

MINUTES

NORTH DAKOTA STATE WATER COMMISSION
 Held in Fred J. Fredrickson Memorial Library
 Bismarck, North Dakota

May 21, 1971

The meeting was called to order at 9:40 a.m. in the Fred J. Fredrickson Memorial Library, State Water Commission offices, Bismarck, North Dakota, on May 21, 1971, with Governor William L. Guy presiding. Mr. Alan Grindberg, Assistant Chief Engineer of the State Water Commission, who was acting in the absence of Secretary Milo W. Hoisveen, noted to the Commission that Secretary Hoisveen is presently in Washington, D. C. testifying before various Committees and Subcommittees and meeting with several Federal Government agencies and officials.

PRESENT:

Governor William L. Guy, Chairman
 Richard Gallagher, Vice Chairman, Mandan
 Arne Dahl, Commissioner, Department of Agriculture
 Gordon K. Gray, Member from Valley City
 Harold Hanson, Member from New England
 James Jungroth, Member from Jamestown
 Alvin Kramer, Member from Minot

OTHERS PRESENT:

Alan K. Grindberg, Assistant Chief Engineer, North Dakota State Water Commission, Bismarck
 Cliff Jochim, Special Assistant Attorney General, North Dakota State Water Commission, Bismarck
 Miss Nelda C. Thomas, Director of Information, North Dakota State Water Commission, Bismarck
 Tony Engelhardt, Minnewaukan
 Richard M. Peterson, Minnewaukan
 Duane Howard, Minnewaukan
 Harold Michaels, Minnewaukan
 Pete Konzak, Minnewaukan
 Miles Maddock, Minnewaukan
 Gordon Berg, Chairman, Sweetwater-Dry Lake Water Management District, Devils Lake
 Larry Feinstein, Associated Press, Bismarck

MINUTES OF APRIL 16, 1971
 MEETING APPROVED

that they be approved as circulated. Commissioner Dahl seconded and all members voted aye.

Commissioner Hanson moved that the reading of the minutes of the April 16, 1971 meeting be dispensed with and

FINANCIAL STATEMENT FOR
 MONTH OF APRIL, 1971

various funds of the State Water Commission.

Mr. Grindberg presented the financial statement for the month of April, 1971, and commented on the condition of the

After a brief discussion by the Commission, Commissioner Dahl moved that the Commission accept the financial statement for the month of April, 1971, as presented. Commissioner Kramer seconded the motion and all members voted aye.

UNITED STATES-CANADIAN
BOUNDARY FLOODING
SITUATION
(#1169)

Mr. Grindberg reported on the status of the flooding situation along the United States-Canadian boundary. At the April 16, 1971 Commission meeting, a resolution was adopted by the Commission, Resolution No. 71-4-294, Order Prohibiting Drainage Within the Pembina River Basin. Mr. Grindberg stated that quite a number of acknowledgements of the resolution have been received from the Federal Governments in both United States and Canada, and also from state and local agencies.

Mr. Grindberg stated that a resolution has been received by the State Water Commission from the Pembina County Commissioners, adopted at their meeting held on May 4, 1971, requesting that Pembina County be declared a disaster area and that the State Water Commission be directed to make a thorough investigation of an illegal dike constructed by the Canadian farmers to the detriment of their peaceful coexistence between Canada and the United States.

Mr. Grindberg also told the Commission that Secretary Hoisveen while in Washington, D. C. has seen a strongly worded letter that the U. S. State Department had sent to the Canadian Department of External Affairs. A meeting is to be held in Walhalla, North Dakota, on May 25, 1971, with Mr. Tom Weber, Manitoba Water Resources Branch, to discuss this problem further.

Governor Guy asked Mr. Grindberg if the Commission has sufficient maps and pictures to back up this problem. Mr. Grindberg replied that the Commission does have sufficient correspondence, maps showing the gradients and many pictures.

Governor Guy stated to the Commission that he will check in his office and see if they have received any reactions on the resolution. He suggested that we continue to work with these people, as that is about all we can do at present, it is just a matter of settlement with the United States and Canadian Departments.

Commissioner Hanson moved the Commission reaffirm the request as contained in the two resolutions passed at the April 16, 1971 Commission meeting, Resolution No. 71-4-294, Order Prohibiting Drainage Within the Pembina River Basin, and Resolution No. 71-4-295, International Joint Commission Study of Dike Conditions Along the Canadian Border, having to do with drainage moratorium and a study of the diking that has been constructed on the Canadian side of the border. Commissioner Dahl seconded and all members voted aye.

DETERMINATION OF
FLOW AT HIGHWAY
CROSSING DEVILS LAKE
(#416)

Mr. Grindberg showed the Commission where the problem area was located and stated that a delegation from that area was here to make a presentation. Governor Guy then called the delegation.

The following representatives were present: Tony Engelhardt, Richard M. Peterson, Duane Howard, Harold Michaels, Pete Konzak, all from Minnewaukan, and Miles Maddock from Maddock. Tony Engelhardt was the spokesman for the group.

Mr. Engelhardt began by reviewing past correspondence and action that had been taken in view of the problem. During this time, he said he has made several contacts with State Highway Department and State Water Commission officials.

On May 22, 1970, the Commission at their meeting, established a minimum lake elevation of 1416 feet at Devils Lake. Mr. Engelhardt stated that this is a sufficient elevation, but that the Sportsmen Club is objecting to it, as they feel it is insufficient to the fish and wildlife habitat. He said that the lake elevation is at 1419 feet now and they feel by installing a larger culvert in Highway No. 57, it would permit water to flow at a greater rate into East Devils Lake, thus maintaining Devils Lake at the minimum 1416 elevation.

After listening to other spokesmen in the group and a considerable discussion, the group was thanked for their time and the presentation afforded the Commission.

Commissioner Gallagher moved that the State Water Commission adopt the determination that the channel between Devils Lake and East Bay, Devils Lake, where North Dakota Highways 57 and 20 cross, should carry a flow of 300 cfs when Devils Lake is at an elevation of 1418 msl; provided further, that any structure set through the highways at this point be set so as to maintain the level of Devils Lake at an elevation at or above 1416 msl; and further, that any such structures so established should be so designed that the minimum elevation of Devils Lake can be raised to 1418 msl without major addition. Commissioner Hanson seconded and all members voted aye.

REQUEST FOR FINANCIAL
ASSISTANCE, SWEETWATER-
DRY LAKE WATER MANAGEMENT
DISTRICT
(#722 and 842)

Mr. Gordon Berg, Chairman, Sweetwater-Dry Lake Water Management District, Devils Lake, North Dakota, made a presentation to the Commission.

Mr. Berg, representing area farmers, told the Commission of their plan toward construction of a single channel project from Devils Lake north to Dry Lake. This proposal is the same proposal that was presented and accepted in 1966, except that the present plan eliminates the control structure at Cavanaugh Lake. The overall total cost of the project would be approximately \$1,000,000.

Commissioner Dahl left the meeting.

Mr. Berg also discussed the Starkweather Watershed Plan. The Bureau of Sport Fisheries and Wildlife now requires an additional 3,000 acres of land to begin work on the \$5.5 million Starkweather Watershed Project, which Mr. Berg estimates would require \$1.3 million to local and possibly state funds. He stated that the area farmers are very unhappy and discouraged over the Bureau's additional land requirements and they are unwilling to sell. He stated that the Starkweather Watershed Project is the superior of the two proposals in this flood prevention project, but he can see no way to further move this project onto completion. This project also provides for water-fowl wetlands.

Mr. Berg requested the State Water Commission to (1) approve of the plans for the \$1,000,000 single channel project; and (2) participate in the cost up to approximately \$400,000.

The Commission then recessed at 12:00 noon and convened at 1:30 p.m.

Governor Guy did not return to the afternoon session of the meeting. Vice Chairman Gallagher then presided over the meeting.

The Commission continued listening to Gordon Berg. Considerable discussion was held in regard to this project. Commissioner Kramer told the Commission that it was the Governor's wishes that a meeting be scheduled in Devils Lake in the early part of June, 1971, to tour the area of the single channel alternate flood prevention proposal and also the Starkweather Watershed area. Representatives of the U. S. Bureau of Sport Fisheries and Wildlife, the State Game and Fish Department, the Soil Conservation Service, the Cavalier County Water Management District, the Walsh County Water Management District, the Sweetwater-Dry Lake Water Management District, the County Commissioners and interested local agencies should attend this meeting.

Commissioner Kramer moved that a special meeting be called by Governor Guy as soon as possible, and that the following representatives be present: Mr. James T. McBroom, Assistant Director Bureau of Sport Fisheries and Wildlife; Hollis Williams, Deputy Administrator for Watersheds, Soil Conservation Service; Louis Garlick, Bureau of Sport Fisheries and Wildlife, St. Paul; Charles Evans, Soil Conservation Service; Russell Stuart, State Game and Fish Department; Milo W. Hoisveen, State Water Commission; Sweetwater-Dry Lake Water Management District; Cavalier County Water Management District, Walsh County Water Management District and the County Commissioners. Gordon Berg shall schedule a tour of the two flood prevention proposals for the group. Commissioner Jungroth seconded and all members voted aye.

VELVA FLOOD CONTROL
(#347)

Mr. Grindberg stated that the State Water Commission has received a request from the city of Velva for financial assistance in drainage repair on the south side of town. The total cost of the project is \$877.48. The request from the city of Velva is for 50 percent of the total cost, an amount not to exceed \$438.74. It was the recommendation of Mr. Grindberg that the Commission participate in this request.

Commissioner Kramer moved that the Commission participate in 50 percent of the total cost of \$877.48, an amount not to exceed \$438.74, to the city of Velva for a drainage repair project. Commissioner Jungroth seconded and all members voted aye.

YELLOWSTONE COMPACT
COMMISSION

Mr. Grindberg reported that he had attended a special meeting of the Yellowstone Compact Commission at Sheridan, Wyoming. The purpose of the meeting was to hear two reports - one, on the status of water rights on Indian reservation, and the second, on the plans for industrial use of Yellowstone River water in Wyoming and Montana. The proposed diversion of this water contemplates a different allocation between Montana and Wyoming than that contained in the compact. North Dakota is a signator to the Yellowstone River compact and the compact contains provisions that the approval of all the signing states is needed before the provisions can be changed. Since the original compact had to be approved by Legislative action, it is the feeling of most attorneys that this indicates that Legislative action and approval will be necessary to change the terms. If North Dakota is going to agree to a change in the terms, it would therefore be necessary for our Legislature to act.

It was the consensus of the Commission that we contact the Legislative Council and obtain their counsel on this subject and that the Commission be kept informed on the proceedings.

PAYMENT OF SOURIS-RED-RAINY
RIVER BASINS COMMISSION
MEMBERS TO CITIZENS' ADVISORY
COMMITTEE
(#305)

Mr. Grindberg noted that at the past Commission meeting, it was the consensus of the Commission to defer the issue of payment of the expenses of the Souris-Red-Rainy River Basins Commission Citizens' Advisory Committee members until a future meeting and a more thorough study had been made. Mr. Grindberg read a plan that had been drawn up by the Commission staff in regards to this payment of expenses. Of the 30 member Committee, 18 are in need of some type of expense reimbursement. The total amount would approximate \$2,000 to \$2,500. Commissioner Gray read a similar plan that he had drawn up.

It was the suggestion of Commissioner Jungroth that the Commission hire these 18 Committee members as consultants. He suggested that these people be reimbursed for not more than two Commission meetings called by the Chairman, and the Chairman be reimbursed for 12 monthly meetings and one national meeting. He also suggested that a contact be made with the State Department of Accounts and Purchases seeking their opinion as to whether or not these expenses may be paid as fees for services rendered, as the

membership is made up of professional people.

Commissioner Jungroth moved that the Commission hire 18 of the Souris-Red-Rainy River Basins Commission Citizens' Advisory Committee members for reimbursement of expenses. These members will be reimbursed for not more than two yearly meetings when called by the Chairman. The Chairman will be reimbursed for 12 monthly Commission meetings and one national meeting. He also moved that a contact be made with the State Department of Accounts and Purchases seeking their opinion as to whether or not these expenses may be paid as fees for services rendered, as the membership is made up of professional people. Commissioner Hanson seconded and all members voted aye.

CASS COUNTY DRAIN
NO. 27C
(#1080)

Mr. Grindberg stated that there are plans for an upstream extension of Cass County Drain No. 27. This extension is 4.09 miles long and consists of natural coulees not previously included in earlier drainage improvement. Drainage area for the original ditch is greater than that shown for the drain improvement now proposed. The portion of the drain downstream from the extension was built to handle 238 cubic feet per second. The new portion discharges a required capacity of 147 cfs into the original ditch. The estimated cost of the Cass County Drain No. 27 is estimated at \$10,576. The Cass County Drain Board is making a request for state participation of 40 percent of the total cost, an amount not to exceed \$4,230.

Commissioner Gray moved that the State Water Commission participate in the Cass County Drain Board's request for extending Cass County Drain No. 27C, in an amount not exceeding 40 percent of the total cost of \$10,576, or \$4,230. Commissioner Hanson seconded the motion and all members voted aye.

CASS COUNTY DRAIN
NO. 23
(#1328)

Mr. Grindberg stated that in 1963, the Commission committed the money on the improvement of Cass County Drain No. 23 under the policy that a drop be built within two years. Since that time, we have prepared plans for a drop which have been rejected, have extended the deadline for building the drop several times and have paid the state share of drainage improvements of the ditch. The Commission's estimate for a drop structure was \$33,500, and the Commission approved participation of 50 percent of the cost. In 1969, the Cass County Drain Board requested permission for the Soil Conservation Service to prepare alternate plans for the drop. The plans from the Soil Conservation Service have been received and reviewed. The plan for the drop is now estimated at \$19,473.88. The Cass County Drain Board is making a request to the State Water Commission for 50 percent of the total cost, in an amount not to exceed \$9,736.94.

Commissioner Gray moved that the State Water Commission participate in the Cass County Drain Board's request for 50 percent of the total cost of \$19,473.88, making the state share not to exceed \$9,736.94, to construct a drop structure for Cass County Drain No. 23. Commissioner Hanson seconded and all members voted aye.

McCoy-McCRADIE
DROP STRUCTURE
(#1226)

Mr. Grindberg stated that in March, 1971, The State Water Commission received a request from the Traill County Drain Board to assist in the re-construction

of the drop that serves both McCradie Drain No. 14 and McCoy Drain No. 4. The drop is still in place and is functioning properly, but outlet channel damages occurred during the past year which is covered by O.E.P. damage funds. The Board at the request of the landowners involved, asked for a review of the capacity requirements of the drop and a design and estimate of the needed structure change. The Soil Conservation Service presented a layout of the plan, which has been reviewed. The estimate was upped to provide a double 48-inch weir box type hooded inlet drop to provide maximum flow with about half the tailwater differential, as compared to the original 42-inch single pipe. The total estimated cost for the 48-inch drop is \$13,840. In recognition of deferred maintenance, it is suggested that the state share investment be reduced from \$1,400 to \$1,050, leaving a state share of 40 percent of the total cost, or an amount not to exceed \$4,486.

Commissioner Gray moved that the State Water Commission participate in 40 percent of the total cost of \$13,840; in recognition of deferred maintenance reducing the state share from \$1,400 to \$1,050, thus leaving the balance of the state share at \$4,486. Commissioner Hanson seconded the motion and all members voted aye.

WATER PERMITS NOS.
1698, 1753, 1754,
1760, 1761, 1764,
and 1768

Mr. Grindberg presented seven water permits to the Commission for consideration. He noted that the State Engineer had approved water permit No. 1698, Kriss W. Enzi, on May 7, 1971, due

to the fact that Mr. Enzi had requested his approval so that his loan could be acted on at an earlier date.

It was moved by Commissioner Kramer, seconded by Commissioner Hanson and carried that the seven Conditional Permits be approved, subject to the conditions as indicated on the permit. (See Appendix "A")

COLONEL CHARLES I. MCGINNIS
APPRECIATION DINNER

Mr. Grindberg told the Commission that an appreciation dinner is going to be held in honor of Colonel Charles I.

McGinnis, St. Paul District Corps of Engineers, on June 2, 1971, at the Clarence

Parker Hotel in Minot, North Dakota. Colonel McGinnis has completed his two-year assignment of duty and is leaving St. Paul for a new post in the Panama Canal Zone.

SHEYENNE RIVER DIVERSION
(#599)

Fargo, North Dakota, for the hearing held in Fargo on the city's application to become a member of the Southeast Cass County Water Management District.

Mr. Grindberg stated that the State Engineer had received an appreciation letter from Mayor Herschel Lashkowitz,

There being no further business, the

meeting was adjourned at 3:10 p.m.


Milo W. Hoisveen
Engineer-Secretary

ATTEST:


William L. Guy
Governor-Chairman

WATER PERMITS FOR MAY 21, 1971 AGENDA

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
1754	Knudsen, Olaf & Henry- Cartwright	Charbonneau Creek, trib. to Yellow- stone River	Irrigation- Waterspreading	24.0 acre-feet 32.8 acres	24.0 acre-feet 32.8 acres
1760	Green Goose Golf Course- Northwood	Goose River, trib. to Red River	Irrigation	60.0 acre-feet 48.73 acres	60.0 acre-feet 48.73 acres
1764	Rohde, Lorenz- Pettibone	Ground Water	Irrigation	906.0 acre-feet 604.0 acres	906.0 acre-feet 604.0 acres
1761	Oster, Ernest O.- Hazen	Unnamed Intermit- tent Stream, trib. to the Knife River	Irrigation- Waterspreading	76.0 acre-feet 38.0 acres	38.0 acre-feet 38.0 acres
1753	Zunick, Vernon O.- White Earth	White Earth River, trib. to Missouri River	Irrigation- Waterspreading	17.0 acre-feet 17.3 acres	17.0 acre-feet 17.3 acres
1768	Swindler, Richard- Mott	Thirty-Mile Creek, trib. to Cannonball River	Irrigation- Waterspreading	112.0 acre-feet 112.0 acres	112.0 acre-feet 112.0 acres
1698	Enzi, Kriss W.- Braddock	West Branch Long Lake Creek, trib. to Long Lake	Irrigation	76.9 acre-feet 76.9 acres	76.9 acre-feet 76.9 acres (This permit was approved by action of the State Engineer on May 7, 1971.)