

NORTH DAKOTA STATE WATER COMMISSION

REGISTER

ATTENDANCE AT State Water Canal Meeting
DATE April 18, 1979 PLACE Bismarck, N.Dak.

PROJECT NO. _____

MINUTES

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

April 18, 1979

The North Dakota State Water Commission held a meeting in the State Water Commission Conference Room, Bismarck, North Dakota, on April 18, 1979. Governor-Chairman, Arthur A. Link, called the meeting to order at 9:15 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
Gordon Gray, Member from Valley City
Arlene Wilhelm, Member from Dickinson
Myron Just, Commissioner, Department of Agriculture, Bismarck
Vernon Fahy, State Engineer and Secretary, North Dakota
State Water Commission, Bismarck

MEMBER ABSENT:

Arthur Lanz, Member from Devils Lake

OTHERS PRESENT:

State Water Commission Staff Members
Allen Fisk, Soil Conservation Service, Bismarck
Jim Eastgate, Burleigh County Water Management District, Bismarck
Laurie McMerty, North Dakota Water Users Association, Minot
Jim Piasecki, Traut Well Drilling, Jamestown
Malcolm Ritter, Bismarck Tribune, Bismarck

The attendance register is on file in the State Water Commission offices (filed with official copy of minutes).

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

CONSIDERATION OF MINUTES
OF FEBRUARY 10, 1979 MEETING -
APPROVED

to the minutes which had been previously circulated.

Secretary Fahy reviewed the minutes of the February 20, 1979 meeting which was held in Bismarck, North Dakota. There were no corrections or additions

It was moved by Commissioner Kramer, seconded by Commissioner Gray, and carried, that the minutes of the February 20, 1979 meeting be approved as prepared and distributed.

**CONSIDERATION OF REQUEST
FROM MCINTOSH COUNTY WATER
MANAGEMENT DISTRICT FOR
SWC FINANCIAL ASSISTANCE FOR
REPAIR OF HOSKINS LAKE SPILLWAY
(SWC Project No. 484)**

and guniting a portion of the concrete weir. The total estimated cost of this work is \$14,800. The State Water Commission provided financial assistance in 1950 for increasing the size of the spillway and also participated in the costs of repairing the embankment in 1952. In 1973, the State Water Commission participated in the construction of recreational facilities at Hoskins Lake under an EDA grant. In neither case, was lack of maintenance the cause of repair.

Since this dam provides water-based recreation for people in the vicinity of Ashley and McIntosh County, the State Engineer recommended cost participation of 50 percent of the total cost to repair the project, in the amount of \$7,400.

It was moved by Commissioner Kramer and seconded by Commissioner Wilhelm that the Water Commission participate 50 percent of the cost to repair Hoskins Lake Dam spillway, in an amount not to exceed \$7,400, subject to the availability of funds. All members voted aye; the motion unanimously carried. (Correction made at June 25, 1979 meeting)

**APPEARANCE OF DON BRINKMAN,
CARSON, ND, REQUESTING A
HIGH WATER PERMIT FOR IRRIGATION
FROM THE CANNONBALL RIVER
(SWC Project No. 1400)**

or importation of water from other sources. Water is only available in this stream in the spring and immediately following a heavy runoff. He indicated that numerous requests have been made to appropriate water from the Cannonball River but have been denied on the basis of the moratorium because there is not a sustained yield to satisfy the demands of these applications.

A hydrologic study was conducted in some detail on the Cannonball River approximately three years ago and the results of that study also indicated that there was not sufficient water to justify

April 18, 1979

a permit program. The local residents have been encouraged to organize and develop an irrigation district in the area.

Mr. Don Brinkman from Carson, North Dakota, appeared before the Commission indicating his interest to irrigate from the Cannonball River during periods of adequate flow. Mr. Brinkman stated that he has about 100 acres of hayland that he would like to apply at least one soaking of floodwaters each spring to be assured of at least one hay crop. Mr. Brinkman also indicated that he feels that a water users association could be organized in the area. Mr. Brinkman indicated that he is aware of the moratorium and requested that the Commission consider some alternative approach so that water might be utilized during high-water periods.

Discussion then pursued on possible alternatives to permit the pumping of water during the spring from the Cannonball River when there was adequate water, stressing that the most feasible alternative would be to organize an irrigation district in the area.

Secretary Fahy stated that if the Commission considers a process to allocate floodwaters, it should be kept in mind that the moratorium would have to be revoked, and that a public notice would have to be sent to all those who have applied for permits, which have been denied, prior to Mr. Brinkman.

Governor Link indicated that a great deal more discussion and study would have to be given the matter before considering lifting the moratorium, but suggested that consideration be given to initiating a process whereby the Commission could authorize the withdrawal of high waters to satisfy requests similar to Mr. Brinkman's. The Governor suggested that the Commission consider proceeding in this direction and suggested that the Chief Engineer and his staff be directed to review and analyze the matter under discussion and develop a proposal for the Commission's consideration in the near future.

It was moved by Governor Link and seconded by Commissioner Wilhelm that the Chief Engineer and his staff be directed to review the situation relating to the imposition of the moratorium with a view toward allowing limited irrigation and present various alternatives to the Commission at a future meeting. All members voted aye; the motion carried unanimously.

Governor Link thanked Mr. Brinkman for appearing before the Commission and sharing his interest and views with them.

April 18, 1979

**CONTINUED DISCUSSION OF
SOUTH BISMARCK GROUND-
WATER STUDY
(SWC Project No. 1692)**

have been executed on the Burleigh County side. He stated that Morton County is still debating the issue and has now gone to the Lower Heart District and requested their participation because the area of study lies mostly within the Lower Heart District. The Lower Heart District was very reluctant in February, 1979, to consider the request because of the possible flooding situation that could have occurred. He noted that the flood threat has been considerably reduced and feels that perhaps now the Lower Heart District will take a more positive attitude toward the study.

Mr. Jim Eastgate inquired about the progress of the insurance provisions for the study.

Mike Dwyer replied by indicating that in the agreement there is a provision which states that the Burleigh County Water Management District will share in the cost of an insurance contract for this project, if it is secured, in the same proportion as the other costs are shared. He indicated that in order to consider securing an insurance contract for this particular project, it is necessary to go through the Department of Accounts and Purchases. The Department will send out letters of application to several insurance companies and the insurance companies will submit appropriate figures to the Water Commission for such a contract.

Mr. Dwyer indicated that within the next few weeks all of the information required to make a decision should have been received; and then it will be necessary for the Commission to make a decision as to whether an insurance policy should be secured, and if so, in the selection of a particular policy.

**CONSIDERATION OF REQUEST FOR
SWC FINANCIAL ASSISTANCE IN
REPAIR AND MODIFICATION OF
NORTHGATE DAM
(SWC Project No. 667)**

pipe is deteriorating and collapsing and that major repairs are needed. The Water Commission has made a study of feasible methods for these repairs that would involve complete replacement of the corrugated metal pipe with a reinforced concrete pipe and would involve the replacement of the short riser with a tall inlet. This would provide for automatic drawdown of water from the deepest part of the reservoir during the spring of the year resulting in the enhancement of the fishlife qualities of the lake. The total cost of these repairs is estimated at \$140,000. The State Water Commission would share in the cost, along with the Bureau of Outdoor Recreation, the State Game and Fish Department, State Outdoor Recreation Agency and the Burke County Water Management District.

Milton Lindvig reported that there have been some problems in getting the contracts executed for the South Bismarck Ground-Water Study, but did indicate that the required contracts

Dave Sprynczynatyk reported that Northgate Dam was inspected by the U. S. Army Corps of Engineers on June 13, 1978, under the National Dam Safety Program. This inspection revealed that the principal spillway

Since this project has proven to be a valuable water-based recreation site in the area and since the Water Commission has been involved in the project since its beginning, it was recommended by the State Engineer that the Water Commission participate in the repair and modification of Northgate Dam in the amount of \$30,000.

It was moved by Commissioner Kramer and seconded by Commissioner Just that the Water Commission participate in an amount not to exceed \$30,000 in the repair and modification of Northgate Dam, subject to the availability of funds. All members voted aye; the motion unanimously carried.

LEGISLATIVE REVIEW

Mike Dwyer briefly reviewed the final legislative report, which is attached hereto as APPENDIX "A".

LEGISLATION PERTAINING TO WATER USE FEES (SWC Project No. 1695)

Mr. Dwyer referred to S.B. 2254, relating to the authority of the State Engineer to issue water permits subject to fees for the use of water for the purpose of regulating the allocation and distribution of water. S.B. 2254 establishes a special fund for the deposit of any such fees. In addition, the water permit application fees which now go into the General Fund will go into the special fund created by S.B. 2254.

H.B. 1493 was an attempt to clarify the authority of the State Water Commission and the State Engineer relating to water use fees. This bill was vetoed by the Governor on the basis outlined in the attached letter to the Secretary of State - APPENDIX "B".

LEGISLATION PERTAINING TO GARRISON DIVERSION PROJECT (SWC Project No. 237)

Mr. Dwyer stated that there were a total of nine bills introduced concerning the Garrison Diversion Project, and again, the Legislators expressed their support of the project.

One of the bills concerning the Garrison Project creates a five-member commission to review the overall mitigation and wildlife acquisition plan relating to the project, and then each individual acquisition.

LEGISLATION PERTAINING TO SOUTHWEST AREA WATER SUPPLY (SWC Project No. 1674)

City of Dickinson, any other city, any of the 14 counties in the area, or any portion thereof, can decide if it wishes to hold an election to vote

Dave Sprynczynatyk reported on legislation pertaining to the Southwest Area Water Supply project. The bill as passed provides for the establishment of a conservancy district in the area. The

on membership into the conservancy district. The conservancy district would then have taxing authority to levy a maximum of one mill within its jurisdiction. The bill further stated that implementation of the project would be initiated, not stating specifically what would be done. An appropriation of \$40,000 was included in the bill, which was considered as assistance from the State to the area to help them organize and begin their operations.

Mr. Sprynczynatyk indicated that he did not know whether or not Dickinson has chosen at this time to vote on membership into the conservancy district at its' next city-wide election; other entities in the area may choose to do likewise.

**LEGISLATION PERTAINING
TO STATE WATER COMMISSION
BUDGET**

Secretary Fahy reported on the State Water Commission's budget legislation and indicated that the Legislature did increase the Executive budget to include two hydrologists and a technician for the Ground-Water Division and restored the fees and services item for additional travel funds. The increased amounts will come from the Land and Minerals Fund rather than from the General Fund. He noted that the Governor's ceiling on the General Fund portion of the budget remained inviolate as far as the Water Commission was concerned and stated that the increase allowed in the entire Water Commission budget is about one percent out of the General Fund.

**LEGISLATION PERTAINING
TO INTERIM STUDIES**

Mike Dwyer indicated there were three legislative interim studies approved which are very important to the Water Commission: 1) HCR-3022 calls for an interim study of the powers, duties and jurisdictional boundaries of Water Management Districts and Legal Drain Boards; 2) HCR-3016 calls for an interim study of flood problems to determine if North Dakota should adopt a uniform floodplain and floodway management program; and 3) HCR-4012 calls for an interim study to determine if North Dakota should implement Section 404 (dredge and fill permits).

Mr. Dwyer indicated that the Legislative Council is holding hearings to screen and prioritize all interim studies approved and will select approximately 40 studies for the coming biennium.

**APPEARANCE OF ALLEN FISK,
SOIL CONSERVATION SERVICE**

Mr. Allen Fisk of the Soil Conservation Service made an appearance before the Commission and discussed the progress of the task force on soil and water compatibility.

Secretary Fahy stated that the Legislature did not include funds to hire a soils specialist to implement the soil and water compatibility tests; therefore, he requested of Mr. Fisk some type of assistance from the Soil Conservation Service to continue providing the soils information as they have done in the past.

April 18, 1979

Mr. Fisk assured Secretary Fahy that his agency would continue the services as provided in the past.

Mr. Fisk also discussed Soil Conservation Service participation and chairmanship of a Pollution Committee of Section 208 of the Clean Water Act.

Mr. Fisk indicated that his agency has been receiving complaints that the Water Management Districts are opening the gates on dams too late in the spring creating flooding problems. He noted if these problems continue, it may be necessary to open them in the fall. He requested the support of the Commission to encourage the water management districts to cooperate in this request.

Secretary Fahy stated that in view of the problems that have already been created, he suggested that the State Engineer be authorized to become involved in a project by the execution of a three-way operating agreement with the local water management district and the Soil Conservation Service.

At this point in the meeting, it was necessary for the Governor to leave the meeting; Vice Chairman Gallagher assumes the chair.

CONSIDERATION OF WATER PERMIT NO. 2511, WILLIAM HUETHER, LISBON, ND

allowed to express his comments concerning water permit No. 2511, William Huether of Lisbon, ND.

It was requested by Commissioner Just that since prior commitments would prevent his attendance at the meeting when the water permits are considered, that he be

William Huether has filed an application for 3,466.0 acre-feet of water to irrigate 2,310.8 acres; priority date of July 27, 1976. Mr. Huether has been granted a total of 900.0 acres and the balance of his request has been held in abeyance.

State Water Commission staff members have reviewed the application and are recommending the following for consideration at this meeting:

To transfer 75.0 acre-feet of water from the 225.0 acre-feet approved for the SW $\frac{1}{4}$ of Section 2 to the NW $\frac{1}{4}$ of Section 11.
Grant an additional 75.0 acre-feet of water (held in abeyance) for the NW $\frac{1}{4}$ of Section 11 to irrigate an additional 150.0 acres in the NW $\frac{1}{4}$ of Section 11.

To grant an additional 225.0 acre-feet of water (held in abeyance) to irrigate an additional 150.0 acres in the NW $\frac{1}{4}$ of Section 2 and 75.0 acres in the W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 35.

(1,395.0 acre-feet shall remain being held in abeyance)

April 18, 1979

Commissioner Just expressed concern that by granting this additional acreage to Mr. Huether, that other potential irrigators may be endangered and they should be given due consideration. He also stated that he understands that Mr. Huether has his land for sale and voiced his concern opposing speculation.

Mr. Jim Piasecki, Traut Well Drilling of Jamestown, ND, indicated that Mr. Huether's land northeast of LaMoure is for sale because it is not feasible for irrigation, but that his land south of LaMoure is not for sale.

Commissioner Gallagher expressed his concern regarding the transfer of acre-feet, noting that he feels when a transfer is requested, it is mainly because the applicant has found the soils are not compatible for irrigation and that water for that particular area should not have been granted in the beginning.

Milton Lindvig explained that the reason for the requested transfer is because Mr. Huether has discovered that the original eighteen inches of water granted is not needed on a particular tract, therefore, he is requesting to transfer six inches to another quarter using only twelve inches on each quarter of land, using only one point of diversion.

Mr. Lindvig also indicated that applications for Alfred Lutgen, Dennis Wendel and Walter Haberman to appropriate from the same aquifer are on the agenda to be considered at this meeting. According to studies completed to date, there is sufficient water available to allow the granting of the three new permits and for the additional water to Mr. Huether. He stated that additional observation wells will be placed in the area before the irrigation season begins and stated that he is quite confident that after the irrigation season, his department will be in a position to recommend the granting of additional appropriations of water from that particular aquifer.

Commissioner Just stated that area residents provided him information that they were concerned because potential irrigators in the area had obtained soil and water compatibility information prior to applying for a permit, and Mr. Huether did not obtain this information. This enabled him to file his application at an earlier date and received an earlier priority date. Commissioner Just also stated that some area landowners were having drainage problems with Mr. Huether and that Mr. Huether has not shown any cooperation with the locals regarding such problems.

Commissioner Wilhelm stated that Mr. Huether has indicated to her on occasion that he plans to pass this farm onto his sons, but she stated that if he intends to sell his land, it appears to her as though he has no intentions of a family farm to pass from one generation to another.

April 18, 1979

In view of the comments expressed by Commissioner Just, he stated that he is in favor of granting applications to the three new applicants, but is opposed to granting any additional water to Mr. Huether at this time. He requested that these comments be taken into consideration when the Commission is deliberating on the water permits later in the meeting.

It was the consensus of the Commission members that final action be deferred until such time when the Governor is present at the meeting, and Commissioner Just was assured that his comments would be related to the Governor.

CONTINUED DISCUSSION CONCERNING
RULES AND REGULATIONS ON
ACREAGE LIMITATIONS
(SWC Project No. 1400)

It was suggested by Commissioner Just and was the consensus of the other Commission members that further discussion on rules and regulations concerning acreage limitations be tabled until the next meeting.

YELLOWSTONE RIVER
RESERVATIONS REPORT
(SWC Project No. 1507)

the Yellowstone River. He invited the Commission members to review the report if they wished.

Mike Dwyer reported that the Board of Natural Resources of the State of Montana had forwarded a copy of their order setting up the reservations for

REPORT ON WYOMING
COAL SLURRY PIPELINE
(SWC Project No. 1677)

Mike Dwyer indicated that a hearing was scheduled in Sheridan, Wyoming, regarding Enrolled Act #63 (authorizing Texas Eastern Wyoming, Inc. to construct a coal slurry pipeline), but inclement weather conditions prevented representation from North Dakota. Therefore, Governor Link sent a letter to Governor Herschler of Wyoming (attached hereto as APPENDIX "C") expressing North Dakota's interest and requested that the letter be made a part of the hearing record. Also attached as APPENDIX "D" is a copy of the bill, which Mr. Dwyer briefly commented on.

Mr. Dwyer indicated that in order for the legislation to become effective, the Wyoming Legislature gave the Governor of Wyoming 90 days (until May 25) to enter into a contract with Texas Eastern Wyoming, Inc. Therefore, the Governor is holding hearings to determine whether or not to enter into a contract. If he decides not to enter into this contract then the legislation will be void. Mr. Dwyer noted that at least one more hearing will be held, which he plans to attend.

The Commission recessed their meeting at 12:30; the meeting reconvened at 2:00 p.m. Commissioner Just was not present for the afternoon session.

April 18, 1979

**DISCUSSION OF WATER
RESOURCES COUNCIL -
TITLE III**

activities in the Water Commission. Over the years, that grant has been given to the Water Commission upon request as long as the Water Commission demonstrates satisfactory performance in the organization of our planning functions and files the proper reports with the Water Resources Council.

Approximately one year ago when the grant offer was made, it was noted that a provision was contained that said the grant is conditioned upon agreeing to Executive Orders 11990 and 11988, which mandate a specific approach in consideration of wetlands and floodplains. Since these were Executive Orders and there was no participation by the states in their development, the State of North Dakota objected on the grounds that there should be an environmental impact statement filed because it was a significant federal action.

On the grant form that was offered, the State Engineer modified the form to show that the Water Commission agreed to all conditions except the two Executive Orders. The Water Resources Council subsequently made the grant payment of approximately \$60,000 notwithstanding the waiver indicated on the modified form.

The same situation occurred again; the State Engineer wrote the same waiver on the grant form, and about the same time the Federal auditors were auditing Water Commission work and were asked to take a look at Title III funds. They called the attention of the Water Resources Council to the fact that the Water Commission did have the waiver on the grant acceptance.

Mike Dwyer reported that he had met with Washington officials relative to the Water Resources Council. He commented on APPENDIX "E", which provides comments of the State Engineer to the Senate Water Resources Subcommittee; and APPENDIX "F", which is a letter to the Assistant Director of the Water Resources Council concerning a possible solution to the objection of the Executive Orders in the grant.

Mr. Dwyer indicated that the Council has agreed to remove the conditions on the grant form for the Water Resources planning which would require compliance with the Executive Orders.

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

Secretary Fahy presented APPENDIX "G" for the Commission's consideration, which represents water permit actions.

Secretary Fahy indicated that each application has been reviewed and appropriate conditions attached.

April 18, 1979

Secretary Fahy briefed the Governor concerning the comments made by Commissioner Just earlier in the day concerning water permit No. 2511, William Huether.

Robert Shaver, Hydrologist for the Water Commission, through the use of a map of the Spiritwood Aquifer system, explained in a very technical, detailed manner the hydrologic setting, soil types, and the arrangement of irrigation development within the complex aquifer system. The Commission members entered into a very lengthy discussion of the aquifer system and its development for irrigation.

It was suggested by Commissioner Wilhelm that the water permit agenda also indicate those acreage amounts which have been applied for by an applicant but not yet approved.

It was moved by Commissioner Kramer and seconded by Commissioner Gray that the actions of the State Engineer be confirmed.

In discussion of the motion, Commissioner Gallagher again expressed his reservations (as expressed in morning session) about the transfer of water under water permit No. 2511.

Commissioner Wilhelm stated that she would like to have action on water permit No. 2511 deferred until the next meeting when all of the Commission members would have an opportunity to vote since it is such a controversial item.

Commissioner Gallagher reminded her that by deferring action on water permit No. 2511, the Commission would be doing a great injustice to the other three applicants also being considered who are in the same aquifer system and are junior applicants to Mr. Huether.

Commissioner Wilhelm requested that at the next meeting sufficient time be allowed to discuss parameters and policy types which would be consistent with the Attorney General's Opinion concerning rules and regulations for irrigation limitations and that some guidelines be developed for consideration by the Commission.

Governor Link expressed his appreciation and thanked the Hydrology Division for their presentation and explanation in the discussion and encouraged this type of procedure in the future whenever there are controversial permits being acted on.

On the call of the question, Governor Link, Commissioners Gallagher, Kramer and Gray voted aye; Commissioner Wilhelm voted nay. The motion was declared as passed.

April 18, 1979

Commissioner Wilhelm explained that she voted nay not because she is opposed to irrigation development, but because she feels this type of action will not result in spreading of the water resource.

The following applications were approved:

No. 2876 - Roger Larson, Dickey; No. 2969 - Leonard Klain, Turtle Lake; No. 3114 - Maynard D. and Sandra R. Blohm, Beulah; No. 2692 - Alfred Lutgen, LaMoure (granting the balance of original request that has been held in abeyance); No. 2849 - Harold M. Sellon, Turtle Lake; No. 761 - Jim Hoff, Leith (this is a request for a change in the point of diversion); No. 3156 - Krhemp Association, Williston; No. 3125 - Irwin G. Heinle, Tioga; No. 3154 - Burleigh Water Users Cooperative, Inc., Bismarck; No. 2550 - Arnold Widmer, Crete (this is a request for a change in point of diversion); No. 2550 - Arnold Widmer, Crete (granting the balance of original request that has been held in abeyance); No. 1918 - Raymond R. Maier, Morristown, S.D. (this is a request for a change in point of diversion); No. 3049 - US Fish and Wildlife Service (Hofstrand Lake), Denver, Colorado; No. 2511 - William D. Huether, Jr., Lisbon (granting a portion of the original request held in abeyance); No. 2066 - Ralph M. Krebsbach, Warwick (this is a request for a change in point of diversion); No. 3098 - Louis P. Kraft, St. Michael; No. 3107 - Ralph M. Krebsbach, Warwick; No. 2953 - Marlene Vculek, Crete; No. 2690 - Hilbert Satrom, Galesburg; No. 3106 - Clem J. Dietrich, Bismarck; No. 2679 - Charles and Edward Satrom, Page (granting another portion of the original request held in abeyance); No. 3056 - Bruce Larson, Sheyenne; No. 3068 - Leslie Nesvig, LaMoure; No. 2935 - Ray Jawaski, Adrian; No. 2786 - Ronald Waldo, Warwick; No. 3038 - Herbert R. Filler, Jr., Orrin; No. 2746 - Dennis Wendel, LaMoure; No. 2767 - Walter Haberman, LaMoure (granting a portion of original request held in abeyance); No. 3025 - Andrew Jangula, Bismarck; No. 2385 - Roland T. Magill, Verona (granting a portion of that amount of the original

April 18, 1979

request); No. 2720 - Harlan N. Heinrich, Adrian; No. 2839 - Lloyd Shockman, Berlin; No. 3081 - Lawrence Widdel and Daniel Tuchscherer, Minot; No. 2580 - James Dick, Englevale; No. 3138 - Robert Faber, Milnor; and No. 3076 - Roughriders Development Corporation, Sterling.

The following applications were deferred:

No. 3150 - Steven and Shirley Wills, Leonard; No. 3155 - Monroe Gilbertson, Binford; No. 1964 - Minnkota Power Cooperative, Inc. and Square Butte Electric Cooperative, Grand Forks (this is a request for a change in point of diversion); No. 3078 - Richard C. Madzo, Medora; No. 3158 - Martin Haugen and Gerald Fogderud, Dazey; No. 3159 - Julian Gunlikson, Zahl; No. 3160 - Norman D. Haak, Oakes; No. 3166 - Ellendale Golf Club, Ellendale; No. 3167 - Bernard and Thomas Schultz, McLeod; No. 3149 - Donald Olstad, Galesburg; No. 1232P - City of Steele (this is a request for a change in point of diversion); No. 2175 - City of Glenfield; No. 1612 - Walter Hufnagel, Tappen (this is a request for a change in point of diversion); No. 2168 - Walter Hufnagel, Tappen (this is a request for a change in point of diversion); No. 3142 - Dan Laintz, Selfridge; No. 3165 - Ray and Stella Shelton, Straubville; No. 3164 - Howard Shelton, Oakes; No. 3157 - Jamestown Country Club, Jamestown; and No. 3162 - William D. Utke, Minot.

The following applications were denied:

No. 1513 - Beulah Tri-County Development Corporation, Beulah; No. 2676 - Duane Fluge; Egeland; and No. 2677 - Ethel Fluge, Egeland.

The following applications were withdrawn:

No. 1765 - City of Cavalier; No. 2006 - Fred Hofmann, Medina; and No. 2606 - Norman Cross, Milnor.

The following applications have been "Voided" because of being incomplete and indicating they are no longer interested in project:

No. 1615 - Logan Ward, Bismarck; No. 1657 - LeRoy Jensen, Powers Lake; No. 1675 -

Clarence Finneman, Golva; No. 1669 - Albert and Margaret Thompson, Oberon; No. 1681 - Donald Moe, Crosby; No. 2852 - Ralph Holen; and No. 2578 - R. F. Reger, Fargo.
(SEE APPENDIX "G")

**CONSIDERATION OF REQUEST
FROM WELLS COUNTY WATER
MANAGEMENT DISTRICT FOR
REPAIR OF WELLS COUNTY LEGAL
DRAIN NO. 1
(SWC Project No. 1483)**

elevation of a large slough directly west of Fessenden. Since that time additional phases of the drain have been constructed and the State Water Commission has been involved with the design and construction of some of these phases. In October, 1976, the Water Commission was requested to review the flooding problems and recommend improvements to the existing outlet. This investigation was initiated after severe flooding of nearly 2,000 acres in 1975.

The State Water Commission recommended in a report dated February, 1978, to completely re-construct the outlet to the drain to provide adequate capacity to handle runoff from the 41,000-acre watershed. The Water Management District has decided to construct the project in reaches, doing the re-construction of the outlet first. This will help to solve many of the flood problems near the slough west of Fessenden and will help to protect the Fessenden sewer lagoon which has had water backed up to it from this slough in recent years.

The cost of constructing the 2.5 mile drain outlet is estimated to be \$169,625, not including land. Forty percent of the qualified costs would be \$62,550 for the State Water Commission's share.

It was recommended by the State Engineer that the Water Commission honor this request approving cost participation of 40 percent of the qualified costs in the amount of \$62,550, contingent upon approval of the project by a vote of the landowners.

It was moved by Commissioner Gallagher and seconded by Commissioner Gray that the Water Commission participate up to 40 percent of the qualified construction costs not to exceed the amount of \$62,550, subject to the availability of funds and subject upon the approval of the project by a vote of the landowners. All members voted aye; the motion unanimously carried.

April 18, 1979

STATUS REPORT ON
INDIAN CREEK DAM
(SWC Project No. 1556)

with completion anticipated this spring. There has been good runoff this spring and the reservoir is approximately two-thirds full. He stated that the contract has been let for the recreation facilities of the project and construction will begin shortly.

STATUS REPORT ON
FLOODING SITUATION
IN NORTH DAKOTA

Dave Sprynczynatyk reported that construction of Indian Creek Dam near Regent, North Dakota, is approximately 90 percent complete, Dave Sprynczynatyk reported in general on flooding status throughout the State of North Dakota, indicating there are some very critical areas.

There being no further business to come before the Commission, the meeting adjourned at 5:30 p.m.

Arthur A. Link
Arthur A. Link
Governor-Chairman

ATTEST:

Vernon Fahy
Vernon Fahy
State Engineer and Secretary

April 18, 1979



NORTH DAKOTA STATE WATER COMMISSION

**300 east boulevard
701-224-2750**

**bismarck 58505
north dakota**

MEMO TO: Vern Fahy & State Water Commission Members
 FROM: Michael Dwyer, Counsel
 RE: Legislative Report
 DATE: April 17, 1979

This is the final report of legislation considered by the Forty-sixth Legislative Assembly, which directly or indirectly affects those persons and boards interested in water-related matters.

Several bills included below have a direct effect on Water Management Districts. Three of them deserve brief mention. HCR-3022 calls for an interim study (by a legislative interim committee) of the powers, duties, and jurisdictional boundaries of Water Management Districts and Legal Drain Boards. HCR-3016 calls for an interim study of flood problems to determine if North Dakota should adopt a uniform floodplain and floodway management program. HCR-4012 calls for an interim study to determine if North Dakota should implement Section 404 (dredge & fill permits). These studies will be effective and result in improved legislation only if various water management officials take enough interest and time to provide to the legislators a working view of various problems which need to be resolved. Your input is certainly encouraged.

Signed by Governor 1. HB-1043: Amends §54-27-10 and §54-27-11 to provide that 25% of appropriations for an executive agency must be available at the beginning of the fourth quarter of the biennium. Approved by House, 93-1. Approved by Senate 47-2-1. Signed by Governor.

Defeated by House 2. HB-1074: The result of an interim study. Presently, the State Water Commission has the authority to sell revenue bonds to provide financial assistance for a water development project or projects, up to a total maximum limit of 3 million dollars. HB-1074, as introduced, would have increased the revenue bonding authority to 20 million dollars, with authority beyond that limit upon approval of the Legislature. Committee amended bill (decreased maximum limit from 20 million to 10 million dollars) and sent it to the floor "without recommendation". House defeated bill 43-55-2.

Signed by Governor 3. HB-1128: Section 61-16-28.1 of the North Dakota Century Code provides water management districts with the authority to remove obstructions to drains caused by the negligent act or omission of a landowner. This bill, as amended, expands the definition of "obstruction to a drain" to mean natural watercourses as well as artificial drains. Introduced by Representative Berg. House approved the bill as amended 84-7-9. Approved by Senate 42-4-4. Signed by Governor.

GOVERNOR ARTHUR A. LINK
Chairman

RICHARD P. GALLAGHER
Vice Chairman-Mandan

ALVIN A. KRAMER
Minot

GORDON K. GRAY
Valley City

ARTHUR J. LANZ
Devils Lake

ARLENE WILHELM
Dickinson

MYRON JUST, EX-OFFICIO MEMBER
Comm. of Agriculture

VERNON FAHY
Secretary & State Engineer

Legislative Report
April 17, 1979
Page 2

- Signed by Governor 4. HB-1155: Requires that floodplain areas of rivers subject to periodic and reoccurring flooding have representation on water management district boards. Prevents county commissioners from serving on water management district boards. Introduced by Representatives Kingsbury, Gorder. Approved by House, 97-1. Sent to Senate. Approved as amended by Senate 45-5-0. House approved Senate amendments 92-2-6. Signed by Governor.
- Signed by Governor 5. HB-1207: Increases the per diem and travel expenses of state officers and employees. House approved 86-11. Approved by Senate 40-7-3. Signed by Governor.
- Signed by Governor 6. HB-1221: Would create the cross ranch state park. Introduced by Parks & Recreation Department. Approved by House, 61-36. Approved by Senate with floor amendment 28-21-1. Signed by Governor.
- Defeated by House 7. HB-1238: Would have appropriated \$70,000.00 to the State Highway Department for joint projects of cities and counties for the removal and replacement of bridges causing flood damages. (Primarily for Mott bridge.) Introduced by Representatives Knudson & Martin, and Senators Krauter, Barth, and Albers. House defeated the bill, 16-82.
- Signed by Governor 8. HB-1274: Amends §61-16-15 to streamline the procedure for applications to construct dikes and dams greater than 12½ acre-feet. Introduced by State Water Commission. House approved as amended 90-2-8. Senate approved 48-1-1. Signed by Governor.
- Signed by Governor 9. HB-1276: Increases the authority of the State Engineer to authorize temporary or emergency uses of water from six to twelve months. Introduced by State Water Commission. House approved 90-0. Approved by Senate 47-0-3. Signed by Governor.
- Defeated by Senate 10. HB-1277: Would have allowed the State Engineer to record water permit forfeitures free of charge. Approved by House by a 68-30 vote. Defeated 8-41-1 by Senate.
- 1317:
Defeated by House
1345:
Signed by Governor 11. HB-1317 and HB-1345: HB-1317 would have increased mileage for all county officials, including appointed and elected officials, from 15 cents to 20 cents per mile. Introduced by Representative Conny and Senator Sands. Defeated by House, 3-89. HB-1345 establishes mileage expenses for elected and appointed county officials at the same rate as for state officers and employees. Introduced by Representative Gunsch. Approved by House 97-0-3. Approved by Senate 46-0-4. Signed by Governor.
- Defeated by House 12. HB-1372: Would have legalized artificial drains, regardless of size, if they had been in existence for more than ten years. Introduced by Representative Berg. Defeated by House 20-77-3.
- Signed by Governor 13. HB-1380: Requires full, adequate, and timely notice of the meetings of all public bodies. Introduced by Representatives Stenehjem and Holmberg. Approved by House 61-36-3. Approved by Senate as amended 35-15-0. House approved Senate amendments, 72-23-5. Signed by Governor.

Legislative Report
 April 17, 1979
 Page 3

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| Signed by Governor | 14. <u>HB-1391:</u> Increases the compensation of irrigation district board members to \$25 per day and would also set per diem and travel expenses at the same rate as state employees. Introduced by Representatives Hedstrom & Langley. House approved 82-2-15. Senate approved as amended 44-0-6. House approved Senate amendments 89-2-9.
Signed by Governor. |
| Signed by Governor | 15. <u>HB-1393:</u> Amends S61-01-23 of the North Dakota Century Code to give Water Management Districts the right of entry for snagging and clearing projects. Introduced by Representatives Lipsea & Tweten. House approved 87-1-12. Senate approved 38-5-7. Signed by Governor. |
| Defeated by Senate | 16. <u>HB-1395:</u> Would have required development of regulations for locating solid waste disposal sites over aquifers and declaring an emergency. Introduced by Representative Dotzenrod. House approved as amended 93-0-7. Senate defeated 20-30-0. |
| Defeated by Senate | 17. <u>HB-1413:</u> Would have directed the office of the budget to freeze appropriations for salaries and wages for open positions. Introduced by Representative Freborg. House approved as amended 81-15-4. Senate defeated 20-27-3. |
| Signed by Governor | 18. <u>HB-1468:</u> Amends S54-35-10 to increase the compensation for legislators attending Legislative Council interim committee meetings from \$45 to \$52 per day. Compensation for SWC members is controlled by Section 54-35-10. Introduced by Representatives Strinden & Backes. House approved, 60-36. Senate approved 37-10-3. Signed by Governor. |
| Signed by Governor | 19. <u>HB-1479:</u> Act providing water management districts with the authority to refund special assessment warrants. Introduced by Representative F. Larson. Approved by House, 89-0. Approved by Senate 44-0-6. Signed by Governor. |
| Vetoed by Governor | 20. <u>HB-1493:</u> Clarifies the authority of the SWC and the State Engineer relating to water use fees. Introduced by Representatives Gackle, Berg, and Hausauer, and Senators Nelson and Tallackson. House approved as amended, 70-19-11. Senate approved as amended 42-5-3. Vetoed by Governor. |
| Defeated by House | 21. <u>HB-1547:</u> Would have mandated control of culverts, bridges, and the drainage of lands during times of flooding; and providing a penalty. Introduced by Representative Wessman. House defeated by 27-69-4. |
| Withdrawn | 22. <u>HB-1551:</u> Act relating to entry upon land for making surveys under eminent domain. Introduced by Representative Boumann. Withdrawn. |
| Signed by Governor | 23. <u>HB-1560:</u> Authorizes the ownership by a park district of property located outside this state. (Results from attempted ownership by Wahpeton Park District of Dam built by Ottertail Power Company). Introduced by Representatives Hausauer and Dietz. Approved by House 93-0-7. Approved by Senate 42-1-7. Signed by Governor. |

Legislative Report
April 17, 1979
Page 4

- Signed by Governor 24. HB-1572: Act relating to distribution of moneys received for flood control lands. Introduced by Representative Winkjer. Approved by House 91-2-7. Approved by Senate 42-1-7. Signed by Governor.
- Defeated by House 25. HB-1676: Would have prohibited the use of Garrison Diversion Conservancy District funds to provide food or alcoholic beverages for public officials. Introduced by Representatives Matheny and Maixner. Defeated by House 24-68-8.
- Approved 26. HCR-3016: Calls for an interim study resolution on floodplain management, to determine if it would be in the best interest of the people of this state to develop a floodway and floodplain management program. Introduced by State Water Commission. Adopted by House 95-1. Senate adopted by voice vote.
- Approved 27. HCR-3022: Water Management District and Legal Drain Board Study Resolution. Introduced by Representatives Wessman, Berg, and Weber; and Senators Fritzell, Nelson, and Thane. House approved 82-1-17. Senate adopted by voice vote.
- Approved 28. HCR-3035: Directs Legislative Council to study relationship between American Indian tribal governments and North Dakota State government. Introduced by Senators Strinden & Nething. Approved by House 83-5. Senate adopted as amended.
- Defeated by House 29. HCR-3036: Would have urged Congress to change the name of Lake Audubon to that of a prominent North Dakotan. Introduced by Representatives Marsden and others. Defeated in House by a voice vote.
- Defeated by House 30. HCR-3037: Would have urged that construction of Garrison Diversion project and acquisition of land for mitigation acreage be halted until certain information has been provided to people of North Dakota. Introduced by Representatives Matheny & Walsh. Defeated by House 18-74-8.
- Approved 31. HCR-3054: Directs the Legislative Council to conduct a study of the taxation of sales of municipal and rural water in N.D. Introduced by Representatives Berg & Nicholas. Approved by House 79-9-12. Approved by Senate by voice vote.
- Approved 32. HCR-3082: Directs the Legislative Council to study the personal liability of officers and members of boards and commissions of the state and political subdivisions. Introduced by Representatives Meiers, Maixner, Boym & Stenehjem. House approved 89-2-9. Senate approved by voice vote.
- Approved 33. HCR-3091: A concurrent resolution setting forth legislative policy in connection with the Garrison Diversion Unit. Introduced by Representatives Retzer, Strinden, and Nething. House approved 68-25-7. Approved by Senate.

Legislative Report
 April 17, 1979
 Page 5

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| Signed by Governor | 34. <u>SB-2031:</u> State Water Commission Appropriation bill. Executive Budget recommendation was approved by Senate 49-1-0. Approved by House as amended 73-11-16. Conference Committee recommended increase in budget of \$223,000 for increased attention in the hydrology and groundwater areas, and for fees and services to satisfy the executive budget recommendations. These additional funds are to be taken from the Land & Minerals Trust Fund. The recommendation of the Conference Committee was approved by the House and the Senate. Signed by Governor. |
| Signed by Governor | 35. <u>SB-2064:</u> Provides for best management practices of irrigated lands receiving water from the Garrison Diversion Unit. Introduced by Garrison Diversion Overview Committee. Approved by Senate 48-2. Approved by House 78-16-6. Signed by Governor. |
| Signed by Governor | 36. <u>SB-2075:</u> Provides the Legislative Council with the authority to screen and prioritize studies assigned by concurrent or joint resolution. Approved, as amended, by Senate 47-3. House approved as amended 82-7-11. Signed by Governor. |
| Defeated by Senate | 37. <u>SB-2082:</u> Would have fixed expenses of all state board members, including SWC, at \$50 daily. Senate defeated the bill 2-47. |
| Both Bills: Vetoed by Governor; SB-2151: Veto overridden | 38. <u>SB-2083 and SB-2151:</u> SB-2083 provides for the review by a Legislative Council interim committee of <u>existing</u> or proposed rules of an administrative agency. Approved by Senate, 46-2-2. House approved 63-31-6. Vetoed by Governor. Veto sustained by Senate, 8-41. SB-2151 is similar to SB-2083 and was introduced by Senator Melland; Approved by Senate, 47-2. Approved by House 61-33-6. Vetoed by Governor. Senate passed over veto, 34-15. Veto overridden by House, 67-32. |
| Defeated by Senate | 39. <u>SB-2138 and SB-2141:</u> SB-2141 would have repealed those portions of statutes which provide procedures for wetland acquisitions and which impose limitations on wetland easements. SB-2138 would have required local entities of government which cause financial hardship to a seller by interfering with a sale to compensate the seller for the hardship incurred. Introduced by Senator Fritzell. Both bills were defeated; SB-2138 by a 4-44 vote, and SB-2141 by a 14-35 vote. |
| Signed by Governor | 40. <u>SB-2186:</u> Appropriates \$50,000 to the political subdivision liability fund, to carry out the purposes and intent of the Act passed by the Legislature in 1975, contained in S.L. 1975, Chapter 295. Introduced by Attorney General. Senate approved as amended 49-0-1. Approved by House 71-5-24. Signed by Governor. |
| Defeated by Governor | 41. <u>SB-2235:</u> Relates to the authority of the board of county commissioners to construct, rebuild or repair a bridge under its own supervision. Introduced by Senator Shirado. Approved by Senate 41-8. Approved by House as amended 93-0-7. Senate concurred with House amendments 48-0-2. Signed by Governor. |

Legislative Report
April 17, 1979
Page 6

- Signed by Governor 42. SB-2254: Presently, Section 61-04-06.2 of the North Dakota Century Code provides the State Engineer with the authority to issue water permits subject to fees for the use of water, for the purpose of regulating the allocation and distribution of water. SB-2254 would establish a special fund for the deposit of any such fees. Water permit application fees pursuant to Section 61-04-04.1 would go into the special fund, also. It does not request an appropriation. Approved by Senate as amended 40-9-1. Approved by House 80-6-14. Signed by Governor.
- Signed by Governor 43. SB-2255: Would amend §58-03-11 so that townships can participate in the Federal Flood Insurance Program. The State Water Commission has been designated by the Governor to be the coordinating agency to assist the FIA in the implementation of the National Flood Insurance Program. Introduced by State Water Commission. Approved by Senate, 49-0. House approved 70-18-12. Signed by Governor.
- Defeated by Senate 44. SB-2261: This bill directed the State Engineer, in consultation with the director of the agriculture experiment station, to promulgate rules and regulations for best management practices for irrigation. Would have applied to all irrigated land in the state, including lands irrigated by the Garrison Diversion Unit. Introduced by State Water Commission. Defeated by Senate 1-47.
- Signed by Governor 45. SB-2295: Expands definition of "well," pursuant to Chapter 43-35 of the NDCC, to include test holes drilled for water exploration, (drillers of test wells must now be certified) and changes procedures for re-certification by State Board of Water Well Contractors. Introduced by Senator Lodoen. Approved by Senate, as amended, 26-19. Approved by House 72-6-22. Signed by Governor.
- Defeated by Senate 46. SB-2296: Would have required certification for pump installation. Introduced by Senator Lodoen. Approved by Senate, 26-23. Reconsidered, and defeated, 12-35.
- Signed by Governor 47. SB-2299: Property tax exemption for rural water systems. Introduced by Senator Erdman and others. Approved by Senate 45-3. Approved by House 77-0-23. Signed by Governor.
- Signed by Governor 48. SB-2310: Southwest Water Supply Bill. Provides for the creation of a water district to continue the development of a pipeline delivery system. Introduced by Senators Olin & Krauter, and Representatives Meyer & Thompson. Appropriations Committee recommended deletion of the general fund appropriation, and re-referred to Finance & Tax Committee to review alternative fund sources. Rerereferred to Appropriations Committee as amended. Approved by Senate as amended 29-20-1. House approved 92-1-7. Signed by Governor.
- Signed by Governor 49. SB-2346: Would require open voting at all public meetings. Introduced by Representatives Holmberg and Stenehjem. Senate approved as amended 35-13-2. House approved 69-26-5. Signed by Governor.

Legislative Report
 April 17, 1979
 Page 7

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| Signed by Governor | 50. <u>SB-2380:</u> Increases allowance of members of Water Management Districts and Drain Boards. Introduced by Senator Sands. Approved by Senate 47-3-0. Approved by House as amended 87-1-12. Signed by Governor. |
| Signed by Governor | 51. <u>SB-2398:</u> Relates to petitions to construct legal drains and allocation of costs when petition denied. Introduced by Senators Shablow & Jones. Defeated by Senate 23-23-4. Senate reconsidered action and approved, 45-4-1. Approved by House 84-8-8. Signed by Governor. |
| Defeated by Senate | 52. <u>SB-2401:</u> Would have provided for the enforcement of illegal drains by the state engineer via administration action. Introduced by Senator Fritzell and Representative Wessman. Defeated by Senate, 12-35. |
| Signed by Governor | 53. <u>SB-2417:</u> Provides water management districts with the same enforcement authority over "illegal" dikes and dams as they presently have over "illegal" drainage. Introduced by Senator Jones & Representative Berg. Approved by Senate, 47-0. Approved by House 70-26. Signed by Governor. |
| Signed by Governor | 54. <u>SB-2453:</u> Amends §61-04-14 to provide more stringent notice requirements for cancellation of conditional water permits. Introduced by Senator Jacobsen. Approved by Senate 49-0-1. Approved by House 93-1-6. Signed by Governor. |
| Defeated by Senate | 55. <u>SB-2476:</u> Would have provided a time limitation for applying for and developing irrigation water permits. Introduced by Senator Hoffner, among others. Senate defeated 19-29-2. |
| Signed by Governor | 56. <u>SB-2485:</u> Creates the Garrison Diversion mitigation and enhancement lands commission. Introduced by Senator Nething. Approved by Senate 42-2-6. House approved 80-14-6. Signed by Governor. |
| Defeated by House | 57. <u>SB-2486:</u> An act to restructure the make-up of the SWC and to require Senate confirmation of appointed members. Introduced by Senator Jones. Approved by Senate with floor amendment, 46-0-4. House defeated 35-61-4. |
| Approved | 58. <u>SCR-4001:</u> Calls for a study of the feasibility and benefits of re-organizing the executive branch of state government. Adopted by Senate by voice vote. House approved 74-12-14. |
| Approved | 59. <u>SCR-4005:</u> Recreates the Garrison Diversion Legislative Overview Committee. Adopted by Senate. Approved by House 62-10-28. |
| Approved | 60. <u>SCR-4012:</u> Calls for an interim study to determine whether North Dakota should implement and administer Section 404 of the Federal Water Pollution Control Act. Adopted by Senate. Approved by House 89-2-9. |
| Approved | 61. <u>SCR-4014:</u> Urges Secretary of Interior to proceed with portions of Garrison Diversion Project which do not affect Canada. Adopted by Senate and approved by House 71-23-6. |

Legislative Report
April 17, 1979
Page 8

- Approved 62. SCR-4016: Directs Legislative Council to study possible barge traffic on Missouri River above Sioux City, Iowa. Introduced by Senator Jones. Adopted by Senate voice vote. Approved by House 94-1-5.
- Defeated by Senate 63. SCR-4044: Would have urged the U.S. Dept. of State to refer matter of flood control and water use in Souris River Basin to the International Joint Commission for its investigation and recommendations. Introduced by Senator Sorum and others. Defeated by Senate 20-30-0.
- Approved 64. SCR-4050: Directs a Legislative Council study of the use of special funds. Introduced by Senator Melland. Approved by Senate. Approved by House 83-0-17.
- Approved 65. SCR-4078: Directs the Legislative Council to study eminent domain procedures for condemnation of land acquired for public use, and relocation assistance. Introduced by Senator Albers. Senate adopted as amended. House approved as amended 87-0.
- Approved 66. SCR-4085: Directs Garrison Diversion Overview Committee to study Garrison Diversion Project and its present and potential effects on North Dakota, emphasizing wildlife mitigation and acquisition. Introduced by Senator Hoffner. Senate adopted by voice vote. House approved 89-1-10.
- Approved 67. SCR-4087: Urges the President and Congress to provide for the reimbursement by the federal government to the states for all costs incurred in implementing new or expanded federal programs. Introduced by Senator Thane. Senate adopted by voice vote. House adopted by voice vote.

Michael Dwyer
Counsel

MD:pjw
Incl.: SB-2075



STATE OF NORTH DAKOTA

EXECUTIVE OFFICE

BISMARCK

April 12, 1979

ARTHUR A. LINK
Governor

The Honorable Ben Meier
Secretary of State
State Capitol
Bismarck, North Dakota 58505

Dear Mr. Meier:

House Bill 1493 limits the authority of the Water Commission to promulgate regulations relating to water use fees.

The restrictions that this legislation places on the Water Commission are the direct result of an Attorney General's opinion of December 27, 1978 that was requested by the Water Commission. Basically, this bill enacts into law the content of the Attorney General's opinion on the power of the Water Commission to levy water use fees. However, House Bill 1493 contains language which goes beyond the content of the Attorney General's opinion in restricting the Water Commission's authority to set fees. Section 2 of the bill contains the following statement:

"The permit fees shall be based only on the direct costs incurred for the necessary and proper planning and administration of the allocation and appropriation of the waters of the state for a specific permit or a specific class of permits." (Emphasis supplied)

The underlined portion of the above-quoted language in the bill is objectionable because it limits the authority of the Water Commission beyond that which was considered necessary in the opinion of the Attorney General.

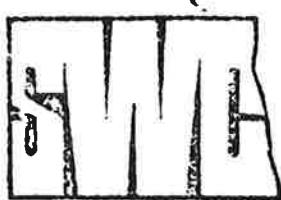
For this reason, I veto House Bill 1493.

Sincerely yours,

A handwritten signature in black ink that appears to read "Arthur A. Link".

ARTHUR A. LINK
Governor

AML:ce



**NORTH DAKOTA
STATE WATER COMMISSION**

900 east boulevard

701-221-2750

bismarck 58505

north dakota

March 27, 1979

The Honorable Ed Herschler
Governor of Wyoming
State Capitol
Cheyenne, Wyoming 82002

RE: SWC File #SWC#1677

Dear Governor Herschler:

Governor Link referred your invitation to attend the hearing in Sheridan, Wyoming, on Enrolled Act #63 (authorizing Texas Eastern Wyoming, Inc. to construct a coal slurry pipeline) to me for attendance. Thank you for that invitation. As you are aware, North Dakota is very interested in this proposed action, and as a result we have had every intention of attending the Sheridan hearing. Unfortunately, weather conditions prohibited the charter service we had reserved from flying into Sheridan. Thus, we were unable to attend.

It would be greatly appreciated if this letter could be made a part of the hearing record, to show North Dakota's interest in the proposed action as well as our interest in proper compliance with the requirements of the Yellowstone River Compact. In addition, it would also be sincerely appreciated if we could receive a copy of the transcript of the hearing. We would be happy to pay any charges for the copy.

Finally, your letter of invitation indicates that additional hearings will be held. We would be interested in attending one of these, and thus would appreciate receiving notice of the other hearings.

Thank you for your assistance in these matters.

Sincerely,

Vernon Fahy

Vern Fahy
State Engineer

VF:MD:pjw
cc: Governor Link

(ORIGINAL SIGNED BY
PRESIDENT AND SPEAKER)

NoC SIGNED BY GOVERNOR

DATE: 7-1-79

ORIGINAL HOUSE
BILL NO. 241A

CHAPTER NO: 97

ENROLLED ACT NO. 63, HOUSE OF REPRESENTATIVES
FORTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
1979 SESSION

AN ACT to create W.S. 41-2-301; and to amend W.S. 35-12-121(e) relating to coal slurry pipelines; authorizing Texas Eastern Wyoming, Inc., a Delaware corporation, to use surface waters of the Little Bighorn River and its intrastate and interstate transportation of coal to another state or states and for uses related to or connected with a pipeline system of transportation of coal; authorizing certain contracts on behalf of the state; containing other provisions relating to the subject; removing exemption from the Industrial Development and Siting Act for coal slurry pipelines; providing for severability; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 41-2-301 is created to read:

41-2-301. Use of surface waters of Little Bighorn River and its tributaries as a medium of transportation of coal to other states and for uses related thereto or connected therewith; contracts.

(a) On the advice of the state engineer the legislature of the state of Wyoming hereby grants to Texas Eastern Wyoming, Inc., a Delaware corporation (to the extent that it is or may be the holder of a permit, certificate or application to appropriate, store or divert water), all approval required by W.S. 41-3-105 and 41-3-115 to use outside of the state of Wyoming not more than twenty thousand (20,000) acre-feet annually of the surface waters of the Little Bighorn River and its tributaries (including intrastate and interstate tributaries) as a medium of pipeline transportation of coal to another state or states and for uses related to or connected with a pipeline system of transportation of coal. No more than ten thousand (10,000) acre-feet of such water shall be used annually to transport coal other than coal mined within the boundaries of Wyoming.

(b) The approval granted by this act to use not more than twenty thousand (20,000) acre-feet annually of such surface

ORIGINAL HOUSE
BILL NO. 241A

ENROLLED ACT NO. 63, HOUSE OF REPRESENTATIVES
FORTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
1979 SESSION

waters outside the state of Wyoming shall automatically terminate if there is a permanent termination of the use of such surface waters as a medium of pipeline transportation of coal.

(c) The use of such surface waters outside the state of Wyoming pursuant to this approval shall not require a grant of reciprocal rights from any adjoining states as set forth in W.S. 41-3-115(c).

(d) If any portion of the twenty thousand (20,000) acre-feet of surface water is conveyed outside the state of Wyoming and then returned to the state of Wyoming, any such water may be again conveyed outside the state but shall not be counted again in determining the total twenty thousand (20,000) acre-feet annual quantity of water.

(e) Appropriation of the surface waters to be used pursuant to this section shall be in accordance with Title 41, Chapters 3 and 4, Wyoming Statutes 1977. Nothing in this section shall be construed as a directive to the state engineer to grant any approval or issue or amend permits, or in any way infringe on his discretion under the state law.

(f) The approvals, rights and benefits granted by this section may be pledged, mortgaged or otherwise hypothecated in connection with any financing and shall also inure to the benefit of any successors or assigns of Texas Eastern Wyoming, Inc. Provided that each such successor or assign is a corporation, partnership, joint venture or other entity with respect to which Texas Eastern Wyoming, Inc., or a parent, subsidiary or other affiliate thereof, is a member or the holder of equity interest.

(g) Notwithstanding the effective date of this section, the approval granted by this section shall terminate and expire unless, within ninety (90) days after the effective date of this section, an initial contract is entered into by and between but not limited to the state and Texas Eastern Wyoming, Inc., which is signed by the governor upon the advice of the attorney general that the contract contains in appropriate form and detail

ORIGINAL HOUSE
BILL NO. 241A

ENROLLED ACT NO. 63, HOUSE OF REPRESENTATIVES
FORTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
1979 SESSION

the provisions set forth in subsection (h) of this section.

(h) The contract referred to in subsection (g) of this section shall contain provisions as follows:

(i) There shall be a joint study, conducted pursuant to W.S. 41-2-114(c), to be funded entirely by Texas Eastern Wyoming, Inc., (hereinafter referred to as "Texas Eastern") to evaluate the feasibility of a water project to develop the surface waters of the Little Bighorn River including its interstate and intrastate tributaries. The present description of the water project, based upon engineering estimates of the water which will be available from the Little Bighorn River, consists of a maximum diversion of three hundred (300) cubic feet per second from the Little Bighorn River through a water pipeline to a reservoir or two (2) reservoirs to store forty-two thousand five hundred eighty (42,580) acre-feet of water annually;

(ii) If, after completion of the joint feasibility study, Texas Eastern desires to proceed with development, the state will have three (3) options. The state will have the exclusive right to determine which option it desires to select;

(iii) First option:

(A) If the state determines to select the first option, Texas Eastern will finance, construct and own the water project and the related water rights, and Texas Eastern will operate and maintain the water project and pay all costs in connection therewith;

(B) The water in excess of a firm yield of twenty thousand (20,000) acre-feet per annum (or any lesser quantity which is required for the slurry pipeline transportation system) will be made available for sale at the reservoir to the state at a cost equal to a pro rata share of all operating and maintenance costs of the water project;

(C) The state will be entitled to sell the

ORIGINAL HOUSE
BILL NO. 241A

ENROLLED ACT NO. 63, HOUSE OF REPRESENTATIVES
FORTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
1979 SESSION

water it purchases from Texas Eastern at such prices as the state may determine but the state will agree that it will not sell water for industrial use at a price less than the cost per acre-foot of water to Texas Eastern. The state will also agree that it will not sell water for industrial use unless the purchaser contracts with Texas Eastern to pay an annual amount equal to the actual sums Texas Eastern is required to pay to the present owners of the water rights, but the state will have no liability for such payments to Texas Eastern or to the present owners of the water rights;

(D) The state will be entitled to all revenues from water sales;

(E) If the state sells water from the water project for industrial use, the state will sell the water only after complying with the review and public hearing processes provided by W.S. 41-2-115, and any water sale for industrial use will be contingent upon the industrial user's obtaining any permit required by law;

(F) The reservoirs will be available for public recreational uses;

(G) Texas Eastern will provide the state, political subdivisions or special districts an opportunity to obtain capacity in any water pipeline Texas Eastern constructs to transport water from the water project at a capital cost and operating cost equal only to the incremental cost of constructing and operating a larger water pipeline to provide additional capacity for use of the state, political subdivisions or special districts;

(H) After the use of water from the water project for the slurry pipeline transportation system is permanently terminated, good and marketable title to the water project and the related water rights will be conveyed to the state without cost to the state.

ORIGINAL HOUSE
BILL NO. 241A

ENROLLED ACT NO. 63, HOUSE OF REPRESENTATIVES
FORTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
1979 SESSION

(iv) Second option:

(A) If the state determines to select the second option, the state will issue its tax exempt revenue bonds to finance the water project and the state will construct, own and operate the water project and will own the related water rights. Good and marketable title to the related water rights will be conveyed to the state without cost to the state;

(B) The state will sell and Texas Eastern will purchase a firm yield of twenty thousand (20,000) acre-feet per annum from the state (or any lesser quantity which is required for the pipeline transportation system);

(C) Texas Eastern will pay the present owners of the water rights an annual amount for use of the water for the slurry pipeline transportation system pursuant to the water rights. In addition, Texas Eastern will pay the following amounts to the parties indicated for the water purchased, regardless of the amount of water actually used by Texas Eastern:

(I) An annual amount equal to all principal and interest payable on the revenue bonds of the state;

(II) An annual amount to be determined by the state treasurer equal to the difference between the actual interest on the tax exempt revenue bonds of the state and the interest which would have been paid if corporate bonds had been issued to finance the water project as a part of the slurry pipeline transportation system payable to the Wyoming Water Development Fund;

(III) An annual amount in lieu of taxes equal to all ad valorem taxes for all taxing jurisdictions payable to the taxing jurisdictions to the same extent as if Texas Eastern owned the water project;

(IV) An annual amount equal to all oper-

ORIGINAL HOUSE
BILL NO. 241A

ENROLLED ACT NO. 63, HOUSE OF REPRESENTATIVES
FORTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
1979 SESSION

ating and maintenance costs of the water project.

(D) The state will be entitled to sell water in excess of the water committed to Texas Eastern at such prices as the state may determine but the state will agree that it will not sell water for industrial use at a price less than the cost per acre-foot of water to Texas Eastern. The state will also agree that it will not sell water for industrial use unless the purchaser contracts with Texas Eastern to pay an annual amount equal to the actual sums Texas Eastern is required to pay to the present owners of the water rights, but the state will have no liability for such payments to Texas Eastern or to the present owners of the water rights;

(E) To the extent that the state sells water from the water project other than to Texas Eastern, the state will pay a pro rata share of the operating and maintenance costs of the water project and will to such extent credit Texas Eastern's obligation to pay all operating and maintenance costs;

(F) The state will be entitled to all revenues from water sales under subparagraph (D) of this subsection;

(G) If the state sells water from the water project for industrial use, the state will sell the water only after complying with the review and public hearing processes provided by law and any water sale for industrial use will be contingent upon the industrial user's obtaining any permit required by law;

(H) Texas Eastern will provide the state, political subdivisions or special districts an opportunity to obtain capacity in any water pipeline Texas Eastern constructs to transport water from the water project at a capital cost and operating cost equal only to the incremental cost of constructing and operating the water pipeline to provide additional capacity for use of the state, political subdivisions or special districts.

ORIGINAL HOUSE
BILL NO. 241A

ENROLLED ACT NO. 63, HOUSE OF REPRESENTATIVES

FORTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
1979 SESSION

(v) Third option:

(A) If the state determines to select the third option, Texas Eastern will finance, construct and operate the water project and will own the related water rights without participation by the state;

(B) Texas Eastern will amend the water permits so that the water is not authorized to be used for industrial use other than for a slurry pipeline transportation system;

(C) The reservoir will be available for public recreational uses;

(D) Texas Eastern will provide the state, political subdivisions or special districts an opportunity to obtain capacity in any water pipeline Texas Eastern constructs to transport water from the water project at a capital cost and operating cost equal only to the incremental cost of constructing and operating a larger water pipeline to provide additional capacity for use in the state, political subdivisions and special districts;

(E) After the use of water for the slurry pipeline system is permanently terminated, good and marketable title to the water project and the related water rights will be conveyed to the state without cost to the state, if agreed to by the state.

(vi) As a material consideration for and as a condition of the use of the water described in subsection (a) of this section, Texas Eastern Wyoming, Inc., shall agree, by contract, that if any coal slurry preparation plant utilizing water authorized under this section is constructed outside of the state of Wyoming, then Texas Eastern Wyoming, Inc. shall annually pay to each entity involved an amount equal to the ad valorem taxes which would be due to any taxing entity having authority to levy an ad valorem tax on the plant if the preparation plant facilities were located at the principal reservoir

ORIGINAL HOUSE
BILL NO. 241A

ENROLLED ACT NO. 63, HOUSE OF REPRESENTATIVES
FORTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
1979 SESSION

site in Sheridan County, Wyoming.

(j) In connection with the implementation of this section, on behalf of the state, the governor may enter into contracts on such terms and conditions as may be deemed desirable with any persons or entities with regard to development of a water project using the waters of the Little Bighorn River or connected with the project. Nothing in this section may be construed as requiring the governor to enter into any contract.

Section 2. W.S. 35-12-121(e) is amended to read:

35-12-121. Waiver of permit; exemptions; information required.

(e) Coal slurry pipelines authorized by the legislature prior to January 1, 1979 and construction of railroads, electric transmission lines not exceeding one hundred fifteen thousand (115,000) volts, oil and gas pipelines, natural gas pipelines, and construction or operation of oil and gas producing, drilling and field processing facilities are not activities subject to the application and permit procedures of this act but the owner or operator thereof shall furnish the information required by W.S. 35-12-108(a)(ii), (iii), (iv) and (vii).

Section 3. If any provision of this act is held to be unconstitutional, such a ruling shall not affect other provisions of this act which can be given effect without the unconstitutional provision, and to this end the provisions of this act are severable.

ORIGINAL HOUSE
BILL NO. 241A

ENROLLED ACT NO. 63, HOUSE OF REPRESENTATIVES
FORTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
1979 SESSION

Section 4. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

(ORIGINAL SIGNED BY
PRESIDENT AND SPEAKER)

Not SIGNED BY GOVERNOR
DATE: _____

CHAPTER NO: 97



NORTH DAKOTA STATE WATER COMMISSION

900 east boulevard
701-224-2750

bismarck 58505
north dakota

April 11, 1979

The Honorable Mike Gravel, Chairman
Senate Water Resources Subcommittee
United States Senate
4204 Dirksen Senate Office Building
Washington, D.C. 20510

RE: SWC File #C3-3

Dear Senator Gravel:

This is to provide comments on S480 and S833, which were heard by your subcommittee on Monday, April 2. Thank you for the opportunity to provide comments for the record.

We also appreciate your recognition of one of our basic concerns. While we have no objections to the independent review function of the Water Resources Council, we sincerely hope that it does not become an additional delay in the process of planning and constructing water development projects. In addition, we are especially concerned that under its present structure, the review of water projects by the Water Resources Council will not be independent, since the agency itself is not independent. In spite of assurances by Assistant Secretary Guy Martin that the review will be strictly technical and therefore can be independent under the present structure, it is difficult to imagine that the policies and desires of the chairman of the Water Resources Council will not be injected into the review process. Only if the chairman of the Water Resources Council is independent can the agency and the review process itself be independent. Thus, it is urged that Congress seriously consider proposals to restructure the Water Resources Council in conjunction with proposals to expand its functions.

Our second concern relates to those expressed by Senator Domenici during the hearing relating to the proposals to increase planning assistance to the states. While we certainly support efforts to increase water resource planning efforts throughout the United States, there should also be assurances that this expanded program will not contain extensive Federal requirements by agencies to restrict and impede water resource development. The original and present Water Resources Planning Act (P.L. 39-80; 42 USC 1962) contains such assurances.

GOVERNOR ARTHUR A. LINK

Chairman

RICHARD P. GALLAGHER
Vice Chairman-Mandan

ALVIN A. KRAMER

Minot

GORDON K. GRAY

Valley City

ARTHUR J. LANZ

Douglas Lake

APLENE WILHELM

Dickinson

MYRON JUST, EX-OFFICIO MEMBER

Comm. of Agriculture

VERNON FAMY

Secretary & State Engineer

Senator Mike Gravel
April 11, 1979
Page 2

For example, the original Water Resources Planning Act was introduced into the House of Representatives (1965) as H.R. 1111. House Report (Interior and Insular Affairs Committee) No. 169 to accompany H.R. 1111 offers significant insight into the Act.

The committee report indicates that financial assistance to the states was a key purpose of the Act since it "would enable them [the states] to play a more effective rôle in planning the development and conservation of their water and related land resources". However, the report clearly indicated that: "The present responsibilities of the Federal Government or of the States relative to the development, control, or use of water will be neither expanded nor diminished by enactment of H.R. 1111".

In summarizing the program for financial assistance to the states, the committee report clearly did not contemplate that grants would be conditioned in any manner:

In order to obtain financial assistance a State will have to submit its program for comprehensive water and related land resources planning to the Council for its approval. The State will then be able to obtain, from its allotment of the amount appropriated by Congress, up to 50 percent of the cost of carrying out the approved program.

It is interesting to note that the Secretary of Interior attempted to delete a provision of the bill which stated: "Nothing in this Act shall be construed -- to expand, diminish, or change in any particular the authority or responsibility of any Federal or State official or officials, elective or appointive, in the discharge of the duties of his or their office".

The basis for the objection to the provision is contained in a February 2, 1965, letter from Secretary of the Interior Udall to Representative Wayne N. Aspinall, Chairman, Committee on Interior and Insular Affairs:

This subsection would seem to be of no effect so far as it concerns State officials, whose powers cannot be changed by Federal law.

So far as it related to Federal officials it could have an impact on the Water Resources Council. This Council is intended as an agency to establish uniform procedures and guides for Federal water resources planning. It is not intended to take away or realize basic statutory authority or responsibilities. It could not do that. Decisions of the Council are expected to be reached on the basis of unanimity and not by majority rule. These decisions may well involve an agreement among the Department heads on changes in the way they exercise their planning responsibilities. We suggest the deletion of subsection 3(b).

Senator Mike Gravel
April 11, 1979
Page 3

That section was also attacked by Secretary of Agriculture Freeman: "The language... appears to unduly restrict the functions of the Water Resources Council".

The committee and Congress, however, rejected their suggestions.

It is hoped that any proposals to increase the flexibility of Federal agencies to impose conditions on the water resource planning program be rejected as inconsistent with the intent of the Water Resources Planning Act, to ensure States' primary role in water management.

This concern is especially apparent in light of recent conditions imposed on states pursuant to Title III by the Water Resources Council which require compliance with Executive Orders 11988 (Floodplain Management) and 11990 (Protection of Wetlands). Notice of Grant Award from the Water Resources Council for FY 1978 and FY 1979 provides that: "Payment of grant funds shall be made in accordance with...supplemental instructions issued pursuant thereto". Supplemental Instruction No. 3 provides: "As a condition of accepting a Title III grant award, each recipient agrees to utilize grant monies received in full compliance with the intent of Executive Orders 11988 and 11990". North Dakota agrees that wetlands and floodplain management must be addressed in conducting state water resources planning. Indeed, consideration of those issues are necessarily a part of the water resource planning program. However, Executive Orders 11988 and 11990 mandate a specific approach in consideration of wetlands and floodplain, in accordance with administration policies and desires.

Thank you for considering the foregoing comments.

Sincerely,


Vern Fahy
State Engineer

VF:MD:pjw
cc: Senator Young
Senator Burdick
Representative Andrews
Gary Helgeson, Deputy Atty. Gen.

April 11, 1979

Mr. Richard N. VanNooy, Assistant Director
U. S. Water Resources Council
2120 L Street, N.W.
Washington, D.C. 20037

RE: SWC File #C-3

Dear Mr. VanNooy:

This is to summarize our meeting of April 2, 1979, concerning North Dakota's objection to Supplemental Instruction #3 of the Title III grant awards. Hopefully, my summary will be an accurate reflection of our discussion, but please feel free to make any corrections as may seem proper. In the first instance, I appreciated meeting with you and your staff and the discussion which we were able to pursue.

For discussion purposes we addressed two separate issues. First, Section 703.7(b)(2) of the draft guidelines, which states:

- 5703.7 Administration of Financial Assistance:
(b) The applicant must certify that the administration of the program funds -
(2) will comply with the provisions of Executive Order 11988, Floodplain Management; and Executive Order 11990, Protection of Wetlands.

This condition was discussed in the context of its application to future Title III grant programs, beginning with FY 1980. As I represented to you, North Dakota has no objection to consideration of wetlands and floodplain management in utilizing Title III funds for planning purposes. Indeed, any state water management planning program necessarily considers wetlands and floodplain management. However, we do object to Section 703.7(b)(2), which specifically requires compliance with the provisions of Executive Orders 11990 and 11988. Executive Orders 11990 and 11993, in turn, mandate a specific approach in consideration of wetlands and floodplains. This, of course, is the reason North Dakota objects and objected to the Supplemental Instruction #3 in the Notice of Grant Award for FY 78 and FY 79. You indicated that you do not intend to mandate a

Richard N. Vannoy
April 11, 1979
Page 2

specific approach for states to use in considering wetlands and floodplains, and, therefore, would be willing to revise the draft guidelines accordingly.

This brings us to the second issue discussed, which was North Dakota's acceptance of grant awards for FY 78 and FY 79, excluding Supplemental Instruction #3. As I indicated, the State Engineer would be very willing and agreeable in reaching a solution to this issue, if the WRC is willing to withdraw from its proposed guidelines Section 703.7(b)(2) which requires compliance with Executive Orders 11990 and 11989. Therefore, it is suggested that Notices of Grant Award pursuant to Title III for PY 78 and PY 79 be re-submitted to North Dakota for the State Engineer's review and acknowledgement.

As I stated before, it is hoped that the foregoing summary of our discussion properly reflects the mutual understanding which we appeared to have reached.

Sincerely,

Michael Dwyer
Counsel

MD:pjw

WATER PERMIT AGENDA FOR APRIL 18, 1979 MEETING

* INDICATES PRIOR
PERMIT STATUS

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
3150	Wills, Steven and Shirley - Leonard (Cass County)	Ground Water	Irrigation	320.0 acre-feet 160.0 acres	Defer action at this time pending lack of time to properly review application.
	Priority: 1-11-79 Hearing: 2-20-79	* NO PRIOR PERMITS			
3155	Gilbertson, Monroe - Binford (Griggs County)	Unnamed Stream, trib. to Bald Hill Creek	Recreation	58.0 acre-feet storage; 26.7 acre-feet annual use	Defer action at this time pending lack of time to properly review application.
	Priority: 10-17-78 Hearing: 2-26-79	* NO PRIOR PERMITS			
1964	Minnkota Power Cooperative, Inc. & Square Butte Electric Cooperative - Grand Forks (Oliver County)	Missouri River	Industrial	This is a request for a change in point of diversion.	Defer action at this time pending lack of time to properly review request.
	Priority: 9-10-73 Hearing on Amendment: 2-26-79				

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
3078	Madzo, Richard C. - Medora (Billings County) Priority: 11-2-78 Hearing: 11-20-78 Deferred: 12-5-78 Newspaper did not publish, date for re-hearing: 2-26-79	Unnamed Creek, and Little Missouri River, trib. to Little Missouri River	Irrigation- Waterspreading	126.0 acre-feet 63.0 acres	Defer action at this time pending lack of time to properly review application.
2550	Widmer, Arnold - Crete (Sargent County) Priority: 9-24-76 Hearing for Amendment: 3-19-79	Ground Water	Irrigation	This is a request for a change in the point of diversion.	Defer action at this time pending lack of time to properly review application.
2876	Larson, Roger - Dickey (LaMoure County) Priority: 6- 6-77 Hearing: 10-31-77 Deferred: 12- 7-77	Ground Water (Unnamed Aquifer)	Irrigation	234.0 acre-feet 117.0 acres	175.5 acre-feet 117.0 acres

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
2969	Klain, Leonard - Turtle Lake (McLean County)	Ground Water (Horse Shoe Valley Aquifer)	Irrigation	376.5 acre-feet 251.0 acres	300.0 acre-feet 200.0 acres
	Priority: 9-19-77 Hearing: 12-12-77 Deferred: 3-16-78		* NO PRIOR PERMITS		
3114	Blohm, Maynard D. and Sandra R. - Beulah (Oliver County)	Otter Creek, trib. to Knife River	Irrigation- Waterspreading	52.4 acre-feet 52.4 acres	52.4 acre-feet 52.4 acres
	Priority: 6-15-78 Hearing: 9- 5-78 Deferred: 9-14-78		* NO PRIOR PERMITS		
2692	Lutgen, Alfred - LaMoure (LaMoure County)	Ground Water (Spiritwood Aquifer)	Irrigation	640.0 acre-feet 320.0 acres	On March 16, 1978, the applicant was granted approval to appropriate 150.0 acre-feet of water to irrigate 150.0 acres. (Remainder of request held in abeyance.)
	Priority: 1-20-77		* NO PRIOR PERMITS		SWC Staff has reviewed portion held in abeyance and recommends releasing an additional 225.0 acre- feet of water to irrigate an additional 150.0 acres. (The remainder of request shall be denied.)
					Total amounts granted to permit holder would then be 375.0 acre-feet to irrigate 300.0 acres. (Remainder of request to be denied.)

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
3158	Haugen, Martin - Dazey; and Fogderud, Gerald - Hannaford (Barnes County)	Baldhill Creek and Lake Ashtabula, trib. to Sheyenne River	Recreation	22.6 acre-feet storage plus 7.8 acrefeet annual use	Defer action at this time pending lack of time to properly review application.
	Priority: 10-31-78 Hearing: 3-26-79		* NO PRIOR PERMITS		
3159	Gunlikson, Julian - Zahl (Williams County)	Ground Water	Irrigation	240.0 acre-feet 160.0 acres	Defer action at this time pending lack of time to properly review application.
	Priority: 2-16-79 Hearing: 3-26-79		* #1834 (Priority Date: 3-30-72) Granted 92.5 acres #2251 (Priority Date: 4-2-75) Granted 153.0 acres		
3160	Haak, Norman D. - Oakes (Dickey County)	Ground Water	Irrigation	289.0 acre-feet 192.6 acres	Defer action at this time pending lack of time to properly review application.
	Priority: 2-16-79 Hearing: 4- 2-79		* #2010 (Priority Date: 12-4-73) Granted 160.0 acres to Norman & Arlene Haak		
3166	Ellendale Golf Club - Ellendale (Dickey County)	Ground Water; and Dry Branch, trib. to Elm River	Irrigation	42.0 acre-feet (includes 10.5 acre-feet storage) 21.0 acres	Defer action at this time pending lack of time to properly review application.
	Priority: 2-21-79 Hearing: 4- 2-79		* NO PRIOR PERMITS		

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
2849	Sellon, Harold M. - Turtle Lake (McLean County)	Ground Water	Irrigation	405.0 acre-feet 269.9 acres	405.0 acre-feet 269.9 acres
	Priority: 6-21-77 Hearing: 7-11-77 Deferred: 8-16-77		* NO PRIOR PERMITS		
761	Hoff, Jim - Leith (Grant County)	Cannonball River, trib. to Missouri River	Irrigation	This is a request for a change in point of diversion.	It is recommended that this request for a change in point of diversion be approved.
	Priority: 4-10-58 Hearing for Amendment: 4- 2-79				
3156	Krhemp Association - Williston (Williams County)	Lake Sakakawea	Irrigation	16.0 acre-feet 10.0 acres	16.0 acre-feet 10.0 acres
	Priority: 1-25-79 Hearing: 4- 2-79		* NO PRIOR PERMITS		
3167	Schultz, Bernard and Thomas - McLeod (Richland County)	Ground Water	Irrigation	960.0 acre-feet 480.0 acres	Defer action at this time pending lack of time to properly review application.
	Priority: 2-28-79 Hearing: 4- 2-79		* NO PRIOR PERMITS		

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
3125	Heinle, Irwin G. - Tiloga (Mountrail County)	Unnamed Tributary and White Earth River	Irrigation- Waterspreading	289.0 acre-feet; 30.0 acre-feet storage 289.0 acres	289.0 acre-feet; 30.0 acre-feet storage 289.0 acres
	Priority: 7-17-78 Hearing: 10- 2-78 Deferred: 10-20-78		* NO PRIOR PERMITS		
3154	Burleigh Water Users Cooperative, Inc. - Bismarck (Burleigh County)	Missouri River	Municipal- (Rural Domestic)	475.0 acre-feet	475.0 acre-feet
	Priority: 1- 3-79 Hearing: 4- 9-79		* NO PRIOR PERMITS		
3149	Olstad, Donald - Galesburg (Steele County)	Ground Water	Irrigation	306.0 acre-feet 153.0 acres	Defer action at this time pending lack of time to properly review application.
	Priority: 1-11-79 Hearing: 4- 9-79		* #2667 (Priority Date: 1-4-77) Granted 405.0 acres		
1232P	Steele, City of - Steele (Kidder County)	Ground Water	Municipal	This is a request for a change in the points of diversion.	Defer action at this time pending lack of time to properly review application.
	Priority: 7-1-36 and 5-21-64 Hearing on Amendment: 4- 9-79				

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
2175	Glenfield, City of - Glenfield (Foster County)	Ground Water	Municipal	30.0 acre-feet	Defer action at this time pending lack of time to properly review application.
	Priority: 3-16-79 Hearing: 4- 9-79		* NO PRIOR PERMITS		
1612	Hufnagel, Walter - Tappen (Kidder County)	Ground Water	Irrigation	This is a request for a change in the points of diversion.	Defer action at this time pending lack of time to properly review application.
	Priority: 11-14-68 Hearing on Amendment: 4- 9-79				
2168	Hufnagel, Walter - Tappen (Kidder County)	Ground Water	Irrigation	This is a request for a change in the points of diversion.	Defer action at this time pending lack of time to properly review application.
	Priority: 10-29-74 Hearing on Amendment: 4- 9-79				
3142	Laintz, Dan - Selfridge (Sioux County)	Unnamed Stream, trib. to Procupine Creek and Missouri River	Stockwater	48.2 acre-feet storage plus 29.1 acre-feet annual use	Defer action at this time pending lack of time to properly review application.
	Priority: 11- 3-78 Hearing: 1-22-79 Deferred: 2-20-79		* NO PRIOR PERMITS		

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
2550	Widmer, Arnold - Crete (Sargent County) Priority: 9-24-76 Hearing on 2nd Amendment: 3-19-79	Ground Water (Englevale Aquifer)	Irrigation	This is a request for a change in point of diversion. from the SW $\frac{1}{4}$ of Section 10 to the NE $\frac{1}{4}$ of Section 10.	It is recommended that this requested change in the point of diversion be approved. (This request was approved by the State Engineer on March 27, 1979.)
2550	Widmer, Arnold - Crete (Sargent County) Priority: 9-24-76	Ground Water (Englevale Aquifer)	Irrigation	640.0 acre-feet 398.7 acres	On Feb. 20, 1979, the applicant was granted 202.5 acre-feet of water to irrigate 135.0 acres; balance of request held in abeyance. The SWC staff has reviewed that portion being held in abeyance and has recommended releasing an additional 256.0 acre-feet to irrigate an additional 170.0 acres. It is also recommended that the remainder of the request held in abeyance be denied. The total granted would be 458.5 acre-feet to irrigate 305.0 acres. (This was approved by the State Engineer on March 27, 1979.)

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
3165	Shelton, Ray and Stella - Straubville (Sargent County)	Ground Water	Irrigation	240.0 acre-feet 160.0 acres	Defer action at this time pending lack of time to properly review application.
	Priority: 3- 2-79 Hearing: 4-16-79	* NO PRIOR PERMITS			
3164	Shelton, Howard - Oakes (Sargent County)	Ground Water	Irrigation	240.0 acre-feet 160.0 acres	Defer action at this time pending lack of time to properly review application.
	Priority: 3- 2-79 Hearing: 4-16-79	* NO PRIOR PERMITS			
3157	Jamestown Country Club - Jamestown (Stutsman County)	Ground Water	Irrigation	115.0 acre-feet 41.0 acres	Defer action at this time pending lack of time to properly review application.
	Priority: 6-30-78 Hearing: 4-16-79	* #908 (Priority Date: 5-5-61) Granted 15.0 acres			
3162	Utke, William D. - Minot (McHenry County)	Ground Water	Irrigation	320.0 acre-feet 155.0 acres	Defer action at this time pending lack of time to properly review application.
	Priority: 2-16-79 Hearing: 4-16-79	* NO PRIOR PERMITS			

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
1918	Maier, Raymond R. - Morristown, S.D. (Sioux County)	Unnamed Tributary, trib. to Hay Creek, Cedar and Cannonball Rivers	Irrigation- Waterspreading	This is a request for a change in points of diversion.	It is recommended that the requested change in point of diversion be approved.
	Priority: 4- 6-73 Hearing on Amendment: 4-16-79				
1513	Beulah Tri-County Development Corporation - Beulah (Mercer County)	Brush Creek and Knife River	Industrial	6320.0 acre-feet storage plus 12,125.0 acre-feet annual use	This permit was applied for as a source of water supply for the MDU power plant. Since the Corporation was the owners of this property of a portion of the property the permit was applied for in the name of the corporation instead of MDU. MDU has since been granted another permit to pipe water from the Missouri River to their plant. Both the Corporation and MDU have indicated that they are not interested in this permit any longer. Therefore, it is recommended that this application be denied on this basis.
1615	Ward, Logan - Bismarck (Burleigh County)	Burnt Creek, trib. to Missouri River	Irrigation- Waterspreading	33.2 acre-feet 33.2 acres	The applicant has indicated that he is no longer interested in completing this application therefore, the application has been "Voided- Application Incomplete".
	Priority: 8- 6-69 Hearing:				

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
1657	Jensen, LeRoy - Powers Lake (Burke County)	Runoff, trib. to Missouri River	Recreation	28.3 acre-feet storage plus 17.25 acre-feet annual use	The applicant has not expressed any further desire to complete the application, therefore, the application has been "Voided-Application Incomplete!!!"
	Priority: 9-12-69				
1675	Finneman, Clarence - Golva (Golden Valley Co.)	Unnamed draw trib., to Bullion Creek & Little Missouri River	Irrigation- Waterspreading	150.2 acre-feet 150.2 acres	The applicant has not expressed any further desire to complete the application, therefore, the application has been "Voided-Application Incomplete".
	Priority: 12-22-69				
1669	Thompson, Albert and Margaret Ø Oberon (Benson County)	Ground Water	Irrigation	590.0 acre-feet 377.4 acres	The applicant has not expressed any further desire to complete the application, therefore, the application has been "Voided-Application Incomplete".
	Priority: 9-12-69				
1681	Moe, Donald - Coesby (Divide County)	Unnamed Channel, trib. to Unnamed Sloughs	Irrigation- Waterspreading	10.0 acre-feet 6.70 acres	The applicant has not expressed any further desire to complete the application, therefore, the application has been "Voided-Application Incomplete".
	Priority: 2-26-70				

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
1765	Cavalier, City of - Cavalier (Pembina County)	Ground Water	Municipal	1678.0 acre-feet	The applicant has advised that they are not inter- ested in completing this application and requested that it be withdrawn.
	Priority: 3-29-71				
2006	Hofmann, Fred - Medina (Stutsman County)	Ground Water	Irrigation	661.2 acre-feet 330.6 acres	The applicant has indicated that he was unable to locate an adequate water supply and has requested that the application be withdrawn.
	Priority: 11-27-73				
2606	Cross, Norman - Milnor (Ransom County)	Ground Water	Irrigation	640.0 acre-feet 320.0 acres	The applicant has indicated that he is no longer inter- ested in completing the application and has requested that the applica- tion be withdrawn.
	Priority: 11-10-76				
3049	US Fish and Wildlife Service (Hofstrand Lake) Denver, Colorado (Benson County)	Hofstrand Lake, trib. to Little Coulee to Lake Ibsen (Devils Lake Basin)	Recreation (Fish and Wildlife Propagation)	1425.0 acre-feet storage; 1425.0 acre-feet annual use	1425.0 acre-feet storage; 1425.0 acre-feet annual use
	Priority: 2-27-78				
	Hearing: 5- 1-78				
	Deferred: 6- 1-78				
	* The applicant holds a number of permits throughout the State.				

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
2676	Fluge, Duane - Egeland (Towner County) Priority: 1- 5-77 Hearing: 6-28-77 Deferred: 7- 8-77	Mauvais Coulee	Irrigation * NO PRIOR PERMITS	200.0 acre-feet 134.68 acres	After investigations by the SWC Survey Crew for this application, it has been determined that there is insufficient yield to justify the proposed use on sustained basis; therefore, it is recommended that the application be denied.
2677	Fluge, Ethel - Egeland (Towner County) Priority: 1- 5-77 Hearing: 6-28-77 Deferred: 7- 8-77	Mauvais Coulee	Irrigation * NO PRIOR PERMITS	125.0 acre-feet 83.7 acres	After investigations by the SWC Survey Crew for this application, it has been determined that there is insufficient yield to justify the proposed use on sustained basis; therefore, it is recommended that the application be denied.
2511	Huether, William D., Jr.- Lisbon (LaMoure County) Priority: 7-27-76	Ground Water (Spiritwood Aquifer and James River Aquifer)	Irrigation	3,466.0 acre-feet 2,310.8 acres	See attached Status Report Sheets for further recommendations for consideration.
16	Bott, Jim - Lench (Stuart County) Priority: 4-10-58				

SWC Water Permit No. 2511
William D. Huether, Jr. - Lisbon, ND

March 30, 1979

STATUS REPORT

Applicant applied for 3,466.0 acre-feet of water to irrigate 2,310.8 acres at a total pumping rate of 13,500 gallons per minute (900 gallons per minute per well) - Priority Date is July 27, 1976.

On September 28, 1976, the State Engineer granted:

450.0 acre-feet	300.0 acres	in SE $\frac{1}{4}$ of Section 35 and SW $\frac{1}{4}$ of Section 36, all in Township 134 North, Range 60 West; and
**225.0 acre-feet	150.0 acres	in SW $\frac{1}{4}$ of Section 2, Township 133 North, Range 60 west

(An additional 2,370.0 acre-feet of water was held in abeyance pending additional aquifer data)

On April 15, 1977, the State Engineer granted:

225.0 acre-feet	150.0 acres	in NE $\frac{1}{4}$ of Section 36, Township 134 North, Range 60 West; and
450.0 acre-feet	300.0 acres	in NE $\frac{1}{4}$ and SE $\frac{1}{4}$ of Section 32, Township 133 North, Range 60 West

(1,695.0 acre-feet of water remains being held in abeyance)

For consideration April 18, 1979:

*** To transfer 75.0 acre-feet from the 225.0 acre-feet approved for the SW $\frac{1}{4}$ of Section 2 to the NW $\frac{1}{4}$ of Section 11. Grant an additional 75.0 acre-feet of water (held in abeyance) for the NW $\frac{1}{4}$ of Section 11 to irrigate an additional 150.0 acres in the NW $\frac{1}{4}$ of Section 11.

To grant an additional 225.0 acre-feet of water (held in abeyance) to irrigate an additional 150.0 acres in the NW $\frac{1}{4}$ of Section 2 and 75.0 acres in the W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 35.

(1,395.0 acre-feet shall remain being held in abeyance)

If approved, the total acre-feet granted thus far would be 1,650.0; the total acres granted thus far would be 1,275.0.

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
2066	Krebsbach, Ralph M. - Warwick (Eddy County)	Ground Water (Warwick Aquifer)	Irrigation	This is a request for a change in point of diversion.	It is recommended that this request for a change in point of diversion be approved.
	Priority: 3- 8-74 Hearing on Amendment: 6- 5-78 Action on Amendment Deferred: 6-23-78				
3098	Kraft,LLouis P. - St. Michael (Benson County)	Ground Water (Warwick Aquifer)	Irrigation	426.0 acre-feet 284.0 acres	368.0 acre-feet 245.0 acres
	Priority: 5- 3-78 Hearing: 9- 5-78 Deferred: 9-144788	* NO PRIOR PERMITS			
3107	Krebsbach, Ralph M. - Warwick (Eddy County)	Ground Water (Warwick Aquifer)	Irrigation	424.5 acre-feet 283.0 acres	330.0 acre-feet 220.0 acres
	Priority: 4-11-78 Hearing: 77400788 Deferred: 7-19-78	* #2066 (Priority Date: 8-8-74) Granted 312.0 acres			

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
2953	Vculek, Marlene - Crete (Sargent County) Priority: 8-17-77 Hearing: 10-24-77 Deferred: 12- 7-77	Ground Water (Spiritwood Aquifer and also an Unnamed Aquifer)	Irrigation	600.0 acre-feet 400.0 acres * #2187 (Priority Date: 12-17-74) Granted 810.0 acres to Bernard Vculek	470.0 acre-feet 375.0 acres
2690	Satrom, Hilbert - Galesburg (Steele County) Priority: 1-17-77 Hearing: 5- 2-77 Deferred: 5-27-77	Ground Water (Page Aquifer)	Irrigation	704.0 acre-feet 469.3 acres * NO PRIOR PERMITS	Recommend for approval: 202.5 acre-feet 270.0 acres (Balance of request shall be held in abeyance)
3106	Dietrich, Clem J. - Bismarck (Burleigh County) Priority: 3- 6-78 Hearing: 7-31-78 Deferred: 8-23-78	Unnamed Tributary, trib. to Missouri River	Irrigation	471.2 acre-feet 235.6 acres * #1663 (Priority Date: 9-22-69) Granted 32.48 a.f. storage plus 10.11 a.f. annual use #3127 (Priority Date: 3-6-78) Granted 38.3 acres	124.2 acre-feet 235.6 acres

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
2679	Satrom, Charles and Edward - Page (Steele County) Priority: 1- 7-77	Ground Water (Page Aquifer)	Irrigation	1320.0 acre-feet 880.0 acres	On March 24, 1977, the applicant was granted approval to appropriate 202.5 acre-feet of water to irrigate 135.0 acres; balance of request held in abeyance. The SWC staff has reviewed that portion held in abeyance and recommends releasing an additional 135.0 acre-feet to irrigate an additional 210.0 acres; balance shall remain held in abeyance. Total granted to date would be 337.5 acre-feet to irrigate 345.0 acres.
3056	Larson, Bruce - Sheyenne (Eddy County) Priority: 3- 9-78 Hearing: 5- 1-78 Deferred: 6- 1-78	Ground Water (Unnamed Aquifer)	Irrigation	234.0 acre-feet 156.0 acres	225.0 acrefeet 150.0 acres
			# #657 (Priority Date: 12-12-55) Granted 109.6 acres to Bruce Larson & Clayton Lewis		
3068	Nesvig, Leslie - LaMoure (LaMoure County) Priority: 3- 9-78 Hearing: 5-22-78 Deferred: 6- 1-78	Ground Water (LaMoure Aquifer)	Irrigation	259.8 acrefeet 173.2 acres	153.0 acre-feet 102.0 acres
			* #2048 {Priority Date: 2-8-74) Granted 200.0 acres to Carl Larson and Leslie Nesvig #2306 (Priority Date: 8-18-75) Granted 222.0 acres to Leslie Nesvig		

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
2935	Jawaski, Ray - Adrian (LaMoure County)	Ground Water (Spiritwood Aquifer)	Irrigation	1270.4 acre-feet 635.2 acres	495.0 acre-feet 330.0 acres
	Priority: 2-21-78 Hearing: 5-15-78 Deferred: 6- 1-78		* NO PRIOR PERMITS		
2786	Waldo, Ronald - Warwick (Benson County)	Ground Water (Spiritwood Aquifer, Warwick Aquifer and Unnamed Aquifer)	Irrigation	343.0 acre-feet 229.0 acres	318.0 acre-feet 212.0 acres
	Priority: 7-29-77 Hearing: 10-17-77 Deferred: 12- 7-77		* NO PRIOR PERMITS		
3038	Filler, Herbert R., Jr. - Orrin (Pierce County)	Ground Water (Unnamed Aquifer)	Irrigation	132.0 acre-feet 88.0 acres	90.0 acre-feet 60.0 acres
	Priority: 2-23-78 Hearing: 5-22-78 Deferred: 6- 1-78		* NO PRIOR PERMITS		
2746	Wendel, Dennis - LaMoure (LaMoure County)	Ground Water and Dugout (Spiritwood Aquifer)	Irrigation	460.0 acre-feet 229.9 acres	200.0 acre-feet 160.0 acres
	Priority: 2-27-77 Hearing: 5-24-77 Deferred: 5-27-77		* #2338 (Priority Date: 2-9-79) Granted 135.0 acres		148

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
2767	Haberman, Walter - LaMoure (LaMoure County)	Ground Water and Twin Lakes (Spiritwood Aquifer)	Irrigation	843.8 acre-feet 421.9 acres	On December 14, 1977, the applicant was granted 265.0 acre-feet to irrigate 150.0 acres; balance held in abeyance. This portion has since been transferred to Carl Larson, #2767A. The SWC staff is recommend- ing releasing a portion of that amount held in abeyance: 262.5 acre-feet to irrigate 210.0; remain- ing 247.4 acre-feet from Twin Lakes shall continue to be held in abeyance.
3025	Jangula, Andrew-- Bismarck (Emmons County)	Ground Water (Winona Aquifer)	Irrigation	624.0 acre-feet 312.0 acres	450.0 acre-feet 300.0 acres
2852	Holen, Ralph - LaMoure (LaMoure County)	Ground Water	Irrigation	408.0 acre-feet 204.0 acres	The applicant has not expressed any further desire to complete application, therefore, application has been "Voided-Application Incomplete".

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
2578	Reger, R. F. - Bargo (Cass County)	Ground Water	Irrigation	200.0 acre-feet 122.5 acres	The applicant has not expressed any further desire to complete the application; therefore, the application has been "Voided-Application Incomplete".
	Priority: 10-18-76				
2385	Magill, Roland T. - Verona (Ransom County)	Ground Water (Englevale Aquifer)	Irrigation	592.0 acre-feet 296.0 acres	On May 24, 1976, the applicant was granted 202.0 acre-feet to irrigate 135.0 acres; 202.0 acre-feet of water held in abeyance. The SWC staff has now reviewed that portion held in abeyance and recommends releasing an additional 202.0 acre-feet of water to irrigate an additional 135.0 acres. [REDACTED] of the original request shall be
	Priority: 3- 4-76				
2720	Heinrich, Harlan N. - Adrian (LaMoure County)	Ground Water (Spiritwood Aquifer)	Irrigation	620.0 acre-feet 309.6 acres	420.0 acre-feet 280.0 acres
	Priority: 2-11-77 Hearing: 4-25-77 Deferred: 5-27-77	* NO PRIOR PERMITS			

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
2839	Shockman, Lloyd - Berlin (LaMoure County)	Ground Water (Spiritwood Aquifer)	Irrigation	320.0 acre-feet 160.0 acres	202.5 acre-feet 135.0 acres
	Priority: 4-28-77 Hearing: 7-25-77 Deferred: 8-16-77		* NO PRIOR PERMITS		
3081	Widdel, Lawrence and Tuchscherer, Daniel - Minot (Ward County)	Ground Water (Douglas Aquifer)	Irrigation	677.0 acre-feet 450.8 acres	555.0 acre-feet 370.0 acres
	Priority: 4- 4-78 Hearing: 6- 5-78 Deferred: 6-23-78		* NO PRIOR PERMITS		
2580	Dick, James - Englevale (Ransom County)	Ground Water (Englevale Aquifer)	Irrigation	1600.0 acre-feet 800.0 acres	Recommend for approval: 60.0 acre-feet 40.0 acres (Balance of request shall be held in abeyance)
	Priority: 10-21-76 Hearing: 2-14-77 Deferred: 3-24-77		* NO PRIOR PERMITS		
3138	Faber, Robert - Milnor (Ransom County)	Ground Water (Milnor Aquifer)	Irrigation	3520.0 acre-feet 1760.0 acres	Recommend for approval: 202.5 acre-feet 135.0 acres (Balance of request shall be held in abeyance)
	Priority: 12-21-78 Hearing: 1-29-78 Deferred: 2-20-79		* NO PRIOR PERMITS		51

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
3076	Roughriders Development Corporation - Sterling (Burleigh County)	Ground Water (Unnamed Aquifer)	Municipal- (Rural Domestic)	27.0 acre-feet	13.5 acre-feet

Priority: 3-23-78
Hearing: 5-22-78
Deferred: 6- 1-78

* NO PRIOR PERMITS