

Doc.  
y3.m69/2:3/3/7

# mrbc basin bulletin

Vol. 3, No. 7

NORTH DAKOTA  
STATE UNIVERSITY

July-August, 1976

OCT 14 1976  
LIBRARY

## Governors urge more state authority

Missouri River Basin governors urged that the states be able to determine their own priorities for the use of natural resources – including Missouri River water.

They asked for additional federal money to assist them in planning for the development of those resources, and they suggested that the Missouri River Basin Commission (MRBC) have a greater role in coordinating activities of the federal agencies in the Missouri Basin.

Gov. Richard Kneip of South Dakota, Gov. Arthur Link of North Dakota, Gov. Ed Herschler of Wyoming and the representatives of the governors of Colorado, Minnesota, Iowa, Kansas, Montana, Nebraska and Missouri voiced their recommendations at a Missouri River Basin Governors' Conference Aug. 4 in St. Paul, Minn.

Governor Link referred to what he called "the continuing federal encroachment by federal agencies upon the rights of states to determine natural resources objectives."

Governor Herschler said, "I am somewhat concerned at times because I feel perhaps our federal counterparts believe that we are provinces or colonies out here . . ."

"The federal government cannot be allowed to dictate how South Dakota, or any other state for that matter, will use Missouri River water as long as we use it within the framework of existing guides . . .," Governor Kneip said.

The governors cited the definition of navigability under Section 404 of the Federal Water Pollution Control Act (P.L. 92-500) as an example of "federal encroachment."

Governor Herschler spoke of the beauty of the navigable Mississippi River which lay just across the street from the hotel in which the conference was being held.

"But at the same time," he went on to say, "it is really difficult for me to look at some of the draws and gullies in Wyoming that might possibly have 5 cfs (cubic feet per second) flowing down sometime in the spring after a flash flood and then have someone tell me that that's a navigable stream."

The statements of the governors and their representatives supported the efforts of the Missouri River Basin Commission to coordinate state and federal water resources planning efforts.

Several individuals, including Governor Kneip, Gary Wicks of Montana, Tom Eason of Nebraska, Robert Herbst of Minnesota, William Brabham of Iowa and Robert Dunkeson of Missouri voiced a need for a continued and, in some cases, stronger commission role in representing state interests.

(Continued on next page)



Governor Kneip



Governor Link



Governor Herschler

## . . . More state authority

*(Continued from front page)*

The governors' conference unanimously adopted a resolution asking for more federal funds to assist Missouri River Basin states in planning and developing their own water resources.

The resolution stated that some \$10 billion had been spent on water planning and development in the U.S. in 1974, but that only 5 percent of it went to the Missouri River Basin.

Governor Kneip, who offered the resolution, said the basin includes 17 percent of the continental United States.

The governors urged more attention be paid "to an area that provides a greater share of the nation's food production, and also in the future may provide a greater share of the nation's energy production."

The resolution contended that water planning and development funds seemingly have been allocated "on the basis of population, rather than where the critical water issues arise."

Gov. Ed Herschler seconded the resolution.

The conference unanimously agreed to a motion by Governor Link and seconded by Governor Herschler to hold an annual Missouri River Basin Governors' Conference.



*Vern Fahy, MRBC member from North Dakota, standing right, addresses the question and answer period of the Missouri River Basin Governors' Conference on the subject of Section 404 'navigability.' More than 150 persons attended the conference.*



*Horton*

**A report of the proceedings of the Missouri River Basin Governors' Conference will be available upon request from Information Officer, MRBC, Suite 403, 10050 Regency Circle, Omaha, NE 68114.**

## Horton says Indian water rights most difficult Missouri Basin problem

Indian water rights constitute the most difficult problem in the Missouri River Basin, a high-ranking Interior official told the Missouri River Basin Governors' Conference.

Jack Horton, assistant secretary for water and land resources and also assistant to the chairman of the U.S. Water Resources Council, spoke at the conference luncheon. He discarded prepared comments in order to reply to the governors and their representatives who spoke earlier in the day.

"I would guess that the most difficult problem we have in this basin is not the uncoordination between the federal and state agencies . . . rather, it is the least talked about and the most serious question of how we address collectively the problems of Indian water rights," Horton said.

"We believe in the department that now is the time to openly and publicly address this question.

"We must agree at this time that there can be no serious development activities in the basin itself until the nation as a whole with the region and the states ask, 'What are the legal and collective responsibilities for water to the American Indian, and what can we do to resolve them?'"

A Department of the Interior task force is studying the Winters Doctrine, which says "that the water which originates on or flows across an Indian reservation shall be available to that reservation for uses of an agricultural nature," Horton said.

Horton said he expects the task force to propose a solution, "perhaps an interim solution, to the water rights problem of the American Indian within the next month."

## EDITORIAL

### Governors' conference warrants praise

By John W. Neuberger, MRBC chairman

The calling of the Missouri River Basin Governors' Conference by Gov. Richard F. Kneip of South Dakota received a positive response by basin governors and warrants special praise.

The governors' conference reconfirmed its support for the river basin commission concept, calling for increased personal involvement by the governors in commission activities. And the conference unanimously agreed that the governors should meet on an annual basis in conjunction with the Missouri River Basin Commission.

The governors' conference is to be commended for its willingness to take an active role in guiding and setting the framework for future water resources uses in the basin.

This commitment is a forward step in assuring that individual state prerogatives and opportunities will be a balancing force in determining regional and national federal water resource program priorities.

### MRBC forms CCJP committee, sets 18th and 19th meetings

The Missouri River Basin Commission (MRBC) formed a Comprehensive, Coordinated Joint Plan Committee and set dates for its 18th and 19th regular quarterly meetings.

The action was taken at the 17th regular meeting Aug. 4-5 held in conjunction with the Missouri River Basin Governors' Conference in St. Paul.

The MRBC membership (10 states, 10 federal agencies, 2 interstate compacts and the MRBC chairman) will constitute the CCJP Committee. It will meet at least annually and more often if required.

Purpose of the CCJP Committee will be to review subregional plans as well as plans other than those prepared by MRBC for inclusion in the overall basin plan.

The first subregional analysis to be performed by MRBC under the CCJP process will be the analysis of the James River Basin in North Dakota and South Dakota. It is scheduled to begin in fiscal year 1977.



Chelseth gets gavel

*MRBC Chairman John W. Neuberger, left, presents a gavel to the new MRBC vice-chairman, Archie Chelseth of Minnesota, right. Chelseth was elected by the states to succeed Keith Krause of Kansas, whose term had expired.*

The dates and locations for the next MRBC meetings are Nov. 11-12 in Omaha and Feb. 2-3 in Denver.

Committee progress also was reported at the 17th meeting as follows:

- The Framework Updating Committee report included status of National Water Assessment activities in the Missouri River Basin in which the second technical memorandum of four is being prepared.

The first part will contain a summary description of the Missouri Basin's economic, environmental, hydrologic and water usage condition. Information will be given by state and major hydrologic area for the years 1975, 1985 and 2000.

The technical memorandum's second part will present a description of water and related land problems and issues in 32 problem areas in the Missouri River Basin. These problem areas generally are river basins and metropolitan areas.

*(Continued on next page)*

## . . . MRBC forms committee

- The Middle and Lower Missouri Flood Plain Issues Committee reported that a study is near for the Missouri River flood plain from Gavins Point, S.D., to the mouth of the river north of St. Louis, Mo.

It is anticipated the study will focus on the legal and institutional framework necessary to accomplish effective and efficient management of the flood plain.

The committee is developing a plan of study that will address the problems and issues associated with the area.

- The Scarce Resource Management Committee, whose primary concern is ground water resources in the Missouri River Basin, proposed sponsoring a workshop this fall.

The regional workshop would assemble 30 to 35 knowledgeable persons in the field of ground water resources to identify issues and variables which must be considered in subsequent research.

Later research would develop guidelines, standards and criteria for use in management and regulation of scarce ground water resources in the Missouri River Basin.

The U.S. Water Resources Council has been asked to fund the workshop in the amount of \$8,500.

- The Water and Energy Committee reported that a draft report on status of electric power in the Missouri River Basin will be finalized for distribution prior to the next commission meeting. The report will be updated annually.

## Former North Dakota governor calls MRBC 'effective organization'



Guy

Former North Dakota Gov. William Guy spoke at the close of the 17th meeting of the Missouri River Basin Commission (MRBC) in St. Paul, Minn., Aug. 5.

"In the 12 years that I was privileged to serve as governor I was a member of and participated in many, many boards and commissions," Guy said.

"I can say that this Missouri River Basin Commission is an example of what from all apparent outward appearances is a very smooth-working, effective organization."

Guy, who presently is staff director of the Western Governors' Regional Energy Policy Office in Denver, was among the governors who requested in 1972 that MRBC be formed. He attended the organizational meeting in Council Bluffs.

"There are many in the audience, I know, who worked for years to have Congress pass the enabling legislation for basin commissions," Guy said.

"I think those who were concerned about mixing state and federal agencies in a basin commission have had their fears alleviated a long time ago.

"I think those who have worked hard to get Congress to accept the concept that the federal system involves both the national government and state governments are pleased that the commissions have worked as well as they have."

## MRBC chairman, members to lead discussions at ICWP annual meeting

The chairman of the Missouri River Basin Commission (MRBC) and two MRBC members will lead discussions during the 1976 Interstate Conference on Water Problems (ICWP) annual meeting.

The ICWP meeting will be held Sept. 7-10 in Biloxi, Miss.

John W. Neuberger, MRBC chairman, will be a discussion leader during the session entitled, "Future Directions of Major Federal Water Programs."

John E. Acord, MRBC member from Montana, will be a discussion leader during the session entitled, "Water Resources Legislation." Acord is chief of the Resources and Planning Bureau of Montana's Department of Natural Resources and Conservation.

Nebraska Alternate Dayle Williamson will be a discussion leader during the session entitled, "Coordination of Water Planning Programs." Williamson is executive secretary of the Nebraska Natural Resources Commission.

MRBC Executive Secretary Richard E. Brown will take part in a discussion entitled, "National Conference on Water." Brown coordinated the 1975 National Conference on Water while on temporary duty with the U.S. Water Resources Council.

Jack W. Pepper of Mississippi, chairman of the ICWP Annual Meeting, said this year's meeting was developed with cooperation from WRC to address questions relating to current and future water problems.

Objectives of the joint session are:

1. To provide an opportunity for direct and personal communication between state, intrastate, interstate and federal water officials in both the administrative and legislative branches of government.
2. To review priorities and plans for existing legislation, permitting both state and federal officials to identify concerns about those plans directly to the involved officials.
3. To identify more effective mechanisms for continuing communication between all water resource agencies with the view to improving water resources management programs in the future.

## Fairchild leaves WRC

Warren D. Fairchild, director of the U.S. Water Resources Council (WRC) since 1973, is leaving the council.

Fairchild, 48, will join the Washington staff of the World Bank as mission leader for the Pakistani National Water Plan in the bank's Southern Asian Division.

Fairchild, a former Nebraskan, will take up his duties at the World Bank approximately Sept. 1, a WRC news release said.

Also leaving WRC is Assistant Director Richard N. Vannoy. Vannoy presently is on 60-day detail with the Federal Energy Administration.



Fairchild

## WRC releases technical report of Section 80(c) study

The U.S. Water Resources Council (WRC) has released a 20-volume technical report of the study it carried out under Section 80(c) of the Water Resources Development Act of 1974.

The act directed "a full and complete investigation and study of principles and standards for planning and evaluating water and related land resources projects."

The WRC report constitutes the background and perspective from which President Ford will make recommendations to Congress later this year, a WRC news release said.

All 20 volumes are available through the Superintendent of Documents. A list describing the volumes may be obtained by writing U.S. Water Resources Council, 2120 L Street, N.W., Washington, DC 20037.

## WRC schedules 1977 National Conference on Water

The U.S. Water Resources Council (WRC) will hold a National Conference on Water May 23-25 in St. Louis.

"The 1975 National Conference on Water brought together diverse interests to discuss the difficult questions of water use, quality and supply and the institutional means of solving the conflicts," Interior Secretary Thomas S. Kleppe, WRC chairman, said.

"Responsible local, state and federal officials and interest groups must continue to confront and examine our national policies and priorities for water," Kleppe said. "The 1977 conference will continue the dialogues."

Assistant Interior Secretary Jack Horton, Chairman Kleppe's alternate on WRC, will lead the conference planning. Horton said WRC will welcome views and suggestions as plans for the conference are formulated.

Suggestions should be sent to 1977 National Conference on Water, Water Resources Council, 2120 L Street, N.W., Suite 800, Washington, DC 20037.

## Brochure on Platte Study recommendations available

A brochure outlining the recommendations of the Platte River Basin, Nebraska, Level B Study is available from the Missouri River Basin Commission (MRBC).

The recommendations include more than 100 structural and nonstructural projects and programs for water management that would require an investment of some \$530 million if implemented during the next 25 to 40 years.

Copies of the brochure may be obtained by writing Information Officer, MRBC, Suite 403, 10050 Regency Circle, Omaha, NE 68114.



**Missouri River Basin Commission**  
Suite 403, 10050 Regency Circle  
Omaha, Nebraska 68114

POSTAGE AND FEES PAID  
MISSOURI RIVER BASIN COMMISSION  
THIRD CLASS-BULK RATE



North Dakota State University  
Documents Librarian  
Fargo, ND 58102