

LAKE AGASSIZ WATER AUTHORITY

BOARD OF DIRECTORS

**Fargo Commission Chambers
October 14, 2025**

A meeting of the Lake Agassiz Water Authority (LAWA) board of directors was held October 14, 2025. The meeting was called to order by Chair Mahoney at 2 p.m.

BOARD MEMBERS PRESENT

Chair Timothy Mahoney
Vice Chairman Brandon Bochenski
Director LaVonne Althoff
Director Ann Broussard
Director Dave Carlsrud
Director Bernie Dardis
Director Tom Erdmann
Director Alan Idso
Director Tim Meyer
Director Jim Schmaltz
Director Travis Schmidt
Alternate Jeremy Schuler for Director Rick Bigwood
Alternate Brian Reilly for Director Keith Nilson
Secretary Duane DeKrey

MEMBERS ABSENT

Associate Member Brett Lambrecht
Associate Member Jim Moe
Associate Member Carol Siegert

Others in attendance are listed on the registration sheet (Annex I).

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

ANNOUNCEMENTS & INTRODUCTIONS

Chair Mahoney introduced Mayor Tim Meyer as the newest member of the LAWA board, representing the City of Lisbon.

APPROVAL OF AGENDA

Motion by Director Schmaltz to approve the board meeting agenda. Second by Director Carlsrud. Upon voice vote, motion carried.

CONSIDERATION OF MINUTES

Motion by Director Althoff to approve the September 9, 2025, LAWA Board meeting minutes as distributed. Second by Director Schmidt. Upon voice vote, motion carried.

FINANCIAL REPORT

2025 Budget Analysis Statement - - Merri Mooridian, Deputy Program Manager, RRVWSP Administration, Garrison Diversion Conservancy District, reviewed the Draft Budget Analysis Statement for the period of January 1, 2025, to September 30, 2025 (Annex II).

Total income received through September was \$39,089, with expenses totaling \$230,585. The bank balance at the end of September 2025 was \$59,989.

Ms. Mooridian noted the remaining expense budget is \$141,659, and since the bank balance will not cover the total 2025 budgeted expenses, the cities of Fargo and Grand Forks have agreed to contribute \$90,000 to offset the shortfall.

Motion by Director Dardis to approve the Budget Analysis Statement for the period of January 1, 2025, through September 30, 2025. Second by Director Broussard. Upon roll call vote, the following directors voted aye: Althoff, Bochenski, Broussard, Carlsrud, Dardis, Erdmann, Idso, Mahoney, Meyer, Schmaltz and Schmidt. Alternates voting aye: Reilly and Schuler. Those voting nay: none. Motion carried.

2025 Bills Paid - - Ms. Mooridian referenced the one bill paid since the September board meeting, which was for legal fees.

Summary of Dues Paid - - Ms. Mooridian stated the table in the meeting packet shows \$34,600 has been submitted for 2025 LAWA membership dues.

RED RIVER VALLEY WATER SUPPLY PROJECT

Construction and Work Plan Update - - Kip Kovar, Deputy Program Manager, RRVWSP Engineering, Garrison Diversion Conservancy District, shared a PowerPoint presentation covering the active construction projects for the RRVWSP.

Since the September board meeting, nearly three miles of pipe have been installed, with a total of 9.4 miles installed this year.

Segment Progress – Segments 5B, 5C, 5D, and 6A:

- **Garney Construction (Segment 5B):**
 - Pipeline installation and restoration complete
- **Oscar Renda Contracting (Segment 5C):**
 - 6.3 miles of pipe installed
- **Carstensen Construction (Segment 5D):**
 - 9.2 miles of pipeline installed
- **Carstensen Construction (Segment 6A):**
 - 1.9 miles of pipeline installed

Mr. Kovar also provided an update on the water treatment plant piloting and treatability study being conducted along the McClusky Canal. Test results will be shared with the board when the study is complete.

The original construction contract amount totaled \$270,600,291. There is a net increase of \$585,319 due to change orders, bringing the current total contract amount to \$271,185,611.

Mr. Kovar referenced the RRVWSP Work Plan Update dated September 15, 2025, summarizing construction activities (Annex III).

2023-2025 Biennium Work Plan/Budget - - Mr. Kovar referenced the RRVWSP 2023-2025 Biennium Work Plan dated September 2, 2025, in the amount \$246 million (Annex IV). There are no changes at this time.

2025-2027 Draft Biennium Work Plan/Budget - - Mr. Kovar presented the Draft 2025–2027 Biennium Work Plan/Budget dated September 2, 2025, totaling \$273 million (Annex V). There are no changes at this time.

Program Schedule - - Mr. Kovar next reviewed the updated RRVWSP Program Schedule dated September 2, 2025.

Chair Mahoney stated now that Series F is in the process of being finalized, when would bidding on upcoming contracts begin.

Mr. Kovar replied the program schedule shows an advertisement date of November 1 and an approximate date for the notice to proceed in January or February; however, there may be ways to shorten that schedule up. One example would be issuing a limited notice to proceed at the time of the notice of award. This would allow the contractor to start purchasing steel coil and could shorten up the timeframe by one month.

Mr. Kovar recommended, if Series F is approved, bidding Contracts 6B, 6C and 7A in succession.

User Engagement Update

Memorandum of Commitment Approvals

Steve Burian, Burian & Associates, provided a prospective users update. The total nomination for the RRVWSP is projected to go up to 164.14 cfs or 165 cfs if Devils Lake were to sign on to the project. Dakota Rural Water District, Hannaford and Lakota are also prospects.

Mr. Burian reviewed user scenarios with a Memorandum of Commitment (MOC) signed and approved to sign users with and without the James River for conveyance.

Vice Chair Bochenski inquired about the amount spent to date and the remaining budget on the User Engagement Task Order.

Mr. Burian reported that an amendment of approximately \$126,000 was approved by the LAWA Board at its August meeting. The amendment covers carryover work related to user

engagement and operational planning. He noted that no billings have been submitted to date for services under the amendment.

Vice Chair Bochenski requested a summary be provided outlining the total task order amount, expenditures to date, and remaining balance.

Mr. Kovar agreed to provide that information to Vice Chair Bochenski.

Chair Mahoney referenced the MOC included with the board meeting materials (Annex VI). This has been signed and submitted by Traill County, indicating their anticipated nomination for future water needs from the project. The board's approval is required on the MOC.

Motion by Vice Chair Bochenski to approve the RRVWSP Memorandum of Commitment by and between the Lake Agassiz Water Authority, Garrison Diversion Conservancy District and Traill County. Second by Director Schmidt. Upon roll call vote, the following directors voted aye: Althoff, Bochenski, Broussard, Carlsrud, Dardis, Erdmann, Idso, Mahoney, Meyer, Schmaltz and Schmidt. Alternates voting aye: Reilly and Schuler. Those voting nay: none. Motion carried.

DEPARTMENT OF WATER RESOURCES

Pat Fridgen, Deputy Director, Department of Water Resources (DWR), provided updates on the agency's activities, including a \$55 million funding request for the RRVWSP, which was approved at the October 9 State Water Commission meeting, including the \$18.3 million loan from the Water Infrastructure Revolving Loan Fund (WIRLF). This brings the grant total for the biennium to \$205 million, which was included in HB 1020.

He mentioned ongoing legislatively required studies. The first one is the cost share program and policy evaluation. A final report is expected in March. The purpose of the study is to look at available funding for water projects through 2039, the timing of those projects and to identify any anticipated shortfalls that may result. The deliverables from that project will be a financial model to help the DWR, governor's office, legislature and project sponsors look at options for meeting any potential shortfalls and to make sure the cost share program is sustainable over time. The other study is the regional water systems governance and finance study, with a draft report expected in March and the final report in May. The purpose of this study is to analyze the long-term governance and finance models of Northwest Area Water Supply (NAWS), Southwest Pipeline Project (SWPP) and the RRVWSP. The study will include an evaluation of operational and organizational aspects of those three systems. As part of the study, a strengths, weaknesses, opportunities and challenges analysis will be conducted. Deloitte has been hired to conduct both studies. There is a stakeholder engagement element to the governance and finance study as part of the process.

Mr. Fridgen added there is also a Missouri River Intake Phase II study ongoing, which will take a deeper dive into the intake locations and options. It is hoped to have a request for proposals out in November. Field inspections are expected to take place this spring.

PROJECT AGREEMENT UPDATE AND PLAN

Term Sheet - - John Shockley, Ohnstad/Twichell, reported there is not much of an update on the Term Sheet. It has been provided to Garrison Diversion's counsel, and LAWA is awaiting their response. It is consistent with what the LAWA Board previously approved.

Interim Financing Agreement Series F - - Chair Mahoney noted that several of the seven signees to the Interim Financing Agreement Series F have already approved the document, and LAWA's approval is also required.

Mr. Shockley reminded the board that four position statements had previously been developed, several of which addressed the split delivery of the RRVWSP and concerns regarding members who hold Thompson-Acker (TA) water permit rights. Through those discussions, the board approved the concept of the Term Sheet and the associated talking points.

Mr. Shockley stated the goal was to ensure the Series F Agreement accurately reflected the direction provided by the board. Working with counsel for Grand Forks and Fargo, edits were made primarily to the recitals, along with certain revisions to the body of the document, before forwarding the draft to Garrison Diversion's counsel.

He explained there was extensive back-and-forth between the parties, culminating in Garrison Diversion requesting that some recitals be removed and others reinstated. Following meetings with Grand Forks and Fargo counsel, agreement was reached on most of Garrison Diversion's proposed changes, with two issues remaining outstanding:

1. The split delivery of the project, as endorsed by the LAWA Board
2. The Thompson-Acker (TA) rights

Mr. Shockley noted that a subsequent email from Garrison Diversion's counsel was not well received. As a result, Vice Chair Bochenski visited with Governor Armstrong to discuss the need for greater state involvement in the RRVWSP to represent the state's interests.

At the June meeting with the DWR, the department indicated its willingness to lead discussions with the TA rights holders, consistent with the position of LAWA, Garrison Diversion, and Grand Forks. Since then, DWR's director has become more involved in the project and helped facilitate a revision to Recital Seven in the Series F Agreement.

Mr. Shockley explained that Recital Seven now clearly identifies the five LAWA member entities with TA rights and specifies that DWR will lead negotiations with the TA rights holders. This is critical because those holders possess substantial water storage rights within Lake Ashtabula, and resolving the extent and nature of those rights is essential to establishing the legal foundation for storing water there.

He reiterated his objective as counsel for LAWA is to ensure that all member entities have a marketable water right—that is, each entity paying for water from Lake Ashtabula receives full value and use of the quantity purchased, whether one cfs, one acre-foot, or 82 cfs.

Mr. Shockley noted that Series F reflects the collaborative work of Fargo, Grand Forks, and LAWA. He has shared the updated draft with all participating entities and remains in communication regarding these issues.

Finally, he referenced Section 3.04, a technical issue involving an irrevocable pledge provision. Bond counsel for Grand Forks, Fargo, and other entities expressed concern that the language resembled a debt issuance, creating complications. Mr. Shockley contacted the

bond counsel for Bank of North Dakota (BND) and proposed alternative language now incorporated in Series F. Counsel appeared receptive but indicated it would still require BND's review.

Under the proposed provision, each participating city or entity must make its annual appropriation by October. If an entity fails to do so, it must notify all parties, including BND, and such non-appropriation would constitute a default under the Series F Agreement.

Mr. Shockley reported the next area of focus will be to finalize the Term Sheet and begin work on a Water Supply Agreement with Garrison Diversion. Work is also underway on a User Agreement between LAWA and the end users for water delivery.

Motion by Director Carlsrud to approve the Interim Financing Agreement Series F by and between Garrison Diversion Conservancy District, Lake Agassiz Water Authority, City of Carrington, City of Cooperstown, City of Fargo, City of Grand Forks, City of Hillsboro, City of Mayville and City of Valley City. Second by Vice Chair Bochenski.

Director Schmaltz expressed concern that not all board members had reviewed the proposed Series F Agreement and requested the board's consideration be tabled until the next meeting.

Vice Chair Bochenski remarked that this has been one of the most challenging and unusual negotiations he has been involved in. He explained that while legal counsel's redlines were often met with lengthy narrative responses and claims of bond counsel or BND objections, those concerns were ultimately resolved through direct communication with BND. He emphasized that this is a loan agreement with BND, and after further clarification, several final adjustments were made in LAWA's favor. The majority of users have already approved the agreement, and he encouraged any members with concerns to raise them for discussion.

Director Schmaltz reiterated his desire to review the document before approving it.

Brent Bogar, Consultant, LAWA, explained that due to the timing of recent revisions, hard copies were not printed in advance but could be distributed during the meeting.

Chair Mahoney inquired whether delaying the vote would impact the bidding process.

Mr. Kovar said he does not believe bidding would be delayed if the board is given until next meeting to act on the agreement.

Chair Mahoney suggested the board could defer action on the agreement until the next meeting.

Mr. Bogar added another option would be to approve the agreement contingent upon board member input, similar to how the participating cities approved the agreement contingent on final legal review.

Chair Mahoney stated that, in fairness, the entire board should review the agreement before final approval.

Motion by Director Schmaltz to table action on the Interim Financing Agreement Series F until the next board meeting. Second by Director Althoff. Upon voice vote, motion carried.

UNFINISHED BUSINESS

LAWA Bylaws Revisions - - Katie Schmidt, Ohnstad Twichell, noted the final version of the LAWA Bylaws are included in the meeting packet for reference.

Alternate Schuler requested clarification on Section VI.6, specifically when a vote from the City of Fargo would be required.

Ms. Schmidt explained that a vote from the City of Fargo is required on all supermajority items, except those pertaining to the election, selection, or removal of LAWA officers or senior staff.

NEW BUSINESS

LAWA City Member Election Results - - Mr. Bogar reported that at the recent League of Cities Conference, elections were held for LAWA city members. The only change was Lisbon replacing Mayville as the representative for cities with populations under 5,000 east of Highway 1.

Resolution of Condolence - - Chair Mahoney acknowledged the passing of John “Jack” Hancock, former LAWA Board member representing the Agassiz Water Users District, and referenced the Resolution of Condolence (Annex VII). Vice Chair Bochenski read the resolution aloud in recognition of Director Hancock’s service and dedication.

Motion by Director Althoff to approve the Resolution of Condolence for John Hancock. Second by Director Schmaltz. Upon voice vote, motion carried.

Resolution of Appreciation - - Chair Mahoney read aloud the Resolution of Appreciation (Annex VIII) acknowledging the City of Mayville and Don Moen, for their service to the LAWA Board.

Motion by Vice Chair Bochenski to approve the Resolution of Appreciation for the City of Mayville. Second by Director Schmidt. Upon voice vote, motion carried.

OTHER

The meeting adjourned at 2:48 p.m.

Timothy Mahoney, Chair

Duane DeKrey, Secretary

REGISTRATION

LAWA Board Meeting
Fargo Commission Chambers
October 14, 2025

NAME	ORGANIZATION
Lisa Schaper	GDCD
Kimberly Cook	GDCD
Dave Dickson	City of Fargo
Bret Brinkman	CRWD
Dan Johnson	COF
Marc Ritchard	Moorhead Public Service
Dennis MIRANOWSKI	City of WAHPETON
Don Lingen	SE Water Users District
Kipkins	EGF
Keith myklesest	EAST Grand Forks WATER & LIGHT
Kurt Sorensen	Block & Veatch
Steve Burian	Burian & Associates
Jeff Breker	S E Water
Joe Zauner	American
Muri M. L.	GDCD
Kip Koon	GDCD
Dwane DePree	GDCD
Lami Norgard	Vogel Law Firm -
Brent Bogen	A-E-S / CADA
Bruce Corbett	Fargo
Todd Ireland	Grand Forks
On-Line	
Cory Drevecky	Dept of Water Resources
Maureen Storstad	City of Grand Forks
John Shockley	Ohnstad Twichell
Jeremy Schuler	Northeast Regional Water District
Pat Fridgen	Dept of Water Resources
Al Grasser	City of Grand Forks

REGISTRATION

LAWA Board Meeting
 Fargo Commission Chambers
 October 14, 2025

NAME	ORGANIZATION
John Dingess	City of Fargo
Dustin Scott	City of West Fargo
Dan Gaustad	City of Grand Forks
Jay Anderson	Garrison Diversion
Willie Galindo	City of West Fargo
Ian McLean	City of Fargo
Sabrina Scherr	Garrison Diversion
Ashley Reisenauer	Garrison Diversion
Jarret Bauer	Garrison Diversion
Tom Erdmann	LAWA/City of Carrington
Brian Reilly	Walsh Rural Water District
Jeff LeDoux	Garrison Diversion



	Budget 2025	Actual as of 9.30.25	Balance of Budget
Income			
Dues Income	\$ 35,000.00	\$ 34,600.00	\$ 400.00
Miscellaneous	\$ 99.00	\$ 99.00	\$ -
Cost Share-Interim Finance	\$ 6,945.00	\$ 4,390.01	\$ 2,554.99
Total Income	\$ 42,044.00	\$ 39,089.01	\$ 2,954.99
Expenses			
Dues Expenses	\$ 6,500.00	\$ 6,320.00	\$ 180.00
ND Water Users Association	\$ 5,000.00	\$ 5,000.00	\$ -
ND Water Coalition	\$ 1,000.00	\$ 1,000.00	\$ -
ND Rural Water Systems Assoc.	\$ 500.00	\$ 320.00	\$ 180.00
Accounting	\$ -	\$ -	\$ -
Directors Expense	\$ -	\$ -	\$ -
Insurance	\$ 550.00	\$ 461.00	\$ 89.00
Construction	\$ -	\$ -	\$ -
Engineering	\$ 6,945.00	\$ 4,390.01	\$ 2,554.99
Property Acquisiton/Easements	\$ -	\$ -	\$ -
Admin Expense	\$ 250.00	\$ 83.46	\$ 166.54
Legal/Prof Serv	\$ 358,000.00	\$ 219,331.15	\$ 138,668.85
Ohnstad Twichell, P.C.	\$ 137,982.00	\$ 96,085.27	\$ 41,896.73
AE2S	\$ 181,768.00	\$ 92,619.32	\$ 89,148.68
Garrison Diversion - BHFS	\$ 30,750.00	\$ 23,126.56	\$ 7,623.44
Garrison Diversion - Effertz Law	\$ 7,500.00	\$ 7,500.00	\$ -
Total Expenses	\$ 372,245.00	\$ 230,585.62	\$ 141,659.38

Bank Activity

Beginning Bank Balance 1-1-25	\$	251,616.13
Income Received	\$	39,089.01
Bank Fees	\$	(130.31)
Total Funds Available	\$	290,574.83

Check #1263 ND Water Coalition	\$	1,000.00
Check #1264 ND Water Users	\$	5,000.00
Check #1265 AE2S	\$	15,568.25
Check #1266 Ohnstad Twichell	\$	16,267.77
Check #1267 Ohnstad Twichell	\$	6,017.00
Check #1268 Garrison Diversion (BHFS)	\$	7,687.50
Check #1269 Garrison Diversion (Effertz Law)	\$	3,750.00
Check #1270 AE2S	\$	10,696.32
Check #1271 AE2S	\$	15,175.64
Check #1272 Ohnstad Twichell	\$	4,476.50
Check #1273 AE2S	\$	9,538.71
Check #1274 Ohnstad Twichell	\$	2,095.50
Check #1275 Garrison Diversion (Effertz Law)	\$	3,750.00
Check #1276 Garrison Diversion (BHFS)	\$	7,687.50
Check #1277 Garrison Diversion (CS 33)	\$	3,410.49
Check #1278 AE2S	\$	11,314.58
Check #1279 Ohnstad Twichell	\$	13,553.00
Check #1280 Countryside Creations	\$	83.46
Check #1281 Garrison Diversion (CS 34)	\$	979.52
Check #1282 Ohnstad Twichell	\$	10,825.50
Check #1283 ND Rural Water	\$	320.00
Check #1284 AE2S	\$	20,865.07
Check #1285 Ohnstad Twichell	\$	11,688.00
Check #1286 AE2S	\$	9,460.75
Check #1287 Garrison Diversion(BHFS/Bernhardt)	\$	7,751.56
Check #1288 Insure Forward	\$	461.00
Check #1289 Ohnstad Twichell	\$	31,162.00
Total Expenses	\$	230,585.62

Ending Bank Balance \$ **59,989.21**

**RRVWSP Work Plan Update
September 15, 2025**

CONSTRUCTION

Pipeline Construction

Contract 5B

Pipe installation was completed in 2024, and field restoration was completed this year on the nine-mile contract.

The pipeline passed the hydrostatic testing; 296 psi was held for 4 hours.

To date, \$39,090,882.28 has been paid on the original contract amount of \$45,961,700.00. Change Orders No. 1, 2, 3, 4 and 5 have been approved, leaving the current contract price at \$47,619,339.79.

Contract 5C

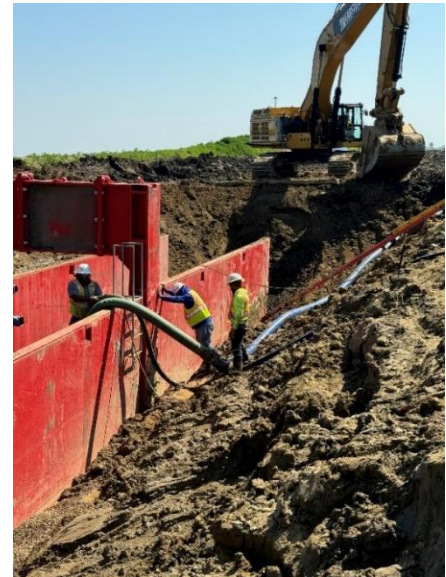
The contract price is \$76,663,355.00 for 8 miles of pipe awarded to Oscar Renda Contracting.

As their install targets were not being met, a second pipe crew started on July 10, and as of September 15, four crews are on site. Thus far, 28,950 feet has been installed. Tunneling subcontractor, Minger Contracting, has moved to the James River tunnel site.

To date, \$43,503,619.58 has been paid on the original contract amount of \$76,663,355.00.



Stripping Topsoil



Trench Box w/ Dewatering Pipes

Contract 5D

The contract price is \$61,677,275.00 for 10 miles of pipe awarded to Carstensen Contracting. Thus far, the contractor has installed 44,501 feet with one pipe crew.

To date, \$43,669,880.16 has been paid on the original contract amount of \$61,677,275.00. Change Order No. 1 has been approved, leaving the current contract price at \$59,375,495.00.



Stored Pipe on Site



Placing Dewatering Pipe

Contract 6A

The contract price is \$52,528,500.00 for 7.1 miles of pipe awarded to Carstensen Contracting. Thus far, the contractor has installed 7,077 feet of pipe.

To date, \$15,850,048.28 has been paid on the original contract amount of \$52,528,500.00.

DESIGN

The design team is also working with Reclamation on the location for the BWTP and pump stations. Final design efforts have started on Contracts 7 and 4. Additional geotechnical data is complete.

RRVWSP Awarded Contracts				
No.	Contract Name	Contractor	Bid Price	Final Contract Price
1	Missouri River Intake Wet Well & Site Development	ICS	\$4,989,405.88	\$4,721,446.47
1	Sheyenne River Outlet Discharge Structure & Site Development	Industrial Builders	\$1,516,955.00	\$1,521,884.00
2	Missouri River Intake, Screen Structure & Tunnel	Michels	\$18,896,900.00	\$19,444,156.60
5A	Transmission Pipeline East (TPE)	Garney	\$8,366,201.00	\$8,393,396.44
5B	TPE Carrington to Bordulac	Garney	\$45,961,700.00	
5D	TPE Sykeston to Carrington	Carstensen	\$61,677,275.00	
5C	TPE Bordulac to James River	Oscar Renda	\$76,663,355.00	
6A	TPE James River to McKinnon Township	Carstensen	\$52,528,500.00	



**RED RIVER VALLEY
WATER SUPPLY PROJECT**

Lake Agassiz
Water Authority

2023 to 2025 Biennium Work Plan

(\$246 mil Total Funding: \$4.5M Federal; \$180M State; \$61.5M Local Users)

September 2, 2025

No.	Scope of Work	Feature	Date Task Orders Auth	Note	2023-25 Bien ENDAWS Project Development Budget (mil \$)			2023-25 Biennium RRVWSP Project Development Budget (mil \$)			2023-25 Biennium RRVWSP Project Constr Budget (mil \$) ^{1,2,3}			
					Total	Fed/Sta 75%	Local 25%	Total	State 75%	Local 25%	Total	State 75%	Local 25%	
	Garrison Diversion Conservancy District Budget													
1.	Scope: Account for all costs for which Garrison Diversion is responsible not included in other Task Orders listed here. Need: Budget allocation for GDCD direct costs associated with the Red River Valley Water Supply Project.	Garrison Diversion's costs for the RRVWSP, including internal mgmt, admin, legal, communication, insurance advisory, misc., etc.		GDCD				\$ 1.00	\$ 0.75	\$ 0.25				
	Property, Easements, and Crop Damage Payments⁴													
2.	Scope: Costs to obtain easements and acquire property for associated facilities. Crop damage payments to landowners. Need: Secure land for installing future pipeline segments staying years ahead of pipeline design/construction needs. Purchase property on which to build all remaining facilities so property will be in hand before final design begins.	Acquire easements in Sheridan and Wells County for 32-mi pipeline. Pay bonus payment to all easement holders. Acquire property for Biota WTP, Hydraulic Break Tanks, McClusky Canal Intake, and James River sites. Pay for crop damage.		RRVWSP				\$ 2.21	\$ 1.66	\$ 0.55				
3.	Transmission Pipeline East Contract 5C Scope: Pipeline installation, including construction phase engineering services by Engineer. Need: Continue progress of transmission pipeline installation for completion of RRVWSP by the target end date.	8± mi of 72" pl, including two 96" tunnels. Pipeline extends eastward from Contract 5B NE of Bordulac to a termination point just east of the James River.	Jul-23 Nov-23	Prof Svcs Const, 2026 Fin								\$ 5.64	\$ 4.23	\$ 1.41
4.	Transmission Pipeline East Contract 5D Scope: Pipeline installation, including construction phase engineering services by Engineer. Need: Continue progress of transmission pipeline installation for completion of RRVWSP by the target end date.	10± miles of 72" pl, including several 96" tunnels. Pipeline section extends westward from Contract 5A south of Carrington to a termination point south of Sykeston.	Jul-23 Oct-23	Prof Svcs Const, 2026 Fin								\$ 5.47	\$ 4.10	\$ 1.37
5.	RRV Transmission Pipeline Contract 6A Scope: Pipeline installation, including construction phase engineering services by Engineer. Need: Continue progress of transmission pipeline installation for completion of RRVWSP by the target end date.	6± mi of 72" pl, including several 96" tunnels. Pipeline section extends eastward from Contract 5C just east of the James River to a termination point southwest of Glenfield.	Jul-23 Dec-24	Prof Svcs Const, 2027 Fin								\$ 5.47	\$ 4.10	\$ 1.37
6.	ENDAWS Transmission Pipeline Contract 3 Scope: Final design (30% docs to biddable plans and specs) and bidding assistance. Need: Continue progress of transmission pipeline installation for completion of RRVWSP/ENDAWS by the target end date.	11± mi of 72" pipeline, including 96" tunnels. Pipeline section extends west from the west end of Contract 4 to the Sheridan Wells County line.	Aug-23	ENDAWS				\$ 3.06	\$ 2.29	\$ 0.76				
7.	Transmission Pipeline East Contracts 4A and 4B Scope: Final design (30% docs to biddable plans and specs) and bidding assistance. Need: Have the next pipeline section bid-ready when State funding becomes available (likely the 2025-27 biennium).	27± mi of 72" pl, including several 96" tunnels. Pipeline extends from the west end of Contract 5D south of Sykeston west to a termination point NE of Hurdfield at HBTs.	Feb-24	Prof Svcs				\$ 7.18	\$ 5.39	\$ 1.80				



RED RIVER VALLEY
WATER SUPPLY PROJECT

Lake Agassiz
Water Authority

2023 to 2025 Biennium Work Plan

(\$246 mil Total Funding: \$4.5M Federal; \$180M State; \$61.5M Local Users)

September 2, 2025

No.	Scope of Work	Feature	Date Task Orders Auth	Note	2023-25 Bien ENDAWS Project Development Budget (mil \$)			2023-25 Biennium RRVWSP Project Development Budget (mil \$)			2023-25 Biennium RRVWSP Project Constr Budget (mil \$) ^{1,2,3}			
					Total	Fed/Sta 75%	Local 25%	Total	State 75%	Local 25%	Total	State 75%	Local 25%	
8.	RRV Transmission Pipeline Contract 7 Scope: Final design (30% docs to biddable plans and specs) and bidding assistance. Need: Have the next pipeline section bid-ready when State funding becomes available (likely the 2025-27 biennium).	14± mi of 72" pipeline, including several 96" tunnels. Pipeline extends from the east end of Contract 6B to the outfall on the Sheyenne River southeast of Cooperstown.	Aug-23	Prof Svcs				\$	2.93	\$ 2.19	\$ 0.73			
9.	McClusky Canal Intake and Pumping Station Scope: Conceptual and preliminary design of an intake and pumping station at the McClusky Canal. Need: Preliminary designs are necessary so site acquisition can begin and final design can commence when land is secured.	Siting: passive intake screens, pumping station similar to MRI, and utility extension design can begin for new facility to be located near McClusky, ND.	Feb-24	Prof Svcs	\$	0.75	\$ 0.56	\$ 0.19						
10.	Biota Water Treatment Plant and Main Pumping Station Scope: Conceptual and preliminary designs for a Biota WTP and Main Pumping Station, including hydraulic surge facility. Need: Complete design to a point where land acquisition can begin and project can move into final design next biennium.	165-cfs biota WTP, with chlorine and UV disinfection to meet NDPDES permit and FEIS requirements per Reclamation. Chloramines for residual disinfectant in pipeline.	Feb-24	Prof Svcs	\$	2.87	\$ 2.15	\$ 0.72						
11.	Hydraulic Break Tanks Scope: Preliminary design of above-ground tanks and associated facilities at or near the continental divide. Need: Complete design to a point where land acquisition can begin and project can move into final design next biennium.	Two 5 MG above-ground storage tanks and accessories, site piping and valves, monitoring, and utility extensions necessary for a new greenfield site.	Feb-24	Prof Svcs	\$	0.37	\$ 0.28	\$ 0.09						
12.	PMIS Annual Licenses & Continued Maint/Upgrades Scope: Annual software license renewal for expanded team and consulting support for training and configuration services. Need: Create greater efficiency and documentation for voluminous amount of construction related documents.	Vendor fees (e-Builder & DocuSign) for licenses of expanded team and consulting support for training of contractors/ subcontractors and workflow/report additions and modifications.	Feb-24	Vend & Prof Svcs	\$			\$	0.50	\$ 0.37	\$ 0.12			
13.	Prg Mgmt to Support Larger Spend and Expanded Team Scope: Overall program management, planning, budgeting, scheduling, and other support for Garrison Diversion. Need: Consulting services of a broad programmatic nature not included under project-specific design or construction TOs.	Overall planning, management, administration, scheduling, budgeting, coordination, meeting preparation/attendance, regulatory interface, reporting, etc.	Aug-23	Prof Svcs	\$			\$	0.65	\$ 0.49	\$ 0.16			
14.	Outreach, Plng, and Design to Secure User Commitments Scope: User briefings and necessary support, including conceptual designs, to secure project commitments. Need: Define pipeline extensions to identify for users how and a what cost water will be delivered to their communities.	Size pipelines, pumping stations, channels, storage, etc. and other necessary infrastructure to deliver raw water to end users. Update capex to reflect current market.	Aug-23	Prof Svcs	\$			\$	1.69	\$ 1.27	\$ 0.42			



2023 to 2025 Biennium Work Plan

(\$246 mil Total Funding: \$4.5M Federal; \$180M State; \$61.5M Local Users)

September 2, 2025

No.	Scope of Work	Feature	Date Task Orders Auth	Note	2023-25 Bien ENDAWS Project Development Budget (mil \$)			2023-25 Biennium RRVWSP Project Development Budget (mil \$)			2023-25 Biennium RRVWSP Project Constr Budget (mil \$) ^{1,2,3}			
					Total	Fed/Sta 75%	Local 25%	Total	State 75%	Local 25%	Total	State 75%	Local 25%	
	Operational Planning and Asset Management Phase 3 Scope: System modeling, evaluation, planning, and report development documenting results/findings/outcomes. Need: Finalize Garrison Diversion, State Water Commission, and USACE roles for system operation.	Refine details of diversions to/from Lake Ashtabula. Finalize stakeholder roles and responsibilities as it relates to system operation.	Feb-24	Prof Svcs				\$	0.62	\$ 0.46	\$ 0.15			
15.			Aug-25	Prof Svcs										
	Financial Planning Support Scope: Continue to refine the financial model and provide scenarios as required to support users and the program. Need: Accurate water bill estimates and affordability for customers are necessary to gain approval from users.	Update financial models; address state loan and financing program changes; end user funding, financing, and cost-share analyses; continued funding and finance outreach.	Aug-23	Prof Svcs				\$	0.59	\$ 0.44	\$ 0.15			
16.														
	McClusky Canal Hydraulic & Water Quality Investigation Scope: Study and report on operation of the McClusky Canal to reliably supply flow to irrigators and the ENDAWS project. Need: The McClusky Canal and the Snake Creek Pumping Plant are critical components of the ENDAWS/RRVWSP system.	Evaluate canal improvements necessary to deliver flows. Develop operational plan to supply irrigators and ENDAWS/RRVWSP system while improving delivered water quality.	Apr-25	Prof Svcs		0.44	\$ 0.33	\$ 0.11						
17.														
	ENDAWS Facilities Site Development Contract 1 Scope: Final design and bidding assistance with partial execution of the construction work by GDCCD. Need: Provide site access for construction and ready site for substantial facilities construction beginning in 2028.	Access roads to proposed site of new Biota WTP, mass grading to prepare for structure construction, and temporary excavation support system for intake pumping station wetwell.	Apr-25	Prof Svcs		0.88	\$ 0.66	\$ 0.22						
18.														
	ENDAWS BWTP Piloting and Treatability Study Scope: water treatment piloting of preliminarily selected treatment processes with a 3-month duration. Need: Process demonstration necessary to make sure water quality treatment objectives can be met with selections.	Pilot scale treatment train consisting of preliminary treatment, UV disinfection, chlorination, and residual chloramine treatment.	Apr-25	Prof Svcs		\$ -	\$ -	\$ -	0.87	\$ 0.65	\$ 0.22			
19.														
	ENDAWS Facilities Supplemental Geotechnical Invest. Scope: Additional borings and soil sampling expanding upon the initial program implemented during preliminary design. Need: More data needed to properly design foundations, structures, pavement, etc. for the new facilities.	Geotechnical borings; soil characterization, sampling and testing; and reporting to fully inform design team and contractors of on-site insitu soil characteristics.	Apr-25	Prof Svcs		0.89	\$ 0.66	\$ 0.22						
20.														
	ENDAWS Transmission Pipeline Contract 2 Scope: Final design (30% docs to 90% plans and specs). Need: Have next pipeline section nearly ready so when Federal funding is secured/allocated design can quickly be completed and construction can proceed.	10± mi of 72" pipeline, including one 96" diameter tunnels. Pipeline extends from ND Highway 14 east to the connection point with Contract 3.	Apr-25	Prof Svcs		1.78	\$ 1.34	\$ 0.45						
21.														
	ENDAWS Transmission Pipeline Contract 1 Scope: Final design (30% docs to biddable plans and specs) and bidding assistance. Need: Have next pipeline section bid-ready so when Federal funding is secured/allocated construction can proceed.	11± mi of 72" pipeline, including uup to five 96" diameter tunnels. Pipeline extends from BWTP at McClusky Canal east to ND Highway 14 connection point with Contract 2.	Apr-25	Prof Svcs		1.95	\$ 1.46	\$ 0.49						
22.														
														25-225



2023 to 2025 Biennium Work Plan

(\$246 mil Total Funding: \$4.5M Federal; \$180M State; \$61.5M Local Users)

September 2, 2025

No.	Scope of Work	Feature	Date Task Orders Auth	Note	2023-25 Bien ENDAWS Project Development Budget (mil \$)			2023-25 Biennium RRVWSP Project Development Budget (mil \$)			2023-25 Biennium RRVWSP Project Constr Budget (mil \$) ^{1,2,3}		
					Total	Fed/Sta 75%	Local 25%	Total	State 75%	Local 25%	Total	State 75%	Local 25%
23.	<p>Contingency</p> <p><i>Scope: A budget reserve for task order additions to professional services, construction, legal, real estate, etc. TOS.</i></p> <p><i>Need: Address and pay for changes that are sure to occur.</i></p>	<p><i>Budget flexibility to adapt to work plan changes and to pay for construction change orders typically running from 3 to 5% of original construction costs at bid time.</i></p>		RRVWSP MR&I	-	-	-	-	-	-	-	-	
TOTAL PROGRAM BUDGET					\$ 15.48	\$ 11.61	\$ 3.87	\$ 19.02	\$ 14.27	\$ 4.76	\$ 211.50	\$ 158.62	\$ 52.87

Notes:

1. Construction costs include management, engineering services during construction, inspection, field quality control, and construction.
2. Projects indicated for construction funding in a given biennium will be shovel ready for construction at the start of the biennium.
3. Future capital costs are escalated to an anticipated midpoint of construction per Finance Team rates of 7, 6, 5, 5, and 3.5 percent per annum thereafter starting in 2022 with an anticipated 2032 finish. All future RRVWSP construction projects and costs are not shown.
4. Land services costs are the amount likely to be paid for real estate, easements, including bonus payments, crop damage, and field obstructions. Estimates include pipeline easements required for the ENDAWS east/west pipeline and remaining easements from the beginning of the Contract 4 transmission main to the Sheyenne River Outfall, with most located in Wells County.
5. Items appearing in blue bold are progressing with task orders and contracts issued to the engineering team and contractors, respectively. Items appearing in blue italics have been updated to reflect adjustments made for actual amounts contracted. Items shown in black text are pending. Items highlighted in yellow have changed from the previous version of the Work Plan.



2025 to 2027 Biennium Work Plan

(\$273.33M Total Funding: \$0.00 Federal; \$205.00M State; \$68.33M Local Users)

September 2, 2025

No.	Scope of Work	Feature	Date Task Orders Auth	Note	2025-27 Bien ENDAWS Project Development Budget (mil \$)			2025-27 Biennium RRVWSP Project Development Budget (mil \$)			2025-27 Biennium RRVWSP Project Constr Budget (mil \$) ^{1,2,3}				
					Total	Fed/Sta 75%	Local 25%	Total	State 75%	Local 25%	Total	State 75%	Local 25%		
	Garrison Diversion Conservancy District Budget Scope: Account for all costs for which Garrison Diversion is responsible and not included in other Task Orders listed here. Need: Budget allocation for GDCCD direct costs associated with the Red River Valley Water Supply Project.	Garrison Diversion's costs for the RRVWSP.	--	GDCCD	\$	1.00	\$ 0.75	\$ 0.25	\$	1.00	\$ 0.75	\$ 0.25			
	Property, Easements, and Crop Damage Payments⁴ Scope: Crop damage payments to landowners and easement costs. Need: Treat landowners right and live up to commitments.	Easements for Washburn transmission main. Pay for crop damages program wide.	--	Crp Dmg	\$	1.82	\$ 1.37	\$ 0.46							
	Red River Valley Transmission Pipeline Contract 6B Scope: Pipeline installation, including construction phase engineering services by Engineer. Need: Continue progress of transmission pipeline installation for completion of RRVWSP by the target end date.	9.2± mi of 72" pl, including one 96" tunnel. Pipeline extends east from Contract 6A northeast of Kensal to a termination point southeast of Glenfield.	Jul-25 Oct-25	Prof Svcs Const, 2028 Fin							\$ 6.24	\$ 4.68	\$ 1.56		
	Red River Valley Transmission Pipeline Contract 6C Scope: Pipeline installation, including construction phase engineering services by Engineer. Need: Continue progress of transmission pipeline installation for completion of RRVWSP by the target end date.	8.4± miles of 72" pl, including three 96" tunnels. Pipeline section extends east from Ct 6B near Glenfield to a termination point south of Sutton.	Jul-25 Oct-25	Prof Svcs Const, 2028 Fin							\$ 7.14	\$ 5.35	\$ 1.78		
	Red River Valley Transmission Pipeline Contract 7A Scope: Pipeline installation, including construction phase engineering services by Engineer. Need: Continue progress of transmission pipeline installation for completion of RRVWSP by the target end date.	6.5± mi of 72" pl, including three 96" tunnels. Pl section extends east from Ct 6C near Sutton to a termination point south of Cooperstown.	Jul-25 Dec-25	Prof Svcs Const, 2028 Fin							\$ 5.83	\$ 4.37	\$ 1.46		
	McClusky Facilities Final Design Services & Bidding Assist Scope: Final designs for McClusky Intake Pumping Station, Biota WTP, and McClusky Main Pumping Station. Need: Complete design so bids can be obtained for constructing the facilities.	165-cfs biota WTP, with chlorine and UV disinfection to meet NDPDES permit and FEIS requirements per Reclamation. Chloramines for residual disinfectant in pipeline.	Oct-25	Prof Svcs	\$	15.00	\$ 11.25	\$ 3.75							
	MO River Pumping Sta, Trans Main, & Utilities Ext Ct 3 Scope: Final design, construction, and construction phase services for pumping station and transmission pl for Washburn. Need: Advance design, obtain bids, and construct new raw water supply for City of Washburn.	Raw water pumping station and transmission main from Missouri River Pumping Station to the City of Washburn water treatment plant.	Jan-26 Jan-27 Jan-27	Prof Svcs Prof Svcs Const	\$	0.40	\$ 0.30	\$ 0.10							



2025 to 2027 Biennium Work Plan

(\$273.33M Total Funding: \$0.00 Federal; \$205.00M State; \$68.33M Local Users)

September 2, 2025

No.	Scope of Work	Feature	Date Task Orders Auth	Note	2025-27 Bien ENDAWS Project Development Budget (mil \$)			2025-27 Biennium RRVWSP Project Development Budget (mil \$)			2025-27 Biennium RRVWSP Project Constr Budget (mil \$) ^{1,2,3}		
					Total	Fed/Sta 75%	Local 25%	Total	State 75%	Local 25%	Total	State 75%	Local 25%
8.	McClusky Facilities Wetwell Excavation & Site Dev Ct 1 Scope: Construction and construction phase services for initial project at greenfield site. Need: Prepare site and ready it for future construction of the biota water treatment plant.	Access road improvements from Highway 200 north to the future biota water treatment plant site. Mass excavation of site and excavation of intake ps shaft.	Apr-26 Apr-26	Prof Srvs Const									
9.	McClusky Facilities Intake, Tunnel, & Shaft Liner Ct 2 Scope: Final design services and bidding assistance for second construction project at the facilities site. Need: Complete specialty work ahead of the main biota water treatment plant construction.	Passive intake screens/structure on the McClusky Canal along with a 72" tunnel to the shaft/pumping station wetwell. Concrete shaft liner inside circular shaft excavated under Ct 1.	Jan-26	Prof Srvs Prof Srvs Const									
10.	McClusky Facilities Utility Extensions Design Scope: Final design services and bidding assistance for power, natural gas, water utility extensions to the new sites. Need: There is no 3-phase power available at the site so one needs to be developed to supply power needs of new facility.	Electrical system design to support a new power supply to the biota water treatment plant and associated ps along with the new ground storage reservoirs site.	Jan-26	Prof Srvs									
11.	PMIS Annual Licenses & Continued Maint/Upgrades Scope: Annual software license renewal for expanded team and consulting support for training and configuration services. Need: Create greater efficiency and documentation for significant amount of construction related documents.	Vendor fees (e-Builder & DocuSign) for licenses of expanded team and consulting support for training of GCs/subs and workflow/report additions and mods.	Sep-25	Prof Srvs									
12.	Program Management Support Scope: Overall program management, planning, budgeting, scheduling, and other support for Garrison Diversion. Need: Consulting services of a broad programmatic nature not included under project-specific design or construction TOs.	Overall planning, management, administration, scheduling, budgeting, coordination, meeting preparation/attendance, regulatory interface, reporting, etc.	Oct-25	Prof Srvs									
13.	Project Participation Agreement Support Scope: User briefings and necessary support, including conceptual designs, to secure project commitments. Need: Define pipeline extensions to identify for users how and at what cost water will be delivered to their communities.	Size pipelines, pumping stations, channels, storage, etc. and other necessary infrastructure to deliver raw water to end users. Update CapEx estimates to reflect market.	Oct-25	Prof Srvs									
14.	Operational Planning Phase 4 Scope: System modeling, evaluation, planning, and report development documenting results/findings/outcomes. Need: Finalize Garrison Diversion, State Water Commission, and USACE roles for system operation.	Refine details of diversions to/from Lake Ashtabula. Finalize stakeholder roles and responsibilities as it relates to system operation.	Oct-25	Prof Srvs									



2025 to 2027 Biennium Work Plan

(\$273.33M Total Funding: \$0.00 Federal; \$205.00M State; \$68.33M Local Users)

September 2, 2025

No.	Scope of Work	Feature	Date Task Orders Auth	Note	2025-27 Bien ENDAWS Project Development Budget (mil \$)			2025-27 Biennium RRVWSP Project Development Budget (mil \$)			2025-27 Biennium RRVWSP Project Constr Budget (mil \$) ^{1,2,3}		
					Total	Fed/Sta 75%	Local 25%	Total	State 75%	Local 25%	Total	State 75%	Local 25%
15.	Financial Planning Support Scope: Continue to refine the financial model and provide scenarios as required to support users and the program. Need: Accurate water bill estimates and affordability for customers are necessary to gain approval from users.	Update financial models; address state loan and financing program changes; end user funding, financing, and cost-share analyses; continued funding and finance outreach.	Oct-25	Prof Svcs				\$ 0.60	\$ 0.45	\$ 0.15			
16.	Contingency Scope: A budget reserve for task order additions to professional services, construction, legal, real estate, etc. TOs. Need: Address and pay for changes that are sure to occur.	Budget flexibility to adapt to work plan changes and to pay for construction change orders typically running from 3 to 5% of original construction costs at bid time.	N/A	GDGD	\$ 0.93	\$ 0.70	\$ 0.23	\$ 0.44	\$ 0.33	\$ 0.11	\$ 14.43	\$ 10.83	\$ 3.61
					\$ 19.43	\$ 14.57	\$ 4.86	\$ 9.20	\$ 6.90	\$ 2.30	\$ 244.70	\$ 183.53	\$ 61.18
TOTAL PROGRAM BUDGET													

Notes:

1. Construction costs include management, engineering services during construction, inspection, field quality control, and construction.
2. Projects indicated for construction funding in a given biennium will be shovel ready for construction at the start of the biennium.
3. Future capital costs are escalated to an anticipated midpoint of construction per Finance Team rates of 7, 6, 5, and 3.5 percent per annum thereafter starting in 2022 with an anticipated 2032 finish. All future RRVWSP construction projects and costs are not shown.
4. Land services costs are the amount likely to be paid for real estate, easements, including bonus payments, crop damages, and field obstructions. Estimates include pipeline easements required for the Washburn transmission main and remaining easements on pipeline Contracts 1 through 4 in Sheridan and Wells Counties.

**RRVWSP MEMORANDUM OF COMMITMENT
AND NOMINATION**

THIS RED RIVER VALLEY WATER SUPPLY PROJECT (“RRVWSP” or “Project”) MEMORANDUM OF COMMITMENT AND NOMINATION (this “MOC”), dated September 16, 2025 (the “Effective Date”), by and between Traill County, a county (the “Participant”), Lake Agassiz Water Authority (“LAWA”), a political subdivision of the state of North Dakota, and Garrison Diversion Conservancy District (“Garrison Diversion”), a political subdivision and instrumentality of the state of North Dakota (collectively the “Parties”), is a contingent acknowledgement of the Participant’s intent to financially participate in the RRVWSP.

Recitals

A. The RRVWSP is a forthcoming reliable, high quality supplemental water supply project for central and eastern North Dakota for various purposes, including domestic, rural water, municipal and industrial uses. The infrastructure making up the Project presently includes, by way of illustration and not limitation, an intake, biota water treatment plant, buried pipeline, pump stations, air release valves, discharge structure, and associated infrastructure used to transport a supplemental water supply from the Missouri River and/or the McClusky Canal to the Participant and other LAWA stakeholders.

B. LAWA is assisting in the development of the RRVWSP. LAWA is a governmental agency, body politic and corporate with the powers set forth in Chapter 61-39 of the North Dakota Century Code.

C. Garrison Diversion is a governmental agency, body politic and corporate with the powers set forth in Chapter 61-24 of the North Dakota Century Code.

D. Participant is a county. The Participant along with each other municipality entering into a MOC are together referred to herein as the “Participants.”

E. Participant acknowledges it intends to enter into a Project Participation Agreement (“PPA”) with Garrison Diversion, LAWA, and other Participants to pay for its share of the past, current and future design, construction, operation, and maintenance of the RRVWSP and to nominate and reserve water supply capacity from the RRVWSP. The PPA is a voluminous agreement, with significant appendices. The Parties are working through edits to the PPA and appendices, so Participant is not yet comfortable signing the PPA. Participant, however, acknowledges its intent to participate in the RRVWSP and sign the satisfactory final form of the PPA upon timely completion of the editing process.

F. It is imperative to the timely and cost-efficient development to now identify as accurately as possible which Participants will be part of the RRVWSP and to identify accurately the PPA financial obligations for each of the RRVWSP Participants.

G. Throughout the development of this Project, Garrison Diversion has received at least seventy-five percent (75%) cost-share funding from the North Dakota Department of Water Resources, with an obligation to fund the twenty-five percent (25%) local cost share. Throughout

the years, the local share of Project development costs has been paid by the Cities of Fargo and Grand Forks, as well as by Garrison Diversion, with others committed to pay their respective portions of the Garrison Diversion 2023-2025 Work Plan. Through the PPA, the investments of all Participants for these past development costs will be trued up and assessed to all Participants in accordance with their nomination proportion. The PPA will also set out each Participant's responsibility for future capital and operation and maintenance costs. All Participants have had an opportunity to review the most recent version of the PPA and have an understanding of the financial requirements and operational structure of the Project. Through its signature on this MOC, the Participant sets forth its good faith intention to enter the final PPA once review and negotiations satisfactorily are complete.

Agreement

In consideration of the foregoing and the covenants and agreements set forth herein, the Parties agree as follows:

1. Participant has conducted and continues to conduct a meaningful review of its anticipated future water needs and has had the opportunity to consult with engineers and legal professionals of its own choosing, including having the opportunity to hire its own independent and unbiased representatives to advise Participant regarding its anticipated future water needs, the legal obligations under this MOC, and the draft PPA. The water nomination provided by the Participant in this MOC represents the capacity the Participant intends to contract for upon completion of PPA negotiations given the information known at this time. To secure capacity in the Project and to better identify the financial commitments expected of all Parties in the PPA, Participant hereby identifies its future water needs from the Project at ____ cfs. Of this amount, Participant anticipates that its nomination would include _____ annually for domestic needs and _____ annually for industrial needs. Garrison Diversion will prepare the PPA financial obligations using this nomination. The Parties recognize that this nomination may vary somewhat after additional analysis prior to the PPA being signed; however, it is the best estimate and intent of the Participant with information known today.
2. If Participant signs this MOC and ultimately chooses not to sign the PPA, the Participant has no property right in the nomination and has no ability to assign its nomination, rights and obligations under this MOC to any other entity.
3. There is no financial penalty to Participant if it signs this MOC and does not ultimately sign the PPA. There is no credit to Participant or reimbursement of any prior amounts that Participant may have paid to Garrison Diversion or LAWA for any Project contributions or other Project support if Participant does not sign a PPA. If Participant signs the PPA and thereafter no longer desires to receive water from the Project, Participant may be eligible to have its nomination, and the associated financial commitment therefor, assumed by LAWA or another LAWA member entity. The assumption of Participant's nomination may include the reimbursement to Participant for principal amounts contributed by Participant for capital expenses of the Project to the point of assumption. Further details on the assumption of a nomination will be outlined in the PPA.

4. Participant acknowledges there are a number of risks, any or all of which could occur, that could have the effect of increasing the cost of the Project and/or delaying and/or terminating the Project, including by way of illustration and not limitation, the following: (i) litigation; (ii) court order; (iii) changes in legislation affecting the Project, LAWA and/or Garrison Diversion; (iv) different environmental risks than those previously identified; (v) increased labor costs or costs of materials; (vi) the need to obtain Federal approval or a Federal permit; (vii) the Federal Government's decision to support the Project; (viii) a change in the State of North Dakota's financial ability to fund its portion of the Project; and (ix) political interference at the local, state or Federal level. As such, there is always potential for delay of the Project, increases in the proposed Project budget, and a change in the expected financial obligation of the Participant from what has been provided. The Participant understands that the final PPA financial terms may differ from what has been presented to Participant to date, but the information presented has been a good faith estimate of the obligations that would be incurred at the nomination amount discussed to date.
5. This MOC may be executed in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.
6. This MOC shall be governed by the laws of the State of North Dakota, without giving effect to its choice of laws principles. Venue of any proceedings shall be in the state courts located in Cass County, North Dakota.
7. In the event that any signature is delivered by facsimile transmission or by email delivery of a ".pdf" format data file, including but not limited to a signature delivered through a provider such as DocuSign®, such signature shall create a valid and binding obligation of the party executing (or on whose behalf such signature is executed) with same force and effect as if such facsimile or ".pdf" signature page were an original thereof.

PARTICIPANT

Trail County


By: 

Name: Thomas Eblen

Title: Trail County Commission Chairperson


Date: 9-16-25

LAKE AGASSIZ WATER AUTHORITY

By: 
Name: Timothy Mahoney
Its: Chair
Date: 10-14-25

WITNESS WHEREOF, the Parties hereto have executed this MOC as of the Effective Date.

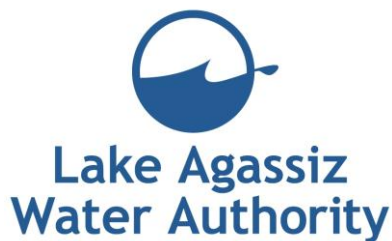
GARRISON DIVERSION CONSERVANCY DISTRICT

By: 

Name: Jay Paul Anderson

Title: Chairman

Date: September 25, 2025



Resolution of Condolences Honoring the Life and Legacy of John “Jack” Hancock

WHEREAS, the Lake Agassiz Water Authority mourns the passing of John “Jack” Hancock of Gilby, North Dakota, and

WHEREAS, Jack Hancock dedicated his life to the betterment of his community, not only as a lifelong farmer but as a tireless advocate for rural water systems across North Dakota; and

WHEREAS, Jack served with distinction on the Agassiz Water Users Board of Directors for an extraordinary 46 years (1976–2019), demonstrating unwavering commitment to ensuring access to safe and reliable water for rural communities; and

WHEREAS, Jack’s leadership extended to the state level, where he served on the Executive Board of the North Dakota Rural Water Systems Association for 18 years, including two terms as President, was recognized with the Friend of Rural Water Award (1996), the Clark Cronquist Waterline Award (2015), and the prestigious Commodore Award (2019), the highest water honor bestowed by the Governor of North Dakota; and

WHEREAS, Jack’s legacy is one of service, humility, and leadership, and his contributions have left an indelible mark on North Dakota’s water systems and the lives of countless residents;

NOW, THEREFORE, BE IT RESOLVED, that the Lake Agassiz Water Authority Board of Directors duly assembled in Fargo, in the state of North Dakota, on October 14, 2025, expresses its deepest condolences to the family of John “Jack” Hancock and honors his memory with gratitude and respect for his decades of service to water development and stewardship in North Dakota.

BE IT FURTHER RESOLVED, that this resolution be entered into the official record of the Lake Agassiz Water Authority and shared with Jack’s family as a testament to his enduring impact and the high esteem in which he is held.

Tim Mahoney, Chair
Lake Agassiz Water Authority

Duane DeKrey, Secretary
Lake Agassiz Water Authority



Resolution of Appreciation for City of Mayville

WHEREAS, the City of Mayville has been a committed member of the Lake Agassiz Water Authority (LAWA) Board, contributing to the advancement of regional water infrastructure and long-term water security for North Dakota communities; and

WHEREAS, Don Moen, representing the City of Mayville, has demonstrated steadfast leadership, thoughtful engagement, and a deep commitment to the mission of LAWA and the development of the Red River Valley Water Supply Project (RRVWSP); and

WHEREAS, the contributions of the City of Mayville have helped shape the strategic direction of the RRVWSP, ensuring that the needs of member communities are represented and that the project remains focused on delivering reliable, high-quality water to the region; and

WHEREAS, their service has exemplified the spirit of collaboration and public stewardship that is essential to the success of regional initiatives like the RRVWSP;

NOW, THEREFORE, BE IT RESOLVED, that the Lake Agassiz Water Authority Board of Directors duly assembled in Fargo, in the state of North Dakota, on October 14, 2025, hereby expresses its sincere appreciation to the City of Mayville and Don Moen for their years of dedicated service, leadership, and support of the Red River Valley Water Supply Project; and

BE IT FURTHER RESOLVED, that their contributions are recognized as instrumental to the progress of the RRVWSP and are deeply valued by the LAWA Board and its member communities.

Tim Mahoney, Chair
Lake Agassiz Water Authority

Duane DeKrey, Secretary
Lake Agassiz Water Authority