

MINUTES

North Dakota State Water Commission
Watford City, North Dakota

July 22, 1987

The North Dakota State Water Commission held a meeting on July 22, 1987, at the Civic Center in Watford City, North Dakota. Governor-Chairman, George A. Sinner, called the meeting to order at 9:00 a.m. and requested State Engineer and Secretary, Vernon Fahy, to call the roll and present the agenda. Governor Sinner introduced Commission member, Daniel Narlock.

MEMBERS PRESENT:

Governor George A. Sinner, Chairman
Richard Backes, Member from Glenburn
Joyce Byerly, Member from Watford City
William Guy, Member from Bismarck
William Lardy, Member from Dickinson
Daniel Narlock, Member from Oslo, MN
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
Jacob Gust, Member from West Fargo

OTHERS PRESENT:

State Water Commission Staff Members

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

CONSIDERATION OF MINUTES
OF JUNE 17, 1987 MEETING -
APPROVED

The minutes of the June 17, 1987 meeting were approved by the following motion:

It was moved by Commissioner Guy, seconded by Commissioner Backes, and unanimously carried, that the minutes of June 17, 1987 be approved as circulated.

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

being made by all four contractors.

Dale Frink, Manager of the Southwest Pipeline Project, indicated construction on the project is continuing with excellent progress. The two contracts awarded in 1986,

Contracts 2-2A and 2-2B, are both complete except for cleanup, seeding and pressure testing.

Johnson Construction of Fargo began laying pipe on Contract 2-2C on May 19 and has installed approximately 3.8 miles to date. Contract 2-2C totals 10.3 miles and this contract should be completed by the end of September. Contract 2-2D is also being constructed by Johnson Construction and should be completed by November 1, 1987. Contract 2-2E is being constructed by WESTCON, Inc. of Pleasant Grove, Utah. Construction of this contract was started on June 15 and 1.1 miles have been laid including the Knife River. Contract 2-2E totals 5.8 miles and should be completed by September, 1987. Mr. Frink stated that the generally drier conditions have significantly increased production rates as compared to the previous year.

Mr. Frink discussed 1987 funding and said \$5.3 million of federal funds have been received to date and an additional \$1 million has been requested from the Garrison Diversion Conservancy District. The State's Resources Trust Fund will generate approximately \$1 million more than was anticipated in May, 1986 when the pipeline's appropriation was reduced from \$18 million to \$12 million. The Office of Management and Budget has indicated that the additional funds in the Resources Trust Fund will be given back to the pipeline and the funds can become part of the Southwest Pipeline's carryover to the 1987-1989 biennium.

Relative to 1988 funding for the Southwest Pipeline Project, Mr. Frink indicated the U.S. House has approved \$35 million for Garrison Diversion for 1988. Report language attached to the appropriation includes \$10 million for the Southwest Pipeline Project. Mr. Frink said the appropriation still has to be passed by the Senate and signed into law by the President but federal funding for 1988 has taken a complete turn around and now looks very encouraging. Mr. Frink said it is not likely that the President will sign the appropriation bill containing Garrison funding by October 1, 1987 and, therefore, some sort of continuing resolution is anticipated and as a result we may or may not be able to get the federal money at the start of the 1988 federal fiscal year.

Mr. Frink indicated a construction plan and schedule is currently being developed and if \$10 million becomes available approximately 25 to 28 miles of pipeline could be constructed in 1988.

Mr. Frink discussed archeological concerns involving the Southwest Pipeline Project and indicated the staff is working with state and federal agencies in order to resolve these issues.

UPDATE ON RED RIVER DIKING
(SWC Project No. 1638)

Secretary Fahy indicated at the Commission's April 8, 1987 meeting, a motion was passed to assume the construction costs of the dike modifications necessary to implement the corrective plan to the extent funds were available and provided the

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landowners entered into an agreement. To date, 11 contracts for a total of \$10,970 have been returned. Of this amount, \$10,538 has been paid or is in the process of being paid. Two landowners returned their agreements unsigned and paid the amount owed the Commission for the work performed. Thirteen landowners have neither signed an agreement or offered to pay the amount owed, which totals \$20,114.91. Secretary Fahy stated these landowners will be assessed the cost of the work on their taxes.

At the Commission's June 17, 1987 meeting, damage claims for road and fence repairs to Robert Walski's property were considered. After considerable discussion, the Commission members passed a motion authorizing the staff to conduct an onsite investigation of the fence and road damage claims filed by Mr. Walski to appraise the exact damages and to recommend an estimate based on the actual costs to bring the fence and road back to near its original condition. The Commission members authorized the State Engineer to make the final determination on the recommendation provided by the staff for the damage claims and to authorize payment of the cost estimate prior to the end of the 1985-1987 biennium.

Secretary Fahy stated that on June 23, 1987, two Water Resource Engineers and the Survey Crew from the State Water Commission investigated the damage claims from the recent dike lowering and an onsite investigation was used to better assess their damage claims. Still and video photography was shot for documentation purposes, which was viewed by the Commission members. The staff recommendation was that 900 feet of fence be replaced at a cost estimate of \$349.90. This recommendation was considered by the State Engineer, and based on the Commission action of June 17, 1987, a final determination was made and payment in the amount of \$349.90 for the fence damages was authorized to Robert Walski prior to the end of the biennium.

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

Secretary Fahy briefed the Commission members on Fiscal Year 1988 funding for the Garrison Diversion Project and stated the U.S. House has approved \$35 million for the project in 1988. The proposed project breakdown was discussed, and Secretary Fahy indicated that \$9.2 million has been designated for fish and wildlife mitigation and enhancement and expressed his concern relative to language in the bill passed by the House which states "funds shall remain available until expended". He said the U.S. Senate is considering amending this bill language.

Secretary Fahy discussed a situation in the Oakes Test area which involves the unauthorized appropriation of water.

GARRISON DIVERSION PROJECT -
CONSIDERATION OF APPROVAL
FOR ALLOCATION OF MR&I FUNDS
FOR SOUTHWEST PIPELINE PROJECT
(SWC Project Nos. 237-3 and 1736)

Secretary Fahy stated that on July 8, 1987, the Garrison Diversion Conservancy District approved an additional \$1 million in MR&I funds for the Southwest Pipeline Project for Fiscal Year 1987. These funds were transferred from the Bureau of Reclamation to the Conservancy District

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and payment has been requested from the Conservancy District. The money will be used to pay contractors' expenditures for June, 1987.

It was moved by Commissioner Guy and seconded by Commissioner Byerly that the State Water Commission authorize the allocation of \$1 million of Garrison MR&I funds for the Southwest Pipeline Project.

Commissioners Backes, Byerly, Guy, Narlock, Lardy, Spaeth, and Governor Sinner voted aye. There were no nay votes. The Chairman declared the motion unanimously carried.

CONTINUED DISCUSSION OF
DEVILS LAKE OUTLET PROJECT
(SWC Project Nos. 1616 & 1712)

The Commission members discussed funding alternatives for the proposed Devils Lake Outlet project. Secretary Fahy explained the original 1965 Garrison Diversion Authorization Act for this project, and it was the general consensus of the Commission members that the possibility of involving the Bureau of Reclamation in the funding be pursued.

It was moved by Commissioner Guy and seconded by Commissioner Narlock that the State Water Commission direct the State Engineer to examine the feasibility and possibility of Bureau of Reclamation funding in the construction of the Devils Lake outlet.

Commissioners Backes, Byerly, Guy, Narlock, Lardy, Spaeth and Governor Sinner voted aye. There were no nay votes. The Chairman declared the motion unanimously carried.

Secretary Fahy indicated a draft letter has been forwarded to the Devils Lake Joint Board for their consideration indicating the State Water Commission will join with the Board in filing a declaration of intent with the Corps of Engineers which indicates the State's interest in developing an outlet project for Devils Lake.

Governor Sinner invited the Commission members to attend a hearing on the Devils Lake Outlet project scheduled for August 12 in Devils Lake.

UPDATE ON SOURIS RIVER
FLOOD CONTROL PROJECT
(SWC Project No. 1408)

Secretary Fahy briefed the Commission members on the status of the Souris River Flood Control Project and stated that Senator Burdick is working on language so that the Federal Government's allocation will provide the differential in the bi-national money market and the project

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will be concurrent with other Federal projects in that it will be indexed so the inflation will be accounted for in the final appropriation for the project.

The Souris River Joint Board has reached agreement with the Corps of Engineers on the Local Cost Sharing Agreement and upon execution of the agreement by the Corps the design of the dams can proceed.

Secretary Fahy commented on the need to stress communications with the people below Minot to educate them on the aspects of the project.

REPORT ON STATE WATER
COMMISSION'S HYDROLOGY
DIVISION ACTIVITIES

Milton Lindvig, Director, Hydrology Division of the State Water Commission, presented an overview of the Division's responsibilities and discussed current activities, which are detailed in APPENDIX "A".

CONSIDERATION AGENCY
FINANCIAL STATEMENT

Secretary Fahy distributed copies of the Project's Authorized and Program Budget Expenditures dated

June 30, 1987 for the Commission's review.

ADOPTION OF RESOLUTION
OF APPRECIATION FOR
RAY HUTTON
(Resolution No. 87-7-426)

Secretary Fahy read a draft resolution for the Commission's consideration expressing appreciation to Ray Hutton for services rendered in the field of water resource development in the State of North Dakota.

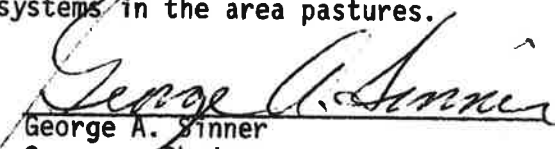
It was moved by Commissioner Backes, seconded by Commissioner Lardy, and unanimously carried, that the State Water Commission adopt Resolution No. 87-7-426, Resolution of Appreciation for Ray Hutton. (See APPENDIX "B")

There being no further business to come before the State Water Commission at this time, it was moved by Commissioner Guy, seconded by Commissioner Byerly, and unanimously carried, that the meeting adjourn at 3:00 p.m.

The Commission members joined with the U.S. Forest Service to tour water systems in the area pastures.

ATTEST:


Vernon Fahy
State Engineer and Secretary


George A. Sinner
Governor-Chairman

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NORTH DAKOTA STATE WATER COMMISSION

HYDROLOGY DIVISION OVERVIEW

The major responsibilities of the hydrology division include the hydrologic investigations required to identify and quantify the water resources of the state and the many-faceted process of administering water permits. The hydrologic investigations are separated into individual aquifer investigations, river basin investigations and basic data collection. The principal components of water permit administration include the processing of applications, developing recommendations for those applications, field inspection of the completed facilities, issuing perfected permits, and cancellation of abandoned and undeveloped permits. The administrative and legal divisions provide record keeping and legal support.

The county ground-water studies program, which was one of our most important and long standing programs, was completed in June 1985. The completion of this program provides North Dakota with a comprehensive inventory of its ground-water resources with respect to the location and areal extent of major aquifers, their general hydrologic and hydraulic characteristics and the chemical quality of the water. It also represents a unique accomplishment in that North Dakota is the first state in the nation to complete such an inventory. The knowledge gained from this program forms the foundation for the studies required for the informed allocation and management of the resource.

Individual aquifer and river basin studies are initiated in response to the demands made for municipal, irrigation and industrial purposes.

Other hydrologic investigations are required for the purpose of establishing a basis for making informed decisions on major water resource issues and problems. The following is a summary of the investigations currently underway.

<u>Title</u>	<u>Comment</u>
1. Hydrogeology and Computer Simulation of the Sindre Aquifer System near Minot	Principal water supply for city of Minot, which is a cooperator.
2. Hydrologic Investigation of East-Central McLean County	McLean County Water Resource District is a cooperator. Assess water availability and cause of high water table conditions.
3. Investigation of the Evaporation and Ground-Water Interaction of Devils Lake	U.S. Geological Survey is a cooperator
4. Determination of the cause of the contamination of the Wahpeton aquifer near Wahpeton and recommended cleanup	Cleanup operations underway
5. Hydrologic Investigation of the New Rockford aquifer in North Central Wells County.	Response to petition for sole source designation. Cooperators are EPA and ND Health Dept.

6. Feasibility of Artificial Recharge in the Oakes Aquifer, Dickey County
Required by GDU Reformulated Plan. Costs paid by Bureau of Reclamation. Cooperation by U. S. Geological Survey.
7. Evaluation of the Availability of Water from the Little Missouri River for irrigation
Required by water permit requests.
8. Evaluation of the availability of water from the James River for irrigation
Required by water permit requests.
9. Evaluation of the availability of water from the Cannonball River for appropriation
Study recently started at a moderate level of activity.
10. Investigation of the Availability of water from the West Fargo aquifer for municipal and industrial purposes
Required by demands for municipal and industrial water. Water levels declining.

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| 11. Determination of recharge to shallow aquifers | Required for the determination of the sustained yield of certain aquifers. Project duration 5 years, commenced 1984. |
| 12. Determination of the availability of water from the Lost Lake aquifer for the city of Wilton | Increased municipal water need. Cooperator - city of Wilton. |
| 13. Determination of the availability of water in the vicinity of Plaza | Increased water needs and improve quality. Cooperator - city of Plaza |
| 14. Availability of water from the Englevale aquifer for irrigation Ransom and Sargent Counties | Report in preparation |

There is also a number of aquifers and rivers which are being closely monitored because of a relatively high level of development. The following is a list of those water sources.

<u>Source</u>	<u>County</u>
Galesburg-Page aquifer	Cass & Traill
Inkster aquifer	Grand Forks
Wahpeton aquifer	Richland
Oakes aquifer	Dickey

Spiritwood aquifer	Sargent, Dickey, LaMoure, Stutsman, Griggs, and Benson
Kidder aquifer	Kidder
Skjermo Lake aquifer	Divide
Little Muddy aquifer	Williams
Streeter aquifer	Logan
Fox Hills aquifer	Dunn, Billings, McKenzie, Williams
Knife River aquifer	Mercer
Sheyenne River	Ransom, Richland, Cass
James River	Stutsman, LaMoure, Dickey
Maple River	Cass
Carrington aquifer	Foster
Edgeley aquifer	LaMoure

The hydrologic data program is comprised of four elements. They include the stream gage network, observation well network, water quality and water use. All are carried on, in part, as a cooperative effort with the U.S. Geological Survey. There are currently 51 stream gages and approximately 1900 observation wells in the program. Water quality is monitored periodically at selected surface water gaging stations and observation wells. Water use data is collected annually from holders of water permits as required by 61-04-27 NDCC.

During 1985 and 1986, 139 water permit applications were filed. Forty-five were for irrigation, 58 for industrial use, 8 for municipal

and rural domestic, and 28 for other uses. The irrigation applications requested water for 5,399 acres. Most of the applications for industrial water were from oil companies needing fresh water to facilitate the production of oil. Municipalities and rural systems have continued to expand in response to needs. Additional information on water permit applications for 1985 and 1986 is appended to this section.

The administration of water permits is a continuing process. Each year approximately 500 water permits are handled for a variety of purposes. They include field inspections required for perfection, extension of the beneficial use dates, assignment to a new owner, cancellations, transfer of acreage and amendments. Because a water permit documents a property right records must be accurate and kept up to date. This work is accomplished by one staff person assigned full time, one staff person assigned part time and a field inspector during the summer. Support in some of the record keeping and the cancellation procedures is provided by the administrative and legal divisions.

In Appreciation to Ray Hutton

WHEREAS, Ray Hutton has served as a member of the North Dakota State Water Commission since July, 1981; and

WHEREAS, Ray Hutton has contributed generously of his time and talent to promoting the wise use of this State's water and related land resources.

NOW, THEREFORE, BE IT RESOLVED that the North Dakota State Water Commission, Governor George A. Sinner, Chairman, at its regular meeting in Watford City, North Dakota, on this 22nd day of July, 1987, extends its thanks to Ray Hutton for his services and expresses its best wishes to him in his future endeavors.

FOR THE NORTH DAKOTA STATE WATER COMMISSION:


George A. Sinner
Governor-Chairman

SEAL

ATTEST:


Vernon Fahy
State Engineer and Secretary