

MINUTES
NORTH DAKOTA STATE WATER COMMISSION
Held in Office of State Water Commission
Bismarck, North Dakota
September 28, 1966

MEMBERS PRESENT:

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

OTHERS PRESENT:

Leo LaLonde, Bismarck Tribune, Bismarck
H. R. Engbrecht, Mercer County Water Management District, Beulah
Lloyd Ernst, Basin Electric Cooperative, Inc., Bismarck
Oliver Light, Oliver County Water Management District, Center
W. Van Tassel, Montana Dakota Utilities Co., Bismarck
Luther Wells, Montana Dakota Utilities Co., Bismarck
Ken Vig, Minn-Kota Power Co., Grand Forks
C. S. Smith, Montana-Dakota Utilities Co., Minneapolis
Mr. Wakefield, Wakefield Air Service, Devils Lake
Ed Stattmann, United Press, Bismarck

Vice Chairman Gallagher presided at the meeting which opened at 9:30 a.m. with Commissioners Steinberger, Dushinske, Gray and Hanson, and Secretary Hoisveen present. Governor William L. Guy sent word that he could not be present as President Johnson had requested him to remain in Washington, D. C. on added business.

APPROVAL OF MINUTES OF
AUGUST 18, 1966

Commissioner Dushinske moved that the Minutes of August 18, 1966 as mailed to the Commissioners be approved. The

motion was seconded by Commissioner Steinberger and carried.

APPROVAL OF FINANCIAL STATEMENTS
FOR JULY AND AUGUST 1966

Secretary Hoisveen reviewed the financial statements for July and August, 1966.

He stated that it would be necessary to transfer funds from the General Fund to the Contract Fund before the end of the biennium. This is a customary procedure and does not infer that we are under budgeted.

It was moved by Commissioner Steinberger, seconded by Commissioner Hanson and carried that the Financial Statements for July and August, 1966 be approved.

LISBON CITY DAM - TIME EXTENSION
ON PAYMENTS FOR RECONSTRUCTION

Secretary Hoisveen stated that last spring the Lisbon City dam was damaged because of flood conditions in that

area. The Corps of Engineers and the State Water Commission met with the Office of Emergency Planning. The estimated cost for repair of the Lisbon Dam is \$37,000. The OEP is providing \$22,200. The balance of \$14,800 would be shared between the City of Lisbon and the State Water Commission. The City of Lisbon is requesting that its payments be made in three installments - October 1, 1967, October 1, 1968 and October 1, 1969. This project would provide a scenic area for the park and a recharge for the city water system.

Secretary Hoisveen recommended Commission participation in this dam.

It was moved by Commissioner Gray, seconded by Commissioner Hanson and carried that the State Water Commission participate in the reconstruction of the Lisbon Dam in the amount of \$7,400 and extend the time for making payments by the City of Lisbon to October 1, 1967, October 1, 1968 and October 1, 1969.

REAFFIRMATION OF COMMISSION PARTICIPATION IN SNAGGING AND CLEARING BELOW CONFLUENCE OF THE JAMES RIVER WITH THE PIPESTEM RIVER

\$60,935. The low bid for this project was \$58,999 by the Harvey Sand and Gravel Company. The Office of Emergency Planning would share in this project to the extent of 75 per cent. The remaining 25 per cent would be shared equally between the State Water Commission and Stutsman County. Stutsman County has agreed to participate in this project.

Secretary Hoisveen stated that he had called the Commission members concerning participation in the snagging and clearing below the confluence of the James River with the Pipestem River. The estimated cost of the snagging and clearing is

It was moved by Commissioner Gray, seconded by Commissioner Dushinske and carried that the Commission reaffirms its action taken by telephone as to Commission participation in the snagging and clearing of the James River below its confluence with Pipestem River to the LaMoure County line in accordance with the amounts stipulated above.

SHEYENNE RIVER SNAGGING AND CLEARING ANALYSIS

Builders had 31 river miles to clear in Richland County and expended \$46,616 as compared to Sherman, Inc., who had 68 river miles in Cass County at a cost of \$40,464.90. This work appeared to be similar in nature.

Secretary Hoisveen indicated that the Commission records show that on the snagging and clearing project Industrial

SARNIA DAM REHABILITATION

Sarnia Dam is located in Nelson County. It is a WPA structure which has deteriorated considerably and it will cost between \$32,000 and \$35,000 to repair. The Game and Fish Department is not interested in the project. The Secretary averred that this project did not seem to have any particular value and wondered if money should be spent on this type of venture. Possibly a new site should be investigated. The water management district has requested that the State Water Commission participate in this project. Whitman Dam is three miles from Sarnia. It was suggested that Commissioner Dushinske check into this matter before the next Commission meeting.

It was moved by Commissioner Gray, seconded by Commissioner Hanson and carried that it appears from the preliminary investigation that this project lacks economic feasibility and the Commissioners request that Commissioner Dushinske investigate and visit with the local people concerning this project and report to the Commissioners at a future date.

CHRISTINE DAM REPAIR

Secretary Hoisveen stated that the City of Fargo has made a request that the State Water Commission repair Christine Dam on the Red River. Christine Dam could be used to implement the water supply for the City of Fargo in case of severe drouth such as occurred in the 30's. Two cost estimates have been prepared. One cost estimate provides for repairing the wingwalls and training walls only, at an estimated cost of \$19,360. The second cost estimate provides for repairing the entire structure at a cost of \$40,260. Secretary Hoisveen recommended the approval of the repair of Christine Dam on the basis of the repairs the City of Fargo decides to put into the dam.

Commissioner Gray suggested that the City of Fargo request the City of Moorhead to participate in the project.

It was moved by Commissioner Gray, seconded by Commissioner Hanson and carried that the State Water Commission cooperate with the City of Fargo in the cost of repairing Christine Dam and suggest that the City officials seek participation from the City of Moorhead and the State of Minnesota, and the Red River Basin Planning Committee be made aware of this project and do whatever they can to further this project.

RICHLAND COUNTY DRAIN #3

The Richland County Water Management District desires to extend Drain #3 1.7 miles. The estimated cost would be \$6,444. The Commission's share would be 40 per cent or \$2,577.60. The Commission has not participated previously in this drain.

It was moved by Commissioner Gray, seconded by Commissioner Dushinske and carried that the Commission participate in the extension of Drain #3 on a 40 per cent basis or a maximum of \$2,577.60.

ARNEGARD DAM REPAIR AND RAISING

Secretary Hoisveen stated that Arnegard Dam is located near Arnegard in McKenzie County. This was a WPA structure which washed out a number of years ago. At one time the State Water Commission intended to put in a dam downstream from the present structure but the landowners objected. The local sponsor withdrew this project much to the disappointment of the Game and Fish Department and the State Water Commission. The sponsors of the project have now requested that the Game and Fish Department and the State Water Commission participate in the repair and raising of the dam. If the dam were raised two feet the estimated cost would be \$13,300. The State Game and Fish has stated they will participate to the extent of \$2,500, which would leave a balance of \$10,800 to be shared between the State Water Commission and the County or the State Water Commission's participation be the same as the Game and Fish Department's \$2,500, with the county's share \$8,300. Secretary Hoisveen recommended that in view of the fact that the Commission has not done too much in the way of construction in this County that the Commission and the County participate on a 50-50 basis, with the Commission's share being \$5,400.

It was moved by Commissioner Hanson, seconded by Commissioner Dushinske and carried that the Commission participate in the repair and raising of Arnegard Dam to the extent of \$5,400.

**MERCER-OLIVER GROUND-WATER STUDIES-
Presentation of Checks**

The Mercer County and Oliver County Commissioners have agreed to participate in a ground-water study in the counties of Mercer and Oliver. Civic organizations also participating in this study are Minn-Kota Electric Power Cooperative, \$5000; Montana-Dakota Utilities Company, \$5000; Basin Electric Power Cooperative, \$1000; United Power Association, \$500; and the Oliver-Mercer Electric Cooperative, \$200.

The following people were present for the presentation of the checks: H. R. Engbrecht, Mercer County Water Management District, Beulah; Oliver Light, Oliver County Water Management District, Center; Lloyd Ernst, Basin Electric Power Cooperative, Bismarck; C. S. Smith, Minneapolis, Luther Wells and W. Van Tassel, Bismarck, Montana-Dakota Utilities Company; Ken Vig, Minn-Kota Power Company, Grand Forks.

ARTESIAN WELLS

Secretary Hoisveen stated that the 38th Legislative Session transferred the care of flowing artesian wells from the State Geologist to the State Water Commission. One of the first steps that should be made in connection therewith would be to make a state-wide inventory of such wells. During the winter months the Commission drill crew or other employees under the supervision of a geologist, could make an inventory and check with the owners of these wells as to their desires in regard to controlling the flow. This inventory could be utilized to show the Legislature, and also to make recommendations, as to what might be done to curtail the flowing of some of these wells. This would be an excellent conservation practice and would serve as a pollution control, as many of these wells discharge mineralized water into streams in North Dakota.

Commissioner Gallagher suggested that the Commission prepare a set of rules and regulations under the Administrative Practice Act and it would not be necessary to go through the Legislature for issuing controls over such flowing wells.

Secretary Hoisveen stated that no appropriation had been made relative to an artesian well program. The Water Commission has a cooperative program with the well drillers whereby the drillers furnish the Commission logs of their drillings. The Commission supplies the drillers with the forms that are to be completed by them and they in turn furnish the Commission with a carbon copy. The original is retained by the driller for his future use. The Commission pays the postage on these forms. There are many places in the Red River Valley where there are flowing wells and this is also true in southwestern North Dakota.

It was moved by Commissioner Gray, seconded by Commissioner Dushinske and carried that the Commissioners authorize the State Engineer and his staff to proceed with a study and inventory of flowing artesian wells and active springs in North Dakota and make a study of possible regulations under the Administrative Practice Act.

**RECORDING CALCULATOR-
WATER ANALYSIS**

Secretary Hoisveen mentioned the need for a recording calculator for use by the State Water Commission chemist who carries on the Commission water analysis program. The Secretary stated that during the summer months the State Water Commission employed two chemistry teachers to assist in water analysis. These chemists brought a recording calculator from the Bismarck High School, which was returned to the school

this fall when the chemists returned to their school activities. The State Water Commission chemist's work would be simplified and efficiency increased by the use of a recorder calculator. Hoisveen would like authority to purchase a recorder calculator to facilitate chemical analysis work.

It was moved by Commissioner Hanson, seconded by Commissioner Steinberger and carried that the Secretary is authorized to purchase a recorder calculator.

FOUNDATION STUDIES EQUIPMENT

The State Water Commission has a soils laboratory at the Commission shop for use in obtaining foundation information for the Water Commission dam program. More equipment is needed to make foundation studies for such structures.

It was moved by Commissioner Dushinske, seconded by Commissioner Steinberger and carried that the Secretary is authorized to purchase equipment needed for foundation studies.

**RESOLUTIONS - CITY OF FARGO
AND CITY OF SOUTHWEST FARGO -
LOWERING LAKE ASHTABULA**

Resolutions were received from the City of Fargo and the City of Southwest Fargo requesting the lowering of the pool elevation in Lake Ashtabula

to alleviate impending spring flooding. These resolutions would be passed annually in accordance with tentative flood conditions. They request the State Water Commission to have the Corps of Engineers effect adequate draw-down by the lowering of the pool elevation in Lake Ashtabula through the increase of water releases from the reservoir over a five-month period of October through February each year.

It was moved by Commissioner Gray, seconded by Commissioner Steinberger and carried that the State Water Commission accept the resolutions of the City of Fargo and the City of Southwest Fargo and the State Water Commission employees arrange a study of flood conditions with the Corps of Engineers to provide for better flood control regulations at the Baldhill Dam.

**MINOT DAILY NEWS RELEASE ON
WATER USAGE FROM TIOGA DAM**

The City of Tioga is beginning to use water from the Tioga Dam, according to the Minot Daily News,

issued on September 24, 1966. The Tioga Dam was constructed by the State Water Commission.

**BISMARCK SEWAGE OUTFALL -
BANK STABILIZATION**

The City of Bismarck has asked the State Water Commission if it would have any objections to the city

protecting the area of their outfall sewage through the Corps of Engineers. They have a lengthy outfall line which is in the act of being constructed. Approximately 320 feet of outfall line may be destroyed by bank erosion if erosion protection is not afforded. They are also interested in obtaining protection by going directly through Senator Young and furnishing their own maintenance agreement.

The Commissioners discussed the bank stabilization priority, especially as it related to and what effect the Bismarck protective works might have on Fort Lincoln area. Commissioner Gallagher

suggested that the Commission should have a letter from the State Park Service stating that the situation had stabilized itself.

LETTER - MINOT DAILY NEWS

Commissioner Gray suggested that the Secretary forward a letter to the Minot Daily News commending them for the way they are handling water resources publicity in North Dakota. It was suggested that the North Dakota Water Users Association adopt a resolution commending the newspaper. There was considerable discussion as to the advisability of commending one particular newspaper.

It was the recommendation of the Commissioners that a letter be sent to the Minot Daily News, if the Governor approves such procedure. This matter was later discussed with the editor of the News who recommended against it.

STATE WATER COMMISSION MEETING
IN DICKINSON IN OCTOBER

The Commissioners discussed the advisability of holding a Commission meeting during the time the North Dakota Water Users Convention is held in Dickinson. It was agreeable that a Commission meeting be held at the call of the chairman in Dickinson, North Dakota.

STATE WATER PLAN

The Economic Development Commission received a letter from the Department of Housing and Urban Development stating that the DHUD had been informed by the Water Resources Council that they also had received an application for Title III grant assistance through the Department of the Interior and that this application is identical to the one submitted to them by the Water Commission for 701 assistance. The Water Resources Council estimates that the entire North Dakota proposal can be funded through the Title III Program. They suggested that the Water Commission withdraw the 701 application and continue its application to the Water Resources Council.

Secretary Hoisveen stated that he had called Henry Caulfield, Executive Director of the Water Resources Council. He stated that the DHUD has such a tremendous amount of planning and that matters pertaining to water should be financed through the Water Resources Council. Indications are that it will be quite some time before the DHUD gets to funding these studies. At present the Water Resources Council does not have an appropriation. The estimated cost of a two year water planning program is \$64,000. The 701 plan provides for greater federal grants. Secretary Hoisveen also stated that the outline prepared by the State Water Commission has been requested by several states - Nevada, Hawaii and Minnesota and other states. It was recommended that the Governor be consulted as to which program should be followed in North Dakota.

It was moved by Commissioner Gray, seconded by Commissioner Dushinske and carried that contingent upon the Governor's approval the State Water Commission proceed under the grants-in-aid of the Water Resources Council, provided funds are available, otherwise to depend on the 701 plan.

REVISED OFFICE SPACE

A floor plan of proposed partitions for the State Water Commission was presented to the Commission members for their approval. The costs of the partitions would approximate \$1600.

It was moved by Commissioner Hanson, seconded by Commissioner Steinberger and carried that the Secretary proceed with the partitioning of rooms for additional space for the State Water Commission employees.

W.R. #1397
Edmund Kilzer

Commissioner Hanson stated Mr. Kilzer has a WPA dam in Hettinger County that is in need of repair.

Mr. Kilzer has made application for a water permit in connection with this dam. He is anxious to proceed with the construction of this dam this fall. The hearing on this water permit is set for October 17, 1966.

It was moved by Commissioner Hanson, seconded by Commissioner Steinberger and carried that this permit be approved contingent upon the water permit hearing which is scheduled to be heard on October 17, 1966.

STATE WATER COMMISSION
PUBLICITY

The Commissioners discussed the feasibility of publicity for the State Water Commission. There are

instances where the State Water Commission is not receiving publicity and recognition in projects in which they are one of the sponsors and where in many instances they stimulated the project. No action was taken.

WATER RIGHTS
#1378

The application of Donald E. Weekes, Flasher, to divert 120 acre-feet of water from an Unnamed Coulee, tri-

butary to the Heart River to irrigate 81 acres of land 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 81 acre-feet to irrigate 81 acres of land, it was moved by Commissioner Steinberger, seconded by Commissioner Gray and carried that the application as modified by the State Engineer be approved and the conditional permit granted for the diversion of 81 acre-feet to irrigate 81 acres of land, subject to such conditions as indicated on the permit.

#1379

The application of Eugene Howey of Anamoose to divert 36 acre-feet

storage, 15 acre-feet annual use from an Unnamed stream tributary to a closed marsh area, no outlet, for recreation and livestock was presented to the Commission by the Secretary for consideration.

The State Engineer, Milo W. Hoisveen, having considered the application and made his recommendations thereon for 36 acre-feet storage, 15 acre-feet annual use for recreation and livestock, it was moved by Commissioner Steinberger, seconded by Commissioner Gray and carried that the application be approved and the conditional permit granted for the diversion of 36 acre-feet storage, 15 acre-feet annual use, subject to such conditions as indicated on the permit.

#1381

The application of Leonard Erickson of Rugby to divert 29 acre-feet from Unnamed Draw tributary to Round Lake, a nontributary part of the Souris River Basin, to irrigate 14.4 acres of land 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 29 acre-feet to irrigate 14.4 acres of land, it was moved by Commissioner Steinberger, seconded by Commissioner Gray and carried that the application be approved and the conditional permit granted for the diversion of 29 acre-feet to irrigate 14.4 acres of land, subject to such conditions as indicated on the permit.

#1382

The application of Jack D. Walker of Bismarck, to divert 154 acre-feet of water from the Missouri River to irrigate 77 acres 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 154 acre-feet to irrigate 77 acres of land, it was moved by Commissioner Steinberger, seconded by Commissioner Gray and carried that the application be approved and the conditional permit granted for the diversion of 154 acre-feet to irrigate 77 acres of land, subject to such conditions as indicated on the permit.

#1380

The application of Elmer Bartleson, of New Town, to divert 21.9 acre-feet of water from an Unnamed Creek, tributary to the Missouri River, to irrigate 21.9 acres of land 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 21.9 acre-feet to irrigate 21.9 acres of land, it was moved by Commissioner Steinberger, seconded by Commissioner Gray and carried that the application be approved and the conditional permit granted for the diversion of 21.9 acre-feet to irrigate 21.9 acres of land, subject to such conditions as indicated on the permit.

#1383

The application of the Pembina County Water Management District, Cavalier, to divert 153 acre-feet annual sediment storage from Willow Creek tributary to the Park River for flood control 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 153 acre-feet annual sediment storage for flood control, it was moved by Commissioner Steinberger, seconded by Commissioner Gray and carried that the application be approved and the conditional permit granted for the diversion of 153 acre-feet annual sediment storage for flood control, subject to such conditions as indicated on the permit.

#1384

The application of Ernest L. Leland, Sidney, Montana, to divert 200 acre-feet of water from Sheep Creek and Hay Draw, tributary to Bennie Pierre to irrigate 198 acres of land 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 200 acre-feet to irrigate 198 acres of land, it was moved by Commissioner Steinberger, seconded by Commissioner Gray and carried that the application be approved and the conditional permit granted for the diversion of 200 acre-feet to irrigate 198 acres of land, subject to such conditions as indicated on the permit.

#1385

The application of Joseph B. Madler, New England, to divert 60 acre-feet of water from an intermittent stream tributary to the Cannonball River to irrigate 30 acres of land 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 30 acre-feet to irrigate 30 acres of land, it was moved by Commissioner Steinberger, seconded by Commissioner Gray and carried that the application as modified by the recommendation of the State Engineer be approved and the conditional permit granted for the diversion of 30 acre-feet to irrigate 30 acres of land, subject to such conditions as indicated on the permit.

#1387

The application of Reuben Schneider, Manning, to divert 48.8 acre-feet for storage, 15 acre-feet annual use, from an unnamed intermittent draw tributary to Crooked Creek and Knife River for water storage for fish habitat 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 48.8 acre-feet storage, 15 acre-feet annual use for water storage for fish habitat, it was moved by Commissioner Steinberger, seconded by Commissioner Gray and carried that the application be approved and the conditional permit granted for the diversion of 48.8 acre-feet storage and 15 acre-feet annual use for water storage for fish habitat, subject to such conditions as indicated on the permit.

#1388

The application of Ervin Bourgois, Bismarck, to divert 566 acre-feet of water from underground sources to irrigate 283 acres of land 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 566 acre-feet to irrigate 283 acres of land, it was moved by Commissioner Steinberger, seconded by Commissioner Gray and carried that the application be approved and the conditional permit granted for the diversion of 566 acre-feet to irrigate 283 acres of land, subject to such conditions as indicated on the permit.

There being no further business the meeting adjourned at 12:30 p.m.

Milo W. Hoisveen
Secretary

ATTEST:

William L. Gray
Governor-Chairman