

MINUTES

North Dakota State Water Commission
Larimore, North Dakota

June 18, 1986

The North Dakota State Water Commission held a meeting on June 18, 1986, in the First American Bank, Larimore, North Dakota. Governor-Chairman, George A. Sinner, called the meeting to order at 9:00 a.m., and requested State Engineer, Vernon Fahy, to present the agenda. Mr. C. W. Ekness, Grand Forks County Water Resource Board, welcomed the Commission members to Larimore and invited them to participate in the dedication ceremonies of the Solseng Dam.

MEMBERS PRESENT:

Governor George A. Sinner, Chairman
Joyce Byerly, Member from Watford City
Jacob Gust, Member from West Fargo
William Guy, Member from Bismarck
Ray Hutton, Member from Oslo, Minnesota
William Lardy, Member from Dickinson
Jerome Spaeth, Member from Bismarck
Vernon Fahy, State Engineer and Secretary, North Dakota
State Water Commission, Bismarck

MEMBERS ABSENT:

Kent Jones, Commissioner, Department of Agriculture, Bismarck
Richard Backes, Member from Glenburn

OTHERS PRESENT:

State Water Commission Staff Members
Approximately 50 persons interested in agenda items

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

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

CONSIDERATION OF MINUTES
OF MAY 28, 1986 MEETING -
APPROVED

The minutes of the May 28, 1986 meeting were approved by the following motion:

It was moved by Commissioner Byerly, seconded by Commissioner Lardy, and unanimously carried, that the minutes of May 28, 1986 be approved as circulated.

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

million has been committed to the project, including the intake structure, for this biennium.

Secretary Fahy updated the Commission members on the status of the Southwest Pipeline Project, and indicated that approximately \$12.2

At the April 17, 1986 Commission meeting, Paula Dodds from the Office of Management and Budget made a report to the Commission members on the status of the Resources Trust Fund. The Commission members requested Ms. Dodds to provide the information she had presented to them in writing. Ms. Dodd's report was forwarded to the Commission members in June, 1986.

Governor Sinner requested the staff to review the balance sheet prepared by Ms. Dodds and to provide the Commission members a summary of the information.

CONSIDERATION OF REQUEST
FROM WELLS COUNTY WATER
RESOURCE BOARD FOR COST
SHARING FOR THE HEIMDAL
DRAIN PROJECT
(SWC Project No. 1738)

Drain Project which is located northeast of Manfred, ND. Mr. Backstrand stated the project consists of a main channel, improvement of field and road crossings, and control gates. The main purpose of the project is to improve agricultural drainage in the watershed. The total estimated cost for the project is \$151,510 which includes \$22,000 for engineering costs.

Cary Backstrand, Chief, Regulatory Section for the State Water Commission, presented a request for the Commission's consideration that has been received from the Wells County Water Resource Board. Their request is for cost sharing for the Heimdal

Mr. Backstrand indicated that the Board had applied for a drain permit which was declared of statewide significance. Approval was received from the Board and the State Engineer with certain conditions. The conditions stated the downstream natural watercourse must be improved or that a flowage easement be obtained, that the outlet into Big Slough be improved to minimize impacts to adjacent lands and that gates be installed on certain culverts and the operation of the gates is to be under the jurisdiction of the Well County Water Resource Board.

In 1985, a lawsuit was filed against the Water Resource District in an effort to stop the project. On April 11, 1986, the North Dakota Supreme Court ruled that the project could proceed, therefore, there is no pending litigation at this time.

The State Water Commission staff has reviewed the plans and as a result of that review, the State Engineer has determined conditions to the drain permit which have been included. Of the total cost, \$139,910 are eligible costs with 40 percent being \$55,964.

It was the recommendation of the State Engineer that 40 percent of the eligible costs for Heimdal Drain, not

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to exceed \$55,964, be granted by the Commission. This would be contingent upon the availability of funds and that the permit conditions be met by the Board.

Mr. Norman Rudel, Chairman of the Wells County Water Resource Board, provided further information relative to the project and requested the Commission to act favorably on their request for cost sharing. Mr. Rudel stated that if the project proceeds the Burlington Northern Railroad and the Wells County Water Resource Board will cost share in surveying and engineering to update and improve the railroad trackbed if it becomes necessary.

It was moved by Commissioner Spaeth and seconded by Commissioner Byerly that the State Water Commission cost share in 40 percent of the eligible costs for the Heimdal Drain Project in Wells County, not to exceed \$55,964. This motion shall be contingent upon the availability of funds and that the drain permit conditions be met by the Board.

Commissioners Byerly, Gust, Guy, Hutton, Lardy, Spaeth and Governor Sinner voted aye. The Chairman declared the motion passed.

CONSIDERATION OF REQUEST
FROM TRAILL COUNTY WATER
RESOURCE BOARD FOR COST
SHARING FOR RED OWL
CRITICAL AREA TREATMENT
PROJECT
(SWC Project No. 1311)

of a rock riprap and grassed waterway and is located approximately five miles west of Blanchard, ND. The construction costs incurred by the District totalled \$9,703.55.

Cary Backstrand indicated a request had been received from the Traill County Water Resource Board for the Commission's consideration to cost share on a completed project known as the Red Owl Critical Area Treatment. The project is an outlet drop structure consisting

Mr. Backstrand stated the Commission staff has reviewed the plans and the costs incurred and has found them satisfactory. Of the total cost of \$9,703.55, all costs are eligible with 40 percent being \$3,881.42.

It was the recommendation of the State Engineer for the Commission to approve cost sharing in 40 percent of the eligible costs, not to exceed \$3,881.42, subject to the availability of funds.

Mr. David Holter, Chairman of the Traill County Water Resource Board, discussed the project with the Commission members and requested favorable consideration of their cost sharing request.

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It was moved by Commissioner Gust and seconded by Commissioner Guy that the State Water Commission approve cost sharing for the Red Owl Critical Area Treatment Project in Traill County up to 40 percent of the eligible costs, not to exceed \$3,881.42, subject to the availability of funds.

Commissioners Byerly, Gust, Guy, Hutton, Lardy, Spaeth and Governor Sinner voted aye. The Chairman declared the motion passed.

CONSIDERATION OF REQUEST
FROM TRAILL COUNTY WATER
RESOURCE BOARD FOR COST
SHARING IN KELSO FLOODWAY
PROJECT
(SWC Project No. 839)

Floodway, a tributary of the Elm River, is located approximately seven miles east and nine miles south of Hillsboro, ND. Mr. Backstrand stated the Kelso Floodway was built in 1959 by the Soil Conservation Service as part of the Elm River Watershed Project, under Public Law 566. The original structure, a pipe and riser, has never been able to handle the flows and water backs out onto cropland. The Soil Conservation Service has conducted a timing analysis and determined that the peak flow from the Kelso Floodway and the Elm River roughly coincide. This apparently was an unknown factor during the original design of the Kelso Floodway structure. The Service has, therefore, designed a new structure which consists of a concrete weir and chute. Engineering estimates of the construction costs are \$91,155.50.

Cary Backstrand presented a request for the Commission's consideration received from the Traill County Water Resource Board for cost sharing in the construction of a new outlet structure at the outlet end of the Kelso Floodway. The Kelso

Mr. Backstrand indicated the State Water Commission had shared in a cleanout of a portion of the Kelso Floodway Channel at a cost of \$7,066, and the State Water Commission has also contributed \$13,700 for its share of the Elm River study in 1982.

The project is located within the Lake Agassiz RC&D, which usually cost shares in these types of projects. At the present time Federal funds are not available. The District is of the opinion that there is a great need for the project and that it must be built even if Federal funds are not available. The District has, therefore, advertised and opened bids but the low bid came in just under \$100,000, or approximately \$8,000 over the engineer's estimate. Also, since the Kelso Floodway was originally constructed as part of the Federal project, an assessment district was not set up. The Water Resource Board has met with the local landowners and they, the local landowners, have agreed to the formation of an assessment district to provide funds for the continued maintenance of the Kelso Floodway. The district plans to provide the local share of the construction costs for the new outlet structure from their general funds.

Secretary Fahy indicated staff has reviewed the plans and found them to be satisfactory. Under present cost

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sharing guidelines, all items are eligible for 40 percent cost sharing. Forty percent of the low bid would be approximately \$40,000.

It was the recommendation of the State Engineer that the State Water Commission act favorably in 40 percent of the eligible costs, not to exceed \$40,000, for the construction of the Kelso Floodway outlet structure.

Mr. David Holter, Chairman of the Traill County Water Resource Board, further reviewed the project with the Commission, and requested the Commission's support for their cost sharing request.

It was moved by Commissioner Guy and seconded by Commissioner Hutton that the State Water Commission approve cost sharing up to 40 percent of the eligible costs, not to exceed \$40,000, for the construction of the Kelso Floodway outlet structure in Traill County.

In discussion of the motion, Commissioner Lardy expressed concern relative to the possibility of increasing the downstream flooding problems as a result of this project.

Commissioners Byerly, Gust, Guy, Hutton, Spaeth and Governor Sinner voted aye. Commissioner Lardy voted nay. The Chairman declared the motion passed.

CONSIDERATION OF REQUEST FROM
DIVIDE COUNTY WATER RESOURCE
BOARD FOR COST SHARING ON THE
BAUKOL-NOONAN DAM PROJECT
(SWC Project No. 1696)

David Sprynczynatyk presented a request for the Commission's consideration from the Divide County Water Resource Board for cost sharing on the Baukol-Noonan Dam located approximately three miles east of the city of Noonan, ND.

Mr. Sprynczynatyk indicated that in 1929, Harris M. Baukol started the Baukol-Noonan Mine Company southeast of Noonan in Divide County. At that time, leveling and reclaiming the mined areas were not requirements of the law. Mining operations seized in the late 1950's, leaving several deep cuts sided by piles of overburden spoil material. Narrow, deep ponds were created when these cuts filled with water, most likely from a combination of ground-water infiltration and surface water runoff. In 1983, the North Dakota Game and Fish Department was deeded 1,380 acres of this abandoned mine land for use as a wildlife management area. Several of the ponds were stocked with fish and most seemed to support fish life quite well. Three of these ponds are of particular interest as they are in the path of an intermittent surface runoff stream. The stream is a tributary to the West Branch of Short Creek. The State Water Commission completed a study in April of this year that determined that a dam on this tributary, which would connect the three ponds, is a feasible and desirable project.

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Mr. Sprynczynatyk explained the proposed structure consists of a 23-foot high embankment with a 21-foot top. The principal spillway will consist of a 5-foot CMP riser with a 4-foot CMP barrel, 213 feet in length. The proposed emergency spillway is 100 feet wide. The proposed structure will raise the water surface by approximately 10 feet, increasing the storage capacity from approximately 430 to 650 acre-feet. The surface area will increase from approximately 28 to 32 acres. Project costs including administration, engineering and contingencies have been estimated at \$112,000. The construction permit and a water use permit have been applied for.

Secretary Fahy indicated all costs are eligible under present State Water Commission guidelines for 33 1/3 percent cost sharing from the Contract Fund, which would amount to \$37,500. The present funding plan calls for an additional 33 1/3 percent from the North Dakota Game and Fish Department with the remaining balance funded by the local sponsor.

It was the recommendation of the State Engineer that the Commission grant 33 1/3 percent of the cost for the construction of the Baukol-Noonan Dam, not to exceed \$37,500, and contingent upon the availability of funds.

Mr. Robert Priebe, Chairman of the Divide County Water Resource Board, introduced representatives from Divide County. He further discussed the project and requested the Commission's approval for their cost sharing request.

Secretary Fahy commented that a similar project was done in the Velva area that is a highly successful operation.

It was moved by Commissioner Lardy and seconded by Commissioner Byerly that the State Water Commission approve cost sharing up to 33 1/3 percent of the eligible construction costs, not to exceed \$37,500, for the Baukol-Noonan Dam project in Divide County. This motion shall be contingent upon the availability of funds.

Commissioners Byerly, Gust, Guy, Hutton, Lardy, Spaeth and Governor Sinner voted aye. The Chairman declared the motion passed.

CONSIDERATION OF REQUEST
FROM BURLEIGH COUNTY WATER
RESOURCE BOARD FOR COST
SHARING IN REPAIR OF BANK
STABILIZATION STRUCTURE
ALONG THE MISSOURI RIVER
(SWC Project No. 576-1-P)
(SWC Resolution No. 86-6-425)

David Sprynczynatyk presented a request for the Commission's consideration from the Burleigh County Water Resource District for cost sharing in the repair of a bank stabilization structure along the Missouri River. The structure which was built by the Corps of Engineers in 1974, suffered exten-

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sive damages in 1982 and further damages this past winter. In 1982, high flows were the reason for the damage and in 1986 ice action was the cause for additional damage.

Mr. Sprynczynatyk explained the original structure protected a developed area known as Sundown Acres, which contains several homes now being endangered by river erosion. It is the landowners and homeowners in this area that have petitioned the Water Resource District for this project, and the District in turn has asked the Commission to cost share and to provide technical assistance.

Mr. Sprynczynatyk explained prior to the construction of any bank stabilization works along the river in the 1970's, the State was forced to sign a local sponsorship agreement for the projects with the Corps of Engineers. This agreement said that the State would provide the lands, easements and rights-of-way and would assume the responsibility for future operation and maintenance of the projects. At that time, there were hundreds of acres being lost annually, and the State had no choice but to sign the agreement in order to protect the adjacent lands. Since then several attempts have been made to convince the Corps of Engineers and the Federal Government that it should be responsible for operation and maintenance of the structures, since the river is nothing more than a conveyance system between Garrison Dam and Lake Oahe. But, the Corps of Engineers and Federal Government have argued that the State assumed the obligation for the operation and maintenance and that they had no further responsibility. At the time, the State was aware that there could be considerable costs associated with maintenance, but the State had no choice but to sign the agreement under duress in order to get the projects.

In the 1970's shortly after one of the projects in Oliver County had been constructed, damage to the structure occurred. At that time the State was forced to spend money along with the Oliver County Water Resource District to make the repair. The project near Sundown Acres, known as the Square Butte Project, is not the only project in need of repair. The Corps continues to argue that it cannot do anything to help the State. Mr. Sprynczynatyk stated that in view of the petition from the local landowners it would seem that it would be appropriate for the State to share in the cost of the repair with the Water Resource District and the landowners.

Mr. Sprynczynatyk stated it is very difficult to determine exactly what the cost of the repair would be, since the river bottom seems to change almost daily. The best estimate is that the cost for repair of the structure would be approximately \$75,000 which could possibly restore the project to its original design, although it would probably be better to make changes in the design to better protect the area in view of the current river alignment.

It was the recommendation of the State Engineer that the State Water Commission provide technical assistance to the Water Resource Board as requested in the form of an engineering investigation. The first phase would consider restoration of the structure to near its original design and the second phase would include development of a preliminary engineering report addressing further bank stabilization

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in the area to prevent future erosion. It was also recommended by the State Engineer that the State grant 50 percent, not to exceed \$37,500, towards the repair or modification of the structure to provide immediate protection. This would be done this year and would be contingent upon the availability of funds.

Burleigh County Water Resource District Chairman, Alfred Thompson, explained the problem from a local perspective. He explained that he felt the Federal Government was not upholding its responsibility under the Pick-Sloan Act.

Commissioner Guy explained the background of the 1944 Flood Control Act, which was then discussed by the Commission members.

It was moved by Commissioner Guy and seconded by Commissioner Byerly that the State Water Commission approve, under protest, cost sharing in an amount not to exceed \$37,500 in the repair of a bank stabilization structure along the Missouri River, and to provide technical assistance to the Burleigh County Water Resource District as requested in the form of an engineering investigation. This motion shall be contingent upon the availability of funds.

In discussion of the motion, Commissioner Spaeth stated he felt since this is an emergency situation that the State should offer its assistance to the Water Resource District, but also expressed concern that a letter should be sent to all planning entities on both sides of the river explaining the problem and recommending that zoning be applied in the future.

Alfred Thompson indicated he agreed with Commissioner Spaeth's concern and that this information should be submitted to the Burleigh-Oliver-Morton-Mercer (BOMM) Board. Mr. Thompson stated that the Burleigh County Water Resource Board has informed all county and city planning agencies that they will not participate in any water-related program in any rural subdivisions unless prior to planning and subdivision approval the Water Resource Board has approved the project. Mr. Thompson said he feels confident this approach will receive the BOMM Board's approval.

Commissioners Byerly, Gust, Guy, Hutton, Lardy, Spaeth and Governor Sinner voted aye. The Chairman declared the motion passed.

It was moved by Commissioner Guy and seconded by Commissioner Lardy that the State Water Commission, by resolution, request the Congressional Delegation to prepare legislation which would place the 70-mile reach of the Missouri River between the Garrison Dam and Lake Oahe within the Pick-Sloan Plan,

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and that all obligations for bank stabilization operation and maintenance be a part of the Pick-Sloan Plan and that the Federal Government assume the responsibilities for these obligations. (SEE APPENDIX "A" - Resolution No. 86-6-425)

Commissioners Byerly, Gust, Guy, Hutton, Lardy, Spaeth and Governor Sinner voted aye. The Chairman declared the motion passed.

It was moved by Commissioner Spaeth and seconded by Governor Sinner that the State Water Commission request the appropriate planning authorities to consider the adoption of a zoning resolution that would provide a greenbelt or setback be required on both sides of the Missouri River.

Commissioners Byerly, Gust, Guy, Hutton, Spaeth and Governor Sinner voted aye. Commissioner Lardy voted nay. The Chairman declared the motion passed.

CONTINUED DISCUSSION OF
STATE WATER COMMISSION
CONTRACT FUND; RESOURCES
TRUST FUND; AND CONSIDERATION
OF REQUESTS FOR APPLICATION
FOR FUNDING FROM RESOURCES
TRUST FUND

Dave Sprynczynatyk distributed, and discussed, a computer printout report listing approximately 100 projects which the Water Resource Districts have submitted for possible funding for the next biennium. Mr. Sprynczynatyk commented on the status of the Contract Fund

and the Resources Trust Fund, and budget preparations within the agency for the next biennium.

Mr. Sprynczynatyk indicated that three additional project requests for application for funding from the Resources Trust Fund have been received: Sheyenne River Flood Control Project, Maple River Project A-170, and the Souris River Flood Control Project. The Commission members heard comments from representatives of each of the projects.

Governor Sinner requested these projects be placed on the agenda for the next Commission meeting for continued discussion.

UPDATE ON GARRISON
DIVERSION PROJECT
(SWC Project No. 237)

Russell Dushinske updated the Commission members on the Garrison Diversion Project. He indicated the Conservancy District is plac-

ing its priority in developing a state-wide plan for the administration of the municipal, rural and industrial program in North Dakota provided for by

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the Garrison Reformulation Act. Mr. Dushinske indicated the District is preparing legislation to update the Conservancy District laws as a result of the changes that have been made in the project, and will continue working on the James River Study.

Governor Sinner and Mr. Dushinske discussed the Wetlands Trust that was established by the Garrison Reformulation Act. The local incorporation papers have been filed and the Governor will be appointing three members to a committee, along with representatives from the Wildlife Federation Society, the Audubon Society and the Wildlife Federation Society.


BRIEFING ON AGENCY
FINANCIAL STATEMENT

Secretary Fahy reviewed the projects authorized and program budget expenditures reports; provided a breakdown on the Southwest Pipeline Project appropriations; and, discussed the agency's budget preparations.

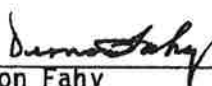
It was moved by Commissioner Byerly, seconded by Commissioner Spaeth, and unanimously carried, that the meeting adjourn at 12:00 noon.

DEDICATION OF SOLSENG DAM

Following adjournment, the Commission members joined with the locals in the dedication ceremonies of Solseng Dam, and tours of Fordville, Solseng and Larimore Dams.


George A. Sinner
Governor-Chairman

ATTEST:


Vernon Fahy
State Engineer and Secretary

June 18, 1986

NORTH DAKOTA STATE WATER COMMISSION

REGISTER

ATTENDANCE AT State Water Commission Meeting
 DATE June 18, 1986 PLACE Parinore, N. Dak.
 PROJECT NO. _____

Your Name	Your Address	Who do you Represent? (Or Occupation)
DAVE SPRYNCEWICK	Boismark	SWC
Cary Buckstand	Boismark	SWC
RUSS DUSHINSKE	DEVILS LAKE	GDOD
Charon Johnson	Carrington.	GDOD.
DAVID J HOLTER	HATTOW	Traill Co. Water Res. Bd.
Jan Swales	Hillsboro	" " "
Raymond Frazier	Blanchard	" " "
Fred Helberg	Harwood ND	J.E. Cass Resource
Clarence Disher	Davenport N. Dak	Maple River W.R.
Sandy Warner	Mapleton, N. Dak	Maple River W.R.B.
Jeffrey Volk	West Fargo	Morse Engineering
Kim Simonson	RIVERSIDE	MAYOR OF RIVERSIDE
Gilman A. Strand	Portland, N. Dak.	Traill Co. W.R.B.
John Foster	Carrington, ND	US Fish & Wildlife
Norman Randal	Jessenden, N. Dak.	Willb Co. W.R.B.

NORTH DAKOTA STATE WATER COMMISSION

R E G I S T E R

ATTENDANCE AT SWC - Laramore

DATE 6-18-86 PLACE _____

PROJECT NO. _____

Your Name	Your Address	Who do you Represent? (Or Occupation)
J. Wapler	Harwood ND	ND Rural Water Assn
Robin Huebner	Grand Forks	KTHI-TV
Mark A. Oswald	Sta Rt. 9 Bismark, ND	Sundown Acres Landowners
H. A. Hendrickson	Fargo N.D.	SE. Cass W. Mgt
Radney Hooper	Buxton N.D.	Seall Co. WRD
Glen W. Wunderlich	Vollaire ND	Souris River JT Board
Elmer Bertold	Velva, No. Dak.	North Dakota Water Users
Beverly Stone	Barnes ND	ND State WRD Assn. Rockland Co WRD
John Dean	Hutton ND	L J D C O
Joseph Threlke	Page N.D.	Maple RWRB
Bennett Remy	Portland, ND	Steele Co WRD
Robert H. Thompson	Page, ND	NC WRB
Leonard J. Jack	Reeder ND	ND Water Users
Herbert Thibodeau	Taylor N.D.	West River Joint Board

NORTH DAKOTA STATE WATER COMMISSION

REGISTER

ATTENDANCE AT SWC

DATE 6-18-86 PLACE HARMON

PROJECT NO. _____

Your Name	Your Address	Who do you Represent? (Or Occupation)
Don Marchus	Cochran ND	WC WRD
Jerrold Robble	Harvey, ND	Wells Co. W.R.D.
D. R. TWICHELL	WEST FARGO	SOUTHEAST CASS WRD
Florence Johnson	West Fargo	Mayor
Phil Thompson	B.R. Hwy Bismarck	Bur. Co. W.R.D.
L. J. Fryd	McKenzie	Burdick Co. W. R. D.
Robert Bricker	Noonan, N.D.	Divide Co. W. R. D.
Tom Orube	Noonan, N. D.	Divide Co. W. R. D.
Janis B. Mills	Noonan, N. D.	Divide Co. WRD
John LeBaker	Noonan N. Dak	Divide Co W R D
Alton Lund	Noonan N. Dak	Divide Co W R D
Marvin Priska	NOONAN N.D	Divide Co. WRD
Paul Harisch	Crosby, ND	Divide Co WRD
Gordon Stallen	Noonan N. Dak	Divide Co WRD
MARVIN LEIER	GRAND FORKS KTHI-TV	KTHI-TV

NORTH DAKOTA STATE WATER COMMISSION

R E G I S T E R

ATTENDANCE AT SWC

DATE 6-18-86 PLACE Larimore

PROJECT NO. _____

Your Name	Your Address	Who do you Represent? (Or Occupation)
NORMAN CROSS	MILNOR N.D.	RANSOM COUNTY WRB RR JOINT BOARD

RESOLUTION NO. 86-6-425

MISSOURI RIVER BANK STABILIZATION RESOLUTION

WHEREAS, the Flood Control Act of 1944, as amended by legislation sponsored by Senators O'Mahoney and Milliken, assured all 10 states within the Missouri River Basin, equal benefits under a control and management program which came to be commonly known as the Pick-Sloan Plan; and

WHEREAS, the Congress has directed the United States Corps of Engineers to build, operate, and maintain all the elements of the Pick-Sloan Plan; and

WHEREAS, the Pick-Sloan Plan provided for major flood control benefits, recreational benefits, power supply benefits, and certain navigational benefits for states lying below Sioux City, Iowa, through construction of large reservoirs in states lying above that point; and

WHEREAS, the Pick-Sloan reservoirs have been in place for 30 years, thus providing the downstream states all the benefits promised in the Pick-Sloan Plan for the past 30 years; and

WHEREAS, construction of facilities under the Pick-Sloan Plan has, to date, resulted in more than two billion dollars of flood protection to downstream interests which continue to accrue and has allowed them to develop the floodplain of the Missouri for industrial, municipal, and agricultural uses; and

WHEREAS, the United States Army Corps of Engineers has stabilized and continues to maintain the entire channel of the Missouri River from Sioux City, Iowa, to St. Louis, Missouri, spending millions of federal dollars; and

WHEREAS, to provide for the construction of the Pick-Sloan Plan, the State of North Dakota has sacrificed over 550,000 acres of land including several cities and many established farms; and

WHEREAS, few, if any, of the commitments made to North Dakota in return for its sacrifices under the Pick-Sloan Plan have been fulfilled despite great efforts by North Dakota's Congressional Delegation, Legislative Assemblies, Governors, and other state officials, and despite continuing strong support by the citizens of the state; and

WHEREAS, almost two-thirds of the 2.25 million megawatt hours of cheap hydroelectric power generated by Garrison Dam in North Dakota built by the Pick-Sloan Plan is utilized in states outside of North Dakota; and

WHEREAS, the seventy mile reach of the Missouri River from Garrison Dam to Lake Oahe serves as the outlet works and conveyance system to facilitate the transfer of water from the Garrison Reservoir to Lake Oahe for the multi-purpose users of the system; and

WHEREAS, the lands adjacent to the Missouri River between the Garrison Dam and the Oahe Reservoir have been and will continue to be seriously eroded and permanently lost by the local landowners and State of North Dakota because of reservoir management which releases highly fluctuating amounts of clear water capable of eroding and transporting large amounts of soil; and

WHEREAS, soil eroded from the banks of the Missouri River is being deposited as a delta in the headwaters of the Oahe Reservoir thereby causing the water table to rise in adjacent land, and is increasing the frequency and severity of ice jam hazards and has, according to recent Corps of Engineers' pronouncements, endangered 6,000 acres of land containing 45 homes and valuable farmland; and

WHEREAS, the United States Army Corps of Engineers have stated in their FINAL REPORT TO CONGRESS, dated December 1981, concerning Missouri River stream bank erosion that "Bank erosion in this reach results in a permanent net loss of high valley lands. This process, unless halted, would eventually transform the present river into a wide area of sand bars and channels, occupying an increasing proportion of the valley width between the bluffs;"

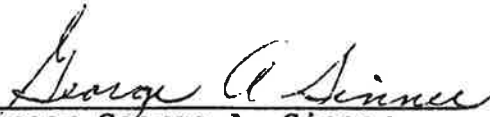
NOW, THEREFORE, BE IT RESOLVED BY THE NORTH DAKOTA STATE WATER COMMISSION at its meeting on this 18th day of June, 1986, in Larimore, North Dakota, that it requests the United States Congress to place the seventy mile reach of the Missouri River between the Garrison Dam and Lake Oahe within the authorization for the Pick-Sloan Plan and that all obligations for the protection of lands now endangered along the Missouri River in North Dakota be a part of Pick-Sloan Plan, and that the Federal Government assume the responsibilities for these obligations; and

BE IT FURTHER RESOLVED, that the Congress of the United States authorize and provide funds to the Corps of Engineers for a program for the completion of protection of affected lands along the Missouri River, and for the maintenance of the installed protective works; and

BE IT FURTHER RESOLVED, that funding for this project shall not be a normal federal water project appropriation, but instead shall be charged to the maintenance budget of the Pick-Sloan Plan; and

BE IT FURTHER RESOLVED, that the Secretary of State Water Commission forward copies of this resolution to Senator Burdick, Senator Andrews, and Congressman Dorgan so that they may seek legislation to correct this on-going problem.

FOR THE NORTH DAKOTA STATE WATER COMMISSION:



Governor George A. Sinner
Chairman

SEAL

ATTEST:



Vernon Fahy
State Engineer and Secretary