

**FLOOD DIVERSION BOARD OF AUTHORITY**  
**Thursday, October 10, 2013**  
**3:30 PM**

Fargo City Commission Room  
Fargo City Hall  
200 3<sup>rd</sup> Street North

1. Call to order
2. Approve minutes from previous meeting Item 2. Action
3. Approve order of agenda Action
4. Management Information
  - a. PMC report
  - b. Corps of Engineers report
5. Administrative / Legal
6. Technical Information/action
  - a. Design Contracts / Task Orders Item 6a.
    - i. AWD-00032 – Permit Submittal/Acquisition Support Item 6a. (1)
    - ii. AWD-00033 – Balanced Hydrographs at Hickson Item 6a. (2)
  - b. Red River Basin Commission report
7. Public Outreach Information
  - a. Committee report
  - b. Business Leaders Task Force report
8. Land Management Information/action
  - a. Committee report
  - b. CCJWRD report
9. Finance Information/action
  - a. Committee report
    - i. Management of Properties after Acquisition Item 9a.
  - b. Non-technical contracts
  - c. Voucher approval Item 9c.
10. Other Business
11. Next Meeting – November 14, 2013
12. Adjournment

cc: Local Media

**FLOOD DIVERSION BOARD OF AUTHORITY  
SEPTEMBER 12, 2013—3:30 PM**

Item 2.

**1. MEETING TO ORDER**

A meeting of the Flood Diversion Board of Authority was held Thursday, September 12, 2013, at 3:30 PM in the Fargo City Commission Room with the following members present: Cass County Commissioner Darrell Vanyo; Cass County Commissioner Ken Pawluk; West Fargo City Commissioner Mike Thorstad; Fargo City Commissioner Tim Mahoney; Fargo City Commissioner Melissa Sobolik; Fargo City Commissioner Mike Williams; Cass County Joint Water Resource District Manager Rodger Olson; 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; Moorhead City Manager Mike Redlinger; Clay County Administrator Brian Berg; Fargo City Director of Engineering Mark Bittner; Fargo City Engineer April Walker; Cass County Engineer Jason Benson; Moorhead City Engineer Bob Zimmerman; Tom O'Hara, Program Manager, CH2MHill; Bruce Spiller, CH2MHill; Tom Dawson, Chairman, Chamber of Commerce Business Leader Task Force for Permanent Flood Protection; Brett Coleman, Project Manager, Corps of Engineers; and Terry Williams, Project Manager, Corps of Engineers.

**2. EXECUTIVE SESSION**

***MOTION, passed***

**Mr. Pawluk moved and Mr. Thorstad seconded to retire into executive session to consult with the Diversion Authority's attorneys, as provided in North Dakota Century Code Section 44-04-19.1, regarding the lawsuit filed by the Richland-Wilkin Joint Powers Authority vs. the U.S. Army Corps of Engineers. Discussion: Mr. Pawluk asked about the open meeting law in regard to executive sessions. Erik Johnson, Attorney, said state law allows governing bodies to enter into executive sessions to confer with legal counsel regarding pending lawsuits. On roll call vote, the motion carried unanimously.**

The Flood Diversion board members, administrative staff and legal counsel moved to the River Room for the executive session at 3:35 PM, and returned to the regular meeting at 4:30 PM.

***MOTION, passed***

**Mr. Pawluk moved and Ms. Otto seconded to authorize the Diversion Authority's legal counsel to immediately proceed with a motion to allow the Diversion Authority to participate in the lawsuit filed by the Richland-Wilkin Joint Powers Authority against the U.S. Army Corps of Engineers—the flood risk protection that will be provided by the FM Diversion project is critically important to the successful future of the Fargo, Moorhead and surrounding community. On roll call vote, the motion carried unanimously.**

**3. MINUTES APPROVED**

*MOTION, passed*

**Mr. Mahoney moved and Ms. Otto seconded to approve minutes from the August 8, 2013, meeting as written. Motion carried.**

**4. AGENDA ORDER**

*MOTION, passed*

**Mr. Mahoney moved and Ms. Sobolik seconded to approve the order of the agenda revising Item 5c. to consider task order amendments and adding Item 6f. for an update from the Cass County Joint Water Resource District (CCJWRD) regarding land acquisitions. Motion carried.**

**5. PROGRAM MANAGEMENT FIRM UPDATE**

Program manager consultant monthly report

Bruce Spiller provided an update on activities over the last month including participation in a design team kickoff meeting for the Oxbow/Hickson/Bakke (O/H/B) levee; public outreach with communities in the Minnesota staging area, including Comstock; continued support to the Corps with work-in-kind activities; and assistance with pre-design work on the O/H/B levee.

Corps of Engineers status update

Brett Coleman provided an update of activities by Corps of Engineers staff including continued support for the Minnesota EIS (Environmental Impact Statement) process; preparation of responses to public comments received regarding the supplemental Environmental Assessment (EA); helped in coordination of design team meeting for the O/H/B levee held on August 28<sup>th</sup>; and began on-site geotechnical soil borings on September 9<sup>th</sup> for the O/H/B levee.

Mr. Coleman discussed the path forward and said the Corps will soon finalize and sign the EA. The project is awaiting federal authorization with the United States House of Representatives expected to address the Water Resources Development Act (WRDA) bill in the next few weeks.

Task Order Amendments

Bruce Spiller reviewed Task Order (TO) amendments with Houston Moore Group (HMG), ProSource and Ulteig Engineers. He reviewed three task order amendments with HMG as follows: Task Order No. 1, Amendment 3 in the amount of \$350,000; HMG Task Order No. 7, Amendment 1 at no additional cost; and HMG Task Order No. 9, Amendment 8 in the amount of \$310,000.

*MOTION, passed*

**Mr. Mahoney moved and Ms. Otto seconded to approve Task Order No. 1, Amendment 3 for project management; Task Order No. 7, Amendment 1 to pause design work on the channel south of the Maple River; and Task Order No. 9, Amendment 8 for hydrology and hydraulic modeling to extend the Red River model from Grand Forks to Drayton. On roll call vote, the motion carried unanimously.**

Mr. Spiller reviewed Task Order No. 15, Amendment 0 with HMG in the amount of \$500,000 for engineering services to develop a draft operations plan to simulate the range of flooding conditions and determine interim operation plans for the project. April Walker said this will help determine parameters regarding the operation of the flood gates and when to raise and lower the gates and the resulting impacts.

***MOTION, passed***

**Mr. Olson moved and Mr. Campbell seconded to approve Task Order No. 15, Amendment 0 with HMG for development of a draft operations plan. On roll call vote, the motion carried unanimously.**

Mr. Spiller reviewed Task Order No. 1, Amendment 1 with ProSource for land acquisition services, and Task Order No. 1, Amendment 1 with Ulteig Engineers for land acquisition services. There are no additional costs associated with either one.

***MOTION, passed***

**Mr. Mahoney moved and Ms. Otto seconded to approve Task Order No. 1, Amendment 1 with ProSource and Task Order No. 1, Amendment 1 with Ulteig Engineers. Motion carried.**

Limited Joint Powers Agreement Amendment No. 2

Erik Johnson, Fargo City Attorney, said the second amendment to the Limited Joint Powers Agreement (LJPA) was forwarded to the six member entities after the last meeting, and each entity has formally approved the document. The revisions included the name of the entity created by the JPA to be known as the “Metro Flood Diversion Authority”; clarification of existing powers to enter into contracts, specifically with Oxbow for the ring levee, replacement property, and advancement and recoupment of funds; FY14 budget which clarifies that Minnesota entities will ask the Minnesota legislature to fund their share; and the official date when the Limited Joint Powers Agreement became effective, which was July 11, 2011.

***MOTION, passed***

**Mr. Olson moved and Ms. Otto seconded to ratify and accept Amendment No. 2 to the Limited Joint Powers Agreement (LJPA) based upon approval of all six LJPA signatories. On roll call vote, the motion carried unanimously.**

Design Agreement Amendment No. 1

Mr. Johnson said the first amendment to the design agreement has been approved by the three signatories of the original agreement—Fargo, Moorhead and Corps of Engineers. The changes include addition of the Flood Diversion Board of Authority as a non-federal sponsor along with Moorhead and Fargo; allowing non-federal sponsors to provide additional in-kind contributions; allowing non-federal sponsors to accelerate local funding in advance of receipt of matching federal funds for design; and authorization up to \$60,000,000 in combined federal and local design expenditures, which is necessary since the previous authorized limit of \$30,000,000 will soon be exceeded.

***MOTION, passed***

**Mr. Mahoney moved and Ms. Sobolik seconded to approve Amendment No. 1 to the design agreement with the Department of the Army, Flood Diversion Board of Authority, City of Fargo, and City of Moorhead for the Fargo-Moorhead Metropolitan Area Flood Risk Management Project. On roll call vote, the motion carried unanimously.**

## 6. UPDATES FROM COMMITTEES

### Retention efforts update from Red River Basin Commission

Lance Yohe, Executive Director of the Red River Basin Commission, was present to provide an update on the Halstad Upstream Retention Project. He highlighted a few areas including standard snow melt progression—when and how fast it occurs and its effect on flooding; multiple interests involved with standardized hydrologic analysis including the Red River Basin Commission, Corps of Engineers, Minnesota DNR, and Flood Diversion Board of Authority; and the three project tasks including sensitivity analysis, retention conditions scenario modeling, and prioritization for funding and reporting. Mr. Yohe said the goal is to provide preliminary information from the study at the next meeting, including site impacts and funding allocation options for retention.

### Land Management Committee

Mr. Vanyo said the Land Management Committee met earlier this afternoon. He said the committee approved the purchase of two additional properties that meet the medical hardship requirements. One of the homes is in Oxbow and one is located south of Moorhead for a cost of \$274,000 and \$513,000 respectively.

#### ***MOTION, passed***

**Mr. Mahoney moved and Ms. Otto seconded to approve the purchase of two additional homes that meet the medical hardship requirements. On roll call vote, the motion carried unanimously.**

Mr. Vanyo said the committee discussed the medical hardship program that was implemented and used to purchase three properties in Oxbow before the O/H/B levee was approved. As a result of the levee, the homes will be protected from flooding. Two homes are being leased; however, a third home has not been rented and there was discussion by the committee about selling the property.

Mr. Campbell believes it is premature to sell the house at this point until all alignments are finalized and accepted. There was discussion about selling the property contingent on the levee being constructed, and a suggestion was made that the Land Management Committee look into the option of renting the home with the option to sell.

#### ***MOTION, passed***

**Mr. Pawluk moved and Mr. Campbell seconded to direct the Land Management Committee to further investigate the possibility of renting the property in Oxbow with the option to sell. Motion carried.**

### Public Outreach Committee

Mr. Olson said the Public Outreach Committee met on September 11<sup>th</sup>, and discussed numerous outreach activities as follows: met with Comstock leaders and residents to discuss the project and a potential ring levee around the community; will schedule individual one-on-one meetings with Minnesota residents in the staging area; continued to work with the Corps of Engineers to answer comments and questions from the public; provided a presentation to the League of Women Voters; scheduled a briefing to be held September 19<sup>th</sup> with candidates running for elected office in Moorhead; followed progress on the WRDA bill, which will be considered by the U.S. House in the next few weeks; updated the diversion website; and distributed the most current e-newsletter.

Finance Committee

Michael Montplaisir, Cass County Auditor, said the Finance Committee met on September 11<sup>th</sup>. He said the committee reviewed financial reports showing revenues and expenditures for the project beginning in 2011 through August 2013. He said a new FY13 summary budget report was provided which outlines the remaining budget balance for the year, and a cumulative vendor payment spreadsheet was also created showing contracts, payments, and outstanding encumbrances since the inception of the board. The committee also reviewed FY14 funding sources.

Mr. Campbell asked if the Finance Committee could review possible legal costs resulting from the lawsuit to see if appropriate funds will be available.

**LIDAR funding**

Mr. Berndt said the board will be asked at a future meeting to approve some dollars for an aerial flight and photography. He estimates the cost will be around \$300,000.

Business Leaders Task Force Committee

Mr. Dawson said the committee met on September 9<sup>th</sup>, and will meet continue to meet on a quarterly basis. He said legislators were invited to the last meeting, and representatives from the business community will be invited to the next meeting to discuss the importance of the project and impacts to local businesses.

CCJWRD Land Acquisitions Update

Dirk Draper, CH2MHill, said the Cass County Joint Water Resource District (CCRWRD) assumed responsibility of land acquisitions associated with the project. He said a purchase agreement has been reached for a property in Oxbow on Schnell Drive that is within the footprint of the levee. The house is vacant and in poor condition, so it will be demolished.

**7. OTHER BUSINESS**

Mr. Vanyo said he read the WRDA legislation that will be considered by the United States House of Representatives. He said the bill de-authorizes \$12 billion in projects and adds \$10 billion in new projects, including the FM Diversion.

**8. VOUCHERS, Approved  
*MOTION, passed***

**Mr. Mahoney moved and Mr. Pawluk seconded to approve the vouchers for August, 2013. On roll call vote, the motion carried unanimously.**

**9. NEXT MEETING DATE**

The next meeting will be held on Thursday, October 10, 2013, at 3:30 PM.

**10. ADJOURNMENT**

***MOTION, passed***

**On motion by Mr. Mahoney, seconded by Ms. Otto, and all voting in favor, the meeting was adjourned at 5:35 PM.**



# Authority Work Directive (AWD) Summary

---

Date: October 10, 2013

---

## Houston-Moore Group

### AWD Summary

### Amount (\$)

AWD-00032 - Permit Submittal Preparation and Acquisition Support, and Other Related Services	50,000
AWD-00033 - Balanced Hydrographs at Hickson, ND	50,000
<b>Total of AWD's</b>	<b>100,000</b>

---

**AWD-00032****\$ 50,000****Permit Submittal Preparation and Acquisition Support, and Other Related Services*****Description:***

Begin preliminary work on developing submittals for long lead permits for the OHB Levee and In Town Levees.

***Background:***

As part of Task Order No. 13, Houston-Moore Group (HMG) was contracted by the Diversion Authority design levees In-Town and around Oxbow/Hickson/Bakke. Prior to beginning construction, a number of permits must be obtained by the Diversion Authority. Long lead time permits include the Clean Water Act 404(b) Permit(s) and associated 401 Water Quality Certification(s).

This AWD authorizes the permitting process to begin. The complete scope and fee for the necessary permits preparation will be included in a new Task Order No. 16, Permit Submittal Preparation and Acquisition Support, and Other Related Services. This task order is under development.

Cost incurred under this AWD is not to exceed \$50,000.00.

---

**AWD-00033****\$ 50,000****Balanced Hydrographs at Hickson, ND*****Description:***

Begin preliminary work to update the balanced hydrographs at the USGS gage at Hickson, ND.

***Background:***

The USACE, St. Paul District, has requested Houston-Moore Group's (HMG's) assistance in updating the Red River of the North (RRN) balanced hydrographs at the USGS gage at Hickson, ND. This effort involves working with both the hydrologic (HEC-ResSIM) and hydraulic (unsteady HEC-RAS) routing models to determine the proper ungaged inflow hydrographs and hydrologic modeling parameters such that similar results are obtained from the two methods.

This AWD authorizes the modeling work to begin. The complete scope and fee for updating the Hickson, ND balanced hydrographs will be included in an amendment to existing Task Order No. 9, Hydrology and Hydraulic Modeling. This amendment is under development.

Cost incurred under this AWD is not to exceed \$50,000.00.

---



**AUTHORITY WORK DIRECTIVE**

**AWD-00032 REV-0**

**Permit Submittal Preparation and Acquisition Support, and Other Related Services**

	WORK TYPE:	LEERDS
TO:	Houston-Moore Group, LLC	DATE INITIATED: 10/10/2013
PROJECT:	Work Package 43 – OHB Levee	
OWNER:	Fargo-Moorhead Metro Diversion Authority	

The following additions, deletions, or revisions to the Work have been ordered and authorized:

**OBJECTIVE:**

Begin preliminary work on developing submittals for long lead permits for the OHB Levee and In Town Levees.

**BACKGROUND:**

As part of Task Order No. 13, Houston-Moore Group (HMG) was contracted by the Diversion Authority design a levees In-Town and around Oxbow/Hickson/Bakke. Prior to beginning construction, a number of permits must be obtained by the Diversion Authority. Long lead time permits include the Clean Water Act 404(b) Permit(s) and associated 401 Water Quality Certification(s).

This AWD authorizes the permitting process to begin. The complete scope and fee for the necessary permits preparation will be included in a new Task Order No. 16, Permit Submittal Preparation and Acquisition Support, and Other Related Services. This task order is under development.

**SCOPE:**

Begin the permit submittal preparation for long lead permits for the OHB Levee and In-Town Levees, including Clean Water Act 404(b) Permit(s) and associated 401 Water Quality Certification(s).

**DELIVERABLES:**

1. Deliverables will be defined in future Task Order No. 16, Permit Submittal Preparation and Acquisition Support, and Other Related Services.

**SCHEDULE:**

Begin upon receipt of AWD. The above scope of work will be incorporated into future Task Order No. 16 – Permit Submittal Preparation and Acquisition Support, and Other Related Services, which will supersede this AWD.

**HOW WORK IS PERFORMED:**

This work will be performed on a time and material basis.

**COST:**

Cost incurred under this AWD is not to exceed \$50,000.00. This limit will not be exceeded without further written approval. The above scope of work will be incorporated into future task orders, which will supersede this AWD. Costs associated with this AWD will be invoiced under future Task Order No. 16 – Permit Submittal Preparation and Acquisition Support, and Other Related Services.

**REASON FOR CHANGE(S):**

Required to maintain schedule.

**ATTACHMENTS (List Supporting Documents):**

None

It is understood that this Authority Work Directive will not change the Contract Price or Times, but is evidence that the parties expect a Contract Amendment to be subsequently issued reflecting the changes.

Recommended by: CH2M HILL  
Program Management Consultant

Bruce Spiller  
Name

PMC Technical Services Manager  
Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Ordered by: Fargo-Moorhead Metro Diversion Authority  
Owner

Darrell Vanyo  
Name

Board Chair  
Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



**AUTHORITY WORK DIRECTIVE**

**AWD-00033 REV-0**

**Balanced Hydrographs at Hickson, ND**

		WORK TYPE:	<u>WIK</u>
TO:	Houston-Moore Group, LLC	DATE INITIATED:	<u>10/10/2013</u>
PROJECT:	<u>Fargo-Moorhead Diversion Engineering Design</u>		
OWNER:	<u>Flood Diversion Board of Authority</u>		

The following additions, deletions, or revisions to the Work have been ordered and authorized:

**OBJECTIVE:**

Begin preliminary work to update the balanced hydrographs at the USGS gage at Hickson, ND.

**BACKGROUND:**

The USACE, St. Paul District, is requesting Houston-Moore Group’s (HMG’s) assistance in updating the Red River of the North (RRN) balanced hydrographs at the USGS gage at Hickson, ND. This effort involves working with both the hydrologic (HEC-ResSIM) and hydraulic (unsteady HEC-RAS) routing models to determine the proper ungaged inflow hydrographs and hydrologic modeling parameters such that similar results are obtained from the two methods.

This AWD authorizes the modeling work to begin. The complete scope and fee for the updating of the Hickson, ND balanced hydrographs will be included in an amendment to existing Task Order No. 9, Hydrology and Hydraulic Modeling. This amendment is under development.

**SCOPE:**

1. Hydraulic Routing Calibration: Development and calibrate the storage-outflow relationships using both the hydrologic and hydraulic models.
2. Update Balanced Hydrographs: Once the hydrologic routing model is calibrated to the hydraulic routing model, assist USACE in using the hydrologic routing model to develop updated balanced hydrographs at Hickson. USACE staff will provide guidance and review.

**DELIVERABLES:**

Deliverables will be defined in the future amendment to Task Order No. 9, Hydrology and Hydraulic Modeling.

**SCHEDULE:**

Begin upon receipt of AWD. The above scope of work will be incorporated into a future amendment to Task Order No. 9, Hydrology and Hydraulic Modeling, which will supersede this AWD.

**HOW WORK IS PERFORMED:**

This work will be performed on a time and material basis.

**COST:**

Cost incurred under this AWD is not to exceed \$50,000.00. This limit will not be exceeded without further written approval. The above scope of work will be incorporated into a future task order amendment, which will supersede this AWD. Costs associated with this AWD will be invoiced under existing Task Order No. 9, Hydrology and Hydraulic Modeling.

**REASON FOR CHANGE(S):**

WIK requested by USACE, St. Paul District.

**ATTACHMENTS (List Supporting Documents):**

None

It is understood that this Authority Work Directive will not change the Contract Price or Times, but is evidence that the parties expect a Contract Amendment to be subsequently issued reflecting the changes.

Recommended by: CH2M HILL  
Program Management Consultant

Bruce Spiller  
Name

PMC Technical Services Manager  
Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Ordered by: Flood Diversion Board of Authority  
Owner

Darrell Vanyo  
Name

Board Chair  
Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



**Management of Properties after Acquisition**

**DECISION PAPER NO.: DP-00032**

Date: 10/10/2013

**RECOMMENDATION FOR BOARD ACTION:**

Motion is made that the Board of Authority adopt the policies in this Decision Paper to manage properties acquired for the FM Diversion Project.

**SUMMARY OF DECISION TOPIC:**

Properties acquired to build and operate the Project require management, including options listed below. The appropriate option will be specific to each property, as determined by the Finance Committee. The Finance Committee may use a combination of these options, or may develop a new property-specific option, if needed.

Property Management –The Diversion Authority owned property will be managed appropriately for the type and use intended. The Diversion Authority or its designee will pay taxes and assessments; secure appropriate insurance; perform general maintenance; provide security, control access and use for recreational, agricultural, or commercial purposes; provide flood prevention; and control weeds and pests.

Sale or Disposal– The Diversion Authority properties not needed, in whole or in part, to construct or operate the Project may be sold or otherwise disposed of by appropriate means as allowed by law.

Rent/Lease – The Diversion Authority may lease properties in accordance with existing policy.

Relocate – The Diversion Authority may sell properties for relocation.

Demolish - The Diversion Authority may sell properties for salvage and demolition. Demotion materials will be disposed of and remediated as necessary by a qualified contractor. The Diversion Authority will reclaim or revegetate the site to a condition appropriate for future use intended by the Diversion Authority. In lieu of sale, the Diversion Authority may donate a property to a non-profit organization for salvage.

Flowage Easement – The Diversion Authority may place a flowage easement on property prior to sale.

**EVALUATION OF KEY FACTORS FOR DECISION MAKING:**

Basis for recommending approval of Decision Paper.

**ADVANTAGES:**

- a) Exercise fiduciary and other responsibilities arising from acquired properties.
- b) Address liability and risk associated with acquired properties.
- c) Properly manage physical assets to be a good neighbor.
- d) Properly manage physical assets to allow construction and operation of the Project.

**DISADVANTAGES:**

- a) Property management costs.

**Submitted by:**

---

Bruce J. Spiller, P.E.  
CH2M HILL  
Project Manager  
Fargo-Moorhead Area Diversion Project

---

Date

---

Brian C. Berg, Clay County Administrator  
*Concur:* \_\_\_\_\_ *Non-Concur:* \_\_\_\_\_

---

Michael J. Redlinger, Moorhead City Manager  
*Concur:* \_\_\_\_\_ *Non-Concur* \_\_\_\_\_

---

Keith Berndt, Cass County Administrator  
*Concur:* \_\_\_\_\_ *Non-Concur:* \_\_\_\_\_

---

April Walker, Fargo City Engineer  
*Concur:* \_\_\_\_\_ *Non-Concur* \_\_\_\_\_

---

Mark Bittner, Fargo Director of Engineering  
*Concur:* \_\_\_\_\_ *Non-Concur:* \_\_\_\_\_

---

Pat Zavoral, Fargo City Administrator  
*Concur:* \_\_\_\_\_ *Non-Concur* \_\_\_\_\_

---

David Overbo, Clay County Engineer  
*Concur:* \_\_\_\_\_ *Non-Concur:* \_\_\_\_\_

---

Robert Zimmerman, Moorhead City Engineer  
*Concur:* \_\_\_\_\_ *Non-Concur* \_\_\_\_\_

FM Diversion Authority  
 Fiscal Accountability Report Design Phase (Fund 790)  
 As of 9/30/2013

Item 9c.

	2011	2012	2013	Cumulative Totals
<b>Revenues</b>				
City of Fargo	443,138	7,652,681	3,046,367	11,142,186
Cass County	443,138	7,652,681	3,046,367	11,142,186
City of Moorhead / Clay County	98,475	1,700,595	676,971	2,476,041
State Water Commission (10% Cap)	-	-	-	-
Lease/Rental Payments	-	-	8,501	8,501
Miscellaneous	-	-	226	226
<b>Total Revenues</b>	<b>984,750</b>	<b>17,005,957</b>	<b>6,778,432</b>	<b>24,769,139</b>
<b>Expenditures</b>				
7905 Army Corp Payments	-	-	350,000	350,000
7910 WIK - Administration	107,301	331,321	61,413	500,035
7915 WIK - Project Design	149,632	5,366,147	1,298,953	6,814,733
7920 WIK - Project Management	679,037	7,223,650	3,326,740	11,229,427
7925 WIK - Recreation	-	163,223	-	163,223
7930 LERRDS - North Dakota	48,664	3,843,620	1,668,374	5,560,658
7931 LERRDS - Minnesota	-	27,996	2,952	30,948
7940 WIK Mitigation - North Dakota	-	-	-	-
7941 WIK Mitigation - Minnesota	-	-	-	-
7950 Construction - North Dakota	-	-	-	-
7951 Construction - Minnesota	-	-	-	-
7955 Construction Management	-	-	-	-
7990 Project Financing	-	50,000	70,000	120,000
7995 Project Eligible - Off Formula Costs	-	-	-	-
7999 Non Federal Participating Costs	116	-	-	116
<b>Total Expenditures</b>	<b>984,750</b>	<b>17,005,957</b>	<b>6,778,432</b>	<b>24,769,139</b>

FM Diversion Authority  
 FY 2013 Summary Budget Report ( In Thousands)  
 September, 2013

	FY 2013 Approved Budget	Current Month	Fiscal Year To Date	% Expended	Outstanding Encumbrances	Remaining Budget Balance
<b>Revenue Sources</b>						
City of Fargo	14,535	428	6,965			7,570
Cass County	14,535	428	6,965			7,570
City of Moorhead	3,230	95	1,548			1,682
State of ND - 50% Match	-	-	-			-
State of ND - 100% Match	-	-	-			-
State of Minnesota	-	-	-			-
Financing Proceeds	-	-	-			-
Sale of Assets	-	-	-			-
Property Income	-	-	9			(9)
Miscellaneous	-	-	0			(0)
<b>Total Revenue Sources</b>	<b>32,300</b>	<b>952</b>	<b>15,486</b>			<b>16,814</b>
<b>Funds Appropriated</b>						
Army Corp Local Share	-	-	350	100%	2,100	(2,450)
Management Oversight	7,000	409	6,388	91%	1,540	(928)
Technical Activities	6,000	230	4,060	68%	6,601	(4,661)
Land Acquisitions	19,300	293	4,569	24%	2,432	12,299
Construction	-	-	-	100%	-	-
Other Costs	-	20	120	100%	20	(140)
<b>Total Appropriations</b>	<b>32,300</b>	<b>952</b>	<b>15,486</b>	<b>48%</b>	<b>12,693</b>	<b>4,120</b>

**FM Diversion Authority**  
**Summary of Cash Disbursements**  
**Period September 2013**

Date: 9/30/2013

Period/Year: 09/2013

Account Number	Check Date	Check Number	Vendor Name	Transaction Amount	Description 1	Project Number	Project Description
790-7910-429.33-20	9/25/2013	JB09130013	CITY OF FARGO	400.00	FISCAL SERVICES	V00102	General & Admin. WIK
<b>Total WIK - General &amp; Admin - Accounting Services</b>				\$ 400.00			
790-7910-429.33-25	9/19/2013	242912	ERIK R JOHNSON & ASSOCIATES	5,511.83	METRO FLOOD PROJECT	V00102	General & Admin. WIK
<b>Total WIK - General &amp; Admin. - Legal Services</b>				\$ 5,511.83			
790-7910-429.38-99	9/4/2013	242609	NORTH DAKOTA TELEPHONE CO	34.20	JUL 2013 SETUP/MINUTES	V00102	General & Admin. WIK
<b>Total WIK - General &amp; Admin. - Other Services</b>				\$ 34.20			
790-7915-429.33-05	9/4/2013	242543	HOUSTON-MOORE GROUP LLC	5,347.13	6/1-6/30/13	V01607	RECREATION/USE MASTER PLN
	9/4/2013	242543	HOUSTON-MOORE GROUP LLC	2,855.48	6/1-6/30/13	V01608	WORK-IN-KIND (WIK)
	9/4/2013	242543	HOUSTON-MOORE GROUP LLC	70,832.80	6/1-6/30/13	V01609	HYDROLOGY/HYDRAULIC MODEL
	9/4/2013	242543	HOUSTON-MOORE GROUP LLC	46,100.58	6/1-6/30/13	V01614	TRANS/DRAINAGE MASTER PLN
	9/11/2013	242757	HOUSTON-MOORE GROUP LLC	4,599.00	7/1-7/31/13	V01607	RECREATION/USE MASTER PLN
	9/11/2013	242757	HOUSTON-MOORE GROUP LLC	19.69	7/1-7/31/13	V01608	WORK-IN-KIND (WIK)
	9/11/2013	242757	HOUSTON-MOORE GROUP LLC	23,631.22	7/1-7/31/13	V01609	HYDROLOGY/HYDRAULIC MODEL
	9/11/2013	242757	HOUSTON-MOORE GROUP LLC	72,540.73	7/1-7/31/13	V01614	TRANS/DRAINAGE MASTER PLN
	9/19/2013	243052	URS CORPORATION	3,794.94	THRU 8/9/13	V01002	NW Alignment Survey-URS
<b>Total WIK - Project Design - Engineering Services</b>				\$ 229,721.57			
790-7920-429.33-05	9/4/2013	242543	HOUSTON-MOORE GROUP LLC	63,206.50	6/1-30/13	V01601	HMG - PROJECT MANAGEMENT
	9/11/2013	242757	HOUSTON-MOORE GROUP LLC	72,763.81	7/1-7/31/13	V01601	HMG - PROJECT MANAGEMENT
<b>Total WIK Construction Mgmt. - Engineering Services</b>				\$ 135,970.31			
790-7920-429.33-79	9/4/2013	242516	CH2M HILL ENGINEERS INC	266,789.06	THRU 7/26/13	V00203	CH2M HILL - 10/1-6/30/13
<b>Total WIK Construction Mgmt. - Project Management</b>				\$ 266,789.06			
790-7930-429.33-05	9/4/2013	242543	HOUSTON-MOORE GROUP LLC	8,345.55	6/1-30/13	V01602	CR-31 BRIDGE DESIGN
	9/4/2013	242543	HOUSTON-MOORE GROUP LLC	5,074.10	6/1-6/30/13	V01604	CR-32 & CR-22 BRIDGE DSGN
	9/4/2013	242543	HOUSTON-MOORE GROUP LLC	702.00	6/1-6/30/13	V01604	CR-32 & CR-22 BRIDGE DSGN

**FM Diversion Authority**  
**Summary of Cash Disbursements**  
**Period September 2013**

Date: 9/30/2013

Period/Year: 09/2013

Account Number	Check Date	Check Number	Vendor Name	Transaction Amount	Description 1	Project Number	Project Description
	9/4/2013	242543	HOUSTON-MOORE GROUP LLC	13,732.53	6/1-6/30/13	V01606	LAND MANAGEMENT SERVICES
	9/4/2013	242543	HOUSTON-MOORE GROUP LLC	2,495.00	6/1-6/30/13	V01610	UTILITIES DESIGN
	9/4/2013	242543	HOUSTON-MOORE GROUP LLC	30,203.39	6/1-6/30/13	V01611	REACH 6 & CR20 BRIDGE
	9/11/2013	242757	HOUSTON-MOORE GROUP LLC	4,269.50	7/1-7/31/13	V01602	CR-31 BRIDGE DESIGN
	9/11/2013	242757	HOUSTON-MOORE GROUP LLC	114,742.04	7/1-7/31/13	V01603	CR-81 & I29 BRIDGE DESIGN
	9/11/2013	242757	HOUSTON-MOORE GROUP LLC	25,379.90	7/1-7/31/13	V01604	CR-32 & CR-22 BRIDGE DSGN
	9/11/2013	242757	HOUSTON-MOORE GROUP LLC	284.00	7/1-7/31/13	V01604	CR-32 & CR-22 BRIDGE DSGN
	9/11/2013	242757	HOUSTON-MOORE GROUP LLC	16,854.45	7/1-7/31/13	V01606	LAND MANAGEMENT SERVICES
	9/11/2013	242757	HOUSTON-MOORE GROUP LLC	2,244.00	7/1-7/31/13	V01610	UTILITIES DESIGN
	9/11/2013	242757	HOUSTON-MOORE GROUP LLC	43,848.10	7/1-7/31/13	V01611	REACH 6 & CR20 BRIDGE
<b>Total LERRDS - North Dakota - Engineering Services</b>				\$ 268,174.56			
790-7930-429.33-25	9/19/2013	242907	DORSEY & WHITNEY LLP	21,732.00	LEGAL SVCS THRU 7/31/13	V00101	Dorsey Whitney Legal
<b>Total LERRDS - North Dakota - Legal Services</b>				\$ 21,732.00			
790-7930-429.33-32	9/19/2013	242980	MCKINZIE METRO APPRAISAL	3,200.00	APPRAISAL REPORT	V01702	ND LAND PURCHASE-HARDSHIP
<b>Total LERRDS - North Dakota - Appraisal Services</b>				\$ 3,200.00			
790-7931-429.34-65	9/4/2013	242612	OHNSTAD TWICHELL PC	61.50	RIGHT OF ENTRY/LAND ACQU	V01301	City of Moorhead ROE
<b>Total LERRDS - Minnesota - Right of Entry Requests</b>				\$ 61.50			
790-7990-429.34-55	9/11/2013	242818	PFM PUBLIC FINANCIAL MANAGEMENT	20,000.00	JUL/AUG 2013 RETAINER	V00102	General & Admin. WIK
<b>Total Project Financing - Financial Advisor</b>				\$ 20,000.00			
<b>Total Disbursed for Period</b>				\$ 951,595.03			

**FM Diversion Authority  
Outstanding Contracts  
As of September 30, 2013**

Date: 9/30/2013

Project Number	Account Number	PO No.	Vendor No.	P.O. Date	Vendor Name	Approved Contract/Invoice Amount	Liquidated	Outstanding Encumbrance
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	-
V00101	790-7910-429.33-25	157021	9367	11/9/2012	DORSEY & WHITNEY LLP	27,111.94	27,111.94	-
V00101	790-7910-429.33-25	157608	9367	11/29/2012	DORSEY & WHITNEY LLP	9,138.50	9,138.50	-
V00101	790-7910-429.33-25	159215	9367	1/14/2013	DORSEY & WHITNEY LLP	15,177.50	15,177.50	-
V00101	790-7910-429.33-25	160364	9367	2/20/2013	DORSEY & WHITNEY LLP	20,559.60	20,559.60	-
V00101	790-7910-429.33-25	161130	9367	3/18/2013	DORSEY & WHITNEY LLP	10,442.50	10,442.50	-
V00101	790-7910-429.33-25	163408	9367	6/12/2013	DORSEY & WHITNEY LLP	21,936.50	21,936.50	-
V00101	790-7910-429.33-25	164302	9367	7/17/2013	DORSEY & WHITNEY LLP	35,507.00	35,507.00	-
V00101	790-7910-429.33-25	164852	9367	8/12/2013	DORSEY & WHITNEY LLP	4,353.75	4,353.75	-
V00101	790-7930-429.33-25	165352	9367	9/5/2013	DORSEY & WHITNEY LLP	21,732.00	21,732.00	-
V00101	790-7930-429.33-25	165933	9367	9/30/2013	DORSEY & WHITNEY LLP	19,416.00	-	19,416.00
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 LOVEINTHEOVEN	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	-

**FM Diversion Authority  
Outstanding Contracts  
As of September 30, 2013**

Date: 9/30/2013

Project Number	Account Number	PO No.	Vendor No.	P.O. Date	Vendor Name	Approved Contract/Invoice Amount	Liquidated	Outstanding Encumbrance
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	790-7910-429.33-20	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	-
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	-
V00102	790-7910-429.33-20	AJ	COF	11/28/2012	CITY OF FARGO	220.00	220.00	-
V00102	790-7910-429.33-25	157670	16872	11/30/2012	ERIK R JOHNSON & ASSOCIATES	16,826.60	16,826.60	-
V00102	790-7910-429.38-99	158387	13981	12/20/2012	NORTH DAKOTA TELEPHONE CO	76.20	76.20	-
V00102	790-7910-429.33-20	AJ	COF	12/27/2012	CITY OF FARGO	260.00	260.00	-
V00102	790-7910-429.33-25	159214	16872	1/14/2013	ERIK R JOHNSON & ASSOCIATES	26,922.05	26,922.05	-
V00102	790-7910-429.33-20	AJ	COF	1/29/2013	CITY OF FARGO	160.00	160.00	-
V00102	790-7910-429.33-20	AJ	COF	1/29/2013	CITY OF FARGO	180.00	180.00	-
V00102	790-7910-429.38-99	159926	12961	2/5/2013	FEDERAL EXPRESS CORPORATION	71.89	71.89	-
V00102	790-7910-429.33-25	160367	16872	2/20/2013	ERIK R JOHNSON & ASSOCIATES	7,606.58	7,606.58	-
V00102	790-7910-429.52-30	160461	1772	2/25/2013	WARNER & CO	4,975.00	4,975.00	-
V00102	790-7910-429.33-20	AJ	COF	2/27/2013	CITY OF FARGO	260.00	260.00	-
V00102	790-7910-429.33-25	161131	16872	3/18/2013	ERIK R JOHNSON & ASSOCIATES	4,769.78	4,769.78	-
V00102	790-7910-429.33-20	AJ	COF	3/27/2013	CITY OF FARGO	200.00	200.00	-
V00102	790-7910-429.33-25	161699	16872	4/8/2013	ERIK R JOHNSON & ASSOCIATES	2,366.41	2,366.41	-
V00102	790-7910-429.38-99	161972	13981	4/17/2013	NORTH DAKOTA TELEPHONE CO	49.20	49.20	-
V00102	790-7910-429.33-25	162044	14216	4/19/2013	BRIGGS & MORGAN PA	1,616.36	1,616.36	-
V00102	790-7910-429.34-55	162074	21621	4/22/2013	PFM PUBLIC FINANCIAL MANAGEMEN	140,000.00	120,000.00	20,000.00
V00102	790-7910-429.33-20	AJ	COF	4/26/2013	CITY OF FARGO	460.00	460.00	-
V00102	790-7910-429.33-25	162703	16872	5/14/2013	ERIK R JOHNSON & ASSOCIATES	3,219.38	3,219.38	-
V00102	790-7910-429.38-99	163136	13981	5/30/2013	NORTH DAKOTA TELEPHONE CO	95.00	95.00	-
V00102	790-7910-429.33-20	AJ	COF	5/31/2013	CITY OF FARGO	340.00	340.00	-

**FM Diversion Authority  
Outstanding Contracts  
As of September 30, 2013**

Date: 9/30/2013

Project Number	Account Number	PO No.	Vendor No.	P.O. Date	Vendor Name	Approved Contract/Invoice Amount	Liquidated	Outstanding Encumbrance
V00102	790-7910-429.33-25	163409	16872	6/12/2013	ERIK R JOHNSON & ASSOCIATES	7,161.68	7,161.68	-
V00102	790-7910-429.33-25	163410	14216	6/12/2013	BRIGGS & MORGAN PA	11,111.20	11,111.20	-
V00102	790-7910-429.33-20	AJ	COF	6/30/2013	CITY OF FARGO	260.00	260.00	-
V00102	790-7910-429.38-99	163969	13981	7/8/2013	NORTH DAKOTA TELEPHONE CO	39.40	39.40	-
V00102	790-7910-429.33-25	164303	16872	7/17/2013	ERIK R JOHNSON & ASSOCIATES	3,498.60	3,498.60	-
V00102	790-7910-429.33-20	AJ	COF	7/29/2013	CITY OF FARGO	220.00	220.00	-
V00102	790-7910-429.55-10	164736	20829	8/7/2013	BROKERAGE PRINTING	117.38	117.38	-
V00102	790-7910-429.33-25	164853	16872	8/12/2013	ERIK R JOHNSON & ASSOCIATES	5,829.31	5,829.31	-
V00102	790-7910-429.38-99	165165	13981	8/23/2013	NORTH DAKOTA TELEPHONE CO	34.20	34.20	-
V00102	790-7910-429.33-20	AJ	COF	8/31/2013	CITY OF FARGO	1,020.00	1,020.00	-
V00102	790-7910-429.33-25	165353	16872	9/5/2013	ERIK R JOHNSON & ASSOCIATES	5,511.83	5,511.83	-
V00102	790-7910-429.33-20	AJ	COF	9/25/2013	CITY OF FARGO	400.00	400.00	-
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	3,422,306.58	3,422,306.58	-
V00203	790-7920-429.33-79	154940	20663	9/17/2012	CH2M HILL ENGINEERS INC	5,000,000.00	4,459,402.91	540,597.09
V00301	790-7910-429.38-69	143936	11604	11/16/2011	ADVANCED ENGINEERING INC	50,000.00	50,000.00	-
V00401	790-7920-429.33-06	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	346,100.00	346,100.00	-
V00801	790-7915-429.33-05	146973	801	1/27/2012	HOUSTON ENGINEERING INC	92,424.03	92,424.03	-
V00802	790-7915-429.33-05	146974	801	1/27/2012	HOUSTON ENGINEERING INC	70,742.30	70,742.30	-
V00803	790-7915-429.33-05	146975	801	1/27/2012	HOUSTON ENGINEERING INC	47,124.46	47,124.46	-
V00804	790-7925-429.33-05	148054	801	2/29/2012	HOUSTON ENGINEERING INC	163,222.91	163,222.91	-
V00805	790-7915-429.33-05	148058	801	2/29/2012	HOUSTON ENGINEERING INC	94,786.00	94,786.00	-
V00806	790-7915-429.33-05	148078	801	2/29/2012	HOUSTON ENGINEERING INC	108,369.87	108,369.87	-
V00901	790-7915-429.33-05	146976	1118	1/27/2012	MOORE ENGINEERING INC	92,291.55	92,291.55	-
V00902	790-7915-429.33-05	146977	1118	1/27/2012	MOORE ENGINEERING INC	135,231.99	135,231.99	-
V00903	790-7915-429.33-05	146978	1118	1/27/2012	MOORE ENGINEERING INC	142,924.27	142,924.27	-
V00904	790-7930-429.33-05	148055	1118	2/29/2012	MOORE ENGINEERING INC	78,760.62	78,760.62	-
V00905	790-7930-429.33-05	148056	1118	2/29/2012	MOORE ENGINEERING INC	32,727.08	32,727.08	-

**FM Diversion Authority  
Outstanding Contracts  
As of September 30, 2013**

Date: 9/30/2013

Project Number	Account Number	PO No.	Vendor No.	P.O. Date	Vendor Name	Approved Contract/Invoice Amount	Liquidated	Outstanding Encumbrance
V00906	790-7915-429.33-05	148057	1118	2/29/2012	MOORE ENGINEERING INC	8,326.50	8,326.50	-
V00907	790-7915-429.33-05	148077	1118	2/29/2012	MOORE ENGINEERING INC	164,867.66	164,867.66	-
V01002	790-7915-429.33-05	148086	17791	2/29/2012	URS CORPORATION	480,488.42	417,657.75	62,830.67
V01003	790-7915-429.33-05	163308	17791	6/6/2013	URS CORPORATION	495,000.00	30,560.57	464,439.43
V01101	790-7905-429.33-42	AJ	CORP	6/19/2013	ARMY CORP OF ENGINEERS	350,000.00	350,000.00	-
V01101	790-7905-429.33-42	AJ	CORP	8/13/2013	ARMY CORP OF ENGINEERS	2,100,000.00	-	2,100,000.00
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	20,652.04	20,652.04	-
V01201	790-7930-429.34-65	149405	19734	4/10/2012	CASS COUNTY JOINT WATER RESOUR	62,467.05	62,467.05	-
V01201	790-7930-429.33-05	156814	19734	11/5/2012	CASS COUNTY JOINT WATER RESOUR	48,138.28	48,138.28	-
V01201	790-7930-429.33-25	156814	19734	11/5/2012	CASS COUNTY JOINT WATER RESOUR	23,113.23	23,113.23	-
V01201	790-7930-429.34-65	156814	19734	11/5/2012	CASS COUNTY JOINT WATER RESOUR	8,250.00	8,250.00	-
V01201	790-7930-429.33-25	157055	19734	11/9/2012	CASS COUNTY JOINT WATER RESOUR	55,312.46	55,312.46	-
V01201	790-7930-429.34-65	157055	19734	11/9/2012	CASS COUNTY JOINT WATER RESOUR	26,500.00	26,500.00	-
V01201	790-7930-429.71-31	157055	19734	11/9/2012	CASS COUNTY JOINT WATER RESOUR	13,500.00	13,500.00	-
V01201	790-7930-429.61-50	160369	19734	2/20/2013	CASS COUNTY JOINT WATER RESOUR	24,990.57	24,990.57	-
V01201	790-7930-429.71-31	161700	19734	4/8/2013	CASS COUNTY JOINT WATER RESOUR	52,735.94	52,735.94	-
V01201	790-7930-429.61-50	164075	19734	7/10/2013	CASS COUNTY JOINT WATER RESOUR	65,419.85	65,419.85	-
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	-
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	-
V01301	790-7931-429.34-65	157054	1286	11/9/2012	OHNSTAD TWICHELL PC	2,685.00	2,685.00	-
V01301	790-7931-429.34-65	159216	1286	1/14/2013	OHNSTAD TWICHELL PC	1,247.16	1,247.16	-

**FM Diversion Authority  
Outstanding Contracts  
As of September 30, 2013**

Date: 9/30/2013

Project Number	Account Number	PO No.	Vendor No.	P.O. Date	Vendor Name	Approved Contract/Invoice Amount	Liquidated	Outstanding Encumbrance
V01301	790-7931-429.34-65	160365	1286	2/20/2013	OHNSTAD TWICHELL PC	1,148.00	1,148.00	-
V01301	790-7931-429.34-65	160797	1286	3/7/2013	OHNSTAD TWICHELL PC	738.00	738.00	-
V01301	790-7931-429.34-65	161824	1286	4/11/2013	OHNSTAD TWICHELL PC	471.50	471.50	-
V01301	790-7931-429.34-65	162447	1286	5/6/2013	OHNSTAD TWICHELL PC	102.50	102.50	-
V01301	790-7931-429.34-65	163135	1286	5/30/2013	OHNSTAD TWICHELL PC	164.00	164.00	-
V01301	790-7931-429.34-65	164693	1286	8/5/2013	OHNSTAD TWICHELL PC	266.50	266.50	-
V01301	790-7931-429.34-65	165314	1286	9/3/2013	OHNSTAD TWICHELL PC	61.50	61.50	-
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	2,422,675.00	1,433,429.12	989,245.88
V01602	790-7930-429.33-05	151233	21007	5/31/2012	HOUSTON-MOORE GROUP LLC	891,000.00	844,684.81	46,315.19
V01603	790-7915-429.33-05	151234	21007	5/31/2012	HOUSTON-MOORE GROUP LLC	2,448,300.00	2,448,034.90	265.10
V01604	790-7930-429.33-05	151235	21007	5/31/2012	HOUSTON-MOORE GROUP LLC	1,566,000.00	1,445,876.78	120,123.22
V01605	790-7915-429.33-05	151236	21007	5/31/2012	HOUSTON-MOORE GROUP LLC	905,000.00	845,983.45	59,016.55
V01606	790-7930-429.33-05	151237	21007	5/31/2012	HOUSTON-MOORE GROUP LLC	538,103.00	423,535.22	114,567.78
V01607	790-7915-429.33-05	152022	21007	6/25/2012	HOUSTON-MOORE GROUP LLC	240,000.00	168,579.17	71,420.83
V01608	790-7915-429.33-05	152023	21007	6/25/2012	HOUSTON-MOORE GROUP LLC	727,330.00	490,042.65	237,287.35
V01609	790-7915-429.33-05	152024	21007	6/25/2012	HOUSTON-MOORE GROUP LLC	1,147,341.00	407,303.99	740,037.01
V01610	790-7930-429.33-05	152025	21007	6/25/2012	HOUSTON-MOORE GROUP LLC	338,000.00	72,886.25	265,113.75
V01611	790-7930-429.33-05	155529	21007	10/2/2012	HOUSTON-MOORE GROUP LLC	771,000.00	160,176.92	610,823.08
V01612	790-7930-429.33-05	155530	21007	10/2/2012	HOUSTON-MOORE GROUP LLC	665,000.00	-	665,000.00
V01613	790-7915-429.33-05	157599	21007	11/29/2012	HOUSTON-MOORE GROUP LLC	4,665,000.00	573,633.02	4,091,366.98
V01614	790-7915-429.33-05	160644	21007	3/1/2013	HOUSTON-MOORE GROUP LLC	605,000.00	239,775.09	365,224.91
V01615	790-7915-429.33-05	165854	21007	9/25/2013	HOUSTON-MOORE GROUP LLC	500,000.00	-	500,000.00
V01701	790-7930-429.71-30	155627	7198	10/3/2012	NORTHERN TITLE CO	484,016.00	484,016.00	-
V01701	790-7930-429.80-17	159217	201	1/14/2013	CASS COUNTY TREASURER	84,832.36	84,832.36	-
V01702	790-7930-429.71-30	157394	20529	11/21/2012	KENNELLY & OKEEFFE	216,401.85	216,401.85	-
V01702	790-7930-429.71-30	F13677	11046	11/26/2012	RED RIVER TITLE SERVICES INC	250.00	250.00	-
V01702	790-7930-429.71-30	F13678	11046	11/26/2012	RED RIVER TITLE SERVICES INC	170.00	170.00	-
V01702	790-7930-429.71-30	157470	20529	11/26/2012	KENNELLY & OKEEFFE	342,601.87	342,601.87	-
V01702	790-7930-429.71-30	158252	21423	12/18/2012	HUBER, STEVE	1,056.43	1,056.43	-
V01702	790-7930-429.80-17	159217	201	1/14/2013	CASS COUNTY TREASURER	6,825.95	6,825.95	-

**FM Diversion Authority  
Outstanding Contracts  
As of September 30, 2013**

<b>Project Number</b>	<b>Account Number</b>	<b>PO No.</b>	<b>Vendor No.</b>	<b>P.O. Date</b>	<b>Vendor Name</b>	<b>Approved Contract/Invoice Amount</b>	<b>Liquidated</b>	<b>Outstanding Encumbrance</b>
V01702	790-7930-429.71-30	164432	20529	7/24/2013	KENNELLY & OKEEFFE	375,581.20	375,581.20	-
V01702	790-7930-429.33-32	165248	21845	8/29/2013	MCKINZIE METRO APPRAISAL	3,200.00	3,200.00	-
V01801	790-7930-429.33-05	155531	1714	10/2/2012	ULTEIG ENGINEERS INC	100,000.00	-	100,000.00
V01901	790-7930-429.33-05	155469	21258	10/1/2012	PROSOURCE TECHNOLOGIES, INC	100,000.00	5,191.96	94,808.04
V02001	790-7930-429.33-91	157598	10078	11/29/2012	COLDWELL BANKER	4,346.77	4,346.77	-
V02001	790-7930-429.33-91	158046	10078	12/12/2012	COLDWELL BANKER	8,000.00	8,000.00	-
V02001	790-7930-429.33-91	160366	10078	2/20/2013	COLDWELL BANKER	2,600.00	2,600.00	-
V02001	790-7930-429.33-91	161153	10078	3/18/2013	COLDWELL BANKER	1,000.00	1,000.00	-
V02001	790-7930-429.33-91	164785	10078	8/8/2013	COLDWELL BANKER	11,000.00	11,000.00	-
V02101	790-7930-429.33-05	157607	12775	11/29/2012	RED RIVER BASIN COMMISSION	500,000.00	104,151.07	395,848.93
V02201	790-7915-429.38-99	163309	18968	6/6/2013	US GEOLOGICAL SURVEY	46,920.00	46,920.00	-
						<b>\$37,462,295.60</b>	<b>\$ 24,769,139.81</b>	<b>\$ 12,693,155.79</b>

**FM Diversion Authority**  
**Cumulative Vendor Payments Since Inception**  
**As of September 30, 2013**

Vendor Name	Approved Contract/Invoice Amount	Liquidated	Outstanding Encumbrance	Purpose
HOUSTON-MOORE GROUP LLC	\$ 18,429,749.00	\$ 9,553,941.37	\$ 8,875,807.63	Engineering Services
CH2M HILL ENGINEERS INC	10,331,244.99	9,790,647.90	540,597.09	Project Management
ARMY CORP OF ENGINEERS	2,450,000.00	350,000.00	2,100,000.00	Local Share
URS CORPORATION	975,488.42	448,218.32	527,270.10	Engineering Services
KENNELLY & OKEEFFE	934,584.92	934,584.92	-	Home Buyouts
MOORE ENGINEERING INC	662,468.17	662,468.17	-	Engineering Services
HOUSTON ENGINEERING INC	576,669.57	576,669.57	-	Engineering Services
RED RIVER BASIN COMMISSION	500,000.00	104,151.07	395,848.93	Engineering Services
NORTHERN TITLE CO	484,016.00	484,016.00	-	Land Purchase
CASS COUNTY JOINT WATER RESOUR	440,240.78	440,240.78	-	Access & DPAC and Right of Entry
DORSEY & WHITNEY LLP	437,411.30	417,995.30	19,416.00	Legal Services
MINNESOTA DNR	346,100.00	346,100.00	-	EIS Scoping
PFM PUBLIC FINANCIAL MANAGEMEN	140,000.00	120,000.00	20,000.00	Financial Advisor
PROSOURCE TECHNOLOGIES, INC	100,000.00	5,191.96	94,808.04	Engineering Services
ULTEIG ENGINEERS INC	100,000.00	-	100,000.00	Engineering Services
CASS COUNTY TREASURER	91,658.31	91,658.31	-	Property Tax
BRAUN INTERTEC CORP	90,210.00	77,629.00	12,581.00	Quality Testing
ERIK R JOHNSON & ASSOCIATES	85,694.42	85,694.42	-	Legal Services
IN SITU ENGINEERING	54,800.00	47,973.00	6,827.00	Quality Testing
ADVANCED ENGINEERING INC	50,000.00	50,000.00	-	Public Outreach
US GEOLOGICAL SURVEY	46,920.00	46,920.00	-	Stage Gages
GOKON INC	33,815.36	33,815.36	-	Vibrating Wire Piezometer Equipment
COLDWELL BANKER	26,946.77	26,946.77	-	Property Management Services
OHNSTAD TWICHELL PC	16,736.66	16,736.66	-	ROE and Bonding Legal Fees
MOORHEAD, CITY OF	15,062.90	15,062.90	-	ROE Legal Fees
BRIGGS & MORGAN PA	12,727.56	12,727.56	-	Legal Services
WARNER & CO	9,950.00	9,950.00	-	General Liability Insurance
CITY OF FARGO	8,720.00	8,720.00	-	Accounting Services
MCKINZIE METRO APPRAISAL	3,200.00	3,200.00	-	Appraisal Services
FORUM COMMUNICATIONS (LEGALS)	2,224.20	2,224.20	-	Advertising Services
SEIGEL COMMUNICATIONS SERVICE	1,490.00	1,490.00	-	Public Outreach
FORUM COMMUNICATIONS (ADVERT)	1,153.82	1,153.82	-	Advertising Services
HUBER, STEVE	1,056.43	1,056.43	-	Home Buyouts
NORTH DAKOTA TELEPHONE CO	624.80	624.80	-	Communications
BROKERAGE PRINTING	473.33	473.33	-	Custom Printed Forms
RED RIVER TITLE SERVICES INC	420.00	420.00	-	Abstract Updates
GALLAGHER BENEFIT SERVICES INC	250.00	250.00	-	Job Description Review
GOOGLE LOVEINTHEOVEN	116.00	116.00	-	Meeting Incidentals
FEDERAL EXPRESS CORPORATION	71.89	71.89	-	Postage
<b>Grand Total</b>	<b>\$ 37,462,295.60</b>	<b>\$ 24,769,139.81</b>	<b>\$ 12,693,155.79</b>	





Office of the City Attorney

City Attorney  
Erik R. Johnson

Assistant City Attorneys  
Nancy J. Morris  
Jason T. Loos

September 19, 2013

Kent Costin  
Finance Director  
City of Fargo  
200 North Third Street  
Fargo, ND 58102

**Re: Red River Diversion Project**

Dear Kent:

I am enclosing a Summary Invoice dated September 16, 2013 from the Dorsey & Whitney Firm in Minneapolis for their professional services rendered through August 31, 2013 on the Red River Diversion Project. If you have any questions, please feel free to contact me. Please remit payment directly to Dorsey Whitney.

Sincerely,

A handwritten signature in black ink, appearing to be "ERJ", written over a horizontal line.

Erik R. Johnson

ERJ/jmf  
Enclosure  
cc: Pat Zavoral

790-9930-429-33-25  
PJ = V00101





MINNEAPOLIS OFFICE  
612-340-2600

(Tax Identification No. 41-0223337)

STATEMENT OF ACCOUNT FOR PROFESSIONAL SERVICES

Fargo-Moorhead Flood Diversion Bd of Authority  
c/o Erik R. Johnson & Associates, Ltd.  
Attn: Erik Johnson  
505 Broadway, Suite 206  
Fargo, ND 58102

September 16, 2013  
Invoice No. 1897661

**RECEIVED**  
BY \_\_\_\_\_ DATE 9-18-13

Client-Matter No.: 491379-00001  
Red River Diversion Project

For Legal Services Rendered Through August 31, 2013

**INVOICE TOTAL**

Total For Current Legal Fees \$19,416.00

Total For Current Invoice \$19,416.00

**Summary of Account**

\*Prior Balance Due \$21,732.00

Total Amount Due \$41,148.00

\*If payment has been submitted for prior balance due, please disregard.

*Handwritten signature and date: 9/13/13*

For your convenience, please remit payment to the address below or we offer the option of remitting payment electronically by wire transfer. If you have any questions regarding this information, please contact the lawyer you are working with on this project or Dorsey's Accounts Receivable Department at 1-800-861-0760. Thank you.

Mailing Instructions:  
Dorsey & Whitney LLP  
P.O. Box 1680  
Minneapolis, MN 55480-1680

Wire Instructions:  
U.S. Bank National Association  
800 Nicollet Mall  
Minneapolis, MN 55402

ABA Routing Number: 091000022  
Account Number: 1602-3010-8500  
Swift Code: USBKUS44JMT

Please make reference to the invoice number

Service charges are based on rates established by Dorsey & Whitney. A schedule of those rates has been provided and is available upon request. Disbursements and service charges, which either have not been received or processed, will appear on a later statement.

ALL INVOICES ARE DUE 30 DAYS FROM DATE OF INVOICE UNLESS OTHERWISE EXPRESSLY AGREED BY DORSEY & WHITNEY



Cass County  
Joint Water  
Resource  
District

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

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](mailto:wrld@co.cass.nd.us)  
[casscountygov.com](http://casscountygov.com)

RECEIVED

OCT 2 2013

CASS COUNTY COMMISSION

September 30, 2013

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

Greetings:

RE: Fargo-Moorhead Area Diversion  
Access and Diversion Project Assessment Committee (DPAC)

Enclosed please find copies of bills totaling \$230,503.75 regarding the above referenced project. Of that amount, \$145,998.06 is related to work on access issues and \$84,505.69 is for DPAC work. 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.

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

Enclosures

Cass County Joint Water District  
 Payment Request Review 10/2/2013  
 PB: City of Fargo Finance Office

Vendor	Amount Paid	Invoice Number	Date Paid	Purpose/ Category	FMDA g/l Coding	FMDA Project
Sandys Donuts	143.27	708809	9/11/2013	Admin/ LERRDS	790-7930-429-68-10	V01201
Ohnstad Twitchell	12,051.20	122586	9/13/2013	Right of Entry	790-7930-429.33-25	V01201
ServiceLink	104,087.79		9/20/2013	Property Acquisition	790-7930-429.71-30	V01201
Ohnstad Twitchell	13,630.80	123050	9/26/2013	Right of Entry	790-7930-429.33-25	V01201
Erik Johnson	105.00		6/13/2013	Right of Entry	790-7930-429.33-25	V01201
Ohnstad Twitchell	1,500.00		6/27/2013	Easement	790-7930-429.71-31	V01201
Ohnstad Twitchell	6,077.00	121721	7/26/2013	Right of Entry	790-7930-429.33-25	V01201
Ohnstad Twitchell	6,398.45	122101	7/26/2013	Right of Entry	790-7930-429.33-25	V01201
M. Shane Smith	500.00		7/26/2013	Easement	790-7930-429.71-31	V01201
Mary Adams	1,500.00		7/26/2013	Easement	790-7930-429.71-31	V01201
FMDA Postage Meter	4.55			Admin/ LERRDS	790-7930-429.61-50	V01201
Ohnstad Twitchell	2,480.00	122599	9/13/2013	DPAC - Assessments	790-7930-429.33-25	V01202
Moore Engineering	157.60	6202	9/13/2013	DPAC - Assessments	790-7930-429.33-05	V01202
Ohnstad Twitchell	960.00	123064	9/26/2013	DPAC - Assessments	790-7930-429.33-25	V01202
Advanced Engineering	26,212.35	35627	9/26/2013	DPAC - Assessments	790-7930-429.33-05	V01202
Moore Engineering	313.25	5507	6/13/2013	DPAC - Assessments	790-7930-429.33-05	V01202
Advanced Engineering	11,610.01	34489	6/22/2013	DPAC - Assessments	790-7930-429.33-05	V01202
Ohnstad Twitchell	1,296.00	121734	7/26/2013	DPAC - Assessments	790-7930-429.33-25	V01202
Ohnstad Twitchell	1,440.00	122102	7/26/2013	DPAC - Assessments	790-7930-429.33-25	V01202
Advanced Engineering	18,995.35	34879	7/26/2013	DPAC - Assessments	790-7930-429.33-05	V01202
Moore Engineering	1,567.55	5951	8/8/2013	DPAC - Assessments	790-7930-429.33-05	V01202
Advanced Engineering	19,460.00	35207	8/22/2013	DPAC - Assessments	790-7930-429.33-05	V01202
FMDA Postage Meter	13.58			DPAC - Assessments	790-7930-429.61.50	V01202

**Totals Submitted**                    \$        **230,503.75**

Total Per Cover Letter	230,503.75
Variance From Details	\$ -
DPAC Activity Totals	84,505.69
Per Cover Letter	84,505.69
Variance from Details	\$ -

Account	Project	Amount
790-7930-429.33-25	V01201	38,262.45
790-7930-429.61-50	V01201	4.55
790-7930-429-68-10	V01201	143.27
790-7930-429.71-30	V01201	104,087.79
790-7930-429.71-31	V01201	3,500.00
790-7930-429.33-05	V01202	78,316.11
790-7930-429.33-25	V01202	6,176.00
790-7930-429.61.50	V01202	13.58
		<u>230,503.75</u>
		-



**DONUTS &  
COFFEE SHOP**

301 Main Ave W ~ West Fargo, ND 58078

Phone: 701-281-0430 ~ Fax: 701-281-0747

**INVOICE**

Date	Invoice #
9/11/2013	708809

**Bill To**

Cass County Water Resource Center  
1201 Main Ave W  
West Fargo, ND 58078

**Ship To**

Cass County Water Resource Center  
1201 Main Ave W  
West Fargo, ND 58078  
Brittany  
298-2381

Terms	Time	Route
Balance, 10th of the	11:30	

Description	Quantity	Price Each	Amount
lunches	12	6.49	77.88
lunches	11	5.49	60.39
WF Delivery Charge		5.00	5.00
ND Sales Tax		6.50%	0.00

SANDY'S DONUTS  
 301 MAIN AVE W  
 WEST FARGO, ND 58078  
 701-281-0430

888668  
 888788117202

U.S.A. RECEIVED  
 MAIL ORDER SALE  
 0800001  
 15:50  
 SEP 11 13  
 BUTH: 674003  
 91470001  
 0925748272677  
 0925748272677  
 UNLDRATION CODE: PLAN

AP  
 BASE \$143.27  
 TIP  
 TOTAL

THANK YOU!  
 PLEASE COME AGAIN!  
 CUSTOMER COPY

**PAID**

SEP 11 2013

*DC*  
*GA*

1.5% Monthly Finance Charge on balances over 30 days.

**Total \$143.27**

**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 23, 2013

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

Invoice# 122586 SMF  
 Our file# 100007 00007  
 Billing through 08/21/2013

**FM DIVERSION - RIGHT OF ENTRY**

Balance forward as of invoice dated	07/22/13	\$12,475.45
Last payment received	07/29/2013	\$12,475.45
A/R adjustments made since last invoice		\$0.00
Accounts receivable balance carried forward		<u>\$0.00</u>

**PROFESSIONAL SERVICES**

07/15/2013	CMM	Receive the order assigning a judge for the Heiden ROE acquisition; correspond with Lee and Lyndon regarding the hearing.	48.00
		0.30 hrs 160.00 /hr	
07/16/2013	CMM	Participate in status conference with the Corps regarding ROE; discuss ROE issues with Lyndon and Brad following telephone conference	160.00
		1.00 hrs 160.00 /hr	
07/17/2013	CMM	Interoffice conference with attorney Sean M. Fredricks regarding ROW acquisition process; telephone call from Lyndon regarding deeded right of way in Oxbow, Hickson, and Bakke; request plats of Hickson and Bakke from paralegal Carol Stillwell; review plats.	192.00
		1.20 hrs 160.00 /hr	
07/19/2013	CMM	Collect information about the Bakke Subdivision; interoffice conference with attorney Sean M. Fredricks regarding ROE needed for surveys on the roads in Bakke and Hickson; telephone conferences (2) with Lyndon and Lee about the ROE needed for surveys on roads in Bakke.	192.00
		1.20 hrs 160.00 /hr	
07/22/2013	SMF	Conference with attorney Chris McShane regarding access in Oxbow; prepare revised access agreement; correspond with Mark regarding consultant agreements.	400.00
		2.50 hrs 160.00 /hr	
07/22/2013	CMM	Revise Access Agreement to be a Right of Entry Agreement that limits the legalese; telephone conference with Lyndon regarding OHB parcels we will need access to.	224.00
		1.40 hrs 160.00 /hr	
07/22/2013	RLA	Receive, adjust and save spreadsheet.	15.00
		0.20 hrs 75.00 /hr	
07/23/2013	CMM	Complete the redraft of the ROE agreement to be more applicable to residential properties; Make contact with Lyndon and Lee regarding the ROE for the city and the Country Club to determine if the ROE obtained in March was sufficient for this process; work with staff to complete the ROE Agreements; review title on several of the properties we need ROE for.	176.00
		1.10 hrs 160.00 /hr	
07/23/2013	RLA	Prepare Right of Entry agreements.	

**PAID**

SEP 13 2013  
 10947  
*GH*

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.

			3.90 hrs	75.00 /hr	292.50
07/24/2013	SMF	Review consultant agreements with the Diversion Authority and prepare recommended changes for CCJWRD agreements; review HB 1020; review 2013 version of SWC cost-share agreements; prepare draft insurance and indemnity language; prepare memo regarding same.			
			5.50 hrs	160.00 /hr	880.00
07/24/2013	CMM	Review progress on completing ROE agreements; interoffice conference with attorney Sean M. Fredricks to provide update he can pass along to the joint board in my absence.			
			0.70 hrs	160.00 /hr	112.00
07/24/2013	RLA	Finish preparing Right of Entry agreements; put together with maps.			
			3.90 hrs	75.00 /hr	292.50
07/25/2013	SNW	Prepare proposed order for Krogh property (remitting payment).			
			0.80 hrs	160.00 /hr	128.00
07/25/2013	RLA	Email to attorney Sarah M. Nyhus-Wear re: missing maps.			
			0.10 hrs	75.00 /hr	7.50
07/26/2013	CMM	Review ROE agreements; correspond with Lyndon regarding when the agreements will go out.			
			0.60 hrs	160.00 /hr	96.00
07/26/2013	RLA	Print out maps and attach to corresponding ROE agreements.			
			1.20 hrs	75.00 /hr	90.00
07/28/2013	SMF	Correspond with Eric Dodds regarding original acquisition proposal; prepare revised proposal; review JPA; correspond with Mark and Eric.			
			4.00 hrs	160.00 /hr	640.00
07/29/2013	JDR	Interoffice conference with attorney Chris McShane; obtain contact information for interested party.			
			0.20 hrs	80.00 /hr	16.00
07/29/2013	SMF	Review email from Mark regarding proposal to Land Management; prepare, review, and revise draft proposal; correspond with Eric, Mark, and Dirk.			
			4.30 hrs	160.00 /hr	688.00
07/29/2013	CMM	Complete the ROE letter to be sent to OHB property owners; send draft of letter to Lyndon and Lee for review; send draft letter to Carol for review; work with staff to mail merge the private parties from the spreadsheet; telephone conference with Brad about Aldon Johnson; send Brad the most current contact information we have for Aldon's nephew.			
			2.20 hrs	160.00 /hr	352.00
07/29/2013	SNW	Review and revise proposed order to remit funds for Krogh property.			
			0.90 hrs	160.00 /hr	144.00
07/30/2013	JDR	Interoffice conference with paralegal Robin L. Aanstad regarding property records search; receive phone call from Pam; review Agreements; follow-up telephone call with Pam; interoffice conference with attorney Chris McShane.			
			0.40 hrs	80.00 /hr	32.00
07/30/2013	CMM	Telephone conference with Lyndon regarding two properties we do not need to send ROE Agreements to; work with staff to send out ROE Agreements; telephone conferences with Pam; about the logistics of sending the ROE Agreements out.			
			1.20 hrs	160.00 /hr	192.00
07/30/2013	RLA	Research for addresses; revisions to ROE agreements.			
			0.70 hrs	75.00 /hr	52.50
07/31/2013	SMF	Review proposal recommendations from Eric; correspond with Eric and Mark.			
			1.00 hrs	160.00 /hr	160.00
07/31/2013	CMM	Telephone conference with Pam about ROE Agreements being sent to OHB landowners; provide Pam with revised ROE Agreements.			
			0.40 hrs	160.00 /hr	64.00
07/31/2013	RLA	Revisions to ROE agreements.			
			1.90 hrs	75.00 /hr	142.50
08/01/2013	JDR	Receive phone call from Pam regarding questions about additional Access Agreements; interoffice conference with paralegal Robin L. Aanstad; review master list; draft email to Pam regarding additional Access Agreement.			
			0.40 hrs	80.00 /hr	32.00

08/01/2013	CMM	Monitor e-mails from Pam and Brad about ROE Agreements; modify agreements as necessary.	0.60 hrs	160.00 /hr	96.00
08/01/2013	RLA	Review ROE for survey and exploration; confer with attorney Chris McShane and paralegal Josh D. Roaldson.	0.20 hrs	75.00 /hr	15.00
08/02/2013	SMF	Conference with attorney John Shockley regarding acquisition plan; review ability to acquire in MN.	1.00 hrs	160.00 /hr	160.00
08/02/2013	RLA	Work with Karen on ROE Agreements and draft ROE Agreements.	1.50 hrs	75.00 /hr	112.50
08/05/2013	SMF	Review proposed Oxbow MOU; correspond with Erik Johnson regarding same.	2.50 hrs	160.00 /hr	400.00
08/05/2013	CMM	Dictate letter to the landowners impacted by the OHB ring levee that are not private individuals; correspond with Pam by e-mail about access agreements that need corrections because of divorces.	0.60 hrs	160.00 /hr	96.00
08/05/2013	RLA	Finish ROE Agreements, print maps and attach all maps to ROE Agreements. Confer with attorney Chris McShane and make Object ID list.	1.20 hrs	75.00 /hr	90.00
08/06/2013	SMF	Review draft agreement from Moore; correspond with Jeff; correspond with Eric regarding indemnity and insurance obligations in all consultant agreements.	1.00 hrs	160.00 /hr	160.00
08/06/2013	RLA	Review email with ROE updates.	0.20 hrs	75.00 /hr	15.00
08/07/2013	JDR	Receive and review Order regarding Clarence Krogh matter; draft Notice of Entry of Order; interoffice conference with attorney Sarah M. Nyhus-Wear regarding distribution of funds and entry of Order.	0.30 hrs	80.00 /hr	24.00
08/07/2013	SMF	Review proposed contract revisions from CH2M Hill; correspond with Dirk.	0.80 hrs	160.00 /hr	128.00
08/08/2013	SMF	Attend Land Management meeting; prepare outline of draft process for acquisitions.	4.00 hrs	160.00 /hr	640.00
08/08/2013	SNW	Attend regular Cass Count Joint WRD meeting.	1.70 hrs	160.00 /hr	272.00
08/08/2013	SNW	Attend regular Diversion Authority meeting.	1.60 hrs	160.00 /hr	256.00
08/12/2013	SMF	Conference with attorney Chris McShane regarding Curt Erickson; review SWC agreements regarding consultant insurance requirements.	1.30 hrs	160.00 /hr	208.00
08/12/2013	CMM	Track the ROE Agreements received; respond to a request for an ROE Agreement by e-mail; respond to a question passed along by Carol from a landowner about the impact on valuation if negative information is found as a part of the survey done by utilizing the ROE.	0.70 hrs	160.00 /hr	112.00
08/13/2013	JDR	Interoffice conference with attorney Chris McShane; review and organize Right of Entry Agreements; review Court docket regarding status of payment to landowner on Krogh matter; telephone conference with Clerk of Court; obtain contact information for parties not signing Right of Entry Agreements to date; draft email to Pam Corbin.	1.50 hrs	80.00 /hr	120.00
08/13/2013	SMF	Review Dirk's proposed revisions; review Mark's email; review HB 1020 and most recent SWC cost-share agreements.	2.50 hrs	160.00 /hr	400.00
08/13/2013	CMM	Review e-mails from Carol, and the landowner's reply; track the ROE Agreements that have been returned; telephone conference from the Cass County Clerk's office regarding the hearing scheduled on the Heiden ROE; correspond with Moore to obtain map for the affidavit for the Heiden ROE action; participate in corps conference call; draft letters for Brad to send to occupants of the John Johnson property and the Edward Olson property.			

			2.10 hrs	160.00 /hr	336.00
08/13/2013	SNW	Attend bi-weekly ROE conference call at Moore Engineering with attorney Chris McShane, Lyndon Pease, Brad Dahl.			
			0.80 hrs	160.00 /hr	128.00
08/13/2013	RLA	Receive and save weekly spreadsheet.			
			0.20 hrs	75.00 /hr	15.00
08/14/2013	JDR	Receive and review multiple emails from Pamela Corbin; attempt to locate additional contact information for subject property owners who have not signed Right of Entry Agreements; draft email to Pam; interoffice conference with attorney Chris McShane.			
			0.60 hrs	80.00 /hr	48.00
08/14/2013	SMF	Review proposed revisions from Dirk at CH2M Hill; review 2013 SWC Agreements; review HB 1020; correspond with Dirk.			
			1.50 hrs	160.00 /hr	240.00
08/14/2013	CMM	Draft memorandum of law and proposed order for Heiden ROE; collect exhibits for memorandum of law, affidavit in support, and proposed order.			
			0.80 hrs	160.00 /hr	128.00
08/15/2013	JDR	Receive and review email from Pam; telephone conference with Wells Fargo Trust Department regarding Inez Graangard's property; locate contact information for landowners for subject properties; draft email to Pam; receive phone call from Dave Camruud at Wells Fargo; interoffice conference with attorney Chris McShane.			
			0.60 hrs	80.00 /hr	48.00
08/15/2013	CMM	Review e-mails from Pam requesting more contact information for landowners; telephone conference with Wells Fargo regarding Object ID 1993; request additional information from Moore.			
			0.80 hrs	160.00 /hr	128.00
08/16/2013	CMM	Review e-mails from Pam; correspond with Brad and Lee by e-mail about Grangaard property; send e-mail to Wells Fargo trust department about Grangaard property.			
			0.80 hrs	160.00 /hr	128.00
08/19/2013	JDR	Receive and review multiple emails from Pam regarding additional Right of Entry Agreements; index agreements on system; determine remaining agreements yet to be received; review multiple emails from attorney Chris McShane.			
			0.60 hrs	80.00 /hr	48.00
08/19/2013	CMM	Prepare for hearing on Heiden property; travel to and from the Court for Heiden hearing; participate in ROE hearing for Heiden LLLP property before Judge Webb; work with staff on formulating exhibit to resolution of necessity; correspond with Wells Fargo regarding ROE.			
			2.10 hrs	160.00 /hr	336.00
08/20/2013	JDR	Receive and review multiple emails and Right of Entry Agreements from Pam; organize file; interoffice conference with attorney Chris McShane; draft email to Pam; begin preparation of exhibit A to Resolution of Necessity.			
			1.00 hrs	80.00 /hr	80.00
08/20/2013	CMM	Conference with Pam regarding progress she has made; review list of remaining landowners; instruct paralegal Josh D. Roaldson to identify the remaining properties by legal description; obtain a preliminary dike alignment map to convey to Orten Brodshaug; work with the Brandt partnership to get ROE signed without a date limitation.			
			1.40 hrs	160.00 /hr	224.00
08/21/2013	JDR	Receive and review email from Pam; interoffice conference with attorney Chris McShane; revise Exhibit A to Resolution of Necessity; organize parcel information.			
			0.60 hrs	80.00 /hr	48.00
08/21/2013	SMF	Review draft revisions from CH2M Hill; correspond with Mark; correspond with Eric Dodds; review CH2M Hill's revised MSA; review HMG's proposed contract; review SWC insurance and indemnity language; prepare outline for Jeff regarding additional requirements.			
			4.50 hrs	160.00 /hr	720.00
08/21/2013	CMM	Review purchase agreement and ROE for the Brandt partnership property to determine what property is covered by the ROE; telephone conference with Lee regarding what properties are included in the legal description attached to the ROE agreement.			
			1.00 hrs	160.00 /hr	160.00

Total fees for this matter

\$11,940.00**EXPENSES**

08/21/2013

Photocopies

\$111.20

Total expenses for this matter

\$111.20**BILLING SUMMARY**

Total fees

\$11,940.00

Total expenses

\$111.20**Total of new charges for this invoice****\$12,051.20****Total balance now due****\$12,051.20**



CLOSING DISBURSEMENT MEMORANDUM

**Effective June 7<sup>th</sup> 2012**

***WIRING INSTRUCTIONS***

Account Name: Service Link, LLC  
Account Address: 4000 Industrial Boulevard  
Aliquippa, PA 15001

Account Number: 1029092695

Bank Name: PNC Bank  
Bank Address: 2 PNC Plaza  
620 Liberty Avenue  
Pittsburgh, PA 15265

\$ 104,087.79

ABA Routing No: 043000096 (Must use all 9 digits)  
SWIFT CODE: PNCCUS33 (for international wires only)

Reference: Service Link's order/file/escrow number and  
borrower's name. For REO/purchase  
property, please include the property  
address.

**PAID**

SEP 20 2013

NT

GA

If you require further information or have any questions regarding  
these wiring instructions, please contact Michelle Fetter at (800)  
439-5451 ext. 24848.

**Stone, Nina**

---

**Subject:** FW: Check for 3:45 closing

**From:** Kristi Knudson <[Kristi.Knudson@AE2S.com](mailto:Kristi.Knudson@AE2S.com)>

**Sent:** Friday, September 20, 2013 9:35 AM

**To:** 'Mark Brodshaug'; Lewis, Carol

**Cc:** Eric Dodds

**Subject:** Check for 3:45 closing

Hi Mark / Carol:

I spoke with Jay Krabbenhoft regarding the 3:45 closing today and the check needs. He said if the check is being made out to Remax – he will need a couple of hours to turn it around into a Cashier's Check. After calling your office and speaking with Brittany, she informed me the check would indeed be made out to Remax as your office doesn't provide the Cashier Check service. So, we will need to get the check for Remax – the exact amount is \$104,087.79. Please let me know if this is possible to get it in time for the closing or if the closing time will need to be pushed back. Please call with any questions. Thank you for your prompt attention!!

**Kristi Knudson**  
**Administrative Assistant**  
**Advanced Engineering and**  
**Environmental Services, Inc. (AE2S)**

3170 43<sup>rd</sup> St. So. Ste. 100

Fargo, ND 58104

[Kristi.Knudson@AE2S.com](mailto:Kristi.Knudson@AE2S.com)

[www.ae2s.com](http://www.ae2s.com)

Voice: 701.364.9111

Fax: 701.364.9979

**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 24, 2013

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

Invoice# 123050 SMF  
 Our file# 100007 00007  
 Billing through 09/21/2013

**FM DIVERSION - RIGHT OF ENTRY**

Balance forward as of invoice dated	08/23/13	\$12,051.20
Last payment received	09/16/2013	\$12,051.20
A/R adjustments made since last invoice		\$0.00
Accounts receivable balance carried forward		\$0.00

**PROFESSIONAL SERVICES**

08/21/2013	KLT	Work on preparing Exhibits to Resolution of Necessity and Application for Permit to Enter Land.	
		2.00 hrs      75.00 /hr	150.00
08/22/2013	LDA	Telephone conference with Nancy re: acquisition process.	
		0.40 hrs      160.00 /hr	64.00
08/22/2013	KLT	Work on preparing exhibits to Resolution of Necessity and Application for Permit to Enter Land.	
		5.00 hrs      75.00 /hr	375.00
08/22/2013	JDR	Review multiple emails from Pam; organize parcel information; interoffice conference with attorney Chris McShane.	
		0.40 hrs      80.00 /hr	32.00
08/22/2013	SMF	Review revised contract documents from Jeff; compare to SWC requirements; review HB 1020.	
		1.50 hrs      160.00 /hr	240.00
08/22/2013	CMM	Prepare resolution of necessity; attend and participate in meeting of the board; work with paralegal Josh D. Roaldson to complete the legal descriptions of the properties impacted by the resolution of necessity; review ROE agreement where only one landowner signed it; make contact with Pam regarding the impact of only having one signature.	
		1.80 hrs      160.00 /hr	288.00
08/23/2013	KLT	Work on preparing exhibits to Resolution of Necessity and Application for Permit to Enter Land.	
		1.00 hrs      75.00 /hr	75.00
08/23/2013	JDR	Prepare and revise service list; draft correspondence to Grand Forks County Sheriff's Department; interoffice conference with attorney Chris McShane; draft correspondence to attorney Chris McShane; obtain contact information for interested parties requiring personal service of Application; review file; conduct multiple business entity searches.	
		2.10 hrs      80.00 /hr	168.00
08/23/2013	SMF	Conference with attorney Chris McShane regarding right of way from Oxbow and other landowners in the Oxbow area; correspond with attorney Lukas D. Andrud regarding purchase agreements.	

**PAID**  
 SEP 26 2013  
 CASH  
 CAR

Date	Code	Description	Hours	Rate	Amount
			1.00 hrs	160.00 /hr	160.00
08/23/2013	CMM	Complete the property list for OHB right of entry request; Review e-mails from Brittany regarding contacts she had made, and people who had questions she could not answer; make contact with landowners who had questions about the agreements; telephone conference with the attorney for the city of Oxbow; send ROE agreements for the City of Oxbow and the Oxbow Park District to Joe Turman.			
			1.80 hrs	160.00 /hr	288.00
08/23/2013	LSH	Research records of the office of the Cass County Recorder and obtain copies of Deeds affected by diversion.			
			1.00 hrs	80.00 /hr	80.00
08/23/2013	LSH	Research records of the office of the Cass County Recorder and obtain remaining deeds needed for diversion project.			
			0.50 hrs	80.00 /hr	40.00
08/25/2013	SMF	Correspond with Dirk regarding HMG; correspond with Eric and Mark regarding eminent domain issues.			
			0.60 hrs	160.00 /hr	96.00
08/26/2013	KLT	Work on preparing Exhibits to Resolution of Necessity and Application for Permit to Enter Land. Work on obtaining complete metes and bounds legal descriptions for Exhibits.			
			1.00 hrs	75.00 /hr	75.00
08/26/2013	SMF	Review COE acquisition requirements.			
			1.20 hrs	160.00 /hr	192.00
08/26/2013	CMM	Work on Complaint for OHB right of entry request; telephone conference with Nancy Morris regarding conflict cases and buy-out procedure; complete the application to be filed with the Court; make contact with three landowners to determine if they will be signing; update Pam on my contacts with landowners; update exhibit and address list for application.			
			2.30 hrs	160.00 /hr	368.00
08/27/2013	RDB	Interoffice conference with attorney Chris McShane; Accurint research regarding Inez Grangaard.			
			0.30 hrs	75.00 /hr	22.50
08/27/2013	KLT	Finalize Exhibits to Resolution of Necessity and Application for Permit to Enter Land. E-file Application for Permit to Enter Land.			
			2.00 hrs	75.00 /hr	150.00
08/27/2013	SMF	Telephone conference with Turman's office; correspond with Eric and Mark regarding condemnation of Bank-owned parcel; review and revise sample purchase agreement for ring dike purchases.			
			3.00 hrs	160.00 /hr	480.00
08/27/2013	CMM	Complete the application for ROE for OHB; telephone conference with Nancy Morris regarding conflict properties; correspond with Northern Improvement regarding ROE Agreement; correspond with Pam regarding additional ROE Agreements she has received; review and respond to e-mail canceling the ROE conference call; notify the normal participants of the call of what the North Dakota ROE update is; correspond with Grant Riddick regarding any additional ROE Agreements we have received.			
			2.80 hrs	160.00 /hr	448.00
08/28/2013	KLT	Prepare Notice of Hearing; prepare letters to landowners; prepare packets of documents for service; prepare instructional memo to process server.			
			3.00 hrs	75.00 /hr	225.00
08/28/2013	SMF	Correspond with Eric and Mark regarding Oxbow property; correspond with attorney Lukas D. Andrud, attorney Chris McShane, and attorney Asa K. Burck regarding acquisition procedures; prepare outline.			
			2.30 hrs	160.00 /hr	368.00
08/28/2013	CMM	Set hearing date and time; work with staff on service of the landowners; inform Moore of when the hearing will be.			
			1.20 hrs	160.00 /hr	192.00
08/29/2013	RDB	Receive e-mail/work order from attorney Chris McShane regarding locating Susan Ament; perform Accurint search; perform Google and other cost free searches in attempt to find location and address.			
			0.60 hrs	75.00 /hr	45.00
08/29/2013	KLT	Telephone conference with process server; prepare certified mailings for landowners who can't be personally served.			
			0.50 hrs	75.00 /hr	37.50

08/29/2013	SMF	Review Ulteig and ProSource contract documents; compare to SWC insurance and indemnity requirements; review my proposed insurance and indemnity language, prepare outline for Dirk.	3.00 hrs	160.00 /hr	480.00
08/29/2013	CMM	Brief all parties interested in OHB ROE about the Duane Brandt partnership right of entry; answer service questions by our process server; coordinate with Moore as to who will be attending the hearing.	1.20 hrs	160.00 /hr	192.00
08/30/2013	SMF	Review Dirk's email to ProSource; review revisions to ProSource Agreement prepared by Dirk; compare to my requested revisions; correspond with ProSource's counsel.	0.80 hrs	160.00 /hr	128.00
08/30/2013	CMM	Review e-mail about Ament property from the County; telephone conference with Brad regarding Ament; telephone conference with Brad and Gary Zimmerman regarding the Kaspari property.	1.10 hrs	160.00 /hr	176.00
09/03/2013	SMF	Phone conference with attorney Joe Turman regarding Oxbow property; correspond with Joe; correspond with Eric Dodds; correspond with ProSource's attorney regarding requested revisions; review HMG contract.	1.20 hrs	160.00 /hr	192.00
09/03/2013	CMM	Review multiple mailings about Susan Ament property; send e-mail to the City of Oxbow's attorney to determine how to serve Susan; receive Right of Entry Agreement from the Jerszewskis and forward to Pam; work with Joe Turman to find an address we can serve Susan at; review e-mails regarding the process for CCJT to purchase properties -- specifically 333 Schnell drive.	0.90 hrs	160.00 /hr	144.00
09/04/2013	JDR	Receive and organize parcel information regarding Right of Entry Agreements received from individual landowners for subject properties.	0.40 hrs	80.00 /hr	32.00
09/04/2013	SMF	Review proposed mark-ups from ProSource; correspond with their counsel.	0.50 hrs	160.00 /hr	80.00
09/05/2013	SMF	Correspond with ProSource's counsel; review revised terms; correspond with Dirk; correspond with Eric regarding Schnell Drive home.	1.50 hrs	160.00 /hr	240.00
09/06/2013	JDR	Exchange email with Pam; process parcel information.	0.20 hrs	80.00 /hr	16.00
09/06/2013	CMM	Review service issues for landowners we are seeking ROE from; confirm our property owner list is updated to exclude those landowners who recently signed the ROE agreements.	0.50 hrs	160.00 /hr	80.00
09/09/2013	CMM	Telephone call from Brad Dahl regarding ROE; prepare ROE Agreement for K-F Farm Partnership.	0.80 hrs	160.00 /hr	128.00
09/10/2013	JDR	Exchange email with attorney Nancy Morris; review file regarding Affidavits of Personal Service.	0.20 hrs	80.00 /hr	16.00
09/10/2013	CMM	Receive ROE from Steve Losing; attend and participate in Corps telephone conference regarding ROE; discuss what properties we have ROE for with Grant Riddick who is in town to do borings for the OHB levee.	0.90 hrs	160.00 /hr	144.00
09/10/2013	AKB	Research FM Diversion project to prepare for meeting.	2.30 hrs	150.00 /hr	345.00
09/10/2013	SNW	Attend bi-weekly conference call at Moore Engineering.	0.70 hrs	160.00 /hr	112.00
09/11/2013	SMF	Correspond with Dirk regarding AE2S' insurance; conference with attorney Lukas D. Andrud and attorney Asa K. Burek regarding acquisition process; attend federal acquisition process meeting.	6.50 hrs	160.00 /hr	1040.00
09/11/2013	LDA	Prepare for and attend property transaction meeting.	3.50 hrs	160.00 /hr	560.00

09/12/2013	RGH	Receive and review exchange of emails with Oxbow landowner Joe Savageau. 0.20 hrs 160.00 /hr	32.00
09/12/2013	JDR	Interoffice conference with attorney Chris McShane; receive and review email from attorney Katherine Kasten; conduct property records search regarding easement documents across Kaspari property; draft email to attorney Karsten; draft Affidavit of Publication. 0.50 hrs 80.00 /hr	40.00
09/12/2013	SMF	Review acquisition goals and principles; prepare for and attend Land Management meeting; correspond with Dirk and Nancy regarding transfers to the Diversion Authority; review previous memo regarding same. 4.00 hrs 160.00 /hr	640.00
09/12/2013	CMM	Attend the CCJT meeting; work on service of process for the ROE hearings upcoming; review NDRIN to determine if the easement across the Kaspari property is recorded; respond to e-mail from one of the landowners affected by the ROE hearing. 2.80 hrs 160.00 /hr	448.00
09/12/2013	SNW	Attend Diversion Authority meeting. 2.20 hrs 160.00 /hr	352.00
09/13/2013	JDR	Receive and review Sheriff's Return from Otter Tail County Sheriff's Department; telephone conference with process servers; revise Affidavit for Publication; exchange email with attorney Nancy Morris; interoffice conference with attorney Lukas D. Andrud regarding service by publication; review Rules of Civil Procedure. 1.00 hrs 80.00 /hr	80.00
09/13/2013	LDA	Conduct legal research re: service of process issues. 1.00 hrs 160.00 /hr	160.00
09/14/2013	CMM	Review e-mail from Lee regarding subsurface monitoring equipment easement; e-mail Lee about the easement for access to the Brandt property; review ROE agreements that we have continued to get and instruct staff to remove those properties from the proposed order for the ongoing application for ROE. 0.50 hrs 154.00 /hr	77.00
09/15/2013	SMF	Correspond with attorney Chris McShane regarding township right of way; review AG Opinions. 1.00 hrs 160.00 /hr	160.00
09/16/2013	JDR	Interoffice conference with attorney Chris McShane; revise Affidavit for Publication; draft Notice of Hearing; exchange email with attorney Nancy Morris. 0.50 hrs 80.00 /hr	40.00
09/16/2013	SMF	Phone conference with Dirk, Erik, and Nancy regarding conveyances to the Diversion Authority; review attorney Andrew D. Cook research regarding same; correspond with attorney Chris McShane and attorney Lukas D. Andrud regarding crop damage proposals. 3.00 hrs 160.00 /hr	480.00
09/16/2013	LDA	Review file re: Oxbow Ring Levee; conduct legal research relocation assistance; prepare and draft Sample Purchase Agreement for Oxbow Ring Levee properties. 2.80 hrs 160.00 /hr	448.00
09/17/2013	SMF	Correspond with Chris and Brad regarding crop damages; review crop damage language from purchase agreements for other projects. 0.60 hrs 160.00 /hr	96.00
09/17/2013	RLA	Weekly spreadsheet. 0.10 hrs 75.00 /hr	7.50
09/18/2013	SMF	Review emails from Ulteig; review insurance requirements; review sample insurance certificates with NDIRF endorsements; correspond with Ulteig. 1.30 hrs 160.00 /hr	208.00
09/18/2013	SNW	Interoffice conference with attorney Chris McShane regarding upcoming URS surveys; draft letters to Olsen and Johnson property owners/tenants regarding survey dates and contact information; email correspondence with Brad Dahl regarding agreements/court order and address information. 1.00 hrs 160.00 /hr	160.00
09/19/2013	SNW	Review and revise letters regarding URS surveys on Olson and Johnson properties; prepare necessary attachments. 0.80 hrs 160.00 /hr	128.00
09/20/2013	SMF	Review ProSource contract documents; compare to Ulteig.	

0.80 hrs	160.00 /hr	128.00
Total fees for this matter		<u>\$12,448.50</u>

**EXPENSES**

08/22/2013	North Dakota Recorders Information Network fee	\$23.00
08/23/2013	Receipt #546444 - copies from the Cass County Recorder on 8/22/2013	\$8.00
08/23/2013	North Dakota Recorders Information Network fee	\$2.00
08/27/2013	Cass County filing fee	\$80.00
08/29/2013	North Dakota Recorders Information Network fee	\$3.00
08/30/2013	Certified Mailing on 8/30/2013	\$7.77
09/03/2013	Certified Mailing on 8/29/2013	\$7.77
09/04/2013	Process Service Fees paid to You've Been Served	\$717.64
09/04/2013	Process Service Fee paid to You've Been Served	\$40.00
09/04/2013	Process Service Fee paid to You've Been Served	\$40.00
09/04/2013	Certified Letter mailed on 9/4/2013	\$7.77
09/12/2013	Certified Mailing on 9/11/2013	\$25.04
09/13/2013	Process Service Fees (Ament) paid to the Otter Tail County Sheriffs Office	\$79.00
09/16/2013	Process Service Fee paid to You've Been Served	\$92.03
09/19/2013	Process Service Fees paid to the Grand Forks County Sheriff	\$36.00
09/19/2013	Certified Mailings on 9/9/2013	\$13.28
Total expenses for this matter		<u>\$1,182.30</u>

**BILLING SUMMARY**

Total fees	\$12,448.50
Total expenses	\$1,182.30
<b>Total of new charges for this invoice</b>	<b><u>\$13,630.80</u></b>
<b>Total balance now due</b>	<b><u>\$13,630.80</u></b>

*Erik R. Johnson & Associates, Ltd*  
*Attorneys at Law*  
*Erik R. Johnson - Nancy J. Morris - Jason T. Loos*  
*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	5/25/2013
------	-----------

Description	Qty	Rate	Amount
Metro Flood Project: Nancy J Morris: April 26 thru May 25, 2013 -- itemization attached	0.7	150.00	105.00
<p><b>PAID</b>                  JUN 13 2013                  CK#10841                  CAH</p>			
<i>We appreciate your business.</i>	<b>TOTAL:</b>		<b>\$105.00</b>

May 25, 2013

**Client: Cass County Joint Water District**  
**Matter: Metro Flood**

Atty	DATE	DESCRIPTION	TIME
N	5/2/2013	Filing Status	0.5
N	5/6/2013	Review correspondence from CCJW re corps access	0.2
Total Time			0.70
Hourly Rate \$			150.00
Total Fees - NJM \$			105.00

**Stone, Nina**

---

**From:** Christopher M. McShane <CMcShane@OhnstadLaw.com>  
**Sent:** Monday, June 17, 2013 11:06 AM  
**To:** Stone, Nina  
**Subject:** FW: Temporary Easement - Heiden Family LLLP  
**Attachments:** 06-17-2013 - Heiden Family Temporary Easement - signed.pdf

Nina,

Please send us a check for \$1500 payable to Heiden Family, LLLP. No rush on it.

Chris

---

**From:** Corbin, Pamela [<mailto:CorbinP@casscountynd.gov>]  
**Sent:** Monday, June 17, 2013 10:56 AM  
**To:** Christopher M. McShane; Ashley R. Rettig; Sarah M. Nyhus-Wear; Lee Beauvais; Lyndon Pease ([LPease@mooreengineeringinc.com](mailto:LPease@mooreengineeringinc.com)); Brad Dahl  
**Subject:** Temporary Easement - Heiden Family LLLP

Attached please find a copy of the Signed Easement! Chris, let me know if you want the original back to record or not.

Pam

Pamela Graff Corbin  
Office Assistant  
Cass County Water Resource District  
1201 Main Avenue West  
West Fargo, ND 58078-1301  
Telephone: 701-298-2381  
Fax: 701-298-2397  
Email: [corbinp@casscountynd.gov](mailto:corbinp@casscountynd.gov)

This email has been scanned by the Secure Email Security System on behalf of [Netrix IT](#). If this email is SPAM please report it by clicking [Submit Spam](#)

**PAID**

JUN 20 2013

OK 10859

*GAH*

**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 27, 2013

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

Invoice# 121721 SMF  
 Our file# 100007 00007  
 Billing through 06/21/2013

**FM DIVERSION - RIGHT OF ENTRY**

Balance forward as of invoice dated	05/20/13	\$6,264.84
Last payment received	05/24/2013	\$6,264.84
A/R adjustments made since last invoice		\$0.00
Accounts receivable balance carried forward		<u>\$0.00</u>

**PROFESSIONAL SERVICES**

04/30/2013	CMM	Review e-mail correspondence regarding Mathys easement; dictate draft of letter from the Joint Board to the Corps regarding easement issues.	144.00
		0.90 hrs 160.00 /hr	
05/01/2013	CMM	Review e-mails from the Corps regarding the timing of obtaining easements for burial site; instruct attorney Sarah M. Nyhus-Wear to modify easements for extended expiration date; interoffice conference with attorney Sean M. Fredricks regarding date easements will be available; confirm the sequence of events surrounding the Mathys easement issues.	240.00
		1.50 hrs 160.00 /hr	
05/02/2013	CMM	Telephone conference with Carol regarding price to be paid for the extension of the burial site easements that are only extended three months; instruct attorney Sarah M. Nyhus-Wear to include the purchase price in the extended easements.	80.00
		0.50 hrs 160.00 /hr	
05/03/2013	CMM	Revise access agreement for Red River Trust; send access agreements to attorney for Red River Trust; review proposed letter to the Corps, and discuss the letter with attorney Sean M. Fredricks.	256.00
		1.60 hrs 160.00 /hr	
05/08/2013	CMM	Track easement extensions; review ROE e-mail received from Brad detailing the parcels expiring this month.	80.00
		0.50 hrs 160.00 /hr	
05/16/2013	CMM	Review whether ROE is needed for culvert study; telephone conference with Lee regarding culvert study.	256.00
		1.60 hrs 160.00 /hr	
05/21/2013	CMM	Participate in telephone conference with the Corps.	128.00
		0.80 hrs 160.00 /hr	
05/21/2013	SNW	Review email correspondence; attend bi-weekly ROE teleconference at Moore Engineering with attorney Chris McShane, Lyndon Pease, Brad Dahl.	112.00
		0.70 hrs 160.00 /hr	
05/22/2013	CMM	Receive e-mail regarding Mathys easement; respond to e-mails by suggesting a larger area be covered by the easement; receive and respond to e-mails from the corps regarding the burial site easements; telephone call from Kevin Heiden.	

**PAID**  
 JUL 26 2013  
 OK 10886  
*CAH*

100007	CASS CO JT WRD -	Invoice#	121721	Page	2
		0.50 hrs	160.00 /hr		80.00
05/23/2013	CMM	Attend and participate in regular meeting of the board; draft easements for Mathys to include a larger legal description; send Mathys easement to Brad Dahl; review cultural resources easements and send them to the Corps for the burial site.			
		1.40 hrs	160.00 /hr		224.00
05/24/2013	CMM	Correspond with attorney for Red River Trust regarding the access agreement previously sent to her; resend the access agreements to Red River Trust.			
		0.70 hrs	160.00 /hr		112.00
05/28/2013	SNW	Email correspondence with Brad Dahl; review parcel list for numbers; email correspondence with administrative assistant Ashley R. Rettig.			
		0.60 hrs	160.00 /hr		96.00
05/29/2013	SNW	Interoffice conference with administrative assistant Ashley R. Rettig and email correspondence with administrative assistant Ashley R. Rettig regarding Access Agreements and maps; email correspondence with Lyndon Pease; email correspondence with Brad Dahl and administrative assistant Ashley R. Rettig regarding phone numbers.			
		0.70 hrs	160.00 /hr		112.00
05/30/2013	SNW	Review email correspondence; email correspondence with Jon Sobiech regarding Heiden easement.			
		0.30 hrs	160.00 /hr		48.00
06/03/2013	CMM	Review e-mails about the upcoming cultural resources survey; send e-mail to the attorney for Red River Trust; review demands of Kevin Heiden regarding easement.			
		0.60 hrs	160.00 /hr		96.00
06/04/2013	SMF	Review 3-party JPA; prepare email for Erik Johnson, Birch Burdick, and Pat Zavoral; correspond with Erik, Birch, and Pat; interoffice conference with attorney Brian D. Neugebauer and attorney Chris McShane regarding Oxbow acquisitions.			
		2.00 hrs	160.00 /hr		320.00
06/04/2013	CMM	Telephone call to the Red River Trust (leave voice message); review agenda for telephone conference; correspond with Lyndon by e-mail about upcoming cultural resources surveys; participate in Corps telephone conference; discuss ROW acquisition for Oxbow ring dike with attorney Sean M. Fredricks.			
		1.20 hrs	160.00 /hr		192.00
06/04/2013	SNW	Email correspondence with Brad Dahl regarding phone numbers; attend regular bi-weekly conference call at Moore.			
		0.60 hrs	160.00 /hr		96.00
06/05/2013	LDA	Correspondence with Carol Harbeke Lewis re: Hieden and Knutson easements and payment.			
		0.30 hrs	160.00 /hr		48.00
06/06/2013	CMM	Review e-mails from Pam and Jon indicating Kevin Heiden will not sign the easement now; telephone call from Kevin Heiden; modify the easement to satisfy the requests of Mr. Heiden; send e-mail to the Corps requesting confirmation the revised easement language is sufficient; revise easement to correspond with what the corps will accept; telephone call to Kevin Heiden to discuss changes; receive confirmation Kevin's proposed changes are acceptable to the Corps; send Kevin the revised easement and 1099 form.			
		1.50 hrs	160.00 /hr		240.00
06/06/2013	SNW	Review email correspondence; interoffice conference with attorney Chris McShane regarding Heiden.			
		0.30 hrs	160.00 /hr		48.00
06/07/2013	CMM	Review e-mails from Kevin Heiden; send e-mail to Jon Sobiech and ask him to set up a conference call; telephone call from Kevin Heiden; set up telephone conference with Kevin Heiden and Jon Sobiech; participate in telephone conference with Jon and Kevin; revise easement to provide for a request to move personal property before the District has the right to move it; send revised easement to Kevin.			
		0.90 hrs	160.00 /hr		144.00
06/10/2013	CMM	Review e-mails about Red River Trust property; make contact with Red River Trust by phone (leave message) and by e-mail; report on progress to Lyndon; telephone call from Kevin Heiden regarding signature of the temporary easement; provide Pam an update on the Heiden easement.			
		0.70 hrs	160.00 /hr		112.00
06/12/2013	CMM	Prepare resolution of necessity for Heiden property			
		0.30 hrs	160.00 /hr		48.00
06/13/2013	SMF	Prepare for and attend Land Management and Authority meetings; review			

		constitution regarding condemnation issues.			
		5.00 hrs	160.00 /hr		800.00
06/13/2013	CMM	Finish resolutions for Heiden properties; attend and participate in regular meeting of the board; present information on Red River trust and Heiden property ROE; send e-mail to Corps regarding the Heiden and Red River Trust ROE; telephone conference with Lyndon regarding incident that happened during the cultural resources survey.			
		2.60 hrs	160.00 /hr		416.00
06/13/2013	SNW	Attend regular CCJWRD meeting; attend Diversion Authority meeting.			
		3.50 hrs	160.00 /hr		560.00
06/14/2013	SNW	Review email correspondence related to URS surveys and incident with individual on property; interoffice conference with attorney Chris McShane.			
		0.30 hrs	160.00 /hr		48.00
06/17/2013	CMM	Receive Heiden Family LLLP easement, and circulate it by e-mail to the Corps; request check from Nina for the easement.			
		0.30 hrs	160.00 /hr		48.00
06/17/2013	SNW	Review email correspondence regarding easements; interoffice conference with attorney Chris McShane regarding Oxbow ROE and ROW.			
		0.30 hrs	160.00 /hr		48.00
06/18/2013	SMF	Conference with attorney Chris McShane regarding Oxbow right of way; review minutes from Diversion Authority.			
		0.80 hrs	160.00 /hr		128.00
06/19/2013	SMF	Research condemnation rights and abilities to convey ownership.			
		1.00 hrs	160.00 /hr		160.00
06/20/2013	SMF	Correspond with Mark regarding right of way obligations and rights; research deeds for Joint Powers entities.			
		1.50 hrs	160.00 /hr		240.00
06/21/2013	SMF	Research Joint Powers entities and legal status; interoffice conference with attorney Andrew D. Cook regarding research of deed issue and eminent domain capabilities of Joint Board separate from voluntary transfers.			
		1.50 hrs	160.00 /hr		240.00
06/21/2013	CMM	Check up on the status of the Red River Trust ROE; receive confirmation the original is being set to my office.			
		0.20 hrs	160.00 /hr		32.00
06/21/2013	ADC	Interoffice conference with attorney Sean M. Fredricks regarding research on joint powers agreement and condemnation issues.			
		0.30 hrs	150.00 /hr		45.00
		Total fees for this matter			<u>\$6,077.00</u>

**BILLING SUMMARY**

Total fees	<u>\$6,077.00</u>
<b>Total of new charges for this invoice</b>	<u><b>\$6,077.00</b></u>
<b>Total balance now due</b>	<u><b>\$6,077.00</b></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

July 22, 2013

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

Invoice# 122101 SMF  
 Our file# 100007 00007  
 Billing through 07/21/2013

**FM DIVERSION - RIGHT OF ENTRY**

Balance forward as of invoice dated	06/27/13	\$6,077.00
Last payment received	05/24/2013	\$0.00
A/R adjustments made since last invoice		\$0.00
Accounts receivable balance carried forward		<u>\$6,077.00</u>

**PROFESSIONAL SERVICES**

06/24/2013	SMF	Prepare outline of draft right of way acquisition procedures.		
		2.80 hrs	160.00 /hr	448.00
06/26/2013	SMF	Conference with attorney Andrew D. Cook and attorney Chris McShane regarding obligations of condemnor; review statutes regarding same; conference with attorney Lukas D. Andrud regarding deeds to joint powers entities.		
		2.80 hrs	160.00 /hr	448.00
06/26/2013	LDA	Conduct legal research re: condemnation and capital gains and effect dissolution of Diversion Authority would have on property owned by Diversion Authority.		
		0.70 hrs	160.00 /hr	112.00
06/26/2013	ADC	Review email from attorney Sean M. Fredricks regarding joint powers issues; interoffice conference with attorney Sean M. Fredricks regarding research on tax issue and joint powers issue; conduct legal research on Westlaw regarding voluntary acquisitions vs. eminent domain and conveyance after condemnation; draft email to attorney Sean M. Fredricks and attorney Chris McShane regarding legal research; interoffice conference with attorney Sean M. Fredricks and attorney Chris McShane regarding procedural issues in condemnation actions.		
		2.60 hrs	150.00 /hr	390.00
06/27/2013	CMM	Attend joint board meeting to update the board on the right of entry issues; pass resolution of necessity for ROE to Heiden property; participate in discussion about right of way acquisition process for the project.		
		1.60 hrs	160.00 /hr	256.00
06/28/2013	CMM	Work with Katie, Lyndon, and Brad regarding access to red River Trust and Heiden properties; review e-mail from Katie about revised names/addresses on the spreadsheet.		
		0.60 hrs	160.00 /hr	96.00
07/01/2013	SNW	Interoffice conference with attorney Chris McShane regarding payment for Krogh Temporary Easement for Exploration; draft notice of deposit for additional payment for test units excavated; draft Motion to have payment remitted to Kroghs.		
		1.80 hrs	160.00 /hr	288.00
07/02/2013	SNW	Attend bi-weekly ROE conference call at Moore Engineering.		
		0.60 hrs	160.00 /hr	96.00

**PAID**  
 JUL 26 2013  
 OKA 105580  
 GR

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.

07/03/2013	JDR	Interoffice conference with attorney Sarah M. Nyhus-Wear; review Court docket regarding Clarence Krogh matter; telephone conference with Clerk of District Court. 0.40 hrs 80.00 /hr	32.00
07/03/2013	CMM	Review application for ROE for Heiden property before it is submitted to the court. 0.30 hrs 160.00 /hr	48.00
07/03/2013	SNW	Interoffice conference with attorney Chris McShane; review and revise Notice of Deposit for test units excavated for Krogh property; interoffice conference with Joshua Roaldson; interoffice conference with Ashley Rettig; draft Application for Heiden ROE property; draft brief in support of application and affidavit of project manager for Heiden property. 1.80 hrs 160.00 /hr	288.00
07/05/2013	SNW	Draft letter for delivery of Notice of Deposit with clerk; interoffice conference with Desarae Pfeifle. 0.40 hrs 160.00 /hr	64.00
07/08/2013	ADC	Review email and memo from attorney Sean M. Fredricks regarding voluntary acquisitions and eminent domain. 0.20 hrs 175.00 /hr	35.00
07/08/2013	SMF	Review eminent domain statutes; prepare draft memo to the Board regarding voluntary and involuntary acquisitions. 3.20 hrs 160.00 /hr	512.00
07/08/2013	SNW	Review application for Heiden property; interoffice conference with administrative assistant Ashley R. Rettig. 0.30 hrs 160.00 /hr	48.00
07/09/2013	SMF	Conference with attorney Chris McShane regarding land management and acquisition issues; correspond with Mark and Rodger. 0.80 hrs 160.00 /hr	128.00
07/09/2013	CMM	Review land management agenda; interoffice conference with attorney Sean M. Fredricks regarding process for ROW acquisition and controlling statutes. 1.30 hrs 160.00 /hr	208.00
07/09/2013	SNW	Interoffice conference with administrative assistant Ashley R. Rettig regarding Heiden application and hearing date; review email correspondence from attorney Sean M. Fredricks regarding property acquisition. 0.80 hrs 160.00 /hr	128.00
07/09/2013	RLA	Draft cover letter, notice of hearing; contact Court for hearing date; discuss all with attorney Chris McShane; prepare letter in final; make copies and prepare memo for process server. 3.00 hrs 75.00 /hr	225.00
07/10/2013	SMF	Revise draft memorandum; correspond with the Board regarding acquisition issues. 2.50 hrs 160.00 /hr	400.00
07/10/2013	CMM	Review the updated parcel list; review the memo to the Joint Board regarding the ROW acquisition. 0.60 hrs 160.00 /hr	96.00
07/10/2013	RLA	E-file Notice of Hearing; call for personal service and prepare documents for pick up; email to attorney Chris McShane re: rejection of filing of Notice of Hearing; receive weekly email; receive Affidavit of Personal Service; e-file service document and Notice of Hearing. 0.90 hrs 75.00 /hr	67.50
07/11/2013	SMF	Review memo regarding eminent domain; attend Land Management meeting; review draft Moore/Houston agreement. 4.00 hrs 160.00 /hr	640.00
07/11/2013	CMM	Review and respond to e-mail from Nina about payment for the easements obtained for the potential burial site; instruct Nina to pay Knutson, Mary Adams, and Shane Smith; interoffice conference with attorney Sean M. Fredricks regarding land management committee meeting; submit motion for disbursement of funds from the district court for Kroghs. 1.20 hrs 160.00 /hr	192.00
07/12/2013	CMM	Review e-mails from Lyndon; telephone call from Clarence Krogh. 0.70 hrs 160.00 /hr	112.00
07/16/2013	SNW	Attend bi-weekly ROE conference call at Moore Engineering. 0.50 hrs 160.00 /hr	80.00
07/18/2013	CAS	Interoffice conference with attorney Chris McShane regarding plats of Baake and	

		Hickson; research same.	0.30 hrs	80.00 /hr	24.00
07/18/2013	SMF	Conferences with attorney Chris McShane regarding township right of way; review AG Opinions regarding same.	1.80 hrs	160.00 /hr	288.00
07/19/2013	SMF	Review CH2M Hill agreement with Diversion; correspond with Chairman Brodshaug; review Corps process for right of way acquisition.	2.60 hrs	160.00 /hr	416.00
Total fees for this matter					<u>\$6,165.50</u>

**EXPENSES**

07/01/2013		Westlaw research			\$112.95
07/08/2013		Cass County filing fee			\$80.00
07/10/2013		Process Service Fee paid to You've Been Served			\$40.00
Total expenses for this matter					<u>\$232.95</u>

**BILLING SUMMARY**

Total fees	\$6,165.50
Total expenses	\$232.95
<b>Total of new charges for this invoice</b>	<b>\$6,398.45</b>
Plus net balance forward	\$6,077.00
<b>Total balance now due</b>	<b><u>\$12,475.45</u></b>

**Stone, Nina**

---

**From:** Christopher M. McShane <CMcShane@OhnstadLaw.com>  
**Sent:** Thursday, July 11, 2013 11:51 AM  
**To:** Stone, Nina  
**Subject:** RE: Temp Easement - Smith

Nina,

It is also for a temporary easement. The amount payable to Mary Adams is \$1,500.

Chris

---

**From:** Stone, Nina [<mailto:StoneN@casscountynd.gov>]  
**Sent:** Thursday, July 11, 2013 11:45 AM  
**To:** Christopher M. McShane  
**Subject:** RE: Temp Easement - Smith

Joanne Knutson received \$500 in May. I don't see anything for Mary Adams other than the soil borings in September. What is the dollar amount for Mary Adams and is this also for temporary easement?

Thanks  
Nina

Nina Stone  
Accountant  
Cass County Water Resource Districts  
1201 Main Avenue West  
West Fargo, ND 58078-1301  
(701) 298-2381  
[stonen@casscountynd.gov](mailto:stonen@casscountynd.gov)

---

**From:** Christopher M. McShane [<mailto:CMcShane@OhnstadLaw.com>]  
**Sent:** Thursday, July 11, 2013 11:42 AM  
**To:** Stone, Nina  
**Subject:** RE: Temp Easement - Smith

Nina,

\$500<sup>00</sup>

PAID

JUL 26 2013  
Old 10889 + 10890  
CA

Yes, payment should be made to M. Shane Smith. It should also be made for the Knutsons, and Mary Adams. Were checks issued for those landowners this spring? Our assistant that tracks payments for 1099 purposes is not in today.

Chris

---

**From:** Stone, Nina [<mailto:StoneN@casscountynd.gov>]  
**Sent:** Thursday, July 11, 2013 11:16 AM  
**To:** Christopher M. McShane  
**Subject:** Temp Easement - Smith

Hi Chris,

We received this letter and I did some research and we do have the signed agreement but no check was requested from your office yet. Should we go ahead and process?

Thanks  
Nina

Nina Stone  
Accountant  
Cass County Water Resource Districts  
1201 Main Avenue West  
West Fargo, ND 58078-1301  
(701) 298-2381  
[stonen@casscountynd.gov](mailto:stonen@casscountynd.gov)

This email has been scanned by the Secure Email Security System on behalf of [Netrix IT](#). If this email is SPAM please report it by clicking [Submit Spam](#)

This email has been scanned by the Secure Email Security System on behalf of [Netrix IT](#). If this email is SPAM please report it by clicking [Submit Spam](#)



**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 23, 2013

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

Invoice# 122599 SMF  
 Our file# 120007 00006  
 Billing through 08/21/2013

**DIVERSION PROJECT,  
 ASSESSMENT DISTRICT**

Balance forward as of invoice dated	07/22/13	\$2,736.00
Last payment received	07/29/2013	\$2,736.00
A/R adjustments made since last invoice		\$0.00
Accounts receivable balance carried forward		\$0.00

**PROFESSIONAL SERVICES**

07/22/2013	SMF	Correspond with Jacob Strombeck; review "assessed valuation" definition; review my previous memo regarding voting rights for staging area landowners.	
		1.00 hrs	160.00 /hr
			160.00
07/25/2013	SMF	Prepare for and attend DPAC meeting.	
		2.00 hrs	160.00 /hr
			320.00
07/30/2013	SMF	Review assessment statutes; correspond with Jacob Strombeck regarding the "Project" for voting purposes.	
		0.80 hrs	160.00 /hr
			128.00
08/09/2013	LDA	Voice mail Nancy Morris re: Purchase Agreements and electronic correspondence with attorney Sean M. Fredricks and attorney Asa K. Burek re: Oxbor Ring Dike right-of-way.	
		0.30 hrs	160.00 /hr
			48.00
08/12/2013	LDA	Review legal memorandum re: relocation requirements.	
		0.70 hrs	160.00 /hr
			112.00
08/13/2013	SMF	Review email from Jacob Strombeck; research assessment "project" requirements, and zone assessment methodology; prepare outline for Jacob.	
		5.50 hrs	160.00 /hr
			880.00
08/14/2013	SMF	Correspond with Jacob Strombeck and Mark; review statutes.	
		1.20 hrs	160.00 /hr
			192.00
08/16/2013	SMF	Review questions posed by Chairman Brodshaug; attend meeting at Advanced with Eric, Jacob Strombeck, and Rocky Schneider.	
		4.00 hrs	160.00 /hr
			640.00
Total fees for this matter			\$2,480.00

**PAID**

SEP 13 2013

DL#10947

*Colly*

## BILLING SUMMARY

Total fees	<u>\$2,480.00</u>
Total of new charges for this invoice	<u>\$2,480.00</u>
Total balance now due	<u><u>\$2,480.00</u></u>



Shaping the Region for 50 Years.

925 10th Avenue East • West Fargo, ND 58078  
T: 701.282.4692 F: 701.282.4530

Cass County Joint WRD  
Attn: Carol Lewis  
1201 West Main Ave  
West Fargo, ND 58078-1301

Invoice number 6202  
Date 08/30/2013

Project 15043 FM Metro Feasibility-Diversion

Professional Services

Phase 008

Diversion Project Assessment Committee

Labor

Principal Engineer

Hours	Rate	Billed Amount
1.00	155.00	155.00

Expense

Miles

Units	Rate	Billed Amount
4.00	0.65	2.60

Invoice total 157.60

DUE UPON RECEIPT

PLEASE REMIT PAYMENT - ATTENTION ACCOUNTING

PAID

SEP 13 2013  
CK#10948  
GAR

**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 24, 2013

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

Invoice# 123064 SMF  
 Our file# 120007 00006  
 Billing through 09/21/2013

**DIVERSION PROJECT,  
 ASSESSMENT DISTRICT**

Balance forward as of invoice dated	08/23/13	\$2,480.00
Last payment received	09/16/2013	\$2,480.00
A/R adjustments made since last invoice		\$0.00
Accounts receivable balance carried forward		\$0.00

**PROFESSIONAL SERVICES**

08/22/2013	SMF	Prepare for and attend DPAC meeting; review zone concept.	
		2.00 hrs      160.00 /hr	320.00
09/18/2013	SMF	Prepare for and attend DPAC meeting; research benefit analysis for City levees.	
		4.00 hrs      160.00 /hr	640.00
Total fees for this matter			\$960.00

**BILLING SUMMARY**

Total fees	\$960.00
<b>Total of new charges for this invoice</b>	<b>\$960.00</b>
<b>Total balance now due</b>	<b>\$960.00</b>

**PAID**  
 SEP 26 2013  
 OK# 10964  
 GA



Mr. Mark Brodshaug  
 Cass County Joint Water Resources District  
 1201 Main Ave W  
 West Fargo, ND 58078-1301

August 31, 2013  
 Project No: P11473-2012-00  
 Invoice No: 35627

Project Manager Eric Dodds *EED*  
 Project P11473-2012-00 FM Area Diversion Assessment District

**Professional Services for the period: August 01, 2013 to August 31, 2013**

Phase 120 Financial Services

**Professional Services**

	Hours	Rate	Amount	
Dodds, Eric	19.50	188.00	3,666.00	
Gaddie, Shawn	.50	188.00	94.00	
Morris, Cinde	93.50	106.00	9,911.00	
Schneider, Rocky	33.50	132.00	4,422.00	
Strombeck, Jacob	73.00	108.00	7,884.00	
Totals	220.00		25,977.00	
<b>Professional Services Total</b>				<b>25,977.00</b>

**Reimbursables**

Meals			49.45	
<b>Reimbursables Totals</b>			<b>49.45</b>	<b>49.45</b>

**Expenses**

Color Laser Printouts/Copies				
8/31/2013	260.0 Pages @ 0.68		176.80	
Transportation				
8/31/2013	14.0 Miles @ 0.65		9.10	
<b>Expenses Totals</b>			<b>185.90</b>	<b>185.90</b>

**Contract Maximum**

	Current Billing Against Maximum	Previous Billings Against Maximum	Total Billings To Date
Total Billings	26,212.35	98,292.06	124,504.41
Total			199,500.00
Remaining			74,995.59

**Total this Phase \$26,212.35**

**Project Invoice Total \$26,212.35**

**PAID**

SEP 26 2013

U#10965

*GAZ*



Shaping the Region for 50 Years.

925 10th Avenue East • West Fargo, ND 58078  
T: 701.282.4692 F: 701.282.4530

Cass County Joint WRD  
Attn: Carol Lewis  
1201 West Main Ave  
West Fargo, ND 58078-1301

Invoice number 5507  
Date 05/31/2013

Project 15043 FM Metro Feasibility-Diversion

Professional Services

Phase 008

Diversion Project Assessment Committee

Labor

	Hours	Rate	Billed Amount
Principal Engineer	2.00	155.00	310.00

Expense

	Units	Rate	Billed Amount
Miles	5.00	0.65	3.25

Invoice total **313.25**

DUE UPON RECEIPT

PLEASE REMIT PAYMENT - ATTENTION ACCOUNTING

PAID

JUN 13 2013  
CL#10842  
GAH



Mr. Mark Brodshaug  
 Cass County Joint Water Resources District  
 1201 Main Ave W  
 West Fargo, ND 58078-1301

May 31, 2013  
 Project No: P11473-2012-00  
 Invoice No: 34489

Project Manager Eric Dodds  
 Project P11473-2012-00 FM Area Diversion Assessment District

**Professional Services for the period: May 01, 2013 to May 31, 2013**

Phase 120 Financial Services

**Professional Services**

	Hours	Rate	Amount	
Dodds, Eric	7.00	188.00	1,316.00	
Gaddie, Shawn	9.75	188.00	1,833.00	
Knudson, Kristi	.50	72.00	36.00	
Morris, Cinde	38.00	106.00	4,028.00	
Strombeck, Jacob	38.25	108.00	4,131.00	
Totals	93.50		11,344.00	
<b>Professional Services Total</b>				<b>11,344.00</b>

**Reimbursables**

Meals		43.70	
Transportation		208.66	
<b>Reimbursables Totals</b>		<b>252.36</b>	<b>252.36</b>

**Expenses**

Transportation			
5/31/2013	21.0 Miles @ 0.65	13.65	
<b>Expenses Totals</b>		<b>13.65</b>	<b>13.65</b>

**Contract Maximum**

	Current Billing Against Maximum	Previous Billings Against Maximum	Total Billings To Date	
Total Billings	11,610.01	48,226.70	59,836.71	
Total			100,000.00	
Remaining			40,163.29	
		<b>Total this Phase</b>		<b>\$11,610.01</b>
		<b>Project Invoice Total</b>		<b>\$11,610.01</b>

**PAID**

JUN 27 2013  
 CL#10853  
 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

June 27, 2013

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

Invoice# 121734 SMF  
 Our file# 120007 00006  
 Billing through 06/21/2013

**DIVERSION PROJECT,  
 ASSESSMENT DISTRICT**

Balance forward as of invoice dated	05/20/13	\$1,072.00
Last payment received	05/24/2013	\$1,072.00
A/R adjustments made since last invoice		\$0.00
Accounts receivable balance carried forward		<u>\$0.00</u>

**PROFESSIONAL SERVICES**

05/23/2013	SMF	Attend DPAC meeting; research assessed valuation as potential starting point for assessments.	3.30 hrs	160.00 /hr	528.00
06/19/2013	SMF	Prepare for and attend DPAC staff meeting; review assessment statutes regarding value issues.	3.30 hrs	160.00 /hr	528.00
06/21/2013	SMF	Review email from Mark; research ability to assess easement interests; prepare outline; correspond with Mike, Jeff, Lee, and Chad.	1.50 hrs	160.00 /hr	240.00
Total fees for this matter					<u><u>\$1,296.00</u></u>

**BILLING SUMMARY**

Total fees	\$1,296.00
<b>Total of new charges for this invoice</b>	<u><b>\$1,296.00</b></u>
<b>Total balance now due</b>	<u><u><b>\$1,296.00</b></u></u>

**PAID**

JUL 26 2013  
 CCA10886  


**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

July 22, 2013

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

Invoice# 122102 SMF  
 Our file# 120007 00006  
 Billing through 07/21/2013

**DIVERSION PROJECT,  
 ASSESSMENT DISTRICT**

Balance forward as of invoice dated	06/27/13	\$1,296.00
Last payment received	05/24/2013	\$0.00
A/R adjustments made since last invoice		\$0.00
Accounts receivable balance carried forward		<u>\$1,296.00</u>

**PROFESSIONAL SERVICES**

06/25/2013	SMF	Conference with Mark, Rodger, and Jeff; correspond with attorney John Shockley and attorney Brian D. Neugebauer regarding indirect benefits; review MN drainage law.	3.00 hrs	160.00 /hr	480.00
06/26/2013	SMF	Research Minnesota indirect benefits; correspond with attorney John Shockley and attorney Brian D. Neugebauer.	1.00 hrs	160.00 /hr	160.00
06/27/2013	SMF	Prepare for and attend DPAC meeting; conference with attorney Chris McShane regarding procedures for acquisitions.	3.00 hrs	160.00 /hr	480.00
07/17/2013	SMF	Prepare for and attend DPAC staff meeting.	2.00 hrs	160.00 /hr	320.00
Total fees for this matter					<u>\$1,440.00</u>

**BILLING SUMMARY**

Total fees  
**Total of new charges for this invoice**  
 Plus net balance forward  
**Total balance now due**

**PAID**  
 JUL 26 2013  
 dk#10886  
 CAH

\$1,440.00
<u>\$1,440.00</u>
\$1,296.00
<u>\$2,736.00</u>



Mr. Mark Brodshaug  
 Cass County Joint Water Resources District  
 1201 Main Ave W  
 West Fargo, ND 58078-1301

June 30, 2013  
 Project No: P11473-2012-00  
 Invoice No: 34879

Project Manager Eric Dodds *ECD*  
 Project P11473-2012-00 FM Area Diversion Assessment District

**Professional Services for the period: June 01, 2013 to June 30, 2013**

Phase	120	Financial Services			
<b>Professional Services</b>					
		<b>Hours</b>	<b>Rate</b>	<b>Amount</b>	
Dodds, Eric		14.50	188.00	2,726.00	
Luhmann, Jenny		1.00	92.00	92.00	
Mattern, Erin		2.50	72.00	180.00	
Morris, Cinde		36.00	106.00	3,816.00	
Schneider, Rocky		15.50	132.00	2,046.00	
Strombeck, Jacob		92.75	108.00	10,017.00	
Totals		162.25		18,877.00	
<b>Professional Services Total</b>					<b>18,877.00</b>
<b>Reimbursables</b>					
Meals				109.25	
<b>Reimbursables Totals</b>				<b>109.25</b>	<b>109.25</b>
<b>Expenses</b>					
Transportation					
6/30/2013		14.0 Miles @ 0.65		9.10	
<b>Expenses Totals</b>				<b>9.10</b>	<b>9.10</b>
<b>Contract Maximum</b>					
		<b>Current Billing</b>	<b>Previous Billings</b>	<b>Total Billings To</b>	
		<b>Against Maximum</b>	<b>Against Maximum</b>	<b>Date</b>	
Total Billings		18,995.35	59,836.71	78,832.06	
Total				100,000.00	
Remaining				21,167.94	
				<b>Total this Phase</b>	<b>\$18,995.35</b>
				<b>Project Invoice Total</b>	<b>\$18,995.35</b>

**PAID**

JUL 26 2013

*CA 10888*

*CAK*



Shaping the Region for 50 Years.

925 10th Avenue East • West Fargo, ND 58078  
T: 701.282.4692 F: 701.282.4530

Cass County Joint WRD  
Attn: Carol Lewis  
1201 West Main Ave  
West Fargo, ND 58078-1301

Invoice number 5951  
Date 07/31/2013

Project 15043 FM Metro Feasibility-Diversion

Professional Services

Phase 008

Diversion Project Assessment Committee

Labor

Principal Engineer

Expense

Miles

	Hours	Rate	Billed Amount
Principal Engineer	10.00	155.00	1,550.00
	Units	Rate	Billed Amount
Miles	27.00	0.65	17.55
Invoice total			<b>1,567.55</b>

DUE UPON RECEIPT

PLEASE REMIT PAYMENT - ATTENTION ACCOUNTING

**PAID**  
AUG 08 2013  
OK 10913  
GK



Mr. Mark Brodshaug  
 Cass County Joint Water Resources District  
 1201 Main Ave W  
 West Fargo, ND 58078-1301

July 31, 2013  
 Project No: P11473-2012-00  
 Invoice No: 35207

Project Manager Eric Dodds *E.D.*  
 Project P11473-2012-00 FM Area Diversion Assessment District

**Professional Services for the period: July 01, 2013 to July 31, 2013**

Phase 120 Financial Services

**Professional Services**

	Hours	Rate	Amount	
Dodds, Eric	14.25	188.00	2,679.00	
Gaddie, Shawn	1.00	188.00	188.00	
Morris, Cinde	58.00	106.00	6,148.00	
Schneider, Rocky	24.50	132.00	3,234.00	
Strombeck, Jacob	63.25	108.00	6,831.00	
Totals	161.00		19,080.00	
<b>Professional Services Total</b>				<b>19,080.00</b>

**Expenses**

Color Laser Printouts/Copies 7/31/2013	490.0 Pages @ 0.68	333.20	
Transportation 7/31/2013	72.0 Miles @ 0.65	46.80	
<b>Expenses Totals</b>		<b>380.00</b>	<b>380.00</b>

**Contract Maximum**

	Current Billing Against Maximum	Previous Billings Against Maximum	Total Billings To Date	
Total Billings	19,460.00	78,832.06	98,292.06	
Total			100,000.00	
Remaining			1,707.94	
		<b>Total this Phase</b>		<b>\$19,460.00</b>
		<b>Project Invoice Total</b>		<b>\$19,460.00</b>

**PAID**

AUG 22 2013  
*ck 10934*  
*CH*

Date		# of items mailed	Amount	
1-25	0.45	1	0.45	Paid
2-25	0.46	1	0.46	
3-14	0.46	1	0.46	
4-11	0.46	1	0.46	
5-23	0.46	1	0.46	
6-27	0.46	1	0.46	
7-26	0.46	1	0.46	
8-22	0.46	1	0.46	

Postage Due 3.22

B&W - .019000  
COLOR - .133000

Date	# OF COPIES B&W	# OF COPIES COLOR	Amount	
2-28	12		0.23	Paid
3-20	12		0.23	Paid
3-28		22	2.93	Paid
3-28	44		0.84	Paid
3-28		110	14.63	Paid
4-24	120		2.28	Paid
5-21	5	10	2.28	Paid
5-21	25		0.48	Paid
5-23	100	180	25.84	Paid
6-12	48	56	8.36	
8-8		15	2.00	



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

# Monthly Update

October 10, 2013

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

1. Reach 1: Corps Technical Signoff complete.
2. Reach 2: Design package is nearing completion.
3. Reach 4: 95% submitted. Sponsors and ATR comments received.
4. In Town Levees: 35% Review complete by the Corps and ATR team. Comments being addressed by sponsors.
5. CR 20/Reach 6: 30% Corps and ATR team comments being addressed by Sponsors.
6. Continuing the Maple River Physical Model work. Final report is due in December 2014.
7. Supplemental Environmental Assessment: Complete. FONSI and Section 404(b)(1) Evaluation Supplement 1 signed by District Engineer 19 Sept 2013.
8. Continued coordination with the MnDNR on their EIS process.
9. Holding weekly Oxbow/Hickson/Bakke Levee coordination meetings. See back for conceptual recreation plan.
10. Conducted meetings with USACE Omaha District regarding Section 404 permitting of the project.
11. Fall-season Cultural Phase I and Phase II field work has started.
12. Started updating Cemetery information contained in the Feasibility Study.



**DRAFT**

- POSSIBLE RECREATION OPPORTUNITIES**
- Preserve Existing Snowmobile Trails
  - Golf Course Features on Part of Levee
  - Screening of Levee
  - Trail/Sidewalks for Residents
  - Lighting
  - Wet Ponds Versus Dry
  - Setbacks from Levee to Accommodate Trees
  - Access to River
  - Connection to Relocated Oxbow City Park

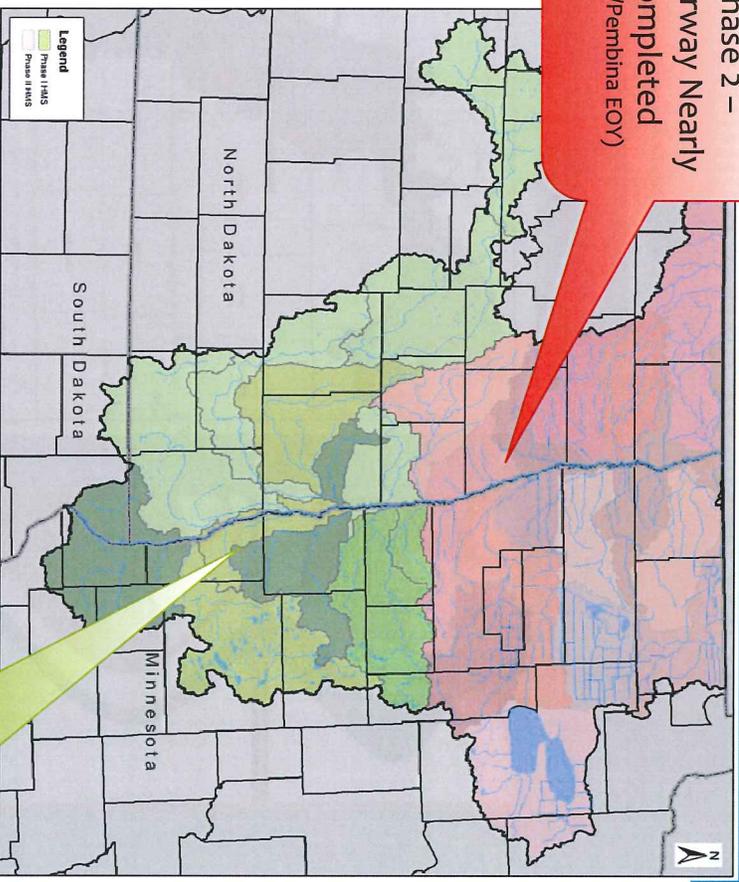
**CONCEPTUAL RECREATION PLAN**  
 OXBOW, HICKSON, BAKKE RING LEVEE  
 SEPTEMBER 2013  
 NOT TO SCALE



# HEC-HMS Modeling

## Project Summary:

- Hydrologic Models
- LIDAR Based
- 10 Synthetic Events
- No Historic Events
- 100yr Runoff is Largest
- Assumes Even Rainfall





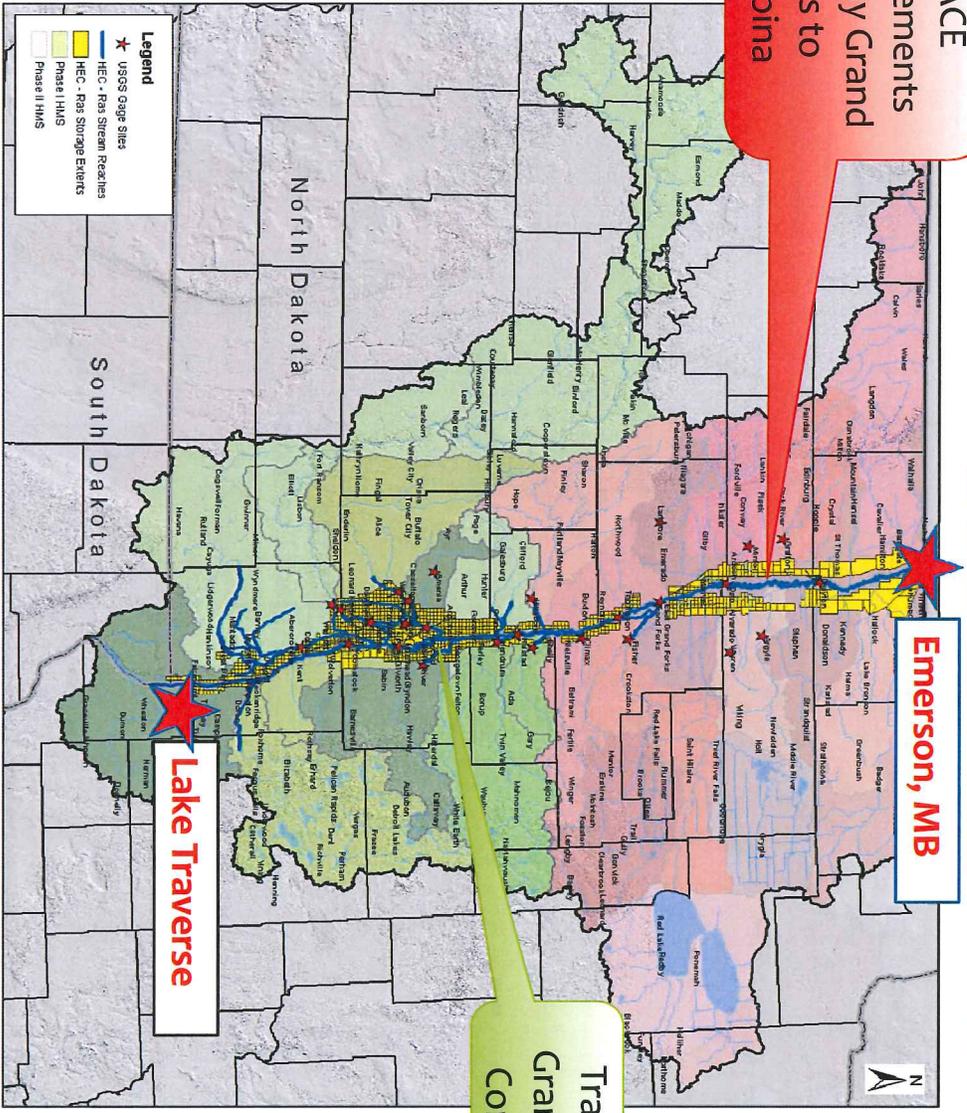
# HEC-RAS Model Development

**USACE**  
Improvements  
underway Grand  
Forks to  
Pembina

**Emerson, MB**

Traverse to  
Grand Forks -  
Completed

**Lake Traverse**



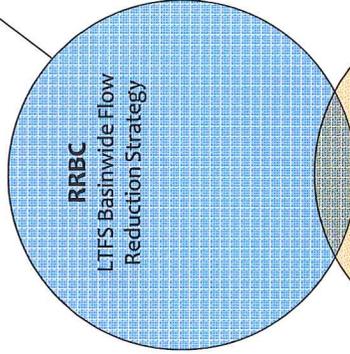
# Standardized Hydrologic Analysis – Multiple Interests

## Primary Purpose

- Basinwide Project Assessment
- 20% Main stem flow reduction (Goal)

## Considerations

- May not be “best” scenario for Fargo
- Main stem Modeling with HEC-HMS inflows not complete D/S of Halstad, MN.



## Primary Purpose

- Identify impacts of Detention on 100-yr discharge at Fargo, ND
- Funding methodology

## Considerations

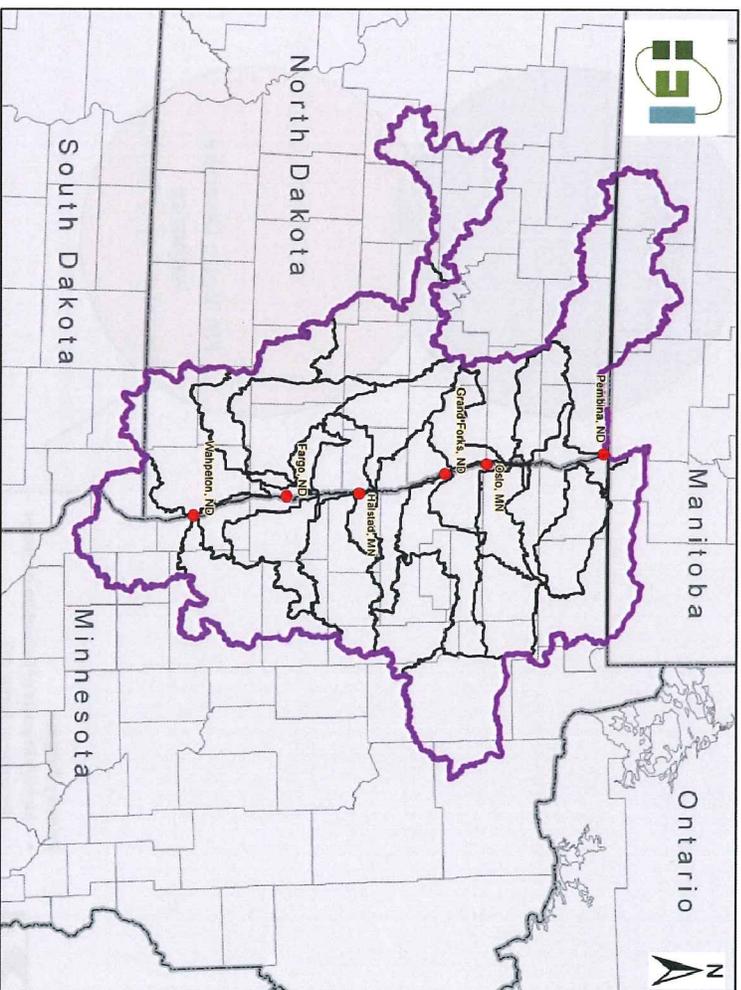
- Multiple event evaluation may be beneficial



# Standardized Melt Progression Event – Sensitivity Analysis

## Step 1 – When Does It Occur?

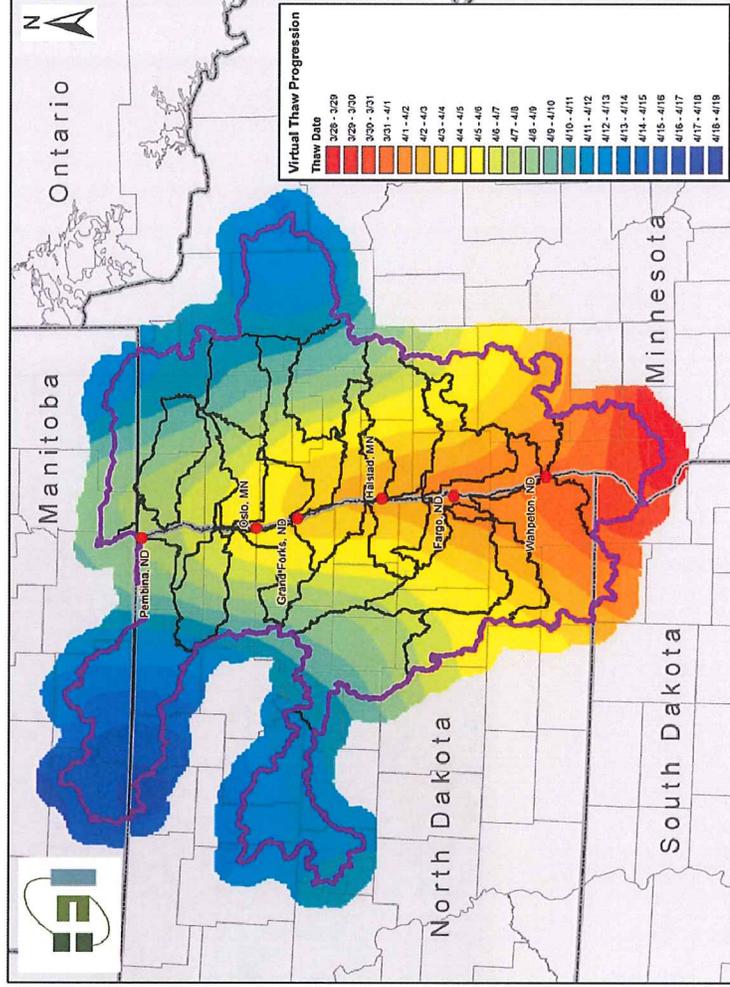
- Standard Melt Progression



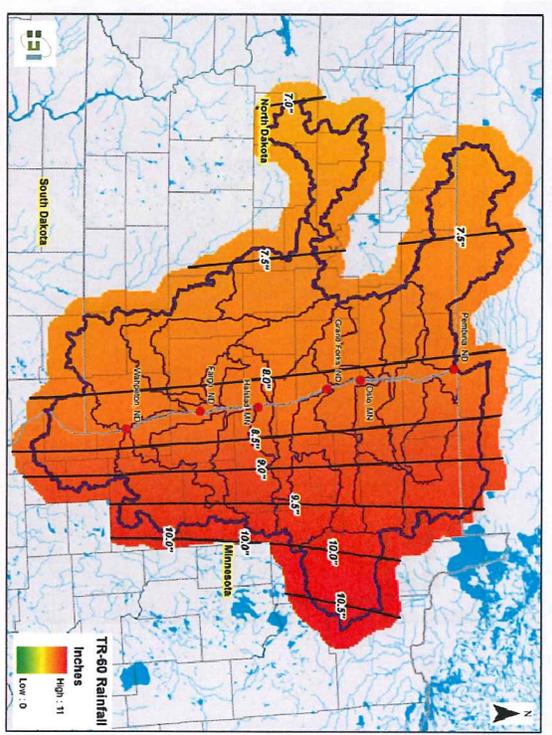
# Standardized Melt Progression Event – Sensitivity Analysis

## Step 1 – When Does It Occur?

- Standard Melt Progression



# VTP Animation



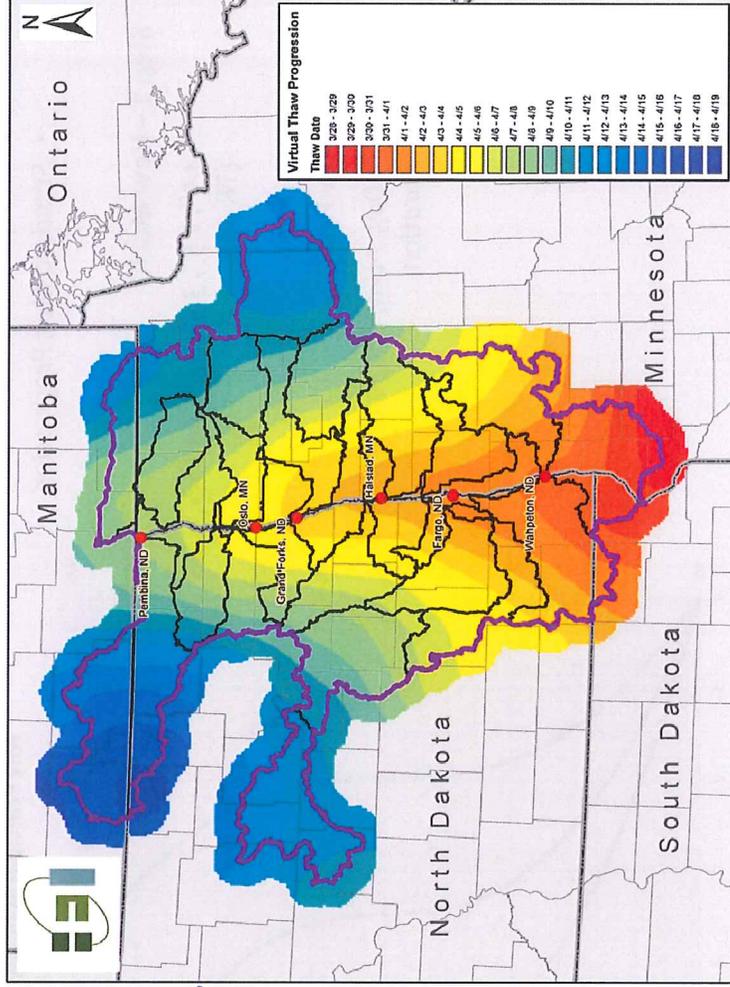
# Standardized Melt Progression Event – Sensitivity Analysis

## Step 1 – When Does It Occur?

- Standard Melt Progression

## Step 2 – How Much?

- 1.5", 2.5", 3.5", 4.5", and 5.5" (TR-60)



# Standardized Melt Progression Event – Sensitivity Analysis

## Step 1 – When Does It Occur?

- Standard Melt Progression

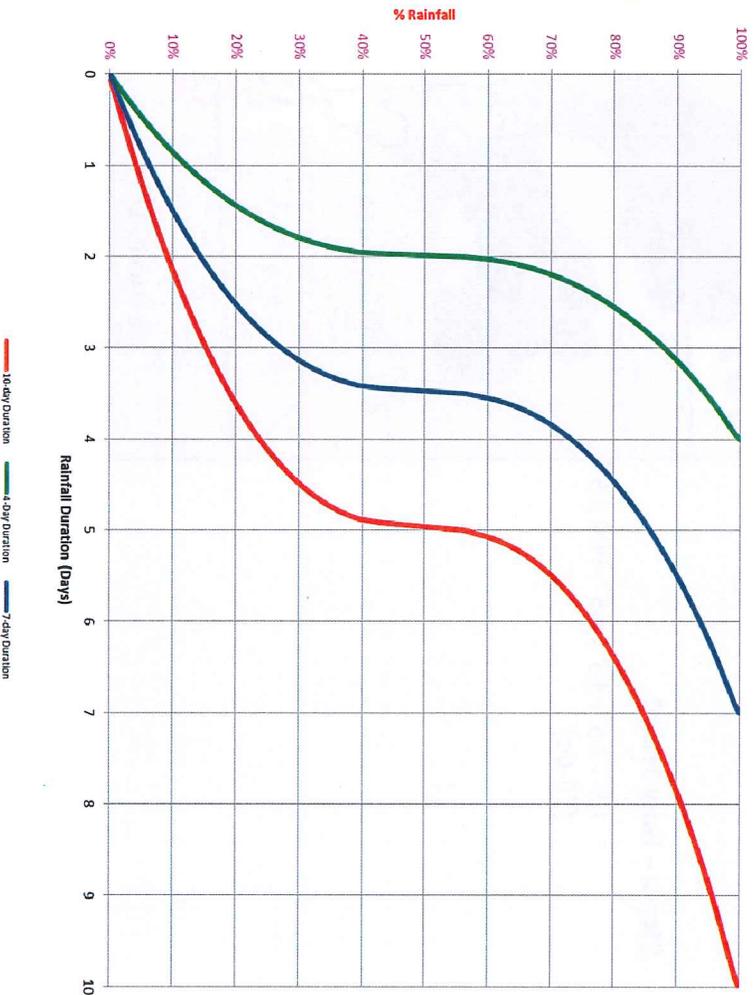
## Step 2 – How Much?

- 1.5", 2.5", 3.5", 4.5", and 5.5" (TR-60)

## Step 3 – How Fast?

- 4-Day, 7-Day, and 10-Day Melt Duration

MN Principal Spillway Temporal Rainfall Distribution  
Cumulative Volume



# Standardized Melt Progression Event – Sensitivity Analysis

## Step 1 – When Does It Occur?

- Standard Melt Progression

## Step 2 – How Much?

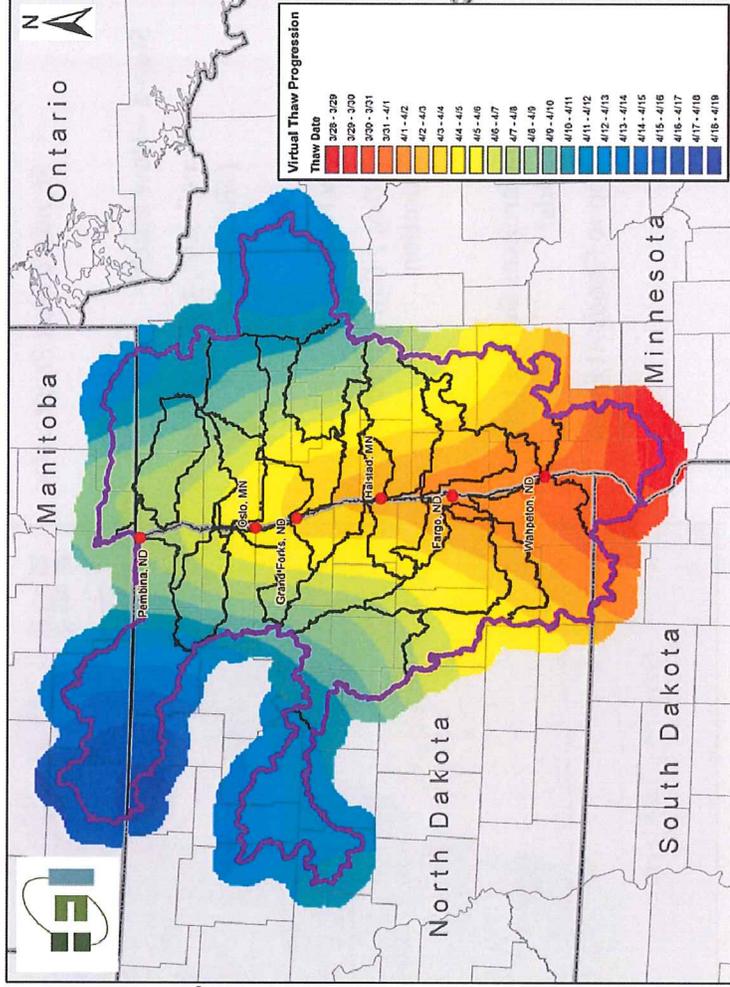
- 1.5", 2.5", 3.5", 4.5", and 5.5" (TR-60)

## Step 3 – How Fast?

- 4-Day, 7-Day, and 10-Day Melt Duration

## Step 4 – Differences During Larger Floods?

- Top 10 Floods At Fargo



# Standardized Melt Progression Event – Sensitivity Analysis

## Step 1 – When Does It Occur?

- Standard Melt Progression

## Step 2 – How Much?

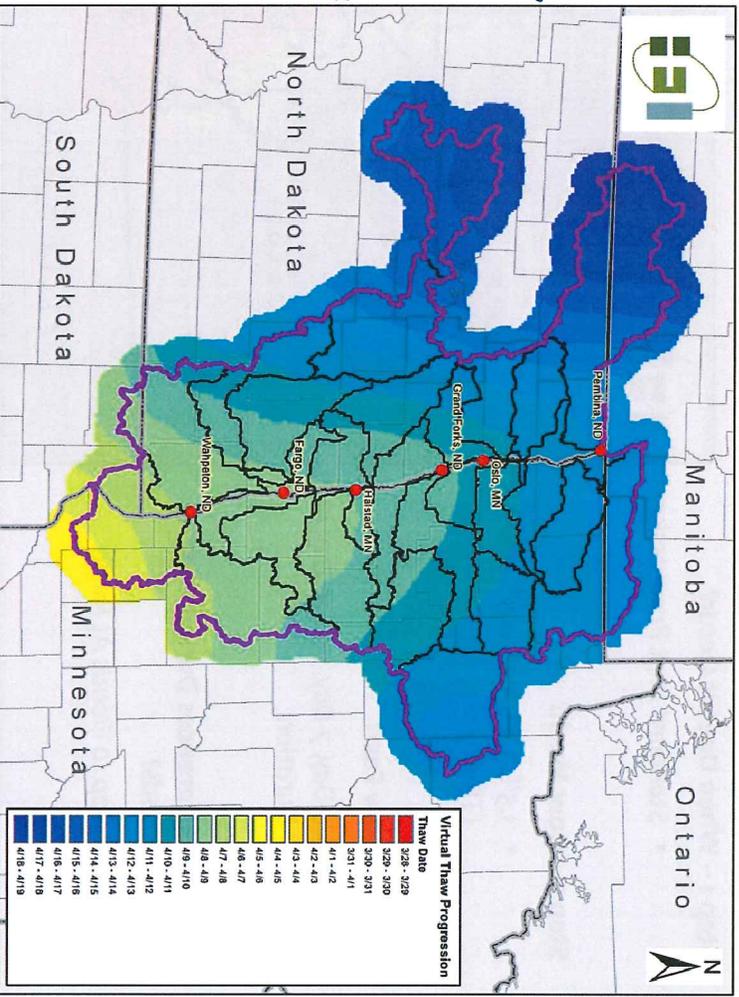
- 1.5”, 2.5”, 3.5”, 4.5”, and 5.5” (TR-60)

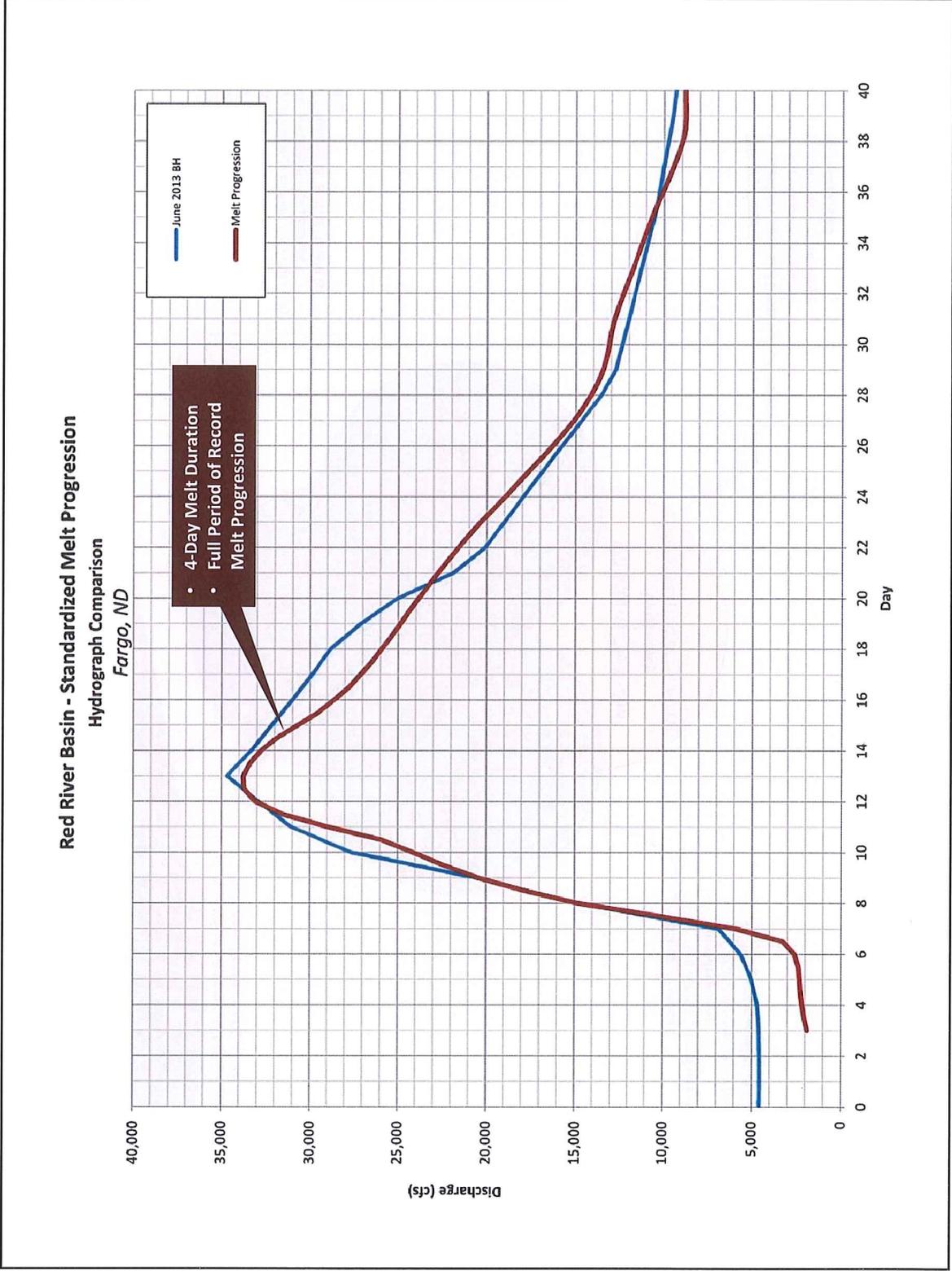
## Step 3 – How Fast?

- 4-Day, 7-Day, and 10-Day Melt Duration

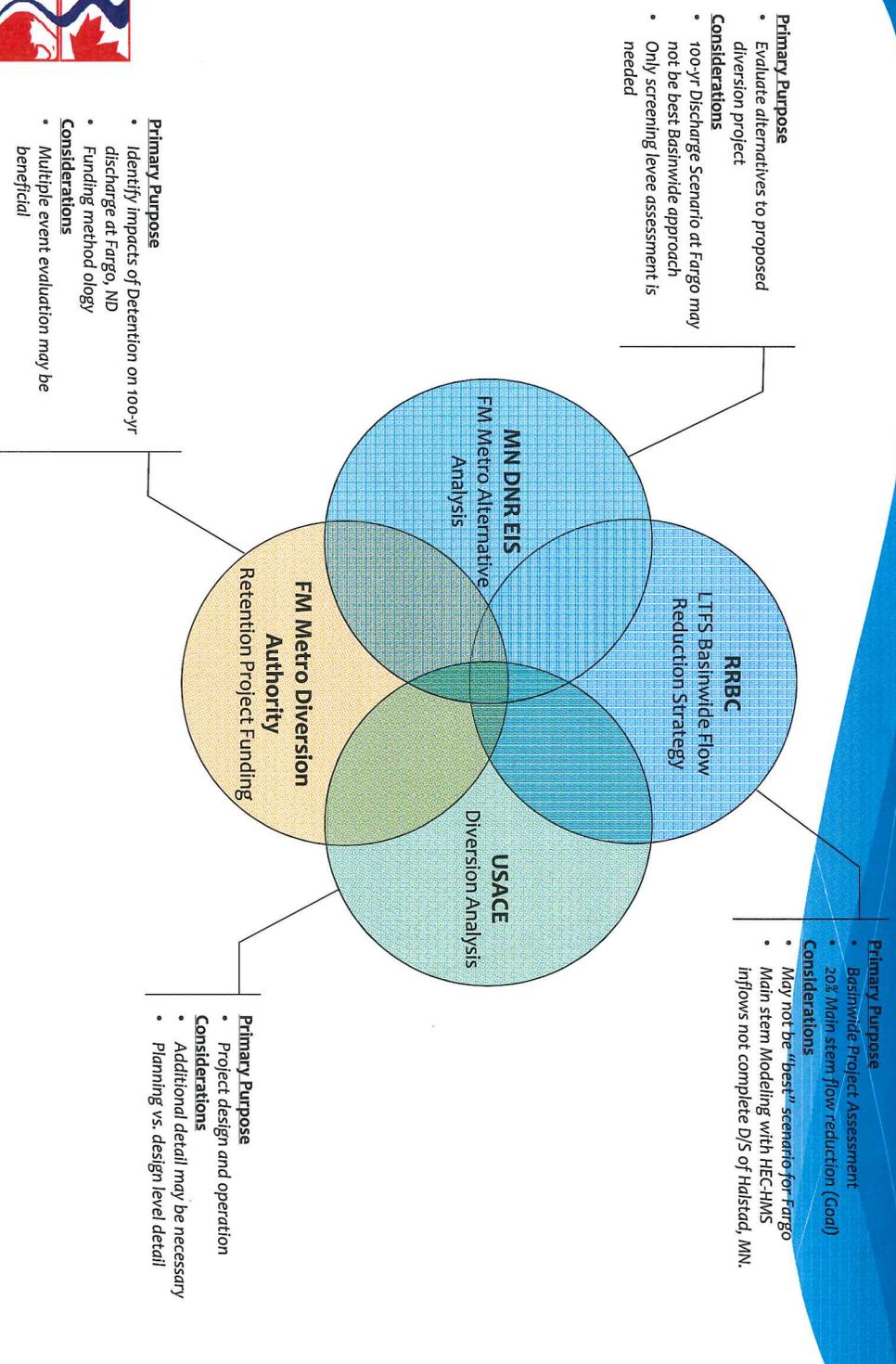
## Step 4 – Differences During Larger Floods?

- Top 10 Floods At Fargo

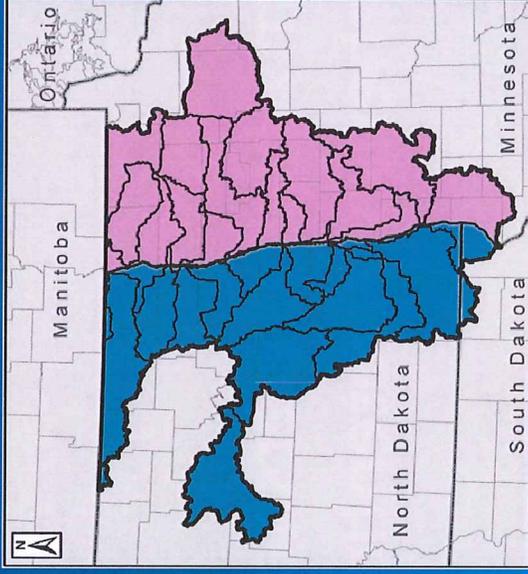




# Standardized Hydrologic Analysis – Multiple Interests



# Red River Basin Tributary Detention Planning Efforts

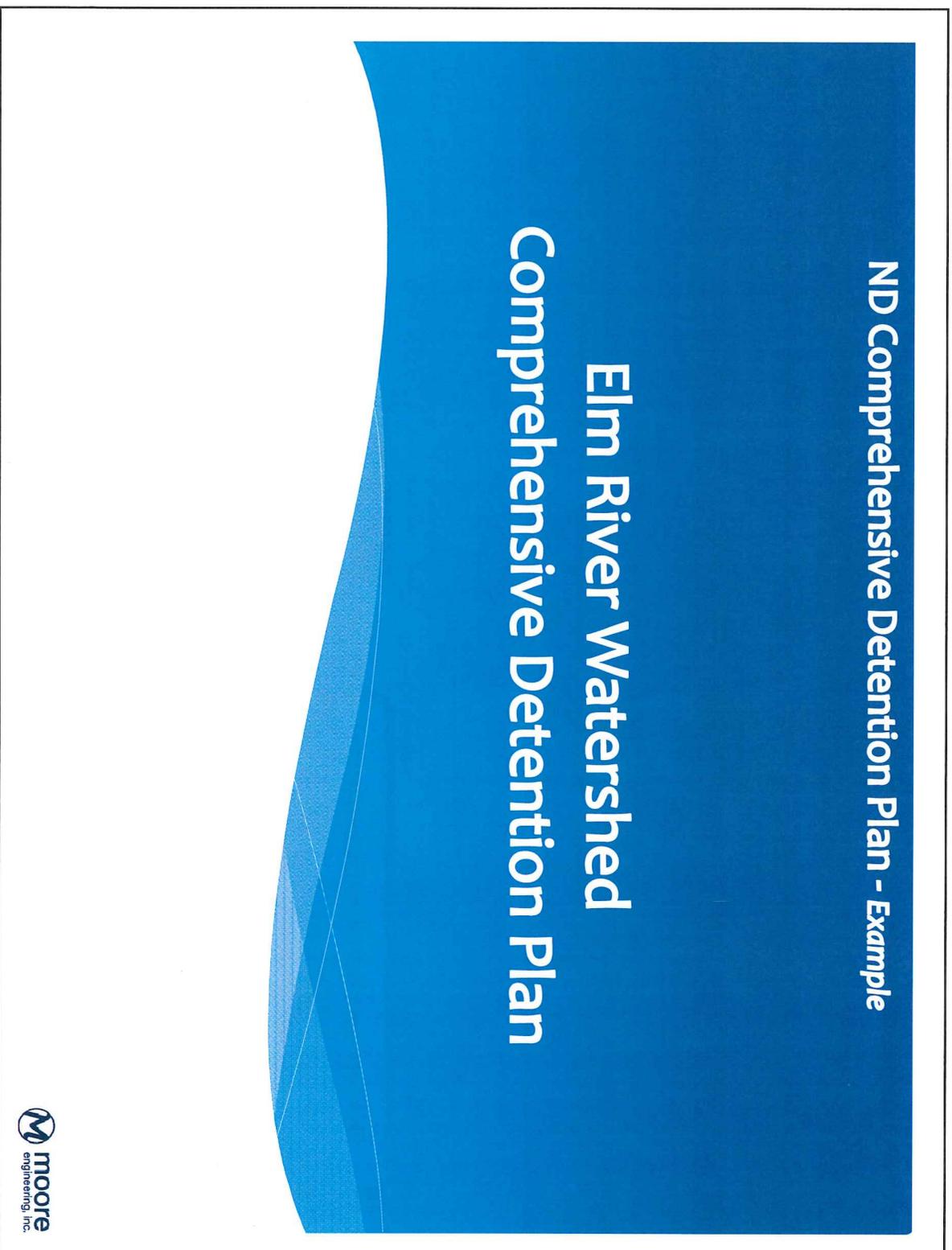


## ND Comprehensive Detention Plans

- Large Scale Sites
- Identification of all apparent sites
- WRD Involvement
- Multiple proposed conditions scenarios
- Multiple Runoff Events
- Establish benefit within Tributaries
- Establish reduction to Red River main stem
- Detailed reporting

## MN Expanded Distributed Detention Strategy

- Large Scale Sites
- Identification of sites required to meet LTFS goals
- Limited WD Involvement
- One proposed condition
- Standard melt progression event only
- Establish benefit within Tributaries
- Establish reduction to Red River main stem
- Generalized reporting



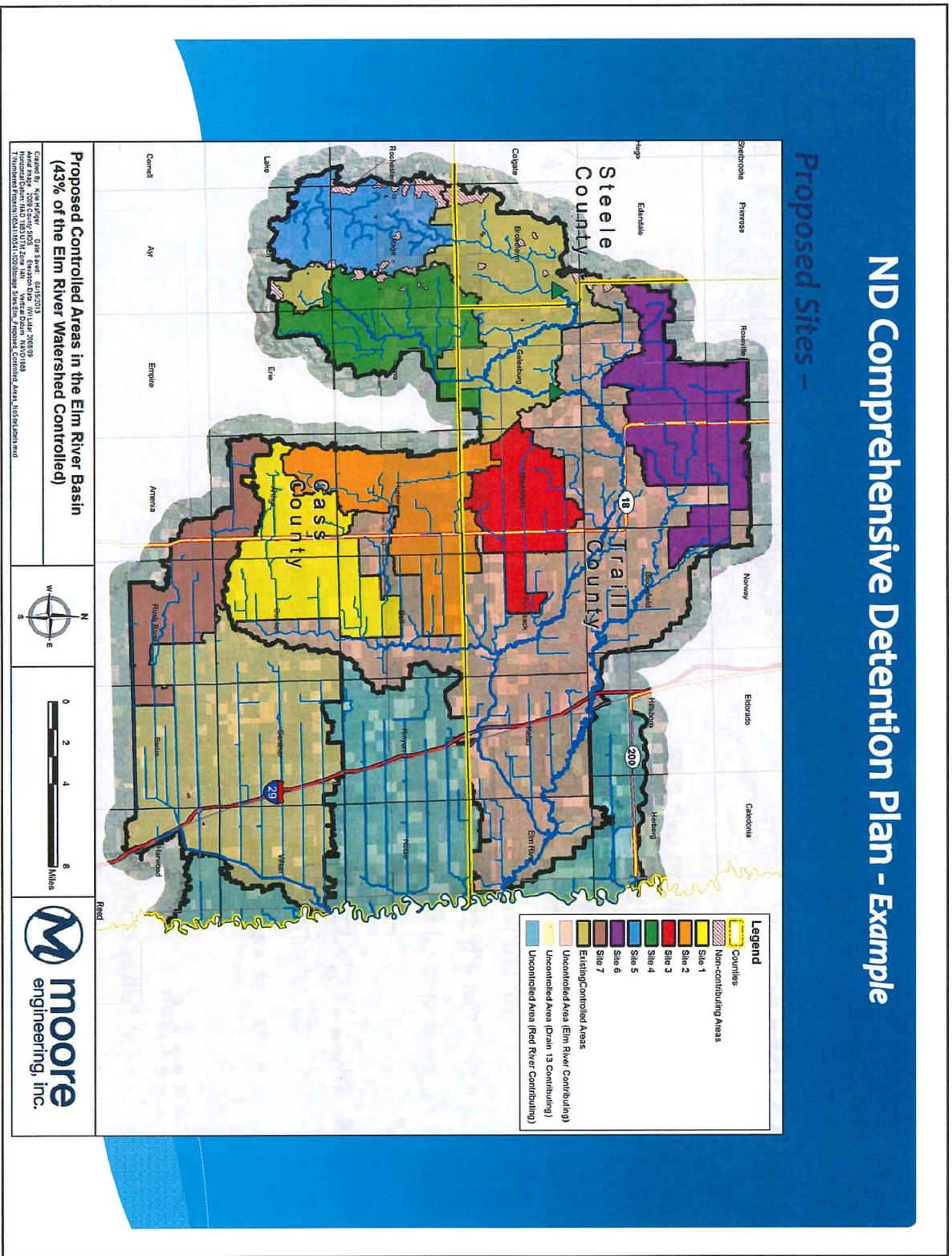
## ND Comprehensive Detention Plan - Example

### Methodology –

- \* **Site Identification Criteria**
  - \* Control minimum of 20 square miles
  - \* Avoid impacts to residential structures / infrastructure
  - \* Store a minimum of 3 inches of runoff
  - \* Avoid mainstem locations in lower 2/3 of watershed
  - \* Primarily select off-channel & stream locations
  - \* Reasonable levee heights & inundation impacts
  
- \* **Modeling Assumptions**
  - \* Gated with E.S. 5 feet below top of levee
  - \* Dry storage, no conservation pools
  
- \* **Analysis**
  - \* All Sites Combined
  - \* Comparison of Individual Sites
  - \* Comparison of Combined Sites

# ND Comprehensive Detention Plan - Example

## Proposed Sites -



# ND Comprehensive Detention Plan - Example

## Elm River Watershed Results - Summary

35% watershed control by new sites (43% total)

6 Sites in the Elm Watershed (4.4% of Watershed)

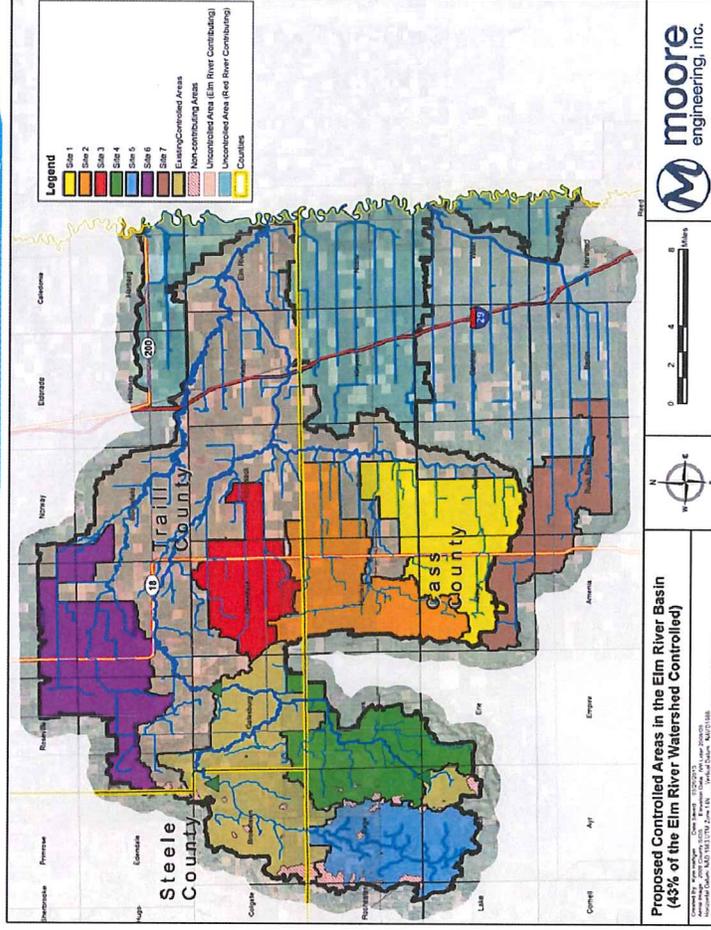
### \* Elm Watershed Sites:

- \* 16.2 mi<sup>2</sup> pool at spillway
- \* 21.5 mi<sup>2</sup> pool at top of dam
- \* 39,971 Ac-Ft volume at spillway
- \* 3.3 inch avg. at spillway

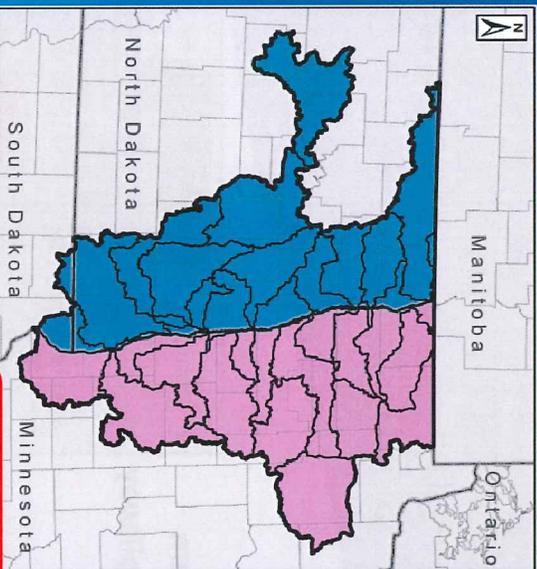
### \* 100-yr Runoff (Elm River)

- \* 43% Peak Reduction
- \* 32% Vol. Reduction

### \* LTFs target = 13% Peak



# Red River Basin Tributary Detention Planning Efforts



## ND Comprehensive Detention Plans

- Large Scale Sites
- Identification of all apparent sites
- WRD Involvement
- Multiple proposed conditions scenarios
- Multiple Runoff Events
- Establish benefit within Tributaries
- Establish reduction to Red River main stem
- Detailed reporting

## MN Expanded Distributed Detention Strategy

- Large Scale Sites
- Identification of sites required to meet LTF5 goals
- Limited WD Involvement
- One proposed condition
- Standard melt progression event only
- Establish benefit within Tributaries
- Establish reduction to Red River main stem
- Generalized reporting



## MN Expanded Distributed Detention Strategy – BRRWD Example

### Detention Site Identification

- Project Planning Tool Incorporation
- Watershed District/LGU Involvement
- Upstream of local damage areas
- **Large Site Concepts** (greater than 10 square miles – most in the 30 SM range)

### Detention Site Statistics

- LIDAR Derived Elevation/Storage Data
- LIDAR Derived Contributing Watershed
- Consider construction/environmental impacts of gated pool elevations
- **Goal: 3” – 4” of gated storage per site (Meet LTFS Volume and Peak Goals)**

### Hydrologic Analysis - Benefits

- Red River Basin HEC-HMS developed by the US Army Corps of Engineers
- Incorporate Identified Detention Sites
- **Assume all gates closed**
- 25, 50, 100-yr Rainfall (10-day) & 100-yr, 10-day Runoff (Snow melt progression included)

### Reporting

- Existing conditions (Pre-1997) vs Proposed Conditions (Site Outlet, Damage areas, USGS Gages)
- **Watershed scale mapping only**
- Report Summarizing Analysis

# MN Expanded Distributed Detention Strategy – BRRWD Example

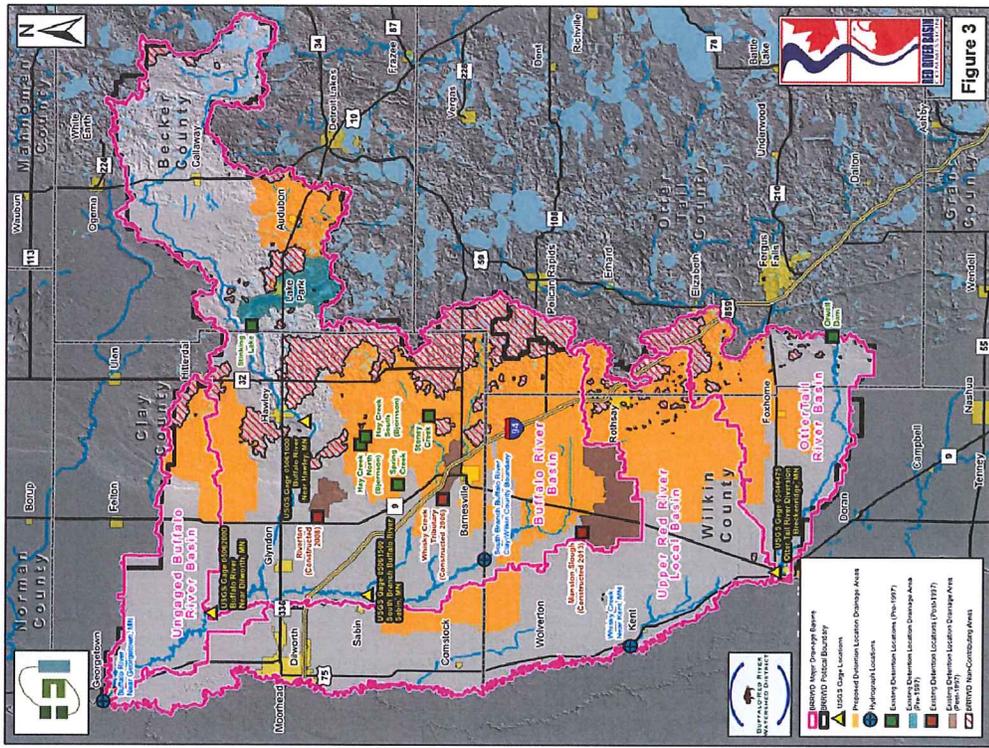
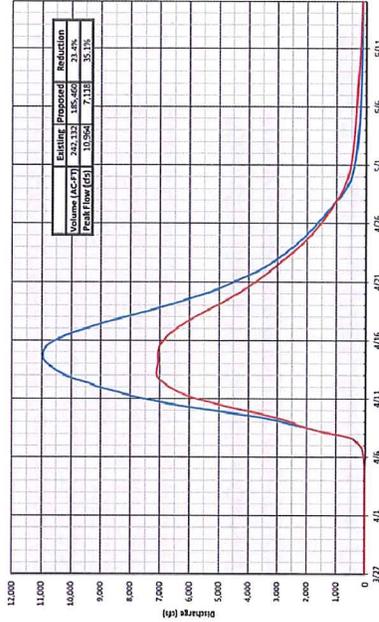


Figure 3

USGS Gage 05062000 Buffalo River near Dilworth, MN

Red River Basin Standardized Acre Progression Event



Volume (AC-ft)	Peak Flow (cfs)	Reduction
262,332	185,460	-31.4%
10,964	7,118	-35.2%

USGS Gage 05062000 Buffalo River near Dilworth, MN - Figure 8

Table 4  
Performance Statistics at Monitoring Locations  
Red River Basin Standardized Acre Progression Event

Location	Drainage Area	Existing Conditions		Proposed Conditions		Percent Reductions	
		Peak Flow	Volume	Peak Flow	Volume	Peak Flow	Volume
USGS Gage 05062000 Buffalo River near Dilworth, MN	853.7 MI <sup>2</sup>	10,964 cfs	242,332 Ac-ft	7,118 cfs	185,460 Ac-ft	-35.1%	-23.4%
USGS Gage 05061000 Buffalo River near Hawley, MN	301.7 MI <sup>2</sup>	5,225 cfs	92,455 Ac-ft	4,307 cfs	83,638 Ac-ft	-18.7%	-9.2%
USGS Gage 05061500 South Branch Buffalo River near Sablin, MN	378.2 MI <sup>2</sup>	6,460 cfs	103,326 Ac-ft	3,555 cfs	62,362 Ac-ft	-45.0%	-39.6%
South Branch Buffalo River at Clay/Wilkin County Boundary	148.1 MI <sup>2</sup>	4,206 cfs	42,184 Ac-ft	1,865 cfs	29,186 Ac-ft	-55.7%	-30.8%
Buffalo River near Georgetown, MN	594.6 MI <sup>2</sup>	10,756 cfs	279,715 Ac-ft	6,952 cfs	214,902 Ac-ft	-35.4%	-23.2%
Ungauged Buffalo River Basin Runoff Hydrograph	134.9 MI <sup>2</sup>	3,680 cfs	38,093 Ac-ft	3,552 cfs	29,584 Ac-ft	-3.5%	-21.1%
Upper Red River Local Basin Runoff Hydrograph	493.1 MI <sup>2</sup>	18,545 cfs	139,849 Ac-ft	15,123 cfs	106,567 Ac-ft	-18.4%	-22.4%
Whisky Creek near Kent, MN	154.7 MI <sup>2</sup>	5,452 cfs	44,910 Ac-ft	4,418 cfs	29,393 Ac-ft	-19.0%	-34.6%
Otter Tail River Upstream of Breckenridge, MN	1378.7 MI <sup>2</sup>	6,620 cfs	260,278 Ac-ft	4,593 cfs	234,546 Ac-ft	-30.6%	-6.3%
Otter Tail River Basin Runoff Hydrograph Downstream of Orwell Dam	166.3 MI <sup>2</sup>	5,865 cfs	54,781 Ac-ft	3,745 cfs	36,069 Ac-ft	-36.2%	-30.3%

## FM Diversion HUR Project Tasks

### **TASK 1 - Ongoing Sensitivity Analysis and MNDNR EIS Modeling Revisions**

- Additional QA/QC of HEC-HMS to HEC-RAS Input - **Completed**
- Update HEC-RAS Model with Revised Base Conditions HEC-HMS Model Results – **Completed**
- Melt Progression Scenario based on Top 10 Red River Floods - **Completed**
- Melt Progression Scenarios Based on Varied duration of Temporal Distribution - **Completed**
- Update Existing HMS with Varied Melt Progressions – **Completed**
- Updated Existing Condition HEC-RAS with Varied Melt Progressions – **Completed**

*\*Coordination with Technical Committee/MNDNR/USACE\**  
*\*USACE/MNDNR/NDSWC Peer Review\**

### **TASK 2 - Future With-Retention Conditions Scenario Modeling**

- With-Retention Model Results
- Preliminary Funding Concepts

*\*Coordination with Technical Committee/MNDNR/USACE\**  
*\*USACE/MNDNR/NDSWC Peer Review\**

### **TASK 3 – Prioritization for Funding/Reporting**

- Retention Prioritization
- Finalize funding concept
- Reporting/Finalizing Outcomes

*\*Coordination with Technical Committee/MNDNR/USACE\**  
*\*USACE/MNDNR/NDSWC Peer Review\**



# FM Diversion HUR Project Tasks

## **TASK 1 - Ongoing Sensitivity Analysis and MNDNR EIS Modeling Revisions**

- Additional QA/QC of HEC-HMS to HEC-RAS Input—**Completed**
- Update HEC-RAS Model with Revised Base Conditions-HEC-HMS Model Results—**Completed**
- Melt Progression Scenario-based on Top 10 Red-River Floods—**Completed**
- Melt Progression Scenarios Based on Varied duration of Temporal Distribution—**Completed**
- Update Existing HMS with Varied Melt Progressions—**Completed**
- Updated Existing Condition HEC-RAS with Varied Melt Progressions—**Completed**

~~\*Coordination with Technical Committee/MNDNR/USACE\*~~

~~\*USACE/MinDNR/NDSWC Peer Review\*~~

## **TASK 2 - Future With-Retention Conditions Scenario Modeling**

- With-Retention Model Results
- Preliminary Funding Concepts

\*Coordination with Technical Committee/MNDNR/USACE\*

\*USACE/MinDNR/NDSWC Peer Review\*

## **TASK 3 – Prioritization for Funding/Reporting**

- Retention Prioritization
- Finalize funding concept
- Reporting/Finalizing Outcomes

\*Coordination with Technical Committee/MNDNR/USACE\*

\*USACE/MinDNR/NDSWC Peer Review\*





# Questions & Additional Discussion



# Public Outreach Committee Report

## For Diversion Authority – October 10, 2013

---

- Outreach to Area of Impact:
  - Started planning for individual meetings this Fall/Winter with impacted landowners in North Dakota and Minnesota.
  - Developed a comprehensive contact history database, including property specific maps for property with structures within the staging area.
  - Refined data regarding impacts to cemeteries inside and outside the Project alignment. Began preliminary discussions on potential mitigation options. Work has been delayed due to decrease in Corps workload during the government shutdown.
- Coordination with USACE:
  - Regular communication with USACE to coordinate efforts regarding public meetings, responding to public comments through the website, and questions sought through the EA process.
- Legislative Outreach
  - Continued to communicate with federal congressional offices regarding authorization through WRDA & WRRDA.
- Community Outreach
  - There are two presentations planned for October. One to the West Fargo Exchange Club and the other to the Moorhead Kiwanis.
- Online and Media Presence
  - E-Newsletter Update: Published the September edition of FM Diversion newsletter. The newsletter is distributed to legislators from both North Dakota and Minnesota, as well as public and other stakeholders.
  - FMDiversion.com: The Diversion Project's public website is playing host to the Corps' EA, including the Corps responses to all submitted questions/comments.
  - Media Tracking: Continued to perform daily media tracking and distribution of media attention to the Project to project stakeholders, as well as producing bi-weekly media analysis reports.

# Land Management Summary

Date: October 10, 2013

## Acquisitions in Process

Location	Type	Activity	Land Mgt Firm/ Appraiser	Value <sup>1</sup>	Est.Closing Date
387 170 Ave SW, Moorhead <i>Medical Hardship</i>	Residence	Purchase Agrmt signed	KLJ/Hoefs	PP \$274,000	11/01/13
364 Schnell Dr, Oxbow <i>Medical Hardship</i>	Residence	Purchase Agrmt signed	KLJ/Hoefs	PP \$513,000	03/31/14

<sup>1</sup> PP-Purchase Price; AV-Appraised Value; includes relocation costs. Does NOT include outstanding special assessment or tax balances. Final amount paid will be based on the closing statements for each property.

## Acquisitions Completed

Property Type	Complete		Required	
	Properties	Acreage	Properties	Acreage
Single-Family Residential	4	n/a		n/a
<i>Subset: Medical Hardship</i>	3	n/a	n/a	n/a
Agricultural	--	--		
Commercial	--	--		
Multi-Family Residential	--	--		
Public	--	--		
Other	--	--		

## Acquisition Budget

Fiscal Year	No. Properties Acquired	Lands Budget (\$000)	Lands Expenses (\$000)	Remaining Budget (\$000)
FY13	4	\$19,300	\$	\$
FY14	--	\$37,700	\$0	\$37,700

## Other News

- Diversion Authority and Finance and Land Management Committees today will consider Decision Paper 32, which defines options for managing properties after acquisition. Copy provided for your information, no action necessary.
- CCJWRD closed on the 333 Schnell Drive, Oxbow property (former bank owned property) on Friday, September 20. Ownership of this property will be transferred to the Diversion Authority after the title abstract is delivered. HMG is developing a demo work package.
- Contract status, no change: CH2M HILL/AE2S have signed contract with CCJWRD. HMG and ProSource have accepted terms. Ulteig is considering terms.
- Government shut-down will delay action on the Water Resources Development Act. Best case scenario may be that WRDA is considered two weeks after shut down ends.
- Government shut-down has resulted in a no-travel order for USACE staff. USACE staff assigned to the Diversion Project remain on duty at this time, and we are coordinating by telephone.

*Management of Properties after  
Acquisition*

DECISION PAPER NO.: **DP-00032**

Date: 10/10/2013

**RECOMMENDATION FOR BOARD ACTION:**

Motion is made that the Board of Authority adopt the policies in this Decision Paper to manage properties acquired for the FM Diversion Project.

**SUMMARY OF DECISION TOPIC:**

Properties acquired to build and operate the Project require management, including options listed below. The appropriate option will be specific to each property, as determined by the Finance Committee, in consultation with the Land Management Committee. The ~~Finance Committee~~ Diversion Authority may use a combination of these options, or may develop a new property-specific option, if needed, to manage, sell and/or dispose of acquired properties.

Property Management – The Diversion Authority owned property will be managed appropriately for the type and use intended. The Diversion Authority or its designee will pay taxes and assessments; secure appropriate insurance; perform general maintenance; provide security, control access and use for recreational, agricultural, or commercial purposes; provide flood prevention; and control weeds and pests.

Sale or Disposal – The Diversion Authority properties not needed, in whole or in part, to construct or operate the Project may be sold or otherwise disposed of by appropriate means as allowed by law.

Rent/Lease – The Diversion Authority may lease properties in accordance with existing policy.

Relocate – The Diversion Authority may sell properties for relocation.

Demolish - The Diversion Authority may sell properties for salvage and demolition. Demotion materials will be disposed of and remediated as necessary by a qualified contractor. The Diversion Authority will reclaim or revegetate the site to a condition appropriate for future use intended by the Diversion Authority. In lieu of sale, the Diversion Authority may donate a property to a non-profit organization for salvage.

Flowage Easement – The Diversion Authority may place a flowage easement on property prior to sale.

**EVALUATION OF KEY FACTORS FOR DECISION MAKING:**

Basis for recommending approval of Decision Paper.

**ADVANTAGES:**

- a) Exercise fiduciary and other responsibilities arising from acquired properties.
- b) Address liability and risk associated with acquired properties.
- c) Properly manage physical assets to be a good neighbor.
- d) Properly manage physical assets to allow construction and operation of the Project.

**DISADVANTAGES:**

- a) Property management costs.

**Submitted by:**

\_\_\_\_\_  
Bruce J. Spiller, P.E.  
CH2M HILL  
Project Manager  
Fargo-Moorhead Area Diversion Project

\_\_\_\_\_  
Date

\_\_\_\_\_  
Brian C. Berg, Clay County Administrator  
Concur: \_\_\_\_\_ Non-Concur: \_\_\_\_\_

\_\_\_\_\_  
Michael J. Redlinger, Moorhead City Manager  
Concur: \_\_\_\_\_ Non-Concur: \_\_\_\_\_

\_\_\_\_\_  
Keith Berndt, Cass County Administrator  
Concur: \_\_\_\_\_ Non-Concur: \_\_\_\_\_

\_\_\_\_\_  
April Walker, Fargo City Engineer  
Concur: \_\_\_\_\_ Non-Concur: \_\_\_\_\_

\_\_\_\_\_  
Mark Bittner, Fargo Director of Engineering  
Concur: \_\_\_\_\_ Non-Concur: \_\_\_\_\_

\_\_\_\_\_  
Pat Zavoral, Fargo City Administrator  
Concur: \_\_\_\_\_ Non-Concur: \_\_\_\_\_

\_\_\_\_\_  
David Overbo, Clay County Engineer  
Concur: \_\_\_\_\_ Non-Concur: \_\_\_\_\_

\_\_\_\_\_  
Robert Zimmerman, Moorhead City Engineer  
Concur: \_\_\_\_\_ Non-Concur: \_\_\_\_\_