MINUTES

North Dakota State Water Commission
Meeting Held At
Ramada Inn
Dickinson, North Dakota

November 14, 1978

The North Dakota State Water Commission held a meeting on November 14, 1978, at the Ramada Inn in Dickinson, North Dakota. Vice Chairman, Richard Gallagher, called the meeting to order at 9:00 a.m., MST, and requested Secretary Vernon Fahy to present the agenda.

MEMBERS PRESENT:
Richard Gallagher, Vice Chairman, Mandan
Alvin Kramer, Member from Minot
Gordon Gray, Member from Valley City
Arlene Wilhelm, Member from Dickinson
Myron Just, Commissioner, Department of Agriculture, Bismarck
Vernon Fahy, State Engineer and Secretary, North Dakota
State Water Commission, Bismarck

MEMBERS ABSENT:
Arthur A. Link, Governor-Chairman
Arthur Lanz, Member from Devils Lake

OTHERS PRESENT:
State Water Commission Staff Members
Approximately 20 persons interested in various agenda items

The attendance register is on file in the State Water Commission offices (filed with official copy of minutes).

Proceedings of the meeting were tape recorded to assist in compilation of the minutes.

CONSIDERATION OF MINUTES
OF OCTOBER 20, 1978 MEETING - APPROVED

Secretary Fahy reviewed the minutes of the October 20, 1978 meeting held in Minot, North Dakota. There were no corrections or additions to the minutes which had been previously circulated.
It was moved by Commissioner Just, seconded by Commissioner Wilhelm, and carried, that the October 20, 1978 minutes be approved as prepared and distributed.

FARGO GROUND-WATER STUDY (SWC Project No. 752)

Secretary Fahy reported on the progress of the ground-water investigation for the City of Fargo being carried out by consultants rather than the Commission staff. He noted that the study, which was authorized by previous Commission action, was being completed under a format developed by Commission staff. Under terms of the study contract, $47,645.76 has been expended for qualified study items.

PROGRESS REPORT ON DAM REPAIR PROJECT AT GRAND FORKS (RIVERSIDE DAM) (SWC Project No. 520)

Secretary Fahy reported on the progress of repair of the Riverside Dam at Grand Forks. The dam is used for municipal water supply. He noted that after the dam had been opened for repair, a larger void in the structure was discovered and that additional funding would be required by the city and the Commission to complete the work. A request was presented for up to $10,000 extra in Commission financial participation.

It was moved by Commissioner Gray and seconded by Commissioner Just that the cost participation of the Commission in the repair of Riverside Dam be raised to an amount not to exceed $67,500, which would allow for an overrun of up to $10,000 under the 50 percent share agreement.

During discussion of the motion, Commissioner Just questioned financial participation in projects where local funding might be available. He noted that he was not singling out this particular repair project but that he felt it necessary to discuss priorities for project financing.

Commissioner Wilhelm referred to expenditures by the Commission in various counties and stated her intention to review with Commission members the overall expenditure comparisons.

Commissioner Gray reviewed briefly the history of contract fund commitments.

Vice Chairman Gallagher stated that project development is undertaken with legislated approval, either direct or implied, and that expenditures therefore were in accordance with legislative intent.

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All members voted aye on the motion; the motion was unanimously carried.

It was moved by Commissioner Just that an evaluation be made of project development procedures. The motion was seconded by Commissioner Wilhelm. All members voted aye; the motion unanimously carried.

LEGAL DIRECTOR'S REPORT

Secretary Fahy called on staff members, Sagsveen and Dwyer, to give reports on the following items:

Garrison Diversion - (SWC Project No. 237):
Temporary 20-day restraining order to halt construction, filed by Audubon Society in Washington, D. C. court. Also reported on the apparent indecision by the Interior and Justice Departments to take any positive action regarding the project.

James River Litigation - (SWC Project No. 1680):
North Dakota has filed to dismiss a request for a court order in South Dakota which would require that releases of flood waters in the Jamestown and Pipestem reservoirs be held back until later in the crop growing season.

Legal Division Reorganization:

Murray Sagsveen announced his resignation, accepted by Secretary Fahy, effective November 15, 1978. Secretary Fahy announced concurrent appointment by himself and Attorney General Allen Olson of Mike Dwyer to replace Mr. Sagsveen.

404 Permit Program:

Mike Dwyer briefly reviewed the historical development of Section 404 of the FWPCA of 1972. The Clean Water Act of 1977, which amended Section 404, provides that a state may take over implementation of Section 404. While state involvement in the 404 permit program is a legislative decision, the State Water Commission must make clear to the Legislature which agency should properly administer the state program if it is passed. Counsel recommended that the State Water Commission request a legislative study of an interim committee in conjunction with the State Water Commission.

November 14, 1978
It was moved by Commissioner Gray, seconded by Commissioner Wilhelm, and carried, that legal counsel draft a request for a legislative study of state implementation of the 404 Permit Program, which would designate the State Water Commission as the administering agency.

General Drainage - (SWC Project No. 1053):

Two draft resolutions were distributed for Commission consideration at their next meeting. One resolution is for legislative consideration to organize water management districts on a watershed basis; and the other resolution expresses support of the State Engineer's decision to declare all applications for drainage in the Red River Watershed of statewide significance to insure that downstream impacts are sufficiently studied and determined.

It was decided that action on these resolutions should be deferred to the next meeting in Bismarck, at which time water management district officials can provide input.

Rural Water Systems - (SWC Project No. 1574):

Circulated proposed legislation regarding tax exemption status for rural water systems in North Dakota (proposed legislation is attached hereto as APPENDIX "A").

Neal McClure, representing the State Association of Rural Water Systems, explained the proposal and requested the State Water Commission to introduce and support the legislation during the next session.

Discussion followed relative to wording where the proposal refers to the exception as follows: "but not for sale or use for commercial irrigation purposes". It was suggested that the bill draft be reworded prior to legislative session.

It was moved by Commissioner Just, seconded by Commissioner Wilhelm, and carried, that the State Water Commission support the tax exemption legislation.

November 14, 1978
South Bismarck Ground-Water Study - (SWC Project No. 1692):

Mike Dwyer reported on a cooperative project agreement with the Burleigh County Water Management District where the District objected to the standard indemnification clause, relieving the Commission of direct project liabilities.

It was the consensus of the Commission members that no exception be made regarding indemnification contained in a project agreement where the Commission is providing financial and/or technical assistance.

CONTINUED DISCUSSION ON WATER USE FEES (SWC Project No. 1695)

Draft legislation relative to fee charges for the use of public waters was circulated. (Draft is attached hereto as APPENDIX "B"). Secretary Fahy presented information relating to the consideration of water use fees.

Mike Dwyer explained the draft legislation.

At this point, there were several persons in attendance who testified briefly regarding their concern:

Arlene Haunson, Dickinson, Citizens Water Committee - supported fees for special fund to assist rural and rural domestic water use; supports fee rate of $100 per acre-foot plus graduated scale; supports pass-through fee of $2.00 per acre-foot; and supports use fee as proper method rather than a tax.

Evelyn Newton, concerned citizen - referred to letter presented at prior meeting, August 28. Supports fee rate of $100 per acre-foot and graduated scale; supports use fee rather than tax; and is concerned about overlap of meetings scheduled by Commission and various study groups.

Rose Sickler, concerned citizen - supports fee charge especially in light of the speed of new developments in energy field; and supports fee rate of $100 per acre-foot and graduated scale.

Representative Clarence Martin, 38th District - supports a use fee for rural and other small domestic use development; is concerned that a bill draft may put issue in a political arena; and prefers the fee use method; cites lobbying possible pressure on fee or tax during legislative process; cites that among 73 directors of producing electrical cooperatives, all but 11 live out-of-state; and is concerned that legislation may amend the amount to the point where funds would only be sufficient for administration.

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Senator Adam Krauter, 38th District - supported fees to supplement rural water costs; cites problems in getting direct federal or state aid; and supports $100 fee rate per acre-foot with graduated scale and $2.00 pass-through charge per acre-foot.

Representative William Lardy, 37th District - supported a fee charge to be deposited to General Fund of the State. He is concerned that a special fund may end in expenditures not necessary and cited examples in another field using funds from the sale of school lands. He also supports authority of the Commission to charge fees.

Art Sickler, concerned citizen - letter from Mr. Sickler, read by Secretary Fahy, proposed fees to finance rural and small domestic use; and contended that the matter is not a legislative issue. (Letter is attached hereto as APPENDIX 'C')

After further discussion, Secretary Fahy announced that Governor-Chairman Link requested no policy action be taken at this meeting. He further noted that if the State Water Commission decided to propose regulations rather than legislation, the next step would be to hold public hearings.

Commissioner Just indicated that legislation should not include reference to fee amounts.

It was moved by Commissioner Just to further discuss a new draft at the next meeting and that the Commission legal staff provide the draft incorporating further research into alternatives. The motion was seconded by Commissioner Wilhelm. All members voted aye; the motion unanimously carried.

Vice Chairman Gallagher called upon each member to contact Mr. Dwyer regarding their ideas to be put into the draft.

CONSIDERATION OF WATER PERMIT REQUESTS (SWC Project No. 1400)

Secretary Fahy presented APPENDIX "D" for the Commission's consideration, which represents water permit actions.

Secretary Fahy indicated that each application has been reviewed and appropriate conditions attached.

It was moved by Commissioner Kramer, seconded by Commissioner Gray, and carried, that the actions of the State Engineer be confirmed.

November 14, 1978
The following water permit requests were approved: No. 3112 - Clarence Unruh, Hebron; No. 2947 - Chester Halverson, White Earth (this request was approved by the State Engineer on November 3, 1978); No. 2673 - Harold Treeby, Hecla, S.D. (this grants additional acre-feet and acres to the applicant which have been held in abeyance); No. 3014 - Betty J. Daniels, Oakes; No. 2539 - Robert Thompson, Thomas Thompson Trust and William J. Thompson Trust, Page (this grants additional acre-feet and acres to the applicant which have been held in abeyance); and No. 2538 - Ralph and William Thompson, Thomas A. Thompson Trust and William J. Thompson Trust, Page (this grants additional acre-feet and acres to the applicant which have been held in abeyance).

The following requests were deferred at this time: No. 3128 - Chester A. Anderson, Oakes; No. 2148 - Yellowstone Pumping Irrigation District, Cartwright (this is a request for a change in points of diversion); and No. 2290 - Raymond Wiese, Oakes (this is a request for a change in the points of diversion).

(SEE APPENDIX "D")

**ATTORNEY GENERAL'S RULING**

Commissioner Wilhelm reviewed with the Commission members, a memo circulated by her regarding an Attorney General's Ruling on Irrigation Regulations adopted by the Commission. She recommended the reconsideration of the proposed regulations at the next meeting.

Commissioner Just requested legal staff to delineate Commission options to achieve the intended goals.

Commissioner Kramer called for a step-by-step review by the Commission at a future meeting of the ruling.

**1979-1981 APPROPRIATION REQUEST**

Secretary Fahy deferred discussion of the budget request made to the Office of Executive Budget until after further consultations, now underway with the Executive Budget Officer.

**CONSIDERATION OF FINANCIAL STATEMENT**

Assistant Secretary Matt Emerson presented the financial statement and percentage account report. He noted that the budget amounts used to measure percentage spending were based

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upon 1975-1977 biennium experience and may need to be adjusted. This action would allow for some priority change in the Fees and Services line item.

DISCUSSION OF FEDERAL WATER POLICY

Mike Dwyer distributed copies of a resolution and information regarding the Western States Water Council input and reply to President Carter's Water Policy. Present status of the Policy, as reported by Murray Sagsveen, is that approximately two of the nineteen federal task forces are moving to implementation and these concern fish and wildlife coordination and quantification of federal water rights.

EXPRESSION OF APPRECIATION TO MURRAY SAGSVEEN, LEGAL COUNSEL FOR STATE WATER COMMISSION

Commissioner Gray expressed the Commission's appreciation for legal work contributed by Murray Sagsveen.

Commissioner Just concurred in the expression.

Secretary Fahy was directed to prepare a suitable citation for presentation to Mr. Sagsveen.

The meeting adjourned at 2:00 p.m. to join a meeting of the Citizens Committee relative to the Dickinson West River Water Study.

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## NORTH DAKOTA STATE WATER COMMISSION

### REGISTER

**ATTENDANCE AT STATE WATER COMMISSION MEETING**

**DATE:** December 14, 1978 **PLACE:** Dickinson, North Dakota

**PROJECT NO.**

<table>
<thead>
<tr>
<th>Your Name</th>
<th>Your Address</th>
<th>Who do you Represent? (Or Occupation)</th>
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<tbody>
<tr>
<td>Real McClellan</td>
<td>825-Hanford, Bismarck N.D. Rural Water Area</td>
<td></td>
</tr>
<tr>
<td>Larry Homann</td>
<td>945 Melrose, Dickinson</td>
<td>Dickinson Press</td>
</tr>
<tr>
<td>Murray L. Iggien</td>
<td></td>
<td>Bismarck</td>
</tr>
<tr>
<td>Mike Durye</td>
<td>Bis</td>
<td>SWC</td>
</tr>
<tr>
<td>Ed. Bart</td>
<td>822-2nd Ave. W.</td>
<td>Dickinson, N. D.</td>
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<tr>
<td>Dana A. Spouse</td>
<td>Bis</td>
<td>SWC</td>
</tr>
<tr>
<td>Alan Krueger</td>
<td>Regent, ND</td>
<td>South central water study</td>
</tr>
<tr>
<td>Nancy-Mart</td>
<td>305 E. 3rd Ave. Dickinson</td>
<td>Reg Dept 35</td>
</tr>
<tr>
<td>Rose Seidler</td>
<td>Dickinson, N. D.</td>
<td>Concerned Citizen</td>
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<tr>
<td>Evelyn Newton</td>
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<tr>
<td>Delores Zimmerman</td>
<td></td>
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<tr>
<td>Arlene Hochman</td>
<td>200 W. 12th</td>
<td>Badlands Envi Aide</td>
</tr>
<tr>
<td>Ken Rosse</td>
<td>Bismar.</td>
<td>Old West and Water Office</td>
</tr>
<tr>
<td>John Norton</td>
<td>Box 254, Dickinson</td>
<td>Dakota Resource Council</td>
</tr>
<tr>
<td>Vicky Dehne</td>
<td>KDIX DIX</td>
<td>KDIX News</td>
</tr>
<tr>
<td>Your Name</td>
<td>Your Address</td>
<td>Who do you Represent?</td>
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<td>-------------------------------------------</td>
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<tr>
<td>Bill Lardy</td>
<td>920 13th Ave</td>
<td>State Rep., District 37</td>
</tr>
<tr>
<td>Clayton Hoffman</td>
<td>1931 St. Benedict Dr.</td>
<td>Old West Rural Water Office</td>
</tr>
<tr>
<td>Mark Johnson</td>
<td>Bismarck</td>
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<tr>
<td>Fletcher A. Polon</td>
<td>Bismarck</td>
<td>Basin Electric Power Co-op</td>
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<tr>
<td>Jim Ketterling</td>
<td>Mandan</td>
<td>No. Dak. Assoc. REC's/REC's</td>
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<tr>
<td>Lawrence McArthur</td>
<td>Minot</td>
<td>P.D. Water Use</td>
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<tr>
<td>Kenneth Brenda</td>
<td>Taylor</td>
<td>Rep Dist 38-N.D. Leg</td>
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<tr>
<td>Robert W.</td>
<td>Dunn WY</td>
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**SWC Form No. 63**

(500/6-77)
A BILL for an Act to create and enact a new subsection to section 57-02-08 of the North Dakota Century Code, to provide a property tax exemption for certain associations and corporations furnishing potable water.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. A new subsection to section 57-02-08 of the North Dakota Century Code is hereby created and enacted to read as follows:

All property, except land, owned by any cooperative association or nonprofit corporation incorporated under the laws of this state and used by it to furnish potable water to persons, including cities of less than ten thousand population, in this state for sale or use but not for sale or use for commercial irrigation purposes.
APPENDIX "B"

<table>
<thead>
<tr>
<th>Assigned To Committee On</th>
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<td>SENATE</td>
<td>HOUSE</td>
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Committee Report

IND | DO PASS | POST | AMEND | DO NOT

HOUSE | DO PASS | PASS | AMEND

Legislative Action on Amendments

SENATE | ADOPTED | NOT ADOPTED

HOUSE | ADOPTED | NOT ADOPTED

2nd Reading and Final Passage

SENATE | PASS | FAIL

HOUSE | PASS | FAIL

1 A BILL for an Act to create and enact Chapter 61-02.1 of the North Dakota Century Code, providing for the assessment of water marketing fees, providing for the establishment of a special fund for water marketing revenues, and providing for an appropriation of monies to the North Dakota State Water Commission for planning, research and development of special water resource projects in North Dakota.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. Chapter 61-02.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

61-02.1-01. LEGISLATIVE INTENT AND PURPOSES.)

Alternative 1.

The intent of this chapter is to establish fees for the beneficial industrial use of water, and for the privilege of holding an option to place waters to beneficial use. This chapter also establishes a procedure for the State Engineer in the assessment of such fees.

Water for industrial use, as defined herein is considered available only from the main stem Missouri River (including Lake Sakakawea) due to the quantities of water involved.

The Missouri River, because of the construction and regulation
pursuant to the 1944 Flood Control Act (ch. 665, 58 Stat. 887), is able to provide water even during years when its
tributaries may be intermittent or dry.
The State consented to the construction of the Pick-
Sloan Plan for the Missouri River because it promised a more
stable supply of water for domestic, municipal, stock watering,
irrigation and industrial uses -- all considered essential
for the economic stability of North Dakota. Indeed, the
Flood Control Act provides that:
The use for navigation, in connection with the operation
and maintenance of such works herein authorized for
construction, of waters arising in States lying wholly
or partly west of the ninety-eighth meridian shall be
only such use as does not conflict with any beneficial
consumptive use, present or future, in States lying
wholly or partly west of the ninety-eighth meridian, of
such waters for domestic, municipal, stock water,
irrigation, mining, or industrial purposes.
Economic stability continues to be a critical concern
of the Legislative Assembly. The State Water Commission has
granted a number of water permits for energy conversion
purposes. Such a use of water will stimulate concurrent
uses of water for domestic, municipal, and other industrial
uses in the region.
However, the Legislative Assembly recognizes that
energy conversion water uses may only be short-term, thereby
leading to a boom and bust economy for the region. Anxious
to prevent such economic instability, the Legislative Assembly
desires to realize revenue from the current energy conversion
uses of water and apply the revenue to preparing for long-
term domestic municipal, irrigation, industrial, and fish,
wildlife and recreation beneficial uses of water in the
region.
61-02.1-01. LEGISLATIVE INTENT AND PURPOSES.)
Alternative 2.
The intent of this chapter is to establish fees for the beneficial industrial use of water, and for the privilege of holding an option to place waters to beneficial use. This chapter also establishes a procedure for the State Engineer in the assessment of such fees.

The Legislative Assembly recognizes economic stability is of primary concern to the people of this state, and that judicious appropriation and use of water resources in accordance with Chapter 61-04 of the North Dakota Century Code is of utmost importance to the economy of the state of North Dakota and the health and welfare of its citizens. The Legislative Assembly recognizes and declaresthat it is in the reasoned best interests of the citizens of this state to provide for the assessment of fees for certain uses of water in this state, and to provide for the establishment of a special fund to promote planning, research and development of special water resource projects in this state. Therefore, the legislative assembly finds and declares that it is the purpose of this Act to establish a procedure for the State Engineer in the assessment of such fees, including the manner and against whom such water use fees shall be assessed, the maximum amount of such fees, and the purpose and object to which such fees shall be applied.

61-02.1-02. DEFINITIONS.) For the purposes of this chapter, unless the context or subject matter otherwise requires:

1. "Commission" means the state water commission (Governor, Commissioner of Agriculture, and five citizen members).

2. "State engineer" means the state engineer, appointed pursuant to North Dakota Century Code Section 61-03-01, who is also the chief engineer and secretary of the commission.

3. "Application" means an application for a conditional water permit.
4. "Applicant" means a person submitting an application for a conditional water permit.

5. "Industrial use" means

**Alternative 1.**

the use of acre-feet or more of water annually for electrical generation or synthetic natural gas production and other uses incidental thereto including irrigation for reclamation for associated mining operations.

**Alternative 2.**

the use of acre-feet or more of water annually for all industrial purposes for the furtherance of a commercial enterprise wherever located, including but not limited to manufacturing, mining, or processing, but excluding irrigation.

6. "Conditional Water Permit" means a water permit which has been approved pursuant to Section 61-04-06 of the North Dakota Century Code, which authorizes the applicant to construct any facilities or works necessary to apply water to a beneficial use, and which reserves to the applicant the amount of water specified therein during such time as facilities or works are being constructed.

7. "Perfected Water Permit" means a water permit recognizing the right to use the amount of water specified therein, which is issued pursuant to Section 61-04-09 of the North Dakota Century Code after water has been applied to or works constructed for the beneficial use stated in the conditional water permit.

8. "Consumptive beneficial use" means the use of water whereby water is actually consumed and used up, and no return flow of water appropriated is provided.
"Non-consumptive beneficial use" means the use of water for flow-through-cooling industrial plants or other similar uses whereby water is returned to the source from which it is appropriated.

"Permittee" means a person who has received a conditional or perfected water permit from the State Engineer.

61-02.1-03. RATE FOR CONDITIONAL WATER PERMIT.) Upon the granting of a conditional water permit by the State Engineer, the holder of a conditional water permit for industrial use shall remit to the State of North Dakota an annual fee of $2.00 per acre-foot for the quantity of water stated in the permit.

61-02.1-04. RATE FOR PERFECTED WATER RIGHT.) Upon the application of water to a beneficial use, whether or not a perfected water permit has been granted, the holder of a water permit for industrial use shall remit to the State of North Dakota an annual fee of $20 per acre-foot for the quantity of water actually used for flow through cooling or other similar nonconsumptive purposes.

61-02.1-05. ASSESSMENT AND PAYMENT.)

1. On or before January 15 of each year, the State Engineer shall forward to every holder of a conditional water permit, and every permittee utilizing water for industrial use an assessment according to the following formulas:

   a. $2/acre-foot x acre-feet authorized in conditional permit x % of assessable year = $fee

   b. $.20 or $20/acre-foot x acre-feet actually applied to beneficial use = $fee

2. The assessed permit holder shall remit the proper
amount to the Treasurer of the State of North Dakota on or before March 15 of the year in which the assessment is forwarded by the State Engineer.

61-02.1-06. INTEREST FOR DELINQUENT PAYMENTS.)

1. Industrial use permittees shall pay interest on fees which become delinquent computed at the rate of 1 percent per month for the amount of the delinquent fees. A payment shall be considered delinquent if not paid on or before March 15. The interest shall accrue from March 16, and it shall include the date of payment.

2. If a delinquency should continue past May 1, the State Engineer may proceed to terminate an otherwise valid water permit pursuant to Section 61-04-23 through 61-04-25 and any contractual provisions accompanying a permit.

61-02.1-07. METERING DEVICE REQUIRED.) Water use subject to fees herein shall be measured by a metering device satisfactory to the State Engineer. It shall be installed, operated, and maintained by permittee as required by the State Engineer at no expense to the State. It shall be accessible for inspection at all reasonable times by proper representatives of the State Engineer.

61-02.1-08. RULES AND REGULATIONS.) The State Water Commission may adopt such rules and regulations as are necessary to implement and carry out the purposes of this chapter.

61-02.1-09. SPECIAL FUND.) All fees collected under this act shall be deposited in the State Treasury in a special fund to be known as the Water Resource Development Fund, and shall be used for planning, research, and development of special water resource projects in North Dakota. All income of the Water Resources Development Fund and all interest of such income shall be used only by the State Water Commission or the State Engineer.

61-02.1-10. PURPOSES OF FUND.) The Water Resource
Development Fund may be expended under the direction of the
Legislative Assembly to fund any water resource activity
authorized to the State Water Commission by title 61 of the
North Dakota Century Code.

61-02.1-11. APPROPRIATION.) There is hereby appropriated
out of any moneys in the Water Resource Development Fund in
the state treasury, not otherwise appropriated, the sum of
, or so much thereof as may be necessary, to
the state water commission, for the purpose of
Art Secklin, Dunn Co.

I'm very concerned about the water marketing fees. I believe N.D. cannot afford to donate our water to produce electricity to ever increasing demand from out of state interests. All N.D. has an investment in our water supplies because of loss of revenue from crops - tops, mineral etc.

When I was at Dept. Meeting in Bismarck at the water commission were my agreement that would have to establish a workable water fee.

At the last state meeting Ag & water commissioner Mayor Just introduced a motion to table a recent all prior work done by commission in market fees.

Since 97% of our electricity will be exported to other states 1985. The dollar note I may have to spend on my electricity will generate an additional $9.00 to tax payers of N.D.
I propose that the money from these fees should be used for rural domestic urban water projects, such as water meter systems proposed for 14 countries. This should not be a legislative issue as the water commission does have the power, authority, to establish it.
## WATER PERMIT AGENDA FOR NOVEMBER 14, 1978 MEETING

<table>
<thead>
<tr>
<th>NO.</th>
<th>NAME AND ADDRESS</th>
<th>SOURCE</th>
<th>PURPOSE</th>
<th>AMOUNTS REQUESTED</th>
<th>COMMENTS &amp; RECOMMENDATIONS</th>
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<tr>
<td>3128</td>
<td>Anderson, Chester A. - Oakes</td>
<td>Ground Water</td>
<td>Irrigation</td>
<td>210.0 acre-feet</td>
<td>It is recommended that action be deferred at this time pending lack of time to properly review request.</td>
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<tr>
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<td>(Dickey County)</td>
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<td>140.0 acres</td>
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<td></td>
<td>Priority: 9-13-78</td>
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<td>Hearing: 10-30-78</td>
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<td></td>
<td>* NO PRIOR PERMITS</td>
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<td>2148</td>
<td>Yellowstone Pumping Irrigation District - Cartwright</td>
<td>Yellowstone River</td>
<td>Irrigation</td>
<td>This is a request for a change in points of diversion.</td>
<td>It is recommended that action be deferred at this time pending lack of time to properly review request.</td>
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<td>(McKenzie County)</td>
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<td>Priority: 7-25-40</td>
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<td>Hearing for Amendment: 10-23-78</td>
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<td>* #1409 (Priority Date: 11-21-66)</td>
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<td>Granted 727.3 acres</td>
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<td>2290</td>
<td>Wiese, Raymond - Oakes</td>
<td>Ground Water</td>
<td>Irrigation</td>
<td>This is a request for a change in point of diversion.</td>
<td>It is recommended that action be deferred at this time pending lack of time to properly review request.</td>
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<td>(Dickey County)</td>
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<td>Priority: 6-20-75</td>
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<td>Hearing on Amendment: 11- 6-78</td>
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<td>* NO PRIOR PERMITS</td>
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<tr>
<td>3112</td>
<td>Unruh, Clarence - Hebron</td>
<td>Unnamed Stream, trib. to Elm Creek</td>
<td>Irrigation-Waterspreading</td>
<td>154.0 acre-feet 103.0 acres</td>
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<td></td>
<td>(Mercer County)</td>
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<td>103.0 acre-feet 103.0 acres</td>
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<td>Priority: 6-29-78</td>
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<td>Hearing: 7-24-78</td>
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<td>Deferred: 8-23-78</td>
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<td>* NO PRIOR PERMITS</td>
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* INDICATES PRIOR PERMIT STATUS
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<tr>
<th>NO.</th>
<th>NAME AND ADDRESS</th>
<th>SOURCE</th>
<th>PURPOSE</th>
<th>AMOUNTS REQUESTED</th>
<th>COMMENTS &amp; RECOMMENDATIONS</th>
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<tbody>
<tr>
<td>2947</td>
<td>Halverson, Chester - White Earth (Williams County)</td>
<td>Unnamed Stream, trib. to Dry Fork Creek and Lake Sakakawea</td>
<td>Irrigation- Waterspreading</td>
<td>35.0 acre-feet 18.5 acres</td>
<td>18.5 acre-feet 18.5 acres  (This application was approved by the State Engineer on November 3, 1978.)</td>
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<tr>
<td>2673</td>
<td>Treeby, Harold - Hecla, S.D. (Dickey County)</td>
<td>Ground Water (Dakota Lake Plains Aquifer)</td>
<td>Irrigation</td>
<td>240.0 acre-feet 215.6 acres</td>
<td>On May 2, 1977, the applicant was granted 150.0 acre-feet of water to irrigate 100.0 acres; balance of request held in abeyance. The Commission staff has reviewed that portion held in abeyance and recommends that the applicant be granted an additional 52.5 acre-feet to irrigate an additional 35.0 acres. No further amounts shall be held in abeyance. The total amounts granted the applicant will be 202.5 acre-feet to irrigate 135.0 acres.</td>
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<tr>
<td>3014</td>
<td>Daniels, Betty J. - Oakes (Dickey County)</td>
<td>Ground Water (Middle James Aquifer)</td>
<td>Irrigation</td>
<td>300.0 acre-feet 160.0 acres</td>
<td>232.5 acre-feet 155.0 acres</td>
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<tr>
<td>NO.</td>
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<td>SOURCE</td>
<td>PURPOSE</td>
<td>AMOUNTS REQUESTED</td>
<td>COMMENTS &amp; RECOMMENDATIONS</td>
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<tr>
<td>2539</td>
<td>Thompson, Robert; Thomas Thompson Trust and William J. Thompson Trust - Page (Cass County)</td>
<td>Ground Water (Page Aquifer)</td>
<td>Irrigation</td>
<td>2500.0 acre-feet 1702.26 acres</td>
<td>On December 7, 1976, the applicant was granted 607.5 acre-feet of water to irrigate 405.0 acres; balance of request was held in abeyance. The Commission staff has reviewed that portion held in abeyance and now recommends that the applicant be granted an additional 202.5 acre-feet of water to irrigate an additional 270.0 acres; balance of request held shall continue to be held in abeyance. Total amounts granted to date would then be 810.0 acre-feet to irrigate 675.0 acres.</td>
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<td>2538</td>
<td>Thompson, Ralph and William; Thomas A. Thompson Trust; William J. Thompson Trust - Page (Cass County)</td>
<td>Ground Water (Page Aquifer)</td>
<td>Irrigation</td>
<td>2640.0 acre-feet 1784.16 acres</td>
<td>On December 7, 1976, the applicants were granted 405.0 acre-feet of water to irrigate 270.0 acres; balance of request was held in abeyance. On February 11, 1977, the applicants were granted an additional 202.0 acre-feet of water to irrigate an additional 135.0 acres; balance of request held in abeyance. The SWC staff has reviewed that portion of request held in abeyance and recommends releasing an additional 202.5 acre-feet to irrigate an additional 270.0 acres; balance of request continue to remain held in abeyance. (Totals granted to date would be 809.5 acre-feet to irrigate 675.0 acres)</td>
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<tr>
<td>Your Name</td>
<td>Your Address</td>
<td>Who do you represent?</td>
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<tr>
<td>Fletcher &amp; Bule</td>
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<td>Basin Electric Power Corp</td>
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<td>Chuck Rype</td>
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<tr>
<td>Neal McCrae</td>
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<td>N.D. R.W. Assoc.</td>
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<td>David D. Sprowczyk</td>
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<tr>
<td>Ronald Holzinger</td>
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<td>John Clement</td>
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<td>Joan Ketterling</td>
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<td>Stanley Kallstedt</td>
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<td>Mike Opperman</td>
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<td>Benjamin Mapes, M.D.</td>
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<td>Richard Olson, M.D.</td>
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<td>Nelson C.W.M.B.</td>
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