

COURT MOTIONS

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Federal judge to issue ruling for NAWS lawsuit at a later date

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Minot City Manager David Waind said Friday he has heard that a federal judge Thursday afternoon took motions in the Northwest Area Water Supply (NAWS) case under advisement and will issue a ruling at a later date.

Both sides filed motions for a summary judgment in the case.

Waind said he received an e-mail Friday from attorneys representing the state.

Judge Rosemary Collyer heard arguments in U.S. District Court for the District of Columbia from lawyers from both sides of the dispute. The Province of Manitoba filed the lawsuit in late 2002.

Manitoba brought suit against only federal officials, but North Dakota intervened. "It's important for us to be involved in the suit to protect the state's significant interest," said Attorney General Wayne Stenehjem.

Assistant attorney general Charles Carvell argued the case on behalf of North Dakota.

The NAWS project is a joint project between the state and federal government to transfer Missouri River water to residents of Minot and small towns and farms in north-central North Dakota.

Stenehjem said before the hearing that residents in the area obtain most of their water from

groundwater sources, which are of poor quality. NAWS will provide clean water for domestic and industrial purposes.

"All citizens of the state are entitled to clean water," Stenehjem said. "It's disappointing that Manitoba is trying to frustrate our effort to provide a basic service to our citizens."

Waind said Manitoba sued because they seek to eliminate biota from Missouri River water being transferred to the Hudson Bay basin. They contend that such a transfer, if it occurred, would have potential adverse effects on Manitoba's environment.

The city manager said Manitoba wants full treatment of the water on the shore of Lake Sakakawea, rather than having the water disinfected and piped to the Minot water treatment plant for full treatment. Waind said building a new treatment plant and operating it could cost more than \$50 million.

He said if the water has to be treated at the source, it could mean problems without the current water treatment plant in the city available as a standby. The city could not afford to maintain two plants.

The province has called for a complete Environmental Impact Statement, rather than the environmental assessment that has already been completed. Waind said such a motion, if approved by the court, could delay the project for years.

See NAWS — Page B4

NAWS

Continued from Page B1

Manitoba contends that the environmental assessment prepared for the project by the Bureau of Reclamation was inadequate and that a more comprehensive environmental impact statement should have been prepared.

To that contention, Stenehjem replied, "The project was studied for 10 years and repeatedly delayed to address

Canadian concerns. It's a sound project that shouldn't be delayed any longer."

A motion, if approved by the court, could also halt the project in its tracks.

The pipeline effort is now in its third year of construction. So far, about 20 miles of the 45-mile pipeline has been laid from Minot south to Lake Sakakawea.

There was no indication of how long Collyer might take before rendering her decision on the issue.