

MINUTES

North Dakota State Water Commission Work Session Bismarck, North Dakota

May 31, 2011

The North Dakota State Water Commission held a work session at the State Office Building, Bismarck, North Dakota, on May 31, 2011. Governor Jack Dalrymple, Chairman, called the work session to order at 9:00 A.M., and requested Todd Sando, State Engineer, and Chief Engineer-Secretary to the State Water Commission, to call the roll. Governor Dalrymple announced a quorum was present.

STATE WATER COMMISSION MEMBERS PRESENT:

Governor Jack Dalrymple, Chairman
Doug Goehring, Commissioner, North Dakota Department of Agriculture, Bismarck
Arne Berg, Member from Devils Lake
Maurice Foley, Member from Minot
Larry Hanson, Member from Williston
Jack Olin, Member from Dickinson
Harley Swenson, Member from Bismarck
Robert Thompson, Member from Page
Douglas Vosper, Member from Neche

OTHERS PRESENT:

Todd Sando, State Engineer, and Chief Engineer-Secretary,
North Dakota State Water Commission, Bismarck
State Water Commission Staff
Approximately 50 people interested in agenda items

The attendance register is on file with the official minutes.

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

CONSIDERATION OF AGENDA

There being no additional items for the agenda, Governor Dalrymple announced the agenda approved as presented.

**SOUTHWEST PIPELINE PROJECT -
OLIVER-MERCER-NORTH DUNN
REGIONAL SERVICE AREA,
CENTER TANK TO CENTER,
HANNOVER TO MISSOURI WEST
WATER SYSTEM - AUTHORIZE
AWARD OF CONTRACT 2-8C/2-8D
(SWC Project No. 1736)**

On April 21, 2011, bids were opened for Southwest Pipeline Project contract 2-8C/2-8D, Oliver-Mercer-North Dunn regional service area, Center tank to Center, Hannover to the Missouri West Water System connection. The contract consists of the construction of 40.4 miles of 14" to 6" PVC gasketed joint pipe, one pressure reducing valve vault, two prefabricated meter vaults, one prefabricated VFD booster station, two connections to the City of Center, two connections to the existing Missouri West Water System (MWWS), and other related appurtenances. This pipeline will directly serve the City of Center, MWWS, and will be the supply line for all rural distribution lines in Oliver county. The contract documents stipulate a substantial completion date of July 1, 2012. The contract will be funded with a combination of the 2009 Fiscal Year MR&I allocation to the Southwest Pipeline Project and the 2009-2011 (H.B. 2010) biennium State Water Commission allocation to the Southwest Pipeline Project.

Four bid packages were received for contract 2-8C/2-8D from Niebur Development, Inc., Colorado Springs, CO; Merryman Excavation, Inc., Woodstock, IL; Tand Construction LLC, Mandan, ND; and S.J. Louis Construction, Inc., Rockville, MN. All bids appeared to be in order and all were opened. The apparent low bid received was \$5,594,607.50 submitted by Niebur Development, Inc., Colorado Springs, CO. The project engineer's estimate in the preliminary engineering report was \$4,762,182.50.

The contract documents allow the State Water Commission to select the most advantageous bid. Based on the project engineer's review, the bid received from Niebur Development, Inc. appears to be in accordance with the advertisement for construction bid and the bid documents, and is considered to be a responsible and responsive bid. It was the recommendation of the project engineer to award contract 2-8C/2-8D to Niebur Development, LLC, Colorado Springs, CO. The award of contract and notice to proceed are dependent on the satisfactory completion and submission of the contract documents by Niebur Development, Inc., concurrence from the Garrison Diversion Conservancy District, and review/approval by the Commission's legal counsel.

It was the recommendation of Secretary Sando that the State Water Commission authorize the secretary to the State Water Commission to award Southwest Pipeline Project contract 2-8C/2-8D, Oliver-Mercer-North Dunn regional service area - Center tank to Center, Hannover to Missouri West Water System connection, to Niebur Development, Inc., Colorado Springs, CO., in the amount of \$5,594,607.50.

It was moved by Commissioner Olin and seconded by Commissioner Berg that the State Water Commission authorize the secretary to the State Water Commission to award Southwest Pipeline Project contract 2-8C/2-8D, Oliver-Mercer-North Dunn regional service area - Center tank to Center, Hannover to Missouri West Water System connection, to Niebur Development, Inc., Colorado Springs, CO., in the amount of \$5,594,607.50. This action is contingent upon the satisfactory completion and submission of the contract documents by Niebur Development, Inc., concurrence from the Garrison Diversion Conservancy District, and review/approval by the Commission's legal counsel.

Commissioners Berg, Foley, Goehring, Hanson, Olin, Swenson, Thompson, Vosper, and Governor Dalrymple voted aye. There were no nay votes. Governor Dalrymple announced the motion unanimously carried.

**DEVILS LAKE WORK SESSION
(SWC Project No. 416)**

On May 31, 2011, the State Water Commission and others held a work session to address flood issues in the Devils Lake basin. Commissioner Swenson provided a synopsis for discussion of the Devils Lake flood issues, which is attached hereto as **APPENDIX "A"**. Presentations by Secretary Sando and the Commission staff included the hydrologic conditions in the Devils Lake basin; state outlets status reports including the existing west end outlet, outlet alternatives and the rationale for selecting the East Devils Lake outlet location, and the Stump Lake control structure; an informational report on the Devils Lake Executive Committee's action plan; and a status report on the Devils Lake Outlet Advisory Committee.

Skip Vecchia, U.S. Geological Survey, provided a report on the "Stochastic Simulation of Future Devils Lake levels, Outlet Discharges, and Downstream Water Quality". An outline of Mr. Vecchia's report is attached hereto as **APPENDIX "B"**.

David Glatt, North Dakota Health Department, provided technical information relating to the water quality issues in Devils Lake, Stump Lake, Upper Sheyenne River, Lake Ashtabula, and the lower Sheyenne River. Chart data relating to the "future drawdown probabilities for Devils Lake from 2011-30 (based on 5,000 simulated traces)" and the "future spill probabilities for Devils Lake for 2011-30 with 250 cubic feet per second (cfs) from the existing west end outlet and 350 cfs from the East Devils Lake outlet (W250EDL350) "unfavorable" versus "favorable" conditions for 2011-12" were provided and identified hereto as **APPENDIX "C"**. Mr. Glatt explained the water quality considerations relating to the rules and regu-

lations, and identified the positions of the State Health Department, the Environmental Protection Agency, and the State of Minnesota as they relate to water quality considerations.

The Commission members received a report from Francis Schneider, Minnewaukan, N.D., which is attached hereto as **APPENDIX "D"**. A memorandum, dated May 31, 2011, submitted electronically from Richard Betting, Secretary, People to Save North Dakota, to Governor Dalrymple and Todd Sando, was distributed for the record and is identified as **APPENDIX "E"**.

Governor Dalrymple emphasized that "the state is strongly committed in its efforts to combat flooding in the Devils Lake basin, and will continue to do everything possible to address the rising waters of Devils Lake. The state has developed a three-pronged strategy to alleviate flooding in the basin that includes building a control structure at Tolna Coulee, constructing an East Devils Lake outlet, and expanding the capacity of the currently operating west end outlet. When the west and east outlet projects are completed, the total capacity will remove 600 cubic feet per second (cfs) of water from Devils Lake."

The State Water Commission members offered comments in harmony with Governor Dalrymple's statement. In its efforts to reinforce their commitment to address flooding in the Devils Lake basin, the following resolutions were offered :

It was moved by Commissioner Goehring and seconded by Commissioner Olin that the State Water Commission:

- 1) continue the State Water Commission's objective to reduce the water level of Devils Lake;***
- 2) direct the State Engineer to seek input from a working group consisting of city and county leaders in the Devils Lake basin regarding the design and construction of a control structure in the Tolna Coulee; and***
- 3) direct the State Engineer to re-examine the data that was used in 2002 to determine the elevation of the Tolna Coulee.***

At that time, the elevation was determined at 1458 feet mean sea level, the elevation that existed at the time of statehood in 1889. The State Engineer will determine whether that elevation is correct and will provide data to the City of Devils Lake upon request.

Commissioners Berg, Foley, Goehring, Hanson, Olin, Swenson, Thompson, Vosper, and Governor Dalrymple voted aye. There were no nay votes. Governor Dalrymple announced the motion unanimously carried.

Because of schedule commitments, Governor Dalrymple left the meeting at 11:30 A.M.; Commissioner Goehring assumed the chair.

Discussion continued relative to addressing the Devils Lake basin flooding; officials from the Devils Lake region audienced the Commission.

There being no additional business to come before the State Water Commission, Commissioner Goehring adjourned the meeting at 12:40 P.M.



Jack Dalrymple, Governor
Chairman, State Water Commission

Todd Sando, P.E.
North Dakota State Engineer,
and Chief Engineer-Secretary
to the State Water Commission