

MINUTES  
 NORTH DAKOTA STATE WATER COMMISSION MEETING  
 Held in Office of State Water Commission  
 Bismarck, North Dakota  
 December 17, 1968

MEMBERS PRESENT:

Governor William L. Guy, Chairman  
 Russell Dushinske, Member from Devils Lake  
 James R. Jungroth, Member from Jamestown  
 Henry Steinberger, Member from Donnybrook  
 Harold Hanson, Member from New England  
 Milo W. Hoisveen, State Engineer, Chief Engineer  
 and Secretary, State Water Commission

Others Present:

Alan Grindberg, Assistant Chief Engineer, State  
 Water Commission, Bismarck  
 Jim Schulz, Assistant Secretary, State Water  
 Commission, Bismarck  
 Cliff Jochim, Special Assistant Attorney General,  
 State Water Commission, Bismarck  
 Matt Emerson, Water Right Engineer, State Water  
 Commission, Bismarck

The Commission meeting opened at 9:00 a.m.  
 with Commissioners Dushinske, Jungroth, Steinberger, Hanson and Secretary  
 Hoisveen present.

TEMPORARY CHAIRMAN

chairman. Motion carried.

It was moved by Commissioner Hanson,  
 seconded by Commissioner Jungroth that  
 Commissioner Dushinske act as temporary

MINUTES OF NOVEMBER 1, 1968  
 APPROVED

with and the minutes be approved as circulated.

It was moved by Commissioner Jungroth,  
 seconded by Commissioner Hanson and carried  
 that the reading of the minutes be dispensed

SHEYENNE RIVER SNAGGING  
 AND CLEARING BELOW WEST  
 FARGO (#568)

for assistance in snagging and clearing the Sheyenne River from West Fargo  
 to its confluence with the Red River. The Water Commission staff has made  
 a study of the river and estimates the cost of snagging and clearing this  
 22 miles of Sheyenne River at \$27,500. This would include clearing eight  
 feet back from the river bank. For spot clearing this 22 river miles, the  
 cost is estimated to be \$13,200. The Commission's share for this project,  
 if a complete snagging and clearing is done, would be \$11,000, plus inspec-  
 tion. The Commission staff feels that if the county crew does the snagging  
 and clearing, payment should be on a mileage basis rather than the number  
 of days worked, and that the work be inspected by the Commission before  
 payment is made.

Secretary Hoisveen stated that at the  
 November meeting of the State Water Commis-  
 sion, County Commissioner Savageau made  
 a presentation before the Commission asking

It was moved by Commissioner Jungroth, seconded by Commissioner Hanson and carried that the Commission approve the complete snagging and clearing of the Sheyenne River below West Fargo and share the costs of the project with Cass County, the Commission to pay \$500 per mile as its share after the staff has made an inspection and determined that the work done is satisfactory.

**STRAIGHTENING CHANNEL  
OF THE SOUTH BRANCH  
OF PARK RIVER (#662)**

Secretary Hoisveen stated that the Park River is eroding the banks in one bend, threatening a farmstead. The county desires to construct a cutoff which will alleviate this problem. The cost is estimated to be \$1,000. Secretary Hoisveen recommended the Commission participate in the straightening of the channel of the South Branch of the Park River.

It was moved by Commissioner Hanson, seconded by Commissioner Jungroth and carried that the Commission participate in the channel straightening of the South Branch of the Park River in the amount of 40 percent of the cost.

**CHANNEL IMPROVEMENT ON  
SHEYENNE RIVER (#1344)**

A letter has been received from the Moore Engineering Company, consultants for the Southeast Cass County Water Management District, requesting participation in a proposed channel change on the Sheyenne River. Damage is occurring to the banks because of erosion and a farmstead is endangered. The estimated cost is \$8,118.

It was moved by Commissioner Jungroth, seconded by Commissioner Hanson and carried that the Commission participate in the channel improvement on the Sheyenne River in the amount of 40% of the total cost.

**WESTHOPE REQUEST FOR  
WATER COMMISSION  
PARTICIPATION IN  
MUNICIPAL STORAGE  
RESERVOIR (#810)**

The City of Westhope is requesting additional participation on the part of the State Water Commission in the cost of a water storage reservoir. The Commission has approved a request for participation in the reservoir to the extent of \$11,000 on the basis of an engineer's estimate that the project would cost \$22,000. The work has been completed and the total cost is \$27,952.33 and the city is requesting that the Commission increase its participation to \$13,976.16.

It was moved by Commissioner Steinberger, seconded by Commissioner Jungroth and carried that the Commission's participation in the Westhope municipal storage reservoir be increased to \$13,976.16.

**NEW ROCKFORD RECREATION  
DAM (#656)**

Mr. Grindberg stated that this dam was constructed by the railroad, who has turned it over to the City of New Rockford. The proposal is to put in a dam at the upper and lower end. They are going

to develop a recreational area and fishing spot on the edge of town. The total cost is estimated to be \$39,600, of which the Commission's share would be \$7,000. The Eddy County Park Board, the Game and Fish Department and the Bureau of Outdoor Recreation would also participate.

It was moved by Commissioner Steinberger, seconded by Commissioner Hanson and carried that the Commission participate in the New Rockford Dam to the extent of \$7,000.

**RAISE SPILLWAY CREST  
OF BLACKTAIL DAM (#560)**

A request has been received to raise the spillway crest of Blacktail Dam, located north of Williston, two feet. Cottage sites are being sold and the deeper water will make more of these sites usable. The cost of raising the dam is estimated at \$13,335. No other agencies have made any commitments to participate at this time.

It was moved by Commissioner Steinberger, seconded by Commissioner Hanson and carried that the Commission participate in raising the spillway crest of Blacktail Dam and work out financial arrangements with other participants.

**JENSEN DAM (#1502)**

The proposed Jensen Dam is a recreation dam on English Coulee a few miles north of Grand Forks. It will create a 31 acre reservoir with 202 acre-feet capacity at an estimated cost of \$155,100. No commitment has been made by any other agency.

It was moved by Commissioner Jungroth, seconded by Commissioner Hanson and carried that the Commission participate in the construction of Jensen Dam and work out financial arrangements with other agencies.

**EPPING DAM (#346)**

The cost of repairing and raising the spillway 18 inches on Epping Dam is estimated to be \$8,400. No commitments have been made by any agencies. The Commission's participation on a one-third basis would be \$2,800.

It was moved by Commissioner Steinberger, seconded by Commissioner Jungroth and carried that the Commission participate in the repair and raising of Epping Dam and work out financial arrangements with other agencies.

**YANKTONAI DAM (#364)**

Yanktonai Dam is located between Wilton and Washburn and is used for fishing. The estimated cost of repairing the dam would be \$5,250.

It was moved by Commissioner Hanson, seconded by Commissioner Jungroth and carried that the Commission participate in the repair of Yanktonai Dam and work out financial arrangements with other agencies.

CASS COUNTY DRAIN #23  
(#1328)

There has been considerable erosion on Drain #23. The Drain Board is requesting the Water Commission to install a drop structure to stop the erosion. The estimated cost of the drop structure would be \$33,500 and should be shared on a 50-50 basis.

It was moved by Commissioner Jungroth, seconded by Commissioner Steinberger and carried that the Commission share 50 percent of the cost of installing a drop structure on Drain #23 not to exceed \$16,750.

SARNIA DAM (#291)

Sarnia Dam, in Nelson County, has washed out. This dam is not used for fishing but will provide wildlife habitat. The estimated cost of repairs is \$4,305. No other agency has committed funds to this project yet.

It was moved by Commissioner Hanson, seconded by Commissioner Jungroth and carried that the Commission participate in the repair of Sarnia Dam and work out financial arrangements with other agencies.

ERIE DAM (#1471)

On May 14, 1968, the Commission authorized cost participation of \$30,000 in the Erie project. Since then an additional cost of \$6,750 has arisen due to the need to relocate a power line. Also, the State Game and Fish Department is not participating with Bureau of Outdoor Recreation funds to the extent previously anticipated. The Game and Fish Department is planning to purchase 682 acres from other funds and 213 acres with Bureau of Outdoor Recreation matched funds. A modification has been proposed to the cost allocation which increases the Commission's participation \$9,000.

It was moved by Commissioner Jungroth, seconded by Commissioner Hanson and carried that the Commission increase its participation in the cost of Erie Dam to \$39,000.

COMPREHENSIVE WATER  
RESOURCES DEVELOPMENT  
PLAN (#322)

Secretary Hoisveen stated that Mr. Emerson, Water Right Engineer, has been working on the State Water Plan since its beginning and is well qualified to give the Commission a progress report on the completed Interim Plan and the Commission's coming studies. The Commission is now entering into subbasin studies since the interim framework plan has been completed.

Mr. Emerson stated that at the time Mr. Krenz left to join the staff of the Souris-Red-Rainy River Basins Commission, the interim plan was about completed. Between that time and October 1st, the remaining staff finished the development and recommendation sections. Jim Schulz edited and proofed the work needed to complete the plan. On October 3rd, the subbasin plan of study was set up. The Knife River will be the first subbasin to be studied, followed by the Goose, Park, etc. The reason the Knife River was to be studied first is that it was felt it was important to start with this subbasin due to the coal resources development. Subbasin maps are now being completed and will show enough detail and information for

use in developing a detailed water resources plan for the subbasin. Each sub-basin map will show the location of dams, gaging stations in place and recommended gaging stations. Maps will also show the square miles of drainage and potential lands for irrigation. Other maps will show the mineral resources. Separate maps will be made for coal resources, etc. The staff is planning to show minerals and soils on separate maps for each basin.

Secretary Hoisveen stated that the Water Resources Council, which was created by congressional action in 1965, does have a grants-in-aid program to stimulate this type of planning. The Commission receives 50 percent matching funds from the Council for comprehensive planning. It is a cooperative endeavor between the Federal and State governments in preparing a comprehensive state plan.

Mr. Emerson stated that assignments have been made from the subbasin plan outline. It is hoped that by February 1st, the staff will be through with the first part of this work. The Knife River Basin is to be completed by June 1, 1969. After that is completed, a schedule will be set up for the other basins. There are 19 subbasins. It is hoped to give the Commission a report each month as to the progress being made. The North Dakota State University has agreed to do some economic studies.

Governor Guy enters the meeting and presides.

**WATER MANAGEMENT DISTRICTS  
LEGISLATION - 61-01-27  
(C8-3)**

Mr. Jochim stated that the North Dakota Water Management Districts Association, at its meeting on November 22, 1968, went on record in support of the enactment of a state law relating to the "quick take" of land by eminent domain for flood control, municipal or industrial water supply purposes. Mr. Jochim read the proposed legislation which provides for the acquisition of any land by eminent domain by the State or any of its agencies or political subdivisions for any dam or reservoir area for flood control, municipal or industrial water supply purposes, the acquiring entity shall, by registered mail, notify each landowner of the intent to acquire and shall also publish a notice of intent to acquire in each official county newspaper in which the land is located. The landowner may appeal to the district court. If the landowner doesn't appeal the acquiring entity assumes possession. Two years ago a similar bill was introduced but was defeated. Commissioner Jungroth stated that the State Highway Department's eminent domain legislation is as fair as is possible, and he

moved that the State Water Commission go on record as supporting the proposed legislation provided said legislation is amended to comply with the procedure governing the State Highway Department's right-of-way acquisition. Motion was seconded by Commissioner Dushinske and carried.

**WATER MANAGEMENT  
DISTRICT LEGISLATION  
(C8-3)**

Mr. Jochim stated that legislation introduced at the last session of the Legislature would have made it extremely difficult to establish future water management districts. The bill provided for the election of members to a water management district's board of commissioners and the establishment and dissolution of a district by the majority vote of the electorate within the established or proposed district. The present law provides for the establishment and dissolution of a water management district by the State Water Commission and the appointment of its board of commissioners by the board of county commissioners. It was indicated that one reason for introducing such legislation was because the present law does not afford the board of county commissioners any discretion in approving or disapproving a water management district's budget. Mr. Jochim read an amendment to section 61-16-12, adopted by the North Dakota Water Management Districts Association at its November 22, 1968, meeting, which specifically allows the county commissioners to approve or modify the water management district's budget as submitted.

It was moved by Commissioner Jungroth, seconded by Commissioner Hanson and carried that the Commission endorse the proposed legislation.

**POLLUTION CONTROL  
BOARD (#1397)**

At a meeting of the State Water Pollution Control Board, the subject of ground-water pollution was discussed. It was noted that the present law limits the authority of the Pollution Control Board to surface waters. It was the consensus of the Board that the law be amended to extend the powers of the Pollution Control Board to ground waters and that the board desired to know the attitude of the State Water Commission on such an amendment.

It was moved by Commissioner Jungroth, seconded by Commissioner Dushinske and carried that the State Water Commission recommend to the State Health Department that legislation be drawn placing responsibility for ground-water pollution control with the State Pollution Control Board.

**AUTHORITY OF STATE  
WATER COMMISSION  
OVER WATERFOWL REFUGES  
(#C8-3)**

Secretary Hoisveen stated that section 61-15-03 provides for the supervision of the State Engineer of all water and wildlife conservation projects and wildlife reservations. The State Engineer has never exercised this authority and believes this section should be repealed. Governor Guy read the section providing for the State Engineer's supervision. Governor Guy suggested that the law be amended to read "Final authority, control and supervision of all water in the State including that in wildlife reservations and conservation projects shall be vested in the State Engineer." The Commissioners discussed whether the Water Commission would be releasing its authority over all the waters of the State.

Commissioner Jungroth suggested that the word "and" be stricken and the word "in" inserted and it would in no way restrict the State Engineer's powers. It was further suggested that this be

turned over to the Legislative Research Committee for the proper legislation.

It was moved by Commissioner Jungroth, seconded by Commissioner Hanson and carried that the Legislative Research Committee be asked to prepare legislation which would clarify the authority of the State Engineer so the authority for control and supervision of water would remain in the State Engineer and control and supervision of projects would clearly remain in the Game and Fish Department.

WATER MANAGEMENT  
DISTRICT'S PROPOSAL  
IN REGARD TO SOIL  
CONSERVATION SERVICE  
SURVEYS (Edmore Water-  
shed #843)

Commissioner Dushinske stated that he had a letter from the Sweetwater-Dry Lake Water Management District to the State Water Commission requesting survey funds. The Mauvais Coulee cleanout originally was estimated to be \$22,000 with the Water Commission sharing one-half the costs.

The final cost was \$40,000. The Sweetwater-Dry Lake and Chain Lakes Water Management Districts' share of the excess cost is \$4,686.11 each. They have money to pay this but if they do they will be short of funds to continue the planning for the Edmore Watershed. They would like to do the planning on both Starkweather and Edmore Watersheds at the same time.

Secretary Hoisveen said that as far as that particular entity is concerned, it would appear more logical if they would pay up the amount they owe instead of the Water Commission cancelling it. They are desirous of having assistance to the extent of \$5,000 to permit the Soil Conservation Service to continue survey activities on the Edmore Watershed. The Commission has not previously cooperated with the Soil Conservation Service by providing funds for the planning of these watersheds; in some instances the Commission might find it very desirable to assist in expediting some survey work.

Commissioner Jungroth stated that he recommended that the State Water Commission participate to the extent of 50 percent of the overage and the Sweetwater-Dry Lake and Chain Lake Water Management Districts pay 25 percent each of the overage for the Mauvais Coulee cleanout work.

It was moved by Commissioner Dushinske, seconded by Commissioner Hanson and carried that the Commission assume its share of the overage and that the water management districts be required to assume their 25 percent share of the overage.

It was moved by Commissioner Dushinske, seconded by Commissioner Hanson and carried that the Commission participate with the Sweetwater-Dry Lake Water Management District and the Soil Conservation Service up to \$5,000 for planning of Edmore Watershed project authorized under P.L. 566.

SOURIS-RED-RAINY RIVER  
BASINS COMMISSION  
CHAIRMANSHIP RESOLUTION  
(#305)

Secretary Hoisveen stated that a resolution has been prepared for the Commissioners' consideration in attempting to retain Gordon Gray as chairman of the Basins Commission. The resolution was read.

Secretary Hoisveen stated that there was considerable difficulty in obtaining highly qualified technical personnel for the Basins Commission staff since the Basins Commission program is scheduled to expire in 1972. It would appear that changes in personnel at a time when the Souris-Red-Rainy Commission was getting in full stride would further complicate the problem of obtaining key personnel.

Governor Guy stated that this is a limited project that would be accomplished by the year 1972 and to break up the continuity at this time would jeopardize the project. Anyone coming in now would have to start at the beginning.

Commissioner Jungroth suggested that Governor Guy contact Governor Levander of Minnesota concerning the Basins Commission, noting that this is a limited study and a change of chairman at this time would delay the work done thus far. It was also suggested that another "whereas" be added to the resolution stating that the project is to be completed in 1972 and that it is imperative that there be no interruption or delay in the work underway and that the resolution also be sent to the Governors of Minnesota and South Dakota.

It was moved by Commissioner Dushinske, seconded by Commissioner Hanson and carried that Resolution 68-12-262 be adopted as amended.

(See Appendix A)

FLOYD DOMINY

The Commissioners discussed the advisability of adopting a resolution concerning the reappointment of Floyd Dominy as Commissioner of the Bureau of Reclamation.

It was suggested by Governor Guy that we advise our congressional delegation that the Water Commission is satisfied with Mr. Dominy and is recommending his reappointment. A resolution should also be sent to the President.

It was moved by Commissioner Steinberger, seconded by Commissioner Hanson and carried that a resolution be adopted to be sent to our congressional delegation and to the President expressing the Water Commission's satisfaction with the performance of Floyd Dominy in his duties as they pertain to the State of North Dakota and recommend his reappointment.

(See Appendix B)

**BANK STABILIZATION ON  
MISSOURI RIVER (#576)**

Secretary Hoisveen stated that erosion on the banks of the Missouri River has become very severe the past three to four months. The Corps of Engineers has now formulated an emergency type project and the Commission is hopeful that it will soon be started in the Stanton and Bismarck areas. Commissioner Gallagher and Secretary Hoisveen spoke to General Cassidy at the National Reclamation Association Convention regarding the problem between the Oahe and Garrison Dam. The General's approach was one which the Commission has advocated on several occasions, that is, that the river is a government-owned channel and as such it should be a part of the entire Missouri River Basin project. It may require four or five years to get congressional action on such a project so for the present it will still require piecemeal work. It was stated that Senator Young, in his position on the Appropriations Committee, will have a vital role in obtaining funds for this project. It was suggested by General Cassidy that Senator Young contact his office and the General would send over men to assist him in drafting legislation. Senator Young has requested that Chief Engineer Hoisveen come to Washington, D. C. and assist in drafting the needed legislation with the Corps of Engineers and his staff on January 7, 1969.

It was moved by Commissioner Hanson, seconded by Commissioner Steinberger and carried that the Commission directs the Chief Engineer to cooperate with Senator Young and the Corps of Engineers to the extent of travelling to Washington, D. C. to draw legislation relative to Missouri River Bank stabilization work.

**RESOLUTION 68-12-261  
MISSOURI RIVER BANK  
STABILIZATION (#576-7)**

Resolution 68-12-261 authorizes the Corps of Engineers to enter in and upon lands in Burleigh County for the purpose of installing river bank protection.

These are lands on which the Commission has easements for this purpose.

It was moved by Commissioner Dushinske, seconded by Commissioner Jungroth and carried that the Commission adopt resolution 68-12-261 which authorizes the Corps of Engineers to enter in and upon lands in Burleigh County for the purpose of constructing river bank protection.

(See Appendix C)

**RESOLUTION 68-12-260  
MISSOURI RIVER BANK  
STABILIZATION (#576-7)**

Resolution 68-12-260 provides for State Water Commission assurances to the Corps of Engineers that it will act as the agency to give assurances for operation

and maintenance on bank stabilization with other local government entities participating, but in so doing, the State Water Commission gives assurances under extreme protest that operation and maintenance on this channel from Garrison Dam to upper reaches of the Oahe should be a Federal responsibility because of the regulatory nature of this reach of the river as an integral part of the Missouri River development project benefitting, for the most part, the people and states south of North Dakota.

It was moved by Commissioner Hanson, seconded by Commissioner Jungroth and carried that the Commission adopt Resolution 68-12-260.

(See Appendix D)

RESOLUTION 68-12-259  
(#576)

Resolution 68-12-259 requests the Corps of Engineers to commence immediate bank rectification works in the most critical erosion areas of the Missouri River channel and that releases of water from Garrison Dam be made at a uniform rate and at a stage that will minimize erosion until such time as the flow capabilities of the channel have been improved to be compatible with the highly fluctuating releases that may be made in the future.

It was moved by Commissioner Dushinske, seconded by Commissioner Hanson and carried that the Commission adopt Resolution 68-12-259.

(See Appendix E)

FINANCIAL STATEMENT FOR  
NOVEMBER 1968 APPROVED

Jim Schulz reviewed the finances of the Water Commission.

It was moved by Commissioner Dushinske, seconded by Commissioner Hanson and carried that the financial statement for November, 1968, be approved.

BUDGET 1969-1971

The final figures on the 1969-1971 budget were received and Mr. Schulz reviews the budget - the present appropriation, amount requested and the amount as set by the Budget Board.

Governor Guy stated that this is the second year the Governor recommended the budget to the Legislature. He does not object to an agency going before the Legislature and attempting to get its funds restored unless there is a special reason to the contrary. He stated that the Water Commission should feel free to defend its request for greater appropriation; however, no agency should go before the Appropriation Committee unless they are prepared to encounter some very sharp questioning.

WATER PERMITS  
#1603-#1606;  
#1608-#1611;  
#1613, #1614

Secretary Hoisveen presented ten water permits to the Commission for consideration. It was the recommendation of the State Engineer that these permits be granted.

It was moved by Commissioner Hanson, seconded by Commissioner Jungroth and carried that the conditional permits be approved, subject to such conditions as indicated on the permit.

(See Appendix F)

WATER PERMITS  
#1607 and #1612

investigation.

Water Permits #1607, Rott Brothers,  
Nortonville and #1612, Walter Hufnagel,  
Tappen, are deferred pending further

CART CREEK (#1510)

The Commission has received a request from the Pembina County Water Management and Drainage Commission to survey the Cart Creek Dam in Pembina and Cavalier Counties. The Commission staff has worked on the project in accordance with the general survey agreement. The Pembina County Water Management District is the sponsor.

WATER BANK PROGRAM (#1489)

Commissioners Dushinske and Jungroth reported on a North Dakota Waterfowl Advisory Committee meeting which they had attended. The meeting was for the purpose of discussing the water bank proposal with the Congressional Delegation from North Dakota. Senator Burdick and Congressman Kleppe and representatives from Senator Young and Congressman Andrews staff were present. Commissioner Jungroth discussed the guidelines, which are attached as Appendix G. It was reported that the reaction of the Congressional Delegation was very favorable to the water bank proposal.

meeting adjourned.

There being no further business the

*Milo W. Howsven*

Secretary

ATTEST:

*William L. Guy*  
Governor-Chairman

## RESOLUTION 68-12-262

WHEREAS, the North Dakota State Water Commission, a bipartisan entity, stimulated the formation of a Souris-Red-Rainy River Basins Commission to better resolve the many water problems in these basins such as water pollution, the lack of water for municipal, industrial, recreational purposes and flood control, all of which occur within the states of Minnesota, South Dakota and North Dakota; and

WHEREAS, the Basins Commission was activated in August 1967 and has functioned in a most commendable manner since its formation; and

WHEREAS, its chairman, Mr. Gordon Gray, served with distinction on the North Dakota State Water Commission for many years and thereby obtained valuable experience in the field of water management; and

WHEREAS, any change that might be made in the chairmanship of the Basins Commission would adversely affect the membership of the Commission's staff and further complicate the employment of much needed professional and technical personnel and interrupt the smooth progress of planning, thereby reducing the effectiveness of the Souris-Red-Rainy River Basins Commission by causing a considerable delay in meeting its objectives; and

WHEREAS, the Souris-Red-Rainy River Basins Commission must have completed its mission by 1972 when it will terminate, making it imperative that there be no interruption or delay in the work underway.

NOW, THEREFORE, BE IT RESOLVED by the North Dakota State Water Commission in a meeting held in Bismarck, North Dakota, December 17, 1968, that the President of the United States is respectfully urged to retain the present chairman of the Souris-Red-Rainy River Basins Commission, thereby assuring its continued uninterrupted progress towards resolving the many water problems that require an almost immediate solution.

AND BE IT FURTHER RESOLVED that this Resolution be forwarded to the President of the United States, the Director of the Water Resources Council, the Chairman of the National Water Commission, the North Dakota Congressional Delegation, and the Governors of the States of Minnesota and South Dakota.

FOR THE NORTH DAKOTA STATE WATER COMMISSION:

By:

S/ William L. Guy  
William L. Guy, Chairman-Governor

ATTEST:

S/ Milo W. Hoisveen  
Milo W. Hoisveen, Secretary

## RESOLUTION 68-12-263

WHEREAS, Mr. Floyd Dominy, Commissioner of Reclamation, U. S. Department of the Interior, has admirably performed his duties of leading the Bureau of Reclamation; and

WHEREAS, he has fearlessly and ably protected the reclamation program of the West against forces that might have destroyed its effectiveness as an agency; and

WHEREAS, Mr. Dominy's long period of service as Commissioner, which commenced in 1957 under President Eisenhower, has equipped him with a vast amount of experience of immense value to the Nation;

NOW, THEREFORE, BE IT RESOLVED by the North Dakota State Water Commission at its regular meeting in Bismarck, North Dakota, on December 17, 1968, that this Commission does by this Resolution express its satisfaction with the past performance of Commissioner Dominy and urges the President-elect of the United States to reappoint Mr. Dominy Commissioner of Reclamation;

AND BE IT FURTHER RESOLVED that copies of this Resolution be sent to the President-elect of the United States and to Senators and Representatives of North Dakota.

FOR THE NORTH DAKOTA STATE WATER COMMISSION:

By

S/ William L. Guy  
William L. Guy, Governor-Chairman

ATTEST:

S/ Milo W. Hoisveen  
Milo W. Hoisveen, Secretary

## APPENDIX C

## RESOLUTION 68-12-261

WHEREAS, the United States Corps of Engineers has requested the North Dakota State Water Commission to secure easements for bank stabilization on the banks of the Missouri River in the vicinity of Sections 6, 7, 8, 18 and 19, Township 138 North, Range 80 West, Burleigh County, North Dakota; and

WHEREAS, the North Dakota State Water Commission has acquired temporary easements for the construction of a river-bank protection project.

NOW, THEREFORE, BE IT RESOLVED by the North Dakota State Water Commission that it does hereby grant, give and convey to the United States Government, its contractors and agents, the right and permission to enter in and upon said lands, until December 31, 1969, for the purpose of construction of a river-bank protection project.

Dated this 11th day of December, 1968.

NORTH DAKOTA STATE WATER COMMISSION  
By:

S/ Milo W. Holsveen  
Secretary and Chief Engineer

ATTEST:

S/ Cliff Jochim  
Special Assistant Attorney General

## APPENDIX D

## RESOLUTION 68-12-260

WHEREAS, bank erosion south of the Memorial Bridge in the Bismarck area, has reached an extremely critical point which could attain catastrophic proportions; and

WHEREAS, emergency correction by the Corps of Engineers is required to avert such an impending disaster; and

WHEREAS, assurances of operation and maintenance are required by a local entity in accordance with Corps of Engineers regulations.

NOW, THEREFORE, the North Dakota State Water Commission, this 4th day of December, 1968 in Bismarck, North Dakota, does give the assurance to the Corps of Engineers that it will act as the agency to give assurances of operation and maintenance on bank stabilization with other local government entities participating but in so doing the State Water Commission gives assurances under extreme protest that operation and maintenance on this channel from Garrison Dam to upper reaches of Oahe should be a Federal responsibility because of the regulatory nature of this reach of the river as an integral part of the Missouri River development project, benefiting, for the most part, the people and states south of North Dakota.

FOR THE NORTH DAKOTA STATE WATER COMMISSION:

S/ William L. Guy  
 William L. Guy  
 Governor-Chairman

ATTEST:

S/ Milo W. Hoisveen  
 Milo W. Hoisveen  
 Secretary

## APPENDIX E

## RESOLUTION 68-11-259

WHEREAS, the fluctuating releases now being made through the Garrison Dam into the Missouri River to meet power demands and other needs are creating bank erosion problems on this reach of the river far beyond the comprehension of man; and

WHEREAS, great blocks of agricultural land and municipal facilities are being eroded to such proportions that the resulting losses could, on a national level, react violently upon the credibility of the federal agency in charge of such operations; and

WHEREAS, federal representatives attempt to justify these release arrangements through the allegation that the resulting power revenues are necessary to assist in paying for the Garrison Diversion Unit and other reclamation projects; and

WHEREAS, the many negations suffered by the State of North Dakota for its cooperation in the Missouri River Basin has far exceeded the benefits that may be derived from a multiple of water projects that may be developed in North Dakota in the future; and

WHEREAS, this condition presents an immediate need for emergency work in several areas adjacent to the City of Bismarck; and

WHEREAS, the erosion, although severe, is not near as pronounced when flows occur at a uniform regulated rate of 22,000 cubic feet per second or less; and

WHEREAS, the Corps of Engineers has successfully stabilized the banks and controlled erosion in several areas in this reach of the river.

NOW, THEREFORE, BE IT RESOLVED that the State Water Commission does hereby respectfully urge the Corps of Engineers to commence immediate bank rectification works in the most critical erosion areas of the Missouri River channel and that releases of water from Garrison Dam be made at a uniform rate and at a stage that will minimize erosion until such time as the capabilities of the channel have been improved to be compatible with highly fluctuating releases that may be made in the future.

BE IT FURTHER RESOLVED that this resolution be forwarded to Lt. General William F. Cassidy, Chief of Engineers, Department of the Army; Brig. General Craig Cannon, Division Engineer, Omaha; and Colonel William McKenzie, III, District Engineer, Omaha.

Dated this 12th day of November, 1968.

FOR THE NORTH DAKOTA STATE WATER COMMISSION:

S/ William L. Guy  
William L. Guy  
Governor-Chairman

ATTEST:

S/ Milo W. Hoisveen  
Milo W. Hoisveen  
Secretary

WATER RIGHTS FOR December 13, 1968 AGENDA

No.	Name and Address	Source	Purpose	Amount Requested	Comments and Recommendations
1603	Ray E. Stein Taylor	Knife River	Irrigation (Waterspreading)	264 acre-feet 132 acres	132 acre-feet 132 acres Rate of withdrawal not to exceed 13 cfs from March 1 through June 15 and that 10 cfs be allowed to bypass before and during diversion period
1604	Floyd W. Orr Ypsilanti	slough and under- ground sources	Irrigation	100 acre-feet 85.2 acres	100 acre-feet 85.2 acres
1605	Roy Viall Ray	underground sources	Irrigation	260 acre-feet 181.3 acres	260 acre-feet 181.3 acres
1606	Joe Bonogofsky Freda	Unnamed Creek trib. Dogtooth Creek and Cannonball River	Waterspreading	176 acre-feet 88 acres	88 acre-feet 88 acres Rate of withdrawal not to exceed 50 cfs from March 1 through June 1 and that 3.0 cfs be allow ed to bypass before and during diversion period.
1607	Rott Brothers Nortonville	underground sources	Irrigation	1404 acre-feet 936 acres	TEMPORARILY DEFERRED PENDING FURTHER INVESTIGATION

Water Permits - Page 2

No.	Name and Address	Source	Purpose	Amount Requested	Comments and Recommendations
1608	Cavalier Country Club, Cavalier	Tongue River and Tongue River Watershed Dam #14 tributary of Red River	Irrigation	60 acre-feet 30 acres	60 acre-feet 30 acres
1609	Cavalier County WMD	Little Pembina River, Pembina River and Red River and Possible Diversion of Water from Mulberry Creek which flows into Canada	Municipal and Industrial	4220 acre-feet storage plus 1421 acre-feet annual use	4220 acre-feet storage plus 1421 acre-feet annual use
1610	Robert Luidahl Midwest City, Okla.	Sheyenne River and Unnamed Streams	Irrigation	266 acre-feet 133.2 acres	166.5 acre-feet 133.2 acres The rate of withdrawal is not to exceed 3000 gpm and that no diversion is to be made when flow on the Sheyenne River is 10 cfs or less
1611	Donald Hakanson Maddock	Sheyenne River and Unnamed Streams	Irrigation	200 acre-feet 99.1 acres	124 acre-feet; 99.1 acres Rate of withdrawal is not to exceed 3000 gpm and that no diversion is to be made when the flow on the Sheyenne River is 10 cfs or less
1612	Walter Hufnagel Tappen	Underground Sources	Irrigation	1179 acre-feet 786 acres	TEMPORARILY DEFERRED PENDING FURTHER INVESTIGATION

Water Permits - Page 3

No.	Name and Address	Source	Purpose	Amount Requested	Comments and Recommendations
1613	City of Walhalla Walhalla	Underground	Municipal	161 acre-feet	161 acre-feet
1614	David D. Dvorak Manning	Crooked Creek trib. Knife	Irrigation	100 acre-feet  50 acres	50 acre-feet 50 acres Rate of withdrawal not to exceed 13 cfs from March 1 through June 15 and that 6cfs be allowed to bypass before and during diversion period.

## APPENDIX G

NORTH DAKOTA GUIDELINES  
TO  
PROPOSED WATER BANK PROGRAM

- I. Administering Agency and Funds
  - A. Proposed Agency
    1. Agricultural Stabilization and Conservation Service (ASCS)
  
- II. Eligible Wetlands
  - A. All natural, created, and restored wetlands (Type I, III, IV, and V)
    1. Landowners participating in the program would designate wetland areas to be placed under contract.
  
    2. Artificial water areas would be eligible, however, such areas must be managed specifically as multi-purpose improvements. (If managed only for cattle watering, it would not be eligible.)
  
- III. Acres Wetlands in North Dakota (From 1964 B.S.F. & W. Wetland Inventory and adjusted using 1965-67 drainage estimates.)
  - A. Acres by Type
 

1. Type I	198,257
2. Type III	582,754
3. Type IV	453,357
4. Type V	285,604
5. Total wetlands estimated in North Dakota 1,519,972 acres	
  - B. Acreages for each ownership classification
 

1. Private ownership - no easement	995,416
2. Private ownership - easement	429,275
3. U.S.B.S.F. & W. fee title	95,281
  - C. Acreages in the two major use classifications
 

1. Cropland	625,983
2. Non - cropland	798,708
  
- IV. Program Options
  - A. Within cropland and non-cropland categories, options are:
    1. Place wetlands in program but to retain normal use so as to farm when weather conditions allow.
  
    2. Place wetlands in program under non - use option. (Under this farmer forgoes use for agricultural production.)
  - B. In either of cases, farmer would receive an annual payment for not draining, burning, or filling. If he chose a non-use option he would be paid additional for retaining area in a natural state.
  - C. If land is under easement to B.S.F. & W. he would be eligible for Water Bank program under a special option.  
(See item VIII for payment rates under various options.)

V. Buffer Zones

A. Under Non-use option

1. Payment could be made for "squaring off areas". Maximum acreage allowable for buffers would be 3 acres range or cropland for each acre of wetland. Buffer must be planted to approved cover and maintained throughout the length of the contract. If in rangeland the entire area must be fenced. (Range & Wetland)

VI. Public Access

- A. Payment would be allowed landowners if they allow public access. These payments would be restricted to areas under non - use contracts. (Includes acres of wetland and buffer zone.)

VII. Contract Length and Ownership

- A. Suggested length is 10 years. Can be renewed at end of contract.

B. Choice of farmer under change of ownership.

1. May continue contract for its duration.
2. May enter into a new contract and redesignate wetland areas to be covered and use or non - use option.
3. May choose not to participate in the program.

VIII. Payment Rates

- A. Based on figures supplied by the North Dakota ASCS and U.S.D.A. Statistical Reporting Service the following are proposed.

1. The state average of payments for wetlands in cropland with a use option would be \$3.70 per acre.

2. The state average of payments for wetlands in cropland with a non-use option would be \$7.40 per acre.

3. The state average of payments for wetlands in cropland with a Bureau easement and non - use option would be \$3.70 per acre.

4. The payment for wetlands in non-cropland with a use option would be \$1.00 per acre statewide.

5. The payment for wetlands in non-cropland with a non - use option would be \$4.00 per acre statewide.

6. The payment for wetlands in non-cropland with a Bureau easement and non-use option would be \$3.00 per acre statewide.

- B. As in the CAP program payments would be based on county productivity indices and adjusted to a productivity index for individual farms. The above in part VIII A are only state averages.

IX. Water Bank Costs using various options.

A. Wetland Acres

1. About 4½ million dollars annually if 100% participate (estimated)

B. Buffer Zone (Based on guess of 1 acre buffer for one acre wetland)

1. About 4.1 million dollars annually (estimated)

C. Public Access

1. About 2.1 million dollars annually (estimated)

D. Total Maximum Costs

1. 10.7 million dollars annually

2. Payments would be made in October or November after compliance with provisions of the contract.