

MINUTES**North Dakota State Water Commission
Bismarck, North Dakota****June 24, 1991**

The North Dakota State Water Commission held a meeting in the lower level conference room of the State Office Building, Bismarck, North Dakota, on June 24, 1991. Chairman, Lieutenant Governor Lloyd Omdahl, called the meeting to order at 1:30 PM. Roll call indicated a quorum was present. Dale Frink, Director of the State Water Commission Water Development Division, was Acting Secretary in the absence of State Engineer and Chief Engineer-Secretary, David Sprynczynatyk. Secretary Sprynczynatyk was in Washington, DC, to meet with the Congressional Delegation and interview consultants for the Garrison Diversion Project.

MEMBERS PRESENT:

Lieutenant Governor Lloyd Omdahl, Chairman
Sarah Vogel, Commissioner, Department of Agriculture, Bismarck
Joyce Byerly, Member from Watford City
Lorry Kramer, Member from Minot
Daniel Narlock, Member from Oslo, MN
Norman Rudel, Member from Fessenden
Dale Frink, Acting Secretary, North Dakota State Water
Commission, Bismarck

MEMBERS ABSENT:

Jacob Gust, Member from West Fargo
William Lardy, Member from Dickinson
Jerome Spaeth, Member from Bismarck
David Sprynczynatyk, State Engineer and Chief Engineer-
Secretary, North Dakota State Water Commission, Bismarck

OTHERS PRESENT:

State Water Commission Staff Members
Approximately 25 persons in attendance 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.

APPROVAL OF AGENDA

declared the agenda approved and the agenda.

There being no additional items for the agenda, the Chairman requested Dale Frink to present

CONSIDERATION OF MINUTES OF MAY 3, 1991 MEETING - APPROVED

The minutes of the May 3, 1991, meeting were approved by the following motion:

It was moved by Commissioner Byerly, seconded by Commissioner Kramer, and unanimously carried, that the minutes of the May 3, 1991 meeting be approved as circulated.

AGENCY FINANCIAL STATEMENT

Dale Frink presented and discussed the Program Budget Expenditures and Programs/Projects Authorized, dated April 30, 1991. These reports reflect 91 percent of the current biennium.

Mr. Frink indicated that the State Water Commission will turn back approximately \$200,000 to the State General Fund at the end of the current biennium.

SOUTHWEST PIPELINE PROJECT - PROJECT CONSTRUCTION UPDATE (SWC Project No. 1736)

Tim Fay, Manager of the Southwest Pipeline Project, indicated the hydrostatic testing was conducted on Contract 2-3C on June 11 and 12, 1991, and a prefinal inspection of the contract was held on June 13. Mr. Fay said this represents the completion of the raw water transmission piping from Lake Sakakawea to Dickinson.

Construction at the two pump stations, Dodge and Richardton, is currently not active as the contractors are waiting for delivery of the interior piping and manifolds. Mr. Fay said painting of the Richardton Reservoir will probably begin in late June.

SOUTHWEST PIPELINE PROJECT - FUTURE CONTRACTS (SWC Project No. 1736)

Plans and specifications for the Belfield and Fryburg Reservoirs and the pipeline from Dickinson to Medora are currently under review by the Bureau of Reclamation.

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Plans for the cathodic protection of the pipeline from the source to the raw water reservoir and from the Richardton pump station to Dickinson have been reviewed and this contract has been advertised for bids.

Plans and specifications for the telemetry system have been reviewed and this contract is being advertised. Selection of the telemetry system will be by a selection committee process based on price and technical merits.

**SOUTHWEST PIPELINE PROJECT -
REASSESSMENT OF WATER DEMAND
(SWC Project No. 1736)**

Mr. Fay stated the facilities to convey treated water north, east and south from Dickinson are currently under design.

This design includes a reassessment of the demand. Mayors of the 20 contract communities have been notified by mail to consider their contracted minimums. Mr. Fay indicated he will be scheduling personal meetings with the mayors to explain the need for reassessment of their expected use.

**SOUTHWEST PIPELINE PROJECT -
DUAL TRANSMISSION AND
DISTRIBUTION SYSTEM PROPOSAL
(SWC Project No. 1736)**

At the May 3, 1991 Commission meeting, the staff was asked to provide information on the possibility of constructing a double pipeline of treated water versus untreated water for areas of the Southwest Pipeline Project.

Mr. Fay indicated he made a general assessment of the additional cost of providing a dual (potable and nonpotable) transmission and distribution system. He said this would probably increase the cost of the project by approximately 35 percent.

**SOUTHWEST PIPELINE PROJECT -
CONTINUED DISCUSSION RELATIVE
TO WATER TREATMENT AGREEMENT
(SWC Project No. 1736)**

At the May 3, 1991 meeting, the Commission tentatively approved the Southwest Pipeline Project water treatment agreement, contingent upon favorable negotiations with the City of Dickinson.

Mr. Fay indicated the draft water treatment agreement has been forwarded to the City of Dickinson for review. To date, a response to the draft has not been received from the city.

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**SOUTHWEST PIPELINE PROJECT -
NEW PHASED DEVELOPMENT PLAN
(SWC Project No. 1736)**

At the July 5, 1990 meeting, the Commission approved a Phased Development Plan for the Southwest Pipeline Project,

which was presented by the Southwest Water Authority.

Mr. Fay stated that shortly after approval of the phased development plan, the problems with fluoride began surfacing. Planning project development since that time has been guided by the sometimes conflicting goals of the Phased Development Plan and the needs of the fluoride communities.

On June 17, 1991, the Southwest Water Authority met and approved a revised Phased Development Plan. Mr. Fay said this new plan includes the need to move toward the fluoride communities, incorporate the sign-up work that has recently been done in the rural areas, and take advantage of the decision to provide treatment in Dickinson. The new Phased Development Plan is attached hereto as APPENDIX "A".

It was the recommendation of the State Engineer that the State Water Commission adopt the new Phased Development Plan to direct future development of the Southwest Pipeline Project.

It was moved by Commissioner Byerly and seconded by Commissioner Rudel that the State Water Commission adopt the new Phase Development Plan to direct future development of the Southwest Pipeline Project.

Commissioners Byerly, Kramer, Narlock, Rudel, Vogel, and Chairman Omdahl voted aye. There were no nay votes. The Chairman declared the motion unanimously carried.

**SOUTHWEST PIPELINE PROJECT -
REPORT FROM SOUTHWEST
WATER AUTHORITY
(SWC Project No. 1736)**

Ken Thompson, Sign-up Coordinator for the Southwest Water Authority, reported the sign-up program has been initiated in the areas of Dickinson and

Belfield with approximately 100 sign-ups to date. Mr. Thompson commented on the sign-up refusal rate and said farm economics appears to be a major factor.

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**SOUTHWEST PIPELINE PROJECT -
SPECIAL CONTRACT WATER USE RATES
(SWC Project No. 1736)**

Tim Fay stated that most of the potential users of the Southwest Pipeline Project are adequately covered by either the categories of rural water cooperative membership or by the water service agreements. He said there are a few high-volume users for which new categories and fees need to be defined. He explained two factors which distinguish these users:

The first factor relates to storage. If a large volume user has no storage facilities, the pipeline must be able to meet the peak demands of the whole group. Service to such a user would require more capital cost than to an ordinary rural user or a city. The capital repayment portion of the water use fee should reflect that.

The other factor is the "ability to pay" concept, which is the financial foundation of the project. If a user is already paying for a distribution system, his ability to pay for water is diminished.

Mr. Fay explained that the special categories of users can be categorized by whether they have storage and whether they have a distribution system. The cities with which we have water service agreements are an example of a user with both. These users can be dealt with by a water service contract similar to those we currently have with the communities, except their capital repayment component should be adjusted by a multiplier. The multiplier should be selected so these special users have water rates that fall between the rates of the cities and those of the rural users. Mr. Fay presented and discussed the following table which would meet that requirement:

<u>Storage</u>	<u>Distr. System</u>	<u>Multiplier</u>	<u>Capital Repayment</u>	<u>Total Per 1000 Gal (O&M=1.85)</u>
Yes	Yes	1.00	\$0.65	\$2.50
Yes	No	1.25	0.81	2.66
No	Yes	2.00	1.30	3.15
No	No	2.50	1.63	3.48

Mr. Fay said a standard rural member using 10,000 gallons per month would pay \$5.00 per 1,000 gallons. He also said these categories would only apply to users who could not be served by a standard meter. All others are currently addressed by the existing membership categories and rates. Each would be served under a water service agreement containing a minimum annual purchase.

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Mr. Fay said that the Southwest Water Authority has approved the special contract rates for water use as presented.

It was the recommendation of the State Engineer that the State Water Commission approve the special contract rates for water use from the Southwest Pipeline Project.

It was moved by Commissioner Narlock and seconded by Commissioner Byerly that the State Water Commission approve the special contract rates for water use from the Southwest Pipeline Project as recommended.

Commissioners Byerly, Kramer, Narlock, Rudel, Vogel, and Chairman Omdahl voted aye. There were no nay votes. The Chairman declared the motion unanimously carried.

**SOUTHWEST PIPELINE PROJECT -
APPROVAL OF AWARD OF CONTRACT
2-1A/3D FOR CATHODIC PROTECTION
(SWC Project No. 1736)**

and Dickinson. The engineer's estimate was \$80,000.

On June 20, 1991, bids were opened for Contract 2-1A/3D to install cathodic protection on the raw water line and the installed pipe between Richardton

and Dickinson. The engineer's estimate was \$80,000. Mr. Fay said the apparent low bidder was Energy Economics, Inc., of Dodge Center, Minnesota, at \$69,535. Mr. Fay said the bid has been reviewed and it appears the contractor is qualified to do the work required in Contract 2-1A/3D. The bids have been submitted to the Bureau of Reclamation for their approval.

It was the recommendation of the State Engineer that the State Water Commission approve the award of bid for Contract 2-1A/3D to Energy Economics, Inc.

It was moved by Commissioner Byerly and seconded by Commissioner Rudel that the State Water Commission approve the award of Contract 2-1A/3D to Energy Economics, Inc., Dodge Center, Minnesota, for the cathodic protection on the raw water line and the installed pipe between Richardton and Dickinson for the Southwest Pipeline Project.

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Commissioners Byerly, Kramer, Narlock, Rudel, Vogel, and Chairman Omdahl voted aye. There were no nay votes. The Chairman declared the motion unanimously carried.

**GARRISON DIVERSION PROJECT -
PROJECT UPDATE
(SWC Project No. 237)**

Dale Frink reported on the federal Fiscal Year 1992 funding for the Garrison Diversion Project, which includes \$25 million for the project. Mr. Frink stated the Senate Appropriations Committee has recently approved a \$35 million increase. He said it is anticipated that final approval for federal Fiscal Year 1992 funds should be known by July, 1991. Mr. Frink indicated there is a possibility there may also be year-end funds available for the Garrison Diversion Project.

Dale Frink indicated that the Federal Government appropriated \$200 million in 1986 to help North Dakota meet its anticipated MR&I water supply needs. Approximately \$49 million of the appropriation has been received. The effects of inflation seriously erode the buying power of past and future appropriations.

Inflation has reduced the present-day value of the \$49 million already received to an actual buying power of only \$43 million. Mr. Frink stated that inflation's effect on future appropriations is even more devastating. He said assuming inflation remains constant at 4.6 percent (1986-1991 average inflation rate was 4.6 percent), and the remaining \$151 million are disbursed in equal annual payments over the next 14 years (the program expires in 2005), the money remaining in the program has a 1986 value of about \$61 million. Inflation will have reduced the \$200 million MR&I Program's real value to \$104 million by year 2005. Mr. Frink said the real value of the federal MR&I Program could be dramatically increased if the program's remaining \$151 million balance was received earlier.

**GARRISON DIVERSION PROJECT -
MR&I WATER SUPPLY PROGRAM UPDATE
(SWC Project No. 237-3)**

Jeffrey Mattern, MR&I Water Supply Program Coordinator, reported there are 120 projects in the different phases of the MR&I Water Supply Program. This includes 48 projects in the initial application phase, 33 projects in the preliminary engineering phase, 20 in the feasibility phase, 2 in design and construction, 13 projects have been completed, and 4 applications have been withdrawn.

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Mr. Mattern stated an application has been received from the Dickey Rural Water Users Association. The project would serve 100 to 150 rural residents in south central and southwest Dickey County and would be receiving its water supply from the WEB Water Development Association of Aberdeen, South Dakota. The water source is the Missouri River.

**GARRISON DIVERSION PROJECT -
CONSIDERATION AND APPROVAL OF
ADDITIONAL POINTS FOR ECONOMIC
DEVELOPMENT FOR KILLDEER WATER
SUPPLY PROJECT
(SWC Project No. 237-25)**

Jeffrey Mattern indicated the City of Killdeer has requested additional points for economic development as provided in the MR&I priority system. An electronics manufacturing company may be locating in Killdeer and

employ up to 100 people. Mr. Mattern explained that the priority system provides an additional three points for a project which will result in the potential for moderate-scale economic development. These three additional points would bring Killdeer's total to 32 points. This point ranking would not place Killdeer in a position to utilize current MR&I funds.

It was the recommendation of the State Engineer that an additional three points be given to the Killdeer Water Supply project for potential economic development.

It was moved by Commissioner Rudel and seconded by Commissioner Byerly that the State Water Commission approve an additional three points for potential economic development for the Killdeer Water Supply Project.

Commissioners Byerly, Kramer, Narlock, Rudel, Vogel, and Chairman Omdahl voted aye. There were no nay votes. The Chairman declared the motion unanimously carried.

**GARRISON DIVERSION PROJECT -
MR&I FISCAL YEAR 1991
FEDERAL FUNDS
(SWC Project No. 237-3)
(SWC Project No. 1736)**

Jeffrey Mattern reported that a total of \$11 million is available for MR&I grants in Fiscal Year 1991, which ends September 30, 1991. Previous allocations totalling \$6,941,901 have been

made to Langdon Rural Water Phase II, Part 2, McLean-Sheridan Rural Water, Ramsey County Rural Water, Southwest Pipeline Project, and program administration. The balance of \$4,058,099

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was proposed for construction of Ramsey Rural Water Phase I, and design of Missouri West Rural Water Phase I. Mr. Mattern indicated there are additional funds from completed projects that will need to be reprogrammed.

Ramsey County is working on the project design and scheduled to begin project construction this fall. Missouri West is scheduled to begin design this fall. Mr. Mattern explained that recent federal audits have required new accounting procedures that would not allow transfer of federal funds to Ramsey County and Missouri West if funds cannot be expended by September 30th. Considering the schedule of these projects and the fact that the federal funds must be spent by September 30th, the remaining grant funds cannot be utilized in 1991, by these projects.

Mr. Mattern indicated that currently the Southwest Pipeline Project is funded by 50 percent state funds. This allows reimbursement of the excess state cost share from federal MR&I Program funds. He said the remaining federal funds of approximately \$4 million can be received into the Resources Trust Fund by virtue of this reimbursement eligibility and made available by Emergency Commission for allocation to MR&I projects. Mr. Mattern said options for these funds would be Ramsey County, Missouri West, and the Southwest Pipeline Project. The federal funding level of Fiscal Year 1992 would be a determining factor in allocation of funds.

It was the recommendation of the State Engineer that the remaining MR&I federal funds of Fiscal Year 1991, of approximately \$4 million, be allocated as reimbursement funds to the Southwest Pipeline Project.

It was moved by Commissioner Byerly and seconded by Commissioner Narlock that the State Water Commission approve the allocation of the remaining MR&I federal funds of Fiscal Year 1991, of approximately \$4 million, as reimbursement funds to the Southwest Pipeline Project.

Commissioners Byerly, Kramer, Narlock, Rudel, Vogel, and Chairman Omdahl voted aye. There were no nay votes. The Chairman declared the motion unanimously carried.

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**GARRISON DIVERSION PROJECT -
ADMINISTRATIVE FUNDS
(SWC Project No. 237-3)**

Jeffrey Mattern reported that administrative costs for the MR&I Water Supply Program are 75 percent reimbursable from federal grant funds. Previously, the allocation of those funds was presented to the Garrison Conservancy District and the State Water Commission for their consideration and approval. Since the request for these funds is based on actual expenses, the allocation of funds could be an administrative duty of the Manager of the District and Secretary of the Commission. This approach would not require action by the District or Commission, but each would be updated on the required funding levels. The District considered this and assigned the allocation of funds for administration costs to the Manager. It was requested that the Commission consider this task and assign it to the Secretary and Manager.

The Commission agreed and assigned the task to the Secretary of the State Water Commission and the Manager of the Garrison Conservancy District.

**GARRISON DIVERSION PROJECT -
NORTH DAKOTA WATER SUPPLY
DEVELOPMENT PROGRAM POLICY
MODIFICATIONS
(SWC Project No. 237-3)**

Jeffrey Mattern stated the water supply development program is providing grant and loan financing to three projects, with Ramsey County and Missouri West Rural Water Systems requesting assistance. Mr. Mattern said that a review of the established program policies indicated modifications are required. He presented and explained the proposed modifications for the Commission's consideration, which is attached hereto as APPENDIX "B".

It was moved by Commissioner Kramer and seconded by Commissioner Rudel that the State Water Commission approve the modifications to the North Dakota Water Supply Program Policy as recommended.

Commissioners Byerly, Kramer, Narlock, Rudel, Vogel, and Chairman Omdahl voted aye. There were no nay votes. The Chairman declared the motion unanimously carried.

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**GARRISON DIVERSION PROJECT -
MR&I PRIORITY SYSTEM
(SWC Project No. 237-3)**

being prepared, which will be distributed to the State Water Commission members and the Garrison Diversion Conservancy District members. The questionnaire will allow for a review of the current priority system and determine if the system is accurate for future water supply projects.

Jeffrey Mattern briefly discussed the MR&I Priority System and informed the Commission members that a questionnaire is

**CONSIDERATION OF REALLOCATION
OF RESOURCES TRUST FUND FOR
1991-1993 BIENNIUM**

At the January 15, 1991 meeting the Commission approved a tentative allocation of \$14.9 million from the Resources Trust Fund, as follows:

Contract Fund:

General Projects	\$ 1.8 Million
Hydrologic Investigations	0.5 Million
Devils Lake Feasibility Study	0.8 Million
Souris River Flood Control	1.8 Million
Garrison MR&I Water Supply Program	4.0 Million
Maple River Dam	1.0 Million
Northwest Area Water Supply Study	0.2 Million
Southwest Pipeline Project	2.5 Million *
State Water Commission Operations	2.3 Million

\$14.9 Million

* Includes \$1.5 Million of anticipated carryover

Dale Frink indicated the State Legislature approved \$14.9 million through passage of SB 2017. The authorizing legislation allows the Commission to adjust its earlier allocation as determined appropriate.

Mr. Frink indicated the legislature also passed a drought emergency livestock watering bill, SB 2359, without an appropriation, but with language stating that the State Water Commission could possibly fund the program from the Resources Trust Fund. As a result, it was the recommendation of the State Engineer that a tentative allocation of \$100,000 be provided for this program.

Mr. Frink said that the legislature reduced the amount required from the Resources Trust Fund for Commission operations by \$750,000. He said this was done partially to offset a projected reduction of \$900,000 of

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revenues to the Resources Trust Fund due to lower oil prices. Although the total appropriation of \$14.9 million was not reduced, the Commission's spending authority is limited to actual revenues to the Resources Trust Fund. As a result, it was the recommendation of the State Engineer that the general projects category be used as a cushion for future fluctuating revenues.

Dale Frink presented, for the Commission's consideration, the following State Engineer's reallocation request for funding from the Resources Trust Fund for the 1991-1993 biennium:

General Projects	\$ 2.5 Million*
Hydrologic Investigations	0.5 Million
Devils Lake Feasibility Study	0.8 Million
Souris River Flood Control	1.8 Million
Garrison MR&I Water Supply Program	4.0 Million
Maple River Dam	1.0 Million
Northwest Area Water Supply Study	0.15 Million
Southwest Pipeline Project	2.5 Million
State Water Commission Operations	1.55 Million
Drought Disaster Livestock Program	0.1 Million
	<hr/>
	\$14.90 Million

* The \$2.5 million allocation for general projects will be adjusted depending upon actual income to the Resources Trust Fund. Based on the lower March oil revenue projections, only \$1.6 million will be available.

The Drought Disaster Livestock Assistance Program recommended allocation of \$100,000 was discussed. Commissioner Vogel briefed the Commission members on results of a livestock water shortage survey that was published in farm magazines in May, 1991. Results of the survey indicated that livestock water shortage problems are being experienced in all areas of the state.

In discussion, the Commission members agreed that the Drought Disaster Livestock Assistance Program allocation should be increased to \$250,000 and that the Program be reviewed and evaluated in January, 1992.

Mr. Frink said the General Projects allocation could be reduced to \$2.35 million, if the Commission wishes to increase the Drought Disaster Livestock Assistance Program allocation.

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It was moved by Commissioner Vogel and seconded by Commissioner Byerly that the State Water Commission modify the proposed Resources Trust Fund reallocation for the 1991-1993 biennium as follows:

- 1) The General Projects allocation shall be reduced to \$2.35 million.
- 2) The Drought Disaster Livestock Program Assistance allocation shall be increased to \$250,000.

Commissioners Byerly, Kramer, Narlock, Rudel, Vogel, and Chairman Omdahl voted aye. There were no nay votes. The Chairman declared the motion unanimously carried.

It was moved by Commissioner Vogel and seconded by Commissioner Byerly that the State Water Commission approve funding reallocations from the Resources Trust Fund for the 1991-1993 biennium as follows:

General Projects	\$ 2.35 Million
Hydrologic Investigations	0.5 Million
Devils Lake Feasibility Study	0.8 Million
Souris River Flood Control	1.8 Million
Garrison MR&I Water Supply Program	4.0 Million
Maple River Dam	1.0 Million
Northwest Area Water Supply Program	0.15 Million
Southwest Pipeline Project	-2.5 Million
State Water Commission Operations	1.55 Million
Drought Disaster Livestock Program	0.25 Million

\$14.90 Million

Commissioners Byerly, Kramer, Narlock, Rudel, Vogel, and Chairman Omdahl voted aye. There were no nay votes. The Chairman declared the motion unanimously carried.

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**DROUGHT DISASTER LIVESTOCK
ASSISTANCE PROGRAM
(SWC Project No. 1851)**

Linda Weispfenning, Environmental Scientist with the Planning and Education Division of the State Water Commission,

reviewed the legislation that established the Drought Disaster Livestock Assistance Program, and reported on two meetings held by the eight-member Advisory Committee to determine the program criteria for eligibility, define expenses covered by the program, and develop the program rules and application form.

Draft copies of the general program criteria, administrative rules, and application form involving the Drought Disaster Livestock Assistance Program were distributed for the Commission's consideration. Ms. Weispfenning explained the drafts being considered and reviewed the administrative rules promulgation process.

In reviewing the drafts, several recommendations were suggested and agreed to by the Commission members.

Julie Krenz, Assistant Attorney General, indicated that if the Commission adopted the rules as emergency rules, they would become effective immediately upon the filing of the notice of the proposed rules with the Legislative Council. She said in order to adopt emergency rules, the Commission would need to make a finding that emergency rulemaking was necessary because of imminent peril to public health, safety, or welfare.

Ms. Krenz said one example of an emergency rule adopted in the past is a rule adopted by the North Dakota Board of Animal Health in May, 1990. The Board adopted an emergency rule allowing North Dakota cattle producers who were short of grazing and feed supplies due to the drought to graze their cattle across state lines and bring them back into the state without requiring the producers to have their female cattle vaccinated against brucellosis. Had the Board not adopted the rule as an emergency rule, the rule would not have been effective during the grazing season. Ms. Krenz said that if the Board does not adopt emergency rules, the earliest the rules would be effective is October 1, 1991.

It was moved by Commissioner Vogel and seconded by Commissioner Byerly that the State Water Commission adopt, on an emergency basis, the Drought Disaster Livestock Assistance Program general criteria, the administrative rules, and the application form, as amended.

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Commissioners Byerly, Kramer, Narlock, Rudel, Vogel, and Chairman Omdahl voted aye. There were no nay votes. The Chairman declared the motion unanimously carried.

The Drought Disaster Livestock Assistance Program general criteria, administrative rules, and application form, as amended and adopted by the State Water Commission, are attached hereto as APPENDIX "C".

**NORTH DAKOTA WATER STRATEGY
TASK FORCE UPDATE
(SWC Project No. 1852)**

Chairman Omdahl briefed the Commission members on the activities of the North Dakota Water Strategy Task Force. The

Task Force is in the process of holding its first series of two rounds of public meetings in various parts of the state to listen to citizen description of needs in each area.

The Task Force has scheduled a meeting for July 1, 1991 to evaluate reports from the regional meetings and to determine its course of action.

**STATE WATER MANAGEMENT PLAN -
PROJECT UPDATE
(SWC Project No. 322)**

Larry Knudtson, State Water Commission Planning and Education Division, reported that the second round of public involve-

ment meetings were completed in April. New water management issues and concerns were voiced by citizens at these meetings, which were held to gather input to help update the 1992 State Water Management Plan. Citizens Advisory Board (CAB) members and others attending the meetings developed statements for the Goals and Objectives for their region to be included in the 1992 Water Plan. They were also asked to begin the process of listing water-related problems or opportunities in their regions.

The CAB's are updating the list of 116 problems and 69 opportunities that were identified during the state-wide planning process in the early 1980's. CAB members are taking public comments in their areas and analyzing the 1983 list in order to better identify today's water development needs. Problems identified in the 1983 State Water Plan include flooding, erosion, poor water quality, low supply of quality water, need for more water-based recreation, inadequate wildlife habitat, and lake eutrophication.

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Mr. Knudtson said once the current CAB members have reviewed and expanded the list of problems and opportunities, the State Water Commission staff will evaluate and analyze them. The Water Commission staff will then develop alternatives that either solve or lessen the severity of the problems. When the CAB's meet in September, board members will review the results of the problems and opportunities identification and evaluation process. The CAB's will then begin to set priorities for the projects and programs that will resolve their region's water problems.

**STATE WATER MANAGEMENT PLAN -
CONSIDERATION AND APPROVAL OF
CONTRACT FOR SERVICES WITH
PATRICK BROWN
(SWC Project No. 322)**

Gene Krenz, Director of the State Water Commission's Planning and Education Division, stated that for the past six months, the State Water Commission has had a contract with

Patrick Brown as a consultant on the public involvement process for the State Water Management Plan update. Mr. Brown has been instrumental in building a working relationship between printed and electronic news media and the Planning and Education Division; edited the WaterWays newsletter; prepared a news media information package; arranged all public meetings with the Citizens Advisory Boards; set up special TV and radio news interviews concerning the planning process; and provided editing services and advice for preparing reports.

Mr. Krenz said that in looking ahead toward the completion of the State Water Management Plan update, it is proposed that the Commission continue to contract with Mr. Brown until June 30, 1992. Mr. Krenz reviewed the tasks that would be involved under a new contract, and as time allows in addition to involvement in the Plan update, Mr. Brown would develop and implement a public information program for the Commission.

It was the recommendation of the State Engineer that the State Water Commission enter into a contract with Patrick Brown for a retainer fee of \$2,175 per month, for a total of \$26,100, during the period of July 1, 1991 through June 30, 1992, contingent upon the availability of funds.

**It was moved by Commissioner Rudel and
seconded by Commissioner Vogel that the
State Water Commission enter into a
contract with Patrick Brown for services
as a consultant on the public involvement
process for the State Water Management**

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Plan update, at a retainer fee of \$2,175 per month, for a total of \$26,100, during the period July 1, 1991 through June 30, 1992. This motion shall be contingent upon the availability of funds.

Commissioners Byerly, Kramer, Narlock, Rudel, Vogel, and Chairman Omdahl voted aye. There were no nay votes. The Chairman declared the motion unanimously carried.

Commissioner Vogel had to leave the meeting.

**DEVILS LAKE MANAGEMENT
PROJECT UPDATE
(SWC Project No. 1712)**

At the May 3, 1991 meeting, the Commission members were informed that because of funding problems, the federal appropriation had been reduced by 25 percent and the Corps of Engineers had deleted the water management plan from the reconnaissance plan of study on the stabilization of Devils Lake.

The Commission members were advised that because of the critical situation in maintaining the multi-million dollar fishery in Devils Lake, efforts were going to be pursued to accelerate the Devils Lake Basin portion of the State Water Management Plan update process. This will enable the State Water Commission planning staff to coordinate with, and provide support to, a reconnaissance level study of the basin's water management needs being conducted by the Corps of Engineers.

A special task force of local interests has been created to support the efforts of the Devils Lake Citizens Advisory Board. The group will reproduce the Devils Lake Basin Management Plan, which is intended to identify and describe concepts and methods by which agriculture, fish and wildlife, and recreation interests can incorporate workable solutions for the basin's water quantity and quality problems as well as promote peace and harmony among the interests.

Todd Sando, Water Development Division of the State Water Commission, reported on the activities and progress of the task force. He said the draft report of the Devils Lake basin-wide management plan will be completed by September, 1991 and submitted to the Corps of Engineers for review.

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**MISSOURI RIVER UPDATE
(SWC Project No. 1392)**

Dale Frink reported that the lawsuit filed by North Dakota, South Dakota and Montana over the Corps of Engineers management of the Missouri River remains in the discovery state. In the discovery period, both sides use various pre-trial devices such as depositions or interrogatories. These devices are designed to help exchange facts and information each party has on the case to assist both sides in trial preparations. The trial has been scheduled for June 8, 1992.

Mr. Frink reported the levels of Lake Sakakawea and Lake Oahe have increased considerably since May 1, 1991, which is due primarily to the mountain snowpack runoff.

**CONTINUED DISCUSSION
RELATIVE TO POLICY FOR
REIMBURSEMENT FOR STATE
WATER COMMISSION MEMBERS**

At the May 3, 1991 meeting, it was the general consensus of the Commission members that a policy be adopted that would allow members to attend regional meetings in the state; the Commission would pre-approve meeting attendance; and, that Chairman Omdahl could decide attendance if the Commission was not scheduled to meet before an upcoming event. In making a decision on attendance at meetings, Commissioners would have to be considered official representatives of the Commission.

The Chairman also requested that prior to the June 24, 1991 Commission meeting, members provide the State Engineer's office with a list of meetings they consider to be legitimate and would be considered official business of the Commission.

The following meetings were presented for consideration that could be considered official business of the Commission: Northwest Area Water Supply Project; Citizens Advisory Boards; Upper Missouri Water Users Association; North Dakota Water Users; and, the North Dakota Wetlands Trust.

Reimbursement of Commissioner expenses and per diem to attend the North Dakota Water Users Board meetings was discussed. Currently, two Commissioners have been elected by their Districts as members of the Water Users Board, which meets about four times per year. It was noted the Water Users meetings provides additional background and information to the Commissioners in making their decisions.

June 24, 1991

It was moved by Commissioner Rudel that the State Water Commission approve that the North Dakota Water Users Board meetings be included as official business of the State Water Commission and that expenses and per diem be paid for Commission member attendance.

A substitute motion was offered by Commissioner Byerly that the policy on Commission expenses be deferred until the next meeting. The substitute motion received a second from Commissioner Narlock.

Commissioners Byerly, Kramer, Narlock, Rudel, and Chairman Omdahl voted aye. There were no nay votes. The Chairman declared the substitute motion unanimously carried.

**CONSIDERATION AND APPROVAL
OF RESOLUTION REGARDING
PROPOSED CORPS OF ENGINEERS
REORGANIZATION
(SWC Resolution No. 91-6-443)**

Dale Frink presented a draft resolution for the Commission's consideration relative to the proposed Corps of Engineers reorganization.

Mr. Frink said the proposal calls for the closure of the St. Paul District office of the Corps and relocating the functions of that office to St. Louis, Missouri. He said this would be a major setback to water management in North Dakota because of the loss of expertise and knowledge in hydrologic and environmental concerns. The North Central Division office is proposed to be relocated to Cincinnati, Ohio, and the Missouri River Division office to Portland, Oregon, which would further complicate the water management of the Red River and Missouri River.

The draft resolution opposes the transfer of functions from the St. Paul District to any other District and also opposes the transfer of functions from the North Central Division and Missouri River Division to any other Division as proposed to the Congress. The resolution would be presented to the Congressional Delegation asking for their assistance in stopping the proposed reorganization.

June 24, 1991

It was moved by Commissioner Kramer and seconded by Commissioner Rudel that the State Water Commission approve Resolution No. 91-6-443, Proposed United States Army Corps of Engineers Reorganization. See APPENDIX "D".

Commissioners Byerly, Kramer, Narlock, Rudel, and Chairman Omdahl voted aye. There were no nay votes. The Chairman declared the motion unanimously carried.

**NATURAL RESOURCE COMMITTEE
STUDY RESOLUTIONS FOR
1991-1993 BIENNIUM**

Dale Frink stated the Natural Resources Committee of the Legislative Council will be studying the following resolutions, which will involve the State Water Commission:

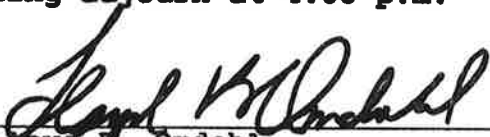
- 1) House Concurrent Resolution No. 3022, directing a study of the effects of compliance with the federal Safe Drinking Water Act on North Dakota and its communities.
- 2) Senate Concurrent Resolution No. 4038, directing an investigation of and recommendations concerning a program or programs for funding and financing water resource development throughout the state.
- 3) Senate Concurrent Resolution No. 4039, directing a study of the priority of water rights and North Dakota's water permitting process.

ATMOSPHERIC RESOURCE BOARD

It was suggested, and agreed to, that the Commission needs to be better informed on the activities of the Atmospheric Resource Board and requested that a presentation be made at a future meeting.

June 24, 1991

There being no further business to come before the State Water Commission, it was moved by Commissioner Kramer, seconded by Commissioner Narlock, and unanimously carried, that the State Water Commission meeting adjourn at 4:00 p.m.



Lloyd V. Omdahl
Lieutenant Governor-Chairman

SEAL



David A. Sprynczyk
Chief Engineer-Secretary

June 24, 1991

NORTH DAKOTA STATE WATER COMMISSION

REGISTER

ATTENDANCE AT State Water Commission Meeting

DATE June 24, 1991 PLACE Bismarck, ND

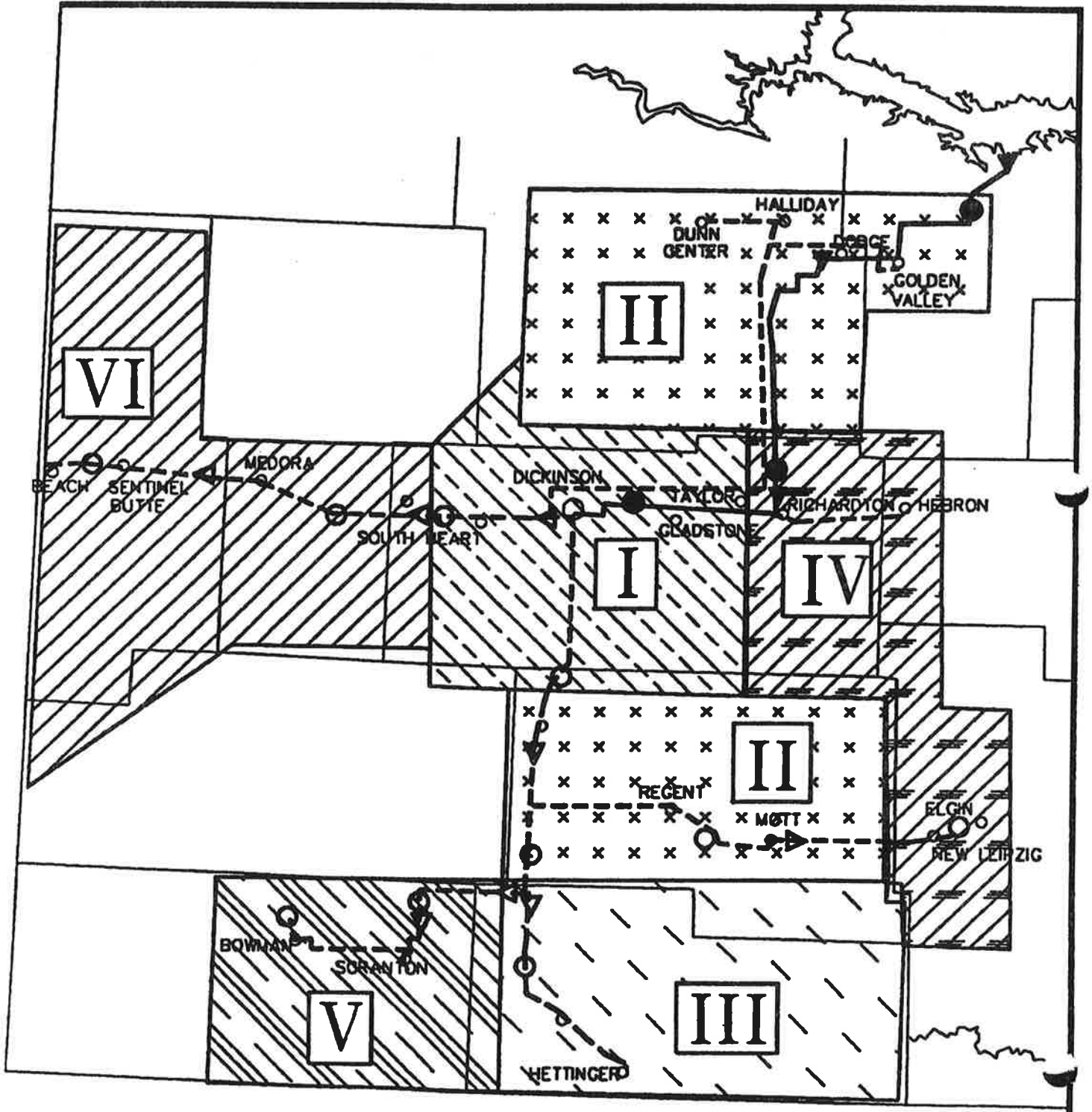
PROJECT NO. _____

Your Name	Your Address	Who do you Represent? (Or Occupation)
Francis Schwindt	Bismarck	Dept of Health
Loren Myran	Taylor	SWWA
Kenneth Thompson	DICKINSON	SWA
Steve Dyke	Bismarck	N.D. Game & Fish
LEE RAGAN	BISMARCK	U.S. FISH & WILDLIFE SERVICE
VERN FAHY	"	GAR COWS DIST
Fletcher Poling	"	Basin Electric Power Cooperative
GENE KENZ	Bismarck	SWC
Ray Mount	"	North Dakota Rural Water System
CHARLES VEIN	GRAND FORKS	KBM INC.
Sarah Bernhiller	Bis	Dept of Ag
Bruce F. McCollom	Bismarck	BW/BEC Engineers
Tan Jensen	Bis	KXMB
Dale Wetzel	Bis	AP
John McLean	Biz	KFYR

SOUTHWEST PIPELINE PROJECT
PHASED DEVELOPMENT PLAN FOR DISTRIBUTION SERVICE AREAS

PHASE	I	II	III	IIII	V	VI	TOTAL
Raw Water Supply Line	55.00						55.00
Pretreatment/Treatment Upgrade	2.40						2.40
.....							
Combined Pump Station		2.00					2.00
North							
Taylor-Gladstone-N.Dickinson S		4.00					4.00
South							
New England SA		7.00					7.00
West							
Belfield SA		6.10					6.10
.....							
North							
Golden Valley-Dunn Center SA			4.00				4.00
South							
Regent-Mott SA			9.20				9.20
.....							
South							
Hettinger SA				9.00			9.00
.....							
Richardton-Hebron SA				5.00			5.00
Elgin-New Leipzig SA				6.00			6.00
.....							
Bowman-Scranton SA					9.00		9.00
.....							
Medora-Beach SA						14.75	14.75
.....							
TOTALS	57.40	19.10	13.20	9.00	11.00	9.00	133.45

SOUTHWEST PIPELINE PROJECT PHASED DEVELOPMENT PLAN



6-24-91

NORTH DAKOTA WATER SUPPLY DEVELOPMENT PROGRAM

PROGRAM POLICY

1. Financial assistance for Water Supply Development may be disbursed as a combination grant and loan.
2. The grant:loan ratio will be 65:35 percent. Grant only or loan only disbursements may be made. Grant only disbursements will not exceed 65 percent of eligible project costs. Eligible costs for the grant:loan program include construction, engineering, legal, and right-of-way costs.

If a 65 percent grant only disbursement is made, the 35 percent loan money will be made available as a loan to another project. If a loan only disbursement is made, the corresponding 65 percent grant money will be made available as a grant to another project. Additional loan money will be contingent on the availability of funds.
3. Loan conditions are a 25-year term and interest rate of either 3.625 percent or 3.5 percent below the quarterly FmHA market rate in effect at the time loan approval is given, whichever is greater. FmHA Market interest rates are adjusted quarterly (January, April, July, and October).
4. Loan repayments will be semi-annual. Interest will begin to accrue upon loan disbursements. Interest payments will be required for project loans on design and construction phases, and will begin 6 months after loan disbursement. Principal payments will begin with the first payment after the project is functionally complete as determined by the State Engineer.
5. Current federal and state MR&I requirements must be met.
6. Sponsors will be required to establish a reserve escrow account for making semi-annual payments with one payment in reserve. Sponsors have 5 years to accumulate funds for the reserve payment.
7. Sponsors will also be required to budget for and establish an account for emergencies and extensions (E&E) and capital replacement costs. The account will contain not less than six months of O&M costs and sponsors will have 5 years to accumulate E&E funds. The account will also contain money for capital replacement costs, with the amount required to be a percentage of total project costs (e.g. 20 percent) and will be determined by the State Engineer. Sponsors will have 10 years to accumulate the necessary money in the account for capital replacement costs.
8. Financial documentation will be required from project sponsors. Existing systems will be required to provide the previous 5 years of balance sheets and financial statements. New systems will provide information on actual service commitments, projected rate structures, and estimated O&M costs.
9. The Bank of North Dakota may administer the program's financial operations.

**DROUGHT DISASTER
LIVESTOCK WATER SUPPLY PROJECT ASSISTANCE PROGRAM**

GENERAL CRITERIA

- A. The emergency livestock water supply project assistance program must be drought related. The mechanism to activate the program must be easily administered by the State Water Commission (SWC) and the State Engineer and it must allow the program to be consistently and fairly applied on a statewide basis.
- B. Water cost-share assistance must be denied by the Agricultural Stabilization Conservation Service (ASCS). This will be documented by ASCS application form ACP 245, an area map of the project location, and a written statement from ASCS stating the reason for denial.
- C. Applicant must complete SWC application.
- D. The SWC application form must have landowners signature to assure that owner is aware of project.
- E. Applicant must provide receipt of work completed or an affidavit if applicant conducted the work himself.
- F. Applicant must state why his problem is drought related and must provide a detailed description of the proposed project and an estimate of costs.
- G. The problem cannot be a result of deferred maintenance.
- H. The applicant must be an existing livestock producer. "Livestock producer" means an individual who produces livestock or operates a dairy farm, who normally devotes the major portion of the individual's time to the activities of farming or ranching, and who normally receives not less than fifty percent of the individual's annual gross income from farming or ranching.
- I. The purpose of the project is the replacement of an existing water supply which is necessary due to drought and not an expansion of livestock operations.
- J. The proposed water supply project must provide a long-term immediate solution to the water supply problem.
- K. Depending upon the availability of funds and approval of the project, the applicant may receive up to 50 percent of the cost of the project, but no more than \$3,500 (Three thousand five hundred dollars). Eligible items include: construction of new wells; construction of dugouts or stockdams that are

spring fed or have a high water table; pipelines; rural water system connections; and the development of springs.

- L. Non-eligible items include: stockdams or dugouts dependent upon runoff; rehabilitation of existing wells; projects that are a result of failure to provide maintenance to an existing water supply; project features including electric pumps, stock watering tanks, electrical hook-ups, and easements; water supply projects on federal or state lands; dry well holes; and projects which have already started or have been completed prior to submitting an application for assistance.
- M. All wells must be drilled by a North Dakota certified water well contractor.
- N. Priority of funding shall be based on earliest date of application.
- O. The project must be completed within sixty days of receiving notification of approval of funding of the water supply project.

ARTICLE _____ - _____

**DROUGHT DISASTER LIVESTOCK
WATER SUPPLY PROJECT ASSISTANCE PROGRAM**

Chapter
____ - ____ -01 Drought Disaster Livestock Water Supply Project
Assistance Program

**CHAPTER ____ - ____ -01
DROUGHT DISASTER LIVESTOCK
WATER SUPPLY PROJECT ASSISTANCE PROGRAM**

Section
____ - ____ - ____ -01 Definitions
____ - ____ - ____ -02 Drought Declaration Required
____ - ____ - ____ -03 Applicant Eligibility
____ - ____ - ____ -04 Funding - Priority - Eligible Items
____ - ____ - ____ -05 Non-Eligible Items
____ - ____ - ____ -06 Application Procedure

____ - ____ - ____ -01. Definitions. As used in this chapter,
unless the context or subject matter otherwise requires:

1. "Livestock producer" means an individual who produces livestock or operates a dairy farm, who normally devotes the major portion of the individual's time to the activities of farming or ranching, and who normally receives not less than fifty percent of the individual's annual gross income from farming or ranching.
2. "Water supply project" includes construction of new wells; construction of dugouts or stock dams that are spring fed or have a high water table, pipelines, and rural water system connections; and the development of springs.

History: Effective _____

General Authority: NDCC 28-32-02, NDCC 61-03-13, NDCC ____-____-____

Law Implemented: NDCC ____-____-____

____-____-____-02. Drought declaration required. No funds may be disbursed for any water supply project unless the county in which the water supply project is to be located is a county or is adjacent to a county that has been declared by the governor to be a drought disaster area for purposes of this program, or a drought disaster area under a drought declaration that has not been rescinded.

History: Effective _____

General Authority: NDCC 28-32-02, NDCC 61-03-13, NDCC ____-____-____

Law Implemented: NDCC ____-____-____

____-____-____-03. Applicant Eligibility.

1. Applicant must be a livestock producer with livestock water supply problems caused by drought.

2. Applicant must first apply for water cost-share assistance from the agricultural stabilization conservation service and must have been denied agricultural stabilization conservation service cost-share assistance.

History: Effective _____

General Authority: NDCC 28-32-02, NDCC 61-03-13, NDCC ____-____-____

Law Effective: NDCC ____-____-____

____-____-____-04. Funding - Priority - Eligible Items.

1. The state water commission shall provide funds for the program to the extent funding is available. Priority will be based on earliest date of application.
2. Cost-share assistance may only be used for water supply projects which will provide a long-term immediate solution to a drought related water supply shortage.
3. All wells drilled with funds provided pursuant to this program, must be drilled by a North Dakota certified water well contractor.
4. Applicant may receive up to fifty percent of the cost of the project, but no more than three thousand five hundred dollars.

History: Effective _____

General Authority: NDCC 28-32-02, NDCC 61-03-13, NDCC ____-____-____

Law Implemented: NDCC ____-____-____

____-____-____-05. Non-eligible items. The following projects are not eligible for funding from the drought disaster livestock water supply project assistance program.

1. A rehabilitation of an existing well.
2. A water supply project on federal or state land.
3. A dry hole drilled in an attempt to construct a water well or to locate a water source.

4. A water supply project started or completed prior to submitting an application for assistance.
5. The construction of stock dams or dugouts dependent upon runoff.
6. Projects that require repair as a result of failure to provide maintenance to an existing water source.
7. Readily removable project features of water supply projects including electric pumps, stock watering tanks, or electrical hook-ups, or easements.

History: Effective _____

General Authority: NDCC 28-32-02, NDCC 61-03-13, NDCC ____-____-____

Law Implemented: NDCC ____-____-____

____-____-____-06. Application Procedure.

1. Requests for assistance must be on a form provided by the state water commission and must include:
 - a. Written proof that applicant applied for agricultural stabilization conservation service cost-share assistance and was denied such assistance including the reason for the denial.
 - b. An area map indicating the location of the proposed water supply project.
 - c. A written estimate of the costs of the proposed water supply project.
 - d. Verification by applicant that applicant is a livestock producer.

2. The state engineer shall review applications and approve or deny them. The state engineer shall, within the limits of available funding, provide assistance to those persons whose applications are approved. The applicant must agree to:
 - a. Complete the project within sixty days of receiving notification of approval of funding of the water supply project.
 - b. Provide receipt of actual expenditures or an affidavit of work completed if work is done by the applicant or both if applicable.
 - c. Grant to the state water commission or anyone authorized by the state water commission the right to enter upon the land to inspect the completed water supply project after giving reasonable notice to the applicant.
 - d. Indemnify and hold harmless the State of North Dakota and the state water commission, its officers, agents, employees, and members, from all claims, suits, or actions of whatsoever nature resulting from or arising out of the activities of applicant or applicants agents or employees under this agreement.

3. Application forms may be obtained by contacting:

North Dakota State Water Commission
900 East Boulevard
Bismarck ND 58505
(701) 224-2750

History: Effective _____

General Authority: NDCC 28-32-02, NDCC 61-03-13, NDCC ____ - ____ - ____

Law Implemented: NDCC ____ - ____ - ____



**Drought Disaster Livestock Water Assistance Program
APPLICATION FORM
NORTH DAKOTA STATE WATER COMMISSION
SFN 17810, 1991**

PART I - BACKGROUND INFORMATION

A. Applicant Information

Date: _____

Name: _____ Daytime Telephone: _____

Address: _____

County where assistance is requested: _____

Owner of property (Name & Address): _____

Operator of property: _____

NOTE: If you are the operator, but not the owner, show owner's name. OWNER MUST CO-SIGN APPLICATION ON THE LAST PAGE.

**FOR
OFFICE
USE
ONLY:**

ID Number: _____ Reviewer Signature: _____ Date: _____

Approval Disapproval

Reasons: _____

B. Description of problem: (Be specific about nature and occurrence of problem and type of affected water source.)

Number and type of livestock affected by problem: _____

Current water supply: _____

C. Well information: (Complete this section if your water problem is well-related.)

Number of wells: _____ Location(s) (Sec. Twp. Rg.): _____

Uses of affected well: Domestic Livestock Other _____

(If more than one well is affected, fill out Attachment A on the back page.)

Additional comments: _____

Number of persons served: _____ Number and type of livestock served: _____

Construction date of well: _____ Depth of well: _____

Casing size (diameter): _____ Water level (depth to water from top of casing): _____

Yield of water in gallons per minute: Original _____ Current _____

What was done to the well during the last maintenance? _____

D. Dugout Information: (Complete this section if your water problem is dugout-related.)

Number: _____ Location(s) (Sec. Twp. Rg.): _____

Size (Length, Width, Depth): _____ Depth of water: _____

Water source (i.e. runoff, water table): _____

Date of construction: _____ Date of last maintenance: _____

Type of maintenance: _____

E. Stockdam Information: (Complete this section if your water problem is stockdam-related.)

Number: _____ Location(s) (Sec. Twp. Rg.): _____

Dam heights: _____ Present depth of water: _____

Volume impounded (acre-feet): Original _____ Current _____

Water source (i.e. runoff, water table): _____

Date of last maintenance: _____ Type: _____

Discharge structure: Yes No Type of discharge structure: gated valved pipe

PART II - PROPOSED SOLUTION

This application is for: Well Dugout or Stockdam (spring fed or high water table only),
 Rural Water System Pipeline Spring Development Other _____

A. Proposed solution: (detailed) _____

Estimated cost: State Grant _____
Local _____
Other _____
TOTAL _____

B. Distance to closest alternative water source and type: _____

C. Distance to rural water system: _____ Cost to hook-up to rural water system: _____

Rural water system name: _____

D. Well Information: (Complete this section if your solution is a well.)

Location (Sec. Twp. Rg.): _____ Proposed Depth: _____

Screen Diameter: _____ Material Type: _____

Casing Diameter: _____ Material Type: _____

Driller Name and Address: _____

Estimated cost: _____ I certify the estimated cost to be true and correct:

SIGNATURE OF ND CERTIFIED WATER WELL CONTRACTOR

DATE

NOTE: A bid sheet, signed and dated by a certified water well contractor and attached to this form is acceptable.

Company represented: _____

E. Pipeline Information: (Complete this section if your solution is a pipeline.)

Length of pipeline needed: _____ Water Source: _____

Depth of pipeline: _____ Use period: Summer only Year-round

F. Spring: (Complete this section if your solution is a spring.)

Amount of trenching required: _____ Length of pipe required: _____

Amount of excavation required: _____

NOTE: Attach ASCS Form ACP 245, a map of the project location, and a document from ASCS stating reason for denial if your application was denied, in addition to any other forms that are pertinent to your ASCS application.

SIGNATURE OF OWNER OF PROPERTY

DATE

The Applicant:

1. Agrees to complete the project as described within 60 days of receipt of notice of approval of funding and to provide proof of work completed and proof of actual expenditures.
2. Grants to the State Water Commission or anyone authorized by the Commission the right to enter upon the land to inspect the completed water supply project after giving reasonable notice to the applicant.
3. Agrees to indemnify and hold harmless the State of North Dakota and the Commission, its officers, agents, employees, and members, from all claims, suits, or actions of whatsoever nature resulting from or arising out of the activities of applicant or applicants agents or employees under this agreement.
4. Certifies that to the best of applicant's knowledge and belief, the information in this application is true and correct and this problem is drought-related and not a result of lack of maintenance, a chronic long-term problem, or an expansion of applicant's operation.
5. Certifies that the applicant is an existing "livestock producer," meaning the applicant produces livestock or operates a dairy farm, devotes the major portion of applicant's time to activities of farming or ranching, and normally receives not less than 50 percent of the applicant's annual gross income from farming and ranching.

SIGNATURE OF APPLICANT

DATE

Send completed application form to: **North Dakota State Water Commission
ATTN: Drought Disaster Livestock Water Assistance Program
900 East Boulevard
Bismarck ND 58505-0850**

ATTACHMENT A

Additional information required for other affected wells:

Well location (Sec. Twp. Rg.): _____ Construction date of well: _____

Number of persons served: _____ Number and type of livestock served: _____

Depth of well: _____ Casing size (diameter): _____

Water level (depth to water from top of casing): _____

Yield of water (in gallons per minute): Original: _____ Current: _____

What was done to the well during the last maintenance? _____

Additional information required for other affected wells:

Well location (Sec. Twp. Rg.): _____ Construction date of well: _____

Number of persons served: _____ Number and type of livestock served: _____

Depth of well: _____ Casing size (diameter): _____

Water level (depth to water from top of casing): _____

Yield of water (in gallons per minute): Original: _____ Current: _____

What was done to the well during the last maintenance? _____

Additional information required for other affected wells:

Well location (Sec. Twp. Rg.): _____ Construction date of well: _____

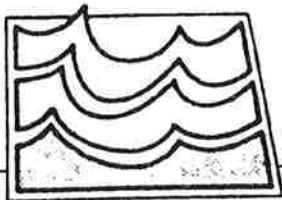
Number of persons served: _____ Number and type of livestock served: _____

Depth of well: _____ Casing size (diameter): _____

Water level (depth to water from top of casing): _____

Yield of water (in gallons per minute): Original: _____ Current: _____

What was done to the well during the last maintenance? _____



North Dakota State Water Commission

900 EAST BOULEVARD • BISMARCK, ND 58505-0187 • (701)224-2750 • FAX (701)224-3696

RESOLUTION NO. 91-6-443

Proposed United States Army Corps of Engineers Reorganization

WHEREAS, a proposal has been made to the United States Congress to reorganize the United States Army Corps of Engineers; and

WHEREAS, the reorganization calls for the closure of the St. Paul District office of the Corps of Engineers relocating the functions of that office to St. Louis, Missouri; and

WHEREAS, transferring jurisdiction to St. Louis would be a major setback to water management in North Dakota because of the loss of expertise and knowledge in hydrologic and environmental concerns; and

WHEREAS, the cost to relocate the St. Paul District would be tremendous, and logistically, the cost to North Dakota for time and travel to St. Louis would be horrendous; and

WHEREAS, the St. Paul District has developed an excellent working relationship with the State of North Dakota, the State Water Commission and the State Engineer; and

WHEREAS, the North Central Division Office would be relocated to Cincinnati, Ohio, and the Missouri River Division to Portland, Oregon, further complicating Red River water management and Missouri River management.

NOW, THEREFORE, BE IT RESOLVED by the North Dakota State Water Commission meeting this 24th day of June, 1991, in Bismarck, North Dakota, that the Commission opposes the closing of the St. Paul District office of the United States Army Corps of Engineers; and


BE IT FURTHER RESOLVED that the Commission opposes the transfer of functions from the St. Paul District to any other District and that it opposes the transfer of functions from the North Central Division and Missouri River Division to any other Division as proposed to the Congress; and

GOVERNOR GEORGE A. SINNER
CHAIRMAN

DAVID A. SPRYNCZYNYTYK, P.E.
SECRETARY & STATE ENGINEER

BE IT FURTHER RESOLVED that this resolution be presented to Senator Quentin Burdick, Senator Kent Conrad and Congressman Byron Dorgan for their assistance in stopping the proposed reorganization.

FOR THE NORTH DAKOTA STATE WATER COMMISSION:



Lloyd B. Omdahl
Lieutenant Governor-Chairman

SEAL



David A. Sprynczynatyk
Chief Engineer-Secretary

NORTH DAKOTA STATE WATER COMMISSION

REGISTER

ATTENDANCE AT State Water Commission Meeting (Telephone Conference Call)
 DATE July 31, 1991 PLACE Bismarck, ND
 PROJECT NO. _____

Your Name	Your Address	Who do you Represent? (Or Occupation)
LEE RAGAN	1506 E. CAPITAL BISMARCK	U.S. FISH & WILDLIFE SERVICE
Tim Fay	Bismarck	SWC Staff
St. Gov. David Ondell	Bismarck	Governor's office
Bruce McCollom	"	Burdett & West Eng.
David Spagnuolo	"	State Water Commission
Jeff Weiffenung	"	Ag Dept.
Larry Kramer	Minot	"
Dan Harlock	Grand Forks	"
Norman Rudel	Leesden	"