

MINUTES

North Dakota State Water Commission
Meeting Held In
Garrison Diversion Conservancy District Headquarters
Carrington, North Dakota

July 19, 1978

The North Dakota State Water Commission held a meeting on July 19, 1978, in the Garrison Diversion Conservancy District Headquarters, Carrington, North Dakota. Governor-Chairman, Arthur A. Link, called the meeting to order at 10:00 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
Arlene Wilhelm, Member from Dickinson
Myron Just, Commissioner, Department of Agriculture, Bismarck
Vernon Fahy, State Engineer and Secretary, North Dakota
State Water Commission, Bismarck

OTHERS PRESENT:

State Water Commission Staff Members
Fletcher H. Poling, Basin Electric Power Coop, Bismarck, ND
Hank Trangsrud, Houston Eng., Inc., Fargo, ND
Karl Limvere, North Dakota Farmers Union, Montpelier, ND
Dick Moun, Soil Conservation Service, Bismarck, ND
Allen Fisk, Soil Conservation Service, Bismarck, ND
Homer Engelhorn, Garrison Diversion Conservancy District, Carrington, ND
Wayne Burbank, North Dakota State University Extension, Carrington, ND
Laurence McMerty, North Dakota Water Users Association, Minot, ND

The attendance register is on file in the State Water Commission office.

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

CONSIDERATION OF MINUTES
FOR JUNE 23, 1978, MEETING -
APPROVED

Secretary Fahy briefly reviewed the minutes of the June 23, 1978, meeting. There was no discussion by the Commission members on the minutes.

It was moved by Commissioner Kramer, seconded by Commissioner Gray, and carried, that the minutes of the June 23, 1978 meeting be approved as prepared and distributed.

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**CONSIDERATION OF MINUTES
FOR JUNE 1, 1978, MEETING -
CORRECTION**

Secretary Fahy noted a correction for the minutes of the June 1, 1978, meeting. During the meeting he had incorrectly stated that McKenzie

County was the last county to undertake a groundwater study. Towner County has not yet entered a contract with the State Water Commission for a ground water study; however, an agreement is presently being negotiated. (Note: This paragraph was amended at August 23, 1978 meeting-page 167)

**REQUEST FROM CITY OF
GRAND FORKS FOR COST
PARTICIPATION FOR REPAIR OF
RIVERSIDE PARK DAM
(SWC Project No. 520)**

Secretary Fahy and David Sprynczynatyk reviewed the problems with the Grand Forks Riverside Park Dam, which forms the municipal water supply pumping pool for Grand Forks. The dam requires temporary repairs which could last up

to ten years. The dam is being investigated for the city to determine the engineering and feasibility of a new dam. The City of Grand Forks had requested assistance for the costs associated with the temporary repairs. Secretary Fahy recommended cost participation of 50% of the estimated repair cost of \$115,000, not to exceed \$57,500.

It was moved by Commissioner Gray, seconded by Commissioner Gallagher that the State Water Commission participate in the temporary repair of Riverside Park Dam for 50% of the repair costs, not to exceed \$57,500. Motion unanimously approved.

**REQUEST FROM STEELE COUNTY
FOR COST PARTICIPATION ON
NELSON-STEELE DRAIN NO. 7A
(SWC Project No. 1622)**

Secretary Fahy and David Sprynczynatyk reviewed the proposed Nelson-Steele Drain No. 7A with the Commission. Secretary Fahy explained that the drain has been designed so that two

natural low lying areas are used as retention reservoirs, thereby reducing the discharge from the area compared to existing conditions.

Secretary Fahy further noted that the total cost of the project is estimated at \$247,900. Using present cost participation criteria, the Commission share would be \$90,540. However, the contract fund has only \$30,000 uncommitted at this time.

Secretary Fahy recommended cost participation for 40% of the drain project, not to exceed \$90,540. \$30,000 would be available for this biennium plus whatever other remaining funds may be available from the contract fund at the end of the biennium. The remaining funds would be available next biennium, subject to the availability of appropriations.

Chairman Link and Commissioner Just expressed concern that this drainage project may contribute to further

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flood problems in the Red River. Secretary Fahy explained that the project had been carefully designed to reduce peak flows into the Red River, thereby reducing the flood hazard potential.

It was moved by Commissioner Gray, seconded by Commissioner Kramer, that the State Water Commission participate in the construction of Nelson-Steele Drain No. 7A for 40% of the eligible construction costs, not to exceed \$90,540. Further, that only \$30,000 (and any remaining balance in the contract fund) would be available this biennium with the remaining funds to be available next biennium, subject to the availability of appropriations. The motion was unanimously approved.

REQUEST FROM CASS COUNTY
FOR COST PARTICIPATION ON
CASS COUNTY DRAINS
NO. 37 & 39.

Secretary Fahy and David Sprynczynatyk reviewed the continued construction of Cass County Drains No. 37 & 39. These drains have been constructed in phases, and the Commission has funded previous

phases of the drains.

The total cost of completing drain No. 37 is \$46,000, of which the Commission has already committed \$3,908; the request is for an additional \$12,892. The cost of completion of drain No. 39 is \$60,500 of which the Commission has committed \$6,290 towards completion; the request is for an additional \$15,710.

Secretary Fahy recommended cost participation for 40% of eligible items for completion of Cass County Drains No. 37 & 39, not to exceed \$12,892 and \$15,710 respectively.

It was moved by Commissioner Gray, seconded by Commissioner Kramer, that the State Water Commission participate in the completion of Cass County Drains No. 37 & 39 for 40% of the eligible construction costs, not to exceed \$12,892 and \$15,710 respectively. The motion was carried unanimously.

PROGRESS REPORT OF
SOUTHWEST NORTH DAKOTA
WATER DELIVERY STUDY

Secretary Fahy introduced Hank Trangsrud, Houston Engineering, Fargo, ND, the consulting engineer for the project.

Mr. Trangsrud explained that this firm, Commission staff and the advisory committee is exploring several alternatives for delivery of water to southwest North Dakota. Later, a number of the alternatives will be reduced. Basic considerations for selection of primary alternatives will be such factors as elevation, distance, amount of water requested, and number of individuals to be served.

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Mr. Trangsrud reviewed a municipal questionnaire summary and a rural area survey (attached as APPENDIX "A" & "B").

He noted that there have been two meetings with the advisory committee. During the meetings criteria for evaluating the criteria have been developed. The criteria are:

1. number of users
2. ability to relieve critical needs
3. cost
4. energy consumption
5. environmental considerations
6. financing ability
7. compatibility with area goals
8. feasibility of implementation
9. system reliability
10. public acceptance

Mr. Trangsrud explained that all interested parties are in the process of prioritizing the criteria.

The next meeting of the advisory committee will be August 17, 1978. An attempt will be made at that time to reduce the number of alternatives. The first draft of the study report will then be prepared for possible distribution by November 1. The final draft is expected by December 1.

In a response to a question from Chairman Link, Mr. Trangsrud advised that any system would be designed to accommodate limited expansion provided the expansion is not in concentrated areas.

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

A third draft of the regulations was introduced. This draft was based upon recommendations made by Mr. Spiry at the June 23, 1978, meeting. The draft was briefly explained by Assistant Attorney General Sagsveen. The draft is attached as APPENDIX "C".

It was the consensus of the Commission that all three drafts be consolidated into a single document by the July 28 meeting for consideration at the August meeting.

CONTINUED DISCUSSION ON
WATER MARKETING

It was the consensus of the Commission that this agenda item be postponed until the August meeting.

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

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

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After a brief discussion, it was moved by Commissioner Kramer, seconded by Commissioner Wilhelm, that the action of the State Engineer be confirmed as presented. Motion unanimously approved.

The following water permit applications were approved: No. 3102 - Tom Aasen, Minot; No. 3103 - Eugene A. Burdick, Williston; No. 3100 - City of Hazelton, Hazelton; No. 3065 - Roger Chinn, Grassy Butte; No. 2838 - Forman Park Board, Golf Association, Forman; No. 2825 - North Valley Water Association, Inc., Cavalier; No. 1230P - City of Hebron, Hebron; No. 3063 - Stippich, Inc., Hettinger; No. 2928 - Cody Johnson, Baker, Montana; No. 3053 - Cass Rural Water Users, Inc., Kindred; No. 2873 - James Nilson, Sheyenne; No. 3020 - Glen Matthews, Balta; No. 1613 - City of Walhalla, Walhalla.

The following applications were deferred: No. 3101 - Jim Kussy, New Hradec; No. 3104 - Orlando K. Olson, Arvilla; No. 2947 - Chester Halverson, White Earth; No. 3040 - Peter E. Westgard, Plaza; No. 3089 - LeRoy L. Boeckel, Beulah; No. 3087 - Richard E. & Ericka Sabinash, Woodworth; No. 3096 - Peter Stoffel & Elaine Kerian, Enderlin; No. 3107 - Ralph M. Kresbach, Warwick.

DISCUSSION OF SUPREME
DECISIONS

Assistant Attorney General Sagsveen advised the Commission of recent Supreme Court decisions concerning water.

United States v. New Mexico concerned reserved water rights. The Court held that the United States, in setting the Gila National Forest aside from other public lands reserved the use of water out of the Rio Mimbres River only where necessary to preserve the timber in the forest or to secure favorable water flows, and hence not to have a reserved right for aesthetic, recreational, wildlife, preservation, and stockwatering purposes.

California v. United States concerned Section 8 of the Reclamation Act of 1902. The Bureau of Reclamation applied to the California State Water Resources Control Board for a permit to appropriate water that would be impounded by the New Melones Dam. The Board attached 25 conditions to the water permit. The Court held that a state may impose any condition on "control, appropriation, use or distribution of water" in a federal reclamation project that is not inconsistent with clear congressional directives respecting the project.

There being no further business to come before the Commission at this time -

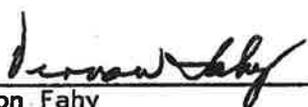
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It was moved by Commissioner Gallagher and seconded by Commissioner Kramer that the meeting adjourn at 4:00 p.m. The motion was unanimously approved.



Arthur A. Link
Governor-Chairman

ATTEST:



Vernon Fahy
State Engineer and Secretary

July 19, 1978

SOUTHWEST NORTH DAKOTA WATER SUPPLEMENTATION STUDY

WEST RIVER MUNICIPAL QUESTIONNAIRE SUMMARY

Cities With a Public Water Supply

County	City	Returned Questionnaire		Interested in Rural Water	
		Yes	No	Yes	No
Adams	Bucyrus			X	
	Haynes	X		X	
	Hettinger	X		X	
	Reeder	X		X	
Billings	Medora				
Bowman	Bowman	X		X	
	Gascoyne				
	Rhame	X			X
Dunn	Scranton	X			X
	Dodge	X			
	Dunn Center	X			
	Halliday	X		X	
Grant	Killdeer				
	Carson	X			X
	Elgin	X			X
	Leith	X			X
Golden Valley	New Leipzig				
	Beach			X	
	Golva	X			X
Hettinger	Sentinel Butte	X		X	
	Mott	X		X	
	New England	X		X	
McKenzie	Regent	X		X	
	Watford City				
	Arnegard				
	Alexander	X			X
Mercer	Rawson	X			X
	Beulah				
	Golden Valley	X			X
	Hazen	X			X
	Pick City	X			
	Stanton	X			
Morton	Zap	X		X	
	Almont	X			X
	Flasher	X		X	
	Glen Ullin	X			X
	New Salem				
Oliver	Hebron	X		X	
	Center				
Sioux	Fort Yates	X			
	Solen	X			X
	Selfridge				
Slope	Amidon	X		X	
	Marmarth	X			X
Stark	Belfield			X	
	Dickinson	X		X	
	Gladstone	X		X	
	Richardton	X		X	
	South Heart	X			X
	Taylor	X		X	
	Lemmon, S.D.			X	

SOUTHWEST NORTH DAKOTA WATER SUPPLEMENTATION STUDY
Rural Area Needs Survey
July, 1978

County	Estimated Total Number of Rural Homes (1975)	No. of Survey Forms Returned	Rural Area Survey								
			Number Interested in Rural Water for Home			Number Interested in Rural Water for Livestock		Number Interested in Rural Water for Backup for Livestock		Number Interested in Pasture Hook-up	
			Yes	No	No Response	Yes	No	Yes	No	Yes	No
Adams	460	274	234	40	0	132	142	182	92	49	225
Billings	275	3	2	1	0	1	2	0	3	0	3
Bowman	410	134	78	46	10	59	65	73	51	19	105
Dunn	883	14	10	4	0	7	4	7	4	0	4
Golden Valley	259	12	6	6	0	3	7	5	6	2	8
Grant	755	107	5	96	6	3	98	4	97	1	100
Hettinger	558	520	397	107	16	146	343	305	184	47	442
McKenzie	1214	0	-	-	-	-	-	-	-	-	-
Mercer	644	0	-	-	-	-	-	-	-	-	-
Morton	1413	236	76	147	13	15	189	62	142	4	200
Oliver	443	0	-	-	-	-	-	-	-	-	-
Sioux	415	5	0	5	0	0	5	0	5	0	5
Slope	288	230	162	53	15	93	130	149	74	40	183
Stark	1072	142	107	35	0	58	55	65	32	9	88

THIRD DRAFT
7/19/78
APPENDIX "C"

RULES AND REGULATIONS
OF THE NORTH DAKOTA STATE ENGINEER

Proposed to be Adopted

Pursuant to Title 61 of the North Dakota Century Code

GOVERNING THE USE OF WATER FOR IRRIGATION PURPOSES

Section

89-03-03-01	INTENT
89-03-03-02	APPLICATION
89-03-03-03	DEFINITIONS
89-03-03-04	APPLICANT CRITERIA
89-03-03-05	REJECTION OF UNACCEPTABLE APPLICATIONS
89-03-03-06	RESIDENCY
89-03-03-07	LEGAL AGE
89-03-03-08	TIME LIMITATIONS CONCERNING WATER PERMIT APPLICATIONS
89-03-03-09	DEVELOPMENT OF PERMITS PRIOR TO FILING APPLICATION
89-03-03-10	APPLICATION PROCEDURE IF APPLICANT HOLDS PERMITS TO IRRIGATE MORE THAN 200 ACRES OF IRRIGABLE LAND
89-03-03-11	ACREAGE LIMITATIONS
89-03-03-12	SOIL AND WATER COMPATABILITY

GENERAL INFORMATION

Title 89: State Water Commission and State Engineer

Article 89-03: Water Appropriations

Chapter 89-03-03: Procedures Concerning Water Permit Applications for Irrigation Purposes.

Action: Proposed Rules and Regulations. This is the third draft dated 7/19/78; the first draft was dated 2/28/78; the second draft was dated 6/2/78.

Summary: The State Engineer is considering regulations which would, if adopted, establish limitations and procedural requirements on certain water permit applications for irrigation purposes.

Hearings: It is the policy of the State Water Commission and State Engineer to afford the public an opportunity to participate in the development of the proposed regulations. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed regulations. Public hearings have been held. Comments may be submitted to the State Engineer, State Water Commission, State Office Building, 900 East Boulevard, Bismarck, N.D. 58505.

Effective date of proposed regulations: The proposed regulations are still in the developmental state. Therefore, the State Water Commission and State Engineer have not yet determined whether the proposed regulations should be adopted or, if adopted, when they should be effective.

Supplemental Information: The concepts contained in the

proposed regulations have been provided by members of the State Water Commission and by Mr. Lynnard K. Spiry, Sr. at the June²³, 1978, meeting of the State Water Commission.

They do not constitute opinions or suggestions by the individual drafting the regulations, Assistant Attorney General Murray G. Sagsveen.

Authority: The proposed regulations are considered for adoption pursuant to general regulation-making authority of the state engineer in North Dakota Century Code Sections 61-03-13 and 61-04-03:

61-03-13. RULES AND REGULATIONS MADE BY STATE ENGINEER--MODIFICATION.--The state engineer shall make all general rules and regulations necessary to carry into effect the duties devolving upon his office, and may change the same from time to time in his discretion. All such rules and regulations relating to applications for permits to appropriate water, for the inspection of works, for the issuance of licenses, and for the determination of rights to the use of water, shall be modified by the state engineer, if required by a vote of the state water conservation commission.

61-04-03. APPLICATION FOR WATER PERMIT--CONTENTS--INFORMATION TO ACCOMPANY.--The application for a permit to make beneficial use of any waters of the state shall be in the form required by the rules and regulations established by the state engineer. Such rules and regulations shall prescribe the form and contents of, and the procedure for filing, the application. The application, along with all other information filed with it, shall be retained in the office of the commission after approval or disapproval of the application. The state engineer may require additional information not provided for in the general rules and regulations if he deems it to be necessary.

89-03-03-01. INTENT. The limitations and procedural requirements for certain water permit applications for irrigation purposes contained in this chapter are designed:

1. To provide opportunity for a maximum number of farmers on the land.
2. To widely distribute the benefits which accrue from utilizing waters of the state.
3. To promote the family-size owner-operated farm.

General Authority
NDCC 28-32-02
61-03-13

Law Implemented
61-04-03

89-03-03-02. APPLICATION. The policies contained in this article shall apply to water permits granted after the effective date of the chapter.

General Authority
NDCC 28-32-02
61-03-13

Law Implemented
61-04-03

89-03-03-03. DEFINITIONS. Unless the context otherwise requires, the following definitions apply to this chapter:

1. "State engineer" means the state engineer, appointed pursuant to North Dakota Century Code Section 61-03-01, who is also the chief engineer and secretary of the commission.
2. "Application" means an application for a conditional water permit for irrigation purposes.
3. "Applicant" means a person submitting an application for a conditional water permit for irrigation purposes.
4. "Irrigable land" means the area to which acreage limitations are applicable and is the net acreage possessing irrigated crop production potential, after excluding areas that are occupied by and currently used for homesites, farmstead buildings, and corollary permanent structures such as feed lots, equipment storage yards, and similar facilities, together with dedicated roads open for general unrestricted use by the public. Areas used for field roads, farm ditches and drains, tail water ponds, temporary equipment storage, and other uses dependent on operational requirements necessary to produce a specific crop, and subject to change at will, are included in the net irrigable acreage.
5. "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.

General Authority
NDCC 61-03-13
28-32-02

Law Implemented
61-04-03

89-03-03-04. APPLICANT CRITERIA. All applicants must meet the criteria contained in this chapter.

General Authority
NDCC 28-32-03
61-03-13

Law Implemented
NDCC 61-04-03

89-03-03-05. REJECTION OF UNACCEPTABLE APPLICATIONS. The state engineer shall not accept an application unless the applicant meets the criteria contained in this chapter. Therefore, an application will not be assigned a priority date pursuant to North Dakota Century Code Section 61-04-04 unless it is filed in compliance with this chapter.

General Authority
NDCC 28-32-02
61-03-13

Law Implemented
NDCC 61-04-03

89-03-03-06. RESIDENCY. An applicant must be a resident owner.

General Authority
NDCC 61-02-11
61-03-13

Law Implemented
NDCC 61-04-03

89-03-03-07. LEGAL AGE. An applicant must be eighteen years of age.

General Authority
NDCC 28-32-02
61-03-13

Law Implemented
NDCC 61-04-03

89-03-03-08. TIME LIMITATIONS CONCERNING INITIAL WATER PERMIT APPLICATIONS. An applicant may not, during any thirty-six month period, apply for water permits to irrigate more than applicant's first three hundred and twenty acres of irrigable land. Examples:

1. Mr. Irrigator files water permit applications with the state engineer on August 1, 1979; he has not filed previous applications nor does he hold any water permits for irrigation purposes. The applications request water to irrigate three hundred twenty acres of irrigable land. Mr. Irrigator may not file additional water permit applications until August 1, 1982.

2. Miss Waterspreader files a water permit application with the state engineer on August 1, 1979; she has not filed previous applications nor does she hold any water permits for irrigation purposes. The application requests water to irrigate one hundred sixty acres of irrigable land. A second application for one hundred sixty acres is filed on September 1, 1980. Miss Waterspreader will be eligible to file additional permit applications to irrigate up to one hundred sixty acres of irrigable land on August 1, 1982. If no additional applications are filed by September 1, 1983, Miss Waterspreader may file water permit applications for the irrigation of up to three hundred twenty more acres of irrigable land.

General Authority
NDCC 61-03-13

Law Implemented
NDCC 61-04-03

89-03-03-09. DEVELOPMENT OF PERMITS PRIOR TO FILING APPLICATION. A person who holds an undeveloped permit or permits to irrigate one hundred sixty acres or more of irrigable land may not submit an application.

General Authority
NDCC 28-32-02
61-03-13

Law Implemented
NDCC 61-04-03

89-03-03-10. APPLICATION PROCEDURE IF APPLICANT HOLDS PERMITS TO IRRIGATE MORE THAN 200 ACRES OF IRRIGABLE LAND. If an applicant holds permits to irrigate more than two hundred acres of irrigable land, the following procedure must be followed prior to submission of an application:

1. Applicant shall send a notice of intent to apply by certified mail to the following:
 - a. Each city located within a one mile (1.6 kilometer) radius of the proposed water appropriation site.
 - b. Each record title owner of real estate within a one mile (1.6 kilometer) radius of the proposed water appropriation site (excluding all landowners within the geographical boundary of a city). Within fifteen days of mailing of notice to landowners, record title ownership shall be established through records in the appropriate register of deeds office, treasurers office, or abstract office. Record title owners of land under a contract

for deed shall include both the grantor and grantee of the contract for deed.

2. After the notice of intent to apply has been mailed to those required by this section, the applicant shall complete an affidavit of mailing which shall accompany the application when it is filed with the state engineer.
3. The application may not be filed with the state engineer until sixty days after all appropriate parties (identified in paragraph 1, above) have actually received the notice of intent to apply.
4. For purposes of clarification, illustrated examples involving the one mile (1.6 kilometer) radius from the location of the proposed water appropriation site are attached in "Appendix A" as the final page of Article 89-03.
5. The affidavit of mailing shall conform substantially to the following format (a form affidavit shall be supplied to applicant upon request):

I hereby certify that I have sent, by certified mail, a notice of intent to apply for a conditional water permit for irrigation purposes to:

- a. each city located within a radius of one mile from the location of the proposed appropriation site; and
- b. each record title owner of real estate within a radius of one mile from the location of the proposed water appropriation site (excluding all landowners within the geographical boundary of a city).

The record title owners were determined by an actual search of the records in the appropriate register of deeds office or abstract office within fifteen days of the mailing of the notice to landowners. A notice was sent to both the grantor and grantee of land under a contract for deed.

The following list contains the names and addresses of all landowners and cities notified:

NAME

ADDRESS

Signature of Applicant

Subscribed and sworn to before me this ____ day of _____, 19__.

Notary Public

(seal)

6. The notice of intent to apply for a conditional water permit for irrigation purposes shall conform substantially to the following format (a form notice shall be supplied to applicant by the state engineer upon request):

NOTICE OF INTENT TO APPLY FOR A CONDITIONAL
WATER PERMIT FOR IRRIGATION PURPOSES

TAKE NOTICE THAT _____ (name and address of applicant) intends to apply to the state engineer for a conditional water permit for irrigation purposes. The application will request a permit to appropriate water from _____ (specify "groundwater" or name of stream)

The application will request a permit to appropriate water from a point or point on the lands described as follows: (specify legal description) _____ with an average approximate rate of withdrawal at _____ (specify gallons per minute) _____ during the operating season for each year with an annual appropriation of _____ acre-feet.

The application will be filed with the State Engineer sixty days after all landowners or cities within a one mile radius of the appropriation site specified above have been notified by certified mail. During that period, you may (if authorized by state law or regulations of the State Engineer) file an application for a conditional water permit thereby establishing an early priority day.

Upon the filing of the application, you will be notified of the time and date for a hearing upon the application.

(signature of applicant)

General Authority
NDCC 28-32-02
61-03-13

Law Implemented
NDCC 61-04-03

89-03-03-11. ACREAGE LIMITATIONS.

1. A person may not submit an application which, if approved, would authorize the irrigation of more than four hundred eighty acres of irrigable land.
2. However, a husband and wife may together apply for permits to irrigate up to nine hundred sixty acres of irrigable land notwithstanding the extent of their individual ownerships.
3. If an applicant 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 10% 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.

General Authority
NDCC 28-32-02
61-03-13

Law Implemented
NDCC 61-04-03

89-03-03-12. SOIL AND WATER CAPABILITY. All applications shall contain a statement of soil and water compatibility for the land to be irrigated from any governmentally employed or licensed soil scientists.

General Authority
NDCC 28-32-02
61-03-13

Law Implemented
NDCC 61-04-03

WATER PERMIT AGENDA FOR JULY 19, 1978 MEETING

* INDICATES PRIOR PERMIT STATUS

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
3101	Kussy, Jim - New Hradec (Dunn County) Priority: 2- 2-78 Hearing: 6-26-78	Green River, trib. to Heart River * NO PRIOR PERMITS	Irrigation	152.0 acre-feet 76.0 acres	It is recommended that this request be deferred at this time.
3102	Aasen, Tom - Minot (Ward County) Priority: 5-30-78 Hearing: 6-26-78	Ground Water (Minot Aquifer) * NO PRIOR PERMITS	Irrigation	20.0 acre-feet 48.26 acres	20.0 acre-feet 28.46 acres (This request was approved by the State Engineer on July 3, 1978)
3103	Burdick, Eugene A. - Williston (Williams County) Priority: 5-26-78 Hearing: 6-26-78	Ground Water (Trenton and Little Muddy Aquifers) * NO PRIOR PERMITS	Municipal - (Rural Domestic)	146.0 acre-feet	57.0 acre-feet
3104	Olson, Orlando K. - Arvilla (Grand Forks Co.) Priority: 4-19-78 Hearing: 7-10-78	Ground Water * NO PRIOR PERMITS	Irrigation	200.0 acre-feet 133.0 acres	It is recommended that this request be deferred at this time.

APPENDIX 'D'

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
2947	Halverson, Chester - White Earth (Williams County) Priority: 6- 5-78 Hearing: 7-10-78	Unnamed Stream, trib. to Dry Fork Creek and Lake Sakakawea * NO PRIOR PERMITS	Irrigation- Waterspreading	35.0 acre-feet 18.5 acres	It is recommended that this request be deferred at this time.
3100	Hazelton, City of - Hazelton (Emmons County) Priority: 6- 6-78 Hearing: 7-10-78	Ground Water * NO PRIOR PERMITS	Municipal	89.6 acre-feet	65.0 acre-feet
3040	Westgard, Peter E. - Plaza (Mountrail County) Priority: 6- 6-78 Hearing: 7-10-78	Ground Water * NO PRIOR PERMITS	Irrigation	560.0 acre-feet 289.5 acres	It is recommended that this request be deferred at this time.
3089	Boeckel, LeRoy L. - Beulah (Mercer County) Priority: 4-19-78 Hearing: 7-10-78	Ground Water * NO PRIOR PERMITS	Irrigation	320.0 acre-feet 160.0 acres	It is recommended that this request be deferred at this time.

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
3087	Sabinash, Richard E. and Ericka - Woodworth (Stutsman County)	Ground Water	Irrigation	320.0 acre-feet 157.0 acres	It is recommended that this request be deferred at this time.
	Priority: 4- 7-78 Hearing: 7-10-78	* NO PRIOR PERMITS			
3096	Stoffel, Peter and Kerian, Elaine - Enderlin (Ransom County)	Ground Water	Irrigation	1280.0 acre-feet 640.0 acres	It is recommended that this request be deferred at this time.
	Priority: 4-28-78 Hearing: 7-10-78	* NO PRIOR PERMITS			
3107	Krebsbach, Ralph M. - Warwick (Eddy County)	Ground Water	Irrigation	424.5 acre-feet 283.0 acres	It is recommended that this request be deferred at this time.
	Priority: 4-11-78 Hearing: 7-10-78	* #2066 (Priority Date: 7-24-74) Granted 312.0 acres			
3065	Chinn, Roger - Grassy Butte (McKenzie County)	Unnamed Tributary, trib. to Little Missouri River	Stockwater & Recreation	32.8 acre-feet storage; 12.0 acre-feet annual use	32.8 acre-feet storage; 12.0 acre-feet annual use
	Priority: 3- 8-78 Hearing: 5-22-78 Deferred: 6- 1-78	* NO PRIOR PERMITS			

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
2838	Forman Park Board - Golf Association - Forman (Sargent County)	Ground Water (Spiritwood Aquifer)	Irrigation	126.0 acre-feet 63.0 acres	10.0 acre-feet 10.0 acres
	Priority: 4-27-77 Hearing: 7-25-77 Deferred: 8-16-77	* NO PRIOR PERMITS			
2825	North Valley Water Association, Inc. - Cavalier (Pembina County)	Ground Water (Fordville Aquifer)	Municipal - (Rural Domestic)	65.0 acre-feet	65.0 acre-feet
	Priority: 4-27-77 Hearing: 6-27-77 Deferred: 7- 8-77	* #1968 (Priority Date: 5-8-75) Granted 200.0 acre-feet #2327 (Priority Date: 10-3-75) Granted 60.0 acre-feet #2891 (Priority Date: 7-15-77) Granted 140.0 acre-feet			
1230P	Hebron, City of - Hebron (Morton County)	Ground Water	Municipal	This is a request for an additional point of diversion.	It is recommended that this request for an addition- al point of diversion be approved.
	Priority: 8-1-28 Hearing for Amendment: 6- 5-78				
3063	Stippich, Inc. - Hettinger (Adams County)	Ground Water (Cannonball-Ludlow, Hell Creek and Fox Hills Aquifers)	Municipal- (Rural Domestic)	50.0 acre-feet	23.0 acre-feet
	Priority: 2- 3-78 Hearing: 5-15-78 Deferred: 5-15-78	* NO PRIOR PERMITS			

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
2928	Johnson, Cody - Baker, Montana (Bowman County)	Little Missouri River, trib. to Missouri River	Irrigation- Waterspreading	340.0 acre-feet 170.2 acres	170.2 acre-feet 170.2 acres
	Priority: 4-21-78 Hearing: 5-23-78 Deferred: 6- 1-78	* NO PRIOR PERMITS			
3053	Cass Rural Water Users, Inc. - Kindred (Cass County)	Ground Water (Page Aquifer)	Municipal- (Rural Domestic)	400.0 acre-feet	400.0 acre-feet
	Priority: 3- 1-78 Hearing: 6- 5-78 Deferred: 6-23-78	* #2293 (Priority Date: 7-8-75) Granted 1200.0 acre-feet #2697 (Priority Date: 1-24-77) Granted 500.0 acre-feet			
2873	Nilson, James - Sheyenne (Benson County)	Ground Water (Oberon Aquifer)	Irrigation	600.0 acre-feet 173.7 acres	261.0 acre-feet 173.7 acres
	Priority: 6- 1-77 Hearing: 7-18-77 Deferred: 8-16-77	* NO PRIOR PERMITS			
3020	Matthews, Glen - Balta (Pierce County)	Ground Water (Kilgore Aquifer)	Irrigation	195.0 acre-feet 70.62 acres	135.0 acre-feet 70.62 acres
	Priority: 7- 1-77 Hearing: 2- 6-78 Deferred: 3-16-78	* NO PRIOR PERMITS			

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
1613	Walhalla, City of - Walhalla (Pembina County) Priority: 11-15-68 Hearing for Amendment: 5- 5-78	Ground Water	Municipal	This is a request for a change in point of diversion.	It is recommended that this request be approved.