

## NORTH DAKOTA STATE WATER COMMISSION

## REGISTER

ATTENDANCE AT State Water Commission MeetingDATE August 23, 1979 PLACE Burlak, N. Dak.

PROJECT NO. \_\_\_\_\_

Your Name	Your Address	Who do you Represent? (Or Occupation)
<del>David Spryngaynak</del>	Bis	SWC
Jim Eastgate	"	Burleigh Co WMD
LAURIE McMERTY	MINOT	ND WATER USERS
Bob Roos	Minot	Minot Daily News
Nelly Benson	Burlak	KHOL Radio
Tim Kjos	Burlak	Burlak Beacon Hazen Star
JOHN ROGERS	Burlak	Burlak City Planner
Edsel L. Boe	Burlak.	IFNG
Arnest Selby	Burlak	Basin El.
Al Detrey	Hazen	Mercer Co. Energy Dev. Board
Gary Jacobson	Hazen	Basin Electric
Howard Easton	Bismarck	Basin Electric
David Byrnes	Bismarck	Basin Electric
Andy Monk	Mandan	Basin Electric
Matt Emerson		
Mike Dwyer		

## MINUTES

North Dakota State Water Commission  
 Meeting Held In  
 City Hall  
 Beulah, North Dakota

August 23, 1979

The North Dakota State Water Commission held a meeting in the City Hall, Beulah, North Dakota, on August 23, 1979. Governor-Chairman, Arthur A. Link, called the meeting to order at 10:00 a.m., MDT, 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  
 Arthur Lanz, Member from Devils Lake  
 Myron Just, Commissioner, Department of Agriculture, Bismarck  
 Vernon Fahy, State Engineer and Secretary, North Dakota  
 State Water Commission, Bismarck

OTHERS PRESENT:

State Water Commission Staff Members  
 Jim Eastgate, Burleigh County Water Management District, Bismarck  
 Laurie McMerty, North Dakota Water Users Association, Minot  
 Bob Roos, Minot Daily News, Minot  
 Wally Baardson, KHOL Radio, Beulah  
 Tim Kjos, Beulah Beacon-Hazen Star, Beulah  
 John Rogers, Beulah City Planner, Beulah  
 Edsel L. Boe, ANG Coal Gasification Company, Beulah  
 James Selby, Basin Electric, Beulah  
 Al DeKrey, Mercer County Energy Development Board, Hazen  
 Gary Jacobson, Basin Electric, Hazen  
 Howard Easton, Basin Electric, Bismarck  
 David Byrnes, Basin Electric, Bismarck  
 Andy Mork, Basin Electric, Mandan

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 JULY 25, 1979 MEETING -  
APPROVED

Secretary Fahy reviewed the minutes from the July 25, 1979 meeting which was held in Regent, North Dakota. There were no corrections or additions to the minutes.

It was moved by Commissioner Just, seconded by Commissioner Gray, and unanimously carried, that the minutes of the July 25, 1979 meeting be approved.

REPORT ON RED RIVER  
DIKE CRITERIA HEARINGS  
(SWC Project No. 1638)

Mike Dwyer reviewed the history of negotiations with Minnesota Department of Natural Resources leading up to criteria hearings and discussed their enforcing authority. He stated the next step would be to amend the original agreement with Minnesota to conform with newly established criteria. The Water Commission staff and the Joint Powers Board will work with individual landowners in reference to dike placement, elevations, etc.

Secretary Fahy alerted the Commission of a situation where it is reported that a Minnesota county road is being upgraded and may be in violation of the two-State agreement. The situation will be monitored by Commission staff to ensure that criteria will be enforced by Minnesota.

Governor Link announced a possible meeting that he and Governor Quie may schedule this fall to review progress of the two-States' efforts.

DISCUSSION OF GENERAL  
DRAINAGE REGULATIONS  
AMENDMENTS  
(SWC Project No. 1053)

Mike Dwyer noted the changes adopted in the latest regulations. Discussions followed regarding whether the 40-acre or 80-acre limitation should prevail. Mr. Dwyer noted that the entire subject was being studied by the Legislative Council Interim Committee and the Water Commission staff would have input, but that the 80-acre limitation was firmly established.

Secretary Fahy stated that he had been assigned to appoint an advisory committee consisting of water management persons for study input.

STATUS REPORT ON  
RUSSELL DIVERSION  
(SWC Project No. 1685)

Mr. Dwyer reported on court actions regarding Russell Diversion in Bottineau County, citing the lack of firm action by the judge for the case.

He stated that in October of 1978, the judge had ruled that the Russell Diversion project was illegal, but had given

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those responsible until June of 1979 to comply with engineering and statutory requirements. Due to the lack of effort by those responsible to meet the deadline, the State Water Commission again attempted to have the drain closed. However, the judge granted a 60-day extension.

STATUS REPORT ON TEXAS  
EASTERN WYOMING-YELLOWSTONE  
COMPACT  
(SWC Project No. 1677)

Mr. Dwyer reported that the Texas Eastern firm had proposed diversion of water from Little Big Horn River in Wyoming for coal slurry pipeline. Their 40,000 acre-foot water right

from which they offered the State of Wyoming certain benefits was primarily acquired by purchase of valid water rights. The same firm has inquired and may apply for a diversion of water from Lake Sakakawea to the Wyoming coal fields for a slurry line. A diversion from North Dakota could produce certain benefits in a portion of the West River area.

Mr. Dwyer emphasized that only an initial contact had been made to discuss procedures, etc., to secure a water right. The company representative did not indicate that North Dakota was preferred, as sources of water in other states were also being considered.

REPORT ON NORTHGATE DAM -  
REQUEST FOR ADDITIONAL  
FUNDS  
(SWC Project No. 667)

Dave Sprynczynatyk reviewed the cost participation agreements for the repair and modification of the spillway and noted the bids were higher than expected. He stated that the low bid should be

accepted, due to the fact that construction timing was important so the project could be completed this fall, and new bids later may be equally higher than original estimate.

It was the recommendation of the State Engineer to increase the Water Commission's share of cost participation in the amount of \$12,000.

It was noted that the State Game and Fish Department has approved an additional \$12,000 and SORIC an additional \$8,400.

It was moved by Commissioner Kramer and seconded by Commissioner Gray that an additional amount of up to \$12,000 be allocated for financial participation for repair and modification of Northgate Dam. All members voted aye; the motion unanimously carried.

CONSIDERATION OF REQUEST  
FOR FINANCIAL PARTICIPATION  
IN REPAIR OF GASCOYNE LAKE DAM  
(SWC Project No. 557)

Dave Sprynczynatyk reported on the history of Gascoyne Lake and a request to assist in the repair of the recreation dam.

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It was recommended by the State Engineer that the Commission honor the request for financial assistance.

It was moved by Commissioner Just and seconded by Commissioner Lanz that the Commission participate in an amount not to exceed \$3,950, contingent upon the availability of funds, for repair of Gascoyne Lake Dam. All members voted aye; motion unanimously carried.

**STATUS REPORT ON CURRENT  
SWC ENGINEERING  
INVESTIGATIONS  
(SWC Project No. 1)**

From a prepared listing, Mr. Sprynczynatyk reported on current investigations on the following projects: Blacktail Dam, Williams County; Buffalo Lake, Pierce County;

Raney Slough, LaMoure County; Rost Lake-School Section Lake (Lake Metigoshe), Bottineau County; Sarnia Dam, Nelson County; Odland Dam, Golden Valley County; Sentinel Butte Dam, Golden Valley County; Jackson Dam, McKenzie County; and City of Devils Lake Lagoon.

The last four items are requests which will be followed with investigations after agreements are implemented.

**CONTINUED DISCUSSION OF PROPOSAL  
FOR A STATE-CONSTRUCTED PUMPED  
STORAGE HYDROPOWER FACILITY  
UTILIZING MISSOURI RIVER WATERS  
IN NORTH DAKOTA  
(SWC Project No. 1652)**

Laurie McMerty from the North Dakota Water Users Association presented each Commission member with a book summarizing information he had gathered regarding a proposal for state-owned hydro-electric facilities. He cited cost-benefit analyses, and spoke of two such projects

now in operation in the United States where the principle of pump-back water storage is used. He briefly reviewed each section of the summary book and explained the source of their contents. The book is available for public viewing.

The Commission directed the State Engineer and his staff to pursue this matter further and be prepared to make recommendations concerning a detailed study to the State Water Commission at a later date.

The Commission recessed at 12:00 noon, and the meeting was reconvened at 1:30 p.m.

**DISCUSSION OF NATIONAL  
WATER RESOURCES POLICY AND  
DEVELOPMENT ACT - U.S. SENATE  
BILL 1241**

Secretary Fahy reported that information for analysis of proposed legislation was being assembled. He cited the possible modification of the legislation proposed, stating the most objected

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to by North Dakota was the inequity of cost sharing and failure to properly credit the state for previous project development. He noted that the major water resources organizations were in agreement on these objections to the legislation proposed and were seeking a change.

**DISCUSSION OF INVESTMENT  
OF RETAINED FUNDS FOR STATE  
WATER COMMISSION PROJECTS**

Secretary Fahy explained a proposal to allow the retentage from contractor's project funds to be deposited for the purpose of earning interest for the

contractor. The practice has been approved by the Department of Accounts and Purchases.

Secretary Fahy requested a motion by the Commission to carry out the investment of retained funds according to accepted State procedures.

It was moved by Commissioner Wilhelm and seconded by Commissioner Lanz that the State Engineer be directed to implement the investment of retained funds. All members voted aye; the motion unanimously carried.

**STATUS REPORT ON EPPING-  
SPRINGBROOK DAM SITUATION  
(SWC Project No. 346)**

In addition to discussions earlier in the meeting regarding Epping Dam, Secretary Fahy commented on the agreements prepared for signature

and the obligations of participants. He cited the need for 370 acres of land to be acquired and noted that the local sponsors were responsible for the acquisition.

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

Secretary Fahy presented the water permit agenda, attached hereto as APPENDIX "A", and recommended approval.

It was moved by Commissioner Kramer and seconded by Commissioner Gray that the actions of the State Engineer be confirmed. All members voted aye; the motion unanimously carried.

The following applications were approved:  
No. 1936 - City of Underwood (this is a request for a change in point of diversion); No. 3190 - City of Cathay; No. 3191 - Missouri River Sand and Gravel, Inc., Bismarck; No. 3130 - City of Harvey; No. 3135 - Ronald Ophaug, Kloten; No. 2044 - James W. Bailey, Cooperstown; No. 2045 -

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Dean Hagen, Cooperstown; No. 3111 - Terry L. Hall, Binford; No. 3182 - Velva Community Development Corporation, Velva; No. 2165 - Dolar LaPlant, Binford; No. 2112 - David Volker, Binford; and No. 2220 - Richard Olson, Binford.

The following applications were deferred: No. 3188 - Grand Forks-Traill Water Users, Inc., Thompson; No. 3187 - All Seasons Water Users Association, Inc., Bottineau; No. 1795 - Grand Forks-Traill Water Users, Inc., Thompson (this is a request for a change in point of diversion); No. 2036 - Ernest O. Oster, Hazen (this is a request for a change in point of diversion); and No. 3189 - LeRoy Reinhardt, Almont.

The following applications were "Void - Incomplete Application": No. 2023 - Marlin E. Baranyak, Wilton; and No. 2561 - Rott Brothers, Nortonville. SEE APPENDIX "A"

**CONSIDERATION OF  
FINANCIAL STATEMENT**

Secretary Fahy stated that copies of the financial report were in the Commissioners folders, and due to lack of time, no discussion followed.

**STATE-OWNED VEHICLES**

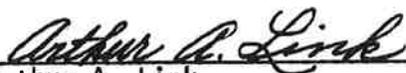
Secretary Fahy discussed with the Commission members the rapidly rising cost of fuel for vehicle operation and requested Governor Link to look into purchasing procedures which would allow procurement of smaller pickups and field vehicles for better fuel economy. Previously, this type of vehicle had been omitted from bid lists because they were foreign made for U.S. companies.

**RECRUITMENT OF  
PROFESSIONAL PERSONNEL**

Secretary Fahy cited the difficulties in recruiting hydrologists and engineers and the rapid turnover of these employees.

He informed the Commission that he has contacted other agencies having similar problems and would be making some recommendations in the near future.

The meeting was adjourned at 2:00 p.m., MDT, and Commission tour of Basin Electric facilities commenced.

  
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Arthur A. Link  
Governor-Chairman

ATTEST:

  
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Vernon Fahy  
State Engineer and Secretary

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\* INDICATES PRIOR  
PERMIT STATUS

WATER PERMIT AGENDA FOR AUGUST 23, 1979 MEETING

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
3188	Grand Forks-Trail Water Users, Inc. - Thompson (Grand Forks Co.)  Priority: 7- 9-79 Hearing: 7-30-79	Ground Water	Municipal- (Rural Domestic)	200.0 acre-feet	It is recommended that action be deferred at this time.
		* #1795 (Priority Date: 5-28-71)	Granted 650.0 acre-feet		
		#2497 (Priority Date: 7-22-76)	Granted 200.0 acre-feet		
		#3095 (Priority Date: 4-27-78)	Granted 400.0 acre-feet		
3187	All Seasons Water Users Association, Inc. - Bottineau (Rolette County)  Priority: 6-15-79 Hearing: 8- 6-79	Ground Water	Municipal- (Rural Domestic)	28.0 acre-feet	It is recommended that action be deferred at this time.
		* #2491 (Priority Date: 6-10-76)	Granted 27.0 acre-feet		
		#2492 (Priority Date: 6-10-76)	Granted 17.0 acre-feet		
		#2493 (Priority Date: 6-10-76)	Granted 60.0 acre-feet		
		#2890 (Priority Date: 7- 7-77)	Granted 65.0 acre-feet		
1936	Underwood, City of - Underwood (McLean County)  Priority: 6- 4-73 Hearing on Amendment: 8- 6-79	Ground Water	Municipal	This is a request for an additional point of diversion in NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec 21.	It is recommended that this request be approved for an additional point of diversion.
3190	Cathay, City of - Cathay (Wells County)  Priority: 7-11-79 Hearing: 8- 6-79	Ground Water (Cathay Aquifer)	Municipal	25.0 acre-feet	25.0 acre-feet
		* NO PRIOR PERMITS			

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
1795	Grand Forks-Traill Water Users, Inc. - Thompson (Grand Forks Co.)	Ground Water	Municipal - (Rural Domestic)	This is a request for an additional point of diversion located in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec 11-150-54.	It is recommended that action be deferred at this time.
	Priority: 9-14-71 Hearing on Amendment: 8- 6-79	* #1795 (Priority Date: 5-28-71) Granted 650.0 acre-feet #2497 (Priority Date: 7-22-76) Granted 200.0 acre-feet #3095 (Priority Date: 4-27-78) Granted 400.0 acre-feet			
3191	Missouri River Sand and Gravel, Inc. - Bismarck (Burleigh County)	Ground Water (Missouri River Aquifer)	Industrial (Sand and Gravel Washing Plant)	1.0 acre-feet	1.0 acre-feet
	Priority: 7-27-79 Hearing: 8-20-79	* #2472 (Priority Date: 7-1-76) Granted 10.08 acre-feet #3047 (Priority Date: 3-1-78) Granted 4.0 acre-feet			
3130	Harvey, City of - Harvey (Pierce County)	Ground Water (New Rockford Aquifer)	Municipal	1000.0 acre-feet	660.0 acre-feet
	Priority: 5- 3-79 Hearing: 6-18-79 Deferred: 6-25-79	* # 733 (Priority Date: 6-21-57) Granted 2190.0 acre-feet #2845 (Priority Date: 5-2-77) Granted 500.0 acre-feet			

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
2023	Baranyk, Marlin E. - Wilton (Burleigh County)  Priority: 1-22-74	Missouri River  * NO PRIOR PERMITS	Irrigation	338.2 acre-feet 169.1 acres	Application is incomplete and the applicant has not expressed an interest to complete; therefore, it is recommended the application be "Voided".
2561	Rott Brothers - Nortonville (LaMoure County)  Priority: 9-27-76	Ground Water  * #1607 (Priority Date: 10-22-68) Granted 786.0 acres * #1831 (Priority Date: 3-24-72) Granted 194.0 acres	Irrigation	1135.0 acre-feet 683.8 acres	Application is incomplete and the applicant has not expressed an interest to complete; therefore, it is recommended the application be "Voided".
2036	Oster, Ernest O. - Hazen (Mercer County)  Priority: 2-11-74 Hearing on Amendment: 8-20-79	Ground Water  * #1761 (Priority Date: 3-22-71) Granted 38.0 acres	Irrigation	This is a request for an additional point of diversion located in NE $\frac{1}{4}$ Sec 14-144-87)	It is recommended that action be deferred at this time.
3189	Reinhardt, LeRoy - Almont (Morton County)  Priority: 6-18-79 Hearing: 8-20-79	Big Muddy Creek, trib. to Heart River  * NO PRIOR PERMITS	Irrigation	177.0 acre-feet 88.5 acres	It is recommended that action be deferred at this time.

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
3135	Ophaug, Ronald - Kloten (Nelson County)  Priority: 10-18-78 Hearing: 12-11-78 Deferred: 2-20-79	Ground Water (McVile Aquifer)	Irrigation	507.0 acre-feet 338.0 acres	400.0 acre-feet 245.0 acres  * #2818 (Priority Date: 4-14-77) Granted 135.0 acres
2044	Bailey, James W. - Cooperstown (Griggs County)  Priority: 2-25-74 Hearing: 4-29-74 Deferred: 5-28-74	Ground Water (Spiritwood Aquifer)	Irrigation	953.9 acre-feet 476.9 acres	Recommend for approval: 220.0 acre-feet 260.0 acres  (Remainder of request shall be held in abeyance)  * NO PRIOR PERMITS
2045	Hagen, Dean - Cooperstown (Griggs County)  Priority: 2-25-74 Hearing: 5- 6-74 Deferred: 5-28-74	Ground Water (Spiritwood Aquifer)	Irrigation	322.2 acre-feet 161.1 acres	Recommend for approval: 241.0 acre-feet 161.1 acres  (Remainder of request shall be held in abeyance)  * NO PRIOR PERMITS
3111	Hall, Terry L. - Binford (Griggs County)  Priority: 6-21-78 Hearing: 7-31-78 Deferred: 8-23-78	Ground Water (Spiritwood Aquifer)	Irrigation	874.0 acre-feet 437.0 acres	Recommend for approval: 280.0 acre-feet 210.0 acres  (Remainder of request shall be held in abeyance)  * NO PRIOR PERMITS

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
3182	Velva Community Development Corporation - Velva (McHenry County)	Ground Water (Unnamed Aquifer)	Industrial	276.2 acre-feet	276.2 acre-feet
	Priority: 4-25-79 Hearing: 6-25-79 Deferred: 7-25-79	* NO PRIOR PERMITS			
2165	LaPlant, Dolar - Binford (Griggs County)	Ground Water (Spiritwood Aquifer)	Irrigation	921.0 acre-feet 614.0 acres	Recommend for approval: 200.0 acre-feet 135.0 acres  (Remainder of request shall be held in abeyance)
	Priority: 10-24-74 Hearing: 12-23-74 Deferred: 5-12-75	* NO PRIOR PERMITS			
2112	Volker, David - Binford (Griggs County)	Ground Water (Spiritwood Aquifer)	Irrigation	960.0 acre-feet 480.0 acres	Recommend for approval: 180.0 acre-feet 135.0 acres  (Remainder of request shall be held in abeyance)
	Priority: 6-25-74 Hearing: 9-16-74 Deferred: 10-15-74	* NO PRIOR PERMITS			
2220	Olson, Richard - Binford (Griggs County)	Ground Water (Spiritwood Aquifer)	Irrigation	320.0 acre-feet 160.0 acres	202.5 acre-feet 135.0 acres
	Priority: 2-25-75 Hearing: 4- 7-75 Deferred: 5-12-75	* NO PRIOR PERMITS			