

**GARRISON DIVERSION CONSERVANCY DISTRICT**  
**AGRICULTURE AND NATURAL RESOURCES COMMITTEE**

**Carrington, North Dakota**  
**April 11, 2023**

A meeting of the Agriculture and Natural Resources Committee was held at the Garrison Diversion Conservancy District, Carrington, North Dakota, on April 11, 2023. The meeting was called to order by Chairman Mark Cook at 8:30 a.m.

**DIRECTORS PRESENT**

Board Chairman Alan Walter  
Committee Chairman Mark Cook  
Director Kelly Klosterman  
Director Brian Orn  
Director Donald Zimbleman  
Secretary Kip Kovar

**DIRECTORS ABSENT**

Director Bill Ongstad

**OTHERS PRESENT**

A copy of the registration sheet is attached to these minutes as Annex I.

The meeting was recorded to assist with compilation of the minutes.

**READING OF THE MINUTES**

**Motion by Director Walter to dispense with a reading of the July 12, 2022, Agriculture and Natural Resources Committee minutes and approve them as distributed. Second by Director Klosterman. Upon voice vote, motion carried.**

**MCCLUSKY CANAL IRRIGATION UPDATE**

Ryan Anderson, Engineer, Garrison Diversion, referred to the irrigation map included in the meeting materials illustrating the irrigation projects for 2023. This year, approximately 7,900 acres will be irrigated under the water service contract with the Bureau of Reclamation (Reclamation).

**2023 Irrigation Interest** - - Mr. Anderson stated he received several calls over the winter regarding potential new irrigation projects. He shared a map via PowerPoint showing the potential new irrigation project areas, which total approximately 6,500 acres. A couple projects toward the north would require obtaining water from Lake Audubon. Currently, ND Game &

Fish manages the land around the north side of the lake, and Garrison Diversion is working with Game & Fish to determine how to get the water across this property.

Mr. Anderson said the potential new irrigation is shown as seven separate projects. It is likely several of them could be grouped together to make a larger project.

Mr. Anderson added discussions are taking place with the Department of Water Resources (DWR) about the projects along the river and how the water permits will work and where the appropriations would come from. There are also ongoing conversations regarding the use of project use power and where that legislation stands in Washington, DC. Project use power would provide a large cost savings to the irrigators.

### **OAKES IRRIGATION RESEARCH SITE**

**Building Update** - - Kip Kovar, Secretary, referred to the revised plans and specifications included with the meeting materials for the proposed building to be constructed at the Oakes Irrigation Research Site (OIRS) and reviewed them with the committee.

Mr. Kovar stated the building is split into two sections. One section will be used for offices, meeting space and research areas. The other section includes a shop area and equipment storage. Garrison Diversion would provide funding for the insulated building shell, concrete flooring and any type of plumbing that would need to be installed at the time of construction. Oakes Enhancement has raised approximately \$44,000 to assist with heating and electricity for the building. North Dakota State University (NDSU) will provide funding for the rest of the building.

Director Klosterman said the \$44,000 raised by Oakes Enhancement will be transferred to Garrison Diversion to deposit into a building account for the OIRS building project.

Mr. Kovar commented the original cost estimate for the building was from several years ago and is no longer valid. The Agriculture Committee will probably need to go back to the full board to request extra funding for the building.

Mr. Kovar added the plans and specifications are in final format, and it is hoped to go out for bids within the next 30 days. Once bids are received, a recommendation will be made to the Executive Committee or the full board.

**HB 1020** - - Director Klosterman reported on funding status at the state legislature for the OIRS included in HB 1020, which is currently at \$600,000 this biennium or \$300,000 per year. This is a continuing appropriation. The bill has now gone back to the House to be voted on.

### **IRRIGATION REPAYMENT OPTIONS**

Mr. Kovar explained Garrison Diversion signed a 40-year water service contract in 2012 with Reclamation. After 40 years, the contract can be renewed; however, Garrison Diversion opted for and entered into a repayment contract. The advantage of a repayment contract is as soon as the debt is paid off, the irrigator is no longer underneath federal rules. Reclamation then determines from its spreadsheet the irrigator's ability to pay as debt repayment for the McClusky Canal and Snake Creek Pumping Plant. In the spreadsheet, it shows there is no ability to pay. It is then moved into a willingness to pay, which Reclamation determined would

be two dollars per acre for 40 years. This comes to \$80 per acre. It is then considered repaid and removes the irrigator from the federal rules.

Mr. Kovar commented when Garrison Diversion signed the repayment contract, a check was given to Reclamation for the existing 7,907 acres. By paying those off, the irrigator is no longer under the rule of the 1982 Reclamation Reform Act (RRA). One of those rules stipulated an irrigator could only irrigate up to 960 acres. That rule will no longer apply nor will all the paper work that went along with it.

Mr. Kovar said this information was provided to the Executive Committee, and they agreed to pay the \$632,560. The question referred to the Agriculture Committee is whether Garrison Diversion wants to recoup these funds and, if so, how much.

Mr. Kovar presented and reviewed five repayment scenarios based on a 130-acre pivot for the committee to consider. These scenarios illustrated repayment options where the landowner would reimburse Garrison Diversion 100%, 75%, 50%, 25% or 0%. A copy of the proposed scenarios is attached to these minutes as Annex II.

Mr. Kovar said the Agriculture Committee said the amount paid out to Reclamation was for existing irrigated acres; therefore, the committee also needs to determine how to handle any new acres.

Director Klosterman asked when would the irrigator be required to reimburse Garrison Diversion if the committee requests reimbursement.

Mr. Kovar replied some irrigators may want to pay Garrison Diversion back immediately. Some may want to stretch it out over their current 30-year contract.

Mr. Kovar stated any new acres would not be bought out. The irrigator would be required to start over on the new acres. The plan would be for the new projects to come up with a cost estimate and submit it to the State Water Commission with a 50 percent cost share request.

Tami Norgard, Vogel Law, provided advice on the repayment options and contract requirements.

The committee agreed Garrison Diversion pay half and the irrigator pay half; therefore, Garrison Diversion will pay one dollar for 40 years and so will the irrigator. This equals \$40 per acre based on a 130-acre pivot, which amounts to \$5,200 each. The irrigator should be responsible for any new irrigation going forward.

The committee also agreed Garrison Diversion will work with the individual landowner to determine what works best for them on the repayment terms.

**Motion by Director Orn to recommend seeking amended contracts with irrigators allowing Garrison Diversion to recoup 50 percent of its repayment investment of \$632,560 that was paid to the Bureau of Reclamation to the full board. Second by Director Orn. Upon roll call vote, the following directors voted aye: Cook, Klosterman, Orn, Walter and Zimbleman. Those voting nay: none. Absent and not voting: Ongstad. Motion carried.**

**PL-566 WATERSHED INITIATIVES**

Mr. Anderson said he has done a little research on alternative funding sources for farm programs/irrigators. The PL-566 Watershed Program is a Natural Resources Conservation Service (NRCS) program. The local NRCS office is unfamiliar with the program since it is fairly new. He will continue to look into this to determine what can be done with the program.

Mr. Anderson stated he also looked into the WaterSmart Program and discovered representatives from Reclamation's office in Billings will be at the board meeting later today to report on this program and the grants they have available.

**OTHER BUSINESS**

There being no further business to come before the committee, the meeting adjourned at 9:25 a.m.

(SEAL)

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Mark Cook, Chairman

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Kip Kovar, Secretary

# REGISTRATION

Agriculture and Natural Resources Committee  
GDCD  
Carrington, ND  
April 11, 2023

NAME	ADDRESS
Randy Ellis Reclamation	Bismarck ND
Kenny Rogers	Maxham
<del>Steve Metzger</del>	Cjtn - BDCD Foster Co.
Mark Cook	Kenworthy GDCD Kennebec
Ryan Anderson	GDCD
Lisa Schaper	GDCD
Lambly Cook	GDCD
Kp Kuhn	GDCD

Capital Repayment-willingness

\$	2.00 acre
	40 years
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\$	80.00

7,907.00 Current Acres  
\$ 632,560.00 Check to Reclamation

		Based on 130 Acre Pivot
<b>Scenario 1</b>		
Landowner pay 100%	\$ 80.00	\$ 10,400.00
GDCD pay 0%	\$ -	
<b>Scenario 2</b>		
Landowner pay 75%	\$ 60.00	\$ 7,800.00
GDCD pay 25%	\$ 20.00	\$ 2,600.00
<b>Scenario 3</b>		
Landowner pay 50%	\$ 40.00	\$ 5,200.00
GDCD pay 50%	\$ 40.00	\$ 5,200.00
<b>Scenario 4</b>		
Landowner pay 25%	\$ 20.00	\$ 2,600.00
GDCD pay 75%	\$ 60.00	\$ 7,800.00
<b>Scenario 5</b>		
Landowner pay 0%	\$ -	\$ -
GDCD pay 100%	\$ 80.00	\$ 10,400.00

How long do landowners have to repay? Same time period as landowner/GDCD water contract?  
 example signed 30yr contract, signed in 2011, 18 remaining  
 example signed 29yr contract, signed in 2022, 28 remaining