

**MINUTES**  
**NORTH DAKOTA STATE WATER COMMISSION**  
 Held in Devils Lake, North Dakota  
 October 13, 1965

**MEMBERS PRESENT:**

Governor William L. Guy, Chairman  
 Richard P. Gallagher, Vice Chairman, Mandan  
 Henry Steinberger, Member, Donnybrook  
 Gordon Gray, Member, Valley City  
 Harold Hanson, Member, New England  
 Russell Dushinske, Member, Devils Lake  
 Milo W. Hoisveen, State Engineer, Chief Engineer and Secretary, Bismarck

**OTHERS PRESENT:**

Fred J. Fredrickson, Planning Coordinator, Valley City  
 Jim Schulz, Assistant Secretary, Bismarck

The meeting of the State Water Commission was called to order at 3:20 p.m. with Governor William L. Guy presiding. The following members were present: Commissioners Gallagher, Steinberger, Gray, Hanson, and Dushinske and Secretary Hoisveen.

**SEPTEMBER 30, 1965 MINUTES**      It was moved by Commissioner Steinberger, seconded by Commissioner Gray and carried that the reading of the September 30, 1965 minutes be delayed until the next Commission meeting.

**NEXT MEETING OF STATE WATER COMMISSION**      The Commission discussed the possibility of meeting in Grafton or Drayton prior to the Water Users' Association convention at the end of October and view projects in the area as well as the Drayton Sugar Plant.

It was moved by Commissioner Dushinske and seconded by Commissioner Gray that the next meeting of the State Water Commission be held in Grand Forks on October 29, 1965 at 2 p.m., following the North Dakota Water Users' Association convention. Carried.

**STATUS OF SHEYENNE RIVER SNAGGING & CLEARING PROJECT #568**      Commissioner Gray reported that bids had been received for the Barnes and Cass County segments of the Sheyenne River Snagging and Clearing Project; however, they were over 30% above the engineering estimates so were all rejected. The Commission staff is now making a detailed inventory of river obstructions along with interested contractors. The most significant problem is disposal of the debris after it is removed from the river. Another problem involves feedlot operators dumping refuse into the river in Cass County. In the event future bids are also excessive one other alternative would be to perform the work with force account crews.

**POLLUTION - SWC Project #1397**      The problem of pollution of water and land resources by salt water pits in oil fields was discussed by the Commission.

It was moved by Commissioner Gallagher, seconded by Commissioner Hanson and carried that the State Water Commission, upon advice of Commissioner Steinberger and other Commission members, advise the State Industrial Commission of the location and extent of pollution by salt water pits in oil fields.

Governor Guy, as a member of the Industrial Commission, said such complaints would be checked out and the Water Commission would be advised of the findings and actions taken by the Industrial Commission.

**CRYSTAL WATER SUPPLY RESERVOIR CLEARING PROJECT #600**      The State Water Commission is planning to construct a dam at Crystal next spring for recreation and municipal water supplies for that area. Prior to construction of the reservoir, the area to be inundated should be cleared to permit better adaptation to recreational development.

It was moved by Commissioner Dushinske, seconded by Commissioner Gallagher and carried that the Water Commission participate to the extent of one-third of the costs of clearing the Crystal Reservoir, not to exceed \$3,000, with the balance to be paid equally by Bureau of Outdoor Recreation matching funds, providing the State Outdoor Recreation Agency approves, and the City of Crystal.

**PEMBINA RIVER BASIN DEVELOPMENT - Project #567**

Plans 1 and 2 for development of the Pembina River Basin, as presented to the International Joint Commission by the Pembina River Engineering Board,

are being considered by the International Joint Commission according to Secretary Hoisveen who attended their Ottawa meeting on October 7, 1965. Plan 4 was definitely dropped from consideration. He felt Plan 2 would be the proposal which the International Joint Commission would recommend to the two governments for development. This plan had been endorsed by the State Water Commission through resolution. Hoisveen reported that Canadian representatives indicated construction could not be started before the end of 1968 or early 1969, as Manitoba's commitments would not permit an earlier start. The consensus of opinion is that it will require two or three years before treaties and authorization can be accomplished. Secretary Hoisveen indicated that additional funds will be needed by the International Joint Commission Pembina River Engineering Board to complete pre-construction design and planning for the project. He stated that if the funds were obtained at an early date, plans could be completed and bids let for construction as soon as authorization and construction funds become available, thereby accelerating the program by at least one year. Secretary Hoisveen suggested that the Commission recommend to our Congressional delegation that sufficient funds be sought from Congress for the International Joint Commission Engineering Board so planning on this project could be continued and the development made a reality.

It was moved by Commissioner Dushinske, seconded by Commissioner Steinberger and carried that the Secretary recommend, through resolution, that our Congressional delegation obtain funds for Federal agencies to complete planning on the Pembina River Basin Development Project in order that work could be initiated as soon as construction funds are authorized. Copies of such recommendations are also to be provided the Secretary of Interior, Secretary of State, Director of the Budget Bureau, Corps of Engineers, Bureau of Reclamation, Manitoba Provincial officials, and the Canadian and United States sections of the International Joint Commission and other interested agencies.

**CROWN BUTTE DAM #870 and  
SWEETBRIAR DAM #642**

Actual costs of these two projects in Morton County were in excess of pre-construction estimates prepared by the

State Highway Department. The Crown Butte Dam estimates exceeded the Commission's commitment by \$5,099 and the Sweetbriar Dam estimate by \$9,768.

It was moved by Commissioner Gallagher, seconded by Dushinske and carried that the Commission participate in the increased costs of the Crown Butte and Sweetbriar Dams for a total amount of \$14,867.

**OFFICE SPACE - SWC Project #682**

Secretary Hoisveen checked with the State Board of Administration relative to additional office space for the State Water Commission as directed.

He read a letter from the Board which denied the request for additional office space, however, they indicated that the request would be kept on file in the event space should become available in the future. Governor Guy offered to discuss the situation with the Board of Administration and if further progress cannot be made, the Commission will provide office facilities at its 26th and Broadway shop in Bismarck.

**TRAILL COUNTY DRAIN #44  
(Project #1417)**

Traill County Drain #44 is located two miles west of Mayville. Secretary Hoisveen recommended that the Commission

approve cost participation to the extent of \$3,998 in this drain which is estimated to cost \$16,135.

It was moved by Commissioner Gray, seconded by Commissioner Gallagher and carried that the Commission participate in the costs of Traill County Drain #44 to the extent of \$3,998.

**NOME-LUCCA DRAIN #1377**

Secretary Hoisveen advised the Commission that he was meeting with State Game & Fish Commissioner Stuart and Soil

Conservation Service officials on October 14, 1965 to discuss this project.

**WATER RESOURCES PLANNING**

Commissioner Gray commended Fred Fredrickson on his report concerning the Water Resources Planning Act of

1965 and its effect upon Commission activities. All Commission members were provided a copy of the document.

## WATER RIGHTS - Project #1400

#1327 - Mell

The application of Norman M. Mell, Ross, to divert 40 acre-feet of water from an unnamed lake for the purpose of irrigating 20 acres of land was presented to the Commission by Secretary Hoisveen for consideration. He reported that the Federal Fish & Wildlife Service had objected to the application because they feel wildlife resources would be harmed by withdrawals of water from the lake, 50% of which is owned by the Service.

It was moved by Commissioner Hanson, seconded by Commissioner Dushinske and carried that action be deferred on the Mell application #1327 until a further study can be made of the available water in the lake.

#1328 - Crystal

The application of the City of Crystal to divert 300 acre-feet annually for municipal purposes and construct a 200 acre-foot impoundment was presented to the Commission by the Secretary for consideration.

The State Engineer, Milo W. Hoisveen, having considered the application and made his recommendation thereon for 300 acre-feet annual use and a 200 acre-foot impoundment; it was moved by Commissioner Hanson, seconded by Commissioner Steinberger and carried that the Crystal application #1328 be approved and the permit granted subject to such conditions as indicated on the permit.

#1329 - TenBrock

The application of Merrill TenBrock, McIntosh, South Dakota, to divert 25 acre-feet of water from an unnamed wash tributary to Cedar River (South Fork Cannonball) for stockwater purposes was presented to the Commission by the Secretary for consideration.

The State Engineer, Milo W. Hoisveen, having considered the application and made his recommendation thereon for 20 acre-feet of storage and 12 acre-feet annual use for stockwater purposes; it was moved by Commissioner Hanson, seconded by Commissioner Steinberger and carried that the application as modified by the State Engineer be approved and the permit granted for the diversion of 20 acre-feet of storage and 12 acre-feet annual use for stockwater purposes subject to such conditions as indicated on the permit.

#1330 - Syvrud

The application of M.G. Syvrud, Mandan, to divert 35 acre-feet of water from an unnamed coulee tributary of Sweetbriar Creek for livestock use was presented to the Commission by the Secretary for consideration.

The State Engineer, Milo W. Hoisveen, having considered the application and made his recommendation thereon for 35 acre-feet storage and 13½ acre-feet annually for livestock use; it was moved by Commissioner Hanson, seconded by Commissioner Steinberger and carried that the application be approved and the permit granted for the diversion of 35 acre-feet storage and 13½ acre-feet annual use for livestock subject to such conditions as indicated on the permit.

There being no further business the meeting was adjourned at 5:10 p.m.

Thilo W. Hoisaven  
Secretary

ATTEST:

William L. Guy  
Governor - Chairman