

MINUTES  
NORTH DAKOTA STATE WATER COMMISSION  
Held in Bismarck, North Dakota  
September 30, 1965

MEMBERS PRESENT:

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

OTHERS PRESENT:

Fred J. Fredrickson, Planning Coordinator, Valley City  
Einar Dahl, Watford City  
Cliff Jochim, Special Assistant Attorney General, Bismarck  
Herman Weiss, City Attorney, Jamestown  
Don Wenaas, City Engineer, Jamestown  
Pat Folk, Jamestown  
Senator Kenneth Urdahl, Jamestown

The meeting of the State Water Commission was called to order at 9:30 a.m. with Governor William L. Guy presiding. The following members were present: Commissioners Hanson, Dushinske, Gray, Dahl, Gallagher and Secretary Hoisveen.

**APPROVAL OF MINUTES  
OF AUGUST 27, 1965**

circulated.

It was moved by Commissioner Gray, seconded by Commissioner Hanson and carried that the minutes of August 27, 1965 be approved as

**APPROVAL OF FINANCIAL  
STATEMENTS FOR AUGUST**

Secretary Hoisveen reviewed the items contained in the financial statements for August and September, 1965. Except for the salaries item the finances of the Commission are in satisfactory condition. Secretary Hoisveen reviewed the transfer of funds from the Contract Fund to the General Operations Appropriation which had been explained in detail at the Lisbon meeting. A letter has been written to Ben Meier, Secretary of the State Emergency Commission, requesting the transfer of \$147,000 and setting forth the reasons why such transfer is necessary. Hoisveen stated that the transfer of funds had been discussed with Mr. Dewing, Director of the Accounts and Purchases Department, and he was in accord with the transfer, if it was legal. Our Special Assistant Attorney General was contacted relative to the legality of the transfer and he has advised that such a transfer would be legal.

It was moved by Commissioner Gallagher, seconded by Commissioner Hanson and carried that the Commission approve the financial statements for August and September, 1965.

**SURVEY REQUEST -  
NEW ROCKFORD DAM**

Secretary Hoisveen explained that the New Rockford Dam was an old railroad structure that the Water Commission would revamp and which will be used for recreation should a survey determine that the project is a feasible one. The City of New Rockford has deposited the \$200 for the initial survey.

It was moved by Commissioner Dushinske, seconded by Commissioner Dahl and carried that the Commission approve the survey for the City of New Rockford.

**SURVEY REQUEST -  
BIG COULEE DAM**

The proposed Big Coulee Dam is to be located near the town of Bisbee. Bisbee, which does not have a municipal water supply, has been in need of a source of water for some time. No drillers seem to be able to locate a ground water supply in this area. They now propose to construct a dam near the city on a water course known as "Big Coulee." The dam would have a multiple purpose use - city water supply, recreation and wildlife. Bisbee is requesting the State Water Commission to participate in a dam survey for that city.

It was moved by Commissioner Dushinske, seconded by Commissioner Gray and carried that the State Water Commission participate in a dam survey for the city of Bisbee.

**SARNIA DAM -  
Nelson County**

Secretary Hoisveen stated that Sarnia Dam was constructed during the 1930's. At the present time it is practically non-existent. The Nelson County Water Management District has expressed a desire to raise the structure and are requesting a survey to determine how far the water would extend if the dam is raised. The Nelson County Water Management District has made the survey deposit of \$200.

It was moved by Commissioner Dushinske, seconded by Commissioner Hanson and carried that the State Water Commission participate in the survey of Sarnia Dam.

**LOWER BRANCH DRAIN #2b  
--RUSH RIVER PROJECT**

Governor Guy read a letter received in the office of the State Water Commission from G. E. Lyon, Corps of Engineers, concerning the channel enlargement and straightening of an 18-mile reach of the Lower Branch of the Rush River including existing Cass County Drain #2b, together with similar work on about 8 miles of the southern tributary which joins the Lower Branch in Section 18, Raymond Township.

Secretary Hoisveen stated that the Corps undertook the original work under 212 authority prior to 1953. The project was sponsored by the Rush River Water Management District. There has been a great deal of controversy over the fact that Drain 2b had no outlet. Various agencies were consulted relative to achieving an outlet at the local level, but the costs were too great and considerable objection resulted. The Corps of Engineers was approached on the basis that the Rush River project

had not been completed by the Corps and therefore this problem had developed as the Drain 2b had not been included in the original project. No action is necessary at this time.

Commissioner Steinberger enters the meeting.

STATE WATER COMMISSION -  
GARRISON DIVERSION  
CONSERVANCY DISTRICT  
DUTIES

Governor Guy stated that at the Lisbon meeting Secretary Hoisveen was asked to make an inquiry as to the responsibilities of the Water Commission and the Conservancy District Board of Directors so in the

coming development of the Garrison Diversion Unit there would be little overlapping or conflict of the two departments.

Secretary Hoisveen stated that in view of the Governor's suggestion he had requested an opinion from the office of the Attorney General as to the formulation of policies regarding the conservation, control, development, storage and utilization of the state's water resources, as it pertained to the State Water Commission's and the Garrison Diversion Conservancy District's authority and responsibilities. In this letter he set forth the sections of the North Dakota Century Code which stated the duties of the State Engineer and the State Water Commission. Certain questions were asked the Attorney General which were answered in his letter of September 28, 1965.

Commissioner Dushinske asked if a water permit would be for the individuals requesting permits or be one permit to the Garrison Diversion Conservancy District. Secretary Hoisveen stated that it would be one permit to the Conservancy District or the Bureau of Reclamation. He further stated that the Water Commission did make a declaration of intent to withdraw from the Missouri River 2,640,000 acre-feet of water for use in connection with the Garrison Diversion Unit. The declaration of intent was mailed to all federal agencies and states in the Missouri Basin the Commission thought might be interested. The purpose was to serve as a warning that the State of North Dakota was withdrawing 2,640,000 acre-feet and in this way we could determine who might oppose the Garrison Diversion Unit. No objections were filed.

Governor Guy stated that he was pleased that the Commission has this delineation so each department know where it stands. Governor Guy commended Mr. Hoisveen and Mr. Jochim for getting this matter straightened out.

Secretary Hoisveen asked if the Commissioners wanted him to reply to the Conservancy District letter of August 14 and submit to the District the information that has been received.

Commissioner Dushinske thought the letter should be answered, Commissioner Gallagher didn't believe the letter required an answer. Governor Guy did not think it necessary to reply to the letter. Commissioner Gallagher further stated that he did not think that is was necessary to flaunt the powers that exist. Governor Guy stated that the letter should be left unanswered until it becomes necessary to reply.

**KINDRED DAM RESOLUTION**

Secretary Hoisveen read a resolution which had been prepared for the approval of the Commissioners concerning the Lower Sheyenne River Dam and Reservoir near Kindred.

Commissioner Gray stated that there was some discussion as to the location of the dam but it was generally agreed that this was the finest location; however, if a better location is available, it could be changed. The Kindred Dam would be designed for flood control. The Baldhill Dam is a water supply dam and not a water retention dam. He stated that something would have to be done about the Red River Valley flooding.

Governor Guy and Mr. Dahl leave the meeting. Commissioner Gallagher presides.

Commissioner Dushinske stated that the public should be made aware of the progress that is being made - to keep in close touch with the public on these projects. There have been some objections to the dam. The State Forester has objected because there is some timber located in the area of the reservoir that would be destroyed.

It was moved by Commissioner Hanson, seconded by Commissioner Gray and carried that the resolution be adopted. (See Appendix A)

Mr. Fredrickson suggested that since Mr. Gray has jurisdiction over this particular area he be delegated to see what can be done to accelerate action as outlined in the Resolution. It was felt that it would be helpful if he made some inquiries to see what the situation is.

It was moved by Commissioner Hanson, seconded by Commissioner Steinberger and carried that Commissioner Gray be directed to take whatever action necessary or reasonable to assist in moving the Kindred Dam along, including favorable action by the Federal Government, State and local entities. It was further stated that any expenditures such as mileage and per diem incurred by Mr. Gray would qualify for payment by the Commission.

**LEIN WATER RIGHT**

Presented by  
I. P. Hegge

Commissioner Hanson stated that Mr. Hegge had asked him about making application for a water permit. He presented Mr. Hegge. Mr. Hegge stated that the application for a water permit was being made by Mr. Lein. Mr. Hegge further stated that his mother has land adjoining Mr. Lien's and that he was securing easements from her so Mr. Lein could make such of her land. Mr. Hegge stated that Mr. Lein desired to construct a dam on an unnamed intermittent draw tributary to Indian Creek for a fish dam.

Secretary Hoisveen stated that one of the problems on the Cannonball and Cedar Rivers is the antagonism resulting whenever water rights are granted on these two streams. As a consequence, the Commission has not granted water rights on these streams and is not granting

water rights until there is some control. There have been many objectors downstream who stated that the upstream users were using all the water and not permitting any of it to flow downstream. Hoisveen was of the opinion that there is a lot of surplus water that goes downstream in the spring of the year.

Mr. Hegge stated that this dam does not affect the Cedar River. There is a spring above the damsite and it will be a natural spillway and is a private dam.

Mr. Hoisveen stated that the application will have to be advertised in the local newspaper for two consecutive weeks, and a date set for the hearing. Any objectors will have a change to come in and present their case. The law sets up the procedure the State Engineer must adhere to relative to applications for water rights. Mr. Hegge presented the application for processing.

**PROJECT CONSIDERATION-  
BUREAU OF OUTDOOR  
RECREATION AND OTHER  
INTERESTED AGENCIES**

Secretary Hoisveen stated that the Commission has a number of projects in which it is anticipated there will be participation by the Bureau of Outdoor Recreation. The Commission is in a

position where it can proceed with some of these projects. Proposed cost allocations for Golden Lake were distributed to the Commission members. Hoisveen explained how the water is to be diverted and circulated through the channel of the three lake complex. The Bureau of Outdoor Recreation will participate in half the cost as far as this particular project is concerned. There will be participation from three other agencies besides the State Game and Fish Department and the State Water Commission, which makes an ideal situation when asking for approval to participate in the cost of the Kulm Dam, the Monango Dam, Golden Lake Dam and McGregor Dam. The Commission can proceed with the plans during the winter. It is possible that the Golden Lake project may be started this fall.

It was moved by Commissioner Dushinske, seconded by Commissioner Gray and carried that the State Engineer be directed to proceed with the Kulm Dam, Monango Dam, Golden Lake and McGregor Dam projects.

There was discussion on the State Outdoor Recreation Agency. Secretary Hoisveen stated that before the creation of the State Outdoor Recreation Agency Act the Governor had appointed a committee known as the Governor's Committee on Outdoor Recreation. That Committee was responsible for preparing an inventory report of the present available projects with outdoor recreation potential. The Committee worked on this report for two years. Many of the reports came from the local communities.

Commissioner Gallagher stated that Mr. Hoisveen and Mr. Fredrickson should be commended for spearheading this project.

Discussion of the funds allocated for the State Outdoor Recreation Agency.

**TOPOGRAPHIC MAPPING  
FOR FISCAL 1965-1967**

Secretary Hoisveen stated that with the approval of the Commissioners, four areas had been picked for topographic survey for the coming biennium - the Turtle Mountain area, Minot area, Bismarck-Mandan area and Devils Lake area.

It was moved by Commissioner Hanson, seconded by Commissioner Dushinske and carried that the Commission enter into an agreement with the U. S. Geological Survey for an expenditure of \$30,000 for updating topographic mapping for the Turtle Mountain area, Minot area, Bismarck-Mandan area and Devils Lake area.

**RUTTEN CASE**

Mr. Jochim stated that he had attended a meeting with Roy Holand, Vern Cooper, Al Bielefeld, Retired Supreme Court Chief Justice Morris, G. L. Freeman, and Harold Aldrich relative to the impact of the Rutten case on the Garrison Diversion Conservancy District. The Rutten case revolved around a high water mark which Rutten contended to be 1419 and the Conservancy District felt was to be 1425. The law reads in effect that in the case of navigable streams the ownership of the land below ordinary low water mark is owned by the state but the state may flood that land between ordinary low and high water marks for public use. In the Rutten case, Mr. Jochim felt, nothing had been proven - the Plaintiff did not prove it was 1419 and the State did not prove it was 1425. It was decided that the Conservancy District would request an opinion from the Attorney General, asking him what the ordinary high water mark is. The Rutten case has more or less proven that the lowest high water mark would be 1419. In the event that it is 1419 the Bureau of Reclamation stated that the state would be credited approximately \$1,800,000 towards its contribution. The state's contribution is expected to be approximately 2.4 million dollars and if the Attorney General's opinion indicates the high water mark is higher than 1419 the state's credit will be more than \$1,800,000. They have asked for an opinion by October 13. Mr. Dushinske felt that an offer of \$50 an acre for this land was not realistic. Mr. Jochim stated that Mr. Bielefeld indicated he did not see why the Bureau of Reclamation would not accept this offer.

**STATE WATER COMMISSION  
MEETING AT DEVILS LAKE  
OCTOBER 13**

Commissioner Dushinske stated that a banquet was being held in Devils Lake on October 13 honoring the Governor and the Congressional Delegates and suggested that a Commission meeting could possibly be held at that time.

It has been suggested previously that a meeting be held in Grafton in connection with the North Dakota Water Users Convention.

Secretary Hoisveen suggested that the Commissioners meet in Grafton before the Water Users meeting. This would provide the members an opportunity to see the sugar beet plant and the Drayton Dam constructed by the State Water Commission to supply water for

the plant as well as the City of Drayton. This was one of the largest projects constructed by the Commission.

It was moved by Commissioner Gray, seconded by Commissioner Hanson and carried that a meeting be scheduled for Devils Lake on October 13. A determination regarding an October 27 meeting will be made at the Devils Lake meeting.

Commissioner Dushinske stated that he would make the reservations for the night of October 13.

**CONTRACTS - LOCAL ENTITIES-  
SNAGGING AND CLEARING ON  
SHEYENNE RIVER**

Sheyenne River.

Secretary Hoisveen stated that the County Commissioners for Cass, Barnes and Richland Counties had signed the contracts relative to the snagging and clearing on the

It was moved by Commissioner Dushinske, seconded by Commissioner Hanson and carried that the contracts be approved and the proper officials authorized to execute them.

**VALLEY CITY MILL  
DAM - RIPRAP PROJECT**

Secretary Hoisveen stated that the Mill Dam project is an extension of the riprap placed by the State Water Commission during construction of the dam. Through the Office of Emergency Planning, Valley City has been granted \$12,000 for the purpose of extending the riprap. Because of the heavy flooding this spring, it is necessary to extend the riprap and it is felt that this added riprap will take care of the situation.

It was moved by Commissioner Steinberger, seconded by Commissioner Hanson and carried that the Commissioners approve the contract with respect to the Mill Dam.

Commissioner Gray stated that in connection with the emergency that existed in Valley City, it became apparent that the detail work of the State Water Commission and the emphasis of the Corps of Engineers on all aspects of the flood control, and those who live in Valley City - the Corps of Engineers and the Water Commission came up with the answers so we knew what the level was at every spot. It exonerated the seemingly high cost of which the Corps and Water Commission have been accused.

It was suggested that Commissioner Gray write up his statement to be used in the Water Users Bulletin.

Commissioner Gray stated that these people at Lisbon had an example of this. The statements that were being made that the Baldhill was contributing to their problem was shown at this meeting not to be true. The experts from the Corps gave the true picture, and hydrologists and engineers substantiated these remarks. Ransom County had a meeting on October 5 and voted down participation in the snagging and clearing on the Sheyenne. They will have another meeting to again vote on this project. Commissioner Gray stated that he had offered them the use of the contract fund for five years without interest. Ransom County does not have a high assessed valuation.

The meeting recessed to reconvene at 1:30 p.m. Present were Commissioners Gray, Hanson, Steinberger, Dushinske, Gallagher and Secretary Hoisveen. Commissioner Gallagher presided.

**INTERNATIONAL JOINT  
COMMISSION MEETING  
AT OTTAWA**

Secretary Hoisveen stated that the number one item on the agenda of the International Joint Commission to be held at Ottawa was the Pembina River Development. Secretary

Hoisveen stated that he thought it advisable that he attend the meeting to answer questions that might arise. Mr. Hoisveen is a member of the Pembina Engineering Committee.

It was moved by Commissioner Dushinske, seconded by Commissioner Hanson and carried that Secretary Hoisveen attend the International Joint Commission meeting at Ottawa.

**FARMER GLOBE NEWSPAPER -  
WAHPETON**

A letter appeared in the Open Forum column of the Farmer-Globe Newspaper in Richland County concerning the Drain #66 which was

included in the agenda for the Commissioners information.

**MINNESOTA EMERGENCY  
CONSERVATION COMMITTEE**

A news letter was received from the Minnesota Emergency Conservation Committee of Minneapolis, Minnesota, concerning the

Red River of the North. Secretary Hoisveen stated that he thought the Commissioners might be interested in the letter in view of the Red River Basin Planning Committee. Mr. Kaupanger, Secretary of the Committee, comes out with some very severe criticisms in regard to stream pollution. Hoisveen read excerpts from the news letter.

Commissioner Gray stated that a meeting on water pollution was held in Fargo. Every suggestion made was opposed by Minnesota. Ninety per cent of the pollution is contributed by Minnesota. Gray stated that he was disturbed by Minnesota's attitude. He said he had talked to Mr. Stein about Minnesota's attitude and was left with the impression that it was immaterial. Since the passage of the pollution bill Minnesota will have to change its attitude.

Commissioner Gray stated that a date for the Red River Basin Planning Committee should be set. He was of the opinion that the meeting should be held in St. Paul. He requested the Secretary and Mr. Fredrickson to set up a date in November and he would assist in securing Minnesota's cooperation.

**OFFICE SPACE**

Secretary Hoisveen stated that the Commission staff has been attempting

to obtain added space for the State Water Commission. The State Outdoor Recreation Agency has moved into the office of the lieutenant governor. If a special session is called it will be necessary for them to move, but there is no space available for such move. According to an opinion from the Attorney General's office, the Commission must assume increased responsibilities in the field of water rights, planning, engineering and

construction in connection with the Garrison Diversion Unit. Under the Federal Water Resources Planning Act it is contemplated that North Dakota, with the State of Minnesota, will apply for the establishment of a Red River Basin Commission and the creation of a state water resources planning entity. The Commission has been designated as the consultant and agency to perform the water resources engineering work in connection with the anti-poverty activities on the Indian Reservations in the state. In connection with these additional duties additional personnel will be needed which means more office space.

Secretary Hoisveen stated that the staff had checked into renting office space downtown or redoing part of the warehouse for office space. The cost of converting the warehouse into office space would cost approximately \$4,100 or \$5,000. Part of the staff would then be moved out there. The cost of renting office space downtown would be \$2,800 per year.

After discussion it was recommended that this be put on an emergency basis before the next meeting to see what can be done.

#### JAMESTOWN CHANNEL CHANGE

Secretary Hoisveen stated that at the Devils Lake meeting of the Water Commission it was thought that the Commission would be limited to the \$10,000 cost participation in the Jamestown cut-off channel as the Commission agreed to participate in 40% of the cost not to exceed \$10,000. The City of Jamestown is apparently seeking 40 per cent of the cost of the channel change.

Messrs. Weiss, Wenaas, Folk and Senator Urdahl appeared before the Commission on behalf of the City of Jamestown.

Attorney Weiss stated that they were here on behalf of Jamestown to discuss the river diversion that has been undertaken by Jamestown. He stated he understood the Commission had adopted a resolution, some time ago, to underwrite the project at 40%. The project has been estimated to cost over \$30,000. About a year ago a meeting was held in conjunction with City Council members of Jamestown, Corps of Engineers representatives, County Commissioners and State Water Commission officials. At that time the project was discussed at great length. The reason for the county being present was that a new bridge was being contemplated. He explained the channel change, culverts and bridges needed. He stated that all they were asking for was the same consideration given to other entities and did not want to be treated differently.

Secretary Hoisveen stated that the original approval was made in 1958. Since that time there has been some change in design and in the basic cost. The Water Commission can only participate in the cost of allowable items. The Commission does not participate in bridge construction, the purchase of land, attorney fees and in most instances engineering costs are cared for by the sponsoring entity. He further states that the Commission's participation is "40% not to exceed." It would appear that the present cost of the channel change would approximate \$31,216. The Commissioners assured the Jamestown representatives that they would be treated in the same manner and as fairly as other cities. (The representatives leave the meeting.) The Commission discussed the project and the Commission's participation.

It was moved by Commissioner Gray, seconded by Commissioner Hanson and carried that the Engineering Department having reviewed the cost item on the James River Channel Change, it now appears that the eligible costs for Commission participation amounts to \$31,216 and that the Commission's share based on 40% would be \$12,486, which cost may vary, but will be limited to 40% of the cost as confined to items acceptable as charged by the State Engineer.

OIL DISPOSAL SITUATION -  
AMENDING RULES AND  
REGULATIONS

Secretary Hoisveen stated that under the 1965 law, the State Water Commission and the State Health Department were charged with additional duties concerning pollution.

Complaints have been received relative to oil seepage into the water, as has happened in Burke County. Secretary Hoisveen stated he had made a tour of the area and called the situation to the attention of Dr. Laird. Dr. Laird recommended that the Industrial Commission adopt rules and regulations to be used in conjunction with their activities regarding oil well development pollution and that these could take care of most of these problems. Rule 314 is as follows:

POLLUTION BY SALT WATER AS ADOPTED BY THE STATE  
INDUSTRIAL COMMISSION AND AMENDED FOR USE BY THE  
STATE WATER COMMISSION IN COOPERATION WITH INDUSTRIAL  
COMMISSION RULE 314

All salt water liquids or brines produced with oil and natural gas shall be disposed of without pollution of fresh water supplies. Disposal shall be in accordance with an order of the State Industrial Commission and the State Water Commission.

Pending the order of the Industrial Commission, upon recommendation of the State Water Commission, salt water liquids or brines may be impounded in excavated earthen pits provided that the level of the liquid in the pits shall at no time be permitted to rise above the lowest point of the ground surface level. All pits shall have a continuous embankment surrounding them sufficiently above the level of the surface to prevent surface water from running into the pit. Such embankments shall not be used to impound salt water or brine.

At no time shall salt water liquids or brines be allowed to flow over the surface of the land or into streams.

The Industrial Commission shall have the authority to condemn any pit which does not properly impound such water and may call upon the State Water Commission to aid in such condemnations.

Pits shall not be constructed within natural surface drainage channels and, before any salt water liquid or brine is placed in the pit, any pit which is bottomed in permeable materials, such as sand or gravel, shall be lined with an impermeable materials.

Secretary Hoisveen stated that if it was the wish of the Commission these rules could be added to the Water Commission rules and regulations and then the Commission could support Dr. Laird in some of his efforts.

It was moved by Commissioner Steinberger, seconded by Commissioner Hanson and carried that the Commission make these rules and regulations a part of the Commission's rules and regulations.

**LUCCA-NOME DRAIN AND  
WAHPETON FLOOD PROTECTIVE  
WORKS**

Secretary Hoisveen reviewed the Lucca-Nome Drain problem and stated that Commissioner Gray had been working on this problem. Commissioner Gray stated that he had been contacted each week concerning this project but could give them no information.

Secretary Hoisveen reviewed the Lucca-Nome Drain problem and stated that Commissioner Gray had been working on this problem. Commissioner Gray stated

Secretary Hoisveen stated that there should be a meeting of all interested entities to see how this could be resolved. He was of the opinion that a meeting should be scheduled for sometime in October but that he would not be able to attend an October meeting. He suggested that Commissioner Gray, Mr. Fredrickson and one of the engineers attend such a meeting.

It was recommended that Secretary Hoisveen set up a meeting with the Soil Conservation Service and the State Game and Fish Department which would be attended by Commissioner Gray and Mr. Fredrickson.

**WATER RESOURCES PLANNING  
ACT - Public Law 89-80**

The Secretary passed out to the Commissioners copies of the Water Resources Planning Act and Report. Mr. Fredrickson read a part of the Act pertaining to allotments, and stated that beginning next year the Commission could decide whether they wanted to set up more planning. Hoisveen averred that with this added project there will be a lot more planning with the Bureau of Outdoor Recreation and other agencies which will result in the need for more employees for design and investigation of these projects as well as increased planning activities with other states and federal agencies. The Commissioners discussed the enlarged program of the State Water Commission. Commissioner Steinberger suggested that Bruce Johnson be invited to appear before the Commission meeting to explain some of the details. Mr. Hoisveen stated that possibly at the Grand Forks meeting he could appear. Mr. Hoisveen explained North Dakota's participation in the work groups for various task forces. Commissioner Gallagher felt that Messrs. Hoisveen and Fredrickson should be prepared to go ahead on Title 3.

It was moved by Commissioner Gray, seconded by Commissioner Dushinske and carried that the Commission staff investigate the possibility of applying for a basin planning commission covering the Minnesota and North Dakota portions of Red River basin and that this be further examined to determine the attitude of South Dakota in regard to the basin commission.

WATER RIGHTS  
#1311

The application of Elwood Fauske of Dunseith, North Dakota to divert 71.5 acre-feet of water from a noncontributing area of Souris River Watershed for the purpose of recreation 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 71.5 acre-feet for recreational purposes, it was moved by Commissioner Dushinske, seconded by Commissioner Gray and carried that the application be approved and the permit granted for the diversion of 71.5 acre-feet for recreational use subject to such conditions as indicated on the permit.

#1312

The application of Robert H. Levis of Hensler, North Dakota to divert 3856.2 acre-feet of water from the Missouri River and wells in Missouri River bottoms for the purpose of irrigating 1914.1 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 3828.2 acre-feet to irrigate 1914.1 acres, it was moved by Commissioner Dushinske, seconded by Commissioner Gray and carried that the application as modified by the recommendation of the State Engineer be approved and the permit granted for the diversion of 3828.2 acre-feet to irrigate 1914.1 acres of land subject to such conditions as indicated on the permit.

#1313

The application of The Village of Hague, Hague, North Dakota to divert 22.4 acre-feet of water from an artesian well for municipal 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 22.4 acre-feet for municipal use, it was moved by Commissioner Dushinske, seconded by Commissioner Gray and carried that the application be approved and the permit granted for the diversion of 22.4 acre-feet for municipal use subject to such conditions as indicated on the permit.

#1314

The application of Val Gerving of Glen Ullin, North Dakota to divert 30 acre-feet of water from an unnamed creek tributary to the Heart River 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 30 acre-feet storage and 21 acre-feet annual use for livestock use, it was moved by Commissioner Dushinske, seconded by Commissioner Gray and carried that the application as modified by the State Engineer be approved and the permit granted for the diversion of 30 acre-feet storage and 21 acre-feet annual use for livestock use subject to such conditions as indicated on the permit.





#1319

The application of the Underwood Sand and Gravel Company of Underwood, North Dakota to divert 1 acre-foot of water from the Missouri River for industrial 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 1 acre-foot for industrial purposes, it was moved by Commissioner Dushinske, seconded by Commissioner Gray and carried that the application be approved and the permit granted for the diversion of 1 acre-foot for industrial purposes subject to such conditions as indicated on the permit.

#1322

The application of Clarence Klandl of Sidney, Montana to divert 150 acre-feet of water from the Bennie Pierre Creek tributary to the Yellowstone River for the purpose of irrigating 152.7 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 150 acre-feet to irrigate 152.7 acres, it was moved by Commissioner Dushinske, seconded by Commissioner Gray and carried that the application be approved and the permit granted for the diversion of 150 acre-feet to irrigate 152.7 acres of land subject to such conditions as indicated on the permit.

#1325

The application of Oscar O. Olson of Valley City, North Dakota to divert 28 acre-feet storage plus 14 acre-feet annual use from an unnamed creek tributary to the Sheyenne River for a fish dam 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 28 acre-feet storage plus 14 acre-feet annual use for a fish dam, it was moved by Commissioner Dushinske, seconded by Commissioner Gray and carried that the application be approved and the permit granted for the diversion of 28 acre-feet storage plus 14 acre-feet annual use for a fish dam subject to such conditions as indicated on the permit.

#1326

The application of Kenneth Porsborg of Mandan, North Dakota to divert 42 acre-feet storage plus 12 acre-feet annual use for stockwater, recreation and fish and wildlife purposes from an unnamed creek tributary to the Heart River 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 42 acre-feet storage plus 21 acre-feet annual use for stockwater, recreation, and fish and wildlife purposes, it was moved by Commissioner Dushinske, seconded by Commissioner Gray and carried that the application be approved and the permit granted for the diversion of 42 acre-feet storage plus 21 acre-feet annual use for stockwater, recreation and fish and wildlife purposes subject to such conditions as indicated on the permit.

There being no further business the meeting adjourned at 3:45 p.m.

ATTEST:

William L. Gury  
Governor-Chairman

Milo W. Hoisveen  
Secretary

**RESOLUTION 65-9-223**

**Adopted by the North Dakota State Water Commission  
September 30, 1965**

**Lower Sheyenne River Dam  
and Reservoir near Kindred  
North Dakota  
(SWC #1344)**

**WHEREAS, the site selected in Section 14, Township 136 North, Range 51 West, Richland County, North Dakota, for the proposed dam on lower Sheyenne River, about 3 miles south and 2½ miles west of the City of Kindred, would provide a greater and more desirable degree of flood protection than other areas investigated at Lisbon and Fort Ransom, according to information from the Corps of Engineers, U. S. Army Engineering District, St. Paul; and**

**WHEREAS, preliminary plans contemplate an earthfill dam, about 2400 feet long and 75 feet high, the reservoir extending from 10 to 18 miles upstream with a conservation pool of approximately 44,000 acre-feet at about elevation 975.0, covering about 3,500 acres; design flood pool with a storage capacity of 160,000 acre-feet at or near elevation 1000.5, covering an additional 6,500 acres, the maximum pool elevation (with passage of spillway design flood) only slightly higher; a gated spillway with a low-flow conduit, the top of the gates at about elevation 979, requiring clearing no higher than elevation 979 (about 4,200 acres), the remaining trees above that elevation would stand and be benefitted from occasional flooding; and the relocation of Barrie Church and cemetery, the Zion and Oswego Churches and their cemeteries to remain as now located, subject to results of further surveys; and**

**WHEREAS, the uncontrolled drainage area of approximately 3000 square miles below the Baldhill Dam is a substantial contributor to severe flooding at and below Kindred and Southwest Fargo, which areas are now without adequate flood protection; and**

**WHEREAS, provision should be made for meeting the municipal water requirements of Southwest Fargo and augmenting the water supply for Fargo and the fast-growing suburban industrial and residential area between the two communities;**

**NOW, THEREFORE, BE IT RESOLVED by the North Dakota State Water Commission, in regular meeting at the State Capitol, Bismarck, North Dakota, September 30, 1965, that it does hereby endorse, approve and support the aforesaid preliminary plans of the Corps of Engineers for said improvement, and any engineeringly feasible modifications thereof or improvements therein, and that it urges the U. S. Army Engineering District, St. Paul, to prosecute the remaining investigative work and studies with all possible speed and vigor to the end that final plans may be developed and submitted to affected interests and entities concerned and for processing through regular channels, leading to authorization and construction at the earliest possible time; and**

**BE IT FURTHER RESOLVED that the Secretary transmit copies hereof to the U. S. Army Engineering District, St. Paul, Minnesota, the Chief of Engineers, Senators Milton R. Young and Quentin N. Burdick, and Representatives Mark Andrews and Rolland Redlin, Washington, D. C., and to the State Senators and Representatives from Richland and Cass Counties, North Dakota.**

**FOR THE NORTH DAKOTA STATE WATER COMMISSION**

**ATTEST:**

s/ Milo W. Holsveen  
**Milo W. Holsveen,**  
**Secretary, Chief Engineer**

**By:**

s/ William L. Guy  
**William L. Guy**  
**Governor - Chairman**