

MINUTES OF  
NORTH DAKOTA STATE WATER COMMISSION  
Held in Minot, North Dakota  
June 29, 1965

MEMBERS PRESENT:

Governor William L. Guy, Chairman  
Henry Steinberger, Member from Donnybrook  
Richard P. Gallagher, Member from Mandan  
Einar Dahl, Member from Watford City  
Gordon Gray, Member from Valley City  
Milo W. Hoisveen, State Engineer, Chief Engineer and Secretary, Bismarck

OTHERS PRESENT:

Fred J. Fredrickson, Planning Coordinator, State Water Commission, Valley City  
Robert Calton, Corps of Engineers, St. Paul  
Cliff Jochim, Special Assistant Attorney General, Bismarck  
Guy Larson, Chamber of Commerce Water Resources Committee, Bismarck  
Ervin Bourgois, Bismarck  
Gordon Berg, Chairman, Sweetwater-Dry Lake Water Management District, Devils Lake  
E. C. McCarroll, President, Landowners, Recreational & Historic Association of  
The Upper Mouse River, Tolley  
Oscar Berg, Executive Vice President, North Dakota Water Users Assn., Minot  
Russell Dushinske, Devils Lake  
Maurice Harrington, Minot  
Harry Johnson, Minot  
Lloyd Nygard, Minot  
John Pritschett, Minot  
Dick Musch, Minot  
Ben Eckert, Minot  
Ken Johnson, Tolley  
Paul Krenz, Tolley  
E. H. Brindel, Mohall  
C. D. Johnson, Mayor, City of Minot  
Paul Frederick, City Manager, Minot  
S. L. Olsen, Manager, Chamber of Commerce, Minot

Governor Guy presided at the Commission meeting, with Commissioners Einar Dahl, Steinberger, Gray, Gallagher and Secretary Hoisveen present.

APPROVAL OF MINUTES OF  
MAY 24, 1965

the reading of the minutes.

It was moved by Commissioner Gallagher, seconded by Commissioner Einar Dahl and carried that the Commission dispense with

FINANCIAL STATEMENT FOR  
MAY, 1965

A detailed study was made of the financial statement for May, 1965.

It was moved by Commissioner Steinberger, seconded by Commissioner Gray and carried that the financial statement for May, 1965, be approved.

MISSOURI RIVER BANK  
STABILIZATION  
(Project 576)

Governor Guy stated that for several years, since the Garrison Dam has been finished, the State Water Commission has been confronted with the silting of the water of the

Missouri River from Oahe to the Garrison Reservoir. It is no longer a simple exchange of land from one side of the river to the other but is a permanent loss of farm land by silting being carried down to the Oahe. The Missouri River Governors' Committee has endorsed the bank stabilization for this stream. The erosion of the banks between the two reservoirs is an integral part of the program. Since it is not a navigable stream the Corps of Engineers has stated that the operating and maintenance of the bank stabilization program must be maintained by the local subdivision, the State and/or the water management districts. Although the initial work is being done, the second phase of the work has been included in the Army Engineers' budget, which has passed the House and is now ready for Senate action. Before the Senate can pass on this budget they have to have the approval of the State of North Dakota. The first phase affects the river north of Bismarck and Mandan. It could cost anywhere from \$20 million to \$100 million. The Governor did not believe that a firm cost had been arrived at for bank stabilization between the Oahe and Garrison. He stated that this would be a precedent making decision. The Governor asked the following questions (1) should the State Water Commission underwrite the assurances for maintenance cost, which appear to the Commission to be a Federal obligation? (2) Can the State Water Commission assume the responsibility of the Legislature for perpetual operation and maintenance of bank stabilization which is to cost \$3 million? This would be proportioned annually, amounting to approximately \$45,000 per county, and would be allocated between the state and the local water management district. The State Water Commission and the local entities can stop at any time after the first phase. If the first phase is justified we would give assurances for the maintenance and operation which would be \$45,000 annual operation and maintenance costs. It would not be a uniform cost but for some years it would be greater and some years less. Experience on the part of the Corps of Engineers has justified a figure of 1½ per cent of the cost of construction as the average operating and maintenance cost. Governor Guy introduced Guy Larson, Chairman of the Natural Resources Committee of the Bismarck Chamber of Commerce.

Mr. Larson stated that what he had learned about bank stabilization was from the Water Commission and from the farmers with whom he had talked. One of the prime objectives is that the State Does not want to surrender any more bottom lands to any massive dam construction program. He stated that he thought one of the reasons he was interested in the preservation of the valley was because of the agriculture economy to the State. He cited statistics received from the U. S. Department of Commerce on the population of the counties, since 1950, bordering the Missouri River. In all instances there was a decrease in population, except for Burleigh County which showed a gain for that period. This means less customer purchasing power for the small towns and fewer people making a living in these smaller towns. The loss of purchasing power is a detriment to the economy of the State. Anyone who is a planner can see that the people in the valley area are going to have to work to keep the natural resources we have, and if we are going to reverse the trend. Mr. Larson stated he had worked five years on the water program. There are 20,000 acres under irrigation. It is good for the area. A trend in irrigation is to start with crops with which the farmer is familiar and then go on to other crops. He felt the Federal Government should be obligated for the costs of operation and

maintenance of the bank stabilization because of the releases of water from the Garrison. He was very pleased with the appropriation for bank stabilization. When Senator Young was in Bismarck this past week, Mr. Larson took him out to see the first phase of bank stabilization. Senator Young was very much interested in the project and thinks there has been an over emphasis on the amount of money needed for operation and maintenance. Senator Young cited several instances where projects have been constructed for many years and no money has been expended for maintenance. Senator Young averred that if the Commission and the counties could assume the responsibility for the assurances he was quite sure he would be able to get more money for the work. Mr. Larson asked what was going to happen if the Commission did not go along with the bank stabilization program. There are 4000 acres that would be lost if the reversion is not carried out. The farmers will not expand their irrigation projects unless they are assured that the banks are going to be protected. He also stated that if the project is not approved at this point because of fear it would be a great mistake. Mr. Larson requested the support of the Water Commission for continuing this project. He offered his services and the services of his committee in the promotion of this project.

Governor Guy questioned the authority of the Commission to commit the Legislature to long-range spending program. There was considerable discussion on binding the Legislature to perpetual payments and the expenditure for operation and maintenance.

Governor Guy commended Mr. Larson and his committee for their concern for this project and stated that the more pressure groups there were the better it will be.

Mr. Bourgois stated that he was the first to irrigate in this area. He has two married families farming his land, paying \$400 per month to each family. He eventually will be putting in specialized crops and will then hire another family. (See page 90 for further discussion)

SOURIS RIVER FLOOD PROTECTIVE WORKS (Project 1408)

Mr. E. C. McCarroll, President of the Land Owners, Recreational and Historic Association of the Upper Mouse River,

Tolley, appeared before the Commission suggesting an alternate plan for the flood protective works on the Mouse River. (See Appendix A.)

Senate Bill 138 referred to in Mr. McCarroll's statement is the State Water Resources Policy Bill.

Governor Guy requested a brief outline on the Souris River Flood Protective Works so the Commissioners will know what they are going to consider at this meeting.

Mr. Hoisveen stated that he believed that the date of the first hearing on this proposal by the Corps of Engineers was April 13, 1965. Prior to that date the State Water Commission had been requested through resolution by Minot to examine the conditions of the Lake Darling Dam. This was referred to the Corps of Engineers. They received an appropriation to make a study pursuant to the flood problem in Minot and the lower Souris area. In the preliminary report made by the Corps the Commission staff members

located a paragraph in the report, which has since been deleted, that indicated that Lake Darling dam would break at such a level under the Corps of Engineers Standard Project Flood, which would approximate a flow of 45,000 cfs. This would cause a major disaster in the city of Minot. As a result, a hearing was held in Minot. Hoisveen believed that Mr. Calton and Colonel Strandberg attended this meeting which was held in Minot three or four years ago. Since that time the Water Commission has suggested that the Corps study this project in greater detail. The Corps has now come up with a proposal which is referred to as a dry dam. It would inundate a considerable acreage at times in order to accomplish adequate flood protection. Mr. Hoisveen introduced Mr. Calton of the Corps of Engineers, St. Paul office.

Mr. Calton stated that the Corps of Engineers' approach on all projects is from the standpoint of economic and engineering feasibility. The Corps did consider in this case the suggestion that has been made. The small dam approach seemed good at the start but with the bulk of the drainage in Canada it has been difficult to approach the Canadians. The bulk of the flood would arise in Canada and would not solve the main problem. Small dams seemed to be the answer to take care of the floods and flows from the Des Lacs but in that case it was found that the gullies were very steep and would take high, small dams, so that the sum total added up to more than the solution. The Corps felt that the proposal presented by McCarroll would not alleviate the potential flooding of Minot.

Governor Guy asked the purpose of the project and Mr. Calton stated that flood control and water conservation are pretty well taken care of. It would not be multiple purpose. The flood control is based on 100 year frequency. The Commissioners discussed the dry dam and spillway level of Lake Darling and McCarroll's plan and channel improvement.

The meeting was recessed and reconvened at 1:30 p.m. with all members present.

EINAR DAHL Governor Guy called attention to the fact that Einar Dahl had served as a member of the State Water Commission for 28 years, that Commissioner Dahl is stepping down and this would be his last meeting, as his term expires June 30, 1965. The Governor expressed his appreciation for Mr. Dahl's years of service to the State. He further stated that sometime in the fall a meeting would be held giving proper recognition to Mr. Dahl and Mr. Lunseth in recognition for their years of service to the State Water Commission. The Governor introduced Russell Dushinske whom he had appointed to the Water Commission.

Commissioner Dahl stated that he had enjoyed working with the members since the Commission started; that he didn't know anything about politics, that the Republicans and the Democrats had left him on the Commission. (See page 94 for further comments.)

SOURIS RIVER FLOOD PROTECTIVE WORKS (Project 1408) -Continued Governor Guy called on Maurice Harrington of Minot to present his views on the proposed Souris River Flood Protective Works.

Maurice Harrington Harrington read a prepared statement on a substitute plan for flood control of the City of Minot. See Appendix B. Discussion as to the merits of Harrington's proposed plan.

Lloyd Nygard Lloyd Nygard read a prepared statement concerning the proposed construction of a dam at Burlington. See Appendix C

John Pritschett John Pritschett read a statement relative to the unfairness of a flowage easement. See Appendix D.

Dick Musch Dick Musch showed pictures of what has happened to his hay meadow. The soil is gumbo. If the land is flooded for two weeks or more it is not possible to get into the field to cut the hay.

Ken Johnson Ken Johnson summarized the statements which had been presented in opposition to the Corps of Engineers' plan concerning the Souris River Flood Protective Works. See Appendix E.

Paul Krenz Paul Krenz, acting for President L. C. Butt, McKinney Cemetery Association, read a letter addressed to Milo W. Hoisveen opposing the moving of the cemetery. He stated there were 144 lot holders, that a number of the graves are unrecorded and could not be moved. See Appendix F.

E. H. Brindel E. H. Brendel is State's Attorney of Renville County. "Because of Lake Darling, Renville County has lost taxable property and tax revenue which has made it rough on the taxpayers of the county. We are suppose to give the Government property. They take tax property away from us. We recognize that Minot has a problem and those downstream have a problem. We do not feel it is fair to build up one community and tear down another community, especially if it is Renville County. We have gotten a good start now where we have a pretty good recreation area. The only recreation areas of consequence within 75 miles are Metigoshe, Garrison and some recreation in the Minot area. The recreation area in Renville County is the only one in that area. We also feel there are other alternatives than the one that is proposed now. We know that the argument is that this is to be a dry dam and hold water for a period of time and released to protect downstream owners. A dry dam can be turned into a wet dam quite quickly."

Governor Guy stated that this concluded the testimony of those who are in opposition to the Corps of Engineers' plan. (See page 88 for presentations in favor of the Plan.)

**SWEETWATER-DRY LAKE PROPOSAL (Project 416)** Gordon Berg, is chairman of the Sweetwater-Dry Lake Water Management District. He stated that he was asking for technical and engineering assistance from the State Water Commission. He read the minutes of the meeting of the Sweetwater-Dry Lake Water Management District held on June 23,

1965, which contained a resolution passed by the directors of the water management district. See Appendix G. Attached to the minutes of the district are letters from the Commissioners of Ramsey County, the Planning Commission of Devils Lake, the Ramsey County Farmers Union, Devils Lake Chamber of Commerce, Ramsey County Farm Bureau, Farmers Union, Sullivan Local, City of Devils Lake and the Devils Lake Park Board. (These letters are not made a part of the minutes of the district.) The water management district has had a quarter of a mill levy but is now requesting the County Commissioners for a three mill levy. They have about \$45,000 in the district to work with.

Governor Guy stated that the Commissioners are familiar with the plans of the Corps of Engineers and the plans of the water management district and that this matter will be taken up by the Commissioners in executive session. He did not feel that a detailed report was necessary at this time. (See page 91 for further discussion.)

**SHEYENNE RIVER SNAGGING AND  
CLEARING - OFFICE OF EMERGENCY  
PLANNING (Project 568)**

Secretary Hoisveen stated that the Commission has applied for money from the Office of Emergency Planning under Public Law 875 to clear debris from the Sheyenne River.

The clearing of the Sheyenne River would cover three counties - Barnes, Ransom and Richland. The cost of snagging and clearing the Sheyenne in these counties would approximate \$34,770 for Barnes County, \$127,000 for Ransom County, and \$67,400 for Richland County. Fifty per cent of the cost would be borne by the Office of Emergency Planning, a total of \$114,640. Twenty-five per cent of the balance, the Commission's share, would approximate \$57,000. A survey was made by staff members accompanied by the county engineer or a county commissioner from such interested county. There was discussion on how much of the debris in the Sheyenne was caused by the flood in April, 1965, or how much was there previous to the flood. The Office of Emergency Planning would be responsible only for the debris caused by flooding in April.

Secretary Hoisveen stated that if the counties had lived up to the assurances given to the Corps of Engineers when the Baldhill Dam was built this condition would be taken care of. The Commission has endeavored to get cooperation from the counties but was unsuccessful. It appears that at the time the counties entered into these agreements they did so outside the scope of their authority.

Commissioner Gallagher stated that since the agreements entered into by the three counties were outside the scope of their authority that forceful agreements should be entered into with the counties, that the counties take care of the snagging and clearing from now on.

It was moved by Commissioner Gallagher, seconded by Commissioner Gray and carried that the Commission authorize the expenditure of 25 per cent of the total cost, not to exceed \$57,320, as the State Water Commission's participation in the snagging and clearing of the Sheyenne River provided the counties of Barnes, Ransom and Richland first provide the Water Commission with assurances that they will cooperate to the extent of one-fourth of the cost and agree to assume perpetual operation and maintenance of the snagging and clearing hereafter.

SOURIS RIVER FLOOD PROTECTIVE  
WORKS (Project 1408) - Continued

City of Minot

Mayor C. D. Johnson and Paul Frederick, City Manager, appeared before the Commission favoring the plan of the Corps of Engineers. Mayor Johnson stated "It seems to me that the last hearing held in Minot on April 13

was primarily a protest hearing as to the plan of the Corps of Engineers. We as representatives of the City of Minot are pursuing this project for the protection of the citizenry of the City of Minot in the area. I know you have heard the pro's and con's and that they are a matter of record. We are here to present reasons for the successful completion of the project for flood control. We have taken into consideration the fact that the Corps has made as complete a study as they can and they have come up with a dry dam at Kenmare as a solution to the flood control and continuing flood control on the Mouse River. Minot is ready to abide by this study. Investigations have been made by the area people and the upper river constituents who had a justifiable complaint. I am not sure that the objections can be overcome; however, we realize that due to the peculiar year we have had this year, we are not the only area in need of flood control. There are flood problems all over the country. We realize that we were almost in that position about two weeks ago. In the report we have had before us, the channel would handle 2300 cfs. We are only passing 1200 cfs or approximately 50 per cent. If we had had one major rain in the upper reaches we would have had a major disaster. Lake Darling was full and this actually has brought this to the forefront. After the last City Commission meeting, as Mayor of Minot, I took it upon myself to forward letters to the senators and representatives of the 29th District, the Governor and to the Congressional Delegates in Washington, D. C. enclosing a copy of a resolution passed by the City Commission. There is no need to reiterate what was in the resolution." (Mayor Johnson reads the letter and the replies received from the Congressional Delegates.) "In view of the fact that every effort has been made to satisfy the people who are living above us and throughout Renville County and in view, specifically, of the fact that the acreage to be involved is limited to less than 2000 acres and in view of the fact that the control acreage has been kept to a minimum and in view of the seriousness of protecting life and property in the City of Minot, I urge you to give serious consideration, through the State Water Commission, to authorizing and sanctioning the flood protection for the City of Minot."

Commissioner Gallagher asked if a levee system was used. Mayor Johnson stated that sandbags have been used for levees but it was only temporary. This was done on three different occasions. There is approximately 18 miles of channel within the city so it is not possible to put up dikes along the whole 18 miles.

Governor Guy asked Mayor Johnson, since he had listened to the counter proposals to the Army's plan, if he saw the Oxbow, the Canadian plan or the pumping station at Antler or Baker Bridge as an alternative plan to the Army's plan. Mayor Johnson stated he believed the alternative plans had been investigated. According to his understanding the question of working something out with the Canadian side of the border became a standoff situation. "They realize, apparently, that they have their problems as to how they want to handle the river, the same as we do. The suggestion as to pumping, we were informed that through study and investigation it wouldn't be feasible as to control. We certainly have never taken the position that we wouldn't take another alternative if it will solve the problem." Governor Guy

asked the Mayor if he thought it legitimate that this protective works be geared to the 1904 size flood or did he think a smaller size flood could be prepared for.

Paul Frederick, City Manager for the City of Minot, stated that the concern of the Council was for the protection of the citizens of Minot. The Corps' plan would save \$23 million in Minot in just one flood. "The 1904 flood - we talked to the Corps of Engineers who were fighting the floods in Minnesota and this flood in Minnesota was greater than any flood on record and I feel, as a representative of the city of Minot, we should accept the plan that is going to afford Minot the best protection." He further stated that "if you have studied the Corps' report, the flood protection it has designed for the city of Minot, should the 1904 flood occur today, the damage that would be done would be \$23 million alone."

Minot Chamber of Commerce S. L. Olsen, Manager, Minot Chamber of Commerce, stated that the Board of Directors passed a resolution, a copy of which was sent to the State Water Commission. Mr. Olsen called attention to two or three paragraphs in the Resolution, which is attached as Appendix H. He stated that there were 18 members on the Board, a good cross section of the city of Minot, who passed the resolution unanimously. He stated that the Chamber was led to believe that the raising of Dam 41 was for the purpose of giving access to Renville County but now he understands that this was included for some other reason. He stated that they were primarily interested in the flood protection for Minot. If there is another plan more feasible, then that would be acceptable to them. Since the Chamber passed the resolution and since the city if Minot passed its resolution they have heard more favorable comments from the citizens of Minot that the city of Minot and Chamber have taken the stand them have. (See page 92)

MINOT WATER SALES CONTRACT WITH Secretary Hoisveen stated that he and the  
BUREAU OF SPORT FISHERIES AND Mayor of Minot had received a letter from the  
WILDLIFE Bureau of Sport Fisheries and Wildlife  
in connection with the water sales contract.

The contract that was forwarded to the State Water Commission was the result of a meeting with the Bureau of Sport Fisheries and Wildlife in Washington, D. C., attended by Mayor Johnson, Paul Frederick, Mr. Hoisveen and other representatives. This contract provides for the purchase of water from Lake Darling for recharging Minot's underground aquifer. The contract sets forth the items discussed in Washington, except for a few minor changes that should be made.

Paul Fredrick stated that the contract was a three way contract to be signed by the Sport Fisheries and Wildlife Service, The State Water Commission and the city of Minot. He did not feel that they needed the dry dam to supply water for the city of Minot. They look to Lake Darling for their water supply. The contract assures the city of water until the Velva Canal is constructed as part of the Garrison Diversion Unit. The contract basically is the result of a discovery to recharge the groundwater artificially. The recharged aquifer will be adequate to supply Minot with all the water they need until the Garrison Diversion is completed, provided they get a constant flow from Lake Darling. The contract agrees to give up to 5,000 acre-feet to the city of Minot. He further stated that they were not buying water for someone else's use. The contract agrees to give credit for water put back into the river. Paragraph 13 is designed specifically for the State Water

Commission and is binding upon the State Water Commission and the Fish and Wildlife. The city of Minot does not become a part of this paragraph.

Secretary Hoisveen read paragraph 13 of the contract, as it concerns the State Water Commission. There was discussion on further water rights to the Fish and Wildlife Service.

Commissioner Gallagher asked why the State Water Commission was a party to this contract. Mayor Johnson stated that while in Washington it was his impression that all three were to appear on the contract or there would be no contract. Commissioner Gallagher stated that he did not feel that the Commission should give away some of the State's sovereignty.

It was moved by Commissioner Steinberger, seconded by Commissioner Gray that the Commission enter into the Joint Contract with the Bureau of Sport Fisheries and Wildlife and the city of Minot on the best terms that can be arranged by negotiations of the State Engineer and with the Bureau of Sport Fisheries and Wildlife and the city of Minot in alleviating the water shortage through recharge of Minot's aquifer.

On voice vote Commissioners Gray, Steinberger and Dahl voted yes. Commissioner Gallagher voted no. The motion was declared carried.

Commissioner Gallagher stated that any contract the Commission enters into should be limited and should not be an abrogation of waters, etc. of the State of North Dakota or a declaration of the State Water Commission to give any more water than has been previously granted to the United States which the State has now or may in the future give away.

MISSOURI RIVER BANK STABILIZATION  
(Project 576) - Continued

Governor Guy stated that the Commission had heard the evidence given by Messrs. Larson and Bourgois. The Governor reviewed the background of the bank stabilization and the testimony presented by Messrs. Larson and Bourgois earlier in the meeting. After discussion Commissioner Einar Dahl recommended that the Commission participate in the phase of the Missouri River bank stabilization project now authorized by Congress in the amount of \$3 million.

It was moved by Commissioner Einar Dahl, seconded by Commissioner Steinberger and carried that the State Water Commission reaffirm its obligation on the operation and maintenance for the authorized phase of the Missouri bank stabilization project.

It was moved by Governor Guy, seconded by Commissioner Gray and carried that a resolution be directed to the Legislative Research Committee that they study the matter as to the extent that the State should support the operation and maintenance of bank stabilization on the Missouri River through appropriations to the State Water Commission, and the Legislative Research Committee to make definite recommendations to the next session of the Legislature regarding their intent and the extent of financial participation.

It was suggested that copies of this resolution be forwarded to the Legislative Research Committee and the North Dakota Water Users Association.

Governor Guy stated that the State Water Commission should again reiterate that this is a Federal responsibility and that the Commission solicits aid from our Congressional Delegates and any other source to challenge the precedent which demands complete state and local responsibility for operation and maintenance on stabilization of the Missouri between Oahe and Garrison. There are apparently precedents that can be studied where the Federal Government has been responsible. The Governor and Commission members charged the State Water Commission staff to regard bank stabilization on the Missouri River as a Federal responsibility and to continue efforts to have our Congressional Delegates break down the Government's attitude on operation and maintenance instead of standing by. It was the consensus that the Missouri River is a navigable river and the extreme erosion between the Garrison Dam and Oahe is a direct result of the reservoir operation and construction and thereby because it is an integral part of the Missouri River water resources development, the Commission strongly believes that the O&M costs of bank stabilization on the above stretch of the Missouri is a Federal responsibility and not a state responsibility. It was again reiterated that the State Engineer and the Water Commission staff solicit our Congressional Delegates to break down this unfair precedent established by the Army Corps of Engineers requiring state and local support of O&M.

Mr. Fredrickson stated that other state legislatures have spoken out very forcibly on this very thing. He has a copy of a proposal prepared by the National Rivers and Harbors Congress in which it was his understanding, when he and Mr. Hoisveen investigated this with Don McBride, Assistant to Senator Monroney of Oklahoma, that the Federal Government would take care of the O&M on this project.

It was moved by Commissioner Gallagher, seconded by Commissioner Gray and carried that the State Water Commission staff draw up a resolution stating that the operation and maintenance on the Missouri River bank stabilization should not be a state or local responsibility.

**SWEETWATER-DRY LAKE WATER  
MANAGEMENT DISTRICT PROPOSAL  
(Project 416) - Continued**

Governor Guy stated that there were two proposals on the Devils Lake project to be considered by the Commissioners. (1) That the State Water Commission formally deny any support to the Army Corps of Engineer's plan as heard at the public hearing a month ago; (2) To consider the proposal of Gordon Berg for Water Commission aid.

The Corps of Engineers' plan was discussed and Secretary Hoisveen recommended that the Commission turn down the plan of the Corps of Engineers concerning the Devils Lake Flood Protective Works in view of the lack of local interest in seeing it constructed.

It was moved by Commissioner Gallagher, seconded by Commissioner Gray and carried that it appearing to the Commission that the vast majority of people in the Devils Lake area showed no interest in the proposed plan, it is hereby resolved that the State

Water Commission thanks the Corps of Engineers for its sincere interest in the project but recommends that no further consideration be given to its development.

The second consideration is relative to the request of Mr. Berg that the State Engineer and the State Water Commission join with the water management district in an engineering study of its proposed plan.

Hoisveen stated that there would be some additional work and revaluation of the Commission's present cost estimate. He assumed that it would take two or three months to properly evaluate and get additional information on the project. It was assumed that the cost of the investigation would be in the vicinity of \$2000 to \$2400. He also recommended that the District deposit the usual \$200 for such studies. Secretary Hoisveen recommended that the Commissioners approve the request for assistance for a sum approximating \$2400 and the District be required to pay the usual fee of \$200 to show their sincerity in developing the plan.

It was moved by Commissioner Einar Dahl, seconded by Commissioner Gallagher and carried that the State Water Commission cooperate in a feasibility study up to \$2400 on the Sweetwater-Dry Lake Project.

Governor Guy stated that the Corps had under consideration the entire drainage basin and the Sweetwater-Dry Lake project is only a fraction of the total problem. It was felt that Mr. Berg's plan did not solve the whole problem.

NORTHWESTERN BELL TELEPHONE  
COMPANY REQUEST FOR CABLE  
CROSSING ON HEART RIVER

A request was received from the Northwestern Bell Telephone Company for a proposed buried cable crossing on the Heart River near Mandan.

It was moved by Commissioner Gallagher, seconded by Commissioner Einar Dahl and carried that the Commission approve the Northwestern Bell Telephone Company request for a proposed buried cable crossing on the Heart River near Mandan.

SOURIS RIVER FLOOD PROTECTIVE PROJECT (Project 1408) Continued The Corps of Engineers expressed a desire to know whether or not the State Water Commission would approve the Souris River Flood Protective Works. Mr. Calton stated that there is a deadline on the Dry Dam proposal and the Corps would like to have an answer within 30 to 60 days from the Commission in regard to the project. Governor Guy suggested that the Commission defer taking action on this matter until the next meeting.

It was moved by Commissioner Gallagher, seconded by Commissioner Steinberger and carried that the Commission delay final action on the Souris River Flood Protective Project until the next meeting of the Commission.

**PEMBINA RIVER DEVELOPMENT  
RESOLUTION**

Secretary Hoisveen read a resolution concerning the Pembina River Basin Development - Plan 2.

It was moved by Commissioner Gray, seconded by Commissioner Gallagher and carried that the Resolution be adopted.  
(See Appendix 1.)

**TECHNICAL ASSISTANCE IN ANTI-  
POVERTY PROGRAM - State  
Welfare Board**

Secretary Hoisveen stated that the Public Welfare Board had written to the Commission inquiring if the Commission could contribute something of tangible value to the Work

Experience and Training Project in Rolette County, Secretary Hoisveen thought that it was possible that one of the Commission engineers could assist in restoration, development and maintenance of certain lakes in the Belcourt area. Secretary Hoisveen recommended that the Commission cooperate with the State Welfare Department in this program.

It was moved by Commissioner Gallagher, seconded by Commissioner Gray and carried that the State Water Commission participate with the State Welfare Department and with other agencies that might be proposed as far as the Commission staff is able.

**COLEHARBOR DAM  
(Project 983)**

Several weeks ago the Coleharbor mayor called and indicated that the city was ready to go ahead with its project. Coleharbor is

obtaining a municipal water supply from a coulee about a half mile west of the city. A dam is to be constructed with FHA financing. They apparently obtained their loan and decided to go to work right away. It will be an earth dam and has been designed by the State Water Commission. Several of the Commission members were called concerning State Water Commission participation and the project was approved. The Commission's share will approximate between \$4000 and \$4500. The total cost of the dam is \$8950. The Commissioners' telephone approval should be in the minutes.

It was moved by Commissioner Gallagher, seconded by Commissioner Einar Dahl and carried that the Commission reaffirms its approval of 50 per cent participation in the Coleharbor dam.

**QUEEN CITY DAM**

The Queen City Dam, from which Dickinson receives its water supply, washed out

during a recent cloud burst. The State Water Commission has inspected the project. Dickinson desires to rebuild the dam at once. Dickinson is purchasing water from the Bureau of Reclamation. The City uses the dam for its municipal water supply by pumping the so-called "free water" into it from the Dickinson Reservoir. Hoisveen stated that he had called the Commissioners and received approval from the Commissioners but he now would like to have the matter a part of the minutes. The project cost is estimated to be \$24,000 with the Commission's share as 50 per cent of the cost.

It was moved by Commissioner Einar Dahl, seconded by Commissioner Steinberger and carried that the Commission participate in the Queen City Dam repair to the extent of 50 per cent of the cost, not to exceed \$12,000.

SENATOR BAEVERSTAD  
DRAINAGE PROJECT

Cliff Jochim stated that he had met with Senator Baeverstad and his attorney in Devils Lake on June 28. The City of Cando

is constructing a storm sewer. The State Engineer studied the project to estimate the amount of water that would reach Mauvais Coulee. It was determined that the amount of water that would reach the Coulee would be infinitesimal. Senator Baeverstad has requested permission to construct a drain to drain the water that will come from the storm sewer onto his land. It was indicated that the drain he proposes will drain approximately 11 square miles. Secretary Hoisveen averred that if the Chain Lakes Water Management District approved the project, the Commission would approve it. Senator Baeverstad stated that if he was refused permission to drain this land he will seek an injunction to restrain Cando from constructing a storm sewer. All the Senator would be permitted to drain would be the amount of water placed on his land by the Cando storm sewer. Jochim stated, in answer to Governor Guy's question as to the authority of the Commission in matters of this kind, that when the Commission receives such a request the Commission is obligated to investigate. The Commission discussed the authority of the members to grant Senator Baeverstad's request.

Commissioner Gray recommended that relief be granted to any landowner suffering damages from the Cando storm sewer that they receive from the Cando installation. It was the opinion of the Commissioners that they should avert the granting of a court injunction. Commissioner Gray recommended that approval be granted to drain only that amount of water that Cando puts onto the land.

It was moved by Commissioner Gray, seconded by Commissioner Steinberger and carried that relief be granted to those damaged by drainage of the Cando storm sewer in direct proportion to the damages that have been incurred and that such relief is not to be regarded as adding to the drainage problem in the Chain Lakes-Mauvais Coulee system.

EINAR DAHL

Governor Guy expressed his appreciation to Commissioner Dahl for his long service on the Water Commission and that the members of the Water Commission give a sincere vote of commendation to Einar Dahl for his 28 years of public service. In the fall due recognition will be given to both Commissioners Dahl and Lunseth.

The meeting adjourned at 6:00 p.m.

Milo W. Hoisveen  
Secretary

ATTEST:

William L. Guy  
Governor and Chairman

E.C. McCarroll, Tolley  
President

James Munt, Bowbells  
Treasurer

Mrs. Harry W. Johnson, Sherwood  
Secretary

LAND OWNERS,  
RECREATIONAL AND HISTORIC ASSOCIATION

of The Upper Mouse River

APPENDIX A

Executive Committee

Lyle Witteman, Mohall

Roy Foss, Sherwood

L. C. Butt, Tolley

Herbert Emmel, Sherwood

Clair Southam, Mohall

Norman Knutson, Tolley

June 28, 1965

Governor Guy, Members of State Water Commission, Ladies & Gentlemen

I am Edward C. McCarroll, residence Tolley, N. Dak. I own and operate a combination farming and ranching operation in Renville County. The organization I represent is the Land Owners, Recreational and Historical Association of The Upper Mouse River. This organization was formed in the month of June, 1963, with the purpose to preserve our farm land, recreational facilities, Historical Memorial Park and McKinney Cemetery from being destroyed or jeopardized by any flood control dam or series of dams that may be proposed by the Corp of Engineers. We oppose any raise in the Lake Darling Dam and insist that no dam or series of dams for flood control or otherwise should be built which would raise the water level any higher than the east spillway level of the present Lake Darling Dam. We do feel, however, that any of the following proposals in combination or otherwise could be used.

- No. 1. Urges that a study be made of the possibility of constructing retardation dams at the mouths of all watersheds leading into the Mouse and DesLacs Rivers.
- No. 2. That consideration be given to clearing, widening, and straightening the Mouse River channel from Bakers Bridge to Verendrye to allow for a flow of 4,500 cubic feet a second for a period of 21 days.
- No. 3. Further study of more dams on the Canadian side of the border and close cooperation with Canadian Water Officials.

There are locations in the Province of Saskatchewan on the Mouse River Watershed where the Mouse River and The Antler Rivers swing within from 7 to 10 miles of one-another with a considerable slope towards the Antler River. We believe that in the interest of Flood Control for the Minot Area and additional water for irrigation for the Southeast Saskatchewan and Southwest Manitoba areas plus various other uses, that a feasible plan can be worked out with the Province of Saskatchewan to install a pumping or diversion station in such an area as to minimize the flood threat and aid other possible Saskatchewan features. We also suggest that United States dollars be offered to assist or pay for such a plan. The proximity of these Rivers may be checked on Corp of Engineer Map of the Souris River Watershed Plate 1.

In closing we recommend that the mitigation features in the Corp of Engineers proposal regarding the No. 41 Dam, located about 6 miles South of the Upper Souris Wildlife Refuge North boundary, be omitted in its entirety for the following reasons:

- No. 1. It would directly jeopardize the existence and operation of the Renville Memorial Park.
- No. 2. It would jeopardize the existence of the present McKinney Cemetery.

## Page 2

- No. 3. It would cause additional Renville County lands to be removed from production and taxation.
- No. 4. That these features are an appeasement and have no direct bearing on Flood Control for Minot.
- No. 5. It would add excessive cost to any final proposal concerning Flood Control for the Minot Area.

A question I would like to leave with the Water Commission is this. How does this proposal made by the Corp of Engineers comply with Senate Bill 138 enacted in the 1965 session of the North Dakota Legislative Assembly?

W. M. Harrington

APPENDIX B

Governor Guy and Members of the Water Commission:

The land owners just above the proposed Burlington Dam have a substitute offer to make for flood control of the city of Minot.

We feel that a dry dam at Baker Bridge which would store about 110,000 acre-feet and the proposed Canadian Dam at Oxbow, which would store around 50,000 acre-feet and possibly more, along with proper operation of the present dams in the Mouse River Valley, would provide Minot with plenty of storage for flood control.

Lake Darling Dam has been operated above Minot for about thirty years. In that period of time there has been no major flood damage in the city of Minot. 1943, 1948, 1949 and 1955 were probably peak years for run-off during that period of time. The 1955 run-off was almost as large as the run-off in 1927. During those four years, Lake Darling provided about 50,000 acre-feet of storage for the run-off that came during those springs. Through several of those years, more water could have been released early, in March or April for instance, in anticipation of the run-off that was to come. In 1955, the Sherwood flow on April 5th was 5,210 cubic feet per second. The flow through Minot through March was 124 cubic feet. The average flow through Minot in April was 1,482 cubic feet. The peak flow occurred on April 22nd, when 2,220 cubic feet per second passed through Minot. Lake Darling was full this particular year. But with a bigger release in March and a bigger average release in April, this situation would not have been necessary.

In 1948, the average flow at Sherwood in April was 1,370 cubic feet per second. The average flow through Minot in April was 810 cubic feet per second. The peak flow on May 17th through Minot was 2,700 cubic feet per second. In other words, this peak flow would not have been necessary with a slight change in the average flow through Minot during the month of April.

If a dry dam were built at Baker Bridge with the height that would back-water as far back in the Mouse River Valley as the present Lake Darling Dam, it would store 110,000 acre-feet of water. In other words, there would be seven sections of land with  $24\frac{1}{2}$  feet average height of water stored in this particular dam below Lake Darling. With the Dam at Oxbow which would store 50,000 acre-feet, we should anticipate that there would be at least 25,000 acre-feet of storage there for run-off. The total of these two alone would be 135,000 acre-feet, or over  $2\frac{1}{2}$  times as much storage as has been used in Lake Darling to protect Minot for over 30 years.

In 1904 there was 127 inches of snow at Estevan, Canada. This is about  $\frac{1}{3}$  more snow than we had in any of the years since Lake Darling was built. If we were to operate Lake Darling as it has been operated in the past 30 years, we would still have the 50,000 acre-feet of storage that they have had during this period of time. I do not believe it is impossible at all, with the heavy snow-fall year that they had in 1904, that Lake Darling could be drawn down at least another 20,000 acre-feet for anticipated run-off.

-2-

We have dams in Canada, that in a year of heavy snow-fall, could help in the flood control of this run-off. The dry dam at Kenmare could still be built, which I believe will supply about 30,000 acre-feet of storage and would help alleviate the run-off situation as far as Minot is concerned from the Des Lacs River.

There is still room for small dams in Canada and in the United States if it would seem necessary that any more protection was needed.

This proposal as now presented, would eliminate the necessity of taking any more land in the Mouse River Valley which would save many millions of dollars for the state and counties as well as protect the affected land owners in the valley from very unjust damages.

Lloyd Nygard

APPENDIX C

Governor William L. Guy and Members of the State Water Commission:

We who live along the Mouse River valley are concerned about flood control in our area, but from all facts and figures that we can compile from the records—we cannot see a need for such a gignatic dam which the Corps of Engineers have proposed for construction above Burlington.

Let us look at the record and see what has happened in the past years. The facts and figures used in this statement are taken from the reports of the State Water Conservation Commission and the U. S. Geological Survey. The figure of the Souris River channel capacity in Minot of 2,300 cubic feet per second is taken from the 1963 and 1965 report given by the Corps of Engineers.

In this report, the Corps of Engineers state that since Lake Darling dam was built, Minot has had floods in 1943, 1948, 1949 and 1955. "Why were these high flows recorded in Minot during these years?" is a question that should arouse the curiosity of anyone's mind. In checking the figures of the State Water Commission report, we find that Lake Darling has about 120,000 acre feet of storage capacity. This dam has served Minot very well since its construction 30 years ago. But the water releases from the dam is something on which an improvement could be made.

Mr. Harrington has already reported on the flow of 1948 and 1955. However, let me point out that the high flow through Minot on the 17th of May in 1948 does seem unnecessary since Lake Darling dam still lacked 23,000 acre feet of being filled even by May 31st of that year. A rancher living in the Souris river valley near Sherwood states that the high peak of the flood of 1904 was only 14 inches higher than the peak flow in 1948. This certainly demonstrated that the Lake Darling dam in 1948 was capable of curbing a high flood level without serious damage down stream.

In 1943, as of March 31, Lake Darling had 74,000 acre feet of water impounded — a relatively high level considering the potential runoff in Canada. However, only 150 cubic feet per second was the average flow released through Minot during March of that year in preparation for the big run-off. By April 26, a high flow of 2,480 cubic feet per second was passing through Minot. This high flow would have seemed preventable by an earlier release at Lake Darling.

In 1949 the high water flow in Minot was apparently due to local run-off more than from the Souris River upstream. The peak flow at Minot occurred on April 6, with 2,250 cubic feet per second, nine days before the highest flow at Baker Bridge which was only 690 cubic feet per second. This was less than one-third of Minot's high flow which occurred nine days earlier. Another figure which substantiates that it was local water is that about one-third of the total run-off of 113,100 acre feet came from 10.6% of the drainage area below Baker Bridge.

-2-

In 1953, a year the Corps fails to mention in their report, was another year when the storage of Lake Darling was up to 74,300 acre feet as of March 31. The release of water was very limited during the spring months. However, by July 2, the high flow at Minot reached 2,320 cubic feet per second. This was the year our hay meadows got flooded about the time we were going to cut hay, and as a result we were unable to hay some of the meadows until late fall and some of them not at all. Yet, the flow in the Souris River was limited to 99 and 70 cubic feet per second in April and May respectively. The channel capacity as has been specified is 2300 cubic feet per second.

Lake Darling dam since its construction has saved Minot from flooding for thirty years, and it appears that even the high flows that occurred could all have been avoided by earlier and more coordinated releases. The only exception is possibly 1949. Because of the heavy local run-off, it would have made very little difference if there had been a dam at Burlington according to the statistics reported on the flows of the rivers.

It is also noteworthy to mention all the publicity this June flow has received as of late. Why was the June flow this year made to exceed 1,000 cubic feet per second? In April we had a total of about 12,510 acre-feet of water coming in at the Canadian border. In May there was about 26,200 acre feet received at the Sherwood gauge. However, the average flow released at Baker Bridge during April was only about 3.7 cubic feet per second and the flow released in May was on an average of about 40 cubic feet per second. The June flow release, up to the 24th, was 815 cubic feet per second.

After studying these facts and figures, why is it necessary to build such a big dam at Burlington that will destroy the property and livelihood of land-owners in and above the Mouse River valley? Why is there a need for a dam that has storage for nearly four times as much water as the highest flood on record which occurred 60 years ago? There has been only one year since that time that has had about one-half of the 1904 total flow. We now have the Boundary Dam in operation since 1955. In fact, we now have a total storage of about 270,000 acre feet in the Souris river basin. If there was to be a dry dam, it would seem that a smaller dam that would not destroy irrigated and productive land would be more feasible. It could add to the flood protection for Minot in a much shorter time, and with the cooperation the Canadians have shown on the Columbia river basin and the Pembina river basin, it seems possible that they would cooperate on the Souris river basin as well.

John Prischett

APPENDIX D

Governor Guy and Members of the Water Commission:

I would like at this time to point out the unfairness of a flowage easement.

1. This summer the Mouse River overflowed its banks for a period of approximately 2½ weeks. Low lying areas which were flooded, already show signs of killing the vegetation, including grass and trees. Therefore, we feel that even with a flood occurrence once in five years, it would render hay lands useless. Salts from water and soil tend to rise to the surface, killing the vegetation. We feel that the cost of re-seeding grass and trying to get land in shape for production would be too high, considering the possibility of flooding again within five years.

2. Buildings would be left with a minimum of upkeep due to the fact that there would be no compensation for damages when a flood occurred. The Corps of Engineers inform us that in a flowage easement only the residences would be moved to higher ground. Other buildings would be allowed to remain in flood plane and be maintained from the residence at the owner's expense. In other words, you would only be compensated for your residence. Once a flowage easement is obtained, there could be no other payments for recurring damages thereafter.

If a flood should occur during calving operations or after spring seeding, we do not feel compensation for only residence is enough protection against damages of this nature for the land owners. Since a flood could last for several months, what would ranchers and farmers use for corrals, barns, and other necessary ranch buildings during the flooded period.

Farmers and ranchers resent the fact that they could not expand or improve operations without the consent of the Corps of Engineers first.

3. Another disadvantage to flowage easement arrangement is the land owner has no idea of what compensation he will receive. I'd like to quote a paragraph from a letter from Col. Harding. Quote: "As was stated in our letter of April 28, 1965, the estimated cost of lands and easements involved is preliminary for planning purposes, and actual value can only be determined after a project is authorized, project design is approved, and tract appraisals are completed. Such appraisal will reflect consideration of all elements involved in the acquisition." Unquote.

Therefore, you can see that this is no way to do business when the figures involved are concerning land owners' livelihood and future economical stability.

Land with a flowage easement would not carry much re-sale value.

This is a very unfair arrangement. It will take the heart out of many of these ranches and leave them with the high land and the less valuable land. It will take away their building sites and the protection of the livestock that they now own. With the removal of 31,000 acre-feet of anticipated storage in Lake Darling, it would mean that all the water would be dumped on the land owners just above the Burlington Bridge.

-2-

The Corps of Engineers anticipates that this land will be flooded once in five years. It could be much oftener with this kind of operation. If the same procedure is used as was used in 1965 to operate the river, it would mean that this water would be dumped on the land owners in June. It would eliminate any chance of cropping, it would kill their hay land and possibly their trees. With only 19,000 acre-feet of storage in Lake Darling and the Canadian dams all full as they were this year, it would mean that the buildings in the valley could be flooded and ruined.

This proposal as now presented, would eliminate the necessity of taking any more land in the Mouse River Valley which would save many millions of dollars for the state and counties as well as protect the affected land owners in the valley from very unjust damages.

Ken Johnson

APPENDIX E

Governor Guy and members of the Water Commission

In summing up our statements today, I would like to point out some of the advantages we see in the construction of a dam at Baker Bridge. First let me assure you that our group is not opposed to flood protection for Minot. We feel that the plan brought forth by the Corps of Engineers is lacking in many ways and is entirely unsuitable for the area involved. We cannot see the point in acquiring more land by the Federal Government when they already own land so near in the area which would serve the purpose and cause as little disruption to the local people as possible by constructing a structure somewhat smaller than their original plan. We feel that an alternate plan such as a dam at Baker Bridge is sound thinking and would have many more advantages than the plan proposed by the Corps of Engineers. I would like to list some of the advantages:

1. It would save Mouse River Park and McKinney Cemetery. In a state that has so few natural parks we feel this is quite important.
2. Minot would be protected from flooding.
3. Tax valuation of Ward and Renville Counties would not be disrupted. We feel that this alternate plan would save thousands of acres of valuable irrigated land and pasture in the Mouse River Valley, ranches and farms could be kept on the tax rolls for our schools, townships, and county operations.
4. With proper management we would create a flow of water in the Mouse River that would help the water shortage of Minot, and the farms and ranches would benefit from increased irrigation.

We also feel that our alternate plan would be far less costly than the plan proposed by the Corps of Engineers, and would be beneficial to a greater number of people. It would also help maintain a strong and lasting agricultural economy for this area.

North Dakotans have worked for nearly twenty years to get authorization for irrigation from Garrison Dam. We feel this is progress. Taking irrigated land for construction of a reservoir would certainly not be progress. Especially where government owned land is readily available for this purpose.

We are opposed to the flowage easement because we feel it is entirely unfair to the land owners involved.

We feel that the flood protection plan for the Mouse River and Minot area should be carried out with a greater coordination between the U. S. and Canada. Since 93% of the watershed of the Mouse River lies in Canada, we feel that the plan for flood protection should be arrived at by mutual agreement between the two countries. Our contact with Canadian engineers gives us the impression that they are willing to meet with the water commission and Corps of Engineers to work out a plan for mutual benefit of the two countries.

## APPENDIX F

McKinney Cemetery Association  
Tolley, North Dakota  
June 29, 1965

Milo W. Hoisveen  
Engineer  
North Dakota State Water Commission

Dear Sir:

In refrence (reference) to the proposed Dry Dam at Burlington to control flooding of Minot and the raising of Dam 41 east of Tolley to the 1601 elevation to mitigate losses of water foul (waterfowl) and damage to refuge habitat from the downstream Dam.

The McKinney Cemetery Association is opposed to moving or inundating (inundating) McKinney Cemetery.

Frist, on the 28th day of November 1941, the United States of America delivered a deed on an additional tract of land to the McKinney Cemetery Association to Have and to Hold the same with all the rights and appertenances (appurtenances) thereunto belonging or in anywise appertaining unto the said party of the second part it's successors and assigns forever.

Second, there are 259 recorded graves, dating from 1911 and numerous unmarked graves dating from 1896 when the Cemetery was first used. There are Civil War Veterans as wellas (well as) Veterans of both World Wars and many early settlers buried here. The sentiments of next of kind and lot owners are explicitly expressed in the afar (afore) mentioned letter.

Third, is a presentation of a question to Mr. Milo Hoisveen, Secretary and Chief Engineer of the North Dakota Commission. Why, Mr. Hoisveen in 1949 you where (were you) one of the proponents advocating a West Souris Water Conservation and Flood Control District in Ward and Renville Counties? Draining 4000 acres into Lake Darling and including some total of 271,000 acres in the two Counties. This proposal, if successful (,) would have drained all this additional water into Lake Darling at that time, with no consideration for flood control of Minot.

Personally, I own land in the water shed (watershed) of the Souris River which was included in the proposed Upper Souris Water Conservation District in 1949 and Drainage project. A tax assesment (assessment) of a three mill levie (levy), was paid forsame (for same), until it was thrown out in 1960. Now, some of this same land stands to be flooded by the proposed Flood Control program for Minot.

Sincerely yours,

/s/ Paul Krenz

C.C. Honorable Rolland Redlin  
House of Representatives  
Washington, D. C.

C.C. Honorable Quetin (Quentin) Burdick  
U.S. Senate  
Washington D.C.

C.C. Mr. John Dahl  
Manager of Upper Souris Wildlife  
Foxholm, North Dakota

Paul Krenz  
Acting for President L.C.  
Butt of McKinney Cemetery Ass.(Assn.)

Gordon Berg

APPENDIX 'G

**MINUTES OF MEETING  
OF SWEETWATER-DRY LAKE WATER MANAGEMENT DISTRICT COMMISSIONERS.**

A meeting of the Sweetwater-Dry Lake Water Management District Commissioners was held at 1:30 O'Clock in the afternoon, on June 23, 1965, in the meeting room of the basement of the Court House.

Present at the meeting were commissioners Arnold Fjalstad and Gordon Berg. Absent at the meeting was commissioner Gordon Parry.

The minutes of the previous meeting held on the 14th day of April, 1965, were read and approved as read.

The Chairman asked for a report from the secretary as to the amount of cash on hand, and after the secretary checked with the county auditor he reported that there was \$45,144.85 on hand in the treasury of the District.

After a general discussion of the proposed project or projects involving the construction of a canal from Sweetwater Lake to Devils Lake, water channels for diversion of water into Cavanaugh Lake, diversion of the Starkweather Coulee into Sweetwater Lake and then through the canal into Devils Lake, clean-out of the Edmore Coulee and other coulees running into Sweetwater and Dry Lake, Arnold Fjalstad moved the adoption of the following resolution:

**RESOLUTION**

WHEREAS There is a demand for a canal from Sweetwater Lake to Devils Lake; and

WHEREAS It is desirable that Cavanaugh Lake be developed for fishing and recreation; and

WHEREAS It appears feasible that Starkweather Coulee may be diverted into Sweetwater Lake in connection with an overall flood control plan for the Sweetwater-Dry Lake Water Management District; and

WHEREAS The Edmore Coulee and other coulees flowing into Sweetwater and Dry Lake are in need of clean-out and channel improvement; and

WHEREAS Technical assistance and engineering aid are needed by the District in order to formulate plans and specifications to establish the foregoing projects;

NOW, THEREFORE, BE IT RESOLVED By the Sweetwater-Dry Lake Water Management District Commissioners this 23rd day of June, 1965, assembled at the Court House of Ramsey County, in the City of Devils Lake, North Dakota, as follows:

1. That Gordon Berg, Chairman of the Sweetwater-Dry Lake Water Management District Commissioners, is hereby authorized and directed to meet with and contact the State Water Commission of the State of North Dakota for the purpose of attaining and securing for the District engineering help and technical assistance in connection with the planning and preparation of plans and specifications for a project or projects providing for the following:

-2-

- A. Construction of a canal from Sweetwater Lake to Devils Lake;
  - B. Construction of water channels and other control structures for the diversion of water into Cavanaugh Lake for the maintenance of Cavanaugh Lake as a fishing and recreation area;
  - C. Diversion of Starkweather Coulee into Sweetwater Lake so as to channel the water through the proposed canal from Sweetwater Lake into Devils Lake;
  - D. Clean-out and channel improvement of the Edmore Coulee and other coulees flowing into Sweetwater and Dry Lakes.
- II. That Gordon Berg as chairman of the Sweetwater-Dry Lake Water Management District Commissioners, be authorized to contact the State Water Commission in behalf of the District to request financial contribution by the State Water Commission towards the construction of a canal from Sweetwater Lake into Devils Lake, and towards such other projects as are proposed and set out in this resolution.

Dated this 23rd day of June, 1965.

Chain Lakes Water Management District

By /s/ Gordon Berg, Chairman

Attested:

/s/ F. E. Foughty  
Secretary.

Upon a vote being taken, all members voted in favor of the resolution and it was declared duly passed.

Arnold Fjalstad moved that the bill of Dan Wakefield for flying the Chairman in connection with the inspection of the area by air, in the amount of \$25.00 be paid. Upon a vote being taken, the motion passed and the secretary was directed to prepare the necessary voucher to pay the bill.

Arnold Fjalstad moved that the following budget be approved:

Per diem of commissioners	\$ 600.00
Travel expense	400.00
Clerk hire	300.00
Postage and telephone	200.00
Attorney fees	1,000.00
Planning and survey	5,000.00
Easement and right of way	5,000.00
Miscellaneous expense	100.00
Planning and construction of water improvement and flood control project in the district	<u>7,500.00</u>
Total	<u>\$20,100.00</u>

-3-

Upon a vote being taken, all commissioners present voted in favor of the same, and the secretary was directed to prepare a budget request in accordance therewith, to be signed by the Chairman and presented to the County Auditor.

There being no further business, the meeting was adjourned.

/s/ F. E. Foughty  
Secretary

S.L. Olsen

APPENDIX H

## MINOT CHAMBER OF COMMERCE

RESOLUTION ADOPTED BY THE MINOT CHAMBER OF COMMERCE  
AT ITS BOARD OF DIRECTORS MEETING  
OF APRIL 20, 1965

WHEREAS, the Board of Directors and the members of the Minot Chamber of Commerce have been concerned for many years as to the hazards inherent to the citizens and properties of the City of Minot and surrounding areas by the possibility of flood conditions in the Mouse River Valley, and

WHEREAS, the Chamber of Commerce has in the past been concerned that U. S. Army Corps of Engineers investigate the needs for adequate flood protection studies in the Mouse River Valley, and

WHEREAS, The Chamber of Commerce of Minot has been cognizant of the fact the U. S. Army Corps of Engineers has now completed this study and have made recommendations to the City of Minot for appropriate flood control measures, and

WHEREAS, these recommendations include the construction of a dry dam just north of Burlington, North Dakota on the Mouse River and the construction of an additional dry dam at the City of Kenmare on the Des Lacs River Valley, and

WHEREAS, It is the understanding of the Chamber of Commerce that the proposed dry dam construction will not retain water except during floods exceeding the capabilities of the Lake Darling Reservoir to withstand, and, as a result, will not disrupt the use of valley lands for agricultural purposes except during such extreme flooding conditions, and

WHEREAS, the U. S. Army Corps of Engineers has assured the City of Minot that the waters trapped by the Burlington Dam during such extreme flooding conditions would be released as rapidly as possible after the flood danger has passed, and

WHEREAS, the Chamber of Commerce of Minot has been assured by officials of the City of Minot that the City has no desire or

"THE CITY WITH A FUTURE!"

need for the continuing entrapment of waters behind the proposed dams as a possible source of water supply for the City of Minot, and

WHEREAS, the utilization of the present government-owned lands in the Mouse River Valley to their maximum capacity for storage of flood waters will result in a minimum of private property being removed from the tax rolls, and

WHEREAS, the proposed plan would improve communication and transportation lines across the Lake Darling impoundment to assure adequate connection for Renville County at all times, even during maximum flood conditions, and

WHEREAS, the U. S. Army Corps of Engineers has assured officials of the City of Minot and citizens of this area that property owners involved in this project would be fairly and truly compensated for the inconveniences forced upon them by the construction of this flood protection, and

WHEREAS, a minimum disturbance of the Fish and Wildlife operations in the upper Souris Valley would be created by adoption of the proposed plan, and

WHEREAS, a major flood in the Mouse River Valley would jeopardize the lives and properties of many thousands of the citizens of Minot and Western North Dakota as well as the inactivation of a vital national defense installation, namely Minot Air Force Base, and

WHEREAS, extreme flood conditions in Minnesota and Eastern North Dakota at this very moment have re-emphasized the urgency for providing adequate flood protection for the City of Minot.

NOW, THEREFORE BE IT RESOLVED by the Board of Directors of the Minot Chamber of Commerce, Minot, North Dakota, at their regular Board of Directors meeting do hereby urge the United States Army Corps of Engineers to proceed as rapidly as possible to implement the plans and proposals which have heretofore been outlined and to proceed with the utmost haste with the construction of adequate flood protection for the citizens of the City of Minot and the Mouse River Valley with all due consideration being given to the property owners affected by this proposal.

THIS RESOLUTION was passed on the 20th day of April, 1965.

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S. L. Oisen, Manager  
 Minot Chamber of Commerce  
 P. O. Box 940  
 Minot, North Dakota 58702

## APPENDIX I

## RESOLUTION 65-6-220

ADOPTED BY NORTH DAKOTA STATE WATER COMMISSION  
On June 29, 1965

Pembina River Basin Development - Plan 2  
(SWC Project #567)

WHEREAS, the International Joint Commission held hearings in Manitou, Manitoba, Canada, and Walhalla, North Dakota, United States of America, on June 9 and 10, 1965, respectively, regarding the Summary Report Joint Investigation of Pembina River Basin Development; and

WHEREAS, this international body requested, from individuals and agencies representing the State of North Dakota, a definite endorsement of one of the three plans contained in the Summary Report as submitted by the International Joint Commission for consideration by the public; and

WHEREAS, Plan 2 with certain modification includes definite and significant development features beneficial to both Canada and the United States.

NOW, THEREFORE, BE IT RESOLVED that the North Dakota State Water Commission in its meeting held in Minot, North Dakota on June 29, 1965 recommends and respectfully urges that Plan 2 be constructed at the earliest possible date with modifications. These modifications should recognize the need for the storage of a greater quantity of water behind the proposed Pembilier Dam for future use which can be accomplished by increasing the size of the structure and the resulting reservoir; and

BE IT FURTHER RESOLVED that this Resolution be forwarded to Canadian and American Sections of the International Joint Commission, United States Senators Milton R. Young and Quentin N. Burdick, United States Representatives Mark Andrews and Rolland Redlin, and the Pembina County Water Management District, to the St. Paul District Corps of Engineers and the Garrison Diversion Unit Office of the Bureau of Reclamation.

NORTH DAKOTA STATE WATER COMMISSION

MONTHLY REPORT OF APPROPRIATIONS AS OF JUNE 30, 1965  
1963 - 1965 APPROPRIATIONS

FUND	AVAILABLE FUNDS		DISBURSEMENTS		FUND BALANCES		
	APPROPRIATION	RECEIPTS	TO DATE	JUN '65	UNEXPENDED	ENCUMB.	UNENCUMB.
1. COMM PD & EXP -15	6,500.00	.00	6,490.12	21.04	9.88	.00	9.88
2. ADMINISTRATION -301	70,000.00	890.43	69,039.76	2,326.14	1,850.67	1,000.00	850.67
3. MTCE OF DAMS -302	150,000.00	97,047.86	243,754.94	12,129.18	3,292.92	.00	3,292.92
4. INT'L & INT -303	10,000.00	10.00	9,823.75	844.48	186.25	.00	186.25
5. TOPOGRAPHIC -304	30,000.00	6,210.42	36,210.42	4,662.82	.00	.00	.00
6. HYDROGRAPHIC -305	27,500.00	2,750.00	30,250.00	.00	.00	.00	.00
7. ENGR & GEOL -306	60,000.00	52,564.23	111,016.81	2,517.34	1,547.42	.00	1,547.42
8. COOP W/US DEPT -307	60,000.00	6,000.00	65,950.42	5,672.65	495.8	.00	495.8
9. ENGR INVEST. -308	145,000.00	4,947.12	148,623.72	7,899.24	1,323.40	.00	1,323.40
10. ADM WATER RIGHTS-309	10,000.00	.00	9,980.74	206.67	19.26	.00	19.26
	<u>569,000.00</u>	<u>170,420.06</u>	<u>731,140.68</u>	<u>36,279.56</u>	<u>8,279.38</u>	<u>1,000.00</u>	<u>7,279.38</u>

NOTE- \$10,000 TRANSF. FROM #304 TO #305, 306, & 307.

\$ 6,210.42 TRANSF. FROM EM COMM TO #304.

SWG FILE C5-1.2

NORTH DAKOTA STATE WATER COMMISSION  
STATUS OF CONTINUING APPROPRIATIONS

AS OF JUNE 30, 1965

FUND	AVAILABLE FUNDS		DISBURSEMENTS		FUND BALANCES		
	APPROPRIATION	RECEIPTS	TO DATE	JUN '65	UNEXPENDED	ENCUMB.	UNENCUMB.
20. MULTIPLE PURPOSE CARRIED FWD -3770	500,000.00 337,928.21	306,560.59	728,098.90	101,294.18	416,389.90	154,895.00	261,494.90
21. CONST BOND QUAR-8770	90,000.00	23,390.24	21,453.69	.00	91,934.55	.00	91,934.55

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 10'57. 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 - FUND #21 "8770"

TYPE	DUE DATE	INTEREST RATE	INTEREST REC. TO MATURITY	PRINCIPAL	TOTAL INCOME ANTICIPATED
U.S. SERIES K BONDS	4-67	2.76%	\$ 110.40	\$2,000	\$2,110.40
U.S. TREASURY BONDS	12-68	2.50%	262.50	3,000	3,262.50
SIoux IRRIG DIST BONDS	1984 SERIALY	2.25%	3,825.00	15,500	19,325.00
			\$4,197.90	\$ 20,500	\$24,697.90

EXCESS OVER \$90,000 CASH IN FUND #21 TO BE CREDITED TO GENERAL FUND. 1-2-58 AG OPINION.

NORTH DAKOTA STATE WATER COMMISSION  
PAYROLL - JUNE 30, 1965

NAME	POSITION	GRADE	REMARKS	SALARY	WITH TX	S.S.	INS.	BONDS	NET
HOISVEEN, MILO W.	STATE ENGR	Q-10	INC MAR' 65	1,292.00	165.40		13.70	168.75	944.15
BAESLER, GORDON	DRAFTSMAN	H-10	INC JUN' 65	529.17	58.60	19.18			451.39
BELCHER, JOE	ENGINEER	K-3	STA JUN' 65	600.67	9.00	21.77	13.70		556.20
CHRISTENSEN, RAY	ENGR AID	F-4	INC DEC' 64	345.17	40.90	12.51			291.76
COOPER, VERN	IRRIG SPEC	1-9	INC NOV' 64	289.34	30.00	10.49	13.70		235.15
DELZER, DON	GEO-CHEM	H-8	STA MAY' 65	500.00	71.40	18.13	1.35		409.12
DIEDE, JANE	STENO	B-9	STA JUN' 65	206.67	21.10	7.49			178.08
ENGSTROM, VIRGLE	RODMAN	E-6	INC APR' 65	306.67	35.30	11.12	13.35		246.90
FREDRICKSON, FRED	COORDINATOR	L-7	INC OCT' 64	727.67	125.00	26.38	13.70		562.59
FROELICH, LARRY	GEOLOGIST	K-2	INC APR' 65	583.67	43.70	21.16	13.35		505.46
FRY, GORDON	ENGR AID	D-10	STA JUN' 65	233.18	25.00	8.45			199.73
GLOVER, DALE	HYDROLOGIST	M-1	INC AUG' 64	666.67	150.00	24.17			492.50
HILAND, LEONE	CH STENO	H-3	INC MAY' 65	441.67	63.00	16.01	2.25		360.41
JUCHIM, CLIFF	ATTORNEY	F-5	INC OCT' 64	354.67	68.60	12.86	13.70		259.51
KAHIL, AL	GEOLOGIST	H-5	INC DEC' 64	466.67	65.80	16.92	12.95		371.00
KNUTSON, LEWIS	DRILLER	H-4	INC AUG' 64	454.17	31.90	16.46			405.81
LINDVIG, MILTON	ENGINEER	K-3	INC APR' 65	600.67	79.00	21.77			499.90
LIVERSAGE, KAY	STENO	E-5	INC APR' 65	298.67	34.20	10.83	2.15	18.75	232.74
LUYBEN, BOB	ENGR AID	D-7	STA JUN' 65	265.50	29.70	9.62			226.18
NELSON, C. P.	ENGINEER	L-7	INC APR' 65	727.67	103.60	26.38			597.69
PUTZ, ROY	OFF ASST	D-5	INC APR' 65	252.00	19.70	9.13	2.15		221.02
RIVINIUS, MERRIL	ENGINEER	J-10	RES JUN' 65	507.04	71.40	18.38			417.26
SACKMAN, EUGENE	SURVEYOR	H-8	INC MAY' 65	504.17	40.30	18.28	13.35		432.24
SANDWICK, HAZEN	ENGINEER	M-7	INC DEC' 64	787.67	70.30	28.55	13.70		675.12
SCHANTZ, GEORGE	ENGR AID	E-6	INC AUG' 64	306.67	27.60	11.12	13.85		254.10
SCHMID, ROGER	GEOLOGIST	J-3	RES MAY' 65	162.21	17.70	5.88			138.63
SCHULZ, DELTON	ENGINEER	J-10	INC JUL' 64	656.17	92.40	23.79	13.70		526.28
SCHULZ, JIM	ASST SECY	N-3	INC APR' 65	759.67	103.60	27.54	13.70		614.83
SCHULZ, SHERRYN	RES ASST	D-5	RES JUN' 65	103.10	14.40	3.74			84.96
TILLOTSON, ANN	RES ASST	D-5	STA APR' 65	250.00	27.50	9.06	2.15		211.29
WALTERSON, HOWARD	CONST SUPT	I-5	INC APR' 65	522.67	58.60	18.95	13.70		431.42
WILKE, JENENE	STENO	C-6	RES MAY' 65	43.40	4.30	1.57			37.53
ZIEGLER, VIC	ENGINEER	M-9	INC JUL' 64	827.67	99.20	24.00	13.70		690.77
SWG GROUP INSURANCE	- 21 05			105.00			105.00		.00

NORTH DAKOTA STATE WATER COMMISSION  
PAYROLL - JUNE 30, 1965

PAGE 2.

NAME	POSITION	GRADE	REMARKS	SALARY	W/TX	S.S.	INS	BONDS	NET
BELL, BRUCE	OPERATOR	1.60	STA JUN'65	239.20	29.30	8.67			201.23
CORNELIUS, ED	OPERATOR	1.60	STA JUN'65	128.00	15.80	4.64			107.56
FROEMMING, DALE	OPERATOR	1.75	INC JAN'65	562.63	68.80	20.40			473.43
HAMAN, JAMES	DRILLER	1.90	STA MAY'65	700.90	88.20	25.41			587.29
HERR, REUBEN	ENGR AID	1.25	STA JUN'65	186.25	18.30	6.75			161.20
MENGÉ, HUBERT	OPERATOR	1.60	RES JUN'65	88.80	10.70	3.22			74.88
SENGER, ANTON	OPERATOR	2.40	INC APR'65	846.00	107.20	30.67			708.13
VOELLER, PIUS	FOREMAN	2.50	INC APR'65	896.25	39.20	32.48	12.95		811.62
				19,326.04	2,275.70	643.93	331.85	187.50	15,887.06