

MINUTES

North Dakota State Water Commission

Meeting Held In
City Hall
Hazen, North Dakota
January 22, 1976

Meeting Held In
Blue Room
State Capitol
Bismarck, North Dakota
January 23, 1976

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The North Dakota State Water Commission held a two-day meeting on January 22 and 23, 1976. On January 22, the Commission met in the City Hall in Hazen, North Dakota. Due to a commitment in Washington, D. C., Governor Arthur A. Link was unable to be in attendance; therefore, Vice-Chairman, Richard Gallagher, called the meeting to order at 10:00 a.m., Mountain Standard Time, and requested Secretary Vern Fahy to present the agenda.

MEMBERS PRESENT:

Arthur A. Link, Governor-Chairman (present on January 23, 1976)
Richard Gallagher, Vice-Chairman, Mandan
Alvin Kramer, Member from Minot
Gordon Gray, Member from Valley City
Arthur Lanz, Member from Devils Lake
Arlene Wilhelm, Member from Dickinson
Myron Just, Commissioner, Department of Agriculture, Bismarck
(present on January 22, 1976)
Vern Fahy, State Engineer, Secretary, North Dakota State
Water Commission, Bismarck

OTHERS PRESENT:

Representatives from Basin Electric Power Cooperative
Representatives from Dunn County
Representatives from United Plainsmen Association
Persons from Beulah-Hazen area representing farming interests
and local entities
Representatives from Natural Gas Pipeline Company of America
Representatives from ANG Coal Gasification Company
Alan Grindberg, Attorney, Bismarck
Don Ohnstad, Assistant Study Director for Yellowstone Level B Study
Representatives from City of Velva

OTHERS PRESENT (Cont.):

Representatives from Technical Planning Information
State Water Commission Staff Members

Attendance Register is on file in the offices of the State Water Commission for the two-day meeting (filed in SWC Water Permit No. 2179)

Portions of the meeting were tape recorded to assist in compilation of the minutes.

**PUBLIC HEARING ON
WATER PERMIT APPLICATION
FILED BY BASIN ELECTRIC
POWER COOPERATIVE
(SWC Water Permit No. 2179)**

Secretary Fahy formally opened the public hearing on the water permit application filed by Basin Electric Power Cooperative to divert 19,000 acre-feet of water for use in power generation facilities in Mercer County. He called on Mr. Murray

G. Sagsveen, Legal Counsel for the State Water Commission, to preside over the hearing. The public hearing was recorded by a court reporter and the transcript will be available at a later date. Mr. Sagsveen announced that written testimony relative to the application being heard will be accepted up to 20 days beyond the hearing date.

The public hearing was completed at 4:00 p.m., at which time statements were presented by Dunn County residents relative to the water permit application filed by Natural Gas Pipeline Company of America, now being considered by the State Water Commission. Presentations were heard from John M. Guenther, Dunn Center; Raymond Hammel, Dunn Center; Harlin Kling, Halliday; Randolph Nodland, Dunn Center; and Stanley Pollestad, Halliday, in opposition to granting a permit to Natural Gas. Gust Mittelstedt, Dunn Center, spoke in favor of granting the application. Their presentations and other correspondence received concerning the application is attached as APPENDIX "A".

The Commission recessed at 5:30 p.m., Mountain Standard Time, on January 22.

On January 23, 1976, the Commission reconvened their meeting in the Blue Room of the State Capitol, Bismarck, North Dakota. Commissioner Just was not in attendance at this session due to previous arrangements made for his participation in three meetings held in Fargo, North Dakota. Governor Link called the meeting to order at 10:00 a.m., and requested Secretary Fahy to present the remainder of the agenda.

**CONSIDERATION OF MINUTES OF
NOVEMBER 19 AND DECEMBER 5,
1975 MEETINGS -
APPROVED**

It was moved by Commissioner Kramer, seconded by Commissioner Gray, and carried, that reading of the minutes of the November 19 and December 5,

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meetings be dispensed with and approved as distributed.

REPORT OF THE STATE ENGINEER
RELATIVE TO BELMONT FLOOD
CONTROL PROJECT IN GRAND
FORKS
(SWC Project No. 1646)

Secretary Fahy recalled that at the Commission's September meeting a public hearing had been held in Grand Forks with local citizens interested in the proposed Belmont Flood Control project. Some concern had been expressed that

this project may not be in the general public's interest because a large portion of the land that would be protected by the proposal is presently under development. The Commission heard testimony during the hearing from city officials, and support to proceed with the project has been recommended by the Planning Agency, all of the subcommittees of the City Council, and the City Council itself.

At this meeting, there were some questions concerning the method in which the costs of the project would be covered. It was the general thinking of the Commission members that if the Commission were to participate in the project, the contractor, or developer, should participate likewise.

Secretary Fahy stated that he had made a trip to Grand Forks and met with the City Engineer and the developers involved in the project to discuss how they plan to handle the repayment costs of the project. They informed Secretary Fahy that the city is in the process of creating a special assessment district which will include the newly annexed area and a section of the older community in the area, which had no prior assessments for storm sewer control.

Total estimated cost of the project is \$220,000. The Grand Forks County Water Management District has requested participation from the State Water Commission in an amount of \$110,000, or one-half of the total; and the balance of \$110,000 would be shared equally by the City of Grand Forks and the Water Management District.

After discussion, Secretary Fahy indicated that the State Water Commission has established a precedent in participation of public projects, and that sufficient data and information does indicate that this project is in the general public's interest and does meet State Water Commission criteria and requirements. He recommended that the Commission approve participation in the project, with two conditions attached as follows: (1) that the State Water Commission will not participate in any costs that might be related to the purchase of dirt for fill; and (2) that the Water Management District conduct a public hearing before the project is constructed at which time they give specific notice to downstream landowners, so that these landowners are personally aware of the project.

It was moved by Commissioner Gray that the State Water Commission participate up to 50 percent of the qualified construction

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costs of the Belmont Flood Control project, but not to exceed \$110,000 contingent upon the availability of funds; and subject to the two conditions as described in discussion by the State Engineer. The motion was seconded by Commissioner Lanz. At the call of the question by Governor Link, all members voted aye; the motion carried.

APPEARANCE OF ATTORNEY
ALAN GRINDBERG TO PRESENT
A PETITION CONCERNING A
DRAINAGE PROBLEM IN
CAVALIER COUNTY
(SWC Project No. 1098)

At the Commission's December meeting in Minot, Attorney Alan Grindberg briefed the Commission on a drainage problem being experienced in Cavalier County. Secretary Fahy indicated that Mr. Grindberg has requested an audience before the Commission members to present

a petition in respect to such drainage problem.

Mr. Grindberg stated that he is appearing on behalf of Mr. Willard Crockett of Langdon, North Dakota, who has a drainage problem in Cavalier County. At this time, Mr. Grindberg filed with the Commission, a petition requesting a formal hearing for the purpose of presenting the facts of the case to the Commission members and the State Engineer. This petition requests the State Water Commission and the State Engineer to issue such orders and undertake such enforcement programs as are necessary to: (a) secure the cessation of illegal drainage activity in that area which forms the drainage of the Pembina River, especially that area upstream from Rush Lake; and (b) secure the correction of such illegal drainage as has taken place in that basin within the past five years.

It was suggested by Murray Sagsveen, if it is acceptable to the State Engineer and Mr. Crockett's attorney, that a hearing be held before the State Engineer, or a designated hearing officer, to accumulate the facts and then a transcript would be prepared from this hearing and presented to the Commission for their review and consideration.

It was moved by Commissioner Lanz that the matter of the hearing in regard to the drainage problem in Cavalier County be referred to the State Engineer for a hearing and subsequently reported to the Commission members. Commissioner Gallagher seconded the motion and all members voted aye; the motion was carried.

CONSIDERATION OF ADOPTION
OF RESOLUTION APPROVING
SOUTHEAST CASS WATER
MANAGEMENT DISTRICT SEWER
DISTRICT NO. 12
(SWC Project No. 720)
(SWC Resolution No. 76-1-388)

Secretary Fahy recalled that the Commission had approved at their May 12, 1975 meeting, the preliminary plans for improvements in Southeast Cass Water Management District Sewer District No. 12. The State Health Department and all local entities have reviewed

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and approved such plans. The Water Management District is now requesting final approval by the State Water Commission of the plans and specifications for the project. It was Secretary Fahy's recommendation that the Commission approve of said plans and specifications for Sewer District No. 12.

It was moved by Commissioner Gray, seconded by Commissioner Kramer, and carried, that the State Water Commission adopt Resolution No. 76-1-388, Approval of Plans and Specifications for Improvements in Southeast Cass Water Management District Sewer District No. 12. (SEE APPENDIX "B")

REQUEST OF BARNES COUNTY WATER MANAGEMENT DISTRICT AND BOARD OF COUNTY COMMISSIONERS FOR SWC PARTICIPATION IN SNAGGING AND CLEARING SHEYENNE RIVER CHANNEL BETWEEN BALDHILL DAM AND HIGHWAY NO. 46
(SWC Project No. 568)

A request has been received from the Barnes County Water Management District and the Barnes County Commission for State Water Commission cost participation in a snagging and clearing project of the Sheyenne River channel between Baldhill Dam and Highway No. 46. Total cost of the project is estimated at \$4,000, and requested of the State

Water Commission is 50 percent cost sharing. It was Secretary Fahy's recommendation that the Commission approve the request for cost participation.

After discussion, it was moved by Commissioner Gray, seconded by Commissioner Kramer, and carried, that the Commission approve cost participation in the Barnes County snagging and clearing project of the Sheyenne River channel between Baldhill Dam and Highway No. 46 at a rate of 50 percent, but not to exceed \$2,000.

DISCUSSION OF CORRESPONDENCE RECEIVED FROM NORTH DAKOTA GROUP OF THE SIERRA CLUB REGARDING OPPOSITION TO PROPOSED KINDRED DAM ON SHEYENNE RIVER
(SWC Project No. 1344)

Secretary Fahy read a letter which he received from the North Dakota Group of the Sierra Club expressing its opposition to the construction of the proposed Kindred Dam on the Sheyenne River. This letter is attached hereto as APPENDIX "C".

CONSIDERATION OF ADOPTION OF RESOLUTION IN RESPECT TO SUPPORT OF CONTINUED FLOOD CONTROL PLANNING STUDIES ON SHEYENNE RIVER
(SWC Project Nos. 1344 & 1347)
(SWC Resolution No. 76-1-389)

Secretary Fahy stated that the Corps of Engineers has asked for an expression from the State Water Commission regarding its position on the proposed Kindred Dam. He noted that the Commission has, in the past, gone on record specifically in support of the construction of Kindred Dam. He stated that \$130,000

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in federal funds has been appropriated for studies of alternatives to the dam. In view of the interests of local groups in consideration of possible alternatives, the following resolution was offered for consideration:

"NOW, THEREFORE, BE IT RESOLVED by the North Dakota State Water Commission, in regular meeting held this 23rd day of January, 1976, that it does hereby continue to endorse, approve and support continued planning by the Corps of Engineers for effective flood control measures on the Lower Sheyenne River and urges the U. S. Army Corps of Engineers to proceed with flood control planning studies to assure protection for lives and property in the lower reaches of the Sheyenne River Valley."

Secretary Fahy indicated that the contents of this resolution does not refer specifically to the Kindred Dam, but makes reference to the fact that the State Water Commission supports continued flood control planning for the lower Sheyenne River.

After some discussion, Commissioner Lanz moved the adoption of the proposed resolution as presented by the State Engineer with respect to the State Water Commission's continued support of flood control planning for the lower Sheyenne River. Commissioner Gray seconded the motion.

In discussion of the motion, it was suggested that the language "of all the alternatives" be inserted in the paragraph which was read by Secretary Fahy. Upon further discussion on the motion, it was the consensus of the Commission to include only the last three paragraphs of the draft resolution, which includes the rewording of the first paragraph to read as follows:

"WHEREAS, serious flooding of the Sheyenne River occurs periodically; and
....."

A substitute motion was offered by Commissioner Gray that the resolution as presented by the State Engineer be amended by deleting all of the draft except the last three paragraphs including the language revision discussed by the Commission.

At this time, Commissioner Lanz withdrew his original motion. Commissioner Gray, who seconded the original motion, likewise

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withdrew his second.

The substitute motion was seconded by Commissioner Lanz, and all members voted aye. Resolution No. 76-1-389, Support of Continued Flood Control Planning Studies on Sheyenne River, was therefore adopted. (SEE APPENDIX "D")

APPEARANCE BY DON OHNSTAD,
ASSISTANT STUDY DIRECTOR
FOR YELLOWSTONE LEVEL B STUDY
(SWC Project No. 1507)

Mr. Don Ohnstad, who is the Assistant Study Director in North Dakota for the Yellowstone River Basin Level B Study, discussed with the Commission members, through use of a slide presentation, the history of the Missouri River Basin Commission, the Commission's composition, structure, objectives and goals.

In February, 1974, the State of Montana, faced with many of the same conflicts as western North Dakota, introduced a motion to the Missouri River Basin Commission requesting a study of the Yellowstone River Basin. A task force, composed of four states and four federal agencies, was formed and recommended a Level B Study of the Basin, beginning in 1975. The study was approved for funding and the bill was signed by the President in December, 1975.

The study area covers approximately 125,000 square miles in northeastern Wyoming, southeastern Montana, and southwestern North Dakota. In general, the purposes of Level B studies are to resolve complex problems identified by framework or other studies and recommend action plans and programs that can be undertaken by specific agencies. The study focus is on a period from 10-25 years in the future. The scope of Level B studies is a reconnaissance evaluation of water and land resources for a region or river basin conducted under the Water Resources Council's Principals and Standards for Planning.

The study area in North Dakota includes the 14 counties southwest of the Missouri River and McLean County on the east side of the river. Along with the numerous studies already conducted in this area, it is hoped that the Level B study will provide North Dakota with a multi-objective analysis of water and related land issues based on the Water Resources Council's Principals and Standards. The planning effort has two objectives: the development of one plan for national economic development, and one plan for environmental quality. Background studies made by the Missouri River Basin Commission are being used to develop the Plan of Study for Level B.

The study schedule is for one year, which includes all the field work and report writing. Funds that will be appropriated total approximately \$1 million - federal agency participation is approximately \$610,000; Missouri River Basin Commission participation

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\$316,000; and contracts and contingency fund \$138,000. In addition, North Dakota, Wyoming and Montana will contribute in the form of evaluated services. State agencies in North Dakota will provide approximately \$137,000 to the study.

A North Dakota State Study Team composed of state agencies, federal agencies, and the public will be established. Their purpose is to develop alternative plans and recommendations to the North Dakota study area.

The final plan will be prepared by the Management Group, and an environmental assessment will be made after an official 90-day review period by the state and federal agencies. By action of the Missouri River Basin Commission, the report will be submitted to the Water Resources Council in Washington. The Council, in turn, submits the report to the President who refers it to Congress for appropriate action.

Mr. Ohnstad stated that there will be a series of public meetings in the study area and a training session in Dickinson whereby the general public will be informed of the study.

Governor Link inquired about the possibility of making some funds available for general public participation, whereby if it is elected by the public to have a representative or representatives be a part of the study team, they would receive some reimbursement for their expenses.

Mr. Ohnstad replied that this will be one of the purposes of the public meetings, to invite comments from the public as to what type of participation they want - either an open-type representation or to name individuals to represent the general public. Depending on the type of representation selected by the majority of the public, possibilities will then be discussed as to what type of funding assistance can be made available.

Governor Link thanked Mr. Ohnstad for an informative and enlightening presentation.

PRESENTATION BY MRS. EVELYN
NEWTON, GLADSTONE, NORTH
DAKOTA
(SWC Project Nos. 1543, 1400
and 1392; and SWC Water
Permit No. 2083)

Mrs. Evelyn Newton, Gladstone, North Dakota, presented a statement (APPENDIX "E"). She indicated that she represents herself and noted that they live on the edge of the proposed development at Dunn Center.

Mrs. Newton addressed a question to the Commission: "When does the Commission plan to review the testimonys from the West River area meetings held last fall, and are they to be kept on record for further reference?"

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Secretary Fahy replied to Mrs. Newton's question by saying that members of his staff have just completed duplicating and assembling the summary sheets received from the secretary, which have not been edited, for distribution and review by the State Water Commission members and the Special Committee of the area. The Commission and the Special Committee will then decide how they wish to publish the report and make it available to the public.

Mrs. Newton also asked: "When a water permit is issued is the designated time limit usually eight years or is it left to the discretion of the Water Commission? What is the amount of water available to North Dakota from Lake Sakakawea?"

Secretary Fahy replied by saying the time limit on a conditional permit is contingent upon the development period of the utility or plant that is going to put the water to beneficial use. In general, in the case of an irrigation permit, it is usually three years; a power plant, five years; and a gasification plant, eight years.

He addressed Mrs. Newton's question regarding the availability of water from Lake Sakakawea by stating that all of the studies to date indicate there are no problems associated with the Missouri River main stem and that there are adequate quantities of water for all existing and anticipated future needs.

Mrs. Newton read a statement opposing the pending water permit application of Natural Gas Pipeline Company of America. (APPENDIX "E")

After discussion, Governor Link thanked Mrs. Newton for appearing.

The Commission recessed at 12:15 p.m., and reconvened at 2:00 p.m.

APPEARANCE BY REPRESENTATIVES
OF THE CITY OF VELVA REGARDING
FLOOD CONTROL PROBLEM
(SWC Project No. 347)

Rauschenberger, Ken Fry and Clem Leier; and Jean Nelson, City Auditor.

Secretary Fahy introduced Mayor Edward Bickler of Velva. Other representatives in attendance from the city appearing before the Commission were City Commissioners Mike Kramer, Bill

Mayor Bickler stated that in the spring of 1969, the Corps of Engineers under Public Law 99, constructed some temporary dikes to protect the city of Velva from the Souris River. Velva is located downstream from Minot, North Dakota. These dikes have been improved nearly every year since their construction. High water for an extensive period of time in the spring of 1975 caused an extreme amount of erosion damage to the area and left debris, including many downed trees, which are still in the channel. He indicated that the city is financially unable to repair

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eroded banks and/or clean the channel.

He requested the State Water Commission for assistance in making an evaluation of the existing temporary structures' worth as a permanent protective system and what further modifications would be needed to meet the 100-year flood stage. He also requested that the Commission consider any possible financial assistance to make necessary temporary repairs to the dikes along with permanent repairs.

Mr. Clem Leier, a City Commissioner, indicated that the chief concern at the present time is to stop further erosion of the river banks. With work presently being done in Minot to increase the rate of flow through the city, it is the feeling of the Velva citizens, being downstream, that they will feel the impact of this increased flow.

Secretary Fahy suggested that members of his staff do a survey of the area under discussion and prepare cost estimates of the work that would be required. He stated that the Commission's emphasis at this time would be on snagging and clearing of the river channel and strengthening of dikes. In the event of imminent flooding, the Corps of Engineers could provide flood fighting assistance through Public Law 99.

After discussion, it was the consensus of the Commission members that the State Engineer be instructed to have his staff inspect the critical areas emphasizing clearing the channel and erosion protection for dikes. Cost estimates should be developed for such emergency work. The Commission should also work with the Corps of Engineers so that there won't be any duplication of funds. A report shall be made to the Commission members at a later date regarding the findings.

**DISCUSSION OF PROPOSAL
FOR STATE WATER COMMISSION
FINANCING OF WATER MONITORING
STATIONS ON THE PEMBINA RIVER
(SWC Project No. 567)**

A study is underway relative to an agreement with Canada for the construction of flood control works on the Pembina River. Delton Schulz, Director of Engineering for the State Water Commission, is a member

of the task force assigned to that study. Mr. Schulz stated that the Environmental Protection Agency and the State Health Department have raised a question regarding water quality if Pembilier Dam is going to be constructed. The Corps of Engineers wants to establish three water quality monitoring stations, through the Geological Survey, but funds are not available until they receive a Phase I Study approval of the project.

Costs of the total project are \$21,260. Breakdown of such costs are as follows: funding through June, 1976 - \$3,800, with the Geological Survey paying one-half, or \$1,900; funding from July, 1976 through September, 1976 - \$6,230; and funding from October, 1976 through September, 1977 - \$11,230.

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Secretary Fahy stated that the information is essential for the environmental protection studies and recommended that the Commission participate in getting the stations installed, which would include funding for the first two segments, or until September, 1976, in the total amount of \$8,130, provided that the Geological Survey contributes \$1,900. He suggested that some other agency be contacted to contribute the funding for the final phase of the work.

It was moved by Commissioner Lanz, seconded by Commissioner Kramer, and carried, that the State Water Commission grant the approval of expending funds for installing three water monitoring stations on the Pembina River through September, 1976, in the amount of \$8,130, and that the Commission secure other participants of costs for the balance of the funding.

**DISCUSSION OF THE NEED
TO ENTER INTO A CONTRACT
FOR CONSULTING SERVICES
FOR WORK BEING DONE ON
DEVILS LAKE BASIN
PLANNING STUDY
(SWC Project No. 1616)**

Secretary Fahy introduced Mr. Vern Zink, President of Technical Planning Information (TPI), a consulting firm. Mr. Zink discussed the background and the present status of the Devils Lake Basin Planning Study. He distributed and discussed with the Commission members copies of a proposed agreement for payment

of his services to the study. The contract is for approximately \$160,000, which includes monies paid to him on a temporary basis up to this time to prepare the plan of study and coordinate the public input. The amount expended on temporary contracts to date is \$22,945.33, so the contract agreement balance is for \$141,700.

After some discussion, the question was raised as to whether or not this contract has been approved by the Devils Lake Advisory Committee.

Mr. Ike Ellison, Chairman of the Devils Lake Planning Advisory Committee, replied to the question that the Advisory Committee has reviewed very carefully the study process, and the Committee has directed that the contract be initiated.

It was moved by Commissioner Lanz, seconded by Commissioner Gray, and carried, that the State Engineer enter into a contract with the Technical Planning Information for the funding of consulting services to the Devils Lake Basin Planning Study.

**CONSIDERATION OF ERRORS
AND OMISSIONS INSURANCE
FOR COMMISSION MEMBERS
AND STATE WATER COMMISSION
STAFF MEMBERS**

Secretary Fahy advised that information has been received concerning an Errors and Omissions Insurance. It is his feeling that the Commission members, the State Engineer and the Legal Counsel

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for the Commission should be protected under such insurance. Commission staff members are now working with the Department of Accounts and Purchases to obtain more information on such insurance, and because of the importance of such protection, Secretary Fahy said that he would be expending the necessary funds at a later date.

**CONSIDERATION OF COMMITTEE
REPORT CONCERNING SPECIAL
CONDITIONS FOR NATURAL
GAS PIPELINE COMPANY OF
AMERICA WATER PERMIT
APPLICATION
(SWC Water Permit No. 2083)**

The Special Committee appointed by Governor Link (consisting of Commissioners Gallagher and Just, Secretary Fahy and Murray Sagsveen) to recommend possible conditions which could be attached to a conditional water permit for Natural Gas Pipeline Company of America, has prepared a fourth draft

of the proposed conditions. Mr. Sagsveen distributed copies of the proposal and reviewed those conditions which have been revised since the Commission's last discussion. He noted that he has discussed the proposal with representatives of Natural Gas and the State Engineer and they basically agree with two exceptions: (1) "if the contract, or any provision thereof, is held to be invalid, such invalidity shall render this permit void"; and (2) the percentage determined as to the amount of gas produced for reservation. Substitute language has been offered by the Company for the Committee's consideration.

Mr. Robert Lindgren of Natural discussed his Company's reasoning for offering the suggested language in these two areas of discussion. He also briefly discussed the financial status of the proposed project and some of Natural's latest developments.

It was the consensus of the Commission members that Mr. Sagsveen be directed to rewrite the draft conditions. Contractual provision No. 2b was amended as follows:

2b. Appropriator shall reserve an annual maximum of 10% of the gas produced by any coal gasification plant using water pursuant to the water permit. The gas so reserved shall be for consumption within the State of North Dakota, subject to the following:

- (1)(a.) The first 5% (of the 10% annual maximum) of the gas or any portion thereof, so reserved shall be made available to utilities duly certified to distribute gas within this state upon not less than three years' written notice given to Appropriator by such utility, setting forth the time such gas shall be made available. The gas so reserved shall be delivered at a daily flow rate not to exceed 10% of the average daily production based upon the preceding two years' production, or upon the plant's projected daily production if no

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average has been established.

(b.) The second 5% (of the 10% annual maximum) of the gas, or any portion thereof, of the gas so reserved shall be made available to utilities duly certified to distribute gas within this state upon not less than six years' written notice given to Appropriator by such utility, setting forth the time such gas shall be made available. The gas so reserved will be delivered at a daily flow rate not to exceed 15% of the average daily production based upon the preceeding two years' production, or upon the plant's projected daily production if no average has been established.

(c.) The above percentage for annual maximum reservations shall be based upon the yearly average for the preceeding two years' production, or upon the plant's projected capabilities if no average has been established.

Contractual provision No. 2f was amended as follows:

2f. Every provision of this Contract is considered an essential element in the final decision to grant the permit; therefore, if the Contract, or any provision thereof, is held to be invalid because of legal action or challenges caused by Appropriator, determination of such invalidity shall render the permit void. However, if this Contract, or any provision thereof, is held to be invalid because of legislation or legal action or challenges by parties other than the Appropriator or the Commission, the permit shall remain valid and the remaining provisions of the Contract shall remain valid and effective (as modified by such legislation, legal action or challenges).

The draft conditions will then be forwarded to the Company and the Commission members for their further review and consideration at the next meeting of the Commission to be held in mid-February.

Commissioner Gallagher stated that in light of the problems that have arisen regarding air quality standards, siting of facilities, location of transmission lines, reclamation, etc. in respect to the Commission's procedure in handling of water permits for energy conversion purposes, and in previous discussion with the other Commission members, he offered the following motion:

It was moved by Commissioner Gallagher that the State Engineer notify Montana-Dakota Utilities Company and Basin Electric Power Cooperative that they must secure the necessary approval of their energy conversion facility sites and transmission routes from the Public

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Service Commission before the application will be considered by the State Water Commission. The motion was seconded by Commission Gray.

In discussion, Commissioner Gallagher stated it is his feeling that these items are under the jurisdiction of the Public Service Commission and should receive a siting certificate indicating the Public Service Commission's approval before it comes before the Water Commission for consideration. He noted that in the motion he made specific reference only to Montana-Dakota Utilities Company and Basin Electric Power Cooperative because the other pending applicant, Natural Gas Pipeline Company, has agreed to these same requirements in the proposed conditions, if adopted by the Commission, whereby they will be going before the PSC to obtain such siting certificate. Requiring Basin Electric and Montana-Dakota to acquire such approval before coming before the Water Commission for a water permit will eliminate many of the conditions being considered for Natural Gas.

Commissioner Wilhelm discussed the interest expressed by citizens of Dunn County regarding the Natural Gas application for a water permit. In order to give them an opportunity to further express their feelings at a county zoning level, she offered the following substitute motion:

It was moved by Commissioner Wilhelm that the State Engineer notify all applicants for energy conversion purposes pending before the State Water Commission that they must secure the necessary approval of their energy conversion facility sites and transmission routes from the Public Service Commission before the application will be considered by the State Water Commission.

A second to the substitute motion offered by Commissioner Wilhelm was called for three times by Governor Link. Due to a lack of a second, the Chairman declared the motion as failed.

Governor Link called the question on the original motion. All members voted aye, with the exception of Commissioner Wilhelm who voted nay. The motion was declared as carried.

INVITATION TO COMMISSION
TO TOUR BEULAH TRENCH AREA
(SWC Water Permit Nos.
1901A and 2179)

Governor Link read a communication signed by Eugene E. Keller, President, and Gilbert C. Ost, Vice President, of the Mercer County Landowners Association, inviting the Commission members to tour the Beulah Trench area.

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It was suggested by Secretary Fahy that the Commission acknowledge receipt of the invitation, but wait until the snow is gone to view the area.

**ENERGY RESEARCH AND
DEVELOPMENT ADMINISTRATION
MEETING
(SWC Project No. 1619)**

Commissioner Wilhelm read a letter regarding the Energy Research and Development Administration meeting on the National Energy Research and Development Plan scheduled in Denver

on March 3 and 4, 1976. This is the third of a series of meetings to help establish a constructive and continuing exchange of information and opinion between ERDA and local, state and regional groups and citizens regarding the agency's energy research and development plan, especially as it relates to regional energy issues.

Secretary Fahy stressed the importance of this meeting and urged Commission members to attend if possible.

**CONSIDERATION OF
WATER PERMIT REQUESTS**

Secretary Fahy presented APPENDIX "F" 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.

Commissioner Kramer noted his concern as he reviewed the water permit agenda of the number of permits that are being issued in the Garrison Diversion area, which are in excess of the Reclamation Law entitling a person to irrigate 160 acres. Discussion then followed regarding acreage limitation.

After discussion and the Commission reviewed those requests for a water permit listed on APPENDIX "F", it was moved by Commissioner Kramer, 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. 2331 - Stephen M. and David W. Ashley, Velva; No. 2334 - John Paintner, Sr., Cooperstown; No. 2333 - Willis Olson, Lisbon; No. 2319 - Sam Vitrochenko, Benedict; No. 2296 - William Lambrecht, Lisbon; No. 2330 - Kenneth J. Miller, Fort Rice; No. 2325 - Noble Erickson, Appam; No. 2340 - Robert F. Heinzen, Emmet; No. 2341 - Forrest Eberl, Dawson; and No. 2160 - Oakes Farms, Oakes.

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

No. 2332 - Raymond Wiese, Oakes; No. 2269 - Wilbert Gasal, Jamestown; No. 2328 - Duane Brekke, Minot; and No. 2329 - Clemens Fettig, Killdeer. (SEE APPENDIX "F")

CONSIDERATION OF
FINANCIAL STATEMENT

Matt Emerson, Assistant Secretary for the Water Commission, presented the financial statement for the month of

December, 1975, noting briefly the status of the various Commission accounts.

After discussion, it was moved by Commissioner Kramer, seconded by Commissioner Lanz, and carried, that the financial statement be accepted as presented.

REQUEST FROM ROLETTE
COUNTY WATER MANAGEMENT
DISTRICT FOR PARTICIPATION
IN WEST ROLETTE DRAIN NO. 1
(SWC Project No. 1586)

A request has been received from the Rolette County Water Management District for cost participation from the State Water Commission in the construction of West Rolette Drain No. 1. Total cost of qualified construction items is

\$5,152.86. Secretary Fahy indicated that this drain meets the Commission requirements and recommended that the Commission participate.

After discussion, it was moved by Commissioner Kramer, seconded by Commissioner Lanz, and carried, that the Commission grant participation in the West Rolette Drain No. 1 project up to 40 percent of the qualified construction costs, but not to exceed \$2,061.14.

SCHEDULING OF NEXT
STATE WATER COMMISSION
MEETING

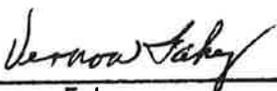
Secretary Fahy suggested that the Commission hold a meeting in conjunction with the annual State Water Conference in Fargo during the dates of February

18 and 19. The date of February 17, 1976, at 6:00 p.m. was scheduled for the next meeting of the Commission to be held at the Holiday Inn in Fargo.

There being no further business to come before the Commission, the meeting was adjourned at 6:00 p.m.


Arthur A. Link
Governor-Chairman

ATTEST:


Vernon Fahy
State Engineer, Secretary

January 22 and 23, 1976

FOR PRESENTATION AT WATER COMMISSION HEARING, IN HAZEN 1-22-1976

Governor Link, members of the N. Dak. State Water Commission,

I appeared before you on Dec. 17, 1974 in Dunn Center, N.D. At that time I was mildly opposed to granting a water permit to Natural Gas Pipeline Company of America, on the grounds that coal leases were unfair to landowners--both in the methods used to obtain the leases, and in the terms of the leases.

Since that time I have talked to various representatives of N.G.P.L. They have shown no willingness to modify the terms of the leases. A concerned company would have, by now, made an effort to modify the leases, if they ever planned to.

On the method of obtaining the leases, let me tell of my experience with the company that leased the coal, not N.G.P.L.

I returned to the farm after a 4-year tour with the U.S. Navy and 4 years of college in the late Spring of 1973. My parents had leased 2 of 4 quarters that the leasing company wanted; the other 2 were held back pending my return. In June of that year, I was visited by a vice president of the leasing company. We discussed terms of the leases. We could not reach agreement on changing the terms of the lease. He informed me that we take their form lease, or none at all.

The company representative then told me that should they start mining in our area, and I had not leased by then, I would gladly sell to them. I then told the man I did not think that was so; that he did not quite understand love of land.

My parents and I have not leased the two holdout quarters, nor are we about to.

I oppose granting N.G.P.L. the water permit.

N.G.P.L., M.D.U., Texaco Inc., and Pacific Gas & Electric have joined together to get U.S. Energy Research and Development Administration funding for a demonstration coal gasification plant, to be built in northern Wyoming. The demonstration plant is expected to cost about 230 million dollars, one-half to be supplied by the U.S. E.R.D.A. Equal shares of the four companies would be about 28.75 million dollars. (The Dickinson Press, 1-21-1976)

They want to build a demonstration plant, which means to me that they don't know if they can gasify coal. Here they want a permit for a billion dollar plant, while gasification has never been proven technically or economically feasible. I say, "No water permit!"

In the last month, three apparently good wilcat oil and gas wells have been discovered in Dunn, McKenzie, and Golden Valley Counties. How much more oil and gas is in N. Dak.? Could there be enough to supply the same amount of gas for the same number of years as these desired coal gasification plants would produce? Oil and gas wells don't destroy the land--coal mining does. If they need gas that badly, then drill here, off the Eastern seaboard, and elsewhere. A 20 year supply can't be impossible to find, allowing time for alternate energy sources to be developed.

I say, "No water permit!"
Thank you for your time.

John M. Guenther
Dunn Center, N. Dak.

*more oil than
we produce*

Ladies and Gentleman, Gov. Link and
members of State Water Commission:

We are gathered here to defend our
rights as to more coal Development in
Western N. Dak. As you are all aware
that Coal is a one time harvest.

How are we supposed to continue on
with our Agricultural activities after
they tear up our native soil for coal
Pollute our Air and Contaminate our
water as Soil, Air and Water are
our most precious Heritage that we
have to continue to produce the
wheat and meat that are so vital
for survival in any main land.

Agriculture has been and always
will be the main backbone of
Western N. Dak.

So may I ask our Governor Link
and members of State Water Commission
not to grant any more Water Permits
for Coal Gasification in Western
N. Dak. As we the people of Western
N. Dak. Will have to suffer the
Consequences and pay the bills.

Raymond Hammel

Dunn Center, N.D.

As farmers and ranchers the old song from the government has been we are going to have a shortage of a certain commodity. So we produce, then they tell us we have a surplus.

Now the government says that we have an energy shortage. It seems to me a North Dakota farmer and rancher when all the proposed coal gasification and electrical generating plants are operating we could be singing the second verse of the old song again. This time it will be a surplus of coal-fired energy plants, Spoil Banks and Pollution

Harlin Kling
Halliday

Dunn County United Plainsmen statement to the North Dakota State Water Commission regarding the application for a water permit by Natural Gas Pipeline Company of America. 1/22/76

Statement given by Randolph Nodland, Dunn Center, N.D.

On December 17, 1974, hundreds of us appeared at a water commission meeting in Dunn Center to oppose granting a water permit to Natural Gas Pipeling Company of America to build a gasification plant in our county. That opposition is even stronger today. Unfortunately, our statements haven't had much effect. So our question to you Governor Link and to you members of the Water Commission is: What do we have to do to demonstrate that a substantial majority of the people in Dunn County oppose this project?

Do we have to hold more public meetings for hundreds of Dunn County citizens to come to express their opposition? Do we have to present petitions with a large majority of Dunn County residents demonstrating their opposition? Do most of the people of the county have to write a letter to the Governor? Do we have to call you personally? WHAT DO WE HAVE TO DO? Or does what we do or say really count for anything in this procedure?

Do we the people of Dunn County have any say at all about this massive coal industry project which will so change our lives? Or, will this decision be made by the coal industry and a few politicians?

Governor Link and members of the Water Commission I respectfully request your answers to these questions.

Dunn County United Plainsmen statement to the North Dakota State Water Commission regarding the application for a water permit by Natural Gas Pipeline Company of America. 1/22/76

Statement given by Stanley Pollestad, Halliday, N.D.

Over a year ago we listed reasons for our opposition to the building of gasification plants in Dunn County by Natural Gas Pipeline Company. We don't want to take your time repeating all of them today.

Reclamation has not been proven.

Gasification will result in air pollution.

We don't want our crops endangered by sulfur dioxide. We don't want to wake up smelling fumes. We like the air clean and fresh.

We don't want a lot of people moving into our neighborhoods. We know that rapid population increases cause increases in taxes -- for the people who are already living here, not for the newcomers.

We are not interested in talking about conditional permits or delays in this project. We believe North Dakota has met whatever commitments we have to produce energy for the rest of the nation. We think it's time to quit.

We are just plain against this project. As officials who represent us in a democratic system, we believe you should do as the people have clearly said they want you to do. Reject the permit. Send this company back to Chicago. Then we will go back to our farms and ranches and you can go back to your offices. North Dakota can remain an agricultural state. All of us, here and in Chicago, will be better off for it.

! I am Gust Mittelstedt, Mayor of Dunn Center, N. Dak. retired from farming and ranching ten years ago, I operate a machine shop, and retail steel in Dunn Center.

I own about two acres of land in Dunn Center, which is all the land I own in North Dakota, I own no stock in any coal company, or oil company, therefore have nothing to gain from coal development. Reports indicate that we have the largest coal field in the state of North Dakota in 24

I would be no doubt that this coal will be mined
the question is when.

Some land owners are bitterly opposed to
coal development of any kind, others are not
against coal development but they feel they didn't
get a fair deal when they leased, others are
in favor of coal development if they can get
what they consider a fair price for their land
and coal.

all people are concerned about spoil banks
and reclamation, however under our laws
the land must be reclaimed and made
useful, on the other hand let us look at
what is happening to other land, the Garrison
reservoir covers somewhere around one half
million acres that land is lost forever, every
year millions of acres of land go under asphalt
and concrete, we don't hear anything about the
loss of this land, but we hear all about every
acre of land that is strip mined.

Reports indicate that if every acre of stripable
land in North Dakota were mined it would
amount to about 2% of our total acreage, this
most likely won't happen in the next thousand
years.

3. North Dakota is not a self supporting state, we are a part of the united States and must share what we have with the rest of the nation in exchange for things we don't have.

Before 1950 N. Dak. had no oil wells yet we drove cars, trucks, tractors, etc. the same as anyone else, we have no iron ore, copper, aluminium, and other metals, we have no forests to produce lumber, but we use these products every day, and will continue to do so.

I don't think any one would be interested in our coal if other fuels were available for the future, lignite is not that nice to work with

Natural Gas Pipeline Co. of America applied for a water permit for 17000 acre feet of water from Lake Sakawewa for a gasification plant near Dunn Center on Dec. 17. 1974 since that time every reasonable and unreasonable complaint has been presented to the water commission, and I don't believe anything more can be gained by further delay in issuing a water permit, therefore I urge the water commission to grant the requested water permit soon.

Halliday, N. Dakota 27
584 B 4
1-22-76

North Dakota Water Commission,

We are oppose to granting water permit
to Natural Gas pipeline of America. We do
not want our land all dug up and loose
all our water in springs and wells, because
we know darn well you will not dig
us a well and ruin our land on top of
it, besides polluting our air. If they have
to dig the coal, why don't they ship it
~~down~~ ^{down} where their going to put the gas?

Alvin Pollestad
Mrs. Alvin Pollestad

To the Honorable Governor Link

what do you want us to do to
stop this coal and water deal, as we
do not want any of it pollution or 2¢

because the 2¢ we are to get is
just nothing when land was making
you up to \$600 per acre some a
little less but the land would be all
forn up and no money for it and all the
pollution to the water grassland
now none of us in the Duncenter
want this pollution and 2¢ money.

I am talking for all the farmers
at Duncenter

A. J. Johnson
Halliday No. 128

To the water Commission

we just don't think much of giving
the water permit, because of the coal
deal, all we would have is pollution
and 2¢ for tarring up our land

we just don't about this at all
for 2¢ per ton / it is going to be more money
if this deal is going to go through 2¢ nothing
when it was making up to \$60.00 per acre

I am talking for the farmers of
Dunn Center, N.Dak. what do you want
us to do?

Alfred Johnson

N. Dak. Water Commission
To whom it may concern:
It is our opinion that
a water permit not be
granted to Natural Gas Pipeline
Co. of America.

Mrs. Marlin Trafford
Marlin Trafford

RESOLUTION 76-1-388

Approval of Plans and Specifications for
Improvements in Southeast Cass Water Management
District Sewer District No. 12

BE IT RESOLVED by the North Dakota State Water Commission that the plans and specifications for improvements in Sewer District No. 12 of the Southeast Cass Water Management District, Cass County, North Dakota, heretofore prepared by Clifford Moore, Engineer for the District, be and the same hereby are approved, ratified and confirmed as the plans and specifications in accordance with which said improvements shall be constructed and the Secretary of the Water Management District shall file the same in his office open to public inspection.

NOW, THEREFORE, BE IT RESOLVED by the North Dakota State Water Commission on this 23rd day of January, 1976, that the above stated specifications and plans are hereby approved.

FOR THE NORTH DAKOTA STATE WATER COMMISSION:


Arthur A. Link
Arthur A. Link
Governor-Chairman

SEAL

ATTEST:

Vernon Fahy
Vernon Fahy
State Engineer



Copy

SIERRA CLUB NORTH DAKOTA GROUP

STATEMENT ON PROPOSED KINDRED DAM AND LAKE

Because the Sierra Club stands behind its motto, "Not blind opposition to progress, but opposition to blind progress", we of the North Dakota Group believe it necessary to speak out on the proposed Kindred Dam and Lake.

We believe this project falls in the area of blind progress. True progress would be better served if the U.S. Army Corps of Engineers, utilized other means of flood control—be it structural or nonstructural, and turn its attention to water pollution abatement and other environmental quality improvements and away from a single response—dam building.

The Sierra Club is dedicated to the perpetuation of wildlife in abundance and diversity. The Corps of Engineers cites only one so-called "improvement" in fish and wildlife benefits if Kindred Dam is built, namely: increase in warm-water fishing. Currently a variety of wildlife exists in the Sheyenne River Valley, much of which would be deprived of its habitat should the dam be built. Many kinds of wildlife and fish would be sacrificed for warm-water fishing, thus depriving various sportsmen of their pleasure: whether it be hunting with camera or gun, or merely tramping the woodlands.

The agricultural policy of the Northern Plains Regional Conservation Committee of the Sierra Club states: "Those seeking to convert land to other uses should bear the burden of proving that the new use is more important to current and future welfare." We do not believe that converting prime agricultural or forested land to the bottom of a lake as an improvement in land use. The same policy further states; "Use of water for any purpose should not result in undue loss of aquatic eco-systems. . .or construction of storage and conveyance projects whose total social, economic and environmental costs exceed their benefits." We believe, on the basis of studies made by allied conservation-minded groups, and the Corps of Engineers itself, (benefits have not been proven by the Corps), that the proposed Kindred Dam and Lake would destroy much of the lower Sheyenne River Valley.

The national Sierra Club, and its member chapters, believe in a forest management policy which recognizes true multiple use, sustained yield (if harvest is indeed carried on) wildlife habitat, human recreation, and maintenance of water-shed. Kindred Dam would destroy a large area of irreplaceable native forest and drastically change the water-shed. It would also curtail diversity of human recreation in the area affected.

Study No. W 30-74 reported October, 1974 by the U.S. Geological Survey demonstrates the probability that the ground water table level would rise as much as 15 feet in the proposed Kindred Dam and Lake area where it is to be constructed, thereby turning a huge quantity of agricultural land into swampland.





Copy

SIERRA CLUB
NORTH DAKOTA GROUP
STATEMENT ON PROPOSED KINDRED DAM AND LAKE
page 2

The project does not have the support of the local community as demonstrated with the formation of the Sheyenne Valley Association.

The project does not have general public acceptance within the state of North Dakota as demonstrated by the resolution of the North Dakota Farm Bureau in opposition to the Dam and Lake, and by the decision of the Lake Agassiz Regional Council not to support a resolution calling for completion of project proposal studies.

We of the North Dakota Group, Dacotah Chapter, of the Sierra Club express our opposition to the Kindred Dam and Lake project; will make known this opposition to representatives of state, federal, and local government and to the public; and will do everything our resources permit to assist in halting the project.

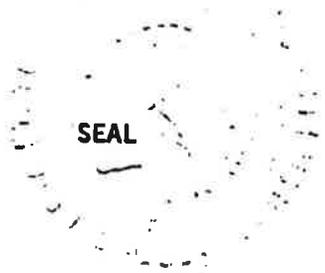
RESOLUTION 76-1-389

Continued Support for Corps of Engineers
to Proceed with Flood Control Planning Studies
in Lower Reaches of Sheyenne River Valley

WHEREAS, serious flooding of the Sheyenne River occurs periodically; and
WHEREAS, the House Appropriations Committee approved funding of \$130,000
for planning effective flood control measures on the Lower Sheyenne on
June 20, 1975.

NOW, THEREFORE, BE IT RESOLVED by the North Dakota State Water Commission
in regular meeting held this 23rd day of January, 1976, that it does hereby
continue to endorse, approve and support continued planning by the Corps of
Engineers of all the alternatives for effective flood control measures on
the Lower Sheyenne River and urges the U. S. Army Corps of Engineers to proceed
with flood control planning studies to assure protection for lives and property
in the lower reaches of the Sheyenne River Valley.

FOR THE NORTH DAKOTA STATE WATER COMMISSION:


Arthur A. Link
Arthur A. Link
Governor-Chairman

ATTEST:

Vernon Fahy
Vernon Fahy
State Engineer

January 23, 1976.
Mrs. Evelyn Newton,
Gladstone, N. Dak. 58630.

I address my questions to anyone on the Commission.

When does the Commission plan to review the Testimonys from the West River area Meetings held last fall, and are they to be kept on record for further reference?

When a water permit is issued is the designated time limit usually 8 years or is it left to the discription of the Water Commission? What is the amount of water available to North Dakota from Lake Sakakawea?

In reference to the meeting of yesterday I haven't any idea how much was covered. I'm quite certain there was some opposition to issuing the water permit to the Natural Gas Co. for their plant at Dunn Center in Dunn County. I only wish to reiterate, "Do Not issue this permit at this time!" Let us focus our attention on the Michigan-Wisconsin plant. Only when that is in full operation and passes all qualifications, should we consider other permits.

Mrs. Evelyn Newton

WATER PERMIT AGENDA FOR JANUARY 22-23, 1976 MEETING

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2331	Ashley, Stephen M. and David W. - Velva (McHenry County)	Ground Water	Irrigation	240.0 acre-feet 158.0 acres	237.0 acre-feet 158.0 acres
2332	Wiese, Raymond - Oakes (Dickey County)	Ground Water	Irrigation	220.0 acre-feet 110.0 acres	Defer action at this time pending further study and investigations.
2334	Paintner, John Sr. - Cooperstown (Griggs County)	Ground Water	Irrigation	754.0 acre-feet 377.0 acres	566.0 acre-feet 377.0 acres
2333	Olson, Willis - Lisbon (Ransom County)	Ground Water	Irrigation	640.0 acre-feet 320.0 acres	450.0 acre-feet 300.0 acres
2319	Vitrachenko, Sam - Benedict (McLean County)	Ground Water	Irrigation	682.6 acre-feet 341.3 acres	480.0 acre-feet 320.0 acres
2269	Gasal, Wilbert - Jamestown (Stutsman County)	Seven-Mile Coulee, tribi to James River; and from Ground Water	Irrigation	712.0 acre-feet (500.0 Ground Water) (212.0 Coulee) 357.0 acres	Defer action at this time pending further study and investigations.

APPENDIX 11F1

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2328	Brekke, Duane - Minot (McHenry County)	Ground Water	Irrigation	202.5 acre-feet 135.0 acres	Defer action at this time pending further study and investigations.
2296	Lambrecht, William - Lisbon (Ransom County)	Sheyenne River, trib. to Red River	Irrigation	880.0 acre-feet 440.0 acres	118.0 acre-feet 118.0 acres
2330	Miller, Kenneth J. - Fort Rice (Morton County)	Oahe Reservoir	Irrigation	450.0 acre-feet 222.0 acres	444.0 acre-feet 222.0 acres
2325	Erickson, Noble - Appam (Williams County)	Ground Water	Irrigation	268.0 acre-feet 134.0 acres	202.0 acre-feet 134.0 acres
2329	Fettig, Clemens - Killdeer (Dunn County)	Ground Water	Irrigation	552.0 acre-feet 276.0 acres	Defer action at this time pending further study and investigations.
2340	Heinzen, Robert F. - Emmet (McLean County)	Ground Water; and Lake Sakakawea	Irrigation	388.0 acre-feet 233.0 acres	318.0 acre-feet (total) 116.0 from Lake and 202.0 from Groundwater 212.0 acres (total) 77.0 from Lake and 135.0 from Groundwater

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2341	Eberl, Forrest - Dawson (Kidder County)	Ground Water	Irrigation	394.0 acre-feet 197.0 acres	225.0 acre-feet 150.0 acres
2160	Oakes Farms - Oakes (Dickey County)	James River	Irrigation	480.0 acre-feet 480.0 acres	480.0 acre-feet 480.0 acres