

NORTH DAKOTA STATE WATER COMMISSION

REGISTER

ATTENDANCE AT State Water Commission Meeting
 DATE July 24, 1981 PLACE Minot, N. Dak.
 PROJECT NO. _____

Your Name	Your Address	Who do you Represent? (Or Occupation)
Mike Dwyer	Bismarck	SWC
Alma Walker	Minot	Minot City Council
Lorri Kuyper	Kenmare	Kenmare News
John Pritschet	Forsyth	Citizens United & Save the Wells
Martin E. Damm	Kenmare	Kenmare & 3rd Dist as N.D. Senator
Rollard Kelli	Minot	State Senate Dist 48-58
Valdemar Hovde	Minot	
Lyle J. Schommer	Bismarck	Food & Wildlife Service Refuge Manager
Wanda Blumhert	Forsyth	Upper Souris Natl. Wildl. Refuge
John Quinn	Townsend	Citizens United
Rep. Carolyn Hummer	Wadlodge	Citizen - United
Bob Schempp	Minot	City Manager - Minot
LAURIE McMERTY	MINOT	N.D. WATER USERS
Don Mark Adams	Langford	Bottle - McHenry County
Rep. L.D. Marsden	Bottineau	6th Legislative District

NORTH DAKOTA STATE WATER COMMISSION

REGISTER

ATTENDANCE AT State Water Commission Meeting

DATE July 24, 1981 PLACE Minot, N.D.

PROJECT NO. _____

Your Name	Your Address	Who do you Represent? (Or Occupation)
Rep. Janet Wertz	505-8th Ave. S.E. Minot	41st Leg. District
Rep. Richard Backes		
Rep. Arthur Hanson		Citizen involved in State Valley 3rd leg. dist
Rep. Doug Mattson	330 11th NW	50/40 Dist
Oliver W. Backes	2425 Brookside, Minot	4th Ward
Bob Knudsen	Governor's office	
Jed Sorensen	1 Spruce C.E. Village, Minot	
Scott Kivace	512 24th Av. NW	KXMC-TV
Peggy Ulrich	RR#2 Minot	KXMC-TV

MINUTES

North Dakota State Water Commission
Minot, North Dakota

July 24, 1981

The North Dakota State Water Commission held a special meeting in the City Council Chambers at the Minot City Hall, Minot, North Dakota, on July 24, 1981. Governor-Chairman, Allen I. Olson, called the meeting to order at 10:00 a.m., and requested Secretary Vernon Fahy to call the roll and present the agenda.

MEMBERS PRESENT:

Allen I. Olson, Governor-Chairman
Alvin Kramer, Member from Minot
Ray Hutton, Member from Oslo, Minnesota
Garvin Jacobson, Member from Alexander
Guy Larson, Member from Bismarck
Henry Schank, Member from Dickinson
Kent Jones, Commissioner, Department of Agriculture, Bismarck
Vernon Fahy, State Engineer and Secretary, North Dakota
State Water Commission, Bismarck

MEMBERS ABSENT:

Florenz Bjornson, Member from West Fargo
Bernie Vculek, Member from Crete

OTHERS PRESENT:

State Water Commission Staff Members
Approximately 25 persons interested in agenda items

The attendance register is on file in the State Water Commission offices (filed with official copy of minutes).

The proceedings of the meeting were recorded to assist in compilation of the minutes.

CONSIDERATION OF MINUTES
OF JULY 6, 1981 MEETING -
ACTION DEFERRED

Secretary Fahy indicated that the minutes of the July 6, 1981 meeting were in the draft stage, but would be available for consideration at the August 12 meeting.

CONTINUED DISCUSSION RELATIVE
TO PROPOSED BURLINGTON DAM
AND SOURIS RIVER FLOOD CONTROL
EFFORT
(SWC Project No. 1408)

State Representative Orlin Hanson explained the layout of the Souris Basin, flooding history, and the potential for cooperation with Canada.

Jack Bone discussed the history of the Minot floods, and the history of the Corps of Engineers study and involvement in alternatives to alleviate the flooding problems.

Commissioner Al Kramer mentioned the problems in the rural areas and indicated that it may be possible that the Water Resource District will have to play the lead role. He also discussed the possibility of a special appropriation from the State Legislature.

Representative Dick Backus explained the agreement (attached hereto as APPENDIX "A") relating to providing interim flood protection for the Souris River Valley in North Dakota while alternative approaches to providing permanent flood protection are investigated. He also discussed the benefits from the Rafferty Dam in Canada.

The Mayor of Minot, Chester Reiten, explained Minot's position on the agreement and future flood control and stated that the City Council of Minot has voted to support the agreement.

Mr. Orlin Backes, President of 4-Dam Limited, indicated that this group is supportive of the investigation of alternatives.

Mr. Orlin Oium, member of the Board of Directors of Citizens to Save the Valley, and living in the downstream area, stated that this group has gone on record in support of the agreement.

Secretary Fahy read a draft resolution for the Commission's consideration and indicated that if the Commission decides to adopt the resolution, it would endorse the concepts of the attached Memorandum of Understanding and Agreement and would fully support its immediate implementation.

It was moved by Commissioner Jones and seconded by Commissioner Kramer that the State Water Commission adopt Resolution No. 81-7-410, relating to providing interim flood protection for the Souris River Valley in North Dakota while alternative approaches to providing permanent flood protection are investigated; endorsing the concepts of the agreement; and fully supporting its implementation.

July 24, 1981

In discussion of the motion, Orlin Backes noted that the agreement does not mention mitigation and land requirement areas. It was indicated that the plan is for no mitigation during the initial phase of implementation.

Mr. Orlin Hanson stated that he is in agreement with no mitigation, but expressed concern relative to payment for damages following construction.

Secretary Fahy read the role of the State Water Commission on Souris River Flood Control, which is attached hereto as APPENDIX "B".

The question was called on the motion by the Chairman. All members voted aye; motion unanimously carried. SEE APPENDIX "C"

CONSIDERATION OF PROPOSED
RESOLUTION TO SUPPORT EFFORTS
TO RESOLVE FLOOD PROBLEMS AND
RELATED WATER MANAGEMENT
PROBLEMS IN THE RED RIVER WATERSHED
(SWC Project No. 1705)

Secretary Fahy explained the flooding and other water management problems of the Red River watershed. He read a proposed resolution for the Commission's consideration that would urge all of the water resource districts of the Red River Joint Board and their respective county commissioners

to take whatever action is necessary to provide for local funds from mill levies or assessments to ensure that the moneys appropriated by the 1981 Legislature under House Bill 1466 can be expended for flood control projects in the Red River watershed.

It was moved by Commissioner Jones, seconded by Commissioner Hutton, and unanimously carried, that the State Water Commission adopt Resolution No. 81-7-411. SEE APPENDIX "D"

BOUNDARY CREEK WATERSHED
RECREATION AREA
(SWC Project No. 1342)

Secretary Fahy stated that the State Water Commission is doing the engineering for the Soil Conservation Service for the recreation areas for Boundary Creek

Watershed - Carbury Dam. This was requested by the Boundary Creek Water Resource District. He indicated that the SCS has requested that the State Water Commission be a project sponsor in order for them to accept the engineering. He noted that no funding would be required of the Water Commission.

It was moved by Commissioner Kramer, seconded by Commissioner Larson, and unanimously carried, that the State Water Commission act as project sponsors to do the engineering work for the recreation areas for Boundary Creek Watershed - Carbury Dam.

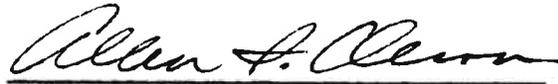
July 24, 1981

STATUS REPORT ON
SOUTHWEST PIPELINE
PROJECT
(SWC Project No. 1736)

Mike Dwyer, Legal Counsel for the State Water Commission, updated the Commission members on the Southwest Pipeline Project.

Mr. Dwyer advised that the firms selected by the State Water Commission for the engineering consulting work had received their certificates of authority from the Board of Registered Professional Engineers and Land Surveyors, but that the Attorney General's opinion had not yet been received. Mr. Dwyer stated that on Monday, July 27, 1981, the State Water Commission staff was going to begin negotiations on the engineering consulting contract, but that the contract would not be executed until after the Attorney General's opinion had been received.

It was moved by Commissioner Schank, seconded by Commissioner Kramer, and unanimously carried, that the meeting adjourn at 12:00 noon.



Allen I. Olson
Governor-Chairman

ATTEST:



Vernon Fahy
State Engineer and Secretary

July 24, 1981

RELATIVE TO PROVIDING INTERIM FLOOD PROTECTION FOR THE SOURIS RIVER VALLEY IN NORTH DAKOTA WHILE ALTERNATIVE APPROACHES TO PROVIDING PERMANENT FLOOD PROTECTION ARE INVESTIGATED.

GENERAL AGREEMENT

The signators of the Memorandum of Understanding agree that permanent protection from destructive flooding must be provided the citizens of the Souris Valley in North Dakota. They further agree that, to the extent possible, methods of providing this permanent protection should be acceptable to both those benefited and those adversely affected by the construction of permanent flood protection facilities. As concerns have been expressed that alternative approaches to providing permanent protection may not have been fully explored in the past, the signators agree that the interim flood protection measures described below should be constructed as soon as possible while alternative approaches to permanent protection are cooperatively investigated and, if found feasible, promoted for implementation.

INTERIM PROTECTION

To provide a reasonable level of interim flood protection in the Souris River Valley in North Dakota, the signators concur that alterations to Lake Darling Dam and related facilities should be immediately constructed to create a four-foot vertical rise in the flood control capabilities of that structure. These alterations should include raising the Soo Line Railroad and the four roads crossing the flood pool above the maximum operating level of Lake Darling Dam. Permanent levee construction in the rural and urban areas below Lake Darling Dam up to the J. Claiborne Salyer Refuge should be completed as soon as practicably possible. Channelization work should also be initiated on the Souris River below the boundaries of the Upper Souris Refuge.

INVESTIGATION OF ALTERNATIVES

During the period of construction of the interim protection features or seven (7) years, whichever period is longer, mutual and cooperative efforts will be made by the signators to investigate alternative approaches to permanent flood protection for the Souris River Valley in North Dakota. Those approaches will include, but not be limited to, the feasibility of the construction of flood control structures in the Province of Saskatchewan and the possibility of the construction of a series of water retention structures above the Des Lacs River Valley. The investigation of these alternatives is not to be construed as a rejection or diminution of support for the Burlington Reservoir authorization by the supporters of the Burlington Dam, nor does it signify support by other interests for the construction of the Burlington Reservoir. During the period of investigation, reauthorization of the Burlington Dam will not be supported by the signators to this Memorandum of Understanding. However, in the event that investigations conclusively demonstrate that alternative approaches which diminish the negative impacts of permanent flood protection in North Dakota are feasible and practicable, the signators agree to cooperatively pursue the authorization and construction of those alternative approaches. Alternatives which are feasible and practicable must demonstrate acceptability to affected landowners and be compatible to the planning and development programs of appropriate governmental entities in the United States and Canada.

Dated this Seventeenth day of June, 1981.

Chr., Bottineau County Commission

Chr., Bottineau County Water Mgt. District

Chr., Boundary Creek Water Mgt. District

Chr., Oak Creek Water Mgt. District

Chr., Willow Creek Water Mgt. District

Chr., McHenry County Commission

Chr., McHenry County Water Mgt. District

Mayor, City of Velva

Mayor, City of Sawyer

Chr., Renville County Commission

Chr., Renville County Water Mgt. District

Chr., Ward County Commission

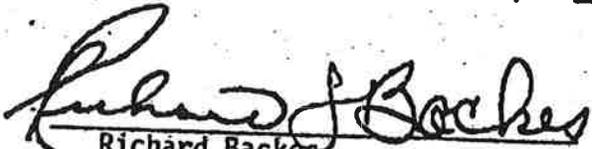
Chr., Ward County Water Mgt. District

Mayor, City of Minot

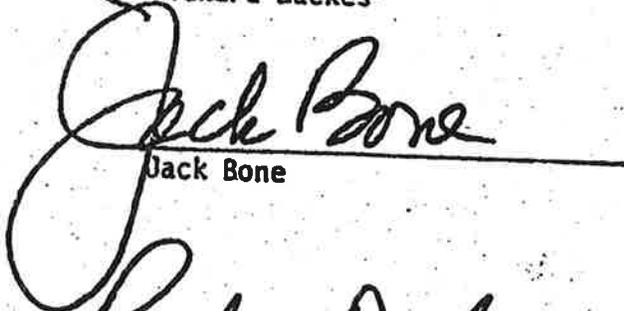
MEMORANDUM OF COOPERATION

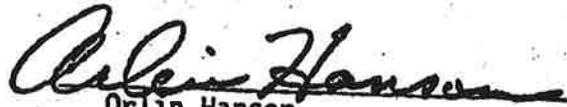
We, the undersigned, agree on behalf of the organizations we represent to mutually and cooperatively support and promote the implementation of the provisions of the Memorandum of Understanding to provide interim flood protection for the Souris River Valley in North Dakota while alternative approaches to providing permanent flood protection are investigated, such Memorandum of Understanding signed and dated June 17, 1981.

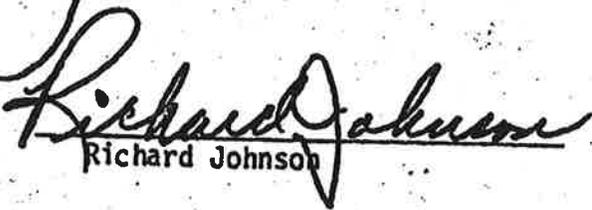
Signed this Seventeenth day of June, 1981, by:


Richard Backes

Orlin Backes

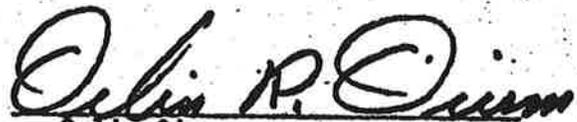

Jack Bone

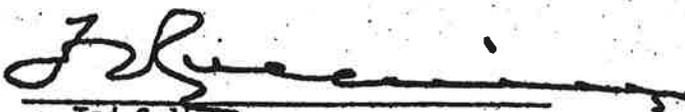

Orlin Hanson


Richard Johnson


Al Kramer


Laurence McMerty


Orlin Oium


Ted Solhem

THE ROLE OF THE STATE WATER COMMISSION
ON SOURIS RIVER FLOOD CONTROL

1. Support the Memorandum of Understanding containing the plan of phased implementation for Souris River flood control. This should first be done by resolution.
2. Support requests for further congressional authorization and appropriation for the construction of the first phase of the interim plan by the Corps of Engineers.
3. Support the investigation of alternative methods of providing permanent flood protection for the Souris River Valley. The initial investigations would be done by local interests. Then, once plans are formulated, the State Water Commission could possibly provide technical assistance to determine the feasibility of the plans. Normal procedure is for a local entity, such as a water resource board, to request technical assistance. This assistance would involve preliminary engineering for alternatives.
4. Support the advancement of feasible alternative plans to the Corps of Engineers. These alternatives would be possible replacements for Burlington Dam.
5. For project features which do not fall under Corps authority, the State Water Commission could support the final design and construction. This could be by technical assistance and financial assistance. For smaller projects, it is possible that contract funds could be used. To do so, the local project sponsors would have to submit a request for cost sharing. The State Water Commission could possibly fund up to 40% following cost sharing policies. For projects beyond normal contract fund capability, a special appropriation request would have to be made to the Legislature.

RESOLUTION NO. 81-7-410
Supporting Memorandum of Understanding
On Souris River Flood Control Project -
Burlington Dam

WHEREAS, a demonstrated need exists to provide permanent protection from destructive flooding in the Souris River Basin in North Dakota; and

WHEREAS, the Souris River Flood Control Project was authorized by Congress in 1971 to meet that need by the construction of the Burlington Dam and related works; and

WHEREAS, serious concerns have been raised regarding the possibility of methods of providing the required permanent flood protection in combination with a program of total water management in the Souris River Basin; and

WHEREAS, local affected units of government have agreed to a Memorandum of Understanding, the provisions of which, if implemented, would provide interim flood protection to the residents of the Souris River Basin while alternative methods of providing permanent flood protection are investigated; and

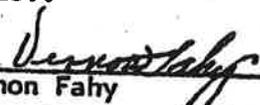
WHEREAS, it is in the best interests of the citizens of the Souris River Basin that this interim protection be provided as expeditiously as possible.

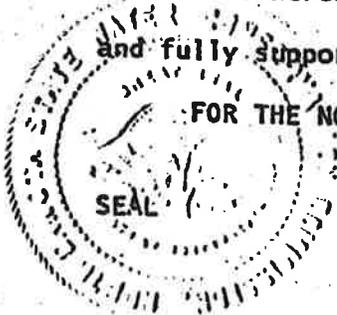
NOW, THEREFORE, BE IT RESOLVED by the North Dakota State Water Commission, meeting in special session in Minot, North Dakota, this 24th day of July, 1981, that we do hereby endorse the concepts of the attached Memorandum of Understanding and fully support its immediate implementation.

FOR THE NORTH DAKOTA STATE WATER COMMISSION:


 Allen I. Olson
 Governor-Chairman

ATTEST:


 Vernon Fahy
 State Engineer and Secretary



RESOLUTION NO. 81-7-411

Urging The Water Resource Districts And County Commissioners
In Red River Valley To Take Action
Required By HB-1466

WHEREAS, the North Dakota State Water Commission is fully supportive of the efforts and activities of the Red River Joint Water Resource Board to resolve the flooding and other water management problems of the Red River watershed; and

WHEREAS, the Red River Joint Water Resource Board is currently reviewing and preparing to implement projects throughout the Red River watershed to resolve flooding and other water management problems for the benefit of all members of the Red River Joint Water Resource Board; and

WHEREAS, to further the implementation of these projects, the 1981 Legislative Assembly enacted House Bill 1466 (1981 S.L., Ch. 44) which appropriated \$500,000 to the State Water Commission contract fund "for the purpose of the investigation, development, preliminary engineering analysis, estimate of costs, and construction of flood control projects and related works in member districts of the Red River Joint Water Resource Board". However, the Legislature also provided in House Bill 1466 that the appropriation of \$500,000, "shall not be expended until provisions for local funds from mill levies or assessments are made to match funds from this appropriation".

NOW, THEREFORE, BE IT RESOLVED that the North Dakota State Water Commission, meeting in special session this 24th day of July, 1981, hereby urges all of the water resource districts of the Red River Joint Board and their respective county commissioners to take whatever action is necessary to provide for local funds from mill levies or assessments to ensure that the moneys appropriated by the 1981 Legislature under House Bill 1466 can be expended for flood control projects in the Red River watershed; and

BE IT FURTHER RESOLVED that the State Water Commission pledges its support and cooperation to the Red River Joint Water Resource Board for these most essential efforts to resolve the flooding and related water management problems in the Red River watershed; and

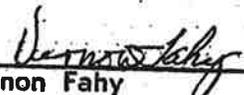
BE IT FURTHER RESOLVED that Governor Allen I. Olson, as chairman of the State Water Commission, be directed to send this resolution to the chairman of the Red River Joint Board and those water resource districts and their respective county commissioners which have not taken the necessary action to allow the utilization of funds appropriated under House Bill 1466.

FOR THE NORTH DAKOTA STATE WATER COMMISSION:




Allen I. Olson
Governor-Chairman

ATTEST:


Vernon Fahy
State Engineer and Secretary

NORTH DAKOTA STATE WATER COMMISSION

REGISTER

ATTENDANCE AT State Water Commission Meeting
 DATE August 12, 1981 PLACE Walhalla, N. Dak.
 PROJECT NO. _____

Your Name	Your Address	Who do you Represent? (Or Occupation)
Jagen Haugen	McLeod N. Dak	RCDWRD
Bruce Stone	Barney N. Dak	Richland County WRD
Les Sted	Englevale, N.D.	Ransom WRD
Ray E Stein	Walhalla N. Dak	Richland County WRD
Stan Zschomler	Bismarck N.D	Fish & Wildlife Serv
Willie Spychall	St. Paul, Mn	Corps of Engineers
Larry Parsons	Bismarck N.D	Bureau of Reclamation
Mike McKenna	Bismarck N.D.	N.D. Game & Fish
Chuck Pulver	Walhalla ND	ND Game & Fish Dept
Russ Sleschunike	Deer Lake	ND Sales Sales
Don Powell	St. Paul, MN.	Corps of Engineers
Kent Vosper	Nesche ND	