

MINUTES

North Dakota State Water Commission
 Meeting Held At
 Holiday Inn
 Bismarck, North Dakota
 December 5 and 6, 1978

The North Dakota State Water Commission held a meeting on December 5 and 6, 1978, at the Holiday Inn, Bismarck, North Dakota, in conjunction with the 15th Annual Joint Convention of the North Dakota Water Users Association and the North Dakota Water Management Districts Association. Governor-Chairman, Arthur A. Link, called the meeting to order at 9:30 a.m. on December 5, and requested Secretary Vernon Fahy to present the agenda.

MEMBERS PRESENT:

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

OTHERS PRESENT:

State Water Commission Staff Members
 Approximately 40 persons interested in various agenda items

The attendance register is on file in the State Water Commission offices (filed with official copy of minutes).

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

CONSIDERATION OF MINUTES
 OF NOVEMBER 14, 1978 MEETING -
 APPROVED

Secretary Fahy reviewed the minutes of the November 14, 1978 meeting held in Dickinson, North Dakota. There were no corrections or additions to the minutes which had been previously circulated.

It was moved by Commissioner Gray, seconded by Commissioner Just, and carried, that the November 14, 1978 minutes be approved as prepared and distributed.

CONSIDERATION OF
RESOLUTION NO. 78-12-403,
RESOLUTION TO DECLARE ALL
DRAINAGE APPLICATIONS IN RED
RIVER WATERSHED PURSUANT
TO SECTION 61-01-22 OF
STATEWIDE SIGNIFICANCE
(SWC Project No. 1702)

Commission Counsel Mike Dwyer presented a draft resolution for the Commission's consideration, which would support the decision of the State Engineer to declare all drainage applications required pursuant to Section 61-01-22 of the North Dakota Century Code from the Red River watershed of statewide significance, to insure that downstream impacts are

sufficiently studied and determined to enable the State Engineer to make final decisions on drainage applications with the benefit of knowledge of total downstream impacts.

In discussion, Duane Breitling representing the Richland County Water Management District, indicated his concern that for the past three years the Soil Conservation Service has adopted the policy throughout all of the counties involved in the Red River Valley that it will not process an application in their office for technical and financial assistance on any types of projects for drainage regardless of site. Mr. Breitling also indicated that the Soil Conservation Service will refuse to make an initial determination as to whether or not the application falls within the statutory category requiring a permit for drainage. As a result, stated Mr. Breitling, anyone who applies for financial and/or technical assistance from the Soil Conservation Service is automatically required, in order to procure their service, to process an application through the appropriate water management district and the State Engineer, even though a permit may not be required.

Mr. Breitling indicated that it is his interpretation of the resolution that a public hearing will have to be held on all applications for drainage even though a permit may not be required, pursuant to Section 61-01-22 of the North Dakota Century Code. This will place a substantial burden upon the local water management districts, as it will be their responsibility to hold such hearings.

Secretary Fahy assured Mr. Breitling that the intent of this resolution is based on the premise that only drainage of 80 acres or more will require an application and a hearing.

Mike Dwyer, for clarification purposes, suggested that the language "only those drainage applications of the Red River watershed greater than 80 acres" be inserted in the draft.

It was moved by Commissioner Just, seconded by Commissioner Wilhelm, and carried, that the Commission adopt Resolution No. 78-12-403,

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**Resolution to Declare All Drainage Applications
in Red River Watershed Pursuant to Section
61-01-22 of Statewide Significance, as amended
during discussion. (SEE APPENDIX "A")**

Richard Moun from the Soil Conservation Service replied to Mr. Breitling's comments regarding SCS policy, indicating that the SCS is not a regulatory agency as are the State Water Commission and the local water management districts. Mr. Moun said that if a water management district can assure the Soil Conservation Service that a particular application for drainage does not require a permit for drainage and there is an adequate outlet, the Soil Conservation Service will provide financial and technical assistance. He stated that the reason this policy was adopted for counties in the Red River Valley is because determining the exact drainage area by logic can be extremely difficult and the Soil Conservation Service is not in a position to make this determination.

**CONSIDERATION OF CONCURRENT
RESOLUTION DIRECTING LEGISLATIVE
COUNCIL TO CONDUCT INTERIM
STUDY ON POWERS, DUTIES AND
JURISDICTIONAL BOUNDARIES OF
WATER MANAGEMENT DISTRICTS
AND LEGAL DRAIN BOARDS**

Mike Dwyer presented a draft Concurrent Resolution which is proposed to be submitted to the Legislative Assembly which would direct and authorize the Legislative Council to conduct an interim study on the powers, duties and jurisdictional boundaries of water management districts and legal drain boards. The

objective of such study shall be to determine the most effective and efficient method to provide for the management of the water resources of this state at the local level.

The resolution also requests that the Legislative Council shall conduct the study with the cooperation and assistance of the State Water Commission, the State Engineer, the North Dakota Water Management Districts Association, the Red River Valley Joint Board, and any other federal, state or local entity which may provide assistance.

The resolution also states that the Legislative Council shall make its report and recommendations, together with any legislation required to carry out such recommendations, to the Forty-Seventh Legislative Assembly.

It was moved by Commissioner Kramer and seconded by Commissioner Gray that the Water Commission adopt the Concurrent Resolution directing the Legislative Council to study and review the powers, duties and jurisdictional boundaries of water management districts and legal drain boards. All members voted aye; the motion unanimously carried. (SEE APPENDIX "B")

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DISCUSSION OF SOUTH
BISMARCK GROUND-WATER
STUDY
(SWC Project No. 1692)

Water Commission indemnification clause which relieves the Commission of direct project liabilities.

Secretary Fahy recalled at the last meeting, the Commission members were informed that the cooperative project agreement for the South Bismarck Ground-Water Study contained the standard

Secretary Fahy informed the Commission members that the Burleigh County Water Management District has objected to this clause in the agreement, and that the State Engineer will not sign the agreement without the clause.

It was the consensus of the Commission members at their November 14 meeting that no exception would be made regarding indemnification contained in a project agreement where the Commission is providing financial and/or technical assistance.

Secretary Fahy indicated that representatives of the Burleigh County Water Management District have requested an audience before the Commission to present their comments relative to this position. Representing the Water Management District were Jim Eastgate, Milo Hoisveen, Robert Lundberg and John Kapsner.

Mr. Jim Eastgate read that portion of the agreement to which the District has objected. It states: "The District hereby accepts responsibility for and holds the Commission free from all claims and damages to public or private places, rights or persons arising out of construction, operation and maintenance of the project. In the event a suit is initiated or judgement entered against the Commission, the District shall indemnify it for any judgement arrived at or judgement satisfied."

Mr. Eastgate indicated that it was agreed this would be a joint effort between the State Water Commission and the District. The agreement provides for the Commission to acquire the necessary easements to do the construction to monitor the wells; and the participation of the water management district is only for supplying one-half of the funds for the total cost of the two-year study.

Mr. Robert Lundberg, Attorney representing the District, stated that the District's insurance company has refused to insure the District against suits on the project because the District has no control over how the work is done. The District cannot assume a liability for which it has no insurance.

Mr. Lundberg suggested the Water Commission, as a state agency, was protected because of sovereign immunity.

Mike Dwyer replied that the primary purpose for the indemnification clause in all Water Commission agreements is that the

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Water Commission is not convinced that it has sovereign immunity. He referred to a provision in Title 61 of the North Dakota Century Code relating to the powers and duties of the Water Commission which states that the Water Commission has the power and duty to sue and be sued. Mr. Dwyer stated that another reason for the indemnification clause was that in the event the State Water Commission does have sovereign immunity, it did not want any individual to be left without a remedy. Thus, recovery could be obtained from the local water management district through its' insurance coverage.

Mr. Eastgate suggested that one possibility would be that the Commission and the District split the cost of a liability insurance policy to cover work done for the study.

It was suggested by Secretary Fahy that if the Commission is considering changing its standard policy, that the matter be referred to the Legal Director and the Attorney General for their determination of possible alternatives that the Commission may take.

It was moved by Commissioner Kramer and seconded by Commissioner Gray that this matter is of the utmost importance and that the matter be referred to the Legal Director, the Attorney General and the Attorney for the District, to determine possible alternatives that may be taken. This matter shall be placed on the agenda for the January, 1979 meeting to discuss the possible positions and ramifications of those positions. All members voted aye; the motion unanimously carried.

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

Dave Sprynczynatyk reported on the eight out of nine scheduled public meetings that had been held during the week of November 13 noting that generally the attendance was good and a great deal of interest was expressed. The comments that were received will be incorporated into the final report, scheduled for release on December 8.

He indicated that a public meeting has been scheduled for December 19 in Dickinson for the purpose of convening with the Citizens Advisory Committee to discuss the future direction for the study and possible legislation approaches.

Mr. Stanley Pollestad, a member of the Citizens Advisory Study Committee, commended the Water Commission staff for its efforts in the study, and requested that the Commission support legislation that may be proposed because rural water delivery in southwest North Dakota is drastically needed.

Because of comments received in regard to alternative water supplies for the city of Dickinson itself, a comparative

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analysis was prepared between Versippi Dam and the pipeline system. This comparative analysis was explained by Dale Frink, Engineer and Hydrologist for the Water Commission, and the memo is attached hereto as APPENDIX "C".

Governor Link asked Mr. Pollestad if the Committee plans to prepare legislation that would further consider the water distribution as discussed in the memo.

Mr. Pollestad replied that to date no legislation has been prepared by the Committee, but at their December 19 meeting, the main agenda item will be what steps can be taken for the implementation of the study.

Mr. Sprynczynatyk indicated that several alternatives will be presented to the Committee for their consideration on December 19 relative to further consideration for implementation.

It was the suggestion of Governor Link, and the consensus of the Commission members, that the Commission give its sense of approval of the report and offer its continuing support of investigating and considering further the implementation of the study.

It was moved by Commissioner Wilhelm and seconded by Commissioner Lanz, that the Commission supports the concept of the Southwestern North Dakota Water Delivery Study and encourages continued investigation of alternatives for implementation. All members voted aye; the motion unanimously carried.

**NEXT MEETING OF STATE
WATER COMMISSION**

It was agreed by the Commission members that a meeting be scheduled prior to the deadline date for introducing bills into the Legislative Assembly which is January 10, for the purpose of discussing proposed legislation. It was later decided in the meeting that the date of December 26 be selected, beginning at 1:00 p.m. (Note: The date for this meeting was later changed to December 28, 1978 beginning at 1:30 p.m., which was consistent with the Governor's calendar and with receiving an opinion from the Attorney General.)

**CONTINUED DISCUSSION
OF WATER USE FEES
(SWC Project No. 1695)**

Mike Dwyer recalled that at the last meeting of the Commission, it was requested that he prepare draft legislation which would create a special fund for water use fees, but would not include the enabling legislation which was contained in the first draft legislation. This draft is attached hereto as APPENDIX "D" and was reviewed by Mr. Dwyer.

Discussion then centered on whether monies collected from water marketing would be construed as a fee or a tax.

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It was suggested by Commissioner Gallagher that this question be posed to the Attorney General for an opinion wherein the suggested fees of \$100 per acre-foot of water with a \$10 per acre-foot increment for each 1000 acre-feet be cited as an example upon which to base his opinion.

Governor Link asked if it is required to insert a dollar amount when requesting an appropriation, and Mike Dwyer replied that the amount of the fee is not determinative in and of itself. Rather, the nature and intended purpose of the fee considered to be imposed are the most important factors.

Commissioner Wilhelm stated that she feels the apparent basis for construing whether the monies collected are a fee or tax is the intent, which she stated, was to regulate the water resource.

Commissioner Kramer stated that regulation was not his intent. Rather, his intent was that water use fees were a means by which the State of North Dakota could recapture some of the damages North Dakota had suffered due to various projects and activities.

It was moved by Commissioner Gallagher and seconded by Commissioner Kramer that the Legal Director prepare a letter seeking the opinion of the Attorney General, citing the suggested fees of \$100 per acre-foot of water with a \$10 per acre-foot increment for each 1000 acre-feet proposed to be charged, and requesting whether these suggested fees constitute a fee or a tax. It was also moved and seconded that the request should note that it is the intent of the Commission to set up a special fund through legislative enactment, and the proceeds of these fees would be used by the State Water Commission from the special fund for water resource development throughout the State of North Dakota.

In discussion of the motion, concern was expressed that this opinion may not be received prior to the special legislation meeting that the Commission has scheduled for December 28. Mike Dwyer informed the members that in his request, he would make reference that the Commission would decide how to proceed based on the Attorney General's opinion, and would request the Attorney General to respond at his earliest convenience.

Commissioner Wilhelm requested that the Attorney General also be asked to decide on what the situation would be considering the fact of not only conserving the resource, but regulating the use of the resource to a graduated fee schedule.

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In discussion of Commissioner Wilhelm's request, Governor Link suggested that the request for an opinion contain the information as stated in the motion. If the Attorney General's opinion does not appear to contain sufficient information for Commissioner Wilhelm's satisfaction, the Governor asked that she then solicit the additional information. Commissioner Wilhelm agreed to this suggestion.

Commissioner Gallagher noted that one of the basic reasons for the Water Commission considering imposing fees for water marketing is that in the National Water Commission's study it is recommended that fees be levied and local participation be mandated for the conservation of water.

On the call of the question by the Chairman, all members voted aye; the motion carried unanimously.

The Commission recessed their meeting at 12:00 noon; reconvened at 3:00 p.m.

FURTHER CONSIDERATION
OF PROPOSED LEGISLATION
REGARDING TAX EXEMPTION
STATUS FOR RURAL WATER
SYSTEMS IN NORTH DAKOTA
(SWC Project No. 1574)

At the November 14 meeting of the Commission, draft legislation was presented for the Commission's consideration regarding tax exemption status for rural water systems in North Dakota. It was recommended by the Commission members that the phraseology pertaining to irrigation be rewritten.

Mr. Neal McClure and Mr. F. J. Waxler representing the North Dakota Rural Water Association, appeared before the Commission. They indicated that their Board had met to consider revision of the language of the bill. Copies of the amended legislation were distributed to the Commission members, attached hereto as APPENDIX "E". Mr. Waxler briefly explained the background which led to the proposed legislation and requested the Water Commission's support, indicating that the Tax Department has given their blessings.

It was suggested by Commissioner Lanz, and was the consensus of the other Commission members, that the words "non-profit" organizations be inserted in the third line of the title of the draft.

It was moved by Commissioner Wilhelm, seconded by Commissioner Lanz, and carried, that the Water Commission support the concept of the proposed legislation which provides a property tax exemption for certain associations and non-profit corporations furnishing water.

CONSIDERATION OF 404
PERMIT PROGRAM LEGISLATION

Mike Dwyer distributed copies of draft legislation which would direct the

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Legislative Council to study and review possible implementation of Section 404 of the Federal Water Pollution Control Act by the State of North Dakota through its State Water Commission as provided in the Clean Water Act of 1977. Draft legislation is attached as APPENDIX "F".

It was moved by Commissioner Kramer and seconded by Commissioner Gray that the draft Concurrent Resolution be submitted directing the Legislative Council to conduct an interim study on the development of a state program to administer and enforce Section 404 of the Clean Water Act through its State Water Commission; that the Legislative Council shall conduct the study with the cooperation and assistance of the State Water Commission and the State Engineer; and that the Legislative Council shall make its report and recommendations, together with any legislation required to carry out such recommendations, to the Forty-Seventh Legislative Assembly. All members voted aye; the motion unanimously carried.

Secretary Fahy indicated that he would be recommending to the Legislative Assembly that the permitting program be handled by the State of North Dakota and that the Water Commission develop and submit the criteria for approval of the 404 program itself.

DISCUSSION OF GENERAL
LEGISLATION FOR 47TH
LEGISLATIVE ASSEMBLY

It was recommended by Mike Dwyer that a legislation briefing be deferred at this meeting because most of the legislation is in initial stages of drafting at this time, and that the discussion be held at the Commission's December 28th meeting. The Commission members concurred with the recommendation.

STATUS REPORT ON CURRENT
ENGINEERING PROJECTS

Dave Sprynczynatyk presented a status report on current engineering projects that the Water Commission is involved in. A memo is attached as APPENDIX "G" which outlines his discussion.

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

Secretary Fahy presented APPENDIX "H" for the Commission's consideration, which represents water permit actions.

Secretary Fahy indicated that each application has been reviewed and appropriate conditions attached.

It was moved by Commissioner Kramer, seconded by Commissioner Gray, and carried, that the actions of the State Engineer be confirmed.

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The following requests were approved: No. 1961 - D. C. Willoughby, Ruso (this was a request for a change in points of diversion); No. 1217 - City of Powers Lake (this was a request for a change in points of diversion); No. 2993 - Hugh H. Hoglund, Cooperstown; No. 3030 - Michael L. Tweed, Tolna; No. 2290 - Raymond Wiese, Oakes; and No. 2998 - Terry Kemmet, Tappen.

The following requests were deferred: No. 3123 - Ezra H. Liechty, Jamestown; No. 3124 - Ezra H. Liechty, Jamestown; No. 2725 - Schwab Brothers, Englevale; No. 3101 - Jim Kussy, New Hradec; No. 3129 - Wayne R. Anderson, Straubville; No. 3131 - Lidgerwood Golf Association, Inc., Lidgerwood; No. 3132 - James B. Anderson, Oakes; No. 3071 - Russell Larson, Oakes; No. 3092 - Clayton Litchfield, Forman; No. 3078 - Richard C. Madzo, Medora; No. 2273 - Leon F. Dubourt, Walhalla (this was a request for a change in points of diversion); and No. 3134 - North Dakota Parks and Recreation Department (Turtle River State Park), Arvilla. (SEE APPENDIX "H")

**FURTHER CONSIDERATION
OF WATER USE FEES
(SWC Project No. 1695)**

It was suggested by Commissioner Gray that since the Commission would be reconvening the following day in order to complete the agenda, that the water

use fees proposal be discussed and reconsidered.

Governor Link indicated that he does have another commitment for December 6 and would not be present at the meeting, but stated that the Commission does have the option, and should take the opportunity if they wish, to discuss further various approaches in the consideration of water use fees other than the motion approved during discussion on December 5.

Concern was expressed by the Commission members that in the request for an Attorney General's opinion as to whether the proposed fee constitutes a fee or a tax, the request should not contain specific amounts.

The Governor indicated that he would have no problem with amending the motion, deleting specific amounts, if the Commission agreed that this be the manner in which they wish to proceed.

The Commission recessed their meeting at 4:00 p.m., and reconvened at 10:00 a.m. on December 6.

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FURTHER CONSIDERATION
OF WATER USE FEES
(SWC Project No. 1695)

taken in requesting an Attorney General's opinion on whether the fees considered would constitute a fee or a tax.

Vice Chairman Gallagher called the meeting to order at 10:00 a.m. on December 6, and the Commission members discussed at some length various approaches that could be

Commissioner Gray offered an amended motion that the Legal Director be directed to solicit an opinion from the Attorney General indicating that the State Water Commission has been considering water use fees and no specific amounts have been determined, and thereby requesting an answer to questions which have been raised regarding whether or not a water use fee constitutes a fee or a tax. The amended motion was seconded by Commissioner Kramer.

In discussion of the motion, Commissioner Kramer stated that he is in favor of the amended motion because he feels that until hearings have been held, the State Water Commission would not be in a position to determine specific amounts. The other Commission members concurred with Commissioner Kramer's comments.

On the call of the question by the Chairman, all members voted aye; the motion unanimously carried.

RECONSIDERATION OF PROPOSED
RULES AND REGULATIONS
CONCERNING ACREAGE LIMITATIONS
(SWC Project No. 1400)

It was agreed by the Commission members that discussion on this item be deferred until the January, 1979 meeting.

There being no further business to come before the Commission at this time, the meeting was adjourned at 12:00 noon.


Arthur A. Link
Governor-Chairman

ATTEST:


Vernon Fahy
State Engineer and Secretary

December 5 and 6, 1978

NORTH DAKOTA STATE WATER COMMISSION

REGISTER

Y

ATTENDANCE AT State Water Commission Meeting

DATE December 5, 1978 PLACE Holiday Inn Bismarck, N. Dak.
PROJECT NO. _____

Your Name	Your Address	Who do you Represent? (Or Occupation)
Fletcher H. Poling	Bismarck	Basin Electric Power Corp
CHUCK RUPE	BISMARCK	NGPL
Neal Mc Clellan	"	N. D. R. W. Assoc.
David A. Sprynczynski	PLS	SWC
Andrew Nelseth	Bismarck	FWS
John Clement	Bismarck	ANG
Jim Ketterling	Box 727 Mandan	Nb. Dak. Assoc. RZC's
Stanley Ballstad	Holiday Inn Bismarck	Southwest Area Water Study
Myra Ohang	Glota N.Dak	Nelson Co WMB
Ben Varner	Mapes, N.D.	Nelson C WMB
Richard Hooker	Pekin, N.D.	Nelson Co. WMB
Thomas Esquillon	Carrington	GDCCD
Steve Goodhue	Wakarusa	SPCB
William Fosse	Cogswell	A.D.C.D.
Dick Mourm	Bismarck	SCS

NORTH DAKOTA STATE WATER COMMISSION

REGISTER

ATTENDANCE AT _____

DATE 12-5-1978 PLACE _____

PROJECT NO. _____

Your Name	Your Address	Who do you Represent? (Or Occupation)
Jim Eastgate	Bismarck	Beesl Co W.M.D.
Milo Hovsveen	"	" " " " "
Jff Wapler	Harwood N.D.	N.D. Rural Water System Assn
Tom Ronney	Manvel N.D.	GFK Co. water management
Quance Beilley	West Fargo, N.D.	
Clay Stein	Wahpeton N.Dak.	Richland Co. W.M.D.
Jagen Haugen	McLeod N. Dak.	" " " " "
Beverly Stone	Barnes N. Dak.	" " " " "
Leander Warner	Sierman, N. Dak.	" " " " "
Howard McMullen	Wimbledon N.D.	Barnes Co W.M.D.
Alfred E. Lauer	Valley City N.D.	Barnes Co W.M.D.
Max Emerson	Bismarck	SWC Staff
Duane Lemm	Hellbaw	Red River Board
Joseph Harbeck	Pago	Triple River W.M.D.
Joseph Lether	Gardner	North Cass W.M.D.

NORTH DAKOTA STATE WATER COMMISSION
REGISTER

3

ATTENDANCE AT _____

DATE _____ PLACE _____

PROJECT NO. _____

Your Name	Your Address	Who do you Represent? (Or Occupation)
Robert Thompson	Page, N.D.	North Cass N.M.D
Morris Melander	Hunter, N.D.	" " " " "
Charles Reutter	New Rockford	H. D. C. D
Russ Sleskushke	Deer Lake	N. D. Water Users -
Lawrence M... ..	Minot	N. D. Water Users
David M. Black	Williston	OIL PATCH HOTLINE WILLISTON

Resolution 78-12-403

RESOLUTION TO DECLARE ALL DRAINAGE APPLICATIONS IN RED RIVER
WATERSHED PURSUANT TO SECTION 61-01-22 OF THE NORTH DAKOTA CENTURY
CODE OF STATEWIDE SIGNIFICANCE

WHEREAS, the Red River of the North, an interstate and international river, drains thousands of acres of watershed area in North Dakota, South Dakota, and Minnesota; and

WHEREAS, frequent flooding by the Red River of the North has caused the loss of millions of dollars in damage and has destroyed crops, roads, bridges and buildings; and

WHEREAS, Section 61-01-22 of the North Dakota Century Code provides that drainage permits shall not be granted until an investigation shall disclose that the quantity of water drained from the pond, slough, or lake, or any series thereof, will not flood or adversely affect lands of lower proprietors. Section 61-01-22 also requires the applicant to pay the expenses incurred in making the required investigation; and

WHEREAS, an individual drainage application in a particular watershed may not have a noticeable effect downstream. However, the cumulative impacts of a number of drainage projects may be very substantial; and

WHEREAS, Section 61-01-22 of the North Dakota Century Code also provides that the State Engineer may require that proposed drainage which is of interdistrict or statewide significance shall be returned to him for final approval. Rule 89-02-01-09 of the drainage regulations of the State Engineer sets out the criteria to determine whether drainage is of interdistrict or statewide significance; and

WHEREAS, the drainage regulations of the State Engineer also provide that if it is determined that a drainage proposal which requires a permit pursuant to Section 61-01-22 of the North Dakota Century Code is of statewide significance, the local water management district must hold a hearing after public and personal notice prior to the final review of the State Engineer; and

WHEREAS, since the cumulative impacts of drainage are unknown but possibly substantial, and due to the substantial flooding that has occurred in the Red River watershed, the State Engineer is proposing to declare all drainage applications which are required pursuant to Section 61-01-22 of the North Dakota Century Code and which would eventually drain waters into the Red River of statewide significance; and

WHEREAS, the State Engineer is also proposing, on a case by case determination, to declare drainage proposals not in the Red River watershed of interdistrict or statewide significance if the potential cumulative downstream impacts may be substantial.

NOW, THEREFORE, BE IT RESOLVED that the North Dakota State Water Commission meeting in general assembly this 5th day of December, 1978, in Bismarck, North Dakota, supports the decision of the State Engineer to declare drainage applications of the Red River watershed which drain a watershed area greater than 80 acres of statewide significance, to insure that downstream impacts are sufficiently studied and determined to enable the State Engineer to make final decisions on drainage applications with the benefit of knowledge of total downstream impacts.

BE IT FURTHER RESOLVED that the North Dakota State Water Commission supports more detailed study and investigation of downstream impacts, recognizing that the time frame within which drainage permits can be processed will be substantially increased.

FOR THE NORTH DAKOTA STATE WATER COMMISSION:

(SEAL)

/s/ Arthur A. Link
ARTHUR A. LINK, Governor-Chairman

ATTEST

/s/ Vernon Fahy
VERNON FAHY, State Engineer

APPENDIX "B"

WATER MANAGEMENT DISTRICT STUDY

A Concurrent Resolution directing the Legislative Council to study and review the powers, duties, and jurisdictional boundaries of water management districts and legal drain boards.

WHEREAS, the Legislative Assembly has adopted the policy that extensive water management powers and responsibilities at the local level are necessary ingredients in providing for effective and efficient management of the water resources of the state of North Dakota; and

WHEREAS, this legislative policy has been given effect by the creation of water management districts, pursuant to Chapter 61-16 of the North Dakota Century Code, and the creation of legal drain boards, pursuant to Chapter 61-21 of the North Dakota Century Code. Water management districts have been vested with extensive authority for the development, control and regulation of the water resources of this state. Legal Drain Boards have been vested with extensive authority to construct drainage projects; and

WHEREAS, the jurisdictional boundaries of water management districts and legal drain boards are generally established along artificial county lines; and

WHEREAS, water management problems totally ignore artificially established boundaries, and water-related activities which have a benefit in one water management district may have adverse impacts in another water management district; and

WHEREAS, water management districts and legal drain boards are vested with certain similar powers and authorities within the same jurisdictional area, resulting in duplication and uncoordinated efforts in addressing water management problems; and

WHEREAS, these factors tend to inhibit the coordinated and most effective solutions to water management problems.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That the Legislative Council is hereby directed and authorized to conduct an interim study on the powers, duties, and jurisdictional boundaries of water management districts and legal drains. The objective of such study shall be to determine the most effective and efficient method to provide for the management of the water resources of this state at the local level; and

BE IT FURTHER RESOLVED, that the Legislative Council shall conduct the study with the cooperation and assistance of the State Water Commission, the State Engineer, the North Dakota Water Management Districts Association, the Red River Valley Joint Board, and any other federal, state, or local entity which may provide assistance; and

BE IT FURTHER RESOLVED, that the Legislative Council shall make its report and recommendations, together with any legislation required to carry out such recommendations, to the Forty-Seventh Legislative Assembly.

NORTH DAKOTA STATE WATER COMMISSION

OFFICE MEMO

MEMO TO: State Water Commission Members
 FROM: Dale Frink
 SUBJECT: Southwest Water Supply Pipeline - Versippi Dam. Project #1674
 DATE: December 5, 1978

The draft report of the Southwest Water Supply Study was presented at the State Water Commission Meeting in Dickinson. Because of the comments received at the meeting, we felt a comparative analysis was necessary between Versippi Dam and the Pipeline System. The preliminary results of this evaluation are included in this memorandum. The consultants are preparing a more detailed analysis for inclusion in the final SAWS report.

The annual costs provided in this memo are based on 6% interest, 40 year repayment period and the following population projections and consumptive use rates:

	<u>YEAR</u>				
	<u>1980</u>	<u>1990</u>	<u>2000</u>	<u>2010</u>	<u>2020</u>
Population	13,500	17,000	21,000	26,000	34,000
Per Capita Use Rate	105	133	143	152	160
Million Gallons Per Day	1.4	2.3	3.0	4.0	5.4
Acre-feet Per Year	1,567	2,567	3,360	4,480	6,050

The Southwest Water Supply Pipeline costs are shown in Table 1. These costs only reflect the proportion of the total system cost that would be allocated to Dickinson based on an use ratio. If the total system capacity would be reduced due to a lack of interest, in certain areas, the cost to Dickinson would likely increase. Probably, the extreme situation would be if the pipeline would be built only for Dickinson. The cost for a cross

Table 1

Southwest Water Supply Pipeline
(Dickinson Portion Only)

Investments: Pipeline and Related Facilities	\$15,830,000 in 1980
	in 2020 ¹ \$17,630,000
Treatment Plant Addition in 2010	2,000,000

ANNUAL COSTS

	<u>1980</u>	<u>1990</u>	<u>2000</u>	<u>2010</u>	<u>2020</u>
Initial Investments:	1,052,000	1,075,000	1,110,000	1,140,000	1,172,000
Present Debts: ²	189,000	189,000	111,000	41,000	41,000
Treatment Plant Addition				175,000	175,000
Energy	157,100	278,250	404,000	590,500	958,400
Chemicals	25,000	40,350	54,000	70,600	97,200
Operation, Maintenance ³	325,000	425,000	517,000	622,000	795,000
Total Annual Costs	1,748,200	2,007,600	2,196,000	2,639,100	3,238,600
Average Water Consumption (million gallons per day)	1.4	2.261	3.003	3.952	5.44
Cost/1000 gallons:	3.42	2.43	2.00	1.83	1.63

1. As the average consumption increases, additional pumping stations would be necessary.

2. Present debts include \$148,000 in annual payments for the existing treatment plant and \$41,000 for repayment for Dickinson Dam.

3. Includes the Pipeline System maintenance, treatment plant operations and maintenance and other miscellaneous costs.

country pipeline from Lake Sakakawea to Dickinson is estimated at \$22-24 million. This added investment would increase the costs per 1000 gallons shown in Table 1 approximately \$0.75-\$1.00.

Versippi Dam would be constructed on the Green River approximately 8 miles northeast of Dickinson. The total costs of the project are shown in Table 2. Since Versippi Dam would be a multi-purpose project, the costs were allocated among the various users. The costs associated with the municipal portion of the project are shown in Table 3. Since the investment for Versippi Dam would be greater than Dickinson's proportional cost of the pipeline, Versippi costs are slightly higher initially. However, the costs of the Southwest Pipeline Costs System are generally higher due to high energy costs.

-OTHER CONSIDERATIONS-

Water Supply

The Southwest Water Supply Pipeline would provide a firm water supply. The system would generally not be influenced by drought. System malfunctions would probably be a greater problem.

The Green River is more susceptible to drought than the Missouri River. A preliminary hydrology study indicated that Versippi Dam could have provided only 5,000 acre-feet per year during the period of July 1960 to June 1964. Stream flow information during the 1930 period is not available on the Green River. However, 1930-40 flow information at other locations indicate that Versippi Dam could have provided only 4,000-4,500 acre-feet annually during the 1930's. In the event a 1930 level dry cycle reoccurred, Patterson Lake could be utilized as an emergency supply.

Table 2

Summary of Costs

Versippi Dam

	<u>Total Investments</u>	<u>Annual OM&R</u>
Total Project Costs	\$21,350,000	48,000
Municipal Portion*	16,268,000*	10,700
Fish and Wildlife	1,537,000	9,400
Recreation	3,128,000	27,700
Flood Control	257,000	200
Miscellaneous Studies	160,000	-

* The Cost of the pipeline and pumping plant from the reservoir to Dickinson is not included. Preliminary estimates for the system is \$3,400,000. Therefore, the total investment for the Versippi municipal portion is \$19,668,000. Information provided by U.S. Bureau of Reclamation.

Table 3

Versippi Dam Cost Analysis

Investments:	Dam	\$16,268,000
	Pipeline	3,400,000
	Treatment Plant	
	Addition in 2010	5,000,000

	<u>ANNUAL COSTS</u>				
	<u>1980</u>	<u>1990</u>	<u>2000</u>	<u>2010</u>	<u>2020</u>
Initial Investment	1,307,135	1,307,135	1,307,135	1,307,135	1,307,135
Present Debts ¹	189,000	189,000	111,000	41,000	41,000
Treatment Plant Addition				435,950	435,950
Energy	20,165	37,216	54,800	83,880	142,136
Chemicals	60,000	96,840	128,570	169,440	233,143
Miscellaneous Operations	250,000	326,785	397,442	478,402	611,177
Versippi O/M	10,700	10,700	10,700	10,700	10,700
Annual Cost:	<u>1,837,000</u>	<u>1,967,676</u>	<u>2,009,647</u>	<u>2,526,507</u>	<u>2,781,241</u>
Average Water Consumption (million gallons per day)	1.4	2.261	3.003	3.952	5.44
Cost/1000 gallons:	3.59	2.38	1.83	1.75	1.40

1. Present Debts include annuals costs of \$148,000 for the existing treatment plant and \$41,000 for repayment for Dickinson Dam.

Questions have been received relating to the possibility of Versippi Dam providing a rural water supply in addition to a municipal supply for Dickinson. Further investigations would be required to fully answer this question. It appears from the above streamflow information that adequate water supplies would not be available. However, Dickinson's population and water consumptive use rates may not increase as rapidly as originally predicted.

Water Quality

The Southwest Water Supply Pipeline would distribute Missouri River water to Dickinson. Lake Sakakawea (Missouri River) water quality is superior to Heart and Green River waters with a total dissolved solid content of 450 mg/l.

Versippi Dam (Green River) would provide better quality water than the Heart River currently provides. Bentonite would probably not be a problem with Versippi. The total dissolved solid level of Versippi Dam water would be approximately 700 mg/l. Another consideration with Versippi Dam is future impacts of strip mining. A large portion of the Green River watershed is leased for coal and water quality impacts resulting from strip mining needs further evaluations.

Inflation

Obviously inflation will increase future costs of both alternatives. However, the Southwest Pipeline costs would be especially susceptible to inflation due to high energy requirements.



Dale Frink
Hydrologist, Engineer

APPENDIX "D"

				AYE	NAY
Assigned To Committee On:					
SENATE					
HOUSE					
				PAGE	
Committee Report				S.J.	H.J.
SENATE <input type="checkbox"/> DO PASS <input type="checkbox"/> POST <input type="checkbox"/> AMEND					
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Legislative Action on Amendments					
SENATE <input type="checkbox"/> ADOPTED <input type="checkbox"/> NOT ADOPTED					
HOUSE <input type="checkbox"/> ADOPTED <input type="checkbox"/> NOT ADOPTED					
2nd Reading and Final Passage					
SENATE <input type="checkbox"/> PASS <input type="checkbox"/> FAIL					
HOUSE <input type="checkbox"/> PASS <input type="checkbox"/> FAIL					

1 A BILL for an Act to create and enact Chapter 61-02.1 of the
 2 North Dakota Century Code, providing for the establishment
 3 of a special fund for water marketing revenues, and providing
 4 for an appropriation of monies to the North Dakota State
 5 Water Commission for planning, research and development of
 6 special water resource projects in North Dakota.

7

8 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
 9 STATE OF NORTH DAKOTA:

10

11 SECTION 1.) Chapter 61-02.1 of the North Dakota Century
 12 Code is hereby created and enacted to read as follows:
 13 61-02.1-01. LEGISLATIVE INTENT AND PURPOSES.) The
 14 intent of this chapter is to provide for the establishment
 15 of a special fund to be utilized by the State Water Commission
 16 and the State Engineer to promote planning, research,
 17 development, and implementation of special water resource
 18 projects in this state. The Legislative Assembly has authorized
 19 the State Water Commission and the State Engineer to levy
 20 fees for the use of water. This authority is contained in
 21 Chapters 61-02 and 61-04 of the North Dakota Century Code,
 22 and was provided because the Legislative Assembly recognized
 23 that economic stability is of primary concern to the people
 24 of this state, and that judicious appropriation and use of

1 water resources in accordance with Chapter 61-04 of the
2 North Dakota Century Code is of utmost importance to the
3 economy of the state of North Dakota and the health and
4 welfare of its citizens. The Legislative Assembly also
5 recognized, and hereby reiterates and re-affirms its policy,
6 that it is in the reasoned best interests of the citizens of
7 this state to levy fees for certain uses of water in this
8 state.

9 61-02.1-02. SPECIAL FUND.) All fees collected pursuant
10 to the power and authority granted to the state water commission
11 and the state engineer in title 61 of the North Dakota
12 Century Code shall be deposited in the State Treasury in a
13 special fund to be known as the Water Resources Development
14 Fund, and shall be used for planning, research, development,
15 and implementation of special water resource projects in
16 North Dakota. All income of the Water Resources Development
17 Fund and all interest of such income shall be used only by
18 the State Water Commission or the State Engineer.

19 61-02.1-03. PURPOSES OF FUND.) The Water Resource
20 Development Fund may be expended under the direction of the
21 Legislative Assembly to fund any water resource activity
22 authorized to the State Water Commission by title 61 of the
23 North Dakota Century Code.

24 61-02.1-04. APPROPRIATION.) There is hereby appropri-
25 ated out of any moneys in the Water Resource Development
26 Fund in the state treasury, not otherwise appropriated, the
27 sum of
28 , or so much thereof as may be necessary, to the
29 state water commission for the purpose of

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33
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35

Forty-sixth
Legislative Assembly
of North Dakota

Introduced by

Assigned To Committee On				AYE
SENATE		PAGE		
HOUSE				
Committee Report		S J	M J	
SENATE	<input type="checkbox"/> DO PASS <input type="checkbox"/> NO POST <input type="checkbox"/> AMEND			
HOUSE	<input type="checkbox"/> DO PASS <input type="checkbox"/> NO POST <input type="checkbox"/> AMEND			
Legislative Action on Amendments				
SENATE	<input type="checkbox"/> ADOPTED <input type="checkbox"/> NOT ADOPTED			
HOUSE	<input type="checkbox"/> ADOPTED <input type="checkbox"/> NOT ADOPTED			
2nd Reading and Final Passage				
SENATE	<input type="checkbox"/> PASS <input type="checkbox"/> FAIL			
HOUSE	<input type="checkbox"/> PASS <input type="checkbox"/> FAIL			

1 A BILL for an Act to create and enact a new subsection to section
 2 57-02-08 of the North Dakota Century Code, to provide a property
 3 tax exemption for certain associations and corporations furnish-
 4 ing water.

5
 6 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
 7 STATE OF NORTH DAKOTA:

8
 9 SECTION 1.) A new subsection to section 57-02-08 of the
 10 North Dakota Century Code is hereby created and enacted to read
 11 as follows:

12 All property, except land, exclusive of improvements
 13 there on, owned by any cooperative association or
 14 nonprofit corporation organized under the laws of
 15 this state and used by it to furnish potable water
 16 to its members and customers, but not for sale for
 17 use for commercial irrigation purposes.

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SECTION 404 STUDY

APPENDIX "F"

A Concurrent Resolution directing the Legislative Council to study and review possible implementation of Section 404 of the Federal Water Pollution Control Act by the State of North Dakota through its State Water Commission as provided in the Clean Water Act of 1977.

WHEREAS, Section 404 of the Federal Water Pollution Act Amendments of 1972 (P.L. 92-500) requires that a permit be secured from the Corps of Engineers prior to the discharge of any dredged or fill material into the navigable waters; and

WHEREAS, the Clean Water Act of 1977 (P.L. 95-217) provides that the Governor of any State desiring to administer its own individual and general permit programs for the discharge of dredged or fill material into the navigable waters may submit a proposed State program to the EPA; and

WHEREAS, if the Administrator of the EPA determines that sufficient authority exists for the State to administer and enforce the proposed State Section 404 program, then the proposed State program shall be approved; and

WHEREAS, it is the express policy of the Legislative Assembly that state and local governments are more responsive to the needs of the people, and that wherever possible state and local governments should exercise jurisdiction which would otherwise be exercised by the Federal government; and

WHEREAS, existing statutory authority may not be sufficient for the State of North Dakota through its State Water Commission to administer and enforce a Section 404 program.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That the Legislative Council is hereby directed and authorized to conduct an interim study on the development of a state program to administer and enforce Section 404 of the Clean Water Act, through its State Water Commission; and

BE IT FURTHER RESOLVED, that the Legislative Council shall conduct the study with the cooperation and assistance of the State Water Commission, and the state engineer; and

BE IT FURTHER RESOLVED, that the Legislative Council shall make its report and recommendations, together with any legislation required to carry out such recommendations, to the Forty-Seventh Legislative Assembly.

NORTH DAKOTA STATE WATER COMMISSION

OFFICE MEMO

MEMO TO: Vern Fahy, State Engineer
David A. Sprynczynatyk, Director, Engineering Division
FROM: DuWayne A. Marthaller, Investigation Engineer
SUBJECT: Status Report on Current Engineering Projects - SWC Project #1
DATE: November 28, 1978

The following is an updated list of current engineering projects and a brief description of the status of each project.

Baukol-Noonan Dam SWC #1696

County: Divide

Date of Agreement: July 1975

Deposit: 1500

Status: Baukol-Noonan has indicated that they plan on making a decision on the land acquisition problem in the near future. The Water Management District also has some privately owned land to acquire. The Water Management District is still in support of the project.

Buffalo Lake SWC #565

County: Pierce

No Written Agreement

Status: Currently studying the feasibility of raising the embankment. The hydrologic analysis is in progress.

Dead Colt Creek Dam SWC #1671

County: Ransom

Date of Agreement: April 1977

Deposit: \$3,000

Status: Inclement weather this fall prevented the completion of the subsurface investigation. There are some foundation problems at the site. The hydrology section is currently working on the analysis of the watershed. A preliminary design will be completed this winter. When the hydraulics of the dam are analyzed, further consideration will be given to the subsurface investigation.

East Branch Shell Creek SWC #1656

County: Mountrail

Date of Agreement: June 1976

Deposit: \$2500

Status: Some work has been completed on the hydrologic analysis. The limits of the project have to be defined. A plan of study has been written and will be presented to the Water Management Board for their comments. This project would provide flood protection to Parshall.

Freemont Township Dam SWC #1539

County: Cavalier

Date of Agreement: August 1976

Deposit: \$1,500

Status: Further investigation of the downstream channel indicate that an extensive improvement project would not be necessary, which reduces the cost of the project considerably. However, there still is a problem with obtaining the necessary funds for construction. The RC&D office in Devils Lake has specified an interest in providing funds, however, they do not have anything available presently. All the engineering work has been completed.

Gascoyne Dam SWC #557

County: Bowman

Date of Agreement: June 1978

Deposit: \$500

Status: The hydrologic analysis is nearly complete. The project involves upgrading the embankment. The reservoir has a heavily used recreation area.

Goose River Snagging & Clearing SWC 1667

County: Traill

Date of Agreement: January 1977

Deposit: \$3,250

Status: A construction agreement has been submitted to the Water Management District. If the locals decide to proceed with this project, construction will be done this winter.

Hidden Island Coulee SWC #1702

County: Towner

Date of Agreement: October 1978

Deposit: \$750

Status: The field survey has been scheduled for the week of December 4th. This is essentially a channel improvement project.

Horseshoe Lake Drain SWC #1668

County: Nelson, Walsh and Ramsey

Date of Agreement: October 1978

Deposit: \$2,000

Status: This is an agricultural drainage project located at the north edge of McHugh Slough. The field survey has been completed. The preliminary design is scheduled for this winter.

Hoskins Lake Dam SWC #484

County: McIntosh

No Agreement

No Deposit

Status: A cost estimate for the installation of a sheet piling cut-off wall and some concrete repair work was submitted to the Water Management District. This project could be done by the State Water Commission construction crew if the locals can come up with the necessary funds.

Mayville Water Supply SWC #625

County: Traill

Date of Agreement: March 1977

Deposit: \$1500

Status: The raising of the existing dam completed by the State Water Commission construction crew in the fall of 1977, has increased Mayville's water supply to meet present demands. However, an additional supply is needed to insure an adequate supply for future needs. The city of Mayville has hired a consulting engineer to look at different alternatives. A meeting is planned with the city and the consulting engineer to discuss possible alternatives for augmenting Mayville's water supply.

Minto Dam SWC #448

County: Walsh

Date of Agreement: January 1978

Deposit: \$500

Status: The preliminary design of a new channel dam is in progress.

Mirror Lake Dam SWC #448

County: Adams

Date of Agreement: February 1978

Deposit: \$1500

Status: The proposed project is to renovate the lake by dredging out the sediment that has accumulated. It is a dam built by the railroad in 1909. All of the field data has been collected. The preliminary engineering design is in progress.

Nelson-Steele Drain #7A SWC #1622

Counties: Nelson and Steele

Date of Agreement: September 1977

Deposit: \$500

Status: This is an agricultural drainage project on the Middle Branch of the Goose River. This project has been voted down by the landowners when they tried to establish it as a legal drain.

Oak Creek Dam SWC #1324

County: Bottineau

Date of Agreement: October 1973

Deposit: \$1000

Status: The preliminary engineering investigation showed that there was not a viable solution to the flooding problems in the city of Bottineau. It was suggested to the city that they proceed with the Federal Flood Insurance Program. There is some additional engineering work to be done on the upstream portion of Oak Creek. The meandered elevation of Duck Lake also needs to be established.

Painted Woods Lake SWC #160

County: McLean

Date of Agreement: November 1978

Deposit: \$250

Status: The purpose of this project is to determine the feasibility of installing a controlled outlet structure to the lake. The engineering work is currently in progress.

Pembina State Park Dike SWC #1444

County: Pembina

No Agreement

No Deposit

Status: Approximately 100 feet of dike along the Pembina River is experiencing sliding due to the unstable soil conditions in this area. A preliminary cost estimate to move the dike was determined to be approximately \$11,090. The Corps of Engineers has encountered some very complex stability problems directly on the other side of the river. Therefore, some additional geotechnical engineering will be done before this project is implemented.

Pheasant Lake SWC #501

County: Dickey

No Agreement

No Deposit

Status: The State Water Commission construction crew will install a trash rack and an equipment approach this winter. The work will begin as soon as the construction crew is available.

Riverside Dam #1536

County: Grand Forks

Date of Agreement: September 1977

Deposit: \$1500

Status: Construction on the repair of the existing dam is essentially complete. Engineering work on the design of a new structure has not begun. The city of Grand Forks is in the process of contracting with an engineering firm to obtain the necessary subsurface data. A topographic survey of the area was done by the State Water Commission survey crew.

Rocky Run Creek SWC #1633

Counties: Eddy, Foster and Wells

Date of Agreement: October 1977

Deposit: \$5000

Status: This project involves channel improvement along Rocky Run Creek and its major tributary, Oak Creek Drain. The preliminary engineering report has been completed. The three counties are in the process of forming a Joint Water Management Board. Public information meetings will be held this winter. The intention is to establish this project as a legal drain.

Sarnia Dam SWC #291

County: Nelson

Date of Agreement: June 1978

Deposit: \$500

Status: The preliminary design of the repairs is in progress.
The dam is to be operated as a dry dam for flood control purposes.

Steele County Drain #6 (Rygg Slough) SWC #1665

County: Steele

Date of Agreement: November 1976

Deposit: \$1000

Status: Construction is in progress. Construction may not be completed this year.

Tongue River Snagging & Clearing SWC #1694

County: Pembina

Date of Agreement: July 1978

Deposit: \$250

Status: The water management district has indicated that they want to proceed with the project. A construction agreement is being drafted.


DuWayne A. Marthaller
Investigation Engineer

DAM:dm

Dist:

VF

ME

MD

GK

DAS

MOL

WATER PERMIT AGENDA FOR DECEMBER 5, 1978 MEETING

* INDICATES PRIORITY PERMIT STATUS

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
3123	Liechty, Ezra H. - Jamestown (Kidder County) Priority: 9-13-78 Hearing: 11-13-78	Ground Water	Irrigation	830.0 acre-feet 423.0 acres	It is recommended that final action be deferred on this application pending lack of time to review.
		* NO PRIOR PERMITS			
3124	Liechty, Ezra H. - Jamestown (Logan County) Priority: 8-23-78 Hearing: 11-13-78	Ground Water	Irrigation	624.0 acre-feet 312.0 acres	It is recommended that final action be deferred on this application pending lack of time to review.
		* NO PRIOR PERMITS			
2527	Schwab Brothers - Englevale (Ransom County) Priority: 3- 2-77 Hearing: 11-13-78	Ground Water	Irrigation	720.0 acre-feet 360.0 acres	It is recommended that final action be deferred on this application pending lack of time to review.
		* #2231 (Priority Date: 3-10-75) Granted 410.0 acres to Schwab Farms #2231A (Priority Date: 3-10-75) Granted 140.0 acres to William Schwab			
3101	Kussy, Jim - New Hradec (Dunn County) Priority: 2- 2-78 Hearing: 6-26-78 Deferred: 7-19-78 Re-hearing: 11-13-78	Green River, trib. to Heart River	Irrigation	152.0 acre-feet 76.0 acres	It is recommended that final action be deferred on this application pending lack of time to review.
		* NO PRIOR PERMITS			

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
3129	Anderson, Wayne R. - Straubville (Sargent County) Priority: 9-12-78 Hearing: 11-13-78	Ground Water	Irrigation	320.0 acre-feet 160.0 acres	It is recommended that final action be deferred on this application pending lack of time to review. * #3017 (Priority Date: 1-3-78) Granted 140.0 acres
3131	Lidgerwood Golf Association, Inc. - Lidgerwood (Richland County) Priority: 7- 3-78 Hearing: 11-20-78	Ground Water	Irrigation	50.0 acre-feet 19.34 acres	It is recommended that final action be deferred at this time on this application pending lack of time to review. * NO PRIOR PERMITS
3132	Anderson, James B. - Oakes (Sargent County) Priority: 9-15-78 Hearing: 11-20-78	Ground Water	Irrigation	640.0 acre-feet 320.0 acres	It is recommended that final action be deferred on this application pending lack of time to review. * NO PRIOR PERMITS
3071	Larson, Russell - Oakes (Dickey County) Priority: 10-27-78 Hearing: 11-20-78	Ground Water	Irrigation	720.0 acre-feet 410.1 acres	It is recommended that final action be deferred on this application pending lack of time to review. * NO PRIOR PERMITS

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
3092	Litchfield, Clayton - Forman (Sargent County) Priority: 11- 1-78 Hearing: 11-20-78	Ground Water * NO PRIOR PERMITS	Irrigation	233.0 acre-feet 155.6 acres	It is recommended that final action be deferred on this application pending lack of time to review.
3078	Madzo, Richard C. - Medora (Billings County) Priority: 11- 2-78 Hearing: 11-20-78	Unnamed Creek and Little Missouri River, trib. to Missouri River * NO PRIOR PERMITS	Irrigation- Waterspreading	126.0 acre-feet 63.0 acres	It is recommended that final action be deferred on this application pending lack of time to review.
1961	Willoughby, D. C. - Ruso (McLean County) Priority: 7- 5-73 Hearing on Amendment: 11-20-78	Ground Water * NO PRIOR PERMITS	Irrigation	This is a request for a change in points of diversion.	It is recommended that this request be approved.
1217	Powers Lake, City of - Powers Lake (Burke County) Priority: 6- 6-64 Hearing on Amendment: 11-20-78	Ground Water * NO PRIOR PERMITS	Municipal	This is a request for a change in points of diversion.	It is recommended that this request be approved.

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
2273	Dubourt, Leon F. - Walhalla (McHenry County) Priority: 4-24-75 Hearing on Amendment: 11-27-78	Ground Water * NO PRIOR PERMITS	Irrigation	This is a request for a change in the points of diversion.	It is recommended that final action be deferred on this request at this time.
3134	N.D. Parks and Recreation Department (Turtle River State Park) - Arvilla (Grand Forks County) Priority: 10-10-78 Hearing: 11-27-78	Turtle River, trib. of Red River of the North * NO PRIOR PERMITS	Industrial (Snowmaking)	3.0 acre-feet	It is recommended that final action be deferred on this application pending lack of time to review.
2615	Brummund, Ronald - Oakes (Dickey County) Priority: 10-29-78	Ground Water (Unnamed Aquifer) * NO PRIOR PERMITS	Irrigation	640.0 acre-feet 320.0 acres	On February 11, 1977, the applicant was granted 202.5 acre-feet of water to irrigate 135.0 acres; an additional 225.0 acre- feet of water was held in abeyance. The applicant has indicated he has no further develop- ment plans, therefore, it is recommended that portion being held in abeyance be denied.
<p>(NOTE: UPON FURTHER INVESTIGATION OF THIS APPLICATION, IT IS RECOMMENDED THAT THE DENIAL ACTION THAT WAS RECOMMENDED, BE DEFERRED AT THIS MEETING, AND THAT THE APPLICATION BE FURTHER CONSIDERED.)</p>					

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
2993	Hoglund, Hugh H. - Cooperstown (Griggs County) Priority: 11- 8-77 Hearing: 1-23-78 Deferred: 3-16-78	Ground Water (McVille Aquifer)	Irrigation	407.0 acre-feet 238.0 acres	360.0 acre-feet 238.0 acres * #793 (Priority Date: 3-18-59) Granted 22.5 acres
3030	Tweed, Michael L. - Tolna (Eddy County) Priority: 11-25-77 Hearing: 2-21-78 Deferred: 3-16-78	Ground Water (Splritwood Aquifer)	Irrigation	856.0 acre-feet 571.0 acres	Recommend for approval: 405.0 acre-feet 270.0 acres (Balance of request to be held in abeyance) * NO PRIOR PERMITS
2290	Wiese, Raymond - Oakes (Dickey County) Priority: 6-20-75 Hearing on Amendment: 11- 6-78	Ground Water	Irrigation	This is a request for a change in the points of diversion.	It is recommended that this request be approved. * #2332 (Priority Date: 9-23-75) Granted 110.0 acres
2998	Kemmet, Terry - Tappen (Kidder County) Priority: 11-23-77 Hearing: 1-23-78 Deferred: 3-16-78	Ground Water (Kidder County Aquifer)	Irrigation	1463.6 acre-feet 731.8 acres	Recommend to approve: 202.5 acre-feet 135.0 acres (Balance of request shall be held in abeyance.) * NO PRIOR PERMITS