

## MINUTES

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

June 1, 1978

The North Dakota State Water Commission held a meeting on June 1, 1978, in the Vocational Education Conference Room, State Office Building, Bismarck, 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  
 Gordon Gray, Member from Valley City  
 Alvin Kramer, Member from Minot  
 Arthur Lanz, Member from Devils Lake  
 Myron Just, Commissioner, Department of Agriculture, Bismarck  
 Vernon Fahy, Secretary and State Engineer, North Dakota  
 State Water Commission, Bismarck

MEMBERS ABSENT:

Arlene Wilhelm, Member from Dickinson

OTHERS PRESENT:

State Water Commission Staff Members  
 Milo W. Hoisveen, Burleigh County WMD, Bismarck, ND  
 Elmer Agnew, Burleigh County WMD, Moffit, ND  
 Bert Neideffer, Burleigh County WMD, Bismarck, ND  
 Jim Eastgate, Burleigh County WMD, Bismarck, ND  
 Laurence McMerty, ND Water Users Association, Minot, ND  
 Joel D. Melarvie, ANG Coal Gasification Company, Bismarck, ND  
 Glenda Lotow, Natural Gas Pipeline Company, Bismarck, ND  
 Randy Bradbury, Bismarck Tribune, Bismarck, ND  
 Homer Engelhorn, Garrison Diversion Conservancy District, Carrington, ND  
 Ken Ziegler, Basin Electric Power Cooperative, Bismarck, ND  
 Penni Haines, KFYZ Radio, Bismarck, ND  
 David Locken, Oakes, ND  
 Deborah Fohr, Basin Electric Power Cooperative, Bismarck, ND

Attendance Register is on file in the State Water Commission offices for the meeting of June 1, 1978 - filed with official copy of minutes.

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

CONSIDERATION OF MINUTES OF  
MARCH 16, 1978 MEETING -  
APPROVED

There being no discussion on the minutes of March 16, 1978, it was moved by Commissioner Gray, seconded by Commissioner Kramer, and carried, that the minutes of the March 16, 1978 meeting be approved as prepared and distributed.

CONSIDERATION OF MINUTES OF  
APRIL 17, 1978 MEETING/PUBLIC  
HEARING -  
APPROVED

Secretary Fahy briefly reviewed the minutes of the April 17, 1978 meeting/public hearing.

It was moved by Commissioner Gray, seconded by Commissioner Kramer, and carried, that the minutes of the April 17, 1978 meeting/public hearing be approved as prepared and distributed.

CONSIDERATION OF REQUEST FROM  
CITY OF POWERS LAKE FOR SWC  
FINANCIAL ASSISTANCE FOR CITY  
GROUND-WATER STUDY  
(SWC Project No. 794)

Secretary Fahy presented a request from the City of Powers Lake in which they ask that the State Water Commission conduct a study to determine the availability of ground water to serve the needs of that city. The total cost of the study is estimated at \$7,260

and the city has requested financial assistance from the Water Commission in the amount of \$3,630, or one-half of the total cost. The city would pay the other one-half of the costs.

It was recommended by the State Engineer that the Water Commission honor this request from the City of Powers Lake.

It was moved by Commissioner Kramer, seconded by Commissioner Lanz, and carried, that the State Water Commission approve financial participation in an amount not to exceed \$3,630, contingent upon the availability of funds, to conduct a ground-water study for the City of Powers Lake, North Dakota.

CONSIDERATION OF REQUEST  
FROM MCKENZIE COUNTY WMD  
FOR SWC FINANCIAL  
PARTICIPATION TO CONDUCT  
COUNTY GROUND-WATER STUDY  
(SWC Project No. 860)

Secretary Fahy presented a request from the McKenzie County Water Management District for financial assistance to conduct a ground-water study in that county. The total cost of the four-year study is estimated to be \$517,000. A breakdown of costs will be

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as follows: McKenzie County - \$78,400; State Water Commission - \$78,400; N.D. Geological Survey (one-year participation) - \$10,000; U. S. Geological Survey (Coop.) - \$166,800; U. S. Geological Survey (MRB) - \$23,000; U. S. Geological Survey (Fed.) - \$152,700; and National Park Service - \$7,700.

Secretary Fahy noted that if this request is approved, a county ground-water study would then either be completed or be underway for each county of the State. He recommended that the Water Commission approve the request. (Note: This paragraph was amended at July 19, 1978 meeting; see page 147.)

It was moved by Commissioner Just, seconded by Commissioner Kramer, and carried, that the State Water Commission approve financial participation in an amount not to exceed \$78,400, contingent upon the availability of funds, to conduct a county ground-water study for McKenzie County.

**CONSIDERATION OF RELEASING  
OF EASEMENTS IN MERCER AND  
STARK COUNTIES**

Secretary Fahy presented a request to release an easement which was granted to the State of North Dakota in 1938 for the purpose of construction and maintenance of Antelope Creek Dam. Most of the easement area was for inundation purposes, and the remainder was for public use of land adjacent to the shoreline. In 1976, an inspection of the dam revealed that it was critically unsafe. The dam is located a short distance from the City of Hazen and due to its condition and its location, a decision was made to drain the dam. Costs of reconstruction are prohibitive, and a decision has been made by the Mercer County Water Management District not to reconstruct. Since the dam will not be reconstructed, the landowners have requested the easement be released. The Mercer County Water Management District has agreed to this. The State Water Commission had previously released easements for the construction of the Antelope Creek Dam on lands adjacent to the lands involved in the present release request.

Secretary Fahy also presented a request to release an easement which was granted to the State of North Dakota in 1936 for a proposed dam in Stark County. The plans for the dam were abandoned and it was never constructed. The release of this easement has been approved by the Stark County Water Management District.

It was recommended by the State Engineer that these two easements as described be released by the State Water Commission.

It was moved by Commissioner Lanz, seconded by Commissioner Gray, and carried, that the State Water Commission release the two easements which were described in detail by the State Engineer.

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CONTINUED DISCUSSION ON  
WATER MARKETING

potential water use charges. This breakdown is attached to these minutes as APPENDIX "A" in the form of a memorandum. This was reviewed and discussed in length.

Commissioner Gallagher expressed his feelings that there should be a minimum charge for water for industrial use, and he also stated that he prefers alternatives B and E on the attachment.

Commissioner Kramer indicated that the staff should be commended for preparing this analysis which will be used as a basic guideline for reviewing and making recommendations for establishing such charges. He noted that the Commission should very carefully deliberate on this matter before making any final decision.

Commissioner Gray stated that it seems to be the general consensus of the Commission that a charge should be made for non-consumptive acre-feet of water, or flow through water, and suggested that perhaps the Commission could decide on the amount of that charge at this time.

It was moved by Commissioner Lanz and seconded by Commissioner Gray that one of the factors to be considered in establishing water use charges is a charge for flow through waters for industrial perfected water permits.

In discussion of the motion, it was suggested that a \$2.00/acre-foot fee be considered, but that the Commission staff prepare a range of fees for review.

On the call of the question, all members voted aye on the motion; the motion was declared as passed.

Secretary Fahy recommended that when the Commission is considering this matter, at least in the initial stages, that only industrial surface water permits be considered because inclusion of ground-water use fees will complicate the deliberations and it might be helpful to delay this matter for second-stage considerations.

It was the consensus of the Water Commission that the staff include in the analysis breakdown, the suggestions made at this meeting and that this item be placed on the agenda for the next meeting for further discussions.

CONSIDERATION OF REQUEST FROM  
MAPLE RIVER WATER MANAGEMENT  
DISTRICT FOR SWC FINANCIAL  
PARTICIPATION IN MAPLE RIVER  
FLOOD HAZARD STUDY  
(SWC Project No. 1271)

Secretary Fahy presented a request from the Maple River Water Management District that the State Water Commission participate with the District and the Soil Conservation Service in a flood hazard study of the Maple River in Cass County. The total estimated cost

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of the study is \$125,000, of which the locals' share would be \$25,000 (the Water Management District contributing \$15,000; and the Water Commission contributing the remaining \$10,000); and the Soil Conservation Service would contribute approximately \$100,000.

Secretary Fahy indicated that this is basically a first step towards a total water management plan for the watershed. The study would supply information concerning flood hazard areas along the Maple River, flood profiles and pertinent hydraulic and hydrologic data for the area. It will also be useful in the development of zoning regulations, drainage plans and general planning for the area.

It was recommended by the State Engineer that the Commission approve and participate in this study, but that the contract be conditioned to require certain commitments by the county in terms of maintenance and in carrying out past agreements made with the State Water Commission.

It was requested that the Commission be given a status report from time to time on the progress of the study.

It was moved by Commissioner Gray, seconded by Commissioner Just, and carried, that the State Water Commission participate in an amount not to exceed \$10,000, contingent upon the availability of funds, and subject to the provisions indicated by the State Engineer.

**PROGRESS REPORT ON SOUTHWESTERN  
NORTH DAKOTA WATER DELIVERY STUDY  
(SWC Project No. 1674)**

Dave Sprynczynatyk, Director of Engineering for the State Water Commission, recalled that at the April 16, 1978 Commission meeting, the State Engineer was authorized to execute a contract between the State Water Commission and Houston Engineering, Inc., for that firm to do the engineering work of the Southwestern North Dakota Water Delivery Study. At a May 15 meeting, the firm was introduced to the Advisory Committee, and at this meeting, they presented an outline of work, and dates were discussed for various portions of the work to be completed. Mr. Sprynczynatyk indicated that progress of the work is on schedule to date and the final report is anticipated to be completed by December, 1978.

By use of a map, Mr. Sprynczynatyk presented in summary the results of the water needs surveys, which the consultants are compiling as a first step in the over-all study. Results are as follows:

The Southwest Rural Water District, who surveyed the counties of Slope, Hettinger, Bowman and Adams, reported that 95 percent, or 1100 farm units were surveyed. About 75 percent, or 750 units,

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indicated interest in one fashion or another in a rural water district. This interest is widespread throughout the four-county area.

The Slope Area Water Systems Cooperative, surveying the counties of Dunn, Stark and Billings, reported that only about 5 to 10 percent of the people in the area were surveyed and found that in Dunn and Stark counties there is some interest in a rural water district. In Billings County, the interest is in the extreme eastern part of the county.

In Golden Valley County, approximately 20 percent of the people were contacted by a mail survey and about 50 percent indicated an interest in a rural water system with interest appearing widespread throughout the county.

In McKenzie County, a number of people, as well as county officials, were contacted and there appears to be no interest in a rural water district.

The Missouri West Water Systems Cooperative surveyed the counties of Grant, Morton and Sioux, but only about 10 percent of the farm units were surveyed. About 75 percent of the people contacted are not interested and the 25 percent that are interested appear to be in small local areas.

This Cooperative also contacted individuals in Mercer and Oliver Counties but there was not a great interest shown in those two counties.

In summary, the greatest interest lies in a six-county area through the middle of southwest North Dakota. In the remaining eight counties, the problem areas will be identified by the consultant by plotting the results of the surveys on county maps. Mr. Sprynczynatyk indicated that it is hoped that a report summary will be completed for presentation to the Commission at their next meeting.

A municipal survey was also conducted contacting 54 cities in that area. Twenty-eight expressed an interest in some sort of supplemental or new water supply. These cities were plotted on a map for the Commission's viewing. Again, the majority of the interest shown lies within the same general area as was indicated for the farm unit needs.

After the series are compiled, a number of alternatives will be developed for getting water to these various interest areas. In June, there will be a meeting with the Advisory Committee and the engineering consultant will lay out a plan for selecting the criteria to analyze these various alternatives.

In July, the consultant hopes to have all the alternatives in form to present to the Committee for use in screening

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alternatives in accordance with the selection criteria.

Then, by late August, it will again go through a screening process and select one recommended plan upon which the report will be centered.

Two levels, or scenarios, are being considered for development of this system: 1) basic level, which is a projection of the water needs to the year 2000 based on the existing interest in those areas; and 2) assumed level, a level of service to all 14 counties based on population projections with no regard to interest expressed in surveys.

The meeting was recessed at 12:00 noon, and reconvened at 1:45 p.m.

STATUS REPORT OF RUSH  
LAKE PROJECT  
(SWC Project No. 463)

Mike Dwyer, Legal Counsel for the State Water Commission, stated that on April 4, 1978, a pre-trial conference was held in Langdon on the Rush Lake situation.

It was agreed between the parties and the Judge that the following legal issues would be resolved before the trial: 1) whether the plaintiff's have standing to bring, and the Court has jurisdiction to hear, this action pursuant to Chapter 32-40 of the North Dakota Century Code; 2) the extent of the plaintiff's control over Rush Lake, pursuant to Chapter 61-15 of the North Dakota Century Code; and 3) the extent of the authority and responsibility of the Cavalier County Water Management District to administer and enforce Sections 61-01-22, 61-16-15, and 61-16-50 of the North Dakota Century Code.

Mr. Dwyer indicated that depending on how these legal issues are resolved, it may be unnecessary for this case to go to trial. If the Judge rules that the State Water Commission and the State Engineer have authority over Rush Lake because it is a meandered lake, a permanent lake level will be established after conducting hearings to determine the most acceptable elevation. It is expected that the Judge will decide these issues in about 2 to 3 weeks.

Mr. Dwyer distributed a copy of the brief on the legal issues stated above to the Commission members for their information.

CONTINUED DISCUSSION ON  
ACREAGE LIMITATIONS  
(SWC Project No. 1400)

Secretary Fahy indicated that the Commission members have been furnished a copy of the transcript from the two public hearings and have also been provided copies of the

additional testimony which has been filed since the hearings.

Commissioner Just noted that in reviewing the testimony received on the proposal, one of the controversial items was the residency requirement. Definition No. 89-00-01-03, Subsection 6, in Draft No. 1, reads as follows:

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6. "Resident owner" means a landowner, who has his principal place of residence within a fifty-mile radius of the land to receive or receiving water at least ten months per year and who receives a majority of his total gross income from farming, ranching, and other agricultural activities.

After discussion -

It was moved by Commissioner Just, seconded by Commissioner Gallagher, and carried, that Definition No. 89-00-01-03, Subsection 6, be amended to read: "Resident owner" means a landowner who has his principal place of residence within the State of North Dakota or within 25 miles of the State's boundary.

Section 89-00-03-06, Subsection 3, states: "A permittee who involuntarily acquires permitted irrigable acreage in excess of the limits authorized in this section (e.g. by inheritance or death of a spouse) shall have five years to transfer such property before the initiation of forfeiture proceedings by the State Engineer."

It was discussed that the permittee should have at least five years or until the age of 23, whichever is longer, to divest himself of the excessive acreage before the initiation of forfeiture proceedings by the State Engineer.

It was moved by Commissioner Gallagher, seconded by Commissioner Just, and carried, that Section 89-00-03-06, Subsection 3, be amended to read as follows: "A permittee who involuntarily acquires permitted irrigable acreage in excess of the limits authorized in this section (e.g. by inheritance or death of a spouse) shall have five years or until age 23, whichever is longer, to transfer such property before the initiation of forfeiture proceedings by the State Engineer."

Section 84-05-03-06, Subsection 2, states, "If a permittee is a legal entity other than a single ownership, the permitted irrigable acreage shall be prorated in proportion to the ownership interest. For example, if a person has a one-third interest in a partnership holding a permit to irrigate four hundred eighty acres of irrigable land, one hundred sixty acres shall be prorated to that person."

It was suggested that the language of this Subsection be more clearly defined.

It was moved by Commissioner Kramer, seconded by Commissioner Lanz, and carried, that Section

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84-05-03-06, Subsection 2, be amended to read as follows: "If a permittee is a legal entity other than a single ownership (e.g. partnership, cooperative, trust), the permitted irrigable acreage shall be prorated in proportion to the beneficial or legal ownership interest. For example, if a person has a one-third interest in a partnership holding a permit to irrigate four hundred eighty acres of irrigable land, one hundred sixty acres shall be prorated to that person. If that person also has a ten percent beneficial interest in a trust comprised of a permit to irrigate 2000 acres of irrigable land, 200 acres shall also be prorated to that person. The person, therefore, would be authorized to irrigate an additional 120 acres under these regulations."

Secretary Fahy stated that he received a request from Mr. Herb Grenz of the JT Ranch, Bismarck, ND, to appear before the Commission and present a program for water use acceptable to irrigators and he requested that the Commission consider deferring final action at this meeting on the proposed rules and regulations until such a plan has been presented.

After lengthy discussion, it was moved by Commissioner Gallagher that the proposed rules and regulations governing the use of water for irrigation purposes be redrafted incorporating the ideas adopted at this meeting, and that the Commission staff also explore possible alternatives with respect to the operation of an aquifer, which might alleviate the necessity of considering acreage limitations. The motion received a second from Commissioner Just.

In discussion of the motion, Secretary Fahy indicated that funds are being requested from the Legislature in the upcoming session to actually get into modelling of aquifers, which will provide the background necessary to develop the kind of information requested in Commissioner Gallagher's motion.

Murray Sagsveen suggested that a bill draft could be prepared which would modify irrigation districts. He also noted that the Water Commission could secure a permit for the entire aquifer and then contract the water.

Secretary Fahy stated that the original intention of the Water Commission when it was created was to foster, promote and secure water for irrigation purposes.

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After discussion, the motion was amended by Commissioner Gallagher, and seconded by Commissioner Just, that the proposed rules and regulations governing the use of water for irrigation purposes be redrafted incorporating the ideas adopted at this meeting, and that it is the intent of the Water Commission to work towards a management system as funds are allocated by the State Legislature, which may preclude the necessity of an acreage limitation. All members voted aye; the amended motion carried.

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

Secretary Fahy presented the water permit agenda for the Commission's consideration, which is attached hereto as APPENDIX "B".

After a brief discussion, it was moved by Commissioner Kramer, seconded by Commissioner Gray, and carried, that the action of the State Engineer be confirmed as indicated on the water permit agenda.

The following applications were approved, subject to the conditions as indicated on each individual permit: No. 2128 - Dr. Lloyd G. Best, Wahpeton (this was a request for a change in the point of diversion and was approved by the State Engineer on May 11, 1978); No. 3015 - Wachter Real Estate Trust and Dakota Sand and Gravel Company, Bismarck (this request was approved by the State Engineer on May 9, 1978); No. 3017 - Wayne R. Anderson, Straubville (this request was approved by the State Engineer on May 2, 1978); No. 3047 - Missouri River Sand and Gravel, Bismarck; No. 3050 - The Coteau Properties Company, Bismarck; No. 2773 - Walter W. Wiese, Oakes; No. 2866 - James and Gerald Kraft, Turtle Lake; No. 3055 - Basin Electric Power Cooperative, Bismarck; No. 3046 - Upper Souris Water Users Association, Kenmare; No. 3048 - Upper Souris Water Users Association, Kenmare; No. 2979 - North Dakota Concrete Products, Bismarck (this is a request for an increase in appropriation amount); No. 3058 - City of Page; No. 3059 - Southeast Vocational Center FFA, Oakes (this request was approved by the State Engineer on May 12, 1978); No. 3062 - Johnson Brothers, Walhalla; No. 2434 - Donald M. and

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Ruth L. Garnas, Page (this is a request for a change in point of diversion); No. 2234 - Clarence J. Hanson, Ruso (this is a request for a change in point of diversion and a release of that portion of request which has been held in abeyance); No. 3021 - Rhine J. Klautdt, Linton; No. 2932 - Mike H. Sonsalla, Marmarth; No. 3079 - Minnkota Power Cooperative, Inc., Grand Forks; No. 2938 - John and Kay Gravdahl, Warwick; No. 2647 - Morris Yagow, Milnor (a portion of this request has been held in abeyance and this released a portion of that amount - this request was approved by the State Engineer on May 8, 1978); No. 2539 - Robert Thompson; Thomas Thompson Trust and William J. Thompson Trust, Page (this is a request to expand the previously approved areas); No. 2910 - Lloyd Rockeman, Sidney, Montana; No. 1241 - Lester Friese, Lisbon (this is a request for a change in point of diversion); No. 2127 - William A. Stegner, Rhame; No. 3009 - Agassiz Water Users, Inc., Gilby (this request was approved by the State Engineer on May 18, 1978); No. 2905 - Joe F. and Francis Hoffart, Balta; No. 2902 - Ronald J. Volk, Orrin; No. 2895 - Vernon Brossart, Balta; No. 2900 - C. L. Jensen, Esmond; No. 2934 - Dirk Lenthe, Moorhead, Minn.; No. 2985 - Grand Forks-Traill Water Users, Inc., Thompson; No. 2548 - Joseph and Catherine Aberle, Minot; No. 2835 - Henry Klindt, Walhalla; No. 2391 - Glenn A. Lemke, Leonard (a portion of this request has been held in abeyance - this releases a portion of that amount); No. 2743 - Jake Taverna, New Rockford; No. 2942 - Reinhold Gruebele, Pettibone; No. 2881 - Patterson Land Company, Bismarck; No. 2904 - Julius Haman, Rugby; No. 2884 - Ernest Trampe and Dallis Loraas, Dunn Center; and No. 2856 - Ronald Grenier, Rolette.

The following requests were deferred: No. 2425 - Clarence R. Reed, Fargo (this is a request for a change in point of diversion); No. 1778 - Franklin S. Crane, San Luis Obispo, Calif. (this is a request for a change in point of diversion); No. 3034 - Dakota Gardens, Mandan; No. 3036 - Steven R. Palaniuk, Belfield; No. 3039 - Hudson Company, Irene H. Jones, Beach; No. 3042 - Dennis Benz,

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Moffit; No. 3044 - May-Port Properties, Cooperstown; No. 2954 - Donald J. Hoge, Baldwin; No. 2955 - Paul T. Hoge, Baldwin; No. 2956 - Richard P. Hoge, Baldwin; No. 3051 - Earl Satterthwaite, New Town; No. 3041 - Jack Haugen, Fargo; No. 3049 - U.S. Fish and Wildlife Service (Hofstrand Lake), Denver, Colorado; No. 3056 - Bruce Larson, Sheyenne; No. 2576 - Grand Forks County Water Management District (Dam Site No. 9, Upper Turtle River Watershed), Grand Forks; No. 3045 - John Pojorlie, Grassy Butte; No. 697 - City of Park River (this is a request for a change in point of diversion); No. 1179P - City of Mott (this is a request for a change in point of diversion); No. 3037 - James Tader, Ann Arbor, Michigan; No. 3043 - Daniel E. Maus, Golva; No. 2899 - Painted Woods Golf Course, Washburn; No. 3035 - Lynn Hovde, Alexander; No. 2550 - Arnold Widmer, Crete; No. 3057 - Dakota Adventist Academy, Jamestown; No. 3060 - Ronald J. Bowman; No. 3061 - City of LaMoure; No. 1613 - City of Walhalla (this is a request for change in point of diversion); No. 2935 - Ray Jawaski, Adrian; No. 3063 - Stippich, Inc., Hettinger; No. 1954 - Traill County Rural Water Users, Inc., Portland (this is a request for change in point of diversion); No. 893 - City of Grafton (this is a request for change in point of diversion); No. 3038 - Herbert R. Filler, Jr., Orrin; No. No. 3031 - Mrs. LaVerne Ptacek, Cogswell; No. 3065 - Roger Chinn, Grassy Butte; No. 3068 - Leslie Nesvig, LaMoure; No. 3070 - Roy Schonert, Baldwin; No. 3075 - Reinhart Ott, Binford; No. 3076 - Roughriders Development Corporation, Sterling; No. 3064 - Bratcher Brothers, Alexander; No. 3080 - Kenneth Huebner, Grand Forks; No. 2930 - Joe Becker, Selfridge; No. 3082 - City of Upham; No. 3083 - Paul Langseth, Barney; No. 3084 - Paul and Ronald Andahl, Bismarck; and No. 2928 - Cody Johnson, Baker, Montana.

The following requests were denied: No. 2167 - Joseph Aberle, Minot; and No. 2486 - Mrs. Geraldine Maus, Golva.  
(SEE APPENDIX "B")

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CONSIDERATION OF  
FINANCIAL STATEMENT

the Commission members of the financial statement.

Secretary Fahy reported that the Commission is operating within its' budgetary limitations overall, and copies were distributed to

STATUS REPORT ON  
PERFORMANCE AUDIT  
OF STATE WATER  
COMMISSION

economy and conformance to State law. Copies of the report will be forwarded to the Commission members for their information in the near future.

Secretary Fahy reported that he had appeared before the Legislative Budget "A" Committee to look at and discuss the final report on the evaluation of the State Water Commission from the standpoint of its efficiency,

Secretary Fahy discussed a Regional Office scheme and stated that he was encouraged by Committee members to include the proposal for a Regional Office in his budget for their consideration even though the priorities expenditure request for water management programs will be increased greatly for the biennium.

Secretary Fahy stated that he was generally pleased with the overall performance review of the Water Commission. The weaknesses were recognized and they commented on the strengths of the agency, which greatly exceeded the weaknesses.

DAM SAFETY REPORT  
(SWC Project No. 1579)

dam safety inspections in the State, of which 32 dams will be inspected over the next three years. He stated that two engineers had recently been hired who will be working on these inspections.

Dave Sprynczynatyk recalled that the Water Commission had entered into contract agreement with the Corps of Engineers to conduct the

The inspections began in December, 1977, and just recently, completed reports have been received for two of these dams. One, is Clausen Springs Dam in Barnes County. It is classified as a Class I hazard dam in that if it were to fail there could be substantial property damage or loss of life. Two problems were pointed out on this particular dam: 1) there are a couple of small seep areas on the downstream side of the dam; and 2) the spillway is not adequate to meet Corps' criteria.

The other report completed relates to Erie Dam in Cass County. This is classified as a Class II dam in that if it were to fail there could be some agricultural damage, but no substantial property damage or loss of life. This dam was inspected because it was known there were some seep areas on the downstream side that could possibly be a problem, but the Corps report indicated that these seep areas are not a serious problem.

Inspections have been made on six dams to date and there are three more dams scheduled for inspection in June and hopefully 17 dams can be inspected during this summer season.

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RED RIVER DIKING  
SITUATION  
(SWC Project No. 1638)

Secretary Fahy reminded the Commission members of the meeting scheduled in Grand Forks on June 7, which is a result of a discussion between Governors Link and Perpich for setting up a Committee, or Commission, to take a look at the total problem involved in the diking of the Red River. He urged the Commission members to attend if at all possible. A brief discussion then ensued concerning the diking situation.

REPORT ON SECTION 404  
PROGRAM

Secretary Fahy reported that the request to the North Dakota Legislative Council requesting a Council study of the desirability of State assumption of the Section 404 permitting program under the Federal Water Pollution Control Act of 1972 (P.L. 92-500 as amended) has been denied because of the workload of the Council during this interim.

Secretary Fahy stated that the Water Commission would probably develop a state proposal to the Legislature that the State take over the 404 permitting program.

STATUS REPORT ON  
CHANNEL "A" PROJECT  
(SWC Project No. 842)

Murray Sagsveen reported that a hearing was held in Washington, D. C. last fall and the Judge ruled that he would decide the matter expeditiously. The matter has not yet been decided, so construction has resumed on the Channel "A" project.

WARREN JAMISON, PROJECT MANAGER  
FOR THE BUREAU OF RECLAMATION,  
TESTIMONIAL BANQUET

Laurie McMerty, Executive Vice President of the North Dakota Water Users Association, stated that a testimonial banquet will be held in honor of Warren Jamison, Project Manager for the Bureau of Reclamation in Bismarck, who has been transferred from the Bismarck office to assume a position with the Grand Coulee Power Plant. The banquet is going to be held on June 15 at the Holiday Inn in Bismarck. The North Dakota Water Users Association and the Garrison Diversion Conservancy District are sponsoring the event and Mr. McMerty extended an invitation to the Water Commission to also be a sponsor.

It was the consensus of the Commission members that the Water Commission join with the Water Users Association and the Garrison Diversion Conservancy District in sponsoring a banquet honoring Mr. Jamison.

CONSIDERATION OF A  
RECOMMENDATION FOR  
ADJUSTMENT OF STATE  
ENGINEER'S SALARY

Governor Link indicated that the Personnel Policy and Salary Committee has done a salary evaluation survey of State agency heads and indicated that the State Engineer's salary classification falls into the Level IV bracket.

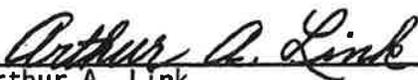
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It was recommended by Governor Link that the Commission consider adjusting the State Engineer's salary to \$35,616, effective July 1, 1978.

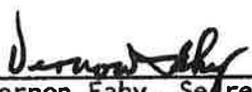
After discussion, it was moved by Commissioner Just, seconded by Commissioner Kramer, and carried, to endorse the Governor's recommendation and that the State Engineer's salary be adjusted accordingly.

In discussion, Secretary Fahy expressed an interest to review the salary evaluation survey, and Governor Link assured him that he will be invited to meet with the Governor and the Director of Accounts and Purchases at an early date.

There being no further business to come before the Commission at this time, it was moved by Commissioner Gallagher, seconded by Commissioner Lanz, and carried, that the meeting adjourn at 4:30 p.m.

  
\_\_\_\_\_  
Arthur A. Link  
Governor-Chairman

ATTEST:

  
\_\_\_\_\_  
Vernon Fahy, Secretary and State Engineer

June 1, 1978

NORTH DAKOTA STATE WATER COMMISSION

REGISTER

ATTENDANCE AT SWC meeting

DATE June 1, 1978 PLACE Vocational Education Conference Room  
Bismarck, N. Dakota PROJECT NO. \_\_\_\_\_

Your Name	Your Address	Who do you Represent? (Or Occupation)
Milo Hovsveen	1208-15th N Bism	Burleigh W.M.D
Elmer Agnew	Moffitt ND	Burdick W.M.D
Bert Jandoff	Bis	" "
Jim Eastgate	"	" "
LAURENCE McMURTY	M. NOT, N. D.	N. D. WATER USERS
Joel D. Melarvic	Bismarck	ANG Coal Gasification Co.
Glenda Lotow	P.O. Box 1073 Bismarck,	Natural Gas Pipeline Co.
Randy Bealby	Bismarck	Bis. Tribune
DAVE RIPLEY	Bism	NDSWC
Mike Dyer	Bis	SWC
Homer Engelhorn	Box 140 Carrington	GDCD
Ken Ziegler	Bismarck	Basin Electric
Jenni Staines	Bis.	K2 YR Radio
Arthur Fern	Bismarck	Basin Electric
David Lockel	Casper	self

## NORTH DAKOTA STATE WATER COMMISSION

## OFFICE MEMO

MEMO TO: Vern Fahy, State Engineer  
 FROM: David A. Sprynczynatyk, Director, Engineering Division  
 SUBJECT: SWC Project #1400 - Water Use Charges  
 DATE: May 1, 1978

An analysis has been made on potential water use charges. To explain the charges, it is first necessary to list each perfected industrial water permit greater than 500 acre-feet, and each conditional water permit greater than 500 acre-feet. There are in addition 2,920 acre-feet of perfected permits each less than 500 acre-feet, and 2,992 acre-feet of conditional permits less than 500 acre-feet.

Perfected Industrial Water Permits Greater than 500 acre-feet

<u>Water Permit #</u>	<u>Owner</u>	<u>Source</u>	<u>Perfected Amount AF</u>	<u>Recorded Annual Use AF</u>
162	MDU (Beulah)	Knife	1,460	970
463	MDU (Heskett)	Missouri	88,700 <sup>1/</sup>	70
483	Standard Oil	Missouri	9,521	1,121
659	Basin Electric (Velva)	Ground Water	3,285	800
1039	Basin Electric (Leland Olds)	Missouri	970,000 <sup>1/</sup>	500
1161	UPA	Missouri	733,000 <sup>1/</sup>	250
1300P	Otter Tail	Red River	18,000 <sup>1/</sup>	10
1324	Minnkota	Square Butte Creek	6,500	2,240
1298P	Union Stockyards	Ground Water	538	450
251	American Crystal	Red River	1,840	178
1076	American Crystal	Red River	4,250	600
775	Sheyenne Sand & Gravel	Sheyenne	2,534	33
913	Lake Sand & Gravel	Sheyenne	1,325	133 <sup>2/</sup>
1117	Flavorland Industries	Ground Water	925	800
221	Minot Sand & Gravel	Moose River	630	44
			<u>1,842,508</u>	<u>8,199</u>

<sup>1/</sup> Flow Through Cooling Systems

<sup>2/</sup> Assumed 10% Annual Consumptive Use.

Conditional Industrial Water Permits Greater than 500 acre-feet

<u>Water Permit #</u>	<u>Owner</u>	<u>Source</u>	<u>Amount (A-F)</u>
740	Standard Oil	Missouri	9,520
1508	Northland Research	Maple	1,000
1901A	ANG	Lake Sakakawea	17,000
1920	Continental Oil	Ground Water	750
1963	Minnkota	Square Butte Cr.	2,480
1964	Minnkota	Missouri	7,500
1977	UPA-CPA	Missouri	15,000
2105	Ladish Malting	Ground Water	1,680
2115	Froedtert Malting	Ground Water	1,125
2179	Basin Electric (Antelope Valley)	Lake Sakakawea	19,000
2292	MDU (Coyote)	Missouri	<u>11,000</u>
			86,055

In the discussion of each alternatives, it was mentioned only actual use should be charged. Thus when available the amounts recorded from annual use reports were used.

Alternative A:	\$2.00 per acre-foot conditional use	
	\$20.00 per acre-foot actual use	
Conditional Use - 86,055 acre-feet at \$2.00 =		\$172,110
Actual Use - 8,199 acre-feet at \$20,000 =		<u>163,980</u>
		\$336,090

Alternative B:	\$2.00 per acre-foot conditional use	
	\$100.00 per acre-foot actual use	
Conditional Use - 86,055 acre-feet at \$2.00		\$172,110
Actual Use - 8,199 acre-feet at \$100,000		<u>819,900</u>
		\$992,010

Alternative C:	5,000 acre-foot exemption	
	\$2.00 per acre-foot conditional use	
	\$20.00 per acre-foot actual use	
Conditional Use - 49,020 acre-feet at \$2.00		\$ 98,040
Actual Use - none		<u>-</u>
		\$ 98,040

Alternative D:	5,000 acre-foot exemption	
	\$2.00 per acre-foot Conditional use	
	\$100.00 per acre-foot actual use	
Conditional Use - 49,020 acre-feet at \$2.00		\$ 98,040
Actual Use - none		<u>-</u>
		\$ 98,040

Alternative E: Representative Maixner's Method.  
(Applied to Perfected Permits Only)

Up to 500 acre-feet no charge  
501 to 1000 acre-feet @ \$50.00 per acre-foot  
1001 to 2000 acre-feet @ \$100.00 acre-foot  
2001 to 3000 acre-feet @ \$200.00 per acre-foot

Actual Use: Up to 500 acre-feet	\$ -
2170 acre-feet @ \$50.00	108,500
1120 acre-feet @ \$100.00	112,000
240 acre-feet @ \$200.00	48,000
	<u>\$268,500</u>

The above figures are based on actual use for presently perfected permits. If all of the present conditional permits became perfected at the amounts requested, total annual use would increase from 8,199 acre-feet to 94,254 acre-feet. Using this amount the following table reflects the revised annual water use charges.

Alternative A	94,254 acre-feet at \$20.00	\$ 1,925,080
Alternative B	94,254 acre-feet at \$100.00	\$ 9,425,400
Alternative C	49,020 acre-feet at \$20.00 (5000 AF exemption)	\$ 980,400
Alternative D	49,020 acre-feet at \$100.00 (5000 AF exemption)	\$ 4,902,000
Alternative E	Graduated Scale	\$37,301,000

Under Alternative E, the largest permit holder (19,000 acre-feet) would be charged \$10,625,000 annually assuming all 19,000 acre-feet would be consumed.

In order to realize the amount charged toward various permits, the following table was prepared. The table shows the amount charged annually under each alternative for varying amounts of actual use.

Typical Annual Water Use Charges

<u>Annual Use</u>	<u>Alternative A</u> (\$20.00 per AF)	<u>Alternative B</u> (\$100.00 per AF)	<u>Alternative C</u> (5000 AF exemp- tion) (\$20.00 per AF)	<u>Alternative D</u> (5000 AF exemp- tion) (\$100.00 per AF)	<u>Alternative E</u> (Maixner Method)
500AF	\$ 10,000	\$ 50,000	-	-	-
1,000	20,000	100,000	-	-	\$ 25,000
2,000	40,000	200,000	-	-	125,000
3,000	60,000	300,000	-	-	325,000
4,000	80,000	400,000	-	-	625,000
5,000	100,000	500,000	-	-	1,025,000
6,000	120,000	600,000	\$ 20,000	\$ 100,000	1,425,000
7,000	140,000	700,000	40,000	200,000	1,925,000
8,000	160,000	800,000	60,000	300,000	2,425,000
9,000	180,000	900,000	80,000	400,000	3,025,000
10,000	200,000	1,000,000	100,000	500,000	3,625,000
11,000	220,000	1,100,000	120,000	600,000	4,325,000
12,000	240,000	1,200,000	140,000	700,000	5,025,000
13,000	260,000	1,300,000	160,000	810,000	5,825,000
14,000	280,000	1,400,000	180,000	900,000	6,625,000
15,000	300,000	1,500,000	200,000	1,000,000	7,425,000
16,000	320,000	1,600,000	220,000	1,100,000	8,225,000
17,000	340,000	1,700,000	240,000	1,200,000	9,025,000
18,000	360,000	1,800,000	260,000	1,300,000	9,825,000
19,000	389,000	1,900,000	280,000	1,400,000	10,625,000
20,000	410,000	2,000,000	300,000	1,500,000	11,425,000

  
 David A. Sprynczyk  
 Director, Engineering Division

DAS:dm

Dist.  
 VF  
 MS  
 ME  
 MD  
 GK  
 MOL  
 DAS

WATER PERMIT AGENDA FOR JUNE 1, 1978 MEETING

\* INDICATES PRIORITY PERMIT STATUS

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
2128	Best, Dr. Lloyd G. - Wahpeton (Richland County)  Priority: 9- 6-74 Hearing on Amendment: 3-20-78	Ground Water (Sheyenne Delta Aquifer)	Irrigation	This is a request for a change in points of diversion.	It is recommended that this change in the points of diversion be approved.  (This request was approved by the State Engineer on May 11, 1978.)
3015	Wachter Real Estate Trust and Dakota Sand and Gravel Company - Bismarck (Burleigh County)  Priority: 12-21-77 Hearing: 3-20-78	Ground Water (Unnamed Aquifer)	Industrial (Ready-Mix Plant)	50.0 acre-feet	50.0 acre-feet  (This application was approved by the State Engineer on May 9, 1978)
		* #1460 (Priority Date: 6-17-67)		Granted 50.0 acre-feet for Sand & Gravel Company	
3017	Anderson, Wayne R. - Straubville (Sargent County)  Priority: 1- 3-78 Hearing: 3-20-78	Ground Water (Spiritwood Aquifer)	Irrigation	640.0 acre-feet 325.3 acres	Recommend for approval: 210.0 acre-feet 140.0 acres (Remainder of request shall be held in abeyance)  (This application was approved by the State Engineer on May 2, 1978)
		* NO PRIOR PERMITS			
2425	Reed, Clarence R. - Fargo (Ransom County)  Priority: 10-21-76 Hearing on Amendment: 3-20-78	Ground Water	Irrigation	This is a request for an additional point of diversion.	It is recommended that this request be deferred at this time.

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
1778	Crane, Franklin S. - San Luis Obispo, Calif. (Trall County)  Priority: 5-21-71 Hearing on Amendment: 3-20-78	Ground Water	Irrigation	This is a request for a change in the points of diversion.	It is recommended that this request be deferred at this time.
3034	Dakota Gardens - Mandan (Morton County)  Priority: 1-11-78 Hearing: 3-20-78	Missouri River  * NO PRIOR PERMITS	Irrigation	282.2 acre-feet 144.6 acres	It is recommended that this request be deferred at this time.
3036	Palaniuk, Steven R. - Belfield (Stark County)  Priority: 2- 2-78 Hearing: 3-20-78	Abandoned Uranium Pit, trib. to Heart River  * NO PRIOR PERMITS	Irrigation	333.0 acre-feet 222.0 acres	It is recommended that this request be deferred at this time.
3039	Hudson Company, Irene H. Jones - Beach (Golden Valley Co.)  Priority: 2-17-78 Hearing: 3-20-78	Beaver Creek and Unnamed Draws, trib. to Little Missouri River  * NO PRIOR PERMITS	Irrigation	368.0 acre-feet 184.0 acres	It is recommended that this request be deferred at this time.

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
3042	Benz, Dennis - Moffit (Emmons County)  Priority: 2-15-78 Hearing: 3-20-78	Long Lake Creek and Slough, trib. to Long Lake  * NO PRIOR PERMITS	Irrigation	167.3 acre-feet 167.3 acres	It is recommended that this request be deferred at this time.
3044	May-Port Properties - Cooperstown (Griggs County)  Priority: 2-16-78 Hearing: 3-20-78	Ground Water  * NO PRIOR PERMITS	Irrigation	950.0 acre-feet 634.7 acres	It is recommended that this request be deferred at this time.
3047	Missouri River Sand and Gravel - Bismarck (McLean County)  Priority: 3- 1-78 Hearing: 3-20-78	Ground Water (Turtle Creek Aquifer)  * #2472 (Priority Date: 7-1-76) Granted 10.08 acre-feet	Industrial (Sand and Gravel Washing Plant)	4.0 acre-feet	4.0 acre-feet
2954	Hoge, Donald J. - Baldwin (Burleigh County)  Priority: 2-28-78 Hearing: 3-27-78	Ground Water  * #958 (Priority Date: 12-19-61) Granted 207.83 acres #959 (Priority Date: 12-19-61) Granted 209.92 acres	Irrigation	958.0 acre-feet 479.0 acres	It is recommended that this request be deferred at this time.

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
2955	Hoge, Paul T. - Baldwin (Burleigh County)	Ground Water	Irrigation	940.0 acre-feet 469.8 acres	It is recommended that this request be deferred at this time.
	Priority: 2-28-78 Hearing: 3-27-78	* NO PRIOR PERMITS			
2956	Hoge, Richard P. - Baldwin (Burleigh County)	Ground Water	Irrigation	960.0 acre-feet 960.0 acres	It is recommended that this request be deferred at this time.
	Priority: 2-28-78 Hearing: 3-27-78	* NO PRIOR PERMITS			
3050	The Coteau Properties Company - Bismarck (Mercer County)	Ground Water	Industrial (to control fugitive dust on haul road system and potable use)	112.0 acre-feet	112.0 acre-feet
	Priority: 2-21-78 Hearing: 3-27-78	* NO PRIOR PERMITS			
3051	Satterthwaite, Earl - New Town (Mountrail County)	Ground Water	Irrigation	54.0 acre-feet 66.3 acres	It is recommended that this request be deferred at this time.
	Priority: 2- 6-78 Hearing: 4- 3-78	* # 253 (Priority Date: 12-13-04) Granted 100.0 acres #2449 (Priority Date: 9-28-76) Granted 22.1 acres			

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
3041	Haugen, Jack - Fargo (Griggs County)  Priority: 2-13-78 Hearing: 4- 3-78	Ground Water   * NO PRIOR PERMITS	Irrigation	605.0 acre-feet 403.25 acres	It is recommended that this request be deferred at this time.
2773	Wiese, Walter W. - Oakes (Sargent County)  Priority: 3-10-77 Hearing: 5-31-77 Deferred: 7- 8-77	Ground Water (Oakes Aquifer)  * NO PRIOR PERMITS	Irrigation	506.8 acre-feet 235.4 acres	352.0 acre-feet 235.0 acres
2866	Kraft, James and Gerald - Turtle Lake (McLean County)  Priority: 5-24-77 Hearing: 7-18-77 Deferred: 8-16-77	Ground Water (Turtle Lake Aquifer)  * NO PRIOR PERMITS	Irrigation	80.4 acre-feet 53.6 acres	80.4 acre-feet 53.6 acres
3049	US Fish and Wildlife Service (Hofstrand Lake) - Denver, Colorado (Benson County)  Priority: 2-27-78 Hearing: 5- 1-78	Hofstrand Lake, trib. to Little Coulee to Lake Ibsen  * The applicant holds numerous permits throughout the State	Recreation (Fish and Wildlife Propagation)	1425.0 acre-feet storage; 1425.0 acre-feet annual use	It is recommended that this request be deferred at this time.

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
3056	Larson, Bruce - Sheyenne (Eddy County)	Ground Water	Irrigation	234.0 acre-feet 156.0 acres	It is recommended that this request be deferred at this time.
	Priority: 3- 9-78 Hearing: 5- 1-78	* #657 (Priority Date: 12-12-55) Granted 109.6 acres			
3055	Basin Electric Power Cooperative - Bismarck (Mercer County)	Accumulation of storm water runoff, trib. to Knife River	Flood, Environmental Control and Industrial Use as Dust Control	300.0 acre-feet	76.0 acre-feet storage 300.0 acre-feet annual use
	Priority: 1-24-78 Hearing: 5- 8-78	* Applicant holds 5 permits in Mercer County and 1 in McHenry County			
2576	Grand Forks County WMD - (Dam Site #9, Upper Turtle River Watershed) Grand Forks (Grand Forks County)	South Branch of Turtle River, trib. to Turtle and Red Rivers	Flood Control and Recreation	5,100.0 acre-feet 850.0 acre-feet 216.0 acre-feet annually	It is recommended that this request be deferred at this time.
	Priority: 4- 3-78 Hearing: 5- 8-78	* The applicant holds a number of permits for flood control in Grand Forks County)			
3045	Pojarlie, John - Grassy Butte (McKenzie County)	Unnamed Draw, trib. to Little Missouri River	Irrigation	51.0 acre-feet 51.0 acres	It is recommended that this request be deferred at this time.
	Priority: 2-21-78 Hearing: 5- 8-78	* NO PRIOR PERMITS			

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
697	Park River, City of - Park River (Walsh County)  Priority: 12- 3-56 Hearing for Amendment: 5- 8-78	Homme Reservoir  * NO PRIOR PERMITS	Municipal	This is a request for a change in the point of diversion.	It is recommended that this request be deferred at this time.
1179P	Mott, City of - Mott (Hettinger County)  Priority: 6-3-24 and 6-3-64 Hearing for Amendment: 5-15-78	Ground Water  * NO PRIOR PERMITS	Municipal	This is a request for a change in the point of diversion and an increase in the withdrawal rate.	It is recommended that this request be deferred at this time.
3037	Tader, James - Ann Arbor, Michigan (Dickey County)  Priority: 2- 8-78 Hearing: 5- 8-78	Ground Water  * NO PRIOR PERMITS	Irrigation	240.0 acre-feet 160.0 acres	It is recommended that this request be deferred at this time.
3043	Maus, Daniel E. - Golva (Golden Valley Co.)  Priority: 2-16-78 Hearing: 5- 8-78	Unnamed Stream, trib. to Bullion Creek and Little Missouri River  * NO PRIOR PERMITS	Irrigation- Waterspreading	140.0 acre-feet 70.0 acres	It is recommended that this request be deferred at this time.

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
2899	Painted Woods Golf Course - Washburn (McLean County)  Priority: 3-21-78 Hearing: 5- 8-78	Painted Woods Creek and/or Ground Water; trib. to Missouri River  * NO PRIOR PERMITS	Irrigation	40.0 acre-feet 91.0 acres (only a total of 20.0 acres will be irrigated)	It is recommended that this request be deferred at this time.
3046	Upper Souris Water Users Association - Kenmare (Ward County)  Priority: 2-23-78 Hearing: 5- 8-78	Ground Water  * NO PRIOR PERMITS	Municipal - (Rural Domestic)	110.0 acre-feet	110.0 acre-feet
3048	Upper Souris Water Users Association - Kenmare (Bottineau County)  Priority: 2-28-78 Hearing: 5- 8-78	Ground Water  * NO PRIOR PERMITS	Municipal - (Rural Domestic)	65.0 acre-feet	65.0 acre-feet
2979	North Dakota Concrete Products - Bismarck (Burleigh County)  Priority: 10-18-77 Hearing for Amendment: 5- 8-78	Ground Water  * NO PRIOR PERMITS	Industrial	This is a request for an increase in appropriation to 10.5 acre-feet.	It is recommended that this request for an increase in appropriation to 10.5 acre-feet be approved.

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
3035	Hovde, Lynn - Alexander (McKenzie County)	Unnamed Stream, trib. to Timber Creek and Missouri River	Irrigation	140.0 acre-feet 94.0 acres	It is recommended that this request be deferred at this time.
	Priority: 1-19-78 Hearing: 5-15-78	* NO PRIOR PERMITS			
2550	Widmer, Arnold - Crete (Sargent County)	Ground Water	Irrigation	640.0 acre-feet 398.7 acres (Also a request for an additional point of diversion.)	It is recommended that this request be deferred at this time.
	Priority: 9-24-76 Hearing: 11-15-76 Deferred: 12- 7-76 Hearing for Amendment: 5-15-78	* #2450 (Priority Date: 5-12-76) Granted 155.0 acres			
3057	Dakota Adventist Academy - Jamestown (Burleigh County)	Ground Water	Irrigation	664.5 acre-feet 443.0 acres	It is recommended that this request be deferred at this time.
	Priority: 3-29-78 Hearing: 5-15-78	* #2575 (Priority Date: 8-19-76) Granted 44.8 acre-feet #2848 (Priority Date: 10-20-76) Granted 20.0 acres			
3058	Page, City of - Page (Cass County)	Ground Water	Municipal	82.0 acre-feet	82.0 acre-feet
	Priority: 2-23-78 Hearing: 5-15-78	* NO PRIOR PERMITS			

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
3059	Southeast Vocational Center FFA - Oakes (Dickey County)  Priority: 3- 9-78 Hearing: 5- 9-78	Ground Water   * NO PRIOR PERMITS	Irrigation	10.0 acre-feet 4.36 acres	9.0 acre-feet 4.36 acres  (This request was approved by the State Engineer on May 12, 1978)
3060	Bowman, Ronald J. - Bowman (Bowman County)  Priority: 7-11-77 Hearing: 5-15-78	Spring Creek, trib. to Grand River   * NO PRIOR PERMITS	Irrigation - Waterspreading	156.0 acre-feet 104.3 acres	It is recommended that this request be deferred at this time.
3061	LaMoure, City of - LaMoure (LaMoure County)  Priority: 3-22-78 Hearing: 5-15-78	Ground Water   * #1790 (Priority Date: 7-28-71) Granted 1482.0 acre-feet for Cottonwood Creek Dam	Municipal	214.0 acre-feet	It is recommended that this request be deferred at this time.
3062	Johnson Brothers - Walhalla (Cavalier County)  Priority: 1-13-78 Hearing: 5-15-78	Pembina River, trib. to Red River of the North   * NO PRIOR PERMITS	Irrigation	400.0 acre-feet 640.0 acres	400.0 acre-feet 400.0 acres

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
1613	Walhalla, City of - Walhalla (Pembina County)  Hearing for Amendment: 5-15-78	Ground Water	Municipal	This is a request for a change in the point of diversion.	It is recommended that this request be deferred at this time.
2935	Jawaski, Ray - Adrian (LaMoure County)  Priority: 6-21-78 Hearing: 5-15-78	Ground Water	Irrigation	1270.4 acre-feet 635.2 acres	It is recommended that this request be deferred at this time.
		* NO PRIOR PERMITS			
3063	Stippich, Inc. - Hettinger (Adams County)  Priority: 2- 3-78 Hearing: 5-15-78	Ground Water	Municipal - (Rural Domestic)	50.0 acre-feet	It is recommended that this request be deferred at this time.
		* NO PRIOR PERMITS			
1954	Traill County Rural Water Users, Inc. - Portland (Traill County)  Hearing for Amendment: 5-15-78	Ground Water	Municipal - (Rural Domestic)	This is a request for a change in the points of diversion.	It is recommended that this request be deferred at this time.

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
893	Grafton, City of - Grafton (Walsh County)  Hearing for Amendment: 5-22-78	Red River of the North	Municipal & Industrial	This is a request for a change in the points of diversion.	It is recommended that this request be deferred at this time.
2434	Garnas, Donald M. and Ruth L. - Page (Cass County)  Hearing for Amendment: 5-22-78	Ground Water	Irrigation	This is a request for a change in the points of diversion.	It is recommended that this request for a change in the points of diversion be granted.
2234	Hanson, Clarence J. - Ruso (McLean County)  Hearing for Amendment: 5-22-78	Ground Water	Irrigation	This is a request for a change in the points of diversion.	It is recommended that the request for a change in points of diversion be granted and also an additional 15.0 acre-feet of water to irrigate an additional 10.0 acres be granted from that portion held in abeyance.
3038	Filler, Herbert R., Jr. - Orrin (Pierce County)  Priority: 2-23-78 Hearing: 5-22-78	Ground Water	Irrigation	132.0 acre-feet 88.0 acres	It is recommended that this request be deferred at this time.

\* NO PRIOR PERMITS

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
3021	Klaudt, Rhine J. - Linton (Emmons County)  Priority: 9-19-77 Hearing: 2-13-78 Deferred: 3-16-78	Unnamed Creek and Beaver Creek, trib. to Missouri River	Irrigation	129.5 acre-feet 86.3 acres	129.5 acre-feet 86.3 acres  * #1102 (Priority Date: 9-9-63) Granted 26.8 acres #1461 (Priority Date: 6-22-67) Granted 20.0 acres
2932	Sonsalla, Mike H. - Marmarth (Slope County)  Priority: 7- 7-77 Hearing: 10-17-77 Deferred: 12- 7-77	Little Missouri River, trib. to Missouri River	Irrigation	194.0 acre-feet 97.0 acres	97.0 acre-feet 97.0 acres  * #1969 (Priority Date: 9-7-73) Granted 101.4 acres
3031	Ptacek, Mrs. LaVerne - Cogswell (Dickey County)  Priority: 4-12-78 Hearing: 5-30-78	Ground Water	Irrigation	863.0 acre-feet 575.7 acres	It is recommended that this request be deferred at this time.  * #2000 (Priority Date: 7-31-75) Granted 135.0 acres ) #2294 (Priority Date: 7-10-75) Granted 220.0 acres ) Granted to Lloyd Ptacek
3065	Chinn, Roger - Grassy Butte (McKenzie County)  Priority: 3- 8-78 Hearing: 5-22-78	Unnamed Tributary, trib. to Little Missouri River	Recreation	32.8 acre-feet storage plus 12.0 acre-feet annual use	It is recommended that this request be deferred at this time.  * NO PRIOR PERMITS

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
3068	Nesvig, Leslie - LaMoure (LaMoure County)	Ground Water	Irrigation	259.8 acre-feet 172.2 acres	It is recommended that this request be deferred at this time.
	Priority: 3- 9-78 Hearing: 5-22-78	* #2306 (Priority Date: 8-18-75) Granted 222.0 acres			
3070	Schonert, Roy - Baldwin (Burleigh County)	Ground Water	Irrigation	270.0 acre-feet 179.4 acres	It is recommended that this request be deferred at this time.
	Priority: 3-13-78 Hearing: 5-22-78	* NO PRIOR PERMITS			
3075	Ott, Reinhart - Binford (Griggs County)	Ground Water	Irrigation	936.0 acre-feet 468.0 acres	It is recommended that this request be deferred at this time.
	Priority: 3-22-78 Hearing: 5-22-78	* NO PRIOR PERMITS			
3076	Roughriders Development Corporation - Sterling (Burleigh County)	Ground Water	Municipal - (Rural Domestic)	27.0 acre-feet	It is recommended that this request be deferred at this time.
	Priority: 3-23-78 Hearing: 5-22-78	* NO PRIOR PERMITS			

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
3064	Bratcher Brothers - Alexander (McKenzie County)  Priority: 3- 3-78 Hearing: 5-22-78	Ground Water	Irrigation	648.0 acre-feet 432.0 acres	It is recommended that this request be deferred at this time.  * NO PRIOR PERMITS
3079	Minnkota Power Cooperative, Inc. - Grand Forks (Grand Forks Co.)  Priority: 3-27-78 Hearing: 5-23-78	Ground Water	Industrial	0.1 acre-feet	0.1 acre-feet  * Applicant holds a number of permits
3080	Huebner, Kenneth - Grand Forks (Ransom and Sargent Counties)  Priority: 3-30-78 Hearing: 5-23-78	Ground Water	Irrigation	1440.0 acre-feet 720.0 acres	It is recommended that this request be deferred at this time.  * #2698 (Priority Date: 2-16-77) Granted 109.6 acres
2930	Becker, Joe - Selfridge (Sioux County)  Priority: 5- 2-78 Hearing: 5-23-78	Porcupine Creek, trib. to Missouri River	Recreation & Stockwater	140.0 acre-feet storage plus 78.0 acre-feet annual use	<u>Section 9-131-81 -</u> 35.4 acre-feet storage 27.0 acre-feet annually  <u>Section 16-131-81 -</u> 105.0 acre-feet storage 51.0 acre-feet annually  Upon further research on this request, it was determined that it was not published properly, therefore, action was deferred by State Engineer.

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
3082	Upham, City of - Upham (McHenry County)  Priority: 3-21-78 Hearing: 5-23-78	Ground Water	Municipal	61.0 acre-feet	It is recommended that this request be deferred at this time.  * #1254 (Priority Date: 12-10-64) Granted 100.0 acre-feet
3083	Langseth, Paul - Barney (Richland County)  Priority: 4- 7-78 Hearing: 5-23-78	Ground Water	Irrigation	460.0 acre-feet 307.5 acres	It is recommended that this request be deferred at this time.  * NO PRIOR PERMITS
3084	Andahl, Paul and Ronald - Bismarck (Burleigh County)  Priority: 4-14-78 Hearing: 5-23-78	Unnamed Stream, trib. to Missouri River	Erosion Control	54.5 acre-feet storage plus 19.4 acre-feet annual use	It is recommended that this request be deferred at this time.  * # 977 (Priority Date: 3-12-62) Granted 535.3 acres #2021 (Priority Date: 1-10-74) Granted 598.6 acres
2928	Johnson, Cody - Baker, Montana (Bowman County)  Priority: 4-21-78 Hearing: 5-23-78	Little Missouri River, trib. to Missouri River	Irrigation	340.0 acre-feet 170.2 acres	It is recommended that this request be deferred at this time.  * NO PRIOR PERMITS

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
2938	Gravdahl, John and Kay - Warwick (Eddy County)	Ground Water (Warwick Aquifer)	Irrigation	463.0 acre-feet 309.0 acres	463.0 acre-feet 309.0 acres
	Priority: 8-15-77 Hearing: 10-17-77 Deferred: 12- 7-77	* NO PRIOR PERMITS			
2647	Yagow, Morris - Milnor (Ransom County)	Ground Water	Irrigation	640.0 acre-feet 320.0 acres	<p>On 4-15-77, the applicant was granted 120.0 acre-feet of water to irrigate 80.0 acres. The balance of request was held in abeyance.</p> <p>The Comm. staff has reviewed that portion held in abeyance and it is their recommendation that a portion of this be released at this time - an additional 202.5 acre-feet to irrigate an additional 135.0 acres.</p> <p>Total amounts granted thus far would be 322.5 acre-feet to irrigate 215.0 acres.</p> <p>(This request was granted by the State Engineer on May 8, 1978)</p>
	Priority: 12- 3-76	* NO PRIOR PERMITS			

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
2539	Thompson, Robert; Thomas Thompson Trust, and William J. Thompson Trust - Page (Cass County)  Priority: 9- 1-76	Ground Water	Irrigation	2500.0 acre-feet 1702.26 acres	This is a request to expand the approved areas to include all of the NW¼ of Sec 15 and the NE¼ of Sec 16, Twp 142, Rge 54. There is no additional acre-feet, acres or gpm being requested at this time for the portion that is being held in abeyance.  (This request was approved by the State Engineer on May 8, 1978.)
2167	Aberle, Joseph - Minot (McHenry County)  Priority: 10-28-74 Hearing: 12- 2-74 Deferred: 12-16-74	Ground Water (New Rockford Aquifer)	Irrigation	240.0 acre-feet 156.0 acres	It has been determined that there is an inad- equate supply of water to sustain normal irrigation; therefore, it is recommended that this request be denied.
2910	Rockeman, Lloyd - Sidney, Montana (McKenzie County)  Priority: 6-20-77 Hearing: 10- 4-77 Deferred: 12- 7-77	Little Missouri River, trib. to Missouri River	Irrigation	437.0 acre-feet 437.0 acres	400.0 acre-feet 400.0 acres  * #2685 (Priority Date: 1-13-77) Granted 94.0 acres to Rockeman-Foss Ranch

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
1241	Friese, Lester - Lisbon (Ransom County)	Sheyenne River, trib. to Red River of the North	Irrigation	This is a request for a change in point of diversion.	It is recommended that this change in the point of diversion be granted.
	Priority: 9-22-64 Hearing on Amendment: 6- 5-78 Deferred: 3-16-78				
2127	Stegner, William A. - Rhame (Bowman County)	Deep Creek, trib. to Little Missouri River	Irrigation	60.0 acre-feet 117.6 acres	60.0 acre-feet storage plus 60.0 acre-feet annual use 117.6 acres
	Priority: 5-13-74 Hearing: 10- 7-74 Deferred: 10-15-74	* #1884 (Priority Date: 7-21-72) Granted 62.7 acres #1978 (Priority Date: 9-26-73) Granted 58.0 acres #1979 (Priority Date: 9-26-73) Granted 76.6 acres #1970 (Priority Date: 9-5-73) Granted 196.3 acres			
3009	Agassiz Water Users, Inc. - Gilby (Grand Forks Co.)	Ground Water (Glacial Lake Agassiz)	Municipal (Rural Domestic)	50.0 acre-feet	50.0 acre-feet  (This request was approved by the State Engineer on May 18, 1978)
	Priority: 12- 8-77 Hearing: 2-27-78 Deferred: 3-16-78	* #1840 (Priority Date: 4-20-72) Granted 150.0 acre-feet			

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
2905	Hoffart, Joe F. and Francis - Balta (Pierce County)	Ground Water (Kilgore Aquifer)	Irrigation	110.0 acre-feet 79.0 acres	110.0 acre-feet 79.0 acres
	Priority: 6- 6-77 Hearing: 10- 4-77 Deferred: 12- 7-77	* NO PRIOR PERMITS			
2902	Volk, Ronald J. - Orrin (Pierce County)	Ground Water (Kilgore Aquifer)	Irrigation	300.0 acre-feet 78.0 acres	117.0 acre-feet 78.0 acres
	Priority: 6- 3-77 Hearing: 10- 3-77 Deferred: 12- 7-77	* NO PRIOR PERMITS			
2895	Brossart, Vernon - Balta (Pierce County)	Ground Water (Kilgore Aquifer)	Irrigation	852.0 acre-feet 426.0 acres	319.5 acre-feet 213.0 acres
	Priority: 5-17-77 Hearing: 10- 3-77 Deferred: 12- 7-77	* #2570 (Priority Date: 5-5-77) Granted 78.0 acres			
2900	Jensen, C. L. - Esmond (Pierce County)	Ground Water (Kilgore Aquifer)	Irrigation	150.0 acre-feet 100.0 acres	150.0 acre-feet 100.0 acres
	Priority: 5-17-77 Hearing: 10- 3-77 Deferred: 12- 7-77	* NO PRIOR PERMITS			

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
2934	Lenthe, Dirk - Moorhead, Minn. (Cass County)	Ground Water (West Fargo Aquifer)	Municipal (Rural Domestic)	20.0 acre-feet	10.0 acre-feet
	Priority: 7-12-77 Hearing: 10-17-77 Deferred: 12- 7-77	* NO PRIOR PERMITS			
2985	Grand Forks-Traill Water Users, Inc. - Thompson (Grand Forks Co.)	Ground Water (Elk Valley Aquifer)	Municipal (Rural Domestic)	60.0 acre-feet	60.0 acre-feet
	Priority: 10-10-77 Hearing: 12- 5-77 Deferred: 3-16-78	* #2497 (Priority Date: 7-22-76) Granted 200.0 acre-feet			
2548	Aberle, Joseph and Catherine - Minot (McHenry County)	Ground Water (New Rockford Aquifer)	Irrigation	234.0 acre-feet 156.0 acres	202.5 acre-feet 135.0 acres
	Priority: 9-24-76 Hearing: 10-18-76 Deferred: 12- 7-76	* NO PRIOR PERMITS			

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
2835	Klindt, Henry - Walhalla (Pembina County)	Unnamed Creek, trib. to Tongue River	Irrigation	107.0 acre-feet 107.0 acres	107.0 acre-feet 107.0 acres
	Priority: 4-22-77 Hearing: 6-27-77 Deferred: 8-16-77	* NO PRIOR PERMITS			
2391	Lemke, Glenn A. - Leonard (Cass County)	Buffalo Creek, trib. to Maple River	Irrigation	394.0 acre-feet 262.7 acres	On May 3, 1976, the Comm. granted 86.0 acre-feet to irrigate 86.0 acres. The balance was held in abey- ance.  The Comm. staff has now reviewed a portion being held in abeyance and recommends that an addit- ional 21.2 acre-feet to irrigate an additional 21.2 acres be granted.  The totals granted would then be 107.2 acre-feet to irrigate 107.2 acres.
	Priority: 2-25-76 Hearing: 4-26-76				
2743	Taverna, Jake - New Rockford (Eddy County)	Ground Water (Rosefield Aquifer)	Irrigation	405.0 acre-feet 286.8 acres	Recommend for approval: 202.5 acre-feet 135.0 acres  (Remainder of request to be held in abeyance)
	Priority: 2-14-77 Hearing: 5- 2-77 Deferred: 5-27-77	* NO PRIOR PERMITS			

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
2486	Maus, Mrs. Geraldine - Golva (Golden Valley Co.)  Priority: 5-20-76 Hearing: 11-23-76 Deferred: 12- 7-76	Unnamed Draw, trib. to Bullion Creek and Little Missouri River	Irrigation	147.8 acre-feet 147.8 acres	It is recommended that this request be denied because of inadequate safeguards for City of Golva property.  (This request was denied by the State Engineer on May 16, 1978.)
2942	Gruebele, Reinhold - Pettibone (Kidder County)  Priority: 7-21-77 Hearing: 11-14-77 Deferred: 12- 7-77	Ground Water (Kidder County Aquifer)	Irrigation	1209.0 acre-feet 806.0 acres	Recommend for approval: 105.0 acre-feet 70.0 acres (1104.0 acre-feet shall be held in abeyance)
2881	Patterson Land Company - Bismarck (Kidder County)  Priority: 6-15-77 Hearing: 8- 1-77 Deferred: 8-16-77	Ground Water or Dugout (Kidder County Aquifer)	Irrigation	320.0 acre-feet 148.4 acres	217.5 acre-feet 145.0 acres
		* #799 (Priority Date: 5-22-59) Granted 221.24 acres			

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
2904	Haman, Julius - Rugby (Pierce County)	Ground Water (Pleasant Lake Aquifer)	Irrigation	280.0 acre-feet 137.5 acres	112.5 acre-feet 75.0 acres
	Priority: 5-25-77 Hearing: 10- 3-77 Deferred: 12- 7-77	* NO PRIOR PERMITS			
2884	Trampe, Ernest and Loraas, Dallis - Dunn Center (Dunn County)	Ground Water (Unnamed Aquifer)	Irrigation	354.0 acre-feet 177.0 acres	265.5 acre-feet 177.0 acres
	Priority: 6-17-77 Hearing: 10-31-77 Deferred: 12- 7-77	* #1939 (Priority Date: 6-12-73) Granted 176.0 acres			
2856	Grenier, Ronald - Rolette (Rolette County)	Ground Water; or Ground Water and Slough, non-con- tributing to Souris River Basin (Shell Creek Aquifer)	Irrigation	936.0 acre-feet Ground Water; or 468.0 acre-feet Ground Water and 468.0 acre-feet Surface Water	Recommend for approval: 135.0 acre-feet 135.0 acres from Ground Water  (Remainder of request to be held in abeyance)
	Priority: 5-10-77 Hearing: 7-11-77 Deferred: 8-16-77	* NO PRIOR PERMITS			