

MINUTES**North Dakota State Water Commission
Bismarck, North Dakota****May 7, 1990**

The North Dakota State Water Commission held a telephone conference call meeting at the State Office Building, Bismarck, North Dakota, on May 7, 1990. Chairman, Lieutenant Governor Lloyd Omdahl, called the meeting to order at 4:00 PM, and requested State Engineer and Chief Engineer-Secretary, David Sprynczynatyk, to call the roll and present the agenda.

MEMBERS PRESENT:

Lieutenant Governor Lloyd Omdahl, Chairman
 Sarah Vogel, Commissioner, Department of Agriculture, Bismarck
 Joyce Byerly, Member from Watford City
 Jacob Gust, Member from West Fargo
 Lorry Kramer, Member from Minot
 William Lardy, Member from Dickinson
 Norman Rudel, Member from Fessenden
 Jerome Spaeth, Member from Bismarck
 David Sprynczynatyk, State Engineer and Chief Engineer-Secretary, North Dakota State Water Commission, Bismarck

MEMBER ABSENT:

Daniel Narlock, Member from Oslo, MN

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 MARCH 19, 1990 MEETING -
 APPROVED**

The minutes of the March 19, 1990 meeting were approved by the following motion:

It was moved by Commissioner Gust, seconded by Commissioner Rudel, and unanimously carried, that the minutes of the March 19, 1990 meeting be approved as circulated.

**SOUTHWEST PIPELINE PROJECT -
APPROVAL OF AWARD OF CONTRACT
4-1 (DODGE PUMP STATION) AND
CONTRACT 4-2/5-1 (RICHARDTON
PUMP STATION AND RESERVOIR)
(SWC Project No. 1736)**

On April 11, 1990, bids were opened for the Southwest Pipeline Project Contract 4-1 (Dodge Pump Station) and Contract 4-2/5-1 (Richardton Pump Station and Reservoir). Tim Fay, Project Manager for the

Southwest Pipeline Project indicated these contracts were bid previously with prices received being much greater than estimated. The Water Commission decided to reject those bids, defer some of the items in the facilities, list the bridge crane at each pump station as an option, and re-bid. The contractors were permitted to submit individual bids on the general, mechanical, and electrical portions of the work or a single combined bid. Mr. Fay said in both cases the apparent low bids were combinations of the components.

The low bidder for General Contract 4-1 (Dodge Pump Station), including the optional bridge crane, was George E. Haggart, Inc., Mechanical Contract 4-1 was Cofell Plumbing & Heating, Inc., and Electrical Contract 4-1 was Becker Electric, Inc., with a total bid price of \$1,181,850.

It was the recommendation of the State Engineer that the State Water Commission approve the award of General Contract 4-1, including the optional bridge crane, to George E. Haggart, Inc., Mechanical Contract 4-1 to Cofell Plumbing & Heating, Inc., and the Electrical Contract 4-1 to Becker Electric, Inc.

It was moved by Commissioner Spaeth and seconded by Commissioner Lardy that the State Water Commission approve the award of Southwest Pipeline Project General Contract 4-1, (Dodge Pump Station), including the bridge crane, to George E. Haggart, Inc., Mechanical Contract 4-1 to Cofell Plumbing & Heating, Inc., and Electrical Contract 4-1 to Becker Electric, Inc.

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

The low bidder for General Contract 4-2/5-1 (Richardton Pump Station and Reservoir), including the optional bridge crane, was Agassiz Construction,

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Inc., Mechanical Contract 4-2/5-1 was Cofell Plumbing & Heating, Inc., and Electrical Contract 4-2/5-1 was Becker Electric, Inc. The combined bid prices totalled \$1,827,260.

It was the recommendation of the State Engineer that the State Water Commission approve the award of Contract 4-2/5-1, including the optional bridge crane, to Agassiz Construction, Inc., Mechanical Contract 4-2/5-1 to Cofell Plumbing & Heating, Inc., and the Electrical Contract 4-2/5-1 to Becker Electric, Inc.

It was moved by Commissioner Spaeth and seconded by Commissioner Lardy that the State Water Commission approve the award of Southwest Pipeline Project General Contract 4-2/5-1 (Richardton Pump Station and Reservoir), including the bridge crane, to Agassiz Construction, Inc., Mechanical Contract 4-2/5-1 to Cofell Plumbing & Heating, Inc., and Electrical Contract 4-2/5-1 to Becker Electric, Inc.

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

**SOUTHWEST PIPELINE PROJECT -
APPROVAL OF AWARD OF CONTRACT
2-3C (MAIN TRANSMISSION LINE TO
DICKINSON WATER TREATMENT PLANT)
SWC Project No. 1736)**

On April 17, 1990, bids were opened for Southwest Pipeline Project Contract 2-3C (Main Transmission Line to the Dickinson Water Treatment Plant).

Tim Fay stated this work is exclusively a pipe installation contract and, therefore, it was not necessary to divide the work for bidding. The apparent low bidder for Contract 2-3C was George E. Haggart, Inc. with a bid of \$1,793,169.50. The engineer's estimate for Contract 2-3C was \$1,902,911.

It was the recommendation of the State Engineer that the State Water Commission approve the award of Contract 2-3C to George E. Haggart, Inc.

It was moved by Commissioner Spaeth and seconded by Commissioner Lardy that the State Water Commission approve the award

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of Southwest Pipeline Project Contract 2-3C (Main Transmission Line to Dickinson Water Treatment Plant) to George E. Haggart, Inc.

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

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

Tim Fay indicated negotiations are in progress with Oliver-Mercer REC on an agreement for wheeling federal power to the

intake pump station site. These negotiations have resulted in a draft agreement, which appears to be satisfactory to our interests and has been signed by the REC. The costs specified by the agreement are divided into two components. The first is the "base charge" of \$161,713, which represents the share of the REC's facilities that will be allocated to our needs and will be paid when the pump station is placed in permanent use. Each of the REC's major industrial users is charged a similar fee. Mr. Fay said if another major user is added in the future, part of the base charge would be refunded probably in the form of reduction of the other component, the "wheeling charge". The wheeling charge is to cover the actual cost of handling the power, including operation and maintenance costs of the lines and facilities. The wheeling charge may vary but current estimates are 1.41 cents per kilowatt hour.

Mr. Fay said when the agreement is approved with the Western Area Power Administration, an agreement with Oliver-Mercer can be approved.

Commissioner Lardy requested the State Engineer and staff provide information relative to comparing the current cost estimate for providing power to the facilities with the cost projections used at the time the service contracts were executed.

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

Secretary Sprynczynatyk reported on a meeting he attended recently in Minot with representatives of the Canadian panel

reviewing the Rafferty-Alameda project. The purpose of the meeting was for the panel to learn from the people in Minot and the State of North Dakota just exactly what had been done in the

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past and what the current interests are. Secretary Sprynczynatyk stated it was made very clear to them that flood control for Minot and the Souris River is as important today as it ever has been and that the city and state still strongly support the project.

The panel representatives inquired if there is a need for a public hearing in North Dakota. Secretary Sprynczynatyk indicated it was generally agreed by those at the meeting that since public hearings have previously been held in North Dakota and the records from those hearings will be a part of the record for the current undertaking, it would not be necessary to hold another hearing in North Dakota. The panel will be touring the project area in May and will make its decision if additional information is required. Secretary Sprynczynatyk stated he offered assistance to work with the panel staff on the review of the project and to provide any additional information we might have that would be useful in their review.

**DEVILS LAKE FLOOD CONTROL
PROJECT UPDATE
(SWC Project No. 1712)**

At the March 19, 1990 meeting, the Commission members were informed that the staff was in the process of developing a briefing paper, with input from state and federal agencies, outlining the scenarios that have been discussed for flood control and providing water to Devils Lake.

The "Devils Lake Stabilization Briefing Study" was presented at a meeting held in Devils Lake on May 2, 1990. The problems were discussed and alternatives and recommendations were presented for short and long-term solutions to the problems.

Secretary Sprynczynatyk said the staff has reviewed the information and the state agencies recommendation for a short-term solution would be to sectionalize Devils Lake and maintain the fishery in half of the lake in the event the lake continues to drop. Legal aspects are currently being addressed relative to this solution.

The long-term solution recommended involves a pipeline and treatment plant that would be built from the New Rockford Canal to the west bay of Devils Lake. Secretary Sprynczynatyk stated the time frame to implement the long-term solution, assuming it is a federal project, would require at least five years in order to complete the environmental studies, design and construction of the project. The estimated cost of the pipeline is \$76 million, with an annual operating cost of approximately \$3.9 million.

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Chairman Omdahl related Governor Sinner's concerns to the Commission members that the stabilization of Devils Lake is a high priority project in the state and we must proceed with our efforts as quickly as possible to find a solution to this problem. Negotiations will continue with the Bureau of Reclamation and others to determine what is required to deliver water to stabilize Devils Lake as quickly as possible.

Chairman Omdahl requested the State Engineer continue to discuss federal funding for the Devils Lake Project with the Manager of the Garrison Diversion Conservancy District. He also requested that an allocation for the Devils Lake Project be included in the efforts to secure federal FY 1991 funding for the Garrison Diversion Project.

**MISSOURI RIVER UPDATE
(SWC Project No. 1392)**

Secretary Sprynczynatyk briefed the Commission members on the lawsuit filed by North Dakota, South Dakota and Montana against the Corps of Engineers in US District Court in North Dakota to limit releases for navigation from the Missouri River system reservoirs during the month of May.

Governor Mickelson of South Dakota expressed concern relative to the emergency situation existing in Lake Oahe. Corps of Engineers forecasts indicate the lake level will drop an additional three feet during the month of May that will destroy the fishery production during the spawn for the third consecutive year. Governor Mickelson requested immediate efforts to work with the Corps of Engineers to stop them from continuing to reduce the level of Lake Oahe.

Secretary Sprynczynatyk explained that Lake Oahe and other reservoirs in the Missouri River system are being drawn down in order to support navigation below the last reservoir on the river. Approximately 26,000 cubic feet per second is currently being released from the system.

Following a meeting on May 1, 1990, with the Missouri River Division Engineer, to discuss the Corps of Engineers intent for the operation of the Missouri River system, Secretary Sprynczynatyk said the decision was made to proceed with the lawsuit. The complaint and a request for a temporary restraining order were filed in Federal District Court in Bismarck on May 4, 1990. Former Governor William Janklow has been retained as South Dakota's attorney, and Attorney General Nicholas Spaeth and Pat Stevens, Assistant Attorney General, are representing North Dakota.

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Pat Stevens explained the lawsuit. The lawsuit requests the Court to issue a temporary restraining order to maintain the level of Lake Oahe until June 1, 1990 by limiting releases for navigation and not lowering any of the other reservoirs in the system. A hearing is scheduled on the Temporary Restraining Order on May 8, 1990, at 1:30 PM.

**GARRISON DIVERSION PROJECT -
PROJECT UPDATE AND FISCAL
YEAR 1991 BUDGET
(SWC Project No. 237)**

Secretary Sprynczynatyk discussed the considerable effort that is being put forward by representatives of the State to include funding in the FY 1991 budget

for the Garrison Diversion Project. In order for the project to move forward, Secretary Sprynczynatyk said a minimum of \$45 million has been requested.

Chairman Omdahl reiterated his request to include an allocation for federal funds in the Garrison budget for the Devils Lake Project. Because the Devils Lake project has received national attention and the need to stabilize the lake is of immediate concern, it was agreed by the Commission members that an allocation for the project would strengthen the efforts to restore federal FY 1991 funding for the Garrison Project.

**GARRISON DIVERSION PROJECT -
INSPECTOR GENERAL'S REPORT
(SWC Project No. 237)**

At the March 19, 1990 meeting, the Commission members were briefed on the Inspector General's audit report that was

published in February, 1990. The report indicated the Bureau of Reclamation did not properly reconcile the reimbursable costs for the project and the non-reimbursable costs are overstated by approximately \$198 million. The Inspector General is recommending those costs be passed on to the users. Secretary Sprynczynatyk said concern exists with the report as it addressed only the irrigation features of the project and failed to recognize the other benefits of the project, mainly wildlife benefits. The Bureau of Reclamation agreed to review this matter.

Secretary Sprynczynatyk indicated the state is involved in an effort to try to determine the wildlife and recreation benefits of the Garrison Diversion Project. He said it was explained to the people in Washington that all of the project's benefits must be considered before making an overall judgement on the project.

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GARRISON DIVERSION PROJECT - MR&I WATER SUPPLY PROGRAM UPDATE (SWC Project No. 237-3) Jeffrey Mattern, MR&I Water Supply Program Coordinator, reported the status of the MR&I Water Supply Program remains unchanged from the report of March 19, 1990. Mr. Mattern said several project sponsors have inquired as to the funding status of FY 1990 and 1991.

GARRISON DIVERSION PROJECT - CONSIDERATION OF REQUEST FOR REALLOCATION OF FUNDS FOR MCLEAN-SHERIDAN WATER SUPPLY PROJECT (SWC Project No. 1782) The McLean-Sheridan Joint Water Resource Board previously requested and received approval for funding of a scaled-back water supply line for the community of Denhoff. The Garrison Diversion Conservancy District and the State Water Commission, on March 19, 1990, granted approval based on an estimated cost of \$145,000 for federal MR&I funding of 75 percent of \$108,750.

Jeffrey Mattern stated the project engineer has a revised estimated project cost, of \$163,836, which the contractor has agreed to. This requires federal funding of 75 percent of \$122,878. The engineer's project budget indicated there are sufficient contingency and design funds remaining to fund this construction. The design fund balance is \$38,298.54.

It was the recommendation of the State Engineer that the McLean-Sheridan Joint Water Resource Board be given approval to use 75 percent federal MR&I funding, not to exceed \$122,878 from any remaining design and contingency funds to construct another component of the McLean-Sheridan Water Supply Project. Secretary Sprynczynatyk stated this will not result in the granting of any new funds for the project and the approval would be contingent upon the Garrison Conservancy District approval.

It was moved by Commissioner Rudel and seconded by Commissioner Lardy that the State Water Commission grant approval to the McLean-Sheridan Joint Water Resource Board to use 75 percent federal MR&I funding, not to exceed \$122,878 from any remaining design and contingency funds, to construct another component of the McLean-Sheridan Water Supply Project. This motion is contingent upon the Garrison Diversion Conservancy District approval.

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Commissioners Byerly, Gust, Kramer, Lardy, 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
ADDITIONAL FUNDS FOR
RAMSEY COUNTY RURAL
WATER SUPPLY PROJECT
(SWC Project No. 237-5)**

Jeffrey Mattern presented a request received on April 27, 1990 from the Ramsey County Water Resource District for federal MR&I funding to complete the Cultural Resource Survey for the Ramsey County

Rural Water Supply Project. Completion of the project design is scheduled for October, 1990. Also, the Cultural Resource Survey should be completed this summer to allow 1991 construction, if federal funding becomes available.

Jeffrey Mattern said it is estimated the Cultural Resource Survey will require 90 days to complete with a total cost of \$60,000, including additional engineering time. This would require 75 percent funding of \$45,000, which could be obtained from completed projects and interest monies. Jeffrey Mattern said the Garrison Diversion Conservancy District will consider this at its executive meeting in May.

It was the State Engineer's recommendation that the Ramsey County Water Resource District be granted 75 percent federal MR&I funding, not to exceed \$45,000, for completion of the Ramsey County Rural Water Supply Project Cultural Resource Survey, contingent upon the availability of funds and Garrison Diversion Conservancy District approval.

It was moved by Commissioner Vogel and seconded by Commissioner Lardy that the State Water Commission approve 75 percent federal MR&I funding, not to exceed \$45,000, for completion of the Ramsey County Rural Water Supply Project Cultural Resource Survey. This motion is contingent upon the availability of funds and approval of the Garrison Diversion Conservancy District.

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

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**GARRISON DIVERSION PROJECT -
CONTINGENCY WATER PLAN FOR
ALTERNATE WATER SUPPLY
(SWC Project No. 237-3)**

At the March 19, 1990 meeting, the Commission members were informed that on November 10, 1990, a letter was sent to all North Dakota communities with populations of over 500 inquiring if they had a written contingency plan for an alternate water supply. The letter was sent to 108 communities with 22 communities responding to the State Water Commission with various answers.

Secretary Sprynczynatyk stated seven of the communities responding have a written plan and ten have an unwritten plan. Nine communities were interested in receiving a matching grant to develop a written plan. Fifteen communities submitted applications to the Garrison Diversion Unit MR&I Water Supply Program for additional project development.

Secretary Sprynczynatyk stated he will provide the Commission members with copies of the report summarizing the results of the survey. Also, this information will be provided to the communities with populations over 500 encouraging them to develop a contingency water supply plan if they do not already have one.

Secretary Sprynczynatyk said the staff may be able to provide limited assistance to the individual communities in developing their contingency water supply plan. Also, he said he is working with the State Disaster Emergency Services regarding the possibility of providing federal funding assistance to the communities.

Secretary Sprynczynatyk reported on a joint workshop of the Western Governors Association and the Western States Water Council he recently chaired on drought management. He said one of the conclusions of that workshop was the states need to be doing strategic drought planning. One way to this is to work with the communities to develop a drought management plan in the event their water supply is lost. Secretary Sprynczynatyk said Governor Sinner has emphasized the importance of developing contingency water supply plans for communities and urged this effort be pursued.

Secretary Sprynczynatyk briefed the Commission members on the water shortage in the community of Ryder. Staff are working in the community trying to fully analyze and assess their situation. He said it appears they have several weeks of supply remaining but unless there is a substantial amount of rain in the area to recharge the aquifer, the community will have to make a request to the Corps of Engineers for emergency assistance. Secretary Sprynczynatyk

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stated there are several other communities in the state that are being monitored and staff is working with the people in the communities to assess their potential problem.

**SHEYENNE RIVER FLOOD
CONTROL PROJECT -
GROUNDBREAKING CEREMONY
FOR WEST FARGO AND
HORACE PHASE
(SWC Project No. 1344)**

The Southeast Cass Water Resource District has invited the State Water Commission to attend the groundbreaking ceremony for the West Fargo-Horace phase of the Sheyenne River Flood Control Project scheduled for May 31, 1990 at 2:00 PM.

**NORTH DAKOTA WATER RESOURCE
DISTRICTS ASSOCIATION
SUMMER MEETING**

The North Dakota Water Resource Districts Association has invited the State Water Commission to meet jointly during its summer meeting scheduled in Williston on July 9 and 10, 1990. Secretary Sprynczynatyk indicated arrangements are also being made for the Commission to meet with the Garrison Diversion Conservancy District in July. It was agreed arrangements for the meetings be left to the discretion of the Chairman and the State Engineer.

It was moved by Commissioner Lardy, seconded by Commissioner Gust, and unanimously carried, that the telephone conference call meeting adjourn at 5:15 PM.



Lloyd B. Omdahl
Lieutenant Governor-Chairman

SEAL



David A. Sprynczynatyk
State Engineer and
Chief Engineer-Secretary

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