

CHAPTER 61-24.6 NORTHWEST AREA WATER SUPPLY PROJECT

61-24.6-01. Findings and declaration of policy.

Many areas and localities in northwestern North Dakota do not enjoy safe drinking water, and the water in these areas and localities contains iron, sulfates, alkali, salt, nitrates, fluoride, and other hazardous and discoloring substances. Other areas and localities in northwestern North Dakota do not have sufficient quantities of water to ensure a dependable, long-term supply. Supplementation of the water resources of northwestern North Dakota with water supplies from the Missouri River, utilizing a pipeline transmission and delivery system, may be the only alternative to provide northwestern North Dakota with a safe, good quality, dependable source, and adequate quantity of water.

Effective development and utilization of the land and water resources of this state; the opportunity for greater economic security; the protection of health, property, enterprise, and the preservation of the benefits from the land and water resources of this state; and the promotion of the prosperity and general welfare of all of the people of North Dakota involve and require the exercise of the sovereign powers of the state and concern a public purpose. To accomplish this public purpose, a project to supply and distribute water to the people of northwestern North Dakota through a pipeline transmission and delivery system for purposes, including domestic, rural water districts, municipal, livestock, light industrial, mining, and other uses, with primary emphasis on domestic, rural water district, and municipal uses must be pursued. In furtherance of this public purpose, the state water commission may provide for the issuance of bonds in accordance with chapter 61-02 to finance the costs of the project.

This chapter may not be construed to limit the rights, powers, duties, and functions of the state water commission or the department of water resources, but must be considered supplementary to those rights, powers, duties, and functions.

61-24.6-02. Northwest area water supply authority - Created.

The northwest area water supply authority consists of the following representatives who, except for the members elected under subsection 5, are appointed by the state water commission:

1. Four representatives from the city of Minot recommended by the Minot city council.
2. One representative from the North Prairie regional water district.
3. One representative of all seasons water users district recommended by the all seasons users district board of directors.
4. One representative of the upper Souris water district recommended by the upper Souris water district board of directors.
5. One representative of cities other than the city of Minot, with direct water service from the northwest area water supply project to be selected by election by cities during the annual meeting of the North Dakota league of cities.
6. One representative of the state water commission who resides in the Souris River basin recommended by the state water commission.
7. One representative of the Garrison Diversion Conservancy District recommended by the Garrison Diversion Conservancy District board of directors who serves as a nonvoting member.
8. One representative of the Turtle Mountain Band of Chippewa Indians recommended by the tribal council who will serve as a nonvoting member.

61-24.6-03. Northwest area water supply authority - Duty - Officers - Meetings - Compensation - Staffing.

The northwest area water supply authority shall develop recommendations for the legislative management regarding the transition of long-term operations and management of the northwest area water supply project. The members of the authority shall serve four-year terms. The authority shall elect a chairman and vice chairman and meet no less often than once per quarter at the times and places necessary to carry out the purposes of this chapter. The

authority members may be reimbursed for their mileage and expenses in the amount provided for by sections 44-08-04 and 54-06-09. The authority members serve at the pleasure of the state water commission. Vacancies must be filled in the same manner as original appointments are made. The department of water resources shall provide staffing and support for the authority.

61-24.6-04. Powers of the state water commission in consultation with the northwest area water supply authority.

The state water commission shall consult with the northwest area water supply authority regarding the following duties of the commission:

1. Accept funds, property, services, or other assistance, financial or otherwise, from federal, state, tribal, and other public or private sources for the purpose of aiding and promoting the development of a project to deliver water to northwestern North Dakota.
2. Cooperate and contract with the state, its agencies, or its political subdivisions, the Three Affiliated Tribes, or any agency of the United States, in research and investigation or other activities promoting the development of a project to deliver water to northwestern North Dakota.
3. Appoint and procure the services of engineers, attorneys, and others to assist in developing a project to deliver water to northwestern North Dakota.
4. Exercise such other powers as may be necessary for, or incidental to, the achievement of the purposes of this chapter.
5. Construct, operate, and manage a project to deliver water throughout the project area.

61-24.6-05. Department of water resources - Employment of staff.

The director of the department of water resources may employ full-time and other personnel as necessary to administer this chapter and as available funds permit. Notwithstanding section 61-02-64.1, funds disbursed from the contract fund or appropriated for purposes of administering this chapter may be used for salaries and expenses of persons employed pursuant to this chapter.

61-24.6-06. Commission to fix water rates for the northwest area water supply project.

The state water commission, after consulting with the northwest area water supply authority, shall establish the payments for water service to be paid by water user entities for purchase of water from the northwest area water supply project. The payments for water service must include each water user entity's proportionate share of the operation, maintenance, and replacement costs, and also include a component for payment for capital costs. The commission shall include in its determination of each water user entity's share of operation, maintenance, and replacement costs an amount to be deposited in the northwest area water supply project reserve fund for replacement, as established by section 61-24.6-07, for replacement and extraordinary maintenance of northwest area water supply project works. The amount of the reserve fund for replacement must be determined by the commission.

61-24.6-07. Operation and maintenance fund - Deposit - Use.

Revenues received by the state water commission from water user entities or otherwise for operation and maintenance of the northwest area water supply project must be maintained, as a part of the moneys of the state received and kept by the state treasurer in a fund to be designated as the northwest area water supply project operation and maintenance fund. All moneys received by the state treasurer for operation and maintenance of the northwest area water supply project and the interest on moneys in the fund must be kept by the state treasurer in the fund distinct from all other moneys and must be disbursed by the state treasurer and used only for paying for costs and expenditures for operation and maintenance of the northwest area water supply project.

61-24.6-08. Reserve fund for replacement - Deposit - Use.

Revenues received by the state water commission from water user entities or otherwise for replacement and extraordinary maintenance of the northwest area water supply project may be held pursuant to the terms of a resolution or trust indenture adopted by the commission. Any money not held pursuant to the terms of a resolution or trust indenture must be deposited by the commission and maintained, as a part of the moneys of the state received and kept by the state treasurer, in a fund designated as the northwest area water supply project reserve fund for replacement. All moneys received by the state treasurer for replacement and extraordinary maintenance of the northwest area water supply project and the interest on the moneys must be kept by the state treasurer in the fund distinct from all other moneys and must be disbursed by the state treasurer and used only for replacement and extraordinary maintenance of the northwest area water supply project.

61-24.6-09. Capital costs - Deposit - Use.

Money derived and received from water user entities or otherwise for capital costs or construction of the northwest area water supply project may be held pursuant to the terms of a resolution or trust indenture adopted by the state water commission. Any money not held pursuant to the terms of a resolution or trust indenture must be deposited by the commission and maintained, as part of the moneys of the state received and kept by the state treasurer, in a fund designated as the northwest area water supply project fund for capital costs and construction. All moneys received by the state treasurer for capital costs and construction of the northwest area water supply project, and all interest on the moneys, must be kept by the state treasurer in the fund distinct from all other moneys and must be disbursed by the state treasurer and used only for capital costs and construction of the northwest area water supply project.

61-24.6-10. Areas served by the northwest area water supply project.

The commission may provide, as part of the northwest area water supply project, delivery, distribution, and treatment of water from the Missouri River or other sources, to areas in Bottineau, Burke, McHenry, McLean, Pierce, Renville, and Ward Counties. The facilities for delivery of water may be from a pipeline transmission and delivery system or through other works, as determined by the commission.

61-24.6-11. Commission has authority to sell property.

If the state water commission determines property acquired for the northwest area water supply project is no longer necessary for project purposes and the unnecessary parcel is five contiguous acres [2.03 hectares] or less, sections 54-01-05.2 and 54-01-05.5 do not apply. The commission shall have the authority to sell, transfer, or exchange the unnecessary parcel to the current owner of the parent parcel from which the unnecessary parcel was taken. If the parent parcel's current owner does not accept the commission's offer within sixty days, the commission may offer the property to any other adjacent property owner for a period of sixty days. If no offers are accepted within sixty days, the property sale will be governed by sections 54-01-05.2 and 54-01-05.5.