

## MINUTES

NORTH DAKOTA STATE WATER COMMISSION  
 Held in Fargo, North Dakota  
 July 29, 1966

MEMBERS PRESENT:

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

Others Present:

Cliff Jochim, Special Assistant Attorney General, State Water Commission, Bismarck  
 E. Eugene Krenz, Resources Planner, State Water Commission, Bismarck  
 Fred J. Fredrickson, Planning Coordinator, State Water Commission, Bismarck  
 Jim Schulz, Assistant Secretary, State Water Commission, Bismarck  
 Gordon Berg, Chairman, Sweetwater-Dry Lake Water Management District, Devils Lake  
 Milton Sampson, Member, Sweetwater-Dry Lake Water Management District, Edmore  
 Gilbert S. Petersen, North Central Engineers, Jamestown  
 F. E. Foughty, Attorney, Sweetwater-Dry Lake Water Management District, Devils Lake  
 Vernon C. Lee, Greater North Dakota Association, Fargo

Vice Chairman Gallagher presided at the meeting which started at 2:00 p.m. Present were Commissioners Gallagher, Gray, Steinberger, Dahl, Dushinske and Secretary Hoisveen.

MINUTES OF JUNE 29, 1966  
 APPROVED

The June 29, 1966, Commission minutes should be changed as follows: On page 8 under the item "Budget 1967-1969" the last sentence should be changed to read: "The total Contract Fund Budget is \$1,050,000, an increase of 24 per cent over the present biennium." With this correction the minutes were approved as circulated.

FINANCIAL STATEMENT FOR  
 JUNE, 1966

The financial report was presented by Assistant Secretary Schulz and discussed by the Commission.

Commissioner Steinberger moved and Commissioner Dahl seconded the motion that the financial statement for June, 1966, be approved as presented. Motion carried.

GRAND FORKS COUNTY DRAIN #32  
 (#1445)

Secretary Hoisveen reported on the request of the Grand Forks County Drain Board for participation in Drain #32 whose total cost was estimated at \$47,956.80 of which the Commission's participation would be \$19,183. He recommended that the Commission participate in the cost of the construction of Drain #32 to the extent of \$19,183.

It was moved by Commissioner Dahl and seconded by Commissioner Steinberger that the Commission participate in the construction of Drain #32 to the extent of \$19,183. Motion carried.

GRAND FORKS COUNTY DRAIN #33  
(#1446)

Secretary Hoisveen reported on the Grand Forks County Drain Board's request for participation in Drain #33 whose total cost is estimated at \$8,902.39 of which the Commission's participation would be \$3,561. He recommended participation in this project.

It was moved by Commissioner Dahl, seconded by Commissioner Steinberger, that the Commission participate in the construction of Drain #33 in Grand Forks County in the amount of \$3,561. Motion carried.

RICHLAND COUNTY DRAIN #67  
(#1443)

Secretary Hoisveen reported on the Richland County Water Management District's request for cost participation in Drain #67 whose estimated cost is \$78,500 of which the Commission's share would be \$21,722. Mr. Hoisveen recommended that the Commission participate in the construction of Richland County Drain #67 to the extent of \$21,722.

It was moved by Commissioner Gray and seconded by Commissioner Dahl that the Commission participate in the construction costs of Richland County Drain #67 to the extent of \$21,722. Motion carried.

SWEETWATER-DRY LAKE FLOOD  
PROTECTION AND LAKE  
RESTORATION PROJECT #1  
(#416)

Gordon Berg, chairman of the Sweetwater-Dry Lake Water Management District, reported on the proposed project to the Commission members. He said that farmers, after hearings, were of the opinion that the Task Force report should be rejected because of the mitigation measures which has been recommended therein. He related examples of the farmers' testimony and indicated that at least 30 farmers had been directly contacted by the District. The estimated cost per acre to provide a canal from Sweetwater-Dry Lake to Devils Lake was \$1.50 to \$1.75; however, in later discussions it appeared that an estimate of \$2 per acre would be more accurate. The district presented its plans for the project entitled "Sweetwater-Dry Lake Water Management Flood Control and Lake Restoration Project #1 which were prepared by North Central Engineers of Jamestown. The initial phase of the project was estimated at \$700,000 and would be financed by special assessments on 400,000 acres in the district. A proposed 10 year development plan which would include drainage in the district would cost in the neighborhood of \$8,000,000.

Attorney Foughty, representing the district, requested that the Water Commission approve the district's plans at its next meeting so that procedures could be initiated to raise the funds to start construction of the required work.

Commissioner Dushinske said that the crux of the problem was the 85 per cent mitigation measures outlined in the Task Force report which the landowners in the district felt was too high; however, the Commission was in a difficult position since it was represented on the Task Force. It was pointed out, however, that the Task Force report was merely intended to arrive at a compromise solution so the water management district could qualify for federal grants-in-aid through establishment of the watershed project.

Gordon Berg reported that an economic study by the North Dakota State University concerning wetlands preservation practices was to be available by August 10, 1966.

The Commission members reviewed the plans as presented by North Central Engineers represented by Mr. Petersen. He said the construction period is estimated at 125 weather working days. The commission suggested that 3:1 side slopes be installed in this project.

The Commission members, in executive session, outlined the following points as problems which should be solved concerning this project. 1. A policy concerning the Task Force report and its disposition; 2. Should the Commission participate in the cost of the project if the water management district adopts criteria for the project's construction as established by the Commission; 3. Should the Commission participate in the project, to what extent should its participation be limited.

Vice Chairman Gallagher made the following suggestions: 1. That the Commission approve the plans temporarily if 3:1 side slopes are incorporated; 2. That the Commission defer financial participation until a later date; 3. That the water management district could possibly obtain some federal financial assistance if they would voluntarily mitigate some of the Class III lands in the project.

Commissioner Gray moved and Commissioner Dahl seconded the motion that the preliminary plans of the Sweetwater-Dry Lake Water Management District be approved with the stipulation that 3:1 side slopes be incorporated in the project specifications. Motion carried.

The Commission directed the Secretary to advise the water management district that the drainage moratorium established in 1955 would remain in effect until the works have been constructed.

#### PEMBINA CITY FLOOD CONTROL WORKS (#1444)

Secretary Hoisveen reported that the Corps of Engineers had advised his office that a plan has been devised to provide flood protection for the City of Pembina, in Pembina County. The estimated federal costs are \$955,000 and the nonfederal costs are estimated at \$40,000. Hoisveen recommended that the City of Pembina provide the "a.b.c." assurances required by the Corps of Engineers.

Commissioner Dushinske moved and Commissioner Gray seconded the motion that the resolution requesting construction of the City of Pembina flood control works be adopted. Motion carried.

The resolution is attached as Appendix 1.

#### STATUS OF COMMISSION COOPERATIVE PROJECTS WITH THE BUREAU OF OUTDOOR RECREATION (#1376)

Secretary Hoisveen advised the Commission members that processing of the projects for federal grants from the Bureau of Reclamation has been extremely slow and has delayed the Commission's construction program to a great extent.

**BOWESMONT FLOOD CONTROL PROJECT  
(#1447)**

to determine whether flood control works could be constructed to protect the City of Bowesmont in Pembina County.

Secretary Hoisveen advised the Commission members that he had requested the Corps of Engineers to proceed with a survey

**RICHLAND COUNTY WATER MANAGEMENT  
DISTRICT MAINTENANCE FUND (#715)**

Commission's policy concerning provision of funds to assist in channel improvement and maintenance in Richland County. It was decided that additional information would be required from the Richland County district before the Commission could take any action on this request.

Hoisveen read a letter from the Richland County Water Management District which requested information concerning the

**WATER RIGHT CANCELLATION  
PROCEDURES (#1400)**

the unused water permits presently in the files of the Commission. The Commission approved the use of the format as presented.

Secretary Hoisveen read a proposed form letter, notice of hearing and order which would be utilized in cancelling

**RESOLUTION - RE: WATERSHED  
PROJECT (#1390) (Redlin)**

2 be adopted which commends Representative Redlin for his persistent efforts in behalf of watershed projects and that legislation be introduced to clarify the point in controversy regarding final approval for watershed projects. The motion carried.

Commissioner Steinberger moved and Commissioner Dahl seconded the motion that the resolution attached as Appendix

**FUTURE PROJECTS TABULATION  
(#1)**

meeting.

The Commission members discussed the Future Projects Tabulation which had been presented to them at the June 29

It was moved by Commissioner Dushinske, seconded by Commissioner Gray and carried that the Commission approve the list as produced by the Commission staff in a report dated June 1, 1966.

**WATER RIGHTS**

#1372

a gravel pit for industrial purposes, was presented to the Commission by the Secretary for consideration.

The application of Donald McGregor, of McGregor to divert 30 acre-feet of water from ground water sources, tributary to

The State Engineer, Milo W. Hoisveen, having considered the application and made his recommendation thereon for 30 acre-feet for industrial purposes, it was moved by Commissioner Gray, seconded by Commissioner Dahl and carried that the application be approved and the conditional permit granted for the diversion of 30 acre-feet for industrial purposes, subject to such conditions as indicated on the permit.

#1373

of water from a Sandstone Aquifer in Grand Forks County for drainage research was presented to the Commission by the Secretary for consideration.

The application of Agricultural Research Service, Mandan, to divert 160 acre-feet

The State Engineer, Milo W. Hoisveen, having considered the application and made his recommendation thereon for 160 acre-feet for drainage research, it was moved by Commissioner Gray, seconded by Commissioner Dahl and carried that the application be approved and the conditional permit granted for the diversion of 160 acre-feet for drainage research, subject to such conditions as indicated on the permit.

#1374

The application of the City of Dickinson, to divert 250 acre-feet of water from an Unnamed tributary of the Heart River for 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 250 acre-feet for recreation purposes, it was moved by Commissioner Gray, seconded by Commissioner Dahl and carried that the application be approved and the conditional permit granted for the diversion of 250 acre-feet for recreation purposes, subject to such conditions as indicated on the permit.

#1375

The application of Carlson Bros. and M. Tande, Aneta, to divert 35 acre-feet annual use, 71 acre-feet storage from an unnamed creek tributary to the Sheyenne River for recreation and wildlife 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 35 acre-feet annual use, 71 acre-feet storage for recreation and wildlife purposes, it was moved by Commissioner Gray, seconded by Commissioner Dahl and carried that the application be approved and the conditional permit granted for the diversion of 35 acre-feet annual use, 71 acre-feet storage for recreation and wildlife purposes, subject to such conditions as indicated on the permit.

#1376

The application of the City of New England to divert 100 acre-feet of water from the Cannonball River to irrigate 53 acres was presented to the Commission by the Secretary for consideration.

The State Engineer, Milo W. Hoisveen, having considered the application and made his recommendation thereon for 100 acre-feet to irrigate 53 acres of land, it was moved by Commissioner Gray, seconded by Commissioner Dahl and carried that the application be approved and the conditional permit granted for the diversion of 100 acre-feet to irrigate 53 acres of land, subject to such conditions as indicated on the permit.

Milo W. Hoisveen  
Secretary

ATTEST:

William L. Dwyer  
Vice-Chairman

## APPENDIX I

## RESOLUTION 66-7-231

Requesting Flood Control Protection For  
The City of Pembina, North Dakota

WHEREAS, the City of Pembina, North Dakota, lying at the confluence of the Pembina River and the Red River of the North, has suffered several very damaging floodings as a result of such rivers overflowing their banks during times of spring runoff; and

WHEREAS, the U. S. Army Corps of Engineers has been requested to construct a flood control project for the City of Pembina; and

WHEREAS, the U. S. Army Corps of Engineers acted immediately and its preliminary investigation indicates that such a project is feasible and is eligible for federal funds under Section 205 of the 1948 Flood Control Act, as amended.

NOW, THEREFORE, BE IT RESOLVED that the North Dakota State Water Commission, in regular meeting held July 29, 1966, in Fargo, North Dakota, commends the U. S. Army Corps of Engineers for its very prompt action.

BE IT FURTHER RESOLVED that the U. S. Army Corps of Engineers is hereby respectfully requested to make every effort under Section 205 of the 1948 Flood Control Act, as amended, to initiate construction on a flood control project for the City of Pembina, North Dakota, at the earliest possible date in order to provide some protection for that city during the 1967 spring runoff.

BE IT FURTHER RESOLVED that the Secretary of the State Water Commission is hereby directed to provide copies of this Resolution to the District Engineer, St. Paul District, U. S. Army Corps of Engineers and each member of North Dakota's Congressional Delegation.

FOR THE NORTH DAKOTA STATE WATER COMMISSION:

(SEAL)

ATTEST:

S/ Milo W. Hoisveen  
Secretary

S/ William L. Guy  
Governor and Chairman

## APPENDIX 2

## RESOLUTION 66-7-232

## WATERSHED PROJECTS

WHEREAS, the Bureau of the Budget has for a number of months withheld from Congress about 50 small watershed projects, developed and recommended by the Soil Conservation Service of the Department of Agriculture, including the Boundary Creek Plan in Bottineau County and the Middle Branch Park River Plan in Walsh County, North Dakota, because it has maintained that there is a constitutional question involved as to which agency should be responsible for final approval of watershed projects; and

WHEREAS, Representative Rolland Redlin, through his persistent and indefatigable appeals for the release thereof, was successful in having the project list delivered to Congress last Monday, July 25, 1966, and it is hopefully expected that the North Dakota projects will receive favorable congressional action at the current session;

NOW, THEREFORE, BE IT RESOLVED by the North Dakota State Water Commission, meeting in regular session in the City of Fargo, North Dakota, this 29th day of July, 1966, that it does hereby commend Representative Redlin for his assiduous efforts in behalf of the proposed watershed projects; and

BE IT FURTHER RESOLVED that, if deemed necessary, legislation to clarify the point in controversy regarding which agency should give final approval to watershed projects is recommended; and

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to Representative Redlin.

FOR THE NORTH DAKOTA STATE WATER COMMISSION:

S/ William L. Guy  
Governor and Chairman

ATTEST:

S/ Milo W. Hoisveen  
Secretary