

MINUTES

**North Dakota State Water Commission
Carrington, North Dakota**

July 5, 1990

The North Dakota State Water Commission held a meeting at the Chieftain Hotel in Carrington, North Dakota, on July 5, 1990. Chairman, Lieutenant Governor Lloyd Omdahl, called the meeting to order at 1:00 PM, and requested State Engineer and Chief Engineer-Secretary, David Sprynczynatyk, to call the roll.

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
Daniel Narlock, Member from Oslo, MN
Norman Rudel, Member from Fessenden
Jerome Spaeth, Member from Bismarck
David Sprynczynatyk, State Engineer and Chief Engineer-Secretary, North Dakota State Water Commission, Bismarck

OTHERS PRESENT:

State Water Commission Staff Members
Approximately 25 people in attendance 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.

APPROVAL OF AGENDA

There being no additional items for the agenda, the Chairman declared the agenda approved and requested Secretary Sprynczynatyk to present the items.

**CONSIDERATION OF MINUTES
OF MAY 7, 1990 TELEPHONE
CONFERENCE CALL MEETING -
APPROVED**

The minutes of the May 7, 1990 telephone conference call meeting were approved by the following motion:

It was moved by Commissioner Byerly, seconded by Commissioner Kramer, and unanimously carried, that the minutes of the May 7, 1990 telephone conference call meeting be approved as circulated.

**CONSIDERATION OF AGENCY
FINANCIAL STATEMENT**

May 31, 1990,
18, 1990.

Secretary Sprynczynatyk presented and discussed the Program Budget Expenditures, dated June 18, 1990, and the Projects/Programs Authorized, dated June

Secretary Sprynczynatyk reported that the agency's budget for the 1991-1993 biennium is being prepared and will be submitted to the Governor's office by July 15, 1990. He discussed the Resources Trust Fund and the Constitutional Measure creating the "Dedicated" Resources Trust Fund and said the Office of Management and Budget is currently reviewing the Constitutional Measure to determine how funds from the Resources Trust Fund can be used in the future.

There being no further discussion, the Chairman acknowledged receipt of the agency's financial statement.

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

Tim Fay, Project Manager for the Southwest Pipeline Project, stated Contract 1-1/3-1A, the intake pump station and raw water reservoir, is approximately 85 percent complete. The major equipment is on-site and is in the process of installation. Testing is anticipated to occur in late July or early August.

Construction of the raw water line, Contract 2-1 has been completed, and the details regarding the responsibility for making connections between the piping of this contract and Contract 1-1/3-1A have been resolved.

Construction of the East Dickinson Reservoir, Contract 5-2, is nearly complete, with the pre-final inspection scheduled for the near future.

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

Following approval of the State Water Commission at its May 7, 1990 meeting, award was made of contracts for the Main Transmission Line Segment 2-3C; the Richardton Pump Station and Reser-

July 5, 1990

voir General, Mechanical and Electrical; and the Dodge Pump Station General, Mechanical and Electrical. Tim Fay said a pre-construction conference was held on June 19 with representatives of all the contractors in attendance. Work is expected to begin on the pipe installation in Dickinson in mid-July and site work at the pump stations may begin sooner.

**SOUTHWEST PIPELINE PROJECT -
APPROVAL OF WESTERN AREA POWER
ADMINISTRATION "LETTER AGREEMENT"
FOR ELECTRICAL POWER FOR TESTING
PUMPS AT INTAKE PUMP STATION
(SWC Project No. 1736)**

pumps at the intake pump station and the other pump stations is covered by a "letter agreement", which has been provided by WAPA. The "letter agreement" has been reviewed and approved by the Attorney General's office and the State Water Commission staff.

Mr. Fay presented the draft "letter agreement" for the Commission's consideration. The arrangements, terms and conditions under which Western Area Power Administration will furnish electric power and energy for the testing period of the Southwest Pipeline Project intake pumps at Lake Sakakawea were reviewed.

It was the recommendation of the State Engineer that the State Water Commission approve the execution of the agreement with the Western Area Power Administration.

It was moved by Commissioner Rudel and seconded by Commissioner Kramer that the State Water Commission approve the Western Area Water Power Administration "letter agreement" to furnish electric power and energy for the testing period of the Southwest Pipeline Project intake pumps at Lake Sakakawea.

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

July 5, 1990

**SOUTHWEST PIPELINE PROJECT -
APPROVAL OF AGREEMENT WITH
OLIVER-MERCER RURAL ELECTRIC
COOPERATIVE TO WHEEL POWER
TO INTAKE PUMP STATION SITE
(SWC Project No. 1736)**

and maintain the necessary service lines as project components and wheel the power on the nearest available transmission line; and 2) deal with an existing utility to build the service lines, maintain them and wheel the power. The nearest transmission lines in each case belong to Montana-Dakota Utilities Company. Mr. Fay said that for jurisdictional reasons, MDU cannot build the service lines, but they could wheel the power. The other utility at both sites is West Plains Electric REC, and they have recently submitted a new estimate of their wheeling rate which is currently being evaluated.

Tim Fay explained the delivery of Western Area Power Administration power to the Dodge and Richardton pump stations has been under study for some time. He said there are essentially two options: 1) design, build

A draft agreement with the Oliver-Mercer Electric Cooperative, Inc., to wheel power to the intake pump station site for the Southwest Pipeline Project was presented for the Commission's consideration. Mr. Fay reviewed the terms and conditions of the agreement.

It was the recommendation of the State Engineer that the State Water Commission authorize the execution of the agreement with the Oliver-Mercer Electric Cooperative, Inc., to wheel power to the intake pump station site.

It was moved by Commissioner Rudel and seconded by Commissioner Kramer that the State Water Commission authorize the execution of an agreement with the Oliver-Mercer Electric Cooperative, Inc. to wheel power to the intake pump station site for the Southwest Pipeline Project.

Commissioners Byerly, Gust, Kramer, 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 -
EMERGENCY USES
(SWC Project No. 1736)**

for rural fire fighting. There is currently water in most seg-

Tim Fay reported inquiries have been made regarding the possibility of using pipeline water for emergency stockwatering and

July 5, 1990

ments the pipeline, which was used to hydrostatically test the individual segments. Mr. Fay said the quality of this water can be expected to be quite poor but it may improve with exposure to the air to the point it could be used for stockwatering. The quality should not be a problem for use in fire fighting. The location of the pipeline water will make it impractical for most potential users but Mr. Fay said it may be of great benefit in certain cases if access to the pipeline can be securely controlled.

**SOUTHWEST PIPELINE PROJECT -
INFORMATION REGARDING COMPARISON
OF CURRENT OPERATION AND MAIN-
TENANCE COSTS WITH ESTIMATES
USED IN PAST
(SWC Project No. 1736)**

At the May 7, 1990 State Water Commission meeting, it was requested by Commissioner Lardy that 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.

Tim Fay provided information to the State Water Commission members comparing the current operation and maintenance costs with the estimate that was used in the past. He said the updated estimate of the operation and maintenance costs is \$.86 per 1,000 gallons compared with \$1.27 per 1,000 gallons under the current conditions described in the 1982 report. He noted this estimate does not include any provision for treatment.

**SOUTHWEST PIPELINE PROJECT -
PRESENTATION BY SOUTHWEST
WATER AUTHORITY
(SWC Project No. 1736)**

At its meeting on July 7, 1989, the State Water Commission approved the concept of integration of the Southwest Pipeline Project and the rural water

systems contingent on four criteria:

- 1) The existing rural authorities shall remain in place to develop the rural water systems at the local level;
- 2) Each rural water system shall be considered a separable component of the Southwest Pipeline Project and the plan for further development of the project shall be based on priority of need and economic feasibility;
- 3) Integration of rural water systems shall not involve the retail sale of water by the State Water Commission; and

July 5, 1990

- 4) The State Water Commission will encourage the eventual operation and maintenance of the Southwest Pipeline Project by a local authority created by the North Dakota Legislature.

Alfred Underdahl, Chairman of the Southwest Water Authority, and Michael Dwyer, Executive Vice President of the North Dakota Water Users Association, presented the following procedure for the Commission's consideration that has been developed by the Southwest Water Authority to meet the criteria required by the State Water Commission:

The Southwest Water Authority, created as a non-profit corporation within the state, includes the officers and membership of the Stark-Billings-Dunn, Golden Valley and Southwest Rural Water Cooperatives. The Authority is prepared to function as the local sponsoring authority and assume the role the individual rural authorities were to serve. The Southwest Water Authority is in the process of hiring a coordinator to do this. The Southwest Water Authority was created as an interim entity to fulfill the local responsibilities until the Legislature creates a permanent conservancy district.

The Southwest Water Authority has provided a phased development plan that divides the entire project into separable components. These components can be developed in turn and submitted for priority ranking to the Municipal, Rural and Industrial Water Supply Program.

The Southwest Water Authority can function as the "retail" water distributor under contract with the State Water Commission, obviating the need for the Water Commission to function in that capacity. When the permanent authority is formed, it will have to assume that responsibility as well. This arrangement will permit the local authority, whether it be the Southwest Water Authority or the permanent authority, to function as the operational entity while the State Water Commission can continue to act as the development entity.

The Southwest Water Authority has drafted rules and regulations for rural water membership and enrollment documents.

The Southwest Water Authority has developed a draft rate structure, in which considerable effort has been expended in determining these rates and making them comparable to similar rates throughout the state. It is necessary to have an estimate of the rates in order to enroll members in the rural water components. At this time, the configuration,

July 5, 1990

construction costs, operation and maintenance costs, member density and plan for financing are not well known.

Secretary Sprynczynatyk stated that the Southwest Water Authority's phased developed plan is intended to guide the final design and construction of the system allowing flexibility to deal with variable funding. Under this plan, the next component will be the Belfield Service Area, which will provide service to South Heart and the rural areas between Dickinson and Belfield. Secretary Sprynczynatyk said this component could also be extended to serve Medora and the development of a water supply for Medora would provide opportunities for further development in the area.

Commissioner Lardy stressed the importance of extending the Southwest Pipeline Project beyond the City of Dickinson to serve additional users to help in the repayment of costs. He said there is concern that the city of Dickinson cannot afford to pay for this project if the water is delivered only to the city of Dickinson.

In discussion of the estimated rate structure, Secretary Sprynczynatyk stated it should be made clear that by approving a rate estimate, this does not obligate the State Water Commission to deliver water to all who want or need it for the estimated price. The rate schedule will be used to obtain firm signups, and once those signups are obtained, a system will be designed based upon economic feasibility as determined by the State Water Commission. He said not all who signup will receive water because the cost of delivery may be too high.

Willie Mastel, a member of the Southwest Water Authority, invited the State Water Commission to hold a meeting in Dickinson in 1991 when the delivery of water to Dickinson is scheduled. Mr. Mastel reiterated Commissioner Lardy's comments relative to the importance of extending the pipeline beyond the City of Dickinson.

Joe Porten, a member of the Southwest Water Authority, stated the Authority has met with the Bowman County Water Resource Board and they have expressed whole-hearted support for the Southwest Pipeline Project.

It was the recommendation of the State Engineer that the State Water Commission approve the following actions:

- 1) Acknowledge the Southwest Water Authority as the local sponsoring authority and acknowledge that it assumes

July 5, 1990

the responsibilities expected of the individual rural water systems;

- 2) Continue to work actively as the development entity with the Southwest Water Authority in planning and designing the integrated phased development plans and submitting them for priority ranking in the MR&I Water Supply Program;
- 3) Approve the rules and regulations and enrollment documents presented by the Southwest Water Authority;
- 4) Approve the phased development plan presented by the Southwest Water Authority with the Belfield service area as the next component, and including the Medora service area. The State Water Commission shall continue with the design of this service area as the next phase for development of the Southwest Pipeline Project; and
- 5) Approve a rate estimate as presented by the Southwest Water Authority.

It was moved by Commissioner Gust and seconded by Commissioner Lardy that the State Water Commission approve the recommendations of the State Engineer relating to the Southwest Pipeline Project.

Commissioners Byerly, Gust, Kramer, 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 -
APPROVAL OF FUNDS TO WORK
WITH NORTH DAKOTA INDUSTRIAL
COMMISSION TO INVESTIGATE
DEVELOPMENT OF A FINANCIAL
PLAN FOR COMPLETION OF PROJECT
(SWC Project No. 1736)**

Secretary Sprynczynatyk reviewed the current financial status of the Southwest Pipeline Project. In 1983 when the project was authorized, the plan was to construct the entire project in three years with bonding. Because of Constitutional problems financial bonding was not feasible for the project. Construction of the project is now contingent upon the availability of funds.

July 5, 1990

In order to complete the Southwest Pipeline Project within a reasonable time frame period of three to five years, Secretary Sprynczynatyk said it is important that financial arrangements be developed for the remainder of the project. Because the State Water Commission staff does not have a financial advisor, Secretary Sprynczynatyk stated he would like the Commission to consider approval to work with the North Dakota Industrial Commission to look at a variety of financing ideas and develop a workable, legal financial plan the could allow the Southwest Pipeline Project to be completed in a reasonable time frame.

It was the recommendation of the State Engineer that the State Water Commission authorize the expenditure of up to \$10,000 to work with the North Dakota Industrial Commission to investigate the development of a financial plan that could allow the development of a reasonable construction schedule of three to five years for completion of the Southwest Pipeline Project.

It was moved by Commissioner Lardy and seconded by Commissioner Rudel that the State Water Commission approve the expenditure of up to \$10,000 to work with the North Dakota Industrial Commission to investigate the development of a financial plan to allow the development of a reasonable construction schedule of three to five years for completion of the Southwest Pipeline Project.

Commissioners Byerly, Gust, Kramer, 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 -
APPROVAL OF FUNDS TO ENTER
INTO HOOK-UP CONTRACT FOR
WATER USE AT OPERATION AND
MAINTENANCE CENTER
(SWC Project No. 1736)**

It was the recommendation of of the State Engineer that the State Water Commission approve the expenditure of \$250 to enter into a water user hook-up contract with the Southwest Water Authority to deliver water from the Southwest Pipeline Project to the operation and maintenance center west of Dickinson.

July 5, 1990

It was moved by Commissioner Vogel and seconded by Commissioner Lardy that the State Water Commission approve the expenditure of \$250 to enter into a water user hook-up contract with the Southwest Water Authority for the delivery of water to the Southwest Pipeline Project operation and maintenance center.

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

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

have been held in Canada and the panel toured the Souris River loop in late June. The Souris River Basin Development Authority is responding to questions relative to the project posed by the panel.

Secretary Sprynczynatyk stated the Canadian Environmental Review panel is continuing its review of the project. Meetings

Dam project is approximately 80 percent complete. It is hoped that the Environmental Review panel will make its decision this year so that it will allow the project to be completed as originally designed.

Construction of the Rafferty

The Corps of Engineers is in the process of advertising for bids for work that is going to be done in the United States on several locations along the Souris River. Work is anticipated to begin this fall.

The Water Quality Monitoring Task Force, established by the International Agreement, recently held its first meeting. The purpose of the task force is to determine what needs to be done to monitor water quality.

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

rison Diversion Project. The environmental community is opposed to having the Bureau of Reclamation become involved in an inlet study for Devils Lake because in their opinion the Corps of Engineers has not satisfied the requirements of the 1986 Reformulation Act by not completing the outlet study.

Secretary Sprynczynatyk reported on the efforts to secure funding for the stabilization of Devils Lake through the Gar-

July 5, 1990

Secretary Sprynczynatyk stated the Devils Lake Preservation Coalition has filed a resolution with the Congressional Delegation regarding the stabilization of Devils Lake and directing the Corps of Engineers to study the stabilization of the lake.

The Senate Appropriations Committee has included language in the 1991 appropriation that directs the Corps of Engineers to do additional studies on the outlet and inlet for the lake. Secretary Sprynczynatyk stated it is important that the Bureau of Reclamation become involved in this process and serve as a cooperating agency in the completion of this study. This would require the Corps' budget to be increased by \$500,000 and would allow reimbursement of the Bureau by the Corps. Secretary Sprynczynatyk said he has suggested the following additional language be included in the committee's resolution:

The Committee has provided \$500,000 for the Corps of Engineers to complete its study of an outlet for Devils Lake incorporating the scope of study as described in a study resolution approved by the Senate Environment and Public Works Committee, dated March 27, 1990. The Committee intends that the Bureau of Reclamation serve as a cooperating agency in the completion of this study.

Secretary Sprynczynatyk said if this language is approved by Congress, the Corps of Engineers would be able to take the lead on October 1, 1990 to work with the Bureau of Reclamation as a cooperating agency as well as other federal and state agencies and complete the study for both an inlet and an outlet. This may also allow for the design and construction of the project to proceed.

**RED RIVER DIKES UPDATE
(SWC Project No. 1638)**

At the March 19, 1990 Commission meeting, appearances were made by local representatives of the Red River Valley to discuss local efforts to develop a permanent solution to the flood problems in the area and request the State Water Commission to: 1) assist the local people in obtaining federal funding for the Corps of Engineers and the locals to use; 2) to match Minnesota's cost sharing funds to acquire the federal funding requested; and 3) to make changes needed to mold the Corps of Engineers and the Technical Committee agency personnel into a team with skills commensurate with the complexities of their local flood problems.

July 5, 1990

The State Water Commission unanimously agreed to support the concept for additional studies and solutions that will improve the situation on the Red River in the area of question.

Secretary Sprynczynatyk briefed the Commission members on a meeting held with the local people to discuss their proposal, develop an agreement between North Dakota and Minnesota and the local water resource districts, and to identify the objectives of the flood control project. The locals were receptive to doing a reconnaissance level study, similar to the Devils Lake study, to look at the alternatives to provide the level of flood control desired for the area.

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

At the May 7, 1990 meeting, the Commission members were briefed on the lawsuit filed by the states of North Dakota, South Dakota and Montana against the Corps of Engineers to obtain an injunction prohibiting the Corps from lowering the level of Lake Oahe. Releases for navigation would be reduced until June 1, 1990. The Corps had planned to drop Lake Oahe approximately three feet during the month of May, which would have had a devastating effect on the fish spawn occurring at Lake Oahe.

The lawsuit was filed in the United States District Court on May 4, 1990, and a hearing was held on May 8, 1990 before the Honorable Patrick Conmy. Attorney General Nicholas Spaeth and former South Dakota Governor William Janklow argued for the states. The following day Judge Conmy issued a preliminary injunction restraining the Corps from lowering Lake Oahe until June 1, 1990.

Patrick Stevens, Assistant Attorney General, stated the Federal Government appealed Judge Conmy's order to the United States Court of Appeals for the Eighth Circuit and asked the Court to stay the District Court's order pending appeal. The states of Iowa, Missouri, Nebraska and Kansas filed an amicus curiae brief in support of the stay. The Eighth Circuit stayed Judge Conmy's order on May 11, 1990, and scheduled a hearing on the appeal.

On May 16, 1990, the Eighth Circuit heard arguments regarding the case. The next day the Court of Appeals issued an order providing that it had serious doubts about whether the Corps' decision-making regarding the Missouri River operations was reviewable by the judiciary. The Court went on to state that, even if the Corps decision was reviewable, the preliminary injunction should not have been

July 5, 1990

granted because the record did not support the District Court's conclusion that the Corps' decision-making was arbitrary and capricious, and that it would issue a formal opinion at a later date.

On May 23, 1990, the Eighth Circuit issued an additional order. In the order, the Court stated that the issue of whether courts had jurisdiction to review decisions of the Corps of Engineers had not been decided in its previous order. It invited the parties to the lawsuit and all those who filed amicus curiae briefs in the case to file additional briefs by June 18 addressing the jurisdictional issues. Mr. Stevens said briefs have been filed and the states are currently awaiting a decision by the Court.

Secretary Sprynczynatyk said the Corps of Engineers has completed Phase 1 of its review of the Master Manual for the operations of the Missouri River system and Phase 2 will involve a more in-depth review and will take approximately two years to complete. Secretary Sprynczynatyk said, hopefully, when Phase 2 is complete the Corps will be in a position to recommend a change of the operation to reflect what we consider to be contemporary needs.

**UNITED STATES VS
SARGENT COUNTY
LAWSUIT
(SWC Project No. 1222)**

Patrick Stevens briefed the Commission members on a lawsuit involving the United States vs Sargent County Water Resource District. The lawsuit contends

the Sargent County Water Resource District is in violation of a Section 404 permit on Sargent County Drain No. 11.

Mr. Stevens explained that a water resource district falls within the definition of a municipality under state law. The statute says the state will be joined when a municipality is sued, and if state law prohibits a municipality from paying the costs of a 404 violation, the state is liable for payment.

Mr. Stevens said depositions are being taken and the State has asked for a nine-month extension to review the case, which has been on-going for the past two years.

**REVISED ALLOCATION OF
1989-1991 CONTRACT FUND**

On March 19, 1990, the State Water Commission approved a 50 percent allocation of the Contract Fund while holding the remaining funds in reserve until the

July 5, 1990

end of the biennium. The Commission had previously deferred actions on several project requests because of the December 5th referral. The approved allocation was as follows:

Southwest Pipeline Project	\$1,046,000
Sheyenne River Flood Control Project	500,000
Biota Transfer Studies	51,900
Hydrologist Data Collection	430,000
MR&I Water Supply Program	130,000
General Projects (Traditional Contract Fund)	150,000
Total	<u>\$2,307,900</u>

Secretary Sprynczynatyk stated several projects are in need of funding, totalling \$159,949. Three of these projects have already been completed with local interim financing because of the need for the project. Because of the drought and low water, construction of these projects in 1990 would be timely and would save money.

To allow funding for these projects, the general projects category of the Contract Fund allocation will need to be increased to \$400,000. Secretary Sprynczynatyk explained this is an increase of \$250,000 in the allocations and will leave \$150,000 for future efforts.

This allocation will leave approximately \$2 million in reserve in the Resources Trust Fund. Secretary Sprynczynatyk said a possible use for these funds would be the Southwest Pipeline Project in the event that 1991 funding for Garrison is not obtained. Two million dollars would be adequate to get raw water delivery to Dickinson in 1991.

It was the State Engineer's recommendation that the State Water Commission approve the following revised allocation of the 1989-1991 Contract Fund:

Southwest Pipeline Project	\$1,046,000
Sheyenne River Flood Control Project	500,000
Biota Transfer Studies	51,900
Hydrologic Data Collection	430,000
MR&I Water Supply Program	130,000
General Projects (Traditional Contract Fund)	400,000
Total	<u>\$2,557,900</u>

It was moved by Commissioner Lardy and seconded by Commissioner Kramer that the State Water Commission approve the revised

July 5, 1990

allocation of the 1989-1991 Contract Fund as recommended by the State Engineer.

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

The State Water Commission has authorized the State Engineer to approve funds for projects if the final cost share is less than \$10,000. Secretary Sprynczynatyk stated Mt. Carmel Dam in Cavalier County requires maintenance work at an estimated cost of \$5,000. Construction of the Niobe Coulee Dam in Ward County fits into the ultimate need for recreation in the Souris River Basin pending the loss of the fishery at Lake Darling. The estimated cost of this project is \$9,800. The cost share requirements for both of these projects have not been finalized at this time. Secretary Sprynczynatyk indicated he would advise the Commission when funds have been approved for these projects.

**CONSIDERATION OF REQUEST FROM
RAMSEY COUNTY WATER RESOURCE
DISTRICT FOR COST SHARING IN
HAMMER-SULLIVAN DRAIN PHASE II
(SWC Project No. 1832)**

The Hammer-Sullivan Drain Phase II project located in Ramsey County was presented to the State Water Commission at their meeting in Grand Forks on December 6, 1989. The Commission

deferred action on the request because of the uncertainties caused by the December 5, 1989 referrals.

The project was brought before the Commission again at their meeting in Bismarck on January 25, 1990. The Commission deferred action again because of the significant cutbacks from the Contract Fund and the uncertainty of the availability of funds at that time.

Cary Backstrand, Chief, Regulatory Section of the State Water Commission, presented the project to the Commission for its consideration. Originally known as Channel "C", Hammer-Sullivan Drain No. 1 consists of 32 miles of channel. The project is covered under Drain Permit No. 1753, which was signed by the State Engineer in December, 1987. Phase I of the project, which is the lower seven miles, was completed in late 1988, at a total cost of \$163,437. The State Water Commission participated in an amount of \$53,171 in the construction of Phase I. The second and final phase of this project consists of improvements to approximately 23.9 miles of channel and placement of control culverts. A railroad crossing

July 5, 1990

north of Garske, North Dakota, is also included in Phase II of the project.

Mr. Backstrand said the new estimate of costs for Phase II is \$170,000. This includes the full cost of materials, excavation, and labor for the railroad crossing, which Burlington Northern plans to complete with their own labor. The current policy of the State Water Commission is to participate in 40 percent of eligible project costs, which were estimated to be \$164,334, with 40 percent being \$65,733.

Robert Garske, Chairman of the Ramsey County Water Resource District, indicated approximately one-half of the project has been completed. He stated it is imperative that the railroad crossing be installed prior to spring floods to prevent a washout of the railroad. He requested the Commission's favorable consideration of this request for funding.

The State Water Commission previously approved increasing the general projects category of the Contract Fund to \$400,000 and, therefore, Secretary Sprynczynatyk stated funds are available in the Contract Fund to fund projects that are in need of funding.

It was the recommendation of the State Engineer that the State Water Commission provide 40 percent of the actual eligible costs, not to exceed \$65,733, for the Hammer-Sullivan Drain Phase II project in Ramsey County, contingent upon the availability of funds.

It was moved by Commissioner Narlock and seconded by Commissioner Rudel that the State Water Commission approve 40 percent of the actual eligible costs, not to exceed \$65,733, for the construction of Hammer-Sullivan Drain Phase II project in Ramsey County. This motion is contingent upon the availability of funds.

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

July 5, 1990

**CONSIDERATION OF REQUEST
FROM RICHLAND COUNTY WATER
RESOURCE DISTRICT FOR COST
SHARING IN WILD RICE RIVER
SNAGGING AND CLEARING
(SWC Project No. 1842)**

The Wild Rice River snagging and clearing project located in Richland County was presented to the State Water Commission at its meeting on March 19, 1990 in Fargo. The Commission deferred action on the request

because of the significant cutbacks from the Contract Fund and the uncertainty of the availability of funds.

Cary Backstrand presented the request for the Commission's consideration. The total estimated cost of the project is \$237,565. The current policy of the State Water Commission is to participate in 25 percent of the eligible project costs which were estimated to be \$237,565, with 25 percent being \$59,391. Mr. Backstrand said the State Water Commission supplied \$13,600 in engineering costs, leaving \$45,791 as a potential contract fund allocation.

William Krause, Chairman of the Richland County Water Resource Board, stated this segment of snagging and clearing the river was completed last winter with very positive results. He requested the Commission's favorable action on their request for funding.

It was the recommendation of the State Engineer that the State Water Commission provide 25 percent of the actual eligible costs, not to exceed \$45,791, for the Wild Rice River Snagging and Clearing project in Richland County, contingent upon the availability of funds.

It was moved by Commissioner Vogel and seconded by Commissioner Gust that the State Water Commission approve 25 percent of the actual eligible costs, not to exceed \$45,791, for the Wild Rice River Snagging and Clearing Project in Richland County. This motion is contingent upon the availability of funds.

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

July 5, 1990

**CONSIDERATION OF REQUEST
FROM RANSOM COUNTY WATER
RESOURCE DISTRICT FOR COST
SHARING IN SHEYENNE RIVER
SNAGGING AND CLEARING PROJECT
(SWC Project No. 1815)**

The Sheyenne River snagging and clearing project located in Ransom County was presented to the State Water Commission at its meeting in Fargo on March 19, 1990. The Commission deferred action on the request

because of the significant cutbacks from the Contract Fund and the uncertainty of the availability of funds.

Cary Backstrand presented the Sheyenne River snagging and clearing project to the Commission for its consideration. The total estimated cost of the project is \$11,192. The current policy of the State Water Commission is to participate in 25 percent of the eligible project costs which were estimated to be \$11,192, with 25 percent being \$2,798.

Kenneth Stroh, Chairman of the Ransom County Water Resource Board, said Ransom County has approximately 117 miles of the Sheyenne River and 6 miles of the Maple River within the county. The Board is trying to do a few miles of snagging and clearing each year and as funding permits. He requested the Commission to act favorably on the request.

It was the recommendation of the State Engineer that the State Water Commission provide 25 percent of the actual eligible costs, not to exceed \$2,798, for the Sheyenne River snagging and clearing project, contingent upon the availability of funds.

It was moved by Commissioner Gust and seconded by Commissioner Spaeth that the State Water Commission approve 25 percent of the actual eligible costs, not to exceed \$2,798, for snagging and clearing of the Sheyenne River in Ransom County. This motion is contingent upon the availability of funds.

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

July 5, 1990

**CONSIDERATION OF REQUEST
FROM CAVALIER COUNTY WATER
RESOURCE DISTRICT FOR COST
SHARING ON LANGDON TOWNSHIP
DRAIN NO. 1 PROJECT
(SWC Project No. 1844)**

The Langdon Township Drain No. 1 Project located in Cavalier County was presented to the State Water Commission at its meeting in Fargo on March 19, 1990. The Commission deferred action on the request because

of the significant cutbacks from the Contract Fund and the uncertainty of the availability of funds.

The Langdon Township Drain No. 1 project was presented by Cary Backstrand for the Commission's consideration. The total estimated cost of the project is \$43,719. The current policy of the State Water Commission is to participate in 40 percent of the eligible project costs, which were estimated to be \$28,070, with 40 percent being \$11,228.

William Hardy, Chairman of the Cavalier County Water Resource Board, further discussed the Langdon Township Drain No. 1 project. Because of the drought and other factors, the ground-water supplies have diminished in the area, which has caused several communities to search for an adequate supply of potable water. Mr. Hardy said recently the city of Edmore and other towns have linked with Langdon for a supply of water. The project has added approximately 12 square miles to the drainage basin of Mt. Carmel Dam. The project has also increased the basin size by nearly 20 percent, which will benefit the water supply to the dam during drought years or when little runoff is seen in the basin. Mr. Hardy said this is very important since Mt. Carmel Dam is not a large pool and is very dependent upon spring snowmelt to replenish the water used or evaporated.

It was the recommendation of the State Engineer that the State Water Commission provide 40 percent of the actual eligible costs, not to exceed \$11,228, for the Langdon Township Drain No. 1 in Cavalier County, contingent upon the availability of funds.

It was moved by Commissioner Narlock and seconded by Commissioner Lardy that the State Water Commission approve 40 percent of the actual eligible costs, not to exceed \$11,228, for the Langdon Township Drain No. 1 project in Cavalier County. This motion is contingent upon the availability of funds.

Commissioners Byerly, Gust, Kramer, Lardy, Narlock, Rudel, Spaeth, Vogel, and Chairman

July 5, 1990

Omdahl voted aye. There were no nay votes. The Chairman declared the motion unanimously carried.

**CONSIDERATION OF REQUEST
FROM CAVALIER COUNTY WATER
RESOURCE DISTRICT FOR COST
SHARING IN NORTH LOMA
TOWNSHIP DRAIN NO. 1
(SWC Project No. 1840)**

The North Loma Township Drain No. 1 project located in Cavalier County was presented to the State Water Commission at its meeting in Fargo on March 19, 1990. The Commission deferred action on the request

because of the significant cutbacks from the Contract Fund and the uncertainty of the availability of funds.

Cary Backstrand presented the North Loma Township Drain No. 1 project to the Commission for consideration of cost sharing in the project. The total estimated cost of the project is \$45,795. The current policy of the State Water Commission is to participate in 40 percent of the eligible project costs which were estimated to be \$39,395, with 40 percent being \$15,758.

William Hardy, Chairman of the Cavalier County Water Resource Board, said the Board has been negotiating with the US Fish and Wildlife Service on this project for approximately six years and have reached agreement to install the weir. All of the recognized problems have been resolved with the drain and the plans are for construction during the summer or fall of 1990. The Board is in the process of acquiring the necessary easements from landowners along the project route.

Mr. Hardy indicated the Board has received a Section 404 permit from the Corps of Engineers for the project.

It was the recommendation of the State Engineer that the State Water Commission provide 40 percent of the actual eligible costs, not to exceed \$15,758, for the North Loma Township Drain No. 1, contingent upon the availability of funds.

It was moved by Commissioner Lardy and seconded by Commissioner Vogel that the State Water Commission approve 40 percent of the actual eligible costs, not to exceed \$15,758, for the construction of North Loma Township Drain No. 1 in Cavalier County. This motion is contingent upon the availability of funds.

July 5, 1990

Commissioners Byerly, Gust, Kramer, 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 CAVALIER COUNTY WATER
RESOURCE BOARD FOR COST
SHARING IN BANNER TOWNSHIP
DRAIN NO. 2
(SWC Project No. 1843)**

The Banner Township Drain No. 2 project located in Cavalier County was presented to the State Water Commission in Fargo on March 19, 1990. The Commission deferred action on the request because of the significant cutbacks from the Contract Fund and the uncertainty of the availability of funds.

The project was presented for the Commission's consideration for cost sharing. Cary Backstrand said the total estimated cost of the project is \$15,925. The current policy of the State Water Commission is to participate in 40 percent of the eligible project costs, which were estimated to be \$9,564, with 40 percent being \$3,826.

William Hardy, Chairman of the Cavalier County Water Resource Board, indicated the Corps of Engineers has issued a Section 404 permit for the project, and the Board has reached agreement with the US Fish and Wildlife Service on several issues. Mr. Hardy requested favorable consideration of the funding request.

It was the recommendation of the State Engineer that the State Water Commission provide 40 percent of the actual eligible costs, not to exceed \$3,826, for the Banner Township Drain No. 2 project in Cavalier County, contingent upon the availability of funds.

It was moved by Commissioner Spaeth and seconded by Commissioner Byerly that the State Water Commission approve 40 percent of the actual eligible project costs, not to exceed \$3,826, for the Banner Township Drain No. 2 in Cavalier County. This motion is contingent upon the availability of funds.

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

July 5, 1990

**CONSIDERATION OF REQUEST
FROM NORTH DAKOTA WATER
USERS ASSOCIATION RELATING
TO UNOBLIGATED FUNDS IN
RESOURCES TRUST FUND
(SWC Project Nos. 1736 & 1344)**

Secretary Sprynczynatyk presented a recommendation for the Commission's consideration from the North Dakota Water Users Association relating to the unobligated funds in the Resources Trust Fund. The Water

Users Association recommended that \$2 million of unobligated funds be allocated to the Southwest Pipeline Project and \$400,000 of the unobligated funds be dispersed for the Sheyenne River Flood Control Project.

Alfred Underdahl, Chairman of the Southwest Water Authority, presented a letter to the Commission members in support of the recommendation to allocate \$2 million needed to complete construction and funding of the Southwest Pipeline Project to Dickinson. He said this would assure that there would be no delays in completing the project and would assure that the Resources Trust Fund would begin receiving a return on the investment that has been made to the Southwest Pipeline Project as soon as possible. Mr. Underdahl said that by taking this action, Garrison MR&I funds included in the FY 1991 Garrison appropriation could be allocated to other much needed MR&I projects.

Secretary Sprynczynatyk stated all of the contracts are in place for construction of the Southwest Pipeline Project. The telemetry phase, which will automatically control the overall system, is currently being designed and the contract is anticipated to be let in December, 1990.

Approximately \$2 million is needed to deliver raw water to Dickinson in November, 1991. Secretary Sprynczynatyk said two options are available for funding of the \$2 million: 1) state money from the Resources Trust Fund; or 2) MR&I Water Supply Program funds, which will not become available until October, 1990 depending if year-end funds are available or if FY 1991 funds will be required.

Secretary Sprynczynatyk said if all of the unobligated funds in the Resources Trust Fund are allocated to the Southwest Pipeline Project and the Sheyenne River Flood Control Project, this would eliminate any possibility for the next 12 months to approve any funds for other projects.

Chairman Omdahl stated there are priorities and questions that need to be addressed on the remaining unobligated funds from the Resources Trust Fund. Approval of all unobligated funds would require the approval of

July 5, 1990

the Governor's Office, the Office of Management and Budget, and the Emergency Commission. It was the recommendation of Chairman Omdahl that the State Engineer and staff further review the request from the North Dakota Water Users Association and develop a recommendation for the Commission's consideration at its next meeting.

It was moved by Commissioner Byerly and seconded by Commissioner Narlock that the State Water Commission table the request from the North Dakota Water Users Association relating to the unobligated funds in the Resources Trust Fund until the Commission's next meeting.

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

**STATE WATER MANAGEMENT PLAN -
1983 STATE WATER PLAN STATUS
(SWC Project No. 322)**

In 1983, the State Water Commission completed the first comprehensive water plan for North Dakota. Secretary Sprynczynatyk said this was a very significant event in terms of water management and development for the State. This effort was one of the first in the country for a state. The report has been helpful in negotiating for Missouri River water and in seeking funds for water development from the Legislature. The report essentially outlines all of the things that the people in North Dakota felt were important at that time. Secretary Sprynczynatyk commented that approximately 60 percent of the goals that were set in 1983 are in some phase of development today.

Linda Weispenning, State Water Commission Planning Division, presented the current status of the 1983 State Water Plan. The material she presented included information on the components completed, components currently under construction, components being implemented, components in progress, non-viable components, and major projects assumed to be part of the future without plan conditions. This information is attached hereto as APPENDIX "A".

**STATE WATER MANAGEMENT PLAN -
1990 PROPOSED UPDATE WORK PLAN
(SWC Project No. 322)**

Secretary Sprynczynatyk stated the demographics of the state have changed since the State Water Plan was completed in 1983, and the 1990 census will assist in better planning the

July 5, 1990

future of water management in the state. The state recently completed the Vision 2000 effort, which has a flagship initiative, addressing the state's infrastructure and water development focusing on economic development. Secretary Sprynczynatyk said this is an appropriate time to update the 1983 State Water Plan. The Planning Division of the State Water Commission has developed a proposed work plan for the Commission's consideration. It has been suggested the title be changed from the State Water Plan to the State Water Management Plan because Secretary Sprynczynatyk said we need to not only look at development and construction but at other issues and programs as well.

LeRoy Klapprodt, State Water Commission Planning Division, presented the proposed work plan for updating the 1983 State Water Plan. He said the overall goal of the 1990 State Water Management Plan is to provide a framework for meeting, through the conservation, development and management of its water resources, the state's need to have a strong and viable social and economic structure. Inherent in this goal is the need to provide for the economic and social well-being of the state's citizens at or near the national level and to protect the environment, particularly those elements that are of unique importance.

Mr. Klapprodt said the major focus of the 1992 State Water Management Plan will be the role of water resources in North Dakota's economic development. The planning process is to be completed by May, 1992, in time for the 1993-1995 biennium budgeting process.

The State Water Management Plan will include water and related land resources management measures, which support the following objectives:

- a) Broaden the economic base particularly in the sectors identified by the Vision 2000 Committee;
- b) Increase the long-term employment opportunities;
- c) Maintain and enhance the health, well-being and security of North Dakota residents by reducing hazards from water pollution and floods;
- d) Maintain a strong agricultural economy by emphasizing watershed management, soil conservation practices, irrigation, research and education;
- e) Improve the quality of life by preserving and enhancing the environmental and aesthetic values of lakes, parks, recreation facilities, fish and wildlife habitat and scenic/historic sites; and
- f) Utilize, to the degree possible, the vast water resources of the Missouri River.

July 5, 1990

Mr. Klapprodt explained the proposed plan formulation, public involvement process, report structure, interagency coordination, and the State Water Management Plan and Vision 2000. This information is attached hereto as APPENDIX "B".

An important aspect of the updating process is the formulation and utilization of a State Water Management Plan Steering Committee. Mr. Klapprodt outlined the duties and responsibilities of the Steering Committee:

- 1) Approval of work plan and modifications;
- 2) Review responsibility for various planning reports;
- 3) Determine "without plan" components;
- 4) Resolve conflicts which have reached an impasse; and
- 5) Meet as needed with planning staff to give guidance.

The Steering Committee is proposed to consist of the following representatives:

- 1) Lieutenant Governor
- 2) 2 State Water Commission Members
- 3) Agriculture (production)
- 4) Recreation/Fish and Wildlife
- 5) Energy/Manufacturing
- 6) Tribal
- 7) Water Users Association
- 8) Water Resources Districts Association
- 9) 2 At-Large Members

It was the recommendation of the State Engineer that the State Water Commission approve the efforts to update the 1983 State Water Plan, the goals and objectives, and the formulation of a Steering Committee.

It was moved by Commissioner Lardy and seconded by Commissioner Gust that the State Water Commission approve the procedure outlined for developing the 1992 State Water Management Plan and the formulation of the Steering Committee.

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

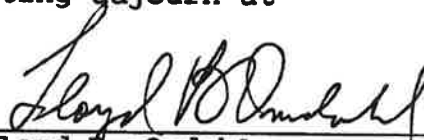
July 5, 1990

**FUTURE STATE WATER
COMMISSION MEETINGS**

Bismarck. Secretary Sprynczynatyk stated the State Water Commission will hold its next meeting in conjunction with the workshop. (The next meeting of the State Water Commission has been scheduled for October 1, 1990, beginning at 1:00 PM.)

The North Dakota Water Users Association and the North Dakota Water Resource Districts Association annual meeting is scheduled in Bismarck on December 3 and 4, 1990. Secretary Sprynczynatyk indicated the Commission will hold a meeting during that time. Scheduling of the dates and arrangements for the meetings were left to the discretion of the Chairman and the State Engineer.

There being no further business to come before the State Water Commission, it was moved by Commissioner Spaeth, seconded by Commissioner Rudel, and unanimously carried, that the meeting adjourn at 5:30 PM.



Lloyd B. Omdahl
Lieutenant Governor-Chairman

SEAL



David A. Sprynczynatyk
State Engineer and
Chief Engineer-Secretary

July 5, 1990

NORTH DAKOTA STATE WATER COMMISSION

REGISTER

ATTENDANCE AT State Water Commission Meeting
 DATE July 5, 1990 PLACE Burlington, ND
 PROJECT NO. _____

Your Name	Your Address	Who do you Represent? (Or Occupation)
Dale L Frink	900 E Boulevard, Bis	State Water Commission
Cary Backstrand	"	"
Wm S Hardy	Walhalla N DAK	Cavalier Co WWRB
Bob Juske	RR2 Box 4 Webster, ND.	RCWRD
Mark J Jula	DEVILS LAKE, ND	RCWRD
Garland Hoistad	Box 63 Churchs Ferry ND 58325	Ramsay Co WRD
Brian Kramer	Box 505 Turtle Lake, ND 58575	N.D. Farm Bureau
JJ Wapler	RR Box 211 Harwood ⁵⁸⁰⁴² ND 100 N+H Bismarck Exp.	ND Rural Water System Assn.
Steve Dybe	Bismarck, N.D	N.D. Game & Fish Dept
Joe Porten	RR2 Box 37 Sorento, N.D.	New Southwest Authority Southwest Water Coop
Lee Klapprodt	900 E. Blvd. Bismarck	NDSWK
Marcy Haworth	1500E Capital Bismarck	USFWS
Wayne Simon	RR2 Box 56 Hamden 58338	RCWRD
John Olson	Box 157 Devils Lake	Olson-Kaufman Inc
Ronald Lee	Box 263 Devils Lake	Land owner in Hamden Burlington Devils Lake

NORTH DAKOTA STATE WATER COMMISSION
REGISTER

ATTENDANCE AT _____

DATE _____ PLACE _____

PROJECT NO. _____

Your Name	Your Address	Who do you Represent? (Or Occupation)
Andrew Kiehl	Wahpeton, N. Dak 58030	Richland Co. W.R.B.
Alfred Biggs	RR B of 445 Jermol ND	Richland Co Water Board
Jorgen Hauagen	RR. 3 - Box 17 McLeod N. D. 58057	Richland County Water Resource ^{Board}
William Krause	RR. 2 58081 Spearman N. DAK	" " " " "
Bruce McCollom	Bismarck	BN/BEC Engineering
Pat Stevens	"	SWC/A.G. office
Willie Mastel	Dickinson	West River Supply District
Arlene Underhill	Hebron	South West Water Authority
Mike Dwyer	Bismarck	ND Water Users Assn
Robert B. Borchert	Fargo	S/E Cass. Water Res.
Fred Selby	Harwood ND	S/E Cass. W.R.D.
Ken Stroh	Lisbon	Ransom Co WRA

APPENDIX "A"

TABLE 1
1983 STATE WATER PLAN COMPONENTS
COMPLETED

<u>PROJECT NAME</u>	<u>FUNCTION</u>	<u>FINAL COST</u>
Argusville Flood Control ¹	Flood Control	\$ 1,063,000
Beaver Lake Dam Repairs	Recreation	33,649
Big Coulee Dam Repairs	Multi-purpose	397,767
Creel Bay Levee	Flood Control	2,800,000
Enderlin Flood Control	Flood Control	4,477,000
Flasher Flood Control	Flood Control	250,300 ²
Knife River Historic Site Streambank Stabilization ³	Erosion Control	350,000
Little Missouri Streambank Stabilization	Erosion Control	62,550
Maple River Dry Dam (T-180)	Flood Control	820,000
Napoleon Flood Control	Flood Control	201,000
North Dickinson Channel Critical Area Treatment	Erosion Control	396,100
Oak Creek Drain	Drainage	642,157
Wells County Drain #1	Drainage	503,289
		<u>\$12,000,000</u>

1 The only project that was not in the early action time frame.

2 Includes \$43,000 repair costs.

3 One of four identified sites has been completed.

TABLE 2
1983 STATE WATER PLAN
COMPONENTS CURRENTLY UNDER CONSTRUCTION

<u>NAME</u>	<u>FUNCTION</u>	<u>ESTIMATED COST</u>
English Coulee Watershed	Flood Control	\$5,854,681
Halliday Flood Control	Flood Control	430,392
McClusky Canal-side Irrigation	Irrigation	N/A
Muskrat Lake Watershed	Land Treatment	100,000 ¹
Sheyenne River (Barnes County)	Snagging & Clearing	320,000 ²
Stone Creek/White Spur Drain ³	Drainage	<u>685,500</u>
		\$7,000,000

1 1980 project cost estimated at \$1.3 million; a multi-year project having \$100,000 dedicated to fund contracts.

2 To date approximately \$100,000 has been spent to complete 20 river miles; 44 river miles of snagging and clearing is required to complete the project.

3 Implementation temporarily delayed due to 404 permitting process.

TABLE 3
1983 STATE WATER PLAN COMPONENTS
BEING IMPLEMENTED

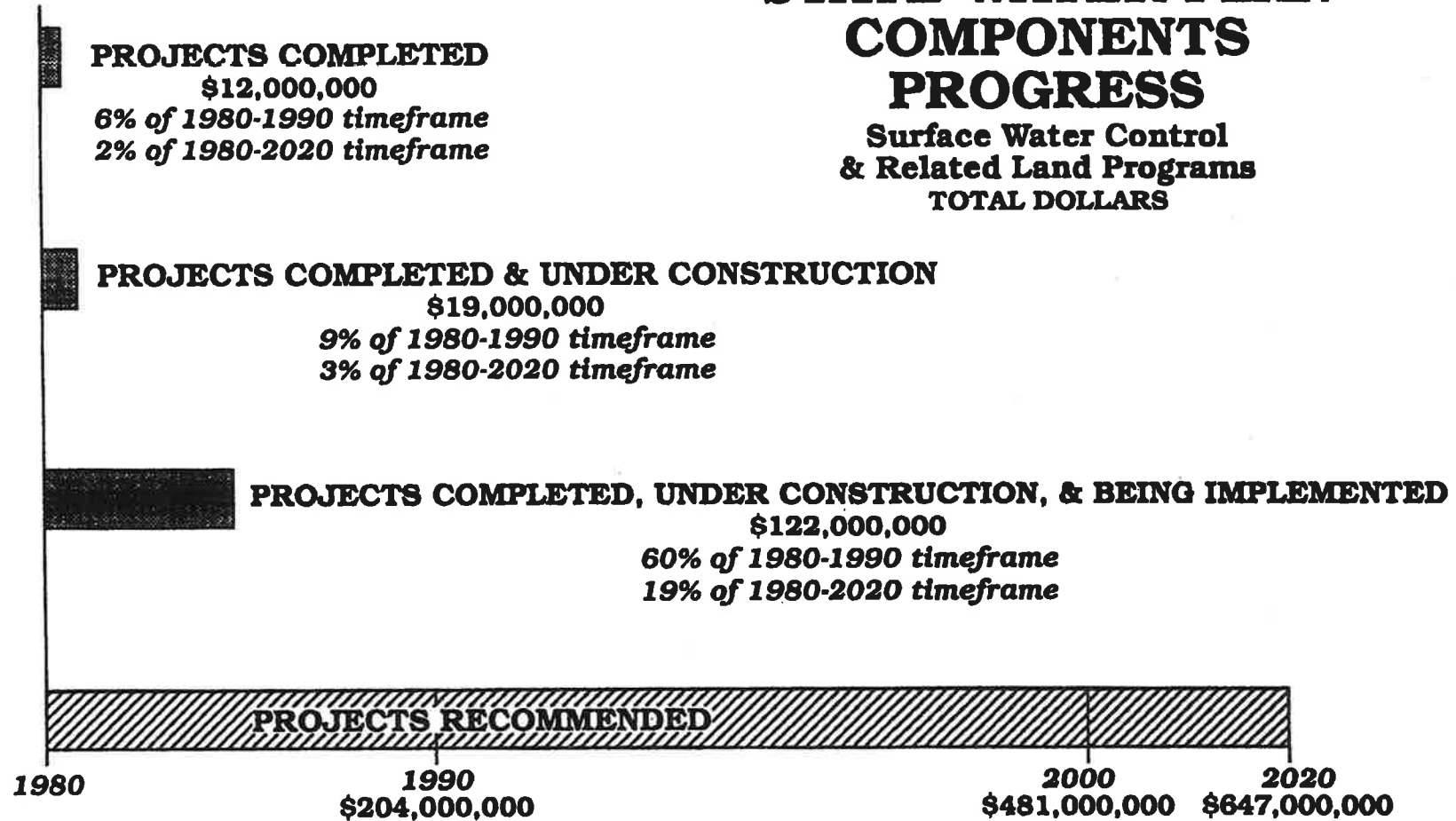
<u>NAME</u>	<u>FUNCTION</u>	<u>ESTIMATED COST</u>
Belfield Flood Control	Flood Control	\$2,000,000
Belmont Road Dike	Flood Control	389,000
Carrington Drain	Drainage	189,000
Devils Lake Management ¹	Lake Stabilization	76,155,000
Flasher Flood Control	Flood Control	20,000
Garrison Water Supply	Water Supply	2,800,000
Maple River Dry Dam (A-170)	Flood Control	15,000,000
Missouri River Streambank Stabil.	Streambank Stabil.	6,238,000
Oakes Flood Control	Flood Control	289,000
Red River Channel Improvement	Flood Control	<u>415,000</u>
		\$103,000,000

¹ Devils Lake Outlet was a specific plan component which is part of the Devils Lake Management Plan.

The projects listed are being studies or alternatives of the projects are being investigated. The alternatives may not be the same project that was identified in the State Water Plan.

FIGURE 1
1983
STATE WATER PLAN
COMPONENTS
PROGRESS

Surface Water Control
 & Related Land Programs
 TOTAL DOLLARS



**TABLE 4
NON-VIABLE
1983 STATE WATER PLAN COMPONENTS**

(Projects that have been determined infeasible based upon further study or other alternatives have eliminated the problem.)

<u>Name</u>	<u>Function</u>
Lake Metigoshe Water Quality Improvement	Recreation
Thirty Mile Creek Dam	Recreation
Minto Dam	Water Supply
Versippi Dam	Water Supply

112 State Water Plan projects are considered inactive. This includes some federal projects which have been feasible but have not been pursued due primarily to the local-cost share required. For example: Grafton Flood Control (COE) and Grand Forks County Rural Flood Prevention (SCS).

The major obstacle to implementation of the 1983 State Water Plan has been funding the recommended projects. The need has been demonstrated; however, meeting the implementation time frame goals established in the planning process has been prevented by the inability to obtain funding for the projects.

TABLE 5
MAJOR PROJECTS ASSUMED TO BE PART OF THE FUTURE
WITHOUT PLAN CONDITIONS OF THE 1983 STATE WATER PLAN

1. Garrison Diversion Project - 250,000 acres of irrigation (Phase 1 - 85,000 acres of irrigation in place by 1990 with the remaining 165,000 acres in place by 2020). The Garrison Diversion project has since been reduced in scope to 130,000 acres of irrigation and a \$200 million federal grant program for municipal, rural and industrial water delivery systems.
2. Sheyenne River Flood Control Project
3. Souris River Flood Control Project
4. Southwest Pipeline Project

The future without plan components represents those project which were considered to be implemented regardless if the State Water Plan were implemented or not implemented. It included projects that were moving forward and it could be reasonable predicted that implemented would occur in some form sometime in the future. These projects represented general planning assumptions that were utilized to develop a base-line from which impacts of the plan recommendations could be measured. In addition, with the exception of the Southwest Pipeline Project, the implementation of the projects was not directly controlled by the State Water Commission or the State of North Dakota but rather a federal agency.

1990 STATE WATER MANAGEMENT PLANNING PROCESS

OVERALL GOAL OF THE STATE WATER MANAGEMENT PLAN

To provide a framework for meeting, through the conservation, development and management of its water resources, the state's need to have a strong and viable social and economic structure. Inherent in this goal is the need to provide for the economic and social well-being of the state's citizens at or near the national level and to protect the environment, particularly those elements that are of unique importance.

A major focus of the 1992 State Water Management Plan will be the role of water resources in North Dakota's economic development. The planning process is to be completed by May 1992, in time for the 1993-95 biennium budgeting process.

OBJECTIVES

The State Water Management Plan shall include water and related land resources management measures which support the following objectives:

- (a) broaden the economic base particularly in the sectors identified by the Vision 2000 Committee;
- (b) increase long-term employment opportunities;
- (c) maintain and enhance the health, well-being and security of North Dakota residents by reducing hazards from water pollution and floods;
- (d) maintain a strong agricultural economy by emphasizing watershed management, soil conservation practices, irrigation, research and education;
- (e) improve the quality of life by preserving and enhancing the environmental and aesthetic values of lakes, parks, recreation facilities, fish and wildlife habitat and scenic/historic sites; and
- (f) utilize, to the degree possible, the vast water resources of the Missouri River.

PLAN FORMULATION

Plan formulation steps will include: (1) compilation of water-resource, economic and social basic data; (2) identification and review of water management problems and development opportunities; (3) development of problem solving and administrative alternative projects/actions including assessments of economic, environmental and social implications; (4) development of planning assumptions; (5) selection and prioritization of plan components; and (6) identification of legislative authority and/or financing needed to facilitate plan implementation. The State Water Management Plan shall include financial and administrative guidelines with a timetable for implementation of plan recommendations. A regular review will be completed every five years to consider the need for modifications to the plan to keep it current with changes in federal, state and local laws and/or policies and with the preferences of the state's citizens.

PUBLIC INVOLVEMENT

Public input is considered a very important aspect of the planning process because it provides a means to learn about local water management objectives and preferences for water resource development. Strong emphasis will be given to obtaining public input from individuals as well as special interest groups through surveys and meetings. The state will be divided into eight public involvement regions with each region having an advisory board comprised of

June 5, 1990 DRAFT

Water Resource District members, community leaders, and representatives of special interest groups.

REPORT STRUCTURE

Plan recommendations will be developed in each of the public involvement regions then organized in the final report by five statistical planning regions which approximate, by county lines, the boundaries of the Missouri River, James River, Red River, Devils Lake and Souris River drainage basins. This will be done to account for the obvious differences in the nature of water resources and management needs between these regions of the state. Portraying plan recommendations by region will help insure that projects, programs and development ideas important to different regions of the state are not diminished by a process of combining all components together.

INTERAGENCY COORDINATION

Federal, state and local entities involved in water resource management issues will be encouraged to participate in the planning process through special committees or study teams.

THE STATE WATER MANAGEMENT PLAN AND VISION 2000

The Vision 2000 Committee has identified four sectors in North Dakota's economy on which the State should focus its efforts to enhance growth potentials. They are:

- (1) advanced agriculture and food processing
- (2) energy by-product development
- (3) export services and tourism
- (4) advanced manufacturing

The availability of adequate quantities of good quality water is important to expansion in any of these areas. The State Water Management Plan will, therefore, highlight any proposed projects or administrative changes that can directly or indirectly improve the opportunity for growth in these four economic sectors.

DRAFT 1990
STATE WATER MANAGEMENT PLAN OUTLINE

I. INTRODUCTION

A. Purpose and Scope

1. Forward
2. Purpose
3. Authority
4. Study Goals and Objectives
5. Economic/Environmental/Social Analysis
6. Study scope
 - a. Level of investigation
 - b. Study duration
 - c. Component prioritization by timeframe
 - d. Planning divisions (statistical planning areas)
7. Participating agencies
8. Sources of available data
9. Public involvement program
 - a. Public involvement regions
 - b. Advisory boards/membership

B. Study area delineation - statewide summary

1. Geography
2. Climate
3. Demography
 - a. Population
 - b. Transportation
4. Economy
5. Geology
 - a. Bedrock geology
 - b. Glacial geology
 - c. Mineral resources
6. Nature and occurrence of water resources
 - a. Surface water
 - b. Ground water
7. Land resources
8. References cited

C. Procedures, constraints, and criteria

1. Plan formulation program
 - a. Study management - SWC and staff
 - b. General planning procedures
 - c. Problem identification procedure
 - d. Opportunity identification procedure
2. Legal constraints
 - a. State law
 - b. Federal law
 - i. Indian water rights
 - ii. Policy and implementation
3. General planning assumptions
 - a. Population growth
 - b. Economic growth and development
4. Specific planning assumptions
5. Planning criteria
 - a. Flood damage reduction

Encl. No 2.

1990 DRAFT

- b. Erosion control
- c. Water supply
- d. Irrigation
- f. Recreation
- g. Fish and wildlife
- 6. Cost estimating criteria
- 7. Cost sharing
- D. Goals and objectives by Citizen Advisory Board Region
 - 1. Introduction
 - a. Water supply
 - b. Irrigation
 - c. Water quality
 - d. Flooding
 - e. Fish and wildlife
 - f. Outdoor recreation
 - g. Transportation
 - h. Weather modification
 - i. Energy
 - j. Others

II. The Setting

A. The Missouri River Basin

- 1. Physical description
 - a. Geography by subbasin
 - i. Grand River
 - ii. Cannonball River
 - iii. Heart River
 - iv. Knife River
 - v. Little Missouri River
 - vi. Yellowstone River
 - vii. Direct minor Missouri River tributaries
 - viii. Easter Missouri River direct tributaries
 - ix. Western Missouri River direct tributaries
 - b. Geology
- 2. Socio-economic characteristics
 - a. Employment
 - b. Income characteristics
- 3. Economic base
 - a. Description of study area
 - b. Agriculture
 - c. Wholesale and retail trade
 - d. Services
 - e. Mining
 - f. Construction
- 4. Nature and occurrence of water and land resources
 - a. Surface water
 - b. Ground water
 - c. Land resources
 - i. Land use and ownership
 - ii. Production capability
 - iii. Current and projected production
 - iv. Land treatment

B. The James River Basin

1990 DRAFT

1. Physical description
 - a. Geography
 - b. Geology
2. Socio-economic characteristics
 - a. Employment characteristics
 - b. Income characteristics
3. Economic base
 - a. Description of study area
 - b. Agriculture
 - c. Wholesale and retail trade
 - d. Services
4. Nature and occurrence of water and land resources
 - a. Surface water
 - b. Ground water
 - c. Land resources
 - i. Land use and ownership
 - ii. Production capability
 - iii. Current and projected production
 - iv. Land treatment

C. The Red River Basin

1. Physical description
 - a. Geography by subbasin
 - i. Wild Rice
 - ii. Sheyenne River
 - iii. Elm River
 - iv. Goose River
 - v. Turtle River
 - vi. Forest River
 - vii. Park River
 - viii. Pembina River
 - ix. Minor Red River tributaries
 - b. Geology
2. Socio-economic characteristics
 - a. Employment characteristics
 - b. Income characteristics
3. Economic base
 - a. Description of study area
 - b. Agriculture
 - c. Wholesale and retail trade
 - d. Services
4. Nature and occurrence of water and land resources
 - a. Surface water
 - b. Ground water
 - c. Land resources
 - i. Land use and ownership
 - ii. Production capability
 - iii. Current and projected production
 - iv. Land treatment

D. The Devils Lake Basin

1. Physical description
 - a. Geography
 - b. Geology

1990 DRAFT

2. Socio-economic characteristics
 - a. Employment characteristics
 - b. Income characteristics
3. Economic base
 - a. Description of study area
 - b. Agriculture
 - c. Wholesale and retail trade
 - d. Services
4. Nature and occurrence of water and land resources
 - a. Surface water
 - b. Ground water
 - c. Land resources
 - i. Land use and ownership
 - ii. Production capability
 - iii. Current and projected production
 - iv. Land treatment

E. The Souris River Basin

1. Physical description
 - a. Geography
 - b. Geology
2. Socio-economic characteristics
 - a. Employment characteristics
 - b. Income characteristics
3. Economic base
 - a. Description of study area
 - b. Agriculture
 - c. Wholesale and retail trade
 - d. Services
4. Nature and occurrence of water and land resources
 - a. Surface water
 - b. Ground water
 - c. Land resources
 - i. Land use and ownership
 - ii. Production capability
 - iii. Current and projected production
 - iv. Land treatment

III. The future-without-plan conditions/planning assumptions

- A. Introduction
- B. Land resources
- C. Rural domestic water
- D. Municipal-industrial water supply
- E. Agriculture
- F. Self-supplied industrial water
- G. Flooding
 1. Missouri River Basin
 2. James River Basin
 3. Red River Basin
 4. Devils Lake Basin
 5. Souris River Basin
 6. Floodplain management in North Dakota
- H. Fish, wildlife, and outdoor recreation

1990 DRAFT

IV. Plan Formulation - Introduction

A. Missouri River Basin

1. Problem summary
2. Opportunities summary
3. Non-recommended study alternatives
4. Three-account analysis of recommended alternatives
5. Recommended plan summary
6. Early action program summary
7. Additional special studies and programs

B. James River Basin

1. Problem summary
2. Opportunities summary
3. Non-recommended study alternatives
4. Three-account analysis of recommended alternatives
5. Recommended plan summary
6. Early action program summary
7. Additional special studies and programs

C. Red River Basin

1. Problem summary
2. Opportunities summary
3. Non-recommended study alternatives
4. Three-account analysis of recommended alternatives
5. Recommended plan summary
6. Early action program summary
7. Additional special studies and programs

D. Devils Lake Basin

1. Problem summary
2. Opportunities summary
3. Non-recommended study alternatives
4. Three-account analysis of recommended alternatives
5. Recommended plan summary
6. Early action program summary
7. Additional special studies and programs

E. Souris River Basin

1. Problem summary
2. Opportunities summary
3. Non-recommended study alternatives
4. Three-account analysis of recommended alternatives
5. Recommended plan summary
6. Early action program summary
7. Additional special studies and programs

F. Statewide recommendations and summary

1. Three-account analysis of recommended alternatives
2. Recommended plan summary

G. Water requirements - Introduction

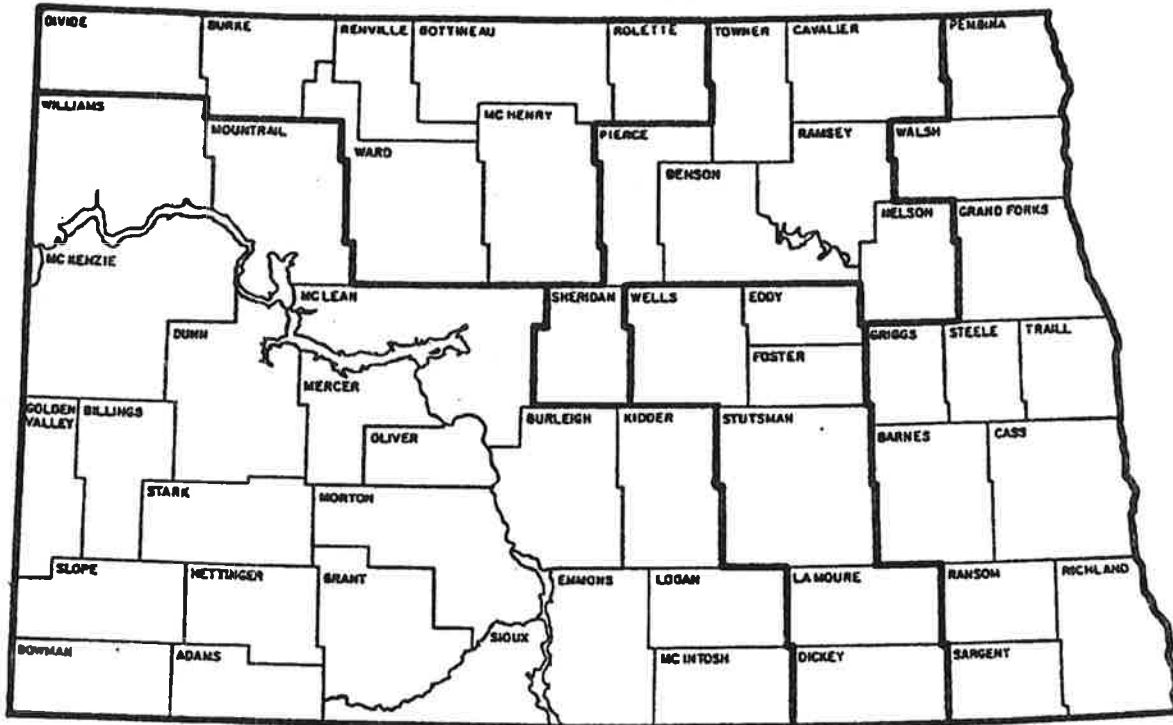
1. Missouri River Basin
2. James River Basin
3. Red River Basin

1990 DRAFT

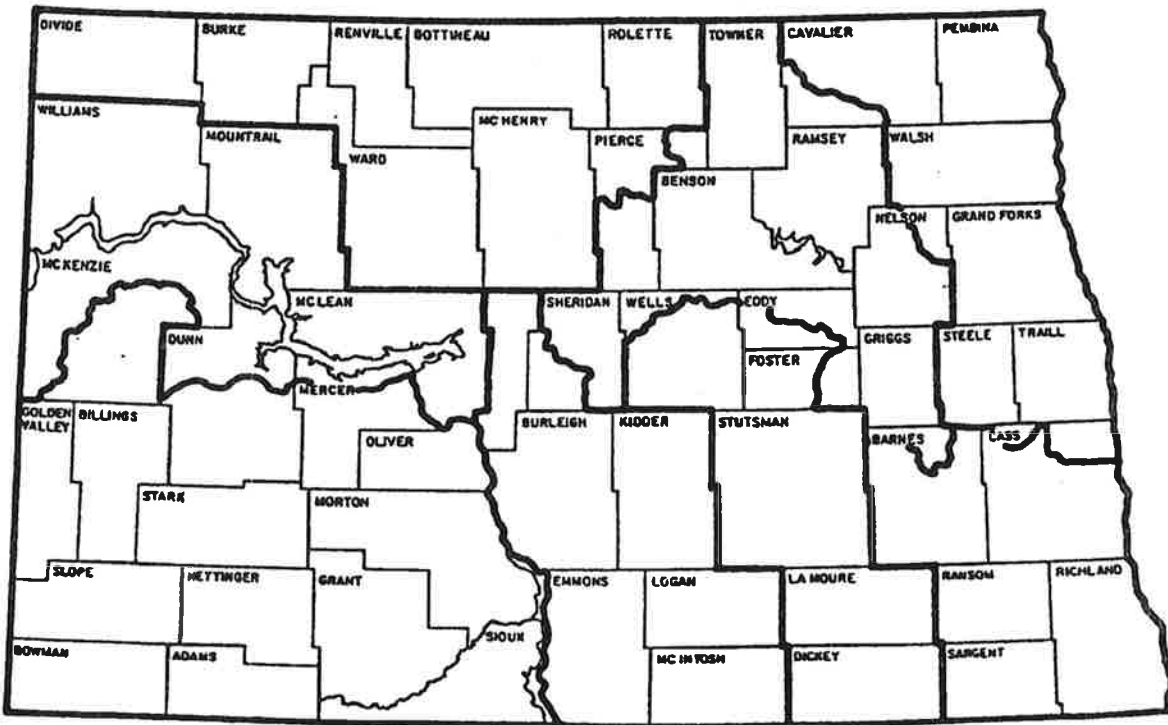
4. Devils Lake Basin
5. Souris River Basin
6. Statewide

V. General Study Conclusions

Statistical Planning Areas



Public Involvement Regions



**GOALS AND OBJECTIVES REVIEW
OF THE 1983
STATE WATER PLANNING PROCESS**

Background - For the 1983 State Water Planning Process, the initial goals and objectives were formulated by the State Water Commission (SWC) staff by function. The function categories included: water supply, irrigation, flooding, water quality, outdoor recreation, and fish and wildlife. See Attachment 1. The primary reason for doing this was twofold:

1. To educate the citizen advisory boards on the comprehensive nature of water resources, and
2. To give the 17 citizen advisory boards some basis from which to begin discussions.

In essence, the goals and objectives provided by the SWC to each of the 17 citizen advisory boards were a starting point from which each citizen advisory board were encouraged to modify, delete, or make additions to existing categories or add new categories. This allowed the citizen advisory boards to develop goals and objectives specific to their region's concerns and needs. For example, in comparing Attachment 1 with Attachment 2, it can be seen that originally the citizen advisory boards were presented with three objectives pertaining to outdoor recreation (Attachment 1), and as a result of additions, a total of 10 objectives (Attachment 2) were added by the citizen advisory boards (although not all citizen advisory boards endorsed each objective). In addition, three additional goal function categories were added to the original six goals

provided to the citizen advisory boards. The goals added pertained to transportation, weather modification, and energy.

The general public was given the opportunity to respond to the "draft" goal and objective statements during the third round of public involvement meetings. The citizen advisory boards were aided by the comments from the general public when they finalized and approved the goals and objectives for their region.

Options - There basically are three options available to develop goals and objectives for the 1992 planning process. The options are: (1) start over; (2) begin with 1983 goals and objectives; and (3) begin with 1983 goals and objectives; however, enhance the general public participation with surveys (telephone polls, newspaper surveys, or mail surveys). The options, as well as the advantages and disadvantages of each option, will be discussed briefly in the following paragraphs:

Option 1 - Start Over - The SWC staff would discuss and define a goal and objective and give the citizen advisory boards only broad function categories from which to begin. Example: water supply, irrigation, recreation, and economic development.

Advantages -- Allows for consensus building without biases (only if everyone participates actively).

Disadvantage -- It will take at least one or two additional meetings to iron out all of their concerns; assertive members of the group may be the only ones actively participating, so the goals and objective may reflect only the views of one or two people.

Option 2 - Begin with 1983 goals and objectives - the SWC staff would present the citizen advisory board with a composite of the 1983 goals and objectives that represent their region or the entire state composite. The goals and objectives could be evaluated by the citizen advisory boards and modified with changes, deletions, or additions that will reflect their views.

Advantages -- The "wheel" will not be re-invented; time will be saved which is a consideration because at least one meeting would be eliminated in formulating and reviewing what is developed by the advisory boards; and the SWC has some responsibility to provide them with some sense of direction.

Disadvantages -- There will be an inherent bias developed; the SWC may be accused of setting the stage for a predictable outcome benefiting policies and views of the SWC.

Option 3 - Begin with 1983 goals and objectives; however, enhance the general public participation with surveys (telephone polls, newspaper surveys, or mail surveys). This option is basically the same as Option 2, only additional public

involvement will be utilized to get a broader view of public perception, concerns, and desires as it relates to water resources and water management.

Advantages -- In addition to those already listed under Option 2, the surveys will allow for as much public involvement as possible; the viewpoints of a statistical portion of the state's citizenry will be obtained, as opposed to the 1983 public participation in goal setting which was only obtained from those people who attended the public meeting of the citizen advisory boards. Participation at the public meetings ranged anywhere from just the members of the citizens advisory boards to as many as 60 people in the audience.

Disadvantages -- In addition to those already listed under Option 2, the surveys will take time and money in regard to development of the survey, conducting the survey, and in analyzing survey results. Both of these are constraints that may not be workable considering the time-frame involved in completing the 1992 water plan; the SWC may have to hire a consultant to develop, conduct, and analyze the survey to avoid accusations that the SWC conducted its own survey developed to reflect the SWC viewpoints.

Summation - It is the consensus of the SWC Planning Division staff, that at a minimum, Option 2 should be used as a point from which to begin, primarily for the reason that the goals and

objectives portion of the 1983 state water plan was one of the stronger components of the 1983 water plan. The citizen advisory boards seemed to feel very comfortable with the process as well as the outcome. There was active participation from all of the advisory boards throughout the planning process and part of the reason was because they develop their specific goals and objectives that reflected the concerns of their area. Starting over would seem to indicate to those who were involved with the 1983 planning process that their efforts and inputs were no longer important or worth anything. We don't feel that this is the type of attitude that should be encouraged to develop among the citizenry.

If time and money consideration allow, the surveys involved with Option 3, can only improve upon determining exactly what the general public feels about water concerns and issues. The information could be very useful when addressing issues and concerns that have the potential to be very controversial. Having a broader viewpoint can only help to reflect what the real goals and objectives of concerned citizenry are and make the plan itself more reflective of the desires of the general public.

In addition, regardless of which means used to establish the regional goals and objectives of the citizen advisory boards, more emphasize will have to be placed on economic development, and that function category should be added to the initial goals

and objectives given by SWC staff to the citizen advisory boards. It also may be a consideration to specifically address major water issues so that viewpoints of the general public can be incorporated into the policies of water resource management throughout the state.

Goal: Develop sufficient water-based outdoor recreation facilities to meet the needs projected for 1990, 2000 and 2020.

- Objectives:
- Identify and evaluate opportunities to develop new sites and/or improve upon existing facilities along the State's streams and lakes.
 - Maintain water quality in streams and lakes at a level compatible with swimming, boating, game fish reproduction, and aesthetic appeal.
 - Increase the level of funding assistance to facilitate expeditious implementation of outdoor recreation facilities which are either independent developments or are part of multi-purpose projects.

**OUTDOOR RECREATION
VALUES & OBJECTIVES**

GOAL Develop sufficient water-based outdoor recreation facilities to meet the needs projected for 1990, 2000, and 2020.

MISSOURI RIVER DRAINAGE
Public Involvement Regions

HUDSON BAY DRAINAGE
Public Involvement Regions

	Beaver Creek	Carroll Creek	Hart River	Kaifu River	Lake Sakakawea	Little Missouri	Middle Missouri	Upper Missouri	Janus River	Goose River	Lower Red	Lower Sisseton	Upper Sisseton	Wild Rice	Devils Lake	Lower Souris	Upper Souris
OBJECTIVES: Identify and evaluate opportunities to develop new sites and/or improve upon existing facilities along the State's streams and lakes. Developments should be suitable for all age groups and should not seriously effect natural ecosystems.	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Maintain water quality in streams and existing lakes at a level compatible with swimming, boating, game-fish reproduction and aesthetic appeal. Care should be exercised in creating new recreation lakes to maintain good water quality.	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Increase the level of funding assistance to expedite implementation of practical outdoor recreation facilities which are either independent developments or included in multi-purpose projects.	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Promote riverbank parks and trails.	X	X				X	X		X	X	X						
Develop more public access areas on lakes across North Dakota placing more emphasis on recreational activities such as swimming, boating, and fishing.	X	X		X		X		X	X	X	X	X		X	X	X	X
Participate with the U.S. Army Corps of Engineers in development of cabin areas and a marina on Lake Sakakawea.				X		X	X										
Expand wildlife habitat within the Lake Sakakawea Reservoir taking area and in the Fort Berthold Reservation.				X													
Provide historical markers in appropriate locations, particularly along riverbanks.	X	X	X			X		X	X					X			
Grow riverbank vegetation at recreation sites to encourage desirable growth.	X	X							X								
Investigate the possibility of an impoundment on Beaver Creek in Emmons County for recreation, flood control, and water for irrigation.	X																
Provide a good source of water for recreation dams and in streams through diversion where practical to enhance recreational opportunities.	X	X		X	X			X				X					
Promote wetlands as a significant tourist attraction.	X								X								
Improve recreational facilities at Wagon Dam in Emmons County.										X							

STATE WATER PLAN STEERING COMMITTEE

Duties and Responsibilities:

1. Approval of work plan and modifications.
2. Review responsibility for various planning reports.
3. Determine "without plan" components.
4. Resolve conflicts which have reached an impasse.
5. Meet as needed with planning staff.

Recomendations - State Water Commission Representation and Others as a Steering Committee:

1. Enhanced credibility with public.
2. Allows for organization along functional (water use) lines.
3. Allows direct link to State Water Commission by membership.
4. Broad, more citizen-oriented ownership.
5. Bottoms-up, people orientation.

Lieutenant Governor
2 State Water Commission Members
Agriculture (production)
Recreation/Fish and Wildlife
Energy/Manufacturing
Tribal
Water Users Association
Water Resource Districts Association
2 At-large Members

State Water Management Plan Technical Review & Coordination

- ***Local***
 - Water Resource Districts**
- ***State of North Dakota***
 - Department of Agriculture**
 - Bank of North Dakota**
 - Division of Emergency Management**
 - Economic Development Commission**
 - Energy Development Impact Office**
 - Forest Service**
 - Game and Fish Department**
 - Garrison Diversion Conservancy District**
 - Health & Consolidated Laboratories Department**
 - Indian Affairs Commission**
 - Industrial Commission**
 - North Dakota State University**
 - Parks and Recreation Department**
 - Public Service Commission**
 - Soil Conservation Committee**
- ***Federal Agencies***
 - Department of Agriculture**
 - Soil Conservation Service**
 - Department of the Army**
 - Corps of Engineers, St. Paul District**
 - Corps of Engineers, Omaha District**
 - Department of the Interior**
 - Bureau of Reclamation**
 - Geological Survey**
 - Fish and Wildlife Service**
- ***Other Organizations***
 - North Dakota Water Users Association**
 - North Dakota Assn. of Irrigation Districts**
 - North Dakota Water Resource Districts Assn.**
 - North Dakota Rural Water Systems Assn.**
 - North Dakota Assn. of Regional Planning Councils**
 - North Dakota Assn. of Soil Conservation Districts**
 - North Dakota Assn. of Counties**
 - North Dakota League of Cities**
 - North Dakota Vision 2000 Committee**