

MINUTES

North Dakota State Water Commission
 Meeting Held in Vocational Education Conference Room
 State Office Building
 Bismarck, North Dakota

August 29, 1973

The North Dakota State Water Commission held a meeting in the Vocational Education Conference Room, State Office Building, Bismarck, North Dakota, on Wednesday, August 29, 1973. Governor-Chairman, Arthur A. Link, called the meeting to order at 9:35 a.m.

MEMBERS PRESENT:

Arthur A. Link, Governor-Chairman
 Richard Gallagher, Vice Chairman, Mandan
 James Jungroth, Member from Jamestown
 Alvin Kramer, Member from Minot
 Donald Noteboom, Member from McKenzie County
 Arne Dahl, Commissioner, Department of Agriculture, Bismarck
 Vernon Fahy, Secretary and State Engineer, North Dakota State
 Water Commission, Bismarck

OTHERS PRESENT:

Matt Emerson, Assistant Secretary, North Dakota State
 Water Commission, Bismarck
 Cliff Jochim, Director of Legal Services, North Dakota State
 Water Commission, Bismarck
 Delton Schulz, Director of Engineering, North Dakota State
 Water Commission, Bismarck
 Eugene Krenz, Director of Planning, North Dakota State Water
 Commission, Bismarck
 Murray Sagsveen, Legislative Assistant, Governor's Office, Bismarck
 Russell Dushinske, Executive Vice President, North Dakota Water Users
 Association, Minot
 H. A. Hendrickson, Former Chairman of Souris-Red-Rainy River Basins
 Commission, Moorhead
 R. J. Sailer, Bismarck
 Bruce Hagen, North Dakota Public Service Commission, Bismarck
 E. J. Englerth, North Dakota Public Service Commission, Bismarck
 Mike Jacobs, Mandan Pioneer, Mandan
 Allen Olson, North Dakota State Attorney General, Bismarck
 William Lince, Attorney, Bismarck
 John Sem, Lewis and Clark RC&D, Mandan
 Dave Bartel, Associated Press, Bismarck
 Robert L. Hanson, Rancher, Bowman
 Richard Ellison, U. S. Forest Service, Dickinson
 Robert McPherson, 100E Local 49, Bismarck

Kenneth S. Vig, Minnkota Power Cooperative, Grand Forks
 T. J. Pearce, United Power Association, Bismarck
 John Kiemer, Geologist, Bismarck
 Ken Karls, Nokota Company, Mandan
 Steve P. Lund, Nokota Company, Bismarck
 David L. Vinje, Economist, Bismarck
 Karl Limvere, North Dakota Farmers Union, Jamestown
 Jack Neckels, North Dakota Division of Planning, Bismarck
 Pat Brown, Business and Industrial Development Department, Bismarck
 Gary Leppart, State Outdoor Recreation Agency, Bismarck
 Harriet N. McCulland, Mandan
 Charles E. Perry, North Dakota State Tax Department, Bismarck
 Loren Stadig, Business and Industrial Development Department, Bismarck
 Gordon Berg, Chairman, Sweetwater-Dry Lake Water Management District, Devils Lake
 Karen May, Roosevelt-Custer RC&D, Dickinson

MINUTES OF JULY 3, 1973, AND
JULY 20, 1973 MEETINGS

Secretary Fahy referred to the minutes of the July 3, 1973 meeting whereby a motion had been made by Commissioner

Jungroth and seconded by Commissioner Kramer that Milo W. Hoisveen be paid under a contract for services performed during his sick leave period, providing such action would be approved by Governor-Chairman Link. It was his request that this motion be withdrawn from the July 3 minutes and be amended at this meeting to conform with Standard Personnel Policies, and that Mr. Hoisveen be retained as a Consultant for special projects at the discretion of the Chief Engineer. The rates to be paid shall conform with standard consulting services.

It was moved by Commissioner Gallagher, seconded by Commissioner Noteboom and carried, that Mr. Milo W. Hoisveen be retained as a Consultant to the State Water Commission for special projects work under the direction of the Chief Engineer.

CONSIDERATION OF FINANCIAL
STATEMENT FOR BIENNIUM ENDING
JUNE 30, 1973, AND FISCAL
STRUCTURE FOR 1973-75 BIENNIUM

Matt Emerson, Assistant Secretary for the State Water Commission, presented the financial statement for the biennium ending June 30, 1973. He briefly reviewed the status of the Commission accounts. He

then presented the authorized Water Commission's fiscal structure for the 1973-75 biennium. He discussed the breakdown of items and amounts under the General Operations Appropriation and also the West River Diversion appropriation. It was noted that the Water Commission is carrying on two special projects under the authority of the State Emergency Commission: 1) the Public Works Impact Program, a project which is funded 80 percent by the Economic Development Administration and 20 percent by local entities to construct recreational facilities, etc., at seven locations in North Dakota; and 2) a Dam Safety Inspection Program, which requires state dams to be inventoried. It was also noted that the Souris-Red-Rainy River Basins Commission has been consolidated with the Upper Mississippi River Basin Commission and a regional office is in operation at Fargo which at the present time, is operating on a carryover of Souris-Red-Rainy River Basins Commission funds.

It was moved by Commissioner Jungroth, seconded by Commissioner Gallagher and carried, that the Commission accept and approve the financial statement for the biennium ending June 30, 1973, as presented.

WRITTEN NOTICE OF INTENT
TO REMAIN INDEPENDENT FROM
COUNTY-WIDE WATER MANAGEMENT
DISTRICT FROM SOUTHEAST CASS
WATER MANAGEMENT DISTRICT
(#720)

Secretary Fahy read a letter from Daniel Twichell, Attorney for the Southeast Cass Water Management District, stating that the Southeast Cass Water Management District has elected to continue to exist within its established boundaries including all areas previously annexed,

in lieu of merging with any county-wide or other water management district.

Cliff Jochim, Director of Legal Services for the Water Commission, then explained to the Commission members that the 1973 Legislative Assembly enacted a bill directing the State Water Commission to establish a county-wide water management district within each county before July 1, 1974, with one exception that any district smaller in size than county-wide and established prior to January 1, 1973, may continue to exist within its established boundaries, independently of such county-wide district, if its board of commissioners files with the State Water Commission a written notice of such intention on or before January 1, 1974. Cass County now has three districts within the county, Southeast Cass, the Maple River, and Rush River Water Management Districts, all of which have elected to remain independent of a county-wide district. He stated that the letter read by Secretary Fahy is Southeast Cass Water Management District's written notice of such intention to remain independent.

It was moved by Commissioner Dahl, seconded by Commissioner Noteboom and carried, that the Commission accept the written notice of intention received by the Southeast Cass Water Management District to remain independent.

REQUEST FROM SOUTHEAST CASS
WATER MANAGEMENT DISTRICT
TO APPROVE PROPOSED WATER
AND SEWER PROJECT IN CASS
COUNTY - RESOLUTION 73-8-350
(#720)

Secretary Fahy indicated that a request has been received from the Southeast Cass Water Management District for approval of a project in the southwest quarter of Section 4 and the northwest quarter of Section 9, Township 140, Range 49, Cass County, North Dakota, which will provide

facilities to supply and distribute water, to collect and treat raw sewage, and will provide for the orderly development of the area and eliminate pollution and environmental problems. This is a request for preliminary approval only and at a later date approval will be requested for the plans and specifications of the project. The State Health Department is also requested to approve the project and this approval has already been granted. It was Secretary Fahy's recommendation that the Commission approve the proposed water and sewer project in Cass County.

It was moved by Commissioner Jungroth, seconded by Commissioner Kramer and carried, that the State Water Commission adopted Resolution No. 73-8-350, Granting Approval of Proposal for Construction of a Water and Sewer Project in the Southwest Quarter of Section 4 and Northwest Quarter of Section 9, Township 140, Range 49, Cass County, North Dakota. (See Appendix "A")

**REQUEST FROM RANSOM AND
SARGENT COUNTIES FOR A
FOUR-YEAR COOPERATIVE
GROUND-WATER STUDY
(#967 and 969)**

Secretary Fahy noted that requests have been received to conduct a four-year cooperative ground-water study in Ransom and Sargent Counties, beginning July 1, 1974. They have requested state participation in this study in the amount of \$47,920, which includes \$3,000 publication costs not matched by county or federal funds. It was the recommendation of Secretary Fahy, that the Commission participate in an amount not to exceed \$47,920 to conduct a ground-water study in Ransom and Sargent Counties.

It was moved by Commissioner Kramer, seconded by Commissioner Dahl and carried, that the State Water Commission participate in a four-year cooperative ground-water study in the counties of Ransom and Sargent in an amount not to exceed \$47,920, which study is planned to begin July 1, 1974.

**REQUEST FOR GROUND-WATER
STUDY FOR CITY OF WASHBURN
(#958)**

Secretary Fahy indicated that a request has been received from the city of Washburn, North Dakota, expressing its desire to proceed with a ground-water study for the city. He noted that the Commission had met with city officials and had advised them concerning the study. The total cost of the study amounts to \$4,800, which is to be shared equally by the State Water Commission and the city of Washburn. It was his recommendation that the Commission participate in the costs of this study at 50 percent of the total, or \$2,400.

A motion was made by Commissioner Jungroth, seconded by Commissioner Noteboom and carried, that the State Water Commission participate in a ground-water study for the city of Washburn, North Dakota, in an amount not to exceed \$2,400, or 50 percent of the \$4,800 total cost of the study.

**REQUEST FOR AN AQUIFER
TEST FOR CITY OF EDGELEY,
NORTH DAKOTA, IN CONJUNCTION
WITH DICKEY-LAMOURE GROUND-
WATER STUDY
(#1576)**

Secretary Fahy indicated that, as a follow-up to the ground-water investigation made for the city of Edgeley, North Dakota, the city has requested the State Water Commission to conduct an aquifer test for evaluating an aquifer located 3-6 miles northwest

of the city. A portion of the costs for this study will be assigned to the Dickey-LaMoure ground-water study and the remaining costs of the study in the amount of \$5,700 will be shared equally by the State Water Commission and the city of Edgeley. It was the recommendation of Secretary Fahy that the Commission participate in the aquifer test made by the city of Edgeley, in an amount not to exceed \$2,850, or 50 percent of the remaining costs of the test amounting to \$5,700.

It was moved by Commissioner Jungroth, seconded by Commissioner Kramer and carried, that the State Water Commission participate in an aquifer test for evaluating an aquifer located 3-6 miles northwest of the city of Edgeley, which is a follow-up to the ground-water investigation made for that city, in an amount not to exceed \$2,850, or 50 percent of the remaining costs of the test amounting to \$5,700.

STATEMENT BY U. S. BUREAU OF
SPORT FISHERIES AND WILDLIFE
AREA MANAGER REGARDING REVIEW
OF THE DRAFT ENVIRONMENTAL
IMPACT STATEMENT OF THE
GARRISON DIVERSION UNIT
(#237)

Secretary Fahy stated that for information purposes, he had included a copy of the July 10-11, 1973, Garrison Diversion Conservancy District Board of Directors meeting at which time, Area Manager of the U. S. Bureau of Sport Fisheries and Wildlife offered testimony of his agency's involvement in the review of the Draft

Environmental Impact Statement of the Garrison Diversion Unit, noting that they are currently working with the Bureau of Reclamation in preparing material for the final statement which is presently being completed.

POSSIBLE INCREASE IN HYDRO-
ELECTRIC ENERGY AT THE
GARRISON DAM AND RELATED
BANK STABILIZATION PROBLEMS
RESOLUTION 73-8-351
(#576)

Secretary Fahy stated that Milo W. Hoisveen, former Chief Engineer of the State Water Commission, had prepared a memorandum on possible increase in hydro-electric energy through the installation of additional turbines in the main stem dams on the Missouri River. He briefly reviewed

Mr. Hoisveen's memo on the subject, which was followed by Commission discussion.

Governor-Chairman Link advised Commission members that he had submitted a letter to Lt. General Frederick J. Clarke, Chief of Engineers in Washington, D. C., informing him that he was quite dismayed to hear of his recommendations to the Senate Committee on Public Works opposing the enactment of S.B. 1616, the Bank Stabilization Bill. The Governor stated that Lt. General Clarke's recommendation was to delay further funding for bank stabilization until such time as further study has been made of the area between Garrison Dam and the Oahe Reservoir. The Governor also indicated that possible installation of additional turbines for hydro-electric power production was being considered and that additional turbines would cause greater and more erratic flows being released from Garrison Dam. The Governor indicated that he favored the additional power production capacity, but that it should not be installed at the risk of additional losses of productive land for the downstream landowners.

It was moved by Commissioner Gallagher, seconded by Commissioner Kramer and carried, that the Commission adopt Resolution No. 73-8-351, Relative to the Increase of Hydro-Electric Energy and the Need for Missouri River Bank Stabilization. Copies of the Resolution are to be provided to North Dakota's Congressional Delegation; the Secretary of the Army; the Secretary of the Interior; the Chief of Engineers, U. S. Army Corps of Engineers; and the Commissioner, Bureau of Reclamation, urging their support and pursuit of additional funds for bank stabilization works of that reach of the river between Garrison Dam and the Oahe Reservoir. (See Appendix "B")

**LAND USE PLANNING FOR
INDUSTRIAL DEVELOPMENT**

Cliff Jochim reported that he had requested information from the State of Montana regarding their legislation on land use planning. He then reviewed and discussed the Montana Utility Siting Act of 1973, which the State Water Commission will consider in preparing recommended legislation for consideration by the next legislative session for land use and industrial development planning.

**REQUEST TO APPROPRIATE WATER
FROM EXCESS FLOWS ON THE
CEDAR RIVER**

Secretary Fahy stated that at the July 20, 1973 meeting of the Commission, the State Water Commission staff was directed to study the history and potential of Cedar River water permits and present it at a future Commission meeting. He said that members of his staff have completed such an investigation and study and asked that Delton Schulz, Director of Engineering for the Water Commission, review these findings with the Commission. Mr. Schulz stated that investigations had been made at six different stations for the months of June, July, August and September whereby such information as percent of yearly flow, median flow in acre-feet, median flow in cubic feet per second, minimum daily flow in cubic feet per second, maximum daily flow in cubic feet per second, irrigation withdrawal in acre-feet and irrigation withdrawal in cubic feet per second was established for each of the four months. From this information, it appeared that the flow of excess waters from the Cedar River is not sufficient to justify removal of the moratorium. The State Water Commission staff members stated that irrigation with excess flows would be difficult, if not impossible, to measure and control without an impoundment.

Secretary Fahy recommended that the water permit application pending for Robert Schnell, Lemmon, South Dakota, to appropriate water from excess flows on the Cedar River be denied at this time and notifying him that due to information obtained from the recent study of the river, the moratorium will remain in effect until an impoundment has been constructed so that withdrawals can be properly regulated.

It was moved by Commissioner Jungroth, seconded by Commissioner Noteboom and carried, that the State Water Commission deny the water permit application from Mr. Robert Schnell of Lemmon, South Dakota, to appropriate water from the Cedar River because studies have shown that excess flows cannot be used satisfactorily without an impoundment.

APPLICATION BY MINNKOTA POWER COOPERATIVE TO TRANSFER POINT OF DIVERSION ON MISSOURI RIVER FOR ADDITIONAL WATER SUPPLY AT THE SENATOR YOUNG POWER PLANT AND TO INCREASE WATER STORAGE IN NELSON LAKE

Secretary Fahy noted that the State Water Commission has received a water permit application from Minnkota Power Cooperative, Inc., Grand Forks, North Dakota, requesting to raise the reservoir on Nelson Lake from the present 1915-foot elevation to the 1925-foot elevation, and to impound

additional water for the existing Milton R. Young power plant. They have also requested that water permit No. 905 originally assigned to Lignite Electric Cooperative, Inc., be assigned to Minnkota Power Cooperative, Inc., and to transfer the point of diversion to a new location further downstream on the Missouri River.

During discussion by the Commission members, it was established that water permit No. 905 has never been put to beneficial use, therefore, the legality of transferring the point of diversion was in question. It was the consensus of the Commission that Minnkota Power Cooperative, Inc., should be requested to make a new application to divert water from the Missouri River and the date for public hearing be set for September 20. The application to raise the water level of Nelson Lake will be accepted at the same time as the request for additional water for the Milton R. Young power plant.

It was moved by Commissioner Kramer, seconded by Commissioner Jungroth and carried, that the State Water Commission require the Minnkota Power Cooperative, Inc., to file a water permit application to impound additional water for the existing Milton R. Young power plant, and that their application to raise the elevation of Nelson Lake Dam be accepted by the Water Commission and processed. The date of hearing on the applications is to be held on or about September 20, depending upon availability of Governor Link and Commission members.

REQUEST BY MINNKOTA POWER COOPERATIVE, INC., FOR WATER COMMISSION TO ADOPT A "DECLARATION OF INTENT" FOR 100,000 ACRE-FEET OF WATER FOR THERMAL-ELECTRIC POWER GENERATION USING WATERS OF THE CANNONBALL RIVER, LITTLE MISSOURI RIVER AND WEST RIVER DIVERSION (#1543)

Secretary Fahy stated that a request has been received from Minnkota Power Cooperative, Inc., indicating the need for a declaration of intent to reserve 100,000 acre-feet of water from the Cannonball and Little Missouri Rivers for industrial use. Secretary Fahy reported that the Commission had advanced a Declaration of Intent for diversion of four million acre-feet for waters of Lake Sakakawea

over the entire West River area at a previous meeting held in Devils Lake and the 100,000 acre-feet intent of Minnkota was included in the Commission's Declaration of Intent, and, therefore, no action was required on the request.

REVIEW OF TRANSCRIPT OF HEARING
RELATIVE TO THE CONTINUED
HEARING IN DICKINSON ON THE
APPLICATION FOR WATER PERMIT
BY MICHIGAN-WISCONSIN PIPELINE
COMPANY - RESOLUTION 73-8-352

Secretary Fahy indicated that Governor-Chairman Link and each of the Commission members had received a copy of the continued hearing held at Dickinson, North Dakota, on July 20, 1973.

Governor-Chairman Link then asked for comments on the transcript from the Commission members. He indicated that he has formed the Governor's Energy Council, which is to study the present fuel shortages and the proposed lignite gasification plants. This Council, whose membership involves some state agency directors, recently met to discuss and develop recommendations to the Governor concerning the Michigan-Wisconsin Pipeline Company's application. Copies of these recommendations were given to each Water Commission member.

After some discussion, Governor-Chairman Link offered a resolution in which he proposed the creation of a Joint Energy Advisory Committee composed of Energy Council representatives and State Legislators to study the impact of coal development in North Dakota. This Committee would have the responsibility of coordinating efforts to gather social, economic and environmental impact information and to make recommendations to the State Water Commission for its final consideration of the Michigan-Wisconsin Pipeline Company's water permit application. He noted that this resolution is not intended as a rejection of the application, but its adoption will assure adequate planning for the needs of the future.

Governor-Chairman Link also indicated that the Company may need to submit a new application to clarify its request. The original request of the application was for 375,000 acre-feet, but the Commission amended this request to 68,000 acre-feet of water, the amount of water needed for four of the Company's proposed 22 gasification plants. The Governor read some of the correspondence which he had received from members of the Energy Council and made reference to the letter from Gil Stamm, Commissioner, Bureau of Reclamation, in which the Commissioner suggested delaying action on the application pending completion of some of the ongoing federal planning programs.

The Commission then recessed for lunch and reconvened their session at 1:30 p.m. At this time, Governor-Chairman Link relinquished his chair to Vice Chairman Gallagher.

It was moved by Governor Arthur A. Link, seconded by Commissioner Noteboom and carried, that the State Water Commission adopt Resolution No. 73-8-352, Requesting Designation of a Joint Energy Advisory Committee, which will have the responsibility of coordinating efforts to gather social, economic, and environmental impact

information and to make recommendations to the State Water Commission for its final consideration of the Michigan-Wisconsin Pipeline Company's water permit application. (See Appendix "C")

**YELLOWSTONE RIVER COMPACT
COMMISSION REPORT**

Cliff Jochim reported on the Intake Water Company and the Yellowstone River Compact Commission suit. Intake Water Company, a subsidiary of Tenneco, has filed a lawsuit against the Yellowstone River Compact Commission, consisting of North Dakota, Montana and Wyoming. Intake Water Company is challenging the constitutionality of Article X of the Compact, which prohibits the transbasin diversion of water without the unanimous consent of the Compact's signatory states. The lawsuit was initiated when Intake Water Company planned to divert water from the Yellowstone River in Montana and pipe it into the Beach area in North Dakota.

Mr. Jochim stated that he has attended several meetings with the legal counsel for the defendants and it was decided at the August 21 and 22 meeting in Billings, Montana, that a consolidated Motion for Dismissal should be filed on the grounds that the plaintiff has failed to exhaust its administrative remedies in that it has not requested permission of the Yellowstone River Compact Commission to divert water out of the Yellowstone River Basin. It was also decided at the Billings meeting that North Dakota would do nothing insofar as becoming a party defendant or filing a brief as Amicus Curiae until the Motion for Dismissal has been acted upon and then only if denied.

Commissioner Jungroth stated that he felt the Water Commission is directly involved and should take immediate action to be made a party to the suit.

Attorney General, Allen Olson, was in the audience and stated that he felt prompt action may be necessary, but he also felt that the case should be studied more closely before taking any definite legal action.

It was moved by Commissioner Jungroth, seconded by Commissioner Gallagher and carried, that the State Water Commission respectfully urge the Attorney General of the State of North Dakota to petition forthwith as party defendant in the case in question and immediately assume an active role in this case.

**NORTHERN GREAT PLAINS
RESOURCE PROGRAM**

Secretary Fahy gave a brief background of the newly established Northern Great Plains Resources Program, noting that its primary purpose is to provide a broad information base for making decisions concerning the future course of development in the Northern Great Plains region. At the last meeting of the Missouri River Basin Commission, it adopted a resolution providing for a more active role as a member of the Program Review

Board and Program Management Team of the Northern Great Plains Resources Program. He also noted that a letter had been written by Governor Link endorsing North Dakota's interest in this program and supporting the Missouri River Basin Commission's involvement. Governor-Chairman Link has named Secretary Fahy as a representative to serve on the Work Group for the Water Study section of the program. Secretary Fahy stated that the first report of the Northern Great Plains Resources group is due in June, 1974.

Secretary Fahy also reported that the National Water Resources Association had met in Boise, Idaho, recently and the Board of Directors were very concerned about the recommendations that have been made by the National Water Commission. Information is now being obtained from each of the states for use in commenting on the recommendations the National Water Commission will make to congressional committees.

WATER PERMITS

Secretary Fahy presented 16 water permits to the Commission for their consideration. He recommended that water permit No. 1942, North Prairie Rural Water Association, be approved subject to receipt of an agreement with the city of Minot whereby the applicant is permitted to use the city's well and pump. He also recommended that the other 15 water permits be approved as presented.

It was moved by Commissioner Kramer, seconded by Commissioner Jungroth and carried, that the following water permits be approved, subject to recommendations stated on the conditional permits: No. 1927, Earth Builders, Inc., Bismarck; No. 1930, Continental Oil Company, Casper, Wyoming; No. 1936, City of Underwood, Underwood; No. 1935, Oscar H. Blumer, Valley City; No. 1647, Ben Schuler, Streeter; No. 1921, Robert D. Roen, Bowman; No. 1932, North Prairie Rural Water Association (Velva), Minot; No. 1931, Allen Hansen, Guelph; No. 1939, Ernest Trampe and Dallis Loraas, Dunn Center; No. 1940, Arctic Farm Company, Walhalla; No. 1941, Bjarne Norstog, Watford City; No. 1937, Dennis Beyer, Rhame; No. 1938, James L. Kunz, Bowdon; No. 1943, North Dakota State Highway Department, Bismarck; No. 1944, Clarence Pleines, Woodworth; and No. 1942, North Prairie Rural Water Association (Minot), Minot, (contingent upon receipt of agreement with Minot whereby applicant is permitted to use the city's well and pump. (See Appendix "D"))

REQUEST BY SWEETWATER-DRY LAKE
WATER MANAGEMENT DISTRICT FOR
EXTENSION OF ST. JOE COULEE
FLOOD CONTROL
(#416)

Secretary Fahy reported, in the absence of Gordon Berg, Chairman for the Sweetwater-Dry Lake Water Management District, that a request has been received for state participation in the extension of the

channel from Calio Coulee outlet east to St. Joe Coulee junction. The request is for 40 percent of the qualified project costs, amounting to \$30,298.80. It was his recommendation that since the Commission has already participated in other phases of this flood control work, that participation should be approved for this portion of the work.

It was moved by Commissioner Kramer, seconded by Commissioner Gallagher and carried, that consistent with the plans that the State Water Commission has received, that approval be granted to participate in 40 percent of the qualified construction items, in an amount not to exceed \$30,298.80.

It was the consensus of the Commission members that future requests for drainage projects should include comments from affected agencies concerning social, economic and environmental effects of the proposed project.

It was moved by Commissioner Jungroth, seconded by Commissioner Gallagher and carried, that the Commission staff be directed, in future drainage projects, to solicit comments from the State Game and Fish Department and the U. S. Bureau of Sport Fisheries and Wildlife before acting on such projects.

Gordon Berg then appeared before the Commission and was informed of the Commission action on his project. He expressed his thanks and appreciation to the Commission members.

DISCUSSION OF STATE-OWNED
WATER DISTRIBUTION SYSTEM
(#1373)

Governor-Chairman Link advised the Commission members to consider the creation of a state-owned water distribution system to transport water to the southwestern portion of North Dakota to serve all beneficial uses. He noted that by having a single pipeline system, it would reduce the number of intake structures along the shores of Lake Sakakawea and it would also reduce to a minimum the number of canals and pipelines that are needed for water distribution. Costs of the system could be recovered through user charges.

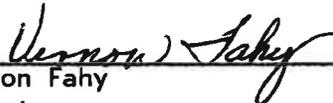
It was the consensus of the Commission, that the staff be directed to make a survey of other states to determine their methods of handling similar situations. The Commission members favored Governor Link's proposal and could foresee no constitutional or statutory problems in having the state enter into the water distribution business.

FUTURE TOUR OF RECLAIMED
MINED LAND

Mr. Russell Dushinske, Executive Vice President of the North Dakota Water Users Association, asked if it were the desires of the Commission to tour the reclaimed mined land area near Beulah. This tour will be on a future agenda of the Commission.

Secretary Fahy stated that he had received correspondence from a Mr. Clifford E. Schindele, representing the Fred Bears Sports Club in Larimore, North Dakota, whereby he requested that the North Dakota Department of Natural Resources vote against the acquisition of mitigation lands in the Cache River Basin. The lands involved is in the Cache River-Bayou DeView areas of the Mississippi Flyway in Arkansas currently under serious threat by the Army Corps of Engineers.

There being no further business to come before the Commission, it was moved by Commissioner Kramer, seconded by Commissioner Noteboom and carried, that the Commission adjourn their session at 3:25 p.m.



Vernon Fahy
Secretary

ATTEST:



Arthur A. Link
Governor-Chairman

RESOLUTION 73-8-350

APPENDIX "A"

Approval of Proposal for Construction
of Water and Sewer System,
SW $\frac{1}{4}$ Section 4 and NW $\frac{1}{4}$ Section 9,
Township 140, Range 49, Cass County

WHEREAS, the Southeast Cass Water Management District has presented a certain water and sewer project to the North Dakota State Water Commission, Bismarck, North Dakota, for its approval, which project provides facilities to supply and distribute water and to collect and treat raw sewage in the southwest quarter of Section 4 and the northwest quarter of Section 9, Township 140, Range 49, Cass County, North Dakota, which project will provide for the orderly development of the area and eliminate pollution and environmental problems; and

WHEREAS, approval of the State Department of Health has been received on said project; and

WHEREAS, this Commission is of the opinion that said proposal is proper and feasible.

NOW, THEREFORE, BE IT RESOLVED by the North Dakota State Water Commission at its regular meeting held on the 29th day of August, 1973, that said project be and the same is hereby approved.

FOR THE NORTH DAKOTA STATE WATER COMMISSION:



Arthur A. Link
Arthur A. Link
Governor-Chairman

Vernon Fahy
Vernon Fahy
Secretary

RESOLUTION 73-8-351

APPENDIX "B"

Relative to the
Increase of Hydro-Electric Energy and
the Need for Missouri River Bank Stabilization

WHEREAS, it is a long-established fact that additional bank stabilization works are needed immediately in that reach of the Missouri River below the Oahe Reservoir and the Garrison Dam in order to correct severe bank erosion; and

WHEREAS, it is recognized that it is highly desirable to increase the hydro-electric generating capacities of the Bureau of Reclamation's facilities on the main stem of the Missouri River in order to meet the nation's ever-increasing need for energy; and

WHEREAS, the primary cause of such bank erosion is the fluctuating releases of relatively silt-free water from Garrison Dam; and

WHEREAS, if the hydro-electric generating capacity of the Bureau of Reclamation's facilities are to be increased, the range of the fluctuating releases of water will be increased thereby increasing bank erosion and thereby increasing the need for bank stabilization works; and

WHEREAS, it is the position of the North Dakota State Water Commission that in conjunction with the increase of the generation of hydro-electricity, adequate steps must be taken to insure the protection of those areas which protection is direly needed now; and

WHEREAS, the recent testimony of the U. S. Army Corps of Engineers did not favor the passage of Senate Bill No. 1616 which, if enacted, would have provided \$8,500,000 for bank stabilization works for 19 areas between the Oahe Reservoir and the Garrison Dam.

NOW, THEREFORE, BE IT RESOLVED by the North Dakota State Water Commission at its regular meeting in Bismarck, North Dakota, on this 29th day of August, 1973, that it respectfully urges Congress to favorably consider Senate Bill No. 1616 at as early a 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 North Dakota's Congressional

Resolution 73-8-350
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Delegation; the Secretary of the Army; the Secretary of the Interior; the Chief of Engineers,
U. S. Army Corps of Engineers; and the Commissioner, Bureau of Reclamation.

FOR THE NORTH DAKOTA STATE WATER COMMISSION:



Arthur A. Link
Arthur A. Link
Governor-Chairman

ATTEST:

Vernon Fahy
Vernon Fahy
Secretary

RESOLUTION 73-8-352

Requesting Designation of a
Joint Energy Advisory Committee

WHEREAS, Michigan-Wisconsin Pipeline Company has applied to the North Dakota State Water Commission, through the State Engineer, for a conditional water permit for 375,000 acre-feet of water from the State of North Dakota to be used in connection with the mining and utilization of lignite in manufacturing synthetic natural gas; and

WHEREAS, the State Water Commission has conducted hearings on the subject application, pursuant to Chapter 61-04 of the North Dakota Century Code, in Beulah, North Dakota, on February 21, 1973; and in Dickinson, North Dakota, on July 20, 1973, wherein testimony presented indicated that the granting of said conditional permit at this time may be "contrary to the public interest" (Section 61-04-07 of the North Dakota Century Code); and

WHEREAS, the Governor's Energy Council, composed of elected and appointed state officials, has cautioned the State Water Commission to proceed carefully in the granting of said conditional water permit; and

WHEREAS, the State Water Commission desires development in the State of North Dakota, but in such a manner as to protect future generations and enhance the quality of life in North Dakota; and

WHEREAS, the granting of said permit at this time could have a far-reaching unforeseen social, economic, and environmental impact on the State of North Dakota.

NOW, THEREFORE, BE IT RESOLVED by the North Dakota State Water Commission at its regular meeting held this 29th day of August, 1973, that it respectfully requests Governor Arthur A. Link (as Governor of the State of North Dakota and Chairman of the State Water Commission) and Representative Bryce Streibel (as Chairman of the Legislative Council of the North Dakota Legislative Assembly)

to designate a Joint Energy Advisory Committee composed of Energy Council representatives to be designated by Governor Link and members of the Legislature to be designated by Representative Streibel.

BE IT FURTHER RESOLVED that both groups be charged with the responsibility of cooperating and coordinating efforts to gather such social, economic, and environmental impact information as they deem appropriate and necessary to make:

- 1) Recommendations to the State Water Commission for its final consideration on the pending subject application; and
- 2) Legislative recommendations to the next convened Legislative Assembly.

BE IT FURTHER RESOLVED that further consideration shall be given to subject application when the Joint Energy Advisory Committee recommendations have been presented to the State Water Commission.

FOR THE NORTH DAKOTA STATE WATER COMMISSION:



Arthur A. Link
 Arthur A. Link
 Governor-Chairman

ATTEST:

Vernon Fahy
 Vernon Fahy
 Secretary

WATER PERMITS FOR AUGUST 29, 1973 AGENDA

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
1927	Earth Builders, Inc. - Bismarck (McLean County)	Missouri River and an Unnamed Slough	Industrial	52.0 acre-feet	(Temporary permit expiring January 1, 1974) 52.0 acre-feet
1930	Continental Oil Company - Casper, Wyoming (Stark County)	Ground Water	Industrial	750.0 acre-feet	750.0 acre-feet (Note - approved by State Engineer on June 27, 1973)
1936	Underwood, City of - Underwood (McLean County)	Ground Water	Municipal	300.0 acre-feet	300.0 acre-feet
1935	Blumer, Oscar H. - Valley City (Barnes County)	Unnamed Coulee, trib. to Sheyenne River	Industrial	25.0 acre-feet storage 13.8 acre-feet annual use	25.0 acre-feet storage 13.8 acre-feet annual use
1647	Schuler, Ben - Streeter (Logan County)	Ground Water	Irrigation	480.0 acre-feet 320.0 acres	480.0 acre-feet 320.0 acres
1921	Roen, Robert D. - Bowman (Bowman County)	Small Intermittent Draws on Upper Buffalo Creek, trib. to Grand River	Irrigation - Waterspreading	506.0 acre-feet 506.5 acres	506.0 acre-feet 506.5 acres

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
1932	North Prairie Rural Water Association (Velva Aquifer) - Minot (McHenry County)	Ground Water	Industrial (Rural Domestic)	1000.0 acre-feet	1000.0 acre-feet
1942	North Prairie Rural Water Association (Sundre Aquifer) - Minot (Ward County)	Ground Water	Industrial (Rural Domestic)	1000.0 acre-feet	1000.0 acre-feet (Subject to receipt of agreement with Minot whereby applicant is permitted to use the city's well and pump)
1931	Hansen, Allen - Guelph (Dickey County)	James River	Irrigation	290.0 acre-feet 152.0 acres	191.0 acre-feet 152.0 acres
1939	Trampe, Ernest and Loraas, Dallis - Dunn Center (Dunn County)	Unnamed Intermittent Stream, trib. to Spring Creek and Knife River	Irrigation- Waterspreading	352.0 acre-feet 176.0 acres	176.0 acre-feet 176.0 acres
1940	Arctic Farm Company - Walhalla (Pembina County)	Ground Water	Irrigation	960.0 acre-feet 480.0 acres	720.0 acre-feet 480.0 acres
1941	Norstog, Bjarne - Watford City (McKenzie County)	Unnamed Draw, trib. to Cherry Creek and Little Missouri River	Irrigation- Waterspreading	80.0 acre-feet 80.0 acres	80.0 acre-feet 80.0 acres

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
1937	Beyer, Dennis - Rhame (Bowman County)	Upper Reaches of Spring Creek, trib. to Grand River	Irrigation - Waterspreading	60.0 acre-feet 30.1 acres	30.1 acre-feet 30.1 acres
1938	Kunz, James L. - Bowdon (Kidder County)	Unnamed Channel, trib. to Pipestem River (Non- contributing) and James River	Recreation	43.0 acre-feet storage 13.9 acre-feet annual use	43.0 acre-feet storage 13.9 acre-feet annual use
1943	North Dakota State Highway Department - Bismarck (Richland County)	Ground Water	Recreation	410.0 acre-feet storage 122.0 acre-feet annual use	410.0 acre-feet storage 122.0 acre-feet annual use (Note - Approved by State Engineer on August 1, 1973)
1944	Pleines, Clarence - Woodworth (Stutsman County)	Ground Water	Irrigation	420.0 acre-feet 156.0 acres	234.0 acre-feet 156.0 acres

NORTH DAKOTA STATE WATER COMMISSION
 FINANCIAL STATEMENT SEPTEMBER 30, 1973
 1973-75 APPROPRIATIONS

C5-1.2

GENERAL OPERATIONS	ACCOUNT	Available Funds APPROPRIATION	Disbursements TO DATE SEPT. '73		UNEXPENDED	Account Balances ENCUMB.	UNENCUMB.
1003-Salaries Expense	(1)	\$1,023,792.00	\$ 78,843.90	\$ 40,253.08	\$983,538.92	\$ -	\$983,538.92
2003-Fees and Services		177,225.00	21,434.49	8,525.85	155,790.51	-	155,790.51
3003-Supplies and Materials		163,600.00	22,277.24	9,626.28	141,322.76	-	141,322.76
4003-Equipment		39,500.00	4,590.71	-	34,909.29	1,541.00	33,368.29
5403-Red Basin Comm.		60,000.00	-	-	60,000.00	-	60,000.00
5413-Mo. River Basin Comm.		25,000.00	5,430.02	-	19,569.98	-	19,569.98
5423-Contract Fund	(2)	<u>1,900,000.00</u>	<u>193,159.81</u>	<u>137,862.79</u>	<u>1,706,840.19</u>	<u>1,612,496.00</u>	<u>94,344.19</u>
TOTAL GENERAL OPERATIONS		\$3,389,117.00	\$ 325,736.17	\$196,268.00	\$3,101,971.65	\$1,614,037.00	\$1,487,934.65
7721-West River Diversion	(3)	250,818.00	9,065.41	4,580.23	241,752.59	-	241,752.59

(1) Includes \$90,000.00 Federal Grant

(2) Includes \$900,000.00 Project Collections

(3) Includes \$55,000.00 Federal Grant

NORTH DAKOTA STATE WATER COMMISSION

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PAYROLL - AUGUST 1973*

<u>NAME</u>	<u>POSITION</u>	<u>REMARKS</u>	<u>GROSS</u>
FAHY, VERNON	STATE ENGINEER	INC. JULY '73	\$ 1,930.00
BAESLER, GORDON	WATER RIGHTS TECHNICIAN	INC. JULY '73	890.00
BALLIET, ALLEN	RODMAN	INC. JULY '73	625.00
BUCHOLZ, ROBERT	SOILS TECHNICIAN	STA. AUG. '73	230.00
CHRISTENSEN, RAYMOND	CONSTRUCTION ENGINEER	INC. JULY '73	1,045.00
DALLY, ANTOINETTE	STENOGRAPHER	INC. JULY '73	475.00
EMERSON, MATT	ASSISTANT SECRETARY	INC. JULY '73	1,365.00
FROELICH, LARRY	GEOLOGIST	INC. JULY '73	1,075.00
GALLAGHER, RICHARD	COMMISSIONER	STA. JULY '61	30.00
GEHRING, OSCAR	LAB TECHNICIAN	INC. JULY '73	685.00
GRUNSETH, ARLAND	INVESTIGATIONS ENGINEER	INC. JULY '73	1,200.00
HANSON, WILLIAM	DRAFTSMAN	RES. AUG. '73	903.57
HOETZER, STEVE	ASSISTANT DESIGN ENGINEER	INC. JULY '73	1,020.00
IWANIW, NICK	DRAFTSMAN	STA. AUG. '73	478.26
JOCHIM, CLIFFORD	DIR. OF LEGAL DIVISION	INC. JULY '73	1,410.00
JUNGROTH, JAMES	COMMISSIONER	STA. SEPT. '67	60.00
KLAPPRODT, LEROY	ENGINEER TECHNICIAN	INC. JULY '72	650.00
KLING, THOMAS	SOILS TECHNICIAN	RES. AUG. '73	477.00
KNUTSON, LEWIS	DRILLER	INC. JULY '73	835.00
KOCH, KAY	ACCOUNTANT	INC. JULY '73	330.00
KRAMER, ALVIN	COMMISSIONER	STA. APR. '70	60.00
KRENZ, EUGENE	DIRECTOR OF PLANNING	STA. AUG. '73	1,400.00
LAW, DAVID	ENGINEERING TECHNICIAN	STA. MAY '73	525.00
LINDVIG, MILTON	DIRECTOR OF HYDROLOGY	INC. JULY '73	1,365.00
LOCKEN, SHARON	CHIEF STENOGRAPHER	INC. JULY '73	680.00
MCDOWALL, GARY	CONSTRUCTION INSPECTOR	STA. AUG. '73	390.00
MEES, LADARANA	FIELD ENGINEER	INC. JULY '73	915.00
MURI, GARVIN	CHEMIST	INC. JULY '73	985.00
NAPLIN, CHARLES	GEOLOGIST	INC. JULY '73	1,020.00
NEAL, DEAN	LAB TECHNICIAN	STA. SEPT. '71	315.00
NELSON, C. P.	DRAINAGE ENGINEER	INC. JULY '73	1,260.00
NOTEBOOM, DONALD	COMMISSIONER	STA. APR. '73	60.00
PUTZ, ROY	OFFICE ASSISTANT	INC. JULY '73	555.00
SACKMAN, EUGENE	SURVEYOR	INC. JULY '73	835.00
SCHMID, ROGER	GROUND-WATER HYDROLOGIST	INC. JULY '73	1,185.00
SCHUETTE, GERALD	CONSTRUCTION INSPECTOR	STA. APR. '73	550.00
SCHULZ, DELTON	DIRECTOR OF ENGINEERING	INC. JULY '73	1,540.00
SCOTT, LLOYD	CHIEF DRAFTSMAN	INC. JULY '73	835.00
SENGER, ANTON	CONSTRUCTION INSPECTOR	INC. JULY '73	700.00
SENZEK, GORDON	EDA ENGINEER	INC. JULY '73	1,150.00
SIEMS, MYRNA	STENOGRAPHER	INC. JULY '73	380.00
SPRENGER, THOMAS	PROJECTION ENGINEER	STA. APR. '73	750.00
SVIHLA, ROSALIE	STENOGRAPHER	INC. JULY '73	405.00
SWANSON, RONALD	DESIGN ENGINEER	INC. JULY '73	1,170.00
TILLOTSON, ANN	RESEARCH ASSISTANT	INC. JULY '73	530.00
ULRICH, ROGER	RODMAN	INC. JULY '73	590.00
WALTERSON, HOWARD	CONSTRUCTION SUPT.	INC. JULY '73	890.00
WELCH, CYNTHIA	STENOGRAPHER	INC. JULY '73	360.00
WERNER, ROBERT	DRAFTSMAN	RES. AUG. '73	765.00
ZIDOW, JAMES	ASSISTANT DRILLER	STA. JUNE '73	550.00
SWC GROUP INS.			586.16
SWC RET-MATCHING			1,272.54
SOCIAL SECURITY			1,865.55
			<hr/>
			\$40,253.08

*Pd in Sept.

OBJECT BUDGET COMPARISON
1973-1975 BIENNIUM

October 26, 1973
SWC File C5-1.4

OBJ. CODE	OBJECT DESCRIPTION	SEPT. 1973 EXPEND.	JULY 1, '73		EXP. % OF BUDGET TIME STD 12.5% SAL. STD 8%
			SEPT. 30, '73 EXPEND.	BUDGET	
1000	Salaries	\$36,528.83	\$ 71,302.20	\$ 928,792.00	8
1820	OASIS	-	-	4,000.00	-
1830	Social Security	1,865.55	3,836.11	40,000.00	10
1840	Medical Insurance	586.16	1,213.54	12,000.00	10
1850	Workman's Compensation	-	-	4,000.00	-
1880	State Retirement	1,272.54	2,492.05	35,000.00	7
	TOTAL SALARIES & WAGES	\$40,253.08	\$ 78,843.90	\$1,023,792.00	(1) 8
2110	Meals and Lodging	4,162.43	7,523.55	77,225.00	10
2120	Personal Vehicle Mileage	339.92	574.22	8,000.00	7
2130	Commercial Transportation	165.93	445.19	15,000.00	3
2150	Miscellaneous Travel	80.13	129.87	4,000.00	3
2210	Water - Garbage	5.40	12.55	300.00	4
2220	Natural Gas	16.62	43.22	1,000.00	4
2230	Electricity	3.00	3.00	900.00	3
2310	Rental - Equipment	336.25	834.75	5,000.00	17
2410	Postage	178.12	562.14	6,000.00	9
2420	Telephone	-	531.72	5,000.00	11
2510	Repair - Equipment	404.74	1,455.90	12,000.00	12
2513	Maintenance Contracts	523.16	934.16	5,000.00	19
2560	Repair - Building & Grounds	-	-	500.00	-
2612	Legal Fees	-	-	500.00	-
2613	Audit Fees	-	-	700.00	-
2614	Engineering Fees	822.50	967.00	1,500.00	6
2618	Data Processing	476.45	708.14	5,000.00	14
2619	Microfilm Service	-	-	1,000.00	-
2650	Consulting Fees	-	-	3,900.00	-
2682	Photographers Fees	26.00	55.80	2,500.00	2
2699	Miscellaneous Professional Fees	957.50	5,491.80	12,000.00	46
2720	Property Insurance	-	328.66	1,500.00	2
2730	Liability Insurance	-	-	1,000.00	-
2911	Radio - Newspaper Fees	27.70	86.20	500.00	17
2912	Rewards - Premiums	-	-	500.00	-
2914	License and Taxes	-	-	700.00	-
2915	Dues	-	475.00	3,000.00	16
2916	Freight	-	151.62	2,000.00	8
2999	Miscellaneous	-	120.00	1,000.00	1
	TOTAL FEES & SERVICES	\$ 8,525.85	\$ 21,434.49	\$ 177,225.00	10
3100	Office Supplies	577.35	1,164.61	19,200.00	6
3105	Central Reproduction	317.50	465.24	2,500.00	19
3120	Printing - Commercial	-	4,220.00	17,500.00	24
3130	Books, Subscriptions	91.70	164.50	5,000.00	3
3132	Films	-	-	2,000.00	-
3600	Hdwe. & Building Supplies	6,176.29	8,367.42	50,000.00	17
3700	Motor Vehicle Supplies	1,388.72	4,995.46	35,000.00	14
3800	Parts - Including Tires	1,074.72	2,759.67	31,400.00	9
3959	Miscellaneous	-	-	1,000.00	-
	TOTAL SUPPLIES & MATERIALS	\$9,626.28	\$ 22,277.24	\$ 163,600.00	14

OBJ. CODE	OBJECT DESCRIPTION	JULY 1, '73		BUDGET	EXP. % OF BUDGET TIME STD 12.5%**
		SEPT. 1973 EXPEND.	SEPT. 30, '73 EXPEND.		
100	Office Equipment	\$ -	\$ 1,298.71	\$ 5,500.00	24
4300	Motor Vehicles	-	-	26,500.00	-
4400	Machines & Equipment	-	3,292.00	7,500.00	44
	TOTAL EQUIPMENT	\$ -	\$ 4,590.71	\$ 39,500.00	12
5423	Contract Payments	\$137,862.79	\$ 193,159.81	\$ 1,900,000.00	(2) 10
5401	Souris-Red-Rainy R. Bsn. Comm.	-	-	60,000.00	-
5413	Missouri R. Bsn Comm.	-	5,430.02	25,000.00	22
7721	West River Diversion	4,580.23	9,065.41	195,818.00	(3) 5
TOTAL APPROP.		\$200,848.23	\$ 334,801.58	\$ 3,584,935.00	9

(1) Appropriation \$ 933,792
 Est. Federal Grant 90,000
\$1,023,792

(2) Appropriation \$1,000,000
 Est. Collections 900,000
\$1,900,000

(3) Appropriation \$195,818
 Est. Federal Funds (unknown)

** 3/24 months = 12.5 percent biennium elapsed

DIST:
 Comm.
 VF
 ME
 KK