

STATE WATER CONSERVATION COMMISSION  
 MINUTES OF MEETING  
 Held In Office of State Water Commission  
 Bismarck, North Dakota  
 March 25, 1960

A regular meeting of the North Dakota State Water Conservation Commission was called to order on March 25, 1960 in the office of the Commission, State Capitol Building, Bismarck, North Dakota, to consider routine business matters. The following members were present:

MEMBERS OF STATE WATER COMMISSION:

Governor John E. Davis, Chairman  
 Oscar Lunseth, Member from Grand Forks  
 Einar Dahl, Member from Watford City  
 Math Dahl, Commissioner of Agriculture and Labor, Bismarck  
 Milo W. Hoisveen, Secretary & Chief Engineer, State Engineer, Bismarck

The meeting was called to order by acting chairman Commissioner Oscar Lunseth at 9:30 a.m. with Commissioners Einar Dahl, Math Dahl and Secretary Hoisveen present.

**APPROVAL OF MINUTES**                      It was moved by Commissioner Einar Dahl and seconded by Commissioner Math Dahl that the minutes of the January 7, 1960 meeting be approved and filed in the office of the State Water Conservation Commission. All members voted aye and the motion was carried.

**FINANCIAL STATEMENTS FOR JANUARY AND FEBRUARY 1960**                      Commissioner Math Dahl moved that the financial statements for January and February 1960 be approved. The motion was seconded by Commissioner Einar Dahl. All commission members voted aye and the motion was carried.

**RESOLUTION RE: SUPPORT OF BUDGET FOR GARRISON DIVERSION UNIT FOR 1961**                      A resolution was presented to the Commission members for approval relative to the State Water Conservation Commission's support of the budget estimate for the Garrison Diversion Unit for fiscal 1961. Commissioner Math Dahl moved that the State Water Commission adopt and approve the resolution, which is Appendix A. The motion was seconded by Commissioner Einar Dahl. All members voted aye and the motion was carried.

**LEGISLATION RE: STATE ENGINEER EX OFFICIO MEMBER OF STATE WATER COMMISSION**                      Secretary Hoisveen requested that enabling legislation be introduced in the next legislative session permitting the State Engineer to act as an ex officio or an alternate member of the State Water Conservation Commission at the discretion of the Commission members. Such legislation, if enacted, would simplify obtaining a quorum at meetings where difficulties exist in obtaining sufficient membership for a quorum. It was moved by Commissioner Math Dahl and

seconded by Commissioner Einar Dahl that legislation be enacted permitting the State Engineer to act as an alternate member of the State Water Commission at the discretion of the Commission members. All commissioners voted aye and the motion was carried.

PETITION AND RESOLUTION RE: SOUTHWEST FARGO

It was explained that on January 4, 1960 an attempt was made to create a water conservation and flood control district at the request of Southwest Fargo for the lower Sheyenne area. Sentiments favoring such a district were good at Horace. Residents below Southwest Fargo and Highway 10 adjacent to the stream felt that they would not be benefited and opposed the district proposal. Their sentiments were such that it was necessary for the State Water Conservation Commission to deny the district's former request. Southwest Fargo is again requesting that a hearing be held and feel that it will be successful, as they are excluding that portion of the district below Highway 10. The feeling now is that if a hearing is held at Southwest Fargo it will be approved. Commissioner Corwin has investigated the new proposal and feels that it would be satisfactory to hold such a hearing. It was moved by Commissioner Lunseth and seconded by Commissioner Math Dahl that a hearing be set up for Southwest Fargo to create a water conservation and flood control district. All members voted aye and the motion was carried.

Governor Davis, Chairman of the State Water Conservation Commission, presided at the meeting.

AR. WEINHANDL RE: FLOWERS

A letter was received from Commissioner A. R. Weinhandl thanking the Commission members for the flowers sent to him while in the hospital. Secretary Hoisveen stated that Commissioner Weinhandl had attempted to be present at the Commission meeting and had arrived in Bismarck last evening. However, his wound had opened somewhat and his physician had requested him to remain in the hotel.

RESOLUTION RE: TOWNER COUNTY HEARING - WATER CONSERVATION & FLOOD CONTROL DISTRICT ORGANIZATION

Commissioners of Towner County forwarded a resolution to the State Water Commission requesting a hearing be held on the possibilities of creating a water conservation and flood control district in Towner County. The resolution is attached and marked Appendix B. It was moved by Commissioner Lunseth and seconded by Commissioner Einar Dahl that the State Water Conservation Commission hold a hearing as to the possibilities of creating a water conservation and flood control district in Towner County. All Commission members voted aye and the motion was carried.

ELLEDALE DAM -STONY CREEK

Secretary Hoisveen informed the Commission members that following its success in putting in an under ground dam near Ellendale, which helped the water supply a great deal, officials of that city feel they want to make a surface structure and thereby retain more of the water present in the coulee. Such a dam would impound 740 acre feet and would have a

surface area of 219 acres. The cost would approximate \$28,000. The resulting reservoir does not have sufficient depth to warrant participation on the part of the Game and Fish Department. As a result this project would be borne on a 50-50 basis. The Commission's share would be \$14,000. This is a new project. It was moved by Commissioner Lunseth and seconded by Commissioner Math Dahl that the State Water Commission participate in the Stony Creek surface dam at a cost of \$14,000. On Roll Call all commission members voted aye and the motion was carried.

**NECHE DAM #274**                      Neche Dam is a WPA project built in 1938. This dam needs to be repaired. It is also desired to raise the dam approximately 2.5' to create a greater reservoir for a municipal water supply. The cost of the dam to the Commission would approximate \$5,000. It was moved by Commissioner Lunseth and seconded by Commissioner Math Dahl that the State Water Conservation Commission participate in the repair of Neche Dam at a cost of \$5,000 to the Commission. On Roll Call all commission members voted aye and the motion was carried.

**ROSENQUIST DAM #612**              Rosenquist Dam, which was constructed by the WPA, is in the need of repairs. It is used in connection with a park which is about 12 miles northwest of Crosby on Long Creek. This is a good looking structure and it should not be permitted to fail. The repair work would be much less expensive than to have to rebuild the structure. The costs of the repair work would approximate \$4,000 for the Commission's share and a similar amount by the Divide County Commissioners. It was moved by Commissioner Lunseth and seconded by Commissioner Math Dahl that the State Water Conservation Commission participate in the repair of Rosenquist Dam at a cost approximating \$4,000 as the Commission's share. On Roll Call all commissioners voted aye and the motion was carried.

**YPSILANTI DAM**                      This is a repair of the structure put in by the CCC. The Commission's participation would be \$3,300. It was moved by Commissioner Math Dahl and seconded by Commissioner Lunseth that the State Water Conservation Commission participate in the repair of Ypsilanti Dam, the Commission's share to be \$3,300. On Roll Call vote all commissioners voted aye and the motion was carried.

**FORT RANSOM DAM**                  It was explained that the citizens of Fort Ransom are anxious to raise their dam which the Commission constructed. They desire to raise the structure 3.0'. It is doubtful if they are financially able to go through with their plans. It was suggested that if they should be able to finance the raising of the dam that the Commission aid them in the cost to the extent of \$4,000. It was moved by Commissioner Math Dahl and seconded by Commissioner Lunseth that the State Water Conservation Commission participate in the raising of the Fort Ransom Dam, the Commission's share not to exceed \$4,000. On roll Call all commissioners voted aye and the motion was carried.

**BARNES COUNTY DAMS**              Several dams in Barnes County that were built by the CCC are in need of repair. The Commission's participation cost in the repair work would be \$5,000. It was moved by Commissioner Lunseth and seconded by Commissioner Math Dahl that the State Water Commission participate in the repair of the two Barnes

County Dams, at a cost participation of \$5,000. On Roll Call all commissioners voted aye and the motion was carried.

**ODESSA DAM #224**                      The Odessa Dam is located on the Cannonball River near that town and it is the only dam owned by the State Water Commission. It was constructed by the Northern Pacific Railway Company. They gave title to the Commission years ago. The repair of this dam would be contingent on local participation. The Commission's share would be \$6,000. It was moved by Commissioner Lunseth and seconded by Commissioner Math Dahl that the State Water Commission participate in the repair of Odessa Dam not to exceed \$6,000. On Roll Call all commissioners voted aye and the motion was carried.

**DRAIN #64-PEMBINA COUNTY**                      Drain #64 parallels Highway 81 west of Joliette. It was built by the Highway Department in connection with a road change. Opening of the drain will be necessary to provide an adequate escape for water impounded adjacent to the drain. The total cost estimate is \$8,610.72. Participation of the Commission would be on a 40% basis. It was moved by Commissioner Math Dahl and seconded by Commissioner Lunseth that the Commission participate in Drain #64 on a 40% basis. On Roll Call all commission members voted aye and the motion was carried.

**EATON PROJECT CONTROL STRUCTURE**                      The residents in the vicinity of the Eaton Project have requested the Commission to construct a control structure near the Souris River, to provide better regulation of irrigation water. The Commission's participation would be \$3,500, from the multiple purpose fund. This is above the dam about a quarter of a mile. The structure would be of concrete with control gates whereby the quantity of water could be controlled.

There was considerable discussion among the commission members as to just how far the Commission should go and how much of the work the local people should do themselves. It was felt that this particular proposal was a replacement and the probable build up to a permanent structure throughout the project. This is a flood control irrigation project which would only benefit a limited number of people. It was felt that they should pay back the amount of the commission's participation and that the commission should not make it a gift. This will help about 5000 acres; however, the area benefited was probably more extensive than that benefited through some drains. There is very little flood now in the Lake Darling project, as a consequence the meadow land no longer is assured natural irrigation. It was therefore necessary to construct Eaton Dam. Other areas have been helped in a similar manner, such as Scranton, Marmarth, Sioux Project and others. It was felt by the Commission members that in giving citizens of this area the Eaton Dam they should now do something for themselves; however, a precedent has been established. There was discussion on this type of project being handled the same as irrigation projects, where the money is paid back to the Commission.

It was the feeling of the commission members that these people should be encouraged to do something for themselves. Secretary Holsveen stated that this group does maintain the system and make necessary repairs in dikes and other structures. It was the concensus of the Commissioners that the money advanced should be repaid.

Secretary Holsveen was instructed to have Mr. Acker check into this and see if there is not some way the Commission could be relieved from contributing to these projects.

It was moved by Commissioner Lunseth and seconded by Commissioner Einar Dahl that the State Water Conservation Commission participate in a control structure on the Eaton Flood Irrigation Project near Towner. All commissioners voted aye and the motion was carried.

**ARMOURDALE SURVEY** Several letters have been received by the State Water Commission relative to surveys of the Armourdale Dam site in the northwestern part of Towner County. Secretary Holsveen stated that several people from this area came to the Tolna meeting in which Commissioner Lunseth and Secretary Holsveen participated. The Game and Fish Department is also interested in this project. It was moved by Commissioner Math Dahl and seconded by Commissioner Einar Dahl that the request for a survey of the Armourdale Dam site be approved. All commissioners voted aye and the motion was carried.

**PETRIFIED LAKE SURVEY** Senator Leier and Mr. Clarence Jenson of Esmond are the leading proponents in the Petrified Lake survey for a large recreational site in that area. The survey would consist of making foundation and water capacity studies for this proposed project whereby cost estimates could be prepared. It was moved by Commissioner Math Dahl and seconded by Commissioner Einar Dahl that the request for a survey of the Petrified Lake area be approved. All commissioners voted aye and the motion was carried.

**SWEETBRIAR SURVEY** Highway #94 will cross Sweetbriar Creek between New Salem and Mandan and the residents of that area are inquiring as to the possibilities of a combination bridge and dam at the crossing. Interested parties are the New Salem Chamber of Commerce, the City of Mandan, as well as the Slope Development Association. This would primarily be a recreational area. It was moved by Commissioner Math Dahl and seconded by Commissioner Einar Dahl that the request for a survey of the Sweetbriar area be approved. All commissioners moved aye and the motion was carried.

**TOLNA SURVEY** Commissioner Lunseth reported on the meeting which was held at Tolna on March 19th. They desire a study be made by the Commission relative to constructing a dam in that area. They are in need of municipal water supply as it is necessary for them to haul water for domestic purposes. They do have several good sites available. They are much interested in a survey. There were approximately 100 in attendance at this meeting. It was

moved by Commissioner Math Dahl and seconded by Commissioner Einar Dahl that the request for a survey in the Tolna area be approved. All Commissioners voted aye and the motion was carried.

STATE PARK SURVEY  
AT ARVILLA

A request has been made as to the possibilities of surveying the Arvilla State Park area and building a dam to increase the recreational facilities of this park. It was moved by Commissioner Math Dahl and seconded by Commissioner Einar Dahl that the request for a survey of the State Park at Arvilla be approved. All commissioners voted aye and the motion was carried.

REA COOPERATIVES AND  
PRIVATE COMPANY  
GROUND WATER SURVEY

Commissioner Lunseth and Secretary Hoisveen met in Grand Forks with Mr. Freeman and others. Apparently the power companies, Minnkota, Otter Tail, Power, Northern States Power, are looking for a site to build a large power plant and want to locate near one hundred million tons of lignite coal. The most suitable site is west of the Missouri River in Oliver County. They need a little assistance in making ground water surveys. They need a tremendous water supply for cooling purposes. They would also have to have an area that was economical to mine. It is a tremendous project for North Dakota if a place can be found for the project. If this project is established, they would require approximately 100 miners to work.

Secretary Hoisveen stated that the commission staff is making ground water surveys and eventually want to cover the entire state. As long as the Commission is doing this type of work the water information would be available and the coal interests would probably put someone on the drill machine to log the coal when encountered. The U. S. Geological Survey would budget 50% of this work. A meeting was held with Dr. Laird and Mr. Joe Brookhart and they stated they would be in a position to go along with the proposal. The Water Commission would put up one-fourth and the cooperatives would put up one-fourth. The approximate cost would be \$11,000 for the Water Commission, \$11,000 for the cooperatives and \$22,000 for the Geological Survey. It was moved by Commissioner Einar Dahl and seconded by Commissioner Math Dahl that the Water Commission participate in the ground water survey. All commissioners voted aye and the motion was carried.

GROUND WATER SURVEY  
RE: CITY OF BEULAH

A resolution, Appendix C, was filed with the State Water Commission on behalf of the City of Beulah requesting the State Water Commission to make preliminary investigation for a sufficient water supply for the City of Beulah. The City of Beulah has deposited \$1,500 with the State Water Commission for such survey. It was moved by Commissioner Math Dahl and seconded by Commissioner Einar Dahl that the Commission approve the ground water survey for the City of Beulah. All commissioners voted aye and the motion was carried.

GROUND WATER SURVEY  
RE: CITY OF NORTHWOOD

A request has been received from the city of Northwood relative to a ground water survey for municipal water for the city of Northwood. A check in the amount of \$1,500 has been deposited with the Water

Commission for such survey. It was moved by Commissioner Math Dahl and seconded by Commissioner Einar Dahl that the commission approve a ground water survey for the city of Northwood. All commissioners voted aye and the motion was carried.

GROUND WATER SURVEY  
RE: CITY OF SANBORN

The City of Sanborn has requested a ground water survey for a municipal supply and has forwarded to the commission a check in the amount of \$1,500 for such survey. It was moved by Commissioner Math Dahl and seconded by Commissioner Einar Dahl that the commission approve a ground water survey for the city of Sanborn. All commissioners voted aye and the motion was carried.

TELEGRAM - SENATOR YOUNG  
RE: GREEN RIVER CONTROL  
STUDY

The following telegram of March 7, 1960 was received from Senator Young relative to the Green River Flood Control project: "I am pleased to inform you that Senate Public Works Committee has just approved my resolution authorizing and directing the Corps of Engineers to conduct a flood control survey on the Green River. Will be asking for necessary funds for this survey in civil functions appropriation bill. Regards." The Corps of Engineers estimated that it would cost \$25,000 to make this survey. The water of the Green River is of much better quality than the Heart River.

LAGOON-CITY OF STANTON

The City of Stanton requests the right to use the channel of the Knife River below the town for a lagoon. The Health Department advised the City of Stanton that the Water Commission was in charge of restricting flows on streams. The Health Department would not give its approval for such a lagoon unless the Commission gave its approval to the use of the channel. This would be agreeable if everything conformed with the desires of the Health Department and the Commission. The city is to take full responsibility for any blocking of the channel and it is possible that high flood waters from the Missouri would destroy the whole system, but this is not expected. It was moved by Commissioner Math Dahl and seconded by Commissioner Lunseth that the City of Stanton be granted the right to construct a sewage lagoon in a vacant channel of the Knife River, with certain restrictions and conditions regarding the use of the channel. All members voted aye and the motion was carried.

REPORT: MBIAC MEETING,  
GRAND FORKS

The Grand Forks Chamber of Commerce is making arrangements for the Missouri Basin Inter-Agency meeting which will be held April 20th. The meeting is to be held in the City Auditorium. Commissioner Lunseth is to be the speaker at the banquet. Governor Davis suggested that someone else should be prepared to M.C. the banquet in his absence. The names of Harold Shaft and Mr. Upgard were suggested. It was suggested that Jack Griffiths be invited to the meeting. The subjects, and speakers, to be presented at the meeting are: Report on Senate Select Committee on Water Resources by Ted Schad; Water Salinity Report; Central Cooperatives making a report on power plant; Roy Holand and Bruce Johnson will discuss the program of the Garrison Diversion Unit in connection with the Bureau of Reclamation; General Barney will report on the Corps of Engineers Flood Control Act of 1944.

WATER COMMISSION MEETING  
-GRAND FORKS

It was suggested that the State Water Conservation Commission hold its April meeting in Grand Forks on April 19th. A meeting has been tentatively arranged with Mr. Fredrickson for April 22nd in Bismarck. Mr. Fredrickson is especially interested in reviewing the possibilities of the establishment of a conservancy district in southwestern North Dakota. A

report of the meeting at Dickinson held pursuant to the formation of the said district will be given at the April 22nd meeting of the State Water Commission. The purpose of Mr. Fredrickson's appearance before the Water Commission on April 22nd would be to discuss the appointment of members of a study committee similar to the one which studied and recommended the enactment of the Garrison Diversion Conservancy District. The committee proposing the district would want approval by the commission in setting up a study committee to report to the legislature when they next convene relative to the establishment of this conservancy district. The present plans are that it will not be confined to water development only but would include parks, roads leading to parks and possibly some construction in the State Park areas. Mr. John Rouzie has shown considerable interest in this project and Mr. Ralph Beede serves as chairman of the exploratory committee. This is one of the matters for the agenda which may be held at Grand Forks after the banquet or if conditions dictate it would be for the April 22nd meeting. It was decided that a commission meeting be held at Grand Forks on April 19th and as much material reviewed at the Grand Forks meeting as possible.

**SLACK WATER NAVIGATION  
STUDY HEARING MAY 26  
1960**

A public hearing on Slackwater Navigation study has been scheduled for May 26, 1960. This should be discussed at the next meeting. This originated at Council Bluffs, Iowa, with Governor Loveless and Mr. Hershey asking for the survey. These hearings are being set up to get the sentiment of the public. It was felt that the Commission's position should be on the negative side. The hearing should be set up in the same manner as the Bank Erosion hearing. This would be of no benefit to North Dakota and probably no benefit to South Dakota. If it was to be a series of low head dams instead of large dams we would be benefited in the reduction of water needed for navigation. More water would be available for firm power releases which would benefit our ability to repay irrigation obligations.

**QUALITY WATER SURVEY**

A request was received from the U. S. Geological Survey, Quality Water Branch, Lincoln, Nebraska, that the State Water Conservation Commission participate in a quality water survey and cataloging of information obtained. Their proposal would include all of the past reports on water quality. They would incorporate some additional studies which are now being gathered by the State Water Conservation Commission. The cost of such a compilation would approximate \$1,500. Mr. Hoisveen informed the Commission that the Game and Fish Department has much interest in such a proposal and if they would cooperate probably the Commission would consider participation. Most of the streams in the state are low in quality water and some of the ground water is of inferior quality and cataloging would be desirable. They will be taking a sample of water going into Kelly Slough for chemical analysis. The Economic Development Commission should also be interested in this information. Commissioner Lunseth stated that we should have more knowledge of the bacteria control of water. It was suggested that Secretary Hoisveen contact the Health Department relative to the quality water survey proposal.

Commissioner Lunseth presided at the rest of the meeting.



MONTANA WATER BOARD LETTER  
RE: COST PARTICIPATION IN  
INTAKE NO. 3

A report was received from the Montana State Water Conservation Board relative to the \$3,500 advanced by the State Water Commission for enlargement of the intake on Unit No. 3

of the Sidney Pumping Project, in which they advised that they did not consider that the Montana Water Conservation Board had any obligation in this matter as the pipe is still available for our use.

REPORT ON UPPER WEST SOURIS  
RIVER HEARING HELD BY CORPS  
OF ENGINEERS

Secretary Holsveen reported that the Corps of Engineers had a proposal in the upper west Souris River relative to drainage of that area. Such drainage would benefit

4000 acres. It appears that the landowners in the area generally opposed the proposal. It will be dropped by the Corps of Engineers until such a time as sentiments appear to favor the project.

MISSOURI RIVER BANK  
STABILIZATION HEARING

On February 26, 1960, the Missouri River Bank Stabilization hearing was held in Bismarck.

There were between 150 and 200 people at the hearing. A compilation of all statements given was made by the State Water Commission. The landowners indicated resentment to the severe erosion that is occurring. An appropriation of \$15,000 is being requested for investigating the proposal. Senator Young is endeavoring to obtain the necessary appropriation.

SOO LINE REQUEST FOR  
CHANNEL CHANGE ON DES  
LACS RIVER

The Soo Line Railway Company indicated its intention to make a formal request concerning a channel change between Burlington Dams #1 and #2. Their plans were to eliminate two

bridges by making a cut off in that reach of the Des Lacs River between these two dams. This situation is being studied by the Commission's staff. Action was deferred until a formal request is filed by the Soo Line Railway officials.

REMOVAL OF FISH & WILDLIFE  
WATER RIGHT FILINGS FROM  
N. D. STREAMS WHICH HAVE  
NOT BEEN DEVELOPED BY  
THAT AGENCY

Secretary Holsveen informed the Commission that at one time there was a North Dakota statute which permitted Federal Agencies to appropriate unappropriated water by an expression of intent. A letter dated September 1, 1934 forwarded by Brice McBride of the Department of Agriculture

and acting for the Secretary of Agriculture to the Hon. R. E. Kennedy, State Engineer, was received by that department notifying him that they were filing a water right on all the unappropriated water in North Dakota. This letter is Appendix D. Although numerous wildlife projects were developed by the Biological Survey of the U. S. Department of Agriculture many streams were not developed. The filing made by the Secretary of Agriculture may cast a cloud on all water right filings made since that date. Secretary Holsveen stated that he and Fred Fredrickson desired to contact authorities in the Department of Agriculture and see if this in any way casts a reflection on our water rights in this state. If so, a hearing should be held to clarify these water rights. The Secretary would like authority from the Commission, if they desire him to do so, to proceed to hold such hearing on these water rights and to take whatever steps are necessary to

clarify the water rights. It was moved by Commissioner Math Dahl and seconded by Commissioner Lunseth that such steps be taken as may be necessary on the water rights held by Federal agencies which have not been proved. All commissioners voted aye and the motion was carried.

LETTER: COMMENDING WATER COMMISSION ON MAPS Several favorable comments have been received regarding the recent water and power resources development plan for North Dakota sent out by the Commission. Maps were made available to the schools through the County Superintendent's office. Maps have not yet been sent to the larger schools, such as Fargo, Grand Forks, which the Commission expects to do in the very near future. It is felt that these maps should be made available to the libraries and colleges.

REPORT ON SOURIS RIVER BOARD OF CONTROL Secretary Hoisveen was previously authorized by the Commission to act as U. S. Representative on the Souris River Board of Control. The board has now completed its report on its first year's operations, which will be given at the meeting of the International Joint Commission in Washington, D.C. Canada retained about 29% of the water originating in Saskatchewan during 1959. They have a right to retain 50%. Three meetings were held during the year with the Canadian representative.

WATER RIGHTS The Cannonball River is overappropriated and Secretary Hoisveen felt that applications for water right permits on the Cannonball River should be held down to 15 acres and not to exceed a diversion of more than 22.5 acre feet per applicant. In this way each individual will be in a position to develop some irrigable land which will provide him with the ability to carry over some foundation stock if a cattle rancher.

#817 Ervin Bourgois, Bismarck, North Dakota requested the right to divert 421 acre feet of water from the Missouri River to irrigate 210.8 acres. It was moved by Commissioner Math Dahl and seconded by Commissioner Einar Dahl that Ervin Bourgois be granted the right to divert 421 acre feet of water from the Missouri River to irrigate 210.8 acres. All commissioners voted aye and the motion was carried.

#818 Byron W. Snippen, Bismarck, North Dakota requested the right to divert 422 acre feet of water from the Missouri River to irrigate 211 acres. It was moved by Commissioner Math Dahl and seconded by Commissioner Einar Dahl that Byron W. Snippen be granted the right to divert 422 acre feet of water from the Missouri River to irrigate 211 acres. All commissioners voted aye and the motion was carried.

#819 Robert J. Jiran, Bismarck, North Dakota, requested the right to divert 499 acre feet of water from the Missouri River to irrigate 249.6 acres. It was moved by Commissioner Math Dahl and seconded by Commissioner Einar Dahl that Robert J. Jiran be granted the right to divert 499 acre feet of water from the Missouri River to irrigate 249.6 acres. All commissioners voted aye and the motion was carried.

- #820 George Shipp, Bismarck, North Dakota requested the right to divert 275 acre feet of water from the Missouri River to irrigate 137.4 acres. It was moved by Commissioner Math Dahl and seconded by Commissioner Einar Dahl that George Shipp be granted the right to divert 275 acre feet of water from the Missouri River to irrigate 137.4 acres. All commissioners voted aye and the motion was carried.
- #821 Arnold Schmidt, Mandan, North Dakota requested the right to divert 726.8 acre feet of water from the Missouri River to irrigate 363.4 acres. It was moved by Commissioner Math Dahl and seconded by Commissioner Einar Dahl that Arnold Schmidt be granted the right to divert 726.8 acre feet of water from the Missouri River to irrigate 363.4 acres. All commissioners voted aye and the motion was carried.
- #822 Warren Reid, Bismarck, North Dakota requested the right to divert 571.6 acre feet of water from the Missouri River to irrigate 285.8 acres. It was moved by Commissioner Math Dahl and seconded by Commissioner Einar Dahl that Warren Reid be granted the right to divert 571.6 acre feet from the Missouri River to irrigate 295.8 acres. All commissioners voted aye and the motion was carried.
- #823 The City of Cavalier requested the right to divert 1100 acre feet from the Tongue River for municipal purposes when held in storage in dam M-4. It was moved by Commissioner Math Dahl and seconded by Commissioner Einar Dahl that the City of Cavalier be granted the right to divert 1100 acre feet from the Tongue River for municipal purposes. All commissioners voted aye and the motion was carried.
- #824 Edmund Dubs, New Leipzig, North Dakota requested the right to divert 122 acre feet of water from the Cannonball River to irrigate 61 acres. It was moved by Commissioner Math Dahl and seconded by Commissioner Einar Dahl that Edmund Dubs be granted the right to divert 22.5 acre feet of water from the Cannonball River to irrigate 15 acres. All commissioners voted aye and the motion was carried.
- #825 W. J. Tyler, Bismarck, North Dakota requested the right to divert 320 acre feet of water from the Missouri River to irrigate 160 acres. It was moved by Commissioner Math Dahl and seconded by Commissioner Einar Dahl that W. J. Tyler be granted the right to divert 320 acre feet of water from the Missouri River to irrigate 160 acres. All commissioners voted aye and the motion was carried.
- #826 Eil Torrance, Bismarck, North Dakota requested the right to divert 195 acre feet of water from the Cannonball River to irrigate 97.6 acres. It was moved by Commissioner Math Dahl and seconded by Commissioner Einar Dahl that Eil Torrance be granted the right to divert 22.5 acre feet of water from the Cannonball River to irrigate 15 acres. All commissioners voted aye and the motion was carried.

#827 Joe Kralicek, Jr., Dickinson, North Dakota requested the right to divert 63.6 acre feet of water from the Green River to irrigate 31.8 acres. It was moved by Commissioner Math Dahl and seconded by Commissioner Einar Dahl that Joe Kralicek, Jr., be granted the right to divert 63.6 acre feet of water from Green River to irrigate 31.8 acres. All commissioners voted aye and the motion was carried. Secretary Holsveen suggested the following recommendation in connection with this water right: "Unless a dam is constructed in the Green River to store the runoff from snow melt and heavy rains, it does appear that there is only sufficient flow to make irrigation on a very limited acreage and when the proposed dam above this irrigation project is constructed, a water right can only be granted on the condition that consent of the government or legal entity responsible for constructing the dam be obtained before stored water may be released for irrigation and then the releases shall be made in such quantities as determined feasible by the above mentioned entity."

#828 R. A. Hehn and E. F. Hehn, Elgin, North Dakota have requested the right to divert 214 acre feet of water from the Cannonball River to irrigate 107 acres. It was moved by Commissioner Math Dahl and seconded by Commissioner Einar Dahl that R. A. Hehn and E. F. Hehn be granted the right to divert 22.5 acre feet of water from the Cannonball River to irrigate 15 acres. All commissioners voted aye and the motion was carried.

#829 Arthur Mutschelknaus of Elgin has requested the right to divert 170 acre feet of water from the Cannonball River to irrigate 85 acres. It was moved by Commissioner Math Dahl and seconded by Commissioner Einar Dahl that Arthur Mutschelknaus be granted the right to divert 22.5 acre feet from the Cannonball river to irrigate 15 acres. All commissioners voted aye and the motion was carried.

#830 Edwin Rivinius, Elgin, North Dakota, has requested the right to divert 170 acre feet of water from the Cannonball River to irrigate 85.0 acres. It was moved by Commissioner Math Dahl and seconded by Commissioner Einar Dahl that Edwin Rivinius be granted the right to divert 22.5 acre feet of water from the Cannonball River to irrigate 15 acres. All commissioners voted aye and the motion was carried.

#831 Ray Swindler, New Leipzig, has requested the right to divert 353.2 acre feet of water from the Cannonball River to irrigate 176.6 acres. It was moved by Commissioner Math Dahl and seconded by Commissioner Einar Dahl that Ray Swindler be granted the right to divert 22.5 acre feet of water from the Cannonball River to irrigate 15 acres. All commissioners voted aye and the motion was carried.

#832 Miles Michelson and Lyle Michelson, New Leipzig have requested the right to divert 86.0 acre feet of water from the Cannonball River to irrigate 43.0 acres of land. It was moved by Commissioner Math Dahl and seconded by Commissioner Einar Dahl that Miles Michelson and Lyle Michelson be granted the right to divert 22.5 acre feet of water from the Cannonball River to irrigate 15 acres. All commissioners voted aye and the motion was carried.

#833 Chester Hamers of Epping, North Dakota requested the right to divert 60 acre feet of water from the Little Muddy to irrigate 29.9 acres. Messrs. Erickson and Jorgenson of Epping appeared objecting to the issuance of the water right permit. Secretary Hoisveen, at the time of the hearing, stated that no water right would be issued until the matter had been investigated. It was moved by Commissioner Math Dahl and seconded by Commissioner Einar Dahl that action on this water right be deferred until Secretary Hoisveen has had an opportunity to investigate the situation. All commissioners voted aye and the motion was carried.

#834 Dan McDonald of Bismarck, North Dakota requested the right to divert 636 acre feet of water from a well to irrigate 318 acres. It was moved by Commissioner Math Dahl and seconded by Commissioner Einar Dahl that Dan McDonald be granted the right to divert 636 acre feet of water from wells to irrigate 318 acres. All commissioners voted aye and the motion was carried.

#835 The City of Grand Forks has requested the right to divert 53,623 acre feet of water from the Red River for municipal purposes. It was moved by Commissioner Math Dahl and seconded by Commissioner Einar Dahl that the City of Grand Forks be granted the right to divert 53,623 acre feet of water from the Red River for municipal purposes. All commissioners voted aye and the motion was carried.

#837 Frank Weisgarber, lessee, Hensler, North Dakota (Lulu Holmes, owner) requested the right to divert 1404 acre feet of water from the Missouri River to irrigate 702 acres of land. It was moved by Commissioner Math Dahl and seconded by Commissioner Einar Dahl that Frank Weisgarber be granted the right to divert 1404 acre feet of water to irrigate 702 acres. All commissioners voted aye and the motion was carried.

#836 The Pan American Petroleum Corporation requests a water right to divert 1085 acre feet of water for industrial purposes in the Lignite and Burke County area. The water is good. Secretary Hoisveen stated that petitions had been filed against the issuance of such request and that it was necessary to defer action on the water right.

The meeting adjourned at 11:45 a.m.

Respectfully submitted,

ATTEST:

  
John E. Davis, Governor

  
Milo W. Hoisveen, Secretary

*Appendix A***R E S O L U T I O N**

Adopted March 25, 1960 by the  
North Dakota State Water Conservation Commission  
In Support of Budget Estimate for the Garrison  
Diversion Unit for Fiscal 1961

**WHEREAS**, the North Dakota State Water Conservation Commission, Shortly after its creation in 1937, caused studies to be made pertaining to the feasibility of an historic proposal to divert waters of the Missouri River to eastern parts of North Dakota for multiple uses, and since that time has invested over \$2,000,000 for studies and investigations on the proposed Garrison Diversion Project; and

**WHEREAS**, such diversion of Missouri River waters was authorized by Congress as a part of the Missouri River Basin Project in the Flood Control Act of 1944; and

**WHEREAS**, The Bureau of Reclamation has thoroughly investigated the Garrison Diversion Unit and found it to be economically sound with satisfactory benefit to cost ratio; and

**WHEREAS**, such studies have encouraged citizens of North Dakota to contribute to the over-all Missouri River Basin Project in excess of any other state in the basin; and

**WHEREAS**, irrigation districts have been established in central and eastern sections of North Dakota comprising 316,000 acres of irrigable lands, in reliance of approval of the Garrison Diversion Project, thereby displaying the deep interest in and support of the North Dakota farmers for the proposed diversion of waters of the Missouri River;

**NOW, THEREFORE, BE IT RESOLVED** by the State Water Conservation Commission in a regular meeting on March 25, 1960, in the city of Bismarck, North Dakota, that it support a budget estimate of \$450,000 for the Bureau of Reclamation and urges Congress to appropriate this amount for conducting necessary additional surveys and investigations on said project for the fiscal year 1961; and

**BE IT FURTHER RESOLVED** that copies of this resolution be forwarded by Governor John E. Davis, Chairman, State Water Conservation Commission, to Honorable Clarence Cannon, Chairman, House Committee on Appropriations; Honorable Carl Hayden, Chairman, Senate Committee on Appropriations; Senators Milton R. Young and Norman Brunsdale; Representatives Quentin N. Burdick and Don L. Short; and the Honorable Floyd Dominy, Commissioner of Bureau of Reclamation, Department of Interior.

## APPENDIX B

TOWNER COUNTY  
North DakotaCando, North Dakota  
March 8, 1960North Dakota State Water Conservation Commission  
Bismarck, North Dakota

Dear Sirs:

At the regular meeting of the Board of County Commissioners of Towner County, North Dakota, held on the 3rd day of February, 1960, the following members being present: Fred J. Bradley, Chairman; Willard Close, A. A. Reid and Paul Sormula. Absent: John Miller. Commissioner Reid offered the following resolution and moved its adoption:

Whereas, Effective control of the flood waters is not within the power of the Board of County Commissioners of Towner County, North Dakota;

Whereas, If assistance is to be derived from the State Water Conservation Commission or from any agency of the Federal Government, it is necessary that a local governmental agency be set up with which other agencies of the State and Federal Government can deal and negotiate; and

Whereas, It is deemed advisable that such agency should be a water conservation and flood control district comprising the major area of Towner County, North Dakota;

Now, Therefore, Be it Resolved : that the Board of County Commissioners of Towner County, North Dakota, request the North Dakota State Water Conservation Commission to hold a hearing on the possibilities of a water conservation and flood control district in Towner County.

Said resolution was seconded by Commissioner Sormula and on call of roll all members present voted "Aye".

The Resolution was declared duly carried.

Very truly yours,

FRED J. BRADLEY  
Chairman, Board of County Commissionersby s/ Myrtle M. Arion,  
Myrtle M. Arion, County Auditor  
Towner County, North Dakota

## RESOLUTION

WHEREAS, the City of Beulah, North Dakota, has an immediate and pressing need for the improvement in the quality and the quantity of the water supply of said city;

AND WHEREAS, all attempts to secure water of sufficient supply and quality have meet with failure;

AND WHEREAS, the North Dakota Water Conservation Commission, in cooperation with the State Geologist, has a program wherein it will make ground water investigation for municipalities in this state in an attempt to secure a sufficient water supply;

AND WHEREAS, the City Council of the City of Beulah deems it necessary that an immediate survey be made by the State Water Commission, in order to enable the City of Beulah to obtain a sufficient water supply;

IT IS THEREFORE HEREBY RESOLVED that the State Water Commission is hereby authorized to make the preliminary investigation and the appropriate officers of the City government are instructed to deposit One Thousand Five Hundred and no/100 Dollars (\$1,500.00) out of funds now available for such purpose with the State Water Commission for the purpose of such investigation;

IT IS FURTHER RESOLVED that this resolution be adopted by the undersigned at a regular meeting of the City Council of the City of Beulah, North Dakota, held on the 4th day of January, 1960, at Beulah North Dakota.

Approved:

s/ L. L. Voeltz

s/ Otto Kasper  
Otto Kasper, Mayor

Attest:

L. L. Voeltz, City Auditor

The motion for the adoption of the foregoing resolution was made by Alderman Ranke and was duly seconded by Alderman Neuberger, and upon vote being taken, the following voted in favor thereof: Sam Miller, Jr., Wilmar Wiedrich, A. Neuberger, A. W. Mosbrucker, R. Renke, and John Krausz.  
the following voted against the same: None

Whereupon said resolution was declared duly passed and adopted and was duly signed by the Mayor of the City Council, Otto Kasper. and was then attested to by the City Auditor, L. L. Voeltz.



Appendix K  
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Bismarck, North Dakota  
September 1, 1934.

Hon. R. E. Kennedy,  
As State Engineer of the State of North Dakota  
State Capitol  
Bismarck, North Dakota

Dear Sir:

You are hereby notified by Henry A. Wallace, As Secretary of Agriculture of the United States, that the United States intends, from and after this date, to utilize certain specified unappropriated waters as of the date of this notice, in the State of North Dakota, hereinafter described as follows, to-wit:

The Mouse River, also known as the Souris River, and all of its tributaries; the Des Lacs River, also known as the Des Lacs Lakes, and all of their tributaries; the James River, including its tributary the Pipestem River, and all other tributaries of both such rivers in North Dakota; The Bois des Sioux River, the Sheyenne River, the Turtle River, the Forest River, and all other tributaries of the Red River in North Dakota; all tributaries of the Missouri River in North Dakota.

You are further notified that the filing of this notice with you in no way waives any legal rights of the United States in and to any and all waters in the State of North Dakota.

This written notice is made and filed with you in accordance with the provisions of Section 8270 of the Compiled Laws of North Dakota for the year 1913. Will you please file this notice of record in your office and acknowledge receipt thereof and the date of the filing?

Sincerely yours,

HENRY A WALLACE  
Secretary of Agriculture of the  
United States.

By: (Signed) Brice McBride,  
Hydraulic Engr.  
His duly authorized Agent for this  
purpose.

## COMPILED LAWS OF NORTH DAKOTA - 1913

## CODE OF CIVIL PROCEDURE

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**8270 - Appropriations of Water by the United States.**

Whenever the proper officers of the United States, authorized by law to construct works for the utilization of waters within the state, shall notify the state engineer that the United States intends to utilize certain specified waters, the waters so described, and unappropriated at the date of such notice, shall not be subject to further appropriation under the laws of this state for a period of three years from the date of said notice, at which time the proper officers of the United States shall file plans for the proposed work in the office of the state engineer for his information, and no adverse claim to the use of the waters required in connection with such plans, initiated subsequent to the date of such notice, shall be recognized under the laws of this state, except as to such amount of the water described in such notice as may be formally released in writing by an officer of the United States, thereunder duly authorized; provided, that in case of failure to file plans of the proposed work within three years, as herein required, the waters specified in the notice given by the United States to the state engineer shall become public waters, subject to general appropriations. (R.C. 1905. -7639 - 1905, ch. 34 and 36.)