

MINUTES

North Dakota State Water Commission
Bismarck, North Dakota

June 6, 1985

The North Dakota State Water Commission held a meeting on June 6, 1985, at the Old State Office Building, Bismarck, North Dakota. Governor-Chairman, George A. Sinner, called the meeting to order at 9:15 a.m. and requested Secretary, Vernon Fahy, to present the agenda.

MEMBERS PRESENT:

George A. Sinner, Governor-Chairman
Florenz Bjornson, Member from West Fargo
Alvin Kramer, Member from Minot
Guy Larson, Member from Bismarck
Ray Hutton, Member from Oslo, Minnesota
Henry Schank, Member from Dickinson
Vernon Fahy, State Engineer and Secretary, North Dakota
State Water Commission, Bismarck

MEMBERS ABSENT:

Kent Jones, Department of Agriculture, Bismarck
Bernard Vculek, Member from Crete

OTHERS PRESENT:

State Water Commission Staff Members
Approximately 25 persons in attendance interested in agenda items

The attendance register is on file in the State Water Commission offices (filed with official copy of minutes).

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

CONSIDERATION OF MINUTES
OF MARCH 15, 1985 MEETING -
APPROVED -

The minutes of March 15, 1985 were
approved by the following motion:

It was moved by Commissioner Schank, seconded by Commissioner Hutton, and unanimously carried, that the minutes of the March 15, 1985 meeting be approved as circulated.

CONSIDERATION OF MINUTES
OF MARCH 25, 1985 TELEPHONE
CONFERENCE CALL MEETING -
APPROVED

The minutes of the March 25, 1985 telephone conference call meeting were considered, and approved by the following motion:

It was moved by Commissioner Kramer, seconded by Commissioner Schank, and unanimously carried, that the minutes of March 25, 1985 be approved as circulated.

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

Robert Dorothy, Project Manager for the Southwest Pipeline Project, indicated that the final design on the project will be completed by

June 30, 1985, but there will be some carryover work that will need to be completed in the next biennium. The carryover work consists of: 1) the final design specifications for some elements of the project that will not be built for some years because of the pay-as-you-go plan of financing; 2) design of the cathodic protective system which protects the pipes from corrosion from the soil; and 3) design of an operation and maintenance building to be located in Dickinson.

Relative to the pipeline easements right-of-way acquisition, Mr. Dorothy stated this work is approximately 76 percent complete. Sixteen of the nineteen facility sites have been acquired and work has begun on the remaining three sites. Mr. Dorothy said there will be some carryover work that will need to be completed in the next biennium in this area also.

Mr. Dorothy commented that in the past year we have been involved in cultural surveys with the University of North Dakota Archeological Department and it has recently completed a reconnaissance study on the entire pipeline. The Department is currently working on a detailed study involving the first 40 miles of the project for which contracts will be let for this year.

Mr. Dorothy indicated that during the past year the required federal, state and local permits have been applied for in order to build the pipeline. He said most all permits have been acquired, although there have been problems involving the Corps of Engineers in obtaining its' permits to start construction on the intake structure.

The following tentative construction schedule was discussed by Mr. Dorothy: 1) opening of bids for the intake structure, pump station and intake works on July 11, with construction beginning in August, 1985; 2) 40 miles of pipeline divided into ten-mile reaches, with separate contracts awarded for each reach beginning in August and construction beginning next spring; and 3) the contract for the raw water reservoir at the water treatment plant will be let in September, 1985.

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Secretary Fahy stated that the Southwest Pipeline Project will be occupying Corps of Engineers land along Lake Sakakawea where the intake structure will be built. It will be necessary to cross a short segment of Corps land with the pipeline. Secretary Fahy said he has received informal word within the past few days that the Corps of Engineers is proposing to charge the State of North Dakota for water taken from the reservoir, which is known as a water storage charge. Secretary Fahy indicated that in the proposal, the Corps would actually be charging the State of North Dakota for the natural flows of the stream, which our Constitution says belong to the people of North Dakota.

Secretary Fahy said a water service, or storage charge on domestic supplies has been resisted in the past, and other states such as South Dakota are likewise resisting the Corps's attempts. Because this is a Corps of Engineers procedure which was adopted in recent years, Secretary Fahy indicated it appears the only way to overcome this attempt is to appeal to our Congressional Delegation. He urged the State of North Dakota, the State Water Commission and the Governor to resist this proposal, and said that a precedent such as this could be devastating as we plan for the use of water throughout the future of North Dakota.

In discussion, it was suggested by Governor Sinner that the State Water Commission direct the State Engineer to write a letter to the Corps of Engineers on behalf of the Commission expressing objection to their proposal for water storage charges. The Commission also requested that copies of the letter be sent to the Commission members.

It was moved by Commissioner Bjornson, seconded by Commissioner Kramer, and unanimously carried, that the State Water Commission direct the State Engineer to write a letter to the Corps of Engineers on behalf of the Commission expressing objection to their proposal for water storage charges.

DISCUSSION OF PROCEDURE FOR
SELECTION OF ENGINEERING FIRM
FOR CONSTRUCTION PHASE OF
SOUTHWEST PIPELINE PROJECT
(SWC Project No. 1736)

Secretary Fahy indicated that the last session of the Legislature passed a bill requiring a specific procedure to be utilized in selecting consulting engineers for projects that exceed \$20,000. This

procedure required the head of an agency to appoint a Selection Committee to process and evaluate interested consultants, assign values, and conduct interviews. In the final analysis, the Selection Committee will present for the agency's consideration three firms ranked in order of selection.

Relative to the construction phase for the Southwest Pipeline Project, Secretary Fahy indicated the selection procedure has been completed and requested Mr. Andy Mork, Chairman of the Selection Committee, to present its report and recommendations to the State Water Commission for its consideration in the selection of an engineering firm.

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Mr. Andy Mork, Chairman of the Selection Committee, introduced the other members of the Committee and presented its report and recommendations, as detailed in APPENDIX "A", attached hereto. Mr. Mork indicated that following the interviews, the individual committee member's ratings were tabulated and the final rating scores were determined for each firm. The final rating of the three firms is as follows:

- 1) Bartlett-West/Boyle Engineering Corp.
- 2) Houston Engineering-Veigel Engineering
- 3) Interstate Engineering

It was moved by Commissioner Kramer, seconded by Commissioner Schank, and unanimously carried, that the State Water Commission concur with the Selection Committee's report and recommendations and authorize the State Engineer to proceed to negotiate and execute on behalf of the State Water Commission a contract with an engineering firm for the construction phase of the Southwest Pipeline Project. Contract negotiations shall be initiated in the order of final rating scores for the following three firms:

- 1) Bartlett-West/Boyle Engineering Corp.
- 2) Houston Engineering-Veigel Engineering
- 3) Interstate Engineering

SUMMARY OF CONTRACT FUND
EXPENDITURES IN PREVIOUS
BIENNIUMS

throughout the State. He presented a report with information on a county basis and project basis from July, 1977 to April, 1985.

Dave Sprynczynatyk indicated at the last Commission meeting there was discussion regarding where money in the Contract Fund has been spent

CONSIDERATION OF REQUEST FROM
MORTON COUNTY WATER RESOURCE
DISTRICT FOR COST SHARING IN FLOOD
CONTROL PROJECT FOR CITY OF
ST. ANTHONY
(SWC Project No. 1292)

A request from the Morton County Water Resource District was presented for the Commission's consideration requesting cost participation in a flood control project for the City of St. Anthony.

Dave Sprynczynatyk explained the project which includes a series of diversions, dikes and control structures in order to reduce flooding within the city. He noted that permits for the diversions, as well as the dikes, have been approved by the State Engineer.

The total cost of the project is estimated to be \$10,176. Fifty percent of the eligible costs for the flood control project totals \$5,088.

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Andy Mork, Chairman of the Morton County Water Resource Board, and Dick Moum, Engineer for the Board, further explained the project and requested the Commission's favorable consideration.

It was recommended by the State Engineer that the State Water Commission approve cost sharing of 50 percent of the eligible costs for the St. Anthony flood control project, not to exceed \$5,088, contingent upon the availability of funds.

It was moved by Commissioner Larson, seconded by Commissioner Kramer, and unanimously carried, that the State Water Commission approve cost sharing for the St. Anthony flood control project of 50 percent of the eligible costs not to exceed \$5,088, contingent upon the availability of funds.

CONSIDERATION OF REQUEST FROM
CAVALIER COUNTY WATER RESOURCE
DISTRICT FOR COST SHARING IN EASBY
TOWNSHIP DRAIN NO. 2
(SWC Project No. 1793)

A request from the Cavalier County Water Resource Board for cost sharing in the Easby Township Drain No. 2 was presented for consideration by the Commission.

Dave Sprynczynatyk discussed the project indicating it is located south of Easby and involves approximately 3.5 miles of channels and drains 3.7 square miles. An application to drain was submitted to the Water Commission office and approved by the State Engineer on May 29, 1984. Mr. Sprynczynatyk stated the project has been completed since the granting of the permit and the Board was advised that when money became available the request would be presented to the Commission. The total cost of the project is \$39,180 with eligible costs being \$15,900. Forty percent of the eligible items would be \$6,360.

Mr. William Hardy, Chairman of the Cavalier County Water Resource Board, further explained the project and requested favorable consideration by the Commission.

The Commission members entered into a discussion regarding the general drainage policy, operation and control of gates, and the possibility of imposing a penalty for improper management of control gates.

It was recommended by the State Engineer that the State Water Commission approve the Easby Township Drain No. 2 project request of 40 percent of the eligible items not to exceed \$6,360, contingent upon the availability of funds, and upon compliance with the conditions set forth in the drainage permit.

It was moved by Commissioner Schank, seconded by Commissioner Bjornson, and unanimously carried, that the State Water Commission approve cost

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sharing in the Easby Township Drain No. 2 project in 40 percent of the eligible items, not to exceed \$6,360, contingent upon the availability of funds, and upon compliance with the conditions set forth in the drainage permit.

CONSIDERATION OF REQUEST FROM
CAVALIER COUNTY WATER RESOURCE
DISTRICT FOR COST PARTICIPATION
IN THE MANILLA TOWNSHIP DRAIN NO. 2
(SWC Project No. 1787)

A request was received from the Cavalier County Water Resource Board for cost participation in the Manilla Township Drain No. 2 and presented for the Commission's consideration.

Dave Sprynczynatyk explained that the project is located southeast of Langdon and involves approximately 2.6 miles of channels and drains 2.3 square miles. An application to drain was submitted to the Water Commission office and approved by the State Engineer on February 28, 1984.

Mr. Sprynczynatyk indicated that the project has been completed since the granting of the permit and the Board was advised that when money became available this request would be presented to the Commission. The total cost of the project is \$6,063 and forty percent of the eligible items would be \$2,425.

Mr. William Hardy, Chairman of the Cavalier County Water Resource Board, further explained the project and requested favorable consideration by the Commission for this project.

It was the recommendation of the State Engineer that the Commission approve this request for 40 percent of the eligible items not to exceed \$2,425, contingent upon the availability of funds and compliance with the conditions set forth in the drainage permit.

It was moved by Commissioner Bjornson, seconded by Commissioner Kramer, and unanimously carried, that the State Water Commission approve cost participation in the Manilla Township Drain No. 2 project in 40 percent of the eligible items not to exceed \$2,425. This motion is contingent upon the availability of funds, and compliance with the conditions set forth in the drainage permit.

CONSIDERATION OF REQUEST FROM
CAVALIER COUNTY WATER RESOURCE
DISTRICT FOR COST PARTICIPATION
IN THE CONSTRUCTION OF PHASE III
OF MULBERRY CREEK DRAIN
(SWC Project No. 1438)

A request was presented for the Commission's consideration from the Cavalier County Water Resource Board for cost participation in the construction of Phase III of the Mulberry Creek Drain.

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Mr. Sprynczynatyk explained the project which is located southeast of Langdon and involves approximately 8.6 miles of channel improvement. On November 19, 1980, the Commission approved \$50,500 for Phase I of the project, and on May 19, 1983, it approved \$20,000 for Phase II of the project. A permit for the project was approved on July 10, 1980. The project has essentially been completed and a final inspection will be made this summer. The total cost for Phase III is \$55,984, and 40 percent of the eligible items would be \$17,779.

Mr. William Hardy, Chairman for the Cavalier County Water Resource Board, elaborated further on the project and requested favorable consideration by the Commission.

It was the recommendation of the State Engineer that the State Water Commission approve cost participation for Phase III of the Mulberry Creek Drain in 40 percent of the eligible items not to exceed \$17,779, contingent upon the availability of funds and compliance with the conditions set forth in the drainage permit.

It was moved by Commissioner Kramer, seconded by Commissioner Hutton, and unanimously carried, that the State Water Commission approve cost participation for Phase III of the Mulberry Creek Drain in Cavalier County in 40 percent of the eligible items not to exceed \$17,779. This motion shall be contingent upon the availability of funds and in compliance with the conditions stipulated on the drainage permit.

CONSIDERATION OF REQUEST FROM
RAMSEY COUNTY WATER RESOURCE
DISTRICT FOR COST PARTICIPATION
IN CONSTRUCTION OF A CONTROL
STRUCTURE AND OUTLET FOR
MORRISON LAKE
(SWC Project No. 1746)

A request from the Ramsey County Water Resource Board was presented for the Commission's consideration to cost share in the construction of a control structure and outlet for Morrison Lake. The project which is located southeast of Webster involves approximately 6.9

miles of channel improvement. The watershed at the control structure totals approximately 50 square miles and all of the runoff from the watershed flows through Morrison/Sweetwater Lake.

Mr. Sprynczynatyk indicated that the Devils Lake Basin Study of 1976 recommended a control structure on Morrison Lake with provisions for controlled releases. In 1982, the State Water Commission prepared a preliminary engineering report for the Ramsey County Water Resource Board outlining a project that would implement the 1976 Devils Lake Basin recommendation.

Mr. Sprynczynatyk said the final plans and cost estimate has been provided by the Board's engineer. The project will be completed in three phases: Phase I involves a diversion and road relocation in the area where Webster Coulee enters Dry Lake and reconstruction of the existing channel in Section 32 and 33, Township 156, Range 84; Phase II is cleanout of the channel in Sections 31, 6 and 4; and Phase III involves construction of an outlet weir on Morrison Lake and

outlet channel to State Highway 20. The cost estimate for all three phases is \$319,283; however, only Phases I and II will be done in the near future. The cost estimate for Phases I and II is \$182,000. Forty percent of the eligible cost items for Phases I and II is \$72,800.

Mr. Dick Reagan from the Ramsey County Water Resource Board indicated that the Webster area has experienced flooding for many years and is becoming more severe each year. He said the involvement and cooperation of Cavalier and Walsh Counties participating in the amount of water that goes into Morrison Lake through the Edmore Watershed will help control the flooding. He requested favorable consideration by the Commission for this request.

Mr. Reagan expressed concern regarding problems that are being encountered when crossing Fish and Wildlife owned land and in cleaning out streams on fee and easement lands.

Mr. William Hardy, Cavalier County Water Resource Board, also expressed concerns that Cavalier County is having with the Fish and Wildlife Service in crossing their land.

Mr. Vic Hall, Fish and Wildlife Service in Bismarck, responded to the concerns expressed by Mr. Reagan and Mr. Hardy by stating he is not familiar with the particular problems in the areas described. He said, generally, it is a very complex problem and would take a considerable amount of time to investigate all of the aspects. He said the Fish and Wildlife Service will cooperate and try to work things out with the county people. Mr. Hall said that the Fish and Wildlife Service will facilitate flood control without augmenting drainage, if possible, although, they do have a mandate to protect wetlands.

Governor Sinner commented that the State is in the process of negotiating an agreement with the Secretary of the Interior to provide the right of eminent domain for the State on all future fee acquisitions and in all future and retroactive easements.

It was the recommendation of the State Engineer that the State Water Commission approve cost participation for Phases I and II in the construction of a control structure and outlet for Morrison Lake in an amount not to exceed \$72,800, contingent upon the availability of funds and compliance with the conditions of the approved drainage permit.

It was moved by Commissioner Hutton, seconded by Commissioner Bjornson, and unanimously carried, that the State Water Commission approve cost participation in 40 percent of the eligible items not to exceed \$72,800 for Phases I and II in the construction of a control structure and outlet for Morrison Lake in Ramsey County. This motion shall be contingent upon the availability of funds and compliance with the conditions to the approved drainage permit.

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CONSIDERATION OF REQUEST FROM
 RICHLAND COUNTY WATER RESOURCE
 DISTRICT FOR COST PARTICIPATION
 IN LATERAL NO. 1 TO RICHLAND
 COUNTY DRAIN NO. 12
 (SWC Project No. 1182)

A request was presented to the Commission members for their consideration from the Richland County Water Resource Board for cost participation in Lateral No. 1 to Richland County Drain No. 12.

Dave Sprynczynatyk indicated that the original Drain No. 12 was constructed in 1912 and reconstructed in 1951. The State Water Commission participated in the reconstruction in 1951. The project, which is located north of Wyndmere, involves approximately 3.6 miles of channel and drains a total of 3.3 square miles. A drainage permit application was submitted to the State Engineer and returned for approval on September 19, 1984. The total cost for the project is estimated at \$103,616. Forty percent of the eligible items would be \$22,902.

Mr. Jorgan Haugen, Richland County Water Resource Board, elaborated on the project and urged favorable consideration by the Commission members.

Mr. Duane Breitling, Attorney, commented on Richland County's policy for regulation and control of drainage.

Beverly Stone, Richland County Water Resource Board, stated that it has become a firm policy of Richland County that any time there is new construction, reconstruction or a cleanout, field inlet culverts with gates are installed.

It was the recommendation of the State Engineer that the State Water Commission approve cost participation in 40 percent of the eligible items not to exceed \$22,902, contingent upon the availability of funds and upon a final inspection by this office.

It was moved by Commissioner Hutton, seconded by Commissioner Schank, and unanimously carried, that the State Water Commission approve cost participation in 40 percent of the eligible items not to exceed \$22,902 in Lateral No. 1 to Richland County Drain No. 12. This motion shall be contingent upon the availability of funds, and upon a final inspection by this office.

CONSIDERATION OF REQUEST FROM
 RICHLAND COUNTY WATER RESOURCE
 DISTRICT FOR COST PARTICIPATION
 IN PHASE III OF RICHLAND COUNTY
 DRAIN NO. 72
 (SWC Project No. 1545)

A request was presented to the Commission members for their consideration from the Richland County Water Resource Board for cost participation in Phase III of Richland County Drain No. 72.

Dave Sprynczynatyk stated that Phase III is also known as Lateral C to the main drain and consists of approximately 5.2 miles of channel. The project, Phase I, II and III

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involves a drainage of approximately 35 square miles from an area near Colfax. A drain permit for the project was issued on June 29, 1981.

Mr. Sprynczynatyk indicated that on August 12, 1981, the Commission granted \$100,000 towards Phase I of the project. On February 21, 1984, the Commission approved an additional \$36,370 for Phase I. On May 3, 1984, the Commission granted \$63,640 towards Phase II. Thus far, the Commission has granted a total of \$200,010 towards the project. The total cost of the project is estimated to be approximately \$1 million. Of the Phase III costs, \$125,307 have been determined to be eligible for cost participation. Forty percent of the eligible costs would be \$50,123.

Jordan Haugen and Beverly Stone, Richland County Water Resource Board members, commented further on the project and requested favorable consideration of their cost participation request.

It was the recommendation of the State Engineer that the State Water Commission approve cost sharing in Phase III of Richland County Drain No. 72, contingent upon the availability of funds, and compliance with the drainage permit.

It was moved by Commissioner Bjornson, seconded by Commissioner Hutton, and unanimously carried, that the State Water Commission approve cost participation in Phase III of Richland County Drain No. 72 in 40 percent of eligible costs, not to exceed \$50,123. This motion shall be contingent upon the availability of funds, and compliance with the drainage permit.

CONSIDERATION OF REQUEST FROM
MAPLE RIVER WATER RESOURCE DISTRICT
FOR ADDITIONAL COST PARTICIPATION
IN THE CONSTRUCTION OF THE MAPLE
RIVER DAM #T-180
(SWC Project No. 1785)

A request was presented to the Commission members for their consideration for additional cost sharing from the Maple River Water Resource Board in the construction of the Maple River Dam #T-180.

Mr. Sprynczynatyk indicated that the project which is located northeast of Enderlin, is a dry dam on a tributary to the Maple River. The drainage area at the dam is 36.7 square miles. The storage in the reservoir is 2,900 acre-feet for flood control. On February 21, 1984, the Commission approved 50 percent funding for the dam. At that time, the estimate for the project was \$475,000, which resulted in the State contributing \$237,500 to the project.

Mr. Sprynczynatyk stated that bids have now been opened and the Board's engineer has estimated that the total cost of the project for cost sharing would be \$587,000. Fifty percent of the new cost estimate would be \$293,500, which is \$56,000 more than previously approved by the Commission.

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Mr. Harry Warner and Joe Harbeke, Maple River Water Resource Board members, and Jeff Volk, Moore Engineering, further discussed the project.

It was the recommendation of the State Engineer that the State Water Commission approve additional cost participation in the construction of the Maple River Dam #T-180 in 50 percent of the additional eligible items in the cost estimate, not to exceed \$56,000, contingent upon the availability of funds, and upon the monitoring of the construction by this office.

It was moved by Commissioner Bjornson, seconded by Commissioner Hutton, and unanimously carried, that the State Water Commission approve additional cost participation in the construction of the Maple River Dam #T-180 in 50 percent of the additional eligible items in the cost estimate, not to exceed \$56,000. This motion shall be contingent upon the availability of funds, and upon the monitoring of the construction by this office.

CONSIDERATION OF REQUEST FROM
SOUTHEAST CASS WATER RESOURCE
DISTRICT FOR COST PARTICIPATION
IN THE IMPROVEMENT OF PORTION
OF LOWER TWO MILES OF CASS
COUNTY DRAIN NO. 10
(SWC Project No. 1067)

A request was presented for the Commission's consideration, received from the Southeast Cass Water Resource Board for cost participation in the improvement of a portion of the lower two miles of Cass County Drain No. 10.

Mr. Sprynczynatyk stated that the project was first constructed in 1898 and is located in Sections 12, 13 and 14, Township 140 North, Range 49 West near Fargo. It involves drainage from rural areas as well as within the City of Fargo. The improvement proposal consists of deepening and realigning the existing channel as well as general deferred maintenance. The remaining portion of the lower two miles will be completed at a later date.

Mr. Sprynczynatyk stated that on July 12, 1983, the State Water Commission granted \$26,000 towards the reconstruction and realignment of Cass County Drain No. 10 outlet channel, installation of a drop structure, and placement of rock riprap. The total cost of this phase is \$197,802.

In reviewing the project, Mr. Sprynczynatyk noted that only a portion of the channel construction is considered maintenance. Thus, not all of the construction costs are considered eligible for cost sharing. It was determined that \$112,780 would be eligible for cost sharing.

Mr. Sprynczynatyk also indicated that it has been determined that a portion of the drainage area lies within the city limits of Fargo. The balance, lies outside the city and includes the drainage from North Dakota State University. The work that is being

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proposed to be done is totally within the rural areas of the watershed and involves changing the channel capacity and correcting erosion problems that are taking place on agricultural land. Other work is being done within the city of Fargo. The total project which includes work within the city limits of Fargo will cost approximately \$8 million.

It has been determined between the city and the Southeast Cass Water Resource District that the agricultural portion of the project would involve improvements to the lower two miles of the channel. The city of Fargo has built storage into its share of the project to reduce the flows through the lower two miles. Thus, that portion of the channel being considered for cost sharing can be considered as primarily benefitting the rural area and not directly benefitting the city of Fargo. By reducing the flows, the improvements will handle the flow normally associated with agricultural drainage.

Mr. Fred Selberg, Chairman of the Southeast Cass Water Resource Board, commented briefly on the project, and urged favorable consideration of their request for cost sharing.

It was the recommendation of the State Engineer that the State Water Commission approve cost sharing in the improvement to Cass County Drain No. 10 in the amount of 40 percent of eligible construction costs not to exceed \$45,112, contingent upon the availability of funds.

It was moved by Commissioner Larson, seconded by Commissioner Bjornson, and unanimously carried, that the State Water Commission approve cost participation in the improvement of a portion of the lower two miles of Cass County Drain No. 10 in the amount of 40 percent of eligible construction costs, not to exceed \$45,112, contingent upon the availability of funds. The motion shall also be contingent upon the fact that other State-owned properties shall not be assessed for cost sharing.

INVITATION FOR NEXT STATE
WATER COMMISSION MEETING
TO BE HELD IN FARGO

Mr. Robert Thompson, Chairman of the Red River Joint Water Resources Board, extended an invitation to the Commission members to hold

their next meeting in Fargo on July 10 and 11, 1985 in conjunction with a regularly scheduled tour of the area.

Following a brief discussion of the invitation, Governor Sinner thanked Mr. Thompson for his invitation and indicated it will be taken under advisement.

CONSIDERATION OF REQUEST FROM
CITY OF ARGUSVILLE FOR COST
PARTICIPATION IN FLOOD CONTROL
PROJECT
(SWC Project No. 1806)

A request was presented to the Commission for its consideration in cost sharing in a flood control project being developed by the U.S. Army Corps of Engineers.

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Mr. Sprynczynatyk indicated that the project developed in January, 1985 by the Corps of Engineers involves approximately 10,000 feet of dike which would completely surround the city and provide approximately 100-year protection. The total cost of the project is estimated to be \$1,063,000, of which approximately \$106,000 is considered to be non-federal costs assigned to the city.

Mr. Sprynczynatyk explained that the Corps of Engineers has assigned benefits to work completed in 1980 by the city in providing flood protection. At that time, the city spent \$84,000 in building a temporary levy and it is the intent of the Corps to incorporate the work done by the city into its permanent project. Thus, the total non-federal costs, including the work previously done, is \$190,000, and fifty percent of eligible items, not including right-of-way, would be \$45,000.

Mr. Ralph Boldeman, representing the city of Argusville, further discussed the project and requested favorable consideration by the Commission of the city's request for funding.

It was the recommendation of the State Engineer that the State Water Commission approve cost sharing for the City of Argusville flood control project in the amount of 50 percent of the eligible items, not to exceed \$45,000, contingent upon the availability of funds.

It was moved by Commissioner Bjornson, seconded by Commissioner Hutton, and unanimously carried, that the State Water Commission approve cost participation for the City of Argusville flood control project in the amount of 50 percent of the eligible items, not to exceed \$45,000, contingent upon the availability of funds.

CONSIDERATION OF REQUEST FROM
TRAILL COUNTY WATER RESOURCE
DISTRICT FOR COST PARTICIPATION
IN REPAIR OF DROP STRUCTURE ON
MILLER DRAIN NO. 29
(SWC Project No. 1246)

A request received from the Traill County Water Resource Board for cost participation in the repair of the drop structure on Miller Drain No. 29 was presented for the Commission's consideration.

Dave Sprynczynatyk presented the request noting that the structure was originally built as the Elm River Watershed project in 1960. The metal drop structure has entirely corroded away and needs to be replaced before the structure fails completely. The new drop structure will be designed by the Soil Conservation Service with cathodic protection to prevent corrosion such as has occurred. The total cost of the project is estimated to be \$59,181, and forty percent of the eligible items would be \$23,672.

Mr. John Knecht, Consultant for the Traill County Water Resource Board, elaborated on the project, and

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requested favorable consideration by the Commission of their request for cost sharing.

It was the recommendation of the State Engineer that the State Water Commission approve cost participation in the repair of the drop structure on Miller Drain No. 29 in the amount of 40 percent of the eligible items, not to exceed \$23,672, contingent upon the availability of funds and upon a final inspection.

It was moved by Commissioner Kramer, seconded by Commissioner Schank, and unanimously carried, that the State Water Commission approve cost participation in the repair of the drop structure on Miller Drain No. 29 in Traill County in the amount of 40 percent of eligible items, not to exceed \$23,672. This motion shall be contingent upon the availability of funds and upon a final inspection.

CONSIDERATION OF REQUEST FROM
TRAILL COUNTY WATER RESOURCE
DISTRICT FOR ADDITIONAL COST
PARTICIPATION IN TRAILL COUNTY
DRAIN NO. 19
(SWC Project No. 1238)

A request has been received from the Traill County Water Resource Board for the Commission's consideration of additional funds in Traill County Drain No. 19.

Dave Sprynczynatyk presented the request and indicated the project consists of replacing an old box culvert with a combination drop structure culvert and approximately 2400 feet of channel realignment near the structure. The project is located near Mayville-Portland.

On February 27, 1984, the State Water Commission approved \$14,070 for the initial stages of this project. Since that time, the cost estimate has been revised and additional funds are being requested. The total construction cost is estimated to be \$121,539 and forty percent of the eligible items for cost participation would be \$38,131, including the previous funding approved by the Commission. To fund the full 40 percent, an additional \$24,060 would be necessary.

Mr. John Knecht, Consultant for the Traill County Water Resource Board, commented on the project and requested favorable consideration by the Commission for their request for cost sharing.

It was the recommendation of the State Engineer that the State Water Commission approve an additional \$24,060 for Traill County Drain No. 19, contingent upon the availability of funds, and a final inspection.

It was moved by Commissioner Schank, seconded by Commissioner Bjornson, and unanimously carried, that the State Water Commission approve an

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additional \$24,060 for cost participation in Traill County Drain No. 19, contingent upon the availability of funds and a final inspection.

CONSIDERATION OF REQUEST FROM
RANSOM COUNTY WATER RESOURCE
DISTRICT FOR COST PARTICIPATION
IN A CRITICAL AREA TREATMENT
(SWC Project No. 1299)

A request was presented for the Commission's consideration for cost participation in a critical area treatment project for Ransom County. The request was received from the Ransom County Water Resource Board.

Dave Sprynczynatyk presented the project to the Commission members noting the project would be constructed as an RC & D project by the Soil Conservation Service. The purpose of the project would be to correct critical erosion areas at four sites adjacent to county roads located near Lisbon and drain into the Sheyenne River. The total cost for the project is \$31,734, of which the Soil Conservation Service will contribute \$18,284 of the project costs, leaving the non-federal balance at \$13,450. Forty percent of the non-federal costs will be \$5,380.

Mr. Paul Olson, Ransom County Commissioner, spoke on behalf of the project and requested favorable consideration by the Commission for cost sharing.

It was the recommendation of the State Engineer that the State Water Commission approve cost participation in a critical area treatment project for Ransom County in an amount of 40 percent of the non-federal costs, not to exceed \$5,380, contingent upon the availability of funds and upon a final inspection of the project.

It was moved by Commissioner Bjornson, seconded by Commissioner Kramer, and unanimously carried, that the State Water Commission approve cost participation for a critical area treatment project in Ransom County in the amount of 40 percent of the non-federal costs, not to exceed \$5,380. This motion shall be contingent upon the availability of funds, and upon a final inspection of the project.

CONSIDERATION OF REQUEST FROM
GRAND FORKS COUNTY WATER RESOURCE
DISTRICT FOR COST PARTICIPATION
IN THE CONSTRUCTION OF RC & D
FLOOD CONTROL PROJECT ON
DRAIN NO. 4
(SWC Project No. 1107)

The Commission members considered a request from the Grand Forks County Water Resource Board for cost participation in the construction of the RC & D flood control project on Drain No. 4.

Dave Sprynczynatyk indicated that the project is located approximately three miles south of Grand Forks and consists of construction of a controlled structure and associated channel work. The project is being undertaken as a result of serious erosion that is occurring. Mr. Sprynczynatyk said the drain was first established in

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1905. In 1946 the drain was reconstructed and the State Water Commission contributed \$6,500. In 1969, the Commission granted another \$2,530 for the installation of a timber drop structure. In 1977, the Commission granted \$65,440 towards a new concrete drop structure and lateral extension for the project. The total cost of the project proposed is \$220,900, with \$50,600 being non-federal costs eligible for cost participation. Forty percent of eligible costs would be \$20,240.

Mr. C. W. Ekness, Grand Forks County Water Resource Board, briefly commented on the project and requested the Commission to act favorably on their request for cost participation.

It was the recommendation of the State Engineer that the State Water Commission approve cost participation in the construction of the RC & D flood control project for Grand Forks County Drain No. 4 in the amount of 40 percent of eligible non-federal costs, not to exceed \$20,240, contingent upon the availability of funds.

It was moved by Commissioner Hutton, seconded by Commissioner Schank, and unanimously carried, that the State Water Commission approve cost participation in the construction of the RC & D flood control project for Grand Forks County Drain No. 4 in the amount of 40 percent of eligible non-federal costs, not to exceed \$20,240. This motion shall be contingent upon the availability of funds.

CONSIDERATION OF REQUEST FROM
NORTH DAKOTA STATE HEALTH
DEPARTMENT FOR COST PARTICIPATION
IN THE IMPROVEMENT OF WATER
QUALITY OF BIG COULEE DAM
(SWC Project No. 1418)

The Commission members considered a request received from the North Dakota State Health Department for cost participation in the improvement of the water quality of the Big Coulee Dam.

Dave Sprynczynatyk indicated that the State Water Commission is currently involved in working with the City of Bisbee and the Towner County Water Resource District in increasing the pool elevation of the dam by four feet. This is being done in order to improve the average depth of the pool which enhances the recreational value of the project and helps to provide a more stable supply of water to the city of Bisbee. On September 1, 1984, the State Water Commission granted \$141,500 towards this reconstruction, which began this spring.

Mr. Sprynczynatyk said the request from the Health Department is for the stripping of topsoil at the edge of the reservoir, which will help to remove nutrient laden soils and prohibit weed growth in the future. Under the proposal by the Health Department, approximately \$47,674 would be spent for the stripping. Of this, \$3,918.50 is requested from the State Water Commission, and also the Health Department has requested the State Water Commission to administer the contract for this additional work.

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It was the recommendation of the State Engineer that the State Water Commission allocate \$3,918.50 from that portion previously assigned to engineering costs for the stripping project for Big Coulee Dam, and that the State Water Commission use its Contract Fund to undertake the stripping project.

It was moved by Commissioner Kramer, seconded by Commissioner Hutton, and unanimously carried, that the State Water Commission grant approval to expend \$3,918.50 through its Contract Fund for a stripping project for Big Coulee Dam in Towner County.

CONSIDERATION OF REQUEST FROM
CITY OF EDGELEY FOR COST
PARTICIPATION IN A FLOODPLAIN
MANAGEMENT STUDY
(SWC Project No. 1751)

A request was received from the City of Edgeley for cost participation in a floodplain management study and was presented to the Commission members for their consideration.

Dave Sprynczynatyk stated the study will be done by the Soil Conservation Service and the total cost of the project is \$16,000, with the non-federal cost being \$3,200.

It was the recommendation of the State Engineer that the State Water Commission approve cost participation for a floodplain management study for the city of Edgeley in the amount of 40 percent of the non-federal costs, not to exceed \$1,280, contingent upon the availability of funds.

It was moved by Commissioner Kramer, seconded by Commissioner Schank, and unanimously carried, that the State Water Commission approve cost participation for a floodplain management study for the City of Edgeley in the amount of 40 percent of the non-federal costs, not to exceed \$1,280. This motion shall be contingent upon the availability of funds.

CONSIDERATION OF RESOLUTION
TO PROCURE FEDERAL FUNDING
FOR CONSTRUCTION OF SITE A-170
MAIN STEM FLOOD CONTROL DRY DAM
(SWC Project No. 1344)
(SWC Resolution No. 85-6-423)

Secretary Fahy presented a draft resolution for the Commission's consideration expressing the Commission's support and requesting the Congressional Delegation to take all necessary steps to procure federal funding for the construction of the Site A-170 Main Stem Flood Control Dry Dam located on the Maple River. The purpose of the proposed dam is to provide more flood control benefits for the people who live north of the city of West Fargo who will not receive specific flood protection as a result of the Sheyenne River Flood Control Project.

Secretary Fahy indicated that following a meeting with the people in the area, Senator Burdick has

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written language into the appropriations bill which includes a reference to this specific dam.

It was moved by Commissioner Bjornson, seconded by Commissioner Hutton, and unanimously carried, that the State Water Commission adopt Resolution No. 85-6-423, Expressing Support and Requesting the Congressional Delegation to take all Necessary Steps to Procure Federal Funding for the Construction of the Site A-170 Main Stem Flood Control Dry Dam Located on the Maple River. (SEE APPENDIX "B")

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

Rosellen Sand, Assistant Attorney General for the State Water Commission, updated the Commission mem-

bers on the Red River diking problems. She said at the Commission's request a public meeting was held for the people in the area to express their concerns. After this meeting, the entities proceeded to sign the agreement, and the Technical Committee members were appointed.

Ms. Sand indicated that on May 6, 1985, the parties to the lawsuit met with the Judge in Federal District Court for a status conference to explain to him what had transpired, to explain the agreement, and to explain what we expect the agreement will result in. On May 10, 1985, the Judge approved the settlement that was reached. There will be another status conference when the Technical Committee has completed its work which is anticipated this fall.

Cary Backstrand, representing the State Water Commission on the Technical Committee, reported the Committee has begun its work and has held two meetings. He then explained the functions and responsibilities of the Committee.

Ms. Sand stated there have been several diplomatic notes between Canada and the United States concerning the diking on the Red River. The last note is from the United States Embassy to the Canadian Embassy, in which they explain the dike agreement and the fact that we have reached an out-of-court settlement. The notes also stated that the people in North Dakota and Minnesota are willing to talk with Canadian officials.

CONTINUED DISCUSSION ON
GARRISON DIVERSION PROJECT
(SWC Project No. 237)

Governor Sinner and Commissioner Kramer commented on current negotiations with the National Audubon Society in attempting to reach

agreement upon language for inclusion in authorizing legislation. Governor Sinner said that while no agreement has yet been reached he remained optimistic that satisfactory language would eventually be developed.

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CONSIDERATION OF AGENCY
FINANCIAL STATEMENT

Matt Emerson, Assistant Secretary for the State Water Commission, presented the agency's financial report to the Commissioners.

DISCUSSION RELATIVE TO
DRAINAGE POLICY
(SWC Project No. 1053)

Discussion pursued relative to the possible imposition of a penalty on Water Resource Districts found to be in violation of water policies which have been established and adopted by the State Water Commission. The frequency of the violations would be determined with staff review and the penalty would be in terms of years of prohibited funding. Governor Sinner suggested, and it was the consensus of the Commission members, that the State Engineer and staff be directed to develop a draft proposal of the above discussion for the Commission's consideration.

Governor Sinner suggested that because of main stream flooding that is occurring in the State, the Commission should consider developing a policy that would require drainage applications to be accompanied by plans for water release restrictions at peak flow periods, as well as water storage areas to reduce downstream impacts.

Secretary Fahy responded that we are directing our efforts toward that goal now because this issue is frequently raised on drainage complaints. Where there is the possibility of a simultaneous occurrence we have, in most instances, been successful in getting a control installed. He said in some cases it would be impractical, and in many cases impossible to provide total retention for a time certain.

Commissioner Hutton indicated he, too, feels we are headed in the right direction but there is nothing firm, or concrete at the present time. He indicated he would be agreeable to developing a policy as suggested by the Governor.

It was suggested by Governor Sinner, and concurred to by the Commission members, that the State Engineer and staff be directed to draft a general drainage policy as discussed.

CRYSTAL LAKE
DRAIN NO. 6
(SWC Project No. 1806)

Secretary Fahy informed the Commission members of efforts that are underway with the North Dakota Game and Fish Department, the North Dakota Water Users Association, the State Water Commission, the North Dakota Chapter of Wildlife Society, and the Wells County Water Resource District to develop a water management plan to satisfy drainage problems in Wells County. A technical committee has been appointed to develop the plan which is anticipated to be completed by September 15, 1985. Secretary Fahy indicated he would keep the Commission members informed of the progress of this project.

June 6, 1985

DISCUSSION RELATIVE TO
FOX ISLAND PROBLEMS IN
BURLEIGH COUNTY
(SWC Project No. 1652)


Secretary Fahy briefed the Commission members relative to problems occurring in the Fox Island area due to the Corps of Engineers proposal to acquire more land to reduce or eliminate flooding.

Secretary Fahy read a resolution adopted by the Bismarck/Mandan Missouri River Improvement Association at their May 30, 1985 meeting requesting the State Water Commission to obtain data developed by the Corps of Engineers relative to flooding on the Missouri River south of Bismarck and the proposals to reduce or eliminate said flooding; and, that the State Water Commission make an independent evaluation of the data with emphasis on the downstream effects of controlling releases at Garrison Dam; and, that representatives of the State Water Commission meet with the Association and discuss their findings.


Secretary Fahy indicated that staff has been meeting with the Association and will continue to cooperate with them.

There being no further business to come before the Commission -

It was moved by Commissioner Schank, seconded by Commissioner Kramer, and unanimously carried, that the meeting adjourn at 1:40 p.m.


George A. Sinner
Governor-Chairman

ATTEST:


Vernon Fahy
State Engineer and Secretary

June 6, 1985

NORTH DAKOTA STATE WATER COMMISSION

REGISTER

ATTENDANCE AT State Water Commission

DATE June 6, 1985 PLACE Bismarck, N.Dak.

PROJECT NO. _____

Your Name	Your Address	Who do you Represent? (Or Occupation)
Rosellen Sand	Bismarck	State Water Commission
Cary Backstrand	Bismarck	SWC
Daniel Spynoczynski	Bismarck	SWC
Andy Mork	Mandan	Morton Co W R D
Robert Thompson	Page	RR 9788
Joseph Harbeck	Page	Triple R W R D
CHUCK FIDELL	BISMARCK	STATE HEALTH DEPT.
Charles E. Mumm	Bismarck	USDA - SCS
G. W. Ehnness	Grand Forks	G.F. County W. R. D.
Tom S Hardy	Wahalla	Cassidy County W R D
Ralph Baldwin	Argusville	City of Argusville
Fletcher F. Poling	Bismarck	Basin Electric Power Cooperative
Wesley Frink	Bismarck	SWC
Bill Hanson	"	"
Michael H. Lonsch	"	"

NORTH DAKOTA STATE WATER COMMISSION
REGISTER

ATTENDANCE AT SWC

DATE 6/6/85 PLACE BISMARCK

PROJECT NO. _____

Your Name	Your Address	Who do you Represent? (Or Occupation)
Jeffrey Volk	West Fargo	Morse Eng. Inc.
DK Breiting	West Fargo	Christal Firm
Harry Wames	Mapleton	Maple River R. B.
Frank Leberg	Harwood ND	SE Cass R. D.
George Houston	Fargo ND	HOUSTON ENGINEERING, Inc
Bruce F McCollom	Bismarck	Bartlett West / Boyle Engineering
Vin Hall	Bismarck	U.S. F. & W. Service
Jon Jennings	Bismarck	N.D. Concrete Products Co.
ROBERT M. LUX	5622 KANSAS AVE KANSAS CITY, KANSAS 66106	PRICE BROTHERS COMPANY / N.D. Conc. Prod.
Dennis Nelson	SWC OFFICE	SWC.
Jim Eastgate	Bismarck	Tri-County WRD Ass'n.
Curt Peterson	Bismarck	FGC of ND
KEN KARLS	BISMARCK	The Nokota Co.
Dick Moum	"	Morton Co. WRD.
DAVE SPRYNOWYCH	Bismarck	SWC

NORTH DAKOTA STATE WATER COMMISSION

REGISTER

ATTENDANCE AT SWC

DATE 6/6/85 PLACE Bismarck

PROJECT NO. _____

Your Name	Your Address	Who do you Represent? (Or Occupation)
<i>Bob Dorothy</i>	<i>Bismarck</i>	<i>SWC</i>

NORTH DAKOTA STATE WATER COMMISSION
OFFICE MEMO

MEMO TO: File No. 1736
FROM: Robert Dorothy, Secretary *RD*
Southwest Pipeline Engineering Selection Committee
SUBJECT: Report on Interviews with/and Ranking of Engineering Firms
by the Southwest Pipeline Engineering Selection Committee
DATE: June 5, 1985

Chairman Mork called the Engineering Selection Committee to order at 10:00 a.m., June 5, 1985. All committee members were present, as follows:

Andrew C. Mork	Chairman, Morton County Water Resource District;
Henry Schank	Commissioner, State Water Commission;
Charles Mumma	U.S. Soil Conservation Service;
Charles Rydell	State Health Department;
Dave Sprynczynatyk	State Water Commission; and
Robert Dorothy	State Water Commission.

The committee discussed the format for the interviews and developed a list of questions which would be asked of each firm. Committee members were to be allowed to ask additional questions if they wished. The questions to be asked of each firm were as follows:

1. How does the firm view liability for the project if selected?
2. If we select your firm would it be acceptable for the firm to accept liability for the design of the project; if so what would you have to do to assume that liability?
3. What do you feel is the limit of professional liability insurance coverage necessary for the construction engineering of the project?
4. What experience does the firm have in construction management on a project designed by others?
5. How many people would you expect to utilize on the job and how many are living in the area now?
6. How much of the work would be subcontracted?
7. What do you expect to be the most challenging aspect of the job and how do you anticipate meeting that challenge?

8. Do you see any contractual or engineering problems due to the extended construction schedule and how do you expect to handle those problems?
9. Anticipating that construction may last 10 or 12 years and there could be a biennium or more without funding, how would it affect your firms operating and how would you plan for it?
10. What would you expect in turnover in employees during that time period?
11. What would be your recommendations for a method of compensation for your services?

Each firm was allowed 30 minutes for its presentation followed by a 20-minute question period by the committee.

The interview schedule and the persons who made the firm presentations are as follows:

11:00 A.M. Bartlett-West/Boyle Engineering Corp.

Dave Hardan
Bruce McCollom

1:30 P.M. Houston Engineering, Inc./Veigel Engineering

George Houston
Henry Trangsrud
Marvin Kadrmas
Gene Jackson

2:30 P.M. Interstate Engineering, Inc.

Kenneth Loveland
Ross Milne
Randy Pope

The rating system for the interviews was exactly the same as was used to select the three firms to be interviewed. Following each interview, each committee member rated the firm on a scale of 1 to 10 for each of the seven rating criterion mandated by Senate Bill No. 2442. The rating for each criterion was then multiplied by the Average Importance Value for that criterion to arrive at a criterion score. The scores for each criterion were then totaled to arrive at a total score for each firm.

Following the interviews, the individual committee member's ratings were tabulated and the final rating scores determined for each firm. The final rating of the three firms is as follows:

1. Bartlett-West/Boyle Engineering Corp.
2. Houston Engineering-Veigel Engineering
3. Interstate Engineering

A copy of the final tally sheet is attached as part of this report.

RED:mb

TALLY SHEET FOR SELECTION OF ENGINEERING FIRM
 SOUTHWEST PIPELINE PROJECT
 SWC PROJECT NO. 1736
 RATINGS BASED ON INTERVIEWS, JUNE 5, 1985

CRITERIA	AVERAGE IMPORTANCE VALUE	B-W/BEC		HOUSTON & VEIGEL		INTERSTATE ENGINEERING, INC.	
		RATING	SCORE	RATING	SCORE	RATING	SCORE
1. Past Performance	15	53	795	50	750	45	675
2. Ability of Professional Personnel	18.5	56	1036	49	906.5	38	703
3. Willingness to meet time and budget requirements	15	57	855	54	810	52	780
4. Location	10	50	500	55	550	44	440
5. Recent, current, and projected workloads of the persons or firms	11.5	53	609.5	53	609.5	43	494.5
6. Related experience on similar projects	23	58	1334	46	1058	37	851
7. Recent and current work for the agency	7	57	399	49	343	33	231
TOTAL SCORE	100		5528.5		5027		4174.5

RESOLUTION NO. 85-6-423

Resolution of Support and Request for Federal Funding
for the Construction of Site A-170 Main Stem Flood
Control Dry Dam on the Maple River

WHEREAS, there have been numerous serious floods along the Maple River and the lower Sheyenne River; and

WHEREAS, the Maple River Water Resource District of Cass County has made an extensive study of methods to reduce the flooding along the Maple River and the lower Sheyenne River; and

WHEREAS, the Maple River Water Resource District has determined the most effective and viable solution to the flooding is the construction of the Site A-170 Main Stem Flood Control Dry Dam; and

WHEREAS, the estimated cost of the construction of the Site A-170 Main Stem Flood Control Dry Dam is Ten Million Dollars (\$10,000,000); and

WHEREAS, state and local political entities are unable to fund the construction of such an extensive project.

NOW, THEREFORE, BE IT RESOLVED by the North Dakota State Water Commission meeting this 6th day of June, 1985 in Bismarck, North Dakota, that they are fully supportive of the construction of the Site A-170 Main Stem Flood Control Dry Dam; and

BE IT FURTHER RESOLVED that Senator Mark Andrews, Senator Quentin Burdick and Congressman Byron Dorgan are strongly encouraged to take all necessary steps to procure federal funding for the construction of the Site A-170 Main Stem Flood Control Dry Dam so that construction of the project can commence as soon as possible so as to reduce future flood damage.

FOR THE NORTH DAKOTA STATE WATER COMMISSION:


George A. Sinner
Governor-Chairman

SEAL

ATTEST:


Vernon Fahy
State Engineer and Secretary