

MINUTES
 NORTH DAKOTA STATE WATER COMMISSION
 Held in Office of State Water Commission
 Bismarck, North Dakota
 December 8, 1967

MEMBERS PRESENT:

Governor William L. Guy, Chairman
 Russell Dushinske, Member from Devils Lake
 Harold Hanson, Member from New England
 Arne Dahl, Commissioner, Department of Agriculture, Bismarck
 Milo W. Hoisveen, State Engineer, Chief Engineer and Secretary
 North Dakota State Water Commission, Bismarck

Others Present:

Alan Grindberg, Assistant Chief Engineer, State Water
 Commission, Bismarck
 Gordon Berg, Devils Lake

The meeting opened at 9:10 a.m. with
 Governor Guy presiding. Present were Governor Guy, Commissioners Dushinske and
 Hanson, and Secretary Hoisveen.

MINUTES OF NOVEMBER 2 and 3, 1967
 APPROVED

It was moved by Commissioner Hanson,
 seconded by Commissioner Dushinske and
 carried that the minutes as distributed
 be approved.

FINANCIAL STATEMENTS FOR
 OCTOBER AND NOVEMBER 1967
 APPROVED

It was moved by Commissioner Dushinske,
 seconded by Commissioner Hanson and carried
 that the Financial Statements for October
 and November 1967 be received.

SNAGGING AND CLEARING PROJECTS
 Oak Creek and Willow Creek (#820)
 and Pembina River (#871)

The Oak Creek Water Management District
 has requested the assistance of the Water
 Commission in requesting the Corps of
 Engineers to proceed with the snagging

and clearing of the Oak-Willow Creek channel.

The Pembina County Water Management District
 has requested the assistance of the Water Commission in requesting the Corps of
 Engineers to proceed with the snagging and clearing of the Pembina River.

It was moved by Commissioner Dushinske, seconded by Commissioner
 Hanson and carried that the State Water Commission request the
 Corps of Engineers to snag and clear the Oak-Willow Creek channel.

It was moved by Commissioner Dushinske, seconded by Commissioner
 Hanson and carried that the State Water Commission request the
 Corps of Engineers to snag and clear the Pembina River.

**BUFORD-TRENTON IRRIGATION
DISTRICT REQUEST FOR FINANCIAL
ASSISTANCE TO RAISE LAKE
TRENTON PUMP (#222)**

Secretary Hoisveen recommended that the Commission proceed with the raising of Lake Trenton Pump to better adopt it for pumping operations during high reservoir periods. The total estimated cost is

\$4,000, with the Commission's share as \$2,000. The installation was originally made by the State Water Commission. It does provide a considerable quantity of water which is much needed to make this project function at a maximum capability.

It was moved by Commissioner Hanson, seconded by Commissioner Dushinske and carried that the Commission approve the of the Buford-Trenton Irrigation District's request for State Water Commission assistance in raising the Lake Trenton pump four feet, the cost to be shared on a 50-50 basis.

**KRAMER DRAIN ALLOCATION
OF COSTS (#1060)**

Kramer Drain is located in Bottineau County. Funds were allocated by the State Water Commission for Kramer Drain

in the amount of \$30,088, in 1962. To date no costs have been incurred and no money has been spent inasmuch as shortly after the allocation was made a watershed project was suggested and accepted by the local landowners. The Kramer Drain is now scheduled to be constructed under the Boundary Creek watershed project by the Soil Conservation Service. The drain excavation and structural work will now be paid for through the use of federal funds. In view of this situation the local district board inadvertently assumed and anticipated that the funds released from Kramer Drain would be available for the overall watershed project. They have now requested a release of the funds for use on the project when and if constructed. In view of this being a previous allocation it is believed that it will not be precedent setting. Fear was expressed that if it were precedent setting our entire appropriations could be used on this far-reaching program. There is a petition to dissolve Boundary Creek Water Management District as the people feel the assessments are too high. It is not the usual practice for the Water Commission to allocate money for a watershed project but this is a previous commitment. It is doubtful if it would establish a precedent.

It was moved by Commissioner Dushinske, seconded by Commissioner Hanson and carried that the Commission approve the Kramer Drain allocation for the Boundary Creek watershed project and that an explanatory letter be forwarded to the district informing them of the "non-precedent setting" allocation basis.

**RESOLUTION - COMMENDING
INTERNATIONAL JOINT COMMISSION
FOR APPROVAL OF PEMBINA RIVER
DEVELOPMENT (#567)**

A resolution had been prepared for approval by the Commission commending the International Joint Commission for its approval and support of the Pembina River Development (Appendix A).

It was moved by Commissioner Dushinske, seconded by Commissioner Hanson and carried that the resolution commending the International Joint Commission for its approval and support of the Pembina River Development be approved.

INTERSTATE CONFERENCE ON
WATER PROBLEMS

The Interstate Conference on Water Problems is one of many organizations under the Council of State Governments seeking supplemental funds to meet its immediate requirements. Secretary Hoisveen stated that the Fees and Services appropriation of the State Water Commission is short and at this time he did not think the State Water Commission would be in a position to contribute to this Conference. Governor Guy explained the Council of State Governments and the organizations within the Council. Secretary Hoisveen stated that the Commission has committed its funds to the National Reclamation Association and the Mississippi Valley Association, and recommended that no contribution be made by the Commission.

It was moved by Commissioner Dushinske, seconded by Commissioner Hanson and carried that the Commission make no contribution to the Interstate Conference on Water Problems at this time.

DRAYTON DAM (#681)

Secretary Hoisveen reported that because of the soils conditions in the Red River Valley there is a slight movement in the concrete spillway. The Commission has conferred with the Corps of Engineers and their soil specialist has recommended that the Commission unload some of the soil on the south side of the dam and put rocks on the face of the spillway to counteract the pressures resulting from the earth recharge. The movement has not been very great but indications are that it might be as high as two inches in some of the spillway joints. The feeling of the Commission engineers and the Corps of Engineers is that it should be taken care of immediately before there is a serious type of break. Previously the Commission did give the Secretary authority to care for emergencies. The necessary repair work on Drayton Dam has been taken care of with an expenditure approximating \$6,000. The Commission's policy is to care for these matters for a three year period after construction.

It was moved by Commissioner Dushinske, seconded by Commissioner Hanson and carried that the Commission approve the repairs to Drayton Dam.

Commissioner Dahl enters the meeting.

DRAIN #8, TRAILL COUNTY
(#1230)

Secretary Hoisveen recommended that the Commission participate in the cost of a crossing downstream from Drain #8 in Traill County. The total cost would be \$7,200 with the Commission's share approximating \$2,880.

It was moved by Commissioner Hanson, seconded by Commissioner Dahl and carried that the Commission participate in the cost of a crossing downstream from Traill County Drain #8.

HOWARD STONE RESOLUTION

Commissioner Dushinske called the attention of the Commission to the death of Howard Stone, New Rockford, an active participant in water resources.

It was moved by Commissioner Dushinske, seconded by Commissioner Hanson and carried that the Commission extend to Mrs. Howard Stone their sympathy in the death of her husband, Howard Stone, and recognize his interest and activities in water resources.
(See Appendix B)

DISSOLUTION OF BOUNDARY
CREEK WATER MANAGEMENT
DISTRICT (#702)

Assistant State Engineer Grindberg stated that the Boundary Creek watershed covers part of the Boundary Creek Water Management District. Everything

necessary, leading up to the signing of the contract with the Government, had been accomplished without protest. The contract is now ready to be signed.

The landowners are raising objections to the assessments because of the size of the assessments. The Water Commission Drainage Engineer reports that there are some inequities in the assessments. They now want to dissolve the district thereby killing the project. They need 50 per cent of the freeholders to sign the petition requesting the dissolution of the water management district. If they get the required number of signers a hearing will have to be held by the Water Commission. The only question as far as the law is concerned that the Commission has to consider is the question of whether or not the purpose for which the district was created still exists. That is a different question than whether the district can be dissolved. The Commission attorney is approaching this from the standpoint of working with the board with the possibility of getting them to reassess the property more equitably and maybe the landowners will withdraw their objections.

Commissioner Dushinske presides.

Governor Guy leaves the meeting,

PROGRESS CHART -
STATE WATER PLAN (#322)

A progress chart showing the progress which has been made regarding the North Dakota State Water Plan was shown

to the Commissioners. The Commissioners commended the staff for an excellent piece of work.

Gordon Berg enters the meeting.

DEVILS LAKE BASIN
(#416)

Mr. Berg discusses the mitigation problem with the Fish and Wildlife Service. He does not know what the

solution is but feels that something should be done to pay the farmers for the wetland areas and the Fish and Wildlife should pay additional for hunting on the land. He would like to have the Commission pass a resolution to establish a water bank plan which would provide for annual payments to farmers for non-agricultural use of wetland areas.

Secretary Hoisveen stated that the Sanford Research Institute is recommending increased payments to the farmers for use of their wetlands. It is the feeling of the SRI that the farmer is beginning to realize the value of this land to him and that he is underpaid for the wildlife he is raising. Mr. Berg stated further that tree planting has dropped considerably the past few years because the lack of drainage adversely affects planting.

Commissioner Hanson felt that since so many of the Commissioners and Governor Guy were absent no action should be taken at this meeting.

Mr. Berg stated that there was to be a meeting on December 14 and he would let Mr. Hoisveen know the feeling of the people. He also stated that he had talked to the County Commissioners of Ramsey County and they seemed to favor a county-wide water management district rather than two districts now operating in portions of Ramsey County.

WATER RIGHTS

#1502

The application of the North Dakota State Penitentiary, Bismarck, to divert 360 acre-feet of water from ground-water sources to irrigate 240 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 240 acres of land, it was moved by Commissioner Dahl, seconded by Commissioner Dushinske and carried that the application be approved and the conditional permit granted for the diversion of 360 acre-feet to irrigate 240 acres of land, subject to such conditions as indicated on the permit.

#1503

The application of George Kvanvig, Hettinger to divert 10 acre-feet of water from an unnamed intermittent draw tributary to Flat Creek, Grand and Missouri Rivers to irrigate 7 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 10 acre-feet to irrigate 7 acres of land, it was moved by Commissioner Dahl, seconded by Commissioner Dushinske and carried that the application be approved and the conditional permit granted for the diversion of 10 acre-feet to irrigate 7 acres of land, subject to such conditions as indicated on the permit.

#1504

The application of Vernon Triebold, Oriska, to divert 54 acre-feet storage plus 24 acre-feet annual use from an unnamed creek tributary to the Maple and Sheyenne Rivers for wildlife fish dam 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 54 acre-feet storage plus 24 acre-feet annual use for wildlife fish dam, it was moved by Commissioner Dahl, seconded by Commissioner Dushinske and carried that the application be approved and the conditional permit granted for the diversion of 54 acre-feet storage plus 24 acre-feet annual use, subject to such conditions as indicated on the permit.

#1505

The application of Joe Stevens, Valley City, to divert 96 acre-feet storage plus 36 acre-feet annual use from an unnamed creek tributary to the Sheyenne River for a wildlife fish dam 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 96 acre-feet storage plus 36 acre-feet annual use for wildlife fish dam, it was moved by Commissioner Dahl, seconded by Commissioner Dushinske and carried that the application be approved and the conditional permit granted for the diversion of 96 acre-feet storage plus 36 acre-feet annual use, subject to such conditions as indicated on the permit.

#1506

The application of Hollis Jacobson, Valley City, to divert 30 acre-feet of water from the Sheyenne River to irrigate 15 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 15 acre-feet to irrigate 15 acres of land, it was moved by Commissioner Dahl, seconded by Commissioner Dushinske and carried that the application as modified by the recommendation of the State Engineer be approved and the conditional permit granted for the diversion of 15 acre-feet to irrigate 15 acres of land, subject to such conditions as indicated on the permit.

#1507

The application of John Kocourek, Driscoll, to divert 40.8 acre-feet of water from an unnamed coulee tributary to Stony Slough to irrigate 40.8 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 40.8 acre-feet to irrigate 40.8 acres of land, it was moved by Commissioner Dahl, seconded by Commissioner Dushinske and carried that the application be approved and the conditional permit granted for the diversion of 40.8 acre-feet to irrigate 40.8 acres of land, subject to such conditions as indicated on the permit.

The meeting adjourned at 10:30 a.m.

Milo W. Hoisveen
Secretary

ATTEST:

William L. Gung
Governor-Chairman

APPENDIX A

RESOLUTION 67-12-246

APPRECIATION OF INTERNATIONAL JOINT COMMISSION
RE: PEMBINA RIVER DEVELOPMENT

WHEREAS, since 1962 the International Joint Commission, composed of citizens of Canada and the United States, has been diligently working on the Pembina River Reference; and

WHEREAS, a number of proposed plans for projects both in the United States and Canada were submitted to the International Joint Commission for its consideration; and

WHEREAS, all of the proposed project plans were given the same unbiased scrutiny by the International Joint Commission; and

WHEREAS, on December 4, 1967, the Department of State revealed that it had received a favorable report made by the International Joint Commission recommending a plan for the cooperative development of the Pembina River Basin in North Dakota and Manitoba.

NOW, THEREFORE, BE IT RESOLVED that the North Dakota State Water Commission in its meeting held in Bismarck, North Dakota, on December 8, 1967, hereby extends to the International Joint Commission its sincere appreciation for its untiring and unselfish efforts in promoting the welfare and best interests of the citizens of Canada and the United States.

BE IT FURTHER RESOLVED that the Secretary of the North Dakota State Water Commission is hereby directed to forward copies of this Resolution to the Secretary of the Department of State; Chairmen of the Canadian and United States Sections of the International Joint Commission; U. S. Army Corps of Engineers; Commissioner, Bureau of Reclamation; Members of the North Dakota

Congressional Delegation; the Governor of the State of North Dakota;
Minister of Northern Affairs and Natural Resources, Ottawa; Minister of
Agriculture, Ottawa; the Prime Minister of Manitoba; Minister of Agriculture
and Conservation, Manitoba.

FOR THE NORTH DAKOTA STATE WATER COMMISSION:

S/ William L. Guy
Governor-Secretary

ATTEST:

S/ Milo W. Hoisveen
Secretary

APPENDIX B

RESOLUTION 67-12-247

IN MEMORIAM

Howard Stone

WHEREAS, God in His infinite wisdom has seen fit to summon from our midst Howard Stone; and

WHEREAS, Mr. Stone's interest in and devotion to the proper utilization and management of the State's water resources will forever be remembered and his accomplishments will act as a perpetual memorial to him.

NOW, THEREFORE, BE IT RESOLVED by the North Dakota State Water Commission, at a regular meeting held in its office in the State Capitol, Bismarck, North Dakota, December 8, 1967, does hereby express its sincere sympathy and condolence to his widow; and

BE IT FURTHER RESOLVED that the Secretary be and is hereby directed to spread this Resolution upon the records of the Commission and transmit a copy thereof to Mrs. Stone, New Rockford, North Dakota.

FOR THE NORTH DAKOTA STATE WATER COMMISSION:

S/ William L. Guy
Governor-Chairman

ATTEST:

S/ Milo W. Hoisveen
Secretary