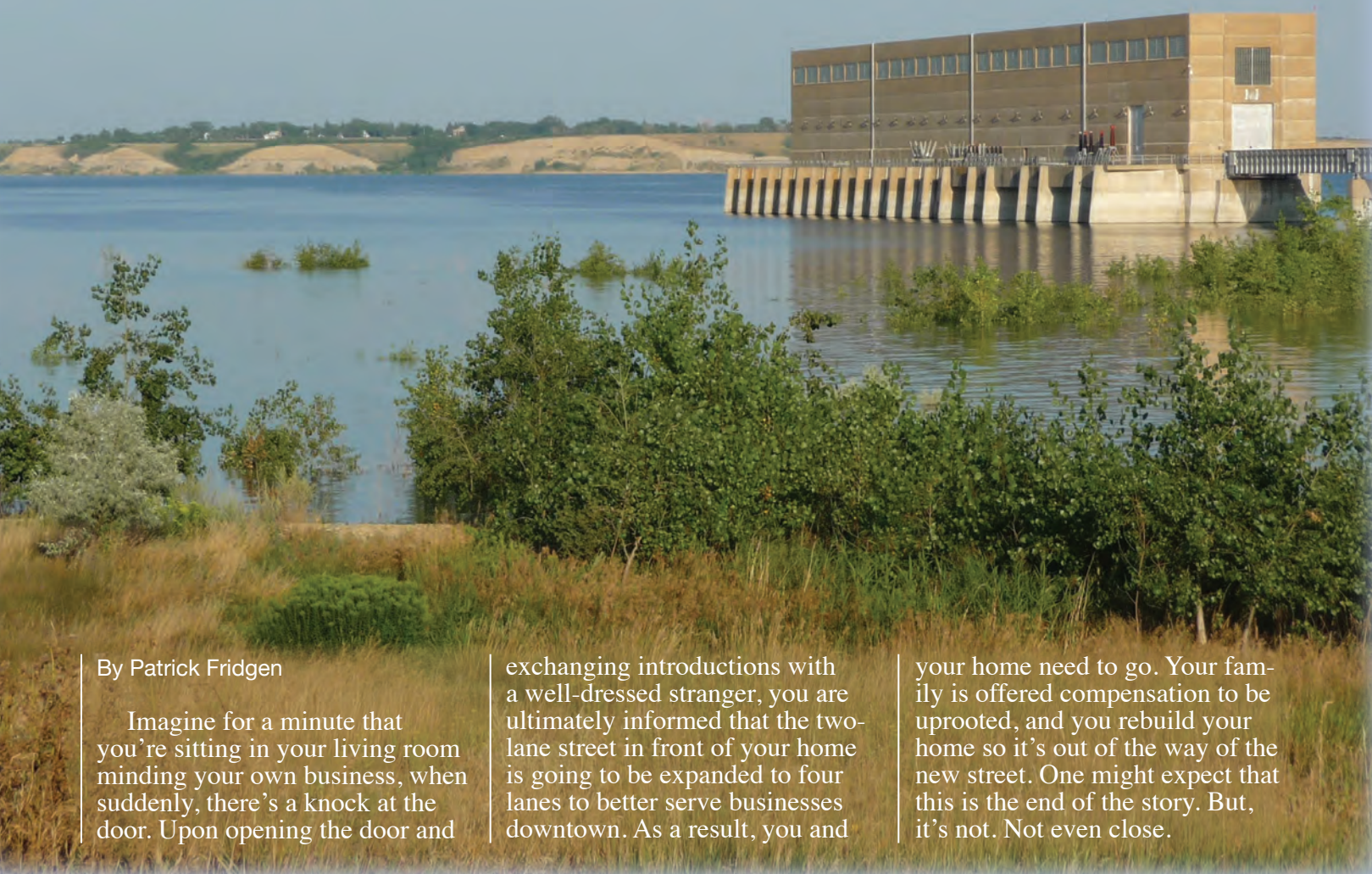


# Missouri River Storage Fees: Unjust and Unacceptable



By Patrick Fridgen

Imagine for a minute that you're sitting in your living room minding your own business, when suddenly, there's a knock at the door. Upon opening the door and

exchanging introductions with a well-dressed stranger, you are ultimately informed that the two-lane street in front of your home is going to be expanded to four lanes to better serve businesses downtown. As a result, you and

your home need to go. Your family is offered compensation to be uprooted, and you rebuild your home so it's out of the way of the new street. One might expect that this is the end of the story. But, it's not. Not even close.

Fast-forward several years, and there's another knock at the door. It's the same person that came to your home years before. Only this time, you're informed that you will need to give all of your original



compensation money back, and a bit more if you would like to continue using the street in front of your home. You try to make the case that you were getting along just fine before they widened the street, but the gentleman persists that you're going to have to pay up. And by the way, the downtown businesses that have since thrived because of the street expansion, won't be paying a dime.

As unbelievable and unfair as this story sounds, it's a story that is essentially unfolding around North Dakota's Lakes Sakakawea and Oahe today.

When Congress passed the 1944 Flood Control Act, it authorized construction of the Missouri River mainstem reservoirs in North Dakota and South Dakota. (Fort Peck in Montana had already been completed). As the name of the act implies, one of the primary purposes of building the dams was to provide flood control – particularly for heavily populated areas downstream, in lower Missouri River basin states. Other authorized uses of the system also included water supply, water quality, irrigation,

recreation, hydropower, fish and wildlife, and of course, navigation.

As a result, North Dakota ended up losing about 550,000 acres of Missouri River bottomland to Lakes Sakakawea and Oahe to support the authorized uses. Within those originally flooded acres were towns, farms, businesses, livelihoods, and people that would be changed forever. For all of them, there ultimately came that knock at the door – telling them of the imminent change to come.

But in an effort to make the deal sound a bit better, there were promises of water supply developments for municipal, rural, and industrial uses, and millions of acres of irrigation development, with inexpensive federal power to support it. There was also the 1944 O'Mahoney-Milliken Amendment where the U.S. Congress attempted to make restitution to upper-basin states for their sacrifices – assuring them that navigation would not have priority over their consumptive uses. And of course, those towns, businesses, and families that were in the way of the reservoirs were offered some compensation for their relocation.

Sound familiar?

Now let's fast-forward this story several years to the present.

North Dakota's oil industry is expanding at an incredible rate, with water being one of the limiting factors to growth, particularly in areas that are dependent on groundwater sources. With the Missouri River and Lake Sakakawea, and their more-than-abundant water supplies running directly through the middle of oil country in the northwest portion of the state, one would think – problem solved. Unfortunately, this situation has become a bit more complicated.

During the spring of 2010, in the

midst of several oil companies and the South Central Regional Water District coming to the Corps of Engineers for permits to access water out of Lakes Sakakawea and Oahe, the Corps began stalling those permits. After decades of allowing that water to be used for municipal, rural, industrial, and irrigation uses, the Corps has now announced its intentions to begin charging water storage fees. More simply put, most new (and potentially existing) water users who want to draw water out of Lakes Sakakawea and Oahe, are going to have to pay an estimated \$20.91 per acre-foot.

So let's recap. Towns, farms, businesses, livelihoods, and people were once asked to move out of the way so a reservoir could be filled. Now, years later, when those same folks around the reservoirs want to use some of that water, they're going to be charged for it.

Sound familiar?

Before Garrison Dam was built and Lake Sakakawea was filled, the natural annual flow of the Missouri River through the state fluctuated from year to year, but averaged 17.6 million acre-feet. The natural flow belongs to the state and the people of North Dakota to use as they see fit for any beneficial purposes, and it's more than enough to serve our needs. With that in mind, the state, and many Missouri River stakeholders have been adamantly making that case to the Corps – saying we had enough water to serve our needs before you built your dams and began storing water, largely for the benefit of people and industries downstream. Nevertheless, the Corps is still insisting that North Dakota's water users repay them for building the dams through an assessed water storage/use fee.

Oh, and by the way, the people and industries in downstream states that have thrived from the building of



those dams, and are still benefiting from them today, aren't being asked to contribute a dime.

Bet that sounds familiar too.

Fortunately, this story doesn't need to end here.

If you would like to know more about the U.S. Army Corps of Engineers' new policy to start charging water storage fees, additional information is available in the "Lake Sakakawea Draft Surplus Water Report, Environmental Assessment"

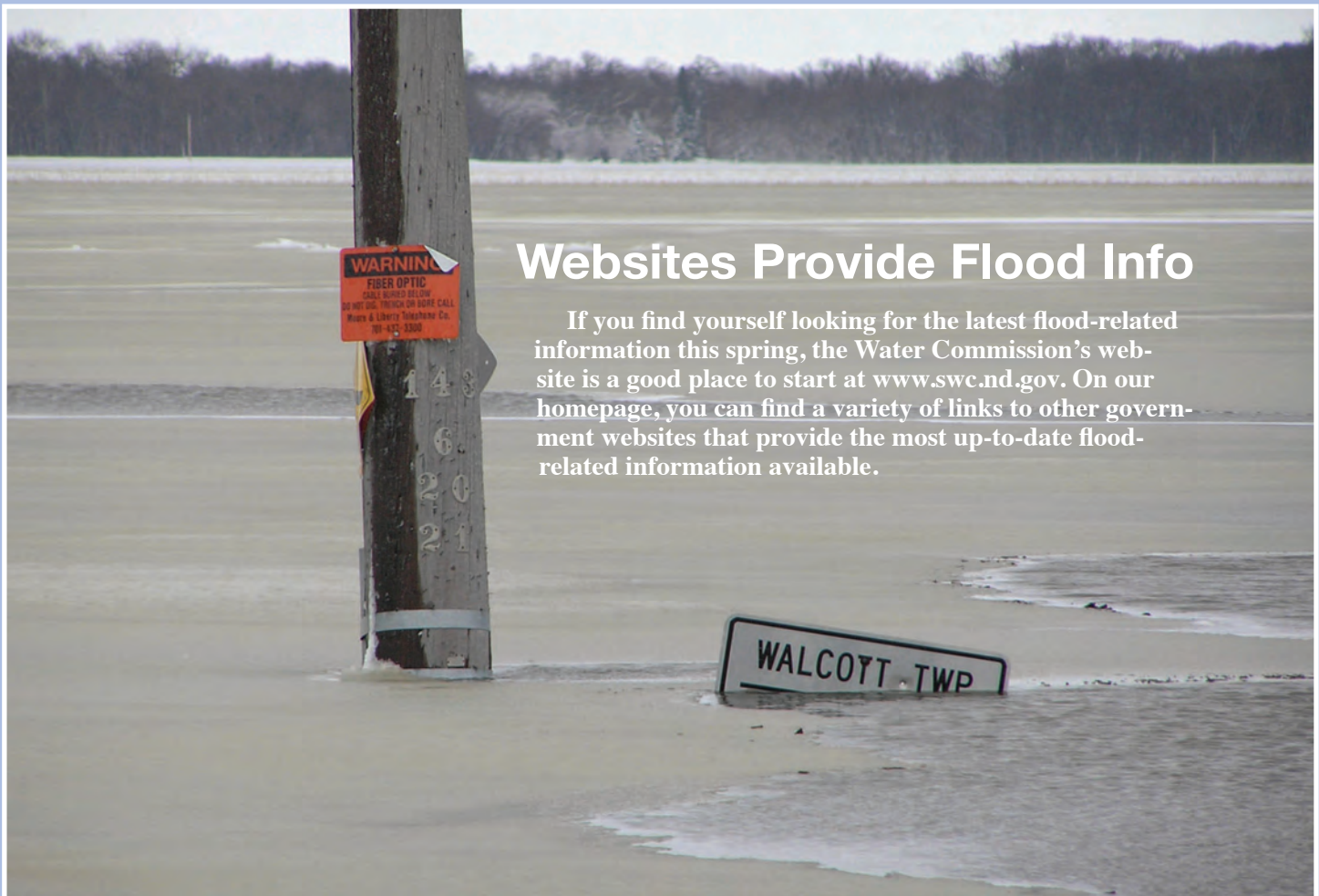
on the Corps' website at [www.nwo.usace.army.mil/html/pd-p/review\\_plans.html](http://www.nwo.usace.army.mil/html/pd-p/review_plans.html). There is also additional information available on this issue on the Water Commission's website at [www.swc.nd.gov](http://www.swc.nd.gov) under the "Missouri River Issues" link.

Unfortunately, by the time this article is printed, the Corps' comment period on the Lake Sakakawea report will have passed, but that doesn't mean the end of the story has already been written. Additional studies will follow for all of the Missouri River mainstem reservoirs, so this debate is

far from over, and there's still time to make a difference.

If after learning more about this new Corps policy, you find it to be unjust and unacceptable; you can email the Corps directly at [garrisonsurplusstudy@usace.army.mil](mailto:garrisonsurplusstudy@usace.army.mil), or you can write:

U.S. Army Corps of Engineers,  
Omaha District  
ATTN: CENWO-OD-T  
1616 Capital Avenue  
Omaha, NE 68102-4901



## Websites Provide Flood Info

If you find yourself looking for the latest flood-related information this spring, the Water Commission's website is a good place to start at [www.swc.nd.gov](http://www.swc.nd.gov). On our homepage, you can find a variety of links to other government websites that provide the most up-to-date flood-related information available.



North Dakota State Water Commission  
Todd Sando, P.E., State Engineer  
900 East Boulevard Ave. • Bismarck, ND 58505  
(701) 328-2750 • <http://swc.nd.gov>

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