

March 7, 2008

TO: Natural Resources Committee

FROM: Nelson County Water Resource District

RE: Policy Procedures of the State Water Commission

We continue to replace Nelson County flooding areas with flood mitigation plans and projects. Our local Home Land Security is threatened in Nelson county by the lack of North Dakota agencies and their staff to help resolve and support projects that would protect our county and this region of the state. Agencies and staff are placing obstructions before us on many issues and fronts.

Our Water District has been working on the Central-Hamlin townships Flood Control Project for several years, trying to obtain a permit, not to drain the area, but to remove sheet water. In the beginning, the Game and Fish Department and fish & Wildlife Service reviewed the project and after meeting with them, they gave their approval for the project. We were then required to get the State Land Department, who owned 160 acres in the area, to sign off. They wanted an easement that would cost the project \$3,800 which would also protect their property. They also needed sheet water removed to have access to the land and this project would have accomplished that. Because of the excessive cost of the easement the Water District offered and decided to buy the land and sell it with any profit applied to this project. After taking care of this issue, by purchasing the land, the game and Fish Department stated they now want an easement on a fraction of an acre of property they have and an agreement that there be no future drainage in the upper watershed, because they used federal dollars to buy the property. Needless to say, we still will not have a permit from the State Water Commission until this issue is resolved. We wonder what will be next.

The Michigan Spillway Flood Control project has been in process for several years. Since heavy rains, beginning in 1993, water has accumulated and come from the upper watershed northwest of the City of Michigan. This region has lost farmland, township roads and farmsteads. It has suffered loss of lives due to high water and health issues are being impacted (example: mosquito breeding - West Nile). County roads # 1 and # 22 have been raised and have had extensive rip - rap done at a cost of approximately \$900,000. The City of Michigan has been challenged with their lagoon, streets, water in basements and infrastructure issues. The permit was applied for in early 2005. The vote was held and the project passed at 78% voting for the project that was estimated at close to \$1,000,000. A Interdistrict-Statewide hearing was held and time lines were given. However, after the time for comments was up, the State Water Commission continued to review and accept comments from agencies that lead to one delay after the other. The latest being an issue with carp getting into the Devils Lake Basin. This is highly unlikely

and there is a greater chance carp would get into Devils Lake some other way before they could through this project. The carp issue is important to us as well. On November 7, 2007, the Game and Fish Department, State Water Commission, our engineer, our attorney and our water board met in Bismarck to discuss the carp issue. This meeting cost our board about \$4,800. On February 5, 2008 this same group met at our office in Lakota to discuss objections and obstructions to plans. Their concerns are that a connect to the Forest River that could bring carp through the Matejcek Dam and up the Forest River through tributaries to the Michigan Spillway Flood Control project area, thereby coming closer to further connects to the Devils Lake Basin. There were reports that 2 carp were found this winter in Matejcek Dam and this creates their fear. Our engineer is meeting with a Game and Fish Department representative March 6, 2008 (yesterday) to discuss necessary plans. Two options mentioned in November 2007 were to not do this needed project or build a structure some place on the basin boundary acceptable by all, we hope. The cost is unknown. NRCS and the Corps issues continue but may be achievable. The Water Resource District is further asked by the permit process to acquire right of way easements that would cost in excess of \$100,000 and still have no guarantee a permit would be given. Downstream Impact Committee through the Red River Joint Water Resource Board with funding assistance has been approved. Legislative funds approved for Nelson County infrastructure is approved and ND State Water Commission cost share has been approved, but no permit has been issued to make the project move ahead,

Funding to our county from contract funds and legislative funds are now being held up by insurance indemnity requirements.

The officials of our county are very concerned of manner in which these issues are being handled for they are negatively impacting the health and welfare of our region.

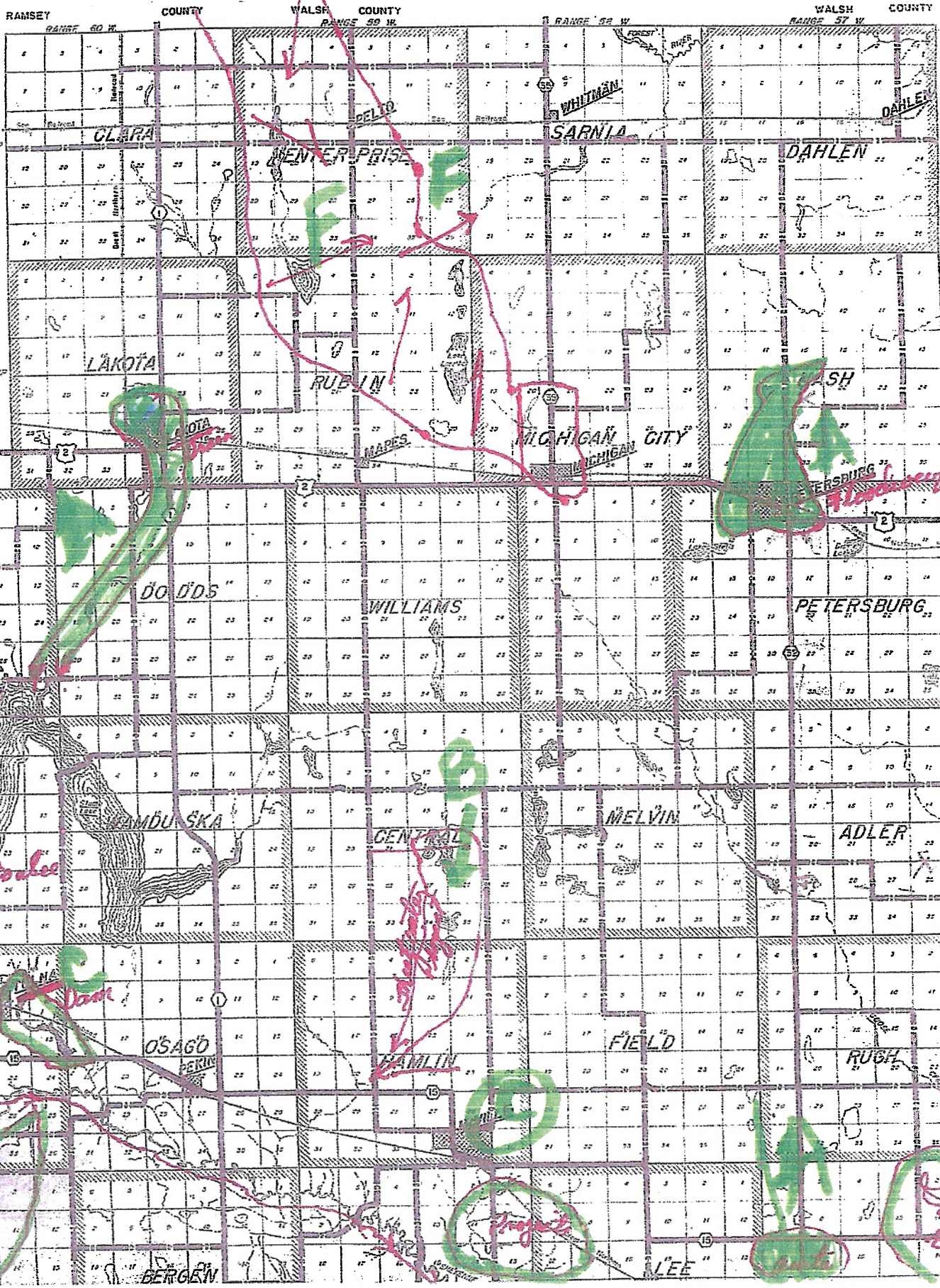
Respectfully submitted,

Nelson County Water Resource District
Ben Varnson
Gene Gehrke
Michael Donohue

2-28-08

Michigan Spelling

NELSON COUNTY NORTH DAKOTA



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The primary responsibility of the North Dakota State Water Commission is to provide effective management of North Dakota's water resources. The Water Commission is governed by the following principles:

Vision

Present and future generations of North Dakotans will enjoy an adequate supply of good quality water for people, agriculture, industry, and fish and wildlife; Missouri River water will be put to beneficial use through its distribution across the state to meet ever increasing water supply and quality needs; and successful management and development of North Dakota's water resources will ensure health, safety, and prosperity, and balance the needs of generations to come.

Mission

To improve the quality of life and strengthen the economy of North Dakota by managing the water resources of the state for the benefit of its people.

Philosophy and Values

In the delivery of services to the citizens of North Dakota, we the employees of the State Water Commission and the Office of the State Engineer value fairness, objectivity, accountability, responsiveness, and credibility. We pledge to use professional and scientific methods to maintain only the highest of standards in our delivery of services to our constituents.

Agency Goals

- To regulate the use of water resources for the future welfare and prosperity of the people of North Dakota.
- To develop water resources for the future welfare and prosperity of the people of North Dakota.
- To manage water resources for the future welfare and prosperity of the people of North Dakota.
- To educate the public regarding the nature and occurrence of North Dakota's water resources.
- To collect, manage, and distribute information to facilitate improved management of North Dakota's water resources.
- To conduct research into the processes affecting the hydrologic cycle to improve the management of North Dakota's water resources.

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North Dakota State Water Commission
900 East Boulevard Ave. • Bismarck, ND • 58505-0850 • 701-328-2750