

MINUTES

NORTH DAKOTA STATE WATER COMMISSION

Held at Zacher's Cafe
Elgin, North Dakota

June 4, 1971

PRESENT:

Governor William L. Guy, Chairman
Richard Gallagher, Vice Chairman, Mandan
Harold Hanson, Member from New England
Alvin Kramer, Member from Minot
James Jungroth, Member from Jamestown
Arne Dahl, Commissioner, Department of Agriculture, Bismarck
Milo W. Hoisveen, State Engineer, Chief Engineer and Secretary, North
Dakota State Water Commission, Bismarck

OTHERS PRESENT:

Alan Grindberg, Assistant Chief Engineer, North Dakota State
Water Commission, Bismarck
Russell Dushinske, Executive Vice President, North Dakota Water
Users Association, Minot
Albert Rivinius, Grant County Water Management District, Elgin

Governor William L. Guy called the meeting
to order at 1:00 p.m., MDST, at Zacher's Cafe in Elgin, North Dakota, on June 4,
1971.

MINUTES OF MAY 21, 1971
MEETING APPROVED

that they be approved as circulated. Commissioner Dahl seconded and all members
voted aye.

Commissioner Kramer moved that the
reading of the minutes of the May 21,
1971, meeting be dispensed with and

INVITATION TO GARRISON
DIVERSION CONSERVANCY
DISTRICT GROUNDBREAKING
CEREMONIES

Secretary Hoisveen presented an invitation
from the Garrison Diversion Conservancy
District to hold a meeting in conjunction
with their groundbreaking ceremonies on
July 7, 1971.

Secretary Hoisveen also reported that
there would be hearings held on the level of Devils Lake on the 14th of June,
1971. Governor Guy suggested that the Commission meet in conjunction with these
hearings.

Commissioner Kramer moved that a meeting be held
at Devils Lake on June 14, 1971, in conjunction
with the hearings to be held at 9:30 a.m. on that
date. Commissioner Hanson seconded and all members
voted aye.

Commissioner Hanson moved that a decision on holding a meeting in conjunction with the Garrison Diversion Conservancy District groundbreaking ceremonies be delayed until the June 14, 1971 meeting. Commissioner Dahl seconded and all members voted aye.

EXPENSES FOR THE
ADVISORY COMMITTEES

Secretary Hoisveen reported that a request has been made for payment of the expenses of the Chairman of the Souris-Red-Rainy River Basins Commission Citizens' Advisory Committee. In addition, there was a decision made at the last Commission meeting to pay the expenses of all the members of this Advisory Committee. Subsequent discussions with the Department of Accounts and Purchases indicates that this would be an illegal act and also it appears that there are memberships on Advisory Committees totalling at least 65 persons who do not have their expenses paid by other agencies. These Boards are for the state plan.

Secretary Hoisveen reported that a request has been made for payment of the expenses of the Chairman of the Souris-

Commissioner Dahl moved that the State Water Commission deny as a matter of policy paying expenses for persons other than their own employees. Commissioner Kramer seconded and all members voted aye.

MISSOURI RIVER
BASIN COMMISSION

Governor Guy gave the history of the requests for the formation of a Basin Commission in the Missouri Basin. He reported that after the last Legislative session, he had polled the 10 Basin states and found that 6 were in favor of the creation of a River Basin Commission. He reported further that he then wrote to the Water Resources Council and requested that a Basin Commission be formed in the Missouri River Basin. The states of South Dakota and Missouri have also written such requests to the Water Resources Council and Montana has replied that it will wait until after its special Legislative session has adjourned. Governor Guy felt that this Commission will not require any state funds until next year.

Governor Guy gave the history of the requests for the formation of a Basin Commission in the Missouri Basin. He

Commissioner Gallagher moved that the State Water Commission reaffirm its earlier actions whereby they have supported the formation of a Missouri River Basin Commission and North Dakota's membership therein. Commissioner Hanson seconded and all members voted aye.

SOUTHEAST CASS COUNTY
WATER MANAGEMENT DISTRICT
EXPANSION
(#720 and 599)

Secretary Hoisveen explained that a hearing has been held on the extension of the boundaries of the Southeast Cass County Water Management District to expand it to include the city of Fargo. He further explained that no one showed up to protest at the hearing. There were not very many persons in attendance at the hearing, however, all those who did attend were in favor of the expansion of the district.

Secretary Hoisveen explained that a hearing has been held on the extension of the boundaries of the Southeast Cass County Water Management District to expand it to include the city of Fargo. He

Commissioner Hanson moved that the State Water Commission approve the petition of the Southeast Cass County Water Management District requesting that the District's boundaries be altered to include the city of Fargo. Commissioner Dahl seconded and all members voted aye. (See Appendix "A")

CASS COUNTY DRAIN
NO. 27
(#1080 and 599)

Secretary Hoisveen gave the history of the drain. He stated that in the past, the State Water Commission has participated in the construction of the drain and in the construction of an extension. He stated that there will be a hearing in Horace, North Dakota, on Monday, June 7, 1971, to discuss the use of this drain for the Fargo Diversion project. The landowners along the drain have objected to the use of the drain for the handling of Fargo diversion waters. He stated that Fargo's diversion use will be during the time when the ditch is not needed for drainage purposes.

Secretary Hoisveen asked the Commission members' opinion as to what the policy of the State Water Commission should be in the event the members of Drain No. 27 continued to refuse Fargo flowage rights in the drain.

Commissioner Jungroth moved that it be stated that the State Water Commission's general policy is to expend tax monies for multi-purpose projects for the benefit of most of the people. If the project cannot be a multi-purpose project, the State Water Commission will discourage the expenditure of its funds for such works. Commissioner Dahl seconded and all members voted aye.

CONSOLIDATION OF THE
SWEETWATER-DRY LAKE
AND THE CHAIN LAKES
WATER MANAGEMENT DISTRICTS
(#704 and 722)

Secretary Hoisveen reported that a hearing had been held in Devils Lake which was well attended. He stated that the feeling was very favorable to the joining of the Sweetwater-Dry Lake Water Management District with the Chain Lakes Water Management District. There was

very little, if any, opposition.

Commissioner Jungroth moved that the State Water Commission approve the petition of the Sweetwater-Dry Lake Water Management District and the Chain Lakes Water Management District requesting the consolidation of the two Districts. Commissioner Kramer seconded and all members voted aye. (See Appendix "B")

CANCELLATION OF WATER
PERMITS - U. S. BUREAU
OF SPORT FISHERIES AND
WILDLIFE
(#308)

Secretary Hoisveen reported that two years ago, the Lake Ardoch Slough Dam failed. It is owned and operated by the U. S. Bureau of Sport Fisheries and Wildlife. It now appears as though they will not be

doing any repair work on it within the three years. He briefed the Commission on the statute that requires maintenance of structures to retain a water permit. The Bureau of Sport Fisheries and Wildlife has not been doing the proper maintenance on Lake Ardoch to maintain their water permit. This same condition exists on several of their structures.

The Walsh County Water Management District plans a visit to the State Water Commission office on June 9, 1971, to discuss this project.

Commissioner Kramer moved that the staff of the State Water Commission be directed to prepare a proposed procedure to be followed for cancellation of a water permit and this is to include proper notice to the individual facing cancellation prior to the three-year time. This would be applicable to the U. S. Bureau of Sport Fisheries and Wildlife. Commissioner Dahl seconded and all members voted aye.

ADJUDICATION OF
WATER PERMITS
(#782)

Secretary Hoisveen reported that the McCarran Act has been interpreted to mean that the states can get jurisdiction over federal agencies claiming water

permits in state courts. This would mean this - if an adjudication procedure enters into, say on the Souris River, the federal agencies involved would have to come in and defend our water permits and it would result in a quantification of the water permits held by the agencies and it would settle forever the question of their validity.

The Commission directed the staff of the State Water Commission to present a brief report at its next meeting on water permits on the Souris River, their use, their amount, and on the use of adjudication to further clarify the situation on that river.

BURLEIGH COUNTY WATER
MANAGEMENT DISTRICT
(#1551)

Secretary Hoisveen reported that a hearing had been held by Legal Counsel, Cliff Jochim. He stated that the hearing was relatively inconclusive as to the

wishes of the people. He reported that several of the County Commissioners which had formerly been in favor of a water management district, at least insofar as they had requested it, had now changed their minds apparently and were opposed, or appeared to be opposed, to the district.

Upon question, Secretary Hoisveen stated that it was up to the County Commission whether or not a district was active in that they have the power to appoint members.

Commissioner Gallagher moved that the State Water Commission approve the petition of the Board of County Commissioners of Burleigh County requesting the establishment of the Burleigh County Water Management District, and that a resolution be adopted authorizing the issuance of this Order.

Commissioner Hanson seconded and all members voted aye. (See Appendix "C")

COLONEL CHARLES I. MCGINNIS
TRANSFER FROM ST. PAUL CORPS
OF ENGINEERS

Commissioner Kramer moved that the State Water Commission approve Resolution No. 71-6-300, Colonel Charles I. McGinnis, commending Colonel McGinnis for the fine work that he has done while he was District Engineer in St. Paul, Minnesota. (See Appendix "D")

REASSIGNMENT OF EASEMENTS
FOR BANK STABILIZATION WORKS
(#576)

Secretary Hoisveen reported that the easements for the bank stabilization works along the Missouri River are taken in the name of the county or the city

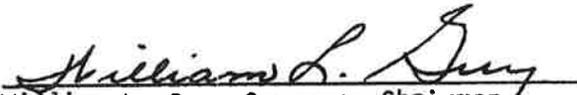
and assigned to the State Water Commission. The Water Commission then reassigns these easements to the Corps of Engineers for these purposes. The easements for the Bismarck-Mandan area and the Dry Point area have now been acquired and the Corps of Engineers has requested that the State Water Commission assign such easements to them.

Commissioner Dahl moved that the State Water Commission approve the assignment of the easements for the Dry Point and the Bismarck-Mandan areas' bank stabilization work to the U. S. Army Corps of Engineers subject to assignment of such easements to the State Water Commission by the local interests. Commissioner Jungroth seconded and all members voted aye. (See Appendix "E")

There being no further business, the meeting adjourned at 2:15 p.m. The Commission members then participated in the dedication of the Sheep Creek Dam at Elgin, where Governor Guy delivered the dedicatory address.


Milo W. Hoisveen, Secretary

ATTEST:


William L. Guy, Governor-Chairman

ORDER

APPENDIX 'A'

**Altering the Boundaries of the
Southeast Cass County Water Management District**

WHEREAS, the Southeast Cass County Water Management District, acting by and through its Board of Commissioners, did on the 25th day of March, 1971, file with the North Dakota State Water Commission its petition requesting the alteration of the boundaries of the Southeast Cass County Water Management District to include the city of Fargo; and

WHEREAS, the petition of the Southeast Cass County Water Management District's Board of Commissioners was accompanied by a certified copy of a resolution of the Board of Commissioners, adopted on the 23rd day of March, 1971, authorizing and directing for and on behalf of the Water Management District the filing of such petition; and

WHEREAS, evidence submitted at a public hearing held in the city of Fargo on the 26th day of April, 1971, after legal notice thereof, disclosed that the district's and the city's water management problems, projects and planning, can best be accomplished by a water management district, which includes the city of Fargo; and

WHEREAS, the Commission, at its regular meeting held in the city of Elgin, North Dakota, on the 4th day of June, 1971, approved the petition of the Southeast Cass County Water Management District and directed its Chairman and Secretary to execute the Order of the Commission altering the boundaries of the Southeast Cass County Water Management District to include the city of Fargo in the Southeast Cass County Water Management District.

The boundaries of the Southeast Cass County Water Management District are hereby altered to include the city of Fargo.

Dated at Bismarck, North Dakota this 9th day of June, 1971.

ATTEST:

NORTH DAKOTA STATE WATER COMMISSION

/S/ Milo W. Holsveen
Milo W. Holsveen, Secretary

/S/ William L. Guy
William L. Guy, Governor and Ex Officio
Chairman of the North Dakota State
Water Commission

APPENDIX "B"

ORDER

**Dissolving the Sweetwater-Dry Lake
Water Management District
and the Chain Lakes Water Management District**

WHEREAS, the Sweetwater-Dry Lake Water Management District and the Chain Lakes Water Management District, acting by and through their Board of Commissioners, did on the 4th day of May, 1971, file with the North Dakota State Water Commission their petition requesting the consolidation of the two water management districts; and

WHEREAS, such petition was accompanied by a certified copy of a resolution of the Boards of Commissioners of the two Districts, adopted on the 3rd day of May, 1971, authorizing and directing for and on behalf of both water management districts the filing of such petition; and

WHEREAS, the report of the Chief Engineer of the State Water Commission, and evidence submitted at a public hearing held in the city of Devils Lake, North Dakota, on the 24th day of May, 1971, after legal notice thereof, disclosed that the interests of the landowners of both Districts will be better served if the two Districts were to be consolidated; and

WHEREAS, the Commission, at its regular meeting held in the city of Elgin, North Dakota, on the 4th day of June, 1971, approved the petition of the Sweetwater-Dry Lake Water Management District and the Chain Lakes Water Management District and directed its Chairman and Secretary to execute the Orders of the Commission establishing a water management district to be designated and known as the Sweetwater-Dry Lake Water Management District and then dissolving the Sweetwater-Dry Lake Water Management District, established June 10, 1955, and the Chain Lakes Water Management District, established June 10, 1955; and

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WHEREAS, the Order of the State Water Commission establishing the Sweetwater-Dry Lake Water Management District encompassing the area formerly contained within the Sweetwater-Dry Lake Water Management District and the Chain Lakes Water Management District, both of which were established June 10, 1955, has been executed.

NOW, THEREFORE, BE IT RESOLVED that the Sweetwater-Dry Lake Water Management District, established June 10, 1955, and the Chain Lakes Water Management District, established June 10, 1955, are hereby dissolved.

Dated at Bismarck, North Dakota, this 9th day of June, 1971.

NORTH DAKOTA STATE WATER COMMISSION

SEAL

By: /S/ William L. Guy
William L. Guy, Governor and Ex Officio
Chairman of the North Dakota State
Water Commission

ATTEST:

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

APPENDIX "B"

ORDER

Establishing the Sweetwater-Dry Lake
Water Management District

WHEREAS, the Sweetwater-Dry Lake Water Management District and the Chain Lakes Water Management District, acting by and through their Boards of Commissioners, did on the 4th day of May, 1971, file with the North Dakota State Water Commission their petition requesting the consolidation of the two water management districts; and

WHEREAS, such petition was accompanied by a certified copy of a resolution of the Boards of Commissioners of the two Districts, adopted on the 3rd day of May, 1971, authorizing and directing for and on behalf of both Water Management Districts the filing of such petition; and

WHEREAS, the report of the Chief Engineer of the State Water Commission, and evidence submitted at a public hearing held in the city of Devils Lake, North Dakota, on the 24th day of May, 1971, after legal notice thereof, disclosed the interests of the landowners of both Districts will be better served if the two Districts were to be consolidated; and

WHEREAS, the Commission, at its regular meeting held in the city of Elgin, North Dakota, on the 4th day of June, 1971, approved the petition of the Sweetwater-Dry Lake Water Management District and the Chain Lakes Water Management District and directed its Chairman and Secretary to execute the Orders of the Commission establishing a water management district to be designated and known as the Sweetwater-Dry Lake Water Management District to encompass the territory contained within the Sweetwater-Dry Lake Water Management District, established June 10, 1955, and the territory contained within the Chain Lakes Water Management District, established June 10, 1955.

-2-

NOW, THEREFORE, BE IT RESOLVED that the Sweetwater-Dry Lake Water Management District, embracing within its boundaries the territory within the limits of the Sweetwater-Dry Lake Water Management District, established June 10, 1955, and the territory within the limits of the Chain Lakes Water Management District, established June 10, 1955, is hereby established.

Dated at Bismarck, North Dakota, this 9th day of June, 1971.

NORTH DAKOTA STATE WATER COMMISSION

SEAL

By: /S/ William L. Guy
William L. Guy, Governor and Ex Officio
Chairman of the North Dakota State
Water Commission

ATTEST:

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

APPENDIX "C"

RESOLUTION 71-6-299

Authorizing the Establishment of
Burleigh County Water Management District

WHEREAS, Burleigh County, North Dakota, acting by and through its Board of County Commissioners, on the 12th day of May, 1971, filed with the North Dakota State Water Commission its petition requesting the establishment of a water management district embracing the territory within Burleigh County; and

WHEREAS, the report of the Chief Engineer of this Commission and the facts adduced at a public hearing held in the Burleigh County Courthouse on the 2nd day of June, 1971, disclosed that the regulation and conservation of streams, Missouri River bank protection and other water-related projects with Burleigh County can best be accomplished by a water management district in cooperation with state and federal agencies.

NOW, THEREFORE, BE IT RESOLVED that the North Dakota State Water Commission, in meeting duly assembled this 4th day of June, 1971, in Elgin, North Dakota, do hereby authorize and direct the Chairman and Secretary of this Commission to execute an Order establishing a water management district embracing the territory within Burleigh County and designated the Burleigh County Water Management District.

FOR THE NORTH DAKOTA STATE WATER COMMISSION:

SEAL

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

ATTEST:

/S/ Milo W. Hoi sveen
Milo W. Hoi sveen
Secretary

APPENDIX "C"

ORDER

Establishing Burleigh County
Water Management District

WHEREAS, Burleigh County, acting by and through its Board of County Commissioners, did on the 12th day of May, 1971, file with the North Dakota State Water Commission, its petition requesting the establishment of a water management district embodying within its boundaries all of the territory within the county; and

WHEREAS, the petition of Burleigh County was accompanied by a certified copy of a resolution of the Board of County Commissioners of the County, adopted on the 6th day of May, 1971, authorizing and directing for and on behalf of Burleigh County the filing of such petition; and

WHEREAS, the report of the Chief Engineer of the State Water Commission, and evidence submitted at a public hearing held in the city of Bismarck, North Dakota, on the 2nd day of June, 1971, after legal notice thereof, disclosed that the regulation and conservation of streams, Missouri River bank protection and other water-related projects in Burleigh County can best be accomplished by a water management district in cooperation with state and federal agencies; and

WHEREAS, the Commission, at its regular meeting held in the city of Elgin, North Dakota, on the 4th day of June, 1971, adopted a resolution approving the petition of Burleigh County and directing its Chairman and Secretary to execute the Order of the Commission establishing a water management district to be designated and known as the Burleigh County Water Management District.

NOW, THEREFORE, BE IT RESOLVED that the Burleigh County Water Management District, embracing within its boundaries the territory within the limits of Burleigh County, is hereby established.

-2-

Dated at Bismarck, North Dakota, this 10th day of June, 1971.

NORTH DAKOTA STATE WATER COMMISSION

SEAL

By: /S/ William L. Guy
William L. Guy, Governor and Ex Officio
Chairman of the North Dakota State
Water Commission

ATTEST:

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

APPENDIX "D"

RESOLUTION 71-6-300

Colonel Charles I. McGinnis

WHEREAS, Colonel Charles I. McGinnis has served as the St. Paul District Engineer for the United States Army Corps of Engineers since July, 1969, and is being reassigned to the Panama Canal Zone; and

WHEREAS, Colonel McGinnis has been instrumental in the promotion of flood control projects in North Dakota; and

WHEREAS, his efforts and immediate action in authorizing the use of Public Law 99 funds when flooding in North Dakota areas became imminent thereby protecting property from damages that would have amounted to many millions of dollars.

NOW, THEREFORE, BE IT RESOLVED that the North Dakota State Water Commission at its meeting held in Elgin, North Dakota, on this 4th day of June, 1971, hereby commends Colonel McGinnis and extends its sincere appreciation to him for his excellent leadership in the development of North Dakota's water resources.

BE IT FURTHER RESOLVED that the Secretary of the State Water Commission is hereby directed to forward copies of this Resolution to Colonel Charles I. McGinnis; Lt. General Frederick J. Clarke and Brig. General W. W. Watkins, Jr.

FOR THE NORTH DAKOTA STATE WATER COMMISSION:

SEAL

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

ATTEST:

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

SWC Project #576-8

Resolution
71-6-297

CERTIFICATE OF ATTORNEY

Appendix E

The North Dakota State Water Commission is a legally constituted State Agency organized and existing under the laws of the State of North Dakota and has authority to acquire, own and control the lands for rights-of-way and easements involved in this matter.

I, the undersigned Special Assistant Attorney General for the North Dakota State Water Commission, certify that the lands required for rights-of-way and for easements on tracts No. 3 and No. 4 drawing number MGOCS-2E1.1 and on tracts No. 2 and No. 6 drawing number MGOCS-2E2.1 for the construction of the river bank protection project MGOCS-2E1.1 and MGOCS-2E2.1, April, 1971, Missouri River, as indicated on the plans and specifications and rights-of-way prepared and submitted by the Corps of Engineers, United States Army, Omaha District, have been acquired by grants and conveyances to the Oliver County Water Management District. I further certify that the Board of Commissioners of the Oliver County Water Management District has, by resolution, granted to the North Dakota State Water Commission, its assigns, contractors and agents the right to enter in and upon such land for the purpose of construction and maintaining the river-bank protection project referred to above. It is my opinion, after examining such easements and resolution, that the North Dakota State Water Commission has lawful authority to grant to the United States the right and permission to enter upon said lands for the purpose of river-bank protection project as contained in the plans and specifications of the U. S. Army Corps of Engineers and that nothing has been done to affect the status of said lands since the dates of acquisition of said lands.

IN WITNESS WHEREOF, I have made and executed this Certificate this 9th
day of June, 1971.


Cliff Jochim, Special Assistant

RESOLUTION
71-6-297

WHEREAS the United States Corps of Engineers has submitted to the North Dakota State Water Commission plans and specifications for bank stabilization on the banks of the Missouri River in the vicinity of Sections 23, 24, 25, 26 and 27, Township 141 North, Range 81 West, Oliver County, North Dakota, and made formal request for rights-of-way as contained in drawings numbered MGOCC8-2E1.1 and MGOCC8-2E2.1, April, 1971, and

WHEREAS the North Dakota State Water Commission has approved and adopted said plans and specifications and has acquired from the Board of Commissioners, Oliver County Water Management District, the easements on tracts No. 3 and No. 4 drawing number MGOCC8-2E1.1 and on tracts No. 2 and No. 6 drawing number MGOCC8-2E2.1 for the construction of the river-bank protection project as set forth in drawings numbered MGOCC8-2E1.1 and MGOCC8-2E2.1, April, 1971; 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 for the purpose of construction of the river-bank protection project, as indicated on the rights-of-way maps designated as drawings numbered MGOCC8-2E1.1 and MGOCC8-2E2.1, April, 1971, prepared by the U. S. Corps of Engineers and approved by said North Dakota State Water Commission.

Dated this 9th day of June, 1971.

NORTH DAKOTA STATE WATER COMMISSION
By:

Milton H. ...
Secretary and Chief Engineer

ATTEST:

[Signature]
Special Assistant Attorney General

RESOLUTION
OF BOARD OF COMMISSIONERS,
OLIVER COUNTY WATER MANAGEMENT DISTRICT

SWC# Resolution
71-6-297

June 4 1971

WHEREAS the North Dakota State Water Commission has submitted to the Board of Commissioners of the Oliver County Water Management District plans and specifications for bank stabilization on the banks of the Missouri River in the vicinity of Sections 23, 24, 25, 26 and 27, Township 141 North, Range 81 West, Oliver County, and made formal request for rights-of-way as contained in drawings numbered MGOCB-2E1.1 and MGOCB-2E2.1, April, 1971, and

WHEREAS the Board of Commissioners of the Oliver County Water Management District has approved and adopted said plans and specifications and has acquired the easements on Tracts No. 3 and No. 4 drawing number MGOCB-2E1.1 and on Tracts No. 2 and No. 6 drawing number MGOCB-2E2.1 for the construction of the river-bank protection project as set forth in drawings numbered MGOCB-2E1.1 and MGOCB-2E2.1, April, 1971; Now, therefore, be it

RESOLVED by the Board of Commissioners of the Oliver County Water Management District this _____ day of June, 1971, that it does hereby grant, give and convey to the North Dakota State Water Commission, its assigns, contractors and agents, the right and permission to enter in and upon said lands for the purpose of construction of the river-bank protection project, as indicated on the plans and specifications and rights-of-way maps designated as drawings numbered MGOCB-2E1.1 and MGOCB-2E2.1, April, 1971, prepared by the U. S. Army Corps of Engineers and approved by said Board of Commissioners of the Oliver County Water Management District.

Dated this _____ day of June, 1971.

Chairman

ATTEST:

Secretary

STATE OF NORTH DAKOTA
OLIVER COUNTY WATER MANAGEMENT DISTRICT

Resolution
71-6-298

JUNE 4, 1971

Appendix E

CERTIFICATE OF ATTORNEY

The North Dakota State Water Commission is a legally constituted State Agency organized and existing under the laws of the State of North Dakota and has authority to acquire, own and control the lands for rights-of-way and easements involved in this matter.

I, the undersigned Special Assistant Attorney General for the North Dakota State Water Commission, certify that the lands required for rights-of-way and for easements on tracts No. 5 and No. 8 drawing number MGO08-2E1.1 and tract No. 1 drawing number MGO08-2E2.1 for the construction of the river bank protection project MGO08-2E1.1 and MGO08-2E2.1, April, 1971, Missouri River, as indicated on the plans and specifications and rights-of-way prepared and submitted by the Corps of Engineers, United States Army, Omaha District, have been acquired by grants and conveyances to Burleigh County. I further certify that the Board of County Commissioners of Burleigh County has, by resolution, granted to the North Dakota State Water Commission, its assigns, contractors and agents the right to enter in and upon such land for the purpose of construction and maintaining the river-bank protection project referred to above. It is my opinion, after examining such easements and resolution, that the North Dakota State Water Commission has lawful authority to grant to the United States the right and permission to enter upon said lands for the purpose of river bank protection project as contained in the plans and specifications of the U. S. Army Corps of Engineers and that nothing has been done to affect the status of said lands since the dates of acquisition of said lands.

IN WITNESS WHEREOF, I have made and executed this Certificate this 9th day of June, 1971.


Cliff Joachim, Special Assistant
Attorney General

RESOLUTION
71-6-298

WHEREAS the United States Corps of Engineers has submitted to the North Dakota State Water Commission plans and specifications for bank stabilization on the banks of the Missouri River in the vicinity of Sections 24, 25, 34, 35 and 36, Township 141 North, Range 81 West, Burleigh County, North Dakota, and made formal request for rights-of-way as contained in drawings numbered MGO8-2E1.1 and MGO8-2E2.1, April, 1971, and

WHEREAS the North Dakota State Water Commission has approved and adopted said plans and specifications and has acquired from the Board of County Commissioners, Burleigh County, the easements on tracts No. 5 and No. 8 drawing number MGO8-2E1.1 and tract No. 1 drawing number MGO8-2E2.1 for the construction of the river-bank protection project as set forth in drawings numbered MGO8-2E1.1 and MGO8-2E2.1, April, 1971; 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 for the purpose of construction of the river-bank protection project, as indicated on the rights-of-way maps designated as drawings numbered MGO8-2E1.1 and MGO8-2E2.1, April, 1971, prepared by the U. S. Corps of Engineers and approved by said North Dakota State Water Commission.

Dated this 7th day of June, 1971.

NORTH DAKOTA STATE WATER COMMISSION
By:

[Signature]
Secretary and Chief Engineer

ATTEST:

RESOLUTION
OF BOARD OF COUNTY COMMISSIONERS,
BURLEIGH COUNTY

SWC RESOLUTION 71-6-298

June 4 1971

WHEREAS the North Dakota State Water Commission has submitted to the Board of County Commissioners of Burleigh County plans and specifications for bank stabilization on the banks of the Missouri River in the vicinity of Sections 24, 25, 34, 35, and 36, Township 141 North, Range 81 West, Burleigh County, and made formal request for rights-of-way as contained in drawings numbered MGOC8-2E1.1 and MGOC8-2E2.1, April, 1971, and

WHEREAS the Board of County Commissioners of Burleigh County has approved and adopted said plans and specifications and has acquired the easements on Tracts No. 5 and No. 8, drawing Number MGOC8-2E1.1 and on Tract No. 1 drawing Number MGOC8-2E2.1 for the construction of the river-bank protection project as set forth in drawing numbered MGOC8-2E1.1 and MGOC8-2E2.1, April, 1971; Now, therefore, be it

RESOLVED by the Board of County Commissioners of Burleigh County this _____ day of June, 1971, that it does hereby grant, give and convey to the North Dakota State Water Commission, its assigns, contractors and agents, the right and permission to enter in and upon said lands for the purpose of construction of the river-bank protection project, as indicated on the plans and specifications and rights-of-way maps designated as drawing numbered MGOC8-2E1.1 and MGOC8-2E2.1, June, 1971, prepared by the U. S. Army Corps of Engineers and approved by said Board of County Commissioners of Burleigh County.

Dated this _____ day of June, 1971.

Chairman

ATTEST:

Secretary

NORTH DAKOTA STATE WATER COMMISSION
 FINANCIAL STATEMENT - MAY 31, 1971
 1969-71 APPROPRIATIONS

C5-1.2

	Available Funds		Disbursements		Account Balances		
	APPROPRIATION	RECEIPTS	TO DATE	MAY '71	UNEXPENDED	ENCUMB.	UNENCUMB.
GENERAL OPERATIONS: ACCOUNT							
1009-Salaries Expense (1)	\$ 810,732.05	-	\$ 730,294.86	\$34,160.37	\$ 80,482.97	-	\$ 80,482.97
2009-Fees & Services (2)	142,300.00	-	122,462.28	3,328.03	20,081.87	-	20,081.87
3009-Supplies & Materials (3)	170,500.00	-	117,417.21	3,274.75	53,082.79	-	53,082.79
4009-Equipment	35,000.00	-	29,871.91	516.00	5,128.09	4,977.00	151.09
5909-Special Line Item	1,168.95	-	1,168.95	1,168.95	-	-	-
7709-Red Basin Comm.	60,000.00	-	59,796.57	-	203.43	-	203.43
TOTAL GENERAL OPERATIONS	\$1,137,701.00		\$1,061,011.78	\$42,448.10	\$158,979.15	\$ 4,977.00	\$154,002.15
CONTRACT FUND:							
336-770-Contract "Cash" \$1,000,000							
Contract Collections 850,000	\$1,850,000.00						
Collections to Date		\$ 843,688.53					
Transfer from 001 to 336		1,000,000.00					
			\$1,781,863.29	\$43,023.06	\$ 68,136.71	\$ 18,221.00	\$ 49,915.71
TOTAL CONTRACT FUND	\$1,850,000.00	\$1,843,688.53	\$1,781,863.29	\$43,023.06	\$ 68,136.71	\$ 18,221.00	\$ 49,915.71
GRAND TOTALS	\$3,069,701.00	\$1,843,688.53	\$2,842,875.07	\$85,471.16	\$227,115.86	\$ 23,198.00	\$203,917.86

- (1) Includes \$82,000.00 Federal Grants
- (2) Includes \$ 2,300.00 Federal Grants
- (3) Includes \$20,000.00 Federal Grants

NORTH DAKOTA STATE BOND COMMISSION
 STATUS OF CONSTRUCTION BOND GUARANTEE FUND
 AS OF MAY 31, 1971

ACCOUNT	Available Funds		Disbursements		Account Balances		
	APPROPRIATION	RECEIPTS*	TO DATE	MAY '71	UNEXPENDED	ENCUMB.	UNENCUMB.
535-770-CONST. BOND GUAR.	\$90,000.00	\$38,866.79	\$29,366.79		\$90,000.00	\$ -	\$90,000.00
1500-INVESTMENT PRIN.	20,000.00	-	11,500.00		8,500.00	-	8,500.00

NOTE - FUND #535-770 RECEIPTS ARE OBTAINED FROM RETIREMENT OF AN INTEREST ON SECURITIES THAT WERE IN THE COMMISSION'S SINKING FUND IN EXCESS OF THE AMOUNT REQUIRED TO RETIRE THE SERIES "J" BOND ISSUE ON DECEMBER 10, 1957. ORIGINAL DISBURSEMENTS FROM FUND #535-770 WERE MADE DURING THE EARLY 1940's IN ACCORDANCE WITH SECTION 61-02-56 OF THE CENTURY CODE WHICH PROVIDES THAT THE COMMISSION MAY GUARANTEE OR INSURE OR AGREE TO PAY THE INTEREST ON AND PRINCIPAL OF COMMISSION REVENUE BONDS NOT EXCEEDING 20% OF THE PAR VALUE OF ANY SUCH BONDS.

SCHEDULE OF BONDS & INTEREST RECEIVABLE - FUND #535-770

TYPE	DUE DATE	INTEREST RATE	INTEREST TO MATURITY	PRINCIPAL	TOTAL INCOME ANTICIPATED
SIoux IRRIGATION DIST. BONDS	1984 Serially	2.25%	\$2,160.00	\$8,500.00	\$11,660.00

(EXCESS OVER \$90,000.00 CASH IN FUND #535-770 TO BE CREDITED TO GENERAL FUND. 1/12-58 ATTORNEY GENERAL'S OPINION)

RECEIPTS:	* RETIREMENT OF BONDS	\$25,000.00	* ACCUMULATION OF RECEIPTS TO
	INTEREST ON BONDS	9,734.80	BOND GUARANTEE FUND
	SINKING FUND CASH	4,131.99	SINCE FUND CREATED IN 1939
		\$38,866.79	

NORTH DAKOTA STATE WATER COMMISSION

PAYROLL - MAY 1971

<u>NAME</u>	<u>POSITION</u>	<u>REMARKS</u>	<u>GROSS</u>
HOISVEEN, MILO W.	STATE ENGINEER	INC. JULY '70	\$1,800.00
BAESLER, GORDON	W. R. TECHNICIAN	INC. JULY '70	770.00
BALLIET, ALLEN	RODMAN	INC. JULY '70	510.00
CHRISTENSEN, RAYMOND	ENGR. TECHNICIAN	INC. OCT. '70	770.00
DALLY, ANTOINETTE	STENOGRAPHER	INC. JULY '70	375.00
EMERSON, MATT	ASSISTANT SECRETARY	INC. JULY '70	1,080.00
FROELICH, LARRY	GEOLOGIST	INC. JULY '70	915.00
GALLAGHER, RICHARD	COMMISSIONER	STA. JULY '61	15.00
GEHRING, OSCAR	LAB TECHNICIAN	INC. JULY '70	595.00
GRAY, GORDON	COMMISSIONER	STA. SEPT. '70	30.00
GRINDBERG, ALAN	ASST. CH. ENGINEER	INC. JULY '70	1,415.00
GRUNSETH, ARLAND	INVESTIGATIONS ENGINEER	INC. JULY '70	1,040.00
HANSON, HAROLD	COMMISSIONER	STA. JULY '65	30.00
HANSON, WILLIAM	DRAFTSMAN	INC. OCT. '70	500.00
HEUPEL, MILTON	CONSTRUCTION ENGINEER	INC. OCT. '70	1,100.00
JACOBSON, HUGH	ASSISTANT DRILLER	INC. JULY '70	540.00
JOCHIM, CLIFFORD	ATTORNEY	INC. JULY '70	675.00
JUNGROTH, JAMES	COMMISSIONER	STA. SEPT. '67	15.00
KEATOR, LESTER	SOILS TECHNICIAN	STA. APRIL '70	312.00
KNOLL, JAMES	OPERATOR	INC. DEC. '70	550.00
KNUTSON, LEWIS	DRILLER	INC. JULY '70	710.00
KOCH, KAY	ACCOUNTANT	INC. JULY '70	575.00
KOTTSICK, ROSALIE	STENOGRAPHER	INC. SEPT. '70	335.00
KRAMER, ALVIN	COMMISSIONER	STA. APRIL '70	15.00
LINDVIG, MILTON	GROUND-WATER ENGINEER	INC. JULY '70	1,125.00
LOCKEN, SHARON	CHIEF STENOGRAPHER	INC. JULY '70	575.00
MEES, LADARANA	FIELD ENGINEER	STA. NOV. '70	800.00
MURI, GARVIN	CHEMIST	INC. JULY '70	810.00
NAPLIN, CHARLES	GEOLOGIST	INC. JULY '70	865.00
NELSON, C. P.	DRAINAGE ENGINEER	INC. JULY '70	1,080.00
O'BRIEN, GEORGE	DRAFTSMAN	INC. JULY '70	550.00
OHNSTAD, DONALD	PLANNING ENGINEER	INC. JULY '70	1,010.00
PUTZ, ROY	OFFICE ASSISTANT	INC. JULY '70	477.00
SACKMAN, EUGENE	SURVEYOR	INC. JULY '70	715.00
SCHMID, ROGER	GROUND-WATER HYDROL.	INC. JULY '70	1,010.00
SCHULZ, DELTON	OFFICE ENGINEER	INC. JULY '70	1,225.00
SCOTT, LLOYD	CHIEF DRAFTSMAN	INC. JULY '70	710.00
SIEMS, MYRNA	STENOGRAPHER	INC. APR. '70	325.00
SIMENSON, KENNETH	DESIGN ENGINEER	INC. JULY '70	1,060.00
SPEAKS, GLENN	OPERATOR	INC. JULY '70	580.00
SWANSON, RONALD	PROJECT ENGINEER	STA. JULY '70	1,000.00
THOMAS, NELDA	DIR. OF INFORMATION	STA. APR. '70	181.85
TILLOTSON, ANN	RESEARCH ASSISTANT	INC. JULY '70	450.00
ULRICH, ROGER	RODMAN	INC. JULY '70	465.00
WALTERSON, HOWARD	CONSTRUCTION SUPT.	INC. JULY '70	735.00
WELCH, CYNTHIA	OJT STENO	STA. SEPT. '70	72.50
WERNER, ROBERT	DRAFTSMAN	STA. APR. '70	475.00
SWC GROUP INS. - 38			192.76
SWC RET-MATCHING			1,569.04
OASIS			215.29
SOCIAL SECURITY			1,214.93

 \$34,160.37

NORTH DAKOTA STATE WATER COMMISSION

OBJECT BUDGET COMPARISON
1969-71 APPROPRIATIONS

ACCT.	OBJECT	May 1971 EXPEND.	June 9, 1971 SWC File C5-1.4		EXP. % OF BUDGET (STD. 95.8)**
			July 1, '69 May 31, '71 EXPEND.	1969-71 BUDGET	
1000	Salaries	\$30,968.35	\$667,857.53	\$743,831.05	89.8
1820	Oasis	215.29	3,892.47	4,700.00	82.8
1830	Social Security	1,577.82	26,942.50	29,200.00	92.3
1840	Medical Insurance	192.76	3,964.31	4,400.00	90.1
1850	Workmen's Compensation	-	2,729.68	4,500.00	60.7
1880	State Retirement	1,206.15	24,908.37	24,101.00	103.3
	TOTAL SALARIES & WAGES	\$34,160.37	\$730,294.86	\$810,732.05	(1) 90.1
2110	Meals and Lodging	1,268.19	66,406.14	73,000	91.0
2120	Personal Vehicle Mileage	233.88	5,407.05	7,000	77.2
2130	Comm. Transportation	388.25	8,280.67	11,000	75.3
2150	Misc. Travel	56.48	2,071.90	3,000	69.1
2210	Water-Garbage	7.85	176.93	200	88.5
2220	Natural Gas	23.94	884.61	1,000	88.5
2230	Electricity	34.51	752.22	800	94.0
2310	Rental - Equipment	25.00	1,800.49	5,000	36.0
2410	Postage	140.57	2,566.80	4,000	64.2
2420	Telephone	173.15	4,306.85	5,000	86.1
2510	Repair Equipment	191.55	8,402.20	12,000	70.0
2513	Maintenance Contracts	44.00	3,515.94	2,000	175.8
2560	Repair Building & Grounds	-	58.75	700	8.4
2612	Legal Fees	-	165.00	100	165.0
2613	Audit Fees	-	293.70	100	293.7
2614	Engineering Fees	-	928.70	1,400	66.3
2618	Data Processing Fees	272.00	4,024.00	3,300	121.9
2626	Appraisal Fees	-	-	200	-
2650	Consulting Fees	-	175.00	500	35.0
2682	Photographer Fees	82.20	1,297.90	500	259.6
2699	Misc Professional Fees	-	2,936.95	2,000	146.8
2720	Property Insurance	276.46	560.74	400	140.2
2730	Liability Insurance	-	830.00	900	92.2
2911	Radb - Newspaper Fees	-	55.23	300	18.4
2912	Rewards-Premiums	-	189.51	200	94.8
2914	License and Taxes	110.00	535.00	200	267.5
2915	Dues	-	4,694.33	5,000	93.9
2916	Freight	-	740.32	1,500	49.4
2999	Miscellaneous	-	405.35	1,000	40.5
	TOTAL FEES & SERVICES	\$3,328.03	\$122,462.28	\$142,300 (2)	86.1
3100	Office Supplies	\$ 467.06	\$ 14,927.96	\$ 15,000	99.5
3110	EDP Supplies	-	115.05	500	23.0
3120	Printing	-	11,025.92	35,300	31.2
3130	Books, Subscriptions	131.10	3,671.69	3,400	108.0
3132	Films	-	141.18	600	23.5
3600	Hdwe, & Bldg. Supplies	441.34	30,084.05	54,000	56.3
3700	Motor Vehicle Supplies	720.15	30,824.43	32,000	96.3
3800	Parts (Include Tires)	760.52	25,249.42	28,000	90.2
3959	Miscellaneous	754.58	1,377.51	1,700	81.0
	TOTAL SUPPLIES & MAT.	\$ 3,274.75	\$117,417.21	\$170,500 (3)	68.9

-2-

ACCT.	OBJECT	May 1971 EXPEND.	July 1,69 May 31,71 EXPEND.	1969-71 BUDGET	EXP.% OF BUDGET (STD 95.8)**
100	Office Equipment	\$ -	\$ 4,812.70	\$ 4,000	120.3
4300	Motor Vehicles	-	22,813.23	28,500	80.0
4400	Machines & Equip.	516.00	2,245.98	2,500	89.8
	TOTAL EQUIPMENT	<u>\$516.00</u>	<u>\$ 29,871.91</u>	<u>\$35,000</u>	<u>85.3</u>
5909	Special Line Item	<u>\$1,168.95</u>	<u>\$ 1,168.95</u>	<u>\$ 1,168.95 (4)</u>	<u>100</u>
7700	Basins Commission	<u>\$ -</u>	<u>\$59,796.57</u>	<u>\$60,000</u>	<u>99.7</u>
TOTAL GENERAL OPER. APPROP.		\$42,448.10	\$1,061,011.78	\$1,219,701	87.0
5500	Contract Payments	<u>\$43,023.06</u>	<u>\$1,781,863.29</u>	<u>\$1,850,000</u>	<u>96.3</u>
TOTAL STATE WATER COMM. BUDGET		<u>\$85,471.16</u>	<u>\$2,842.875.07</u>	<u>\$3,069.701 (6)</u>	<u>92.6</u>
(1)	Appropriation	\$728,732.05	(2)	Appropriation	\$140,000.00
	Federal Grant	82,000.00		Federal Grant	2,300.00
		<u>\$810,732.05</u>			<u>\$142,300.00</u>
(3)	Appropriation	\$150,500.00	(4)	Special Line Item	
	Federal Grant	20,000.00		\$1,168.95 transferred	
		<u>\$170,500.00</u>		from Salaries	
(5)	Appropriation	\$ 570,000.00	(6)	Appropriated Funds:	
	Carryover	430,000.00		General Operations	\$1,219,701
		<u>\$1,000,000.00</u>		Contract Funds	1,000,000
	Collection Est.	850,000.00			<u>2,219,701</u>
		<u>\$1,850,000.00</u>		Est. Contract Fund	
				Collection	850,000
					<u>\$3,069,701</u>

**23/24 months - 95.8 percent biennium elapsed

Dist.
Comm.
MWH
ALG
ME
KK