

## MINUTES

North Dakota State Water Commission  
Held in the Windsor Room  
Town House Motor Hotel  
Fargo, North Dakota

December 2, 1971

The meeting of the North Dakota State Water Commission was called to order at approximately 1:15 p.m. on December 2, 1971, in the Windsor Room of the Town House Motor Hotel in Fargo, North Dakota, with Governor William L. Guy presiding.

PRESENT:

William L. Guy, Governor-Chairman  
Richard Gallagher, Vice Chairman  
Harold Hanson, Member from New England  
James Jungroth, Member from Jamestown  
Alvin Kramer, Member from Minot  
Gordon Gray, Member from Valley City  
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  
H. A. Hendrickson, Chairman, Souris-Red-Rainy River Basins Commission,  
Moorhead, Minnesota  
Grant Trenbeath, Neche  
Cliff Jochim, Special Assistant Attorney General, North Dakota State  
Water Commission, Bismarck

MINUTES OF OCTOBER 15, 1971  
MEETING APPROVED

It was moved by Commissioner Kramer that  
the minutes of the October 15, 1971  
meeting be approved as circulated.

Commissioner Dahl seconded and all members voted aye.

FINANCIAL STATEMENT FOR  
THE MONTH OF OCTOBER, 1971

Secretary Hoisveen presented the financial  
statement to the Commission.

After reviewing the items and discussing the  
status of the finances, Commissioner Gray  
moved that the financial statement for the  
month of October, 1971 be approved.  
Commissioner Hanson seconded and all members  
voted aye.

PROBLEMS ON CANADIAN BORDER  
(#1401)

Governor Guy introduced Mr. Grant  
Trenbeath of Neche and stated that  
Mr. Trenbeath had asked for time to  
discuss a problem with the Commission.

Mr. Trenbeath stated that it was his feeling that something should come to the Commissioners' attention regarding the flood water dispute on the border in the Neche-Walhalla area. He felt that someone should initiate some questions to the State Department relative to the 1909 Treaty and the International Joint Commission's jurisdiction under it. It was felt that there is some see-sawing over the jurisdiction of the International Joint Commission and that unless someone is found to take jurisdiction of this problem, there will be no resolution of it.

It was moved by Commissioner Jungroth that the State Water Commission adopt the following resolutions:

WHEREAS, the construction of illegal dikes on the border between the Province of Manitoba Canada and North Dakota in the United States have caused flooding in North Dakota; and

WHEREAS, efforts to resolve the ensuing dispute have thus far been frustrated; and

WHEREAS, the International Joint Commission apparently feels that it has no authority to act in this matter; and

WHEREAS, action by the State Department of the United States seems to take an inordinate amount of time.

NOW, THEREFORE, BE IT RESOLVED by the North Dakota State Water Commission at its meeting held in Fargo, North Dakota, this 2nd day of December, 1971, that it does hereby request its Chairman, Governor William L. Guy to seek what relief he can obtain from the Federal officials involved.

BE IT FURTHER RESOLVED that the Governor is requested to take the following action through the Congressional Delegation: 1) Request a legal interpretation of the law governing the border disputes pertaining to water and asking the United States Attorney General's office what machinery would be required to develop solutions; and 2) Request that the State Department take original jurisdiction with the Attorney General's office or give the International Joint Commission full authority to negotiate in conjunction with the Attorney General's office to insure a resolution of this problem.

Commissioner Hanson seconded the motion and all members voted aye, therefore, the resolution was declared passed.

EQUITABLE BENEFIT-COST RATIOS  
IN FEDERAL FLOOD CONTROL  
PROJECTS

Governor Guy noted that Mr. Trenbeath had another matter that he wishes to discuss with the State Water Commission.

Mr. Trenbeath stated that in the past the U. S. Army Corps of Engineers has subtracted subsidy payments from lost income when computing damages on its projects. He stated that this had

not been substantial because of the form of the federal farm programs, however, with the new certificate plan, this becomes an extremely important item of lost income to the farmers, and if the Corps of Engineers does not include it as lost income, the resulting damages will not be a true reflection of the cost to the area of enduring a flood. Therefore, Mr. Trenbeath requested the State Water Commission to adopt the attached resolution, No. 71-12-307, Equitable Benefit-Cost Ratios in Federal Flood Control Projects.

Commissioner Gallagher moved that the State Water Commission approve the Resolution as presented. Commissioner Jungroth seconded and on the call of the question, all members voted aye. (See Appendix "A")

SECTION 205 OF THE FLOOD  
CONTROL ACT OF 1948

Secretary Hoisveen stated that he had been in contact with Senator Quentin Burdick's office and that action was

imminent on the earlier request to raise the allowable funding under Section 205 of the Flood Control Act of 1948. It was felt that the Commission should pass a resolution reaffirming the Commission's earlier position.

Therefore, Commissioner Gallagher moved the passage of the attached Resolution, No. 71-12-308, A Request of the Federal Congress to Increase Federal Funding Contained in Section 205 of the Flood Control Act of 1948. Commissioner Dahl seconded and all members voted aye. (See Appendix "B")

RAMSEY COUNTY, LAKE ALICE  
LAND ACQUISITION REQUEST  
(#416)

Secretary Hoisveen reported that some lands in the Lake Alice area are subject to flooding regularly and it is almost impossible to protect them. An agreement

has been reached between the landowners and the U. S. Fish and Wildlife Service to purchase this land and add it to the Lake Alice Refuge. The Water Management District has approved of this purchase because they feel that this would assist them in the solution of problems in this area. The County Commissioners have also approved of this sale. These two Boards have asked the State Water Commission to recommend to the Governor that he approve the sale of this land.

It was moved by Commissioner Kramer, seconded by Commissioner Gray that in view of the benefits to flood control in the area, the State Water Commission request that the Governor approve the sale of this land adjacent to Lake Alice to the Fish and Wildlife Service, and also that the State Water Commission adopt Resolution No. 71-12-311, Sale of Specified Land in Ramsey County. (See Appendix "C")

LAKE ALICE FLOOD CONTROL  
PROJECT  
(#416)

Secretary Hoisveen presented a plan by the Sweetwater-Dry Lake Water Management District, which was designed to reduce flooding in the area around the Lake

Alice Refuge. It was stated that the cost of this project was \$34,000. The State Water Commission earlier had approved participation in the amount of 40 percent, not to exceed \$13,600. Subsequent to that approval, the U. S. Fish and Wildlife Service has also approved the project. Secretary Hoisveen is requesting that the State Water Commission reaffirm its approval of participation in this project.

It was moved by Commissioner Hanson, seconded by Commissioner Jungroth that the State Water Commission participate in the flood control project of the Lake Alice area in an amount of 40 percent of the estimated cost, not to exceed \$13,600. All members voted aye.

**FLOOD PLAIN ZONING SITUATION  
(#1448)**

It was reported by Secretary Hoisveen that the flood plain zoning provisions require a State Coordinator. The Chief

Engineer of the State Water Commission has been the Coordinator from North Dakota, but that it was his feeling that he is having an extreme amount of difficulty getting cooperation from the Department of Housing and Urban Development in regard to the program as it is carried on in North Dakota. This federal department is failing to keep the State Coordinator informed and as a result of this, some adverse publicity was received recently in the Fargo Forum.

It was moved by Commissioner Gray that the State Water Commission request the Governor to re-evaluate the Coordinator for flood plain zoning and flood insurance, which position is now held by the State Engineer. Commissioner Kramer seconded and all members voted aye.

**JAMESTOWN RESERVOIR RELEASES  
FOR LOW FLOW AUGMENTATION  
(#832)**

Secretary Hoisveen presented correspondence in regard to the operation of Jamestown Reservoir and reported to the Commission that it appeared that there would be

a favorable resolution of this problem in the near future.

**CROSBY GROUND-WATER  
STUDY  
(#1563)**

The city of Crosby is attempting to obtain a new water supply in order to insure that they will receive some extra funds which are now available through FHA. They

have requested that a ground-water study be conducted this winter. The State Water Commission staff is reluctant to do so because of the additional costs. In view of this, the city of Crosby has agreed to pick up the extra costs if the State Water Commission will conduct a ground-water study and do it immediately. The total cost of the project will be \$16,940. The State Water Commission costs will be \$5,970.

Commissioner Kramer moved that the State Water Commission conduct a ground-water study for the city of Crosby immediately and that they share up to \$5,970 in the costs thereof. Commissioner Hanson seconded and all members voted aye.

MISSOURI RIVER BASIN  
COMMISSION

Governor Guy reported on the status of the Missouri River Basin Commission. He reported that there had been a meeting with the officials of the Water Resources Council at Puerto Rico and that some proposals had been developed. The Governor stated that North Dakota's share of the costs under full operation would be about \$13,500. He stated that all the states have agreed to participate, although some have reservations. The Governor has received a report that Don Maughan of the Water Resources Council will call a meeting of state representatives in the near future.

Commissioner Jungroth moved and Commissioner Hanson seconded that the State Water Commission endorse the Missouri River Basin Commission and pledges itself to assume North Dakota's share of the cost if it is reasonable. All members voted aye.

MIDLAND TOWNSHIP DIKE  
IN PEMBINA COUNTY  
(#1371)

Midland Township has asked for assistance in building a dike to contain the water within the watershed for which the drains are built.

Commissioner Gray moved that the State Water Commission participate in the construction of the Midland Township Dike at 40 percent of the cost in an amount not to exceed \$3,444. Commissioner Dahl seconded and all members voted aye.

SOUTHEAST CASS COUNTY WATER  
IMPROVEMENT DISTRICT NO. 2  
(#720)

Secretary Hoisveen reported to the Commission that he had received plans for a water supply system within the Southeast Cass County Water Management District, which is to be sponsored by that District. The plans and specifications are satisfactory. The purpose of the project is to furnish water to the new shopping center located west of Fargo near the interchange of the two Interstate highways. Secretary Hoisveen recommended that the State Water Commission approve the plans and specifications.

Commissioner Jungroth moved that the State Water Commission approve Resolution No. 71-12-309, Approval of Plans and Specifications for Improvements in Southeast Cass Water Management

District Water Improvement District No. 2.  
 Commissioner Gray seconded and all members voted  
 aye. (See Appendix "D")

RESOLUTION PERTAINING TO  
 THE INSTALLATION OF WATER  
 METERS ON IRRIGATION WELLS  
 (#1400)

Secretary Hoisveen presented a Resolution  
 which had been passed by the Soil  
 Conservation Districts, which asks the  
 State Water Commission to provide for  
 meters to be installed on irrigation

wells. The Chairman suggested that the State Water Commission contact the  
 irrigators and suggest that the State Water Commission would welcome the  
 installation of the water meters and we would offer to read them.

Commissioner Jungroth moved that each water  
 permit required for underground water require  
 specifically that the holder may be required  
 to install a meter if the State Water Commission  
 should later so be required by rules and regulations.  
 Commissioner Hanson seconded.

It was moved by Commissioner Gray that the motion  
 be amended to indicate that this is a first reading  
 of this motion and that the suggestion is to be  
 circulated to the Association of Irrigation Districts  
 and Irrigation District Directors for this comment.  
 Commissioner Hanson seconded the amendment to the  
 motion. On the call of the question, all members  
 voted aye on the amendment, and on the motion, all  
 members voted aye.

MCINTOSH COUNTY WATER  
 MANAGEMENT DISTRICT  
 (#1562)

Secretary Hoisveen called on Cliff  
 Jochim to present the point. Cliff  
 Jochim presented his memo on the  
 hearing held on the formation of

a McIntosh County Water Management District. He stated that at the hearing  
 there were 70 people, not counting four County officials, and the general  
 consensus favored the establishment of a water management district. At the  
 close of the hearing, a straw vote indicated that 36 people voted for the  
 district, 15 against, with the rest not voting. Mr. Jochim stated that he had  
 contacted the County Auditor the day before the Commission meeting and that the  
 County Auditor stated that the County Commissioners are still in favor of the  
 formation of the district.


Commissioner Hanson moved that the State Water  
 Commission order the Establishment of a Water  
 Management District in McIntosh County, the  
 boundaries to be coincidental with the county  
 boundaries. See attached Resolution No. 71-12-312,  
 Authorizing the Establishment of McIntosh County  
 Water Management District. Commissioner Kramer  
 seconded and all members voted aye. (See Appendix "E")

WATER PERMIT NOS.  
1788, 1791, 1795, 1796,  
1799, 1801, 1802, 1803,  
1806, 1807 and 1808

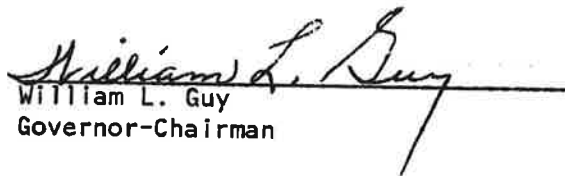
Secretary Hoisveen presented 11 water permits to the Commission for consideration. It was the recommendation of the State Engineer that these water permits be approved as presented.

It was moved by Commissioner Kramer, seconded by Commissioner Jungroth and carried that the 11 water permits be approved subject to the conditions indicated on the permit. (See Appendix "F")

There being no further business to come before the Commission, the meeting was adjourned.

  
Milo W. Hoisveen  
Secretary

ATTEST:

  
William L. Guy  
Governor-Chairman

## APPENDIX "A"

## RESOLUTION NO. 71-12-307

Equitable Benefit-Cost Ratios in Federal  
Flood Control Projects

WHEREAS, federal crop and other farm payments are deducted from an area's income loss in determining a benefit-cost ratio prior to the approval of a federal flood control project; and

WHEREAS, such federal crop payments are designed to meet federal goals and to improve and correct social problems in accordance with federal policy; and

WHEREAS, similar federal subsidies and payments to urban areas are not deducted from income losses in determining similar benefit-cost ratios.

NOW, THEREFORE, BE IT RESOLVED by the North Dakota State Water Commission at its regular meeting held in Fargo, North Dakota, on this 2nd day of December, 1971, that the Office of Management and Budget, the Water Resources Council and the United States Army, Corps of Engineers, are requested to take whatever steps are necessary to apply the same rules with respect to benefit-cost ratios to rural areas as are presently applied to urban areas.

BE IT FURTHER RESOLVED that the Secretary of the North Dakota State Water Commission is hereby directed to forward copies of this Resolution to Senators Milton R. Young and Quentin N. Burdick; Congressmen Mark Andrews and Arthur Link; George P. Shultz, Director, Office of Management and Budget, Washington, D. C.; Honorable Rogers C. B. Morton, Chairman, Water Resources Council, Washington, D. C.; Lt. General Frederick J. Clarke, Chief of Engineers, U. S. Department of the Army, Washington, D. C.; Colonel Carl Bronn, Executive Director, National Water Resources Association, Washington, D. C.; and



-2-

Honorable Earl L. Butz, Secretary, Department of Agriculture, Washington, D. C.

FOR THE NORTH DAKOTA STATE WATER COMMISSION:

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

SEAL

ATTEST:

/s/ Milo W. Hoisveen  
Milo W. Hoisveen  
Secretary

## RESOLUTION NO. 71-12-308

APPENDIX "B"

A Request of the Federal Congress to Increase  
Federal Funding Contained in Section 205 of the  
Flood Control Act of 1948

WHEREAS, rising costs in flood control construction activities of the U. S. Army Corps of Engineers has increased to such a degree that funding of projects formerly constructed under Section 205 of the 1948 Flood Control Act is now inadequate in many instances; and

WHEREAS, small cities such as Pembina and Beulah, North Dakota, and others will be unable to meet the construction costs that exceed \$1,000,000 (one million dollars); and

WHEREAS, a part of these cost increases result from facilities installed to minimize environmental effects.

NOW, THEREFORE, BE IT RESOLVED that the North Dakota State Water Commission in a meeting held in Fargo, North Dakota, on December 2, 1971, respectfully urges that legislation be adopted by the Federal Congress at the earliest possible date raising the \$1,000,000 (one million dollars) funding limitation of Section 205 of the 1948 Flood Control Act to \$3,000,000 (three million dollars), with a total project funding capability of \$75,000,000.

BE IT FURTHER RESOLVED that the Secretary of the North Dakota State Water Commission is hereby directed to forward copies of this Resolution to Senators Milton R. Young and Quentin N. Burdick; Congressmen Mark Andrews and Arthur Link; Lt. General Frederick J. Clarke, Chief of Engineers, U. S. Army Corps of Engineers, Washington, D. C.; and Lt. Colonel Rodney E. Cox, District Engineer, U. S. Army Corps of Engineers, St. Paul, Minnesota.

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

## APPENDIX "C"

## RESOLUTION NO. 71-12-311

## Sale of Specified Land In Ramsey County

WHEREAS, the North Dakota State Water Commission has received written requests from the Ramsey County Board of Commissioners and the Sweetwater-Dry Lake Water Management District requesting that the sale of specified lands to the U. S. Bureau of Sport Fisheries and Wildlife be completed as quickly as possible; and

WHEREAS, should the owners of such land located adjacent to Lake Alice agree to the offered sales price.

NOW, THEREFORE, BE IT RESOLVED that the North Dakota State Water Commission at their regular meeting held in Fargo, North Dakota, on this 2nd day of December, 1971, does encourage such a sale to permit better water management of this frequently flooded area.

FOR THE NORTH DAKOTA STATE WATER COMMISSION:

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

SEAL

ATTEST:

/s/ Milo W. Holsveen  
 Milo W. Holsveen  
 Secretary

## APPENDIX "D"

## RESOLUTION NO. 71-12-309

Approval of Plans and Specifications for  
 Improvements In Southeast Cass Water Management  
 District Water Improvement District No. 2

BE IT RESOLVED by the North Dakota State Water Commission that the plans and specifications for improvements in Water Improvement District No. 2 of the Southeast Cass Water Management District, Cass County, North Dakota, heretofore prepared by Clifford Moore, Engineer for the District, be and the same hereby are approved, ratified and confirmed as the plans and specifications in accordance with which said improvements shall be constructed and the Secretary of the Water Management District shall file the same in his office open to public inspection.

NOW, THEREFORE, BE IT RESOLVED by the North Dakota State Water Commission at their meeting held in Fargo, North Dakota, on this 2nd day of December, 1971, that the above stated specifications and plans are hereby approved.

FOR THE NORTH DAKOTA STATE WATER COMMISSION:

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

SEAL

ATTEST:

/s/ Milo W. Holsveen  
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 Milo W. Holsveen  
 Secretary

## APPENDIX "E"

## RESOLUTION NO. 71-12-312

Authorizing the Establishment of  
McIntosh County Water Management District

WHEREAS, McIntosh County, North Dakota, acting by and through its Board of County Commissioners, on the 3rd day of November, 1971, filed with the North Dakota State Water Commission its petition requesting the establishment of a water management district embracing the territory within McIntosh County; and

WHEREAS, the report of the Chief Engineer of this Commission and the facts adduced at a public hearing held in the McIntosh County Courthouse on the 22nd day of November, 1971, disclosed that the regulation and conservation of streams, a county-wide ground-water survey and other water-related projects in McIntosh 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 2nd day of December, 1971, in the city of Fargo, North Dakota, do hereby execute an Order establishing a water management district embracing the territory within McIntosh County and designated the McIntosh County Water Management District.

FOR THE NORTH DAKOTA STATE WATER COMMISSION:

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

SEAL

ATTEST:

/s/ Milo W. Hoisveen  
Milo W. Hoisveen, Secretary

WATER PERMITS FOR DECEMBER 2, 1971 AGENDA

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
1803	Sorenson, Homer - Charlson (McKenzie County)	Sand Creek, trib. to Lake Sakakawea and Missouri River	Irrigation- Waterspreading	150.0 acre-feet 86.7 acres	82.0 acre-feet 82.0 acres
1799	Adahl, Clarence A. - Churchs Ferry (Ramsey County)	Dry Lake, trib. to Devils Lake	Irrigation	1000.0 acre-feet 588.9 acres	883.3 acre-feet 588.9 acres
1791	Chrisan Water Users Association, Inc. - Fargo (Cass County)	Ground Water	Industrial (Domestic - 24 homes)	40.0 acre-feet	40.0 acre-feet
1796	Ensrud, Myron K. - Pekin (Nelson County)	Unnamed Tributary, trib. to Sheyenne River	Recreation	31.7 acre-feet storage 14.28 acre-feet annual use	31.7 acre-feet storage 14.28 acre-feet annual use
1788	Kruger, Dave - Marmarth (Bowman County)	Unnamed Intermittent Draws, trib. to Little Missouri River	Irrigation- Waterspreading	55.0 acre-feet 54.9 acres	55.0 acre-feet 54.9 acres
1806	Grand Forks County Water Management District - Grand Forks (Grand Forks Co.)	Unnamed Tributary, trib. to North Branch of Turtle River	Flood Control	915.0 acre-feet flood storage 22.0 acre-feet annual use	915.0 acre-feet flood storage 22.0 acre-feet annual use

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
1795	Grand Forks-Trall Water Users, Inc. - Grand Forks (Grand Forks Co.)	Ground Water	Industrial (Rural Domestic)	650.0 acre-feet	650.0 acre-feet
1802	Tescher, Jim - Medora (Billings County)	Little Missouri River, trib. to Missouri River	Irrigation	90.0 acre-feet 45.8 acres	45.8 acre-feet 45.8 acres
1807	Presser, Gerald - Turtle Lake (McLean County)	Ground Water	Irrigation	2590.0 acre-feet 1295.0 acres	1942.0 acre-feet 1295.0 acres
1801	Pullin, R. B. (Martin Ranch) - Beach (Golden Valley Co.)	Unnamed Creek, trib. to Andrews Creek and Little Missouri River	Irrigation- Waterspreading	150.0 acre-feet 75.4 acres	75.4 acre-feet 75.4 acres
1808	Gall, Harold - McIntosh, SD (Sioux County)	Unnamed Intermittent Stream, trib. to Cedar Creek and Cannonball River	Irrigation- Waterspreading	4.0 acre-feet 7.5 acres	4.0 acre-feet 7.5 acres