MINUTES

North Dakota State Water Commission
Bismarck, North Dakota

April 17, 1986

The North Dakota State Water Commission held a meeting on April 17, 1986, in the lower level Conference Room of the Old State Office Building, Bismarck, North Dakota. Governor-Chairman, George A. Sinner, called the meeting to order at 9:30 a.m., and requested State Engineer and Secretary, Vernon Fahy, to present the agenda.

MEMBERS PRESENT:
Governor George A. Sinner, Chairman
Kent Jones, Commissioner, Department of Agriculture, Bismarck
Richard Backes, Member from Glenburn
Joyce Byerly, Member from Watford City
Jacob Gust, Member from West Fargo
William Guy, Member from Bismarck
Ray Hutton, Member from Oslo, Minnesota
William Lardy, Member from Dickinson
Jerome Spaeth, Member from Bismarck
Vernon Fahy, State Engineer and Secretary, North Dakota State Water Commission, Bismarck

OTHERS PRESENT:
State Water Commission Staff Members
Approximately 25 persons interested in agenda items

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

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

CONSIDERATION OF MINUTES OF FEBRUARY 18, 1986 MEETING - APPROVED

The minutes of the February 18, 1986 meeting were approved by the following motion:

It was moved by Commissioner Byerly, seconded by Commissioner Jones, and unanimously carried, that the minutes of February 18, 1986 be approved as circulated.

STATEMENT BY GOVERNOR SINNER RELATIVE TO RED RIVER DIKING (SWC Project No. 1638-1)

Governor Sinner read the following statement relative to the Red River diking matter:

"I have directed the North Dakota National Guard to assist with lowering of the agricultural dikes along the Red River in Walsh and Grand Forks counties.

The water management boards in Walsh and Grand Forks counties have requested this assistance. We are pleased to respond to these requests.

This is one way we can help local governments during a time when governments at all levels are faced with tight budgets and revenue problems.

It will also help speed up the resolution of a controversy that has raged between landowners and local officials in North Dakota and Minnesota since the first dikes went up on the Minnesota side of the river following a large flood in the summer of 1975.

The North Dakota Water Commission will be asked at today's meeting to supervise the dike removal and acquire the necessary rights of access.

The National Guard work will be done in July by the 142nd Engineer Battalion, which is commanded by Lt. Col. Mike Donahue.

Minnesota will also be removing the dikes on that side of the river sometime this year.

I want to acknowledge the role played by Attorney General Nick Spaeth in reaching a final solution to the dike problem. Nick was also one of the first to suggest using the National Guard.

A background paper, prepared by the Water Commission staff, outlines the history of the Red River diking controversy, so I won't go into those specific details.

Here to answer any questions about the dike issue are Vern Fahy, State Engineer, and Dave Sprynczynatyk, Director of the Water Commission's Engineering Division. From the National Guard are Col. Phil Randich, Assistant Adjutant General, and Lt. Col. Mike Donahue, the Battalion Commander.

Before opening it up to questions, I want to take this opportunity to thank Vern and the Water Commission staff, Attorney Murray Sagsveen, and the National Guard for all their work and cooperation in this effort."

Governor Sinner and the State Water Commission staff responded to several questions. In response to a question relative to costs for lowering the dikes, Colonel Randich from the National Guard, indicated the cost estimates won't be determined until the initial surveys have been received from the Water Commission on the alterations of the dikes and then the work will be accomplished by the National Guard as a training mission during their training period in July.

April 17, 1986

STATUS REPORT ON RED RIVER DIKING (SWC Project No. 1638-1)

Dave Sprynczynatyk reported on a meeting held in Manvel on April 8, 1986 to discuss bringing the Red River dikes in North Dakota into compliance with the agreed to settlement. In attendance at this meeting were representatives of the State Water Commission, North Dakota National Guard, Grand Forks and Walsh Counties Water Resource Districts, Grand-Walsh Flood Control Association, and landowners with dikes. The discussion centered on utilization of the National Guard and the State Water Commission to bring their dikes into compliance this year.

Both Water Resource Districts felt it would be best to have this work done by the State, which would ensure orderly compliance of all of the dikes. It was explained at the April 8 meeting that in order for the National Guard and the State Water Commission to be involved the Board would have to provide right-of-entry, liability insurance, and a portion of the cost for fuel for the National Guard equipment. The State Water Commission would provide the necessary surveys before and during construction and then in July the National Guard would modify the dikes as required. The Water Resource Boards have requested the State Water Commission help to defray a portion of the cost of fuel.

Mr. Sprynczynatyk indicated Larry Seymour of the Minnesota Department of Natural Resources has indicated his agency was going to meet with the landowners on April 22, 1986 to determine a plan of action, which indicates Minnesota will move ahead to bring their dikes into compliance as well.

It was the recommendation of the State Engineer that based on requests from the Grand Forks and Walsh Counties Water Resource Boards that we proceed with the project. Water Commission involvement would be to conduct the initial surveys in April, develop engineering plans for compliance, and in July construction surveys as the work is being done. It was also recommended by the State Engineer that 50 percent of the cost of the fuel be paid by the Commission to the respective Water Resource Boards. With this type of participation, we would have control of the dike agreement compliance and would be able to show Minnesota we are moving ahead in our efforts to bring the dikes into compliance.

It was moved by Commissioner Backes and seconded by Commissioner Spaeth to approve 50 percent cost participation by the State Water Commission in the actual costs of the fuel and to provide staff assistance in conducting the initial surveys and in developing plans for bringing the Red River dikes into compliance with the agreed to settlement.

Commissioners Backes, Byerly, Gust, Guy, Hutton, Lardy, Spaeth, Jones and Governor Sinner voted aye. The Chairman declared the motion passed.

STATUS REPORT ON SOUTHWEST PIPELINE PROJECT (SWC Project No. 1736)

Dale Frink, Project Manager for the Southwest Pipeline Project, recapped the groundbreaking ceremonies held on April 16, 1986 with approximately 160 people in attendance.

On April 9, 1986, construction of the pipeline began with approximately 400 feet of pipe laid to date. Mr. Frink said no additional segments of the pipeline will be bid for construction this year because of the declining oil prices causing a revenue shortfall in the Resources Trust Fund. The Resources Trust Fund is the major funding source for this project. Mr. Frink reported to date approximately $12.5-$13 million has been committed for this project.

Mr. Frink indicated an agreement has been signed with Basin Electric for the joint use of their intake structure and we are negotiating with the Corps of Engineers on an easement for access to the intake structure.

Commissioner Lardy commended the Water Commission staff on the excellent groundbreaking ceremonies.

Commissioner Lardy inquired as to the status of the Resources Trust Fund and projections for the next biennium.

In response to Commissioner Lardy's request, Paula Dodds from the Office of Management and Budget made a report to the Commission members on the status of the Resources Trust Fund. She noted the latest estimates OMB has prepared on the Resources Trust Fund, and the figures she reported to the Commission members are based on $18.00 per barrel oil prices through this biennium.

Following discussion, the Commission members requested Ms. Dodds to provide the information she had presented to them in writing, and to include figures and projections showing declining oil prices.

DISCUSSION OF LIABILITIES OF COMMISSIONERS IN THEIR PERFORMANCE OF THEIR DUTIES

Secretary Fahy stated a question was raised at a recent Water Commission meeting concerning the personal tort liability of Commission members for their actions in the performance of their duties.

Secretary Fahy introduced Charles Carvell, Assistant Attorney General for the State Water Commission. Mr. Carvell briefed the Commission members on research he has done on this subject and reviewed general rules on the personal liability of public officials. In conclusion, Mr. Carvell stated members of the State Water Commission are shielded from personal tort liability when they carry out a discretionary function that is within the scope of their authority. As a good deal of the Commission's work is discretionary and as reasonable caution will keep Commissioners within their scope of authority, the immunity granted Commissioners from personal liability is, on the whole,

considerable. Although immunity from claims asserting violation of federal law may not be as broad as claims asserting tort liability under state law, given the nature of the Commission's work its members are not likely to cause the kind of harm prescribed by the Civil Rights Act and Federal Constitution.

The Commission members were provided a memorandum from the North Dakota Attorney General, dated March 26, 1986, which further addressed this matter. Secretary Fahy added that additional information is being developed by the Attorney General's office and that the State Water Commission will be kept advised.

STATUS REPORT ON GARRISON DIVERSION PROJECT (SWC Project No. 237)

Secretary Fahy updated the Commission members on the status of the Garrison Diversion project, noting the compromise which was arrived at passed the Committee and will now get a rule and go on the House floor sometime within the next two weeks. He distributed copies of the Committee report in which the bill is discussed, and reviewed the provisions of the compromise.

CONTINUED DISCUSSION OF MCLEAN-SHERIDAN WATER SUPPLY PROJECT (SWC Project No. 1782)

Secretary Fahy stated at the Water Commission's December 13, 1985 meeting, a request was considered from the McLean County Water Resource Board requesting cost participation in the preliminary design study for the McLean-Sheridan Water Supply Project. At that meeting, the Boards indicated they did not have sufficient funds to enter into a regular participatory arrangement with the State Water Commission, but discussed an option that could allow for the project to proceed under the authority of the Resources Trust Fund. The project could be presented to the 1987 Legislative session for funding for the preliminary engineering study.

At the Commission's December 13, 1985 meeting, action was taken by the Commission directing that in view of the pending situation with the Garrison Diversion project and the financial situation of the project sponsors, the Board and the Commission proceed with an application to the next session of the Legislature for funding from the Resources Trust Fund for the preliminary engineering design phase of the McLean-Sheridan Water Supply Project.

Since that meeting, Secretary Fahy indicated the language in the bill for the Garrison Diversion project has been advanced with the M & I potential for a $200 million grant with a 25 percent matching basis for state and local entities.

Secretary Fahy indicated representatives of this project have requested an appearance before the Water Commission today to present a proposal for the Commission's consideration in their efforts to move their water supply project towards construction to provide a good quality and quantity of water for the cities and rural residents in McLean and Sheridan counties.

Mr. Ivon Boe, Chairman of the McLean County Water Resource Board, introduced the following: Frank Heinzen and Tom Beierle, McLean County Water Resource Board; Cliff Kahler and Alvin Herr, Sheridan County Water Resource Board; Allen Faul, Sheridan County Rural Water System Board; Mike Miller, Chairman of the McLean-Sheridan Rural Water Steering Committee; and, Hank Trangsrud, Houston Engineering.

Mr. Boe stated McLean and Sheridan Water Resource Districts have entered into an agreement to create a joint powers board for the specific purpose of assisting in the development of the McLean-Sheridan Water Supply Project. Both Water Resource Districts have indicated to the Rural Water Steering Committee they would be willing to provide local financial assistance to help move this project forward.

Secretary Fahy presented the following proposal from the Board for Commission consideration. It is in the form of a preferred option, with a second option as a contingency in the event the first option is not possible. The proposal is as follows:

1) It is estimated the total cost of the engineering design phase of the McLean-Sheridan Water Supply Project is $100,000. Of this amount, approximately $80,000-$90,000 will be for engineering design.

2) If the latest Garrison agreement is approved by Congress, the McLean-Sheridan Rural Water Steering Committee will make a request to the Garrison Diversion Conservancy District that $75,000 of federal money be allocated for the McLean-Sheridan Water Supply Project for engineering design. Under these terms of the Garrison M & I Program contained in the Garrison bill, this would be an eligible item.

3) Under the Garrison M & I plan, the McLean-Sheridan Rural Water Steering Committee, or some other state or local entity must come up with the remaining 25 percent, or $25,000, from state or local dollars. It is requested that the State Water Commission provide cost sharing of 50 percent of the state and local share of this project, or $12,500. The local steering committee and water resource districts would come up with the other 50 percent, or $12,500.

If the Garrison Agreement is not approved by Congress, in which case the Garrison M & I Program would not be available, then the McLean-Sheridan Rural Water Steering Committee proposes the following request for the Commission's consideration:

a) $50,000 grant from the State Water Commission Contract Fund.

b) $40,000 loan from the State Water Commission Contract Fund to be repaid from financing obtained for construction of the project.

c) $10,000 local funds.

Mr. Mike Miller, Chairman of the McLean-Sheridan Rural Water Steering Committee, reviewed the background of the project and urged favorable consideration that funding will be available to move this project into the preliminary engineering stage. He said the need for good quality and quantity water in this area is very evident. He proceeded to further explain the proposal that is before the Commission for their consideration.

Mr. Hank Trangsrud, Houston Engineering, responded to a question regarding the costs for construction of the project and said the estimated costs varies from $4 million to $7 million depending on the number of cities and rural residents that will be on the system. The project includes an intake structure, pumping stations and up to 60 miles of pipeline. Mr. Trangsrud discussed some of the alternatives that are being considered for financing the construction of the project.

Secretary Fahy said he felt it is difficult for the Commission to act on these options in view of the lack of information available at this time on the Garrison legislation. He said the Commission will be meeting again in about six weeks and the outcome of the Garrison legislation will be helpful for the Commission in making its decision.

Governor Sinner said he felt it is premature for the Commission to take on a long-range commitment at this time in view of the State's economic condition and the pending Garrison legislation.

> It was moved by Commissioner Guy that the State Water Commission defer action on the cost sharing request for the McLean-Sheridan Water Supply Project engineering design phase, and this item be placed on the Commission's agenda for further consideration after the Congressional decision on the Garrison legislation has been determined. The motion received a second from Commissioner Gust.

Governor Sinner relinquished the Chairman's chair to Commissioner Kent Jones, and offered the following amendment to the motion:

> It was moved by Governor Sinner that the State Water Commission defer action on the cost sharing request for the McLean-Sheridan Water Supply Project engineering design phase, and this item be placed on the Commission's agenda for further consideration after the Congressional decision on the Garrison legislation has been determined, and after the Garrison Diversion Conservancy District, or whoever ultimately controls the Garrison M & I fund, has made a recommendation of its intent. The motion was seconded by Commissioner Byerly.

In discussion of the amendment to the motion, Commissioner Lardy said he felt we might be telling the locals they may never be able to get back on the agenda because it appears the motions are predicated upon Congress giving an affirmative vote.

Secretary Fahy indicated that both of the motions seem to address Congressional action on the $200 million Garrison M & I fund. If this is not approved by Congress nothing precludes this group from returning and requesting cost sharing through the regular Water Commission channels.

Dave Sprynczyntyk reiterated that the State Water Commission did take action at its December 5, 1985 meeting to include this project for the engineering phase of approximately $100,000 in the budget request from the Resources Trust Fund for the next biennium.

Governor Sinner said that since the Commission did take action to include this project in their budget request for funding from the Resources Trust Fund in the next biennium, he would withdraw his amendment to the motion.

Commissioner Byerly, who seconded the amendment to the motion, indicated she would likewise withdraw her second contingent that this avenue is explored. Secretary Fahy assured her it would be.

Governor Sinner resumed the chair.

Secretary Fahy said that agencies are working on recommendations for policy if the Garrison M & I Program passes Congress, and noted the McLean-Sheridan Water Supply Project is a high priority project for these funds. He said if the Commission generally concurs with the Governor's sentiments that it is premature for the Commission to take on a long-range commitment at this time, then he feels the actions that are underway are satisfactory in terms of this project.

The Chairman called the question on the motion. Eight aye votes were recorded; one nay voted was recorded. The Chairman declared the motion passed.

CONTINUED DISCUSSION OF COST SHARING FOR ENGINEERING (SWC Project No. 1753)

Secretary Fahy stated effective July 1, 1985, consulting engineering fees became an eligible item for cost participation by the Commission. At the September 5, 1985 Commission meeting, the Commission directed the State Engineer and staff to prepare a paper for discussion purposes outlining ideas for a limitation on fees for consultant services. At the December 13, 1985 meeting, a memo was distributed regarding cost participation by the Commission in fees for consulting engineering projects. It was agreed that discussion on this item be delayed until more information on project engineering fees can be obtained.

Secretary Fahy said the issue before the Commission is whether or not a limit should be placed on consulting engineering fees for which the Commission cost shares. In a December, 1985 memo to the Commission he indicated sound engineering is encouraged and we should discourage cutting corners in engineering design by limiting the amount the Commission cost shares. Whether or not engineering continues to be an eligible item for cost sharing, the Commission needs to encourage sound engineering regardless of the impact it may have on the number of projects cost shared by the Commission.

Secretary Fahy also stated that if the Commission concludes that engineering fees should not be an eligible item then the Water Resource Districts will argue strongly that this places an added burden on the local cost share for the project. This was the main argument made by the Boards during 1984 which resulted in the current policy. Secretary Fahy said the Water Resource Districts were instrumental in convincing the Legislature to increase the Contract Fund to its current level. He noted that if the Commission feels a change is necessary, the Water Resource Districts and the Consulting Engineers Council should have an opportunity to present their case.

Mr. Duane Heley, President-Elect of the North Dakota Consulting Engineers Council, indicated his organization is pleased with the current policy. He explained how the engineering costs are determined for a project and indicated the engineering services will vary considerably on different projects depending on the make-up of the project and will be a negotiated process between the local Water Board and the engineering firm of what an appropriate fee would be.

Mr. Bruce McCollom said engineering costs are often discussed as a percentage of the total construction costs, but is used very seldom any more as a method of contract. He said he feels that method is generally counter-productive because the engineer's costs are primarily based on how much time is put into doing the work. The more time put into the work, the better the project will be generally. One of the engineer's jobs is to reduce the cost of the project as much as possible and still have the project function safely and perform its intended function. Therefore, there are very few agencies that contract on a percentage of construction costs for engineering fees. He said, in his opinion, it would be unwise to try and set a limit in that form.

Secretary Fahy said these discussions are not aimed in any way at limiting the engineering profession in what it can charge in order to make their efforts profitable. He said the thrust of the discussions has been, and is - "should the State Water Commission's cost sharing policy change and should the Commission limit its participation in consulting engineering fees?"

It was moved by Commissioner Lardy that the State Water Commission consider as eligible costs engineering fees not to exceed 15 percent of the total construction costs of the project. The motion received a second from Commissioner Jones.

In discussion of the motion, Duane Heley stated he would have difficulty with allowing 15 percent for engineering fees because he felt it may become an allowable minimum fee and many projects will be less than 15 percent for engineering fees. He said he felt the 15 percent might then become the lowest level and would not necessarily reflect the most efficient level of costs for engineering work. He stated it is his feeling that every engineer wants each project he designs to get the best engineering at the best possible cost, and thinks setting this limit might have a negative impact in that direction.

Steve Hoetzer, American Engineering, reviewed past discussions which resulted in the Water Commission's current policy. The Soil Conservation Service and the State Water Commission previously provided the "nuts and bolts" engineering services for many of the Water Resource Districts throughout the State. Changes by the Federal Government resulted in a reduction of the services provided, especially by the Soil Conservation Service, and thus, placed a tremendous burden on the Water Resource Districts for the local cost share of a project. This was a major topic at Water Resource Districts annual conventions and was also one of the major reasons the Water Resource Districts requested the State Water Commission to consider changing its policy to allow for cost sharing in fees for consulting engineers for projects.

Secretary Fahy commented that frequently the State Water Commission staff assist a Water Resource District in its procedure of selecting an engineer. When a set of proposed plans are submitted to the Commission office, they are very carefully reviewed and critiqued to ensure the best possible engineering proposals have been made. If questions arise, the Water Resource District is immediately contacted and recommendations are made.

Commissioner Guy expressed his concern regarding setting a specific limitation on Commission cost participation in consulting engineering fees. He suggested the possibility of establishing a policy that would involve a range of approximately 30-50 percent of the total engineering costs that the Water Commission would cost share in. He did note that the Commission does take action on each project regarding cost sharing in the eligible construction items.

Due to a prior scheduled commitment, it was necessary for Governor Sinner and Commissioner Jones to leave the meeting. Governor Sinner requested Commissioner Hutton assume the chair.

Prior to leaving the meeting, Commissioner Jones withdrew his second to the motion.

Commissioner Gust stated that frequently an engineer hired for a project does more tasks than merely designing the project. The more difficult a project is to get started the higher those costs become and they may not all be engineering costs. Thus, the engineering costs may be raised doing non-engineering work.

Commissioner Lardy withdrew his motion.

It was moved by Commissioner Spaeth that the State Water Commission retain its present policy regarding cost participation by the Commission in fees for consulting engineering for projects. The motion received a second from Commissioner Guy.

Commissioners Byerly, Guy, Hutton and Spaeth voted aye. Commissioners Backes, Gust and Lardy voted nay. The Chairman declared the motion passed.

CONSIDERATION OF REQUEST FOR COST PARTICIPATION IN RESEARCH STUDY OF IRRIGATION ON SHALLOW TILL SOILS IN BURLEIGH COUNTY (SWC Project No. 1551)

A request from the Burleigh County Water Resource Board was presented for the Commission's consideration for cost sharing for additional items of equipment for research on irrigation of shallow till soils near Menoken. The equipment includes two 3,000 gallon water tanks costing $4,194.

Dave Sprynczynatyk indicated the Water Commission previously cost shared in this project in January, 1982 for a cost of $15,000. The agreement was between the Burleigh County Water Resource District and the Water Commission with each party sharing 50 percent of the cost.

Mr. Sprynczynatyk noted the Burleigh County Water Resource Board received the request for the purchase of the water tanks from the Northern Great Plains Research Laboratory in Mandan. The tanks are for use at one of two sites, where hydraulic calibration of the site was accomplished in 1985. They are preparing to initiate the agronomic and water treatments this year.

It was the recommendation of the State Engineer that the State Water Commission cost share in 50 percent of the purchase of the water tanks for the Voegele site, not to exceed $2,097, contingent upon the availability of funds.

It was moved by Commissioner Guy and seconded by Commissioner Lardy that the State Water Commission approve cost participation in 50 percent of the purchase of two water tanks for the Voegele site for the research on irrigation of shallow till soils near Menoken in Burleigh County, not to exceed $2,097. This motion shall be contingent upon the availability of funds.

Commissioners Backes, Byerly, Gust, Guy, Hutton, Lardy and Spaeth voted aye. The Chairman declared the motion passed.

CONSIDERATION OF REQUEST FOR COST SHARING IN TURTLE CREEK CLEANOUT IN MCLEAN COUNTY (SWC Project No. 1818)

A request from the McLean County Water Resource Board was presented for the Commission's consideration for cost sharing on the cleanout of Turtle Creek from Mud Lake to Turtle Lake. The estimated cost of the project is $32,800.

Dave Sprynczynatyk stated this project consists of removal of vegetation, old rock crossings and the improvement of roadway and trail crossings with the project located northwest of Turtle Lake. The Board has indicated the project is part of the overall plan to improve and stabilize conditions in the Lake Nettie area.

Mr. Sprynczynatyk said the preliminary plans and profile drawings have been reviewed by the Engineering staff. The review indicates the project starts below the natural overflow elevation of Mud Lake, therefore, Mud Lake will be left intact. Mr. Sprynczynatyk indicated it is the Board's opinion a drainage permit is not required since maintenance and cleanout including deepening and widening of an established and recognized river or creek will not drain sloughs, ponds or lakes, unless they are riparian to the river or creek.

Mr. Ivon Boe, Chairman of the McLean County Water Resource Board, explained the project. He said the project is directly east of Lake Audubon and the problems began when Lake Audubon was filled with water. A high water problem exists in the area which causes a rapid growth of vegetation that impedes flow in the channels. Water covers several hundred acres of land in the area. Mr. Boe said the Board has been working with the local landowners who requested this project and who have given easements on the affected land.

It was the recommendation of the State Engineer that the Water Commission cost share in the cleanout of Turtle Creek for 25 percent of the actual costs not to exceed $8,000. The recommendation is contingent upon the availability of funds and the District's determination that the proposed project would not drain a pond, slough or lake with a drainage area greater than 80 acres.

It was moved by Commissioner Byerly and seconded by Commissioner Spaeth that the State Water Commission approve cost participation in the cleanout of Turtle Creek in McLean County for 25 percent of the actual costs, not to exceed $8,000. This motion shall be contingent upon the availability of funds; and, upon the District's determination that the proposed project would not drain a pond, slough or lake with a drainage area greater than 80 acres, and if so, a drain permit will be obtained.

Commissioners Backes, Byerly, Gust, Guy, Hutton, Lardy and Spaeth voted aye. The Chairman declared the motion passed.

CONSIDERATION OF REQUEST FOR COST SHARING IN RUGBY FLOOD CONTROL PROJECT IN PIERCE COUNTY (SWC Project No. 1566)

Dave Sprynczynatyk explained that the Rugby Flood Control project was presented to the State Water Commission at its December 13, 1985 meeting for consideration to cost share in the project. The Commission postponed a decision until a later date when more information could be provided. Mr. Sprynczynatyk stated the project involved channel cleanout, excavation and seeding approximately 2½ miles of channel, with a total estimated cost of $87,000. The city had applied for and received a drain permit which was declared not of statewide significance by the State Engineer.

Mr. Sprynczynatyk stated a letter was received March 13, 1986 from the Pierce County Water Resource Board indicating it supported the project and will make a contribution of $7,500 to help defray the costs. It was noted in the letter that of the total watershed of 91.5 square miles, a drainage area of 13.2 was contributing to the water running through the city system and the remaining 78.3 was outside the city system. The concern was to protect portions of the channel from erosion and this would be done by riprapping selected areas.

Al Wentz, Mayor of Rugby, and Don Indvik, Rugby City Engineer, further explained the project.

It was the recommendation of the State Engineer to cost participate in 40 percent of the eligible costs of the Rugby Flood Control project, not to exceed $29,580, which would be contingent upon the availability of funds.

It was moved by Commissioner Backes and seconded by Commissioner Lardy that the State Water Commission approve cost sharing in the Rugby Flood Control project in 40 percent of the eligible costs, not to exceed $29,580. This motion shall be contingent upon the availability of funds.

Commissioners Backes, Byerly, Gust, Guy, Hutton, Lardy and Spaeth voted aye. The Chairman declared the motion passed.

CONSIDERATION OF AGENCY FINANCIAL STATEMENT

Copies of the agency's financial statement were distributed. Secretary Fahy explained the manner in which the budget had been revised to comply with the Governor's directive for all agencies to reduce spending by at least four percent.

FUTURE MEETINGS OF STATE WATER COMMISSION

Secretary Fahy stated an invitation has been received for the Commission to hold a meeting in the Larimore area in conjunction with the dedication of the Larimore Dam on June 18, 1986. He indicated he did not have specific details at this time but will be working with the Grand Forks County Water Resource Board to complete arrangements for the meeting.

He also indicated he will be working with Commissioner Byerly relative to her invitation for the Commission to meet in the western part of the state this summer.

Secretary Fahy said there is a need to hold a public meeting in the Baldhill Dam area regarding the Corps of Engineers proposals on dam safety and flood control efforts for Baldhill Dam, but at this time he does not have specific details.

INTERBASIN BIOTA TRANSFER STUDY (SWC Project No. 237)

Secretary Fahy distributed copies for the Commission's information of the minutes of the Interbasin Biota Transfer Study Meeting held on April 7, 1986.

It was moved by Commissioner Backes, seconded by Commissioner Byerly, and unanimously carried, that the meeting adjourn at 1:00 p.m.

George A. Sinner
Governor-Chairman

ATTEST:

Vernon Fahy
State Engineer and Secretary

NORTH DAKOTA STATE WATER COMMISSION

REGISTER

ATTENDANCE AT State Water Commission Meeting

DATE May 28, 1986 PLACE Valley City, N. Dak.

PROJECT NO.

Your Name	Your Address	Who do you Represent? (Or Occupation)
Mervyn Johnson	1330 N. Central Valley City, N. D.	
Leon Pyatt	250 6th St. N.W. Valley City, N.D.	City Commissioner
Kevin Kostad	1001 7th Ave NW Valley City, ND	City Auditor Valley City
Kenneth S Grant	R2 VC Box 201	Barnes Co Comm
K Flemming	640 Chautauqua Blvd Valley City N.D.	Valley City Commissioner
Harlan Opdahl	Litchville, 58461	Barnes Co. Comm.
Morris Peterson	Kathryn N. Dak	Barnes Co W.R.B.
Carly Vogle	Casperstown ND	Kruger Co. Comm.
Jerome J Wieland	Dazey N Dak	Lake Ashtabula Landowner & Farmer
Melanie Wilson	Dazey N. Dak.	
Peggy Jo Wieland	Dazey N. Dak	
Jim Nold	Luverne, N.D	Assn for Preservation of Sheyenne River Valley
V. L. Hanson	Cooperstown, N.D	Upper Sheyenne Joint Board
Jeffy Volk	Harwood, ND	Moore Engineering, Inc
Mark Utke	Cooperstown N Dak	

SWC Form No. 83

(500/6-80)

NORTH DAKOTA STATE WATER COMMISSION

REGISTER

ATTENDANCE AT St w. Comm Mtg.

DATE 5-27-86 PLACE Valley City Eagles Lodge

PROJECT NO.

Your Name	Your Address	Who do you Represent? (Or Occupation)
Phyllis E. Johnson	Box 77 Hannaford	Cooperstown Bible Camp
Bert Johnson	R1 Box 77 Hannaford	Cooperstown Bible Camp
Paul B. Phair	Mayville, ND	Cooperstown B. We Camp
DELHO L. OLSON	BURTON. N.D.	COOPERTOWN B. WE CAMP
Evelyn Olson	Burton, N. D.	Cooperstown Bible Camp
George Freadhoff	Valley City N. Dak.	LAKE Ashtabula Land Owners + Users Assn.
Mark Hill	RR 1 Valley City ND	Barns Red Cross
Nicholas Hill	463 4th Ave NW Valley City	City dweller
Elmer Saulsbury	Rural Valley City ND	Barnes County Zoning Commission
Bob Kjelland	Box 697	Valley City - Times-Record
A. D. Keys	Valley City	COE
Steve Odegaard	" "	COE
BOB POST	ST. PAUL, MN. CORPS of ENGR.	COE
BOB PEARNIMAN	St Paul Dist 1135 US POACH St Paul MN.	COE
MARK ZIEMER	" "	"

SWC Form No. 83 (500 - 9-85)

NORTH DAKOTA STATE WATER COMMISSION

REGISTER

ATTENDANCE AT _____

DATE _____ PLACE _____

_____ PROJECT NO. _____

Your Name	Your Address	Who do you Represent? (Or Occupation)
PAUL LACINA	P.O. BOX 299 VALLEY CITY, N.D.	MANAGER OF BARNES RURAL WATER
Eugenia Jurgaard	P.O. Box 525 Cooperstown ND	Editor Griggs County Sentinel-Courier
Farley Zogderud	Hannaford, N.D.	Bible camp and local residents along lake
Manford Kaye	Cooperstown	Land Owner
Maynard J. Haugen	Hannaford, N.D.	Land Owner.
Lester Lawson	Cooperstown ND	Land Owner
Mark Lee	Bismarck	
Frank K. Zeiler	Valley City	Valley City NFH
Elmer M. Ebert	Valley City	Barnes Co. EMA
Lynn Johnson	Hannaford	Self + Hannaford Conservation + Wildlife Club
Allan Stokka	Hannaford	Cooperstown Bible camp Griggs County Farm Bureau
George Vigesaa	Cooperstown N. Dak	Farmer in Griggs Co.
Larry Wathne	Hannaford, N. Dak	Cooperstown Bible Camp Local Farmers Interests
Joe Thomas	Cooperstown, N. Dak	Self & Cooperstown Commercial Club
DALE C. SEVERSON	COOPERSTOWN N.D.	COOPERSTOWN COMMERCIAL CLUB

SWC Form No. 83 (500 - 9-85)

NORTH DAKOTA STATE WATER COMMISSION

REGISTER

ATTENDANCE AT _____

DATE _____ PLACE _____

_____ PROJECT NO. _____

Your Name	Your Address	Who do you Represent? (Or Occupation)
Jeannine Krenzer	Sibley N.D.	Permanent Resident
George Fry	Valley City, N.D.	Cabin owner
Cleive Cole	Lisbon N. D.	City of Lisbon
Wm Knutson	Sibley	city of - Sibley
Ed Haglund	Sibley	Mayor of Sibley
Talbot Rydberg	Cooperstown ND	Cooperstown Bible Camp
Ernest Erickson	Cooperstown N.D.	Cooperstown Bible Camp
Doris Erickson	Cooperstown N.D.	Sheyenne Valley & Cooperstown Bible Camps
Algot Erickson	Cooperstown N. D	Sandoveer and Cooperstown Camp
Joyce Erickson	Cooperstown N.D.	Cooperstown Bible Camp & Sandoveer
Alice Erickson	Cooperstown, N.D.	Cooperstown Bible Camp
Beatrice Erickson	Cooperstown, N. D.	Cooperstown Bible Camp
Sidney Erickson	Cooperstown N. Dak	Cooperstown Bible Camps
Evelyn A. Gartland	Valley City, N. Dak	Home owner of South Valley City
Woodrow Gartland	Valley City N. Dak	South Valley City

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Your Name	Your Address	Who do you Represent? (Or Occupation)
Tom Helder	Cooperstown	Cabin Owner
Mark Brown	Kannaford	Cabin owner
Lee Jensen	Valley City. N.D.	Caben Owner
Everett Vigesaa	Coopenstown	land owner
Leo Fatne	Cooperstown	
Palmer Leick	Kannford	Land Owner
Wally Kuder	Rogers N.D.	Kuder Farms
Sue Stokka	Cooperstowne	Land area - Bible camp
Jarel Stokka	Cooperstown	Land area - Bible camp
Carlyle Red Kippen	Fargo N.D.	N Dak Farm Bureau. STATE LEGISLATOR
Cecil E Helstrom	Tolna, N.D.	Dist 23
George May	Valley city	Veigel Engr.
Arnold Zaun	Valley city	land owner
Thelma Zaun	Valley City N.D.	land owner
Dr. & Mrs. Tom Jackson	Sibley, N.D.	Resident owner

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NORTH DAKOTA STATE WATER COMMISSION

REGISTER

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DATE _____ PLACE _____

_____ PROJECT NO. _____

Your Name	Your Address	Who do you Represent? (Or Occupation)
Willis Nilson	Cooperstown	Cooperstown Business
Tony Gowen	Valley City	Attorney
Wayne Wenzel	FARGO	LAND owner on LAKE
Esther Henjum	Fargo	—
Russell Notch	V.C.	Barnes Water Bd
Clayton Johnson	V.C	Sec Barnes Water Bd.
Robert Stoneberg	Hackberg	Visitor
R.C. Grant	V.C.	"
Dan Wogsland	Hannaford	State Senator, Dist. 23
Bruce Laughlin	Finley	State Rep Dist 23
Lester DeKrey	VC	Director Garrison Diversion
Duane Dorey	VC	VC Chamber of Commerce
F.J. Vandemore	V.C	Barnes Co. Commissioner
Dale Olson	Valley city	Mayor of Valley city
Earl M. Kelly	Valley city	State Senator Dist 23

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Your Name	Your Address	Who do you Represent? (Or Occupation)
Keven Lunde	Cooperstown, ND	Farm - Sheyenne River Valley
David Lunde	Cooperstown, N.D.	" " "
Kurt Anderson	Cooperstown, N.D.	Cooperstown Bible Camp
Kermit Ueland	Cooperstown N. D.	asst. for Pres. of Valley Dakota water Users Inc.
Beverly Stanley	Cooperstown N Dak	Farm hoyd Ueland Sheyenne Valley.
Mary Wright	Leeds, N. Dak	Our farms is Sheyenne Valley
Richard Wright	Leeds N. D.	our farm lane on Sheyenne [illegible]
Clark L Tracy	Cooperston N. Dak	Griggs County Commr
James Marsden	P.O. Box 2064 Fargo, N.D. 58107	N.D. FARM BUREAU
Walter E. Brabec	Sanborn N. Dak R.R. 1 Box 13	Barnes County comm.
Earl H Kenneally	431 - 6 St SW Valley City, N.D. 58078	as an U.S. resident in the flood way
M Strandberg	V.C.	Just an interested citizen
Joe Truman	Kannaford	Griggs Comm
Robert W Baker	Cooperstown	mayor of Cooperstown
Jim Bender	Cooperstown	City of Cooperstown

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