

MINUTES**North Dakota State Water Commission
Fargo, North Dakota****September 15, 1992**

The North Dakota State Water Commission held a meeting in the Fargo City Hall, Fargo, North Dakota, on September 15, 1992. Chairman, Lieutenant Governor Lloyd Omdahl, called the meeting to order at 9:00 AM, and requested State Engineer and Chief Engineer-Secretary, David Sprynczynatyk, to call the roll. The Chairman declared a quorum was present. Mayor Jon Lindgren welcomed the Water Commission to Fargo.

MEMBERS PRESENT:

Lieutenant Governor Lloyd Omdahl, Chairman
 Sarah Vogel, Commissioner, Department of Agriculture, Bismarck
 Joyce Byerly, Member from Watford City
 Marjorie Farstveet, Member from Beach
 Jacob Gust, Member from Fargo
 Daniel Narlock, Member from Grand Forks
 Norman Rudel, Member from Fessenden
 Jerome Spaeth, Member from Fargo
 David Sprynczynatyk, State Engineer and Chief Engineer-Secretary, North Dakota State Water Commission, Bismarck

MEMBER ABSENT:

Lorry Kramer, Member from Minot

OTHERS PRESENT:

State Water Commission Staff Members
 Approximately 20 people in attendance 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.

APPROVAL OF AGENDA

declared the agenda approved and Secretary Sprynczynatyk.

There being no additional items for the agenda, the Chairman requested it be presented by

**CONSIDERATION OF MINUTES
OF JULY 1, 1992 MEETING -
APPROVED**

The minutes of the July 1, 1992 meeting were approved by the following motion:

It was moved by Commissioner Rudel, seconded by Commissioner Byerly, and unanimously carried, that the minutes of the July 1, 1992 meeting be approved as circulated.

**CONSIDERATION OF MINUTES
OF JULY 2, 1992 SWC AND
GDCD JOINT MEETING -
APPROVED**

The minutes of the July 2, 1992 State Water Commission and Garrison Diversion Conservancy District joint meeting were approved by the following motion:

It was moved by Commissioner Rudel, seconded by Commissioner Byerly, and unanimously carried, that the minutes of the July 2, 1992 State Water Commission and Garrison Diversion Conservancy District joint meeting be approved as circulated.

**CONSIDERATION OF MINUTES
OF JULY 6, 1992 MEETING -
APPROVED**

The minutes of the July 6, 1992 meeting were approved by the following motion:

It was moved by Commissioner Rudel, seconded by Commissioner Byerly, and unanimously carried, that the minutes of the July 6, 1992 meeting be approved as circulated.

AGENCY FINANCIAL STATEMENT

Charles Rydell, Assistant State Engineer, presented and discussed the Program Budget Expenditures, dated July 31, 1992, reflecting 54.2 percent of the current biennium. The Contract Fund expenditures for the 1991-1993 biennium were reviewed and discussed.

Mr. Rydell stated the proposed agency budget for the 1993-1995 biennium was submitted to the Office of Management and Budget. The proposed budget is being reviewed by OMB and a meeting is expected to be scheduled with the agency in September or October.

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**SOUTHWEST PIPELINE PROJECT -
PROJECT UPDATE AND
CONTRACT/CONSTRUCTION STATUS
(SWC Project No. 1736)**

Tim Fay, Manager of the Southwest Pipeline Project, reported construction is active on four contracts:

Contract 2-3E: This main transmission line contract extends from the site of the Dickinson triple pump station to the New England reservoir. It includes piping from the Dickinson treatment plant to the triple pump station and piping from the triple pump station site to the outskirts of Dickinson, which will connect to transmission piping to the north and west.

Activities to date include receipt of materials and installation of bored and jacked road crossings. Installation of the pipeline located within the City of Dickinson has also begun.

Contract 2-3F: This main transmission line extends from the New England reservoir site to the intersection of Highways 21 and 22. About 3,000 feet of pipe have been installed at the south end of this contract since pipelaying began in mid-August. More than 30,000 feet of 12-inch pipe and other fittings have been delivered.

Contracts 2-3E and 2-3F are awarded to Larry's, Inc. of Gillette, Wyoming.

Contract 2-7A: This secondary transmission line extends from one of the segments of Contract 2-3E on the west side of Dickinson to the top of Davis Butte, where a reservoir will be located. It consists of about seven miles of 12-inch PVC pipe. The contractor, George E. Haggart, has installed about five miles of this length.

Contract 3-1B: This contract is the second steel reservoir north of Zap. It was awarded to Advance Tank and Construction. The earthwork subcontractor has laid the piping and prepared the site for the tank foundation.

Mr. Fay stated Contract 5-3, the New England reservoir; Contract 5-13, the Davis Butte Reservoir; and Contract 4-3, the Dickinson Triple Pump Station, have been submitted to the Bureau of Reclamation for approval. Contract 2-6A, transmission line from Highway 22 to Mott, and Contract 2-7B, transmission line from Davis Butte to Richardton and north, will be submitted to the Bureau in the near future.

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**SOUTHWEST PIPELINE PROJECT -
WATER SERVICE AGREEMENTS
(SWC Project No. 1736)**

addition, the City of Belfield has indicated a strong interest in an agreement.

Tim Fay reported that water service agreements have been requested by the Cities of New England, Reeder and Carson. In

**SOUTHWEST PIPELINE PROJECT -
PILOT PROJECT WITH SOIL
CONSERVATION SERVICE TO
CONSTRUCT LIVESTOCK WATERING
SYSTEMS WITHIN PROJECT AREA
(SWC Project No. 1736)**

mitted soon to the Bureau of Reclamation and is planned to be bid later this fall, is the line which would supply this project. Mr. Fay reported on a meeting held with the Soil Conservation Service on August 27, 1992 to coordinate both projects to the extent possible.

Tim Fay reported that the Soil Conservation Service pilot project to construct livestock watering systems within the Southwest Pipeline Project area is proceeding on schedule. Contract 2-7B, which will be sub-

**SOUTHWEST PIPELINE PROJECT -
RURAL WATER DEVELOPMENT STATUS
(SWC Project No. 1736)**

Mercer, Oliver and northern Dunn counties. Tim Fay indicated that rural water service to this area does not appear to have been included in previously legislated authorities for the project, which is especially true in Oliver County. He said the feasibility process will determine whether service to this area would be most practical from the Southwest pipeline or from some other source or project.

The Southwest Water Authority has taken steps to begin a preliminary engineering and feasibility process for service to

**SOUTHWEST PIPELINE PROJECT -
CONSIDERATION AND APPROVAL OF
AWARD OF CONTRACT 7-1A FOR
ROSCHAU SUBDIVISION
(SWC Project No. 1736)**

with the apparent low bidder being Pudwill Excavating of Leola, South Dakota. Mr. Fay said the bid from this firm was \$142,773.30. The engineer's estimate was \$149,602. Mr. Fay indicated that Pudwill Excavating does not currently have a North Dakota contractor's license, however, the firm has applied for one. Mr. Fay explained that state law requires that contractors be allowed 20 days to obtain this license.

Tim Fay reported bids were opened on September 2, 1992 on Southwest Pipeline Project Contract 7-1A, the distribution system for the Roschau Subdivision. Six bids were received,

Mr. Fay said the bid has been reviewed and found to be in accordance with the contract documents and has been submitted to the Bureau of Reclamation for approval.

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It was the recommendation of the State Engineer that the State Water Commission approve the award of Southwest Pipeline Contract 7-1A to Pudwill Excavating, contingent upon Pudwill Excavating receiving a North Dakota contractor's license, and approval by the Bureau of Reclamation.

It was moved by Commissioner Gust and seconded by Commissioner Byerly that the State Water Commission approve the award of Southwest Pipeline Contract 7-1A, the distribution system for the Roschau Subdivision, to Pudwill Excavating of Leola, South Dakota, contingent upon Pudwill Excavating receiving a North Dakota contractor's license, and approval by the Bureau of Reclamation.

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

**CONSIDERATION OF REALLOCATION
OF RESOURCES TRUST FUND FOR
1991-1993 BIENNIUM**

Resources Trust Fund and other sources based on the December, 1991 forecast.

At the February 4, 1992 meeting the State Water Commission approved the allocation of projected grant revenues from the

In order to provide adequate funding for the Fiscal Year 1993 MR&I loan program, Secretary Sprynczynatyk presented for the Commission's consideration, the following reallocation request for funding from the Resources Trust Fund for the 1991-1993 biennium:

Garrison MR&I Water Supply Program	\$6,500,000
Maple River Dam	500,000
Devils Lake Feasibility Study	500,000
Na chin Huun - Dakota Project	50,000
Drought Disaster Livestock Program	300,000
Hydrologic Investigations	556,446
State Water Commission Operations	1,546,776
Southwest Pipeline Project	-0-
Souris River Flood Control Project	1,637,924
General Project	756,973

Actual Available in Resources Trust Fund for 1991-1993 Biennium	\$12,348,119
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It was moved by Commissioner Byerly and seconded by Commissioner Farstveet that the State Water Commission approve funding reallocations from the Resources Trust Fund for the 1991-1993 biennium as recommended by the State Engineer.

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

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

Secretary Sprynczynatyk provided a status report on the Garrison Diversion Project. The Garrison Funding Advisory Committee agreed at its March 13, 1992 meeting to request an increase in the Fiscal Year 1993 funding level to \$39 million. This increased funding level from \$30 million to \$39 million was to address the municipal, rural and industrial water supply needs of the Indians. Secretary Sprynczynatyk indicated final approval of the federal Fiscal Year 1993 funds should be known by the end of September, 1992.

Secretary Sprynczynatyk reviewed the draft proposed amendments and legislation to the Garrison Diversion Unit Reformulation Act of 1986, which was distributed in Washington, DC, addressing the following:

- 1) Mid Dakota Dam and Sheyenne Lake
- 2) Stabilization of Devils Lake
- 3) Abandoned or oversized features
- 4) Indian irrigation facilities
- 5) Sheyenne River treatment facilities
- 6) Adjustment to the authorization of appropriations
- 7) Wildlife enhancement
- 8) Irrigation facilities
- 9) Operation, maintenance and replacement of existing facilities

On June 19, 1992, Governor Sinner and representatives of the State met in Washington, DC with representatives of Congressman Miller's staff and environmental organizations to discuss and consider the bill for introduction in Congress. Secretary Sprynczynatyk indicated the intended purpose of the meeting was to discuss the proposed bill amending the 1986 Reformulation Act, principally the Mid Dakota and Devils Lake

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stabilization proposals. He said the evening before the meeting, the National Wildlife Federation and the National Audubon Society delivered a press statement set for release the next day which rejected the Mid Dakota proposal and indicated they would support the provisions of the 1986 Reformulation Act. As a consequence, Secretary Sprynczynatyk said the meeting the following day was only a limited negotiation session.

Secretary Sprynczynatyk reiterated the frustration expressed by Governor Sinner, Senator Conrad, Congressman Dorgan and state representatives over the making of a decision prior to the meeting. He said it was agreed that language would be placed in the Fiscal Year 1993 appropriations bill currently in the Senate requiring the Bureau of Reclamation to make a full feasibility study of the Sykeston Canal proposal and a full Environmental Impact Study. This study will include a review of all reasonable alternatives, including Mid Dakota and the options specified in the report on Canadian consultations, which is to be completed by December 31, 1993.

Secretary Sprynczynatyk stated that funds and language have been placed in the appropriations bill for the Corps of Engineers to complete the full feasibility study for stabilization and flood control of Devils Lake.

Secretary Sprynczynatyk informed the Commission members that the State has decided to propose a study to evaluate all reasonable options for connecting the McClusky and New Rockford Canals, including the Sykeston Canal alternative, and to evaluate a selected alternative for delivering water to Devils Lake. He said the study management effort by the State Water Commission, the State Game and Fish Department and the Garrison Diversion Conservancy District will be an objective comparison of a multitude of alternatives that will be given to the Bureau of Reclamation during its scoping process of the feasibility study of the Sykeston Canal proposal and Environmental Impact Study. He said the study will also assist in making a presentation to the Legislature on the most practical and feasible alternative for completing the principal water supply works for the Garrison Diversion Project.

Secretary Sprynczynatyk indicated the timetable for the study is publication of a first draft report January 15, 1993, with a final draft report scheduled for March 15, 1993.

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

Jeffrey Mattern, MR&I Water Supply Program Coordinator, provided the following status report of projects approved for funding in 1992:

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Agassiz Rural Water will be completed after the fall harvest when the final three miles of pipeline are installed.

Cass Rural Water has approximately two miles of pipeline to install to complete the connection to the City of Kindred. Work has been delayed due to inclement weather conditions, although it is anticipated the work will be completed this fall.

Garrison Rural Water is completing the environmental assessment for the project. Work will then begin on the design phase.

Langdon Rural Water had its final project inspection in August, 1992.

McLean-Sheridan Rural Water is essentially complete with the exception of final cleanup.

Missouri West has signed a bulk water service contract with the City of Mandan. The engineer has completed the project design and bids for the pipeline are being advertised. It is hoped that some of the work can be done yet this fall.

Ramsey County Rural Water work is progressing, with project completion anticipated by November 1, 1992.

Tri-County Rural Water work is progressing, with project completion in October, 1992.

North Valley has completed the installation of pipeline to connect the City of Cavalier. The city has been using the water for approximately six weeks. There is minor painting and cleanup work that needs to be done to complete the project.

**GARRISON DIVERSION PROJECT -
CONSIDERATION AND APPROVAL OF
ADDITIONAL LOAN FROM CONTRACT
FUND FOR TRI-COUNTY RURAL
WATER PROJECT
(SWC Project No. 237-17)**

At the October 21, 1991 meeting the State Water Commission approved a loan from the Contract Fund, in an amount not to exceed \$99,050, with interest of 3 5/8 percent and a term of 25 years for the Tri-County

Water Project, contingent upon the availability of funds and that the Tri-County Water Users meet all MR&I program requirements and conditions in the North Dakota Water Supply Development Program.

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Jeffrey Mattern indicated that the project costs for the Tri-County Rural Water Supply Project have been increased by \$61,230, because the original project was not fully funded due to lack of MR&I funds. He said these costs will increase the required total loan to \$120,480.

It was the recommendation of the State Engineer that the State Water Commission approve an additional loan from the Contract Fund for 35 percent of the eligible costs of the Tri-County Water Supply Project, not to exceed \$21,430, with an interest rate of 3 5/8 percent and a term of 25 years. The total loan would be increased to \$120,480.

It was moved by Commissioner Vogel and seconded by Commissioner Gust that the State Water Commission approve an additional loan from the Contract Fund for 35 percent of the eligible costs of the Tri-County Water Supply Project, not to exceed \$21,430, with interest of 3 5/8 percent and a term of 25 years. The total loan for the Tri-County Rural Water Project will be increased to \$120,480. This motion is contingent upon the availability of funds and that the Tri-County Water Users meet all MR&I Program requirements and conditions in the North Dakota Water Supply Development Program.

Commissioners Byerly, Farstveet, Gust, 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 AND APPROVAL TO
DECREASE LOAN FROM CONTRACT
FUND FOR KINDRED WATER
SUPPLY PROJECT
(SWC Project No. 237-40)**

At the October 21, 1991 meeting the State Water Commission approved a loan from the Contract Fund, in an amount not to exceed \$46,200, with an interest rate of 3 5/8 percent and a term of 25 years, for the Kindred Water Supply Project.

Jeffrey Mattern indicated that the estimated project costs for the Kindred Water Supply Project have been decreased by \$29,000, based on revised cost estimates from projected material costs. He said this will decrease the required loan to \$36,050.

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It was the recommendation of the State Engineer that the State Water Commission approve a loan from the Contract Fund for 35 percent of the eligible costs of the Kindred Water Supply Project, not to exceed \$36,050. The terms of the loan will be 25 years at an interest rate of 3 5/8 percent.

It was moved by Commissioner Gust and seconded by Commissioner Rudel that the State Water Commission approve a loan from the Contract Fund for 35 percent of the eligible costs of the Kindred Water Supply Project, not to exceed \$36,050, with an interest rate of 3 5/8 percent and a term of 25 years. This motion shall be contingent upon the availability of funds and that the City of Kindred meet all requirements of the MR&I Water Supply Program and the North Dakota Water Supply Development Program.

Commissioners Byerly, Farstveet, Gust, 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 AND APPROVAL
OF ADDITIONAL LOAN FROM
CONTRACT FUND FOR RAMSEY
COUNTY RURAL WATER PROJECT
(SWC Project No. 237-5)**

At the October 21, 1991 meeting the State Water Commission approved a loan from the Contract Fund, in an amount not to exceed \$129,596, with an interest rate of 7.0 percent and a term of 25 years; and a loan from the Contract Fund, in an amount

of \$2,100,000, with an interest rate of 3 5/8 percent and a term of 25 years, for the Ramsey County Rural Water Supply Project.

Jeffrey Mattern indicated the estimated project cost for the Ramsey County Rural Water Project has been increased because the original project was not fully funded due to lack of MR&I funds.

It was the recommendation of the State Engineer that the State Water Commission approve an additional loan from the Contract Fund at 35 percent of the eligible costs, not to exceed \$1,120,000, with an interest rate of 3 5/8 percent and a term of 25 years. The total loan for the Ramsey County Rural Water Supply Project would be \$3,349,596.

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It was moved by Commissioner Vogel and seconded by Commissioner Farstveet that the State Water Commission approve an additional loan from the Contract Fund at 35 percent of the eligible costs, not to exceed \$1,120,000, with a term of 25 years and an interest rate of 3 5/8 percent, for the Ramsey County Rural Water Supply Project. The total loan for the Ramsey County Rural Water Supply project shall not exceed \$3,349,596. This motion shall be contingent upon the availability of funds and that the Ramsey County Rural Water Association meet all requirements of the MR&I Program and the North Dakota Water Supply Development Program.

Commissioners Byerly, Farstveet, Gust, 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 AND APPROVAL OF
ADDITIONAL LOAN FROM CONTRACT
FUND FOR MISSOURI WEST RURAL
WATER PROJECT, PHASE I
(SWC Project No. 237-27)**

At the October 21, 1991 meeting the State Water Commission approved a loan from the Contract Fund in an amount not to exceed \$1,225,000, with interest of 3 5/8 percent and a term of 25 years for the Missouri West Rural Water Project, Phase I.

Jeffrey Mattern indicated the estimated project cost for the Missouri West Rural Water Project, Phase I, has been increased, due to the fact the original project was not fully funded because of lack of MR&I funds.

It was the recommendation of the State Engineer that the State Water Commission approve an additional loan from the Contract Fund at 35 percent of the eligible costs, not to exceed \$2,660,000, with an interest rate of 3 5/8 percent and a term of 25 years for the Missouri West Rural Water Project, Phase I. The total project loan would be \$3,885,000.

It was moved by Commissioner Vogel and seconded by Commissioner Farstveet that the State Water Commission approve an additional loan from the Contract Fund at 35 percent of

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the eligible costs, not to exceed \$2,660,000, with an interest rate of 3 5/8 percent and a term of 25 years for the Missouri West Rural Water Project, Phase I. The total loan for the Missouri West Rural Water Project, Phase I, will be \$3,885,000. This motion shall be contingent upon the availability of funds and that the Missouri West Rural Water Project meet all MR&I requirements and conditions in the North Dakota Water Supply Development Program.

Commissioners Byerly, Farstveet, Gust, 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 AND APPROVAL OF
LOAN FROM CONTRACT FUND
FOR DESIGN AND CONSTRUCTION
PHASE FOR GARRISON RURAL
WATER PROJECT
(SWC Project No. 237-3)**

Jeffrey Mattern reported the feasibility study has been completed for the Garrison Rural Water Project. A request was presented for the Commission's consideration for a loan from the Resources Trust Fund for the design and construction phases of the project.

It was the recommendation of the State Engineer that the State Water Commission approve a loan from the Contract Fund for 35 percent of the eligible costs, not to exceed \$700,000, with an interest rate of 3 5/8 percent and a term of 25 years, for the design and construction phases for the Garrison Rural Water Project.

It was moved by Commissioner Vogel and seconded by Commissioner Farstveet that the State Water Commission approve a loan from the Contract Fund for 35 percent of the eligible costs, not to exceed \$700,000, with an interest rate of 3 5/8 percent and a term of 25 years, for the Garrison Rural Water Project. This motion is contingent upon the availability of funds and that all MR&I requirements are met.

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

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**CONSIDERATION OF REQUEST FROM
TRAILL COUNTY WATER RESOURCE
DISTRICT FOR COST SHARING FOR
BINGHAM TOWNSHIP CRITICAL AREA
TREATMENT PROJECT
(SWC Project No. 1311)**

A request was presented for the State Water Commission's consideration from the Traill County Water Resource District for cost sharing in the Bingham Township Critical Area Treatment Project.

Cary Backstrand, State Water Commission Water Development Division, presented the request and indicated the project includes installation of a drop structure, inlet channel improvement, site preparation, and seed and mulch at the site. The total estimated project cost is \$44,500. The non-federal eligible project costs are \$12,250, and the 40 percent cost sharing request before the Commission for consideration is \$4,900.

It was the recommendation of the State Engineer that the State Water Commission approve 40 percent of the non-federal eligible costs, not to exceed \$4,900, for the construction of the Bingham Township Critical Area Treatment Project.

Gilman Strand and John Knecht, Traill County Water Resource Board, offered comments relative to the project and urged the Commission's favorable financial support.

It was moved by Commissioner Narlock and seconded by Commissioner Vogel that the State Water Commission approve cost sharing of 40 percent of the non-federal eligible costs, not to exceed \$4,900, toward the construction of the Bingham Township Critical Area Treatment Project in Traill County. This motion is contingent upon the availability of funds.

Commissioners Byerly, Farstveet, Gust, 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
TRAILL COUNTY WATER RESOURCE
DISTRICT FOR COST SHARING IN
ELM RIVER CRITICAL AREA TREATMENT
PROJECT
(SWC Project No. 1311)**

A request was presented for the State Water Commission's consideration from the Traill County Water Resource District for cost sharing for the Elm River Critical Area Treatment Project.

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Cary Backstrand presented the request and stated the project includes the removal of two culverts, replacing one culvert with an 18-inch diameter culvert and installing a 250-foot 42-inch diameter drop pipe structure. It also includes a water redirection dike to force water flow through the replacement road culvert to the opposite side ditch onto the drop pipe structure. Earthfill will be placed in an eroded gully and the area contoured, seeded, fertilized and mulched. The total estimate project cost is \$41,279. The non-federal eligible items total \$13,975, of which 40 percent would be \$5,590.

It was the recommendation of the State Engineer that the State Water Commission approve 40 percent cost sharing toward the construction of the Elm River Township Critical Area Treatment Project, not to exceed \$5,590.

Gilman Strand and John Knecht, Traill County Water Resource District, commented on the project and requested the Commission's favorable consideration for funding.

It was moved by Commissioner Narlock and seconded by Commissioner Vogel that the State Water Commission approve cost sharing of 40 percent of the non-federal eligible items, not to exceed \$5,590, toward the construction of the Elm River Township Critical Area Treatment Project. This motion is contingent upon the availability of funds.

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

**BALDHILL DAM SAFETY
MODIFICATIONS
(SWC Project No. 300)**

Secretary Sprynczynatyk provided the Commission members with background information on Baldhill Dam. He made reference to a letter received from Nancy Dorn, Assistant Secretary of the Army to Governor Sinner regarding cost sharing for the dam safety modifications. The letter proposed a non-federal cost share of \$368,000 compared to a previous proposal of \$1.6 million. Secretary Sprynczynatyk said the new proposal is based on a comparison of the actual federal versus non-federal costs incurred for the original construction of Baldhill Dam. The Flood Control Act of 1944 estimated that the federal cost of Baldhill Dam would

Secretary Sprynczynatyk provided the Commission members with background information on Baldhill Dam. He made reference to

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be \$810,000 and the non-federal cost to be \$418,000, for a total cost of \$1,228,000. Thus, the non-federal cost was calculated to be 34 percent of the total. He said a review of the actual construction costs showed an actual federal cost of \$3,001,854 and an actual non-federal cost of \$349,054, thus, only 10.4 of the total cost was non-federal. Secretary Sprynczynatyk stated that in addition to this major adjustment, the Corps of Engineers also allocated about one-third of the modification costs to maintenance, which is a 100 percent federal responsibility.

Secretary Sprynczynatyk stated the dam safety modifications will require that the existing recreation area located on the east side of the river will have to be closed during construction. He said one possibility would be to mitigate this closure by improving another recreation area at a cost of \$400,000. The Corps would likely require a 50 percent cost share on these improvements.

Secretary Sprynczynatyk said that if the State Water Commission elects to approve cost share for Baldhill dam, consideration should be given to including language in the agreement clarifying the authority of the State Engineer for low flow releases. He said the Corps currently claims to control these releases, but the State Engineer actually is responsible for unallocated water and its' control and, thus, the issue must be addressed.

It was the recommendation of the State Engineer that the State Water Commission accept the offer for the proposed non-federal cost of \$368,000, and that negotiations begin with the original contributors for a 50 percent cost sharing for the dam safety modifications of Baldhill Dam. The remaining 50 percent would come from the State Water Commission's Contract Fund. The State Water Commission will approve the final agreement and cost share allocations for the project.

Louis Kowalski, St. Paul District Corps of Engineers, addressed questions and provided the Commission members with a project briefing.

It was moved by Commissioner Vogel and seconded by Commissioner Gust that the State Water Commission:

- 1) Accept the Department of Army's proposed non-federal cost of \$368,000 for the dam safety modifications of Baldhill Dam;
- 2) Act as the non-federal sponsor for the project; and

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3) Begin immediately negotiations with the original contributors for cost sharing in 50 percent of the project.

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

**DROUGHT DISASTER LIVESTOCK
WATER ASSISTANCE PROGRAM UPDATE
(SWC Project No. 1851)**

Cary Backstrand provided the Commission members with an update on the Drought Disaster Livestock Water Assistance Pro-

gram. To date, 180 applications have been received, of which 152 projects have been approved. Approximately, \$272,218 has been paid out for 132 projects that have been completed.

The State Water Commission initially allocated \$250,000 for the program, all of which has been obligated. At the July 1, 1992 State Water Commission meeting, an additional \$50,000 was approved for the program from the Water Resource Fund's general grants, bringing the total allocation for the program to \$300,000. The Commission approved proposed changes to the program's rules, which are required by law to follow the promulgation process.

One of the proposed rule changes specifies that funds be made available first to those producers who have inquired about the program and their names have been placed on the waiting list. To date, 52 individuals have inquired about the program and five of those individuals have completed their project work. At the July 6, 1992 meeting, the State Water Commission passed a motion that contingent upon the promulgation of the rule changes to the program, of the \$50,000 of additional funds that were allocated, \$10,000 be set aside to provide reimbursement to those producers on the program waiting list who have completed their projects.

The State Engineer was directed to forward a letter to all local ASCS committees encouraging implementation of the ECP Program.

In discussion of the response from the State ASCS Director, it was the general consensus of the Commission members that the State ASCS be encouraged to reconsider its policy pertaining to the needs of the livestock program. A copy of the letter to the State ASCS Director is to be provided to those people on the waiting list for program funding.

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It was moved by Commissioner Vogel, seconded by Commissioner Rudel, and unanimously carried, that the State Water Commission direct the State Engineer to forward a letter to the State ASCS office encouraging the reconsideration of its policy pertaining to the needs of the livestock program.

**DROUGHT DISASTER LIVESTOCK
WATER ASSISTANCE PROGRAM -
CONSIDERATION OF PROGRAM
RULE CHANGES
(SWC Project No. 1851)**

At the July 1, 1992 meeting, the State Water Commission approved proposed changes to the Drought Disaster Livestock Water Assistance Program, which are required by law to follow the promulgation process.

A hearing was held on the proposed program rule changes on August 13, 1992. There was no opposition expressed to the following rule changes:

**AMENDMENT TO CHAPTER 89-11-01
DROUGHT DISASTER LIVESTOCK WATER
SUPPLY PROJECT ASSISTANCE PROGRAM**

Subsection 4 of Section 89-11-04 is amended as follows:

4. The applicant may receive up to fifty percent of the eligible costs of the project but no more than two thousand dollars.

Subsection 5 of Section 89-11-01-05 is amended as follows:

5. Water supply project started after December 31, 1992, without prior approval of the state engineer.

History: Amended effective _____ 1, 1992.

It was moved by Commissioner Rudel and seconded by Commissioner Byerly that the State Water Commission approve the language for the proposed rule changes for the Drought Disaster Livestock Water Supply Project Assistance Program.

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

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Commissioner Vogel leaves the meeting.

**STATE WATER MANAGEMENT
PLAN UPDATE
(SWC Project No. 322)**

LeRoy Klapprodt, State Water Commission Planning and Education Division, indicated the State Water Management Plan draft report has been completed and circulated to the public and other state agencies. The draft was to be provided to the State Water Commission members for their review and comments. After a comment period, the final report will be published. Completion is planned for early December, 1992. The final report will be used by the State Water Commission and the Legislature as a guideline during the budgeting process for the 1993-1995 biennium and future years.

**STATE WATER MANAGEMENT
COMMUNICATIONS PLAN UPDATE
(SWC Project No. 1864)**

At the February 4, 1992 meeting the State Water Commission approved the expenditure of \$15,000 from the Contract Fund for the development of a State Water Management Communications Plan.

LeRoy Klapprodt provided an update on the State Water Management Communications Plan, which is designed to sharpen agency understanding of communication needs in order to use dollars dedicated to information/education activities more effectively.

Mr. Klapprodt reported the staff and the Bureau of Reclamation are in the process of analyzing surveys that were sent to the general public and water managers in North Dakota regarding their knowledge of water resources. The results of the surveys will be used in developing the communication plan and to determine priority methods that will provide information the public wants in a format or media they will use.

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

Charles Rydell reported that on August 5, 1992, the Northwest Area Advisory Committee met to discuss the course of action for the Northwest Area Water Supply Project.

Mr. Rydell indicated that the meeting was scheduled because no progress had been made on the integrated project since legislation was introduced by Senator

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Conrad in November, 1991. He said the primary reason for the lack of progress was the concern by the Three Affiliated Tribes that the legislation could jeopardize funds of approximately \$150 million being requested in Congress as a result of a joint Tribal Advisory Committee Study in conjunction with the Garrison Reformulation Act. Repeated communications soliciting Tribal support of the integrated project by both the Governor's office and the State Engineer have gone unanswered. Mr. Rydell said that in the meantime, the pressing water needs of several communities within the project area must be addressed.

At the August 5, 1992 meeting, the Northwest Area Advisory Committee passed a motion to ask the State Water Commission and the Garrison Diversion Conservancy District to develop and approve immediate funding to be used for completing the "pre-final" design of a non-integrated project covering a nine-county area. The desire of the Committee was that an engineer could be selected and have a solid package developed prior to an upcoming legislative session.

Mr. Rydell said the total cost of bringing the project to a pre-final design status is estimated between \$500,000 and \$1 million.

It was the recommendation of the State Engineer that the State Water Commission approve the utilization of \$400,000 from FY '93 MR&I Program funds, plus an additional \$133,000 from the Garrison Diversion Conservancy District interest account as the initial source of funding for the pre-final design for the Northwest Area Water Supply Project.

Mr. Rydell addressed the proposed funding for the pre-final design and said he is working with the Office of Management and Budget and the State Auditor's office relative to the legality of interest monies that have accrued on federal dollars associated with the Garrison Diversion Project.

It was moved by Commissioner Byerly and seconded by Commissioner Gust that the State Water Commission approve the concept of proceeding with the development of the pre-final design for the Northwest Area Water Supply Project; and to approve the utilization of \$400,000 from FY '93 MR&I funds, plus an additional \$133,000 from the Garrison Diversion Conservancy District interest account as the initial source of funding for the pre-final design.

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

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

Secretary Sprynczynatyk briefed the Commission members on the Missouri Basin Association meeting held in Albuquerque, New Mexico on August 31, 1992. The group addressed the Corps of Engineers operating plan for the Missouri River for 1993, and passed a motion to recommend that the Corps of Engineers follow the same operating plan that was used in 1992. He said eight of the nine states of the Missouri Basin Association voted in favor of the recommendation, with the State of Missouri casting the dissenting vote primarily because of its lawsuit against the Corps of Engineers.

Secretary Sprynczynatyk stated the lawsuit filed by the upper basin states is being heard by the District Court in Montana. The upper basin states have requested a stay on the lawsuit until the Corps of Engineers Master Manual review is completed.

Secretary Sprynczynatyk indicated the documentations for the Master Manual review have been received and staff is in the process of review. He said approximately 69 alternatives have been presented for consideration. The Missouri Basin Association has scheduled a meeting in October, 1992, and Secretary Sprynczynatyk said he is hopeful that the number of alternatives can be scaled down to six or seven. The Corps will then follow through with an environmental impact statement on those alternatives beginning in January, 1993.

**NORTH DAKOTA COMPREHENSIVE
WETLAND CONSERVATION PLAN UPDATE
(SWC Project No. 1489-5)**

At the July 1, 1992 meeting, the Commission members were provided with information concerning the development of a North Dakota Comprehensive Wetland Conservation Plan. Seven objectives were identified for this plan.

To accomplish the objectives, the State Engineer and the Director of the Game and Fish Department jointly submitted a grant proposal to the US Environmental Protection Agency. Acknowledgement has been received that the grant of \$606,300 has been approved, with a requirement for a 75/25 percent cost share.

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Secretary Sprynczynatyk stated a grant budget has been developed which satisfies the federal cost share requirement and stays within the state budget constraints. He said much of the cost share obligation will be met by the entities that participate in the effort. The State Emergency Commission has authorized expenditure of the federal grant funds. The grant period is 12 months but Secretary Sprynczynatyk said indications are strong that ongoing funding is probable.

LeRoy Klapprodt, assigned to administer the grant, reported that formal agreements have been developed between the State Water Commission, as grant administrator, and a number of entities who will be performing some of the tasks. He said all agreements should be finalized and ready for execution in the near future and the major work items can then begin immediately.

Mr. Klapprodt said in some areas, preparatory work has already begun. The Attorney General's staff is progressing in their review of Section 404 assumption and the State Water Commission staff has been researching potential GIS technologies. Mr. Klapprodt said that wetlands education is an ongoing part of the State Water Commission's education program, but will be further emphasized through this grant.

The major thrust of this effort is to build on the already successful cooperative approach to resolving wetland related issues in North Dakota. Mr. Klapprodt said the resulting Comprehensive Wetland Conservation Plan will determine which wetland initiatives are meeting current needs and which should be enhanced or changed.

Since this is an opportunity for North Dakota to further the development of a comprehensive wetlands management plan, it was the recommendation of the State Engineer that the State Water Commission approve receipt of the EPA grant for 1992-1993 and that implementation of the grant begin as soon as possible.

It was moved by Commissioner Rudel and seconded by Commissioner Gust that the State Water Commission approve receipt of the US Environmental Protection Agency grant for 1992-1993 and that implementation of the grant begin as soon as possible on the development of the North Dakota Comprehensive Wetland Conservation Plan.

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

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

Secretary Sprynczynatyk provided a status report on the Devils Lake Stabilization Project. The Corps of Engineers completed its draft reconnaissance report for the Devils Lake Study. The report indicated there was a feasible alternative which justifies a feasibility study. He said this conclusion was based upon the St. Paul District's efforts and is currently being reviewed by higher headquarters in Chicago and Washington, DC.

Secretary Sprynczynatyk indicated he is working with Senator Burdick's office to seek legislation that would direct the Corps of Engineers to initiate a feasibility study in 1993. He explained one of the Corps of Engineers requirements is a non-federal cost share.

The State Water Commission authorized the State Engineer at its February 4, 1992 meeting to provide a letter of intent to the Corps of Engineers to proceed with the feasibility study for the Devils Lake Basin. The letter of intent provided the assurances that the State Water Commission understands the financial requirements and expressed the intent to become the local sponsor, or find an appropriate local sponsor from the Devils Lake Basin.

Secretary Sprynczynatyk briefed the Commission members on efforts by Senators Burdick and Conrad that would direct the Bureau of Reclamation to begin preparations to provide water to eastern North Dakota and to restore Devils Lake. Draft language has been prepared for the Fiscal Year 1993 Energy and Water Appropriations bill directing the Bureau to study the project and come up with a report by March, 1994.

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

Dam in Saskatchewan is complete, and Alameda Dam is approximately 65 percent complete.

Secretary Sprynczynatyk provided the Commission members with an update on the Souris River Flood Control Project. Rafferty

Secretary Sprynczynatyk discussed landowner problems which have resulted in an injunction

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halting construction of the Alameda Dam. Saskatchewan Water Corporation has negotiated a proposed resolution to the current situation that calls for Alameda Dam to be operated in a run of river mode for 10 years. During that time, gates will remain open and water will not be stored in the reservoir. In flood years, the gates may be operated to control outflows and meet international flow requirements. If, in a flood year, the reservoir fills to elevation 552m and international flows have been met, Saskatchewan Water Corporation may retain the water in the reservoir at that level. The gates may be operated to carry out maintenance and inspection of the outlet pipe. At the conclusion of the 10-year period, an arbitration process will be used to establish future operation procedures for Alameda Dam.

A meeting was held in Minot to discuss the proposal. Secretary Sprynczynatyk indicated the proposal is acceptable under the current circumstances and that the terms of the 1989 International Agreement can be met which, he said, is an absolute necessity in order to satisfy North Dakota's need for flood control and water supply. He strongly encouraged the completion of the Alameda Dam as soon as possible and said that when the dam is completed there should be no question that the 1989 International Agreement can be fully implemented and both the Province of Saskatchewan and the State of North Dakota will realize the full benefit of the Souris River Basin Project. He said the dam will provide tremendous water management capabilities for all stakeholders.

**NORTH DAKOTA WATER USERS
ASSOCIATION INITIATED TAX
MEASURE UPDATE
(SWC Project No. 1852)**

Secretary Sprynczynatyk briefed the Commission members on the initiated tax measure for a one-half cent sales tax for water development. He address-

ed the efforts and activities of the North Dakota Water Users Association in its advertising campaign and education program prior to the election.

**CONSIDERATION AND APPROVAL
OF RESOLUTION OF CONDOLENCE
TO FAMILY OF SENATOR
QUENTIN BURDICK
(SWC Resolution 92-9-449)**

A draft resolution was presented for the Commission's consideration expressing condolence to Senator Quentin Burdick's family.

It was moved by Commissioner Gust, seconded by Commissioner Rudel, and unanimously carried, that the State Water Commission approve Resolution No. 92-9-449, Resolution of Condolence to the Family of Senator Quentin Burdick. (SEE APPENDIX "B")

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**NEXT STATE WATER
COMMISSION MEETING**

Bismarck Civic Center. Secretary Sprynczynatyk announced the next meeting of the State Water Commission has been scheduled for November 19, 1992 in the lower level conference room of the State Office Building in Bismarck.

A seminar for State boards and commissions has been scheduled on November 18, 1992 at the

**RENOVATION OF STATE
OFFICE BUILDING UPDATE**

complete and the scheduled date for the agency to move back into the building is October 5, 1992.

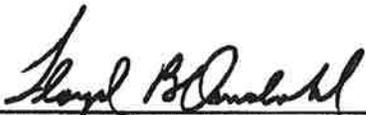
Secretary Sprynczynatyk reported the renovation of the State Office Building is nearly

**UPPER MISSOURI WATER
USERS ASSOCIATION CONFERENCE**

The Upper Missouri Water Users Association Conference has been scheduled at the International Inn in Minot, ND, on November 11-13, 1992.

There being no further business to come before the State Water Commission, it was moved by Commissioner Gust, seconded by Commissioner Spaeth, and unanimously carried, that the State Water Commission meeting adjourn at 11:45 AM.

SEAL



Lloyd B. Omdahl
Lieutenant Governor-Chairman



David A. Sprynczynatyk
State Engineer and
Chief Engineer-Secretary

September 15, 1992

NORTH DAKOTA STATE WATER COMMISSION

REGISTER

ATTENDANCE AT State Water Commission
 DATE September 15, 1992 PLACE Fargo, ND
 PROJECT NO. _____

Your Name	Your Address	Who do you Represent? (Or Occupation)
CHARLES VEIN	GRAND FORKS	ADVANCED ENGINEERING
HANK TRANSRUD	FARGO	HOUSTON ENGINEERING
RONALD FRENCH	DEVILS LAKE	MIDWEST ENGINEERING
VERN TOMANEK	GRAND FORKS	KBM, INC
Fred Selberg	Howood rd	S/E Cass W.R.D.
Randy Gjestvang	West Fargo	ND SWC
Louis Kowalski	St. Paul District COE St. Paul, MN 55101	Corps of Engineers
Rideman A. Howard	Portland N.D.	Trail to Water Bd
Jim Petrecki	309 5 th Ave SE Hillsboro	Trail to Water Bd
Steve Rybe	Bismarck	ND Game & Fish
Lee Klapprott	SWC	
Bob Skovlin	Fargo	EB&E
Jeffrey Mattern	BISMARCK	SWC
Kristyn Thompson	Bismarck	SWC
Brian Kramer	Box 505 Turtle Lake	N-D. Farm Bureau

RESOURCES TRUST FUND

<u>Project</u>	<u>Resources Trust Fund (1991-93)</u>	<u>Resources Trust Fund Carryover (1989-91)</u>	<u>Federal SWPP Reimbursement</u>	<u>Total</u>
MR&I	\$ 6,500,000	\$	\$3,210,770	\$ 9,710,770
Maple River Dam	500,000			500,000
Devils Lake	500,000			500,000
Na chiin Huun - Dakota	50,000			50,000
Drought Livestock Program	300,000			300,000
Hydrologic Investigations	556,446			556,446
SWC Operations	1,546,776			1,546,776
Southwest Pipeline Project	-0-	1,859,536	3,603,709	5,463,245
Souris River Flood Control	1,637,924			1,637,924
General Projects	<u>756,973</u>	<u>269,132</u>	<u> </u>	<u>1,026,105</u>
Totals	\$12,348,119	\$2,128,668	\$6,814,479	\$21,291,266



North Dakota State Water Commission

900 EAST BOULEVARD • BISMARCK, ND 58505-0850 • 701-224-2750 • FAX 701-224-3696

RESOLUTION NO. 92-9-449

**Resolution of Condolence
to the Family of Senator Quentin Burdick**

WHEREAS, Quentin Burdick served the people of North Dakota and the Nation with distinction as a United States Senator for thirty-two years until his death on September 8, 1992; and

WHEREAS, Quentin's death is a great loss that will be felt by all people of North Dakota, particularly those who are interested in sound water management; and

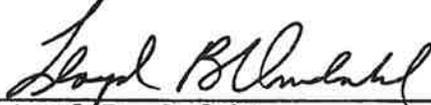
WHEREAS, Quentin tirelessly gave of his time and talents throughout his career to promote many important water resource management projects such as the Sheyenne River and Souris River flood control projects, which will protect the health and safety of state residents for generations to come; and

WHEREAS, Quentin diligently fought for completion of the Garrison Diversion Unit project, which is necessary to distribute Missouri River water to areas of the State that need a reliable supply of good quality water;

WHEREAS, today we pause to mourn the passing of this great man and to honor his memory.

NOW, THEREFORE, BE IT RESOLVED that the members of the North Dakota State Water Commission, at a meeting held on September 15, 1992, in Fargo, North Dakota, hereby express their condolences to Quentin's wife, Jocelyn, and his family for their loss. Quentin's unwavering support for water resource development benefiting all citizens of North Dakota is greatly appreciated.

FOR THE NORTH DAKOTA STATE WATER COMMISSION:



Lloyd B. Omdahl
Lieutenant Governor-Chairman

SEAL



David A. Sprynczynatyk
State Engineer and
Chief Engineer-Secretary

GOVERNOR GEORGE A. SINNER
CHAIRMAN

DAVID A. SPRYNCZYNATYK, P.E.
SECRETARY & STATE ENGINEER