

MINUTES

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

June 11, 1997

The North Dakota State Water Commission held a telephone conference call meeting in the Governor's conference room, State Capitol, Bismarck, North Dakota, on June 11, 1997. Chairman, Edward T. Schafer, called the meeting to order at 3:00 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
Roger Johnson, Commissioner, Department of Agriculture, Bismarck
Florenz Bjornson, Member from West Fargo
Judith DeWitz, Member from Tappen
Elmer Hillesland, Member from Grand Forks
Jack Olin, Member from Dickinson
Harley Swenson, Member from Bismarck
Robert Thompson, Member from Page
David A. Sprynczynatyk, State Engineer, and Chief Engineer-Secretary,
North Dakota State Water Commission, Bismarck

MEMBER ABSENT:

Mike Ames, Member from Williston

OTHERS PRESENT:

State Water Commission Staff
Julie Krenz, Assistant Attorney General, Bismarck
Maurice E. Cook, Beauclair & Cook, Bismarck
Scott Wegner, Beauclair & Cook, Bismarck
Dale Van Eckhout, Rural Development-USDA, Bismarck
DeLayne Brown, Rural Development-USDA, Bismarck
Brian Kramer, North Dakota Farm Bureau, Bismarck
Gordon Berg, Devils Lake, ND
Don Davis, Bismarck Tribune, Bismarck

The attendance register is on file with the official minutes.

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

APPROVAL OF AGENDA

was included under 'Other Business'. The Chairman declared the agenda approved and requested Secretary Sprynczynatyk to present the agenda.

An item relating to the Available Storage Acreage Program (ASAP)

SOUTHWEST PIPELINE PROJECT -

USDA-RURAL DEVELOPMENT

**FUNDING ASSISTANCE;
APPROVAL OF 1997 SERIES B
BOND ISSUANCE AUTHORIZATION
RESOLUTION; AND APPROVAL TO
PROCEED WITH ISSUANCE OF
1997 SERIES B BOND
(SWC Project No. 1736 and 1885)**

At its meeting on May 7, 1997, the

State Water Commission passed a

motion to approve the 1997 Series A Bond Issuance Authorization Resolution for the North Dakota State Water Commission Water Development Revenue Bonds program for the continued construction of the Southwest Pipeline Project. Based on the action of the Commission, the Series A

bonds have been closed and the bond proceeds are available for project use.

Secretary Sprynczynatyk explained the North Dakota Water Development Revenue Bonds program through the U.S. Department of Agriculture - Rural Development to provide funds for the continued construction of the Southwest Pipeline Project. Draft resolutions for compliance with the Rural Development program requirements for the 1997 Series B bond for \$3.4 million were presented for the Commission's consideration. Secretary Sprynczynatyk explained the final documents and the program procedure for satisfying the program requirements:

- **Bond Issuance Authorization Resolution, which sets the specifications for the program procedure and authorizes the Chairman and Secretary of the State Water Commission to sign and approve documents related to the issuance of the Series B bond on behalf of the State Water Commission**
- **1997 Series B Bond Resolution, which sets the specifications of the Series B bond**

DeLayne Brown, USDA-Rural Development, explained that the 1997 Series B Bond Resolution is being reviewed by the Rural Development's legal counsel. She said there may be some changes, but she does not anticipate significant revisions.

It was the recommendation of the State Engineer that the State Water Commission approve the execution of the Bond Issuance Authorization Resolution, and approve the 1997 Series B Resolution, contingent upon approval by the USDA-Rural Development.

June 11, 1997 - 85

It was moved by Commissioner Olin and seconded by Commissioner Johnson that the State Water Commission authorize the execution of the Bond Issuance Authorization Resolution, and approve the 1997 Series B Bond Resolution for the issuance of the North Dakota State Water Commission Water Development Revenue Bonds for funding for the continued construction of the Southwest Pipeline Project, contingent upon approval by the USDA-Rural Development. SEE APPENDIX "A".

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

**GARRISON DIVERSION PROJECT -
APPROVAL OF EXPENDITURE
OF \$30,000 FROM MR&I WATER
SUPPLY PROGRAM INTEREST
ACCOUNT FUNDS FOR RANSOM-
SARGENT RURAL WATER PROJECT
EVALUATION
(SWC Project No. 237-3)**

A request was presented for the Commission's consideration for the for the expenditure of \$30,000 from the MR&I Water Supply program interest account funds for conducting an evaluation of the Ransom-Sargent Rural Water project.

Secretary Sprynczynatyk presented the request and stated the Garrison Diversion Conservancy District has developed a proposal to contract with Ulteig Engineers to evaluate the Ransom-Sargent rural water system and the surrounding rural water systems. The cost includes \$10,000 for other engineers to provide information for the evaluation. On June 2, 1997, the board of directors of the Garrison Diversion Conservancy District approved the expenditure of funds.

It was the recommendation of the State Engineer that the State Water Commission approve the expenditure of \$30,000 from the MR&I program interest account funds for conducting an evaluation of the Ransom-Sargent Rural Water project.

It was moved by Commissioner Bjornson and seconded by Commissioner Thompson that the State Water Commission approve the expenditure of \$30,000 from the MR&I Water Supply program interest account funds for conducting an evaluation of the Ransom-Sargent Rural Water project. This motion is contingent upon the availability of funds.

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

**GARRISON DIVERSION PROJECT-
APPROVAL OF EXPENDITURE OF
\$2,500 FROM MR&I WATER SUPPLY
PROGRAM INTEREST ACCOUNT
FUNDS FOR INTERBASIN WATER
TRANSFER STUDIES PROGRAM
(SWC Project Nos. 237-3 and 1828)**

A request was presented for the Commission's consideration for the expenditure of \$2,500 from the MR&I Water Supply program interest account funds for compilation and printing the final results of the Interbasin Transfer Studies program (biota transfer).

On February 23, 1996, the State Water Commission approved the expenditure of \$38,600 from the interest accumulated to the MR&I Water Supply program to complete the research contracts under the program. The Bureau of Reclamation cost shared with the Garrison Diversion Conservancy District and the State Water Commission in previous costs associated with the biota study. On June 2, 1997, the board of directors of the Garrison Diversion Conservancy District approved the expenditure of funds for printing the final results of the study.

It was the recommendation of the State Engineer that the State Water Commission approve the expenditure of \$2,500 from the MR&I Water Supply program interest account funds for compiling and printing the final results of the biota study.

Gordon Berg, Devils Lake, North Dakota, appeared before the State Water Commission to express his concerns relative to the Interbasin Water Transfer Studies program. He also provided comments on agenda items relating to the minimum instream flows on the Sheyenne and Red Rivers and the Devils Lake ASAP program.

It was moved by Commissioner Olin and seconded by Commissioner Bjornson that the State Water Commission approve the expenditure of \$2,500 from the MR&I Water Supply program interest account funds for compilation and printing the final results of the Interbasin Water Transfer Studies program (biota transfer). This motion is contingent upon the availability of funds.

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

**GARRISON DIVERSION PROJECT -
APPROVAL OF EXPENDITURE
OF \$40,000 FROM MR&I WATER
SUPPLY PROGRAM INTEREST
ACCOUNT FUNDS FOR INSTREAM
FLOWS ON SHEYENNE AND
RED RIVERS
(SWC Project No. 237-3)**

A request was presented for the Commission's consideration for the expenditure for \$40,000 from the MR&I Water Supply program interest account funds for preparation and presentation of information relative to low flow issues on the Red River of the North and the Sheyenne River streamflow transmission losses.

The Garrison Diversion Conservancy District developed a proposal to contract with Houston Engineering, Inc., to provide engineering and environmental consulting services on three issues: 1) instream flow needs for the protection of aquatic life; 2) instream flow needs for meeting water quality standards; and 3) the affect of channel losses along the Sheyenne River. On June 2, 1997, the board of directors of the Garrison Diversion Conservancy District approved the expenditure of \$40,000 from the MR&I Water Supply program interest account funds.

Instream flow issues are being addressed by the State Water Commission, the State Health Department, the State Game and Fish Department, and the State Parks and Recreation Department. Secretary Sprynczynatyk said the most widely accepted methodologies used to identify flow regimes needed for various environmental parameters are the most data intensive, time consuming, and costly. The state ad hoc committee will specifically address the benefits of instream flow, determination of minimum flows, and review ways to implement instream flows.

The Bureau of Reclamation is currently studying the use of Missouri River water to meet the water needs of the Red River valley. The Bureau maintains it must use the most up-to-date data available for addressing instream flows, which is a Corps of Engineers study.

It was the recommendation of the State Engineer that the State Water Commission approve the expenditure of \$40,000 from the MR&I Water Supply program interest account funds for the preparation and presentation of information relative to low flow issues on the Red River of the North and the Sheyenne River streamflow transmission losses.

It was moved by Commissioner Hillesland and seconded by Commissioner Olin that the State Water Commission approve the expenditure of \$40,000 from the MR&I Water Supply program interest account funds for the preparation and presentation of information relative to low flow issues on the Red River of the North and the Sheyenne River streamflow transmission losses. This motion is contingent upon the availability of funds.

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

**DEVILS LAKE AVAILABLE
STORAGE ACREAGE PROGRAM
(ASAP) - APPROVAL OF**

Secretary Sprynczynatyk reported increased landowner interest has recently been generated in the Devils

**ALLOCATION OF \$100,000 FROM
GENERAL FUND; AND**

Lake Available Storage Acreage Program (ASAP). This interest has

**APPROVAL TO REQUEST \$128,000
FROM STATE CONTINGENCY**

resulted in additional applications that will require funding beyond the

**FUND THROUGH EMERGENCY
COMMISSION**

current program allocation. He said, "it is important to continue storing

(SWC Project No. 1882)

as much water as possible in the basin to help reduce the flood

damages at Devils Lake." The total additional investment of \$228,000 before the State Water Commission for consideration in the ASAP program will store approximately 4,000 acre-feet of water.

Secretary Sprynczynatyk explained that because of the emergency nature of the project and the timing, an option for funding would be to seek Emergency Commission approval for \$128,000 from the state contingency fund through the Emergency Commission. The Emergency Commission is scheduled to meet on June 18, 1997. The remaining \$100,000 expenditure would come from State Water Commission general funds, which resulted from savings in agency operations.

It was the recommendation of the State Engineer that the State Water Commission request approval of \$128,000 from the state contingency fund through the Emergency Commission, and the expenditure of \$100,000 from the general fund, for a total additional allocation of \$228,000 for the Devils Lake ASAP program for 1997.

It was moved by Commissioner Johnson and seconded by Commissioner Bjornson that the State Water Commission:

- 1) Request approval of \$128,000 from the state contingency fund through the Emergency Commission for the Devils Lake ASAP program*
- 2) Approve the expenditure of an additional \$100,000 of State Water Commission general funds for the*

Devils Lake ASAP program for 1997. This motion is contingent upon the availability of funds, and action by the Emergency Commission.

June 11, 1997 - 89

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

(Note: The Emergency Commission met on June 18, 1997, and approved the request of \$128,000 as submitted for the Devils Lake ASAP program. The Emergency Commission's approval was affirmed by the Budget Section Committee on June 18, 1997.)

There being no further business to come before the State Water Commission, Governor Schafer adjourned the meeting at 3:30 PM.

Edward T. Schafer
Governor-Chairman

SEAL

David A. Sprynczynatyk
State Engineer, and
Chief Engineer-Secretary

