

MINUTES

North Dakota State Water Commission Telephone Conference Call Meeting Bismarck, North Dakota

January 12, 1996

The North Dakota State Water Commission held a telephone conference call meeting in the Governor's conference room, State Capitol, Bismarck, North Dakota, on January 12, 1996. Chairman, Governor Edward T. Schafer, called the meeting to order at 4:00 PM, and requested State Engineer and Chief Engineer-Secretary, David A. Sprynczynatyk, to call the roll. The Chairman declared a quorum was present.

MEMBERS PRESENT:

Governor Edward T. Schafer, Chairman
Sarah Vogel, Commissioner, Department of Agriculture, Bismarck
Mike Ames, Member from Williston
Judith DeWitz, Member from Tappen
Elmer Hillesland, Member from Grand Forks
Jack Olin, Member from Dickinson
Harley Swenson, Member from Bismarck
David A. Sprynczynatyk, State Engineer, and Chief Engineer-Secretary,
North Dakota State Water Commission, Bismarck

MEMBERS ABSENT:

Florenz Bjornson, Member from West Fargo
Robert Thompson, Member from Page

OTHERS PRESENT:

State Water Commission staff members
Julie Krenz, Assistant Attorney General, Bismarck
Judy Carlson, Department of Agriculture, Bismarck
Scott Carlson, Department of Agriculture, Bismarck
Dale Wetzel, Associated Press, Bismarck
Carter Wood, Grand Forks Herald, Bismarck

The attendance register is on file with the official minutes.

The meeting was recorded to assist in compilation of the minutes.

Since this was a special meeting of the State Water Commission, Secretary Sprynczynatyk made reference to the North Dakota Century Code chapter 61-02-08 relating to meetings of the Commission. Chapter 61-02 states, in part:

Notice of any meeting of the commission shall be given by written notice sent to each member of the commission at least three days before the meeting. No notice shall be necessary for any member who has personally signed an admission of notice and consent to holding the meeting.

Because written notice was not provided three days prior to January 12, 1996, each member was asked to consent verbally and, in writing, that prior to the meeting he or she was verbally notified of the meeting and consented to holding the meeting. (The Commission members consented verbally, and written consent forms are on file with the official minutes of this meeting for each Commission member.)

APPROVAL OF AGENDA

the agenda approved and requested Secretary Sprynczynatyk to present the agenda.

There being no additional items for the agenda, the Chairman declared

NORTHWEST AREA WATER SUPPLY PROJECT - APPROVAL TO NEGOTIATE WITH HOUSTON ENGINEERING FOR CONTRACT FOR FINAL DESIGN AND CONSTRUCTION ENGINEERING FOR PROJECT (SWC Project No. 237-4)

following the procedure used in 1992 for the selection of the engineer for the pre-final design.

At the October 16, 1995, meeting, the Commission passed a motion directing the State Engineer to initiate the selection process for the engineering consultant on the final design of the Northwest Area Water Supply project, excluding the city of Rugby water treatment plant and supply, as required by N.D.C.C. ch. 54-44-7, and

Secretary Sprynczynatyk reported a selection committee was established and held its first meeting on November 8, 1995, by telephone conference call. The committee developed the following timetable for the selection process:

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| <u>October 27, 1995:</u> | Select committee |
| <u>November 8, 1995:</u> | Publish Request For Proposals (RFP) 21 days required |

<u>November 8, 1995:</u>	Conference call meeting of committee to discuss selection criteria, schedule, and procedure
<u>November 30, 1995:</u>	Deadline for proposals
<u>December 6, 1995:</u>	Selection committee meets to discuss proposals and select finalists
<u>December 19, 1995:</u>	Formal interview of finalists

Secretary Sprynczynatyk explained the selection process, and said he is in concurrence with the process and the committee's recommendation. Five responses to the Request For Proposals (RFP) were received. The selection committee reviewed and ranked the RFPs, and the three highest ranked firms were selected for interviews: Houston Engineering, Ulteig Engineering, and John Corolla Engineers. Following the interviews, the committee ranked the three firms based upon the proposals and the additional information provided through the interviews. Based on the findings and results of the selection process, it was the recommendation of the selection committee that Houston Engineering is the most qualified firm to do the final design and construction engineering for the Northwest Area Water Supply project.

It was the recommendation of the State Engineer that the State Water Commission accept the recommendation of the selection committee that Houston Engineering is the most qualified firm to do the final design and construction engineering for the Northwest Area Water Supply project, and that negotiations be initiated with Houston Engineering for a contract for the proposed engineering work. In the event a contract cannot be negotiated with Houston Engineering, the negotiations would then be initiated with the second most qualified firm, John Corolla Engineers.

It was moved by Commissioner Ames and seconded by Commissioner Swenson that the State Water Commission accept the recommendation of the selection committee that Houston Engineering is the most qualified firm to do the final design and construction engineering for the Northwest Area Water Supply project, and that the State Engineer be directed to initiate negotiations with Houston Engineering for a contract for the proposed engineering work.

In the event a contract cannot be negotiated with Houston Engineering, the negotiations would then be initiated with the second most qualified firm, John Corolla Engineers.

Commissioners Ames, DeWitz, Hillesland, Olin, Swenson, Vogel, and Chairman Schafer voted aye. There were no nay votes. The Chairman declared the motion unanimously carried.

**DEVILS LAKE EMERGENCY
RESPONSE PLAN -
APPROVAL TO PURCHASE
PUMPS FOR STUMP LAKE
COMPONENT
(SWC Project No. 1882)**

At its November 29, 1995, meeting, the Commission passed a motion approving the allocation of \$750,000 from the Contract Fund for the Devils Lake Emergency Response Plan, of which \$350,000 was obligated for pumps, initial land rights, and pipe

materials. The remaining \$400,000 remains allocated, but unobligated until needed, at which time a recommendation will be brought before the State Water Commission for consideration. The motion was contingent upon the staff re-bidding the pumps utilizing a wet-well vertical turbine configuration.

On January 8, 1996, the bids were opened for the wet-well vertical turbine pumps. Secretary Sprynczynatyk explained that the bids for the vertical turbine pumps were almost the same as for the Gator pumps. Although, he said this amount, when combined with the added field construction costs, operation and maintenance, results in a total life cycle cost of \$821,000 for the vertical turbine pumps. The comparable life cycle cost of the Gator pumps is \$635,000. Thus, the net differential in total cost, including operation and maintenance, is \$186,000 more for the vertical turbine pumps. Secretary Sprynczynatyk explained the advantages and disadvantages of the Gator pumps and the vertical turbine pumps. He noted he had an opportunity to visit with an entity using the Gator pumps for an irrigation project in Arizona and he said it appears they are generally satisfied with the Gator pumps. He said it appears that either the Gator pumps or the vertical turbine pumps will accomplish the pumping needs required for the Stump Lake project.

Secretary Sprynczynatyk explained that those firms who had bid on the pumps in the earlier bid opening, were contacted by the Office of Management and Budget and asked if they could hold their bid price for 60 days for a re-bid of the pumps utilizing a wet-well vertical turbine configuration. He said all of the firms agreed and, by doing so, the low bid from the earlier bid opening could still be recognized and accepted after the re-bid.

It was the recommendation of the State Engineer that due to the significantly higher life cycle costs for the vertical turbine pumps and the limited availability of funds, that the State Water Commission approve the purchase of seven Gator pumps from Pump Systems, Inc.

It was moved by Commissioner Swenson and seconded by Commissioner Olin that the State Water Commission approve the purchase of seven Gator pumps from Pump Systems, Inc., Dickinson, North Dakota.

In discussion of the motion, Commissioner Ames stated he supports the proposed pumping plan, but he reiterated the concerns he expressed at previous Commission meetings relative to the importance of an efficient and dependable pumping system. Thus, he said he favors using the wet-well vertical turbine pumps, which would cost more to install but would be less expensive to operate over the long term.

Commissioner Vogel reiterated the concerns and questions she had expressed at previous State Water Commission meetings relating to project funding, Nelson County landowner concerns, and involvement of the State Water Commission in the overall project development.

Commissioners DeWitz, Hillesland, Olin, Swenson, and Chairman Schafer voted aye. Commissioners Ames and Vogel voted nay. Recorded vote was 5 ayes; 2 nays. The Chairman declared the motion carried.

Secretary Sprynczynatyk provided a status report on land rights acquisition around Stump Lake. Staff has been working in the area during the past two weeks and, to date, contacts have been made with 12 owners or their representatives. Options have been acquired from 3 owners. He said an aggressive effort will continue to contact all landowners. It is hoped that more than 50 percent of the land rights can be optioned by the end of January, 1996. At that time, a decision will have to be made on how to proceed.

**DEVILS LAKE EMERGENCY
RESPONSE PLAN -
UPPER BASIN WATER
RETENTION PROGRAM
STATUS REPORT
(SWC Project No. 1882)**

Secretary Sprynczynatyk stated that a very critical part of the Devils Lake Emergency Response plan includes the upper basin water retention component. Upper basin storage will be obtained from landowners willing to participate in a voluntary program.

He said it is anticipated that available storage could provide one foot of relief to Devils Lake by storing the water in the upper portions of the basin instead of allowing it to flow to Devils Lake. The upper basin retention component is estimated to cost an additional \$3.2 million and efforts are ongoing for implementation.

At the October 27, 1995, meeting, the State Water Commission approved a request from the Devils Lake Joint Water Resource Board and allocated \$50,000 from the Contract Fund for the storage of water on CRP land in the Devils Lake basin. Secretary Sprynczynatyk explained the program, which consists of storing approximately 3,000 acre-feet of water on CRP fields to prevent water from reaching Devils Lake in 1996. The Natural Resources Conservation Service (NRCS) will administer the program and design the structures. The Devils Lake Joint Water Resource Board will make the payments to the farmers and the contractors as needed. The \$50,000 approved by the Commission includes \$30,000 for structures and \$20,000 for landowner payments.

On November 9, 1995, the State Water Commission staff sent a survey letter to landowners in the upper Devils Lake basin to determine the level of local interest and what is acceptable to them relative to the storage of water. Secretary Sprynczynatyk explained participation in the program is voluntary. The NRCS will assist in processing the applications for the program, which will be reviewed by a technical committee for feasibility and cost effectiveness. The project design will be coordinated by the technical committee, with assistance from the NRCS and the State Water Commission staff. Construction will occur as early as possible in 1996. To date, more than 800 responses to the letter survey have been received. Of the responses, more than 90 operators have expressed an interest in upper basin storage and, to date, 18 actual applications for the storage program have been received. Secretary Sprynczynatyk said these applications represent close to 5,000 acre-feet of storage, all of which are in addition to the potential chain of lakes storage. He said these numbers are encouraging and the numbers continue to grow.

Secretary Sprynczynatyk indicated that the greatest single obstacle to greater interest is the principal issue that has been raised by potential participants which is the concern that newly created ponds and restored or expanded wetlands will be regulated by the federal government after the temporary storage program ends. To address this issue, the State Water Commission staff convened a meeting of representatives of the Corps of Engineers, the Natural Resources Conservation Service, the Environmental Protection Agency, and the Fish and Wildlife Service, as well as agricultural interests from the basin, to reach an agreement on the issue. As a result, an agreement was circulated for signature by the regulatory agencies, which should minimize, if not eliminate the major concerns of the landowners. (Note: The agreement was signed by the regulatory agencies on January 16, 1996, and is attached hereto as *APPENDIX "A"*.)

There being no further business to come before the State Water Commission, it was moved by Commissioner

*Olin, seconded by Commissioner Swenson, and
unanimously carried, that the State Water Commission
telephone conference call meeting adjourn at 4:45 PM.*

/S/ Edward T. Schafer
Edward T. Schafer
Governor-Chairman

SEAL

/S/ David A. Sprynczynatyk
David A. Sprynczynatyk
State Engineer and
Chief Engineer-Secretary

