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*Tim Flachell - Legislator*

To

*Hi Tim*

A Near Unanimous Nonpartisan Vote Made History

In the closing minutes of the 2007 North Dakota legislative session, the voices of the people voted to authorize state financial support for a project to bring Missouri River water to the growing and drought-prone eastern part of their state.

That vote rekindled a stalled Garrison Diversion Project begun in the 1960s. The stalled project had been mainly for irrigation. The project the legislature is supporting is mainly to bring potable (drinking) water to counties along the eastern edge of North Dakota.

That project has been under study by the Bureau of Reclamation (BoR), the Garrison Diversion Conservancy District (GD CD), and several local committees.

Last January the United States Department of the Interior's Bureau of Reclamation published the Supplemental Draft Environmental Impact Statement (SDEIS) for the Red River Valley Water Supply Project. Reclamation (BoR) and the state (GD CD) analyzed the environmental effects of six alternatives, including "no action." The five action alternatives each would meet the comprehensive water quality and quantity needs of the Red River Valley in different ways.

GD CD and Reclamation have each identified the Garrison Diversion Unit Import to Sheyenne River Alternative as the preferred alternative in the SDEIS for the Red River Valley Water Supply Project. The SDEIS goes further to provide maps of how each alternate would provide the differing ways available to bring Missouri River water to the Red River Valley, and the construction, operating, maintenance and replacement cost estimates of each alternate.

Their selected alternative begins with the stalled vertical pumps lifting water out of Lake Sakakawea to Lake Audubon on the opposite side of the State Highway 83 and railroad embankments.

Their selected alternative includes Lake Audubon and the impressive water release gate that pours water from the Lake to the McClusky Canal.

It includes about sixty miles of McClusky Canal until the canal is plugged by mile marker 59 to prevent untreated Missouri River water from flowing across the divide into the Hudson Bay Drainage.

Beyond the mile marker 59 in the Hudson Bay Drainage, the abandoned overgrown McClusky Canal continues to the abandoned Lone Tree Reservoir. Beyond the Reservoir, the New Rockford Canal, overgrown and unused, angles away for miles.

The millions of dollars of construction in the Garrison Diversion Irrigation Project that lie unused and wasting away are thorns in the sides of the BoR and the GD CD. Their officials are frustrated and they make every effort to find ways to put their irrigation facilities to work enough to take them off the loss list.

Sadly those irrigation facilities, built many decades ago, at prices much lower than today, and which have depreciated to even lower values, are a large part of what make all the Red River Valley alternates, except the Missouri River to the Red River Valley pipeline, appear to cost much less than they would if they were totally rebuilt and replaced today. Consequently all four of the alternates which depend on including abandoned and worn irrigation construction are competing with the all pipeline water transport in an inaccurate way.

The best way to judge the five alternates is to compare them side by side regardless of cost differences. In doing so the all pipeline Missouri River Import to the Red River Alternate stands out and becomes a very impressive final choice.

A careful study of the maps and costs of the five alternatives in the DEIS reveals that the best, most efficient and modern alternative, the Missouri River Import to Red River Valley, is a total pipeline project, and uses none of the remnants of the stalled by court action irrigation water supply system, which has been an irritant to both the BoR and the GD CD for more than 40 years.

Some reasons for a substantial federal financial obligation in the cost of transporting  
Missouri River water to eastern North Dakota

The Pick Sloan Plan, which includes transporting Missouri River water to Eastern North Dakota, includes financing from the federal government, state government and the water consumers of N.D.

The federal government share should be the largest contributor for several reasons:

1. Floodwater held in N.D. reservoirs reduces costs in states south of N.D. in flood prevention, lower-cost water transportation, stabilization, and assured Municipal and Industrial water downstream.
2. Much of downstream states' obligation to give water to the Missouri River, such as the Platte River in Nebraska which uses its obligation share for Nebraska irrigation. It depends on upstream Missouri River Reservoirs to release water to compensate for Nebraska's unmet obligation to send more of the Platte River to the Missouri River.
3. The hydroelectric energy produced at dams on Sakakawea and Oahe is distributed by WAPA to preference customers outside of Sakakawea and Oahe reservoir-states as well as in N.D. and S.D.
4. N.D. has 550,000 acres of prime Missouri River bottomland permanently and perpetually flooded at continuing economic loss to N.D. but of great economic value outside of our state.
5. N.D. has given access to national security military installations of minor economical advantage to N.D., but of great economic wealth and security to the nation.
6. The federal court denied the use of Garrison Diversion water for irrigation on the basis of accommodation of Canada's objections. N.D. should not have to be economically penalized by international objections. It's a federal matter.

These contributions which N.D. makes to the nation, measured in annual dollar costs, have been given for years without compensation, and will continue to do so. Where are the rewards?

### What to expect from a Missouri River pipeline from Bismarck to Fargo

1. The pipeline would not be subject to freeze-up problems in below-zero days, as would other alternatives, especially in the high end of the McClusky Canal.
2. The pipeline would provide a constant water quality standard without mingling with other water sources.
3. The pipeline's two horizontal pumps in the Missouri River bed would always be in the Corps' "downstream-demand flow" to care for the barge industry, and the southern municipalities and industries.
4. The pipeline would be of new material with years ahead and not behind.
5. The pipeline reduces chances of mischievous or criminal pollution or terrorism.
6. The pipeline provides instant control of start and stop of the supply in the mainline and lateral lines.
7. The pipeline system would be easy to supply and meter lateral connections.
8. The pipeline could serve added users at any time on either side of the main line.
9. The pipeline could serve a ground-level regulating cistern at any point desired.
10. The bio-plant and WTP would be more easily staffed in Bismarck than in the country.
11. The pipeline would be less vulnerable to legal delay or challenge to the use of Mo. River water.
12. The pipeline water would have already generated hydroelectricity at the G. Dam.
13. The pipeline would not be subject to possible cave-ins of Lake Audubon or McClusky Canal.
14. The pipeline would serve the industrial corridors of I-29 and I-94.
15. The pipeline system does not call on aquifers or already committed Lake Ashtabula water in emergencies.
16. The pipeline avoids water loss from evaporation seepage or illegal irrigation.
17. The pipeline water is not lost by mingling with the Sheyenne or Red River flowing north.
18. The pipeline acquires a solid riparian water right, so necessary for the future.
19. A pipeline makes it easier for water-using heavy industry to locate and meter water.
20. A pipeline makes it easier to serve an adjacent state if advantageous (Minnesota).
21. A pipeline would better deal with terrorism destruction—a national security matter.
22. A pipeline source of water untainted to outlets on I-29 and I-94 is a positive homeland security precaution on the interstate highway system.
23. Cost figures pale when annual inflation is applied to their centuries of needed service.
24. Pipeline-delivered water is much more secure and dependable than alternatives that are considered.
  - Pipeline water is more reliable in supplying essential water to the National Guard facilities: "Predator" aircraft operations in Fargo and to the Air Base at Grand Forks with its tanker/bomber operations. Pipeline water, in terms of Homeland Security, is not only dependable and more desirable



than water delivery by other methods, it becomes even more so with every passing year and century.

25. In World War II the U.S. Military, by their studies, made North Dakota the leading frontline state of their national defense. It was shown in so many ways such as:

- The 350 Minute Man Missiles in underground silos across N.D.
- The bomber bases of Minot and Grand Forks
- The fighter aircraft base at Fargo
- The air-to-air nuclear missile storage at Hector Airport-Fargo
- The only anti-ballistic missile interceptor base in the U.S.
- Two powerful radar stations at Fortuna and Finley, to be in constant connection with North American Air Defense Command in Colorado
- The Air Force Space Command Station at Cavalier, a space attack warning system
- The 600 miles of ND Interstate Highway designed to military A-bomb supply and passage of missile-loaded transports under all interstate highway overpasses.

All of the above military defense efforts were keyed to national defense from an over the North Pole attack from Europe-based opponents. Though the opponents have now changed, the close proximity to possible opponents still makes the North Pole the shortest path to defend or attack. North Dakota still remains the frontline state in homeland security. It needs high quality dependable water.

To provide the best potable water possible to eastern North Dakota is not only a federal obligation lingering from the Pick Sloan program; it is now absolutely necessary in Homeland Security.

And the pipeline delivery of potable water projects from the Missouri River are the best:

- For multiple bidders and contractors.
- Possibilities for extended construction building schedules.
- Proposed Mo. River Import to Red River Valley Alternatives. Schedules of construction:
  1. Install 2 horizontal pumps in bed of Missouri River South of Bismarck.
  2. Construct a water intake on pumps in Missouri River
  3. Build a bio treatment plant and a potable water treatment plant at intake.
  4. Lay 119 cfs pipe Bismarck to Wheatland 175 miles (Top of RR Valley Shore).
  5. Construct a large ground-level regulation cistern at Wheatland.
  6. Lay 21 cfs pipe from Wheatland to Grand Forks Air base. 84 miles.
  7. Lay 21 cfs pipe from Air Base to Grand Forks WTP. 12 miles.
  8. Lay 21 cfs pipe from Wheatland to Wahpeton. 64 miles.
  9. Lay 21 cfs pipe from Wheatland to Fargo. 30 miles.

Note—

All pipelines, main and lateral, would be independent and so metered.

The Cass Rural Water Users District and the Grand Forks—Traill Water Districts would interconnect with Fargo and Grand Forks municipals systems respectively.

Questions of interest to be asked to understand water diversion to eastern N.D.—Good to know before choosing alternative

- A. Who owns the shoreline of Lake Sakakawea?
  - B. Who has riparian rights on Lake Sakakawea? Corporations or landowner?
  - C. How are the displaced Indians of 3 affiliated tribes affected by shoreline ownership on Lake Sakakawea?
  - D. What are the Indian water rights on Sakakawea?
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- 1. Who owns and operates the two big (Snake Creek) vertical water pumps that put Sakakawea water into Lake Audubon—the BOR or Corps of Engineers?
  - 2. How many employees operate and maintain the two pumps? Where do they live?
  - 3. How old are the pumps? What was their cost? How much will it cost to replace them?
  - 4. When worn out, will the pumps be replaced or will different pumps be used?
  - 5. What kind of ownership do the cottage owners on Audubon have? Who maintains their access needs?
  - 6. When Lake Audubon is overfilled far above the level of Lake Sakakawea, is there danger of pressure damage to Highway 83 and railroad? Who would be financially liable for such damage? Who would quickly restore it?
  - 7. Is the Audubon to McClusky release machinery in good shape? Who owns them? Who operates them? Where do operators live? Who gives opening and closing orders?
  - 8. What is the drop in the McClusky Canal from Lake Audubon to Mile 59 plug in the canal on the edge of the Missouri River Basin?
  - 9. How much of the McClusky Canal is deep enough to grow recreational fish?
  - 10. Who owns the McClusky Canal?
  - 11. What kind of maintenance is done and would be done if the Canal were delivering water regularly?
  - 12. How much of the canal cannot be used to transport water because of ice or cave-ins?
  - 13. Who handles canal liability insurance?
  - 14. What responsibilities does the Garrison Conservancy District have in the Canal area?
  - 15. Should there be personnel assigned to the biota treatment plant? Where would they live? What would they do when water was not moving in the canal for long periods?
  - 16. Where is Biota Plant material disposed to satisfy Manitoba?
  - 17. Where does the order to begin biota cleaning and to send water to Ashtabula come from? Fargo? The BOR? Corps, Secretary of Interior?
  - 18. Since there is a drop between Mile 59 plug in the McClusky Canal and Lake Ashtabula, why isn't a canal dug instead a 123-mile pipeline? Size of pipe?
  - 19. How deep would the pipeline be? What size? What material? Iron, PVC, etc.?

20. What kind of release would be used at the 3 mile transitional point into the Sheyenne above Ashtabula to minimize eroding and controlling the 3 mile river level? Would the control person be stationed at Ashtabula?
21. How would the raising and lowering of Ashtabula affect river and lake property owners above, on, and below the lake? Is there a liability problem since the water levels would be manmade? Who will be liable?
22. How much ownership does Fargo have in Ashtabula? They have some.
23. Who owns shorelines of Ashtabula and who can order downstream release? Corps?
24. How long does it take Ashtabula water to reach the Horace diversion dam?
25. How is water transferred to the Fargo treatment plant at the present time? From Horace?
26. Does any of the Ashtabula water release escape the Horace diversion station and continue on down to reach Canada? A sore point for Southern barge owners!
27. Is any other Sheyenne water now diverted to the Fargo treatment plant sold or transferred to other users, such as Wahpeton, Cass County Rural Water System, or Moorhead?
28. How large in capacity is the present Fargo Treatment plant's "above-ground cistern"?
29. Will Fargo need to build a larger above-ground cistern if Mo. River water is secured?
30. How much increased treatment is available at Fargo Water Treatment Center now?
31. Should Fargo-treated water be piped to Grand Forks Air Base, Wahpeton, or other major users like an ethanol plant?
32. Is ice blockage or sloughed-off banks a problem on moving McClusky Canal water?
33. How much authorized (for wildlife?) and unauthorized water is taken from McClusky now?
34. What amount of loss can be expected from seepage and evaporation in the McClusky delivery?
35. Where would criminal mischief or terrorism have to be guarded against in the McClusky delivery? Where are the vulnerable points and the plans to minimize terrorism loss?

#### What is potable water worth to North Dakota?

Potable water access has a huge immediate value, but that value increases with each passing year, or each passing century. The demand for potable water and the cost of its access on planet earth can only increase as the world's population continues to increase in number and in demand for drinking water.

The Missouri River is a huge source of water, as it provides annually about 96 percent of all the flowing water in North Dakota, including water flowing along our borders which must be shared with adjacent neighbors.

We are at a point where our North Dakota Legislature should carefully review the advantages and disadvantages of the five alternatives, or others that may be proposed. The legislature should acquaint itself carefully and thoroughly with the arithmetic that

has produced comparative costs of construction and operating and maintenance in the five alternate plans.

Of utmost importance, the legislature should identify the weak spots that might trigger legal action that could slow or stop the project at great costs with no advantage gained. It has happened before.

I'm sure the legislature will have questions on each alternative. Some questions will be unique to North Dakota. The separate costs differ. But the inevitable inflation, over time, will make high costs of today look reasonable when we compare them a few years from now.

Yes, the day comes soon when a \$900-million dollar project cost will look like a modest cost. But our legislature, in view of the growing demand and legal acquisition of Missouri River water downstream, will find that they cannot look ahead 50 years, they must try to look ahead in centuries, because the North Dakota need for that potable water will still be there, but the water may be claimed by another. It requires those who are willing to look ahead and make the investment needed now to safeguard the future of not just the Red River Valley, but all of North Dakota.

If we in North Dakota are so concerned about costs and insist on adopting the cheapest method of moving potable water now, we will soon find out that the growing demand for Missouri River water has cut deeply into what we have thought was North Dakota's secure claim to that water.

We have the annual state income now to wisely invest what it takes to build a first-class water transport system from the Missouri River to eastern North Dakota. That investment should be in a modern pipeline system.

The federal government has a great obligation to North Dakota. In the beginning of the 1944 Pick Sloan Projects planning, North Dakota was assured that by giving up 550,000 acres of Missouri River Valley land, our state would be assured of receiving 2 million acres of irrigation from that Pick Sloan Plan.

The Garrison Dam and Oahe Dam were built. The 550,000 acres of North Dakota bottom lands were permanently flooded. But the irrigation plan for North Dakota quietly subsided to 250,000 acres.

But downstream states and their barge industry were not about to let their springtime floodwater held in N.D. Pick Sloan lakes be diverted to upstream irrigation, and thus not available to their floating barges.

Then Manitoba and Minnesota were urged to find fault in using Missouri River Basin water coming into the Hudson Bay Basin.

Our plan to transport Missouri River water to eastern North Dakota Red River Valley has to be so tight that it cannot be attached as LOSING or diminishing or diverting Missouri River water in any manner that would lead to charges of wasting that Missouri River water so it could not flow south to the barges. The BoR Missouri River Import to Red River Valley Pipeline Plan is by far the least vulnerable to legal efforts to delay or defeat getting Missouri River potable water to eastern North Dakota. Let's build it soon.



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Governor of North Dakota  
1961-1973