

MINUTES

North Dakota State Water Commission  
Meeting Held In  
Vocational Education Conference Room  
State Office Building  
Bismarck, North Dakota

March 29, 1974

The North Dakota State Water Commission held a meeting on Friday, March 29, 1974, in the Vocational Education Conference Room of the State Office Building, Bismarck, North Dakota. Governor-Chairman Arthur A. Link called the meeting to order at 9:40 a.m.

MEMBERS PRESENT

Governor Arthur A. Link, Chairman  
Richard Gallagher, Vice Chairman, Mandan  
Alvin Kramer, Member from Minot  
James Jungroth, Member from Jamestown  
Gordon Gray, Member from Valley City  
Donald Noteboom, Member from McKenzie County  
Myron Just, Commissioner, Department of Agriculture, Bismarck  
Vernon Fahy, State Engineer, Secretary and Chief Engineer, North Dakota State Water Commission, Bismarck

OTHERS PRESENT

Matt Emerson, Assistant Secretary, North Dakota State Water Commission, Bismarck  
Cliff Jochim, Director of Legal Division, North Dakota State Water Commission, Bismarck  
Delton Schulz, Director of Engineering, North Dakota State Water Commission, Bismarck  
Russell Dushinske, Executive Vice President, North Dakota Water Users Association, Minot  
Murray Sagsveen, Governor's Office, Bismarck

Approximately 60 people interested in the discussion of the United Power Association-Cooperative Power Association application for a water permit for an electric generation plant in McLean County were also present.

CONSIDERATION OF MINUTES OF  
FEBRUARY 19-20, 1974

Secretary Fahy indicated that in regard to the conditions which were attached to the Michigan-Wisconsin Pipeline Company's application approved by the Commission at their February 19-20, 1974 meeting, a rewording of some of the conditions to clarify the original intent had been made. He noted that this clarification of language was patterned,

in some cases, after federal legal documents and contracts. He then asked Cliff Jochim, Legal Counsel for the Commission, to review these changes.

Mr. Jochim briefly discussed and explained each change which had been made on the respective conditions. In addition to these changes, it was the Commission's consensus that on Condition No. 17, the words "rights-of-way" be inserted, and that the condition now read "The Company shall agree to convey to the state all water supply and transmission facilities and such facilities' rights-of-way upon termination of plant operations."

It was moved by Commissioner Jungroth, seconded by Commissioner Kramer and carried, that the conditions as reviewed clarifying the language expressing the intent of the original conditions be approved as such and be made a part of the February 19-20, 1974 minutes, and that copies be attached to these minutes. (See Appendix "A")

Secretary Fahy noted that on page 13 of the February 19-20, 1974 minutes regarding Missouri River Bank Stabilization, it now reads that a 6 7/8 percent interest rate would be applied to new projects, and he would like this corrected to read 5 5/8 percent.

It was moved by Commissioner Kramer, seconded by Commissioner Noteboom, and carried, that the above correction be made and that the minutes of February 19-20, 1974, be approved.

CONSIDERATION OF UNITED POWER  
ASSOCIATION-COOPERATIVE POWER  
ASSOCIATION REQUEST FOR WATER  
PERMIT FOR AN ELECTRIC  
GENERATION PLANT IN MCLEAN COUNTY

At the February meeting of the Water Commission, action was deferred on the United Power Association-Cooperative Power Association request for a water permit application in McLean County, pending additional

information regarding the environmental impact statement. The Commission requested it be afforded copies of the comments made by the various state agencies on the impact statement and also copies of the applicant's responses to these comments. Secretary Fahy indicated that this had been done prior to this meeting, but some additional state agency comments had been filed and, due to the lack of time, the applicant's responses to these comments had just been received. The Commission members were given copies of these responses.

It was recommended by Governor Link that a representative of the applicant read and comment upon the statements and the applicant's responses in order to provide Commission members the opportunity to ask questions and to broaden the discussion base.

Representing the applicant and reviewing the responses to the comments raised by State agencies were Phil Martin, General Manager for United Power Association, Elk River, Minnesota; Dan McCannon,

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Director of Radiation Safety and Environmental Affairs, United Power Association, Elk River, Minnesota; Roger W. Dutton, Black & Veatch Consulting Engineers, Kansas City, Missouri; Arnie Poppens, Commonwealth Associates, Inc., Jackson, Michigan; and Otis Bennett, Jr., President of North American Coal Corporation, Cleveland, Ohio.

The Commission recessed at 12:00 noon and the meeting was reconvened at 1:25 p.m. to continue the discussion of the United Power Association-Cooperative Power Association water permit application.

Following the applicant's review of the project, Governor Link explained that the public hearing on the application had been held prior to this meeting and the assembly today was a meeting of the Water Commission. Governor Link then asked for further comment from the audience relative to the matter.

Mr. John Koller, Glen Ullin, stated that he lives four miles from Glen Ullin and he expressed his concern over a salinity problem after the coal has been extracted. He also talked about federal reclamation laws which may supersede state laws, and his doubt concerning reclaiming of mined land to its original state. He also hoped to see coal conversion developed to a point in which the land would not be damaged in the process.

Rev. Richard Luedtke from New England asked a question in regard to the number of transmission lines per plant.

Mr. Ted Lennick representing Cooperative Power Association from Minneapolis answered Rev. Luedtke's question by stating that in this case the two plants on the one site will be taken care of by one transmission line.

Rev. Luedtke also asked for further comment regarding an earlier remark which stated that in the short run it was more expensive to build a plant in North Dakota at Minemouth, but in the long run with the shipping of coal it becomes less expensive. He asked to what extent the tax structure as it relates to capital investment and depreciation contributes to making it more advantageous to commit a larger capital investment and have lower operating costs.

Harold Oberlander from New England stated that he would like to see more research done on reclamation.

Rueben Hummel from Mott felt the Commission hasn't had enough time to study the project thoroughly and that there is a lack of information. At a recent meeting in Mott, a resolution was adopted urging the State Water Commission not to grant any water permits for gasification until after the next legislative session.

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Charles Perry representing the United Plainsmen Association presented remarks and statistics regarding the accumulative effects of air pollution from the plant and what effects this pollution will have on children in regard to respiratory diseases in North Dakota.

Melvin Johnson from Washburn stated that he is right in the vicinity of the power plant and that the impression is being given that the farmers have changed their minds in respect to the petition that was circulated opposing the issuance of a water permit to the applicant. He stated that the farmers have not changed their minds and they are still opposed to the project.

John Samuelson, a landowner from Underwood, indicated that about a month ago, he was served condemnation papers on his land, and after seeking legal advice, it seemed that the best alternative was to give an option to the land, even though he was opposed to mining development. He also noted that he has received the impression from the discussion today that the plant site was going to be moved to the south, and it was his feeling that until the applicant can make a final decision as to the exact location of the site, the Commission should not grant a water permit.

Vaudith Oberlander, a homemaker from New England, made a statement that it is her understanding that by the year 2000, North Dakota, Wyoming and Montana will produce two to three percent of the nation's energy needs and she asked about the advisability of strip mining lands now when by the year 2000, the technology will, no doubt, be known to make use of other energy sources. She recommended a "wait policy" on the granting of a water permit.

Kenneth Pfaff, Washburn, was very concerned about the fact that he has to attend public meetings in order to find out that the plant site may be moved and that his land may be needed for the site. He was also concerned about the installation of proper emission controls to take care of the black smoke and odor that is emitted by such a plant.

Bruce Hagen, Director of the Public Service Commission, presented a statement on reclamation of lands. He reviewed the existing laws of the state of North Dakota and suggested several amendments to these laws to meet the current demands of reclamation.

Harry Van Lishout from Mott asked who was opposed to reclamation in the last legislation.

Mr. Hagen replied that the main backing to get legislation on reclamation was Basin Electric Cooperative, and then the various power companies followed. He stated that the coal companies' past record in respect to reclamation wasn't very good, but that we are in a different situation presently than we were when reclamation legislation was introduced.

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Oscar Hagstrom from Wilton stated he was not located in the plant area, but took a great interest in the project. He was primarily concerned about reclamation and the pollution that will result from a gasification plant. He felt that no further water permits for gasification plants should be granted until after the next legislative session, but in the event permits are granted, similar conditions should be attached as were to the Michigan-Wisconsin Pipeline Company permit.

There being no further comment from the audience, Commissioner Jungroth presented his views which are made a part of the minutes. (See Appendix "B")

It was moved by Commissioner Kramer that the public discussion be closed and that the State Water Commission take all items submitted in previous testimony and in written submissions and continue the study in respect to the water permit application pending for the United Power Association-Cooperative Power Association. Commissioner Noteboom seconded the motion and all members voted aye.

(Testimony of preceding discussion was tape recorded and is on file in the office of the North Dakota State Water Commission)

REQUEST FROM TRAILL COUNTY  
WATER MANAGEMENT DISTRICT  
FOR STATE WATER COMMISSION  
PARTICIPATION IN CONSTRUCTION  
OF CELLA DAM  
(#1530)

Secretary Fahy reported that a request has been received from the Traill County Water Management District for State Water Commission participation in the construction of Cella Dam. He reviewed the cost figures and data in respect to the dam, noting that the Water

Commission's cost would amount to \$40,000. Funds from the Bureau of Outdoor Recreation would not be available until sometime in August, 1974, and, with the completion of the environmental impact statement, the project construction would be delayed until 1975. It was Secretary Fahy's recommendation that the Commission participate in this request from Traill County.

It was moved by Commissioner Gray, seconded by Commissioner Kramer, and carried, that the State Water Commission participate in the construction of Cella Dam in an amount not to exceed \$40,000.

ESTABLISHMENT OF WATER  
MANAGEMENT DISTRICTS IN  
COUNTIES NOT HAVING SUCH  
A DISTRICT PURSUANT TO  
SECTION 61-16 OF THE  
NORTH DAKOTA CENTURY CODE  
(#1388)

Cliff Jochim stated that the 1973 Legislative Assembly provided that on or before July 1, 1974, a county-wide water management district shall be established in each county of the State. He reported that at the present time, the counties of Eddy,

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Emmons, Golden Valley, Logan, McHenry, McKenzie, Sheridan and Williams do not have districts, therefore, he requested the Commission's approval to issue Orders which would establish a water management district in each of the above noted counties.

It was moved by Commissioner Noteboom, seconded by Commissioner Kramer, and carried, that the following Orders be prepared and issued: Order 74-3-358, Establishing the Eddy County Water Management District; Order 74-3-359, Establishing the Emmons County Water Management District; Order 74-3-360, Establishing the Golden Valley County Water Management District; Order 74-3-361, Establishing the Logan County Water Management District; Order 74-3-362, Establishing the McHenry County Water Management District; Order 74-3-363, Establishing the McKenzie County Water Management District; Order 74-3-364, Establishing the Sheridan County Water Management District; and Order 74-3-365, Establishing the Williams County Water Management District. (See Appendix "C")

**CONSIDERATION OF FINANCIAL  
STATEMENT FOR MONTH OF  
FEBRUARY, 1974**

Matt Emerson, Assistant Secretary for the Water Commission, stated that all Commission accounts are generally in good standing in comparison to the

biennium remaining, but would forward a memo to Commission members regarding status of projects authorized and a brief breakdown of the financial statement for February, 1974.

**WATER PERMITS**

Matt Emerson presented nine water permit requests to the Commission

members for their consideration. It was his recommendation that all be approved as presented with the exception of the applicants listed on Appendix "D" which deferred action has been suggested pending further information and investigations.

It was moved by Commissioner Noteboom, seconded by Commissioner Jungroth, and carried, that the following water permit applications be approved: No. 2022, Russel Folmer, Wing; No. 2021, Ronald and Paul Andahl, Bismarck; No. 2027, James Mittelstadt, Killdeer; No. 2047, Donald Lange, Baldwin; and No. 1980, Dan Boyko, Ruso. Action shall be deferred pending further investigations

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and information on the following:  
 No. 2024, Donald Brandenburg, Edgeley;  
 No. 2016, Edward Salzsieder, Edgeley;  
 No. 2033, Charles Kartes, Dickey; and  
 No. 2026, Jack Fox, Bismarck.  
 (See Appendix "D")

REQUEST FROM YOUNG MEN'S  
 CHRISTIAN ASSOCIATION OF  
 MINOT FOR POSSIBLE USE  
 OF STATE WATER COMMISSION  
 PROPERTY

Secretary Fahy stated that a request had been received from the Young Men's Christian Association for the possible temporary use of a pump owned by the Water Commission for the purpose of filling the impoundment at the Y-Camp

on the Garrison Reservoir. This pump is not being used by the Commission, and it was his recommendation that the Commission authorize this request.

It was the consensus of the Commission members that the Chief Engineer be authorized to act in the best interests of the Commission in the request by the YMCA.

GARRISON DIVERSION  
 PROJECT DISCUSSION  
 (#237)

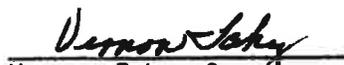
Governor Link discussed the present status of the Garrison Diversion project. He indicated that during his recent conference in Winnipeg

with Premier Schreyer, it was agreed that each would appoint an Ad Hoc Committee to monitor the progress of the Bureau of Reclamation in resolving the Garrison Diversion return flow problem and to exchange the appropriate scientific and technical information of the project. Secretary Fahy was appointed as Chairman, and the other individuals appointed were: W. Van Heuvelen, State Health Department; Roy Holand, Chairman of the Garrison Diversion Conservancy District; Bill Long, Upham, Director of the Garrison Diversion Conservancy District; and George Griebenow, Chairman of the Upper Mississippi River Basin Commission.

It was moved by Commissioner Gallagher, seconded by Commissioner Gray, and carried, that the meeting of the State Water Commission held on March 29, 1974, be adjourned at 4:00 p.m.

  
 Arthur A. Link, Governor-Chairman

ATTEST:

  
 Vernon Fahy, Secretary

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## CONDITIONS ON THE MICHIGAN-WISCONSIN PIPELINE COMPANY WATER PERMIT APPLICATION:

1. Michigan-Wisconsin Pipeline Company, hereinafter referred to as the Company, may divert a maximum of 17,000 acre-feet of water per year from Lake Sakakawea at diversion site No. 1 as described in water permit application 1901A filed with the State Water Commission on January 18, 1973.
2. The water so diverted may be used for all necessary purposes in the production of synthetic gas including, but not limited to, process cooling requirements, process feedstock requirements, mining purposes, and all other uses necessary for gasification such as sanitation and boiler feed makeup.
3. The Company must use the most environmentally acceptable engineering and technological methods in the design of such coal gasification plant and any addition thereto, and every effort shall be made to minimize evaporation and other wasteful uses of water. Such methods and efforts shall be subject to approval of the State Water Commission. A decision of approval, disapproval, or modification shall be made as soon as practicable, but no later than six months after the Company has notified the State Engineer of such methods and efforts.
4. The Company shall prepare a comprehensive environmental statement and analysis concerning water appropriations for four gasification plants, incorporating therein a specific, detailed section on the impact of the proposed subject plant. The Company's comprehensive environmental statement and analysis shall follow criteria established by the State Water Commission in advance of preparation and shall be subject to periodic review and amendment by the State Water Commission during actual preparation. The Company shall file such report with the State Engineer along with any other environmental reports, analyses, amendments, supplements, or comments thereon which has been prepared by or for it concerning any or all of the gasification plants proposed by it in the State of North Dakota. The preparation of such a statement or analysis shall not prejudice possible requests for future specific statements or analyses pertaining to subsequent water appropriations by the Company.

The State Water Commission shall reserve the authority to modify or void this conditional water permit within six months after receipt of the comprehensive environmental statement and analyses should it appear to a majority of the Commission that the perfection of this permit in its current form would be "contrary to the public interest".

5. The Company shall comply in the design and operating procedures for its facilities with such orders as the State Water Commission shall promulgate, subject to the provisions of Chapter 28-32 of the North Dakota Century Code.

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6. The Company shall make available, subject to approval of the Federal Power Commission or any other appropriate federal agency, if such approval is necessary, to North Dakota distributors or users, such gas and by-products as may be requested for use entirely within the State of North Dakota. Such gas shall supplement, but not replace, gas supplies normally available to users or distributors in this state. In its compliance with this condition, the price for the gas and by-products reserved for use within this state, shall be at a wholesale - well head or bus bar rate and not based on a so-called postage stamp rate.
7. The Company shall consult and cooperate with and secure all necessary permits from all agencies of the State of North Dakota having an interest in the useage of water and the effects of the applicant's coal gasification facilities upon the environment, economy, and governmental units within the state.
8. The Company, through its president and other officers and consultants designated by its president, shall meet periodically with the Legislative Council Committee on Resources Development and the Governor's Task Force on Coal Gasification, or a joint meeting of the two committees, or any other appropriate committee, to provide information on plans and progress and to answer questions relating to the implementation of its coal gasification project or projects and related matters affecting water and the quality of life in North Dakota.
9. The Company and its coal developer associates shall be bound by all applicable state and federal legislation and state agency regulations and orders now existing or hereinafter enacted, adopted, or promulgated. Upon request, the Company shall report to the State Water Commission and other appropriate agencies with respect to compliance with such legislation and regulations.
10. The Company shall contract with its coal supplier within North Dakota to ensure that the mined or disturbed lands shall be returned to at least the level of agricultural productivity that existed prior to mining or disturbance. This requirement shall also apply to any lands directly mined or disturbed by the Company and its coal supplier. The Company shall supply water to the coal supplier at a reasonable cost in the event successful reclamation requires the application of supplemental water to aid plant growth on lands being reclaimed.
11. A perfected water permit shall be issued as subject unit is completed and only for that amount of water actually applied to a beneficial use, as is specified under North Dakota law.
12. The conditional water permit shall be granted for an initial period of eight years. If the applicant has not perfected subject permit within the eight-year period, it may apply to the State Water Commission to extend the time of the conditional water permit.

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13. No assignment, transfer, or sale of any part of the water shall be made without prior State Water Commission written approval of all points of diversion, utilization, and discharge.
14. The Company shall provide metering devices, satisfactory to the Commission and available for inspection at all reasonable times by the Commission, to record actual amounts of water diverted under this permit.
15. Should the North Dakota Water Commission or the Legislative Assembly at any time, provide for the payment of a water user's fee, or any other fee or charge, the applicant shall be subject to such charges when they become effective.
16. The Company shall direct mining operations in accordance with recommendations of the State Water Commission with respect to the protection of existing ground-water supplies.
17. The Company shall agree to convey to the state all water supply and transmission facilities and such facilities' rights-of-way upon termination of plant operations.
18. Failure to comply with any North Dakota statute or any order or regulation of the State Water Commission may result in forfeiture of the perfected water permit in accordance with Chapter 28-32 of the North Dakota Century Code.

\* \* \* \* \*

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## APPENDIX "B"

Taken from tape recorded testimony at March 29, 1974 meeting of the North Dakota State Water Commission:

COMMISSIONER JAMES JUNGROTH:

I just want to make a comment, Governor, and I hope the group here doesn't think I'm trying to grandstand or something, but I'm speaking personally and not for the Commission, but first I think we ought to look and see what the responsibility of the North Dakota Water Conservation Commission is, and I won't bore you by reading the entire statute, but our Legislature does set the policy and our Legislature has set a policy in 61-01-26 of the North Dakota Century Code and there they stated that "In view of legislative findings and determination of ever-increasing demand and anticipated future need for water in North Dakota for every beneficial purpose and use, it is hereby declared to be the water resources policy of the State that:" Now, there's a whole series of them that I won't read, but I would like to read No. 2. "The well-being of all the people of the State shall be the over-riding determinant in considering the best use or combination of uses and water and related land resources."

So I think that gives you the idea that the Commission is responsible for determining what is the most beneficial use for the State of North Dakota. Again, speaking personally, in my opinion, the burden is upon the applicant to demonstrate to us that their use does fit within this definition. I would carry it again, personally, one step further, and I think that anyone asking for our water should prove to, at least me, beyond a reasonable doubt that their use is the one which you should use. By beyond a reasonable doubt, I don't mean beyond all doubt, I mean beyond a doubt based on reason.

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I think that unless this Commission can be convinced to a moral certainty to where we have an abiding faith in the rightness of our decision, I don't think we ought to give anybody any water. I'm suggesting that perhaps the rule ought to be that unless we are convinced with such evidence that would lead us to act in the most important affairs of our own life, such as buying a business or selling a farm, that perhaps we haven't been convinced beyond a reasonable doubt.

Now, I've got some serious questions as I'm sure you're all aware, and I have had some great soul-searching since I've been on this Commission as to where we ought to go. Maybe I, I think I've changed my mind in some things. These questions are: Is reclamation possible? How about the heavy metal problems? How about sulfur dioxide? How about the cumulative effect we are going to have on more power from various stations, recognizing that we are going to have more generation here than they have at Four Corners? We recognize that there is a demand for the power, but is there a need for the power? I think these things have to be analyzed. Maybe we ought to be talking in different terms. We can't go on infinitively saying we're going to, that the demand for power is going to double every ten years - isn't this the figure that we get. Well to me that sounds like people think we're living in an infinite world and we're living in a finite world. Anyway, these are the questions I have in my mind and it may take a number of years to get a correct answer to it.

I'm merely thinking aloud and in our driving back and forth to Beulah yesterday with MDU hearing and in coffee conversations, I felt I wanted to say it so

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that at least the people both from the proponents and opponents would recognize how at least one, perhaps friendly iconoclast does feel about the recent water permits, and thank you for giving me a chance to express myself.

\* \* \* \* \*

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ORDER 74-3-358

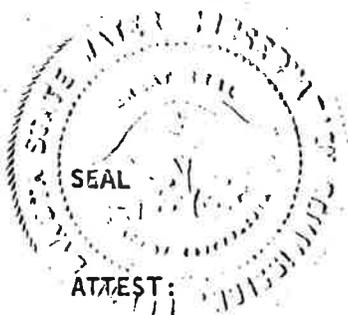
Establishing the Eddy County  
Water Management District

WHEREAS, Section 61-16-05, North Dakota Century Code, as amended by Section 2, Chapter 500, 1973 North Dakota Session Laws, directs the North Dakota State Water Commission to establish, on or before July 1, 1974, a single county-wide water management district in each county.

NOW, THEREFORE, THE NORTH DAKOTA STATE WATER COMMISSION at its regular meeting in Bismarck, North Dakota, this 29th day of March, 1974, does hereby establish the Eddy County Water Management District, embracing within its boundaries all of the territory within the limits of Eddy County.

NORTH DAKOTA STATE WATER COMMISSION  
By:

Arthur A. Link  
Arthur A. Link  
Governor-Chairman



ATTEST:

Vernon Fahy  
Vernon Fahy  
Secretary

STATE OF NORTH DAKOTA )  
                                  ) SS  
COUNTY OF BURLEIGH )

On this 29th day of April, 1974, before me a Notary Public in and for Burleigh County and the State of North Dakota, personally appeared The Honorable Arthur A. Link, known to me to be the Governor of North Dakota and Chairman of the North Dakota State Water Commission; and Vernon Fahy, known to me to be the Chief Engineer and Secretary of said Commission and acknowledged to me that the Commission has issued the within and foregoing Order Establishing the Eddy County Water Management District, and that they executed such Order.



Cliff Joachim  
Notary Public, Burleigh County,  
State of North Dakota

My Commission Expires July 29, 1978  
CLIFF JOACHIM  
Notary Public, BURLEIGH COUNTY, N. DAK.  
My Commission Expires July 29, 1978

March 29, 1974





ORDER 74-3-361

Establishing the Logan County  
Water Management District

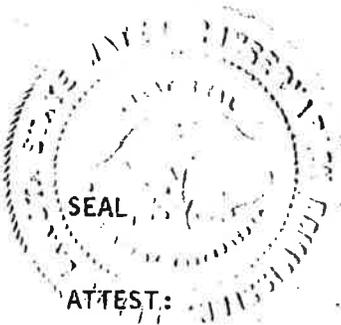
WHEREAS, Section 61-16-05, North Dakota Century Code, as amended by Section 2, Chapter 500, 1973 North Dakota Session Laws, directs the North Dakota State Water Commission to establish, on or before July 1, 1974, a single county-wide water management district in each county.

NOW, THEREFORE, THE NORTH DAKOTA STATE WATER COMMISSION at its regular meeting in Bismarck, North Dakota, this 29th day of March, 1974, does hereby establish the Logan County Water Management District, embracing within its boundaries all of the territory within the limits of Logan County.

NORTH DAKOTA STATE WATER COMMISSION

By:

Arthur A. Link  
Arthur A. Link  
Governor-Chairman



Vernon Fahy  
Vernon Fahy  
Secretary

STATE OF NORTH DAKOTA )  
                                  ) SS  
COUNTY OF BURLEIGH    )

On this 29th day of April, 1974, before me a Notary Public in and for Burleigh County and the State of North Dakota, personally appeared The Honorable Arthur A. Link, known to me to be the Governor of North Dakota and Chairman of the North Dakota State Water Commission; and Vernon Fahy, known to me to be the Chief Engineer and Secretary of said Commission and acknowledged to me that the Commission has issued the within and foregoing Order Establishing the Logan County Water Management District, and that they executed such Order.



Clive Joachim  
Notary Public, Burleigh County,  
State of North Dakota

My Commission Expires \_\_\_\_\_  
CLIVE JOCHIM  
Notary Public, BURLEIGH COUNTY, N. DAK.  
My Commission Expires July 29, 1976

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ORDER 74-3-362

Establishing the McHenry County  
Water Management District

WHEREAS, Section 61-16-05, North Dakota Century Code, as amended by Section 2, Chapter 500, 1973 North Dakota Session Laws, directs the North Dakota State Water Commission to establish, on or before July 1, 1974, a single county-wide water management district in each county.

NOW, THEREFORE, THE NORTH DAKOTA STATE WATER COMMISSION at its regular meeting in Bismarck, North Dakota, this 29th day of March, 1974, does hereby establish the McHenry County Water Management District, embracing within its boundaries all of the territory within the limits of McHenry County.

NORTH DAKOTA STATE WATER COMMISSION  
By:

*Arthur A. Link*  
Arthur A. Link  
Governor-Chairman



ATTEST:

*Vernon Fahy*  
Vernon Fahy  
Secretary

STATE OF NORTH DAKOTA )  
                                  ) SS  
COUNTY OF BURLEIGH )

On this 29th day of April, 1974, before me a Notary Public in and for Burleigh County and the State of North Dakota, personally appeared The Honorable Arthur A. Link, known to me to be the Governor of North Dakota and Chairman of the North Dakota State Water Commission; and Vernon Fahy, known to me to be the Chief Engineer and Secretary of said Commission and acknowledged to me that the Commission has issued the within and foregoing Order Establishing the McHenry County Water Management District, and that they executed such Order.



*Cliff Jochim*  
Notary Public, Burleigh County,  
State of North Dakota

My Commission Expires July 29, 1976  
CLIFF JOCHIM  
Notary Public, BURLEIGH COUNTY, N. DAK.  
My Commission expires July 29, 1976

March 29, 1974



ORDER 74-3-364

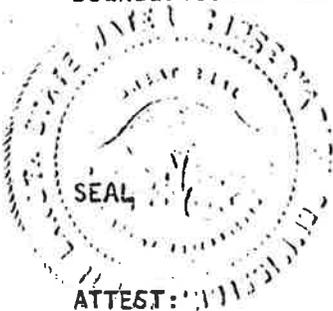
Establishing the Sheridan County  
Water Management District

WHEREAS, Section 61-16-05, North Dakota Century Code, as amended by Section 2, Chapter 500, 1973 North Dakota Session Laws, directs the North Dakota State Water Commission to establish, on or before July 1, 1974, a single county-wide water management district in each county.

NOW, THEREFORE, THE NORTH DAKOTA STATE WATER COMMISSION at its regular meeting in Bismarck, North Dakota, this 29th day of March, 1974, does hereby establish the Sheridan County Water Management District, embracing within its boundaries all of the territory within the limits of Sheridan County.

NORTH DAKOTA STATE WATER COMMISSION  
By:

Arthur A. Link  
Arthur A. Link  
Governor-Chairman

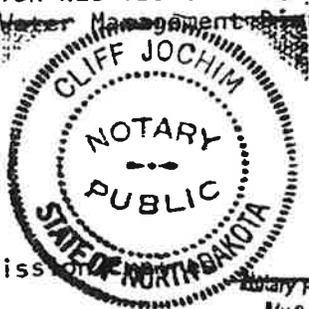


ATTEST:

Vernon Fahy  
Vernon Fahy  
Secretary

STATE OF NORTH DAKOTA )  
                                  ) SS  
COUNTY OF BURLEIGH )

On this 25<sup>TH</sup> day of April, 1974, before me a Notary Public in and for Burleigh County and the State of North Dakota, personally appeared The Honorable Arthur A. Link, known to me to be the Governor of North Dakota and Chairman of the North Dakota State Water Commission; and Vernon Fahy, known to me to be the Chief Engineer and Secretary of said Commission and acknowledged to me that the Commission has issued the within and foregoing Order Establishing the Sheridan County Water Management District, and that they executed such Order.



Cliff Jochem  
Notary Public, Burleigh County,  
State of North Dakota

My Commission Expires CLIFF JOCHIM  
Notary Public, BURLEIGH COUNTY, N. DAK.  
My Commission Expires 03, 29, 1975

March 29, 1974



WATER PERMITS FOR MARCH 29, 1974 MEETING

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2024	Brandenburg, Donald - Edgeley (LaMoure County)	Ground Water	Irrigation	282.0 acre-feet 141.0 acres	Defer pending further investigations and information.
2022	Folmer, Russel - Wing (Burleigh County)	Ground Water	Irrigation	238.1 acre-feet 190.5 acres	238.1 acre-feet 190.5 acres
2021	Andahl, Ronald & Paul - Bismarck (Burleigh County)	Ground Water	Irrigation	1197.2 acre-feet 598.6 acres	1197.2 acre-feet 598.6 acres
2027	Mittelstadt, James - Killdeer (Dunn County)	Ground Water	Irrigation	180.0 acre-feet 180.0 acres	180.0 acre-feet 180.0 acres
2047	Lange, Donald - Baldwin (Burleigh County)	Missouri River	Irrigation	656.6 acre-feet 328.3 acres	656.6 acre-feet 328.3 acres
2016	Salzsieder, Edward - Edgeley (LaMoure County)	Ground Water	Irrigation	280.0 acre-feet 140.0 acres	Defer pending further investigation and information.

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2033	Kartes, Charles - Dickey (LaMoure County)	Ground Water	Irrigation	1294.0 acre-feet 647.0 acres	Defer action pending a re-hearing
2026	Fox, Jack - Bismarck (Burleigh County)	Missouri River Old Channel	Irrigation	118.2 acre-feet 59.1 acres	Defer pending further investigation and information
1980	Boyko, Dan - Ruso (McLean County)	Ground Water	Irrigation	905.2 acre-feet 452.6 acres	678.9 acre-feet 452.6 acres Subject to special conditions

NORTH DAKOTA STATE WATER COMMISSION  
 FINANCIAL STATEMENT APRIL 30, 1974  
 1973-75 APPROPRIATIONS

C5-1.2

		Available Funds APPROPRIATION	Disbursements TO DATE	APR. '74	UNEXPENDED	Account Balances ENCUMB.	UNENCUMB.
<b>GENERAL OPERATIONS ACCOUNT</b>							
1003-Salaries Expense	(1)	\$1,023,792.00	\$ 359,972.65	\$ 40,528.03	\$ 663,819.35	\$ -	\$ 663,819.35
2003-Fees and Services		177,225.00	64,763.39	4,697.49	112,461.61	-	112,461.61
3003-Supplies and Materials		163,600.00	83,957.60	5,056.56	79,642.40	-	79,642.40
4003-Equipment		39,500.00	14,681.97	194.00	24,818.13	-	24,818.13
5403-Red Basin Comm.		60,000.00	-	-	60,000.00	-	60,000.00
5413-Mo. River Basin Comm.		25,000.00	8,659.46	-	16,340.54	-	16,340.54
5423-Contract Fund	(2)	<u>1,900,000.00</u>	<u>572,008.94</u>	<u>101,325.20</u>	<u>\$1,342,153.88</u>	<u>782,475.00</u>	<u>559,678.88</u>
<b>TOTAL GENERAL OPERATIONS</b>		<b>\$3,389,117.00</b>	<b>\$1,104,044.01</b>	<b>\$151,801.28</b>	<b>\$2,299,235.91</b>	<b>\$782,475.00</b>	<b>\$1,516,760.91</b>
339-West River Diversion	(3)	250,818.00	71,209.46	7,561.11	180,174.74	-	180,174.74

(1) Includes \$90,000.00 Federal Grant

(2) Includes \$900,000.00 Project Collections

(3) Includes \$55,000.00 Federal Grant

## NORTH DAKOTA STATE WATER COMMISSION

OBJECT BUDGET COMPARISON  
1973-1975 BIENNIUMMay 13, 1974  
SWC File C5-1.4

OBJ. CODE	OBJECT DESCRIPTION	APR. 1974	JULY 1, '73	BUDGET	EXP. % OF
		EXPEND.	APR. 30, '74		STD. (41.7**)
			EXPEND.		SAL. STD. 37.5
1000	Salaries	\$ 36,199.50	\$ 325,930.47	\$ 928,792.00	35
1820	OASIS	296.40	1,372.53	4,000.00	34
1830	Social Security	2,117.73	16,637.06	40,000.00	41
1840	Medical Insurance	596.80	5,415.47	12,000.00	45
1850	Workman's Compensation	-	-	4,000.00	-
1880	State Retirement	1,317.60	10,617.12	35,000.00	30
	TOTAL SALARIES & WAGES	\$ 40,528.03	\$ 359,972.65	\$ 1,023,792.00 (1)	35
2110	Meals and Lodging	\$ 1,882.49	\$ 23,772.52	\$ 77,225.00	31
2120	Personal Vehicle Mileage	248.40	2,065.30	8,000.00	26
2130	Commercial Transportation	747.92	5,670.77	15,000.00	38
2150	Miscellaneous Travel	207.17	1,307.40	4,000.00	33
2210	Water-Garbage	7.50	52.65	300.00	17
2220	Natural Gas	-	390.64	1,000.00	39
2230	Electricity	-	351.43	900.00	39
2310	Rental-Equipment	164.50	2,148.00	5,000.00	43
2410	Postage	504.31	1,954.30	6,000.00	32
2420	Telephone	-	2,415.70	5,000.00	48
2510	Repair-Equipment	162.79	3,234.64	12,000.00	27
2513	Maintenance Contracts	-	2,457.46	5,000.00	49
560	Repair-Building & Grounds	-	-	500.00	-
2612	Legal Fees	-	-	500.00	-
2613	Audit Fees	-	-	700.00	-
2614	Engineering Fees	4.00	411.11	1,500.00	27
2618	Data Processing	102.70	1,657.77	5,000.00	33
2619	Microfilm Service	-	-	1,000.00	-
2650	Consulting Fees	-	2,690.00	3,900.00	69
2682	Photographers Fees	32.10	1,001.48	2,500.00	40
2699	Mis. Professional Fees	1,250.00	10,172.00	12,000.00	85
2710	Fidelity Bond	10.00	10.00	100.00	10
2720	Property Insurance	-	362.66	1,400.00	26
2730	Liability Insurance	546.00	546.00	1,000.00	55
2911	Radio-Newspaper Fees	16.60	286.87	500.00	57
2912	Rewards-Premiums	-	-	500.00	-
2914	Licenses and Taxes	-	236.25	700.00	33
2915	Dues	10.00	800.00	3,000.00	26
2916	Freight	21.01	240.64	2,000.00	12
2999	Miscellaneous	30.00	527.80	1,000.00	23
	TOTAL FEES & SERVICES	\$ 4,697.49	\$ 64,763.39	\$ 177,225.00	36
3100	Office Supplies	\$ 302.95	\$ 5,550.41	\$ 19,200.00	28
3105	Central Reproduction	249.40	1,805.11	2,500.00	72
3120	Printing-Commercial	-	22,174.76	17,500.00	126
3130	Books, Subscriptions	54.00	1,396.82	5,000.00	28
3132	Films	43.01	799.11	1,900.00	42
3133	Periodicals	-	16.50	100.00	16
3600	Hdwe.&Bldg. Supplies	2,527.43	23,983.92	50,000.00	48
3700	Motor Vehicle Supplies	1,181.23	16,062.90	35,000.00	46
3800	Parts-Including Tires	698.54	12,018.10	31,400.00	38
3959	Miscellaneous	-	149.97	1,000.00	15
	TOTAL SUPPLIES & MATERIALS	\$ 5,056.56	\$ 83,957.60	\$ 163,600.00	51

OBJ. CODE	OBJECT DESCRIPTION	APR. 1974 EXPEND.	JULY 1, '73 APR. 30, '74 EXPEND.	BUDGET	EXP. % OF BUDGET TIME STD. (41.7***) SAL. STD. 37.5
+100	Office Equipment	\$ -	\$ 2,575.07	\$ 5,500.00	47
4300	Motor Vehicles	-	7,050.64	26,500.00	26
4400	Machines & Equipment	194.00	5,056.16	7,500.00	67
	TOTAL EQUIPMENT	<u>\$ 194.00</u>	<u>\$ 14,681.87</u>	<u>\$ 39,500.00</u>	<u>37</u>
5423	Contract Payments	\$101,325.20	\$ 572,008.94	\$1,900,000.00 (2)	30
5401	Souris-Red-Rainy R. Bsn. Comm.	-	-	60,000.00	-
5413	Missouri R. Bsn. Comm.	-	8,659.46	25,000.00	35
7721	West River Diversion	7,561.11	71,209.46	195,818.00 (3)	36
	TOTAL APPROPRIATION	<u>\$159,362.39</u>	<u>\$1,175,253.37</u>	<u>\$3,584,935.00</u>	<u>33</u>

(1) Appropriation \$ 933,792  
 Est. Federal Grant 90,000  
\$1,023,792

(2) Appropriation \$1,000,000  
 Est. Collections 900,000  
\$1,900,000

(3) Appropriation \$195,818  
 Est. Federal Funds (Unknown)

\*\*10/24 months - 41.7 percent biennium elapsed

DIST:  
 Comm.  
 VF  
 ME  
 KK

NORTH DAKOTA STATE WATER COMMISSION\*\*\*\*\*FUNCTION SUMMARY FOR MONTH ENDING 04/30/74

FUNCTION NUMBER AND DESCRIPTION	CURRENT COST	COST TO DATE	PERCENT	BUD
100 ADMINISTRATIVE AND LEGAL	\$ 2,410.89	\$ 27,973.30	28.0 %	\$ 100,00
200 COMPREHENSIVE PLANNING	\$ 13,389.68	\$ 176,472.82	29.4 %	\$ 600,00
301 ENGINEER, INVESTIGATION, RESEARCH, SURVEY & DESIGN	\$ 7,911.18	\$ 89,140.11	59.4 %	\$ 150,00
302 METES & BOUNDS SURVEYS	\$ .00	\$ .00	.0 %	\$ 20,00
303 TEST BORINGS AT PROJECT SITES	\$ .00	\$ 560.45	3.7 %	\$ 15,00
304 SOIL ANALYSIS	\$ .00	\$ 23,193.85	77.3 %	\$ 30,00
305 HYDROLOGIC STUDIES	\$ .00	\$ 204.60	2.0 %	\$ 10,00
306 DESIGN	\$ 4,511.38	\$ 35,114.63	35.1 %	\$ 100,00
307 RESEARCH	\$ .00	\$ 63.80	.6 %	\$ 10,00
310 REPORT PUBLICATION	\$ .00	\$ .00	.0 %	\$ 10,00
311 GROUND WATER SURVEY-PRE PLANNING	\$ 2,016.85	\$ 15,483.13	44.2 %	\$ 35,00
312 GROUND WATER SURVEY-WATER RECORD	\$ .00	\$ 359.70	7.2 %	\$ 5,00
313 GROUND WATER SURVEY-GEOLOGICAL STUDIES	\$ .00	\$ .00	.0 %	\$ 5,00
314 GROUND WATER SURVEY-SUBSURFACE EXPLORATION	\$ 3,055.36	\$ 107,963.37	36.0 %	\$ 300,00
315 GROUND WATER SURVEY-QUALITY OF WATER WORK	\$ 346.50	\$ 23,298.00	31.1 %	\$ 75,00
316 GROUND WATER SURVEY-AQUIFER TEST & SPECIAL INV	\$ 261.80	\$ 35,136.84	35.1 %	\$ 100,00
317 GROUND WATER SURVEY-DATA COMPILATION & ANALYSIS	\$ 1,725.91	\$ 9,823.82	49.1 %	\$ 20,00
318 GROUND WATER SURVEY-RPT PREP & REVIEW	\$ 922.36	\$ 10,764.86	53.8 %	\$ 20,00
319 GROUND WATER SURVEY-SPECIAL INVESTIGATIONS	\$ 602.55	\$ 3,846.22	7.7 %	\$ 50,00
320 COOPERATIVE SURVEYS-GRND WATER, SUR WATER & TOPOG.	\$ 93,885.00	\$ 180,202.00	45.1 %	\$ 400,00
401 CONSTRUCTION-DAMS & RELATED APPURTENANCES	\$ 721.45	\$ 233,503.85	25.9 %	\$ 900,00
402 CONSTRUCTION-RECREATION FACILITIES	\$ .00	\$ 103,891.46	41.6 %	\$ 250,00
403 CONSTRUCTION-IRRIGATION FACILITIES	\$ .00	\$ 216.02	4.3 %	\$ 5,00
404 CONSTRUCTION-FLOOD CONTROL	\$ .00	\$ 121,310.28	97.0 %	\$ 125,00
405 CONSTRUCTION-PILOT WELLS	\$ .00	\$ .00	.0 %	\$ 5,00
501 OP & MAINT-DAMS & RELATED APPURTENANCES	\$ 1,296.05	\$ 50,905.95	20.4 %	\$ 250,00
502 OP & MAINT-RECREATION FACILITIES	\$ .00	\$ .00	.0 %	\$ 5,00
503 OP & MAINT-IRRIGATION FACILITIES	\$ .00	\$ .00	.0 %	\$ 5,00
504 OP & MAINT-FLOOD CONTROL	\$ 4,348.05	\$ 17,910.90	11.9 %	\$ 150,00
<b>TOTALS</b>	<b>\$ 137,405.01</b>	<b>\$ 1,267,339.96</b>	<b>33.8 %</b>	<b>\$ 3,750.00</b>