

# The Oxbow

FROM THE NORTH DAKOTA STATE WATER COMMISSION



## COMMISSION MEETING MINUTES

It is time to get caught up on the North Dakota State Water Commission meeting minutes. The State Water Commission (Commission) has held three telephone conference call meetings, February 9, March 8, and May 24, and a full meeting on April 10, since the last time minutes were published on these pages.

The next State Water Commission meeting will be at the State Office Building in Bismarck at 9:00 a.m. on July 14, 2000.

On **February 9, 2000**, the State Water Commission's meeting was held via a telephone conference call. The Commission awarded Northern Improvement Company, from Bismarck, a contract for the Southeast Jung Lake and South Hebron pocket areas of the Southwest Pipeline Project. This \$1,513,871 contract includes approximately 115 miles of distribution lines that will serve about 60 rural water customers.

In October, 1997, Jerome Fischer and Theresa Fischer brought a civil action against the Bowman County Water Resource District, the State Water Commission, and the State Game and Fish Department. The lawsuit was initiated because the Fischers and the District had a dispute regarding the uses that can be

made of easements. Those issues relate to the purposes of the water rights associated with the Spring Lake Dam, ownership of the easements that provide access to Spring Lake Dam, and the Districts authority and control over the water impounded by the dam.

A proposed Settlement Agreement among the District, the State Water Commission, and the State Engineer regarding various issues was presented for the Commission's approval. Julie Krenz, State Water Commission attorney, stated it is anticipated that these issues can be resolved outside of the litigation. The Commission authorized the execution of a proposed Settlement Agreement, presented by Krenz.

The Agassiz Water Users District proposed to refinance its USDA Rural Development indebtedness with a \$700,000 term loan from the Bremer Bank in Grand Forks and a portion of available cash. The Commission approved the refinancing and authorized the execution of the agreement, allowing all revenues generated from the District to be divided among the North Dakota Municipal Bond Bank, the Bank of North Dakota, the State Water Commission, and the Bremer Bank, based on total amounts due and owing by the Agassiz Water Users District.

The **March 8, 2000**, State Water Commission telephone conference call was held to take action on several pressing issues. Senate Bill 2188 contained funding provisions for the Grand Forks Flood Damage Reduction Project. The Commission found that all requirements necessary to issue bonds under SB 2188 have been satisfied, contingent upon receipt of the fully executed agreement, stating that all requirements have been met, between the State Water Commission and the city of Grand Forks and a certification from the city that no order for injunctive relief has been issued. The Commission then gave the State Engineer the authority to execute the above agreement.

Also related to provisions in SB 2188, the Commission approved and adopted the necessary resolutions to allow the sale of bonds for funding the Grand Forks Flood Damage Reduction Project - \$22 million, Southwest Pipeline Project - \$4.5 million, and Grand Forks and other projects - \$1 million. With the addition of issuance costs, reserve funds, and other transaction costs, the total bond sale is approximately \$32.1 million.

The Commission then approved the transfer of the management, operations, and maintenance of the Dickinson water treatment plant to the Southwest Water Authority. The transfer will bring together all of the project's operations and budgeting functions.

The **April 10, 2000**, Commission meeting contained a full agenda. The Commission took action on the following items. The first agenda item passed was the request to the Emergency Commission for an additional \$1 million of spending authority from the Resources Trust Fund. The additional money is available because of higher oil prices increasing the tax collections.

The Commission approved several requests for cost-share on water development projects throughout the state.

■ Cass County Drain #13 was approved for an additional \$136,000, which is the cost-share limit this biennium. This action brings the total state contribution up to \$286,000 for the project. Because of the funding cap, the remaining \$37,000 of eligible cost share must wait until the 2001-2003 biennium.

■ A project to reconstruct Cass County Drain #14 was approved for \$136,000. The remaining \$116,000 of requested cost-share must wait until next biennium.

■ A project to reconstruct Cass County Drain #40 was approved for \$136,000. The remaining \$101,000 of requested cost-share must wait until next biennium.

■ Reconstruction of Richland County Drain #14 was approved for \$63,364 of cost-share according to the 35 percent cost share policy for rural flood control projects.

■ Cost-share of \$49,350 was provided to Southeast Cass Water Resource District for phase II of digital aerial surveying for mapping the Red River floodplain south of Fargo. Combined with the funding provided for phase I, the Commission's contribution to this study is at \$94,500.

■ The Commission approved \$70,000 for the Atmospheric Resource Board to participate in a Montana Environmental Impact Statement. A favorable EIS may

allow North Dakota's weather modification program to be extended over Montana to provide better results for the North Dakota counties bordering Montana.

The State Water Commission initiated a long-term water storage program for the Devils Lake basin by approving the reallocation of 1999 carryover Available Storage Acreage Program (ASAP) funds of approximately \$120,000 to the Extended Storage Acreage Program (ESAP). The Devils Lake Basin Joint Water Resource Board will cooperate with the SWC to offer 10-year contracts for water storage with a maximum payment of \$40 per acre per year.

A revised proposed budget of \$10.56 million for Fiscal Year 2000 MR&I Water Supply program was approved by the Commission contingent upon federal funding and subject to future revisions. The budget includes design and construction funds for All Seasons System IV - \$2.6 million, All Seasons System V (Pierce) - \$3.5 million, Ransom-Sargent Rural Water - \$3 million, and other projects - \$1.4 million. The approval includes \$26,000 from the MR&I Water Development and Research Account to go to the Benson Rural Water Users project.

The Commission also approved \$40,000 of funding from the MR&I Water Development and Research Account for a preliminary study of an eastern North Dakota water distribution pipeline.

At this meeting, the Commission authorized the execution of documents to secure USDA Rural Development funds for year 2000 funding

of the Southwest Pipeline Project's Mott-Elgin phase II. They also approved the reimbursement of \$13,042 from the SWP project reserve fund for repairs on the Dickinson raw water reservoir. PKG Contracting, Inc., from Fargo, was awarded a \$92,000 contract to replace the undersized influent piping at the Dickinson water treatment plant.

The Commission was also presented updates on many State Water Commission programs and projects, including, Southwest Pipeline, Northwest Area Water Supply, Devils Lake flooding, and state water planning. For additional details about these issues, visit the Water Commission web site at [www.swc.state.nd.us](http://www.swc.state.nd.us) or call 328-2750.

On **May 24, 2000**, the State Water Commission held at telephone conference call meeting to consider items concerning the Southwest Pipeline Project. After a status report on the construction, the Commission approved and adopted the General Authorization Resolution for the Water Development Revenue Bond (Southwest Pipeline Project) 2000 Series A - \$1,500,000 and 2000 Series B - \$400,000.

This approval will allow the use of the USDA Rural Development and the Drinking Water State Revolving Loan Fund program funding to build approximately 248 miles of rural distribution lines that will serve about 168 rural water connections in the Burt service area. The Commission awarded the contract to Northern Improvement Company with a bid price of \$3.7 million.

Because of an unusual increase in the cost of PVC piping and fuel costs, a one-time adjustment in the maximum cost per hook-up was approved for the Burt service area. A 10 percent adjustment increased the maximum to \$33,020 and will allow two additional users to be connected. ■



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# THE WATER PRIMER

## Managing North Dakota's Water Resources (Part 5)

*The North Dakota Game and Fish Department is the focus of this fifth and final article in the series of articles dealing with water resource management in North Dakota.*

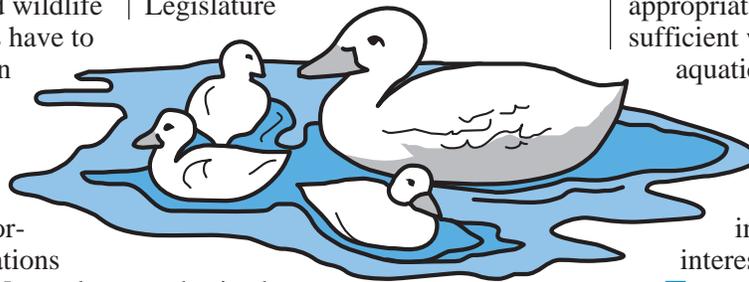
The North Dakota Game and Fish Department is responsible for managing the state's fish and wildlife resources. So, what does this have to do with water management in North Dakota?

Water is essential to life, whether it be human or wildlife. It's even more important for some wildlife populations such as fish and waterfowl. You only need to go back ten years ago and remember the low duck and fish populations. When good water conditions returned to the prairies, so did the water-dependent wildlife populations. It's all a matter of good habitat of which water is an important component.

The North Dakota Game and Fish Department's mission is "to protect, conserve and enhance fish and wildlife populations and their habitats for sustained public consumptive and non-consumptive use." This mission is analogous to that of the State Water Commission ("Stewardship of North Dakota's water resources") in that it serves to guide the management of wildlife populations for quality of life, the state's economy, and for the benefit of the people. It is the people, after all, who are the true owners of fish and wildlife populations within our state's borders. In order for the Game and Fish Department to fulfill its

mission, it must have a role in water management. Of the 20 programs in the Department, seven are directly dependent upon adequate water resources and the remaining programs are indirectly affected.

The Game and Fish Department was established in 1909 when the Legislature



authorized a game and fish commission, a chief game warden and a fish commissioner. The entity and associated positions were created to manage and administer the fish and wildlife populations of the state. Until that time, there was no entity responsible for creating, stocking, or managing fish populations in North Dakota. Since the State Water Commission is the primary agency responsible for water resources in North Dakota, the Game and Fish Department communicates with them on numerous water related issues.

The issues where communication occurs with respect to water management occurs almost exclusively with aquatic habitat and are needed in order to achieve the Game and Fish mission. They include:

- dam reconstruction/modification to provide aquatic habitat for fish or provide for fish passage in rivers and streams;
- installation of low level outlets

in lakes to remove waters over-rich in nutrients from the bottoms of reservoirs and remove water devoid of oxygen;

■ comment on drainage projects that have the potential to have negative impacts on waterfowl or fisheries habitat and water quality;

■ review and comment on water appropriation applications to ensure sufficient water is available for

aquatic life in lakes, rivers, and streams;

■ review and comment on sovereign land permit applications to insure fish and wildlife

interests are taken into account;

■ coordinate on bank stabilization issues to protect habitat; and

■ work cooperatively on Missouri River system water issues, which has been one of the most important cooperative water issues to the state.

The Game and Fish Department has a vested interest in water management because without sufficient water, Departmental goals would be impossible to attain. Water issues can be difficult and sometimes there is disagreement on what is the best and most beneficial use of those waters. Continued communication, coordination, and cooperation on water issues affecting the state will provide for enhancing all opportunities associated with water.

For additional information on the Game and Fish Department check out their web site at <http://www.state.nd.us/gnf/>. If you don't have access to the Internet please call or stop by a Game and Fish Department office. ■