

STATE WATER CONSERVATION COMMISSION  
MINUTES  
Held in the Office of the State Water Commission  
Bismarck, North Dakota  
May 23, 1961

The regular meeting of the North Dakota State Water Conservation Commission was called to order on May 23, 1961 at 9:30 a.m. in the office of the State Water Conservation Commission, Capitol Building, Bismarck, North Dakota, to consider routine business matters. The following Commission members were present:

MEMBERS OF THE STATE WATER COMMISSION

Governor William L. Guy, Chairman  
Earle F. Tucker, Member from Bismarck  
Oscar Lunseth, Member from Grand Forks  
A. R. Weinhandl, Member from Minot  
Einar Dahl, Member from Watford City  
W. W. Corwin, Member from Fargo  
Math Dahl, Commissioner of Agriculture & Labor, Bismarck  
Milo W. Hoisveen, Secretary and Chief Engineer, State Engineer, Bismarck

OTHERS PRESENT:

Arnold Sandness, Mayor, Valley City  
O. N. Bergman, Jr., Municipal Utilities, Valley City  
Willard H. Reuss, Columbus, Nebraska

The meeting was called to order by Vice Chairman Tucker, with the following members present: Oscar Lunseth, A. R. Weinhandl, Einar Dahl, W. W. Corwin, Math Dahl and Secretary Hoisveen.

**APPROVAL OF MINUTES** Commissioner Weinhandl moved that the reading of the minutes be dispensed with and that the minutes be approved. Commissioner Lunseth seconded the motion. Carried.

**APPROVAL OF FINANCIAL STATEMENT FOR APRIL 1961** Commissioner Einar Dahl moved the approval of the financial statement for April 1961. Motion seconded by Commissioner Weinhandl. Carried.

**BOWMAN-HALEY HEARING** During the 1961 Legislative Session a resolution was introduced supporting the Bowman-Haley project. There were fourteen votes against the project, some from the Bowman-Haley area. It was thought advisable to hold a hearing reaffirming the Bowman-Haley project. A meeting was scheduled for May 5 at Bowman. Secretary Hoisveen presided at the meeting. There were approximately 150 persons in attendance. The Corps of Engineers made a presentation in which they mentioned the situation regarding stock water dams and the depletions that were occurring as a result of those dams. Sentiments definitely were in favor of constructing the Bowman-Haley Dam. No opposition was voiced. The Corps of Engineers also stated that the local proponents would be required to give assurances and supplied forms for assurances

to be used in connection with municipal and industrial water uses. At this meeting it was suggested that a committee be appointed to consider making the necessary assurances. The committee is to be composed of citizens from the interested towns, the Soil Conservation Service and the flood control districts in order to ascertain what their desires were for making these assurances available to the Corps. The Corps desires to have the assurances before June 1st.

**RESOLUTION - WITHDRAWING WATER FROM BOWMAN-HALEY RESERVOIR** Secretary Hoisveen stated that several years ago the Commission adopted a resolution reserving unappropriated waters of the north fork of the Grand River to the Bowman-Haley Irrigation District for irrigation of lands. Waters should be reserved for municipal and industrial use for the cities in that area. Secretary Hoisveen read the proposed resolution. It was the recommendation of the commission members that in view of the situation that occurred in Dickinson regarding the stock water dams that a small percentage of the water should be reserved for dugouts and stock water impoundments when the availability exceeds 3,200 acre-feet. The major quantity, during the low flow years, would be made available to the cities of Bowman, Reeder, Gascoyne and Scranton. The size of the stock water dams would be limited to size and spacing. It was moved by Commissioner Lunseth and seconded by Commissioner Einar Dahl that the resolution as modified be adopted by the Commission . Carried (Appendix A)

**GREEN RIVER FLOOD CONTROL HEARING** Commissioner Einar Dahl attended the meeting on the Green River Flood Control at Dickinson on May 6, 1961. A letter was read by Mr. Freeman from Bruce Johnson. The letter stated that the Commission had given the Bureau of Reclamation a water right on the Green River. Commissioner Einar Dahl stated that the residents in the Dickinson area felt there was nothing they could do about the situation in view of the fact that the water had been taken from them. According to the Bureau of Reclamation the water from the Heart and Green Rivers belongs to them. The water from the Green River is stored and not used. It was recommended that further hearings be held in this area. Secretary Hoisveen reported that a meeting had been held recently with the Bureau of Reclamation and the Soil Conservation Service regarding this matter. It was Mr. Freeman's contention that the water should be purchased in view of the fact that the government put in the project.

**RESOLUTION-REAFFIRMING SUPPORT OF WATER COMMISSION FOR GARRISON DIVERSION UNIT** Secretary Hoisveen stated that some members of our congressional representation in Washington, D. C. were apprehensive about submitting projects to the appropriation committee which involved money. This apparently resulted from some of the critics of federal spending. As a result it would be well for the Commission to reaffirm its support of the Garrison Diversion Unit. A resolution in support of the budget estimate for the Garrison Diversion Unit for fiscal 1962 was read. It was moved by Commissioner Lunseth and seconded by Commissioner Corwin that the resolution in support of the Budget Estimate for the Garrison Diversion Unit for Fiscal Year 1962 be adopted. Motion carried. (See Appendix B)

**RESOLUTION REQUESTING CORPS OF ENGINEERS TO MAKE AVAILABLE PROPOSED OAHE RESERVOIR TAKE LINES** An association of landowners has been created encompassing the four counties affected by the Oahe Reservoir. Difficulty has been encountered in getting information from the Corps of Engineers as to where the take lines are to be. The landowners in this area are unable to plan their future operations. They would prefer to give flood easements and continue their operations, than to seal the

land outright. A proposed resolution was read. It was moved by Commissioner Lunseth and seconded by Commissioner Math Dahl that the resolution be adopted. Motion carried. (See Appendix C.)

Governor Guy enters the meeting and presides.

MISSOURI RIVER INTER-  
AGENCY PROGRAM FOR MINOT  
October 12, 1961

The Missouri Basin Inter-Agency Committee meeting will be held in Minot October 12, 1961. The proposed program was discussed, which covered presentations by the Basin Electric and the Lignite Electric Power Cooperatives regarding power generation; bank stabilization between Oahe and Garrison Reservoirs on the Missouri River, by the Corps of Engineers; Garrison Diversion Unit Proposal, by Bruce Johnson, Regional Director, Bureau of Reclamation; Main Stem Reservoir Regulations for 1962, Robert Pafford, Corps of Engineers. Governor Guy suggested that the Sports Fisheries and Wildlife Service be requested to present land acquisition policies as they relate to the Missouri Basin. It was recommended that the various speakers be requested to limit their presentations to 20 minutes, with a 10 minute question period, 30 minutes in all. It was moved by Commissioner Weinhandl and seconded by Commissioner Corwin that the proposed program for the Missouri Basin Inter-Agency Committee be approved. Motion carried.

It was moved by Commissioner Weinhandl and seconded by Commissioner Einar Dahl that the land acquisition policies of the Sports Fisheries and Wildlife Service in the Missouri Basin be added to the Missouri Basin Inter-Agency program. Motion carried.

RESOLUTION-REPAYING  
NORMAL TAX ON LAND  
ACQUIRED BY FISH  
& WILDLIFE SERVICE

Governor Guy recommended that the commission give consideration to the adoption of a resolution requiring the Federal Government to repay to the counties the normal tax on the land purchased by the government in North Dakota. Commissioner Lunseth moved that a resolution be adopted by the State Water Conservation Commission requiring the Federal Government to repay to counties the normal tax on North Dakota land purchased by the government. Motion carried. (See Appendix D)

RESOLUTION-POWER  
GENERATION PLANTS

Governor Guy reported that he did not deem it necessary to take action on the resolution adopted by the commission at its April 17, 1961 meeting relative to the Lignite Electric Power Cooperative for power generation and operation through the use of North Dakota lignite coal. It is possible that these two cooperatives may solve their differences and such a resolution would not be necessary, as a consequence it appeared desirable to let the cooperatives resolve their own differences without exterior influence.

CHANGING NAME OF  
GARRISON RESERVOIR

It has been suggested that the name of the Garrison Reservoir be changed to Garrison Lake. Several other names were suggested. It was recommended that the changing of the names of the Garrison Reservoir be turned over to the Legislative Research Committee for presentation to the next session of the Legislature. It was moved by Commissioner Weinhandl that the change of name of the Garrison Reservoir be turned over to the Legislative Research Committee for presentation to the next session of the Legislature. Motion seconded by Commissioner Tucker. Carried.

**BID-SHEEPS FOOT  
ROLLER**

The abstract of bids for the sheeps foot roller was reviewed by the Commissioner members. It was moved by Commissioner Lunseth and seconded by Commissioner Tucker that the Commission award the Midwest Equipment, Bismarck, the bid for the sheeps foot roller for \$1723. Motion carried.

**REQUEST OF VALLEY CITY  
FOR RECONSTRUCTION OF  
VALLEY CITY MUNICIPAL  
WATER SUPPLY DAM #477**

Mayor Sandness, O. N. Bergman of Valley City and Willard H. Reuss of Columbus, Nebraska, appeared before the Commission relative to the Valley City Dam. Mr. Bergman stated that originally the dam was constructed by the Russell Miller Milling Company for use in its milling operations in 1882. Several years ago they abandoned the water power for electric power generation. The milling company turned the dam over to Valley City for \$1. Valley City, since that time, has spent considerable money keeping the dam in repair. The south wing was washed out. The city of Valley City depends upon this dam to recharge the aquifer north of the city for its municipal water supply. The city board is anxious to have the dam repaired before something happens to the dam which would interfere with the city's water supply. The city's water supply depends upon this dam. Mr. Bergman stated that by putting in new wing walls and making other repairs that it would hold for many years. The city is in need of financial assistance and would like assistance from the State Water Commission. A state and a federal fish hatchery north of valley city is also dependent upon this dam. They feel the matter is urgent and should be taken care of before fall. Secretary Hoisveen said that possibly consideration should be given to reconstructing the dam. The dam is 80 years old. The secretary also stated that he would like to look the situation over in the company of his assistant and the design engineer. It was moved by Commissioner Lunseth that Secretary Hoisveen make a preliminary estimate and investigation and report back to the commission at its next meeting. That the Game and Fish Department and the Federal Fish and Wildlife Service be contacted to see whether they will participate in the reconstruction of the Valley City Dam. Motion seconded by Commissioner Weinhandl. Carried.

Secretary Hoisveen explained the commission's participation policy: where the commission and the local entity participate it is on a 50% basis. If the Game and Fish Department participate also, it is on a 1/3 basis.

**BID-STEEL BUILDING**

The State Legislature appropriated to the State Water Commission the sum of \$30,000 and a tract of land for use in constructing a shop building. Bids were taken on a steel shop building. The Commission reviewed the bids. ARMCO of Minneapolis was the apparent low bidder. There was discussion as to whether the bid should be let to ARMCO in view of the fact that the State Highway Department is contemplating bringing action against this firm for possible overcharge for steel purchased by the state. It was moved by Commissioner Lunseth that the low bid of ARMCO for \$12,489 be allowed unless the commission finds that there has been some difficulty with this company by the State Highway Department. In that event the next lowest bidder, Smith, Inc., of Fargo for \$12,569 be accepted. Motion seconded by Commissioner Tucker. Carried. NOTE: Messrs. W. Hjelle, Commissioner, and V. Peterson, attorney, were contacted relative to the matter. They informed Mr. Hoisveen that they were still doing business with ARMCO and we should not let their negotiations interfere with this transaction.

**RAMSEY COUNTY WILDLIFE  
FEDERATION**

The State Water Commission received a letter from A. B. Finseth, president, Ramsey County Wildlife Federation, concerning the efforts of a few to curb the U. S. Bureau of Sport Fisheries and Wildlife Service in phases of the Garrison Diversion Project. It was moved by Commissioner Lunseth and seconded by Commissioner Weinhandl that the letter be placed on file. Carried.

**WELLS COUNTY WATER  
CONSERVATION & FLOOD  
CONTROL DISTRICT  
ESTABLISHED**

Two hearings were held by the State Water Conservation Commission at Harvey and Fessenden at the request of the Board of County Commissioners of Wells County concerning the establishment of a water conservation and flood control district. There was no dissention to the creation of such a district. Secretary Hoisveen recommended that the commission approve the creation of the Wells County Water Conservation and Flood Control District. The order establishing the district is Appendix E. It was moved by Commissioner Math Dahl and seconded by Commissioner Tucker that the order creating the Wells County Water Conservation and Flood Control District be approved. Carried.

**CHAIN LAKES WATER CONSER-  
VATION & FLOOD CONTROL  
DISTRICT DISSOLUTION  
MEETING**

Commissioner Lunseth reported on the dissolution hearing at Churchs Ferry on May 17 concerning the dissolution of the Chain Lakes Water Conservation and Flood Control District, approximately 125 people were in attendance. The Corps of Engineers was represented by Harvey Johnson. Others present were Russ Dushinski, F.E. Foughty, attorney for the Chain Lakes Water Conservation and Flood Control District; J.C. McClintock, attorney for the dissenters; and Milo W. Hoisveen. Chief Engineer Hoisveen explained the plans for the two lakes and the control structure that was to be installed, what was necessary relative to Mauvais Coulee to alleviate flooding in the area. Consideration was given to the Federal Fish and Wildlife Service contemplated purchase of 20,000 acres of land in the area. The local people object to this purchase as it takes too much land from the tax rolls. Mr. Harvey Johnson, St. Paul District Corps of Engineers Office, outlined the Corps plans relative to the coulee. The Corps is making a study at the present time relative to alleviating the flooding in the Chain Lakes area. The people who had petitioned for the dissolution of the Chain Lakes Water Conservation and Flood Control District were under the impression that the lakes were to be drained. The Chief Engineer emphasized the fact that the lakes were not to be drained. It was moved by Commissioner Lunseth and seconded by Commissioner Einar Dahl that the petition requesting that the Chain Lakes Water Conservation and Flood Control District be dissolved be denied and the petition dismissed. Motion duly carried.

**PETITION REGARDING RELEASES  
FROM LAKE ARDOCH**

A petition was received in the office of the State Water Conservation Commission from the resident landowners in the Ardoch area. The petition alleges that the dam at Lake Ardoch is kept closed until the water reaches a very high level and then the dam is opened too rapidly. The result is a rapid flow of water along the land adjoining the Salt River which severely damages the crops. The secretary has inspected the area and believes the situation can be corrected. This will probably be a project under the watershed program. It was recommended that the Federal Fish and Wildlife Service be contacted by Secretary Hoisveen. It was moved by Commissioner Weinhandl and seconded by Commissioner Corwin that Secretary Hoisveen contact the Federal Fish and Wildlife Service relative to alleviating the flooding in the Ardoch area. Carried.

**SPORT FISHERIES &  
WILDLIFE SERVICE LAND  
ACQUISITION POLICIES  
CONFERENCE**

Governor Guy stated that he was planning to hold a meeting on June 13 in Rugby whereby representation from the Bottineau-McHenry County areas could obtain direct information regarding the Garrison Diversion Unit and the acquisition of land by the Federal Fish and Wildlife Service. He plans to include in this meeting the Federal Fish and Wildlife Service, the State Game and Fish Department, Directors of the Garrison Diversion Conservancy District, members of the State Water Conservation Commission and the County Commissioners of both counties affected. The purpose of the meeting would be to ascertain the policy of the Federal Fish and Wildlife Service and the State Game and Fish Department regarding the withdrawal of land for fish and wildlife propagation. Governor Guy stated he would like the secretary and the members of the State Water Conservation Commission to aid in unifying the effort behind the Garrison Diversion Unit.

**SYKESTON CITY DAM  
PARTICIPATION REQUEST  
#450**

Sykeston has requested that a dam be built. The cost would be between \$44,000 and \$48,000 which would be borne equally by the flood control district, the State Water Commission and the Game and Fish Department, if it is the desire of the Commission. This would be used for municipal water supply and recreation. It was moved by Commissioner Math Dahl and seconded by Commissioner Einar Dahl that the Commission participate in the construction of the Sykeston City Dam on a one-third basis, the commission's participation to be between \$16,000 and \$18,000. The motion was carried.

**GOOSE RIVER STUDY**

A letter was received from Colonel Strandberg, District Engineer, Corps of Engineers, by the State Water Commission concerning the resolution adopted by the Commission relating to the desired studies on the Goose River. No funds are available at this time for a study of the Goose River.

**AGREEMENT ESTABLISHING  
POLICY FOR DEPOSIT OF  
MONEY TO COVER COST OF  
INVESTIGATION & STUDIES**

Secretary Hoisveen stated that at the April commission meeting the commissioners instructed him to prepare an agreement to be entered into between the commission and applicant requesting an investigation, or survey, and study of the desirability and feasibility of a proposed undertaking. The proposed agreement was studied by the commission members. Commissioner Math Dahl moved the approval of the agreement. The motion was seconded by Commissioner Corwin. Motion carried. (The Agreement is Appendix F)

**ELM RIVER DAM**

Ellendale is requesting the construction of a dam on the Elm River. Secretary Hoisveen suggested that they hold a meeting with the city officials of Aberdeen, South Dakota to resolve any problems that might develop over the construction of such a dam. The construction of this dam will involve the participation of the State Water Commission, the Game and Fish Department and possibly the Highway Department in view of the fact that the highway will be used as a portion of the dam. The Commission members agreed that South Dakota should be kept informed as to the construction of the proposed dam.

**BIDS-TWO PANEL  
TRUCKS**

The bids on the two panel trucks were opened on May 10, 1961. Secretary Hoisveen called several members of the Commission relative to the low bid as it was necessary to have delivery of the trucks as soon as possible. The low bid was

that of the Pegg Garage, Valley City, for \$4093.44 for two panel trucks. Upon the recommendation of the Commission members contacted the bid was awarded to the Pegg Garage. It was moved by Commissioner Corwin and seconded by Commissioner Lunseth that the bid for the two panel trucks be awarded to the Pegg Garage. Motion carried.

#### WATER RIGHTS

#867

Arnold J. Gunlickson of Zahl requests the right to divert and appropriate 246 acre-feet of water from Scoria Creek to irrigate 123.2 acres of land. It was moved by Commissioner Lunseth and seconded by Commissioner Weinhandl that Arnold J. Gunlickson be granted the right to divert 123.2 acre-feet of water from Scoria Creek to irrigate 123.2 acres of land. Motion carried.

#897

Oscar Quarne, Grenora, requests the right to divert 100 acre-feet of water from Scoria Creek to irrigate 100 acres of land. It was moved by Commissioner Lunseth and seconded by Commissioner Weinhandl that Oscar Quarne be granted the right to divert 100 acre-feet of water from Scoria Creek to irrigate 100 acres of land. Motion carried.

#887

Clarence Klandl, Sidney, Montana, requests the right to divert 36.8 acre-feet of water from Bennie Pierre Creek, tributary to the Yellowstone River, to irrigate 36.8 acres of land. It was moved by Commissioner Lunseth and seconded by Commissioner Weinhandl that Clarence Klandl be granted the right to divert 36.8 acre-feet of water from Bennie Pierre Creek to irrigate 36.8 acres of land subject to maintenance of flow as required for downstream owners with prior rights. Motion carried.

#894

T. Clem Casey, Bismarck, requests the right to divert 580 acre-feet of water from two wells to irrigate 290 acres of land. It was moved by Commissioner Lunseth and seconded by Commissioner Weinhandl that T. Clem Casey be granted the right to divert 580 acre-feet of water from two wells to irrigate 290 acres of land. Motion carried.

#895

Leo Grenz, Bismarck, requests the right to divert 1318.8 acre-feet of water from the Missouri River to irrigate 659.4 acres of land. It was moved by Commissioner Lunseth and seconded by Commissioner Weinhandl that Leo Grenz be granted the right to divert 1318.8 acre-feet of water from the Missouri River to irrigate 659.4 acres of land. Motion carried.

#899

Alfred H. Thompson, New Town, requests the right to divert 258 acre-feet of water from White Earth Creek and an unnamed tributary to White Earth Creek to irrigate 129 acres of land. It was moved by Commissioner Lunseth and seconded by Commissioner Weinhandl that Alfred H. Thompson be granted the right to divert 22½ acre-feet of water from White Earth Creek and the unnamed tributary to White Earth Creek to irrigate 15 acres of land subject to maintenance of flow to downstream riparian owners. Motion carried.

#900

Richland County Water Conservation and Flood Control District, Wahpeton, requests the right to divert 5400 acre-feet of water from Wild Rice River for flood control and wildlife



**Appendix A**

**R E S O L U T I O N**  
Adopted May 23, 1961 by the  
State Water Conservation Commission

**Reserving to the Bowman County Water  
Conservation and Flood Control District  
Unappropriated Waters of the North Fork of the Grand  
For Industrial, Municipal and Domestic Uses**

**WHEREAS, the State Water Conservation Commission did on the 3rd day of June, 1949, at a regular meeting of the Commission, adopt a resolution reserving to the Bowman-Haley Irrigation District, for the irrigation of lands therein, the unappropriated waters of the North Fork of the Grand River; and**

**WHEREAS, subsequent developments and investigations disclose that the unappropriated waters of the North Fork of the Grand River, with the exception of a reasonable amount\* for stock water use, are urgently needed by the cities of Bowman, Reeder, Gascoyne and Scranton for municipal and industrial purposes and for the domestic use of their inhabitants; and**

**WHEREAS, the establishment of facilities for irrigation of lands in the Bowman-Haley Irrigation District have not been found feasible and has therefore been abandoned.**

**NOW, THEREFORE, BE IT RESOLVED by the State Water Conservation Commission in meeting assembled this 23rd day of May, 1961;**

**That the unappropriated waters of the North Fork of the Grand River be, and are hereby, reserved to meet the requirements of the cities of Bowman, Reeder, Gascoyne and Scranton for industrial, municipal and domestic uses and that the allocation of such waters among those municipalities be made by the Commission only after consideration of the allocation thereof recommended by the Bowman County Water Conservation and Flood Control District.**

**BE IT FURTHER RESOLVED: that this Resolution be filed in the office of the State Engineer.**

**\*Reasonable use for stock water shall be that percentage of the total flow, determined at the discretion of the local flood control district, as being in excess of 3,200 acre-feet required at the reservoir site to meet municipal and domestic uses.**

## Appendix B

**R E S O L U T I O N**  
 Adopted May 23, 1961 by the  
 North Dakota State Water Conservation Commission  
 In Support of the Budget Estimate for the Garrison  
 Diversion Unit for Fiscal Year 1962

WHEREAS, the North Dakota State Water Conservation Commission has, since it was created in 1937, actively supported and worked for the development of a project whereby water from the Missouri River could be diverted into the eastern and central part of the state for beneficial purposes and since that time has invested over \$2,000,000 for studies and investigations of such a proposal; and

WHEREAS, such a diversion project has been strongly supported by citizens of the state of North Dakota for over 70 years and was authorized by Congress as a part of the Missouri River Basin project in the Flood Control Act of 1944; and

WHEREAS, investigations of the Bureau of Reclamation have determined that the Garrison Diversion Unit is an economically sound and engineeringly feasible project and has a benefit-cost ratio of 3.2 to 1; and

WHEREAS, the development of irrigation under the Garrison Diversion Unit will replace the loss production of lands that the state of North Dakota has contributed for main stem Missouri River reservoirs and will materially enhance and stabilize the agricultural economy of the state which in turn will benefit the entire region and nation; and

WHEREAS, there is strong local support for the development of the Garrison Diversion Unit as is evidenced by the establishment of the 25-county Garrison Diversion Conservancy District and the organization of 7 irrigation districts encompassing over 316,000 acres of irrigable land in the Garrison Diversion Unit which districts are willing and anxious to negotiate the repayment contracts for the project facilities; and

WHEREAS, it is imperative that the Bureau of Reclamation's investigations of the 250,000 acre initial phase for the project be completed at an early date in order to permit construction of the project facilities to get underway according to existing schedules:

NOW, THEREFORE, BE IT RESOLVED by the North Dakota State Water Conservation Commission in meeting duly assembled this 23rd day of May, 1961, that this Commission support the budget estimate of \$400,000 for Bureau of Reclamation investigations for fiscal year 1962 that will permit the Bureau to complete a definite time report on the initial 250,000 acre phase of the project which will include detail plans for 100,000 acres of irrigation and urges Congress to appropriate this amount to the Bureau of Reclamation for fiscal year 1962;

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to Governor William L. Guy, Chairman, North Dakota State Water Conservation Commission; Honorable Clarence Cannon, Chairman, House Committee on Appropriations; Honorable Carl Hayden, Chairman, Senate Committee on Appropriations; Senators Milton R. Young and Quentin N. Burdick of North Dakota; Representatives Don L. Short and Hjalmar Nygaard of North Dakota; and the Honorable Floyd E. Dominy, Commissioner, Bureau of Reclamation, Department of Interior

## Appendix C

**R E S O L U T I O N**  
 Adopted May 23, 1961 by the  
 North Dakota State Water Conservation Commission  
 Requesting Information from the Corps of Engineers  
 Relative to Acquisition of Lands for the Oahe Reservoir

WHEREAS, the State Water Conservation Commission receives requests from owners of lands lying adjacent to the Missouri River for information concerning acquisition by the United States of lands in North Dakota which will be included within the reservoir area of the Oahe Dam; and

WHEREAS, the Commission has been, and is, unable to furnish such information due to the fact that information concerning the lands in North Dakota which will be within the reservoir of the Oahe Dam has not been disclosed; and

WHEREAS, owners of land which will be within the area of the reservoir are living in a state of uncertainty as to their future status and rely upon this commission to obtain and furnish the information they request; and

WHEREAS, the inclusion of large tracts of fertile farm lands in the reservoir area of dams constructed on the Missouri River has impaired the ability of many owners of adjacent uplands to carry on their agricultural enterprises, especially the raising of livestock, and thus has substantially impaired the agricultural economy of our state; and

WHEREAS, the owners of river bottom lands, which will be included in the reservoir of the Oahe Dam, prefer to furnish easements permitting flooding of such lands instead of the sale thereof since, when these lands are not flooded, they supplement adjacent uplands by providing supplementary livestock feed;

NOW, THEREFORE, BE IT RESOLVED by the State Water Conservation Commission in meeting assembled this 23rd day of May, 1961:

1. That the Corps of Engineers be, and is hereby, respectfully requested to furnish this Commission definite information as to lands in North Dakota which will be acquired by the United States as a part of the reservoir area of the Oahe Dam.

2. That the owners of Missouri River bottom lands which will be required for the reservoir of the Oahe Dam be allowed the privilege of furnishing flooding easements instead of being required to sell their land; and

BE IT FURTHER RESOLVED that the Secretary of the State Water Conservation Commission send a copy of this resolution to the Division Engineer, Missouri River Division, Corps of Engineers, and to the District Engineer, Omaha District, Corps of Engineers, U. S. Army.

## Appendix D

**R E S O L U T I O N**  
Adopted May 23, 1961, by the  
State Water Conservation Commission

**Requesting Federal Agencies to Repay Taxing Districts  
Affected by the Acquisition of Land A Sum of Money in Lieu of Taxes**

**WHEREAS, lands in North Dakota lying adjacent to rivers, streams and other bodies of water have been acquired by various agencies of the Federal Government in connection with the establishment of projects requiring impoundment of water; and**

**WHEREAS, the acquisition of such lands by the Federal Government has in many instances resulted in a lower tax base, and has thus impaired the ability of taxing districts affected, especially school districts, to obtain revenue needed to carry on the functions imposed on them by law.**

**NOW, THEREFORE, BE IT RESOLVED: That the Federal agencies concerned with the establishment and maintenance of projects, requiring impoundment of water, make available to the taxing districts affected by the acquisition of land for inclusion in the project area, a sum of money in lieu of taxes commensurate with the amount collected by such taxing districts before lands were required for such water projects.**

**BE IT FURTHER RESOLVED that this resolution be forwarded to Colonel H. G. Woodbury, Jr., District Engineer, Omaha District Corps of Engineers; Mr. Robert Burwell, Regional Director, Sports Fisheries and Wildlife Service, Minneapolis; Mr. G. A. Freeman, Director, Garrison Diversion Unit District Office, Bismarck; and Mr. Lyness Lloyd, State Conservationist, Soil Conservation Service, Bismarck.**

## Appendix E

## O R D E R

ESTABLISHING THE WELLS COUNTY WATER  
CONSERVATION AND FLOOD CONTROL DISTRICT

WHEREAS, the Board of County Commissioners of Wells County did on the 9th day of March, 1961 file with the State Water Conservation Commission its petition requesting the creation of a water conservation and flood control district embracing within its boundaries all of the territory contained in Wells County; and

WHEREAS, the petition of the Board of County Commissioners of Wells County was accompanied by a resolution bearing the signature of the county auditor thereof, which states that the Board of County Commissioners of Wells County had duly adopted such resolution, authorizing and directing the chairman of the Board of County Commissioners to file for and in behalf of said board said petition with the State Water Conservation Commission; and

WHEREAS, the State Water Conservation Commission, after public hearing on said petition had been held, approved the establishment of a water conservation and flood control district to be known as the Wells County Water Conservation and Flood Control District, embracing within its boundaries all of the territory contained in Wells County.

NOW, THEREFORE, BE IT ORDERED that a water conservation and flood control district, designated and known as Wells County Water Conservation and Flood Control District, is hereby established, embracing within its boundaries all the territory contained in Wells County.

The Board of County Commissioners of Wells County is hereby and hereunder authorized to appoint for said water conservation and flood control district a board of district commissioners consisting of three members and when thus appointed such district board of commissioners shall be fully vested with the powers and duties prescribed by statute.

Dated at Bismarck, North Dakota this 23rd day of May, 1961.

NORTH DAKOTA STATE WATER CONSERVATION COMMISSION

BY S/ William L. Guy  
William L. Guy, Governor and Ex Officio  
Chairman of the State Water Conservation  
Commission

ATTEST:

S/ Milo W. Hoisveen  
Milo W. Hoisveen, Secretary and Chief  
Engineer of the State Water Conservation  
Commission

**A G R E E M E N T**  
**For Investigation Or Survey**

**THIS AGREEMENT** made and entered into by and between the State Water Conservation Commission, hereinafter referred to as the Commission, party of the first part, and \_\_\_\_\_ whose post office address is \_\_\_\_\_ hereinafter referred to as the Applicant, party of the second part,

**WHEREAS,** \_\_\_\_\_ (Name of Applicant)

has requested the Commission to investigate, or survey, and study the feasibility and desirability of the following proposed undertaking (describe proposed undertaking or project):

and

**WHEREAS,** in order to investigate, or survey, and study the undertaking proposed by Applicant, a deposit of \_\_\_\_\_ Dollars is required, under rules and regulations prescribed by the State Water Conservation Commission, to cover the cost of such investigation, or survey, and study of the feasibility and desirability of the proposed undertaking; and

**WHEREAS,** if the cost of such investigation, or survey, and study does not equal or exceed the amount deposited with the Commission, the excess deposit will be credited to and returned to the Applicant, or if the undertaking is approved by the Commission, and carried out, the entire deposit will be applied to the cost of the undertaking as part of local contribution to its construction;

**NOW, THEREFORE,** the parties hereto agree as follows:

1. Applicant agrees to deposit with the Commission the sum of \_\_\_\_\_ Dollars to partially cover the cost of an investigation, or survey, and study of the desirability and feasibility of the proposed undertaking.

2. If, after investigation, or survey, and study of the proposed undertaking it is determined that it is not feasible, or that it will be of no public benefit, or if Applicant shall notify the Commission of abandonment of the proposed undertaking, or if the Applicant fails to show an intent to proceed with the undertaking within 18 months after the date of the deposit, the Applicant

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shall be furnished a statement of the expenses incurred in conducting the investigation, or survey, and study thereof, and any balance of Applicant's deposit remaining unexpended shall be returned to Applicant.

3. If, however, the proposed undertaking shall, after investigation, or survey, and study, be found to be feasible, and of benefit to the public, the Applicant shall be notified accordingly.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_\_.

\_\_\_\_\_  
(Applicant)

STATE WATER CONSERVATION COMMISSION

BY \_\_\_\_\_  
Chief Engineer

NORTH DAKOTA STATE WATER CONSERVATION COMMISSION  
 MONTHLY REPORT OF APPROPRIATIONS AS OF MAY 31, 1961  
 1959 - 1961 APPROPRIATIONS

FUND	AVAILABLE FUNDS		DISBURSEMENTS		FUND BALANCES		
	APPROPRIATION	RECEIPTS	TO DATE	MAY '61	UNEXPENDED	ENCUMB.	UNENCUMB.
1. COMM PER DIEM & EXPENSES	6,000.00	.00	4,935.50	64.86	1,064.50	612.35	451.65
2. ADMINISTRATION	49,200.00	716.73	46,034.79	2,299.21	3,881.99	413.02	3,468.97
3. MAINTENANCE OF DAMS	115,000.00	159,952.32	242,519.42	8,989.05	12,432.90	3,743.02	5,639.38
4. INT'L & INTERSTATE EXP	10,000.00	23.18	0,144.45	562.03	1,878.73	395.68	1,483.05
5. TOPOGRAPHIC SURVEYS, USGS	30,000.00	.00	29,349.05	.00	650.95	650.95	.00
6. HYDROGRAPHIC SURVEYS, USGS	27,500.00	900.00	28,400.00	1,413.97	.00	.00	.00
7. ENGR & GEOL SURVEYS, USGS	57,500.00	.00	43,886.28	1,296.18	13,613.72	13,613.72	.00
8. COOP WITH U. S. DEPT, ETC	57,000.00	.00	50,025.53	4,791.71	6,974.47	4,012.76	2,961.71
9. ENGINEERING INVESTIGATIONS	138,000.00	3,110.00	127,434.27	6,655.38	13,675.73	8,545.47	5,130.26
10. ADM OF WATER LAWS	6,000.00	.00	3,749.38	688.73	2,250.62	143.70	2,106.92
11. OASIS CONTRIBUTIONS	<u>6,500.00</u>	<u>2,957.83</u>	<u>7,797.07</u>	<u>.00</u>	<u>1,660.76</u>	<u>860.00</u>	<u>800.76</u>
	<u>502,700.00</u>	<u>147,660.11</u>	<u>502,275.74</u>	<u>26,761.12</u>	<u>58,084.37</u>	<u>32,991.17</u>	<u>25,093.20</u>

**NORTH DAKOTA STATE WATER CONSERVATION COMMISSION  
STATUS OF CONTINUING APPROPRIATIONS  
AS OF MAY 31, 1961**

FUND	AVAILABLE FUNDS		DISBURSEMENTS		FUND BALANCES		
	APPROPRIATION	RECEIPTS	TO DATE	MAY '61	UNEXPENDED	ENCUMB.	UNENCUMB.
20. Multiple Purpose	200,000.00						
"Car Fwd"	178,751.98	37,569.17	254,886.13	27,287.46	161,435.02	150,133.85	11,301.17
21. Const. Bond Guar.	90,000.00	12,545.09	20,539.00	.00	82,006.09	.00	82,006.09
22. Shop Building-Spec.	30,000.00				30,000.00	13,308.05	16,691.95

Note- Fund #21 receipts are obtained from retirement of and interest on securities that were in the Commission's sinking fund in excess of the amount required to retire the series "J" Bond Issue on December 10, 1957. Original disbursements from fund #21 were made during the early 1940's in accordance with Section 61-02-56 of the Century Code which provides that the Commission may guarantee or insure, or agree to pay, the interest on and principal of Commission Revenue Bonds, not exceeding 20 % of the par value of any such bonds.

SCHEDULE OF BONDS & INTEREST RECEIVABLE

<u>TYPE</u>	<u>DUE DATE</u>	<u>INTEREST RATE</u>	<u>INTEREST REC. TO MATURITY</u>	<u>PRINCIPAL AMOUNT</u>	<u>TOTAL INCOME ANTICIPATED</u>
U. S. Series G Bonds	3-62	2.50%	125.00	5,000.00	5,125.00
U. S. Series K Bonds	5-65	2.76%	165.60	1,500.00	1,665.60
U. S. Series K Bonds	4-67	2.76%	331.20	2,000.00	2,331.20
U. S. Treasury Bonds	12-15-68	2.50%	600.00	3,000.00	3,600.00
Sioux Irrigation Dist. Bonds 1984 Serially		2.25%	5,332.50	17,500.00	22,832.50
			6,554.30	29,000.00	35,554.30

The Construction Bond Guarantee Fund will attain its original cash level of \$90,000 in 1964 at which time legislative action will be required to determine disposition of the funds received in excess of the original appropriation as noted in the opinion of the Attorney General, dated January 2, 1958.

Fund Balance.....	82,006.09
	117,560.39
Less Original Appropriation	90,000.00
Excess.....	27,560.39

NORTH DAKOTA STATE WATER CONSERVATION COMMISSION  
 MONTHLY REPORT OF APPROPRIATIONS AS OF MAY 31 1961  
 1957-1959 APPROPRIATIONS

FUND	AVAILABLE FUNDS		DISBURSEMENTS TO DATE	FUND BALANCES			
	APPROPRIATION	RECEIPTS		UNEXPENDED	ENCUMB.	UNENCUMB.	
1. COMM PER DIEM & EXP	6,000.00	.00	6,000.00 #	.00	.00	.00	
2. ADMINISTRATION	47,000.00	2,797.33 &	49,579.27	.00	218.06	.00	218.06
3. MAINTENANCE OF DAMS	105,000.00	101,910.58	206,910.58	.00	.00	.00	.00
4. INT'L & INTERSTATE EXP	8,000.00	14.85	7,997.33	.00	17.52	.00	17.52
5. TOPOGRAPHIC SURVEYS, USGS	30,000.00	.00	30,000.00	.00	.00	.00	.00
6. HYDROGRAPHIC SURVEYS, USGS	27,500.00	.00	27,500.00	.00	.00	.00	.00
7. ENGR & GEOL SURVEYS, USGS	37,500.00	5,306.81	42,806.81	.00	.00	.00	.00
8. COOP WITH U. S. DEPT, ETC	50,000.00	10.00	50,004.93	.00	5.07	.00	5.07
9. SMALL PROJECTS, ETC	118,000.00	2,374.98	120,374.98 @	.00	.00	.00	.00
10. ADM OF WATER LAWS	6,000.00	.00	6,000.00	.00	.00	.00	.00
11. OASIS CONTRIBUTIONS	3,800.00	4,541.24 %	8,341.24	.00	.00	.00	.00
	<u>438,300.00</u>	<u>118,955.79</u>	<u>555,515.14</u>	<u>.00</u>	<u>240.65</u>	<u>.00</u>	<u>240.65</u>

# INCL TRANSFER TO FUND #2 -\$523.62  
 @ INCL TRANSFER TO FUND #2 -\$97.57  
 & INCL TRANSFER FROM FUND #1-\$523.62 & FUND #9-\$97.57  
 % TRANSFER FROM EMERGENCY COMM -\$4,541.24

3-31-60

NORTH DAKOTA STATE WATER CONSERVATION COMMISSION  
PAYROLL - MAY 31, 1961

SALARIED EMPLOYEES

NAME	POSITION	PAY GRADE	REMARKS	SALARY MAY '61	WITH. TAX	SOC. SEC.	HOSP. INS	BONDS ETC	NET PAY
HOISVEEN, MILO W.	STATE ENGR	O-8	INC JUL '60	927.67	139.20	27.83	17.20	18.75	724.69
ANDERSON, LARRY	RODMAN	B-7	INC JUL '60	196.67	25.60	5.90			165.17
BAESLER, GORDON	DRAFTSMAN	F-6	INC JUL '60	364.17	45.50	10.92			307.75
COOPER, VERNON S.	ASST SECY	1M-6	INC JUL '60	383.34	71.00	11.52	17.20		284.12
EMTER, JEANNE	TYPIST	B-7	INC DEC '60	196.67	25.60	5.90	17.20		147.97
FREDRICKSON, FRED	COORDINATOR	G-4	INC JUL '60	399.67	41.30	11.99			346.38
GEHRING, EDNA	FILE CLERK	C-6	INC JUL '60	226.17	40.70	6.79	7.05		171.63
GRINDBERG, ALAN	ENGINEER	K-2	INC FEB '61	583.67	106.20	17.51	7.05	175.00	277.91
HILAND, LEONE	CH STENO	F-6	INC JUL '60	364.17	45.50	10.93	7.05		300.69
KNUTSON, LEWIS	DRILLER	F-5	PER OCT '60	354.67	34.10	10.64			309.93
LAUINGER, ANTON	DRILLER	F-2	RES MAY '61	84.17	9.90	2.53			71.74
MOSER, IRVIN	RODMAN	B-9	INC JUL '60	206.67	27.10	6.20		18.75	154.62
NELSON, C. P.	ENGINEER	K-3	INC FEB '61	600.67	81.60	18.02			501.05
PUTZ, ROY	OFF ASST	A-10	INC JUL '60	189.50	14.20	5.69	7.05		162.56
REITER, DANIEL	FOREMAN	G-7	INC MAY '61	432.67	37.40	12.98	17.20	18.75	346.34
RIVINIUS, MERRIL	ENGINEER	H-8	STA FEB '61	504.17	81.80	15.13	7.30		399.94
SACKMAN, EUGENE	INST MAN	G-1	INC MAY '60	366.67	15.50	11.00	17.20		322.97
SANDWICK, HAZEN	ENGINEER	K-7	INC JUL '60	668.67	68.80	20.06	17.20	37.50	525.11
SCHMID, ROGER	ASST INV ENGF	-10	STA MAR '61	402.17	43.80	12.07			346.30
SCHULZ, JIM	ACCOUNTANT	G-3	INC FEB '61	388.67	49.80	11.66			327.21
SCHWINKENDORF, DON	INST MAN	E-6	INC AUG '60	306.67	45.40	9.20			252.07
TIMM, ROBERT J.	ASST ST ENG	K-9	INC JUL '60	702.67	76.00	21.08	17.20		588.39
WALTERSON, HOWARD	FOREMAN	G-7	INC MAY '61	432.67	57.40	12.98	17.20		345.09
WALTERSON, JEAN	DRAFTSMAN	E-3	INC FEB '61	282.67	31.10	8.48			243.09
				<u>9,566.08</u>	<u>1,214.50</u>	<u>287.01</u>	<u>173.10</u>	<u>268.75</u>	<u>7,622.72</u>

NORTH DAKOTA STATE WATER CONSERVATION COMMISSION  
PAYROLL - MAY 1 31, 1961

HOURLY EMPLOYEES

NAME	POSITION	PAY GRADE	REMARKS	SALARY MAY '61	WITH. TAX	SOC. SEC.	HOSP. INS	BONDS ETC	NET PAY
BEATTY, LESTER	ASST DRILLER	1.75	STA APR '61	277.20	44.75	8.32			224.13
BURKHARTSMEIER, G.	LABORER	1.65	STA APR '61	417.46	63.80	12.52			341.14
HIMMELPACH, JAMES	ASST DRILLER	1.60	RES APR '61	91.20	14.40	2.74			74.06
JOHNSON, GEORGE	OPERATOR	2.00	INC APR '61	519.00	82.20	15.57			421.23
LEE, ROGER	OPERATOR	1.65	FIR MAY '61	307.74	45.90	9.24			252.60
NEWGARD, DENNIS	OPERATOR	1.95	INC APR '61	461.18	71.90	13.84			375.44
PETERSON, JOHN	OPERATOR	2.00	INC APR '61	519.00	82.80	15.57			420.63
SCHAAN, EDWARD	LABORER	1.65	INC MAY '61	326.65	50.00	9.80			266.85
SCHWEIGERT, CALVIN	LABORER	1.50	STA MAY '61	149.25	22.40	4.48			122.37
SOULE, WAYNE	ASST DRILLER	1.75	INC MAY '61	340.85	52.30	10.23			278.32
VOELLER, PIUS	OPERATOR	1.95	INC APR '61	499.22	2.70	14.97			481.55
				3,908.75	533.15	117.28	.00	.00	3,258.32