

MINUTES OF SPECIAL MEETING  
OF THE  
STATE WATER CONSERVATION COMMISSION  
Held in Bismarck, North Dakota  
October 9, 1962

MEMBERS PRESENT:

Oscar Lunseth, Vice Chairman, Member from Grand Forks  
Einar Dahl, Member from Watford City  
R. P. Gallagher, Member from Mandan  
Milo W. Hoisveen, Chief Engineer and Secretary, State Engineer, Bismarck

In the absence of Governor Guy, Vice Chairman Lunseth opened the meeting at 2:30 p.m. Governor Guy requested Secretary Hoisveen to act in his absence. A letter indicating his desire in this matter was read to the Commission members.

**FINANCIAL STATEMENT  
September, 1962**

Secretary Hoisveen went over the items on the financial statement sheet with the Commission members. It was moved by Commissioner Einar

Dahl and seconded by Commissioner Gallagher that the September, 1962 financial statement be approved. Motion carried.

**GOLDEN LAKE RESTORATION  
PROJECT**

The Commissioners requested a report on the progress being made on the Golden Lake Restoration Project. Secretary Hoisveen re-

ported that some easements had been secured and are on file in the office of the State Water Commission. Culverts have been secured so the work can start sometime this week. Difficulty had been encountered in obtaining equipment for excavating and backfilling structures. The headgate installation will be a permanent one and will not require duplication.

**RESOLUTION -  
SIVERT THOMPSON**

Secretary Hoisveen read a resolution prepared by Attorney I. A. Acker extending the sympathy of the members of the State Water Commission

to Mrs. Sivert Thompson on the death of her husband. Mr. Thompson served on the Commission from 1941 to 1949. It was moved by Commissioner Einar Dahl and seconded by Commissioner Gallagher and carried that the State Water Conservation Commission adopt the following resolution relative to the death of Sivert Thompson:

**RESOLUTION  
CONDOLENCE - DEATH OF SIVERT THOMPSON**

WHEREAS, Divine Providence has summoned to his eternal rest Sivert Thompson, a veteran of World War I, who became a distinguished member of the Ramsey County Bar, State's Attorney, a member of the Legislature and a member of this Commission; and

WHEREAS, Sivert Thompson was born, and reared to young manhood, on a farm near Devils Lake and as a boy saw and knew that body of water in the majestic proportions it then was; and

WHEREAS, when, through various causes, the level of the lake decreased with each passing year, Sivert Thompson conceived the idea that it could be restored by construction of a dam on the Missouri River and diversion of water from the reservoir of such dam into a canal leading to Devils Lake; and

WHEREAS, from and after his appointment to membership on the State Water Conservation Commission, his plan of restoring the level of Devils Lake was expanded into the proposed Garrison Diversion Project for the restoration of other depleted lakes and for the utilization of Missouri River waters for municipal purposes in eastern North Dakota and for irrigating vast areas of land; and

WHEREAS, as a member of this Commission, Sivert Thompson wholeheartedly supported and helped to promote the program of water development which has resulted in state-wide public benefit.

NOW, THEREFORE, BE IT RESOLVED by the State Water Conservation Commission assembled in the City of Bismarck this 9th day of October, 1962, that in the passing of Sivert Thompson, North Dakota has lost a distinguished citizen and that his contribution to the welfare of the people of this State will serve as a lasting memorial to his memory; and

BE IT FURTHER RESOLVED that the members of this Commission extend to Mrs. Sivert Thompson their profound sympathy in this her time of bereavement; and

BE IT FURTHER RESOLVED that the Secretary mail to Mrs. Thompson a copy of this resolution.

**RESOLUTION - NORTH SOURIS  
IRRIGATION DISTRICT**

The North Souris Irrigation District was organized on October 1, 1962. The Board of Directors was elected prior to the organization meeting. The District incorporates 45,000 acres of arable land. It was recommended that Secretary Hoisveen acknowledge receipt of the Resolution and advise the North Souris Irrigation District that the same was read at the Commission meeting.

**BLABON DAM  
NIAGARA DAM**

Both the villages of Blabon and Niagara have requested an investigation and cost estimate relative to repairs needed to preserve the dams in their vicinity. The City of Niagara uses the impoundment resulting from its dam to recharge a groundwater aquifer which constitutes its municipal water supply. Failure of the present structure would jeopardize the municipal water supply. It was moved by Commissioner Gallagher and seconded by Commissioner Einar Dahl that the Secretary be authorized to make the preliminary investigations on repairs needed for Blabon and Niagara Dams. The motion carried.

**WATER RIGHTS**

#1036

Clara Tatley, Bismarck, requests the right to divert 924 acre-feet of water from a well to irrigate 462 acres. It was moved by Commissioner Einar Dahl and seconded by Commissioner Gallagher that Clara Tatley be granted the right to divert 693 acre-feet of water from a well to irrigate 462 acres. Carried.

#1037 Wayne Watkins, Manning, requests the right to divert 60 acre-feet of water from an Unnamed tributary to Crooked Creek and Crooked Creek, a tributary of the Knife River to irrigate 30 acres. It was moved by Commissioner Gallagher and seconded by Commissioner Einar Dahl that Wayne Watkins be granted the right to divert 15 acre-feet of water from an Unnamed tributary to irrigate 15 acres. No diversion is to be made when the flow in Crooked Creek is less than 3 c.f.s. Motion carried.

#1038 Matt Neurohr, Dodge, requests the right to divert 22 acre-feet of water from Unnamed Creek tributary to Spring Creek to irrigate 11 acres. It was moved by Commissioner Gallagher and seconded by Commissioner Einar Dahl that Matt Neurohr be granted the right to divert 11 acre-feet of water from the Unnamed Creek to irrigate 11 acres. Motion Carried.

#1039  
DISCUSSION PERTAINING TO  
THE BASIN ELECTRIC POWER  
COOPERATIVE WATER RIGHT

The request of the Basin Electric Power Cooperative for a water right was discussed in the light of the water right hearing held on October 9, 1962 at 10:00 a.m. in the office of the State Water Conservation Commission. The State Engineer's hearing pertaining to this water right was recessed until a later date.

Representatives of the Lignite Electric Power Cooperative requested the State Engineer to arrange a meeting with the Governor who would act as mediator in an effort to resolve certain differences between the two groups relative to the proposed intake sites. After a conversation with the Governor, the State Engineer reported that Governor Guy was requesting Lignite and Basin to meet in his office at 10:00 a.m. October 15 and the water right hearing would be at 11:00 a.m. The State Water Conservation Commission would then hold a meeting at 1:30 p.m. on October 15.

Mr. Lunseth was of the opinion that the Commission could do nothing relative to the Basin's request for a water right until after the hearing on October 15. The Lignite group was concerned over the fact that they had been informed that releases from Garrison Dam could average as low as 1500 c.f.s. and they felt with two plants at approximately the same site there would not be enough water for both.

The Commission members recommended that Secretary Hoisveen place a long distance telephone call to Mr. Robert Pafford of the Reservoir Control Center of the Corps of Engineers at Omaha relative to the low release of 1500 c.f.s. After talking to Mr. Pafford, Secretary Hoisveen reported to the Commission members that Mr. Pafford stated that the figure of 1500 should be referred to as instantaneous rather than average, as they are made for periods of four hours or less at a low peak period during the day. The releases average 6000 c.f.s. and it was the lowest daily release anticipated by the Corps. The farther away from the reservoir the less likely an industry is to be affected by such releases.

Commissioner Gallagher stated that the only concern of the State Water Commission was as to the availability of the water to take care of both groups. In view of the report from the Corps of Engineers, it would appear there was sufficient water to grant a water right to the Basin Electric. All other items, such as temperature of the water, site, etc. were of no concern of the Commission.

Mr. Hoisveen averred that the water could be contaminated because of the temperature of the water which would affect the fish and wildlife.

Commissioner Gallagher was of the opinion that if contamination is to be a part of this right it should become a standard phrase for every permit. Commissioner Gallagher recommended the following provision: "Waters returned to the river are to be returned in a clean and as uncontaminated state as taken, unless the Commission shall otherwise permit such contamination and only under such rules, regulations and conditions as the Commission may attach". Commissioner Gallagher further stated that in the event he should not be able to attend the Commission meeting on October 15 that his view relative to granting this right is - that the sole question before the Commission is, is there sufficient water in the river to provide water for the Basin Electric application in the light of the prior application already granted. He was of the opinion that in view of the charts and information secured from the Corps of Engineers that there was sufficient water to award a right to the Basin Electric.

The Commission expressed concern over the fact that industries were being asked to establish plants in North Dakota in view of a sufficient supply of water and that on the major water supply in North Dakota two groups feel there is not enough water for both of them.

Secretary Hoisveen stated the hearing had been recessed for the purpose of studying the problems involved and getting in touch with the Governor. The meeting with the two groups would be held in the Governor's office at 10:00 a.m., followed by the water right hearing at 11:00 a.m., with a Commission meeting at 1:30 p.m. on October 15.

There being no further business the meeting adjourned at 4:45 p.m.

Respectfully submitted,

Milo W. Hoisveen  
Secretary

ATTEST:

William L. Gay  
Governor