

LAKE AGASSIZ WATER AUTHORITY

BOARD OF DIRECTORS

Fargo Commission Chambers

August 19, 2025

A meeting of the Lake Agassiz Water Authority (LAWA) board of directors was held August 19, 2025. The meeting was called to order by Chair Mahoney at 10:30 a.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 Don Moen
Director Keith Nilson
Director Jim Schmaltz
Director Travis Schmidt
Alternate Jeremy Schuler for Director Rick Bigwood
Secretary Duane DeKrey

MEMBERS ABSENT

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

A copy of the registration sheet is attached to these minutes as Annex I.

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

ANNOUNCEMENTS & INTRODUCTIONS

Chair Mahoney announced Mayor Bernie Dardis, West Fargo, is now the newest member of the LAWA Board of Directors, officially approved by the legislative body. He represents the City of West Fargo.

APPROVAL OF AGENDA

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

CONSIDERATION OF MINUTES

Motion by Director Erdmann to approve the June 26, 2025, LAWA Board meeting minutes as distributed. Second by Director Schmaltz. Upon voice vote, motion carried.

EXECUTIVE SESSION

Chair Mahoney stated the board will now enter into a closed Executive Session pursuant to N.D.C.C. § 44-04-19.1(2) and (9) and § 44-04-19.2 for the purpose of contract negotiation strategies and attorney consultation. He asked for a motion to do so.

Motion by Vice Chair Bochenski to enter into executive session for purposes of contract negotiation strategies and attorney consultation. Second by Director Dardis. Upon roll call vote, the following directors voted aye: Althoff, Bochenski, Broussard, Carlsrud, Dardis, Erdmann, Idso, Mahoney, Moen, Nilson, Schmaltz and Schmidt. Alternates voting aye: Schuler. Those voting nay: none. Motion carried.

The board entered into Executive Session at 10:34 a.m. and returned to regular session at 11:28 a.m.

Motion by Vice Chair Bochenski to authorize the LAWA counsel to circulate a term sheet with Garrison Diversion for water delivery per Executive Session discussion. Second by Director Idso.

Director Erdmann reminded the board of its prior motion directing LAWA and special counsel to draft agreements defining roles, split delivery, operations, control, and accountability with Garrison Diversion. The attorneys were directed to incorporate these elements into the draft agreements and to report back to the LAWA Board with progress updates and any recommendations for further action.

Director Erdmann stated the term sheet reviewed in Executive Session is to be shared with Garrison Diversion and its legal counsel. He emphasized the need for mutual compromise, discouraging prolonged written exchanges without resolution. He encouraged continued collaboration between attorneys and consultants from both parties.

Chair Mahoney agreed, noting that LAWA's intent is to hold open discussions with Garrison Diversion to reach a conclusion as partners.

Vice Chairman Bochenski noted that some major terms of the RRVWSP are non-negotiable, particularly regarding shared responsibility and risk. He stressed the board's duty to negotiate strongly for LAWA's users, while acknowledging that not all issues will be resolved perfectly.

Director Carlsrud remarked that a good deal benefits both parties.

Upon roll call vote, the following directors voted aye: Althoff, Bochenski, Broussard, Carlsrud, Dardis, Erdmann, Idso, Mahoney, Moen, Nilson, Schmaltz and Schmidt. Alternates voting aye: Schuler. Those voting nay: none. 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 July 31, 2025, a copy which is attached to these minutes as Annex II.

Total income received through July is \$39,089. Expenses are \$191,211.

The total bank balance at the end of July 2025 is \$99,442.

Motion by Director Dardis to approve the Budget Analysis Statement for the period of January 1, 2025, through July 31, 2025. Second by Director Schmaltz. Upon roll call vote, the following directors voted aye: Althoff, Bochenski, Broussard, Carlsrud, Dardis, Erdmann, Idso, Mahoney, Moen, Nilson, Schmaltz and Schmidt. Alternates voting aye: Schuler. Those voting nay: none. Motion carried.

Ms. Mooridian noted a revised budget will be presented at the next board meeting with Fargo and Grand Forks covering a slight shortage in consultant and attorney fees.

2025 Bills Paid - - Ms. Mooridian reviewed the bills paid for since the June board meeting, including legal fees, consultant services, cost share and membership renewal fees.

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

Interim Financing Agreement Series F - - John Shockley, Ohnstad/Twichell, reported LAWA's counsel continues to exchange revisions with Garrison Diversion's legal counsel regarding the Series F Interim Financing documents. Coordination is ongoing with counsel for Fargo and Grand Forks. Comments were received last evening from Garrison Diversion's counsel. The initial reviews are underway with responses expected shortly.

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.

Mr. Kovar reported 35 miles of pipeline are under contract, 23 total miles of pipeline have been installed and 50 miles are shovel ready. Since the June board meeting, 5.2 miles of pipe have been installed.

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

- **Garney Construction (Segment 5B):**
 - Pipeline and manhole cover installation complete
 - Pipe passed the hydrostatic testing
 - Two miles of site restoration remain

- **Oscar Renda Contracting (Segment 5C):**
 - 4.67 miles of pipe installed
- **Carstensen Construction (Segment 5D):**
 - 7.7 miles of pipeline has been laid
- **Carstensen Construction (Segment 6A):**
 - Approximately one mile of pipeline installed

The original contract amount was \$270,600,291. Revised contract amount is currently \$271,185,611.

The RRVWSP Work Plan Update dated August 12, 2025, is attached to these minutes as Annex III.

Task Orders - - Paul Boersma, Black & Veatch (BV), reported that LAWA and Garrison Diversion will each assume defined roles in operational planning, with allocation of responsibilities to be finalized over the coming months. In the interim, certain operational planning activities will continue as outlined below.

Task Order 1520 – Operational Planning, Phase 3, Amendment No. 1

The purpose of this amendment is to fund the interim activities until a more complete agreement is established and a new task order is executed. The cost of this task order is \$156,000 and will be funded from the 2023-2025 biennium work plan.

A copy of the task order is attached to these minutes as Annex IV.

Task Order 1630 – Project Management Information Services, Phase 3

The purpose of this task order is to administer and support the Project Management Information System (PMIS). BV will administer the PMIS to support daily program operations; deliver Garrison Diversion, contractor, and consultant staff training; and diagnose, develop, and implement system enhancements based on the Program's and Garrison Diversion's needs. Additionally, BV will renew software licenses and subscriptions in support of the current implementation expanding the number of users from 25 to an unlimited number. The professional services provided by BV and its consultants are provided on an hourly basis; the fee is estimated based on the scope and nature of the work for the 2025-2027 biennium. License fees for Unity Construct and DocuSign are lump-sum prices from the vendors accounting for the anticipated number of users. The cost of this task order is \$689,000.

A copy of the task order's executive summary is attached to these minutes as Annex V.

Motion by Director Carlsrud to approve: 1) RRVWSP Task Order 1520, Operational Planning Phase 3, Amendment No. 1 in the amount of \$156,000 and 2) RRVWSP Task Order 1630 Project Management Information System Phase 3, Unity Construction Licenses and On-Going Support, in the amount of \$689,000. Second by Director Nilson. Upon roll call vote, the following directors voted aye: Althoff, Bochenski, Broussard, Carlsrud, Erdmann, Idso, Mahoney, Moen, Nilson, Schmaltz and Schmidt. Alternates voting aye: Schuler. Those voting nay: none. Absent: Dardis. Motion carried.

2023-2025 Biennium Work Plan/Budget Revisions - - Mr. Kovar referred to the RRVWSP 2023-2025 Biennium Work Plan dated August 5, 2025, in the amount \$246 million. (Annex VI).

- Item No. 15 – Operational Planning: Pertains to Task Order 1520, Amendment No. 1, approved earlier in the meeting.
- Item No. 25 – Contingency: Funds for Task Order 1520 were drawn from contingency; \$6.3 million remains in contingency for the biennium.

2025- 2027 Draft Biennium Work Plan/Budget - - Mr. Kovar presented the Draft 2025–2027 Biennium Work Plan/Budget dated August 12, 2025, totaling \$273 million (Annex VII).

- **Major Contracts:** 6B, 6C, and 7A, totaling approximately 24 miles of pipeline.
- **Adjustments:**
 - Items No. 3, 4, and 5 updated to reflect actual construction phase service fees.
 - Item No. 7 – Construction dollars for City of Washburn removed; design and bidding funds remain.
 - Item No. 11 – Adjustment for Task Order 1630, approved earlier in the meeting.
- **Contingency:** Item No. 16 includes \$14.3 million in contingency funds.

Program Schedule - - Mr. Kovar next reviewed the updated RRVWSP Program Schedule dated August 5, 2025.

User Engagement Update

Memorandum of Commitment Approvals

Steve Burian, Burian & Associates, provided a prospective users update.

Mr. Burian referred to the Memorandum of Commitment (MOC) included with the board meeting materials (Annex VIII). This has been signed and submitted by the Northeast Regional Water District, indicating their anticipated nomination for future water needs from the project. The board's approval is required on the MOC.

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

PROJECT PARTICIPATION AGREEMENT UPDATE AND PLAN

Mr. Shockley reported that LAWA will send the previously discussed term sheet to Garrison Diversion. Work is also underway on a draft agreement with member entities for water

distribution. The water supply agreement with Garrison Diversion will be completed first; therefore, the term sheet will receive priority.

Chair Bochenski asked if the PPA should be renamed Water Supply Agreement.

Mr. Shockley suggested it be renamed Water Distribution Agreement.

UNFINISHED BUSINESS

LAWA Bylaws Revisions - - Ms. Schmidt noted that the first reading of the proposed LAWA Bylaws revisions is included in the board packet. All modifications discussed to date are reflected. Following today's discussion, a motion will be requested to approve the first reading; the second reading will occur at the next meeting, incorporating any further changes.

Director Erdmann stated he sent the proposed bylaw modifications to the LAWA board members and legal counsel prior to the meeting today.

Proposed Amendments and Discussion:

1. **Section II – Associate Member Entities**

- Director Erdmann proposed adding the word county to recognize entities such as Richland County, which holds a 4 cfs nomination.
- **Section IV – Membership:** Add the word counties.
- **Consensus:** Counties may be allowed as members of LAWA.

2. **Section V, B-3 – Term and Election of Directors**

- **Proposal:** Require any new director to have a signed Memorandum of Commitment (MOC) and a cfs nomination from their member entity.
- **Discussion:**
 - Ms. Schmidt noted MOC and nomination could be included in a PPA or development agreement.
 - Vice Chair Bochenski suggested considering a financial contribution requirement.
 - Consensus to have legal counsel draft language for review at the next meeting.

3. **Section VI, E – Meetings: Alternate Designation**

- **Proposal:** Allow designated alternates to vote on bylaw amendments.
- **Consensus:** Approved.

4. **Section VI, H-6 – Parliamentary Rules and Voting Procedures (Supermajority Requirement)**

- Director Erdmann proposed deleting this section to remove the requirement that Fargo and Grand Forks must vote in favor of certain items, replacing it with a 67% majority threshold.

- **Discussion:**
 - Ms. Schmidt reviewed the history of weighted voting and the compromise to use a supermajority.
 - Chair Mahoney and Vice Chair Bochenski emphasized the supermajority as a safeguard for major cost contributors.
 - No immediate change; members will consider the issue further. Legal counsel will meet with members to discuss pros and cons before the next meeting.
5. **Alternative Proposal – Section VI, H.5.d (Officer Elections)**
- Director Erdmann suggested if Section VI.H-6 remains, amend Section VI.H.5.d so that one officer position (Chair or Vice Chair) must be held by Fargo or Grand Forks, and the other may be held by another LAWA member.
 - **Purpose:** Ensure smaller users have an opportunity to serve in officer positions.
 - **Consensus:** General agreement to consider; amendment would leave supermajority in place but create an exception for officer elections.

Motion by Vice Chair Bochenski to make an exception under Section VI.H.6 (electing, selecting or removing LAWA officers and senior staff) to allow a supermajority vote without veto authority from Fargo and Grand Forks. Second by Director Carlsrud. Upon roll call vote, the following directors voted aye: Althoff, Bochenski, Broussard, Carlsrud, Erdmann, Idso, Mahoney, Moen, Nilson, Schmaltz and Schmidt. Alternates voting aye: Schuler. Those voting nay: none. Absent: Dardis. Motion carried.

Director Erdmann proposed the following additional bylaw changes:

- 6. **Section VI.H.7 – Designated Alternates:** Delete existing language, except for provisions related to amendments to bylaws, due to the earlier change in Section VI.E (Meetings, Alternate Designation).
- 7. **Section XII – Amendments to Bylaws:** Remove the provision stating that alternates are not permitted to vote on proposed bylaw changes.

Motion by Vice Chair Bochenski to approve the first reading of the proposed LAWA Bylaws, incorporating the changes and bringing the revised document back to the board for a second reading. Second by Director Schmaltz. Upon roll call vote, the following directors voted aye: Althoff, Bochenski, Broussard, Carlsrud, Erdmann, Idso, Mahoney, Moen, Nilson, Schmaltz and Schmidt. Alternates voting aye: Schuler. Those voting nay: none. Absent: Dardis. Motion carried.

Interim Financing Agreement Series F

Chair Mahoney reported to the board the State Water Commission did not take action on funding for the RRVWSP at its recent meeting. He noted that LAWA and Garrison Diversion representatives met to discuss next steps and will work diligently to get the Series F financing back on track.

Chair Mahoney requested that Mr. Bogar and members of the Garrison Diversion team meet with all user members to provide updates and discuss developments. He emphasized that LAWA does not intend to stop or slow progress on the RRVWSP and stressed the importance of collaboration to keep the project moving forward.

NEW BUSINESS

Director Nilson informed the board John Hancock, former LAWA Board member, recently passed away.

Chair Mahoney asked that a resolution of condolence be prepared for adoption at the next board meeting and sent to the Hancock family.

OTHER

The meeting adjourned at 12:23 p.m.

Timothy Mahoney, Chair

Duane DeKrey, Secretary

REGISTRATION

LAWA Board Meeting
 Fargo Commission Chambers
 August 19, 2025

NAME	ORGANIZATION
Lisa Schaper	Good
Duane DeKrey	GDCD
Jason Seeger	GDCD
Dev Pineda	Fargo
Jay Paul Anderson	GDCD
JEFF LE DOUX	"
Ken Vein	City of GF
BRIAN JOHNSON	GDCD
Kimberly Cook	GDCD
Brian Johnson	EGF w/L
Mari Minin	Vogel
Kip Korn	GDCD
Paul Boersma	GDCD
Burt Beyer	BV
SHAWN COADDIE	AF2S
Crumb	AF2S
Steve Metzger	Fargo
Tami Norgard	Garrison Diversion
John Shockley	Vogel Law Firm
Joe Nett	Ohnstad Twichell
Pat Fridgen	Department of Water Resources
Kurt Ronnekamp	Department of Water Resources
Al Grasser	Black & Veatch
Troy Hall	City of Grand Forks
Dan Portlock	City of Fargo
Betsey Seaver	City of Fargo
Steve Burian	Burian & Associates
	Burian & Associates

Maureen Storstad

City of Grand Forks

Melanie Parvey

City of Grand Forks

Tim Paustin

Apex



Income	Budget 2025	Actual as of 7.31.25	Balance of Budget
Dues Income	\$ 30,000.00	\$ 34,600.00	\$ (4,600.00)
Miscellaneous	\$ -	\$ 99.00	\$ (99.00)
Cost Share-Interim Finance	\$ 6,945.00	\$ 4,390.01	\$ 2,554.99
Total Income	\$ 36,945.00	\$ 39,089.01	\$ (2,144.01)
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	\$ -	\$ 550.00
Construction	\$ -	\$ -	\$ -
Engineering	\$ -	\$ 4,390.01	\$ (4,390.01)
Property Acquisiton/Easements	\$ -	\$ -	\$ -
Admin Expense	\$ -	\$ 83.46	\$ (83.46)
Legal/Prof Serv	\$ 220,000.00	\$ 180,417.59	\$ 39,582.41
Ohnstad Twichell, P.C.	\$ 87,982.00	\$ 64,923.27	\$ 23,058.73
AE2S	\$ 93,768.00	\$ 92,619.32	\$ 1,148.68
Garrison Diversion - BHFS	\$ 30,750.00	\$ 15,375.00	\$ 15,375.00
Garrison Diversion - Effertz Law	\$ 7,500.00	\$ 7,500.00	\$ -
Total Expenses	\$ 227,050.00	\$ 191,211.06	\$ 35,838.94

Bank Activity

Beginning Bank Balance 1-1-25	\$ 251,616.13
Income Received	\$ 39,089.01
Bank Fees	\$ (51.66)
Total Funds Available	\$ 290,653.48

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
Total Expenses	\$ 191,211.06

Ending Bank Balance \$ **99,442.42**

**RRVWSP Work Plan Update
August 12, 2025**

CONSTRUCTION

Pipeline Construction

Contract 5B

The original pipe delivery of June 15, 2021, was delayed due to a surface blemish in the steel coil.

In year one (2022), 7,761 feet of pipe was installed out of the total nine miles. High groundwater slowed the pipe installation progress.

In the second year (2023), 21,120 feet of pipe was installed.

In the third year (2024), using two pipe crews, approximately 18,500 feet has been installed, which completes the pipe installation.

The pipeline passed the hydrostatic testing, 296 psi was held for 4 hours. Two miles of restoration are remaining.

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 and 4 have been approved, leaving the current contract price at \$46,899,055.88.

Contract 5C

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

Oscar Renda was not meeting their install targets so a second pipe crew was sent out on July 10. To date, 23,203 feet has been installed. Tunneling subcontractor Minger Contracting has moved to the James River tunnel site.

To date, \$33,553,431.53 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. To date, the contractor has installed 40,101 feet with one pipe crew.

To date, \$40,405,913.63 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. To date, the contractor has installed 3,346 ft of pipe.

To date, \$8,462,548.31 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	



Black & Veatch Corporation

Professional Services for the Red River Valley Water Supply Project under General Agreement dated January 17, 2008 and Amendment No. 1 dated April 1, 2024.

RRVWSP Task Order 1520 – Operational Planning Phase 3 Amendment No. 1

Effective Date – September 1, 2025

I. PROJECT AND TASK ORDER BACKGROUND

1. Phases 1 and 2 of operational planning were completed under previous task orders and Phase 3 of operational planning was completed under this task order.
2. Going forward, the Lake Agassiz Water Authority (LAWA) and Garrison Diversion Conservancy District (Garrison Diversion, GDCD) will each take a role in operational planning as is being defined by the two organizations. The allocation of roles and responsibilities for operations planning is on-going and will be worked out over the next few months. In the meantime, there are operational planning activities that need to continue as described in this amendment. The purpose of this amendment is to fund the interim activities until a more complete agreement is established and a new task order is executed.

II. TASK ORDER SCOPE

1. Ongoing Operations Support
 - a. Provide LAWA and Garrison Diversion with ongoing technical support for StateMod model runs and documentation. Continue working with Precision Water Resources Engineering (PWRE).
 - b. Review anticipated responses from the North Dakota Department of Water Resources (NDDWR) and the U.S. Army Corp of Engineers (USACE). Provide technical assistance and materials as requested by Garrison Diversion and LAWA for meetings with NDDWR and USACE.
 - c. Coordinate completion of the North Dakota Pollutant Discharge Elimination System (NDPDES) permit renewal. The permit renewal has been started but additional effort is required for it to be finished. The State of North Dakota (State) requires a permit renewal every five years.
 - d. Attend LAWA, LAWA Technical Advisory Committee (TAC), and LAWA Operations sub-committee meetings as requested.
 - e. Provide Project Participation Agreement (PPA) support materials as requested.

2. Ongoing User Outreach Support

- a. Facilitate work with five communities to support them participating in Series F local funding agreement. Scope includes time for meetings, coordination, and deliverable preparation.
- b. James River Analysis Support. Scope includes efforts to establish James River as a viable water conveyance route. Scope for AE2S being written into another task order with the fee to be covered elsewhere.
- c. Support Wahpeton Area Cooperative Agreement monthly meetings.
- d. Continue coordination/answering questions with pending Users who had originally been contacted.
- e. Complete other as needed services for User Outreach as requested by LAWA and Garrison Diversion.

V. FEE

The total fee for Basic Services and Special Services provided under this task order amendment is estimated to be One Hundred Fifty-Six Thousand Dollars (\$156,000). The revised upper limit of the task order then becomes Six Hundred Eighteen Thousand Thirty Dollars (\$618,030).

VI. PERFORMANCE SCHEDULE

Basic and Special Services of this Task Order will be completed by March 31, 2026.

VII. DOCUMENTS INCORPORATED BY REFERENCE AND ATTACHMENTS

- 1. Standard Form of Agreement between Garrison Diversion and Engineer for Professional Services dated January 17, 2008, and Amendment No. 1 dated April 1, 2024, are incorporated by reference.

VIII. ACCEPTANCE

If this satisfactorily sets forth your understanding of this task order amendment, please electronically sign this document. An electronic copy of the fully executed document will be provided upon execution by all parties.

By: _____
Duane DeKrey, General Manager
Garrison Diversion Conservancy District

By: _____
Paul Boersma, Vice President
Black & Veatch Corporation

Dated: _____

Dated: _____

**RRVWSP Task Order 1630 – Project Management Information System Phase 3
 Unity Construct Licenses and On-Going Support**

Task Order Effective Date: September 1, 2025

TASK ORDER EXECUTIVE SUMMARY

REQUEST

Consideration and approval of a consultant task order in the amount of \$689,000 to administer and support the Project Management Information System (PMIS). Black & Veatch (BV) will administer the PMIS to support daily program operations; deliver District, contractor, and consultant staff training; and diagnose, develop, and implement system enhancements based on the Program’s and the District’s needs. Additionally, BV will renew software licenses and subscriptions in support of the current implementation expanding the number of users from 25 to an unlimited number. The professional services provided by BV and its consultants are provided on an hourly basis; the fee is estimated based on the scope and nature of the work for the 2025-2027 biennium. License fees for Unity Construct and DocuSign are lump-sum prices from the vendors accounting for the anticipated number of users.

TASK ORDER OBJECTIVES

The first objective of this Task Order is to provide administrative services for the Trimble Unity Construct PMIS (previously known as eBuilder). This includes maintaining system level configuration and support of users. System Administrative Support Services will be provided to support on-going maintenance activities.

The second objective is to renew the Unity Construct PMIS subscription for the duration of this task order.

The third objective is to provide change management, including training of users and process owners as well as maintenance/updating system documentation.

The fourth objective is to identify new processes and configure those processes as Task Order funding allows.

TASK ORDER SUMMARY

The services to be provided by the consulting team of BV, Trimble, DocuSign, and TKG Consulting are fully described in the attached Task Order. The estimated hourly fee and expenses for the PMIS software subscription and administration services of Basic Services, including District, Engineer, consultant, and contractor training, are as follows for 2025-2027 Biennium:

Task Description	Two-Year Fee
Task Order Management and Administration (BV)	\$37,008.00
Unity Construct Subscription Renewal (Sub)	\$301,141.00
Administration of Unity Construct, a PMIS (BV)	\$176,876.00
Continuous Improvement Support (BV and subs)	\$148,017.00
Reporting and Dashboard Maintenance (BV)	\$25,958.00
Total	\$689,000.00



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)

August 5, 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			\$ 52.53	\$ 39.40	\$ 13.13
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)

August 5, 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, Pkg, 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			



RED RIVER VALLEY
WATER SUPPLY PROJECT



2023 to 2025 Biennium Work Plan

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

August 5, 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 \$) ^{1,2,3}			2023-25 Biennium RRVWSP Project Constr Budget (mil \$)		
					Total	Fed/Sta 75%	Local 25%	Total	State 75%	Local 25%	Total	State 75%	Local 25%
15.	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 Aug-25	Prof Svcs Prof Svcs				\$ 0.62	\$ 0.46	\$ 0.15			
16.	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			
17.	Additional End-User Outreach Scope: Branch pipeline conceptual design and other consulting assistance to potential end-users. Need: Accurate water bill estimates and affordability for customers are necessary to gain approval from users.	Conceptual designs and other consulting support to support end-user understanding of core pipeline and applicable branch pipeline CapEx necessary to secure MDU signatures.		Prof Svcs				\$	\$	\$			
18.	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						
19.	ENDAWS Facilities Site Development Contract 1 Scope: Final design and bidding assistance with partial execution of the construction work by GDCD. 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						
20.	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			
21.	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						
22.	ENDAWS Facilities Utility Extensions Study Scope: Study and report of electrical service extension to serve the new biota water treatment plant Need: There have been no recent studies of electrical service infrastructure necessary at the McClusky facilities site.	Evaluate substitution needs and routing of 15 to 25 miles of high-voltage power lines to serve the new BWTP. Identify permitting and easement requirements.		Prof Svcs	\$	\$	\$						



2023 to 2025 Biennium Work Plan

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

August 5, 2025

No.	Scope of Work	Feature	Date Task Orders Auth	Note	2023-25 Biennium RRVWSP 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%		
	ENDAWS Transmission Pipeline Contract 2														
	Scope: Final design (30% docs to 90% plans and specs).														
23.	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								
	ENDAWS Transmission Pipeline Contract 1														
	Scope: Final design (30% docs to biddable plans and specs) and bidding assistance.														
24.	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								
	Contingency														
	Scope: A budget reserve for task order additions to professional services, construction, legal, real estate, etc. TOs.														
25.	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.		RRVWSP	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 6.30	\$ 4.72	\$ 1.57	
				MR&I								\$ 0.06	\$ 0.05	\$ 0.02	
TOTAL PROGRAM BUDGET					\$ 15.48	\$ 11.61	\$ 3.87	\$ 19.02	\$ 14.27	\$ 4.76	\$ 211.50	\$ 158.62	\$ 52.87		

Notes:

- Construction costs include management, engineering services during construction, inspection, field quality control, and construction.
- Projects indicated for construction funding in a given biennium will be shovel ready for construction at the start of the biennium.
- 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.
- 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.
- 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)

August 12, 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 GDCD direct costs associated with the Red River Valley Water Supply Project.	Garrison Diversion's costs for the RRVWSP.	--	GDCD				\$ 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)

August 12, 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.	Jul-25	Prof Srvs									
12.	Program Management Support Scope: Overall program management, planning, budgeting, scheduling, and other support for Garrison Diversion.	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)

August 12, 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					\$	\$ 19.43	\$ 14.57	\$ 4.86	\$ 9.20	\$ 6.90	\$ 2.30	\$ 244.70	\$ 183.53	\$ 61.18

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 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 June 26, 2025 (the “Effective Date”), by and between Northeast Regional Water District, a water district (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 water district. 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 3.2 cfs. Of this amount, Participant anticipates that its nomination would include 0 annually for domestic needs and 3.2 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.

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

GARRISON DIVERSION CONSERVANCY DISTRICT

By: _____

Name: _____

Title: _____

Date: _____

LAKE AGASSIZ WATER AUTHORITY

By: _____


Name: _____

Its: _____

Date: _____

PARTICIPANT

Northeast Regional Water District

By: 

Name: Richard Bigwood

Title: President

Date: 6-26-2025