

MINUTES

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

March 6, 2001

The North Dakota State Water Commission held a telephone conference call meeting in the Governor's conference room, State Capitol, Bismarck, North Dakota, on March 6, 2001. Governor-Chairman, John Hoeven, called the meeting to order at 11:00 AM, and requested Interim State Engineer, Dale L. Frink, to call the roll. Governor Hoeven announced a quorum was present.

STATE WATER COMMISSION MEMBERS PRESENT:

John Hoeven, Governor-Chairman
Roger Johnson, Commissioner, Department of Agriculture, Bismarck
Judith DeWitz, Member from Tappen
Larry Hanson, Member from Williston
Elmer Hillesland, Member from Grand Forks
Jack Olin, Member from Dickinson
Robert Thompson, Member from Page
Dale L. Frink, Interim State Engineer, and Chief Engineer-Secretary,
North Dakota State Water Commission, Bismarck

STATE WATER COMMISSION MEMBERS ABSENT:

Florenz Bjornson, Member from West Fargo
Harley Swenson, Member from Bismarck

OTHERS PRESENT:

Julie Krenz, Assistant Attorney General, Bismarck
Dave Koland, North Dakota Rural Water Systems Association, Bismarck
Maurice E. Cook, SWC Bond Counsel, Cook, Wegner & Wike, Bismarck
Jackie Wike, SWC Bond Counsel, Cook, Wegner & Wike, Bismarck
Joe Bichler, Bartlett & West Engineers/Boyle Engineering Corporation, Bismarck
Southwest Water Authority representatives, Dickinson (by phone)
State Water Commission Staff

The attendance register is on file with the official minutes.

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

APPROVAL OF AGENDA

There being no additional items for the agenda, Governor Hoeven announced the agenda approved as presented.

**CONSIDERATION OF DRAFT
MINUTES OF JANUARY 17, 2001
STATE WATER COMMISSION
MEETING - APPROVED**

The draft minutes of the January 17, 2001 State Water Commission meeting were approved by the following motion:

It was moved by Commissioner Thompson, seconded by Commissioner Olin, and unanimously carried, that the draft minutes of the January 17, 2001 State Water Commission meeting be approved as prepared.

**SOUTHWEST PIPELINE PROJECT -
APPROVAL OF GENERAL
AUTHORIZATION RESOLUTION
FOR 2001 SERIES A BOND
(SWC Project No. 1736)**

The Coffin Buttes service area is the final phase of construction for the Mott-Elgin regional service area of the Southwest Pipeline Project. The tables, attached hereto as **APPENDIX "A"**, shows the breakdown of the

funding for Mott-Elgin by year and also which construction contracts were awarded in each funding phase.

At its December 8, 2000 meeting, the State Water Commission authorized the project officers identified in the Southwest Pipeline Project Water Development Revenue Bonds documents to execute all USDA, Rural Development documents in the loan and grant assistance application process up to, but not including, the sale of the bonds. The obligation of the State Water Commission does not occur until the bonds are approved for sale and closed. This action has streamlined the completed application process for the 2001 Series A bond, which is to be used to fund construction of the Coffin Buttes service area.

James Lennington, Project Manager for the Southwest Pipeline Project, explained the funding for the Coffin Buttes service area which consists of a \$500,000 state contribution, and a \$500,000 loan and \$2,000,000 grant through USDA, Rural Development. The state contribution will come from the remaining funds in the 2000 Series A bond, totalling \$1,500,000, which was approved by the State Water Commission at its May 24, 2000 meeting. Funding for the 2000 Series A bond came through the Drinking Water State Revolving Loan Fund (DWSRLF) program administered by the North Dakota Department of Health.

Mr. Lennington said contract 7-6B for the Coffin Buttes service area is the only contract that is planned to use the 2001 funds. (*Note:* The award of contract 7-6B was considered by the State Water Commission at this meeting under a separate action.) The obligation of the funds provided by the USDA, Rural Development loan and grant, and a loan through the DWSRLF is required to award contract 7-6B. The \$500,000 loan through the DWSRLF must be spent before any of the USDA, Rural Development funding can be spent. The USDA, Rural Development loan must then be spent before any of the USDA, Rural Development grant money is used.

In order to meet the obligation of the USDA, Rural Development funding for contract 7-6B, the remaining documents to authorize the sale of the 2001 Series A bond require State Water Commission action. The General Authorization Resolution for the 2001 Series A bond is a wrap-around document which, if approved by the State Water Commission, will do the following:

- 1) authorize the execution of the individual 2001 Series A bond resolution
- 2) approve the execution, delivery, and sale of the individual 2001 Series A bond
- 3) accept and approve the acts of the officers and proceedings with respect to the General and Series Resolutions and other documents
- 4) authorize the issuance of bonds pursuant to the General and Series Resolutions
- 5) describe the method of executing the bonds
- 6) authorize investment agreements between the State Water Commission and the Trustee

The 2001 Series A bond documents have not yet received approval from USDA, Rural Development. Mr. Lennington said no significant revisions are anticipated. Closing on the 2001 Series A bond is scheduled for April 6, 2001. The rates are established quarterly by USDA, Rural Development, with the next change in the rates, if necessary, scheduled to go into effect on April 1, 2001. The current USDA, Rural Development rate is 5.0 percent. Mr. Lennington said that closing on the bonds could be completed earlier than April 6, but a reduction in the interest rates is anticipated. Delaying the closing until April 6, would allow taking advantage of the new rate, if it is lower. If the rate goes up on April 1, the current rate will apply.

It was the recommendation of the Interim State Engineer that in order to satisfy the requirements for the USDA, Rural Development funding, the State Water Commission adopt and approve the execution of the General Authorization Resolution as presented, which has been satisfactorily reviewed by the State Water Commission's Bond Counsel and Assistant Attorney General.

It was moved by Commissioner Olin and seconded by Commissioner Johnson that the State Water Commission adopt and approve the execution of the General Authorization Resolution for the North Dakota State Water Commission Water Development Revenue Bond (Southwest Pipeline Project) 2001 Series A - \$500,000. SEE APPENDIX "B"

Commissioners DeWitz, Hanson, Hillesland, Johnson, Olin, Thompson, and Governor Hoeven voted aye. There were no nay votes. The Governor announced the motion unanimously carried.

**SOUTHWEST PIPELINE PROJECT -
AWARD OF CONTRACT 7-6B,
COFFIN BUTTES SERVICE AREA,
TO NORTHERN IMPROVEMENT
COMPANY, BISMARCK, ND
(SWC Project No. 1736)**

On December 13, 2000, bids were opened for Southwest Pipeline Project contract 7-6B for the Coffin Buttes service area. The contract documents specifies the State Water Commission has 90 days to award the contract after the bid opening, which occurs on March

13, 2001. This contract is for approximately 137 miles of rural distribution lines serving about 83 rural water connections.

James Lennington indicated that the cost estimates developed by the project engineer for this service area were very close to the feasibility criteria individual service connection cost limit. Therefore, the contract was split into four bid schedules to retain as much flexibility as possible in the award. The alternate bid schedules divided the service area into a "core" area and three pockets, which could then be evaluated individually, or in a combination, for compliance with the criteria.

There were five bids received from the following for contract 7-6B: Northern Improvement Company of Bismarck, ND; Ronald Peterson of Langdon, ND; Abbot, Arne & Schwindt of Moorhead, MN; Larry's, Incorporated of Gillette, Wyoming; and BRB Contractors of Topeka, Kansas. The apparent low bid received for the combination of bid schedules 1 through 4 was \$1,897,782.20 from Northern Improvement Company. The bid submitted by Northern Improvement meets the feasibility criteria cost limit when

the bid addition/deduction item for each bid schedule is distributed into the pipeline unit prices for all schedules. That is, the unit price for each respective pipe item is the same for all bid schedules. Mr. Lennington explained that this is a valid approach since the four bid schedules are included under one contract. Without this adjustment, the bid for one of the pocket areas exceeded the feasibility criteria. The contract allows the State Water Commission to select the most advantageous bid. The project engineer has reviewed the bids, found the bids responsive, and recommended award of contract 7-6B to Northern Improvement Company, Inc., in the amount of \$1,897,782.20 based on the combination of bid schedules 1 through 4.

Funding for this contract is provided by the Drinking Water State Revolving Loan Fund (DWSRLF) program, and a \$500,000 loan and \$2,000,000 grant through USDA, Rural Development. Although the 2001 Series A bond documents have not been approved by USDA, Rural Development, Mr. Lennington said no significant revisions are anticipated. The rates are established quarterly by USDA, Rural Development, with the next change in the rates, if necessary, scheduled to go into effect on April 1, 2001. The current USDA, Rural Development rate is 5.0 percent. Mr. Lennington said that closing on the bonds could be completed earlier than April 6, but a reduction in the interest rates is anticipated. Delaying the closing until April 6, would allow taking advantage of the new rate, if it is lower. If the rate goes up on April 1, the current rate will apply.

Closing on the 2001 Series A bond is scheduled for April 6, 2001. Mr. Lennington said April 6th is after the 90 days allowed in the contract documents for award, but the contract documents contain a provision for a mutual extension of the time for award and the contractor has agreed to a 27-day extension. This will allow completion of the legal review of the bonds documents and to take advantage of any decline in the interest rates. The award of the contract is contingent upon the successful closing of the bonds, satisfactory completion and submission of the contract documents, and the Commission's legal review.

It was the recommendation of the Interim State Engineer that the State Water Commission approve the award of Southwest Pipeline Project contract 7-6B, Coffin Buttes Service Area, Rural Water Distribution System, bid schedules 1 through 4, to Northern Improvement Company, Bismarck, ND, contingent upon the successful closing of the 2001 Series A bond.

It was moved by Commissioner Johnson and seconded by Commissioner Hanson that the State Water Commission approve the award of Southwest Pipeline Project contract 7-6B, Coffin Buttes Service Area, Rural Water Distribution System, bid schedules 1 through 4, to Northern Improvement Company, Bismarck, ND, contingent upon the successful closing of the 2001 Series A bond.

Commissioners DeWitz, Hanson, Hillesland, Johnson, Olin, Thompson, and Governor Hoeven voted aye. There were no nay votes. The Governor announced the motion unanimously carried.

**SOUTHWEST PIPELINE PROJECT -
APPROVAL TO CEASE GRANTING
THE CITY OF DICKINSON DEBT
SERVICE CREDITS FOR PATTERSON
LAKE DAM BASCULE GATE
PAYMENTS
(SWC Project No. 1736)**

On December 23, 2000, President Clinton signed a bill that relieved the city of Dickinson from making further payments on the Patterson Lake Dam bascule gates. The city has been pursuing relief from the bascule gate payments for the last several years. The gates were constructed by the Bureau of Reclamation in 1980 and 1981 to provide an additional water supply for Dickinson as well as other benefits. The city began receiving water from the Southwest Pipeline Project in October, 1991, and now receives few benefits from the bascule gates. The cost to the city was \$1,625,000, to be repaid to the Bureau of Reclamation in 40 annual payments of \$124,872.51 beginning in December, 1982. *"The Dickinson Dam Bascule Gates Settlement Act of 2000"* is attached hereto as **APPENDIX "C"**.

Under the terms of its Southwest Pipeline Project contract, Mr. Lennington explained that the city of Dickinson was eligible for credit against its monthly capital repayments to the State Water Commission. He said the motivation for this credit was to allow the cities to recover some of the costs they had incurred for facilities they would no longer need once Southwest Pipeline water became available. The credit was equal to 75 percent of the eligible annual debt service costs approved by the Commission. Debt service credit to the city of Dickinson began in November, 1991 when the city began receiving Southwest Pipeline water, and was approved for a period of 10 years, expiring after October, 2001. At the time the credit was approved, the city had other qualifying debts for a water supply line from Lake Patterson and a recarbonation unit at the water treatment plant. These credits expired in 1996 and 1995, respectively. Monthly debt service credit levels were approved annually by the State Water Commission. The credit for 2001 was set at \$7,805 per month at the Commission's December 8, 2000 meeting.

While the effort to get congressional approval was underway, the city of Dickinson withheld payments from the Bureau of Reclamation. In response, the Southwest Water Authority was directed to deposit a portion of the city's monthly capital repayment, equal to the monthly credit, into a bank account and not to grant the credit to the city until payments were made to the Bureau. The last payment the city made was in 2000 for its 1999 payment. Credit for this payment was released to the city on December 28, 2000.

Mr. Lennington indicated that the bill signed by President Clinton requires the city to make a final payment of \$300,000 but grants the city credit for any payments made after June 2, 1998. He said that two payments, totalling approximately \$276,000, were made by the city since that date. The Bureau has indicated they expect the final payment to be approximately \$24,000. The current balance in the Southwest Water Authority's account established for this purpose now totals about \$206,000. The balance in the account after the final credit is released to the city will be deposited in the Resources Trust Fund as capital repayment from the project.

It was the recommendation of the Interim State Engineer that the State Water Commission cease granting the city of Dickinson debt service credits for its Patterson Lake Dam bascule gate payments to the Bureau of Reclamation.

It was moved by Commissioner Johnson and seconded by Commissioner Olin that the State Water Commission cease granting the city of Dickinson debt service credits for its Patterson Lake Dam bascule gate payments to the Bureau of Reclamation.

Commissioners DeWitz, Hanson, Hillesland, Johnson, Olin, Thompson, and Governor Hoeven voted aye. There were no nay votes. The Governor announced the motion unanimously carried.

**SOUTHWEST PIPELINE PROJECT -
APPROVAL OF REIMBURSEMENT
FROM RESERVE FUND FOR REPLACEMENT
AND EXTRAORDINARY
MAINTENANCE FOR REPLACEMENT
OF BLOWOFF VALVES
(SWC Project No. 1736)**

The Southwest Water Authority collects and maintains a reserve fund for replacement and extraordinary maintenance. This fund exists because over the life of the project there will occur replacement and maintenance items that will exceed annually budgeted amounts. These items need

to be prefunded. Expenditures from this fund are required to be authorized by the State Water Commission.

It is known that there will be maintenance costs each year, and an amount sufficient to cover the expected maintenance with some allowance for the unexpected is included in each year's operating budget. If an extremely unlikely event occurs, but its cost is low, it should be considered as ordinary maintenance since a certain number of unlikely events are bound to happen each year. The reserve fund is intended for use on extremely costly events which are too costly to be included in any year's operating budget.

In considering authorization to use the fund for the replacement of air vacuum/air release valves at its June 19, 1996 meeting, the State Water Commission adopted a criterion based on the cost of the event. The Southwest Water Authority calculates the maintenance, or replacement cost of an event and, based upon the State Engineer's review, if the eligible items exceed \$10,000, the Commission will authorize the maintenance or replacement. Lost water and vehicle replacement are not considered eligible for reimbursement, nor is staff time considered eligible, although an exception was made in 1998 for overtime.

At its August 13, 1998 meeting, the State Water Commission approved reimbursing the Southwest Water Authority, out of the reserve fund for replacement and extraordinary maintenance, for repairing several blowoff valves. The valves being repaired are of a style that has proven to be troublesome. The valves are prone to leaking and some cannot be closed. Each blowoff includes two buried valves and repairing them involves excavations as deep as 18 - 20 feet. The repairs include modifying the blowoffs so that one valve is in a manhole so that it can be repaired in the future without excavation. Six of these valves were repaired in 1998, with a total cost of \$27,617.25, which was approved for reimbursement by the Commission at its August 13, 1998 meeting. The budget submitted by the Authority for each of the past two years has included the repair of some valves.

James Lennington presented a request from the Southwest Water Authority for the Commission's consideration of reimbursement of \$13,098.08 from the reserve fund for replacement and extraordinary maintenance for the costs of replacing one valve in 1999 and two in 2000. Because of the workload, these were the only valves repaired but were some of those valves causing problems.

It was the recommendation of the Interim State Engineer that the State Water Commission approve the reimbursement of \$13,098.08 from the reserve fund for replacement and extraordinary maintenance to the Southwest Water Authority for replacement of the blowoff valves.

It was moved by Commissioner Olin and seconded by Commissioner DeWitz that the State Water Commission approve the reimbursement of \$13,098.08 from the reserve fund for replacement and extraordinary maintenance to the Southwest Water Authority for replacement of the blowoff valves.

Commissioners DeWitz, Hanson, Hillesland, Johnson, Olin, Thompson, and Governor Hoeven voted aye. There were no nay votes. The Governor announced the motion unanimously carried.

APPROVAL OF REQUEST FROM RED RIVER BASIN BOARD FOR ALLOCATION OF \$20,000 TO CONDUCT WATER AND LAND MANAGEMENT NEEDS IDENTIFICATION PUBLIC MEETINGS IN RED RIVER BASIN (SWC Project No. 1588-01)

A request from the Red River Basin Board was presented for the Commission's consideration for financial assistance in the amount of \$20,000 to conduct a minimum of seven water and land management needs identification public meetings in the Red River basin and to compile and assess the input gathered. Identification of the basin's

water and land management needs is important to the success of water management efforts in the basin.

LeRoy Klapprodt, Director of the State Water Commission's Planning and Education Division, presented the request. As part of its water management planning process, and with prior support from the State Water Commission, the Red River Basin Board completed its inventory process, which assessed the status of the Red River basin's land and water management problems, issues and opportunities. The inventory process generated nine reports and draft goals and objectives, which were revised based on public input. The Red River Basin Board is planning to formally adopt the goals and objectives at its April 5-6, 2001 retreat. Mr. Klapprodt said that along with the Red River Basin Board's vision, mission statement, and guiding principles, the goals and objectives will provide the framework for the Red River Basin Board's future water management planning and coordination efforts.

The next phase of the Red River Basin Board's planning process is an assessment of the water and land resource needs of basin residents. Some of these needs were identified during the fall 2000 public meetings and at the January, 2001 conference, and will be compiled and assessed. The Red River Basin Board is planning to hold a series of public meetings during 2001 to provide a specific opportunity for basin residents to provide input on the water and land management needs. The information gathered during this phase will be compiled into a report, which will be distributed to the public and will be used as a basis for the solution identification phase.

It was the recommendation of the Interim State Engineer that the State Water Commission approve the allocation of \$20,000 from the Contract Fund in the 1999-2001 biennium to the Red River Basin Board to hold a minimum of seven public meetings to gather information on water management needs in the basin, and to compile and distribute a summary report. Affirmative action by the Commission of the request is contingent upon the availability of funds.

It was moved by Commissioner Hillesland and seconded by Commissioner Johnson that the State Water Commission approve the allocation of \$20,000 from the Contract Fund in the 1999-2001 biennium to the Red River Basin Board to hold a minimum of seven public meetings to gather information for the needs assessment process, and to compile and distribute a summary report. This motion is contingent upon the availability of funds.

Commissioners DeWitz, Hanson, Hillesland, Johnson, Olin, Thompson, and Governor Hoeven voted aye. There were no nay votes. The Governor announced the motion unanimously carried.

**APPROVAL OF REQUEST FROM
BOMMM JOINT BOARD FOR COST
SHARE TO SUPPORT MISSOURI
RIVER COORDINATED RESOURCE
MANAGEMENT PROGRAM
(SWC Project No. 576)**

A request from the Burleigh, Oliver, Morton, Mercer and McLean Joint Board (BOMMM) was presented for the Commission's consideration for cost share to support the Missouri River Coordinated Resource Management program. The program was started in

1998 to address the natural, cultural, recreational and economic resources of the Missouri River in North Dakota. A Vision Group was formed to provide input on the various issues. In October, 2000, the Vision Group developed a summary of issues report, but was not able to reach a consensus on land use and bank stabilization. The Vision Group indicated that further work needed to be done and recommended that a comprehensive plan be developed for the river.

Interim Secretary Frink said the total cost of the comprehensive plan is estimated to be about \$180,000. The current plan is to fund the effort with one-third each from the State Water Commission, the BOMMM Joint Board, and the Environmental Protection Agency (EPA). The Board has requested \$30,000 from EPA for federal Fiscal Year 2001, but EPA funding is uncertain at this time and will not be available until October 1, 2001. The BOMMM Joint Board has approved a total of \$60,000 for calendar years 2001 and 2002.

It was the recommendation of the Interim State Engineer that because EPA funding is still uncertain and will not be available until October 1, 2001, that the State Water Commission cost share with the BOMMM Joint Board for 50 percent of the eligible costs, not to exceed \$60,000 from the Contract Fund in the 1999-2001 biennium, for the development of a comprehensive plan for the Missouri River from the Garrison Dam to south Bismarck. Affirmative action by the Commission of the request is contingent upon the availability of funds.

Although federal funding for the effort is uncertain at this time, the Commission voiced its consensus to request that EPA contribute an assessment for each of the calendar years of 2001 and 2002 for the development of the Missouri River comprehensive plan.

It was moved by Commissioner Johnson and seconded by Commissioner Hanson that the State Water Commission approve cost share of 33 percent of the eligible costs, not to exceed \$60,000 from the Contract Fund in the 1999-2001 biennium, for the development of a comprehensive plan for the Missouri River from the Garrison Dam to south Bismarck. This motion is contingent upon the availability of funds.

Commissioners DeWitz, Hanson, Hillesland, Johnson, Olin, Thompson, and Governor Hoeven voted aye. There were no nay votes. The Governor announced the motion unanimously carried.

**APPROVAL OF REQUEST FROM
CAVALIER AND PEMBINA WATER
RESOURCE DISTRICTS FOR
ADDITIONAL COST SHARE IN
WALHALLA DRAINS NOS. 2 AND 3
(SWC Project Nos. 1904 and 1905)**

A request from the Cavalier and Pembina Water Resource Districts was presented for the Commission's consideration for an additional cost share in Walhalla Drains Nos. 2 and 3. These drains provide agricultural flood relief in North Dakota along the Canadian border.

On June 9, 1999, the State Water Commission provided \$95,311 for Walhalla Drain No. 2 and Lateral A, and \$52,490 for Walhalla Drain No. 3, based on a 35 percent cost share allocation.

Interim Secretary Frink presented the request. The funds allocated by the Commission in 1999 progressed the project to the Canadian border, but the outlet structure through the Manitoba border dike

and the downstream watercourse require upgrading. Agreement has not yet been reached on the details of the work required, but he said Manitoba has indicated a willingness to work with North Dakota on these projects.

The process for dealing with cross-boundary projects such as this project has a long history. A plan was proposed in 1973 by the United States-Canada Water Resources Committee, which included a method of determining the additional flow resulting in the receiving stream. The plan also proposed a flow-proportioned increment of the cost of improving the stream hydraulics for the additional flow. This cost would be paid by the project sponsor to the appropriate Manitoba entity. Interim Secretary Frink said by applying this method to the Walhalla Drains Nos. 2 and 3 results in a cost of \$357,050 (U.S.) due to Manitoba. This sum results from what appears to be sound engineering for the work necessary in Manitoba. He said Manitoba appears willing to accept this amount for enlarging its waterways.

The State Water Commission normally cost shares in 35 percent of the eligible costs for agricultural flood control projects in North Dakota. The request before the State Water Commission is to cost share in 50 percent of the eligible costs. The Districts are seeking other sources of funding, including federal sources. Based on the following determinations, it was the recommendation of the Interim State Engineer that the State Water Commission approve cost share in the amount of the costs in Manitoba at 50 percent of the non-federal portion, not to exceed \$178,525 from the Contract Fund in the 1999-2001 biennium, for the Walhalla Township Drains Nos. 2 and 3, contingent upon obtaining the satisfactory agreements with Manitoba, and the availability of funds:

- 1) this is an international project with the funds provided to Manitoba. The work for this phase will also be done in Manitoba.
- 2) there are a number of difficult issues between North Dakota and Manitoba. Being able to progress cooperatively on one even small project may have an overall beneficial effect.
- 3) the unique factors relating to this single component of the project cost allows it to be distinguished from other flood control projects, therefore, it would not set any precedents for other projects.

It was moved by Commissioner Johnson and seconded by Commissioner Olin that the State Water Commission approve cost share in the amount of the costs in Manitoba at 50 percent of the non-federal portion, not to exceed \$178,525 from the Contract Fund in the 1999-2001 biennium, for the Walhalla Township Drains Nos. 2 and 3, contingent upon obtaining the satisfactory agreements with Manitoba, and the availability of funds.

Commissioners DeWitz, Hanson, Hillesland, Johnson, Olin, Thompson, and Governor Hoeven voted aye. There were no nay votes. The Governor announced the motion unanimously carried.

**APPROVAL OF RESOLUTION
OF APPRECIATION TO
CHARLES E. "CHUCK" CRIST,
ST. PAUL CORPS OF ENGINEERS
(SWC Resolution No. 2001-3-491)**

A resolution of appreciation to Charles E. "Chuck" Crist, St. Paul District Corps of Engineers, was presented for the Commission's consideration.

Mr. Crist has 32 years of federal service with the Corps of Engineers regarding water management projects and programs. He spent most of his career working with state officials, local water boards, and the public on meeting the water management needs in the Red River basin. His expertise and leadership led to the implementation of several important projects in North Dakota including the Grand Forks Flood Control project, the floodpool raise of Baldhill Dam, the Souris River flood control studies, and the Devils Lake city dike project, as well as providing invaluable assistance during severe North Dakota floods. Mr. Crist decided to begin enjoying retirement, effective March 2, 2001.

It was moved by Commissioner Thompson, seconded by Commissioner Olin, and unanimously carried, that the State Water Commission approve Resolution No. 2001-3-491, In Appreciation to Charles E. "Chuck" Crist, St. Paul Corps of Engineers. SEE APPENDIX "D"

**STATE ENGINEER'S
SEARCH COMMITTEE**

Commissioner Olin, Chairman of the State Engineer's search committee, reported the closing date for accepting applications for the position of the North Dakota State Engineer is April 2, 2001. The search committee is scheduled to meet on April 9, 2001 to review the resumes and recommendations, and to recommend candidates for the interview process. The search committee will then recommend three candidates for the position for the State Water Commission's consideration. It is anticipated that the 16th North Dakota State Engineer will be appointed by June 1, 2001.

2001 LEGISLATIVE SESSION

Interim Secretary Frink provided a 2001 legislative session status report. House Bill 1023, the State Water Commission's appropriation, will be heard before the Senate Appropriations Committee on March 14, 2001 in the Brynhild Haugland room. Senate Bill 2285 relating to the state's assumption of the Section 404 program of the Clean Water Act was also discussed.

There being no further business to come before the State Water Commission, Governor Hoeven adjourned the telephone conference call meeting at 11:50 AM.

John Hoeven
Governor-Chairman
North Dakota State Water Commission

SEAL

Dale L. Frink
Interim North Dakota State Engineer,
and Chief Engineer-Secretary to the
North Dakota State Water Commission