrastructure Finance and Innovation Act) loan
- \$750 million of ND spending intent will serve as the match for WIFIA loan
- Of \$66.5 million anticipated from state- will be used for 2021 milestone payment of \$220 million cost-share agreement has not yet been approved.
- EPA/ Corps engineers WIFIA loan requires a local cost share amount, of which the state funding is included
- Will have immediate need for about \$44 million of the \$66.5 but will need the whole amount in the long run.
- Sales tax revenues have dropped by ~ 20% from earlier forecast, but a special assessment fallback if sales tax revenues are not met.
- Committee considered that \$22.5 million of the \$66.5 million the legislature authorized can be delayed

Minot Mayor Shaun Sipma, Dan Jonasson, and Ryan Ackerman regarding the Souris River Flood Control Project. [Presentation](#)

- Original Budget & Work Plan \$82.5 Million Total
 - \$46.6 Million Within Minot
 - \$35.9 Million Outside of Minot

- Souris River Joint Board and City of Minot recognize that revenues will likely not match \$82.5 million appropriated
- Modified 2019-2021 work plan to reduce budget by 40% \$33 Million State funds
- Immediate need \$49.5 million of state money
- Will shift the remaining \$33 million for next biennium.

water topics overview committee to meet in Minot August 19 and 20 to view project

Acting State Engineer John Paczkowski, Interim State Engineer discussed the status of Northwest Area Water Supply Project. [Presentation](#)

- \$75 million line of credit for biota treatment plant the maturity date might by June 30, 2021 according to Bank of ND.
- Of the \$130 million allocated for NAWS, the project can bid and build near-term projects \$ 114 million
- project has waited for 17 years through litigation and delays, so it should a priority.
- South Prairie Reservoir at \$16.2 million could be delayed until next budget cycle

Mary Massad, Southwest Water Authority. [Presentation](#)

- 3-prong approach- system upgrades, transmission capacity upgrade, buildout in regions that are underserved
- Strategic Plan includes reviews each service area and waiting list locations
- Identified a short list of eight projects which provide the most benefit for the cost
- The estimated cost to construct these eight projects is approximately \$4.6 million will provide capacity for 186 waiting list locations
- Transmission Capacity Upgrades \$7.2 million will increase capacity by 30%
- \$25.5 million was anticipated but will need \$12 million
- Frees up \$13.5 for future

Tami Madsen, Western Area Water Supply Authority project. [Presentation](#)

- Seven projects, designed and already bid.
- Estimates came in 20% below engineers' estimate.
- Bids received from traditional oil contractors to work.
- \$2.5 million local support with water project sign-up deposits.

SB 2020 had anticipated \$40 million for WAWS, \$30.4 million immediate need.

The committee considered \$9.6 million freed up (but \$5.5 million previously authorized)

Eric Volk, ND Rural Water Systems Association, discussed funding for rural water systems

- \$37.2 million anticipated from 2019 SB 2020.
- Had requested \$50 million at start of 2018 legislature - the Rural water systems scaled back
- 56% of funds authorized will be put to use in 2020 construction season
- Rural water systems are in various phases and stages of construction over the next two years
- 19 different systems, all asked to implement contingency funding plan but construction is underway in most cases.
- \$21.7 million already approved, \$12 million on June agenda.
- Could possibly release \$7.2 million of the \$37.2 initially anticipated.

Blake Crosby, North Dakota League of Cities

- \$45 million for municipal water projects, all had been approved by SWC by February of 2020
- Of 24 projects, all but 6 are already moving dirt with grants previously authorized
- \$12 million on June 9 SWC agenda.

- Opposed to reduced water cost-share funding when sales tax distribution, state aid, and highway distribution for cities are all declining at the same time
- Estimates of gross oil production tax receiving cities might have 50 % reduction in distributions and 60-70% reduction in 21-23 biennium
- League of Cities offered \$5 to \$5.5 million of previously expected funds

\$139.9 acknowledged by testifiers could wait for later, or next biennium.

Committee discussion regarding the State Water Commission budget:

- General Water management category represents \$27.1 million of the appropriation budget was not addressed by any witness, the committee urged the SWC and staff to closely review spending in that category
 - \$5 million of contingency funds were not used for 2020 flood response, so can presumably be available
 - The committee encouraged the SWC to ask projects to do a strong job a prioritizing, seek project economies and be wary of spending any of the \$50 million of funds on June 9, as that would put the deficit closer to \$65 million more grants approved than revenue realized.
 - If \$50 million is approved, combined with the existing shortfall and operations expenses, the deficit could be \$112 million.
 - Funds are allocated but not spent, but it cannot expend funds beyond what is available. Clear concern of the loss of a summer construction season, but the Committee urged the SWC to use the June 9 meeting to reprioritize and only approve the most critical grants, to not spend further beyond its means.
-
- Committee estimated the biennial shortfall to be at least \$170 million, but its work helped identify \$140 million that can be deferred.
 - Appreciation the effort of projects which identified but intend to remember the projects that could not identify cuts. There was no formal action, but consensus that \$170 million that cannot be funded this biennium, should

be carried over to be on the “short list” for biennial funding for next biennium funding as priorities.

- It also urged the SWC to examine operations, including salaries, positions, vacancies and to evaluate critical projects that need to proceed. It was suggested that it focus on water supply and small systems that are less able to adapt to shortfalls.

Rep. Porter made a motion, which was seconded by Rep. Martinson, the Water Topics Overview Committee to formally recommended to the State Water Commission to take a hard look at prioritizing project requests within the \$50 million of funding requests slated for consideration at its June 9 meeting, and to only fund critical projects and to hold off on other projects spending of the Resources Trust Fund until July when oil production and revenue situation might be more clear. The motion was adopted with one dissenting vote.

June 9, 2020 State Water Commission Meeting Summary:

In response to a dramatic drop in revenue to the Resources Trust Fund, earlier today the State Water Commission, chaired by Lt. Governor Sanford, formally tabled consideration of \$53.8 million of water project cost-share grant requests that it was scheduled to consider. The funding will be evaluated in July or at a later meeting when revenues and cashflow can be better analyzed.

June 9, 2020 State Water Commission (SWC) Meeting summary:

Financial Report and status- depicted graphically [here](#)

- Not including capital expenses and operations, the approved project grants exceed current revenues by \$23 million
- Estimate Deposits of \$230 million for biennium into Resources Trust Fund (RTF) when initially \$433 million was expected
- In June, the RTF deposit will be \$2.9 million, but \$17.7 million was projected
- \$137 million deficit based on future obligations and earmarks

Commissioner Dick Johnson reported that Legislative Water Topics Overview Committee which met on June 4 was adamant the SWC not deficit spend beyond its means.

Commissioner conversation about delaying additional expenditures until the revenue picture is clearer.

Johnson moved, which motion was seconded by Commission Dick Doug Goehring, to not approve project cost-share requests on today's agenda that will utilize current biennium revenue and the SWC monitor budget and revenue closely and if conditions improve and it can consider funding options in a month or two.

Discussion:

- Commission members requested detailed cashflow analysis to help make spending decisions in good times and bad, indicating that more information could help it make decisions.
- It was offered the SWC needs to discuss what is critical infrastructure that cannot be delayed and consider options of how to evaluate critical infrastructure.
- Concerns were expressed about losing the construction season with the summer decisions. Delays cost money and could make projects more expensive.
- The Water Topics Overview Committee has identified ~ \$140 million of anticipated spending that can be delayed. Committee was adamant that
- Unclear how many projects that have already been approved by the SWC could be delayed until later biennium.
- Delays will be a challenge for water projects but SWC cannot spend money the RTF does not have.

The motion was adopted.

July 16 was proposed as next SWC meeting date to reconsider funding requests and evaluate if the \$230 million of revenue is an appropriate estimate of RTF revenue.

In other action, the Commission:

1. Approved by a split vote, an expenditure of \$557,205 from the “general water management” allocation for a U.S. Geological Survey cooperative agreement for data collection from stream gauges, water quality monitoring, and aquifer monitoring.
2. Received the final consultant’s report of the Southwest Pipeline Project Ownership (SWPP) Study Final which was completed for a final cost of \$176,546. It found the fundamental difference between SWPP and other regional systems is the capital cost repayment feature, which initially favors the water users, but will shift to the benefit of the state as payments are made to the RTF by the water customers.
3. Tabled action on a Strategic Governance and Finance Study for which three proposals had been received in response to an RFP. There was no recommendation on a contractor for the \$200,000 study because there was insufficient scoring response.
4. Related to the SWPP
 - a. approved a change order using repurposed funds for \$75,000 change order to address blowoff upgrade value repairs.
 - b. Approved the use of \$100,000 of the project’s Reserve Fund for Replacement, kept for extraordinary maintenance and repairs, to repair a corroded stretch of raw water supply pipe. Subsequent to the agenda distribution, SWA requested \$1 million for metallic raw water pipe repair due to systemic corrosion beyond maintenance. The request will be evaluated by staff and a recommendation submitted to a future SWC meeting.
5. Recommended Commissioner Jason Zimmerman to serve on the NAWS Advisory Committee.
6. State law specifies Water Commissioner-hosted meetings within each water basin. The staff was tasked to plan socially safe in-person meetings within each basin to include the option for virtual or video participation. Meetings will be arranged in July and August across the state.
7. Formally adopted the Economic Analysis cost-share policy wherein a project’s benefit cost ratio, if less than 1 will have its ratio is multiplied times the eligible cost-share to arrive at a recommended funding level.
8. Approved a one-year extension of several four-year old projects:
 - a. Ten Mile Lake Flood Risk Reduction Project (Barnes County WRD) to address flooding to agricultural land and roadways. The project requested additional time to continue work with the NRCS on wetland level approvals. Current balance of \$36,812.
 - b. Rush River Watershed Detention Study (Cass County Joint WRD) for NRCS watershed detention study is 98% complete. Current balance is \$99,257.
 - c. Upper Maple Watershed Detention Study (Cass County Joint WRD) for NRCS watershed detention study which is 90% complete. Current balance \$47,056.

- d. Lynchburg Channel Improvements (Maple River WRD) for rural flood control project still working on a resolution with two landowners and wet conditions delayed the completion. Current balance of \$817,451.
 - e. Missouri River Recovery Program (State Water Commission) for legal services in with the Missouri River Recovery Program (MRRP) related to the state's interaction with the U.S. Army Corps of Engineers (USACE) and U.S. Fish and Wildlife Service (USFWS) and the Endangered Species Act and National Environmental Policy Act, and actions on the Missouri River. Current balance of \$46,510.
 - f. Second Larson Coulee Detention Pond (Ward County WRD) flood control project. Required federal and state permits are expected soon, project will be in 2020. Balance of \$602,307.
9. Tabled all current budget fund cost-share requests until July (or next) meeting (except Devils Lake levee cost share)
- Water Supply and Westhope Dam rehab
- Mandan: Raw Water Intake - \$5,477,400 tabled
 - Grandin: Water Storage Improvements - \$795,400 tabled
 - Killdeer: 2020 Watermain and Pump Station - \$1,060,500 tabled
 - Larimore: 2020 Water System Replacement - \$2,177,300 tabled
 - Bismarck: Lockport Pump Station - \$675,000 tabled
 - WAWSA: Phase 6 Construction - \$30,410,000 tabled
- Rural Water
- East Central RWD: 2019 Expansion Phase 4 Construction - \$3,711,000 tabled
 - Walsh RWD: Drayton Water Supply - \$4,713,600 tabled
 - North Prairie RWD: Benedict Water Distribution System - \$67,500 tabled
 - North Prairie RWD: Minot to Velva Hwy 52 Improvement - \$3,249,000 tabled
- General Water
- Logan County WRD: McKenna Lake Hydrologic Study Phase 2 - \$111,876 tabled
 - Bottineau County WRD: Westhope Dam Rehabilitation - \$23,764 ~~tabled~~ approved
- Flood Control
- Lower Heart River WRD: Lower Heart River Flood Risk Reduction - \$1,200,000 tabled
 - Mercer County WRD: Knife River Bank Stabilization - \$87,831 tabled
 - Rush River WRD: Cass County Drain No. 2 - \$4,500 tabled
10. Approved \$1.55 million from a 2012 era City of Devils Lake levee escrow account for recently realized cost share expenses for the Corp of Engineers construction project
11. Approved a Devils Lake Outlet Mitigation Request of \$115,000 to relocate a house threatened by Sheyenne Riverbank erosion related to Devils Lake outlet operations.

Correction: June 9, 2020 State Water Commission Meeting summary previously sent:

The Bottineau County WRD Westhope Dam project was approved for \$23,764 and not tabled as the meeting summary stated.

This project had been previously approved at 40% cost-share and on Tuesday, the SWC approved an additional 20% in accord with two other dam rehabilitation projects it authorized. While the \$23,764

the SWC approved is below the threshold for state engineer approval, the commission approved the grant in the spirit of transparency.



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NORTH DAKOTA CROP PROGRESS AND CONDITION

FARGO, N.D. June 15, 2020 - For the week ending June 14, 2020, there were 5.5 days suitable for fieldwork, according to the USDA's National Agricultural Statistics Service. Topsoil moisture supplies rated 5% very short, 28% short, 50% adequate, and 17% surplus. Subsoil moisture supplies rated 2% very short, 14% short, 65% adequate, and 19% surplus.

Field Crops Report: Soybean condition rated 0% very poor, 1% poor, 25% fair, 68% good, and 6% excellent. Soybeans planted was 90%, near 94% last year, and behind 98% for the five-year average. Emerged was 59%, behind 65% last year, and well behind 81% average.

Spring wheat condition rated 0% very poor, 3% poor, 19% fair, 73% good, and 5% excellent. Spring wheat emerged was 93%, equal to last year, and behind 98% average. Jointed was 29%, near 32% last year, and well behind 53% average. Headed was 1%, equal to last year, and near 4% average.

Durum wheat condition rated 0% very poor, 4% poor, 23% fair, 70% good, and 3% excellent. Durum wheat emerged was 94%, ahead of 86% last year. Jointed was 28%, near 31% last year, and behind 39% average.

Winter wheat condition rated 1% very poor, 10% poor, 22% fair, 62% good, and 5% excellent. Winter wheat jointed was 88%, near 84% last year and 91% average. Headed was 29%, near 26% last year, but behind 36% average.

Corn condition rated 0% very poor, 1% poor, 27% fair, 64% good, and 8% excellent. Corn planted was 94%, near 97% last year, and behind 99% average. Emerged was 74%, behind 79% last year and 92% average.

Canola condition rated 0% very poor, 2% poor, 27% fair, 68% good, and 3% excellent. Canola planted was 97%. Emerged was 79%, behind 89% last year.

Sugarbeet condition rated 0% very poor, 1% poor, 2% fair, 49% good, and 48% excellent.

Oats condition rated 0% very poor, 6% poor, 26% fair, 63% good, and 5% excellent. Oats planted was 97%, equal to last year, and near 99% average. Emerged was 81%, behind 86% last year and 93% average. Jointed was 36%, ahead of 30% last year, but behind 49% average.

Barley condition rated 0% very poor, 1% poor, 18% fair, 75% good, and 6% excellent. Barley planted was 97%, near 99% last year and 100% average. Emerged was 85%, behind 94% last year and 97% average. Jointed was 24%, behind 35% last year, and well behind 54% average.

Dry edible peas condition rated 0% very poor, 3% poor, 22% fair, 72% good, and 3% excellent. Dry edible peas planted was 98%, near 96% last year. Emerged was 88%, near 86% last year. Blooming was 3%, near 2% last year, but behind 11% average.

Sunflowers planted was 79%, near 80% last year, and behind 91% average. Emerged was 43%, equal to last year, and behind 59% average.

Flaxseed condition rated 0% very poor, 3% poor, 19% fair, 74% good, and 4% excellent. Flaxseed planted was 96%, equal to last year, and near 97% average. Emerged was 71%, behind 82% both last year and average.

Potatoes planted was 96%, near 100% last year and 98% average. Emerged was 45%, well behind 83% last year and 82% average.

Dry edible beans planted was 88%, behind 94% last year and 95% average. Emerged was 57%, behind 68% last year, and well behind 77% average.

Alfalfa condition rated 2% very poor, 7% poor, 31% fair, 51% good, and 9% excellent. Alfalfa first cutting was 13%, ahead of 3% last year, but near 16% average.

Pasture and Range Report: Pasture and range conditions rated 2% very poor, 8% poor, 31% fair, 52% good, and 7% excellent.

Stock water supplies rated 2% very short, 10% short, 79% adequate, and 9% surplus.

Data for this news release were provided at the county level by USDA Farm Service Agency, NDSU Extension Service, and other reporters across the State.

Access the National Crop Progress and Condition publication at:
<https://usda.library.cornell.edu/concern/publications/8336h188j>

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