

**MINUTES****North Dakota State Water Commission  
Bismarck, North Dakota****December 20, 1991**

The North Dakota State Water Commission held a meeting in the lower level conference room of the State Office Building, Bismarck, North Dakota, on December 20, 1991. Chairman, Lieutenant Governor, Lloyd Omdahl, called the meeting to order at 10:30 AM, and requested State Engineer and Chief Engineer-Secretary, David Sprynczynatyk, to call the roll. The Chairman declared a quorum was present.

**MEMBERS PRESENT:**

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

**OTHERS PRESENT:**

State Water Commission Staff Members  
 Approximately 15 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 agenda.

**CONSIDERATION OF MINUTES  
OF OCTOBER 21, 1991 MEETING -  
APPROVED**

The minutes of the October 21, 1991 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 October 21, 1991 meeting be approved as circulated.

**CONSIDERATION OF MINUTES  
OF OCTOBER 23, 1991 JOINT  
MEETING OF STATE WATER  
COMMISSION AND GARRISON  
DIVERSION CONSERVANCY  
DISTRICT - APPROVED**

The minutes of the October 23, 1991 joint meeting of the State Water Commission and the Garrison Diversion Conservancy District were approved by the following motion:

It was moved by Commissioner Byerly, seconded by Commissioner Kramer, and unanimously carried, that the minutes of the October 23, 1991 joint meeting of the State Water Commission and the Garrison Diversion Conservancy District be approved as circulated.

**AGENCY FINANCIAL STATEMENT**

Charles Rydell, Assistant State Engineer, presented and discussed the Program Budget Expenditures, dated October 31, 1991, reflecting 16.6 percent of the current biennium.

Mr. Rydell informed the Commission members the State Auditor's office has completed a state audit of State Water Commission activities for the period July 1, 1990 through June 30, 1991. The final audit report has been received and Mr. Rydell indicated the report appears to be favorable.

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

Tim Fay, Manager of the Southwest Pipeline Project, provided the Commission members with a project operations and construction update. Mr. Fay reported the Southwest Pipeline began serving Dickinson with raw water on October 16, 1991 under a temporary agreement whereby the city would reimburse a cost of \$.30 per thousand gallons for pumping power costs. This arrangement lasted until November 15, 1991. Since November 16, the terms of Dickinson's water service agreement have been in force.

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On November 25 and 26, 1991, the pump control valve failed at the Dodge pump station resulting in overflowing the Richardton reservoir. Mr. Fay said an examination of the valves revealed obvious manufacturing defects, as both valves experienced the same type of failure. One valve was repaired while the other awaits the arrival of parts from the manufacturer. Mr. Fay said discussions are in progress regarding responsibilities for the effects of the failure.

Pre-final inspections have been held for all the construction contracts. Outstanding items include site cleanup, operation and maintenance manuals, and miscellaneous items, including the repair of the valves at the Dodge pump station.

**SOUTHWEST PIPELINE PROJECT -  
RURAL WATER DEVELOPMENT  
(SWC Project No. 1736)**

Tim Fay stated the location and extent of rural water service areas is becoming an important item in the design. Mr. Fay said the Southwest Water Authority is striving to complete the signup in the entire service area by April, 1992.

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

Requests have recently been received for water service agreements to purchase water from the Southwest Pipeline Project from the City of New England, Kralicek Water Users, Slope Estates, the City of Reeder, and the Manning Experiment Station. Tim Fay said although discussions are still underway with each of these entities regarding the amounts of the contracts, the form of each will be the same as all previous water service agreements. Mr. Fay said each entity will be charged the appropriate fees under the guidelines approved previously by the State Water Commission.

It was the recommendation of the State Engineer that the State Water Commission approve entering into water service agreements of the standard form for the purchase of Southwest Pipeline Project water with the Cities of New England and Reeder, Kralicek Water Users, Slope Estates, and the Manning Experiment Station.

**It was moved by Commissioner Rudel  
and seconded by Commissioner Spaeth  
that the State Water Commission approve  
entering in water service agreements of  
the standard form for purchasing water**

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from the Southwest Pipeline with the City of New England, the City of Reeder, Kralicek Water Users, Slope Estates, and the Manning Experiment Station.

In discussion of the motion, Commissioner Byerly indicated an agreement should be finalized prior to presentation to the State Water Commission for consideration and action. Therefore, Commissioner Byerly expressed her objection to the motion.

Commissioners Farstveet, Gust, Kramer, Narlock, Rudel, Spaeth, Vogel, and Chairman Omdahl voted aye. Commissioner Byerly voted nay. Recorded vote was 8 ayes; 1 nay. The Chairman declared the motion carried.

#### CONTRACT FUND UPDATE

Dale Frink, State Water Commission Water Development Division Director, provided the Commission members with the Contract Fund update. Through the use of spreadsheets, Mr. Frink discussed and explained allocations and payments made from the Contract Fund as of December 4, 1991. His report also included the 1991-1993 carryover projects funds.

Mr. Frink indicated that the Office of Management and Budget will make a new projection for revenues into the Resources Trust Fund in late December, 1991.

#### GARRISON DIVERSION PROJECT - PROJECT UPDATE (SWC Project No. 237)

Congress has approved \$33 million of federal funds for the Garrison Diversion Project for Fiscal Year 1992, which began October 1, 1991. Secretary Sprynczynatyk explained the allocation of those funds, which have been finalized by the Bureau of Reclamation and the Garrison Diversion Conservancy District.

Secretary Sprynczynatyk stated the Administration's proposal for federal funding for Fiscal Year 1993 is anticipated to be released in January, 1992.

Secretary Sprynczynatyk briefed the Commission members on a meeting held December 19, 1991 in Bismarck with Congressman George Miller, Chairman of the US House of Representatives Committee on Interior and Insular Affairs.

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Congressman Miller was in North Dakota for a briefing on the Garrison Diversion Project and to attend a hearing on Indian economic development and health services.

Chairman Omdahl leaves the meeting and the chair is assumed is Commissioner Vogel.

**GARRISON DIVERSION PROJECT - MR&I WATER SUPPLY PROGRAM UPDATE (SWC Project No. 237-3)** Jeffrey Mattern, MR&I Water Supply Program Coordinator, provided a progress report on the MR&I Water Supply Program.

Mr. Mattern commented his report is essentially the same report as was provided to the Commission at its October 20, 1991 meeting, with the exception of one new application.

Mr. Mattern indicated the Pierce County Rural Water project is the newest application to the MR&I Program.

**GARRISON DIVERSION PROJECT - CITY OF ADAMS WATER SUPPLY (SWC Project No. 237-3)** At the October 21, 1991 meeting the Commission members were informed that the City of Adams had reported its water supply

had failed and that they were hauling water. Representatives from the city met with the State Engineer and staff on October 22, 1991 to discuss and consider options for their source of water supply.

Jeffrey Mattern reported the City of Adams made the decision to drill a new well to satisfy its water supply, rather than to try and hookup with the Langdon Rural Water Project at this time.

**CONSIDERATION AND APPROVAL OF REQUEST FROM CITY OF BELFIELD FOR COST SHARING FOR BELFIELD WATERSHED PROJECT (SWC Project No. 1803)**

A request was presented for the Commission's consideration from the City of Belfield for cost sharing in the local costs for the Belfield Watershed Project, which is a flood control project for the City of Belfield.

The project is being designed and constructed by the Soil Conservation Service as a PL-566 project. Total project costs are \$2,202,620, of which \$171,500 are local costs. Of the local costs, approximately \$97,000 are eligible under current State Water Commission cost sharing guidelines.

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Cary Backstrand, Chief of the State Water Commission Regulatory Section, indicated that the project consists of constructing a concrete-lined channel through the City of Belfield, including two drop structures, installation of a living fence along the channel, and utilities relocation.

Mr. Backstrand said the project, which will provide flood control for the City of Belfield, involves channel modifications, which qualify for 40 percent cost sharing under current State Water Commission guidelines. The flood control benefits will be accrued to the City of Belfield, not agricultural lands; however, Mr. Backstrand said the State Water Commission has cost shared with other cities on flood control projects involving diking and/or impoundments.

It was the recommendation of the State Engineer that the State Water Commission cost share in 40 percent of the local costs, not to exceed \$38,800 from the Contract Fund, contingent upon the availability of funds.

Norm Roth, Soil Conservation Service, provided the Commission members with detailed information relative to the project and explained project cost factors and the benefit-cost ratio.

Susan Heck, Mayor of the City of Belfield, indicated the Stark County and Dunn County Water Resource Boards are negotiating with the City of Belfield relative to the local costs for the project.

It was moved by Commissioner Byerly and seconded by Commissioner Spaeth that the State Water Commission approve cost sharing in 40 percent of the eligible local costs, not to exceed \$38,800 from the Contract Fund, for the Belfield Watershed Project. This motion is contingent upon the availability of funds.

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

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**CONSIDERATION AND APPROVAL  
OF REQUEST FOR COST SHARING  
IN DEVILS LAKE WATER  
QUALITY MONITORING  
(SWC Project No. 322)**

A request was presented for the Commission's consideration to enter into an agreement with the United States Geological Survey for water quality monitoring on Devils Lake. Secretary Sprynczynatyk said the work is being done in support of the Corps of Engineers reconnaissance level study currently underway. The State Water Commission's contribution to the water quality work is \$19,800.

It was the recommendation of the State Engineer that in the interest of finding an early solution to the problems facing Devils Lake that the State Water Commission approve the expenditure of \$19,800 from the Contract Fund to the United States Geological Survey for water quality monitoring efforts, contingent upon the availability of funds.

It was moved by Commissioner Narlock and seconded by Commissioner Gust that the State Water Commission approve the expenditure of \$19,800 from the Contract Fund to the United States Geological Survey for Devils Lake water quality monitoring efforts. This motion is contingent upon the availability of funds.

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

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

A request from the Barnes County Water Resource District was presented for the Commission's consideration to cost share in Phase III of the Sheyenne River snagging and clearing project.

Cary Backstrand stated the project involves approximately 3.2 river miles. The cost estimate indicated construction costs of \$29,910, and engineering costs of \$3,090, for a total project cost of \$33,000. Mr. Backstrand said all costs are eligible for 25 percent cost sharing, which would amount to \$8,250. Engineering and inspect-

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ion will be done by the State Water Commission staff and, therefore, these costs would be considered part of the State Water Commission's share. The amount required from the Contract Fund would be \$5,160.

It was the recommendation of the State Engineer that the State Water Commission approve cost sharing in 25 percent of the eligible costs, not to exceed \$8,250, of which \$5,160 would be from the Contract Fund and \$3,090 would be in-kind engineering services provided by the State Water Commission staff for the project.

Steven Olson, Barnes County Water Resource Board, indicated bids for the project have been opened. The bids were considerably less than the engineer's estimate, and Mr. Olson indicated it is the intent of the Board to work with the State Water Commission staff to determine if more river miles could be considered in this phase of the project. The project is anticipated to begin in January, 1992.

It was moved by Commissioner Gust and seconded by Commissioner Kramer that the State Water Commission approve cost sharing in 25 percent of the eligible project costs, not to exceed \$8,250, of which \$5,160 would be from the Contract Fund and \$3,090 would be for in-kind services provided by the State Water Commission staff for engineering, for Phase III of the Sheyenne River snagging and clearing project in Barnes County. This motion is contingent upon the availability of funds.

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

**CONSIDERATION AND APPROVAL  
OF REQUEST FROM SOUTHEAST  
CASS WATER RESOURCE DISTRICT  
FOR COST SHARING IN PHASE II  
OF WILD RICE RIVER SNAGGING  
AND CLEARING PROJECT  
(SWC Project No. 1842-1)**

A request from the Southeast Cass Water Resource District was presented for the Commission's consideration to cost share in Phase II of the Wild Rice River snagging and clearing project.

Cary Backstrand indicated the project involves snagging and clearing approximately two reaches totalling 5.5 river miles. The cost estimate indicated construc-

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tion costs of \$58,100, and engineering costs of \$2,400, for a total project cost of \$60,500. Mr. Backstrand stated all costs are eligible for 25 percent cost sharing, which would amount to \$15,125. The engineering and inspection will be done by the State Water Commission staff and these costs would be considered part of the State Water Commission's share. The amount required from the Contract Fund would be \$12,725.

It was the recommendation of the State Engineer that the State Water Commission cost share in 25 percent of the eligible project costs, not to exceed \$15,125, of which \$12,725 would be from the Contract Fund and \$2,400 would be for in-kind engineering services performed by the State Water Commission staff for the project. Approval would be contingent upon the availability of funds.

Because of inclement weather, representatives from the Southeast Cass Water Resource Board were unable to be present at the meeting.

It was moved by Commissioner Spaeth and seconded by Commissioner Narlock that the State Water Commission approve cost sharing for 25 percent of the eligible project costs, not to exceed \$15,125, of which \$12,725 would be from the Contract Fund and \$2,400 would be for in-kind engineering services performed by the State Water Commission staff, for Phase II of the Wild Rice River snagging and clearing project. This motion is contingent upon the availability of funds.

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

**STATE WATER MANAGEMENT  
PLAN UPDATE  
(SWC Project No. 322)**

its efforts on reviewing the problems and opportunities statements that were generated from the third round of public meetings associated with the State Water Management planning process. Potential projects, as well as older projects that have

LeRoy Klapprodt, State Water Commission Planning and Education Division, reported the staff has been concentrating

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been considered in the past, are being identified to address the problems and opportunities. The Bureau of Reclamation is providing technical engineering analysis on potential projects.

Mr. Klapprodt said the staff is also reviewing the problems and opportunities to identify refinements in administrative policy and potential state law changes that could be recommended in the State Water Plan.

A draft of the Future Without Plan scenario will be presented to the State Water Management Plan Steering Committee in January, 1992 for review. Mr. Klapprodt stated this scenario contains the recommendations of the Governor's Water Strategy Task Force and input from federal and state natural resource agencies concerning their future plans for development and management of North Dakota's water resources.

Mr. Klapprodt stated that additional time is required to obtain information on the near-term projects, which has resulted in a change in the original schedule for the State Water Management planning update. The fourth round of public meetings of the Citizens Advisory Boards, originally scheduled for January or February, will now be scheduled for March or April, 1992. Mr. Klapprodt indicated this delay should not cause problems in providing the information to the State Engineer to develop the 1993-1995 biennium budget.

**NA CHIIN HUUN - DAKOTA  
PROJECT UPDATE  
(SWC Project No. 237-4)**

Charles Rydell stated that on November 27, 1991, Senator Kent Conrad introduced a bill for authorization of the Na chiin Huun - Dakota Project. Mr. Rydell explained that even though Congress has adjourned, introduction of the bill will allow for field hearings before Congress convenes in January, 1992. The field hearings could be scheduled for mid-January, 1992 which will be determined by Senator Conrad's staff. The bill will come before the Senate Energy Committee when Congress resumes.

Mr. Rydell said if the project is authorized in 1992, funding for studies could happen as early as 1993 and actual construction could commence in 1995 or 1996. In discussion of possible funding sources for the project, Secretary Sprynczynatyk discussed the proposed reclamation reformulation bill being considered by Congress.

Mr. Rydell reviewed the proposed project legislation. The legislation is the same as was submitted to Senator Conrad's office, with the exception of some changes in the power requirements. Mr. Rydell indicated these changes will have to be considered by the Advisory Committee.

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**DROUGHT DISASTER LIVESTOCK  
WATER SUPPLY PROJECT  
ASSISTANCE PROGRAM UPDATE  
(SWC Project No. 1851)**

Water Supply Project Assistance Program, with 99 projects approved. Total project costs are estimated at \$450,000, while cost sharing approved to date is \$154,000. To date, the State Water Commission has paid \$77,000.

Dale Frink, State Water Commission Water Development Division Director, reported 121 applications have been received in the Drought Disaster Livestock

Mr. Frink stated that on November 26, 1991, Governor Sinner was notified that only three North Dakota counties, Dunn, Emmons and Oliver, have been designated natural drought disaster areas by the US Secretary of Agriculture, therefore, making some farmers in those counties eligible for low-interest loans. USDA rules apply to counties bordering disaster areas so farmers in a total of 16 counties will be eligible for low-interest emergency loans through the Farmers Home Administration.

On November 30, 1991, the Palmer Drought Severity Index indicated four areas of the state remain in mild drought. Mr. Frink said since program rules states that a drought emergency must be declared by the Governor for this program to be in effect, the office of Emergency Management Services was contacted concerning the possibility of rescinding the drought emergency declaration. Emergency Management Services personnel indicated that they do not expect the declaration to be rescinded in the near future because, while the moisture levels are returning to normal, the economic impact of four years of drought conditions are still affecting the state.

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

1991. The purpose of the meeting was the discuss the progress of the Devils Lake Basin reconnaissance level study, which is anticipated to be completed in February, 1992.

Dale Frink provided the Commission members with a briefing on a meeting held with the Corps of Engineers on November 27,

LeRoy Klapprodt distributed copies of the Conceptual Water Management Plan for the Devils Lake Basin, dated October, 1991. The information in this report will support the Corps of Engineers reconnaissance study of the Devils Lake Basin, and was prepared by the State Water Commission at the request of the Corps of Engineers. Mr. Klapprodt stated the information compiled in the report originated from state and federal agency reports, university publications, and input from the special Devils Lake Task Force. Six task force meetings were held to develop the recommendations in the report.

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Mr. Klapprodt stated that additional input for this report came from the State Water Management Plan update process, which was conducted concurrently with the Corps of Engineers study. The Devils Lake Basin is a portion of one of the eight public involvement regions organized to aid the state water plan update. Goals and objectives as well as the water management problems and development opportunity statements were developed in public meetings of the Devils Lake Citizens Advisory Board.

Mr. Klapprodt commented that it is important to evaluate the overall water management needs of the entire basin and help address issues anticipated in protecting Devils Lake. Congress indicated its wishes to have a comprehensive plan which addresses the contemporary water management needs throughout the basin. Mr. Klapprodt said this study is intended to identify those needs and make recommendations on how they might be met.

Chairman Vogel leaves the meeting and the chair is assumed by Commissioner Gust.

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

Denver on December 2 and 3, 1991.

Secretary Sprynczynatyk reported on the Missouri Basin States Association meeting held in

The Corps of Engineers has released its Annual Operating Plan for 1992. The upper basin states had suggested that the Corps delay the start of the navigation season, but this was not done. Secretary Sprynczynatyk stated that the Corps decided rather than delay the start of the navigation season, it would move toward a more normal navigation season, based on the five feet of storage that was recovered in the Missouri River system last year.

Julie Krenz, Assistant Attorney General, reported on the Missouri River lawsuit. The lawsuit is in the discovery phase and the state has responded to interrogatories submitted by the Corps of Engineers attorney. Ms. Krenz indicated the states have requested a three-month extension for the discovery phase to obtain additional information.

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

Rafferty Dam is approximately 99 percent complete and Alameda Dam is approximately 85 percent complete. Secretary Sprynczynatyk indicated that although there was a change in the Saskatchewan government, every indication is that these projects will be completed.

Secretary Sprynczynatyk briefed the Commission members on the Souris River Flood Control Project. Construction of the

Secretary Sprynczynatyk briefed the Commission members on the Souris River Board of Control meeting with the International Joint Commission on December 12, 1991. The Souris River Board of Control was created in 1959 and consists of three members from the United States and three members from Canada. Secretary Sprynczynatyk is the United States Co-Chairman and Mindy Austford from the Province of Manitoba is the Canadian Co-Chairman. He said this is the second time the Souris River Board of Control has met with the International Joint Commission, but because of the development of the Rafferty and Alameda projects, there may be more frequent meetings of the Board of Control and the Commission.

**BALDHILL DAM SAFETY  
MODIFICATIONS  
(SWC Project No. 300)**

was built by the Corps of Engineers in the late 1940's on the Sheyenne River directly upstream of Valley City. The dam is a high hazard dam due to its closeness to Valley City and it was constructed in accordance with Corps of Engineers design standards of the 1940's. Mr. Frink stated that today's standards have greatly increased the spillway and other requirements of dams, and he said the Baldhill Dam no longer meets these new standards. The Corps of Engineers estimates it will cost \$33 million to make the necessary dam safety modifications.

Dale Frink provided the Commission members with an update on the required safety modifications of Baldhill Dam. The dam

The Water Resources Act of 1986 stipulates that the non-federal interests are responsible for a portion of the modification costs based on the cost sharing formula in effect at the time of the initial project construction. The Corps of Engineers currently calculates the non-federal cost to be \$1,685,000. The State Engineer has written several letters to various Corps officials recommending alternatives for substantially reduced cost share requirements. At the time of original construction, the Corps was responsible for all construction costs and the non-federal interests were responsible for all land, right-of-way, and relocations. Since

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the dam safety modifications require very little land acquisition, the non-federal cost share would be very small. Mr. Frink said that to date, our recommendations have been rejected by the Corps of Engineers.

Mr. Frink stated that Baldhill Dam is somewhat unique in terms of more recent federal projects. Current projects require a non-federal sponsor to sign a local cooperation agreement prior to the start of design and construction. A signed agreement cannot be found by either the Corps of Engineers or the State Water Commission for Baldhill Dam, although the Commission approved a local cooperation resolution on April 2, 1947. Mr. Frink said that in this resolution, the Commission agreed to provide four items for the project, although no actual funds were required by the Commission. The local cost of \$208,000 was provided by the Eastern North Dakota Water Development Association, an ad hoc group consisting of the cities of Fargo, Grand Forks, Valley City, Southwest Fargo, and Lisbon, plus six private corporations. Mr. Frink said it is uncertain whether the Commission became the local sponsor by approving the Local Cooperation Resolution, but it appears that there is not an official local sponsor for the dam.

The Assistant Secretary of the Army has contracted with Don Dillon, a retired Corps employee, to work with the Commission and locals regarding Baldhill Dam. State Water Commission staff met with Mr. Dillon on December 18, 1991, and Mr. Frink provided the Commission with a summary of that meeting. Mr. Dillon will provide a report to the Assistant Secretary of the Army.

Secretary Sprynczynatyk said the State Water Commission has always been supportive of completing the dam safety modifications. The staff is in the process of preparing a letter to the 11 entities of the Eastern North Dakota Water Development Association to inform them of the recent negotiations with the Corps of Engineers and also that there may be a need to try to work out a cost sharing arrangement for the non-federal share of the project.

**NORTH DAKOTA WATER USERS  
ASSOCIATION INITIATED TAX  
MEASURE**

voted to sponsor an initiated measure for a 1/2 cent sales tax for water development. If successful, the tax would be in force from 1993 through 1999 and would raise about \$20 million per

Secretary Sprynczynatyk informed the Commission members that on November 26, 1991, the North Dakota Water Users Association

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year. This money would go toward the projects and programs identified by the Governor's Water Strategy Task Force, including, but not limited to, Mid-Dakota Reservoir, stabilization of Devils Lake, Southwest Pipeline Project, Na chiin Huun - Dakota Project, MR&I, Contract Fund, and other features of the Garrison Diversion Project.

Secretary Sprynczynatyk said approximately 12,000 signatures are required on the petition for the initiated measure, which could be placed either on the June primary election ballot or on the November general election ballot. The Water Users will start circulating petitions soon.

Secretary Sprynczynatyk reminded the Commission members that as a state agency, public funds cannot be used for any campaign for an initiated measure. Therefore, we cannot campaign for or against the measure.

**GOVERNOR'S WATER STRATEGY  
TASK FORCE UPDATE  
(SWC Project No. 1852)**

The Governor's Water Strategy Task Force held a meeting on December 19, 1991. Chairman Gust summarized the meeting and indicated the Task Force went on record endorsing the North Dakota Water Users Association proposal to sponsor an initiated measure for a 1/2 cent sales tax for water development.

Secretary Sprynczynatyk said because the State Water Commission is the lead water management agency in the state, it is appropriate and important that the Commission state its position for the record on the initiated measure at a future meeting.

**CONTINUED DISCUSSION  
RELATIVE TO POLICY FOR  
REIMBURSEMENT FOR STATE  
WATER COMMISSION MEMBERS**

Secretary Sprynczynatyk stated that during recent meetings of the State Water Commission, expenses for Commissioners have been discussed, but no action has been taken to set a formal policy. During the August 22, 1991 meeting, Chairman Omdahl stated he and the State Engineer would review the draft policy developed by the subcommittee of the Commission and discussed by the Commission at its May 3, 1991 meeting. That draft policy was as follows:

- 1) The Commission should discuss the kinds of meetings that are legitimate and would be considered official business of the Commission;

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- 2) In discussing the kinds of meetings, consideration should be given to regional meetings where the Commission member would serve as a representative of the Commission versus local meetings;
- 3) Prior approval should be given by the Commission, including consideration of the number of members that would attend; and
- 4) Commission members shall be reimbursed for both time and travel as provided for in the law.

In reviewing the above listed items, the discussion from other meetings, and in consultation with Lieutenant Governor Omdahl, it was the recommendation of the State Engineer that the Commission consider the following policy for reimbursement of Commissioner expenses:

- 1) Commissioner expenses for regional meetings would be reimbursed with pre-approval by the Commission;
- 2) If the Commission was not scheduled to meet in order to pre-approve meeting attendance, then the Chairman would decide attendance;
- 3) Commissioners would be considered official representatives of the State Water Commission during meetings and would have to be introduced as such; and
- 4) Commissioners will be reimbursed for time and travel as provided for in the law. If appropriate, the Commissioner could agree to receive only compensation for time or only reimbursement for expenses.

Secretary Sprynczynatyk stated that earlier this year, Commissioners identified the following meetings for consideration as official business of the Commission: Northwest Area Water Supply Advisory Committee; State Water Plan Citizens Advisory Boards; Upper Missouri Water Users Association; North Dakota Water Users Association Board of Directors; and North Dakota Wetlands Trust.

It was the recommendation of the State Engineer that all of the above meetings be approved, except for the North Dakota Water Users Association Board of Directors and the North Dakota Wetlands Trust.

Secretary Sprynczynatyk explained that since members of the Water Users Board are elected by members from their respective districts, they cannot be considered official representatives of the Commission. Members

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of the Wetlands Trust are appointed by the Governor as representatives of the state, and not of the State Water Commission.

Secretary Sprynczynatyk indicated that because of limited appropriations, the budget for salary and expenses will be monitored closely throughout the biennium.

It was moved by Commissioner Spaeth and seconded by Commissioner Kramer that the State Water Commission approve the following policy for reimbursement of Commissioner expenses:

- 1) Commissioner expenses for regional meetings will be reimbursed with pre-approval by the Commission;
- 2) If the Commission is not scheduled to meet in order to pre-approve meeting attendance, then the Chairman will decide attendance;
- 3) Commissioners will be considered official representatives of the State Water Commission during meetings and will have to be introduced as such; and
- 4) Commissioners will be reimbursed for time and travel as provided for in the law. If appropriate, the Commissioner can agree to receive only compensation for time or only reimbursement for expenses.

The following meetings shall be approved as official business of the Commission:

- 1) Northwest Area Water Supply Advisory Committee
- 2) State Water Management Plan Citizens Advisory Boards
- 3) Upper Missouri Water Users Association

In discussion of the motion, Commissioner Rudel said currently two Commissioners have been elected by their Districts as members of the Water Users Board, which meets about four times per year. He said the Water Users Board meetings provides additional background and information to

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the Commissioners in making their decisions. Commissioner Rudel expressed concern that the Commission should support attendance at the Water Users Board meetings and consider these meetings official business of the Commission.

Commissioners Byerly, Farstveet, Kramer, Narlock, Spaeth, and Chairman Gust voted aye. Commissioner Rudel voted nay. Recorded vote was 6 ayes; 1 nay. The Chairman declared the motion carried.

**STATE WATER COMMISSION AND  
ATMOSPHERIC RESOURCE BOARD**

Secretary Sprynczynatyk presented the following letter from Governor Sinner addressed to the State Water Commission and the Atmospheric Resource Board, dated December 19, 1991:

"During 1991, several events occurred that have resulted in the Atmospheric Resource Board becoming more a part of the State Water Commission as provided for in state law.

These events included, first, the co-location of the two agencies in the Old State Office Building in February. Secondly, in July, the budget of the Atmospheric Resource Board became part of the budget of the State Water Commission as a result of legislative action. Finally, in October, I appointed Joyce Byerly and Norman Rudel to also be members of the Atmospheric Resource Board. Thus, we have moved toward the Atmospheric Resource Board truly becoming a division of the State Water Commission as is stated in Section 61-04.1-04 of the North Dakota Century Code.

From an administrative standpoint, I believe even more can be done to enhance the efficiency of the operations of both agencies. I recommend that the State Water Commission have the State Engineer meet with the Director of the Atmospheric Resource Board to review what has been done so far; and, that he recommend further changes, if appropriate, to enhance operations. I hope both the State Water Commission and the Atmospheric Resource Board will concur with my recommendation.

/S/ George A. Sinner, Governor"

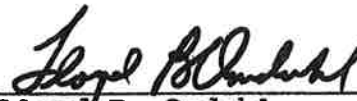
Commissioner Byerly reported on the Atmospheric Resource Board meeting held December 19, 1991. It was agreed by the Atmospheric Resource Board to appoint a subcommittee to meet with the State Engineer to develop a work-

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able policy from an administrative standpoint to enhance the operations of the State Water Commission and the Atmospheric Resource Board. The subcommittee consists of Tom Stine, Bruce Boe, Michael Dwyer and Joyce Byerly.

It was moved by Commissioner Byerly, seconded by Commissioner Spaeth, and unanimously carried, that the State Water Commission support the recommendation of Governor Sinner relating to the enhancement of the operations of the State Water Commission and the Atmospheric Resource Board.

There being no further business to come before the State Water Commission, it was moved by Commissioner Spaeth, seconded by Commissioner Narlock, and unanimously carried, that the State Water Commission meeting adjourn at 1:00 PM.



Lloyd B. Omdahl  
Lieutenant Governor-Chairman

SEAL



David A. Spynczynatyk  
State Engineer and  
Chief Engineer-Secretary

December 20, 1991