

MINUTES

North Dakota State Water Commission
Bismarck, North Dakota

December 9, 1992

The North Dakota State Water Commission held a meeting at the Radisson Inn, Bismarck, North Dakota, on December 9, 1992. Chairman, Lieutenant Governor Lloyd Omdahl, called the meeting to order at 8:30 AM, and requested State Engineer and Chief Engineer-Secretary, David Sprynczynatyk, to call the roll. The Chairman declared a quorum was present.

MEMBERS PRESENT:

Lieutenant Governor Lloyd Omdahl, Chairman
Sarah Vogel, Commissioner, Department of Agriculture, Bismarck
Joyce Byerly, Member from Watford City
Marjorie Farstveet, Member from Beach
Jacob Gust, Member from Fargo
Lorry Kramer, Member from Minot
Daniel Narlock, Member from Grand Forks
Norman Rudel, Member from Fessenden
David Sprynczynatyk, State Engineer and Chief Engineer-Secretary, North Dakota State Water Commission, Bismarck

OTHERS PRESENT:

State Water Commission Staff Members
Approximately 50 people in attendance interested in agenda items

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

APPROVAL OF AGENDA

declared the agenda approved and Secretary Sprynczynatyk.

There being no additional items for the agenda, the Chairman requested it be presented by

**CONSIDERATION OF MINUTES
OF NOVEMBER 19, 1992 MEETING -
APPROVED**

The minutes of the November 19, 1992 meeting were approved by the following motion:

It was moved by Commissioner Vogel, seconded by Commissioner Kramer, and unanimously carried, that the minutes of the November 19, 1992 meeting be approved as circulated.

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

Secretary Sprynczynatyk provided a status report on the Garrison Diversion Project. The Fiscal Year 1993 federal appropriation has been approved for \$30 million for the project, of which approximately \$17 million will be allocated for the MR&I Water Supply Program.

Secretary Sprynczynatyk indicated that language was included in the federal Fiscal Year 1993 appropriation requiring the Bureau of Reclamation to make a full feasibility study of the Sykeston Canal proposal and a full Environmental Impact study. He said this language was intended to provide for a study to include a review of all reasonable alternatives, including Mid Dakota and the options specified in the report on Canadian consultations, and is to be completed by March 31, 1994. He briefed the Commission members on meetings held in Washington, DC with representatives of the Bureau of Reclamation to further discuss the language. Unfortunately, the Bureau is taking the position that only alternative routes to Sykeston Canal will be studied, not all of the reasonable alternatives. The State is continuing to argue its' interpretation of the language.

Secretary Sprynczynatyk announced the retirement of Emerson Murry, Manager of the Garrison Diversion Conservancy District, effective January, 1993. He said it is the decision of the Search Committee to recommend the hiring of Warren Jamison to fill the position of Manager. Mr. Jamison was the Project Manager for the Garrison Diversion Project for the Bureau of Reclamation in Bismarck in the late 1970's. More recently he worked for the Western Area Power Association.

Secretary Sprynczynatyk briefed the Commission members on President-Elect Clinton's proposed Jobs Development bill. He said North Dakota has provided information to the Bureau of Reclamation on an expanded MR&I development plan, identifying approximately \$9.5 million additional funds for Fiscal Year 1993.

Secretary Sprynczynatyk reported that he and Emerson Murry will be attending the United States-Canadian Joint Technical Committee meeting in Winnipeg on December 15, 1992.

**GARRISON DIVERSION PROJECT -
SPECIAL STUDY UPDATE
(SWC Project No. 237-99)**

Secretary Sprynczynatyk reported on the activities of the Garrison Diversion Special Study, which is a state effort to evaluate all reasonable options for connecting the McClusky and

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New Rockford Canals, including the Sykeston Canal alternative, and to evaluate a selected alternative for delivering water to Devils Lake. The study effort by the State Water Commission, the State Game and Fish Department and the Garrison Diversion Conservancy District will be an objective comparison of a multitude of alternatives that will be given to the Bureau of Reclamation during its scoping process of the feasibility study of the Sykeston Canal proposal and Environmental Impact Statement. The study will also assist in making a presentation to the Legislature on the most practical and feasible alternative for completing the principal water supply works for the Garrison Diversion Project.

Secretary Sprynczynatyk stated the timetable for the study is publication of a draft report by mid-January, 1993, with the final draft report scheduled for March, 1993. He said the final report will have a detailed documentation on a preferred option for the connection of the McClusky Canal and New Rockford Canal.

**GARRISON DIVERSION PROJECT -
REPORT OF ACTIVITIES IN
WASHINGTON, DC, BY PETER CARLSON,
WASHINGTON LIAISON
(SWC Project No. 237)**

At the November 19, 1992 meeting, the Commission members suggested that Peter Carlson, who has been retained by the Garrison Diversion Conservancy District, provide a project

update on the lobbying efforts in Washington, DC at a future Commission meeting.

Peter Carlson provided handouts relative to the House and Senate Committee changes in the new Administration and explained the appointment process. The 1993 Congressional schedule was also distributed.

Mr. Carlson discussed President-Elect Clinton's proposed Jobs Development bill.

Relative to the Garrison Diversion Project authorization, Mr. Carlson made reference to the competing projects and issues that will be considered by Congress in the new Administration.

Mr. Carlson said several significant accomplishments were made on Garrison this past year, including language that was included in the Fiscal Year 1993 appropriation requiring the Bureau of Reclamation to make a full feasibility study of the Sykeston Canal proposal and a full Environmental Impact Statement; and the appropriation of \$300,000 to the Corps of Engineers along with directive language to initiate the feasibility study for the stabilization of Devils Lake,

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including an inlet to the lake and an outlet from the lake. Mr. Carlson said that from his perspective, the Garrison Project is moving forward, even though progress is slow.

Mr. Carlson said the future of the Garrison Project is dependent on the State, with emphasis that education is the key. He stressed the importance of talking to one another - in-state and out-of-state - and the need to educate the new Congress. As part of the education process, he made the suggestion that a state water development display be placed in the local airports.

In conclusion, Mr. Carlson said "if we are going to succeed with the Garrison Project, we are going to have to believe. That belief must be based on sound, factual information. There is a need to rid ourselves of past experiences we have had with Garrison and proceed with elusions that are economically, environmentally and socially sound for the good of the people of North Dakota. The State of North Dakota has been hoping for nearly 50 years that the federal government would honor its promise. We need to ask ourselves the question - how long do we want to wait? If we truly believe that completing the principal supply works on Garrison is the right thing to do to get Missouri River water into eastern North Dakota, maybe it is the time to seriously look at what needs to be done for the state to take over the project and complete that portion."

Mr. Carlson responded to questions from the Commission members and the audience. Chairman Omdahl extended thanks to Mr. Carlson for his presentation and comments. He said, "North Dakota needs a more aggressive educational program to communicate at the state and federal levels the technical and engineering information that is being developed. It is very important that the State invest more money and time toward our educational efforts for this project to move forward."

**GARRISON DIVERSION PROJECT -
CONSIDERATION AND APPROVAL
OF REQUEST FOR FUNDING FOR
GARRISON COALITION
(SWC Project No. 237)**

Michael Dwyer, Executive Vice President of the North Dakota Water Users Association, presented a request for the Commission's consideration for funding for the Garrison Coalition.

Mr. Dwyer stated that the North Dakota Water Users Board, at its meeting on December 9, 1992, made a request that the Garrison Coalition become an more active organization. Goals and objectives of the Coalition are:

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- 1) To develop and maintain statewide organization support for the Garrison Diversion Project;
- 2) To facilitate statewide organization support for the Garrison Diversion Project before the North Dakota Legislature and the United States Congress;
- 3) To provide a forum for the exchange of information, discussion and ideas amongst statewide entities concerning the Garrison Diversion Project; and
- 4) To assist the public information staff of the Garrison Diversion Conservancy District in providing information and education on Garrison Diversion to the general public of North Dakota.

Mr. Dwyer said a two-year effort is estimated to cost \$50,000 and discussed a proposed budget. He requested the Commission to authorize \$10,000 per year for the Garrison Coalition effort.

In discussion of the request, Commission Vogel suggested delaying action on the request until the Executive budget for the agency has been reviewed. She stated the Commission did not have an opportunity to review the request prior to the meeting and requested a memo be prepared with the specific information.

Vern Fahy, Co-Chairman of the Garrison Coalition, commented on the goals and objectives of the Garrison Coalition. He said he feels the goals and objectives have been too widespread. "We must focus our objectives on the statewide water distribution system to get Missouri River water into eastern North Dakota, and we must focus our efforts to communicate to the people of North Dakota. I urge you to look at what you, as the State Water Commission, can do to encourage a focused effort in getting a statewide distribution system."

Secretary Sprynczynatyk stated he supports the proposal and reiterated Vern Fahy's comments on focused efforts for a statewide water distribution system.

It was moved by Commissioner Gust and seconded by Commissioner Rudel that the State Water Commission support the Garrison Coalition proposal, and approve a total expenditure of \$10,000 from the Contract Fund.

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Commissioners Byerly, Farstveet, Gust, Kramer, Narlock, Rudel, and Chairman Omdahl voted aye. Commissioner Vogel voted nay. The recorded vote was 7 ayes; 1 nay. The Chairman declared the motion carried.

**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 status report on the MR&I Program:

Missouri West Rural Water has reduced the project's scope of Phase I. This reduction together with a low construction bid for Phase I, will allow a reduction in the approved funding for the project. Required from federal Fiscal Year 1993 funding is a 65 percent grant of \$2,497,235 and a 35 percent State Water Commission loan of \$1,400,565. The total funding package for the project will provide a 65 percent MR&I grant of \$4,772,235 and a 35 percent State Water Commission loan of \$2,625,565.

The Ramsey County Rural Water Project previously requested an increase in funding to provide service to additional users. The project has two contractors affected by this increase requiring a change order to the contract price. The State Water Commission approved a change order increasing the costs for one of the contractors at its meeting on July 2, 1992, but the other contractor requires a contact change order of \$400,000. This change order will increase the main transmission pipeline size, the number of road crossings, gates and valves. In addition, \$129,596 is required from the State Water Commission to cover the design loan. The increase in funding requires a 65 percent MR&I grant of \$2,340,000 and a 35 percent State Water Commission loan of \$1,389,596 from the federal Fiscal Year 1993 budget. The total funding package for the Ramsey County Rural Water Project will provide a 65 percent MR&I grant of \$6,641,360 and a 35 percent State Water Commission loan of \$3,489,596, to allow Ramsey County to complete Phases I and II.

**GARRISON DIVERSION PROJECT -
MR&I WATER SUPPLY PROGRAM
FISCAL YEAR 1993 FUNDING
(SWC Project No. 237-3)**

At the July 2, 1992 meeting, the State Water Commission approved the Fiscal Year 1993 MR&I Water Supply Program budget, contingent upon approval of a Fiscal Year 1993 federal appropriation for the Garrison Diversion Unit Project and subject to future revisions.

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Jeffrey Mattern, MR&I Water Supply Program Coordinator, stated \$17,178,872 will be available for the MR&I grant program for Fiscal Year 1993. He explained the federal underfinancing reductions and the changes which have resulted in the Ramsey County Rural Water Project and the Missouri West Rural Water Project. The administration costs for the MR&I Program in Fiscal Year 1993 will require a 75 percent grant of \$176,476. The remaining balance of \$1.8 million of Fiscal Year 1993 funds will provide the Southwest Pipeline Project the ability to service all fluoride communities by the end of 1994. This additional funding would require the Fiscal Year 1993 allocation for the Southwest Pipeline Project to be \$9,850,000.

Secretary Sprynczynatyk presented for the Commission's consideration the following proposed budget for the MR&I Water Supply Program for Fiscal Year 1993. He stated the proposed budget was approved by the Garrison Diversion Conservancy District at its meeting on December 4, 1992:

	<u>MR&I GRANT</u>	<u>SWC LOAN</u>
Southwest Pipeline Project	\$ 9,850,000	0
Ramsey County Rural Water	2,340,000	\$1,389,596
Missouri West Rural Water	2,497,235	1,400,565
Garrison Rural Water	1,300,000	700,000
Reimbursement	990,161	0
Feasibility Study	25,000	0
State Administration	176,476	0
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Total	\$17,178,872	\$3,490,161

It was moved by Commissioner Byerly and seconded by Commissioner Rudel that the State Water Commission approve the Fiscal Year 1993 MR&I Water Supply Program budget of \$17,178,872 as recommended by the State Engineer.

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

WETLANDS COORDINATION REPORT
(SWC Project No. 1810)

Charon Johnson, No-Net Loss of Wetlands Coordinator, reported on his activities as coordinator to work with farmers to properly implement the program

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to provide the intended benefits to the farmers. He discussed project progress and reviewed some of the projects. Because there are so many regulations, he said, one of his principle objectives is to work the farmers through the maize and ultimately make this process work. Mr. Johnson said since the state passed the no-net loss legislation, the federal government keeps changing its rules, making it extremely difficult to accomplish anything.

Mr. Johnson indicated a draft of the final report should be available for review this spring. He concluded his presentation stating that in order to make no-net loss work, we need to get some changes in the federal regulations.

**AGENCY FINANCIAL STATEMENT -
1993-1995 PROPOSED
BIENNIUM BUDGET**

Chuck Rydell, Assistant State Engineer, distributed copies of the Executive Budget recommendations for the State Water

Commission for the 1993-1995 biennium. Mr. Rydell stated although he has not had an opportunity to review the recommendations, which were released on December 8, 1992, it appears one of the most significant changes is a proposal to consolidate the Soil Conservation Committee with the State Water Commission.

**RESOURCES TRUST FUND FOR
1991-1993 BIENNIUM**

Dale Frink, Director, State Water Commission Water Development Division, presented and

discussed the Contract Fund expenditures for the 1991-1993 biennium. At the September 15, 1992 meeting, the Commission approved the latest allocation of funds from the Resources Trust Fund. Mr. Frink said it appears that the general allocations will not have to be changed.

**REQUEST TO LEGISLATURE FOR
FUNDING FROM RESOURCES TRUST
FUND FOR 1993-1995 BIENNIUM**

Section 57-51.1-07.1(2) of the North Dakota Century Code requires that "every legislative bill appropriating moneys from

the Resources Trust Fund pursuant to subsection one must be accompanied by a State Water Commission report."

Secretary Sprynczynatyk presented for the Commission's consideration the following State Engineer's request for funding from the Resources Trust Fund for the 1993-1995 biennium. He said the allocation is based on income to the Resources Trust Fund of \$11.8 million during the 1993-1995 biennium. The total includes \$5 million of presently obligated carryover funds, and \$6.8 million of projected new revenue to the Resources Trust Fund:

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Contract Fund:	
General Projects	\$ 1,500,000
Hydrologic Investigations	660,000
Southwest Pipeline Project	2,985,000
SWC Operations	1,683,000
Contract Fund Carryover Projects:	
MR&I	3,500,000
Southwest Pipeline Project	500,000
General Projects	500,000
Devils Lake	500,000
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Total	\$11,828,000

It was moved by Commissioner Rudel and seconded by Commissioner Kramer that the State Water Commission adopt the recommendation of the State Engineer for funding from the Resources Trust Fund for the 1993-1995 biennium. Resources Trust Fund Report attached hereto as APPENDIX "A".

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

**CONSIDERATION AND APPROVAL
OF REQUEST FROM BARNES COUNTY
WATER RESOURCE DISTRICT FOR
COST SHARING FOR SHEYENNE RIVER
SNAGGING AND CLEARING, PHASE IV
(SWC Project No. 1816)**

Range 58 West, and Section 31, Township 137 North, Range 57 West.

A request was presented from Barnes County Water Resource District for the Commission's consideration to cost share for snagging and clearing on the Sheyenne River in Sections 24 and 36, Township 137 North, Range 57 West.

Cary Backstrand, State Water Commission Water Development Division, presented the request. The project consists of removing dead trees, stumps, and standing trees in danger of falling down into the channel in approximately 3.8 miles of the river. Section 24 has already been contracted, with Sections 31 and 36 still out on bid. The cost estimate is approximately \$32,000.

Calvin Lettenmaier, Barnes County Water Resource District, commented on the snagging and clearing project, and requested the Commission's favorable consideration of the request.

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It was the recommendation of the State Engineer that the State Water Commission approve 25 percent of the eligible costs, not to exceed \$8,000, for Phase IV of the Barnes County Sheyenne River snagging and clearing project. Approximately \$5,000 will be direct State Water Commission engineering costs and the remaining \$3,000 will be from the Contract Fund.

It was moved by Commissioner Narlock and seconded by Commissioner Gust that the State Water Commission approve cost sharing of 25 percent of the eligible costs, not to exceed \$8,000, for Phase IV of the Barnes County Sheyenne River snagging and clearing project. Approximately \$5,000 will be direct State Water Commission engineering costs and the remaining \$3,000 will be from the Contract Fund. This motion is contingent upon the availability of funds.

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

**CONSIDERATION AND APPROVAL
OF REQUEST FROM RANSOM COUNTY
WATER RESOURCE DISTRICT FOR
COST SHARING IN SHEYENNE RIVER
SNAGGING AND CLEARING, PHASE IV
(SWC Project No. 1815)**

11, 12, 13 and 14, Township 134 North, Range 56) and Reach 2-93 (Sections 25 and 36, Township 136 North, Range 58 West, and Section 30, Township 136 North, Range 57).

A request was presented from the Ransom County Water Resource District for the Commission's consideration to cost share in Phase IV for snagging and clearing on the Sheyenne River in Reach 1-93 (Sections

Cary Backstrand presented the request and said the project consists of removing dead trees, branches, snags and standing trees in danger of falling down into the channel. The cost estimate is approximately \$19,344. Mr. Backstrand said all of the costs are eligible for 25 percent cost sharing, which would amount to \$4,836.

It was the recommendation of the State Engineer that the State Water Commission approve cost sharing in 25 percent of the eligible costs, not to exceed \$4,836 from the Contract Fund, for Phase IV of the Ransom County Sheyenne River snagging and clearing project.

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It was moved by Commissioner Narlock and seconded by Commissioner Gust that the State Water Commission approve cost sharing in 25 percent of the eligible costs, not to exceed \$4,836 from the Contract Fund, for Phase IV of the Ransom County Sheyenne River snagging and clearing project. This motion is contingent upon the availability of funds.

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

**CONSIDERATION AND APPROVAL
OF REQUEST FROM RICHLAND
COUNTY WATER RESOURCE DISTRICT
FOR COST SHARING IN WILD RICE
RIVER SNAGGING AND CLEARING
PROJECT, PHASE IV
(SWC Project No. 1842)**

A request was presented from the Richland County Water Resource District for the Commission's consideration to cost share in Phase IV of the snagging and clearing project along the Wild Rice River.

Cary Backstrand presented the request and said the project involves snagging and clearing approximately 1.5 river miles between Sections 12 and 13, Township 131 North, Range 51 West. The cost estimate indicates construction costs of \$4,500 and engineering costs of \$1,000, for a total project cost of \$5,500. Mr. Backstrand said all costs are eligible for 25 percent cost sharing, which would amount to \$1,375. Engineering and inspection will be done by the State Water Commission staff, so those costs would be considered part of the State Water Commission's share. The amount required from the Contract Fund would be \$725.

William Krause, Chairman of the Richland County Water Resource Board, elaborated on the project and requested the Commission's favorable consideration of the cost sharing request.

It was the recommendation of the State Engineer that the State Water Commission approve cost sharing of 25 percent of the eligible costs, not to exceed \$1,375, of which approximately \$725 would come from the Contract Fund and \$650 for State Water Commission in-kind engineering and inspection services, for Phase IV of the Wild Rice River snagging and clearing project in Richland County.

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It was moved by Commissioner Narlock and seconded by Commissioner Gust that the State Water Commission approve cost sharing of 25 percent of eligible costs, not to exceed \$1,375, of which approximately \$725 would come from the Contract Fund and \$650 for State Water Commission in-kind engineering and inspection services, for Phase IV of the Wild Rice River snagging and clearing project in Richland County. This motion is contingent upon the availability of funds.

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

**CONSIDERATION AND APPROVAL
OF REQUEST FROM SOUTHEAST
CASS WATER RESOURCE DISTRICT
FOR COST SHARING IN WILD RICE
RIVER SNAGGING AND CLEARING
PROJECT, PHASE IV
(SWC Project No. 1842-1)**

A request was presented for the Commission's consideration from Southeast Cass Water Resource District for cost sharing for the snagging and clearing on the Wild Rice River in Sections 2, 10 and 11, Township 147 North, Range 49 West.

Cary Backstrand presented the request and indicated the project consists of approximately 3.2 river miles removing dead trees, stumps, and standing trees in danger of falling down into the channel. The cost estimate is approximately \$17,000. All of these costs are eligible for 25 percent cost sharing, which would amount to \$4,250. Approximately \$1,650 will be direct State Water Commission engineering costs and the remaining \$2,600 will be from the Contract Fund.

Fred Selberg, Chairman of the Southeast Cass Water Resource Board, commented on the project and requested the Commission's favorable consideration of the cost sharing request.

It was the recommendation of the State Engineer that the State Water Commission approve cost sharing of 25 percent of the eligible costs, not to exceed \$4,250, for Phase IV of the Wild Rice River snagging and clearing project in Cass County.

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It was moved by Commissioner Narlock and seconded by Commissioner Gust that the State Water Commission approve cost sharing of 25 percent of the eligible costs, not to exceed \$4,250, of which approximately \$1,650 will be direct State Water Commission in-kind engineering costs and \$2,600 will be from the Contract Fund, for Phase IV of the Wild Rice River snagging and clearing project in Cass County. This motion is contingent upon the availability of funds.

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

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

Tim Fay, Manager of the Southwest Pipeline Project, provided a status report on the following construction contracts:

Contract 2-7A: This contract involves the secondary transmission line from Dickinson pump station to Davis Buttes. This contract is essentially complete.

Contract 7-1A: Roschau rural water distribution system. The pre-final inspection was held and the system is ready for use.

Contracts 2-3E and 2-3F: These main transmission line contracts are active and the contractor is attempting to cross Antelope Creek and the Cannonball River prior to the close of operations for the winter.

Contract 3-1B: Zap reservoir No. 2. This contract is not active at the present time. The steel shell is complete and the remaining work involves final testing, painting and site work.

Contracts 5-3 and 5-13: These contracts are for the construction of the New England Reservoir and the Davis Buttes Reservoir and were awarded to Advance Tank & Construction on November 30, 1992.

**SOUTHWEST PIPELINE PROJECT -
RURAL WATER DESIGN CRITERIA
(SWC Project No. 1736)**

Tim Fay reported that Bartlett & West/Boyle Engineering have compiled a draft set of design criteria for rural water

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systems. Mr. Fay briefed the Commission members on a review meeting held November 30, 1992 including representation from the Southwest Water Authority, the Bureau of Reclamation, Bartlett & West/Boyle Engineering and the State Water Commission.

**SOUTHWEST PIPELINE PROJECT -
PILOT PROJECT WITH SOIL
CONSERVATION SERVICE TO
CONSTRUCT LIVESTOCK WATERING
SYSTEMS WITHIN PROJECT AREA
(SWC Project No. 1736)**

Tim Fay reported the Soil Conservation Service has received approval to develop a work plan for the pilot watershed stock-watering project. Mr. Fay said the next step is to arrange for a joint meeting with the Bureau

of Reclamation and the Soil Conservation Service to identify and resolve administrative and funding problems.

**SOUTHWEST PIPELINE PROJECT -
CONSIDERATION AND AWARD OF
CONTRACT 4-3, DICKINSON TRIPLE
PUMP STATION
(SWC Project No. 1736)**

On November 18, 1992, bids were opened on Southwest Pipeline Project Contract 4-3, the Dickinson Triple Pump Station. As required by state law, bidders were allowed to submit

bids for the general work, electrical work, and mechanical work. In addition, the bid contained the option of a standby electrical generator and a waste holding tank, and the pumps serving the west zone.

Tim Fay said there were 15 bids received. The apparent low bid was a combination of general, electrical and mechanical contractors as follows:

General:	Capital City Construction (Bismarck)	\$1,281,000
Mechanical:	Central Mechanical (Mandan)	237,000
Electrical:	Berger Electric (Dickinson)	239,402
Total		<u>\$1,757,402</u>
Engineer's Estimate		\$1,983,681

Mr. Fay stated all of the listed contractors are reputable firms, although none have done work for the Southwest Pipeline Project.

It was the recommendation of the State Engineer that the State Water Commission approve the award of Southwest Pipeline Contract 4-3 with all options as follows:

General (Part I and II)	Capital City Construction
Mechanical (Part III and IV)	Central Mechanical
Electrical (Part V & VI)	Berger Electric

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It was moved by Commissioner Gust and seconded by Commissioner Farstveet that the State Water Commission approve the award of Southwest Pipeline Project Contract 4-3 with all options, for the Dickinson Triple Pump Station, as follows:

General (Part & II)	Capital City Mechanical
Mechanical (Part III & IV)	Central Mechanical
Electrical (Part V & VI)	Berger Electric

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

**SOUTHWEST PIPELINE PROJECT -
CONSIDERATION AND APPROVAL OF
AWARD OF CONTRACT 2-7B, PIPELINE
TO RICHARDTON, TO LARRY'S, INC.,
GILLETTE, WYOMING
(SWC Project No. 1736)**

On December 3, 1992, bids were opened on Southwest Pipeline Project Contract 2-7B. This is a transmission line extending from the Davis Buttes reservoir to Richardton.

Tim Fay said six bids were received. The apparent low bid was from Larry's, Inc. of Gillette, Wyoming, at a price of \$1,592,698. The engineer's estimate for this contract was \$1,799,127.

Mr. Fay said Larry's, Inc. is currently installing Contracts 2-3E and 2-3F. The contractor's past experience on these contracts has been satisfactory.

It was the recommendation of the State Engineer that the State Water Commission approve the award of Contract 2-7B for the transmission line extending from the Davis Buttes reservoir to Richardton to Larry's, Inc. of Gillette, Wyoming.

It was moved by Commissioner Rudel and seconded by Commissioner Vogel that the State Water Commission approve the award of Southwest Pipeline Project Contract 2-7B, for the transmission line extending from the Davis Buttes reservoir to Richardton, to Larry's, Inc. of Gillette, Wyoming.

Commissioners Byerly, Farstveet, Gust, 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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**SOUTHWEST PIPELINE PROJECT -
CONSIDERATION AND APPROVAL OF
REQUEST FROM SOUTHWEST WATER
AUTHORITY FOR ADDITIONAL SWC
ASSISTANCE FOR OBTAINING RURAL
RIGHT-OF-WAY**

(SWC Project No. 1736)

A proposal from the Southwest Water Authority requesting additional State Water Commission assistance for obtaining rural water right-of-way for the Southwest Pipeline Project was considered.

In discussing the right-of-way acquisition proposal, Tim Fay said the Authority has requested the State Water Commission approach right-of-way acquisition for the remainder of the Southwest Pipeline Project in the same manner as the right-of-way acquisition for the project to date in terms of responsibility and staff. He said the proposal is consistent with other MR&I projects in that right-of-way acquisition is generally considered a project cost eligible for federal cost sharing.

Mr. Fay said the Southwest Water Authority would continue to serve in an advisory capacity for the construction of the Southwest Pipeline Project, including the right-of-way acquisition, and would continue to be primarily responsible for the rural water sign-up campaign and the development and implementation of membership services, tasks and responsibilities.

The Commission extended its compliments to Frank Johnson of the State Water Commission staff for his right-of-way acquisition efforts on the Southwest Pipeline Project.

It was moved by Commissioner Byerly and seconded by Commissioner Farstveet that the State Water Commission assist the Southwest Water Authority in obtaining right-of-way easements for the Southwest Pipeline Project rural water distribution system.

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

**BALDHILL DAM SAFETY
MODIFICATIONS
(SWC Project No. 300)**

Water Commission staff and representatives of the cities of Valley

Secretary Sprynczynatyk briefed the Commission members on the meeting held December 2, 1992 in Valley City with the State

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City, Lisbon, West Fargo, Fargo and Grand Forks to discuss the dam safety modifications to Baldhill Dam with the original contributors and to present proposals for cost sharing on the non-federal cost share requirements. Commissioner Gust was also in attendance at the meeting.

Secretary Sprynczynatyk stated the overall response from the cities was favorable and, hopefully, by February, 1993, an agreement can be reached for cost sharing on the non-federal cost share requirements.

Secretary Sprynczynatyk indicated a meeting is being scheduled with the Corps of Engineers in January, 1993 to begin the negotiation process on the agreement between the state and the federal governments.

**NORTHWEST AREA WATER
SUPPLY PROJECT UPDATE
(SWC Project No. 237-4)**

Charles Rydell reported on the activities of the committee for the selection of an engineer to complete the pre-final design for the Northwest Area Water Supply Project.

Mr. Rydell reviewed the selection process criteria, which is in accordance with the provisions of the North Dakota Century Code Chapter 54-44.7. Six engineering firms submitted responses to the proposal.

The selection committee reviewed all of the six submittals on December 8, 1992 and based on the rating system established by the North Dakota Century Code, selected the following firms for a personal interview on December 17, 1992 in Minot:

- 1) Burns & McDonnell of Kansas City, Missouri, with Webster Foster & Weston of North Dakota
- 2) Ulteig Engineers of North Dakota with Black & Veatch Consulting Engineers of Kansas City, Missouri
- 3) Houston Engineering of North Dakota in association with American Engineering of North Dakota and James M. Montgomery Consulting Engineers of Boise, Idaho
- 4) Ameritech Engineering Corporation and Advanced Engineering & Environmental Services, Inc., of North Dakota with Malcolm Pirnie of St. Paul, Minnesota

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

The 1992 State Water Management Plan was distributed to the State Water Commission members.

LeRoy Klapprodt, State Water Commission Planning and Education Division, said the 70-page document is a water management guide for state legislators, water managers and private citizens. The Plan was written to help people better understand the nuts and bolts of water management in North Dakota as well as offer insights into issues and future developments.

Mr. Klapprodt said the 1992 Plan offers a comprehensive list of over 200 water management proposals recommended by citizens during the extensive public involvement process. Locations, brief descriptions, estimated costs, participating agencies and recommended times for implementation are listed for each proposal. Water management-related topics such as education, finance, economics and special issues are also addressed in the 1992 Plan.

**NORTH DAKOTA COMPREHENSIVE
WETLAND CONSERVATION PLAN UPDATE
(SWC Project No. 1489-5)**

LeRoy Klapprodt, assigned to administer an Environmental Protection Agency grant which financially supports develop-

ment of a North Dakota Comprehensive Wetland Conservation Plan, provided information concerning the development of the Plan and reviewed the schedule of activities and revised timetable for development, which is attached hereto as APPENDIX "B".

In discussion of the Plan objectives, Mr. Klapprodt explained the grant provides a total of approximately \$95,800 for development of a computer-based geographic information system (GIS) within the State Water Commission. He said this is considered a demonstration project to evaluate the usefulness of such a system and includes the acquisition of equipment, software, manpower and training.

Commissioner Vogel reiterated the concerns she expressed at the November 19, 1992 Commission meeting relating to the compatibility of GIS technology and information within agencies. She said "GIS technology compatibility is extremely important statewide so that all interested parties can have access to the information." Secretary Sprynczynatyk addressed the concerns and indicated he and staff members are working with the appropriate agencies to further address the issue.

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

Secretary Sprynczynatyk provided a status report on the Devils Lake Stabilization Project. This past year, an appropriation for \$300,000 was made to the Corps of Engineers along with directive language to initiate the feasibility study for the stabilization of Devils Lake, including an inlet to the lake and an outlet from it. The language was a mandate to the Corps but, he said, it appears the Corps is stalling and may not do anything. Also it appears that if forced to do something the Corps may only consider flood control. Secretary Sprynczynatyk stressed the importance of the necessity for both an inlet and an outlet to manage and protect Devils Lake, which represents more than a \$30 million-a-year industry to North Dakota. He said the environmental impacts would be tremendous if the lake were allowed to die by letting it recede any further.

Secretary Sprynczynatyk indicated Governor Sinner recently had the opportunity to discuss the issues relating to the Devils Lake Stabilization Project with Nancy Dorn, Assistant Secretary of the Army for Civil Works. Ms. Dorn assured the Governor she would do whatever she could to move forward with the feasibility study.

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

Secretary Sprynczynatyk reported that to his knowledge there has been no change in the status of the Souris River Flood Control Project since the September 15, 1992 Commission meeting. Essentially, the project is on hold until next spring.

PROPOSED LEGISLATION

Secretary Sprynczynatyk reviewed the following proposed legislation to be introduced by the State Water Commission to the 53rd Legislative Assembly:

A bill for an Act to amend and reenact section 48-02-03 of the North Dakota Century Code, relating to the maximum cost of alterations or improvements to public buildings which may be done without competitive bidding by the water commission.

A bill for an Act to regulate the disposal of dredged and fill material in certain waters of the state of North Dakota; to provide a penalty; and to provide an effective date.

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A bill for an Act to amend and reenact section 61-02-12 of the North Dakota Century Code, relating to compensation and expenses of the water commission members.

A bill for an Act to create and enact a new section to chapter 61-16 of the North Dakota Century Code, relating to consolidation of water resource districts.

A bill for an Act to amend and reenact sections 61-24.3-14 and 61-24.3-15 of the North Dakota Century Code, relating to the revenues for operation and maintenance of the southwest water pipeline project.

A bill for an Act to amend and reenact sections 61-24.3-16 and 61-24.3-17 of the North Dakota Century Code, relating to the reserve fund for replacement and extraordinary maintenance of the southwest pipeline project reserve fund.

Secretary Sprynczynatyk also reviewed the proposed legislation that will be introduced by the State Engineer that relates to regulatory functions.

It was moved by Commissioner Byerly, seconded by Commissioner Kramer, and unanimously carried, that the State Water Commission support the recommendations of the State Engineer relating to the proposed legislation to be introduced at the request of the State Water Commission.

**CONSIDERATION AND APPROVAL
OF RESOLUTION OF APPRECIATION
TO GOVERNOR GEORGE A. SINNER
(SWC Resolution No. 92-12-450)**

The Commission members considered a draft resolution of appreciation to Governor George A. Sinner.

It was moved by Commissioner Byerly, seconded by Commissioner Gust, and unanimously carried, that the State Water Commission approve Resolution No. 92-12-450, In Appreciation to Governor George A. Sinner. SEE APPENDIX "C"

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**CONSIDERATION AND APPROVAL
OF RESOLUTION OF APPRECIATION TO
LIEUTENANT GOVERNOR LLOYD OMDAHL
(SWC Resolution No. 92-12-451)**

The Commission members considered a draft resolution of appreciation to Lieutenant Governor Lloyd Omdahl.

It was moved by Commissioner Gust, seconded by Commissioner Byerly, and unanimously carried, that the State Water Commission approve Resolution No. 92-12-451, In Appreciation to Lieutenant Governor Lloyd Omdahl.
(SEE APPENDIX "D")

Chairman Omdahl graciously accepted the resolution and a gift of appreciation from the Commission members. He said, "I have really appreciated working with you folks on the State Water Commission and it is a subject that is dear to my heart. I looked forward to each meeting and I really appreciate the hard work you have put in."


**CONSIDERATION AND APPROVAL
OF RESOLUTION OF APPRECIATION
TO JEROME SPAETH
(SWC Resolution No. 92-12-452)**

The Commission members considered a draft resolution of appreciation to Jerome Spaeth.

It was moved by Commissioner Rudel, seconded by Commissioner Byerly, and unanimously carried, that the State Water Commission approve Resolution No. 92-12-452, In Appreciation to Jerome Spaeth.
(SEE APPENDIX "E")

There being no further business to come before the State Water Commission, it was moved by Commissioner Gust, seconded by Commissioner Rudel, and unanimously carried, that the State Water Commission meeting adjourn at 11:45 AM.

SEAL



Lloyd B. Omdahl
Lieutenant Governor-Chairman



David A. Sprynoznytyk
State Engineer and
Chief Engineer-Secretary

December 9, 1992