

MINUTES

North Dakota State Water Commission
 Fargo, North Dakota

December 13, 1985

The North Dakota State Water Commission held a meeting on December 13, 1985, at the Holiday Inn, Fargo, North Dakota. Acting Chairman, Kent Jones, called the meeting to order at 9:00 a.m., and requested Secretary, Vernon Fahy, to present the agenda.

MEMBERS PRESENT:

Kent Jones, Acting Chairman, Commissioner, Department of Agriculture, Bismarck
 Richard Backes, Member from Glenburn
 Joyce Byerly, Member from Watford City
 Jacob Gust, Member from West Fargo
 William Guy, Member from Bismarck
 Ray Hutton, Member from Oslo, Minnesota
 William Lardy, Member from Dickinson
 Jerome Spaeth, Member from Bismarck
 Vernon Fahy, State Engineer and Secretary, North Dakota State Water Commission, Bismarck

MEMBER ABSENT:

George A. Sinner, Governor-Chairman

OTHERS PRESENT:

State Water Commission Staff
 Approximately 50 persons 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.

CONSIDERATION OF MINUTES
 OF NOVEMBER 8, 1985 MEETING -
 APPROVED

The minutes of the November 8, 1985 meeting were approved by the following motion:

It was moved by Commissioner Spaeth, seconded by Commissioner Gust, and unanimously carried, that the minutes of November 8, 1985 be approved as circulated.

CONSIDERATION OF REQUEST FROM
MCHENRY COUNTY WATER RESOURCE
DISTRICT FOR ADDITIONAL COST
SHARING IN REPAIR OF EATON
FLOOD IRRIGATION PROJECT
(SWC Project No. 227)

of repair was \$30,000, and the Commission granted 40 percent of the eligible items, not to exceed \$12,000, toward the project. Mr. Sprynczynatyk said that information was based on a very preliminary study by the District.

David Sprynczynatyk indicated that at the September 5, 1985 Water Commission meeting, a request from the McHenry County Water Resource District for cost sharing in the repair of the Eaton Flood Irrigation Project. At that time, the estimate

Subsequent to the September Commission meeting, the District hired an engineer to develop the plans and specifications necessary to make the repair. The project was then bid and the cost turned out to be \$54,862. The project has since been completed and the Water Commission has received a request for additional cost sharing. Mr. Sprynczynatyk indicated that the reason the cost was greater than when the design was prepared was that the amount of earthwork nearly doubled over the original estimate. The original estimate was based on a visual inspection, and the final design was based on actual field surveys.

Based on the actual costs, \$54,862 would be eligible for cost sharing. Of this, 40 percent would be \$21,945. It was the recommendation of the State Engineer that the State Water Commission approve an additional \$9,945 cost sharing for the Eaton Flood Irrigation Project, contingent upon the availability of funds. If the Commission were to approve an additional \$9,945, the total Commission cost share would be \$21,945.

Mr. Glenn Wunderlich, Chairman of the McHenry County Water Resource Board, further explained the project and explained the reasons for requesting additional cost sharing.

It was moved by Commissioner Byerly and seconded by Commissioner Backes that the State Water Commission approve an additional \$9,945 cost sharing for the Eaton Flood Irrigation Project in McHenry County. This motion shall be contingent upon the availability of funds.

Commissioners Backes, Byerly, Gust, Guy, Hutton, Lardy, Spaeth and Jones voted aye. Motion carried.

CONSIDERATION OF REQUEST
FROM HETTINGER COUNTY WATER
RESOURCE DISTRICT FOR COST
SHARING IN LARSON LAKE
(REGENT DAM) PROJECT
(SWC Project No. 350)

imately two feet. The project was first built in 1934 by the CCC. In 1948, the spillway was reconstructed. The District wishes to raise the lake in order to increase the boating and fishing value of the lake.

Dave Sprynczynatyk indicated that a request was received from the Hettinger County Water Resource District to proceed with the Larson Lake (Regent Dam) Project. The project involves raising the spillway and embankment by approx-

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Mr. Sprynczynatyk stated that in 1984, the Commission completed a preliminary engineering report for the project. The report showed that by raising the lake, the surface area would be increased from 100 acres to 200 acres and the average depth would be increased from four feet to six feet. This will result in improved boating and fishing. The report also showed that the cost to modify the structure would be approximately \$60,000. The District is arranging for cost participation by the State Game and Fish Department. The District has requested that the State Water Commission contribute 37.5 percent of the total, or \$22,500, towards this project.

It was the recommendation of the State Engineer that the added benefits are worth the cost of the modification for this project and the State Water Commission approve cost sharing of 37.5 percent of the total, not to exceed \$22,500, contingent upon the availability of funds, and upon cost participation by the State Game and Fish Department. The State Engineer also recommended that the Commission complete the design engineering for the project since it did the preliminary engineering and that the design cost be considered a part of the Commission's share.

Mr. Frank Mayer, Chairman of the Hettinger County Water Resource Board, stated that the State Game and Fish Department has agreed to contribute \$15,000 towards this project. Mr. Mayer described the project noting that it will improve the quality of water and increase the boating and fishing value of the lake. He requested favorable consideration of the request for cost sharing.

It was moved by Commissioner Lardy and seconded by Commissioner Spaeth that the State Water Commission approve cost sharing of 37.5 percent, not to exceed \$22,500 toward the Larson Lake (Regent Dam) Project in Hettinger County. This motion shall be contingent upon the availability of funds and cost participation by the State Game and Fish Department. The State Water Commission shall complete the design engineering for the project and the design cost shall be considered a part of the Commission's cost share.

Commissioners Backes, Byerly, Gust, Guy, Hutton, Lardy, Spaeth and Jones voted aye. Motion carried.

CONSIDERATION OF REQUEST FROM
MERCER COUNTY WATER RESOURCE
DISTRICT FOR COST SHARING IN
ANTELOPE CREEK SNAGGING AND
CLEARING PROJECT
(SWC Project No. 1517)

A request was presented for the Commission's consideration from the Mercer County Water Resource District to cost participate in the snagging and clearing of approximately 2.7 miles of Antelope Creek near Hazen.

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Mr. Sprynczynatyk indicated that staff has worked with the Water Resource District in determining the necessity of doing this work. It was determined that fallen trees and snags in the creek are causing an obstruction to the flow and flood problems in the area. The estimated cost to do this work is \$70,000. The Water Resource District has requested that we help to prepare the plans and specifications for the project as well as cost share. Normal cost sharing for a project of this nature is 25 percent to include the engineering.

It was recommended by the State Engineer that the State Water Commission act favorably towards this request and approve 25 percent of the costs for snagging and clearing of Antelope Creek, not to exceed \$17,500, contingent upon the availability of funds. The Commission's cost share would also include engineering for the project.

Mr. Fred Galloway, Chairman of the Mercer County Water Resource Board, discussed the project and requested favorable consideration for Commission cost sharing.

It was moved by Commissioner Spaeth and seconded by Commissioner Byerly that the State Water Commission contribute 25 percent of the eligible costs for snagging and clearing of Antelope Creek, not to exceed \$17,500, contingent upon the availability of funds and that engineering for the project be included in the Commission's cost share.

Commissioners Backes, Byerly, Gust, Guy, Hutton, Lardy, Spaeth and Jones voted aye. Motion carried.

CONSIDERATION OF REQUEST FROM
CITY OF RUGBY FOR COST SHARING
IN RUGBY FLOOD CONTROL PROJECT
(SWC Project No. 1566)

Dave Sprynczynatyk indicated that on September 23, 1985, a request was received on behalf of the City of Rugby for cost sharing in the Rugby Flood Control Project. The project involves cleanout of approximately 2½ miles of channel through the city and downstream. The estimated cost for the project is \$87,000.

The project has been reviewed by Commission staff, which determined that its main purpose is to improve the outlet for municipal storm runoff. This type of project is normally not eligible for cost sharing because it has been the policy of the Water Commission that storm-sewer projects are the sole responsibility of the city. Mr. Sprynczynatyk indicated that staff also looked at whether or not the project would have significant benefits to downstream lands and determined that the benefits will be minor, if any. The main effect would be a more efficient channel to carry water away from the city.

Mr. Sprynczynatyk visited with the representatives of the Pierce County Water Resource District, who felt agricultural benefits would be insignificant, thus the District will not cost share in the project.

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It was the recommendation of the State Engineer that in consideration of the past policy of the Commission and the benefits from this project, the State Water Commission not cost participate.

Mr. Al Wentz, representing the City of Rugby, explained that the original proposal was to replace the existing drain culvert passing through the City of Rugby, however, in order for the culvert to be effective it is necessary to clean out approximately 2½ miles of channel below the culvert outlet. He said that the water comes through the city from about 5,000 acres northeast of the city and the only time there are real problems is from runoff. He indicated that the request for cost sharing is for cleaning out from six inches to four feet of sediment that has been washed into the channel from farmland. The contractor has approximately one mile already cleared. Mr. Wentz requested the Commission take favorable action for cost sharing in the channel cleanout.

Mr. Don Indvik, Wold Engineering, stated that the Water Commission did participate in the original phase of this project in doing the study for the city. He said that there are other things to be looked at in the overall flood control plan for the city, but feels that there is enough information now to proceed with the city's portion involving the channel cleanout.

It was moved by Commissioner Byerly and seconded by Commissioner Gust that the State Water Commission defer action on the request from the City of Rugby for cost sharing in the Rugby Flood Control Project, and that this project could be reconsidered when additional information is available.

Commissioners Backes, Byerly, Gust, Guy, Hutton, Lardy, Spaeth and Jones voted aye. Motion carried.

CONTINUED CONSIDERATION OF
REQUEST FROM STEELE COUNTY
WATER RESOURCE DISTRICT FOR
COST SHARING IN PROPOSED
BEAVER CREEK FLOOD CONTROL DAM
(SWC Project No. 1808)

of the request and deferred action until additional information had been received.

At the September 5, 1985 Commission meeting, a request was presented from the Steele County Water Resource District to cost share in the proposed Beaver Creek Flood Control Dam. The Commission took action to acknowledge receipt

Mr. Sprynczynatyk stated that we have since received that information. The dam is proposed as a dry dam to store floodwaters generated from a 116 square mile watershed on Beaver Creek, a tributary to the Goose River. The site is near Sharon, North Dakota. The dam would be approximately 70 feet high and would store 5,000 acre-feet of water at the spillway elevation. The most recent cost estimate for the project is \$975,000 including construction, engineering,

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administration and right-of-way. Of this, \$895,000 would be considered eligible for cost sharing. Mr. Sprynczynatyk indicated that although a permit has not yet been applied for, when it is, the final design will be reviewed to determine its adequacy.

Mr. Sprynczynatyk discussed the reduction in flows that would be realized by the dam being in place, and also discussed the benefits that could be derived from a project of this nature.

Funding for this project is expected to come from several entities: the Grand Forks County Water Resource District, Traill County Water Resource District, North Cass Water Resource District, Steele County Water Resource District, and the Red River Joint Water Resource District.

Secretary Fahy indicated that he could not recommend this project from an economic standpoint but is very much aware of the strong support from that area for the philosophy that storage will ultimately produce benefits for the entire Red River Basin. He said that the State Water Commission may want to consider participation in the project based on the widespread support for this project and the general philosophy among the area citizens that support it. Secretary Fahy indicated that if the State Water Commission considers the limited tangible benefits as expressed by the design engineer and gives substantial weight to the intangibles supported by the proponents, then it would be the recommendation of the State Engineer that the Water Commission participate in this project in the amount of \$447,500 contingent upon the availability of funds. This is based upon the State Water Commission's policy of cost sharing for 50 percent of the eligible items for a feasible project. The Commission would also monitor the project during construction, the costs of which would be considered part of the \$447,500 share.

Mr. Bennett Rindy, Chairman of the Steele County Water Resource Board, further explained the project. He noted that several years ago the Corps of Engineers did a two-year study of the Goose River that revealed approximately 12 potential dam sites, one being the proposed Beaver Creek Dam. Mr. Rindy said that Steele County is about the only place on the Goose River where a retention dam could be built, and indicated that the proposed project has received good support from Steele, Grand Forks, Traill and Nelson Counties. He urged favorable consideration of the request for cost sharing.

Mr. Jeff Volk, Moore Engineering, provided comments relative to the proposed dam, and stated that agreements have been reached for local costs with the counties involved as well as the Red River Joint Water Resource District.

Commissioner Hutton indicated that there is widespread support for this project and said that a project such as is being proposed is definitely needed for flood control in the area.

Mr. Gilman Strand, Traill County Water Resource Board, indicated that the Traill County Board has looked into several sites for retention dams and the site being proposed has

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received no opposition from the landowners, which is very unusual. He said that Traill County will benefit from this project and urged the Commission to act favorably on the request.

Mr. C. W. Ekness, Chairman of the Grand Forks County Water Resource Board, went on record that the Grand Forks County Water Resource Board wholeheartily supports this project and has agreed to provide financial assistance as well as local support. He said he hopes that the project can and will proceed.

Mr. Robert Thompson, Chairman of the Red River Joint Water Resource Board, provided the history of the Joint Board, and commented on the proposed Beaver Creek Dam. He requested the Commission to act favorably on the request for cost sharing.

Beverly Stone, Richland County Water Resource Board, made note of the increase in the Contract Fund money approved by the last session of the Legislature. She also referred to a Corps of Engineers report of the Red River which stated that on the North Dakota side of the Red River there is approximately \$24 million dollars in flood damages per year. Mrs. Stone stated that the Richland County Water Resource Board feels that the proposed Beaver Creek Dam is a project that is necessary for flood control. She said that preventative measures must be taken in order to reduce flood damages.

It was moved by Commissioner Guy and seconded by Commissioner Hutton that the State Water Commission approve 50 percent cost sharing, not to exceed \$447,500, for the Beaver Creek Dam. This motion is contingent upon the availability of funds, and that the State Water Commission shall monitor the project during construction, costs of which shall be considered part of the Commission's share.

Commissioners Byerly, Gust, Guy, Hutton, Lardy, Spaeth and Jones voted aye. Commissioner Backes voted nay. Motion carried.

CONSIDERATION OF REQUEST
FROM NORTH CASS WATER
RESOURCE DISTRICT FOR COST
SHARING ON PROPOSED IMPROVEMENTS
TO CASS COUNTY DRAIN NO. 16
(SWC Project No. 1072)

A request was presented for the Commission's consideration from the North Cass Water Resource District for cost sharing on proposed improvements to Cass County Drain No. 16.

Mr. Sprynczynatyk stated the project is near the city of Grandin and consists of reconstruction and slope reduction of the drain to release standing water. The total cost of the construction is \$87,844. Of the total construction costs, \$79,594 are eligible for cost participation.

Drain No. 16 was established in 1906. Since that time work has been done on the drain on several occasions. The Commission has participated in some of the work, and most

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recently, in 1968, the Commission granted funds towards reconstruction of an outlet. An application to drain for the project is now being processed.

It was the recommendation of the State Engineer that the Commission grant approval of 40 percent of the eligible costs for cost sharing, not to exceed \$31,838, contingent upon the availability of funds and the final approval of the application to drain.

Mr. Morris Melander, Chairman of the North Cass Water Resource Board, responded to several questions by Commission members, and requested favorable consideration of the cost sharing request.

Mr. Robert Boone, Soil Conservation Service, provided information on the design and technical assistance on the project.

It was moved by Commissioner Hutton and seconded by Commissioner Byerly that the State Water Commission grant approval of 40 percent of the eligible costs, not to exceed \$31,838, for improvements to Cass County Drain No. 16. This motion shall be contingent upon the availability of funds, and the final approval of the application to drain.

Commissioners Backes, Byerly, Gust, Guy, Hutton, Lardy, Spaeth and Jones voted aye. Motion carried.

CONSIDERATION OF REQUEST
FROM NORTH CASS WATER RESOURCE
DISTRICT FOR COST SHARING FOR
PROPOSED IMPROVEMENTS TO CASS
COUNTY DRAIN NO. 42
(SWC Project No. 1092)

A request was presented for the Commission's consideration from the North Cass Water Resource District for cost sharing for proposed improvements to Cass County Drain No. 42.

Mr. Sprynczynatyk stated the project is located east of Grandin and consists of approximately 9,000 feet of channel improvement by flattening the slopes and also the repositioning of several culverts. The total cost of the project is \$45,032.

Drain No. 42 was established in 1920. Since that time, work on improving the drain has been done on several occasions and the Water Commission has cost participated in some of that effort. The last time the Commission participated was in 1953. An application to drain for the work is now being processed.

It was the recommendation of the State Engineer that the Commission approve cost participation in 40 percent of the eligible costs for improvements of Cass County Drain No. 42, not to exceed \$18,013, contingent upon the availability of funds and upon the final approval of the application to drain.

Mr. Morris Melander, Chairman of the North Cass Water Resource Board, responded to questions from Commission

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members and requested the Commission to act favorably on their request for cost sharing.

Mr. Robert Boone, Soil Conservation Service, provided information relative to the design and technical assistance for the project.

It was moved by Commissioner Hutton and seconded by Commissioner Byerly that the State Water Commission approve cost sharing in 40 percent of the eligible costs for improvements of Cass County Drain No. 42, not to exceed \$18,013. This motion shall be contingent upon the availability of funds, and upon the final approval of the application to drain.

Commissioners Backes, Byerly, Gust, Guy, Hutton, Lardy, Spaeth and Jones voted aye. Motion carried.

PRESENTATION BY SOUTHEAST CASS
WATER RESOURCE DISTRICT REGARDING
FLOOD CONTROL ON SHEYENNE AND
MAPLE RIVERS
(SWC Project No. 1344)

Several people from the Sheyenne River area were introduced. They made a presentation relative to flood control on the Sheyenne and Maple Rivers. They included Fred Selberg, Hank Hendrickson and Robert

Bradhaug, Southeast Cass Water Resource Board; Harry Warner, Joe Harbeke and Clarence Disher, Maple River Water Resource Board; Robert Thompson, Red River Joint Water Resource Board; Kip Moore, City Engineer for the City of West Fargo; Don Goeger, Mayor of Horace; Robert Larson, Raymond Township; and, Harvey Flesberg, Argusville-Harwood area.

Mr. Robert Penniman, St. Paul Corps of Engineers, stated that as a result of the Corps of Engineers most recent planning studies on the Sheyenne River, a project has been recommended to Congress which will reduce flood damages in the lower Sheyenne River basin and includes several measures which can be implemented at the local and state levels. Three separable components of the project being recommended to Congress for federal participation are: 1) local protection measures at West Fargo; 2) protection in the area between Horace and West Fargo; and 3) improvements at Baldhill Dam that would benefit communities downstream to Kindred, and will provide agriculture and urban protection.

Mr. Penniman explained the recommended components for flood protection measures at West Fargo and in the area between Horace and West Fargo. He stated that the total project cost for these two components is approximately \$24 million. Of this total amount, approximately \$9.6 million, or 40 percent, is considered as non-federal costs. He discussed several alternatives being considered in Congress for the local cost sharing formula.

Mr. Penniman indicated that the Corps of Engineers is not developing a detailed plan for the Baldhill Dam flood control component at this time. Presently a study is underway to make improvements to the dam itself for dam safety purposes. The Corps of Engineers' recommended plan for reduction of flood damages at Baldhill Dam

includes increasing the storage capacity for flood storage only. The normal pool would be maintained as it is presently. The plan recommended a five-foot increase in flood storage level. In order to do this, it would take some improvements in the dam structure. One of the drawbacks of this recommendation is the requirement to purchase the lands around the perimeter of Lake Ashtabula which involves about 2700 acres and a relocation of approximately 100 cabins. This component of the project has met with opposition from many landowners.

Secretary Fahy explained the background of the proposed Sheyenne River Flood Control Project. He said the testimony heard is a description of the project as it has been revised through many meetings and public hearings with local citizens. The local entities involved in this project are the local sponsors. If the Corps of Engineers recommended plan is approved, the local payments will be based on the cost sharing formula approved in Congress. Approximately a year ago, Secretary Fahy said the State Water Commission agreed to act as the local sponsor and to coordinate the repayment of the local share of the costs for this project.

Mr. Penniman discussed the timetable for the proposed project and stated that language has been included in a bill for authorization of the project and federal funding. The three components have been included as well as a reservoir on the Maple River.

Mr. Jeff Volk, Moore Engineering, indicated that approximately two years ago, the Maple River Water Resource District undertook a study to analyze what could be done for flood control in the Maple River Basin. The results of the study indicated a reservoir on the Maple River would provide substantial flood control benefits. Mr. Volk discussed the specifics of the proposal and said that Congress has been requested to include this project in the Sheyenne Diversion bill. He distributed copies of the summary of the 1975 flood damages on the Maple River to the Commission members.

CONTINUED DISCUSSION OF SOUTHERN
MCLEAN AND WESTERN SHERIDAN
COUNTIES WATER SUPPLY PROJECT
SWC Project No. 1782)

Secretary Fahy stated that at the Commission's September 5, 1985 meeting, the Southern McLean and Western Sheridan Counties Water Supply Project was discussed. At

that meeting, a letter from the McLean Water Resource District requesting cost participation and a preliminary engineering study was considered. The cost for that study was estimated at \$110,000.

Secretary Fahy indicated that on October 22, 1985 he met with the McLean County Water Resource Board and with representatives of the Water Supply Project. The representatives of the project indicated that they had a very good sign-up but that they had been waiting for action by the State before proceeding any further. Presently, they are unsure of which water supply should be pursued for the project. The recommended alternative was to use water from the McClusky Canal. Since the future of the Garrison Diversion Project is unsure at this time, there is a concern that the preferred alternative may not be able to be implemented. Because of the legislation being considered in Washington, Secretary Fahy said we may not know until next April whether or not this project can proceed as originally envisioned.

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In the request from the Water Resource Board, preliminary design study was estimated at \$110,000. The actual costs for the engineering would be \$80,000. The cost for legal and administration efforts would be \$30,000. He discussed two options that appear to be available to the Water Resource Board. First, to proceed with the project in the traditional manner requesting cost sharing from the Commission's Contract Fund for the project. Since engineering is eligible, Secretary Fahy said it may be possible for the Commission to contribute 50 percent of the estimate cost for engineering toward the project. This would require \$40,000 from the Contract Fund. Secretary Fahy said in discussing this idea with the Water Resource Board, they indicated that it would be very difficult to come up with a local cost sharing for the project at this time. Possibly, if it were to begin to set aside money or to create a special assessment district, they would be in a position to fund such a project in a couple of years.

The second option discussed would be for the project to proceed under the authority for the Resources Trust Fund. Secretary Fahy said the last Legislature approved a procedure for the review of applications for financial assistance for water-related projects through the Resources Trust Fund. This project could be presented to the 1987 Legislative session for funding for the preliminary engineering study. If the same concept used for the Southwest Pipeline Project were to be used for this project, all of the costs for the preliminary engineering study could be appropriated by the Legislature. If the Water Resource Board desires this option, the Commission will have to develop a separate report to the Legislature including a recommendation as to whether or not this project should receive financial assistance through Legislative appropriation.

It was the recommendation of the State Engineer that in view of the pending situation with the Garrison Diversion Project and the financial situation of the project sponsors, that the Board and the Commission proceed with an application to the next session of the Legislature for funding under the Resources Trust Fund. Secretary Fahy reviewed the status of the Resources Trust Fund.

Mr. Ivon Boe, Chairman of the McLean County Water Resource Board, presented further details of the project.

Mr. Hank Trangsrud, Houston Engineering, indicated his company conducted the study for the District in 1984. He distributed, and reviewed the summary of the report.

Commissioner Lardy expressed concern relative to the pressures on the next Legislature to reduce the taxes that essentially provide revenue into the Resources Trust Fund.

Dave Sprynczynatyk provided a brief status report of the Contract Fund.

It was moved by Commissioner Guy and seconded by Commissioner Gust that the State Water Commission direct the State Engineer and staff

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to proceed to prepare a request to the next session of the Legislature for funding from the Resources Trust Fund for the Southern McLean and Western Sheridan Counties Water Supply Project.

Commissioners Backes, Byerly, Gust, Guy, Hutton, Lardy, Spaeth and Jones voted aye. Motion carried.

**PRESENTATION BY LYNN ROSE,
DIRECTOR, WEATHER MODIFICATION,
CONCERNING REAL TIME CLIMATIC
INFORMATION FOR WATER USERS**

Lynn Rose, Director of the Weather Modification Board, and Dr. Wayne Wendland, Illinois State Water Survey, made a presentation concerning real time climatic information for water users.

Dr. Wendland demonstrated the program using the State of Illinois as an example to provide information concerning real time climatic information for water users. Current plans are to expand this program that would serve 13 states in the north central region including North Dakota. Dr. Wendland said that the Directors of the State Experiment Stations will be contacted relative to establishing such a system and for first year funding of approximately \$160,000. The users would fund the program after the first year. If the program becomes a reality, Dr. Wendland indicated it could become operational by the growing season of 1987.

The Commission members expressed an interest in this program and were advised they would be kept informed of the progress.

**STATUS REPORT ON SOURIS
RIVER FLOOD CONTROL
(SWC Project No. 1408)**

Secretary Fahy indicated that the 1985 Legislature appropriated \$905,000 to provide assistance from the State to the Souris River

Joint Board for the local cost share of the Souris River Flood Control project. Secretary Fahy said that it has not yet been determined how these funds will be distributed and that it will be necessary to meet with the local entities to agree on a format of satisfying the payment of these funds to take care of the local needs in this project.

Mr. Glenn Wunderlich, Souris River Joint Water Resource Board, indicated the Velva portion of the Souris River Project is under construction and negotiations are continuing towards entering into a local cooperation agreement as to the project sponsor for the Lake Darling portion of the Souris River Flood Control Project. Mr. Wunderlich also stated that the Souris River Joint Water Resource Board has agreed to be the sponsoring organization for feasibility studies of the Rafferty Dam and Alameda Dam projects, but indicated they want to work with the State Water Commission because of the scope of the project.

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RECONSIDERATION OF COST
SHARING FOR BIG COULEE DAM
(SWC Project No. 1418)

Dave Sprynczynatyk explained that on February 21, 1984, the State Water Commission granted \$141,900 toward the reconstruction of Big

Coulee Dam. The project included the replacement of the spillway and the raising of the reservoir level in order to enhance water quality of the reservoir. This was being done to increase the recreation value and also to increase the water available for water supply for the City of Bisbee.

The amount contributed by the Commission was 33 percent of the total cost of the project. Total cost was estimated to be \$410,000, not including cost for land rights. The City of Bisbee and the Towner County Water Resource District were to pay for land acquisition.

Mr. Sprynczynatyk indicated that on November 18, 1985, a letter was received on behalf of the City of Bisbee asking for consideration of additional cost sharing by the Commission towards this project. The letter stated that the City had received a grant of \$155,000 that was to be used for their share of the project. After the grant was made, it was determined that there were not sufficient low income families in the city to justify that large a grant, thus the city will only receive \$40,000 to \$50,000 from the grant and is approximately \$100,000 short in meeting its share of the project.

Mr. Sprynczynatyk explained that the cost sharing agreement with the city and the Water Resource District provides that the Commission shall include its costs for engineering for the project as part of its share. To date, the Commission has incurred approximately \$110,000 of expense for administration and engineering for this project from July of 1981 through November of 1985. In accounting for the Commission's engineering cost in determining the actual cash contribution of the State towards the project, approximately \$76,332 from the Contract Fund has been held back for the project. This is a portion of the money that was granted by the Commission in February of 1984 and is actually carry over money from the previous biennium.

It was the recommendation of the State Engineer that in view of the situation with the city of Bisbee that the State Water Commission waive the expense for engineering, which would allow the Commission to pay the balance of \$76,332 to the city in order to help them. Presently, they owe the contractor approximately \$80,000 for the project. Secretary Fahy stated that although the final project totals are not available, by doing this the Commission would actually be increasing its share of the project from 33 percent to approximately 50 percent to consider all costs associated with the project.

Mr. Leo Bursinger, Bisbee City Alderman and local farmer, explained the financial situation of the City of Bisbee and requested favorable consideration by the Commission.

It was moved by Commissioner Lardy and seconded by Commissioner Spaeth that the State Water Commission waive the expense for engineering for the Big Coulee Dam Project, and pay the balance of \$76,332 in the Contract Fund, directly to

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the City of Bisbee. This motion shall be contingent upon the availability of funds.

Commissioners Backes, Byerly, Gust, Guy, Hutton, Lardy, Spaeth and Jones voted aye. Motion carried.

STATUS REPORT REGARDING
RED RIVER DIKING LITIGATION
(SWC Project No. 1638)

neer was directed to negotiate with the local entities and select an arbitrator for Finding 6 of the Cooperative Agreement for the Formulation of a Corrective Plan for Agricultural Levees Between River Mile 236 and 287 of the Red River of the North. Ms. Sand indicated that Murray Sagsveen has been selected as the arbitrator for Finding 6.

Rosellen Sand, Legal Director for the State Water Commission, stated that at the November 8, 1985 Commission meeting, the State Engi-

tion setting forth specific dates, or number of days by which certain steps must be completed, will also be arbitrated. Allen Fisk and Colonel Joseph Briggs of the St. Paul Corps of Engineers were submitted as the possible arbitrators for Finding 7. The Federal District Court will select the arbitrators for Item 7.

Finding 7, a plan for implementa-

UPDATE ON SOUTHWEST
PIPELINE PROJECT
(SWC Project No. 1736)

is trying to reach a basis of agreement with Basin Electric to utilize the excess space and capacity in their intake structure.

Secretary Fahy discussed alternatives for the intake structure for the Southwest Pipeline Project. He said that one of the alternatives

two options that would involve the use of Basin Electric's facilities: Option No. 1 - the joint utilization of Basin Electric's intake structure - the State would extend the Southwest Pipeline to the Basin structure and set our intake facilities in the Basin structure. Basin Electric would continue to operate their pumps, pipeline and facilities. Basin Electric and the Southwest Pipeline Project would essentially operate independently. The cost comparison between an independent intake and Basin Electric's intake show a slight advantage in utilizing Basin's intake. The construction risks also favor Basin's intake.

The Commission members discussed

Option No. 2 - the joint utilization of additional Basin Electric water facilities including the purchase of partially treated water - would include Basin's pumps in the intake structure, their pipeline to the Antelope Valley Station Power Complex (AVS), and the water storage and treatment facilities at the plant. This option would likely include an up-front payment to Basin (as with the intake) for all shared facilities. Basin would continue to operate the facilities and the State would pay Basin for operation, maintenance and pumping costs. The State would receive partially treated water at the AVS plant site. The construction of the Southwest Pipeline Project would begin at the AVS plant and would include additional treatment facilities, a pumping plant and a storage reservoir. A 4½-mile pipeline would tie into

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the present pipeline route. The involvement with Basin Electric would be more complex with this second option. There would be a significant reduction in the level of independence for the Southwest Pipeline Project.

Secretary Fahy stated that based on many meetings with Basin Electric and State Water Commission staff, it was his recommendation that the best opportunity exists for more independence for the Southwest Pipeline by utilizing Basin Electric's intake structure. We should not become involved in the complications of their treatment system.

Dale Frink, Project Manager for the Southwest Pipeline Project, discussed the payment proposals and specific details for the two options.

Commissioner Lardy indicated that the Southwest Pipeline Advisory Board has gone on record recommending to the Commission that the Committee favors negotiating with Basin Electric for the joint utilization of Basin's intake structure.

Mr. Gene Davison, member of the Southwest Pipeline Advisory Board, made reference that Basin Electric is currently experiencing a 3-5 percent growth per year, and if this growth continues, the pipe which Basin has will not be large enough and thus the Southwest Pipeline Project would be obligated to build their own. Mr. Davison stated that the Southwest Pipeline board recommended that the State Water Commission continue negotiating with Basin Electric on the joint utilization of Basin's intake structure.

It was moved by Commissioner Lardy and seconded by Commissioner Gust that negotiations begin with Basin Electric to secure the necessary permits, easements and agreements for the joint utilization of Basin Electric's intake structure; and that staff be directed to develop an analysis of cost comparisons for the water treatment facility.

In discussion of the motion, Commissioner Guy stated he supports the part of the motion which calls for negotiations with Basin Electric to use their intake structure, but supports it only on the basis of being an independent Southwest Pipeline Project which is not tied in with any water treatment program which Basin Electric has. He said the motion as stated appears to have been complicated to include a study of the Basin Electric facilities that is contrary to the intent and sense of the main motion; and therefore, indicated he would vote against the motion as stated.

Commissioner Byerly indicated she would support the motion if it were separated into two motions.

Commissioner Lardy withdrew his motion and Commissioner Gust, who seconded the motion, likewise withdrew his second.

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It was moved by Commissioner Lardy and seconded by Commissioner Gust that negotiations begin with Basin Electric to secure the necessary permits, easements and agreements for the joint utilization of Basin Electric's intake structure. Staff shall then report the results of the negotiations back to the Commission at its next meeting.

Commissioners Backes, Byerly, Gust, Guy, Hutton, Lardy, Spaeth and Jones voted aye. Motion carried.

COMMISSIONER GUY TO REPORT
ON STATUS OF INTER-BASIN
BIOTA TRANSFER STUDY PROGRAM
(SWC Project No. 237)

Commissioner Guy indicated that he has been asked by Governor Sinner to take the lead in developing an approach to a comprehensive inter-basin biota study.

A meeting was held on December 2, 1985, chaired by Commissioner Guy. At that meeting, Commissioner Guy told the biota study group that while the question of inter-basin transfer of biota was of immediate concern to the Garrison Diversion Project, we should look at the study as being essential to any diversion of water out of the Missouri River to supply eastern parts of North Dakota 50 or 100 or 200 years from now, whether the Garrison Diversion Project was to go forward or not. He did note, however, that we are lucky to have the Garrison Project as a focal point around which a comprehensive inter-basin research study program can be developed.

Commissioner Guy discussed the following which resulted from discussion at the December 2, 1985 meeting:

- 1) A comprehensive study of inter-basin biota, pathogen and fish species transfer was needed not only for the Garrison Project but for any inter-basin transfer in the years and centuries ahead.
- 2) Because the combined average annual flows of the James, Sheyenne, Souris and Red Rivers at the major cities on those streams total less than four percent of the average annual flow of the Missouri at Bismarck, it is understood that any significant development in the Hudson Bay drainage which requires the use of water will have to obtain that water from the Missouri.
- 3) There are significant findings regarding biota, pathogens and fish species and inter-basin transfers involving the Missouri and Hudson Bay drainages and other river basins in this country and the world, but there is no single repository or bibliography of these studies.
- 4) There is no study underway at the present time in the Bureau of Reclamation or any other state or federal agency regarding inter-basin transfer of biota.

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- 5) There are many governmental entities which have a slice of the responsibility for a comprehensive inter-basin biota study.
- 6) Because of the Water Commission's stature within State Government and in relation to the Governor's office, the Legislature, federal agencies, and Pick-Sloan states, the Water Commission was determined to be the logical agency to take the leadership in directing an inter-basin biota study.
- 7) A person needs to be employed to ramrod the project by seeing to it that the various agencies cooperate in designing the study program and accepting responsibility for expertise and funding of the various research projects within the program. The Water Commission was suggested as the agency to give the in-kind services to such a person who would be employed on a part-time basis.
- 8) When an inter-basin biota and fish species transfer study program has been developed and available expertise and funds identified a timetable should be laid out for accomplishment.
- 9) The Canadians should be advised of this study program's goal, objective and the projects being outlined to accomplish the objective and goal. The Canadians should be invited to participate, or at least monitor, and they should be invited to critique the research program because they must be satisfied with the comprehensive nature of the program and must feel confident in the credibility of the results. The Canadians should not, however, by their objections to the way the program is designed be allowed to dictate the course of action.

Commissioner Guy informed the biota study group that he would bring the subject of Water Commission direction of the inter-basin study to the next Commission meeting.

It was moved by Commissioner Guy and seconded by Commissioner Jones that the North Dakota State Water Commission accept the responsibility of organizing, coordinating, and directing an inter-basin Missouri River-Hudson Bay study program involving a number of researchers, research agencies and sources of research funding for the necessary research projects to determine effects of inter-basin transfer of water and associated biota, pathogens and fish species, and to provide solutions or mitigation methods for any negative effects; and, that the State Water Commission staff make an investigation of the possible employment of a part-time director for such a study program, and that

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financing of such a program, other than in-kind services of Commission staff and facilities, be solicited from appropriate institutions, foundations and state or federal sources.

Commissioners Backes, Byerly, Gust, Guy, Hutton, Lardy, Spaeth and Jones voted aye. Motion carried.

STATUS REPORT ON
GARRISON DIVERSION PROJECT
(SWC Project No. 237)

Secretary Fahy provided an updated report to the Commission members relative to the Garrison Diversion Project.

CONSIDERATION OF CONTRACT
FOR SERVICES WITH MICHAEL DWYER

Secretary Fahy presented a Contract for Services with Michael Dwyer for the Commission's consideration. The

Contract specifies services to the Governor relating to water projects. Secretary Fahy indicated that if the Commission approves the Contract, the Emergency Commission would be requested to transfer \$20,000 from the Contract Fund to the Operating Fund to sustain this Contract.

It was moved by Commissioner Byerly and seconded by Commissioner Hutton that a Contract for Services as specified in the Contract be entered into with Michael Dwyer.

Commissioners Backes, Byerly, Gust, Guy, Hutton, Lardy, Spaeth and Jones voted aye. Motion carried.

CONSIDERATION OF AGENCY'S
FINANCIAL STATEMENT

Secretary Fahy suggested, and it was agreed to by the Commission members, that since it was rela-

tively early in the biennium that the financial report be deferred until the next meeting.

CONSIDERATION OF AUTHORITY
FOR STATE ENGINEER TO EXPEND
FUNDS FOR EMERGENCY MEASURES

Secretary Fahy stated that past Commissions have allowed the State Engineer and staff to expend monies from the Contract Fund in limited

amounts in order to react immediately to emergencies or to cost overruns that are relatively minor. Secretary Fahy indicated he would appreciate the Commission's consideration of allowing the State Engineer to have the authority to approve up to \$10,000 for small contracts, emergencies and cost overruns.

It was moved by Commissioner Guy and seconded by Commissioner Lardy that in situations where it is to the advantage of North Dakota, that the State Engineer be authorized to expend up to \$10,000 for small contracts, emergencies and cost overruns, and temporarily waive

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Commission consideration and approval until the next meeting.

Commissioners Backes, Byerly, Gust, Guy, Hutton, Lardy, Spaeth and Jones voted aye. Motion carried.

CONTINUED DISCUSSION
RELATIVE TO COST SHARING
(SWC Project No. 1753)

Secretary Fahy stated that at the September 5, 1985 meeting of the Commission, he was directed to prepare a paper for discussion purposes outlining the ideas for limitation of fees for engineering consulting services. It was the recommendation of the State Engineer, and agreed to by the Commission members, that discussion on the item be delayed until more information on project engineering fees can be obtained.

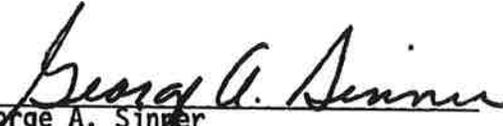
Secretary Fahy stated that at the September 5, 1985 meeting of the Commission, he was directed to prepare a paper for discussion

DISCUSSION OF WATER
PROBLEMS IN FORDVILLE AREA

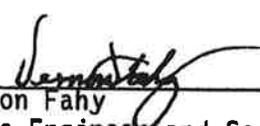
area. Secretary Fahy responded that the Water Commission has been involved in these discussions and will keep the Commission advised.

Commissioner Hutton briefly discussed some of the water problems that are occurring in the Fordville

It was moved by Commissioner Guy and seconded by Commissioner Hutton that the meeting adjourn at 4:00 p.m. All members voted aye; motion unanimously carried.


George A. Singer
Governor-Chairman

ATTEST:


Vernon Fahy
State Engineer and Secretary

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