

MINUTES OF THE
STATE WATER COMMISSION
Fargo, North Dakota
February 25, 1964

MEMBERS PRESENT:

Governor William L. Guy, Chairman
Richard P. Gallagher, member from Mandan
Henry J. Steinberger, member from Donnybrook
Gordon Gray, member from Valley City
Math Dahl, Secretary of Agriculture and Labor, Bismarck
Milo W. Hoisveen, Secretary and Chief Engineer, Bismarck

OTHERS PRESENT:

R. W. Burwell, Regional Director, Bureau of Sport Fisheries and Wildlife
Daniel S. Boos, Solicitor, Bureau of Sport Fisheries and Wildlife
Edmund L. Doeling, Hydrologist, Bureau of Sport Fisheries and Wildlife
F. E. Foughty, Attorney, Chain Lakes Water Management District
John Magnuson, Board member, Chain Lakes Water Management District
L. A. Anderson, Board member, Chain Lakes Water Management District
Roy M. Cowan, Board member, Chain Lakes Water Management District
Cliff Jochim, Special Assistant Attorney General, State Water Commission

The meeting was called to order at
2:20 p.m. by Governor William L. Guy.

LAKE ALICE-LAKE IRVINE AGREEMENT WITH BUREAU OF SPORT FISHERIES AND WILDLIFE Secretary Hoisveen read that portion of the minutes of the February 14, 1964 meeting of the State Water Commission relative to the earthen plug in the channel connecting Lakes Alice and Irvine in Ramsey County.

The elevation at which the temporary earthen plug and the proposed permanent structure would be maintained was discussed. It was explained that although the Bureau of Sport Fisheries and Wildlife had a water right in Lake Alice to elevation 1443 feet MSL, granted by the State on May 25, 1938, it had flooding easements to only 1442 feet. Therefore, both the temporary and the permanent structures would be maintained at 1442 feet.

Commissioner Gray indicated that he thought the proposed agreement should be reviewed. Cliff Jochim read and explained in detail the agreement which he and Mr. Boos, the Bureau's Solicitor, had drafted and which had been tentatively approved by Secretary Hoisveen and Mr. Burwell, the Bureau's Regional Director.

Mr. Foughty asked whether or not the Chain Lakes Water Management District would be a party to the agreement. Mr. Jochim indicated that it was the intention of the Commission to enter into a separate agreement with the water management district and therefore it was not necessary that they be a party to the agreement with the Bureau.

Commissioner Gallagher indicated that he was opposed to the inclusion of the U. S. Weather Bureau in Section II of the proposed agreement. Section II reads as follows:

"That when the condition of the watershed is such and the U. S. Weather Bureau indicates that flooding is imminent the Bureau, upon notification by the State Engineer, shall cause the temporary earthen plug of the aforementioned channel to be removed in order to allow flood waters to pass from Lake Alice to Lake Irvine."

Mr. Jochim explained that it was felt that if the decision of determining when the waters of Lake Alice were at such a level and the weather conditions such that the plug must be removed was the sole responsibility of a single party to the agreement, the other party may not agree with the decision arrived at and thus cause the delay of removing the plug at a time when any delay could be disastrous. Also if such a decision would be a joint responsibility of both parties to the agreement again any difference in opinion could cause considerable damage. Thus, it was felt that if a third disinterested party were included, the decision of which both parties must abide by, the chances of any damage caused by a delay in acting would be greatly alleviated.

Mr. Boos indicated that the Bureau was not established as a flood control agency which refusal to act on behalf of the Commission would, in effect, make it if all reference to the U. S. Weather Bureau were deleted in view of the fact that Section VI placed responsibility for any damages on the Bureau if it acted on its own volition. Mr. Jochim replied that inasmuch as the Bureau had flooding easements to only 1442 feet, the level of the plug, it would, as a matter of self protection, remove the plug when the waters of Lake Alice threatened to exceed that level regardless of any resulting flood control benefits.

Commissioner Gallagher asked whether or not the proposed agreement specified the size of the permanent structure. Mr. Jochim answered that Section VIII specified that the permanent structure was to be "capable of discharging 1500 c.f.s. under 0.5 feet of head." Commissioner Gallagher wondered if 1500 c.f.s. would be adequate. Secretary Hoisveen indicated that 1500 c.f.s. would be sufficient as the structure is not intended to control all possible floods but is designed on the basis of a ten-year flood frequency. He implied that it was intended to pass water from Lake Alice to Irvine at a rate sufficient to abate flooding that possibly occurs three years out of ten when little or no water passes out of Lake Irvine, but flooding occurs on Lake Alice because there is no controlled spillway. Edmund L. Doeling, the Bureau's Hydrologist, gave a brief resume' of the Bureau's study relative to the size of the structure.

The Governor left the meeting at approximately 4:50 p.m. in order to fulfill a previous commitment. Commissioner Steinberger assumed the chairmanship in the Governor's absence.

Mr. Burwell suggested that any reference to the U. S. Weather Bureau be deleted from the agreement.

A general discussion relative to Sections II and VIII of the agreement, the elevations of the structure and Lake Alice, and the size of the permanent structure followed during which it was decided to:

- (1) Delete all reference to the U. S. Weather Bureau and
- (2) Delete all reference to the size of the permanent structure.

Mr. Jochim then read the agreement as revised and agreed upon. No further changes were suggested or made.

It was moved by Commissioner Gallagher, seconded by Commissioner Gray and carried that the agreement, as revised, be approved and Secretary Hoisveen be authorized to execute same, subject to the Governor's approval.

Acting Chairman Steinberger thanked Messrs. Burwell, Boos and Doeling of the Bureau of Sport Fisheries and Wildlife for their cooperation in drafting an agreement acceptable to all parties and for their attendance at the meeting.

Secretary Hoisveen stated that, as previously indicated, the Chain Lakes Water Management District and the State Water Commission should enter into a separate agreement relative to the operation and maintenance of the channel and its plug.

Mr. Foughty indicated that the water management district would be willing to enter into any reasonable agreement, but that first it would want to know exactly what the Commission has in mind.

Commissioner Gallagher stated that the Commission would not necessarily want to impose any liability on the water management district, but would merely ask it to cooperate with the Commission and advise it of the lake's condition.

Mr. Jochim stated that it appears that the agreement would merely require the Chain Lakes Water Management District to cooperate with the Commission and to advise it of flooding conditions.

Mr. Foughty indicated that the Board of Commissioners of the water management district would be in a position to assist the State Water Commission by securing releases from the local landowners if it appears that their land will be flooded as a result of removing the plug or opening the permanent gated structure.

It was decided that Mr. Jochim would prepare an agreement and submit it to Mr. Foughty for consideration by the Board of Commissioners of the Chain Lakes Water Management District.

**SURVEY RELATIVE TO WYARD
DAM, FOSTER COUNTY**

Wyard Dam, Foster County. He stated that Foster County had paid \$200 toward the survey cost. It was moved by Commissioner Gallagher, seconded by Commissioner Gray and carried that approval be granted.

Secretary Hoisveen requested the authorization to make a survey relative to the raising of the

meeting adjourned at 5:20 p.m.

There being no further business, the

Milo W. Hoisveen
Secretary

ATTEST:

William L. Gray
Governor

NORTH DAKOTA STATE WATER COMMISSION
MONTHLY REPORT OF APPROPRIATIONS AS OF FEBRUARY 29, 1964
1963 - 1965 APPROPRIATIONS

FUND -2770	AVAILABLE FUNDS		DISBURSEMENTS		FUND BALANCES		
	APPROPRIATION	RECEIPTS	TO DATE	FEB'64	UNEXPENDED	ENGUMB.	UNENCUMB.
1.COMM PD & EXP -15	6,500.00	.00	2,778.62	852.26	3,721.38	450.00	3,271.38
ADMINISTRATION-301	70,000.00	390.98	21,773.05	2,736.34	48,617.93	2,100.00	46,517.93
3.MTCE OF DAMS -302	150,000.00	48,519.73	107,734.76	2,780.58	50,784.97	20,400.00	70,384.97
4.INT'L & INTERSTATE-303	10,000.00	10.00	3,795.83	542.57	6,214.17	.00	6,214.17
5.TOPOGRAPHIC,USGS -304	30,000.00	6,210.42	19,677.15	.00	14,533.27	16,533.27	.00
6.HYDROGRAPHIC,USGS-305	27,500.00	2,750.00	5,894.54	.00	24,355.46	12,853.46	11,500.00
7.ENGR & GEOL,USGS -306	60,000.00	40,554.03	69,966.73	29,542.79	30,587.30	1,200.00	29,387.30
8.COOP W/US DEP,ETC-307	60,000.00	6,000.00	21,282.61	1,933.69	44,717.39	500.00	44,217.39
9.ENGR INVESTIGATIONS308	145,000.00	1,600.00	42,255.37	5,332.95	104,344.63	3,500.00	100,844.63
10.ADM WATER RIGHTS-309	10,000.00	.00	4,280.31	.00	5,719.69	.00	5,719.69
	569,000.00	106,035.16	299,438.97	43,721.18	375,596.19	57,538.73	318,057.46

NOTE- \$10,000 TRANSF. FROM #304 TO #305, 306, & 307.

\$6,210.42 TRANSF. FROM EM COMM TO #304

SWC FILE 05-1.2

NORTH DAKOTA STATE WATER COMMISSION
STATUS OF CONTINUING APPROPRIATIONS
AS OF FEBRUARY 29, 1964

FUND	AVAILABLE FUNDS		DISBURSEMENTS		FUND BALANCES		
	APPROPRIATION	RECEIPTS	TO DATE	FEB '64	UNEXPENDED	ENCUMB.	UNENCUMB.
20. MULTIPLE PURPOSE CARRIED FWD -3770	500,000.00 337,928.21	51,500.32	74,673.23	11,689.03	812,755.30	521,695.38	291,058.92
21. CONST BOND GUAR-8770	90,000.00	20,424.09	20,539.00	.00	89,885.09	.00	89,885.09

NOTE- FUND #21 RECEIPTS ARE OBTAINED FROM RETIREMENT OF AND INTEREST ON SECURITIES THAT WERE IN THE COMMISSION'S SINKING FUND IN EXCESS OF THE AMOUNT REQUIRED TO RETIRE THE SERIES "J" BOND ISSUE ON DECEMBER 10 '57. ORIGINAL DISBURSEMENTS FROM FUND #21 WERE MADE DURING THE EARLY 1940'S IN ACCORDANCE WITH SECTION 61-02-56 OF THE CENTURY CODE WHICH PROVIDES THAT THE COMMISSION MAY GUARANTEE OR INSURE, OR AGREE TO PAY, THE INTEREST ON AND PRINCIPAL OF COMMISSION REVENUE BONDS, NOT EXCEEDING 20% OF THE PAR VALUE OF ANY SUCH BONDS.

SCHEDULE OF BONDS & INTEREST RECEIVABLE - FUND #21 "8770"

TYPE	DUE DATE	INTEREST RATE	INTEREST REC. TO MATURITY	PRINCIPAL	TOTAL INCOME ANTICIPATED
U. S. SERIES K BONDS	5-65	2.76%	\$ 62.10	\$1,500	\$1,562.10
U. S. SERIES K BONDS	4-67	2.76%	193.20	2,000	2,193.20
U. S. TREASURY BONDS	12-68	2.50%	375.00	3,000	3,375.00
SIoux IRRIG DIST BONDS	1984 SERIALY	2.25%	4,533.75	16,000	20,533.75
			<u>\$5,201.55</u>	<u>\$22,500</u>	<u>\$27,664.05</u>
				FUND BALANCE	89,885.09
				LESS ORIGINAL APPROPRIATION	-90,000.00
					<u>\$27,549.14</u>

NORTH DAKOTA STATE WATER COMMISSION
PAYROLL - FEBRUARY 29, 1964

SALARIED EMPLOYEES

NAME	POSITION	PAY GRADE	REMARKS	SALARY	W/TX	SOS.	INS.	BONDS	NET
HOISVEEN, MILO W.	STATE ENGR	Q-10	INC JUL '63	1,125.00	172.50	40.78	15.00	131.25	765.47
BAESLER, GORDON	DRAFTSMAN	G-8	INC JUL '63	443.67	61.00	16.08			366.59
CHRISTENSEN, RAY	ENGR AID	E-2	STA DEC '63	274.67	39.70	9.68			225.29
COOPER, VERNON S.	ASST SECY	1-7	INC NOV '63	275.34	35.00	9.98	15.00		215.36
ENFELHARDT, MIKE	ENGR AID	E-2	RES FEB '64	50.60	6.80	1.83			41.97
ENLSTROM, VIRGLE	RODMAN	D-3	INC AUG '63	238.50	32.80	8.65	2.70		194.35
FREDRICKSON, FRED	COORDINATOR	I-9	INC JUL '63	700.00	96.00	25.38	15.00		563.62
FROELICH, LARRY	GEOLOGIST	H-7	INC JAN '64	491.67	38.20	17.82	14.65		421.00
GLOVER, DALE	HYDROLOGIST	J-9	INC JUL '63	640.67	108.80	23.22			508.65
HILAND, LEONE	CH STENO	F-10	INC JUN '63	402.17	63.80	14.58	2.80		320.99
JOB, RHODA	FILE CLERK	D-6	INC JUN '63	258.75	26.80	9.38	13.25		209.32
JOCHIM, CLIFF	ATTORNEY	K-6	INC NOV '63	251.67	87.60	9.12	15.00		139.95
KNUTSON, LEWIS	DRILLER	H-2	INC AUG '63	429.17	47.40	15.56			366.21
LINDVIG, MILT	ENGINEER	H-8	STA NOV '63	504.17	81.80	18.28			404.09
LIVERSAGE, KAY	STENO	D-4	INC DEC '63	245.25	33.90	8.89	2.70		199.76
NELSON, C. P.	ENGINEER	L-4	INC MAR '63	672.17	108.80	24.37			539.00
PUTZ, ROY	OFF ASST	C-5	INC JUN '63	214.67	18.50	7.78	2.70		185.69
RIVINIUS, MERRIL	ENGINEER	K-3	INC JAN '64	600.67	111.60	21.77	2.95		464.35
SACKMAN, EUGENE	SURVEYOR	H-2	INC AUG '63	429.17	37.40	15.56	14.65		361.56
SANDWICK, HAZEN	ENGINEER	M-5	INC DEC '63	767.67	90.40	27.83	15.00		634.44
SCHANTZ, GEORGE	ENGR AID	D-5	STA OCT '63	250.00	25.40	9.06			215.54
SCHMID, ROGER	GEOLOGIST	K-4	INC JAN '64	508.67	51.80	18.44	.25		438.18
SCHULZ, DELTON	ENGINEER	K-4	INC JUL '63	617.67	101.60	22.39	2.95		490.73
SCHULZ, JIM	ACCOUNTANT	J-8	INC JUL '63	625.17	81.60	22.66	.25		520.66
UGLAND, DONNA	STENO	D-6	INC NOV '63	258.75	46.80	9.38			202.57
WALTERSON, HOWARD	CONST SUPT	H-5	INC MAR '63	466.67	64.60	16.92	10.00		375.15
WALTERSON, JEAN	DRAFTSMAN	F-5	INC JUL '63	354.67	44.10	12.86			297.71
ZIEGLER, VICTOR	ENGINEER	M-7	INC JUL '63	787.67	120.40	28.55	15.00		623.72
SWG GROUP INSURANCE	- 20@5			100.00			100.00		.00
KNUTSON, LANNY	DRILLER	2.00	INC APR '63	240.00	36.90	8.70			194.40
SENGER, ANTON	OPERATOR	2.15	INC AUG '63	320.35	49.20	11.62			259.53
VOELLER, PIUS	FOREMAN	2.25	HR.OCT '63	362.25		13.12	14.65		334.48
				13,907.52	1,921.20	500.24	274.50	131.25	11,080.33

NORTH DAKOTA STATE WATER COMMISSION
 MONTHLY REPORT OF APPROPRIATIONS AS OF MARCH 31, 1964
 1963 - 1965 APPROPRIATIONS

FUND -2770	AVAILABLE FUNDS		DISBURSEMENTS		FUND BALANCES		
	APPROPRIATION	RECEIPTS	TO DATE	MAR '64	UNEXPENDED	ENCUMB.	UNENCUMB.
1. COMM PD & EXP -15	6,500.00	.00	2,970.98	192.36	3,529.02	450.00	3,079.02
2. ADMINISTRATION-301	70,000.00	396.53	24,452.14	2,679.09	45,944.39	1,400.00	44,544.39
3. MTCE OF DAMS -302	150,000.00	53,476.48	112,550.43	4,815.67	90,926.05	20,400.00	70,526.05
4. INT'L & INTERST.-303	10,000.00	10.00	4,798.01	1,002.18	5,211.99	.00	5,211.99
5. TOPOGRAPHIC,USGS -304	30,000.00	6,210.42	21,835.68	2,158.53	14,374.74	14,374.74	.00
6. HYDROGRAPHIC,USGS-305	27,500.00	2,750.00	7,092.62	1,198.08	23,157.38	11,657.38	11,500.00
7. ENGR & GEOL,USGS -306	60,000.00	40,554.03	72,352.55	2,385.82	28,201.48	1,200.00	27,001.48
8. COOP W/US DEP,ETC-307	60,000.00	6,000.00	26,538.72	.00	39,461.28	500.00	38,961.28
9. ENGR INVESTIGATIONS-308	45,000.00	1,800.00	48,216.99	5,961.62	98,583.01	3,500.00	95,083.01
10. ADM WATER RIGHTS-309	10,000.00	.00	4,290.53	10.22	5,709.47	.00	5,709.47
	569,000.00	111,197.46	325,098.65	20,403.57	355,098.81	53,482.12	301,616.69

NOTE- \$10,000 TRANSF. FROM #304 TO #305, 306, & 307.

\$6,210.42 TRANSF. FROM EM COMM TO #304.

SWC FILE 05-1.2

NORTH DAKOTA STATE WATER COMMISSION
STATUS OF CONTINUING APPROPRIATIONS
AS OF MARCH 31, 1964

FUND	AVAILABLE FUNDS		DISBURSEMENTS		FUND BALANCES		
	APPROPRIATION	RECEIPTS	TO DATE	MAR '64	UNEXPENDED	ENCUMB.	UNENCUMB.
20. MULTIPLE PURPOSE	500,000.00						
CARRIED FWD -3770	337,928.21	51,500.32	79,333.56	2,660.33	810,094.97	521,696.38	282,398.59
21. CONST BOND GUAR-8770	90,000.00	20,424.09	20,539.00	.00	9,885.09	.00	2,885.09

NOTE- FUND #21 RECEIPTS ARE OBTAINED FROM RETIREMENT OF AND INTEREST ON SECURITIES THAT WERE IN THE COMMISSION'S SINKING FUND IN EXCESS OF THE AMOUNT REQUIRED TO RETIRE THE SERIES "J" BOND ISSUE ON DECEMBER 10 '57. ORIGINAL DISBURSEMENTS FROM FUND #21 WERE MADE DURING THE EARLY 1940'S IN ACCORDANCE WITH SECTION 61-02-56 OF THE CENTURY CODE WHICH PROVIDES THAT THE COMMISSION MAY GUARANTEE OR INSURE, OR AGREE TO PAY, THE INTEREST ON AND PRINCIPAL OF COMMISSION REVENUE BONDS, NOT EXCEEDING 20% OF THE PAR VALUE OF ANY SUCH BONDS.

SCHEDULE OF BONDS & INTEREST RECEIVABLE - FUND #21 "8770"

TYPE	DUE DATE	INTEREST RATE	INTEREST REC. TO MATURITY	PRINCIPAL	TOTAL INCOME ANTICIPATED
U.S. SERIES K BONDS	5-65	2.76%	\$ 62.10	\$1,500	\$1,562.10
U.S. SERIES K BONDS	4-67	2.76%	193.20	2,000	2,193.20
U.S. TREASURY BONDS	12-68	2.50%	375.00	3,000	3,375.00
SIoux IRRIG DIST BONDS	1984 SERIALY	2.25%	4,533.75	16,000	20,533.75
			<u>\$5,201.55</u>	<u>\$22,500</u>	<u>\$27,664.05</u>
			FUND BALANCE		89,885.09
			LESS ORIG. APPROPRIATION-90,000.00		

NOTE-EXCESS OVER \$90,000 CASH TO BE CREDITED TO GENERAL FUND - 1-2-58 OPINION. \$27,549.14

NORTH DAKOTA STATE WATER COMMISSION
PAYROLL - MARCH 31, 1964

SALARIED EMPLOYEES

NAME	POSITION	PAB GRADE	REMARKS	SALARY	W/TX	S.S.	INS.	BONDS	NET
HOISVEEN, MILO W.	STATE ENGR	Q-10	INC JUL '63	1125.00	134.20	40.78	15.00	131.25	803.77
BAESLER, GORDON	DRAFTSMAN	G-8	INC JUL '63	443.67	47.40	16.08			380.19
CHRISTENSEN, RAY	ENGR AID	E-2	STA DEC '63	274.67	30.90	9.68			234.09
COOPER, VERNON S.	ASST SECY	1/2 I-7	INC NOV '63	275.34	35.00	9.98	15.00		215.36
DRAKE, SHERRYN	STENO	D-2	STA MAR '64	121.39	14.30	4.40			102.69
ENGSTROM, VIRGLE	RODMAN	D-3	INC AUG '63	238.50	25.50	8.65	2.70		201.65
FREDRICKSON, FRED	COORDINATOR	I-9	INC JUL '63	700.00	74.70	25.38	15.00		584.92
FROELICH, LARRY	GEOLOGIST	H-7	INC JAN '64	491.67	29.70	17.82	14.65		429.50
GLOVER, DALE	HYDROLOGIST	J-9	INC JUL '63	640.67	108.80	23.22			508.65
HILAND, LEONE	CH STENO	F-10	INC JUN '63	402.17	49.60	14.58	2.80		335.19
JOB, RHODA	FILE CLERK	D-6	INC JUN '63	258.75	20.80	9.38	13.25		215.32
JOCHIM, CLIFF	ATTORNEY	K-6	INC NOV '63	251.67	41.00	9.12	15.00		186.55
KNUTSON, LEWIS	DRILLER	H-2	INC AUG '63	429.17	36.90	15.56			376.71
LINDVIG, MILT	ENGINEER	H-8	STA NOV '63	504.17	63.60	18.28			422.29
LIVERSAGE, KAY	STENO	D-4	INC DEC '63	245.25	26.40	8.89	2.70		207.26
NELSON, C. P.	ENGINEER	L-4	INC MAR '63	672.17	84.60	24.37			563.20
PUTZ, ROY	OFF ASST	G-5	INC JUN '63	214.67	14.40	7.78	2.70		189.79
RIVINIUS, MERRIL	ENGINEER	K-3	INC JAN '64	600.67	86.80	21.77	2.95		489.15
SACKMAN, EUGENE	SURVEYOR	H-2	INC AUG '63	429.17	29.10	15.56	14.65		369.86
SANDWICK, HAZEN	ENGINEER	M-5	INC DEC '63	767.67	70.30	27.83	15.00		654.54
SCHANTZ, GEORGE	ENGR AID	D-5	STA OCT '63	250.00	19.70	9.06			221.24
SCHMID, ROGER	GEOLOGIST	K-4	INC JAN '64	508.67	40.30	18.44	.25		449.68
SCHULZ, DEL	ENGINEER	K-4	INC JUL '63	617.67	79.00	22.39	2.95		513.33
SCHULZ, JIM	ACCOUNTANT	J-8	INC JUL '63	625.17	63.50	22.66	.25		538.76
UGLAND, DONNA	STENO	D-6	RES MAR '64	110.89	15.30	4.02			91.57
WALTERSON, HOWARD	CONST SUPT	I-3	INC MAR '64	494.67	53.00	17.93	10.00		413.74
WALTERSON, JEAN	DRAFTSMAN	F-5	INC JUL '63	354.67	34.30	12.86			307.51
ZIEGLER, VICTOR	ENGINEER	M-7	INC JUL '63	787.67	93.60	28.55	15.00		650.52
SWC GROUP INSURANCE	- 2005			100.00			100.00		.00
KNUTSON, LANNY	DRILLER	2.00	INC APR '63	320.00	40.80	11.60			267.60
SENGER, ANTON	OPERATOR	2.15	INC MAR '64	352.00	45.60	12.76			293.64
VOELLER, PIUS	FOREMAN	2.40	INC MAR '64	352.80		12.78	14.65		325.37
				13,960.65	1,509.10	502.16	274.50	131.25	11,543.64