

MINUTES

North Dakota State Water Commission
Meeting Held In
Bismarck, North Dakota

May 12 and 13, 1975

The North Dakota State Water Commission held a meeting in Rooms G5 and 6, State Capitol, Bismarck, North Dakota, on May 12, 1975. 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
Gordon Gray, Member from Valley City
Donald Noteboom, Member from McKenzie County
Myron Just, Commissioner, Department of Agriculture
Vernon Fahy, State Engineer, Secretary and Chief Engineer, North
Dakota State Water Commission, Bismarck

OTHERS PRESENT:

Approximately 10 people in attendance for discussion of West River Diversion
Representatives of Natural Gas Pipeline Company of America
Approximately 20 people were in attendance to those already listed

The proceedings of this meeting were tape recorded to assist in compilation of minutes.

CONSIDERATION OF MINUTES
OF DECEMBER 16 and 17, 1974 -
MEETING - APPROVED

It was moved by Commissioner Noteboom, seconded by Commissioner Just, and carried, that reading of the minutes of the December 16 and 17, 1974 meeting

be dispensed with and approved as distributed.

CONSIDERATION OF MINUTES
OF JANUARY 31, 1975, MEETING -
APPROVED

It was moved by Commissioner Noteboom, seconded by Commissioner Just, and carried, that reading of the minutes of the January 31, 1975 meeting be

dispensed with and approved as distributed.

REQUEST FROM MCHENRY
COUNTY FOR GROUND-WATER
STUDY
(SWC Project No. 956)

Secretary Fahy stated that a request has been received from McHenry County to conduct a ground-water study in that county. The total cost of the study is estimated at \$268,200 and the requested state share of participation would be \$58,800. It was recommended by Secretary Fahy that the Commission authorize participation in this study.

It was moved by Commissioner Kramer that the Commission proceed with the ground-water study in McHenry County, and participate in the costs of the study in an amount not to exceed \$58,800. Commissioner Noteboom seconded the motion and all members voted aye. The motion carried.

REQUEST FROM TRAILL
COUNTY FOR STATE
PARTICIPATION IN
CONSTRUCTION OF
DRAIN NO. 36
(SWC Project No. 1623)

Secretary Fahy stated that a request from Traill County for construction of Drain No. 36 has been received. This project would involve approximately 9½ miles of new construction, located northeast of Mayville, discharging into the watershed area of, and immediately north of the proposed Cella Dam. The total estimated cost of the project is \$155,500, and the state's share of participation is \$47,451. He stated that all of the legal requirements of the drain have been met and the vote on the assessments were favorable, therefore, he recommended state participation for the project.

Due to the number of drain requests on the agenda, it was Secretary Fahy's suggestion that the Commission approve participation, if they so desire, directing the State Engineer to participate as funds might be available. The fact that funds from the new biennial budget must be used to satisfy commitments for participation in projects which were approved under the present budget makes it difficult to estimate the total funds available for drainage work. He indicated that if new requests for drains are received, these would be judged according to the needs of the project and funds would be disbursed according to that criteria and with approval of the State Water Commission. He noted that the drainage funds were increased \$50,000 by the last Legislature, which gives a total of \$250,000 for drainage projects. This will cover about half of the drainage requests received.

It was moved by Commissioner Gray that the State Water Commission participate in the construction of Drain No. 36 in Traill County in an amount not to exceed \$47,451, and that the Chief Engineer shall determine the priority of this and other drainage

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projects and allocate expenditures during the biennium according to this priority. The motion was seconded by Commissioner Kramer. All members voted aye on the motion and it carried.

CONSIDERATION OF REQUEST
AUTHORIZING THE DEVELOPMENT
OF PLANS AND SPECIFICATIONS
FOR A SEWER AND WATER SYSTEM
IN SOUTHEAST CASS WATER
MANAGEMENT DISTRICT
(Resolutions 75-5-376 & 75-5-377)
(SWC Project No. 720)

Secretary Fahy stated that there are two resolutions which require approval by the State Water Commission when a water and sewer district is undertaken by a water management district. The first resolution was approved by the Commission in a telephone poll on April 10, 1975, giving preliminary approval to the project. The sewer

and water project provides facilities for service to an area known as Oxbow Estates in the North Half of Section 24, and the Southeast Quarter of Section 13, Township 137, Range 49, Cass County, North Dakota.

Secretary Fahy indicated that the second resolution adopting the plans and specifications for the project has been forwarded and is ready for approval by the Commission. Although submittal of the final plans and specifications to our office has been delayed, the project cannot proceed until the State Health Department has also given its approval, so Secretary Fahy recommended approval of resolution subject to prior approval of the State Health Department.

It was moved by Commissioner Gray, seconded by Commissioner Noteboom, and carried, that Resolution No. 75-5-376, Approval of Plans and Specifications for Sewer District No. 10 for Oxbow Country Club and Estates, Southeast Cass Water Management District; and Resolution No. 75-5-377, Approval of Plans and Specifications for Water District No. 11 for Oxbow Country Club and Estates, Southeast Cass Water Management District, be adopted and approved, subject to approval by the State Health Department.

REQUEST FROM CITY OF
RUGBY FOR GROUND-WATER
STUDY
(SWC Project No. 1341)

Secretary Fahy stated that a request has been received from the city of Rugby for a ground-water study. Total cost of the study is estimated at \$37,300. The costs would be shared

equally by the city and the State Water Commission in an amount of \$18,650 respectively. It was his recommendation that the study and cost participation be authorized.

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It was moved by Commissioner Kramer that the State Water Commission authorize a ground-water study for the city of Rugby and participate on a 50-50 basis with the city in an amount not to exceed \$18,650.

Secretary Fahy noted that the Bureau of Reclamation is contracting with the State Water Commission to examine water supply alternatives for the cities of Garrison, Fessenden and Harvey. Delton Schulz, Director of Engineering for the Water Commission, indicated that there are eleven other cities to be studied in this program, which is directed toward communities which appear to have inadequate water supplies for the future

REQUEST TO RELAX
MORATORIUM IN
PORTION OF STONE
CREEK
(SWC Project Nos. 721 & 1061)

Secretary Fahy stated that a very severe drainage problem is present in the Gardena, White Spur area, in Bottineau County. He indicated that agreement has been reached between the Bureau of Sport Fisheries and Wildlife and various

county governments to install a culvert at a mutually agreed upon level to drain off the agriculture runoff. Several years ago, the Commission imposed a moratorium on any further drainage in Stone Creek because of the limited capacity. In order to proceed with the agreement that has been reached by the Bureau of Sport Fisheries and Wildlife and the county governments, the moratorium must be relaxed on the first three miles of the stream above the railroad tracks so that this plan can be put into action. Secretary Fahy requested the Commission to make a motion to relax the moratorium in Stone Creek sufficiently to install the agreed upon culvert for drainage.

It was moved by Commissioner Kramer that the Commission relax the moratorium now imposed on Stone Creek sufficiently so that a culvert may be installed for drainage of excess waters. Commissioner Just seconded the motion and all members voted aye. The motion carried.

CONSIDERATION OF PAYMENT
ON CASS COUNTY DRAIN NO. 53
(SWC Project No. 1594)

Secretary Fahy stated that previously the Commission had approved cost participation in the amount of \$6,495 in the construction of Cass County

Drain No. 53. In the original cost estimate, several items were excluded which the State Water Commission could participate in, therefore, the Cass County Drain Board is requesting an additional state share of \$2,932.75. It was Secretary Fahy's recommendation that the Commission approve payment of the costs.

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It was moved by Commissioner Gray, seconded by Commissioner Kramer, and carried, that the Commission approve the additional costs of \$2,932.75 representing a considerable rise in excavating costs and in field crossings not included in the original cost estimate, for Cass County Drain No. 53, subject to distribution of drainage funds by the State Engineer.

**CONSIDERATION OF REQUEST
FOR STATE PARTICIPATION IN
CONSTRUCTION OF CASS COUNTY
DRAIN NO. 55
(SWC Project No. 1613)**

Secretary Fahy stated that a request from the Cass County Drain Board has been received for construction and cost participation in Cass County Drain No. 55. This is a legal drain proposed for channelling runoff from

a point three miles east of Hunter, North Dakota, to a coulee five miles east, leading to the south branch of the Elm River. State cost participation is requested in an amount of \$19,390 and it was Secretary Fahy's recommendation that this drain be approved.

It was moved by Commissioner Gray that the State Water Commission participate in the construction and financing of Cass County Drain No. 55 in an amount not to exceed \$19,390, subject to the funding capabilities of the State Water Commission and expenditure priorities as determined by the Chief Engineer. The motion was seconded by Commissioner Just. All members voted aye and the motion carried.

**CONSIDERATION OF REQUEST
FOR STATE WATER COMMISSION
PARTICIPATION IN CASS
COUNTY FLOODWAY NO. 18
(SWC Project No. 1097)**

Delton Schulz stated that a request for participation in a drop structure for improvement of Cass County Floodway No. 18, Noble Township, has been received. He indicated that the drop structure actually takes care of four drains.

State share of the cost participation would be \$34,688. It was Mr. Schulz's recommendation that cost participation be approved by the Commission.

It was moved by Commissioner Gray, seconded by Commissioner Kramer, and carried, that the Commission approve cost participation in the construction of the project for improvement of Cass County Floodway No. 18 in an amount not to exceed \$34,688, subject to State Water Commission availability of funds and expenditure priorities as determined by the Chief Engineer.

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**CONSIDERATION OF REQUEST
FOR APPROVAL OF \$6800
ON LAKE IBSEN PROJECT
(SWC Project No. 503)**

of 40 percent, or state share of \$17,600. Due to land acquisition and other problems, the project was delayed until this past winter. Before soliciting for bids, a revised cost estimate reflecting inflation was prepared. The total adjusted cost of the project is \$61,000, increasing the total state share to \$24,400. It was Mr. Schulz's recommendation that the Commission approve the adjusted increase of \$6800.

Delton Schulz stated that the State Water Commission staff had designed an outlet structure for Lake Ibsen in 1971, and the Commission shortly thereafter, approved cost participation in the amount

After discussion, it was moved by Commissioner Just, seconded by Commissioner Noteboom, and carried, that the Commission approve \$6800 for increased costs for the Lake Ibsen project.

**CONSIDERATION OF ADOPTION
OF RESOLUTION TO REDEFINE
TERM "NAVIGABILITY"
(SWC Project No. 1625)**

for the definition of navigability. The states are requested to comment on four different proposals for the Corps by June 8, 1975, and proposal No. 4 appears to give the states the most flexibility in controlling their streams. Secretary Fahy indicated that none of the proposals are satisfactory, but was certain the Commission would want to comment on the proposal giving the state the most leeway in controlling its streams. It was his recommendation that the State Water Commission adopt a resolution urging Congress to redefine navigability to mean those waters which are capable of supporting commercial transport and to advise the Corps that alternative No. 4 as listed in the Congressional Record of May 6, 1975 was the least objectionable to the state of North Dakota.

As a result of a federal court case in Washington, D. C. in April, 1975, brought by the Environmental Protection Agency, the Army Corps of Engineers is being required to use broader terms

the subject being discussed and asked Secretary Fahy and members of his staff to prepare a draft resolution for the Commission's consideration later during this two-day meeting.

Governor Link noted the importance of

**DISCUSSION OF LEGISLATION
CONSIDERED BY 44th SESSION**

which covered legislation considered during the 44th Legislative Session which would be of general interest to the State Water Commission.

Murray Sagsveen, Special Assistant Attorney General for the Water Commission, distributed and reviewed a memorandum

**REPORT ON CONGRESSIONAL
HEARINGS FOR APPLE CREEK
PROJECT, GARRISON DIVERSION
PROJECT, AND MINOT FLOOD
CONTROL PROJECT
(SWC Project Nos. 1597, 237, & 1408)**

Russell Dushinske, Executive Vice President of the North Dakota Water Users Association, who recently attended the U. S. Senate and House Appropriations Committee, Public Works Subcommittee, hearings in Washington, D.C.

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reported on the Apple Creek Project, Garrison Diversion Project and Minot Flood Control, which were subjects considered at the Congressional hearings.

DISCUSSION ON STATE HEALTH
DEPARTMENT'S REGULATION
WHICH REQUIRES CERTIFICATION
OF A WATER PERMIT BEFORE
DRILLING A WELL FOR
IRRIGATION
(SWC Project No. 1400)

Sometime ago, legislation was passed which stated that all water well contractors were required to file a report with the State Health Department before they could drill a well. Pursuant to this statute, the State Health Department has promulgated regulations. Murray Sagsveen stated that he has discussed

with the Health Department a proposal which would provide that the rules and regulations of the State Health Department will be modified to require that a water well contractor must certify that a water permit has been granted before drilling operations are begun. The Health Department has agreed to adopt a rule which would assure that industrial and irrigation wells would be covered by a water permit.

At 12:00 noon, the Commission recessed; and reconvened at 1:30 p.m., with Vice Chairman Gallagher presiding.

AGREEMENT WITH TECHNICAL
PLANNING INFORMATION, INC.
RELATIVE TO DEVILS LAKE
BASIN
(SWC Project No. 1616)

Secretary Fahy stated that the Legislature authorized legislation to organize a Devils Lake Planning Committee. In order to retain University personnel for summer work assignments to accomplish the preliminary study outline, it was

necessary for the Chief Engineer to enter into an agreement, terminating on or before May 15, 1975, with TPI, Inc., a local planning consultant firm, before May 1, 1975. It was agreed that payment of \$3,160 would be made to Mr. Vern Zink, President of TPI, for his time, expenses and overhead during this period. Secretary Fahy requested that the State Water Commission approve and confirm his actions in developing this short-term contract.

It was moved by Commissioner Noteboom, seconded by Commissioner Kramer, and carried, that the Commission approve and confirm the actions of the Chief Engineer in entering into a short-term agreement with TPI, Inc. for the Devils Lake Basin Planning work in an amount not to exceed \$3,160.

Mr. Richard (Ike) Ellison, who is working as a coordinator for the Devils Lake Basin Planning Committee, gave a brief report on the status of the project. He stated that membership on the Committee includes representatives of six water management districts, the Tribal Council, the Fish and Wildlife Service, the Regional Council, a member of the Devils Lake City Commission, the Upper Mississippi River Basin Commission, and two citizens at large. He indicated that final selection of the advisory committee

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has not yet been made, but recommendations have been submitted and are ready to be presented to the Governor for his final selection. He also stated that \$180,000 was appropriated by the Legislature for this Committee, and that the State Water Commission was designated as the disbursement agency.

REAFFIRMATION OF RESOLUTIONS
REQUESTING CORPS OF ENGINEERS
TO UNDERTAKE FEASIBILITY STUDIES
TO SNAG AND CLEAR THE GOOSE
AND SHEYENNE RIVERS
(Resolution No. 75-4-374) and
(Resolution No. 75-4-375)
(SWC Project Nos. 235 & 568)

Delton Schulz stated that Barnes County Water Management District has requested the Corps of Engineers to conduct a study to determine the feasibility of snagging and clearing the Sheyenne River from the Barnes-Ransom County line upstream to Baldhill Dam under the authority provided by Section 2 of the 1937 Flood Control Act as amended.

He also stated that Traill County Water Management District has requested the Corps of Engineers to conduct studies to determine the feasibility of snagging and clearing the Goose River from its mouth upstream to the Traill-Steele County line, under the authority provided by Section 2 of the 1937 Flood Control Act as amended.

Mr. Schulz indicated that the State Water Commission would be perhaps contracting with the Corps of Engineers to develop cost estimates for both projects.

Secretary Fahy stated that he polled the Commission members by telephone on April 10, 1975, and it was the wishes of the Commission to adopt Resolution No. 75-4-374, Snagging and Clearing the Sheyenne River in Barnes County; and Resolution No. 75-4-375, Snagging and Clearing the Goose River. Copies of these two resolutions have been forwarded to the Corps of Engineers so that they may begin the feasibility studies. (See Appendix "A" and Appendix "B")

REQUEST FROM GRAND FORKS
COUNTY WATER MANAGEMENT
DISTRICT FOR STATE WATER
COMMISSION ENGINEERING
AND COST PARTICIPATION
ON FLOOD CONTROL PROJECT
TO PREVENT RED RIVER FROM
BACKING INTO A NEW SUBDIVISION
(SWC Project No. 1105)

Delton Schulz showed a map of an area consisting of approximately 800 acres on the south side of Grand Forks. A proposal has been received from the Grand Forks County Water Management District to remove this land from the flood prone area by constructing a dike to prohibit backup of the Red River and the installation of pumps to handle interior drainage. He noted that three

alternatives had been considered and this appeared to be the most satisfactory. The estimated cost of this proposal is \$231,000. No State Water Commission cost sharing is being requested at this time, only approval of the plans for the project.

Commissioner Just indicated that he has received several telephone calls protesting this proposal. The protestors feel

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that if this large sum of money is going to be spent on this project, there are other areas along the Red River where more people would benefit, and that more studies should be made before approving of this project. Commissioner Just asked these people protesting to submit their protest in writing, but as of this date, has not received them.

It was moved by Commissioner Jungroth that the State Water Commission grant approval of the flood control project, and that the Commission urges the local beneficiary to pay a substantial part of the benefits. Commissioner Gray seconded the motion. All members voted aye on the motion, with the exception of Commissioner Just not voting as he wished to do further checking on the protests that he had received. The motion carried.

DISCUSSION OF CORRESPONDENCE
FROM CORPS OF ENGINEERS
RELATIVE TO PEMBILIER DAM
(SWC Project No. 567)

Secretary Fahy presented some background information regarding the proposed Pembilier Dam. He noted that until recently the Canadian Government has not recognized any benefits from construction of this dam. Experience over the last three years has proven that there are substantial benefits to the Canadian properties. At a recent meeting with the State Department and the Canadian people, the Canadians indicated that they are now ready to declare that they will benefit from the dam and that the Corps of Engineers could proceed with the necessary planning studies to bring the project before Congress.

Secretary Fahy has received a letter from the Corps of Engineers relative to the local costs contained in the report of the proposal, which are in excess of \$2 million.

REQUEST FOR PRELIMINARY
APPROVAL FROM SOUTHEAST
CASS WATER MANAGEMENT
DISTRICT FOR PROPOSED
SEWER DISTRICT NO. 12
(Resolution No. 75-5-378)
(SWC Project No. 720)

Secretary Fahy has received a request from the Southeast Cass Water Management District for approval of a proposed sewer project which provides facilities to take sewage from an area in the southwest quarter of Section 1, and the southeast quarter of Section 2, Township 139, Range 50, Cass County. This project will provide for the orderly development of the area and eliminate pollution and environmental problems. At a later date, the county will request State Water Commission approval of the plans and specifications for the project. It was Secretary Fahy's recommendation that the Commission grant preliminary approval of the project.

It was moved by Commissioner Gray, seconded by Commissioner Just, and carried, that the Commission grant preliminary approval for

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the proposed sewer project No. 12 in Cass County, and adopt Resolution No. 75-5-378. (See Appendix "C")

DISCUSSION ON STATE WATER
COMMISSION ACTIONS CONCERNING
A WATER CONTROL AT THE SLADE
NATIONAL WILDLIFE REFUGE
(SWC Water Permit No. 1260P)

National Wildlife Refuge. The Fish and Wildlife Service was granted a water permit to appropriate 1695 acre-feet of water annually plus sufficient water to maintain Southeast Slough, South Marsh and Harker Lake within the Refuge, provided no artificial impoundment be constructed or water artificially diverted. When the road was constructed, a culvert was installed with a flap gate on it, which resulted in the impoundment of about 30 surface acres of water.

Murray Sagsveen briefed the Commission on recent actions taken by the State Water Commission as a result of complaints filed by residents of the Lake Isabel area concerning a road constructed by the Fish and Wildlife Service on Slade

About two weeks ago, the State Engineer and some of his staff members met with the Fish and Wildlife Service and the Service agreed that they would comply with an order of the State Water Commission. The Service later signed a Stipulation whereby they agreed to abide by the Order.

Following the signing of the Stipulation, the Fish and Wildlife Service was ordered by the State Engineer to: 1) immediately open all culverts through the roadway constructed on or near the north-south quarter section line in the North Half of Section 35, Township 139 North, Range 72 West, within the Slade National Wildlife Refuge, thus permitting free drainage through subject roadway; and 2) as soon as possible, but no later than July 1, 1975, remove subject roadway or place drainage facilities in the roadway which will permit natural drainage across the area covered by water permit No. 1260P.

Mr. Sagsveen requested the Commission to authorize execution of the order by both the Chairman of the Water Commission and the State Engineer. This will prevent any jurisdictional problem as to the signing of the order.

It was moved by Commissioner Gray, seconded by Commissioner Just, and carried, that the Commission authorize the Chairman of the State Water Commission and the State Engineer to execute the order issued to the Fish and Wildlife Service regarding the Slade National Wildlife Refuge.

DISCUSSION OF STATE
WATER COMMISSION
SHOP PROPERTY
(SWC Project No. 682)

Secretary Fahy stated that the city of Bismarck plans to extend Broadway Avenue taking approximately 80 feet through the Shop property on 26th Street. He indicated

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that the Commission is currently working with the city to arrive at some sort of settlement to salvage the greatest amount of property possible.

DISCUSSION FROM WEST RIVER STEERING COMMITTEE CONCERNING STATUS OF THE BUREAU OF RECLAMATION'S MULTI-PURPOSE PLANNING EFFORT (SWC Project No. 1543)

Mr. Guy Larson, a member of the West River Citizens Advisory Committee, recalled that at a recent meeting of the Steering Committee, Governor Link requested a Position Paper be prepared which encompassed all of the viewpoints discussed at the various

meetings of the West River Citizens Advisory Steering Committee. At this time, Mr. Larson read the Position Paper, attached as Appendix "D".

In concluding remarks, Mr. Larson said that he has spent nearly 18 years in water development work as a lay person and became a part of the Steering Committee because of his interest in this type of work. He indicated that during the last session of the Legislature a charge was made that the whole West River Diversion program was a hoax, which he said he resented very much. He said that this program had begun before the coal and energy development programs had become a fact of life in the State of North Dakota. He hopes that in the future, any program that is initiated for western North Dakota will have more local participation and will have a higher degree of respect than the West River Diversion plan received. He stated that he will continue his interest in water projects, but he will no longer participate in such projects.

Governor Link asked for comments or statements from individuals who may wish to address themselves to the Position Paper or to other aspects of the West River Diversion project.

Raymond Schnell, Chairman of the Stark County Water Management District, stated that stopping the West River Diversion or stopping that method of handling the water in the area is not going to stop coal development. He stated that he, too, was on the Steering Committee before energy development was introduced. He feels that the Position Paper is very accurate and supports the findings. He said we need West River Diversion in order to save the future productivity of the land.

Arlene Wilhelm from Dickinson presented a statement, attached as Appendix "E".

Representative Clarence Martin from Lefor discussed legislation considered during the last session including the defeat of the two West River bills. Up to 26 petitions were received from area citizens of Dunn, Bowman, Stark, Hettinger, Adams and Slope Counties to kill West River Diversion. He also stated that he does not feel that West River Diversion can be sold to the citizens now.

Rick Maxiner from New England, North Dakota, stated that he did not support West River Diversion because it gave

no local control to the area citizens. He feels that the people of western North Dakota should indicate what level of development they would support. He stated that with respect to the West River Diversion water source design, a decision should be made first as to how many gasification plants there are going to be as well as their location and what kind they are going to be, and then design a water supply. Another objection he has to West River Diversion is the amount of industrial development needed to support the irrigation part of the project. He discussed Appendix "F", which shows the first two levels of development. He closed his presentation by saying the price for an irrigation system is too high and the people won't buy it.

Gilman Peterson from western Stark County located in the West River area, forwarded his statement to the State Water Commission office following the meeting and is attached as Appendix "G".

Senator John Maher from Bowman, North Dakota, distributed copies of his statement attached as Appendix "H". He proposed that a committee of West River citizen volunteers organize meetings of the West River areas at which the public may convey its wishes to the Water Commission concerning industrial water permits. He listed six conditions in respect to these meetings.

Mr. Tom Pearce, a member of the West River Advisory Committee Steering Committee, complimented the State Water Commission for a very significant part in the initial feasibility study of West River Diversion. He discussed the large amounts of money and the sources of this revenue that would be required for building of pipelines or canals for diversion. There has been much discussion of the acreages that are going to be lost to strip mining and not reclaimed, but Mr. Pearce feels that with continuing research and development, solutions will be found to spoil bank reclamation problems and the land will be restored to productive uses.

Mr. R. H. Sailer, a member of the Advisory Committee, stated that he was very familiar with the land in western North Dakota and stressed the importance of availability of water for the most beneficial uses of this land.

Secretary Fahy clarified a point raised in respect to the relationship of the West River Steering Committee to the West River Citizens Advisory Committee. Throughout the study, the membership of the Citizens Advisory Committee rose to approximately 200 members and it was the consensus of the Advisory Committee that a Steering Committee be named to guide study efforts and relate back to the Advisory Committee for final action. The Steering Committee meetings were not closed to the public but perhaps there should have been no subcommittee in view of the misunderstanding of its purposes.

Secretary Fahy stated that he concurs with the position of Representative Maher of grass-roots participation in the study. The Commission has until July 1, 1975 to complete the report. He indicated that the citizens of the area can be assured that the Commission will do everything in its power to cooperate with the people in locally organized and scheduled public information meetings.

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Mr. Maxiner said he doesn't feel these information meetings should be held so the State Water Commission representatives can come and sell the West River Diversion study, but that the area citizens can tell the Commission what they want.

Secretary Fahy said that the whole program was aimed to get a sense of direction from the people, which indicates a communication gap along the line.

Commissioner Gallagher suggested that in following Representative Maher's guidelines, the State Water Commission get in touch with the Committee and get their suggestions as to what publicity and format they would like in respect to these meetings.

It was moved by Commissioner Just that the State Water Commission authorize the Chief Engineer to coordinate with the citizens organizational committee of the West River area; and to authorize the expenditure of \$2000 to be made available for public informational meetings. The motion was seconded by Commissioner Gallagher. All members voted aye and the motion carried.

DISCUSSION OF DICKINSON
FLOOD CONTROL PROJECT
(SWC Project No. 926)

of Dickinson, just below Lake Patterson Dam. He showed a map of the area of the proposed project, which includes the construction of a dike to protect 20-30 homes. The total estimated cost of the project is \$36,000. At this time, Mr. Schnell requested State Water Commission cost participation with the Stark County Water Management District.

Mr. Ray Schnell, Chairman of the Stark County Water Management District, presented a proposal for a flood control project for an area south and west of the city

Secretary Fahy stated that the State Water Commission's participation policy in flood control projects is generally 50 percent of the total, which in this instance would be \$18,000.

Mr. Schnell said the flood-prone areas have been designated in the city of Dickinson and that a floodplain zoning ordinance has been adopted, which should limit further development in the area.

Mr. Schnell reviewed statistics of the proposed dike and asked if an environmental impact statement is necessary.

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Secretary Fahy indicated that the State Water Commission would have to make an assessment on it, but since no federal funds were involved, an environmental impact statement would not be necessary.

Commissioner Jungroth suggested that the proposed flood control project be taken under advisement and further discussion continue at tomorrow's meeting of the Commission. This suggestion received the consensus of the other Commission members.

REQUEST FOR SECOND
PAYMENT FOR SALINE
SEEP RESEARCH STUDY
TO NDSU
(SWC Project No. 1535)

Secretary Fahy introduced Dr. Norum from North Dakota State University. In July, 1973, the Commission granted funds in the amount of \$7500 to conduct a study on the saline seep problem. Dr. Norum has forwarded copies of a progress report to the Commission members and he reviewed some of the highlights of the report. He noted that the main concern was a study of the movement of water down to and below the root zone of conventional crops.

Dr. Norum stated that North Dakota State University is involved in a cooperative project with Montana and South Dakota State University to determine what merit may be attached to the use of multi-spectro sensing for identifying potential saline seeps prior to the time that they break up.

Secretary Fahy stated that Dr. Norum is planning to retire on July 1, 1975.

After discussion, it was moved by Commissioner Jungroth that the Chief Engineer be authorized to expend payment No. 2 in the amount of \$5300 to continue the saline seep study. The motion was seconded by Commissioner Just and all members voted aye.

The Commission recessed their session at 5:50 p.m. and will reconvene on May 13, 1975, in the Fred J. Fredrickson Memorial Library, State Water Commission offices at 9:30 a.m.

On May 13, 1975, the Commission reconvened in the Fred J. Fredrickson Memorial Library at 9:30 a.m., with Vice Chairman Gallagher presiding.

CONSIDERATION OF FINANCIAL
STATEMENT FOR MONTH OF
APRIL, 1975

Matt Emerson, Assistant Secretary for the State Water Commission, presented the financial statement for the month of April, 1975. He reviewed the status of the individual accounts, noting that as of April, 91.6 percent of the biennium has elapsed. Secretary Fahy explained how the Contract Fund is disbursed and noted that in order to satisfy the needs of the Commission, it is possible that this method may be changed in the future.

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After discussion, it was moved by Commissioner Kramer to accept the financial statement for the month of April, 1975, as presented. The motion was seconded by Commissioner Just. All members voted aye and the motion was carried.

CONSIDERATION OF
WATER PERMIT REQUESTS

Secretary Fahy presented Appendix "I" attached hereto, which represents water permit requests. He indicated that his staff has reviewed each application and has made recommendations noted on the attachment. It was his recommendation that the Commission approve those requests as indicated and defer those requests recommended for further study and information.

Discussion again centered around the importance of obtaining a water permit before purchasing and installing an irrigation system. It was suggested that a soil and water compatibility test be required from the Soil Conservation Service before a permit is granted for the protection of the irrigator.

Milton Lindvig, Director of Hydrology for the Commission, discussed with the Commission members how his department determines the amount of water to recommend for a ground-water application; information regarding installation and costs of water meters which are to be installed by July 1, 1975, per previous Commission action; information how water levels are affected by pumping of test wells; and general ground-water information in the various areas where applications for ground water are now being received.

Commissioner Just requested that the Commissioners be provided a map plotting surface and ground-water permits throughout the State of North Dakota.

After the Commission reviewed those requests for a water permit listed on Appendix "I", it was moved by Commissioner Noteboom, seconded by Commissioner Gray, and carried, that the Commission approve the following water permit requests, subject to the conditions indicated on the respective application:

No. 2145, Vernon Halvorson - Larimore; No. 2157, Dennis Klein - LaMoure (this application was approved by the State Engineer on March 10, 1975 - now being reaffirmed by the Commission); No. 2152, Garry Sampson - Manning; No. 2153, Russel Falter - LaMoure; No. 2102, Harold Klabunde - Emmet; No. 2148, Wendal Dawson - Almont; No. 2163, City of Binford - Binford; No. 2136, City of Halliday - Halliday;

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No. 2170, Mrs. Alvina M. Gaier - Jamestown;
 No. 2089, Kriss W. Enzi - Braddock; No.
 2182, Allen Kamoni - Pettibone; No. 2185,
 Warren Reid - Bismarck; No. 2210, Ross J.
 Watson - New Rockford; No. 2183, Marvin
 Jabs - Fort Totten; No. 2177, Trestle
 Valley Recreation Area, Inc. - Minot (this
 application was approved by the State
 Engineer on March 6, 1975 - now being
 reaffirmed by the Commission); No. 2194,
 Siegfried Schaper - Halliday; No. 2199,
 Wilfred Schaper - Halliday; No. 2093,
 Jackie Coenen - Warwick; No. 2173, City of
 Wilton - Wilton; No. 2212, Harold Johnsrud -
 Watford City; No. 2218, William Miller - Huff;
 No. 2016, Edward Salzsieder - Edgeley; No.
 2109, Emil Brandenburg - Edgeley; No. 2064,
 Lloyd Ruff - Edgeley; No. 2055, City of
 Edgeley; No. 2073, Leo Grenz - Braddock;
 No. 2198, Sisters of Mary of the Presentation -
 Valley City; No. 2209 - Glenn Weisenhaus -
 Lisbon; No. 2225, Lelan C. Good - Sheldon;
 No. 2205, Larry Johnson - Alamo; No. 2232,
 Elmer Rychner - Killdeer; No. 2213, Gordon W.
 and Bernice Heck - Tolna; No. 2151, Norman
 and Kenneth Frey - Jamestown; No. 2229, City
 of Glen Ullin - Glen Ullin; No. 2243, Wayne
 and Raymond Grotelueschen - Ludden; No.
 2248, Allen Hansen - Ludden; No. 2249,
 William Huebner - Oakes; No. 2228, Leif E.
 Nelson, Jr. - Heimdahl; No. 2241, Herlof
 Huso - Aneta; No. 2191, Lawrence Thorpe -
 Guelph; No. 1288, Clayton C. Bartz - Beach;
 No. 2180, Henry Meyer - Flasher; No. 2221,
 Francis Ficeneck - Milnor; No. 2178, Monty
 Burke - McKenzie; No. 2207, Robert V. Hanson -
 Turtle Lake; No. 2015, Victor J. Richter -
 Menoken; No. 2007, Milton Agnew - Menoken;
 No. 2196, DeWayne A. Leppke - Carrington;
 No. 2193, Calvin McCullough - Oakes; No.
 2190, John Greenmyer - Stirum; No. 2189,
 Francis Vculek - Crete; No. 2223, Earl R.
 Jensen - Stanley; No. 2208, Wilfred Herman -
 Golden Valley; No. 2123, Arctic Farm Company -
 Walhalla; No. 1973, Gerald A. Ghylin - Regan;
 No. 2188, Albert Frauenberg - LaMoure; No.
 2206, Walter Hanson - Warwick; No. 2200,
 Vincent Sauer - Tappen; No. 2187, Bernard
 Vculek - Crete; No. 1238, John F. Mehlhoff -
 Tuttle; No. 2217, Frank Helbling - St. Anthony;

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No. 2063, Byron Overby - Binford; No. 2087, Clifford Omdal - Binford; No. 2184, Allen Hansen - Ludden; No. 2176, United Power Association-Cooperative Power Association - Elk River, Minnesota; and No. 2172, Mrs. Caroline G. White - Dawson.

It was also moved by Commissioner Noteboom, seconded by Commissioner Gray, and carried, that the Commission defer at this time the following water permit requests pending additional information and study:

No. 2133, George Schiff - Ruso; No. 2165, Dolar LaPlant - Binford; No. 2024, Donald Brandenburg - Edgeley; No. 2147, Agnes I. Slater - Minot; No. 2227, Leroy Schneider - Verona; No. 2224, Lui Jon Ravnaas - Turtle Lake; No. 2164, Milton Iszler - Gackle; No. 2195, Francis Vculek - Crete; No. 2204, Dale Brandt - Granville; No. 2203, Larry R. Hansen - Oakes; and No. 2220, Richard Olson - Binford. (SEE APPENDIX "I")

DISCUSSION OF PROPOSED
RULES AND REGULATIONS
FOR STATE WATER
COMMISSION

Alan Grindberg and Murray Sagsveen reported on the proposed rules and regulations for the State Water Commission which are now being drafted. Mr. Grindberg indicated that progress

has now reached the point where some additions and deletions have to be made.

It was the consensus of the Commission members that a final draft be furnished to them by July 1, 1975, and that this draft be in a form which shall be submitted to the Attorney General's office for their review and comments.

DISCUSSION REGARDING
EMIL KUNICK, SENTINEL
BUTTE, NORTH DAKOTA,
DAMS 1 AND 2
(SWC Project No. 1279)

Secretary Fahy reported that Mr. Emil Kunick of Sentinel Butte, North Dakota, in Golden Valley County, has constructed and is maintaining an earthfill impoundment across Elk Creek, a tributary to the Little Missouri River.

This dam is capable of impounding more than 12.5 acre-feet of water and Mr. Kunick has not received nor applied for a water permit from the State Water Commission to construct this dam, as required in Section 61-02-20 of the North Dakota Century Code. Mr. Kunick was directed to remove this dam for failure to comply with state law and because of the hazardous condition of the dam, or else modify it so it would impound less than 12.5 acre-feet.

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Mr. Kunick has recently partially constructed and is maintaining an earthfill impoundment located approximately one-half mile downstream from Dam No. 1. This dam is capable of and presently is impounding more than 12.5 acre-feet of water.

Mr. Kunick was informed by the State Water Commission that Dam No. 2 did not meet the requirements of sound engineering practices and he was directed to remove the dam or modify it. He submitted a proposal for modification of Dam No. 2 which was approved by the State Engineer. Dam No. 2 has now been partially washed out but is still capable of retaining 12.5 acre-feet of water.

Mr. Kunick has been given the following two alternatives: 1) that he remove Dam No. 1 and Dam No. 2 from Elk Creek by August 15, 1975; or 2) that he (a) modify Dam No. 1 by August 15, 1975 so that it is incapable of impounding more than 12.5 acre-feet of water; and (b) reconstruct Dam No. 2 by August 15, 1975, after first securing the necessary water permit from the State Water Commission, under the supervision of the Water Commission, so that it is capable of safely impounding more than 12.5 acre-feet of water; and 3) that any water drained from Dam No. 1 and Dam No. 2 during removal, modification, or reconstruction be released in a manner which will not cause damage to persons or property downstream.

Secretary Fahy indicated that Mr. Kunick has applied for a water permit from the State Water Commission and it is recommended that the application be processed.

TOLLEY FLATS
PROPOSED ALTERNATE
OUTLET
(SWC Project No. 626)

Secretary Fahy gave a brief history on the Tolley Flats problem. Various alternative methods have been examined for the area and at a recent meeting of the Ward and Renville Counties Water Management District, the two boards passed motions to jointly sponsor the full investigation of a different outlet than the Mackabee Coulee for excess water within Tolley Flats Basin. The required deposit of \$1500 would be shared equally by the two Districts to cover the costs of such investigation. The study would include the construction of a flood damage reduction project in the area located in Renville and Ward Counties and is to include a floodway, a sediment retention dam, and roadway and railroad crossing structures as required. It consists of a relief floodway commencing at the northeast corner of Section 19, Township 160 North, Range 86 West and extending into a coulee in Section 15, Township 160 North, Range 86 West, which enters Lake Darling in Section 12, Township 160 North, Range 86 West, all in Renville County.

It was recommended by Secretary Fahy that the survey and study as proposed by Ward and Renville Counties be confirmed and endorsed by the State Water Commission.

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It was moved by Commissioner Gray, seconded by Commissioner Just, and carried, that the State Water Commission embark on the proposed survey and study for the Tolley Flats area.

CONTINUED DISCUSSION OF
DICKINSON FLOOD CONTROL
PROJECT PROPOSAL
(SWC Project No. 926)

Secretary Fahy briefly reviewed Mr. Ray Schnell's request the previous day for state participation in a flood control project for the city of Dickinson.

After a brief discussion, it was moved by Commissioner Jungroth that the State Water Commission approve a grant to the city of Dickinson to construct a flood protective measure in an amount not to exceed 50 percent of the total cost, or \$18,000 state costs. Commissioner Noteboom seconded the motion and all members voted aye. The motion carried.

Secretary Fahy stated that it might be suggested to the Water Management District that it seek some of its funds from the property owners who will benefit from the project.

INVITATION FOR PRESENTATION
ON NORTHERN GREAT PLAINS
RESOURCE PROGRAM AT FUTURE
COMMISSION MEETING

Commissioner Just suggested that at a future Commission meeting an invitation should be extended to Mr. John VanDerwalker, Study Director of the Northern Great Plains Resource Program, to present his program for the benefit and interest of

the Commissioners. It was the consensus of the Commission members to invite Mr. VanDerwalker to be a part of the agenda for the next Commission meeting tentatively scheduled for the last week in June.

The Commission recessed at 12:00 noon, and was reconvened at 1:50 p.m. in Rooms G5 and 6 of the State Capitol, with Governor Link presiding.

CONTINUED DISCUSSION OF THE
APPLICATION OF NATURAL GAS
PIPELINE COMPANY OF AMERICA
FOR A PERMIT TO DIVERT WATER
FOR GASIFICATION PURPOSES IN
DUNN COUNTY
(SWC Water Permit No. 2083)

Governor Link stated that the meeting today was to hear a progress report from representatives of the Natural Gas Pipeline Company of America since the date of the public hearing on December 17, 1974. Natural Gas Pipeline Company has applied for a water permit to divert 70,000 acre-feet of water

annually from Lake Sakakawea in Dunn County for four gasification plants.

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Mr. John Sherman, Attorney from Dickinson, appearing on behalf of Natural Gas, introduced Mr. Robert W. Lindgren, Vice President of Natural Gas Pipeline Company of America, to report on the activities of Natural.

Mr. Lindgren presented the statement attached hereto as Appendix "J".

Following Mr. Lindgren's statement, several questions were asked by Commission members including questions regarding the proposed test drilling which is to commence in June, 1975; questions regarding Natural's partnership with Northern Border Pipeline Company; considerations by Natural given to production of fertilizer either as a by-product or an extension of the coal gasification plants; Natural's plans for supplying through construction and then operation of the proposed plants the necessary electrical energy; consideration given to the concerns expressed at public hearing regarding the economic impact that this kind of development might have on the Indian way of life in the area; guarantee of reserve of natural gas for North Dakota's use; and specific location of four proposed plants.

At this time, Governor Link invited statements or comments from persons who may wish to address the Commission regarding the discussion subject.

Mr. Byron Dorgan addressed the Commission by presenting Appendix "K" attached hereto. He read the first two paragraphs of the statement which said:

"Today you are considering another application by a corporation that wants to use water from Lake Sakakawea for the purpose of converting coal into synthetic natural gas. I am here to urge you to postpone your decision on this application and to urge you to take a first step in developing a comprehensive plan for developing North Dakota's coal resources.

"Instead of having a hearing on each permit and then reluctantly granting water to each applicant, I am suggesting that you, under the Administration's leadership, develop a 25 or 50-year plan for development of our coal resources. This plan could serve as a guide post for North Dakota's commitment to a national energy program. The plan would tell us what kind of coal development and how much of it North Dakota can contribute without seriously endangering our way of life. Once we as a state have determined these limits, then we would allocate water to those projects that would meet the requirements of the statewide plan. First preference for water permits should be granted to North Dakota domiciled businesses."

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Mr. Dorgan indicated that he is not opposed to coal development, but feels a pattern should be designed that would reflect how much and what kind of coal development North Dakota can contribute without endangering our way of life; therefore, he suggests the State Water Commission not issue any further water permits at this time until a coordinated long-range plan can be developed.

Secretary Fahy explained the REAP Program, indicating that \$2 million has been allocated to the development of a very comprehensive regional and environmental assessment program which will attempt to computerize a total plan for resource development in North Dakota to enable the state to inject into that model the proposals that are presented to various state agencies and as a result of that injection we will get the probable results of that development.

There being no further discussion relative to Natural's presentation, Governor Link thanked Mr. Lindgren and his representatives.

CONTINUED DISCUSSION REGARDING
REDEFINING "NAVIGABILITY"
(SWC Project No. 1625)

Secretary Fahy stated that as a result of the discussion of the previous day's meeting, he and members of his staff have prepared a draft resolution for

the Commission's consideration to forward to Congress requesting them to redefine navigability with the states' views in mind.

Mr. Sagsveen read the draft resolution. He also briefed the Commissioners on Senate Bill 838 introduced by Senator McClure which states that if there isn't a Congressional act to redefine navigation, this bill would provide another approach whereby the Corps of Engineers would assign the states to do the water permitting under federal guidelines.

After discussion, it was moved by Commissioner Kramer that the Commission adopt Resolution No. 75-5-379, Requesting Congress to Redefine "Navigable Waters" for Responsibilities of the U. S. Army Corps of Engineers, and that the Chief Engineer be directed to forward copies of this Resolution to the North Dakota Congressional Delegation; the Chairman of the Missouri River Basin Commission; and the Chairman of the Upper Mississippi River Basin Commission. It was further moved that the State Water Commission inform appropriate officials of its support for alternative No. 4 of the Corps criteria published in the Federal Register of May 6, 1975. The motion was seconded by Commissioner Gallagher. All members voted aye and the motion carried.
(SEE APPENDIX "L")

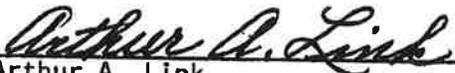
May 12 and 13, 1975

It was the consensus of the Commission members to support Senate Bill 838 in the event that "navigable waters" is not redefined by Congress.

Governor Link suggested that in light of the presentations of Natural Gas Pipeline Company of America and Byron Dorgan, Secretary Fahy and members of his staff should compile all the background information on studies relating to energy development and devote some time at the next Commission meeting for a briefing session. Secretary Fahy suggested that it would be helpful to the State Water Commission to receive reports directly from persons directing major planning efforts in this region and that he would arrange to have presentations made at the next meeting.

The next meeting of the State Water Commission was tentatively scheduled for a two-day period during the last week in June, at which an entire day would be devoted to a general energy development briefing session as previously discussed.

There being no further business to come before the Commission, it was moved by Commissioner Gray, seconded by Commissioner Noteboom, and carried, that the Commission adjourn their meeting at 4:50 p.m.


 Arthur A. Link
 Governor-Chairman

ATTEST:


 Vernon Fahy
 Secretary

May 12 and 13, 1975

RESOLUTION 75-4-374

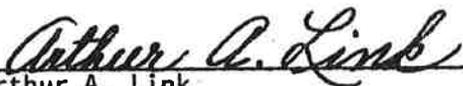
Snagging and Clearing Sheyenne River in Barnes County

BE IT RESOLVED by the North Dakota State Water Commission at its meeting held on April 10, 1975, in Bismarck, North Dakota, that it hereby requests the U. S. Army Corps of Engineers to conduct studies to determine the feasibility of snagging and clearing the Sheyenne River from the Barnes-Ransom County line upstream to Baldhill Dam under the authority provided by Section 2 of the 1937 Flood Control Act as amended.

It is understood that if it is found feasible and adviseable to snag and clear the Sheyenne River from the Barnes-Ransom County line upstream to Baldhill Dam, the North Dakota State Water Commission would be required before construction commences to enter into a contractual agreement that it will provide such local cooperation as may be prescribed by the Secretary of the Army.

The Chief Engineer and Secretary of the North Dakota State Water Commission shall be and is hereby directed to transmit three certified copies of this resolution to the District Engineer, St. Paul District, U. S. Army Corps of Engineers, 1210 U. S. Post Office and Custom House, St. Paul, Minnesota 55101.

FOR THE NORTH DAKOTA STATE WATER COMMISSION:



Arthur A. Link
Governor-Chairman

SEAL

ATTEST:



Vernon Fahy
Secretary

RESOLUTION 75-4-375

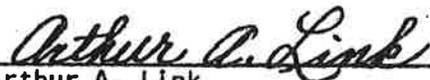
Snagging and Clearing Goose River

BE IT RESOLVED by the North Dakota State Water Commission at its meeting held on April 10, 1975, in Bismarck, North Dakota, that it hereby requests the U. S. Army Corps of Engineers to conduct studies to determine the feasibility of snagging and clearing the Goose River from its mouth upstream to the Traill-Steele County line, under the authority provided by Section 2 of the 1937 Flood Control Act as amended.

It is understood that if it is found feasible and adviseable to snag and clear the Goose River from its mouth upstream to the Traill-Steele County line, the North Dakota State Water Commission would be required before construction commences to enter into a contractual agreement that it will provide such local cooperation as may be prescribed by the Secretary of the Army.

The Chief Engineer and Secretary of the North Dakota State Water Commission shall be and is hereby directed to transmit three certified copies of this resolution to the District Engineer, St. Paul District, U. S. Army Corps of Engineers, 1210 U. S. Post Office and Custom House, St. Paul, Minnesota 55101.

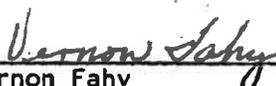
FOR THE NORTH DAKOTA STATE WATER COMMISSION:



Arthur A. Link
Governor-Chairman

SEAL

ATTEST:



Vernon Fahy
Secretary

RESOLUTION 75-5-378

Approval of Proposal for Construction of Sewer System
for a Portion of the Southwest Quarter of Section 1,
and the Southeast Quarter of Section 2, Township 139,
Range 50, Cass County, North Dakota

Southeast Cass Water Management District
Sewer District No. 12

WHEREAS, the Southeast Cass Water Management District has presented a certain sewer project to the North Dakota State Water Commission, Bismarck North Dakota, for its approval, which project provides facilities to take sewage from an area in the Southwest Quarter (SW $\frac{1}{4}$) of Section One (1), and the Southeast Quarter (SE $\frac{1}{4}$) of Section Two (2), Township One Hundred Thirty-nine (139), Range Fifty (50), 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.

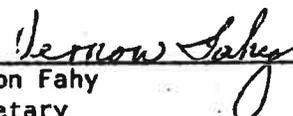
NOW, THEREFORE, BE IT RESOLVED by the North Dakota State Water Commission at their meeting held on May 12 and 13, 1975, in Bismarck, North Dakota, that said project be and the same is hereby approved.

FOR THE NORTH DAKOTA STATE WATER COMMISSION:

SEAL


Arthur A. Link
Governor-Chairman

ATTEST:


Vernon Fahy
Secretary

STATE OF NORTH DAKOTA

SS.

COUNTY OF BURLEIGH

I, Vernon Fahy, the duly appointed, qualified and acting Secretary of the North Dakota State Water Commission, Bismarck, North Dakota, do hereby certify that the foregoing is a full, true and correct copy of the Resolution adopted by the Board of North Dakota State Water Commission on the 12th and 13th of May, 1975, and that such Resolution is now a part of the permanent records of the North Dakota State Water Commission as such are filed in the office of the Secretary.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the North Dakota State Water Commission this 21st day of May, 1975.



Vernon Fahy
Secretary

SEAL

POSITION PAPER

WEST RIVER CITIZEN'S ADVISORY
STEERING COMMITTEE

At the request of Governor Arthur A. Link of the State of North Dakota, the West River Citizen's Advisory Steering Committee states its support for the continued study of the feasibility of developing the West River Diversion Unit of the Pick Sloan Missouri River Basin Program. While both the State Water Commission and the Bureau of Reclamation will be completing studies of the area in the near future, neither has developed a total decision base.

The State Water Commission first became involved in the study of the West River area in 1971, after passage of SB2343 by the state legislature which was prior to America's energy crisis. The study was continued in 1973 by legislative appropriation. The goal of the West River Study was to determine the future water requirements and the feasibility of importing water from Lake Sakakawea. Within this framework, two objectives were pursued: (1) to determine the level of development possible using only the surface and ground water generated by the area; and (2) to determine the feasibility of diverting supplementary water from Lake Sakakawea to the area for all beneficial uses.

In 1975, to further investigate the opportunities and realities of potential development, a bill was introduced in the Forty-fourth Legislative Assembly of North Dakota to urge that State and Federal agencies jointly undertake a feasibility level study which would insure the opportunity for local citizens and landowners to provide input and participate in the planning process; and, further, that the State would exercise control of the study to the extent that all its needs regarding municipal water, livestock, irrigation, recreation, fish and wildlife, industrial and rural domestic water supplies and low flow augmentation be fully

considered. Senate Bill 2253, designed to accomplish such full coordination, did not pass the House.

The Citizens Advisory Committee has for some time been on record in support of continued study. At the May 29, 1974 meeting of the West River Citizens Advisory Committee the following four statements of position were adopted relative to the West River Area:

1. If coal is surface mined, water should be made available for irrigation of reclaimed land where soils are suitable,
2. We support legislation requiring the payment of adequate compensation for loss of productivity to owners of surface land who have no equity in mineral rights, including disturbance of land for both test drilling and surface mining.
3. We recognize the need and benefits of constructing water transmission facilities to accommodate all beneficial uses--industry, agriculture, municipal, fish, wildlife, and recreation, recognizing that agriculture should have a high priority and these users cannot alone pay the costs of construction, operation, and maintenance.
4. We commend the effort to explore the possibility of utilization of resources for fertilizer production, particularly in view of the shortages of fertilizer.

Recognizing the importance to North Dakota of a detailed study for basing future decisions on development or nondevelopment of its land, water and mineral resources, including types and extent thereof, the Honorable Senator Milton R. Young introduced a bill into the United States Senate (S.665) which would authorize the Bureau of Reclamation to undertake such studies.

Since a feasibility study is not a commitment to implement, but is a prerequisite to permit implementation only if desired, and properly authorized, we believe that such study is desirable and should be supported. We recommend, therefore, that the State Water Commission staff be permitted to undertake technical and engineering contracts as may be offered to them by the Bureau of Reclamation in conducting their study. Such participation would enable the

State to provide some guidance to the study and would better protect the interests of the people of western North Dakota. The Bureau of Reclamation has limited funds to initiate investigations in the near future. We also support the seeking of funds from sources such as the Old West Regional Commission, the Water Resources Council or other agencies to provide increased participation by the State Water Commission.

Fearing that a worsening energy crisis could eventually force extensive coal conversion development upon the State, we believe that the completion of a feasibility study and its associated environmental impact statement would permit needed development to be undertaken within limits which have been analyzed and for which some assessment is available rather than by the pressures of rapid development in locations not properly studied.

Under the new, stringent principals and standards of the Water Resource Council, through which federally-sponsored irrigation units are selected and formulated, there are no potential agricultural units within the state which demonstrate economic justification without a subsidy from some source such as industry. Thus, there is a need to investigate and identify potentially irrigable lands in Western North Dakota and determine the degree of subsidy which industry would or could subsidize irrigation and other multipurpose water developments for rural and domestic use, and for municipal use. This must be done to insure that the agricultural base of that area is maintained and strengthened and that benefits are maximized for all the people of the area. The State must insure that any water system developed to serve industrial purposes is capable of serving other uses long after non-renewable resources such as lignite have been exhausted.

While paper studies and locations of storage and pumping plants are available, further exploration is needed to establish damsite competency, habitat

losses, instream flow rates for aquatic protection, proper reservoir operations for recreation, flood control benefits, social impacts and economic analyses.

This committee is also requesting that the North Dakota State Water Commission take a position on the number of coal gasification plants to be constructed by the year 2000, and we recommend that this number be not more than eight.

The study by the Bureau of Reclamation will answer the important questions we have, and with State participation, will provide a valid decision base. If development appears desirable, a basis for some level of development will be available; if nondevelopment appears proper, the State can refuse to support any recommendations which the report may suggest. Lack of support by the State Government or any of its Congressional delegation could be effective in preventing development by a Federal agency. However, the above suggested procedure offers the State substantial control over its destiny.

In summary, we support the proposed Bureau of Reclamation Feasibility Level Study. We support the limitation of the number of coal gasification plants to be constructed by the year 2000. We recommend that the Governor and the State Water Commission endorse Senate Bill 665, as introduced by Senator Milton R. Young, to complete the study which will provide essential data for decisions which must be made in North Dakota in the near future. We further suggest that the North Dakota State Water Commission staff be permitted to assist the Bureau of Reclamation wherever expertise is solicited and that the State Water Commission seek funds from sources other than the state treasury.

STATEMENT OF ARLENE WILHELM

The meeting of the "Citizens' Advisory Committee on West River Diversion" held in Bismarck Wednesday, April 30, and reported by the Associated Press, was not a broad committee meeting. It was a steering committee meeting. The purpose appears to be an attempt to "steer" through the proposed West River Diversion project in spite of the legislature's defeat of the West River Bills.

Why wasn't the full citizens' advisory committee informed of the meeting? People from southwestern North Dakota who have been included as members on the committee membership lists were not notified. Those invited, other than officials, were apparently restricted to avid supporters of the present diversion proposal.

I am worried that the "hard Core" of the advisory group may decide to attempt to ramrod their proposal, which includes at the lowest level of diversion development, FOURTEEN gasification plants and nearly 5000 megawatts of power generation for West River country. The proposal runs all the way to 42 gasification plants and 32,000 megawatts. Nobody I have ever spoken to, even the gung-ho coal development enthusiasts, has ever admitted to wanting even as many as 14 gasification plants out there.

Instead of cutting back to "steering" committee activity the advisory group needs to open up the meetings to its full membership and to all the people of western North Dakota. What people will tell them is THAT WE NEED A LITTLE MODESTY AND A LITTLE SANITY IN OUR SCHEMING. In fact, during the comment period for the West River Study, I personally submitted comments to Delton Schulz that suggested, among other things, cutting the diversion coal development levels in half. All of you recieved copies of that commentary. To support my proposal, I pointed out the federal government's Northern Great Plains Resource plan for energy development. It includes in its second level of development only seven gasification plants. It's highest projection suggests 17, and the study indicates that the highest level, CDP III, would

be destructive of the environment and social structures. According to that comparison, OUR OWN STATE PLANS WOULD DO US MORE HARM THAN THOSE FEDERAL ONES!

Right after the legislative session, I indicated in a letter to Governor Link that I would favor further investigation of a diversion proposal which would:

1. Cut the four diversion development levels in half from the proposed West River Study levels.
2. Divert water for primarily agricultural, domestic and municipal use, with a modest amount for coal development.
3. Inform North Dakotans of all effects, both good and bad, of proposed development.

What I'm saying is, we better go back to the drawing boards!

Some pro-development committee members insist on branding persons who ask probing questions about the diversion proposals, or who raise objections about the extensive development suggested, as "anti-coal fanatics or radicals". This is unfair and it is not true. If the committee would start facing up to the objections of people who have studied the issue and do some negotiating, they may make some progress.

In visiting with advisory committee people who promote the West River Study in its present form, I have discovered that some of them are uninformed about their own study. They don't know the drastic level of development and the immense consequences of their own diversion proposals.

Guy Larson was quoted by the AP as saying at that April 30 meeting, "What we're concerned about is that we may end up having coal development before we have a study". Now surely Mr. Larson ^{already} realizes that we do indeed have a study, and that we do indeed have coal development. Mr. Larson must know that our current coal development is supposed to increase by five times as early as 1985 and far beyond that by the year 2000 according to the federal government. Mr. Larson must realize that it will take at least until the year 2000 to complete the proposed diversion project. How then, can diversion

be used to "control" coal development, as he suggested at that meeting².

One other committee member (unnamed by the AP) is quoted as saying, "The emphasis really wasn't on industry any more than agriculture".. Does he call the immense water needs of 14 or more gasification plants along with their negative impacts on land air and water, "agriculturally supportive"? There is the added fact that the declaration of intent earmarks 2 million acre feet for industry and one million for agriculture.

One of the things that irks some of us is that our questions and statements of concerns at "advisory" meetings were generally omitted from the minutes. There are other things that bothered us, too involved to mention here. But, we implore the State Water Commission to demand some real accountability from the so called "citizen's advisory" group. Governor Link has suggested that the committee get broad, general input on why the West River Bill 2253 was defeated. I hope the committee takes his advise.

* North Dakota must at this point decide just how much coal development it will tolerate. Since no agency has thus far been able to achieve a consensus on this, perhaps the Water Commission can get a handle on it by deciding (planning, if you please) just how many water permits it will grant and when it will grant them. Before making that decision, however, I hope the commission will listen to and consider the wishes of the people who live in the coal counties.

One word about Dickinson's water. Dickinson has needed water for years. It was unrealistic of the people responsible, to expect West River Diversion to relieve the ^{current} problem because it would take until at least 2000 for the plan to become a reality. Versippi dam should already be under construction, but isn't.

STATEMENT OF RICK MAXNER

1. WEST RIVER DIVERSION IS DEAD.
2. IF THERE IS A NEED FOR A FORUM TO DISCUSS AND DECIDE ON A LEVEL OF DEVELOPMENT, THEN IT SHOULD BE DONE, BUT NOT USING WEST RIVER DIVERSION AS A TOOL.
3. DESIGNING OR IMPLEMENTING WEST RIVER DIVERSION BEFORE THE AFOREMENTIONED STUDY IS ABSURD.
4. DICKINSON WATER SUPPLY PROBLEMS CAN BE SOLVED BY THE RAISING OF LAKE PATTERSON AND BUILDING VERSIPPI DAM. THE ONLY OBJECTIONS TO THESE SOLUTIONS HAS BEEN THE COST TO THE CITY OF DICKINSON. I SUBMIT THAT A CITY'S WATER SUPPLY IS THE RESPONSIBILITY OF THAT MUNICIPALITY.
5. WE MUST TRADE MANY PRODUCTIVE ACRES FOR THE WATER WE WILL RECEIVE.

	<u>LEVEL 1</u> 14 Gas Plants, 4920 MW	<u>LEVEL 2</u> 14 Gas Plants 8800MW
PLANTS SITES	3,368	4,920
STRIP MINED	395,040	441,600
URBAN SPRAWL	20,000	22,000
CANAL	12,800	12,800
DAMS	<u>28,800</u>	<u>35,200</u>
	460,008	516,520

STATEMENT OF GILMAN PETERSON

1. 87% OF NORTH DAKOTA'S INCOME COMES FROM FARMERS AND RANCHERS.
2. 90% OF THE TOTAL FOOTINGS OF BANKS IN NORTH DAKOTA ARE CREATED BY FARMERS AND RANCHERS.
3. 460,000 ACRES OF THIS CAPITAL PRODUCING LAND IS THE MINIMUM WHICH WILL BE CONSUMED BY WEST RIVER DIVERSION.
4. INFUX OF POPULATION WILL NOT INCREASE THE FOOTINGS OF BANKS AND MANY DECREASE THEM BECAUSE OF THE SPENDING AND SAVINGS HABITS OF WAGE EARNERS.
5. IRRIGATION OF A QUARTER SECTION REQUIRES A \$50,000 CAPITAL INVESTMENT. WITH THE DECREASE IN FOOTINGS, SUFFICIENT CAPITAL WILL NOT BE AVAILABLE FOR AGRICULTURE, MUCH LESS IRRIGATION REQUIREMENTS OF APPROXIMATELY 2000 QUARTERS TIMES \$50,000 PER QUARTER EQUALS \$100,000,000.

STATEMENT OF JOHN MAHRER

I propose that a committee of West River Citizen volunteers organize meetings of the West River areas at which the public may convey its wishes to the water commission concerning industrial water permits.

Conditions for these meetings are to be:

1. The meetings will be held to inform the water commission and its staff of the wishes of the people.
2. The organizational committee will be restricted to persons not serving in an official capacity with the water commission. Suggested persons serving on that committee would be:
Ken, Knudson, Bob Stranik, Bob Sadowsky, John Mahrer, Clarence Martin, Arlene Wilhelm, and Ray Schnell.
3. The meetings should be held in at least the five following counties:
Bowman, Hettinger, Stark, Dunn and Slope.
4. At least two Water Commission members will be present at each meeting. Testimony will be recorded and submitted to the full water commission.
5. Any citizen will be allowed to testify for a maximum of 20 minutes.
6. Water Commission funds up to \$2000 will be made available to the committee for publicizing meetings. Water commission staff will supply clerical assistance, at the request of the committee.

WATER PERMIT AGENDA FOR May 12 and 13, 1975

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2133	Schiff, George - Ruso (McLean County)	Ground Water	Irrigation	834.2 acre-feet 417.1 acres	Defer action at this time pending further study and investigations
2145	Halvorson, Vernon - Larimore (Grand Forks Co.)	Unnamed Creek, trib. to Little Goose and Goose Rivers	Recreation	63.5 acre-feet storage plus 45.0 acre-feet annual use	63.5 acre-feet storage plus 45.0 acre-feet annual use
2157	Klein, Dennis - LaMoure (LaMoure County)	Ground Water	Irrigation	314.0 acre-feet 157.0 acres	202.0 acre-feet 135.0 acres (This application was approved by State Engineer on March 10, 1975)
2165	LaPlant, Dolar - Binford (Griggs County)	Ground Water	Irrigation	921.0 acre-feet 614.0 acres	Defer action at this time pending further study and investigations
2152	Sampson, Garry - Manning (Dunn County)	Knife River, trib. to Missouri River	Irrigation- Waterspreading	164.0 acre-feet 82.0 acres	82.0 acre-feet 82.0 acres
2153	Falter, Russel - LaMoure (LaMoure County)	James River	Irrigation	26.0 acre-feet 13.0 acres	19.5 acre-feet 13.0 acres

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2102	Klabunde, Harold - Emmet (McLean County)	Ground Water	Irrigation	448.0 acre-feet 298.7 acres	448.0 acre-feet 298.7 acres
2148	Dawson, Wendal - Almont (Grant County)	Unnamed Draw, trib. to Heart River	Irrigation	135.0 acre-feet storage plus 135.0 acre-feet annual use 135.6 acres	120.0 acre-feet storage plus 120.0 acre-feet annual use 135.6 acres
2163	Binford, City of - Binford (Griggs County)	Ground Water	Municipal	86.0 acre-feet	86.0 acre-feet
2136	Halliday, City of - Halliday (Dunn County)	Ground Water	Municipal	480.0 acre-feet	480.0 acre-feet
2170	Gaier, Mrs. Alvina M.- Jamestown (Barnes County)	Ground Water	Irrigation	280.0 acre-feet 160.0 acres	240.0 acre-feet 160.0 acres
2089	Enzi, Kriss W. - Braddock (Emmons County)	Ground Water only; or Ground Water and Long Lake Creek	Irrigation	340.0 acre-feet from Ground Water only; or 240.0 acre-feet from G.W. and 100.0 acre-feet from Long Lake Creek (storage) 156.0 acres	205.0 acre-feet from Ground Water 100.0 acre-feet storage Long Lake Creek 156.0 acres

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2182	Kamoni, Allen - Pettibone (Kidder County)	Ground Water	Irrigation	453.9 acre-feet 302.6 acres	375.0 acre-feet 250.0 acres
2185	Reid, Warren - Bismarck (Burleigh County)	Missouri River	Irrigation	352.0 acre-feet 176.0 acres	352.0 acre-feet 176.0 acres
2210	Watson, Ross J. - New Rockford (Eddy County)	Ground Water	Irrigation	400.0 acre-feet 204.7 acres	262.0 acre-feet 204.7 acres
2183	Jabs, Marvin - Fort Totten (Benson County)	Ground Water	Irrigation	390.0 acre-feet 195.0 acres	292.0 acre-feet 195.0 acres
2177	Trestle Valley Recrea- tion Area, Inc. - Minot (Ward County)	Ground Water	Recreation	3.0 acre-feet	3.0 acre-feet (This permit was approved by the State Engineer on March 6, 1975)
2194	Schaper, Siegfried - Halliday (Dunn County)	Ground Water	Irrigation	432.0 acre-feet 216.0 acres	324.0 acre-feet 216.0 acres

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2199	Schaper, Wilfred - Halliday (Dunn County)	Ground Water	Irrigation	214.0 acre-feet 107.0 acres	160.5 acre-feet 107.0 acres
2093	Coenen, Jackie - Warwick (Benson County)	Ground Water	Irrigation	237.0 acre-feet 158.0 acres	202.0 acre-feet 158.0 acres
2173	Wilton, City of - Wilton (McLean County)	Ground Water	Municipal	200.0 acre-feet	200.0 acre-feet
2212	Johnsrud, Harold - Watford City (McKenzie County)	Unnamed Branch of Cherry Creek, trib. to Little Missouri River	Irrigation & Stockwater	60.0 acre-feet storage plus 35.0 acre-feet annual use 25.8 acres	60.0 acre-feet storage plus 25.8 acre-feet annual use 25.8 acres
2218	Miller, William - Huff (Morton County)	Oahe Reservoir	Irrigation	334.0 acre-feet 167.2 acres	334.0 acre-feet 167.2 acres
2016	Salzsieder, Edward - Edgeley (LaMoure County)	Ground Water	Irrigation	280.0 acre-feet 140.0 acres	120.0 acre-feet 120.0 acres

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2109	Brandenburg, Emil - Edgeley (LaMoure County)	Ground Water	Irrigation	240.0 acre-feet 160.0 acres	135.0 acre-feet 135.0 acres
2024	Brandenburg, Donald - Edgeley (LaMoure County)	Ground Water	Irrigation	282.0 acre-feet 141.0 acres	Defer action at this time pending acquisition of water level and production data.
2064	Ruff, Lloyd - Edgeley (LaMoure County)	Ground Water	Irrigation	400.0 acre-feet 320.0 acres	135.0 acre-feet 135.0 acres (Action deferred on remaining portion pending acquisition of water level and production data.)
2055	Edgeley, City of - Edgeley (LaMoure County)	Ground Water	Municipal	115.0 acre-feet	115.0 acre-feet
2073	Grenz, Leo - Braddock (Emmons County)	Long Lake Creek, trib. to Long Lake	Irrigation & Livestock	150.0 acre-feet storage plus 99.0 acre-feet annual use 66.0 acres	150.0 acre-feet storage plus 99.0 acre-feet annual use (66.0 acre-feet annual use to be used for irrig.) 66.0 acres

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2198	Sisters of Mary of the Presentation - Valley City (Barnes County)	Sheyenne River, trib. to the Red River	Irrigation	80.0 acre-feet 40.0 acres	40.0 acre-feet 40.0 acres
2147	Slater, Agnes I. - Minot (McLean County)	Ground Water	Irrigation	316.0 acre-feet 115.0 acres	Defer action pending further study and information.
2209	Weisenhaus, Glenn - Lisbon (Ransom County)	Ground Water	Irrigation	240.0 acre-feet 160.0 acres	202.0 acre-feet 135.0 acres
2225	Good, Lelan C. - Sheldon (Ransom County)	Ground Water	Irrigation	480.0 acre-feet 240.0 acres	360.0 acre-feet 240.0 acres
2227	Schneider, Leroy - Verona (Ransom County)	Ground Water	Irrigation	2560.0 acre-feet 1280.0 acres	Defer action at this time pending further study and information.
2205	Johnson, Larry - Alamo (Williams County)	Ground Water	Irrigation	158.1 acre-feet 105.4 acres	158.1 acre-feet 105.4 acres

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2232	Rychner, Elmer - Kildeer (Dunn County)	Unnamed Intermittent Draws, trib. to Little Missouri River	Irrigation - Waterspreading	110.0 acre-feet 55.0 acres	55.0 acre-feet 55.0 acres
2213	Heck, Gordon W. and Bernice - Tolna (Benson County)	Ground Water	Irrigation	590.8 acre-feet 295.4 acres	442.0 acre-feet 295.4 acres
2224	Ravnaas, Lui Jon - Turtle Lake (McLean County)	Ground Water	Irrigation	190.0 acre+feet 156.0 acres	Defer action at this time pending completion of predictive model study.
2151	Frey, Norman and Kenneth - Jamestown (Stutsman Co.)	Ground Water	Irrigation	713.2 acre-feet 356.6 acres	382.0 acre-feet 255.0 acres
2229	Glen Ullin, City of - Glen Ullin (Morton County)	Ground Water	Municipal	180.0 acre-feet	180.0 acre-feet
2243	Grotelueschen, Wayne & Raymond - Ludden (Dickey County)	James River	Irrigation	568.0 acre-feet 379.0 acres	379.0 acre-feet 379.0 acres

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2248	Hansen, Allen - Ludden (Sargent County)	Ground Water	Irrigation	270.0 acre-feet 160.0 acres	202.0 acre-feet 135.0 acres
2249	Huebner, William - Oakes (Dickey County)	Ground Water	Irrigation	474.0 acre-feet 316.0 acres	474.0 acre-feet 316.0
2228	Nelson, Leif E., Jr- Heimdal (Wells County)	Norway Lake	Irrigation	210.0 acre-feet 105.3 acres	105.3 acre-feet 105.3 acres
2241	Huso, Herlof - Aneta (Griggs County)	Pickere1 Lake on Pickere1 Lake Creek, trib. to Sheyenne River	Irrigation	163.5 acre-feet 110.0 acres	110.0 acre-feet 110.0 acres
2191	Thorpe, Lawrence - Guelph (Dickey County)	Ground Water and James River	Irrigation	675.0 acre-feet (242.2 a.f. Ground Water) (432.8 a.f. James River) 446.0 acres	634.8 acre-feet (202.0 a.f. Ground Water) (432.8 a.f. James River) 427.0 acres
1288	Bartz, Clayton C. - Beach (Pierce County)	Ground Water	Irrigation	300.0 acre-feet 152.6 acres	230.0 acre-feet 152.6 acres (Action previously deferred pending results of pumping test)

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2180	Meyer, Henry - Flasher (Morton County)	Ground Water	Irrigation	471.0 acre-feet 314.0 acres	175.0 acre-feet 117.0 acres
2221	Ficenec, Francis - Milnor (Ransom County)	Ground Water	Irrigation	320.0 acre-feet 160.0 acres	203.0 acre-feet 135.0 acres
2164	Iszler, Milton - Gackle (Stutsman County)	Ground Water	Irrigation	640.0 acre-feet 312.0 acres	Defer action at this time pending additional sub- surface data and water level data
2178	Burke, Monty - McKenzie (Burleigh County)	Ground Water	Irrigation	238.5 acre-feet 159.0 acres	202.0 acre-feet 135.0 acres
2207	Hanson, Robert V. - Turtle Lake (McLean County)	Coal Lake Coulee, trib. to Missouri River	Irrigation	70.0 acre-feet 168.6 acres	70.0 acre-feet 168.6 acres
2015	Richter, Victor J. - Menoken (Burleigh County)	Ground Water	Irrigation	860.8 acre-feet 430.4 acres	202.0 acre-feet(Recommend 135.0 acres -for approval) (Balance shall be held in abeyance until additional subsurface, water level & yield data are collected to determine the avail- ability of additional water.)

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2007	Agnew, Milton - Menoken (Burleigh County)	Ground Water	Irrigation	541.0 acre-feet 374.0 acres	(Recommend for approval): 216.0 acre-feet 216.0 acres (Remaining portion shall be held in reserve pending collection of additional subsurface, water level & yield data by applicant.)
2196	Leppke, DeWayne A. - Carrington (Foster County)	Ground Water	Irrigation	866.8 acre-feet 433.4 acres	(Recommend for approval): 315.0 acre-feet 210.0 acres (Remaining 335 acre-feet shall be held in reserve pending the acquisition of further subsurface, water level & yield data.)
2193	McCullough, Calvin - Oakes (Dickey County)	Ground Water	Irrigation	640.0 acre-feet 320.0 acres	(Recommend for approval): 135.0 acre-feet 135.0 acres (Remaining portion shall be reserved pending the acquisition of additional subsurface, water level & yield data by applicant.)
2190	Greenmyer, John - Stirum (Sargent County)	Ground Water	Irrigation	320.0 acre-feet 160.0 acres	202.0 acre-feet 135.0 acres

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2189	Vculek, Francis - Crete (Sargent County)	Ground Water	Irrigation	320.0 acre-feet 160.0 acres	202.0 acre-feet 135.0 acres
2195	Vculek, Francis - Crete (Sargent County)	Ground Water	Irrigation	1280.0 acre-feet 640.0 acres	Defer action at this time until additional subsurface water level & aquifer yield data are collected.
2223	Jensen, Earl R. - Stanley (Mountrail County)	Ground Water	Irrigation	184.0 acre-feet 122.5 acres	184.0 acre-feet 122.5 acres
2208	Herman, Wilfred - Golden Valley (Mercer County)	Spring Creek, trib. to Knife River	Irrigation- Waterspreading	247.2 acre-feet 247.2 acres	247.2 acre-feet 247.2 acres
2123	Arctic Farm Company - Walhalla (Pembina County)	Pembina River, trib. to Red River	Irrigation	320.0 acre-feet 298.2 acres	298.2 acre-feet 298.2 acres
1973	Ghylin, Gerald A. - Regan (Burleigh County)	Cattail Slough, trib. to Painted Woods Creek and Missouri River	Irrigation	198.0 acre-feet 99.0 acres	50.0 acre-feet 99.0 acres

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2188	Frauenberg, Albert - LaMoure (LaMoure County)	Ground Water	Irrigation	320.0 acre-feet 160.0 acres	202.0 acre-feet 135.0 acres
2206	Hanson, Walter - Warwick (Eddy County)	Sheyenne River, trib. to the Red River	Irrigation	150.0 acre-feet 75.0 acres	75.0 acre-feet 75.0 acres
2200	Sauer, Vincent - Tappen (Kidder County)	Ground Water	Irrigation	468.0 acre-feet 312.0 acres	(Recommend for approval): 220.0 acre-feet 270.0 acres (Balance of application shall be held in reserve pending results of additional subsurface data from applicant.)
2187	Vculek, Bernard - Crete (Sargent & Ransom Counties)	Ground Water	Irrigation	2160.0 acre-feet 1080.0 acres	(Recommend for approval): 1145.0 acre-feet 810.0 acres (Balance of 67.0 acre-feet are being reserved pending the acquisition of aquifer yield data.)
1238	Mehlhoff, John F. - Tuttle (Kidder County)	Ground Water	Irrigation	396.0 acre-feet 149.2 acres	225.0 acre-feet 149.2 acres

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2217	Helbling, Frank - St. Anthony (Morton County)	Ground Water	Irrigation	1006.6 acre-feet 671.1 acres	(Recommend for approval): 285.0 acre-feet 190.0 acres (An additional 240.0 acre- feet shall be held in reserve pending additional subsurface data.)
2063	Overby, Byron - Binford (Griggs County)	Ground Water	Irrigation	939.2 acre-feet 469.6 acres	(Recommend for approval): 155.0 acre-feet 155.0 acres (Balance of permit shall be held in abeyance pending results of additional subsurface data.)
2087	Omdal, Clifford - Binford (Griggs County)	Ground Water	Irrigation	320.0 acre-feet 160.0 acres	175.0 acre-feet 135.0 acres
2184	Hansen, Allen - Ludden (Dickey County)	James River	Irrigation	240.0 acre-feet 160.0 acres	135.0 acre-feet 135.0 acres
2176	United Power Assoc- iation-Cooperative Power Association - Elk River, Minn. (McLean County)	Ground Water	Industrial	168.0 acre-feet (for temporary water use during the con- struction of a thermal electric power gener- ating plant)	168.0 acre-feet

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2172	White, Mrs. Caroline G. - Dawson (Kidder County)	Ground Water	Irrigation	228.1 acre-feet 152.1 acres	150.0 acre-feet 100.0 acres
2204	Brandt, Dale - Granville (McHenry County)	Ground Water	Irrigation	462.0 acre-feet 307.7 acres	Defer action at this time pending further information and study.
2203	Hansen, Larry R. - Oakes (Dickey County)	Ground Water	Irrigation	1323.0 acre-feet 882.0 acres	Defer action at this time pending further information and study.
2220	Olson, Richard - Binford (Griggs County)	Ground Water	Irrigation	320.0 acre-feet 160.0 acres	Defer action at this time pending further information and study.

STATUS REPORT TO THE NORTH DAKOTA STATE WATER COMMISSION
ON THE DUNN CENTER COAL GASIFICATION PROJECT,
DUNN COUNTY, NORTH DAKOTA
PRESENTED BY
NATURAL GAS PIPELINE COMPANY OF AMERICA

AS YOU ARE AWARE, NATURAL'S LONG RANGE PLANS CONTEMPLATE THE CONSTRUCTION OF FOUR (4) 250 MILLION CUBIC FEET PER DAY COAL GASIFICATION COMPLEXES IN DUNN COUNTY, NORTH DAKOTA. ACCORDINGLY, ON APRIL 17, 1974, NATURAL APPLIED TO THIS COMMISSION FOR THE RIGHTS OF APPROPRIATION AND BENEFICIAL USE OF 70,000 ACRE FEET OF WATER PER YEAR TO BE DIVERTED FROM THE LITTLE MISSOURI ARM OF LAKE SAKAKAWEA. THIS WATER WILL BE USED IN CONJUNCTION WITH THE LIGNITE RESERVES NATURAL HAD EARLIER ACQUIRED FROM THE NOKOTA COMPANY OF BISMARCK, NORTH DAKOTA.

IN SUPPORT OF THIS APPLICATION, WE HAVE FILED THE RESULTS OF TWO SEPARATE INVESTIGATIONS. THE FIRST FILED APRIL 29, 1974, REPORTED THE RESULTS OF OUR 1972 FEASIBILITY STUDIES OF THE DUNN CENTER COAL RESERVE AREA AND INCLUDED DATA FROM A DETAILED RESERVE DETERMINATION PROGRAM, A PRELIMINARY PROCESS EVALUATION STUDY AND AN EVALUATION OF ENVIRONMENTAL FACTORS. OUR SECOND FILING MADE ON SEPTEMBER 11, 1974, CONSISTED OF A PHASE I ENVIRONMENTAL ASSESSMENT REPORT AS PREPARED FROM PRELIMINARY ENVIRONMENTAL RESEARCH STUDIES COMPLETED FOR NATURAL BY THE UNIVERSITY OF NORTH DAKOTA AND NORTH DAKOTA STATE UNIVERSITY. THE PRELIMINARY STUDIES HAVE SERVED AS THE BASIS FOR THE MORE EXTENSIVE ENVIRONMENTAL STUDIES NOW BEING UNDERTAKEN.

ON DECEMBER 17, 1974, NATURAL PRESENTED PREPARED TESTIMONY AND EXHIBITS AT A PUBLIC HEARING BEFORE THE NORTH DAKOTA WATER COMMISSION IN DUNN CENTER, NORTH DAKOTA REGARDING NATURAL'S PERMIT APPLICATION No. 2083. AT THAT HEARING, WE PRESENTED DETAILED INFORMATION REGARDING THE TECHNICAL AND ENVIRONMENTAL ASPECTS OF OUR PROPOSED COAL GASIFICATION PROJECT. TODAY, I WOULD LIKE TO REPORT ON OUR ACTIVITIES WHICH HAVE OCCURRED SINCE THAT PUBLIC HEARING.

ON JANUARY 24, 1975, NATURAL AND MICHIGAN-WISCONSIN EXECUTED AN AGREEMENT WHEREBY WE BECAME AN EQUAL PARTNER WITH RESPECT TO THE DATA FROM A NORTH DAKOTA LIGNITE COMMERCIAL GASIFICATION TEST CONDUCTED AT SASOL, IN THE REPUBLIC OF SOUTH AFRICA, DURING SEPTEMBER, 1974. APPROXIMATELY 12,000 TONS OF LIGNITE FROM THE NORTH AMERICAN COAL COMPANY'S INDIANHEAD MINE AT BEULAH, NORTH DAKOTA WAS SUCCESSFULLY GASIFIED IN A LURGI GASIFIER.

ON JANUARY 20, 1975, WE EXECUTED AGREEMENTS FOR COOPERATIVE INVESTIGATIONS WITH THE UNIVERSITY OF NORTH DAKOTA AND NORTH DAKOTA STATE UNIVERSITY FOR STUDIES AND RESEARCH ACTIVITIES NECESSARY TO DETERMINE THE ENVIRONMENTAL AND SOCIAL IMPACTS OF THE PROJECT. THE UNIVERSITY OF NORTH DAKOTA WILL CONDUCT STUDIES RELATING TO GEOLOGY, SURFACE AND SUBSURFACE HYDROLOGY, WATER QUALITY, TRACE ELEMENTS, HISTORICAL AND ARCHAEOLOGICAL MATTERS, AND THE EMISSION SPECTRUM; NORTH DAKOTA STATE UNIVERSITY STUDIES WILL PERTAIN TO BOTANY, CLIMATOLOGY, SOILS AND RECLAMATION, SOCIO-ECONOMIC CONSIDERATIONS AND BACTERIOLOGY. DAMES AND MOORE, ACTING AS OUR CONSULTANT, WILL SERVE AS COORDINATOR OF THE VARIOUS AREAS OF STUDY AND WILL COORDINATE THE PREPARATION OF THE FINAL ENVIRONMENTAL ASSESSMENT REPORT, BASED ON THESE STUDIES. THIS REPORT WILL BE FILED WITH APPROPRIATE STATE AND

FEDERAL AGENCIES IN APRIL, 1976.

ON JANUARY 30, 1975, NATURAL AND LURGI MINERALOLTECHNIK, THE DEVELOPER OF THE LURGI COAL GASIFICATION PROCESS, EXECUTED A LETTER OF INTENT WHICH AUTHORIZES LURGI TO PROCEED WITH THE PROCESS DESIGN ACTIVITIES FOR OUR PROJECT. LURGI COMMENCED THIS WORK ON MARCH 10, 1975 AND IS SCHEDULED TO COMPLETE THESE ACTIVITIES ON OR BEFORE OCTOBER 7, 1975.

FLUOR ENGINEERS AND CONSTRUCTORS, INC., WILL CONTINUE TO ACT AS NATURAL'S PROJECT ENGINEERING CONSULTANT. FLUOR WILL INCORPORATE LURGI'S PROCESS DESIGN WORK IN THEIR ENGINEERING AND DESIGN ACTIVITIES FOR OUR PROJECT.

all THE PAUL WEIR COMPANY OF CHICAGO HAS BEEN RETAINED TO PLAN AND CONDUCT A DRILLING PROGRAM WHICH WILL PROVIDE DETAILED INFORMATION CONCERNING COAL QUALITY AND QUANTITY, AND OVERBURDEN CHARACTERISTICS, NECESSARY TO DEVELOP DEFINITIVE MINING AND RECLAMATION PLANS FOR THE PROJECT. WE HAVE DISCUSSED THE PROPOSED PROGRAM WITH REPRESENTATIVES OF THE NORTH DAKOTA PUBLIC SERVICE COMMISSION, U. S. GEOLOGICAL SURVEY AND THE BUREAU OF LAND MANAGEMENT TO DETERMINE THE ADEQUACY OF THIS PROGRAM TO MEET THE NEEDS OF THESE AGENCIES. THE PROPOSED DRILLING PROGRAM IS SCHEDULED TO BEGIN IN JUNE, 1975 AND TO BE COMPLETED IN SEPTEMBER, 1975.

NEGOTIATIONS ARE PROCEEDING WITH MAJOR MINING COMPANIES TO ESTABLISH A MINING ARRANGEMENT FOR THE PROJECT. THESE NEGOTIATIONS WILL LEAD TO THE SELECTION OF A TECHNICALLY AND FINANCIALLY CAPABLE MINE OPERATOR WHOSE PROVEN ATTITUDE IS IN ACCORD WITH OUR PROJECT DEVELOPMENT PHILOSOPHY.

IN MARCH, 1975, NATURAL ESTABLISHED A LAND OFFICE IN DICKINSON, NORTH DAKOTA TO HANDLE LAND MATTERS RELATED TO THE DRILLING PROGRAM, ENVIRONMENTAL STUDIES, AND OTHER PROJECT DEVELOPMENT ACTIVITIES.

WE WILL ENDEAVOR TO MEET WITH VARIOUS STATE AND LOCAL AGENCIES, CITIZENS GROUPS, AND INDIVIDUALS TO INFORM THEM OF NATURAL'S PROJECT, ITS PROGRESS, AND TO ASSIST THEM IN THE PLANNING FOR THIS PROJECT.

AS YOU CAN SEE FROM THIS BRIEF SUMMARY OF OUR ACTIVITIES SINCE DECEMBER, WE ARE DILIGENTLY PURSUING THOSE ACTIVITIES NECESSARY TO INSURE THE ORDERLY AND PROPER DEVELOPMENT OF ^{our} ~~ITS~~ DUNN CENTER PROJECT. TO DATE, NATURAL HAS SPENT \$3,900,000 ON PROJECT RELATED ACTIVITIES EXCLUSIVE OF INTERNAL COSTS AND I MIGHT ADD, NEARLY (70% OF THESE FUNDS HAVE BEEN SPENT IN NORTH DAKOTA). WE EXPECT TO SPEND ANOTHER \$3,600,000 BETWEEN NOW AND APRIL, 1976 TO COMPLETE THE SECOND PHASE OF THE FOUR PHASE DEVELOPMENT PROGRAM FOR THIS PROJECT. A MORE DETAILED SUMMARY OF THE EXPENDITURES IS CONTAINED IN THE QUARTERLY REPORT OF PHASE II ACTIVITIES WHICH YOU HAVE BEEN GIVEN TODAY.

NATURAL HAS COOPERATED WITH STATE AND LOCAL GOVERNMENT AGENCIES AND CITIZENS GROUPS AT EVERY OPPORTUNITY. THESE EFFORTS INCLUDED MEETINGS WITH DUNN COUNTY COMMISSIONERS, THE DUNN COUNTY FARM BUREAU, DUNN COUNTY SOIL CONSERVATION DISTRICT AND OTHER CITIZENS GROUPS IN DUNN COUNTY AND THE SURROUNDING AREA. WE HAVE ALSO MET AND PROVIDED DETAILED INFORMATION TO REPRESENTATIVES OF NORTH DAKOTA STATE AGENCIES SUCH AS; THE STATE WATER COMMISSION, STATE PUBLIC SERVICE COMMISSION, STATE PLANNING DIVISION, STATE DEPARTMENT OF HEALTH, DEPARTMENT OF AGRICULTURE, STATE HIGHWAY DEPARTMENT, TAX DEPARTMENT

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AND THE BUSINESS AND INDUSTRIAL DEVELOPMENT DEPARTMENT. ADDITIONAL MEETINGS WILL BE HELD WITH THESE GROUPS AS WELL AS OTHER GROUPS TO DISCUSS OUR PROJECT, AND TO SOLICIT THEIR ADVICE CONCERNING OUR DEVELOPMENT ACTIVITIES. IN FACT, A MEETING WITH THE NATURAL RESOURCES COUNCIL IS TENTATIVELY SCHEDULED FOR JUNE 12, 1975, TO REVIEW NATURAL'S ENVIRONMENTAL PROGRAM.

FROM THE OUTSET, WE HAVE RECOGNIZED THAT NORTH DAKOTANS HAVE EXPERTISE WHICH IS INVALUABLE IN THE DEVELOPMENT OF THIS PROJECT. NATURAL HAS USED, AND WILL CONTINUE TO USE THE EXPERTISE OF THE UNIVERSITY OF NORTH DAKOTA, NORTH DAKOTA STATE UNIVERSITY AND OTHER APPROPRIATE NORTH DAKOTA CONSULTANTS TO PERFORM STUDIES RELATED TO THE DUNN CENTER PROJECT. WE FEEL, WE HAVE ASSEMBLED THE BEST POSSIBLE GROUP OF CONSULTANTS AND EXPERTS TO ASSURE A THOROUGH AND COMPLETE STUDY OF ALL ASPECTS OF THE PROJECT.

NATURAL UNDERSTANDS NORTH DAKOTA'S CONCERN FOR ITS PEOPLE, LAND, AND NATURAL RESOURCES. WE HAVE ALWAYS ASSIGNED A VERY HIGH PRIORITY TO THESE MATTERS AS DEMONSTRATED BY OUR VOLUNTARY PREPARATION AND SUBMISSION OF A PRELIMINARY ENVIRONMENTAL ASSESSMENT REPORT TO THIS COMMISSION AND OTHER NORTH DAKOTA STATE AGENCIES. IT IS OUR COMPANY'S DESIRE TO BE A GOOD CORPORATE CITIZEN IN NORTH DAKOTA. IF ADDITIONAL INFORMATION OR ACTION IS NECESSARY ON OUR PART TO ASSURE YOU, THAT THIS IS OUR INTENT, WE ARE PREPARED TO TAKE WHATEVER ACTION IS APPROPRIATE TO ENABLE THIS COMMISSION TO GRANT A PERMIT ON OUR WATER APPLICATION No. 2083.

TESTIMONY BEFORE STATE WATER COMMISSION

Byron L. Dorgan

May 13, 1975

Today you are considering another application by a corporation that wants to use water from Lake Sakakawea for the purpose of converting coal into synthetic natural gas. I am here to urge you to postpone your decision on this application and to urge you to take a first step in developing a comprehensive plan for developing North Dakota's coal resources.

Instead of having a hearing on each permit and then reluctantly granting water to each applicant, I am suggesting that you, under the Administration's leadership, develop a 25 or 50-year plan for development of our coal resources. This plan could serve as a guidepost for North Dakota's commitment to a national energy program. The plan would tell us what kind of coal development and how much of it North Dakota can contribute without seriously endangering our way of life. Once we as a state have determined these limits, then we would allocate water to those projects that would meet the requirements of the statewide plan. First preference for water permits should be granted to North Dakota domiciled businesses.

I am worried that we are just "oneing" ourselves to the danger point by granting water permits without a defined commitment that considers both the national energy needs and our environmental well being. I urge you then to stop granting water permits at this point in time

and concentrate instead on the development of a state plan to contribute its natural resources in a planned, orderly manner.

The decisions you are being asked to make could very dramatically alter the living conditions of the state and pose very serious hazards to the health and well-being of its citizens. To grant any more permits at this time would be allowing outside pressure to stampede us into over-committing our state's resources to feed the energy needs of other areas of the country - before:

1. We know whether such a sacrifice is actually necessary.
2. We have been able to study and plan for coal development in order to minimize the costs to be borne by the people who live here.
3. We have an adequate method of taxation to insure that all of the dollar and social costs of new energy production are borne by those using that energy rather than by the people living in the area where it's produced.

That our state is in danger of being stampeded is obvious. In 1974 we had coal-fired plants with a total generating capacity of 856 megawatts. Together they burned about five million tons of coal and produced about 8.7 billion kilowatt hours of electricity. All of the new units (Basin Electric, Minnkota, and UPA-CPA), now under construction, should go on line by 1980. At that time, North Dakota will be host to coal-fired plants with a generating capacity of 2,715 megawatts, tripling the total in less than six years. By the time the Michigan-Wisconsin Gasification plant begins production

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in 1981, North Dakota will be mining over 27 million tons of coal per year - that's more than five times what is being stripped today.

It's apparent that we are "going slow at a very rapid pace already.

You will likely be asked to grant water permits for at least five more 440 megawatt units (three for MDU and two for Basin Electric). If these were granted together with even one of the gasification plants before you today, North Dakotans would have committed themselves to a future dominated by the shadow of power plants generating nearly 5,000 megawatts of electrical power and producing nearly 200 million mcf of gas, and giant drag lines which would feed to them over 50 million tons of coal each year.

Additionally, counting the application for water by People's Gas, there are applications for enough water to build 11 more gasification plants in North Dakota.

The massive increase in power production from our prairies is wholly for the benefit of others. North Dakotans presently consume about 3.5 billion KWH per year - the output from about 500 megawatts of generating capacity. This is just slightly more than the total amount of clean hydropower produced at the Garrison Dam. This means that the equivalent of nearly all of our present coal-fired electrical generation is being exported. We are already exporting over

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2½ times as much electrical power as we consume and a full 1/3 of our total natural gas production.

Should we find ourselves with 5,000 megawatts and two gasification plants in our backyard, we will be supplying other states with ten times the amount of power which we are using ourselves.

As I said, there are some assumptions which need to be examined and some conditions which need to be met before we should go any further in issuing water permits.

1. Is the Sacrifice Necessary? - President Ford wants to lay plans for a 3% per year increase in energy use which he believes is a little less than what has historically been true. The electric utilities claim that their demand has been growing by 7% per year - a doubling every decade. In examining these figures as a basis for plant construction needs we should keep three things in mind.
 - a. Though the population has historically been rising very rapidly, especially since the war - we are now at a figure of zero population growth. Therefore, now we should look at per capita trends in energy use.
 - b. There has recently been a gigantic shift to electricity away from direct use of fuels particularly by the industrial segment which has been enticed by super cut rate prices for electricity. With the exception of space heating and direct heating this shift is nearly complete and need not be an element in future demand projections.
 - c. The production of electricity is energy-inefficient. It takes approximately three times the BTU fuel input to

get the same amount of energy one would have by burning the fuel directly. If you needed 56,000,000 BTU of energy you could get that from one barrel of crude oil or from 16,400 KWH of electricity. The only difference is that the production of the electricity would require about 3 barrels of oil. Since it isn't imperative to have all of our new energy in the form of electricity, we should look at Net energy needs - how much effective energy is used rather than the BTU value of fuels used to produce that amount of energy with a large part converted to electricity.

If one looks at the Net effective energy use per capita one finds that since 1950 it has risen at only 1.5% per year - from 195 million BTU per person in 1950 to 285 million BTU per person in 1972. This is only half as fast as President Ford's projections and far below the 7% per year historic growth in the use of electricity. Perhaps a misallocation of our natural resources has as much to do with our energy crisis as do restless oil producing countries.

2. Once we have freed ourselves of the panic atmosphere that we have no time to lose in producing electricity and synthetic gas if we are to remain an independent nation, we can then take another two years and a legislative session to further study the effects of stack emissions on ambient air quality, develop enlightened plans for plant citing, study the

effects of coal mining on aquifers, perhaps be given a better idea whether or not cropland can be returned to productivity, etc. There are many aspects associated with coal development which are still in a "trial and error" stage. North Dakota deserves some breathing room to prepare herself adequately as other areas - Appalachia is a prime example - have not had the opportunity to do.

It appears from some of the statements that Secretary of Interior Rogers Morton has made, that North Dakota has already granted enough water permits to nearly meet federal expectations through the year 1980. If that is true, there is no reason at all for this Water Commission to grant further water permits before we have a state-wide long range plan for doing so.

In my opinion, the 1975 legislature took actions which were detrimental to this state in the development of our coal resources. First, the legislature stripped the Water Commission of its authority to impose conditions on water permits for coal processing plants; second, the legislature refused to centralize in one agency the natural resource management functions that would be protective of the people's interests and; third, the legislature defied the principle that energy companies should pay the same kinds of taxes that other North Dakota citizens pay.

To expand further on the tax point, the legislature enacted an inadequate severance tax which was what the industry wanted, rather

than what the people needed. In the area of production taxes, the legislature established a cut rate tax program for the energy industry. If you or I owned a combination of property around North Dakota, farmland, residential homes, commercial businesses, for every \$100 of property value we would pay \$1.50 in property taxes. We expected the energy industry to do the same. However, the legislature told the energy companies that they did not have to pay the same kinds of taxes that the average folks pay in North Dakota. They told a gasification plant that instead of paying \$1.50 for every \$100 of value like the rest of the people do, you only have to pay 90¢. They were even more generous in the treatment of the electric generating plants.

They told the electric generating plants that they only had to pay 30¢ tax on every \$100 worth of property value. In other words, the legislature told these companies that if they come in and build giant electric generating plants so that they can ship energy east and south, they only have to pay 1/5 of the taxes that we ask other North Dakotans to pay.

In light of the legislature's actions in the areas that I mentioned, I think it is time the Water Commission takes a rest in the granting of water permits and let us instead begin developing a comprehensive plan for rational development of our coal resources. That course of action would benefit the people of North Dakota and that is the constituency both you and I serve.

RESOLUTION 75-5-379

Requesting Congress to Redefine
"Navigable Waters" for Responsibilities
of the U. S. Army Corps of Engineers

WHEREAS, the U. S. District Court, District of Columbia, in its opinion for Natural Resources Defense Council v. Callaway, has directed the Army Corps of Engineers to adhere to the definition of "navigable waters" as contained in Section 502(7) of the Federal Water Pollution Control Act Amendments of 1972 (FWPCA)*; and

WHEREAS, "navigable waters" has been defined by the FWPCA to mean "waters of the United States including the territorial seas"; and

WHEREAS, such definition radically expands federal jurisdiction over the nation's waters by a questionable interpretation of the Commerce Clause; and

WHEREAS, the reclassification of many bodies of water, heretofore declared nonnavigable, arbitrarily imposes a navigation servitude upon the riparian owners; and

WHEREAS, the redefinition of navigability threatens to abandon statutory and administrative procedures which have been developed and refined by states for nearly a century; and

WHEREAS, the encroachment of regulatory control over all bodies of water by federal agencies further centralizes government, destroying local control and responsibility for management of North Dakota's natural resources.

NOW, THEREFORE, BE IT RESOLVED by the North Dakota State Water Commission, at its meeting held in Bismarck, North Dakota, on this 13th day of May, 1975, that the Congress of the United States is requested to enact legislation to

*86 Stat. 816, 33 U.S.C. §§1251, et seq.

limit the criteria of navigability for responsibilities of the Army Corps of Engineers under Section 404 of the FWPCA and the River and Harbor Act of 1899 to waterways having present actual capability for transporting commerce; and

BE IT FURTHER RESOLVED that the Army Corps of Engineers delay additional navigability determinations at this time; and

BE IT FURTHER RESOLVED that copies of this Resolution be transmitted to North Dakota's Congressional Delegation; Chairman, Missouri River Basin Commission; and Chairman, Upper Mississippi River Basin Commission.

FOR THE NORTH DAKOTA STATE WATER COMMISSION:


Arthur A. Link
Governor-Chairman

SEAL

ATTEST:


Vernon Fahy
Secretary

NORTH DAKOTA STATE WATER COMMISSION
 FINANCIAL STATEMENT JUNE 30, 1975
 1973-75 APPROPRIATIONS

CS-1.2

	Available Funds APPROPRIATIONS	Disbursements TO DATE JUNE '75	UNEXPENDED	Account Balances ENCUMB.	UNENCUMB.
GENERAL OPERATIONS ACCOUNT					
1003-SALARIES EXPENSE (1)	\$1,108,639.00	\$1,014,779.36	\$ 51,334.16	\$ 99,322.56(4)	\$ -
2003-Fees and Services	177,225.00	157,971.96	9,634.96	19,253.04	-
3003-Supplies and Materials	163,600.00	152,480.43	6,758.21	11,119.57	-
4003-Equipment	39,500.00	37,899.00	3,755.00	1,601.00	-
5403-Red Basin Comm.	60,000.00	14,699.16	103.70	45,300.84	-
5413-Mo. River Basin Comm.	25,000.00	23,737.64	179.44	1,262.36	-
5423-Contract Fund (2)	<u>1,851,000.00</u>	<u>1,303,474.40</u>	<u>101,965.40</u>	<u>547,525.60</u>	<u>150,000.00</u>
TOTAL GENERAL OPERATIONS	\$3,424,964.00	\$2,705,041.95	\$173,730.87	\$725,384.97	\$150,000.00
339-West River Diversion (3)	250,818.00	181,080.05	5,487.42	69,737.95	-
					69,737.95

- (1) Includes \$90,000.00 Federal Grant
 Includes \$49,000.00 transfer from Contract Fund to Salaries
 Includes \$35,847 Interim Legislative action
- (2) Includes \$900,000.00 Project Collections
- (3) Includes \$55,000.00 Federal Grant
- (4) Includes \$5,469.92 deposit - incorrect payroll check issued.

NORTH DAKOTA STATE WATER COMMISSION
 FINANCIAL STATEMENT JUNE 30, 1975
 1973-75 APPROPRIATIONS

C5-1.2

	Available Funds APPROPRIATIONS	Disbursements TO DATE JUNE '75	UNEXPENDED	Account Balances ENCUMB.	UNENCUMB.
GENERAL OPERATIONS ACCOUNT					
1003-SALARIES EXPENSE (1)	\$1,108,639.00	\$1,014,779.36	\$ 51,334.16	\$ 99,322.56 (4) \$ -	\$ 99,322.56
2003-Fees and Services	177,225.00	157,971.96	9,634.96	19,253.04	19,253.04
3003-Supplies and Materials	163,600.00	152,480.43	6,758.21	11,119.57	11,119.57
4003-Equipment	39,500.00	37,899.00	3,755.00	1,601.00	1,601.00
5403-Red Basin Comm.	60,000.00	14,699.16	103.70	45,300.84	45,300.84
5413-Mo. River Basin Comm.	25,000.00	23,737.64	179.44	1,262.36	1,262.36
5423-Contract Fund (2)	<u>1,851,000.00</u>	<u>1,303,474.40</u>	<u>101,965.40</u>	<u>547,525.60</u>	<u>150,000.00</u>
TOTAL GENERAL OPERATIONS	\$3,424,964.00	\$2,705,041.95	\$173,730.87	\$725,384.97	\$150,000.00
339-West River Diversion (3)	250,818.00	181,080.05	5,487.42	69,737.95	69,737.95

(1) Includes \$90,000.00 Federal Grant
 Includes \$49,000.00 transfer from Contract Fund to Salaries
 Includes \$35,847 Interim Legislative action

(2) Includes \$900,000.00 Project Collections

(3) Includes \$55,000.00 Federal Grant

(4) Includes \$5,469.92 deposit - incorrect payroll check issued.

OBJECT BUDGET COMPARISON
1973-1975 BienniumAugust 19, 1975
SWC File C5-1.4

J. CODE	OBJECT DESCRIPTION	JUNE 1975 EXPEND.	JULY 1, '73 JUNE 30, '75 EXPEND.	BUDGET	EXP. % OF BUDGET TIME STD. (100)** SAL. STD 95.8
1000	Salaries	\$46,166.09	\$ 915,167.68	\$ 1,009,039.00	90
1820	Oasis	139.14	4,057.03	4,000.00	101
1830	Social Security	2,700.78	48,934.19	43,000.00	113
1840	Medical Insurance	611.72	13,830.35	12,000.00	115
1850	Workman's Compensation	-	1,817.30	4,000.00	45
1880	State Retirement	1,716.43	30,972.81	36,000.00	86
	TOTAL SALARIES & WAGES	<u>\$51,334.16</u>	<u>\$1,014,779.36</u>	<u>\$ 1,108,639.00</u>	<u>(1) 91</u>
2110	Meals and Lodging	\$ 3,312.71	\$ 56,679.92	\$ 77,225.00	73
2120	Personal Vehicle Mileage	120.45	5,118.29	8,000.00	64
2130	Commercial Transportation	446.97	15,368.23	15,000.00	102
2150	Miscellaneous Travel	96.94	2,589.87	4,000.00	64
2210	Water-Garbage	-	134.32	300.00	45
2220	Natural Gas	28.67	892.83	1,000.00	89
2230	Electricity	126.89	1,040.54	900.00	115
2310	Rental-Equipment	164.50	7,061.26	5,000.00	141
2410	Postage	221.74	4,600.65	6,000.00	76
2420	Telephone	-	5,982.25	5,000.00	119
2510	Repair-Equipment	427.53	10,534.12	12,000.00	88
2513	Maintenance Contracts	218.10	5,531.83	5,000.00	110
2560	Repair-Building & Grounds	-	-	500.00	-
?	Legal Fees	270.00	3,174.50	500.00	-
	Audit Fees	809.00	809.00	700.00	-
2614	Engineering Fees	-	771.11	1,500.00	216
2618	Data Processing	51.55	3,642.64	5,000.00	73
2619	Microfilm Service	-	-	1,000.00	-
2650	Consulting Fees	1,250.00	5,263.45	3,900.00	135
2680	Instructors Fees	-	45.50	-	-
2682	Photographers Fees	220.69	2,092.63	2,500.00	84
2699	Misc. Professional Fees	1,116.00	17,188.98	12,000.00	143
2710	Fidelity Bond	-	30.00	100.00	30
2720	Property Insurance	677.88	1,074.54	1,400.00	77
2730	Liability Insurance	-	1,291.00	1,000.00	129
2911	Radio-Newspaper Fees	55.74	749.56	500.00	150
2912	Rewards-Premiums	-	-	500.00	-
2914	Licenses and Taxes	7.00	-	700.00	50
2915	Dues	-	3,510.54	3,000.00	117
2916	Freight	12.60	393.71	2,000.00	19
2999	Miscellaneous	-	800.44	1,000.00	80
	TOTAL FEES & SERVICES	<u>\$ 9,634.96</u>	<u>\$ 157,971.96</u>	<u>\$ 177,225.00</u>	<u>89</u>
3100	Office Supplies	\$ 418.65	\$ 12,310.08	\$ 19,200.00	64
3105	Central Reproduction	329.40	5,778.88	2,500.00	231
3120	Printing-Commercial	351.13	24,709.09	17,500.00	141
3130	Books, Subscriptions	256.53	4,116.94	5,000.00	82
3132	Films	30.25	1,517.09	1,900.00	80
3133	Periodicals	41.50	118.00	100.00	118
	Hdwe. & Bldg. Supplies	2,918.59	40,478.31	50,000.00	81
	Motor Vehicle Supplies	1,316.80	39,468.67	35,000.00	113
3800	Parts-Including Tires	1,095.36	24,190.02	31,400.00	77
3959	Miscellaneous	-	9.63	1,000.00	15
	TOTAL SUPPLIES & MATERIALS	<u>\$ 6,758.21</u>	<u>\$ 152,480.43</u>	<u>\$ 163,600.00</u>	<u>93</u>

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OBJECT DESCRIPTION	MAY 1975 EXPEND.	JULY 1, '73 JUNE 30, '75 EXPEND.	BUDGET	EXP. % OF BUDGET TIME STD. (100)** SAL. STD. 95.8
4100 Office Equipment	-	\$ 6,386.11	\$ 5,500.00	116
4300 Motor Vehicles	\$ 3,755.00	24,321.73	26,500.00	92
4400 Machines & Equipment	-	7,191.16	7,500.00	96
TOTAL EQUIPMENT	<u>\$ 3,755.00</u>	<u>\$ 37,899.00</u>	<u>\$ 39,500.00</u>	96
5423 Contract Payments	\$101,965.40	\$1,303,474.40	\$1,851,000.00	70
5403 Souris-Red-Rainy R. Basin Commission	103.70	14,699.16	60,000.00	24
5413 Missouri River Basin Comm.	179.44	23,737.64	25,000.00	95
339 West River Diversion	<u>5,487.42</u>	<u>181,080.05</u>	<u>195,818.00</u>	(3) 92
TOTAL APPROPRIATION	<u>\$179,218.29</u>	<u>\$2,886,122.00</u>	<u>\$3,584,935.00</u>	80
(1) Appropriation	\$ 933,792	(2) Appropriation	\$1,000.00	
Est. Federal Grant	90,000	Est. Collections	900.00	
Trans. From Cont. Fund	49,000		\$1,900.00	
Legislative Action	35,847			
	<u>\$1,108,639</u>			
Appropriation	\$ 195,818			
Est. Federal Funds	(Unknown)			

** 24/24 months - 100 percent biennium elapsed

Dist.
Comm.
VF
ME
KK

NORTH DAKOTA STATE WATER COMMISSION
 FINANCIAL STATEMENT JULY 31, 1975
 1973-75 APPROPRIATIONS

C5-1.2

	Available Funds APPROPRIATIONS	Disbursements TO DATE		Account Balance UNEXPENDED
			JULY '75	
GENERAL OPERATIONS ACCOUNT				
1003-Salaries Expense (1)	\$1,108,639.00	\$1,063,061.77	\$ 53,745.33	\$ 45,577.23
2003-Fees and Services	177,225.00	169,360.90	11,388.94	7,864.10
3003-Supplies and Materials	163,600.00	163,600.00	11,119.57	.00
4003-Equipment	39,500.00	39,452.27	1,553.27	47.73
5403-Red Basin Comm.	60,000.00	23,699.16	9,000.00	36,300.84
5413-Mo. River Basin Comm.	25,000.00	23,737.64	.00	1,262.36
5423-Contract Fund (2)	<u>1,851,000.00</u>	<u>1,441,991.10</u>	<u>138,516.70</u>	<u>409,008.90</u> (2)
TOTAL GENERAL OPERATIONS	\$3,424,964.00	\$2,924,902.84	\$225,503.25	\$500,061.16
339-West River Diversion (3)	\$ 211,636.00	\$ 207,384.27	\$ 19,852.42	\$ 4,251.73

(1) Includes \$90,000.00 Federal Grant
 Includes \$49,000.00 transfer from Contract Fund to Salaries
 Includes \$35,847 Interim Legislative action

(2) Includes \$900,000.00 Project Collections -(actual collections were \$409,008.90 less than appropriated)

(3) Includes \$15,818 Project Collections