

MINUTES OF MEETING
STATE WATER CONSERVATION COMMISSION
Held in the Clarence Parker Hotel
Minot, North Dakota
August 20, 1963

MEMBERS PRESENT:

Oscar Lunseth, Vice Chairman, Grand Forks
Henry Steinberger, Member from Donnybrook
Einar Dahl, Member from Watford City
Richard P. Gallagher, Member from Mandan
Gordon Gray, Member from Valley City
Milo W. Hoisveen, Secretary and Chief Engineer, State Engineer, Bismarck

OTHERS PRESENT:

Fred J. Fredrickson, Planning Coordinator, Valley City
Cliff Jochim, Special Assistant Attorney General, Bismarck

Vice Chairman Lunseth called the meeting to order at 9:30 a.m. Present were Commissioners Henry Steinberger, Einar Dahl, Richard P. Gallagher, Gordon Gray, and Secretary Hoisveen.

MINUTES OF JULY 31, 1963
MEETING APPROVED

It was moved by Commissioner Einar Dahl, seconded by Commissioner Gallagher and carried that the reading of the minutes of July 31, 1963 be dispensed with and they be approved as circulated.

FINANCIAL STATEMENT FOR
JULY 1963

Secretary Hoisveen reviewed the financial statement of the State Water Commission. It was explained that the \$6,212.79 item under Topographic Surveys in the Monthly Financial Report was a result of the U. S. Geological Survey failing to bill the State Water Commission for work it performed prior to July 31, 1963. The State Water Commission may not pay any anticipated bill until it is presented with a voucher. All unexpended funds, with certain exceptions, reverted to the General Fund on July 31, 1963. After the unexpended moneys in the Topographic Survey Fund reverted to the General Fund the U. S. Geological Survey billed the Commission for work it had performed prior to July 1, 1963. As a result, the Commission owes the USGS \$6,212.79 which must be paid out of the Topographic Survey's 1963 Appropriation. This means that the Commission will be unable to participate in topographic surveys during the current biennium in that amount. It was moved by Commissioner Steinberger, seconded by Commissioner Gallagher and carried that Secretary Hoisveen apprise Governor Guy of the situation with the view of attempting to recoup the money upon appeal to the Emergency Commission at the proper time.

It was moved by Commissioner Einar Dahl, seconded by Commissioner Gray and carried that the financial statement be approved.

LAKE AGASSIZ SUGAR CORPORATION'S
WATER RIGHT APPLICATION ^{W 1109}

Secretary Hoisveen informed the Commission that the Lake Agassiz Sugar Corporation had submitted an application for a water right to appropriate 6,000 acre-feet of water out of the Sheyenne River. This water

would be part of the 7,500 acre-feet the Commission, in its December 9, 1960 resolution, reserved out of the Red River of the North, its tributaries, and aquifers in the basin thereof in North Dakota for sugar beet processing plants. It was noted that the application, as submitted, was defective in that it did not specify the point of diversion and other essential information. A hearing could not, therefore, be held nor could a water right be granted until the application was corrected. It was pointed out that the State Engineer could hold the application for thirty days and then return it to the applicant for correction. The applicant would then have sixty days to correct and refile it in order to retain the original date of priority. It was felt that even this amount of time would not be sufficient to allow the corporation to determine the proposed plant's location. It was suggested that the Commission declare its intention to set aside an amount of water out of the 7,500 acre-feet reservation for the corporation in order that its promoters might have something on record in order to aid them in securing the plant for the southwest Fargo area as it appears that if the plant is not located in North Dakota it will be constructed near Hendrum, Minnesota. It was moved by Commissioner Gray and seconded by Commissioner Gallagher that the State Engineer be directed to return the application and request the applicant to correct it by indicating thereon the plant's general location. The application will then be treated as any other application and the applicant shall be allowed a set period of time, as determined by the State Engineer, to complete construction and apply the water to a beneficial use. Motion carried.

POLICY CONCERNING WATER RIGHTS LOCATED WITHIN GARRISON DIVERSION CONSERVANCY DISTRICT

A letter from Roy A. Holand, Chairman of the Garrison Diversion Conservancy District, concerning a requested water right by Stanley Malmborg to irrigate land located in an area proposed to be served by the Garrison Diversion Conservancy

District was read. The following questions were raised: May a person be included in an irrigation district against his will? May the State Water Commission grant a water right for a specified duration of time? May it grant a water right which will expire upon completion of the Garrison Diversion Conservancy District? Should the Commission seek legislation enabling it to grant water rights subject to such conditions? Cliff Jochim agreed to report to the Commission on these points at its next meeting. It was moved by Commissioner Gallagher, seconded by Commissioner Einar Dahl and carried that the Commission postpone its policy decision regarding such matters until its next meeting.

POLICY CONCERNING FEE FOR RECORDING WATER RIGHT TRANSFER

The Commission was advised that as a result of Section 61-04-15 a water right may be assigned and the assignment, if it is to be valid as to third parties, must be filed for record in the

office of the State Engineer. Section 61-04-15 was enacted during the last session of the North Dakota Legislature but no provision was made for a filing fee. It was moved by Commissioner Gallagher, seconded by Commissioner Steinberger and carried that the State Engineer determine a fee schedule to be approved at the next meeting of the Commission.

SOURIS RIVER'S LAKE DARLING DAM AND THE PROPOSED BURLINGTON DAM

Secretary Hoisveen gave the Commission a brief summary of the history of the Lake Darling Dam, the Souris River's past floods and the Corps of Engineers proposed dam to be located at Burlington. The objections of W. M. Harrington, Minot, were noted along with Mr. Harrington's alternate suggestions regarding a

dam at Baker bridge a smaller buffer dam at Burlington. It was moved by Commissioner Steinberger and seconded by Commissioner Gray that the State Engineer be directed to study the project and any possible alternate solution. Motion carried.

**RED RIVER BASIN PLANNING
COMMITTEE**

Secretary Hoisveen reviewed the history of the Red River Basin Planning Committee. It was noted that there is a present reawakening of interest in the Red River Valley in both North Dakota and Minnesota. The role played by North Dakota and Minnesota as opposed to that of the federal agencies was discussed. It was pointed out that should the states retain the chairmanship of the committee they will then be the hub of the wheel with the federal agencies radiating out of this hub. It was moved by Commissioner Gallagher, seconded by Commissioner Gray and carried that Secretary Hoisveen and members of the Commission who plan to attend the Red River Basin Planning Committee's meeting on September 7, 1963 at Ada, Minnesota, promote the idea of the states retaining the committee's chairmanship.

**ASSOCIATION OF WATER
MANAGEMENT DISTRICTS**

Secretary Hoisveen indicated that both he and Fred J. Fredrickson had numerous inquiries from the state's 30 water management districts as to the possibility and feasibility of establishing an association of water management districts. It was pointed out that such an association would be invaluable in coordinating and exchanging ideas between the various districts and in securing legislation beneficial to the State Water Commission in carrying out its duties. It was pointed out that Mr. Fredrickson had taken it upon himself to do considerable work relative to the organization of such an association and had even drawn up a set of proposed bylaws. It was moved by Commissioner Steinberger and seconded by Commissioner Gallagher that the State Water Commission staff proceed to organize an association of water management districts. Motion carried.

**STRUCTURE BETWEEN LAKES
ALICE AND IRVINE**

Secretary Hoisveen reviewed the history of the controversy between two factions in the Lake Alice-Irvine area revolving around a control structure between the two lakes. Secretary Hoisveen read a letter written by him and addressed to R. W. Burwell, Regional Director of the Federal Fish and Wildlife Service in which was cited terms of an agreement between the Commission and the Bureau of Sport Fisheries and Wildlife. The letter pointed out the need of a control structure between the aforementioned lakes and the State Engineer's authority under Section 61-03-21 of the North Dakota Century Code to require any operator of a water storage reservoir in North Dakota to maintain an adequate structure. The structure between the two lakes is anything but adequate. The State Water Commission has requested the Bureau of Sport Fisheries and Wildlife to install a control structure between the lakes but the request has been refused. It was moved by Commissioner Gallagher, seconded by Commissioner Einar Dahl and carried that the State Engineer proceed to enforce the maintenance of an adequate structure as authorized by Section 61-03-21.

BUFFALO GROUNDWATER STUDY

Secretary Hoisveen indicated that Buffalo, North Dakota has requested a groundwater study and that such a study would cost approximately \$3,000. This cost would be paid on a 50-50 basis by the Commission and the City of Buffalo. It was moved by Commissioner Gray, seconded by Commissioner Steinberger and carried that in the event

WATER RIGHT

#1096

Valley City requested 6,686 acre-feet of water to be diverted from the Sheyenne River for municipal purposes. This request is in accordance with the Acker-Thompson formula devised for determining the amount of water to be distributed from the Baldhill Dam waters. Such formula allocates 25% on the basis of cash contribution and 75% on the basis of population. It was moved by Commissioner Gray, seconded by Commissioner Gallagher and carried that the water right be approved as requested.

adjourned at 12:45 p.m.

There being no further business the meeting

Respectfully submitted,

Milo W. Hoisveen

Secretary

ATTEST:

William L. Gray
Governor

NORTH DAKOTA STATE WATER CONSERVATION COMMISSION
 MONTHLY REPORT OF APPROPRIATIONS AS OF AUGUST 31, 1963
 1963 - 1965 APPROPRIATIONS

FUND - 2770	AVAILABLE FUNDS		DISBURSEMENTS		FUND BALANCES		
	APPROPRIATION	RECEIPTS	TO DATE	AUG'63	UNEXPENDED	ENCUMB.	UNENCUMB.
1. COMM PD & EXP -15	6,500.00	.00	255 34	255 34	6,244.66	450.00	5,794.66
2. ADMINISTRATION -301	70,000.00	54.70	4,417.54	2,690.02	65,637.16	1,400.00	64,237.16
3. MTCE OF DAMS -302	150,000.00	17.00	15,967.74	13,635.49	134,049.26	6,700.00	127,349.26
4. INT'L & INT EXP -303	10,000.00	.00	176.32	176.82	9,823.18	.00	9,823.18
5. TOPOGRAPHIC, USGS-304	30,000.00	.00	.00	.00	30,000.00	20,000.00	10,000.00
6. HYDROGRAPHIC, USGS-305	27,500.00	.00	.00	.00	27,500.00	18,750.00	8,750.00
7. ENGR & GEOL, USGS-306	60,000.00	756.15	8,374.56	6,904.35	52,381.59	1,200.00	51,181.59
8. COOP W/US DEPT -307	60,000.00	.00	3,518.54	1,988.73	56,481.46	300.00	56,181.46
9. ENGR INVEST. ETC -308	145,000.00	800.00	10,433.05	6,607.21	155,366.95	3,300.00	131,866.95
10. ADM WATER RIGHTS -309	10,000.00	.00	2,533.30	1,489.60	7,466.70	100.00	7,366.70
	569,000.00	1,627.85	45,676.89	33,747.56	524,950.96	52,400.00	472,550.96

NORTH DAKOTA STATE WATER CONSERVATION COMMISSION
STATUS OF CONTINUING APPROPRIATIONS
AS OF AUGUST 31, 1963

FUND	AVAILABLE FUNDS		DISBURSEMENTS		FUND BALANCES		
	APPROPRIATION	RECEIPTS	TO DATE	AUG '63	UNEXPENDED	ENCUMB.	UNENCUMB.
20. MULTIPLE PURPOSE "CARRIED FWD"-3770	500,000.00 337,928.21	35,142.06	42,647.41	13,483.27	830,422.86	575,387.21	255,035.65
21. CONST BOND GUARANTEE -8770	90,000.00	20,338.29	20,539.00	.00	89,799.29	.00	89,799.29

NOTE- FUND #21 RECEIPTS ARE OBTAINED FROM RETIREMENT OF AND INTEREST ON SECURITIES THAT WERE IN THE COMMISSION'S SINKING FUND IN EXCESS OF THE AMOUNT REQUIRED TO RETIRE THE SERIES "J" BOND ISSUE ON DECEMBER 10 '57. ORIGINAL DISBURSEMENTS FROM FUND #21 WERE MADE DURING THE EARLY 1940'S IN ACCORDANCE WITH SECTION 61-02-56 OF THE CENTURY CODE WHICH PROVIDES THAT THE COMMISSION MAY GUARANTEE OR INSURE, OR AGREE TO PAY, THE INTEREST ON AND PRINCIPAL OF COMMISSION REVENUE BONDS, NOT EXCEEDING 20% OF THE PAR VALUE OF ANY SUCH BONDS.

SCHEDULE OF BONDS & INTEREST RECEIVABLE - FUND NO. 21

TYPE	DUE DATE	INTEREST RATE	INTEREST REC. TO MATURITY	PRINCIPAL	TOTAL INCOME ANTICIPATED
U.S. SERIES K BONDS	5-65	2.76%	\$ 82.80	\$1,500	\$1,582.80
U.S. SERIES K BONDS	4-67	2.76%	220.80	2,000	2,220.80
U.S. TREASURY BONDS	12-68	2.50%	412.50	3,000	3,412.50
SIOUX IRRIG DIST BONDS	1984 SERIALY	2.25%	4,533.75	16,000	20,533.75
			<u>\$5,249.85</u>	<u>\$22,500</u>	<u>\$27,749.85</u>
			FUND BALANCE		89,799.29
			LESS ORIGINAL APPROPRIATION .		<u>-90,000.00</u>
			EXCESS		<u>\$27,749.14</u>

NORTH DAKOTA STATE WATER CONSERVATION COMMISSION
PAYROLL - AUGUST 31, 1963

SALARIED EMPLOYEES

NAME	POSITION	PAY GRADE	REMARKS	SALARY AUG' 63	WITH. TAX	SOC. SEC.	INS	BONDS	NET
HOISVEEN, MILO W.	STATE ENGR	Q-10	INC JUL' 63	1,125.00	172.50		15.00	131.25	806.25
BAESLER, GORDON	DRAFTSMAN	G-8	INC JUL' 63	443.67	61.00	16.08			366.59
CHRISTENSEN, RAY	ENGR AID	E-2	RES AUG' 63	274.67	39.70	9.96			225.01
COOPER, VERNON S.	ASST SECY	1-5	DEC OCT' 62	262.84	35.00	9.53	15.00		203.31
ENGSTROM, VIRGLE	RODMAN	D-3	INC AUG' 63	238.50	32.80	8.65			197.05
FREDRICKSON, FRED	COORDINATOR	I-9	INC JUL' 63	700.00	96.00	25.35	15.00		563.65
FROELICH, LARRY	GEOLOGIST	G-9	INC JUL' 63	454.67	41.00	16.48			397.19
GLOVER, DALE	HYDROLOGIST	J-9	INC JUL' 63	640.67	108.80	14.82			517.05
GRINDBERG, ALAN	ENGINEER	L-4	INC MAR' 63	672.17	108.80	5.71			557.66
HILAND, LEONE	CH STENO	F-10	INC JUN' 63	402.17	53.80	14.58	2.80		330.99
JOB, RHODA	FILE CLERK	D-6	INC JUN' 63	258.75	26.80	9.38	2.70		219.87
JOCHIM, CLIFF	ATTORNEY	K-3	STA JUN' 63	200.67	51.60	2.00	15.00		132.07
KNUTSON, LEWIS	DRILLER	H-2	INC AUG' 63	429.17	47.40	15.56			366.21
LIVERSAGE, KAY	STENO	C-9	INC JUN' 63	237.67	32.80	8.62	2.70		193.55
LUYBEN, ROBERT	ENGR AID	B-8	STA MAY' 63	201.67	26.40	7.31			167.96
MILLER, MIKE	RODMAN	B-8	STA JUL' 63	282.34	36.90	10.23			235.21
NELSON, C. P.	ENGINEER	L-4	INC MAR' 63	672.17	108.80	4.91			558.46
PUTZ, ROY	OFF ASST	C-5	INC JUN' 63	214.67	18.50	7.78	2.70		185.69
RIVINIUS, MERRIL	ENGINEER	J-5	INC MAR' 63	578.67	102.60	20.98	3.15		451.94
SACKMAN, EUGENE	SURVEYOR	H-2	INC AUG' 63	429.17	37.40	15.56	14.65		361.56
SANDWICK, HAZEN	ENGINEER	M-5	INC DEC' 62	747.67	83.20		15.00	37.50	611.97
SCHMID, ROGER	GEOLOGIST	H-7	INC JUL' 63	491.67	48.20	17.82			425.65
SCHULZ, DELTON	ENGINEER	K-4	INC JUL' 63	617.67	101.60	22.39			493.68
SCHULZ, JIM	ACCOUNTANT	J-8	INC JUL' 63	625.17	91.60	20.72			512.85
UGLAND, DONNA	STENO	D-3	STA JUL' 63	274.28	49.10	9.95			215.23
VOELLER, PIUS	FOREMAN	G-5	INC MAR' 63	410.67		14.89			395.78
WALTERSON, HOWARD	CONST SUPT	H-5	INC MAR' 63	466.67	64.60	16.92	10.00		375.15
WALTERSON, JEAN	DRAFTSMAN	F-5	INC JUL' 63	354.67	44.10	12.86			297.71
ZIEGLER, VICTOR	ENGINEER	M-7	INC JUL' 63	787.67	120.40		15.00		652.27
SWG-GROUP INSURANCE 1405				70.00			70.00		.00

NORTH DAKOTA STATE WATER CONSERVATION COMMISSION
PAYROLL - AUGUST 31, 1963

HOURLY EMPLOYEES

NAME	POSITION	PAY GRADE	REMARKS	SALARY AUG' 63	WITH. TAX	SOC. SEC	INS	BONDS	NET
BUECHLER, LARRY	OPERATOR	1.70	INC JUN' 63	515.10	80.70	18.67			415.73
ERICKSON, LELAND	LABORER	1.60	INC AUG' 63	478.40	74.80	17.34			386.26
FETTIG, LEO	LABORER	1.50	RES AUG' 63	215.25	11.30	7.80			196.15
HILZENDAGER, DENNIS	LABORER	1.60	INC JUL' 63	473.60	73.90	17.17			382.53
KNISS, EUGENE	LABORER	1.50	STA JUN' 63	407.25	62.10	14.76			330.39
KNUTSON, LANNY	DRILLER	2.00	INC APR' 63	444.00	70.70	16.10			357.20
LONG, RUSSELL	LABORER	1.50	STA MAY' 63	454.50	70.80	16.47			367.23
LORENZ, RICHARD	LABORER	1.50	STA AUG' 63	78.00	11.90	2.83			63.27
PETERSON, JOHN	OPERATOR	2.15	INC APR' 63	622.43	99.40	22.57			500.46
RICK, ROBERT	LABORER	1.50	RES AUG' 63	211.50	31.10	7.66			172.74
SANDWICK, GARY	LABORER	1.50	RES AUG' 63	9.00		33			8.67
SCHULTZ, RICHARD	LABORER	1.25	STA AUG' 63	55.00	7.70	1.99			45.31
SCHUMM, MARK	LABORER	1.50	RES AUG' 63	204.00	30.00	7.40			166.60
SENGER, ANTON	OPERATOR	2.15	INC AUG' 63	646.45	103.90	23.43			519.12
VOLK, DUANE	LABORER	1.50	RES AUG' 63	162.00	24.50	5.87			131.63
WEIGEL, JOE	OPERATOR	1.90	INC JUL' 63	551.95	87.70	20.01			444.24
WICAL, RON	LABORER	1.50	STA JUN' 63	395.25	59.90	11.83			323.52
				19,489.13	2,741.30	551.27	198.70	163.75	15,828.61