

MINUTES**North Dakota State Water Commission
Minot, North Dakota****May 10, 1989**

The North Dakota State Water Commission held a meeting on May 10, 1989, in the City Hall Council Chambers in Minot, North Dakota. Chairman, Lt. Governor Lloyd Omdahl, called the meeting to order at 9:30 A.M., and requested State Engineer and Secretary, Vernon Fahy, to call the roll and present the agenda. George Christensen, Mayor of the City of Minot, welcomed the Commission members to Minot.

MEMBERS PRESENT:

Lt. Governor Lloyd Omdahl, Chairman
 Sarah Vogel, Commissioner, Department of Agriculture, Bismarck
 Joyce Byerly, Member from Watford City
 Jacob Gust, Member from West Fargo
 Lorry Kramer, Member from Minot
 Daniel Narlock, Member from Oslo, MN
 Norman Rudel, Member from Fessenden
 Jerome Spaeth, Member from Bismarck
 Vernon Fahy, State Engineer and Secretary, North Dakota
 State Water Commission, Bismarck

MEMBERS ABSENT:

William Lardy, Member from Dickinson

OTHERS PRESENT:

State Water Commission Staff Members
 Approximately 50 people 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 MARCH 9, 1989 MEETING -
 APPROVED**

The minutes of the March 9, 1989 meeting were approved by the following motion:

It was moved by Commissioner Byerly, seconded by Commissioner Rudel, and unanimously carried, that the minutes of the March 9, 1989 meeting be approved as circulated.

**CONSIDERATION OF MINUTES
OF APRIL 20, 1989 TELEPHONE
CONFERENCE CALL MEETING -
APPROVED**

The minutes of the April 20, 1989 telephone conference call meeting were approved by the following motion:

It was moved by Commissioner Byerly, seconded by Commissioner Rudel, and unanimously carried, that the minutes of the April 20, 1989 telephone conference call meeting be approved as circulated.

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

Dale Frink, Manager of the Southwest Pipeline Project, indicated four large contracts have been awarded for the Southwest

Pipeline Project and limited construction has begun on two of the contracts. Construction on Contract 2-3B near Dickinson began in March and, to date, about 1 1/2 miles of pipe has been laid, the Green River crossing is near completion, and a 42-inch casing pipe has been bored and jacked under Interstate 94.

Construction on Contract 5-2 of the Dickinson Reservoir was started by Geo. Haggart Construction in mid-April and, to date, only site preparation work has been done.

The pre-construction meeting for the intake pump station and raw water reservoir was held on April 19, 1989, and work is expected to begin approximately May 1st by Industrial Contractors of Bismarck.

Barnard Construction is not expected to begin construction until late June, 1989 on Contract 2-1 for the seven-mile raw water line.

Mr. Frink stated once this work is completed the pipeline will be continuous from Lake Sakakawea to Dickinson's east-side city limits. An additional \$7-8 million is needed to get raw water to Dickinson. The remaining items include 3.4 miles of pipeline through Dickinson, the Dodge and Richardton pump stations, Richardton Reservoir, a telemetry control system, miscellaneous equipment and supplies, and electrical service facilities.

May 10, 1989

Mr. Frink commented on financial problems that Johnson Construction is currently having believed to be due to the asphalt paving part of the company. Mr. Frink indicated little is known by the State about the situation at this time, but the bonding company is considering hiring a different contractor to finish Southwest Pipeline Contracts 2-3A and 2-3B. Mr. Frink said the Attorneys for the State Water Commission are researching administrative and legal concerns in this matter.

The Garrison Diversion Reformulation Act of 1986 provided federal power to the MR&I projects. Mr. Frink said federal power sells for approximately \$.01/KWH and, as a result, there is a potential savings in electrical costs, but users are required to provide delivery from a federal power source to our point of need. Mr. Frink said the obvious choice is to contract with an existing electric utility to wheel (deliver) the power. Contacts have been made with three electric cooperatives to wheel federal power to the Southwest Pipeline. Mr. Frink indicated the majority of the contacts have been with the Oliver-Mercer Electric Cooperative and two draft agreements have been written. One agreement is for the construction of additional facilities necessary to provide power to the intake pump station at an approximate cost of \$200,000, and the other agreement is for wheeling the power. Mr. Frink said Oliver-Mercer wants the project to pay the \$200,000 up-front since it is unknown when the pipeline will be operational and how much power will be needed. Mr. Frink discussed Oliver-Mercer's charge proposal and said although the proposed rates are lower than open market, negotiations are continuing for a possible lower rate.

The State Water Commission approved a \$95,396 contract to Larson-Tibesar Associates, Inc. during the State Water Commission meeting on April 20, 1989 for federally required cultural resource studies along the raw water line. During the conference call meeting, Commissioner Lardy requested a cost breakdown on cultural resource work.

Mr. Frink indicated that to date, \$217,476 has been paid to the University of North Dakota for cultural resource studies on the Southwest Pipeline Project and another \$41,684 will be due to the University when they complete their current work. Mr. Frink said the total payments to cultural resource firms is estimated at approximately \$600,000 when the pipeline is completed, which does not include re-routes and additional engineering costs. The total cultural resource cost for the raw water pipeline in the Boeckel-Renner area is approximately \$285,000.

May 10, 1989

At the Commission's March 9, 1989 meeting, a presentation was made by the West River Joint Board on its study of integration of the rural distribution systems with the Southwest Pipeline Project. Mr. Frink commented on a meeting held April 13, 1989 in Dickinson to discuss rural water integration and phasing portions of the pipeline. Although the report was well-received concerns were expressed on the cost of the rural water distribution systems in addition to the cost of the Southwest Pipeline.

Mr. Frink discussed future construction and funding and said by the end of 1989 approximately \$45 million will have been invested into the Southwest Pipeline Project. In order to make the system functional an additional \$7-8 million will be required to complete the segment to Dickinson.

**RESIGNATION OF STATE
ENGINEER, VERNON FAHY,
EFFECTIVE MAY 31, 1989**

State Engineer and Chief Engineer-Secretary of the State Water Commission, Vernon Fahy, presented his letter of resignation, effective May 31, 1989, for the Commission's approval. Letter of resignation is attached hereto as APPENDIX "A".

It was the recommendation of the State Engineer that the Commission accept his resignation, and that David Sprynczynatyk be appointed as Acting State Engineer until such time as the Commission fills the position.

It was moved by Commissioner Spaeth and seconded by Commissioner Byerly that the resignation of Vernon Fahy, State Engineer and Chief Engineer-Secretary of the North Dakota State Water Commission be accepted, effective May 31, 1989; and, that David A. Sprynczynatyk be designated Acting State Engineer and Chief Engineer-Secretary of the Commission, effective June 1, 1989.

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

Chairman Omdahl appointed Commissioners Gust, Spaeth and himself as a committee to make recommendations to the Commission at its next meeting on filling the position of State Engineer and Chief Engineer-Secretary of

May 10, 1989

the State Water Commission. Chairman Omdahl stated although the State Engineer's resignation was accepted with reluctance, the Commission is most appreciative to Secretary Fahy for his outstanding services to the State of North Dakota during his tenure as State Engineer and extended to him the best of health and good wishes for a happy retirement.

**CONSIDERATION OF REALLOCATION
OF RESOURCES TRUST FUND
ALLOCATIONS**

In October, 1986, the State Water Commission adopted a formula for allocating funds from the Resources Trust Fund based on \$9.5 million of revenues. The formula included a firm \$1 million allocation to the Souris River Flood Control project with a proportionate adjustment between all other projects based on actual revenues accruing to the Resources Trust Fund. On September 8, 1987, the State Water Commission approved an allocation from the Resources Trust Fund, based on an Office of Management and Budget revenue projection of \$6,704,165 for the 1987-89 biennium. The State Water Commission also reaffirmed its October, 1986 approval of adjusting the final allocations proportionally based on actual revenues.

David Sprynczynatyk, Director of Engineering for the State Water Commission, stated that on April 26, 1989, the Office of Management and Budget provided an updated revenue projection of \$7,483,000 for the 1987-1989 biennium, and will provide another update in June, 1989, and final figures in July, 1989. Mr. Sprynczynatyk said the increased revenue projection results in the possibility of increasing the allocation to each project and program.

As explained in the Southwest Pipeline Project update, the pipeline has a need for \$200,000 to provide electrical service facilities at the intake pump station. Mr. Sprynczynatyk said it is recommended the \$200,000 be obtained from the Resources Trust Fund through a reallocation of funds between the Garrison MR&I Program and the pipeline. Essentially, the pipeline's allocation would increase proportionally while the MR&I proportion would decrease a like amount.

It was the recommendation of the State Engineer that if the latest Office of Management and Budget projection holds, the Resources Trust Fund allocation be modified as follows:

Southwest Pipeline Project	\$0.88 Million
Garrison MR&I Program	1.77 Million
State Water Commission Contract Fund	1.55 Million
Sheyenne River Flood Control Project	2.28 Million
Souris River Flood Control Project	1.00 Million
Total	<u>\$7.48 Million</u>

May 10, 1989

Mr. Sprynczynatyk said as of April 30, 1989, the State Water Commission had approved a total of \$535,625 for Garrison MR&I projects. In addition, a request will be presented for the Commission's consideration at this meeting for an additional \$502,750 for the McLean-Sheridan Water Supply Project. If this request is approved, the total obligation from the Resources Trust Fund would be \$1,038,375, which will leave approximately \$700,000 of unobligated funds for MR&I projects.

It was moved by Commissioner Rudel and seconded by Commissioner Vogel that the State Water Commission amend its September 8, 1987 action for allocating funds from the Resources Trust Fund and approve the recommendation of the State Engineer for the reallocation of the Resources Trust Fund allocations.

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

**SOUTHWEST PIPELINE PROJECT -
CONSIDERATION OF REQUEST
FOR ALLOCATION OF FUNDS FROM
RESOURCES TRUST FUND FOR
PROVIDING ELECTRICAL SERVICE
FACILITIES AT INTAKE PUMP
STATION
(SWC Project No. 1736)**

David Sprynczynatyk stated Contract 1-1/3-1A for the Southwest Pipeline Project consists of installing pumps into the Lake Sakakawea intake structure and constructing the raw water reservoir. The contract does not include providing electrical service into the intake

site. Mr. Sprynczynatyk said it appears these facilities will have to be constructed this year in order to test the pumps. The facilities would be constructed by the Oliver-Mercer Electric Cooperative. The Cooperative has provided a proposed agreement to do so, with a \$200,000 cost estimate. Once the agreement is signed, Oliver-Mercer would solicit bids on the equipment and installation and actual construction would start this fall after the equipment is delivered. Mr. Sprynczynatyk said we also have an option to construct the facilities in two phases with the first phase providing temporary service for testing the pumps. In order to construct these facilities in phases, Basin Electric's pumps would need to be shut down. Basin is willing to allow this for testing.

Mr. Sprynczynatyk stated that through its previous action, the Commission reallocated funds

May 10, 1989

between the Garrison MR&I Program and the Southwest Pipeline Project, making available \$200,000 from the Resources Trust Fund to provide electrical service facilities at the intake pump station.

It was the recommendation of the State Engineer that the State Water Commission approve \$200,000 from the Resources Trust Fund to provide electrical service facilities at the Southwest Pipeline Project intake pump station.

It was moved by Commissioner Gust and seconded by Commissioner Spaeth that the State Water Commission approve \$200,000 from the Resources Trust Fund to provide electrical service facilities at the intake pump station for the Southwest Pipeline Project, contingent upon the availability of funds.

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

SOUTHWEST PIPELINE PROJECT -
CONSIDERATION OF REQUEST FOR
ADDITIONAL COST SHARING FOR
INTEGRATION STUDY OF RURAL
WATER SYSTEMS
(SWC Project No. 1736)

At the October 11, 1988 meeting the Commission members approved a request of the West River Joint Board to retain Bartlett and West/Boyle Engineering to conduct a study of the concept of integrating the rural water delivery systems into the Southwest Pipeline Project and approved cost sharing in 50 percent of the study costs, not to exceed \$3,000.

David Sprynczynatyk indicated the study has been completed. It was necessary for the engineers to obtain additional information for the study and, therefore, the total cost of the integration study was increased to \$8,303. Mr. Sprynczynatyk presented a request from the West River Joint Water Resource Board for the Commission to consider cost sharing in 50 percent of the additional costs which would amount to approximately \$1,150.

It was the recommendation of the State Engineer that the State Water Commission approve cost sharing in 50 percent of the additional costs of the integration study, not to exceed \$1,150, and contingent upon the availability of funds.

May 10, 1989

It was moved by Commissioner Spaeth and seconded by Commissioner Rudel that the State Water Commission approve cost sharing in 50 percent of the additional costs for the Integration Study of Rural Water Systems, not to exceed \$1,150. This motion shall be contingent upon the availability of funds.

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

**SUPPLEMENTAL NORTHWEST
AREA WATER SUPPLY STUDY
(SWC Project No. 237-4)**

Randall Binegar, MR&I Water Supply Program Coordinator, indicated the Supplemental Study to the Northwest Area Water Supply Study for Integration of Fort Berthold Indian Reservation has been completed and copies of the Memorandum Report, dated April 26, 1989, were distributed to the Commission members. Mr. Binegar said the study was conducted by Houston Engineering with regard to the integration of new water supply facilities for the Fort Berthold Indian Reservation and facilities being proposed in portions of the Northwest Area Water Supply Study.

Henry Transgrud, Project Manager for Houston Engineering, presented a summary of the descriptions and cost estimates of various options considered for integrating the proposed water improvements for the Fort Berthold Indian Reservation with the proposed water improvements of the Northwest Area Water Supply Study, each providing full service to the entire Fort Berthold Indian Reservation area. Mr. Transgrud stated it appears the preferred option is Option No. 4A, which is the expansion of the East Water Supply System - Alternative 2 as presented in the Northwest Area Water Supply Study Report, with a slight revision in pipeline routing serving the New Town - Stanley area, to serve Four Bears West (Phases I and II), Four Bears East, including Sanish (Phase II), White Shield (Phases I and II) and Parshall. Mr. Transgrud stated that in this option the East Water Supply System intake and treatment plant would be at Lake Audubon. Four Bears West could be served by installing a 6-inch polyethylene pipe across Lake Sakakawea near the Four Bears Bridge. Included in the cost estimates are the rural distribution cost for Mountrail Water Users Association and the Homestead Area (Phase III), and the proposed water supply treatment and distribution systems for Mandaree (Phases I and II), and Twin Buttes (Phases I and II). Total estimated costs for

May 10, 1989

this option are: \$127,700,000 (Phase I); \$25,500,000 (Phase II); and \$30,200,000 (Phase III), for a total project cost of \$183,400,000.

In summary, Mr. Transgrud indicated it appears some form of integration of the proposed Fort Berthold Indian Reservation water systems and the Northwest Area Water Supply systems would be advantageous to both systems. It was recommended in the Memorandum Report that a more in-depth study be conducted on one of the options, that the study be under joint sponsorship of the State Water Commission and the Fort Berthold Indian Reservation, and that Houston Engineering, Inc. and HKM Associates cooperate in the study.

On April 3, 1989, a meeting was held with representatives of the Three Affiliated Tribes, the State Water Commission and the Garrison Diversion Conservancy District and general consensus was expressed that development of Option No. 4 be pursued.

Robert Schempp, Chairman of the Northwest Area Water Supply Study Advisory Committee, stated it is the consensus of the NAWS Advisory Committee that Option No. 4 is preferred and recommended negotiations continue for the development of this option. Mr. Schempp said one of the benefits of Option No. 4 is the effort of the Three Affiliated Tribes, the State Water Commission and the Garrison Diversion Conservancy District working together to solve mutual problems.

It was the recommendation of the State Engineer that the State Water Commission authorize the State Engineer and staff to continue negotiations with the Three Affiliated Tribes for the development of a Northwest Area Water Supply alternative.

It was moved by Commissioner Kramer and seconded by Commissioner Byerly that the State Water Commission authorize the State Engineer and staff to continue negotiations with the Three Affiliated Tribes for the development of an alternative for integrating the proposed water improvements for the Fort Berthold Indian Reservation with the proposed water improvements of the Northwest Area Water Supply Study.

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

May 10, 1989

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

David Sprynczynatyk briefed the Commission members on a lawsuit that has been filed against the Rafferty-Alameda Dam Project by Saskatchewan and Canadian Wild-

life Federation. The argument in the lawsuit is that the project impacts federal lands and, therefore, there is a requirement for a federal environmental review even though there is no federal money involved in the project. In April, 1989, the Saskatchewan Court ruled that before the project can proceed the requirements of the federal environmental laws in Canada must be satisfied. Mr. Sprynczynatyk said it is not known at this time if the Province of Saskatchewan will appeal the ruling but they have begun to comply with the requirements. Because of the lawsuit, the Rafferty-Alameda Dam Project will be on hold until the environmental review requirements have been satisfied. It is hoped this process can be completed by July, 1989 and that construction of the project can be resumed shortly.

Mr. Sprynczynatyk indicated the Commission staff has been asked to participate in the environmental review because of our involvement in the development of the technical data to determine what the impacts would be in North Dakota as a result of the project.

SOURIS RIVER FLOOD
CONTROL PROJECT -
CONSIDERATION OF
REALLOCATION OF
STATE FUNDS
(SWC Project No. 1408)

David Sprynczynatyk stated a request has been received from the Souris River Joint Board, asking the Commission to release funds from the 1985-1987 appropriation for the Souris River Flood Control Project and

to reallocate the funds from the 1987-1989 appropriation for the same project. Mr. Sprynczynatyk said presently there exists \$858,692 of carryover funds from the previous biennium's appropriation. Because of delays in the project the money which was set aside on September 10, 1986 had to be carried over for project development during the current biennium. Mr. Sprynczynatyk stated because of the recent ruling of the Canadian Court on the project it is unlikely that any of the funds will be spent during the remainder of this biennium.

Staff has explained the situation to the Office of Management and Budget and its representative has agreed the release and reallocation can be done in order to assure that the money will be spent on the Souris River Flood Control Project. The Joint Board has stated it is firmly convinced that the Souris Flood Control Project, as approved by the Governments of Canada and the United States, will be constructed requiring the funds the state has set aside.

May 10, 1989

It was the recommendation of the State Engineer that the State Water Commission release \$852,692 from the carryover appropriation from the 1985-1987 biennium, allowing the funds to revert to the Resources Trust Fund; and, in turn allocate \$852,692 from the current appropriation to the State Water Commission from the Resources Trust Fund. The authority to do this would be pursuant to Section 7 of the current appropriation for the State Water Commission.

It was moved by Commissioner Rudel and seconded by Commissioner Narlock that the State Water Commission approve the release of \$852,692 from the carryover appropriation from the 1985-1987 biennium, allowing the funds to revert to the Resources Trust Fund; and, in turn allocate \$852,692 from the current appropriation to the State Water Commission from the Resources Trust Fund.

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

**SOURIS RIVER FLOOD
CONTROL PROJECT -
PRESENTATION BY CITY
OF MINOT**

(SWC Project No. 1408)
(SWC Resolution No. 89-5-432)

Robert Schempp, Minot City Manager, stated because of the lawsuit recently filed against Rafferty-Alameda Dam Project resulting in an injunction to the project while the Canadian Federal Government environmental

concerns are being satisfied, the Minot City Council adopted a resolution on May 1, 1989 expressing:

- 1) Unqualified support to the Premier of the Province of Saskatchewan in his efforts to assure that environmental concerns, especially concerns for the human environment, are recognized;
- 2) The top priority is securing complete flood protection for the 15,000 area citizens affected by flooding, and for churches, schools, businesses and public facilities that are annually affected by floods and the threat of floods;

May 10, 1989

- 3) Requesting resolutions and letters of support for the Rafferty-Alameda Dam Project from the Governor, Congressional Delegation, area legislators, political subdivisions and individuals so that the agencies involved are made aware of the overwhelming benefits to the human environment of two nations, two provinces, a state and 100,000 people involved in and affected by this water management project; and
- 4) Transmittal of a certified copy of this resolution to the Honorable Grant Devine in the hope that it will be of use in demonstrating support for the Rafferty-Alameda water management project.

In discussion, it was requested and agreed that the State Water Commission adopt a resolution in support of the Rafferty-Alameda Dam Project to renew its commitment assuring completion of the project, continue to devote its efforts to the eventual construction and operation of the project to achieve the maximum benefits for the State, and a certified copy of the resolution be forwarded to the Congressional Delegation so they are cognizant of the importance of the project and to the appropriate officials of the Provincial Government of Saskatchewan.

It was moved by Commissioner Byerly and seconded by Commissioner Vogel that Resolution No. 89-5-432 be approved in support of the Rafferty-Alameda Dam Project. SEE APPENDIX "B"

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

**GARRISON DIVERSION PROJECT -
MR&I WATER SUPPLY PROGRAM UPDATE
(SWC Project No. 237-3)**

Water Supply Program, with the received from the cities of Page,

David Sprynczynatyk reported a total of 103 communities have made application to date for funds from the Garrison MR&I most recent applications being Minnewaukan and Mayville.

**GARRISON DIVERSION PROJECT -
UPDATE ON FISCAL YEAR 1990
APPROPRIATION
(SWC Project No. 237-3)**

David Sprynczynatyk indicated discussions are continuing to increase the Fiscal Year 1990 federal appropriation from \$8.7 million. If the federal appro-

May 10, 1989

priation is finally approved for \$8.7 million, Mr. Sprynczynatyk stated there will be limited funds available for MR&I projects in 1990 and the money that might be available will probably be used to complete projects that have been started this year.

GARRISON DIVERSION PROJECT - Randall Binegar, MR&I Water
CONSIDERATION OF FEDERAL MR&I Supply Program Coordinator, in-
FUNDS FOR PHASE II OF THE dicated the City of Edmore re-
LANGDON RURAL WATER SUPPLY SYSTEM cently experienced an emergency
(SWC Project No. 237-6) water supply situation. The

reservoir, which feeds the city's water supply wells, went dry about February 1, 1989 and the city was forced to truck water in with assistance from the Corps of Engineers. The City of Edmore received MR&I feasibility study funding approval and requested the Langdon Rural Water Users, Inc. to complete a feasibility study which considered the expansion of the Langdon Rural Water System to serve the City of Edmore.

The "Feasibility Report for Phase II, Langdon Rural Water System" completed in March, 1989, considered the expansion of the Langdon Rural Water System to serve the cities of Edmore, Nekoma, Hampden, Fairdale and approximately 100 rural customers in the surrounding areas. The proposed project involves the construction of a water supply system and modifications to a supply line from the Mount Carmel Reservoir to the Langdon water treatment plant. The total project cost is estimated at \$2,812,835. The costs of the design phase of the project, consisting of land, permits, legal, environmental and design engineering costs, are estimated at \$246,000.

Mr. Binegar presented a request for the Commission's consideration to cost share in Phase II of the Langdon Rural Water Supply Project and indicated the project is consistent with the requirements of the MR&I Program.

Howard Roder, Chairman of the Langdon Rural Water Supply System, discussed the project and said Phase I was very successful and requested the Commission's favorable consideration for MR&I Program funding for Phase II. Mr. Roder said when Phase II is completed the project will provide water supply needs to over 1,000 people.

It was the recommendation of the State Engineer that the State Water Commission approve MR&I Program funds in an amount not to exceed \$184,500 (75 percent of \$246,000) for the design of Phase II of the Langdon Rural Water Supply Project, contingent upon the availability of funds.

May 10, 1989

It was moved by Commissioner Kramer and seconded by Commissioner Rudel that the State Water Commission approve MR&I Program funds for the design phase of the Langdon Rural Water Supply Project Phase II in an amount not to exceed \$184,500. This motion shall be contingent upon the availability of funds.

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

**GARRISON DIVERSION PROJECT -
CONSIDERATION OF FEDERAL
MR&I FUNDS FOR MCLEAN-
SHERIDAN WATER SUPPLY
PROJECT CONSTRUCTION
(SWC Project No. 1782)**

Randall Binegar stated the McLean-Sheridan Rural Water Supply Project consists of a two-county delivery system, with a ground-water source and an iron and manganese filtration water treatment plant. The project would provide good quality water and sufficient quantities to the cities of McClusky, Turtle Lake and approximately 275 rural users throughout southern Sheridan and McLean counties. The design phase for the McLean-Sheridan Water Supply Project was completed in April, 1989. The total project cost for the proposed project is estimated at \$9 million.

Mr. Binegar said with completion of the design phase, the McLean-Sheridan Joint Water Resource Board is prepared to begin the construction phase. The proposed project has been split into two phases. Phase I of the project involves the well field, water treatment plant, two booster stations, the transmission line from the water treatment plant to Turtle Lake and McClusky, and service to a high concentration of rural users. The estimated cost for Phase I construction is \$4,022,000. Mr. Binegar said a completed Phase I project will represent a financially sound, viable water delivery system.

Mr. Binegar presented a request for the Commission's consideration to approve MR&I Program funds in the amount of \$3,016,500 (75 percent of \$4,022,000) for Phase I construction of the McLean-Sheridan Water Supply Project. Mr. Binegar said the proposed project is consistent with the requirements of the MR&I Water Supply Program.

May 10, 1989

Ivon Boe, Chairman of the McLean-Sheridan Rural Water Supply Project, introduced other members of the delegation that were present, and elaborated on the project. Mr. Boe requested the Commission's favorable consideration for MR&I Program funds for Phase I construction of the McLean-Sheridan Water Supply Project.

It was the recommendation of the State Engineer that the State Water Commission approve MR&I Program funds in the amount of \$3,016,500 for Phase I construction of the McLean-Sheridan Water Supply Project, contingent upon the availability of funds.

It was moved by Commissioner Spaeth and seconded by Commissioner Vogel that the State Water Commission grant MR&I Program funds in the amount of \$3,016,500 (75 percent of \$4,022,000) for Phase I construction of the McLean-Sheridan Water Supply Project. This motion shall be contingent upon the availability of funds.

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

**GARRISON DIVERSION PROJECT -
CONSIDERATION OF COST
PARTICIPATION FROM RESOURCES
TRUST FUND FOR MCLEAN-SHERIDAN
WATER SUPPLY PROJECT
(SWC Project No. 1782)**

Randall Binigar presented a request for the Commission's consideration which was received from the McLean-Sheridan Joint Water Resource Board, requesting the State Water Commission to cost participate in the non-

federal share of the costs associated with Phase I of the McLean-Sheridan Water Supply Project. The estimated total project cost of Phase I is \$4,022,000. The McLean-Sheridan Joint Water Resource Board's responsibility is the non-federal share of the construction costs, or \$1,005,500. Mr. Binigar stated 50 percent of the non-federal share, or \$502,750, is eligible for cost participation through the State Water Commission's MR&I allocation of the Resources Trust Fund.

It was the recommendation of the State Engineer that the State Water Commission provide a 50 percent grant through the MR&I allocation of the Resources Trust Fund for the non-federal share for construction of Phase I of the McLean-Sheridan Water Supply Project, not to exceed \$502,750, contingent upon the availability of funds.

May 10, 1989

It was moved by Commissioner Gust and seconded by Commissioner Byerly that the State Water Commission approve a 50 percent grant through the MR&I allocation of the Resources Trust Fund for the non-federal share for construction of the McLean-Sheridan Water Supply Project, not to exceed \$502,750. This motion shall be contingent upon the availability of funds.

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

GARRISON DIVERSION PROJECT -
NORTH VALLEY WATER
ASSOCIATION PROJECT
(SWC Project No. 237-15)

Commissioner Narlock requested the State Engineer and staff provide information on the status of the North Valley Water Association Project.

GARRISON DIVERSION PROJECT -
REPORT OF STATE WATER
COMMISSION-GARRISON
DIVERSION CONSERVANCY
DISTRICT MR&I COST
SHARING COMMITTEE
(SWC Project No. 237)

At the January 26, 1989 Commission meeting, lengthy discussion was held relative to MR&I cost sharing for feasibility studies. The discussion resulted in the appointment of Commissioners Spaeth and Rudel to serve on a committee to meet

with two members of the Garrison Diversion Conservancy District (Les Anderson and Tilmer Reiswig) to develop recommendations for consideration by the State Water Commission and the Garrison Diversion Conservancy District relative to the percentage of MR&I funding for feasibility studies.

Commissioner Spaeth stated the committee met on April 7, 1989 and unanimously adopted the following recommendation:

That the local share of feasibility study costs be set at 75 percent of study costs and that a provision be made to allow the local sponsors to appeal for hardship reasons, but in no case will the local share be less than 50 percent.

It is further recommended that two members of the State Water Commission and two members of the Garrison Diversion

May 10, 1989

Conservancy District be designated as an appeals board to hear appeals from local sponsors.

It was moved by Commissioner Gust and seconded by Commissioner Kramer that the State Water Commission adopt the policy recommendation submitted by the MR&I Cost Sharing Committee.

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

It was moved by Commissioner Vogel and seconded by Commissioner Gust that Commissioners Spaeth and Rudel be appointed as representatives from the Commission to the appeals board to hear special cases for MR&I funding for feasibility studies.

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

**GARRISON DIVERSION PROJECT -
MR&I INTEREST ALLOCATIONS
(SWC Project No. 237)**

David Sprynczynatyk stated MR&I federal funds are requested quarterly and are normally received near the beginning of each quarter. In addition, at the end of the year, lump sum payments can be made to specific projects. Mr. Sprynczynatyk said an example of this was the \$10.5 million received last September for the Southwest Pipeline Project. These funds are automatically deposited into a Garrison Diversion Conservancy District bank account and begin drawing interest. The Bureau of Reclamation allows this interest to be spent on the project for which the principal was provided. The interest could also be spent on other MR&I projects but this would require reallocation approval from the Bureau. The interest money is not counted against the Garrison Diversion annual appropriation but the interest money is counted against the \$200 million MR&I total authorization.

May 10, 1989

Secretary Fahy said that although Bureau of Reclamation approval is not required to spend interest money, State Water Commission and Garrison Diversion Conservancy District approval is required. It was the recommendation of the State Engineer that the State Water Commission approve a policy that would allow the interest earned on Southwest Pipeline Project MR&I allocations to be spent on the pipeline. The policy, for the present time, would not include other MR&I projects.

It was moved by Commissioner Byerly and seconded by Commissioner Rudel that the State Water Commission approve the recommendation of the State Engineer relative to MR&I interest allocations.

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

**CONSIDERATION OF REQUEST
FROM BOTTINEAU COUNTY
WATER RESOURCE DISTRICT
FOR COST SHARING IN
RECONSTRUCTION OF
BRANDER DRAIN NO. 7
(SWC Project No. 1689)**

A request received from the Bottineau County Water Resource District was presented for the Commission's consideration for funding assistance on the reconstruction of Brander Drain No. 7. The drain is located approximately 7 miles northeast of Maxbass, ND. The purpose of the drain is to re-establish the project to current design standards, improve agricultural production, and the reduction of sheetwater flooding. The estimated cost of the project is \$507,000 and consists of excavation, seeding, rock riprap and several culverts. Total eligible costs are \$337,299, with 40 percent being \$134,920. Engineering is estimated to be \$49,063, or 9.7 percent of the total costs and 14.5 percent of the eligible costs.

David Sprynczynatyk said the drain was established in 1909 under North Dakota Century Code 61-16.1 and will be constructed according to approved Drain Permit No. 1293. The Bottineau County Water Resource District will be responsible for operation, maintenance and repair of the drain. The Board's attorney stated that easements for the drain were secured in 1909 and have priority over U.S. Fish and Wildlife Service easements. On the design event, the duration of flooding will be decreased from 27 to 3 days. Brander Drain

May 10, 1989

outlets into a large unnamed natural coulee that discharges into Mouse River Drain No. 9 which was the channelization of the Souris River in 1908. The engineering report states that no significant change in the Souris River flows has occurred from the project.

It was the recommendation of the State Engineer that the State Water Commission grant 40 percent of the eligible costs, not to exceed \$134,920 toward the reconstruction of Brander Drain No. 7, contingent upon the availability of funds and all conditions to Drain Permit No. 1293.

Mr. Sprynczynatyk indicated that at the October 11, 1988 meeting, the State Water Commission retained \$300,000 of unobligated funds in the Contract Fund for the 1989 spring emergency and unexpected needs. Mr. Sprynczynatyk stated the only damages occurred along the Red River and that there is no longer a need to retain these unobligated funds for emergency and unexpected needs for projects the Commission may be involved in.

Cliff Issendorf, Chairman of the Bottineau County Water Resource Board, discussed the Brander Drain No. 7 project and stated major flooding has been experienced this past year on highly productive farmland. The drain is in dire need of reconstruction and landowners are in support of the project. Mr. Issendorf discussed Swampbuster concerns and stated it appears to date there will be no problems with Swampbuster. In response to questions relative to opposition to the project, Mr. Issendorf indicated questions have been answered to local opposition and there is now general agreement and support in the area for the project. Mr. Issendorf said there has been no direct opposition expressed from the U.S. Fish and Wildlife Service and the North Dakota Game and Fish Department, although correspondence has been received from the National Wildlife Federation indicating that a cleanout exemption should not be granted for the project.

It was moved by Commissioner Rudel and seconded by Commissioner Narlock that the State Water Commission grant 40 percent of the eligible costs not to exceed \$134,920 toward the reconstruction of Brander Drain No. 7 in Bottineau County. This motion shall be contingent upon the availability of funds and all conditions to Drain Permit No. 1293.

May 10, 1989

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

**CONSIDERATION OF REQUEST
FROM CAVALIER COUNTY WATER
RESOURCE DISTRICT FOR COST
PARTICIPATION IN CONSTRUCTION
OF RUSH LAKE RESTORATION
PROJECT**

(SWC Project No. 463)

A request received from the Cavalier County Water Resource District was presented for the Commission's consideration for funding assistance for the construction of the Rush Lake Restoration Project. Rush Lake is located approximately 17 miles northwest of Langdon and the goal of the restoration project is to restore and enhance the wildlife aspects of the lake, while providing some flood relief for areas upstream of the lake. This would be accomplished with several modifications involving the inlet channels, internal channels, outlet control structures, and downstream improvements in East Snowflake Creek. The preliminary cost estimate of the project is \$666,300, with eligible costs being \$557,751, and 40 percent \$223,100.

David Sprynczynatyk stated that Rush Lake has a long history of lawsuits, arguments, and agreements. Most recently, the State Water Commission entered into an agreement with the North Dakota Game and Fish Department and the Cavalier County Water Resource Board to conduct a preliminary engineering study on a new water management concept. Under existing conditions, South and North Rush Lake operate as two separate bodies of water, each with its own watershed and outlet. Under the new concept, the two lakes would be purchased in the name of the State Game and Fish Department and improvements made to restore the lakes and manage them together.

Mr. Sprynczynatyk said operation and maintenance will be the responsibility of the Game and Fish Department and the Cavalier County Water Resource Board, with an estimated annual maintenance cost of \$23,000. Engineering is estimated to be \$51,250, which is 7.7 percent of the total costs or 9.2 percent of the eligible costs. The costs incurred in-house for the preliminary engineering study will be part of the cost share funding. All appropriate permits will be obtained before construction begins. The Water Resource Board intends to establish an assessment area to pay the local cost share, which will require an assessment vote of landowners in the watershed.

May 10, 1989

It was the recommendation of the State Engineer that the State Water Commission fund 40 percent of the eligible costs, not to exceed \$223,100 toward the Rush Lake Restoration Project, with \$171,850 coming from the Contract Fund and the balance engineering. This would be contingent upon the availability of funds and upon the Water Resource Board's success in coming up with the necessary local funds.

William Hardy, Chairman of the Cavalier County Water Resource Board, indicated they have been working on this project for 8-10 years and there are approximately 160 square miles of land that the farmers have been unable to drain. Mr. Hardy requested favorable consideration by the Commission of their request for funding assistance.

Commissioner Byerly referred to the agreement that the State Water Commission entered into with the North Dakota Game and Fish Department and the Cavalier County Water Resource Board to conduct a preliminary engineering study on a new water management concept. Under the new concept the two lakes would be purchased in the name of the State Game and Fish Department and improvements made to restore the lakes and manage them together. Commissioner Byerly expressed her opposition relative to the acquisition of lands by the State Game and Fish Department.

Secretary Fahy indicated the major purpose of the new water management concept is an effort to solve the problems and provide management possibilities.

It was moved by Commissioner Narlock and seconded by Commissioner Gust that the State Water Commission approve 40 percent of the eligible costs, not to exceed \$223,100, toward the Rush Lake Restoration Project, with \$171,850 coming from the Contract Fund and the balance engineering. This motion shall be contingent upon the availability of funds and the Cavalier County Water Resource District providing the necessary local funds.

Commissioners Gust, Kramer, Narlock, Rudel, Spaeth, Vogel, and Chairman Omdahl voted aye. Commissioner Byerly voted nay. The Chairman declared the motion carried.

May 10, 1989

**CONSIDERATION OF REQUEST
FROM MCINTOSH COUNTY WATER
RESOURCE DISTRICT FOR COST
PARTICIPATION IN THE
IMPROVEMENT ON SPILLWAY
AREA OF LAKE HOSKINS
(SWC Project No. 484)**

A request received from the McIntosh County Water Resource District was presented for the Commission's consideration for cost sharing for the improvement on the spillway area of Lake Hoskins, which is located approximately four miles west of Ashley, ND. The purpose of the project is to increase the recreational value of the lake by making the lakeshore more accessible to fishermen and deepening the spillway approach area to attract more fish. The estimated project cost is \$44,900, with eligible costs being \$43,200 and 33 percent of the costs being \$14,256. Engineering is estimated to be \$3,456, which is approximately 7.7 percent of the project costs.

David Sprynczynatyk stated that the Commission entered an investigation agreement with the Board to prepare a preliminary engineering report, which was completed in March, 1989. The dam was constructed in 1935 and the Commission has participated in projects over the years. The City of Ashley has a park located alongside the lake and is used by fishermen from the surrounding area. The area has a very limited access due to the trees and bankline and the shallow water does not provide adequate fishing.

It was the recommendation of the State Engineer that the State Water Commission grant 33 percent of the eligible costs, not to exceed \$14,256, towards the Lake Hoskins Improvement Project, with \$10,800 being from the Contract Fund and the balance engineering. Approval should be based upon the availability of funds and final design approval by the State Engineer.

Clarence Wetzel, Chairman of the McIntosh County Water Resource Board, elaborated on the project and requested the Commission to act favorably on their request for cost sharing.

It was moved by Commissioner Spaeth and seconded by Commissioner Rudel that the State Water Commission grant 33 percent of the eligible costs, not to exceed \$14,256, toward the Lake Hoskins Improvement Project, with \$10,800 being from the Contract Fund and the balance being engineering. This motion shall be contingent upon the availability of funds and final design approval by the State Engineer.

May 10, 1989

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

**CONSIDERATION OF REQUEST
FROM STEELE COUNTY WATER
REQUEST DISTRICT FOR COST
PARTICIPATION ON IMPROVING
THE GOLDEN-RUSH LAKE
OUTLET CHANNEL
(SWC Project No. 475)**

A request was received from the Steele County Water Resource District for the Commission's consideration for cost sharing in improving the Golden-Rush Lake Outlet Channel, referred to as Rush Lake. The project is located approximately 15 miles east of Finley, ND, and is part of the Golden Lake State Wildlife Management Area. The project's purpose is to improve the water quality of Golden Lake. The estimated cost of the channel improvement is \$31,000, with \$29,850 as eligible costs. The request before the Commission is to cost share in 33 percent of the eligible costs, or \$9,850. Engineering is estimated to be \$2,800, or 9 percent of the total share.

David Sprynczynatyk indicated the project was constructed in 1956 with the main objective to raise the level of Golden Lake to make it usable for water-based recreation by the surrounding communities. In 1985, the water quality of Golden Lake became a concern due to the high level of nitrogen and phosphorous which was endangering all the water-based recreation. A two-phase approach was adopted to try and solve the water quality problem in Golden Lake. A system of pumping and transferring water between the two lakes would allow using Rush Lake as a biological filter. In 1988, the Commission assisted in installing a pumping system. This project involves holding spring runoff in Rush Lake which allows water to warm and to be naturally aerated, therefore, reducing the nutrient load before it is released into Golden Lake. The proposed project will allow an increased volume of water to be moved from Rush Lake to Golden Lake in a shorter period of time which will assist in improving the water quality of Golden Lake.

It was the recommendation of the State Engineer that the State Water Commission fund 33 percent of the eligible costs, not to exceed \$9,850, toward the Golden-Rush Lake Channel Improvement Project, with \$7,050 coming from the Contract Fund and the balance engineering. Approval would be contingent upon the availability of funds and that all applicable permits and easements be obtained.

May 10, 1989

It was moved by Commissioner Byerly and seconded by Commissioner Gust that the State Water Commission grant funding of 33 percent of the eligible costs, not to exceed \$9,850, toward the Golden-Rush Lake Channel Improvement Project in Steele County, with \$7,050 coming from the Contract Fund and the balance engineering. This motion shall be contingent upon the availability of funds and that all applicable permits and easements be obtained.

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

**STATE ENGINEER'S RULES
AND REGULATIONS UPDATE**

Secretary Fahy reported that the proposed State Engineer's rules and changes to existing rules have been drafted and hearings will be held the week of May 15 in various areas of the State. The proposed rules and changes include General Administration; Rules for Dams, Dikes and Other Devices; Rules Governing the Use of Sovereign Lands; Rules for Wetland Restoration; and, Appropriation Rules.

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

David Sprynczynatyk briefed the Commission members on the Walsh County Legislative Tour and Dike Information meeting held on May 5, 1989 in Grafton, ND. The meeting was called by the Walsh County Commission for the purpose of informing area legislators and others of the entire Red River dike situation. Mr. Sprynczynatyk stated this was a very informational meeting because everyone had an opportunity to view the impact of the dikes and to see the damages that have been caused on the North Dakota side.

On April 4, 1989, the Federal District Court filed its memorandum decision on five legal issues relating to the interpretation of the Corrective Plan, which could not previously be agreed to by North Dakota and Minnesota. Mr. Sprynczynatyk reported on a meeting held on May 9, 1989 with representatives of North Dakota and Minnesota to discuss the Judge's decision on the legal issues and other arguments, and Mr. Sprynczynatyk indicated that for the most part the Judge's rulings are favorable to North Dakota.

May 10, 1989

**CONSIDERATION OF AGENCY
FINANCIAL STATEMENT**

Secretary Fahy distributed copies of the agency's Program Budget Expenditures, dated March 31, 1989; and the Programs/Projects Authorized, dated April 28, 1989.

**CONCERNS RELATIVE TO
YELLOWSTONE RIVER BANK
STABILIZATION WORKS
(SWC Project No. 1507)**

At the January 26, 1989 Commission meeting, Commissioner Byerly commented on concerns she had received from landowners living along the Yellowstone River relative to jetty work that was being proposed on the opposite side of the river. Commissioner Byerly requested the State Engineer and staff to investigate the matter.

Secretary Fahy distributed copies of a memorandum which provided information on Commissioner Byerly's request, discussed the results of a meeting of the Corps of Engineers held on February 17, 1989 for the purpose of improving the irrigation representatives knowledge on how to obtain proper permits, and to inform the environmental interests on what has occurred and the need to dredge the river.

**INVITATION TO HOLD STATE
WATER COMMISSION IN WEST FARGO**

Commissioner Gust extended an invitation to the State Water Commission to hold a meeting in West Fargo. The invitation was accepted and the scheduling of a date was left to the discretion of the State Engineer and Commissioner Gust.

**GARRISON DIVERSION PROJECT -
U.S. BUREAU OF RECLAMATION
SYKESTON CANAL EVALUATION
AND RISK ANALYSIS, DATED
MARCH, 1989
(SWC Project No. 237)**

Secretary Fahy indicated the United States Bureau of Reclamation has released its Final Projects Report on the Sykeston Canal Evaluation and Risk Analysis, dated March, 1989. The Garrison Diversion Conservancy District and the North Dakota State Engineer have reviewed the report and prepared a critique on the Mid-Dakota vs Sykeston Canal, which has been submitted to the Bureau of Reclamation.

Stephen Hoetzer, American Engineering, briefed the Commission members on the critique which was based on the Bureau's project report.

May 10, 1989

It was moved by Commissioner Spaeth,
seconded by Commissioners Narlock, and
unanimously carried, that the State Water
Commission meeting adjourn at 12:35 P.M.



George A. Sinner
Governor-Chairman

SEAL

ATTEST:



Vernon Fahy
State Engineer and Secretary

May 10, 1989

NORTH DAKOTA STATE WATER COMMISSION

REGISTER

ATTENDANCE AT State Water Commission Meeting

DATE May 10, 1989 PLACE Minot, ND

PROJECT NO. _____

Your Name	Your Address	Who do you Represent? (Or Occupation)
Eden Treloven	Stannish, N.D.	Cavalier Co Water Board
Wm J Hardy	Walhalla N DAK	" " " "
Daniel K. Fuchs	Langdon, ND	" " "
Al Wapler	Bismarck ND	ND, Rural Water Systems
Calvin Thelen	Grand Forks, ND	KBM, Inc.
Howard Peder	Langdon ND	Langdon Rural water
Ray Lerner	Hampden	Mayor
Alfred Walter	Minot, ND	City of Minot
Bob Schemp	" "	" " "
Geo Christensen	" "	" " "
Alan Stottard	Edmore	Mayor
Leonard Boehman	Edmore	Water
Don Viger	Edmore	City Auditor
RON FRENCH	GRAND FORKS	KBM INC.
Margaret Jeky	Bismarck	

NORTH DAKOTA STATE WATER COMMISSION
REGISTER

ATTENDANCE AT SWC

DATE 5-10-89 PLACE Minot

PROJECT NO. _____

Your Name	Your Address	Who do you Represent? (Or Occupation)
Audrey Boe Olsen	Crosby ND	Midwest Assistance Program
Dalton Dearduff	716 Forest Road, Minot	City of Minot
Clarence L. Wetzel	Ashley, N. D.	Free Grant County W.R.D.
Pearl Wetzel	Ashley N. Dak.	
Glen W. Durlish	Valentine N.D.	S.R.J.B
Fred Ryckman	Bismarck	ND Game & Fish Dept.
Stanley Vachal	Stanley, N. D.	Mountrail Co. W.R.D.
Karen Kiel	Bismarck, ND	US Fish & Wildlife Service
Fletcher Poling	Bismarck	Basin Electric Power Corporation
Jeta m. Anderson	Minot	Die M D C D
HANK TRANSRUD	FARGO	HOUSTON ENGINEERING
DAVE BENTON	MINOT	KMOE TV
Clif L. Sendorf	Kramer	Bottineau County Water Resource
Carla Burkholz	Minot	KXMC TV
Russ DUSHINSKE	Deer Lake	SDCO

NORTH DAKOTA STATE WATER COMMISSION
REGISTER

ATTENDANCE AT SWC

DATE 5/10/89 PLACE Minot

PROJECT NO. _____

Your Name	Your Address	Who do you Represent? (Or Occupation)
Stephen Hoetzer	1100 Industrial Dr Bismarck, ND	Bottineau Co GDD.
Olvin Allen	Box 458 McClusky, N.D.	McLean Sheridan Co. Joint Water Board
DARWIN ENGEL	Box 336 McClusky, ND 58462	Mayor CITY of McClusky
Walter M. Lipp	Box 454 McClusky, N.D. 58403	Sec. - Terra McLean - Sheridan Jti. Water Bd.
Ken Loveland	P.O. Box 2035 Jamestown, N.D. 58401	McLean - Sheridan Water Board Engvr - District - Tufco State Engvr
Geord Ober	RI Box 149 WILTON N.D.	McLEAN Sheridan WATER RESOURCE BOARD
IVON BOE	RR1 Box 112 TURTLE LAKE, ND 58575	McLEAN SHERIDAN JOINT WATER RESOURCE BOARD
Clifton C. Dockter	RR1 Box 43 DENHOFF N.D. 58430	McLEAN Sheridan JOINT BOARD
Lyle Weeks	City Hall, Minot	City of Minot
Tom Beierke	MERCER, N.D.	McLean Co. Comm.
DARWIN SAARI	Turtle Lake, ND Box 4	City of Turtle Lake
DOUG HANSON	TURTLE LAKE	CITY OF TURTLE LAKE
BILL LINDELL	Box 427 WASHBURN, ND.	McLEAN-SHERIDAN JOINT WATER BOARD
Charon Johnson	CARRINGTON	GDD.
Randall Dinegar	Bismarck	State Water Commission



Office of the State Engineer

MEMO TO: Governor George A. Sinner
Lt. Governor Lloyd Omdahl
State Water Commission Members
FROM: Vern Fahy, State Engineer
SUBJECT: State Engineer's Retirement
DATE: May 9, 1989

This is to advise that, with your approval, I will retire as State Engineer and as Chief Engineer and Secretary of the Commission effective May 31, 1989.

I regret the extremely short notice period. I had visited with Governor Sinner in December about this move and had planned a June 30, 1989 effective date. Recently, I learned that due to certain actuarial complexities arising from the just completed legislative session it would be advantageous in the long term to advance the date to May 31, 1989.

Governor Sinner and I have discussed this matter and I have agreed to do whatever is necessary to minimize any problems during the transition period.

It has been my great privilege and pleasure to have worked with four great Governors and many capable, dedicated Water Commission members during the years which saw our traditional agricultural values face the challenges of energy and environmental issues. Only time will tell how well these challenges have been met but I believe history will treat us reasonably well on that score.

My experience as State Engineer has been a gratifying one. It has provided me the opportunity to work with the water community on a local, regional and national basis and has allowed me to become involved in a wide range of issues important to water development now and in the future.

During this environmental transition period there have been a few deeply felt disappointments such as the failure of the Federal Government to honor its commitment to this state as outlined in the Flood Control Act of 1944 and the weakening of

MEMO

May 9, 1989

Page 2

our long standing claim to the waters of the Missouri River. In the years ahead our state, along with the other Upper Basin states, may be required to commit substantial resources in the defense of our right to use the waters of the Missouri River.

The problems now faced by Minot and the Souris Valley in freeing the area from frequent devastating floods is also disappointing. The citizens and their representatives have worked so hard and for so many years to solve this problem that the current uncertainty is particularly troublesome. I think it will ultimately work out but it seems that a lengthy delay is inevitable.

Our two agencies, the State Water Commission and the State Engineer, have over the years enjoyed a great many successes principally in support of local government.

We have always reviewed our agencies as being in a position to help make good things happen at the local level. Our groundwater programs, our planning and education programs, our water supply and recreation impoundment construction programs and our floodplain and dam safety programs are all geared to helping local units of government satisfy water-related needs.

Although this notice is regrettably very short, I believe the transition problems will be few. We are extremely fortunate in having an outstanding staff with strong leadership capabilities. These exceptional people have made my tenure most satisfying and I am deeply indebted to them.

Mr. Chairman and members of the Commission, I thank you for the outstanding relationship we have enjoyed over the years and I wish to assure you that I will do whatever you deem necessary to facilitate changes made necessary by my retirement actions.

APPENDIX "B"

RESOLUTION NO. 89-5-432

IN SUPPORT OF RAFFERTY AND ALAMEDA DAMS

WHEREAS, the Souris River has gained a well-deserved reputation as the "Mouse that Roared"; and

WHEREAS, that reputation is based upon the millions of dollars in flood damage and the thousands of people who were displaced by floods along the Souris River; and

WHEREAS, the opportunity to prevent such devastation in the future lies to the north in the neighboring Province of Saskatchewan; and

WHEREAS, the State Water Commission has determined that flood control for the City of Minot is one of its priorities; and

WHEREAS, the North Dakota Legislature has recognized the value the State will receive from a project which will save money, protect property and prevent the waste which occurs from floods; and

WHEREAS, the local citizenry of Minot has demonstrated substantial commitment by approving a tax levy to provide a mechanism for local funding; and

WHEREAS, the construction of the Rafferty-Alameda Project in Saskatchewan, Canada, will provide flood control benefits to the City of Minot and landowners along the Souris River and provide a more stable supply of water for beneficial purposes.

NOW, THEREFORE, BE IT RESOLVED by the North Dakota State Water Commission at its meeting held in Minot, North Dakota, on May 10, 1989, that it renew its commitment to assuring the completion of the Rafferty-Alameda project; and

BE IT FURTHER RESOLVED that the Commission continue to devote its efforts to the eventual construction and operation of the Rafferty-Alameda Project to achieve the maximum benefit for the State; and

BE IT FINALLY RESOLVED that a certified copy of this resolution be sent to the members of the North Dakota Congressional Delegation so they are cognizant of the importance

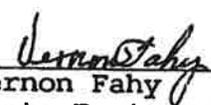
of this Project, and to the appropriate officials of the Provincial Government of Saskatchewan.

FOR THE NORTH DAKOTA STATE WATER COMMISSION:


George A. Sinner
Governor-Chairman

SEAL

ATTEST:


Vernon Fahy
State Engineer and Secretary