

MINUTES

**North Dakota State Water Commission
Bismarck, North Dakota**

January 26, 1989

The North Dakota State Water Commission held a meeting on January 26, 1989, in the lower level conference room of the Old State Office Building, Bismarck, North Dakota. Chairman, Lt. Governor Lloyd Omdahl, called the meeting to order at 8:30 am, and requested State Engineer and Secretary, Vernon Fahy, to call the roll and present the agenda. Richard Backes, former State Water Commission member, was recognized and congratulated on his recent appointment as State Highway Commissioner.

MEMBERS PRESENT:

Lt. Governor Lloyd Omdahl, Chairman
Sarah Vogel, Commissioner, Department of Agriculture, Bismarck
Joyce Byerly, Member from Watford City
Jacob Gust, Member from West Fargo
William Lardy, Member from Dickinson
Daniel Narlock, Member from Oslo, MN
Norman Rudel, Member from Fessenden
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 20 people 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
DECEMBER 7, 1988 MEETING -
APPROVED**

The minutes of the December 7, 1988 meeting were approved by the following motion:

It was moved by Commissioner Byerly, seconded by Commissioner Narlock, and unanimously carried, that the minutes of the December 7, 1988 meeting be approved as circulated.

**GARRISON DIVERSION PROJECT -
PRESENTATION ON PROPOSED
MID-DAKOTA RESERVOIR PROJECT
(SWC Project No. 237)**

Stephen Hoetzer, Consulting Engineer for the Garrison Diversion Conservancy District, briefed the Commission members on the events that resulted in the Garrison Diversion Unit Reformulation Act of 1986. The Reformulation Act emphasized municipal, rural and industrial water deliveries and reduced the planned irrigation acreage. The Act specifically called for the construction of the Sykeston Canal as a functional replacement for Lonetree Reservoir. Mr. Hoetzer said the Sykeston Canal poses many negative barriers to eventual Garrison Project completion as authorized in the Reformulation Act of 1986 because of high construction and operational costs, reduced management ability, environmental hazards, and social dissatisfaction. Mr. Hoetzer said the Bureau of Reclamation is expected to complete the Sykeston Canal report in February or March, 1989.

For economic, environmental and water management reasons, Mr. Hoetzer said many state interests believe there is a more favorable alternative to Sykeston Canal. Through the use of a series of maps and charts, Mr. Hoetzer explained the North Dakota proposal that would replace the Sykeston Canal with the Mid-Dakota Reservoir that could be environmentally acceptable to all interests. The proposed reservoir would use the nearly 60 percent completed Lonetree damsite south of Harvey and would be operated at 1617.5 feet mean sea level. Mr. Hoetzer commented this is 22.5 feet lower than the original Lonetree Reservoir. Mr. Hoetzer addressed the design characteristics of the proposed reservoir and said that together with a small diversion canal, Mid-Dakota would effectively provide the important link between the McClusky and New Rockford Canals,

Regarding construction costs, Mr. Hoetzer said the estimated costs for the proposed Mid-Dakota Reservoir are \$24.9 million compared to the Sykeston Canal which are estimated at \$47.2 - \$73.4 million. The operation and maintenance costs for the proposed Mid-Dakota Reservoir are estimated at approximately \$100,000 annually versus an estimated \$320,000 for the Sykeston Canal.

In addition to the reduction of costs, Mr. Hoetzer addressed some of the other advantages of the proposed Mid-Dakota Reservoir project:

- 1) From an operational standpoint Mid-Dakota is far superior to the Sykeston Canal. Water delivery times to eastern and southern areas of the state are expected to be as long as one month with the

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Sykeston Canal. The Mid-Dakota Reservoir would shorten those travel times considerably and would also relieve some of the reregulation management pressure imposed upon the Jamestown Reservoir and Lake Audubon.

- 2) Canada has expressed major concerns to the preferred Sykeston Canal alignment authorized in the Reformulation Act as being a potential danger for the transfer of Missouri River water into the Hudson Bay watershed. Canada has stated foreign "biota" may negatively impact Canadian fisheries if the canal would fail or be overtopped allowing water into the Sheyenne River. The proposed Mid-Dakota Reservoir poses less risk than a canal and with adequate filtration of flows in the Sheyenne River, as required in the Reformulation Act, Canada's concerns may be alleviated.
- 3) The Lonetree Reservoir was deleted from the Garrison Diversion Unit Reformulation Act, in part, because it would have inundated waterfowl habitat deemed unreplaceable by wildlife interests. The smaller Mid-Dakota Reservoir will not impact on the major wetland complexes and will also provide management capability to them. The development of this wildlife area along with the Johnson Lake wildlife area will mitigate the loss of any habitat within the Sheyenne Lake National Wildlife Refuge. Approximately 20,000 acres of land already acquired would be developed as wildlife habitat and could become the finest refuge in the State of North Dakota. The reservoir will also reduce impacts on downstream riverine refuges which would have occurred with the Sykeston Canal.
- 4) Major recreation developments are possible with the proposed Mid-Dakota Reservoir which would enhance the entire area socially and economically.
- 5) The proposed Mid-Dakota Reservoir will allow greater capability for the stabilization of Devils Lake.

**REPORT ON PAST ACTIONS OF
THE STATE WATER COMMISSION
CONCERNING LEGISLATION**

At the December 7, 1988 State Water Commission meeting, the State Engineer and staff were directed to provide information at the next Commission meeting concerning whether the State Water Commission had previously taken a stance on legislation.

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Patrick Stevens, Assistant Attorney General, reported he reviewed the last ten years of minutes of the State Water Commission, and distributed copies of his summary report indicating the Commission has supported federal and state legislation on numerous occasions both by resolution and motion. In conclusion of the review, Mr. Stevens said there is precedent for the State Water Commission to support legislation not only on the state level, but the federal level as well.

**CONTINUED DISCUSSION ON
S.B. 2035 RELATING TO
SWAMPBUSTER BILL
(SWC Project No. 1810)**

and directed staff to provide further information on this legislation.

At the December 7, 1988 State Water Commission meeting, the Chairman requested the Commission continue its discussion of S.B. 2035 at its next meeting

Michael Dwyer, Executive Vice President of the North Dakota Water Users Association, briefed the Commission members on some of the past negotiations and history that has transpired between the farm, water and wildlife groups. Mr. Dwyer said tremendous progress has been achieved, but much still remains to be accomplished. Conflicts continue between the groups and these can best be resolved through cooperation and negotiation.

In the continuing efforts to resolve the conflicts between the farm, water and wildlife groups, a series of agreements were executed with the Regional Director of the U.S. Fish and Wildlife Service in January, 1987. One of the agreements called for the establishment of a Wetlands Management Committee, consisting of representatives from the farm, water and wildlife groups. On October 28, 1987, Governor Sinner signed Executive Order 1987-9 establishing the North Dakota Wetlands Management Committee. The principle purpose of this committee is to serve as coordinating and advisory committee and to provide a forum for consensus building for wetland and related land and water issues. In formulating the recommendations, the Committee will seek to harmonize the needs of North Dakota as a whole and recognize the respective objectives of water, agricultural and wildlife groups.

Mr. Dwyer reviewed the Swampbuster provisions, which were passed as a part of the 1985 Food Security Act and became effective on December 23, 1985. The Swampbuster provisions are intended to discourage the conversion of wetlands for the purpose of growing annually planted crops. With some exceptions, if a wetland is converted to cropland,

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eligibility may be lost for certain USDA program benefits, not just on the converted wetland area but on all of the land farmed.

A major concern of North Dakota water and farm interests in the Swampbuster provisions is that mitigation, or the replacement of wetlands, was not provided for in the interim rules under the Wetland Conservation Provisions of the 1985 Food Security Act. Mr. Dwyer said the interim rules did not permit a water resource district or a landowner to work with the wildlife interests to develop projects which are acceptable to both water and wildlife interests and are consistent with the intent of the Swampbuster law to prevent production of new agricultural commodity on converted wetlands. Representatives of the USDA continue to argue that mitigation will not be permitted by law under these provisions.

Mr. Dwyer explained that currently a landowner can comply with the State law requiring wetland replacement, but still be in violation of Swampbuster if he plants an annually tilled crop on the drained wetland. He said it appears as though flexibility within this process may be able to be accomplished through the minimal effects exemption of Swampbuster, working on a case-by-case basis. Under the minimal effects exemption, a person would be exempt from Swampbuster if he converted wetlands where the Soil Conservation Service has determined that the conversion has a minimal effect on wetland values.

In 1987, the State of North Dakota passed the first no net loss of wetlands legislation in the nation. Mr. Dwyer summarized S.B. 2035, which includes a statement of policy and intent concerning North Dakota's wetlands. Among other items, the statement of policy provides that water development and wetland preservation activities must be balanced to protect and accommodate North Dakota's agriculture, water and wildlife resources.

Mr. Dwyer said S.B. 2035 is a management tool that is available to farmers that want to do new drainage for agricultural production, which is currently prohibited by the Swampbuster provisions. S.B. 2035 also offers an opportunity to improve the Garrison Diversion Project, the much needed statewide water distribution system for future generations of North Dakota. Mr. Dwyer outlined many of the benefits that have been achieved from S.B. 2035 and said this is a culmination of two years of cooperation between Governor Sinner and the North Dakota water and wildlife groups.

There are proposals in the current legislature to repeal S.B. 2035, but Mr. Dwyer said it is

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the position of the North Dakota Water Users Association and the North Dakota Water Resource Districts Association that although many benefits have been achieved including improved cooperation and communications between the farm, water and wildlife groups, S.B. 2035 should remain as is for the next two years in an effort to accomplish the following objectives:

- 1) Continued appropriations for Garrison.
- 2) Continuation and improvement of the thirteen agreements between North Dakota and the U.S. Fish and Wildlife Service to settle wetland conflicts.
- 3) Additional compensation for farmers for wetlands.
- 4) Mid-Dakota Reservoir - to enable the Garrison Project to provide multiple use water to eastern North Dakota.
- 5) Continued settlement of other specific conflicts.
- 6) Swampbuster flexibility including using the no net loss concept with the Swampbuster guidelines to enable new drainage to be accomplished.

Commissioner Vogel said even though figures indicate the enrollment in the farm program were up in 1988 mainly due to the drought, there are factors which are changing and making the farm program less attractive and could cause a drop in enrollment in future years. Commissioner Vogel said farmers are concerned that S.B. 2035, no net loss of wetlands, is not being compared as a state alternative to Swampbuster but is being compared to practically no controls at all.

Commissioner Vogel said the farm sector is very concerned that the Federal Register does not allow a provision for the replacement of wetlands, even though the minimal effects exemption under Swampbuster does provide some flexibility for mitigation. She said it may appear this process is working in the "pilot test cases" but until a provision for mitigation is provided in the Federal Register there is going to be uneasiness among the farmers that the process could be short-term.

Clifford Issendorf, President of the North Dakota Water Resource Districts Association, commented on the history of various drainage projects and said that because of the legal process involved it has cost the counties and landowners considerable time and money. He said we need to look at S.B. 2035 as a management tool to communicate

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with the landowners and wildlife people to get a job done. Although he said he understands the legal process, he feels S.B. 2035 is a better answer and with a National Wetlands Policy facing us daily it is not going to get easier, it is going to get tougher. Mr. Issendorf said "the State of North Dakota has a no net loss policy in position and we are going to be one of the leading states to develop it; but, if we are going to sit and wait for the feds to smack us with a wetlands policy like Swampbuster, we are going to get the raw end of the deal."

It was moved by Commissioner Byerly and seconded by Commissioner Rudel that the State Water Commission support the principles of S.B. 2035.

In discussion of the motion, Commissioner Vogel stated that because she was not previously on the State Water Commission when this was discussed and was not aware this item was coming up for a vote at this meeting, she wished to abstain from voting, but requested her comments be made a part of the minutes.

Commissioner Spaeth stated he would like to see S.B. 2035 contain a provision that would provide adequate payment of wetlands for farmers.

Commissioner Narlock stated he basically supports the concept of S.B. 2035 but with reservations.

Commissioners Byerly, Gust, Lardy, Narlock, Rudel, Spaeth and Chairman Omdahl voted aye. Commissioner Vogel abstained from voting. The Chairman declared the motion carried.

**GARRISON DIVERSION PROJECT -
MR&I WATER SUPPLY PROGRAM
UPDATE
(SWC Project No. 237-3)**

Randall Binegar, MR&I Water Supply Program Coordinator, distributed and discussed the MR&I Program report indicating that 99 applications have been received requesting MR&I Water Supply Program funding. Of those 99 applications, 65 have submitted the preliminary engineering report representing approximately \$110 million total project costs, which does not include the Southwest Pipeline Project and the Northwest Area Water Supply Study. There are 8 projects in the feasibility study stage and 4 projects in the design and construction phases of the MR&I Water Supply Program, in addition to the Southwest Pipeline Project.

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Mr. Binegar updated the Commission members on the progress of those projects in the design and construction phases of the MR&I Water Supply Program:

- 1) The Langdon Water Supply Project is approximately 95 percent complete. Of the 210 presently signed-up members, 196 members currently have water available to them.
- 2) The McLean-Sheridan Water Supply Project is in the design phase and approximately 40 new members have been signed-up. The cultural resources survey has been completed for the pipeline route and the preliminary report was released in December, 1988. Completion of the design phase is scheduled for February or March and will then be submitted to the State Water Commission and the Garrison Diversion Conservancy District for review.
- 3) Construction of the new Riverside Park Dam in Grand Forks has progressed well over the winter and is approximately 80 percent complete. The project is anticipated to be completed in March, 1989.
- 4) A pre-construction conference was held for the Abercrombie Water Supply Project in November, 1988, and construction began shortly thereafter.

**GARRISON DIVERSION PROJECT -
CONTINUED DISCUSSION OF
FEASIBILITY STUDY REQUESTS
(SWC Project Nos. 237-19 -
237-33)**

At the October 11, 1988 Commission meeting, 15 MR&I Water Supply Projects were presented for the Commission's consideration that requested MR&I Water Supply Program funding for the project's feasibility study. Action was deferred at that meeting on the funding requests pending the completion of a priority ranking system for MR&I projects which has recently been completed.

David Sprynczynatyk, Director of the State Water Commission's Engineering Division, stated the feasibility study phase of a MR&I project is necessary in order to obtain sufficient information upon which to accurately determine priority rankings for the design and construction phase. The advancement of MR&I projects into the feasibility study phase is also important in order to get some construction underway this coming construction season. Mr. Sprynczynatyk commented that any portion of the MR&I appropriation for any

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given year that is unexpended at the end of that year is lost back to the federal coffers. The FY '89 MR&I appropriation is \$7.33 million.

Mr. Sprynczynatyk said there are two changes in the recommendation for feasibility study funding made at the October 11, 1988 State Water Commission meeting. The City of Gwinner has completed its feasibility study phase and has withdrawn its request for funding this phase. The city has requested MR&I Water Supply Program funds for the design and construction phase of its project, which will be addressed as a separate item.

Mr. Sprynczynatyk said the other change in the October 11, 1988 recommendation concerns the City of New Town Water Supply Project. New Town was successful in obtaining funding for a portion of its request through the Indian Health Services and, as a result, the MR&I project costs have been reduced to \$10,000 for the feasibility study and \$172,000 for the total project costs. Therefore, the recommendation for feasibility study funding for New Town is changed to \$7,500 (75 percent of \$10,000) rather than the \$9,000 recommended previously.

It was the recommendation of the State Engineer that the following projects be approved for MR&I Water Supply Program funding for feasibility studies, in an amount not to exceed \$108,075, contingent upon the availability of funds:

1) Edgeley Water Supply Project	\$ 4,875
2) Golden Lake Resort Water Supply Project	6,000
3) Hankinson Water Supply Project	6,000
4) Hannaford Water Supply Project	5,625
5) Harvey Water Supply Project	6,075
6) Killdeer Water Supply Project	9,000
7) Lehr Water Supply Project	5,250
8) Missouri West Rural Water Supply System	23,625
9) New Town Water Storage Reservoir Project	7,500
10) Old Settlers Park Water Supply Project	5,250
11) Rolla Water Supply Project	6,000
12) Rugby Water Treatment Project	10,500
13) Streeter Water Supply Project	5,625
14) Wishek Water Supply Project	6,750

It was moved by Commissioner Lardy and seconded by Commissioner Gust that the State Water Commission approve MR&I Water Supply Program funding not to exceed \$108,075 for feasibility studies

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for those projects as recommended by the State Engineer, contingent upon the availability of funds.

Commissioners Byerly, Gust, Lardy, Narlock, Rudel, Spaeth, Vogel and Chairman Omdahl voted aye. There were no nay votes. The Chairman declared the motion unanimously carried.

**GARRISON DIVERSION PROJECT -
CONSIDERATION OF REQUEST FOR
MR&I WATER SUPPLY PROGRAM
FUNDING FOR EDMORE WATER SUPPLY
PROJECT FOR FEASIBILITY STUDY
PHASE
(SWC Project No. 237-34)**

Randall Binegar, MR&I Water Supply Program Coordinator, stated the City of Edmore is experiencing an emergency water supply situation. The reservoir, which feeds the city's water supply wells, is nearly dry and the city is expected to

run out of water on approximately February 1, 1989. The city has made an emergency request to the Corps of Engineers to begin hauling in water February 1st.

One alternative being considered is a 19-mile extension to the Tri-County Rural Water System to serve Edmore. Another alternative is service to Edmore through the Langdon Rural Water System. The estimated cost for the feasibility study is \$5,000.

Mr. Binegar said the City of Edmore does not consider raising the Edmore Dam as a viable alternative due to landowner problems associated with a higher reservoir level. The State Water Commission staff plans to consider and evaluate the dam raising as an alternative to an extension of a rural water system.

It was the recommendation of the State Engineer that the Edmore Water Supply Project is consistent with the requirements of the MR&I Program and because of the emergency situation, MR&I Water Supply Program funds be granted in the amount of \$3,750 (75 percent of \$5,000) for the feasibility study phase, contingent upon the availability of funds and upon the satisfactory completion of a preliminary engineering report. The Garrison Diversion Conservancy District approved funding for the feasibility study phase at its January 5, 1989 meeting.

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It was moved by Commissioner Narlock and seconded by Commissioner Lardy that the State Water Commission approve MR&I Water Supply Program funding in the amount of \$3,750 for the Edmore Water Supply Project, contingent upon the availability of funds and upon completion of a preliminary engineering report.

Commissioners Byerly, Gust, Lardy, Narlock, Rudel, Spaeth, Vogel and Chairman Omdahl voted aye. There were no nay votes. The Chairman declared the motion unanimously carried.

**GARRISON DIVERSION PROJECT -
CONSIDERATION OF REQUEST FOR
MR&I WATER SUPPLY PROGRAM
FUNDING FOR GWINNER WATER
SUPPLY PROJECT FOR DESIGN
AND CONSTRUCTION PHASES
(SWC Project No. 237-21)**

Randall Binegar, MR&I Water Supply Program Coordinator, presented a request for the Commission's consideration of MR&I funding for the Gwinner Water Supply Project, which consists of the expansion of

the city's water supply to meet the current needs of the community. The water is currently not treated. The storage capacity is undersized and the well capacity is not adequate. The proposed project would consist of components to increase the ground-water supply to handle projected flow, increase the pipeline size from the wells, provide additional elevated storage, build an iron and manganese removal water treatment plant, and install electronic meter reading. The expansion of the water supply system is necessary to alleviate the shortages experienced by the city in the past decade and to facilitate the expansion of the Melroe Manufacturing Plant.

Mr. Binegar said the City of Gwinner has been successful in obtaining a \$665,000 Economic Development Administration Grant and a \$150,000 Farmers Home Administration Grant for the proposed water supply project. The estimated total project cost for the Gwinner project is \$1,330,000.

The Garrison Diversion Conservancy District approved funding for the feasibility study of the Gwinner project. The State Water Commission tabled consideration of the Gwinner feasibility study pending the completion of a priority ranking system. Due to scheduling requirement conflicts with the Economic Development

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Administration, funding of the feasibility study through the MR&I Program was not possible. The City of Gwinner has completed the feasibility study without the use of MR&I grant funds and has now requested funding for design and construction. The project is eligible to receive \$182,500 through the MR&I Program. A \$182,500 MR&I grant would represent 14 percent of the total project costs and would bring the total federal grant for the project to \$997,500, or 75 percent of the total project costs.

It was the recommendation of the State Engineer that the Gwinner Water Supply Project is consistent with the requirements of the MR&I Program and that MR&I Program funds be granted in the amount of \$182,500 for the design and construction phases of the project.

Donald Colburn, Mayor of the City of Gwinner, indicated the city has had water restrictions for approximately four years during the expansion of the Melroe Manufacturing Plant. Mr. Colburn commented on the features of the city's water supply expansion project and indicated the project is very essential to meet the city's water needs.

Grover Riebe, speaking for Melroe Manufacturing, commented on the plant's major expansion project currently underway. Mr. Riebe said the Melroe plant is the largest employer within a four-county area with employees coming from a 50-mile radius. The expansion of the plant will create approximately 50-60 new jobs when completed.

It was moved by Commissioner Byerly and seconded by Commissioner Lardy that the State Water Commission approve MR&I Water Supply Program funding in the amount of \$182,500 for the design and construction phases of the Gwinner Water Supply Project, contingent upon the availability of funds.

Commissioners Byerly, Gust, Lardy, Narlock, Rudel, Spaeth, Vogel and Chairman Omdahl voted aye. There were no nay votes. The Chairman declared the motion unanimously carried.

**GARRISON DIVERSION PROJECT -
REPORT FROM MR&I PROJECT
PRIORITY COMMITTEE
(SWC Project No. 237-3)**

Commissioner Gust, Chairman of the MR&I Project Priority Committee, reported he and Commissioner Lardy have had several meetings with State Water Comm-

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ission staff and representatives of the Garrison Diversion Conservancy District to develop a priority system for the purpose of prioritizing MR&I water supply projects that have requested MR&I Water Supply Program funds. Commissioner Gust said a draft priority system has been developed along with a rating of various projects and has been submitted to the Commission members for review and comments.

Commissioner Gust commented that the priority system will merely be a tool for assistance to both the staff and the Commission members in the decision-making process relative to consideration of MR&I Water Supply projects requesting MR&I funding.

It was the consensus of other Commission members that the MR&I Project Priority System draft is very favorable and they offered compliments to the Committee members for a job well done.

It was moved by Commissioner Gust and seconded by Commissioner Lardy that the State Water Commission adopt the report of the MR&I Project Priority Committee.

Commissioners Byerly, Gust, Lardy, Narlock, Rudel, Spaeth, Vogel and Chairman Omdahl voted aye. There were no nay votes. The Chairman declared the motion unanimously carried.

**GARRISON DIVERSION PROJECT -
CONSIDERATION OF REQUEST FROM
CITY OF MINTO FOR MR&I WATER
SUPPLY PROGRAM FUNDING FOR
FEASIBILITY PHASE OF PROJECT
(SWC Project No. 237-7)**

John Schanilec, Mayor of the City of Minto, appeared before the State Water Commission to discuss an alternative source of water supply for the City of Minto. The city currently has a dam on the Forest River that was constructed in 1948 and is the city's sole source of water. Over the summer, very little flow and, at times, no flow in the river has been experienced. Mr. Schanilec said several alternative sources of water supply have been investigated, but the preferred source appears to be the Fordville aquifer. The city has submitted its preliminary engineering report and application for MR&I Water Supply Program funding for its feasibility study.

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**GARRISON DIVERSION PROJECT -
APPOINTMENT OF COMMITTEE TO
MEET WITH GDCD TO DEVELOP
RECOMMENDATIONS ON PERCENTAGE
OF MR&I FUNDING FOR
FEASIBILITY STUDIES
(SWC Project No. 237-3)**

Commissioner Spaeth discussed a proposal for appointing two members of the State Water Commission to meet with two persons of the Garrison Diversion Conservancy District to develop recommendations on the percentage of MR&I funding for feasibility studies.

It was moved by Commissioner Spaeth, seconded by Commissioner Lardy, and unanimously carried, that the Chairman of the State Water Commission appoint a committee of two persons to meet with the Garrison Diversion Conservancy District's committee of two to develop a recommendation on the percentage of MR&I funding for feasibility studies.

(Chairman Omdahl appointed Commissioners Spaeth and Rudel to this Committee on January 26, 1989.)

**GARRISON DIVERSION PROJECT -
REQUEST TO HOLD JOINT STATE
WATER COMMISSION AND GARRISON
DIVERSION CONSERVANCY DISTRICT
MEETING
(SWC Project No. 237)**

Commissioner Spaeth requested that a joint meeting be scheduled with the State Water Commission and the Garrison Diversion Conservancy District after the Legislative Session, and that arrangements for this meeting be left to the discretion of the State Engineer and the Manager of the Conservancy District.

eting be left to the discretion of the State Engineer and the Manager of the Conservancy District.

It was moved by Commissioner Spaeth, seconded by Commissioner Rudel, and unanimously carried, that the State Water Commission and the Garrison Diversion Conservancy District schedule a joint meeting following the Legislative Session with the arrangements for the meeting left to the discretion of the State Engineer and the Manager of the Conservancy District.

**CONSIDERATION OF REQUEST FROM
BARNES COUNTY WATER RESOURCE
DISTRICT FOR COST PARTICIPATION
IN SHEYENNE RIVER SNAGGING
AND CLEARING PROJECT
(SWC Project No. 1816)**

A request from the Barnes County Water Resource District was presented for the Commission's consideration to cost share and provide technical assistance in the snagging and

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clearing of large obstructions on a portion of the Sheyenne River. This project is following the recommendations of the 1981 State Water Commission preliminary engineering report on the Sheyenne River. It covers the Sheyenne River from Baldhill Dam to the county line of Ransom County and has an estimated cost of \$167,000.

David Sprynczynatyk stated since 1986, the Barnes County Water Resource District has cleared approximately 7.1 river miles at a cost of \$48,175. The State Water Commission provided assistance of \$11,106, which included determining the number of trees and snags and preparing the plans and specifications.

The next phase was bid on January 12, 1989 and totaled approximately 13.1 river miles with one portion being from County Road #21 to Interstate 94 in Valley City, and a second portion located approximately 5 miles south of Valley City. The total estimated cost is \$37,754 with \$4,240 of technical assistance from the State Water Commission. Twenty-five percent of the costs would be \$9,440 with \$5,200 being required from the Contract Fund.

Mr. Sprynczynatyk indicated that presently the Contract Fund has approximately \$30,000 more than the amount reserved by the State Water Commission on October 11, 1988 for this spring's unexpected needs or emergencies.

Steve Olson, representing the Barnes County Water Resource Board, commented on the project and said the project is currently underway. He requested the Commission's favorable consideration of the District's request for cost sharing.

It was the recommendation of the State Engineer that the State Water Commission approve cost participation for 25 percent of the eligible items, not to exceed \$9,440 for snagging and clearing a portion of the Sheyenne River in Barnes County, contingent upon the availability of funds and contract funding of \$5,200 with the remaining \$4,240 as technical assistance from the State Water Commission engineering staff.

It was moved by Commissioner Lardy and seconded by Commissioner Narlock that the State Water Commission approve cost participation for 25 percent of the eligible items, not to exceed \$9,440, for snagging and clearing a portion of the Sheyenne River in Barnes County. This motion shall be contingent upon the

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availability of funds and contract funding of \$5,200 and the remaining \$4,240 as technical assistance from the State Water Commission engineering staff.

Commissioners Byerly, Gust, Lardy, Narlock, Rudel, Spaeth, Vogel and Chairman Omdahl voted aye. There were no nay votes. The Chairman declared the motion unanimously carried.

**CONSIDERATION OF REQUEST FROM
RICHLAND COUNTY WATER RESOURCE
DISTRICT FOR COST PARTICIPATION
IN SHEYENNE RIVER SNAGGING
AND CLEARING PROJECT
(SWC Project No. 1814)**

A request from the Richland County Water Resource District was presented for the Commission's consideration for cost sharing and to provide technical assistance in the snagging and clearing of large obstructions on the Sheyenne River. This project is following the recommendations of the 1989 State Water Commission preliminary engineering report, which covers the Sheyenne River within Richland County.

David Sprynczynatyk said the project was bid on January 24, 1989 and involves approximately 30.5 river miles at an estimated cost of \$129,000. Of the estimated cost, approximately \$10,065 will be technical assistance with most of that coming from the State Water Commission's West Fargo office. Twenty-five percent of the eligible costs would be \$32,500 with \$30,000 being required from the Contract Fund. The Richland County Water Resource District is a member of the Red River Joint Water Resource Board which funds 50 percent of the costs of the Commission's West Fargo office and will receive credit.

Bernie Rydell, Chairman of the Richland County Water Resource Board, introduced the other Board members present and commented briefly on the project. He requested the Commission's favorable action on their request for cost participation.

It was the recommendation of the State Engineer that the State Water Commission approve cost participation in 25 percent of the eligible costs, not to exceed \$32,500, for the snagging and clearing of the Sheyenne River in Richland County. Approval should be contingent upon the availability of funds and require a maximum contract funding of \$30,000 with the remaining \$2,500 as technical assistance from the State Water Commission's engineering staff.

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It was moved by Commissioner Gust and seconded by Commissioner Rudel that the State Water Commission approve cost participation in 25 percent of the eligible costs, not to exceed \$32,500, for the snagging and clearing of the Sheyenne River in Richland County. This motion shall be contingent upon the availability of funds and require a maximum contract funding of \$30,000 with the remaining \$2,500 as technical assistance from the State Water Commission's engineering staff.

Commissioners Byerly, Gust, Lardy, Narlock, Rudel, Spaeth, Vogel and Chairman Omdahl voted aye. There were no nay votes. The Chairman declared the motion unanimously carried.

**NORTHWEST AREA WATER
SUPPLY STUDY UPDATE
(SWC Project No. 237-4)**

Study supplement to consider the integration of a Fort Berthold Indian Reservation system and a non-Indian system.

At the December 7, 1988 meeting the State Water Commission approved authorization for a Northwest Area Water Supply

Randall Binegar, Project Manager for the Northwest Area Water Supply Study, stated as a result of the Commission action of December 7, 1988, the Northwest Area Water Supply Study contract has been extended to include the supplemental study, which is currently underway.

**SOUTHWEST PIPELINE PROJECT -
PROJECT UPDATE
(SWC Project No. 1736)**

Inc. of Fargo with a bid of \$1,262,500.

On January 12, 1989, bids were opened on Contract 5-2, Dickinson Reservoir. The low bid was submitted by Geo. E. Haggart,

David Sprynczynatyk said two additional bids will be opened on February 2, 1989 for the intake pump station and raw water reservoir (Contract 1-1/3-1A) and the 7-mile raw water pipeline (Contract 2-1). Four large contracts will be under construction in 1989 and, in addition, small contracts will be let in 1989 on a telemetry control system and cathodic protection for about 40 miles of the pipeline.

January 26, 1989

Mr. Sprynczynatyk said negotiations have been started with the Western Area Power Administration regarding federal power for the Southwest Pipeline Project, and it is anticipated that federal power will reduce the energy costs of the pipeline by about one-third.

Secretary Fahy stated the President's budget for FY '90 includes \$8.7 million for the Garrison Project, of which approximately \$2 million will be appropriated to the MR&I Water Supply Program. With the projects that are currently underway, Secretary Fahy said it appears there will be limited funds available in FY '90 for the Southwest Pipeline Project under the current President's budget although there will be a strong effort to try and restore the appropriation in the President's budget for FY '90 to a level to sustain the development that is currently taking place.

SOUTHWEST PIPELINE PROJECT - APPROVAL OF CONTRACT 5-2 (SWC Project No. 1736) David Sprynczynatyk indicated that on January 12, 1989 the bids were opened on Contract 5-2, Dickinson Reservoir. This will be a 4.8 million gallon concrete reservoir located about three miles east of Dickinson along Highway 10. The low bid was submitted by Geo. E. Haggart, Inc. of Fargo with a bid of \$1,262,500.

It was the recommendation of the State Engineer that the State Water Commission approve the awarding of Contract 5-2 to Geo. E. Haggart, Inc. of Fargo.

It was moved by Commissioner Byerly and seconded by Commissioner Lardy that the State Water Commission approve the award of Contract 5-2 of the Southwest Pipeline Project for the Dickinson Reservoir to Geo. E. Haggart, Inc. of Fargo.

Commissioners Byerly, Gust, Lardy, Narlock, Rudel, Spaeth, Vogel and Chairman Omdahl voted aye. There were no nay votes. The Chairman declared the motion unanimously carried.

SOUTHWEST PIPELINE PROJECT - CONTINUED DISCUSSION RELATIVE TO PARALLEL PIPELINES (SWC Project No. 1736) It was suggested by the State Engineer, and agreed to by the Commission members, that a continued discussion relative to parallel pipelines for the Southwest Pipeline Project be deferred until a future meeting.

January 26, 1989

**SOURIS RIVER FLOOD
CONTROL PROJECT UPDATE
(SWC Project No. 1408)**

David Sprynczynatyk updated the Commission members on the status of the Souris River Flood Control Project, and reported

on the most recent meeting held in Ottawa with the United States and Canadian interests to finalize an international agreement concerning the construction, operation and maintenance of the project. As a result of this meeting, Mr. Sprynczynatyk said the text of a draft agreement was developed that is acceptable to all interests and will likely be recommended to the two Governments for signature upon the completion of the Corps of Engineers environmental requirements.

**CONSIDERATION OF AGENCY
FINANCIAL STATEMENT**

Matt Emerson, Director of the State Water Commission's Administrative Division, reviewed

the Program Budget Expenditures and the Program/Projects Authorized, dated December 31, 1988.

Secretary Fahy said the State Water Commission presented its budget testimony before the House Appropriations Committee on January 25, 1989, and distributed copies of the testimony for the Commission's information.

1989 LEGISLATIVE REPORT

The State Engineer and staff members responded to questions concerning various bills in the Legislature.

**CONSIDERATION, AND APPROVAL,
OF RESOLUTIONS OF APPRECIATION
TO COMMISSIONERS KENT JONES
AND RICHARD BACKES
(SWC Resolution No. 89-1-429)
(SWC Resolution No. 89-1-430)**

It was moved by Commissioner Gust, seconded by Commissioner Lardy, and unanimously carried, that the State Water Commission approve Resolutions of Appreciation to Commissioners Kent Jones and Richard Backes.
(SEE APPENDICES "A" AND "B")

January 26, 1989

**CONCERNS RELATIVE TO
YELLOWSTONE RIVER BANK
STABILIZATION WORK
(SWC Project No. 1507)**

being proposed on the opposite side of the river. Commissioner Byerly requested the State Engineer and staff to investigate the matter.

Commissioner Byerly said she has received calls from landowners living along the Yellowstone River expressing concern relative to jetty work that is

It was moved by Commissioner Lardy, seconded by Commissioner Spaeth, and unanimously carried, that the State Water Commission meeting adjourn at 11:30 a.m.


George A. Sanner
Governor-Chairman

ATTEST:


Vernon Fahy
State Engineer and Secretary

January 26, 1989

NORTH DAKOTA STATE WATER COMMISSION

REGISTER

ATTENDANCE AT State Water Commission Meeting

DATE January 26, 1989 PLACE Bismarck, ND

PROJECT NO. _____

Your Name	Your Address	Who do you Represent? (Or Occupation)
Steven Olson	Valley City, N. DAK.	Boerne county Water Resource District
Jim Johnson	1600 E. Interstate Ave #7 Bismarck, ND.	Lewis and Clark RCD
Cliff Wendel	Box 128, KRAMOR, ND	N. D. W. R. D.
Benny Stone	Rt 1 Box 25 Bandy MO	N D W R D.
Randall Binegar	Bismarck	State Water Commission
RONALD FRENCH	GRAND FORKS	KBIM, INC ENGINEERING
John H. Schenilec	Minto, N.D.	City of Minto
EMERSON MURRY	BISMARCK	GDOD
PAT STEVENS	"	SWC
DON COLBURN	GRWINNER	CITY OF GRWINNER
Jim Beckstrom	Sioux Falls	City of Sioux Falls
Dale McKee	Sioux Falls N.D.	City of Sioux Falls
Leroy Keppert	SWC	
Andy Mork	Mandan	Morton County WRD
Don Larson	Sioux Falls	City of Sioux Falls

NORTH DAKOTA STATE WATER COMMISSION
REGISTER

ATTENDANCE AT _____
DATE _____ PLACE _____
PROJECT NO. _____

Your Name	Your Address	Who do you Represent? (Or Occupation)
<i>Lawrence Piche</i>	<i>Lawrence ND</i>	<i>City of Lawrence</i>

APPENDIX "A"

RESOLUTION NO. 89-1-429

IN APPRECIATION - KENT JONES

WHEREAS, Kent Jones served with distinction as a member of the North Dakota State Water Commission from January, 1981 to December, 1988; and

WHEREAS, Kent contributed greatly to the deliberations of the State Water Commission; and

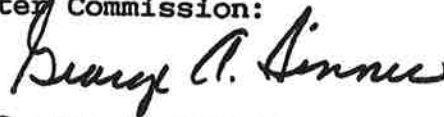
WHEREAS, his experience as a farmer, State Legislator and Commissioner of Agriculture provided a valuable background for his participation in the deliberations of the State Water Commission; and

WHEREAS, his interest in and concern for the future of water resource development in this State and region were clearly evident throughout his tenure as a State Water Commission member; and

WHEREAS, his advice, counsel and participation will be missed by his fellow Commissioners.

NOW, THEREFORE, BE IT RESOLVED, that the North Dakota State Water Commission, Governor George A. Sinner, its Chairman, and the State Engineer and staff, at a meeting held on January 26, 1989, do hereby express their thanks and appreciation to Kent Jones for his service as a member of the State Water Commission.

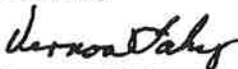
For the North Dakota State Water Commission:



George A. Sinner
Governor-Chairman

SEAL

ATTEST:



Vernon Fahy
State Engineer

APPENDIX "B"

RESOLUTION NO. 89-1-430

IN APPRECIATION - RICHARD BACKES

WHEREAS, Richard Backes has resigned from the State Water Commission to accept an appointment to serve as North Dakota State Highway Commissioner; and

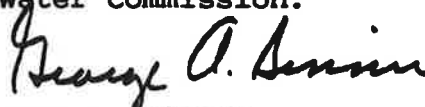
WHEREAS, he contributed greatly to the deliberations of the State Water Commission because of his lengthy services as a member and as a leader in the North Dakota House of Representatives; and

WHEREAS, his interest in and concern for the future of water resource development in this State and region were clearly evident throughout his tenure as a State Water Commission member; and

WHEREAS, his advice, counsel and participation will be missed by his fellow Commissioners.

NOW, THEREFORE, BE IT RESOLVED, that the North Dakota State Water Commission, Governor George A. Sinner, its Chairman, State Engineer and staff, at a meeting held on January 26, 1989, do hereby express their thanks and appreciation to Richard Backes for his service as a member of the State Water Commission and also congratulates him upon his appointment as State Highway Commissioner.

For the North Dakota State Water Commission:



George A. Sinner
Governor-Chairman

SEAL

ATTEST:



Vernon Fahy
State Engineer