

**Minutes of Meeting
Souris River Joint Water Resource Board
Thursday, March 6, 2025**

A meeting of the board of directors of the Souris River Joint Water Resource District was called to order by Chairman David Ashley at 4:00 p.m. on Thursday, March 6, 2025, after announcing that a quorum was present. The meeting was held in Room 203 of the Minot Auditorium. Joint Board members in attendance were Tom Klein, Clif Issendorf, Jason Sorenson and Dan Steinberger.

The Joint Board discussed the proposed Agenda for the meeting. Ryan Ackerman added two items: Item 6a, a Wagner Construction pay application and a legislative update under Other Business. Clif Issendorf raised an update on the Canada Dams, which was added under Other Business.

Tom Klein made a motion to approve the agenda for the meeting. Dan Steinberger seconded the motion. The motion passed without opposition.

The draft minutes of both the February 6, 2025 SRJB regular meeting and February 13, 2025 SRJB special meeting were discussed.

Clif Issendorf made a motion to approve the minutes from the February 6, 2025 regular meeting and special meeting of February 13, 2025. Jason Sorenson seconded the motion. The motion passed without opposition.

Ryan Ackerman presented the Balance Sheet and Budget Report and the Joint Board reviewed the Budget Report included in the March Board Packet. Ryan Ackerman explained the Budget Report.

Jason Sorenson moved to approve the Budget Report. Tom Klein seconded the motion. A roll call vote was cast. The motion passed without opposition.

The Joint Board next discussed engineering contract amendments, the first being Barr Engineering Task Order 11, Amendment 4. Barr Engineering is proposing an amendment to Task Order 11 (MREFP Phase BU-1 Project). This amendment accounts for additional work associated with raising the Brunelle home (BU-1E), as well as the prolonged schedule of the general contractor to complete the work and provide closeout documentation.

Jason Sorenson moved to approve Amendment 4 with Barr Engineering in an amount not to exceed \$60,000.00 and authorize the chairman to sign the agreement on behalf of the SRJB. Tom Klein seconded the motion. A roll call vote was cast. The motion passed without opposition.

The Joint Board next discussed a proposed Barr Engineering amendment to Task Order 19 (MREFP PER Update). This amendment accounts for additional work associated with the PER Update. The original scope assumed up to two alternatives would be evaluated for each project reach. Several of the project reaches evaluated between four and seven alternatives. Other additional out of scope items are detailed in the March Joint Board Packet.

Dan Steinberger moved to approve Amendment 1 with Barr Engineering in an amount not to exceed \$450,000.00 and authorize the chairman to sign the agreement on behalf of the SRJB.

Jason Sorenson seconded the motion. A roll call vote was cast. The motion passed without opposition.

The Joint Board reviewed and discussed various bills set forth in the March Board Packet totaling \$1,215,749.58. Chairman Ashley opened it up for questions from the Board on each bill being considered for approval and advised the Verizon and Ward County bills have been approved unilaterally and paid.

Clif Issendorf moved to approve payment of bills totaling \$1,215,749.58. Dan Steinberger seconded the motion. A roll call vote was cast. The motion passed without opposition.

The Joint Board next considered a Wagner Construction pay application. Ryan Ackerman indicated that a bill in the amount of \$872,045.55 has been submitted by Wagner Construction due to a delay with entry of subcontractor invoices, which prevented this amount from being included in the regular list of bills. Ryan Ackerman indicated that the design team has reviewed the bill and recommends approving.

Jason Sorenson moved to approve the Wagner Pay Application in the amount of \$872,045.55. Tom Klein seconded the motion. A roll call vote was cast. The motion passed without opposition.

Jerry Bents of Houston Engineering updated the Joint Board on Phase MI-1. A Project Status Report from Houston Engineering is contained in the March Board Packet. Jerry Bents indicated this phase is in a closeout phase, as final payment has been made to the contractor. Documentation is the focus at this point, after which a final construction documentation report will be prepared for the USACE.

Jerry Bents updated on Phase MI-4 (Maple Diversion). A Project Status Report from Houston Engineering is contained in the March Board Packet. Jerry Bents advised that this phase continues to roll through the design phase. There was a call with USACE yesterday to update their design team. There are several upcoming meetings scheduled for continued coordination with the railroad, including a design review meeting on the preliminary bridge design scheduled for next Thursday. Some borings will be taking place in the next 4-6 weeks. Design will continue, heading toward 65% prior to August 1, 2025.

Jerry Bents updated on Phase MI-5. A Project Status Report from Houston Engineering is contained in the March Board Packet. Jerry Bents indicated work in this phase is actively in construction. The active construction remains within the pump station. The pump station startup is now targeted toward the middle of April and substantial completion is July 15, 2025.

Jerry Bents updated the Joint Board on Phase MI-6. A Project Status Report from Houston Engineering is contained in the March Board Packet. Jerry Bents indicated construction started last Fall, mostly geared at getting pre-consolidation piles in place and conditioning the soil so that when the future heavy features are placed there are no settlement issues. As we enter Spring, those piles will be removed and excavated.

Jerry Bents updated the Joint Board on Phase MI-8/MI-9. Jerry Bents advised that this phase is under design. A Project Status Report from Houston Engineering is contained in the March Board Packet. Jerry Bents advised that the 30% has been submitted to USACE and DOT and peer review has been kicked off. The early part of May is the target for 60% design. A public meeting will be scheduled around that time.

Ryan Ackerman provided an update to the Joint Board regarding Phase MI-7). A Project Status Report is contained in the March Board Packet. Ryan Ackerman indicated that some construction activity has

occurred over the past month. A drone video was shown to enable the Joint Board to view the progress on this phase.

Ryan Ackerman provided an update to the Joint Board regarding WC-1. The Project Status Report is contained in the March Board Packet. Ryan Ackerman advised that feedback is awaited from CPKC Rail on the ultimate closure and raising the railroad tracks. A coordination meeting was held within the last couple weeks and indications are that CPKC is conducting their review.

For a PER Update, Ryan Ackerman indicated the input from the SRJB is being incorporated into finding direction forward to close out the project. The work is focused on developing an acquisition policy for the SRJB to consider that is consistent across the entire project.

Ryan Ackerman provided the SRJB with a Rural Program Update. Ryan Ackerman indicated that there have been major updates within the last month or so. Official notice was received from the Director of the Department of Natural Resources that the way they interpret the cost share policy in the contracts in place is that the improvements contemplated under the Farm Trapped Water Program would not be eligible for DWR cost share. The next step discussed with DWR staff is to engage at the commission level and Ryan Ackerman scheduled a meeting with local State Water Commissioner Jason Zimmerman to discuss the program and provide history on the program and why it is important. Next steps will be based on the feedback received from Mr. Zimmerman. Cliff Issendorf questioned how many acres are involved. Ryan Ackerman indicated somewhere in the neighborhood of 200-300 acres.

Luke Rogers of HDR Engineering provided an update regarding Rural Bridges. A Project Status Report is contained in the March Board Packet. On Velva, Luke Rogers indicated there has been progress. The 408 completeness review is complete, which leaves 2-3 months for the official review, which lines up with the estimate of completion around mid-year. For the CLOMR, acknowledgment has been received on the additional information sent so that process is still ongoing, which is good news.

On Mouse River Park, Luke Rogers indicated that the team continues to review and comment on the ACM contract between AECM, HDR and Dwyer Law Office. Ryan Ackerman advised Dennis Reep had sent comments from HDR and AECM sent a list of high-level comments on the contract to Dennis, so there is a meeting of minds that is hoped to happen soon. The goal is to get any details ironed out with a hope to have final contracts for the Joint Board to consider as early as next week if the Joint Board would consider a special meeting. Jack Dwyer of Dwyer Law Office questioned whether a meeting could be scheduled for next week. Sabrina Herrmann from Ackerman-Estvold will coordinate that special meeting date and time.

Christopher Korkowski presented an Eaton Irrigation Update to the Joint Board. An update is contained in the March Joint Board Packet. Christopher Korkowski indicated that originally several large-scale flood improvements were evaluated, but dramatic results were not discovered in reducing overall flood conditions upstream, downstream or through the Eaton Irrigation District. After a conversation with the Chairman on different paths forward, it was decided to look at different alternatives for how to get sustained five-flows out of the ponds. So far, 37 different alternatives have been evaluated to reduce inundation times within those ponds. Some success has resulted. So far the best alternative is one area providing some additional conveyance, adding additional culverts and lowering an invert (this got a 64-day improvement on the 2023 event on inundation time that ultimately brings 600 acres back into production within those 64 days). Report and delivery might be slightly delayed.

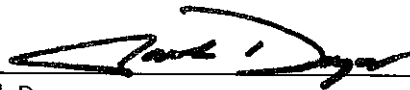
The Joint Board took note of future meetings and events as set forth in the March Board Packet. The next meeting of the Joint Board is a regular meeting, scheduled for April 3, 2025 at 4:00 p.m. in Room 203 of the Minot Auditorium.

Also in Other Business, Ryan Ackerman indicated that the legislative session is half over. The House Appropriations Committee and the full House of Representatives have passed their version of the appropriations bill for the Department of Natural Resources. The outcome of that process is there is an earmark of \$125 million dollars that has been appropriated for Mouse River. That is higher than the \$76.1 million that is currently being worked with. Jack Dwyer advised there has been some dialogue on the Senate side to reduce 20.5% of the oil extraction tax that goes to the Resources Trust Fund down to 15.5%, which would hurt funding for water projects.

Chairman Ashley next opened the meeting up for discussion on the Canadian Dam update, indicated ISRP had a meeting a while back. Clif Issendorf questioned whether the flow that comes down to the Eaton Irrigation will be impacted by using water for cooling (i.e. will this be a liability rather than an asset). Director Ashley indicated this is unknown. Laura Ackerman provided an update on the SMR topic and other Canadian Dam issues.

Next, Clif Issendorf inquired of Jack Dwyer on an improvement in the J. Clark Salyer National Wildlife Refuge where they raised several dams years ago. One was raised about 6-7 feet which backed water on North Dakota Highway 6, and also Highway 5 (a Federal Highway), and flooded them both out. Now that the height of these highways will be increased, Clif Issendorf questioned whether the federal government should bear the cost of this construction rather than the Souris River Joint Board. Jack Dwyer indicated there is case law in North Dakota regarding when a landowner or entity is responsible for flooding and there is a standard that was set forth by our Supreme Court. But any movement by the federal government would likely require a federal lawsuit or a lot of politicking. Clif Issendorf suggested the engineers should add up how many millions this would take to do the improvements on Highway 6, 5 and 17 roads and bridges. Chairman Ashley indicated a starting point will be at the coordination level to get these figures.

There being no further business to discuss, the meeting was adjourned.



Jack Dwyer
Legal Counsel