

**MINUTES****North Dakota State Water Commission  
Grand Forks, North Dakota****December 6, 1989**

The North Dakota State Water Commission held a meeting on December 6, 1989, at the Ramada Inn in Grand Forks, North Dakota. Chairman, Lt. Governor Lloyd Omdahl, called the meeting to order at 8:30 a.m., and requested State Engineer and Secretary, David Sprynczynatyk, to call the roll and present the agenda.

**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  
 William Lardy, Member from Dickinson  
 Daniel Narlock, Member from Oslo, MN  
 Norman Rudel, Member from Fessenden  
 Jerome Spaeth, Member from Bismarck  
 David A. Sprynczynatyk, State Engineer and Chief Engineer-  
 Secretary, North Dakota State Water Commission, Bismarck

**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 OCTOBER 20, 1989 MEETING -  
APPROVED**

The minutes of the October 20, 1989 meeting were approved by the following motion:

It was moved by Commissioner Byerly, seconded by Commissioner Spaeth, and unanimously carried, that the minutes of the October 20, 1989 meeting be approved as circulated.

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

Tim Fay, Project Manager for the Southwest Pipeline Project, reported the contractors have shut down construction for the winter season on the project. Mr. Fay briefed the Commission members on the components and estimated costs required to provide raw water to Dickinson in 1991.

Major construction was completed in early November on the main transmission line, Contract 2-3B. Mr. Fay reported the hydraulic testing is complete, a pre-final inspection was held on November 14, and a list of the final items for completion was developed.

Mr. Fay stated major construction was completed on Contract 2-1, the raw water line, in late November. A right-of-way review was held and the pre-final inspection will be scheduled soon.

Construction on Contract 5-2, the Dickinson Reservoir, involved the completion of the concrete reservoir and its aluminum dome roof. Mr. Fay said the walls and roof of the valve vault, which had been delayed in anticipation of installation of the enclosed valves and piping, were poured. The valves and piping have been installed and the piping inside the valve vault has been completed. Items remaining include the installation of overflow piping, hydraulic testing and final landscaping, which will be completed next spring and summer.

Mr. Fay stated problems with the delivery of materials has slowed progress on Contract 1-1/3-1A, the intake and raw water reservoir. Piping from the existing Basin Electric pump house to the booster building and from the booster building to the raw water transmission line (2-1) is complete, as are the foundations, pump can encasements, surge tank supports and other miscellaneous work. The remainder of the contract will be done next construction season.

The footings and sand fill for the raw water reservoir are in place and assembly of the steel water tank and installation of buried piping will be done next construction season.

**SOUTHWEST PIPELINE PROJECT -  
FUTURE PLANS AND 1990 FUNDING  
(SWC Project No. 1736)**

Mr. Fay stated the remaining contracts necessary to deliver raw water to Dickinson in 1991 can be bid in 1990 if funds become available. It is estimated that \$8.1 million will be required to complete the contracts.

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**SOUTHWEST PIPELINE PROJECT -  
RESOLUTION ADOPTED BY THE BOARD  
OF DICKINSON CITY COMMISSIONERS  
(SWC Project No. 1736)**

On November 20, 1989, the Dickinson City Commission adopted a resolution stating, in part:

"The City of Dickinson desires and needs water from the Southwest Water Pipeline and encourages an expedient completion.

The City of Dickinson is willing to pay for such raw water and service generally in accordance with the payment agreement accepted and approved for treated water and the service of the same signed in 1982.

The City of Dickinson will be responsive to requests and encourage the development of rural systems that may feasibly use and purchase water from the Dickinson system.

The State Water Commission is encouraged to continue their efforts to develop the Southwest Pipeline Project to as many rural efforts and communities as possible."

Secretary Sprynczynatyk stated the City of Dickinson has a 40-year contract with the Bureau of Reclamation, which will expire in 1989 for use of water from Dickinson Dam. The city is currently negotiating arrangements for renewal of the contract with the Bureau of Reclamation.

Commissioner Lardy, speaking on behalf of the Dickinson City Commission, stressed the importance of completion of the entire Southwest Pipeline Project at the earliest date possible.

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

Secretary Sprynczynatyk reported the International Agreement between the United States and Canada has been executed, and the first payment from the United States Government has been made to the Government of Canada for approximately \$10.7 million for the flood control work that has already been done on the project. The City of Minot has made its first payment of approximately \$100,000 to the Province of Saskatchewan for the modifications to be made to the Alameda Dam to improve the water quality from the reservoir releases.

Construction of Rafferty Dam is approximately 60 percent complete and it is the intent of the Province to continue work during the winter months on the spillway in order that the dam will be capable to store water in 1990.

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Design for the Alameda Dam project is near completion and it is the intent to begin construction in 1990.

The Saskatchewan Wildlife Federation recently filed a lawsuit against the Rafferty Dam project in an attempt to change the environmental requirements in Canada. Secretary Sprynczynatyk said it is anticipated the Judge intends to rule on the lawsuit by January 15, 1990.

Representative Gordon Berg stated he met with Canadian representatives relative to the Souris River Flood Control Project and briefed the Commission members on Canadian wildlife concerns.

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

Secretary Sprynczynatyk stated several meetings have been held to discuss alternatives for flood control and bringing water into Devils Lake, which is currently the most critical problem. Secretary Sprynczynatyk said it is conclusive that in order to resolve the Devils Lake problems both an inlet and outlet will be required. The Corps of Engineers was authorized in 1983 to do a flood control study, which has not yet been completed.

Secretary Sprynczynatyk briefed the Commission members on a letter received December 1, 1989, from the Corps of Engineers outlining their proposal for completing the flood control outlet study. Their proposal requests additional information relative to the project and approximately \$200,000 is required to complete the feasibility study, of which 50 percent of the feasibility study costs are the responsibility of a local project sponsor. This is a result of the 1986 Water Supply Development Act requiring cost sharing on all projects and 50 percent of those costs are the responsibility of the local project sponsor.

In discussion of the proposal, Secretary Sprynczynatyk said the Corps is looking for the State Water Commission to either sponsor the project or to assist in identifying a local sponsor. He said in the event there is not a local sponsor, the project would then be temporarily suspended and a notice to that effect would be issued.

Secretary Sprynczynatyk said in his conversations with representatives of Senator Burdick's office regarding the possibility of waiving the cost sharing request, based on the fact the project feasibility study was

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authorized in 1983 and was to be completed in 1987, he has been informed that the Corps of Engineers will not proceed with the study until a local project sponsor has been identified.

Secretary Sprynczynatyk stated because of the fiscal situation in North Dakota and the near emergency being created by the falling level of Devils Lake, he does not feel the Commission is able to be the local project sponsor, nor is it able to identify a local sponsor for the project at this time. He said currently all efforts are being directed toward diverting water into Devils Lake. If the outlet feasibility study is suspended, the Bureau of Reclamation could then proceed with the inlet study for Devils Lake, as authorized in the Garrison Commission report, when funds become available.

It was the State Engineer's recommendation that the State Water Commission respond to the Corps of Engineers letter of December 1, 1989 indicating the Commission is not able to be the local project sponsor at this time for the Devils Lake flood control outlet study and that the Commission is concentrating its efforts on the diversion of water into Devils Lake to maintain the water level. It was also the recommendation of the State Engineer that the Commission accept the suspension of the outlet feasibility study for Devils Lake until such time the fiscal situation in North Dakota improves and a local sponsor can be identified.

Representative Berg expressed his concern with the suspension of the Devils Lake Outlet Flood Control Study and said negotiations should continue with Senator Burdick's staff and the Corps of Engineers to pursue the completion of the outlet study. He expressed concern relative to the future of the Bureau of Reclamation and commented on state and federal funding for the Devils Lake Flood Control Project.

**It was moved by Commissioner Byerly and seconded by Commissioner Gust that the State Engineer respond to the Corps of Engineers letter of December 1, 1989 as follows:**

- 1) The State Water Commission is not able to be the local project sponsor for the Devils Lake Outlet Flood Control Study at this time because of the fiscal situation in North Dakota;**
- 2) The State Water Commission is currently concentrating its efforts on the diversion of water into Devils Lake to maintain the water level;**

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3) The Commission still believes strongly in the need for flood control to Devils Lake and that the Corps of Engineers should expeditiously complete the feasibility study without local cost share; and

The Commission accepts the suspension of the study until such time the fiscal situation in North Dakota improves and a local sponsor can be identified.

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

GARRISON DIVERSION PROJECT -  
RED RIVER MUNICIPAL WATER  
SUPPLY STUDY UPDATE  
(SWC Project No. 1828)

LeRoy Klapprodt, State Water Commission Planning Division, presented a progress report on the Red River Municipal Water Supply Study. Mr. Klapprodt

briefed the Commission members on the study history and on the activities the Technical Committee has been involved in to determine the adequacy of the 100 cfs diversion to the Red River, authorized in the Garrison Reformulation Act. In the course of the study the committee will project the Red River Valley's municipal water needs 50 years into the future.

On June 7, 1989, the State Water Commission authorized the State Engineer and staff to enter into a contract with North Dakota State University to conduct a study of the economic and population projections for the Red River Municipal Water Supply Study. The Commission also approved cost sharing from the Garrison MR&I needs assessment fund not to exceed 12 1/2 percent of the total study costs. Mr. Klapprodt said the population and economic projections have been presented to the technical committee for review and comments and briefed the Commission members on information that has been determined in the review of the projections.

Mr. Klapprodt noted that the State Water Commission's ground and surface water hydrologists are currently in the process of analyzing the projections in terms of availability of water, estimate of peak demands, etc., to try to establish a systematic way in determining if the 100 cfs will be adequate.

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

remains to be resolved between the parties to the Red River dikes. The State of Minnesota identified 21 areas in question because of North Dakota's interpretation and judgement on the natural ground issue. Landowners were notified of the Corps of Engineers intent to make an on-site inspection and then make its judgment on natural ground.

At the October 20, 1989 meeting the Commission members were informed that the natural ground issue is the only issue that

Secretary Sprynczynatyk reported the Corps of Engineers has completed its on-site study of the 21 areas in question. Seventeen sites were found to be in compliance with the court order, two sites were above the natural ground level, and the Corps was uncertain on two sites because they could not get onto the land. He said he has contacted representatives of the State of Minnesota regarding the possibility of working out an agreement to maintain the two uncertain sites at the height they are now. Secretary Sprynczynatyk commented this on-site inspection clearly indicates North Dakota's honest and conscientious efforts in determining the allowable dike height stipulated in the agreement.

Commissioner Narlock commented Walsh County is making every effort to continue its good working relationship with the State of Minnesota. He discussed the plans for reconstruction to Walsh County Road 2 and said the State of Minnesota and the State Water Commission staff are currently reviewing the plans to determine if the proposal is within the realm of the court approved Corrective Plan.

**RED RIVER DIKES -  
CONTINUED DISCUSSION OF  
REQUEST FOR ADDITIONAL  
FUNDS FOR WOSICK DIKE  
REMOVAL  
(SWC Project No. 1638)**

moved and are in compliance with the court approved Corrective Plan.

At the August 24, 1989 meeting, the State Water Commission approved financial assistance not to exceed \$6,500 to remove or modify the Wosick dikes to comply with the court approved plan. The dikes have been re-

Cary Backstrand, Chief, Regulatory Section of the State Water Commission, stated an agreement to that effect was entered into between the Commission and the Wosick's. The Wosick's were informed that the \$6,500 was an estimate and that if actual reasonable costs exceeded the estimate, the State Water Commission would be asked to consider additional funds in excess of the cost estimate.

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Mr. Backstrand explained that the Wosick's retained a contractor, based upon quotes from two contractors, to perform the necessary work to bring the dikes into compliance with the court approved plan. The State Water Commission received a bill for \$8,630. Mr. Backstrand indicated the staff has reviewed the individual items and charges and find them to be in line with unit prices charged for the type of equipment used. Mr. Backstrand explained the reason for the overrun of \$2,130 is that the Wosick's elected to completely remove that portion of the dike from the ring dike north, which will reduce field erosion in the area and the hydraulic impact of the dike will be lessened.

It was the State Engineer's recommendation that the bill submitted represents actual reasonable and fair costs for the removal of the dikes on the Wosick property and recommended that the State Water Commission approve an additional \$2,130 to cover the costs of dike removal.

It was moved by Commissioner Spaeth and seconded by Commissioner Lardy that the State Water Commission approve an additional \$2,130 to cover the costs of dike removal on Wosick's land in Section 36, Walshville Township.

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

**MISSOURI RIVER UPDATE  
(SWC Project No. 1392)**

At the October 20, 1989 meeting the Commission members were informed of problems relating to the Missouri River and the operations of the six reservoirs on the system in North Dakota, South Dakota and Montana.

The Master Manual for the operation of the Missouri River was first written following the passage of the 1944 Flood Control Act. The Master Manual was last reviewed in 1979. In September, 1989, the Assistant Secretary of Army toured the Missouri River in North Dakota and South Dakota, Lake Sakakawea, and Lake Oahe. At that time, State officials stressed the problems being experienced relating to low water levels, recreation access, and access to water supply for cities and irrigation, and pointed out what was considered to be

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the inequities and unfairness in the current operating plan for the Missouri River. The Assistant Secretary of the Army agreed to the importance of reviewing the Master Manual for the operations of the river.

Secretary Sprynczynatyk said the Corps of Engineers has agreed to undertake a review of the Master Manual, with the states being a part of the review process. On October 10, 1989, a meeting was held in Omaha at which time the Corps of Engineers submitted their plan for undertaking the review of the Master Manual. The Corps has begun the review process and several scenarios for operation of the system have been presented. Secretary Sprynczynatyk stated all of the upper basin states have responded indicating a greater priority and emphasis must be given to the upper basin needs. He stated the review of the Master Manual is risky as there is the chance of losing our existing water right, and we must not allow that to happen.

Secretary Sprynczynatyk stated he has been appointed to serve as North Dakota's representative to the Missouri River Basin Governors' Oversight Committee. He said in order to assist him as the State's representative, he has formed the Master Manual Review Committee representing various Missouri River users. The Committee's first meeting is scheduled for December 20, 1989.

Secretary Sprynczynatyk discussed Indian water rights on the Missouri River and stated the State Engineer and staff are working closely with the Three Affiliated Tribes to develop a management plan for water resources on the reservations. If the management plan can be developed it could be a step toward quantification of the Indian water rights.

**GARRISON DIVERSION PROJECT -  
PROJECT UPDATE  
(SWC Project No. 237)**

The Commission members were informed at their October 20, 1989 meeting of the reorganization of the United States-Canadian Garrison Diversion Technical Committee. Secretary Sprynczynatyk reported the United States Section recently met, and the members of the United States Section recognize the importance of the Garrison Diversion Project and the Mid-Dakota Reservoir. A meeting is scheduled with the Canadian Section in January, 1990. Task forces will be formed to address engineering and biota issues. Following task force studies the Technical Committee will make recommendations to the United States and Canadian Governments.

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At the October 20, 1989 meeting the Commission members were informed that \$30 million had been approved for FY 1990 for the Garrison Project. Secretary Sprynczynatyk stated he has been informed that the \$30 million approved for FY 1990 has been reduced by 12 percent, or approximately \$3.6 million. This will have a significant impact on the Garrison Diversion Project, especially the MR&I Water Supply Program. Secretary Sprynczynatyk also informed the Commission members of the possibility that the Administration will not recommend funds for the Garrison Project in the 1991 budget. The House Appropriations Committee has taken a strong position recognizing the promises and agreements made to North Dakota, but Secretary Sprynczynatyk said it appears the Administration has chosen to ignore that language totally and recommend a zero budget.

Secretary Sprynczynatyk said the State Engineer and staff will be meeting with representatives of the Bureau of Reclamation and the Garrison Diversion Conservancy District on December 8, 1989 to discuss and assess the funding situation for the Garrison Diversion Project.

**GARRISON DIVERSION PROJECT - MR&I WATER SUPPLY PROGRAM UPDATE (SWC Project No. 237)** Jeffrey Mattern, MR&I Water Supply Program Coordinator, reported 111 applications have been received for MR&I Program

funds. Of the 111 applications, 72 applicants have submitted preliminary engineering reports, 38 applications have been approved by the State Water Commission and the Garrison Diversion Conservancy District to receive MR&I Water Supply Program funds, and 13 projects are either under construction or have been completed.

**GARRISON DIVERSION PROJECT - CONSIDERATION OF MR&I FUNDS FOR NEEDS ASSESSMENT ACCOUNT (SWC Project No. 237)** Secretary Sprynczynatyk stated the administration costs for the MR&I Water Supply Program are provided through the Needs Assessment account, which was

originally funded for \$400,000 when the MR&I Program was initiated. In order to ensure continued operation of the MR&I Program, Secretary Sprynczynatyk said \$75,000 will be required from the FY 1990 program funds.

It was the recommendation of the State Engineer that \$75,000 of the federal MR&I Water Supply Program funds be allocated for the Needs Assessment account. Secretary Sprynczynatyk said the Garrison Diversion Conservancy District approved this recommendation.

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It was moved by Commissioner Gust and seconded by Commissioner Byerly that the State Water Commission approve the allocation of \$75,000 of federal MR&I Water Supply Program funds for the Needs Assessment account. This motion is contingent upon the availability of funds.

Commissioners Byerly, Gust, Kramer, Lardy, 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 MR&I FUNDS  
FOR SOUTHWEST PIPELINE PROJECT  
(SWC Project Nos. 237 and 1736)**

Secretary Sprynczynatyk stated the additional MR&I Program funding required to provide raw water to Dickinson is \$6.7 million. Funding required for the construction of the Dodge pump station and reservoir, and pipeline contract 2-3C is \$4.7 million. Secretary Sprynczynatyk explained the construction period for these facilities will be at least one year and it is necessary to start these contracts in 1990 if water is to be delivered to Dickinson by mid-1991. The remaining \$2 million is needed but the construction period for these additional items will not necessarily delay system start-up. The MR&I Program funds of \$4.7 will be comprised of \$2,033,000 of FY 1989 year-end funds and \$2,667,000 of FY 1990 funds.

It was the State Engineer's recommendation that \$2,033,000 of FY 1989 year-end MR&I Water Supply Program funds be allocated to the Southwest Pipeline Project. Because of the reduction in federal funding by the Administration for FY 1990, it was the recommendation of the State Engineer the State Water Commission defer action on the allocation of federal funds from the FY 1990 budget.

Alfred Underdahl, Chairman of the West River Joint Water Resource Board, urged the State Water Commission's continued financial support for the Southwest Pipeline Project, and stressed the importance of delivering raw water to Dickinson and the surrounding areas by mid-1991.

Jack Olin, Stark County Water Resource Board Member, stated the West River Joint Board is working to create an authority on a temporary basis to manage the Southwest Pipeline Project until legislation can be put into

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effect. He reiterated the importance of getting water to Dickinson in 1991 and urged the State Water Commission's continued support on this project.

Herb Urlacher, State Legislator and West River Joint Water Resource Board member, said utilization of the Southwest Pipeline Project is very important and he noted because of the drought the water needs have become greater. Mr. Urlacher strongly recommended the State Water Commission give consideration to funding the project to the point of utilization.

Secretary Sprynczynatyk indicated Governor Sinner has expressed concern over the allocation of additional state funds for any project at this time. The Governor has also expressed an interest in exploring all of the options for funding and constructing the Southwest Pipeline Project, which is currently being reviewed by the staff.

It was moved by Commissioner Narlock and seconded by Commissioner Rudel that the State Water Commission approve the allocation of federal FY 1989 year-end MR&I Water Supply Program funds in the amount of \$2,033,000 for the construction of the Southwest Pipeline Project. This motion shall be contingent upon the availability of funds.

In discussion of the motion, Commissioner Lardy said it is apparent the MR&I Water Supply Program funds are insufficient to meet the requests for funding assistance from this program. Commissioner Lardy stressed the importance of delivering raw water to Dickinson in 1991 and completing the Southwest Pipeline Project as quickly as possible. He said it is very important to complete the projects that have been started and that these projects should receive high priority for federal funding when assessing FY 1990 funds that may be available.

Commissioners Byerly, Gust, Kramer, Narlock, Rudel, Spaeth, Vogel and Chairman Omdahl voted aye. Commissioner Lardy voted nay. Recorded vote was 8 ayes; 1 nay. The Chairman declared the motion carried by majority.

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**GARRISON DIVERSION PROJECT -  
CONSIDERATION OF MR&I FUNDING  
FOR ALTERNATIVE 4, COLEHARBOR  
COMPONENT, AND ALTERNATIVE 7,  
DENHOFF COMPONENT, OF THE  
MCLEAN-SHERIDAN WATER  
SUPPLY PROJECT  
(SWC Project No. 1782)**

The McLean-Sheridan Joint Water Resource Board requested MR&I Water Supply Program funds and a State Water Commission grant for the construction of the McLean-Sheridan Rural Water Supply Project. The project uses the Lake Nettie aquifer system to provide good quality

water of sufficient quantities to several cities and approximately 275 rural users throughout McLean and southern Sheridan counties. The project, estimated to cost \$8 million, is being constructed in eight prioritized alternatives consisting of a water delivery system and a treatment plant.

Secretary Sprynczynatyk stated the estimated cost for the first two alternatives approved for MR&I Program funding of \$3,016,500, is \$4,022,000. Also approved was a grant from the Resources Trust Fund, which has been reduced to \$353,626, to reflect credit for repayment of a \$149,124 Resources Trust Fund loan for design costs.

Secretary Sprynczynatyk discussed the next two prioritized alternatives for the McLean-Sheridan Water Supply Project. Alternative 4, the Coleharbor component, is the highest priority alternative of the McLean-Sheridan project. An emergency was declared last fall when the city nearly ran out of water and the Corps of Engineers was authorized to haul water. The estimated cost for alternative 4 is \$947,000, of which 75 percent is \$710,250. The project sponsors have also requested a 50 percent grant of non-federal costs in the amount of \$118,375. Secretary Sprynczynatyk stated the project sponsors have let the contracts for all of the alternatives, with the understanding there may be limited funding available.

Secretary Sprynczynatyk discussed Alternative 7, the Denhoff component, of the McLean-Sheridan Water Supply Project. The estimated cost of this component is \$1,232,000, of which 75 percent is \$924,000.

It was the recommendation of the State Engineer that \$710,250 (75 percent of \$947,000) be allocated for Alternative 4, the Coleharbor component of the McLean-Sheridan Water Supply Project, which is consistent with the guidelines for federal funding from the MR&I Water Supply Program. The State Engineer recommended that the request for a 50 percent grant for the non-federal costs, in the amount of \$118,375, from the Resources Trust Fund for Alternative 4, the Coleharbor component, be deferred at this time because of the referral election.

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It was the recommendation of the State Engineer that because of the reduction in federal funding for FY 1990, the State Water Commission defer action for funding Alternative 7, the Denhoff component.

Ivon Boe, Chairman of the McLean-Sheridan Joint Water Resource Board, introduced other members of the Board and expressed appreciation to the State Water Commission for its financial assistance in the past. Mr. Boe said the Board recognizes the fact the Commission is in a difficult position and requested the Commission's continued support for the project.

It was moved by Commissioner Lardy and seconded by Commissioner Gust that the State Water Commission approve the allocation of federal MR&I Water Supply Program funds in the amount of \$710,250 (75 percent of \$947,000) for the construction of Alternative 4, the Coleharbor component, of the McLean-Sheridan Water Supply Project. This motion shall be contingent upon the availability of funds.

The request for a 50 percent grant from the Resources Trust Fund for the non-federal share of project costs for Alternative 4, the Coleharbor component of the McLean-Sheridan Water Supply Project, in the amount of \$118,375 shall be deferred and the local project sponsors should be advised to seek other sources of funding for the non-federal cost share requirement.

Commissioners Byerly, Gust, Kramer, Lardy, 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 REQUEST FOR  
MR&I FUNDS FOR CREEL DOMESTIC  
UTILITIES DESIGN PHASE  
(SWC Project No. 237-5)

Utilities Water Supply Project. The Board assumed project sponsorship from Creel Domestic Utilities, Inc. The project

Jeffrey Mattern stated the Ramsey County Water Resource Board requested MR&I Water Supply Program funds and a State Water Commission grant towards the design of the Creel Domestic

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would provide a potable water supply to the rural areas in and around the City of Devils Lake with an estimated cost of \$14,334,000.

Secretary Sprynczynatyk indicated the project may be constructed in four components, allowing funding in one or more fiscal years. A review of the project indicates it is consistent with the MR&I Program requirements. The estimated design cost is \$450,000, with 75 percent funding being \$337,500. A 50 percent grant of \$56,250 of the non-federal cost would be available under present Commission guidelines.

It was the recommendation of the State Engineer that in view of the referral election and the reduction in federal MR&I funds that the State Water Commission defer action on the request for MR&I Water Supply Program funds in the amount of \$337,500 and the request for a 50 percent grant of \$56,250 for the non-federal costs for the Creel Domestic Utilities Project design.

**GARRISON DIVERSION PROJECT -  
NORTHWEST AREA WATER SUPPLY  
STUDY UPDATE  
(SWC Project No. 237-4)**

Secretary Sprynczynatyk stated originally the Northwest Area Water Supply Project was developed for a nine-county area in northwestern North Dakota. Current plans call for the area to be served by three supply systems: the West Water Supply System - Alternative #1 (Regional System 2 & 6); the East Water Supply System - Alternative #2 (Option 4A); and, the Williston/Williams Rural Water System, as described in the November 30, 1988 NAWS study and the April 26, 1989 NAWS Supplemental study. The integration of the Fort Berthold Indian Reservation is included in the supplemental study.

The three systems would allow construction to be completed in phases, with estimated costs of \$25 million for the West, \$4.2 million for Williston/Williams, and \$183 million for the East Water Supply Projects. The Garrison Diversion Conservancy District and the State Water Commission have developed studies at a cost of \$145,475 for the NAWS study and \$8,000 for the supplemental study.

On May 10, 1989, the State Water Commission authorized the State Engineer and staff to continue negotiations on a water improvement project with the Three Affiliated Tribes for developing the integration of the Fort Berthold Indian Reservation with the East Water Supply.

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Houston Engineering submitted a draft copy of a proposed amendment for preparing the engineering report on an integrated system with an estimated cost of \$53,856.

Secretary Sprynczynatyk stated further negotiations will be required with the Three Affiliated Tribes on sharing the report costs. The funds required for the non-Indian study costs are 75 percent federal MR&I program funds of \$22,936, and a 25 percent State Water Commission grant of \$7,646. The schedule is dependent upon Houston Engineering receiving approval to proceed with the report and then it would be approximately six months before completion.

It was the State Engineer's recommendation that the State Water Commission approve federal MR&I Water Supply Program funds of \$22,936 for the report costs of the Northwest Area Water Supply Integrated East Water Supply Project. It was also recommended by the State Engineer that a 25 percent grant in the amount of \$7,646 from the Resources Trust Fund for the non-federal share of the study costs be approved. Approval would be contingent upon the availability of funds.

**It was moved by Commissioner Byerly and seconded by Commissioner Kramer that the State Water Commission approve the allocation of federal MR&I Water Supply Program funds in the amount of \$22,936 for the report costs of the Northwest Area Water Supply Study Integrated East Water Supply Program.**

**The State Water Commission shall approve a 25 percent grant from the Resources Trust Fund in the amount of \$7,646 for the non-federal share of the study costs of the Northwest Area Water Supply Study Integrated East Water Supply Program. This motion is contingent upon the availability of funds.**

In discussion, Commissioner Lardy said "the State Water Commission today has deferred federal and state funding on several projects already underway in order that the overall funding situation can be assessed because of federal reductions and the state referral election. Can we afford to encourage another section of our state to work towards completing an expensive project and leave other projects throughout the state partially completed? Let's complete the projects we have underway and once completed work toward other projects."

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Commissioner Byerly stated the preliminary studies are a vital part of a project and must be completed before a project can proceed. We have to be optimistic that at some point these projects will materialize. She expressed her concern relative to the state's current fiscal situation. During her tenure on the Commission, she said tremendous amounts of money has been approved for various projects throughout the state, and we must address the severe water needs and problems in western North Dakota.

Commissioner Kramer stated she is in complete accord with Commissioner Byerly's comments and from experience is familiar with the water problems and needs of the area. She said it is important to move forward with the study as quickly as possible.

The following substitute motion was made:

**It was moved by Commissioner Lardy and seconded by Commissioner Vogel that the State Water Commission defer action on the request for federal MR&I Program funds of \$22,936 and a 25 percent grant of \$7,646 from the Resources Trust Fund for the Northwest Area Water Supply Study Integrated East Water Supply Program until the next regular or special State Water Commission meeting.**

**Commissioners Gust, Lardy, Vogel and Chairman Omdahl voted aye. Commissioners Byerly, Kramer, Narlock, Rudel and Spaeth voted nay. Recorded vote was 4 ayes; 5 nays. The Chairman declared the substitute motion failed.**

**Roll call vote on the original motion:**

**Commissioners Byerly, Gust, Kramer, Narlock, Rudel, Spaeth, Vogel and Chairman Omdahl voted aye. Commissioner Lardy voted nay. Recorded vote was 8 ayes; 1 nay. The Chairman declared the motion carried by majority.**

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**GARRISON DIVERSION PROJECT -  
DISCUSSION RELATIVE TO FEDERAL  
AND LOCAL COST SHARING ON  
WATER SUPPLY PROJECTS  
(SWC Project No. 237)**

Commissioner Narlock, speaking on behalf of Clark Cronquist, Agassiz Rural Water Users, discussed the federal and local cost sharing policy for water supply projects requesting MR&I

Water Supply Program funds. The formula currently used is 75 percent federal and 25 percent local. It was suggested the cost sharing policy be changed to 50 percent federal and 50 percent local. Mr. Cronquist said urgency of need must be given a higher priority when considering a project. The Commission members did not act on the matter.

**GARRISON DIVERSION PROJECT -  
UPDATE ON INTERBASIN WATER  
TRANSFER STUDIES PROGRAM  
(BIOTA TRANSFER)  
(SWC Project No. 1828)**

Gene Krenz, Project Coordinator for the Interbasin Water Transfer Studies Program (Biota Transfer), said this program was initiated in 1986 to address the concerns of the Cana-

dians raised with respect to biota transfer associated with the Garrison Diversion Project. Mr. Krenz said there are seven research projects currently underway, several of which are joint projects with scientists from the University of North Dakota and the North Dakota State University working with people from the University of Manitoba.

Mr. Krenz indicated the reduction of federal FY 1990 funds for the Garrison Diversion Project will have an impact on the biota transfer study, although there are sufficient funds appropriated to complete the studies currently underway.

Mr. Krenz stated Jay Leitsch, North Dakota Water Resources Research Institute, who administers the biota transfer study, is publishing a newsletter.

**GARRISON DIVERSION PROJECT -  
COMMENTS OF APPRECIATION  
AND CITY OF MINTO PROJECT  
UPDATE  
(SWC Project No. 237-7)**

John Schanilec, Mayor of the City of Minto, presented a progress report on the city's project. Mayor Schanilec expressed appreciation to the State Water Commission for its financial support.

December 6, 1989

**GARRISON DIVERSION PROJECT -  
CONTINUED DISCUSSION RELATIVE  
TO FUNDING FOR THE SOUTHWEST  
PIPELINE PROJECT  
(SWC Project No. 1736)**

It was moved by Commissioner Lardy and seconded by Commissioner Byerly that the State Water Commission direct the State Engineer to express the State Water Commission's concerns to the Garrison Diversion Conservancy District that the Southwest Pipeline Project remains a high priority when determining the reallocation of federal MR&I Water Supply Program funds for FY 1990.

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

**CONTINUED DISCUSSION OF  
REQUEST FROM SOUTHEAST  
CASS WATER RESOURCES  
DISTRICT FOR COST SHARING  
IN SHEYENNE RIVER FLOOD  
CONTROL DIVERSION PROJECT  
(HORACE-WEST FARGO DIVERSION)  
(SWC Project No. 1544)**

On October 4, 1989, the Southeast Cass Water Resource District requested funding assistance on the Horace-West Fargo Diversion, which is the second feature of the Sheyenne-Maple River Flood Control Project. Secretary Sprynczynatyk stated that in the previous biennium,

the State Water Commission approved funding of \$2,358,248, on the West Fargo-Riverside Diversion portion of the project. The estimated non-federal cost for the Horace Diversion is \$3.5 million, with \$2,580,000 eligible for assistance. The costs are for right-of-way, roads and bridges, utilities relocation, and miscellaneous expenses. The allocation for the 1989-1991 biennium is \$900,000, subject to the availability of funds.

At the October 20, 1989 meeting the State Water Commission concurred with the State Engineer's recommendation to defer action on the request for funding assistance for the Horace-West Fargo Diversion project until the next meeting in December because of the possible budget reductions after the December 5 referral election and the Governor's policy memo on the dispersion of grants, dated September 25, 1989.

December 6, 1989

In view of the results of the referral election and the possibility of reallocation of grant funds, it was the recommendation of the State Engineer that the State Water Commission defer action on the request of the Southeast Cass Water Resource District for funding assistance on the Horace-West Fargo Diversion project until such time that the overall funding situation can be assessed.

Dan Twichell, Southeast Cass Water Resource Board, stated the Federal Government has approved funding for this phase of the project and indicated in order to proceed with construction of the project in 1990, rights-of-way must be completed by March, 1990. Mr. Twichell stated the Southeast Cass Board has delayed purchasing rights-of-way for the project pending approval of non-federal cost sharing by the State Water Commission in the amount of \$900,000 from the Resources Trust Fund. Mr. Twichell said deferring action on the request will place the District in a bind to meet the request of the Federal Government.

**CONSIDERATION OF REQUEST  
FROM RAMSEY COUNTY WATER  
RESOURCE DISTRICT FOR COST  
SHARING IN HAMMER-SULLIVAN  
DRAIN NO. 1, PHASE II  
(SWC Project No. 1832)**

On October 20, 1989, a request was received from the Ramsey County Water Resource District for cost participation in the construction of Hammer-Sullivan Drain No. 1, Phase II. The purpose of the project is to

use channel improvements to increase the hydraulic capacity removal rate, which will decrease flood durations on agricultural land. The project design is for a 10-year event, with downstream culverts sized to control the flow of water. The project is located in the Starkweather Coulee Basin, which is part of the Devils Lake Basin.

Secretary Sprynczynatyk stated the total estimated cost of Phase II is \$348,066. This includes the full cost of materials, excavation, and labor for the railroad crossing, which Burlington Northern plans to complete with their own labor. The current policy of the State Water Commission is to participate in 40 percent of eligible project costs, which are estimated to be \$301,416, with 40 percent being \$120,566.

It was the recommendation of the State Engineer that because of the results of the referral election and the possibility of reallocation of grant funds, that the State Water Commission defer action on the request for cost participation in the construction of Hammer-Sullivan Drain No. 1, Phase II.

December 6, 1989

Robert Garske, Chairman of the Ramsey County Water Resource Board, said the Board does not wish to withdraw this request for cost participation and requested it remain on the priority list. Mr. Garske further explained the project.

**CONTINUED DISCUSSION  
RELATIVE TO POLICY FOR  
REIMBURSEMENT FOR STATE  
WATER COMMISSION MEMBERS**

At the October 20, 1989 Commission meeting, the Chairman recommended this item be placed on the agenda for the December meeting for further discussion.

This item was briefly discussed by the Commission members and no action was taken.

**STATE WATER COMMISSION  
1989 CONSTRUCTION UPDATE  
(SWC Project No. 1)**

1989 was an active construction season with small projects approved for cost participation throughout the state.

Dale Frink, Director of Engineering, reported on the 1989 State Water Commission construction season, commenting that

**CONSIDERATION OF AGENCY  
FINANCIAL STATEMENT**

the Programs/Projects Authorized, dated October 30, 1989.

Secretary Sprynczynatyk presented and discussed the Program Budget Expenditures and

In discussion of the referral election, Secretary Sprynczynatyk stated the State Water Commission will be required to reduce its budget by approximately \$350,000. He previously identified those areas where cuts could be made in the event the referrals were successful.

**CONSIDERATION AND APPROVAL  
OF RESOLUTION OF APPRECIATION  
TO RANDALL D. BINEGAR  
(SWC Resolution No. 89-12-435)**

Secretary Sprynczynatyk stated Randall Binigar has resigned from the State Water Commission to accept employment with the Amoco Oil Company.

A draft resolution was presented for the Commission's consideration expressing appreciation to Randall Binigar for his valuable and dedicated contribution in his service to the State of North Dakota.

**It was moved by Commissioner Rudel,  
seconded by Commissioner Byerly, and**

**December 6, 1989**

unanimously carried, that the State Water Commission approve Resolution No. 89-12-435, In Appreciation to Randall D. Binegar. (See Appendix "A")

**CONSIDERATION AND APPROVAL  
OF RESOLUTION OF APPRECIATION  
TO DENNIS NELSON  
(SWC Resolution No. 89-12-436)**

Secretary Sprynczynatyk stated Dennis Nelson has resigned from his position with the State Water Commission to accept employment with the Montana State University in Bozeman.

A draft resolution was presented for the Commission's consideration in appreciation to Dennis Nelson for the valuable contributions made by Dennis in his service to the State of North Dakota.

It was moved by Commissioner Rudel, seconded by Commissioner Byerly, and unanimously carried, that the State Water Commission approve Resolution No. 89-12-436, In Appreciation to Dennis Nelson. (See Appendix "B")

**CONTINUED DISCUSSION ON  
REQUEST FROM DAKOTA  
GASIFICATION COMPANY  
TO RESCIND CONDITION NO. 6  
ON WATER PERMIT NO. 1901A  
(SWC Water Permit No. 1901A)**

At the October 20, 1989 meeting the State Water Commission rescinded Condition No. 6 on water permit No. 1901A.

Secretary Sprynczynatyk indicated he received a letter from the Dakota Resources Council relative to the Commission's action expressing concern the Commission did not hold a hearing on the request. A draft response letter was presented for the Commission's consideration.

Secretary Sprynczynatyk stated a letter was received on November 28, 1989 from the Mercer County Landowners Association reiterating the concern expressed by the Dakota Resources Council.

Commissioner Gust explained the intent of the Commission to delay action at its August 24 meeting was because of concerns expressed and to allow more time for input into the request to rescind the condition.

It was moved by Commissioner Byerly and seconded by Commissioner Narlock that the

December 6, 1989

State Water Commission concur with the draft letter presented by the State Engineer in response to the letters from the Dakota Resources Council and the Mercer County Landowners Association relative to the recession of Condition No. 6 of water permit No. 1901A.

Commissioners Byerly, Gust, Kramer, Lardy, 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 APOLLO SIGN COMPANY  
TO LOCATE SIGN ON STATE  
WATER COMMISSION PROPERTY  
(SWC Project No. 1)**

Secretary Sprynczynatyk presented a request from Apollo Sales and Service for the Commission's consideration to locate a sign on property owned by the State Water Commission.

The request has been reviewed by staff and Secretary Sprynczynatyk stated the company will be charged \$120 per year lease for locating the sign on the property in addition to other items stipulated in the agreement.

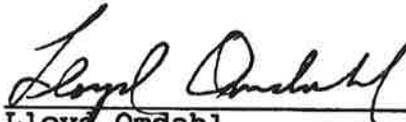
It was moved by Commissioner Gust and seconded by Commissioner Vogel that the State Water Commission approve the request for Apollo Sales and Service to place a sign on State Water Commission property, contingent to agreement of a lease price of \$120 per year and all terms stipulated in the agreement.

Commissioners Byerly, Gust, Kramer, Lardy, 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 Spaeth, seconded by Commissioner Rudel, and

December 6, 1989

unanimously carried, that the State  
Water Commission meeting adjourn at  
12:00 noon.

  
\_\_\_\_\_  
Lloyd Omdahl  
Lt. Governor-Chairman

SEAL

ATTEST:

  
\_\_\_\_\_  
David A. Sprynczynatyk  
State Engineer and Secretary

December 6, 1989

NORTH DAKOTA STATE WATER COMMISSION

REGISTER

ATTENDANCE AT State Water Commission Meeting

DATE December 6, 1989 PLACE Grand Forks, ND

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

Your Name	Your Address	Who do you Represent? (Or Occupation)
LeRoy Klapprodt	NDSWC	Bismarck
Pat Stevens	"	"
Gene Krenz	"	Bismarck
VERN FAHY		Bismarck
Audrey Boe Olsen	Po Box 187 Crasby ND 58730	Midwest Assistance Program
IVON BOE	MCLEAN SHERIDAN	
BILL LINDGELL	WASHBURN	MCLEAN-SHERIDAN JOINT Bd.
KEN LOVELAND	TWINSTOWN	MCLEAN-SHERIDAN
Steve Dyke	100 Nth Expressway Bismarck	N.D. Game & Fish
Robert L. Brodbeck	605 11th St, Fargo	S/E Cass Water R.
James R. McLaughlin	79-28th Ave NE Fargo	SE Cass Water Resources
Charles E. Whelan	1421 R. 5th St Paul, Minn 55101	Corn of Engineers, St Paul.
Jack Olin	Dickinson, ND	Stark Co. Water mgmt.
CHARLES VEIN	1604 S. WASHINGTON CEF	KBM INC.
Loran Myrnes	Taylor	SBD Rural H <sub>2</sub> O

NORTH DAKOTA STATE WATER COMMISSION

R E G I S T E R

ATTENDANCE AT \_\_\_\_\_

DATE \_\_\_\_\_ PLACE \_\_\_\_\_

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

Your Name	Your Address	Who do you Represent? (Or Occupation)
Fletcher Poling	Bismarck	Basin Electric Purcap
Gordon Berg	Devil Lake	Cred Domestic
John H. Schmitz	Minto, N.D.	CITY of Minto
Milt Wochow	James town	GDCD
Reford Undelandt	Hebron	West River Joint Board.
Jeffrey Mattern	Bismarck	ND SWC
H. D. EVA	DEVILS LAKE	CRED DOMESTIC UTILITIES, INC.
Jervold Robble	Harvey	CDCD
Howard J. Carlson	Rock Lake N.D.	Dir. N.D. Water User
Mike Meyer	Bismarck	ND Water Users
Fred Selberg	Hamond ND	SE Cass W.R.D.
Connie Spryngumath	Bismarck	GDCD
Ken Levinger	Bimford	GDCD
Tilmer J. Reising	McCluskey	GDCD
W. Ross Brown	Bathgate	North Valley Rural Director
Gordon L. Johnson	Covader	North Valley Rural Water - Mgr.

NORTH DAKOTA STATE WATER COMMISSION

REGISTER

ATTENDANCE AT SWC Mtg. - Grand Forks

DATE Dec. 6, 1989 PLACE G.F.

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

Your Name	Your Address	Who do you Represent? (Or Occupation)
HANK TRANGRUD	P.O. Box 5054 FARGO, N.D. 58105	HOUSTON ENGINEERING
J.T. Fay	Bismarck	SWC
Bruce F McCollom	Bismarck	BW/BFC Engineers
D. Trenchell	WEST FARGO	S.E. CAST WRD
Hub Valachen	Taylor, N.D.	West River joint Board
L. Week	Minot	Ward Co WRD
CON DALLEN	Rt Box 129 MICHIGAN, N.D. 58259	ND FV
LOREN ZIMMER	Box 855 Kenmare ND 58746	WARD Co. WRB
Craig Bleth	900 E. Blvd Bismarck	State Engineer / SWC
Cary Backstrand	"	"
FRANK HEINZEL	PARRISON, ND	MEMBER JOINT BOARD McLEAN SHERIDAN WATER SYSTEM

## APPENDIX "A"

## RESOLUTION NO. 89-12-435

IN APPRECIATION  
RANDALL D. BINEGAR

WHEREAS, Randy Binegar has resigned from the State Water Commission and has accepted employment with the Amoco Oil Company; and

WHEREAS, Randy worked for the State Water Commission since 1984 and provided valuable assistance in many areas; and

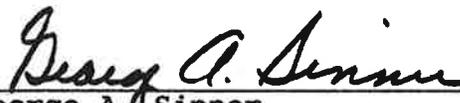
WHEREAS, Randy served as the Coordinator for the Municipal, Rural and Industrial Water Supply Program since 1987. Randy diligently coordinated the program with the Garrison Diversion Conservancy District, helped develop a project priority system, and processed over 100 applications from cities and rural users across the state; and

WHEREAS, Randy and the State Water Commission have received numerous compliments for his outstanding work with the MR&I Program.

NOW, THEREFORE, BE IT RESOLVED that the North Dakota State Water Commission and the North Dakota State Engineer assembled at Grand Forks, North Dakota, this 6th day of December, 1989, express their thanks and appreciation for the valuable and dedicated contribution of Randall Binegar in his service to the North Dakota State Water Commission and the North Dakota State Engineer and to the wise management of the water resources of this state.

BE IT FURTHER RESOLVED that the North Dakota State Water Commission and the North Dakota State Engineer convey to Randall Binegar their best wishes in his future endeavors.

FOR THE NORTH DAKOTA STATE WATER COMMISSION:



George A. Sinner  
Governor-Chairman

SEAL



David A. Spryngzynatyk  
State Engineer and  
Chief Engineer-Secretary

RESOLUTION NO. 89-12-436

IN APPRECIATION  
DENNIS NELSON

WHEREAS, Dennis Nelson has resigned from his position with the North Dakota State Water Commission to accept employment at Montana State University in Bozeman, Montana; and

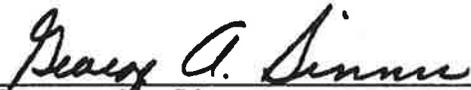
WHEREAS, Dennis served in the Planning Division since 1984, during which time he has done an outstanding job of coordinating the agency's Water Education for Teachers (WET) Program; and

WHEREAS, the dedicated service provided by Dennis has helped to significantly improve the public's understanding of water resource management concepts. As a result, Dennis's efforts as the WET Program Coordinator have not only benefited the North Dakota State Water Commission and the North Dakota State Engineer, but have also benefited all of the people of the State of North Dakota.

NOW, THEREFORE, BE IT RESOLVED that the North Dakota State Water Commission and the North Dakota State Engineer assembled at Grand Forks, North Dakota, this 6th day of December, 1989, express their thanks and appreciation for the valuable contributions made by Dennis Nelson in his service to the North Dakota State Water Commission and the North Dakota State Engineer and to the wise management and protection of the water resources of this state; and

BE IT FURTHER RESOLVED that the North Dakota State Water Commission and the North Dakota State Engineer convey to Dennis Nelson their best wishes in his future endeavors.

FOR THE NORTH DAKOTA STATE WATER COMMISSION:

  
George M. Sinner  
Governor-Chairman

SEAL

  
David A. Spynoczynsky  
State Engineer and  
Chief Engineer-Secretary