

MINUTES
NORTH DAKOTA STATE WATER COMMISSION
 Held in Office of State Water Commission
 Bismarck, North Dakota
 May 14, 1968

MEMBERS PRESENT:

Governor William L. Guy, Chairman
 Richard P. Gallagher, Vice Chairman, Mandan
 Henry Steinberger, Member from Donnybrook
 Harold Hanson, Member from New England
 Russell Dushinske, Member from Devils Lake
 James R. Jungroth, Member from Jamestown
 Arne Dahl, Commissioner, Department of Agriculture, Bismarck
 Milo W. Hoisveen, State Engineer, Chief Engineer and Secretary
 State Water Commission, Bismarck

Others Present:

Alan Grindberg, Assistant Chief Engineer, State Water
 Commission, Bismarck
 Cliff Jochim, Special Assistant Attorney General, State
 Water Commission, Bismarck
 Otto Kasper, Beulah
 Raymond M. Hagen, Beulah
 Lynn S. Aasen, Beulah
 Ken McIntyre, Rush River Water Management District, Harwood
 Les Chaffee, Rush River Water Management District, Harwood
 Duane Hoehn, Rush River Water Management District, West Fargo

The meeting convened at 9:15 a.m. with Commis-
 sioners Steinberger, Hanson, Dushinske, Jungroth, and Secretary Hoisveen
 present. Commissioner Dushinske presided

**MINUTES OF MARCH 30, 1968
 APPROVED**

of March 20, 1968 be dispensed with and the minutes be approved as circulated.

**PEMBINA RIVER DEVELOPMENT -
 RESOLUTION (#567)**

At the December, 1967, meeting of the
 State Water Commission, a resolution was
 adopted commending the International
 Joint Commission for its support of the Pembina River Development Project. A
 resolution has been prepared for Commission approval urging the United States
 Department of State to initiate the International Joint Commission recommenda-
 tion with such modifications as may appear necessary. Although the stand of
 the State Water Commission has been made clear through Chairman Guy, it was
 the opinion of the Commission that the current resolution may aid in stimulating
 action by the State Department.

It was moved by Commissioner Steinberger, seconded by Com-
 missioner Hanson and carried that the Commission adopt
 Resolution 68-5-252 Support of the Pembina River Develop-
 ment Project." (See Appendix A.)

HANS CREEK (#1487)

The City of Halliday has requested the State Water Commission to investigate the feasibility of incorporating a dam with the proposed relocation of State Highway #8 on a stream which is tributary to Hans Creek in Dunn County. A \$200 deposit has been made by the City. Secretary Hoisveen recommended that the Commission initiate a survey as to the feasibility of incorporating a dam with the proposed relocation of State Highway #8.

It was moved by Commissioner Hanson, seconded by Commissioner Jungroth and carried that a survey be made in connection with Hans Dam.

TURTLE RIVER STATE PARK (#672)

A request has been received from the Grand Forks County Water Management District for a survey as to the possibility of diverting eight additional square miles from what is known as Hazen Brook to the Turtle River State Park area and constructing a dam in the Park. The area is quite sandy and it will be necessary to ascertain if the dam, if constructed, will hold water. The \$200 deposit has been made.

It was moved by Commissioner Hanson, seconded by Commissioner Jungroth and carried that the Commission conduct the surveys needed to determine the feasibility of creating an impoundment in the Turtle River State Park.

BRAG DAM (#1493)

A request has been received from the Griggs County Water Management District and the Steele County Board of Commissioners for a survey as to the feasibility of a multipurpose reservoir located on the Griggs-Steele County line for flood control and recreation. The \$200 deposit has been made. The Secretary recommended approval of this project.

It was moved by Commissioner Jungroth, seconded by Commissioner Hanson and carried that the Commission conduct surveys for the proposed Brag Dam.

WESTHOPE WATER SUPPLY (#810)

The City of Westhope is requesting financial assistance in providing and safeguarding a water supply for municipal purposes. The request indicated that funds were much needed to provide a storage supply area whereby water would be available through pumping from the Souris River during periods of ample water.

It was moved by Commissioner Steinberger, seconded by Commissioner Hanson and carried that the Commission participate to the extent of 50 per cent up to a maximum of \$11,000 in the construction of a reservoir from the City of Westhope.

meeting.

Commissioner Gallagher presides at the

WATER RIGHTS

#1518

The application of Vincent Zacharias and Sons, Kathryn, to divert 793 acre-feet of water from underground sources to irrigate 634.65 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 793 acre-feet to irrigate 634.65 acres of land, subject to the results of an aquifer test which could modify the pumping rate and acre-feet applied for, it was moved by Commissioner Jungroth, seconded by Commissioner Hanson and carried that the application be approved and the conditional permit granted for the diversion of 793 acre-feet to irrigate 634.65 acres of land, subject to the results of an aquifer test which could modify the pumping rate and acre-feet applied for; subject to such conditions as indicated on the permit.

#1522

The application of Kenneth Nylander, Tioga, to divert 36 acre-feet of water from an Unnamed Coulee tributary to White Earth Creek and Garrison Reservoir for the purpose of irrigating 40.3 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 36 acre-feet to irrigate 40.3 acres of land, it was moved by Commissioner Jungroth, seconded by Commissioner Hanson and carried that the application be approved and the conditional permit granted for the diversion of 36 acre-feet of irrigate 40.3 acres of land, subject to such conditions as indicated on the permit.

#1523

The application of Edward Kudrna, Manning, to divert 110 acre-feet of water from Crooked Creek tributary of the Knife River for the purpose of irrigating 55 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 55 acre-feet to irrigate 55 acres of land, it was moved by Commissioner Jungroth, seconded by Commissioner Hanson 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 55 acre-feet to irrigate 55 acres of land, subject to such conditions as indicated on the permit.

#1524

The application of R. B. Luger, Fort Yates, to divert 952 acre-feet of water from the Oahe Reservoir, to irrigate 476 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 952 acre-feet to irrigate 476 acres of land, it was moved by Commissioner Jungroth, seconded by Commissioner Hanson and carried that the application be approved and the conditional permit granted for the diversion of 952 acre-feet to irrigate 476 acres of land, subject to such conditions as indicated on the permit.

#1525

The application of West Dickey County Water Management District, Ellendale, to divert 341.4 acre-feet of water for storage, 175.8 acre-feet annual use from an Unnamed Stream Tributary to the Maple River and James River for recreation purposes was presented to the Commission by the Secretary for consideration.

The State Engineer, Milo W. Hoisveen, having considered the application and made his recommendation thereon for 341.5 acre-feet storage plus 175.8 acre-feet for recreation purposes, it was moved by Commissioner Jungroth, seconded by Commissioner Hanson and carried that the application be approved and the conditional permit granted for the diversion of 341.4 acre-feet storage plus 175.8 acre-feet annual use, subject to such conditions as indicated on the permit.

#1526

The application of John Kary, Solen, to divert 18 acre-feet of water from Battle Creek tributary to the Missouri River to irrigate 18 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 18 acre-feet to irrigate 18 acres of land, it was moved by Commissioner Jungroth, seconded by Commissioner Hanson and carried that the application be approved and the conditional permit granted for the diversion of 18 acre-feet to irrigate 18 acres of land, subject to such conditions as indicated on the permit.

#1527

The application of Harold Hughes, Fairview, Montana, to divert 100 acre-feet of water from Four Mile Creek tributary to the Missouri River to irrigate 50 acres of land was presented to the Commission by the Secretary for consideration.

The State Engineer, Milo W. Hoisveen, having considered the application and made his recommendation thereon for 100 acre-feet to irrigate 50 acres of land, it was moved by Commissioner Jungroth seconded by Commissioner Hanson and carried that the application be approved and the permit granted for the diversion of 100 acre-feet to irrigate 50 acres of land, subject to such conditions as indicated on the permit.

#1528

The application of C. L. Stenhjem, Kindred, to divert 424 acre-feet of water from the Sheyenne River to irrigate 212 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 212 acre-feet to irrigate 212 acres of land, it was moved by Commissioner Jungroth, seconded by Commissioner Hanson and carried that the application be approved and the conditional permit granted for the diversion of 212 acre-feet to irrigate 212 acres of land, subject to such conditions as indicated on the permit.

#1533

The application of George Bakke, Williston, to divert 60 acre-feet of water from Sandy Creek tributary to the Missouri River to irrigate 41 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 60 acre-feet to irrigate 41 acres of land, it was moved by Commissioner Jungroth, seconded by Commissioner Hanson and carried that the application be approved and the conditional permit granted for the diversion of 60 acre-feet to irrigate 41 acres of land, subject to such conditions as indicated on the permit.

#1534

The application of the Texaco Company, Denver, Colorado, to divert 940 acre-feet for industrial purposes from underground sources 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 940 acre-feet for industrial purposes, it was moved by Commissioner Jungroth, seconded by Commissioner Hanson and carried that the application be approved and conditional permit granted for the diversion of 940 acre-feet, subject to such conditions as indicated on the permit

#1535

The application of the Mountrail County Water Management District, Stanley, to divert 1580 acre-feet for storage plus 525 acre-feet annual use from White Earth River tributary to the Garrison Reservoir for recreation 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 1580 acre-feet storage plus 525 acre-feet annual use for recreation it was moved by Commissioner Jungroth, seconded by Commissioner Hanson and carried that the application be approved and the conditional permit granted for the diversion of 1580 acre-feet storage plus 525 acre-feet annual use for recreation, subject to such conditions as indicated on the permit.

#1536

The application of Joe Mayo and Sons, Cavalier to divert 15 acre-feet of water from Sentinel Butte Dam tributary of Andrew Creek and Little Missouri River for industrial 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 15 acre-feet for industrial use, it was moved by Commissioner Jungroth, seconded by Commissioner Hanson and carried that the application be approved and the temporary permit granted for the diversion of 15 acre-feet for industrial use, subject to such conditions as indicated on the permit.

#1537

The application of Raymond Ketterling, Zeeland, to divert 12.3 acre-feet of water from an Unnamed (Noncontributing) Tributary, tributary to Beaver Creek and Missouri River to irrigate 12.3 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 12.3 acre-feet to irrigate 12.3 acres of land, it was moved by Commissioner Jungroth, seconded by Commissioner Hanson and carried that the application be approved and the conditional permit granted for the diversion of 12.3 acre-feet to irrigate 12.3 acres of land, subject to such conditions as indicated on the permit.

#1538

The application of the Great Northern Railway Company, St. Paul, to divert 335 acre-feet of water from underground sources for industrial use was presented to the Commission by the Secretary for consideration.

The State Engineer, Milo W. Hoisveen, having considered the application and made his recommendations thereon for 335 acre-feet for industrial use, it was moved by Commissioner Jungroth, seconded by Commissioner Hanson and carried that the application be approved and the conditional permit granted for the diversion of 335 acre-feet for industrial use, subject to such conditions as indicated on the permit.

#1539

The application of the Great Northern Railway Company, St. Paul, to divert 28 acre-feet of water from underground sources for industrial 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 28 acre-feet for industrial use, it was moved by Commissioner Jungroth, seconded by Commissioner Hanson and carried that the application be approved and the conditional permit granted for the diversion of 28 acre-feet for industrial use, subject to such conditions as indicated on the permit.

#1540

The application of Alvin Tollefsrud, Rhame, to divert 37 acre-feet of water from an Unnamed Creek tributary to the Little Missouri to irrigate 36.8 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 37 acre-feet of water to irrigate 36 acres of land, it was moved by Commissioner Jungroth, seconded by Commissioner Hanson and carried that the application be approved and the conditional permit granted for the diversion of 37 acre-feet of water to irrigate 36 acres of land, subject to such conditions as indicated on the permit.

#1541

The application of Verne Anderson, Cartwright, to divert 165 acre-feet of water from an Unnamed Intermittent Draw tributary of the Yellowstone River to irrigate 110 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 110 acre-feet of water to irrigate 110 acres of land, it was moved by Commissioner Jungroth, seconded by Commissioner Hanson, and carried that the application be approved as modified by the recommendation of the State Engineer and the conditional permit granted for the diversion of 110 acre-feet to irrigate 110 acres of land, subject to such conditions as indicated on the permit.

#1542

The application of Guy S. Frounfelter, Granville, to divert 1926.8 acre-feet of water from underground sources to irrigate 963.4 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 1350.1 acre-feet to irrigate 963.4 acres of land, it was moved by Commissioner Jungroth, seconded by Commissioner Hanson 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 1350.1 acre-feet to irrigate 963.4 acres of land, subject to such conditions as indicated on the permit.

#1543

The application of the City of Jamestown to divert 813 acre-feet of water for storage plus 345 acre-feet annual use from an Unnamed Coulee tributary to the James River for recreation 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 813 acre-feet storage plus 345 acre-feet annual use for recreation, it was moved by Commissioner Jungroth, seconded by Commissioner Hanson and carried that the application be approved and the conditional permit granted for the diversion of 813 acre-feet storage plus 345 acre-feet annual use for recreation, subject to such conditions as indicated on the permit.

#1544

The application of Irvin Kadrmas, Killdeer to divert 27 acre-feet storage plus 15 acre-feet annual use from an unnamed dry stream tributary to the Knife River for water for fish habitat was presented to the Commission by the Secretary for approval.

The State Engineer, Milo W. Hoisveen, having considered the application and made his recommendation thereon for 27 acre-feet storage plus 15 acre-feet annual use for recreation, it was moved by Commissioner Jungroth, seconded by Commissioner Hanson and carried

**SALARY COMPARISON
STUDY**

including comparable positions in the State Highway Department and Federal agencies with respect to the length of time on the job, experience and responsibility.

Commissioner Gallagher suggested that a study be made of the salaries of Commission employees for comparison purposes

Governor Guy stated that the State does have a merit system and there is a Merit System Council. The Council has made a study for the Bank of North Dakota. He suggested that the Commission ask the Merit System Council to conduct such a study. Such a study would take at least a month and cost between \$500 and \$1000.

The Secretary stated that the Commission had checked and made salary comparisons with the Highway Department but no particular study has been made.

It was moved by Commissioner Hanson, seconded by Commissioner Dushinske and carried that the Commission ask the Merit System Council for an estimate of the time and cost of a study of the State Water Commission salary scales.

BEULAH DAM #1464

Messrs. Kasper, Hagen and Aasen appeared before the Commission relative to a proposed dam on Brush Creek near Beulah. Secretary Hoisveen outlined the preliminary work that had been done in connection with the Beulah Dam. He indicated that the dam would be approximately 90 feet high and store 24,000 acre-feet when filled. It could, with supplemental water pumped from the Knife River, provide a power cooling system for a 400,000 to 600,000 kilowatt thermal generating plant.

Mr. Hagen, representing the Beulah Tri-County Development Corporation, stated they were advised that several power companies were interested in getting together and building a power generating plant. They were interested in sites in South Dakota, Minnesota, Wyoming and North Dakota. Representatives of the Corporation contacted Montana-Dakota Utilities who were interested in the North Dakota site. The Knife River Coal Company is a subsidiary of MDU and has extensive resources of coal south of Beulah. The Corporation has applied for a water permit. The permit has not and will not be approved by the State Water Commission until easements have been secured. The Corporation does not have funds with which to build a dam. They would like to have a water permit and whatever cost participation and engineering advise that could be made available to them through the Water Commission.

The Commission members were commendable to the group for the industrious attitude they have displayed in their effort to attract industry to North Dakota.

It was moved by Commissioner Jungroth, seconded by Commissioner Gallagher and carried that the Commission offer the good services of the State Water Commission to continue to assist Beulah Tri-County Development Corporation in developing plans for a dam to be located on Brush Creek in the vicinity of Beulah, North Dakota.

Governor Guy stated that there should be a statement by the Commission that it is willing to participate in the construction of this dam, under certain conditions, up to a reasonable amount. He further stated that the Commission's policy has been established in the case of Drayton and the Holly Sugar Beet Company in developing the water resources of North Dakota and making it possible for industry to locate in North Dakota.

Hoisveen stated that the Corporation has requested a water permit but the Commission was holding it in abeyance because a landowner had objected to the granting of the permit in view of the fact that it would involve most of his land.

Mr. Hagen informed the Commission that the protester owns most of the land on which the dam will be situated. The objection at the hearing is no longer a problem. He further stated that MDU is "a little touchy" about accepting state funds and the request they are making is for themselves, not for MDU. They will lease the site but retain control of the water. The question was asked whether or not municipal water would be involved and if so the State Water Commission could certainly participate in this feature. The group indicated that Beulah may be required to use some municipal water from the reservoir.

It was moved by Commissioner Gallagher, seconded by Commissioner Dushinske and carried that the Commission encourage the Beulah Tri-State Development Corporation to continue with their plans, which may or may not involve State Water Commission participation concerning the construction of a water impoundment and it would be the Water Commission's intent to grant a water right if available water would permit.

MISSOURI RIVER BANK
STABILIZATION (#576)

Secretary Hoisveen reported on his appearance in Washington, D. C. before the House and Senate Subcommittee meetings in connection with the Missouri River Bank Stabilization project. Using a map, he pointed out that an extreme emergency existed and \$20,000,000 worth of property was now under attack by the Missouri River in the areas between Bismarck and Mandan. Erosion is taking place at an alarming rate and bank rectification work must be done on this reach of the Missouri River during the current season. It was the Secretary's opinion that the maintenance of this work should be done at government expense and not be the local requirement, however, the problem is so severe that the local entities are of the opinion that a major catastrophe may occur if they do not acquiesce to the Corps maintenance requirements.

Governor Guy suggested the Commission adopt the following resolution; and it was moved by Commissioner Dushinske and seconded by Commissioner Hanson that the following resolution be adopted:

RESOLUTION 68-5-253

WHEREAS, bank erosion in the Mandan-Bismarck area, as well as above and below these two areas, has reached an extremely critical point which could attain catastrophic proportions; and

WHEREAS, correction by the Corps of Engineers is required immediately to avert such an impending disaster; and

WHEREAS, assurances of operation and maintenance are required by a local entity in accordance with Corps of Engineers regulations.

NOW, THEREFORE, the North Dakota State Water Commission, in regular meeting at the State Capitol, Bismarck, North Dakota, May 14, 1968, does give the assurance to the Corps of Engineers that it will act as the agency to give assurances of operation and maintenance on bank stabilization with other local government entities participating but in so doing the State Water Commission gives assurances under extreme protest that operation and maintenance on this channel from Garrison Dam to upper reaches of Oahe should be a federal responsibility because of the regulatory nature of this reach of the river as an integral part of the Missouri River development project, benefiting, for the most part, the people and states south of North Dakota.

FOR THE NORTH DAKOTA STATE WATER COMMISSION:

S/ William L. Guy

William L. Guy
Governor-Chairman

ATTEST:

S/ Milo W. Hoisveen

Milo W. Hoisveen
Secretary

Upon voice vote all commissioners voted aye and the resolution was adopted.

NORTH DAKOTA WETLANDS -
Water Bank Program
(#1489)

Governor Guy reads a resolution concerning Wildlife Mitigation Measures as it relates to the water bank program.

Several organizations are interested in wildlife mitigation and the water bank program and have adopted similar resolutions.

Commissioner Jungroth relates the back-

ground of the water bank program.

It was moved by Commissioner Dushinske, seconded by Commissioner Jungroth and carried that Resolution 68-5-254 - Wildlife Mitigation Measures - be adopted by the State Water Commission.

(See Appendix B)

STATE WATER COMMISSION
MEETING May 28, 1968 -
Minot Bid Opening

Secretary Hoisveen read a letter from Vernon Fahy, City Manager of the City of Minot, inviting the Commission to hold its next meeting at Minot on May 28, at which time bids will be opened for the construction of pumping facilities at the Snake Creek Reservoir. It was the consensus of the Commissioners that the meeting of the State Water Commission be held in Minot on May 28, 1968.

Commissioner Gallagher presides.

Governor Guy leaves the meeting;

WELLS COUNTY DRAIN #2
(#1492)

A request has been received from the Wells County Water Management District for Commission participation in Wells County Drain #2 (Fessenden Legal Drain and Lateral #1). The estimated cost of the drain is \$35,686.20, with the Commission's qualified participation estimated to be \$10,634.48. Secretary Hoisveen recommended that the Commission participate in the construction of Wells County Drain #2.

It was moved by Commissioner Dahl, seconded by Commissioner Dushinske and carried that the Commission participate in the construction of Wells County Drain #2 to the extent of \$10,634.48.

MINOT WATER SUPPLY
PROBLEM (#782)

The Water Sales Contract to be entered into between the City of Minot, the Bureau of Sport Fisheries and Wildlife and the State Water Commission was briefly discussed. Mr. Grindberg stated that some clauses had been included in the contract which were not a part of the agreement as discussed. (This matter will be brought to the attention of the Commission at the next Commission meeting which will be held in Minot.)

MISSOURI RIVER MAIN
STEM IRRIGATION
(#1494)

Mr. Hoisveen stated that while in Washington, D. C. he met with Mr. Hipple of South Dakota relative to the U. S. Bureau of Reclamation's stand on obtaining water from the Corps of Engineers constructed reservoirs. Mr. Hipple is well versed on the O'Mahoney-Milliken Bill and the Flood Control Act of 1944. He participated in much of the early background material under which the Act was developed. Requests have been received by the Corps of Engineers relative to whether the Corps has granted easements across their property where the North Dakota State Water Commission has granted a water permit. The Bureau of Reclamation has expressed an intent to charge the people who are obtaining water out of the Garrison and Oahe Reservoirs regardless of whether they hold or do not hold a water permit. The

Secretary attended a hearing conducted by Senator Mundt of South Dakota concerning this matter. It was recommended that the State Water Commission join with South Dakota in its efforts to forestall the Bureau of Reclamation instituting charges on water from Oahe and Garrison Reservoirs, as it is an encroachment on the rights of the people of the State. It would also place an acreage limitation on the amount of land to be irrigated. The Corps of Engineers' intent is to grant the easements contingent upon the water permit as well as the Bureau's permit.

It was moved by Commissioner Dushinske, seconded by Commissioner Dahl and carried that the State Water Commission cooperate with other Missouri Basin states in resolving the problem of water charges by the Bureau of Reclamation.

**SENTINEL MISSILE COMPLEX -
Cavalier-Pembina County
Ground-water Study (#944)**

The State Water Commission is cooperating in the Cavalier-Pembina County Ground-water Study. The Commission at its March 20, 1968 meeting approved a crash ground-water program in Cavalier and Pembina Counties to see what water is available to the proposed missile complex to be constructed in that area. The Corps of Engineers prior to the study was concerned over the availability of water and believed it might be necessary to move the site to some other state. It is hopeful that sufficient water will be found through State Water Commission study to meet the requirements of the Sentinel installation. In some areas it looks favorable. There is a possibility of a dam being built at the Mt. Carmel site which would provide a water supply adequate to meet municipal and recreational requirements of the area.

Commissioner Dahl leaves the meeting to attend a conference.

**ELLENDALE WATER SUPPLY
SURVEY (#615)**

The City of Ellendale is requesting the State Water Commission to conduct a ground-water survey for additional water for the City. The cost of such a survey would be \$6,000 of which 50 per cent is paid by the Water Commission. Secretary Hoisveen recommended that the Commission participate in this survey.

It was moved by Commissioner Jungroth, seconded by Commissioner Steinberger and carried that the Commission participate with the City of Ellendale in a ground-water survey, the Commission's share not to exceed \$3,000.

**WHITE EARTH DAM
(#327)**

The White Earth Dam project was reviewed by the Commissioners. No commitments have been made by any agencies. The total cost of building the dam together with land and facilities needed is \$146,760. It is recommended that the State Water Commission's share be \$24,000.

It was moved by Commissioner Steinberger, seconded by Commissioner Jungroth and carried that the Commission participate in the construction of the White Earth Dam to the extent of \$24,000.

The meeting recessed at 12 noon and reconvened at 1:30 p.m. with Commissioners Jungroth, Hanson, Dushinske, Gallagher and Steinberger, and Secretary Hoisveen present. Commissioner Gallagher presided.

**BAETH WATER PERMIT
(W.R.#957)**

Mr. Jochim reviewed the background of the Baeth application for a water permit.

The Commissioners discussed the idea of the Commission sharing in the drilling of a new well for Mr. Baeth, which would be on an experimental or research basis. It was the consensus of the Commissioners that if the Commission assisted one person in drilling a well others would expect the same consideration. The Commissioners also discussed the policy of the State Water Commission initiating injunction proceedings where the water is used without a permit. Mr. Jochim stated that our authority in such matter was limited and no greater than the aggrieved holder of a prior water permit. The Commissioners agreed that injunction proceedings should not be brought by the State Water Commission and the holder of the prior water permit should treat the matter like any other involving a legal dispute between him and his neighbor and seek relief from the courts personally. Mr. Jochim stated that he would advise Mr. Baeth's attorney that the Commission hesitates to get involved in any situation unless Baeth has a definite proposal in mind. It was also agreed that the Commission, in granting a water permit, should retain authority to adjust the amount granted, as conditions dictate but the applicant for a permit, however, should be guaranteed a definite minimum amount of water regardless of such conditions.

ERIE DAM (#1471)

Messrs. Ken McIntyre, Les Chaffee and Duane Hoehn, members of the Rush River

Water Management District, appeared before the Commission relative to the proposed Erie Dam. Hoisveen stated that a cost report had been prepared. The total cost of the project is \$240,000, with the Commission's participation being \$30,000.

McIntyre stated that the water management district had made a levy each year. They have done considerable work in this area - having spent \$40,000. They do not have the \$40,000 necessary to participate in the construction of the Erie Dam but do have \$21,000 available at this time. It is hoped that the Bureau of Outdoor Recreation will agree to participate in this project. The Commission discussed ways and means of securing the necessary funds for the Rush River Water Management District and the possibility of using county equipment on this project. The State Water Commission would provide the engineering. The Rush River Water Management District directors will meet with the County Commissioners and would like the State Water Commission represented.

It was moved by Commissioner Dushinske, seconded by Commissioner Jungroth and carried that the Commission approves participation to the extent of \$30,000 in the Erie Dam project, contingent upon approval by the Bureau of Outdoor Recreation participation.

MT. CARMEL DAM (#1346)

Secretary Hoisveen stated that on May 7, 1965, the Commission authorized \$32,500 for the Mt. Carmel Dam based on a \$125,000 estimate. Since that time soils investigations, Sentinel Missile Complex water needs and local desires have altered its complexion so the estimate for the Mt. Carmel Dam is twice the original figure. The total cost for constructing the dam would be \$211,000, with the Commission's share totalling \$72,000.

It was moved by Commissioner Dushinske, seconded by Commissioner Jungroth and carried that the Commission participate in the construction of Mt. Carmel Dam to the extent of \$72,000 and if the resulting impoundment should be required for use by the Sentinel Missile site the Commission would reevaluate its position.

SHEYENNE RIVER FLOOD CONTROL (#1344)

Petitions have been received in favor of the construction of the proposed dam at the Kindred site. Commissioner Jungroth did not feel that the Corps of Engineers had investigated all possibilities in regard to flood control for this area.

Secretary Hoisveen stated that the intent of the dam was to provide flood control for the West Fargo area and that it would serve other uses. The dam at Cooperstown would have helped reduce the size of the Kindred Dam. The Corps examined several possibilities and the Kindred site was the most feasible. Jungroth asked if the Corps had studied each coulee to see how much water comes down. The Secretary indicated that the Corps of Engineers had examined between 25 to 30 sites which appeared to have possibilities for flood storage. Commissioner Jungroth stated that he had inquired about the capability of these sites and the Corps had stated that flood control development through the small dam approach was not feasible. The proposed resolution reaffirming endorsement of the Kindred Dam was discussed. Since previous resolutions along this same line have been adopted by the Commission, the Commissioners did not think it was necessary to adopt another resolution but recommended that the Secretary write to the congressional delegation and the Corps of Engineers enclosing the resolution adopted by the Commission relative to the proposed Kindred Dam on September 30, 1965 and March 23, 1967.

It was moved by Commissioner Hanson, seconded by Commissioner Steinberger and carried that the resolutions adopted by the State Water Commission at meetings held on September 30, 1965 and March 23, 1967 concerning the proposed Kindred Dam remain the policy of the State Water Commission.

NORTH DAKOTA WILDLIFE FEDERATION RESOLUTIONS (A-27)

The Resolutions adopted by the North Dakota Wildlife Federation as they pertain to the State Water Commission were reviewed by the Commissioners. Commissioner Jungroth stated that he would discuss this with the Wildlife Federation board when it met. Commissioner Gallagher stated that it was his feeling that the Commission should do nothing about the resolutions; that Jungroth should become acquainted with the background of these resolutions.

LAKE IRVINE OUTLET CONTROL
STRUCTURE OPERATIONS (#416)

Mr. Grindberg who attended a meeting with the Chain Lakes, Sweetwater-Dry Lake and Benson County Water Management Districts stated that agreement as to the control of the Lake Irvine Outlet had been signed by the three water management districts. The agreement requires a meeting of all three boards before the gates could be opened and they would have a chance to object should any attempt be made to open the gates during the months of June, July and August.

LUCCA DRAIN (#1359)

The Lucca Drain project was discussed. The total cost of the drain would be \$85,000, with the Water Commission's share being \$27,600. Commissioner Jungroth stated that the Drainage Board accompanied by William Baribeau of the Soil Conservation Service had discussed the project with him the previous afternoon.

It was moved by Commissioner Jungroth, seconded by Commissioner Hanson and carried that the Commission approves the participation in the Lucca Drain to the extent of \$27,600.

HISTORY OF PROJECTS

Commissioner Gallagher suggested that a history of projects constructed by the State Water Commission be kept and economic follow-up studies be made so that when an appearance is made before the Legislature it can be shown how much was spent for the various items involved and the economic return to the area and the State.

STATE WATER PLAN
(#322)

The State Water Plan was deferred until May 28, 1968.

The meeting adjourned at 3:20 p.m.

Milo W. Hovsveen
Secretary

ATTEST:

William L. Gray
Governor-Chairman

RESOLUTION 68-5-252

SUPPORT OF
PEMBINA RIVER DEVELOPMENT PROJECT

WHEREAS, the Pembina River, an international stream, drains thousands of acres of fertile farmland in Canada and the United States; and

WHEREAS, past floods by the Pembina River have caused loss of human life and millions of dollars in damaged and destroyed crops, roads, bridges and buildings; and

WHEREAS, since 1962 the International Joint Commission, composed of highly qualified officials from the Governments of Canada and the United States, has been diligently working on the Pembina River Reference in an attempt to solve such flooding problem to the satisfaction of all concerned; 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; and

WHEREAS, the plan recommended by the International Joint Commission has a benefit-cost ratio favorable to both countries.

NOW, THEREFORE, BE IT RESOLVED that the North Dakota State Water Commission in its meeting held in Bismarck, North Dakota, on May 14, 1968, hereby proclaims its support of the Pembina River Development Project as recommended by the International Joint Commission; and

BE IT FURTHER RESOLVED that the United States Department of State is respectfully urged to initiate the International Joint Commission recommendation with such modifications as may appear necessary at as early a practicable date as possible; and

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:


William L. Guy, Governor-Chairman

ATTEST:


Milo W. Hoisveen, Secretary

RESOLUTION No. 68-5-254
Wildlife Mitigation Measures

WHEREAS, Resolution 66-11-233, previously adopted by this Commission at its regular meeting November 10, 1966, established that the North Dakota State Water Commission was favorable toward including wildlife habitat mitigation measures in the planning for any water management project which may threaten wildlife habitat, and particularly those values related to the production of wetlands wildfowl; and

WHEREAS, the aforesaid Resolution includes recognition that the conditions under which water management planning could be carried out as imposed upon the local sponsoring boards and through them on the landowners, have not been generally accepted; and

WHEREAS, it has become increasingly apparent that the local acceptance by landowners of any beneficial project involving total water management is the most essential, yet the most difficult step in the establishment of such a project; and

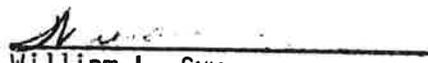
WHEREAS, the task force criteria involving wildlife mitigation is generally rejected even before needed survey and design is completed, so that realistic evaluation of the proposed project on farm lands and wildlife values cannot be made, so that unplanned drainage results, which is not in the public interest, and also loss of control over other essential aspects of water management related to the retention and control of water for all purposes; and

WHEREAS, a proposed water bank program aimed at compensating landowners for use of land for wetlands wildlife habitat has been tentatively outlined by the Water Bank Planning Committee appointed by the North Dakota Wildlife Advisory Committee, and the guidelines submitted show that such a plan as is proposed will greatly enhance the local acceptability of any water management project by

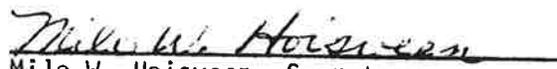
providing specifically a means to help reimburse a landowner for the estimated annual income foregone as a result of agreements related to wildlife preservation, or enhancement, preventing his improvement or free use of the land involved.

NOW, THEREFORE, BE IT RESOLVED by the North Dakota State Water Commission, in regular meeting at the State Office Building, 900 Boulevard, Bismarck, North Dakota, May 14, 1968, that the proposed Water Bank Plan is highly endorsed in principle, and that the State Water Commission strongly urges the Wildlife Advisory Committee to facilitate the progress being made by their Water Bank Committee by whatsoever means are practicable, so that the Water Bank Program may be made available as soon as possible to assist in establishing, planning, educating landowners on the merits, and carrying to completion, when locally accepted, any beneficial water management project.

FOR THE NORTH DAKOTA STATE WATER COMMISSION:


William L. Guy
Governor-Chairman

Attest:


Milo W. Hoisveen, Secretary