

NORTH DAKOTA STATE WATER COMMISSION

REGISTER

ATTENDANCE AT State Water Commission Meeting
 DATE March 24, 1977 PLACE Local Conf Room
Bismarck, N Dak PROJECT NO. _____

Your Name	Your Address	Who do you Represent? (Or Occupation)
<u>Ken Bradford</u>	<u>Souris, N.D.</u>	<u>All Season Water user</u>
<u>Herald Jensen</u>	<u>Wahpeton, N.D.</u>	<u>All Season Water</u>
<u>Duane L. Brethling</u>	<u>West Fargo</u>	<u>Richland C.W.M.D. Antelope Creek Case County Drain Board</u>
<u>Robert R Boone</u>	<u>Fargo, N.D.</u>	
<u>RONALD FRENCH</u>	<u>GRAND FORKS,</u>	<u>RBM</u>
<u>Ray Peterson</u>	<u>Antler N.D.</u>	<u>All Season Water user</u>
<u>Wilbert Klebe</u>	<u>Wells City, N.D.</u>	<u>All Season Water user</u>
<u>Walt McKeel</u>	<u>Westhope N.D.</u>	<u>All Season's Rural Water;</u>
<u>Richard Brown</u>	<u>GRAND FORKS N.D.</u>	<u>RBM INC</u>
<u>Don Ohnstad</u>	<u>Bismarck</u>	<u>MRBC</u>
<u>Andy Woodbury</u>	<u>Barney N.D.</u>	<u>Richland Co Antelope Creek</u>
<u>Larry Woodbury</u>	<u>Barney N.D.</u>	<u>Richland Co Antelope Creek</u>
<u>Don Snodgrass</u>	<u>Barney N.D.</u>	<u>Richland Co. Antelope Creek</u>
<u>Richard Woodbury</u>	<u>Barney N.D.</u>	<u>Richland Co Antelope Creek</u>
<u>Daniel Boyer</u>	<u>Barney N.D.</u>	<u>Richland Co. Antelope Creek</u>

MINUTES

North Dakota State Water Commission
Meeting Held In
Vocational Education Conference Room
Bismarck, North Dakota

March 24, 1977

The North Dakota State Water Commission held a meeting on March 24, 1977, in the Vocational Education Conference Room, Bismarck, North Dakota. Governor-Chairman, Arthur A. Link, called the meeting to order at 9:40 a.m., and requested Secretary Vernon Fahy to present the agenda.

MEMBERS PRESENT:

Arthur A. Link, Governor-Chairman
Richard Gallagher, Vice Chairman, Mandan
Alvin Kramer, Member from Minot
Arthur Lanz, Member from Devils Lake
Arlene Wilhelm, Member from Dickinson
Myron Just, Commissioner, Department of Agriculture, Bismarck
Vernon Fahy, Secretary and State Engineer, North Dakota State
Water Commission, Bismarck

MEMBERS ABSENT:

Gordon Gray, Member from Valley City

OTHERS PRESENT:

State Water Commission Staff Members
Duane Breitling, Attorney, Representing Cass County Drain Board and
the Richland County Water Management District
Robert R. Boone, Representing Cass County Drain Board
Citizens from Bottineau area representing All Seasons Water Users Association
Don Ohnstad, Bismarck, Yellowstone Level "B" Study
Citizens from Richland County representing Antelope Creek Project

Attendance Register is on file in the offices of the State Water Commission for the March 24, 1977 meeting (filed with official copy of Minutes)

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

CONSIDERATION OF MINUTES
OF FEBRUARY 11, 1977 MEETING -
APPROVED

Secretary Fahy briefly reviewed the highlights of the meeting of February 11, 1977, held in Bismarck, North Dakota.

It was moved by Commissioner Kramer, seconded by Commissioner Lanz, and carried, that reading of the minutes of the February 11, 1977 meeting be dispensed with, and that the minutes be approved as presented and distributed.

CONSIDERATION OF WATER PERMIT REQUESTS FILED BY ALL SEASONS WATER USERS ASSOCIATION, INC.
(SWC Water Permit Nos. 2491, 2492 and 2493)

2492 requests 17.0 acre-feet of water from ground-water sources; and No. 2493 requests 60.0 acre-feet of water from the Souris River. All three of these requests are for municipal (rural domestic) use.

Secretary Fahy presented three water permit requests filed by All Seasons Water Users Association, Inc., for the Commission's consideration. Water Permit No. 2491 requests 27.0 acre-feet of water from ground-water sources; No.

The following delegation from the Bottineau area were in attendance to present their views in support of granting conditional water permits to All Seasons Water Users Association: Glenn Brandjord, Souris; Harold Gessner, Upham; Roy Peterson, Antler; Wilbert Klebe, Willow City; and Walt McKechnie, Westhope. Ronald French and Richard Brown were in attendance representing KBM, Inc., of Grand Forks.

Ronald French, representing the engineering firm for All Seasons, briefly discussed all three of the projects in general with the Commission.

Following discussion, it was moved by Commissioner Kramer, and seconded by Commissioner Wilhelm, that All Seasons Water Users Association, Inc., be granted a conditional water permit for each of their three requests for the amount filed, subject to the conditions indicated on each respective application. All members voted aye; the motion carried.

DISCUSSION OF CASS COUNTY DRAIN COST PARTICIPATION
(SWC Project Nos. 1066, 1070, 1073, 1075, 1077, 1078, 1079, 1088, 1089, 1095, 1631, 1669 and 1670)

new drain construction.

Secretary Fahy recalled at the February 11, 1977 meeting, the Commission discussed at length its policy in the reconstruction of drains. In concluding the discussion, it was determined that the State Water Commission policy has been to participate in an amount not to exceed 40 percent of the qualified construction costs in

The following drain requests for reconstruction cost participation were presented to the Commission for their consideration: Cass County Drain No. 9 - \$5,530; Cass County Drain No. 14 - \$9,531; Cass County

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Drain No. 21 - \$14,186; Cass County Drain No. 25 - \$1,499; Cass County Drain No. 26 - \$7,848; and Cass County Drain No. 47 - \$24,710. This represents a total amount for reconstruction of \$63,304 for state participation consideration.

Those requests for the Commission's consideration for new drain construction include: Cass County Drain No. 24 - \$2,960; Cass County Drain No. 24C - \$22,325; Cass County Drain No. 52 - \$31,930; Cass County Drain No. 58 - \$17,052; and Cass County Drain No. 59 - \$35,500. This represents a total of \$109,767 requested for state participation in new drain construction costs.

The following drains have been previously authorized for Commission participation, and requests have now been submitted for the balance of each project: Cass Floodway No. 18 (total state share authorized was \$38,193 - balance of \$9,041); Cass County Drain No. 37 (total state share authorized was \$35,846 - balance of \$22,185); and Cass County Drain No. 39 (total state share authorized was \$13,588 - balance of \$6,290). This represents a total state share authorized of \$87,627, and the balance remaining total is \$37,517.

Mr. Duane Breitling, Attorney for the Cass County Drain Board, was introduced by Secretary Fahy, to discuss with the Commission members, the Cass County Drain Board's position on drains, including new construction, reconstruction and deferred maintenance.

Mr. Breitling explained the Drain Board's policy with respect to financing a drain, the Board's understanding of State Water Commission participation in a project, as well as discussing each of the projects individually listed previously for the Commission's consideration.

With respect to the reconstruction projects, Mr. Breitling indicated that these requests were submitted for phased construction financial consideration before the State Water Commission discussed the possibility of discontinuing participation for reconstruction projects. These projects have been completed, and in his estimation, do meet Commission criteria in qualifying for funding for hydraulic improvement of the drains, and requested the Commission to consider funding for these projects.

Mr. Robert Boone from the Engineering Office of the Fargo Soil Conservation Service, stated that when these drains were originally designed, they were constructed with a channel to provide a two-year frequency rainfall. The design criteria now attempted to be met on such projects is to design a facility that would meet a five-eight year frequency runoff, which substantially changes the hydrology of the original channel.

Secretary Fahy raised two questions for the Commission's consideration: 1) should the Commission consider initiating a policy in which reconstruction is not a part of state financing; and 2) does the State Water Commission have a moral commitment to satisfy the above

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discussed reconstruction projects? General discussion followed on these questions.

Secretary Fahy stated that his staff members have made an extensive study and evaluated the correspondence on file, and it appears that the State Water Commission has incurred an obligation to participate in the reconstruction of Cass County Drains No. 9, 14, 21, 25 and 26. The State Engineer recommended that the State Water Commission authorize payment, subject to an inspection by representatives of the State Water Commission, to determine that each drain meets Commission criteria for participation.

Secretary Fahy suggested that Cass County Drain No. 47 not be considered at this time, due to the fact, that the Commission policy has been to participate up to 40 percent of the local share, and there seems to be an apparent error in computation of figures for state participation. He suggested that these figures be reviewed before the Commission authorize payment.

Governor Link initiated a discussion concerning an overall basin-wide program for drainage and flood control measures. Discussion was also held regarding a retention program.

It was moved by Commissioner Wilhelm that the State Water Commission authorize payment of Cass County Drains No. 9, 14, 21, 25 and 26 in an amount not to exceed 40 percent of local costs for qualified construction items, subject to an inspection by the Commission staff members to determine that each of these drains meet State Water Commission criteria and standards. This authorization of payment is subject to the availability of funds. The motion was seconded by Commissioner Lanz. On the call of the question, all members voted aye. The motion carried.

Secretary Fahy recalled that the State Water Commission took action in 1970 to not participate financially in Cass County Drain No. 47 until a drop structure had been installed. Also, this drain did suffer a substantial amount of damage due to an original poor design and failure to carry out State Water Commission recommendations. The State Engineer recommended that action be deferred on Cass County Drain No. 47 until his staff can further investigate this particular drain.

It was moved by Commissioner Kramer that action be deferred on Cass County Drain No. 47 until such time when the staff has had an opportunity to make a complete study and investigation of the project, and can submit such recommendations to the Commission for their consideration. The motion was

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seconded by Commissioner Just. All members voted aye and the motion was declared as passed.

Secretary Fahy recommended that the Commission act favorably in participation up to 40 percent of qualified construction items for construction of Cass County Drains No. 58 and 59 in the Leonard area.

It was moved by Commissioner Just, seconded by Commissioner Lanz, and carried, that the Commission participate up to 40 percent of qualified construction items in the construction of Cass County Drains No. 58 and 59, subject to the availability of funds.

Secretary Fahy presented requests for the Commission's consideration for Cass County Drains No. 24, 24C and 52.

Mr. Breitling indicated that 24C is an extension of Drain No. 24. These drains were not anticipated for completion as yet, but due to cooperative weather in the fall of 1976, Drains 24 and 24C were completed.

The contract for Drain No. 52 was let in December, 1976, and 40 percent of the work has been completed. This channel is approximately six miles long and is designed to have two or three drop structures installed.

Plans and specifications for Drains 24, 24C and 52 were filed in the State Water Commission offices prior to commencing construction, but due to the tremendous workload, staff members did not have ample time to review and evaluate the projects. Secretary Fahy said that the State Engineer does not accept any liability or responsibility for any project that proceeds in advance of State Water Commission approval or disapproval of that project. The policy has been in the past that the staff analyzes a project request and determines recommendations. That specific project is then presented before the Commission for their consideration. In any project proceeding in advance of Commission action, the responsibility lies with those people who are responsible for the project and not with the agency.

Secretary Fahy indicated that he is not prepared to make any recommendations relative to Cass County Drains No. 24, 24C and 52, principally because of the discussion that surfaced relative to a policy of whether or not new drainage projects should be encouraged by the State Water Commission.

Following discussion relative to drainage and flood control planning, it was moved by Commissioner Wilhelm that action be deferred on requests for State participation in Cass County Drains No.

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24, 24C and 52 until the State Water Commission has had an opportunity to define drainage rules and regulations which would assist in making a final determination on a project. The motion was seconded by Commissioner Lanz.

In discussion of the motion, Secretary Fahy expressed concern of the difficulty in carrying out the thrust of the motion, which as he understood it, would require the water management districts that are involved within a watershed to prepare a plan to submit to the State Water Commission with sufficient information regarding this watershed, so that the Commission may act accordingly in making a final determination on a request.

Mr. Breitling explained that when Drain No. 52 was contemplated, which is located in the upper reaches of Rush River, landowners along the Rush River area, people within the assessment area, and the Rush River Water Management District were notified of the proposal. Public meetings were held because of the potential of affecting flood conditions in the area. The Rush River Water Management District did give their blessings to the project.

Mr. Breitling stated that the same procedure was conducted for Drains 24 and 24C. He inquired of the Commission what additional steps should be taken in order to carry out the intent of the motion.

Governor Link replied that the essential issue being expressed is what effects will the project add and compound to the problems at its final discharge source after the jurisdiction and responsibilities no longer lie within the water management district.

Secretary Fahy also replied that a complete and detailed analysis of the upstream and downstream effects of a project should be provided the Commission before a final determination is considered.

Commissioner Gallagher expressed his feelings that the action being discussed should be prospective, and not retroactive. Plans for the three drains being discussed were filed with the State Water Commission in the fall of 1976, and the staff did not have ample time to make an evaluation and present a recommendation to the Commission. Therefore, he felt that Cass County Drains No. 24, 24C and 52 should be considered for participation at this time, and then a plan, such as is being discussed, be adopted for future projects.

At this time, Commissioner Wilhelm withdrew her motion, and Commissioner Lanz likewise withdrew his second to the motion.

It was moved by Commissioner Gallagher that, subject to the availability of funds, the Commission approve cost participation

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for Cass County Drains No. 24, 24C and 52, not to exceed 40 percent of qualified construction costs. The motion was seconded by Commissioner Just. On the call of the question, all members voted aye; the motion carried.

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

It was moved by Commissioner Kramer that the staff be directed to develop and present to the Commission at its next meeting, guidelines and policies relating to impacts of State Water Commission participation in drainage programs. The motion was seconded by Commissioner Gallagher.

In discussion, Secretary Fahy replied that the motion, as stated, is of such magnitude that it would be next to impossible to present definitive recommendations at the Commission's next meeting. Basically, drainage is the responsibility of local government, said Secretary Fahy, and the recommendations will have to be developed around ways in which the State Water Commission can require the local government to amalgamate or combine in order to arrive at a basin-wide study. The State Engineer then suggested that the staff prepare a discussion paper for the next meeting in which attempts will be made to set forth the ramifications of establishing a watershed-type management program.

Commissioner Kramer amended his original motion to direct the State Water Commission staff to prepare a discussion paper to present to the Commission at its next meeting concerning the development of a policy for drainage. The amended motion was seconded by Commissioner Gallagher. All members voted aye; the motion carried.

DISCUSSION OF PROPOSED ANTELOPE
CREEK AND WILD RICE RIVER SNAGGING
AND CLEARING PROJECT
(SWC Project Nos. 986 and 988)

Duane Breitling, representing the Richland County Water Management District, outlined the background of the proposed snagging and clearing project for Antelope Creek and the Wild Rice River.

Mr. Breitling stated that in 1954, the initial steps were undertaken on the proposal. He indicated that a great deal of concern has been expressed that there was an inadequate study made in the basin area of the problems involved.

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The Commission previously approved and authorized funding for a project to snag and clear the Wild Rice River from its mouth to the Richland County border which had been submitted by the Southeast Cass Water Management District. The work has not been done and there are questions being raised by citizens in the area as to the need for this project on that portion of the river.

After some initial efforts in 1954, there was a formal request submitted to the State Water Commission to consider a substantial project on the Wild Rice River and Antelope Creek portions. The State Water Commission, in conjunction with the Corps of Engineers, conducted a comprehensive study of the area. The Corps determined that a project of this magnitude would not be justifiable on a benefit/cost ratio.

As a follow-up, the 1967 Legislature adopted a resolution encouraging the State Water Commission to review the project. The project was approved by the Commission in 1970 for approximately 20 miles of the Antelope Creek. That project was never undertaken or completed because local funding was not available.

Property owners along the Antelope Creek channel have been constantly requesting the Richland County Water Management District to do some snagging and clearing along Antelope Creek to alleviate some of the problems they are experiencing.

In late fall of 1976, the Richland County Water Management District procured the services of an engineering firm and asked them to prepare plans and specifications for proposed clearing and grubbing of Antelope Creek. Shortly before bids were to be opened on the project, the Board received petitions from approximately 80 people indicating that they did not want to see the Antelope Creek project done until the Wild Rice River was cleaned out in some fashion. The Board conferred with the engineer it had retained and had him develop plans and specifications for the purpose of adding that portion to the project. Bids were opened on both segments of the proposal, of which detailed information has been forwarded to the State Water Commission.

Shortly after bids had been awarded, people who had petitioned the Board requesting them not to go ahead with the Antelope Creek portion until the Wild Rice River had been taken care of, instituted a restraining order type action and an appeal of the decision of the Board, requesting that a review and study be done, and not to sign the contracts until this study had been completed.

It is the Board's position that after 15-20 years of review and study in a very detailed and extensive manner, this request has been fulfilled.

Because of the specifications contained in the bid proposal, the contractors are no longer obligated to sign contracts with the Board in accordance with the bids they submitted. Because of this

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restraining order, the contracts have not been signed. The contractors have indicated that they would not sign the contracts with the present completion date, which is May, 1977, but that they would sign contracts for the same amount of bid proposal for completion of May, 1978.

The following citizens were in attendance to speak in favor of the project: Andy Woodbury, Barney; Gary Woodbury, Barney; Don Moffit, Barney; Roland Woodbury, Barney; Darrel Boyer, Barney; Daryl Johnson, Mooreton; Ed Erbes, Barney; Eugene Erbes, Barney; Ray Anderson, Colfax; and George Erbes, Barney.

It was noted that the Attorney representing the opposition to the project had been notified of this meeting. There were no opponents in attendance.

The Richland County Water Management District has submitted a request to the State Water Commission for approval of the project and to authorize cost participation in the event that the District Court upholds the decision of the Richland County Water Management District. The total estimated cost of the project is \$138,000, and 40 percent of the qualified costs for state participation would amount to approximately \$50,000.

Secretary Fahy indicated that he has received petitions in opposition of the project, and numerous letters in support of the project.

After lengthy discussion, it was moved by Commissioner Gallagher that action be deferred at this time on the snagging and clearing project for Antelope Creek and the Wild Rice River in light of the pending law suit. The motion was seconded by Commissioner Wilhelm. On the call of the question, all members voted aye. The motion carried.

**CONSIDERATION OF SOUTHEAST
CASS WATER MANAGEMENT DISTRICT
REQUEST FOR STATE PARTICIPATION
IN CONSTRUCTION OF CHANNEL CHANGE
(SWC Project No. 720)**

Range 49 West, in Cass County. The total estimated cost of the project is \$26,000. He did indicate that the State Water Commission had previously established a precedent that a developers' problem has not been eligible for state participation. The State Engineer recommended that this request be denied on that basis.

Secretary Fahy stated that a request has been received from the Southeast Cass Water Management District for financial participation in constructing the channel change in the Sheyenne River in Section 7, Township 138 North,

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It was moved by Commissioner Kramer and seconded by Commissioner Gallagher that the State Water Commission deny this request on the above-discussed basis. All members voted aye; the motion carried.

CONSIDERATION OF RESOLUTION
RECEIVED FROM CITY OF MINOT
REAFFIRMING ITS SUPPORT FOR
THE BURLINGTON DAM/SOURIS
RIVER FLOOD CONTROL PROJECT
(SWC Project No. 1408)

Secretary Fahy stated that a resolution has been filed by the City of Minot reaffirming its support of permanent flood protection for the City of Minot and for upstream and downstream interests.

It was moved by Commissioner Kramer, and seconded by Commissioner Gallagher that the State Water Commission file and acknowledge receipt of this resolution from the City of Minot. All members voted aye; the motion carried.

Some discussion centered around the proposed Burlington Dam/Souris River Flood Control project.

DISCUSSION OF CITY OF FARGO
GROUND-WATER STUDY
(SWC Project No. 752)

Secretary Fahy recalled some of the general discussion of past Commission meetings regarding a ground-water study for the City of Fargo. Normally in a ground-water study, the State Water Commission does the study and participates in the costs of that study. He indicated that at this time, he does not have the staff capability nor the time to help Fargo in locating a ground-water supply. Therefore, the City of Fargo is proposing to hire a consulting firm to do the study, and the City of Fargo has requested the State Water Commission for financial participation. The state participation would amount to approximately \$53,700, or 50 percent of the total cost.

In reviewing the project, and discussing it with his staff, the State Engineer recommended that the City of Fargo be informed that the State Water Commission would set the standards for the study if they are going to financially participate. He suggested that the Commission not approve cost participation at this time until the city has been informed of this condition.

After discussion, it was moved by Commissioner Just, and seconded by Commissioner Wilhelm, that cost participation by the State Water Commission in a ground-water study for the City of Fargo would be contingent upon the City's agreement to follow the guidelines for the study, which will be established by the Commission.

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PRESENTATION BY DON OHNSTAD,
STATE STUDY COORDINATOR, FOR
YELLOWSTONE LEVEL "B" STUDY
(SWC Project No. 1507)

Yellowstone Study.

Don Ohnstad, State Study Coordinator, for the Yellowstone Level "B" Study, distributed and discussed material relating to agricultural projections and supporting data for the North Dakota portion of the

Problems were discussed relative to obtaining the required information necessary in preparing final recommendations for the study.

DISCUSSION OF YELLOWSTONE
WATER RIGHTS
(SWC Project No. 1400)

Murray Sagsveen discussed current court status of water rights on the Yellowstone River.

Secretary Fahy discussed the State of North Dakota's position in relation to the allocation of water from the Yellowstone River, and again, stressed the importance of Commission members to attend the Governors' Conference in Omaha in May.

CONSIDERATION OF RESOLUTION
RECEIVED FROM RANSOM COUNTY
TO ISSUE MORATORIUM ON WATER
RIGHTS FOR IRRIGATION
(SWC Project No. 1400)

Secretary Fahy stated that his office has received a resolution from Ransom County requesting that the State Water Commission not issue any more water permits for irrigation purposes in Ransom County pending the completion of that county's

ground-water study.

He noted that considerable time has been spent discussing this situation with some of the county officials relative to the care that is being exercised in processing these applications for water permits. The State Engineer recommended that the State Water Commission not declare a moratorium on the issuance of water permits based on non-technical recommendations.

This item initiated discussion relative to water permits in general, including acreage limitation.

CONSIDERATION OF WATER
PERMIT REQUESTS
(SWC Project No. 1400)

Secretary Fahy presented APPENDIX "A" to the Commission for their consideration. This represents the water permit agenda, and Milton Lindvig was asked to discuss

these requests with the Commission members.

Murray Sagsveen indicated that if S.B. 2062 is adopted by the Conference Committee and passed, it will almost require the adoption of rules and regulations for water permits to be completed by July 1, 1977. As a matter of course, Mr. Sagsveen said that if it is the Commission's wishes, he will put in as an option in the rules and regulations, a provision regarding acreage limitation for the Commission's consideration.

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It was moved by Commissioner Gallagher, and seconded by Commissioner Wilhelm, that the Legal Counsel for the Commission, be directed to prepare an acreage limitation provision for the Commission's consideration. All members voted aye; the motion carried.

Discussion then continued on water permit No. 2511, William Huether (description of request on page 9 of water permit agenda).

Commissioner Just expressed interest concerning the request in that he would like to visit with some of the area residents regarding irrigation and potential irrigation from that particular aquifer before another portion is granted to Mr. Huether, and suggested that this particular request be deferred until the next meeting. He did suggest that perhaps the Commission should consider some of the backlog of applications who may be awaiting a first permit, before considering additional portions for an applicant that is being held in abeyance.

After considerable discussion, it was moved by Commissioner Just, and seconded by Commissioner Lanz, that the water permit agenda as recommended and presented by the State Engineer be approved, with the exception of water permit No. 2511 to be deferred at this time. These water permits shall be approved subject to the conditions indicated on each respective application. All members voted aye; the motion carried. (SEE APPENDIX "A")

It was moved by Commissioner Just, and seconded by Commissioner Lanz, that action be deferred at this time on water permit No. 2511, William Huether, subject to the previous discussion. All members voted aye; the motion carried.

The following applications were approved:
 No. 2413 - Andy A. Anderson, Lisbon (a request for a change in points of diversion);
 No. 2308 - Donald and Ruth Garnas, Page (a request for a change in points of diversion);
 No. 2668 - Howard L. Pare, Tolna; No. 2670 - City of Sanborn; No. 2672 - Paul Feder and George Grindberg, Fargo; No. 2667 - Donald Olstad, Galesburg; No. 2674 - Heino Vosgerau, Page; No. 2683 - William Starke, New Rockford;
 No. 2658 - Merle A. Thompson, Mandan; No.

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2678 - Terry Koenig, Page; No. 2679 - Charles and Edward Satrom, Page; No. 2680 - Darlene Satrom, Page; No. 2669 - City of Zeeland; No. 2650 - Charles P. Fitzgerald, Garrison; No. 2440 - Leo W. Schiermeister, Bismarck; No. 2521 - Wayne and Leon Witkowski, Stirum (this request was approved by State Engineer on March 2, 1977); No. 2541 - James Olson, Crete (this request was approved by State Engineer on March 2, 1977); No. 2597 - Joe Juran, Gwinner; No. 2506 - Robert E. Berg, Lisbon; No. 2689 - Larry Mannie, Tolna; No. 2450 - Arnold Widmer, Crete (this request was approved by State Engineer on March 4, 1977); No. 2600 - Paul Feder and George Grindberg, Fargo; No. 2346 - Andrew and Ione Bruns, Fargo (portion granted that has been held in abeyance) - this request was approved by State Engineer on March 9, 1977. No. 2646 - City of Rolla; No. 2620 - Arley Hammer, Englevale; No. 2645 - Lorraine O'Neil, Williston; No. 2335 - John Greenmyer, Stirum; No. 2558 - Robert Kenny, Hecla, S.D.; No. 2491 - All Seasons Water Users Association, Inc., Bottineau; No. 2305 - James Lochthowe, Norwich; No. 2651 - Robert Mountain and Neil Weatherly, Jamestown; No. 2192 - Alton Kemmet, Tappen; No. 2492 - All Seasons Water Users Association, Inc., Souris; No. 2427 - Russell and Ellen Sherman, Carrington; No. 2598 - Frances Kaal, Verona, Missouri; No. 2595 - Curtis Olson, Fort Ransom; No. 2219 - Ronald Wagner, Englevale (portion granted that has been held in abeyance); and No. 2493 - All Seasons Water Users Association, Inc., Westhope.

The following applications were deferred:
 No. 2580 - James Dick, Englevale; No. 2661 - Darrie Peterson, Warwick; No. 2655 - Allan C. Fugl, Verona; No. 2682 - Edward Shorma, Wahpeton; No. 2684 - Irvin Huseeth, McLeod; No. 2638 - Philip Brademeyer, Oakes; No. 2639 - Philip Brademeyer, Oakes; No. 2664 - Arley Hammer, Englevale; No. 2652 - David Schwab, Englevale; No. 2696 - Husky Industries, Inc., Dickinson; No. 1758 - Richard Neustel, Robinson (request for change in points of diversion); No. 2671 - City of Mayville;

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No. 2633 - City of Stanton; No. 2699 - James and Edna Edwards, Plaza; No. 1820 - Ronald Seefeldt, LaMoure (a request for a change in points of diversion); No. 2687 - Ronald Seefeldt, LaMoure; No. 2686 - Jerome Seefeldt, LaMoure; No. 2701 - Fargo Country Club, Fargo; No. 2583 - Otter Tail Power Company, Fergus Falls, Minn.; No. 2438 - Richard Dick, Englevale; No. 2695 - Louie N. Hendricks, Killdeer; and No. 2511 - William D. Huether, Lisbon (request to release a portion being held in abeyance).

**CONSIDERATION OF REQUEST BY
RAMSEY COUNTY WATER MANAGEMENT
DISTRICT FOR RELEASE OF FUNDS
FOR DRAINAGE PROJECT IN CONJUNCTION
WITH CITY OF DEVILS LAKE
(SWC Project No. 1653)**

Secretary Fahy recalled that approximately 1½ years ago, the State Water Commission approved financial participation in a solution to a drainage problem for the City of Devils Lake. The Ramsey County Water Management District has now requested the State Water Commission to

release funds prior to June 30, 1977. The State Engineer recommended that the Commission honor this request.

It was moved by Commissioner Just, and seconded by Commissioner Lanz, that the State Water Commission honor the request from the Ramsey County Water Management District to release funds previously authorized for drainage problem for the City of Devils Lake. All members voted aye, and the motion was declared as passed.

**REVIEW OF AGREEMENT FOR COST
PARTICIPATION BY STATE WATER
COMMISSION FOR THE CONSTRUCTION
OF CHANNEL 'A' IN RAMSEY COUNTY
(SWC Project No. 842)**

Mr. Sagsveen briefly reviewed the signed agreement for cost participation by the State Water Commission for the construction of Channel 'A' in Ramsey County. He noted that this particular agreement is the basis for future contractual agreements

on fund grants from the State Water Commission.

It was moved by Commissioner Just, and seconded by Commissioner Lanz, that the Commission approve the agreement for cost participation by the State Water Commission for the construction of Channel 'A' in Ramsey County. All members voted aye; the motion carried.

Mr. Sagsveen stated that with respect to the Ramsey County and Cavalier County's bonding requirements to raise additional

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money, they have requested the State Water Commission to adopt a resolution granting preliminary approval of the Channel "A" project.

It was moved by Commissioner Kramer, and seconded by Commissioner Lanz, that the State Water Commission adopt a resolution granting preliminary approval of the Channel "A" project. All members voted aye; the motion carried. (SEE APPENDIX "B" - RESOLUTION NO. 77-3-395, Granting Preliminary Approval of the Channel "A" Project)

REAFFIRMATION OF RESOLUTION
NO. 77-2-393, AGRICULTURAL
LEVEES, RED RIVER OF THE NORTH
(SWC Project No. 1638)

Secretary Fahy briefly explained the content of the resolution adopted by the Commission through a telephone poll on February 24, 1977. This resolution requests the Corps of Engineers to conduct

a feasibility study on the Red River of the North Main Stem Floodway, and also requests the Congressional Delegation from North Dakota and Minnesota to seek funding from the St. Paul Corps of Engineers to conduct necessary investigations. (SEE APPENDIX "C")

CONSIDERATION OF ADOPTING
RESOLUTION IN SUPPORT
OF PHASE I FOR PEMBILIER DAM
(SWC Project NO. 567)

Secretary Fahy stated that a request had been received from the Red River Planning Association to consider the adoption of a resolution urging the North Dakota Congressional Delegation to support the

appropriation of \$280,000 for Phase I studies on the Pembilier Dam Project by the Corps of Engineers and that the Corps of Engineers be requested to initiate these studies at the earliest possible date.

It was moved by Commissioner Just, and seconded by Commissioner Lanz, that the Commission adopt Resolution No. 77-3-394, In Support of Funds for Phase I Studies for the Pembilier Dam Project. All members voted aye; the motion carried. (SEE APPENDIX "D")

REQUEST FROM LOGAN COUNTY
FOR STATE WATER COMMISSION
FINANCIAL PARTICIPATION IN
COUNTY GROUND-WATER STUDY
(SWC Project No. 955)

Secretary Fahy stated that a request has been received from the Logan County Water Management District requesting the State Water Commission to conduct a ground-water study for that county. The total estimated cost of the study

is \$172,440, and the state share in the study would be \$44,610. It was recommended by the State Engineer that the Commission participate in this request.

It was moved by Commissioner Kramer, seconded by Commissioner Lanz, and carried, that the

March 24, 1977

Commission participate in a ground-water study for Logan County, and participate financially in an amount not to exceed \$44,610, subject to the availability of funds.

LEGISLATIVE STATUS REPORT

which would be of interest to the Commission members.

Murray Sagsveen distributed and briefly commented on some legislative items

STATE WATER COMMISSION MEETING

Dakota, on April 15, 1977. The hearing on the Burlington Dam will be held in the evening of April 15, thereby, allowing the Commission members an opportunity to attend the hearing.

It was the consensus of the Commission members that the next meeting of the Commission will be held in Minot, North

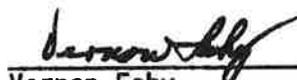
Commissioner Just suggested that the Commission plan to hold a meeting sometime this summer in possibly the Oakes-LaMoure area to view some of the irrigation development. It was the consensus of the Commission members that this would be of great interest and plans should be made for such a meeting.

It was moved by Commissioner Just, seconded by Commissioner Lanz, and carried, that the Commission adjourn this session at 6:00 p.m.



Arthur A. Link
Governor-Chairman

ATTEST:



Vernon Fahy
State Engineer and Secretary

March 24, 1977

WATER PERMIT AGENDA FOR MARCH 24, 1977 MEETING

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2580	Dick, James - Englevale (Ransom County)	Ground Water	Irrigation	1600.0 acre-feet 800.0 acres	Action deferred at this time.
2413	Anderson, Andy A. - Lisbon (Ransom County)	Ground Water	Irrigation	This is a request to amend the points of diversion.	It is recommended that this change in points of diversion be granted.
2661	Peterson, Darrie - Warwick (Benson County)	Ground Water	Irrigation	315.0 acre-feet 157.6 acres	It is recommended that this request be deferred at this time.
2655	Fugl, Allan C. - Verona (Ransom County)	Ground Water	Irrigation	480.0 acre-feet 240.0 acres	It is recommended that action be deferred at this time.
2308	Garnas, Donald & Ruth - Page (Cass County)	Ground Water	Irrigation	This is a request to amend the points of diversion.	It is recommended that this change in the points of diversion be granted to applicant.
2668	Pare, Howard L. - Tolna (Benson County)	Ground Water	Irrigation	480.0 acre-feet 302.0 acres	Recommend for approval: 193.5 acre-feet 193.0 acres (An additional 140.5 acre-feet shall be held in abeyance)
2670	Sanborn, City of - Sanborn (Barnes County)	Ground Water	Municipal	33.0 acre-feet	33.0 acre-feet

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
2672	Feder, Paul (owner) & Grindberg, Geo. (oper.)- Fargo (Cass County)	Ground Water	Irrigation	478.5 acre-feet 319.0 acres	Recommend for approval: 202.5 acre-feet 135.0 acres (Balance of request shall be held in abeyance pending further data acquisition.)
2667	Olstad, Donald - Galesburg (Cass County)	Ground Water	Irrigation	1425.0 acre-feet 952.8 acres	Recommend for approval: 202.5 acre-feet 135.0 acres from NE $\frac{1}{4}$ Sec 2, Twp 143, Rge 54 (Remainder of request shall be held in abeyance)
2674	Vosgerau, Heino - Page (Cass & Steele Cos.)	Ground Water	Irrigation	1425.0 acre-feet 952.8 acres	Recommend for approval: 202.5 acre-feet 135.0 acres (Remainder of request shall be held in abeyance)
2682	Shorma, Edward - Wahpeton (Sargent County)	Ground Water	Irrigation	480.0 acre-feet 318.6 acres	It is recommended that action be deferred at this time.
2683	Starke, William - New Rockford (Eddy County)	Ground Water	Irrigation	150.0 acre-feet 100.0 acres	150.0 acre-feet 100.0 acres
2684	Huseth, Irvin - McLeod (Richland County)	Ground Water	Irrigation	320.0 acre-feet 160.0 acres	It is recommended that action be deferred at this time.

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2638	Brademeyer, Phillip - Oakes (Dickey County)	James River	Irrigation	160.0 acre-feet 160.0 acres	It is recommended that action be deferred at this time.
2639	Brademeyer, Philip - Oakes (Dickey County)	Ground Water	Irrigation	234.0 acre-feet 156.0 acres	It is recommended that action be deferred at this time.
2658	Thompson, Merle A. - Mandan (Morton County)	Missouri River	Irrigation	44.0 acre-feet 22.0 acres	44.0 acre-feet 22.0 acres
2664	Hammer, Arley - Englevale (Ransom County)	Ground Water	Irrigation	940.0 acre-feet 629.08 acres	Defer action at this time pending further data acquisition.
2652	Schwab, David - Englevale (Ransom County)	Ground Water	Irrigation	720.0 acre-feet 360.0 acres	It is recommended that action be deferred at this time.
2678	Koenig, Terry - Page (Cass County)	Ground Water	Irrigation	960.0 acre-feet 640.0 acres	Recommend for approval: 202.5 acre-feet 135.0 acres from NW¼ Sec 8, Twp 143, Rge 54 (Remainder of request shall be held in abeyance)

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2679	Satrom, Charles and Edward - Page (Steele County)	Ground Water	Irrigation	980.0 acre-feet 654.0 acres	Recommend for approval: 202.5 acre-feet 135.0 acres from NE¼ or NW¼ or SW¼ of Sec 36, Twp 144, Rge 55 (Remainder of request shall be held in abeyance)
2680	Satrom, Darlene - Page (Cass County)	Ground Water	Irrigation	960.0 acre-feet 640.0 acres	Recommend for approval: 202.5 acre-feet 135.0 acres from SW¼ Sec 13, Twp 143, Rge 54 (Remainder of request shall be held in abeyance)
2696	Husky Industries, Inc.- Dickinson (Stark County)	Ground Water	Industrial	300.0 acre-feet	It is recommended that action be deferred at this time.
1758	Neustel, Richard - Robinson (Kidder County)	Ground Water	Irrigation	This is a request for change in point of diversion.	It is recommended that action be deferred at this time.
2671	Mayville, City of - Mayville (Traill County)	Goose River, trib. to Red River of the North	Municipal	280.0 acre-feet storage plus 2190.0 acre-feet annual use	It is recommended that action be deferred at this time.
2633	Stanton, City of - Stanton (Mercer County)	Ground Water	Municipal	800.0 acre-feet	It is recommended that action be deferred at this time.

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2669	Zeeland, City of - Zeeland (McIntosh County)	Ground Water	Municipal	80.0 acre-feet	70.0 acre-feet
2650	Fitzgerald, Charles P. - Garrison (Mercer County)	Ground Water	Irrigation	878.0 acre-feet 439.0 acres	700.0 acre-feet 420.0 acres
2440	Schiermeister, Leo W. - Livona Station Bismarck (Emmons County)	Oahe Reservoir	Irrigation	684.4 acre-feet 342.2 acres	684.4 acre-feet 342.2 acres
2699	Edwards, James and Edna - Plaza (Mountrail County)	Dugout and Slough, trib. to Shell Creek and Missouri River	Irrigation	192.2 acre-feet 96.1 acres	It is recommended that action be deferred at this time.
2521	Witkowski, Wayne and Leon - Stirum (Sargent County)	Ground Water	Irrigation	780.0 acre-feet 338.0 acres	420.0 acre-feet 280.0 acres (This request was approved by the State Engineer on March 2, 1977)
2541	Olson, James - Crete (Sargent County)	Ground Water	Irrigation	480.0 acre-feet 320.0 acres	Recommend for approval: 202.5 acre-feet 135.0 acres (Balance of request to be held in abeyance) (This request approved by State Engineer on 3/2/77) 57

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2597	Juran, Joe - Gwinner (Sargent County)	Ground Water	Irrigation	614.0 acre-feet 307.1 acres	420.0 acre-feet 280.0 acres
2506	Berg, Robert E. - Lisbon (Ransom County)	Ground Water	Irrigation	1120.0 acre-feet 560.0 acres	Recommend for approval: 202.5 acre-feet 135.0 acres (An additional 640.0 acre- feet shall be held in abeyance)
1820	Seefeldt, Ronald - LaMoure (LaMoure County)	Ground Water	Irrigation	(This is a request for a change in point of diversion)	It is recommended that action be deferred at this time.
2687	Seefeldt, Ronald - LaMoure (LaMoure County)	Ground Water	Irrigation	240.0 acre-feet 160.0 acres	It is recommended that action be deferred at this time.
2686	Seefeldt, Jerome - LaMoure (LaMoure County)	Ground Water	Irrigation	180.0 acre-feet 120.0 acres	It is recommended that action be deferred at this time.
2701	Fargo Country Club - Fargo (Cass County)	Ground Water	Irrigation	125.0 acre-feet 62.52 acres	Defer action at this time because of lack of time to completely review request.

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2583	Otter Tail Power Company - Fergus Falls, Minn. (Mercer County)	Ground Water	Industrial (Plant Construction Water)	24.0 acre-feet	It is recommended that action be deferred at this time.
2438	Dick, Richard - Engelvale (Ransom County)	Ground Water	Irrigation	800.0 acre-feet 400.0 acres	It is recommended that action be deferred at this time.
2695	Hendricks, Louie N. - Killdeer (Dunn County)	Little Knife River, trib. to Knife River	Irrigation- Waterspreading	120.0 acre-feet 60.0 acres	It is recommended that action be deferred at this time.
2689	Mannie, Larry - Tolna (Benson County)	Ground Water	Irrigation	715.0 acre-feet 477.0 acres	688.0 acre-feet 459.0 acres
2450	Widmer, Arnold - Crete (Sargent County)	Ground Water	Irrigation	640.0 acre-feet 159.5 acres	232.0 acre-feet 155.0 acres (This request was approved by State Engineer on March 4, 1977)
2646	Rolla, City of - Rolla (Rolette County)	Ground Water	Municipal	640.0 acre-feet	See recommendation on Page 8

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2600	Feder, Paul (owner) and Grindberg, George (oper.) - Fargo (Cass County)	Ground Water	Irrigation	307.37 acre-feet 307.37 acres	Recommend for approval: An additional 45.13 acre- feet in NW¼ of Section 6 (this is an additional amount to be applied to acre-feet granted under water permit #2552) (Balance of request shall be held in abeyance)
2346	Bruns, Andrew and Ione - Fargo (Sargent County)	Ground Water	Irrigation	A portion of this request was granted on Feb. 17, 1976 by the Commission and the remaining portion was held in abeyance pending further data. It is now recommended that the applicant be granted that portion held in abeyance allowing 188.0 acre-feet to irrigate 125.0 acres in the NE¼ of Section 26, Township 132, Range 58. (This request was granted by the State Engineer on March 9, 1977)	
2646	Rolla, City of - Rolla (Rolette County)	Ground Water	Municipal	640.0 acre-feet	Recommend approval to appro- water from E½ Sec 8, Twp 162, Rge 69 from 2 to 6 wells at a rate not to exceed 300 gallons per minute. No additional acre-feet is recommended because the old City of Rolla water permit #1185P has more than enough water allocated to the city.

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2620	Hammer, Arley - Englevale (Ransom County)	Ground Water	Irrigation	480.0 acre-feet 320.0 acres	Recommend for approval: 135.0 acre-feet 135.0 acres from SE $\frac{1}{4}$ Sec 3, Twp 133, Rge 57 (Remainder of request shall be held in abeyance pending further data acquisition)
2645	O'Neil, Lorraine - Williston (Williams County)	Ground Water	Irrigation	25.0 acre-feet 40.0 acres	25.0 acre-feet 15.0 acres
2511	Huether, William D. - Lisbon (LaMoure County)	Ground Water	Irrigation	(THIS REQUEST WAS DEFERRED ON MARCH 24, 1977)	The Commission granted a portion of this request on Sept. 28, 1976 and the remainder of the request has been held in abeyance. Based on available data, it is recommended that an additional 225.0 acre-feet of water to irrigate 150.0 acres from the NE $\frac{1}{4}$ of Section 36, Township 134, Range 60 be released at this time. It is also recommended that 450.0 acre-feet of water to irrigate 300.0 acres from the NE $\frac{1}{4}$ and SE $\frac{1}{4}$ of Section 32, Township 133, Range 60 be released. (Remainder of request shall be held in abeyance)
2335	Greenmyer, John - Stirum (Sargent County)	Ground Water	Irrigation	278.6 acre-feet 139.3 acres	180.0 acre-feet 120.0 acres
2558	Kenny, Robert - Hecla, S.D. (Dickey County)	Ground Water	Irrigation	320.0 acre-feet 320.0 acres	Recommend for approval: 202.5 acre-feet 135.0 acres from W $\frac{1}{2}$, Section 12, Twp 129, Rge 59 (Balance of request shall be held in abeyance)

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2491	All Seasons Water Users Association, Inc. - Bottineau (Bottineau County)	Ground Water	Municipal (Rural Domestic)	27.0 acre-feet	27.0 acre-feet
2305	Lochthowe, James - Norwich (Ward County)	Ground Water	Irrigation	215.1 acre-feet 143.4 acres	Recommend for approval: 83.0 acre-feet 55.0 acres (An additional 130.0 acre-feet shall be held in abeyance pending the acquisition of additional hydrologic data.)
2651	Mountain, Robert and Weatherly, Neil - Jamestown (Stutsman County)	Ground Water	Irrigation	260.0 acre-feet 169.0 acres	202.5 acre-feet 135.0 acres
2192	Kemmet, Alton - Tappen (Kidder County)	Ground Water	Irrigation	458.0 acre-feet 305.0 acres	360.0 acre-feet 240.0 acres
2492	All Seasons Water Users Association, Inc. - Souris (Bottineau County)	Ground Water	Municipal (Rural Domestic)	17.0 acre-feet	17.0 acre-feet

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2427	Sherman, Russell and Ellen - Carrington (Foster County)	Ground Water	Irrigation	435.0 acre-feet 294.5 acres	350.0 acre-feet 294.0 acres
2598	Kaal, Ms. Frances - Verona, Missouri (Foster County)	Ground Water	Irrigation	658.5 acre-feet 441.7 acres	566.5 acre-feet 440.0 acres
2595	Olson, Curtis - Fort Ransom (Ransom County)	Ground Water	Irrigation	766.0 acre-feet 383.1 acres	285.0 acre-feet 190.0 acres
2219	Wagner, Ronald - Englevale (Ransom County)	Ground Water	Irrigation	<p>A portion of this request was approved by the Commission on June 30, 1975, and an additional 650.0 acre-feet was held in abeyance. It is now recommended that the applicant be granted an additional 135.0 acre-feet of water to irrigate 90.0 acres from the SW$\frac{1}{4}$ of Section 36, Township 133, Range 58.</p> <p>(An additional 68.0 acre-feet in Section 36, Township 133, Range 58 shall be held in abeyance. That amount remaining held in abeyance shall continue to be held in abeyance per action of June 30, 1975)</p>	
2493	All Seasons Water Users Association, Inc. - Westhope (Bottineau County)	Souris River	Municipal - (Rural Domestic)	60.0 acre-feet	60.0 acre-feet

APPENDIX "B"

RESOLUTION 77-4-395

Granting Preliminary Approval of the Channel "A" Project

WHEREAS, a proposal has been presented by the Board of Commissioners of the Ramsey County Water Management District and the Cavalier County Water Management District to the North Dakota State Water Commission for the construction of Channel "A" which is a channel to divert flood waters from Dry Lake in Ramsey County to Six Mile Bay of Devils Lake; and

WHEREAS, the staff of the Commission has reviewed the proposal and has determined the project to be feasible.

NOW, THEREFORE, BE IT RESOLVED, that the State Water Commission gives preliminary approval for the Channel "A" Project to the Boards of Commissioners.

BE IT FURTHER RESOLVED, that the State Engineer is directed to forward a copy of this resolution to the Boards of Commissioners along with his recommendations and suggestions concerning the priority, efficiency, and feasibility of the proposal.

BE IT FURTHER RESOLVED, that the Boards of Commissioners shall submit final plans for the construction of the project to the Commission at the earliest opportunity to obtain final approval of the plans and specifications of the Project.

BE IT FURTHER RESOLVED, that the North Dakota State Water Commission this 24th day of March, 1977, does hereby authorize and direct the

Secretary of this Commission to transmit a copy of this resolution to the Boards of Commissioners as identified herein.

FOR THE NORTH DAKOTA STATE WATER COMMISSION:


Arthur A. Link
Arthur A. Link
Governor-Chairman

ATTEST:

Vernon Fahy
Vernon Fahy
Secretary

Resolution No. 77-2-393

Agricultural Levees
Red River of the North

WHEREAS, during the Summer and Fall of 1975 landowners and tenants along a 53 mile reach of the Red River (river miles 235.4 through 288.4) constructed approximately 26 linear miles of earthen agricultural levees to provide self-help protection against flood water damages on about 48,500 acres of agricultural land; and

WHEREAS, the agricultural levees were constructed without the necessary permits required under Section 61-16-15 of the North Dakota Century Code and Section 105.42 of Minnesota Statutes; and

WHEREAS, the State of North Dakota, acting through the State Water Commission, and the State of Minnesota, acting through the Department of Natural Resources, have entered into a joint and cooperative agreement for the establishment of criteria for authorization and regulating the construction of agricultural levees along the Red and Bois de Sioux Rivers in the interest of protecting upstream, downstream and adjacent areas from severe adverse effects; and

WHEREAS, during the Spring and Summer of 1976 the North Dakota State Soil Conservation Service of the Department of Agriculture, the St. Paul District of the Army Corps of Engineers, the Minnesota Department of Natural Resources and the North Dakota State Water Commission participated jointly in a preliminary scope engineering study on the hydrologic effects of planned or existing agricultural levees along the Red River from 8 miles north of Grand Forks, North Dakota downstream to Minnesota Highway 317; and

WHEREAS, the results of the preliminary scope engineering study will permit the two States to develop only "interim criteria" for regulating the construction of agricultural levees along their common boundary waters until a full scale

investigation has been completed to determine the potential national and international adverse and beneficial effects of creating a floodway on the full reach of the United States portion of the Red River from the Canadian Border upstream to Wahpeton-Breckenridge.

NOW, THEREFORE, BE IT RESOLVED that the North Dakota State Water Commission urges the United States Congressional Delegations from Minnesota and North Dakota to request the St. Paul District Army Corps of Engineers to establish their capabilities to conduct a feasibility study on a Red River of the North Main Stem Floodway under their general Red River of the North Basin authority and that upon verification of capability, the United States Congressional Delegations from Minnesota and North Dakota seek funding to the full capacity of the St. Paul District Corps of Engineers to conduct the necessary investigations beginning in Fiscal Year 1978; and

BE IT FURTHER RESOLVED, that the North Dakota State Water Commission this ~~24th~~ day of February 1977, does hereby authorize and direct the Secretary of this Commission to transmit a copy of this resolution to the United States Congressional Delegations as identified herein.

FOR THE NORTH DAKOTA STATE WATER COMMISSION:

Arthur A. Link

Arthur A. Link
Governor-Chairman



SEAL

ATTEST:

Vernon Fahy

Vernon Fahy
Secretary

RESOLUTION 77-3-394

In Support of Funds for Phase I Studies

WHEREAS, the Pembilier Dam has been designed by the United States Corps of Engineers to reduce damages resulting from the frequent flooding of 40,000 acres of rich agricultural lands and several urban areas by the Pembina River which originates in Canada; and

WHEREAS, Canadian Federal and Provincial officials have agreed upon the benefits to Canada accruing from construction of the Pembilier Dam; and

WHEREAS, the Project is supported by a broad range of individuals and organizations in this state; and

WHEREAS, no opposition was expressed during the public hearings held by the Corps of Engineers in Pembina County; and

WHEREAS, this Project is essential to the solution of the controversial "border dike" problem which has caused international tensions and which is the subject of an agreement between the two countries contingent upon the construction of the Pembilier Dam; and

WHEREAS, the Rivers and Harbors Review Board, Corps of Engineers has recommended favorably upon project features; and

WHEREAS, the St. Paul District Corps of Engineers has indicated a Fiscal Year 1978 capability of \$280,000 for Phase I initiation of the General Design memorandum for the project.

NOW, THEREFORE, BE IT RESOLVED, that the State Water Commission urge the North Dakota Congressional Delegation to support the appropriation of \$280,000 for Phase I studies on the Pembilier Dam Project by the Corps of Engineers and that the Corps of Engineers be requested to initiate these studies at the earliest possible date.

BE IT FURTHER RESOLVED, that the North Dakota State Water Commission this 24th day of March 1977, does hereby authorize and direct the Secretary of this Commission to transmit a copy of this resolution to the United States Congressional Delegation as identified herein.

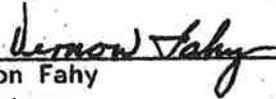
FOR THE NORTH DAKOTA STATE WATER COMMISSION:



Arthur A. Link
Governor-Chairman

SEAL

ATTEST:



Vernon Fahy
Secretary