



Our Vision: People and Business Succeeding with Quality Water **Our Mission:** Quality Water for Southwest North Dakota

MEMORANDUM

To: Southwest Water Authority Board of Directors

From: Jen Murray, Manager/CEO, SWA

Subject: January 2, 2024, SWA Board of Directors Meeting

Date: December 26, 2023

The next Southwest Water Authority (SWA) Board of Directors meeting will be Tuesday, January 2, 2024, at 9:00 a.m. MST at the Southwest Water Authority O&M Center Office in Dickinson.

Happy New Year! I hope everyone had an opportunity to enjoy the holiday season. 2023 was a successful year of securing funding, designing projects, and construction of strategic improvements. I am excited about the opportunities 2024 holds for us as an organization. Board and staff dedication and engagement have always been the driving force behind our success, and I look forward to sharing more achievements and milestones in the coming year. Here's to a prosperous 2024!

Under Board monitoring, there is one policy to review and monitor this month, Policy III. D. Board Governance Process-Board Committee Principles. The policy is included in the Board packet for your review.

Decision making includes two policies and their related reports to the Board. These policies and reports are reviewed quarterly. They are Policy II. C. Executive Limitations – Financial Condition and Policy II. E. Executive Limitations – Asset Protection. If you have any questions, please let me know.

Amendment #5 to Missouri West Water System Water Service Contract to extend the term for 40 years is included under decision making. This amendment allows the city of New Salem, a community served by MWWS, to comply with USDA requirements for water infrastructure loans.

Bartlett & West Revised Amendment No. 21 for Professional Services is on the agenda under decision-making. Amendment No. 21 was put before the Board of Directors at the July 2023 Board meeting which approved the development of bid ready contract documents and construction phase services for replacing cathodic protection anodes north of the New England Reservoirs. Additional cathodic protection improvements have been identified since that time. Revised Amendment No. 21 provides the initial project cost for development of bid ready documents and construction phase services for all cathodic protection improvements under one contract.

The 2023 Board of Directors' Retreat focused on Board Development and Strategic Planning. A Strategic Planning Session Summary was presented to the Board at the December Board of Directors meeting. From the summary an updated Strategic Plan has been drafted for your discussion and approval. This document will be brought back each month as the Board works to develop an approach for executing the short-term plan and tactics that support the overall strategy.

The 60th Annual Water Convention and Irrigation Workshop was a well-attended success. SWA had six directors in attendance. As a milestone year, the history of water in ND was a major topic of the event. Senator Mike Dwyer gave a presentation on the history of ND Water and a panel of former State Engineers reminisced

about their time in the position. Other presentations included the impact Aquatic Nuisance Species can and will have on the State financially, collaboration for water resiliency by the BOR, and a Farm Bill Update. Additional information is included in the Board packet. Former SWA Manager/CEO, Mary Massad, is now the President for the ND Water Users Association. The 2024 ND Water Users Goals and Resolutions are included with the Board packet.

The Feasibility Criteria discussions are ongoing. A Feasibility Criteria Subcommittee meeting has been scheduled for January 2, 2024, after the Board of Directors meeting to discuss options for adjustments. It is expected to be a joint meeting with DWR Leadership. Information will be presented to the SWC at the January 11, 2024, Precommission meeting.

Justin Froseth will give an SWPP update and discuss current construction. Justin's memo is included for your review. Tyson Decker will update the Board on the North New England Strategic Hydraulic Improvements Preliminary Design, metallic line assessments and MIC. We will also provide an update on Contract PP-2022-1, Pipeline Replacement near Taylor. Andy, Grace, Perry, and I will update the Board on O&M issues.

Dwyer and I will update the Board on the Smart Earth Technologies Bankruptcy. SWA has hired legal counsel in the State of Delaware to represent our interests. A service agreement to continue operations with a fee through Fenix USA is being reviewed at the time of this memo.

Misti Conzemius will give an update on subsequent customers, customer complaints and easement acquisition. The waiting list currently has 763 requests for service system wide, and an additional 701 signed up in the Burt, Hebron Service Area.

The Return on Investment information is included under the consent agenda. SWA customers returned \$6,227,003 in 2023. Funding received to-date is included in the Board packet.

The SWC met on Friday, December 8, 2023, at the BND in Bismarck. The SWC approved the 2024 Capital Repayment and REM rates set by the SWA Board of Directors. The updated SWA water rate sheet is included in the Board packet.

The 38th Annual Water Systems EXPO and Conference will be held February 6-8, 2024, at the Delta Hotels by Marriot in Fargo. The agenda has been included in the Board packet. The NDRWSA Annual Meeting will be held on February 6, 2024. Notes from the last NDRWSA Rural Water Managers meeting are included with the Board packet with links to additional information.

The Water Topics Overview Committee met on December 11, 2023. A joint presentation was given by Andrea Travnicek, Sindhu S. Pillai-Grinolds, Justin Froseth, and me. The agenda and presentation are included in the Board packet.

Progress on Lead Service Line Inventory survey collection is included under separate memo. The \$500 grand prize winner will be announced. This is the last month an incentive will be given for completion of the survey. To-date 40% of all connections have been collected. SWA will keep the survey link active and continue to collect the information needed for the NDDEQ.

At the Board Retreat there were discussions on the [Garrison Dam Spillway Modification Project](#). A presentation by the USACE was given at their members meeting in Denver and can be viewed by clicking the hyperlink.

I look forward to seeing you Tuesday, January 2, 2024, at 9:00 a.m. MST at the SWA O&M Center Office in Dickinson, ND.

CITY OF SENTINEL BUTTE
SENTINEL BUTTE, NORTH DAKOTA 58654

M E M O R A N D U M

To: Residents of the City of Sentinel Butte

From: Faith Van Horn, City Auditor

Subject: Water, Sewer and Garbage rate increase for 2024

Date: December 4, 2023

There **was not** an increase in water cost purchased through Southwest Water Authority for 2024, so the water rate will remain the same at (\$6.87 per 1,000 gallons) beginning January 2024. This rate is based on a set amount of \$1.00 above the amount Southwest Water Authority charges the City. For those who do not yet have a new water meter installed, I have included a new water book to be used with your future water payments beginning with your February 2024 payment for January 2024 usage. **The minimum water payment will now be \$6.87 per 1000 gallons.**

The **base** garbage and sewer rates **will remain the same at \$11.00 each.**

Base garbage rates are based on the disposal of the equivalent of two (2) 40-pound garbage bags per week, for a total of up to ten (10) bags per month. Any bags over this base amount, will be charged to the Resident at the rate of \$2.00 per extra bag.

In Addition, Annual Dog Licenses are due for 2024. Please submit applications by February 1, 2023. Cost is \$5.00 per dog and applications must include current rabies vaccination report.

Please don't hesitate to call or stop by with any questions.

Address: 20 S. West Street, Suite A
Sentinel Butte, ND 58654
701-872-3964

The Bismarck Tribune

Boys swimming & diving

Local teams swim in modified triangular because of weather **SPORTS, B1**

Federal assistance

US DOT providing \$55M for further expansion of western North Dakota highway **DAKOTA, A3**



FREEZING A.M. FOG 39 • 11 FORECAST, A10 | **MONDAY, DECEMBER 11, 2023** | bismarcktribune.com | \$3.00



TOM STROMME, TRIBUNE

RUNNING SANTAS IN A 5K

Lisa Cantlon and Goose, her pet Pomeranian, were among the 550 registered for the 10th Santa Run on Saturday morning on the grounds of the state Capitol in Bismarck. The annual Santa-themed 5K run and Ultracool Mile walk was started by South Central District Judge David Reich in 2014 to raise money and awareness for Runners Against Destructive Decisions (RADD), a local running group he formed to help people in the community recovering from addiction.

Many Hydrogen Hub details likely to take years to finalize

Project partners are optimistic; timeline might be 10 years

JOE HARRIS
Bismarck Tribune

The federal government's allocation of \$925 million for a regional clean hydrogen hub could make North Dakota a key player in a burgeoning industry, but getting the project off the ground will be a long and complex process.

The Heartland Hydrogen Hub is a collaboration between the University of North Dakota Energy and Environmental Research Center, Kael Energy, and Prairie Horizon — a consortium between Marathon Petroleum and TC Energy — which seeks to decarbonize heavy uses of energy in the Upper Midwest.

The project was one of seven selected for likely funding by the federal Department of Energy in October after a yearlong application process. Many of the details

of the hub remain undetermined. It could take almost a decade to come to fruition, project partners say.

The task of scaling up a nascent industry will include multiple rounds of negotiations with the Energy Department to actually get the allocated funds needed for production, and an effort to attain buy-in from communities that will be near the hub's infrastructure buildout.

Some experts say that if the project successfully meets these goals there will still be numerous details that planners will have to consider if they want to ensure that emissions reduction targets are met and that the hydrogen goes toward productive uses of energy.

Hub planners acknowledge the financial, regulatory and practical challenges to come, but they remain optimistic about their ability to address them and are excited about the boost North Dakota and other Upper Midwestern states have received to promote hydrogen.



EERC, PROVIDED

The Heartland Hydrogen Hub was allocated \$925 million from the federal Energy Department.

Why hydrogen

Efforts to address climate change have led federal policymakers to look toward a clean-burning fuel that has few known reserves on earth.

Hydrogen is produced through an energy-intensive process, but it has the potential to decarbonize some of the hardest-to-decarbonize industries, said Energy and Environmental Research Cen-

ter CEO Charlie Gorecki. These include heavy-duty transport and manufacturing.

"This isn't a silver bullet ... (but) it's another great way to use all of our power," he said.

Though billions in federal grants and tax credits are expected to go to the hubs, Gorecki cautioned that the less of a link to end uses that hydrogen has from the start, the longer it will take to create a hydrogen economy. Globally, only 10% of planned clean hydrogen capacity has an identified buyer, BloombergNEF reported in November.

"It's happened and we have done it, but it's a project here, a project there, so to really have lift-off with multiple hydrogen (projects) being done, and here's the thing, hydrogen is really a chicken and an egg thing ... we need to create an infrastructure to be able to create hydrogen and to use hydrogen," Gorecki said.

Please see **HYDROGEN**, Page A2

Senators shift gun legislation tactics

Feinstein ban on assault weapons not being revived

LISA MASCAPO
Associated Press

WASHINGTON — One of the first votes new Democratic Sen. Martin Heinrich cast was against legislation from Sen. Dianne

Feinstein to reinstate an assault weapons ban in the aftermath of the Sandy Hook school shooting.

In the decade since, as mass shootings have touched almost every corner of the United States, the New Mexico senator, an avid hunter once endorsed by the NRA, has been considering what it would take to draft legislation that avoids banning guns that Americans use for legitimate

purposes while still saving lives. He has also watched his two sons grow up learning how to hunt as well as how to duck and cover in mass-shooter drills that bring him to tears.

"I think there's a generational shift happening," Heinrich said. "It really made those of us who grew up inside gun culture reevaluate our views and think hard about, like, this is not a

black-and-white issue," he said. "You can accept the fact that guns are a legitimate tool without accepting that you should be able to own firearms that are really designed to inflict mass lethality."

The outcome is a new iteration of gun violence legislation from Heinrich and Sen. Angus King of

Please see **GUN LAWS**, Page A2

Ukraine's Zelenskyy to visit US

Biden presses for aid approval

ASSOCIATED PRESS

WASHINGTON — President Joe Biden and Ukraine's leader, Volodymyr Zelenskyy, will meet at the White House on Tuesday as the U.S. administration steps up the pressure on Congress to provide billions more in aid to Kyiv in its war with Russia.

The visit is intended "to underscore the United States' unshakeable commitment to supporting the people of Ukraine as they defend themselves against Russia's brutal invasion," the White House said in a statement Sunday. "As Russia ramps up its missile and drone strikes against Ukraine, the leaders will discuss Ukraine's urgent needs and the vital importance of the United States' continued support at this critical moment."

Zelenskyy's office confirmed that he had accepted Biden's invitation. He also has been asked to speak to a meeting of all senators.

Biden has asked Congress for a \$110 billion package of wartime funding for Ukraine (\$61.4 billion) and Israel, along with other national security priorities. But the request is caught up in a debate over U.S. immigration policy and border security.

Congress already has allocated \$111 billion to assist Ukraine, and Biden's budget director, Shalanda Young, said in a letter this past week to House and Senate leaders that the U.S. will run out of funding to send weapons and assistance to Ukraine by the end of the year.

"It's time to cut a deal that both sides can agree to," Young said Sunday.

The stakes are especially high for Ukraine, Secretary of State Antony Blinken said during two television interviews Sunday, given that "we are running out of funding" for the Ukrainians.

Earlier, he defended the emergency sale to Israel of nearly 14,000 rounds of tank ammunition and also called for quick congressional approval of the foreign assistance. Blinken said the needs of Israel's military operations in Gaza justify the rare decision to bypass Congress. "Israel is in combat right now with Hamas," he said. "And we want to make sure that Israel has what it needs to defend itself against Hamas."

The tank ammunition and related support constitute only a small portion of military sales to Israel, Blinken said, and that the rest remains subject to congressional review. "It's very important that Congress' voice be heard in this," he said.

Blinken noted that Biden has said he is willing to make significant compromises to get the aid package moving. "It's something the president is fully prepared to engage on," Blinken said.

Also on Sunday, battles raged across Gaza as Israel indicated it was prepared to fight for months or longer to defeat the territory's Hamas rulers, and a key mediator said willingness to discuss a cease-fire was fading.

Please see **ZELENSKYY**, Page A2

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Gun laws

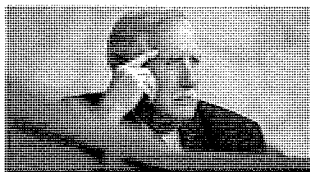
From A1

Maine that focuses on what are often referred to as assault-style weapons, which are among some of the most popular in America, and zeroes in on the part of the gun that makes them especially dangerous in mass shootings.

Rather than try to ban assault weapons outright, their legislation would essentially regulate such guns to have permanently fixed magazines, limited to 10 rounds for rifles and 15 rounds for some heavy-format pistols. The idea is to reduce a shooter's ability to fire off dozens of rounds in seconds and prevent them from being able to attach a new magazine to keep shooting.

The senators come from rural states where guns are popular, and their legislation would allow gun owners to keep existing guns but would also create a buy-back program, among other provisions. It's called the Go Safe Act, named after the internal cycling of high-pressure gas in the firearms in question.

"Both of us were uncomfirmed by an assault weapon being



Sen. Angus King, I-Maine, listens March 8 during a Senate Intelligence Committee in Washington. AMANDA ANDRADE-RINOADES, ASSOCIATED PRESS



Sen. Martin Heinrich, D-N.M., speaks Sept. 12 on Capitol Hill in Washington. MARK SCHIEFFELBEIN, ASSOCIATED PRESS

defined by its appearance because that can be manipulated, and we were looking more functionality," said King, whose state recently endured the worst mass shooting in its history when a gunman shot up a Lewiston bowling alley and bar leaving 18 dead and many others injured.

"Lewiston, certainly for me, brought home how important it is," said King, an Independent who caucuses with Democrats, to AP. "It sort of strengthened my resolve."

The National Rifle Association opposes the legislation as "the most sweeping gun prohibition bill of the 21st century."

Randy Kozuch, executive director of the NRA's Institute for Legislative Action, said in a

statement that the bill would ban "the very types of firearms and magazines most often utilized by Americans for defending themselves and their families."

He said the bill "blatantly violates" the U.S. Constitution and Supreme Court rulings.

Fourteen states and Washington, D.C., have their own bans on large-capacity magazines, according to the Giffords Center to Prevent Gun Violence, though those laws are facing new court challenges in the wake of a 2022 Supreme Court ruling that led to widespread upheaval in the nation's firearm-law landscape.

But Mark Collins, director of federal policy at Brady, the gun violence prevention organization, said this new approach, focused

on the gas-operated mechanism and the non-detachable magazine, is unique. The time it takes to stop and reload, he said, is often the "critical moment" when a mass shooter can be stopped.

"This will not prevent mass shootings because you can't prevent mass shootings in a free society where everyone has access to a firearm," Collins said.

"But what it can do is, it can significantly mitigate the damage that someone could do in a targeted mass attack."

It's not at all the kind of legislation that is expected to be headed for a vote any time soon in Congress. The senators, along with Democrat co-sponsors Michael Bennet of Colorado and Mark Kelly of Arizona, have no

Republican backers yet. But talks are quietly underway in the Senate as mass shootings hit schools, college campuses, concerts, bars, night clubs, churches, a movie theater and bowling alley across the U.S.

The effort comes as Feinstein, whose groundbreaking 1994 assault weapons ban expired after 10 years, was never again able to see her legislation revived, as the nation's gun violence only worsened. She died at age 90 in October.

Senate Majority Leader Chuck Schumer had partnered with Feinstein years ago on the assault weapons ban and tried unsuccessfully Wednesday to push it ahead for a vote. "We need it more now than ever," he said.

Zelenskyy

From A1

Israel faces international outrage after its military offensive, with diplomatic support and arms from close ally the United States, has killed thousands of Palestinian civilians. About 90% of Gaza's 2.3 million people have been displaced within the besieged territory, where U.N. agencies say there is no safe place to flee.

The United Nations has lent vital support in recent days by vetoing

a United Nations Security Council resolution to end the fighting and pushing through an emergency sale of over \$100 million worth of tank ammunition to Israel.

Russia backed the resolution. Israeli Prime Minister Benjamin Netanyahu on Sunday spoke to Russian President Vladimir Putin and expressed dissatisfaction with "anti-Israel positions" taken by "Moscow's envoys at the U.N. and elsewhere, an Israeli statement said.

The U.N. General Assembly scheduled an emergency meeting Tuesday to vote on a draft reso-

lution demanding an immediate humanitarian cease-fire in Gaza. Riyadh Mansour, the Palestinian ambassador to the U.N., told The Associated Press that it's similar to the Security Council resolution the U.S. vetoed Friday.

There are no vetoes in the General Assembly but unlike the Security Council its resolutions are not legally binding. They are important nonetheless as a barometer of global opinion.

Israel's air and ground war has killed thousands of Palestinians, mostly civilians, since the Oct. 7 at-

tack by Hamas and other militants killed 1,200 people and captured around 240. Over 100 of them were released during a weeklong cease-fire last month.

With very little aid allowed in, Palestinians face severe shortages of food, water and other basic goods. Some observers openly worry that Palestinians will be forced out of Gaza altogether.

"Expect public order to completely break down soon, and an even worse situation could unfold including epidemic diseases and increased pressure for mass dis-

placement into Egypt," U.N. Secretary-General Antonio Guterres told a forum in Qatar, a key intermediary.

Eylon Levy, an Israeli government spokesman, called allegations of mass displacement from Gaza "outrageous and false."

Qatar's prime minister, Sheikh Tamim bin Hamad Al Thani, told the forum that mediation efforts seeking to stop the war and have all hostages released will continue, but "unfortunately, we are not seeing the same willingness that we had seen in the weeks before."

Hydrogen

From A1

Colors and markets

Part of the cost will come from each part of the project relying on production methods which will all have differences in how the fuel is mostly produced today. Most production currently involves a process called methane reforming in which steam is combined with natural gas — primarily composed of methane — to separate hydrogen from the compound. This method is commonly referred to as "gray" hydrogen. This form of production will not be considered clean under federal standards without capturing the climate-warming carbon dioxide emissions that are produced as a byproduct of methane reforming. When carbon capture technology is applied to gray hydrogen, it is referred to as blue hydrogen.

Despite being an invisible gas, hydrogen is rhetorically color-coded to indicate the fuel used to create it. Other forms of hydrogen considered clean and eligible for a chunk of the \$8 billion in funding under the federal Bipartisan Infrastructure Law of 2021 include green hydrogen produced from wind and solar energy, and pink hydrogen produced from nuclear. These methods use electricity to split water into hydrogen and oxygen.

Project plans indicate that one end use for the Heartland Hub's hydrogen will go toward making ammonia for fertilizer production. Much of the Midwest's fertilizer is imported, expensive and carbon-intensive. Another use listed in project presentations will be for industrial applications. The production of steel, cement and chemicals requires high heat, which often comes with high levels of carbon dioxide emissions as well. A representative from Prairie Horizon said it is too soon to say what the industrial uses will be. Xcel said it hoped to supply hydrogen to its industrial customers.

Tony Grindberg, North Dakota's principal manager for Xcel, said the utility is working on developing a natural gas peaking power plant that will be capable of blending with, and eventually running fully on, hydrogen. Peaking plants are utilized when there is high electricity demand on the grid. That plant would go in North Dakota. Project presentations indicate Xcel will also blend hydrogen with natural gas for local distribution. A blend has the potential to decrease the service's carbon intensity.

Alan Krupnick, senior fellow at

Resources for the Future, a nonprofit research group, said using clean hydrogen to produce fertilizer is a "low-hanging fruit" for decarbonizing agriculture, since clean hydrogen would be directly replacing gray hydrogen.

Morgan Rote, director of U.S. Climate at the Environmental Defense Fund, a nonprofit advocacy group, shared a similar view. Both Rote and Krupnick said industrial uses would likely take time, but also show promise.

Their views slightly diverged on some other uses. Rote said using hydrogen for peak demands and blending makes some sense, but she cautioned there could be complications due to the fuel's low energy density and the unknowns about its impact on existing gas systems beyond low levels. Krupnick said the more clean hydrogen can get deployed, the higher chance it has of making a dent in the broader decarbonization effort.

"What we're trying to do with these hubs is to create markets for clean hydrogen," he said.

Many colors

Little is concrete about the buildout of the Heartland Hub, or the six other hubs across the country. Many details are contingent on negotiations with federal partners, but project planners have made available some key details.

The hub will involve three facilities in North Dakota, South Dakota and Minnesota. The facilities in South Dakota and Minnesota will be operated by Xcel Energy, while southwest North Dakota's Stark County is set to be the home of the third, operated by Prairie Horizon, the joint venture between Marathon and TC Energy. The facilities will not be physically connected, but rather logistically connected through management from the EERC.

Gorecki said that as things sit, the project will produce around 40% green hydrogen, 30% pink hydrogen and 30% blue hydrogen, though that could change.

Early project presentations and the availability of local resources point to what will be the likely feedstocks for each part of the hub.

Prairie Horizon intends to produce both blue and green hydrogen. Specific amounts of each are yet to be determined. This will also include a carbon capture facility and storage area for which Prairie Horizon has already secured financial support from the state of North Dakota and the Energy Department for early exploratory efforts.

The Xcel facility slated for

South Dakota will produce green hydrogen using wind energy, while Xcel's Minnesota facility will be green and pink, deriving power from utility-scale solar, wind and likely nuclear energy from its Monticello plant.

Transportation and storage will also vary across the project and are yet to be fully determined. Salt caverns in southwestern North Dakota are likely to store some hydrogen, according to Gorecki.

He does not anticipate a vast pipeline network for hydrogen. He said some of it will be blended into natural gas pipelines to transport it for power generation or utilization in industrial uses where the hydrogen would be separated from gas. There will also be a likely short pipeline for the captured CO2 emissions from blue hydrogen production.

Engaging the community

Both Rote and Krupnick expressed concern regarding the relatively small amount of information made public so far about these large infrastructure investments.

Rote said the success of these projects will hinge on solid community engagement.

"Even just the traffic involved in a project is really disruptive to people trying to go about living their lives," she said.

Gorecki listed a number of ways project partners intend to ensure a solid working relationship with those living near the hub's facilities. He said the project will utilize community advisory panels with local leaders and offer millions of dollars to workforce training for college students including all the tribal colleges in North Dakota and a number of state schools in the region. There is also a potential equity partnership with the Mandan, Hidatsa and Arikara Nation.

Marathon and TC Energy, who will be operating Prairie Horizon, have long held operations in North Dakota and are in continuous dialogue with the communities where hydrogen production will take place, according to the consortium.

Funds and feedstocks

The \$925 million for the hub will come over the course of multiple stages of talks between project partners and the Energy Department. Negotiations with the goal of a "notice to proceed" are underway now with a decision expected in 2024. This will be followed by four phases of progress which will each require go-aheads from the Energy Department: the creation of a detailed plan, project development, buildout and get-

ting the hub operational.

But even with those funds, for this scale of hydrogen to make economic sense, there will need to be tax credits to overcome an expensive production process.

Federal tax credits for clean hydrogen would subsidize it based on varying levels of emissions output. The design of these is proving to be a controversial stepping stone due to questions over what types of hydrogen production is prioritized and how emissions are measured.

Some environmental groups and scientists argue that certain forms of production run the risk of creating more emissions than what is in line with the stated decarbonization goals of the nationwide effort. Industry officials worry that if rules are initially too stringent, it could hamper the deployment of hydrogen.

For green hydrogen there is concern that if the electricity to create hydrogen comes from the grid at times when the sun is not shining or the wind is not blowing, production would ultimately rely on fossil fuels, defeating the purpose of the tax credits.

A number of environmental groups and some businesses want the tax credits to be limited to what is referred to as "The Three Pillars" — where electric generation for green hydrogen must be new, nearby and tracked hourly to ensure a renewable resource is powering it.

The U.S. Treasury is in the process of crafting the credits. Xcel in a letter to the agency supports the requirement for production to be nearby so clean resources are tied to production, but said the other requirements would slow hydrogen's development. Xcel supports an extended time frame for companies to ease into hourly matching of hydrogen with carbon free sources by 2035. It worries that if adopted, "The Three Pillars" would make it harder to use excess capacity from its current renewable fleet and exclude tax credits for hydrogen created with nuclear resources.

A draft of Treasury's guidance that leaked last week indicated the rules would likely be aligned with the pillars.

Grindberg, of Xcel, said the hydrogen production process will get more efficient over time. He added that as a regulated utility, Xcel will be in talks with state regulators to ensure customers see benefits as its resources are used for hydrogen.

Blue hydrogen may have issues proving its emissions are low enough to qualify for clean hydrogen tax credits, but it can be financed with federal carbon

capture credits. Krupnick said the latter will be easier to deal with.

Still, there is skepticism from a number of environmental groups who question the effectiveness of nascent carbon capture technology.

Rote, with the Environmental Defense Fund, said the highest standards should be applied to blue hydrogen in negotiations. "What we're calling for is a really strong — like 95% — carbon capture rate" for blue hydrogen production, she said.

Gorecki defended blue hydrogen. In western North Dakota, natural gas is increasingly abundant but often runs into problems making its way to market. Blue hydrogen could create a use as opposed to having the gas possibly end up being wastefully flared, he said. Gorecki expressed confidence about the reliability of carbon capture.

Environmental groups have also cautioned about leaks in blue hydrogen's production process. Though hydrogen is clean-burning, if it leaks before it is used, its interaction with some gases in the atmosphere slows the speed at which methane breaks down. Small leaks of climate-warming methane — that are near 30 times more potent than CO2 over a century — have been documented across the natural gas value chain.

A 2022 Princeton University-led study found that to avoid making the impact of methane emissions worse, almost no leaks in the blue hydrogen production process can occur, while green hydrogen could leak at around 9% for the same effect.

Gorecki said there are many ongoing research efforts aimed at preventing leaks. New federal methane regulations aimed at curtailing leaks may also help address the issue.

"Knowledge of it, monitoring of it, detection of it, that awareness helps us fix those issues which ultimately save those companies money and is better for the environment overall," Gorecki said.

Krupnick said that effective technologies exist for there to be the right types of oversight on leaks, but it could be costly and end up hindering hydrogen's competitiveness.

"There's a lot that remains to be seen about how the economy is going to decarbonize; at this point we want to keep all options on the table," he said.

Reach Joey Harris at 701-250-8252 or joseph.harris@bismarcktribune.com.

SOUTHWEST WATER AUTHORITY
Board of Directors Meeting Agenda
Tuesday, January 2, 2024, 9:00 a.m. MST
Southwest Water Authority O&M Center Office, Dickinson, ND
Meeting can be accessed via Teams or by calling: 1-321-558-6608 ID# 242795586#
Join on your computer or mobile app [Click here to join the meeting](#)

	Flip Chart Recorder - Director Eaton	Process Observer - Bruce Engelhardt	Minutes- Wendy Serhienko
9:00 a.m.	1. Call to Order – Pledge of Allegiance		Chairperson Odermann
9:05 a.m.	2. Agenda		
	A. Review Agenda		Chairperson Odermann
	B. <i>Consent Agenda*</i>		Board of Directors
	<i>Official Minutes of December 4, 2023, Board of Directors Meeting, Accounts Payable & Financial Reports and Return on Investment</i>		
9:10 a.m.	3. Investments at Bravera Wealth		Russ Schank, Investment Portfolio Manager
9:30 a.m.	4. Board Policy Review and Monitoring		
	A. Policy III.D. Board Governance Process – Board Committee Principles		Board of Directors
9:35 a.m.	5. Decision Making		
	A. <i>Policy II. C. Executive Limitations – Financial Condition and Manager/CEO Internal Report*</i>		Board of Directors/Jen Murray
	B. <i>Policy II. E. Executive Limitations - Asset Protection and Manager/CEO Internal Report*</i>		Board of Directors/Jen Murray
	C. <i>Missouri West Water System Amendment #5</i>		Board of Directors/Jen Murray
	D. <i>Bartlett & West Revised Amendment No. 21 for Professional Services – Cathodic Protection Improvements*</i>		Jen Murray/Tyson Decker
	E. <i>Strategic Plan*</i>		Board of Directors/Jen Murray
9:50 a.m.	6. Board Member Reports		
	A. 60 th Annual Water Convention and Irrigation Workshop		Board of Directors/Jen Murray
	B. Feasibility Criteria Subcommittee		Director Engelhardt/Froseth/Murray
10:15 a.m.	Break		
10:30 a.m.	7. Incidental Information		
	A. SWPP Update		Justin Froseth
10:40 a.m.	B. SWA Update		
	1. North New England Strategic Hydraulic Improvements Preliminary Design		Tyson Decker
	2. Metallic Line Assessments - MIC		Tyson Decker
	3. O&M Update		Murray/Erickson/Rixen
	4. Smart Earth Technologies – Automatic Meter Reading		Jen Murray/Jack Dwyer
	5. Easement/Signup Update		Misti Conzemius
11:15 a.m.	C. Update from Manager/CEO/SWA Staff		
	1. SWPP Funding and Project Review		Jen Murray /Justin Froseth
	2. SWC Meeting and 2024 Water Rates		Justin Froseth/Jen Murray
	3. NDRWSA EXPO		Jen Murray
	4. Water Topics Overview Committee		Jen Murray/Justin Froseth
	5. Service Line Inventory Survey Update		Jen Murray
11:30 a.m.	D. Perkins County Rural Water System Update		Ledeanna O'Shields
11:35 a.m.	8. Review issues pending/Parking lot/Plan next agenda		Board of Directors
11:40 a.m.	Adjourn for Lunch		
12:30 p.m.	Feasibility Criteria Subcommittee Meeting		Feasibility Criteria Subcommittee

***Items require Board action. Please Download Board Packet to your iPad prior to the Meeting**

If auxiliary aids or services such as readers, signers, or Braille material are required, please contact Southwest Water Authority, 4665 2nd St. SW, Dickinson, North Dakota 58601 or call (701) 225-0241 prior to the meeting.

**Minutes of Meeting
Southwest Water Authority
Board of Directors
December 4, 2023
Southwest Water Authority O&M Center Office in Dickinson**

1. Call to Order – Pledge of Allegiance - Introductions

The Southwest Water Authority Board of Directors met on Monday, December 4, 2023, at Southwest Water Authority O&M Center Office in Dickinson. Chairperson Odermann called the meeting to order at 9:01 a.m. MST, followed by the Pledge of Allegiance and roll call.

Present at the meeting were: Directors James Odermann, Mark Begger, Bruce Engelhardt, Harold Gaugler, Curtis Glasoe, Bob Ingold, Bob Leingang, and George Nodland. Also present were: Justin Froseth, DWR, Tyson Decker, Bartlett & West, Jack Dwyer, Dwyer Law, Don Bares, Choice Financial, Jen Murray, SWA Manager/CEO, Andy Erickson, SWA Water Distribution Manager, Grace Rixen, SWA Water Treatment Manager, Misti Conzemius, SWA Marketing Manager, Ledeanne O'Shields, SWA CFO/Office Administrator, Perry Grammond, SWA Assistant Water Treatment Manager, Dan Roller, SWA Operations Specialist, and Wendy Serhienko, SWA Accountant. Present via Microsoft Teams were; Directors Jason Bentz, Kaylene Berg, Rick Seifert, Mike Tietz and Melanie Goetz, Hughes & Stuart.

Directors Eaton, Juntunen, and Schaible were excused.

2. Agenda

Chairperson Odermann asked if there were any changes or additions to the agenda. Murray requested to move item 7.A.2. Smart Earth Technologies-Automatic Meter Reading under Decision Making 5.B.

2.A. Review Agenda

2.B. Consent Agenda*

Murray noted the Capital Payment returned to the Resources Trust Fund in the month of November was \$802,012.51. This is the highest one-month payment in the SWPP history.

Motion by Director Leingang, seconded by Director Nodland, to approve item 2.B. Minutes of November 6, 2023, Board of Directors Meeting, Minutes of July 27, 2023, Feasibility Criteria Subcommittee Meeting, Accounts Payable, and Financial Reports and Return on Investment. Motion carried by voice vote without dissent.

3. Choice Financial Insurance

Don Bares, Insurance Advisor for Choice Financial manages Southwest Water Authority's North Dakota Insurance Reserve Fund policies. Bares discussed the policies he oversees for SWA. Bares noted SWA's 2024 insurance premium renewals will be less than 2023 policy premiums.

4. Board Policy Review and Monitoring

4.A. Policy IV.B. Board Manager/CEO Relationship-Manager/CEO Job Description

Engelhardt reviewed the policy. Chairperson Odermann asked if there were any comments, questions or changes to Policy IV.B. Board-Manager/CEO Relationship-Manager/CEO Job Description. There were none. A copy of the policy is on file with the official minutes.

5. Decision Making

5.A. Policy II.D. Executive Limitations-Emergency Executive Succession and Manager/CEO Internal Report*

Gaugler reviewed the policy. Chairperson Odermann asked if there were any comments or changes to Policy II.D. Executive Limitations-Emergency Executive Succession and Manager/CEO Internal Report. There were none. A copy of the policy is on file with the official minutes.

Motion by Director Glasoe, seconded by Director Ingold, to approve Policy II.D. Executive Limitations-Emergency Executive Succession and Manager/CEO Internal Report. Motion carried unanimously by a roll call vote.

5.B. Smart Earth Technologies-Automatic Meter Reading*

On November 16, 2023, SWA received notice that Smart Earth Technologies (SET) has filed for Chapter 11 bankruptcy in the state of Delaware. A letter was received on November 21, 2023 that notes that all equipment will continue to operate as normal for 60-days. After the 60-days, customers are encouraged to put in place direct arrangements with telecommunications providers. At this time the only additional information SWA has been able to unveil is that “a plan for continuation of service will be provided”.

SWA currently has 4,039 SETflow AMR’s installed systemwide. There is cause for concern that 60-days is not enough time to make arrangements with telecommunication providers or to determine an alternative to SETflow. Even if SWA were to contract with a cellular provider the software that reads and monitors those meters may no longer function and data would be lost. Continuation of service will also likely come with a monthly monitoring fee. Murray and Dwyer requested the Board authorize Murray to retain legal counsel in Delaware to protect SWA as a creditor in the Bankruptcy and to commit to a monthly meter reading fee if necessary. There was discussion by the Board on purchasing the software.

Dwyer stated first day motions have already been filed and the deadline to object those motions is December 7, 2023.

Leingang called the question. Nodland seconded. Debate ended by unanimous voice vote.

Motion by Director Nodland, seconded by Director Glasoe to approve Manager/CEO Jen Murray, with the assistance of Legal Counsel Jack Dwyer, retaining Delaware legal counsel and to take any other action necessary to protect Southwest Water Authority’s interests as a creditor in the pending Chapter 11 Bankruptcy of Smart Earth Technologies, not to exceed \$50,000 in legal fees, and a commitment to a fee for meter reading. Motion carried unanimously by a roll call vote.

5.C. Resolution of Appreciation for Dan Roller*

Roller will be retiring at the end of December. Murray reflected on Roller’s 29 years of service with SWA. As the Operations Specialist and Water Distribution Operator, Roller has been a dedicated and valued employee and will be missed. SWA wishes Dan and his family the best in future endeavors.

Motion by Director Leingang, seconded by Director Gaugler to approve the Resolution of Appreciation for Dan Roller. Motion carried unanimously by a roll call vote.

5.D. Resolution of Appreciation for Leo Miller*

Murray presented a Resolution of Appreciation for Leo Miller. He has been a Water Distribution Operator for 16 years and will be retiring at the end of December. They thanked him for his years of dedicated service to SWA.

Motion by Director Glasoe, seconded by Director Engelhardt to approve the Resolution of Appreciation for Leo Miller. Motion carried unanimously by a roll call vote.

6. Board Member Reports

6.A. Board Retreat Recap and Summary

Murray stated the Retreat was successful. She reviewed a summary document of the Retreat. The focus of the Retreat was Board Development and Strategic Planning. She noted an updated Strategic plan with action items will be developed and will need to be voted on at a future Board meeting. It is the intent to review action items at all Board meetings moving forward.

6.B. SWC Meeting

Froseth stated the SWC pre-commission meeting was held November 9, 2023. He noted there was an oversight and the 2024 REM and Capital Repayment rates were not presented. These will be presented at the December 8, 2023, SWC meeting for recommendation with approval.

6.C. Feasibility Criteria Subcommittee

Engelhardt stated the Feasibility Criteria Subcommittee met on November 17, 2023 to discuss a draft response letter from the DWR regarding the proposal from SWA. At this meeting, the Subcommittee instructed Murray to request further consideration and clarification from the DWR staff including resetting the baseline maximum cost per ESU per the Feasibility Criteria to be tied to the capital repayment, opinion on adjusting any surcharged amount by the CPI versus using a fixed rate surcharge, and additional clarification on defining MTL's. Discussion by the Board included hesitation to implementing a surcharge. The rural water system was built to-date with a postage stamp rate that will be paid back into perpetuity. The costs for this project are estimated to be high, but the need is great. The subject of 'fairness' is valid but it is a very unique project with a lot of history, and comparison to other systems is difficult.

6.D. Perkins County Rural Water System Annual Meeting and Update

Director Eaton attended the Perkins County Rural Water System Annual Meeting on November 9, 2023. He was unable to attend the Board meeting this month and will provide the update at the January Board meeting.

7. Incidental Information

7.A. SWPP Update/SWA Update

Froseth reported on the SWPP open construction contracts. The memo is on file with the official minutes. There are three open construction contracts.

Contact 1-2A: DWR staff and the engineering team continue to coordinate with the legal team preparing for mediation. A meeting is scheduled for December 5-6, 2023, where experts will be heard from both sides.

Contract 4-1E/4-2B: The cathodic protection issue is solved for the Dodge and Richardton Pump Station. SWA staff was able to identify a mounting screw for the sump pump outlet that was shorted into the neutral wire. That was fixed and now the cathodic protection is working as expected. Within the general contract, and the issues with the oil observed at the base of the motors for pumps D-4, D-5 and D-6, the contractor has been active to resolve the issues. Some uncertainty remains whether an issue will come up in the future. Therefore, the contractor has been put on notice through a letter from Bartlett & West/AECOM of our expectation for them to address should future issues arise. Under the general contract, DWR approved change order G-4 related to replacing two combination air vacuum-air release valves (CAVs). With the above items addressed, DWR is comfortable with moving forward and closing out this contract with PKG for the general construction contract upon receiving the Bureau of Reclamation's approval of G-4.

SWA has informed BW/AECOM of an issue with low suction pressure at the Dodge Pump Station with two large pumps running. SWA believes the issue is similar to that observed in 2007-2009 and is caused by air accumulating in the pipeline. BW/AECOM is working with SWA to gather data to troubleshoot the issues. It is likely that finding a resolution will involve review by surge subconsultants and may involve Wagner Plateworks, the Contract 4-1E/4-2B surge air chamber supplier to PKG Contracting.

Contract HI-2021: The contract had a milestone completion date of November 3, 2023, for pipeline installation and the substantial completion date on the contract is June 15, 2024. The pipe installation did complete on November 16, 2023, 13 days after the milestone completion date. Though the pipe installation is complete, the hydraulic benefits will not be seen until the project's booster stations are installed. The booster station work will occur in 2024. Work is being done with the local power companies for each booster station's location to establish power to the booster stations.

The Burt, Hebron rural expansion progress is dependent on the outcome of the Feasibility Criteria Discussions. Once a decision has been made, a final design schedule will be established. It is unlikely any construction on the Burt, Hebron project will begin in 2024. DWR staff met with the Subcommittee on November 17, 2023, to talk about the DWR staff's thoughts to each of SWA's proposal points from the August 23, 2023, letter. From that discussion, DWR staff received a draft letter from the SWA staff to consider the direction that the subcommittee would like to explore with the DWR. It will likely be February before the SWC will approve the Feasibility Criteria.

On September 26, 2023, the DWR approved the specific authorization for commencement of the design of the Southwest Water Treatment Plant. Bartlett & West/AECOM are currently working on a plan with a goal of bidding this project in the fall of 2024. The current schedule has construction to begin in 2025. Decker stated Bartlett & West/AECOM have begun a plan development.

Decker stated the north New England project is in preliminary design has been a bit challenging due to the landscape of the area. Decker will provide preliminary design maps and cost estimates at the January Board meeting.

7.A.1. O&M Update

Murray reviewed a memo updating the Board of ongoing and upcoming O&M activities. Items included in this update included both distribution and treatment activities. The memo is on file with the official minutes.

Decker stated two days of excavation were completed west of segment three on the 2-3A ductile iron pipeline near Taylor. He noted 120-140' of additional pipe needs to be considered for replacement west of Segment 3 since there is significant pitting at that location. There is a two-month lead time to order the pipe.

Decker stated excavations will be done on contract 2-2C on Tuesday, December 5 and Wednesday, December 6, 2023.

Murray stated the City of Dickinson has opted out of a national settlement with Dupont and 3M for contaminating water sources with PFAS. Rixen noted the OMND water treatment plant will test for PFAS quarterly in 2024 under the unregulated contaminant monitoring Rule-5 (UCMR-5). The Dickinson Water Treatment Plant will test quarterly in 2025.

7.A.3. Easement/Signup Update

Conzemius reviewed the sign-up and easement report. Subsequent cost quotes, customer complaints and waiting list numbers were reported. There are 758 requests for service system-wide, one subsequent customer signed up during the month of November.

7.B. Update from Manager/CEO/SWA Staff

7.B.1. SWPP Funding and Project Review

Murray stated total returned to the Resources Trust Fund for 2023 will be over \$6 million and total returned to-date is \$95.7 million.

7.B.2. Requests for Proposals-Marketing Public Relations

Murray stated Melanie Goetz with Hughes & Stuart will be retiring in 2024. SWA is currently putting together a request for proposals for a marketing and public relations firm. The draft of this proposal was reviewed. Melanie will continue to provide services until another firm has been hired and may continue to provide services as needed during the transition. The expected timeline for a replacement is March 2024.

7.B.3. 60th Annual Joint ND Water Convention and Irrigation Workshop

Murray stated The ND Water Convention and Irrigation Workshop will be held December 5-8, 2023, in Bismarck. The theme is 60 Years of Making a Difference as it is the 60th anniversary of the convention.

7.B.4. Service Line Inventory Survey Update

Murray stated a total of 2,945 (39%) surveys have been collected to-date. A list of the 10 water bill credit winners for this month was presented and will be posted on the SWA website.

7.B.5. Water Topics Overview Committee

Murray noted the Water Topics Overview Committee will meet December 11, 2023, at the ND State Capitol. A joint SWPP update will be provided by Director Andrea Travnicek, Sindhu S.Pillai-Grinolds, Justin Froseth, and Murray.

7.B.6. Missouri River Joint Water Board Advisory Committee

Murray stated the Missouri River Joint Water Board (MRJWB) continues to make progress on their Educate, Advocate, and Engage (EAE) program. The MRJWB Advisory Committee met November 14, 2023, to review recent activities, and plan for the future of the program. Articles continue to be published in the ND Water Magazine on the Missouri River issues. Interviews and radio show appearances continue to be scheduled. A consistent message and presentation are being developed and a speakers bureau has been assembled to present the EAE message to local groups. The MRJWB will meet during the water convention.

7.B.7. NDRWSA EXPO and Washington D.C. Rural Water Rally

Murray stated the 38th Annual ND Rural Water Systems Association EXPO will be held in Fargo on February 6-8, 2024. This year the EXPO is scheduled at the same time as the National Rural Water Associations Rural Water Rally in Washington D.C. Eric Volk, NDRWSA Executive Director, noted the NDRWSA Executive Board meets in December to determine if there will be a joint visit to D.C. by North Dakotans or if they will work to schedule an event in North Dakota for our Congressional Delegation.

7.B.8. Water Coalition

Murray noted the annual membership for the ND Water Coalition is included under payables this month. The Water Coalition has hired a new Executive Director, Annika Plummer.

8. Review issues pending/Parking lot/Plan next agenda

There being no further business, Chairperson Odermann adjourned the meeting at 11:57 a.m. MST.

Jim Odermann, Chairperson

Mike Tietz, Secretary/Treasurer



Our Vision: People and Business Succeeding with Quality Water **Our Mission:** Quality Water for Southwest North Dakota

MEMORANDUM

To: Jen Murray, Manager/CEO

From: Ledeanne O'Shields, CFO/Office Administrator

Subject: Financial, Administration and Customer Service – Incidental Information

Date: December 27, 2023

The financial statements included for your review are for November 2023. These include a summary income and expense statement that compares to budget, a detailed income statement of actual income and expenses for the year and the balance sheet. The balance sheet is a comparison of November 2022 to November 2023. Also included is a detailed statement of board expenses for the month of November.

The accounts receivable listing for rural customers is for November 2023 and the transmission accounts receivable listing is for December 2023. The checks written for the month are from November 22, 2023 to December 18, 2023.

Total rural usage for November 2023 was 25,478,900 gallons. By comparison, in November 2022 rural water sales were 22,699,900 gallons. This is an increase of 12%. During the month of November, there were 7 customer hookups; 5 in 7-1B, 1 in 7-2A, and 1 in 7-8D. There are 1,759 customers using our Automatic Payment Plan, 232 paid online with a credit card and 596 paid online with a checking account. We had 23 spot checks (two months without a reading or the same reading). Currently there are 293 customers who are using the Customer Service Center to view their accounts.

Included with this memo are spreadsheets for power costs, residual mill levy income and signup income for the month of November. Also included are WAPA, Wheeling power and MISO costs. SWA sold a total of 131,601,950 gallons of water in the month of November. The projection for the year 2023 is 2,317,750,000 gallons. A comparison of total usage through November is listed at the top of the next page. The difference shown in the first column is the difference between year-to-date for the year (2022) and 2023. This shows a historical year-to-date comparison. Also listed are the usage and the difference for the last two months. Sales through November were less than last year's sales through November by 1.50%. SWA had 7,587 active accounts with 2,746 subsequent users in November. As of the end of November 2023, SWA has 295 tenants.

Also listed below is O&M Income minus Capital Repayment and REM, along with percentages, through November 30, 2023.

Comparisons Through November	Listed in thousand gallons		
		October 2023	217,135.28
2014	2,224,038,680	November 2023	<u>131,601.95</u>
2015	2,218,283,950	Difference	-85,533.33
2016	2,241,661,570		
2017	2,328,221,170		
2018	2,155,622,120		
2019	2,033,004,030		
2020	2,330,773,830		
2021	2,355,829,660		
2022	2,143,721,880		
2023	<u>2,111,646,280</u>		
Difference	32,075,600		

As of November 30, 2023	Amount	Percent
O&M Income	\$17,131,500	
Return on Investment Expense	(5,729,565)	33%
REM Expense	<u>(1,680,185)</u>	10%
Balance	<u><u>\$9,721,810</u></u>	57%

Water depot usage information is included with this memo.

On December 1, 2023, three tiered Certificates of Deposit in the amount of \$1 million each were purchased with the O&M DDM account. The annual percentage yield for the six, nine, and twelve month CDs is 5.23%, 5.14% and 5.06%, respectively.

A listing of Accounts Payables (aged trial balance) is included. In addition to the regular accounts payable, included in the listing are: Atlas Copco Compressors, LLC for \$11,391.96 for the replacement compressor for the SWTP; Bartlett & West Engineers, Inc for \$29,677.49 of which \$4,225.95 for Contract 2-3A, and \$3,012.70 for OMND Roof; Basin Electric Power Cooperative for \$20,370.00 for the annual payment for the water supply agreement from March 1986; BEK Consulting, LLC for \$33,001.90 for the 2-3A pipeline inspection 2023; Choice Insurance for \$107,972.00 for the insurance renewal, Core & Main LP for \$12,023.28 for inventory; JK Excavation for \$113,200.00 which includes \$70,000.00 for Dunn County 25th St road improvements, \$34,000.00 for Dunn County 23rd St road improvements; \$5,600.00 to relocate 200 feet of 3 inch line and reset 2 inch service line valve at 10th St SW and 103rd Ave for Dunn County, and \$3,600.00 for settlement repairs on a waterline south of Medora; K B Repair for \$8,120.25 to move four service bodies to new trucks and one truck service; Lindtech Services, Inc for \$6,029.00 for AC repairs at OMND WTP; and Rinker Materials for \$3,111.36 for subsequent materials.



TO: NDIRF Member Officials

FROM: Brennan Quintus, NDIRF CEO

DATE: December 11, 2023

RE: 2024 NDIRF BOARD OF DIRECTORS ELECTION

Annually, at least two seats on the nine-member NDIRF Board of Directors are up for election. The election is held by member voting through solicitation of proxies by mail or voting in person at the NDIRF Annual Meeting. The 2024 NDIRF Annual Meeting will be held at 9:30 a.m. CDT on Wednesday, May 9, 2024, at the North Dakota Heritage Center in Bismarck.

Directorships representing the member categories of "Cities," "Counties," and "Others" are up for election in 2024. The incumbent board members are Chris West, City of Grafton Mayor ("Cities"), Scott Ouradnik, Slope County Commissioner ("Counties"), and Tyler Jacobson, Valley City Park and Recreation District Executive Director ("Others"). West and Jacobson will seek reelection in 2024. Ouradnik will not seek reelection in 2024.

Elected officers or employees of NDIRF members are eligible to serve on the NDIRF Board of Directors. Candidates must represent the member category electing a director each year (for example, "Cities," "Counties," and "Others" in 2024).

Any eligible person who wishes to be considered by the NDIRF Nominating Committee as a director candidate must complete and submit a Candidate Application Form by Jan. 31, 2024.

To obtain a copy of the form, please contact the NDIRF office and direct your request to CEO Brennan Quintus:

- Phone: (800) 421-1988
- Mail: P.O. Box 2258, Bismarck, ND 58502
- Email: Brennan.Quintus@ndirf.com



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Southwest Water Authority
Statement of Income & Expenses
For 1/1/2023 To 11/30/2023

	Current Period	Current YTD	YTD 2023 Budget	YTD % of Budget	Budget total 2023
Sales					
Sales of Water	\$1,138,637	\$16,877,867	\$17,498,397	90.95%	\$18,558,400
Sales of Equipment	\$8,664	\$215,790	\$185,900	106.41%	\$202,800
Sales of Services	\$6,404	\$37,901	\$38,500	90.24%	\$42,000
Gross Sales	\$1,153,705	\$17,131,558	\$17,722,797	91.11%	\$18,803,200
O&M Expense --Transmission	\$563,285	\$6,655,280	\$7,243,372	83.53%	\$7,967,300
O&M Expense --Distribution	\$434,471	\$4,989,507	\$4,954,840	91.00%	\$5,482,800
O&M Expense -- Treatment	\$202,805	\$2,585,834	\$2,762,192	82.69%	\$3,127,300
Customer Service Expense	\$18,817	\$219,996	\$231,275	83.90%	\$262,200
Total Expenses	\$1,219,378	\$14,450,617	\$15,191,679	85.81%	\$16,839,600
Gross Profit On Sales	(\$65,673)	\$2,680,941	\$2,531,118	136.53%	\$1,963,600
Other Income					
Mill Levy Income	\$1,806	\$25,910	\$0	0.00%	\$0
Other Income	\$34,034	\$415,297	\$284,717	133.71%	\$310,600
Grant Income	\$0	\$2,000	\$4,126,833	0.04%	\$4,502,000
Total Other Income	\$35,840	\$443,207	\$4,411,550	9.21%	\$4,812,600
Board of Directors Expense	\$28,360	\$191,595	\$251,258	69.90%	\$274,100
Administrative Expense	\$83,048	\$929,900	\$981,092	82.18%	\$1,131,600
Signup & Easement Expense	\$31,285	\$346,134	\$411,308	72.61%	\$476,700
Depreciation Expense	\$41,134	\$442,017	\$550,917	73.55%	\$601,000
Gain/Loss on Asset Disposal	\$28,460	\$126,850	\$0	0.00%	\$0
Net Income/Expenses	(\$185,200)	\$1,341,353	\$4,748,093	31.25%	\$4,292,800
Replacement & EM Fund Expense	\$44,305	\$1,132,320	\$7,313,242	14.20%	\$7,971,700
Net Income w/ Replacement & EM	(\$229,505)	\$209,033	(\$2,565,149)	(5.68)%	(\$3,678,900)

Board of Directors Expenses

For 1/1/2023 to 11/30/2023

	Current Period	Current YTD	2023 BUDGET YTD	2023 BUDGET Budget
Board of Directors Expenses				
Per Diem -- Board of Directors	\$5,944	\$50,131	\$67,833	\$74,000
Workers Compensation Expense -- Board of Directors	0	18	183	200
FICA - Social Security -- Board of Directors	424	3,643	4,858	5,300
FICA - Medicare -- Board of Directors	99	852	1,192	1,300
Professional Services -- Board of Directors	10,722	46,656	59,583	65,000
Office Supplies -- Board of Directors	34	164	183	200
Copies & Duplication -- Board of Directors	60	60	92	100
Public Relations & Development -- Board of Directors	0	1,548	5,592	6,100
Development & Education -- Board of Directors	1,800	5,150	7,058	7,700
Mileage Reimbursement -- Board of Directors	1,099	15,727	17,600	19,200
Lodging & Meals -- Board of Directors	3,464	14,681	19,892	21,700
Travel Expenses -- Board of Directors	0	0	10,450	11,400
Telephone/Internet -- Board of Directors	360	3,983	4,217	4,600
Postage -- Board of Directors	18	202	275	300
Dues & Subscriptions -- Board of Directors	2,423	27,728	28,417	31,000
Insurance - Liability -- Board of Directors	1,914	21,050	23,833	26,000
Total Board of Director Expense	\$28,361	\$191,593	\$251,258	\$274,100
Depreciation Expense -- Board of Directors	\$50	\$521	\$2,750	\$3,000
Total Expenses	\$28,411	\$192,114	\$254,008	\$277,100
	\$28,411	\$192,114	\$254,008	\$277,100

Comparative Balance Sheet

11/30/2023

	Through 11/30/2023	Through 11/30/2022
Assets		
Current Assets		
Cash		
Cash in Checking - O&M - Bravera	\$3,065,846	\$1,366,353
Cash in Checking - Payroll - Bravera	431,915	378,825
Money Market - O&M - Bravera	0	3,441
DDM - Reserve - O&M - Bravera	2,459,556	1,325,080
DDM - Reserve - Dist - Bravera	0	484,510
Cash in Checking - Bank of the West	36,840	11,841
Petty Cash	131	167
Total Cash	\$5,994,288	\$3,570,217
Short-Term Investments		
Short-Term Investment - O&M Fund	\$49,590	\$21,324
Short-Term Investment - General Fund	10,323	3,676
Short-Term Investment - Reserve Fund	3,910	1,650
Short-Term Investment - Escrow Fund	9,076	3,366
Short-Term Investment - Replacement	3,427,784	3,218,704
Cash Management Account - General Fund	21,320	20,523
Cash Management Account - O&M	1,150,036	1,101,990
Certificate of Deposit #18112	4,000,000	0
Total Short-Term Investments	\$8,672,039	\$4,371,233
Accounts Receivable		
Accounts Receivable -- Distribution Prepayments	(\$59,863)	(\$55,817)
Accounts Receivable -- Transmission	614,106	633,259
Accounts Receivable -- Distribution	695,468	665,868
Accounts Receivable -- MWWS	14,132	19,541
Accounts Receivable -- Other	5,018	(5,433)
Allowance For Doubtful Accounts	(11,153)	(9,726)
Allowance For Doubtful Accounts -- MWWS	(1,477)	(3,256)
Total Accounts Receivable	\$1,256,231	\$1,244,436
Interest Receivable		
Total Interest Receivables	\$0	\$0
Inventory		
Inventory Contributed Capital	\$99,797	\$99,797
Inventory -- User Spare Parts	718,682	701,552

Comparative Balance Sheet

	Through 11/30/2023	Through 11/30/2022
Inventory -- WTP	130,454	101,247
Inventory -- SWTP	184,488	138,652
Inventory -- OMND WTP	91,514	123,214
Total Inventory	\$1,224,935	\$1,164,462
Prepaid Expenses		
Prepaid Expenses	\$44,206	\$47,803
Prepaid Deposit -- MISO	14,845	14,639
Prepaid Insurance	54,424	49,415
Prepaid Workers Compensation	0	7,173
Total Prepaid Expenses	\$113,475	\$119,030
Total Current Assets	\$17,260,968	\$10,469,378
Long-Term Investments		
Long-Term Investment - O&M Fund	\$2,723,383	\$2,705,696
Long-Term Investment - General Fund	1,175,372	1,157,991
Long-Term Investment - Reserve Fund	360,355	357,058
Long-Term Investment - Escrow Fund	745,697	738,643
Long-Term Investment - Replacement	21,266,382	21,259,061
Total Long-Term Investments	\$26,271,189	\$26,218,449
Property, Plant and Equipment		
Land	\$111,787	\$111,257
Buildings & Improvements	3,960,954	3,949,668
Office Furniture & Fixtures	290,706	307,943
Vehicles	1,027,066	907,969
Contributed Vehicles	46,093	46,093
Other Fixed Assets	4,011	4,011
Computer Equipment	127,457	151,988
Machinery & Equipment	3,001,852	3,427,344
Contributed Equipment	60,530	60,530
Computer Software	178,590	195,932
Total Property, Plant and Equipment	\$8,809,046	\$9,162,735
Accumulated Depreciation		
Accum Depr -- Buildings & Improvements	\$1,167,488	\$1,072,601
Accum Depr -- Office Furn & Fixt	270,812	270,724
Accum Depr -- Vehicle	459,632	477,829
Accum Depr -- Contributed Vehicles	46,093	46,093
Accum Depr -- Other Fixed Assets	4,011	4,011

Comparative Balance Sheet

	Through 11/30/2023	Through 11/30/2022
Accum Depr -- Computer Equipment	91,221	81,210
Accum Depr -- Machinery & Equipment	1,786,117	1,740,094
Accum Depr -- Contributed Equipment	60,530	60,530
Accumulated Amortization	171,443	180,134
	<hr/>	<hr/>
Total Accumulated Depreciation	\$4,057,347	\$3,933,226
Other Assets		
Deferred Pension Outflows	\$4,354,572	\$3,141,173
Deferred OPEB Outflows	107,506	40,022
	<hr/>	<hr/>
Total Other Assets	\$4,462,078	\$3,181,195
	<hr/>	<hr/>
Total Assets	\$52,745,934	\$45,098,531
	<hr/> <hr/>	<hr/> <hr/>

Comparative Balance Sheet

	Through 11/30/2023	Through 11/30/2022
Liabilities and Equity		
Current Liabilities		
Accounts Payable		
Accounts Payable	\$1,039,427	\$1,026,353
Employee Benefits Payable	126,240	106,357
Total Accounts Payable	\$1,165,667	\$1,132,710
Taxes Payable		
ND State Withholding Payable	\$6,890	\$5,993
Employer Matching FICA - Social Security	17,517	15,381
Employer Matching FICA - Medicare	4,097	3,597
Total Taxes Payable	\$28,504	\$24,971
Other Current Liabilities		
Accrued Annual Leave Payable	\$201,545	\$225,998
Accrued Sick Leave Payable	57,486	66,059
Accrued Salaries Payable	285,639	252,057
Total Other Current Liabilities	\$544,670	\$544,114
Total Current Liabilities	\$1,738,841	\$1,701,795
Long-Term Liabilities		
Deferred Revenue	\$799,125	\$753,000
Tenant Rental Deposits	21,825	20,550
Tenant Rental Deposits -- MWWS	375	375
Customer Escrow Deposit	40,000	40,000
Deferred Pension Inflows	3,049,777	5,277,074
Deferred OPEB Inflows	30,518	66,515
Net Pension Liability	6,595,266	2,656,428
Net OPEB Liability	233,069	124,076
Total Long-Term Liabilities	\$10,769,955	\$8,938,018
Total Liabilities	\$12,508,796	\$10,639,813
Equity		
Reserve Funds		
Reserve Account -- O&M Transmission	\$3,004,661	\$2,678,707
Reserve Account -- O&M Distribution	1,952,265	1,880,997
Reserve Account -- O&M Treatment	(2,147,104)	(2,221,744)

Comparative Balance Sheet

	Through 11/30/2023	Through 11/30/2022
Reserve Account -- General Operating Fund	379,356	374,976
Reserve Account-Replace & EM -- Transmission	27,112,195	25,334,403
Reserve Account-Replace & EM -- Distribution	784,324	732,157
Interest Income -- Replace & EM	(3,497,279)	(1,805,932)
Dividend Income -- Replace & EM	369,915	327,470
Total Reserve Funds	\$27,958,333	\$27,301,034
Unappropriated Funds	\$11,503,111	\$10,165,225
Contributed Capital	566,665	566,665
Net Profit/(loss)	209,042	(3,574,207)
Total Equity	\$12,278,818	\$7,157,683
Total Liabilities and Equity	\$52,745,947	\$45,098,530

AGED TRIAL BALANCE
Southwest Water Authority
Payables Management

Ranges:
Vendor ID: 5A2136 - ZI2342
Class ID: First - Last
Payment Priority: First - Last
Vendor Name: First - Last

Accts Payable: First - Last
Posting Date: First - Last
Document Number: First - Last

Print Option: SUMMARY
Age By: Document Date
Aging Date: 12/31/2023
Exclude: Credit Balance, Zero Balance, No Activity, Unposted Applied Credit Documents, Multicurrency Info
Sorted By: Vendor ID
Due Date

Vendor ID:	AM1956	Name:	AMAZON CAPITAL SERVICES	
Voucher(s):	1	Aged Totals:		Due \$776.64
Vendor ID:	AP1557	Name:	AP CONSULTING, LLC	
Voucher(s):	1	Aged Totals:		Due \$214.13
Vendor ID:	AT4171	Name:	ATLAS COPCO COMPRESSORS, LLC	
Voucher(s):	2	Aged Totals:		Due \$11,391.96
Vendor ID:	BA1491	Name:	BACKYARD MECHANICS	
Voucher(s):	2	Aged Totals:		Due \$212.50
Vendor ID:	BA6742	Name:	BARTLETT & WEST ENGINEERS, INC.	
Voucher(s):	5	Aged Totals:		Due \$29,677.49
Vendor ID:	BA7353	Name:	BASIN ELECTRIC POWER COOPERATIVE	
Voucher(s):	1	Aged Totals:		Due \$20,370.00
Vendor ID:	BE4155	Name:	BEK CONSULTING, LLC	
Voucher(s):	1	Aged Totals:		Due \$33,001.90
Vendor ID:	BI7518	Name:	BISMARCK HOTEL AND CONFERENCE CE	
Voucher(s):	1	Aged Totals:		Due \$545.00
Vendor ID:	BO6225	Name:	BORDER STATES ELECTRIC SUPPLY	
Voucher(s):	6	Aged Totals:		Due \$513.94
Vendor ID:	BU7426	Name:	BUTLER MACHINERY COMPANY	
Voucher(s):	2	Aged Totals:		Due \$1,994.09
Vendor ID:	CE5763	Name:	CENTRAL MCGOWAN, INC-139156	
Voucher(s):	1	Aged Totals:		Due \$6,122.97
Vendor ID:	CE6732	Name:	CERTIFIED POWER INC	
Voucher(s):	1	Aged Totals:		Due \$3.83
Vendor ID:	CH5200	Name:	CHOICE INSURANCE	
Voucher(s):	1	Aged Totals:		Due \$107,972.00
Vendor ID:	CO5371	Name:	COLE PAPERS, INC	
Voucher(s):	1	Aged Totals:		Due \$635.00
Vendor ID:	CO6251	Name:	CORE & MAIN LP	
Voucher(s):	2	Aged Totals:		Due \$12,023.28

Vendor ID: DA4660	Name: DAKOTA PUMP INC		
Voucher(s): 1	Aged Totals:	Due	\$331.86
Vendor ID: DA4963	Name: DAKOTA SUPPLY GROUP		
Voucher(s): 2	Aged Totals:	Due	\$1,566.72
Vendor ID: DE4782	Name: DELUXE		
Voucher(s): 1	Aged Totals:	Due	\$718.08
Vendor ID: DI1435	Name: CITY OF DICKINSON		
Voucher(s): 1	Aged Totals:	Due	\$108.60
Vendor ID: DI7763	Name: DNOW L.P.		
Voucher(s): 1	Aged Totals:	Due	\$185.07
Vendor ID: EL2177	Name: ELECTRO WATCHMAN, INC		
Voucher(s): 1	Aged Totals:	Due	\$122.62
Vendor ID: FA1274	Name: FARMERS UNION-BEULAH		
Voucher(s): 1	Aged Totals:	Due	\$777.56
Vendor ID: FA3192	Name: FARMERS UNION HAZEN		
Voucher(s): 3	Aged Totals:	Due	\$99.81
Vendor ID: FE2200	Name: FEDERAL EXPRESS		
Voucher(s): 3	Aged Totals:	Due	\$111.29
Vendor ID: GR1955	Name: GRAYMONT (WI) LLC		
Voucher(s): 2	Aged Totals:	Due	\$8,865.12
Vendor ID: HA8435	Name: HAWKINS INC		
Voucher(s): 9	Aged Totals:	Due	\$7,023.26
Vendor ID: HA9253	Name: HAZEN HARDWARE HANK		
Voucher(s): 3	Aged Totals:	Due	\$71.40
Vendor ID: HD6253	Name: HDR ENGINEERING, INC		
Voucher(s): 1	Aged Totals:	Due	\$1,442.50
Vendor ID: HU3327	Name: HUGHES & STUART MARKETING INC		
Voucher(s): 1	Aged Totals:	Due	\$4,165.00
Vendor ID: IN2566	Name: INFORMATIONAL DATA TECHNOLOGIES L		
Voucher(s): 1	Aged Totals:	Due	\$5,140.00
Vendor ID: JE6552	Name: JEROME DISTRIBUTING, INC.		
Voucher(s): 4	Aged Totals:	Due	\$238.45
Vendor ID: JK2811	Name: JK EXCAVATION & CONSTRUCTION, INC.		
Voucher(s): 3	Aged Totals:	Due	\$113,200.00
Vendor ID: JP7724	Name: JP STEEL & SUPPLY		

Voucher(s): 1		Aged Totals:	Due \$65.76
Vendor ID: JU7735	Name: JUST-IN GLASS, LLC		
Voucher(s): 1		Aged Totals:	Due \$452.68
Vendor ID: KB6261	Name: K B REPAIR		
Voucher(s): 5		Aged Totals:	Due \$8,120.25
Vendor ID: LE7268	Name: LEE SERVICES, LLC dba NAKOTA CLEAN		
Voucher(s): 1		Aged Totals:	Due \$1,624.00
Vendor ID: LI5272	Name: LINDTECH SERVICES, INC		
Voucher(s): 1		Aged Totals:	Due \$6,029.00
Vendor ID: LO2243	Name: LOFFLER COMPANIES, INC		
Voucher(s): 1		Aged Totals:	Due \$689.26
Vendor ID: LO3551	Name: LOGO MAGIC, INC		
Voucher(s): 3		Aged Totals:	Due \$90.00
Vendor ID: ME2125	Name: SANFORD HEALTH OCCUPATIONAL MEDI		
Voucher(s): 1		Aged Totals:	Due \$359.00
Vendor ID: ME4152	Name: MERCER COUNTY TREASURER		
Voucher(s): 1		Aged Totals:	Due \$519.92
Vendor ID: NE8197	Name: NEWBY'S ACE HARDWARE		
Voucher(s): 2		Aged Totals:	Due \$38.38
Vendor ID: NO6270	Name: ND DEPT OF ENVIRONMENTAL QUALITY-I		
Voucher(s): 1		Aged Totals:	Due \$330.00
Vendor ID: NO6275	Name: ND DIVISION OF MICROBIOLOGY		
Voucher(s): 4		Aged Totals:	Due \$150.00
Vendor ID: NO6301	Name: ND DEPT OF ENVIRONMENTAL - CHEMIST		
Voucher(s): 1		Aged Totals:	Due \$1,146.64
Vendor ID: OL7558	Name: OLSON'S SERVICE		
Voucher(s): 7		Aged Totals:	Due \$444.00
Vendor ID: ON2114	Name: ONE CALL CONCEPTS		
Voucher(s): 1		Aged Totals:	Due \$635.95
Vendor ID: PO6711	Name: PORTABLE WELDING SERVICE		
Voucher(s): 1		Aged Totals:	Due \$840.00
Vendor ID: PR2756	Name: PRESORT PLUS		
Voucher(s): 2		Aged Totals:	Due \$4,441.37
Vendor ID: QU1437	Name: QUALITY QUICK PRINT, INC.		

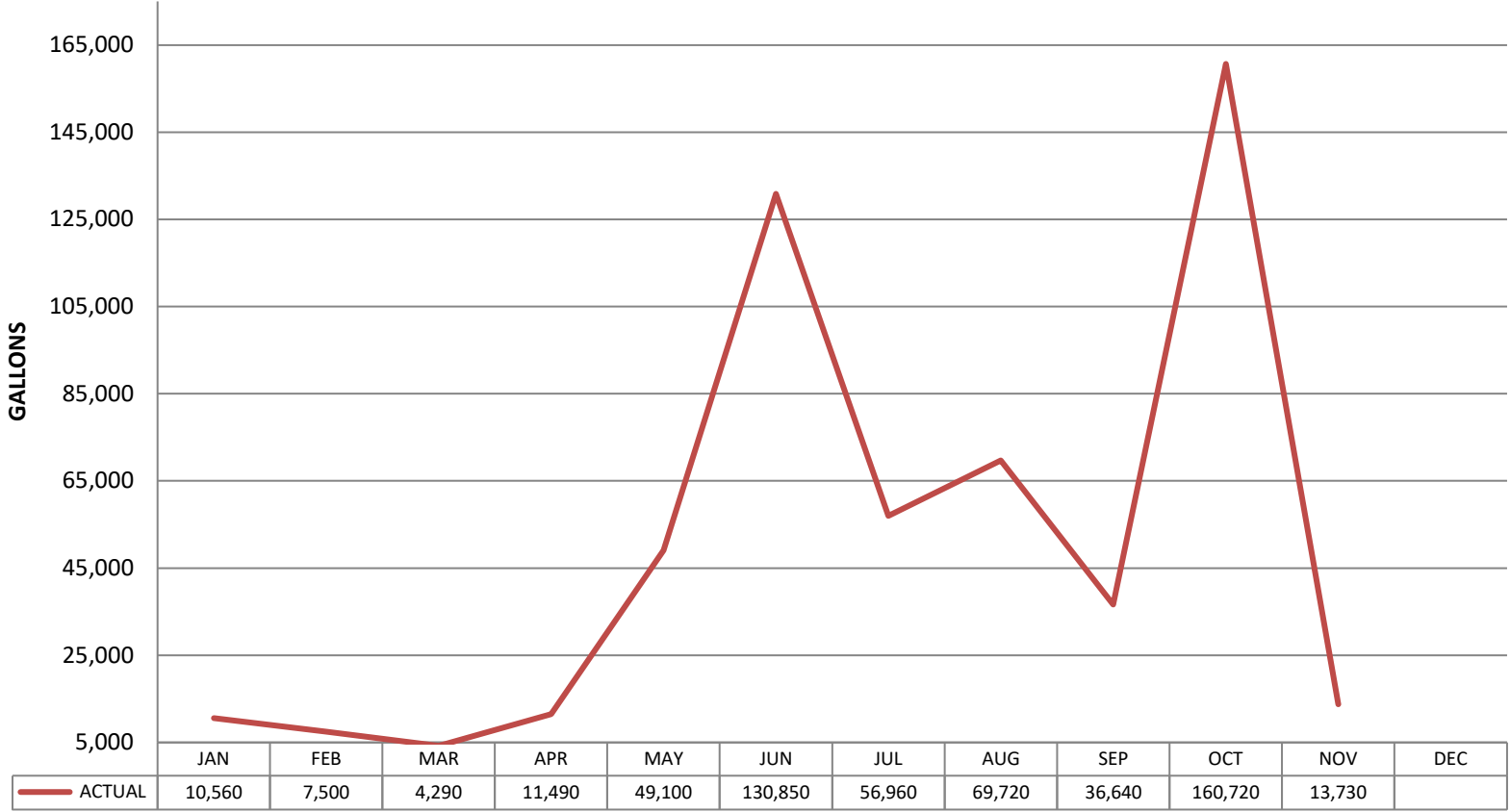
AGED TRIAL BALANCE
Southwest Water Authority

Voucher(s): 1		Aged Totals:	Due \$79.00
Vendor ID: QU1438	Name: QUALITY XTERMINATORS		
Voucher(s): 4		Aged Totals:	Due \$270.00
Vendor ID: RA5297	Name: RANDYS WELDING, INC		
Voucher(s): 1		Aged Totals:	Due \$660.00
Vendor ID: RI5426	Name: RINKER MATERIALS		
Voucher(s): 1		Aged Totals:	Due \$3,111.36
Vendor ID: RU5535	Name: RUNNINGS SUPPLY, INC		
Voucher(s): 9		Aged Totals:	Due \$1,000.68
Vendor ID: SM1671	Name: SMART COMPUTERS AND CONSULTING		
Voucher(s): 1		Aged Totals:	Due \$216.36
Vendor ID: SO4572	Name: SOLO TEK, INC		
Voucher(s): 1		Aged Totals:	Due \$633.62
Vendor ID: SO7739	Name: SOUTHWEST LIME, LLC		
Voucher(s): 1		Aged Totals:	Due \$6,200.00
Vendor ID: SO8901	Name: SOUTHWESTERN DISTRICT HEALTH UNIT		
Voucher(s): 14		Aged Totals:	Due \$350.00
Vendor ID: TR1825	Name: TRAVEL BERKELEY SPRINGS		
Voucher(s): 1		Aged Totals:	Due \$45.00
Vendor ID: TR3515	Name: MIX TELEMATICS NORTH AMERICA		
Voucher(s): 1		Aged Totals:	Due \$418.95
Vendor ID: US1147	Name: USA BLUE BOOK		
Voucher(s): 1		Aged Totals:	Due \$108.73
Vendor ID: VE7715	Name: VESSCO, INC.		
Voucher(s): 1		Aged Totals:	Due \$1,086.90
Vendor ID: VI7111	Name: VISA		
Voucher(s): 18		Aged Totals:	Due \$3,451.85
Vendor ID: WE7700	Name: WEST DAKOTA OIL, INC.		
Voucher(s): 1		Aged Totals:	Due \$9.18
Vendor ID: WE7726	Name: TOTAL SAFETY U.S., INC		
Voucher(s): 1		Aged Totals:	Due \$22.00
Vendor ID: WE7769	Name: WEST RIVER HEALTH SERVICES		
Voucher(s): 1		Aged Totals:	Due \$40.00

AGED TRIAL BALANCE
Southwest Water Authority

	<u>Vendor(s)</u>	<u>Due</u>
Vendor Totals:	66	\$413,301.91

2023 SWA DEPOT SALES
ACTUAL TOTAL - 551,560



2023 INDUSTRIAL SALES

CITY	*COMMENTS	*RATE/KGAL FOR INDUSTRIAL	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	TOTAL GALLONS	TOTAL ACRE FEET
BEACH	SELLS WATER TO FARMERS FROM CITY WELLS ONLY. DOES NOT SELL SWPP WATER														
BELFIELD	\$32.00/1,000 GALLONS, AS OF MAY 2021	\$32.00	0	0	600	1,400	36,000	64,600	34,300	14,500	14,900	8,700	500	175,500	0.54
CARSON	DO NOT SELL													0	0.00
DICKINSON	\$19.00/1,000 GALLONS, AS OF MAY 2021	\$19.00	28,019	22,393	15,509	39,855	181,562	181,718	153,917	98,704	171,605	75,736	49,872	1,018,890	3.13
DODGE	DO NOT SELL													0	0.00
DUNN CENTER	DO NOT SELL													0	0.00
ELGIN	DO NOT SELL													0	0.00
GLADSTONE	DO NOT SELL													0	0.00
GLEN ULLIN	DOES NOT SELL ON REGULAR BASIS ONLY TO FARMERS & CONSTRUCTION, \$10.00-PUMP HOUSE/\$15.00-DIRECT CONNECT		0	0	0	1,200	19,700	68,900	4,500	6,600	11,100	13,000	3,900	128,900	0.40
GOLDEN VALLEY	SPRAYING & DUST CONTROL USE ONLY													0	0.00
GOLVA	DO NOT SELL SWPP WATER - USES CITY WELLS													0	0.00
HALLIDAY	SELLS WATER TO FARMERS FROM CITY WELLS ONLY. DOES NOT SELL SWPP WATER													0	0.00
HEBRON	USUALLY SELLS TO FARMERS, ROAD CONSTRUCTION AND BRICK YARD. CHARGES THE SAME FOR ALL USERS	\$12.00	2,000	2,000	0	1,000	3,000	3,000	2,000	3,000	0	0	0	16,000	0.05
HETTINGER	CHARGES THE SAME FOR ALL USERS	\$7.80	0	0	0	0	7,700	15,100	0	10,700	8,800	20,900	0	63,200	0.19
KILLDEER	CHARGES THE SAME FOR ALL USERS	\$35.71	188,696	231,122	299,484	398,352	338,753	311,563	197,610	196,495	213,712	227,930	224,763	2,828,480	8.68
MEDORA	DO NOT SELL													0	0.00
MOTT	SPRAYING/DOES NOT SELL TO OIL INDUSTRY	\$10.00	0	0	0	0	39,066	64,676	4,110	0	213,712	9,673	19,165	350,402	1.08
NEW ENGLAND	CHARGES THE SAME FOR ALL USERS	\$20.00	0	0	0	0	0	0	0	0	0	0	0	0	0.00
NEW HRADEC	DO NOT SELL													0	0.00
NEW LEIPZIG	DO NOT SELL													0	0.00
REEDER	DO NOT SELL SWPP WATER - USES CITY WELLS													0	0.00
REGENT	DO NOT SELL													0	0.00
RICHARDTON	ONLY SELL TO FARMERS													0	0.00
SCRANTON	SPRAYING USE ONLY/DOES NOT SELL TO OIL INDUSTRY	\$8.00	0	0	0	0	0	0	0	0	116,000	0	0	116,000	0.36
SENTINEL BUTTE	INDUSTRIAL SALES ONLY	\$22.47	0	0	0	0	0	0	0	0	0	0	0	0	0.00
SOUTH HEART														0	0.00
TAYLOR	DO NOT SELL													0	0.00
ZAP	DO NOT SELL													0	0.00
TOTAL GALLONS			218,715	255,515	315,593	441,807	625,781	709,557	396,437	329,999	749,829	355,939	298,200	4,697,372	14.42
TOTAL ACRE FEET			0.67	0.78	0.97	1.36	1.92	2.18	1.22	1.01	2.30	1.09	0.92	14.42	
CONTRACT															
BAKER BOY			445,400	445,000	412,700	565,600	774,500	927,600	832,000	1,005,100	864,100	770,900	645,300	7,688,200	23.59
BILLINGS COUNTY DIST 3			1,400	0	0	4,200	121,100	79,800	77,200	313,700	44,800	8,100	0	650,300	2.00
SWA WATER DEPOT - RAW			1,700	25,890	4,290	11,490	49,100	130,850	56,960	69,720	36,640	104,990	13,730	505,360	1.55
DAKOTA PRAIRIE REFINING			548,200	731,100	933,400	1,035,700	1,100,000	1,828,700	1,424,400	99,660	787,200	906,500	899,700	10,294,560	31.59
DODGE WATER DEPOT			0	0	0	0	0	0	0	0	0	0	0	0	0.00
ND ENERGY SERVICES			22,400	9,600	700	34,200	96,400	135,800	339,200	154,700	141,000	121,300	222,600	1,277,900	3.92
RED TRAIL ENERGY			18,993,000	15,814,000	15,211,000	19,238,000	20,799,000	20,955,000	18,466,000	21,017,000	23,557,000	18,137,000	15,440,000	207,627,000	637.18
STEFFES CORPORATION			206,400	318,300	268,500	254,000	253,500	254,500	284,100	277,600	226,600	222,900	231,200	2,797,600	8.59
TOTAL GALLONS			20,218,500	17,343,890	16,830,590	21,143,190	23,193,600	24,312,250	21,479,860	22,937,480	25,657,340	20,271,690	17,452,530	230,840,920	708.42
TOTAL ACRE FEET			62.05	53.23	51.65	64.89	71.18	74.61	65.92	70.39	78.74	62.21	53.56	708.42	
TOTAL GALLONS COMBINED			20,437,215	17,599,405	17,146,183	21,584,997	23,819,381	25,021,807	21,876,297	23,267,479	26,407,169	20,627,629	17,750,730	235,538,292	
TOTAL ACRE FEET COMBINED			62.72	54.01	52.62	66.24	73.10	76.79	67.14	71.41	81.04	63.30	54.47	722.84	722.84

2023 OIL INDUSTRY USAGE/REVENUE

2023 USAGE FOR THE SWA DEPOT	January		February		March		April		May		June		July		August		September		October		November		Total			
	Gallons	Billed	Gallons	Billed	Gallons	Billed	Gallons	Billed	Gallons	Billed	Gallons	Billed	Gallons	Billed	Gallons	Billed	Gallons	Billed	Gallons	Billed	Gallons	Billed	Gallons	Billed		
A&R Construction	1,030	\$ 12.36		\$ -					6,970	\$ 83.64	3,240	\$ 38.88	9,510	\$ 114.12			2,430	\$ 29.16	10,060	\$ 120.72	6,770	\$ 81.24	40,010	\$ 480.12		
B&B Hot Oil Service		\$ -		\$ -								\$ -	1,710	\$ 20.52			\$ -		\$ -		\$ -		1,710	\$ 20.52		
Blue Hawk Lawn Care		\$ -		\$ -			670	\$ 8.04	6,480	\$ 77.76	8,030	\$ 96.36	5,010	\$ 60.12	3,220	\$ 38.64	4,970	\$ 59.64	2,750	\$ 33.00		\$ -	31,130	\$ 373.56		
Champion X (formerly Nalco)		\$ -		\$ -			4,560	\$ 54.72	2,960	\$ 35.52	8,010	\$ 96.12	6,500	\$ 78.00	6,900	\$ 82.80	5,530	\$ 66.36	5,890	\$ 70.68	2,560	\$ 30.72	42,910	\$ 514.92		
Daryl Kostelecky		\$ -		\$ -					8,790	\$ 105.48	21,770	\$ 261.24	11,510	\$ 138.12		\$ -		\$ -		\$ -		\$ -	42,070	\$ 504.84		
Diamond Surface Inc		\$ -		\$ -					1,600	\$ 19.20	990	\$ 11.88	960	\$ 11.52		\$ -		\$ -		\$ -		\$ -	3,550	\$ 42.60		
Grant Gion - Prepay Account	1,260	\$ 15.12	580	\$ 6.96	930	\$ 11.16	940	\$ 11.28	1,050	\$ 12.60	830	\$ 9.96	980	\$ 11.76		\$ -		\$ -	1,590	\$ 19.08	730	\$ 8.76	8,890	\$ 106.68		
Hellman & Sons Landscaping LLC											530	\$ 6.36	1,080	\$ 12.96	2,330	\$ 27.96		\$ -		\$ -	430	\$ 5.16	4,370	\$ 52.44		
High Plains Transport													2,550	\$ 30.60		\$ -		\$ -		\$ -		\$ -	2,550	\$ 30.60		
Jared & Tyler Schoch		\$ -		\$ -		\$ -			5,860	\$ 70.32	19,410	\$ 232.92	2,030	\$ 24.36	32,090	\$ 385.08		\$ -		\$ -		\$ -	59,390	\$ 712.68		
Martin Construction		\$ -		\$ -		\$ -						\$ -	\$ -		\$ -		\$ -		\$ -	66,600	\$ 799.20		\$ -	66,600	\$ 799.20	
Master Construction		\$ -		\$ -		\$ -			4,040	\$ 48.48	14,210	\$ 170.52		\$ -		\$ -		\$ -	10,330	\$ 123.96	2,740	\$ 32.88	31,320	\$ 375.84		
Northern Improvement	8,290	\$ 99.48	6,920	\$ 83.04	3,360	\$ 40.32	4,960	\$ 59.52	1,570	\$ 18.84		\$ -		\$ -	6,220	\$ 74.64	640	\$ 7.68		\$ -		\$ -	31,960	\$ 383.52		
Opp Well Drilling & Supplies																	1,550	\$ 18.60		\$ -		\$ -	1,550	\$ 18.60		
Precision Underground		\$ -		\$ -		\$ -			210	\$ 2.52		\$ -	220	\$ 2.64	1,210	\$ 14.52	3,270	\$ 39.24		\$ -		\$ -	4,910	\$ 58.92		
Rodney Batt - Prepay Account		\$ -		\$ -		\$ -					8,440	\$ 101.28	8,370	\$ 100.44	7,470	\$ 89.64	6,380	\$ 76.56	1,050	\$ 12.60		\$ -	31,710	\$ 380.52		
Shamrock Hydroseeding									3,040	\$ 36.48	2,740	\$ 32.88	1,550	\$ 18.60	10,270	\$ 123.24	580	\$ 6.96	650	\$ 7.80		\$ -	18,830	\$ 225.96		
Southwest Grain Agronomy		\$ -		\$ -		\$ -			5,920	\$ 71.04	42,030	\$ 504.36	3,910	\$ 46.92		\$ -	10,970	\$ 131.64	2,720	\$ 32.64		\$ -	65,550	\$ 786.60		
Straight Site Solutions - Prepay Account							360	\$ 4.32	610	\$ 7.32	620	\$ 7.44	1,070	\$ 12.84		\$ -	320	\$ 3.84	820	\$ 9.84		\$ -	3,800	\$ 45.60		
Tim Wilhelmi																		2,530	\$ 30.36	500	\$ 6.00		\$ -	3,030	\$ 36.36	
TOTAL	10,580	\$ 126.96	7,500	\$ 90.00	4,290	\$ 51.48	11,490	\$ 137.88	49,100	\$ 589.20	130,850	\$ 1,570.20	56,960	\$ 683.52	69,710	\$ 836.52	36,640	\$ 439.68	104,990	\$ 1,259.88	13,730	\$ 164.76	495,840	\$ 5,950.08		
2023 BREAKOUT OF REVENUE FOR THE SWA DEPOT																										
Treatment	\$ 1.00	\$ 495.84																								
Trans O&M	\$ 2.56	\$ 1,269.35																								
Trans REM	\$ 3.00	\$ 1,487.52																								
Cap Rep	\$ 3.00	\$ 1,487.52																								
Trans Reserve	\$ 0.07	\$ 34.71																								
Dist O&M	\$ 2.12	\$ 1,051.18																								
Dist REM	\$ 0.10	\$ 49.58																								
Dist Reserve	\$ 0.15	\$ 74.38																								
2023 TOTAL	\$ 12.00	\$ 5,950.08																								
2023 TOTAL GALLONS		495,840																								
2023 USAGE FOR COMMUNITIES			January		February		March		April		May		June		July		August		September		October		November		Total	Total
	Gallons	Billed	Gallons	Billed	Gallons	Billed	Gallons	Billed	Gallons	Billed	Gallons	Billed	Gallons	Billed	Gallons	Billed	Gallons	Billed	Gallons	Billed	Gallons	Billed	Gallons	Billed	Gallons	Billed
Belfield	0	\$ -	0	\$ -	600	\$ 7.20	1,400	\$ 16.80	36,000	\$ 432.00	64,600	\$ 775.20	34,300	\$ 411.60	14,500	\$ 174.00	14,900	\$ 178.80	8,700	\$ 104.40	500	\$ 6.00	175,500	\$ 2,106.00		
Dickinson	28,019	\$ 336.23	25,891	\$ 310.69	15,509	\$ 186.11	39,855	\$ 478.26	181,562	\$ 2,178.74	181,718	\$ 2,180.62	153,917	\$ 1,847.00	98,704	\$ 1,184.45	171,605	\$ 2,059.26	75,736	\$ 908.83	49,872	\$ 598.46	1,022,388	\$ 12,268.65		
Killdeer	188,696	\$ 2,264.35	231,122	\$ 2,773.46	299,484	\$ 3,593.81	398,352	\$ 4,780.22	338,753	\$ 4,065.04	311,563	\$ 3,738.76	197,610	\$ 2,371.32	196,495	\$ 2,357.94	213,712	\$ 2,564.54	227,930	\$ 2,735.16	224,763	\$ 2,697.16	2,828,480	\$ 33,941.76		
Sentinel Butte	0	\$ -	0	\$ -	0	\$ -	0	\$ -	0	\$ -	0	\$ -	0	\$ -	0	\$ -	0	\$ -	0	\$ -	0	\$ -	0	\$ -		
TOTAL	216,715	\$ 2,600.58	257,013	\$ 3,084.15	315,593	\$ 3,787.12	439,607	\$ 5,275.28	556,315	\$ 6,675.78	557,881	\$ 6,694.58	385,827	\$ 4,629.92	309,699	\$ 3,716.39	400,217	\$ 4,802.60	312,366	\$ 3,748.39	275,135	\$ 3,301.62	4,026,368	\$ 48,316.41		
2023 BREAKOUT OF REVENUE FOR COMMUNITIES																										
Treatment	\$ 1.00	\$ 4,026.37																								
Trans O&M	\$ 2.53	\$ 10,186.71																								
Trans REM	\$ 4.00	\$ 16,105.47																								
Cap Rep	\$ 4.00	\$ 16,105.47																								
Trans Reserve	\$ 0.07	\$ 281.85																								
Dist O&M	\$ 0.40	\$ 1,610.55																								
2023 TOTAL	\$ 12.00	\$ 48,316.42																								
2023 TOTAL GALLONS		4,026,368																								
2023 BREAKOUT OF GRAND TOTAL REVENUE FOR OIL INDUSTRY																										
Treatment		\$ 4,522.21																								
Trans O&M		\$ 11,456.06																								
Trans REM		\$ 17,592.99																								
Cap Rep		\$ 17,592.99																								
Trans Reserve		\$ 316.56																								
Dist O&M		\$ 2,661.73																								
Dist REM		\$ 49.58																								
Dist Reserve		\$ 74.38																								
2023 TOTAL		\$ 54,266.50																								
2023 TOTAL GALLONS		4,522,208																								

Southwest Pipeline Project

Return on Investment

YEAR	RESOURCES TRUST FUND	BOND PAYMENTS	TOTAL
1991	\$ 11,166.00		\$ 11,166.00
1992	\$ 212,899.00		\$ 212,899.00
1993	\$ 195,973.00		\$ 195,973.00
1994	\$ 300,472.00		\$ 300,472.00
1995	\$ 504,179.00		\$ 504,179.00
1996	\$ 734,994.15		\$ 734,994.15
1997	\$ 389,111.41	\$ 468,801.59	\$ 857,913.00
1998	\$ 415,197.60	\$ 500,593.77	\$ 915,791.37
1999	\$ 349,574.05	\$ 676,423.19	\$ 1,025,997.24
2000	\$ 418,164.86	\$ 728,614.91	\$ 1,146,779.77
2001	\$ 475,021.15	\$ 833,246.78	\$ 1,308,267.93
2002	\$ 416,859.08	\$ 1,015,365.60	\$ 1,432,224.68
2003	\$ 458,780.10	\$ 1,122,504.11	\$ 1,581,284.21
2004	\$ 615,337.62	\$ 1,005,901.63	\$ 1,621,239.25
2005	\$ 661,099.95	\$ 1,045,858.38	\$ 1,706,958.33
2006	\$ 611,674.29	\$ 1,336,805.97	\$ 1,948,480.26
2007	\$ 856,597.12	\$ 1,451,468.74	\$ 2,308,065.86
2008	\$ 1,451,385.68	\$ 1,004,121.20	\$ 2,455,506.88
2009	\$ 1,504,429.59	\$ 1,114,558.52	\$ 2,618,988.11
2010	\$ 877,624.28	\$ 1,898,922.31	\$ 2,776,546.59
2011	\$ 1,793,563.59	\$ 1,282,852.85	\$ 3,076,416.44
2012	\$ 3,303,608.16	\$ 983,667.70	\$ 4,287,275.86
2013	\$ 3,080,405.43	\$ 1,441,235.41	\$ 4,521,640.84
2014	\$ 3,753,622.85	\$ 1,340,702.63	\$ 5,094,325.48
2015	\$ 4,776,377.17		\$ 4,776,377.17
2016	\$ 4,936,757.79		\$ 4,936,757.79
2017	\$ 5,258,182.90		\$ 5,258,182.90
2018	\$ 5,015,416.74		\$ 5,015,416.74
2019	\$ 5,079,128.39		\$ 5,079,128.39
2020	\$ 5,476,914.31		\$ 5,476,914.31
2021	\$ 5,566,425.98		\$ 5,566,425.98
2022	\$ 5,688,266.69		\$ 5,688,266.69
2023	\$ 6,227,003.19		\$ 6,227,003.19
	\$ 71,416,213.12	\$ 19,251,645.29	\$ 90,667,858.41
Perkins County	\$ 5,459,000.00		\$ 5,459,000.00
	\$ 76,875,213.12	\$ 19,251,645.29	\$ 96,126,858.41
Jan	\$ 475,784.43		\$ 475,784.43
Feb	\$ 434,045.65		\$ 909,830.08
Mar	\$ 436,427.29		\$ 1,346,257.37
Apr	\$ 430,161.35		\$ 1,776,418.72
May	\$ 463,024.01		\$ 2,239,442.73
Jun	\$ 503,470.75		\$ 2,742,913.48
Jul	\$ 583,300.54		\$ 3,326,214.02
Aug	\$ 554,785.80		\$ 3,880,999.82
Sep	\$ 561,122.24		\$ 4,442,122.06
Oct	\$ 557,439.06		\$ 4,999,561.12
Nov	\$ 802,012.51		\$ 5,801,573.63
Dec	\$ 425,429.56		\$ 6,227,003.19



BRAVERA
WEALTH

PORTFOLIO REVIEW | JANUARY 2024

SOUTHWEST WATER AUTHORITY



ZIRP to COVID to Inflation: Back to 2007 (in 18 mos.)



USTs: from COVID to Inflation/FED to Peak?

2-Yr UST: 5 Yrs

2-Yr UST: 2023



10-Yr UST: 5 Yrs

10-Yr UST: 2023



Southwest Water Authority: Accounts Summary 11/30/23

*values rounded		11/30/2023	12/31/2022	12/31/2021
Acct #	Name	Market Value	Market Value	Market Value
8050	SWWA - Escrow	\$ 633,500	\$ 618,200	\$ 845,081
8051	SWWA - General	\$ 975,500	\$ 955,100	\$ 1,178,750
8052	SWWA - Reserve	\$ 301,700	\$ 294,700	\$ 365,144
8053	SWWA - Replacement	\$ 21,000,000	\$ 20,700,000	\$ 23,250,389
8054	SWWA - O&M Fund	\$ 2,366,000	\$ 2,159,000	\$ 2,945,731
8058	SWWA - CMA	\$ 1,179,800	\$ 1,130,026	\$ 1,120,536
TOTAL		\$ 26,456,500	\$ 25,857,026	\$ 29,705,631

2023 Summary

Acct	Cash In / Out	Net Earnings
8050	\$ 0 / \$ 0	\$ 17,500
8051	\$ 0 / \$ 0	\$ 23,768
8052	\$ 0 / \$ 0	\$ 8,051
8053	\$1,726,200 / (\$2,036,300)	\$ 721,367
8054	\$ 0 / \$ 0	\$ 66,760
8058	\$ 0 / \$ 0	\$ 52,615
TOTALS	\$1,726,200 / (\$2,036,300)	\$ 890,061

Southwest Water Authority - Escrow Fund

Account #: 8050

Long Term Performance Summary:

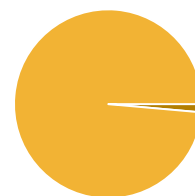
12/01/2018 to 11/30/2023

Investment Profile:

Date Opened:	04/04/1995 to Present	Investment Objective:	Fixed Income
Administrative Officer:	Russell D. Schank	Investment Mix:	100% Fixed
Investment Officer:	Russell D. Schank	Investment Discretion:	Full

Account Composition:

	11/30/2018		11/30/2023	
Cash Equivalents	35,167.23	10.64	9,076.36	1.43
Fixed	295,317.15	89.36	624,416.13	98.57
Grand Total	<u>330,484.38</u>		<u>633,492.49</u>	



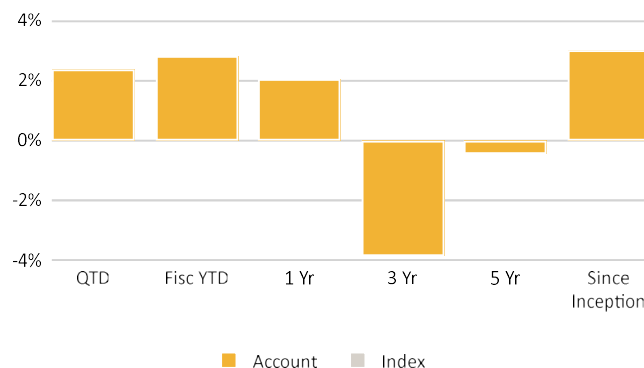
■ Cash Equivalents ■ Fixed

Account Performance:

11/30/2018 - 11/30/2023

Beg. Market Value	330,484.38	
End. Market Value	633,492.49	
Cash Contributions	0.00	
Asset Receipts	494,500.00	
Fees	-8,769.82	
Cash Distributions	-125,000.00	
Asset Deliveries	0.00	
Net Change	360,730.18	
Total Account Return	-57,722.07	-0.47
Since Inception	311,760.65	3.00
Composite Index Return		1.67
Investment Basis	377,940.70	

Total Account Returns



■ Account ■ Index

Performance Returns:

	Qtr to Date	Fiscal Yr to Date	1 Year	3 Years	5 Years	Since Inception
Total Account Return	2.38%	2.84%	2.08%	-3.82%	-0.47%	3.00%
Cash Equivalents	0.89%	4.58%	4.93%	2.25%	2.14%	2.44%
Fixed	2.40%	2.81%	2.04%	-4.58%	-0.78%	3.09%

Reported returns are time-weighted based on activity during the period and compounded monthly. Returns for periods greater than one year are annualized. Accruals are included in the performance reports but not in other reports in the package.

12/27/2023		8050	SWA ESCROW							
Rep Type	%Rep Type	%MV	Asset	Shares	Cost	Market Value	YTM	Price	Est. Income	Annl Yield
Cash Equiva	0.28%	0.00%	Meridian Bank Deposit Fund	28.99	\$28.99	\$28.99		1.00	\$1.55	5.35%
Cash Equiva	99.72%	1.59%	Bravera Deposit Fund	10,334.87	\$10,334.87	\$10,334.87		1.00	\$548.78	5.31%
	100.00%	1.59%			\$10,363.86	\$10,363.86			\$550.33	5.31%
Fixed	14.49%	14.25%	Vanguard GNMA Adm	9,922.23	\$104,555.02	\$92,574.42	4.65%	9.33	\$3,069.04	3.32%
Fixed	14.35%	14.12%	PIMCO GNMA and Govt Securities Fund Instl	9,711.76	\$108,256.11	\$91,679.01	4.65%	9.44	\$4,140.22	4.52%
Fixed	3.13%	3.08%	Farmer Mac 5.10% Due 01/27/25	20,000.00	\$22,916.60	\$20,027.20	4.97%	100.14	\$1,020.00	5.09%
Fixed	21.50%	21.16%	Federal Farm Credit Bank 1.29% Due 12/22/26	150,000.00	\$150,000.00	\$137,401.80	4.32%	91.60	\$1,935.00	1.41%
Fixed	8.35%	8.22%	Fed Home Loan Bank (3/22) 1.34% Due 03/03/28	60,000.00	\$60,000.00	\$53,377.20	4.25%	88.96	\$804.00	1.51%
Fixed	6.40%	6.30%	Farmer Mac (08/21) 1.27% Due 08/19/30	50,000.00	\$50,000.00	\$40,889.15	4.47%	81.78	\$635.00	1.55%
Fixed	3.17%	3.12%	Freddie Mac (02/21) 1.15% Due 08/26/30	25,000.00	\$24,969.58	\$20,274.70	4.46%	81.10	\$287.50	1.42%
Fixed	6.37%	6.27%	Fed Farm Credit Bank 1.26% Due 10/15/30	50,000.00	\$50,000.00	\$40,693.20	4.46%	81.39	\$630.00	1.55%
Fixed	6.37%	6.27%	Fed Home Loan Bank (12/21) 1.28% Due 12/02/30	50,000.00	\$50,000.00	\$40,695.85	4.43%	81.39	\$640.00	1.57%
Fixed	3.19%	3.14%	Fed Home Loan Bank (2/22) 1.50% Due 02/25/31	25,000.00	\$25,000.00	\$20,395.23	4.54%	81.58	\$375.00	1.84%
Fixed	12.68%	12.48%	Fed Home Loan Bank STEP 1.25% Due 9/29/31	100,000.00	\$100,000.00	\$81,022.10	4.14%	81.02	\$1,250.00	1.54%
	100.00%	98.41%			\$745,697.31	\$639,029.86			\$14,785.76	2.31%
TOTAL PORTFOLIO		100.00%			\$756,061.17	\$649,393.72	4.50%		\$15,336.09	2.36%

Southwest Water Authority - General Fund

Account #: 8051

Long Term Performance Summary:

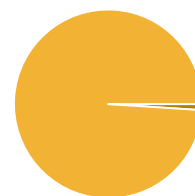
12/01/2018 to 11/30/2023

Investment Profile:

Date Opened:	04/04/1995 to Present	Investment Objective:	Fixed Income
Administrative Officer:	Russell D. Schank	Investment Mix:	100% Fixed
Investment Officer:	Russell D. Schank	Investment Discretion:	Full

Account Composition:

	11/30/2018		11/30/2023	
Cash Equivalents	109,093.92	18.12	10,322.93	1.06
Fixed	493,051.91	81.88	965,185.36	98.94
Grand Total	602,145.83		975,508.29	



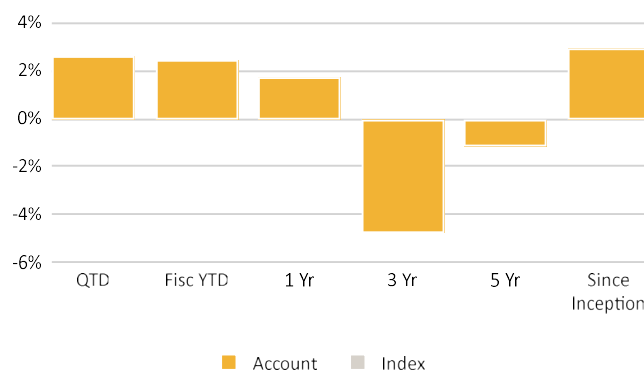
■ Cash Equivalents ■ Fixed

Account Performance:

11/30/2018 - 11/30/2023

Beg. Market Value	602,145.83	
End. Market Value	975,508.29	
Cash Contributions	1,039,000.00	
Asset Receipts	0.00	
Fees	-14,878.21	
Cash Distributions	-60,000.00	
Asset Deliveries	-494,500.00	
Net Change	469,621.79	
Total Account Return	-96,259.33	-1.19
Since Inception	180,440.40	2.92
Composite Index Return		1.29
Investment Basis	844,951.23	

Total Account Returns



■ Account ■ Index

Performance Returns:

	Qtr to Date	Fiscal Yr to Date	1 Year	3 Years	5 Years	Since Inception
Total Account Return	2.59%	2.49%	1.70%	-4.78%	-1.19%	2.92%
Cash Equivalents	0.89%	4.59%	4.94%	2.31%	2.20%	2.02%
Fixed	2.61%	2.47%	1.67%	-4.79%	-0.96%	3.08%

Reported returns are time-weighted based on activity during the period and compounded monthly. Returns for periods greater than one year are annualized. Accruals are included in the performance reports but not in other reports in the package.

12/27/2023		8051	SWA General							
Rep Type	%Rep Type	%MV	Asset	Shares	Cost	Market Value	YTM	Price	Est. Income	Annl Yield
Cash Equiva	0.12%	0.00%	Meridian Bank Deposit Fund	13.26	\$13.26	\$13.26		1.00	\$0.71	5.35%
Cash Equiva	99.88%	1.09%	Bravera Deposit Fund	10,949.67	\$10,949.67	\$10,949.67		1.00	\$581.43	5.31%
	100.00%	1.09%			\$10,962.93	\$10,962.93			\$582.14	5.31%
Fixed	23.41%	23.16%	Vanguard GNMA Adm	24,915.58	\$264,745.96	\$232,462.29	4.65%	9.33	\$7,706.67	3.32%
Fixed	23.04%	22.79%	PIMCO GNMA and Govt Securities Fund Instl	24,237.23	\$271,053.43	\$228,799.43	4.65%	9.44	\$10,332.53	4.52%
Fixed	2.48%	2.46%	Tennessee Valley Auth 2.875% Due 09/15/24	25,000.00	\$25,258.37	\$24,675.45	4.74%	98.70	\$718.75	2.91%
Fixed	3.03%	2.99%	Farmer Mac 5.10% Due 01/27/25	30,000.00	\$34,374.90	\$30,040.80	4.97%	100.14	\$1,530.00	5.09%
Fixed	6.27%	6.20%	Fed Home Loan Bank (3/22) 1.34% Due 03/03/28	70,000.00	\$70,000.00	\$62,273.40	4.25%	88.96	\$938.00	1.51%
Fixed	4.94%	4.89%	Farmer Mac (08/21) 1.27% Due 08/19/30	60,000.00	\$60,000.00	\$49,066.98	4.47%	81.78	\$762.00	1.55%
Fixed	4.08%	4.04%	Freddie Mac (02/21) 1.15% Due 08/26/30	50,000.00	\$49,939.16	\$40,549.40	4.46%	81.10	\$575.00	1.42%
Fixed	4.10%	4.05%	Fed Farm Credit Bank 1.26% Due 10/15/30	50,000.00	\$50,000.00	\$40,693.20	4.46%	81.39	\$630.00	1.55%
Fixed	8.20%	8.11%	Fed Home Loan Bank (12/21) 1.28% Due 12/02/30	100,000.00	\$100,000.00	\$81,391.70	4.43%	81.39	\$1,280.00	1.57%
Fixed	4.11%	4.06%	Fed Home Loan Bank (2/22) 1.50% Due 02/25/31	50,000.00	\$50,000.00	\$40,790.45	4.54%	81.58	\$750.00	1.84%
Fixed	4.21%	4.17%	Fed Home Loan Bank 1.25% Due 06/30/31	50,000.00	\$50,000.00	\$41,848.25	3.76%	83.70	\$625.00	1.49%
Fixed	8.16%	8.07%	Fed Home Loan Bank STEP 1.25% Due 9/29/31	100,000.00	\$100,000.00	\$81,022.10	4.14%	81.02	\$1,250.00	1.54%
Fixed	3.97%	3.92%	Freddie Mac (9/22) 1.24% Due 09/30/31	50,000.00	\$50,000.00	\$39,397.15	4.51%	78.79	\$620.00	1.57%
	100.00%	98.91%			\$1,175,371.82	\$993,010.60			\$27,717.95	2.79%
TOTAL PORTFOLIO		100.00%			\$1,186,334.75	\$1,003,973.53	4.50%		\$28,300.09	2.82%

Southwest Water Authority - Reserve Fund

Account #: 8052

Long Term Performance Summary:

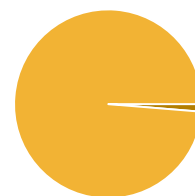
12/01/2018 to 11/30/2023

Investment Profile:

Date Opened:	04/04/1995 to Present	Investment Objective:	Fixed Income
Administrative Officer:	Russell D. Schank	Investment Mix:	100% Fixed
Investment Officer:	Russell D. Schank	Investment Discretion:	Full

Account Composition:

	11/30/2018		11/30/2023	
Cash Equivalents	54,902.42	16.04	3,910.40	1.30
Fixed	287,467.02	83.96	297,798.43	98.70
Grand Total	<u>342,369.44</u>		<u>301,708.83</u>	



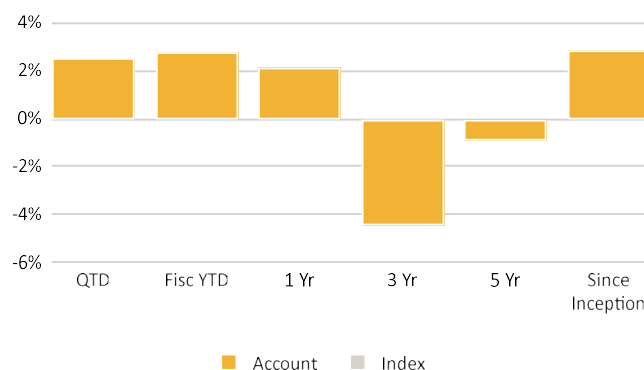
■ Cash Equivalents ■ Fixed

Account Performance:

11/30/2018 - 11/30/2023

Beg. Market Value	342,369.44	
End. Market Value	301,708.83	
Cash Contributions	0.00	
Asset Receipts	0.00	
Fees	-6,130.84	
Cash Distributions	-20,000.00	
Asset Deliveries	0.00	
Net Change	-26,130.84	
Total Account Return	-14,529.77	-0.92
Since Inception	167,804.62	2.83
Composite Index Return		1.39
Investment Basis	165,364.02	

Total Account Returns



■ Account ■ Index

Performance Returns:

	Qtr to Date	Fiscal Yr to Date	1 Year	3 Years	5 Years	Since Inception
Total Account Return	2.54%	2.75%	2.16%	-4.43%	-0.92%	2.83%
Cash Equivalents	0.89%	4.59%	4.94%	2.25%	2.16%	2.18%
Fixed	2.56%	2.70%	2.11%	-4.68%	-0.87%	2.93%

Reported returns are time-weighted based on activity during the period and compounded monthly. Returns for periods greater than one year are annualized. Accruals are included in the performance reports but not in other reports in the package.

12/27/2023		8052	SWA Reserve							
Rep Type	%Rep Type	%MV	Asset	Shares	Cost	Market Value	YTM	Price	Est. Income	Annl Yield
Cash Equiva	0.10%	0.00%	Meridian Bank Deposit Fund	4.3	\$4.30	\$4.30		1.00	\$0.23	5.35%
Cash Equiva	99.90%	1.36%	Bravera Deposit Fund	4,226.10	\$4,226.10	\$4,226.10		1.00	\$224.41	5.31%
	100.00%	1.36%			\$4,230.40	\$4,230.40			\$224.64	5.31%
Fixed	33.03%	32.58%	Vanguard GNMA Adm	10,828.79	\$115,416.04	\$101,032.64	4.65%	9.33	\$3,349.47	3.32%
Fixed	20.36%	20.08%	Fed Home Loan Bank (3/22) 1.34% Due 03/03/28	70,000.00	\$70,000.00	\$62,273.40	4.25%	88.96	\$938.00	1.51%
Fixed	13.37%	13.19%	Farmer Mac (08/21) 1.27% Due 08/19/30	50,000.00	\$50,000.00	\$40,889.15	4.47%	81.78	\$635.00	1.55%
Fixed	13.26%	13.08%	Freddie Mac (02/21) 1.15% Due 08/26/30	50,000.00	\$49,939.16	\$40,549.40	4.46%	81.10	\$575.00	1.42%
Fixed	13.31%	13.13%	Fed Home Loan Bank (12/21) 1.28% Due 12/02/30	50,000.00	\$50,000.00	\$40,695.85	4.43%	81.39	\$640.00	1.57%
Fixed	6.67%	6.58%	Fed Home Loan Bank (2/22) 1.50% Due 02/25/31	25,000.00	\$25,000.00	\$20,395.23	4.54%	81.58	\$375.00	1.84%
	100.00%	98.64%			\$360,355.20	\$305,835.67			\$6,512.47	2.13%
TOTAL PORTFOLIO		100.00%			\$364,585.60	\$310,066.07	4.50%		\$6,737.11	2.17%

Southwest Water Authority Reserve Fund For Replacement

Account #: 8053

Long Term Performance Summary:

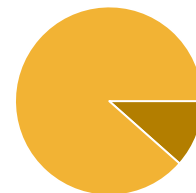
12/01/2018 to 11/30/2023

Investment Profile:

Date Opened:	12/28/1995 to Present	Investment Objective:	Fixed Income
Administrative Officer:	Russell D. Schank	Investment Mix:	100% Fixed
Investment Officer:	Russell D. Schank	Investment Discretion:	Full

Account Composition:

	11/30/2018		11/30/2023	
Cash Equivalents	2,710,701.55	14.46	2,428,195.98	11.53
Fixed	16,037,425.92	85.54	18,630,026.33	88.47
Grand Total	<u>18,748,127.47</u>		<u>21,058,222.31</u>	



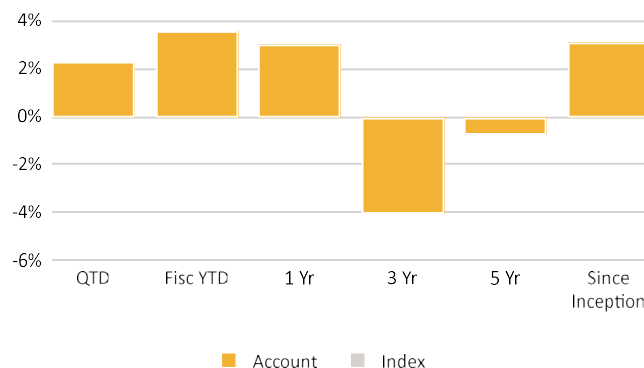
■ Cash Equivalents ■ Fixed

Account Performance:

11/30/2018 - 11/30/2023

Beg. Market Value	18,748,127.47	
End. Market Value	21,058,222.31	
Cash Contributions	8,819,257.62	
Asset Receipts	0.08	
Fees	-382,334.95	
Cash Distributions	-5,189,823.90	
Asset Deliveries	0.00	
Net Change	<u>3,247,098.85</u>	
Total Account Return	-937,004.01	-0.72
Since Inception	3,686,996.52	3.06
Composite Index Return		1.67
Investment Basis	18,418,700.02	

Total Account Returns



Performance Returns:

	Qtr to Date	Fiscal Yr to Date	1 Year	3 Years	5 Years	Since Inception
Total Account Return	2.30%	3.58%	3.03%	-4.03%	-0.72%	3.06%
Cash Equivalents	0.89%	4.57%	4.92%	2.66%	2.37%	2.25%
Fixed	2.41%	3.24%	2.57%	-4.41%	-0.84%	3.07%

Reported returns are time-weighted based on activity during the period and compounded monthly. Returns for periods greater than one year are annualized. Accruals are included in the performance reports but not in other reports in the package.

12/27/2023		8053	SWA REM							
Rep Type	%Rep Type	%MV	Asset	Shares	Cost	Market Value	YTM	Price	Est. Income	Annl Yield
Cash Equiva	39.89%	4.73%	Meridian Bank Deposit Fund	1,021,480.53	\$1,021,480.53	\$1,021,480.53		1.00	\$54,649.45	5.35%
Cash Equiva	60.11%	7.13%	Bravera Deposit Fund	1,539,168.06	\$1,539,168.06	\$1,539,168.06		1.00	\$81,730.13	5.31%
	100.00%	11.86%			\$2,560,648.59	\$2,560,648.59			\$136,379.58	5.33%
Fixed	3.27%	2.89%	Vanguard GNMA Adm	66,753.85	\$702,645.76	\$622,813.40	4.65%	9.33	\$20,647.64	3.32%
Fixed	2.65%	2.33%	PIMCO GNMA and Govt Securities Fund Instl	53,344.42	\$597,167.55	\$503,571.29	4.65%	9.44	\$22,741.19	4.52%
Fixed	3.76%	3.32%	Tennessee Valley Auth 2.875% Due 09/15/24	725,000.00	\$732,491.11	\$715,588.05	4.74%	98.70	\$20,843.75	2.91%
Fixed	2.63%	2.32%	Farmer Mac 5.10% Due 01/27/25	500,000.00	\$572,915.00	\$500,680.00	4.97%	100.14	\$25,500.00	5.09%
Fixed	2.89%	2.55%	Federal Farm Credit Bank 1.29% Due 12/22/26	600,000.00	\$600,000.00	\$549,607.20	4.32%	91.60	\$7,740.00	1.41%
Fixed	3.69%	3.25%	FNMA Remic 2.547% Due 12/25/26	741,926.80	\$776,858.27	\$701,448.71	4.41%	94.54	\$18,288.50	2.61%
Fixed	4.40%	3.88%	Farmer Mac (2/23) 2.00% Due 02/10/27	900,000.00	\$900,000.00	\$837,499.50	4.41%	93.06	\$18,000.00	2.15%
Fixed	4.72%	4.16%	Fed Home Ln Bank (3/21) 1.07% Due 06/04/27	1,000,000.00	\$1,000,000.00	\$896,917.00	4.33%	89.69	\$10,700.00	1.19%
Fixed	1.88%	1.65%	Fed Farm Credit Bank 0.94% Due 06/08/27	400,000.00	\$399,698.45	\$357,147.60	4.32%	89.29	\$3,760.00	1.05%
Fixed	3.04%	2.68%	Fed Home Loan Bank (3/22) 1.34% Due 03/03/28	650,000.00	\$650,000.00	\$578,253.00	4.25%	88.96	\$8,710.00	1.51%
Fixed	2.80%	2.47%	Fed Farm Credit Bank 1.40% Due 04/28/28	600,000.00	\$600,000.00	\$533,241.00	4.24%	88.87	\$8,400.00	1.58%
Fixed	11.30%	9.96%	Fed Farm Credit Bank 1.40% Due 04/26/29	2,500,000.00	\$2,500,000.00	\$2,149,637.50	4.38%	85.99	\$35,000.00	1.63%
Fixed	2.28%	2.01%	Fed Home Loan Bank (10/22) 2.35% Due 10/18/29	485,000.00	\$485,000.00	\$433,340.23	4.45%	89.35	\$11,397.50	2.63%
Fixed	0.00%	0.00%	Govt Natl Mtg Assn 7.00% Due 12-15-29	513.32	\$528.40	\$526.57	6.48%	102.58	\$35.93	6.82%
Fixed	4.16%	3.66%	Fed Farm Credit Bank (2/25) 2.08% Due 02/19/30	900,000.00	\$900,000.00	\$790,800.30	4.35%	87.87	\$18,720.00	2.37%
Fixed	4.30%	3.79%	Farmer Mac (08/21) 1.27% Due 08/19/30	1,000,000.00	\$1,000,000.00	\$817,783.00	4.47%	81.78	\$12,700.00	1.55%
Fixed	4.26%	3.76%	Freddie Mac (02/21) 1.15% Due 08/26/30	1,000,000.00	\$998,782.12	\$810,988.00	4.46%	81.10	\$11,500.00	1.42%
Fixed	6.63%	5.85%	Fed Farm Credit Bank 1.26% Due 10/15/30	1,550,000.00	\$1,550,000.00	\$1,261,489.20	4.46%	81.39	\$19,530.00	1.55%
Fixed	4.28%	3.77%	Fed Home Loan Bank (12/21) 1.28% Due 12/02/30	1,000,000.00	\$1,000,000.00	\$813,917.00	4.43%	81.39	\$12,800.00	1.57%
Fixed	4.28%	3.77%	Fed Home Loan Bank (12/21) 1.27% Due 12/02/30	1,000,000.00	\$998,947.53	\$813,327.00	4.43%	81.33	\$12,700.00	1.56%
Fixed	4.29%	3.78%	Fed Home Loan Bank (2/22) 1.50% Due 02/25/31	1,000,000.00	\$1,000,000.00	\$815,809.00	4.54%	81.58	\$15,000.00	1.84%
Fixed	5.28%	4.65%	Fed Home Loan Bank 1.25% Due 06/30/31	1,200,000.00	\$1,200,000.00	\$1,004,358.00	3.76%	83.70	\$15,000.00	1.49%
Fixed	4.32%	3.81%	Farmer Mac 1.78% Due 08/12/31	1,000,000.00	\$1,000,000.00	\$822,565.00	4.56%	82.26	\$17,800.00	2.16%
Fixed	2.56%	2.25%	Fed Home Loan Bank STEP 1.25% Due 9/29/31	600,000.00	\$600,000.00	\$486,132.60	4.14%	81.02	\$7,500.00	1.54%
Fixed	4.14%	3.65%	Freddie Mac (9/22) 1.24% Due 09/30/31	1,000,000.00	\$1,000,000.00	\$787,943.00	4.51%	78.79	\$12,400.00	1.57%
Fixed	2.19%	1.93%	Fed Home Loan Bank (9/22) 2.69% Due 09/26/34	500,000.00	\$500,000.00	\$415,599.50	4.71%	83.12	\$13,450.00	3.24%
	100.00%	88.14%			\$22,265,034.19	\$19,020,982.65			\$380,864.51	2.00%
TOTAL PORTFOLIO		100.00%			\$24,825,682.78	\$21,581,631.24	4.50%		\$517,244.09	2.40%

Southwest Water Authority Operation & Maintenance Fund

Account #: 8054

Long Term Performance Summary:

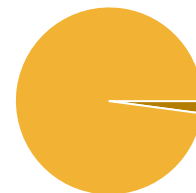
12/01/2018 to 11/30/2023

Investment Profile:

Date Opened:	07/14/2014 to Present	Investment Objective:	Fixed Income
Administrative Officer:	Russell D. Schank	Investment Mix:	100% Fixed
Investment Officer:	Russell D. Schank	Investment Discretion:	Full

Account Composition:

	11/30/2018		11/30/2023	
Cash Equivalents	25,501.94	11.84	49,590.38	2.15
Fixed	189,840.41	88.16	2,257,260.30	97.85
Grand Total	<u>215,342.35</u>		<u>2,306,850.68</u>	



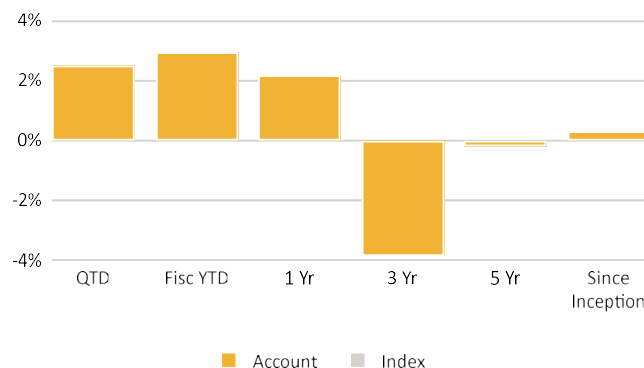
■ Cash Equivalents ■ Fixed

Account Performance:

11/30/2018 - 11/30/2023

Beg. Market Value	215,342.35	
End. Market Value	2,306,850.68	
Cash Contributions	3,517,175.07	
Asset Receipts	0.00	
Fees	-21,133.34	
Cash Distributions	-1,100,000.00	
Asset Deliveries	0.00	
Net Change	2,396,041.73	
Total Account Return	-304,533.40	-0.17
Since Inception	-283,401.98	0.33
Composite Index Return		2.04
Investment Basis	2,617,175.07	

Total Account Returns



■ Account ■ Index

Performance Returns:

	Qtr to Date	Fiscal Yr to Date	1 Year	3 Years	5 Years	Since Inception
Total Account Return	2.50%	2.96%	2.18%	-3.84%	-0.17%	0.33%
Cash Equivalents	0.89%	4.60%	4.96%	2.29%	3.15%	2.22%
Fixed	2.53%	2.93%	2.14%	-5.18%	-0.82%	-0.10%

Reported returns are time-weighted based on activity during the period and compounded monthly.
Returns for periods greater than one year are annualized.
Accruals are included in the performance reports but not in other reports in the package.

12/27/2023		8054	SWA O&M							
Rep Type	%Rep Type	%MV	Asset	Shares	Cost	Market Value	YTM	Price	Est. Income	Annl Yield
Cash Equiva	29.29%	0.68%	Meridian Bank Deposit Fund	16,123.03	\$16,123.03	\$16,123.03		1.00	\$862.59	5.35%
Cash Equiva	70.71%	1.64%	Bravera Deposit Fund	38,929.85	\$38,929.85	\$38,929.85		1.00	\$2,067.18	5.31%
	100.00%	2.32%			\$55,052.88	\$55,052.88			\$2,929.77	5.32%
Fixed	10.06%	9.83%	Vanguard GNMA Adm	24,955.82	\$263,141.45	\$232,837.77	4.65%	9.33	\$7,719.08	3.32%
Fixed	9.91%	9.67%	PIMCO GNMA and Govt Securities Fund Instl	24,278.71	\$270,363.37	\$229,191.01	4.65%	9.44	\$10,350.21	4.52%
Fixed	9.90%	9.67%	Federal Farm Credit Bank 1.29% Due 12/22/26	250,000.00	\$250,000.00	\$229,003.00	4.32%	91.60	\$3,225.00	1.41%
Fixed	7.68%	7.50%	Fed Farm Credit Bank 1.40% Due 04/28/28	200,000.00	\$200,000.00	\$177,747.00	4.24%	88.87	\$2,800.00	1.58%
Fixed	3.86%	3.77%	Fed Home Loan Bank (10/22) 2.35% Due 10/18/29	100,000.00	\$100,000.00	\$89,348.50	4.45%	89.35	\$2,350.00	2.63%
Fixed	7.65%	7.48%	Fed Farm Credit Bank (12/24) 2.25% Due 12/18/29	200,000.00	\$200,000.00	\$177,095.20	4.45%	88.55	\$4,500.00	2.54%
Fixed	3.18%	3.11%	Farmer Mac (08/21) 1.27% Due 08/19/30	90,000.00	\$90,000.00	\$73,600.47	4.47%	81.78	\$1,143.00	1.55%
Fixed	3.51%	3.42%	Freddie Mac (02/21) 1.15% Due 08/26/30	100,000.00	\$99,878.26	\$81,098.80	4.46%	81.10	\$1,150.00	1.42%
Fixed	8.79%	8.59%	Fed Farm Credit Bank 1.26% Due 10/15/30	250,000.00	\$250,000.00	\$203,466.00	4.46%	81.39	\$3,150.00	1.55%
Fixed	8.79%	8.59%	Fed Home Loan Bank (12/21) 1.28% Due 12/02/30	250,000.00	\$250,000.00	\$203,479.25	4.43%	81.39	\$3,200.00	1.57%
Fixed	17.63%	17.22%	Fed Home Loan Bank (2/22) 1.50% Due 02/25/31	500,000.00	\$500,000.00	\$407,904.50	4.54%	81.58	\$7,500.00	1.84%
Fixed	9.04%	8.83%	Fed Home Loan Bank 1.25% Due 06/30/31	250,000.00	\$250,000.00	\$209,241.25	3.76%	83.70	\$3,125.00	1.49%
	100.00%	97.68%			\$2,723,383.08	\$2,314,012.75			\$50,212.29	2.17%
TOTAL PORTFOLIO		100.00%			\$2,778,435.96	\$2,369,065.63	4.50%		\$53,142.06	2.24%

12/27/2023		8058	SWA CMA							
<u>Rep Type</u>	<u>%Rep Type</u>	<u>%MV</u>	<u>Asset</u>	<u>Shares</u>	<u>Cost</u>	<u>Market Value</u>	<u>YTM</u>	<u>Price</u>	<u>Est. Income</u>	<u>Annual Yield</u>
Cash Equiva	66.34%	25.13%	Bravera Deposit Fund	295,650.72	\$295,650.72	\$295,650.72		1.00	\$15,699.11	5.31%
Cash Equiva	33.66%	12.75%	Zions Bank CD 5.35% Due 03/28/24	150,000.00	\$150,000.00	\$150,000.00	5.35%	1.00	\$8,025.00	5.35%
	100.00%	37.88%			\$445,650.72	\$445,650.72			\$23,724.11	5.32%
Fixed	34.20%	21.25%	Bank of America CD 5.50% Due 5/8/25	250,000.00	\$250,000.00	\$250,000.00	5.50%	1.00	\$13,750.00	5.50%
Fixed	34.21%	21.25%	Wells Fargo Bank 5.40% Due 11/07/25	250,000.00	\$250,000.00	\$250,000.00	5.40%	1.00	\$13,500.00	5.40%
Fixed	31.59%	19.62%	Fed Home Loan Bank .85% Due 03/25/26	250,000.00	\$226,992.50	\$230,916.25	4.43%	92.37	\$2,125.00	0.92%
	100.00%	62.12%		750,000.00	\$726,992.50	\$730,916.25			\$29,375.00	4.02%
TOTAL PORTFOLIO	100.00%				\$1,172,643.22	\$1,176,566.97	5.30%		\$53,099.11	4.51%

III. POLICY TYPE: BOARD GOVERNANCE PROCESS

D. POLICY TITLE: *BOARD COMMITTEE PRINCIPLES*

Adopted 10/4/99 - Amended 8/6/07; 4/7/14

Board committees, when used, will be assigned so as to minimally interfere with the wholeness of the Board's job and so as never to interfere with delegation from Board to manager/Chief Executive Officer. Committees will be used sparingly, only when other methods have been deemed inadequate.

1. Board committees are to help the Board do its job, not to help the staff do its job. Committees ordinarily will assist the Board by preparing policy alternatives and implications for Board deliberation. Board committees are not to be created by the Board to advise staff.
2. Board committees may not speak or act for the Board except when formally given such authority for specific and time-limited purposes. Expectations and authority will be carefully stated in order not to conflict with authority delegated to the manager/Chief Executive Officer.
3. Board committees cannot exercise authority over staff. Because the manager/Chief Executive Officer works for the full Board, the manager/Chief Executive Officer will not be required to obtain approval of a Board committee before an executive action. In keeping with the Board's broader focus, Board committees will normally not have direct dealings with current staff operations.
4. Board committees are to avoid over-identification with organizational parts rather than the whole. Therefore, a Board committee, which has helped the Board create policy on some topic, will not be used to monitor organizational performance on that same subject.
5. This policy applies only to committees which are formed by Board action, whether or not the committees include non-Board members. It does not apply to committees formed under the authority of the manager/Chief Executive Officer.

MONITORING:

<i>Method:</i>	<i>Board of Directors Internal Report</i>
<i>Frequency:</i>	<i>Annually</i>
<i>Month:</i>	<i>January</i>

II. POLICY TYPE: EXECUTIVE LIMITATIONS

C. POLICY TITLE: *FINANCIAL CONDITION*

Adopted 10/4/99 - Amended 5/3/10; 1/5/17; 1/7/2019

With respect to the actual, ongoing condition of the organization's financial health, the manager/Chief Executive Officer may not cause or allow the development of fiscal jeopardy nor a material deviation of actual expenditures from Board priorities established in *Aims/Ends* policies.

Accordingly the manager/Chief Executive Officer may not:

1. Expend more funds than have been received unless two and one half months of total operating reserves are in place.
2. Use any Long Term Reserves.
3. Use any Replacement and Extraordinary Maintenance Fund Reserves.
4. Conduct inter-fund shifting in amounts greater than can be restored by otherwise unencumbered revenues within the fiscal year.
5. Allow cash to drop below the amount needed to settle payroll and debts in a timely manner.
6. Allow tax payments or other government-ordered payments or filings to be overdue or inaccurately filed.
7. Submit a deficit budget without also submitting a balanced budget.

MONITORING:

<i>Method:</i>	<i>Manager/CEO Internal Report</i>	<i>External Report (Audit Report)</i>
<i>Frequency:</i>	<i>Quarterly</i>	<i>Annually</i>
<i>Month:</i>	<i>January, April, July, October</i>	<i>April</i>

II. POLICY TYPE: EXECUTIVE LIMITATIONS

C. POLICY TITLE: *FINANCIAL CONDITION*

MONITORING: SEPTEMBER 2023 THROUGH NOVEMBER 2023

With respect to the actual, ongoing condition of the organization's financial health, the manager/Chief Executive Officer may not cause or allow the development of fiscal jeopardy nor a material deviation of actual expenditures from Board priorities established in *Aims/Ends* policies.

Accordingly, the manager/Chief Executive Officer may not:

1. Expend more funds than have been received unless two and a half months of total operating reserves are in place.

Income thru 11/30/23 - \$17,574,765

Expenses thru 11/30/23 - \$17,365,733

Net Income/Loss thru 11/30/23 – \$209,033

Total Operating Reserves thru 11/30/23 – 9.65 months

2. Use any Long-Term Reserves.

No use of long-term reserves. List of bonds called attached.

3. Use any Replacement and Extraordinary Maintenance Fund Reserves.

A disbursement from the Replacement and Extraordinary Maintenance Fund occurred on October 31, 2023 for a total of \$1,541,802.92. This amount includes \$193,128.45 for UF and RO membranes and turbidity meters at the OMND Water Treatment Plant, the fire line leak at the Southwest Water Treatment Plant, and repairs on the auxiliary generators and PB3 motor at the Intake. It also includes \$1,348,674.50 for Contract PP-2022-1; 2-3A. As of November 30, the balance in the Fund was \$24,694,165.55.

4. Conduct inter-fund shifting in amounts greater than can be restored by otherwise unencumbered revenues within the fiscal year.

The O&M Reserve account was closed in October and the balance of \$3,440.64 was transferred to the DDM account. This account has not been used since 2018. On December 1, 2023, three tiered Certificates of Deposit in the amount of \$1 million each were purchased with the O&M DDM account. The annual percentage yield for the six-, nine-, and twelve-month CDs is 5.23%, 5.14%, and 5.06%, respectively.

5. Allow cash to drop below the amount needed to settle payroll and debts in a timely manner.

All payroll debts were settled without penalties or late fees.

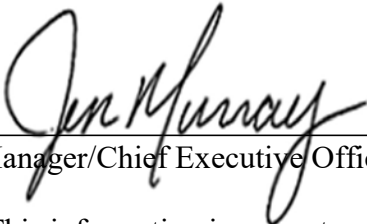
Attached list shows sufficient funds for payroll and debt payments.

6. Allow tax payments or other government-ordered payments or filings to be overdue or inaccurately filed.

Attached is the schedule for tax filings. All payroll debts were settled without penalties or late fees. Worksheets, confirmation numbers and bank statements verifying filing date to meet IRS requirements are available at the O&M Center Office. According to IRS tax code, the due date for filing is three business days after the date of payroll.

7. Submit a deficit budget without also submitting a balanced budget.

Three budget options for 2024 were presented with the November 2023 Board Packet. The proposed options included two deficit budgets with 7.14 and 7.22 months in reserve and a balanced budget with 7.38 months in reserve. Option One with 7.14 months in reserve was approved.



Manager/Chief Executive Officer

12/27/2023
Date

This information is current as of 12/27/2023.

MONITORING:

<i>Method:</i>	<i>Manager/CEO Internal Report</i>	<i>External Report (Audit Report)</i>
<i>Frequency:</i>	<i>Quarterly</i>	<i>Annually</i>
<i>Month:</i>	<i>January, April, July, October</i>	<i>April</i>

Item #2. Use any Long Term Reserves

Monitoring Period: September 2023 through November 2023

Bonds Called or Sold

Date	Amount	Cost	Account
09/15/23	\$13.27	\$13.66	Reserve Fund for Replacement
09/25/23	\$843.71	\$889.70	Reserve Fund for Replacement
10/16/23	\$8.69	\$8.95	Reserve Fund for Replacement
10/25/23	\$896.82	\$945.71	Reserve Fund for Replacement
11/15/23	\$13.20	\$13.59	Reserve Fund for Replacement
11/27/23	\$849.53	\$889.53	Reserve Fund for Replacement

Bonds Purchased

Date

No bonds purchased during this time

CASH MANAGEMENT FOR MONITORING PERIOD: SEP-NOV 2023

PAYROLL				O&M				GENERAL FUND			
Date		Payment	Balance after payment	Date		Payment	Balance after payment	Date		Payment	Balance after payment
9/1/2023	\$	277,956.70	\$ 137,667.89	9/1/2023	\$	500.00	\$ 2,551,311.40				\$ 38,957.85
9/5/2023	\$	125,457.29	\$ 12,210.60	9/5/2023	\$	278,135.94	\$ 2,287,400.59				
9/11/2023	\$	15,261.16	\$ 12,439.44	9/7/2023	\$	47,007.29	\$ 2,263,912.77				
9/12/2023	\$	4,425.00	\$ 12,493.44	9/11/2023	\$	13,182.22	\$ 3,093,878.82				
				9/12/2023	\$	32.75	\$ 3,093,846.07				
10/2/2023	\$	274,320.83	\$ 144,672.61	9/13/2023	\$	101,474.15	\$ 3,325,080.09				
10/4/2023	\$	124,935.38	\$ 19,737.23	9/19/2023	\$	759,178.47	\$ 2,773,426.75				
10/5/2023	\$	10,267.00	\$ 9,470.23	9/21/2023	\$	28,825.55	\$ 3,076,457.89				
10/10/2023	\$	22,138.23	\$ 9,782.00	9/26/2023	\$	407,573.62	\$ 2,722,004.16				
10/11/2023	\$	8,305.46	\$ 10,054.35								
10/17/2023	\$	4,085.04	\$ 5,969.31	10/2/2023	\$	220,926.01	\$ 2,571,928.59	Total Payments	\$	-	
				10/6/2023	\$	92,903.11	\$ 2,592,178.51				
11/1/2023	\$	283,783.61	\$ 138,285.70	10/9/2023	\$	17,369.79	\$ 3,315,095.80				
11/3/2023	\$	127,682.87	\$ 10,602.83	10/11/2023	\$	15,184.64	\$ 3,420,930.32				
11/9/2023	\$	17,806.04	\$ 10,856.79	10/19/2023	\$	771,667.44	\$ 3,054,956.99				
11/13/2023	\$	6,260.19	\$ 12,008.63	10/26/2023	\$	531,262.51	\$ 2,833,080.83				
11/14/2023	\$	1,413.45	\$ 10,915.18	10/31/2023	\$	1,279.48	\$ 2,869,482.47				
Total Payments	\$	1,304,098.25		11/3/2023	\$	10,210.10	\$ 4,455,703.43				
				11/6/2023	\$	261,132.22	\$ 4,173,289.94				
				11/7/2023	\$	10,838.15	\$ 4,213,478.79				
				11/8/2023	\$	18,277.50	\$ 4,219,810.22				
				11/9/2023	\$	66,920.51	\$ 4,267,129.81				
				11/13/2023	\$	7,619.01	\$ 4,317,676.44				
				11/14/2023	\$	542.01	\$ 3,543,464.69				
				11/16/2023	\$	997,322.16	\$ 2,830,086.15				
				11/22/2023	\$	6,472.94	\$ 3,337,783.04				
				11/27/2023	\$	421,000.00	\$ 3,051,494.01				
				11/28/2023	\$	350.00	\$ 3,065,001.95				
				Total Payments	\$	5,087,187.57					

GOVERNMENT PAYMENTS/FILINGS 4Q2023

<u>INITIATION DATE</u>	<u>PAYMENT</u>	<u>FILING</u>	<u>SETTLEMENT DATE</u>
9/26/2023	\$68,004.35	FTD FOR OCT 2 PAYROLL	10/2/2023
10/6/2023	\$5,893.22	FTD FOR OCT 10 PAYROLL	10/10/2023
10/9/2023	\$1,347.91	FTD FOR OCT 11 PAYROLL (BOD)	10/11/2023
10/26/2023	\$69,727.52	FTD FOR NOV 1 PAYROLL	11/1/2023
11/8/2023	\$4,849.57	FTD FOR NOV 9 PAYROLL	11/9/2023
11/14/2023	\$45.14	FTD FOR NOV 14 PAYROLL (Sierra)	11/14/2023
11/13/2028	\$1,095.84	FTD FOR NOV 14 PAYROLL (BOD)	11/14/2023
11/28/2023	\$70,357.24	FTD FOR DEC 1 PAYROLL	12/1/2023
12/7/2023	\$3,189.88	FTD FOR DEC 11 PAYROLL	12/11/2023
12/12/2023	\$2,999.38	FTD FOR DEC 15 PAYROLL (SAFETY)	12/15/2023
12/13/2023	\$968.07	FTD FOR DEC 13 PAYROLL	12/15/2023

QUARTERLY STATE WITHHOLDING ONLINE TO BE UPLOADED BY 1/31/2024**QUARTERLY SUTA ONLINE TO BE UPLOADED BY 1/31/2024**

II. POLICY TYPE: EXECUTIVE LIMITATIONS

E. POLICY TITLE: *ASSET PROTECTION*

Adopted 10/4/99 - Amended 1/7/08; 8/2/10

The manager/Chief Executive Officer may not allow assets to be unprotected, inadequately maintained nor unnecessarily risked.

Accordingly, the manager/Chief Executive Officer may not:

1. Fail to insure against theft and casualty losses to at least 80 percent replacement value and against liability losses in the amount of \$2 million to Board members, staff or the organization itself.
2. Allow non-bonded personnel access to material amounts of funds.
3. Subject plant and equipment to improper wear and tear nor insufficient maintenance.
4. Unnecessarily expose the organization, its Board or staff to claims of liability or loss.
5. Make any unbudgeted purchase or commit the organization to any unbudgeted expenditure of greater than \$5,000.00.
6. Make any purchase:
 - A. wherein normally prudent protection has not been given against conflict of interest
 - B. of over \$2,500.00 without having obtained comparative prices and quality
 - C. of over \$10,000.00 without a stringent method of assuring the balance of long term cost and quality
 - D. without following North Dakota Century Code Chapter 44-08
7. Receive, process or disburse funds under controls which are insufficient to meet the Board-appointed auditor's standards.
8. Invest or hold operating capital except as directed by N.D.C.C. Chapter 21-04, 21-06-07.
9. Acquire, encumber or dispose of real property.
10. Fail to work with suppliers in developing long-term relationships and involvement in new service development.

MONITORING:

<i>Method:</i>	<i>Manager/CEO Internal Report</i>
<i>Frequency:</i>	<i>Quarterly</i>
<i>Month:</i>	<i>January, April, July, October</i>

II. POLICY TYPE: EXECUTIVE LIMITATIONS

E. POLICY TITLE: *ASSET PROTECTION*

MONITORING: SEPTEMBER 2023 THROUGH NOVEMBER 2023

The manager/Chief Executive Officer may not allow assets to be unprotected, inadequately maintained nor unnecessarily risked.

Accordingly, the manager/Chief Executive Officer may not:

1. Fail to insure against theft and casualty losses to at least 80 percent replacement value and against liability losses in the amount of \$2 million to Board members, staff or the organization itself.

Property is insured at 90% replacement value. Liability losses are insured for \$10 million for Board members, staff and SWA. Documentation is available at the SWA O&M Center Office.

2. Allow non-bonded personnel access to material amounts of funds.

All employees are bonded through the ND State Bonding Fund in accordance with NDCC 26-1-21-10 with a \$2 million limit of liability. Documentation is available at the SWA O&M Center Office.

3. Subject plant and equipment to improper wear and tear nor insufficient maintenance.

Annual, preventative, and routine maintenance per schedules at pump stations, distribution systems, O&M Center and water treatment plants and related facilities. The Annual O&M Report is distributed to appropriate agencies in April per the Transfer Agreement. Documentation is available at the SWA O&M Center Office, pump stations and water treatment plants.

4. Unnecessarily expose the organization, its Board or staff to claims of liability or loss.

There are no known claims of liability or loss. To protect SWA against claims of liability, all SWA issued crossing permits are required to be accompanied by a Certificate of Liability from the landowner naming SWA as an additionally insured entity.

Contracts and agreements are reviewed by staff and legal counsel prior to execution. Liability coverages are adequate. Staff are trained on proper techniques and use of machinery and equipment.

5. Make any unbudgeted purchase or commit the organization to any unbudgeted expenditure of greater than \$5,000.

No unbudgeted purchases were made during this monitoring period.

6. Make any one-item purchase:
- A. wherein normally prudent protection has not been given against conflict of interest;
 - B. of over \$2,500 without having obtained comparative prices and quality;
 - C. of over \$10,000 without a stringent method of assuring the balance of long-term cost and quality.
 - D. without following North Dakota Century Code Chapter 44-08.

The standard bidding process was used for the purchase of a John Deere Zero Turn mower for the Water Treatment Plant facilities in Dickinson and a skid steer loader for the OMND Water Treatment Plant. The four pickups for O&M that were bid out in June arrived in October and November. Documentation is available at the SWA O&M Center Office.

7. Receive, process or disburse funds under controls which are insufficient to meet the Board-appointed auditor's standards.

Follow accounting manual approved by auditors.

8. Invest or hold operating capital except as directed by North Dakota Century Code Chapter 21-04, 21-06-07.

Investments through Bravera Wealth follow the ND Century Code. See attached listing of investments.

9. Acquire, encumber or dispose of real property.

SWA has not acquired, encumbered or disposed of real property.

10. Fail to work with suppliers in developing long-term relationships and involvement in new service development.

SWA has long-term relationships with many suppliers including Brenntag Pacific, Dakota Supply Group, Ferguson Waterworks, Graymont Capital, Inc., Hach Company and Hawkins Inc. SWA has service relationships in the form of service agreements with Central Square for billing, Mix Telematics (formerly Trimble) for the vehicle tracking system and Presort Plus for printing and mailing the monthly invoices to rural customers. A list of other frequent vendors and maintenance agreements is available at the SWA O&M Center Office.



Manager/Chief Executive Officer

12/27/2023

Date

This information is current as of 12/27/2023.

MONITORING:

Method: Manager/CEO Internal Report

Frequency: Quarterly

Month: January, April, July, October

Southwest Water Authority - Escrow Fund

Account #: 8050

Account Detail On: 11/30/2023

	Shares	Unit Price	Cost	Market Value	Estimated Annual Income	Accrual
Cash						
Cash			0.00	0.00		
Cash Equivalents						
Money Market	% of Portfolio: 1.44%					
Bravera Deposit Fund	9,047.37	1.00	9,047.37	9,047.37	480.42	0.00
Meridian Bank Deposit Fund	28.99	1.00	28.99	28.99	1.55	0.00
Money Market Total	<u>9,076.36</u>		<u>9,076.36</u>	<u>9,076.36</u>	<u>481.97</u>	<u>0.00</u>
Fixed						
Bond - US Govt (State Tax Exempt)	% of Portfolio: 64.10%					
Farmer Mac (08/21) 1.27% Due 08/19/30	50,000.00	79.38	50,000.00	39,689.20	635.00	178.15
Fed Farm Credit Bank 1.26% Due 10/15/30	50,000.00	78.93	50,000.00	39,467.25	630.00	79.18
Fed Home Loan Bank (12/21) 1.28% Due 12/02/30	50,000.00	78.89	50,000.00	39,445.85	640.00	316.44
Fed Home Loan Bank (2/22) 1.50% Due 02/25/31	25,000.00	79.02	25,000.00	19,755.58	375.00	98.96
Fed Home Loan Bank (3/22) 1.34% Due 03/03/28	60,000.00	87.33	60,000.00	52,397.64	804.00	194.30
Fed Home Loan Bank STEP 1.25% Due 9/29/31	100,000.00	78.33	100,000.00	78,325.50	1,250.00	211.81
Federal Farm Credit Bank 1.29% Due 12/22/26	150,000.00	90.32	150,000.00	135,478.50	1,935.00	849.25
Bond - US Govt (State Tax Exempt) Total	<u>485,000.00</u>		<u>485,000.00</u>	<u>404,559.52</u>	<u>6,269.00</u>	<u>1,928.09</u>
Bond - US Govt (State Taxable)	% of Portfolio: 6.28%					
Farmer Mac 5.10% Due 01/27/25	20,000.00	99.80	22,916.60	19,959.10	1,020.00	349.24
Freddie Mac (02/21) 1.15% Due 08/26/30	25,000.00	78.70	24,969.58	19,673.78	287.50	75.07
Bond - US Govt (State Taxable) Total	<u>45,000.00</u>		<u>47,886.18</u>	<u>39,632.88</u>	<u>1,307.50</u>	<u>424.31</u>
Mutual Funds - Fixed Income	% of Portfolio: 28.18%					
PIMCO GNMA and Govt Securities Fund Instl	9,711.77	9.12	108,256.11	88,571.22	4,140.22	0.00
Vanguard GNMA Adm	9,922.26	9.00	104,555.02	89,300.11	3,069.04	0.00
Mutual Funds - Fixed Income Total	<u>19,634.03</u>		<u>212,811.13</u>	<u>177,871.33</u>	<u>7,209.26</u>	<u>0.00</u>
Fixed Total	<u>549,634.03</u>		<u>745,697.31</u>	<u>622,063.73</u>	<u>14,785.76</u>	<u>2,352.40</u>
Grand Total	<u>558,710.39</u>		<u>754,773.67</u>	<u>631,140.09</u>	<u>15,267.73</u>	<u>2,352.40</u>

Southwest Water Authority - General Fund

Account #: 8051

Account Detail On: 11/30/2023

	Shares	Unit Price	Cost	Market Value	Estimated Annual Income	Accrual
Cash						
Cash			0.00	0.00		
Cash Equivalents						
Money Market	% of Portfolio: 1.06%					
Bravera Deposit Fund	10,309.67	1.00	10,309.67	10,309.67	547.45	0.00
Meridian Bank Deposit Fund	13.26	1.00	13.26	13.26	0.71	0.00
Money Market Total	10,322.93		10,322.93	10,322.93	548.16	0.00
Fixed						
Bond - US Govt (State Tax Exempt)	% of Portfolio: 42.14%					
Farmer Mac (08/21) 1.27% Due 08/19/30	60,000.00	79.38	60,000.00	47,627.04	762.00	213.78
Fed Farm Credit Bank 1.26% Due 10/15/30	50,000.00	78.93	50,000.00	39,467.25	630.00	79.18
Fed Home Loan Bank (12/21) 1.28% Due 12/02/30	100,000.00	78.89	100,000.00	78,891.70	1,280.00	632.89
Fed Home Loan Bank (2/22) 1.50% Due 02/25/31	50,000.00	79.02	50,000.00	39,511.15	750.00	197.92
Fed Home Loan Bank (3/22) 1.34% Due 03/03/28	70,000.00	87.33	70,000.00	61,130.58	938.00	226.68
Fed Home Loan Bank 1.25% Due 06/30/31	50,000.00	80.56	50,000.00	40,280.60	625.00	260.42
Fed Home Loan Bank STEP 1.25% Due 9/29/31	100,000.00	78.33	100,000.00	78,325.50	1,250.00	211.81
Tennessee Valley Auth 2.875% Due 09/15/24	25,000.00	98.33	25,258.37	24,583.33	718.75	150.07
Bond - US Govt (State Tax Exempt) Total	505,000.00		505,258.37	409,817.15	6,953.75	1,972.75
Bond - US Govt (State Taxable)	% of Portfolio: 11.04%					
Farmer Mac 5.10% Due 01/27/25	30,000.00	99.80	34,374.90	29,938.65	1,530.00	523.86
Freddie Mac (02/21) 1.15% Due 08/26/30	50,000.00	78.70	49,939.16	39,347.55	575.00	150.14
Freddie Mac (9/22) 1.24% Due 09/30/31	50,000.00	76.10	50,000.00	38,048.10	620.00	103.33
Bond - US Govt (State Taxable) Total	130,000.00		134,314.06	107,334.30	2,725.00	777.33
Mutual Funds - Fixed Income	% of Portfolio: 45.76%					
PIMCO GNMA and Govt Securities Fund Instl	24,237.23	9.12	271,053.43	221,043.54	10,332.53	0.00
Vanguard GNMA Adm	24,915.67	9.00	264,745.96	224,240.29	7,706.67	0.00
Mutual Funds - Fixed Income Total	49,152.90		535,799.39	445,283.83	18,039.20	0.00
Fixed Total	684,152.90		1,175,371.82	962,435.28	27,717.95	2,750.08
Grand Total	694,475.83		1,185,694.75	972,758.21	28,266.11	2,750.08

Southwest Water Authority - Reserve Fund

Account #: 8052

Account Detail On: 11/30/2023

	Shares	Unit Price	Cost	Market Value	Estimated Annual Income	Accrual
Cash						
Cash			0.00	0.00		
Cash Equivalents						
Money Market	% of Portfolio: 1.30%					
Bravera Deposit Fund	3,906.10	1.00	3,906.10	3,906.10	207.41	0.00
Meridian Bank Deposit Fund	4.30	1.00	4.30	4.30	0.23	0.00
Money Market Total	3,910.40		3,910.40	3,910.40	207.64	0.00
Fixed						
Bond - US Govt (State Tax Exempt)	% of Portfolio: 53.22%					
Farmer Mac (08/21) 1.27% Due 08/19/30	50,000.00	79.38	50,000.00	39,689.20	635.00	178.15
Fed Home Loan Bank (12/21) 1.28% Due 12/02/30	50,000.00	78.89	50,000.00	39,445.85	640.00	316.44
Fed Home Loan Bank (2/22) 1.50% Due 02/25/31	25,000.00	79.02	25,000.00	19,755.58	375.00	98.96
Fed Home Loan Bank (3/22) 1.34% Due 03/03/28	70,000.00	87.33	70,000.00	61,130.58	938.00	226.68
Bond - US Govt (State Tax Exempt) Total	195,000.00		195,000.00	160,021.21	2,588.00	820.23
Bond - US Govt (State Taxable)	% of Portfolio: 13.08%					
Freddie Mac (02/21) 1.15% Due 08/26/30	50,000.00	78.70	49,939.16	39,347.55	575.00	150.14
Mutual Funds - Fixed Income	% of Portfolio: 32.40%					
Vanguard GNMA Adm	10,828.92	9.00	115,416.04	97,459.30	3,349.47	0.00
Fixed Total	255,828.92		360,355.20	296,828.06	6,512.47	970.37
Grand Total	259,739.32		364,265.60	300,738.46	6,720.11	970.37

Southwest Water Authority Reserve Fund For Replacement

Account #: 8053

Account Detail On: 11/30/2023

	Shares	Unit Price	Cost	Market Value	Estimated Annual Income	Accrual
Cash						
Cash			0.00	0.00		
Cash Equivalents						
Money Market	% of Portfolio: 11.58%					
Bravera Deposit Fund	1,406,715.45	1.00	1,406,715.45	1,406,715.45	74,696.87	0.00
Meridian Bank Deposit Fund	1,021,480.53	1.00	1,021,480.53	1,021,480.53	54,649.45	0.00
Money Market Total	2,428,195.98		2,428,195.98	2,428,195.98	129,346.32	0.00
Fixed						
Bond - US Govt (State Tax Exempt)	% of Portfolio: 70.15%					
Farmer Mac (08/21) 1.27% Due 08/19/30	1,000,000.00	79.38	1,000,000.00	793,784.00	12,700.00	3,563.06
Farmer Mac (2/23) 2.00% Due 02/10/27	900,000.00	91.78	900,000.00	825,993.00	18,000.00	5,500.00
Farmer Mac 1.78% Due 08/12/31	1,000,000.00	79.57	1,000,000.00	795,673.00	17,800.00	5,340.00
Fed Farm Credit Bank (2/25) 2.08% Due 02/19/30	900,000.00	85.61	900,000.00	770,506.20	18,720.00	5,252.00
Fed Farm Credit Bank 0.94% Due 06/08/27	400,000.00	87.83	399,655.32	351,335.60	3,760.00	1,797.81
Fed Farm Credit Bank 1.26% Due 10/15/30	1,550,000.00	78.93	1,550,000.00	1,223,484.75	19,530.00	2,454.59
Fed Farm Credit Bank 1.40% Due 04/26/29	2,500,000.00	84.04	2,500,000.00	2,100,875.00	35,000.00	3,305.56
Fed Farm Credit Bank 1.40% Due 04/28/28	600,000.00	87.21	600,000.00	523,255.20	8,400.00	746.67
Fed Home Ln Bank (3/21) 1.07% Due 06/04/27	1,000,000.00	88.25	1,000,000.00	882,481.00	10,700.00	5,231.11
Fed Home Loan Bank (10/22) 2.35% Due 10/18/29	485,000.00	87.23	485,000.00	423,064.53	11,397.50	1,329.71
Fed Home Loan Bank (12/21) 1.27% Due 12/02/30	1,000,000.00	78.83	998,872.35	788,331.00	12,700.00	6,279.44
Fed Home Loan Bank (12/21) 1.28% Due 12/02/30	1,000,000.00	78.89	1,000,000.00	788,917.00	12,800.00	6,328.89
Fed Home Loan Bank (2/22) 1.50% Due 02/25/31	1,000,000.00	79.02	1,000,000.00	790,223.00	15,000.00	3,958.33
Fed Home Loan Bank (3/22) 1.34% Due 03/03/28	650,000.00	87.33	650,000.00	567,641.10	8,710.00	2,104.92
Fed Home Loan Bank (9/22) 2.69% Due 09/26/34	500,000.00	79.88	500,000.00	399,396.50	13,450.00	2,391.11
Fed Home Loan Bank 1.25% Due 06/30/31	1,200,000.00	80.56	1,200,000.00	966,734.40	15,000.00	6,250.00
Fed Home Loan Bank STEP 1.25% Due 9/29/31	600,000.00	78.33	600,000.00	469,953.00	7,500.00	1,270.83
Federal Farm Credit Bank 1.29% Due 12/22/26	600,000.00	90.32	600,000.00	541,914.00	7,740.00	3,397.00
Tennessee Valley Auth 2.875% Due 09/15/24	725,000.00	98.33	732,491.11	712,916.43	20,843.75	4,351.99
Bond - US Govt (State Tax Exempt) Total	17,610,000.00		17,616,018.78	14,716,478.71	269,751.25	70,853.02
Bond - US Govt (State Taxable)	% of Portfolio: 13.07%					
FNMA Remic 2.547% Due 12/25/26	742,925.04	93.41	777,903.51	693,934.24	18,929.73	259.31
Farmer Mac 5.10% Due 01/27/25	500,000.00	99.80	572,915.00	498,977.50	25,500.00	8,730.98
Freddie Mac (02/21) 1.15% Due 08/26/30	1,000,000.00	78.70	998,782.12	786,951.00	11,500.00	3,002.78
Freddie Mac (9/22) 1.24% Due 09/30/31	1,000,000.00	76.10	1,000,000.00	760,962.00	12,400.00	2,066.67
Bond - US Govt (State Taxable) Total	3,242,925.04		3,349,600.63	2,740,824.74	68,329.73	14,059.74
Mortgage Backed Security						
Govt Natl Mtg Assn 7.00% Due 12-15-29	521.53	101.88	536.85	531.34	36.50	1.50
Mutual Funds - Fixed Income						
% of Portfolio: 5.20%						
PIMCO GNMA and Govt Securities Fund Instl	53,344.45	9.12	597,167.55	486,501.11	22,741.19	0.00
Vanguard GNMA Adm	66,753.87	9.00	702,645.76	600,784.62	20,647.64	0.00
Mutual Funds - Fixed Income Total	120,098.32		1,299,813.31	1,087,285.73	43,388.83	0.00
Fixed Total	20,973,544.89		22,265,969.57	18,545,120.52	381,506.31	84,914.26
Grand Total	23,401,740.87		24,694,165.55	20,973,316.50	510,852.63	84,914.26

Southwest Water Authority Operation & Maintenance Fund

Account #: 8054

Account Detail On: 11/30/2023

	Shares	Unit Price	Cost	Market Value	Estimated Annual Income	Accrual
Cash						
Cash			0.00	0.00		
Cash Equivalents						
Money Market	% of Portfolio: 2.16%					
Bravera Deposit Fund	33,467.35	1.00	33,467.35	33,467.35	1,777.12	0.00
Meridian Bank Deposit Fund	16,123.03	1.00	16,123.03	16,123.03	862.59	0.00
Money Market Total	<u>49,590.38</u>		<u>49,590.38</u>	<u>49,590.38</u>	<u>2,639.71</u>	<u>0.00</u>
Fixed						
Bond - US Govt (State Tax Exempt)	% of Portfolio: 75.00%					
Farmer Mac (08/21) 1.27% Due 08/19/30	90,000.00	79.38	90,000.00	71,440.56	1,143.00	320.68
Fed Farm Credit Bank (12/24) 2.25% Due 12/18/29	200,000.00	86.37	200,000.00	172,731.00	4,500.00	2,025.00
Fed Farm Credit Bank 1.26% Due 10/15/30	250,000.00	78.93	250,000.00	197,336.25	3,150.00	395.90
Fed Farm Credit Bank 1.40% Due 04/28/28	200,000.00	87.21	200,000.00	174,418.40	2,800.00	248.89
Fed Home Loan Bank (10/22) 2.35% Due 10/18/29	100,000.00	87.23	100,000.00	87,229.80	2,350.00	274.17
Fed Home Loan Bank (12/21) 1.28% Due 12/02/30	250,000.00	78.89	250,000.00	197,229.25	3,200.00	1,582.22
Fed Home Loan Bank (2/22) 1.50% Due 02/25/31	500,000.00	79.02	500,000.00	395,111.50	7,500.00	1,979.17
Fed Home Loan Bank 1.25% Due 06/30/31	250,000.00	80.56	250,000.00	201,403.00	3,125.00	1,302.08
Federal Farm Credit Bank 1.29% Due 12/22/26	250,000.00	90.32	250,000.00	225,797.50	3,225.00	1,415.42
Bond - US Govt (State Tax Exempt) Total	<u>2,090,000.00</u>		<u>2,090,000.00</u>	<u>1,722,697.26</u>	<u>30,993.00</u>	<u>9,543.53</u>
Bond - US Govt (State Taxable)	% of Portfolio: 3.43%					
Freddie Mac (02/21) 1.15% Due 08/26/30	100,000.00	78.70	99,878.26	78,695.10	1,150.00	300.28
Mutual Funds - Fixed Income	% of Portfolio: 19.41%					
PIMCO GNMA and Govt Securities Fund Instl	24,278.72	9.12	270,363.37	221,421.76	10,350.21	0.00
Vanguard GNMA Adm	24,955.83	9.00	263,141.45	224,602.37	7,719.08	0.00
Mutual Funds - Fixed Income Total	<u>49,234.55</u>		<u>533,504.82</u>	<u>446,024.13</u>	<u>18,069.29</u>	<u>0.00</u>
Fixed Total	<u>2,239,234.55</u>		<u>2,723,383.08</u>	<u>2,247,416.49</u>	<u>50,212.29</u>	<u>9,843.81</u>
Grand Total	<u>2,288,824.93</u>		<u>2,772,973.46</u>	<u>2,297,006.87</u>	<u>52,852.00</u>	<u>9,843.81</u>

SWWA - CMA
Account #: 8058

Account Detail On: 11/30/2023

	Shares	Unit Price	Cost	Market Value	Estimated Annual Income	Accrual
Cash						
Cash			0.00	0.00		
Cash Equivalents						
CD - Other	% of Portfolio: 34.11%					
Bank of America 5.50% Due 5/8/25	250,000.00	1.00	250,000.00	250,000.00	13,750.00	831.04
Zions Bancorporation CD 5.35% Due 03/28/24	150,000.00	1.00	150,000.00	150,000.00	8,025.00	5,364.66
CD - Other Total	400,000.00		400,000.00	400,000.00	21,775.00	6,195.70
Money Market	% of Portfolio: 25.10%					
Bravera Deposit Fund	294,364.04	1.00	294,364.04	294,364.04	15,630.79	0.00
Cash Equivalents Total	694,364.04		694,364.04	694,364.04	37,405.79	6,195.70
Fixed						
Bond - US Govt (State Tax Exempt)	% of Portfolio: 19.47%					
Fed Home Loan Bank .85% Due 03/25/26	250,000.00	91.34	226,992.50	228,360.00	2,125.00	29.51
CD - Other	% of Portfolio: 21.32%					
Wells Fargo Bank 5.40% Due 11/07/25	250,000.00	1.00	250,000.00	250,000.00	13,500.00	850.68
Fixed Total	500,000.00		476,992.50	478,360.00	15,625.00	880.19
Grand Total	1,194,364.04		1,171,356.54	1,172,724.04	53,030.79	7,075.89



Our Vision: People and Business Succeeding with Quality Water Our Mission: Quality Water for Southwest North Dakota

M E M O R A N D U M

To: Jen Murray, Manager/CEO, SWA

From: Ledeanna O'Shields, CFO/Office Administrator, SWA

Subject: **Missouri West Water System Amendment #5- Decision Making**

Date: December 12, 2023

The Missouri West Water System (MWWS) Water Service Contract Amendment #5 is included for your review and approval. This amendment extends the term of the agreement to December 31, 2064. The city of New Salem is requesting funding from the United States Department of Agriculture (USDA) Rural Development and they are requiring a 40-year water service agreement with MWWS. Since the original water service agreement between MWWS, the State Water Commission and Southwest Water Authority was executed on April 6, 2011, and extended 40 years with Amendment #4 on April 4, 2022 it would have terminated before the 40 years required by the city of New Salem and MWWS.

I respectfully request the Southwest Water Authority Board of Directors approve the Missouri West Water System Water Service Contract Amendment #5 to extend the term of the Missouri West Water System Water Service Contract to December 31, 2064.

**AMENDMENT NUMBER 5 TO
WATER SERVICE CONTRACT BETWEEN
THE MISSOURI WEST WATER SYSTEM,
SOUTHWEST WATER AUTHORITY, AND
THE STATE WATER COMMISSION**

The **State of North Dakota**, acting through the State Water Commission (Commission), **Southwest Water Authority** (Authority), and the **Missouri West Water System** (Customer) amend Contract *Missouri West Water System*, approved by the Commission resolution on April 6, 2011, regarding water service for the Customer:

Replace **SECTION IV, PARAGRAPH 1** with:

1. This contract will remain in effect until December 31, 2064, unless terminated by mutual agreement of the parties.

STATE WATER COMMISSION

By:

Andrea Travnicek, Ph.D., Secretary

Date _____

SOUTHWEST WATER AUTHORITY

By:

James Odermann, Chairperson

Date _____

MISSOURI WEST WATER SYSTEM

By:

Wade Bachmeier
Chairman of the Board of Directors

Date _____



3456 E Century Avenue
Bismarck, ND 58503
ph (701) 258-1110
www.bartlettwest.com

December 22, 2023

Ms. Jen Murray, Manager/CEO
Southwest Water Authority
4665 Second Street SW
Dickinson, ND 58601

**SUBJECT: Southwest Pipeline Project
Revision to Amendment No. 21 to Agreement for Professional Services
W.O. 3055.004**

Dear Jen,

We request a revision of Amendment 21 to the Agreement for Professional Services, dated May 1, 1995, between Southwest Water Authority and Bartlett & West, Inc. Amendment No. 21 revised the Scope of Work defined in the Agreement to include engineering services to perform design and construction phase services for SWA Contract CP-2023-1, 2-3E/2-3F Station 821+75 Anode Replacement. After discussing with SWA staff and HDR we request a change in the scope for Amendment 21 to add replacement anodes at 2-3EF Dry Creek Station 287+25, and 2-2AB Station 557+31, and to construct a new rectifier and anode bed at 2-3A generally in the vicinity Station 211+00 near Sacred Heart Wellness Center. The scope, cost, and schedule for work under this revised amendment is described in Attachment A.

It is our understanding that the SWA will seek reimbursement of these costs from the Replacement and Extraordinary Maintenance (REM) fund or from the NDSWC. We have estimated the total project cost to be \$600,000 - \$700,000.

Enclosed are two (2) copies of the proposed Revised Amendment No. 21 to the Agreement for Professional Services. Please sign and return one (1) original indicating your acceptance of this amendment.

BARTLETT & WEST, INC.
(Engineer)

SOUTHWEST WATER AUTHORITY
(Client)

By: _____

By: _____

Title: _____

Title: _____

Date: _____

Date: _____

Attest: _____

Attest: _____

Title: _____

Title: _____



Driving community and industry forward, together.

SCOPE OF WORK
SOUTHWEST WATER AUTHORITY
CONTRACT CP-2023
CATHODIC PROTECTION IMPROVEMENTS
For SWPP Contracts 2-2B, 2-3A, and 2-3EF

I. STATEMENT OF INTENT

The Southwest Water Authority (SWA) desires assistance in development of Bid Ready Contract Documents and Construction Phase Engineering Services for replacing cathodic protection anode beds at three locations and constructing new facilities consisting of a rectifier and anode bed. The anode bed replacement locations are Contract 2-3E/F Station 821+75 approximately 2 miles north of the New England Reservoirs, Contract 2-3E/F Dry Creek located approximately at Contract 2-3E/F Station 287+25, and Contract 2-B Station 557+31. The new rectifier and anode bed is proposed for construction generally at 2-3A Station 211+00 near Sacred Heart Wellness Center. We estimate the total project cost to be \$600,000 to \$700,000. As part of the scope we will engage HDR, Inc. to design the cathodic protection system and review Bidding Documents including plans and specifications. Bartlett & West will also coordinate with HDR regarding construction issues and submittals after the contract has been awarded.

It is intended that HDR will contract directly with SWA for construction phase services such as submittal reviews, and conducting post construction testing. We estimate that cost to be \$50,000 to \$55,000. We have included that in the estimate of total project costs above.

II. SCOPE OF WORK

Work to be completed is identified by the following tasks:

TASK 1 – FINALIZE DESIGN AND DEVELOP BID READY CONTRACT DOCUMENTS

Using input from SWA and design information from HDR Inc. the Engineer will finalize the plans for replacing the anode beds and constructing the new rectifier/anode location. Bid Ready Contract Documents required for advertising for construction bids will be assembled using the input from SWA, design information, and past contracts. The existing rectifier may or may not be replaced depending on its condition. The Bid Form for this project will be included with the Contract Documents and will be generally structured as lump sum bid items corresponding to each location. A schedule of values will be required from the contractor after the contract is awarded with enough detail to allow separation of cost items.

TASK 2 - ASSEMBLY OF BID READY CONTRACT DOCUMENTS

The Engineer will finalize the plans for the anode replacement and assemble the Bid Ready Contract Documents required for advertising for construction bids of the facilities in the final design. These documents will be identified as "SWA CONTRACT CP-2023-1, CATHODIC PROTECTION IMPROVEMENTS" unless you would like a different project name. A sub-heading can be included on the front page of the Bid Ready Contract Documents listing all

of the locations affected. The Bid Ready documents will include the Engineers Joint Contract Documents Committee (EJCDC) most recent (2018) front-end Contract Documents and Special Conditions in the same format as used on the recent SWA OMND Roof Replacement contract. The Contract Documents will NOT utilize Bureau of Reclamation Supplemental Provisions. The construction specifications will be based on the Specification Standards developed for previous contracts with any modifications deemed appropriate.

The Bid Ready Documents assembled will also include necessary contract attachments. Such contract attachments may include permit forms or requirements, zoning or planning notices, and other items as deemed necessary by either the Engineer or SWA.

TASK 3 - CONSTRUCTION PHASE SERVICES

The Engineer will perform construction phase engineering services generally described below for Contract CP-2023-1. Such services are modeled after those in the SWPP Agreement for Engineering Services between the ND State Water Commission and BW/AECOM.

1. Assist SWA in obtaining bids for construction.
2. Assist SWA in evaluating bids and in assembling and awarding contracts.
3. Consult with and advise SWA as to the acceptability of substitute materials and equipment proposed by the contractor when substitution is allowed by the bidding documents.
4. Review shop drawings, submittals, and samples for conformance with the design concept of the project and compliance with the information given in the Contract Documents. This will include coordination with SWA's corrosion consultant.
5. Consult with SWA and act as Owner's Representative. The extent and limitations of the duties, responsibilities, and authority of Engineer shall be as described in the Contract Documents.
6. Construction staking.
7. Provide design professionals to make visits to the site at intervals appropriate to the various stages of construction. Additionally, qualified staff will be provided and will act, as directed by Engineer in observing performance of the work of the contractor to determine in general if the work is proceeding in accordance with the Contract Documents. Through Engineer's visits and on-site observations and field checks the Engineer will keep SWA informed of the progress of the work, shall endeavor to provide further protection for SWA against defects and deficiencies in the work and may reject or disapprove work failing to conform to the Contract Documents. The Engineer, and their assistants, agents and employees shall not be responsible for the means, methods, and techniques, sequences or procedures of construction selected by the contractor or for the safety precautions and programs incident to the work of the contractor or for failure of the contractor to perform work in accordance with the Contract Documents.
8. Issue all instructions of SWA to the contractor; issue necessary interpretations and clarifications of the Contract Documents and in connection therewith, prepare change orders as required.
9. Based on Engineer's onsite observations as an experienced and qualified design professional and on review of data and schedules provided by the contractor, determine the amounts owing to the contractor and recommend progress payments

to the contractor in such amounts; such recommendations of payment will constitute a representation to SWA, based on such observations and review, that the work has progressed to the point indicated. By recommending such payment Engineer will not be deemed to have reviewed the means and methods of construction or safety precautions or that Engineer has made an examination to ascertain how or for what purpose the contractor has used the moneys paid on account of the contract price, or that title to any of the work, materials, or equipment has passed to SWA free and clear of any lien, claims, security interests or encumbrances, or that the contractor has completed work exactly in accordance with the Contract Documents.

10. Conduct inspections with SWA to determine if the contract is substantially complete and a final inspection with SWA to determine if work has been completed in accordance with the Contract Documents and if the contractor has fulfilled its obligations thereunder so that Engineer may recommend final payment.
11. Prepare a set of reproducible record drawings showing those changes made during construction based on record drawings provided by the contractor and records of the Engineer.
12. Provide summary reports, no more frequent than weekly, describing the contractor's progress.

III. TIME FOR COMPLETION

It is the intent of the Engineer, if authorized, that the work will be completed no later than October 31, 2024.

IV. COMPENSATION

The basis of compensation for the work shall be equivalent to that for the Southwest Pipeline Project by the ND State Water Commission. The fee is based on direct salaries and wages of employees, plus overhead, plus reimbursable expenses, plus the costs of sub-consultants, plus a fixed fee. The fee for the work outlined in this scope of work, including HDR's design fees, is estimated at \$150,000.

The actual amount of the fee, based on an hourly schedule, may be more or less than the estimated fee and compensation to the Engineer will be based on the actual amount. The Engineer will request prior approval from the Owner if the estimated fee is anticipated to be exceeded.

Southwest Water Authority Strategic Plan

2023

At the 2023 Board of Directors' Retreat, a situational analysis was conducted. Below are the six identified areas of priority, opportunity, and challenge in which the Board has affirmed require awareness, focus, and action to achieve the mission and vision of Southwest Water Authority.

Southwest Pipeline Project Supplementary Intake

1. Communicate the need for the Supplementary Intake for the people of southwest North Dakota
2. Communicate the impacts of a deficit at the Intake to stakeholders
3. Encourage the SWC to consider alternative options
 - a. Develop a plan/proposal for an interim Intake to address the potential deficit until the permanent intake is completed (Increase flowrate with Basin Electric, construct a temporary Intake, evaluation of other locations/sources, etc.)
4. Communicate the income opportunity of serving Prairie Horizon Hydrogen or other industrial users

Aging Infrastructure

1. Prioritize areas of concern
 - a. Utilize REM analysis as a tool to monitor age of infrastructure and life-expectancy
 - i. Keep the REM analysis updated
 - ii. Budget accordingly
2. Develop a plan to address shutdowns
 - a. Redundancy
 - i. Consideration of additional water reservoirs at Zap and/or Dickinson
 - ii. Consideration of secondary raw water line
3. Work with other Rural Water Systems and related agencies to revive the Water/Wastewater Agency Response Network (WARN) – a statewide inventory database for spare parts or emergency mitigation
 - a. Mutual Aid Agreements

Education and Communication and Project Funding

1. Communication – How will the Board and Staff Communicate with Stakeholders
 - a. Develop the SWPP and SWA message to be communicated
 - i. Who we are, what we do, and why we exist
 - b. Outreach
 - i. Identify audiences with whom the message will be communicated (County Commissions, City Commissions, Legislators, Public, other boards/agencies, etc.)
 - ii. Identify Champions and Build Relationships
 - c. Develop a communication video
 - i. Make a statement, be memorable, include testimonials.

Waiting List and Customer Connections

1. Finalize Feasibility Criteria Adjustments
2. Revise Prong 2 and Prong 3 approach to address future needs for waiting lists, under-served areas/new construction areas
3. Strategic Hydraulic Improvements
 - a. Assess and prioritize waiting list areas of the Project through constant review of Prioritization Matrix
 - b. Combine projects to make cost effective

Water Treatment Plant Expansion and Decommissioning of Dickinson WTP

1. Southwest Water Treatment Plant designed for future of SWPP – 18 MGD
 - a. Secure staging area for construction and materials
 - b. Budget for unknown maintenance needs for first year after warranty period
2. Dickinson Water Treatment Plant
 - a. Develop timeline for decommissioning
 - b. Discuss with City of Dickinson on responsibilities, assets/inventory, and future for the site
3. Security
 - a. Upgrade security and cybersecurity at the SWTP
4. Education
 - a. Foster and maintain educated treatment staff

Affordable Rates

1. Remain aware how SWA compares to other ND Rural Water Systems as a gauge for affordability
2. Review over-allocation policy
3. Review and analyze reserves during budgeting
4. REM analysis
 - a. Review and update every two years
 - b. Keep reserve relevant to future need and policy
 - c. Remain educated on the SWC Basic Asset Inventory Assessments and Capital Improvement Plans for other water systems



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60 YEARS of Making a DIFFERENCE

60th Annual

Joint North Dakota Water Convention AND Irrigation Workshop

December 5-8, 2023

Bismarck Hotel & Conference Center, Bismarck

TUESDAY, DECEMBER 5

- | | |
|-------------------|---|
| 1:30 pm | N.D. Water Resource Districts Association Board of Directors Meeting, Room 2130 |
| 2:30 pm | Upper Sheyenne River Joint Water Resource Board Meeting, Governor's Room |
| 5:30 pm – 7:30 pm | HDR Water Users Social, Heart Room, Bismarck Hotel and Convention Center
<i>Co-Hosted by HDR and the Garrison Diversion Conservancy District</i> |

WEDNESDAY, DECEMBER 6

- | | |
|--------------------|---|
| 7:30 am | Registration, Coat Room |
| 8:15 am – 11:00 am | N.D. Water Resource Districts' Water Management Seminar, Missouri Ballroom <ul style="list-style-type: none">• <i>Drainage Permit Training</i>• <i>WRD Updates</i> |
| 9:00 am – Noon | Commercial Exhibit Set-up |
| 9:00 am | N.D. Rural Water Systems Association Managers Meeting, Governor's Room
(Rural Water Managers only) |
| Noon | Commercial Exhibits Open, Courtyard |

OPENING LUNCHEON Grand Pacific Room

- | | |
|----------|--|
| 11:30 am | Lunch |
| Noon | Dakota Attitude – <i>James Puppe</i> |
| Noon | North Dakota Water Education Foundation Silent Auction Benefit Opens,
Grand Pacific/Patterson Hallway |

GENERAL SESSION Patterson/Lamborn Room

- | | |
|--------------------|--|
| 1:00 pm | Welcome |
| 1:05 pm – 1:45 pm | State of Water in North Dakota – <i>Andrea Travnicek, Department of Water Resources</i> |
| 1:45 pm – 2:45 pm | Water through the Decades – <i>Garland Erbele, Dale Frink, Dave Sprynczynatyk</i> |
| 2:45 pm – 3:45 pm | History of the North Dakota Water Users Association – <i>Mike Dwyer</i> |
| 4:00 pm – 5:00 pm | Resolutions Committee
Water Users/Water Resource Districts/Irrigation Associations, Missouri Ballroom |
| 5:30 pm | North Dakota Water Education Foundation Silent Auction Benefit Ends,
Grand Pacific/Patterson Hallway |
| 5:00 pm – 6:00 pm | Western Social, Courtyard |
| Dinner on your own | |

THURSDAY, DECEMBER 7

7:00 am Prayer Breakfast – *Annissa Gartner*, Missouri Ballroom

GENERAL SESSION Patterson/Lamborn Room

8:00 am Convene

8:00 am Commercial Exhibits, Courtyard

8:00 am – 9:00 am Farm Bill and More: A DC Update - *Colin Peterson, Midwest Council on Agriculture*

9:00 am – 9:45 am NDAWN: Weather for You – *Daryl Ritchison, North Dakota State University*

9:45 am – 10:30 am WOTUS Update – *TBD*

10:30 am – 11:00 am Break

11:00 am – 11:45 pm Protecting our Waters: Aquatic Nuisance Species in our State
– *Ben Holen, Game & Fish Department; Dr. Duane Pool, Department of Water Resources*

11:45 am- Noon Elections, N.D. Water Users Board of Directors

12:00 pm Buffet Luncheon, Courtyard

Noon Concurrent Joint Board and Annual Meetings

- *Devils Lake Basin Joint Water Resource Board*, Sheyenne Room
- *Red River Joint Water Resource District*, Cannonball Room
- *Missouri River Joint Water Board*, Heart Room
- *Souris River Joint Board*, Governor's Room
- *N.D. Irrigation Association Membership Meeting*, Grand Pacific Room

GENERAL SESSION Patterson/Lamborn Room

1:55 pm – 2:00 pm Reconvene/Announcements

2:00 pm – 2:45 pm Collaboration for Water Resiliency – *Brent Esplin, Bureau of Reclamation*

2:45 pm – 4:00 pm The Missouri River: Yesterday, Today, Tomorrow – *TBD*

4:00 pm – 4:45 pm Cybersecurity Awareness in the Water Industry – *Matt Odermann, All Seasons Water Users*

5:00 pm – 5:30 pm Resolutions Committee

Water Users/ Water Resource Districts/Irrigation Associations
– Final Adoption, Missouri Ballroom

5:30 pm – 6:30 pm Social Hour, Courtyard

6:30 pm Awards Banquet, Patterson/Lamborn Room
Entertainment: Strolling Strings of Bismarck

FRIDAY, DECEMBER 8

7:00 am N.D. Water Users Association Board Meeting, Governor's Room

8:00 am N.D. Irrigation Association Board Meeting, Governor's Room

9:00 am N.D. State Water Commission Meeting,
Bank of North Dakota Building, #238 Lewis and Clark Room, Bismarck

IRRIGATION WORKSHOP Thursday, Dec. 7 • 8:00 am – 4:45 pm

SPONSORED BY: North Dakota Water Users Association and North Dakota Irrigation Association

TOPICS INCLUDE: Farm Bill and More: A DC Update • NDAWN: Weather for You • WOTUS Update

- Irrigation Research Site Overview • Update from the Department of Water Resources • Drip Irrigation for Onions
- New and Upcoming Irrigation Technology • Irrigation through the Garrison Diversion Conservancy District
- Using an Irrigation Management Assistant Tool

Cost for the Irrigation Workshop is \$75, which includes lunch, refreshment breaks and workshop materials.

**2024 Goals and Resolutions
of the North Dakota Water Users Association,
the North Dakota Water Resource Districts Association,
and the North Dakota Irrigation Association**

LONG TERM GOALS

1. **PROTECTION OF WATER RESOURCES.** To preserve and protect our water resources for all beneficial uses. North Dakota's water resources will be endangered by downstream or outside interests if we do not prepare and fully utilize our water resources.
2. **NATIONAL WATER POLICY.** To work towards national water policy based upon (1) full recognition of the rights of all states to manage their water resources, (2) the inherent right and obligation of state, regional and local entities, with or without the federal government, to provide for the timely development of their water resources, (3) the proper role of the federal government being to assist and cooperate with states and their political subdivisions in meeting water resource needs and to provide financing for state and local projects as these are beneficial to the nation as well as the state.
3. **NORTH DAKOTA WATER SUPPLY.** To provide for water development for municipal, rural, industrial, irrigation, recreation, and other beneficial uses to improve the economy and quality of life in the entire State of North Dakota.
4. **MISSOURI RIVER.** We oppose any effort by the U.S. Army Corps of Engineers (USACE) or other Federal agency to modify the operation of the Missouri River for purposes of creating sand or silt land areas, or substantially altering flows for the purpose of endangered species habitat. It is further resolved that any such effort be subject to the requirements of an Environmental Impact Statement with specific emphasis upon the effects of such proposed actions upon the recreational and fishing industries of the river, the effect to surface water and ground water levels, the effect to community and irrigation intakes, the effect of bank erosion and water quality of the river, the impacts on flood conveyance and flood elevations, and the effect on the hydroelectric power generation capability of the system. We further urge the USACE to develop and implement a program to remove silt from the headwaters of the Oahe and Garrison Reservoirs. The USACE is requested to respect the State of North Dakota ownership of the bed of the Missouri River and apply for and secure Sovereign Land permits for work on state property.
5. **RIVERBANK PROTECTION.** To protect and stabilize the banks of the Missouri River between the Oahe Reservoir and Garrison Dam in North Dakota in accordance with the recommendations of the North Dakota Department of Water Resources and affected water resource districts. Protection of the banks of the Missouri and Yellowstone Rivers, including construction, operation, and maintenance of works, is an obligation under the Pick-Sloan Program and should be a USACE responsibility. The State of North Dakota has a responsibility to protect and stabilize the banks of the other rivers, including, but not limited to, the Yellowstone River, Heart River, Souris River, Little Missouri River, Forest River, Pembina River, Lower James River, Sheyenne River, Red River and Tongue River.
6. **GARRISON DIVERSION UNIT.** To develop and complete the Garrison Diversion Unit, in accordance with the Dakota Water Resources Act. The Garrison Diversion Unit will deliver Missouri River water to water-short areas for municipal, rural, industrial, irrigation, fish and wildlife and recreational purposes, thereby benefiting the entire state of North Dakota, the surrounding region, and the nation.
7. **IRRIGATION.** To develop North Dakota's water resources for irrigation, consistent with best management practices, for agricultural uses, and to improve and stabilize North Dakota's farm economy.

8. **ALLOCATION OF WATER.** To support efforts to develop groundwater and surface water modeling techniques which will provide a solid basis for water allocation and conservation decisions, and to support the North Dakota Department of Water Resources' continued policy to allocate water from aquifers in accordance with sustained yield to prevent the mining of North Dakota's aquifers.
9. **RURAL WATER.** To provide for an adequate and dependable supply of quality water at an affordable cost, for municipal, domestic, and rural uses through rural water delivery systems in all areas of North Dakota, and thereby enhance the quality of life in rural North Dakota.
10. **WATER FOR INDUSTRY.** To support North Dakota's position as an attractive location for energy, energy by-product, and industrial development, through the availability of an adequate supply of water for such purposes, to maintain and increase employment and economic opportunities for our state and local communities.
11. **FLOOD CONTROL.** To effectively control flooding in the Souris River basin, the Devils Lake basin, along the James River, along the Red River and its tributaries, including the Sheyenne River, the Pembina River, the Park River, the Turtle River the Knife River and its tributaries, the Missouri River and tributaries and other rivers and streams in North Dakota which experience reoccurring flooding, so that the destruction and loss as caused by flooding and the flood risks can be minimized.
12. **GOVERNMENT REGULATION.** To streamline or reduce government regulations and defeat initiatives which adversely affect water development options and the opportunities to reasonably manage water resources.
13. **WATER QUALITY PROTECTION.** To protect the quality of North Dakota's water resources from man-made contamination. To support educational efforts so that all North Dakota citizens will better understand our water resources, the interaction of surface water and ground water and potential contamination sources, and the need for maintenance and protection of water quality.
14. **WEATHER MODIFICATION.** To support the North Dakota Cloud Modification Project and continued funding for weather modification activities and programs, including research and evaluation of atmospheric resources, expand cloud modification activities in the state; and to continue to form the technical base for further scientific progress and economic development.
15. **FLOOD PLAIN MANAGEMENT.** To urge flood-prone communities in North Dakota to adopt and enforce flood plain management ordinances and limit development in flood-prone areas to reduce future flood risks.
16. **COST-SHARING.** To work towards the adoption of sound and sustainable state and federal cost-sharing policies to provide adequate funding for water supply and water resource projects.
17. **SOIL AND WATER CONSERVATION.** To support aggressive and sound programs for the conservation of soil, water, and related natural resources.
18. **COMPENSATION TO LANDOWNERS FOR WETLANDS.** To continue existing programs and develop new programs which adequately compensate farmers and ranchers on a voluntary, short-term basis for wetland retention and restoration, and to provide economic incentive for long-term wetland conservation.

19. **WATER-BASED RECREATION.** To work towards developing new and enhancing existing park and water-based recreation areas and facilities to meet the day, weekend recreation and vacation needs of people, and thereby broaden the economic base of North Dakota.
20. **WATER EDUCATION.** To support the water education, outreach, and informational programs of the North Dakota Water Education Foundation for youth, educators, and the general public.
21. **RESOURCES TRUST FUND (RTF).** We oppose any reduction or diversion of the 20.5 percent of oil and gas extraction tax collections deposited into the RTF dedicated to water funding.
22. **PROJECT FINANCE.** We support credit options through the Bank of North Dakota, Public Finance Authority, and the Legacy Fund to finance local cost-share of water infrastructure.
23. **STATE WATER FUNDING.** We support the State of North Dakota issuing infrastructure bonds to cover the state share of water projects, with bond repayment from Legacy Fund earnings.
24. **LAKE SAKAKAWEA AND LAKE AUDUBON.** We support and encourage the USACE to maintain the design status of the Lake Sakakawea and Lake Audubon reservoirs to ensure their continued operations and functional capacity to supply water to all current and future users in North Dakota, including the Garrison Diversion Project and its related features. In addition, we support future modifications to the principal and emergency spillway facilities on the Garrison Dam to comply with updated hydrology and current dam safety design standards.
25. **FUTURE WATER FUNDING.** We support exploring equitable taxation of alternative and/or renewable energy sources to replace revenue decreases in the Resources Trust Fund.

RESOLUTIONS AND POSITIONS

1. **MISSOURI RIVER ADVOCACY.** We support efforts to advocate for the current and long-term protection of North Dakota's interests in the Missouri River.
2. **MISSOURI RIVER EDUCATION, ADVOCACY AND ENGAGEMENT.** We support the Missouri River Joint Water Board in their effort to educate the people of North Dakota regarding the history and value of the Missouri River. This will advocate to increase public awareness of the unfulfilled federal promises under the Pick-Sloan Plan (1944 Flood Control Act), and the potential state and local opportunities associated with this invaluable resource. The ability to engage the people of North Dakota and stakeholders to discuss the economic values and benefits from the Missouri River system requires a strategic approach. Therefore, we support and encourage this collaborative effort, agree to participate where applicable, and encourage ongoing actions regarding our investment and the realization of potential benefits from the Missouri River waters.
3. **MISSOURI RIVER AUTHORIZED PURPOSES.** We urge the water community to vigorously work to reduce the high priority of navigation and increase the upstream priorities of drought conservation and recreation and to work toward a process that balances input from upstream and downstream interests.
4. **MISSOURI RIVER FLOWS.** We oppose efforts by states along the Mississippi River to seek alteration of the Master Manual and thereby reduce benefits to upstream states of the Missouri River and the Pick-Sloan plan. We support the language in the Master Manual stating there is no authorization to operate the Missouri River system to benefit the Mississippi River.
5. **MISSOURI RIVER PICK SLOAN RECOVERY PROGRAM.** We propose a North Dakota Missouri River Corridor Economic Recovery Act. The federal government should establish a substantial trust fund with earnings used to rebuild infrastructure and to fulfill the authorized purposes of the project, to compensate for what has been lost since construction of the main-stem Missouri River dams. Agencies in North Dakota would oversee the proposed plans and monitor progress.
6. **FEDERAL WATER CHARGE.** We strongly oppose any water charge by the federal government on any water withdrawal from the mainstem Missouri River Reservoirs for state beneficial uses. We oppose any federal permitting or access delays relative to the ability to use water of the Missouri River System. We further oppose any federal right-of-way or permitting moratorium on the use of such water for municipal, rural, industrial, irrigation and energy development needs. We also oppose any water storage or reservoir water use fees relative to the impounded water of the Missouri River system. We urge state and congressional leaders to aggressively defend the rights of states to issue permits for water use within each state and for federal agencies, to cooperate with states in allowing access and use of such waters. We hereby further urge state and congressional leaders to support the concept of state access to waters of the Missouri River system, including those impounded by reservoirs of the system, and to recognize the state right for unrestricted base flows as were available in the Missouri River system prior to the lake impoundments.
7. **SNAKE CREEK EMBANKMENT.** We urge the USACE to restore the Snake Creek embankment's integrity to allow it to be utilized for the purposes for which it was designed. The Snake Creek embankment was designed for a 67-foot differential. Not restoring the embankment's integrity could have a negative economic impact of \$30 million annually if irrigators are left without a water supply during low flow years. Additionally, a \$25 billion impact could be realized without the ability to use the Garrison Diversion Unit Project as a water supply for central and eastern North Dakota.

8. **MISSOURI RIVER OPERATIONS.** The Pick-Sloan Project has divided the Missouri River in North Dakota into four distinct areas - Williston area, Lake Sakakawea, Garrison Dam to Bismarck, and Lake Oahe. Each area has different problems and opportunities. Until bank protection is completed on the Missouri River, we oppose high spring releases which could cause excessive bank erosion and a dangerous increase in the delta formation in south Bismarck-Mandan. We also oppose low summer releases which adversely impact many river users. We strongly support water conservation in the reservoirs during times of drought to extend the availability of water throughout the drought.
9. **MISSOURI RIVER TRUST.** We urge Congress to fund the Missouri River Trust so it can address Missouri River issues in North Dakota, including bank stabilization, riparian development, planning, siltation and other issues, as authorized under the Missouri River Protection and Improvement Act of 2000. The task force remains authorized, but without funding, has been inactive since 2013. We encourage active involvement to secure the funding for the Missouri River Trust.
10. **BANK STABILIZATION.** We urge Congress to appropriate sufficient funds and mandate the USACE implement bank stabilization projects on the free-flowing Missouri and Yellowstone Rivers and their tributaries on a timely basis. This will prevent the loss of additional high bottom lands, will reduce the build-up of the Oahe Delta and allow greater flexibility of Garrison Dam releases. We urge the USACE to promptly issue the required permits for both private and federal bank protection projects that meet health and hydrologic requirements. We strongly encourage our congressional delegation to assist Congress in allocating funding to the USACE Section 33 program, such that maintenance of federally constructed revetments is required due to deterioration or structural failure. Placement of monies into a dedicated fund is desired vs regular funding, which may not be used.
11. **GARRISON DIVERSION.** We commend the State's elected leadership for their strong, bi-partisan leadership and effort to support efforts to complete the following components of the Garrison Diversion project.
 - a. **RED RIVER VALLEY WATER SUPPLY.** The Red River Basin and central part of the state need a dependable and affordable high quality water supply for the cities of Fargo and Grand Forks, smaller communities, rural water systems, industry, ag processing, manufacturing and other purposes, to protect and enhance the economic stability and quality of life. We support municipal, rural, and industrial (MR&I) funding for a supplemental water supply for eastern and central North Dakota. Funding is necessary for the long-term economic vitality and quality of life in North Dakota. We support the protection of existing irrigation, industrial, and other current water uses.
 - b. **MUNICIPAL, RURAL, AND INDUSTRIAL (MR&I) PROJECTS.** We support federal legislation to provide necessary authority and funding for the Bureau of Reclamation to plan, design, implement and construct MR&I projects.
 - c. **RURAL AND TRIBAL WATER.** We support rural and tribal water supply projects. All communities and rural water systems need a dependable domestic water supply to preserve the heritage and quality of life in rural North Dakota. Citizens benefit from an adequate water supply for the long-term future.
 - d. **IRRIGATION.** North Dakota has tremendous potential to produce irrigated high value crops. We support irrigation from the McClusky Canal, and a dependable water supply for the Oakes Irrigation Test Area to enhance economic opportunities with traditional and high-value crops.
12. **BUREAU OF RECLAMATION FUNDING.** We urge the Bureau to provide priority funding to the Garrison Diversion MR&I program in North Dakota from its rural water funding allocation and increase

funding based on indexing authority in the Dakota Water Resources Act (DWRA) and restore a \$200 million ceiling to the DWRA.

13. **SOUTHWEST PIPELINE PROJECT.** We support the efforts and programs of Southwest Water Authority to bring much-needed domestic, rural, and municipal water to the people of southwest North Dakota. We support the workforce development in the region, recognizing the growth and economic expansion through energy development, and remain committed to continued construction of the Southwest Pipeline Project, which benefits all of North Dakota. The historic leadership of the North Dakota legislature to provide funding and state ownership of the Southwest Pipeline Project was a platform for improving the quality of place and quality of life for people of the region. To that extent looking forward, we support the continued state ownership of the Southwest Pipeline Project.
14. **NORTHWEST AREA WATER SUPPLY PROJECT (NAWS).** We support continued implementation and construction of the NAWS project to bring much needed municipal, rural and industrial water to the people in north central North Dakota.
15. **NAWS AUTHORITY BOARD.** We support the Northwest Area Water Supply (NAWS) Advisory Board becoming the NAWS Authority Board, with representation from the city of Minot, rural water districts, local municipalities, tribes or other stakeholders.
16. **WESTERN AREA WATER SUPPLY (WAWS).** We support continued construction and completion of the WAWS project to bring much needed water for domestic, municipal, and industrial purposes for the people of northwestern North Dakota. We support the transition of oversight of the Western Area Water Supply project to the State Water Commission.
17. **NORTH CENTRAL/SOUTH CENTRAL WATER SUPPLY.** We support the North Central and South Central Regional Water Supply Systems to provide rural water to areas of need for quality of life.
18. **TRIBAL RURAL WATER DEVELOPMENT.** We support the supply and distribution of clean, safe, and dependable water to Indian Reservations. We also support efforts of the North Dakota Tribes to access funds which have been authorized by the Dakota Water Resources Act of 2000, which are specifically designated to resolve the critical water shortages and needs on reservations. We also support the addition of tribal governments as an eligible project sponsor to receive cost share from the State Water Commission.
19. **DEVILS LAKE AND STUMP LAKE BASIN.** We support the long-term efforts to manage the levels of Devils Lake and Stump Lake, to maintain the outstanding fishery, enhance water quality, protect local agricultural producers, and preserve the economic base in the Devils Lake region, including the Spirit Lake Nation. We commend the agencies responsible for the development of recreational enhancements at Devils Lake and Stump Lake. We urge the North Dakota Department of Water Resources to operate outlets to lower and control the level of Devils Lake to 1445 msl.
20. **SOURIS RIVER FLOOD CONTROL.** We support flood control along the Souris River in North Dakota and implementation of the Mouse River Enhanced Flood Control Project.
21. **SHEYENNE RIVER.** We support flood control within the Sheyenne River basin, including flood control facilities on its tributaries.
22. **WATER EDUCATION.** We support the continuation and growth of water education and public information efforts and programs and encourage all water agencies and organizations to make water education a high priority. Water education must provide a balanced approach to developmental,

production, agriculture, and wildlife issues. We support Water Education for Teachers (WET), the North Dakota Water magazine, the North Dakota Wetlands Institute, and the North Dakota Watercourse programs.

23. **GROUND WATER MONITORING.** We urge the State of North Dakota to continue updating aquifer studies and closely monitor vulnerable water table (shallow) aquifers for the movement of pesticides and fertilizers into the water table. Where wells servicing public water supplies are present in these aquifers, monitoring around public water supply wells, and soil testing for nitrogen levels over aquifers used for public water supplies should be carried out by the Department of Water Resources and the North Dakota Department of Environmental Quality.
24. **GROUNDWATER RECHARGE.** We support the evaluation of groundwater recharge opportunities.
25. **WATER RESOURCES RESEARCH INSTITUTE.** We support the continued funding of the North Dakota Water Resources Research Institute with a greater emphasis on practical research affecting agricultural water uses and management.
26. **FEDERAL CLEAN WATER ACT.** We support state jurisdiction to control, protect, and monitor water resources. Private property rights should be recognized and respected in any amendments to the Clean Water Act.
27. **SECTION 404 AUTHORITY AND JURISDICTION.** We urge Congress to limit jurisdiction of Section 404 to waters which are in fact commercially navigable, and to prohibit any infringement of state and tribal water rights in the administration of Section 404 by the USACE. We request Congress to relax the Section 404 rules regarding the prohibition of placement of excavated sediment materials back into adjacent wetlands.
28. **SWAMPBUSTER AND WETLANDS DELINEATION.** All wetlands of one acre or less and all wetlands with a cropping history should be exempt from state and federal regulations. Wetlands designated as FW (farmed wetland) should be changed to PC (prior converted). Restoration of wetlands and created wetlands should qualify for mitigation. All complaints to the Farm Service Agency (FSA) of Swampbuster violations should be required to be in writing and become public information with names, addresses and organization. We recommend that Swampbuster rules provide greater flexibility and reasonableness. We are opposed to reclassification and or enlarging wetlands as a result of flooding which has occurred since the passage of Swampbuster in 1985.
29. **FISH AND WILDLIFE PROPERTY ACQUISITIONS.** We urge all requests to the boards of county commissioners for land acquisition by the U.S. Fish and Wildlife Service and the North Dakota Game and Fish Department be referred to the water resource boards for formal written recommendations.
30. **WETLANDS COOPERATION.** Efforts and programs to protect wetlands in North Dakota must accommodate the needs and concerns of agricultural producers and water resource districts. Efforts by the North Dakota Game and Fish Department, the U.S. Fish and Wildlife Service, private non-profit organizations, or any other entity to protect and preserve wetlands in North Dakota should recognize and accommodate state, local, and private water development objectives. We believe wildlife and water development and water management interests and objectives can be mutually accommodated, and we urge all agriculture, water, industry, local governmental interests, and wildlife interests to work together.
31. **FEDERAL WETLAND EASEMENTS.** If gubernatorial authorized acreage limitations for the acquisition of federal wetland easements under the small wetland acquisition program has been met in any county, we urge the water resource districts in that county to work with the Governor to make sure

that acquisitions are not approved to exceed the gubernatorial authorized acreage limitations. We urge the congressional delegation to sponsor federal legislation to ensure that no acquisition can be made which would exceed previously approved limits and the easement term to not exceed 30 years. The Congressional delegation is urged introduce and support legislation to compensate landowners for adverse impacts caused by the management of easement and fee lands controlled by the U.S. Fish and Wildlife Service; including flooding, propagation of noxious weeds, insect and animal pests. We urge the Congressional delegation to introduce and support legislation that gives owners of land with existing Fish and Wildlife easements the option to renegotiate, renew, or buy out of the easement.

32. **WETLAND RESTORATION AND CREATION PROJECTS.** We urge that wetland restoration and creation projects include control structures to manage water levels for flood control with operational authorities vested under the jurisdiction of local water resource districts.
33. **EMERGENCY DRAINAGE.** We support efforts to improve the ability of landowners to obtain emergency drainage permit approvals. We believe the Natural Resources Conservation Service (NRCS), North Dakota Department of Water Resources, and USACE should recognize that excessive runoff years create significant hardships on landowners and requests to alleviate flooding should be accommodated. We also believe the drainage of sheetwater and flooded areas above wetland elevations should be allowed to be constructed on a permanent basis.
34. **FEDERAL REGULATORY REQUIREMENTS.** Federal regulatory requirements are obstructing efforts of water managers and water developers to build water infrastructure. Extensive delays or actual obstruction to water infrastructure project permitting make progress difficult on agriculture improvements, irrigation, rural water, water supply, flood control and other water needs. We support the following to improve the federal regulatory process.
 - a. We support amendment of federal statutes to streamline or limit federal regulatory requirements and federal regulatory jurisdiction.
 - b. We support developing a program and process with federal agencies for emergency situations.
35. **FEDERAL WETLANDS POLICY AND NATURAL RESOURCES.** We urge the federal government to adopt wetlands policy based on reasonableness, and balance of agriculture, water and wildlife concerns. State laws and programs should be recognized and accommodated. We urge that the Natural Resources Trust be directed to provide economic remedy for wetlands related depredation, and to emphasize voluntary, short-term wetland protection and enhancement programs.
36. **WILD SCENIC AND RECREATIONAL RIVERS.** We urge Congress to amend the "Wild and Scenic Rivers Act" (16 U.S.C. Section 12711) to require the concurrence of the State Legislature and public input before a river or segment of a river can be included in the federal wild and scenic rivers system; and to permit removal of a river from the federal system by State Legislative action. Adequate protection should be given to existing or future water supplies in designating rivers as wild and scenic. State authority to allocate water rights must be preserved in the designation of wild and scenic rivers. We oppose any recommendation made by any federal agency to federally designate the Little Missouri River or any segment or tributary as wild, scenic, or recreational, and we oppose the designation of any adjacent area as a wilderness area. We support efforts to provide access to and across the Little Missouri River, including, where feasible, efforts to secure 404 permits to construct a structure or structures across the Little Missouri River.
37. **IN LIEU OF TAX PAYMENTS.** We strongly urge federal legislation be enacted to require the U.S. Army Corps of Engineers, Bureau of Reclamation and U.S. Fish and Wildlife Service to make full property

tax payments. We further recommend that Congress ensure that the U.S. Fish and Wildlife Service has sufficient funds to make all refuge revenue sharing payments. Enforcement and penalties for late or non-payment of property taxes should be applied the same for federal agencies as they are to any other delinquent property owner.

38. **FEDERAL HYDRO-POWER.** We oppose any attempts to remove power revenues as a means of repayment for existing and future multi-purpose water development projects. The ultimate development concept is crucial to reclamation in the West, and we strongly support its full implementation. We oppose a surcharge on hydro-power revenues for any purpose. We oppose sale of federal power marketing agencies to private interests.
39. **WEED CONTROL.** We urge all federal and state agencies to work with local weed control boards to eradicate noxious weeds on all federal and state-owned properties.
40. **STREAM CROSSING STANDARDS.** We support the use of an objective standard, such as the North Dakota stream crossing standards, to determine reasonable culvert sizes that avoid waters which flow into and accumulate in roadway ditches from overflowing onto adjacent and adjoining lands. We support allowing an engineering standard to be used in determining culvert sizes depending on topographic conditions. Further, we support efforts to improve the ability of townships and counties to obtain quick approval for emergency procedures for roadway drainage. We request that affected water resource districts and local road authorities can simultaneously meet with federal regulatory agencies at regularly scheduled interagency meetings in order to resolve regulatory issues on all projects.
41. **NATURE-BASED TOURISM.** We support the efforts of Garrison Diversion, the Bureau of Reclamation and the North Dakota Game and Fish Department to study the opportunities of nature-based tourism through the development of an eco-tourism model on the Lonetree Wildlife Management Area, and recreation areas related to the Garrison Diversion Project. We further support providing opportunities throughout North Dakota's public lands for development of areas that encourage appreciation and development for both man and nature.
42. **PEMBINA DIKE CONFLICT.** We support the resolution of Pembina/Manitoba dike conflict and to encourage legal, diplomatic, and public relation efforts to remove and eliminate obstructions to international waters, in accordance with international law and treaties, to reduce adverse impacts to North Dakota.
43. **PUBLIC LAW 566.** We urge Congress to continue funding for the P.L. 566 program and allow the use of funds for rehabilitation of existing retention facilities.
44. **WATER RETENTION.** We support water retention projects to support and enhance flood control efforts.
45. **KNIFE RIVER AND MERCER COUNTY.** We support Mercer County's request to the USACE for watershed study for the Knife River and its tributaries, to protect the communities of Golden Valley, Zap, Beulah, Hazen, and Stanton, and to minimize the impacts of Knife River flooding. We also support Mercer County's request for funding from the State Water Commission to study Spring Creek and Antelope Creek to determine options to protect the communities of Zap, Beulah, Hazen, and Stanton from flood risks.
46. **USDA WILDLIFE SERVICES.** We support a bounty for beavers and muskrats to help control their numbers and reduce damage to infrastructure. We also support adequate federal funding for the USDA APHIS Wildlife Services.

47. **AQUATIC NUISANCE SPECIES.** We urge aggressive prevention of aquatic nuisance species (ANS) for North Dakota waters as outlined in the North Dakota aquatic species management plan prepared by the Aquatic Invasive Species Committee. We urge all federal and state agencies to adequately fund and provide the necessary authorities to implement aquatic nuisance species prevention programs in all North Dakota waters, and we support adequate funding for ANS education and enforcement. We support the actions and initiatives of the North Dakota Game and Fish Department in their efforts to educate, inform public and protect our states' waters from ANS. As these efforts are limited in scope due to their funding through licensing fees, we strongly encourage and support a direct State funding allocation to better protect our waters from the high risks associated with the invasion and adverse impacts associated with ANS.
48. **WATER MANAGEMENT, FLOOD CONTROL, AND CONVEYANCE COST-SHARE.** We support equitable cost-share for water management, flood control, and water conveyance projects, including rural water management, agriculture improvement, retention, ring dikes, snagging and clearing, and other local water management projects. We recommend that flood control projects such as the FM Diversion project, and the Mouse River Enhanced Flood Control Project, be included in separate line item appropriations due to their magnitude and scope. We urge the Legislature to enable and support funding for local water management projects as described herein, and that such projects be given adequate priority by the State Water Commission to enable cost share funding.
49. **STATE APPROPRIATIONS.** We support state bonding to fulfill its cost-share of major water projects in order for the Resources Trust Fund to be available to support general water management, irrigation, regional water systems and rural water.
50. **ECONOMIC ANALYSIS.** We oppose the incorporation of benefit-cost principles in determining the feasibility and justification of state funding for water conveyance and flood control projects under \$1 million total project cost as stipulated by N.D.C.C. 61-03-21.4.
51. **LEGACY FUND.** We support proposals that would utilize the Legacy Fund for long-term low-interest infrastructure loans to local political subdivisions to construct water related infrastructure. We support the use of Legacy Fund earnings for grants to be used to repay water infrastructure investments for major flood control and water delivery projects.
52. **WATER STABILIZATION FUND.** We support the elimination of the water stabilization fund and support moving the funding currently in the fund to the Resources Trust Fund. If elimination is not politically possible, we support placing a cap on the water stabilization fund.
53. **STATE AUTHORITY ON FEDERAL LANDS.** We support federal legislation or other appropriate methods of providing states the ability to exercise state authority on federal lands, and to establish a procedure for the replacement or compensation of any value to the federal proprietary interest which may be diminished.
54. **DWR FUNDING.** We support funding the Department of Water Resources out of the general fund.
55. **WATER COALITION AND WATER INFRASTRUCTURE.** We support the Governor and Legislature allocating necessary funds to complete North Dakota's water infrastructure for economic growth and quality of life. We support the efforts of the Water Coalition to achieve consensus on allocating funds for North Dakota's water infrastructure.
56. **CONSERVATION INITIATIVES.** We oppose initiated measures that would create constitutional or mandated funding for acquisition purposes.

57. **ASSINIBOINE RIVER BASIN INITIATIVE.** We support the Assiniboine River Basin Initiative.
58. **NORTH DAKOTA MISSOURI RIVER ADVISORY COUNCIL (NDMRAC).** We support the efforts of the NDMRAC as it works to engage stakeholders in Missouri River issues and develop strategies related to protecting North Dakota's rights to Missouri River waters.
59. **WATER-TO-WATER TRANSFERS.** We support efforts to catalogue inter-basin water-to-water transfers in the United States and Canada.
60. **TAXATION OF WATER.** We oppose the taxation of water, water pipelines, and related water facilities by state or local government agencies.
61. **COST SHARE POLICY.**
- a. We support improvements to the State Water Commission cost share policy to provide funding for property acquisitions, including fee title and easements based on appraisals and standards, for all categories of projects.
 - b. We urge the State Water Commission to provide cost-sharing for projects already under construction, or completed, which have been approved for cost sharing, but state funds have not been available.
 - c. We support state funding of a study of the impact of the Pick Sloan Plan on the region's economy.
 - d. Cost Share for Extraordinary Maintenance. We support continued SWC cost share for items currently defined as "extraordinary maintenance" in SWC cost share policy, regardless of whether the source of local funding is a maintenance levy authorized under N.D.C.C. 61-16.1-45.
62. **ACCESS TO THE MISSOURI RIVER SYSTEM.** We support unrestricted access to the Missouri River system across all federal lands, specifically USACE owned or controlled lands. Unrestricted shall mean access from private land, across such federal lands without a federal charge for such access and without unreasonable or burdensome requirements.

IRRIGATION

63. **IRRIGATION.** We support the development of 350,000 acres of new irrigation in North Dakota, in accordance with the strategic plan of the North Dakota Irrigation Association for irrigation development in North Dakota. We support North Dakota's system for appropriating water, and we support the continuation and preservation of the prior appropriation doctrine and best management practices.
64. **IRRIGATION.** We support efforts to raise funds for renovation and improvements at the Oakes Irrigation Research station, and support NDSU research prioritizing funding requests for ongoing personnel and operations to continue the Oakes Irrigation Research station.
65. **IRRIGATION.** We support and urge the Department of Water Resources and Water Resource Districts to include beneficial uses, including irrigation, in studies and projects for flood control and retention of flood waters.
66. **HYDROPOWER FOR IRRIGATION.** We support the allocation of federal "project pumping" hydropower for the 51,000 acres of irrigation in the Missouri River Basin authorized in the Dakota Water Resources Act of 2000. We strongly urge the Bureau of Reclamation to work with North Dakota to achieve this objective.

- 67. **BUREAU OF RECLAMATION ACRE CAP.** We support lifting or altering the 960-acre cap on irrigation per entity irrigating from a Bureau of Reclamation project.
- 68. **MCCLUSKY CANAL.** We support funding for the Garrison Diversion Conservancy District to acquire the McClusky Canal thereby removing federal regulations from irrigators using the Canal.
- 69. **TEMPORARY WATER PERMITS.** We support the Department of Water Resources issuing temporary water permits to interested irrigators using groundwater or surface water. Permits would be issued on a year-by-year basis conditional on adequate water availability.
- 70. **STATE COST SHARE.** We support the State Water Commission increasing the cost share percentage on irrigation equipment in order to further incentivize the development of irrigation in North Dakota.
- 71. **STATE COST SHARE.** We support opening up cost share opportunities through the State Water Commission to individual irrigators in addition to irrigation districts.

WATER RESOURCE DISTRICTS

- 72. **ASSESSMENT DRAINS.** We believe assessment drains provide crucial drainage relief for North Dakota farmers; provide outlets for agriculture and tile drainage; and protect local, county, and state road infrastructure from damages due to sustained saturation and uncontrolled drainage.
- 73. **ASSESSMENT DRAIN AUTHORITY.** We support the assimilation of assessment drain chapters in the North Dakota Century Code to eliminate conflicts between the chapters and to ensure continuity throughout the state in terms of assessment drain procedures. We believe Water Resource Districts and local project sponsors are best equipped to determine which municipalities and properties benefit from assessment projects and how to fairly and equitably apportion assessment project costs. We oppose any mandate for Water Resource Districts to utilize the state economic analysis process to determine benefits and assessments for assessment projects.
- 74. **WATER IMPACT ON ROADS.** We support the responsibility of water resource districts to construct, maintain, and improve assessment drains for the benefit of the agricultural economy; for the benefit of road authorities throughout the state; and for the benefit of North Dakota landowners and taxpayers.
- 75. **QUICK TAKE AUTHORITY.** We strongly support the quick take authority for water resource districts and oppose any legislation that might limit or eliminate water resource district eminent domain or quick take authority.
- 76. **SNAGGING AND CLEARING.** We support legislation to increase the limit under the snagging and clearing special assessment authority to \$200,000 per project, with a corresponding increase in per acre assessment. The state, and not the adjoining landowners, should be responsible for maintenance of its navigable sovereign waters.
- 77. **DRAINAGE REGULATION.** We support water resource districts' authority to manage and regulate tile, subsurface, and surface drainage to ensure responsible watershed management and to protect downstream communities, landowners, and infrastructure. We support managed drainage as critical for the agricultural economy in North Dakota; for protection of public infrastructure; and for the benefit of all landowners and residents of North Dakota. We support an exception to volumetric construction permit thresholds for dikes that are exclusively agricultural in nature.

78. **ASSESSMENT DRAIN BENEFITS.** We support statutory language that clarifies authority for water resource districts to prohibit the use of assessment drains for draining lands outside of the assessment district. We support providing water resource districts with administrative discretion to incorporate lands into the assessment district without necessitating a reassessment of benefits, provided that system capacity considerations are evaluated. The revision of the assessment drains benefit framework is crucial to ensure all property that benefits from a drain is included in the assessment district, at the proper level. Properties situated both “at the top of the hill” and “at the bottom of the hill” derive benefits from water management and should be integrated into the assessment district at appropriate levels or percentages. We support statutory language to ensure all benefitting property, even if at different benefit percentages or in different political jurisdictions, is included in assessment processes as part of the same watershed.
79. **LANDOWNER INPUT.** We support a statutorily required informational meeting regarding a proposed assessment project after a preliminary engineering report and preliminary assessment list has been created in order to provide for additional notice to and input from landowners potentially impacted by the project.
80. **ASSESSMENT DRAINS.** We support Water Resource Districts’ authority to repair and improve assessment drains to be capable of providing benefits for properties in the assessment district and to provide adequate drainage in the drain’s watershed. Precipitation and engineering standards change over time, and design adjustments need to be made in the maintenance of drains. We support clear statutory language regarding when a WRD may utilize “maintenance” funds (under “maintenance levy” statutes) and when WRD must take a project to a vote of the assessment district.
81. **INFRASTRUCTURE.** We support water resource related infrastructure funding proposals for local political subdivisions.
82. **TRANSFER OF CONTROL OF DAMS.** We support a legal process whereby water resource boards may transfer the control over a dam, dike, or other water conservation and flood control work or device to a political subdivision of the state.
83. **WATERSHED MANAGEMENT PILOT PROJECTS.** We support pilot projects for state watershed management grants to Water Resource Districts to coordinate efforts to address water quality, sedimentation, flooding, retention, and other management challenges in implementing a basin-wide management plan. As a pilot project, the State Water Commission funds should be offered as a block grant to allow flexibility in leveraging state, local, and federal cost share dollars. To encourage local project prioritization, the pilot project should be a grant and exempt from State Water Commission cost share policy and economic analysis rules.
84. **PIPELINE AND UTILITY INFRASTRUCTURE.** We support legislation to require the owners and operators of underground pipeline and utility infrastructure to provide pre-construction notice to water resource districts of any proposed pipeline or utility, the proposed course of which will cross a natural watercourse or legal drain. We support legislation to establish minimum depth standards for pipeline or utility infrastructure to ensure this infrastructure does not create obstacles restricting water resource districts’ ability to fulfil the legislative and public purpose of managing, conserving, protecting, developing, and controlling waters in North Dakota. We support legislation to provide water resource districts with permitting authority over pipeline or utility infrastructure to ensure the depth of the infrastructure allows water resource districts to carry out present and future projects in furtherance of their legislative and public purpose, and to ensure the efficacy of existing and future subsurface water management systems.

North Dakota Water Users Association

2024 Officers

President

Mary Massad, Dickinson*

First Vice President

Jeff Frith, Devils Lake*

Second Vice President

Dennis Reep, Bismarck*

Treasurer

Dave Lang, Sterling*

Executive Vice President

Dani Quissell, New Salem

Staff

Dani Quissell, Jack Dwyer,
Julie Ellingson, Miranda Hoffert,
Annika Plummer, Robin Pursley

Legislative Committee

Ryan Ackerman, Dave Ashley, Mike Berg,
Tor Bergstrom, Duane DeKrey, Chad Engels,
Sean Fredricks, Jeff Frith, Michael Gunsch,
Steve Hansen, Greg Larson, Kurt Lysne,
Merri Mooridian, Mary Massad, Jen Murray,
Dennis Reep, Todd Sando, Gary Thompson,
Charles Vein, Casey Voigt, Alan Walter

2024 Board of Directors

Ex-Officio

Andrea Travnick, PhD., Dept. of Water Resources
Duane DeKrey, Garrison Diversion Conservancy District
Joe Silveria, Fort Berthold Rural Water

Past Presidents

2020-23	Dave Lang
2016-19	Alan Walter
2012-15	Norman Haak
2008-11	Kent Vesterso
2003-07	Ken Royse
2002-03	Loren Zimmer
2000-01	Don Lentz
1996-99	Jack Olin
1994-95	Howard Carlson
1992-93	Steve Hoetzer
1990-91	Herb Urlacher
1988-89	Robert Dorothy
1987	Glenn Schlenvogt
1986	Elmer Bechtold
1984-85	George Letvin
1983	Andy Mork
1982	Clarence Rupp
1981	Norman Rudel
1980	Earl C. Palmer
1979	C. E. Mitchel
1978	Royal R. Berstler
1977	Leon Dubourt
1976	Garry Bye
1975	Harry Zacher
1974	Dan Twichell
1973	James F. Coleman
1971-72	Robert Stranik
1969-70	Vernon Fahy
1967-68	H. A. Hendrickson
1965-66	James W. Moore
1961-64	R. L. Dushinske
1959-60	L. C. Mueller

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2024 Ken Kjos
2025 Gary Rust
2026 Drew Poeckes*

District IV

2024 Charles Vein*
2025 Ken Vein
2026 Tom Perdue

District VII

2024 David Lang*
2025 Michael Gunsch
2026 Dennis Reep

District II

2024 Jason Zimmerman
2025 Tom Klein
2026 Alan Walter*

District V

2024 Kurt Lysne
2025 Arv Burvee*
2026 Sean Fredricks

District VIII

2024 Bruce Engelhardt
2025 Harold Gaugler*
2026 Casey Voigt

District III

2024 Van Howatt
2025 Duaine Ash
2026 Jeff Frith*

District VI

2024 Steve Hansen
2025 Mike Tweed*
2026 Jason Gross

District IX

2024 Larry Bares
2025 Duane Urlacher
2026 Mary Massad*

Waters Users Association announces new leadership for board of directors

The North Dakota Water Users Association announces new leadership for its board of directors in 2024. Elected at the December 8, 2023, board meeting, the new officers are: president, Mary Massad of Dickinson; first vice president, Jeff Frith of Devils Lake; second vice president, Dennis Reep of Bismarck; treasurer, Dave Lang of Sterling.

Massad, Frith, Reep and Lang have a long history of active involvement in the water industry in North Dakota. Their leadership is appreciated.

After 40 years of service to the North Dakota Water Users Association, Cary Backstrand of Bismarck stepped down from his role as treasurer. His dedication to water issues in North Dakota made him a strong advocate for the industry and a valued leader. The North Dakota Water Users Association thanks Backstrand

for his many years of service and wishes him well in retirement.

Hebron Herald
Wednesday
Dec. 20, 2023

Missouri River Joint Water Board

NOTICE OF MEETING

HEART ROOM RAMKOTA INN

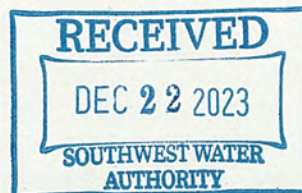
December 7, 2023

12:30 pm

AGENDA

1. Call to Order/ Determine quorum
2. Officer Reports
 - a. Secretary: Minutes August 1, 2023, meeting.
 - b. Treasurer: Financial report; 2024 Operating Budget and EAE Budget.
 - c. Chairman:
 - Election of Officers for 2023
 - Chair
 - Vice-chair
 - Appointment of Secretary/Treasurer
 - Amendments to allow other counties to join, and allow members to appoint non-manager representatives
3. Old Business
 - a. MRC update – Wade Bachmeier and Ken Royse
 - b. MRRIC update – Terry Fleck
 - c. MRAC Update - Michael Gunsch
 - d. DWR update – Clay Carufel
4. New Business
 - a. Pending Board Activities (if time allows)
5. Adjournment 1:45 pm

December 19, 2023



Jen Murray
Southwest Water Authority
4665 2nd St. SW
Dickinson, ND 58601

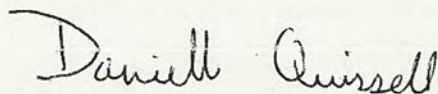
Dear Jen:

Thank you for your donation to the annual North Dakota Water Education Foundation silent auction held during the 60th Annual Water Convention. Your contribution helped raise funds for the Dushinske-Jamison Water Resources Scholarship Endowment. The Endowment helps support education for students from families involved in water management and water resource development.

The auction held during the 2023 Joint Water Convention raised more than \$4,500. This money will help make it possible to provide scholarships for students in 2024.

The North Dakota Water Education Foundation genuinely appreciates your contribution and support for the Dushinske-Jamison Scholarship Fund to assist future leaders with their education.

Sincerely,



Dani Quissell
Executive Director

**Southwest Water Authority
Feasibility Criteria Subcommittee Meeting
Tuesday, January 2, 2024
12:30 p.m. MST**

Join on your computer or mobile app

[Click here to join the meeting](#)

Or call in (audio only)

[+1 321-558-6608,,190145978#](#) United States, Orlando

Phone Conference ID: 190 145 978#

AGENDA

- | | | |
|------------|----|--|
| 12:30 p.m. | A. | Call to Order |
| 12:32 p.m. | B. | Review Agenda |
| 12:05 p.m. | C. | <i>Approval of Minutes of November 17, 2023, Subcommittee Meeting*</i> |
| 12:10 p.m. | D. | Feasibility discussion and review |
| 1:30 p.m. | E. | Adjournment |

****Item requires Board action.***

If auxiliary aids or services such as readers, signers, or Braille material are required, please contact:
Southwest Water Authority, 4665 Second Street Southwest, Dickinson, ND 58601
or call (701) 225-0241 or 888-425-0241 prior to meeting.

**Southwest Water Authority
Feasibility Criteria Subcommittee Meeting Minutes
Friday, November 17, 2023
10:00 a.m. MST**

A. Call to Order

The Southwest Water Authority Feasibility Criteria Subcommittee met on Friday, November 17, 2023. Chairperson Engelhardt called the meeting to order at 10:02 a.m. MST.

Present at the meeting were: Directors Bruce Engelhardt and Curtis Glasoe. Also present were: Jen Murray, SWA Manager/CEO, Misti Conzemius, SWA Marketing Manager, and Wendy Serhienko, SWA Accountant. Present via Microsoft Teams were: Directors Jonathon Eaton and James Odermann, Sindhu S. Pillai-Grinolds, DWR, Justin Froseth, DWR, and Tyson Decker, Bartlett & West.

B. Review Agenda

There were no changes to the agenda.

C. Approval of Minutes of July 27, 2023, Subcommittee Meeting*

Motion by Director Glasoe, seconded by Director Eaton, to approve item C. Minutes of July 27, 2023, Subcommittee Meeting. Motion carried by voice vote without dissent.

D. Feasibility discussion and review

Murray reviewed the Feasibility Criteria Subcommittee timeline starting from December 2022 to present. In August 2022, the SWA Board of Directors approved the recommendations presented by the Feasibility Criteria Subcommittee and a letter was sent to the Department of Water Resources (DWR) with a proposal for adjustments. SWA's proposal letter and the draft response letter are included with the official minutes.

The Subcommittee reviewed the draft response letter from the DWR regarding the proposal. Addressing the first recommendation, the DWR agreed with the proposal to apply a surcharge to a specific subset of users with an increase in the Feasibility Criteria. SWA proposed a flat rate of \$16 as the surcharge. The DWR staff recommendation is to correlate the surcharge amount and the adjusted Feasibility Criteria mathematically while also being mindful of fairness with other rural water systems. To compare the SWPP to other rural water systems, while being mindful of the uniqueness of the SWPP's funding model, the DWR staff note that users within an area where the Feasibility Criteria is increased should be subject to a surcharge amount that is proportional to the users 25% share of that work if loaned over 40 years at 0% interest. The 0% interest is suggested as the Capital Repayment already has the CPI adjustment which is akin to interest. DWR also recommends the surcharge is not subjected to base Capital Repayment CPI increases.

The DWR recommendation would be to calculate the rate of surcharge proportional to the increase in Feasibility Criteria utilizing the existing maximum cost per ESU limit as the baseline. After considerable discussion, the Feasibility Criteria Subcommittee noted that if the maximum cost per user were tied to the Capital Repayment with an expectation of 25% repayment over 40 years at 0% interest, as suggested in the DWR letter, that the maximum cost per user based on 2024 water rates would be \$86,438.40 rather than the current maximum cost per user of \$54,200. The SWA Board of Directors could choose a higher maximum cost per user based on construction cost estimates, and apply the surcharge based on the difference using a base line tied to the 2024 capital repayment rate. Director Eaton suggested adjusting the surcharge by the CPI to keep rates proportional in the long term. It was noted that the SWPP has no defined term and will continue to pay into perpetuity and 40 years is just a comparison.

Additional discussion was held on the timing of setting the surcharge. It would need to be determined if the surcharge rate would be the rate in effect at the time of bidding, during construction, or when all change orders are executed and the contract is complete. The subcommittee also discussed surcharge amounts being per contract. Communication with customers on the maximum potential surcharge would be necessary.

The DWR concurred with the inclusion of existing subsequent customers in the sign-up percentage and agrees with SWA's justification that these subsequent customers would be signing up now if they had not spent their money already to get water from the SWPP.

The Subcommittee then discussed the exclusion of the MTL portion of this Project. It was noted that a true definition of what is considered a main transmission line has not been defined. MTL has historically been used to describe the transmission to a community. Decker noted that transmission could be considered the lines that fill a tank. More clarification is needed. S.Pillai-Grinolds noted the DWR continues to evaluate the cost to benefit ratio of serving Lake Tschida. Per DWR response, parallel lines or booster station elements could be considered on a case-by-case basis.

The Subcommittee suggested authorizing Murray to request further consideration and clarification from the DWR staff including resetting the baseline maximum cost per ESU per the Feasibility Criteria to be tied to the Capital Repayment rate (25% repayment over 40 years at 0% interest allows for a maximum cost/ESU of \$86,438.40 based on 2024 capital repayment rate), consideration or opinion on adjusting any surcharged amount by the CPI or using a fixed rate, and additional clarification on defining MTL's.

Motion by Director Glasoe, seconded by Director Eaton, to authorize Murray to request further consideration and clarification from the DWR staff including resetting the baseline maximum cost per ESU per the Feasibility Criteria to be tied to the capital repayment, opinion on adjusting any surcharged amount by the CPI versus using a fixed rate surcharge, and additional clarification on defining MTL's. Motion carried by roll call vote without dissent.

E. Adjournment

Chairperson Engelhardt adjourned the meeting at 12:05 a.m. MST.

Bruce Engelhardt, Chairperson

MEMORANDUM

To: Southwest Water Authority Board of Directors, Staff
From: Justin Froseth, PE, Southwest Pipeline Project Manager
Subject: SWPP Project Update
Date: December 27, 2023

Contract 1-2A Supplementary Raw Water Intake:

The December 5th and 6th technical exchange mediation session was held as scheduled. It was two full days of presentation of findings as well as discussion between the DWR and JW Fowler as well as each of our technical experts and JW Fowler's subcontractors. We left the session hoping to meet again relatively soon. However, that meeting rests on some items being completed by JW Fowler. The total mediation timeline is still uncertain as it relies on the participation of others, but generally we are aiming for resolution this spring.

Contract 4-1E/4-2B Dodge and Richardton Pump Station Upgrades:

Within the general contract, and the issues with the oil observed at the base of the motors for pumps D-4, D-5 and D-6, the contractor has been active in working with us to resolve this. Even so, some uncertainty remains whether an issue will come up in the future due to this. Therefore, the contractor has been put on notice through a letter from Bartlett & West/AECOM of our expectation for them to address should future issues be realized. Also, under the general contract, we have approved change order G-4 related to replacing two combination air vacuum-air release valves (CAVs). With the above items addressed, we are comfortable with moving forward and closing out this contract with PKG for the general construction contract upon receiving the Bureau of Reclamation's approval of G-4.

SWA has been working with BW/AECOM on an issue with low suction pressure at the Dodge Pump Station with two large pumps running. SWA believes the issue is similar to that observed in 2007-2009 and could be caused by air accumulating in the pipeline. The raw water pipeline air release valves between Zap and Dodge are planned by SWA to remain open this winter. BW/AECOM is continuing to monitor and gather data with SWA on these issues. BW/AECOM has consulted with Larry Crossley of ZZ Technologies and it is not recommended to adjust the air chamber probe settings at the air chambers due to an increased potential for surge impacts on the pipeline. At Air Chamber 1, the recommended solution is to remove the additional headloss in the pipeline. At Air Chamber 2, removal of the additional headloss is also the best course of action however BW/AECOM will inquire about programming modifications to reduce nuisance alarms. The programming modifications of air chamber 2 will involve Wagner Plateworks, the Contract 4-1E/4-2B surge air chamber supplier to PKG Contracting.

Distribution Upgrades – Strategic Plan

Prong 1 Transmission Improvements

West Zone Improvements Engineering Report:

The DWR team has been working with BW/AECOM as well as the SWA staff to gain better understanding of projected capacities that we need to design for with the West Zone Improvements project. We have gotten a capacity projection report from the City of Medora

and are incorporating that into design. We have also received recent data from the cities of Beach and South Heart. We met with the Theodore Roosevelt Medora Foundation (TRMF) on December 21st to gain a better understanding of their water needs. We expect continued discussions with TRMF in the near-term as they have expressed near-term needs to plan for.

We have had recent meetings with the Bureau of Reclamations and the US Forest Service to solidify our understanding of the appropriate federal permitting process and who would manage it. After those meetings, we have identified a path forward with the US Forest Service as our best route. Through those conversations, it is thought that some of the project could be bid in late 2024 for 2025 construction. The pipe installation segments needed on Forest Service property will likely take longer to develop because there is more to be done to permit for those.

Prong 2 Strategic Improvements

Contract HI - 2021 Hydraulic improvements in the Fairfield, Killdeer Mountain, New Hradec, and Twin Buttes Service Areas:

The contractor has left the site for the winter season. Work will be picked up in the spring when conditions allow.

North New England Strategic Hydraulic Improvements
Preliminary design is ongoing.

Prong 3– Expansion into Under-Served Areas

Burt-Hebron Service Area:

DWR staff has been actively discussing the preferences brought to them by the SWA Feasibility Subcommittee, especially those that were outlined in the November 28th letter to the DWR which came from the subcommittee discussion at their November 17th meeting. The DWR staff has drafted a memo for our January 11th SWC Precommission meeting. In it, staff states our preference of relating any adjustment to the maximum Equivalent Standard User (ESU) amount to a rate adjustment. We believe the adjustments should be proportional to each other. We have scheduled a meeting with the Feasibility Subcommittee and the DWR management staff to follow this January SWA meeting.

Southwest Water Treatment Plant Expansion:

Proposals for the membrane equipment procurement and softening equipment procurement were received on May 25th. At the June State Water Commission meeting, the Commission authorized the award of both the contracts to Westech Engineering LLC. DWR has received the contract documents for execution. Kickoff meetings occurred with Westech Engineering on August 10, 2023 for the Membrane Procurement (SWPP 3-2F) and August 16, 2023 for the High Rate Clarifier Contract (SWPP 3-2G). Westech has prepared preliminary submittal packages and they were submitted in early October 2023. These submittals are currently under BW/AECOM review. Change Order 1 on Contract 3-2F (Membrane Equipment Package) has been drafted and routed for signatures. This Change Order changes the type of Air Compressor provided as part of the membrane package and provides a deduct in the amount of \$122,000.00

The BW/AECOM team has been very active in design. They have looped in the SWA water treatment team in on a couple of design items early. Preliminary layouts of the facility are under development with the first deliverable in January 2024. BW/AECOM intends to provide preliminary layouts to DWR and SWA staff once a preliminary layout is coordinated with the design team. The bid ready documents are anticipated to have an advertisement date late in 2024.

State Fiscal Recovery Funds Request & REM:

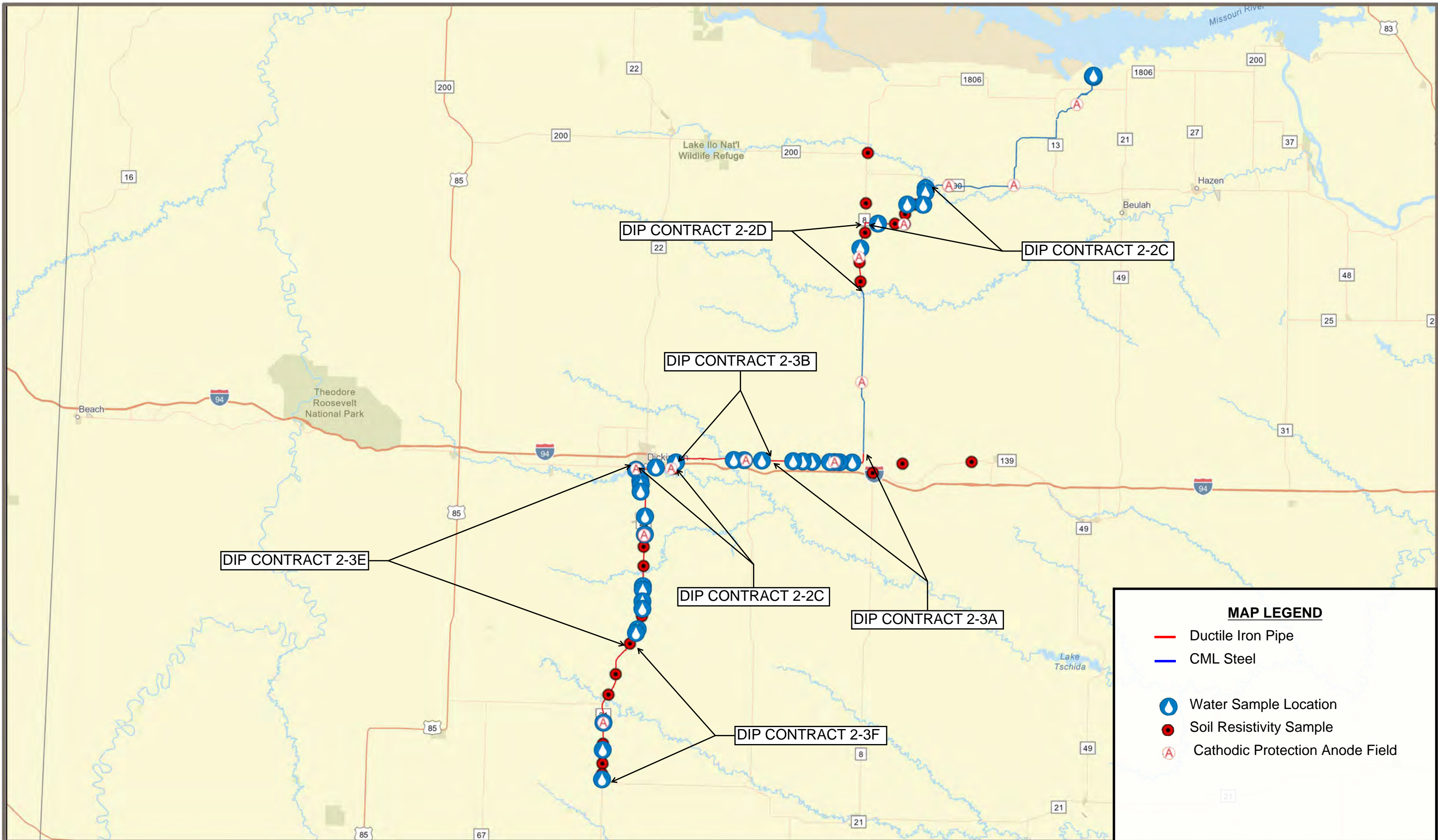
SWC approved an allocation of State Fiscal Recovery Funds (SFRF) to SWA for cost-share at 75 percent for Contract 2-3A replacement costs in an amount not to exceed \$4.5 million at the August 11, 2022 SWC meeting. DWR and SWA have executed a cost share agreement. To date, two requests totaling \$4,046,023.52 in SFRF funds and \$1,348,674.50 in REM funds have been reimbursed for the Contract 2-3A replacement costs.



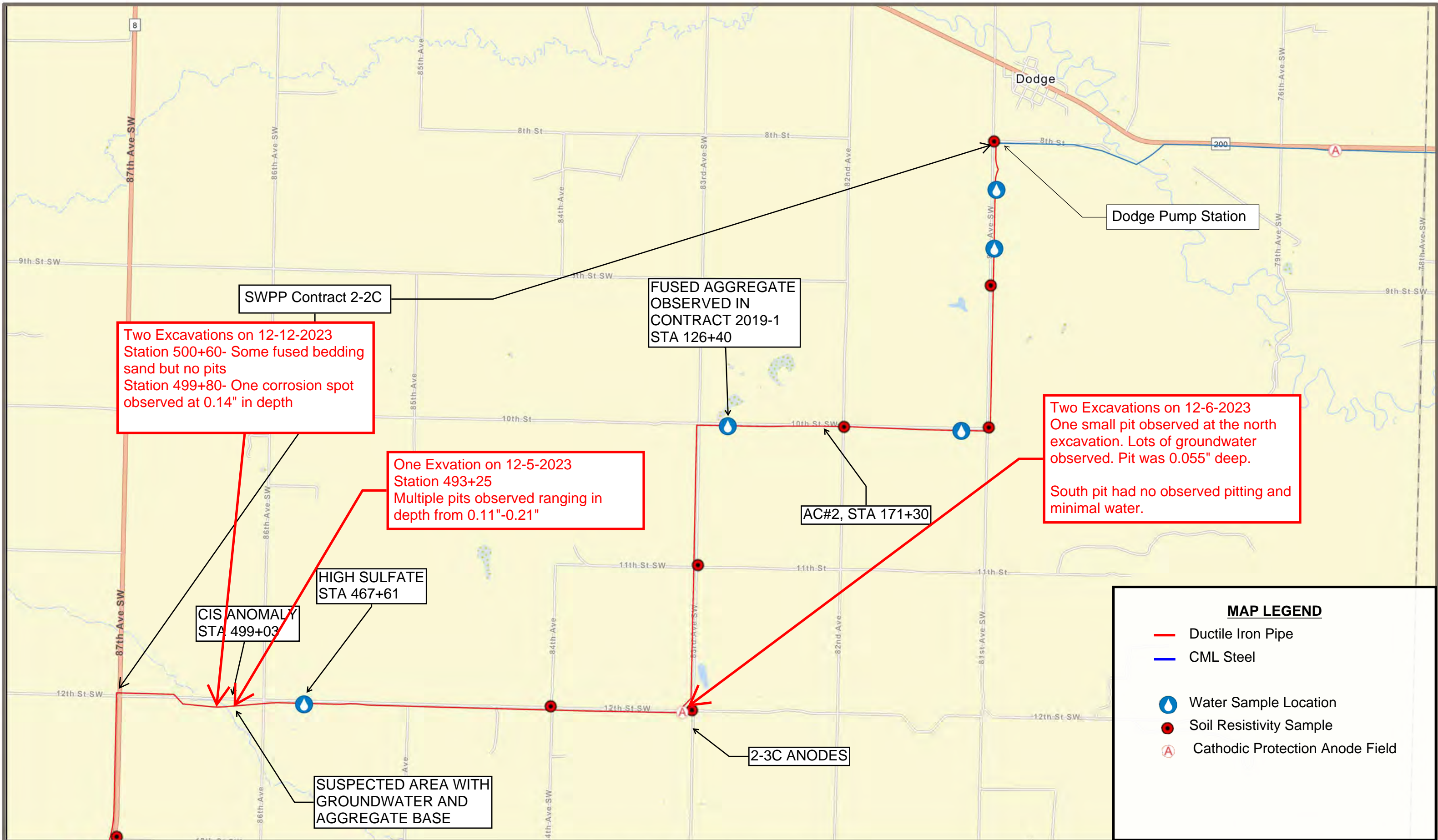
North New England Preliminary Cost Estimate			
Parallel Pipe & Boosters			
Item Description	Quantity	Unit Price	Total Cost
6" PVC Pipe	4,963	\$ 39.00	\$ 190,000.00
4" PVC Pipe	13,141	\$ 26.50	\$ 350,000.00
3" PVC Pipe	29,233	\$ 21.50	\$ 630,000.00
2 hp Booster Station	1	\$ 328,100.00	\$ 330,000.00
2 hp Booster Station	1	\$ 328,100.00	\$ 330,000.00
Add Type 2 PRV	4	\$ 41,020.00	\$ 160,000.00
Add Type 3 PRV	2	\$ 6,150.00	\$ 10,000.00
Appurtenances (Add 25% to Cost of Pipe)		25%	\$ 290,000.00
SubTotal			\$ 2,290,000.00
Contingency		15%	\$ 340,000.00
Design Engineering		6%	\$ 140,000.00
Construction Administration/Construction Observation		15%	\$ 340,000.00
Total			\$ 3,100,000.00

*All unit prices assumed based on HI-2021 bid tab and adjusted according to November 2023 CCI.

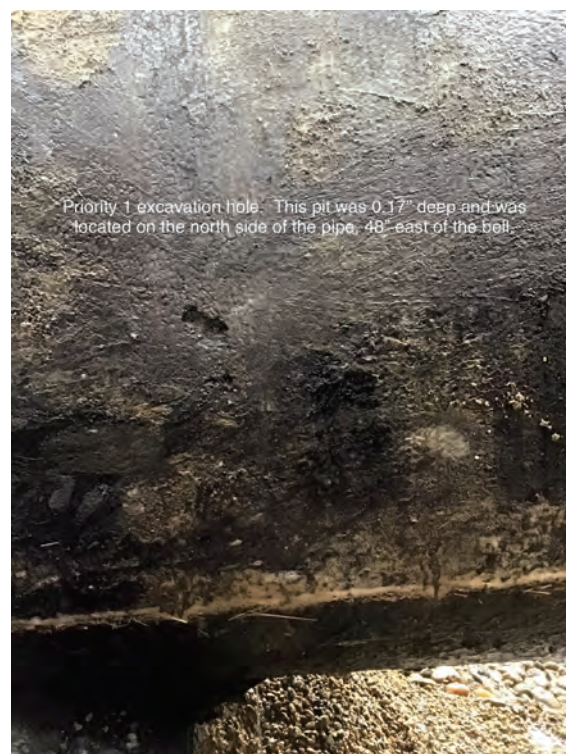
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CONSTRUCTION ACTIVITIES:





Our Vision: People and Business Succeeding with Quality Water **Our Mission:** Quality Water for Southwest North Dakota

MEMORANDUM

To: Southwest Water Authority Board of Directors

From: Jen Murray, Manager/CEO

Subject: O&M Update – Incidental Information

Date: December 27, 2023

This memo is to update the SWA Board of Directors of ongoing and upcoming O&M activities. Items included in this update include both distribution activities and treatment activities.

Treatment:

The SWTP has been experiencing issues with the air compressor scrolls. The oil-less air compressors installed at the SWTP have been running longer than expected and causing premature wear. A suitable upgraded replacement has been identified as a larger cubic foot per minute (CFM), oil-cooled, designed for a 100 percent duty cycle. This oil injected design is being considered in the preliminary design for the SWTP expansion. SWA did meet with the manufacturer on November 30 to review need and availability. SWA ordered an upgraded air cooled, food-grade oil-injected compressor. This compressor was installed on December 20, 2023. A second compressor has been ordered with a lead time of approximately 13-15 weeks. Use of REM for these replacements will be discussed with the DWR.

To guarantee we have a contingency plan in case the supply of CO₂ is unavailable, the SWA Treatment personnel are pursuing an alternative to be used in emergencies. A sulfuric acid pilot at the Dickinson Water Treatment Plant continues to be explored and coordinated with the NDDEQ for compliance. This will likely occur in the spring.

Residuals Handling Facility:

The Residuals Handling Facility has been in operation since 2018. When the facility was built the filter presses which were installed were the manufacturer's new design. The two existing filter presses have had ongoing plate shifter issues and extensive engagement and service work from the filter press manufacturer, Evoqua Water Technologies since installation. Evoqua provided an email update on September 13, 2023, that indicated they are designing a new shuttle shifter to replace the current shifter systems installed on the presses. Evoqua also indicated they have three design teams working on the shifter design and are looking to incorporate aspects of the proven legacy components into this shifter design. On November 8, 2023, Evoqua provided an update that they have selected a retrofit design of the existing shifter converting to a shuttle style shifter. It was noted that the final design drawings will be completed in the coming weeks and a schedule will be developed based on equipment lead times.

Cathodic Protection:

A revision to the B&W Service Agreement Amendment No. 21 is included under decision making this month. This contract will be developed over the winter and advertised for bid in the spring of 2024.

OMND Roof Replacement:

The Contract was awarded to Herzog Roofing, Inc. for the base bid plus alternate G-1 in the amount of \$699,350 on November 6, 2023. SWA is currently waiting contract documents from Herzog Roofing, Inc.

GIS:

SWA continues to work with Bartlett & West to update and transition the current GIS platform to an online or cloud-based system. An amended agreement with ESRI has been executed. Operators will field test and troubleshoot issues in the coming weeks.

Prairie Horizon Hydrogen:

Prairie Horizon Hydrogen (PHH) is a joint venture between TC Energy and Marathon Petroleum. The proposed hydrogen plant is in the initial stages of development and feasibility. In October 2023, the Department of Energy and the White House announced seven regional clean hydrogen hubs were selected to receive \$7 billion in Bipartisan Infrastructure Law funding to accelerate the domestic market for low-cost, clean hydrogen. PHH, as part of the Heartland Hub, was approved up to \$925 million. SWA, the DWR, and B&W continue to examine potential options for water. A Scope of Work agreement was drafted and sent to PHH. The Scope of Work would determine what it would take to expand the SWPP's raw water infrastructure facilities to accommodate the SWPP's ultimate capacity needs and the water needs of PHH. PHH has delayed commitment to the Scope of Work agreement until they receive additional information, which is expected in mid to late January.

Ductile Iron Replacement and Metallic Line Assessments:

Contract 2-3A pipeline replacement near Taylor has been ongoing since 2022. BEK installed additional pipe this spring. Further investigative excavations were conducted the week of November 27, 2023. Excavations indicated an additional pitting. Additional pipe will need to be ordered. A change order with BEK is under development and will be brought back to the Board in February.

Other areas where anomalies have been observed, such as 2-2C MTL and near the Dodge Pump Station, were investigated in December. Tyson will update the Board on the assessments and the observed pipe in several locations along 2-2C.

Metallic line assessment and investigation is a budgeted REM item.



Dwyer LAW OFFICE PLLC

MEMORANDUM

To: SWA Board of Directors
From: Jack Dwyer
Date: December 27, 2023
RE: **Smart Earth Technologies Bankruptcy**

Dear Board:

At our last Board meeting, we discussed the pending Chapter 11 Bankruptcy of Smart Earth Technologies LLC (SET) and Smart Water Services LLC (SWS), collectively the “Debtors.” Manager/CEO Jen Murray and I reported to the Board that, based on discussions with previous SET owner David Duncan, the cellular meters Southwest Water Authority (SWA) purchased from SET were in jeopardy of losing software support following the 60-day “Runoff Period” which commenced on the petition date (November 14, 2023). According to Mr. Duncan, SET customers would be unable to simply contract with a third-party cellular company to read SWA’s meters, because reading the meters requires specific software owned or controlled by SET or SWS. This software or technology is referred to as the SETflow technology in the bankruptcy pleadings. During that discussion with the Board, we discussed the option of joining forces with other utilities that were in discussions with Mr. Duncan. Following the Board discussion, the Board adopted the following motion:

Motion to approve Manager/CEO Jen Murray, with the assistance of Legal Counsel Jack Dwyer, retaining Delaware legal counsel and to take any other action necessary to protect Southwest Water Authority’s interests as a creditor in the pending Chapter 11 Bankruptcy of Smart Earth Technologies, not to exceed \$50,000 in legal fees, and a commitment to a fee for meter reading.

Following the Board meeting, Ms. Murray and I communicated an interest to collaborate with Mr. Duncan and other utilities, but those communications were not fruitful, so we searched for a Delaware attorney to represent SWA in the pending bankruptcy proceeding. In the meantime, Ms. Murray was contacted by Ryan Hisel, an employee of SET, who indicated that he was in the process of forming Fenix USA LLC (Fenix). Fenix, according to Mr. Hisel, was working on acquiring a license in the SETflow technology to provide a fee-based solution that would ensure that meter reading and software support would continue beyond the 60-day Runoff Period. Mr. Duncan had indicated that the cost required to keep the meters operational was \$1.24/meter/month, but Mr. Hisel indicated that he believed Fenix would be able to provide this service for \$1.10/meter/month.

SWA retained David Klauder, a Delaware attorney with significant bankruptcy experience, to handle the bankruptcy proceeding and to assist SWA in ensuring continued meter reading and software support. Mr. Klauder or an associate of Mr. Klauder attended the 341 Meeting of Creditors that took place on December 20 on behalf of SWA. On that date, the Debtors filed a Motion to confirm the sale of assets to Fenix, including a license of the required SETflow technology. The Motion and supporting documents are attached to this memo. Based on the Memorandum of Understanding that is included in the Motion, it appears Fenix is agreeing to pay \$.32 to \$.38 per meter per month, with a minimum monthly fee of

\$50,000, in exchange for the SETflow technology. It also indicates that Fenix will negotiate an agreement with a cellular company that will communicate with the meters. The Memorandum of Understanding indicates that Fenix is acquiring the exclusive license to manufacture, market, and sell SET products, and that "SWS will provide ongoing SETflow hosting services to SET customers exclusively via Fenix."

On December 26, 2023, SWA was presented with a Continued Services Agreement, which is attached. The Agreement promises to provide continued software support and meter reading at the quoted \$1.10/meter/month. At the time this memo is being drafted, Ms. Murray will likely need to enter into this Agreement in order to prevent any sort of break in meter reading and software support, but the Agreement can be terminated by a 30-day notice according to its terms. SWA has until January 3 to object to the Motion described above. The hearing on the motion is scheduled on January 10. In the meantime, Ms. Murray and I will be discussing with SWA's Delaware counsel whether there is any objection that would have merit, or whether there is any opportunity to license the SETflow technology directly from SET or SWS, and considering whether this option would provide any cost savings to SWA customers.

Sincerely,

A handwritten signature in black ink, appearing to read "Jack Dwyer", with a stylized flourish at the end.

Jack Dwyer

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re

SMART EARTH TECHNOLOGIES LLC, et al.,¹

Debtors.

Chapter 11

Case No. 23-11866 (KBO)

(Jointly Administered)

Hearing date: January 10, 2024 at 2:00 p.m.
(ET)

Objection deadline: January 3, 2024 at 4:00
p.m. (ET)

**DEBTORS' MOTION FOR ENTRY OF AN ORDER (I) AUTHORIZING DEBTORS
TO ENTER INTO TRANSACTION AGREEMENTS WITH FENIX USA LLC
AND (II) GRANTING RELATED RELIEF**

Smart Earth Technologies (“SET”) and Smart Water Services LLC (“SWS” and together with SET, the “Debtors”) hereby move this Court (the “Motion”) for entry of an order, substantially in the form annexed hereto as **Exhibit A** (the “Proposed Order”), pursuant to sections 105(a) and 363 of title 11 of the United States Code (the “Bankruptcy Code”) and Rules 2002 and 6004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Rules 2002-1 and 6004-1 of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware (the “Local Rules”) (i) approving and authorizing the Debtors’ entry into a Memorandum of Understanding, annexed hereto as **Exhibit B** (the “MOU”) with Fenix USA LLC (“Fenix,” and, together with the Debtors, the “Parties”) and any additional or ancillary agreement in furtherance of the MOU (collectively, the “Transaction”), and (ii) granting related relief. In further support of this Motion, the Debtors respectfully represent as follows:

¹ The Debtors are the following entities (the last four digits of their respective taxpayer identification numbers, as applicable, follow in parentheses): Smart Earth Technologies LLC (3439); Smart Water Services LLC (5752). The Debtors’ address is 80 Liberty Ship Way, Suite 6, Sausalito, CA 94965.

BACKGROUND

A. General Case Background

1. On November 14, 2023 (the “Petition Date”), the Debtors commenced cases (these “Chapter 11 Cases”) by filing voluntary petitions for relief under chapter 11 of the Bankruptcy Code, and the Debtors elected to proceed under Subchapter V of chapter 11 of the Bankruptcy Code pursuant to the Small Business Debtor Reorganization Act, as amended.

2. The Debtors are operating their businesses and managing their properties as debtors in possession pursuant to section 1184 of the Bankruptcy Code.

3. Information regarding the Debtors’ history and business operations, capital structure and primary secured indebtedness, and the events leading up to the commencement of these Chapter 11 Cases, can be found in the *Declaration of Don Van der Wiel in Support of First Day Relief* [Docket No. 10] (the “First Day Declaration”) filed on the Petition Date and fully incorporated herein by reference.²

4. On November 15, 2023, the Office of the United States Trustee for Region 3 (the “U.S. Trustee”) appointed Jami Nimeroff as the Subchapter V Trustee in these Chapter 11 Cases (the “Subchapter V Trustee”).

B. Background of the Parties and the Transaction

5. The Debtors are providers of utility management solutions for water utilities. The hardware supplied by the Debtors includes remote smart valves and cellular endpoints (collectively, the “Devices”), which enable utility companies to track and manage water data and usage.

² All capitalized terms used and not defined herein shall have the meanings ascribed to them in the First Day Declaration.

6. Debtors, during the ordinary course of business, maintained an inventory of Devices, as well as certain parts and raw materials used in the manufacture and repair of Devices (the “Inventory”). On December 8, 2023, this Court entered its *Revised Order (I) Approving and Authorizing the Private Sale of Inventory and (II) Granting Related Relief* [Docket No. 94] (the “Sale Order”), authorizing the Debtors to sell the Inventory to Fenix under the terms of the Invoice appended as Exhibit B to *Debtors’ Emergency Motion for an Order (I) Approving and Authorizing the Private Sale of Inventory and (II) Granting Related Relief* [Docket No. 75] (the “Sale Motion”).

7. In addition to the sale of Inventory, the Debtors, their parent CrescoNet LLC (“CrescoNet”) and Fenix have been in negotiations to establish a framework that will provide customers³ with uninterrupted access to metering services through the Debtors’ SETflow software platform and new and replacement Devices going forward—without the need to establish a separate agreement with a telecommunications provider.

8. As explained in the *Declaration of Brett L’Esperance in Support of the Debtors’ Motion for an Order (I) Authorizing Debtors to Enter Into Transaction Agreements with Fenix USA LLC and (II) Granting Related Relief* (the “L’Esperance Declaration”) filed concurrently herewith, on December 19, 2023, the parties reached an agreement embodied in the MOU. Under the MOU, Fenix will acquire the right to provide hardware and software access to the Debtors’ customers while removing the ongoing expense and overhead expenses that the Debtors incurred prepetition with respect to hardware maintenance and telecommunications services. The core terms of the MOU are as follows:

³ Although referred herein as “customers,” substantially all customer contracts have been rejected pursuant to orders entered on December 12 and 18. See Docket Nos. 113, 114, 120, 121 & 133.

<u>Parties</u>	SET, SWS, CrescoNet, and Fenix.
<u>Manufacturing</u>	<p>Fenix will commence the manufacture, marketing, and sale of the “<u>2 Series Product</u>” line owned by SET. Fenix may manufacture up to 10,000 of the 2 Series Products by February 28, 2024.</p> <p>In addition to manufacturing the 2 Series Products Fenix may also manufacture the “<u>3 Series Product</u>” line, which is owned by CrescoNet.</p>
<u>Licensing of Intellectual Property and Royalties: Manufacturing</u>	<p>SET owns the intellectual property rights to the 2 Series Products (the “<u>2 Series IP</u>”). CrescoNet owns the intellectual property rights to the 3 Series Products. SET and CrescoNet will grant Fenix an exclusive license to manufacture, market, and sell the 2 Series Products and 3 Series Products throughout the Americas.</p> <p>In exchange, Fenix will pay SET a royalty of five dollars (\$5) per 2 Series Product sold, payable by February 28, 2024. Fenix will pay CrescoNet a royalty of twenty dollars (\$20) per 3 Series Product sold.</p>
<u>SETflow Service Agreement</u>	SWS will provide SETflow services (the “ <u>SETflow Services</u> ”) to Fenix in accordance with the payment schedule set forth in Section 8 of the MOU. Per the schedule, Fenix will pay a minimum fixed charge of \$50,000, and potentially more depending on the number of Devices being serviced by SWS.
<u>Telecommunications Services</u>	<p>Fenix will establish its own agreement with AT&T (either by way of an assignment of the existing AT&T agreement with SET or a new direct agreement) to ensure continuity of cellular carrier services for SETflow (thereby ensuring continuity of service to SET customers).</p> <p>If Fenix is unable to secure an assignment of the existing agreement or establish its own direct agreement with AT&T by January 14, 2024, then Fenix and SET will negotiate appropriate back-to-back terms until such time as Fenix has secured its own cellular carrier service.</p> <p>SET will use commercially reasonable efforts to facilitate discussions between Fenix and Telstra pertaining to certain related services.</p>

RELIEF REQUESTED

9. By this Motion, the Debtors seek entry of the Proposed Order, pursuant to sections 105(a) and 363 of the Bankruptcy Code, Bankruptcy Rules 2002 and 6004, and Local Rules 2002-

1 and 6004-1, (i) approving and authorizing the Debtors' entry into the MOU and any additional or ancillary agreement in furtherance of the MOU and the Transaction contemplated thereby, and (ii) granting related relief.

BASIS FOR RELIEF

A. Entry Into the MOU Should Be Approved as a Sound Exercise of the Debtors' Discretion and Reasonable Business Judgment

10. Under section 363(c), a debtor is authorized to use, sell, or lease its assets in the ordinary course of business without a court order. Under section 363(b), a debtor must obtain a court order in order to use, sell, or lease its assets outside of the ordinary course of business. Section 105(a) of the Bankruptcy Code further provides that "[t]he court may issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title." 11 U.S.C. § 105(a). Thus, subject to court approval, the Bankruptcy Code permits a debtor to enter into agreements outside the ordinary course of business as long as there are "sound business justifications" that support such action. *Committee of Equity Sec. Holders v. Lionel Corp. (In re Lionel Corp.)*, 722 F.2d 1063, 1071 (2d Cir. 1983).

11. As discussed in the First Day Declaration, SWS was established for the express purpose of providing SETflow Services for customers after the 60-day period following the Petition Date wherein the Debtors will continue providing telecommunication services (the "Runoff Period"). *See* First Day Decl. ¶¶ 12, 35. Thus, the Debtors believe that SWS's entry into the MOU to provide ongoing SETflow Services to customers through Fenix is in the ordinary course of business of SWS. However, out of an abundance of caution, the Debtors seek this Court's approval of the MOU with respect to SET and SWS.

12. To ascertain the existence of a sound business purpose for any transaction out of the ordinary course of business, the Court must simply find "some articulated business

justification” for the proposed action. *In re Delaware & Hudson Ry. Co.*, 124 B.R. 169, 175-76 (Bankr. D. Del. 1991); *see also In re Tower Air, Inc.*, 416 F.3d 229, 238 (3d Cir. 2005) (“[o]vercoming the presumptions of the business judgement rule on the merits is a near-Herculean task”).

13. Generally, courts have applied four factors in determining whether a transaction should be approved: (i) whether a sound business reason exists for the proposed transaction; (ii) whether fair and reasonable consideration is provided; (iii) whether the transaction has been proposed and negotiated in good faith; and (iv) whether adequate and reasonable notice is provided. *See In re Lionel Corp.*, 722 F.2d at 1071-72 (setting forth the “sound business justifications” requirement); *In re Abbotts Dairies of Pennsylvania, Inc.*, 788 F.2d 143, 145-57 (3d Cir. 1986) (interpreted by courts as implicitly adopting the articulated business justification test and adding the “good faith” requirement); *In re Delaware & Hudson Ry.*, 124 B.R. at 176 (“Once a court is satisfied that there is a sound business reason or an emergency justifying the pre-confirmation sale the court must also determine that the trustee has provided the interested parties with adequate and reasonable notice, that the sale price is fair and reasonable and that the purchaser is proceeding in good faith.”).

14. This fundamental analysis does not change if the proposed transaction is achieved through a private, rather than public sale process. *See, e.g., In re Ancor Exploration Co.*, 30 B.R. 802, 808 (Bankr. N.D. Okla. 1983) (“[T]he bankruptcy court should have wide latitude in approving even a private sale of all or substantially all of the estate assets not in the ordinary course of business under § 363(b).”); *In re WPRV-TV, Inc.*, 143 B.R. 315, 319 (D.P.R. 1991) (bankruptcy court “has ample discretion to administer the estate, including the authority to conduct public or private sales of estate property”), *vacated on other grounds*, 165 B.R. 1 (D.P.R. 1992). Thus, a

court-approved auction process is not required as long as the four factor test is met. *See, e.g., In re Great Atl. & Pac. Tea Co., Inc.*, 544 B.R. 43, 49-50 (Bankr. S.D.N.Y. 2016) (“[E]ven asset sales are not conditioned on such a requirement [of a formal auction], which does not appear in the Bankruptcy Code or the Bankruptcy Rules.”).

15. Here, the Debtors’ entry into the MOU meets all of these requirements and should be approved.

(i) There is a sound business reason to proceed with the MOU

16. The Debtors believe that consummating the transactions contemplated in the MOU is appropriate in light of the facts and circumstances of these Chapter 11 Cases and is in the best interest of their customers, estates, and economic stakeholders. There are relatively few entities in the Debtors’ industry, and the Debtors have explored various options to ensure that customers can receive ongoing services without the Debtors incurring unreasonable and unrealistic obligations and liabilities given the Debtors’ plan to wind down SET’s business.

17. Through the MOU, the Debtors will be able to (i) ensure that customers can receive ongoing access to SETflow software, (ii) help customers and the Debtors’ telecommunications providers avoid the difficulty and complexity of negotiating individual services agreements for all of the Debtors’ customers, (iii) avoid ongoing expenses related to hardware maintenance and telecommunications services, (iv) generate up to \$50,000 from the sale of the 2 Series Products, (v) generate sufficient income to cover SWS’s cost of providing ongoing SETFlow Services, and (vi) continue with the planned wind-down of SET’s business operations.

(ii) The payment terms under the MOU are fair and reasonable under the circumstances

18. The Debtors believe that Fenix’s proposed payment of \$50,000 for the 2 Series Products and the monthly license fee for the SETflow Services is reasonable under the

circumstances. The Debtors believe that the 2 Series Products are becoming obsolete—having given rise to the significant warranty claims that led to the bankruptcy filing—and, therefore, believe that selling Fenix the right to build and connect new 2 Series Products to the SETflow system will enable the Debtors to generate additional value from the 2 Series IP.

19. With respect to the SETflow Services, the Debtors believe that the arrangement with Fenix (which includes a \$50,000 minimum monthly payment) while avoiding any expenses associated with hardware maintenance or telecommunications services, will allow the Debtors' customers to obtain access to the SETflow Services at a reasonable price while covering the Debtors' overhead expenses.

(iii) The transaction is proposed in good faith

20. The Debtors submit that the transaction has been proposed in good faith. The terms of the MOU are the product of extensive arms-length negotiations between the Debtors and Fenix. Although one of the Debtors' employees is affiliated with Fenix, the employee is not an insider of the Debtors, and the Debtors believe, therefore, that Fenix is not an affiliate of any of the Debtors.

21. The Debtors' parent, CrescoNet, is also a party to the MOU; however, it is not acquiring anything from the Debtors. The MOU is a comprehensive agreement that will enable Fenix to acquire rights in the 2 Series Products from the Debtors, acquire rights in the 3 Series Products from CrescoNet, and obtain access to the SETflow Services for customers. Thus, it is appropriate for CrescoNet to join as a party to the MOU.

(iv) Adequate notice has been provided

22. With respect to the notice required in connection with a private transaction, Bankruptcy Rule 2002(c)(1) states, in pertinent part, that, the notice of a proposed use, sale or lease of property shall include the terms and conditions of any private sale and the deadline for filing objections. The notice of a proposed use, sale or lease of property is sufficient if it generally

describes the property. The Debtors have provided (or will timely provide) adequate notice of the Motion to parties-in-interest. *See* Fed. R. Bankr. P. 2002(c)(1) (notice must contain “the terms and conditions of any private sale and the time fixed for filing objections.”); *see also, Delaware & Hudson Ry.*, 124 B.R. at 180 (the disclosures necessary in such a sale notice need only include the terms of the sale and the reasons why such a sale is in the best interests of the estate and do not need to include the functional equivalent of a disclosure statement). The Debtors submit that the information contained herein more than satisfies the notice requirements.

B. The Proposed Sale is Appropriate Pursuant to Bankruptcy Rule 6004(f)

23. Bankruptcy Rule 6004(f) authorizes a debtor to use or sell property outside of the ordinary course of business by private sale or public auction. As discussed above, the proposed consideration represents a fair and reasonable value under the circumstances. As previously noted, a court-approved auction process is not required to prove it so under the Bankruptcy Code, Bankruptcy Rules, or Local Rules. *See, e.g., In re Great Atl. & Pac. Tea Co., Inc.*, 544 B.R. 43, 49-50 (Bankr. S.D.N.Y. 2016) (recognizing that neither the Bankruptcy Code nor the Bankruptcy Rules require an auction for the sale of assets). The MOU was subject to an arm’s-length negotiation process and resulted in payment terms that are fair and reasonable under the circumstances. Additionally, courts have held that a debtor has broad discretion to determine the manner in which its assets are sold. *See In re Bakalis*, 220 B.R. 525, 531 (Bankr. E.D.N.Y. 1998) (noting that a trustee has ample authority to conduct a sale of estate property through private sale).

24. Exercising their sound business judgment, the Debtors determined that entering into the MOU as a private transaction is appropriate and in the best interests of their respective estates and all parties in interest given (i) the nature of the rights and assets being sold and (ii) the facts and circumstances of these Chapter 11 Cases.

C. The Proposed Sale is Made in Good Faith Within the Meaning of Section 363(m)

25. Section 363(m) of the Bankruptcy Code protects the purchaser of assets sold pursuant to section 363 of the Bankruptcy Code from the risk that it will lose its interest in the purchased assets if the order allowing the sale is reversed on appeal, as long as such purchaser leased or purchased the assets in “good faith.” While the Bankruptcy Code does not define “good faith,” courts have held that a purchaser shows its good faith through the integrity of its conduct during the course of the sale proceedings, and it is only where there is a demonstrated lack of such integrity that a good-faith finding is not appropriate. *See, e.g., In re Abbotts Dairies*, 788 F.2d at 147 (“Typically, the misconduct that would destroy a [buyer’s] good faith status at a judicial sale involves fraud, collusion between the [proposed buyer] and other bidders or the trustee, or an attempt to take grossly unfair advantage of other bidders.”).

26. In this case, Fenix has proceeded in good faith and with fairness and integrity. There is no indication of any type of misconduct. Accordingly, it is appropriate for the Court to find that Fenix is a good faith purchaser under section 363(m).

D. Relief Under Bankruptcy Rule 6004(h) is Appropriate

27. Bankruptcy Rule 6004(h) provides that an “order authorizing the use, sale, or lease of property . . . is stayed until the expiration of fourteen days after the entry of the order, unless the court orders otherwise.”

28. The purpose of Bankruptcy Rule 6004(h) is to provide sufficient time for an objecting party to appeal before an order can be implemented. *See* Advisory Committee Notes to Fed. R. Bankr. P. 6004(h). Although Bankruptcy Rule 6004(h) and the Advisory Committee Notes are silent as to when a court should “order otherwise” and eliminate or reduce the fourteen-day stay period, the leading treatise on bankruptcy suggests that the fourteen-day stay should be

eliminated to allow a sale or other transaction to close immediately “where there has been no objection to procedure.” 10 Collier on Bankruptcy ¶ 6004.11 (16th rev. ed. 2022).

29. Here, because the Runoff Period only runs through January 13, 2024, and the Debtors want to ensure that any customers interested in retaining the SETflow Services may do so, the Debtors believe it is both necessary and appropriate for the Court to waive the fourteen-day stay provided for by Bankruptcy Rule 6004(h), thereby making the Proposed Order effective immediately upon its entry.

NOTICE

30. Notice of this Motion will be provided to (i) the U.S. Trustee; (ii) the Subchapter V Trustee; (iii) the Internal Revenue Service; (iv) the Office of the United States Attorney for the District of Delaware; (v) the Debtors’ prepetition secured lender; (vi) the Debtors’ 20 largest unsecured creditors on a consolidated basis; and (vii) all parties requesting notice pursuant to Bankruptcy Rule 2002. A copy of the Motion is also available on the website of the Debtors’ notice, claims, and solicitation agent, <https://cases.stretto.com/SET>. In light of the nature of the relief requested herein, the Debtors submit that no other or further notice is necessary.

WHEREFORE, the Debtors respectfully request that the Court grant the relief requested herein and such other and further relief as the Court may deem just and proper.

Dated: December 20, 2023
Wilmington, Delaware

ASHBY & GEDDES, P.A.

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*Proposed Counsel for the Debtors and Debtors in
Possession*

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re	Chapter 11
SMART EARTH TECHNOLOGIES LLC, et al., ¹	Case No. 23-11866 (KBO)
Debtors.	(Jointly Administered)
	Hearing date: January 10, 2024 at 2:00 p.m. (ET)
	Objection deadline: January 3, 2024 at 4:00 p.m. (ET)

**NOTICE OF MOTION FOR AN ORDER (I) AUTHORIZING DEBTORS TO ENTER INTO TRANSACTION AGREEMENTS WITH FENIX USA LLC AND (II) GRANTING
RELATED RELIEF**

PLEASE TAKE NOTICE that on December 20, 2023, the above-captioned debtors and debtors-in possession (collectively, the “Debtors”), filed the *Motion for an Order (I) Authorizing Debtors to Enter into Transaction Agreements with Fenix USA LLC and (II) Granting Related Relief* (the “Motion”).

PLEASE TAKE FURTHER NOTICE that a hearing to consider the Motion is scheduled for **January 10, 2024 at 2:00 p.m. (ET)** (the “Hearing”) before the Honorable Karen B. Owens, United States Bankruptcy Court for the District of Delaware, 824 N. Market Street, 6th Floor, Courtroom No. 3, Wilmington, Delaware 19801.

PLEASE TAKE FURTHER NOTICE that responses, if any, to the Motion must be submitted **on or before January 3, 2024 at 4:00 p.m. (ET)**. Only properly and timely submitted responses will be considered.

IF YOU FAIL TO RESPOND IN ACCORDANCE WITH THIS NOTICE, THE COURT MAY GRANT THE RELIEF REQUESTED IN THE MOTION WITHOUT FURTHER NOTICE OR HEARING.

¹The Debtors are the following entities (the last four digits of their respective taxpayer identification numbers, as applicable, follow in parentheses): Smart Earth Technologies LLC (3439); Smart Water Services LLC (5752). The Debtors’ address is 80 Liberty Ship Way, Suite 6, Sausalito, CA 94965.

Dated: December 20, 2023
Wilmington, Delaware

ASHBY & GEDDES, P.A.

/s/ Michael D. DeBaecke
Gregory A. Taylor (No. 4008)
Michael D. DeBaecke (No. 3186)
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*Proposed Counsel for the Debtors and Debtors in
Possession*

EXHIBIT A

Proposed Order

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re

SMART EARTH TECHNOLOGIES LLC, et al.,¹

Debtors.

Chapter 11

Case No. 23-11866 (KBO)

(Jointly Administered)

Related Docket No. ____

**ORDER (I) AUTHORIZING DEBTORS TO ENTER INTO TRANSACTION
AGREEMENTS WITH FENIX USA LLC AND (II) GRANTING RELATED RELIEF**

Upon the *Debtors' Motion for an Order (I) Authorizing Debtors to Enter Into Transaction Agreements with Fenix USA LLC and (II) Granting Related Relief* (the "Motion")² filed by the above-captioned debtors and debtors in possession (collectively, the "Debtors"); the Court having reviewed the Motion and having heard the statements of counsel regarding the relief requested in the Motion at a hearing before the Court (the "Hearing"); and the Court having found that it has jurisdiction over this matter pursuant to 28 U.S.C. §§ 1334(b) and 157, and the *Amended Standing Order of Reference* from the United States District Court for the District of Delaware dated as of February 29, 2012; and the Court having found that venue of these cases and the Motion in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having found that this matter is a core proceeding pursuant to 28 U.S.C. § 157(b); and the Court having found that notice of the Motion has been given as set forth in the Motion and that such notice is adequate and no other or further notice need be given; and the Court having determined that it may enter a final order consistent with Article III of the United States Constitution; and the Court having considered

¹ The Debtors are the following entities (the last four digits of their respective taxpayer identification numbers, as applicable, follow in parentheses): Smart Earth Technologies LLC (3439); Smart Water Services LLC (5752). The Debtors' address is 80 Liberty Ship Way, Suite 6, Sausalito, CA 94965.

² All capitalized terms used and not defined herein shall have the meanings ascribed to them in the Motion.

the First Day Declaration and the L'Esperance Declaration; and the Court having found that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and the Court having found that the relief sought in the Motion is in the best interests of the Debtors, their estates, their creditors and all other parties in interest; and after due deliberation and sufficient cause appearing therefor,

IT IS HEREBY FOUND AND DETERMINED THAT:

A. The findings and conclusions set forth herein constitute the Court's findings of fact and conclusions of law pursuant to Bankruptcy Rule 7052, made applicable to this proceeding pursuant to Bankruptcy Rule 9014. To the extent that any of the following findings of fact constitute conclusions of law, and to the extent that any of the following conclusions of law constitute findings of fact, they are adopted as such.

B. The Debtors have demonstrated good, sufficient, and sound business purposes and justifications for consummation of the Transaction contemplated by the MOU in accordance with the requirements of section 363(b) of the Bankruptcy Code, and consummation of the Transaction is in the best interest of the Debtors and their respective estates.

C. The MOU was negotiated, proposed, and entered into by the Debtors and Fenix in good faith, without collusion, and through arm's-length negotiations. Likewise, the value that the Debtors and their estates will receive on consummation of the Transaction is the product of arm's-length negotiations.

D. The Transaction contemplated under the MOU must be approved and consummated promptly in order to ensure continuation of services for the Debtors' customers and to avoid additional claims against the estates. Therefore, time is of the essence in consummating the Transaction. The Debtors have demonstrated compelling circumstances and a good, sufficient,

and sound business purpose and justification for the immediate approval and consummation of the Transaction contemplated by the MOU. Accordingly, there is sufficient cause to lift the stay contemplated by Bankruptcy Rule 6004(h) with regard to the transactions contemplated by this Order.

NOW THEREFORE, IT IS HEREBY ORDERED THAT:

1. The Motion is **GRANTED** as set forth herein.
2. The terms of the MOU are hereby approved. The Debtors are authorized, but not directed, to enter into and consummate the MOU along with any additional or ancillary agreement in furtherance of the MOU.
3. Notwithstanding Bankruptcy Rule 6004(h), the terms and conditions of this Order shall be immediately effective and enforceable upon its entry, and no automatic stay of execution shall apply to this Order. This Order is a final order that resolves the Motion in its entirety.
4. The Debtors are authorized and empowered to take such actions as may be necessary and appropriate to perform under and implement the terms of this Order.
5. This Court shall retain jurisdiction to resolve any dispute arising from or relating to the sale of the Inventory, the terms of this Order, and any other matter relating in any way to any of the foregoing.

EXHIBIT B

MOU



Memorandum of Understanding

Date	the date this Memorandum of Understanding (MOU) is executed by the last party to do so
Parties	
CrescoNet	CrescoNet LLC, a Delaware limited liability company, of Suite 6, 80 Liberty Ship Way, Sausalito, CA 94965.
SET	Smart Earth Technologies LLC (in bankruptcy), (Control number: 09011289), a Georgia limited liability company, of 2810 Caribou Court, Ste 140, Carlsbad, CA 92010, a member of the CrescoNet Group.
SWS	Smart Water Services LLC, a Delaware limited liability company, of Suite 6, 80 Liberty Ship Way, Sausalito, CA 94965, a member of the CrescoNet Group.
Fenix	Fenix USA LLC, a Colorado limited liability company, of 1755 Telstar Drive, Suite 300 Box #500, Colorado Springs, CO 80920.

Background

- A. The intention of this MOU is to set forth the essential terms and conditions related to the ongoing support to SET customers and minimize business disruption to those customers, to be more particularly set forth in the Agreement.
- B. SET owns the intellectual property rights in SETflow and the 2 Series Products.
- C. SET has granted SWS a non-exclusive license to SETflow.
- D. SWS will provide ongoing SETflow hosting services to SET customers exclusively via Fenix.
- E. CrescoNet owns the intellectual property rights in the 3 Series Products.
- F. Fenix has agreed to purchase certain Diehl meters from SET and SET’s ownership interest in the SET inventory pursuant to the Invoice.
- G. Fenix wishes to acquire the rights to manufacture the 2 Series Products from SET and 3 Series Products from CrescoNet, and to receive hosting services from SWS.
- H. Fenix will establish its own arrangement with AT&T to ensure uninterrupted communication services to SET customers.
- I. The parties wish to set out their intentions regarding the Agreement in this MOU.
- J. Time is of the essence in completing the Agreement to minimize disruption to SET customers.

Details

No	Item	Details
1	Overview	<ul style="list-style-type: none">• The parties intend to enter into a long form agreement (Agreement) corresponding to this MOU.• This MOU is intended to establish the basis for the relationship between the parties and their relevant affiliates and allow activities to proceed before completion of the Agreement. The terms contained in this MOU are not comprehensive and it is expected that additional terms may be added to the Agreement, and existing terms may be changed by written agreement between



		<p>the parties. The Agreement shall be binding upon the parties for activities commenced under this MOU but prior to the execution of the Agreement. Upon execution of the Agreement, this MOU shall no longer be effective for any purpose and all activities taken pursuant to this MOU shall be governed by the Agreement.</p> <ul style="list-style-type: none">• Within six weeks of execution of this MOU, or such other period as the parties agree in writing, the parties will execute the Agreement.
2	Consideration	<p>The parties enter into this MOU in consideration of the promises given by each party, the receipt and sufficiency of which is acknowledged by each party.</p>
3	Binding	<p>The parties intend this MOU to be a binding agreement for the limited purposes stated herein which will be superseded by the Agreement, when the Agreement is executed; provided, however, that the MOU shall be subject to Bankruptcy Court approval with respect to SET and SWS. This MOU shall terminate upon the execution of the Agreement. To the extent that an Agreement is not executed within six weeks of the execution of this MOU, or other such period as the parties agree in writing, this MOU shall terminate and the parties' obligations hereunder shall terminate unless otherwise provided herein.</p>
4	Definitions	<ul style="list-style-type: none">• Agreement: a long form agreement to be entered into by the parties, corresponding to this MOU.• Bankruptcy Court: the United States Bankruptcy Court for the District of Delaware.• 2 Series Products: a range of electronic and mechanical assemblies designed and owned by SET, including the X231, 232 and 171 product.• 3 Series Products: a range of electronic and mechanical assemblies and related tooling and moulds, designed and owned by CrescoNet, including the X330W and X330G products.• CrescoNet Group: CrescoNet LLC and its affiliates, including SET and SWS.• Econis: Econis Labs Manufacturing LLC, Delaware Limited Liability Company with its principal place of business located at 4400 Highlands Parkway, Suite A Smyrna, Georgia 30082.• Invoice: the invoice dated 4 December, 2023, which was approved by the Bankruptcy Court, approving sale of (i) SET inventory to Fenix for a total of \$250,000 and (ii) Diehl meters to Fenix for a total of \$25,837.86.• SETflow: a cloud-based software system for water data management, water management control, customer billing, and water management analytics, including certain trademarks, copyrights and all other intellectual property and technology rights related thereto, trademarked as SETflow® (including the partially developed installation mobile application).• SET inventory: inventory held on behalf of SET by Econis, under a contract between SET and Econis¹ dated 8 February 2023 pursuant to which Econis manufactures various products for SET and CrescoNet including the 2 Series Products and 3 Series Products. Econis holds inventory on behalf of SET including electronic components for the products as well as work in progress and finished goods, as set out in Attachment A.• Territory: the United States of America, Canada, Central America, South America.
5	Relationship Provisions	<ul style="list-style-type: none">• Fenix will pay for the SET inventory and Diehl meters in accordance with the Invoice.





- SET will grant to Fenix an exclusive licence in the Territory to manufacture, market and sell the 2 Series Products, on the conditions set out in section 6 below.
- CrescoNet will grant to Fenix an exclusive licence in the Territory to manufacture, market and sell the 3 Series Products, on the conditions set out in section 6 below.
- Appropriate entities to enter the Agreement will be determined. All entities who enter the Agreement shall be bound by the terms of this MOU for activities commenced hereunder prior to the execution of the Agreement.
- Fenix will establish its own agreement with AT&T (either by way of an assignment of the existing AT&T agreement with SET or an new direct agreement) to ensure contuntity of cellular carriage services for SETflow (thereby ensuring continuity of service to SET customers).
- If Fenix is unable to secure an assignment of the existing agreement or establish its own direct agreement with AT&T by 14th January 2024 then Fenix and SET will negotiate appropariate back to back terms until such time as Fenix has secured its own cellular carriage service.
- SET will use commercially reasonable effortsto facilitate discussions between Fenix and Telstra pertaining to certain related services.

6	Conditions for licence to manufacture 2 Series Products and 3 Series Products	<ul style="list-style-type: none"> • Other than the representations and warranties provided in this MOU, SET provides no warranty in respect of the 2 Series Products. • SET warrants that it owns all right, title and interest in and to the 2 Series Products and has all authority to enter into the transactions under this MOU and, if relevant, under the Agreement. • Subject to Bankruptcy Court approval, Fenix may manufacture up to 10,000 units of the 2 Series Products by 28 February 2024. • Other than the representations and warranties provided in this MOU, CrescoNet provides no warranty in respect of the 3 Series Products • CrescoNet warrants that it owns all right, title and interest in and to the 3 Series Products and has all authority to enter into the transactions under this MOU and under the Agreement. • CrescoNet provides no warranty in respect of the 3 Series Products. • Fenix shall have the rights to manufacture the 3 Series Products. • Fenix will pay royalties per device sold as set out in section 8 below. • Any new device endpoints may only connect to SETflow. • Fenix may make no changes to the existing 2 Series Products and 3 Series Products design or functionality other than as may be set forth in the Agreement. • CrescoNet, at its expense, will undertake any necessary changes to hardware and firmware for the 3 Series Products. • SWS hosts SETflow (and shall be responsible for fixes/enhancements) for a fee set out in section 8 below. • The parties acknowledge that Econis has agreed to continue manufacturing the 2 Series Products and the 3 Series Products for Fenix to the current specification. • Fenix may brand, market and sell the product/solution as it wishes.
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7	Term	This MOU will commence on execution by the last party to do so and will terminate at the earlier of: (i) twelve months after that date, (ii) when the Agreement is executed, or (iii) if the Bankruptcy Court disapproves of the transactions contemplated herein, whichever is the sooner.
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Upon the termination of this MOU, for any reason, the parties' obligations hereunder shall also terminate, provided that the parties may then agree to enter





		into a subsequent memorandum of understanding and corresponding agreement in order to continue the provision of services to SET's customers.
8	Fees	<p>Fenix will pay SET \$250,000 for the SET inventory and \$25,837 for certain Diehl meters for a total of \$287,560, with payment to be made in accordance with the terms set forth in the Invoice.</p> <p>The following payment tiers will apply for the SETflow services from SWS, per endpoint per month:</p> <ul style="list-style-type: none"> • install base current at time of execution of this MOU of 130,000 end points – 49 cents per month (minimum fixed charge of \$50,000); • Next 100,000 (130,001 to 230,000) – 38 cents per month; • Next 100,000 (230,001 to 330,000) – 34 cents per month; and • Next 100,000 (330,001 to 430,000) – 32 cents per month. <p>Service Levels to be defined and agreed in the Agreement.</p> <p>The following royalties will apply per device sold:</p> <ul style="list-style-type: none"> • 2 Series Products: \$5, payable to SET by 28 February 2024. • 3 Series Products: \$20, payable to CrescoNet within 30 days of Fenix shipping the radios.
9	IP ownership	<ul style="list-style-type: none"> • SET represents and warrants that it owns all the intellectual property rights in SETflow and the 2 Series Products and has the authority to enter into the transactions contemplated herein. • SET has granted a non-exclusive SETflow licence to SWS per a Software License Agreement dated November 8, 2023 • CrescoNet represents and warrants that it owns the intellectual property rights in the 3 Series Products and has the authority to enter into the transactions contemplated herein.
10	Exclusivity	The arrangements the subject of the Agreement will be exclusive within the Territory.
11	Confidentiality	Each party will make available to the other party proprietary and confidential materials and information (Confidential Information). Each party will maintain the confidentiality of the other's Confidential Information and will not disclose any such Confidential Information without the prior written consent of the other party, except as is necessary for this MOU or as required by law. The preceding obligations do not apply to Confidential Information (a) otherwise generally known; (b) rightfully received from a third party without restriction on disclosure; (c) already known by the receiving party; or (d) independently developed by the receiving party.
12	Liability	<ul style="list-style-type: none"> • Neither party will be liable for consequential loss (defined as being only losses that do not arise naturally from the breach), loss of opportunity and loss of anticipated savings. • Neither party will be liable for loss of profits or loss of revenue. • There will be a mutual annual aggregate cap on liability in a contract year equal to fees in that contract year. • Neither the exclusions, limitations nor cap in this Section 12 will apply to: <ul style="list-style-type: none"> – liability for intellectual property matters; or – liability for breach of confidentiality.





13	Costs	The parties will bear their own costs incurred in connection with this MOU.
14	Governing Law	This MOU shall be governed by and construed in accordance with the internal laws of the State of Delaware, without giving effect to any choice of law or conflict of law provision or rule that would cause the application of the laws of any jurisdiction other than the State of Delaware.





Execution

Signed:

for and on behalf of **CrescoNet LLC** by:

Joe Browne

Authorised person C0C4EE6C979045C...

Joseph Browne
Name

12/18/2023

Date

for and on behalf of **Fenix USA LLC:**

Dan Hardin

Authorised person E5F8DE6511C44D1...

Dan Hardin
Name

12/19/2023

Date

for and on behalf of **Smart Earth Technologies LLC :**

Brett L'Esperance

Authorised person 67146C61A7A74DE...

Brett L'Esperance
Name

12/19/2023

Date

for and on behalf of **Smart Water Services LLC:**

Brett L'Esperance

Authorised person 67146C61A7A74DE...

Brett L'Esperance
Name

12/19/2023

Date





Attachment A

(attached)





Classification	Econs PN	Description	Manufacturer	Model #	Stores	WIP	FGI
Manufacturing Supplies	ACHM-10-003	Techform TC-533 Peelable Solder	Concorde Electronics	TC533	18	0.25	0
Manufacturing Supplies	ACHM-10-010	HumSeal 1A33 Polyurethane Confor.	Elsworth Adhesive	1A33 20LT	2	0.994	0
Manufacturing Supplies	ACHM-10-011	HumSeal 521 Thinner Clear 20 L Pal	Elsworth Adhesive	521 THINNER 20LT PL	2	0.58	0
Manufacturing Supplies	ACHM-10-013	Urethane AC 50ml 3003953	PARKER	7550AC LP50	24	0	0
Manufacturing Supplies	ACHM-10-015	6 inch Mixer White		EAS-3-215A	49	0	0
Manufacturing Supplies	ACHM-10-019	3M ADH 730 CLEAR 305ML HYBRID SEALA	3M	730 CLR HYBRID 305ML	10980	0	0
Manufacturing Supplies	ACHM-10-030	Polyamide Black Hot Melt, 20 KG Bag		ELEMELT PA512-20B	0.96	0.489	0
Manufacturing Supplies	ACHM-10-037	WonderMASK P Peelable Solder Mask	Techspray	2211-G	1	0	0
Manufacturing Supplies	ACHM-10-141	Urethane Hardener	Epic Resins	RM2017A-1PLS	385	121.846	0
Manufacturing Supplies	ACHM-10-142	Urethane Resin	Epic Resins	RM2017B-1PLS	671	225.677	0
Manufacturing Supplies	ACHM-10-143	MMOBIEL T-7000 Multipurpose High Pe	MMOBIEL	T-7000	0	0	0
Manufacturing Supplies	ACHM-10-144	RR-77 Full Size 77 lb. Clear Hot Gl	Surebinder	RR-77	2	0	0
Manufacturing Supplies	ACHM-10-145	Henkel Loctite SI 5900, RTV silicon	Loctite	212184	70	0	0
Manufacturing Supplies	ACHM-10-146	420 Super Bonder 1LB BTL	Loctite	235914	3178	0	0
Manufacturing Supplies	ACHM-10-147	410 Prism 1LB BTL	Loctite	135445 (1 LB)	3178	0	0
Manufacturing Supplies	ACHM-10-150	Resin A	Epic Resins	S7532-01A	2000	19.944	0
Manufacturing Supplies	ACHM-10-151	Resin B	Epic Resins	S7532-01B	791	0.012	0
BOM	ACP-MSL-003	CAP CER 12PF 50V COGNP0 0402	MURATA	GRM1555C1H120JA01D	27260	0	0
BOM	ACP-MSL-007	CAP CER 22PF 50V COGNP0 0402	MURATA	GRM1555C1H220JA01D	1421	2700	0
BOM	ACP-MSL-082	CAP CER 0.22UF 10V X7R 0402	TDK Corporation	CGA2B1X7R1A224K050B	28327	4002	0
BOM	ADI-MSL-018	LED GREEN/RED DIFFUSED T-1 TH	Kingbright	WP115VEGW	40	0	0
Manufacturing Supplies	AIDM-TPA-030	MIXER, 500*10X30 ELE(M-LUER)	Exact Dispensing Systems	161-230UL	135	0	0
Manufacturing Supplies	APK-MSL-006	Double wall (48 elt), 25 1/4 x 13 1	Piedmont National	NS1118652515	1287	0	0
Manufacturing Supplies	APK-MSL-008	Set of two, Single wall (32 elt), 1	Piedmont National	NS1118652630	3400	0	0
Manufacturing Supplies	APK-MSL-007	Single wall (32 elt), 25 1/4 x 3/8	Piedmont National	NS1118650015	1650	0	0
BOM	BT-MSL-005-1-LF	Hybrid Layer Capacitor	Tadran	HLC-1020ATP	0	120	0
BOM	BT-MSL-006-1-LF	TACIRAN 3.6V D W/TA85	Tadran	TL4950T	0	114	0
BOM	CA-1285-0329-2-35	Female Nicor Connector (3 foot) len	Econs Labs Manufacturing	CA-1285-0329-2-35	124	0	0
BOM	CN-MSL-033-LF	CONN HEADER VERT 2POS 2.5MM	Molex	22-05-5025	100	3208	0
BOM	CN-MSL-048-LF	OCT Microsom Socket	GC-T	SM7050-6-0-0-A	0	3000	0
BOM	CN-MSL-049-LF	CONN HEADER R/A 2POS 2.5MM	Molex	0220257025	9000	0	0
BOM	CN-MSL-050-LF	WR-PHD PIN HEADER 1.27 MM SMT	Würth Elektronik	62101021021	3774	0	0
BOM	CN-MSL-055-LF	CONN HEADER VERT 2POS 2.54MM	Samtec Inc.	TSW-102-07-G-S	10160	0	0
BOM	CN-MSL-066-LF	CONN HEADER SMD 10POS 1.27MM	Samtec Inc.	FTSH-105-01-F-DV-P-TR	8	0	0
BOM	CN-MSL-067-LF	CONN RCPT 20POS SMD GOLD	Hirose Electric Co Ltd	DF12NC(3.0)-20DS-0.5V(S)	62	0	0
BOM	CN-MSL-068-LF	CONN HDR 20POS SMD GOLD	Hirose Electric Co Ltd	DF12NC(3.0)-20DP-0.5V(S)	1099	0	0
BOM	CN-MSL-075-LF	CONN TIP JACK SOLDER RED	Cinch Connectivity Soluti	105-0752-001	0	0	0
BOM	CN-MSL-076-LF	CONN TIP JACK SOLDER BLACK	Cinch Connectivity Soluti	105-0753-001	0	0	0
BOM	CN-MSL-077-LF	CONN HEADER VERT 3POS 2.54MM	Hawain Inc.	M20-9990345	0	0	0
BOM	CN-MSL-078-LF	CONN UMC JACK 5TR 60 OHM SMD	Amphenol RF	A-1UB	72	0	0
BOM	CN-MSL-079-LF	CONN HEADER SMD 2POS 1MM	Molex	5013310207	420	80	0
BOM	CN-MSL-080-LF	CONN HEADER SMD 3POS 1MM	Molex	5013310307	320	30	0
BOM	CN-MSL-083-LF	CAP CER 4.7UF 16V X5R 0603	Murata Electronics	GRM188R61C475KAAJD	54022	50	0
BOM	CN-MSL-085-LF	CAP CER 100UF 6.3V X5R 1206	KEMET	C1206C100K4RACAT2A	74556	3170	0
BOM	CP-MSL-047-LF	CAP CHIP X7R 100NF 10V 10% 0402	MURATA	GRM155R70J1A104KA01D	77264	5	0
BOM	CP-MSL-048-LF	CAP 1UF 4-10% X7R 6.3V 0402	MURATA	GRM155R70J105KA12D	3738	874	0
BOM	CP-MSL-056-LF	CAP TANT 100UF 10% 10V 2312	Vishay Sprague	293D107X9010C2TE3	1164	3000	0
BOM	CP-MSL-058-LF	Multilayer Ceramic Capacitors MLCC	Murata Electronics	GRM188R6J1D64E4TJ	29990	6211	0
BOM	CP-MSL-060-LF	CAP CER 18PF 50V COGNP0 0603	Murata Electronics	GRM188C1H180JA01D	111976	12000	0
BOM	CP-MSL-062-LF	CAP CER 33PF 16V X7R 0603	AVX	0603YC330JAT2A	28772	6000	0
BOM	CP-MSL-063-LF	CAP CER 100PF 10V X7R 0603	Vishay Vitramon	VJ603Y101MXGCW18C	43028	18624	0
BOM	CP-MSL-067-LF	CAP CER 100PF 45V 50V COGNP0 0402	YAGEO	CC0402JRNPO68N101	3074	4002	0
BOM	CP-MSL-081-LF	CAP CER 47PF 50V NPO 0603	YAGEO	CC0603JRNPO98N470	3424	3107	0
BOM	CP-MSL-082-LF	CAP CER 0.1UF 10V X7R 0603	KEMET	CC0603C104K8RACTU	309640	43120	0
BOM	CP-MSL-083-LF	CAP CER 2.2UF 10V X5R 0603	CAL-CHIP ELECTRONICS, INC	GMCC10X5R225K10NT	111336	9000	0
BOM	CP-MSL-084-LF	Multilayer Ceramic Capacitors MLCG	Murata Electronics	GRM188R71A224MAA01D	38478	6106	0
BOM	CP-MSL-085-LF	CAP CER 22PF 50V COGNP0 0402	AVX Corporation	04025A220KAT2A	698	356	0
BOM	CP-MSL-097-LF	CAP CER 220PF 50V COGNP0 0402	Murata Electronics	GRM1555C1H221JA01D	23669	0	0
BOM	CP-MSL-098-LF	CAP CER 2.2UF 10V X5R 0603	YAGEO	CC0603RX5R68B225	20486	0	0
BOM	CP-MSL-099-LF	CAP CER 0.22UF 10V X7R 0603	YAGEO	CC0603RX7R68B224	13698	0	0
BOM	CP-MSL-100-LF	CAP CER 100PF 50V X7R 0603	YAGEO	CC0603RX7R50B101	38968	0	0
BOM	CP-MSL-101-LF	CAP CER 0.1UF 16V X7R 0603	Kemet	C0603C104K8RACTU	83453	0	0
BOM	CP-MSL-102-LF	CAP CER 1PF 50V COGNP0 0402	Murata Electronics	GRM1555C1H1R0C201D	20148	0	0
BOM	CP-MSL-103-LF	CAP CER 18PF 50V COGNP0 0402	Murata Electronics	GRM1555C1H180J201D	27407	0	0
BOM	CP-MSL-104-LF	CAP CER 100PF 50V COGNP0 0402	Murata Electronics	GRM1555C1H101J201D	40678	0	0
BOM	CP-MSL-105-LF	CAP CER 0.1UF 10V X7R 0603	KYOCERA AVX	06032C105KAT2A	13712	0	0
BOM	CP-MSL-106-LF	CAP CER 0.015UF 25V X7R 0603	KYOCERA AVX	06032C153KAT4A	20002	106	0
BOM	CP-MSL-107-LF	CAP CER 2.2UF 10V X5R 0603	CAL-CHIP ELECTRONICS, INC	GMCC10X5R225K10NT	35471	210	0
BOM	CP-MSL-108-LF	CAP CER 10UF 16V X5R 0605	Murata Electronics	GRM218R61C104HE15L	17089	100	0
BOM	CP-MSL-113-LF	CAP CER 1000PF 16V X7R 0402	KEMET	C0402C100K4RACAT2A	5639	0	0
BOM	CP-MSL-114-LF	CAP CER 100PF 16V X7R 0402	KYOCERA AVX	0402YC101KAT2A	167	157	0
BOM	CP-MSL-117-LF	CAP CER 2200PF 50V X7R 0402	Murata Electronics	GC1M55R71H222KA37D	1533	0	0
BOM	CP-MSL-124-LF	CAP CER 0.1UF 25V X5R 0402	Samsung	CL05A104KASNNNC	332	359	0
BOM	CP-MSL-126-LF	CAP CER 22UF 25V X5R 1206	Samsung	CL31A226KANNNNE	22	0	0
BOM	CP-MSL-140-LF	CAP CER 4.7UF 6.3V X5R 0201	Murata Electronics	GRM033R6J0475ME18D	807	293	0
BOM	CP-MSL-141-LF	CAP CER 0.1UF 6.3V X5R 0201	Murata Electronics	GRM033R6J044E19D	2241	1109	0
BOM	CP-MSL-142-LF	CAP CER 100UF 4V X6S 0805	Murata Electronics	GRM218C0G107ME15L	79	121	0
BOM	CP-MSL-143-LF	CAP CER 22PF 50V COGNP0 0201	Murata Electronics	GRM0335C1H220JA01D	517	183	0
BOM	CP-MSL-144-LF	CAP CER 2200PF 16V X7R 0201	Murata Electronics	GRM033R71C222VA88D	525	125	0
BOM	CP-MSL-145-LF	CAP CER 100PF 50V COGNP0 0201	Murata Electronics	GRM0335C1H101JA01D	513	137	0
BOM	CP-MSL-146-LF	CAP CER 2.2UF 6.3V X5R 0201	KYOCERA AVX	KGM03CR50J225MH	227	73	0
BOM	CP-MSL-147-LF	CAP CER 0.22UF 6.3V X6S 0201	Murata Electronics	GRM033C80J224HE90D	64	86	0
BOM	CP-MSL-148-LF	CAP CER 18PF 50V COGNP0 0201	Murata Electronics	GRM0335C1H150JA01D	60	40	0
BOM	CP-MSL-149-LF	CAP CER 3.3PF 50V COGNP0 0603	KEMET	CBR06C3395GAC	467	33	0
BOM	CP-MSL-150-LF	CAP CER 100UF 6.3V X5R 0805	Murata Electronics	GRM218R6J107ME15L	470	30	0
BOM	CP-MSL-151-LF	CAP CER 0.33UF 6.3V X5R 0201	Murata Electronics	GRM033R6J0334ME90D	472	28	0
BOM	DI-MSL-018-LF	DIODE ARRAY SCHOTTKY 30V SOT23-3	STMicroelectronics	BAR43CFILM	8453	211	0
BOM	DI-MSL-019-LF	Schrodyo, 30V, 0.2A	DComponents	BAT54WS	13132	107	0
BOM	DI-MSL-020-LF	Zener Diode 5.1V 500 mW 45% Surface	onsemi	MMSZ5V1ET1G	14920	0	0
BOM	DI-MSL-024-LF	DIODE GEN PURP 100V 150MA SOD123	MCC	1N4148W-TP	415	141	0
FGI	EP231-LTE-BW10	Cellular End Point, Bare Wire Cable	SET	EP231-LTE-FNIC-BW10	9	0	3
FGI	EP231-LTE-BW2	Cellular End Point, Bare Wire Cable	SET	EP231-LTE-BW3	0	0	1
FGI	EP231-LTE-FNIC	Cellular End Point, Female Nicor Ca	SET	EP231-LTE-FNIC	0	0	0
FGI	EP231-LTE-FNIC-1.5	Cellular End Point, Female Nicor Ca	SET	EP231-LTE-FNIC-1.5	1	0	7
FGI	EP231-LTE-FNIC-10	Cellular End Point, Female Nicor Ca	Econs Labs Manufacturing	EP231-LTE-FNIC-10	0	0	0
FGI	EP231-LTE-FNIC-3	Cellular End Point, Female Nicor Ca	SET	EP231-LTE-FNIC-3	226	0	1893
FGI	EP231-LTE-FNIC-3-MC	Cellular End Point with US Cellular	SET	EP231-LTE-FNIC-3-MC	0	0	-3854
FGI	EP231-LTE-FNIC-3K	Cellular End Point, Extended FNIC	SET	EP231-LTE-FNIC-3K	3	0	0
FGI	EP231-LTE-FNIC-6	Cellular End Point, Female Nicor Ca	SET	EP231-LTE-FNIC-6	0	0	0
FGI	EP231-LTE-MTR	Cellular End Point, Male Iron Cabl	SET	EP231-LTE-MTR	0	0	0
BOM	FT-MSL-005-LF	Fixed Inductors 0402 12mH 0.14uhenry	Murata Electronics	LQW15AN12N0GZD	7094	3000	0
BOM	FT-MSL-006-LF	FIXED IND 3NH 1.5A 63 MOHM SMD	Murata Electronics	LQW15AN3N08BZD	25331	3000	0
BOM	FT-MSL-007-LF	FIXED IND 2.2UH 2.1A 144MOHM SMD	Murata Electronics	DPE201612P-2R2MHP2	0	3108	0
BOM	FT-MSL-008-LF	FERRITE BEAD 100 OHM 0603 1LN	Murata Electronics	BLM18E10117N1D	14320	3000	0
BOM	FT-MSL-043-LF	FIXED IND 4.7UH 1.2A 100MOHM SMD	Würth Elektronik	LG0403101	0	203	0
BOM	FT-MSL-045-LF	FIXED IND 1NH 1A 70 MOHM SMD	Murata Electronics	LQG19H51SN0502D	14196	0	0
BOM	FT-MSL-046-LF	FIXED IND 2NH 900MA 100 MOHM SMD	Murata Electronics	LQG19H52N0502D	10409	0	0
BOM	FT-MSL-047-LF	FIXED IND 3NH 800MA 125 MOHM SMD	Murata Electronics	LQG19H53N0502D	4140	0	0
BOM	FT-MSL-048-LF	FIXED IND 22UH 510MA 450MOHM SMD	Würth Elektronik	744031220	559	0	0
BOM	FT-MSL-052-LF	FERRITE BEAD 100 OHM 0603 1LN	Murata Electronics	BLM18E10117N1D	11709	50	0
BOM	FT-MSL-053-LF	FIXED IND 7.2NH 750MA 82MOHM SMD	Murata Electronics	LQW18AN7N5000D	7525	67	0
FGI	HYDRUS-3092441-MNIC	Hydus Meter 1x54" Male Nicor 1.5		HYDRUS-3092441-MNIC	0	0	0



FGI	HYDRUS-3092480-MNIC	Hydus Meter 34"x5" Male Nicor 1.5	HYDRUS-3092441-MNIC	0	0	0
BOM	HydusMeter3092441	Hydus Meter Type 171 PN 3092441 1"	HydusMeter3092441	0	0	0
BOM	HydusMeter3092480	Hydus Meter Type 171 PN 3092480 3/4"	HydusMeter3092480	212	0	0
BOM	IC-MSL-011-1-LF	IC BUFFER SCHMITT-TRIGGER 74LVC1G17G	NXP Semiconductors	74LVC1G17G,125	11240	3706
BOM	IC-MSL-023-1-LF	IC REG SWITCHED CAP 5V 30MA SOT23	Texas Instruments	REG101NA-53K	44417	4009
BOM	IC-MSL-042-LF	IC PWR SWITCH P-CH 1.1 SUPERSOT6	Fairchild	FDCE33L	2350	3000
BOM	IC-MSL-051-LF	ME910C-1NA SHU MODULE 30.00 118 opt	Teit	ME910C-1NA05T087100	4741	3000
BOM	IC-MSL-054-LF	SENSOR DIGITAL -55C-125C SOT23-5	Microchip Technology	TC77-3-3MCTTR	356	3107
BOM	IC-MSL-055-LF	IC GATE AND 2CH 2NIP DFN2010-8	Diodes Incorporated	74LVC2008HD4-7	62920	6211
BOM	IC-MSL-058-LF	IC EEPROM 8128BIT 8P 8TSSOP	Microchip Technology	AT25612-1H-T	7820	3155
BOM	IC-MSL-060-LF	IC BUF NON-INVERT 5.5V 8VSSOP	Nexperia USA Inc.	74AHV0512DC	0	3000
BOM	IC-MSL-075-LF	MEMS OSC XO 32.7680KHZ LVCMOS	Sitime	SIT1193AC-H5-D13-32.768	100	51
BOM	IC-MSL-078-LF	ULTRA LOW IQ 32KHZ CONVERTER 3.4V	Texas Instruments	TPS62840LCR	8601	0
BOM	IC-MSL-079-LF	ME310G1-W1 MODULE AT&T/ZW 37 00.11	Teit	ME310G1W103T040100	27186	105
BOM	IC-MSL-080-LF	IC OPAMP GP 1 CIRCUIT SC70-5	Microchip Technology	MCP6001ALT	1739	109
BOM	IC-MSL-082-LF	INEXPERIA 74AUP1G157G0W - MULTIPLE	NXP	74AUP1G157G0W	12058	0
BOM	IC-MSL-083-LF	IC RF TXRX+MCU BLE 5.0 40VQFN	Texas Instruments	CC2540F256RHAT	0	0
BOM	IC-MSL-084-LF	EEPROM Memory IC 4Kb (512 x 8) SPI	Microchip Technology	24AA040AT-IJOT	0	0
BOM	IC-MSL-085-LF	IC OPAMP GP 2 CIRCUIT 8MSOP	Microchip Technology	MCP602TJMS	1971	0
BOM	IC-MSL-086-LF	IC INVERTER 1CH 1NIP DFN0808-4	Diodes Incorporated	74LVC1G14	9507	0
BOM	IC-MSL-088-LF	IC BUF NON-INVERT 5.5V SOT353	Diodes Incorporated	74LVC1G17	10004	0
BOM	IC-MSL-089-LF	IC DEMULTIPLEXER 1 X 1 2.6TSSOP	Nexperia USA Inc.	74AUP1G180W	41	0
BOM	IC-MSL-091-LF	IC ENERGY HARV CTRLR BATT 16QFN	Texas Instruments	BQ25504RGTR	9652	0
BOM	IC-MSL-095-LF	IC SUPERVISOR 1 CHANNEL SC824B	ADIC Inc	S-1000V34N41TU	9050	0
BOM	IC-MSL-097-LF	IC REG BOOST ADJ 350MA BDFN	Microchip Technology	MCP1640CT-IMC	184	0
BOM	IC-MSL-098-LF	TC1047A Series 5.5 V Precision Temp	Microchip	TC1047	25331	50
BOM	IC-MSL-099-LF	IC 3D MAGN SENSOR TSO6F-6	Infineon Technologies	TLV493DB1BH7SA1	632	50
BOM	IC-MSL-104-LF	IC REG LINEAR 4V 150MA SOT23-5	ADIC Inc	S-138-104B-M5T1U3	54	52
BOM	IC-MSL-107-LF	IC REG LINEAR 3.3V 150MA SOT23	Diodes Incorporated	AP7354-33W-7	4784	0
BOM	IC-MSL-108-LF	IC IDEAL DIODE	Analog Devices Inc./Maxim	MAX40203AUK+T	17699	101
BOM	IC-MSL-109-LF	IC REG LINEAR 4V 250MA SOT23-3	Microchip Technology	MCP1700T-4002E/TT	72	0
BOM	IC-MSL-116-LF	IC CURR SENSE 1 CIRCUIT SC70-6	Texas Instruments	INA213AQDKT	8	0
BOM	IC-MSL-117-LF	IC OPAMP GP 1 CIRCUIT SC70-5	Texas Instruments	TLV5101IDCKR	9	0
BOM	IC-MSL-118-LF	IC COMPARATOR 1 GEN PUR SOT25	Diodes Incorporated	AP311AWG-7	40	0
BOM	IC-MSL-119-LF	IC VREF SHUNT 0.5% SOT23-3	Texas Instruments	LM4040CIM3X-5.0NOPB	9	0
BOM	IC-MSL-120-LF	IC FLASH 10BIT SPI 104MHZ 8WSO8	Winbond Electronics	W25N10V2E1G TR	280	0
BOM	IC-MSL-121-LF	IC REG CHARGE PUMP 4V 140MA 8SON	Texas Instruments	TPS61000RVR	193	57
BOM	IC-MSL-122-LF	12-V, 1.76-A BRUSHED DC MOTOR DR	Texas Instruments	DRV8100RLR	57	43
BOM	IC-MSL-123-LF	IC CURR SENSE 1 CIRCUIT 8DSO8A	Texas Instruments	INA234AYBJR	56	44
BOM	IC-MSL-124-LF	IC SW SPST-NOV4 100MH 140HVQFN	Nexperia USA Inc.	74LVC4066BQ,115	329	71
BOM	IC-MSL-126-LF	IC REG LINEAR 3.3V 150MA SOT23-5	Texas Instruments	TPS71092QBRV	149	51
BOM	IC-MSL-127-LF	IC REG LINEAR 3.3V 300MA SMV	Toshiba Semiconductor and	TCR3UF36ALM/CT	146	54
Manufacturing Supplies	LB-MSL-002-1-LF	Desktop Weatherproof Thermal Trans	UUNIE	S-22430	9100	0
Manufacturing Supplies	LB-MSL-005-1-LF	Industrial Weatherproof Thermal Tra	UUNIE	S-18446	16000	0
BOM	LL-MSL-004-LF	LCD for Gas module X3502	Orient Display	2020B1	923	50
BOM	MC-MSL-063-LF	Philips Rounded Head Thread-Formin	MoMaster-Carr	98461A005	0	4862
BOM	MC-MSL-072-LF	RF ANT 700MHZ/750MHZ FLAT BAR	Emtronics/AVX	P822601	154	0
BOM	MC-MSL-095-LF	X330W Housing	Jan-Ye Steel Mold	X330W Housing	729	2939
BOM	MC-MSL-096-LF	X330W Housing nut	Jan-Ye Steel Mold	X330W Housing nut	951	2617
BOM	MC-MSL-097-LF	Nut to Bottom cover	Jan-Ye Steel Mold	Nut to Bottom cover	654	2894
BOM	MC-MSL-098-LF	PCBA Support	Jan-Ye Steel Mold	PCBA Support	671	2907
BOM	MC-MSL-099-LF	RF ANT 850MHZ/900MHZ CHIP SLD	PulseLarsen Antennas	W3544B	27480	65
BOM	MC-MSL-101-LF	Epoxy mono solar panel 60x60mm 2v	SHANGHAI SDO ENERGY TECHN	60x60mm 2v	0	2657
BOM	MC-MSL-102-LF	Epoxy mono solar panel 60x60mm 5.5v	SHANGHAI SDO ENERGY TECHN	60x60mm 5.5v	500	0
BOM	MC-MSL-103-LF	Epoxy mono solar panel 60x60mm 5v	SHANGHAI SDO ENERGY TECHN	60x60mm 5v	20	0
BOM	MC-MSL-104-LF	BRD SPT SNAP LOCK NYLON 3MM	Keystone Electronics	8843	12698	0
BOM	MC-MSL-107-LF	CB1 CLIP C TYPE SILVER GOLDER	Hawen Inc.	B1111 40R	166	16
BOM	PC-MSL-017-1-LF	X230 Main Rev G	Orient Display	X230-Main-RevG	336	0
BOM	PC-MSL-018-1-LF	X230_ME910	Orient Display	X230_ME910_REV1_4	1220	0
BOM	PC-MSL-019-1-LF	X170-RF-07	Orient Display	X170_V010	552	0
BOM	PC-MSL-021-1-LF	X330 Gas meter pcb	JLPCB.com	X330G	492	50
BOM	PC-MSL-024-1-LF	PCB X231 ME910 PIT	Advanced Circuits	X231_ME910_REV1_10	72	3000
BOM	PC-MSL-025-1-LF	X230 Main Board	JLPCB.COM	X232-Main-Rev1J	200	296
BOM	PC-MSL-026-1-LF	X330W BLE	JLPCB	X330W-BLE	933	0
BOM	PC-MSL-027-1-LF	X330W LTE	JLPCB	X330W-LTE	824	0
BOM	PC-MSL-030-1-LF	X330W JCT module	JLPCB	X330W JCT module	1644	2809
BOM	PC-MSL-035-1-LF	X330W Charge up Station 1-2	JLPCB.com	X330W Charge up Station	0	0
BOM	PC-MSL-039-1-LF	X330W STMicro Main Board	JLPCB.com	X330W Main Board	135	15
BOM	PC-MSL-040-1-LF	X330W STMicro Solar Antenna	JLPCB.com	X330W Solar Antenna	135	15
BOM	PC-MSL-041-1-LF	X330W STMicro Power Pack	JLPCB.com	X330W Power Pack	190	50
BOM	RS-MSL-008-1-LF	RES SMD 1K OHM 1% 1/10W 0402	Yageo	RC0402FR-071KRL	1554	0
BOM	RS-MSL-017-LF	RES CHIP 100OHM 1% 1/16W 100PF 0402	Yageo	RC0402FR-07100RL	134	14515
BOM	RS-MSL-065-LF	RES SMD 0 OHM JUMPER 1/16W 0402	YAGEO	RC0402FR-070RL	36086	3000
BOM	RS-MSL-066-LF	RES SMD 267K OHM 1% 1/10W 0603	YAGEO	RC0603FR-07267KL	21174	0
BOM	RS-MSL-067-LF	RES SMD 1M OHM 1% 1/10W 0603	YAGEO	RC0603FR-071ML	106347	210
BOM	RS-MSL-068-LF	RES SMD 2.2K OHM 1% 1/10W 0603	YAGEO	RC0603FR-072KL	32354	3000
BOM	RS-MSL-069-LF	RES SMD 10 OHM 1% 1/10W 0603	YAGEO	RC0603FR-0710RL	34117	9210
BOM	RS-MSL-070-LF	RES SMD 470 OHM 1% 1/10W 0603	YAGEO	RC0603FR-0740RL	22236	3108
BOM	RS-MSL-071-LF	RES SMD 0 OHM JUMPER 1/10W 0603	YAGEO	RC0603FR-070RL	10500	6000
BOM	RS-MSL-072-LF	RES SMD 100 OHM 1% 1/10W 0603	YAGEO	RC0603FR-07100RL	748021	3670
BOM	RS-MSL-073-LF	RES SMD 470K OHM 1% 1/10W 0603	YAGEO	RC0603FR-0740KL	23018	3106
BOM	RS-MSL-074-LF	RES SMD 10K OHM 1% 1/10W 0603	YAGEO	RC0603FR-0710KL	235183	37563
BOM	RS-MSL-075-LF	RES SMD 100K OHM 1% 1/10W 0603	YAGEO	RC0603FR-07100KL	219116	49400
BOM	RS-MSL-076-LF	RES SMD 22K OHM 1% 1/10W 0603	YAGEO	RC0603FR-0722KL	10742	15419
BOM	RS-MSL-082-LF	RES 100 OHM 1% 1/10W 0402	Stackpole Electronics Inc	RMCF0402FT100R	16023	0
BOM	RS-MSL-092-LF	RES 2.7K OHM 1% 1/10W 0603	YAGEO	RC0603FR-072K7L	13705	0
BOM	RS-MSL-093-LF	RES 56K OHM 1% 1/16W 0402	YAGEO	RC0402FR-0756KL	23682	2
BOM	RS-MSL-094-LF	RES SMD 4.7K OHM 1% 1/10W 0603	YAGEO	RC0603FR-074K7P	27804	0
BOM	RS-MSL-095-LF	RES 47K OHM 1% 1/10W 0603	YAGEO	RC0603FR-0747KL	23698	107
BOM	RS-MSL-098-LF	RES 200 OHM 1% 1/10W 0603	YAGEO	RC0603FR-07200RL	13708	107
BOM	RS-MSL-099-LF	RES 130 OHM 1% 1/10W 0603	YAGEO	RC0603FR-07130RL	13709	108
BOM	RS-MSL-100-LF	RES 9.1K OHM 1% 1/10W 0603	YAGEO	RC0603FR-079K1L	28704	108
BOM	RS-MSL-101-LF	RES 8.2K OHM 1% 1/10W 0603	YAGEO	RC0603FR-078K2L	28712	107
BOM	RS-MSL-110-LF	RES 976K OHM 1% 1/16W 0402	Stackpole Electronics Inc	RMCF0402FT976K	9883	0
BOM	RS-MSL-111-LF	RES 3.4M OHM 1% 1/10W 0603	YAGEO	RC0603FR-073M4L	24590	0
BOM	RS-MSL-114-LF	RES 4.75M OHM 1% 1/10W 0603	YAGEO	RC0603FR-074M75L	6995	0
BOM	RS-MSL-119-LF	Res Thick Film 0603 5.9K Ohm 1% 1/1	Stackpole	RMCF0603FT59K	60082	0
BOM	RS-MSL-120-LF	Res Thick Film 0603 820K Ohm 1% 1/1	Stackpole	RMCF0603FT820K	10365	0
BOM	RS-MSL-121-LF	Res Thick Film 0603 5.49M Ohm 1% 1/1	Stackpole	RMCF0603FT549M	25255	0
BOM	RS-MSL-124-LF	RES SMD 2.2K OHM 5% 1/10W 0402	Panasonic Electronic Comp	ERJ-2GEJ22X	731	212
BOM	RS-MSL-125-LF	RES SMD 470K OHM 1% 1/10W 0402	Panasonic Electronic Comp	ERJ-29KF4703X	219	0
BOM	RS-MSL-127-LF	RES 1K OHM 1% 1/16W 0402	Stackpole Electronics Inc	RMCF0402FT1K00	875	55
BOM	RS-MSL-128-LF	RES 1M OHM 1% 1/16W 0402	Stackpole Electronics Inc	RMCF0402FT1M00	16482	150
BOM	RS-MSL-129-LF	RES 4.99K OHM 1% 1/16W 0402	Stackpole Electronics Inc	RMCF0402FT499	45402	0
BOM	RS-MSL-130-LF	RES 27K OHM 1% 1/16W 0402	Stackpole Electronics Inc	RMCF0402FT27K0	35335	0
BOM	RS-MSL-131-LF	RES 18K OHM 1% 1/16W 0402	Stackpole Electronics Inc	RMCF0402FT18K0	25299	5
BOM	RS-MSL-133-LF	RES 8.10 OHM 1% 1/16W 0402	Stackpole Electronics Inc	RMCF0402FT810R	6695	6
BOM	RS-MSL-137-LF	RES 2.2K OHM 1% 1/16W 0402	YAGEO	RC0402FR-072K2L	1173	50
BOM	RS-MSL-138-LF	RES 0 OHM JUMPER 1/8W 0805	YAGEO	RC0805JR-070RL	4058	138
BOM	RS-MSL-139-LF	RES SMD 3.2K OHM 0.5% 1/16W 0402	YAGEO	RT0402CRE073K2L	41	0
BOM	RS-MSL-146-LF	CPF 0402 4R0 0.1% 250PM 1K RL	TE Connectivity Passive P	CPFA0402S4R0E1	0	0
BOM	RS-MSL-147-LF	RES SMD 3.74K OHM 0.1% 1/16W 0402	YAGEO	RT0402CRE073K74L	33	0
BOM	RS-MSL-148-LF	RES 1.05K OHM 0.1% 1/10W 0402	TE Connectivity Passive P	RP739F1E1K05RBD	33	0



BOM	RS-MSL-149-LF	RES SMD 150K OHM 0.1% 1/16W 0402	TE Connectivity Passive P	CPF0402B150KE1	0	0	0
BOM	RS-MSL-150-LF	RES SMD 68 OHM 1% 1/10W 0402	Panasonic Electronic Comp	ERJ-3RKF680X	33	0	0
BOM	RS-MSL-151-LF	RES 10K OHM 1% 1/20W 0201	YAGEO	RC0201FR-0710KL	2235	765	0
BOM	RS-MSL-152-LF	RES 100K OHM 1% 1/20W 0201	YAGEO	RC0201FR-07100KL	5042	1308	0
BOM	RS-MSL-153-LF	RES 0 OHM JUMPER 1/20W 0201	YAGEO	RC0201JR-070RL	1242	408	0
BOM	RS-MSL-154-LF	RES 27K OHM 1% 1/20W 0201	YAGEO	RC0201FR-0727KL	528	72	0
BOM	RS-MSL-155-LF	RES 4.99K OHM 1% 1/20W 0201	YAGEO	RC0201FR-074K99L	625	75	0
BOM	RS-MSL-156-LF	RES 10 OHM 5% 1/20W 0201	YAGEO	RC0201JR-0710RL	521	119	0
BOM	RS-MSL-157-LF	RES 15K OHM 1% 1/20W 0201	YAGEO	RC0201FR-0715KL	529	71	0
BOM	RS-MSL-158-LF	RES 1K OHM 1% 1/20W 0201	YAGEO	RC0201FR-071KL	732	268	0
BOM	RS-MSL-159-LF	RES 100 OHM 1% 1/20W 0201	YAGEO	RC0201FR-07100RL	546	154	0
BOM	RS-MSL-160-LF	RES 2.2K OHM 1% 1/20W 0201	YAGEO	RC0201FR-072K2L	1022	238	0
BOM	RS-MSL-161-LF	RES 0.075 OHM 0.5% 1/2W 1206	Ohmite	LVK12R075DER	60	40	0
BOM	RS-MSL-162-LF	RES 0 OHM JUMPER 1/10W 0603	Starplece Electronics Inc	RMCF06032T0R00	489	17	0
BOM	RS-MSL-163-LF	RES 33 OHM 1% 1/16W 0402	YAGEO	RC0402FR-0733RL	445	55	0
BOM	RS-MSL-164-LF	RES SMD 100K OHM 0.1% 1/20W 0201	YAGEO	RE0201BR02100KL	463	37	0
FGI	SET PROGRAMMER	Smart Earth Programming adaptor	Econis Labs Manufacturing	SET Programmer	0	0	0
BOM	SW-MSL-005-LF	SWITCH REED SPST-NO 500MA 140V	Coto Technology	CT10-1540-G1	0	3100	0
BOM	SW-MSL-009-LF	SWITCH REED SPST-NO 250MA 140V	Comus International	R6853MOM-101G-5-11	177	0	0
BOM	SW-MSL-012-LF	Board Mount Hall Effect / Magnetic	Coto Technology	RR122-1B12-511	12583	50	0
BOM	SW-MSL-013-LF	MAGNETIC SWITCH BIPOLAR SOT23-3	Littelfuse Inc.	LF11115TMR	82	103	0
BOM	SW-MSL-014-LF	MAGNETIC SWITCH OMNIPOLAR 4LGA	Coto Technology	RR122-1B12-512	326	56	0
BOM	TR-MSL-004-LF	Transistor Dual NPNPNP SOT-363	On Semi	BCE478PW1	24156	6200	0
BOM	TR-MSL-005-LF	Small Signal Bipolar Transistor, 0	ON Semiconductor	BCE478W1T1G	15912	9211	0
BOM	TR-MSL-010-LF	IC TRNLSLT BIDIREDICTIONAL 8SOIC	ON Semiconductor	NLSX4373DR2G	0	3000	0
BOM	TR-MSL-014-LF	Trans GP BJT NPN 40V 0.2A 250mW Aut	Nepernia	MMBT3904.215	29148	108	0
BOM	TR-MSL-015-LF	Monolithic Power Systems (MPS) Ultr	Monolithic Power Systems	MP2603IO-G-2	0	3105	0
BOM	TR-MSL-016-LF	SENSOR HALL EFFECT ANALOG SOT23	Honeywell Sensing and Prio	S335E	317	0	0
BOM	TR-MSL-017-LF	TRANS NPN 40V 200MA SOT23-3	Infineon Technologies	MMBT3904LT1	24242	0	0
BOM	TR-MSL-018-LF	TRANS PNP 40V 0.2A SOT23-3	Diodes Incorporated	MMBT3906-7-F	32550	0	0
BOM	TR-MSL-020-LF	MOSFET N-CH 20V 1.7A MICRO8	Infineon Technologies	IRF7507TRPBF	1943	104	0
BOM	TR-MSL-024-LF	TRANS PNP 40V 200MA TO220AB	Infineon	MMBT3906LTOG	13146	106	0
BOM	TR-MSL-025-LF	MOSFET N-CHANNEL 20V 4A SOT23-3	Diodes Incorporated	DMN20560-7	71621	498	0
BOM	TR-MSL-026-LF	TRANS PNP 40V 2A SOT23-3	onsemi	NSS40200LT1G	13460	0	0
BOM	TR-MSL-027-LF	TRANS NPN 40V 2A SOT23-3	onsemi	NSS40201LT1G	13460	0	0
BOM	TR-MSL-029-LF	MOSFET P-CH 20V 3.8A SOT23	Diodes Incorporated	DMP2120U-7	26441	200	0
BOM	TR-MSL-030-LF	MOSFET P-CH 50V 160MA SOT23	Diodes Incorporated	DMPS105U-7	40	0	0
BOM	TR-MSL-031-LF	TRANS NPN 40V 0.2A SOT23-3	onsemi	SMMBT3904LT3G	40	0	0
BOM	TR-MSL-032-LF	TRANS NPNPNP 12V 0.5A 6EMT	Rohm Semiconductor	EMZ7T2R	215	85	0
BOM	TR-MSL-033-LF	RF TXRX MODULE BT CHIP SMD	STMicroelectronics	STM32V05MMGH6TR	194	56	0
BOM	TR-MSL-034-LF	MOSFET NPN-CH 20V SOT23	Diodes Incorporated	DMPS240U-7	239	61	0
BOM	TR-MSL-035-LF	MOSFET 2N-CH 20V 220MA SOT363	onsemi	NTUD3174NZT50	518	182	0
BOM	TR-MSL-036-LF	SENSOR HALL EFFECT I2C	Allegro MicroSystems	ALS3131KLEATR-JOY	77	123	0
BOM	TR-MSL-037-LF	TRANS PNP 150V 0.6A SOT23-3	Diodes Incorporated	MMBT5401-7-F	148	52	0
BOM	TR-MSL-038-LF	MOSFET N-CH 30V 0.22A SOT363	Diodes Incorporated	DMC3158UQJ-7	177	23	0
BOM	TR-MSL-039-LF	TRANS 2PN 45V 0.1A SOT363	Diodes Incorporated	BCMD87BV-7	164	16	0
BOM	TR-MSL-040-LF	SENSOR ANALOG -40C-85C 40DFN	STMicroelectronics	STLM200D9F	182	18	0
BOM	TR-MSL-041-LF	MONOCRYSTAL SOLAR CELL 26 3MW 5.53V	ANYSOLAR Ltd	KX0B25-02X8F-TR	185	15	0
BOM	WM-MSL-011-LF	NicoF Female Cable 3 ft	Geospace Technologies	CA-1285-0329-2-35	100	4273	0
BOM	WM-MSL-023-LF	FLEX CABLE -AFH10TAIE10AFH10T	TE Connectivity AMP Conne	ABAA1-1004E	7702	302	0
BOM	X-170 Itron Valve	Valves Itron	Econis	X-170	0	0	0
FGI	X-170 ITRON VALVE RM	X-170 Itron Valve Remanufactured	Econis	X-170 VALVE-BOM	0	462	0
Sub-assembly	X170 VALVE-BOM	X170 Valve-BOM Rev 16	Econis Labs Manufacturing	X170-V-75MF-ACLBW-3	0	0	300
FGI	X170-V-75MF-ACLBW-3	3/4" Male x Female X170 Acclara Val	Econis Labs Manufacturing	X170-V1-0FF-ACLBW-3	0	0	0
FGI	X170-V1-0FF-ACLBW-3	1" Female x Female X170 Acclara Val	Econis Labs Manufacturing	X171-V-75MF-FITR	0	0	0
FGI	X171-V-75MF-FITR	3/4" Male x Female X171 Itron Valv	Econis Labs Manufacturing	X171-V-75MF-FITR	0	0	0
FGI	X171 V68B34MF FITR	6/8" Male x 3/4" Female Long X171 I	Econis Labs Manufacturing	X171 V68B34MF FITR	0	0	0
Sub-assembly	X230 CELLULAR BOARD	Valve X230 - Cellular Board	Econis Labs Manufacturing	X230 CELLULAR BOARD	0	64	0
Sub-assembly	X230 MB-BOM	X230 Main Board SMT BOM	Econis Labs Manufacturing	X230 MB-BOM	0	0	0
Sub-assembly	X230 MB-BOM-Ver A.1	X230 Main Board BOM-BTLE Valve Cont	Econis	X230 MB-BOM-Ver A.1	0	0	0
Sub-assembly	X230 MB-BOM-Ver A3	X230 Main Board BOM-BTLE Valve Cont	Econis Labs Manufacturing	X230 MB-BOM-Ver A3	0	0	0
Sub-assembly	X230MB-BOM-Ver A3,C2	X230 Main Board BOM-BTLE Valve Cont	Econis Labs Manufacturing	X230MB-BOM-Ver A3,C2	0	64	0
Sub-assembly	X231-BOM-ME910-PIT	X231-BOM-ME910-PIT_No_Vib_NoGPS	Econis	X231-BOM-ME910-PIT	0	0	0
Sub-assembly	X231-ME910-CHINA	X231-ME910-CHINA pcbss-BOM Ver A2-B2	Econis Labs Manufacturing	X231-ME910-CHINA	0	0	0
Sub-assembly	X231-ME910-PCB-1_6	X231-BOM-ME910-PIT_No_Vib_NoGPS	Econis Labs Manufacturing	X231-ME910-PCB-1_6	0	0	0
Sub-assembly	X231-ME910-PCB-1_7	X231-BOM-ME910-PIT_No_Vib_NoGPS	Econis Labs Manufacturing	X231-ME910-PCB-1_7	0	0	0
Sub-assembly	X231-PCB1-9A1-B1-C2	X231-ME910-PIT_NoVib_NoGPS_A1-B1-C2	Econis Labs Manufacturing	X231-PCB1-9A1-B1-C2	0	0	0
Sub-assembly	X231-PCB1-9A1-B2-C1	X231-ME910-PIT_NoVib_NoGPS_A1-B2-C1	Econis Labs Manufacturing	X231-PCB1-9A1-B2-C1	0	0	0
Sub-assembly	X231-PCB1-9A1-B2-C2	X231-ME910-PIT_NoVib_NoGPS_A1-B2-C2	Econis Labs Manufacturing	X231-PCB1-9A1-B2-C2	0	0	0
Sub-assembly	X231-PCB1-9A1-B3-C2	X231-ME910-PIT_NoVib_NoGPS_A1-B3-C2	Econis Labs Manufacturing	X231-PCB1-9A1-B3-C2	0	0	0
Sub-assembly	X231-PCB1-9A3-B2-C2	X231-ME910-PIT_NoVib_NoGPS_A3-B2-C2	Econis Labs Manufacturing	X231-PCB1-9A3-B2-C2	0	728	0
FGI	X232-V-75MF-BW-10	3/4" Male x Female LTE X232 Cellula	Econis Labs Manufacturing	X232-V-75MF-BW-10	0	0	1
FGI	X232-V-75MF-BW-3	3/4" Male x Female LTE X232 Cellula	Econis Labs Manufacturing	X232-V-75MF-BW-3	0	0	0
FGI	X232-V-75MF-FNIC	3/4" Male x Female LTE X232 Valve w	Econis Labs Manufacturing	X232-V-75MF-FNIC	0	0	21
FGI	X232-V-75MF-FNIC-MC	3/4" Male x Female LTE X232 Valve w	Econis Labs Manufacturing	X232-V-75MF-FNIC-MC	0	0	0
FGI	X232-V-75MF-MITR	3/4" Male x Female LTE X232 Cellula	Econis Labs Manufacturing	X232-V-75MF-MITR	0	0	4
FGI	X232-V-75MF-NW	3/4" Male x Female LTE X232 Cellula	Econis Labs Manufacturing	X232-V-75MF-NW	0	0	44
FGI	X232-V1-0FF-FNIC	1" Female x Female LTE X232 Valve w	Econis Labs Manufacturing	X232-V1-0FF-FNIC	0	0	1
FGI	X232-V58X34MF-BW10	5/8" Male x 3/4" Female Long X232 I	Econis Labs Manufacturing	X232-V58X34MF-BW10	0	0	1
FGI	X232-V58X34MF-FNIC	5/8" Male x 3/4" Female Long X232 I	Econis Labs Manufacturing	X232-V58X34MF-FNIC	0	0	2
Sub-assembly	X330_G	ME310 Teit Comm Device LCD No GPS	Econis Labs Manufacturing	X330_G	0	0	0
Sub-assembly	X330G	X330G_V11_ENG BOM	Econis Labs Manufacturing	X330G	0	0	0
Sub-assembly	X330G_EP2_REV 1.3	X330G Engineering Prototype# 2 Rev	Econis Labs Manufacturing	X330G_EP2_REV 1.3	0	0	0
Sub-assembly	X330G_LTE_A1,B1	X330G LTE Ver A1,B1 ME910	Econis Labs Manufacturing	X330G_LTE_A1,B1	0	0	0
Sub-assembly	X330G_LTE_A2	X330G LTE Ver A2 ME310	Econis Labs Manufacturing	X330G_LTE_A2	0	0	0
Sub-assembly	X330G_LTE_A2,B1	X330G LTE Ver A2,B1 ME310	Econis Labs Manufacturing	X330G_LTE_A2,B1	0	0	0
Sub-assembly	X330G_PWR	X330G Power	Econis Labs Manufacturing	X330G Power	0	0	0
Sub-assembly	X330G_SENSOR	X330G Sensor	Econis Labs Manufacturing	X330G_SENSOR	0	0	0
Sub-assembly	X330W_BLE_REV 1.1	X330W BLE SMT BOM	Econis Labs Manufacturing	X330W_BLE_REV 1.1	0	0	0
Sub-assembly	X330W_BLE_REV 1.3	X330W BLE SMT BOM	Econis Labs Manufacturing	X330W_BLE_REV 1.3	0	0	0
Sub-assembly	X330W_BLE_REV 1.8	X330W BLE SMT Level BOM 1.8	Econis Labs Manufacturing	X330W_BLE_REV 1.8	0	0	0
Sub-assembly	X330W_BLE_REV 1.6	X330W BLE SMT Level BOM 1.6	Econis Labs Manufacturing	X330W_BLE_REV 1.6	0	228	0
Sub-assembly	X330W_BLE_REV 1.8	X330W BLE SMT Level BOM 1.8	Econis Labs Manufacturing	X330W_BLE_REV 1.8	0	0	0
Sub-assembly	X330W_LTE_A1_1.6	X330W LTE Version A1 Rev 1.6	Econis Labs Manufacturing	X330W_LTE_A1_1.6	0	0	0
Sub-assembly	X330W_LTE_A1,B1	X330W LTE Rev A1,B1	Econis Labs Manufacturing	X330W_LTE_A1,B1	0	0	0
Sub-assembly	X330W_LTE_A1,B1_1.7	X330W LTE Rev A1,B1 PCB Rev 1.7	Econis Labs Manufacturing	X330W_LTE_A1,B1_1.7	0	0	0
Sub-assembly	X330W_LTE_A1,B2	X330W LTE Rev A1,B2	Econis Labs Manufacturing	X330W_LTE_A1,B2	0	280	0
Sub-assembly	X330W_LTE_A1,B2_1.7	X330W LTE Rev A1,B2 PCB Rev 1.7	Econis Labs Manufacturing	X330W_LTE_A1,B2_1.7	0	0	0
Sub-assembly	X330W_LTE_A2,B2	X330W LTE Rev A2,B2	Econis Labs Manufacturing	X330W_LTE_A2,B2	0	0	0
Sub-assembly	X330W_STM_ANTENNA	X330W STMicron Antenna Solar	Econis Labs Manufacturing	X330W_STM_ANTENNA	0	0	0
Sub-assembly	X330W_STM_BATTERY	X330W STMicron Battery Pack	Econis Labs Manufacturing	X330W_STM_BATTERY	0	0	0
Sub-assembly	X330W_STM_MAIN BOARD	X330W STMicron Main Board	Econis Labs Manufacturing	X330W_STM_MAIN BOARD	0	0	0
FGI	X330W-BW-10	Cellular LTE-M & Bluetooth IoT Enap	Econis Labs Manufacturing	X330W-BW-10	0	0	40
FGI	X330W-BW-3	Cellular LTE-M & Bluetooth IoT Enap	Econis Labs Manufacturing	X330W-BW-3	0	0	0
FGI	X330W-CHARGE-UP	X330W 3.85V Charge up station	Econis Labs Manufacturing	X330W-CHARGE-UP	0	0	0
FGI	X330W-FNIC-3	Cellular LTE-M & Bluetooth IoT Enap	Econis Labs Manufacturing	X330W-FNIC-3	0	0	156
FGI	X330W-MITR	Cellular LTE-M, Wi-Fi & Bluetooth1	Econis Labs Manufacturing	X330W-MITR	0	0	400
BOM	XT-MSL-015-1-LF	MEMS OSC XO 32.768KHZ LVCMOS	Sitime	SIT1833AI-H4-DC-32.768	38645	3107	0
BOM	XT-MSL-016-1-LF	CRYSTAL RESONATOR 32MHZ, 3MD POH5	ABL Crystals	32M000000000046	6205	0	0

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re

SMART EARTH TECHNOLOGIES LLC, et al.,¹

Debtors.

Chapter 11

Case No. 23-11866 (KBO)

(Jointly Administered)

Ref. No. 136

**DECLARATION OF BRETT L'ESPERANCE IN SUPPORT OF THE DEBTORS'
MOTION FOR AN ORDER (I) AUTHORIZING DEBTORS TO ENTER
INTO TRANSACTION AGREEMENTS WITH FENIX USA LLC
AND (II) GRANTING RELATED RELIEF**

I, Brett L'Esperance, hereby declare, under penalty of perjury, as follows:

1. I am one of the three managers appointed for Smart Earth Technologies ("SET") and Smart Water Services LLC ("SWS;" and together with SET, the "Debtors"). I have served as a manager of the Debtors since October 16, 2023.

2. In addition to my role as manager of the Debtors, I am the chairman and CEO of an aviation services business. I have over 25 years of turnaround and restructuring experience, and I have served as a director of multiple companies in distressed situations. I hold a Bachelor of Arts in Operations Research and Management from University of Massachusetts Amherst and an MBA from Harvard Business School.

3. I submit this declaration (this "Declaration") in support of the *Debtors' Motion for an Order (I) Authorizing Debtors to Enter Into Transaction Agreements with Fenix USA LLC and (II) Granting Related Relief* (the "Motion")² filed concurrently herewith.

¹ The Debtors are the following entities (the last four digits of their respective taxpayer identification numbers, as applicable, follow in parentheses): Smart Earth Technologies LLC (3439); Smart Water Services LLC (5752). The Debtors' address is 80 Liberty Ship Way, Suite 6, Sausalito, CA 94965.

² All capitalized terms used and not defined herein shall have the meanings ascribed to them in the Motion.

4. Except as otherwise indicated herein, all facts set forth in this Declaration are based upon my personal knowledge of the matters set forth herein. I am over eighteen (18) years of age and I am authorized to submit the Declaration on behalf of the Debtors. If called upon to testify, I could and would competently testify to the facts set forth herein from my own personal knowledge, except as otherwise stated.

5. On December 19, 2023, the Debtors, Fenix USA LLC ("Fenix"), and CrescoNet LLC reached an agreement embodied in the MOU. Based on my experience in other similar situations when a company is in some form of distress and based on extensive discussion at the board level on the merits of the MOU, I believe that consummating the transactions contemplated in the MOU is appropriate in light of the facts and circumstances of these Chapter 11 Cases and is in the best interest of the Debtors' customers, estates, and economic stakeholders. The Debtors' industry is relatively small, and the Debtors have explored various options to ensure that customers can receive ongoing services without the Debtors incurring unreasonable and unrealistic obligations and liabilities given the Debtors' plan to wind down SET's business.

6. Through the MOU, the Debtors will be able to (i) ensure that customers can receive ongoing access to SETflow software, (ii) help customers and the Debtors' telecommunications providers avoid the difficulty and complexity of negotiating individual services agreements for all of the Debtors' customers, (iii) avoid ongoing expenses related to hardware maintenance and telecommunications services, (iv) generate up to \$50,000 from the sale of the 2 Series Products, (v) generate sufficient income to cover SWS's cost of providing ongoing SetFlow Services, and (vi) continue with the planned wind-down of SET's business operations.

7. I believe that Fenix's proposed payment of \$50,000 for the 2 Series Products and the monthly license fee for the SETflow Services is reasonable under the circumstances. I also

believe that the 2 Series Products are becoming obsolete—having given rise to the significant warranty claims that led to the bankruptcy filing—and, therefore, I believe that selling Fenix the right to build and connect new 2 Series Products to the SETflow system will enable the Debtors to maximize value from the 2 Series IP.

8. With respect to the SETflow Services, I believe that the arrangement with Fenix (which includes a \$50,000 minimum monthly payment) enables the Debtors to cover their overhead expenses, while avoiding any expenses associated with hardware maintenance or telecommunications services, and allows the Debtors' customers to obtain access to the SETflow Services at a reasonable price.

9. The terms of the MOU are the product of extensive arms-length negotiations between the Debtors and Fenix. One of the Debtors' remaining employees has an ownership interest in Fenix. However, the employee is not an officer of the Debtors and does not have any equity interest in the Debtors. Therefore, I do not believe that Fenix is an insider as that term is used in section 101(31) of the Bankruptcy Code.

10. Finally, time is of the essence in establishing services for customers before the end of the Runoff Period. I do not believe that the Debtors will be able to find an alternative counterparty with the ability to consummate the transactions contemplated under the MOU on the same or better terms as Fenix. Additionally, I believe that further negotiation and marketing are unlikely to generate additional value sufficient to warrant the additional process, and I do not believe that the Debtors would find a likewise or better opportunity in a timely and commercial manner.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: December 20, 2023

Respectfully submitted,

/s/ Brett L 'Esperance

Brett L'Esperance

Continued Services Agreement

This Agreement for Continued Services ("Agreement") is entered into by and between Fenix USA, LLC, a Colorado limited liability company, hereinafter referred to as "Fenix" and _____, hereinafter referred to as "Customer," as of _____ (date).

Background:

- Customer and Smart Earth Technologies LLC ("SET") have entered into an agreement (the "Previous Agreement") pursuant to which SET provided services to Customer related to the maintenance of certain proprietary software (SETFlow) and the AT&T devices which support SETFlow.
- SET has entered into bankruptcy proceedings and, as part of those proceedings, has granted a license to Fenix in order to, among other things, independently provide services substantially similar to those provided under the Previous Agreement.
- Fenix desires to maintain the functionality of the SETFlow software and keep the AT&T devices active for a fee of \$1.10 per unit per month (collectively, the "Services"), and Customer desires to engage Fenix to provide the Services pursuant to the terms of this Agreement.
- This Agreement and the Services provided pursuant to this Agreement are intended to create independent rights and obligations of the parties in relation to the subject matter contained herein and is not an agreement to continue or assume any right or obligation of the Previous Agreement.

The cost of \$1.10 per unit per month covers the expenses associated with both the AT&T (AT&T devices' operational costs) and the Software as a Service (SaaS) provision (specifically the SETFlow software). This consolidated fee comprehensively encompasses the expenses for maintaining and ensuring the functionality of both elements. Service charge only applies to working devices.

Agreement Terms:

- **Services:** Fenix agrees to provide the Services pursuant to the terms of this Agreement.
- **Cost and Payment:** The Customer agrees to pay Fenix \$1.10 per unit per month for the Services provided under this agreement. Payments shall be made within 30 days of receipt of an invoice from Fenix. The invoice will be provided on the 1st of each month for the following months services. Example: First invoice will be provided on Jan 1st, due Feb 1st for February services.
- **Term of Agreement:** The term of this Agreement shall commence as of the date stated above and shall continue thereafter until terminated pursuant to the terms herein.
- **Modifications:** The Customer reserves the right to modify the Services required under this Agreement by providing written notice to Fenix at least 30 days before the desired changes take effect and such modifications shall be effective upon Fenix' written acceptance.

Accepted modifications may be subject to changes in fees, as agreed to in writing by the parties.

- **Confidentiality:** Both parties agree to maintain the confidentiality of any proprietary information exchanged during the course of this agreement.
- **Governing Law:** This Agreement shall be governed by and construed in accordance with the laws of Colorado, without regard to conflict of laws principles.
- **Limited Warranty; Disclaimer:** Fenix represents and warrants that it shall perform the Services using personnel of required skill and in a professional, workmanlike manner in accordance with industry standards. Other than the limited representation and warranty provided herein, Fenix makes no other representation or warranty, express or implied, and such other representations and warranties are hereby disclaimed. Fenix assumes no liability or responsibility of SET which may arise under the Previous Agreement. Customer agrees and acknowledges that Fenix is an independent service provider and shall have no responsibility or liability for any actions, losses or damages which may be incurred as a result of any act or omission of SET or its affiliates, including their respective employees, representatives and service providers, under the Previous Agreement or otherwise, nor shall Fenix have any responsibility or liability for any past, current or future liabilities of SET or its affiliates, including their respective employees, representatives and service providers, which arise as a result of the business operations, financial standing or legal obligations of SET. In no event shall Fenix be liable to Customer or any third party for any loss of use, revenue, or profit (or loss of data) or any consequential, incidental, indirect, exemplary, special or punitive damages, whether arising out of breach of contract, tort or otherwise.

Termination:

- Customer may terminate this Agreement for convenience by providing written notice Fenix at least 30 days prior to the intended date of termination. Either party may terminate this Agreement, effective upon written notice to the other party if the party receiving notice breaches this Agreement, and such breach is incapable of cure, or, with respect to a breach capable of cure, such breaching party does not cure the breach within 15 days of receipt of written notice thereof.
- In the event of termination, any outstanding payments owed to Fenix for Services rendered up to the termination date shall be settled within 5 days from the date of termination.

Miscellaneous:

- This Agreement constitutes the entire understanding between the parties concerning the subject matter hereof and supersedes all prior agreements, whether written or oral, including any provision of the Previous Agreement.
- Any amendments or modifications to this Agreement must be made in writing and signed by both parties to be effective.
- This Agreement solely pertains to the provision of services by Fenix to the Customer and does not imply or transfer any liabilities or obligations from Smart Earth Technologies to Fenix.

- Any notice to be delivered hereunder shall be in writing and shall be delivered (a) when delivered by hand, (b) when received by the recipient if delivered by a nationally recognized courier, or (c) on the date sent by email if sent during normal business hours and on the next day if sent after normal business hours. Notices must be sent to the parties at the addresses set forth in the signature blocks.
- Neither party may assign, transfer or delegate any right or obligation under this Agreement without the prior written consent of the other party. Notwithstanding the foregoing, Fenix may delegate its obligations to provide the Services to subcontractors and other third parties without the prior written consent of Customer.

[Signature Page to Follow.]

This Agreement must be signed and emailed to lightson@fenixusa.com no later than December 31, 2023. The first invoice will be provided on Jan 1st with a due date of Feb 5th.

In witness whereof, the parties hereto have executed this Agreement as of the date first above written.

Customer Name:

By: _____

Name:

Title:

Address:

Email:

Fenix:

FENIX USA, LLC

Name: Ryan Hisel



Title: President

Address: 1755 Telstar Drive Suite 300 Box 500. Colorado Springs, CO 80922

Email: Rhisel@fenixusa.com



Our Vision: People and Business Succeeding with Quality Water **Our Mission:** Quality Water for Southwest North Dakota

MEMORANDUM

TO: Jen Murray, Manager/CEO, Southwest Water Authority
FROM: Misti Conzemius, Marketing Manager, Southwest Water Authority
SUBJECT: Report for December, 2023
RE: Marketing Manager's Incidental Information
DATE: December 21, 2023

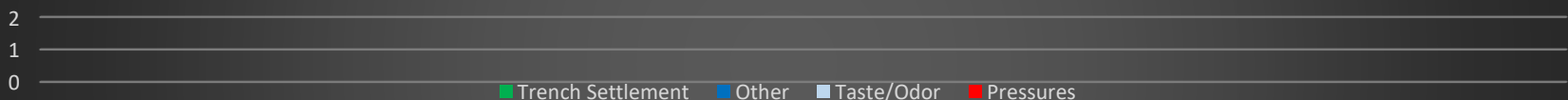
DECEMBER 2023 SIGN-UP REPORT

SUBSEQUENT CUSTOMERS

NAME	TYPE OF CUSTOMER	SERVICE AREA	SERVICE DESCRIPTION
Rita Tomchuk	Standard	7-2A Belfield	140-98-19
Rita Tomchuk	Pasture Tap	7-2A Belfield	140-98-19
De Mores State Historical Site	Standard	7-8 Fryburg	140-102-27
Jerry Wagner	Standard	7-9F Center	143-81-30
Ron Buckman	Pasture Tap	7-2A Belfield	139-98-3
Tony Hafele	Standard	7-1B Davis Buttes	140-95-32
Elvis Entzel	Pasture Tap	7-9G Halliday	143-91-4
Tammy Dorner	Standard	7-1B Davis Buttes	140-97-25

Eight (8) subsequent customer signed up in December and 99 subsequent customers have been added year-to-date. A total of 132 customer quotes have been given year-to-date. SWA had a total of 2746 active subsequent users in December.

2023 COMPLAINTS



Zero (0) complaints were called in during the month of December.
Zero (0) complaints were closed during the month of December.
Open complaints are shown above by area and type.
Open complaint numbers may not include landowner/customer concerns handled in the field.

WAITING LIST UPDATE

Five (5) water requests have been added to the waiting list during the month of December.
There are currently 763 requests system wide.

BURT, HEBRON SERVICE AREA

To date 1707 sign up packets have been mailed. Of the 1707 packets, 1319 are Rural and 388 are Lake Tschida. 701 signups have been returned. Of the 701 signups, 443 or 63% are Rural and 258 or 37% are Lake Tschida.

WAITING LIST REQUESTS BY CLASSIFICATION						
SERVICE AREA	WAITING LIST START DATE	STD	PT	HC	OTHER	TOTAL
7-1B DAVIS BUTTES	3/25/2021	11	1	0	0	12
7-1B NEW HRADEC*	1/27/2012	40	19	0	0	59
7-2 NEW ENGLAND	3/6/2012	58	21	6	1	86
7-2A BELFIELD	3/6/2013	1	0	0	2	3
7-3 JUNG LAKE	3/1/2016	22	7	3	0	32
7-4 BUCYRUS		0	0	0	0	0
7-5 HEBRON**	5/30/2017	2	1	0	0	3
7-6 BURT**	3/15/2012	59	31	1	0	91
7-7 BOWMAN*	6/13/2012	70	34	11	0	115
7-8 BEACH/GOLVA	10/5/2011	36	36	2	2	76
7-8 FRYBURG	6/20/2016	8	8	1	1	18
7-8C TOWER HILL/JUNCTION INN/ NORTH CROWN BUTTE	TOWER HILL-7/29/2015 JUNCTION INN-12/1/2015 N. CROWN BUTTE-1/20/2021	34	28	3	0	65
7-8 FAIRFIELD/GRASSY BUTTE POCKET*	4/5/2012	38	51	5	0	94
7-9B KILLDEER MOUNTAIN*	1/10/2017	11	8	2	0	21
7-9E WEST CENTER	7/24/2019	6	16	0	0	22
7-9G DUNN CENTER	10/20/2017	27	32	2	2	63
7-9G HALLIDAY	1/3/2021	2	1	0	0	3
TOTALS		425	294	36	8	763

*Intent forms signed for hydraulic improvement projects in these areas will decrease waiting list numbers by a total of 120.

**Current signups from Burt and Hebron service areas will decrease waiting list numbers by 94.

Updated through December 21, 2023



Our Vision: People and Business Succeeding with Quality Water **Our Mission:** Quality Water for Southwest North Dakota

County	Waiting List Locations	Standard Service	Pasture Tap Service	High Consumption	Other
Adams	28 locations	14	13	1	0
Billings	81 locations	25	51	4	1
Bowman	55 locations	36	15	4	0
Dunn	136 locations	86	44	4	2
Golden Valley	76 locations	36	36	2	2
Grant	51 locations	39	12	0	0
Hettinger	44 locations	25	15	4	0
Mercer	19 locations	5	14	0	0
Morton	91 locations	48	40	3	0
Oliver	0 locations	0	0	0	0
Slope	68 locations	39	21	8	0
Stark	93 locations	59	27	4	3
Grassy Butte (McKenzie County)	21 locations	13	6	2	0
Total Waiting List	763	425	294	36	8

Other: Subdivisions, Additional Capacity, or Higher Usage

Updated through December 21, 2023

Project Funding



Quality Water for Southwest North Dakota

Southwest Pipeline Project (SWPP) Funding Sources

State Funding (in millions of dollars)

Resources Trust Fund	\$281.71
Water Development Trust Fund	\$8.55
State Fiscal Recovery Fund.....	\$4.05
Subtotal.....	\$293.96

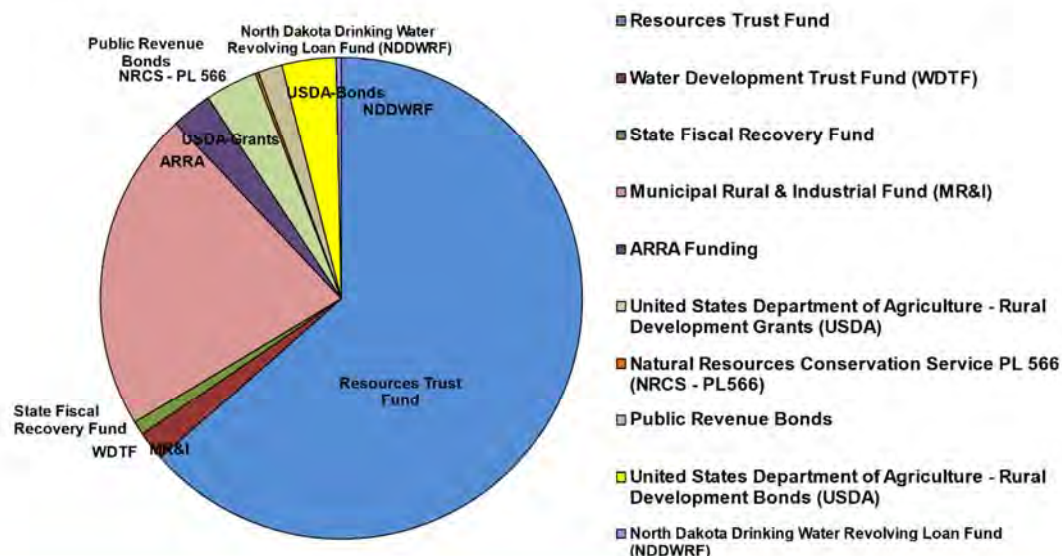
Federal Funding

Garrison Diversion Conservancy District	
Municipal Rural & Industrial (MR&I) Fund (ARRA Funding \$11.90)....	\$105.63
United States Department of Agriculture – Rural Development (RUS)	\$15.36
Natural Resources Conservation Service PL566	\$0.93
Subtotal	\$121.92

Bonds

Public Revenue Bonds.....	\$7.05
United States Department of Agriculture – Rural Development	\$15.81
ND Drinking Water Revolving Loan Fund.....	\$1.50
Subtotal.....	\$24.36

Total Funding..... \$440.24
(As of November 30, 2023)



**State Water Commission Meeting
#238 Lewis and Clark Room, Bank of North Dakota
1200 Memorial Hwy., Bismarck, ND
Friday, December 8 – 9:00 a.m. CT**

Microsoft Teams meeting

Join on your computer, mobile app or room device

[Click here to join the meeting](#)

Or call in (audio only)

[+1 701-328-0950,,547922573#](#) United States, Fargo

Phone Conference ID: 547 922 573#

AGENDA

- 9:00 – 9:01 A. Roll Call/Pledge of Allegiance
- 9:01 – 9:02 B. **Consideration of Agenda**
- 9:02 – 9:05 C. Consideration of Minutes
1. **Draft Minutes for the October 12, 2023, SWC Meeting**
 2. **Draft Minutes for the November 9, 2023, Pre-Commission Meeting**
- 9:05 – 9:10 D. Disclosure of Potential Conflicts of Interest (**Neutral Reviewer**)(**no attachment**)
- 9:10 – 9:15 E. SWC Secretary Update (**no attachment**)
- 9:15 – 9:20 F. Financials (**Chris Kadrmas**)
- 9:20 – 9:25 G. **2025 Water Development Plan** (**Pat**)
- 9:25 – 9:30 H. **New Commissioner Onboarding Guidance** (**Andrea**)
- 9:30 – 9:35 I. Southwest Pipeline Project (SWPP) (**Justin**)
1. **Capital Repayment, REM Rates, and SWA Budget for 2024**

CONSENT AGENDA

A consent agenda can be approved with one motion, or an item or items can be removed for additional discussion and separate action. Director Travnicek recommends approval of the following items:

- 9:35 – 9:40 J. Flood Control (**Abby**)
1. **Neché Highway 18 Project - \$98,742** PC
 2. **Trails Co WRD: Blanchard Norman Drain No 23-40 Improvements - \$157,284** C
- K. General Water (**Abby**)
1. **Barnes Co WRD: Little Dam Improvement Project - \$814,500** C
- L. Water Supply (Municipal/Regional) (**Julie**)
1. **Minot: Westfield Water Main Replacement - \$108,480** PC
 2. **Minot: University Ave Water Main Replacement - \$108,480** PC
 3. **Valley City: Improvement District 105 - \$479,625** C
- M. Water Supply (Rural) (**Julie**)
1. **Cass RWD: Reservoir D Supply Pipeline - \$270,000** PC
 2. **Southeast WUD: West Water Treatment Plant Improvements - \$927,270** PC


AGENDA

- 9:40 – 9:50 N. Flood Control (Abby)
1. **Maple River WRD: Cass Co Drain No. 34 Improvements - \$643,376** C
 2. **Maple River WRD: Cass Co Drain No. 37 Improvements - \$292,909** C
- 9:50 – 9:55 O. Water Supply (Rural) (Julie)
1. **Agassiz WUD: 2022 Expansion Phase 2 - \$3,289,340** C
- 9:55 – 10:20 P. Project Updates (Presentations if time allows)
1. Devils Lake (Sindhujia)
 2. Mouse River (Laura)
 3. Missouri River (Clay)
 4. NAWS (Tim)
 5. SWPP (Justin)
- 10:20 – 10:25 Q. Legal Updates (Presentation if time allows) (Matt)
- 10:25 – 10:45 R. Executive Session—NDCC 44-04-19.1(9) for Attorney Consultation (no attachment) (Matt)
1. **SWPP – Intake, Contract 1-2A**
- S. Adjourn

BOLD ITEMS REQUIRE SWC ACTION

- PC Pre-Construction
C Construction
L Legislative
CI Cost Increase
O Other

MEMORANDUM

TO: Governor Doug Burgum
Members of the State Water Commission
FROM: Andrea Travnicek, Ph.D., Secretary 
SUBJECT: SWPP – Capital Repayment, REM rates and SWA Budget for 2024
DATE: November 22, 2023

Under the agreement for the Transfer of Management, Operations, and Maintenance Responsibilities for the Southwest Pipeline Project (SWPP), (Transfer Agreement) the Southwest Water Authority (SWA) must prepare a budget by December 15 of each year and submit it to the Secretary of the State Water Commission (Commission). This budget is deemed approved unless the SWA is notified of the Commission's disapproval by February 15. The budget for 2024 was received on November 9, 2023.

Water rates are a primary component of the SWA's budgeting process. The Commission approves the Capital Repayment rate and the reserve fund for Replacement and Extraordinary Maintenance (REM) rate explicitly by Commission action.

Capital Repayment Rate:

Capital Repayment portion of the water rate collected is currently returned to the Resources Trust Fund (RTF) on a monthly basis. An amendment to the Transfer Agreement that transferred the operations and maintenance of the SWPP to the SWA, established the Consumer Price Index (CPI) in effect on September 1 (August CPI) as the basis for determining the Capital Repayment rate. The September 1, 2023, CPI adjustment results in a 3.66 percent increase in the Capital Repayment rate for 2024. Based on that adjustment, the Capital Repayment rate for contract customers increases from \$1.42/1,000 gallons to \$1.48/1,000 gallons, rural customer's Capital Repayment rate increases from \$43.43/month to \$45.02/month, and the Capital Repayment rate for SWPP customers that tie into the Missouri West Water System increases from \$34.40/month to \$35.66/month. The SWA Board of Directors approved the 2024 water rates along with the above Capital Repayment rates on November 6, 2023. The 2024 budget estimates depositing \$6.5 million in Capital Repayment from all SWPP customers into the RTF.

The SWA's budget proposes \$12.00/1,000 gallons for oil industry contracts. The oil industry rate for 2024 will remain unchanged from the 2023 rate. The Capital Repayment for general

oil industry rate is \$4.00/1,000 gallons. For SWA's water depot east of Dickinson, the Capital Repayment rate is \$3.00/1,000 gallons.

REM Rate:

The REM rate adjustment and guidance for using REM funds is not spelled out explicitly in the Transfer Agreement. The Transfer Agreement states that the REM reserve fund shall be accumulated with interest and maintained in an amount to be determined by the Commission and also the Commission shall determine whether or not a proposed project is replacement or extraordinary maintenance.

Action was taken by the Commission in relation to the SWPP REM fund at the August 2022 Commission meeting to provide guidance on the definition of "Replacement" and "Extraordinary Maintenance" in SWPP's REM and the level to which the SWPP's REM fund provides for Extraordinary Maintenance expenses and replacement expenses for Capital Projects. Based on the sustainability analysis completed by Department of Water Resources staff in consultation with SWA, annual REM rate increases are needed to provide for 100 percent of the Extraordinary Maintenance expenses and a portion of the replacement expenses for Capital Projects.

In the Transfer Agreement, the base rate for REM was set at \$0.30/1,000 gallons for contract customers and \$0.10/1,000 gallons for rural customers. The REM rate for rural customers has remained at \$0.10/1,000 gallons through 2022 since the Transfer Agreement was signed on December 21, 1995. However, rural customer's water rate includes the contract REM rate in addition to the rural REM rate. REM rate for contract customers was increased to \$0.35/1,000 gallons in 1999. Since then, the REM rate has increased a number of times, ultimately to the current \$0.76/1,000 gallons. At the SWA Board meeting on November 7, 2023, the REM water rate was increased 8.5% for 2024.

Rate	2023 Rate	2024 Rate
Contract - Transmission REM	\$0.76	\$0.82 (+ 8.5%)
Rural – Transmission +Distribution REM	\$0.87	\$0.94 (+ 8.5%)

DWR staff has consulted with SWA during the 2024 budgetting process and agree with the rate increases approved by the SWA Board. The rate adjustment is in accordance with the REM rate adjustments necessary to meet the REM guidance the Commission approved in August 2022 based on the sustainability analysis completed by DWR staff. The REM rate will need to be evaluated annually to determine if the proposed rate increases are on track to

November 22, 2023

provide for 100 percent of the extraordinary maintenance expenses and a portion of the replacement expenses for Capital Projects.

Included in the SWA's budget is the budget for the REM funds. The estimated beginning balance in REM funds for 2024 is \$24.74 million; estimated income for 2024 is \$3.09 million; and estimated expenses is \$4.07 million, with an estimated year end balance of \$23.76 million.

The budgeted expenses for 2024 from the REM fund include:

- ! Replacement press plate cloths and a new pump at the Residual Handling Facility
- ! Replacement of 2nd state Reverse Osmosis membranes at Oliver Mercer North Dunn (OMND) Water Treatment Plant (WTP)
- ! Variable Frequency Drive at Beach booster pump station
- ! 200 HP spare motor for intake pump station
- ! Pipe relocations system-wide
- ! Replacement compressor at the Southwest Water Treatment Plant
- ! 600 HP spare motor for intake pump station
- ! Miscellaneous pump motors, pump repairs and pump replacements as needed during the year
- ! Tank/reservoir repairs
- ! Metallic line assessment
- ! Zap potable reservoir settlement repairs
- ! Contract 2-3A ductile iron pipeline replacement near Taylor
- ! Anode bed replacement
- ! OMND WTP roof replacement
- ! Contract 2-2C ductile iron pipeline replacement near Dodge.

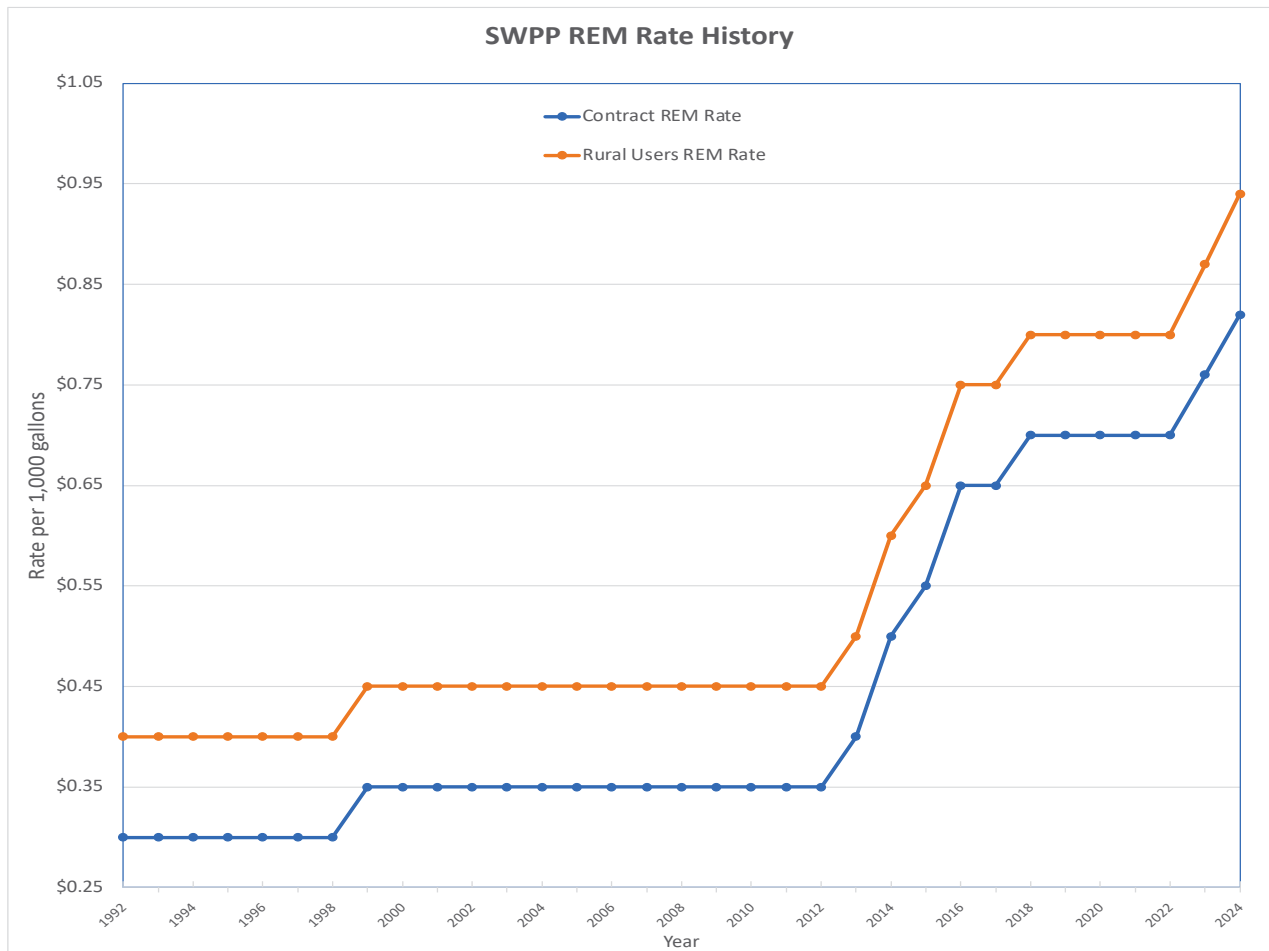


Figure 1: SWPP REM Rate History

Overall Water Rate:

The SWA's water rate for the contract customers in 2024 will remain at \$5.87 per 1,000 gallons. The SWA has elected to retain the water rate at last year's amount and the increase for Capital Repayment and REM rates are absorbed by reducing other water rate components.

The minimum monthly rate for rural customers in 2024 will also remain at 2023 rate of \$55.32. The monthly minimum of \$55.32 in 2023 included Capital Repayment of \$43.43 and operations and maintenance fee of \$11.89. Similar to the water rate for contract customers, the SWA has elected to keep the customer's rates the same by absorbing the increase in Capital Repayment by reducing the operations and maintenance fee. The breakdown of the monthly minimum is \$45.02 towards capital repayment and \$10.30 towards the operations and maintenance fee. The SWC receives \$5.00 of operation and maintenance fee for the first two years, and then it goes to the SWA for fixed operation and maintenance. The usage rate for the rural customers will remain the same at \$6.47 per 1,000 gallons. Budget projections

November 22, 2023

indicate the SWA will end 2024 with a cash balance that would be sufficient to cover 7.45 months of expenses in their operations and maintenance reserve.

Tables below show the summary of the Capital Repayment and REM rates.

Capital Repayment Rates

Customer	2023 Rate	2024 Rate	Change
Contract Customer	\$ 1.42	\$ 1.48	\$ 0.06
SWA Rural Customer	\$ 43.43	\$ 45.02	\$ 1.59
Morton County Customer	\$ 34.40	\$ 35.66	\$ 1.26
Oil Industry Rate - SWA Depot	\$ 3.00	\$ 3.00	\$ -
Oil Industry Rate - Others	\$ 4.00	\$ 4.00	\$ -

REM Rates

Customer	2023 Rate	2024 Rate	Change
Contract Customer	\$ 0.76	\$ 0.82	\$ 0.06
SWA Rural Customer	\$ 0.87	\$ 0.94	\$ 0.07
Morton County Customer	\$ 0.87	\$ 0.94	\$ 0.07
Oil Industry Rate - SWA Depot	\$ 3.00	\$ 3.00	\$ -
Oil Industry Rate - Others	\$ 4.00	\$ 4.00	\$ -


I recommend that the State Water Commission establish 2024 Capital Repayment and REM rates as follows:

Capital Repayment for contract and rural customers: \$1.48 per thousand gallons for contract users, \$35.66 for rural users in Morton County with water service from Missouri West Water System, \$45.02 per month for other rural users. Capital Repayment for oil industry contracts: \$3.00 per thousand gallons for Dickinson Water Depot and \$4.00 per thousand gallons for other oil industry contracts.

REM Rate: \$0.82 per thousand gallons for the contract users, \$0.94 per thousand gallons for rural users, \$3.00 per thousand gallons for the SWA's Dickinson Water Depot and \$4.00 per thousand gallons for other oil industry contracts.

AT:JF:/1736-99

!

TO: Governor Doug Burgum
Members of the State Water Commission
FROM: Andrea Travnicek, Ph.D., Secretary 
SUBJECT: SWPP – Project Update
DATE: November 22, 2023

Updates from last Commission meeting memo are shown in bold italics.

Contract 3-2E Residual Handling Building (RHB) at Dickinson WTP:

Contract is closed out. Department of Water Resources (DWR) staff and Southwest Water Authority (SWA) staff are currently continuing to coordinate a warranty issue with the filter press manufacturer, Evoqua Water Technologies (Evoqua). Evoqua has identified a potential issue with the originally installed filter press pawl lever design and suggested design revisions to remedy the issue. Evoqua had planned to be onsite November 2022, to install the new pawl design but due to unsuccessful efforts conducted at another facility this was not completed. In late February, Evoqua notified SWA that they have completed testing on the redesign of the pawl design. Evoqua was onsite end of April and in early May and completed installation of the new pawl levers on Filter Press No. 2. During that visit there was damage caused to the feed pumps which is under discussion between SWA and Evoqua. Warranty work on Filter Press No. 1 was completed in June but requires return trip from Evoqua to address feed pump issues.

However, since then Evoqua has decided to change its entire plate shifter design which includes the installed filter pawl lever to a system that includes proven and tested components. We are now awaiting their schedule to deliver their new design. ***Evoqua is finalizing the drawings. Schedule for replacement is anticipated after the drawings are finalized.***

Contract 1-2A Supplemental Raw Water Intake:

Updates will be provided during executive session.

Contract 4-1E/4-2B Upgrades at the Dodge and Richardton pump stations:

The Mechanical contract has been closed out. Finalized operations and maintenance manuals, punch list items, and administrative items remain before the General and Electrical contracts can be closed out. The final walk through for the contract with SWA

staff, DWR staff, and BW/AECOM staff was completed on April 6, 2022. Record drawings and final project hydraulic analysis were transmitted on July 15, 2022. A final change order also remains to be processed to include the change in style of combination air valves installed on the contract. Change orders executed to date on the General and Electrical contracts are as follows: three on General contract for a total of \$142,682, two on Electrical contract for a total of \$23,612.55

BW/AECOM had been coordinating a polarization issue with the cathodic protection system on the surge air chamber installed on the contract. The issue was related to the isolation of interference between the air chamber electrical systems and the cathodic protection system. BW/AECOM had coordinated with the corrosion subconsultant, HDR, Inc. and developed three options to address this issue. These options include isolation of the air chamber electrical panels, adding an auxiliary current source, and defeating the insulator between the air chamber and the pipeline impressed current system. Shorting across the insulator between the air chamber and the pipeline impressed current system was recommended by the corrosion subconsultant and work on that was completed in late June. However the protection provided by this option was not sufficient so combination of adding auxiliary current source and adding an insulation between air chamber and pipeline impressed system was tested.

When the combined option of the auxiliary current source and defeating the insulator was tested, it showed that it will result in premature failure of existing galvanic anodes that protects the air chamber.

Recently, the cause of the the cathodic protection issue that had been plaguing the system for months was identified. The cause was a mounting screw for the sump pump outlet that was shorted into the neutral wire. That was fixed and now the cathodic protection is working as expected.

SWA and BW/AECOM are active in investigating an issue with low suction pressure at the Dodge Pump Station when two large pumps are operated. The project team is working together to gather data to troubleshoot. It is likely that finding a resolution will involve review by surge subconsultants and may involve Wagner Plateworks, the Contract 4-1E/4-2B surge air chamber supplier.

Contract 6A SCADA Contract:

Work Order No. 1, is for the SCADA changes necessary to accommodate the work completed on Contract 4-1E/4-2B . Work is complete pending receipt of final operations

and maintenance manuals.

Work Order No. 2, which is for instrumentation and control equipment, and programming to support the construction of the Taylor Elevated tank, was completed in November 2022. Work completed includes start-up and programming with only operations and maintenance manuals remaining.

Work Order No. 3, is for integration with the existing SCADA equipment necessary to support the modifications at the City of Killdeer's master meter vault. Substantial work was completed in November 2022 with remaining items to include additional programming of the flow meter and operations and maintenance manuals. The modifications at the Killdeer's master meter vault are to accommodate a second connection for the city for the new school outside the city limits. An application for payment was approved in November 2022 for the SCADA contractor (MicroComm). DWR received reimbursement from the City of Killdeer in December in accordance with the executed agreement, in the amount of \$58,876.00.

We are waiting on Operation and Maintenance manuals for these three work orders. No other work remains.

Distribution Capacity Expansion:

SWA and SWC implemented a three-pronged plan to meet the distribution capacity needs of SWPP. The three prongs include:

- ! Prong 1. Improvements to the transmission facilities from the Ray Christenson Pump Station to the first tanks in the distribution system.
- ! Prong 2. Addressing the waiting list users by implementing hydraulic improvements like booster pump station, parallel piping, and water reservoirs at strategic locations.
- ! Prong 3. Canvassing targeted service areas for users interested in signing up for rural water and design a rural distribution system for those areas.

Contract 2-3I/2-5C/2-7D - Prong 1 – Transmission Improvements:

Main Transmission Line Parallel Piping in South, West, North and East zone:

The SWC awarded Contract 2-3I/2-5C/2-7D to BEK Consulting LLC, at its October 14, 2021, meeting. Contract includes approximately 7 miles of 16-inch pipeline on the south zone (Contract 2-3I), 8.5 miles of 12-inch pipeline on the west zone (Contract 2-5C) 5 miles of 12-inch pipeline on the north and east zone (Contract 2-7D). All areas of this contract have now been substantially completed and turned over to SWA for service as of October

31, 2022. Three change orders totaling \$119,268.31 have been executed due to actual field conditions encountered.

This contract has been closed out and has entered the warranty period.

West Zone Main Transmission Line Improvements

Following the receipt of a request to increase the City of Medora contract amount from 150 gpm to 225 gpm as well as a second point of connection, DWR and SWA met with the City of Medora, Billings County, as well as the Theodore Roosevelt Medora Foundation (TRMF). An analysis was completed to determine the scale of transmission improvements required for increasing the capacity for City of Medora as well as all of the West Zone transmission facilities. The West Zone consists of the communities of South Heart, Belfield, Beach, Sentinel Butte, and Medora as well as the rural service areas of Belfield, Fryburg, and Beach. This West Zone analysis provided conceptual design costs to increase the design flowrate from the West Zone pumps in the Ray Christensen Pump Station to the Beach Reservoir. The total planning level cost estimate for the West Zone transmission improvements is \$17.6 million (total project costs) was included in the Executive Budget request for SWPP and was approved in the capital assets funding for SWPP in the SB 2020

A water service agreement with the Theodore Roosevelt Presidential Library in the amount of 7 gallons per minute was executed between SWA and TRPL in January.

The West Zone transmission improvements includes main transmission pipeline improvements, improvements to the Ray Christensen, Fryburg, and Beach pump stations, and a new reservoir West of Medora.

Specific Authorization to complete an engineering report to refine the capacity needs for the West Zone expansion is currently under development. We are also working with the City of Medora to determine their appropriate future water needs. Correspondence with the federal agencies is ongoing in order to determine the best path forward with federal permitting as the West Zone transmission improvements would involve pipeline installation on US Forest Service Lands.

Prong 2 -Strategic Hydraulic Improvements:

Contract HI-2021 which includes improvements in the New Hradec, Fairfield, Twin Buttes, and Killdeer Mountain service areas; as well as Contract 5-18 Taylor elevated tank within the Davis Buttes service area are projects that fall under Prong 2. HI 2021 projects and Taylor elevated tank proceeded to construction based on estimated cost/Equivalent

Service Unit (ESU). The issues with using the estimated cost/ESU was discussed at December 2022 SWC meeting. Weighted prioritization matrix developed to identify future strategic hydraulic improvement projects to proceed with design and construction was approved at the April 2023 SWC meeting and BW/AECOM was authorized to proceed with preliminary design for the strategic hydraulic improvement project in North New England area based on the prioritization matrix completed in March 2023.

Contract HI 2021: Hydraulic Improvements in the Fairfield, Killdeer Mountain, New Hradec, and Twin Buttes Service areas

Bids for SWPP Contract HI-2021, Hydraulic Improvements in the Fairfield, Killdeer Mountain, New Hradec, and Twin Buttes Service areas were opened on November 17, 2022. The SWC approved the award of HI-2021 to Carstensen Contracting, Inc. at the December 9, 2022, meeting for bid schedules 1-4 with alternates in the amount of \$5,104,510.50.

The scope of the contract includes four bid schedules to accommodate strategic improvements in the four service areas noted. The project consists of hydraulic improvements totaling approximately 18 miles of PVC pipe ranging from 3 inch – 6 inch as well as five new booster pump stations. The improvements will provide capacity for the waiting list users to become Subsequent Customers. Alternates changed a portion of 4 inch parallel to a 6 inch parallel to increase the capacity for potentials in two strategic areas, the Killdeer Mountain and Twin Buttes areas. This project will add the capacity for 100.8 ESUs based on the base bid schedules plus an additional 59.5 future potential users with the alternates awarded. The future potential capacity is based on the inclusion of a future storage reservoir.

The installation and testing of pipelines were finished in all service areas of the project, namely: Twin Buttes, New Hradec, Fairfield and the Killdeer Mountains service areas. The pipe install was completed this fall as had been planned. Though the pipe installation is complete, we will not see the hydraulic benefits of the project until the project's booster stations are installed. The booster station work will occur in 2024. Change orders 1 and 2 have been approved in the total amount of \$50,275. In review is a change order in the amount of \$154,243.44. If approved, the total change order amounts will be about 4.0% of the original contract amount of \$5,104,510.50 to date.

Contract 5-18 Taylor Elevated Tank:

The construction contract is fully complete and final payment to the contractor has been made. The final reimbursement request from the City of Taylor will be issued following

the completion of all engineering services.

The final engineering amendment is currently routed for approval. We expect that to be completed soon.

Prong 3 – Rural Distribution System Improvements

Burt and Hebron Service Area Expansion:

SWPP's existing feasibility criteria for rural distribution contracts was discussed during the November 2022 SWA board meeting and a subcommittee was created to review the current criteria and work with SWA staff, DWR staff, as well as BW/AECOM to evaluate options to change the criteria to meet SWA Board goals. The subcommittee has met regularly. It was decided that BW/AECOM will perform preliminary designs for the signups that were determined to meet the distance of 2.5-mile and 1.25-mile. ***Preliminary design of the pipeline network for this project is on hold until revisions to the feasibility criteria are complete.***

February 2023 SWC memo included information on preliminary design progress along with challenges associated with existing feasibility criteria for this project. More information on this project will be presented at future meetings.

The SWA Board and subcommittee are planning to continue to meet and discuss options for possible revisions to existing feasibility criteria. DWR staff will participate in those discussions and any proposed requests to revise the SWPP Feasibility Criteria will be presented to the SWC. A meeting with DWR leadership staff and SWA feasibility subcommittee was held on June 2, 2023 and SWA was requested to provide documentation that justifies the changes, adjustments that the SWA would like the DWR staff to present to the Commission.

SWA provided a letter to DWR staff dated August 23rd requesting consideration of adjustments to SWPP's Feasibility Criteria. Discussions are ongoing between DWR staff, SWA staff, and SWA's Feasibility Subcommittee regarding SWA's proposal.

Contract 2-3A Metallic Line Replacement and Assessment Progress:

Installation of planned replacement of 3,720 ft of 30-inch ductile iron pipe was completed by the SWA's contractor, BEK Consulting, LLC (BEK) on October 26, 2022. SWC approved an allocation of State Fiscal Recovery Funds (SFRF) to SWA for cost-share at 75 percent for Contract 2-3A replacement costs in an amount not to exceed \$4.5 million at the August 11, 2022 SWC meeting. The Commission also approved the use of Replacement

and Extraordinary Maintenance (REM) Fund for non-SFRF cost share portion of this project. DWR and SWA have executed a cost share agreement. To date, two requests totalling \$4,046,023.52 in SFRF funds and \$1,348,674.50 in REM funds have been reimbursed for the Contract 2-3A replacement costs.

Based on excavations to date at least 200 feet of the remaining 260 feet of pre-purchased pipe is needed. Additional excavations are planned in this area to verify the extent of corrosion and determine if more pipe is needed. Exploratory digging is ongoing to allow identification of locations of pipe replacements to be completed in the spring.

A condition assessment program for all metallic pipeline on the SWPP is currently under development to compile the soil sampling information (chemical composition, resistivity, water quality sampling, presence of bacteria) as well as excavation observations of the pipeline in selected locations to further define the extent of the microbiologically induced corrosion.

Southwest Water Treatment Plant (SWTP) Expansion:

At the June meeting, the Commission awarded Contract 3-2F (Membrane Equipment Procurement contract) and Contract 3-2G (Softening Equipment Procurement Contract) to Westech Engineering LLC.

Contracts 3-2G and 3-2F are executed and Notice to Proceeds have been issued. The design submittals are in development by the equipment supplier. The Specific Authorization for developing bid ready documents for the SWTP expansion has been executed. The anticipated bidding timeframe for the expansion is in fall 2024.

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Water Rates

Rural Rate

\$1.45	Treatment
\$2.15	Transmission O&M
\$0.03	Transmission Reserve
\$0.82	Transmission REM
\$1.76	Distribution O&M
\$0.12	Distribution REM
\$0.14	Distribution Reserve
<u>\$6.47</u>	Total

Contract Rate

\$1.45	Treatment
\$2.09	Transmission O&M
\$0.82	Transmission REM
\$1.48	Capital Repayment
\$0.03	Transmission Reserve
<u>\$5.87</u>	Total

Raw Water Rate

\$2.11	Transmission O&M
\$0.82	Transmission REM
\$1.48	Capital Repayment
\$0.03	Transmission Reserve
\$0.23	Pretreatment
<u>\$4.67</u>	Total

Demand Contract Rate

\$1.45	Treatment
\$2.03	Transmission O&M
\$0.82	Transmission REM
\$1.48	Capital Repayment
\$1.48	Demand Charge
\$0.03	Transmission Reserve
<u>\$7.29</u>	Total

Southwest Water Authority Water Rates 2024

Minimum Payment

Standard

\$55.32 Total Minimum

1 Additional Unit

\$67.90 Total Minimum

2 Additional Units

\$80.48 Total Minimum

3 Additional Units

\$93.06 Total Minimum

Pasture Taps

\$331.92 Total Minimum



Oil Industry Rate/SWA Water Depot

\$1.00	Treatment
\$2.56	Transmission O&M
\$3.00	Transmission REM
\$3.00	Capital Repayment
\$0.07	Transmission Reserve
\$2.12	Distribution O&M
\$0.10	Distribution REM
\$0.15	Distribution Reserve

\$12.00

Oil Industry Rate

\$1.00	Treatment
\$2.53	Transmission O&M
\$4.00	Transmission REM
\$4.00	Capital Repayment
\$0.07	Transmission Reserve
\$0.40	Distribution O&M

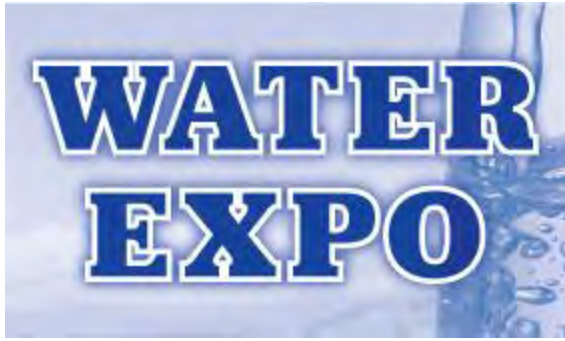
\$12.00

Vision Statement:

“People and business succeeding with quality water”

Mission Statement:

“Quality water for southwest North Dakota”



38th Annual Water Systems EXPO & Conference

February 6-8, 2024

Delta Hotels by Marriott - Fargo

Tuesday - February 6

8:00 am Registration Opens

9:00 am - Noon Pre-Conference Session: SRF Reinvented and Tour of Fargo Water Treatment Plant

2:30 pm NDRWSA Annual Board Meeting and EXPO Opening Session

3:00 pm Exhibit Hall Opens and Meter Change-Out Competition: Preliminary Round - Exhibit Hall

5:00 pm Exhibitor Appreciation Social - Exhibit Hall

6:00 pm Exhibit Hall Closes for Evening

Wednesday - February 7

7:30 am Breakfast in the Exhibit Hall and Exhibit Hall Opens

8:30 am Concurrent Sessions

- Board & Management Track
 - Roundtable and Legislative Discussions with Special Guests
- Operations & Maintenance Track
 - Exhibit Hall Demonstrations

9:00 am Water Taste Contest - Exhibit Hall

11:00 am Meter Change-Out Competition: Final Round and Exhibit Hall Drawings- Exhibit Hall

Noon Exhibit Hall Closes and Buffet Luncheon

1:00 pm Concurrent Sessions

- Board & Management Track
 - NDSU Extension: Navigating Board Excellence - Essential Insights for Effective Governance
- Operation & Maintenance Track I
 - KLM Engineering: The Cost of Doing Nothing
 - Backflow Prevention Services: Addressing Compliance Rates & Obstacles Encountered by Water Systems in North Dakota
 - ISCO: Properly Sizing HDPE for your Water System
- Operation & Maintenance Track II
 - Stenner Pump: Service Repair, Maintenance & Troubleshooting
 - DSG: Catch Leaks Before They Catch You
 - Bartlett & West: Disinfection By-product Management in RW Systems

3:00 pm Concurrent Sessions

- Board & Management Track
 - Marsh McLennan Agency: Rural Water Insurance Updates & Trends
 - AE2S: Construction Cost Inflation, Product Availability & Bidding Environment Panel
- Operation & Maintenance Track I
 - TEAM Lab: Bio-Augmentation & Aquatic Plant Management
 - In Control, Inc: Cybersecurity for Water & Wastewater
- Operation & Maintenance Track II
 - Apex Engineering: Pumps 101 Pump Operations, Efficiency & Troubleshooting
 - Premier Materials Technology: EcoSOAR All-Natural Wastewater Pond Treatment System

5:00 pm Awards Banquet

- Awards Social
- Awards Ceremony - Honoring the Best in the Business
- Corporate Elite & Diamond Sponsor Recognition
- 2024 Water Taste Contest Final Judging
- Scholarship "Live" Auction

Thursday - February 8

7:30 am Breakfast Buffet

8:30 am Concurrent Sessions

- Board & Management Track
 - Dept. of Water Resources/Bartlett & West: An Introduction to Asset Inventory & Assessment and New DWR Cost-Share Requirements
 - ND SRF Program: SRF Tracker Application
- Operation & Maintenance Track I
 - Midco Diving & Marine Service Inc: Offering an Inside Look at the Services & Benefits Provided from a Diving Perspective
 - AE2S: Emerging Technologies for Digital Transformation in Control Systems
 - Core & Main: Brief History & Best Practices in Emergency Preparedness
- Operation & Maintenance Track II
 - Underground Solutions: Advancements in PVC Pipe Standards & Design & Installation
 - Apex Engineering: Water Distribution System Modeling - The Good, the Bad & the Ugly
 - Core & Main: Advanced Monitoring Solutions for Wastewater

10:30 am Concurrent Session

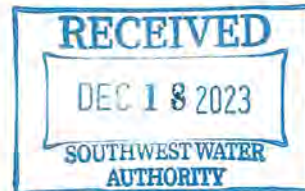
- Board & Management and Operation & Maintenance Tracks
 - Dept. of Environmental Quality: Regulatory Update

11:45 am Closing Session: Grand Prize Drawing - Must Be Present to Win



December 18, 2023

Jen Murray
Southwest Water Authority
4665 2nd St SW
Dickinson, ND 58601-7231



Dear Jen,

The ND Rural Water Systems Association's 2024 Annual Meeting will be held at the Delta Hotels by Marriott (1635 42nd St SW) in Fargo on February 6, 2024 at 2:30 p.m. The meeting will be held in conjunction with the 2024 Annual Water EXPO and Conference. To register for EXPO, please visit www.ndrw.org/EXPO2024.

Enclosed are the minutes from the last meeting. A tentative agenda for the annual meeting will be available on our website (www.ndrw.org). Call our office at 800-349-6951 if you have any questions or would like to speak at the annual meeting.

This notice has been mailed to board presidents and managers only. Please share this vital information with the remainder of your staff and board members. Thanks!

See you in Fargo,

Eric Volk
Executive Director

**NORTH DAKOTA RURAL WATER SYSTEMS ASSOCIATION
ANNUAL BOARD OF DIRECTORS MEETING
Medora, North Dakota
January 31, 2023**

President Jim Schmaltz called the regular meeting to order at 2:30 p.m. LaVonne Althoff called roll and a quorum was declared.

Action Items

MOTION by Perry Kapaun:

Move to approve the minutes of the February 1, 2022 meeting.
Seconded and carried without dissent.

Officer and Committee Reports

Members gave a report of their respective committees.

Lisa Schatz – Financial Report for year ending December 31, 2022.

Joe LaFave – Scholarship Committee Report

Jeremy Schuler – Jeremy Schuler was re-elected as the managers' representative
(term: Feb 2023 to Feb 2025)

Executive Board Elections

Jeremy Schuler, Nominating Committee Chairman

Chairman announced the nominees for the following positions and terms (02/2023 to 02/2025)

Matt Odermann for president

Bruce Henschel for vice president

Jeff Brekker for secretary

Joe LaFave for treasurer

MOTION by Keith Nilson to cease nominations and cast a unanimous ballot.
Seconded and carried without dissent.

Committee Chairman announced nominees for Director-at-Large position.

Mike Tietz – Southwest Water Authority

Doug Anderson – Western Area Water Supply Authority

Ballots were distributed, tallied, and reached a majority vote.

MOTION by Larry Kassian to accept Doug Anderson for director-at-large position
Seconded and carried without dissent.

New Business

MOTION by Gary Rust:

Move to approve the By-Laws revisions as presented.
Seconded and carried without dissent.

MOTION by Ann Oberg:


Move to approve the 2023 Strategic Plan as presented.
Seconded and carried without dissent.

Meeting adjourned at 3:11 PM

Minutes submitted by Finance Manager, Lisa Schatz.

President

Secretary

1. DWR Cost-Share Staff Q&A - Pat Fridgen & Team
 - a. DWR is hosting a workshop related to Basic Asset Inventory Assessments (BAIA) and Capital Improvement Planning (CIP). Register for one of the free workshops [here](#). These requirements will be implemented for the July 2024 pre-commission meeting. They will also be at EXPO and will talk about this same subject.
 - b. Water Development Plan request for submissions will be sent out in January for 2025-27 projects. Also include current projects that will not be completed this biennium. Commissioner hosted meetings will be held in July.
2. North Dakota State & Local Intelligence Center - Kyle Emmel
 - a. Kyle gave an overview of all things cyber and offered his assistance moving forward. He wants to be involved in water and wanted to meet the group.
 - b. Jeremy also recommended using the below:
 - i. **EPA Cyber Evaluation Service:** To register visit: <https://www.epa.gov/waterresilience/forms/epas-water-sector-cybersecurity-evaluation-program>
 - ii. **CISA Vulnerability Scanning:** To register: email vulnerability@cisa.dhs.gov with the subject line “*Requesting Vulnerability Scanning Services.*” Include the name of your utility, a point of contact with an email address, and the physical address of your utility’s headquarters. <https://www.cisa.gov/resources-tools/services/cisa-vulnerability-scanning>
 - iii. Please visit www.epa.gov/waterresilience/epa-cybersecurity-water-sector to learn more about the free resources that EPA provides to the water and wastewater sector.
3.  [NDRWSA Executive Board Meeting Agenda](#)
 - a. The Executive Board will meet on December 11, 2023. Feel free to reach out if you have any questions on agenda topics.
4. [EXPO](#) & [Annual Meeting](#) – February 6-8 in Fargo. EXPO flyer has been sent out.
 - a. [LAWA Election](#) – send in your nominations for the election to be held during the Annual Meeting. Office notice will be mailed out shortly.
 - b. [Scholarship Auction Items](#) – Please consider donating an item or two for this great cause. Separate email will be sent out as a reminder.
 - c. [EXPO Registration is Open!](#)
 - d. [Awards](#) – will work on updating the award’s site so you can just submit a nomination vs. filling in the blanks.
 - e. We will also have a list of people who need rooms at EXPO. If you have any extra sleeping rooms, let me know and I can help connect the dots.
5. [Funding/Project Updates](#)
 - a. Systems gave updates on their 23-25 projects. Encouraged all project sponsors to get their projects in for funding. Need to have the money approved before the 2025 session begins.
6. Upcoming Meetings
 - a. [DC Rally](#) – Need to choose an alternative date. An in-state option would also work. Will keep you posted after the Executive Board meeting.
7. RRVWSP Discussion

- a. A brief discussion was had regarding systems signing up or not for the project. The unknown cost and usability of the water are real concerns. 16% of the project costs will be covered by the small systems that sign up.

8. [Water Supply Assistance Grant Program](#)

- a. A reminder for systems to use this valuable program to hook up individual users. The connection must be in the [28 counties](#) in Garrison Diversion. Geneva K. and Larry K. are on the committee as GDCD Board Members.

9. [Operator Certification and CECs](#)

- a. Water Spring training will be held in Bismarck April 29 – May 1 at the Heritage Center. There will only be 1 week of classes. Please be aware of that.
- b. Formed a committee to work with Legislators to help improve the Testing, Obtaining/Maintaining Credits, Portal and the overall Certification process.

10. [Water Industry Red Tape Initiative](#)

- a. Public input is now being accepted for the second round of Gov. Doug Burgum's Red Tape Reduction initiative aimed at eliminating unnecessary and outdated regulations, rules, policies and procedures to make government more efficient and effective and help lower costs for taxpayers.
- b. We need to do the same in the Water Industry. Think of things we can work on and will talk about them in February. Legislative and Agency issues should be considered.

11. Salary and Benefits Survey - The official Survey will be sent out this Spring. Also talked about collecting data from other utilities and larger water systems.

- a. Reviewed Pasture Tap and Board Compensation Surveys
- b. [RW Rates – January 2023](#) – Please send me any updates to your Rates, Connections and Miles of Pipe you have starting in January 2024.

12. Regional RW Board Training

- a. Working on Regional RW Board Training sometime this Spring/Summer. Maybe bring several systems together for a couple hours. I can help lead the discussions and would ask for some Managers and Board Members to help out. Great time to share best practices and to help some systems stay on the right track.

13. Water Directory and NDRWSA Website Information Updates

- a. Julie from the Water Users has emailed the group looking for updates for their online directory. Please respond to this email.
- b. Jackie Nye will coordinate with Julie and might be reaching out to the systems for further updates on our web portal.

14. Monthly Virtual Manager Meetings in 2024

- a. Will start Monthly Meetings in 2024. Great way to stay on top of things and receive updates from across the state.

15. Celebrating NDRWSA 50th Anniversary

- a. NDRWSA was formed on July 9, 1974. We will be doing some special social media posts starting in 2024. If you have some older photos or stories you want to share, let me know.
- b. We are also thinking about an event to be held this summer. No firm plans and are still looking for ideas on what we could do and where to hold it. Maybe do some RW Policy Training in conjunction with a fun gathering.

16. Next Manager's Meeting will be held at 3pm on February 5, 2024. This will be the afternoon before EXPO.



WATER TOPICS OVERVIEW COMMITTEE

Monday, December 11, 2023
Room 327B, State Capitol
Bismarck, North Dakota

- 10:00 a.m. Call to order
Roll call
Consideration of the [minutes of the September 12, 2023, meeting](#)
- 10:05 a.m. [Presentation](#) by Mr. Jim Schmidt on behalf of the Missouri River Joint Water Board, and Mr. Duane DeKrey, General Manager, Garrison Diversion Conservancy District, regarding the importance of the [Missouri River](#)
- 10:45 a.m. [Presentation](#) by Dr. Andrea Travnicek, Director, Department of Water Resources, Ms. Sindhuja S.Pillai-Grinolds, Director, Water Development Division, Department of Water Resources, and Mr. Tim Freije, Project Manager, Northwest Area Water Supply, regarding an update on the Northwest Area Water Supply
- 11:45 a.m. [Presentation](#) by Mr. Chris Kadrmas, Director, Administrative Services Division, Department of Water Resources, regarding a budget overview of the Department of Water Resources
- 12:00 noon Recess
- 1:00 p.m. [Presentation](#) by Dr. Travnicek and Ms. S.Pillai-Grinolds, Mr. Justin Froseth, Project Manager, Southwest Pipeline Project, and Ms. Jen Murray, Manager and CEO, Southwest Water Authority, regarding an update on the Southwest Pipeline Project
- 2:00 p.m. [Presentation](#) by Ms. Dani Quissell, Executive Director, North Dakota Irrigation Association, regarding an update on irrigation development in North Dakota
- 2:20 p.m. Comments from interested persons
- 2:35 p.m. Committee discussion
- 3:00 p.m. Adjourn

A livestream of the meeting will be available to the public at: <https://video.ndlegis.gov>.

Committee Members

Senators: Ronald Sorvaag (Chairman), Michael Dwyer, David Hogue, Larry Luick, Jeffery J. Magrum, Jim P. Roers

Representatives: Mike Beltz, Jared Hagert, Jorin Johnson, Donald W. Longmuir, Bob Martinson, Jon O. Nelson, Anna S. Novak, Jeremy Olson, Todd Porter, Matthew Ruby, Steve Swiontek

Staff Contact: Austin Gunderson, Counsel



Our Vision: People and Business Succeeding with Quality Water **Our Mission:** Quality Water for Southwest North Dakota

MEMORANDUM

To: Southwest Water Authority Board of Directors

From: Jen Murray, Manager/CEO, SWA

Subject: Lead Service Line Inventory Survey – Incidental Information

Date: December 27, 2023

The Revised Lead and Copper Rule demands that public water systems, like SWA, compile a Lead Service Line Inventory (LSLI) and submit it to the ND Department of Environmental Quality (DEQ). SWA has developed a survey to collect the necessary information. Deadline to meet the requirements of the rule is October 16, 2024.

SWA customers have returned 2,327 via mail, 427 have been completed online, and operators have collected 229 during routine operations. A total of 2,943 (40%) have been collected to-date.

The survey hardcopy has been mailed to all accounts and is available on the main page of the SWA website. The QR code for direct access to the digital survey is included on the water bills and was included in the SWA newsletter. When operators are at a customer location and the customer is unavailable, a door hanger is left to notify the customer of the need to complete the survey.

Incentive for survey participation was approved by the SWA Board of Directors in April 2023. The incentive included 10 monthly drawings for \$100 water credit to the winners' accounts with a chance to win a \$500 water credit at the end of 2023. The December grand prize winner will be drawn on December 29, 2023, and announced at the January 2, 2024, Board of Directors meeting.



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SOUTHWEST WATER AUTHORITY 1180
4665 2ND ST SW
DICKINSON ND 58601-7231

Communities completing water service line surveys

By Luann Dart

luann@westriv.com

Communities along the Highway 21 corridor are gathering information to identify any water service pipes containing lead, and residents may be asked to complete a survey regarding the service lines leading into their homes.

Through a revision to the Environmental Protection Agency's (EPA) Lead and Copper Rule, all community water systems must develop an initial inventory of service lines and submit a water service line inventory to the N.D. Department of Environmental Quality by Oct. 16, 2024.

Service lines are the pipes connecting individual buildings to a water system.

In 1986, Congress amended the Safe Drinking Water Act, prohibiting the use of pipes, solder or flux that were not "lead free" in plumbing providing water for human consumption. In 1991, the EPA published a regulation to control lead and copper in drinking water, known as the Lead and Copper Rule.

However, older pipes still exist across the country, and lead and copper enter drinking water primarily through plumbing materials. Exposure to lead and copper has been known to cause health problems.

Communities will need to determine if the service lines are classified as lead, galvanized requiring replacement, non-lead or unknown.

"The EPA wants to identify every service line in the United States. Basically, they want an inventory of all the service lines, mostly to determine which water service lines are lead or which ones were installed pre-1986," says A.J. Tuck, a project manager for Moore Engineering.

"So, someone could have a copper service line coming into their house. But there's a good chance the fitting that is soldered onto that copper line could have lead-based solder in it," Tuck says, citing an example.

The N.D. Department of Environmental Quality (DEQ) has hired eight vendors to assist towns in completing the water service line inventories, including Moore Engineering, which is assisting New England, Mott, New Leipzig, Elgin, Carson and Flasher using DEQ grant funds, so there is no cost to the cities.

"The first thing we requested of our towns is

that we get a list of all the water accounts," Tuck says. "We're collecting any data that we can right now without going into the people's homes or businesses."

The next step will be a survey through the mail to individual residents. The survey will be a postcard with a QR code, asking residents to answer four or five questions and to take a photo of their meter and the lines coming into and out of the meter.

"Obviously, there are going to be people who can't do that or don't have that ability to scan QR codes. That's not a big deal. There is going to be a phone number on that postcard to call us and we'll come do it for you," Tuck says.

Moore Engineering must submit all its information to DEQ by April. The company is completing 73 communities in North Dakota.

"Be patient with your community stakeholders, with your city councils and commissions, the city's vendors and the Department of Environmental Quality's vendors," Tuck says.

"I don't think we're going to come across a lot of lead lines on the Highway 21 corridor," Tuck says, since several of the communities have completed water projects in recent years.

"I think the problem areas are going to be the ones where the town still has cast-iron pipe that was installed in the 1920s and '30s or earlier. Those are going to be the ones that have lead coming into the home," he says.

The Southwest Water Authority (SWA) is also completing the lead service line survey, with more information at <https://swwater.com/wp-content/uploads/Lead-Service-Line-Inventory-Survey-Info.pdf>, along with an online survey on its website.

"Though SWA does not anticipate finding any lead in its system, the ruling necessitates that information must be collected from each account, including those not currently in use, such as pasture taps," the website states.

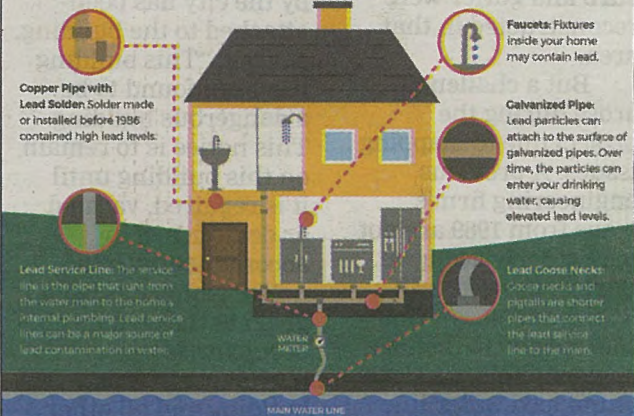
Southwest Water Authority also points out that private homeowner can request a lead sample kit from Minnesota Valley Testing Laboratories in Bismarck. Call 701-258-9720 for more information on sample kits and cost.

DEQ also has 66% matching grant funds available for city lead service line replacement projects, Tuck points out.



CONCERNED ABOUT LEAD IN YOUR DRINKING WATER?

Sources of LEAD in Drinking Water



Copper Pipe with Lead Solder: Solder made or installed before 1986 contained high lead levels.


Galvanized Pipes: Lead particles can attach to the surface of galvanized pipes. Over time, the particles can enter your drinking water, causing elevated lead levels.


Lead Service Line: The service line is the pipe that runs from the water main to the home's internal plumbing. Lead service lines can be a major source of lead contamination in water.


Lead Goose Neck: Goose necks and pigtail are shorter pipes that connect the lead service line to the main.

Faucets: Fixtures inside your home may contain lead.

Reduce Your Exposure To Lead

 Use only cold water for drinking, cooking and making baby formula. Boiling water does not remove lead from water.

 Regularly clean your faucet's screen (also known as an aerator).

 Consider using a water filter certified to remove lead and know when it's time to replace the filter.


 Before drinking, flush your pipes by running your tap, taking a shower, doing laundry or a load of dishes.

To find out for certain if you have lead in drinking water, have your water tested.

Replace Your Lead Service Line


 Water systems are required to replace lead service lines. If a water system cannot meet EPA's Lead Action Level through optimized corrosion control treatment.

 Replacement of the lead service line is often the responsibility of both the utility and homeowner.

 Homeowners can contact their water system to learn about how to remove the lead service line.

Identify Other Lead Sources In Your Home

Lead in homes can also come from sources other than water. If you live in a home built before 1978, you may want to have your paint tested for lead. Consider contacting your doctor to have your children tested if you are concerned about lead exposure.



For more information, visit: epa.gov/safewater

AGENDA

Perkins County Rural Water System Board Meeting

Date: December 14th, 2023 Time: 4:30 PM

PCRWS Office, Bison, SD

1. Call to Order.....President

A) Additions and Approval of Agenda**Board

B) Minutes of November 9th, 2023**Board

2. Financial Report.....

A) Approve paid and unpaid bills**Board

B) Financial Reports**Board

3. Delegations

4. Bartlett & West.....Lyle Schumack

5. Managers Report.....Staff

6. Directors Reports.....Board

7. All Other Matters.....Board

a. Conservation Sponsorship and or Award Nominations

b. Reserve Schedule

c. Policy 105

d. Policy 414

d. Appendix I

e. Policy 207

f. Rate and Fee Schedule

Adjournment

Next Meeting

Date: January 11th, 2024 Time: 4:30 pm

****BOARD ACTION NECESSARY**

Perkins County Rural Water System, Inc.
104 West Main Street PO Box 160 Bison, SD 57620-0160
Tele: (605)244-5608 Fax: (605)244-5926
E-MAIL: pcrws@sdplains.com WEBSITE: www.pcrws.com

November 9th, 2023

The meeting was called to order by President Don Melling at 5:07 PM at the Perkins County Rural Water Sys. Inc. board room in Bison, SD. Other directors present Luke Clements, Pat Dalzell, Brian Morris and Lynn Frey. Board members absent were none. Also in attendance were Jonathan Eaton, SWA, Leilani Melling, Lodgepole, Shiloh Baysinger and Brandi Baysinger, staff.

Agenda

Motion by Brian Morris, seconded by Don Melling, to approve agenda, motion passed.

Minutes

Motion by Lynn Frey, seconded by Pat Dalzell, to approve the October 11th, 2023 minutes, motion passed.

Agenda – Correct Don Brian Morris to Brian Morris

Financial Report

Motion by Brian Morris, seconded by Don Melling, to approve paid and unpaid bills, motion passed.

Motion by Don Melling, seconded by Luke Clements, to approve financial reports, motion passed.

Delegations

None

Bartlett & West

None

Managers' Report

Shiloh Baysinger reported that Cleary has dropped off tin but has not returned or given a timeline. Operators have lowered the tanks for winter and checked ARVs. Shiloh has sealed 3 leaks in the storage tank. Shiloh is still working to find the best solution for Lodgepole Fire Hall to keep too much water from going through the valve. The screen stopped working at the pump station but will be replaced with the SCADA upgrade. 3 new tap requests have been received and submitted for review. There is a wet stop along HWY 12 that has previously been pressure tested and appears to be a wet area.

Director's Report

Lynn gave a brief report on Leadership Conference held in Pierre November 8th and 9th that he and Shiloh attended.

All Other Matters

2024 Budget – Motion by Lynn Frey, seconded by Brian Morris to accept the 2024 budget with a 4% water rate increase, motion passed.

City of Lemmon and Town of Bison \$7.61 and Rural \$8.95

4%

OPERATIONS AND MAINTENANCE	2024
----------------------------	------

INCOME	
4101 REFUNDS	
4150 WATER SALES	\$ 829,876.74
4160 MINIMUMS	\$ 355,080.00
4165 BEACON AMRS INC	\$ 19,440.00
4170 LATE CHARGES	\$ 5,000.00
Lemmon Debt Reserves	\$ 30,430.08
Bison Debt Reserves	\$ 7,458.30
4200 INTEREST INC	\$ 53,497.17
4250 HOOKUP FEES	\$ -
4300 RENT INCOME	\$ -
4400 REIMBURSEMENT	\$ -
4500 SERVICE CALL	\$ -
4900 HWY 12 & 73 PROJECT REIMBURSE	\$ -
4999 OTHER INCOME	\$ -
TOTAL	\$ 1,300,782
EXPENSE	
5000 BANK SERVICE CHARGE	\$ 414
5025 WATER PURCHASES	\$ 445,000
5050 ADVERTISING	\$ 1,248
5055 MEMBER SERVICES	\$ 7,723
5101 LEGAL FEES	\$ 10,400
5102 ACCOUNTING	\$ 22,067
5103 WATER TESTING & ONE CALL	\$ 1,337
5150 INSURANCE	\$ 21,199
5200 STAFF TRAVEL	\$ 1,500
5330 INTEREST EXPENSE	\$ 150,788
5400 DUES AND SUBS	\$ 5,990
5450 OFFICE SUPPLIES	\$ 4,249
5500 OFFICE REPAIRS	\$ 5,200
5800 USE TAX	\$ -
5826 REAL ESTATE TAXES	\$ 158
5900 TELEPHONE	\$ 5,715
5990 MISCELLANEOUS	
6050 DIRECTORS FEES	\$ 9,136
6600 DIRECTORS MEETING EXP	\$ 3,310
6100 PAYROLL	\$ 235,040
6200 VEHICLE EXPENSE	\$ 17,728

6300 MINOR EQUIPMENT	
6400 UTILITIES	\$ 50,339
6500 O&M SUPPLIES	\$ 60,836
6505 BEACON AMRs	\$ 15,600
6600 TRAINING	\$ 3,967
6510 O&M RESERVES	\$ 15,000
1225 Debt RESERVES	\$ 282,836
CAPITAL RESERVES	\$ 22,950
EMERGENCY RESERVES	\$ 2,295
7000 CONSTRUCTION	\$ 26,780
Principal Repayment	\$ 116,969
Interest Repayment	\$ 150,788
Total Debt Repayment	\$ 267,757
TOTAL O&M	\$ 1,278,019
Net Income	\$ 22,763

Review 2024 wages – Motion by Don Melling to set 2024 wages at 6% increase from 2023, seconded by Luke Clements, motion passed.

Meeting adjourned at 5:34 pm

Next meeting December 14th, 2023, at 4:30 pm. – Annual Meeting then regular meeting

**Southwest Water Authority
Board of Directors**

**Parking Lot
January 2, 2024**

Item

Date put on Parking Lot

Agenda Date

Planning Agenda

DATE: Monday, February 5, 2024 TIME: 9:00 A.M. MST LOCATION: SWA O&M Center Office
ASSIGNMENTS

☐ Director Eaton
Scribe/Flipchart

☐ Wendy Serhienko
Minutes

☐ _____
Reporter

☐ _____

☐ _____
Timekeeper

☐ Director Engelhardt
Process Observer

☐ _____
Warm-up

☐ _____

MEETING OBJECTIVE _____

PLAN		ACTUAL CLOCK	AGENDA ITEMS	WHO	METHOD	DESIRED OUTCOMES
TIME	CLOCK START					
			Call to Order – Pledge of Allegiance			Meeting readiness
			Review Agenda			Additions, focus meeting
			Consent Agenda		Voice Vote	Meet legal requirements
			Policy III.E. Committee Structure		Roll Call	
			Review issues pending / Parking Lot / Plan next agenda			
			Monitoring			
			Adjourn			

**Southwest Water Authority
Feasibility Criteria Subcommittee Meeting
Tuesday, January 2, 2024
12:30 p.m. MST**

Join on your computer or mobile app

[Click here to join the meeting](#)

Or call in (audio only)

[+1 321-558-6608,,190145978#](#) United States, Orlando

Phone Conference ID: 190 145 978#

AGENDA

- | | | |
|------------|----|--|
| 12:30 p.m. | A. | Call to Order |
| 12:32 p.m. | B. | Review Agenda |
| 12:05 p.m. | C. | <i>Approval of Minutes of November 17, 2023, Subcommittee Meeting*</i> |
| 12:10 p.m. | D. | Feasibility discussion and review |
| 1:30 p.m. | E. | Adjournment |

****Item requires Board action.***

If auxiliary aids or services such as readers, signers, or Braille material are required, please contact:
Southwest Water Authority, 4665 Second Street Southwest, Dickinson, ND 58601
or call (701) 225-0241 or 888-425-0241 prior to meeting.