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MINUTES

North Dakota State Water Commission
Fargo, North Dakota

January 29, 1982

On January 28, 1982, the members of the State Water Commission gathered for an informal briefing session on the operations of the agency. At 7:30 p.m. on January 28, the members attended a Corps of Engineers-State Water Commission joint sponsored public meeting on the Sheyenne River Flood Control Study. The purpose of the public meeting was to inform those interested of the results of the flood control studies and to receive public views and comments on the proposed plan. An official record of proceedings of the public meeting is being prepared by the Corps of Engineers and copies will be available at a later date.

The North Dakota State Water Commission held a meeting on January 29, 1982 at the Biltmore Hotel in Fargo, North Dakota. Governor-Chairman, Allen I. Olson, called the meeting to order at 9:00 a.m., and requested Secretary Vernon Fahy to present the agenda.

MEMBERS PRESENT:

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

OTHERS PRESENT:

State Water Commission Staff
Approximately 30 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 NOVEMBER 30, 1981 MEETING -
APPROVED**

The minutes of the November 30, 1981 meeting were approved by the following motion:

It was moved by Commissioner Kramer, seconded by Commissioner Bjornson, and unanimously carried, that the minutes of November 30, 1981 be approved as presented.

**POSITION POLICY STATEMENT-
MISSOURI RIVER WATER USE
(SWC Project No. 237)**

Governor Olson distributed copies of, and discussed the official Governor's Policy Statement - Missouri River Water Use dated January 28, 1982. A copy of the

statement is attached hereto as APPENDIX 'A'. The Governor requested that the Commission consider adopting this statement as the position of the State Water Commission.

It was moved by Commissioner Kramer, seconded by Commissioner Larson, and unanimously carried, that the State Water Commission adopt the Governor's policy statement for Missouri River Water Use as presented as the official position of the Commission.

**CORPS OF ENGINEERS-
STATE WATER COMMISSION
JOINT SPONSORED PUBLIC
MEETING SUMMATION ON
SHEYENNE RIVER FLOOD
CONTROL STUDY
(SWC Project No. 1344)**

In summation of the Corps of Engineers-State Water Commission joint public meeting held on January 28, 1982 at the Doublewood Inn in Fargo, North Dakota, Colonel William Badger indicated that he felt the exchange of information was very good and at the present time can foresee few problems with the input that was received.

Colonel Badger outlined the next series of actions by non-federal interests with respect to the project and stated that the issue of sponsorship and how the sponsorship would be organized needs to be established. He said that the Corps looks very favorably upon the State Water Commission taking the overall sponsorship for the entire project with subdivisions of area responsibilities.

At the August 12, 1981 meeting of the Water Commission, the Commission moved in support for the Corps recommended plan. Colonel Badger indicated that the Corps is proceeding with its studies on the recommended plan and the report will be completed in the near future. He noted that they are looking at a basin-wide approach in the studies.

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RED RIVER DIKING
SITUATION
(SWC Project No. 1638)

Mike Dwyer, Special Assistant Attorney General, discussed negotiation efforts that have occurred over the past few years relative to diking matters in the Red River Valley. The agricultural dikes along the Red River have been a source of conflict between North Dakota and Minnesota both at the state and local level and have presented a serious obstacle to the cooperation and coordination between North Dakota and Minnesota which is required in order to achieve total and comprehensive water management of the entire Red River watershed. The agricultural dikes have caused excessive flood damages to North Dakota farmers, and continue to pose a serious threat of excessive damages to North Dakota farmers in the future. In spite of the 1976 and the 1980 agreements between Minnesota and North Dakota, which express the intention that both states will provide for uniform and consistent floodplain management along the Red River, Minnesota has been unwilling to take any action to implement the agreements and correct the present inequitable dike situation.

Joe Cichy, Special Assistant Attorney General for the State Water Commission, discussed various options that could be pursued by the State Water Commission in continuing efforts to try and resolve the matter: 1) do nothing and leave the situation as is; 2) reactivate the negotiation process; and 3) litigate the controversy. Mr. Cichy indicated that there have been many meetings between North Dakota and Minnesota trying to resolve the matter but the final step to implement the agreements has never been taken. At the last meeting in October, 1981 between members of the State Water Commission staff and the Minnesota Department of Natural Resources, it became apparent that the controversy may not be resolvable at the negotiation level.

Mr. Cichy then discussed several legal options that could be taken to assist the Commission in determining its policy in this matter.

Mr. Robert Thompson, representing the Red River Joint Board, indicated that the Joint Board will support whatever action the State Water Commission decides to take and at this time the Joint Board is requesting that the Commission take legal action to resolve this problem which has persisted since 1975. He said that bank erosion is continuing on the North Dakota side and it is essential to try and get the matter resolved.

Mr. Duane Breitling, Attorney for the Red River Joint Board, indicated that the Joint Board has discussed and reviewed with the State Water Commission legal staff litigation proposals and are supportive of the staff's efforts. He said that the Red River Joint Board has gone on record on several occasions supporting a resolution that the only way this matter could be brought to a conclusion in view of the history of the situation is through litigation. He concluded that the Joint Board and citizens of the various watersheds intend to cooperate to the greatest extent possible.

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The Commission members then discussed a proposed resolution on Red River dikes which would request the North Dakota Attorney General to bring legal action against Minnesota either at the state or local level, or both, as the Attorney General deems appropriate.

It was moved by Commissioner Jones, seconded by Commissioner Kramer, and unanimously carried, that the State Water Commission adopt Resolution No. 82-1-412, Red River Dikes, which requests the North Dakota Attorney General to bring legal action against Minnesota. (SEE APPENDIX "B")

The Commission members expressed concern regarding the obstructions in the waterway itself and directed the staff to meet with the Corps of Engineers to examine the remedies that might be available and present to the Commission at its next meeting for discussion.

CONSIDERATION OF REQUEST
FOR COST SHARING FOR
FLOOD CONTROL STRUCTURE
FOR CITY OF LIDGERWOOD
IN RICHLAND COUNTY
(SWC Project No. 1301)

Dave Sprynczynatyk discussed a request for cost sharing that was received from the Richland County Water Resource District for cost participation in the Lidgerwood Flood Control Project. This project was constructed by the Richland County Highway Department and consists of a 1200-foot

dike connecting State Highway No. 11 to Richland County Highway No. 19. The purpose of the dike is to divert runoff water around the city of Lidgerwood providing flood damage reduction for part of the business district and residential district within the city. A dike permit has been issued by this office.

Mr. Sprynczynatyk indicated that the city of Lidgerwood has been identified as a potential flood hazard by the Federal Insurance Administration, but is one of 34 communities in the state that, to date, have opted not to participate in the National Flood Insurance Program. The North Dakota Floodplain Management Act has established a policy for the state that all communities subject to excessive flooding shall participate in the National Flood Insurance Program. It is also a policy of the Act to encourage communities to adopt, administer, and enforce sound floodplain management ordinances. Mr. Sprynczynatyk stated that in order to carry out the State Floodplain Management Act, it is important for the City of Lidgerwood to join the National Flood Insurance Program and to adopt an acceptable floodplain ordinance to prevent future development within the floodplain. He said the State Water Commission could provide assistance to the city in making application to join the Flood Insurance Program and in developing the necessary technical data to effectively manage their floodplain.

The total cost to the Water Resource District and the City of Lidgerwood for this project is \$21,043.88.

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It was the recommendation of the State Engineer that the State Water Commission contribute 40 percent of the actual costs not to exceed \$8,420 for this project. The State Engineer also recommended that a condition be included that the City of Lidgerwood make application to join the National Flood Insurance Program and adopt an acceptable floodplain ordinance. This application should be made before any funds are disbursed from the Contract Fund.

It was moved by Commissioner Larson, seconded by Commissioner Vculek, and unanimously carried, that the State Water Commission contribute 40 percent of actual costs to the City of Lidgerwood Flood Control Project in Richland County, not to exceed \$8,420, contingent upon the availability of funds. This motion is also contingent that before any funds are dispersed from the Contract Fund that the City of Lidgerwood make application to join the National Flood Insurance Program and adopt an acceptable floodplain ordinance.

Dave Sprynczynatyk presented and discussed the following requests for basin hydrologic studies:

**CONSIDERATION OF COST
PARTICIPATION REQUEST
FOR MAPLE RIVER BASIN
HYDROLOGIC STUDY
(SWC Project No. 841)**

The Maple River Water Resource District has submitted a request to the State Water Commission for cost participation in a hydrologic study of the Maple River Basin. The purpose of the study would be to develop a computer model to be used as a management tool to analyze potential projects within the basin. A priority listing of projects to be implemented within the basin would then be developed. Mr. Sprynczynatyk indicated that Moore Engineering has been selected to do the study at a total cost of approximately \$29,200. The Red River Joint Board has agreed to fund 25 percent of the study and the Maple River Water Resource District has agreed to fund another 25 percent of the total cost of the study. The request to the State Water Commission is to fund the remaining 50 percent, or \$14,600. Funds for the study would come from the appropriation in HB-1466 and would help in meeting the requirement of the legislation to develop a priority list of projects within the Red River Watershed. Mr. Sprynczynatyk stated that if the Commission does honor this request and approve funds, that a condition should be included on the agreement with the local entities that a copy of the hydrologic model developed as a result of the study be turned over to the State Water Commission upon completion of the study. This would allow for staff to also use the model for water management purposes in the future.

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It was the recommendation of the State Engineer that the Commission approve 50 percent of the cost of the study, not to exceed \$14,600, and that a condition be included on the agreement with the local entities that a copy of the hydrologic model developed as a result of the study be turned over to the State Water Commission upon completion of the study for use by the staff as a model for water management purposes in the future.

CONSIDERATION OF COST
PARTICIPATION REQUEST FOR
THE GOOSE RIVER HYDROLOGIC STUDY
(SWC Project No. 235)

The Traill County Water Resource District has submitted a request to the State Water Commission for cost participation in a hydrologic study of the Goose River Basin. The first phase of the study would be to update the 1973 State Water Commission "Goose River Plan", and the second phase of the study would be to develop a computer model to be used as a management tool to analyze potential projects within the basin. In turn, a priority listing of projects to be implemented within the basin would be developed. Moore Engineering has been selected to do the study, which will take six months, at a total cost of \$35,761.55. The Red River Joint Board has agreed to fund 25 percent of the study, another 25 percent of the study would be funded by the Traill, Grand Forks, Steele, Nelson and North Cass Counties Water Resource Districts, and the request to the State Water Commission is to fund the remaining 50 percent of the study, or \$17,880.

Mr. Sprynczynatyk stated that if approved by the Commission that funds would come from the appropriation in HB-1466 and would help in meeting the requirement of the legislation to develop a priority list of projects within the Red River Watershed. He also suggested that if this study is approved for funding that a condition on the agreement with the local entities state that a copy of the hydrologic model developed as a result of the study be turned over to the State Water Commission upon completion of the study. This would allow for staff to use the model for water management purposes in the future.

CONSIDERATION OF REQUEST FOR
COST SHARING IN WILD RICE RIVER
HYDROLOGIC STUDY
(SWC Project No. 1508)

The Southeast Cass Water Resource District has submitted a request to the State Water Commission for cost participation in a hydrologic study of the Wild Rice River Basin. The drainage area of the Wild Rice River lies within the Southeast Cass, Richland, and Sargent County Water Resource Districts. The purpose of the study is to develop a computer model to be used as a management tool to analyze potential projects within the basin. In turn, a priority listing of projects to be implemented within the basin would be developed. Although Moore Engineering has been selected to do the six-month study at a total cost of \$36,000, the Richland County Water Resource District has stated that they would like to go through a more thorough engineer selection process. In any event, the District is requesting State Water Commission funding. The Red River Joint Board has

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agreed to fund 25 percent of the study, another 25 percent of the study would be funded equally by the Southeast Cass, Richland and Sargent County Water Resource Districts. The request to the State Water Commission is to fund the remaining 50 percent, or \$18,000.

Mr. Sprynczynatyk stated that if approved by the Commission, a condition should be included in the agreement with the local entities that a copy of the hydrologic model developed as a result of the study be turned over to the State Water Commission upon completion of the study. This would allow for staff to use the model for water management purposes in the future.

Mr. Sprynczynatyk explained to the Commission that if \$14,600 is approved for the Maple River Study, \$17,880 for the Goose River Study, and \$18,000 for the Wild Rice River Watershed Study from the \$500,000 appropriated in HB-1466, the legislative appropriation would be exceeded by \$19,180.

Secretary Fahy explained that in the past there have been definite guidelines set forth relative to State Water Commission cost participation with local entities when expending funds from the Contract Fund. In the Contract Fund policy, the Water Commission is charged with the responsibility of engineering work for local units of government. In the last session of the Legislature, HB-1466 was approved which appropriated \$500,000 to the Red River Joint Board for preliminary engineering, development and feasibility studies as well as construction of flood control projects in the Red River Valley. Language in the bill included that the Red River Joint Board present to the 1983 Legislature a priority listing of projects for future consideration. HB-1466 eliminated the restriction that the State Water Commission perform the engineering work for local units of government; therefore, the local units of government can hire consulting engineers to do their work. He stated that if the Commission wishes, a consistent policy in the Contract Fund and special funds appropriated by the Legislature could be considered. This could involve the Commission's consideration in changing their Contract Fund policy to allow money to be expended for basin-wide investigations and other items which have not qualified for cost sharing in the past under the Contract Fund.

Relative to the three requests being considered by the Commission, Secretary Fahy suggested the following alternatives to provide funds: 1) equally divide the remaining funds available from the \$500,000 appropriated in HB-1466 for the three projects; 2) fund only two of the three studies with the \$31,300 remaining in HB-1466; or 3) consideration of changing the Contract Fund policy to provide state-wide flexibility for items that have not qualified under the Contract Fund, since legislation in HB-1466 does provide such flexibility. The balance of the initial cost sharing requests could then be provided for from the Contract Fund.

Mr. Robert Thompson stated that as far as the Red River Joint Board is concerned they are trying to develop as many of the hydrologic basin studies as possible in order to develop an overall computer model. Once the study of a basin is completed, the Water

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Resource District will have a handle on what types of potential projects are within that basin, so that the mandate of the Legislature can be carried out to prioritize the projects that would be beneficial in reducing flood damages in the Red River watershed. He urged favorable consideration by the Commission for funding of the three projects being discussed.

Mr. Roger Fenstad with Moore Engineering indicated that the studies will take approximately six to seven months to complete after they have been initiated. Some work has already begun on the preliminary phases on a couple of the studies. These studies will assist the County Water Resource Boards in prioritizing a list of projects to be implemented in the basin. The studies will also evaluate what dam sites are feasible and will eliminate the dams that are not feasible.

Secretary Fahy stated that these kinds of studies are in line with the legislation dealing with drainage that requires each of the counties to develop a comprehensive master plan for specific items that the county wishes to undertake before they are eligible for financial assistance from the State Water Commission. He noted that the Red River Joint Board's specific concern is flood control and that this group is moving towards complying with the particular provision of the regulation in the legislation. The basin models are basic management tools that will be needed in the future to analyze the best flood control management practices within a basin. He said that although funds are limited from the special appropriation, the requests are legitimate in that they do conform to policies adopted both by the State Water Commission and the legislation in terms of comprehensive planning.

Commissioner Kramer stated that these are the types of studies that are needed in order to move ahead, and that prioritizing projects is critical in these areas. As part of funding commitments, the State Water Commission places a condition requirement that if funds for the studies are approved that the State Water Commission receive a copy of the report and the model for their use so that the State can begin prioritizing projects state-wide. Commissioner Kramer said that as far as the Comprehensive State Water Plan update is concerned, in order for implementation it will be necessary to have studies of this nature. He indicated that he feels it is necessary to spend more money on planning at this time, than has been spent in the past. Commissioner Kramer expressed his feelings that the Contract Fund should be amended to fund the needs to the extent that is required at the present time. He also noted that any project approved for funding by the Commission is contingent upon the availability of funds.

Mr. Duane Breitling requested the Commission's consideration of the following suggestion: The Commission had previously approved funds in the amount of \$600,000 towards the construction of the Dead Colt Creek Project, of which \$250,000 is from the Contract Fund and \$350,000 is from HB-1466 appropriations. Mr. Breitling suggested that the Commission change its earlier obligation from these two funds for this project by reducing the obligation of \$350,000 from the

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special appropriation to \$325,000, and then in turn, increasing the amount obligated from the Contract Fund from \$250,000 to \$275,000. That would make available \$25,000 in the special appropriation under HB-1466 that could, in fact, be used to undertake the three requests for basin studies that are being considered.

It was moved by Commissioner Vculek, seconded by Commissioner Hutton, and unanimously carried, that the Commission decrease its prior commitment of \$350,000 from funds provided for in HB-1466 for the Dead Colt Creek Project by \$25,000. The commitment from HB-1466 shall now be \$325,000.

It was moved by Commissioner Vculek, seconded by Commissioner Hutton, and unanimously carried, that the Commission's prior commitment of \$250,000 from the Contract Fund for the Dead Colt Creek Project be increased by \$25,000. The commitment to the Dead Colt Creek Project shall be \$275,000 from the Contract Fund.

It was moved by Commissioner Schank, seconded by Commissioner Bjornson, and unanimously carried, that the State Water Commission approve funds from HB-1466 for the following projects:

Maple River Basin Hydrologic Study	- \$14,600
Goose River Hydrologic Study	- \$17,880
Wild Rice River Hydrologic Study	- \$18,000

This motion was made contingent upon the availability of funds, and also contingent that the agreement with the local entities state that copies of the hydrologic models in the form of computer cards or tapes be turned over to the State Water Commission upon completion of the studies to allow the staff to also use the model for water management purposes in the future.

DISCUSSION OF COST SHARING

cost sharing for water-related works and facilities. Mike Dwyer distributed, and explained in detail, a draft, attached hereto as APPENDIX "C". He said that under 3. Definitions. it was intended to include n. "Final Engineering

The Commission members directed the staff at a previous meeting to prepare draft guidelines for discussion purposes on

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"Design" which is the final design just prior to construction of the project.

Mr. Marshall Moore, representing the North Dakota Consulting Engineers Council, indicated that he has not had an opportunity to review this draft prior to this meeting and said that as a group they did not feel they could respond to the draft at this time. Mr. Moore said that his group does appreciate the staff's efforts to come forth with some draft guidelines and would appreciate an opportunity to comment at a later date. He expressed concern regarding the engineering services provided for in the Contract Fund and the special legislation appropriations.

Governor Olson indicated that the North Dakota Consulting Engineers Council would be given an opportunity to respond to the draft guidelines. It was the consensus of the Commission members that no action be taken on the draft guidelines, and that this matter be placed on the next agenda for further discussion.

Mr. Robert Thompson presented APPENDIX "D" for the Commission's consideration which are resolutions passed by the Red River Joint Water Resources Board. He made specific reference to the resolution requesting that the State Water Commission not fund water projects of local water resource districts that are not members of a joint board.

UPDATE ON SOUTHWEST
PIPELINE PROJECT
(SWC Project No. 1736)

Robert Dorothy, Project Manager for the Southwest Pipeline Project, stated that the study is progressing well. He informed the Commission members of activities that are ongoing at present including the execution of an agreement with The Nokota Company to study the possibilities of a new intake structure, agreement with South Dakota for alternative capacity studies, and organizational efforts in Dunn, Stark and Billings Counties to form a rural water cooperative.

Mr. Dorothy advised the Commission members that a meeting had been held on January 21, 1982 with the Southwest Pipeline Advisory Committee, and at that meeting several problem areas were discussed: 1) difficulties of financing the pipeline project due to high interest rates; 2) projected decreases in the funding of the Resources Trust Fund; and 3) the drying up of FmHA loan and grant funds for water supply projects. Mr. Dorothy also suggested that serious consideration should be given to concepts which would reduce the project construction costs and suggested that the pipeline size could be reduced significantly if peak water loads were provided from existing sources. The Advisory Committee was also informed of the problems of determining a reasonable population projection for the project area, and it was suggested to the Committee that the pipeline report present two or more plans based on different levels of service provided and the decision makers could then choose the level of service desired based on economic and political considerations.

Mr. Dorothy indicated that after considerable discussion at the January 21, 1982 meeting, the Advisory Committee adopted the following recommendation and requested that this recommendation be presented to the State Water Commission:

"In order to present a range of water delivery services and associated costs to the decision makers, the Southwest Pipeline Project report should include plans and cost estimates for

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at least two levels of water service. The minimum plan should be based on a pipeline size which would provide 75 percent of the average daily water requirement and another plan should be based on 150 percent of the average daily water requirement. Both plans would be based on the population projected to the year 2020 which is approximately 190 percent of the 1980 population. It is also recommended that the use of the City of Dickinson's present water supply and other water supply sources be investigated as potential sources of peaking capacity for the pipeline project."

Mr. Dorothy indicated that the two plans described above would be in addition to the original plan which would provide 250 percent of the average daily water requirement.

Mr. Jim Bullock, Financial Advisor for the Project, distributed and discussed the Financial Advisors Report on Federal, State of North Dakota and Industrial Funding Sources. This report is on file at the State Water Commission offices.

Mr. Bruce McCollom, Consulting Engineer for the Project, discussed with the Commission members through a series of graphs, the problems of determining a reasonable population projection for the project area; the relationships between daily average and peak water use, supply vs. capacity, cost vs. capacity, and cost vs. supply; and also the rationale for presenting to the 1983 Legislature two or more plans in the report based on different levels of water service.

It was moved by Commissioner Schank, seconded by Commissioner Jacobson, and unanimously carried, that the State Water Commission accept the recommendations adopted by the Southwest Pipeline Advisory Committee.

**BRIEFING ON RUSH
LAKE LITIGATION
(SWC Project No. 463)**

In the case were resolved against the State water Commission and the State Engineer, and it was recommended by Mr. Dwyer that the case be appealed to the North Dakota Supreme Court.

Counsel Mike Dwyer briefed the Commission on the history of the Rush Lake litigation, and stated that the final district court decision had been handed down. The issues

It was moved by Commissioner Kramer, seconded by Commissioner Schank, and unanimously carried, that the Commission request the Attorney General to appeal the Rush Lake case to the North Dakota Supreme Court.

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**CONTINUED DISCUSSION
OF WATER EDUCATION:
WATER & MAN, INC.**

Secretary Fahy reviewed the information that was provided to the Commission members at their last meeting regarding the matter of water education in the public school system. It was the consensus of the Commission that this is very important and staff should proceed with further details. Secretary Fahy said he will try and make arrangements with Water & Man, Inc. to hold a workshop in Bismarck sometime this summer.

**WATER PERMIT APPLICATIONS
FILED FOR INDUSTRIAL USE BY
BASIN ELECTRIC POWER COOPERATIVE &
THE NOKOTA COMPANY
(Establish date for public hearing)**

Secretary Fahy informed the Commission members that an application had been received from Basin Electric Power Cooperative to appropriate 9,000 acre-feet of water from Lake Sakakawea for industrial use. An application has also been received from The Nokota Company to appropriate 16,800 acre-feet of water from Lake Sakakawea for industrial use. Secretary Fahy indicated that any application filed in excess of 5,000 acre-feet of water may, by resolution of the Commission, be reserved for final approval authority to the State Water Commission. He noted that the applications are complete and suggested that the public hearings be held in June, 1982.

It was the consensus of the Commission that the public hearings be scheduled in June, 1982, and the date and place be left to the discretion of the Chairman and the State Engineer.

**CONSIDERATION OF REQUEST
FOR FLOOD HAZARD STUDY ON
OAK AND WILLOW CREEKS IN
NORTH CENTRAL PART OF STATE
(SWC Project No. 1577)**

Dave Sprynczynatyk advised the Commission that written requests have been received from three water resource districts (McHenry, Oak Creek and Rolette Counties) and two others (Willow Creek and Bottineau Counties) are forthcoming, for financial participation in a flood hazard analysis for Oak Creek and Willow Creek in McHenry and Bottineau Counties. The analysis will provide base flood information which will be used by local units of government to implement effective floodplain management measures along the two creeks. The implementation of floodplain management regulations will result in a reduction of future flood damages along these creeks. Another benefit of the analysis is the identification of problem areas associated with high or extreme flood events and this information will be useful to local water resource districts in development of flood control projects.

The total cost of the flood hazard analysis is \$62,000, of which the Soil Conservation Service will expend \$49,600, the local share is \$12,400, and the request to the State Water Commission is for cost sharing of 40 percent of the local costs, not to exceed \$4,960.

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It was the recommendation of the State Engineer that the Commission contribute 40 percent of the local costs, not to exceed \$4,960 towards this study, contingent upon the receipt of Willow Creek and Bottineau County Water Resource District's request for assistance and upon the financial contribution by the Water Resource Districts for the remainder of the local costs.

It was moved by Commissioner Kramer, seconded by Commissioner Bjornson, and unanimously carried, that the State Water Commission contribute 40 percent of the local costs, not to exceed \$4,960 towards a Flood Hazard Study for Oak and Willow Creeks in McHenry and Bottineau Counties, contingent upon the availability of funds, and contingent upon the receipt of Willow Creek and Bottineau County Water Resource District's request for assistance and upon the financial contribution by the Water Resource Districts for the remainder of the local costs.

**ACKNOWLEDGEMENT OF
RESOLUTION FROM
CITY OF FARGO
(SWC Project Nos. 583 & 591)**

North Dam on the Red River. He read a resolution that had been adopted by the Fargo Board of City Commissioners, expressing appreciation and commendation to the State Water Commission.

Dave Sprynczynatyk stated that on June 22, 1981, the State Water Commission entered into an agreement with the City of Fargo to repair the Fourth Street Dam and the Twelfth Avenue

**DISCUSSION OF AGENCY'S
FINANCIAL STATEMENT**

statement, noting that the agency is functioning well within its budgetary authorization.

Matt Emerson, Director of Administration for the State Water Commission, distributed and discussed the agency's financial

**SOURIS-RED-RAINY
RIVER BASINS COMMISSION
(SWC Project No. 305)**

office located in Fargo, and upon reviewing what could be done in order to carry on the coordinated procedures in the various areas, it was determined that there are carryover funds available that this Commission will be returning to each of the two states of North Dakota and Minnesota that could be expended to maintain an office for approximately one year. The Governors of North Dakota and Minnesota have agreed to expend the carryover funds for the purpose of maintaining the office of the Red River Water Resources Council located in

Secretary Fahy indicated that federal funds have been cut for river basin commissions. The Upper Mississippi River Basin Commission had a regional

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Moorhead, Minnesota. There will be state members on this Council from North Dakota and Minnesota.

GENERAL

The staff was then directed to provide a monthly memorandum to Commission members updating the members on the issues that are being considered, recommendations that the staff and engineers make, and action that will be required by the Commission. The staff was also directed to provide the Commission members with meeting notices in their respective areas.

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

It was moved by Commissioner Bjornson, seconded by Commissioner Larson, and unanimously carried, that the meeting adjourn at 1:20 p.m.


Allen I. Olson
Governor-Chairman

ATTEST:


Vernon Fahy
State Engineer and Secretary

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NORTH DAKOTA STATE WATER COMMISSION

REGISTER

ATTENDANCE AT State Water Commission

DATE January 28-29, 1982 PLACE Fargo, N. Dak.

PROJECT NO. _____

Your Name	Your Address	Who do you Represent? (Or Occupation)
M F Myers	900 East Blvd	SWC
Bill Hanson	Bismarck	SWC
Choron Johnson	Devils Lake	G. D. V.
Cary Backstrand	Bismarck	SWC
Mack Hoffman	Grand Forks.	KSM, Inc & NDCEC
Marshall W. Moore	Fargo N. Dak	Moore Eng Inc
R. D. ANDERSON	P.O. BOX 2041 BISMARCK, ND	ULTEIG ENGINEERS, INC.
Kew Skuzo	Box 1569	ULTEIG Eng's Inc
STEVE DEWALA	Box 2464 FARGO, N.D.	K. L. J.
Bob Walker	Box 2464 FARGO	Kochalein, Light tower Johnson Inc.
Joseph Harbke	Page, N.D.	Truple River Water Resource Board
Merrin Melander	Hunter, N. Dak	North Cass Water Resource Board
Joseph Sether	Gardners N.D.	North Cass Water Resource Board
Bob Dorothy	Bismarck	SWC
Joe Cury	Bismarck	SWC

NORTH DAKOTA STATE WATER COMMISSION

REGISTER

ATTENDANCE AT STATE Water Comm

DATE January 29, 1982 PLACE Fargo, ND

PROJECT NO. _____

Your Name	Your Address	Who do you Represent? (Or Occupation)
Bob Woods	Hillsboro N. Dak.	Trevel Co. W.R.B.
Joseph Tharlike	Page, N.D.	Maple R. W. R. B.
Tom Ronan	Manvel	Grand Forks W.R.D.
Dave Hammersten	ST. PAUL MN	Corps of Eng.
Bruce F. McCollan	Bismarck	Bartlett & West / Boyle Engrs.
Jim Bullock	Omaha	Chiles Heider & Co.
Jake Gust	West Fargo	City Commission
Bill Hanson	Bismarck	ND SWC
COL W W BADGER	ST PAUL, MN	US Army Corps of Engineers
William Applegate	ST. PAUL, MN	US Army Corps of Engineers
Irving Selberg	Harwood ND	S.E. Cass Reservoir
Robert S. Thompson	Page, N.D.	R.R. & R.B.
Duane R. Aelling	West Fargo	Maple River & Highland W.R.D.s - Red River ft.
Roger Tenstad	West Fargo	Ed. Moore Eng Inc
Teffy Valk	West Fargo	Moore Eng Inc

**NORTH DAKOTA STATE WATER COMMISSION
REGISTER**

ATTENDANCE AT STATE WATER COMMISSION

DATE Jan 29, 1982 PLACE Fargo, N.D.

PROJECT NO. _____

Your Name	Your Address	Who do you Represent? (Or Occupation)
R.D. ANDERSON	P.O. Box 2041 BISMARCK, ND	ULTEIG ENGINEERS, INC.
Ken Skuzem	Box 1549 Fargo	" " "
Bennett King	Fond du Lac, ND	Steele & W.R.B.
Morris Melands	Huntington, N.D.	Kathleen W.R.B.

APPENDIX "A"

Governor Allen I. Olson
January 28, 1982
Bismarck, North Dakota

GOVERNOR'S POLICY STATEMENT - MISSOURI RIVER WATER USE

The Pick-Sloan Plan for comprehensive development of the water resources of the Missouri River Basin was approved by Congress on December 22, 1944. This important legislative act is now commonly referred to as the Flood Control Act of 1944.

It is actually a combination of two plans developed separately to recognize the widely varying differences which exist between the upper basin states and the lower basin states. Neither the Corps of Engineers Plan (Pick), which was directed primarily at flood control and navigation for the downstream states, nor the Bureau of Reclamation Plan (Sloan), which provided for preservation of sufficient waters for irrigation and other uses essential to the economy of the arid and semi arid upper basin states could muster sufficient Congressional support for passage.

When this became obvious to Congressional leaders and the citizens in the Basin, the two plans were combined and submitted to Congress in November, 1944, and enacted into legislation the following month.

As adopted, the law contains unique guarantees relative to insuring equitable distribution of the benefits of the program. Residents of the lower basin are to receive flood control, stabilized water for domestic and industrial uses, stream sanitation and navigation within specified limitations. Citizens of the upper basin are to receive sufficient water for irrigation uses and other certain beneficial consumptive uses in accordance with a specific provision, the O'Mahoney-Millikin Amendment, which limited the use of waters for navigation to that amount which would not conflict with those enumerated upstream beneficial uses.

ADOPTED BY THE STATE WATER COMMISSION ON JANUARY 29, 1982

The O'Mahoney-Millikin Amendment was directed toward the preservation of sufficient quantities of water to provide for economic development and public use for the citizens of the upper basin states. Its focus was on irrigation development because of the agricultural nature of the states involved. It contains the following language:

The use for navigation of waters arising in states lying wholly or partly west of the 98th meridian shall be only such as does not conflict with any beneficial consumptive use, present or future, in states lying wholly or partly west of the 98th meridian of such waters for domestic, municipal, stockwater, irrigation, mining or industrial purposes.

The Missouri River is a "gaining" river - it more than doubles in flow from Sioux City to its juncture with the Mississippi River. The impoundments in the upper basin are a stabilizing factor on long-term flows and navigation has benefited greatly from their construction and will continue to benefit even when the upper basin states have realized the benefits assured under the Pick-Sloan Plan.

It is the official policy position of the Governor of North Dakota that the action by Congress embodied in the Flood Control Act of 1944, as amended, resulted in a major allocation of the waters of the Missouri River among the basin states. Completion of the Pick-Sloan Missouri Basin program, of which the Garrison Diversion Unit is an integral part, is a matter of priority. Any attempt to change the allocation of the waters already approved by the Congress is considered not to be in the best interests of the state.

We are willing to contribute the effort necessary to assist in coordination of the actions of individual states to assure that maximum benefits are realized for all states consistent with the provisions of the 1944 Flood Control Act.

RESOLUTION NO. 82-1-412

Red River Dikes

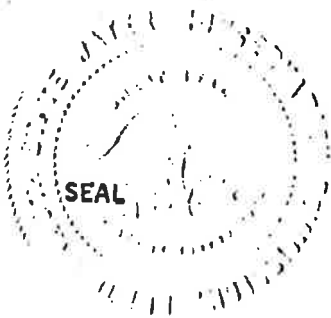
WHEREAS, the State Water Commission is committed to sound, long-range water management throughout the entire Red River watershed. The Commission believes that both wise floodplain management and appropriate flood control structures are necessary to resolve flooding and other water management problems in the Red River watershed. Since the Red River of the North forms the boundary between North Dakota and Minnesota, the Commission recognizes that sincere cooperation and coordination between the two states is essential in order for water management solutions to be reasonable and effective;


WHEREAS, agricultural dikes along the Red River have been a source of conflict between North Dakota and Minnesota, both at the state and local level, and have presented a serious obstacle to the cooperation and coordination between North Dakota and Minnesota which is required in order to achieve total and comprehensive water management of the entire Red River watershed. The agricultural dikes have caused excessive flood damages to North Dakota farmers, and continue to pose a serious threat of excessive damages to North Dakota farmers in the future. In spite of the 1976 and the 1980 agreements between Minnesota and North Dakota, which express the intention that both states will provide for uniform and consistent floodplain management along the Red River, Minnesota has shown a firm unwillingness to take any action to implement the agreements and correct the present inequitable dike situation.

NOW, THEREFORE, BE IT RESOLVED that it is the position of the State Water Commission, at its meeting held in Fargo, North Dakota, this 29th day of


January, 1982, that North Dakota has no other recourse than to initiate legal action to remedy the present improper and inequitable situation concerning the agricultural dikes. The North Dakota Attorney General is respectfully requested to bring such legal action against Minnesota, either at the state or local levels, or both, as he deems appropriate. The Commission also encourages the Red River Joint Board and affected farmers to bring appropriate legal action to recover damages and losses caused by the dikes during previous floods.

FOR THE NORTH DAKOTA STATE WATER COMMISSION:




Allen I. Olson
Governor-Chairman

ATTEST:


Vernon Fahy
State Engineer and Secretary

APPENDIX "C"

STATE WATER COMMISSION COST-SHARING
GUIDELINES FOR WATER-RELATED WORKS & FACILITIES

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Chapter 1.	General Considerations
Chapter 2.	Procedure and General Requirements
Chapter 3.	Eligible Items for Cost-Sharing
Chapter 4.	Projects and Investigations

Chapter 1
GENERAL CONSIDERATIONS

1. Authority. The contract fund was established by the Legislative Assembly by the enactment of §61-02-64.1 of the NDCC, and provides in part:

61-02-64.1. CONTRACT FUND - PURPOSE - REIMBURSEMENTS TO BE DEPOSITED WITH THE STATE TREASURER. All contractual obligations of the commission, excepting salaries and expenses of commission employees and the cost of any supplies, materials and equipment, shall be paid from the contract fund. The moneys in the contract fund shall be paid out or disbursed in such manner as may be determined by the commission.

* * *

It is through the contract fund that the SWC provides financial assistance on a cost-sharing basis with local Water Resource Districts and other entities for water-related investigations, studies, projects, and programs.

2. Intent. The intent of these guidelines is to establish procedures and criteria for the State Water Commission and the State Engineer in the handling of applications to the State Water Commission for cost-sharing from the contract fund for water-related works and programs. Since funds available to the State Water Commission through the contract fund will not satisfy all requests, criteria for considering applications for cost-sharing will be helpful in achieving maximum benefit of public funds for water-related works and programs. Procedures for applications for cost-sharing will be helpful in establishing a consistent process for the State Water Commission to consider requests for cost-sharing, and will also provide a method by which the State Water Commission can include the priorities of the state water plan in making decisions on such requests.

3. Definitions. The following definitions will apply to these guidelines:

- a. "Commission" means the State Water Commission.
- b. "State Engineer" means the State Engineer appointed pursuant to §61-03-01 NDCC, who is also the chief engineer and secretary of the Commission.
- c. "District" means a water resource district.

- d. "Board of Managers" means the board of managers of a Water Resource District.
- e. "Assessment Drain" means a drain constructed in accordance with the procedures of Chapter 61-16.1 or Chapter 61-21 and which is paid for by special assessments levied against the lands benefitted by the drain.
- f. "Maintenance" of a project means the necessary upkeep to protect the integrity of the project and to ensure the project carries out the purpose for which it was constructed. Maintenance of assessment drains also means the periodic removal of sediment or other obstructions from the drain.
- g. "Deferred maintenance" of a project means reconstruction, repair, or restoration which is required to return the project to its original specifications and purpose due to a failure to properly maintain the project.
- h. "Reconstruction" of a project means the alterations of the project to increase its capacity for storing or carrying water or other changes in the original specifications or purpose of the project.
- i. "State Water Plan" means the comprehensive statewide plan for the management and development of the state's water resources.
- j. "Master Plan" means a plan developed by a water resource district for a specific water management activity, such as drainage, flood control, water supply, recreation, etc., within the jurisdiction of such water resource district, which includes, among other things, a statement of goals and objectives.
- k. "General Investigations" shall mean all studies and investigations to obtain data and information for hydrologic analysis, groundwater availability, flood reduction and floodplain management, watershed planning, or other related activities. It shall not include studies or investigation for specific project development.
- l. "Plans and Specifications" means the drawings or reproductions of drawings, including all notes thereon, and all directions, provisions, and requirements approved by the State Engineer for construction and completion of water resource projects.
- m. "Preliminary Engineering Designs" means the engineering study and designs for specific water resource projects which are primarily used to establish feasibility and which require additional engineering design prior to construction.

4. State Water Plan. The state water plan is a comprehensive statewide plan currently being developed by the SWC for the proper and balanced management and future development of North Dakota's water resources. The state water plan will include guidelines which are designed to provide a long-range and overall program for future conservation, protection, and wise use of North Dakota's ground and surface waters. The state water plan will address all aspects of water resource management and development, including municipal and industrial water demands; rural, domestic, and livestock water needs; floodplain management; irrigation requirements; soil erosion; wetlands and wetland values; fish and wildlife; flood control; water quality; energy development; weather modification; water-based recreation; in-stream flows; and drainage.

The state water plan will identify current water resource problems, alternative solutions to resolve these water resource problems, and opportunities for water resource development to satisfy projected water demands. It is intended that the state water plan, with the leadership and assistance of the SWC, will provide guidance for future water management and development in North Dakota.

Chapter 2 PROCEDURE AND GENERAL REQUIREMENTS

1. **APPLICATION REQUIRED.** The Commission will not consider any request for cost-sharing for water-related works or programs unless an application is first made to the State Engineer. The applicant must be a political subdivision, including, but not limited to, water resource districts, irrigation districts, and municipalities.

2. **PERMITS.** An application to the Commission for cost-sharing must be accompanied by all necessary permits for the proposed project, including water permits, drainage permits, construction permits for dikes or dams, and any other necessary permits from local political subdivisions or state agencies. Upon receiving an application for cost-sharing, the State Engineer will investigate to ensure that all necessary permits for the proposed project from local political subdivisions or state agencies have been obtained.

3. **CONTENTS OF APPLICATION.** An application for cost-sharing must be in writing, but is not required to be in a prescribed format. The application must include the following:

- a. Description of the proposed project.
- b. Purpose of the proposed project.
- c. Delineation of benefits.
- d. Delineation of beneficiaries.
- e. Delineation of costs.
- f. Preliminary designs, if the request is for cost-sharing on the construction of a project.
- g. Legal description of land to be acquired by fee title or easement.

The State Engineer may require such additional information as he deems appropriate.

4. **REVIEW.** Upon receiving an application for cost-sharing, the State Engineer shall review the application and accompanying information. If the State Engineer is satisfied that the application and proposal meet all requirements of these guidelines, he shall present the application to the Commission at the first Commission meeting after he has completed his review and investigation of the application. The State Engineer's review of the application will include the following items, and any other considerations which the State Engineer deems necessary and appropriate;

- a. If the application for cost-sharing is for project construction, a field inspection will be made. Previous field inspections made by the State Engineer as part of a permit application may satisfy this requirement.
 - b. Engineering plans and specifications will be reviewed to ensure that such plans and specifications are consistent with the plans and specifications of the State Engineer for such projects.
 - c. If the request is for an investigation, the State Engineer will review the application to ensure that the results of the investigation and study can be utilized for a water-related program or activity.
5. **NOTICE & APPEARANCE OF PROJECT SPONSOR.** The State Engineer shall place any application for cost-sharing on the tentative agenda of the State Water Commission meeting at which the application will be presented. At the Commission meeting when an application is presented to the Commission by the State Engineer, the applicant and project sponsor shall appear before the Commission and explain the local need and support for the project or program. The State Engineer shall give notice to such applicant and project sponsor when the application will be presented to the Commission.
6. **STATE ENGINEER'S RECOMMENDATION.** The State Engineer will make a recommendation to the Commission on an application for cost-sharing at the first meeting of the Commission when such application for cost-sharing is presented. The Commission will take the application under advisement, unless the Commission feels that it has sufficient information at the first meeting to make a final determination on such application.
7. **LITIGATION.** If a project for which an application for cost-sharing has been submitted is the subject of litigation, the application will be deferred until the litigation is resolved. If a project for which the Commission has approved a cost-sharing request becomes the subject of litigation before the money approved by the Commission has been disbursed, the State Engineer will withhold such money until the litigation is resolved in favor of the project. If a project becomes the subject of litigation after money has been disbursed by the Commission, and the litigation is resolved against the project, the project sponsor will return to the Commission all cost-sharing funds which have been disbursed.
8. **ENGINEERING DESIGNS, PLANS & SPECIFICATIONS.** Engineering designs, plans, and specifications which accompany applications for cost-sharing for the construction of a project must have been developed by a registered professional engineer, and approved by the State Engineer.
9. **CONTRACTS.** When an application for cost-sharing has been approved by the Commission, the project sponsor, upon awarding of a contract for the construction or other work to be performed, shall file a copy of such contract with the State Engineer before any funds will be disbursed for the project.

10. **COST SHARING BY OTHER AGENCIES.** All applications for cost-sharing shall be reviewed to determine if other local or state agencies can participate in the project costs. If so, the Commission will take this into account, and may reduce the percentage of Commission cost-sharing accordingly.
11. **PARTIAL & FINAL PAYMENTS.** The State Engineer may make partial payment of cost-sharing funds as he deems appropriate. Upon notice by the project sponsor that all work or construction has been completed, the State Engineer shall conduct a final field inspection. If the State Engineer is satisfied that construction has been completed in accordance with the designs, plans and specifications for the project, the final payment for cost-sharing as approved by the Commission shall be disbursed to the project sponsor, less any partial payments previously made.
12. **MASTER PLANS.** Section 61-16.1-13 of the North Dakota Century Code requires each Water Resource District to prepare and adopt a master plan, which shall include a statement of goals and objectives, for each of the various water management activities in the district, such as drainage, flood control, water supply, and recreation. Section 61-16.1-13 also requires each Water Resource District to prepare and adopt a two-year priority schedule, which shall summarize planned district projects for at least the following two years. The priority schedule must be filed with the State Engineer on or before May 1 of each even-numbered year, and is intended to assist the State Engineer in developing the budget request for the State Water Commission contract fund for the next biennium. Finally, Section 61-16.1-13 provides that no state funds shall be allocated or disbursed to a Water Resource District after July 1, 1985, unless that Water Resource District has submitted a master plan for the specific water management activity for which cost-sharing funds are requested, and the Commission has determined that the project or program for which funds are requested is in conformance with the plans of the Commission and the appropriate Water Resource District. Thus, upon receiving an application for cost-sharing, the State Engineer shall review the application to determine whether the request is consistent with the master plan of the appropriate Water Resource District and the state water plan of the Commission. The State Engineer's recommendation to the Commission shall include a statement concerning whether or not the requirements of this paragraph have been satisfied.
13. **MAINTENANCE.** Except as otherwise provided, the Commission shall require an applicant for cost-sharing to properly maintain a proposed project.

Chapter 3
ELIGIBILITY FOR COST-SHARING

1. **ELIGIBLE ITEMS.** The following items shall be eligible for cost-sharing by the Commission:
 - a. Construction costs.
 - b. Utility relocation.
 - c. General Investigations.
 - d. Preliminary engineering designs and feasibility studies.

2. **NON-ELIGIBLE ITEMS.** The following items shall not be eligible for cost-sharing by the Commission:

- a. Land acquisition. Acquisition of property interests in fee or easement for projects shall not be an eligible item for cost-sharing.
- b. Final engineering designs and construction engineering and inspection shall not be an eligible item for cost-sharing.
- c. Administrative and legal expenses incurred in connection with any project shall not be an eligible item for cost-sharing.
- d. Installation of bridges or culverts on state highways and county and township roads.
- e. Maintenance and deferred maintenance. Maintenance work and deferred maintenance on any project which has previously received cost-sharing assistance from the Commission shall not be an eligible item for cost-sharing, except for maintenance that may be required as a result of an unusual climatological event.

Chapter 4 PROJECTS AND INVESTIGATIONS

1. **WILDLIFE MITIGATION MEASURES.** By virtue of Resolution No. 66-11-233, updated by Resolution No. 68-5-254, the Commission has previously adopted a formal position regarding wildlife mitigation measures, establishing that it is favorable toward including wildlife habitat mitigation measures in the planning for any water management project which may threaten wildlife habitat, and particularly those values related to the production of wetlands wildfowl. Resolution No. 66-11-233 provides that "evaluation [of waterfowl habitat] by agencies involved should be based upon the production and protection of waterfowl and upland game in terms of game production rather than land area..." These guidelines continue the favorable position of the State Water Commission toward preservation and enhancement of wildlife habitat in accordance with its formally adopted position.

2. **DRAINAGE PROJECTS.** The policy statement of the State Engineer concerning the regulation of drainage recognizes the importance of water conservation, agricultural production, and flood control in making decisions on drainage permit applications, and pledges to give full and equal consideration to each. The Commission will apply the policy statement of the State Engineer to applications for financial assistance for drainage projects. The Commission will provide cost-sharing for up to 40% of the eligible items of any cost-sharing application for drainage projects. A Water Resource District applying for cost-sharing for an assessment drain must certify that the district has an active and diligent enforcement program for drainage regulatory statutes, specifically §§61-16.1-41, 61-16.1-51, and 61-16.1-52. If an assessment drain is to be established within two or more districts and financial assistance is sought from the Commission, each water resource board involved must join in the application for financial assistance. The applicant must also certify that control measures, such as gated structures, culvert sizing, channel sizing, etc., and upstream temporary or permanent storage of water on the land has been duly considered, and if appropriate, included

in the design and operation of the proposed drainage project. The applicant for cost-sharing must also certify that a permit to drain has been secured from the State Engineer and appropriate Water Resource District and that the application has been processed as an application of statewide significance. To provide for uniform and best distribution of Commission funds for drainage projects, the following types of drainage projects shall not be eligible for cost-sharing, except in overriding circumstances:

- a. New project which places non-contributing drainage areas not previously farmed into production.
- b. A project which will drain a Type IV or V wetland.
- c. Removal of sediment, woody vegetation (snagging & clearing), or waterborne debris from artificial drainage projects which has been deposited over a number of years and has reduced the hydraulic capacity of the drain, and any other deferred maintenance.

3. **WATER SUPPLY PROJECTS.** The Commission will provide cost-sharing for up to 50% of the eligible items of any cost-sharing application for water supply projects. If sufficient funds are not available for competing cost-sharing applications, water supply projects for domestic, municipal, and rural uses shall receive highest priority.

4. **FLOOD CONTROL PROJECTS.** The Commission will provide cost-sharing for up to 50% of the eligible items of any cost-sharing application for flood control projects.

5. **RECREATION PROJECTS.** The Commission will provide cost-sharing for up to 33% of the eligible items of any cost-sharing application for recreation projects.

6. **SNAGGING & CLEARING AND CHANNEL CHANGES.** The Commission will provide cost-sharing for up to 25% of the eligible items of any cost-sharing application for snagging and clearing and channel changes.

7. **INVESTIGATIONS, PROJECT STUDIES, & PRELIMINARY ENGINEERING DESIGNS & STUDIES.** The Commission will provide cost-sharing for up to the same percentages as included in paragraphs 2 through 6 of this chapter for investigations, project studies, and preliminary engineering designs and studies for water resource projects and programs. ~~If the project sponsor for a water resource project requests the Commission to do the investigation, project study, or preliminary engineering design and study, the sponsor will be required to make a deposit with the Commission equal to 50% of the estimated field costs to be encountered in the investigation or study. Field costs include, but shall not be limited to, surveys, salaries, expenses, per diem, inspections, field time, travel, and soil exploration expenses.~~

STATE WATER COMMISSION
SHARING OF ENGINEERING COSTS
(CURRENT POLICY)

GENERAL
INVESTIGATIONS

If done by
by the SWC

Deposit required from
project sponsor, all
other costs assumed
by SWC^{1/}

If done by
someone other
than the SWC.

2/

PRELIMINARY ENGINEERING
& FEASIBILITY STUDIES

Deposit required from project
sponsor, all other costs
assumed by SWC^{1/}

Costs not eligible for
SWC cost sharing.

FINAL DESIGN, CONSTRUCTION
ENGINEERING & CONSTRUCTION
INSPECTION

All costs shared by project
participants, including SWC.

Costs not eligible for
SWC cost sharing.

^{1/} Deposit equal to 50% of estimated field costs, including surveyors costs, soils exploration costs, travel, etc.

^{2/} To date no request has been submitted to the State Water Commission for general investigations. Thus, no policy has been established.

Red River Joint Water Management Board

Providing a coordinated and cooperative approach to planning and implementing a comprehensive water management program in the Red River Valley

Trails County Courthouse Box 149
HILLSBORO, NORTH DAKOTA 58045

January 29, 1982

TO: Governor Olson, Vernon Fahy, State Water Commission Members

FROM: Red River Joint Water Resource Board

SUBJECT: Resolutions

The Red River Joint Water Resource Board has passed the following resolutions for your consideration.

1. The Red River Joint Water Resource Board offers support and requests the State Water Commission take necessary action to resolve the dike situation.
2. The Red River Joint Water Resource Board requests the State Water Commission not fund water projects of local water resource districts that are not members of a joint board.
3. The Red River Joint Water Resource Board requests the State Water Commission amend its Rules and Drainage Regulations, as the same established eligible items of cost-sharing for local water resource district projects, so as to include engineering and the purchase of rights-of-way, in recognition of the inordinate financial demand now being placed on water resource boards.

MEMBER WATER MANAGEMENT DISTRICTS

Ransom County
Richland County
Sargent County

Walsh County
Grand Forks County
Traill County

Maple River
North Cass County
Southeast Cass County

Pembina County
Nelson County
Steele County