

MINUTES

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

March 25, 1985

The North Dakota State Water Commission held a telephone conference call meeting on March 25, 1985. Governor-Chairman, George A. Sinner, called the meeting to order at 12:45 p.m. and declared that a quorum was present. The purpose of the telephone conference meeting was to further discuss the Red River diking problem.

MEMBERS PRESENT:

George A. Sinner, Governor-Chairman
 Kent Jones, Commissioner, Department of Agriculture, Bismarck
 Florenz Bjornson, Member from West Fargo
 Alvin Kramer, Member from Minot
 Guy Larson, Member from Bismarck
 Ray Hutton, Member from Oslo, Minnesota
 Henry Schank, Member from Dickinson
 Bernard Vculek, Member from Crete
 Vernon Fahy, State Engineer and Secretary, North Dakota
 State Water Commission, Bismarck

OTHERS PRESENT:

State Water Commission Staff

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

CONTINUED DISCUSSION ON
 RED RIVER DIKES
 (SWC Project No. 1638)
 (Resolution No. 85-3-422)

At the State Water Commission meeting held on March 15, 1985, it was agreed that a telephone conference call meeting would be held on March 25, 1985 to consider and take

action on the proposed Cooperative Agreement for a corrective plan for the agricultural levees on the Red River.

Secretary Fahy explained the action that was taken on March 15, 1985, and indicated that both the Grand Forks and Walsh County Water Resource Districts had agreed to sign the Corrective Plan and that the Attorney General of North Dakota had recommended adoption of the plan. The Commission members also heard comments from two landowners recommending adoption of the plan at their March 15 meeting.

Secretary Fahy stated that the area that had the most discussion was the fact that in the final analysis the Minnesota dikes will be one foot higher than any diking that may be done on

the North Dakota side. The response to this concern was that this kind of an arrangement serves to bring the Minnesota dikes down lower than under any other proposal that has been discussed to date.

At the March 15 meeting Commissioners Hutton and Bjornson stated they wanted more time to review the Cooperative Agreement, thus, it was suggested by Governor Sinner and agreed to by the Commission members that action be delayed and further discussed in a telephone conference call scheduled for March 25, 1985.

Secretary Fahy read a draft resolution for the Commission's consideration that would authorize the State Engineer to execute an agreement on behalf of the State Water Commission with the Minnesota Department of Natural Resources, Middle River-Snake River Watershed District, and the Grand Forks and Walsh County Water Resource Districts to address the existing dikes along the Red River of the North.

In discussion, Commissioner Kramer inquired about the meetings that had been held on March 20 with the Minnesota defendants and the North Dakota landowners.

Rosellen Sand, Assistant Attorney General for the State Water Commission, stated that the Attorney General and Commission staff did meet with the individual plaintiffs on March 20 and the plaintiffs are in basic agreement with the proposed stipulation and Corrective Plan. Ms. Sand stated they had also intended to meet with the defendants in Oslo, however, they were not allowed into the meeting. The defendants did approve a resolution that does support their entering into this agreement. The defendants' attorneys have all, except for two, entered a stipulation to agree to this Cooperative Agreement and resolve the lawsuit that they are engaged in. Ms. Sand indicated that the two attorneys who have not signed the agreement were not at the meeting but the indication is that they will also sign.

Commissioner Hutton expressed the concern of individuals that there has not been enough opportunity to comment on the proposed agreement and they have not been informed of all the meetings that have been held to discuss this proposal. He stated that in discussions with the Grand Forks Water Resource Board since they have realized the dikes in North Dakota will be one foot lower than the Minnesota dikes, are not in favor of this agreement. He said there are a lot of questions but most of the people feel this is the best proposal discussed. He referred to a straw vote taken in the area of which about 16-20 were in favor of the proposal and 5-6 were against the agreement, but he sensed from later discussions with the individuals that they really weren't certain of what they were voting for. Commissioner Hutton suggested that a public meeting be held in the area in order to give individuals the opportunity to comment on the agreement. He said a public meeting would likewise help to improve the public relations in the area.

Secretary Fahy responded to Commissioner Hutton's comments regarding individual contacts and stated the staff has been involved with the public entities who represent the individuals in the area. He stated that the public entities involved are

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in favor of moving forward with the proposal and that correspondence and resolutions have been filed with the Commission indicating their concurrence.

Secretary Fahy indicated that the only concern that the Grand Forks County Water Resource District has expressed is that they do not want to be held responsible in any way for diking in Walsh County.

Commissioner Hutton further expressed concerns stated by the individuals and said it appears that the majority of the people would agree to the proposal if the dikes would be the same height on both sides; suggested that the arbitrator not be the Corps of Engineers; the Grand Forks County Water Resource District is definitely opposed to all agricultural dikes; and, that if the agreement is approved the North Dakota farmers are getting the short end and should be looking at something to compensate the farmers such as 50 percent funding on retention dams or suggested making the floodplain their priority as far as flood control is concerned.

Dave Sprynczynatyk proceeded to explain the effects if the dikes were the same height on both sides.

Commissioner Bjornson suggested that future studies include the possibility of an indemnity to North Dakota farmers who will be flooded as a result of the agreement.

Commissioners Larson and Kramer both indicated that time is of essence and that this matter should not be delayed any longer unless it is absolutely necessary.

Governor-Chairman Sinner relinquished the chair. Kent Jones assumed the chairmanship of the State Water Commission.

It was moved by Governor Sinner and seconded by Commissioner Kramer that Resolution No. 85-3-422 be approved relative to entering into Cooperative Agreement for the formulation of a Corrective Plan for Agricultural Levees between River Mile 236 and 287 of the Red River of the North, and that a public meeting be held in Grand Forks as soon as possible to discuss this matter with the public.

In discussion of the motion, Secretary Fahy indicated that all parties to the plan (the Minnesota Department of Natural Resources, Middle River-Snake River Watershed District, and the Grand Forks and Walsh County Water Resource Districts) have scheduled a meeting in Grand Forks on March 27 at 1:00 to execute the agreement if all parties have agreed to sign.

The Commission members directed the staff to notify the local boards and the public through the news media that staff will be available the morning of March 27 to hear public comments, and that a public meeting be scheduled to discuss the agreement as soon as

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possible. The Commission members authorized the State Engineer that if problems arise or if there appears to be a lack of interest that signing of the agreement may be delayed until such time as the Commission members can be contacted for further discussion.

Governor Sinner resumes the chair.

The following vote was taken on the motion:

Governor Sinner	-	aye
Kent Jones	-	aye
Florenz Bjornson	-	aye
Guy Larson	-	aye
Henry Schank	-	aye
Alvin Kramer	-	aye
Ray Hutton	-	aye
Bernard Vculek	-	aye

The Chairman declared the motion as unanimously carried. See Appendix "A".

There being no further business to come before the Commission at this time -

It was moved by Commissioner Kramer, seconded by Commissioner Schank, and unanimously carried, that the telephone conference call meeting adjourn at 1:25 p.m.


George A. Sinner
Governor-Chairman

ATTEST:


Vernon Fahy
State Engineer and Secretary

March 25, 1985

NORTH DAKOTA STATE WATER COMMISSION

REGISTER

ATTENDANCE AT Telephone Conference Meeting - State Water Division

DATE March 25, 1985 PLACE SWC Conference Room

Bismarck, N. Dakota PROJECT NO. _____

Your Name	Your Address	Who do you Represent? (Or Occupation)
Ivanoe Sinner	Phone Contact	
Kurt Jones		
Helen Bjornson		
Guy Larson		
Henry Schand		
Al Kramer		
Guy Lutton		
Burrard Decker		

RESOLUTION NO. 85-3-422

Relative to Entering into Cooperative Agreement for the
Formulation of a Corrective Plan for Agricultural Levees Between
River Mile 236 and 287 of the Red River of the North

The North Dakota State Water Commission hereby resolves to enter into an agreement with the Minnesota Department of Natural Resources, the Middle River-Snake River Watershed District, the Grand Forks County Water Resource District, and the Walsh County Water Resource District to address the existing dikes along the Red River of the North. The agreement is entitled "Cooperative Agreement for the Formulation of a Corrective Plan for Agricultural Levees Between River Mile 236 and 287 of the Red River of the North".

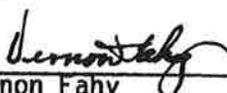
On this 25th day of March, 1985, the North Dakota State Water Commission hereby authorizes Vernon Fahy, State Engineer and Secretary of the North Dakota State Water Commission, to enter this "Cooperative Agreement" in the State Water Commission's behalf.

For the North Dakota State Water Commission:


George A. Sinner
Governor-Chairman

SEAL

ATTEST:


Vernon Fahy
State Engineer and Secretary