



2008 Explore Your Watershed Institute: *The Missouri River*

The focus of this year's *Explore Your Watershed* Institute will be North Dakota's Missouri River watershed. The 2008 Institute will be geared toward educators, youth leaders, and natural resource personnel, and it will be held July 13-18 at Dickinson State University. The Institute will be worth four graduate credits (from Minot State, UND, or NDSU).

The Southwestern North Dakota Missouri River Watershed Institute will give participants knowledge and skills to teach about issues facing this watershed, and how area citizens, government agencies, and other decision-makers are meeting the challenges of managing water resources in this region of North Dakota. Through balanced hands-on activities, presentations, discussions, field tours, an environmental investigation, and many demonstrations, attendees will experience North Dakota's Missouri River watershed like no other opportunity can provide.

In addition, participants in the Institute will see, hear, live, and feel the pulse of this remarkable watershed through some of the region's foremost experts on watershed science and social issues. More specifically, areas of interest highlighted in this new Institute include: geology, oil injection wells and methane gas issues, bank stabilization and erosion, the Southwest Pipeline Project, mining, forestry, flood control, manure and waste management, water quality, best management practices, regulatory and jurisdictional issues, water use and distribution system management and development, energy development, watershed health issues, industrial water use, water treatment, hail suppression, and rain enhancement.

The cost of the Missouri River Watershed Institute is \$250. If credit is desired, a \$200 check made payable to MSU, UND, or NDSU will be taken at registration on the first

Missouri River Institute TOURS:

Southwest Pipeline Project
 Deep Creek Watershed Project
 Logging Camp Ranch
 Bully Pulpit Golf Course
 Theodore Roosevelt National Park
 and Visitor Center
 Red Trail Energy (Ethanol) Plant
 Antelope Valley Power Plant
 Great Plains Synfuels Plant
 Coteau Mine
 Heart Butte Dam – Lake Tschida
 Upper Cannonball River
 Manure Waste Management
 Environmental Stream/River
 Investigations

day of the Institute. The \$250 registration fee may be reimbursed to educators through their local county water resource district or soil conservation district after the Institute is completed. Local school development funds are sometimes also used to reimburse educators.

There are still spots available, and applications will be accepted through the end of June. Any educators who are interested should contact Bill Sharff, Director of North Dakota's Project WET, at (701)-328-4833 or e-mail bsharff@nd.gov.

ND Supreme Court Rules on Devils Lake Outlet Permit Appeal

When the Water Commission begins operation of the Devils Lake outlet during the 2008 operating season, some minor changes will be required as a result of a recent Supreme Court decision.

In Aug. 2006, three parts of the modified outlet permit were dis-

puted between the People to Save the Sheyenne, the Peterson Coulee Outlet Association, the National Wildlife Federation, the Province of Manitoba (Appellants), and the State of North Dakota (Appellees). The three appealed items included: 1) modification of sulfate limitations; 2) the method used to measure total

suspended solids; and 3) the allowable period of outlet operation during the year.

In its decision, the Supreme Court upheld the sulfate criteria, and the outlet operation period, but the Court did not uphold the issue regarding total suspended solids monitoring.

The modification to the sulfate limitation allowed the operation of the outlet to increase the sulfate concentration in the Sheyenne River by 15 percent up to 450 mg/L. If the background sulfate level in the Sheyenne River is less than 260 mg/L, the sulfate limitation is 300 mg/L. The Supreme Court upheld the Health Department's decision on the modified sulfate limitations.

The total suspended solids limit of 100 mg/L was removed from the initial permit due to the fact that total suspended solids is difficult to detect and respond to in real time. The district court affirmed this decision from the Health Department. However, the Supreme Court ruled for the Appellants on this modification.

And finally, the initial permit allowed the operation of the outlet only during open water season— from May to November. The modification did not state specific months for allowable discharge but indicated that the outlet could discharge during open-water season, and that there could be no discharge when the Sheyenne River was ice covered. The Supreme Court ruled three to two for the state on this issue.

Aasmundstad Case Update

In another Devils Lake-related legal matter, the landowners' lawsuit (Aasmundstad case) has been appealed to the North Dakota Supreme Court.

In May 1999, approximately 100 individuals who own land around Devils Lake sued the State of North Dakota, the North Dakota State Water Commission, the State Engineer, and nine water resource districts (collectively referred to as "defendants"). They alleged that water projects in the upper Devils Lake basin, designed, constructed, funded, and/or maintained by the defendants, caused Devils Lake to flood their property.

The landowners sought monetary damages in excess of \$10 million, an injunction, and an order directing the defendants to initiate condemnation proceedings.

On Oct. 25, 2007, the trial court concluded that the plaintiffs failed to establish that any of the alleged projects were the cause, in fact, for the harm and damages incurred by plaintiffs to their properties. As a

result, the trial court issued its decision in favor of the defendants.

The trial court also concluded that the dramatic shift in the climatic conditions of the Devils Lake basin region over the decades, and especially in the 1990s, was the sole proximate cause for the increased water elevations experienced by Devils Lake, which in turn, caused damages and harm to the properties of the landowners.

Devils Lake Joint Board Manager Retires

On April 30, Michael Connor retired from his position as Business Manager for the Devils Lake Basin Joint Water Resource Board. Mike was born, and has lived in the Devils Lake basin for most of his life. Mike began working for the Board in December 2000, having already served in a wide variety of managerial positions throughout his career, including: Vice-President of Ramsey National Bank, City Administrator for Devils Lake, owner and manager of the Credit Bureau of Devils Lake, Inc., manager of the Devils Lake Area Chamber of Commerce, and a General Manager for J.C. Penney Company. Along with his experience, Mike's determination and strong community ties were contributing factors in his tireless efforts to improve water management in the Devils Lake basin.



Duane Hawk (right), DLBJWRB Chair, presents Michael Connor with a Certificate of Appreciation.

During his time as manager, the Board saw a number of important accomplishments, some of which include successful efforts to combat flooding around the Town of Warwick; two updates of the Devils Lake Basin Water Management Plan; a million-dollar irrigation test project that seeks to use excess basin water for high value crops; a road raise to keep the popular Grammas Island State Park accessible to the public; the continuation of the successful Sweetwater-Morrison water storage program; cost-share participation in a number of water quality and quantity-related monitoring programs with the United States Geological Survey; and an expanding and continuous effort to increase communication between the various groups that are involved with water management in the basin. Duane Hawk, Chairman of the Board, and a water board member from Pierce County says of Connor, "Since we hired him, Mike has been an asset to the community, and wonderful to work with."

Mike, and his wife Ellen, who will also be retiring this summer, make their home on a lovely farm north of Devils Lake. Mike will continue to be active in beautifying his farmstead and land surrounding it, with tree plantings and other horticultural efforts. Mike is also a big fan of a certain Midwestern home improvement chain, and will continue to find excuses to visit them whenever he gets the opportunity.



COMMISSION MEETING MINUTES

The North Dakota State Water Commission (Commission) held a meeting at the State Office Building in Bismarck on March 17, 2008. The Commission acted on several items of business and heard reports on various water management happenings across the state. In action items, the Commission:

Approved minutes from their Dec. 7, 2007, and Feb. 4, 2008 meetings. Minutes from those and other meetings are available for download from the Water Commission website at www.swc.nd.gov (click on "About the SWC" and "Commission Meeting Minutes").

Approved funding in the amount of \$184,400 for the development of Atlas 14, a National Weather Service document, which provides rainfall frequency data used in (among other things) hydrologic engineering. The NWS is pursuing this update on a national level, and is currently focusing on the Great Plains region.

Approved funding in the amount of \$32,802 to cost-share with the U.S. Geologic Survey to develop a web-based, interactive tool known as Stream-Stats.

Approved cost-share in the amount of \$43,000 to have a study completed that will evaluate water quality sampling programs and sulfate standards for various stream

classes and designated uses throughout the state. The study will be conducted through a cooperative effort between the Water Commission, the Department of Health, and the U.S. Geologic Survey.

Approved a cost-share request in the amount of \$1.8 million from the Garrison Diversion Conservancy District to participate in further development of the preferred alternative for the Red River Valley Water Supply Project.

Approved a cost-share request from the Maple River Water Resource District (WRD) that is not to exceed \$175,577 for a Cass County Drain #14 improvement and reconstruction project.

Approved a \$162,881 cost-share request from North Cass WRD for partial improvement and reconstruction of Cass County Drain #32.

Approved a cost-share request in the amount of \$150,800 from Southeast Cass WRD for a Cass County Drain #45 extension project.

Approved a cost-share request of \$334,250 from the Maple-Rush River Joint WRD for a Cass County Drain #67 construction project.

Approved a \$67,070 cost-share request from the Pembina County WRD for a Pembina County Drain #42 partial improvement and reconstruction project.

Approved a cost-share request in the amount of \$61,920 from the Cavalier County WRD for a Mulberry Creek drain improvement and

reconstruction project.

Approved a \$35,102 cost-share request for drain improvement and reconstruction projects in the Richland County WRD.

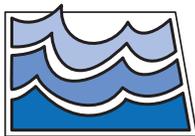
Approve cost-share of up to \$500,000 for a Traill County Drain #34 partial improvement and reconstruction project in Traill WRD.

Approved the award of Southwest Pipeline Project (SWPP), Contract 7-8F, to Northern Improvement Company. The project will involve the furnishing and installation of 65 miles of PVC pipe, 53 rural hook-ups, road crossings, connections to existing pipelines, and related appurtenances. The project will be located in Golden Valley County, and substantial completion is scheduled for Sept. 1, 2008.

Approved the award of SWPP contracts 7-8G Grassy Butte and 7-9B Killdeer Mountain service areas in the amounts of \$1.6 and \$2.06 million, respectively. The two contracts together will involve the installation of 174 miles of PVC pipe, road crossings, a booster station, connections to existing pipelines, and related appurtenances.

Approved the award of SWPP Contract 7-8E, Fairfield Service Area, for \$4 million. This project will involve the furnishing and installation of 168 miles of PVC pipe, road crossings, a booster station, one concrete control vault, connections to existing pipelines, and related appurtenances.

Approved the award of SWPP Contract 8-2, Fairfield Reservoir, for \$469,820. This project includes the installation of a 197,300-gallon potable water reservoir, complete with inlet/outlet piping, under drain system, overflow discharge piping, foundation, site work, access road, and appurtenances.



North Dakota State Water Commission
Dale L. Frink, State Engineer
900 East Boulevard Ave. • Bismarck, ND 58505
(701) 328-2750 • <http://swc.nd.gov>

The State Water Commission does not discriminate on the basis of race, color, national origin, sex, age, or disability in employment or the provision of services.