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STATE WATER CONSERVATION COMMISSION
Minutes of Meeting
Held in Office of State Water Commission on
June 14, 1957

A regular meeting of the North Dakota State Water Conservation Commission was called to order on June 14, 1957, at the State Water Conservation Commission office in Bismarck, North Dakota, to consider routine business matters. The following were present:

MEMBERS OF THE STATE WATER CONSERVATION COMMISSION:

Governor John E. Davis, Chairman
Earle F. Tucker, Vice Chairman, Bismarck
William W. Corwin, Member from Fargo
A. M. Christensen, Member from Minot
Oscar Lunseth, Member from Grand Forks
Milo W. Hoisveen, Secretary and Chief Engineer, State Engineer

OTHERS PRESENT AT THE MEETING:

Mr. Webster, City Manager, Grand Forks
P. F. Volk, Bismarck
Earl Cypert, Bismarck
Gross Broste, Wilton
Delbert Olson, Wilton
John Blatter, Wilton
Henry Nagel, Wilton
Will Ude, Wilton

The meeting was called to order at 9:30 A.M. by Governor Davis with Commissioners Earle F. Tucker, William W. Corwin, A. M. Christensen, Oscar Lunseth and Secretary Hoisveen present. Mr. Webster, City Manager, Grand Forks, entered the meeting with Commissioner Lunseth as a visitor.

It was moved by Commissioner Christensen and seconded by Commissioner Tucker that the reading of the May Minutes be dispensed with and that the same be approved. Motion carried.

It was moved by Commissioner Tucker and seconded by Commissioner Christensen that the Financial Statement for May, 1957, be approved and filed in the office of the State Water Conservation Commission. All members voted aye and said motion carried.

Secretary Hoisveen read a letter addressed to him from Colonel Rohde, dated May 8, 1957, which deals with the snagging and clearing project proposed on the Pembina River. The Corps stated that the State Water Commission and Pembina County will be contacted and requested to furnish the necessary assurances of cooperation when funds become available. Secretary Hoisveen stated that the assurances referred to include the responsibility of the Commission or the County to remove dump refuge or debris that tends to crowd the channel if the bridges become jammed. The obligation to clean the channel will not necessarily fall on the Commission but it will be the Commission's responsibility to see that the channel is kept clean of excessive debris and if the work is not performed, it will be the duty of the Commission to perform the job. Secretary Hoisveen further stated that the County is very receptive

to this project and that they have initiated the same. The Corps proposes to complete this project under the 212 authority. Commissioner Tucker moved that Secretary Hoisveen acknowledge Colonel Rohde's letter advising that the Commission will maintain and cooperate with local authorities in removing refuge and debris and seeing that the channel is maintained. Commissioner Lunseth seconded said motion. All members voted aye and said motion carried.

It was reported by Secretary Hoisveen that a meeting was held in his office on June 12th with representatives of the Corps of Engineers and the Soil Conservation Service in conjunction with the benefits of the Tongue River and the Pembina River watersheds. The Soil Conservation Service is presently establishing a watershed project in the Tongue River area and have constructed several dams adjacent thereto. They have been most successful in obtaining justification for their project and have come up with a high benefit cost ratio. Their benefits extend to the banks of the Pembina River. The meeting was called in an endeavor to get the two agencies together whereby they could each determine the extent that each would claim benefits in establishing the justification for their respective projects. Secretary Hoisveen stated that he felt the meeting was very successful and that there was a better understanding as to where benefits should be taken.

A letter from the Bottineau County Drain Board, dated June 12, 1957, requesting assistance in two drainage projects was read by Secretary Hoisveen. Secretary Hoisveen stated that he had not been contacted prior to the construction of the drain and that the Soil Conservation Service had cooperated with the Bottineau County Drainage Board in surveying the drains. It was moved by Commissioner Lunseth that the Water Commission hold any participation in abeyance until such time as the Commission has determined the feasibility of the same to justify the request. Commissioner Christensen seconded said motion. All members voted aye and said motion carried. It was further recommended by the Commission members that Secretary Hoisveen contact Mr. Lyness G. Lloyd, State Conservationist, relative to notifying the area conservationists of the Commission's policy in matters of this type, and that participation must be obtained prior to construction.

A letter from Mr. Fredrickson dated April 16, 1957, relative to Pipestem Dam investigation funds, was read by Secretary Hoisveen. Secretary Hoisveen stated that he has contacted Colonel Pine relative to this matter and he inferred that he was not too enthusiastic about the project. Pipestem River has been responsible for considerable flooding in Jamestown but the Corps has not been able to arrive at the benefits they desire to justify the project. Commissioner Lunseth moved that Secretary Hoisveen contact the Corps again relative to giving further consideration to this project. Said motion was seconded by Commissioner Tucker. All members voted aye and said motion carried.

Secretary Hoisveen reported on the status of various dams within the State. He stated that construction has been completed on the Braddock Dam. The repair job was quite extensive and appears to be a very satisfactory job. The State Game and Fish Department participated in this project and the cost was borne on a one-third basis. The Jamestown Dam, known as the Icehouse Dam, has been completed. This dam has no fish potential and so the cost of said dam was on a 50-50 basis. Repairs on Alexander Dam in Stutsman County were performed in conjunction with the Stutsman Park Board. The cost of this dam was on a 50-50 basis. The Schramm Dam, northwest

of Hazen in Mercer County, is presently being repaired in cooperation with the Game and Fish Department and with some county participation. This was considered an emergency job and it is hopeful that the county will participate to the extent of \$1500. The estimated cost of said dam is \$6,000. The Bucephalia Dam in Foster County is also being repaired at the present time. The Game and Fish Department, Foster County and the Water Commission are participating in this job. The estimated cost is \$2400 and work will be completed shortly.

Secretary Hoisveen stated that a request has been received to construct Schmisek Dam in Burke County. The estimated cost of said dam is \$7,000 and will be on a one-third basis. It was moved by Commissioner Christensen and seconded by Commissioner Lunseth that the Commission participate in the construction of said dam but that in the agreement a clause be inserted that trees be planted adjacent thereto by the county. All members voted aye and said motion carried. It was recommended by the Commissioners that this clause be incorporated in agreements entered into with counties on dam construction or repair jobs.

It was moved by Commissioner Lunseth that Secretary Hoisveen be authorized to conduct a survey of Tobacco Garden Dam in McKenzie County in an effort to determine the feasibility of the same. Commissioner Tucker seconded said motion. All members voted aye and said motion carried.

Secretary Hoisveen reported that he had received a letter from Senator Trenbeath of Neche stating that the City of Neche is putting in a new water system and the dam which they are dependent upon is in need of repair. Commissioner Christensen moved that Secretary Hoisveen be authorized to investigate the Neche City Dam and determine the estimated cost of the same, which motion was seconded by Commissioner Lunseth. All members voted aye and said motion carried.

It was reported by Secretary Hoisveen that a survey party had an accident with one of the new Plymouth station wagons recently purchased by the Commission. The car was completely demolished and one member of the crew is presently recuperating from a cracked vertebra. The insurance company has purchased a Ford station wagon to replace said vehicle.

Secretary Hoisveen stated that in a recent letter from Mr. Fredrickson, dated May 25th, Mr. Fredrickson indicated that the Little Missouri Compact will be approved during this session of Congress. The fact that the eight Senators of the affected states are all sponsoring the bill is of special significance.

Mimeographed copies of the testimony of the various North Dakota witnesses before the Senate and House Committees relative to the appropriation hearings of the Garrison Diversion project were presented to each Commissioner. Said hearings were held in Washington, D. C., on May 15th and 16th. Governor Davis stated that 23 witnesses appeared before the committees and that he believed the meeting to be quite effective. It was moved by Commissioner Tucker that Secretary Hoisveen be authorized to write Senator Young and request him to make every effort possible to restore the appropriations of the Bureau of Reclamation as originally requested. Commissioner Christensen seconded said motion. All members voted aye and said motion carried.

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Secretary Hoisveen stated that he attended three meetings of the Rivers and Harbors Congress while in Washington, D. C. It was the feeling among the members at this meeting that the economy wave which is presently sweeping Congress would not interfere with the water program. A copy of the Preamble and Resolution as adopted by the Committee on Industrial Water Use, Pollution Abatement, Wildlife and Recreation was presented to the Commissioners.

Secretary Hoisveen stated that he has received a letter from Mr. Harlan Erskine, of the U. S. G. S. Hydrographic Branch, and with whom the Commission cooperates in surface water resources investigational work, requesting the Commission to increase the appropriation available for U.S.G.S. hydrographic work to \$31,000 for the 1957-59 biennium. The amount approved by the Legislature is \$27,500. Secretary Hoisveen stated that the Commission works with the Hydrographic Branch in maintaining approximately 35 stations throughout the State. Unless the Hydrographic Branch obligates themselves for the full amount allotted them, the surplus monies will be made available to other states. Secretary Hoisveen stated that he felt justified in increasing this item \$2500, which would total \$30,000. It was moved by Commissioner Christensen and seconded by Commissioner Tucker that \$2500 be transferred from the fund titled "Cooperation with U. S. Departments & for Organizing Conservation & Irrigation Districts" to the fund titled "Hydrographic & Conservation Cooperation with U.S.G.S." in the 1957-59 appropriations for the Commission and that a total of \$30,000 be available for matching purposes with the U.S.G.S. for this biennium. All members voted aye and said motion carried.

Mr. Earl Cypert headed a delegation on behalf of the Olson Dam and entered the meeting at 11:00 A.M. This dam was built in 1936 or 1937 and was properly built in every respect with the exception of the spillway. The dam is useless because of the spillway, which has been destroyed, and Mr. Cypert requested the Commission to participate in rebuilding or repairing the same. Considerable discussion pursued inasmuch as there appears to be some difficulty so far as a Mr. Hausauer is concerned. He opposes the dam and owns considerable property in the area of the dam. It is anticipated that the Game and Fish Department will participate in the costs if the dam is raised. It is not expected that the old easement, which was obtained several years ago from Mr. Hausauer, would apply to the proposed raising of the dam. It was recommended that this matter be looked into and that when all of the information is obtained, a meeting be held with Messrs. Olson and Volk, representatives of the Olson Dam, Dr. Bue of the Game and Fish Department, and Secretary Hoisveen and Commissioner Tucker of the State Water Conservation Commission. The findings thereof will be reported to the Commission at a later date.

Secretary Hoisveen stated that a request has been received from the Wyndmere Wildlife Federation requesting a survey of the Wildrice River in conjunction with Kreider's Lake. It was moved by Commissioner Lunseth and seconded by Commissioner Christensen that such survey be authorized. Motion carried.

The matter of insuring a supply of water for the Garrison Diversion Project was considered by the Commission. A resolution which had been prepared for Commission approval specifying the amount and uses of said water right was read by Secretary Hoisveen. Said resolution was approved in its entirety with the following exceptions:

Commissioner Lunseth recommended that the word "annually" be inserted to indicate that 2,640,000 acre feet of water is to be diverted in said period of time. Commissioner Lunseth recommended that another whereas clause be included stating that 500,000 acres of bottom land has been lost because this land has been inundated. Governor Davis recommended that so far as indicating the uses of the water that recreation and wildlife be included. It was decided that the final draft of the resolution would be contingent upon information obtained through Fred Fredrickson who is to contact various interested Federal agencies pertaining to the resolution. Upon receipt of this material Hoisveen is to receive final approval from the Commission members through individual contact.

It was moved by Commissioner Christensen and seconded by Commissioner Lunseth that said Resolution be adopted, subject to the above alterations. All of the members voted aye and said motion carried. A copy of said Resolution, as approved, is attached hereto.

Secretary Hoisveen stated that bids had been requested for the proposed purchase of construction equipment to be used by force account crews. The estimated bid was \$8,000 and the low bid received was \$5,700. It was moved by Commissioner Lunseth and seconded by Commissioner Christensen that the proposed purchase by the Water Commission be handled by Vice Chairman Earle Tucker and Secretary Hoisveen. Upon roll call all members voted aye and said motion carried.

An estimated status of appropriations as of June 30, 1957, was presented to each of the Commissioners. This list also included the proposed purchases to come out of the various funds. It was moved by Commissioner Christensen and seconded by Commissioner Lunseth that the proposed purchases be approved. Upon roll call all members voted aye and said motion carried. The major items listed were automotive vehicles, trucks, a compressor, a drill outfit, survey equipment and office supplies.

Secretary Hoisveen stated that considerable work has been done on the Cartwright and Lower Yellowstone Pumping projects and that the Commission now desires to get water from a groundwater aquifer rather than from the Yellowstone River. He requested authority to conduct a pump test in the area to see what production could be expected from wells in this project. This would require an expenditure of approximately \$2,000 and if successful would accomplish a saving of \$100,000 or more. It was moved by Commissioner Christensen and seconded by Commissioner Tucker that a test well be conducted on the Cartwright project. Upon roll call all members voted aye and said motion carried.

An invitation addressed to Secretary Hoisveen asking him to join the United States Committee on Large Dams was read. The membership dues are \$10.00. The Commissioners agreed that it is helpful in having contacts with committee such as this and Commissioner Christensen moved that Secretary Hoisveen become a member. Commissioner Lunseth seconded said motion. All members voted aye and said motion carried.

Secretary Hoisveen advised the Commission of a tentative meeting scheduled for July 12, 1957, at Fargo with the Manitoba Red River Flood Commission. They desire to meet with a member of the Corps and one or two members of the Water Commission. It was recommended that Commissioners Corwin and Lunseth, and Engineer-Secretary Hoisveen represent the State Water Commission at said meeting and requested that at said meeting they discuss the Pembina River diversion.

Commissioner Tucker moved that invitations be sent to the Senate and House Interior and Insular Affairs committees asking them to hold hearings in North Dakota relative to the Garrison Diversion Unit modifications, which motion was seconded by Commissioner Lunseth. All members voted aye and said motion carried. The date for said hearings will be determined by Mr. Fredrickson in Washington, D. C.

The following water rights were considered:

#702. Mr. Chauncy Nelson of Valley City requests the right to divert 191 acre feet of water from the Sheyenne River to irrigate 95.5 acres. It was recommended that he be granted the right to divert 140.0 acre feet of water to irrigate 95.5 acres.

#704. The City of Mandan requests the right to divert 16,758.5 acre feet of water from the Missouri River for municipal purposes. It was recommended that this water right be granted in its entirety.

#708. Mr. Anton J. Jaeger, Jr., Manning, requests the right to divert 56.3 acre feet of water from the Knife River to irrigate 56.3 acres of land. It was recommended that said request be reduced to 31.0 acre feet of water to irrigate 20.9 acres of land.

#709. Mr. Grant Sampson of Manning has requested the right to divert 45.6 acre feet of water from the Knife River to irrigate 45.6 acres of land. It was recommended that this request be reduced to include 22.0 acre feet of water to irrigate 15.2 acres of land.

#710. Mr. Albert Seefeldt of Grand Rapids has requested the right to divert 116 acre feet of water from the James River to irrigate 57.7 acres of land. It was recommended that he be granted the right to divert 74.0 acre feet of water to irrigate 57.7 acres of land.

#711. Mr. Val Kary of Killdeer has requested the right to divert 60.5 acre feet of water from the Little Knife to irrigate 60.5 acres of land. It was recommended that he be granted the right to divert 37.0 acre feet of water to irrigate 25.0 acres of land.

#712. Mr. Lew Strang of Williston has requested the right to divert 73.6 acre feet of water from the Little Muddy to irrigate 36.8 acres of land. It was recommended that he be granted the right to divert 37.0 acre feet of water to irrigate 24.8 acres of land.

#713. The City of Mayville has requested the right to divert 2190 acre feet of water from the Goose River for Municipal use. It was recommended that this water right be granted in its entirety.

#714. Mr. Harold Ellis of Fort Clark has requested the right to divert 897.4 acre feet of water from the Missouri River to irrigate 448.7 acres of land. It was recommended that this water right be granted in its entirety.

#715. Mr. Robert H. Miller of Ellendale has requested the right to divert 48.6 acre feet of water from Maple Creek to irrigate 24.3 acres of land. It was recommended that Mr. Miller be granted the right to divert 20.0 acre feet of water to irrigate 13.2 acres of land.

#716. Mr. Mark Andrews of Mapleton has requested the right to divert 640 acre feet of water from groundwater sources to irrigate 320 acres of land in Ransom County. It was recommended that he be granted the right to divert 480 acre feet of water to irrigate 320 acres of land.

Commissioner Tucker moved that all of the above water rights be approved as recommended, which motion was seconded by Commissioner Lunseth. All members voted aye and said motion carried.

The meeting adjourned at 12:45 P.M.

Respectfully submitted,

Milo W. Hoisveen
Secretary

Attest:

John E. Davis
Governor

R E S O L U T I O N

O F

North Dakota State Water Conservation Commission reserving and withdrawing from appropriation 2,640,000 acre-feet of Missouri River water, adopted June 14, 1957.

WHEREAS, upwards of five hundred sixty-six thousand acres of land, lying adjacent to the Missouri River, including the Lewis and Clark Irrigation District of McKenzie County and a part of the Buford-Trenton Irrigation District of Williams County, upon which many stockmen have in past years relied on for winter grazing and for sufficient feed for their cattle, especially during periods of drought, have been acquired by the United States to provide an adequate reservoir for the Garrison Dam; and

WHEREAS, the United States in acquiring lands for reservoir purposes of the Garrison Dam has compelled many farm families to seek farms in other states and has caused others to abandon ranching or farming and to move to cities and villages in this state or elsewhere; and

WHEREAS, the lands acquired by the United States for the reservoir of the Garrison Dam has reduced the tax base in McLean, Mercer, Williams and McKenzie Counties and has therefor materially reduced the taxing resources of those counties and of various affected townships and school districts therein, and incidentally has reduced the tax base for levying state taxes; and

WHEREAS, the construction of the Garrison Diversion Unit of the Missouri Basin Project will create new opportunities for young men of this state and will in a substantial degree off-set and makeup for the lands taken out of agricultural production and ranching by the United States in acquiring lands for the Garrison Dam Reservoir; and

WHEREAS, the Bureau of Reclamation of the United States Department of the Interior has determined that the Garrison Diversion Unit of the Missouri River Basin Project contains upwards of one million acres of irrigable land in central and eastern North Dakota, and can furnish water for domestic, municipal and industrial requirements therein, all by diversion from the Missouri River; and

WHEREAS, the Legislative Assembly of North Dakota in 1955, by the enactment of Chapter 348 of the Session Laws of that year, created the Garrison Diversion Conservancy District consisting of 22 counties, since enlarged to 25 counties:

- "1. To provide for the future economic welfare of the people of this state, and particularly of the people residing in the area embraced within the boundaries of the conservancy district;
- "2. To provide for the irrigation of lands within sections of the conservancy district periodically afflicted with drought and to stabilize the production of crops thereon;
- "3. To replenish and restore the depleted waters of lakes, rivers and streams in such district and to stabilize the flow of said streams;
- "4. To replenish the waters and to restore the levels of Devils Lake, Stump Lake, Lake Williams and Turtle Lake;

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- "5. To make available within the district waters diverted from the Missouri River for irrigation, domestic, municipal and industrial needs, and for hydroelectric power, recreation and other beneficial uses"; and

WHEREAS, petitions have been filed with the State Engineer requesting the creation of irrigation districts in counties included in the conservancy district; and

WHEREAS, it is deemed advisable that a sufficient quantity of water be reserved by the Commission in order to enable the diversion from the Missouri River by the Bureau of Reclamation to accomplish the purposes of the project;

NOW THEREFORE, BE IT RESOLVED BY THE NORTH DAKOTA STATE WATER CONSERVATION COMMISSION in meeting regularly assembled this 14th day of June, 1957, in the State Capitol, Bismarck, North Dakota, that subject to such changes as conditions may require 2,640,000 acre-feet of water of the Missouri River be and are hereby reserved and withdrawn from appropriation by the Commission for use for the Garrison Diversion Unit of the Missouri River Basin Project required to meet the purposes of that Unit as set forth in a document prepared in January, 1957, by the Regional Director, Region 6 of the Bureau of Reclamation, Department of the Interior, entitled "Report on Garrison Diversion Unit, Garrison Diversion, North Dakota, South Dakota, Missouri River Basin Project"; and

BE IT FURTHER RESOLVED, that the Secretary of the Commission transmit by registered mail a copy of this Resolution to the Secretary, Department of the Interior, Washington, D. C.; Department of Defense; the Commissioner of Reclamation, Department of the Interior, Washington, D. C.; the Regional Director, Region 6, Bureau of Reclamation, Department of the Interior, P.O. Box 2553, Billings, Montana; and to the Projects Director, Missouri-Souris Projects Office, Bureau of Reclamation, Department of the Interior, P.O. Box 1050, Bismarck, North Dakota, for filing or recording in said offices.