

**MINUTES****North Dakota State Water Commission  
Devils Lake, North Dakota****July 7, 1989**

The North Dakota State Water Commission and the Garrison Diversion Conservancy District held a joint meeting on July 6, 1989, at Camp Grafton near Devils Lake, ND. The purpose of the meeting was to familiarize each group with the authorities and functions of the other and discuss common issues.

The State Water Commission held a meeting on July 7, 1989, at Camp Grafton near Devils Lake, ND. Chairman, Lt. Governor Lloyd Omdahl, called the meeting to order at 8:30 a.m., and requested Acting State Engineer, David Sprynczynatyk, to call the roll and present the agenda.

**MEMBERS PRESENT:**

Lt. Governor Lloyd Omdahl, Chairman  
Joyce Byerly, Member from Watford City  
Jacob Gust, Member from West Fargo  
Lorry Kramer, Member from Minot  
William Lardy, Member from Dickinson  
Daniel Narlock, Member from Oslo, MN  
Norman Rudel, Member from Fessenden  
Jerome Spaeth, Member from Bismarck  
David Sprynczynatyk, Acting State Engineer and Chief Engineer-Secretary, North Dakota State Water Commission, Bismarck

**MEMBERS ABSENT:**

Sarah Vogel, Commissioner, Department of Agriculture, Bismarck

**OTHERS PRESENT:**

State Water Commission Staff Members  
Approximately 15 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.

**APPOINTMENT OF DAVID A.  
SPRYNCZYNATYK TO POSITION  
OF NORTH DAKOTA STATE ENGINEER  
AND CHIEF ENGINEER-SECRETARY  
OF STATE WATER COMMISSION,  
EFFECTIVE JULY 7, 1989**

At the May 10, 1989 Commission meeting, Chairman Omdahl and Commissioners Spaeth and Gust were appointed as a committee to make recommendations to the Commission on filling the position of North Dakota State Engineer and Chief Engineer-Secretary to the State Water Commission.

Commissioner Spaeth reported the committee held several meetings, conducted a personal interview with Acting State Engineer, David Sprynczynatyk, and unanimously agreed to the following recommendation for the Commission's consideration:

"After a personal interview with David A. Sprynczynatyk and the consideration of his unparalleled experience in the State Water Commission, your subcommittee on the selection procedure for a new State Engineer and Chief Engineer-Secretary to the State Water Commission, recommends that these positions be offered to David A. Sprynczynatyk, at a base salary of \$53,000, plus the 7.1 percent increase granted to State employees July 1, 1989. The appointment shall be effective July 7, 1989."

It was moved by Commissioner Spaeth and seconded by Commissioner Gust that the State Water Commission approve the recommendations as presented by the subcommittee on the selection procedure for a State Engineer and Chief Engineer-Secretary to the State Water Commission.

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

David Sprynczynatyk indicated he would accept the position and expressed his thanks and appreciation to the Commission members for their support. He said he is looking forward to working with the Commission and will perform the responsibilities and duties of State Engineer and Chief Engineer-Secretary to the State Water Commission to the best of his ability.

July 7, 1989

**CONSIDERATION OF MINUTES  
OF JUNE 7, 1989 MEETING -  
APPROVED**

The minutes of the June 7, 1989 meeting were approved by the following motion:

It was moved by Commissioner Lardy, seconded by Commissioner Byerly, and unanimously carried, that the minutes of the June 7, 1989 meeting be approved as circulated.

**CONSIDERATION OF MINUTES  
OF JUNE 15, 1989 MEETING -  
APPROVED**

The minutes of the June 15, 1989 telephone conference call meeting were approved by the following motion:

It was moved by Commissioner Lardy, seconded by Commissioner Byerly, and unanimously carried, that the minutes of the June 15, 1989 telephone conference call meeting be approved as circulated.

**SOUTHWEST PIPELINE PROJECT -  
PROJECT UPDATE REGARDING  
CONTRACTS 2-3A AND 2-3B  
(SWC PROJECT NO. 1736)**

At the June 7, 1989 meeting, the Commission members discussed a Chapter 11 bankruptcy action filed by Johnson Construction, the contractor for the

Southwest Pipeline Project contracts 2-3A and 2-3B. At this meeting, the Commission passed a motion authorizing the Acting State Engineer to negotiate with the St. Paul Fire and Marine Insurance Company to reach an agreement which both protected the State Water Commission and assured completion of contracts 2-3A and 2-3B. The Commission members were in unanimous agreement that prior to the acceptance of any negotiated agreement, the Commission meet by telephone conference call, or at any upcoming meeting, to consider the negotiated agreement.

On June 15, 1989, a telephone conference call meeting was held. The Commission members were informed of the bankruptcy court hearing actions; Johnson Construction's failure to cure its default on the Southwest Pipeline Project contracts 2-3A and 2-3B; and, that the bonding company was offering the State Water Commission, good until June 15, 1989, a contract with Barnard Construction Company, Inc. to complete the work under terms comparable to the original contracts. At the June 15th meeting, the Commission members authorized the Acting Secretary, and in his absence, the Assistant Secretary, to enter into contracts with Barnard Constr-

July 7, 1989

uction, Inc. for the completion of work on Southwest Pipeline Project contracts 2-3A and 2-3B under terms comparable to or equal to the terms of the existing contracts with Johnson Construction, Inc.

Dale Frink, Project Manager for the Southwest Pipeline Project, stated a meeting was held on June 23, 1989 among representatives of the St. Paul Fire and Marine Insurance Company, Barnard Construction Company and the State Water Commission to work out the final details of a contract with Barnard Construction on contract 2-3B. Mr. Frink said an agreement on the new contract was reached. Barnard Construction expects to resume construction in early July.

Mr. Frink stated since contract 2-3A is 95 percent complete the bonding company intends to hire Barnard Construction on a force account basis to finish this contract. A new contract will not be necessary.

Commissioner Lardy reiterated comments he made at the June 7, 1989 meeting requesting the State Engineer and staff to periodically review the laws governing the bidding process to determine if legislative changes are necessary to protect the state.

**SOUTHWEST PIPELINE PROJECT -  
PROJECT UPDATE RELATIVE TO  
WATER TREATMENT AND A PHASED  
CONSTRUCTION SCHEDULE  
(SWC PROJECT NO. 1736)**

Mr. Frink stated the Southwest Pipeline Advisory Committee and the West River Joint Board have been working on a water treatment recommendation and a tentative construction schedule. It

is the intent of the groups to provide a recommended plan to the State Water Commission at a future meeting. Mr. Frink indicated the recommendations will be based upon the Commission's rural water integration decision and will include a phased development plan based on anticipated funding constraints.

**SOUTHWEST PIPELINE PROJECT -  
CONTINUED DISCUSSION RELATIVE  
TO INTEGRATION STUDY FOR  
SOUTHWEST PIPELINE PROJECT  
AND RURAL WATER SYSTEMS  
(SWC PROJECT NO. 1736)**

At the October 11, 1988 Commission meeting, representatives of the West River Joint Water Resource Board appeared to discuss a proposal developed and adopted by the West River water groups for the southwest water

delivery. The proposal would improve the management, operation and efficiency of the project and enhance the objective of providing sufficient good quality water for all southwestern North Dakota. One issue addressed was integration of the south-

July 7, 1989

west rural water systems into the main southwest water pipeline. It was determined a study of this concept should be conducted. The West River Joint Board offered to fund 50 percent of the study costs. They presented a request for the Commission to cost share in the remaining 50 percent of the study costs and retain Bartlett and West/Boyle Engineering to conduct the study. The Commission members approved the request and agreed to cost share in 50 percent of the study cost.

At the March 9, 1989 meeting, the Final Report, dated February 23, 1989, was distributed to the Commission members for review and comment. A detailed summary of the study results was presented by Bruce McCollom, Project Manager for Bartlett and West/Boyle Engineering.

Secretary Sprynczynatyk stated that the West River Joint Water Resource Board, the West River Supply District, and the three southwest Rural Water Coops met on June 22, 1989, and a letter of transmittal to the State Water Commission stated "it was the unanimous position that the advantages of integration will far outweigh any possible disadvantages and, therefore, we strongly support this proposed revision to the Southwest Pipeline Project. Not only will the proposal save money but it will provide for greater efficiency in operation and maintenance, construction, and over-all management of the project. We hope that the integration proposal is adopted by the State Water Commission at its July 7 meeting in Devils Lake."

Alfred Underdahl, Chairman of the West River Joint Water Resource Board and representing the West River Water Groups, presented a statement before the Commission members, which is attached as APPENDIX "A".

Comments relative to the integration concept were provided by Michael Dwyer, Executive Vice President of the North Dakota Water Users Association. Mr. Dwyer stated a resolution was passed at the annual meeting of the North Dakota Water Users Association and the North Dakota Water Resource Districts Association in December, 1988, in support of integration. He said "the idea has state-wide support".

Secretary Sprynczynatyk said the integration concept appears realistic because it provides an approach for rural water development and reduces the total cost of separate construction of the pipeline and rural water systems. Secretary Sprynczynatyk stated integration is also a major step for the pipeline because it increases the users from a few wholesale customers to over 1600 individuals and increases the pipe from 324 miles to more than 2000 miles. The proposal will

July 7, 1989

greatly add to the general support requirements of the Southwest Pipeline Project. Normally, a major portion of the individual contacts are made by rural water district members, including sign-ups, right-of-way acquisition, plus general support. Technically, if the pipeline is integrated these responsibilities would become those of the Water Commission. If the Commission wishes to avoid undertaking this additional burden conditions should be included with integration approval.

The State Engineer recommended the State Water Commission consider approval of the integration concept conditioned upon the rural water associations remaining in existence and providing the significant support typically required of a rural water district. Secretary Sprynczynatyk said it is envisioned at some point in time a local water authority would be created which would manage the pipeline and be responsible for these items. Prior to the creation of that authority strong local involvement must be maintained.

Secretary Sprynczynatyk explained the Southwest Pipeline Project is now a wholesale water system and that distribution is the responsibility of either a community or a rural water system. The decision before the Commission would change the design concept from a wholesale delivery system to a combination wholesale and rural distribution system. Secretary Sprynczynatyk said if the Commission decided to integrate, it will be very important to examine how the project continues. Presently, the interim goal is to get water to Dickinson as soon as possible and then continue beyond Dickinson. He said it is important that we still strive to obtain that goal. If the Commission decides to go with the integration concept, it must also consider the areas to receive water and decide what the priorities are for delivery beyond Dickinson.

Secretary Sprynczynatyk indicated the 1989 Legislative Assembly passed a law allowing the State Water Commission to decide whether to integrate.

Commissioner Byerly stressed approval of the integration concept did not put the State Water Commission into the retail business. The integration concept is only for project design. The State Water Commission has no responsibility for retail distribution.

Commissioner Gust stated he feels integration is a good idea, but expressed concern the Commission take care not to overbuild the pipeline on the gamble of cities would want to hookup after it is built. He said it is

July 7, 1989

important to get an upfront commitment from users before designing the pipeline to accommodate integration in order to protect the State from increased costs of the pipeline.

It was moved by Commissioner Lardy and seconded by Commissioner Rudel that the State Water Commission direct the State Engineer and staff to design future construction of the Southwest Pipeline Project with integration of rural water as a criteria, contingent upon the following conditions:

- 1) The existing rural authorities shall remain in place to develop the rural water systems at the local level;
- 2) Each rural water system shall be considered a separable component of the Southwest Pipeline Project and the plan for further development of the project shall be based on priority of need and economic feasibility;
- 3) Integration of rural water systems shall not involve the retail sale of water by the State Water Commission; and
- 4) The State Water Commission will encourage the eventual operation and maintenance of the Southwest Pipeline Project by a local authority created by the North Dakota Legislature.

In discussion of the motion, Dale Frink commented legislation has been drafted and is being reviewed to create a Southwest Water Authority for future operation and maintenance of the Southwest Pipeline Project.

Chairman Omdahl said the complexity of this motion and its proper implementation require the Commission members to monitor the motion at succeeding meetings. The State Engineer and staff were directed to keep the Commission members informed as the integration concept moves forward.

Loren Myron, representing the southwest Rural Water Coops, expressed support for the integra-

July 7, 1989

tion concept of the southwest rural water delivery systems into the Southwest Pipeline Project to make the entire system one project.

Discussion pursued relative to cities wanting to hook-up after the project has been built. Chairman Omdahl said he does not believe this is sufficient reason to gamble and spend millions of dollars on an overbuilt project. Chairman Omdahl suggested limited funding for future construction of the Southwest Pipeline Project may necessitate development of a benefit-cost ratio system to prioritize future construction of the project so funds are spent where most beneficial. Cities and users would be required to make an upfront commitment before a cost-benefit assessment could be made.

The procedure for obtaining community Water Service Contracts was explained. Secretary Sprynczynatyk said upon contract execution, direct communications had to be maintained throughout project construction.

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

**CONSIDERATION OF REQUEST  
FROM RICHLAND COUNTY WATER  
RESOURCE DISTRICT FOR COST  
SHARING IN RICHLAND COUNTY  
DRAIN NO. 37-B CHANNEL  
IMPROVEMENT PROJECT  
(SWC Project No. 1196)**

A request received from the Richland County Water Resource District was presented for the Commission's consideration for funding assistance in the channel improvement project for Richland County Drain 37-B.

Secretary Sprynczynatyk stated the project is located in Sections 15 and 16, Township 136 North, Range 50 West, and is a lateral to Richland Drain 37. The project consists of widening the bottom of the channel and changing the side slopes from 2:1 to 3:1. The hydraulic capacity of the channel would be increased 81.8 percent as a result of the project.

The State Water Commission has participated in improvements to Drain 37 totalling \$6,230 in 1946, 1947, 1948 and 1951. Drain 37-B was part of the 1946 project. The total project cost for Drain 37-B is estimated at \$36,479. Eligible costs are \$29,176.

July 7, 1989

It was the State Engineer's recommendation that contingent upon the availability of funds the State Water Commission approve funding in 40 percent of eligible project costs, not to exceed \$11,670.

It was moved by Commissioner Gust and seconded by Commissioner Lardy that the State Water Commission approve cost sharing in 40 percent of the eligible project costs, not to exceed \$11,670, for the channel improvement project for Richland County Drain No. 37-B. This motion shall be contingent upon the availability of funds.

In discussion of the motion, Commissioner Lardy queried whether increasing the ability of Drain No. 37-B to carry water by 82 percent would create problems to residents living downstream from the project.

Secretary Sprynczynatyk explained the downstream impacts are evaluated in the permit process. Permits granted within the past three years have been conditioned to require controls to meter the flows from the project reducing potential downstream impacts. The permit approved for this specific project included this condition.

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

**CONSIDERATION OF REQUEST  
FROM NORTH CASS WATER RESOURCE  
DISTRICT FOR COST SHARING FOR  
CHANNEL IMPROVEMENT PROJECT  
FOR CASS COUNTY DRAIN NO. 19,  
PHASE 1  
(SWC Project No. 1074)**

A request received from the North Cass Water Resource District was presented for Commission consideration of funding assistance in the channel improvement project for Cass County Drain 19, Phase 1.

Secretary Sprynczynatyk stated the project is located in Sections 23 and 26-30 of Township 143 North, Range 49 West. The drain was established in 1906. The project consists of widening the bottom of the channel and changing the side slopes from 3:1 to 4:1. The hydraulic capacity of the channel will be increased 17.9 percent as a result of the project. Numerous field drain culverts will be combined into several strategically located interceptor culverts.

July 7, 1989

The State Water Commission has participated in a total amount of \$9,773 for improvements performed on the drain in 1947, 1948 and 1964. The estimated total project cost of Phase 1 is \$100,000. Secretary Sprynczynatyk said the project includes a large amount of deferred maintenance, which results in total eligible project costs of \$17,500.

It was the State Engineer's recommendation the State Water Commission approve cost sharing in 40 percent of the eligible project costs, not to exceed \$7,000, contingent upon the availability of funds.

Robert Thompson, North Cass Water Resource District, was present to further discuss the Phase 1 project for Cass County Drain No. 19.

It was moved by Commissioner Spaeth and seconded by Commissioner Byerly that the State Water Commission approve cost sharing in 40 percent of the eligible project costs, not to exceed \$7,000, for Phase 1 of Cass County Drain No. 19. This motion is contingent upon the availability of funds.

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

**CONSIDERATION OF REQUEST  
FROM SOUTHEAST CASS WATER  
RESOURCE DISTRICT FOR COST  
SHARING IN FEASIBILITY STUDY  
FOR CITY OF REILE'S ACRES  
FLOOD CONTROL  
(SWC Project No. 1271)**

Southeast Cass Water Resource District requested the Commission's consideration for funding assistance in a feasibility study to determine the potential of constructing earth levees around the City of Reile's Acres and surrounding properties. The study will analyze and develop a plan to meet the requirements of the Federal Emergency Management Agency for removing property from the 100-year floodplain.

Secretary Sprynczynatyk stated the city has completed a preliminary feasibility study which evaluated a number of alternatives. The levee construction alternative was chosen for further study, including field surveys of potential routes for levees and preliminary cost estimates. Preliminary cost estimates show the construction of the levees

July 7, 1989

costs between \$350,000 and \$400,000. The more detailed study for which the city is requesting funds involves additional field surveys, drafting time, engineering design and soil investigation. The estimated total cost of the study is \$20,000.

It was the State Engineer's recommendation the State Water Commission approve cost sharing contingent upon the availability of funds of 50 percent of the eligible study costs not to exceed \$10,000.

Harold Mertz, Jr., Mayor of the City of Reile's Acres, was present to discuss the study.

It was moved by Commissioner Gust and seconded by Commissioner Narlock that the State Water Commission approve cost sharing in 50 percent of the eligible study costs, not to exceed \$10,000, for a detailed feasibility study for the City of Reile's Acres Flood Control. This motion is contingent upon the availability of funds.

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

**CONSIDERATION OF REQUEST  
FOR COST SHARING ON WATER  
SUPPLY INVESTIGATION FOR  
CITY OF TOWNER  
(SWC Project No. 956)**

A request received from the State Department of Health and the City of Towner was presented for consideration of funding assistance to conduct a hydrogeologic investigation in the

Towner vicinity. The purpose of the investigation is to better define the physical characteristics and water quality of the Souris Valley aquifer in the vicinity of Towner. The City of Towner currently obtains its water supply from this aquifer.

Milton Lindvig, Director of the State Water Commission's Hydrology Division, stated the city and the Department of Health made the request under the Wellhead Protection Program. This is a voluntary federal program partially supported by the Environmental Protection Agency, which assists municipalities to protect their ground-water supply by relating activities that take place on the surface to ground-water quality. Mr. Lindvig explained the area surrounding a well field where contamination could be drawn into the municipal water supply is defined as a wellhead protection area.

July 7, 1989

Mr. Lindvig indicated the proposed investigation will define the thickness and nature of approximately four square miles of the Souris Valley aquifer in the vicinity of Towner, map the ground-water flow system in the area, and determine the chemical quality of the water. This information will be used by the Health Department and the city to delineate a wellhead protection area. The State Engineer would use it to make decisions on water allocation and management.

The total estimated cost of the investigation is \$15,000, with the proposed allocation of costs as follows: EPA through the Health Department - \$6,000; State Health Department - \$3,000; City of Towner \$1,500; and the State Water Commission - \$4,500. Mr. Lindvig said it is anticipated the entire investigation will be accomplished by the Water Commission and Health Department personnel. The work could begin soon after the necessary contracts are executed and will require approximately three months to complete.

It was the State Engineer's recommendation the State Water Commission approve cost participation in the amount of \$4,500 for water supply investigation for the City of Towner, contingent upon the availability of funds.

It was moved by Commissioner Kramer and seconded by Commissioner Rudel that the State Water Commission approve cost sharing in the water supply investigation for the City of Towner, in an amount not to exceed \$4,500. This motion shall be contingent upon the availability of funds.

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

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

Rosellen Sand, Assistant Attorney General for the State Water Commission, briefed the Commission members on the Red River dikes status conference held before Judge Benson in Fargo on June 19, 1989. Ms. Sand commented on issues raised by Minnesota at the status conference. When this case is resolved, Ms. Sand said "we can then move ahead to obtain better protection for the people in North Dakota through structural and non-structural mechanisms."

July 7, 1989

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

The Commission members were briefed on the status of the MR&I Water Supply Program at their joint meeting with the Garrison Diversion Conservancy held on July 6, 1989.

Secretary Sprynczynatyk responded to a memorandum from Governor Sinner encouraging the Commission members to consider the potential for economic development as a priority factor when considering water supply projects for MR&I funding. Secretary Sprynczynatyk suggested the staff advise the Commission of potential projects that could result in economic development. When projects are ranked by priority the economic development factor could be considered under the discretionary criteria. Communities requesting MR&I funding will be required to provide information relative to the potential economic development as a result of their water supply development.

**GARRISON DIVERSION PROJECT -  
CONSIDERATION OF REQUEST FROM  
AGASSIZ RURAL WATER USERS FOR  
COST SHARING OF NON-FEDERAL  
PROJECT COSTS FOR AGASSIZ RURAL  
WATER SUPPLY PROJECT  
(SWC Project No. 237-12)**

Randall Binegar stated the Agassiz Water Users, Inc. was organized and built in the early 1970's to supply water to approximately 700 users. Since that time the number of users has increased to an excess of 1200 residential and business

services. Due to the increased number of users and the increased water demands during peak periods, the system experiences periods when the main water supply lines, storage, and pumping capabilities of the system cannot meet demands. The purpose of the Agassiz Water Users Supply Project is to eliminate the periods during which the system cannot keep up to demand and also give the system the capabilities of increasing its services in the areas which at present are operating at peak capacities.

Mr. Binegar said the Agassiz Water Users Supply Project consists of 29 miles of new water supply mains, increased pumping capacity, two ground storage reservoirs located at two existing reservoir sites, and miscellaneous system improvements. The total estimated project cost is \$1,869,825. Mr. Binegar explained due to the unavailability of immediate MR&I funding for the project, the Agassiz Water Users plan to proceed with a scaled-back Phase I project and provide for 100 percent funding for the total project costs associated with Phase I. Phase I of the project deletes

July 7, 1989

the less essential portions of the total project and includes only those items considered absolutely necessary to begin resolving the water shortage problems the system has faced annually.

Phase I of the Agassiz Water Users Supply Project consists of tying together branches of the pipeline system through the installation of approximately 30,000 feet of pipeline at various locations. The total estimated project cost for Phase I of the project is \$235,000. It is anticipated that funding for Phase I will be provided through a Farmers Home Administration loan.

Mr. Binegar stated all MR&I Program requirements will be met in the Phase I portion of the Agassiz Project, therefore, Phase I costs can be considered a portion of the non-federal share of the total project costs.

It was the recommendation of the State Engineer that the State Water Commission consider the local contribution provided by the Agassiz Water Users, Inc. for Phase I of the Agassiz project as a portion of the non-federal costs of the overall total project. Funding sources for Phase I of the Agassiz project cannot include federal grants, and approval of this recommendation in no way guarantees that MR&I Program funding will be provided to the Agassiz project at a later date.

Secretary Sprynczynatyk indicated this request was presented to and approved by the Garrison Diversion Conservancy District Executive Board at its July 6, 1989 meeting.

Clark Cronquist, Manager of the Agassiz Rural Water Users, was present to elaborate on the water supply project. He requested the Commission's favorable consideration of their request for Phase I of the project. Mr. Cronquist stated economic development in North Dakota is important, but when a water supply project is being priority ranked for consideration of MR&I funds, the needs of the people should take precedence in the small communities.

It was moved by Commissioner Byerly and seconded by Commissioner Narlock that the local contribution provided by the Agassiz Water Users, Inc. to Phase I of the Agassiz Water Users Supply Project be approved as a portion of the non-federal costs of the overall total project. Funding sources for Phase I of the Agassiz project shall not

July 7, 1989

include federal grants. This approval shall in no way guarantee that MR&I Program funding will be provided to the Agassiz project at a later date.

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

**GARRISON DIVERSION PROJECT -  
CONSIDERATION OF REQUEST FOR  
ADDITIONAL MR&I FUNDING FOR  
CONSTRUCTION OF RUGBY WATER  
TREATMENT PROJECT  
(SWC Project No. 237-31)**

A request was presented for the Commission's consideration for additional MR&I Program funding for the construction of Phase I of the Rugby Water Treatment Project.

Randall Binegar explained the Rugby Water Treatment Project was broken into two phases based on the urgency associated with each phase. Phase II of the project involves expanding the existing water treatment plant to provide for increased capacity. The estimated total project cost for Phase II is \$979,400 and is considered less urgent than Phase I.

Phase I of the project consists of upgrading the existing lime storage and handling facilities of the existing water treatment plant, which are designed for the storage and handling of bagged lime. Mr. Binegar said bagged lime is becoming obsolete in the industry and is being replaced by bulk lime which is more economical. The Phase I improvements will convert the lime storage and handling facilities from a bagged lime system to a bulk lime system. The State Water Commission and the Garrison Diversion Conservancy District approved \$187,500 for the design and construction of the project based on 75 percent of the estimated total design and construction costs of \$250,000.

On June 26, 1989, bids were opened for construction of Phase I. The low bid amount of \$282,509 was significantly higher than the original estimated construction cost of \$197,500. Mr. Binegar stated the higher than anticipated bid prices were a result of an engineer's estimation error, resulting in the request for additional MR&I Program funds.

The updated cost estimate based on the low bid for the design and construction costs associated with Phase I of the Rugby Project is \$331,635; \$81,635 above the engineering cost estimation.

July 7, 1989

It was the State Engineer's recommendation the State Water Commission consider approval of additional MR&I Water Supply Program funds in the amount of \$61,226 (75 percent of \$81,635) for the construction of Phase I of the Rugby Water Treatment Project.

James Skaret, North Central Consultants, further discussed the request for the additional MR&I funds for Phase I of the Rugby Water Treatment Project.

The Commission discussed municipality rate charges. Commissioner Byerly suggested staff obtain a copy of the pamphlet published by the League of Cities listing the municipal rate charges for cities in North Dakota.

It was moved by Commissioner Byerly and seconded by Commissioner Kramer that the State Water Commission approve additional MR&I Water Supply Program funds for Phase I of the Rugby Water Treatment Project in an amount not to exceed \$61,226 (75 percent of \$81,635). This motion is contingent upon the availability of funds.

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

**DEVILS LAKE FLOOD CONTROL -  
PROJECT UPDATE  
(SWC Project No. 1712)**

At the June 7, 1989 Commission meeting, Louis Kowalski, St. Paul Corps of Engineers, made a presentation relative to the status of the Devils Lake Flood Control Project. Mr. Kowalski said the Corps of Engineers is reevaluating the draft flood control plan for the Devils Lake Basin that was described in the draft feasibility report and environmental impact statement, dated April, 1988. The reevaluation is in response to concerns by Corps headquarters, the public and other agencies after review of the draft report.

The Corps of Engineers requested preliminary views and comments on the Devils Lake Flood Control Project reevaluation by July 12, 1989. After a lengthy discussion on June 7, 1989, the Commission reached a consensus that the Devils Lake Outlet Committee should reconvene to discuss and review the Corps of Engineers proposal and provide comments.

July 7, 1989

Commissioner Spaeth, Chairman of the Devils Lake Outlet Committee, indicated the Committee reconvened on June 15, 1989 to review and develop a position on the Corps of Engineers proposal addressing the Devils Lake Flood Control plan. The following motion was adopted by the Committee:

"The Committee requests the Corps of Engineers to complete the flood control report as quickly as possible. The Committee also supports the phased implementation of the project and supports the east end outlet. It recognizes that the east end outlet is not a part of the federal plan but could be pursued as a non-federal component."

**DEVILS LAKE FLOOD CONTROL -  
COMMISSIONER GUST APPOINTED  
TO OUTLET COMMITTEE  
(SWC Project No. 1712)**

Commissioner Spaeth, Chairman of the Devils Lake Outlet Committee, requested the Commission's consideration to recommend to Governor Sinner the ap-

pointment of Commissioner Jacob Gust as a member of the Devils Lake Outlet Committee to replace Richard Backes. Commissioner Spaeth said this would be an appropriate appointment because of Commissioner Gust's engineering background and the fact that he represents the downstream area that may be affected in the event an outlet is constructed.

It was moved by Commissioner Spaeth, seconded by Commissioner Lardy, and unanimously carried, that the State Water Commission recommend to Governor Sinner that Commissioner Jacob Gust be appointed to the Devils Lake Outlet Committee to replace former Commissioner Richard Backes.

**DEVILS LAKE FLOOD CONTROL -  
PRESENTATION BY REPRESENTATIVE  
GORDON BERG  
(SWC Project No. 1712)**

Representative Gordon Berg made a presentation to the Commission members in which he discussed the Devils Lake Flood Control Project. He commented

on the Corps of Engineers study and the reevaluation proposal for the project; discussed area problems and citizen concerns; and, offered suggestions for alleviation of these concerns.

Representative Berg commended the State Water Commission for its efforts in this project and requested the Commission to urge the Corps of Engineers to com-

July 7, 1989

plete an inlet and outlet study for Devils Lake; and, to investigate the possibility of a water supply for the City of Fargo from the Kindred area.

Secretary Sprynczynatyk commented a proposal for an inlet for Devils Lake is not currently in the Corps of Engineers study and would probably require Congressional approval in order for the Corps of Engineers to undertake this study. He said a recommendation would be presented for the Commission's consideration at a future meeting.

**CONSIDERATION OF CONTRACT  
FUND CARRYOVER  
(SWC Project No. 1)**

Southwest Pipeline Project for the 1989-1991 biennium. This action was contingent depending upon the final revenue for the biennium and that the final approved amounts would be adjusted proportionally to reflect the final revenue.

At the June 7, 1989 meeting, the Commission approved the re-allocation of \$1,669,251 from the Resources Trust Fund to the Southwest Pipeline Project for the 1989-1991 biennium. This action was contingent depending upon the final revenue for the biennium and that the final approved amounts would be adjusted proportionally to reflect the final revenue.

Secretary Sprynczynatyk stated that on April 29, 1988, the Commission approved a grant for the Grand Forks Riverside Park Dam, of which approximately \$314,000 was set aside for engineering costs. The Commission's contribution has been reduced to approximately \$50,000, in addition to the engineering that was done, leaving a remaining obligation for this project of \$64,369 for the next biennium to complete the project.

It was the recommendation of the State Engineer that \$250,000 be reduced from the grant for the Grand Forks Riverside Park Dam and be applied to the Southwest Pipeline Project. This would increase the commitment for the Southwest Pipeline Project to \$1,919,251 from the Resources Trust Fund appropriation for the next biennium. Secretary Sprynczynatyk said this action would be consistent with the action that was taken by the Commission at its June 7, 1989 meeting.

**It was moved by Commissioner Lardy and seconded by Commissioner Byerly that the State Water Commission approve the recommendation of the State Engineer for the reallocation of the Resources Trust Fund appropriation as stated above.**

**Commissioners Byerly, Gust, Kramer, Lardy, Narlock, Rudel, Spaeth, and Chairman Omdahl**

July 7, 1989

voted aye. There were no nay votes. The Chairman declared the motion unanimously carried.

**DISCUSSION RELATIVE TO  
CONCEPT OF COMMUNITIES  
DEVELOPING ALTERNATIVE  
WATER SUPPLY FOR  
EMERGENCY PURPOSES**

At the request of Governor Sinner, the Commission discussed the concept to require communities with a population of more than 500 to consider a contingency plan for an alternative water supply for their community in the event of a disaster. It was the consensus of the Commission members that this is very important and should be pursued through the efforts of the State Water Commission, State Health Department and the Disaster Emergency Services.

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

Secretary Sprynczynatyk stated that on June 27, 1989, Environment Canada held a public meeting in Minot for the purpose of receiving comments on the initial evaluation of the Rafferty-Alameda Dam Project. Because of a lawsuit filed by Canadian interests, the Saskatchewan Court ruled that before the project could proceed the requirements of the federal environmental laws in Canada must be satisfied. Secretary Sprynczynatyk indicated a decision would hopefully be made next month in Canada on the license for the project so that construction can proceed.

It was moved by Commissioner Lardy, seconded by Commissioner Spaeth, and unanimously carried, that the State Water Commission meeting adjourn at 11:30 a.m.

  
George A. Sinner  
Governor-Chairman

SEAL

  
David A. Sprynczynatyk  
State Engineer  
and Chief Engineer-Secretary

July 7, 1989

NORTH DAKOTA STATE WATER COMMISSION

REGISTER

ATTENDANCE AT State Water Commission Meeting

DATE July 21, 89 PLACE Devils Lake, ND

PROJECT NO. \_\_\_\_\_

Your Name	Your Address	Who do you Represent? (Or Occupation)
Bruce F. McDellom	Bismarck	BN/BEC Engineering
Randall Binger	Bismarck	State Water Commission
Rosellen Sand	Bismarck	SWC - Atty Gen'l
RONALD FRENCH	GRAND FORKS	KBM INC
Loren Myron	Taylor	SBD Rural Ho
Richard Underhill	Hebron	West River
Milo Dreyer	Bismarck	ND Water Users
Milton Ludwig	Bismarck	SWC
Harold Mertz Jr	RR#2 Fargo	Reile's Acres N.D.
Jim SKARET	Bismarck	NCC, Ltd.
Clark Cronquist	Billy, N.D.	Agessig Water Users, Inc.
Morris Melocher	Hunter, N.D.	North C&SS
Robert Thompson	Paris	N.C. & R.B.

July 7, 1989

Presentation to the State Water Commission  
by the  
West River Water Groups

Members of the State Water Commission, the integration proposal before you is an extremely important issue for southwestern North Dakota. At the present time, the Southwest Pipeline Project is designed as a water supply project, to bring water to cities and rural areas, who in turn would be responsible for distribution of that water to the ultimate users. This proposal would integrate the rural water distribution systems into the Southwest Pipeline Project, and thereby make the supply and distribution components of southwest water delivery one project.

The best analogy is to consider the WEB Project in South Dakota, which is a \$100 million pipeline project to provide water to cities and rural areas east of Lake Oahe just below the North Dakota - South Dakota line. The WEB Project was designed and constructed as one project, providing wholesale and retail water to cities, individual rural water users, and others. Integration would enable the State Water Commission to construct and operate the Southwest Pipeline Project in the same manner as the Web Project. Some background information may be helpful in understanding this proposal.

I. Water Supply - Distribution

As I indicated, this would change the concept of the Southwest Pipeline Project from strictly a water supply project to a water supply and retail distribution project. Since ultimately the Southwest Pipeline Project will be operated and maintained by a local authority created in southwestern North Dakota for that purpose, the supply/distribution concept should not be of significant concern. The West River Joint Board, the West River Supply District, and the three rural water coops are all in complete support of this change, as it will result in a more efficient and less expensive overall project for southwestern North Dakota.

It is anticipated that legislation to establish a local water authority will be introduced into the 1991 legislative assembly so that an entity will exist for someday transferring the operation of the Southwestern Pipeline Project at the appropriate time.

## II. Savings - Improvement

There are several advantages for making this proposal:

1. O & M Cost Savings. The study report indicates an annual O & M cost savings of \$100,000 per year if the rural water systems are integrated into the Southwest Pipeline Project and water delivery for southwestern North Dakota is constructed as one project.
2. Construction Cost Savings. The study report indicates construction cost savings in the amount of \$4 million. It is estimated that 150 miles of pipeline could be eliminated if the rural water systems are integrated into the Southwest Pipeline Project. The savings would vary depending on the type of treatment.
3. Construction Planning and Scheduling. By being a part of the Pipeline Project, rural water delivery could be included in construction planning and scheduling.
4. Efficiency. A single system makes good sense for efficiency and management.
5. Ownership and Operating Entity. Instead of having three or four operating entities in southwestern North Dakota, the result would be only one operating entity for the entire system.

## III. This is not a Funding Proposal

Integrating the rural water systems in southwestern North Dakota into the Southwest Pipeline Project will not increase the cost of southwest water delivery. The three rural water systems have applied for funding, and construction will be considered, whether the rural water systems are separate or a part of the Southwest Pipeline Project. If anything, the integration proposal would result in cost savings.

Further, we understand this may not result in increasing spending on the Southwest Pipeline Project. That is not the reason for the proposal, and therefore not a concern in our recommendation.

Members of the Commission, this proposal is an extremely important concept for southwestern North Dakota, and we urge your approval. Thank you.

NORTH DAKOTA STATE WATER COMMISSION

REGISTER

ATTENDANCE AT State Water Commission Meeting

DATE August 24, 1989 PLACE Bismarck, ND

PROJECT NO. \_\_\_\_\_

Your Name	Your Address	Who do you Represent? (Or Occupation)
Jade Fink		
Karen Keil	Bismarck	U.S. Fish + Wildlife Service
Joellen Sand	Bismarck	State Water Commission
Bob Mann	Bismarck	AP
Jim Johnson	1600 E. Interstate Bismarck	Lewis and Clark Regional Council
Fletcher Poling	Bismarck	Basin Electric Power Cooperative MR+I
Alize Agard	Fort Yates, N.D	Standing Rock Sioux Tribe
Paula Forsworth	Bismarck	ND State Water Commission
Ted Yeggen	Bis	N.D. Game - Fish Agency
Ann Bauer	Bis	Bismarck Public Schools
Suevely Anderson	Bismarck	Bismarck Public Schools
Peter Crossele	Fort Yates, ND	Standing Rock Sioux Tribe Water Resources
Everett Iron Eyes	Box D, Ft. Yates, ND 58538	STANDING ROCK - WATER RESOURCES
Mark Foss	1600 E Interstate Bismarck	Dakota Gasification Company

