

STATE WATER CONSERVATION COMMISSION
MINUTES OF MEETING
Held in the Office of the Commission
Bismarck, North Dakota
December 8, 1961

A meeting of the North Dakota State Water Conservation Commission was held in the office of the State Water Commission on December 8, 1961, at 9:30 a.m. The meeting was called to order by Vice Chairman Lunseth. The following members were present:

MEMBERS OF THE STATE WATER CONSERVATION COMMISSION:

Governor William L. Guy, Chairman, Bismarck
Oscar Lunseth, Vice Chairman, Member from Grand Forks
Einar Dahl, Member from Watford City
Math Dahl, Commissioner of Agriculture & Labor, Bismarck
Richard Gallagher, Member from Mandan
William Corwin, Member from Fargo
Milo W. Hoisveen, Secretary and Chief Engineer, State Engineer
Fred J. Fredrickson, Planning Coordinator, Valley City

OTHERS PRESENT:

Oscar Berg, Executive Secretary, North Dakota
Water Users Association, Minot

MINUTES OF NOVEMBER
15, 1961 APPROVED

Commissioner Math Dahl moved that the minutes of November 15, 1961 be approved. The motion was seconded by Commissioner Einar Dahl. Motion

carried.

FOSTER COUNTY GROUND
WATER SURVEY REQUEST

A request was received from the County Auditor of Foster County on behalf of the Board of County Commissioners for a county-wide ground water survey.

Secretary Hoisveen told the commission members that the cost would be approximately \$58,000 which would approximate \$14,500 over a four-year period or about \$3,600 per year. The basis of distributing the cost of county-wide ground water surveys is 25% for the county, 25% for the State Water Commission and the balance for the U. S. Geological Survey. Mr. Fredrickson stated that it was felt by some attorneys that the county commissioners do not have the authority to make these county-wide ground water surveys. It was suggested that legislation be prepared to remedy this situation for presentation to the next session of the Legislature. It was recommended that the contracts be entered on a yearly basis, renewable each year. It was moved by Commissioner Math Dahl and seconded by Commissioner Corwin that the State Water Commission approve a county-wide ground water survey of Foster County on the basis that the agreement be renewed each year. Carried.

Governor Guy presides at the meeting.

FINANCIAL STATEMENT
FOR NOVEMBER 1961

Secretary Hoisveen went over the various items contained in the financial statement. It was moved by Commissioner Lunseth and seconded by

Commissioner Math Dahl that the financial statement be approved. Carried.

CONSIDERATION OF INCREASING FLEET LIABILITY INSURANCE FOR COMMISSION VEHICLES At the November 1961 meeting of the State Water Commission, Secretary Hoisveen had been instructed to investigate the cost of increasing the Commission's fleet liability insurance for bodily injury and property damage. The quotations were received from the Mutual Service Casualty Insurance Company who was the low bidder for fleet liability insurance. The increased coverage for bodily injury of \$300,000/600,000 and property damage increase of \$25,000 was acceptable to the commission members. It was recommended that the increase be accepted without calling for new bids. It was moved by Commissioner Gallagher and seconded by Commissioner Einar Dahl that the liability insurance on the commission's vehicles be increased as follows: bodily injury increased to \$300,000/600,000 and property damage increased to \$25,000. Carried.

It was moved by Commissioner Gallagher and seconded by Commissioner Corwin that the minutes show the commission made a decision that the increase be an endorsement of the present policy. Carried.

COST COMPARISON BETWEEN VEHICLE OWNING AND VEHICLE LEASING At the November, 1961 meeting of the commission the secretary was requested to obtain quotations for leasing vehicles for use by the State Water Commission staff. Quotations were received from Hertz in Bismarck and the City Manager of Grand Forks who had contacts with Rydell Motor Company and Valley Motor Company of that city. The records of the commission were used in determining the operating and ownership costs of the commission in the past. The quotations submitted are attached to the minutes and marked Appendix A. From these quotations it was found to be more advantageous for the state to own its own vehicles than rent them. It was moved by Commissioner Corwin and seconded by Commissioner Lunseth that the State Water Commission continue its practice of purchasing vehicles rather than leasing them. Carried.

GARRISON RESERVOIR NAME CHANGE It has been suggested that the name Garrison Reservoir be changed to a more appealing name. Mr. Fredrickson stated that Congress makes the name changes. The State Water Conservation Commission can request that the name be changed. It was suggested that a resolution be adopted referring the problem to the Economic Development Commission. The EDC would then call in various organizations, in the state, such as the Motel Association, the Hotel Association and the Greater North Dakota Association, to secure their support in making a change in the name of the Garrison Reservoir. It was moved by Commissioner Math Dahl and seconded by Commissioner Corwin that the change of name of the Garrison Reservoir be turned over to the Economic Development Commission to secure the support of interested organizations in the state to adopt a name acceptable to all. Carried.

MONANGO DAM #386 A deposit of \$200 from each of the following cities and entities has been received for investigation or survey for dams: Monango, St. Thomas, Grenora and Caledonia. The St. Thomas Dam would provide a water supply for that city; The Grenora Dam would be for recreation and wildlife enhancement; the Caledonia Dam would provide the village with a water supply and would also be used for recreation. The purpose of the Monango Dam would be for recreation. It was moved by Commissioner Math Dahl and seconded by Commissioner Einar Dahl that the commission make the necessary survey for dam sites for the cities or entities of Monango, St. Thomas, Grenora and Caledonia. Carried.

Oahe Land Purchase

Secretary Hoisveen stated that he had been invited to sit in on a meeting of the local landowners but because of a previous engagement he could not attend. Vern Cooper, Assistant Secretary, participated in the meeting. One party indicated he had a farm of about 500 to 600 acres. The Corps of Engineers purchased the bottomland for \$56 per acre. They did not desire to purchase the 102 acres remaining. He will be required to move prior to September 1, 1962. Mr. Robinson indicated that he sold land to the Corps when the Garrison Reservoir was built. He was offered \$28 per acre which land was later sold to the Corps through court action for \$33 per acre. He leased it back for an 8 year period for \$4,500. At the end of that period the Corps decided the land was surplus and put it up for bid. He was awarded the bid at a price of \$80 per acre. The commission might be able to aid in some respects. Possibly the Missouri River States could be informed as to some of the Corps purchasing policies. It was the consensus of opinion that if a landowner wants to buy surplus land back he should have first offer without going to auction and should be able to buy it at the same price for which it was sold. If the construction of the dam made the land more valuable that should be taken into consideration. It was the opinion of these people that they should be granted easements on this land rather than sell it outright. Mr. Fredrickson stated that easements present a problem too. There is a lot of land in the reservoir area that is never inundated. The Governor was of the opinion that the State Water Commission should lend support in view of the fact that the commission favors a full value sale price of any land to be inundated by the Oahe. It was the recommendation of the State Water Commission that the appraisers for the State of North Dakota follow up the appraisalment of the Corps of Engineers. It was the consensus of the commission that the land should be sold at a fair and reasonable price. Governor Guy recommended that a resolution be offered the Missouri Basin Inter-Agency Committee that they make a study of the alleged low land evaluation offered by the Corps of Engineers on the Oahe Reservoir. It was further recommended that a resolution be drawn that the Corps of Engineers purchase land in the Oahe Basin on the actual, practical value of the land. Governor Guy recommended that the Missouri River Basin Inter-Agency Committee appoint a committee to make a review of the land purchase around the Oahe, with one member of the committee to be the North Dakota representative on the MBIAC. A report of this committee would be made in February. It was suggested that a resolution, directed to the Corps of Engineers, be sent to the Corps requesting them to review their land acquisition policy and the prices arrived at. This should be brought before the MBIAC meeting also.

Two resolutions are to be presented to the Missouri River Basin Inter-Agency Committee, one requesting the Corps of Army Engineers to present to the MBIAC its land acquisition policy regarding the Oahe. The second resolution would provide that the MBIAC appoint a committee to present recommendations on land acquisitions at the February meeting of the Committee and also authorize the personnel from the water commission act on such COMMITTEE.

"WHEREAS, it has come to our attention that the land evaluation in the Oahe area is not reasonable and that the appraisal of the Corps of Army Engineers be in line with the local appraisal."

It was moved by Commissioner Corwin and seconded by Commissioner Math Dahl that a resolution be directed to the Missouri Basin Inter-Agency Committee that they set up a review committee on land acquisition in the Oahe Basin for report at the February Meeting. Carried.

It was moved by Commissioner Lunseth and seconded by Commissioner Corwin that the Corps of Army Engineers be requested to present to the Missouri Basin Inter-Agency Committee its land acquisition policy regarding the Oahe. Carried.

**NEGATION IMPACT STUDIES
RESULTING FROM RESERVOIRS
AND BANK EROSION ON THE
MISSOURI RIVER**

At the November 15, 1961 meeting Secretary Hoisveen was directed to negotiate with the State University at Fargo relative to obtaining the cost of a negation study on the Missouri River and report to the next commission meeting. Secretary Hoisveen contacted Mr. Arlon Hazen. Mr. Hazen was out of the city and he then called Mr. Fred Taylor, head of the Agricultural Economic Division. He indicated they would cooperate on the project. Secretary Hoisveen wrote to Mr. Taylor outlining some of the negations to be considered in this study. Jerome Johnson and Richard Goodman, economists from the college called on Mr. Hoisveen relative to this study. They indicated they were willing to go ahead with the study and requested the State Water Commission to assist them in securing the field data necessary. With the help of the Commission staff they thought they could have a report by March 1, 1962. The field data requested was - contacting the county agencies regarding the amount of land, different types of land, so they could formulate an average on the economic resources of the state. No request was made for funds for this study, as they were of the opinion that the expenses involved would not be very large. It was moved by Commissioner Gallagher and seconded by Commissioner Lunseth that the State Water Commission request the North Dakota State University to conduct a study of the negation impact on the Missouri River and that the Commission personnel cooperate with the State University in securing field data for the report, which is to be ready by March 1, 1962. Carried.

**MAP OF GROUND WATER
AVAILABILITY IN STATE
(USGS)**

A letter was received from Mr. Ed Bradley relative to preparing a map of North Dakota showing promising areas for development of fair to good quality ground water and showing the areas that have been covered in North Dakota Ground Water Studies series of reports. Mr. Dan McLellan, North Dakota State University Agricultural Extension Advisor, is also interested in this project. Such a publication would be prepared in the office of the U. S. Geological Survey and published by the State Water Commission. Secretary Hoisveen was of the opinion that the State Water Commission should receive recognition on publications issued from this office. It was moved by Commissioner Math Dahl and seconded by Commissioner Gallagher that the U. S. Geological Survey be informed that the State Water Commission be given due recognition on the publications issued from the office of the State Water Commission. Carried.

**RESOLUTION - PURCHASE
OF ADDITIONAL DRILL
RIG**

A resolution was received from the North Dakota Water Users Association urging the acceleration of ground water investigations through the early procurement of an additional drill rig and the increase by the legislature in the biennial appropriation to the State Water Conservation Commission of \$100,000 for irrigation and ground water investigation purposes. Mr. Berg stated that the Commission was faced with the responsibility of expanding ground water investigation. This money was requested from the Senate and House Appropriations Committees for this purpose. Mr. Hoisveen stated that it would cost \$32,500 to purchase such a rig. The cost of the equipment, personnel services and equipment operations and supplies would total \$70,000. There was discussion as to whether it would be advisable to buy a drill rig or to rent one,

or buy a drill and rent a third rig. It was moved by Commissioner Einar Dahl and seconded by Commissioner Gallagher that a study be made as to the advisability of buying or renting a drill rig and such study be presented at the next commissioner's meeting. Carried.

SOIL CONSERVATION DISTRICT ASSOCIATION RESOLUTIONS Three resolutions were received from the Soil Conservation Association. 1. That no dam capable of impounding more than 10 acre-feet of water shall be constructed, either in a water course or elsewhere without the prior written approval of the commission and that there be no limit on depth of impoundments of water; 2. that the Legislative Research Committee study the advisability of including a section in the North Dakota State Water Code which will establish a priority of use dedicated to the maximum economic development of North Dakota, and recommending the following priority: domestic use, livestock, irrigation and industry and recreation; 3. that the Agricultural Stabilization Corporation's state and county committees consider allowing Federal cost sharing for the deepening and restoration of stock water dams and dugouts.

COUNTY WATER RESOURCE COUNCIL MEETINGS REPORT - Mr. Berg Mr. Oscar Berg, executive secretary of the North Dakota Water Users Association, stated that his association had presented to the State Water Commission a proposal to schedule county-wide meetings for the purpose of providing continuity and direction as to the conservation, utilization and development of the surface and underground water resources in the respective areas. It was suggested that an invitation be extended to the following: County Commissioner Board, mayor and auditor of each municipality in the county, president and secretary of every civic organization in the county, county extension agent, Smith-Hughes instructors, if any, Soil Conservation Directors and Work Unit Conservationist, Flood Control District personnel, if any, present members of the Legislature from district, Farm Associations, Garrison Conservancy District County Director, if any, representatives of local press. It was suggested that six pilot meetings be held in the counties of Kidder, Divide, Burke, Renville, Pembina and Walsh and then present a report to the commissioners to determine the advisability of scheduling similar meetings for the remaining counties. It was Mr. Berg's opinion that the meetings had been very successful. He also stated that Mr. Hoisveen or his representatives had attended all meetings. Mr. Berg stated that his association could not assume the assignment of continuing this effort without the full and complete cooperation of the North Dakota State Water Conservation Commission. He felt that any time, effort and monies expended on the program was an investment in the future well-being of North Dakota and all of its people.

It was moved by Commissioner Math Dahl and seconded by Commissioner Gallagher that the report of Mr. Berg be placed on record in the files of the Commission and that the minutes show the report was received and that the Commission continues its support of this program. Carried.

WEATHER MODIFICATION REPORT Mr. Fred Fredrickson stated he had received more information relative to weather modification and that he would redraft his present report and present the report at the next meeting of the commission.

PUBLIC LAW 566 MODIFICATION TO PROVIDE TEST PERIOD FOLLOWING COMPLETION OF STRUCTURE Public Law 566 provides that the local organization is responsible for the maintenance of a structure once it has been completed by a federal agency. The Bureau of Reclamation has a test period to see that the structure is satisfactory before it is turned

over to the local agency and it was the opinion of the secretary that the Soil Conservation Service should have the same test period, as some of the local communities have been put to great expense in maintaining a defective structure. It was recommended that this matter be studied with a possibility of amending Public Law 566. It was also suggested that a meeting be held with the Soil Conservation Service and the Lower Heart Water Conservation and Flood Control District. It was moved by Commissioner Gallagher and seconded by Commissioner Corwin that the commission go on record encouraging all Federal Construction Agencies to have a test period upon completion of a structure. Carried.

**CEDAR CREEK BASE
FLOW AND GAGING
STATION**

Some time ago the commission established a minimum base flow on Cedar Creek of 3 cfs, at which point irrigators were to cease pumping water from the creek. This appears to be an insufficient flow and the minimum base flow should be raised to 5 cfs in view of the findings during the past season. The Game and Fish Department has a dam above Cedar Creek. The local riparian owner desires to hold irrigation to a minimum so the stream will have some water in it for stock water uses. The two parties irrigating in the stream feel this amount might be excessive. The commission could try the 5 cfs and if this proves more than adequate to meet the needs of the riparian owner the amount can be reduced accordingly. Our experiences on the Mouse and Park Rivers during the past season indicate that these streams use a considerable quantity of water in evaporation and transpiration during periods of low flow. On the Park River only 38% of the 540 acre-feet of water released from Homme Dam reached Grafton 32 river miles distant. Stock water impoundments, plus water spreading, plus better farming are all factors in the low flow of the creek. It was thought desirable to have another gage put in to watch the flow in the creek. It was moved by Commissioner Corwin and seconded by Commissioner Einar Dahl that the State Water Commission be authorized to increase the flow from 3 cfs to 5 cfs contingent on future findings and that an additional gage be installed in the creek. Carried.

**WILDWOOD LAKE RESTORATION
HEARING AT WILTON**

A hearing was held in Wilton on December 7, 1961 relative to the restoration of Wildwood Lake. The Federal Fish and Wildlife Service advocated 100% access to cottages in the lake area. Upon vote 50% access to the area was agreeable to those present. It was moved by Commissioner Corwin and seconded by Commissioner Gallagher that the commission participate in the restoration of Wildwood Lake provided that the other agencies participate in and approve the 50% access to the area. Carried.

**SOUTHWEST NORTH DAKOTA
PUMPING PROJECT REQUEST**

The following excerpt from Mr. Bruce Johnson's letter to C. Emerson Murry, Director of the Legislative Research Committee, relative to water delivery from Garrison Reservoir was read to the commission members: 'Water delivery from Garrison Reservoir to the vicinity of Bowman at approximate elevation 3000 would require a pumping lift of 1150 to 1230 feet depending on water surface elevation at Garrison Reservoir. The scheme would also require about 120 miles of main canal, a high-lift main pumping plant at Garrison Reservoir, a number of smaller relift pumping plants along the canal and a power supply system to furnish pumping energy. The costs of this system have not been estimated but it seems almost certain that they would far exceed the ability of the water users to pay operations and maintenance costs and in all probability would exceed the benefits to the particular area and the country as a whole. In

the Missouri Basin, even with the substantial contribution which power revenues are making to irrigation financial obligations, we find that 200 feet is about the maximum feasible pumping lift. To go further usually require a subsidy of the annual operating expenses; a concept which has not yet found approval in Reclamation Law." It was the recommendation of the State Water Commission that a study should be made in the southwest area of North Dakota.

WATER RIGHTS

- #944 Reuben Schneider, Manning, requests the right to divert 134 acre-feet of water from tributaries of Crooked Creek to irrigate 67 acres. It was moved by Commissioner Corwin and seconded by Commissioner Einar Dahl that Reuben Schneider be granted the right to divert 67 acre-feet of water from tributaries of Crooked Creek to irrigate 67 acres provided no water is diverted from sources other than those named in the application and provided water is not diverted when the flow in Crooked Creek is less than 2.0 cfs. Carried.
- #945 H. R. Tenborg, Carrington, requests the right to divert 100 acre-feet of water from underground sources to irrigate 156.1 acres. It was moved by Commissioner Corwin and seconded by Commissioner Einar Dahl that H. R. Tenborg be granted the right to divert 100 acre-feet of water from underground sources to irrigate 156.1 acres. Carried.
- #946 Harris Goldsberry, Trotters, requests the right to divert 1856 acre-feet of water from Dry Run Creek tributary to the Little Missouri River to irrigate 92.8 acres. It was moved by Commissioner Corwin and seconded by Commissioner Einar Dahl that Harris Goldsberry be granted the right to divert 92.8 acre-feet of water from Dry Run Creek to irrigate 92.8 acres. Carried.
- #947 Farmers Union Livestock Feed Association, Velva, requests the right to divert 225 acre-feet from wells for a commercial feed lot. It was moved by Commissioner Corwin and seconded by Commissioner Einar Dahl that the Farmers Union Livestock Feed Association be granted the right to divert 225 acre-feet from Wells for a commercial feed lot. Carried.
- #954 Garvey Rolla, Watford City, requests the right to divert 25 acre-feet of water from Clear Creek tributary to Tobacco Garden to irrigate 13.5 acres. It was moved by Commissioner Corwin and seconded by Commissioner Einar Dahl that Garvey Rolla be granted the right to divert 13.5 acre-feet of water from Clear Creek to irrigate 13.5 acres. Carried.
- #955 Lambert Chesworth, Washburn, requests the right to divert 111 acre-feet of water from Painted Woods Creek, tributary to the Missouri River, to irrigate 55.6 acres. It was moved by Commissioner Corwin and seconded by Commissioner Einar Dahl that Lambert Chesworth be granted the right to divert 111 acre-feet of water from Painted Woods Creek to irrigate 55.6 acres provided the 111 acre-feet is diverted

ground water sources and Painted Woods Creek for irrigation of 55.6 acres with a maximum annual diversion from Painted Woods Creek of 55.6 acre-feet. Carried.

There being no further business to come before the commission the meeting adjourned at 12:40 p.m.

Respectfully submitted,

Milo W. Hoween
Secretary

ATTEST:

William L. Bay
Governor

NORTH DAKOTA STATE WATER CONSERVATION COMMISSION
OFFICE MEMO

TO: Commission Members
SUBJECT: Vehicle Leasing & Owning Costs
DATE: November 28, 1961

Quotations were obtained for leasing vehicles for use by the State Water Conservation Commission staff from Hertz in Bismarck and the City of Grand Forks. No car dealer in Bismarck would submit a quotation.

Records of the Commission were used in determining the operating and ownership costs of the Commission in the past.

All computations are based on average miles per year of 30,000.

STATE WATER CONSERVATION COMMISSION COSTS

Repairs and Service	\$22 per month
Depreciation - 30,000 mi. @.028	\$70 per month
TOTAL . . .	\$92 per month

LEASING COSTS (includes repairs & service)

Hertz - 18 month rate	\$117.50 per month
12 month rate	127.50 per month
Valley Motors, Grand Forks (.0498/mi.)	124.50 per month
Rydell, Grand Forks (\$60 per mo. for 15,000 mi. plus .0369/mi. over 15,000 miles)	106.12 per month