

## **MINUTES**

### **North Dakota State Water Commission Bismarck, North Dakota**

**July 22, 1997**

The North Dakota State Water Commission held a meeting at the State Office Building, Bismarck, North Dakota, on July 22, 1997. Governor-Chairman, Edward T. Schafer, called the meeting to order at 9:30 AM, and requested State Engineer, and Chief Engineer-Secretary, David A. Sprynczynatyk, to call the roll. The Chairman declared a quorum was present.

#### **MEMBERS PRESENT:**

Governor Edward T. Schafer, Chairman  
Patrice Eblen, Department of Agriculture, representing Roger Johnson  
Mike Ames, Member from Williston  
Florenz Bjornson, Member from West Fargo  
Elmer Hillesland, Member from Grand Forks  
Jack Olin, Member from Dickinson  
Harley Swenson, Member from Bismarck  
Robert Thompson, Member from Page  
David A. Sprynczynatyk, State Engineer, and Chief Engineer-Secretary,  
North Dakota State Water Commission, Bismarck

#### **MEMBER ABSENT:**

Judith DeWitz, Member from Tappen

#### **OTHERS PRESENT:**

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, the Chairman declared the agenda approved, and requested Secretary Sprynczynatyk to present the agenda.



**CONSIDERATION OF MINUTES  
OF MARCH 26, 1997 STATE WATER**

The minutes of the March 26, 1997  
State Water Commission meeting

**COMMISSION MEETING -**

were approved by the following

**APPROVED**

motion:

*It was moved by Commissioner Olin, seconded by  
Commissioner Bjornson, and unanimously carried, that the  
minutes of the March 26, 1997 State Water Commission  
meeting be approved as prepared.*

**CONSIDERATION OF MINUTES  
OF MAY 7, 1997 STATE WATER  
COMMISSION TELEPHONE  
CONFERENCE CALL MEETING -  
APPROVED**

The minutes of the May 7, 1997 State  
Water Commission telephone confer-  
ence call meeting were approved by  
the following motion:

*It was moved by Commissioner Olin, seconded by  
Commissioner Bjornson, and unanimously carried, that  
the minutes of the May 7, 1997 State Water Commission  
telephone conference call meeting be approved as  
prepared.*

**CONSIDERATION OF MINUTES  
OF JUNE 11, 1997 STATE WATER  
COMMISSION TELEPHONE  
CONFERENCE CALL MEETING -  
APPROVED**

The minutes of the June 11, 1997  
State Water Commission telephone  
conference call meeting were approv-  
ed by the following motion:

*It was moved by Commissioner Olin, seconded by  
Commissioner Bjornson, and unanimously carried, that  
the minutes of the June 11, 1997 State Water  
Commission telephone conference call meeting be  
approved as prepared.*

**FINANCIAL STATEMENT -  
1995-1997 BIENNIUM BUDGET**

Dale Frink, Assistant State Engineer,  
presented and discussed the Program  
Budget Expenditures as of June 30,

1997, reflecting 100 percent of the 1995-1997 biennium. Mr. Frink stated there will be additional expenditures added for expenses incurred prior to June 30, 1997, but not yet paid. The final figures for the 1995-1997 biennium will be available in August, 1997. Carryover authority into the new biennium of \$228,000 was approved for the Devils Lake ASAP program. *SEE APPENDIX "A"*



**FINANCIAL STATEMENT -  
1997-1999 BIENNIUM BUDGET**

from the 1995-1997 biennium is that the Resources Trust Fund will be used primarily for contracts, grants, programs, and project expenses. General fund money will be used to support agency operations. *SEE APPENDIX "B"*

Dale Frink presented and discussed the cost center summary for the 1997-1999 biennium. A significant change

**FINANCIAL STATEMENT -  
RESOURCES TRUST FUND  
1995-1997 BIENNIUM**

Trust Fund revenues for the 1995-1997 biennium were \$7,066,431, which is about \$200,000 lower than projected by the Office of Management and Budget. The Southwest Pipeline Project revenues were also lower due to the capital repayment money being deposited by the bond trustee rather than being deposited into the Resources Trust Fund. Mr. Frink said the projected total revenues for the 1995-1997 biennium are \$12.2 million, which includes the beginning balance of \$2.3 million on July 1, 1995. He said approximately \$2.1 million is estimated as the beginning balance in the Resources Trust Fund for the 1997-1999 biennium.

Dale Frink reviewed and discussed the Contract Fund for the 1995-1997 biennium. *SEE APPENDIX "C"*

**FINANCIAL STATEMENT -  
RESOURCES TRUST FUND  
1997-1999 BIENNIUM**

Frink reported the revenue projections will be less due to a lower beginning balance and lower Southwest Pipeline Project capital repayment revenues.

The Legislature approved \$13,473,548 of spending authority from the Resources Trust Fund, including \$2 million of obligated carryover. Dale

The Contract Fund receives funds from several sources, including the Resources Trust Fund, the general fund, federal funds, and miscellaneous other sources. A summary of the funding sources and the State Water Commission's recommendation to the Legislature of projects that are eligible for funding is attached hereto as *APPENDIX "D"*

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

Tim Fay, Project Manager for the Southwest Pipeline Project, provided the following contract and construction status report:

**Contract 2-4B - Transmission Line to Reeder and Hettinger:** The contractor has about 12 miles of the transmission line complete. Projected completion of the contract is November, 1997.

**Contract 5-5 - Bucyrus Reservoir:** The steel tank is located west of Bucyrus. The foundation work is near completion and the contractor anticipates the steel assembly in the next two weeks. The contract is expected to be completed in November, 1997.

Mr. Fay stated the design is progressing for the Jung Lake reservoir and pump station. The contracts will be advertised in August, 1997.

**SOUTHWEST PIPELINE PROJECT -  
AWARD OF CONTRACT 7-4/7-3A FOR  
BUCYRUS DISTRIBUTION AND  
POCKET SERVICE AREAS TO  
NORTHERN IMPROVEMENT  
COMPANY, FARGO, ND  
(SWC Project No. 1736)**

On June 11, 1997, bids were opened for Southwest Pipeline Project Contract 7-4/7-3A. The contract includes alternates for service to Bucyrus and three pocket service areas and service to Perkins County, South Dakota.

Tim Fay explained that the total price for this contract, with the alternates, was greater than the original estimate upon which the funding plan was based, however, the contingencies included appear adequate to fund the contract.

It was the recommendation of the State Engineer that the State Water Commission approve the award of Southwest Pipeline Project Contract 7-4/7-3A to Northern Improvement Company, Fargo, ND.

*It was moved by Commissioner Ames and seconded by Commissioner Olin that the State Water Commission approve the award of Southwest Pipeline Project Contract 7-4/7-3A to Northern Improvement Company, Fargo, ND.*

*Commissioners Ames, Bjornson, Hillesland, Olin, Swenson, Thompson, Patrice Eblen representing Commissioner Roger Johnson, and Chairman Schafer voted aye. There were no nay votes. The Chairman declared the motion unanimously carried.*

**SOUTHWEST PIPELINE PROJECT -  
USDA - RURAL DEVELOPMENT  
FUNDING ASSISTANCE OF  
SERIES B BOND RESOLUTION FOR  
ISSUANCE OF NORTH DAKOTA  
STATE WATER COMMISSION  
WATER DEVELOPMENT REVENUE  
BONDS  
(SWC Project No. 1736)**

At the June 11, 1997 meeting, the State Water Commission authorized the execution of the Bond Issuance Authorization Resolution, and approved the 1997 Series B Bond Resolution for the issuance of the North Dakota State Water Commission Water Development Revenue Bonds for funding for the continued con-

struction of the Southwest Pipeline Project. The motion was contingent upon approval by the USDA-Rural Development.

Secretary Sprynczynatyk reported that based on the action of the State Water Commission and approval by the USDA-Rural Development, the 1997 Series B Bond was closed on July 1, 1997 and the bond proceeds are available for project use.

**SOUTHWEST PIPELINE PROJECT -  
APPROVAL OF MODIFICATION  
TO PHASED DEVELOPMENT PLAN**

The Southwest Water Authority reviews the Southwest Pipeline Project Phased Development Plan

**(SWC Project No. 1736)**

annually. The purpose of the review is to prioritize Southwest Pipeline

Project construction phases according to eight criteria. An annual review allows the Authority's board of directors to consider any significant changes within the Southwest Pipeline Project service area and to recommend modification of the Phased Development Plan to the State Water Commission.

Tim Fay presented the following 1996 Southwest Pipeline Project Phased Development Plan:

- Jung Lake Phase 1
- Hettinger-Reeder Phase 2
- Hebron-Glen Ullin Phase 3
- Scranton-Bowman Phase 4
- Mott-Elgin Phase 5
- Medora-Beach Phase 6
- Little Missouri Phase 7
- North Dunn Phase 8
- Oliver-Mercer Phase 9

Mr. Fay explained several significant events which have occurred that could affect the Southwest Pipeline Project Phased Development Plan. Based on the developments, the Southwest Water Authority board of directors, at its May 5, 1997 meeting, approved the following revisions to the Southwest Pipeline Project Phased Development Plan:

- Jung Lake Phase 1
- Hettinger-Reeder Phase 2
- Hebron-Glen Ullin Phase 3
- Mott-Elgin Phase 4 (formerly 5)
- Scranton-Bowman Phase 5 (formerly 4)
- Medora-Beach Phase 6
- Little Missouri Phase 7
- North Dunn Phase 8
- Oliver-Mercer Phase 9



It was the recommendation of the State Engineer that the State Water Commission approve the modification to the Southwest Pipeline Project Phased Development Plan as recommended by the Southwest Water Authority.

*It was moved by Commissioner Swenson and seconded by Commissioner Thompson that the State Water Commission approve the modification to the Southwest Pipeline Project Phased Development Plan as recommended above by the Southwest Water Authority.*

*Commissioners Ames, Bjornson, Hillesland, Olin, Swenson, Thompson, Patrice Eblen representing Commissioner Roger Johnson, and Chairman Schafer voted aye. There were no nay votes. The Chairman declared the motion unanimously carried.*

**SOUTHWEST PIPELINE PROJECT -  
APPROVAL OF SETTLEMENT OF  
JOHN SCHOLZ CONDEMNATION  
(SWC Project No. 1736)**

John Scholz lived near Lefor, North Dakota, and, in 1995, he refused to grant an easement for construction and installation of the Southwest Pipeline Project. Following attempts

to negotiate the acquisition of a gratis easement throughout the spring and summer when the contractor reached and needed to cross the Scholz property to serve a neighboring water user, an easement was condemned through quick-take condemnation by depositing \$125.00 with the Stark County Clerk of Court to acquire a right-of-way easement over the Scholz property on October 30, 1995. Mr. Scholz appealed the quick-take condemnation on November 27, 1995.

The parties made several attempts to negotiate a settlement, all of which were unsuccessful. The parties conducted discovery, and Mr. Scholz filed a motion for summary judgement, which was denied. While the case was pending, Mr. Scholz suffered a heart attack and was ill for several months, which resulted in repeated continuances of trial dates. Mr. Scholz expired in December, 1996.

In May, 1997, Mr. Scholz's widow, who is the Personal Representative for the Scholz estate, agreed to settle the case and grant a pipeline easement to the North Dakota State Water Commission in exchange for \$1,000. Mrs. Scholz will also obtain the \$125.00 deposited with the Stark County Clerk of Court at the commencement of the condemnation action.

Carmen Miller, Assistant Attorney General for the State Water Commission, explained the Settlement Agreement establishing the terms and conditions for settlement of the John Scholz condem-

nation. The Settlement Agreement is subject to, and conditioned upon, the formal approval of the State Water Commission and, upon such approval, the counsel for the parties will enter into a stipulation for dismissal of the action. The Settlement Agreement is attached hereto as *APPENDIX "E"*.

Ms. Miller said the settlement is favorable for the Commission because settlement will eliminate the only contested condemnation for the project without incurring additional legal fees or possible damages. She indicated that the \$1,000 figure is also a considerable reduction from previous settlement amounts requested by Mr. Scholz.

It was the recommendation of the State Engineer that the State Water Commission approve the settlement of the John Scholz easement condemnation.

Concern of setting precedence was expressed by the State Water Commission members. Secretary Sprynczynatyk said this was an exceptional case in that Mr. Scholz was opposed to having the pipeline on his land. This is the only condemnation that has been appealed in easement acquisitions for the Southwest Pipeline Project. He said, in most instances, the landowners in southwest North Dakota have been very reasonable and understanding. Secretary Sprynczynatyk stressed the importance of continuing to educate the public about the project and to address their needs and concerns.

*It was moved by Commissioner Olin and seconded by Commissioner Ames that the State Water Commission approve the Agreement Settlement of the John Scholz easement condemnation as recommended.*

*Commissioners Ames, Bjornson, Hillesland, Olin, Swenson, Thompson, Patrice Eblen representing Commissioner Roger Johnson, and Chairman Schafer voted aye. There were no nay votes. The Chairman declared the motion unanimously carried.*

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

Warren Jamison, Manager of the Garrison Diversion Conservancy District, provided a summary of meetings held on June 16 and 17, 1997

in Washington, DC to discuss securing authorization for the completion of the Garrison Diversion Project and related matters. The summary report prepared by Norman Haak, Chairman of the Garrison Diversion Conservancy District, is attached hereto as *APPENDIX "F"*.

On June 11, 1997, the State Water Commission passed a motion approving the expenditure of \$40,000 from the MR&I Water Supply program interest account funds for the preparation and presentation of information relative to low flow issues on the Red River of the North and the Sheyenne River streamflow transmission losses. Affirmative action was taken by the board of directors of the Garrison Diversion Conservancy District on June 2, 1997. Mr. Jamison reported that the Garrison Diversion Conservancy District executed a contract with Houston Engineering, Inc., to provide engineering and environmental consulting services on three issues: 1) instream flow needs for the protection of aquatic life; 2) instream flow needs for meeting water quality standards; and 3) the affect of channel losses along the Sheyenne River.

Instream flow issues are being addressed by the State Water Commission, the State Health Department, the State Game and Fish Department, and the State Parks and Recreation Department. Mr. Jamison said the most widely accepted methodologies used to identify flow regimes needed for various environmental parameters are the most data intensive, time consuming, and costly. The state ad hoc committee will specifically address the benefits of instream flow, determination of minimum flows, and review ways to implement instream flows.

The Bureau of Reclamation is currently studying the use of Missouri River water to meet the water needs of the Red River valley. The Bureau maintains it must use the most up-to-date data available for addressing instream flows, which is a Corps of Engineers study.

Mr. Jamison provided a briefing of the study efforts. The engineer's preliminary analysis is anticipated in September, 1997, with the final report available in November, 1997.

Mr. Jamison indicated that he will be attending the National Water Resources Association annual summer meeting in Utah in July, and will represent the State Engineer at the Board of Directors meeting. The agenda items include discussions of facility transfers, transfer of water for ownership use and purpose, and project financing. Mr. Jamison said, "as I represent North Dakota at local, state, and national meetings, I speak with pride of North Dakota's aggressiveness it its position on MR&I funding of projects."

**GARRISON DIVERSION PROJECT -  
MR&I WATER SUPPLY PROGRAM  
(SWC Project No. 237-03)**

Secretary Sprynczynatyk provided the following MR&I Water Supply Program report:

**Benson County Rural Water:** Ulteig Engineers has completed its review of the project with surrounding rural water systems of All

Seasons, Langdon and Pierce on how the Benson system best ties in the water service areas. The engineering report goals and objectives were to minimize areas of multiple coverage, ensure that rural water systems would be economically viable for the future, and endeavor to serve the most users with the best practical methods with the highest quality of water.

**Burleigh Water Users:** Phase 2 contracts were awarded to Northern Improvement Company for the improvement and expansion, and to Advanced Tank and Construction for the water storage tanks. The Phase 2 cost estimate is \$7,505,000, which includes an MR&I grant of \$3,590,000, Rural Development loan of \$3,100,500, Bank of North Dakota loan of \$250,000, Burleigh Water contribution of \$214,500, and a muni-bond of \$350,000.

**Dickey Rural Water:** The water treatment plant is in operation with water being supplied to the communities of Berlin, Edgeley, Ellendale, Fullerton, and more than 60 users. The remaining pipeline construction is scheduled for completion in 1997, but wet conditions have slowed progress. The Southeast Water Users have been managing the Dickey water system since January, 1997.

**Grand Forks Water Treatment:** The contractors completed the major work on modifying the water treatment plant's existing clear wells and control system prior to the spring flood, although the controls were damaged and require repair. Options for repair will be determined by the contractors based on the builders' risk insurance.

**Missouri West Rural Water:** A portion of the Phase 2 bid was awarded to Northern Improvement Company for the water distribution system in the amount of \$3,402,280. Details on the needed funding of \$2,116,646 to complete Phase 2 are covered under a separate section in these minutes.

**North Valley Water Association/Walhalla-Neche Branch:** The project is planned for phased construction, with Phase 1 being the water treatment plant expansion and the connection to the city of Walhalla in 1997. The estimated Phase 1 cost is \$7,475,000, with a MR&I grant of \$3,630,000, Rural Development loan of \$2,175,000, Community Development Block Grant of \$270,000, and a muni-bond of \$1,400,000. Included in the cost is the connection of the Cavalier Air Station, which is the United States Air Force cost. Phase 2 of the project is scheduled for 1998 and includes the rural users in the Neche area.

**Northwest Area Water Supply Project:** See Northwest Area Water Supply Project section in these minutes for status report.

**Ransom-Sargent Rural Water:** The engineer is working on the feasibility study and the environmental assessment requirements.

**Southwest Pipeline Project:** See Southwest Pipeline Project section in these minutes for status report.

**GARRISON DIVERSION PROJECT -  
MR&I FUNDING FOR FY 1997  
(SWC Project No. 237-03)**

At its December 4, 1996 meeting, the State Water Commission passed a motion approving the proposed \$12 million Fiscal Year 1997 MR&I Water

Supply program budget, contingent upon the availability of funds and subject to future revisions. Affirmative action was taken by the Garrison Diversion Conservancy District board of directors at its meeting on January 2, 1997.

Secretary Sprynczynatyk explained that the \$12 million allocation is below the \$16.2 guidelines established on September 25, 1995. As a result of the \$4 million shortfall, the MR&I committee of the State Water Commission and the Garrison Diversion Conservancy District will need to re-visit future funding.

**GARRISON DIVERSION PROJECT -  
MR&I FUNDING FOR FY 1998  
(SWC Project No. 237-03)**

Warren Jamison made reference to the President's budget request of \$20.4 million for the Garrison Diversion Unit for Fiscal Year 1998 to continue

assistance to communities still in need of a guaranteed supply of water. In a memorandum to the Congressional Delegation, dated March 18, 1997, Mr. Jamison said, "we realize that federal funding is limited, but the state's water needs continually grow as peoples' needs remain unmet. The potential for growth and high value economic development in the area of the state is limited due to the uncertainty of future water supplies. We are requesting an additional \$7.5 million for water systems at Hebron, Glen Ullin, and Neche, and for the continued operation of the Oakes Test Area. The State Water Commission and the Garrison Diversion Conservancy District have put together a plan for meeting these needs as far as the existing authorizations will allow. The plan was assembled two years ago and has been adjusted since then to match declining levels of appropriations for the GDU. The President's request, if not increased, will decimate the planning program for meeting the existing highest priority needs of financial assistance to municipal, rural, and industrial water systems."

**GARRISON DIVERSION PROJECT -  
RED RIVER VALLEY MUNICIPAL,  
RURAL AND INDUSTRIAL WATER  
NEEDS ASSESSMENT APPRAISAL  
(SWC Project No. 237)**

The Bureau of Reclamation has studied the water supplies and needs in the Red River valley for the past two years in an effort to determine the future (2050) water supplies and requirements. The Bureau released

the Red River Valley Municipal, Rural and Industrial Water Needs Assessment, Review Draft Appraisal Report for comments in March, 1997. The final report is anticipated in late July, 1997.

Warren Jamison indicated attention has been raised on several unresolved issues relating to minimum stream flows, specifically dealing with water quality and habitat. Because there is no legal or instituted framework in North Dakota to assign or protect instream flows without a project works, the Bureau of Reclamation has been instructed to find out what has been done in Minnesota.

The Bureau staff is developing the framework for Phase II of the Red River Valley Municipal, Rural and Industrial Water Needs Assessment Appraisal study. This phase will assess alternative ways to meet the needs. The steering committee has been expanded to include the Garrison Diversion Conservancy District, the Red River Valley Water Supply Coalition, and a representative of the rural water systems. The time frame for completion of Phase II is April, 1998.

**GARRISON DIVERSION PROJECT -  
APPROVAL OF AGREEMENT TO  
PERMIT ASSIGNMENT OF  
WALHALLA SYSTEM BRANCH  
REVENUES  
(SWC Project No. 237-03)**

North Valley Water Association is a rural system which serves approximately 1,150 users in Cavalier and Pembina Counties and the communities of St. Thomas, Cavalier, Milton, Mountain and Osnabrock. North Valley has three subsystems: 1)

Gardar System, serving the southwest corner of Pembina County and the southeast corner of Cavalier County; 2) Akra System-Neché Branch, serving the north half of Pembina County; and 3) Akra System-South, serving the south half of Pembina County.

North Valley is proposing to add the Walhalla System branch to improve the water quality and reliability of service in the rural area to provide the city of Walhalla with bulk water service. Construction includes new wells, installation of additional filtration capacity at the Akra water treatment plant, a booster station, a 500,000-gallon reservoir pump station, and a distribution pipeline system. The estimated cost is \$5,805,000. Project funding will be provided through a MR&I grant of \$3,630,000 and a Rural Development loan of \$2,175,000 from Rural Utilities Service. The Rural Utilities Service loan requires that revenues generated from the Walhalla System branch of the project be ratably divided.

Secretary Sprynczynatyk explained that the State Water Commission has a loan with North Valley for an expansion project completed on the Akra System-South. The loan requires Commission approval of future North Valley expansion projects. A draft agreement was

presented for the Commission's consideration that would allow all revenues generated on the Walhalla System branch to be divided ratably based upon the respective total amounts due and owing by North Valley to the North Dakota Bond Bank, the Bank of North Dakota, the North Dakota State Water Commission, and the Rural Utilities Service for all outstanding amounts. Secretary Sprynczynatyk said that the agreement will not affect the State Water Commission's loan repayment.

It was the recommendation of the State Engineer that the State Water Commission approve the proposed agreement which would allow all revenues generated from the Walhalla System branch to be divided ratably based on all outstanding amounts and due to the parties of the agreement.

*It was moved by Commissioner Hillesland and seconded by Commissioner Olin that the State Water Commission approve the agreement allowing that all revenues generated from the Walhalla System branch to be divided ratably based on all outstanding amounts and due to the parties of the agreement.*

*Commissioners Ames, Bjornson, Hillesland, Olin, Swenson, Thompson, Patrice Eblen representing Commissioner Roger Johnson, and Chairman Schafer voted aye. There were no nay votes. The Chairman declared the motion unanimously carried.*

**GARRISON DIVERSION PROJECT -  
MISSOURI WEST WATER SYSTEM  
PHASE 2 CONSTRUCTION  
(SWC Project No. 237-03)**

County. Phase 1 received a 65 percent MR&I grant and a 35 percent State Water Commission loan.

The Morton County Water Resource District completed Phase 1 of the Missouri West Water System project, which provides water service to the residents in northern Morton

The District opened construction bids on Phase 2 of the project. The low bidder was Northern Improvement Company with a bid of \$5,363,185, which was approximately \$172,000 above the engineer's estimate. This bid and other project costs brings the total for Phase 2 to \$7,501,246. Phase 2 was approved for a fiscal year 1997 grant of \$3,500,000 and a Rural Utilities Service loan of \$1,884,600, for a total of \$5,384,600. The approved funding leaves \$2,116,646 needed to complete the project, with a 65 percent MR&I grant being \$1,375,000. Currently, the fiscal year 1998 allocation shows \$1,670,000 to complete Missouri West.

Secretary Sprynczynatyk explained that Phase 2 was bid with seven schedules, which allows the District to award a contract based on available funding. Schedules 1, 4, 6 and 7 were awarded. The District has inquired if additional MR&I funding is available to allow the project to be completed by award of all of the schedules. If additional funding is not available, he said it is likely that the Flasher and Huff/Fort Rice service areas will be rebid in 1998. The District has asked Northern Improvement to extend the time period on the bid to October 25, 1997 for the possible award of the remaining three schedules.

**NORTHWEST AREA WATER**

James Lennington, Project Manager

**SUPPLY PROJECT**

for the Northwest Water Supply

**(SWC Project No. 237-04)**

Project, reported the process for review and approval of the Northwest

Area Water Project by the Garrison Joint Technical Committee has been incorporated into the National Environmental Policy Act (NEPA) approval process. The draft environmental assessment was distributed on June 9, 1997, with a 45-day public comment period ending on July 25, 1997.

Mr. Lennington reported on the Garrison Joint Technical Committee meeting held July 9, 1997 in Winnipeg, to discuss the environmental assessment and other issues. The Canadian representatives requested the compilation of all monitoring and contingency plans into a supplementary document to the environmental assessment. Mr. Lennington explained the environmental assessment review process. Following the public comment period, the final NEPA document and the supplementary document will be prepared and provided to the committee. The committee will then provide its recommendation to the United States-Canada Consultative Group.

The Bureau of Reclamation will provide a statement of its intentions and a draft Record of Decision (ROD) to the Consultative Group, indicating either the project poses no significant environmental impact or that an environmental impact study is required. The Bureau's decision is contingent upon approval from the United States section of the Consultive Group. Mr. Lennington said this process is anticipated to be completed in late 1997 or early 1998.

Current work for the final design contract has been concentrated on the environmental assessment. Specific authorization No. 19 for the water treatment plant process and operations plan development was executed. This authorization encompasses an "audit" of the Minot water treatment plant and involves a detailed examination of current treatment processes and an analysis of modifications necessary for the change in the source of water provided by the project. Specific authorization No. 7 was



executed for the evaluation of pretreatment processes at the lake. Efforts on the final design include raw water quality monitoring, evaluation of the pipeline route, and a preliminary pipeline alignment.

**BALDHILL DAM FLOOD  
CONTROL POOL RAISE  
(SWC Project No. 300)**

On February 9, 1995, the State Water Commission approved the expenditure of \$10,000 as cost sharing with the Sheyenne River Joint Water

Resource Board for expenses in 1995 relating to the Baldhill Dam flood control pool raise project. The engineering, mitigation plan and contingency expenses were necessary to obtain the required information necessary for the board to advance the project with the Corps of Engineers to make a final determination if the project should proceed.

Secretary Sprynczynatyk explained that the purpose of the proposed Baldhill Dam flood pool raise is to provide an additional five feet of flood storage behind the dam. This will not require raising the existing embankment, however, it will require modifications to the existing gates and additional land rights around the reservoir. The project requires the modification or moving some of the lakeside homes and modification of the utility systems.

The Sheyenne River Joint Water Resource Board is the local sponsor for the project. The non-federal cost estimate for the project is \$2.5 to \$3.5 million, which includes a cash contribution equal to five percent of the federal costs in addition to the costs of land rights and relocations.

Secretary Sprynczynatyk said a formal request for financial assistance from the state is anticipated when the Sheyenne River Joint Water Resource Board adopts a final budget for this project.

**APPROVAL OF REQUEST FROM  
CAVALIER COUNTY WATER  
RESOURCE DISTRICT FOR COST  
SHARING ON DRESDEN TOWNSHIP  
DRAIN NO. 1  
(SWC Project No. 1888)**

A request from the Cavalier County Water Resource District was presented for the Commission's consideration for cost sharing on the Dresden Township Drain No. 1 project.

The project involves cleaning some of the natural waterways and additional ditching through several sections in Dresden Township along the United States-Canada border in Cavalier County.

Drain permit No. 2743 has been approved for the project by the Cavalier County Water Resource District. It was determined the project is not of statewide or of interdistrict significance. The

District has been working with the Natural Resource Conservation Service and the U.S. Fish and Wildlife Service on minimal effects and any mitigation requirements for any wetland losses. The project was started in the fall of 1996 and will be completed this fall.

The engineer's cost estimate for the project is \$49,911, of which \$44,213 is eligible for cost sharing. Under the State Water Commission's policy and guidelines for cost sharing, 40 percent of the eligible costs qualify for cost sharing. The request before the State Water Commission is to cost share in the amount of \$17,700.

It was the recommendation of the State Engineer that the State Water Commission approve cost sharing of 40 percent of the eligible costs, not to exceed \$17,700 from the Contract Fund, for the Cavalier County Dresden Township Drain No. 1.

*It was moved by Commissioner Hillesland and seconded by Commissioner Bjornson that the State Water Commission approve cost sharing in 40 percent of the eligible costs, not to exceed \$17,700 from the Contract Fund, for the Cavalier County Dresden Township Drain No. 1. This motion is contingent upon the availability of funds and receipt of applicable permits.*

*Commissioners Ames, Bjornson, Hillesland, Olin, Swenson, Thompson, Patrice Eblen representing Commissioner Roger Johnson, and Chairman Schafer voted aye. There were no nay votes. The Chairman declared the motion unanimously carried.*

**APPROVAL OF PORTION OF  
REQUEST FROM RICHLAND  
COUNTY WATER RESOURCE  
DISTRICT FOR COST SHARING  
ON RICHLAND COUNTY  
DRAIN NO. 95  
(SWC Project No. 1174)**

the State Water Commission at its December 4, 1996 meeting due to the pending Corps of Engineers Section 404 permit.

A request from the Richland County Water Resource District was presented for the Commission's consideration for cost sharing on the Richland County Drain No. 95 project.

Secretary Sprynczynatyk presented the request, which was deferred by

The project involves cleaning and improving section line road ditches and installing culverts and drop structures. The approximate 10 miles of the main drainage ditch starts in Homestead Township, extends into Antelope and Ibsen Townships, and then discharges into

**Antelope Creek. There are four lateral drain ditches coming into the main ditch. Laterals A, B and C will be section line road ditch improvements and Lateral D will be improvements of a natural watercourse.**

**Drain Permit No. 2756 has been approved for the project by the Richland County Water Resource District. The project was determined not of statewide or of interdistrict significance. The project requires mitigation in order to be in compliance with the Swampbuster Provision of the Farm Bill. A permit for Section 404 of the Clean Water Act was applied for, however, due to a recent Federal District Court decision, the Corps of Engineers currently does not have regulatory jurisdiction. The Richland County Water Resource District intends to pursue a Section 404 permit and construction will begin on the project this summer.**

**The engineer's cost estimate for the project is \$1,220,110, of which \$925,435 is eligible for cost sharing. Under the State Water Commission's policy and guidelines for cost sharing, 40 percent of the eligible project costs qualify for cost sharing. The request before the State Water Commission is to cost share in the amount of \$370,200.**

**Secretary Sprynczynatyk explained this request represents approximately 10 percent of the general funds appropriated to the State Water Commission for the 1997-1999 biennium. Because of the needs and demands for other projects throughout the state, he said it is necessary to re-visit the State Water Commission's policy and guidelines for cost sharing on drainage projects.**

**It was the recommendation of the State Engineer that the State Water Commission approve cost sharing of \$100,000 from the Contract Fund for the Richland County Drain No. 95, and defer action on the remainder of the request.**

**Secretary Sprynczynatyk said he has discussed this issue with the Richland County Water Resource Board, and the Board has agreed to accept the recommendation.**

**Gordon Johnson, Chairman of the Richland County Water Resource Board, provided information relative to the project. Mr. Johnson expressed appreciation to the State Water Commission for its support and confirmed that the State Engineer's recommendation is acceptable to the Board.**

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

***1) approve cost sharing in the amount of \$100,000 from the Contract Fund for the Richland County Drain No. 95 project. This motion is contingent upon the availability of funds.***

***2) defer the remainder of the Richland County Water Resource District's request for cost sharing on the Richland County Drain No. 95.***

***Commissioners Ames, Bjornson, Hillesland, Olin, Swenson, Thompson, Patrice Eblen representing Commissioner Roger Johnson, and Chairman Schafer voted aye. There were no nay votes. The Chairman declared the motion unanimously carried.***

**APPROVAL OF REQUEST**

**FROM NORTH DAKOTA**

**WATER EDUCATION  
FOUNDATION FOR  
PARTICIPATION IN**

***NORTH DAKOTA WATER  
MAGAZINE FOR 1997  
(SWC File No. AOC/WEF)***

A request from the North Dakota

Water Education Foundation was

presented for the Commission's consideration to continue its participation in the *North Dakota Water*

magazine for 1997.

Secretary Sprynczynatyk stated that

the State Water Commission

contributed \$18,000 in 1995 and 1996 to support the magazine and its own pages, the monthly "Oxbow" section and the "Water Primer" section. He said with the Commission's support, the *North Dakota Water* magazine has:

- Increased the subscription base to more than 5,000 each month, and continues to grow
- Won numerous state and national writing and photography awards
- Received 10 requests for story reprints from newspapers in the state
- Encouraged further water coverage from the mainstream media and emphasized the importance of water in our state
- Printed special issues on water quality and 1997 flooding

It was the recommendation of the State Engineer that the State Water Commission approve payment of \$18,000 from the Contract Fund to the North Dakota Water Education Foundation to assist in the publication of the *North Dakota Water* magazine in 1997.

***It was moved by Commissioner Bjornson and seconded***

*by Commissioner Ames that the State Water  
Commission approve payment of \$18,000 from the*

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*Contract Fund to the North Dakota Water Education Foundation to assist in publication of the North Dakota Water magazine in 1997. This motion is contingent upon the availability of funds.*

*Commissioners Ames, Bjornson, Hillesland, Olin, Swenson, Thompson, Patrice Eblen representing Commissioner Roger Johnson, and Chairman Schafer voted aye. There were no nay votes. The Chairman declared the motion unanimously carried.*

**APPROVAL OF REQUEST FROM  
CITY OF FARGO FOR COST  
SHARING IN MIDTOWN DAM  
MODIFICATION PROJECT  
(SWC Project No. 1889)**

A request from the city of Fargo was presented for the Commission's consideration for cost sharing on the Midtown Dam modification project.

The low-head dam was constructed in the 1940s for the purpose of providing a pumping pool for the city of Fargo's municipal water intake. As with many low-head channel dams, downstream turbulence is a major public concern. The Minnesota Department of Natural Resources has expressed concerns about the dam blocking fish migration on the river as well as dam safety.

Secretary Sprynczynatyk said the Corps of Engineers completed a reconnaissance study on the Midtown Dam. The study analyzed options to solve the safety concerns as well as the fish migration issue raised by Minnesota. The recommended option proposes to construct a rock slope on the downstream side of the dam at a five percent grade.

The estimated project cost is \$230,000. The Corps of Engineers has indicated it will not participate in the construction cost of any replacement or repair of this structure. Secretary Sprynczynatyk indicated the current proposal is to fund the project with local funds and cost sharing from the Minnesota Department of Natural Resources, the North Dakota Game and Fish Department, and the State Water Commission. The request before the State Water Commission is to cost share in the amount of \$30,000.

It was the recommendation of the State Engineer that the State Water Commission approve \$30,000 from the Contract Fund for the Fargo Midtown Dam modification project in Cass County.

*It was moved by Commissioner Thompson and seconded by Commissioner Bjornson that the State Water Commission approve cost sharing in an amount not to exceed \$30,000 from the Contract Fund for the Fargo Midtown Dam modification project in Cass County. This motion is contingent upon the availability of funds.*

*Commissioners Ames, Bjornson, Hillesland, Olin, Swenson, Thompson, Patrice Eblen representing Commissioner Roger Johnson, and Chairman Schafer voted aye. There were no nay votes. The Chairman declared the motion unanimously carried.*

**APPROVAL OF REQUEST FROM EMMONS COUNTY WATER RESOURCE DISTRICT FOR COST SHARING OF RECONNAISSANCE STUDY FOR IRRIGATION DEVELOPMENT IN HORSEHEAD AREA OF EMMONS COUNTY (SWC Project No. 295)**

A request from the Emmons County Water Resource District was presented for the Commission's consideration for cost sharing in a reconnaissance study of irrigation development in the Horsehead area of Emmons County.

The Emmons County Water Resource District and landowners in Emmons County are interested in developing new irrigation areas to increase the production of specialty crops to provide economic development in the county. A possible area of development is an expanded version of the Bureau of Reclamation's Horsehead project, which contains approximately 30,000 acres of land that may have the potential to be irrigated. A reconnaissance study of the proposed irrigation area is required to determine if the land is suitable for irrigation, possible water delivery systems, and the estimated cost of the project.

The total estimated cost of the reconnaissance study is \$20,000, all of which is eligible for cost sharing. Under the State Water Commission's policy and guidelines for cost sharing, 50 percent of the eligible costs qualify for cost sharing. The request before the State Water Commission is to cost share in the amount of \$10,000.

The State Water Commission has authorized the State Engineer to approve cost share requests under \$10,000. Secretary Sprynczynatyk explained that because of the increased interest in irrigation in the state, it is appropriate for the Commission to consider this request, and a request from the Mountrail County Water Resource District for cost sharing in a reconnaissance study for irrigation development, which will be considered under a separate item.

It was the recommendation of the State Engineer that the State Water Commission approve cost sharing of \$10,000 from the Contract Fund for the reconnaissance study of irrigation development in the Horsehead area of Emmons County.

*It was moved by Commissioner Ames and seconded by Commissioner Hillesland that the State Water Commission approve cost sharing of 50 percent, in an amount not to exceed \$10,000 from the Contract Fund, for the reconnaissance study of irrigation development in the Horsehead area of Emmons County. This motion is contingent upon the availability of funds.*

*Commissioners Ames, Bjornson, Hillesland, Olin, Swenson, Thompson, Patrice Eblen representing Commissioner Roger Johnson, and Chairman Schafer voted aye. There were no nay votes. The Chairman declared the motion unanimously carried.*

**APPROVAL OF REQUEST FROM  
MOUNTRAIL COUNTY WATER  
RESOURCE DISTRICT FOR COST  
SHARING OF RECONNAISSANCE  
STUDY OF IRRIGATION  
DEVELOPMENT IN MOUNTRAIL  
COUNTY  
(SWC Project No. 1293)**

A request from the Mountrail County Water Resource District was presented for the Commission's consideration for cost sharing in the reconnaissance study for irrigation development in Mountrail County.

The Mountrail County Water Resource District and the Mountrail

County Job Development Authority are interested in developing new irrigation areas to increase the production of specialty crops to provide economic development in the county. A reconnaissance study is required to determine if the land is suitable for irrigation, the possible water delivery systems, and an estimated cost of the project.

The estimated cost of the reconnaissance study is \$15,000, all of which is eligible for cost sharing. Under the State Water Commission's policy and guidelines for cost sharing, 50 percent of the eligible costs qualify for cost sharing. The request before the State Water Commission is to cost share in the amount of \$7,500.

Stanley Vachal, Chairman of the Mountrail County Water Resource District, provided information relative to the proposed project. Appreciation was expressed to the State Water Commission for its support.

It was the recommendation of the State Engineer that because of the increased interest in irrigation in the state, that the State Water Commission approve cost sharing of 50 percent of the eligible costs, not to exceed \$7,500, for a reconnaissance study of irrigation development in Mountrail County.

*It was moved by Commissioner Ames and seconded by Commissioner Hillesland that the State Water Commission approve cost sharing of 50 percent, in an amount not to exceed \$7,500 from the Contract Fund, for the reconnaissance study of irrigation development in Mountrail County. This motion is contingent upon the availability of funds.*

*Commissioners Ames, Bjornson, Hillesland, Olin, Swenson, Thompson, Patrice Eblen representing Commissioner Roger Johnson, and Chairman Schafer voted aye. There were no nay votes. The Chairman declared the motion unanimously carried.*

**RED RIVER BASIN BOARD  
STATUS REPORT  
(SWC File No. AOC/RBB)**

basin addressing the needs on a watershed basis and to facilitate and pursue the resolution of inter-jurisdictional issues. The board of directors is comprised of five members each from Minnesota and North Dakota; seven members from Manitoba; two members from South Dakota; and two members from the tribal/aboriginal reservations in Minnesota, North Dakota, and Manitoba.

The Red River Basin Board was organized to develop and cause to be implemented, a comprehensive water management plan for the Red River

The organizational meeting of the Red River Basin Board is scheduled for July 24, 1997 in Pembina, North Dakota.

**APPROVAL OF EXPENDITURE  
OF \$15,000 AS NON-FEDERAL  
COST SHARE FOR RED RIVER  
BASIN BOARD COORDINATOR  
POSITION FOR 1997-1998  
(SWC File No. AOC/RRB)**

expenses of a Red River Basin Board coordinator. The grant was approved for 1997. Per the grant proposal, the person hired for this position will help to accomplish the long-term conservation of wetlands in the Red River basin by integrating their functions and values into the Red River Basin Water Management Plan. The coordinator is intended to work and be on the staff of the Red River Basin Board.

In an effort to strengthen the cooperative water planning efforts in the Red River Valley, an Environmental Protection Agency, Wetland Conservation grant was written to supply \$60,000 (\$45,000 federal/\$15,000 non-federal) to pay the salary and

Secretary Sprynczynatyk explained that the Minnesota Legislature provided \$200,000 to the Red River Basin Board to meet its objectives. This funding was made contingent upon North Dakota providing a like amount. He said it is intended that providing this position be

counted as \$60,000 of North Dakota's match to the Minnesota offer. North Dakota's willingness to provide this position to the Red River Basin Board will be contingent on its qualification as match to the Minnesota money. Secretary Sprynczynatyk said he has had conversation with the North Dakota Health Department relative to contributing funds to the Red River Basin Board.

It was the recommendation of the State Engineer that the State Water Commission approve the expenditure of \$15,000 as the non-federal cost share of the Red River Basin Board coordinator position for 1997-1998.

*It was moved by Commissioner Swenson and seconded by Commissioner Olin that the State Water Commission approve the expenditure of \$15,000 as the non-federal cost share of the Red River Basin Board coordinator position for 1997-1998.*

*Commissioners Ames, Bjornson, Hillesland, Olin, Swenson, Thompson, Patrice Eblen representing Commissioner Roger Johnson, and Chairman Schafer voted aye. There were no nay votes. The Chairman declared the motion unanimously carried.*

**NOTE:** Subsequent to the July 22, 1997 meeting, it was learned the Red River Basin Board could not have a staff. Therefore, by memo dated July 30, 1997, and attached hereto as **APPENDIX "G"**, the State Engineer expressed his interest to allow the funds allocated to the Red River Basin Board, by the above motion, to be used by the Board at its discretion to carry out the goals of the Board and, at the same time, address wetlands conservation. To date, the State Engineer has not received any opposition from the Commission members to this change of funding approval.

**APPROVAL OF REQUEST FROM  
THE INTERNATIONAL COALITION  
FOR PAYMENT OF DUES FOR 1997  
(SWC File No. AOC/TIC)**

A request from The International Coalition was presented for the State Water Commission's consideration for payment of dues for 1997 in the amount of \$10,000.

Secretary Sprynczynatyk presented the request and stated that The International Coalition is a public interest group headquartered in Moorhead, Minnesota, dedicated to responsible water management in the Red River basin. The contractual services include the preparation of a strategic plan, which takes into account the Coalition's current programs and its mission, goals and objectives in a context of discussions

throughout the Red River basin regarding the need for a basin-wide water management plan. The results of such a strategic planning process will be useful to the State Water Commission in determining its own role in a water management planning process that calls for an increased role for local leadership, yet requires the various kinds of technical services the Commission and other state agencies will likely be called upon to provide.

The Coalition also proposes that the services to be provided are to insure that a cross-section of rank-and-file citizens from throughout the North Dakota portion of the basin are designated to serve on the various Red River Basin Board groups being activated to undertake the tasks necessary to implement a detailed, final work plan for the basin-wide planning initiative.

Paul Suomala, Executive Director of The International Coalition, addressed the request and thanked the State Water Commission for its past support of The International Coalition's activities. Mr. Suomala said the Red River Basin Board has strong support in the region and it has the potential to contribute in a positive way to the wise use and management of the basin's water resources, but, he said, it is essential to provide broad opportunities for citizen involvement.

It was the recommendation of the State Engineer that the State Water Commission approve the payment of dues to The International Coalition in the amount of \$10,000 from the Contract Fund for 1997 as a means of securing the services outlined above.

*It was moved by Commissioner Bjornson and seconded by Commissioner Thompson that the State Water Commission approve the expenditure of \$10,000 from the Contract Fund for the payment of dues to The International Coalition for 1997 as a means of securing the services outlined by the State Engineer. This motion is contingent upon the availability of funds.*

*Commissioners Ames, Bjornson, Hillesland, Olin, Swenson, Thompson, Patrice Eblen representing Commissioner Roger Johnson, and Chairman Schafer voted aye. There were no nay votes. The Chairman declared the motion unanimously carried.*

**1997 FLOODING  
(SWC Project No. 1431-08)**

Secretary Sprynczynatyk provided a briefing of the statewide flooding in 1997.

Record levels in the Missouri River basin have been recorded this year, with projections for 45 million acre-feet of runoff. All flood control zones are filled downstream. Projections are that Lake Sakakawea will peak at elevation 1453.9, which is one-tenth below the gates. The releases from Lake Sakakawea were increased to 50,000 cubic feet per second, which is the largest increase since 1975. The week of July 14, 1997 saw inflows into Lake Sakakawea reach 95,000 cfs, which have currently decreased to 55,000 cfs. Secretary Sprynczynatyk said the next ten days will be a crucial time period. A significant amount of precipitation could see inflows increase, which could cause flooding at Bismarck and Williston. He said once the water reaches the top of the gates, inflow will be released, but another factor is every acre-foot that is spilled or bypassed, is worth \$7 million to the power people. Last year, the mainstem produced \$177 million of revenue, and this year's projection is \$200 million.

The spring flooding in the Red River valley was discussed at length. Secretary Sprynczynatyk said the impact on the infrastructure and lives of the people in the valley was significant. General Murray Sagsveen was appointed by Governor Schafer as the state's representative in the flood recovery operations.

Support provided by the State Water Commission staff during the 1997 flood included:

- Coordination throughout the flooding period with the water resource districts on a daily basis. The technical support included recommendations for reducing flood problems, assistance and recommendations regarding permits, and many site visits to problem areas.
- The State Water Commission supported the Division of Emergency Management's Flood Operation Center on a 24-hour basis for several days.
- Supervised the controlled breach of Iverson Dam near Leeds, ND.
- Visited and inspected all large non-federal dams in the state for potential dam safety features.
- Assisted in the location of the Washington Street emergency dike in Grand Forks.
- Assisted the city of Grand Forks and other cities in locating alternative water supplies.

- The State Water Commission loaned pumps to many cities during the flood.
- Received several hundred telephone calls regarding flood insurance. Many were from insurance agents and cities, but most calls were from homeowners.
- Worked closely with the Corps of Engineers and the cities of Valley City, Grafton, Fargo, and Grand Forks regarding emergency dike alignments and permits.

**INTERNATIONAL JOINT  
COMMISSION TO ESTABLISH  
TASK FORCE TO INVESTIGATE  
RED RIVER FLOODING  
(SWC Project No. 1431-08 & AOC/RRB)**

Secretary Sprynczynatyk reported the co-chairs of the International Joint Commission toured the Red River basin and Devils Lake in May. The International Joint Commission is a bi-national United States-Canada

organization established by the Boundary Waters Treaty of 1909 and assists the governments in managing waters along the border for the benefit of both countries. It has built its reputation by producing cooperation among a variety of interests on both sides of the border.

The federal governments of the United States and Canada have formally requested the International Joint Commission to examine and report on the causes and effects of the flooding in the Red River basin and to make recommendations to the two governments by the end of 1998 on the means of reducing future risks from flooding. A task force will be appointed that will draw upon the experience and skills of many people from provincial, state and local governments, community organizations, businesses, and private citizens. This will include flood forecasting, flood controls, emergency preparedness, land use practices, and related issues. Once assembled, the task force will conduct inquiries for the Commission which will hold public meetings in both the United States and Canada.

Secretary Sprynczynatyk explained the Terms of Reference to the International Joint Commission, which is attached hereto as *APPENDIX "H"*. He said the Red River Basin Board will be involved and will be of assistance to the International Joint Commission in studies of the basin.

**MISSOURI RIVER UPDATE  
(SWC Project No. 1392)**

Secretary Sprynczynatyk reported that since May, 1995, the Missouri River Basin Association has been

working with a team of consensus-building experts to reach agreement on issues that have divided the basin's states and tribes in the past. Various issues have been discussed in depth, papers have been presented which outlined the problems and possible solutions, and the aid of several agencies and committees have been enlisted.

In February, 1996, the Missouri River Basin Association directors decided to initiate a basin-wide monitoring program, which would document the current hydrological and biological conditions of the river system and would track the effectiveness of programs designed to improve the basin's fish and wildlife resources. The Association directors reached agreement on these issues and discussed various other issues as part of their continuing efforts to exert a stronger influence over water policy decisions by presenting a united front to the federal government. The Association directors plan to deliver a list of recommendations first to the Governors of the states, and then to the Corps of Engineers and other federal agencies.

#### **The Missouri River Basin**

Association developed a planning process to recommend the best methods for maximizing basin water uses and interests. The planning effort involved representation of the basin's primary water interests with state and tribal representatives in a search for ways to obtain maximum benefits for all water uses. The following goals were identified to meet the needs of the water users and guide the management and operation of the Missouri River:

- **Recreation Goal.** Promote the stability and growth of recreational use of the river through water management, economic assistance, and recreational planning.
- **Navigation Goal.** Promote the stability and growth of navigation on the Missouri River system through water management, economic assistance, and transportation planning.
- **Water Supply Goal.** Enhance water supply in the basin for municipal, rural, industrial, irrigation, and agricultural use.
- **Habitat Goal.** Identify a comprehensive set of programs, both new and existing, that can enhance habitat within the basin.
- **Bank and Shoreline Integrity Goal.** Maintain the integrity of river banks and lake shoreline where appropriate throughout the system to protect present and future water uses.
- **Flood Control Goal.** Operate the Missouri River system to maintain or enhance flood control benefits.
- **Hydropower Goal.** Maintain or enhance hydropower production with consideration for equitable distribution of the benefits among the tribes and states.
- **Future Depletion Goal.** Develop a mechanism for equitable allocation among the basin states and tribes of the risks of future depletions.

- **Monitoring Goal.** Develop a monitoring system that provides adequate information to characterize and understand the existing system and evaluate the impacts of changes.

As part of the Association's planning process, representatives of the basin's water interests were invited to join task force discussions on recreation, navigation, water supply, habitat, bank/shoreline/flood control, and hydropower on June 13-14, 1996 in Bismarck. The charge to the task forces was to identify ways to reach the stated goals of obtaining maximum benefits for all water users in each of the six interest areas in a manner that reflects a basin-wide perspective.

Secretary Sprynczynatyk said there was general consensus among the conference participants of the need for a Missouri River Basin authority to manage the Missouri River rather than the federal government. The strong spirit of basin-wide cooperation at the conference indicated a basic change in the way water management issues be addressed along the Missouri River. He said we are trying to overcome the decades of confrontational politics that have dominated the decision-making in the basin, and come up with new ways of decision-making that will work better for all of us who live in the basin and depend on the river system.

The ideas proposed from the conference were reviewed by the Association directors, and a draft Summary of Suggestions was developed. The Association is continuing its review of the draft with eventual presentation first the Governors of the states and then to the Corps of Engineers and other federal agencies. The Association requested the task forces throughout the basin to continue discussions in their area on specific issues of dispute between the upper and lower basin states. Secretary Sprynczynatyk said the suggestions include a timeframe for completion of issues, and he said he is hopeful that many of the problems can be addressed and alleviated in the management of the Missouri River.

**The Missouri River Basin**  
Association met on July 10 and 11, 1997 in Minneapolis. The Association directors continued discussion and revision of the Summary of Suggestions. Secretary Sprynczynatyk said there are issues which have not been resolved by the directors primarily relating to flow management. It was the consensus of the directors, that the specific issues of dispute between the upper and lower basin states be resolved at the Association meeting scheduled for September 8 and 9, 1997 in Kansas City, Missouri.

**The Missouri River Basin**  
Association has scheduled a conference of the interested river users on November 3 and 4, 1997 in Kansas City, Missouri. The Summary of Suggestions will be provided to the conference participants in advance of the meeting.

Andy Mork, Chairman of the Burleigh-Oliver-Morton-Mercer-McLean (BOMMM) Board reported on the efforts the board is pursuing to obtain federal funding for Missouri River bank protection to reduce streamflow erosion. Mr. Mork explained the problems, and said the board is working with the Governor's office, the State Water Commission and others in its efforts for bank protection.

**DEVILS LAKE  
HYDROLOGIC UPDATE  
(SWC Project No. 416-01)**

Secretary Sprynczynatyk reported the current level of Devils Lake is 1442.85. The lake continues to rise, which is primarily due to the recent precipitation causing the tributaries to Devils Lake to fill. The current forecast is for Devils Lake to rise to elevation 1443. He said if Devils Lake reaches elevation 1446.6, it will spill into Stump Lake. Graphical information and current and long-term hydrograph information relative to Devils Lake were provided.

Secretary Sprynczynatyk briefed the Commission members on the efforts of the three-part solution to control record Devils Lake flooding which include water storage, the construction of an outlet to allow the water to flow out of the lake into the Sheyenne River and eventually into the Red River, and to provide for infrastructure for protection around the lake.

**CITY OF DEVILS LAKE  
LEVEE PROJECT  
(SWC Project No. 416-02)**

On August 22, 1996, the State Water Commission passed a motion to approve a 50 percent cost share of the non-federal costs for the 1996 Stage 1 city of Devils Lake levee raise project. The state cash contribution was \$175,000. Stage 1 was completed in the fall of 1996.

The project raises and extends the existing dikes around the city of Devils Lake by five feet and provides protection to a lake elevation of 1445 msl. The dikes currently protected the city to elevation 1440 msl. The total cost of the project was estimated at \$7.2 million. The Corps of Engineers provided a 75 percent federal cost sharing, leaving a non-federal requirement of \$1.8 million.

On March 26, 1997, the State Water Commission passed a motion to allocate \$409,000 from the Contract Fund and approved the transfer of title of two gator pumps for a credit of \$67,680 towards the state's remaining contribution for the city of Devils Lake levee raise project. A Community Development Block Grant of \$249,000 was also approved for the project. The Corps of Engineers advertised for the remainder of the project and awarded the bid in April, 1997. Construction is scheduled to be completed in 1997.

**On June 12, 1997, President Clinton signed the 1997 Emergency Supplemental Appropriations Act (Public Law 105-18), which provides for funds to expedite a raise of the levees at the city of Devils Lake beyond elevation 1445. In a letter dated July 17, 1997, from William Spychalla, Project Manager of the St. Paul District Corps of Engineers, to the President of the Devils Lake City Commission, he states, in part:**

**“The Act provides for an increase in the level of protection of the levee system for the city of Devils Lake above elevation 1445, as appropriate. As discussed with you, the City Council and the City Engineer, we have initiated the additional design work necessary to allow construction on this further raise of the levee system as soon as possible, and at this point we are developing the designs to provide protection from a lake level of elevation 1450, with a top of levee at elevation 1457. This higher level of protection has required some alignment changes from the existing levee that is under construction.**

**The additional raise of the levee system will require a modification to the current Project Agreement, dated August 12, 1996. The modification will require primarily an adjustment in the description of the project and a change in the estimated cost of the project. The cost sharing percentages would remain at 75 percent federal and 25 percent non-federal and the other provisions of the agreement would remain essentially the same.**

**The estimate for the additional work to raise the levee system from the current level of protection at 1445 to the higher level of protection of elevation 1450 is \$36 million. This estimate is based on the preliminary design information that we have developed at this time. Although of a preliminary nature, we believe that this estimate is appropriate for use in the development of the modification to the Project Agreement.”**

**The city of Devils Lake is the local sponsor for raising the existing levee to a protection level of 1445. Secretary Sprynczynatyk said the levee raise to elevation 1445 has nearly exhausted the city’s finances. The city has requested financial assistance for the non-federal share for the additional protection level to 1450.**

**Secretary Sprynczynatyk explained that the city of Devils Lake levee raise is an important part of the infrastructure protection. He said the Corps’ plans are being reviewed and options for funding the non-federal share of the additional levee raise are being considered. Secretary Sprynczynatyk commented that in addition to the levee raise, a considerable amount of federal, state and local expense has been incurred in the efforts to provide infrastructure protection.**

**DEVILS LAKE UPPER  
BASIN MANAGEMENT -  
AVAILABLE STORAGE  
ACREAGE PROGRAM (ASAP)  
(SWC Project No. 1882-01)**

Secretary Sprynczynatyk reported the development of additional Available Storage Acreage Program (ASAP) sites is coming to a close as summer progresses. Three additional sites are being considered for water

storage in 1997, although many sites are being processed. Approximately 70 sites have been completed and are holding water. The contracts have been signed by the participants and the State Engineer, and the participants have received full payment for their water storage.

The total volume of water stored in 1997 will be approximately 22,000 acre-feet when all of the sites have been completed. This includes 8,000 acre-feet of water stored on sites enrolled into ASAP in the spring of 1996, 1,000 acre-feet of water stored with sites obtained in the fall of 1996, and 13,000 acre-feet of water storage on sites that are new in 1997.

Assuming that the 1996 sites provide full benefit in 1997, ASAP has, since its inception, stored 30,000 acre-feet of water. Secretary Sprynczynatyk said this is a reasonable assumption since evaporation and subsequent refilling of the sites provides for more benefit than the original capacity of the sites.

The State Water Commission has approved the total allocation of \$1,578,000 since the ASAP program began in 1996. Water storage in 1996 accounts for \$430,000, and renewal of the 1996 sites for water storage in 1997 cost \$403,000. The sites completed in the fall of 1996 cost \$47,000, and the sites originating in 1997 will cost approximately \$691,000. A balance of approximately \$6,000 remains.

Secretary Sprynczynatyk said the balance will be used for any contingencies that may arise as the year progresses and as expired storage sites are drained. Such contingencies may include road repairs from water held against roads or washed out culverts. No such problems were reported in 1996.

The future involvement by the state in the Devils Lake upper basin storage program was addressed. Secretary Sprynczynatyk said there have been discussions with the agricultural and wildlife interests and others to develop a federally-authorized Devils Lake basin storage program as part of the flood control effort to take over, in essence, what the state has started. He said, "with the state undertaking this effort, it is an indication to the federal government, the conservation community, and the downstream interests that the state is very concerned about trying to prevent the problem from occurring by holding back water. It is important this message be received by those groups that the state is willing to do what it can, but we need to continue to

work towards shifting this program to something more permanent as the state will soon have expended its limited resources available for this sort of a program.” No action was taken by the State Water Commission at this meeting.

**CORPS OF ENGINEERS  
EMERGENCY OUTLET  
PLAN FOR DEVILS LAKE;  
APPROVAL TO ENDORSE  
PETERSON COULEE OUTLET  
ROUTE  
(SWC Project No. 416-01)**

On June 12, 1997, President Clinton signed the 1997 Emergency Supplemental Appropriations Act (Public Law 105-18). The Act recognized the serious nature of the ongoing flooding at Devils Lake, that the emergency situation requires immediate measures to be taken, and several

provisions that relate to the program of the U.S. Army Corps of Engineers in the Devils Lake basin, namely:

- **EMERGENCY OUTLET FROM DEVILS LAKE TO THE SHEYENNE RIVER:**

\$5 million is provided to initiate and complete preconstruction engineering and design (PED) and the associated environmental impact statement (EIS) for an emergency outlet from Devils Lake to the Sheyenne River. Cost sharing will ultimately be required with a non-federal sponsor, however, the PED and EIS work can be accomplished without concurrent non-federal financing. Passage of P.L. 105-18 further accelerated efforts by the St. Paul District to identify and assess outlet alternatives.

- **LEVEE RAISE AT CITY OF DEVILS LAKE:**

Funds are provided to expedite a raise of the levees at the city of Devils Lake beyond elevation 1445. Cost sharing will be required. Use of other federal funds for the non-federal share is encouraged.

- **RAMSEY COUNTY RURAL SEWER SYSTEM:**

Up to \$600,000 may be available to develop and mitigate damages to the Ramsey County Rural Sewer System, if appropriate.

Colonel J. M. Wonsik, Charles Crist, and William Spychalla of the St. Paul District Corps of Engineers appeared before the State Water Commission to present pertinent information currently available on the Corps of Engineers efforts to develop conceptual outlets, costs estimates, and related information on the outlet alternatives from Devils Lake to the Sheyenne River to support the selection of a route and plan for expeditious construction of an emergency outlet. The summary report on the Route and Plan Selection for an Emergency Outlet from Devils Lake to the Sheyenne River, North Dakota, is attached hereto as *APPENDIX "I"*.

Seven alternative outlet plans from the west end of Devils Lake, with a selected discharge capacity of 300 cubic feet per second, were evaluated. One plan follows a route through the Twin Lakes; one plan follows a route parallel to Highway 281; and five plans follow routes through the Peterson Coulee corridor. The plans included consideration of pumped storage, pipeline, tunnel, and open channel components.

All seven plans affect lands of the Spirit Lake Reservation. The Twin Lakes and Highway 281 plans potentially affect Tribal Trust and allotment lands of the Spirit Lake Nation; the Peterson Coulee alternative crosses reservation land, but no Tribal Trust or allotment parcels. Leaders of the Spirit Lake Nation have expressed concern over any impacts to resources and trust lands, and have verbally indicated support for use of the Peterson Coulee route. Although the least costly plan developed was the Twin Lakes pumped storage plan, that plan has the potential for adverse environmental impacts and effects on Trust and allotment lands. Two of the alternatives along the Peterson Coulee, although more expensive than the Twin Lakes plan, are cost effective and do not significantly affect the resources of the Spirit Lake Nation.

The Corps of Engineers recent study results concludes that:

- The emergency outlet should be from the west end of Devils Lake
- The discharge capacity of a west end outlet should be in the range of 200 to 300 cubic feet per second
- The immediate selection of an outlet route and of a most likely plan are critical to expeditious construction of an outlet
- The Peterson Coulee route is the preferred route
- The Peterson Coulee plan that consists of pumped storage, pipeline, and open channel components provides an acceptable compromise of cost effectiveness and minimal adverse environmental and social impacts

The pumped storage, pipeline, and open channel plan involves a dam and pump station located west of Highway 281 below Round Lake. An inlet channel will convey water from the west bay of Devils Lake to the pump station. The water will be pumped over the dam into Round Lake and Long Lake, where a second dam will then pump the water from the south end of Long Lake through a pipeline and over the drainage divide. From the pipeline, an open channel will convey the water into Peterson Coulee through a series of drop structures and into the Sheyenne River. The cost of this alternative is estimated to be \$34 million, with annual operation and maintenance costs of \$1.5 million.

It was the recommendation of the State Engineer that based on the evaluation of alternatives and the information provided in a letter from Colonel J. M. Wonsik to Governor Schafer, dated July 11, 1997, attached hereto as *APPENDIX "J"*, that the State Water Commission endorse the Peterson Coulee outlet route from Devils Lake to the Sheyenne River, and the preliminary plan using a combination of pumped storage, pipeline, and open channel components, with a design flow capacity of 300 cubic feet per second.

*It was moved by Commissioner Ames and seconded by Commissioner Thompson that the State Water Commission endorse the Peterson Coulee outlet route from Devils Lake to the Sheyenne River, and the preliminary plan using a combination of pumped storage, pipeline, and open channel components, with a design flow capacity of 300 cubic feet per second.*

*Commissioners Ames, Bjornson, Hillesland, Olin, Swenson, Thompson, Patrice Eblen representing Commissioner Roger Johnson, and Chairman Schafer voted aye. There were no nay votes. The Chairman declared the motion unanimously carried.*

**DEVILS LAKE OUTLET ADVISORY  
MANAGEMENT COMMITTEE  
(SWC Project No. 1712-01)**

The Devils Lake Outlet Advisory Management Committee was created with the passage of Senate Bill 2239 in the 1997 Legislature. This bill, which becomes law on August 1, 1997, establishes a committee including the State Engineer who is the committee chair, one representative of the Red River Joint Water Resource Board, one representative of the Devils Lake Joint Water Resource Board, one county commissioner each from Benson and Ramsey counties, a representative of the Spirit Lake Nation, and three downstream representatives to be appointed by the Governor.

Secretary Sprynczynatyk said the committee's primary responsibility is to develop an annual operating plan for a Devils Lake outlet. This operating plan is to be submitted to the State Water Commission. The Commission may approve, recommend changes, or make changes to the annual operating plan.

The committee will hold its first meeting in early September, at which time the committee will be briefed on the status of the Devils Lake flooding and all outlet studies and plans. Anticipated implementation timelines will be presented, and all available information on outlet options will be provided to the committee.

**ILLEGAL DRAINAGE IN  
DEVILS LAKE BASIN  
(SWC Project No. 1882-05)**

On June 5, 1997, Governor Schafer issued a press release directing the State Water Commission to identify illegal drainage in the Devils Lake basin and to work with the water resource boards to close the drains. The press release is attached hereto as *APPENDIX "K"*.

Secretary Sprynczynatyk briefed the Commission members on the agency's efforts to inventory drainage on a township by township basis in the Devils Lake basin to identify illegal drainage under state law which have a watershed of greater than 80 acres since 1957 that are not permitted by law.

Section 61-32-07 of the North Dakota Century Code requires unauthorized drains to be closed. Secretary Sprynczynatyk explained that the closing of illegal drains is a part of the effort to properly manage the water in the Devils Lake basin on a watershed basis. As the inventory is completed, the water resource boards in the basin will be requested to investigate the drains, which are identified as being built after 1957 and having a watershed of greater than 80 acres, so that a final determination of legality can be made by the water resource boards in the basin.

Secretary Sprynczynatyk reported the inventory of the first township, randomly selected in Ramsey County, has been completed and 22 drains were identified that have a watershed of greater than 80 acres that are not permitted under state law. The Commission office will continue to inventory other drainage in the basin on a township by township basis.

Governor Schafer emphasized, "that any drainage that is occurring illegally must be stopped. The challenge is to identify the illegal drains, many of which have been overlooked by the water resource boards for years or have perhaps developed gradually over time. The issue is not storage. The point is that we are in the midst of one of the most complex and damaging natural disasters ever to occur in our state. We cannot ask for cooperation from Minnesota, Canada and neighbors downstream if we are overlooking or ignoring illegal activity that potentially compounds the problem."

**DEVILS LAKE  
DEBRIS REMOVAL  
(SWC Project No. 1882-04)**

The 1997 Legislature enacted Senate Bill 2260 authorizing the State Engineer to order removal, modification, or destruction of dangers in, on the bed of, or adjacent to a navigable lake. Devils Lake is a navigable lake, and since the bill became law on April 3, 1997, the State Engineer has ordered five individual

landowners to remove structures and debris on their property, which has been inundated by the raising water of Devils Lake. These orders have been issued because the individual landowner did not remove, in a timely manner, all or parts of submerged trailer houses, storage sheds, and one individual's junk yard which included old tires, fuel tanks, a metal transmission tower, and other assorted debris. The order gives the landowner 20 days in which to comply and clean up their debris.

Secretary Sprynczynatyk indicated the State Water Commission staff is working with the Lake Region District Health Unit in identifying which property owners are not following orders from the District Health Unit by removing their debris in a timely manner, and then requiring an order from the State Engineer. The District Health Unit is monitoring whether the property owner is acting upon the order issued by the State Engineer.

Written requests from the landowner for an extension of time to comply will be considered if good faith attempts are indicated. Three requests for time extensions have been received, a sixth order will be issued, and there is a potential for an additional three orders in the future.

**APPROVAL OF EXPENDITURE  
OF \$90,000 FROM CONTRACT  
FUND FOR STUDY ANALYSIS  
OF SURFACE WATER STORAGE  
WITHIN STARKWEATHER  
COULEE BASIN  
(SWC Project No. 416-01)**

Starkweather Coulee watershed. Starkweather Coulee was chosen because it has an active streamgage in the watershed and the watershed has drained and existing wetlands.

Secretary Sprynczynatyk explained that the Devils Lake feasibility study with the Corps of Engineers includes an analysis of impacts of upper basin storage on Devils Lake. As a part of this analysis, the U. S. Geological Survey submitted a proposal involving mapping and modeling of the

The proposal involves using high resolution military satellite imagery to create elevation data for the watershed. This information is incorporated into a GIS database for use in a hydrologic model. The Earth Resources Observation Systems (EROS) Data Center in Sioux Falls, South Dakota, will develop the elevation data from the military satellite imagery. USGS staff from Denver, Colorado will do the modeling.

The total cost of the proposal is \$180,000, with a State Water Commission 50 percent cost share of \$90,000. The study would be conducted over a three-year period with \$40,000 (\$20,000) required in 1997, \$80,000 (40,000) in 1998, and \$60,000 (\$30,000) in 1999.

Secretary Sprynczynatyk said this is a unique approach that is reasonably priced. Conventional mapping techniques have been estimated at \$1 to \$2 million for the basin, which does not include modeling. He said this proposal has considerable potential for use not only in Devils Lake, but statewide. The work will be performed by very experienced people. He explained this is extremely important because of the complexity of the Devils Lake watershed and the size of the database. The elevation data will be developed over a 10-meter grid for the watershed, therefore, the number of data points is extremely large.

It was the recommendation of the State Engineer that the State Water Commission approve the expenditure of \$90,000 from the Contract Fund for a study analysis of surface water storage within the Starkweather Coulee basin.

The Commission members expressed at length concerns relating to wetlands and drainage issues, and the impacts this proposal could have on the landowners.

Chairman Schafer said although he shares in the Commission's concerns, basin management is an important part of an outlet in the efforts to control Devils Lake flooding. This proposal will provide technical information and techniques that will help to better understand the hydrology and the basin management.

*It was moved by Commissioner Swenson and seconded by Commissioner Olin that the State Water Commission approve the expenditure of \$90,000 from the Contract Fund for a study analysis of surface water storage within the Starkweather Coulee Basin.*

*Commissioners Ames, Bjornson, Hillesland, Olin, Swenson, Patrice Eblen representing Commissioner Roger Johnson, and Chairman Schafer voted aye. Commissioner Thompson voted nay. The Chairman declared the motion carried.*

## **DEVILS LAKE BASIN JOINT**

### **WATER RESOURCE BOARD MANAGER POSITION (SWC Project No. 416)**

manager arises from the increasing complexity of water management. The past years of flooding have demonstrated water projects can have a serious implication beyond the immediate project area. A basin manager would be useful to oversee

Secretary Sprynczynatyk reported

that the Devils Lake Joint Water Resource Board took action at its June 25, 1997 meeting to hire a full-time manager. The need for the



water management activities in the basin and to work with residents, subbasin boards, county water resource boards, and others to ensure the consequences of water projects, programs and policies are known and accepted. The Joint Board will work out the specific requirements for the position with input from the State Water Commission.

To help fund this position, the Joint Board resolved that the member water resource districts request their respective county commissions to increase their mill levy to the maximum two mills upon the taxable valuation of the real property within the Devils Lake basin. Secretary Sprynczynatyk said even with two mills levied, the position would be underfunded. Options for cost sharing for the position are being reviewed.

The relationship between the new Joint Board manager position and the current State Water Commission water resource engineer manager is being reviewed. Secretary Sprynczynatyk said the similarity and differences between the two positions will have to be identified before a decision can be made as to the future of the State Water Commission's branch office in Devils Lake.

**SPIRIT LAKE NATION INDIANS,  
ET. AL. V STATE OF NORTH  
DAKOTA, CITY OF DEVILS LAKE,  
AND NORTH DAKOTA STATE  
WATER COMMISSION  
WATER PERMIT LAWSUIT  
(SWC Project No. 416)**

Secretary Sprynczynatyk informed the Commission that on June 27, 1997, the State Water Commission was sued by four members of the Spirit Lake Nation. The Complaint alleges that the Spirit Lake Nation tribe has a reserved water right to prohibit the removal of water from

the Warwick aquifer underlying the boundaries of the reservation and that the right is exclusive. The Complaint alleges that the city of Devils Lake installed four wells on property within the boundaries of the reservation on non-Indian land and is illegally removing the water from the reservation. The Complaint requests the court prohibit the removal of water and authorize the recovery of losses suffered by the tribe as a result of the removal of water. The state was sued because it authorized the removal of water by issuing permits to the city of Devils Lake to appropriate the water.

Julie Krenz, Assistant Attorney General for the State Water Commission, indicated that a response is due by the state on July 17, 1997. The state intends to file a Motion to Dismiss on two grounds. First, that the action against the state is barred by the Eleventh Amendment. The Eleventh Amendment bars claims brought by a tribe or members of a tribe against a state in federal court. Secondly, the suit should be dismissed because the plaintiffs are asserting a tribal right and only the tribe can bring an action to assert a tribal right. The plaintiffs, enrolled members of the

tribe, do not have the authority to bring the action on behalf of the tribe. The members have not alleged any injury to themselves as a result of the withdrawal of water and, therefore, have no standing to bring the lawsuit.

The plaintiffs have until July 27, 1997  
to respond to the Motion to Dismiss.

**NEXT STATE WATER  
COMMISSION MEETING**

The next meeting of the State Water Commission has been scheduled for September 11, 1997 in Bismarck, ND.

There being no further business to  
come before the State Water Commission, Governor Schafer adjourned the  
meeting at 1:20 PM.

/S/ Edward T. Schafer  
Edward T. Schafer  
Governor-Chairman

SEAL

/S/ David A. Sprynczynatyk  
David A. Sprynczynatyk  
State Engineer, and  
Chief Engineer-Secretary



