MINUTES

Joint Meeting of North Dakota State Water Commission and Garrison Diversion Conservancy District Dickinson, North Dakota

October 23, 1991

The North Dakota State Water Commission and the Garrison Diversion Conservancy District held a joint meeting at the Hospitality Inn in Dickinson, North Dakota, on October 23, 1991. Chairmen, Lieutenant Governor Lloyd Omdahl and Charles Richter, called the meeting to order at 8:00 AM, Mountain Daylight Time. The roll call of each Board was taken, and the agenda presented.

STATE WATER COMMISSION 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 West Fargo
Daniel Narlock, Member from Grand Forks
Norman Rudel, Member from Fessenden
Jerome Spaeth, Member from Fargo
David Sprynczynatyk, State Engineer and Chief EngineerSecretary, North Dakota State Water Commission, Bismarck

STATE WATER COMMISSION MEMBER ABSENT:

Lorry Kramer, Member from Minot

GARRISON DIVERSION CONSERVANCY DISTRICT EXECUTIVE COMMITTEE AND BOARD MEMBERS PRESENT:

Charles A. Richter, Chairman, Executive Committee
Robert Strand, Vice Chairman, Executive Committee
Norman Haak, Second Vice Chairman, Executive Committee
Lester Anderson, Director, Executive Committee
Russell Dushinske, Director, Executive Committee
Argil Froemke, Director, Executive Committee
Richard Fugleberg, Director, Executive Committee
Tilmer Reiswig, Director, Executive Committee
C. Emerson Murry, Secretary, Executive Committee
William Bosse, Board Member, Sargent County
Lester DeKrey, Board Member, Barnes County
Charles Klosterman, Board Member, Richland County
Kenneth Leininger, Board Member, Griggs County

Milton Lochow, Board Member, Stutsman County Frank Orthmeyer, Board Member, Grand Forks County Jerrold Roble, Board Member, Wells County Thomas Shockman, Board Member, LaMoure County Connie Sprynczynatyk, Board Member, Burleigh County

GARRISON DIVERSION CONSERVANCY DISTRICT EXECUTIVE COMMITTEE MEMBERS ABSENT:

J. C. Eaton, Jr., Director LeRoy Johnson, Director

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.

GARRISON DIVERSION PROJECT - UPDATE AND FUTURE PLANNING (SWC Project No. 237)

Emerson Murry, Chairman of the Garrison Diversion Conservancy District, gave a status report on the Garrison Diversion Pro-

ject and future planning for the project. Mr. Murry indicated that the Administration basically supports all features of the Garrison Project except irrigation or anything such as the Mid-Dakota Reservoir that supports it. As a result, he said there is no money in the budget for construction other than the New Rockford Canal, which will be completed this fall. He pointed out there is one other construction feature, that being the drawdown channel around Arrowwood, which provides better refuge management capabilities for the US Fish and Wildlife Service.

Turtle Lake Irrigation District. Mr. Murry said this is a conceptual study, which means it will include wildlife, irrigation and economic development. The studies are progressing and the Bureau of Reclamation anticipates completion by January 1, 1992. Mr. Murry stated that "if irrigation is to proceed in North Dakota, it has to be good for all interests, and we feel this conceptual planning will accomplish this."

Mr. Murry said the big problem confronting the Garrison Diversion Project is the connection between the McClusky and New Rockford Canals. He said we cannot afford the proposed Sykeston Canal and feel the Mid-Dakota

Reservoir is the alternative solution. He pointed out the report of the Joint Technical Committee and Consultative group found the Mid-Dakota Reservoir to be acceptable with some changes as well as the Sykeston Canal.

GARRISON DIVERSION PROJECT -WASHINGTON, DC CONSULTANT **EFFORT** (SWC Project No. 237)

Emerson Murry said with no new construction for the Garrison Diversion Project forthcoming due to the Administration's position on irrigation, it was

agreed to by Governor Sinner, Lieutenant Governor Omdahl, and the Conservancy District that this is an area for Garrey Carruthers to work on with the Administration. Mr. Carruthers has been retained by Governor Sinner to provide lobbying services for the state in Washington, DC on a number of issues, but focusing primarily on the Garrison Diversion Project.

Mr. Murry noted another weak area is in the presentation of the project to the environmental community. He said there is a need to repackage the project presentations so it explains what we have done and are doing to address the environmental concerns.

Peter Carlson of Will & Muys has been retained as the environmental consultant for Garrison Diversion Project. Mr. Carlson will prepare and package a new presentation of the project for negotiations with the National Audubon Society, the National Wildlife Federation, and possibly congressional committees. Mr. Carruthers and Mr. Carlson will assist in clarifying and making necessary changes in the 1986 Garrison Reformulation Act to make the purpose of the Act more workable. Mr. Murry said the projects and issues that need to be addressed include the Devils Lake stabilization authorization; the allocation of project costs due to overbuilt features; and, management of that portion of the Lonetree Reservoir area assigned to wildlife.

GARRISON DIVERSION PROJECT -BUDGET FOR FISCAL YEAR 1992-1993 on the federal FY '92 approp-(SWC Project No. 237)

Emerson Murry briefed the group riation for the Garrison Diversion Project. In response to a

question regarding federal funding for the 1992-1993 fiscal year, Mr. Murry stated this information is not available from the federal government at this time; however, he further stated it sounds like the Administration will include a modest amount for the project. Last year, he said, the Administration budgeted \$25 million for Garrison and this could be reduced somewhat due to the fact the Indian components of the Act are about complete.

GARRISON DIVERSION PROJECT -MRGI WATER SUPPLY PROJECT UPDATE ed on the MRGI Water (SWC Project No. 237-3)

Secretary Sprynczynatyk report-Program activities. 121 applications have been re-

ceived, and if all of these applications were to be constructed, the total cost would be approximately \$500 million. Approximately \$60 million has been spent through the current fiscal year for the MR&I Program. Secretary Sprynczynatyk addressed the issue of future funding for the program and expressed concern that the Environmental Protection Agency's change in the drinking water standards will obviously result in higher costs.

Secretary Sprynczynatyk indicated the biggest problem is continued funding for development. He pointed out the cost share with Garrison funds has been changed from 75 percent federal grant - 25 percent local to 65 percent federal grant - 35 percent local. He said the 35 percent can be obtained from the Resources Trust Fund, through the State Water Commission, payable over 25 years at 3 5/8 percent interest. The intent is to make this self-sustaining but, he said, we need an infusion of state funds. Secretary Sprynczynatyk said the ideal situation is to have additional revenues available and that is what Governor Sinner's Water Strategy Task Force worked on. Unfortunately, he said, it does not appear the Task Force recommendations will go far in the special session of the Legislature.

GARRISON DIVERSION PROJECT -PROJECT PRIORITY POINTS SYSTEM (SWC Project No. 237-3)

Jeffrey Mattern, MR&I Water Supply Program Coordinator, reviewed the point system which was established to prioritize

To assist the Priority System Review Committee, projects. questionnaires were sent to State Water Commission members and Garrison Conservancy District directors. Mr. Mattern indicated that of the 25 questionnaires that were returned, the majority agreed the greatest emphasis should be on water quantity needs of primary water source, funding should not be based on population, ability to pay should be considered, eligible costs should remain the same, and lawn watering should receive a lower priority. Mattern said these results are consistent with the current MR&I priority system, although he suggested the review committee meet to discuss any possible changes that could be made to the system if needed. A memorandum relating to the MR&I Priority System and the results of the questionnaire are attached hereto as APPENDIX "A".

DEVILS LAKE MANAGEMENT PROJECT UPDATE (SWC Project No. 1712)

Secretary Sprynczynatyk provided a status report on the Devils Lake Management Project. The Corps of Engineers is con-

ducting a reconnaissance level study of the basin's water management needs which is anticipated to be completed in February, 1992.

Secretary Sprynczynatyk reported that representatives of the Devils Lake Coalition, Peter Belgarde, Tribal Chairman of the Sioux Tribe, and himself had met with the Congressional Delegation and the Office of Management and Budget in Washington, DC. Chairman Belgarde explained during the meetings that his great-great grandfather signed the treaty with the United States, setting aside the Fort Totten Indian Reservation. When that was done, Devils Lake was much higher than it is today, and his people today are not able to benefit from the lake in their traditional ways, and feel a great promise has been broken. As a result, Chairman Belgarde is very supportive of the Devils Lake Stabilization Project.

A special task force of local interests was created to support the efforts of the Devils Lake Citizens Advisory Board. Secretary Sprynczynatyk said the group will produce the Devils Lake Basin Management Plan, which is intended to identify and describe concepts and methods by which agriculture, fish and wildlife, and recreation interests can incorporate workable solutions for the basin's water quantity and quality problems as well as promote agreement among the interests.

LeRoy Klapprodt reported on the activities and progress of the task force. The State Water Commission is involved with the task force in developing a briefing report. Three proposals have been recommended which include a pipeline in and out of the lake from the New Rockford Canal and/or the Sheyenne River, or using the original plan which moved water from the lake into the Sheyenne River. Mr. Klapprodt said regardless of what plan is used to bring water into the lake, there has to be an outlet as well to avoid liability.

The recommendations will be presented to the Corps of Engineers to assist in their study in developing a conceptual water management plan for the entire basin. Mr. Klapprodt said this will change the present management of the basin and will take time to implement.

Mr. Klapprodt said the next phase is to do a reconnaissance study to see if such a plan is feasible. The State Water Commission has allocated up to \$800,000 for this study.

NA CHIIN HUUN - DAKOTA PROJECT STATUS REPORT (FORMERLY NORTHWEST AREA WATER SUPPLY/FORT BERTHOLD INTEGRATED WATER SUPPLY PROJECT) (SWC Project No. 237-4)

Frank Johnson, Na chiin Huun - Dakota Project Coordinator, provided the group with a project status report. He commented on the forthcoming JTAC hearings, which will review the effects of Garrison Dam on the

people of the Fort Berthold Reservation and Standing Rock Reservation. Mr. Johnson said so far the findings conclude that the Indians were not adequately compensated for land taken from them for the reservoirs.

Mr. Johnson explained the Na chiin Huun - Dakota Project proposal and said an advisory committee has been formed in compliance with state law. To date, the committee has met three times and has unanimously approved the draft of proposed legislation as revised. Senator Conrad is expected to introduce legislation shortly which, among other things, would make the project eligible for federal funding assistance in a manner similar to the current MR&I Program. Mr. Johnson said one of the principal objectives of the Advisory Committee meetings was to obtain something in writing from the tribes committing them to locating the intake structure for the supply system in Lake Audubon. The tribes would prefer this intake on the reservation, but Mr. Johnson said the engineering, economics and costs of locating the intake on the reservation could increase by as much as \$37 million and pumping costs could exceed \$600,000.

The committee also approved a new name for the project as suggested by the Three Affiliated Tribes as an acceptable name for the project. The new project name is Na chiin Huun - Dakota Project. Na chiin Huun is Arikara for "The Large Water".

WETLANDS COORDINATION REPORT (SWC Project No. 1810)

Charon Johnson, Wetlands Coordinator for the Garrison Diversion Conservancy District, re-

viewed the no-net loss legislation. He said there are still some bad feelings on both sides regarding no-net loss, but the majority support it. He explained the agreement he is working under and how it evolved. Because there are so many regulations, one of his principal 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 said we need a success story, but the federal government has come out with a new wetlands delineation manual which is confusing, difficult to use and contains technical inaccuracies.

The proposed 1991 manual, as published in the Federal Register, allowed a comment period until October 15, 1991. Because of the number of comments received and the extent of opposition from all sectors, the comment period was extended for an additional 60 days.

In any event, Mr. Johnson said to make no-net loss work, we need to get some changes in the federal regulation.

BIOTA TRANSFER STUDY UPDATE
(SWC Project No. 1828)

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Eugene Krenz, Director of the Planning and Education Division of the State Water Commission,

said the Biota Transfer Study was initiated in 1986 as a result of the Garrison Diversion Unit Study report. He said the study never really moved forward until 1988 due to lack of Canadian interest. Of major concern to the Canadians are the gizzard shad, Utah chub and the rainbow smelt, and three pathogens.

Mr. Krenz said as of June, 1991, \$410,000 has been committed to this research by the Conservancy District, State Water Commission and the Bureau of Reclamation. To date, 80 percent of the species found in the upper Mississippi Basin have also been found in the Hudson Basin, suggesting that not only is natural biota transfer occurring, but at a much more rapid rate than predicted.

Mr. Krenz explained the process used in selecting studies. He said they invite proposals that need to be dealt with, and as they come in, they are reviewed and either accepted or rejected.

A symposium will be held on March 25-29, 1992, at which time the scientists involved will present their views on the studies they are involved in.

regarding the timetable for completion of the study, Mr. Krenz stated he was not sure, but based on the specific charge given them, he felt they should be able to address the issues by 1995 unless new issues come forth.

GOVERNOR'S WATER STRATEGY
TASK FORCE UPDATE
(SWC Project No. 1852)
(SWC Resolution No. 91-10-446)

Chairman Omdahl commented on the Governor's Water Strategy Task Force and its objectives. The Task Force has developed its final report summarizing

the state's needs and now intends to ask the Committee on Natural Resources to endorse the program to keep it moving. Chairman Omdahl said it is hoped that the Committee, at a minimum, will approve the water development plan and continue to study how to fund it.

It was the consensus of the State Water Commission that a resolution be considered endorsing and supporting the concept of the proposed Task Force recommendations. The Garrison Diversion Conservancy District indicated it had already acted on this.

It was moved by Commissioner Rudel and seconded by Commissioner Narlock that the State Water Commission approve Resolution No. 91-10-446, Endorse and Support for the Concept Proposed by Governor Sinner's 1991 Water Strategy Task Force.

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

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

LeRoy Klapprodt, State Water Commission Planning and Education Division, reported that the third round of public meet-

ings associated with the State Water Management planning process have been completed.

The meetings were held with each of the eight Citizens Advisory Boards to distribute the final goals and objectives for the regions, review and discuss problems and opportunities identified to date, and discuss the efforts and findings of the Governor's Water Strategy Task Force. Seven of the Citizens Advisory Boards approved resolutions of support for the findings of the Task Force. The resolutions are to be sent to legislators to impress upon them the importance and urgency of water development to North Dakota.

Mr. Klapprodt said the fourth round of public meetings of the Citizens Advisory Boards will be held in late January or early February, at which time the boards will evaluate and prioritize alternatives that have been developed to address the issues, problems and opportunities in their regions.

Klapprodt Mr. the short-term proposals extend out to the years 1995-2000 and the long-term beyond. He said they hope to have a completed report by spring to assist in developing the State Water Commission budget for the 1993-1995 budget.

INTRODUCTION OF CHARLES RYDELL, ASSISTANT STATE ENGINEER

Secretary Sprynczynatyk introduced Charles Rydell, Assistant State Engineer, to the Conservancy District Directors.

Rydell assumed the position on May 1, 1991, after nearly 16 years of employment with the State Health Department. As Assistant State Engineer, Mr. Rydell will be the Director Administration Division of the Commission and will coordinate fiscal, records, and human resource management within the agency. He will also assume management of the State Water Commission in the absence of the State Engineer.

There being no further business to come before the groups, Chairman Richter called for a motion from the Garrison Diversion Conservancy District, which was unanimously carried, to adjourn the joint meeting.

> It was moved by Commissioner Narlock, seconded by Commissioner Vogel, and unanimously carried, that the joint meeting adjourn.

Chairmen Omdahl declared the joint meeting of the North Dakota State Water Commission and the Garrison Diversion Conservancy District adjourned at 10:30 AM.

Lloyd B. Omdahl

Lieutenant Governor-Chairman

ND-State Water Commission

David A. Eprynchynatyk State Engineer and

Chief Engineer-Secretary

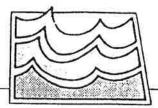
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and Richter

NORTH DAKOTA STATE WATER COMMISSION

REGISTER

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	PROJECT NO.			
Your Name	Your Address	Who do you Represent? (Or Occupation)		
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Lee Klapprodt	Bismarck	NDSWC		
GENE KIEMZ	Візталис	TI F		
CHUCK RYDELL	BISMARCK	NDSWC		
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North Dakota State Water Commission

900 EAST BOULEVARD . BISMARCK, ND 58505-0850 - 701-224-2750 - FAX 701-224-3696

MEMORANDUM

TO:

Governor George A. Sinner Lieutenant Governor Lloyd Omdahl State Water Commission Members

FROM: David A. Sprynczynatyk, State Engineer

SUBJECT: SWC Project #237-3 - MR&I Priority System

DATE: October 21, 1991

A review was completed on April 26, 1991 of the current priority system for the Municipal, Rural & Industrial Water Supply program. The review was made by a committee consisting of Jacob Gust and Bill Lardy from the State Water Commission and Frank Orthmeyer and Rick Anderson from the Garrison Diversion Conservancy District. A member of the State Water Commission requested that a questionnaire on the priority system be sent to the members of the State Water Commission and Garrison Diversion Conservancy District. The questionnaire was developed to determine what members thought should be the highest priority needs, whether the current priority system reflected these priorities, and should any changes be made to the current system.

The response to the questionnaire indicated that the current priority system is consistent with the overall priorities of the majority of the members of the State Water Commission and the Garrison Diversion Conservancy District. Twenty-five of the 37 MR&I priority questionnaires were returned. The majority indicated that water quantity needs should be the highest priority and that water quality needs are of high importance. A summary of the questionnaire results may be found on page three.

The current priority system bases 60 of the 100 points on water quantity or quality needs. The remaining 40 points cover economic development, percentage of local matching funds, location of project within or outside Garrison Conservancy District, project cost, cost per capita, population size of service area, median household income, and special circumstances. The quantity of a water system is reviewed for its ability to supply the basic domestic water needs of the service area. The water quality is based on the violations of the established primary and secondary water quality standards for a public water system.

MEMORANDUM
PAGE NO. 2
October 21, 1991

Future changes may be required in the priority system to more definitely reflect the water quantity and quality needs of each proposed project. I would offer the following suggestions for possible changes to our current priority system.

- Rate water quantity needs based on the overall existing capacity of the current system in terms of gallons per day per capita. Currently the community is rated on the number of days of water shortage. It should be noted, that insufficient treatment capacity is not considered a quantity of quality problem of high priority.
- 2. Minor adjustments should be considered for water quality. I would suggest rating the existing system more on violations of current standards and placing less emphasis on total dissolved solids.
- 3. Adjustments of the other parameters should be considered to ensure that the priority system is consistent with the priorities of the State Water Commission and the Garrison Diversion Conservancy District.

I recommend that the review committee meet to consider possible changes to the current priority rating system and that any recommended changes be presented to the State Water Commission for their review and consideration.

RESULTS FROM THE MR&I PRIORITY QUESTIONNAIRE DATED JULY 5, 1991

- Should the MR&I priority system continue to place the greatest emphasis on water quantity needs? (60 points)
 YES 18 NO 6 NO RESPONSE -1
- Should more points be given to projects that serve a (1) larger population, (2) smaller population, or (3) population should not matter? (1) - 1 (2) - 4 (3) - 20
- 3. Should the MR&I priority system reflect the project cost per capita?

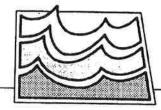
 YES 16 NO 7 NEITHER 2
- 4. Should attempts be made to distribute MR&I funds to the largest population base as possible?

 YES 5 NO 19 NEITHER 1
- 5. Should small communities that are currently just holding on be given (1) a higher rating, or (2) a lower rating for funding?

 (1) 7 (2) 12 NO RESPONSE 6
- Should the MR&I priority system reflect the ability to pay of the project sponsor?

 YES 17 NO 7 NO RESPONSE 1
- 7. Currently, costs eligible for MR&I funds are those for the transmission of water to the city, not the distribution within a city. Do you approve of this?

 YES 24 NO 1
- 8. At present, the MR&I program does not fund deferred maintenance projects. Do you agree with this? YES - 25 NO - 0
- 9. At present, the MR&I priority system is based on the status of the primary water source of a community or area. Backup systems and sources receive no priority points. Do you approve of this? YES - 22 NO - 3
- 10. Should lawn watering needs be given a lower priority YES 23 NO 1 NO RESPONSE 1



North Dakota State Water Commission

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RESOLUTION NO. 91-10-446

Endorse and Support for the Concept Proposed by Governor Sinner's 1991 Water Strategy Task Force

WHEREAS, the Missouri River, which possesses 96 percent of North Dakota's surface water, is vital to the future development and economic growth for North Dakota; and

WHEREAS, North Dakota desperately needs statewide distribution of Missouri River water to satisfy water quality and quantity needs throughout the state; and

WHEREAS, North Dakota and other upstream states in the Missouri River Basin are currently engaged in a legal struggle involving the United States Army Corps of Engineers's management of the Missouri River; and

WHEREAS, downstream states and others have suggested plans to utilize Missouri River water to supplement their waning supplies; and

WHEREAS, under the appropriation doctrine, legal claim to North Dakota's share of Missouri River water cannot be made unless it is put to beneficial use; and

WHEREAS, new Safe Drinking Water Act regulations imposed by the Environmental Protection Agency will become increasingly stringent placing tremendous economic burdens on all municipalities and rural water systems in the state; and

WHEREAS, the \$30 million recreation industry based on the fishery that currently exists in Devils Lake will be lost if Missouri River water is not provided soon to stabilize lake levels to protect the fishery; and

WHEREAS, the following list of projects proposed by the Governor's Task Force would provide reliable supplies of good quality water required to support economic growth in all areas of the state:

Statewide Municipal, Rural and Industrial (MR&I) Program Mid-Dakota Dam and Reservoir Garrison Diversion Unit Canal Maintenance and Rehabilitation

RESOLUTION NO. 91-10-446 - Page 2

James River (Oakes Test Area Irrigation)
Sheyenne River and Devils Lake Diversions
Turtle Lake Irrigation District
Williston Irrigation
Completion of the Southwest Pipeline Project
State Water Commission Contract Fund
Northwest Area (Na chiin Huun - Dakota Project)
Water Supply Development Fund

NOW, THEREFORE, BE IT RESOLVED that the North Dakota State Water Commission at a joint meeting with the Garrison Diversion Conservancy District on October 23, 1991 in Dickinson, North Dakota, hereby endorses and supports the concept proposed by Governor Sinner's 1991 Water Strategy Task Force for water development in North Dakota.

FOR THE NORTH DAKOTA STATE WATER COMMISSION:

Lloyd B. Omdahl

Lieutenant Governor-Chairman

SEAL

David A. Eprynczenaty State Engineer and

Chief Engineer-Secretary

NORTH DAKOTA STATE WATER COMMISSION

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ATTENDANCE AT	State	lateral	Dumbuin	Meeting
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Your Name	Your Address	Who do you Represent? (Or Occupation)
Dave Koland	Bismaick	ND Rural Water Systems
Charles Righter	new Rockford	YDCD
Norm Roth	Bismerck	SCS
Bruce F McCollon	Bismarch	BulBEC Engineers
LEE RAGAN	BISMARCK	USFUS
Steve Dyke	Bismarck	NO Game + Fish
FletcherPoling	BISMARCH	Basin Electric Power Conpendio
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