

R E G I S T E R

ATTENDANCE AT State Water Commission Meeting

DATE <sup>SEPT 27-28</sup> April 21-22, 1976

PLACE State Highway Building

FARGO

PROJECT NO. \_\_\_\_\_

Your Name	Your Address	Who do you Represent? (Or Occupation)
Louis Arnold	Esmond, N. Dak.	Devils Lake Advisory Com.
Al Woodson	Grand Forks, N.D.	Co Water Board
Mary Jenkins	1542 9th St. S. Fargo	League of Women Voters - ND
J. DeLoach	Devils Lake	Ramsay Co. Water Mgt.
<del>Ray Christy</del>	<del>Minnetonka</del>	<del>Missouri River Basin Comm.</del>
<del>Frank Johnson</del>	<del>Fargo</del>	
Don Throckmold	WEST FARGO	S. F. CASS WMO
Lyette Anderson	Zeonow, Minn.	Minn. Stockmen Assn.
Geoff M. How	L. Bto.	Nelson & XMB
Bennett King	Portland, N.D.	Stell Co. WMB
Wes Reinberg	Hope, N.D.	Stell Co. W.M.B.
Ben Carson	Mapes, N.D.	N.C. W.M.B.
Blount Partridge	Fargo	N.D.S.U.
Carman Johnson	Leonard	S. V.A.
Leah Roane	Kindred	S. V.A.

NORTH DAKOTA STATE WATER COMMISSION

REGISTER

ATTENDANCE AT State Water Commission Meeting

DATE SEPT 27-28  
April 21-22, 1976 PLACE State Highway Building

FARGO PROJECT NO. \_\_\_\_\_

Your Name	Your Address	Who do you Represent? (Or Occupation)
Hoyb Strommer	Devils lake N.D.	Rimsey County Water Board
Dale Shenkeltzer	Lisbon N.D.	U.S. Forest Service
Ken Morgan	Waleott, N. Dak.	Farmer & Legislator
ROSS REAGAN	FARGO, ND	SOUTH-RED-RAINY REGIONAL OFFICE UMRBC
Orville Kincaid	Beach N.D.	Golden Valley Water Management Dist North Cass
Joseph Sether	Gardner, N.D.	Water management Dist
Floyd Fisher	Fargo N.D.	SAR Regional Office, UMRBC
Robert Thompson	Page, N.D.	North Cass N.M.D.
Mervin Melander	Hunter, N.D.	" " " " "
E.M. Lagan	Fargo	G.D.C.D.
Russ Duchonick	Minot	N.D. Water users assoc
M.L. Saegreen	Bismarck	SWC
Stefan Hoehy	BISMARCK	SWC
Conrad Rose	Fargo	WDAY-TV
Bill Corwin	Box 2309 Fargo	Fargo Chamber of Commerce

NORTH DAKOTA STATE WATER COMMISSION

REGISTER

ATTENDANCE AT State Water Commission Meeting

DATE SEPT 27-28  
April 27-28, 1976 PLACE State Highway Building

FARGO PROJECT NO. \_\_\_\_\_

Your Name	Your Address	Who do you Represent? (Or Occupation)
Jake Gust	210 <sup>3rd</sup> Ave E	City Commission West Fargo
P.T. Simonson	Grand Forks	Self
Art Thorsbom	Grand Forks	Co Water Board
Floyd Fisher	Fargo, N. Dak.	SRR Regional Office, UMRBC
Warren Wendell	G.F.	Herald
Ross Reagan	Fargo	SRR Regional Office UMRBC
Thomas Engelson	Carrington	GICD
Mayor O'Neill	Grand Forks ND	
Frank Orthmeyer	Grand Forks City	Engvr
Paul & Irene	Langdon, N.D.	Langdon City W. Bd.
Richard Hooze	Munich, N.D.	Cavalier County W. Bd.
Wm S Hardy	Walhalla, N. Dak.	Cavalier Co W. Bd.

## MINUTES

NORTH DAKOTA STATE WATER COMMISSION  
 Meeting Held At  
 The Bowler  
 Fargo, North Dakota

September 27 and 28, 1976

The North Dakota State Water Commission held its regular meeting on September 27 and 28, 1976, at The Bowler in Fargo, North Dakota. Governor-Chairman, Arthur A. Link, called the meeting to order at 9:30 a.m., and requested Secretary Vernon Fahy to present the agenda.

MEMBERS PRESENT:

Arthur A. Link, Governor-Chairman  
 Richard Gallagher, Vice Chairman, Mandan  
 Alvin Kramer, Member from Minot  
 Gordon Gray, Member from Valley City  
 Arthur Lanz, Member from Devils Lake  
 Arlene Wilhelm, Member from Dickinson  
 Myron Just, Commissioner, Department of Agriculture (September 28 only)  
 Vernon Fahy, Secretary and State Engineer, North Dakota State Water  
 Commission, Bismarck

OTHERS PRESENT:

State Water Commission Staff Members  
 Water Management Districts Representatives  
 Garrison Diversion Conservancy District Secretary and Director  
 Sheyenne Valley Association Representatives  
 Souris-Red-Rainy Regional Office Representatives  
 Devils Lake Basin Study Group Representatives  
 News Media Representatives

Attendance Register is on file in the offices of the State Water Commission for the September 27 and 28, 1976 meeting (filed with official copy of Minutes)

Proceedings of the meeting were tape recorded to assist in compilation of the minutes.

CONSIDERATION OF MINUTES  
 OF JULY 19 AND 20, 1976  
 MEETING - APPROVED

by Commissioner Kramer to approve the minutes presented and distributed. The motion carried.

Secretary Fahy reviewed the minutes of the July 19 and 20, 1976 meeting held in Carrington, North Dakota. It was moved by Commissioner Gray and seconded

**REPORT ON THE YELLOWSTONE  
LEVEL B STUDY  
(SWC Project No. 1507)**

Don Ohnstad, the North Dakota Coordinator for the Yellowstone Level B Study reported on the progress. A written status report was filed with the Commission. Mr.

Ohnstad announced the dates and tour plans for the State Study Team meeting to be held in Bismarck, September 28 and 29, 1976. The tour would be at the Baukel-Noonan lignite coal mine in Oliver County and at the Stanton Indian Historic Sites. In connection with the study, there were remarks concerning the Harza Engineering Study completed to provide study teams with alternative energy-related demands for capital, labor, water, land and mineral resources for use in the Yellowstone Level B Study.

Governor Link commented on concerns that the Harza Report did not indicate alternatives and trade-offs if development occurs, and the lack of agricultural and other area uses in the report. Mr. Ohnstad responded by explaining the report purpose was to provide information to the proper ad hoc committee and that there were other ad hoc committees studying other uses and interests including agriculture.

Commissioner Wilhelm questioned the method of review used on the Harza Report, to which Mr. Ohnstad responded by saying that a technical review prior to release of the report was decided upon by the Yellowstone Study Management Group.

Further comments by Commissioner Wilhelm were in regard to the Northern Great Plains Study recommendation of the Yellowstone Study stating that it appeared to be pointing to principally an energy development study.

Considerable discussion followed regarding the study and the status report. Projections of energy production in the Harza Report were compared with the Governor's energy projections for 1975 and were found to be quite comparable.

A letter was read regarding the Yellowstone Study by Secretary Fahy. The letter had been submitted by nine west river area residents, which is attached hereto as APPENDIX "A". The letter requested a review of procedures used in complying with federal requirements concerning public access to information used in the study. Specific reference was made to the Harza Engineering Study.

Secretary Fahy proposed to the Commission that he contact the Chairman of the Missouri River Basin Commission and the Yellowstone Level B Study Manager to arrange a meeting, along with the State Engineer, for persons who signed the letter to discuss the request.

It was moved by Commissioner Gray and seconded by Commissioner Wilhelm that the State Engineer's proposal be approved by the Commission. The motion carried.

September 27 and 28, 1976

**REPORT ON THE DEVILS  
LAKE BASIN STUDY  
(SWC Project No. 1616)**

Vern Zink, Consultant for the Devils Lake Study, was presented by Secretary Fahy.

Mr. Zink reported that the last meeting held by the Committee was September 22 and 23, 1976, and a written report had not yet been completed. Other advisory committee members were present. He reported that September was the only meeting held since his July appearance before the State Water Commission. The advisory committee meeting report with recommendations will be reviewed by the Committee on October 26 and 27 in Devils Lake.

Action taken at the last advisory committee meeting included the following: 1) Perpetuate the advisory council as it now exists to continue the study as well as implement the recommendations from the present study; 2) Request to Legislative Assembly to authorize advisory council continuation; 3) Support local task force request to recommend plan six of the eleven alternatives in the Bureau of Reclamation's Plan with respect to water levels and water quality in the Devils Lake chain; 4) Resolution to approve wetlands restorations primarily in the area of Type IV wetlands and perhaps some Type III. Acquisition to be made on a willing seller-willing buyer basis and be done in consultation with local water management authorities; and 5) Recommended approval and construction of the proposed Channel "A" project.

Russ Dushinske, Executive Vice President of the North Dakota Water Users Association, noted that any wetlands acquisition under the Devils Lake Plan would be credited to the Garrison Diversion Unit wildlife replacement lands. Lands under consideration could approximate 13,000 or more acres in Type IV. Studies will continue to determine economically feasible acreage.

Secretary Fahy discussed legal considerations in administering the \$600,000 Channel "A" funds, and Senator George Longmire presented the views of McHugh Slough representatives in regard to the Channel "A" funds, and their need for funding if Channel "A" is approved.

It was moved by Commissioner Lanz and seconded by Commissioner Gallagher that the \$600,000 be committed for Channel "A" construction in Ramsey County subject to contractual conditions with the Water Management District, which are deemed necessary by the State Engineer, and that the contract be presented to the Commission for approval. The motion carried.

**DISCUSSION ON  
PEMBILIER DAM  
(SWC Project No. 567)**

Engineers has indicated that some members of the Rivers and Harbors Board would

Secretary Fahy commented on a hearing to be held by the Board of Rivers and Harbors to review the Pembilier Dam on September 28, 1976, in Washington. The Corps of

September 27 and 28, 1976

not approve Pembilier Dam unless the State of North Dakota would give assurances of funding \$200,000 or more to construct permanent dikes at the City of Neche.

Secretary Fahy proposed that a telegram be sent to indicate the Commission's willingness to support the dike improvement, but indicating that funding could not be assured without legislative approval.

It was moved by Commissioner Gray and seconded by Commissioner Lanz that the State Engineer send a telegram to the office of Chief Engineer, a member of the Board of Rivers and Harbors, to express the Commission's willingness to support Neche dike improvement for the Pembilier Dam Project. The motion carried.

The telegram was sent by Secretary Fahy and was later read to the Commission as follows:

"State Water Commission has indicated it will support efforts to satisfy requirements pertaining to modifications of dikes at Neche. Since this is a Legislative Assembly matter, the Commission cannot authorize funding without budgetary authorization by the Legislature which meets every two years. The Commission continues its strong support for the Pembilier Dam Project and urges a favorable recommendation from the Board.

/S/ Vern Fahy  
State Engineer, North Dakota"

CONSIDERATION OF REQUEST  
FROM STEELE COUNTY WATER  
MANAGEMENT DISTRICT FOR  
FINANCIAL PARTICIPATION FOR  
RECONSTRUCTION OF LAKE TOBIASON  
CONTROL STRUCTURES  
(SWC Project No. 670)

Secretary Fahy presented a request by the Steele County Water Management District for a \$5,000 increase in funding for reconstruction of Lake Tobiason control structures. Secretary Fahy explained that \$13,000 was previously committed to the project, but after further investigation of work needed, the estimates were increased, which in turn, brought about the added funding request.

It was moved by Commissioner Lanz and seconded by Commissioner Kramer that another \$5,000 be made available for cost participation with the Steele County Water Management District for reconstruction of the control structures at Lake Tobiason.

DISCUSSION OF PROPOSED RULES  
AND REGULATIONS FOR DRAINAGE  
(DRAFT NO. 6)

Murray Sagsveen, Legal Counsel for the State Water Commission, reviewed the latest proposed draft of drainage rules and

September 27 and 28, 1976

regulations of the State Engineer or State Water Commission under Section 61-01-22 of the North Dakota Century Code. Mr. Sagsveen stated that some modifications were made since the fifth draft review during the last Commission meeting, but that the general intent of draft No. five remained. He explained the basic concept of concurrent jurisdiction by the local Water Management Districts and the State Water Commission regarding drainage in the State.

A letter, submitted by Hettinger County Water Management District, was read giving their approval of the draft proposal.

Duane Breitling, attorney representing the Richland, Ransom and three of the Cass County Water Management Districts, as well as the Cass County Drain Board, commented on the interpretation of Section 61-01-22 by contending the State Water Commission should not have concurrent jurisdiction with Water Management Districts over drainage.

Other discussions were held regarding procedures in specific cases including an Attorney General's decision on projects effecting more than one District.

A recommendation was made by Commissioner Gallagher that legislation be introduced to clear up joint or concurrent drainage authority.

It was moved by Commissioner Kramer and seconded by Commissioner Lanz to adopt the proposed Rules and Regulations of the State Water Commission governing drainage of water from ponds, sloughs or lakes having watersheds of 40 acres or larger pursuant to Section 61-01-22 of the North Dakota Century Code, and that they be submitted to the Attorney General, printed, and an early effective date be established.

**DISCUSSION OF HYDROLOGIC  
MODEL FOR DEVILS LAKE BASIN  
(SWC Project No. 1616)**

Advisory Committee.

Secretary Fahy introduced Dr. Parekh from North Dakota State University, who has developed a hydrologic model for the Devils Lake Basin under contract by the

Dr. Parekh discussed hydrologic modeling applications for the Basin and the need to continue the process as planning progresses and recommendations are implemented. The continued work should become a useful tool for the Advisory Committee should their role be extended.

Secretary Fahy expressed his support of the modeling project and indicated he would ask the Commission to financially support an expanded hydrologic model.

September 27 and 28, 1976

The Commission meeting was recessed for an afternoon tour of the Sheyenne River Valley, which was conducted by Senator Kenneth Morgan and Lester Anderson of the Sheyenne River Association.

The meeting was reconvened on September 28, 1976, with Governor Link calling the session to order at 9:30 a.m. Governor Link requested Secretary Fahy to continue in presenting the agenda.

CONSIDERATION OF CITY OF  
ZEELAND REQUEST FOR A  
GROUND-WATER STUDY  
(SWC Project No. 815)

Secretary Fahy presented a request by the City of Zeeland for financial participation in the amount of \$5,500, or 50 percent of the estimated cost, for a ground-water study. The city is now experiencing water supply problems.

\*\*\*\* It was moved by Commissioner Kramer and seconded by Commissioner Just that the Commission participate financially in the study requested by 50 percent, not to exceed \$5,500, subject to available funds. The motion carried.

CONSIDERATION OF REQUEST  
FROM GRAND FORKS COUNTY  
DRAIN BOARD FOR FINANCIAL  
PARTICIPATION FOR DRAIN  
NO. 12  
(SWC Project No. 1111)

Secretary Fahy presented a request from the Grand Forks County Drain Board for financial participation in the amount of \$20,000, which is 40 percent of the qualified construction items on the proposed project. Total qualified costs are estimated at \$50,000.

It was moved by Commissioner Gray and seconded by Commissioner Lanz that upon recommendation of the State Engineer, the Commission participate financially in the drain request by 40 percent, not to exceed \$20,000, subject to available funds. The motion carried.

CONSIDERATION OF BARNES  
COUNTY WATER MANAGEMENT  
DISTRICT FOR SHEYENNE  
RIVER SNAGGING AND CLEARING  
(SWC Project No. 568)

Secretary Fahy presented a request by Barnes County Water Management District for \$2,000 financial participation, or 50 percent of an estimated \$4,000 snagging and clearing project near Kathryn, North Dakota, along the Sheyenne River. It

was noted that the county has an unused balance of \$1,600 carryover from a similar request last year.

It was moved by Commissioner Wilhelm and seconded by Commissioner Gray that the Commission participate financially in the amount of \$2,000 as requested for the snagging and clearing project.

\*\*\*\* This item and motion was amended and corrected at February 11, 1977 meeting - see pages 1 and 2 of minutes of that date.

September 27 and 28, 1976

**CONSIDERATION OF UPPER  
SOURIS WATER USERS  
ASSOCIATION REQUEST FOR  
GROUND-WATER STUDY FUNDS  
(SWC Project No. 1660)**

Secretary Fahy presented a request by Burke, Renville and Ward Counties Water Management Districts for financial participation to complete a ground-water study for the Upper Souris Water Users, which is a rural water system. He stated

the request was made previously by the rural water association, a private corporation, and was denied. At that time, the State Water Commission suggested that the request be re-submitted by the Water Management Districts of the area involved. The financial request was for 50 percent of an estimated total cost of \$65,300, or \$32,650. The balance would be assessed to the local districts according to area of service or service interest as follows: Burke - \$1,850; Renville - \$21,011; and Ward - \$9,789.

It was moved by Commissioner Kramer and seconded by Commissioner Lanz that the Commission participate financially in the request for a ground-water study by 50 percent, not to exceed \$32,650, subject to available funds. The motion carried.

**DISCUSSION OF GARRISON  
DIVERSION UNIT FISH AND  
WILDLIFE PLAN  
(SWC Project No. 237)**

Homer Engelhorn, representing the Garrison Diversion Conservancy District, was called on by Secretary Fahy to review with the Commission, the plans for Fish and Wildlife set aside acres in the

Garrison Diversion Unit. Mr. Engelhorn reviewed the 1974 Fish and Wildlife Service proposal as presented to the Diversion Project Planning Committee for re-evaluation of Fish and Wildlife areas. The proposed concept was viewed by the Committee as a new plan that would take areas of smaller size over the entire 25-county area rather than large areas in the old plan confined to the supply works of the project.

Mr. Engelhorn stated that the Conservancy District Board of Directors has adopted a policy position as follows:

- 1) The Garrison Diversion Conservancy District make no further commitment than that of the approval of the concept of the re-evaluation plan;
- 2) That the Fish and Wildlife Service limit taking, as much as possible, productive land for wildlife features of the Garrison Diversion Unit;
- 3) That the canal right-of-way be considered toward mitigated acres;
- 4) That all acquisitions, as much as possible, be on the basis of a willing seller; and

September 27 and 28, 1976

- 5) That the Project Planning Committee participate in reviewing the re-evaluation plans area by area and county by county so as to fully understand the total re-evaluation plan.

Difficulties have been encountered by the Board of Directors regarding the review of re-evaluation plans. He stated that he felt, in developing a fish and wildlife plan, the Board should have the following assurances:

- 1) That the Fish and Wildlife Service will coordinate their plans with the Conservancy District and other local agencies and citizens and that the plan be flexible;
- 2) That West Bay of Devils Lake remain as part of the Fish and Wildlife Plan for the Garrison Diversion Unit;
- 3) That the zeal for the new concept will not be used to cause:
  - a. re-authorization for increasing the acreage or
  - b. reallocation of costs;
- 4) That public recognition be given to the canal and the canal right-of-way as a positive feature for wildlife; and
- 5) That the Government Operations Committee report on the Garrison Diversion Unit suggesting mitigation for refuges is untenable as far as the Conservancy District is concerned.

Mr. Engelhorn told of the added appropriation in fiscal year 1977 for implementation of a Fish and Wildlife plan for Garrison Diversion, and of a policy adopted at federal agency level in the implementation of a plan revision. Two important points in the policy are:

- 1) Public hearings are to be held on environmental statements and informational meetings with local agencies, interest groups, individuals and affected landowners; and
- 2) Adjustment of detailed plans to accommodate local comments.

Commission members discussed with Mr. Engelhorn several aspects of land acquisition for fish and wildlife along the main supply canal and in the Devils Lake area.

In closing, Mr. Engelhorn expressed the Garrison Diversion Board Executive Committee's desire to meet jointly with the Commission to discuss Garrison Diversion Unit plans and developments.

DISCUSSION REGARDING WEST  
RIVER DIVERSION  
(SWC Project No. 1543)

Secretary Fahy read a letter from Mr. Robert Stranik of Dickinson, who requested that the Commission support a state-

September 27 and 28, 1976

controlled study in the west river area to assure a future water supply.

**DISCUSSION OF BELMONT  
ROAD DIKE IN GRAND FORKS  
(SWC Project No. 1646)**

Secretary Fahy reviewed previous actions regarding the proposed diking project and conditions attached to the Commission's approval to participate financially.

Mr. Art Thoraldson, Grand Forks County Water Management District, gave a report on progress of the project planning.

Senator George Longmire, representing himself and other Grand Forks residents east of the proposed diking project, protested the project. He stated the possible inadequate soils conditions for a road-dike, access road problems and loss of aesthetic value. He further commented on public meetings citing the lack of notice given to adjacent landowners.

Mayor C. P. O'Neill and City Engineer, Frank Orthmeyer, both responded relative to procedures in project planning and testified that meeting notices, etc., were properly advertised.

Murray Sagsveen noted the procedures to be followed by the project sponsor. He said there would be a future time for comment after the plans had been reviewed and submitted for Commission approval pursuant to Section 61-16-15 of the North Dakota Century Code.

**DISCUSSION REGARDING RED  
RIVER DIKING  
(SWC Project No. 1638)**

Secretary Fahy reported on joint meetings held with Minnesota and the Corps of Engineers regarding private dikes constructed on both sides of the Red River near Oslo, Minnesota.

Mr. Sagsveen reviewed a proposed agreement with Minnesota which had been previously circulated to Commission members. The proposal, over a two-year period, would be a "Joint and Cooperative Agreement for the Establishment of Criteria for Authorizing Dikes and Other Flood Control Structures and Measures on the Red River of the North and the Bois de Sioux River".

After discussion, it was moved by Commissioner Gray and seconded by Commission Wilhelm that the State Engineer be authorized to execute the "Joint and Cooperative Agreement for the Establishment of Criteria for Authorizing Dikes and Other Flood Control Structures and Measures on the Red River of the North and the Bois de Sioux River" for the State Water Commission. However, the State Engineer is urged to hold a public hearing jointly with Minnesota concerning the agreement and particularly the criteria

September 27 and 28, 1976

contained in Section IV. If the State Engineer modifies the agreement, before or after execution, notice shall be given to each Commissioner by mail, and if no objection to such modification is received from a Commissioner within one week of mailing, the State Engineer may execute or modify the agreement. The motion carried.

**DISCUSSION OF SHEEP  
CREEK DAM  
(SWC Project No. 1358)**

Secretary Fahy reported on a dam failure in 1970 during spring runoff after heavy local rains. The structure was Sheep Creek Dam near Elgin, North Dakota. It was rebuilt with outlet modifications, however, the flow of water through the outlet structure indicates a design problem. He then requested and recommended financial support for a computer study of the outlet structure by Dr. O. D. Richards from North Dakota State University. The amount requested was \$13,370, which Secretary Fahy further noted, would serve as a model to check other dam structures of similar design and would become a design assist for new structures.

It was moved by Commissioner Wilhelm and seconded by Commissioner Lanz that \$13,370 be made available for the NDSU study requested. The motion carried.

**CONSIDERATION OF WATER  
PERMIT REQUESTS**

Secretary Fahy presented the water permit agenda labeled as APPENDIX "B", and called on Milton Lindvig, Director of the Hydrology Division for the State Water Commission, to comment on permit applications which received considerable protest and to comment on methods used in determining ground-water permit application grants.

According to Mr. Lindvig, two permit applications received considerable protest - No. 2456, City of Rugby for municipal use, and No. 2511, William Huether of Lisbon, for irrigation use in LaMoure County. In each case, a permit was granted for a portion of the request with further water being granted later if conditions warrant. In the Rugby permit, new aquifer use would develop as the old aquifer was depleted.

After discussion and questions regarding aquifer management -

It was moved by Commissioner Kramer and seconded by Commissioner Gray that the following applications be granted, subject to the conditions as specified for each individual request:

No. 2410 - Raymond Schmidt, Tioga; No. 2461 - Robert D. Barnes, Cartwright; No. 2462 - George and Jerome Langseth, Williston (this

September 27 and 28, 1976

request was approved by State Engineer on September 17, 1976); No. 2466 - Bruce R. Lange, Baldwin; No. 2469 - Floyd and Edith Slaubaugh, Wolford; No. 2460 - Lester J. Trnka, Oakes; No. 2429 - Oakes Farms, Oakes; No. 2472 - Missouri River Sand and Gravel, Bismarck; No. 2270 - George Settelmeyer, New Rockford; No. 2437 - Chaney L. Gillham, Bowdon; No. 2465 - Sharon Peltner Trust, Hazelton; No. 2476 - Joey Schmidt, LaMoure; No. 2479 - Jon O. Kenitzer, Dickinson (this request was approved by State Engineer on August 4, 1976); No. 706 - City of Oakes (request for a second point of diversion); No. 2475 - Mike Osterman, Cartwright; No. 2457 - Gary Streich, Englevale; No. 2473 - Robert Berge, Cooperstown; No. 2400 - Jeffery Presser, Turtle Lake; No. 2483 - Vernon Klose, Fairview, Montana (this request was approved by State Engineer on September 3, 1976); No. 2447 - Howard J. Slaubaugh, Wolford; No. 2482 - Fred Kist, Mandan; No. 2477 - Ernest E. Schock, Turtle Lake; No. 2489 - Cedar Valley Ranch, Morrystown, S.D.; No. 2490 - Joseph J. Boehm, Karlsruhe; No. 2485 - Mark Andrews III, Mapleton; No. 2501 - Fort Union Trading Post National Historic Site (Theodore Roosevelt National Memorial Park), Medora; No. 2498 - Quincy C. Maw, Tappen; No. 2357 - John P. Getz, Rhame (this request was approved by State Engineer on August 17, 1976); No. 2459 - Marvin Fueller, Turtle Lake; No. 2495 - City of Cleveland; No. 2499 - Larry Vander Vorste, Linton; No. 2504 - City of Rutland; No. 2506 - Robert E. Berg, Lisbon; No. 2497 - Grand Forks-Trail Water Users, Inc., Thompson; No. 2511 - William D. Huether, Lisbon; No. 2456 - City of Rugby; No. 2522 - David Glinz, Jamestown; No. 2375 - Paulson Brothers, Cartwright; No. 2379 - Norman Dahl, Watford City; No. 2411 - Roger Evanson, Lisbon; No. 2448 - Ethel M. Croy, Cartwright; No. 2449 - Earl Satterthwaite, New Town; No. 2413 - Andy Anderson, Lisbon (granted a portion previously being held in abeyance); No. 2451 - Edward G. Schlosser, Jamestown; No. 2418 - Albert Maus, Golva; No. 2326 - Robert H. Simmers, Jamestown; No. 2424 - Rodney Anderson, Milnor (granted a portion previously

September 27 and 28, 1976

being held in abeyance); No. 2417 - Fargo Park District (Prairwood Golf Course); and No. 2277 - Wayne Reardon, Medina.

It was also moved by Commissioner Kramer and seconded by Commissioner Gray that the following requests be deferred at this time pending additional data and study:

No. 2471 - Oakes Farms, Oakes; No. 2463 - Guy Shaide, Cartwright; No. 2474 - Torrey Berge, Hannaford; No. 2446 - Paul C. Dinkins, Dunn Center; No. 2481 - Paul Hansen, Guelph; No. 2494 - John R. Beckstrand, Warwick; No. 2500 - Lloyd and/or Dennis Kittelson, Westby, Mont.; No. 2510 - Donald Reistad, Alkabo; No. 2509 - Clarence J. Greene, Tolna; No. 2502 - Omar Hamdan, Stanley; and No. 2523 - Norman Glinz, Bottineau. (SEE APPENDIX "B")

**RUSH LAKE DISCUSSION  
IN CAVALIER COUNTY  
(SWC Project No. 463)**

Secretary Fahy introduced members of the Cavalier County Water Management District who were appearing before the Commission to discuss illegal drainage and possible water management solution for Rush Lake which drains into Canada.

Murray Sagsveen and Steve Hoetzer, who have worked with the project problems, presented an oral and a slide presentation relative to the problems which have been encountered.

Discussions followed regarding alternative solutions and possible legal actions that may result. Generally, attempts were made to arrive at a lake level for Rush Lake and to resolve the dispute which is the basis for the legal action between the Commission and the Board of Commissioners. It was suggested by Mr. Sagsveen and Mr. Hoetzer that a 1553.5 elevation be designated for the Lake; however, it could be reduced if the level proved to be unacceptable to both parties. In addition, Mr. Hoetzer suggested that the existing dikes could be modified to retain water during dry years, but could be overtopped for additional flood storage during wet years. The Board agreed to discuss the matter so that the problem could be resolved.

The 1971 drainage moratorium for Cavalier County was raised by the Board. It was recognized by the Commission that the resolution would no longer serve a useful purpose after the drainage regulations became effective.

It was moved by Commissioner Gallagher and seconded by Commission Wilhelm that all drainage moratoriums be rescinded effective noon of the day following the date the

September 27 and 28, 1976

drainage regulations become effective. The motion carried.

It was moved by Commissioner Gray and seconded by Commissioner Lanz to approve financial assistance up to \$5,000 in a cooperative venture with the Cavalier County Water Management District for a Rush Lake control structure if the State Engineer and District arrive at a satisfactory agreement in regard to the control elevation. The motion carried.

There being no further business to come before the Commission, the meeting was adjourned at 2:30 p.m.

  
Arthur A. Link  
Governor-Chairman

ATTEST:

  
Vernon Fahy  
State Engineer, Secretary

September 27 and 28, 1976

STATE WATER COMMISSION REFER TO	
September 24, 1976	
For Your Info.	
Draft A Reply	
Respond Directly	
Comments?	
Let's Discuss	
Return to State Eng.	
File	

APPENDIX "A"

Vern Fahy  
 North Dakota State Water Commission  
 900 East Boulevard  
 Bismark ND 58505

Dear Mr. Fahy:

As citizens concerned about the proper use of our state's coal and water resources, and as participants in the Yellowstone River Basin Study, we have watched closely the actions of the Missouri River Basin Commission and the Yellowstone Study Staff. We have come to the conclusion that the study is not being managed in the interest of our state or in the interest of our neighboring states.

It seems that the staff of the commission has become so self-centered and so self-serving that they are unwilling to even comply with federal law dealing with public access to information. One staff member was asked to resign after he had agreed to answer questions that North Dakota Officials had about the Harza Study. The Commission staff refused to make that study <sup>draft</sup> available to the public, and are now refusing to allow states to use the study model developed for that study, one of the reasons for our state's participation in that study.

We believe that as our state's representative on the Missouri River Basin Commission, that you should insist on:

1. Immediate disclosure of all information relevant to the study.
2. The reinstatement of Keith Corrigall.
3. Assurance that the described events will not be repeated, and that the individuals responsible will be either disiplined or dismissed.

If these items cannot be accomplished, then it is apparent that the Missouri River Basin Commission has become a tool of the federal government, and is an infringement on our states right of self-determination. If this is the case, then we should not only withdraw from the Yellowstone Study, but should insist on the complete reorganization and restaffing of the Commission.

Sincerely,

<i>Richard Lefor</i> Richard Lefor	<i>Helene McDondld</i> Helene McDondld	<i>Arthur Sickler</i> Arthur Sickler
<i>Rosie Sickler</i> Rosie Sickler	<i>Dale Ziemann</i> Dale Ziemann	<i>Delores Ziemann</i> Delores Ziemann
<i>Layton Newton</i> Layton Newton	<i>Evelyn Newton</i> Evelyn Newton	<i>Bea Peterson</i> Bea Peterson

cc: Governor Arthur Link  
 Representative Mark Andrews

Senator Milton Young  
 Senator Quentin Burdick

WATER PERMIT AGENDA FOR SEPTEMBER 27 AND 28, 1976 MEETING

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2410	Schmidt, Raymond - Tioga (Williams County)	Unnamed Creek, trib. to White Earth River	Irrigation	108.0 acre-feet 160.0 acres	108.0 acre-feet 160.0 acres
2461	Barnes, Robert D. - Cartwright (McKenzie County)	Charbonneau Creek, trib. to Yellow- stone River	Irrigation	40.0 acre-feet 19.6 acres	19.6 acre-feet 19.6 acres
2462	Langseth, George and Jerome - Williston (Williams County)	Unnamed Draw, trib. to Stony Creek and Missouri River	Irrigation	30.3 acre-feet 18.0 acres	30.3 acre-feet storage, of which 18.0 acre- feet is to be used to irrigate 18.0 acres (Approved by State Engineer on 9-17-76)
2466	Lange, Bruce R. - Baldwin (Burleigh County)	Missouri River	Irrigation	128.8 acre-feet 64.4 acres	128.8 acre-feet 64.4 acres
2469	Slaubaugh, Floyd and Edith - Wolford (Rolette County)	Island Lake	Irrigation	225.0 acre-feet 217.8 acres	217.8 acre-feet 217.8 acres
2460	Trnka, Lester J. - Oakes (Dickey County)	Ground Water	Irrigation	1000.0 acre-feet 552.0 acres	Recommend for approval: 202.0 acre-feet, 135.0 acres in NE $\frac{1}{4}$ Sec 28; and 120.0 acre-feet, 80 acres in E $\frac{1}{2}$ SW $\frac{1}{4}$ in Sec 28, Twp 130, Rge 59. (480.0 acre-feet to irrigate E $\frac{1}{2}$ Sec 29 to be held in abeyance pending additional studies.)

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2429	Oakes Farms - Oakes (Dickey County)	Ground Water	Irrigation	960.0 acre-feet 640.0 acres	900.0 acre-feet 600.0 acres
2471	Oakes Farms - Oakes (Dickey County)	Ground Water	Irrigation	384.0 acre-feet 256.0 acres	Defer action at this time pending additional study and information.
2472	Missouri River Sand and Gravel - Bismarck (Burleigh County)	Ground Water	Industrial (Gravel Washing Plant)	10.08 acre-feet	10.08 acre-feet
2463	Shaide, Guy - Cartwright (McKenzie County)	Charbonneau Creek and Yellowstone River, trib. to Yellowstone River	Irrigation	200.0 acre-feet 99.6 acres	Defer action at this time pending additional data and investigations.
2474	Berge, Torrey - Hannaford (Griggs County)	Ground Water	Irrigation	857.0 acre-feet 571.3 acres	Defer action at this time pending additional study and information.
2446	Dinkins, Paul C. - Dunn Center (Dunn County)	Ground Water	Irrigation	464.0 acre-feet (376.0 Ground Water) ( 88.0 Spring Creek) 232.0 acres	Defer action at this time pending additional study and information.

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2270	Settelmeyer, George - New Rockford (Eddy County)	Ground Water	Irrigation	309.0 acre-feet 154.5 acres	202.5 acre-feet 135.0 acres
2437	Gillham, Chaney L. - Bowdon (Wells County)	Unnamed Lake, Non-contributing to Pipestem River	Irrigation	234.0 acre-feet 156.0 acres	135.0 acre-feet 135.0 acres
2465	Peltner, Sharon (Trust) - Hazelton (Kidder County)	Ground Water	Irrigation	960.0 acre-feet 640.0 acres	810.0 acre-feet 540.0 acres
2476	Schmidt, Joey - LaMoure (LaMoure County)	Ground Water	Irrigation	360.0 acre-feet 240.0 acres	360.0 acre-feet 240.0 acres
2479	Kenitzer, Jon O. - Dickinson (Stark County)	Ground Water	Industrial (trailer court)	30.0 acre-feet	10.0 acre-feet (This request approved by State Engineer on August 4, 1976)
706	Oakes, City of - Oakes (Dickey County)	Ground Water	Municipal (This is a request from the city of Oakes for a second point of diversion under water permit No. 706 in the NW¼SW¼ Sec 21, Twp 131, Rge 59 in a location known as the James Hockenberry Park.)	Recommendation is that this request be approved.	

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2475	Osterman, Mike - Cartwright (McKenzie County)	Missouri and Yellowstone Rivers	Irrigation	1046.0 acre-feet 523.4 acres	Recommend for approval: 502.8 acre-feet, 251.4 acres in Secs 14 & 15 from Mo. R.; & 272.0 acre-feet, 272.0 acres in Sec 23 from Yellowstone River
2457	Streich, Gary - Englevale (Ransom County)	Ground Water	Irrigation	248.0 acre-feet 124.0 acres	150.0 acre-feet 100.0 acres
2473	Berge, Robert - Cooperstown (Griggs County)	Ground Water	Irrigation	685.5 acre-feet 457.0 acres	Recommend for approval: 225.0 acre-feet, 150.0 acres in NW $\frac{1}{4}$ Sec 34; and 202.5 acre-feet, 135.0 acres in E $\frac{1}{2}$ Sec 28
2481	Hansen, Paul - Guelph (Dickey County)	James River	Irrigation	648.0 acre-feet 432.0 acres	Defer action at this time pending additional data and investigations.
2400	Presser, Jeffery - Turtle Lake (McLean County)	Ground Water	Irrigation	563.2 acre-feet 281.6 acres	390.0 acre-feet 260.0 acres
2483	Klose, Vernon - Fairview, Mt. (McKenzie County)	Ground Water	Irrigation	378.0 acre-feet 252.0 acres	Recommend for approval: 202.5 acre-feet 135.0 acres (Balance of request to be held in abeyance pending results of aquifer test)

This request was approved by  
State Engineer on September  
3, 1976

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2447	Slaubaugh, Howard J. - Wolford (Pierce County)	Unnamed Lake, which is non- contributing to Devils Lake Basin	Irrigation	30.0 acre-feet 33.6 acres	30.0 acre-feet 33.6 acres
2482	Kist, Fred - Mandan (Morton County)	Ground Water	Irrigation	153.8 acre-feet 76.9 acres	116.0 acre-feet 76.9 acres
2477	Schock, Ernest E. - Turtle Lake (McLean County)	Ground Water	Irrigation	444.2 acre-feet 296.1 acres	410.0 acre-feet 273.0 acres
2489	Cedar Valley Ranch - Morristown, SD (Sioux County)	Unnamed Inter- mittent Stream, trib. to Cedar and Cannonball Rivers	Irrigation - Waterspreading	67.4 acre-feet 57.4 acres	57.4 acre-feet 57.4 acres
2490	Boehm, Joseph J. - Karlsruhe (McHenry County)	Ground Water	Irrigation	320.0 acre-feet 156.0 acres	202.0 acre-feet 135.0 acres
2494	Beckstrand, John R. - Warwick (Benson County)	Ground Water	Irrigation	240.0 acre-feet 207.0 acres	Defer action at this time pending additional study and information.

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2500	Kittelson, Lloyd and/or Dennis - Westby, Montana (Divide County)	Ground Water	Irrigation	1920.0 acre-feet 936.0 acres	Defer action at this time pending additional study and information.
2485	Andrews, Mark III - Mapleton (Cass County)	Maple River, trib. to Red River of the North	Irrigation	320.0 acre-feet to be rotated on 1153.0 acres	320.0 acre-feet 320.0 acres (to be rotated on 1153.0 acres)
2501	Fort Union Trading Post National Historic Site (Theodore Roosevelt Nat. Memorial Park) - Medora (Williams County)	Ground Water	Recreation	1.27 acre-feet	1.27 acre-feet
2498	Maw, Quincy C. - Tappen (Kidder County)	Ground Water	Irrigation	770.0 acre-feet 385.0 acres	Recommend for approval: 202.0 acre-feet 135.0 acres (375.0 acre-feet shall be held in abeyance pending additional data.)
2357	Getz, John P. - Rhame (Slope County)	Unnamed Intermit- tent Draw, trib. to Deep Creek and Little Missouri River	Irrigation- Waterspreading	58.0 acre-feet 29.4 acres	29.4 acre-feet 29.4 acres (This request was approved by State Engineer on August 17, 1976)

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2459	Fueller, Marvin - Turtle Lake (McLean County)	Ground Water	Irrigation	468.0 acre-feet 312.0 acres	468.0 acre-feet 312.0 acres
2495	Cleveland, City of - Cleveland (Stutsman County)	Ground Water	Municipal	21.5 acre-feet	21.5 acre-feet
2499	Vander Vorste, Larry - Linton (Emmons County)	Missouri River	Irrigation	539.8 acre-feet 269.9 acres	539.8 acre-feet 269.9 acres
2503	Kramer, Michael - Beach (Golden Valley Co.)	Unnamed Draw, trib to Little Missouri River	Irrigation	47.0 acre-feet 47.0 acres	This application was with- drawn per request by the applicant on Sept. 7, 1976.
2504	Rutland, City of - Rutland (Sargent County)	Ground Water	Municipal	112.0 acre-feet	112.0 acre-feet
2506	Berg, Robert E. - Lisbon (Ransom County)	Ground Water	Irrigation	1120.0 acre-feet 560.0 acres	202.0 acre-feet 135.0 acres

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2510	Reistad, Donald - Alkabo (Divide County)	Ground Water	Irrigation	640.0 acre-feet 312.0 acres	Defer action at this time pending additional study and information.
2497	Grand Forks-Traill Water Users, Inc. - Thompson (Grand Forks Co.)	Ground Water	Municipal- (Rural Domestic)	200.0 acre-feet	200.0 acre-feet
2511	Huether, William D., Jr- Lisbon (LaMoure County)	Ground Water	Irrigation	3466.0 acre-feet 2310.8 acres	Recommend for approval: 450.0 acre-feet, 300.0 acres in SE $\frac{1}{4}$ Sec 35 & SW $\frac{1}{4}$ Sec 36; and 225.0 acre-feet, 150.0 acres in SW $\frac{1}{4}$ Sec 2 (2370.0 acre-feet to be held in abeyance pending add. data.)
2509	Greene, Clarence J. - Tolna (Benson County)	Ground Water	Irrigation	960.0 acre-feet 624.0 acres	Defer action at this time pending additional study and information.
2502	Hamdan, Omar - Stanley (Mountrail County)	Ground Water; or Ground Water and Sloughs, trib. to Missouri River	Irrigation	320.0 acre-feet Ground Water; or 201.31 acre-feet Ground Water and 118.69 acre-feet Surface Water	Defer action at this time pending additional data and study.
2456	Rugby, City of - Rugby (Pierce County)	Ground Water	Municipal	1127.0 acre-feet	Recommend: 405.0 acre-feet - first year 340.0 " " - second " 275.0 " " - each year thereafter

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2522	Glinz, David - Jamestown (Stutsman County)	Ground Water	Irrigation	320.0 acre-feet 235.0 acres	320.0 acre-feet 220.0 acres
2523	Glinz, Norman - Bottineau (Stutsman County)	Ground Water	Irrigation	520.0 acre-feet 312.0 acres	Defer action at this time pending additional data and Investigations.
2375	Paulson Brothers - Cartwright (McKenzie County)	Missouri and Yellowstone Rivers	Irrigation	992.0 acre-feet 495.8 acres	724.4 acre-feet, 362.2 acres from Missouri River in Secs 25 and 36; and 133.6 acre-feet, 133.6 acres from Yellowstone River in Sec 26
2379	Dahl, Norman - Watford City (McKenzie Co.)	Ground Water or overflow from City Lagoon; and Cherry Creek, trib. to Little Missouri River	Irrigation	280.0 acre-feet (178.0 acre-feet Ground Water or City Lagoon; 102.0 acre-feet Cherry Creek) 142.4 acres	230.2 acre-feet (178.0 acre-feet from City Lagoon; and 52.2 acre-feet from Cherry Creek) 142.4 acres
2411	Evanson, Roger - Lisbon (Ransom County)	Sheyenne River, trib. to Red River	Irrigation	808.0 acre-feet 404.0 acres	Recommend for approval: 84.0 acre-feet 84.0 acres in Sec. 16 (Remaining portion of request shall be held in abeyance pending additional data.)
2448	Croy, Ethel M. - Cartwright (McKenzie Co.)	Yellowstone River, trib. to Missouri River	Irrigation	80.0 acre-feet 78.0 acres	78.0 acre-feet 78.0 acres

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2449	Satterthwaite, Earl - New Town (Mountrail County)	Little Knife River, trib. to Missouri River	Irrigation- Waterspreading	22.0 acre-feet 22.1 acres	22.0 acre-feet 22.1 acres
2413	Anderson, Andy - Lisbon (Ransom County)	Ground Water	Irrigation	A portion of the water requested under this application was granted June 16, 1976 - it is now recommended that the proposed development in the SW $\frac{1}{4}$ of Sec 16, Twp 134, Rge 54 be granted for the withdrawal of 202.0 acre-feet to irrigate 135.0 acres (Balance of request shall be held in abeyance pending additional information)	
2451	Schlosser, Edward G. - Jamestown (Stutsman County)	Unnamed Draw, trib. to James River	Irrigation	376.0 acre-feet 187.9 acres	187.9 acre-feet 187.9 acres
2418	Maus, Albert - Golva (Golden Valley Co.)	Unnamed Draw, trib. to Bullion Creek and Little Missouri River	Irrigation- Waterspreading	58.8 acre-feet 58.8 acres	58.8 acre-feet 58.8 acres
2326	Simmers, Robert H. - Jamestown (Stutsman County)	Unnamed Stream, trib. to James River	Recreation	46.5 acre-feet storage plus 24.6 acre-feet annual use	46.5 acre-feet storage plus 24.6 acre-feet annual use
2424	Anderson, Rodney - Milnor (Ransom County)	Sheyenne River and Ground Water	Irrigation	A portion of the request from Sheyenne River was granted on May 24, 1976 - it is now recommended that the proposed development requesting ground water be granted for the withdrawal of 202.0 acre-feet, 135.0 acres in the SW $\frac{1}{4}$ of Section 28; and 180.0 acre-feet, 120.0 acres in Sec 15. (The remaining portion of the request from the Sheyenne River shall be held in abeyance)	

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2417	Fargo Park District (Prairiewood Golf Course) - Fargo (Cass County)	Ground Water	Irrigation	62.0 acre-feet 31.04 acres	62.0 acre-feet 31.04 acres
2277	Reardon, Wayne - Medina (Stutsman County)	Ground Water	Irrigation	280.0 acre-feet 198.4 acres	240.0 acre-feet 160.0 acres