MINUTES
NORTH DAKOTA STATE WATER COMMISSION

Held at Zacher's Cafe
Elgin, North Dakota

June 4, 1971

PRESENT:
Governor William L. Guy, Chairman
Richard Gallagher, Vice Chairman, Mandan
Harold Hanson, Member from New England
Alvin Kramer, Member from Minot
James Jungroth, Member from Jamestown
Arne Dahl, Commissioner, Department of Agriculture, Bismarck
Milo W. Hoisveen, State Engineer, Chief Engineer and Secretary, North Dakota State Water Commission, Bismarck

OTHERS PRESENT:
Alan Grindberg, Assistant Chief Engineer, North Dakota State Water Commission, Bismarck
Russell Dushinske, Executive Vice President, North Dakota Water Users Association, Minot
Albert Rivinius, Grant County Water Management District, Elgin

Governor William L. Guy called the meeting to order at 1:00 p.m., MDST, at Zacher's Cafe in Elgin, North Dakota, on June 4, 1971.

MINUTES OF MAY 21, 1971 MEETING APPROVED

that they be approved as circulated. Commissioner Dahl seconded and all members voted aye.

INVITATION TO GARRISON DIVERSION CONSERVANCY DISTRICT GROUNDBREAKING CEREMONIES

Secretary Hoisveen presented an invitation from the Garrison Diversion Conservancy District to hold a meeting in conjunction with their groundbreaking ceremonies on July 7, 1971.

Secretary Hoisveen also reported that there would be hearings held on the level of Devils Lake on the 14th of June, 1971. Governor Guy suggested that the Commission meet in conjunction with these hearings.

Commissioner Kramer moved that a meeting be held at Devils Lake on June 14, 1971, in conjunction with the hearings to be held at 9:30 a.m. on that date. Commissioner Hanson seconded and all members voted aye.
Commissioner Hanson moved that a decision on holding a meeting in conjunction with the Garrison Diversion Conservancy District groundbreaking ceremonies be delayed until the June 14, 1971 meeting. Commissioner Dahl seconded and all members voted aye.

EXPENSES FOR THE ADVISORY COMMITTEES

Secretary Hoisveen reported that a request has been made for payment of the expenses of the Chairman of the Souris-Red-Rainy River Basins Commission Citizens' Advisory Committee. In addition, there was a decision made at the last Commission meeting to pay the expenses of all the members of this Advisory Committee. Subsequent discussions with the Department of Accounts and Purchases indicates that this would be an illegal act and also it appears that there are memberships on Advisory Committees totalling at least 65 persons who do not have their expenses paid by other agencies. These Boards are for the state plan.

Commissioner Dahl moved that the State Water Commission deny as a matter of policy paying expenses for persons other than their own employees. Commissioner Kramer seconded and all members voted aye.

MISSOURI RIVER BASIN COMMISSION

Governor Guy gave the history of the requests for the formation of a Basin Commission in the Missouri Basin. He reported that after the last Legislative session, he had polled the 10 Basin states and found that 6 were in favor of the creation of a River Basin Commission. He reported further that he then wrote to the Water Resources Council and requested that a Basin Commission be formed in the Missouri River Basin. The states of South Dakota and Missouri have also written such requests to the Water Resources Council and Montana has replied that it will wait until after its special Legislative session has adjourned. Governor Guy felt that this Commission will not require any state funds until next year.

Commissioner Gallagher moved that the State Water Commission reaffirm its earlier actions whereby they have supported the formation of a Missouri River Basin Commission and North Dakota's membership therein. Commissioner Hanson seconded and all members voted aye.

SOUTHEAST CASS COUNTY WATER MANAGEMENT DISTRICT EXPANSION (#720 and 599)

Secretary Hoisveen explained that a hearing has been held on the extension of the boundaries of the Southeast Cass County Water Management District to expand it to include the city of Fargo. He further explained that no one showed up to protest at the hearing. There were not very many persons in attendance at the hearing, however, all those who did attend were in favor of the expansion of the district.
Commissioner Hanson moved that the State Water Commission approve the petition of the Southeast Cass County Water Management District requesting that the District's boundaries be altered to include the city of Fargo. Commissioner Dahl seconded and all members voted aye. (See Appendix "A")

CASS COUNTY DRAIN
NO. 27 (1080 and 599)

Secretary Hoisveen gave the history of the drain. He stated that in the past, the State Water Commission has participated in the construction of the drain and in the construction of an extension. He stated that there will be a hearing in Horace, North Dakota, on Monday, June 7, 1971, to discuss the use of this drain for the Fargo Diversion project. The landowners along the drain have objected to the use of the drain for the handling of Fargo diversion waters. He stated that Fargo's diversion use will be during the time when the ditch is not needed for drainage purposes.

Secretary Hoisveen asked the Commission members' opinion as to what the policy of the State Water Commission should be in the event the members of Drain No. 27 continued to refuse Fargo flowage rights in the drain.

Commissioner Jungroth moved that it be stated that the State Water Commission's general policy is to expend tax monies for multi-purpose projects for the benefit of most of the people. If the project cannot be a multi-purpose project, the State Water Commission will discourage the expenditure of its funds for such works. Commissioner Dahl seconded and all members voted aye.

CONSOLIDATION OF THE
SWEETWATER-DRY LAKE
AND THE CHAIN LAKES
WATER MANAGEMENT DISTRICTS
(#704 and 722)

Secretary Hoisveen reported that a hearing had been held in Devils Lake which was well attended. He stated that the feeling was very favorable to the joining of the Sweetwater-Dry Lake Water Management District with the Chain Lakes Water Management District. There was very little, if any, opposition.

Commissioner Jungroth moved that the State Water Commission approve the petition of the Sweetwater-Dry Lake Water Management District and the Chain Lakes Water Management District requesting the consolidation of the two Districts. Commissioner Kramer seconded and all members voted aye. (See Appendix "B")

CANCELLATION OF WATER
PERMITS - U. S. BUREAU
OF SPORT FISHERIES AND
WILDLIFE
(#308)

Secretary Hoisveen reported that two years ago, the Lake Ardoch Slough Dam failed. It is owned and operated by the U. S. Bureau of Sport Fisheries and Wildlife. It now appears as though they will not be
doing any repair work on it within the three years. He briefed the Commission on
the statute that requires maintenance of structures to retain a water permit. The
Bureau of Sport Fisheries and Wildlife has not been doing the proper maintenance
on Lake Ardoch to maintain their water permit. This same condition exists on
several of their structures.

The Walsh County Water Management District
plans a visit to the State Water Commission office on June 9, 1971, to discuss
this project.

Commissioner Kramer moved that the staff of the
State Water Commission be directed to prepare a
proposed procedure to be followed for cancellation
of a water permit and this is to include proper
notice to the individual facing cancellation
prior to the three-year time. This would be
applicable to the U. S. Bureau of Sport Fisheries
and Wildlife. Commissioner Dahl seconded and all
members voted aye.

**ADJUDICATION OF**  
**WATER PERMITS**  
(#782)  
Secretary Hoisveen reported that the
McCarran Act has been interpreted to
mean that the states can get jurisdiction
over federal agencies claiming water
permits in state courts. This would mean this - if an adjudication procedure
enters into, say on the Souris River, the federal agencies involved would have
to come in and defend our water permits and it would result in a quantification
of the water permits held by the agencies and it would settle forever the question
of their validity.

The Commission directed the staff of
the State Water Commission to present a brief report at its next meeting on water
permits on the Souris River, their use, their amount, and on the use of adjudica-
tion to further clarify the situation on that river.

**BURLEIGH COUNTY WATER**  
**MANAGEMENT DISTRICT**  
(#1551)  
Secretary Hoisveen reported that a
hearing had been held by Legal Counsel,
Cliff Jochim. He stated that the hearing
was relatively inconclusive as to the
wishes of the people. He reported that several of the County Commissioners which
had formerly been in favor of a water management district, at least insofar as
they had requested it, had now changed their minds apparently and were opposed,
or appeared to be opposed, to the district.

Upon question, Secretary Hoisveen stated
that it was up to the County Commission whether or not a district was active in
that they have the power to appoint members.

Commissioner Gallagher moved that the State Water
Commission approve the petition of the Board of
County Commissioners of Burleigh County requesting
the establishment of the Burleigh County Water
Management District, and that a resolution be
adopted authorizing the issuance of this Order.
Commissioner Hanson seconded and all members voted aye. (See Appendix "C")

COLONEL CHARLES I. MCGINNIS
TRANSFER FROM ST. PAUL CORPS
OF ENGINEERS

Commissioner Kramer moved that the State Water Commission approve Resolution No. 71-6-300, Colonel Charles I. McGinnis, commending Colonel McGinnis for the fine work that he has done while he was District Engineer in St. Paul, Minnesota. (See Appendix "D")

REASSIGNMENT OF EASEMENTS FOR BANK STABILIZATION WORKS (#576)

Secretary Holsveen reported that the easements for the bank stabilization works along the Missouri River are taken in the name of the county or the city and assigned to the State Water Commission. The Water Commission then reassigned these easements to the Corps of Engineers for these purposes. The easements for the Bismarck-Mandan area and the Dry Point area have now been acquired and the Corps of Engineers has requested that the State Water Commission assign such easements to them.

Commissioner Dahl moved that the State Water Commission approve the assignment of the easements for the Dry Point and the Bismarck-Mandan areas' bank stabilization work to the U. S. Army Corps of Engineers subject to assignment of such easements to the State Water Commission by the local interests. Commissioner Jungroth seconded and all members voted aye. (See Appendix "E")

There being no further business, the meeting adjourned at 2:15 p.m. The Commission members then participated in the dedication of the Sheep Creek Dam at Elgin, where Governor Guy delivered the dedicatory address.

ATTEST:

Milo W. Holsveen, Secretary

William L. Guy, Governor-Chairman
ORDER

APPENDIX "A"

Altering the Boundaries of the Southeast Cass County Water Management District

WHEREAS, the Southeast Cass County Water Management District, acting by and through its Board of Commissioners, did on the 25th day of March, 1971, file with the North Dakota State Water Commission its petition requesting the alteration of the boundaries of the Southeast Cass County Water Management District to include the city of Fargo; and

WHEREAS, the petition of the Southeast Cass County Water Management District's Board of Commissioners was accompanied by a certified copy of a resolution of the Board of Commissioners, adopted on the 23rd day of March, 1971, authorizing and directing for and on behalf of the Water Management District the filing of such petition; and

WHEREAS, evidence submitted at a public hearing held in the city of Fargo on the 26th day of April, 1971, after legal notice thereof, disclosed that the district's and the city's water management problems, projects and planning, can best be accomplished by a water management district, which includes the city of Fargo; and

WHEREAS, the Commission, at its regular meeting held in the city of Elgin, North Dakota, on the 4th day of June, 1971, approved the petition of the Southeast Cass County Water Management District and directed its Chairman and Secretary to execute the Order of the Commission altering the boundaries of the Southeast Cass County Water Management District to include the city of Fargo in the Southeast Cass County Water Management District.

The boundaries of the Southeast Cass County Water Management District are hereby altered to include the city of Fargo.

Dated at Bismarck, North Dakota this 9th day of June, 1971.

ATTEST:

NORTH DAKOTA STATE WATER COMMISSION

/S/ Milo W. Holsveen
Milo W. Holsveen, Secretary

/S/ William L. Guy
William L. Guy, Governor and Ex Officio Chairman of the North Dakota State Water Commission
APPENDIX "B"

ORDER

Dissolving the Sweetwater-Dry Lake
Water Management District
and the Chain Lakes Water Management District

WHEREAS, the Sweetwater-Dry Lake Water Management District and the Chain Lakes Water Management District, acting by and through their Board of Commissioners, did on the 4th day of May, 1971, file with the North Dakota State Water Commission their petition requesting the consolidation of the two water management districts; and

WHEREAS, such petition was accompanied by a certified copy of a resolution of the Boards of Commissioners of the two Districts, adopted on the 3rd day of May, 1971, authorizing and directing for and on behalf of both water management districts the filing of such petition; and

WHEREAS, the report of the Chief Engineer of the State Water Commission, and evidence submitted at a public hearing held in the city of Devils Lake, North Dakota, on the 24th day of May, 1971, after legal notice thereof, disclosed that the interests of the landowners of both Districts will be better served if the two Districts were to be consolidated; and

WHEREAS, the Commission, at its regular meeting held in the city of Elgin, North Dakota, on the 4th day of June, 1971, approved the petition of the Sweetwater-Dry Lake Water Management District and the Chain Lakes Water Management District and directed its Chairman and Secretary to execute the Orders of the Commission establishing a water management district to be designated and known as the Sweetwater-Dry Lake Water Management District and then dissolving the Sweetwater-Dry Lake Water Management District, established June 10, 1955, and the Chain Lakes Water Management District, established June 10, 1955; and
WHEREAS, the Order of the State Water Commission establishing the Sweetwater-Dry Lake Water Management District encompassing the area formerly contained within the Sweetwater-Dry Lake Water Management District and the Chain Lakes Water Management District, both of which were established June 10, 1955, has been executed.

NOW, THEREFORE, BE IT RESOLVED that the Sweetwater-Dry Lake Water Management District, established June 10, 1955, and the Chain Lakes Water Management District, established June 10, 1955, are hereby dissolved.

Dated at Bismarck, North Dakota, this 9th day of June, 1971.

NORTH DAKOTA STATE WATER COMMISSION

SEAL

By: /S/ William L. Guy
William L. Guy, Governor and Ex Officio Chairman of the North Dakota State Water Commission

ATTEST:

/S/ Milo W. Hoisven
Milo W. Hoisven, Secretary
APPENDIX "B"

ORDER

Establishing the Sweetwater-Dry Lake Water Management District

WHEREAS, the Sweetwater-Dry Lake Water Management District and the Chain Lakes Water Management District, acting by and through their Boards of Commissioners, did on the 4th day of May, 1971, file with the North Dakota State Water Commission their petition requesting the consolidation of the two water management districts; and

WHEREAS, such petition was accompanied by a certified copy of a resolution of the Boards of Commissioners of the two Districts, adopted on the 3rd day of May, 1971, authorizing and directing for and on behalf of both Water Management Districts the filing of such petition; and

WHEREAS, the report of the Chief Engineer of the State Water Commission, and evidence submitted at a public hearing held in the city of Devils Lake, North Dakota, on the 24th day of May, 1971, after legal notice thereof, disclosed the interests of the landowners of both Districts will be better served if the two Districts were to be consolidated; and

WHEREAS, the Commission, at its regular meeting held in the city of Elgin, North Dakota, on the 4th day of June, 1971, approved the petition of the Sweetwater-Dry Lake Water Management District and the Chain Lakes Water Management District and directed its Chairman and Secretary to execute the Orders of the Commission establishing a water management district to be designated and known as the Sweetwater-Dry Lake Water Management District to encompass the territory contained within the Sweetwater-Dry Lake Water Management District, established June 10, 1955, and the territory contained within the Chain Lakes Water Management District, established June 10, 1955.
NOW, THEREFORE, BE IT RESOLVED that the Sweetwater-Dry Lake Water Management District, embracing within its boundaries the territory within the limits of the Sweetwater-Dry Lake Water Management District, established June 10, 1955, and the territory within the limits of the Chain Lakes Water Management District, established June 10, 1955, is hereby established.

Dated at Bismarck, North Dakota, this 9th day of June, 1971.

NORTH DAKOTA STATE WATER COMMISSION

SEAL

By: /S/ William L. Guy
William L. Guy, Governor and Ex Officio Chairman of the North Dakota State Water Commission

ATTEST:

/S/ Milo W. Hoisveen
Milo W. Hoisveen, Secretary
RESOLUTION 71-6-299

Authorizing the Establishment of
Burleigh County Water Management District

WHEREAS, Burleigh County, North Dakota, acting by and through its Board
of County Commissioners, on the 12th day of May, 1971, filed with the North
Dakota State Water Commission its petition requesting the establishment of a
water management district embracing the territory within Burleigh County; and

WHEREAS, the report of the Chief Engineer of this Commission and the facts
adduced at a public hearing held in the Burleigh County Courthouse on the 2nd
day of June, 1971, disclosed that the regulation and conservation of streams,
Missouri River bank protection and other water-related projects with Burleigh
County can best be accomplished by a water management district in cooperation
with state and federal agencies.

NOW, THEREFORE, BE IT RESOLVED that the North Dakota State Water Commission,
in meeting duly assembled this 4th day of June, 1971, in Elgin, North Dakota,
do hereby authorize and direct the Chairman and Secretary of this Commission
to execute an Order establishing a water management district embracing the
territory within Burleigh County and designated the Burleigh County Water
Management District.

FOR THE NORTH DAKOTA STATE WATER COMMISSION:

SEAL

/S/ William L. Guy
William L. Guy
Governor-Chairman

ATTEST:

/S/ Milo W. Hoisveen
Milo W. Hoisveen
Secretary
ORDER

Establishing Burleigh County
Water Management District

WHEREAS, Burleigh County, acting by and through its Board of County
Commissioners, did on the 12th day of May, 1971, file with the North Dakota
State Water Commission, its petition requesting the establishment of a water
management district embodying within its boundaries all of the territory within
the county; and

WHEREAS, the petition of Burleigh County was accompanied by a certified
copy of a resolution of the Board of County Commissioners of the County,
adopted on the 6th day of May, 1971, authorizing and directing for and on
behalf of Burleigh County the filing of such petition; and

WHEREAS, the report of the Chief Engineer of the State Water Commission,
and evidence submitted at a public hearing held in the city of Bismarck,
North Dakota, on the 2nd day of June, 1971, after legal notice thereof,
disclosed that the regulation and conservation of streams, Missouri River
bank protection and other water-related projects in Burleigh County can best
be accomplished by a water management district in cooperation with state and
federal agencies; and

WHEREAS, the Commission, at its regular meeting held in the city of Elgin,
North Dakota, on the 4th day of June, 1971, adopted a resolution approving
the petition of Burleigh County and directing its Chairman and Secretary to
execute the Order of the Commission establishing a water management district
to be designated and known as the Burleigh County Water Management District.

NOW, THEREFORE, BE IT RESOLVED that the Burleigh County Water Management
District, embracing within its boundaries the territory within the limits of
Burleigh County, is hereby established.
Dated at Bismarck, North Dakota, this 10th day of June, 1971.

NORTH DAKOTA STATE WATER COMMISSION

SEAL

By: /S/ William L. Guy

William L. Guy, Governor and Ex Officio Chairman of the North Dakota State Water Commission

ATTEST:

/S/ Milo W. Hoisveen

Milo W. Hoisveen, Secretary
RESOLUTION 71-6-300

Colonel Charles L. McGinnis

WHEREAS, Colonel Charles L. McGinnis has served as the St. Paul District Engineer for the United States Army Corps of Engineers since July, 1969, and is being reassigned to the Panama Canal Zone; and

WHEREAS, Colonel McGinnis has been instrumental in the promotion of flood control projects in North Dakota; and

WHEREAS, his efforts and immediate action in authorizing the use of Public Law 99 funds when flooding in North Dakota areas became imminent thereby protecting property from damages that would have amounted to many millions of dollars.

NOW, THEREFORE, BE IT RESOLVED that the North Dakota State Water Commission at its meeting held in Elgin, North Dakota, on this 4th day of June, 1971, hereby commends Colonel McGinnis and extends its sincere appreciation to him for his excellent leadership in the development of North Dakota's water resources.

BE IT FURTHER RESOLVED that the Secretary of the State Water Commission is hereby directed to forward copies of this Resolution to Colonel Charles L. McGinnis; Lt. General Frederick J. Clarke and Brig. General W. W. Watkins, Jr.

FOR THE NORTH DAKOTA STATE WATER COMMISSION:

/S/ William L. Guy
William L. Guy
Governor-Chairman

SEAL

ATTEST:

/S/ Milo W. Holstein
Milo W. Holstein
Secretary
The North Dakota State Water Commission is a legally constituted State Agency organized and existing under the laws of the State of North Dakota and has authority to acquire, own and control the lands for rights-of-way and easements involved in this matter.

I, the undersigned Special Assistant Attorney General for the North Dakota State Water Commission, certify that the lands required for rights-of-way and for easements on tracts No. 3 and No. 4 drawing number MGOCB-2E1.1 and on tracts No. 2 and No. 6 drawing number MGOCB-2E2.1 for the construction of the river bank protection project MGOCB-2E1.1 and MGOCB-2E2.1, April, 1971, Missouri River, as indicated on the plans and specifications and rights-of-way prepared and submitted by the Corps of Engineers, United States Army, Omaha District, have been acquired by grants and conveyances to the Oliver County Water Management District. I further certify that the Board of Commissioners of the Oliver County Water Management District has, by resolution, granted to the North Dakota State Water Commission, its assigns, contractors and agents the right to enter in and upon such land for the purpose of construction and maintaining the river-bank protection project referred to above.

It is my opinion, after examining such easements and resolution, that the North Dakota State Water Commission has lawful authority to grant to the United States the right and permission to enter upon said lands for the purpose of river-bank protection project as contained in the plans and specifications of the U. S. Army Corps of Engineers and that nothing has been done to affect the status of said lands since the dates of acquisition of said lands.

IN WITNESS WHEREOF, I have made and executed this Certificate this 9th day of June, 1971.
RESOLUTION
71-6-297

WHEREAS the United States Corps of Engineers has submitted to the North Dakota State Water Commission plans and specifications for bank stabilization on the banks of the Missouri River in the vicinity of Sections 23, 24, 25, 26 and 27, Township 141 North, Range 81 West, Oliver County, North Dakota, and made formal request for rights-of-way as contained in drawings numbered MGOC8-2E1.1 and MGOC8-2E2.1, April, 1971, and

WHEREAS the North Dakota State Water Commission has approved and adopted said plans and specifications and has acquired from the Board of Commissioners, Oliver County Water Management District, the easements on tracts No. 3 and No. 4 drawing number MGOC8-2E1.1 and on tracts No. 2 and No. 6 drawing number MGOC8-2E2.1 for the construction of the river-bank protection project as set forth in drawings numbered MGOC8-2E1.1 and MGOC8-2E2.1, April, 1971; Now, therefore, be it

RESOLVED by the North Dakota State Water Commission that it does hereby grant, give and convey to the United States Government, its contractors and agents, the right and permission to enter in and upon said lands for the purpose of construction of the river-bank protection project, as indicated on the rights-of-way maps designated as drawings numbered MGOC8-2E1.1 and MGOC8-2E2.1, April, 1971, prepared by the U. S. Corps of Engineers and approved by said North Dakota State Water Commission.

Dated this ______ day of June, 1971.

NORTH DAKOTA STATE WATER COMMISSION
By:

[Signature]
Secretary and Chief Engineer

ATTEST:

[Signature]
Special Assistant Attorney General
RESOLUTION
OF BOARD OF COMMISSIONERS,
OLIVER COUNTY WATER MANAGEMENT DISTRICT
June 4, 1971

WHEREAS the North Dakota State Water Commission has submitted to the Board of Commissioners of the Oliver County Water Management District plans and specifications for bank stabilization on the banks of the Missouri River in the vicinity of Sections 23, 24, 25, 26 and 27, Township 141 North, Range 81 West, Oliver County, and made formal request for rights-of-way as contained in drawings numbered MGOC8-2E1.1 and MGOC8-2E2.1, April, 1971, and

WHEREAS the Board of Commissioners of the Oliver County Water Management District has approved and adopted said plans and specifications and has acquired the easements on Tracts No. 3 and No. 4 drawing number MGOC8-2E1.1 and on Tracts No. 2 and No. 6 drawing number MGOC8-2E2.1 for the construction of the river-bank protection project as set forth in drawings numbered MGOC8-2E1.1 and MGOC8-2E2.1, April, 1971; Now, therefore, be it

RESOLVED by the Board of Commissioners of the Oliver County Water Management District this ______ day of June, 1971, that it does hereby grant, give and convey to the North Dakota State Water Commission, its assigns, contractors and agents, the right and permission to enter in and upon said lands for the purpose of construction of the river-bank protection project, as indicated on the plans and specifications and rights-of-way maps designated as drawings numbered MGOC8-2E1.1 and MGOC8-2E2.1, April, 1971, prepared by the U. S. Army Corps of Engineers and approved by said Board of Commissioners of the Oliver County Water Management District.

Dated this ______ day of June, 1971.

Chairman

ATTEST:

Secretary
CERTIFICATE OF ATTORNEY

The North Dakota State Water Commission is a legally constituted State Agency organized and existing under the laws of the State of North Dakota and has authority to acquire, own and control the lands for rights-of-way and easements involved in this matter.

1, the undersigned Special Assistant Attorney General for the North Dakota State Water Commission, certify that the lands required for rights-of-way and for easements on tracts No. 5 and No. 8 drawing number MG0C8-2E1.1 and tract No. 1 drawing number MG0C8-2E2.1 for the construction of the river bank protection project MG0C8-2E1.1 and MG0C8-2E2.1, April, 1971, Missouri River, as indicated on the plans and specifications and rights-of-way prepared and submitted by the Corps of Engineers, United States Army, Omaha District, have been acquired by grants and conveyances to Burleigh County. I further certify that the Board of County Commissioners of Burleigh County has, by resolution, granted to the North Dakota State Water Commission, its assigns, contractors and agents the right to enter in and upon such land for the purpose of construction and maintaining the river-bank protection project referred to above. It is my opinion, after examining such easements and resolution, that the North Dakota State Water Commission has lawful authority to grant to the United States the right and permission to enter upon said lands for the purpose of river bank protection project as contained in the plans and specifications of the U. S. Army Corps of Engineers and that nothing has been done to affect the status of said lands since the dates of acquisition of said lands.

IN WITNESS WHEREOF, I have made and executed this Certificate this 7th day of June, 1971.

Cliff Jobina, Special Assistant Attorney General
RESOLUTION
71-6-298

WHEREAS the United States Corps of Engineers has submitted to the North Dakota State Water Commission plans and specifications for bank stabilization on the banks of the Missouri River in the vicinity of Sections 24, 25, 34, 35 and 36, Township 141 North, Range 81 West, Burleigh County, North Dakota, and made formal request for rights-of-way as contained in drawings numbered MGOC8-2E1.1 and MGOC8-2E2.1, April, 1971, and

WHEREAS the North Dakota State Water Commission has approved and adopted said plans and specifications and has acquired from the Board of County Commissioners, Burleigh County, the easements on tracts No. 5 and No. 8 drawing number MGOC8-2E1.1 and tract No. 1 drawing number MGOC8-2E2.1 for the construction of the river-bank protection project as set forth in drawings numbered MGOC8-2E1.1 and MGOC8-2E2.1, April, 1971; Now, therefore, be it

RESOLVED by the North Dakota State Water Commission that it does hereby grant, give and convey to the United States Government, its contractors and agents, the right and permission to enter in and upon said lands for the purpose of construction of the river-bank protection project, as indicated on the rights-of-way maps designated as drawings numbered MGOC8-2E1.1 and MGOC8-2E2.1, April, 1971, prepared by the U. S. Corps of Engineers and approved by said North Dakota State Water Commission.

Dated this _ day of June, 1971.

NORTH DAKOTA STATE WATER COMMISSION
By:

[Signature]

Secretary and Chief Engineer
RESOLUTION

OF BOARD OF COUNTY COMMISSIONERS,
BURLEIGH COUNTY

June 4, 1971

WHEREAS the North Dakota State Water Commission has submitted to the Board of County Commissioners of Burleigh County plans and specifications for bank stabilization on the banks of the Missouri River in the vicinity of Sections 24, 25, 34, 35, and 36, Township 14 North, Range 81 West, Burleigh County, and made formal request for rights-of-way as contained in drawings numbered MGOC8-2E1.1 and MGOC8-2E2.1, April, 1971, and

WHEREAS the Board of County Commissioners of Burleigh County has approved and adopted said plans and specifications and has acquired the easements on Tracts No. 5 and No. 8, drawing Number MGOC8-2E1.1 and on Tract No. 1 drawing Number MGOC8-2E2.1 for the construction of the river-bank protection project as set forth in drawing numbered MGOC8-2E1.1 and MGOC8-2E2.1, April, 1971; Now, therefore, be it

RESOLVED by the Board of County Commissioners of Burleigh County this day of June, 1971, that it does hereby grant, give and convey to the North Dakota State Water Commission, its assigns, contractors and agents, the right and permission to enter in and upon said lands for the purpose of construction of the river-bank protection project, as indicated on the plans and specifications and rights-of-way maps designated as drawing numbered MGOC8-2E1.1 and MGOC8-2E2.1, June, 1971, prepared by the U. S. Army Corps of Engineers and approved by said Board of County Commissioners of Burleigh County.

DATED this _______ day of June, 1971.

ATTEST:

Chairman

Secretary

Burleigh County Commissioners
SWC Project 1971-8
## NORTH DAKOTA STATE WATER COMMISSION
### FINANCIAL STATEMENT - MAY 31, 1971
#### 1969-71 APPROPRIATIONS

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<td>4009</td>
<td>Equipment</td>
<td></td>
<td>-</td>
<td>$29,871.91 $516.00</td>
<td>$5,128.09 $4,977.00</td>
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<tr>
<td>5909</td>
<td>Special Line Item</td>
<td></td>
<td>-</td>
<td>$1,168.95 $1,168.95</td>
<td>-</td>
</tr>
<tr>
<td>7709</td>
<td>Red Basin Comm.</td>
<td></td>
<td>-</td>
<td>$59,796.57</td>
<td>$203.43 $203.43</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>General Operations</strong></td>
<td></td>
<td>-</td>
<td><strong>$1,061,011.78 $42,448.10</strong></td>
<td><strong>$158,979.15 $4,977.00</strong></td>
</tr>
</tbody>
</table>

**Contract Fund:**

<table>
<thead>
<tr>
<th>Account Code</th>
<th>Description</th>
<th>Appropriation</th>
<th>Receipts</th>
<th>Disbursements TO DATE May '71</th>
<th>Account Balances</th>
</tr>
</thead>
<tbody>
<tr>
<td>336-770</td>
<td>Contract Cash</td>
<td>$1,000,000.00</td>
<td>-</td>
<td>$843,688.53</td>
<td>$1,178,186.39 $43,023.06</td>
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<tr>
<td></td>
<td>Contract Collections</td>
<td>$850,000.00</td>
<td>-</td>
<td></td>
<td>$68,136.71 $18,221.00</td>
</tr>
<tr>
<td></td>
<td>Collections to Date</td>
<td></td>
<td>-</td>
<td></td>
<td>$68,136.71 $18,221.00</td>
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<tr>
<td></td>
<td>Transfer from 001 to 336</td>
<td></td>
<td></td>
<td></td>
<td>$49,915.71</td>
</tr>
<tr>
<td><strong>Total Contract Fund</strong></td>
<td></td>
<td>$1,850,000.00</td>
<td>$843,688.53</td>
<td>$1,781,863.29 $43,023.06</td>
<td>$68,136.71 $18,221.00</td>
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**Grand Totals:**

<table>
<thead>
<tr>
<th>Description</th>
<th>Appropriation</th>
<th>Receipts</th>
<th>Disbursements TO DATE May '71</th>
<th>Account Balances</th>
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</thead>
<tbody>
<tr>
<td><strong>$3,069,701.00</strong></td>
<td>$1,843,688.53</td>
<td>$2,842,875.07</td>
<td>$85,471.16</td>
<td><strong>$227,115.86 $23,198.00</strong></td>
</tr>
</tbody>
</table>

(1) Includes $82,000.00 Federal Grants
(2) Includes $2,300.00 Federal Grants
(3) Includes $20,000.00 Federal Grants
\textbf{NORTH DAKOTA STAT \textsuperscript{\textregistered} \textsuperscript{\textregistered} L.R COMMISSION}

\textbf{STATUS OF CONSTRUCTION BOND GUARANTEE FUND}

\textbf{AS OF MAY 31, 1971}

<table>
<thead>
<tr>
<th>ACCOUNT</th>
<th>Available Funds</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>APPROPRIATION</td>
</tr>
<tr>
<td>35-770-CONST. BOND GUAR.</td>
<td>$90,000.00</td>
</tr>
<tr>
<td>5000-INVESTMENT PRIN.</td>
<td>20,000.00</td>
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</table>

\textbf{Disbursements TO DATE MAY '71}

<table>
<thead>
<tr>
<th>ACCOUNT</th>
<th>Disbursements</th>
</tr>
</thead>
<tbody>
<tr>
<td>35-770-CONST. BOND GUAR.</td>
<td>$29,366.79</td>
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<tr>
<td>5000-INVESTMENT PRIN.</td>
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</table>

<table>
<thead>
<tr>
<th>ACCOUNT</th>
<th>Account Balances</th>
</tr>
</thead>
<tbody>
<tr>
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<td>UNEXPENDED</td>
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<tr>
<td>35-770-CONST. BOND GUAR.</td>
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</tr>
<tr>
<td>5000-INVESTMENT PRIN.</td>
<td>8,500.00</td>
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</tbody>
</table>

\textbf{NOTE - FUND #535-770 RECEIPTS ARE OBTAINED FROM RETIREMENT OF AN 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, 1957. 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.}

\textbf{SCHEDULE OF BONDS & INTEREST RECEIVABLE. - FUND #535-770}

<table>
<thead>
<tr>
<th>TYPE</th>
<th>DUE DATE</th>
<th>INTEREST RATE</th>
<th>INTEREST TO MATURITY</th>
<th>PRINCIPAL</th>
<th>TOTAL INCOME ANTICIPATED</th>
</tr>
</thead>
<tbody>
<tr>
<td>SIOUX IRRIGATION DIST. BONDS</td>
<td>1984 Serially</td>
<td>2.25%</td>
<td>$2,160.00</td>
<td>$8,500.00</td>
<td>$11,660.00</td>
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</tbody>
</table>

\textbf{(EXCESS OVER $90,000.00 CASH IN FUND #535-770 TO BE CREDITED TO GENERAL FUND. 1/12-58 ATTORNEY GENERAL'S OPINION)\hfill}

\textbf{RECEIPTS:}

\textbf{* RETIREMENT OF BONDS}  
\textbf{INTEREST ON BONDS}  $25,000.00 
\textbf{SINKING FUND CASH}  $9,734.80 
\textbf{ACCOUNT}  $4,131.99 
\textbf{TOTAL}  $28,866.79 

\textbf{*A CCUMULATION OF RECEIPTS TO BOND GUARANTEE FUND SINCE FUND CREATED IN 1939 *
NORTH DAKOTA STATE WATER COMMISSION
PAYROLL - MAY 1971

<table>
<thead>
<tr>
<th>NAME</th>
<th>POSITION</th>
<th>REMARKS</th>
<th>GROSS</th>
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</thead>
<tbody>
<tr>
<td>HOISVEEN, MILO W.</td>
<td>STATE ENGINEER</td>
<td>INC. JULY '70</td>
<td>$1,800.00</td>
</tr>
<tr>
<td>BAESLER, GORDON</td>
<td>W. R. TECHNICIAN</td>
<td>INC. JULY '70</td>
<td>770.00</td>
</tr>
<tr>
<td>BALLIET, ALLEN</td>
<td>ROYMAN</td>
<td>INC. JULY '70</td>
<td>510.00</td>
</tr>
<tr>
<td>CHRISTENSEN, RAYMOND</td>
<td>ENGR. TECHNICIAN</td>
<td>INC. OCT. '70</td>
<td>770.00</td>
</tr>
<tr>
<td>DALLY, ANTOINETTE</td>
<td>STENOGRAPHER</td>
<td>INC. JULY '70</td>
<td>375.00</td>
</tr>
<tr>
<td>EMERSON, MATT</td>
<td>ASSISTANT SECRETARY</td>
<td>INC. JULY '70</td>
<td>1,080.00</td>
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<tr>
<td>FROELICH, LARRY</td>
<td>GEOLOGIST</td>
<td>INC. JULY '70</td>
<td>915.00</td>
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<tr>
<td>GALLAGHER, RICHARD</td>
<td>COMMISSIONER</td>
<td>STA. JULY '61</td>
<td>15.00</td>
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<tr>
<td>GEHRING, OSCAR</td>
<td>LAB TECHNICIAN</td>
<td>INC. JULY '70</td>
<td>595.00</td>
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<tr>
<td>GRAY, GORDON</td>
<td>COMMISSIONER</td>
<td>STA. SEPT. '70</td>
<td>30.00</td>
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<tr>
<td>GRINDBERG, ALAN</td>
<td>ASST. CH. ENGINEER</td>
<td>INC. JULY '70</td>
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<tr>
<td>GRUNSETH, ARLAND</td>
<td>INVESTIGATIONS ENGINEER</td>
<td>INC. JULY '70</td>
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<tr>
<td>HANSON, HAROLD</td>
<td>COMMISSIONER</td>
<td>STA. JULY '65</td>
<td>30.00</td>
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<tr>
<td>HANSON, WILLIAM</td>
<td>DRAFTSMAN</td>
<td>INC. OCT. '70</td>
<td>500.00</td>
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<tr>
<td>HEUPEL, MILTON</td>
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<td>INC. OCT. '70</td>
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<tr>
<td>JACOBSON, HUGH</td>
<td>ASSISTANT DRILLER</td>
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<td>JOCHIN, CLIFFORD</td>
<td>ATTORNEY</td>
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<td>JUNGROTH, JAMES</td>
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<td>KEATOR, LESTER</td>
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<tr>
<td>KNOLL, JAMES</td>
<td>OPERATOR</td>
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<td>KNUXTON, LEWIS</td>
<td>DRILLER</td>
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<tr>
<td>KOCH, KAY</td>
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<td>KOTTICKSICK, ROSALIE</td>
<td>STENOGRAPHER</td>
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<tr>
<td>KRASER, ALVIN</td>
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<tr>
<td>LINDVIG, MILTON</td>
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<td>INC. JULY '70</td>
<td>1,125.00</td>
</tr>
<tr>
<td>LOCKEN, SHARON</td>
<td>CHIEF STENOGRAPHER</td>
<td>INC. JULY '70</td>
<td>575.00</td>
</tr>
<tr>
<td>MEES, LADARAENA</td>
<td>FIELD ENGINEER</td>
<td>STA. NOV. '70</td>
<td>800.00</td>
</tr>
<tr>
<td>MUIR, GARVIN</td>
<td>CHEMIST</td>
<td>INC. JULY '70</td>
<td>810.00</td>
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<tr>
<td>NAPLIN, CHARLES</td>
<td>GEOLOGIST</td>
<td>INC. JULY '70</td>
<td>865.00</td>
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<tr>
<td>NELSON, C. P.</td>
<td>DRAINAGE ENGINEER</td>
<td>INC. JULY '70</td>
<td>1,080.00</td>
</tr>
<tr>
<td>O'BRIEN, GEORGE</td>
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<td>INC. JULY '70</td>
<td>550.00</td>
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<tr>
<td>OHNSTAD, DONALD</td>
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<td>1,010.00</td>
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<tr>
<td>PUTZ, ROY</td>
<td>OFFICE ASSISTANT</td>
<td>INC. JULY '70</td>
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<tr>
<td>SACKMAN, EUGENE</td>
<td>SURVEYOR</td>
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<td>SCHMID, ROGER</td>
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<tr>
<td>SCHULZ, DELTON</td>
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<td>SCOTT, LLOYD</td>
<td>CHIEF DRAFTSMAN</td>
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<tr>
<td>SIEMS, MYRNA</td>
<td>STENOGRAPHER</td>
<td>INC. APR. '70</td>
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<tr>
<td>SIMPSON, KENNETH</td>
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<td>SPEAKS, GLENN</td>
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<td>STA. APR. '70</td>
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<td>TILLOTSON, ANN</td>
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<td>ULRICH, ROGER</td>
<td>RODMAN</td>
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<td>WALTERSON, HOWARD</td>
<td>CONSTRUCTION SUPT.</td>
<td>INC. JULY '70</td>
<td>735.00</td>
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<tr>
<td>WELCH, CYNTHIA</td>
<td>OJT STENO</td>
<td>STA. SEPT. '70</td>
<td>72.50</td>
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<tr>
<td>WERNER, ROBERT</td>
<td>DRAFTSMAN</td>
<td>STA. APR. '70</td>
<td>475.00</td>
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</tbody>
</table>

| SIC GROUP INS. - 38|                            |               |             |
| SIC RET-MATCHING   |                            |               |             |
| OASIS              |                            |               |             |
| SOCIAL SECURITY    |                            |               |             |

$34,160.37
NORTH DAKOTA STATE WATER COMMISSION

OBJECT BUDGET COMPARISON
1969-71 APPROPRIATIONS

June 9, 1971
SWC File C5-1.4

<table>
<thead>
<tr>
<th>ACCT.</th>
<th>OBJECT</th>
<th>May 1971 EXPEND.</th>
<th>June 1, '69 EXPEND.</th>
<th>July 31, '71 EXPEND.</th>
<th>1969-71 EXP. % OF BUDGET (STD. BUDGET 95.8%) **</th>
</tr>
</thead>
<tbody>
<tr>
<td>1000</td>
<td>Salaries</td>
<td>$30,968.35</td>
<td>$667,857.53</td>
<td>$743,831.05</td>
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<tr>
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<td>Oasis</td>
<td>215.29</td>
<td>3,892.47</td>
<td>4,700.00</td>
<td>82.8</td>
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<td>Social Security</td>
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<td>26,942.50</td>
<td>29,200.00</td>
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<td>1840</td>
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<td>192.76</td>
<td>3,964.31</td>
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<td>1850</td>
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<td>2,729.68</td>
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<tr>
<td>1880</td>
<td>State Retirement</td>
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<td>24,908.37</td>
<td>24,101.00</td>
<td>103.3</td>
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<tr>
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<td>TOTAL SALARIES &amp; WAGES</td>
<td>$34,160.37</td>
<td>$730,294.86</td>
<td>$810,732.05</td>
<td>90.1</td>
</tr>
</tbody>
</table>

| 2110  | Meals and Lodging             | 1,268.19        | 66,406.14           | 73,000              | 91.0                                          |
| 2120  | Personal Vehicle Mileage      | 233.88          | 5,407.05            | 7,000               | 77.2                                          |
| 2130  | Comm. Transportation          | 388.25          | 8,280.67            | 11,000              | 75.3                                          |
| 2150  | Misc. Travel                  | 56.48           | 2,071.90            | 3,000               | 69.1                                          |
| 2210  | Water-Garbage                 | 7.85            | 176.93              | 200                 | 88.5                                          |
| 2220  | Natural Gas                   | 23.94           | 884.61              | 1,000               | 88.5                                          |
| 2230  | Electricity                   | 34.51           | 752.22              | 800                 | 94.0                                          |
| 2310  | Rental - Equipment            | 25.00           | 1,800.49            | 5,000               | 36.0                                          |
| 2410  | Postage                       | 140.57          | 2,566.80            | 4,000               | 64.2                                          |
| 2420  | Telephone                     | 173.15          | 4,306.85            | 5,000               | 86.1                                          |
| 2510  | Repair Equipment              | 191.55          | 8,402.20            | 12,000              | 70.0                                          |
| 2513  | Maintenance Contracts         | 44.00           | 3,515.94            | 2,000               | 175.8                                         |
| 2560  | Repair Building & Grounds     |                 | 58.75               | 700                 | 8.4                                           |
| 2612  | Legal Fees                    | -               | 165.00              | 100                 | 165.0                                         |
| 2613  | Audit Fees                    | -               | 293.70              | 100                 | 293.7                                         |
| 2614  | Engineering Fees              | -               | 928.70              | 1,400               | 66.3                                          |
| 2618  | Data Processing Fees          | 272.00          | 4,024.00            | 3,300               | 121.9                                         |
| 2626  | Appraisal Fees                | -               | 175.00              | 500                 | 35.0                                          |
| 2650  | Consulting Fees               | -               | 2,297.30            | 500                 | 259.6                                         |
| 2682  | Photographer Fees             | 82.20           | 2,936.95            | 2,000               | 146.8                                         |
| 2699  | Misc Professional Fees        | -               | 560.74              | 400                 | 140.2                                         |
| 2720  | Property Insurance            | 276.46          | 830.00              | 900                 | 92.2                                          |
| 2730  | Liability Insurance           | -               | 55.23               | 300                 | 18.4                                          |
| 2911  | Radb - Newspaper Fees         | -               | 189.51              | 200                 | 94.8                                          |
| 2912  | Rewards-Premiums              | -               | 535.00              | 200                 | 267.5                                         |
| 2914  | License and Taxes             | 110.00          | 4,694.33            | 5,000               | 93.9                                          |
| 2915  | Dues                          | -               | 740.32              | 1,500               | 49.4                                          |
| 2916  | Freight                       | -               | 405.35              | 1,000               | 40.5                                          |
| 2999  | Miscellaneous                 | -               |                      |                     |                                               |
|       | TOTAL FEES & SERVICES         | $3,328.03       | $122,462.28         | $142,300 (2)        | 86.1                                          |

<p>| 3100  | Office Supplies               | $467.06         | $14,927.96          | $15,000             | 99.5                                          |
| 3110  | EDP Supplies                  | -               | 115.05              | 500                 | 23.0                                          |
| 3120  | Printing                      | -               | 11,025.92           | 35,300              | 31.2                                          |
| 3130  | Books, Subscriptions          | 131.10          | 3,671.69            | 3,400               | 108.0                                         |
| 3132  | Films                         | -               | 141.18              | 600                 | 23.5                                          |
| 3600  | Hdw, &amp; Bldg. Supplies         | 441.34          | 30,084.05           | 54,000              | 56.3                                          |
| 3700  | Motor Vehicle Supplies        | 720.15          | 30,824.43           | 32,000              | 96.3                                          |
| 3800  | Parts (Include Tires)         | 760.52          | 25,249.42           | 28,000              | 90.2                                          |
| 3999  | Miscellaneous                 | 754.58          | 1,377.51            | 1,700               | 81.0                                          |
|       | TOTAL SUPPLIES &amp; MATT.        | $3,274.75       | $117,917.21         | $123,500 (3)        | 83.9                                          |</p>
<table>
<thead>
<tr>
<th>ACCT.</th>
<th>OBJECT</th>
<th>May 1971 EXPEND.</th>
<th>July 1,69 EXPEND.</th>
<th>1969-71 BUDGET</th>
<th>EXP. % OF BUDGET (STD 95.8) **</th>
</tr>
</thead>
<tbody>
<tr>
<td>100</td>
<td>Office Equipment</td>
<td>$ -</td>
<td>$ 4,812.70</td>
<td>$ 4,000</td>
<td>120.3</td>
</tr>
<tr>
<td>4300</td>
<td>Motor Vehicles</td>
<td>-</td>
<td>22,813.23</td>
<td>28,500</td>
<td>80.0</td>
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<tr>
<td>4400</td>
<td>Machines &amp; Equip.</td>
<td>516.00</td>
<td>2,245.98</td>
<td>2,500</td>
<td>89.8</td>
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<tr>
<td></td>
<td>TOTAL EQUIPMENT</td>
<td>$516.00</td>
<td>$29,871.91</td>
<td>$35,000</td>
<td>85.3</td>
</tr>
<tr>
<td>5909</td>
<td>Special Line Item</td>
<td>$1,168.95</td>
<td>$1,168.95</td>
<td>$1,168.95(4)</td>
<td>100</td>
</tr>
<tr>
<td>7700</td>
<td>Basins Commission</td>
<td>$ -</td>
<td>$59,796.57</td>
<td>$60,000</td>
<td>99.7</td>
</tr>
<tr>
<td></td>
<td>TOTAL GENERAL OPER. APPROP.</td>
<td>$42,448.10</td>
<td>$1,061,011.78</td>
<td>$1,219,701</td>
<td>87.0</td>
</tr>
<tr>
<td>5500</td>
<td>Contract Payments</td>
<td>$43,023.06</td>
<td>$1,781,863.29</td>
<td>$1,850,000</td>
<td>96.3</td>
</tr>
<tr>
<td></td>
<td>TOTAL STATE WATER COMM. BUDGET</td>
<td>$85,471.16</td>
<td>$2,842,875.07</td>
<td>$3,069,701(6)</td>
<td>92.6</td>
</tr>
</tbody>
</table>

(1) Appropriation
Federal Grant $728,732.05
82,000.00
$810,732.05

(2) Appropriation
Federal Grant $140,000.00
2,300.00
$142,300.00

(3) Appropriation
Federal Grant $150,500.00
20,000.00
$170,500.00

(4) Special Line Item
$1,168.95 transferred from Salaries

(5) Appropriation
Carryover $570,000.00
430,000.00
$1,000,000.00
Collection Est. $850,000.00
$1,850,000.00

(6) Appropriated Funds:
General Operations $1,219,701
Contract Funds 1,000,000
$2,219,701
Est. Contract Fund Collection 850,000
$3,069,701

**23/24 months - 95.8 percent biennium elapsed

Dist.
Comm.
MWH
ALG
ME
KK