

MINUTES
 NORTH DAKOTA STATE WATER COMMISSION
 Held in the Office of the State Water Commission
 Bismarck, North Dakota
 July 21, 1965

MEMBERS PRESENT:

Governor William L. Guy, Chairman
 Richard P. Gallagher, Vice-Chairman, Mandan
 Gordon Gray, Member from Valley City
 Russell Dushinske, Member from Devils Lake
 Harold P. Hanson, Member from New England
 Arne Dahl, Commissioner, Department of Agriculture & Labor, Bismarck
 Milo W. Hoisveen, State Engineer, Chief Engineer and Secretary, Bismarck

OTHERS PRESENT:

Cliff Jochim, Special Assistant Attorney General
 Jim Schulz, Assistant Secretary
 Fred J. Fredrickson, Planning Coordinator
 Ernest Monson, Fingal
 John T. Heimes, Chairman, Barnes County Water Management District, Valley City
 Warren Anderson, Litchville
 M. I. Skramstad, Chairman, Barnes County Drain Board, Valley City

The meeting was called to order at 9:20 a.m. by Secretary Hoisveen with Commissioners Gray, Arne Dahl, Dushinske and Hanson present.

ELECTION OF VICE-CHAIRMAN Secretary Hoisveen stated that the first order of business would be the election of a vice-chairman.

It was moved by Commissioner Gray, seconded by Commissioner Arne Dahl that the vice-chairman of the State Water Commission be Richard P. Gallagher. Motion carried.

APPROVAL OF MINUTES OF JUNE 29, 1965 Secretary Hoisveen stated that the minutes of the June 29, 1965, meeting had been circulated among the members.

It was moved by Commissioner Gray, seconded by Commissioner Hanson and carried that the Commission dispense with the reading of the minutes and that they be approved.

Governor Guy enters the meeting and presides.

HENRY STEINBERGER It was the consensus of the Commission members that flowers be sent to Henry Steinberger who is in St. Joseph's Hospital, Minot.

Commissioner Gallagher enters the meeting.

MINOT FLOOD PROTECTIVE WORKS
Project #1408

Secretary Hoisveen stated that he, Commissioner Steinberger and Harrington surveyed the upper basin of the Souris River in regard to certain diversions and flood storage sites in lower Saskatchewan, Canada, relative to the Minot flood protective project. Those in opposition to the proposed plan were dissatisfied with the report of the Corps, feeling that this plan is beyond the necessary requirements needed to provide Minot with adequate flood protection. There are two other possibilities that might be considered by the State Water Commission regarding this project; however, both might seriously delay construction. (1) To cooperate with the city of Minot and the Water Management District in obtaining the services of a well-known consulting engineer to check over the Corps' recommendations as to the possibility that they might be excessive. (2) To create an engineering board through the International Joint Commission to study the possibility of storing water in Canada and abide by the directive of the board that 50% of the water arising in Saskatchewan is to remain in that Province for their use. There is a possible site above Estevan where water could be stored in considerable volume. Hoisveen contended that protection must be afforded Minot. He averred that anything done in the way of another study would require at least four years to complete. It would then require approval by the International Joint Commission and would probably be six or eight years before there would be any protection. The Minot situation is now serious and severe flooding may occur before that date as the potential now exists because of the heavy rainfall in the upper Souris Basin. A series of wet years may bring about a critical situation.

Commissioner Gray wondered if there could be flood protection without damaging the cemetery and the park in Renville County.

Hoisveen stated that the Corps' flood frequency for the dry dam was 7 to 15 years, and flooding might occur during these dates which might inundate the cemetery. The Commission discussed the objections raised by the opponents of the Corps' plan as presented at the last meeting.

Governor Guy stated that (1) There is no park that cannot be duplicated. (2) There is no reason why a cemetery should impede progress. (3) The Commission has to ask itself - what does the Commission want out of this structure - one thing, flood protection for the city of Minot. The Corps has spent hundreds of thousands of dollars studying this area and the Corps has stated that a dry dam is necessary and feasible. The Commission's responsibility is to recommend protection for a growing city of people and especially a city that has a growing valuation of property and Dam 41 is part of the protection. If the dry dam is built and 41 has been raised some privately owned cabins will be moved to new sites, a new park will have been laid out, a cemetery moved and ranchers will have had buildings moved to a higher ground and Minot will then be cleared for expansion. These sacrifices are not insurmountable.

It was moved by Commissioner Gray, seconded by Commissioner Gallagher and carried that the Commission endorse the flood protective works for the city of Minot as proposed by the Corps of Army Engineers which calls for a dry dam on the Souris River referred to as the Burlington Dam.

The Commissioners discussed the advisability of recommending to the city of Minot that they zone the river area.

It was moved by Commissioner Gallagher, seconded by Commissioner Gray and carried that Resolution A, which is attached to the minutes, be adopted.

SENATE BILL 138
(Chapter 445, S.L.1965)
SWC File C8-1

Governor Guy called upon Fred J. Fredrickson, Planning Coordinator for the State Water Commission, to summarize the provisions of Senate Bill 138. Mr. Fredrickson stated that what

the Commission had in mind was to put into one bill the policy of the development of the water resources and related land resources. In 1963 the Legislature enacted Concurrent Resolution 1. This is the first time the Legislature has put into words that the State participate in projects, assurances and funds. Mr. Fredrickson read Section 1 of Senate Bill 138 and discussed the bill. He stated that as far as he knew no state had a similar policy. No other state was considered in drawing up this policy. The text of the bill was taken from messages of President Kennedy, President Johnson and messages from other leaders in water and land resources.

Commissioner Gallagher stated that any policy adopted by the State Water Commission regarding the a.b.c.'s on projects within the State should be identical as far as the Federal Government, State and local entities are concerned.

Mr. Fredrickson stated that at some future meeting of the State Water Commission he would like to present the rules and regulations of the State Water Commission under the Administrative Agency Practice Act.

Governor Guy stated that Senate Bill 138 was a good piece of legislation but it should not be considered being above amending as time goes on. Possibly pollution should be added. Governor Guy felt that there should be a central policy on pollution and not a policy for each agency.

Governor Guy and Commissioner Dahl leave the meeting. Commissioner Gallagher presides.

APPROVAL OF FINANCIAL
STATEMENT FOR JUNE
1965

Secretary Hoisveen stated that it appears that the Commission will have no money left at the end of the biennium in the Administrative Fund. Mr. Hoisveen explained the transfer of funds

and the contract fund.

It was moved by Commissioner Gray, seconded by Commissioner Hanson and carried that the Financial Statement for June, 1965 be approved.

CASS COUNTY DRAIN #21
Project #1075

Secretary Hoisveen stated that a request had been received from Cass County Drain Board concerning drain #21 located in Southwest

Fargo. The drain conveys water down to Rose Coulee and into the Red River. The State Water Commission checked the drain out. The total cost of the drain would be \$26,586. The State Water Commission would participate to the extent

of 40 per cent or \$6,219.40.

It was moved by Commissioner Gray, seconded by Commissioner Dushinske that the Commission participate in Drain #21 to the extent of 40 per cent of the total cost, not to exceed \$6,219.40. The motion carried.

CASS COUNTY DRAIN #32
Project #1084

The Cass County Drain Board is requesting additional participation on behalf of the Water Commission in Drain #32. This drain is located north of Grandin. The State Water Commission has made a previous commitment on this drain but it was not adequate to cover the contract. The Commission's share of the increased cost is \$699.33.

It was moved by Commissioner Gray, seconded by Commissioner Hanson and carried that the State Water Commission participate in the increased cost of Drain #32 to the extent of \$699.33.

PEMBINA COUNTY DRAIN #47
Project #1157

The Pembina County Drain Board is requesting the Commission's participation in Drain #47. The Commission has not previously participated in this drain. The Commission's share of participation would be \$8,070.

It was moved by Commissioner Dushinske, seconded by Commissioner Gray and carried that the State Water Commission participate in Drain #47 to the extent of \$8,070.

SHEYENNE RIVER SNAGGING AND
CLEARING - Cass County
Project #568

At the June 29, 1965, meeting of the State Water Commission, the Commission agreed to participate in the snagging and clearing on the Sheyenne River in Barnes, Ransom and Richland Counties in cooperation with these counties and the Office of Emergency Planning. Before this work can be started it must be approved by the Washington office of O.E.P. The Commission agreed to participate to the extent of 25 per cent of the cost or \$57,320. However, the Commission would participate only once in the snagging and clearing on this reach of the Sheyenne River. It would then be the responsibility of the local legal entities to perform the the snagging and clearing on an annual basis. The Corps of Engineers, which originally stimulated the project, stated that the OEP cannot cooperate with another Federal agency on this type of work. It was thought that the Corps was going to snag and clear the Cass County project which is approximately 68 miles in length. The approximate cost of the Cass segment of the project is \$84,000. The Commission's share in this case would be \$21,000, which added to the \$57,000 participation in Barnes, Ransom and Richland Counties would total \$78,000. There was discussion on the assurances to be provided by these counties.

Mr. Fredrickson suggested that representatives from these four counties meet with the Commission to talk over this matter of assurances so they can discuss this with the legal entities involved. Hoisveen indicated that such a procedure worked out most satisfactorily when five counties sat in on the bank stabilization project.

The Commissioners discussed the possibility of holding the next meeting in Lisbon or Wahpeton.

It was the opinion of the Commissioners that the cities with streams running through them should take care of the snagging and clearing within the city limits.

Mr. Fredrickson stated that before a meeting is held that the type of assurances the Commission is asking for should be prepared by the legal department.

It was moved by Commissioner Dushinske, seconded by Commissioner Gray and carried that the State Engineer, Vice-chairman and legal counsel draft a statement of assurances covering the rules and procedure to be followed in connection with entering into agreements with the State Water Commission for snagging and clearing.

It was moved by Commissioner Gray, seconded by Commissioner Hanson and carried that the Commission approve the snagging and clearing of the Sheyenne River in Cass County to the extent of \$21,000 contingent upon the a.b.c.'s to be entered into with the counties.

It was moved by Commissioner Dushinske, seconded by Commissioner Hanson and carried that Messrs. Hoisveen and Gray decide on the place of meeting for the next commission meeting.

CRIPPLE CHILDRENS' SCHOOL
-Letter of Appreciation

Secretary Hoisveen stated that he had received a letter from the Cripple Children's School officials at Jamestown thanking the State

Water Commission for its part in the channel change of the James River.

SHORT CREEK DAM
Project #586

About three years ago Short Creek Dam was built north of Columbus. It impounds 1800 acre-feet of water. The natural earth bank near the spillway is subject to sloughing as it is a sugar-like material. It is best to provide protection before the emergency spillway is impaired. The cost of repairing the dam would approximate \$5,400. The State Game and Fish Department, the Burke County Water Management District and the State Water Commission would share in the repairs. Hoisveen recommended that the Commission share in the repair of Short Creek Dam to the extent of \$1,800.

It was moved by Commissioner Dushinske, seconded by Commissioner Hanson and carried that the Commission participate to the extent of \$1,800 in the repair of Short Creek Dam.

COOPERATIVE PROGRAM -
U. S. GEOLOGICAL SURVEY
SURFACE WATER BRANCH
Project #1393

Annually the State Water Commission contracts with the U. S. Geological Survey Surface Water Branch in carrying on the stream measurements in the State. About 115 gaging stations are maintained in North Dakota. The Commission also cooperates with the U. S. Geological Survey on other types of projects, such as

discharge measurements in connection with dams. A gaging station is to be installed on Sweetbriar Lake as a result of this program. During the winter months an employee of the State Water Commission is placed with the Geological Survey and the Commission pays the salary of this employment in the amount of \$2,000. The contract is for \$48,000. The U. S. Geological Survey matches the Commission's share of the program costs.

It was moved by Commissioner Hanson, seconded by Commissioner Dushinske and carried that the Commission approves the hydrographic program for fiscal year 1966 in the amount of \$48,000 with the Commission's share being \$22,000 repay and \$2,000 direct on an annual basis.

COMMISSION DISTRICT
DESIGNATION-File C1-6

Secretary Hoisveen presented two plans for approval for Commission district designation. The Commission approved Plan Two with the

recommendation that Foster County be a part of Mr. Dushinske's District. The County designations are as follows:

<u>Steinberger</u>	<u>Dushinske</u>	<u>Hanson</u>	<u>Gallagher</u>	<u>Gray</u>
Divide	Rolette	McKenzie	Mercer	Griggs
Williams	Towner	Dunn	Oliver	Steele
Burke	Cavalier	Golden Valley	Morton	Traill
Mountrail	Pembina	Billings	Burleigh	Stutsman
Renville	Pierce	Stark	Kidder	Barnes
Ward	Benson	Slope	Emmons	Cass
McLean	Ramsey	Hettinger	Logan	LaMoure
Bottineau	Walsh	Bowman	McIntosh	Ransom
McHenry	Nelson	Adams	Sheridan	Dickey
	Grand Forks	Grant	Wells	Sargent
	Eddy	Sioux		Richland
	Foster			

It was moved by Commissioner Gray, seconded by Commissioner Dushinske that Plan 2 be approved as designating the districts of the Commission members. Motion carried.

NOME-LUCCA DRAIN
Project #1377

Governor returns to the meeting.
Messrs. Skramstad, Heimes, Anderson and Monson of Barnes County appear before the Commission concerning the Nome-Lucca Drain.

Secretary Hoisveen stated that the Maple River Water Management District in Cass County is interested in the Nome-Lucca project. That district paid \$200 towards the survey which the Commission conducted relative to the Lucca dam survey which was made last winter. They have a great deal of flooding in the Maple River area resulting from the flood waters originating in the so-called Fingal-Lucca drainage basin and will share in the cost of the project at the local level, as well as Barnes County. This dam as proposed would cover 205 surface acres at a depth of 31 feet and have a conservation pool of 1800 acre-feet. The flood control pool at maximum depth would be 41 feet which would impound 1550 acre-feet of storage for slow release into

the Maple River. The estimated cost of the structure would be between \$75,000 and \$85,000.

Mr. Skramstad stated that the activities on the drain were started in 1962 after flooding in the area. The farmer couldn't get his crops harvested. In 1963 they couldn't get their crops seeded. They started work to obtain the legal drain between Casselton and Maple River area at that time. They are still working on the drain at Lucca, Nome and Fingal. In 1962 when the project was started it was under P.L.8732. The law has now been changed so that no federal funds can be expended without approval of the Game and Fish Department. Up to this time they had been using Soil Conservation Service engineers for the survey work. The remaining survey work cannot be completed without approval of the Game and Fish Department. If they have to hire a private engineer this will increase the cost of the Lucca Drain. They would like assistance from the State Water Commission. Mr. Skramstad stated that at least one-third of the land has not been farmed in the last three years.

Governor Guy asked if they were asking the State Water Commission for help with the engineering study, the construction of the drain and the construction of the dam.

Commissioner Gray stated that the Lucca survey was completed and 90% of the survey on the Nome and Fingal drains was completed. They are not able to get approval from the State Game and Fish Department to permit construction of the project with Soil Conservation Service Assistance as they have the veto power.

Secretary Hoisveen stated that the Water Commission has an agreement with the Soil Conservation Service whereby they will supply the engineering surveys for legal drains provided the State Water Commission will pass on the plans and the drains meet with Commission approval. This agreement has been in effect for approximately 17 years. There was discussion on this area being a watershed project.

Governor Guy suggested that the Barnes County group meet with Mr. William Sebens, Executive Secretary of the North Dakota State Soil Conservation Committee and ask him if he thinks there is a possibility of approaching the Fingal and Nome drains on the basis of a soil program. Governor Guy stated that the Game and Fish Department would be contacted to ascertain the reason for not approving the project and that this matter would again be placed on the Agenda for the next meeting, to which this group was invited. It was felt that the Commission needed more information before they could say what they would do regarding this project.

Commissioner Gallagher stated that the State Water Commission does not participate in engineering of drains but does participate in construction of dams and approval of plans.

The meeting reconvened at 1:30 p.m. Governor Guy was not present.

MISSOURI RIVER EROSION BETWEEN
1-94 BRIDGE AND NORTHERN
PACIFIC BRIDGE - Project #576

Secretary Hoisveen read a letter from the City of Bismarck in which they requested the State Water Commission to investigate the need for stabilizing the Missouri River bank between the new 1-94 bridge and the Northern Pacific Bridge. Hoisveen indicated that

the Water Commission's operations engineer had checked the area and stated that the matter could become serious within a year or two. It was stated that rip-rap of bridges and in some cases public properties might be undertaken by the Corps of Engineers without demanding local assurances.

It was moved by Commissioner Gray, seconded by Commissioner Dushinske and carried that the Chief Engineer make a study and recommendation of the situation.

**SPOIL BANK LEVELING ON THE
BOIS DE SIOUX
Project #928**

Secretary Hoisveen stated that some time ago he had written to the Corps of Engineers relative to the spoil banks on the Bois de Sioux. Hoisveen read a letter he received from the Corps. He stated that while attending the Conference on Natural Beauty in Washington, D. C. he contacted the Corps and suggested that the Federal Government be required to level spoil banks in such a way that the banks could be cropped or maintained. Commissioner Gray received a letter from the City Attorney of Wahpeton, Mr. McMichael, concerning this matter.

Mr. Fredrickson stated that they have an authorized project which they have never done anything about. Most of the spoil bank is in South Dakota. The spoil banks may be contributing silt to the river. He would like to see them revive the project, which is a flood protective project.

Commissioner Gray suggested that the Chief Engineer write to Mr. McMichael bringing him up-to-date on this project. He asked which was the least expensive or more practical - to dike or to dredge. Hoisveen stated that it was more practical to construct levees or a flood wall. Silt will continue to be deposited in the dikes.

Secretary Hoisveen suggested that the Commission follow up this project and endeavor to incorporate this with the over-all project, if there is such a project still open. It was suggested that this project be placed on the agenda for the next meeting, when the Commissioners could look over the channel.

Commissioner Gray suggested that the Secretary contact Mr. McMichael and appropriate people concerning the project.

**CONSTRUCTION BOND GUARANTEE
FUND AND REVENUE BONDS**

File C5-3.1

Jim Schulz, Assistant Secretary, reviewed the Construction Bond Guarantee Fund and Revenue Bonds. He stated that the Commission was authorized to issue revenue bonds up to a maximum of \$3 million, not exceeding 5 per cent interest per annum. These bonds can be issued for any works necessary for water resources development and the procedure is quite simple. The Commission passes a resolution stating the purpose of the bonds and includes the bond form. After the Commission authorizes the issuance of bonds, a buyer is contacted. The Bank of North Dakota has bought these bonds in the past and acts as trustee.

With the Construction Bond Guarantee Fund the Commission may guarantee payment of the principal and interest on the revenue bonds up to 20 per cent of the par value. The Guarantee Fund has not been used for 20 years and presently has a balance of \$90,000. Bonds were issued for

the Sioux Irrigation Project and the Lewis and Clark Irrigation Project. At present there are no Commission Revenue Bonds outstanding.

After the bonds are printed and delivered to the bank they will issue payment to the Commission. The money is put into a separate fund called the "Construction Fund." In addition, another fund is set up to repay bonds called the "Revenue Bond Payment Fund." The money deposited with the bank from the Construction Bond Guarantee Fund can be invested by the bank in securities and the income from the securities retained by the bank. After the bonds are repaid, any funds remaining are returned to the State Water Commission. The fund has not been used for some time and it was recommended that this fund be put to use. Schulz explained that the reason the Commission has not issued any bonds is that the Federal Government has so many programs which provide money interest free, as grants-in-aid.

It was moved by Commissioner Dushinske, seconded by Commissioner Hanson and carried that the consensus of the Commission is to encourage the Commission to utilize the Construction Bond Guarantee Fund whenever feasible and practical.

MISSOURI BASIN INTER-AGENCY
COMMITTEE MEETING - Bismarck
April, 1966

Secretary Hoisveen stated that the April, 1966, meeting of the Missouri Basin Inter-Agency Committee will be held in Bismarck. A tentative program would include papers on commercial fisheries on the main stem of the Missouri River by the Bureau of Sport Fisheries and Wildlife; a paper on the Red River of the North and the possible affect of the Garrison Diversion on the Red River; a report on ground-water program in North Dakota; a report on lignite as a fuel for power; a report by archeologists of Indians on the Missouri; responsibility of Federal Government for bank stabilization due to flood control projects. There was considerable discussion as to possible speakers for the presentation on bank stabilization.

MINOT WATER RELEASES - Bureau
Sport Fisheries and Wildlife
Project #782

Cliff Jochim discussed the contract concerning water releases from Lake Darling as it affected the State Water Commission. Section 13 of the Contract is primarily concerned with the State Water Commission. In this section the Bureau of Sport Fisheries and Wildlife wants the Commission to vigorously defend its water rights if challenged as a result of such control and wants the Commission to refuse to approve any water rights in the aquifer and the basin. The aquifer can be pretty well defined but the boundaries of the basin are more difficult to determine. The Bureau of Sport Fisheries and Wildlife does not want any water rights granted in the aquifer area. Commissioner Gallagher did not see why the Commission should be a party to this agreement. In 1934 the Bureau declared its intention to claim all unappropriated water in the Mouse River, among others. Jochim discussed this matter with Minot's attorney. The Commission does not want to hold up the City's project by not signing the contract. The City Attorney advised Mr. Jochim that the amount of releases from Lake Darling and the rainfall they have had has put Minot in good shape water-wise until fall at least. Jochim then called the Bureau of Sport Fisheries and Wildlife to advise them that the Commission does not believe it necessary to be a party to the agreement. Schaffer, Acting Director, said he had no authority in the matter and would have to talk it over with their attorneys but indicated that if the Commission did not sign the contract the Bureau would want a separate contract from the Commission. If the Bureau refuses to release the Commission, Jochim

Jochim suggested the wording in paragraph 13 be changed. The only solution for the Commission is to get out of signing the contract or compromise the language in Section 13. It was the consensus of the Commissioners that they did not want to do anything that would deprive Minot of a water supply and if necessary they would sign the agreement, as is in order, to protect Minot

It was the recommendation of the Commissioners that no action would be taken at this time on the contract and if an emergency arose, the Secretary would call an emergency meeting or contact the Commissioners by telephone.

RESOLUTION - BINDING NORTH
DAKOTA LEGISLATURE FOR FUTURE
EXPENDITURES ON BANK
STABILIZATION- Project 576

Secretary Hoisveen read a resolution concerning a study on the equity of the maintenance and operation requirements of the Corps of Engineers and definite recommendations to the 40th Legislative Assembly regarding North Dakota's intent and extent of such maintenance and operation. It was the opinion of the Commission that the word 'navigation' should be inserted in the 5th Paragraph of the resolution. There was discussion as to whether the Legislative Research Committee could direct the Legislature to make such a study.

It was moved by Commissioner Hanson, seconded by Commissioner Gray and carried that the Commission defer action on the proposed resolution requesting the Legislative Research Committee to direct the Legislature to sanction such a study.

STATE OUTDOOR RECREATION
AGENCY - File S-34

Commissioner Dushinske inquired as to the relationship of the State Water Commission to the State Outdoor Recreation Agency. Secretary Hoisveen stated that he was appointed the executive officer of SORA by Governor Guy and that SORA has authority to act on all projects as long as they do not intrude on the authority of any of the other agencies. The State Water Commission still continues to function as it has in the past. There are 12 agencies represented in SORA. The Commission will probably be consulted and be very much involved on all water-based recreation projects. There is a plan called an interim plan - a state-wide plan - which will set forth the priorities of the projects and the order in which the projects will be developed.

Commissioner Dushinske asked if after the plan has been approved if the funds will be available. Secretary Hoisveen stated that Congress has appropriated about \$15 million to date for grants. North Dakota is eligible to receive \$107,000 of this amount. If a state fails to use the amount of money allocated to it in three years, it reverts back to the Bureau of Outdoor Recreation for distribution to other states.

There was some discussion about access around lakes as it pertains to private property.

WATER RIGHTS

#1284

The application of William and James Flynn of Grand Forks to divert 360 acre-feet from the Red River for the purpose of irrigating 376 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 360 acre-feet to irrigate 376 acres, it was moved by Commissioner Arne Dahl, seconded by Commissioner Hanson and carried that the application be approved and the permit granted for the diversion of 360 acre-feet to irrigate 376 acres of land subject to such conditions as indicated on the permit.

#1285 The application of Stutsman County Water Management District, Jamestown, to divert 135,000 acre-feet of water from Pipestem Creek for flood control, recreation and municipal use 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 135,000 acre-feet for flood control, recreation and municipal use, it was moved by Commissioner Arne Dahl, seconded by Commissioner Hanson and carried that the application be approved and the permit granted for the diversion of 135,000 acre-feet for flood control, recreation and municipal use, subject to such conditions as indicated on the permit.

#1286 The application of Harold W. Erickson, Jr., of Carrington, to divert 730 acre-feet of water from Underground sources for commercial fish propagation 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 for commercial fish propagation, 100 acre-feet annual use, it was moved by Commissioner Arne Dahl, seconded by Commissioner Hanson and carried that the application be approved and the permit granted for the diversion of 730 acre-feet storage and 100 acre-feet annual use for commercial fish propagation, subject to such conditions as indicated on the permit.

#1287 The application of the City of Minnewaukan to divert 170 acre-feet of water from underground sources for municipal use 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 140 acre-feet for municipal purposes, it was moved by Commissioner Arne Dahl, seconded by Commissioner Hanson and carried that the application be approved as modified and the permit granted for the diversion of 140 acre-feet for municipal use, subject to such conditions as indicated on the permit.

#1289 The application of Frank Schug of Valley City to divert 300 acre-feet of water from the Sheyenne River at two sites and diverting a small tributary of the Sheyenne for the third site for the purpose of irrigating 220.2 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 220.2 acre-

#1294

The application of the Walsh County Water Management District of Grafton, to divert 915 acre-feet storage, 66 acre-feet annual use from unnamed tributary, tributary of the North Branch of the Forest River for 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 915 acre-feet storage, 66 acre-feet annual use for flood control, it was moved by Commissioner Arne Dahl, seconded by Commissioner Hanson and carried that the application be approved and the permit granted for the diversion of 915 acre-feet storage, 66 acre-feet annual use for flood control subject to such conditions as indicated on the permit.

#1295

The application of Joe J. Frederick of Richardton to divert 226 acre-feet of water from the Little Knife River, tributary of the Knife River for the purpose of irrigating 113 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 170 acre-feet to irrigate 113 acres, it was moved by Commissioner Arne Dahl, seconded by Commissioner Hanson and carried that the application as modified by the recommendation of the State Engineer be approved and the permit granted for the diversion of 170 acre-feet to irrigate 113 acres of land subject to such conditions as indicated on the permit

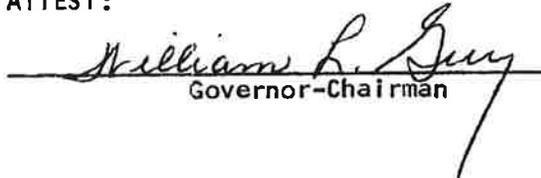
#1296

The application of Walsh County Water Management District, Grafton, to divert 502 acre-feet of water from North Branch of Forest River for flood control, 50 acre-feet annual use, 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 502 acre-feet storage, 50 acre-feet annual use for flood control, it was moved by Commissioner Arne Dahl, seconded by Commissioner Hanson and carried that the application be approved and the permit granted for the diversion of 502 acre-feet storage, 50 acre-feet annual use for flood control subject to such conditions as indicated on the permit.

There being no further business the meeting adjourned at 3:30 p.m.

ATTEST:


Governor-Chairman


Secretary

RESOLUTION 65-7-221

Adopted by the State Water Commission July 21, 1965

CITY OF MINOT ZONING

WHEREAS, recent flows from the Des Lacs River and releases from Lake Darling have indicated that certain encroachments are still being made on the channel of the Souris (House) River in Minot and the area above and below the city; and

WHEREAS, a flow of 1,300 c. f.s. recently threatened a newly constructed residential area within the reach of the Souris (House) River; and

WHEREAS, the Corps of Engineers made a channel capacity study of the Souris (House) River as recently as five years ago and determined that the channel through Minot would permit a flow of 2,300 c.f.s. before reaching flood stage; and

WHEREAS, county and city flood planning and zoning do not appear to be adequately protecting the residential and industrial sites in such areas; and

WHEREAS, the city of Minot has recently requested the State Water Commission to support its efforts to obtain flood protection; and

WHEREAS, the State Water Commission has acted favorably in regard to such request;

NOW, THEREFORE, BE IT RESOLVED that the North Dakota State Water Commission in its meeting held in Bismarck, North Dakota, on July 21, 1965, recommends to the governing bodies of the city of Minot, the County Commissioners of Ward County and the Ward County Water Management District that the Souris (House) River be zoned in such a manner as to prevent the channel capacity of the stream from being further impaired as the Des Lacs River will not be fully controlled and will be a threat to lives and property if such encroachment is not eliminated.

BE IT FURTHER RESOLVED that the State Water Commission recommends to the city of Minot, County Commissioners of Ward County and Ward County Water Management District that such zoning service may be obtained through the Corps of Engineers, St. Paul District Office.

NORTH DAKOTA STATE WATER COMMISSION
 MONTHLY REPORT OF APPROPRIATIONS AS OF JULY 31, 1965
 1965 - 1967 APPROPRIATIONS

ACCOUNT	AVAILABLE FUNDS		DISBURSEMENTS		ACCOUNT BALANCES		
	APPROPRIATION	RECEIPTS	TO DATE	JUL'65	UNEXPENDED	ENCUMB.	UNENCUMB.
1005 - SALARIES EXP	431,000.00	.00	18,682.87	18,682.87	412,317.13	.00	412,317.13
2005 - FEES & SERVICES	130,000.00	.00	.00	.00	130,000.00	.00	130,000.00
3005 - SUPPLIES & MAT.	175,000.00	.00	.00	.00	175,000.00	.00	175,000.00
4005 - EQUIPMENT	50,000.00	.00	.00	.00	50,000.00	.00	50,000.00
	<u>786,000.00</u>	<u>.00</u>	<u>18,682.87</u>	<u>18,682.87</u>	<u>767,317.13</u>	<u>.00</u>	<u>767,317.13</u>

336-770 CONTRACT FUND 570,000.00 .00 .00 .00 570,000.00 .00 570,000.00

NOTE- BAL. OF MULTIPLE PURPOSE FUND '63-'65 WILL BE TRANSFERRED TO CONTRACT FUND ON 8-3-65.

SWC FILE 05-1.2

NORTH DAKOTA STATE WATER COMMISSION
STATUS OF CONTINUING APPROPRIATIONS
AS OF JULY 31, 1965

FUND	AVAILABLE FUNDS		DISBURSEMENTS		FUND BALANCES		
	APPROPRIATION	RECEIPTS	TO DATE	JUL'65	UNEXPENDED	ENCUMB.	UNENCUMB.
20. MULTIPLE PURPOSE	500,000.00						
CARRIED FWD -3770	337,928.21	330,501.25	745,506.89	17,407.99	422,922.57	154,895.00	268,027.57
21. CONST BOND GUAR-8770	90,000.00	23,390.24	21,455.69	.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"

<u>TYPE</u>	<u>DUE DATE</u>	<u>INTEREST RATE</u>	<u>INTEREST REC. TO MATURITY</u>	<u>PRINGIPAL</u>	<u>TOTAL INCOME ANTICIPATED</u>
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 SERIALLY	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
 MONTHLY REPORT OF APPROPRIATIONS AS OF JULY 31, 1965
 1963 - 1965 APPROPRIATIONS "PRIOR"

FUND	AVAILABLE FUNDS		DISBURSEMENTS		FUND BALANCES		UNENCUMB.
	APPROPRIATION	RECEIPTS	TO DATE	JUL'65	UNEXPENDED	ENCUMB.	
1. COMM PD & EXP -15	6,500.00	.00	6,496.14	6.02	3.86	.00	3.86
2. ADMINISTRATION -301	70,000.00	890.43	70,888.30	1,848.54	2.13	.00	2.13
3. MTCE OF DAMS -302	150,000.00	97,230.30	247,205.77	3,450.83	24.53	.00	24.53
4. INT'L & INT -303	10,000.00	10.00	10,003.75	180.00	6.25	.00	6.25
5. TOPOGRAPHIC -304	30,000.00	6,210.42	36,210.42	.00	.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	112,564.23	1,547.42	.00	.00	.00
8. COOP W/US DEPT -307	60,000.00	6,000.00	65,999.73	49.31	.27	.00	.27
9. ENGR INVEST. -308	145,000.00	4,947.12	149,946.13	1,322.41	.99	.00	.99
10. ADM WATER RIGHTS-309	10,000.00	.00	9,998.20	17.46	1.80	.00	1.80
	<u>569,000.00</u>	<u>170,602.50</u>	<u>739,562.67</u>	<u>8,421.99</u>	<u>39.83</u>	<u>.00</u>	<u>39.83</u>

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

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

SWC FILE C5-1.2

NORTH DAKOTA STATE WATER COMMISSION
PAYROLL - JULY, 1965

NAME	POSITION	GRADE	REMARKS	SALARY	W/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	RES JUL' 65	370.02	9.00	13.41	13.70		333.91
CHRISTENSEN, RAY	ENGR AID	F-8	INC JUL' 65	383.17	45.40	13.89			323.88
COOPER, VERN	IRRIG SPEC	I-9	INC NOV' 64	289.34	30.00	10.49	13.70		235.15
DAHL, EINAR	COMM.	I5	RES JUN' 65	30.00		1.09			28.91
DELZER, DON	GEO-CHEM	H-8	STA MAY' 65	500.00	71.40	18.13			410.47
DIEDE, JANE	STENO	B-9	STA JUN' 65	206.67	21.10	7.49	2.15		175.93
ENGSTROM, VIRGLE	RODMAN	E-6	INC APR' 65	306.67	35.30	11.12	13.35		246.90
FREDRICKSON, FRED	COORDINATOR	LL-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	285.00	32.00	10.33			242.67
GALLAGHER RICHARD	COMM.	I5	STA JUL' 61	15.00		.54			14.46
GLOVER, DALE	HYDROLOGIST	M-1	INC AUG' 64	666.67	150.00	24.17			492.50
GRAY, GORDON	COMM.	I5	STA JUL' 63	120.00		4.35			115.65
HILAND, LEONE	OH STENO	H-3	INC MAY' 65	441.67	63.00	16.01	2.25		360.41
JOHIM, CLIFF	ATTORNEY	F-5	INC OCT' 64	354.67	68.60		13.70		272.37
KAHL, AL	GEOLOGIST	I-4	INC JUL' 65	508.67	71.40	18.44	12.95		405.88
KNUTSON, LEWIS	DRILLER	I-2	INC JUL' 65	480.67	37.50	17.42			425.75
KOPP OWEN	DRAFTSMAN	F-3	STA JUN' 65	381.44	52.90	13.83			314.71
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	19.74			604.33
PUTZ, ROY	OFF. ASST.	D-5	INC APR' 65	252.00	19.70	9.13	2.15		221.02
REISER, DANUEL	ACCT.	H-1	STA JUL' 65	158.73	16.00	5.75			136.98
SACKMAN, EUGENE	SURVEYER	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	2.70	13.70		700.97
SCHANTZ, GEORGE	ENGR AID	E-6	INC AUG' 64	306.67	27.60	11.12	13.85		254.10
SCHULZ, DELTON	ENGINEER	K-9	INC JUL' 65	702.67	90.20	25.47	13.70		573.30
SCHULZ, JIM	ASST SECY	N-3	INC APR' 65	759.67	103.60	20.54	13.70		621.83
STEINBERGER, HENRY	COMM.	I5	STA JUL' 61	15.00		.54			14.46
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
ZIEGLER, VIC	ENGINEER	N-8	INC JUL' 65	867.17	104.80		13.70		748.67
SWC GROUP INSURANCE				109.55			109.55		.00

NORTH DAKOTA STATE WATER COMMISSION
PAYROLL - JULY 31, 1965

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NAME	POSITION	GRADE	REMARKS	SALARY	W/TAX	S.S.	INS	BONDS	NET
BELL, BRUCE	OPERATOR	1.60	STA JUN' 65	229.60	28.30	8.32			192.98
CORNELIUS, ED	OPERATOR	1.60	RES JUL' 65	81.60	9.80	2.96			68.84
FANDRICH REINHOLD	OPERATOR	1.60	STA JUL' 65	87.20	10.40	3.16			73.64
FISCHER ERVIN	OPERATOR	1.60	STA JUL' 65	228.00	28.70	8.27			191.03
FROEMMING, DALE	OPERATOR	1.75	INC JAN' 65	230.13	28.90	8.35			192.88
HAMAN, JAMES	DRILLER	1.90	STA MAY' 65	198.90	24.10	7.21			167.59
HERR, REUBEN	ENGR AID	1.25	STA JUN-65	210.00	21.60	7.61			180.79
RENKE, HARRY	OPERATOR	1.60	STA JUL' 65	148.00	17.10	5.36			125.54
SCHUH ADOLPH	OPERATOR	1.60	STA JUL' 65	130.40	25.0	4.73			123.17
SENGER, ANTON	OPERATOR	2.40	INC APR' 65	309.60	40.20	11.22			258.18
VOELLER, PIUS	FOREMAN	2.50	INC APR' 65	348.75	20.20	12.64	12.95		302.96
				17,802.83	2,117.20	510.76	337.20	187.50	14,650.17