

FLOOD DIVERSION BOARD OF AUTHORITY
Thursday, November 8, 2012
3:30 PM

Fargo City Commission Room
Fargo City Hall
200 3rd Street North

1. Call to order
2. Approve meeting minutes from October 11th and October 23rd **Item 2.** Action
3. Approve order of agenda Action
4. Program Management Consultant (PMC) update Information/action
 - a. Monthly report (Tom O'Hara)
 - b. Joint technical update
 - Corps of Engineers monthly update (Terry Williams/Brett Coleman)
 - Post-feasibility alternatives update/western alignment decision (Terry Williams/Brett Coleman/Bruce Spiller)
 - c. Post-feasibility alternative recommendation (Tom O'Hara) **Item 4c. (1)**
 - d. Update on analysis of ring dike/levee for Oxbow area (Tom O'Hara) **Item 4d.**
 - e. Status of Amendments, Authority Work Directives and Task Orders (Bruce Spiller) **Item 4e.**
 - Minnesota EIS amendment
 - HMG actions
 - f. Approval of new Task Orders and Amendments
5. Committee updates Information/action
 - a. Update on retention efforts from Red River Basin Commission
 - b. Land Management Committee (Dennis Walaker)
 - Committee report
 - Hardship acquisitions update **Item 5b. (1)**
 - c. Public Outreach Committee (Rodger Olson)
 - Committee report **Item 5c. (1)**
 - Post-feasibility outreach activities report
 - Communications and outreach plan
 - d. Finance Committee (Michael Montplaisir)
 - Committee report
 - Fiscal Year 2012 summary report
6. Voucher approval **Item 6.** Action
7. Other Business
8. Next Meeting
9. Adjournment

cc: Local Media

**FLOOD DIVERSION BOARD OF AUTHORITY
OCTOBER 11, 2012—3:30 PM**

1. MEETING TO ORDER

A meeting of the Flood Diversion Board of Authority was held on Thursday, October 11, 2012, at 3:30 PM in the Fargo City Commission Room with the following members present: Cass County Commissioner Darrell Vanyo; Cass County Commissioner Scott Wagner; West Fargo City Commissioner Mike Thorstad; Cass County Joint Water Resource District Manager Rodger Olson; Fargo City Mayor Dennis Walaker; Fargo City Commissioner Tim Mahoney; Fargo City Commissioner Brad Wimmer; Clay County Commissioner Kevin Campbell; and Moorhead City Council Member Nancy Otto. Also present was ex-officio member Gerald Van Amburg, Buffalo-Red River Watershed District.

Staff members and others present: Cass County Administrator Keith Berndt; Fargo City Administrator Pat Zavoral; Clay County Administrator Brian Berg; Moorhead City Manager Mike Redlinger; Fargo City Engineer Mark Bittner; Fargo City Engineer April Walker; Moorhead City Engineer Bob Zimmerman; Tom Waters, Program Manager, CH2MHill; Bruce Spiller, CH2MHill; Colonel Michael Price, Commander of St. Paul District, U.S. Army Corps of Engineers; Brett Coleman, Project Manager, Corps of Engineers; and Terry Williams, Project Manager, Corps of Engineers.

2. MINUTES APPROVED

MOTION, passed

Mr. Mahoney moved and Mr. Walaker seconded to approve the minutes from the September 13, 2012, meeting as written. Motion carried.

3. AGENDA ORDER

MOTION, passed

Mr. Wagner moved and Mr. Campbell seconded to approve the order of the agenda as presented. Motion carried.

4. PROGRAM MANAGEMENT FIRM UPDATE

Program manager consultant monthly report

Mr. Waters provided an update on activities over the last month including successful completion of the first year of the design program; development of local drainage and transportation planning recommendations for the Agricultural Policy Subcommittee; discussions with the Corps of Engineers regarding the western alignment; and completion of the hardship appraisals on three properties.

Corps of Engineers status update

Brett Coleman said Corps of Engineers led-design efforts continue to be on schedule and under budget; Drayton Dam Fish Passage Mitigation plans and specifications review has been completed; Wild Rice Fish Passage Mitigation review will begin next week; Corps and sponsor staff will attend a Manitoba Diversion Channel site visit this week; Phase II cultural resource testing and evaluations have begun at locations along the proposed diversion alignment; and staff will provide a recommendation regarding the western alignment at the November meeting.

Task Orders and Authority Work Directives update

Bruce Spiller from CH2MHill provided an update on Task Orders and Authority Work Directives. He said currently the main focus is on bridge and channel designs and work-in-kind (WIK) on the post feasibility engineering analysis.

Presentation on post feasibility alternatives

Terry Williams said the purpose of post-feasibility analysis is to improve the overall project by increasing value, decreasing risk, and minimizing impacts. She reviewed two southern alignment alternatives, Option VE-13A, which is located south of Cass County Highway 16; and Option VE-13C, which is located one-half mile south of Cass County Highway 14.

The Corps of Engineers prefers Option VE-13A because it will reduce impacts upstream, will maintain downstream impacts, and will reduce the overall project cost by \$53 million. The Corps also recommends in-town levees and gates on the diversion inlet structure be used with this option.

Ms. Williams said since the last meeting, the Corps of Engineers began to explore the possibility of a ring dike around Oxbow, Hickson and Bakke Subdivision, which would allow partial versus full buyout of homes. She said this option would need to be studied further to determine whether it is technically feasible.

After the Board of Authority decides on the southern alignment option, the Corps will begin the National Environmental Policy Act (NEPA) process.

Presentation on regional retention plan

Lance Yohe, Executive Director of the Red River Basin Commission (RRBC), gave a presentation on a three-phase regional retention site identification and prioritization plan for the Red River Basin. Retention is a key component to reduce flood damages and will provide basin-wide benefits. Retention is also a major component of the Long-Term Flood Solutions Recommendation/Report (LTFS) that was funded by North Dakota and Minnesota through the RRBC.

The proposed regional retention project has three phases. The first phase covers the area upstream to Halstad; second phase to the international boundary; and third phase to Lake Winnipeg. He outlined the structure of the project and committees involved with the process. Mr. Yohe said the request today is to provide funding in the amount of \$500,000 for Phase I modeling efforts for retention site identification and prioritization upstream of Halstad.

Mr. Vanyo said the board authorized \$25 million to be used toward retention options. Mr. Wagner believes this is the best method to study retention projects in the Red River Basin. Mr. Campbell said retention will ultimately work in conjunction with the diversion project.

MOTION, passed

Mr. Campbell moved and Mr. Wagner seconded to approve a \$500,000 payment to the Red River Basin Commission (RRBC), working in conjunction with the North Dakota State Water Commission (NDSWC) and Minnesota Department of Natural Resources (MN DNR), to study upper Red River Basin retention. On roll call vote, the motion carried unanimously.

Post-feasibility alternative recommendations

Mr. Waters said after the feasibility study was completed in September 2011, the Corps of Engineers conducted additional analysis. As a result, it was determined increased in-town flows and adjustable gates on the diversion inlet will reduce impacts to upstream areas, maintain downstream impacts as outlined in the FEIS (Federal Environmental Impact Study), reduce impacts to farming, and minimize impacts to the environment.

MOTION, passed

Mr. Mahoney moved and Mr. Campbell seconded to endorse the inclusion of adjustable gates on the diversion inlet channel and increasing flows through town in the project design. On roll call vote, the motion carried unanimously.

There was discussion about southern alignment Options VE-13A and VE-13C, and the ring dike option for Oxbow, Hickson and Bakke Subdivision. Mr. Vanyo said the plan is to provide a recommendation on the ring dike option at the November meeting. He said Oxbow, Hickson and Bakke Subdivision have been asked to provide some direction on whether this option is something they want to be considered. Mr. Campbell asked about the costs for a ring dike, and Mr. Coleman said this component would be a mitigation effort and would qualify under the cost share agreement.

Mr. Berndt said the ring dike and alignment Options VE-13A and VE-13C are separate issues, and encouraged the board to consider approval of the southern alignment today. Mr. Vanyo said the Cass County Commission discussed this item at their last meeting and endorsed Option VE-13A. Mr. Wagner prefers this option because it protects the most people with the least amount of residences being affected.

Mr. Vanyo left the meeting at 5:10 PM, and Mr. Mahoney chaired the remainder of the meeting.

MOTION, passed

Mr. Olson moved and Ms. Otto seconded to support continued analysis of alignment Options VE-13A and VE-13C. Discussion: Mr. Berndt said if the preferred alignment option is chosen today, the Corps of Engineers would be able to begin the Environmental Impact Statement (EIS) process. Mr. Coleman said after the EIS is prepared, there will be a 30-day review period and public meetings will be held. Mr. Wagner does not see the preferred alignment option changing between now and the next meeting; he said 50 more people are at risk and would lose their homes with Option VE-13C. Ms. Otto said the City of Moorhead has not acted on an alignment option, and prefers their council have the opportunity to provide input. Mr. Campbell said a meeting was held with the six-board member entities on September 13th and both options were presented by the Corps of Engineers with a preferred option at that time, so all boards have been presented with information regarding this issue. On roll call vote, the motion carried with Mr. Olson, Ms. Otto, Mr. Thorstad, Mr. Walaker, and Mr. Mahoney voting "Yes"; Mr. Wagner, Mr. Wimmer and Mr. Campbell voting "No".

5. UPDATES FROM COMMITTEES

Land Management Committee

Mr. Walaker provided an update on the following topics discussed at the Land Management Committee meeting held earlier this afternoon:

Hardship appraisal update

The hardship appraisals were completed, reviewed by the Corps of Engineers, and sent to the three property owners.

Selection of property management firm

The Early Acquisition Subcommittee reviewed proposals and identified Coldwell Banker First Realty as the top firm, and the Land Management Committee approved the recommendation.

MOTION, passed

Mr. Wimmer moved and Mr. Olson seconded to approve the selection of Coldwell Banker First Realty as the property management firm for the FM Area Diversion Project, subject to negotiation of a contract for future approval by the Board. Motion carried.

Hayden Heights Acquisition

Hayden Heights Subdivision consists of 30 vacant lots and one single family home. The development is located in the current alignment of the diversion channel. The City of West Fargo currently owns 21 vacant lots through tax sale forfeiture. The remaining nine lots are privately owned and the home is vacant and is for sale.

The Land Management Committee approved acquisition of 21 lots from the City of West Fargo and to delay purchase on the remaining lots and home which are privately owned until a decision is made on the western alignment of the diversion channel.

MOTION, passed

Mr. Wimmer moved and Ms. Otto seconded to approve the early acquisition of 21 vacant lots in Hayden Heights Subdivision from the City of West Fargo in the amount of \$483,800 plus assumption of the special assessments of approximately \$525,000, in accordance with the terms of the purchase agreement executed on September 14, 2012. Motion carried.

Agricultural Policy Subcommittee update

Mr. Waters said the subcommittee has endorsed a local drainage plan and local transportation plan which includes design and construction factors related to drainage improvement and transportation corridors associated with the project.

Public Outreach Committee

Mr. Olson said the Public Outreach Committee met on October 10th, and he provided an update on a few of the topics discussed at the meeting: the e-newsletter will be distributed on October 15th and will be posted on the website; a community meeting will be held in Horace on October 25th to provide additional information on the project; a draft of the Outreach and Communications Plan continues to be reviewed by the committee; and inquiries from property owners continue to be reviewed and answered by staff.

Finance Committee

The Finance Committee met on October 10th and approved recommendations to acquire 21 vacant lots in Hayden Heights owned by West Fargo and to spend \$500,000 toward a regional retention study to be conducted by the Red River Basin Commission.

6. **VOUCHERS, Approved**

MOTION, passed

Mr. Wagner moved and Mr. Wimmer seconded to approve the vouchers as presented in the amount of \$3,009,425.29. Motion carried.

7. **NEXT MEETING DATE**

The next meeting will be held on Thursday, November 8, 2012, at 3:30 PM.

8. **ADJOURNMENT**

MOTION, passed

On motion by Mr. Walaker, seconded by Mr. Wimmer, and all voting in favor, the meeting was adjourned at 5:35 PM.

Item 2.

**FLOOD DIVERSION BOARD OF AUTHORITY
OCTOBER 23, 2012—8:00 AM**

1. MEETING TO ORDER

A special meeting of the Flood Diversion Board of Authority was held on Tuesday, October 23, 2012, at 8:00 AM in the Fargo City Commission Room with the following members present: Fargo City Commissioner Tim Mahoney; Fargo City Commissioner Mike Williams; Cass County Commissioner Scott Wagner; West Fargo City Commissioner Mike Thorstad; Cass County Joint Water Resource District Manager Rodger Olson; Clay County Commissioner Kevin Campbell; and Moorhead City Council Member Nancy Otto. Cass County Commissioner Darrell Vanyo was present via conference call.

Fargo City Commissioner Brad Wimmer and ex-officio member Gerald Van Amburg, Buffalo-Red River Watershed District, were absent.

Staff members and others present: Cass County Administrator Keith Berndt; Fargo City Administrator Pat Zavoral; Clay County Administrator Brian Berg; Fargo City Engineer Mark Bittner; Fargo City Engineer April Walker; Moorhead City Engineer Bob Zimmerman; Cass County Engineer Jason Benson; Bruce Spiller, CH2MHill; and Aaron Snyder, Branch Chief for Project Management & Development, Army Corps of Engineers, via conference call.

2. RING DIKE/LEVEE CONCEPT, Further study approved regarding option for Oxbow, Hickson, and Bakke Subdivision

Bruce Spiller from CH2MHill said because of continued efforts to minimize upstream impacts and public input, the concept of a ring dike/levee to protect the Oxbow, Hickson and Bakke Subdivision areas was discussed at the Board meeting on October 11, 2012. He said in order for continued analysis on the proposal, the Board needs to request the Army Corps of Engineers to work with residents from the area to conduct further study.

Mr. Vanyo discussed the timeline and said the Corps will gather information and work with area residents. He said once Oxbow, Hickson and Bakke Subdivision have a chance to review the plan, the Board will be asked to make a final decision on the option.

Mr. Snyder said the Corps will work with the communities and will ask for participation from the residents. Also, the Corps will be looking for a representative from each community to work directly with them during the process to develop a list of considerations. He said the goal is to provide additional information to the Board at the December meeting.

Mr. Campbell asked if further analysis on this concept will delay the federal funding process. Mr. Snyder said this will not delay the project because this proposal is a mitigation effort. Mr. Campbell asked about other options for the communities, and Mr. Snyder said the only other option is a buyout of all the homes in the area.

Mr. Olson asked about additional impacts upstream. Mr. Snyder said staging area maps will be updated, but he believes the impacts of a ring dike/levee would be minimal.

Oxbow Mayor Jim Nyhof said the communities will be asking for certain requirements if a ring dike/levee is to be considered. He said if the proposal does not meet the standards outlined by residents, the communities want to have the ability to reject the option.

MOTION, passed

Mr. Wagner moved and Mr. Campbell seconded to request the Army Corps of Engineers to work with residents of Oxbow, Hickson, and Bakke Subdivision to conduct further analysis of a ring dike/levee concept for the area. Discussion: Mr. Wagner asked about road access during flood conditions, because County Highway 81 was under water in this area in 2009. Mr. Berndt said the study will consider elevating roads so access is available during flood events. On roll call vote, the motion carried unanimously.

Mr. Spiller said an Authority Work Directive (AWD) has been drafted to allow Houston-Moore Group, LLC (HMG) to provide engineering assistance to the Corps of Engineers in development of this concept.

MOTION, passed

Mr. Campbell moved and Mr. Wagner seconded to approve AWD-00020 (Oxbow Area Levee Assistance) to allow Houston-Moore Group, LLC to provide Work-in-Kind (WIK) engineering assistance to the Army Corps of Engineers in development of a ring dike/levee concept. Motion carried.

3. NEXT MEETING DATE

The next meeting will be held on Thursday, November 8, 2012, at 3:30 PM.

4. ADJOURNMENT

MOTION, passed

On motion by Mr. Williams, seconded by Mr. Thorstad, and all voting in favor, the meeting was adjourned at 8:20 AM.



Item 4c. (1)

DECISION PAPER NO.: DP-00020

Date: 11/8/2012

Recommended Board of Authority Position for Post-Feasibility Alternatives Analysis VE-13A vs VE-13C

RECOMMENDATION FOR BOARD ACTION:

1. Motion is made that the Board of Authority provide its position to the USACE endorsing the proposed alternative VE-13, Alignment Option A.

SUMMARY OF DECISION TOPIC:

1. After completion of the Feasibility Study, since September 2011, the USACE and the Authority have conducted additional analysis (see FM Diversion Post Feasibility Southern Alignment Analysis and associated reports at <http://www.fmdiversion.com/techdocs.asp>) to improve the overall project by increasing value, decreasing risk, and minimizing impacts. The Analysis evaluated the following alignments:
 - a. Value Engineering #13- Option A (VE-13A)
 - b. Value Engineering #13- Option C (VE-13C)
 - c. North of the Wild Rice/Red River confluence
 - d. South of Oxbow
2. After an initial evaluation, North of the Wild Rice/Red River confluence and South of Oxbow were eliminated from further consideration. The following table summarizes the key impacts for Federally Recommended Plan (FRP), VE-13A, VE-13C, and the:

Induced Impacts in the Staging Area (100 yr event)			
Impacts	FRP	VE-13A ¹	VE-13C ¹
Residential Structures (no levees)	387	251	305
Residential Structures (with levees)	N/A	58	133
Newly Impacted Residential Structures	N/A	34	80
Total Acres Impacted	33,930	32,523	32,383
100 yr Staging Elevation at (Staging area)	923.0	922.1	919.5
Water elevation at Richland/Wilkin County line	923.1	922.5	920.5
Length of Embankment upstream of Sheyenne River (miles) ²	21.0	23.1	16.6
Flowage Easement Acres In Richland County	2,513	788	150
Residential Structures in Richland Co	18	2	0
Flowage Easement Acres in Wilkin County	2,922	450	30
Residential Structures in Wilkin Co	2	1	0
Cost Savings Relative to FRP (no levees) (\$ in millions)	-	59.0	47.0

¹ With In-Town Levees and Gates on the Diversion Inlet.

² Includes length of the levee embankments.

EVALUATION OF KEY FACTORS FOR DECISION MAKING:

1. Basis for selection of Value Engineering #13- Option A

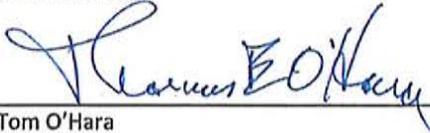
ADVANTAGES:

- a. Eliminates Storage Area 1 and Wolverton Creek structure.
- b. Impacts fewer residential structures and businesses.
- c. Provides a greater reduction in cost to the project (\$53 million).
- d. Reduces impacts to upstream areas (Richland/Wilkin Counties).
- e. Maintains downstream impacts as described in the FEIS.
- f. Reduces impacts to farming (summer floods).
- g. Minimizes impacts to the environment (connectivity and geomorphology).
- h. Reduces long-term project risk.
- i. Reduces long-term project operation and maintenance.

DISADVANTAGES:

- a. No significant disadvantages.

Submitted by:



Tom O'Hara
CH2M HILL
Program Manager
 Fargo-Moorhead Area Diversion Project

November 2, 2012
Date

Brian C. Berg, Clay County Administrator
Concur: X (11/01/12) Non-Concur: _____

Michael J. Redlinger, Moorhead City Manager
Concur: X (11/02/12) Non-Concur _____

Keith Berndt, Cass County Administrator
Concur: X (11/01/12) Non-Concur: _____

April Walker, Fargo City Engineer
Concur: X (11/01/12) Non-Concur _____

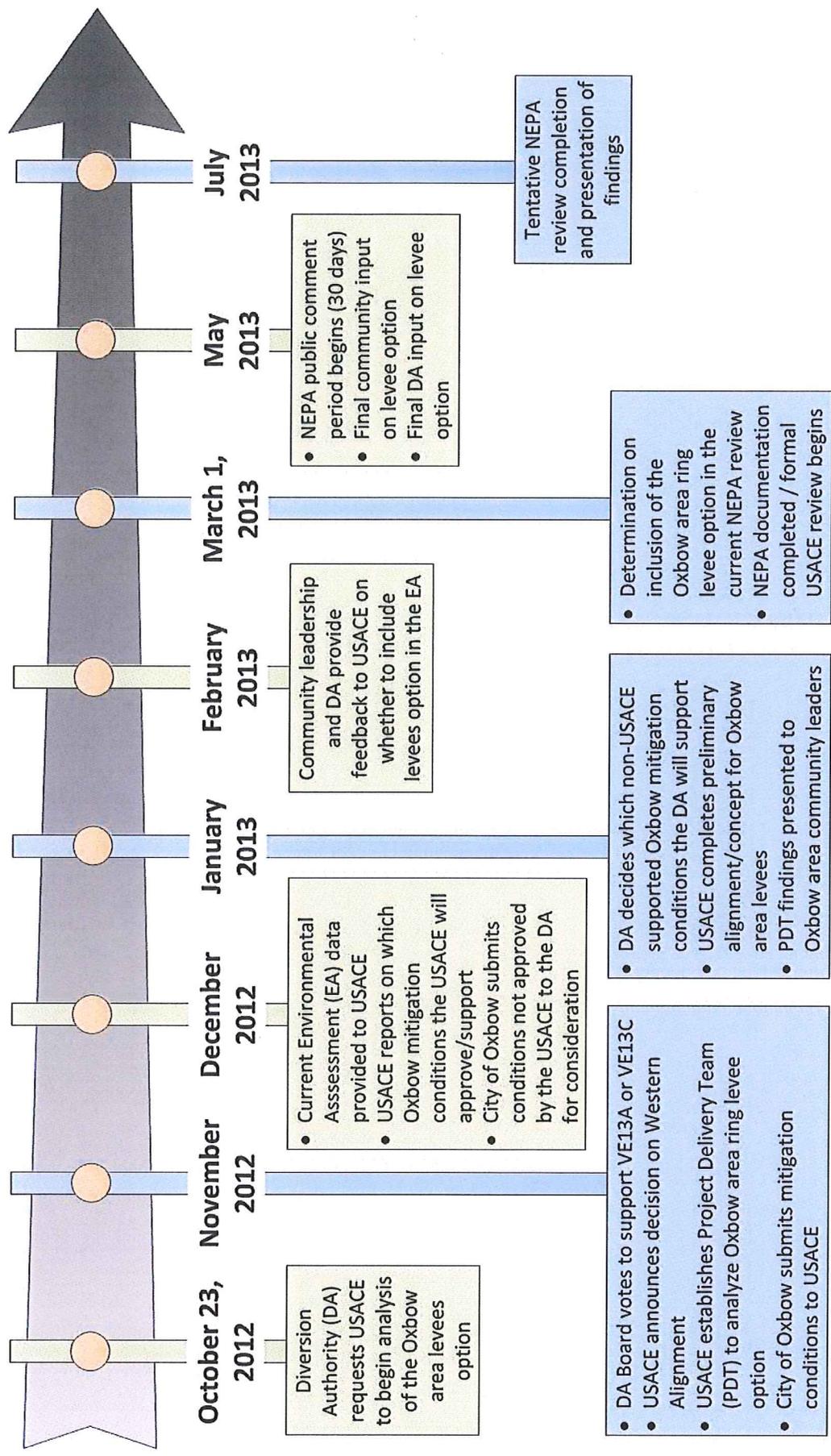
Mark Bittner, Fargo Director of Engineering
Concur: X (11/01/12) Non-Concur: _____

Pat Zavoral, Fargo City Administrator
Concur: X (11/02/12) Non-Concur _____

David Overbo, Clay County Engineer
Concur: X (11/01/12) Non-Concur: _____

Robert Zimmerman, Moorhead City Engineer
Concur: X (11/01/12) Non-Concur _____

Post-Feasibility/NEPA Actions and Decisions Timeline



Task Order Summary

Date: November 8, 2012

Houston-Moore Group Task Order Summary

Increased Amount (\$)

Task Order No. 2 -Amendment 1 Design of Work Package 2 (CR-31 Bridge)	0
Task Order No. 3-Amendment 1 Design of Work Package 4 (Reach 3)	0
Task Order No. 4-Amendment 1 Design of Work Package 7 (CR-32, CR-22)	0
Task Order No. 5-Amendment 2 Post-Feasibility Engineering Analysis	40,000
Task Order No. 6-Amendment 2 Land Management Services	90,000
Task Order No. 8-Amendment 2 Work-In-Kind	0
Task Order No. 9-Amendment 2 Hydrology and Hydraulic Modeling	95,000
Task Order No. 13-Levee Design and Design Support	425,000
Total of Task Orders	650,000

Minnesota Department of Natural Resources Contract Amendment

Increased Amount (\$)

Contract No. 39228-Amendment 1 Scoping Phase of the EIS	115,550
Total	115,550

Task Order Summary for Houston-Moore Group

Task Order No. 2 – Amendment 1 Design of Work Package 2 (CR-31 Bridge)

No Change in Cost
Schedule Extension

Description:

This amendment to Task Order No. 2 is to extend the period of performance from ending on December 31, 2012 to ending on June 30, 2013.

There is no change in contract price.

Background:

This task order was initially approved on March 8, 2012 to provide design of WP 02 (CR 31 Bridge). Work was to be completed by December 31, 2012. Due to delays outside of HMG's control, the time period for performing the work needs to be extended to June 30, 2013.

Task Order No. 3 – Amendment 1 Design of Work Package 4 (Reach 3)

No Change in Cost
Schedule Extension

Description:

This amendment to Task Order No. 3 is to extend the period of performance from ending on December 31, 2012 to ending on June 30, 2013.

There is no change in contract price.

Background:

This task order was initially approved on March 8, 2012 to provide design of WP 03 (Reach 3/I-29 NB and SB, and CR 81 Bridges). Work was to be completed by December 31, 2012. Due to delays outside of HMG's control, the time period for performing the work needs to be extended to June 30, 2013.

Task Order No. 4 – Amendment 1 Design of Work Package 7 (CR-32 and CR-22)

No Change in Cost
Schedule Extension

Description:

This amendment to Task Order No. 4 is to extend the period of performance from ending on December 31, 2012 to ending on June 30, 2013.

There is no change in contract price.

Background:

This task order was initially approved on March 8, 2012 to provide design of WP 03 (CR 32 and CR 22 Bridges). Work was to be completed by December 31, 2012. Due to delays outside of HMG's control, the time period for performing the work needs to be extended to June 30, 2013.

Task Order No. 5 – Amendment 2
Post-Feasibility Engineering Analysis

Increase \$ 40,000
Schedule Extension

Description:

This amendment to Task Order No. 5 adds the following scopes of work: 1) providing additional independent QA/QC review of portions of the Post-Feasibility Southern Alignment Analysis (PFSAA) report, 2) providing modeling results and mapping for bundled (Flows Through the Protected Area and Gated Inlet) for the VE-13C and North of the Wild Rice River alternatives, and 3) providing a Summary Technical Memorandum for the bundled PFSAA analysis.

The period of performance is extended from ending on November 30, 2012 to ending on December 31, 2012.

Background:

This task order included the analysis of several individual options and alternatives to the recommendations in the Feasibility Report. As the analysis progressed, it became apparent the combining, or “bundling,” options would provide greater project benefits. The above scopes of work were increased or added to accommodate these bundled options.

Task Order No. 6 – Amendment 2
Land Management Services

Increase \$ 90,000
No Schedule Extension

Description:

The purpose of this document is to present an independent validation of the fee required to prepare an updated real estate cost estimate for the residences, farmsteads, agricultural land, flowage easements on agricultural land, commercial properties, platted real estate, and temporary construction easements for the project. The estimate is necessary due to the time since the initial estimate during the feasibility study and the significant modifications to the project during the design and post-feasibility study phase.

Background:

The local sponsors for the Fargo – Moorhead Area Diversion Project are required to acquire all real estate interests necessary for construction and operation of the diversion project. The estimate for the real estate was developed in July 2011 during the feasibility study in an amount of \$254 million.

This estimate is not current due to possible changes in the value of properties since July 2011 and modifications to the project, which will result in different quantities of properties to be acquired.

Following approval by the Authority of the project modifications, it is now appropriate to prepare an updated real estate cost estimate. Furthermore, this estimate will assist in more accurately defining the total project cost.

Task Order No. 8 – Amendment 2
Work-In-Kind

No Change in Cost
No Schedule Extension

Description:

Task Order No. 8 provides Work-in-Kind services as requested by USACE. The period of performance for this task order will be extended through FY13 to allow HMG to respond to USACE requests.

Adds additional scope under:

Subtask A. Reach 1 Low Flow Channel Meander Modeling: Model the Reach 1 Low Flow Channel (LFC) design developed by USACE using the RVR Meander software.

Background:

USACE requested the Diversion Authority to model their preliminary layout of the LFC in Reach 1 using the RVR Meander software, which the HMG has particular expertise in using. The work is creditable as Work-in-Kind.

\$225,000 is currently available for On-Call Services under this Task Order No. 8.-Amendment 2 will be allocated \$18,000 and the On-Call Services allowance will be decreased \$18,000. Therefore, no change to the contract amount for Task Order No. 8.

**Task Order No. 9 – Amendment 2
Hydrology and Hydraulic Modeling**

**Increase \$ 95,000
No Schedule Extension**

Description:

Task Order No. 9 provides Hydrology and Hydraulic (H&H) Modeling services. The period of performance for this task order will be extended through FY13 to allow HMG to respond to H&H requests.

Adds additional scope under **Subtask F. On-call Services:**

F.III. Tributary Peak Model Runs to support the Maple River Aqueduct Physical Model

Perform model runs for the 10-, 50-, 100-, and 500-year tributary peak hydrographs to support USACE’s physical and numeric modeling of the Maple River Aqueduct Structure. Provide modeling results to the USACE.

Cost of Subtask F.III. = \$20,000

F.IV. Additional Assistance for the Maple River Aqueduct Physical Model

Additional assistance includes participating in bi-weekly conference calls, provide additional technical information and support from Feasibility Study team to USACE’s physical modeling team, and attend four day, value-based design charrette.

Cost of Subtask F.IV. = \$25,000

F.V. Unsteady HEC-RAS Modeling of Existing PMF Inflows

Perform technical review of the model, address instability issues related to running the model with very large inflows, and produce final model runs that provide the PMF at the Fargo gage.

Cost of Subtask F.V. = \$50,000

Background:

USACE requested the Diversion Authority to provide the above described work as creditable Work-in-Kind assistance.

Task Order No. 13
Levee Design and Design Support

New \$ 425,000

Description:

As part of Work-In-Kind, provide assistance to USACE in design and design support activities for design of levees along the Red River to support increased flow through town and ring levees in the upstream staging area.

Background:

1. Red River Levees: At the November 8, 2012 Diversion Board meeting, the Board requested USACE add levees along the Red River to allow increased flow through the protected area. This task order allows HMG to provide design and design support to USACE for these Red River levees.
 - A. Phase 1 – Screening of alternatives and selecting final alignment scope to include: Development of Alternatives, Public Involvement, Surveying, Geotechnical Exploration and Testing, Preliminary Geotechnical Analysis, Preliminary Hydrologic and Hydraulic Analysis, Preliminary Internal Flood Control Analysis, Preliminary Utility Investigation, Preliminary Levee and Structural Design, Transportation Evaluation, Preliminary Environmental Studies, Preliminary Report and Drawings, and Project Management.
Cost = \$375,000
 - B. Phase 2 – Detailed Plans and Specifications (not included in this amendment)
 2. Upstream Staging Area Levees/Ring Dikes: At the November 8, 2012 Diversion Board meeting, the Board passed AWD-00020 Recommended Board of Authority Position for Post-Feasibility Alternatives Analysis VE-13A vs. VE-13C, which authorized HMG to begin conceptual design and site investigations of potential levees for the Oxbow area.
Cost = \$50,000 (allowance)
-

Summary for Minnesota Department of Natural Resources Income Contract

Contract No. 39228

**Increase \$ 115,550
Schedule Extension**

Description:

This is Amendment 1 to the Minnesota EIS – Income Contract in the amount of \$115,550, which increases the total contract amount to \$346,100. This additional amount is required to complete the scoping phase of the EIS.

The period of performance is extended to February 1, 2014.

Background:

The Minnesota Department of Natural Resources (DNR) is currently in the Scoping phase of environmental review for the proposed project. Over the course of Scoping, several design changes have been incorporated into the project. Based on these changes, the DNR has identified the need to complete a Scoping Environmental Assessment Worksheet (EAW).

The EAW forms the basis for determining what additional studies are needed in the Environmental Impact Statement (EIS). The EAW also complements the separate Draft Scoping Decision Document that is prepared by DNR to define the alternatives to be studied in the EIS. The original income contract between the Authority and DNR did not include funding for preparation of an EAW.

Procedurally, the DNR is completing its internal review of the estimate before finalizing. Once they obtain internal approvals for the proposed amendment, they will sign it and send the partially executed contract to the Authority for signature. Based on discussions with the DNR Project Manager, no substantial changes to the draft amendment are anticipated. Amendment 1 is provided in the backup section of this packet.

AMENDMENT 1 TO INCOME CONTRACT NUMBER 39228

Contract Start Date:	<u>February 3, 2012</u>	Total Contract Amount:	<u>\$ 346,100.00</u>
Original Contract Expiration Date:	<u>January 3, 2014</u>	Original Contract:	<u>\$ 230,550.00</u>
Current Contract Expiration Date:	<u>January 3, 2014</u>	Previous Amendment(s) Total:	<u>\$ 0.00</u>
Requested Contract Expiration Date:	<u>February 1, 2014</u>	This Amendment:	<u>\$ 115,550.00</u>

This amendment is by and between the State of Minnesota, through its Commissioner of the Department of Natural Resources ("DNR" or "State") and Fargo-Moorhead Metro Diversion Board of Authority c/o City of Moorhead, Moorhead City Hall, P.O. Box 779, Moorhead, MN 56561-0779 ("Purchaser").

Recitals

1. The State has a contract with the Purchaser identified as Income Contract Number 39228 ("Original Contract") to reimburse the State for reasonable expenses incurred in preparation of an Environmental Impact Statement (EIS) for the Fargo-Moorhead Metropolitan Area Flood Risk Reduction Project (Project).
2. The Purchaser recently announced a number of design changes to the proposed Project that will require the State to modify its environmental review process for the Project. Specifically, the State will now need to produce a Scoping Environmental Assessment Worksheet. The Original Contract is being amended to provide additional funding for the State, and its EIS contractor, to complete work through the modified scoping process and the public comment period on the State's scoping documents.
3. The State and the Contractor are willing to amend the Original Contract as stated below.

Contract Amendment

REVISION 1. Clause 1.2 (Expiration Date) is amended as follows:

1.2 *Expiration date:* ~~January 3, 2014~~ February 1, 2014, or until all obligations have been satisfactorily fulfilled, whichever occurs first.

REVISION 2. Clause 2 (State's Duties) is amended as follows:

2 State's Duties

The State will:

Pursuant to Minnesota Rules Part 4410.2100, the DNR will: document federal process, prepare and publish in the EQB Monitor a Scoping Environmental Assessment Worksheet and a Draft Scoping Decision Document with supporting information; provide for a public scoping period to end; conduct a public scoping meeting; prepare a Final Scoping Decision; compare the Final Scoping Decision to available federal EIS for the same project to determine level of effort for EIS preparation; secure consultants/contractors as appropriate for EIS Scoping and preparation efforts; issue an EIS Preparation Notice; prepare a Draft EIS and hold a public meeting; respond to comments and prepare a Final EIS; and prepare adequacy determination.

REVISION 3. Clause 3 (Payment) is amended as follows:

3 Payment

The Purchaser will pay the State for all services performed by the State under this contract as follows:

EIS Scoping:

Purchaser shall receive an invoice and pay to the State \$230,550 as reimbursement for services related to staff costs, legal costs, travel, public meetings, public notification, printing and distribution related to the Fargo-Moorhead Metropolitan Flood Risk Management Project's EIS scoping and consultant selection incurred by the state; ~~If costs to the State exceed \$230,550, balance to be submitted prior to EIS Preparation Notice issuance; If costs to the State total less than \$230,550, balance to be credited toward EIS preparation, or refunded, at Purchaser's discretion.~~

Upon execution of Amendment 1, Purchaser shall receive an invoice and pay to the State \$115,550.00 as reimbursement for additional services to cover the State's anticipated increase in costs for the modified EIS scoping process. If costs to the State exceed \$346,100.00, balance to be submitted prior to EIS Preparation Notice issuance; If costs to the State total less than \$346,100.00, balance to be credited toward EIS preparation, or refunded, at Purchaser's discretion.

EIS Preparation:

Costs for EIS preparation are estimated at \$750,000. This estimate will be revised at the completion of EIS Scoping and the contract will be amended to reflect these costs. A payment schedule for these costs will be developed as part of the contract amendment after completion of EIS Scoping.

A cost breakdown is included in Exhibit A and Exhibit B, which is are attached to and incorporated into this contract.

The total obligation of the Purchaser for all compensation and reimbursements to the State under this contract is \$1,096,100.00. The \$750,000 cost estimate for EIS preparation will be revised at the completion of EIS scoping and this contract will be amended to reflect the revised EIS preparation costs.

The Purchaser must complete all reimbursements of State costs before any state agency permit can be issued.

REVISION 4. Clause 4 (Authorized Representatives) is amended as follows:

4 Authorized Representatives

The State's Authorized Representative is ~~Randall Doneen, Planning Director~~ Stuart Arkley, EIS Project Manager, Division of Ecological and Water Resources, Minnesota Department of Natural Resources, 500 Lafayette Road, St. Paul, MN 55155, ~~651-259-5126~~ 651-259-5089, or his successor.

The Purchaser's Authorized Representative is Bob Zimmerman, City of Moorhead, City Hall, P.O. Box 779, Moorhead, MN 56561-0779, or his successor.

REVISION 5. Clause 12 (DNR Service Rates) is added as follows:

12 DNR Services Rates

The DNR has individual, hourly Professional Services rates for each division. These rates are subject to periodic review and change by the DNR and may increase or decrease during the Contract period. The current rates are available to the Purchaser upon request.

The DNR Shared Services costs are subject to periodic review and change by the State and these costs may increase or decrease during the Contract Period. The current costs are available to the Purchaser upon request.

Except as amended herein, the terms and conditions of the Original Contract and all previous amendments remain in full force and effect.

1. PURCHASER

Fargo-Moorhead Metro Division Board of Authority

Signed: _____

Date: _____

2. STATE AGENCY

Department of Natural Resources

SE By: _____
(with delegated authority)

Title: _____

Date: _____

3. COMMISSIONER OF ADMINISTRATION

As delegated to Materials Management Division

By: _____

Date: _____

39228 - Amendment 1
11-06-2012
DB

Fargo-Moorhead Flood Control Structure Project
EIS Scoping / Estimated RGU Expenses
Supplemental for Amendment 1 to Income Contract

	Review Data Submittal #1	Review Data Submittal #2	Tech meeting with Wenck on SEAW scope	Review Preliminary SEAW	Workshop style meeting on SEAW comments preparation	Public meeting preparation	Public meeting participation	Other meetings (e.g. alternatives review)	Project management 11/1/12 through 1/31/2013	TOTALS
EWR Project Management	24								629	76 \$47,804.00
EWR - ECO Rate	17		16	24	16	11	24	32		154 76 \$12,464.00
EWR - WAT Rate / Fish and Wildlife	22		12	22	12	9	32	16		141 80 \$11,280.00

Hours:		Total Hours	934
Salary Cost:		Salaries	\$71,548.00
Subtract...		Approx Salary Remaining	\$45,000.00
		Subtotal	\$26,548.00
Additional Scoping Costs:		Stenographers (2)	\$600.00
		Additional Staff Travel	\$500.00
		Additional Scoping Contractor	\$79,343.00
		Subtotal	\$80,443.00
		Shared Service (8% of subtotals)	\$8,559.00
		Amendment 1 Total	\$115,550.00



Purchase Offer for Hardship Properties

DECISION PAPER NO.: DP-00019

Date: 11/8/2012

RECOMMENDATION FOR BOARD ACTION:

Motion is made that the Diversion Authority Board approve agreements to purchase 2 properties determined to be in compliance with the conditions of the adopted Hardship Policy by the Hardship Review Committee. The contracts are for purchase at the appraised value plus \$6,000 to compensate for relocation expenses, or totals of \$217,000 and \$347,000. The motion is forwarded following approval by the Finance Committee and the Land Management Committee.

SUMMARY OF DECISION TOPIC:

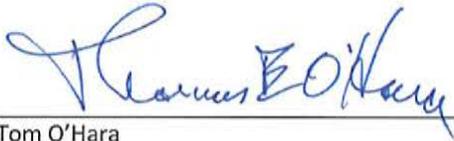
The Diversion Authority has earlier recognized that while it is difficult to quantify the impacts resulting from the impending project on property values, or discern between project-related impacts in general economic conditions or other market forces, the Diversion Authority established a policy that allowed property owners with a serious health condition to have their homes determined eligible for early buyout by the Diversion Authority.

The policy was put in effect prior to the Project Partnership Agreement (PPA) between the U.S. Army Corps of Engineers and the non-federal sponsors of the Project.

EVALUATION OF KEY FACTORS FOR DECISION MAKING:

1. The Hardship Review Committee of the Early Acquisition Sub-Committee of the Land Management Committee of the Diversion Authority has reviewed applications for early buyout in accordance with the hardship policy adopted by the Diversion Authority. The criteria included in the Pre-PPA Hardship Policy are that the property must be located within the planned buyout area associated with the Project, the property owner must have a serious health condition certified by a medical professional, and the health condition makes it difficult for the property owner to continue residing at the residence.
2. Eight properties were evaluated for early buyout and three properties were determined by the Hardship Review Committee to meet the criteria of the adopted Hardship Policy. All three properties are located within the City of Oxbow at 105 Oxbow Drive, 121 Oxbow Drive, and 744 Riverbend Road.
3. Appraisals of these properties were conducted after authorization by the Diversion Authority. The appraisals were performed on these properties by a local appraiser reviewed by the USACE.
4. Purchase agreements for all three properties were developed by the diversion authority staff, legal counsel, and the program management consultant. The purchase offers were presented to the property owners based on the appraised value. Relocation benefits in accordance with applicable public law and regulations was negotiated at an amount of \$6,000 per property.
5. Two owners agreed upon the sale at these terms, and the 3rd owner is still contemplating the decision.
6. The purchase agreements indicate that the 'Diversion Board of Authority' will take title of the properties.
7. The closing date for the properties will be November 30, 2012 and the Diversion Authority shall take possession 30 days from the date of closing.
8. The properties will be managed by the property management firm, Coldwell Banker First Realty, selected by the Diversion Authority in October, 2012.

Submitted by:



Tom O'Hara
CH2M HILL
Program Manager
Fargo-Moorhead Area Diversion Project

November 2, 2012

Date

Brian C. Berg, Clay County Administrator
Concur: X (11/01/12) Non-Concur: _____

Michael J. Redlinger, Moorhead City Manager
Concur: X (11/02/12) Non-Concur _____

Keith Berndt, Cass County Administrator
Concur: X (11/01/12) Non-Concur: _____

April Walker, Fargo City Engineer
Concur: X (11/01/12) Non-Concur _____

Mark Bittner, Fargo Director of Engineering
Concur: X (11/01/12) Non-Concur: _____

Pat Zavoral, Fargo City Administrator
Concur: X (11/02/12) Non-Concur _____

David Overbo, Clay County Engineer
Concur: X (11/01/12) Non-Concur: _____

Robert Zimmerman, Moorhead City Engineer
Concur: X (11/01/12) Non-Concur _____

Public Outreach Committee Report

For Diversion Authority – November 8, 2012

- Public Input – FMDiversion.com: The Diversion Project’s website, FMDiversion.com, continues to collect and post public comments or questions about the Project on the website’s “Comments” section. Over 20 comments, questions have been submitted since the post-feasibility meetings were conducted in September. Answers to questions or requests for information are being posted on the website’s “FAQ” section. We will continue to monitor and accept public input through the website. Another way the public may comment on the project is to contact elected representatives.
- Horace Public Information Meeting: The Project Management Consultant team is preparing for a public information meeting on the FM Area Diversion Project for the residents of Horace, ND. The meeting will be held at the Horace Senior Center on November 14 at 6:30 pm.
- Fish Passage Project Public Meeting: The U.S. Army Corps of Engineers, St. Paul District, and the city of Drayton, N.D., are hosting a public meeting to discuss a potential fish passage project at Drayton Dam on the Red River. The meeting will be held November 15 at the Hastings Landing Restaurant, 909 N. Main St. There will an open house from 6-8:30 p.m., with a presentation at 7 p.m.
- E-Newsletter Update: The next edition of the Diversion Dialogue E-Newsletter is set to be distributed on Monday, November 12. It will include the following articles:
 1. Post-Feasibility Study Update: Includes the latest developments from the November 8 Diversion Authority meeting, including any decisions made and any further Post-Feasibility study efforts.
 2. Channel Alignment Update: Maple River to Sheyenne River: A brief summary and main benefits of the finalized channel alignment from the Maple River to the Sheyenne River.
 3. Staging Area Animation: An article containing a summary of new animation of the Staging Area concept depicting the Staging Area in operation. The article will contain a link to view the animation.
 4. Hardship Property Acquisitions: A brief summary of the purchase agreements with two hardship properties (if approved by the Diversion Authority)
 5. USACE Update: The USACE will provide an update on their activities related to the project.
- Outreach and Communications Plan – Version #1: The Public Outreach Committee and the Program Management Consultant have prepared and updated version of the Outreach and Communications Plan. Version #1 of the document is available and distributed to the Diversion Authority board. It is expected that this will be a living document with regular updates as the program continues.
- NDSU Speaker Series on Diversion Project: North Dakota State University’s Department of Emergency Management hosted a four-part speaker series on the Diversion Project. Darrell Vanyo, Diversion Authority Chairman, and Terry Williams, Corps of Engineers project manager for the Diversion Project, were two of the speakers.

FMI Diversion Authority
Fiscal Accountability Report Design Phase (Fund 790)
As of 10/31/2012

	2011	2012	Cumulative Totals
Revenues			
City of Fargo	443,138	4,813,065	5,256,203
Cass County	443,138	4,813,065	5,256,203
City of Moorhead / Clay County	98,475	1,069,570	1,168,044
State Water Commission (10% Cap)	-	-	-
Total Revenues	984,750	10,695,701	11,680,451
Expenditures			
7905 Army Corp Payments	-	-	-
7910 WIK - Administration	107,301	214,869	322,170
7915 WIK - Project Design	149,632	3,467,105	3,616,738
7920 WIK - Project Management	679,037	5,145,747	5,824,784
7925 WIK - Recreation	-	163,223	163,223
7930 LERRDS - North Dakota	48,664	1,680,693	1,729,357
7931 LERRDS - Minnesota	-	24,063	24,063
7940 WIK Mitigation - North Dakota	-	-	-
7941 WIK Mitigation - Minnesota	-	-	-
7950 Construction - North Dakota	-	-	-
7951 Construction - Minnesota	-	-	-
7955 Construction Management	-	-	-
7990 Project Financing	-	-	-
7995 Project Eligible - Off Formula Costs	-	-	-
7999 Non Federal Participating Costs	116	-	116
Total Expenditures	984,750	10,695,701	11,680,451

Date: 10/31/2012

**FM Diversion Authority
Summary of Cash Disbursements
Period October 2012**

Period/Year: 10/2012

Account Number	Check Date	Check Number	Vendor Name	Transaction Amount	Description 1	Project Number	Project Description
790-7910-429-33-20	10/30/2012	JB10120014	CITY OF FARGO	410.00	FISCAL SERVICES	V00102	General & Admin. WIK
Total Accounting Services \$				410.00			
790-7910-429-33-25	10/10/2012	231692	DORSEY & WHITNEY LLP	33,232.71	RED RIVER DIVERSION PROJ	V00101	Dorsey Whitney Legal WIK
	10/17/2012	232052	DORSEY & WHITNEY LLP	86,960.88	RED RIVER DIVERSION PROJ	V00101	Dorsey Whitney Legal WIK
Total Legal Services \$				120,193.59			
790-7910-429-33-99	10/3/2012	231501	NORTH DAKOTA TELEPHONE CO	87.40	SETUP FEES/MINUTES OF USE	V00102	General & Admin. WIK
Total Other Services \$				87.40			
790-7915-429-33-05	10/31/2012	232726	MOORE ENGINEERING INC	3,920.00	THRU 8/24/12	V00903	Local Drainage Plan
	10/31/2012	232672	HOUSTON-MOORE GROUP LLC	211,996.56	7/21/12 TO 8/31/12	V01603	CR-81 & I29 BRIDGE DESIGN
	10/31/2012	232672	HOUSTON-MOORE GROUP LLC	481,448.70	6/16/12 TO 8/31/12	V01605	POST FEASIBILITY ANALYSIS
	10/31/2012	232672	HOUSTON-MOORE GROUP LLC	26,779.20	7/21/12-8/31/12	V01607	RECREATION/USE MASTER PLN
	10/31/2012	232672	HOUSTON-MOORE GROUP LLC	133,660.71	7/21/12 TO 8/31/12	V01608	WORK-IN-KIND (WIK)
	10/31/2012	232672	HOUSTON-MOORE GROUP LLC	4,087.00	7/21/12 TO 8/31/12	V01609	HYDROLOGY/HYDRAULIC MODEL
Total Engineering Services \$				861,892.17			
790-7920-429-33-05	10/31/2012	232672	HOUSTON-MOORE GROUP LLC	128,371.74	7/21/12 TO 8/31/12	V01601	HMG - PROJECT MANAGEMENT
Total Engineering Services \$				128,371.74			
790-7920-429-33-06	10/17/2012	232017	BRAUN INTERTEC CORP	2,508.00	THROUGH 9/7/12	V00501	Braun Intertech Disturbed
	10/31/2012	232603	BRAUN INTERTEC CORP	2,642.00	THRU 10/12/12	V00501	Braun Intertech Disturbed
Total Quality Testing \$				5,350.00			
790-7920-429-33-79	10/31/2012	232613	CH2M HILL ENGINEERS INC	550,811.05	THRU 9/28/12	V00202	CH2M Hill 3/12-9/30/12
Total Project Management \$				550,811.05			

Date: 10/31/2012

**FM Diversion Authority
Summary of Cash Disbursements
Period October 2012**

Period/Year: 10/2012

Account Number	Check Date	Check Number	Vendor Name	Transaction Amount	Description 1	Project Number	Project Description
790-7925-429-33-05	10/17/2012	232104	HOUSTON ENGINEERING INC	262.50	THROUGH 9/16/12	V00804	Rec & Use Plan- Houston
Total Engineering Services \$				262.50			
790-7930-429-33-05	10/31/2012	232672	HOUSTON-MOORE GROUP LLC	59,465.96	7/21/12 TO 8/31/12	V01602	CR-31 BRIDGE DESIGN
	10/31/2012	232672	HOUSTON-MOORE GROUP LLC	55,602.16	7/21/12 TO 8/31/12	V01604	CR-32 & CR-22 BRIDGE DSGN
	10/31/2012	232672	HOUSTON-MOORE GROUP LLC	58,389.06	7/21/12-8/31/12	V01604	CR-32 & CR-22 BRIDGE DSGN
	10/31/2012	232672	HOUSTON-MOORE GROUP LLC	56,085.98	7/21/12 TO 8/31/12	V01606	LAND MANAGEMENT SERVICES
	10/31/2012	232672	HOUSTON-MOORE GROUP LLC	15,691.40	7/21/12 TO 8/31/12	V01610	UTILITIES DESIGN
Total Engineering Services \$				245,234.56			
790-7930-429-71-30	10/10/2012	231658	NORTHERN TITLE CO	484,016.00	HAYDEN HEIGHTS LAND PURCH	V01701	HAYDEN HEIGHTS LAND PURCH
Total Land Purchases \$				484,016.00			
790-7931-429-33-25	10/17/2012	232180	OHNSTAD TWICHELL PC	1,102.50	RIGHT OF ENTRY/LAND ACQ	V01301	City of Moorhead ROE
Total Legal Services \$				1,102.50			
Total Disbursed for Period \$				\$ 2,397,731.51			

**FM Diversion Authority
Outstanding Contracts
As of October 31, 2012**

Date: 10/31/2012

Project Number	Account Number	PO No.	Vendor No.	P.O. Date	Vendor	Encumbered	Liquidated	Balance
V00101	790-7910-429.33-25	F12217	9367	12/31/2011	DORSEY & WHITNEY LLP	52,102.12	52,102.12	-
V00101	790-7910-429.33-25	146629	9367	1/18/2012	DORSEY & WHITNEY LLP	\$52,679.63	\$52,679.63	-
V00101	790-7910-429.33-25	F12289	9367	2/21/2012	DORSEY & WHITNEY LLP	58,693.38	58,693.38	-
V00101	790-7910-429.33-25	F12293	9367	2/21/2012	DORSEY & WHITNEY LLP	1,600.00	1,600.00	-
V00101	790-7910-429.33-25	156087	9367	10/15/2012	DORSEY & WHITNEY LLP	\$86,960.88	\$86,960.88	-
V00102	790-7910-429.38-99	F11738	20660	11/15/2011	GALLAGHER BENEFIT SERVICES INC	250.00	250.00	-
V00102	790-7910-429.31-10	F11749	646	11/15/2011	FORUM COMMUNICATIONS (ADVERT)	494.24	494.24	-
V00102	790-7910-429.31-10	F11750	646	11/15/2011	FORUM COMMUNICATIONS (ADVERT)	345.97	345.97	-
V00102	790-7910-429.31-10	F11751	646	11/15/2011	FORUM COMMUNICATIONS (ADVERT)	296.56	296.56	-
V00102	790-7910-429.31-10	F11752	646	11/15/2011	FORUM COMMUNICATIONS (ADVERT)	17.05	17.05	-
V00102	790-7999-729.68-30	PCARD	18009	12/20/2011	GOOGLE LOVEINTHOVEN	116.00	116.00	-
V00102	790-7910-429.31-10	F12082	647	12/31/2011	FORUM COMMUNICATIONS (LEGALS)	2,224.20	2,224.20	-
V00102	790-7910-429.38-69	F12079	8645	12/31/2011	SEIGEL COMMUNICATIONS SERVICE	1,490.00	1,490.00	-
V00102	790-7910-429.53-60	F12218	13981	12/31/2011	NORTH DAKOTA TELEPHONE CO	81.20	81.20	-
V00102	790-7910-429.33-20	AJ	COF	2/1/2012	CITY OF FARGO	1,300.00	1,300.00	-
V00102	790-7910-429.55-10	F12256	20829	2/14/2012	BROKERAGE PRINTING	153.85	153.85	-
V00102	790-7910-429.55-10	F12256	20829	2/14/2012	BROKERAGE PRINTING	202.10	202.10	-
V00102	790-7910-429.52-30	F12595	1772	4/16/2012	WARNER & CO	4,975.00	4,975.00	-
V00102	790-7910-429.33-20	AJ	COF	5/25/2012	CITY OF FARGO	1,850.00	1,850.00	-
V00102	790-7910-429.33-25	151789	16872	6/15/2012	ERIK R JOHNSON & ASSOCIATES	\$673.20	\$673.20	-
V00102	790-7910-429.33-25	151876	16872	6/19/2012	ERIK R JOHNSON & ASSOCIATES	\$1,309.00	\$1,309.00	-
V00102	790-7910-429.33-20	AJ	COF	6/25/2012	CITY OF FARGO	340.00	340.00	-
V00102	790-7910-429.33-25	152528	1286	7/10/2012	OHNSTAD TWICHELL PC	\$1,903.50	\$1,903.50	-
V00102	790-7910-429.34-55	152692	20174	7/16/2012	PFM ASSET MANAGEMENT LLC	\$140,000.00	\$0.00	140,000.00
V00102	790-7910-429.33-20	AJ	COF	7/27/2012	CITY OF FARGO	240.00	240.00	-
V00102	790-7910-429.33-25	153237	1286	7/31/2012	OHNSTAD TWICHELL PC	\$728.50	\$728.50	-
V00102	790-7910-429.38-99	153670	13981	8/9/2012	NORTH DAKOTA TELEPHONE CO	\$71.60	\$71.60	-
V00102	790-7910-429.38-99	154211	13981	8/23/2012	NORTH DAKOTA TELEPHONE CO	\$90.60	\$90.60	-
V00102	790-7910-429.33-20	AJ	COF	8/30/2012	CITY OF FARGO	280.00	280.00	-
V00102	790-7910-429.33-20	AJ	COF	9/26/2012	CITY OF FARGO	320.00	320.00	-

**FM Diversion Authority
Outstanding Contracts
As of October 31, 2012**

Date: 10/31/2012

Project Number	Account Number	PO No.	Vendor No.	P.O. Date	Vendor	Encumbered	Liquidated	Balance
V00102	790-7910-429-38-99	155381	13981	9/27/2012	NORTH DAKOTA TELEPHONE CO	\$87.40	\$87.40	-
V00102	790-7910-429-33-20	AJ	COF	10/30/2012	CITY OF FARGO	410.00	410.00	-
V00201	790-7920-429-33-79	144170	20663	11/18/2011	CH2M HILL ENGINEERS INC	\$1,908,938.41	\$1,908,938.41	-
V00202	790-7920-429-33-79	148611	20663	3/15/2012	CH2M HILL ENGINEERS INC	\$3,500,000.00	\$3,360,649.86	139,350.14
V00203	790-7920-429-33-79	154940	20663	9/17/2012	CH2M HILL ENGINEERS INC	\$2,100,000.00	\$0.00	2,100,000.00
V00301	790-7910-429-38-69	143936	11604	11/16/2011	ADVANCED ENGINEERING INC	\$50,000.00	\$50,000.00	-
V00401	790-7915-429-33-06	143937	165	11/16/2011	BRAUN INTERTEC CORP	\$54,060.00	\$43,620.00	10,440.00
V00501	790-7915-429-33-06	143938	165	11/16/2011	BRAUN INTERTEC CORP	\$36,150.00	\$34,009.00	2,141.00
V00601	790-7915-429-33-06	144975	20729	12/13/2011	IN SITU ENGINEERING	\$54,800.00	\$47,973.00	6,827.00
V00701	790-7915-429-33-05	144866	20723	12/9/2011	MINNESOTA DNR	\$230,550.00	\$230,550.00	-
V00801	790-7915-429-33-05	146973	801	1/27/2012	HOUSTON ENGINEERING INC	\$99,200.00	\$92,424.03	6,775.97
V00802	790-7915-429-33-05	146974	801	1/27/2012	HOUSTON ENGINEERING INC	\$195,000.00	\$70,742.30	124,257.70
V00803	790-7915-429-33-05	146975	801	1/27/2012	HOUSTON ENGINEERING INC	\$73,000.00	\$47,124.46	25,875.54
V00804	790-7925-429-33-05	148054	801	2/29/2012	HOUSTON ENGINEERING INC	\$175,200.00	\$163,222.91	11,977.09
V00805	790-7915-429-33-05	148058	801	2/29/2012	HOUSTON ENGINEERING INC	\$102,340.00	\$94,786.00	7,554.00
V00806	790-7915-429-33-05	148078	801	2/29/2012	HOUSTON ENGINEERING INC	\$152,755.51	\$108,369.87	44,385.64
V00901	790-7915-429-33-05	146976	1118	1/27/2012	MOORE ENGINEERING INC	\$93,765.00	\$92,291.55	1,473.45
V00902	790-7915-429-33-05	146977	1118	1/27/2012	MOORE ENGINEERING INC	\$145,050.00	\$135,231.99	9,818.01
V00903	790-7915-429-33-05	146978	1118	1/27/2012	MOORE ENGINEERING INC	\$152,330.00	\$142,924.27	9,405.73
V00904	790-7930-429-33-05	148055	1118	2/29/2012	MOORE ENGINEERING INC	\$130,866.00	\$78,760.62	52,105.38
V00905	790-7930-429-33-05	148056	1118	2/29/2012	MOORE ENGINEERING INC	\$33,125.00	\$32,727.08	397.92
V00906	790-7915-429-33-05	148057	1118	2/29/2012	MOORE ENGINEERING INC	\$8,340.00	\$8,326.50	13.50
V00907	790-7915-429-33-05	148077	1118	2/29/2012	MOORE ENGINEERING INC	\$183,920.00	\$164,867.66	19,052.34
V01002	790-7915-429-33-05	148086	17791	2/29/2012	URS CORPORATION	\$480,488.42	\$167,427.92	313,060.50
V01201	790-7930-429-33-25	F12069	19734	12/31/2011	CASS COUNTY JOINT WATER RESOUR	16,708.86	16,708.86	-
V01201	790-7930-429-34-65	F12069	19734	12/31/2011	CASS COUNTY JOINT WATER RESOUR	22,452.50	22,452.50	-
V01201	790-7930-429-33-25	149405	19734	4/10/2012	CASS COUNTY JOINT WATER RESOUR	\$83,119.09	\$83,119.09	-
V01301	790-7915-429-33-05	147745	1118	2/17/2012	MOORE ENGINEERING INC	\$5,558.50	\$5,558.50	-
V01301	790-7931-429-33-25	F12593	1286	4/16/2012	OHNSTAD TWICHELL PC	1,408.00	1,408.00	-
V01301	790-7931-429-33-05	149869	1118	4/23/2012	MOORE ENGINEERING INC	\$1,780.00	\$1,780.00	-
V01301	790-7931-429-33-25	150230	1286	5/3/2012	OHNSTAD TWICHELL PC	\$2,029.50	\$2,029.50	-

**FM Diversion Authority
Outstanding Contracts
As of October 31, 2012**

Date: 10/31/2012

Project Number	Account Number	PO No.	Vendor No.	P.O. Date	Vendor	Encumbered	Liquidated	Balance
V01301	790-7931-429-33-25	150961	1286	5/23/2012	OHNSTAD TWICHELL PC	\$220.50	\$220.50	-
V01301	790-7931-429-33-25	151790	1122	6/15/2012	MOORHEAD, CITY OF	\$15,062.90	\$15,062.90	-
V01301	790-7931-429-33-25	152058	1286	6/27/2012	OHNSTAD TWICHELL PC	\$410.00	\$410.00	-
V01301	790-7931-429-33-25	154504	1286	9/4/2012	OHNSTAD TWICHELL PC	\$1,373.50	\$1,373.50	-
V01301	790-7931-429-33-25	154505	1286	9/4/2012	OHNSTAD TWICHELL PC	\$676.50	\$676.50	-
V01301	790-7931-429-33-25	156088	1286	10/15/2012	OHNSTAD TWICHELL PC	\$1,102.50	\$1,102.50	-
V01501	790-7915-429-74-10	150960	19581	5/23/2012	GEOKON INC	\$33,815.36	\$33,815.36	-
V01601	790-7920-429-33-05	151232	21007	5/31/2012	HOUSTON-MOORE GROUP LLC	\$2,036,675.00	\$549,845.51	1,486,829.49
V01602	790-7930-429-33-05	151233	21007	5/31/2012	HOUSTON-MOORE GROUP LLC	\$871,000.00	\$206,849.49	664,150.51
V01603	790-7915-429-33-05	151234	21007	5/31/2012	HOUSTON-MOORE GROUP LLC	\$2,333,300.00	\$910,533.20	1,422,766.80
V01604	790-7930-429-33-05	151235	21007	5/31/2012	HOUSTON-MOORE GROUP LLC	\$1,421,000.00	\$563,980.50	857,019.50
V01605	790-7915-429-33-05	151236	21007	5/31/2012	HOUSTON-MOORE GROUP LLC	\$875,000.00	\$773,794.39	101,205.61
V01606	790-7930-429-33-05	151237	21007	5/31/2012	HOUSTON-MOORE GROUP LLC	\$448,103.00	\$100,001.48	348,101.52
V01607	790-7915-429-33-05	152022	21007	6/25/2012	HOUSTON-MOORE GROUP LLC	\$240,000.00	\$61,179.36	178,820.64
V01608	790-7915-429-33-05	152023	21007	6/25/2012	HOUSTON-MOORE GROUP LLC	\$727,330.00	\$416,137.86	311,192.14
V01609	790-7915-429-33-05	152024	21007	6/25/2012	HOUSTON-MOORE GROUP LLC	\$194,341.00	\$51,238.25	143,102.75
V01610	790-7930-429-33-05	152025	21007	6/25/2012	HOUSTON-MOORE GROUP LLC	\$94,000.00	\$29,903.90	64,096.10
V01611	790-7930-429-33-05	155529	21007	10/2/2012	HOUSTON-MOORE GROUP LLC	\$771,000.00	\$0.00	771,000.00
V01612	790-7930-429-33-05	155530	21007	10/2/2012	HOUSTON-MOORE GROUP LLC	\$665,000.00	\$0.00	665,000.00
V01701	790-7930-429-71-30	155627	7198	10/3/2012	NORTHERN TITLE CO	\$484,016.00	\$484,016.00	-
V01801	790-7930-429-33-05	155531	1714	10/2/2012	ULTEIG ENGINEERS INC	\$100,000.00	\$0.00	100,000.00
V01901	790-7930-429-33-05	155469	21258	10/1/2012	PROSOURCE TECHNOLOGIES, INC	\$100,000.00	\$0.00	100,000.00
						\$21,918,647.03	\$11,680,451.06	\$10,238,195.97



Cass County
Joint Water
Resource
District

RECEIVED

OCT 30 2012

CASS COUNTY COMMISSION

October 29, 2012

Mark Brodshaug
Chairman
Fargo, North Dakota

Rodger Olson
Manager
Leonard, North Dakota

Dan Jacobson
Manager
West Fargo, North Dakota

Michael Buringrud
Manager
Gardner, North Dakota

Raymond Wolfer
Manager
Argusville, North Dakota

Diversion Authority
P.O. Box 2806
Fargo, ND 58108-2806

Greetings:

RE: Fargo-Moorhead Metropolitan Feasibility Study - Rights of Entry

Enclosed please find copies of bills totaling \$95,312.46 regarding the above referenced project. At this time, we respectfully request 100% reimbursement as per the Joint Powers Agreement between the City of Fargo, Cass County and Cass County Joint Water Resource District dated June 7, 2010.

According to our records, the previous request dated June 26, 2012 for \$79,501.51 remains outstanding.

If you have any questions, please feel free to contact us. Thank you.

Sincerely,

CASS COUNTY JOINT WATER RESOURCE DISTRICT

Carol Harbeke Lewis
Secretary-Treasurer

Carol Harbeke Lewis
Secretary-Treasurer

1201 Main Avenue West
West Fargo, ND 58078-1301

701-298-2381
FAX 701-298-2397
wrld@co.cass.nd.us
casscountygov.com

Enclosures

FARGO-MOORHEAD METROPOLITAN FEASIBILITY STUDY COST SHARE INVOICES

October 29, 2012

Invoice Paid	Invoice Date	Invoice No.	Project No.	Amount	Vendor	Description
6/28/2012	6/21/2012	114921	100007	8,096.01	Ohnstad Twichell, P.C.	Right of Entry
7/20/2012	6/25/2012			165.00	Erik R. Johnson & Associates, Ltd	Right of Entry
8/28/2012	7/21/2012	115520	100007	5,982.61	Ohnstad Twichell, P.C.	Right of Entry
9/14/2012	8/21/2012	116022	100007	11,847.79	Ohnstad Twichell, P.C.	Right of Entry
9/14/2012	8/25/2012			1,935.00	Erik R. Johnson & Associates, Ltd	Right of Entry
9/17/2012	9/14/2012			1,500.00	Ohnstad Twichell, P.C.	Right of Entry
9/17/2012	9/14/2012			1,500.00	Ohnstad Twichell, P.C.	Right of Entry
9/17/2012	9/14/2012			1,000.00	Vaughn Johnson and Shirley Johnson	Easement
9/19/2012	9/19/2012			1,500.00	Williams Farms	Easement
9/28/2012	9/21/2012	116358	100007	15,028.79	Bruce C. Thue, Trustee	Easement
10/1/2012	10/1/2012			1,000.00	Joanne Knutson	Easement
10/1/2012	10/1/2012			250.00	David W. Radebaugh and Emily Radebaugh	Easement
10/1/2012	10/1/2012			1,750.00	M Shane Smith and Pamela J Smith	Easement
10/1/2012	10/1/2012			250.00	Helen Nygren, as Trustee	Easement
10/1/2012	10/1/2012			2,000.00	Gerald L. Henke, Trustee	Easement
10/1/2012	10/1/2012			500.00	Heiden Family LLLP	Easement
10/1/2012	10/1/2012			250.00	Clerk of District Court (Krogh Property)	Easement
10/1/2012	10/1/2012			500.00	Bart Marvel and Lori Marvel	Easement
10/1/2012	10/1/2012			750.00	Mary Adams	Soil Borings
10/1/2012	10/1/2012			500.00	Michael Beaton, et al	Soil Borings
10/1/2012	10/1/2012			250.00	Michael Brakke and Laurie Brakke	Soil Borings
10/1/2012	10/1/2012			3,000.00	Nellie and Lorange Schoenberg	Soil Borings
10/1/2012	10/1/2012			750.00	Mark Brodshaug and LuAnn Brodshaug	Soil Borings
10/1/2012	10/1/2012			500.00	Orten Brodshaug and Sanra Brodshaug	Soil Borings
10/1/2012	10/1/2012			250.00	Clarence and Doris Krogh	Soil Borings
10/1/2012	10/1/2012			500.00	Wayne Diekrager and Marion Diekrager	Soil Borings
10/1/2012	10/1/2012			250.00	Doris Krogh Life Estate	Soil Borings
10/1/2012	10/1/2012			500.00	Mickeal Fosse	Soil Borings
10/1/2012	10/1/2012			250.00	Gerald L. Henke, et al	Soil Borings
10/1/2012	10/1/2012			250.00	Kenneth Hallestad	Soil Borings
10/1/2012	10/1/2012			250.00	Heiden Family LLP	Soil Borings
10/1/2012	10/1/2012			500.00	Stuart Johnson and Laurie Johnson	Soil Borings
10/1/2012	10/1/2012			1,000.00	Vaughn Johnson and Shirley Johnson	Soil Borings
10/1/2012	10/1/2012			500.00	Estate of Earle Lean	Soil Borings
10/1/2012	10/1/2012			250.00	Muriel Lemke et al	Soil Borings
10/1/2012	10/1/2012			2,000.00	Kenneth Libbrecht	Soil Borings
10/1/2012	10/1/2012			250.00	Liffrig Family Investments	Soil Borings
10/1/2012	10/1/2012			500.00	Nancy Loberg	Soil Borings
10/1/2012	10/1/2012			750.00	Margaret Fell Trust	Soil Borings
10/1/2012	10/1/2012			1,750.00	North Central Dakota Investments	Soil Borings
10/1/2012	10/1/2012			1,000.00	Karen Offutt	Soil Borings
10/1/2012	10/1/2012			250.00	Wayne Ohnstad and Gary Ohnstad	Soil Borings
10/1/2012	10/1/2012			500.00	Ruth Olson Living Trust ETAL	Soil Borings
10/1/2012	10/1/2012			1,000.00	Gerald Olson	Soil Borings
10/1/2012	10/1/2012			750.00	Red River Trust et al	Soil Borings
10/2/2012	8/29/2012			1,500.00	Charles Richard	Soil Borings
10/9/2012	10/9/2012			1,000.00	Dean Rust and Gwendolyn Rust	Soil Borings
10/9/2012	10/9/2012			1,000.00	Dennis Rust	Soil Borings
10/10/2012	10/10/2012			1,000.00	Dennis Rust and Vicki Rust	Soil Borings
10/11/2012	10/11/2012			1,000.00	J Marie Smith Living Trust	Soil Borings
10/16/2012	10/10/2012			1,000.00	Stanley and Bea Fuxa Trust	Soil Borings
10/16/2012	10/15/2012			1,500.00	James Ueland and Ann Ueland	Soil Borings
10/25/2012	10/21/2012	116812	100007	12,257.26	Williams Farm	Soil Borings
10/25/2012	10/1/2012			1,000.00	Williams Farms C/O Arthur Mercantile	Soil Borings
			Total	95,312.46		

OHNSTAD TWICHELL, P.C.
 901 13TH AVENUE EAST
 PO BOX 458
 WEST FARGO ND 58078-0458
 WK 701-282-3249 FAX 701-282-0825
 Federal I.D. #45-0310621

June 25, 2012

CASS COUNTY JOINT WATER RESOURCE DISTRICT
 ATTN CAROL HARBEKE LEWIS
 1201 W MAIN AVE
 WEST FARGO, ND 58078-1301

Invoice# 114921 SMF
 Our file# 100007 00007
 Billing through 06/21/2012

FM DIVERSION - RIGHT OF ENTRY

Balance forward as of invoice dated	05/21/12	\$4,262.39
Last payment received	05/25/2012	\$4,262.39
A/R adjustments made since last invoice		\$0.00
Accounts receivable balance carried forward		<u>\$0.00</u>

PROFESSIONAL SERVICES

05/21/2012	CAS	Research property descriptions and property ownership. 2.00 hrs 80.00 /hr	160.00
05/21/2012	CMM	Draft ROE agreements; send telephone numbers to Pam to call on; revise ROE agreement for Marie Smith, and send it to her by mail; prepare for hearing; work with paralegal Carol Stillwell on legal descriptions for the resolutions of necessity for expiring ROE and for Bridge design parcels. 1.40 hrs 160.00 /hr	224.00
05/22/2012	SMF	Review draft easement prepared by attorney Chris McShane; attend bi-weekly conference call. 1.00 hrs 160.00 /hr	160.00
05/22/2012	CMM	Review Corps standards for temporary easements; draft temporary easement for cultural resources surveys based upon standard form of ND temporary easement and the Corps guidelines; participate in telephone conference with the Corps; travel to and from Court for hearing; participate in hearing on the Petition for Right to Enter; obtained signed order; service notice of entry of order and notify Brad, Carol, Pam, and the Corps of the order obtained at the hearing. 4.80 hrs 160.00 /hr	768.00
05/22/2012	LSH	Research records of the office of the Cass County Recorder, diagram legal descriptions and obtain copies of Deeds. 2.00 hrs 80.00 /hr	160.00
05/22/2012	LSH	Search records of the office of the Cass County Recorder and obtain copies of Deeds. 1.00 hrs 80.00 /hr	80.00
05/23/2012	CAS	Work on Exhibits. 2.50 hrs 80.00 /hr	200.00
05/23/2012	SMF	Prepare, review, and revise draft temporary easement; research access provisions; review COE temporary easement terms; interoffice conference with attorney Chris McShane regarding same; correspond with the Board. 4.80 hrs 160.00 /hr	768.00
05/23/2012	CMM	Work with paralegal Carol Stillwell and Lori S. Hersrud to have legal descriptions to be used for the resolutions of necessity; respond to e-mail from Pam about calling landowners; draft resolutions of necessity; review revised temporary easement for	

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 JUN 28 2012
 CK# 10359
GA

		cultural resources surveys.	1.90 hrs	160.00 /hr	304.00
05/24/2012	CAS	Complete Exhibit for Order.	0.20 hrs	80.00 /hr	16.00
05/24/2012	SMF	Review notes from meeting; prepare revised Temporary Easement.	1.00 hrs	160.00 /hr	160.00
05/24/2012	LSH	Complete research of records of the office of the Cass County Recorder, diagram legal description of Government Lots and excepted parcel on the Smith property and obtain Deed containing excepted parcel.	0.60 hrs	80.00 /hr	48.00
05/25/2012	SMF	Research Corps acquisition requirements and potential applicability to the Board's temporary easement acquisitions.	2.00 hrs	160.00 /hr	320.00
05/28/2012	SMF	Revise draft right of entry for Cass Rural Water; review email from Brad Dahl regarding crop damage issues; correspond with Brad regarding same.	1.40 hrs	160.00 /hr	224.00
05/29/2012	CMM	Telephone conference with Brad Dahl regarding restrictions on access to certain properties, and when we need access to properties we do not have current access for.	0.40 hrs	160.00 /hr	64.00
05/30/2012	JDR	Receive and respond to email from attorney Nancy Morris; interoffice conference with attorney Chris McShane.	0.20 hrs	80.00 /hr	16.00
05/30/2012	CMM	Respond to e-mails from Brad regarding access to certain properties the cultural resources people need access to; Determine what properties should be in each action; review past actions against these landowners; draft application to enter upon land; respond to e-mail from Brad regarding Leseth properties.	2.10 hrs	160.00 /hr	336.00
05/31/2012	JDR	Receive and review documents received from attorney Nancy Morris; draft memorandum to process server in Cass County; draft correspondence to process servers in Olmsted County, MN and Ada County, ID; long distance telephone conference with Civil Process Specialists and US Process Servers.	0.40 hrs	80.00 /hr	32.00
05/31/2012	SMF	Revise draft easement; correspond with Mark Lambrecht.	2.00 hrs	160.00 /hr	320.00
05/31/2012	CMM	Work with URS to ensure access to the Leseth property; draft letter to Jonathan Garaas notifying him of the upcoming survey; receive letter from Jonathan Garaas in response to my notification; send Jonathan's letter to URS with instructions on when and how to access the Leseth property.	1.20 hrs	160.00 /hr	192.00
06/01/2012	JDR	Receive and review Affidavits of Service; draft correspondence to attorney Nancy Morris.	0.20 hrs	80.00 /hr	16.00
06/01/2012	CMM	Dictate letter to new landowner who purchased a property that the previous owners had signed a ROE for.	0.30 hrs	160.00 /hr	48.00
06/04/2012	JDR	Receive and review Affidavits of Process Server; exchange email with attorney Nancy Morris.	0.20 hrs	80.00 /hr	16.00
06/06/2012	JDR	Receive and review correspondence from Civil Process Specialists; draft correspondence to attorney Nancy Morris.	0.20 hrs	80.00 /hr	16.00
06/07/2012	RGH	Interoffice conference with attorney Chris McShane regarding newest need for access for bridge alignments at diversion.	0.30 hrs	160.00 /hr	48.00
06/07/2012	JDR	Receive phone call from Clerk of District Court regarding most recent Application filed.	0.20 hrs	80.00 /hr	16.00
06/07/2012	CMM	Determine which properties should go with which court action requesting right of entry; confirm the parcels listed have not consented since the time of the resolution of necessity; draft and file Application for bridge design properties and Draft and file Application for expiring alignment parcels; telephone conference with Brad			

		regarding parcels there is a question of whether or not we have access to right now.			
			2.80 hrs	160.00 /hr	448.00
06/08/2012	CMM	Determine the judges assigned to each action; set hearing dates for bridge design work and expiring parcels ROE applications; draft notice of hearing and instruct staff to begin service; review message from Carol regarding disgruntled landowner; telephone conference with a landowner who had questions about an access agreement; add a crop damages provision to the agreement and dictate a letter to be sent to him with the revised agreement.			
			2.00 hrs	160.00 /hr	320.00
06/11/2012	JDR	Receive and review service lists for new actions on subject properties; interoffice conference with attorney Chris McShane; draft memoranda to process servers.			
			0.40 hrs	80.00 /hr	32.00
06/11/2012	CMM	Send letter to Carol Freeman with a new access agreement.			
			0.20 hrs	160.00 /hr	32.00
06/12/2012	JDR	Exchange multiple emails with United States Process Serving Corporation regarding status of service upon Kristi Diekrager; interoffice conference with attorney Chris McShane; revise memorandum to process server regarding new actions; receive phone call from process server; attempt to obtain additional contact information for Kristi Diekrager.			
			0.40 hrs	80.00 /hr	32.00
06/12/2012	ARR	Prepare packets for personal service for Actions 3 & 4.			
			2.20 hrs	75.00 /hr	165.00
06/13/2012	JDR	Interoffice conference with attorney Chris McShane regarding status of upcoming hearings; telephone conference with local process server regarding new actions; review documents prior to service.			
			0.30 hrs	80.00 /hr	24.00
06/13/2012	SMF	Correspond with Mark Lambrecht regarding final easement; correspond with the Board regarding final easement; correspond with the Corps; review Corps acquisition procedures.			
			2.50 hrs	160.00 /hr	400.00
06/13/2012	SMF	Attend Land Committee meeting.			
			2.00 hrs	160.00 /hr	320.00
06/14/2012	JDR	Receive phone call from process server for regarding issue with parcel; review file, property records and tax statement regarding subject property; follow-up telephone conference with process server regarding additional information(2x).			
			0.60 hrs	80.00 /hr	48.00
06/15/2012	CAS	Review updated list of needed right of way.			
			0.50 hrs	80.00 /hr	40.00
06/15/2012	JDR	Receive phone call from process server regarding questions about completing Affidavits of Process Server(2x); conduct business entity search.			
			0.20 hrs	80.00 /hr	16.00
06/18/2012	JDR	Conference with process server to receive and review Affidavits of Personal Service.			
			0.20 hrs	80.00 /hr	16.00
06/18/2012	CMM	Correspond with the Corps regarding telephone conference scheduled for tomorrow and any developments from the corps' prospective.			
			0.20 hrs	160.00 /hr	32.00
06/19/2012	RGH	Telephone conference with attorney Dale Moench regarding questions by his client, Donald Cossette; note to staff to send missing Exhibit B.			
			0.40 hrs	160.00 /hr	64.00
06/19/2012	JDR	Follow-up with process server regarding status of service upon Kristi Diekrager; draft email to attorney Nancy Morris.			
			0.20 hrs	80.00 /hr	16.00
06/21/2012	CAS	Research ownership of parcels.			
			1.10 hrs	80.00 /hr	88.00
06/21/2012	JDR	Interoffice conference with attorney Chris McShane regarding Affidavits of Process Server received and follow-up required; review last deed of record for properties with follow-up required; telephone conference with process server to obtain revised Affidavits; draft email to attorney Chris McShane; obtain obituary for Jacquelyn Mitchell; draft Affidavit of attorney Chris McShane; draft revised Affidavit of Process Server; attempt to locate landowner of several additional subject properties.			
			0.80 hrs	80.00 /hr	64.00

Total fees for this matter

\$6,869.00**EXPENSES**

05/21/2012	North Dakota Recorders Information Network fee	\$52.00
05/22/2012	Receipt #519922 copies from the Cass County Recorder on 5/22/2012	\$13.00
05/23/2012	Receipt #519977 copies from the Cass County Recorder on 5/22/2012	\$5.00
05/24/2012	Receipt #520054 copies from the Cass County Recorder on 5/23/2012	\$2.00
06/01/2012	Process Service Fee paid to You've Been Served	\$82.51
06/04/2012	Process Service Fee paid to Civil Process Specialists	\$120.00
06/06/2012	Process Service Fee paid to Civil Process Specialists	\$120.00
06/07/2012	Cass County Court filing fee	\$80.00
06/07/2012	Cass County Court filing fee	\$80.00
06/11/2012	Process Service Fee paid to Civil Process Specialists	(\$120.00)
06/19/2012	Process Service Fee paid to You've Been Served	\$775.70
06/21/2012	Photocopies	\$16.80
	Total expenses for this matter	<u>\$1,227.01</u>

BILLING SUMMARY

Total fees	\$6,869.00
Total expenses	\$1,227.01
Total of new charges for this invoice	<u>\$8,096.01</u>
Total balance now due	<u>\$8,096.01</u>

Erik R. Johnson & Associates, Ltd

Attorneys at Law

505 Broadway - Suite 206

Fargo, ND 58102

(701) 280-1901

Cass County Joint Water Resource District
1201 Main Avenue West
West Fargo, ND 58078

Invoice

Date	6/25/2012
Invoice #	

Description	Amount
Legal services--Nancy J. Morris: 5/30/2012__ Monson & Diekrieger__ Corr. Re: Service, finalize pleadings, service docs--0.5 6/11/2012__ Monson & Diekrieger__ File aff. Of Service and Notice of Hearing--0.4 6/25/2012__ Diekrager--corr re service--0.2 Total: 1.1 hrs	165.00
PAID JUL 20 2012 CU#10311 <i>GA</i>	
<i>Thank you for your business.</i>	Total \$165.00

06/26/2012	ARR	Created Access Agreements & Service List for parcels expiring July, August, & September 2012.	1.30 hrs	75.00 /hr	97.50
06/27/2012	SMF	Review emails from Mark Lambrecht; review easement guidelines from Lambrecht; correspond with attorney Chris McShane, Lee, and Brad regarding final easement.	0.50 hrs	160.00 /hr	80.00
06/27/2012	CMM	Work on affidavit of Lee for use in the ROE proceedings; request maps from Brad Dahl.	0.60 hrs	160.00 /hr	96.00
06/28/2012	CMM	Attend CCJT meeting; work with Lee and Brad to get the maps necessary for the affidavit in support of application; instruct staff to draft ROE agreements for parcels where access has expired; review recent case regarding ROE under 35-15-06 to incorporate it into the memorandum of law.	2.80 hrs	160.00 /hr	448.00
06/29/2012	CMM	Draft memorandum of law for bridge design action and the other court action currently ongoing; draft proposed order, with exhibit; dictate service letter; file and serve memorandum of law in support of application, affidavit of project engineer; and proposed order; correspond with Brad regarding the parcels we need to send out ROE agreements for.	2.80 hrs	160.00 /hr	448.00
07/05/2012	CMM	Send e-mail to Katie about status of ROE; telephone conference with Katie about HTRW and Cultural resources surveys; send list of expired/expiring ROE to Katie; correspond with Grant Riddick regarding geotechnical surveys yet to be done; send court order for Stuart Johnson to Brad.	1.80 hrs	160.00 /hr	288.00
07/06/2012	CMM	Correspond with the corps regarding what parcels we need access to yet this summer; send proposed order to Lee in preparation for hearing; prepare for hearing; travel to and from hearing at Cass County Court; limit the list of parcels we need to send ROE agreements to.	3.20 hrs	160.00 /hr	512.00
07/09/2012	SMF	Conference with attorney Chris McShane regarding hearings and easement descriptions; review emails from Mark Lambrecht and attorney Chris McShane regarding easement areas.	0.40 hrs	160.00 /hr	64.00
07/09/2012	CMM	Serve notice of entry of Order for Bridge Design parcels; correspond with Brad regarding what parcels we have obtained ROE for through the court process; correspond with Katie regarding cultural resources surveys.	1.50 hrs	160.00 /hr	240.00
07/10/2012	JDR	Receive and review email from attorney Chris McShane regarding John Johnson property; interoffice conference with attorney Chris McShane; telephone conference with process server.	0.30 hrs	80.00 /hr	24.00
07/10/2012	SMF	Correspond with Mark Lambrecht, attorney Chris McShane, Lee Beauvais, and Brad Dahl regarding easement legal descriptions; review my notes from previous conference calls regarding same; review eminent domain statute.	0.40 hrs	160.00 /hr	64.00
07/10/2012	CMM	Send signed order to Lee along with list of properties we are seeking access to with the Thursday hearing; review e-mail from Ginny regarding cultural resources surveys, and how to identify the parcels where a phase II is needed.	1.50 hrs	160.00 /hr	240.00
07/11/2012	CMM	Telephone conference with Jon Sobiech from the Corps regarding the upcoming biotic surveys; telephone conference with Brad regarding how many active ROEs we have prepare for hearing.	1.40 hrs	160.00 /hr	224.00
07/12/2012	CMM	Exchange e-mails with Lee and Katie regarding location of two of the parcels for the hearing today; travel to and from Cass County Court for hearing; participate in hearing for ROE.	1.20 hrs	160.00 /hr	192.00
07/17/2012	CMM	Prepare for telephone conference with the Corps; participate in telephone conference with the Corps; review ROEs going out to owners of property for which the ROE has expired, or will expire; review legal descriptions for the Cultural Phase II surveys.	2.00 hrs	160.00 /hr	320.00

07/18/2012	CAS	Research ownership of properties for easements. 1.00 hrs	80.00 /hr	80.00
07/18/2012	SMF	Review Land Management Plan; review Easement Guidelines; review quick-take statute; interoffice conference with attorney Chris McShane regarding quick-take methodology regarding Phase II parcels. 2.80 hrs	160.00 /hr	448.00
07/18/2012	CMM	Work on getting ROE agreements out to landowners who have expired, or soon to expire ROE; review the Biotic surveys list to determine if additional ROE is necessary; interoffice conference with attorney Sean M. Fredricks regarding the process for quick take of an easement for cultural resources Phase II sites; send ROE agreements to Pam to have them sent out. 2.00 hrs	160.00 /hr	320.00
07/19/2012	CMM	Prepare for meeting by reviewing how to obtain property by quick take; review Judge Irby's order regarding what property interest can be acquired by quick take; attend CCJT meeting; conference with Pam after the meeting about ROE Agreements; work on additional ROE agreements for biotic surveys; review e-mail from Ginny about Phase II sites, and a description of those sites; telephone conference with Lee and Brad regarding the legal descriptions of the Phase II cultural resources sites. 3.30 hrs	160.00 /hr	528.00
07/20/2012	CAS	Research ownership of parcels for easements. 1.50 hrs	80.00 /hr	120.00
07/20/2012	CMM	Review e-mail from Ginny about new Phase II cultural resources site. 0.20 hrs	160.00 /hr	32.00
Total fees for this matter				<u>\$5,857.50</u>

EXPENSES

06/22/2012	North Dakota Recorders Information Network fee	\$20.00
07/01/2012	Westlaw research	\$55.76
07/18/2012	Travel to Cass County Joint WRD office	\$3.35
07/20/2012	North Dakota Recorders Information Network fee	\$46.00
Total expenses for this matter		<u>\$125.11</u>

BILLING SUMMARY

Total fees	\$5,857.50
Total expenses	\$125.11
Total of new charges for this invoice	<u>\$5,982.61</u>
Total balance now due	<u>\$5,982.61</u>

OHNSTAD TWICHELL, P.C.
 901 13TH AVENUE EAST
 PO BOX 458
 WEST FARGO ND 58078-0458
 WK 701-282-3249 FAX 701-282-0825
 Federal I.D. #45-0310621

August 27, 2012

CASS COUNTY JOINT WATER RESOURCE DISTRICT
 ATTN: CAROL HARBEKE LEWIS
 1201 W MAIN AVE
 WEST FARGO, ND 58078-1301

Invoice# 116022 SMF
 Our file# 100007 00007
 Billing through 08/21/2012

FM DIVERSION - RIGHT OF ENTRY

Balance forward as of invoice dated	07/24/12	\$5,982.61
Last payment received	08/13/2012	\$5,982.61
A/R adjustments made since last invoice		\$0.00
Accounts receivable balance carried forward		<u>\$0.00</u>

PROFESSIONAL SERVICES

07/23/2012	CAS	Research ownership of Minnesota parcels.			
			1.70 hrs	80.00 /hr	136.00
07/23/2012	JDR	Review email exchange between attorney Chris McShane and attorney Morrison.			
			0.10 hrs	80.00 /hr	8.00
07/23/2012	CMM	Work with Nancy Morris to move forward with a Court action on four parcels.			
			2.80 hrs	160.00 /hr	448.00
07/24/2012	CMM	Draft easement for piezometer placement; correspond with Grant Riddick about whether the instrumentation would be left in the ground when not needed anymore; review legal descriptions for piezometer placement; correspond with Brad regarding piezometer installation parcels, cultural resources Phase II parcels, and what parcels are needed for biotic surveys; review multiple lists produced by the Corps; telephone conference with Katie Young; determine ROE is necessary for additional parcels; instruct staff to draft ROE Agreements for 5 additional parcels, along with transmittal letters; request maps from Brad for additional ROE required; determine owners of property where piezometers will be placed.			
			5.20 hrs	160.00 /hr	832.00
07/24/2012	LDA	Conduct deed search and review GIS and property tax records on easement properties.			
			2.30 hrs	160.00 /hr	368.00
07/25/2012	JDR	Interoffice conference with attorney Chris McShane; obtain contact information for several subject parcels.			
			0.50 hrs	80.00 /hr	40.00
07/25/2012	SMF	Office conference with attorney Chris McShane regarding biotic survey needs; review draft easement for piezometer placement; revise easement.			
			1.70 hrs	160.00 /hr	272.00
07/25/2012	CMM	Correspond with Brad by e-mail about what parcels we need access to; work with attorney Lukas D. Andrud to determine owner of several parcels; review legal descriptions sent by Moore; request maps from Moore overlaid onto the diversion maps for the Cultural Phase II and instrumentation installation easements; draft compensation and damages sections of Cultural Phase II and instrumentation easements; telephone conference with Lee regarding ROE for biotic parcels.			
			3.00 hrs	160.00 /hr	480.00

PAID
 SEP 14 2012
 CK # 10448
GA

PURSUANT TO SECTION 13-01-14, NDCC, A LATE PAYMENT CHARGE OF 1% PER MONTH IS ASSESSED UPON ACCOUNTS NOT PAID 30 DAYS FROM BILLING DATE. THANK YOU.

07/25/2012	LDA	Conduct deed search and prepare and draft legal memorandum re: results of deed search for easement and ROE deed searches. 4.00 hrs 160.00 /hr	640.00
07/26/2012	SMF	Office conference with attorney Chris McShane regarding biotic survey requirements, and procedure; review the Corps' most recent correspondence. 1.00 hrs 160.00 /hr	160.00
07/26/2012	CMM	Review the memo from attorney Lukas D. Andrud regarding who owns the parcels we need access to/easement for; confirm we have sent ROE Agreements to all individuals who own land where the ROE is expiring; correspond with Brad regarding necessary ROE; draft letter to one additional landowner for transmitting an ROE Agreement; request a new map from Brad. 3.90 hrs 160.00 /hr	624.00
07/26/2012	LDA	Conference with attorney Chris McShane re: access issues to Johnson parcel; review deeds and easements for Johnson parcel. 2.50 hrs 160.00 /hr	400.00
07/27/2012	CMM	Review various e-mails from the Corps and Lee; respond to e-mail from Mark Lambrecht regarding easements; ensure all access agreements had been sent out; telephone conference with Pam regarding access agreements and calling the landowners. 2.30 hrs 160.00 /hr	368.00
07/27/2012	LDA	Review easements and conference with attorney David L. Wanner re: Johnson access issues. 0.60 hrs 160.00 /hr	96.00
07/30/2012	JDR	Receive and review documents from attorney Nancy Morris; draft memorandum to process server; telephone conference with process server; interoffice conference with attorney Chris McShane. 0.30 hrs 80.00 /hr	24.00
07/30/2012	CMM	Review letters and access agreements that have gone out. Review biotic survey parcels list, and compare it to the necessary parcels list provided by Katie last week; telephone conferences (3) with Brad Dahl to make sure we have attempted to obtain access from everyone access is needed from. correspond with Katie regarding parcels on the biotic survey list that were not on the necessary parcels list Katie provided last week; review maps of the biotic survey parcels; telephone conference with Pam (2) regarding access agreements received by mail and results of her telephone contacts. 3.20 hrs 160.00 /hr	512.00
07/31/2012	JDR	Interoffice conference with attorney Chris McShane; obtain contact information for interested parties; long distance telephone conference with Adams County, Colorado Sheriff's Department; draft correspondence to Adams County Sheriff's Department. 0.40 hrs 80.00 /hr	32.00
07/31/2012	CMM	Review spreadsheet produced by Moore to determine which parcels are critical for the biotic survey; telephone call to Mark Lambrecht regarding Biotic Surveys; correspond with Pam regarding access agreement, and contact with landowners; participate in telephone conference with the corps; review easements with Brad. 2.20 hrs 160.00 /hr	352.00
08/02/2012	JDR	Receive phone call from process server; interoffice conference with attorney Chris McShane; draft email to attorney Nancy Morris; conduct additional search for contact information for interested party. 0.30 hrs 80.00 /hr	24.00
08/02/2012	SMF	Office conference with attorney Chris McShane regarding Kirk Cossette and possible entry actions in Richland County. 0.80 hrs 160.00 /hr	128.00
08/02/2012	CMM	Correspond with Carol by e-mail about Kirk Cossette; review e-mails from Katie about Fosse property. 0.80 hrs 160.00 /hr	128.00
08/03/2012	JDR	Review email from attorney Chris McShane; telephone conference with owner of subject property. 0.20 hrs 80.00 /hr	16.00
08/03/2012	CMM	Correspond with Nina at CCJT about contact with Kirk Cossette, and if more ROEs came in the mail; telephone conference with Lee regarding Cossette property; attempt to contact Jon Sobiech from the corps about the biotic surveys; review e-mail from Katie, and find access agreements or court orders that cover certain properties needed for the biotic surveys; conference with Lee about ROE.	

			2.60 hrs	160.00 /hr	416.00
08/06/2012	JDR	Receive email from attorney Nancy Morris; review file; long distance telephone conference with Adams County Sheriff's Department (CO) respond to email.			
			0.40 hrs	80.00 /hr	32.00
08/06/2012	CMM	Receive e-mail from Katie requesting certain ROEs; find ROE and send to Katie along with confirmation ROE letters have gone out; telephone conference with Pam about ROE agreements she has received and landowners she has talked to; follow-up with the concern about payments for borings raised by one of the landowners we are currently seeking access to; review multiple e-mails about payments for borings done by the corps, and how the borings and payments have been tracked.			
			0.90 hrs	160.00 /hr	144.00
08/07/2012	CAS	Interoffice conference with attorney Chris McShane; research GIS for property descriptions.			
			0.30 hrs	80.00 /hr	24.00
08/07/2012	SMF	Office conference with attorney Chris McShane regarding biotic survey needs and easement status.			
			0.80 hrs	160.00 /hr	128.00
08/07/2012	CMM	Determine which properties the corps will need ROE for between now and 12-31-12; compile list of properties to do ROE Agreements for; work with Staff to obtain deeds for properties we need to do a resolution of necessity for; telephone conference with Lee regarding hearing, and about easement locations for cultural resources; work with staff to draft ROE Agreements for properties we need ROE for between now and 12-31-12; correspond with Brad regarding the maps necessary for the agreements.			
			1.90 hrs	160.00 /hr	304.00
08/07/2012	ARR	Get tax property reports; prepare Access Agreements; prepare letters to be sent by Diversion Authority.			
			3.60 hrs	75.00 /hr	270.00
08/08/2012	CAS	Research ownership of properties.			
			0.90 hrs	80.00 /hr	72.00
08/08/2012	SMF	Review most recent version of Piezometer easement; compare to Phase II easement; review easement purchase elements.			
			2.00 hrs	160.00 /hr	320.00
08/08/2012	CMM	Review e-mail from Grant Riddick regarding instrumentation installation properties that are not in deeded ROW owned by the County; prepare ROE agreements and cover letters for all properties with ROE expiring before 12-31-12; draft resolution of necessity for biotic surveys; work with Brad to make sure we have the ROE we need.			
			2.80 hrs	160.00 /hr	448.00
08/09/2012	SMF	Review land acquisition plan; attend Land Management Committee meeting.			
			3.00 hrs	160.00 /hr	480.00
08/09/2012	CMM	Draft resolution of necessity for biotic survey parcels; attend CCJT meeting; provide Pam with cover letters and access agreements for all other ROE properties expiring before 12-31-12; telephone conference with Mark about Cossette ROE.			
			4.00 hrs	160.00 /hr	640.00
08/14/2012	JDR	Receive and review Affidavit of Personal Service regarding Lynette Flick; telephone conference with Adams County (CO) Sheriff's Department; exchange email with attorney Nancy Morris.			
			0.40 hrs	80.00 /hr	32.00
08/14/2012	SMF	Correspond with Katie, Grant, Lambrecht, and Lee; review biotic survey regarding potential changes to address survey from the water.			
			2.00 hrs	160.00 /hr	320.00
08/14/2012	LDA	Telephone conference with Brad Dahl re: Gess access agreement; review and redraft Gess access agreement re: waterway access.			
			0.50 hrs	160.00 /hr	80.00
08/14/2012	SNW	Conference with attorney John Shockley regarding project; conference call at Moore Engineering.			
			1.75 hrs	160.00 /hr	280.00
08/15/2012	SMF	Review statutes regarding bridge and road right of way.			
			0.50 hrs	160.00 /hr	80.00
08/15/2012	SNW	Conference with attorney Sean M. Fredricks regarding right of ways; research and review applicable statutes and documents.			

			2.25 hrs	160.00 /hr	360.00
08/16/2012	JDR	Receive and review affidavit from Adams County(CO) Sheriff's Department; draft email to attorney Morris.			
			0.20 hrs	80.00 /hr	16.00
08/16/2012	SNW	Review emails recieved from Brad Dahl and corresponding documents related to survey and testing of certain lands; review and research right of way documents regarding bridges, county roads and township roads.			
			2.40 hrs	160.00 /hr	384.00
08/17/2012	SNW	Research right of entry - statutes, caselaw, Attorney General opinions.			
			1.00 hrs	160.00 /hr	160.00
08/20/2012	ARR	Legal descriptions for landowner list for July, August, September 2012 parcels.			
			0.75 hrs	75.00 /hr	56.25
08/21/2012	CMM	Review e-mails of what easements are needed, and what ROE has been obtained; telephone conference with Brad regarding ROE/ROW developments.			
			0.80 hrs	160.00 /hr	128.00
Total fees for this matter					<u>\$11,262.25</u>

EXPENSES

07/23/2012		Copy Fee paid to the Wilkin County Recorder			\$6.00
07/24/2012		North Dakota Recorders Information Network fee			\$3.00
07/25/2012		North Dakota Recorders Information Network fee			\$33.00
07/26/2012		North Dakota Recorders Information Network fee			\$5.00
08/01/2012		Process Service Fees paid to the Adams County Sherriffs Department			\$38.00
08/01/2012		Westlaw research			\$6.19
08/02/2012		Process Service Fees paid to You've Been Served			\$349.21
08/06/2012		UPS package delivered to Adams County Sheriffs Department on 8/2/2012			\$10.82
08/06/2012		UPS package delivered to Robert Strand on 8/3/2012			\$11.92
08/07/2012		North Dakota Recorders Information Network fee			\$2.00
08/08/2012		North Dakota Recorders Information Network fee			\$46.00
08/08/2012		North Dakota Recorders Information Network fee			\$30.00
08/14/2012		Process Service Fees paid to Robert Strand			\$44.40
Total expenses for this matter					<u>\$585.54</u>

BILLING SUMMARY

Total fees	\$11,262.25
Total expenses	\$585.54
Total of new charges for this invoice	<u>\$11,847.79</u>
Total balance now due	<u>\$11,847.79</u>

Erik R. Johnson & Associates, Ltd

Attorneys at Law

505 Broadway - Suite 206

Fargo, ND 58102

(701) 280-1901

Cass County Joint Water Resource District
1201 Main Avenue West
West Fargo, ND 58078

Invoice

Date	8/25/2012
Invoice #	

Description	Amount
Nancy Morris Legal Services -- Metro Flood Project -- June 26-July 25th: 7/3/2012 aff of service by cert. mail, draft0.2 7/9/2012 disposition policy, corr w/ Chris McShane re: pleadings, tc/w Chris M. 0.6 7/12/2012 revise memorandum & Affidavit; corr w/ Lee Beauvais0.5 7/16/2012 revise order, corr w/ Lee, revise memorandum0.3 7/16/2012 Monson-Diekrager-corr re: maps, review file corr1 7/16/2012 Monson-Diekrager-finalize pleadings, serve corr w/ Lee B.0.5 7/17/2012 filing & service0.5 7/23/2012 review corr & new files re: ROE0.8 7/24/2012 review corr. Review application & pleadings2.1 7/24/2012 file pleadings0.3 Total Hrs: 6.8 hrs	1,020.00
Nancy Morris Legal Services -- Metro Flood Project -- July 26th - Aug 25th: 7/26/2012 finalize letter re access agmt finalize pleadings0.3 7/27/2012 corr re: service; finalize pleadings, tc/w Josh re: service0.3 8/6/2012file affidavits; corr re service0.9 8/6/2012prepare; revise memo & affidavit & order0.2 8/6/2012prepare documents for hearing0.6 8/6/2012review, prepare for hearing0.8 8/7/2012attend hearing; draft corr1.2 8/14/2012 corr re: service 0.2 8/15/2012 contact clerks office re: order status0.1 8/16/2012 Monson - contact clerk re: Order0.2 8/16/2012 King et al - service docs file0.2 8/20/2012 File all0.7 8/21/2012 Review filing documents0.1 8/21/2012 Serve Order; Notice; correspondence with L. Beauvais, research; correspondence re: entry0.3 Total Hrs: 6.1 hrs	915.00
<p style="text-align: right;">PAID SEP 14 2012 CK#10452 GHA</p>	
<i>Thank you for your business.</i>	Total \$1,935.00

Stone, Nina

From: Lewis, Carol
Sent: Wednesday, August 29, 2012 11:49 AM
To: Stone, Nina
Subject: FW: Johnson Easement - Piezometer Easements
Attachments: image003.jpg

From: Sean M. Fredricks [SFredricks@OhnstadLaw.com]
Sent: Wednesday, August 29, 2012 10:32 AM
To: Lukas D. Andrud; Christopher M. McShane
Cc: Lewis, Carol; Corbin, Pamela; DesaRae F. Pfeifle
Subject: Johnson Easement - Piezometer Easements

Luke and Chris – I put the original Vaughn and Shirley Johnson easement in Chris' office. Chris, can you get the original back to Carol, then send a copy to the Johnsons? Also, include a 1099 form for them to sign and return...then send them their check for \$1,500.

DesaRae, can you go to the water resource district office and pick up a check from Pam Corbin (then give it to Chris)? Pam, it's the \$1,500 check to the Johnsons approved at their last meeting.

Thanks!

Regards,

Sean M. Fredricks
Attorney at Law
OHNSTAD TWICHELL, P.C.
901 - 13th Avenue East
P.O. Box 458
West Fargo, North Dakota 58078-0458
Tel. (701) 282-3249
Fax (701) 282-0825
sfredricks@ohnstadlaw.com<<mailto:sfredricks@ohnstadlaw.com>>
www.ohnstadlaw.com<<http://www.ohnstadlaw.com/>>

[cid:image003.jpg@01CD85D1.A5922590]

P Please consider the environment before printing this email.

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SOUTHEAST CASS WATER RESOURCE DISTRICT

1201 MAIN AVENUE WEST
WEST FARGO, ND 58078-1301
PH. 701-298-2381

ALERUS FINANCIAL
MEMBER FDIC

10513

77-15/913

DATE

CHECK NO.

09/28/12

Five Hundred Dollars and Zero Cents

PAY THIS AMOUNT

PAY

\$500.00

**WILL
PAY
TO**

VAUGHN JOHNSON AND SHIRLEY JOHNSON

Mark Budshong
Christi Hubbell Taylor

AUTHORIZED SIGNATURE

⑈010513⑈ ⑆091300159⑆ 0050⑈1122⑈

SOUTHEAST CASS WATER RESOURCE DISTRICT

DETACH AND RETAIN FOR YOUR RECORDS

10513

Doc #	Invoice	Inv. Date	Description	Amount
999999	VAUGHN JOHNSON AND SHIRLEY JOHNSON		#: 10513	\$500.00
6922		09/26/12	2 Soil borings for the FMMFS	\$500.00

SOUTHEAST CASS WATER RESOURCE DISTRICT

DETACH AND RETAIN FOR YOUR RECORDS

10513

Lewis, Carol

From: Lukas D. Andrud <LAndrud@OhnstadLaw.com>
Sent: Friday, September 14, 2012 10:45 AM
To: Lewis, Carol
Subject: CCJT-Basin Project 2009-Instrumentation Easements

Carol,

Please prepare the checks for the Easements for Placement of Subsurface Monitoring Equipment that the Board has signed:

1. Williams Farms-\$1500.
2. Bruce C. Thue, Trustee of the Bruce C. Thue Living Trust Dated February 7, 2002-\$1500.

Please prepare the following check for the Temporary Easement for Exploration also signed by the Board

1. Joanne Knutson-\$1000.

DesaRae will probably not be able to pick them up until Monday.

Thanks,

Luke

Lukas D. Andrud
Attorney at Law
OHNSTAD TWICHELL, P.C.
901 - 13th Avenue East
P.O. Box 458
West Fargo, North Dakota 58078-0458
TEL (701) 282-3249
FAX (701) 282-0825
landrud@ohnstadlaw.com
www.ohnstadlaw.com

PAID

SEP 17 2012

CL # 10467, 10468, 10469
CL



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Lewis, Carol

From: Lukas D. Andrud <LAndrud@OhnstadLaw.com>
Sent: Wednesday, September 19, 2012 9:24 AM
To: Lewis, Carol
Subject: CCJT -Basin Project-Instrumentation Easement-Radebaugh

Carol,

We got another Instrumentation Easement back. Please make out a check payable to "David W. Radebaugh and Emily Radebaugh" in the amount of \$1,500.00.

Thanks,

Luke

Lukas D. Andrud
Attorney at Law
OHNSTAD TWICHELL, P.C.
901 - 13th Avenue East
P.O. Box 458
West Fargo, North Dakota 58078-0458
TEL (701) 282-3249
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landrud@ohnstadlaw.com
www.ohnstadlaw.com



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SEP 19 2012

CL #10471

CAH

Stone, Nina

From: Lewis, Carol
Sent: Tuesday, October 09, 2012 12:06 PM
To: Stone, Nina
Subject: FW: CCJT-Basin Project 2009-Cultrual Resources Easements

From: Lukas D. Andrud [<mailto:LAndrud@OhnstadLaw.com>]
Sent: Tuesday, October 09, 2012 11:19 AM
To: Lewis, Carol
Subject: CCJT-Basin Project 2009-Cultrual Resources Easements

Carol,

We need a couple more checks for the cultural resources easements made out as follows:

1. "M. Shane Smith and Pamela J. Smith"--\$1000.00
2. "Helen Nygren, as Trustee of the Charles Larson Trust"--\$1000.00

Thanks,

Luke

Lukas D. Andrud
Attorney at Law
OHNSTAD TWICHELL, P.C.
901 - 13th Avenue East
P.O. Box 458
West Fargo, North Dakota 58078-0458
TEL (701) 282-3249
FAX (701) 282-0825
landrud@ohnstadlaw.com
www.ohnstadlaw.com



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PAID
OCT 09 2012
CHK# 10477 + 10479
GH

Stone, Nina

From: Lewis, Carol
Sent: Wednesday, October 10, 2012 2:07 PM
To: Stone, Nina
Subject: FW: CCJT Basin Project 2009 Cultural Resources Easements

From: Lukas D. Andrud [<mailto:LAndrud@OhnstadLaw.com>]
Sent: Wednesday, October 10, 2012 1:44 PM
To: Lewis, Carol
Subject: CCJT Basin Project 2009 Cultural Resources Easements

Carol,

Please prepare checks in the amount of \$1000.00 each for the parties below:

1. Gerald L. Henke, as Trustee of the Carol B. Brooks Irrevocable Third-Party Special Needs Trust Under Court Order dated February 15, 2008
2. Heiden Family LLLP

Thanks,

Luke

Lukas D. Andrud
Attorney at Law
OHNSTAD TWICHELL, P.C.
901 - 13th Avenue East
P.O. Box 458
West Fargo, North Dakota 58078-0458
TEL (701) 282-3249
FAX (701) 282-0825
landrud@ohnstadlaw.com
www.ohnstadlaw.com



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PAID

OCT 10 2012

CL# 10478

CAK

Stone, Nina

From: Christopher M. McShane <CMcShane@OhnstadLaw.com>
Sent: Thursday, October 11, 2012 2:46 PM
To: Stone, Nina
Cc: Sean M. Fredricks
Subject: CCJT Check for condemnation of Krogh property

Nina,

This is the request for a check you had suggested I submit. We need a check from the Cass County Joint Water Resource District payable to the Cass County Clerk of District Court in the amount of \$1000. This check is for condemnation of a temporary easement for exploration over an across property in the SE ¼ of Section 36, Twp 141, R 50, owned by Clarence, Doris, and James Krogh. This easement is needed to do a cultural resources survey necessary as part of the diversion project.

If Sean is still there, please ask him to bring it back to the office with him. If he is not there, please let me know and I will send someone over there to pick up the check.

Chris

Christopher M. McShane
Ohnstad Twichell, P.C.
901 13th Avenue East
P.O. Box 458
West Fargo, ND 58078
(701)282-3249

PAID

OCT 11 2012

CL#10349

CM

OHNSTAD TWICHELL, P.C.
 901 13TH AVENUE EAST
 PO BOX 458
 WEST FARGO ND 58078-0458
 WK 701-282-3249 FAX 701-282-0825
 Federal I.D. #45-0310621

September 25, 2012

CASS COUNTY JOINT WATER RESOURCE DISTRICT
ATTN: CAROL HARBEKE LEWIS
 1201 W MAIN AVE
 WEST FARGO, ND 58078-1301

Invoice# 116358 SMF
 Our file# 100007 00007
 Billing through 09/21/2012

FM DIVERSION - RIGHT OF ENTRY

Balance forward as of invoice dated	08/27/12	\$11,847.79
Last payment received	09/18/2012	\$11,847.79
A/R adjustments made since last invoice		\$0.00
Accounts receivable balance carried forward		<u>\$0.00</u>

PROFESSIONAL SERVICES

08/22/2012	SMF	Review land management plan; review COE acquisition guidelines; correspond with Mark Lambrecht, Jon Diebel, etc., regarding meeting; correspond with Lee regarding payments to landlords.	4.50 hrs	160.00 /hr	720.00
08/22/2012	CMM	Revise Access Agreement for Kirk Cossette; draft cover letter for Kirk Cossette access agreement; send revised access agreement to Pam to send out to Kirk; review title documents for easements; obtain more legal descriptions from Brad.	1.60 hrs	160.00 /hr	256.00
08/22/2012	LDA	Conference with attorney Chris McShane and attorney Sarah M. Nyhus-Wear re: instrumentation and cultural resource easements; conduct deed search re: instrumentation easements.	1.20 hrs	160.00 /hr	192.00
08/22/2012	LDA	Conference with attorney Chris McShane and attorney Sarah M. Nyhus-Wear re: instrumentation easements and cultural resources surveys; conduct deed search on instrumentation easement sites.	1.20 hrs	160.00 /hr	192.00
08/22/2012	ARR	Look up tax statements and title information for Easement parcels.	1.20 hrs	75.00 /hr	90.00
08/22/2012	SNW	Conference with attorney Chris McShane and attorney Lukas D. Andrud regarding necessary easements; voicemail for Brad Dahl at Moore inquiring which are still needed.	0.50 hrs	160.00 /hr	80.00
08/23/2012	CMM	Attend CCJT meeting to provide update on ROE and easement acquisition process; review legal descriptions of cultural resource easements to determine which legal descriptions cover multiple owners.	3.00 hrs	160.00 /hr	480.00
08/23/2012	LDA	Prepare and draft instrumentation easements; conduct deed search re: cultural survey easements; review cultural survey legal descriptions re: crossing parcel lines.	5.40 hrs	160.00 /hr	864.00
08/23/2012	ARR	Prepare Instrumentation Easements.	0.45 hrs	75.00 /hr	33.75

PAID
 SEP 28 2012
 CL# 10480
 GK

PURSUANT TO SECTION 13-01-14, NDCC, A LATE PAYMENT CHARGE OF 1% PER MONTH IS ASSESSED UPON ACCOUNTS NOT PAID 30 DAYS FROM BILLING DATE. THANK YOU.

08/24/2012	CMM	Conference with Moore regarding legal descriptions for Cultural Resources Phase II study; review access for Freeman property that may be used for Biotic testing; correspond with Pam, Lee, and Mark about access to the Cossette property for Biotic testing; instruct attorney Lukas D. Andrud to do necessary title work for easements, and discuss the easement format.	4.70 hrs	160.00 /hr	752.00
08/24/2012	LDA	Conference with Lee and Lyndon re: cultural studies locations; conduct deed search re: Knutson, Smith and Adams parcels.	2.20 hrs	160.00 /hr	352.00
08/24/2012	SNW	Attend meeting at Moore with attorney Chris McShane, attorney Lukas D. Andrud, Lee Beauvais and Lyndon regarding legal descriptions on necessary easements; interoffice conference with attorney Chris McShane, Ashley Rettig and Karen Thompson regarding Diversion.	2.10 hrs	160.00 /hr	336.00
08/26/2012	SMF	Correspond with Lee regarding utility right of entry.	0.30 hrs	160.00 /hr	48.00
08/27/2012	SMF	Correspond with Lee regarding entry for utilities; review previous utility relocation agreements; review access agreement form; interoffice conference with attorney Chris McShane regarding utility issues.	1.00 hrs	160.00 /hr	160.00
08/27/2012	CMM	Review legal descriptions sent by Moore; review Access Agreements forwarded by Pam; review e-mails regarding the applicability of the Access Agreements obtained by the Joint Board when it comes to utility contractors.	1.20 hrs	160.00 /hr	192.00
08/27/2012	LDA	Review updated cultural resources easement legal descriptions; update file re: deed searches.	2.50 hrs	160.00 /hr	400.00
08/27/2012	SNW	Review email from Kyle Volk regarding updates; review and research right of way (memos, attorney general opinions, caselaw).	2.00 hrs	160.00 /hr	320.00
08/28/2012	KLT	Prepare Temporary Easements and letters to easement landowners; revise Temporary Easements.	1.50 hrs	75.00 /hr	112.50
08/28/2012	JMK	Accurint search.	0.20 hrs	75.00 /hr	15.00
08/28/2012	CMM	Review legal descriptions for the easements; participate in bi-weekly telephone conference; send instrumentation easements to Pam to be sent out; review Cultural Phase II easements; telephone conference with Pam; correspond with Mark about Kirk Cossette; redraft easement, and attempt to contact Kirk.	2.00 hrs	160.00 /hr	320.00
08/28/2012	LDA	Electronic correspondence with Lyndon re: revised cultural resources easement descriptions; review revised descriptions; review and redraft instrumentation easements; prepare and draft and review and redraft cultural easements; conduct Henke deed search.	3.30 hrs	160.00 /hr	528.00
08/28/2012	LSH	Research records of the office of the Cass County Recorder's Office, obtain copies of Deeds on the Henke properties and diagram legal descriptions to determine ownership, obtain copy of Deed on the Doris Krogh Life Estate Property and determine the Remainderman parties.	2.00 hrs	80.00 /hr	160.00
08/29/2012	SMF	Meet with Lee regarding right of way acquisition process; correspond with Carol, attorney Lukas D. Andrud, and attorney Chris McShane regarding piezometer easements, recording, and 1099 requirements.	2.00 hrs	160.00 /hr	320.00
08/29/2012	CMM	Review Cultural easements and cover letters; telephone conference with Pam about Cultural easements; instruct attorney Lukas D. Andrud to send 1099 form to Vaugh and Shirley Johnson who signed an instrumentation easement.	0.40 hrs	160.00 /hr	64.00
08/29/2012	LDA	Conduct legal research re: 1099s for temporary easements; correspondence with Vaugh and Shirley Johnson re: 1009s; correspondence with recorder re: Johnson easement.	0.80 hrs	160.00 /hr	128.00

08/30/2012	LDA	Telephone conference with Bart Marvel and electronic correspondence with Brad Dahl re: instrumentation placement for instrumentation easement.	0.60 hrs	160.00 /hr	96.00
08/31/2012	SMF	Office conference with attorney Lukas D. Andrud regarding recording, 1099s, and other items regarding Piezometer easements; review IRS requirements.	0.50 hrs	160.00 /hr	80.00
09/04/2012	SMF	Office conference with attorney Chris McShane regarding piezometer easements and 'right of way' issues; conference with attorney Sarah M. Nyhus-Wear, attorney John Shockley, and attorney Chris McShane regarding rights of way; meet with Mark Lambrecht, Jon Diebel, and Lee regarding acquisition process; revise draft landowner checklist.	5.00 hrs	160.00 /hr	800.00
09/04/2012	CMM	Review access issues for property within the ROW of Township and County Roads; conference with HMG and AE2S regarding process for acquiring ROW, and the tight timelines that will arise.	1.80 hrs	160.00 /hr	288.00
09/04/2012	LDA	Correspondence with Vaughn and Shirley Johnson re: 1099 and check.	0.30 hrs	160.00 /hr	48.00
09/04/2012	SNW	Interoffice conference with attorney Sean M. Fredricks, attorney Chris McShane and attorney John Shockley regarding right of entry; attend meeting at Moore with attorney Sean M. Fredricks, attorney Chris McShane and attorney John Shockley, Lee B., Mark Lambrecht and John D to work out process for proceeding with project as it develops.	3.70 hrs	160.00 /hr	592.00
09/05/2012	CMM	Telephone conference with Brad regarding what properties we need the right to enter; review e-mail from Carol regarding Donat trust property.	0.80 hrs	160.00 /hr	128.00
09/05/2012	SNW	Research right of way; continue to draft memo.	2.50 hrs	160.00 /hr	400.00
09/06/2012	LSH	Complete Landowner Checklist to include legal descriptions of James Hanson, Kim Hoffman, Renold Cossette, Lori Anderson, Adelyne Ohnstad, and Wayne Ohnstad, diagram and proof all legal descriptions; telephone conference with the Auditor's office to questions legal description on Adelyne Ohnstad property and determine Auditor's error on Tax Statement and revise legal description to reflect same.	3.00 hrs	80.00 /hr	240.00
09/06/2012	SNW	Research right of way (township and county roads; bridges); continue to draft memo; interoffice conference with attorney Sean M. Fredricks regarding right of way.	1.50 hrs	90.00 /hr	135.00
09/06/2012	CMM	Review whether a 1099 is required for easement payments.	0.40 hrs	160.00 /hr	64.00
09/07/2012	CMM	Receive weekly ROE database update, and review it for changes to ROE for the week.	0.20 hrs	160.00 /hr	32.00
09/07/2012	LDA	Conduct legal research re: 1099 requirements.	1.10 hrs	160.00 /hr	176.00
09/10/2012	SMF	Office conference with attorney Chris McShane regarding easements, landowner letters, and 1099 requirements.	0.50 hrs	160.00 /hr	80.00
09/10/2012	CMM	Draft cover letter to the landowners from whom we are requesting a temporary easement for exploration (cultural resources phase II). Revise temporary easement to include right of access and to limit the length of the easement; telephone conference with Carol; correspond with Ginny regarding length of easement and scope of access needed; send easements to landowners.	2.10 hrs	160.00 /hr	336.00
09/10/2012	SNW	Interoffice conference with attorney Sean M. Fredricks regarding right of way memo; additional research for applicable Attorney General opinions.	1.50 hrs	160.00 /hr	240.00
09/11/2012	CMM	Participate in bi-weekly telephone conference; conference with Lyndon and Brad regarding additional parcels we need ROE for; work on list of easement parcels, and how much each landowner will be paid for the easements.	0.90 hrs	160.00 /hr	144.00

09/11/2012	SNW	Attend FMM ROE status meeting with attorney Chris McShane, Brad Dahl, Lyndon Pease and Corps (via phone); research right of way.	1.90 hrs	160.00 /hr	304.00
09/12/2012	SNW	Add additional caselaw to right of way memo; revise draft memo.	1.10 hrs	160.00 /hr	176.00
09/13/2012	SMF	Office conference with attorney Sarah M. Nyhus-Wear regarding Corps conference call and rights of way; review lists of easements (Piezometer and cultural); revise rights of way memo; correspond with Lyndon Pease and Lee Beauvais regarding same.	3.40 hrs	160.00 /hr	544.00
09/13/2012	LDA	Prepare and draft charts re: cultural and instrumentation easements.	1.40 hrs	160.00 /hr	224.00
09/14/2012	LDA	Electronic correspondence with Carol Harbeke Lewis re: checks for easement payments.	0.20 hrs	160.00 /hr	32.00
09/14/2012	SMF	Review AG opinions; revise draft right of way memo; correspond with right of entry team.	2.00 hrs	160.00 /hr	320.00
09/14/2012	SNW	Attend meeting at Highway Department with attorney Sean M. Fredricks; interoffice conference with attorney Sean M. Fredricks regarding meeting.	2.40 hrs	160.00 /hr	384.00
09/17/2012	CMM	Follow up with Brad as to what properties we continue to need access for; cross check the list provided by brad with our file indicating who has received letters recently; review multiple e-mails from landowners responding to my cover letters for the cultural resources easements.	1.30 hrs	160.00 /hr	208.00
09/17/2012	LDA	Prepare and draft 1099 forms for Williams Partnership and Thue Trust easements.	0.60 hrs	160.00 /hr	96.00
09/18/2012	LSH	Complete landowner list and final proof of legal descriptions and landowners on the North Dakota list of property owners and legal descriptions.	2.00 hrs	80.00 /hr	160.00
09/18/2012	KLT	Print out tax detail reports from internet on landowners; preparation of Access Agreements and letters to landowners.	2.50 hrs	75.00 /hr	187.50
09/18/2012	CMM	Work with attorney Sarah M. Nyhus-Wear to confirm we have obtain access for each property that will have ROE expiring, or that we have sent an access agreement to the owners of that property; prepare access agreements for road surveys; review cover letter for road survey ROEs.	1.20 hrs	160.00 /hr	192.00
09/18/2012	SNW	Review lists and verify expiration dates for right of entry; verify necessary letters have been sent.	1.60 hrs	160.00 /hr	256.00
09/19/2012	CMM	Work with Pam to have the most recent set of ROE Agreements sent out to landowners for property related to the transportation plan; telephone conference with Pam regarding who will send out the checks to the landowners for the easements that are being returned.	1.20 hrs	160.00 /hr	192.00
09/19/2012	LDA	Correspondence with Carol re: check for Radenbaugh; correspondence with Radenbaugh re: 1099 form; prepare and draft 1099 form.	0.50 hrs	160.00 /hr	80.00
09/19/2012	LDA	Update info re: easement payments.	0.20 hrs	160.00 /hr	32.00
09/20/2012	CMM	Telephone call from Kevin Heiden with certain requests about the Cultural Resources easements; send e-mail to Ginny asking about Kevin's requests; telephone call from Clarence Krogh asking questions about the type of access being requested, and if the Joint board will take him to Court; correspond with Lyndon regarding whether anyone would have ordered a locate on Clarence's property.	1.20 hrs	160.00 /hr	192.00
09/21/2012	CMM	Work on getting landowners paid for easements they sign.	0.30 hrs	160.00 /hr	48.00

09/21/2012	SNW	Review parcel list for right of entry expirations and to confirm letters have been sent out on those expiring.	0.70 hrs	160.00 /hr	112.00
Total fees for this matter					<u>\$14,733.75</u>

EXPENSES

08/01/2012	Clay County Recorders Laredo Search fee	\$14.35
08/22/2012	North Dakota Recorders Information Network fee	\$24.00
08/24/2012	North Dakota Recorders Information Network fee	\$10.00
08/28/2012	Receipt #525170 for copies from the Cass County Recorder on 8/28/2012	\$42.00
08/29/2012	Recording Fees paid to the Cass County Recorder	\$28.00
08/30/2012	Process Service Fee paid to You've Been Served	\$174.69
09/04/2012	Copies from the Cass County Recorder	\$2.00
Total expenses for this matter		<u>\$295.04</u>

BILLING SUMMARY

Total fees	\$14,733.75
Total expenses	<u>\$295.04</u>
Total of new charges for this invoice	<u>\$15,028.79</u>
Total balance now due	<u>\$15,028.79</u>



Date Created: 9/26/12
Date Updated: 9/26/12

Geotechnical Boring Payments
 Fargo-Moorhead Metropolitan Flood Risk Management Project
 Diversion Authority

YEAR	ENTITY	BORING	QUANTITY	PROPERTY OWNER	PARCEL ID	AMT OWED	AMT PAID	OUTSTANDING
09-10	USACE	10-110C	1	Adams, Mary	67-0000-12179-010	\$250.00		\$250.00
12	USACE		3	Adams, Mary	67-0000-12719-010	\$750.00		\$750.00
12	HMG		2	Baker, Donna	70-0000-13643-000	\$500.00	\$500.00	\$0.00
09-10	USACE	10-100C	1	Beaton, Michael ETAL	25-0000-01820-000	\$250.00		\$250.00
12	USACE		7	Brakke, Michael & Laurie	57-0000-10283-000	\$1,750.00		\$1,750.00
09-10	USACE	10-89C	1	Breimer Properties	44-0000-00670-000	\$250.00		\$250.00
09-10	USACE	10-99C	1	Breimer Properties	53-0000-09073-000	\$250.00		\$250.00
12	USACE		2	Breimer Properties	44-0000-00670-000	\$500.00		\$500.00
09-10	USACE	10-107C	1	Brodshaug, Mark & Luann	67-0000-12661-013	\$250.00		\$250.00
09-10	USACE	10-77M	2	Brodshaug, Orten & Sandra	57-0000-10276-000	\$500.00		\$500.00
09-10	USACE	10-78M	3	Brodshaug, Orten & Sandra	57-0000-10276-000	\$750.00		\$750.00
09-10	USACE	09-59M	3	Brodshaug, Orten & Sandra	57-0000-10276-000	\$750.00		\$750.00
09-10	USACE	10-68M	2	Cass County ROW - Deeded		\$0.00		\$0.00
09-10	USACE	10-66M	2	Cass County ROW - Deeded		\$0.00		\$0.00
12	USACE		2	Clarence and Doris Life Estate	59-0000-10807-010	\$500.00		\$500.00
09-10	USACE	09-63M	2	Deeded ROW (124th Ave S.)		\$0.00		\$0.00
09-10	USACE	10-83M	2	Deeded ROW (Cass County HWY 81 ROW)		\$0.00		\$0.00
09-10	USACE	09-60M	3	Deeded ROW (Cass County HWY 81 ROW)		\$0.00		\$0.00
09-10	USACE	10-86C	1	Diekrager, Wayne & Marion ETAL	44-0000-00124-000	\$250.00	\$250.00	\$0.00
09-10	USACE	10-94M	2	Diekrager, Wayne & Marion ETAL	59-0000-10849-000	\$500.00	\$500.00	\$0.00
09-10	USACE	10-93C	1	Diekrager, Wayne & Marion ETAL	59-0000-10849-001	\$250.00		\$250.00
12	USACE		2	Doris Krogh Life Estate	59-0000-10810-000	\$500.00		\$500.00
09-10	USACE	10-80M	3	Fosse, Miceal	67-0000-12712-000	\$750.00		\$750.00
09-10	USACE	09-64M	2	Gerald L Henke, ETAL or Carol B Brooks	59-0000-10904-050	\$500.00		\$500.00
12	HMG		1	Grotenhuis, Martha	44-0600-00170-000	\$250.00	\$250.00	\$0.00
09-10	USACE	10-109C	1	Hatlestad, Kenneth	67-0000-12715-000	\$250.00		\$250.00
09-10	USACE	09-58M	2	Heiden Family LLLP	70-0000-13641-000	\$500.00		\$500.00
09-10	USACE	10-82M	2	Heiden Family LLLP	44-0000-00630-000	\$500.00		\$500.00
09-10	USACE	10-105M	3	Heiden Family LLLP	59-0000-10905-000	\$750.00	\$250.00	\$500.00
12	USACE		6	Heiden Family LLLP	59-0000-10905-000	\$1,500.00		\$1,500.00
12	HMG		1	Heiden Family LLLP	70-0000-13641-000	\$250.00	\$250.00	\$0.00
12	HMG		1	Heiden, Kevin L & Pamilas ETAL	44-0000-00100-000	\$250.00	\$250.00	\$0.00
09-10	USACE	10-96C	1	Johnson, Stuart & Laurie	59-0000-10919-000	\$250.00		\$250.00
09-10	USACE	09-65M	2	Johnson, Stuart & Laurie	59-0000-10953-000	\$500.00		\$500.00
09-10	USACE	10-74M	2	Johnson, Vaughn & Shirley	70-0000-13646-005	\$500.00		\$500.00
09-10	USACE	10-106C	1	Lean, Earle	67-0000-12649-000	\$250.00		\$250.00
12	USACE		2	Lemke, Muriel ETAL	27-0000-01599-000	\$500.00		\$500.00
09-10	USACE	10-98C	1	Libbrecht, Kenneth	53-0000-09070-020	\$250.00		\$250.00

PAID
 OCT 01 2012
 CK# 10499-10534
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YEAR	ENTITY	BORING	QUANTITY	PROPERTY OWNER	PARCEL ID	AMT OWED	AMT PAID	OUTSTANDING
09-10	USACE	10-75M	2	Liffrig Family Investments	27-0000-01546-000	\$500.00		\$500.00
09-10	USACE	10-102C	1	Loberg, Nancy	53-0000-09122-010	\$250.00		\$250.00
09-10	USACE	10-90C	1	Margaret Fell Trust	44-0000-01111-000	\$250.00		\$250.00
09-10	USACE	10-103C	1	North Central Dakota Investments	02-0810-00020-000	\$250.00		\$250.00
09-10	USACE	10-79M	3	Offutt, Karen	57-0000-10208-000	\$750.00	\$250.00	\$500.00
09-10	USACE	10-85C	1	Ohnstad, Wayne & Gary	70-0000-13646-010	\$250.00		\$250.00
09-10	USACE	10-84M	2	Ohnstad, Wayne & Gary	70-0000-13640-000	\$500.00		\$500.00
11	USACE		4	Ohnstad, Wayne & Gary	70-0000-13646-010	\$1,000.00	\$1,000.00	\$0.00
12	USACE		1	Ohnstad, Wayne & Gary	70-0000-13646-010	\$250.00		\$250.00
09-10	USACE	09-62M	2	Olson Living Trust, Ruth B ETAL	27-0000-01597-000	\$500.00		\$500.00
12	HMG		8	Olson Living Trust, Ruth B ETAL	27-0000-01597-000/27-0000-01596-000	\$2,000.00	\$2,000.00	\$0.00
12	USACE		1	Olson, Gerald	44-0000-00080-000	\$250.00		\$250.00
12	HMG		5	Olson, Gerald	44-0000-00080-000	\$1,250.00	\$1,250.00	\$0.00
09-10	USACE	10-67M	2	Red River Trust ETAL	44-0000-00250-000	\$500.00		\$500.00
09-10	USACE	10-87C	1	Red River Trust ETAL	44-0000-00250-000	\$250.00		\$250.00
09-10	USACE	10-81M	2	Red River Trust ETAL	44-0000-00270-000	\$500.00		\$500.00
09-10	USACE	10-81C	1	Red River Trust ETAL	44-0000-00270-000	\$250.00		\$250.00
12	USACE		2	Red River Trust ETAL	44-0000-00604-000	\$500.00	\$500.00	\$0.00
12	USACE		2	Red River Trust ETAL	44-0000-00604-000	\$500.00		\$500.00
09-10	USACE	10-76M	2	Richard, Charles	70-0000-13645-000	\$500.00	\$250.00	\$250.00
11	USACE		13	Richard, Charles	70-0000-13645-000	\$3,250.00	\$3,250.00	\$0.00
09-10	USACE	10-69M	2	Rust, Dean & Gwendolyn	59-0000-10809-000	\$500.00		\$500.00
09-10	USACE	10-92M	2	Rust, Dennis	59-0000-10802-000	\$500.00		\$500.00
09-10	USACE	10-92C	1	Rust, Dennis	59-0000-10802-001	\$250.00		\$250.00
09-10	USACE	10-72M	2	Rust, Dennis & Vicki	27-0000-07601-000	\$500.00		\$500.00
09-10	USACE	10-91C	1	Rust, Dennis & Vicki	59-0000-10850-000	\$250.00		\$250.00
12	USACE		2	Rust, Dennis & Vicki	27-0000-01600-000	\$500.00		\$500.00
12	USACE		2	Rust, Dennis & Vicki	59-0000-10850-000	\$500.00		\$500.00
09-10	USACE	10-104C	1	SE Cass Water Resource District	67-0000-12604-011	\$0.00		\$0.00
09-10	USACE	10-70M	2	Smith Living Trust, J Marie	15-0000-02650-000	\$500.00		\$500.00
09-10	USACE	09-61M	2	Smith Living Trust, J Marie	15-0000-02650-001	\$500.00		\$500.00
09-10	USACE	10-108C	1	Stanley & Bea Fuxa Trust	67-0000-12708-010	\$250.00		\$250.00
12	HMG		5	Tvedt, Dean & Mary	44-0000-00730-030	\$1,250.00	\$1,250.00	\$0.00
09-10	USACE	10-71M	2	Ueland, James & Ann	59-0000-10852-000	\$500.00		\$500.00
09-10	USACE	09-57M	2	Unknown (At end of Klitzke Drive)		\$0.00		\$0.00
09-10	USACE	10-73M	2	Williams Farms	27-0000-01598-000	\$500.00		\$500.00
12	USACE		2	Williams Farms	27-0000-01598-000	\$500.00		\$500.00
12	HMG		1	Williams Farms	27-0000-01598-000	\$250.00	\$250.00	\$0.00
09-10	USACE	10-88M	2	Williams Farms c/o Arthur Mercantille	44-0000-01070-000	\$500.00		\$500.00
09-10	USACE	10-97M	2	Williams Farms c/o Arthur Mercantille	44-0000-01070-000	\$500.00	\$250.00	\$250.00
12	HMG		9	Williams Farms c/o Arthur Mercantille	44-0000-01070-000	\$2,250.00	\$2,250.00	\$0.00
179						\$41,250.00	\$14,750.00	\$26,500.00

Stone, Nina

From: Lewis, Carol
Sent: Monday, October 15, 2012 12:08 PM
To: Stone, Nina
Subject: FW: CCJTWRD - FM Diversion Checks

From: Barbara R. Jones [mailto:BJones@OhnstadLaw.com]
Sent: Monday, October 15, 2012 11:38 AM
To: Lewis, Carol
Subject: CCJTWRD - FM Diversion Checks

Carol:

1. We would like to request a new check in the amount of **\$1,000** made to **Gerald L. Henke, as Trustee of the Carol B. Brooks Irrevocable Third-Party Special Needs Trust**. I will return the 1st check we received which is made to Gerald L. Henke, Individually and as Trustee of the Carol B. Brooks 3rd Party Special Needs Trust in today's mail. Chris has requested that the check made made only to the Trust.
2. Check for **\$1,500** made to **Bart Marvel and Lori Marvel** for an Easement for Placement of Subsurface Monitoring Equipment.

Thank you.

Barb J.

PAID

OCT 16 2012

CU# 10550

GA

OHNSTAD TWICHELL, P.C.
 901 13TH AVENUE EAST
 PO BOX 458
 WEST FARGO ND 58078-0458
 WK 701-282-3249 FAX 701-282-0825
 Federal I.D. #45-0310621

October 22, 2012

CASS COUNTY JOINT WATER RESOURCE DISTRICT
ATTN CAROL HARBEKE LEWIS
 1201 W MAIN AVE
 WEST FARGO, ND 58078-1301

Invoice# 116812 SMF
 Our file# 100007 00007
 Billing through 10/21/2012

FM DIVERSION - RIGHT OF ENTRY

Balance forward as of invoice dated	09/25/12	\$15,028.79
Last payment received	10/01/2012	\$15,028.79
A/R adjustments made since last invoice		\$0.00
Accounts receivable balance carried forward		<u>\$0.00</u>

PROFESSIONAL SERVICES

09/04/2012	SNW	Interoffice conference with attorney Chris McShane regarding quick take; draft documents.	144.00
		0.80 hrs 180.00 /hr	
09/24/2012	CMM	Review e-mail from landowner Shane Smith regarding work that will be conducted using the easement sent to him for signature; respond to e-mail by explaining the difference between a cultural resources survey and a ground water monitoring device placement; correspond with Ginny by e-mail; correspond with Lee about payment for borings; multiple telephone conferences with Ginny and Jon from the Corps regarding cultural resources surveys; coordinate payments being made for easements already obtained; review map showing properties we have not yet been asked to obtain right of entry for; telephone conference with Brad regarding the crop conditions he is encountering during his drive by assessments of the cultural resource sites.	368.00
		2.30 hrs 160.00 /hr	
09/25/2012	CMM	Review which easements we have, which easements we need, and what resolutions will be necessary for those easements; draft revised easement for Marvel property, and a cover letter explaining the revision; send Marvel easement to Pam; participate in telephone conference with the Corps; interoffice conference with attorney Sarah M. Nyhus-Wear regarding easements for ROE and easements for the board's meeting; review property lists to be attached to resolutions of necessity.	544.00
		3.40 hrs 160.00 /hr	
09/25/2012	SNW	Conference call at Moore Engineering with attorney Chris McShane, attorney John Shockley, Lyndon Pease, Katie Young, Grant, Jon, Mark Lambrecht, Carol, Pam for FMM ROE Status updates; prepare resolution of offer to purchase and resolution of necessity for specific properties.	480.00
		3.00 hrs 160.00 /hr	
09/26/2012	CAS	Interoffice conference with attorney Chris McShane; research property descriptions and ownership of properties; research at Recorder's office; interoffice conference with attorney Lukas D. Andrud and attorney Chris McShane regarding findings.	344.00
		4.30 hrs 80.00 /hr	
09/26/2012	KLT	Work on inserting parcel numbers and legal descriptions into data tables for easements.	225.00
		3.00 hrs 75.00 /hr	

PAID
 OCT 25 2012
 CL# 10551
 GA

PURSUANT TO SECTION 13-01-14, NDCC, A LATE PAYMENT CHARGE OF 1% PER MONTH IS ASSESSED UPON ACCOUNTS NOT PAID 30 DAYS FROM BILLING DATE. THANK YOU.

09/26/2012	CMM	Prepare resolutions of necessity for easements and ROE for the board to consider; correspond with Brad regarding the parcel information on James Hanson's property; work with staff to compile lists of properties to attach to the resolutions; telephone conference with Trustee of Donat trust; revise access agreement and send to trustee.	1.80 hrs	160.00 /hr	288.00
09/26/2012	LDA	Review legal descriptions, deeds and GIS re: Heiden LLLP, Fosse and Donat Trust properties for easement purposes.	3.40 hrs	160.00 /hr	544.00
09/26/2012	SNW	Draft Resolutions of Necessity, Resolutions to offer to purchase temporary easements for exploration; resolutions to offer to purchase easements for placement of subsurface monitoring equipment.	4.30 hrs	160.00 /hr	688.00
09/27/2012	KLT	Continue work on inserting parcel numbers and legal descriptions into data tables for easements, proof legal descriptions; update exhibits to attach to Resolutions.	6.00 hrs	75.00 /hr	450.00
09/27/2012	CMM	Finalize resolutions necessary for obtaining easements and for obtaining ROE; telephone conference with Lee and Lyndon; attend and participate in regular meeting of the Joint Board; telephone conference with Kevin Heiden regarding actions of the Joint Board, and what modifications of the easement he would like; telephone conference with Larry Shoenberg regarding easement the joint board is requesting; modify Heiden easement; draft letter to Kevin Heiden for conveyance of the modified easement, and the resolutions passed by the Joint Board.	3.30 hrs	160.00 /hr	528.00
09/27/2012	SNW	Attend CCJT meeting at Highway Department; review legal descriptions for ROE with Karen Thompson.	3.00 hrs	160.00 /hr	480.00
09/28/2012	CMM	Work with Lyndon and attorney Lukas D. Andrud on the placement of a pedometer near drain 14; send easement for Heiden property to the water resource district office; modify list of properties we need easements for.	1.20 hrs	160.00 /hr	192.00
09/28/2012	LDA	Travel to and from courthouse and review existing right of way documents on Libbrecht property; telephone conference with Chris Gross and electronic correspondence with Lyndon re: placement of piezometer and survey issues.	5.00 hrs	160.00 /hr	800.00
09/28/2012	SNW	Prepare letters and documents to send to properties for Temporary Easements for Exploration and Easements for Placement of Subsurface Monitoring Equipment; revise documents for final mailing for Heiden property.	2.90 hrs	160.00 /hr	464.00
10/01/2012	SMF	Telephone conference with Brad Dahl regarding right of entry for properties recently split; review list regarding same.	0.30 hrs	160.00 /hr	48.00
10/01/2012	CMM	Answer questions from Nina about payments to landowners; correspond with Lyndon.	0.40 hrs	160.00 /hr	64.00
10/01/2012	SNW	Prepare letters and documents to send out for the resolutions for subsurface monitoring equipment and temporary easements for exploration.	0.70 hrs	160.00 /hr	112.00
10/02/2012	CMM	Work with Lyndon to determine if an easement is needed for the piezometer placed in drain ROW; review and revise cover letters to go to landowners with resolutions regarding easements; provide cover letters, resolutions and easements to Pam to be sent out; telephone conference with Brad regarding the large number of properties now in the "Court Ordered" category on spreadsheet.	1.30 hrs	160.00 /hr	208.00
10/03/2012	SMF	Review email from Mark Lambrecht; telephone conference with attorney Nancy Morris; research AG opinions and open records statutes regarding appraisals; correspond with Mark Lambrecht and acquisition team; telephone conference with Jason Benson regarding railroad crossings, bridges, and related items; review WRD statutes regarding railroad right of way.	3.00 hrs	160.00 /hr	480.00
10/03/2012	CMM	Review e-mails regarding open records treatment of appraisals; track ROEs and easements that were signed and returned to Pam.	0.80 hrs	160.00 /hr	128.00
10/03/2012	LSH	Proof and revise final draft of Landowner checklist.			

100007	CASS CO JT WRD -	Invoice#	116812	Page	3
		2.00 hrs	80.00 /hr		160.00
10/04/2012	CMM	Telephone call from Kevin Heiden.			
		0.30 hrs	160.00 /hr		48.00
10/08/2012	CMM	Conference with Larry Shoenburg, a landowner we need ROE from to answer questions and obtain the signed ROE.			
		0.80 hrs	160.00 /hr		128.00
10/08/2012	SNW	Interoffice conference with attorney Chris McShane regarding location of easement for meeting; interoffice conference with Karen Thompson regarding location of document; locate document.			
		0.80 hrs	160.00 /hr		128.00
10/09/2012	JDR	Interoffice conference with attorney Chris McShane; travel to Harwood to get Temporary Easements executed by subject landowner.			
		0.80 hrs	80.00 /hr		64.00
10/09/2012	SMF	Office conference with attorney Chris McShane regarding easements; correspond with Chairman Brodshaug regarding right of way capabilities; review WAWSA's acquisition authorities.			
		1.30 hrs	160.00 /hr		208.00
10/09/2012	CMM	Prepare for telephone conference; telephone conference with Kevin Heiden about easement; telephone conference with Jon Sobiach from the Corps about the Heiden and Henke land; telephone conference with Gerald Henke's wife about easement for cultural resources; compile all documents sent to Heartland Trust for the Henke property; dictate cover letter to Gerald Henke; send paralegal Josh D. Roaldson to deliver the letter to Gerald Henke; telephone conference with Pam, and send her several easements we have had returned to our office; send executed easements to Katie and Brad; provide Carol with the names of the various resolutions passed at the 9-27 meeting.			
		4.10 hrs	160.00 /hr		656.00
10/09/2012	LDA	Electronic correspondence with Carol Harbeke Lewis re: Larson Trust and Smith easement payments.			
		0.20 hrs	160.00 /hr		32.00
10/09/2012	SNW	Attend FMM ROE status teleconference with attorney Chris McShane, Lyndon Pease, Brad Dahl, Katie Young and others; prepare quick take documents for remaining necessary easements (Henke, Krogh, Mattys/Setter).			
		4.00 hrs	160.00 /hr		640.00
10/10/2012	JDR	Travel to Henke residence in Harwood to get easement executed by landowner.			
		1.00 hrs	80.00 /hr		80.00
10/10/2012	CMM	Review quick take pleadings; obtain easement from Gerald Henke; send copies of the Henke easement to the corps, Pam, and Moore; send original to Pam for execution by Mark and Carol; review e-mails from the Corps about Cultural Resources Phase II surveys; review ownership of Krogh property; prepare for CCJT meeting.			
		1.60 hrs	160.00 /hr		256.00
10/10/2012	LDA	Electronic correspondence with Carol Harbeke Lewis re: Heiden Family LLLP and Henke Trust checks.			
		0.20 hrs	160.00 /hr		32.00
10/11/2012	JDR	Interoffice conference with attorney Chris McShane; attempt to locate landowner of subject property.			
		0.20 hrs	80.00 /hr		16.00
10/11/2012	CMM	Review quick take pleadings; attend regular meeting; telephone conference with Brad regarding Mathys property; complete quick take pleadings for a temporary easement over and through the Krogh property for cultural resources easements; circulate signed easements to the Corps and Moore.			
		3.40 hrs	160.00 /hr		544.00
10/11/2012	SNW	Attend regularly scheduled CCJT meeting at highway department; interoffice conference with attorney Chris McShane regarding remaining easement and documents to proceed with court action; attend Land Management meeting at city hall.			
		3.80 hrs	160.00 /hr		608.00
10/12/2012	JDR	Conference with process server regarding service issues.			
		0.20 hrs	80.00 /hr		16.00
10/12/2012	CMM	Work with attorney Sarah M. Nyhus-Wear and Ashley to get motion for immediate possession filed, and determine what needs to be served on the Kroghs.			

		0.40 hrs	160.00 /hr	64.00
10/12/2012	SNW	Review quick take documents for Krogh property; phone conference with attorney Chris McShane regarding necessary documents for filing; revise based on service on defendants and give to Ashley for filing.		
		0.70 hrs	160.00 /hr	112.00
10/16/2012	CMM	Work with Brad, and URS on access to Western Trust property for cultural resources phase II; correspond with Mark by e-mail about Western Trust; telephone call to Marcia at URS regarding access to the Western Trust property.		
		0.80 hrs	160.00 /hr	128.00
10/16/2012	LDA	Correspondence with Henke re: payment for Henke Trust easement; correspondence with Bart and Lori Marvel re: easement payment.		
		0.30 hrs	160.00 /hr	48.00
10/17/2012	JDR	Interoffice conference with attorney Sarah M. Nyhus-Wear; obtain to locate contact information for interested party.		
		0.20 hrs	80.00 /hr	16.00
10/17/2012	CMM	Review Order for the Court granting the quick take of the Krogh easement; send Order to the Corps, Carol, and Moore; correspond with Brad regarding the Mathys easement.		
		0.80 hrs	160.00 /hr	128.00
10/17/2012	SNW	Phone call from Brad Dahl regarding locating phone number for Grandbois; review parcel list for number; search online for current phone number; email Brad with work number to contact landowner.		
		0.50 hrs	160.00 /hr	80.00
Total fees for this matter				<u>\$11,771.00</u>

EXPENSES

09/26/2012	Receipt #526845 copies from the Cass County Recorder on 9/26/2012	\$25.00
09/26/2012	North Dakota Recorders Information Network fee	\$55.00
09/28/2012	Receipt #526942 copies from the Cass County Recorder on 9/28/2012	\$7.00
10/02/2012	Receipt # 526849 copies from the Cass County Recorder on 9/26/2012	\$9.00
10/02/2012	Recording Fee paid to the Cass County Recorder	\$84.00
10/10/2012	Travel Expense for travel to and from the Gerald Henke residence in Harwood on 10/9/2012 paid to Joshua D Roaldson	\$8.80
10/11/2012	Travel Expense for travel to and from the Henke Residence in Harwood on 10/10/2012 paid to Joshua D Roaldson	\$8.80
10/11/2012	Travel to Cass County Courthouse by Ashley Rettig (10/11/12)	\$6.11
10/11/2012	Filing Fee paid to the Cass County Clerk of District Clerk	\$80.00
10/15/2012	Filing Fees paid to the Cass County Recorder	\$28.00
10/15/2012	Process Service Fee paid to You've Been Served	\$40.00
10/15/2012	Process Service Fee paid to You've Been Served	\$134.55
Total expenses for this matter		<u>\$486.26</u>

BILLING SUMMARY

Total fees	\$11,771.00
Total expenses	\$486.26
Total of new charges for this invoice	\$12,257.26
Total balance now due	\$12,257.26

Stone, Nina

From: Lewis, Carol
Sent: Monday, October 15, 2012 12:08 PM
To: Stone, Nina
Subject: FW: CCJTWRD - FM Diversion Checks

From: Barbara R. Jones [mailto:BJones@OhnstadLaw.com]
Sent: Monday, October 15, 2012 11:38 AM
To: Lewis, Carol
Subject: CCJTWRD - FM Diversion Checks

Carol:

1. We would like to request a new check in the amount of **\$1,000** made to **Gerald L. Henke, as Trustee of the Carol B. Brooks Irrevocable Third-Party Special Needs Trust**. I will return the 1st check we received which is made to Gerald L. Henke, Individually and as Trustee of the Carol B. Brooks 3rd Party Special Needs Trust in today's mail. Chris has requested that the check made made only to the Trust.
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Thank you.

Barb J.

PAID

OCT 16 2012
ck# 10470

GA

A Note For You

10-16-12

DEAR CAROL:

THE ESTATE THAT INCLUDED BREIMER PRO-
PERTIES HAS NOW BEE DISOLVED AND
TRANSFERRED TO THEIR DAUGHTER AND
SON IN LAW NELLIE & LORANCE SCHOENBERG.

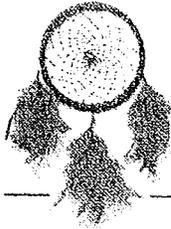
THE APPROPRIATE DOCUMENTS ARE NOW IN
THE POSESSION OF OLMSTAD & TWITCHEL.

IF APPROPRIATE COULD YOU RE-ISSUE THE
CHECK TO:

NELLIE M. SCHOENBERG

OR

LORANCE O. SCHOENBERG



Lorance Schoenberg

PAID

OCT 25 2012

4610331

GH



**US Army Corps
of Engineers**
St. Paul District

Monthly Update

November 8, 2012

Since the last Diversion Authority meeting, the following project-related activities were worked on.

1. All Corps-led design efforts are under budget.
2. Reach 2: Preparing for DTR ATR/Sponsor review, beginning November 9.
3. Reach 3: 50% ATR/Sponsor Review of Railroad bridge design was conducted.
4. Drayton Dam: Preparing for Public Meeting on November 15.
5. Wild Rice Mitigation PER review was completed by the ATR team and Sponsors.
6. Corps and Sponsor personnel attended a site visit of the Manitoba Diversion Project from 10-12 October.
7. Agency Meeting held November 8.
8. Beginning National Environmental Policy Act (NEPA) process to address project modifications.
9. Continuing Phase II Cultural surveys.



Manitoba Diversion Trip – October 2012



Red River Basin Commission

Land.

Vision: *A Red River Basin where residents, organizations and governments work together to achieve basin-wide commitment to comprehensive integrated watershed stewardship and management.*

Mission: *To create a comprehensive integrated basin-wide vision, to build consensus and commitment to the vision, and to speak with a unified voice for the Red River Basin.*

**REPORT: FM-DBA
8 NOVEMBER 2012**

**HALSTAD UPSTREAM RETENTION (HUR) MODELING:
Retention Site Modeling for Mainstem and Regional Impacts
and Prioritization**

- Retention and Modeling Background
- Project Phases: I, II, and III
- **Phase I: Project Description**
 - **Retention Site Modeling for Mainstem and Regional Impacts & Prioritization: Upstream of Halstad**
- **Phase I: Structure and Roles**
 - **Governance Committee**
 - **Technical Modeling Committee**
 - **Long Term Flood Solutions (LTFS) Implementation Committee**

Accept Modeling Report
 Accept Retention Prioritization Report
 Integrate Retention in State Priorities

Technical Modeling Committee

DNR, SWC, FM-DA, USACE, MIT	Review Current Models	4 Months
	Agree on Models and Information In the Models & Recommendations	4 Months

LTFS Implementation Committee

RRBC LTFS Committee	Advise on RFP & Contractor Selection	4 Months
Local/State/Federal & Basin Linkages	Link to LTFS Recommendations/Rpt Link to Technical Committee	Project Duration & Ongoing Project Duration
All Tech Modeling Committee	Input to Contract Modeler Input to Prioritization Effort	Project Duration Project Duration

PHASE I: FM-DBA FUNDING

FM-DBA Funding Approved: 11 October 2012: RRBC funded at \$500,000 from the FM-DBA for Phase I modeling effort for retention site mainstem and regional impact modeling and prioritization upstream of Halstad.

Activities through 8 November 2012

16 October: Report to RRWMB: of project and goals to MN Red River Management Board. Discussions of how this fits with their Watershed District plans, identified retention sites, and their current site identification efforts using the Project Management Tool (LiDAR and Decision Support).

29 October: RRBC South Valley Initiative Meeting: in Hankinson that covers the southern part of the Red River Basin (MN, ND, and SD). There was a presentation and discussion on retention in the southern area by Moore Engineering. There was an update on the FM Diversion Project by Eric Dodds. Mark Brodshaug, RRBC Chair of NRFP Goal # 6, Reducing Damages from Flooding, talked about the Halstad Upstream Retention (HUR) Modeling project that RRBC has received funding from the FM-DBA to manage. He reviewed the project scope and goals and invited those interested to join the LTFS Implementation Committee, which will provide guidance and input into the HUR Modeling Project related to the models used and scenarios modeled. The outcomes from the HUR Modeling project (using the new models) will be added to the LTFS Report/Recommendations to update the 1997 Mike 11 modeling that was used at that time.

31 October: Prioritization Initial Meeting: Initial discussions with the Red River Retention Authority (RRRA) regarding the HUR Modeling⁴ project and prioritization needs after the

modeling results are received. Discussions focused on prioritization differences for local, mainstem, regional, basin, and FM area needs. The goal will be to continue these discussions and see how these needs can be connected into a prioritization process that begins with local needs, that provides larger scale benefits all the while recognizing landowner buy-in, funding, and permitting realities. Attendance: Pat Downs (RRRA), Keith Weston (NRCS), Rodger Olson (FM-DBA/Cass Joint WRD/Maple WRD), Mark Brodshaug (Cass Joint/SE Cass WRD, RRBC LTFS Implementation Committee Chair, Randy Gjestvang (NDSWC, ND-RRJWRDB), Dan Thul (MNDNR, MN-RRWMB) and Lance Yohe (RRBC).

HUR Modeling Technical Committee: The HUR Modeling Technical Committee has been established and a meeting date is being determined. Minnesota state: Dan Thul, Jim Solstad and Suzanne Jiwani; North Dakota state: Randy Gjestvang and Tim Fay; USACE: Aaron Snyder and ACE modelers TBD; NRCS: modeler TBD; FM DBA: Mark Bittner, Bob Zimmerman, Keith Berndt, and April Walker. Rodger Olson and Darrell Vanyo for the FM-DBA and Mark Brodshaug for RRBC will stay linked to this effort.

LTFS Implementation Committee: A meeting will be scheduled for early in January. The LTFS Implementation Committee will be the ongoing main committee for the project. The following will be invited to be on this committee: HUR Technical Committee (see above); MN Watershed Districts: Boise de Sioux, Buffalo-Red, and Wild Rice; ND Water Resource Districts: Barnes, Ransom, Sargent, Richland, Cass Joint, and Trail; the RRWMB and RRJWRD Board Chairs, RRRA, NRCS, USACE, Engineering Firms: Barr, Houston, Moore, HDR, Ulteig, Interstate, Lightowler Johnson, and WSN; FM DBA; MinnDak Upstream; Downstream Citizen Group; and others who express interest. The goal of this committee is to provide the opportunity for input and guidance to the modeling scenarios, to increase understanding of the modeling outcomes, and to generate buy-in to the modeling results.

HUR Governance Committee: Will receive the results of the HUR Technical Committee and assist in RFP scoping. Manitoba has been asked to join Minnesota and North Dakota in assisting RRBC in this effort, so that eventually a basin wide initiative can be accomplished.

The Red River Basin Commission

218-291-0422

Lance Yohe, Executive Director: lance@redriverbasincommission.org

www.redriverbasincommission.org

FM AREA DIVERSION PROJECT FY 12 EXPENDITURES/OBLIGATIONS

WORK CATEGORIES	DIVERSION AUTHORITY FY 12		USACE FY 12		TOTAL PROGRAM FY 12	
	EXPENDITURES	OBLIGATIONS	EXPENDITURES	OBLIGATIONS	EXPENDITURES	OBLIGATIONS
		\$		\$		\$
DESIGN (HMG/USACE)						
Channel	2,857,732.17	8,877,693.92	2,352,351.83	5,741,213.34	5,210,084.00	14,618,907.26
Structures	233,320.02	1,166,580.00	970,202.95	4,317,859.43	1,203,522.97	5,484,439.43
Bridges/LERRD's	1,249,742.08	1,518,947.92	1,382,148.88	1,423,353.91	2,631,890.96	2,942,301.83
	1,374,670.07	6,192,166.00			1,374,670.07	6,192,166.00
STUDIES & PLANS (HMG)						
Recreation, Transportation, Drainage, Etc.	386,151.80	648,870.00			386,151.80	648,870.00
NON-PROJECT SPECIFIC						
Data Collection, Oversight, Management, Outreach	5,013,926.74	9,935,381.55	6,654,126.77	7,458,726.58	11,668,053.51	17,394,108.13
MITIGATION / PERMITTING						
Drayton & Wild Rice Dams, Buffalo River, MN EIS	397,977.92	906,038.42	627,469.81	638,474.63	1,025,447.73	1,544,513.05
LAND / LERRDS						
Right-of-entry, utility locates, land mgt. services, land purchases	261,183.05	1,572,304.55			261,183.05	1,572,304.55
TOTALS	8,916,971.68	21,940,288.44	9,633,948.41	13,838,414.55	18,550,920.09	35,778,702.99

Notes- USACE values through 09/25/12
FY 12 Cost Share Agreement= \$14,600,000