

MINUTES

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

May 27, 1977

The North Dakota State Water Commission held a meeting on May 27, 1977, 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 1:40 p.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, Bismarck
Vernon Fahy, Secretary and State Engineer, North Dakota State
Water Commission, Bismarck

OTHERS PRESENT:

State Water Commission Staff Members
Citizens interested in acreage limitation discussion
Representatives from the James Valley Irrigation Association
Representatives from the City of Devils Lake
Representatives from the Ramsey County Water Management District
Representatives from the Burleigh Water Users Coop
Representatives from the Cass Rural Water Users, Inc.
Representatives from the Missouri West Water Systems Coop
Jim Petrik, Bureau of Reclamation, Bismarck
Robert Sanders, North Dakota Farmers Union, Jamestown
Representative Rick Maixner, New England

Attendance Register is on file in the State Water Commission office for the May 27, 1977 meeting (filed with official copy of Minutes)

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

**CONSIDERATION OF MINUTES OF
APRIL 15, 1977 MEETING -
APPROVED**

Secretary Fahy briefly reviewed the minutes of the April 15, 1977 meeting held in Minot, North Dakota.

It was moved by Commissioner Gray, seconded by Commissioner Wilhelm, and carried, that the minutes of April 15, 1977 be approved as prepared and distributed.

**CONTINUED DISCUSSION ON FEASIBILITY
OF ADOPTING REGULATIONS LIMITING
ACREAGE TO BE IRRIGATED
(SWC Project No. 1400)**

At the April 15, 1977 meeting, a discussion paper relative to limiting acreage for irrigation was presented to the Commission for their consideration. The paper contained the concept which would require

an absolute acreage limitation of 480 acres per landowner. Under this concept, if a landowner acquired irrigated acreage in excess of 480 acres, he must then divest himself of the water right for the excess land.

After lengthy discussion of this proposal at that meeting, the Commission directed the State Water Commission staff to prepare a draft for the Commission's consideration at its next meeting of an alternative incorporating Commissioner Just's suggestions. This proposal would limit the number of acres an applicant could apply for in any given period of time.

Murray Sagsveen, Legal Counsel for the Commission, noted that the absolute acreage limitation concept is similar to the proposal contained in the Federal Reclamation Laws, which limits a landowner to receiving water to irrigate not more than 160 acres.

Governor Link asked if the State Engineer or members of his staff have reviewed similar provisions that may be enforced in other states relative to limiting acreage for irrigation.

Secretary Fahy replied that he and several of his staff members had recently met with the Association of Western States Engineers and had discussed this topic with other state representatives. In no instances have other states made any proposals relative to the limitation of acreage, recognizing some of the problems involved. He did note that Washington State has tried to impose limiting acreage for irrigation and is now in Court as a result of it.

At this time, Governor Link invited comments from those in the audience who wished to express their views on the subject of discussion.

Marvin Werner from LaMoure, North Dakota, representing the James Valley Irrigation Association, made the following comments: this Association has recently been formed and represents approximately 180 irrigators in the southeastern part of North Dakota. Mr.

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Werner related some suggestions from the Association's Board: once a landowner has applied for a water permit, his name goes to the bottom of the list of potential applicants and then when his name reappears at the top of the list, he may apply for additional acreage. The Board does not go along with the 15-20 year renewal of a permit because of the expenses involved in irrigation - receiving a permit and then when the permit is renewed, living with the possibility that maybe this permit would not be renewed. This investment would then be lost.

Recommendations presented by Mr. Werner from the Association's Board were that members of the Association meet with the State Water Commission to present input in assisting the Commission in making a determination relative to establishing a policy for acreage limitation. He also recommended that a member of the State Water Commission should be appointed from the southeastern part of North Dakota.

Allen Hansen, Ludden, North Dakota, also a member of the James Valley Irrigation Association, reiterated support of the suggestions and recommendations presented by Mr. Werner from the Board. He expressed concern of the possible 15-20 year renewal suggestion because he feels that the investment goes far beyond the costs of the irrigation system.

Frank Lassey from western McKenzie County stated that he supports the 160-acre limitation concept, because he feels that water, like energy, will have to be rationed and that more people should be able to use and benefit from this resource.

George Heinrich, Adrian, North Dakota, voiced support for the absolute acreage limitation concept, and indicated that more aquifer information, particularly the rate of aquifer recharge, should be known.

Representative Rick Maixner from New England, North Dakota, distributed and discussed progressive water rate tables relating to water use fees and acreage limitation. These tables are attached hereto and labeled as APPENDIX "A".

Representative Maixner requested to go on record as favoring the absolute limitation concept of 160 or 320 acres per operator, so that when a landowner who wants to irrigate, but doesn't have the capital today to invest in an irrigation system, will have water available for his use when conditions permit such an investment. With this concept, the same landowners will not be permitted to over-appropriate an aquifer.

Jake Swenson, a former Burleigh County Commissioner, commended the State Water Commission for the job they are doing. He noted several incidents in other states whereby irrigators have destroyed the water supply of non-irrigators and feels that the non-irrigator should receive some reimbursement when this situation occurs. He indicated that on his own land, he has several dugouts which become very low at the time of irrigation when he also needs the water.

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Mr. Swenson went on record as favoring the absolute acreage limitation concept.

Ruben Hummel from Mott, North Dakota, favored the 160-acre concept per landowner, and generally discussed different aspects relative to irrigation.

Robert Sanders, representing the North Dakota Farmers Union, stated that at their convention last fall, there was considerable discussion relative to preserving the right for people who can't immediately afford to install an irrigation system, but who live over an aquifer. When finances can be arranged for the potential irrigator - will there be water available for allocation?

The delegates at the Farmers Union Convention voted to insert into the Farmers Union program, a statement requesting a limit of 160 acres per person of water allocation.

It was the recommendation of the Farmers Union Board, presented by Mr. Sanders, that the State Water Commission be encouraged to adopt a policy of a 160-acre limit per person for the allocation of water.

Governor Link asked Secretary Fahy to relate to the Commission the procedure which normally would be followed in adopting and approving rules and regulations.

Secretary Fahy replied that in most instances in matters similar to the one being discussed, the Commission would decide what they wanted to include in the proposal, a notice of hearing would be published and then a public hearing or hearings would be held.

It was the consensus of the Commission, that the procedure suggested by the State Engineer be followed as a course of action in determining a policy for the approval and adopting of acreage limitation.

APPEARANCE OF REPRESENTATIVES
OF CITY OF DEVILS LAKE TO
DISCUSS STORM DRAIN PLANS
(SWC Project No. 1553)

Secretary Fahy recalled that sometime ago, the State Water Commission entered into an agreement with the Ramsey County Water Management District for some rural drainage in the vicinity of Devils Lake.

The State Water Commission approved participation in the amount of \$112,000 for such work.

Mr. Robert Garske, Chairman of the Ramsey County Water Management District, stated that since the engineer's estimate was completed, inflation has caused an increase in the costs of the project. Mr. James Leander, City Engineer for the City of Devils Lake, was introduced to share with the Commission members information relating to the increase.

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Mr. Leander introduced the Mayor of Devils Lake, Mr. Dennis Riggin, Commissioner Lloyd G. Hinchberger, and a representative of an architectural firm, Mr. Ralph Gilbertson.

Mr. Leander distributed copies of a letter from the architectural firm. Total costs by this firm as of May 25, 1977, were \$852,228, of which 40 percent, or \$340,891 would be maximum State Water Commission participation costs, if it is assumed that all costs were qualified. At the time, the Commission approved participation of \$112,000, the engineer's estimate of the total qualified construction costs were \$280,000.

At this time, Mr. Leander requested the Commission, in light of inflation, to reconsider its participation for the increase of costs.

Secretary Fahy explained that \$112,000 was included in the 1975-77 budget and these funds are only available until July 1, 1977. He indicated that there are no funds budgeted for the Devils Lake project for the ensuing biennium. The only possible alternative for the availability of additional funds would be a cancellation of another project.

Mr. Leander stated that the call for bids is out and that the bid letting date is June 13, 1977. Awarding of the bids is expected before June 30, 1977.

It was moved by Commissioner Lanz that if additional funds are available at the end of the biennium, the State Engineer, at his discretion, should consider allocating additional funds up to 40 percent of increased qualified construction costs to the City of Devils Lake. The motion received a second from Commissioner Kramer. All members voted aye on the motion; the motion carried unanimously.

APPEARANCE OF REPRESENTATIVES FROM BURLEIGH, EMMONS, MCINTOSH AND LOGAN COUNTIES, AND REPRESENTATIVES FROM BUREAU OF RECLAMATION AND MISSOURI WEST WATER SYSTEMS COOP TO DISCUSS POTENTIAL OF RURAL WATER SYSTEMS WITHIN 12-COUNTY AREA (SWC Project No. 1574)

Mr. Daryl Fredericks, Manager of Missouri West Water Systems Coop, distributed copies of a Resolution for Domestic Water Supplies Feasibility Investigation and a Request for Authorized Funding adopted by the Missouri West Water Systems Cooperative, the Burleigh County Water Users Association, and the State Line Rural Water System. These items are attached hereto as APPENDIX "B".

Mr. Fredericks briefly explained the intent of the attached resolution.

Mr. Fredericks then introduced Mr. John Erickson, Burleigh County Water Users Association.

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Mr. Erickson stated that in the fall of 1976, these Associations began initial work to request funds for a feasibility investigation for a multi-purpose water system within a 12-county area (including the counties of Dunn, Stark, Grant, Sioux, Morton, Oliver, Mercer, Burleigh, Kidder, Emmons, McIntosh and part of Logan), for the purpose of developing a Missouri River diversion water supply, central water treatment plant, trunk pipeline system and distribution network to best meet the present and anticipated future domestic water needs of at least 80,000 users living in the rural areas including cities and towns, and thereby sustain and improve the quality of life in these areas.

Mr. Erickson stated that in order to receive authorization to ask Congress for federal funds approximating \$180,000, it is necessary to receive support from the State. Therefore, Mr. Erickson requested the State Water Commission adopt a resolution expressing its support of the project. Meetings have been held with the North Dakota Congressional Delegation so they are aware of the proposal.

The feasibility study, if funds are appropriated, would be conducted by the Bureau of Reclamation.

It was moved by Commissioner Gallagher that the State Water Commission prepare and adopt an appropriate resolution expressing support of the proposal discussed. The motion received a second from Commissioner Lanz.

In discussion of the motion, Mr. Alfred Thompson, Burleigh Water Users Association, also urged the Commission's support of the proposal, and cited the critical need of good clean water in many of our rural areas.

Mr. Jim Petrik, Bureau of Reclamation, explained to the Commission members that the Bureau became involved in the study request as a result of local citizens meeting with the Bureau of Reclamation's Regional Engineer last fall requesting the Bureau to do a study. The reply the locals received from the Bureau of Reclamation was - "yes, we'll do a study, if you get it authorized".

Mr. Fay Waxner, representing the North Dakota State Association of Rural Water Systems, stated that this Board has met and discussed the proposed feasibility study, and supports such a study.

On the call of the question, all members voted aye, and the motion carried unanimously.
(SEE APPENDIX "C" - Resolution No. 77-5-397,
In Support of Feasibility Study for Twelve-
County Rural Water System)

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APPEARANCE OF BRUCE HAGEN, PUBLIC SERVICE COMMISSION, TO DISCUSS THE NEED AND FEASIBILITY FOR A REGULATION REQUIRING THE IRRIGATION OF CERTAIN RECLAIMED LANDS (SWC Project No. 1612)

Secretary Fahy introduced Mr. Bruce Hagen, Public Service Commission, who requested an audience before the State Water Commission.

Mr. Hagen expressed his compliments to the State Water Commission and its staff for the work they are doing and in particular to the steps that are being considered in relation to possible acreage limitation for water permits. He voiced his concern that he is in favor of such limitations.

Mr. Hagen stated that on July 18, 1977 in Beulah, the Public Service Commission will be holding a three-day hearing, or longer if needed, on the gasification siting proposal of ANG. A similar hearing was held recently in Beulah on the Coyote Plant.

At the Coyote hearing, a preliminary estimate of 15,000 acres could be mined in the Beulah area over the life of the gasification plants and the question was raised to representatives attending the hearing who would like to build the plants - would you work together with a local irrigation district as you mine the land to get the coal for the plant, if such a district was formed?

Mr. Hagen indicated that one of the criteria for the Public Service Commission Siting Law is that the existing culture shall be preserved. He stated that it is not known if the soil in the Beulah area is adaptable to irrigation, but the creation of an irrigation district would enhance and intensify the agriculture of the area.

The PSC, upon completion of siting requirements, can write conditions into the permit, and suggested that perhaps one of the conditions could be a requirement that all the public utilities, the co-ops and gasification companies will have to work specifically to try to develop irrigation districts.

Mr. Hagen requested the State Water Commission staff to look at possibilities of creating an irrigation district in this area, and would appreciate any assistance which the State Water Commission could contribute.

Commissioner Gallagher recalled that when the Commission adopted conditions for conditional water permits to energy conversion applicants, a condition was adopted giving the State Water Commission the right to include additional conditions, and suggested that perhaps this may be an alternative to Mr. Hagen's proposal.

Secretary Fahy suggested that he felt this would be an excellent opportunity to involve the Universities in some fashion in doing research on the compatibility of the soils.

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Mr. Hagen indicated that the last session of the Legislature did authorize approximately \$480,000 for the coming biennium for reclamation-related research.

Due to the importance of the topic of discussion, Governor Link invited a motion from the Commission to adopt a resolution that would direct the State Water Commission to proceed with investigating expanding irrigation research on mined lands.

After considerable discussion, it was moved by Commissioner Gallagher that the State Water Commission staff be directed to proceed to investigate the expanded irrigation of the lands and the water requirements for irrigating lands in the coal areas; assist in the establishment of irrigation districts where feasible; and investigate the possibility of getting some large facilities to be installed to provide irrigation waters. The motion received a second from Commissioner Lanz.

On discussion of the motion, Secretary Fahy inquired if the Mined-Lands Reclamation Committee was still in existence.

Mr. Ed Englerth, PSC, replied that this Committee was still in existence.

Secretary Fahy offered a suggestion for the Commission's consideration that the State Engineer and Mr. Englerth meet with the Mined-Lands Reclamation Committee to discuss the matter and request the Committee to develop a proposal for consideration by each of the two agencies.

At this time, a substitute motion was offered by Commissioner Kramer that the State Engineer and the Public Service Commission Director meet with the Mined-Lands Reclamation Committee to develop a proposal as suggested in the original motion. Commissioner Lanz seconded the substitute motion. All members voted aye; the substitute motion carried unanimously.

CONSIDERATION OF WATER
PERMIT REQUESTS
(SWC Project No. 1400)

Secretary Fahy presented APPENDIX "D", representing the water permit agenda, for the Commission's consideration.

A delegation was in attendance for the consideration of water permit No. 2697, Cass Rural Water Users, Inc., who have made application for the appropriation of 500.0 acre-feet of water for municipal

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(rural domestic) use from ground water. The recommendation of the State Engineer is to grant 500.0 acre-feet of water to the applicant.

Dave Ripley, Hydrologist for the State Water Commission, explained that if this request is granted, the total appropriation and pumping rate would be subject to the results of an aquifer test.

Mr. Hank Transgrud, representing Houston Engineers from Fargo and consulting engineers for the Cass Rural Water District, briefly discussed with the Commission members their immediate plans and also possible future expansion plans. He also answered general questions regarding the project.

Fay Waxner, Vice President of the Cass Rural Water Users, explained what is involved in the creation of a rural water users association. This particular rural water district being developed is divided into three phases - the request being considered today is for a water permit for Phase 2, the Leonard System. Mr. Waxner indicated that the Association will be applying for a water permit in the future for Phase 3, the Page System.

After discussion, it was moved by Commissioner Gray that the request filed by the Cass Rural Water Users, Inc., water permit No. 2697, be approved to appropriate up to 500.0 acre-feet of water for municipal (rural domestic) purposes. The motion was seconded by Commissioner Wilhelm. All members voted aye, the motion carried.

Considerable discussion then centered around acreage limitation, aquifer management, predictive modeling of aquifers and county ground-water studies.

It was moved by Commissioner Gray that the balance of the water permits which have been recommended for approval by the State Engineer be granted, subject to the conditions indicated on each respective permit. The motion was seconded by Commissioner Gallagher. All members voted aye; the motion carried unanimously.

The following applications were granted:
No. 2735 - Harvey Meyer, Pollock, S.D.
(this request was approved by State Engineer on May 9, 1977, now being reaffirmed by the Commission); No. 2697 - Cass Rural Water Users, Inc., Kindred; No. 2726 - David Holman, Clifford; No. 2547 - Jay C. Anderson, Jamestown; No. 2738 - Thomas

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O'Neill, Woodworth; No. 2741 - Patricia Clairmont, Bismarck (this request was approved by the State Engineer on May 26, 1977, now being reaffirmed by the Commission); No. 2055 - City of Edgeley (this was a request for a change in the points of diversion); No. 1956 - George Heinrich, Adrian (this was a request for a change in the points of diversion); No. 2758 - Ervin and Roger Bourgois, Bismarck (this request was approved by the State Engineer on May 26, 1977, now being reaffirmed by the Commission); No. 2759 - Crown Butte Coop, Mandan; No. 1872 - Alfred C. Falk, Tappen (this was a request for a change in the points of diversion); No. 2231A - George Schwab, Englevale (this request was approved by the State Engineer on April 27, 1977, now being reaffirmed by the Commission); No. 2727 - E. A. Visto, Oakes; No. 2721 - Curtis N. Knutson, Oakes (this request was approved by the State Engineer on April 28, 1977, now being reaffirmed by the Commission); No. 1129 - City of Pick City (this was a request for a change in the points of diversion); No. 2673 - Harold Treeby, Hecla, S.D. (this request was approved by the State Engineer on May 2, 1977, now being reaffirmed by the Commission); No. 2583 - Otter Tail Power Company, Fergus Falls, Minn. (this request was approved by the State Engineer on May 2, 1977, now being reaffirmed by the Commission); No. 2709 - Dennis Backstrom, Maddock; No. 2724 - Joseph Pleines, Woodworth; No. 2618 - City of Stanton Park Board, Stanton (this request was approved by the State Engineer on May 6, 1977, now being reaffirmed by the Commission); No. 2719 - Larry L. Vasvick, Ellendale (this request was approved by the State Engineer on May 6, 1977, now being reaffirmed by the Commission); No. 2235 - Tri-County Water Users, Inc., Lakota; No. 2610 - James Wall, Lisbon; No. 2605 - Roger Evanson, Lisbon; No. 2698 - Kenneth E. Huebner, Grand Forks; No. 2734 - Ingstad Land & Cattle Co., Valley City; No. 2722 - City of Sheyenne; No. 2502 - Omar Hamdan, Stanley; No. 2699 - James and Edna Edwards, Plaza; No. 1820 - Ronald Seefeldt, LaMoure (this was a request for a change in the points of diversion); No. 2705 - Everetts &

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Associates, Inc. and Pipestem Sand and Gravel, Jamestown; and No. 2716 - Kenneth Moser, Pollock, S.D.

It was also moved by Commissioner Gray, seconded by Commissioner Gallagher, and carried, that the following applications be deferred at this time:

No. 2720 - Harlan N. Heinrich, Adrian; No. 2625 - Allen E. Nielson, Valley City; No. 2431 - James R. O'Keefe and Randall Melaas, Walhalla; No. 2692 - Alfred Lutgen, LaMoure; No. 2642 - Myron Hoeckle, Edmunds; No. 2710 - David Kaspari, Sheldon; No. 2663 - Lawrence Larson, Lisbon; No. 2428 - Allen Hansen, Ludden; No. 2718 - City of Oriska; No. 2739 - Robert Lewis, Hecla, S.D.; No. 2740 - Jean Ford, Devils Lake; No. 2690 - Hilbert Satrom, Galesburg; No. 2743 - Jake Taverna, New Rockford; No. 2749 - H. F. Burton, Pleasant Lake; No. 2751 - Phil Brademeyer, Oakes; No. 2752 - Edward A. Langelier, Pollock, S.D., No. 2754 - Jerrold S. Skadberg, Carrington; No. 2755 - Vera Smart, Fargo; No. 2756 - Laverne Boe, Turtle Lake; No. 2757 - Larry Umber, Pollock, S.D.; No. 2733 - Philip J. Kurtz, Bismarck; No. 2715 - William Martian, Rhame; No. 2760 - Joseph B. and/or James K. Cook, Hazen; No. 1952 - Alfred Foell, Moffit; No. 2761 - Alfred Foell, Moffit; No. 2762 - Ray Lindvig, Williston; No. 2763 - Wallace Froemke, Sheldon; No. 2703 - City of Marmarth; No. 2714 - Lee Brothers, Kindred; No. 1762 - F. L. Tompkins, Minot; No. 2713 - Donald Hall, Trotters; No. 2736 - Anna Peterson, Oakes; No. 2737 - Moses Peterson, Oakes; No. 2731 - Mary Wagner, Englevale; No. 2732 - Ronald Wagner, Englevale; No. 2730 - David P. Nelson, Lisbon; No. 2746 - Dennis Wendel, LaMoure; and No. 2764 - Sinner Bros. & Bresnahan, Casselton. (SEE APPENDIX "D")

APPEARANCE OF DALE FRINK TO
PRESENT STATUS REPORT ON
YELLOWSTONE LEVEL "B" STUDY
(SWC Project No. 1508)

Due to a previous commitment making it necessary for the Assistant Study Director of the Yellowstone Level "B" Study, Don Ohnstad, to be in Omaha this date, Dale Frink, a State Water

Commission staff member and a member of the State Study Team of the Yellowstone Study, presented an updated report of the study to the Commission members.

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Mr. Frink indicated that the State Study Team is probably one of the most important aspects of the study because this is the team that has to come up with a recommended plan. The State Study Team consists of State and Federal agencies and various citizens.

The Study Team met in April and considerable progress toward the recommended plan was made at that meeting. It is hopeful that the recommended plan can be completed at the Team's meeting on June 1 and 2.

He discussed some of the projects and actions that the State Study Team has recommended: 1) four rivers in the State of North Dakota be designated as scenic rivers (a) the Yellowstone River from Montana State line to confluence of the Missouri River; (b) the Knife River from Manning to the Missouri River; (c) the Heart River below Heart Butte Dam; and (d) the Cannonball River east of Shields; 2) the team has recommended that the level of energy in this area be restricted to what has already been granted by the State Water Commission; 3) irrigation in the 15-county area be limited to private development; and 4) accelerate funding for programs that require environmental-based data.

Mr. Frink reviewed the time schedule for completion of the project indicating that North Dakota's draft is scheduled for completion June 30, 1977, and Montana and Wyoming's drafts are due for completion approximately three months later. After all three states have completed their drafts, there is a 45-day review session in which the Missouri River Basin Commission must act, and then there is a 90-day formal review period. The final date of completion is when the plan is submitted to the Water Resources Council, tentatively scheduled for February, 1978.

CONSIDERATION OF ADOPTION OF
RESOLUTION REQUESTING CORPS
OF ENGINEERS TO CONDUCT STUDIES
TO DETERMINE FEASIBILITY TO SNAG AND
CLEAR RED RIVER OF THE NORTH
(SWC Project No. 1638)

Secretary Fahy presented a draft resolution for the Commission's consideration which would request the Corps of Engineers to conduct studies to determine the feasibility of snagging and clearing the Red River of the North as it borders on Cass

County, North Dakota, under the authority provided by Section 208 of the 1954 Flood Control Act as amended.

He noted that if it is found feasible and advisable to snag and clear the Red River of the North as it borders on Cass County, North Dakota, the State Water Commission would be required before construction commences to enter into a contractual agreement that it will provide such local cooperation as may be prescribed by the Secretary of the Army.

It was recommended by the State Engineer that the Commission adopt such a Resolution.

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It was moved by Commissioner Lanz, seconded by Commissioner Kramer, and carried, that the State Water Commission adopt Resolution No. 77-5-396, Snagging and Clearing Red River of the North, and transmit appropriate number of copies to the Corps of Engineers requesting them to conduct studies to determine the feasibility of snagging and clearing the Red River of the North as it borders on Cass County, North Dakota. (SEE APPENDIX "E")

Secretary Fahy introduced Mr. Mike Dwyer, who will be assisting Murray Sagsveen in the Legal Division of the Water Commission.

CONSIDERATION OF FINANCIAL STATEMENT

Secretary Fahy indicated that copies of the financial statement were in the folders of the Commissioners, and

Matt Emerson made some very brief remarks regarding the statement.

The Commissioners commended Mr. Emerson for the very excellent work he is doing in relation to the Water Commission's budget program.

The meeting was adjourned at 6:45 p.m.



 Arthur A. Link
 Governor-Chairman

ATTEST:



 Vernon Fahy
 State Engineer and Secretary

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NORTH DAKOTA STATE WATER COMMISSION

REGISTER

ATTENDANCE AT State Water Commission Meeting
 DATE May 27, 1977 PLACE State office Bldg.
Vocational Ed. Conference Room
Bismarck, N.D. PROJECT NO. _____

Your Name	Your Address	Who do you Represent? (Or Occupation)
JAMES K. LEANDER	Devils Lake No Dak	City of Devils Lake
Lloyd G. Henschberger	Devils Lake, N. Dak.	City of Devils Lake
J. K. Lybeck	Devils Lake, N. Dak. Kochalein Lightowler Johnson	Ransom Co. Water Mgt. District
Ralph Gilbertson	Fargo N.D.	City of Devils Lake
Bob Benson	Webster	RC W M D
Alfred Thompson	Bismarck N.D.	Burlington Water Users Assn.
Jim Petrik	Bismarck ND	U.S. Bur. of Reclamation
ROHN R. ERICKSON	" "	Burlington WATER USERS CORP.
Ruhad Hammad	" "	" "
Ed Kallor	Wyndmere N. Dak	James Valley Irrig
Mans Werner	Sammons N. D.	James Valley Irrig assoc
Allen Housen	Juddon N. D.	James Valley Irr. assoc.
Hank Weber	Casselton	Rural Cass Hrs
Bennie Ferrig	HOUSTON ENGR, FARGO	Cass Rural Water Users
Arnold Hoffmann	Wheatland N.D.	Rural Cass

NORTH DAKOTA STATE WATER COMMISSION

REGISTER

ATTENDANCE AT _____

DATE _____ PLACE _____

PROJECT NO. _____

Your Name	Your Address	Who do you Represent? (Or Occupation)
Albert J. Erdman	Wheatland	Cass Water
Edwin R. Brown	Buffalo	Cass Rural Water
Fred C. Groat	Empha	Cass Rural Water
Roland F. Menge	Enderlin	Cass Rural Water
Evan Breitay	Wheatland	Cass Rural Water
Robert Reichmann	alice	Cass Rural Water
Hugo Hoffmann	Wheatland	Cass Rural Water
Archie Giese	New Salem	Missouri West Water Corp
LYLE WICAL	BUFFALO N. DAK	Cass Rural Water
John D. Kelly	Fargo	Attorney - Cass Rural Water
Harold Kowalski	Buffalo, N. Dak.	Cass Rural Water Div.
Ernest Kirsch	Adrian N. D.	self.
Carl Kogel	Mandan N. D.	Self
Samuel Zudeint	Floodin, ND	Missouri West Water System
James Ketterling	Box 727 Mandan, N. D.	N. D. Assoc. REC's / RTC's



HOUSE CHAMBER

Forty-fifth Legislative Assembly

STATE OF NORTH DAKOTA

BISMARCK 58505



Rep. Rick Malxner
 District 39
 Rural Route 3, Box 69A
 New England, ND 58647

Committee
 Industry, Business
 & Labor
 Natural Resources

Up to 500 acre-feet	No Charge
Each acre-foot over 500	\$50/ acre-foot
" " " " 1000	\$100/ " "
" " " " 2000	\$200/ " "
" " " " 3000	\$300/ " "
" " " " 4000	\$400/ " "
" " " " 6000	\$500/ " "
" " " " 8000	\$600/ " "
" " " " 10000	\$700/ " "
" " " " 12000	\$800/ " "

Total Annual Fee for Permit Holder

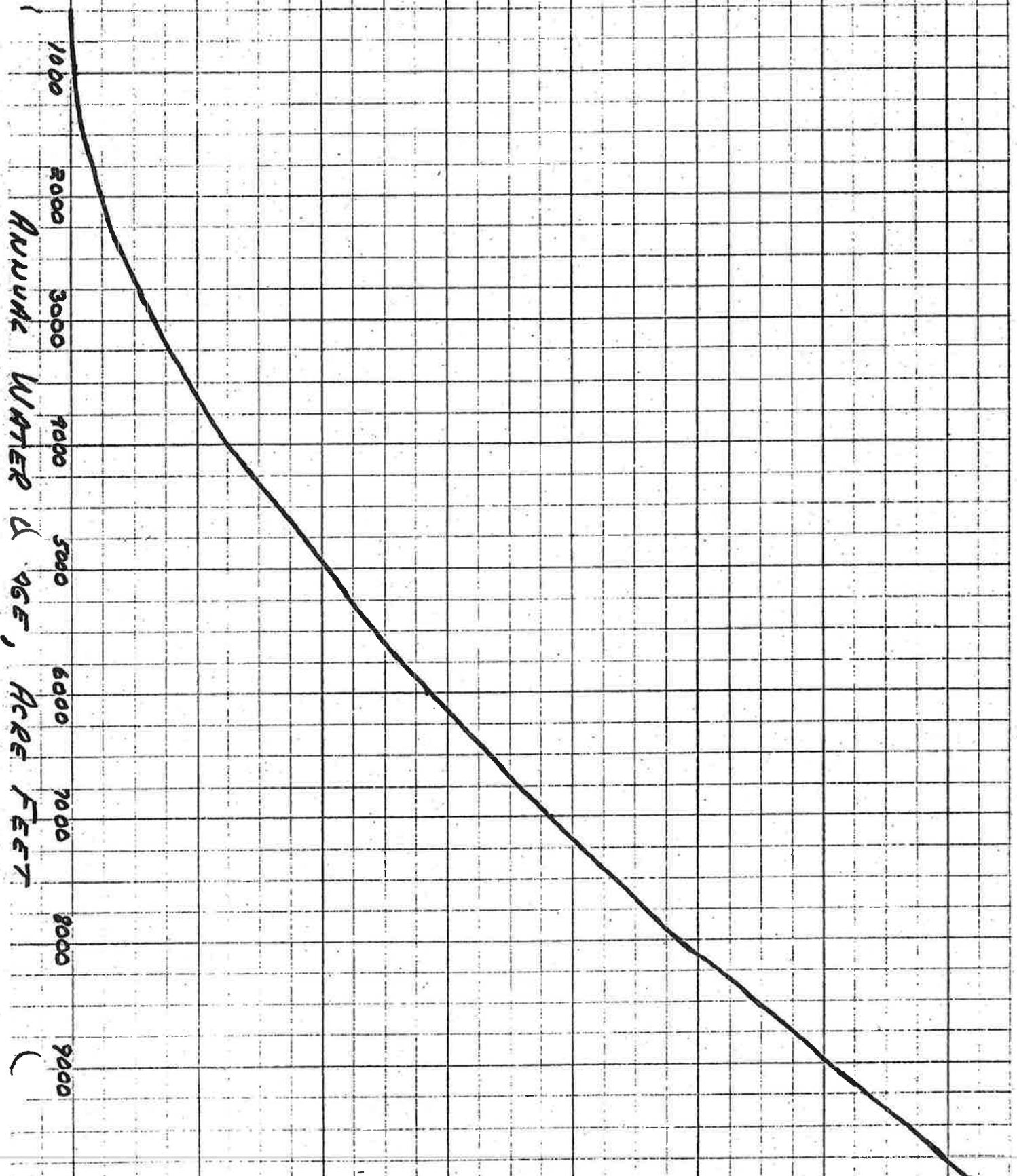
500 Acre-feet	No Charge
1000 " "	25,000
2000 " "	125,000
3000 " "	325,000
4000 " "	625,000
5000 " "	1,025,000
6000 " "	1,425,000
7000 " "	1,925,000
8000 " "	2,425,000
9000 " "	3,025,000

TOTAL FEE, MILLION \$ ANNUALLY

1

2

3



WHEREAS, most of North Dakota is agriculturally based and primarily rural in nature composed of many small cities and communities, and;

WHEREAS, much of the settled area is semi-arid where ground water supplies are absent, limited; or of extremely poor chemical quality, and;

WHEREAS, the quality of rural living for thousands of families remains unfulfilled so long as these areas lack satisfactory domestic water supplies, and;

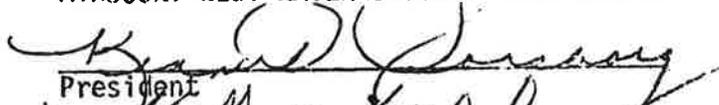
WHEREAS, Public Law 93-523 (The Safe Drinking Water Act) stipulates water quality parameters which are of higher quality than area ground water produces, and;

WHEREAS, the Missouri River traverses the State of North Dakota with substantial streamflow and has considerable storage regulation already in operation, the water quality of which meets both Federal and State water quality criteria and thereby could become a permanent and adequate domestic water supply source for much of North Dakota, and;

WHEREAS, the Counties of Morton, Oliver, Mercer, Sioux (north portion including Standing Rock Indian Reservation), Grant, Stark (east portion including the City of Dickinson), Dunn, Burleigh, Kidder, Emmons, Logan (west portion) and McIntosh (west portion) including all cities, towns, farms, ranches and rural residents living therein are in urgent need of an adequate, multi-purpose quality water supply, be it

RESOLVED that the Bureau of Reclamation of the Department of the Interior, be authorized to undertake a feasibility investigation for a multi-purpose water system within this 12-county area, for the purpose of developing a Missouri River diversion water supply, central water treatment plant, trunk pipeline system and distribution network to best meet the present and anticipated future domestic water needs of at least 80,000 users living in the rural areas including cities and towns, and thereby sustain and improve the quality of life in these areas.

MISSOURI WEST WATER SYSTEMS COOPERATIVE



President



Secretary

BURLEIGH WATER USERS ASSOCIATION

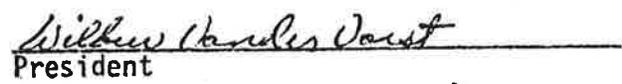


President



Secretary

STATE LINE RURAL WATER SYSTEM



President



Secretary

REQUEST FOR AUTHORIZED FUNDING

The human hardships and hazards to health imposed by inadequate domestic water supplies require efforts toward solution of the problems commensurate to the conditions experienced.

The efforts of the undersigned over several years have failed to provide an economically affordable solution to the water related problems in this area.

Many families must out of necessity haul water for household use because of poor water quality found in underground sources. Livestock operations which are an important component in the agricultural economy of this area are often curtailed or eliminated by circumstance of inadequate water supplies. Periods of low rainfall affect water tables of range wells and stock dams dry out leaving the herdsman without sufficient water sources for his animals.

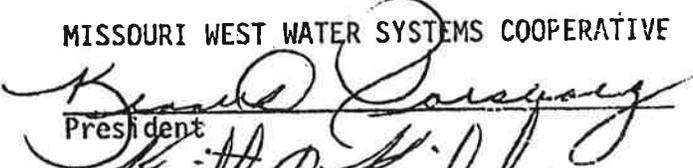
Necessary fire protection services in rural areas are often inadequate because of the lack of sufficient and available water sources.

The geographical area described also encompasses the urgent needs experienced by the major growth areas in North Dakota due to energy development and concomitant population increases. Cities including Bismarck, Mandan and Dickinson are no longer able to cope with the rapid expansion of services needed to accommodate the growth.

The domestic water supplies feasibility investigation will require an authorized amount of \$180,000 to provide for an 18-month feasibility investigation on this 12-county area under the direction of the Bureau of Reclamation of the Department of the Interior working in concert with the communities and rural citizens living in this area.

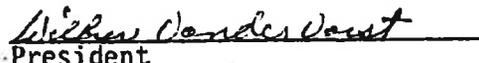
The undersigned respectfully request the assistance of the North Dakota Congressional Delegation in facilitating the authorization needed and their wholehearted support in obtaining the funds needed to initiate this program forthwith.

MISSOURI WEST WATER SYSTEMS COOPERATIVE


President

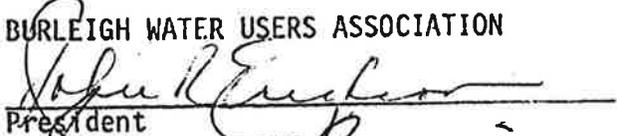

Secretary

STATE LINE RURAL WATER SYSTEM

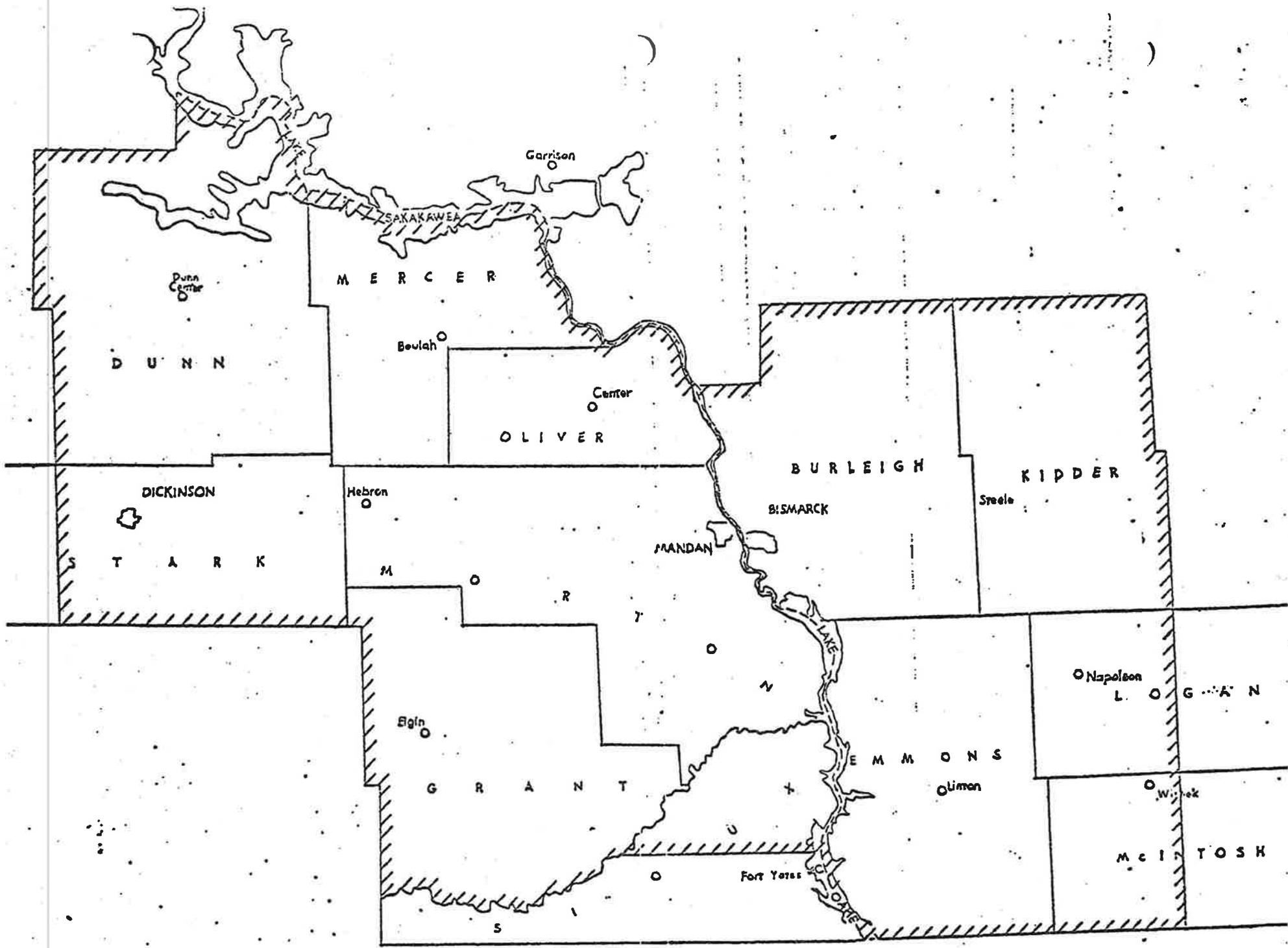

President


Secretary

BURLEIGH WATER USERS ASSOCIATION


President


Secretary



APPENDIX "C"

RESOLUTION 77-5-397

In Support of Feasibility Study for
Twelve-County Rural Water System

WHEREAS, a resolution endorsed by the Missouri West Water System Cooperative, the Burleigh County Water Users Association, and the State Line Rural Water System, has been presented for approval to the North Dakota State Water Commission. The purpose of this resolution is to seek authorization from the United States Congress for the Bureau of Reclamation of the Department of Interior to undertake a feasibility investigation for a multi-purpose water system within a designated twelve-county area; and

WHEREAS, the counties included in the feasibility study will be Morton, Oliver, Mercer, Sioux (north portion, including Standing Rock Indian Reservation), Grant, Stark (east portion, including the City of Dickinson), Dunn, Burleigh, Kidder, Emmons, Logan (west portion) and McIntosh (west portion); and

WHEREAS, all cities, towns, farms, ranches and rural residents living within the twelve-county area are in urgent need of an adequate, multi-purpose quality water supply; and

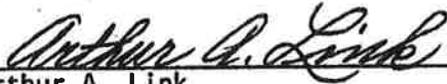
WHEREAS, the feasibility investigation will study the development of a Missouri River diversion water supply, central water treatment plant, truck pipeline system and distribution network which would best meet the present and anticipated future domestic water needs of at least 80,000 users living in the rural areas of the twelve-county area; and

WHEREAS, if implemented, the proposed rural water system will thereby sustain and improve the quality of life in these areas; and

WHEREAS, the domestic water supplies feasibility investigation will require an authorized amount of \$180,000.

NOW, THEREFORE, BE IT RESOLVED, by the North Dakota State Water Commission at its meeting held in Bismarck, North Dakota, on May 27, 1977, that it fully endorses and supports legislation authorizing the Bureau of Reclamation to conduct, in concert with the communities and rural citizens living within the designated area, a feasibility investigation of the proposed rural water system.

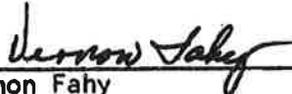
FOR THE NORTH DAKOTA STATE WATER COMMISSION:



Arthur A. Link
Governor-Chairman

SEAL

ATTEST:



Vernon Fahy
Secretary

WATER PERMIT AGENDA FOR MAY 27, 1977 MEETING

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2735	Meyer, Harvey - Pollock, S.D. (Emmons County) Priority: 2-28-77 Hearing: 4-18-77	Oahe Reservoir	Irrigation	634.8 acre-feet 317.4 acres	634.8 acre-feet 317.4 acres (This request was approved by the State Engineer on May 9, 1977)
2697	Cass Rural Water Users, Inc. - Kindred (Richland County) Priority: 1-24-77 Hearing: 4-25-77	Ground Water	Municipal- (Rural Domestic)	500.0 acre-feet	500.0 acre-feet
2720	Heinrich, Harlan N. - Adrian (LaMoure County) Priority: 2-11-77 Hearing: 4-25-77	Ground Water	Irrigation	620.0 acre-feet 309.6 acres	Defer action at this time due to the fact that sufficient time was not available to completely evaluate request.
2726	Holman, David - Clifford (Steele County) Priority: 2-17-77 Hearing: 4-25-77	Ground Water	Irrigation	480.0 acre-feet 320.0 acres	Recommend for approval: 202.5 acre-feet 135.0 acres (Remainder of request shall be held in abeyance)
2625	Nielson, Allen E. - Valley City (Barnes County) Priority: 3- 3-77 Hearing: 4-25-77	Goose Lake, trib. to Maple River	Irrigation	250.0 acre-feet 240.0 acres	Defer action at this time due to the fact that sufficient time was not available to completely evaluate request.

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2431	O'Keeffe, James R. and Randall Melaas - Walhalla (Pembina County) Priority: 3- 4-77 Hearing: 4-25-77	Pembina River, trib. to Red River	Irrigation	600.0 acre-feet 556.2 acres	Defer action at this time due to the fact that sufficient time was not available to completely evaluate request.
2692	Lutgen, Alfred - LaMoure (LaMoure County) Priority: 1-20-77 Hearing: 4-25-77	Ground Water	Irrigation	640.0 acre-feet 320.0 acres	Defer action at this time due to the fact that sufficient time was not available to completely evaluate request.
2547	Anderson, Jay C. - Jamestown (Stutsman County) Priority: 3- 7-77 Hearing: 4-25-77	Ground Water	Irrigation	580.0 acre-feet 312.0 acres	202.5 acre-feet 135.0 acres (The remainder of this request shall be held in abeyance)
2642	Hoeckle, Myron - Edmunds (Stutsman County) Priority: 3- 8-77 Hearing: 4-25-77	Pipestem Creek (Pingree Dam), trib. to James River	Irrigation	702.0 acre-feet 467.9 acres	Defer action at this time due to the fact that sufficient time was not available to completely evaluate request.
2738	O'Neill, Thomas - Woodworth (Stutsman County) Priority: 3- 1-77 Hearing: 4-25-77	Ground Water	Irrigation	505.2 acre-feet 252.6 acres	240.0 acre-feet 160.0 acres

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2710	Kaspari, David - Sheldon (Ransom County) Priority: 2- 1-77 Hearing: 4-25-77	Sheyenne River, trib. to Red River	Irrigation	1280.0 acre-feet 640.0 acres	Defer action at this time due to the fact that sufficient time was not available to completely evaluate the request.
2663	Larson, Lawrence - Lisbon (Ransom County) Priority: 12-22-76 Hearing: 4-25-77	Sheyenne River, trib. to Red River	Irrigation	160.0 acre-feet 80.0 acres	Defer action at this time due to the fact that sufficient time was not available to completely evaluate the request.
2428	Hansen, Allen - Ludden (Dickey County)	Ground Water	Irrigation	This is a request for change in point of diversion.	Defer action at this time due to the fact that sufficient time was not available to completely evaluate the request.
2718	Oriska, City of - Oriska (Barnes County) Priority: 2- 9-77 Hearing: 5- 2-77	Ground Water	Municipal	40.0 acre-feet	Defer action at this time due to the fact that sufficient time was not available to completely evaluate the request.
2739	Lewis, Robert - Hecla, South Dakota (Dickey County) Priority: 4-11-77 Hearing: 5- 2-77	Ground Water	Irrigation	240.0 acre-feet 160.0 acres	Defer action at this time due to the fact that sufficient time was not available to completely evaluate the request.

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2740	Ford, Jean - Devils Lake (Steele County) Priority: 1-17-77 Hearing: 5- 2-77	Ground Water	Irrigation	240.0 acre-feet 160.0 acres	Defer action at this time because of a lack of sufficient data to evaluate the request.
2690	Satrom, Hilbert - Galesburg (Steele County) Priority: 1-17-77 Hearing: 5- 2-77	Ground Water	Irrigation	704.0 acre-feet 469.3 acres	Defer action at this time because of a lack of sufficient data to evaluate the request.
2741	Clairmont, Patricia Bismarck (Burleigh County) Priority: 3-14-77 Hearing: 5- 2-77	Missouri River	Irrigation	470.0 acre-feet 235.0 acres	470.0 acre-feet 235.0 acres (This request was approved by the State Engineer on May 26, 1977)
2743	Taverna, Jake - New Rockford (Eddy County) Priority: 2-14-77 Hearing: 5- 2-77	Ground Water	Irrigation	405.0 acre-feet 286.8 acres	Defer action at this time due to the fact that sufficient time was not available to completely evaluate the request.
2055	Edgeley, City of - Edgeley (LaMoure County)	Ground Water	Irrigation	This is a request for a change in the points of diversion and for an additional 85.0 acre-feet of water.	It is recommended that the request for the change in points of diversion be approved, but that the request for additional acre-feet be held in abeyance at this time.

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2749	Burton, H. F. - Pleasant Lake (Pierce County) Priority: 3- 1-77 Hearing: 5- 2-77	Ground Water	Irrigation	38.0 acre-feet 38.0 acres	Defer action at this time due to the fact that sufficient time was not available to completely review and evaluate request.
2751	Brademeyer, Phil - Oakes (Dickey County) Priority: 3- 2-77 Hearing: 5- 2-77	Ground Water	Irrigation	240.0 acre-feet 160.0 acres	Defer action at this time due to the fact that sufficient time was not available to completely review and evaluate request.
2752	Langelier, Edward A. - Pollock, S.D. (Emmons County) Priority: 3- 2-77 Hearing: 5- 2-77	Oahe Reservoir	Irrigation	437.4 acre-feet 218.7 acres	Defer action at this time due to the fact that sufficient time was not available to completely review and evaluate request.
2754	Skadberg, Jerrold S. - Carrington (Foster County) Priority: 3- 4-77 Hearing: 5- 9-77	Ground Water	Irrigation	460.0 acre-feet 310.0 acres	Defer action at this time due to the fact that sufficient time was not available to completely review and evaluate request.
1956	Heinrich, George - Adrian (LaMoure County)	Ground Water	Irrigation	This is a request for a change in points of diversion.	It is recommended that this request for a change in the points of diversion be approved.

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2755	Smart, Vera - Fargo (Steele County) Priority: 3- 7-77 Hearing: 5- 9-77	Ground Water	Irrigation	600.0 acre-feet 407.5 acres	Defer action at this time because of a lack of insufficient data to properly review and evaluate request.
2756	Boe, Laverne - Turtle Lake (McLean County) Priority: 3- 8-77 Hearing: 5- 9-77	Ground Water	Irrigation	150.0 acre-feet 100.0 acres	Defer action at this time due to the fact that sufficient time was not available to properly review and evaluate request.
2757	Umber, Larry - Pollock, S.D. (Emmons County) Priority: 3- 8-77 Hearing: 5- 9-77	Oahe Reservoir	Irrigation	1628.0 acre-feet 814.0 acres	Defer action at this time due to the fact that sufficient time was not available to properly review and evaluate request.
2758	Bourgois, Ervin and Roger - Bismarck (Burleigh County) Priority: 4-11-77 Hearing: 5- 9-77	Ground Water	Irrigation	563.0 acre-feet 375.7 acres	563.0 acre-feet 375.7 acres (This request was approved by the State Engineer on May 26, 1977)
2759	Crown Butte Coop - Mandan (Morton County) Priority: 4-21-77 Hearing: 5- 9-77	Ground Water	Municipal - (Rural Domestic)	175.0 acre-feet	Recommend for approval: 70.0 acre-feet in SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 8-139-82 (Remainder of request shall be held in abeyance pending acquisition of additional need and further data acquisition.)

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
1872	Falk, Alfred C. - Tappen (Kidder County)	Ground Water	Irrigation	This is a request for a change in points of diversion.	It is recommended that the points of diversion in SE $\frac{1}{4}$ of Section 6 and NW $\frac{1}{4}$ of Section 8-138-71 be approved. Defer action on points in SW $\frac{1}{4}$ of Sec 5 and NE $\frac{1}{4}$ of Section 8.
2231A	Schwab, George - Englevale (Ransom County) (This is a portion of #2231 that has been held in abeyance. A new owner has been assigned to this portion of the original application)	Ground Water	Irrigation	640.0 acre-feet 320.0	203.0 acre-feet 135.0 acres (This request was approved by State Engineer on April 27, 1977)
2727	Visto, E. A. - Oakes (Dickey County) Priority: 2-17-77 Hearing: 4-11-77 Deferred: 4-15-77	Ground Water	Irrigation	121.5 acre-feet 83.1 acres	121.5 acre-feet 83.1 acres
2721	Knutson, Curtis N. - Oakes (Dickey County) Priority: 2-11-77 Hearing: 4- 4-77 Deferred: 4-15-77	Ground Water	Irrigation	780.0 acre-feet 454.3 acres	615.0 acre-feet 410.0 acres (This request was approved by State Engineer on April 28, 1977)
1129	Pick City, City of - Pick City (Mercer County)	Lake Sakakawea	Municipal	This is a request for a change in point of diversion.	It is recommended that this request for a change in the point of diversion be approved.

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2673	Treeby, Harold - Hecla, S.D. (Dickey County) Priority: 1- 3-77 Hearing: 2-14-77	Ground Water	Irrigation	240.0 acre-feet 215.6 acres	Recommend for approval: 150.0 acre-feet 100.0 acres (Balance of request to be held in abeyance) (This request was approved by State Engineer on May 2, 1977)
2583	Otter Tail Power Company - Fergus Falls, Minn. (Mercer County) Priority: 2-17-77 Hearing: 3-21-77 Deferred: 3-24-77	Ground Water	Industrial	24.0 acre-feet	24.0 acre-feet (This request was approved by State Engineer on May 2, 1977)
2709	Backstrom, Dennis - Maddock (Benson County) Priority: 1-21-77 Hearing: 4- 4-77 Deferred: 4-15-77	Ground Water	Irrigation	640.0 acre-feet 312.0 acres	Recommend for approval: 203.0 acre-feet 135.0 acres (An additional 70.0 acre- feet shall be held in abeyance.)
2733	Kurtz, Philip J. - Bismarck (Burleigh County) Priority: 2-24-77 Hearing: 5-23-77	Ground Water	Municipal (Rural Domestic)	176.0 acre-feet	Defer action at this time due to the fact that sufficient time was not available to properly review and evaluate request.

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2715	Martian, William - Rhame (Slope County) Priority: 2- 4-77 Hearing: 5-23-77	Deep Creek, trib. to Little Missouri River	Irrigation	111.0 acre-feet ann. use (88.0 storage) 111.0 acres	Defer action at this time due to the fact that sufficient time was not available to properly review and evaluate request.
2760	Cook, Joseph B. and/or James K. - Hazen (Mercer County) Priority: 3-22-77 Hearing: 5-23-77	Ground Water and/or Knife River, trib. to Missouri River	Irrigation	759.6 acre-feet (199.5 a.f. Knife R.) (560.1 a.f. Groundwater) 506.4 acres	Defer action at this time due to the fact that sufficient time was not available to properly review and evaluate request.
1952	Foell, Alfred - Moffit (Emmons County)	Ground Water	Irrigation	This is a request for a change in point of diversion.	Defer action at this time due to the fact that sufficient time was not available to properly review request.
2761	Foell, Alfred - Moffit (Emmons County) Priority: 12- 7-76 Hearing: 5-23-77	Ground Water	Irrigation	440.0 acre-feet 400.0 acres	Defer action at this time due to the fact that sufficient time was not available to properly review and evaluate request.
2762	Lindvig, Ray - Williston (Williams County) Priority: 3-14-77 Hearing: 5-23-77	Ground Water	Irrigation	145.0 acre-feet 87.4 acres	Defer action at this time due to the fact that sufficient time was not available to properly review and evaluate request.

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2763	Froemke, Wallace - Sheldon (Ransom County) Priority: 2- 1-77 Hearing: 5-23-77	Ground Water	Irrigation	1280.0 acre-feet 640.0 acres	Defer action at this time due to the fact that sufficient time was not available to properly review and evaluate request.
2703	Marmarth, City of - Marmarth (Slope County) Priority: 4- 4-77 Hearing: 5-23-77	Ground Water	Municipal	42.0 acre-feet	Defer action at this time due to the fact that sufficient time was not available to properly review and evaluate request.
2714	Lee Brothers - Kindred (Richland County) Priority: 2- 7-77 Hearing: 5-23-77	Ground Water	Irrigation	240.0 acre-feet 160.0 acres	Defer action at this time due to the fact that sufficient time was not available to properly review and evaluate request.
1762	Tompkins, F. L. - Minot (McHenry County)	Ground Water	Irrigation	This is a request for a change in points of diversion.	Defer action at this time due to the fact that sufficient time was not available to properly review request.
2713	Hall, Donald - Trotters (Golden Valley Co.) Priority: 2- 7-77 Hearing: 5-23-77	Beaver Creek and Unnamed Draws, trib. to Little Missouri River	Irrigation- Waterspreading	830.0 acre-feet 417.0 acres	Defer action at this time due to the fact that sufficient time was not available to properly review and evaluate request.

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2736	Peterson, Anna - Oakes (Ransom County) Priority: 2-28-77 Hearing: 5-24-77	Ground Water	Irrigation	360.0 acre-feet 221.0 acres	Defer action at this time due to the fact that sufficient time was not available to properly review and evaluate request.
2737	Peterson, Moses - Oakes (Ransom County) Priority: 2-28-77 Hearing: 5-24-77	Ground Water	Irrigation	840.0 acre-feet 468.2 acres	Defer action at this time due to the fact that sufficient time was not available to properly review and evaluate request.
2731	Wagner, Mary - Englevale (Ransom County) Priority: 2-23-77 Hearing: 5-24-77	Ground Water	Irrigation	480.0 acre-feet 290.5 acres	Defer action at this time due to the fact that sufficient time was not available to properly review and evaluate request.
2732	Wagner, Ronald - Englevale (Ransom County) Priority: 2-23-77 Hearing: 5-24-77	Ground Water	Irrigation	735.0 acre-feet 426.9 acres	Defer action at this time due to the fact that sufficient time was not available to properly review and evaluate request.
2730	Nelson, David P. - Lisbon (Ransom County) Priority: 2-23-77 Hearing: 5-24-77	Ground Water	Irrigation	1280.0 acre-feet 640.0 acres	Defer action at this time due to the fact that sufficient time was not available to properly review and evaluate request.

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2746	Wendel, Dennis - LaMoure (LaMoure County) Priority: 2-28-77 Hearing: 5-24-77	Ground Water and Dugout	Irrigation	460.0 acre-feet 229.9 acres	Defer action at this time due to the fact that sufficient time was not available to properly review and evaluate request.
2724	Pleines, Joseph - Woodworth (Stutsman County) Priority: 2-16-77 Hearing: 4- 4-77 Deferred: 4-15-77	Ground Water	Irrigation	271.7 acre-feet 181.2 acres	210.0 acre-feet 181.2 acres
2618	Park Board, City of Stanton - Stanton (Mercer County) Priority: 11- 1-76 Hearing: 2- 7-77 (Readvertising: 4-11-77) Deferred: 2-11-77 & 4-15-77	Ground Water	Irrigation	29.26 acre-feet 14.63 acres	29.26 acre-feet 14.63 acres (This request was approved by the State Engineer on May 6, 1977)
2719	Vasvick, Larry L. - Ellendale (Dickey County) Priority: 2-10-77 Hearing: 4- 4-77 Deferred: 4-15-77	Ground Water	Irrigation	1148.2 acre-feet 574.4 acres	Recommend for approval: 203.0 acre-feet 135.0 acres in SE $\frac{1}{4}$ of Sec 12-129-62 (675.0 acre-feet shall be held in abeyance in N $\frac{1}{2}$ of Sec 13, and SW $\frac{1}{4}$ of Sec 12) (This request was approved by State Engineer on May 6, 1977)

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2764	Sinner Bros. & Bresnahan - Casselton (Cass County) Priority: 7-12-76 Hearing: 5-24-77	Ground Water	Industrial (feedlot)	20.0 acre-feet	Defer action at this time due to the fact that sufficient time was not available to properly review and evaluate request.
2235	Tri-County Water Users, Inc. - Lakota (Grand Forks County) Priority: 9- 3-76 Hearing: 10-18-76 Deferred: 12- 7-76	Ground Water	Municipal (Rural Domestic)	170.0 acre-feet	170.0 acre-feet
2610	Wall, James - Lisbon (Ransom County) Priority: 9-24-76 Hearing: 12-13-76 Deferred: 2-11-77	Sheyenne River and Ground Water	Irrigation	1440.0 acre-feet (160.0 Sheyenne R.) (1280.0 Ground Water) 720.0 acres	Recommend for approval: 202.5 acre-feet 135.0 acres in SW¼ of Sec 15, Twp 134, Rge 54 (Remainder of request shall be held in abeyance)
2605	Evanson, Roger - Lisbon (Ransom County) Priority: 11- 8-76 Hearing: 1-17-77 Deferred: 2-11-77	Ground Water	Irrigation	320.0 acre-feet 160.0 acres	202.5 acre-feet 135.0 acres

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2698	Huebner, Kenneth E. - Grand Forks (Ransom County) Priority: 2-16-77 Hearing: 3-28-77 Deferred: 4-15-77	Ground Water	Irrigation	164.4 acre-feet 109.6 acres	164.4 acre-feet 109.6 acres
2734	Ingstad Land & Cattle Co. - Valley City (Stutsman County) Priority: 1- 4-77 Hearing: 4-11-77 Deferred: 4-15-77	Ground Water and Chicago Lake	Irrigation	3000.0 acre-feet (2750.0 Ground Water) (250.0 Chicago Lake) 2165.85 acres	Recommend for approval: 210.0 acre-feet to irrigate 140.0 acres in Section 5; and 420.0 acre-feet to irrigate 280.0 acres in Section 17, Township 141, Range 69 (Remainder of request shall be held in abeyance)
2722	Sheyenne, City of - Sheyenne (Eddy County) Priority: 2-11-77 Hearing: 4- 4-77 Deferred: 4-15-77	Ground Water	Municipal	100.0 acre-feet	84.0 acre-feet
2502	Hamdan, Omar - Stanley (Mountrail County) Priority: 7-12-76 Hearing: 9-20-76 Deferred: 9-28-76	Ground Water; or Sloughs and Ground Water	Irrigation	320.0 acre-feet Ground Water; or 118.69 Surface Water and 201.31 Ground Water 270.13 acres	Recommend for approval: 178.0 acre-feet 118.69 acres in NW¼ of Section 26, -157-91 from surface water. (Remainder of request shall be held in abeyance)

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2699	Edwards, James and Edna - Plaza (Mountrail County)	Dugout and Slough	Irrigation	192.2 acre-feet 96.1 acres	Recommend for approval: 35.0 acre-feet 22.0 acres (Remainder of request shall be held in abeyance)
	Priority: 1-21-77 Hearing: 3-14-77 Deferred: 3-24-77				
1820	Seefeldt, Ronald - LaMoure (LaMoure County)	Ground Water	Irrigation	This is a request for a change in points of diversion.	It is recommended that this request for a change in the points of diversion be approved.
2705	Everetts & Associates, Inc. and Pipestem Sand & Gravel - Jamestown (Stutsman County)	Pipestem Creek, trib. to James River; and/or Ground Water	Industrial (sand and gravel washing plant)	300.0 acre-feet	300.0 acre-feet
	Priority: 1-24-77 Hearing: 3-28-77 Deferred: 4-15-77				
2716	Moser, Kenneth - Pollock, S.D. (Emmons County)	Oahe Reservoir	Irrigation	154.0 acre-feet 77.0 acres	154.0 acre-feet 77.0 acres
	Priority: 2- 9-77 Hearing: 4- 4-77 Deferred: 4-15-77				

APPENDIX "E"

RESOLUTION 77-5-396

Snagging and Clearing Red River of the North

BE IT RESOLVED by the North Dakota State Water Commission at its meeting held on May 27, 1977, in Bismarck, North Dakota, that it hereby requests the U. S. Army Corps of Engineers to conduct studies to determine the feasibility of snagging and clearing the Red River of the North as it borders on Cass County, North Dakota under the authority provided by Section 208 of the 1954 Flood Control Act as amended.

It is understood that if it is found feasible and adviseable to snag and clear the Red River of the North as it borders on Cass County, North Dakota, the North Dakota State Water Commission would be required before construction commences to enter into a contractual agreement that it will provide such local cooperation as may be prescribed by the Secretary of Army.

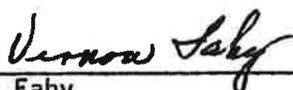
The State Engineer and Secretary of the North Dakota State Water Commission shall be and is hereby directed to transmit three certified copies of this resolution to the District Engineer, St. Paul District, U. S. Army Corps of Engineers, 1210 U. S. Post Office and Custom House, St. Paul, Minnesota 55101.

FOR THE NORTH DAKOTA STATE WATER COMMISSION:


Arthur A. Link
Governor-Chairman

SEAL

ATTEST:


Vernon Fahy
State Engineer and Secretary