

MINUTES

North Dakota State Water Commission
Bismarck, North Dakota

May 19, 1983

The North Dakota State Water Commission held a meeting in the Lower Level Conference Room of the State Office Building, Bismarck, North Dakota, on May 19, 1983. Governor-Chairman, Allen I. Olson, called the meeting to order at 8:30 a.m., and requested Secretary, Vernon Fahy, to present the agenda.

MEMBERS PRESENT:

Allen I. Olson, Governor-Chairman
Garvin Jacobson, Member from Alexander
Ray Hutton, Member from Oslo, Minnesota
Alvin Kramer, Member from Minot
Guy Larson, Member from Bismarck
Henry Schank, Member from Dickinson
Bernie Vculek, Member from Crete
Vernon Fahy, State Engineer and Secretary, North Dakota
State Water Commission, Bismarck

MEMBERS ABSENT:

Florenz Bjornson, Member from West Fargo
Kent Jones, Commissioner, Department of Agriculture, Bismarck

OTHERS PRESENT:

State Water Commission Staff
Approximately 70 persons interested in agenda items

The attendance register is on file in the State Water Commission offices (filed with official minutes).

The proceedings of the meeting were recorded to assist in compilation of the minutes.

CONSIDERATION OF MINUTES
OF MARCH 15, 1983 MEETING -
APPROVED

The minutes of the March 15, 1983 meeting were not reviewed. The minutes were approved by the following motion:

It was moved by Commissioner Vculek, seconded by Commissioner Larson, and unanimously carried, that the minutes of March 15, 1983 be approved as presented.

CONSIDERATION OF MATTERS
PERTAINING TO SOUTHWEST
PIPELINE PROJECT
(SWC Project No. 1736)

Michael Dwyer reviewed the following legislation that was passed by the last session of the Legislature pertaining to the Southwest Pipeline Project:

S.B. 2251 authorizes the project and provides that if industrial water is sold from the pipeline that the minimum payment that any industry would have to make would be at least the proportionate cost based on the users proportionate share of the water that passed through the pipeline; S.B. 2032 allows for a \$6 million appropriation for final design and right-of-way acquisition and other necessary things to prepare for the construction of the project and that 40 percent of the engineering be awarded to North Dakota engineers; and S.B. 2342 provides for a bond issue to fund construction of the project. Mr. Dwyer then provided the Commission members with an analysis of the Resources Trust Fund.

In discussion of the selection of an engineer for the final design of the Southwest Pipeline Project, Secretary Fahy indicated that representatives from six engineering firms within the State of North Dakota were contacted and discussed specifically three options that could be available in the selection of the engineer: 1) Solicitation of proposals from all engineering firms, and an award of contract based on an evaluation and selection procedure similar to the procedure used in 1981; 2) Negotiation of a contract with Bartlett-West/Boyle with the provision that 40 percent of the fees be paid to in-state firms. Bartlett-West/Boyle would select the in-state firms to work with them in meeting this condition; and 3) Selection of Bartlett-West/Boyle as the primary engineer for the Commission, with that firm performing up to 60 percent of the final design. The Commission would then go through an evaluation and selection process with in-state firms and contract with individual firms for the remaining 40 percent of the work.

Secretary Fahy briefly reviewed some of the comments that had been expressed by the engineering firms that were contacted and stated that the general consensus seemed to favor option No. 2 with Bartlett-West/Boyle being the primary engineer and with that firm selecting the subcontractors. Written comments have been received from the engineering firms of KBM, Inc. of Grand Forks and from Houston Engineering, Inc. of Fargo urging the Commission to proceed with option No. 2.

Secretary Fahy recommended that the Commission consider option No. 2 stated above in its selection of an engineer for the final design phase of the project. If the Commission approves this option to negotiate with Bartlett-West/Boyle, Secretary Fahy stated they should be asked to identify the separable components of the project that could be done by in-state firms, and then the Commission would review their identification of the components and make the final decision concerning those components. The Commission would allow Bartlett-West/Boyle to proceed with the selection of the subcontractors based on their own criteria, and subcontractors would then have to be approved by the Commission office, the same as was done under the current effort.

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In response to the recommendation, Bruce McCollom, Project Manager for Bartlett-West/Boyle Engineering, stated that the joint venture is ready, willing and able to help in whatever manner they can and assured the Commission that they would put their best interest of the State of North Dakota and the State Water Commission first and foremost. Mr. McCollom stated that he felt option No. 2 is doable and that the joint venture can work with the State engineers to accomplish the goals. He did indicate that he couldn't be specific at this time until the scope of work is better defined and some of the questions that will have to be looked at later as to exactly what portions would be subcontracted.

Commission members expressed concern regarding additional costs involved for subcontracting components of the work and some of the complications of enforcement that 40 percent of the work be subcontracted to in-state engineering firms.

It was moved by Commissioner Schank, seconded by Commissioner Kramer, and unanimously carried, that the State Water Commission negotiate a contract with Bartlett-West/Boyle Engineering as the primary engineer for the final design of the Southwest Pipeline Project with the provision that 40 percent of the engineering fees be allocated to in-state engineering firms.

Mr. Dwyer briefed the Commission members on the status of alternative sites that are being studied for the intake location. One of the alternatives being studied would be to locate the intake site on the Fort Berthold Indian Reservation, and Mr. Dwyer said that June 3, 1983 has been scheduled to meet with the Three Affiliated Tribes to address present legal issues and respond to their proposal that there would be a 50 percent share of construction cost savings for the shorter pipeline for the Indian intake location and based on current cost estimates, this would be approximately \$3 million dollars.

It was the consensus of the Commission members that staff continue studies of alternative sites for the intake location and that a recommendation be brought to the Commission for their consideration by September, 1983.

Robert Dorothy stated that six cities did not sign water service contracts. The pipeline capacity allocated to these six cities amounts to 9.5 percent of the total capacity of the intake structure. He said that although it would seem reasonable that the reduction in demand would result in smaller pipe and reduced construction costs; however, other factors such as pipe friction often dictate no change in pipe size even though the capacity demand has been reduced.

It was recommended that the final design capacities remain essentially the same as those used in Plan B of the Preliminary Design Final Report.

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It was moved by Commissioner Larson, seconded by Commissioner Vculek, and unanimously carried, that the final design capacities remain essentially the same as those used in Plan B of the Preliminary Design Final Report.

Mr. Dorothy explained that because certain cities have formally advised the State Water Commission that they do not wish to participate in the Southwest Pipeline project and declined to sign water service contracts, there is an opportunity to delete certain segments of the pipeline system that were intended to service those cities. There are approximately 47 miles that could be considered for deletion which represents approximately 13 percent of the 365 miles in Plan B, and if deleted, would affect significant savings in both design and construction costs. Mr. Dorothy said that Section 3 of S.B. 2251 provides authority for the State Water Commission to eliminate construction of any segment of Plan B if the water user entities do not execute water service contracts.

It was recommended that the Commission consider deleting the following segments from the final design phase of Plan B: Beulah Extension - 11.9 miles; Killdeer-Dunn Center Extension - 22.5 miles; and Hebron to Glen Ullin segment - 12.6 miles.

It was moved by Commissioner Larson, seconded by Commissioner Vculek, and unanimously carried, that the following segments as stated in the recommendation be deleted from the final design phase of Plan B.

Secretary Fahy briefly discussed the possibilities of including industrial use in the design system of the Southwest Pipeline Project, but indicated at this time there are no bona-fide prospects for industrial use.

Governor Olson indicated that Tenneco Coal Company has been tentatively involved in seeking water from the Yellowstone River for a gasification plant near Wibaux, Montana. While the plant would be located in Montana, much of the coal resource available to that plant would be on the North Dakota side of the border. The Governor noted that studies and indications reveal that a significant portion of the impact of the construction and operation of that plant, if it ever materialized, would be in the Beach, North Dakota area. He said it seemed logical that because of North Dakota's involvement in the Yellowstone River Compact, one of the three states that make up the Compact dealing with the use of water in the Yellowstone Basin, and the difficulties that have been presented in Montana regarding in-stream flows for irrigation, and the whole issue of inter-basin transfers and the issues that flow around this proposal for Wibaux, that there is the possibility that Tenneco Coal Company might eventually be interested in involvement in the Southwest Pipeline Project. He indicated clearly that there have been

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no agreements in this matter, but Tenneco has indicated their interest in an alternative site for their plant on the North Dakota side of the border near Beach.

Mr. Dennis Sandberg, Tenneco Coal Company, informed the Commission members that because of the Company's involvement in a current project, a decision will not be made to embark on the proposed plant referred to until approximately 1987.

DISCUSSION OF PROPOSAL
FOR AN UPPER BASIN
STATES COORDINATION
COMMITTEE
(SWC Project No. 569)

Secretary Fahy discussed a proposal for an Upper Basin States Coordination Committee, which would be comprised of representatives of the Governors of each of the Upper Basin States to look at from an

upper basin standpoint those things in the Missouri River Basin that are common to all the upper basin states. The representatives would meet at least periodically to review progress in each of the states.

Secretary Fahy indicated that the first technical meeting of representatives of the Governors will be held on June 7 and 8, 1983 in Billings, Montana. WESTPO will be meeting in Bismarck in August, and if at all possible, Secretary Fahy said he hoped there will be something fairly concrete on an Upper Basin States Coordinating Committee at that time.

REPORT BY GOVERNOR OLSON
ON MEETING IN SASKATCHEWAN
TO DISCUSS PROPOSED RAFFERTY DAM
(SWC Project No. 1408)

Governor Olson reported on a meeting with Saskatchewan members of the Boundary Committee to discuss the potential for Rafferty Dam. He said that Premier Devine

requested the Saskatchewan Power Commission to give an update on their power generation and water needs in the Estevan area for the 1980's and the indication from the preliminary study is that there could well be a need for a reservoir such as Rafferty Dam in the mid-1980's. A meeting has been scheduled for late June with the members of both Saskatchewan and North Dakota members of the Boundary Committee to meet in Estevan to take a look at a possible dam location and to discuss the matter with the people in the area. The Governor indicated that the first formal meeting of the Boundary Committee will be held in Minot about September 1, 1983 to take a more comprehensive look at the proposal. The Governor indicated that he is very encouraged and is getting full support and cooperation from Saskatchewan.

Commissioner Kramer indicated that the proposed Rafferty Dam could be a partial solution for flood control problems in the Souris Valley and he, too, is very encouraged with the negotiations that are taking place.

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SITUATION REPORT ON
DEVILS LAKE LEVELS
AND AREA FLOOD PROBLEMS
(SWC Project No. 1712)

At 10:30 a.m., the State Water Commission and the State Emergency Commission convened in joint session. Members of the State Emergency Commission present were

Senator Evan Lips and Representative Charles Mertens. The purpose of the joint session was to receive a report on the Devils Lake levels and area flooding problems, and for the State Emergency Commission to consider a request filed by the State Water Commission for \$25,000 to protect the Devils Lake city sewage lagoons against rising water levels of Devils Lake. Work will involve the purchase, hauling and placement of stockpiling of rock riprap materials and may involve increasing the dimensions of the road-dike.

Dave Sprynczynatyk updated the Commission members on the flood control problems around Devils Lake indicating that Devils Lake has increased about $1\frac{1}{2}$ feet since last fall and on May 10, 1983 the elevation was at 1428.02 msl. The lake is expected to peak at 1428.5 msl in June, 1983 based on normal precipitation. The level could increase above 1428.5 msl with above normal precipitation. At 1428 msl, Devils Lake has a surface area of approximately 56,000 acres and is nearly 40 miles long.

Mr. Sprynczynatyk discussed some of the severe flood damages that have occurred to roads around Devils Lake. The major concern of the City of Devils Lake at this time is the sewage lagoons. Water is near the top of the lagoons (1432) on the inside and only about $4\frac{1}{2}$ feet lower on the outside. The inside of the lagoons are riprapped but the outside is not protected and erosion problems are beginning to develop. The city is pumping across Dump Ground Road to reduce the water level around the lagoons. The State Health Department has also given the city approval to discharge from the lagoons.

Other problems occurring in the area are: high ground-water levels which are causing problems in many basements in the city; erosion problems accelerating on Dump Ground Road due to excessive winds; the city's water line from the Warwick aquifer is under water near Highway 20 - no problems will occur unless there is a pipeline break which will be difficult to repair; agricultural land flooding is becoming a great concern around Devils Lake - at its current elevation the lake has an area of 56,000 acres and since last fall an additional 3,000 acres has been inundated; a resort area of Lakewood on Creel Bay is experiencing rather severe impacts due to the loss of real estate; the lagoon for the City of Minnewaukan has a top elevation of 1436 msl and a toe elevation of 1428 msl and water is beginning to creep up the side of the lagoon; and Camp Grafton serves as the main training area for the National Guard and is beginning to have significant problems.

Mr. Sprynczynatyk stated that the Corps of Engineers is continuing work on two flood related studies for Devils Lake. A Section 205 study is underway concerning temporary protection for the City of Devils Lake. The project involves a dike across Creel Bay to protect the city from lake levels to 1440 msl. The project also includes ponding areas as an interior pumping system for controlling local runoff and seepage flows. The cost estimate has recently been

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reduced to \$1.6 million. The Corps is considering accelerating construction of the permanent dike to begin in 1984.

The Corps is also conducting a long-range study entitled "Justification for a Feasibility Study for Devils Lake" which will be used to 1) determine whether a feasibility study of possible outlets should be made; and 2) determine what types of hydrology and water quality studies need to be completed. The justification study will inventory the structures around the entire lake. An evaluation of possible hydrology models along with some preliminary hydrology will also be completed. A draft of the justification study should be available by September, 1983. The time frame for a feasibility study will depend upon the results of the Justification Study and upon funding.

Mr. Ron Affeldt, Director of Disaster Emergency Services, elaborated on problems that are occurring in the Devils Lake area, and indicated that it is hoped the Corps will accelerate construction of the Section 205 project. Recommendations suggested by Mr. Affeldt include: 1) push for completion of this project, that a cofferdam can be constructed this fall, and that construction of the dike on Dump Ground Road can begin next spring; 2) complete raising on Highway 20 and Woods Rutten Road; 3) that a State Water Commission meeting can be scheduled in Devils Lake in either July or August; 4) follow-up by locals and the State Highway Department to try and include in Declaration a provision to keep road from Minnewaukan to Ziebach's Pass recreation area in service; and 5) go post-haste in finalizing study-penciled type work to get an outlet over to Stump Lake.

In response to Mr. Affeldt's recommendation to schedule a meeting in Devils Lake, Secretary Fahy indicated that an invitation has been received from Mr. Russ Dushinske for the Commission to meet in that city and tour the problem areas. It was the consensus of the Commission members that this meeting be scheduled in July, 1983.

Mr. Gordon Berg suggested that other agencies that are involved should also be invited to the meeting. He stated that he felt the ultimate solution is to set a lake level.

The Commission members then heard from Colonel Edward Raap of the St. Paul District Corps of Engineers, as he discussed the history of the Devils Lake Basin and showed through graphs the climatic changes comparing Devils Lake and the Great Salt Lake.

Colonel Raap indicated that in considering solutions to solve problems in Devils Lake, caution should be taken not to create problems elsewhere and recommended a longer term study. He also said we should not panic into instantaneous solutions that some day in the future may be regretted.

The Colonel then discussed some of the key issues that have been reported as an emergency. In order to get the Federal Government involved, there are several issues that would have to be resolved: 1) the immediacy of the threat to Dump Ground Road. He said the immediacy to Dump Ground Road is in the next year and could defend

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the road to elevation 1429 at a very low cost, but looking at the history, he felt there are other alternatives.

He discussed the State's capabilities to build a cofferdam across Creel Bay at a cost between \$15,000 and \$150,000 depending on how many years the cofferdam is to stay in place. It could protect the elevation at about 1433 msl which would provide about 5 to 10 years of protection. He said there are some areas in the Basin that cannot economically be protected to elevation 1433 msl because the benefits would not repay the public costs.

In discussing future capabilities, Colonel Raap said that if Dump Ground Road becomes an emergency this summer, there is the capability of the National Guard. He complimented the State agencies on their flood fight in the area. In conjunction with a Corps Section 205 project, the city must do some floodplain management work and the State must do work for the rest of the Basin below the meander line, which is 1435 to 1437.

Colonel Raap indicated that Federal assistance is available depending upon the threat. Thus far, Federal assistance that has been given in this area is technical advice and pumps to keep the water level in the upper end of Creel Bay on the east side of Dump Ground Road lower.

Regarding the Section 205 Corps project concerning temporary protection for the City of Devils Lake, Colonel Raap indicated that the Corps has accelerated the report completion. The draft report was scheduled for completion in July of 1983 and it has been accelerated to the end of June, 1983. He stated that the draft report will be available to the Commission at their July meeting in Devils Lake. The final report has been accelerated from February, 1984 to August, 1983. The Corps of Engineers will spend money to do the plans and specifications for the Section 205 project and has been accelerated for completion from December, 1984 to August, 1983.

Relative to the cofferdam construction, Colonel Raap indicated this project has been accelerated from April, 1985 to October, 1983, and is proposing project construction completion from July, 1986 to July, 1985.

Colonel Raap said it is important to conduct a basin-wide study and preliminary reconnaissance study which has been accelerated for completion August, 1983. The report will be available before the cofferdam is built and started direction towards Section 205 project. This report will indicate what the likely options are that might have benefits exceeding costs for addressing the larger problems. He said the more detailed studies for the entire Basin cannot be completed until 1985.

The Colonel recommended that the State defend at elevation 1429 msl. He said that it appears by all Corps expectations that the water this summer will not rise above 1428.5 msl, but

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there is always the possibility that it may. So far in May, the water rainfall has been less than normal and that may not continue. Normally in June, the evaporation exceeds the runoff. He said the upper basin areas are fairly dry and could take an inch of rain right now and not have appreciable runoff into the Basin. The Colonel said there is no reason for panic at this time but certainly feels there is reason to begin moving on defending at elevation 1429 msl at Dump Ground Road, Section 205 project, and accelerated Basin-wide study.

General Murry responded to the manner in which the National Guard could handle an emergency situation: 1) emergency method at which the Governor has at his command; and 2) training project from the National Guard, which he explained does have some constraints in that funds that are being used are primarily that of the Federal Government. Army regulations has a criteria stating that in enforcing training projects, the National Guard may not compete with private business and private labor.

Duane Liffbrig, State Highway Commissioner, said that the Highway 20 project is underway and that the Woods Rutten Road project is scheduled for bid letting on May 25, 1983. Clearance has been obtained to go into an emergency-type construction and the contract indicates that the successful bidder start construction within 72 hours after award of bid. He said there is also a provision in the contract indicating that in the event the winds would come up again and threaten what remains of the Woods Rutten Road, they can go into an emergency-type force account construction to preserve what remains of that road.

Francis Schwindt, State Health Department, indicated that his Department is concerned about the impacts of the rising water levels on the sewage facilities and picnic facilities. If the water level continues to rise and is allowed to lap against the outside dikes, it can cause some severe erosion on the unprotected slopes. There is also a problem of the facilities being able to discharge with water levels up as high as they are and the city would then end up having to pump from those facilities.

Doug Eiken, State Parks and Recreation, indicated his Department is in the process of completing an access road in east bay. There has been some damage, not necessarily from the rising water, but from wind-water erosion. There has been loss of public access to the lake itself as the water rises.

Governor Olson explained the statute requires four members of the State Emergency Commission be present to take action on any request; therefore, the request filed by the State Water Commission for the appropriation of \$25,000 for protection of the Devils Lake sewage lagoons against the rising water levels of Devils Lake would be deferred.

Governor Olson suggested, and it was the consensus of the joint Commission members, that a resolution be adopted and sent to the Chief of Engineers urging the acceleration of the

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Section 205 project for Devils Lake and that copies be forwarded to the Congressional delegation.

Commissioner Kramer suggested that the resolution include language commending Colonel Raap for his efforts in accelerating the project's time table.

It was moved by Commissioner Kramer, seconded by Commissioner Lips, and unanimously carried, that the joint Commission's adopt a resolution to the Chief of Engineers supporting the acceleration of the Section 205 project for Devils Lake. (Resolution No. 83-5-417, Urging Accelerated Construction - Devils Lake Flood Control Features)
See APPENDIX "A"

Mayor Dennis Riggin of Devils Lake expressed his appreciation to the State Water Commission for expediting what they have already done towards the project. He indicated he feels that there is an imminent danger to the landowners.

Homer Engelhorn, Garrison Diversion Conservancy District, indicated that the Conservancy District has a substantial investment in the land and facilities at Ziebach's Pass and Highway No. 2. The District is vitally concerned about what happens to the lake, especially the roads leading into the facilities.

The joint Commission meeting adjourned at 11:45 a.m. The State Water Commission meeting reconvened at 1:30 p.m.

APPEARANCE BY A.C. MORK
CHAIRMAN OF BOMMM BOARD
TO REVIEW ACTIVITIES OF
GROUP IN PROMOTING MISSOURI
RIVER BANK STABILIZATION WORK
(SWC Project No. 576)

A.C. Mork, Chairman of the Burleigh-Oliver-McLean-Mercer-Morton Board, appeared before the Commission members to discuss Missouri River erosion. He explained that the purpose of the BOMMM Board

is to specifically monitor bank stabilization and promote those remedial functions that can be promoted relative to control of bank erosion on the Missouri River. He introduced the following members of the Board: Oliver Light, Oliver County Water Resource Board; Bert Neideffer, Burleigh County Water Resource Board; Fred Galloway, Mercer County Water Resource Board; and Ivan Boe, McLean County Water Resource Board. He said that the purpose of their appearance is to update and inform the Commission of the problems, suggest future actions that the Board may take, and to get advice from the Governor and the Commission regarding future course of action.

Mr. Mork explained that ever since Garrison Dam was closed in 1952 the clear water has had a greater carrying capacity for soil, and thereby eroding tremendous amounts of good useable bottomland. The silt is then redeposited after it is sorted out and some

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remains on the sandbars and the rest goes on downstream into the headwaters of the Oahe Reservoir. There it is building a delta which is raising the bottom of the Missouri River and has caused, or at least aggravates ice jams in the spring and is raising the water tables in south Bismarck. He noted that the mouth of the Heart River which flows into the west is in the same area where this large amount of silt is being deposited. He stated there are a lot of problems ahead and because of the situation, he feels the Corps is somewhat reluctant to run the Oahe Reservoir as high as they should.

Three appropriations and programs have been received for bank revetment work. Two were built downstream and have served very successfully, and the third is a demonstration research program. The Corps of Engineers and the State Water Commission have identified 34 sites that are in need of protection. The State Water Commission and the local water resource districts have signed maintenance agreements on these projects. Mr. Mork said approximately 80 acres are lost a year along the Missouri River in North Dakota.

He said that since this problem began, there has been tremendous support by the State of North Dakota for federal funding of the stabilization and maintenance. For the past three years, a lot of work has been done and locals are now working very closely with the State Water Commission to resolve this problem. A resolution was introduced by the BOMMM Board during the last session of the Legislature, and passed, urging the Federal Government to re-evaluate the program and to look towards some way to finance the construction and maintenance. Estimates to complete the project are approximately \$10 - \$20 million. Maintenance could be approximately \$300,000 per year.

A course of action suggested by Mr. Mork is to develop strong ties with South Dakota and Nebraska and if we become involved with other states, he suggested that the State Water Commission should take more of a leadership role in the efforts.

Secretary Fahy responded that bank stabilization is one of the Corps highest priorities but only in the part of the stream subject to navigation. The lowest priority above Sioux City for the Corps is bank stabilization. Also the fact that up until 1949, bank stabilization in this reach of the river was a part of the Pick-Sloan Act. The files are not clear as to why in 1949 that was dropped from the project element. Secretary Fahy indicated that the amalgamation of citizen forces is probably one of the most important developments we can have towards finding a solution to this problem. State agencies can do a lot in this regard by writing letters and pressuring, but until you get the people actively involved on the local level and get them interested in the problem, you can't make much progress. He stated that through the efforts of the BOMMM Board and other upstream organizations, hopefully there can be some federal assistance for the problem.

STATUS REPORT ON STATE WATER
COMMISSION CONTRACT FUND
(SWC Project No. 1)

Secretary Fahy provided an analysis of the State Water Commission Contract Fund for the biennium, and indicated that a total of \$191,905

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could be made available for projects.

CONSIDERATION OF REQUEST
FROM RICHLAND COUNTY WATER
RESOURCE DISTRICT FOR COST
PARTICIPATION IN RICHLAND
COUNTY DRAIN NO. 8
(SWC Project No. 1748)

Secretary Fahy presented a request for the Commission's consideration received on behalf of the Richland County Water Resource District for cost participation in the reconstruction of Richland County Drain No. 8. The drainage permit for

this project has been approved by both the State Engineer and the Water Resource District and the purpose of the project is to improve the hydraulic capacity of the drain. The total cost of the project is \$105,826. Project costs eligible for cost-share items are \$72,159. The recommendation of the State Engineer is that the Commission consider cost participation in 40 percent of the eligible items, not to exceed \$29,000, contingent upon the availability of funds.

Mr. Duane Breitling, representing the Richland County Water Resource Board, introduced the following: Aaron Heglie, Walcott; Jordan Haugen, Walcott; and Bernie Rydell, Wahpeton.

Mr. Breitling stated that he is very much aware that the Commission is concerned about continued drainage and nothing else is done. He pointed out that the Richland County Water Resource Board is likewise concerned and recently approved through the Red River Joint Board a water retention facility located in the county, completed in conjunction with the Southeast Cass Water Resource Board the hydrologic study of the Wild Rice River for the purpose of delineating construction sites for retention facilities that are in the preliminary stages, and they are also looking at a significant retention facility on the Wild Rice River.

It was moved by Commissioner Hutton, seconded by Commissioner Vculek, and unanimously carried, that the State Water Commission approve cost participation in the reconstruction of Richland County Drain No. 8 and participate in 40 percent of eligible items, not to exceed \$29,000, contingent upon the availability of funds.

CONSIDERATION OF REQUEST
FROM SOUTHEAST CASS WATER
RESOURCE DISTRICT FOR COST
PARTICIPATION IN CASS COUNTY
DRAIN NO. 35
(SWC Project No. 1086)

Secretary Fahy presented a request for the Commission's consideration received on behalf of the Southeast Cass Water Resource District for cost participation in the reconstruction of a portion of Cass County Drain No. 35. He explained

that the reconstruction of the project has been undertaken in two phases: Phase I included the reconstruction of portions of the lower end of the channel and the construction of an outlet structure at the confluence to the Sheyenne River. Phase II includes the reconstruction of the upper

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portions of the channel. The estimated cost for Phase II is \$97,870 and indicated that all construction costs associated with this estimate are eligible for cost participation.

It was recommended by the State Engineer that the Commission consider cost participation in 40 percent of the actual costs, not to exceed \$39,150 and contingent upon the availability of funds.

Duane Breitling, representing the Southeast Cass Water Resource District, indicated this is a project previously considered by the State Water Commission and approved on a phased basis primarily because maintenance levees on the local basis are not available in a sufficient amount to do the project all at one time. He said this is a controlled outlet discharge facility and has a large gated, manually operated system backed approximately one-fourth mile from the Sheyenne River which serves two purposes: 1) precluding water from backing out and flooding the local area because basically the outlet is a natural water course; and 2) to regulate when there are high flow situations and back out situations to the Sheyenne River precluding discharging as well.

It was moved by Commissioner Hutton, seconded by Commissioner Vculek, and unanimously carried, that the State Water Commission approve cost participation in the reconstruction of a portion of Cass County Drain No. 35, and participate in 40 percent of the actual costs, not to exceed \$39,150 contingent upon the availability of funds.

CONSIDERATION OF REQUEST
FROM CITY OF FARGO FOR
COST PARTICIPATION FOR
THE REPAIR OF THE FARGO
FOURTH STREET DAM
(SWC Project No. 583)

Secretary Fahy presented a request for the Commission's consideration received on behalf of the City of Fargo for cost participation in the repair of the Fargo Fourth Street Dam. He indicated that because of a scour problem, the banks have begun

to subside and there has been some erosion occurring that is endangering the integrity of the dam. The purpose of the dam is to provide storage and a pumping pool for the water supply for the City of Fargo. The cost for repairing the dam is estimated at \$60,000.

It was the recommendation of the State Engineer that the Commission consider approving 50 percent of the cost of repairs of the Fargo Fourth Street Dam not to exceed \$30,000 and contingent upon the availability of funds.

Mr. Dennis Walaker, Project Engineer for the City of Fargo, indicated that the dam was constructed by the Corps of Engineers in the early 1960's with the city doing the maintenance on the dam. The Corps has made their annual inspection on the protection dike that protects downtown Fargo. He proceeded to explain the

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procedure that will be used in the repair work.

It was moved by Commissioner Larson, seconded by Commissioner Jacobson, and unanimously carried, that the State Water Commission approve cost participation in the repair of the Fargo Fourth Street Dam participating in 50 percent of the actual cost of the project not to exceed \$30,000, and contingent upon the availability of funds.

CONSIDERATION OF REQUEST
FROM HETTINGER PARK BOARD
FOR COST PARTICIPATION IN
THE RESTORATION OF
MIRROR LAKE
(SWC Project No. 420)

Secretary Fahy presented a request for the Commission's consideration on behalf of the Hettinger Park Board requesting cost participation in the restoration of Mirror Lake. He indicated that Mirror Lake was constructed as a water supply for

the railroad in 1909. Since that time, the lake has also served as a recreation area for the residents of the City of Hettinger.

Over the past 30 years, the 70-acre lake has experienced a tremendous amount of sedimentation. Beginning in 1956, the city of Hettinger and the State Water Commission began to investigate the feasibility of removing some of the sediment deposition from the bottom of the lake. This was being studied in order to increase the average depth of the lake and also to enhance the water quality of the lake.

In 1979, the State Water Commission completed a preliminary engineering report for the city and the report determined that there were at least six alternatives available for restoration and that the city would have to decide which one was most favorable. The city has worked with other state agencies and the Environmental Protection Agency in attempting to undertake this project. The current cost estimate to restore the lake to an average depth of approximately 7 feet is \$500,000. Recently, the EPA granted \$150,000 for this project.

It was the recommendation of the State Engineer that the Commission consider cost participation in 20 percent of the cost of the project, not to exceed \$100,000 and contingent upon the availability of funds. It was also recommended that only \$50,000 be contributed from the State Water Commission Contract Fund and that the remaining \$50,000 be provided in engineering services as required.

Mr. James Goplin, Park Board member for the City of Hettinger, expressed thanks to the State Water Commission for the work they have already done on the project. He said this has been a 30-year project and the lake in relationship to the community is not important only for its beautification but it is used and has been used in the past extensively for recreation and for a fishery. The trade area well

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benefits and from its location on the highway is successful year around. The city is obtaining permits for the disposal areas. Mr. Goplin stated that \$60,000 of the \$100,000 projected as local share of the costs have been collected at this time.

It was moved by Commissioner Schank, seconded by Commissioner Kramer, and unanimously carried, that the State Water Commission approve cost participation in the restoration of Mirror Lake and participate in 20 percent of the cost of the project, not to exceed \$100,000, of which \$50,000 shall be contributed from the State Water Commission Contract Fund and \$50,000 shall be provided in engineering services as required. This motion is contingent upon the availability of funds.

CONSIDERATION OF REQUEST
FROM CAVALIER COUNTY WATER
RESOURCE DISTRICT FOR COST
PARTICIPATION IN PHASE II
OF MULBERRY CREEK
(SWC Project No. 1438)

Water Commission on November 19, 1980.
\$53,808.

Secretary Fahy presented a request for the Commission's consideration for cost participation in the construction of Phase II of Mulberry Creek Drain project. Cost participation in Phase I of the project was approved by the State Water Commission. The estimated cost for Phase II is

It was the recommendation of the State Engineer that the Commission consider cost participation in 40 percent of the actual costs of the construction of Phase II of Mulberry Creek Drain not to exceed \$20,000 and contingent upon the availability of funds.

It was moved by Commissioner Larson, seconded by Commissioner Hutton, and unanimously carried, that the State Water Commission approve cost participation in 40 percent of the actual costs for the construction of Phase II of Mulberry Creek Drain, not to exceed \$20,000, and contingent upon the availability of funds.

CONSIDERATION OF REQUEST
FROM GOLDEN VALLEY COUNTY
COMMISSION FOR COST
PARTICIPATION IN A GOLDEN
VALLEY IRRIGATION STUDY
(SWC Project No. 1279)

Secretary Fahy presented a request for the Commission's consideration on behalf of the Golden Valley County Commission for cost participation in a proposed feasibility study for an irrigation project in Golden Valley County.

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The estimated cost to do this study is \$24,000 and would be completed by December 15, 1983.

The proposed study would investigate the potential water capabilities and land availability for irrigation and would develop a preliminary design concept for irrigation use in Golden Valley County. The results would be utilized to establish the practicality and cost effectiveness for an irrigation project. The study would analyze stream yields and the potential for impoundments on Beaver Creek, Elk Creek, Williams Creek, and Bullion Creek. Also, the feasibility of diverting water from Lake Sakakawea will be considered as well as the potential for utilization of the existing Odland Reservoir.

The proposal is for the Roosevelt-Custer Regional Council to administer the study, and it is their intent to solicit proposals from firms to do the actual work.

This request is somewhat similar to the request received in 1982 from the Dunn County Water Resource District, which was the first of its type to be presented to the Commission. The action taken by the Commission on April 6, 1982 was to approve cost participation in 40 percent of the cost for a pilot project study. Subsequent to this action, the Dunn County request was withdrawn and the project was dropped.

It was the recommendation of the State Engineer that the Commission consider cost participation in 40 percent towards this project, not to exceed \$9,600. As indicated in the request, the Department of Agriculture will be contacted for contribution of funds, and depending on whether or not this Department contributes funds, the amount of State funds in the project should not exceed 50 percent of the total project costs. Cost participation is contingent upon the availability of funds.

Mr. Don Abernethy, Chairman of the Golden Valley County Commission, indicated that there is somewhat of a rush on the project on their part since Beaver Creek is the number one priority for water. He indicated there is a new State highway being built next spring so there could be consideration given for an impoundment rather than a bridge.

It was moved by Commissioner Jacobson, seconded by Commissioner Larson, and unanimously carried, that the State Water Commission approve cost participation in a proposed feasibility study for an irrigation pilot project in Golden Valley County up to 40 percent of project costs, not to exceed \$9,600. This motion is contingent upon the availability of funds.

CONSIDERATION OF AGENCY
FINANCIAL STATEMENT

Matt Emerson, Assistant Secretary
for the State Water Commission,
presented and discussed the

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agency's financial statement. He indicated that the funds that have been expended thus far in the biennium in the various accounts are in line with the percentage of time that has elapsed.

APPEARANCE BY DAVID HARRISON,
HUBERT HUMPHREY INSTITUTE OF
PUBLIC AFFAIRS AT UNIVERSITY
OF MINNESOTA, TO DISCUSS
RESEARCH PROJECT OF STUDYING
WATER MANAGEMENT IN RED RIVER
VALLEY

The Commission heard a presentation from Mr. David Harrison of the Hubert Humphrey Institute of Public Affairs at the University of Minnesota, regarding a research project in the Red River Valley that he is conducting and tentative arrangements for a fall conference

that is designed to discuss perceptions of the Red River Valley water issues. His study is designed to weigh how people directly affected by water management decisions perceive the policy process. He said traditional water management directed "from the top down" has failed to meet peoples' needs and a more responsive policy should instead be generated from the "bottom up" at the grassroots levels. He stated that water management agencies should not be making public policy because they are not affected by the decisions but instead he said they should implement policy made by general-purpose local governments.

Mr. Harrison stated that the three main goals for the fall conference are: 1) to see if people are serious about governing our river, its tributaries and drainage basin as a shared resource; 2) to help us think about how to build a water policy process for the Red River Valley as a whole; and 3) to find out if we are willing to establish the viability of the process and the effort to build it by investing something in it. He said if we progress towards shared perception, if we assert the need for governments, and acknowledge our responsibility for a Valley-wide scale, and if we commit ourselves financially to exploring ways of providing, the Conference will then produce its most important product - the viability of going forward.

Mr. Harrison requested that the Commission consider providing representation on a governing board for the project as a whole and representation on a planning committee now being organized by the Valley-wide conference in the fall. He indicated that an invitation will be forwarded to the Commission at a later date.

ENGLISH COULEE PROJECT
(SWC Project No. 1351)

Dave Sprynczynatyk explained that on June 17, 1982, the State Water Commission approved its share of \$1

million of the total Three Phase English Coulee project. Subsequent to that action, the State Water Commission entered into an agreement with the city of Grand Forks and the Grand Forks County Water Resource District stating that the parties agreed that the \$1 million of Commission funds would be used to design and construct as much as possible of the diversion channel. The Board and the city agreed to fund and construct the remaining portions of the project which would include a diversion structure and a dam.

Mr. Sprynczynatyk stated that since

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the time of the agreement with the city and county, the Commission has expended approximately \$85,000 for engineering services for the final design of this project. He said it is anticipated that a total of \$120,000 will be spent in engineering and construction inspection costs before the project is done.

It was the recommendation of the State Engineer that the Commission consider expending the \$1 million for construction costs, specifically to the Contractors involved. It was also recommended that the \$120,000 that will be spent for engineering services be considered as an additional project contribution by the part of the Commission. In essence, the Commission would be contributing \$1,120,000 towards this project which will help to alleviate the burden on the city and the county. The \$1.12 million contributed by the Commission would still be less than 40 percent of the construction costs considering the total project.

It was moved by Commissioner Schank, seconded by Commissioner Hutton, and unanimously carried, that the State Water Commission approve expending \$1 million approved by the Commission on June 17, 1982, for construction costs of the total three phase English Coulee Project, specifically to the Contractors involved; and that an additional \$120,000 be approved that will be spent for engineering services for the project, contingent upon the availability of funds, for a total appropriation of \$1,120,000 for this project.

There being no further business to come before the State Water Commission at this time -

It was moved by Commissioner Larson, seconded by Commissioner Schank, and unanimously carried, that the meeting adjourn at 3:00 p.m.


Allen I. Olson
Governor-Chairman

ATTEST:


Vernon Fahy
State Engineer and Secretary

May 19, 1983

NORTH DAKOTA STATE WATER COMMISSION

REGISTER

ATTENDANCE AT State Water Commission Meeting

DATE May 19, 1983 PLACE Bismarck, N. Dak.

PROJECT NO. _____

Your Name	Your Address	Who do you Represent? (Or Occupation)
H. F. DeGraffenreid	Houston	Tenneco
Richard L Echols	P.O. Box 2511 Houston, Tx	Intake Water Co.
Art Kelhofer	Houston, Tx	Tenneco Coal Co.
Samuel Dandberg	P.O. 491 Madison Mt	" "
DOMACO VOWEL	P.O. 863 BEulah N.D	TEHNECO INC.
Jack L Adams	P.O. Box 2511 Houston Texas 77001	Tenneco Coal Co.
R. D. ANDERSON	P.O. Box 2041 BISMARCK, ND 58502	ULTEIG ENG. INC.
Don Simpson	1500 Capital Ave, Bism.	U.S. Fish & Wildlife Service
Floyd Bishop	P.O. Box 53 Cheyenne, Wyo.	Banner Assoc., Inc.
DELTON D SCHULZ	1830 - 11TH ST. BISMARCK	SCHULZ ENGINEERING
R E Dorothy	Bismarck	SWC
DAVID A. SPYCIENY	Bismarck	SWC
JEFF BAHR	BISMARCK	TRIBUNE
John Graham	Bismarck	GPGA
Dave Harrison	Sf. Paul, MN Grand Forks, ND	Consultant U. Minn. Inst. Public Affairs, et al

NORTH DAKOTA STATE WATER COMMISSION
REGISTER

ATTENDANCE AT _____

DATE _____ PLACE _____

PROJECT NO. _____

Your Name	Your Address	Who do you Represent? (Or Occupation)
Mark Johnson	P.O. Box 2441 Bismarck	Houston Engineering, Inc.
Bruce F. McLollon	500N 3RD ST BISMARCK	BW/BEC Engineering
DAVE HARDAN	" " " " "	BW/BEC Engineering
Dan Boyd	" "	" "
Connie Sprynczynatyk	2506 Stevens St - B33	
Joe Cady	Bismarck	SWC
Mark Probusky	Associated Press	Bismarck
GARY HELGESON	BISMARCK	Office of AWT
Hetcher H. Poling	Bismarck	Basin Electric Power Corp
Samuel W. Appelt	"	N. Dak Division of Disaster Emergency Service
Doug Friez	"	" " "
Charles Martens	Devils Lake ND	Emergency Comm.
Bob Levens	Devils Lake, N.D.	MAYORS LAKE Committee
James Engelhorn	Carrington	GDCD
A. G. Kay	St Paul Mn.	US Army Corps of Engs

NORTH DAKOTA STATE WATER COMMISSION
REGISTER

ATTENDANCE AT _____

DATE _____ PLACE _____

PROJECT NO. _____

Your Name	Your Address	Who do you Represent? (Or Occupation)
PETER A. FISCHER	ST. PAUL MN.	U.S. ARMY CORPS OF ENGINEERS
Chau Fought	Devils Lake	
R. Lynd Rose	Bismarck	ND Wx Mod Board
ME MYERS	Bismarck	SWC
Bill Paton	P.O. Box 651 Devils Lake	Nepc
Gordon Berg	Pt 5 Devils Lake	
Michael Currie	Box 1048	City of D.L.
Dennis Ruggen	Box 395 Devils Lake	MAYOR - DEVILS LAKE
John Olson	Box 1137 Devils Lake	
Col Raymond Brown	Box 1817 Bismarck	Nature Serv
Col Stutz	Box 1817 Bismarck	North Island
Don Eiken	Box 700 "	Pubs & Rec
Terry Traynor	Box 211 Bismarck	Devils/Traynor Assoc
Kay Zink	Henry Depot	Bismarck
Francis Schwandt	State Health	Bismarck

NORTH DAKOTA STATE WATER COMMISSION
REGISTER

ATTENDANCE AT _____

DATE _____ PLACE _____

PROJECT NO. _____

Your Name	Your Address	Who do you Represent? (Or Occupation)
<i>Frank J. [unclear]</i>	<i>2437 10th Street Bism</i>	<i>Self</i>
<i>Rick [unclear]</i>	<i>Box 882 Devils Lake</i>	<i>Pres. Community Dev. Corp.</i>
<i>She Hoetzer</i>	<i>Bismarck, ND</i>	<i>GDCD</i>
<i>Henry J. Olson</i>	<i>Devils Lake ND</i>	<i>City Engineer</i>
<i>Claire Paulson</i>	<i>Leeds, N. Dak.</i>	<i>Benson County Comm.</i>
<i>Dennis WALKER</i>	<i>201 N. 4th St. Fargo</i>	<i>City of Fargo</i>
<i>Lawrence Woodbury</i>	<i>Fargo, N.D.</i>	<i>Horton Eng. Inc.</i>
<i>Arrow Hyleu</i>	<i>Walcott ND</i>	<i>Water Bureau Richland</i>
<i>Jorgen Haugen</i>	<i>McLeish ND</i>	<i>Richland County Water</i>
<i>Bernie Rydell</i>	<i>Wahpeton ND</i>	<i>" " " "</i>
<i>Jim [unclear]</i>	<i>Hettinger ND</i>	<i>Hettinger Park Board</i>
<i>Quark Bruttig</i>	<i>West Fargo</i>	
<i>Bert [unclear]</i>	<i>Bis</i>	<i>Burlington ND</i>
<i>Roy LANOBLON</i>	<i>Dickinson</i>	<i>Roosevelt-Lecter Rydell Council</i>
<i>Leif [unclear]</i>	<i>Beach ND</i>	<i>Golden Valley Rural Water</i>

NORTH DAKOTA STATE WATER COMMISSION

REGISTER

ATTENDANCE AT _____

DATE _____ PLACE _____

PROJECT NO. _____

Your Name	Your Address	Who do you Represent? (Or Occupation)
Ernest Maus	Golden ND ab	Golden Valley Rural Water
Don O'Sullivan	Sentinel Butte ND	Chair Golden Valley Co Comm.
TERRY OESTER	DICKINSON, ND	ROOSEVELT-CUSTER REC COUNCIL
David O'Sullivan	Bismarck	SWC
Carl O'Sullivan	Bismarck	SWC
Aaron Hugel	Wahpeto ND	Audland Co W Reserve
Jorgen Haugen	McLeod N. Dak	Richland Co W Reserve
Bernie Rydell	Wahpeton ND	Richland Co W Reserve
Bruce Haugen	358 Federal Bldg Bismarck	Congressman Dargatzis
Lawrence Woodbury	Fargo, N.D.	Houston Eng. Inc. Richland WTB
Dennis Walker	FARGO ND	CITY ENGR. DEPT. FARGO,
Sela Knudsen	RM 232 - Fed. Bldg Bismarck	Senator Mark Andrews
Anton + Mildred Belokobek	Mandan	Retired Farmers

RESOLUTION NO. 83-5-417

Urging Accelerated Construction
Devils Lake Flood Control Features

WHEREAS, the St. Paul District Office of the Corps of Engineers is developing plans for a flood control project under its Section 205 authority for protection of public facilities in Devils Lake, Ramsey County, North Dakota; and

WHEREAS, the rising water levels are threatening the stability of the municipal waste treatment pond embankments which are now protected by a road-dike and emergency pumping system; and

WHEREAS, the planned Section 205 project includes construction of a cofferdam to dewater the area in which the permanent levee will be constructed; and

WHEREAS, the early construction of the cofferdam would provide immediate and urgently needed protection to the municipal facilities by eliminating the threat of a washout in the road-dike and by decreasing the infiltration rate; and

WHEREAS, this cofferdam is an essential component of the planned Section 205 project scheduled for construction in 1984 and its construction at this time would eliminate the need for continuing expenditures of large sums for temporary and continuing emergency measures.

NOW, THEREFORE, BE IT RESOLVED that the North Dakota State Water Commission and the North Dakota State Emergency Commission meeting in joint session this 19th day of May, 1983, do hereby petition Chief of Engineers, Lt. General J. K. Bratton, to authorize immediate construction of that portion of the Section 205 project involving the cofferdam; and


BE IT FURTHER RESOLVED that the Commissions express their appreciation to Colonel Edward G. Rapp and the staff of the Corps of Engineers District offices in St. Paul for their aid and assistance in developing the flood planning effort for the Devils Lake area; and

BE IT FURTHER RESOLVED that copies of this Resolution be forwarded to the North Dakota Congressional delegation.

FOR THE NORTH DAKOTA STATE WATER COMMISSION AND THE NORTH DAKOTA STATE EMERGENCY COMMISSION:


Allen I. Olson
Governor-Chairman

ATTEST:


Vernon Fahy
State Engineer and Secretary