

MINUTES

North Dakota State Water Commission
Meeting Held In
Community Building
LaMoure, North Dakota

August 16, 1977

The North Dakota State Water Commission held a meeting on August 16, 1977, in the Community Building, LaMoure, North Dakota. Vice-Chairman, Richard Gallagher, called the meeting to order at 9:20 a.m., and requested Secretary Vernon Fahy to present the agenda.

MEMBERS PRESENT:

Richard Gallagher, Vice Chairman, Mandan
Alvin Kramer, Member from Minot
Gordon Gray, Member from Valley City
Arlene Wilhelm, Member from Dickinson
Arthur Lanz, Member from Devils Lake
Myron Just, Commissioner, Department of Agriculture, Bismarck
Vernon Fahy, Secretary and State Engineer, North Dakota
State Water Commission, Bismarck

MEMBERS ABSENT:

Arthur A. Link, Governor-Chairman

OTHERS PRESENT:

State Water Commission Staff Members
Representatives of James Valley Irrigation District
Citizens interested in irrigation acreage limitation discussions
Homer Engelhorn, Manager, Garrison Diversion Conservancy District, Carrington
Bill Bosse, Chairman, Garrison Diversion Conservancy District, Cogswell
Roy Holand, Director, Garrison Diversion Conservancy District, LaMoure
Leslie Nesvig, Meeting Coordinator, LaMoure
Other interested observers

Attendance Register of approximately 100 persons is on file in the State Water Commission office for the meeting held August 16, 1977 (filed with official copy of minutes).

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

CONSIDERATION OF MINUTES
OF JULY 8, 1977 MEETING -
APPROVED

Secretary Fahy presented the July 8, 1977 Commission meeting minutes as circulated prior to this meeting.

It was moved by Commissioner Kramer, seconded by Commissioner Gray, and carried, that the July 8, 1977 minutes be approved as presented and distributed.

REQUEST FOR FINANCIAL
PARTICIPATION IN CONSTRUCTION
OF INDIAN CREEK DAM -
HETTINGER COUNTY
(SWC Project No. 1556)

Secretary Fahy presented a request for financial participation in construction of Indian Creek Dam in Hettinger County. The proposed dam for recreation will be located near Regent. The request is for \$90,000 and with other participants,

the proposed shares are as follows:

State Game and Fish Department (land)	\$280,000 or 35.9%
Hettinger County Water Management District	90,000 or 11.55%
State Outdoor Recreation Agency	70,000 or 9.0%
Bureau of Outdoor Recreation Agency	250,000 or 32.0%
State Water Commission	90,000 or 11.55%
	<u>\$780,000</u>

Secretary Fahy noted that the dam was previously authorized by the Commission in September, 1973, but land acquisition problems encountered by the State Game and Fish Department held up the project.

It was moved by Commissioner Just and seconded by Commissioner Kramer that the Commission participate in the amount of \$90,000, contingent upon funds available. All members voted aye on the motion; the motion carried.

ROCKY RUN CREEK WATERSHED -
EDDY, FOSTER AND WELLS COUNTIES
(SWC Project No. 1633)

Secretary Fahy presented a request from the Wells County Water Management District for financial participation to study the upper portion of the watershed, located

in Wells County. The study would determine watershed improvements needed in Wells County, which would contribute to completion of an overall flood control project for the entire watershed in three counties.

It was moved by Commissioner Kramer, seconded by Commissioner Lanz, and carried, that the Commission participate financially in the amount of \$5,000, contingent upon the availability of funds.

August 16, 1977

CONTINUED DISCUSSION OF THE
NEED AND FEASIBILITY OF LIMITATIONS
ON THE ISSUANCE OF WATER PERMITS
FOR IRRIGATION PURPOSES
(SWC Project No. 1400)

Secretary Fahy opened a continued discussion on irrigation acreage limitation and noted that at previous meeting discussions two options were under consideration. Option A was a direct limitation of irrigation acreage for any one individual and Option B was a combination initial acreage limitation with a time limit after which additional acreage could be granted. He further pointed out that a previous meeting's proceedings were transcribed, but only new information presented today would be transcribed. Testimony was presented as follows:

Alex Johnson, LaMoure - testified in favor of limitations. Mr. Johnson cited present water shortage in other states' irrigation areas and water supply needed for future use. After questioning, he proposed 320 acres of irrigation per family or farm unit.

Don Brandenburg, Edgeley - testified against limitations. Mr. Brandenburg noted the precautions now taken, the efficient use made of water and the present Commission evaluation of aquifers.

Bernard Vculek, Crete - testified against limitations. Mr. Vculek stated that he was testifying as a member of the James Valley Irrigation Association for Marvin Werner, President. His Association represents 50 farms, farming 65,000 acres of land of which approximately 16,000 acres are irrigated. He noted the present practice of maximum use without misuse of the aquifers, citing the Commission's monitoring program.

Arlene Hanson, LaMoure County Commissioner, Litchville - testified for limitations. Mr. Hanson stated his concerns were centered around orderly development through limitation and assured future water supplies. He spoke of further studies in soil compatibility before water is used. He referred to the State Farmers Union resolution concerning limitations. Upon questioning, he stated that speculation in land had taken place.

David Locken, Oakes - testified against limitations. His testimony not in favor of limitations was based upon the present appropriations process now being used by the Commission and the well-managed program in granting permits. He referred to the threat of speculation and stated that many do not know of irrigation potential until after land is purchased. He suggested surveys of irrigation farmers and financial supporters to learn the facts about irrigation operations and to publicize the results of county ground-water surveys to educate the people. He also suggested that more time be allowed to develop a permit. Under questions, he suggested 10 years to develop a project.

Mary Hanson, Ludden - testified against limitations. Mrs. Hanson's testimony was about a wife and mother as related to her husband's dryland farm operation moving to an irrigated farm. She cited the improved quality of their farmlife in raising three sons, plus providing employment and homes for two families hired to help them.

August 16, 1977

Rockford Johnson, Oakes - testified against limitations. Mr. Johnson stated his needs for expansion to provide potatoes to large grocery firms, and the need to rotate potato acreage.

Thomas Heimbuch, Oakes - testified against limitations. Mr. Heimbuch disputed the speculation theory because of costs in developing irrigation. He cited the costs encountered in price of dry land, clearing, leveling and irrigation development. He further stated that it would take five years to become a proficient irrigator.

Allen Hansen, Ludden - testified against limitations. Mr. Hansen suggested a "go-slow" process of granting permits as an alternative to limitations. He stated that he would favor Option B, if limitations are decided upon.

James Dick, Englevale - testified in favor of limitations. Mr. Dick testified that water use must be considered separately for each community or area, but that water should be held for future use. He suggested a limited number of years use and then evaluation of a permit.

Milo W. Hoisveen, Bismarck, representing the James Valley Irrigation Association - testified against limitations. Mr. Hoisveen cited the practice of limiting acres on federal projects where many operators were able to acquire additional acres by various methods. He suggested the use of a non-speculation clause with water permits and a possible ground-water users policy committee whose membership would include irrigators.

Dale Hvistendal, Oakes - testified against limitations. Mr. Hvistendal questioned the Commission's authority to limit an irrigator as to acreage. He cited his need, as a melon producer, to have increased acreage to meet marketing demands and for crop rotation.

Ernest Scheibe, LaMoure - testified in favor of limitations. Mr. Schiebe testified that limiting acreage would lead to smaller farm units which would be better for the community. He cited the present surplus of farm products as a need to limit irrigation.

Lunch recess and the meeting reconvened at 1:30 p.m. with Commission Kramer presiding.

HEARING ON RULES AND
REGULATIONS GOVERNING
DRAINAGE IN NORTH DAKOTA

Secretary Fahy introduced Mike Dwyer to conduct a hearing on revised rules and regulations concerning drainage.

Mr. Dwyer stated the revised rules and regulations were a result of legislative action changing the requirement for a permit when a watershed of 80 acres instead of the previous 40 acres are involved in the drainage of water from a pond, slough or lake, or any series thereof. He reviewed, with the use of hand-out materials, the sections of rules and regulations affected.

August 16, 1977

Russ Dushinske, representing the North Dakota Water Users Association and the North Dakota Water Management Districts Association, testified in favor of the proposal.

Local persons had questions which were referred to the LaMoure County Water Management District.

It was moved by Commissioner Gray and seconded by Commissioner Lanz that the Rules and Regulations proposed be adopted. The motion carried.

CONSIDERATION OF RESOLUTIONS
FROM ND WATER USERS ASSOCIATION
AND ND WATER MANAGEMENT DISTRICTS
ASSOCIATION CONCERNING WATER PERMITS
(SWC Project No. 1400)

are in opposition to strict limitations and offer several alternatives. (SEE APPENDICES "A" AND "B")

Secretary Fahy called upon Russ Dushinske to present two resolutions regarding irrigation acreage limitations adopted by the North Dakota Water Users Association and the North Dakota Water Management Districts Association. The resolutions

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

by the City of Devils Lake, whose representatives did not attend the meeting, water permit request No. 2661 was recommended to be deleted from final action.

Secretary Fahy presented APPENDIX "C", which represents the water permit agenda, along with his recommendations as State Engineer. Because of a request for delay

It was moved by Commissioner Lanz, seconded by Commissioner Gray, and carried, that action be deferred on water permit request No. 2661, Darrie Peterson, Warwick, ND.

Milton Lindvig noted that final recommendations on request No. 2890 for a rural water system in Bottineau County was not made prior to the meeting. Because of international concerns, he felt that action should be deferred.

It was moved by Commissioner Gray, seconded by Commissioner Lanz, and carried, that the following water permit requests be approved, subject to the conditions indicated on each individual permit:

No. 2848 - Dakota Adventist Academy, Jamestown;
No. 2794 - Fred Roedeske, Cartwright; No.
2886 - City of Kindred; No. 2822 - City of
New Salem; No. 1758 - Richard Neustel,
Robinson (this was a request for a change
in points of diversion); No. 2575 - Dakota

August 16, 1977

Adventist Academy, Jamestown; No. 2703 - City of Marmarth; No. 2733 - Philip J. Kurtz, Bismarck; No. 2749 - H. F. Burton, Pleasant Lake; No. 2756 - Laverne Boe, Turtle Lake; No. 2764 - Sinner Bros. & Bresnahan, Casselton; No. 2671 - City of Mayville; No. 2751 - Phil Brademeyer, Oakes; No. 1952 - Alfred Foell, Moffit (this was a request for a change in points of diversion); No. 2701 - Fargo Country Club, Fargo; and No. 2762 - Ray Lindvig, Williston.

It was also moved by Commissioner Gray, seconded by Commissioner Lanz, and carried, that the following requests be deferred at this time:

No. 2849 - Harold M. Sellon, Turtle Lake; No. 2850 - James Cleveland, New Rockford; No. 2851 - Fred W. Appert, Hazelton; No. 2853 - John Irvine, Bismarck; No. 2855 - Duane Reistad, Leonard; No. 2856 - Ronald Grenier, Rolette; No. 2850 - David Locken, Oakes; No. 2863 - Floyd and Edith Slaubaugh, Wolford; No. 2864 - William H. Russell, Stanton; No. 2865 - Edgar H. Hoesel, New Salem; No. 2866 - Gerald and James Kraft, Turtle Lake; No. 2867 - Merv Wike, Grassy Butte; No. 2868 - Leonard Davenport, Baldwin; No. 2870 - Margaret S. Wold, Watford City; No. 2871 - Vaughn Zacharias, Kathryn; No. 2872 - Vaughn Zacharias, Kathryn; No. 2873 - James Nilson, Sheyenne; No. 2875 - Cyrus Tripp, Pettibone; No. 2827 - Lowell Duval, Lisbon; No. 2784 - Harold Klabunde, Emmet; No. 2796 - Edgewood Rentals, Inc., Fargo; No. 2810 - City of Bowman; No. 2779 - Severt Odegard, Milnor; No. 2775 - John E. Mewes, Hope; No. 2819 - M. H. Schrader, Adrian; No. 2878 - Anderson Earthmoving, Inc., Minot; No. 2877 - Hazen Park Board, Hazen; No. 2879 - Robert Dunnigan, Walhalla; No. 2880 - Delvin Reich, Zap; No. 2839 - Lloyd Shockman, Berlin; No. 2830 - Dale Bachman, Englevale; No. 2815 - Julius Ferch, LaMoure; No. 2767 - Walter Haberman, LaMoure; No. 2838 - Forman Park Board Golf Association, Forman; No. 2230 - Ronald G. Rotenberger, Milnor (this is a request for a change in points of diversion); No. 2837 - Jerry N. Anderson, Enderlin; No. 2861 - Morris Gerbig, Amidon; No. 2219 - Ronald Wagner, Englevale (this is a request for a change in points of diversion); No. 2888 - Kenneth Scott,

August 16, 1977

Spiritwood; No. 2766 - Carter N. Powell, Leonard; No. 2267 - Douglas R. Smith, Sheyenne; No. 2881 - Patterson Land Co., Bismarck; No. 2814 - Robert A. Deschamp, Valley City; No. 880A - Patricia Clairmont, Bismarck (this is a request for a change in points of diversion); No. 2741 - Patricia Clairmont, Bismarck (this is a request for a change in points of diversion); No. 2306 - Leslie Nesvig, LaMoure (this is a request for a change in points of diversion); No. 2817 - John Ross Wright, Deering; No. 2890 - All Seasons Water Users Association, Inc., Bottineau; and No. 2661 - Darrie Peterson, Warwick. (SEE APPENDIX "C")

RESOLUTION REGARDING IMPACT
STATEMENT FROM THE LOSS OR
MODIFICATION OF GARRISON
DIVERSION
(SWC Project No. 237)

Secretary Fahy presented a resolution adopted by the North Dakota Water Users Association regarding a "negative" impact statement to show economic loss to the State from the loss or modification of Garrison Diversion.

Homer Engelhorn and Bill Bosse, representing the Garrison Diversion Conservancy District, testified that their Board approved the resolution and would form a committee to work on the impact study. It was stated that the word "negative" could be deleted. They noted the impact study results would be helpful for future use at Congressional and other hearings. (SEE APPENDIX "D")

RESOLUTION REGARDING RECREATION,
FISH AND WILDLIFE OPPORTUNITIES
FROM GARRISON DIVERSION
(SWC Project No. 237)

Secretary Fahy presented a resolution adopted by the North Dakota Water Users Association regarding re-establishing beneficial recreation and fish and wildlife programs listed in the original

Garrison Diversion Unit plan developed by the National Park Service and U.S. Fish and Wildlife Service. The recommendation was for a task force of state resource agencies acting under the direction of the Natural Resources Council. (SEE APPENDIX "E")

CONSIDERATION OF NEXT
STATE WATER COMMISSION
MEETING

Secretary Fahy read an invitation to hold the next Commission meeting in Walhalla, indicating the exact dates could not be set pending open dates available to Governor-Chairman Link.

It was moved by Commissioner Just, seconded by Commissioner Gray, and carried, that the Commission accept an invitation for the next meeting to be held in Walhalla.

August 16, 1977

It was noted that the annual meetings of the North Dakota Water Users Association and the North Dakota Water Management Districts Association will be held December 5, 6 and 7, 1977 in Grand Forks. Secretary Fahy noted that Governor Link has accepted an invitation to appear on the program and that he usually calls a Commission meeting during these annual meetings.

REVIEW OF AND RESOLUTION
REGARDING WATER RESOURCES
COUNCIL WATER RESOURCE
POLICY STUDY

Murray Sagsveen reviewed Commission staff work and actions regarding the Water Resources Council policy study for National Water Resources Policy. He updated the Commission on options formulated in Washington and

commented on time limits allowed for response. He reported on possible actions to be taken by other states and by the Attorneys General of the western states. Also noted was the extension until October 1, 1977 for responses to the options presented in the policy study papers.

It was moved by Commissioner Lanz, seconded by Commissioner Gray, and carried, that the Commission adopt Resolution No. 77-8-400 - Resolution Concerning the Water Resources Council Water Resource Policy Study.
(SEE APPENDIX "F")

Acting Chairman Kramer commended Mr. Sagsveen for his efforts to keep the Commission advised regarding the study.

OTHER BUSINESS

Hand-out materials were circulated with subsequent brief discussions regarding the following: news articles from the

Billings Gazette; Indian-State Water Resources Management; Bureau of Reclamation policy relative to water marketing for water use along open reaches of Missouri River in North Dakota; and Yellowstone Level "B" Study Report (comments on conclusions of report).

APPRECIATION EXPRESSED

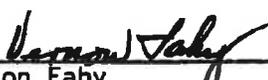
Acting Chairman Kramer expressed the Commission's appreciation to the local

sponsors for hosting the Commission meeting and related irrigation tour and public meeting.

There being no further business to come before the Commission at this time, the meeting was adjourned at 3:30 p.m.


Arthur A. Link
Governor-Chairman

ATTEST:


Vernon Fahy
State Engineer and Secretary

August 16, 1977

STATE WATER COMMISSION

AUGUST 16, 1977

LA MOURE, N. DAK.
COMMUNITY BUILDING

NAME	ADDRESS
Marie Scheibe	La Moure
Milo Hovsveen	Bismarck
Mallie Hovsveen	"
Marlene Tulek	Crete, N.D.
Ernest Scheibe	La Moure
Bernard Tulek	Crete N.D.
Steve Hootzer	Bismarck N.D. (SWC)
Mike Dwyer	" " "
DAVID A Sprynczynatyk	" " "
Don Brandenburg	Edgeley, N.D.
Marin Brandenburg	" " "
Marlene Brandenburg	" "
Kurt Brandenburg	" "
Don Swiontek	Berlin, N.D.
Albit Frauenberg	La Moure - N.D.
Irene Frauenberg	" "
Pete Szykerman	La Moure, N.D.
Alex Johnson	La Moure N.D.
Bernard Wright	La Moure N.D.
Palmer Anderson	Sitchville N.D.
Ted Sandness	La moure N.D.
Charles Roth	Verona in Dak.
Cliff Haro	La moure N.Dak.
James Watterson	Verona N.Dak

Herbert O Johnson
L. A. Jackson
Carl W Olson
John W. Olson
Albert R Smith
William Boase
Lynn Johnson
Kenneth R Peterson
Dennis J. Liska
Jim Toy -
Karin Canell
Edmund Engelson
Henry Kettingling
Ralph Johnson
Robert L. Wilson
Saylor Brandt
Joy Schmidt
Bruce Salzsieder
Miley Brandenburg
Mel Jegeroi
Floyd Standall
LEO. L. ANDERSON
Chuck Rufe
Laune Stoffes
Julius Fuch
Kenneth Klever
David Locken

La Moure N. Dak
La Moure N. Dak
Edgeley N. Dak
Edgeley - N. Dak.
La Moure N. Dak
Cognell N. Dak
Marion, N. D.
Berlin, N. D.
Edgeley, N. D.
Edgeley N. Dak.
THE FORUM
FARGO
GOOD Carrington
La Moure N. Dak
Park River, N. D.
La Moure N. D.
Oakes, N. D.
La Moure ND
~~La Moure~~ Edgeley ND
Edgeley, North Dakota
Jamestown, ND
Wickey N. Dak.
Box 1676 FARGO N. DAK
BISMARCK N. DAKOTA
La Moure N. Dak.
La Moure N. D.
Oakes N. D.

Howard Schneider
Ed Schneider
Arlan Rao
Donald Seefelt
Jerome Seefelds
James E. Jick
Dary Keller
Royce Dell
Wm. Schubert
L. R. Schneider
Glen J. Scheide
Lynn Peterson
Gene Peterson
Dennis Wendel
Jim Gotts
Les Gust
Emil Bodewadt
Loren Larson
Richard Anderson
Arthur Zimmerman Jr
George H. Johnson
Mrs. George H. Johnson
LeRoy Good
Leslie Pearson
Joel Melville

Edgeley, N.D.
Edgeley " "
Monticello N.D.
La Moure, N.D.
La Moure
Englevale, N.D.
Libon N.D.
Verona N.D.
Englevale N.D.
Verona N.D.
La Moure, N.D.
La Moure, N.E.
So. Moure N.D.
La Moure N.D.
La Moure N.D.
Coopwell N.D.
S.A. Moure in Hook
Litchville N.D.
Litchville N.D.
Merion, N.D.
La Moure N.D.
La Moure
La Moure N.D.
" "
All Coal Basin - Bismarck

Wayne P. Anderson
 Kelly C. Cooper
 John A. Koster
 Roland T. Maguire
 F. Vincent Nelson
 Dwight Rutt
 George W. Easley
 Larry R. Hanson
 Tom Heimbruch
 Eugene Best
 Malcolm Helgeson
 Alvin Madsen
 Hermann Frey
 Bob Rief
 Van E. Anderson
 Harry Cline
 Ralph Ahlberg
 Roy A. Holland
 Russ Bushnick N.D.
 Murray G. Sagreen

Straubville, N.D.
 Brompton N.D.
 Jamestown, N.D.
 Verous ND
 LaMare
 Tappan ND
 LaMoure ND
 Oakes N.D.
 Straubville, N.D.
 Jamestown N.D.
 Jamestown, N.D.
 Jamestown ND
 Jamestown, N.D.
 Jamestown, N.D.
 Jamestown N.D.
 Oakes, N.D.
 KXJB-TV Fargo
 LaMoure
 ND State Water Comm

RESOLUTION

APPENDIX "A"

Irrigation Water Permits

- WHEREAS, increasing demands for water to irrigate agricultural lands has given additional emphasis to the need for proper management of North Dakota's water resources; and
- WHEREAS, a lack of organized irrigation districts using surface waters as a source of supply has placed the major burden on groundwater supplies; and
- WHEREAS, the State Water Commission has used foresight in sponsoring and directing a comprehensive study of the extent and quality of aquifers that now has covered most of North Dakota, and has used good judgement in dispensing water rights as prescribed by state law; and
- WHEREAS, the demands for water have raised fears that current controls are not adequate to prevent over-use or "mining" of this precious resource and that some type of limits should be placed on acreage which a single landowner could irrigate;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the North Dakota Water Users Association, in session this 13th day of July, 1977, at Valley City, North Dakota, that the State Water Commission is hereby commended for following a wise course in management of North Dakota's water laws; and

BE IT FURTHER RESOLVED, that the Board of Directors of the North Dakota Water Users Association does express the following beliefs and recommendations to the State Water Commission and ask their full consideration:

- 1) - We support the time-honored right of a landowner to develop and use resources lying below the surface of his property for personal benefit and the good of the state.
- 2) - We endorse the precept of state law that water "be under the control of the people," that water rights remain with the land and "that property in water should be impossible for people to possess" or sell for uses not intended under permits issued by the state.
- 3) - We believe that ground and surface water resources should be beneficially utilized to the ultimate limit within the capacity of the supply to renew itself.
- 4) - We oppose the theory of limiting by acreage the amount of land a single property-holder can irrigate as contrary to the historic right of land ownership and the spirit of free enterprise.
- 5) - Fully recognizing the need for firm control by the state to retain water supplies for future generations, we recommend that the State Water Commission aggressively pursue detailed investigation of all available water resources through such techniques as hydrological modelling and well spacing to determine limits of productivity and ultimate use.
- 6) - We recognize the necessity of expanding the capabilities of the Water Commission's Division of Hydrology and offer our full cooperation in seeking additional funding and authorization from future Legislatures.

RESOLUTION

APPENDIX "B"

Irrigation Water Permits

WHEREAS, increasing demands for water to irrigate agricultural lands has given additional emphasis to the need for proper management of North Dakota's water resources; and

WHEREAS, a lack of organized irrigation districts using surface waters as a source of supply has placed the major burden on groundwater supplies; and

WHEREAS, the State Water Commission has used foresight in sponsoring and directing a comprehensive study of the extent and quality of aquifers that now has covered most of North Dakota, and has used good judgement in dispensing water rights as prescribed by state law; and

WHEREAS, the demands for water have raised fears that current controls are not adequate to prevent over-use or "mining" of this precious resource and that some type of limits should be placed on acreage which a single landowner could irrigate;

NOW, THEREFORE, BE IT RESOLVED, by the North Dakota Water Management Districts Association, in session this 15th day of July, 1977, at Carrington, North Dakota, that the State Water Commission is hereby commended for following a wise course in management of North Dakota's water laws; and

BE IT FURTHER RESOLVED, that the North Dakota Water Management Districts Association does express the following beliefs and recommendations to the State Water Commission and ask their full consideration:

- 1) - We support the time-honored right of a landowner to develop and use resources lying below the surface of his property for personal benefit and the good of the state.
- 2) - We endorse the precept of state law that water "be under the control of the people," that water rights remain with the land and "that property in water should be impossible for people to possess" or sell for uses not intended under permits issued by the state.
- 3) - We believe that ground and surface water resources should be beneficially utilized to the ultimate limit within the capacity of the supply to renew itself.
- 4) - We oppose the theory of limiting by acreage the amount of land a single property-holder can irrigate as contrary to the historic right of land ownership and the spirit of free enterprise.
- 5) - Fully recognizing the need for firm control by the state to retain water supplies for future generations, we recommend that the State Water Commission aggressively pursue detailed investigation of all available water resources through such techniques as hydrological modelling and well spacing to determine limits of productivity and ultimate use.
- 6) - We recognize the necessity of expanding the capabilities of the Water Commission's Division of Hydrology and offer our full cooperation in seeking additional funding and authorization from future Legislatures.
- 7) - We request the State Water Commission to explore the possibility of organizing irrigation districts within borders determined by aquifers, giving such districts board of governors the responsibility of allocating water within regulations established by the Water Commission.

WATER PERMIT AGENDA FOR AUGUST 16, 1977 MEETING

* INDICATES PRIOR PERMIT STATUS

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2848	Dakota Adventist Academy - Jamestown (Burleigh County) Priority: 10-20-77 Hearing: 7-11-77	Unnamed Draw, trib. to Missouri River * NO PRIOR PERMITS	Recreation & Irrigation	96.0 acre-feet storage plus 35.7 acre-feet annual use 20.0 acres	96.0 acre-feet storage plus 35.7 acre-feet annual use 20.0 acres
2849	Sellon, Harold M. - Turtle Lake (McLean County) Priority: 6-21-77 Hearing: 7-11-77	Ground Water or Dugout * NO PRIOR PERMITS	Irrigation	405.0 acre-feet 269.9 acres	Recommend that this request be deferred at this time pending the lack of time to completely review the request.
2850	Cleveland, James - New Rockford (Eddy County) Priority: 6-21-77 Hearing: 7-11-77	Ground Water * NO PRIOR PERMITS	Irrigation	237.0 acre-feet 158.0 acres	Recommend that this request be deferred at this time pending the lack of time to completely review the request.
2851	Appert, Fred W. - Hazelton (Burleigh County) Priority: 4- 6-77 Hearing: 7-11-77	Ground Water and/or Dugout * NO PRIOR PERMITS	Irrigation	600.0 acre-feet 389.0 acres	Recommend that this request be deferred at this time pending the lack of time to completely review the request.

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2853	Irvine, John - Bismarck (Burleigh County)	Oahe Reservoir	Irrigation	80.0 acre-feet 40.0 acres	Recommend that this request be deferred at this time pending the lack of time to completely review the request.
	Priority: 5- 2-77 Hearing: 7-11-77	* NO PRIOR PERMITS			
2855	Reistad, Duane - Leonard (Richland County)	Ground Water	Irrigation	260.0 acre-feet 160.0 acres	Recommend that this request be deferred at this time pending the lack of time to completely review the request.
	Priority: 5- 4-77 Hearing: 7-11-77	* NO PRIOR PERMITS			
2856	Grenier, Ronald - Rolette (Rolette County)	Ground Water; or Ground Water and Slough, non- contributing to Souris River Basin	Irrigation	936.0 acre-feet Ground Water; 468.0 acre-feet G.W. and 468.0 acre-feet Surface 624.0 acres	Recommend that this request be deferred at this time pending the lack of time to completely review the request.
	Priority: 5-10-77 Hearing: 7-11-77	* NO PRIOR PERMITS			
2859	Locken, David - Oakes (Dickey County)	Ground Water	Irrigation	225.0 acre-feet 160.0 acres	Recommend that this request be deferred at this time pending the lack of time to completely review the request.
	Priority: 5-11-77 Hearing: 7-11-77	* NO PRIOR-PERMITS			

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
2863	Slaubaugh, Floyd and Edith - Wolford (Pierce County) Priority: 5-17-77 Hearing: 7-11-77	Ground Water	Irrigation	160.0 acre-feet 160.0 acres	Recommend that this request be deferred at this time pending the lack of time to completely review the request. * #2469 (Priority Date - 4-20-76) Granted 217.8 acres
2794	Roedeske, Fred - Cartwright (McKenzie County) Priority: 3-22-77 Hearing: 7-11-77	Horse Creek, trib. to Yellowstone River	Irrigation	189.0 acre-feet 76.6 acres	166.0 acre-feet 76.6 acres * NO PRIOR PERMITS
2864	Russell, William H. - Stanton (Mercer County) Priority: 5-18-77 Hearing: 7-11-77	Missouri and Knife Rivers	Irrigation	1279.6 acre-feet (1039.6 Missouri River) (240.0 Knife River) 639.8 acres	Recommend that this request be deferred at this time pending the lack of time to completely review the request.
2865	Hoesel, Edgar H. - New Salem (Morton County) Priority: 5-23-77 Hearing: 7-18-77	Unnamed Tributary, trib. to Beaver Creek and Heart River	Irrigation- Waterspreading	27.5 acre-feet 27.5 acres	Recommend that this request be deferred at this time pending the lack of time to completely review the request. * NO PRIOR PERMITS

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2866	Kraft, Gerald and James - Turtle Lake (McLean County) Priority: 5-24-77 Hearing: 7-18-77	Ground Water * NO PRIOR PERMITS	Irrigation	80.4 acre-feet 53.6 acres	Recommend that this request be deferred at this time pending the lack of time to completely review the request.
2867	Wike, Merv - Grassy Butte (McKenzie County) Priority: 5-24-77 Hearing: 7-18-77	Little Missouri River, trib. to Missouri River * NO PRIOR PERMITS	Irrigation	208.0 acre-feet 104.0 acres	Recommend that this request be deferred at this time pending the lack of time to completely review the request.
2868	Davenport, Leonard Jr. - Baldwin (Burleigh County) Priority: 5-25-77 Hearing: 7-18-77	Missouri River * NO PRIOR PERMITS	Irrigation	834.0 acre-feet 417.0 acres	Recommend that this request be deferred at this time pending the lack of time to completely review the request.
2870	Wold, Margaret S. - Watford City (McKenzie County) Priority: 5-25-77 Hearing: 7-18-77	Unnamed Creek, trib. to Tobacco Garden and Missouri River * NO PRIOR PERMITS	Irrigation- Waterspreading	120.0 acre-feet 81.6 acres	Recommend that this request be deferred at this time pending the lack of time to completely review the request.

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
2871	Zacharias, Vaughn - Kathryn (Barnes County)	Ground Water	Irrigation	225.0 acre-feet 149.7 acres	Recommend that this request be deferred at this time pending the lack of time to completely review the request.
	Priority: 5- 6-77 Hearing: 7-18-77	* #2169 (Priority Date - 2-19-76) Granted 260.0 acres			
2872	Zacharias, Vaughn - Kathryn (Barnes County)	Ground Water	Irrigation	231.0 acre-feet 154.0 acres	Recommend that this request be deferred at this time pending the lack of time to completely review the request.
	Priority: 5- 6-77 Hearing: 7-18-77	* #2169 (Priority Date - 2-19-76) Granted 260.0 acres			
2873	Nilson, James - Sheyenne (Benson County)	Ground Water	Irrigation	600.0 acre-feet 173.7 acres	Recommend that this request be deferred at this time pending the lack of time to completely review the request.
	Priority: 6- 1-77 Hearing: 7-18-77	* NO PRIOR PERMITS			
2875	Tripp, Cyrus - Pettibone (Stutsman County)	Ground Water	Irrigation	320.0 acre-feet 156.0 acres	Recommend that this request be deferred at this time pending the lack of time to completely review the request.
	Priority: 6- 3-77 Hearing: 7-18-77	* NO PRIOR PERMITS			

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2827	Duval, Lowell - Lisbon (Ransom County) Priority: 4-18-77 Hearing: 7-18-77	Ground Water	Irrigation	320.0 acre-feet 160.0 acres	Recommend that this request be deferred at this time pending the lack of time to completely review the request.
		* NO PRIOR PERMITS			
2784	Klabunde, Harold - Emmet (McLean County) Priority: 3-15-77 Hearing: 7-18-77	Ground Water	Irrigation	312.0 acre-feet 156.0 acres	Recommend that this request be deferred at this time pending the lack of time to completely review the request.
		* #1747 (Priority Date - 12-16-70) Granted 302.5 acres #2102 (Priority Date - 12- 5-74) Granted 298.7 acres			
2796	Edgewood Rentals, Inc. - Fargo (Cass County) Priority: 3-23-77 Hearing: 7-19-77	Ground Water	Municipal- (Rural Domestic)	35.0 acre-feet	Recommend that this request be deferred at this time pending the lack of time to completely review the request.
		* NO PRIOR PERMITS			
2810	Bowman, City of - Bowman (Bowman County) Priority: 4-11-77 Hearing: 7-19-77	Ground Water	Municipal	250.0 acre-feet	Recommend that this request be deferred at this time pending the lack of time to completely review the request.
		* #725 (Priority Date - 6- 6-57) Granted 730.0 acre-feet #914 (Priority Date - 6-27-61) Granted 1968.4 acre-feet			

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2779	Odegard, Severt - Milnor (Ransom County) Priority: 3-14-77 Hearing: 7-19-77	Ground Water * NO PRIOR PERMITS	Irrigation	640.0 acre-feet 320.0 acres	Recommend that this request be deferred at this time pending the lack of time to completely review the request.
2775	Mewes, John E. - Hope (Steele County) Priority: 3-14-77 Hearing: 7-19-77	Ground Water * NO PRIOR PERMITS	Irrigation	480.0 acre-feet 320.0 acres	Recommend that this request be deferred at this time pending the lack of time to completely review the request.
2819	Schrader, M. H. - Adrian (LaMoure County) Priority: 4-15-77 Hearing: 7-19-77	Ground Water and James River * NO PRIOR PERMITS	Irrigation	277.0 acre-feet 184.6 acres	Recommend that this request be deferred at this time pending the lack of time to completely review the request.
2878	Anderson Earthmoving, Inc. - Minot (McLean County) Priority: 6-10-77 Hearing: 7-19-77 (Temporary Permit)	Lake Audubon * NO PRIOR PERMITS	Industrial (Dust control and compaction on US Highway 83)	8.0 acre-feet	Recommend that this request be deferred at this time pending the lack of time to completely review the request.

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2877	Hazen Park Board - Hazen (Mercer County) Priority: 6- 8-77 Hearing: 7-19-77	Ground Water * NO PRIOR PERMITS	Irrigation	130.0 acre-feet 65.0 acres	Recommend that this request be deferred at this time pending the lack of time to completely review the request.
2879	Dunnigan, Robert - Walhalla (McHenry County) Priority: 3-31-77 Hearing: 7-19-77	Ground Water * NO PRIOR PERMITS	Irrigation	608.0 acre-feet 635.4 acres	Recommend that this request be deferred at this time pending the lack of time to completely review the request.
2880	Reich, Delvin - Zap (Mercer County) Priority: 6-14-77 Hearing: 7-19-77	Knife River, trib. to Missouri River * NO PRIOR PERMITS	Irrigation	179.0 acre-feet 119.3 acres	Recommend that this request be deferred at this time pending the lack of time to completely review the request.
2886	Kindred, City of - Kindred (Cass County) Priority: 6-20-77 Hearing: 7-19-77	Ground Water * NO PRIOR PERMITS	Municipal	150.0 acre-feet	120.0 acre-feet

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2839	Shockman, Lloyd - Berlin (LaMoure County) Priority: 4-28-77 Hearing: 7-25-77	Ground Water * NO PRIOR PERMITS	Irrigation	320.0 acre-feet 160.0 acres	Recommend that this request be deferred at this time pending the lack of time to completely review the request.
2830	Bachman, Dale - Englevale (Ransom County) Priority: 4-19-77 Hearing: 7-25-77	Ground Water * NO PRIOR PERMITS	Irrigation	960.0 acre-feet 480.0 acres	Recommend that this request be deferred at this time pending the lack of time to completely review the request.
2815	Ferch, Julius - LaMoure (LaMoure County) Priority: 4-13-77 Hearing: 7-25-77	Ground Water * NO PRIOR PERMITS	Irrigation	240.0 acre-feet 160.0 acres	Recommend that this request be deferred at this time pending the lack of time to completely review the request.
2767	Haberman, Walter - LaMoure (LaMoure County) Priority: 3- 1-77 Hearing: 7-25-77	Twin Lakes and Ground Water * NO PRIOR PERMITS	Irrigation	843.8 acre-feet (596.4 Ground Water) (247.4 Twin Lakes) 421.9 acres	Recommend that this request be deferred at this time pending the lack of time to completely review the request.

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2838	Forman Park Board Golf Association - Forman (Sargent County)	Ground Water	Irrigation	126.0 acre-feet 63.0 acres	Recommend that this request be deferred at this time pending the lack of time to completely review the request.
	Priority: 4-27-77 Hearing: 7-25-77	* NO PRIOR PERMITS			
2230	Rotenberger, Ronald G. - Milnor (Ransom County)	Ground Water	Irrigation	This is a request for a change in points of diversion; an increase in gallons per minute from 1620 to 1800; and for an additional 50.0 acres	Recommend that this request be deferred at this time pending the lack of time to completely review the request.
2837	Anderson, Jerry N. - Enderlin (Cass County)	Ground Water	Irrigation	470.0 acre-feet 235.0 acres	Recommend that this request be deferred at this time pending the lack of time to completely review the request.
	Priority: 4-27-77 Hearing: 7-25-77	* NO PRIOR PERMITS			
2861	Gerbig, Morris - Amidon (Billings County)	Little Missouri River, trib. to Missouri River	Irrigation - Waterspreading	370.0 acre-feet 370.0 acres	Recommend that this request be deferred at this time pending the lack of time to completely review the request.
	Priority: 5-13-77 Hearing: 7-25-77	* #1245 (Priority Date - 10-9-64) Granted 44.0 acres			

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2219	Wagner, Ronald - Englevale (Ransom County)	Ground Water	Irrigation	This is a request for a change in a point of diversion.	Recommend that this request be deferred at this time pending the lack of time to completely review the request.
2888	Scott, Kenneth - Spiritwood (Stutsman County) Priority: 6-28-77 Hearing: 7-25-77	Ground Water * NO PRIOR PERMITS	Irrigation	480.0 acre-feet 308.6 acres	Recommend that this request be deferred at this time pending the lack of time to completely review the request.
2766	Powell, Carter N. - Leonard (Richland County) Priority: 2- 7-77 Hearing: 8- 1-77	Iron Springs, the Sheyenne River, and a Dugout, trib. to Red River of the North * NO PRIOR PERMITS	Irrigation	175.0 acre-feet (52.8 Iron Springs, 31.7 Sheyenne River, 90.5 Dugout) 116.0 acres	Recommend that this request be deferred at this time pending the lack of time to completely review the request.
2267	Smith, Douglas R. - Sheyenne (Eddy County) Priority: 3-24-77 Hearing: 8- 1-77	Ground Water * NO PRIOR PERMITS	Irrigation	632.0 acre-feet 316.0 acres	Recommend that this request be deferred at this time pending the lack of time to completely review the request.
2881	Patterson Land Co. - Bismarck (Kidder County) Priority: 6-15-77 Hearing: 8- 1-77	Ground Water or Dugout * #799 (Priority Date - 5-22-59) Granted 221.24 acres	Irrigation	320.0 acre-feet 148.4 acres	Recommend that this request be deferred at this time pending the lack of time to completely review the request.

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
2814	Deschamp, Robert A. - Valley City (Barnes County)	Sheyenne River, trib. to Red River of the North	Irrigation	60.0 acre-feet 30.0 acres	Recommend that this request be deferred at this time pending the lack of time to completely review the request.
	Priority: 7- 8-77 Hearing: 8- 1-77	* #1506 (Priority Date - 10-21-67) Granted 15.0 acres			
880A	Clairmont, Patricia - Bismarck (Burleigh County)	Missouri River	Irrigation	This is a request for an additional point of diversion.	Recommend that this request be deferred at this time pending the lack of time to completely review the request.
2741	Clairmont, Patricia - Bismarck (Burleigh County)	Missouri River	Irrigation	This is a request for an additional point of diversion.	Recommend that this request be deferred at this time pending the lack of time to completely review the request.
2822	New Salem, City of - New Salem (Morton County)	Ground Water	Municipal	200.0 acre-feet	200.0 acre-feet
	Priority: 2-17-77 Hearing: 6-27-77 Deferred: 7- 8-77	* NO PRIOR PERMITS			
2306	Nesvig, Leslie - LaMoure (LaMoure County)	Ground Water	Irrigation	This is a request for an amendment to conditional water permit	Recommend that this request be deferred at this time pending the lack of time to completely review the request.

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2817	Wright, John Ross - Deering (McHenry County) Priority: 4-13-77 Hearing: 8- 1-77	Ground Water * NO PRIOR PERMITS	Irrigation	496.0 acre-feet 248.3 acres	Recommend to defer action at this time pending lack of time to completely review request.
1758	Neustel, Richard - Robinson (Kidder County)	Ground Water	Irrigation	This is a request for a change in the points of diversion.	It is recommended that this amendment to permit be granted.
2575	Dakota Adventist Academy - Jamestown (Burleigh County) Priority: 8-19-76 Hearing: 6-20-77 Deferred: 7- 8-77	Ground Water * NO PRIOR PERMITS	Municipal (School)	44.8 acre-feet	44.8 acre-feet
2703	Marmarth, City of - Marmarth (Slope County) Priority: 4- 4-77 Hearing: 5-23-77 Deferred: 5-27-77	Ground Water * NO PRIOR PERMITS	Municipal	42.0 acre-feet	42.0 acre-feet

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2733	Kurtz, Philip J. - Bismarck (Burleigh County)	Ground Water	Municipal- (Rural Domestic)	176.0 acre-feet	84.0 acre-feet
	Priority: 2-24-77 Hearing: 5-23-77 Deferred: 5-27-77	* NO PRIOR PERMITS			
2749	Burton, H. F. - Pleasant Lake (Pierce County)	Ground Water	Irrigation	38.0 acre-feet 38.0 acres	38.0 acre-feet 38.0 acres
	Priority: 3- 1-77 Hearing: 5- 2-77 Deferred: 5-27-77	* NO PRIOR PERMITS			
2756	Boe, Laverne - Turtle Lake (McLean County)	Ground Water	Irrigation	150.0 acre-feet 100.0 acres	150.0 acre-feet 100.0 acres
	Priority: 3- 8-77 Hearing: 5- 9-77 Deferred: 5-27-77	* #1224 (Priority Date - 6-16-64) Granted 23.0 acre-feet storage plus 10.0 acre-feet annual use for recreation purposes			
2764	Sinner Bros. & Bresnahan - Casselton (Cass County)	Ground Water	Industrial (Feedlot)	20.0 acre-feet	20.0 acre-feet
	Priority: 7-12-77 Hearing: 5-24-77 Deferred: 5-27-77	* NO PRIOR PERMITS			

NO.	NAME AND ADDRESS	PURPOSE	SOURCE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
2890	All Seasons Water Users Association, Inc. - Bottineau (Bottineau County)	Municipal (Rural Domestic)	Ground Water	65.0 acre-feet	Action was deferred by the State Water Commission on August 16, 1977.
	Priority: 7- 7-77 Hearing: 8-15-77	* #2491 (Priority Date - 6-10-76) Granted 27.0 acre-feet #2492 (Priority Date - 6-10-76) Granted 17.0 acre-feet #2493 (Priority Date - 6-10-76) Granted 60.0 acre-feet			
2661	Peterson, Darrle - Warwick (Benson County)	Irrigation	Ground Water	315.0 acre-feet 157.6 acres	202.5 acre-feet 135.0 acres (This permit was granted approval by the State Water Commission on April 15, 1977, but the State Engineer suggested that more study and investigations be made on the request, therefore, the permit was not forwarded to the applicant. Additional information has now been obtained and it is recommended that the State Water Commission reaffirm its approval action of April 15, 1977.)
	Priority: 12-20-76 Hearing: 2-14-77 Deferred: 3-24-77	* NO PRIOR PERMITS			
	(THIS REQUEST WAS DEFERRED BY THE STATE WATER COMMISSION ON AUGUST 16, 1977)				
2671	Mayville, City of - Mayville (Traill County)	Municipal	Goose River, trib. to Red River of the North	337.0 acre-feet storage plus 2190.0 acre-feet annual use for evaporation	337.0 acre-feet storage plus 80.0 acre-feet annual use for evaporation
	Priority: 12-28-76 Hearing: 2-28-77 Deferred: 3-24-77	* #713 (Priority Date - 4-10-57) Granted 2190.0 acre-feet			

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2751	Brademeyer, Phil - Oakes (Dickey County)	Ground Water	Irrigation	240.0 acre-feet 160.0 acres	225.0 acre-feet 150.0 acres
	Priority: 3- 2-77 Hearing: 5- 2-77 Deferred: 5-27-77	* NO PRIOR PERMITS			
1952	Foell, Alfred - Moffit (Emmons County)	Ground Water	Irrigation	This is a request for a change in the points of diversion.	It is recommended that this change be approved.
	Hearing on Amendment: 5-23-77 Deferred: 5-27-77				
2701	Fargo Country Club - Fargo (Cass County)	Ground Water	Irrigation	125.0 acre-feet 62.52 acres	Recommend for approval: 43.0 acre-feet 62.52 acres (Balance of request to be held in abeyance)
	Priority: 1- 7-77 Hearing: 3-21-77 Deferred: 3-24-77	* #796 (Priority Date - 5- 5-59) Granted 100.9 acres			
2762	Lindvig, Ray - Williston (Williams County)	Ground Water	Irrigation	145.0 acre-feet 87.4 acres	145.0 acre-feet 87.4 acres
	Priority: 3-14-77 Hearing: 5-28-77 Deferred: 5-27-77	* 16C (Priority Date - 4-20-35) Granted 50.0 acres 1062 (Priority Date - 2- 1-63) Granted 74.0 acres			

APPENDIX "D"

RESOLUTION

Negative Impact Statement

- WHEREAS, current proposals by President Carter, given cursory review and endorsement by his field review team, would decimate the Garrison Diversion Unit to less than 25 per cent of its authorized size; and
- WHEREAS, an out-of-court settlement in the Federal Court lawsuit brought by the National Audubon Society against the Department of Interior through Secretary Cecil Andrus has virtually the same objective; and
- WHEREAS, we believe the administration has not taken into account the vast repercussions such project modification would have on the State of North Dakota and the Nation, including denial of contracted water to serve over 190,000 acres of irrigation, 30 municipalities with a population exceeding 250,000, restoration of lakes, stabilized stream flows for rural water systems and other domestic uses, for fish and wildlife and for recreational projects; and
- WHEREAS, the State of North Dakota, its citizens, the Garrison Diversion Conservancy District and the taxpayers of the United States already have made tremendous investments of money, time and effort in the Garrison Diversion program; and
- WHEREAS, slow-downs or halting of construction interrupts the timetable and, through normal inflation greatly increases the costs; and
- WHEREAS, each delay in construction postpones the day when the State and Nation will reap the benefits of their investments; and
- WHEREAS, many studies have been completed by researchers and planners, particularly at N. D. State University and the University of North Dakota, in cooperation with the Water Resources Institute, and in state agencies which cover projected benefits from both economic and environmental viewpoints; and
- WHEREAS, a complete compilation of the negative impacts of slow-downs, reductions in project size and alterations that limit its potential should be available to counteract the continuing attacks of project opponents;

NOW, THEREFORE BE IT RESOLVED, by the Board of Directors of the North Dakota Water Users Association, in regular session at Valley City, North Dakota, this 13th day of July, 1977, does hereby respectfully request the Garrison Diversion Conservancy District to undertake early preparation of a "negative impact" report, in cooperation with university and state agency technicians which would be made available to the Federal Administration, to the U. S. Congress, to the State Administration and agencies, to the North Dakota Legislature and to all persons interested in the early completion of the Garrison Diversion Unit.

APPENDIX "E"

RESOLUTION

Garrison Diversion Recreation, Fish and Wildlife Opportunities

- WHEREAS, the revised plan for mitigation of wetlands losses in construction of the Garrison Diversion Unit apparently is confined to a program to restore drained wetlands in the 25-county Garrison Diversion Conservancy District; and
- WHEREAS, this plan ignores much of the beneficial uses of Missouri River water to restore and stabilize lakes and improve stream flows, all of which is beneficial to fish and wildlife; and
- WHEREAS, pursuit of the revised plan will deny citizens of North Dakota, and visitors, many fine opportunities for much-needed water-oriented recreation areas; and
- WHEREAS, the availability of an assured supply of water holds considerable promise to improve recreation possibilities throughout central and eastern North Dakota; and

NOW, THEREFORE BE IT RESOLVED, by the Board of Directors of the North Dakota Water Users Association, in regular session at Valley City, North Dakota, this 13th day of July, 1977, that Governor Arthur A. Link is respectfully requested to establish a task force representing state resources agencies under the direction of the Natural Resources Council to study opportunities for re-establishing beneficial recreation and fish and wildlife programs listed in the original Garrison Diversion Unit plan developed by the National Park Service and the Fish and Wildlife Service; and

BE IT FURTHER RESOLVED, that this study not be confined to the original projects but to consider other possibilities, notably recreation and fish and game management areas, such as the so-called "in-line" lakes along the McClusky Canal.

RESOLUTION 77-8-400

RESOLUTION
CONCERNING THE
WATER RESOURCES COUNCIL
WATER RESOURCE POLICY STUDY

WHEREAS, President Carter (on May 23, 1977) directed the Office of Management and Budget, the Council on Environmental Quality, and the Water Resources Council to conduct a six month review of the present national water resources policy and to provide him with specific recommendations for policy coordination and comprehensive reform; and

WHEREAS, the issues and possible options were hurriedly developed and published in the Federal Register on July 15 and 25, thereby not allowing for adequate preparation of the issues/options therein; and

WHEREAS, the hearings on the Issues/options (July 28-August 5) did not allow time for adequate preparation and critique of the issues/options; and

WHEREAS, the Water Resource Policy Study will not be conducted in compliance with the National Environmental Policy Act (NEPA) even though the study is intended to lead toward a "comprehensive reform of water resources policy" which will inevitably be highly controversial and have a significant impact on the environment; and

WHEREAS, the study has a preconceived negative attitude concerning the well-developed water laws of the Western States; and

WHEREAS, a review of the issues/options clearly reveals a lack of understanding of the importance of water to the Western States and fails to recognize states' rights in water law.

NOW, THEREFORE, BE IT RESOLVED, by the North Dakota State Water Commission at its meeting held in LaMoure, North Dakota, on August 16, 1977, that it:

Supports a continuing review of the water resource policy of the United States, but rejects completely the manner in which the Water Resource Policy Study has been initiated and conducted.

Requests the Federal government to inform the states of the impacts of the study proposals (viz, through NEPA) in order to allow the states adequate opportunity to participate in its development and substantively affect the decision making process that will follow.

Requests the Attorney General to take whatever legal action is appropriate and necessary to preserve the state's sovereign control over its waters.

FOR THE NORTH DAKOTA STATE WATER COMMISSION:

/s/ Arthur A. Link
Arthur A. Link
Governor-Chairman

SEAL

/s/ Vernon Fahy
Vernon Fahy
Secretary