MINUTES
NORTH DAKOTA STATE WATER COMMISSION
Bismarck, North Dakota
September 18, 1967

MEMBERS PRESENT:
Governor William L. Guy, Chairman
Richard P. Gallagher, Member from Mandan
Harold R. Hanson, Member from New England
Henry Steinberger, Member from Donnybrook
Russell Dushinske, Member from Devils Lake
Arne Dahl, Commissioner, Department of Agriculture, Bismarck
Milo W. Holsveen, State Engineer, Chief Engineer and Secretary, Bismarck

Others Present:
Alan K. Grindberg, Assistant Chief Engineer, State Water Commission, Bismarck
Cliff Jochim, Special Assistant Attorney General, State Water Commission, Bismarck
Gordon Berg, Chairman, Sweetwater-Dry Lake Water Management District, Devils Lake
John Magnuson, Member, Chain Lakes Water Management District, Churchs Ferry
Robert Randall, Area Supervisor, Bureau Sport Fisheries and Wildlife, Bismarck
Harold Michels, Chairman, Benson County Water Management District, Minnewaukan
Tony Engelhardt, Minnewaukan
William Hills, Attorney, Bismarck

The meeting of the State Water Commission opened at 9:15 a.m. with Governor Guy presiding. Present were Governor Guy, Commissioners Hanson, Steinberger, Dahl, Dushinske and Secretary Holsveen.

MINUTES OF AUGUST 3, 1967 APPROVED

FINANCIAL STATEMENT FOR AUGUST, 1967 APPROVED

Secretary Holsveen went over the items of the August, 1967, financial statement. He also reported on the proposed dams to be constructed next year and the dams completed this year.

It was moved by Commissioner Steinberger, seconded by Commissioner Dahl and carried that the August, 1967, financial statement be approved.

GORDON GRAY RESIGNATION

Secretary Holsveen read a letter received from Governor Guy's Administrative Assistant informing the Commission of the resignation of Gordon K. Gray from the State Water Commission.

Commissioner Dahl recommended that the State Water Commission prepare a resolution commending Commissioner Gray for his services to the Water Commission.
It was moved by Commissioner Dahl, seconded by Commissioner Hanson and carried that a resolution be prepared commending Gordon K. Gray for his services to the Commission.

(See Appendix A)

LAKE MANDAN REVETMENT (Project #576)  A letter has been received from the Corps of Engineers calling attention to existing damage of the bank stabilization structure in the Lake Mandan area. Assurances for operation and maintenance were given by the State Water Commission to the Corps of Engineers in 1964.

(Gallagher enters the meeting.)

At the time of entering into the contract the Corps indicated that the maintenance costs could approximate $45,000 each year. The Corps had at one time informed the Commission that they would not be responsible for these charges but at a later date they reversed the statement and insisted on assurances, which were given charging the State Water Commission with the maintenance responsibility.

It was the consensus of the Commissioners that the Commission staff should proceed with the revetment works for a few years, keeping the costs of the repairs well documented so the Commission could, if necessary, show that the maintenance charges are a big item. The cost of the revetment work in Lake Mandan was estimated by the Corps of Engineers to require approximately 2,100 tons of rock. The Water Commission construction engineer estimates that the rock requirement will be considerably larger, possibly double, consequently the cost would probably be more like $30,000 rather than $16,000 bid price.

It was moved by Commissioner Hanson, seconded by Commissioner Dushinske and carried that the Commission reaffirms its approval of the repair to revetment works in the Lake Mandan area, which is the loop south of Stanton on the Missouri River, at a cost approximating or exceeding the $16,000 estimate.

SQUARE BUTTE STABILIZATION (Project #576)  A letter was received from the Corps of Engineers concerning the revetment damage in the Square Butte area. The letter informed the State Water Commission to proceed with repairs on the damaged revetment works at the earliest possible date. Secretary Hoisvneen indicated that the staff has prepared specifications for awarding the work to a contractor, if approved by the Commission. Governor Guy stated that a letter should be forwarded to the Corps of Engineers requesting their reasons for the failure of their work. He further indicated that after every inspection by the Corps, the Water Commission should have documented evidence in the files as to what happened and why it occurred so the records wouldn't have to be reconstructed each time. He recommended that the Secretary ask the Corps to include this information in its reports.
The Secretary stated that at the
Reservoir Control Center meeting he pointed out that he believed the
revetment had failed because of high under ice releases and believed it to
be a project deficiency. The representatives of the Corps on the Reservoir
Control Board indicated that this was a design deficiency. The State Water
Commission members were reminded that the local legal entities, such as the
Oliver and Morton County Water Management Districts, are required to pay for
one-half the costs of the repair work. The repair for Square Butte will
approximate $32,000.

It was moved by Commissioner Hanson, seconded by Commis-
sioner Dushinske and carried that the Commission authorizes
repair of the Square Butte revetment works.

GRAND FORKS FLOOD PROTECTION
(Project #830) A letter from the Corps of Engineers was
read concerning the results of their
reconnaissance investigation to determine
if more detailed studies are warranted for
additional flood protection on the Red River at Grand Forks.

There was discussion as to whether the
City of Grand Forks was aware of the
letter from the Corps. It was the
recommendation of the Commission that the City of Grand Forks be advised of
the Corps' letter, forwarding them a copy of the letter.

GARRISON RESERVOIR WINTER
TIME RELEASES
(Project #576) Secretary Hoisveen stated that he has
objected to the manner in which the
winter time releases are being made from
Garrison Reservoir. The objections were
made to the Main Stem Reservoir Coordinating Committee at its meeting in
Pierre on August 31. The cubic feet per second that can be released without
flooding and damaging property adjacent to the river is 15,000. Winter
releases have been as high as 30,000 cfs. Senators Young and Burdick
sponsored Senate Bill 537 which would amend the Act authorizing additional
appropriation for the prosecution of comprehensive plans to include bank
stabilization and rectification works at or below the Garrison Reservoir. The
Senate is awaiting a report from the Corps of Engineers on this Bill.

It was recommended that a resolution be
forwarded to the Corps of Engineers regarding the releases from the Garrison
Reservoir.

It was moved by Commissioner Hanson, seconded by Commissioner
Steinberger and carried that the Commission adopt a resolution
stating that the State Water Commission was led to believe that the
reservoir discharge at Garrison was not to exceed 15,000
cfs and that in recent years such discharges have been as high
as 30,000 cfs and the high rate of discharge is imposing an
unreasonable cost for bank stabilization on that stretch of
the river, which is a part of the Missouri Basin System, for
the State of North Dakota for operation and maintenance and
the State Water Commission respectfully protests these
excessive discharges and that the Corps return to the implied
maximum at the time the dam was built.

(See Appendix B)
Commissioner Gallagher presides.

Governor Guy leaves the meeting.

RENVILLE COUNTY WATER MANAGEMENT DISTRICT (Project #725) AND WARD COUNTY WATER MANAGEMENT DISTRICT (Project #1336)

A petition was received from the Upper West Souris Water Management Board of Commissioners to alter the boundaries of the district to include all of Renville County and to change the name of the district to the Renville County Water Management District. Cliff Jochim, Special Assistant Attorney General conducted the hearings held at Mohall and Tolley. A hearing was also held in Minot to alter the boundaries of the Ward County Water Management District to include all of Ward County. It was the unanimous feeling of those present at the Tolley and Mohall hearings that the "Goose Neck" portion of Ward County should not be included in the Ward County Water Management District but should be a part of the Renville County Water Management District.

At the Minot hearing the consensus of thinking was that that portion of Ward County known as the "Goose Neck" should remain out of the Ward County Water Management District but it should not become a part of the Upper West Souris Water Management District. The residents of the "Goose Neck" area especially those in Kenmare, wish to have a water management district encompassing only the "Goose Neck." They did not wish to become a part of the Ward County Water Management District.

The Commissioners discussed the advisability of watershed districts rather than county water management districts.

Jochim recommended that the Renville County Water Management District be established including all of Renville County and that the Upper West Souris Water Management District name be changed to Renville County Water Management District.

Governor Guy returns to the meeting and presides.

It was moved by Commissioner Dushinske, seconded by Commissioner Hanson and carried that the Upper West Souris Water Management District include all the land in Renville County and the name of the District be changed to the Renville County Water Management District and that the Chairman and Secretary of the State Water Commission be authorized and directed to issue an order.

Jochim and Secretary Hoiseven recommended that a letter be written to the Ward County Commissioners and the Ward County Water Management District requesting their recommendations before the Commission takes action.

It was moved by Commissioner Dushinske, seconded by Commissioner Dahl and carried that the Secretary be instructed to write the Ward County Commissioners and the Ward County Water Management District requesting their recommendation as to whether the "Goose Neck" area in Ward County should become a part of the Ward County Water Management District before the Commission takes action.
GATE STRUCTURE REGULATION
-MAUVAIS COULEE
(Project #416)

Gordon Berg and John Magnuson enter the meeting. Mr. Randall also appeared.

Commissioner Dushinske discussed the Silver Lake Refuge. At one time the Sport Fisheries and Wildlife had a dam in this location and backed water into Silver Lake from Mauvais Coulee. The Bureau is no longer interested in this dam. At the present time the water in Silver Lake is quite low. The farmers in the area would like to have something done and are willing to fill this in themselves if it doesn't interfere with the thinking of the Commission and Wildlife. It was recommended that the State Water Commission provide supervision.

The Commission discussed the regulation of the gates in the Lake Alice-Lake Irvine area. A contract has been prepared, which was read by Chairman Guy, as to the operation of the control gates by the Sweetwater-Dry Lakes, Chain Lakes and Benson County Water Management Districts.

Commissioner Gallagher objected to the State becoming an indemnifier. He recommended that in the first sentence of paragraph four to strike out everything after the word "gate" and put a period after "gate." In the second sentence of paragraph four strike out the words "not excepted by this paragraph".

It was moved by Commissioner Gallagher, seconded by Commissioner Dushinske and carried that the agreement be amended as follows: in the first sentence of paragraph four strike out everything after the word "gate" and put a period after "gate." In the second sentence of paragraph four strike out the words "not excepted by this paragraph".

It was moved by Commissioner Hanson, seconded by Commissioner Dahl and carried that the Commission approve the contract as amended and that the contract be submitted to the three water management districts for their approval.

Secretary Hoisveen stated that Mr. Engelhardt would appear in the afternoon with a proposal for West Bay and Oswald Bay. He thought it advisable to discuss this matter before his appearance.

Mr. Randall of the Bureau of Sport Fisheries and Wildlife in Bismarck reported that the original plans did include the development of four separate pools. He showed on the map plans the Bureau had for this area. It is to be developed to give the Bureau the best type of wildlife area and the best use of the water in the area. Mr. Engelhardt's idea of development of West Bay and Oswald Bay would have to have more consideration by the Bureau before they would know how feasible it would be. The detailed plans for this phase are not scheduled until 1973 or later. The Bureau does not have the time nor the funds at this time to study Mr. Engelhardt's proposal and the Bureau is not in a position to say whether this could become a part of the wildlife area. Representatives
from the Bureau had been up to the area a few days ago and looked it over so
they are familiar with the project. He further stated that tentatively it
would be in the mid 1970's before anything is done for wildlife. Acquisition
wouldn't be until the Bureau's entire plans are made and that wouldn't be
until 1972.

The Commission discussed the advisability
of proceeding with work that would be of a temporary nature, until the
Garrison Diversion project is completed in that area. Lake elevations were
also discussed.

The meeting recessed until 1:30 p.m.

The Commission meeting reconvened at
1:30 p.m. Governor Guy and Commissioners Dahl and Dushinske were absent.

UPPER SHEYENNE BASIN -
SMALL DAMS (Project #1344)

Several letters and resolutions have
been received protesting the construc-
tion of the Cooperstown Dam. In answering
these protests, the Secretary stated that
they were advised that this was a study to determine the feasibility of
building small dams.

PURCHASE OF WEIGHTING
SCALE

Hoisveen suggested the purchase of a
portable scale for the purpose of weigh-
ing rocks for various projects that are
coming up. He stated that the Commission is now attempting to pay by volume.
This procedure could be expensive to the State. It would, no doubt, pay for
itself in a relatively short time. The price of the scale would approximate
$2500.

It was moved by Commissioner Hanson, seconded by Commis-
sioner Steinberger and carried that the Secretary be
authorized to purchase a portable scale.

WILDLIFE FEDERATION NAME
CHANGE FOR SNAKE CREEK (Project #826)

Correspondence received from the North
Dakota Wildlife Federation objects to
renaming all Snake Creek developments
and suggested that the Snake Creek
developments could be named for other prominent people in North Dakota.

MERCER COUNTY AREA -
CONSTRUCTION OF DAMS (Project #1464)

Commercial interests in Beulah are
interested in having surveys made on some
of the streams that contribute water to
the Knife River to determine feasibility
of establishing industrial sites in the Beulah area. Hoisveen inquired as to
the advisability of the Water Commission doing this type of survey.

Commissioner Gallagher recommended that
the request should come from a legal entity and the Commission could then con-
duct a survey and supply the city of Beulah with a cost estimate.
It was moved by Commissioner Hanson, seconded by Commissioner Steinberger and carried that the Commission approves the survey in the Beulah area provided the request comes from a legal entity.

QUALITY WATER STUDY - NORTH DAKOTA WATER RESOURCES RESEARCH INSTITUTE (Project #1395)

The Secretary stated that at the present time the Water Commission is behind in its quality water studies. The Commission could provide a chemist to conduct quality of water analyses on selected ground-water aquifers throughout the State to obtain necessary data for research and development purposes. The Secretary would like authority to conduct such a study in cooperation with the North Dakota Water Resources Research Institute. The Institute has agreed to cooperate with the State Water Commission.

It was moved by Commissioner Hanson, seconded by Commissioner Steinberger and carried that the Secretary be authorized to cooperate with the North Dakota Water Resources Research Institute in the employment of a chemist to conduct quality of water analyses in the State of North Dakota.

NATIONAL RECLAMATION ASSOCIATION CONVENTION - HAWAII

The National Reclamation Association Convention will be held in Hawaii in November, 1967. Commissioner Gallagher, Cliff Jochim are members of committees for the NRA. Secretary Hoisveen is First Vice President.

It was moved by Commissioner Hanson, seconded by Commissioner Steinberger and carried that Messrs. Hoisveen, Gallagher and Jochim attend the National Reclamation Association Convention in Hawaii.

CITY OF COLUMBUS GROUND-WATER SURVEY (Project #745)

The City of Columbus is requesting a ground-water survey for a municipal water supply. A county-wide ground-water study had been made but Columbus desires a further study of the area to better determine the most economical pipeline into the city. A remittance in the sum of $1,500 has been received by the Water Commission. The Water Commission would match this amount.

It was moved by Commissioner Steinberger, seconded by Commissioner Hanson and carried that the State Water Commission participate in a ground-water study in the Columbus area.

Messrs. Engelhardt and Michels appeared before the Commission. Governor Guy presides.
WEST BAY AND OSWALD BAY
(Project #416)

Mr. Engelhardt described the water situation in West Bay and Oswald Bay. He indicated that a number of meetings had been held with the Fish and Wildlife Service and the Bureau of Reclamation pertaining to obtaining cost participation in cutting a new channel from West Bay to Six Mile Bay. There is reluctance on the part of the Benson County Commissioners to do anything because this area will be flooded by the Garrison Diversion project when it becomes a reality. The water is not draining from this area the way it should. It is possible that the county commissioners would provide the equipment if cost participation was obtained from some source such as the State Water Commission. It will be five to ten years before the Garrison Diversion project for this area is undertaken. If Ramsey County and the Sweetwater-Dry Lakes and Chain Lakes Water Management Districts would help, the Benson County Commissioners might be persuaded to lend their assistance too. They would like to know, first, what the State Water Commission will do so they can approach these other entities.

Governor Guy stated that no specific request had been made and it was hard for the Commission to act.

Secretary Hoisveen stated that agreements had been prepared for the three water management districts and suggested that Mr. Michels take a copy with him and discuss it with his water management district board.

Mr. Engelhardt was asked what per cent of participation did they think the Water Commission should provide. Mr. Engelhardt suggested 50 per cent. The Secretary stated that on drains the Commission participates to the extent of 40 per cent. Where other entities are involved, the Commission's participation is 33 1/3 per cent.

Secretary Hoisveen stated that there are three ways of doing this work. The State Water Commission could give credit for equipment, second, the Water Commission could provide the engineering which would approximate $3000; and third, the operators and that type of thing that would be involved would be cared for by the local district, inasmuch as the Commission has little money for salaries.

The Commission went into executive session.

The Commissioners discussed participation by the Water Commission. The Commission also discussed whether this was a legitimate claim of State Water Commission money. The Secretary stated that until this is taken care of in its entirety, the work the Commission has done so far has been piecemeal and has served as public relations endeavor. The Commission has at one time or another helped most of that area except the lower area which does receive a considerable amount of the Mauvais and other flood waters. The Commission discussed participation in this project.
It was moved by Commissioner Gallagher, seconded by Commissioner Hanson and carried that the State Water Commission participate to the extent of one-third the cost of the project not to exceed $20,000 which should include engineering, cash or other services as may be determined practical by the staff during the construction period.

MISSOURI RIVER BANK
STABILIZATION
(Project #576)

William Mills appeared before the Commission. Mr. Mills stated that if you check you will find that the only private land being taken between Fort Peck and Oahe is in the Bismarck area. All losses are on private land. The only erratic releases are in the Bismarck area. He checked the Fort Peck releases and found there was no privately owned land in the area. He wrote to the Corps of Engineers but no action was taken by the Corps. The only area on the Missouri River where bank stabilization has taken place is in North Dakota. The bank erosion lessens from Oahe to Nebraska. He stated he had lost 40 acres of alfalfa. An aspect that has been overlooked is that there is bound to be state owned land in this strip. There is the State Farm and Fort McKeen. He further stated that if anyone trespasses on State land they are liable for damages. This land in this area belongs to the State and is being damaged by the trespass of water.

MINOT WATER SUPPLY
(Project #782)

Hoisveen stated that this concerned the releases from Lake Darling. He believed the Governor was abreast this as a result of the meeting held on September 12. The Governor was supplied with data concerning Minot's water supply by the Commission. Mr. Fahy was to send a brief on the situation at Minot.

PEMBINA COUNTY DRAIN #47
(Project #1157)

It is proposed to extend Pembina County Drain #47. The Commission's participation is 40 per cent, or $1,291.

TRAILL COUNTY DRAIN #43
(Project #1474)

Traill County Drain #43 is a new drain with an outfall into the North Branch of the Goose River near Hatton. The qualified Commission participation is $12,714.40.
TRAILL COUNTY DRAIN #45
(Project #1475)

Plans and estimates for a new drain with outfall into the North Branch of the Goose River near Hatton have been received with a request for Commission participation. Qualified Commission participation would be $11,449.60.

It was moved by Commissioner Hanson, seconded by Commissioner Gallagher and carried that the Commission approves participation in Traill County Drain #45 to the extent of $11,449.60.

NORTHGATE DAM
(Project #667)

The Commission has been requested to participate in the Northgate Dam. This would be a joint project conducted with the Bureau of Outdoor Recreation, Burke County Water Management District, the State Game and Fish Department and the State Water Commission. The Water Commission's share would be $17,250. The allocations to the other participants would be: Bureau of Outdoor Recreation, $57,000; Burke County Water Management District, $21,750; State Game and Fish Department, $18,000.

It was moved by Commissioner Hanson, seconded by Commissioner Gallagher and carried that the Commission participate in the construction of Northgate Dam to the extent of $17,250.

WATER RIGHTS

#801

The application of Bennie Larson, Valley City, to divert 640 acre-feet of water from the overflow during spring runoff (Williams County) to irrigate 320 acres of land was presented to the Commission by the Secretary for consideration.

The State Engineer, Milo W. Hoisveen, having considered the application and made his recommendation thereon for 320 acre-feet to irrigate 320 acres of land, it was moved by Commissioner Steinberger, seconded by Commissioner Hanson and carried that the application as modified by the recommendation of the State Engineer be approved and the conditional permit granted for the diversion of 320 acre-feet to irrigate 32- acres of land, subject to such conditions as indicated on the permit.
The application of Orrin and Luella Streich, Englevale, to divert 1648 acre-feet of water from ground-water sources for the purpose of irrigating 824.12 acres of land was presented to the Commission by the Secretary for consideration.

The State Engineer, Milo W. Hoisveen, having considered the application and made his recommendation thereon for 1030 acre-feet to irrigate 824 acres of land, it was moved by Commissioner Steinberger, seconded by Commissioner Hanson and carried that the application as modified by the recommendation of the State Engineer be approved and the conditional permit granted for the diversion of 1030 acre-feet to irrigate 824 acres of land, subject to such conditions as indicated on the permit.

The application of John Gerbig, Amidon, to divert 17 acre-feet of water from the unnamed intermittent draw tributary to the Little Missouri River for the purpose of irrigating 8.4 acres of land was presented to the Commission by the Secretary for consideration.

The State Engineer, Milo W. Hoisveen, having considered the application and made his recommendation thereon for 16.8 acre-feet to irrigate 8.4 acres of land, it was moved by Commissioner Steinberger, seconded by Commissioner Hanson and carried that the application as modified by the State Engineer be approved and the conditional permit granted for the diversion of 16.8 acre-feet to irrigate 8.4 acres of land, subject to such conditions as indicated on the permit.

The application of Fay Bice of Killdeer to divert 130 acre-feet of water from an unnamed intermittent draw tributary of Spring Creek and Knife River for the purpose of irrigating 65 acres of land was presented to the Commission by the Secretary for consideration.

The State Engineer, Milo W. Hoisveen, having considered the application and made his recommendation thereon for 65 acre-feet to irrigate 65 acres of land, it was moved by Commissioner Steinberger, seconded by Commissioner Hanson and carried that the application as modified by the recommendation of the State Engineer be approved and the conditional permit granted for the diversion of 65 acre-feet to irrigate 65 acres of land, subject to such conditions as indicated on the permit.

The application of Cartwright Irrigation District, Cartwright, to divert 1000 acre-feet of water from ground-water sources to irrigate 500 acres of land was presented to the Commission by the Secretary for consideration.

The State Engineer, Milo W. Hoisveen, having considered the application and made his recommendation thereon for 1000 acre-feet to irrigate 500 acres of land, it was moved by Commissioner Steinberger, seconded by Commissioner Hanson and carried that the application be approved and the conditional permit granted for 1000 acre-feet to irrigate 500 acres of land, subject to such conditions as indicated on the permit.
The application of the City of Napoleon to divert 1,000 acre-feet of water from ground-water sources for municipal use was presented to the Commission by the Secretary for consideration.

The State Engineer, Milo W. Hoisveen, having considered the application and made his recommendation thereon for 1,000 acre-feet for municipal purposes, it was moved by Commissioner Steinberger, seconded by Commissioner Hanson and carried that the application be approved and the conditional permit granted for the diversion of 1,000 acre-feet for municipal purposes, subject to such conditions as indicated on the permit.

The application of the State Game and Fish Department, Bismarck, to divert an additional 830 acre-feet storage and 90 acre-feet annual use from Blacktail Creek, tributary to the Little Muddy and Missouri Rivers for recreation was presented to the Commission by the Secretary for consideration.

The State Engineer, Milo W. Hoisveen, having considered the application and made his recommendation thereon for an additional 830 acre-feet storage plus 90 acre-feet annual use for recreation, it was moved by Commissioner Steinberger, seconded by Commissioner Hanson, carried that the application be approved and the conditional permit granted for the diversion of an additional 830 acre-feet storage plus 90 acre-feet annual use for recreation, subject to such conditions as indicated on the permit.

The application of H. J. Pederson, Cartwright, to divert 78 acre-feet of water from Horse Creek, tributary to the Yellowstone River to irrigate 39.3 acres of land was presented to the Commission by the Secretary for consideration.

The State Engineer, Milo W. Hoisveen, having considered the application and made his recommendation thereon for 39.3 acre-feet to irrigate 39.3 acres of land, it was moved by Commissioner Steinberger, seconded by Commissioner Hanson and carried that the application as modified by the recommendation of the State Engineer be approved and the conditional permit granted for the diversion of 39.3 acre-feet to irrigate 39.3 acres of land, subject to such conditions as indicated on the permit.

The application of LeRoy Nelson, Kenmare, to divert 88 acre-feet storage plus 25 acre-feet annual use from an unnamed coulee tributary to the DesLacs and Souris Rivers for recreation and stockwater was presented to the Commission by the Secretary for consideration.

The State Engineer, Milo W. Hoisveen, having considered the application and made his recommendation thereon for 88 acre-feet storage plus 25 acre-feet annual use for recreation and stockwater,
it was moved by Commissioner Steinberger, seconded by Commissioner Hanson and carried that the application be approved and the conditional permit granted for the diversion of 88 acre-feet storage plus 25 acre-feet annual use for recreation and stockwater, subject to such conditions as indicated on the permit.

#1473

The application of Jerry Kittelson, Velva, to divert 66 acre-feet storage plus 14.5 acre-feet annual use from an unnamed coulee tributary to the Souris River for recreation was presented to the Commission by the Secretary for consideration.

The State Engineer, Milo W. Hoisveen, having considered the application and made his recommendation thereon for 66 acre-feet storage plus 25 acre-feet annual use for recreation, it was moved by Commissioner Steinberger, seconded by Commissioner Hanson and carried that the application be approved and the conditional permit granted for the diversion of 66 acre-feet storage plus 14.5 acre-feet annual use, subject to such conditions as indicated on the permit.

#1474

The application of the Valley City Aerie #2192 F.O.E. to divert 4.5 acre-feet from the Sheyenne River to irrigate 3 acres of land was presented to the Commission by the Secretary for consideration.

The State Engineer, Milo W. Hoisveen, having considered the application and made his recommendation thereon for 4.5 acre-feet to irrigate 3 acres of land, it was moved by Commissioner Steinberger, seconded by Commissioner Hanson and carried that the application be approved and the conditional permit granted for the diversion of 4.5 acre-feet to irrigate 3 acres of land, subject to such conditions as indicated on the permit.

#1475

The application of Alfred Schwalbe, Killdeer, to divert 75 acre-feet storage plus 31 acre-feet annual use from an unnamed intermittent draw tributary to the Little Missouri River for recreation was presented to the Commission by the Secretary for consideration.

The State Engineer, Milo W. Hoisveen, having considered the application and made his recommendation thereon for 75 acre-feet storage plus 31 acre-feet annual use for recreation, it was moved by Commissioner Steinberger, seconded by Commissioner Hanson and carried that the application be approved and the conditional permit granted for the diversion of 75 acre-feet storage plus 31 acre-feet annual use, subject to such conditions as indicated on the permit.

#1476

The application of Ralph Hanson, Carson to divert 360 acre-feet water from Louse Creek tributary to the Cannonball River to irrigate 179.7 acres of land was presented to the Commission by the Secretary for consideration.
The State Engineer, Milo W. Hoisveen, having considered the application and made his recommendation thereon for 179.7 acre-feet to irrigate 179.7 acres of land, it was moved by Commissioner Steinberger, seconded by Commissioner Hanson and carried that the application as modified by the recommendation of the State Engineer be approved and the conditional permit granted for the diversion of 179.7 acre-feet to irrigate 179.7 acres of land subject to such conditions as indicated on the permit.

The meeting adjourned at 3:15 p.m.

Milo W. Hoisveen
Secretary

ATTEST:

William E. Berry
Governor-Chairman
RESOLUTION 67-9-242

WHEREAS, upon being appointed Chairman of the Souris-Red-Rainy River Basins Commission by President Lyndon B. Johnson, Gordon K. Gray has resigned as a member of the North Dakota State Water Commission; and

WHEREAS, in addition to his duties as a member of the State Water Commission Mr. Gray at one time served as Chairman of the Red River Basin Planning Committee and as a member of the Board of Directors of the North Dakota Water Users Association; and

WHEREAS, Mr. Gray has indicated his deep interest in water resources development and utilization by actively participating in the affairs of the National Reclamation Association and the Mississippi Valley Association; and

WHEREAS, the North Dakota State Water Commission will sorely miss his keen understanding of and insight into the water resource problems and potentials of North Dakota.

NOW, THEREFORE, BE IT RESOLVED by the North Dakota State Water Commission at its September 18, 1967 meeting that GORDON K. GRAY is hereby commended for his untiring and successful efforts to insure the proper development and utilization of North Dakota's water resources.

BE IT FURTHER RESOLVED that the Secretary of the State Water Commission is hereby directed to present Mr. Gray with the original of this Resolution and to place a copy on permanent file in the office of the State Water Commission.

FOR THE NORTH DAKOTA STATE WATER COMMISSION:

S/ William L. Guy
Governor and Chairman

ATTEST:

S/ Milo W. Hoisveen
Secretary
RESOLUTION 67-9-243  
Appendix B

Garrison Reservoir Winter Time Releases

WHEREAS, the Missouri River in North Dakota no longer exists as a natural stream but has been transformed into a channel used to convey the regulated flows from reservoirs almost solely for beneficial downstream uses as embodied in the Missouri Basin Project; and

WHEREAS, winter time water releases from the Garrison Reservoir are being made into the Missouri River at a rate almost double that recommended under "Winter Discharge Limitations" as contained in the Summary of Actual 1960-1961 Operation and Annual Operating Plan for 1961-1962; and

WHEREAS, these high fluctuating releases, which are made under ice cover, are undermining the banks of the Missouri River, rapidly destroying the Corps of Engineers' recently constructed bank protection and rectification works, and causing flooding of land not covered by flooding easements; and

WHEREAS, the Corps of Engineers has made the State of North Dakota, through the North Dakota State Water Commission, responsible for maintaining such bank protection and rectification works in that reach of the Missouri River between the Garrison Dam and the Oahe Reservoir; and

WHEREAS, the North Dakota State Water Commission believes that, inasmuch as maintenance of the bank protection and rectification works has been assigned to North Dakota as a State responsibility, the recommendations of the Commission should be followed in the operational releases made from the Garrison Reservoir in North Dakota.
NOW, THEREFORE, BE IT RESOLVED by the North Dakota State Water Commission in a meeting held in Bismarck on September 18, 1967, that the Corps of Engineers and the Main Stem Reservoir Coordinating Committee operate and make releases from the Garrison Reservoir in accordance with the 15,000 cubic feet per second limitation which the Corps of Engineers previously established through observations of river performance during periods of ice covering and ensuing "breakup" as the safe maximum daily average.

BE IT FURTHER RESOLVED that this Resolution be forwarded to the Missouri River Division Engineer and the Omaha District Engineer, Omaha, Nebraska; T. Waara, Chief, Reservoir Control Center, Omaha; members of the Main Stem Coordinating Committee; Senators Milton R. Young and Quentin N. Burdick; Representatives Mark Andrews and Thomas Kleppe; and Major General William Cassidy.

FOR THE NORTH DAKOTA STATE WATER COMMISSION:

S/ William L. Guy
Governor-Chairman

ATTEST:

S/ Milo W. Hoisveen
Chief Engineer-Secretary
## NORTH DAKOTA STATE WATER COMMISSION
### FINANCIAL STATEMENT - SEPTEMBER 30, 1967

#### 1967-1969 APPROPRIATIONS

<table>
<thead>
<tr>
<th></th>
<th>Available Funds Appropriation Receipts</th>
<th>Disbursements To Date</th>
<th>SEP'T. '67</th>
<th>Account Balances Unexpended Encumb.</th>
<th>UNENCUMB.</th>
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<td>151,363.11</td>
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| 001-770- Contract "Approp."
|                       | 845,923.00                             | -                      | -         |                                     |           |
| 336-770- Contract "Cash" | 443,646.46                          | 39,884.00              | 230,853.99 | 50,374.18                           | 252,676.47| 252,676.47 |
|                       | 1,289,569.46                           | 39,884.00              | 230,853.99 | 50,374.18                           | 1,098,599.47| 685,614.00| 412,985.47 |
|                       |                                        |                        |            |                                     |           |
| **SWC File C5-1.2**   |                                        |                        |            | 2,349,488.46                        |           |           |

* $16,650 transfer to Salaries & Wages from Contract Fund-Aug.'67. Included as Disbursement in Col.3 - Disb. to date - Fund 336-770.
NOloTH DAKOTA ATE WATER COMMISSION
STATUS OF CONSTRUCTION BOND GUARANTEE FUND
AS OF SEPTEMBER 30, 1967

ACCOUNT                  AVAILABLE FUNDS  DISBURSEMENTS  ACCOUNT BALANCES
                     APPROPRIATION RECEIPTS*  TO DATE  SEPT.'67  UNEXPENDED ENCUMB. UNENCUMB.
535-770- Const. Bond Guar.       90,000.00        29,775.54       29,775.54  3,971.45     90,000.00     .00      90,000.00
0500 Investment Prin.         15,000.00         .00            .00     .00     15,000.00     .00     15,000.00
                                105,000.00       29,775.54       29,775.54  3,971.45  105,000.00     .00   105,000.00

NOTE - FUND #535-770 RECEIPTS ARE OBTAINED FROM RETIREMENT OF AND INTEREST ON SECURITIES THAT WERE IN THE COMMISSION'S SINKING FUND IN EXCESS OF THE AMOUNT REQUIRED TO RETIRE THE SERIES "J" BOND ISSUE ON DECEMBER 10/57. ORIGINAL DISBURSEMENTS FROM FUND #535-770 WERE MADE DURING THE EARLY 1940's IN ACCORDANCE WITH SECTION 61-02-56 OF THE CENTURY CODE WHICH PROVIDES THAT THE COMMISSION MAY GUARANTEE OR INSURE OR AGREE TO PAY THE INTEREST ON AND PRINCIPAL OF COMMISSION REVENUE BONDS NOT EXCEEDING 20% OF THE PAR VALUE OF ANY SUCH BONDS.

SCHEDULE OF BONDS & INTEREST RECEIVABLE - FUND 535-770

<table>
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<th>TYPE</th>
<th>DUE DATE</th>
<th>INTEREST</th>
<th>INTEREST RECEIVABLE</th>
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<td></td>
<td>3,251.25</td>
<td>15,000</td>
<td>18,251.25</td>
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EXCESS OVER $90,000 CASH IN FUND 535-770 TO BE CREDITED TO GENERAL FUND. 1/2/58 ATTORNEY GENERAL'S OPINION.

Receipts:*  $17,000.00
Retirement of Bonds $17,000.00
Interest on Bonds  8,643.55
Sinking Fund Cash  4,131.99
$29,775.54

*ACCUMULATION OF RECEIPTS TO BOND GUARANTEE FUND SINCE FUND CREATED IN 1939.
### Payroll - September 1967

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
<th>Remarks</th>
<th>Gross</th>
<th>W/Tax</th>
<th>S.S.</th>
<th>INS.</th>
<th>RET.</th>
<th>NET</th>
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<td>-</td>
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<td>-</td>
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<td>RET.</td>
<td>NET</td>
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