

MINUTES
NORTH DAKOTA STATE WATER COMMISSION
Held in the Office of the State Water Commission
Bismarck, North Dakota
May 7, 1965

MEMBERS PRESENT:

Oscar Lunseth, Vice-Chairman, Grand Forks
Einar Dahl, Member from Watford City
Richard P. Gallagher, Member from Mandan
Henry Steinberger, Member from Donnybrook
Gordon Gray, Member from Valley City
Arne Dahl, Commissioner, Department Agriculture & Labor, Bismarck
Milo W. Hoisveen, State Engineer, Chief Engineer and Secretary, Bismarck

OTHERS PRESENT:

Cliff Jochim, Special Assistant Attorney General, Bismarck

The meeting was called to order by Vice-Chairman Lunseth at 9:45 a.m. with Commissioners Einar Dahl, Henry Steinberger, Arne Dahl, and Secretary Hoisveen present.

**APPROVAL OF MINUTES OF
MARCH 16, 1965**

approved as circulated.

It was moved by Commissioner Einar Dahl, seconded by Commissioner Steinberger and carried that the minutes of March 16, 1965, be

**APPROVAL OF FINANCIAL
STATEMENTS FOR MARCH
AND APRIL, 1965**

the end of the present biennium.

Secretary Hoisveen reviewed the financial statements for March and April, 1965. The Secretary stated that all the funds of the State Water Commission would be fairly well obligated by

It was moved by Commissioner Steinberger, seconded by Commissioner Arne Dahl and carried that the financial statements for March and April, 1965, be approved.

**RESOLUTION AUTHORIZING
THE ESTABLISHMENT OF THE
MOUNTRAIL WATER MANAGE-
MENT DISTRICT**

who were present at the hearing were very favorable towards the creation of a water management district in that county. There were no objectors. Mr. Hoisveen read the Resolution To Establish The Mountrail Water Management District, which resolution is attached as Appendix A. The Secretary stated he also had the Order establishing the district.

A public hearing was held in the City of Stanley on April 26th, 1965, pertaining to the establishment of a county-wide water management district embracing the territory within Mountrail County. The residents of the county

It was moved by Commissioner Steinberger, seconded by Commissioner Einar Dahl and carried that the Resolution Establishing the Mountrail County Water Management District be approved.

**SURVEY REQUEST AS
TO SEALING OFF SEEPAGE
OF STANLEY CITY
RESERVOIR**

The City of Stanley is requesting a survey relative to sealing off a seepage vein in the city reservoir. The dam and reservoir are south of Stanley about one mile. The dam was originally constructed by the Great Northern Railroad Company. The City has installed a well near the reservoir but apparently the seepage is quite great and the City loses a considerable amount of water through seepage. The City wishes to have the State Water Commission make a survey to determine possible methods of improving the water supply. Secretary Hoisveen explained the procedure used in making a study of this type of problem.

It was moved by Commissioner Einar Dahl, seconded by Commissioner Steinberger and carried that the State Engineer be authorized to make a survey relative to repairs for the Stanley Dam.

Commissioners Gallagher and Gray entered the meeting.

**NORTH DAKOTA WATER USERS
ASSOCIATION STATEMENT FOR
SERVICES RENDERED**

Secretary Hoisveen stated that the North Dakota Water Users Association has been participating with the State Water Commission for a great many years. They have performed valuable services as far as the Water Commission is concerned. They have been particularly helpful during sessions of the Federal and State Legislatures in obtaining authorization and appropriations. They expend several thousands of dollars on behalf of the State Water Commission activities each year. In the past they have received \$1500 for services rendered to the State Water Commission. This amount has been increased to \$2000 for the present fiscal year. Secretary Hoisveen recommended that the State Water Commission accept the increase. The Association is going to be required to pay a greater percentage of the dues to the National Reclamation Association.

Commissioner Gray recommended that in view of the extensive work the Association is doing, and has been doing for the Garrison Diversion Unit, that the amount be increased to \$2500 at least. The Association is performing services for the State Water Commission in areas where the Commission cannot perform. There was discussion on the recommendation to increase the amount for services rendered to \$2500.

It was moved by Commissioner Gray, seconded by Commissioner Steinberger and carried that the Commission approve the statement for services rendered by the North Dakota Water Users Association in the amount of \$2500.

**MISSISSIPPI VALLEY
ASSOCIATION FILM ON
THE MISSOURI BASIN**

The Mississippi Valley Association is preparing a historic film on the development of the Missouri Basin. They have allocated so much for each state within the basin. North Dakota's allocation is \$1,000. The State Water Commission has been required to participate to the extent of \$250. Mr. Steinberger is a member of the Mississippi Valley Association.

Mr. Steinberger stated that Jim Smith Secretary of the Mississippi Valley Association, had written him a letter requesting that North Dakota contribute \$1,000 for this film, which is to cost \$30,000. The film stresses water for irrigation, both by flooding and sprinkler system. Mr. Smith was responsible for selling the State of Missouri on the Garrison Diversion Unit. The State of Missouri was of the opinion that all the water should be reserved for downstream users. Mr. Steinberger stated that he had collected \$750 and wondered if the State Water Commission would be willing to help out on this project to the extent of \$250.

It was moved by Commissioner Steinberger, seconded by Commissioner Arne Dahl and carried that the State Water Commission participate to the extent of \$250 towards the preparation of a film depicting the development of the Missouri Basin.

**NORTHWESTERN BELL TELEPHONE
COMPANY REQUEST TO CROSS
THE LITTLE MISSOURI RIVER**

The Northwestern Bell Telephone Company requested by letter permission to cross the Little Missouri River south of Watford City with a cable installation. Secretary Hoisveen

read the letter, and recommended that the Commission grant the telephone company permission to cross the Little Missouri River south of Watford City in the area of the upper Roosevelt Park.

It was moved by Commissioner Einar Dahl, seconded by Commissioner Arne Dahl and carried that the Northwestern Bell Telephone Company be granted permission to cross the Little Missouri River south of Watford City.

**REQUEST FOR LEVELING
SPOIL BANKS ADJACENT TO
THE BOISE de SIOUX
RIVER**

The Richland County Water Management District and the Richland County Commissioners requested that the State Water Commission endeavor to have the spoil banks of the Boise de Sioux leveled to enable the county to control the

noxious weeds. During the post war period the Corps had deposited the spoil in piles which are unsightly and harbor obnoxious weeds. It was suggested that the Corps of Engineers be requested to take action to level the spoil banks so the county could mow the banks and thereby eliminate the weed hazard and unsightliness of the banks.

It was moved by Commissioner Gray, seconded by Commissioner Steinberger and carried that the Secretary be authorized to request the Corps of Engineers to level the spoil banks on the Boise de Sioux in Richland County.

**LOWER HEART RIVER
PROJECT**

Commissioner Gallagher pointed out that a reverse situation existed on the Lower Heart project which the Corps of Engineers, Omaha

District, installed. On this project the Corps left borrow pits in an unsightly manner which is also a harbor for obnoxious weeds. The Chief Engineer recommended that the Commission request the Corps of Engineers to remedy the situation.

It was moved by Commissioner Gallagher, seconded by Commissioner Steinberger and carried that the Chief Engineer request the Omaha District, Corps of Engineers to do something about the fill in the old channels of the Heart River.

DES LACS RIVER PETITION TO RE-ROUTE SEGMENT A petition has been filed with the State Water Commission requesting permission to re-route the channel of the Des Lacs River as described in the petition. The Commission staff has checked on the situation in the Des Lacs River and the re-routing will not be harmful to anyone in the area. Secretary Hoisveen recommended the granting of the petition.

It was moved by Commissioner Steinberger, seconded by Commissioner Gallagher and carried that the request of the Industrial Commission for permission to re-route the channel of the Des Lacs River in the area set forth in the petition be granted.

HAZEN REQUEST FOR SURVEY TO CONSTRUCT A DAM The City of Hazen has requested the Commission's participation in the survey of a dam on the Knife River. The City officials have signed the agreement required by the State Water Commission and have also forwarded the \$200 deposit which is a requirement for such survey.

It was moved by Commissioner Gallagher, seconded by Commissioner Einar Dahl and carried that the Commission approve the request of the City of Hazen for a survey to construct a dam on the Knife River near Hazen.

GRANDIN REQUEST FOR COST PARTICIPATION IN PROPOSED DAM FOR WATER SUPPLY A request has been received from the City of Grandin for participation in the construction of a dam for a municipal water supply. The staff of the Water Commission has completed a survey and a cost estimate for a dam site on the South Branch of the Elm River at Grandin. The anticipated cost of the structure would be between \$55,000 and \$65,000. No Federal grants can be anticipated since this is for a municipal water supply. The Commission's share would be between \$27,000 and \$30,000 for this project. If constructed, this dam would supply the city with a water supply. Secretary Hoisveen recommended the Commission participate in this project.

It was moved by Commissioner Gray, seconded by Commissioner Lunseth and carried that the Commission participate in the Grandin project.

VALLEY CITY FLOOD Pictures published in the newspaper concerning the recent Valley City flood were exhibited to the Commissioners. Representative Andrews suggested that the Corps base their flood forecast on a five year period rather than on a thirty year period. Commissioner Gray described the way the flood waters passed over the dam recently constructed at Valley City by the State Water Commission.

A letter was received from L. H. Bruhn, President of the City Commission at Valley City, commending the State Water Commission for its help in protecting the mill site dam. He also suggested that at some future date a survey be made to see what further improvements should be made in eliminating the flood hazard to Valley City. Secretary Hoisveen indicated that a flood wall constructed in the vital locations in Valley City would be one of the best corrective methods. He also mentioned the construction of a dam on the Sheyenne near Warwick as a possible solution. Secretary Hoisveen stated that as an emergency measure during the Valley City flood, expenditures approximating \$1500 were made, which included sand bags used to protect the dam. He implied that he had ordered 10,000 more sand bags for other areas that might have trouble and that these were now inventory items. Secretary Hoisveen requested that the Commission approve the expenditure of \$3000 for Valley City. The Commission has made a cost estimate for doing certain reinforcement of the gate. The Commission is attempting to get the Sport Fisheries and Wildlife Service to participate in this expenditure, which amounts to \$3000.

It was moved by Commissioner Gray, seconded by Commissioner Arne Dahl and carried that the State Engineer be authorized to pay the expenditure of \$1500 for purchasing additional sand bags incurred on an emergency basis and an added amount of \$1500 for protective works at the Valley City Dam.

It was moved by Commissioner Gray, seconded by Commissioner Arne Dahl and carried that the State Water Commission participate with the City of Valley City and the Sport Fisheries and Wildlife, pending their agreement to participate, in the permanent stabilization of the banks below the dam at Valley City. This participation would be \$1000 if the Bureau of Sport Fisheries and Wildlife participate, if not \$1500 for the State Water Commission and \$1500 for the City or city power plant.

NEWSPAPER EDITORIALS Minot and Lisbon

Secretary Hoisveen read an editorial which appeared in the Ransom County Gazette of Lisbon concerning "floods, dams, dikes and bureaucrats." An editorial also appeared in the Minot Daily News to which Secretary Hoisveen replied and which reply was printed in the Minot Daily News. He stated that Mr. Glover had made a study of the Sheyenne River prior to his coming to the State Water Commission. Secretary Hoisveen explained the length of time it takes the flood waters to flow down from the Baldhill Dam. The Commissioners discussed the Lisbon situation and suggested that a study be made relative to means and needed control structures in case of another flood.

Secretary Hoisveen stated that the Red River Basin Planning Committee is meeting on May 28th and this problem is to be a part of the Agenda.

It was moved by Commissioner Gray, seconded by Commissioner Arne Dahl and carried that the Secretary be authorized to write an appropriate letter sympathizing with Lisbon's problem and pointing out how much more grievous the situation might have been without a dam.

MOUNT CARMEL DAM

The proposed Mount Carmel dam site is located in Cavalier County. It would be situated on shale which is not the best type of foundation material. The construction of this dam would be rather expensive - \$125,000. The impoundment would approximate 3700 acre-feet and would cover a surface area of 300 acres. The City of Langdon is interested in the project as is the Cavalier Water Management District. Langdon is currently depending on a drainage area approximating six square miles for their municipal water supply. Secretary Hoisveen explained the formula for participation in the cost of the proposed Mount Carmel Dam. The total estimated cost of the construction of Mount Carmel Dam would be \$125,000. The City of Langdon would participate on a 20 per cent basis or \$25,000 which would be shared by the State Water Commission on a 50-50 basis. For recreation the anticipated amount would be \$100,000 with the Bureau of Outdoor Recreation participating on a 40 percent basis or \$40,000; the Game and Fish Department, 20 per cent or \$20,000; the State Water Commission 20 per cent or \$20,000; and on the local level, 20 per cent or \$20,000. The State Water Commission would not participate in the purchase of any land. The land purchase would be shared by the Bureau of Outdoor Recreation, the Game and Fish Department, the City of Langdon and the Water Management District. Secretary Hoisveen recommended that he be authorized to negotiate with these various agencies as outlined by the formula, which is attached as Appendix B.

It was moved by Commissioner Gallagher, seconded by Commissioner Lunseth and carried that the State Engineer be directed to start negotiations with the various agencies for participation in the Mount Carmel Dam Project as outlined in the formula.

LAKE JUANITA DAM

Secretary Hoisveen stated that the breakdown for the Lake Juanita Dam Project was contingent upon the Bureau of Outdoor Recreation Funds. A survey has been made of the area. The question was asked as to whether or not the planting of trees was a part of the agreement. Secretary Hoisveen stated that tree planting would be written into the agreement. The Lake Juanita project would cost approximately \$35,000 and would be for recreation with the Bureau of Outdoor Recreation participating to the extent of \$14,000, the Game and Fish Department, \$5,000, the State Water Commission, \$8,000, and the Foster County Water Management District, \$8,000. The State Water Commission would not participate in the land acquisition. The Bureau of Outdoor Recreation would participate in the land acquisition to the extent of 40 per cent. The Game and Fish Department and the Water Management District would share the remaining costs of land acquisition.

It was moved by Commissioner Einar Dahl, seconded by Commissioner Steinberger and carried that the State Water Commission participate in the project not to exceed \$8000.

**DEVILS LAKE SUB-BASIN
HEARING MAY 25, 1965
NEWS RELEASE**

Secretary Hoisveen stated that at the last Commission meeting Governor Guy requested that the State Water Commission hold a meeting on May 24th at Camp Grafton and that the meeting be followed on May 25th by a hearing relative to the Devils Lake sub-basin study, which study the Corps of Engineers implied they wish to drop in view of opposition expressed by the Bureau of Sport Fisheries and Wildlife. The Bureau of Sport Fisheries and Wildlife operates a refuge in that area which they wish

to expand. The Governor requested that the hearing be held to ascertain the opinion of the local people as to what they desire to do regarding the two proposals. The Governor also suggested that the State Water Commission get out a news release prior to the hearing on the Corps of Engineers and the Bureau of Sport Fisheries and Wildlife proposals. Considerable work was done in the preparation of this news release. Secretary Hoisveen read the news release which is to be published in the Devils Lake Daily Journal and other newspapers in the area. The Commissioners approved the news release as prepared by the State Water Commission.

WHITE HOUSE INVITATION - CONFERENCE ON NATIONAL BEAUTY - May 24 and 25 Secretary Hoisveen stated that he had received an invitation from the White House to participate in the Conference on National Beauty to be held on May 24 and 25, 1965. He stated that this would conflict with the Devils Lake meeting of the Water Commission and the hearing on the Devils Lake Sub-basin Study. It was the opinion of the Commissioners that Secretary Hoisveen should attend this Conference, after consulting with the Governor.

It was moved by Commissioner Arne Dahl, seconded by Commissioner Gallagher and carried that Secretary Hoisveen attend the White House Conference on National Beauty, after consultation with the Governor.

PEMBINA SNAGGING AND CLEARING PROJECT Secretary Hoisveen reported on the meeting in Pembina on April 8, 1965, concerning the snagging and clearing project on the Pembina River. The local people are objecting to the snagging and clearing as it will necessitate the removal of trees.

INTERNATIONAL JOINT COMMISSION MEETING AT MANITOU AND WALHALLA Secretary Hoisveen informed the Commissioners that a meeting of the International Joint Commission was to be held in Manitou, Manitoba, Canada, on June 9 and in Walhalla on June 10. The State Water Commission has been requested to prepare a statement. Statements will also be prepared by the State Water Commission for use by the local people. If the Commissioners so desire, the Water Commission will aid in every way possible to make this a successful meeting.

It was moved by Commissioner Gallagher, seconded by Commissioner Gray and carried that the State Water Commission do everything possible to make the International Joint Commission meeting a success.

The meeting recessed until 1:30 p.m. The meeting reconvened at 2:00 p.m. The following Commissioners were present: Steinberger, Gallagher, Gray, Lunseth and Secretary Hoisveen.

RED RIVER VALLEY BASIN STUDY Secretary Hoisveen read a letter from William J. Sturlaugson relative to a study of the Red River Valley Basin, which letter is to be included on the agenda for the meeting of the Red River Basin Planning Committee. A report will be made at the meeting of the Planning Committee.

**RESOLUTION AUTHORIZING THE
ESTABLISHMENT OF THE MERCER
COUNTY WATER MANAGEMENT
DISTRICT**

A meeting was held in Hazen on April 26, 1965, relative to the establishment of a water management district in Mercer County. The Fort Clark Irrigation District objected to being included in the water management district. The main reason for establishing the water management district was to have a local legal entity to cooperate with the Corps of Engineers and the Commission in assuming a portion of the assurances required for the bank stabilization project. The Fort Clark Irrigation District, which is in Mercer County, will receive most of the protection. Mr. Jochim checked with the County Commissioners as to their reaction to excluding the Fort Clark Irrigation District in the county-wide water management district.

Mr. Jochim stated that Mr. Klaudt indicated that the Truax-Traer Company wanted to be included in the water management district. The Basin Electric Company was also interested. Mr. Jochim stated that he was unable to get a hold of anyone connected with these companies who knew anything about the matter. In fact they thought it would be advisable to be included in the District. Secretary Hoisveen read the Resolution authorizing the establishment of the Mercer County Water Management District, which Resolution is attached as Appendix C. It was the opinion of the Commissioners that the Fort Clark Irrigation District should not be excluded from the water management district.

It was moved by Commissioner Gallagher, seconded by Commissioner Steinberger and carried that the Resolution Authorizing the Establishment of the Mercer County Water Management District be approved.

**BURLEIGH COUNTY GROUND-
WATER PERMIT DIFFICULTIES
Baeth-Adams-Burke**

Mr. Jochim gave the background of the ground-water difficulties encountered with Messrs. Adams, Baeth and Burke. Mr. Adams has priority, has developed his irrigation system and has a completion certificate and water license. Messrs. Baeth and Burke have not as yet been granted a water permit. The Adams' well location is such that when Baeth pumps there is an immediate and material drawdown on the Adams' well. If Burke and Baeth move their wells to a location specified by the State Water Commission Geologists, they could pump at a minimum rate of 450 and 500 gallons per minute respectively, without interfering materially with Adams. Their contention is that in 1961, when granting Adams a water permit, no pumping test was required by the State Water Commission to see if he could pump 900 gallons per minute, as granted to him. The law does not specifically require a pumping test prior to approval of a permit. It was not the policy in 1961 to conduct a pumping test on wells. Mr. Burke has done nothing except to apply for a permit. Mr. Baeth, after applying for a permit, drilled and bought equipment before his application was approved. It would cost Baeth around \$2500 to \$3500 to move his well to another location. After a meeting in October, it was determined that Baeth could pump 600 gpm if he would move to a location specified by State Water Commission Geologists. An agreement was prepared and sent to Baeth's attorney. Mr. Baeth claims he never saw the agreement. The Geologists, after conducting a pumping test on the aquifer, determined he could pump 600 gpm if he moved his well and he refused. According to the Geologists, if Mr. Adams had had a pump test at the time he applied for a permit it would have been determined that he could pump at

450 gpm and his permit would have been approved for that amount. If he pumps more than that he will hurt his own well. Mr. Adams, at the present time, is pumping at only 450 gpm. The next move, Mr. Jochim stated, should be left up to them. Mr. Jochim recommended that the Commission do nothing. Mr. Jochim stated that he was explaining the situation in view of the letters sent to the Commission members. There needs to be a policy as to how the State Engineer is to act in the future in cases of this type. Mr. Jochim recommended that if one water user is using water in an amount that is excessive and harmful to another user without a permit that the one who is being harmed should bring the action, not the State Water Commission.

Mr. Gallagher suggested that the permits be granted by pumping on alternate days. Mr. Jochim contacted Mr. Adams, who stated that when they need the water they wouldn't be getting it and it would not be doing either of them any good.

**RESOLUTION - SWEETWATER-
CHAIN LAKES WATER MANAGEMENT
DISTRICTS DEVILS LAKE BASIN
STUDY**

A joint Resolution was received from the Chain Lakes Water Management District and the Sweetwater-Dry Lake Water Management District requesting that the study for the improvement of the drainage and prevention of flooding of farmlands in the Devils Lake Basin be continued. Secretary Hoisveen suggested that possible this Resolution could be read by Governor Guy at the hearing on May 25th.

**RESOLUTIONS - FLOOD
PROTECTION FOR THE CITY
OF MINOT**

Resolutions were received from the Minot Chamber of Commerce and the City of Minot urging the United States Corps of Engineers to proceed with their plans for flood protection for the City of Minot.

Commissioner Steinberger stated that the proposed plans call for a "dry dam" to catch these 50-60 year floods. The Corps wants flood easements and they only pay for one damage to the property. Secretary Hoisveen stated that the land should be purchased. Commissioner Steinberger stated that they should study other proposals before going ahead with the project. The Commissioners discussed the problem relative to possible flooding in the area of the City of Minot.

It was suggested that a Resolution be drawn which would include safeguards for the landowners. It was recommended that the Corps of Engineers study the feasibility plan to protect the people. It was suggested that the State Engineer and Mr. Jochim draw up a resolution for consideration at the next meeting.

It was moved by Commissioner Gallagher, seconded by Commissioner Gray and carried that Secretary Hoisveen and Mr. Jochim draw up a Resolution recommending that the Corps of Engineers study a feasibility plan to protect the landowners in the Minot area.

**AUDIT REPORT - July 1,
1963 to June 30, 1964**

The Audit Report of the State Water Commission for the period July 1, 1963 to June 30, 1964 was reviewed by the Commissioners.

It was moved by Commissioner Gallagher, seconded by Commissioner Gray and carried that the Audit Report be received and placed on file and that the State Auditor be notified that the report has been accepted.

**WATER RIGHTS
#1272**

The application of Lee Hoff of Leith to divert 160 acre-feet of water from an Unnamed Creek tributary to the Cannonball River for water-spreading 108 acres of land was presented to the Commission by the Secretary for consideration.

The State Engineer, Milo W. Hoisveen, having considered the application and made his recommendation thereon for 108 acre-feet for waterspreading purposes, it was moved by Commissioner Gray, seconded by Commissioner Gallagher and carried that the application as modified by the recommendation of the State Engineer be approved and the permit granted for the diversion of 108 acre-feet for waterspreading 108 acres of land subject to such conditions as indicated on the permit.

#1273P

The application of the Bureau of Sport Fisheries and Wildlife, Minneapolis, Minnesota, to divert 124 acre-feet plus storage to elevation 2295 acre-feet from an intermittent stream tributary to Elbow Lake for fish and wildlife purposes was presented to the Commission by the Secretary for consideration.

The State Engineer, Milo W. Hoisveen, having considered the application and made his recommendation thereon for 124 acre-feet plus storage to elevation 2295 acre-feet for fish and wildlife purposes, it was moved by Commissioner Gray, seconded by Commissioner Gallagher and carried that the application be approved and the permit granted for the diversion of 124 acre-feet plus storage to elevation 2295 acre-feet for fish and wildlife purposes, subject to such conditions as indicated on the permit.

#1274P

The application of the Bureau of Sport Fisheries and Wildlife, Minneapolis, Minnesota, to divert 730 acre-feet plus storage to elevation 2236 acre-feet from an intermittent stream tributary to Upper Lostwood Lake for fish and wildlife purposes was presented to the Commission by the Secretary for consideration.

The State Engineer, Milo W. Hoisveen, having considered the application and made his recommendation thereon for 730 acre-feet plus storage to elevation 2236 for fish and wildlife purposes, it was moved by Commissioner Gray, seconded by Commissioner Gallagher and carried that the application be approved and the permit granted for the diversion of 730 acre-feet plus storage to elevation 2236 for fish and wildlife purposes subject to such conditions as indicated on the permit.

#1275

The application of Reuben Brakken, of Williston, to divert 440 acre-feet of water from the Missouri River, Garrison Reservoir, to irrigate 220 acres of land was presented to the Commission by the Secretary for consideration.

The State Engineer, Milo W. Hoisveen, having considered the application and made his recommendation thereon for 440 acre-feet to irrigate 220 acres, it was moved by Commissioner Gray, seconded by Commissioner Gallagher and carried that the application be approved and the permit granted for the diversion of 440 acre-feet to irrigate 220 acres of land, subject to such conditions as indicated on the permit.

#1276 The application of Mrs. Ida Kling of Werner to divert 200 acre-feet of water from an unnamed intermittent draw tributary of Spring Creek and the Missouri River to waterspread 100 acres of land was presented to the Commission by the Secretary for consideration.

The State Engineer, Milo W. Hoisveen, having considered the application and made his recommendation thereon for 100 acre-feet to waterspread 100 acres, it was moved by Commissioner Gray, seconded by Commissioner Gallagher and carried that the application as modified by the recommendation of the State Engineer be approved and the permit granted for the diversion of 100 acre-feet to waterspread 100 acres of land, subject to such conditions as indicated on the permit.

#1277 The application of Boundary Creek Water Management District of Bottineau to Divert 252 acre-feet of water from an unnamed tributary to Boundary Creek for annual use and 1172 acre-feet for storage for recreation, fish and wildlife, and flood control was presented to the Commission by the Secretary for consideration.

The State Engineer, Milo W. Hoisveen, having considered the application and made his recommendation thereon for 252 acre-feet annual use, 1172 acre-feet storage for recreation, fish and wildlife, and flood storage, it was moved by Commissioner Gray, seconded by Commissioner Gallagher and carried that the application be approved and the permit granted for the diversion of 252 acre-feet annual use, 1172 acre-feet storage for recreation, fish and wildlife, and flood storage subject to such conditions as indicated on the permit.

#1278 The application of Sig Peterson of Almont, to divert 62.4 acre-feet of water from Sims Creek tributary of Big Muddy Creek and Heart River to irrigate 41.6 acres of land for irrigation purposes was present to the Commission by the Secretary for consideration.

The State Engineer, Milo W. Hoisveen, having considered the application and made his recommendation thereon for 41.6 acre-feet to irrigate 41.6 acres, it was moved by Commissioner Gray, seconded by Commissioner Gallagher and carried that the application as modified by the State Engineer be approved and the permit granted for the diversion of 41.6 acre-feet to irrigate 41.6 acres of land subject to such conditions as indicated on the permit.

#1279 The application of Foster County Water Management District of Carrington to divert 970 acre-feet of water from Pipestem Creek for recreation purposes was presented to the Commission by the Secretary for consideration.

The State Engineer, Milo W. Hoisveen, having considered the application and made his recommendation thereon for 150 acre-feet to irrigate 78 acres, it was moved by Commissioner Gray, seconded by Commissioner Gallagher and carried that the application be approved and the permit granted for the diversion of 150 acre-feet to irrigate 78 acres of land, subject to such conditions as indicated on the permit.

adjourned at 4:15 p.m.

There being no further business, the meeting

Milo W. Hoisveen

Secretary

ATTEST:

William L. Gray
Chairman-Governor

APPENDIX A

RESOLUTION 5-7-215
AUTHORIZING THE ESTABLISHMENT OF
MOUNTRAIL COUNTY WATER MANAGEMENT DISTRICT

WHEREAS, Mountrail County, North Dakota, acting by and through its Board of County Commissioners, on the 10th day of April, 1965, filed with the State Water Commission its petition requesting the establishment of a water management district embracing the territory within Mountrail County; and

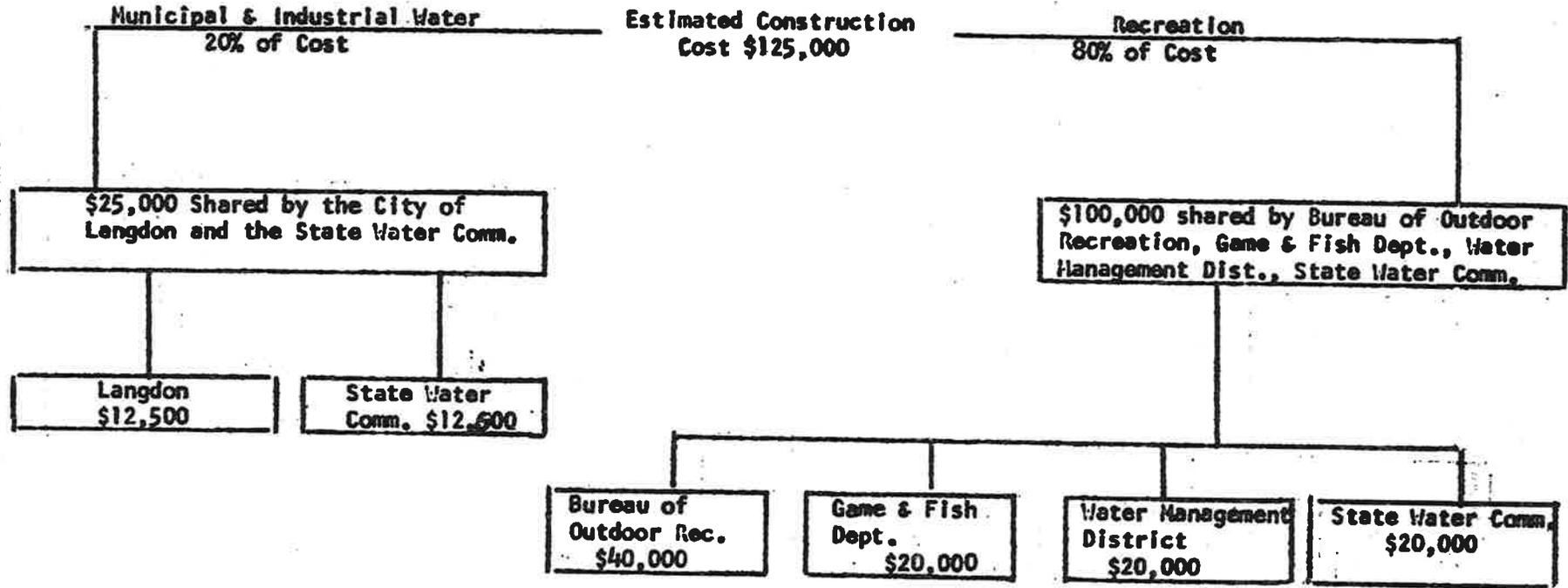
WHEREAS, the report of the Chief Engineer of this Commission and the facts adduced at a public hearing held in the City of Stanley on the 26th day of April, 1965, disclosed that adequate relief from flood waters through improvement of watershed areas in Mountrail County, and investigations of water bearing aquifers, can best be accomplished by a water management district in cooperation with state and federal agencies;

NOW, THEREFORE, BE IT RESOLVED that the State Water Commission, in meeting duly assembled this 7th day of May, 1965, in Bismarck, North Dakota, does hereby authorize and direct the Chairman and Secretary of this Commission to execute an Order establishing a water management district embracing the territory within Mountrail County and designated the Mountrail County Water Management District.

MOUNT CARMEL DAM

Estimated Construction Cost \$125,000

APPENDIX B



LAND ACQUISITION

State Water Commission does not participate.

Bureau of Outdoor Recreation	40%
Game and Fish Department	20%
City of Langdon	20%
Water Management District	20%

APPENDIX B

APPENDIX C

**RESOLUTION 5-7-216
AUTHORIZING THE ESTABLISHMENT OF
MERCER COUNTY WATER MANAGEMENT DISTRICT**

WHEREAS, Mercer County, North Dakota, acting by and through its Board of County Commissioners, on the 5th day of April, 1965, filed with the State Water Commission its petition requesting the establishment of a water management district embracing the territory within Mercer County; and

WHEREAS, the report of the Chief Engineer of this Commission and the facts adduced at a public hearing held in the City of Hazen on the 26th day of April, 1965, disclosed that adequate relief from flood waters through improvement of watershed areas in Mercer County, and investigations of water bearing aquifers, can best be accomplished by a water management district in cooperation with state and federal agencies;

NOW, THEREFORE, BE IT RESOLVED that the State Water Commission, in meeting duly assembled this 7th day of May, 1965, in Bismarck, North Dakota, does hereby authorize and direct the Chairman and Secretary of this Commission to execute an Order establishing a water management district embracing the territory within Mercer County and designated the Mercer County Water Management District.