

Nelson County Water Resource District

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August 27, 2010

The Nelson County Water Resource District has in the past and will continue to help our region and county from adverse impacts caused by flooding. We will continue to work in concert with our watershed partners, the Red River Joint Water Resource Board, the Upper Sheyenne River Joint Water Resource Board, and the Devils Lake Basin Joint Water Resource Board. Our county water resource district is a member of all 3 of these joint boards. Most recently, the Nelson County Water Resource District helped develop and approve the Red River Joint Water Resource Board's support of a Resolution for a Devils Lake Structural Outlet. The Upper Sheyenne River Joint Water Resource Board has written a letter of concurrence to this resolution. A copy of the resolution and the Upper Sheyenne River Joint Board's letter is attached.

Our county has, for the past 15 years, been proactive in the need for a cleanout of the Tolna Coulee. We have been involved with minor work on and below that outlet divide. We have helped facilitate a meeting with downstream folks including Valley City, Cass County and the City of Devils Lake, to name a few.

Stump Lake began filling in 1993 with heavy rains. This extreme wet cycle has continued and weather experts report it may continue for 5 to 10 years or more into the future. In 1993 our Water Resource District was challenged with replacing a washed out culvert in Dutch Point Road resulting from heavy rains. At that time the water elevation of Stump Lake was 1396. Today there are over 30 miles of township and county roads that are presently lost around Stump Lake. Water has risen approximately 56 feet to its present elevation of 1452. Landowners, farmers, and ranchers continue to feel these negative impacts. Financial and other personal losses are devastating families here and in the entire region.

Programs need to be adjusted fast to make dollars available to compensate the people who are losing all or a large portion of their livelihoods. A recent finding is that CRP enrollments may not be available if water looks to be permanent. This must be corrected now because these landowners need to posture for the new condition of their land. It is important that this be handled correctly and not be too short sighted. Any measure to help landowners for income lost during a disaster such as this seems to get removed. It is our hope that this will be corrected as agriculture and recreation development need to be balanced.

The Nelson County Water Resource District supports the economic development at Stump Lake and the surrounding area but we need a wise review of water elevations and a natural water course release. Our board has supported using the Tolna Coulee Outlet and a controlled protection plan from 1447 to 1452 elevation. We have been delayed by bad judgments and avoidance as to what may happen in a natural and serious discharge of water.

This is certainly now an eastern North Dakota dilemma.

Board Members

Ben Varnson	Gene Gehrke	Michael Donohue	Richard Daws	Charlene Varnson, Secr.-Treas.
Lakota, ND	Aneta, ND	Pekin, ND	Michigan, ND	Lakota, ND
701.259.2127	701.326.4248	701.262.4996	701.259.2257	701.247.2682

Upper Sheyenne River Joint Water Resource Board

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*Providing a coordinated and cooperative approach to planning and
implementing a comprehensive water management program in the
Upper Sheyenne Watershed*

August 10, 2010

TO: Governor John Hoeven
Todd Sando, State Engineer
Mayor Richard Johnson, City of Devils Lake
Jeff Frith, Devils Lake Joint WRB
David Johnson, Garrison Conservancy District
Red River Joint Water Resource Board

RE: Resolution of Support for Devils Lake Structural Outlet

FROM: Upper Sheyenne River Joint Water Resource Board
Ben Varnson, Chairman

The Upper Sheyenne River Joint Water Resource Board unanimously concurred with the resolution provided by the Red River Joint Water Resource Board regarding the support for a Devils Lake Structural Outlet. A copy of the Resolution is attached.

Ben Varnson, Nelson County WRD
Chairman, USRJWRB
Lee Monson, Griggs County WRD
Vice Chairman, USRJWRB
Pat Hurley, Barnes County WRD
Brian Maddock, Benson County WRD
Peter Larson, Eddy County WRD
David Ashley, McHenry County WRD
Marvin Gisi, Pierce County WRD
Walter Filler, Sheridan county WRD
Tor Bergstrom, Steele County WRD
Joel Lees, Stutsman County WRD
Norm Remboldt, Wells County WRD

County Members

Barnes County WRD Benson County WRD Eddy County WRD Foster County WRD Griggs County WRD
Nelson County WRD Pierce County WRD Sheridan County WRD Steele County WRD
Stutsman County WRD Wells County WRD

**RED RIVER JOINT WATER RESOURCE DISTRICT
RESOLUTION OF SUPPORT FOR DEVILS LAKE STRUCTURAL OUTLET**

WHEREAS, the Red River Joint Water Resource District (the "Joint Board") is a joint water resource district and political subdivision under N.D. Cent. Code § 61-16.1-11.

WHEREAS, the Joint Board is comprised of the following member water resource districts in the Red River Basin in North Dakota:

- a. Ransom County Water Resource District;
- b. Richland County Water Resource District;
- c. Sargent County Water Resource District;
- d. Pembina County Water Resource District;
- e. Walsh County Water Resource District;
- f. Grand Forks County Water Resource District;
- g. Traill County Water Resource District;
- h. Barnes County Water Resource District;
- i. Maple River Water Resource District;
- j. North Cass Water Resource District;
- k. Southeast Cass Water Resource District;
- l. Rush River Water Resource District;
- m. Nelson County Water Resource District; and
- n. Steele County Water Resource District.

WHEREAS, the Joint Board and its member districts have a significant stake in conditions downstream of Devils Lake.

WHEREAS, the Devils Lake region has experienced substantial flooding to the significant detriment of government entities, communities, the local agriculture industry, property owners, and others.

WHEREAS, since 1993, the substantial rise in Devils Lake has flooded over 130,000 acres of land.

WHEREAS, to date, expenditures associated with raising roads, building dams, relocating homes, protecting infrastructure, and other costs associated with Devils Lake flooding exceeds \$700,000,000.

WHEREAS, United States Geological Survey modeling suggests there is a significant likelihood Devils Lake will continue to rise and that, as a result, the continued flooding will result in an uncontrolled discharge into the Sheyenne River.

WHEREAS, additional flooding leading up to an uncontrolled discharge would lead to substantial local damages, including inundation of an additional 100,000 acres of farmland, and flooding of additional homes and communities adjacent to Devils Lake.

WHEREAS, the State of North Dakota has invested significant amounts of State funds to remedy impacts of flooding and to construct a 100 cubic feet per second outlet on the west end of Devils Lake.

WHEREAS, most recently, the State of North Dakota constructed improvements to its western outlet to increase discharges to 250 cubic feet per second.

WHEREAS, despite efforts by the State of North Dakota and by local government entities in the Devils Lake region, Devils Lake continues to rise, and an uncontrolled discharge at a lake elevation of approximately 1,458 feet into the Sheyenne River is possible.

WHEREAS, while communities downstream of Devils Lake have similarly experienced elevated precipitation levels over the past 17 years, and the introduction of additional water in many of those communities would create difficult circumstances, an uncontrolled discharge of Devils Lake into the Sheyenne River could have potentially devastating impacts downstream of Devils Lake.

WHEREAS, communities downstream from Devils Lake, and Manitoba and other Canadian entities, have opposed enhanced discharges of Devils Lake into the Sheyenne River due to concerns regarding water quality standards.

WHEREAS, in conjunction with the North Dakota State Water Commission's increase of the western Devils Lake outlet from 100 c.f.s. to 250 c.f.s., the North Dakota Department of Health amended water quality standards for the Sheyenne River immediately downstream of the western Devils Lake outlet to accommodate the increase.

WHEREAS, the Joint Board recognizes that communities have concerns regarding water quality standards, but the Joint Board further recognizes that an uncontrolled discharge of Devils Lake into the Sheyenne River could potentially have devastating impacts on water quality standards downstream from Devils Lake, including devastating impacts to water quality standards in the Red River of the North, into Canada.

WHEREAS, the Joint Board and its member districts are concerned about the potential for substantial flooding downstream of Devils Lake due to an uncontrolled discharge into the Sheyenne River and the significant damages that would occur as a result of the flooding.

WHEREAS, similarly, the Joint Board is concerned about the adverse impacts to water quality standards in the Sheyenne River and the Red River of the North as a result of an uncontrolled discharge of Devils Lake into the Sheyenne River.


WHEREAS, the Joint Board supports efforts to provide flood relief to the Devils Lake region, and to provide safeguards for communities downstream of Devils Lake for the benefit of the Joint Board; the Joint Board's member districts; counties, cities, and communities downstream of Devils Lake, the agriculture industry downstream of Devils Lake; and landowners downstream of Devils Lake.

NOW, THEREFORE, BE IT RESOLVED that the Joint Board supports immediate efforts to develop, facilitate, construct, and operate a control structure on the eastern end of Devils Lake with the capability to retain water when the Sheyenne River is flooding and to release water when the Sheyenne River is not flooding, and that will prevent catastrophic erosion of the outlet between the lake and the Sheyenne River.


BE IT FURTHER RESOLVED that the Joint Board supports adjustments to water quality standards downstream of Devils Lake on the Sheyenne River and the Red River of the North to accommodate a control structure on the eastern end of Devils Lake.

BE IT FURTHER RESOLVED that the Joint Board supports construction of a control structure and water quality standard adjustments to avoid an uncontrolled discharge of Devils Lake into the Sheyenne River for the benefit of the Devils Lake region, and also for the benefit of downstream communities and other stakeholders.

APPROVED:


Jim Lyons, Chair

ATTEST:


Joan Svaleson
Secretary-Treasurer

Date Approved: July 15, 2010