

## **MINUTES**

### **North Dakota State Water Commission Bismarck, North Dakota**

**April 26, 1995**

The North Dakota State Water Commission held a meeting in the lower level conference room in the State Office Building, Bismarck, North Dakota, on April 26, 1995. Governor-Chairman, Edward T. Schafer, called the meeting to order at 1:30 PM, and requested State Engineer and Chief Engineer-Secretary, David A. Sprynczynatyk, to call the roll. The Chairman declared a quorum was present.

#### **MEMBERS PRESENT:**

Governor Edward T. Schafer, Chairman  
Sarah Vogel, Commissioner, Department of Agriculture, Bismarck  
Florenz Bjornson, Member from West Fargo  
Elmer Hillesland, Member from Grand Forks  
Jack Olin, Member from Dickinson  
Harley Swenson, Member from Bismarck  
Robert Thompson, Member from Page  
David Sprynczynatyk, State Engineer and Chief Engineer-Secretary,  
North Dakota State Water Commission, Bismarck

#### **MEMBERS ABSENT:**

Mike Ames, Member from Williston  
Judith DeWitz, Member from Tappen

#### **OTHERS PRESENT:**

State Water Commission Staff Members  
Approximately 25 people interested in agenda items

The attendance register is on file with the official minutes.

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

#### **CONSIDERATION OF AGENDA**

There being no additional items for the agenda, the Chairman declared the agenda approved and requested Secretary Sprynczynatyk to present the agenda.

**CONSIDERATION OF MINUTES  
OF FEBRUARY 9, 1995, MEETING -  
APPROVED**

The minutes of the February 9, 1995, meeting were approved by the following motion:

*It was moved by Commissioner Olin, seconded by Commissioner Bjornson, and unanimously carried, that the minutes of the February 9, 1995, State Water Commission meeting be approved as prepared.*

**CONSIDERATION OF MINUTES  
OF MARCH 16, 1995, TELEPHONE  
CONFERENCE CALL MEETING -  
APPROVED**

The minutes of the March 16, 1995, telephone conference call meeting were approved by the following motion:

*It was moved by Commissioner Olin, seconded by Commissioner Bjornson, and unanimously carried, that the minutes of the March 16, 1995, State Water Commission telephone conference call meeting be approved as prepared.*

**FINANCIAL STATEMENT -  
AGENCY OPERATIONS**

dated April 13, 1995, and reflecting 87.5 percent of the 1993-1995 biennium. *SEE APPENDIX "A".*

Charles Rydell, Assistant State Engineer, presented and discussed the Program Budget Expenditures,

**FINANCIAL STATEMENT -  
CONTRACT FUND; AND  
RESOURCES TRUST FUND  
UPDATE**

Charles Rydell reviewed and discussed the Contract Fund expenditures for the 1993-1995 biennium. *SEE APPENDIX "B".*

**FINANCIAL STATEMENT -  
1995-1997 BUDGET UPDATE**

the legislature. Approximately \$5.4 million of general funds were approved, and the oil extraction tax to the Resources Trust Fund was increased from 10 to 20 percent, with a sunset clause to insure that funds could be provided for a water supply for the corn wet-milling plant in Richland County.

Charles Rydell presented an overview of the agency's budget for the 1995-1997 biennium which was approved by

**CONSIDERATION AND APPROVAL  
OF REQUEST FROM CITY OF  
GRAND FORKS FOR COST SHARING  
IN ENGLISH COULEE DIVERSION  
CHANNEL IMPROVEMENTS  
(SWC Project No. 1351)**

and to remove areas within the city and county from the English Coulee floodplain.

A request from the City of Grand Forks was presented for the Commission's consideration for cost participation in the English Coulee Diversion channel improvements project. The purpose of the project is to receive a Letter of Map Revision

In September, 1994, the State Water Commission published a study report titled "Hydraulic Analysis, English Coulee Diversion". This study is the basis for the design of the project. The design drawings have been completed, and the estimated project cost is \$200,000. The request before the Commission is for 50 percent of the project's eligible costs.

It was the recommendation of the State Engineer that the State Water Commission approve 50 percent of the eligible costs for the English Coulee Diversion channel improvements project, not to exceed \$100,000, and contingent upon the availability of funds.

Ken Vein, Grand Forks City Engineer, provided additional information regarding the project, and requested the Commission's favorable consideration of the funding request.

*It was moved by Commissioner Swenson and seconded by Commissioner Hillesland that the State Water Commission approve cost sharing in 50 percent of the eligible project costs for the English Coulee Diversion channel improvements, not to exceed \$100,000 from the Contract Fund. This motion is contingent upon the availability of funds.*

*Commissioners Bjornson, Hillesland, Olin, Swenson, Thompson, Vogel, and Chairman Schafer voted aye. There were no nay votes. The Chairman declared the motion unanimously carried.*

**PROGOLD LIMITED LIABILITY  
COMPANY CORN WET-MILLING  
FACILITY  
(SWC Project No. 1880)**

At the March 16, 1995, meeting, the Commission was advised that ProGold Limited Liability Company had announced its site location for a corn wet-milling facility at Wahpeton, North Dakota.

Secretary Sprynczynatyk explained that under the authority granted to the State Water Commission in chapter 61-02 of the North Dakota Century Code, the Commission can provide funds and engineering assistance for water supply development. He said this has been done in the past on several occasions, including the water supplies for the sugar beet processing plants at Wahpeton, Hillsboro, and Drayton.

When the state's proposal was developed in June, 1994, for locating the corn wet-milling project in North Dakota, Secretary Sprynczynatyk indicated \$2 million was included for developing the water supply for the project based on discussions with Chairman Schafer. He said this amount would include engineering assistance and funds from available resources.

On March 23, 1995, a request was received from ProGold Limited Liability Company for \$2 million toward the design and construction of facilities for a water supply for the corn wet-milling plant at Wahpeton. In discussion of the project, Secretary Sprynczynatyk explained that since adequate funding authorization does not exist in the current biennium, the Commission cannot obligate funds until after July 1, 1995, the beginning of the next biennium.

Secretary Sprynczynatyk indicated that the legislature approved an additional 10 percent of the oil extraction tax to the Resources Trust Fund that will insure providing sufficient funds for developing the water supply for the project. He said it is his intent that during the Commission's first meeting after July 1, 1995, a recommendation will be made to approve \$2 million of funding for the corn wet-milling plant, contingent upon the availability of funds. Secretary Sprynczynatyk stated he has visited with representatives of ProGold and they understand the situation.

**SOUTHWEST PIPELINE PROJECT -  
PROJECT UPDATE; CONTRACT  
AND CONSTRUCTION STATUS  
(SWC Project No. 1736)**

Tim Fay, Manager of the Southwest Pipeline Project, provided a contract and construction status report.

Contract 2-5A/7-2A was awarded following the conference call meeting on March 16, 1995. The pre-construction meeting was held on April 6, 1995. No other activity has yet begun on this contract or contract 7-2.

Construction activity has resumed in the New Hradec and Taylor service areas, and on the New Hradec storage tank. Mr. Fay reported dissatisfaction with Mainline Construction's clean-up work and stated the Commissioners will be informed of the measures that will be taken to gain improvement.

Mr. Fay stated that in planning for the upcoming construction phases, it has been learned that the Belfield service area, including the cities of South Heart and Belfield, can be served from the New England reservoir. He said this is possible because the triple pump station in Dickinson was equipped with bypass piping. This can continue until the demands in the south part of the system exceed the storage capacity in the New England reservoir, which is not expected to occur until the Bucyrus service area comes on line. For this reason, the Belfield reservoir does not need to be built at this time, and it will be deferred until it is needed.

Mr. Fay reported that on March 1, 1995, a meeting was held with representatives of the Perkins County, South Dakota, rural water system. The pipeline's authorization allows service to this area of South Dakota. The South Dakota users would need to pay the cost of the increased capacity. Funding options were discussed and a draft water service contract will be presented for their review.

Information will be provided to the engineer regarding the piping from the intersection of Highways 21 and 22 to the South Dakota points of delivery. Mr. Fay said the facilities that have already been built can handle an additional 391 gallons per minute with no modifications. The South Dakota users cost for this portion can be calculated by proportioning the construction cost per unit of capacity. Mr. Fay said what is built from this point on would have to be modified from current plans, and the cost of those modifications will need to be borne by the South Dakota users so they need to have involvement in the modifications. Mr. Fay said it is necessary to have South Dakota's involvement in the project agreed upon before the project extends southward toward Hettinger and Reeder.

**SOUTHWEST PIPELINE PROJECT -  
TRANSFER OF MANAGEMENT,  
OPERATIONS, AND MAINTENANCE  
RESPONSIBILITIES TO SOUTHWEST  
WATER AUTHORITY  
(SWC Project No. 1736)**

Southwest Pipeline Project from the State Water Commission to the Southwest Water Authority.

Tim Fay reported that the legal counsels for the State Water Commission and the Southwest Water Authority are reviewing the draft Agreement for Transfer of Management, Operations, and Maintenance Responsibilities for the

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

funding for the completion of the Southwest Pipeline Project. He said a plan is being explored to develop funding from the Rural Utilities Services Division of the U.S. Department of Agriculture.

At the February 9, 1995, meeting, Secretary Sprynczynatyk briefed the Commission members on options that are being considered for future

On February 15, 1995, the State Engineer and a North Dakota delegation presented the plan in Washington, D. C. to the Congressional Delegation and the U.S. Department of Agriculture. Secretary Sprynczynatyk said it appears promising that the project could have a high priority due to the water quality problems in the southwest. New efforts in Congress to address rural population loss would also be helpful. He said although funding is limited, the North Dakota delegation was encouraged to begin the process of seeking funds for the Southwest Pipeline Project.

Tim Fay briefed the Commission members on a meeting held April 19, 1995, with representatives of the Southwest Water Authority, the State Water Commission staff, and Ray Scheetz, Chief, Community and Business Programs of the Rural Economic and Community Development Service (RECDS). The purpose of the meeting was to explore the possibility of funding from this agency for the Southwest Pipeline Project. Mr. Fay said if the Southwest Pipeline Project did turn to RECDS for funding, a pre-application would be filed which identified the entire project. However, the actual application for funding would be made incrementally for the service areas in accordance with the phased developed plan. Repayment of the loans would require dedication of the capital repayment portion of the water service fees from the pipeline. The physical features of the project would also need to be pledged as security for the loans. Mr. Fay stated that the Commission's legal counsel is addressing concerns that need to be satisfied in order to proceed.

Secretary Sprynczynatyk said it appears at this time that the RECDS offers an opportunity to continue progress on the Southwest Pipeline Project. Therefore, it was recommended that the State Water Commission file a pre-application for funding, contingent on legal advice, and continue to explore this option for continued development of the project.

***It was moved by Commissioner Olin and seconded by Commissioner Swenson that the State Water Commission file a pre-application with the Rural Economic and Community Development Service for funding for the Southwest Pipeline Project, contingent on legal advice, and continue to explore this option for continued development of the project.***

***Commissioners Bjornson, Hillesland, Olin, Swenson, Thompson, Vogel, and Chairman Schafer voted aye. There were no nay votes. The Chairman declared the motion unanimously carried.***

**SOUTHWEST PIPELINE PROJECT -  
INVITATION TO HOLD SWC  
MEETING IN DICKINSON TO  
DEDICATE RURAL SEGMENT  
(SWC Project 1736)**

Commissioner Olin extended an invitation to the Commission to hold its fall meeting in Dickinson to dedicate the rural water segment of the Southwest Pipeline Project.

**NORTHWEST AREA WATER  
SUPPLY PROJECT -  
CHLORAMINATION AND  
OZONATION TESTING OF  
WATER FROM LAKE AUDUBON  
AND LAKE SAKAKAWEA  
(SWC Project No. 237-4)**

James Lennington, Project Coordinator for the Northwest Area Water Supply Project, reported on the testing of the effectiveness of chloramination of raw water from Lake Audubon and Lake Sakakawea. Canadian representatives to the Garrison Joint Technical Committee

(JTC) have agreed that if chloramination can satisfy the disinfection requirements of the Environmental Protection Agency, then the project is potentially acceptable to Canada from the technical standpoint of biota transfer. Samples of Lake Audubon and Lake Sakakawea water were collected on November 7, 1994, January 9, 1995, and March 12, 1995.

Mr. Lennington indicated that over the past several months considerable discussion has taken place between the Commission staff members and the NAWS engineering team on the feasibility of ozone as an alternative to chloramination for the East NAWS system. He said that when the Giardia and virus inactivation tests were initiated, it was believed that ozonation of the raw water would be too expensive. The availability of low cost Western Area Power Administration power at the Snake Creek embankment have resulted in a reconsideration of this belief.

The testing protocol calls for chloramination testing of both Lake Sakakawea and Lake Audubon water samples. Mr. Lennington said that substituting ozonation tests of Lake Audubon water for chloramination tests of Lake Sakakawea water would allow the exploration of ozonation as an alternative without raising the cost of the testing work item. Lake Audubon has higher levels of dissolved minerals and organic material than Lake Sakakawea. Because of this, Giardia test results on Lake Audubon water could be conservatively applied to Lake Sakakawea water. Mr. Lennington stated that Canadian representatives to the Garrison Joint Technical Committee have been contacted to ensure their acceptance of this change. Ozone demand tests will be performed on water samples from both lakes. These tests will be used to determine the amount of ozone and the cost that would be required for either source.

The first set of water samples from November was tested for disinfection byproduct (DBP) formation. The results from these tests indicated that chloramination would not form DBP's in excess of regulatory levels.

The second set of water samples, collected in January, was tested for virus inactivation. Results from these tests indicated that 99.999 percent (5 logs) of the virus was inactivated within one minute.

The third set of water samples was collected on March 12, 1995, which is the first set of samples tested for Giardia. Mr. Lennington reported the preliminary results of these tests indicate inactivation of the Giardia within three to four hours after exposure to the chloramines in the pipeline. Further samples will be collected in late spring and summer of this year in order to conduct the tests during different seasons with varying water quality.

Secretary Sprynczynatyk informed the Commission members that the Garrison Joint Technical Committee is scheduled to meet in Bismarck on May 2, 1995.

**NORTHWEST AREA WATER  
SUPPLY PROJECT -  
PROJECT FUNDING AND  
LEGISLATION  
(SWC Project No. 237-4)**

James Lennington reported that on February 23, 1995, testimony on Senate Bill 2148 was presented to the House Agriculture Committee in the legislature. SB 2148 amends chapter 61-24.6 of the North Dakota Century

Code to allow the Industrial Commission to issue revenue bonds, in accordance with chapter 61-02, to finance the construction costs of the Northwest Area Water Supply project. SB 2148 came out of committee with a "do pass" recommendation and was subsequently passed by the House on February 27. SB 2148 was signed into law by Governor Schafer on March 7, 1995.

On February 22, 1995, testimony on Senate Bill 2204 was presented to the House Agriculture Committee in the legislature. SB 2204 amends chapter 61-02 of the North Dakota Century Code to update the revenue bonding authority of the State Water Commission. SB 2204 clarified the language of chapter 61-02 and originally provided for the Industrial Commission to be the entity that would administer any water resource bonding program. The committee expressed concern that the bill would obligate the state to repay the bonds if revenues generated by the project were insufficient. Mr. Lennington stated that because of these concerns, the committee subsequently amended the bill to remove all references to the Industrial Commission and the

Bank of North Dakota. The committee also added an amendment to chapter 61-24.6 to change the reference to the Industrial Commission, added by SB 2148, to the State Water Commission. On March 15, the amended bill passed out of committee with a "do pass" recommendation and was subsequently passed by the House on March 16. On March 20, the bill was returned to the Senate, which refused to concur with the amendments. Conference committees were then appointed by both houses. On March 29, the Senate adopted the conference committee report. SB 2204 was signed into law by Governor Schafer on April 6, 1995.

Secretary Sprynczynatyk stated that although SB 2148 and SB 2204 were amended to remove reference to the Industrial Commission and the Bank of North Dakota, the legislature was in agreement that the State Water Commission continue to utilize the expertise of the Industrial Commission to carry out the bonding process.

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

Warren Jamison, Manager of the Garrison Diversion Conservancy District, provided a status report on the Garrison Project.

The North Dakota Water Management Collaborative Process efforts to refocus the direction of the Garrison Diversion Project were discussed. Mr. Jamison made mention of the National Wildlife Federation's decision to withdraw from the collaborative process because of the legislature's repeal of the North Dakota statutes dealing with wetlands.

Mr. Jamison informed the Commission members that Dan Beard, Commissioner of the Bureau of Reclamation, is tentatively scheduled to visit North Dakota on June 22 and 23, 1995. Tentative agenda items include a tour of the Devils Lake area, including the recently completed Devils Lake State Park facilities; tour of the Lonetree Wildlife Management area; and a possible meeting with the Executive Steering committee of the Collaborative Process.

Alternatives for the future management of the Oakes Test area were discussed. Mr. Jamison explained that the Bureau's proposed decision for the future disposition of the Oakes Test Area considers both its research and irrigation functions. The decision on future research in the Oakes Test Area considers the Bureau's interest in continued financial support for this activity. The future of irrigation water deliveries considers the conditions which might be possible if supported by state and local interests. Comments for the Bureau's proposal are due by June 4, 1995.

Mr. Jamison addressed the issue of the proposed sale of the power marketing administrations and the considerable impact to the state's public power consumers.

**GARRISON DIVERSION PROJECT -  
PRIVATIZATION OF POWER  
MARKETING ADMINISTRATIONS  
(SWC Project No. 237)  
(SWC Resolution No. 95-4-466)**

On April 29, 1995, Secretary Sprynczynatyk presented testimony at a Bismarck Forum regarding President Clinton's proposal of the privatization of the nation's power marketing administrations. He said

if this were to be done, there would be considerable impact to the state's public power consumers, of which the State Water Commission is one through the Southwest Pipeline Project, and to the management of the Missouri River. His testimony is attached hereto as *APPENDIX "C"*.

Secretary Sprynczynatyk concluded remarks in his testimony to the Bismarck Forum stating: "The sale of the Western Area Power Administration is bad public policy. Water is a public resource. The Pick-Sloan plan that created the dams and reservoirs along the Missouri River is a public, multi-purpose project. It makes no sense to privatize one of those important purposes."

Secretary Sprynczynatyk presented a draft resolution for the Commission's consideration urging the President and the Congress to reject any proposal to sell any of the power marketing administrations or otherwise dispose of their assets.

*It was moved by Commissioner Vogel, seconded by Commissioner Thompson, and unanimously carried, that the State Water Commission approve Resolution No. 95-4-466, Resolution Urging the President and the Congress to Reject any Proposal to Sell any of the Power Marketing Administrations or Otherwise Dispose of Their Assets, and that copies be forwarded to the President, the Majority and Minority Leaders of the United States Senate and House of Representatives, and to each member of the North Dakota Congressional Delegation. SEE APPENDIX "D".*

**GARRISON DIVERSION PROJECT -  
FISCAL YEAR 1996 FUNDING  
(SWC Project No. 237)**

The Administration's budget for Fiscal Year 1996 includes \$24.9 million for the Garrison Diversion Unit in order to continue assistance

to the rural communities still in dire need of a reliable water supply. On March 29, 1995, Secretary Sprynczynatyk appeared before the House Energy and Water Development Subcommittee on Appropriations in Washington, DC to request that

an additional \$4.0 million be appropriated for the authorized assistance to municipal and rural water systems in North Dakota, and for the Bureau of Reclamation to carry out its remaining obligation to maintain and complete the research work in the Oakes area. Robert Strand, Chairman of the Garrison Diversion Conservancy District, also submitted written testimony at the hearing.

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

Jeffrey Mattern, MR&I Water Supply Program Coordinator, provided the following program status report:

**Dickey Rural Water Project:** The community of LaMoure is reviewing bulk water service from the Dickey Rural Water project. The project engineer is investigating a new well field location near the James River in the LaMoure aquifer.

**NorthwestArea Water SupplyProject:** The consulting engineer is conducting chloramination and ozonation testing on water samples from Lake Sakakawea and Lake Audubon.

**SouthwestPipelineProject:** Construction will begin this spring on the New England service area, which includes over 300 rural users, and on the Belfield service area, which includes water service to South Heart, Belfield, and over 70 rural users.

**Missouri West Water System:** The project engineer is finishing MR&I program requirements and is planning to begin design of Phase II in 1995. Funding the design would prepare the project for construction in 1996. Estimated project cost is \$7,729,400.

**Burleigh Water Users Project:** The community of Wilton is reviewing bulk water service from the Burleigh Water Users project. The water service sign-up has progress well and the project engineer is preparing to begin design in 1995. Funding the design would prepare the project for construction in 1996. Estimated project cost for the other parts of the expansion project is \$9,879,800.

**GARRISON DIVERSION PROJECT -  
MISSOURI WEST WATER SYSTEM  
LOAN PAYMENT  
(SWC Project No. 237-3)**

Jeffrey Mattern stated that the Missouri West Water System is operational and providing water to Morton County residents. The project started with major construction in

1993, and after delays due to the wet conditions, finalized construction of Phase I in 1994. This phase serves 471 water users in northern Morton County, including New Salem, Crown Butte Subdivision, Riverview Heights Subdivision, Almont, and Captain's Landing Township. The city of Mandan provides bulk water service to Missouri West.

Mr. Mattern presented a request from the Morton County Water Resource Board to delay the scheduled interest and principal payment for one year and capitalize the deferred interest into the loan total for repayment over the period of the loan. The next scheduled payments are due April 15, 1995, and October 15, 1995. The water system has been delayed in the cash flow with construction taking so long due to wet conditions. This delay of the loan payments will allow the water system to establish a cash flow to cover anticipated maintenance expenditures, employ one additional operations technician, and purchase operations elements.

The Missouri West Water System is approved for a 65 percent MR&I grant and a 35 percent State Water Commission loan on eligible costs. Mr. Mattern stated that the delay of the April 15, 1995, payment will affect the Resources Trust Fund revenues for the 1993-1995 biennium, but the MR&I loan receipts will still be above the original budget estimates. The delay of the October 15, 1995, repayment will affect the Resources Trust Fund revenues for the 1995-1997 biennium, and approval of this repayment delay should be considered next biennium.

Andy Mork, Chairman of the Morton County Water Resource Board, provided additional information relative to the project and the request for a delay in the repayments.

Mr. Mork commented on the proposed privatization of the power marketing administrations, expressing support of the action taken by the State Water Commission

It was the recommendation of the State Engineer that the State Water Commission approve the request from the Morton County Water Resource Board to delay the Missouri West Water System's April 15, 1995, Resources Trust Fund repayment and that the interest due be capitalized into the existing loan for repayment over the period of the loan. It was the State Engineer's recommendation that the request to delay the October 15, 1995, repayment be deferred until the 1995-1997 biennium.

*It was moved by Commissioner Vogel and seconded by Commissioner Olin that the State Water Commission approve the request to delay the Missouri West Water System's April 15, 1995, Resources Trust Fund repayment and that the interest due be capitalized into the existing loan for repayment over the period of the loan.*

*The request to delay the October 15, 1995, repayment was deferred until the 1995-1997 biennium.*

*Commissioners Bjornson, Hillesland, Olin, Swenson, Thompson, Vogel, and Chairman Schafer voted aye. There were no nay votes. The Chairman declared the motion unanimously carried.*

**GARRISON DIVERSION PROJECT -  
INTERIM MR&I COMMITTEE  
REPORT  
(SWC Project No. 237-3)**

At the February 9, 1995, meeting, Warren Jamison informed the Commission members that at the January 5 and 6, 1995, Garrison Diversion Conservancy District board

of directors meeting, the MR&I program was discussed and concerns were heard from interest groups relative to funding and the priority ranking system. Mr. Jamison indicated a subcommittee from his board had been appointed to address the concerns relative to the MR&I program, and invited representation on the subcommittee from the State Water Commission.

The State Engineer recommended that a subcommittee be appointed from the State Water Commission to work with the Conservancy District subcommittee to review the MR&I program.

The following State Water Commission members and Garrison Diversion Conservancy District board members were appointed to serve on the Interim MR&I Committee. Secretary Sprynczynatyk and Warren Jamison also serve on the committee:

SWC Commissioner Florenz Bjornson  
SWC Commissioner Judy DeWitz  
SWC Commissioner Jack Olin  
SWC Commissioner Harley Swenson  
GDCD Chairman Robert Strand  
GDCD Director Maurice Orn  
GDCD Director Frank Orthmeyer  
GDCD Director Jerrold Roble

Recent meetings of the State Water Commission and the Conservancy District have resulted in a consensus to review the MR&I program. The committee met on March 8, 1995, in Carrington to discuss the issues and future courses of action.

Following the March 8 meeting, the Interim MR&I Committee scheduled a meeting for April 26, 1995, to continue its review of the MR&I program.

At the April 26, 1995, Interim MR&I Committee meeting, Denise Bjornson, North Dakota Water Coalition, offered the assistance of the Coalition in conducting a review of the MR&I program. She said the Coalition has formed a subcommittee that could meet with the Interim MR&I Committee to discuss and resolve issues concerning the MR&I program priorities and funding.

The next meeting of the Interim MR&I Committee is scheduled for May 1, 1995, to meet with the subcommittee of the North Dakota Water Coalition to continue a review of the MR&I program.

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

Secretary Sprynczynatyk reported that Devils Lake continues to rise, with the elevation on this date being 1433.4. He said this is a record high for the lake for the past 110 years. Since

July, 1993, Devils Lake has risen steadily from an elevation of 1422.6. Based on existing conditions and assuming normal precipitation over the next few months, he said Devils Lake is forecasted to rise to above elevation 1434.5. He provided the Commission members a briefing of the flooding situation, through the assistance of a map, showing various elevations of Devils Lake.

An assessment of potential Devils Lake flood damages, prepared by the Commission staff in March, 1995, and attached hereto as *APPENDIX "E"*, was summarized by Secretary Sprynczynatyk.

The Devils Lake Basin Joint Water Resource District has approved the Devils Lake Basin Water Management Plan, as drafted by the Devils Lake Task Force and the State Water Commission. The plan is a comprehensive, coordinated water management plan for the Devils Lake Basin that will protect the economic and biological values of the basin while providing optimum benefits for agriculture, wildlife and fisheries, outdoor recreation, and economic development. Secretary Sprynczynatyk said the board has now recognized the task force as an official committee to oversee the implementation of the water management plan. The task force has begun the

implementation process. Four committees have been formed to organize their efforts: the Devils Lake Stabilization Committee, the Basin Water Management Committee, the Funding Committee, and the Public Information and Relations Committee.

Senate Bill 2463, passed by the legislature, appropriated funds for a State Water Commission office in Devils Lake. Secretary Sprynczynatyk said the office would be patterned after the West Fargo office, which was opened in 1984, to address the water problems in the Red River basin. The objectives of the Devils Lake office would be to locate an engineer in the area to provide technical assistance in addressing water-related problems throughout the 3,800 square-mile Devils Lake basin.

Senate Bill 2463 also directed the State Engineer to develop contingency plans and begin work to implement these plans to contain and minimize the anticipated flood damages in the basin. Secretary Sprynczynatyk reported on the ongoing activities with the Governor's office, the National Guard, the Division of Emergency Management, the Department of Transportation, county, city and township officials, and the Corps of Engineers on the development of the contingency plans.

Secretary Sprynczynatyk reported on the Corps of Engineers and the Bureau of Reclamation's collaborative, interagency efforts to develop a plan of study for a feasibility study of the Devils Lake basin. He said the plan addresses five general areas of interest set forth in Public Law 102-377, which directed the Corps of Engineers to initiate a feasibility study for Devils Lake. Those areas are: basin water management; lake stabilization; water quality; recreation; and enhancement and conservation of fish and wildlife. Teams are being established for each of the five areas, with the goal of developing concept-level scopes of work to be packaged together into the overall plan of study. Each team will consist of technical representatives from appropriate federal and state agencies, as well as local entities. Secretary Sprynczynatyk said the State Water Commission will have representatives on the Basin Water Management Team and the Lake Stabilization Team.

**CANNONBALL RIVER BASIN  
STUDY UPDATE  
(SWC Project No. 322-1)**

Linda Weispfenning, State Water Commission's Planning and Education Division, provided a status report on the Cannonball

River Basin study, which is attached hereto as *APPENDIX "F"*.

On February 24, 1995, 1,652 surveys were mailed to residents of the Cannonball River/Cedar Creek Basin. Ms. Weispfenning stated that to date responses have been received from 663 surveys, which is approximately 40 percent of the basin. The responses are being entered into a database to assist with compiling survey results and to assist in

interpretation of the responses. cursory review of some of the responses indicates that of those interested in water management projects the interest is primarily in the area of irrigation.

Ms. Weispfenning informed the Commission members that the first public meeting has been scheduled for June 6, 1995, in Carson.

**DICKINSON DAM/  
PATTERSON LAKE  
UPDATE  
(SWC Project No. 263**

At the October 14, 1994, meeting, the Commission members were advised the city of Dickinson is interested in assuming ownership and responsibility of the Dickinson Dam and Patterson Lake from the Bureau of Reclamation. Charles Rydell stated the city owes the Bureau approximately \$3 million. Presently, the State Water Commission gives the city credit for 75 percent of the debt under the Southwest Pipeline Project's water service contract. The credit amounts to approximately \$12,000 per month for seven more years.

The State Water Commission staff and representatives of the city of Dickinson have completed a draft plan which addresses the issues associated with the transfer of Dickinson Dam and Patterson Lake from the Bureau to the city. The city has forwarded the plan to the congressional delegation for their information in preparing federal legislation that would transfer the dam and lake to the city. The city is hoping to have legislation introduced this spring. The draft plan titled "Patterson Lake Area Recreation and Environment Enhancement Project" is attached hereto as *APPENDIX "G"*.

Mr. Rydell informed the Commission members that a meeting has been scheduled on April 27, 1995, with representatives of the city to review additional comments received from the Bureau.

Secretary Sprynczynatyk reported he discussed the transfer with the Congressional delegation staff in Washington, DC in March. The delegation staff expressed appreciation for the efforts undertaken by the State Water Commission staff and the city in preparing the project plan. Legislation will be drafted by the Congressional delegation staff and introduced at the appropriate time.

It was the recommendation of the State Engineer that the State Water Commission support the efforts of the city of Dickinson to assume responsibility and ownership of the Dickinson Dam and Patterson Lake.

*It was moved by Commissioner Vogel and seconded by Commissioner Olin that the State Water Commission go on record in support of the efforts of the city of Dickinson to assume responsibility and ownership of the Dickinson Dam and Patterson Lake.*

*Commissioners Bjornson, Hillesland, Olin, Swenson, Thompson, Vogel, and Chairman Schafer voted aye. There were no nay votes. The Chairman declared the motion unanimously carried.*

**NORTH DAKOTA WATER  
COALITION PRESENTATION -  
STATUS REPORT; AND EFFORTS  
TO DEVELOP NORTH DAKOTA  
WATER PRIORITIES PLAN**

Denise Bjornson, North Dakota Water Coalition, made a presentation before the State Water Commission on the status of the projects of the North Dakota Water Coalition.

Legislatively, the North Dakota Water Coalition introduced an Interim Study Resolution, with the support of the House and Senate, to study long-term water funding strategies. January 31, 1995, was scheduled as "Water Day" in conjunction with the North Dakota Rural Water Systems Association Expo in Bismarck.

With a focus on water-related economic development opportunities in North Dakota, the Coalition organized the "Water Needs for Rural Economic Opportunities Forum and Call for Papers" on January 31, 1995. Ms. Bjornson commented that the response for the event was very positive and the Coalition is continuing to work with key organizations and agencies regarding this issue.

Ms. Bjornson informed the Commission members that the James River Basin Coalition has been organized and its first meeting is scheduled for April 27, 1995.

The Coalition continues to network, make contacts and attend meetings, with the goal of weaving its message throughout North Dakota. Ms. Bjornson commented that the Coalition had a very successful first year, and is confident that 1995 will also be successful.

On April 25, 1995, the North Dakota Water Users Association board of directors requested the North Dakota Water Coalition to pursue efforts to work towards developing a North Dakota water priorities plan. Ms. Bjornson explained the proposed plan and indicated the Coalition will be considering the issue at its meeting on May 12, 1995.

Ms. Bjornson said that if the Coalition decides to go forward and develop a North Dakota water priorities plan, the State Water Commission would play a key role. She requested the Commission's consideration to act as the coordinating agency and to provide the technical expertise that would be required. The time frame for completion of the work is November 1, 1995.

Secretary Sprynczynatyk said he supports the proposal and said the State Water Plan, which was updated in 1992, would be very beneficial in the decision-making process of the Coalition. It was the recommendation of the State Engineer that the State Water Commission support the efforts and provide the technical assistance, as needed, towards developing a North Dakota water priorities plan.

*It was moved by Commissioner Vogel and seconded by Commissioner Bjornson that the State Water Commission support the efforts to review and identify priorities for future water development in the state; and provide the technical assistance, as needed, in the efforts to develop a North Dakota water priorities plan.*

*Commissioners Bjornson, Hillesland, Olin, Swenson, Thompson, Vogel, and Chairman Schafer voted aye. There were no nay votes. The Chairman declared the motion unanimously carried.*

#### **1995 SPRING FLOODING**

Secretary Sprynczynatyk provided the Commission members with a status report on the 1995 spring flooding. He referred to areas in the state where flooding is occurring, but he said the most critical area is in the Devils Lake basin. The State Water Commission staff is working with the local people and other agencies to help provide relief in the respective flooded areas.

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

Secretary Sprynczynatyk provided a status report on the Corps of Engineers draft Environmental Impact Statement for the Missouri River Master Control Manual review and update.

The Missouri River Basin Association met on December 2, 1994, and agreed to move forward with a collaborative process to develop a consensus on as much of the revised Master Manual as possible to present to the Corps for its consideration in developing a final plan. Secretary Sprynczynatyk indicated that if the Association is successful, litigation with the Corps and the lower basin states may be avoided.

On February 21, 1995, the Missouri River Basin Association met to interview three firms for facilitation services to develop a plan for a consensus-based revision of the Missouri River Master Manual. A firm was selected and an agreement for services was executed. The Association is scheduled to meet on May 26, 1995, in Minneapolis, which is the first official meeting in the consensus process.

## **1995 LEGISLATION**

The final bill status report was provided to the Commission members, and Secretary Sprynczynatyk provided an overview of the bills that were filed by the State Water Commission and the State Engineer.

In discussion of the Atmospheric Resource Board legislation, the Commission members requested a presentation be made on the division's activities at a future Commission meeting.

The Commission members also expressed interest in an irrigation report at a future Commission meeting.

### **MOUNT CARMEL DAM RENOVATION PROJECT STATUS REPORT (SWC Project No. 1346)**

At the February 9, 1995, meeting, the Commission considered a request from the Cavalier County Water Resource District for additional cost sharing for the Mount Carmel Dam renovation project. The Commission approved additional cost sharing in 50 percent of the Mount Carmel Dam renovation project, for a total project cost of \$450,000, of which \$80,000 is estimated to be in-kind services and \$370,000 is to be obligated from the Contract Fund. This required the State Water Commission to increase its present commitment from the Contract Fund by \$120,000. The motion was contingent upon the availability of funds, and a re-analysis of the low-level drawdown.

Secretary Sprynczynatyk informed the Commission members that on March 16, 1995, bids were solicited for reconstruction of Mount Carmel Dam. The plans to modify the 25-year old earthen dam involve the following features: raising the embankment, widening the emergency spillway, and replacing the existing 66-inch service spillway pipe with a 30-foot wide reinforced concrete chute at a 2-foot higher control level. He said the above modifications will bring the old dam into compliance with current dam safety standards and provide additional water supply for the city of Langdon and Langdon rural water.

Bids were opened on April 12, 1995. Of the 12 planholders, only three firms submitted bids. A low bid in the amount of

\$678,006 was submitted by Swingen Construction Company of Grand Forks. Secretary Sprynczynatyk said the total cost of the project is expected to be slightly less than the \$900,000 estimate presented to the State Water Commission in February, 1995. The Cavalier County Water Resource Board is also supportive of proceeding with the project.

Secretary Sprynczynatyk stated that the current design includes a basic low-level drawdown system. An earlier, more elaborate low-level design, incorporated features requested by the State Game and Fish Department, which included controlling the water releases with a stop log structure. Secretary Sprynczynatyk said that when the Game and Fish Department declined to cost share in the installation of the drawdown system, the extra features were eliminated and a less costly system was adopted.

It is anticipated that the contract will be awarded to Swingen Construction Company in late April, 1995. Construction is expected to begin in late May and should be completed by November 1, 1995.

*There being no further business to come before the State Water Commission, it was moved by Commissioner Vogel, seconded by Commissioner Thompson, and unanimously carried, that the State Water Commission meeting adjourn at 4:00 PM.*

/S/ Edward T. Schafer  
Edward T. Schafer  
Governor-Chairman

SEAL

/S/ David A. Sprynczynatyk  
David A. Sprynczynatyk  
State Engineer and  
Chief Engineer-Secretary



