

MINUTES
 NORTH DAKOTA STATE WATER COMMISSION
 Held in the Office of the State Water Commission
 Bismarck, North Dakota
 November 10, 1966

MEMBERS PRESENT:

Governor William L. Guy, Chairman
 Richard P. Gallagher, Vice Chairman, Mandan
 Henry Steinberger, Member from Donnybrook
 Russell Dushinske, Member from Devils Lake
 Gordon Gray, Member from Valley City
 Arne Dahl, Commissioner, Department of Agriculture and Labor, Bismarck
 Milo W. Hoisveen, State Engineer, Chief Engineer and Secretary, Bismarck

OTHERS PRESENT:

Oscar Berg, Executive Vice President, North Dakota State Water Users Assn., Minot
 Fred Fredrickson, Planning Coordinator, Valley City
 Alan Grindberg, Assistant State Engineer, State Water Commission, Bismarck
 Cliff Jochim, Special Assistant Attorney General, State Water Commission, Bismarck

The meeting was called to order by

Governor Guy at 9:40 a.m.

MINUTES OF OCTOBER 14,
 1966 APPROVED

It was moved by Commissioner Dushinske,
 seconded by Commissioner Steinberger
 and carried that the minutes be approved

as distributed.

FINANCIAL STATEMENTS FOR
 SEPTEMBER AND OCTOBER,
 1966 APPROVED

Secretary Hoisveen reported that the
 finances of the State Water Commission
 were in excellent condition - except for
 one item. It is possible that the State

Water Commission will require a new drilling rig as the one now in use is 10 years old and should be replaced. The new rigs now have features that would enhance the drilling and make it possible to have the information sooner. The cost of a new drill rig would approximate \$28,000. If the drill rig is purchased, it will be necessary to request a transfer of funds from the materials item to the equipment item through the Emergency Commission.

It was moved by Commissioner Dushinske, that the Commission request the Emergency Commission to transfer the required amount of money from one or more accounts to the equipment account for the purpose of purchasing a drill rig. The motion was seconded by Commissioner Dahl and carried.

CONTRACT FUND AND CONSTRUCTION BOND
 GUARANTEE FUND (File C5)

The Commissioners discussed the Contract Fund and the necessity of building up a fund for future projects, such as Pembilier

Dam. Messrs. Reiser and Jim Schulz were called in to explain the Contract Fund and the Construction Bond Guarantee Fund. Governor Guy requested that a complete analysis of the Construction Bond Guarantee Fund be prepared for the next meeting.

It was moved by Commissioner Steinberger, seconded by Commissioner Dahl and carried that the Commission staff prepare a complete analysis and tabulation of the Construction Bond Guarantee Fund for the next Commission meeting.

Oscar Berg, Executive Vice President for the North Dakota Water Users Association, stated that at the 1965 session of the Legislature a declaration of water policy was enacted by the Legislature. In 1957 the Multiple Purpose Fund Act was passed for the purpose of building up reserves for future projects. The 1965 Legislature enacted the Contract Fund to take the place of the Multiple Purpose Fund. The State Water Commission has proposed a six-year plan for water resources projects. Mr. Berg was of the opinion that the Legislature should make a declaration or some expression as to where they stand on the Contract Fund or Multiple Purpose Fund. The Water Users Association is in favor of a continuing fund.

Commissioner Gallagher stated that the purpose of the Multiple Purpose Fund was to build up a reserve of \$2 million in 10 years to be expended for the 30-year program.

Governor Guy felt that the funds should be more descriptive. The Contract Fund, he stated, did not mean anything to him and he wondered what it would mean to the Legislature.

Secretary Hoisveen stated that prior to this year, the Commission had line items for its financial statement. The titles given now are in line with those requested by the Accounts and Purchases Department to simplify bookkeeping.

Commissioner Gallagher stated that the Contract or Construction Fund should also show the salary percent, equipment and whatever items go into the construction of a project, to have a true cost picture.

Mr. Berg stated that when the Bowman-Haley project came up the Commission had to help with the financing. The Pemblier and Cannonball projects will need financial assistance. If the fund has not been built up, it will not be there for these projects when needed.

Governor Guy suggested re-examining the financial program to see if the Commission could recover any of the money it is spending. He felt that those benefiting from a project should contribute to the program. Commissioner Gallagher called attention to the fact that the local subdivisions were not able to pay for some of these projects.

It was explained by Secretary Hoisveen that in most instances local proponents of projects are required to pay at least one-half of the costs. In some cases where federal funds were involved the State Water Commission participation was frequently one-fourth or less. In some of our Office of Emergency Planning projects, it was considerably less.

Mr. Berg stated that during the 1965 Legislature, five legislative leaders on the appropriations and other committees were picked for a water advisory legislative group, and met with the State Water Commission and others. They were briefed completely on the State Water Commission

PROPOSED DEPARTMENT OF NATURAL
RESOURCES AND CONSERVATION
BILL (FILE C8-3)

The subcommittee on State, Federal and Local Government of the Legislative Research Committee has prepared a bill establishing a Department of Natural Resources and Conservation which would include the State Game and Fish Department, the State Water Commission, the State Outdoor Recreation Agency, Soil Conservation Committee, North Dakota Park Service, and the Forestry Division. The bill also provides for the appointment of a director by the Governor. Governor Guy stated that the proposed bill does nothing to the present responsibilities of each department proposed for inclusion in the Conservation Department Bill. He explained that under the North Dakota Governmental Survey Commission Report, 1942, it was advised that all departments dealing with taxes be included under the Tax Department, those dealing with agriculture under the Department of Agriculture, etc., instead of all departments operating independently.

Commissioner Dushinske stated that all this bill was doing was putting a director over all the agencies that are already operating without setting out what the qualifications of the director should be.

Commissioner Gray stated that several other agencies should be included in this conservation bill.

Mr. Berg stated that if there was going to be a Department of Natural Resources there is no mention of oil, gas or lignite. Undoubtedly the smaller agencies would benefit from such a reorganization. The State Water Commission is one of the larger agencies of the state government. He did not think that a director would have all the qualifications necessary to head up a program of this type. Further, he did not think it was necessary to have the director's appointment approved by the Senate. No mention was made of an appropriation in the bill. His advice was that this bill should be delayed for another two years.

Governor Guy felt that there was much to be gained by having the natural resources departments under one head. One advantage would be the improved planning for the total conservation program.

Secretary Hoisveen stated that under the Water Resources Planning Act the State Water Commission would cooperate with the State Game and Fish Department, our two Universities and others in a comprehensive State Water Resources Plan. He indicated the two Universities had already expressed a desire to aid in planning.

Commissioner Gallagher stated that it looked to him as though this bill is an attempt to put all departments under the Governor and give him veto power. At the present time the Governor has no veto power. The Governor either vetoes or approves the actions of the department, that is the essence of this bill.

Governor Guy stated that that was part of the essence of the bill. The modern concept of the Governor's responsibility is his administration. North Dakota elects a Governor, gives him no power and makes him responsible. If the states are to remain strong in the federal system and to ward off encroachment of the federal government the states have to examine their

constitutions. The constitution determines how strong or weak a state is. The same is true of the state government organizations. A tremendous step forward was made when the Legislature established the Legislative Research Committee and when it established the Department of Accounts and Purchases. Under this proposed bill there would be a loss of a certain amount of competitiveness for the development of water resources in the state. Governor Guy stated that at the present time he is neutral towards this bill.

Mr. Berg asked the Governor if he did not think the Department of Natural Resources and Conservation should include mining, oil and all agencies that deal with natural resources. Governor Guy replied that oil should not be included as it is developed by private industries. Some departments are regulatory, such as the State Geologist and the Mine Inspector. He further stated that the Legislative Research Committee will be meeting at Camp Grafton and will accept, amend or reject this bill. Before the Legislature meets, the State Water Commission should meet and decide what action it will take.

Mr. Fredrickson's opinion was that if the Legislature wants a Conservation Department, the State Water Commission should be left out at this time. There will be a definite impairment of the efficiency of the Water Commission.

Commissioner Gallagher averred that in general he tended to go along with this line of thinking, but he did not think the Commission should take any final action until the members have had an opportunity to study the bill and offer suggestions.

Mr. Fredrickson called attention to House Concurrent Resolution E-1 under which the Legislative Research Committee is operating, which directs the Legislative Research Committee to conduct a study of state government reorganization for the establishment of a Conservation and Recreation Department. The Legislative Research Committee is further directed to "draft such legislation as may be deemed advisable after a consultation with the affected state officials, state departments, agencies or institutions and to hold public hearings thereon, and to obtain from the affected officials, departments, agencies or institutions on proposed legislation their comments in writing, for the consideration of the 40th Legislative Assembly." The Legislative Research Committee has held meetings, but not "public hearings." They have never requested the State Water Commission for a statement in writing.

Governor Guy recommended that the Commission take no action on the bill at this time.

The Governor leaves the meeting.

Commissioner Gallagher presides.

Mr. Jochim stated that if the State Water Commission wants to withdraw and allow the Legislature to consolidate the other departments, that can be done. At the present time the State Water Commission is a strong organization and should not lower its position or importance; however, in four or five years the Conservation Department may be a strong and more important department and the Commission would be on the outside.

Secretary Hoisveen stated that he did not think the water program would ever take a back seat as water was becoming the most sought after of all resources. Most states are strengthening their water agencies in order to better compete with heavier populated areas. He opined that a director might base his opinions regarding projects on local pressures rather than on merit.

Mr. Berg averred that he thought reorganization of state government is coming and it is a vital step, but that this is not the time. Further study should be given to this matter.

Mr. Grindberg stated that what the Legislature is trying to avoid is the unfavorable publicity of one agency knocking another. If there is a director over the agencies, when there is a problem, it will be taken to the director and solved, without going to two or three agencies for an answer. He believed that the airing of projects in public was a good thing as it presented the public with an opportunity to help decide such issues.

Mr. Jochim stated he had refrained from saying anything at the Legislative Research Committee meetings. He has talked this over with Mr. Hoisveen and does not agree with him, as to staying out of a conservation department. It is inevitable that a Conservation Department will be organized. The director will not be conversant with all phases of the organization. He will be an administrator. He believed that in the future the total appropriation will be less. The great advantage is going to be that one department cannot hold out on a project which another department favors. They will have to adjust to the over-all conservation program.

Mr. Berg agreed with Jochim to the extent that the administrator's responsibility will be to call the heads of the agencies and have them get together.

On the basis of a regulatory agency, Mr. Fredrickson stated that the Water Commission is a regulatory agency. Under the statute, the Water Commission is given control over all of the waters of the state.

The Commissioners discussed the amendments to the conservation bill as outlined by Mr. Fredrickson.

Mr. Gallagher stated that there was a need for a clearing house. If copies of a proposed project could be submitted to every department interested, who would contribute toward the project, with a copy to the Governor, who in turn would decide what was to be done with the project. There would have to be a time limit and the copy of the proposed project should be sent by certified mail. There should be some way of bypassing the defeating of projects before they are started.

The Commission discussed the action that Messrs. Grindberg and Dushinske should take at the meeting of the Legislative Research Committee at Camp Grafton. In view of the fact that no action has been taken by the whole committee on this bill it was recommended that the Commission defer action at this time. The bill is to be studied and then considered at the next Commission meeting.

NATURAL COULEES AND DRY RUN
CLEAN OUTS - ATTORNEY GENERAL'S
OPINION (File C7-2)

Commissioner Dushinske read a paragraph from the Attorney General's opinion dated November 2, 1966 relative to the removal of obstructions from natural watercourses

and drainways, "It is my Opinion that a water management district, after securing the legal right to enter upon the land, may restore either a natural watercourse or a natural drainway to its original depth and width without being liable for damages suffered by a downstream water management district or landowner." There are some questions the Water Management District would like answered - Should the Water Management District meet with the State Water Commission again? The Water Management District would also like to have the moratorium lifted against drainage in the Sweetwater-Dry Lake area so they can improve the drainage in that area.

Jochim stated that the moratorium never did exist on a natural watercourse. All the moratorium was concerned with was artificial drainage.

The Commissioners discussed the land acquisition of the Bureau of Sport Fisheries and Wildlife, the use of the duck stamp for land acquisition and the payments made by the Bureau of Sport Fisheries and Wildlife in lieu of taxes.

Commissioner Dushinske stated that he would suggest to the Sweetwater-Dry Lake Water Management District that they write a letter to the Commission requesting a meeting with the Commission at some future date.

NATIONAL RECLAMATION ASSOCIATION
PRESIDENCY (File A-18)

Secretary Hoisveen stated that if Mr. Christy, the present President of the National Reclamation Association, decides

not to accept the presidency for a second year, that he would then be in line for the presidency. Hoisveen stated that he could not see his way clear to take on the added responsibility in view of the program of the State Water Commission at the present time. The Commission has expanded and there is a tremendous amount of work to be done. He felt that he would be spending at least half of his time on National Reclamation Association business if he should assume this post. There would also be considerable travel to various places. He felt that three or four years from now, when he retired, would be a better time to accept the presidency than now. Mr. Hoisveen is now First Vice President and he felt that if his acceptance of the presidency could be postponed a few years, it would be better.

Russell Dushinske stated that acceptance of the presidency would bring honor to the State. Hoisveen contended that in such western states as Idaho, Washington, Nevada, Utah and others, being elected president of National Reclamation Association would be almost comparable to being elected governor. However, there are only about 20 people in North Dakota who believed it to be of any significance, as not many people were familiar with its functions, objectives and the size of the Association, which is probably the largest Water Users Association in the nation.

Mr. Fredrickson stated that if the presidency was passed up now there probably would not be another opportunity. The activities of the 1967 Congress would be less than in 1968.

It was the consensus of the Commissioners that Mr. Hoisveen should accept the presidency of the National Reclamation Association, but that it was up to Mr. Hoisveen to do what he wanted.

**WILDLIFE MITIGATION
MEASURES (Proj.#1053)**

Secretary Hoisveen stated that under existing agreements the Soil Conservation Service cannot give advice on construction of drainage systems to groups or individuals unless these projects have approval of wildlife interests. This is resulting in much unsupervised indiscriminate drainage by individuals or small groups. It was his feeling that probably the Commission might want to endorse a statement of wildlife mitigation. Indications are that surveys and studies must first be made in an effort to determine whether or not an over-all plan might incorporate wildlife enhancement and better determine what mitigations might be required. Mr. Nelson, Drainage Engineer, had prepared suggestions for this statement, which was read by the Secretary. A copy of Nelson's report is attached hereto as Appendix A.

Commissioner Gallagher recommended that this statement be put in the form of a resolution and the Governor informed of the Commission's recommendation and that copies be forwarded to all interested agencies. (See attached resolution 66-11-233)

The meeting recessed and was reconvened at 2:20 p.m. Governor Guy and Commissioner Dushinske were not present at the afternoon session.

**TOLLEY GROUND-WATER
STUDY (Proj.#1454)**

A request has been received from Tolley requesting a ground-water study. A check in the amount of \$1,500 has been received. The total cost of this study would approximate \$3,000.

It was moved by Commissioner Steinberger, seconded by Commissioner Gray and carried that the Commission participate in the ground-water study for the City of Tolley.

**SOLDIER'S HOME DAM, LISBON,
REPAIRS (Proj. #521)**

The Secretary stated that the Commandant of the Soldier's Home at Lisbon has requested the Commission to make repairs on the dam. The estimated cost of such repairs would be \$2,750. It was assumed that such repairs would be on a 50-50 basis. The secretary recommended that the Commission participate in the repairs of the dam on a 50-50 basis.

It was moved by Commissioner Gray, seconded by Commissioner Dahl and carried that the Commission participate in the repairs of the Soldier's Home Dam at Lisbon on a 50-50 basis.

**STAFF SALARY ADJUSTMENT
(File C10-3.9)**

Secretary Hoisveen explained that the proposed cost of living salary adjustment, which with fringe benefits, would total \$1,270 per month. The total increase for the remaining eight months of the biennium is \$10,160. This would leave approximately \$28,000 in the salary fund in excess of our present requirements.

It was moved by Commissioner Dahl, seconded by Commissioner Steinberger and carried that the Commission approve the proposed salary adjustments, effective November 1, 1966.

MISSOURI RIVER BANK STABILIZATION
(Proj.#576)

stabilization. Hoisveen's reply to this letter, dated November 1, 1966, was read to the members.

A copy of Senator Young's letter dated October 13, 1966, was sent to each Commission member indicating Senator Young's feelings relative to bank

stabilization, dated November 1, 1966, was read to the members.

The State Water Commission has obligated itself to care for the operation and maintenance of bank stabilization along the Missouri and it is expected that the State Water Commission will maintain the Square Butte project.

Commissioner Gallagher stated that under the Flood Control Act of 1944, it is expected that the State Water Commission will provide the operation and maintenance on bank stabilization, but it is not expected downstream. The Commission has assumed the obligation to operate and maintain the bank stabilization works here; however, in some areas where navigation is being conducted, local interests do not have to provide operation and maintenance. Further, the State Water Commission should find out from the Legislature if the State of North Dakota can be obligated; and Senator Young should be informed that the State Water Commission would like to have this law amended.

Hoisveen stated that Senator Young would like to have someone else assume responsibility for future bank stabilization authorization legislation. It was suggested that a meeting be held with the new state representative from North Dakota.

DRAYTON DAM - LEFT WING
(Proj.#681)

Secretary Hoisveen stated that during the construction of the Drayton Dam the Commission had difficulty in overcoming problems of slick and side rotation. Recently, a crack at the left bank expansion joint appeared. The Commission forces have removed rock from the left bank of the structure and placed it on top of the east side of the old river channel, immediately downstream from the "plug" in the old river channel. This procedure has successfully retarded settlement in the past. The staff will keep checking to see that the expansion joint doesn't continue to enlarge.

PAYMENT FOR CLOSING DRILL HOLE,
PEMBINA COUNTY (Proj.#1442)

The Economic Development Commission gave the State Geological Survey \$2,000 to explore the possibility of gypsum extending across the border into Canada. The State Water Commission drill rig was used but nothing was found. The crew hit a heavy flowing well. The necessary steps were taken to stop the flow, but it broke loose again. Neither the State Geological Survey nor the Economic Development has money to pay for this. Hoisveen suggested going to the Emergency Commission for this money.

The Economic Development Commission gave the State Geological Survey \$2,000 to explore the possibility of gypsum extending

Commissioner Gallagher was of the opinion that the request for emergency funds should be made by the Geological Survey or the Economic Development Commission. It was further suggested that in the future if the State Water Commission drill rig is used that the users of the rig be the one to pay the cost.

**YELLOWSTONE PUMPING IRRIGATION
DISTRICT REQUEST FOR TECHNICAL
ASSISTANCE (Proj. #214)**

A request has been received from the Yellowstone Pumping Irrigation District, located in McKenzie County, for assistance from the State Water Commission for exploratory drilling and development of the irrigation project. This would be technical assistance on the part of the State Water Commission. Hoisveen recommended that the State Water Commission provide the Yellowstone Pumping Irrigation District with technical assistance since the State Water Commission is encouraging irrigation. In previous pumping tests in other counties the Commission has been paying for all the pumping, the motor and screen. The county has paid for 50 per cent of the cost. Either the irrigation district or the county should participate in this project.

It was moved by Commissioner Steinberger, seconded by Commissioner Gallagher and carried that the Commission provide the necessary technical assistance and also that an agreement be made with the county or irrigation district for cost participation on a 50-50 basis.

**RAISING BLACKTAIL DAM,
WILLIAMS COUNTY (Proj. #560)**

A request has been received from the County Commissioners of Williams County to raise Blacktail Dam. The Commission has made a study of the present dam and propose a seven foot raise at a cost approximating \$2,500. Williams County has agreed to participate in this project, as well as the State Game and Fish Department. Hoisveen recommended that the State Water Commission participate in one-third of the cost of raising Blacktail Dam, or \$833.

It was moved by Commissioner Steinberger, seconded by Commissioner Dahl and carried that the State Water Commission participate in the raising of Blacktail Dam on a one-third basis, not to exceed \$833.

**BARNES COUNTY AND MAPLE RIVER
WATER MANAGEMENT DISTRICTS
REQUEST FOR STUDY OF DAM
SITES (Proj.#1380)**

The Barnes County Water Management District and the Maple River Water Management District have requested the State Water Commission to make a study of proposed dam sites. The \$200 deposit has been received. Hoisveen recommended that the Commission participate in the proposed study.

It was moved by Commissioner Gray, seconded by Commissioner Dahl and carried that the Water Commission participate in the dam site study.

**INTERNATIONAL JOINT COMMISSION
MEETING-PEMBINA RIVER DEVELOPMENT
(Proj.#567)**

Secretary Hoisveen met with the International Joint Commission in Winnipeg. The proponents of the Pembilier Dam have been rather dissatisfied with the answers they have been receiving from the International Joint Commission. It was suggested that as long as the International Joint Commission had scheduled a review of the pollution

problems on the Red River that a meeting of the local proponents be held at that time with the International Joint Commission. The meeting was held in Winnipeg on November 8. Mr. Hoisveen was present. No positive answers were received from the Commission. They were told that the project was a very complex one and it would require much evaluation to avoid mistakes and such care was needed in view of it being precedent setting. Hoisveen stated that there was a feeling that the Canadian section is holding back on the basis that they will be confronted with other projects which have a higher priority in the Province than this one. This will probably not be resolved for two or three years.

**CORPS OF ENGINEERS' STATUS
ON FLOOD CONTROL PROJECTS
(Proj. #1444 and #1344)**

The Corps has made a final report on Pembina City Flood Protective Works. On Valley City Flood Protection, they have indicated that it will take the Kindred Dam to protect Valley City. The Corps felt that the flood walls required to protect Valley City and Lisbon would not be justified, but added protection could be afforded by releases from Lake Ashtabula into the Kindred Dam. The release would be made from Ashtabula to provide greater flood storage. The Bowsmont project was too small and the Corps rejected this project on the basis of an unsatisfactory benefit to cost ratio.

The State Water Commission and the Red River Basin Planning Committee have passed resolutions requesting that the Pembina Flood Control Works be expedited. It was recommended that the Governor be informed that this matter had been presented to the Canadians.

**COLEHARBOR WATER
SUPPLY (Proj. #983)**

Commissioner Steinberger inquired as to the Coleharbor Dam. Secretary Hoisveen stated that a meeting was scheduled for November 21. This is a dam that was constructed during 1965 as a municipal water supply for Coleharbor. There have been two or three errors with regard to it, improper material, etc. In June, Coleharbor had $5\frac{1}{2}$ inches of rain which flooded the area. A miscalculation on the part of the consultants, plus the fact that under the Office of Emergency Planning repair activities, we thought that we may have aggravated the condition of filter plugging by stirring up the water. However, indications are that great amounts of silt entered the reservoir in the June storm and wave action kept the silt in suspension which in turn plugs the gravel filter and intake system.

WATER RIGHTS

#1395

The application of Theodore Rossknecht, Grenora, to divert 28 acre-feet of water from an unnamed Creek, tributary to Willow Creek, for the purpose of irrigating 14 acres of land was presented to the Commission by the Secretary for consideration.

The State Engineer, Milo W. Hoisveen, having considered the application and made his recommendation thereon for 14 acre-feet to irrigate 14 acres of land, it was moved by Commissioner Steinberger, seconded by Commissioner Gray and carried that the application be approved and the Conditional Permit granted for the diversion of 14 acre-feet to irrigate 14 acres of land, subject to such conditions as indicated on the permit.

#1396

The application of D. M. Hought, Zahl, to divert 75 acre-feet of water from an Unnamed Creek, tributary to Scoria Creek and Lake Zahl for the purpose of irrigating 73.4 acres of land was presented to the Commission by the Secretary for consideration.

The State Engineer, Milo W. Hoisveen, having considered the application and made his recommendation thereon for 75 acre-feet to irrigate 73.4 acres of land, it was moved by Commissioner Steinberger, seconded by Commissioner Gray and carried that the application be approved and the Conditional Permit granted for the diversion of 75 acre-feet to irrigate 73.4 acres of land, subject to such conditions as indicated on the permit.

#1400 The application of Edward C. McCarroll, Tolley, to divert 74.4 acre-feet of water for storage, 24.6 acre-feet annual use from Seven Mile Coulee, tributary to Mouse River for a fish pond was presented to the Commission by the Secretary for consideration.

The State Engineer, Milo W. Hoisveen, having considered the application and made his recommendation thereon for 35.6 acre-feet storage, 13.6 acre-feet annual use for a fish pond, it was moved by Commissioner Steinberger, seconded by Commissioner Gray and carried that the application be approved and the Conditional Permit granted for the diversion of 35.6 acre-feet storage, 13.6 acre-feet annual use for a fish pond, subject to such conditions as indicated on the permit.

#1386 The application of Donald Hall, Trotters, to divert 30 acre-feet of water from Dry Run, tributary to Beaver Creek for the purpose of irrigating 15 acres of land was presented to the Commission by the Secretary for consideration.

The State Engineer, Milo W. Hoisveen, having considered the application and made his recommendation thereon for 15 acre-feet to irrigate 15 acres of land, it was moved by Commissioner Steinberger, seconded by Commissioner Gray and carried that the application be approved and the Conditional Permit granted for the diversion of 15 acre-feet to irrigate 15 acres of land, subject to such conditions as indicated on the permit.

#1398 The application of Boyd Dreveskracht, Stanton, to divert 56 acre-feet of water for storage, 10 acre-feet annual use from Kineman Creek, tributary to Knife River for livestock water and benefit to wildlife was presented to the Commission by the Secretary for consideration.

The State Engineer, Milo W. Hoisveen, having considered the application and made his recommendation thereon for 56 acre-feet storage, 10 acre-feet annual use for livestock water and benefit to wildlife, it was moved by Commissioner Steinberger, seconded by Commissioner Gray and carried that the application be approved and the Conditional Permit granted for the diversion of 56 acre-feet storage, 10 acre-feet annual use for livestock water and benefit to wildlife, subject to such conditions as indicated on the permit.

#1399 The application of the State Game and Fish Department, Bismarck, to divert 2100 acre-feet of water for storage and 2400 acre-feet annual use from Buffalo Coulee, tributary to North Fork Sheyenne for recreation was presented to the Commission by the Secretary for consideration.

The State Engineer, Milo W. Hoisveen, having considered the application and made his recommendation thereon for 2100 acre-feet of water for storage, 2400 acre-feet for annual use for recreation, it was moved by Commissioner Steinberger, seconded by Commissioner Gray and carried that the application be approved and the Conditional Permit granted for the diversion of 2100 acre-feet storage, 2400 acre-feet annual use for recreation, subject to such conditions as indicated on the permit.

The meeting was adjourned at 4:10 p.m.

Milo W Hoisveen
Secretary

ATTEST:

William L. Bury
Governor-Chairman

APPENDIX A

NORTH DAKOTA STATE WATER COMMISSION

MEMO TO: Milo W. Hoisveen, Chief Engineer
FROM: C. P. Nelson, Drainage Engineer
SUBJECT: Wildlife Mitigation Measures, related to planned flood
protection, SWC Project #1053
DATE: October 31, 1966

At your suggestion, I am summarizing my detailed report on the results of task force reporting dated October 6.

To date, no legal drain or watershed improvement project covered by a report of the task force established in the study of the Starkweather Coulee-Edmore Coulee area has been accepted for construction.

It appears that the attempt to arrive at conditions which can alleviate flooding, provide adequate control of slough levels and preserve or compensate for over 85% of all class 3, 4 and 5 wetlands is proving to be a failure. This failure can eventually cause the actual loss of more wildlife habitat, I believe, than a normal drainage program without the conditions of referral now imposed by the Department of Interior. Indiscriminate drainage by individuals or small groups, without Soil Conservation Service planning or supervision will no doubt be done with little, if any, regard for wildlife habitat of any kind. However, the most serious aspect of unsupervised independent drainage, which is increasing each year, is that of the downstream transfer of problem that such drainage often causes. The loss of wildlife habitat, particularly wetlands, is amplified by this trend, since more landowners are driven to take drastic action on their own.

It is my suggestion that a statement of position in the matter of wildlife mitigation be established by this office and released to the agencies involved in task force mitigation agreements.

The following suggestions for such a statement are presented as a basis for its formation:

APPENDIX A CON'T.

1. Adequate water management within agricultural lands is beyond the capability of individual landowners to solve, since it invariably requires relation of the local problem to the total problem of the watershed or subwatershed.
2. The necessary engineering to provide a program of both retention and drainage can at present best be provided with the technical assistance of the Soil Conservation Service, coupled with such services as the State Water Commission is staffed and financed to supply.
3. A program of total water management, accepted by all agencies concerned, is essential to both adequate control of excess runoff for the benefit of modern farming practices and to the provision of such wildlife habitat, including wetlands, as can be provided, comensurate with these practices.
4. A change of approach is suggested. In order to provide adequate planning for watershed improvements, subwatershed improvements such as legal drains, and local drainage improvements, it is suggested that the planning services of the Soil Conservation Service be released to provide the technical assistance needed in this, and that the resultant plans, including wildlife mitigation measures, be evaluated by the agencies concerned on the basis of waterfowl production and upland game protection. Such evaluation should include relation of the project mitigation to wildlife enhancement throughout the state as well as within the limits of the improvement alone and funds should be made available to cover feasible wildlife improvement costs where such improvements are practicable within the area of each water management project. Plans thus developed should result in an optimum of wildlife development comensurate with modern farming practices in the area, and should be more readily acceptable.

s/ C. P. Nelson
C. P. Nelson, Drainage Engineer

RESOLUTION 66-11-233

Adopted by the North Dakota State Water Commission

Wildlife Mitigation Measures (SWC #1053)

WHEREAS, a program of total water management, acceptable to all agencies and landowners involved, is essential for the adequate control of excess surface runoff to the benefit of modern farming practices and also for the provision of upland game and waterfowl habitat commensurate with these farming practices; and

WHEREAS, previous task force studies and reports, aimed at providing conditions agreeable for the planning of improvements by the Soil Conservation Service such as were established in the study of the Starkweather-Edmore Coulee area have not succeeded in bringing any such improvement to acceptance for construction; and

WHEREAS, the failure of agreement between proponents of water management improvements and the proponents of wildlife preservation can eventually cause a great loss of wildlife habitat because of the resultant unplanned drainage by individuals or small groups of landowners without adequate survey or supervision and the plans of wildlife proponents can, without due recognition of the agricultural economy, adversely affect landowners; and

WHEREAS, success in promoting acceptance by landowners has been experienced in such watershed improvement plans as Boundary Creek, the supplement to Wild Rice 'B' and Middle Branch, Park River, wherein plans including previously resolved wildlife mitigation measures were presented to landowners in completed form and were thus accepted;

NOW, THEREFORE, BE IT RESOLVED by the North Dakota State Water Commission in regular meeting at the State Capitol, Bismarck, North Dakota, November 10, 1966, that all water management projects involving water management for agricultural purposes and the preservation or enhancement of both upland game and

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waterfowl habitat should be completely planned through field surveys and correlative data and the completed plans agreed upon by all interested local, state and federal agencies before the project is presented to the landowners involved; and

BE IT FURTHER RESOLVED that the evaluation by the agencies involved should be based upon the production and protection of waterfowl and upland game in terms of game production rather than land area, and that such evaluation should include relation of the project mitigation to wildlife enhancement throughout the state as well as within the limits of the improvement alone, taking into account wildlife enhancement in existing projects; and

BE IT FURTHER RESOLVED that the additional planning costs resulting from more extensive surveys and more detailed design necessitated by wildlife mitigation measures be borne by the proponents of such mitigation, and that additional structural costs resulting from measures taken to enhance wildlife habitat also be borne by such proponents.

FOR THE NORTH DAKOTA STATE WATER COMMISSION:

S/ William L. Guy
Governor-Chairman

ATTEST:

S/ Milo W. Hoisvean
Secretary and Chief Engineer

NORTH DAKOTA STATE WATER COMMISSION
 FINANCIAL STATEMENT NOVEMBER 30, 1966
 1965 - 1967 APPROPRIATIONS

"GENERAL OPERATIONS"

ACCOUNT	Available Funds		Disbursements		Account Balances		UNENCUMB.
	APPROPRIATION	RECEIPTS	TO DATE	NOV. '66	UNEXPENDED	ENCUMB.	
1005 - Salaries Exp.	431,000.00	147,000.00	353,690.45	25,766.67	224,309.55	.00	224,309.55
2005 - Fees & Services	130,000.00	.00	83,245.69	14,914.56	46,754.31	.00	46,754.31
3005 - Supplies & Mat.	175,000.00	.00	94,667.77	8,087.79	80,332.23	.00	80,332.23
4005 - Equipment	<u>50,000.00</u>	<u>.00</u>	<u>31,127.94</u>	<u>2,873.96</u>	<u>18,872.06</u>	<u>8579.30</u>	<u>10,292.76</u>
	786,000.00	147,000.00	562,731.85	53,642.98	370,268.15	8579.30	361,688.85

TRANSFERRED \$147,000 FROM CONTRACT FUND TO "1005" OCT. 29, 1966

"CONTRACT FUND"

001-770-CONTRACT APPROP.	570,000.00	.00	450,000.00	350,000.00	120,000.00	115,570.00	4,430.00
336-770-CONTRACT "CASH"	<u>422,922.57</u>	<u>584,191.75</u>	<u>563,869.81</u>	<u>13,129.84</u>	<u>443,244.51</u>	<u>334,552.00</u>	<u>108,692.51</u>
	992,922.57	584,191.75	1,013,869.81	363,129.84	563,244.51	450,122.00	113,122.51

NORTH DAKOTA STATE WATER COMMISSION
STATUS OF CONSTRUCTION BOND GUARANTEE FUND
AS OF NOV. 30, 1966

ACCOUNT	AVAILABLE FUNDS		DISBURSEMENTS		ACCOUNT BALANCES		
	APPROPRIATION	RECEIPTS	TO DATE	NOV. '66	UNEXPENDED	ENCUMB.	UNENCUMB.
535-770 CONST. BOND GUAR.	90,000.00	25,841.59	25,804.09	.00	90,037.50	.00	90,037.50
0500 INVESTMENT PRIN.	20,500.00	.00	2,000.00	.00	18,500.00	.00	18,500.00
	<u>110,500.00</u>	<u>25,841.59</u>	<u>27,804.09</u>	<u>.00</u>	<u>108,537.50</u>	<u>.00</u>	<u>108,537.50</u>

NOTE - FUND #535-770 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 #535-770 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 535-770

TYPE	DUE DATE	INTEREST	INTEREST RECEIVABLE TO MATURITY	PRINCIPAL	TOTAL INCOME ANTICIPATED
U. S. Series K Bonds	4-67	2.76%	\$ 82.80	\$ 2,000	\$ 2,082.80
U. S. Treasury Bonds	12-68	2.50%	187.50	3,000	3,187.50
Sioux Irrig. Dist. Bonds	1984 Serially	2.25%	3,442.50	13,500	16,942.50
			<u>\$3,712.80</u>	<u>\$18,500</u>	<u>\$22,212.80</u>

EXCESS OVER \$90,000 CASH IN FUND 535-770 TO BE CREDITED TO GENERAL FUND. 1-2'58 AG OPINION

NORTH DAKOTA STATE WATER COMMISSION
PAYROLL - NOV. 1966

NAME	POSITION	REMARKS	NOV. '66	W/TAX	S.S.	INS.	RET.	NET
HOISVEEN, MILO W.	STATE ENGINEER	INC MAR'65	1,292.00	204.00		16.30	51.68	1,020.02
ANDERSON, KAREN	STENO	INC NOV'66	315.00	44.10	13.23		12.60	245.07
BAESLER, GORDON	DRAFTSMAN	INC NOV'66	600.00	74.90	25.20		24.00	475.90
BALLIET, ALLEN	RODMAN	INC NOV'66	325.00	40.20	13.65		13.00	258.15
BEEKS, CLIFF JR.	G.W. GEOL	INC NOV'66	550.00	82.40	23.10		27.00	417.50
CHRISTENSEN, RAY	ENGR. AID	INC NOV'66	510.00	66.10	21.42		20.40	402.08
DELZER, DONALD	CHEMIST	INC NOV'66	600.00	84.80	25.20	16.30		473.70
DIEDE, JANE	STENO	INC NOV'66	290.00	34.80	12.18	3.25		239.77
DUSHINSKE, RUSSELL	COMMISSIONER	STA JUL'65	15.00		.62			14.38
DONALDSON, DAVID	G.W. TECH	INC NOV'66	360.00	47.00	15.12	3.35	14.40	280.13
EMERSON, MATT	W.R. ENGR	INC NOV'66	650.00	81.70	27.30	16.80	26.00	498.20
FIECHTNER, WALTER	FOREMAN	STA NOV'66	147.35		6.18			141.17
FREDRICKSON, FRED	COORDINATOR	INC NOV'66	825.00	125.00		.60	33.00	666.40
FROELICH, LARRY	G.W. GEOL	INC NOV'66	690.00	88.50	3.19	15.95	27.60	554.76
FROEMMING, DALE	ENGR. AID	INC NOV'66	420.00	58.40	17.64	3.35	16.80	323.81
GALLAGHER, RICHARD	COMMISSIONER	STA JUL'61	15.00		.62			14.38
GLOVER, DALE	HYDROLOGIST	INC NOV'66	825.00	175.00			32.40	617.60
GRAY, GORDON	COMMISSIONER	STA JUL'65	195.00		8.19			186.81
GRINDBERG, ALAN	ASST. STATE ENGR	INC NOV'66	1,050.00	144.30	44.10	16.30	42.00	803.30
GRUNSETH, ARLAND	INV. ENGR	INC NOV'66	755.00	75.50		16.30	30.20	633.00
HANSON, CAROL	STENO	INC NOV'66	260.00	29.40	10.92	3.25		216.43
HILAND, LEONE	CHIEF STENO	INC NOV'66	495.00	82.10	20.79	3.35	19.80	368.96
HOGER, DENNIS	RODMAN	INC NOV'66	325.00	36.50	13.65		13.00	261.85
JACOBSON, HUGH	ASST. DRILL	INC NOV'66	375.00	8.90	15.75		15.00	335.35
JOCHIM, CLIFF	ATTORNEY	INC NOV'66	450.00	77.20		16.30	18.00	338.50
KNUTSON, LEWIS	DRILLER	INC NOV'66	525.00	41.20	22.05		21.00	440.75
KOPP, OWEN	DRAFTSMAN	INC NOV'66	400.00	49.40	16.80	15.55	16.40	301.85
KRATZ, BRUCE	OPERATOR	STA AUG'66	262.00	42.60	11.00			208.40
KRENZ, EUGENE	RES. PLANNER	INC NOV'66	660.00	61.90	27.72		5.00	565.38
LINDVIG, MILTON	G.W. ENGR	INC NOV'66	775.00	112.00		16.30	31.00	615.70
NELSON, C.P.	DRAIN ENGR	INC NOV'66	780.00	123.30			31.20	625.50
PUTZ, ROY	OFF. ASST	INC NOV'66	350.00	34.40	14.70	3.25	14.00	283.65
REISER, DANUEL	ACCOUNTANT	INC NOV'66	520.00	32.40	21.84	15.55	20.80	429.41
RIPPLINGER, EDWARD	ENGR. AID	RES NOV'66	63.16	6.40	2.65			54.11
SACKMAN, EUGENE	SURVEYER	INC NOV'66	550.00	44.20	23.10	15.95	22.00	444.75

NAME	POSITION	REMARKS	NOV. '66	W/TAX	S.S.	INS.	RET.	NET
SANDWICK, HAZEN	ENGINEER	RES NOV'66	870.00	116.00			33.92	720.08
SCHANTZ, GEORGE	ENGR. AID	INC NOV'66	400.00	40.70	16.80	16.05	16.00	310.45
SCHELL, BERTHA	STENO	STA NOV'66	55.00	5.20	2.31			47.49
SCHMID, ROGER	G.W. HYDROL	INC NOV'66	730.00	75.50	30.66	16.30	29.20	578.34
SCHATZ, VERNON	OPERATOR	STA OCT'66	290.00	40.20	12.18			237.62
SCHULZ, DELTON	CONST. ENGR	INC NOV'66	800.00	99.00		16.30	32.00	652.70
SCHULZ, JIM	ASST. SECTY	INC NOV'66	910.00	112.60		16.30	36.40	744.70
SCOTT, CLIFFORD	DESIGN ENGR.	INC NOV'66	780.00	112.10		16.30	31.20	620.40
SENGER, ANTON	OPERATOR	INC NOV'66	465.00	59.30	19.53			386.17
SIMENSON, KENNETH	REC. ENGR	INC NOV'66	730.00	65.60	30.66	16.30	29.20	588.24
STEINBERGER, HENRY	COMMISSIONER	STA JUL'61	30.00		1.26			28.74
TILLOTSON, ANN	RES. ASST.	INC NOV'66	315.00	38.90	13.23	3.25	12.60	247.02
VOELLER, PIUS	FOREMAN	INC NOV'66	520.00	6.50	21.84	15.55	20.80	455.31
WALTERSON, HOWARD	CONST. SUPT.	INC NOV'66	575.00	66.40	24.15	16.30	23.00	445.15
SCHATZ, DEAN	OPERATOR	STA NOV'66	194.00	26.80	8.15			159.05
FOYT, EUGENE	OPERATOR	STA NOV'66	76.00	9.70	3.19			63.11
SWC GROUP INSURANCE -27			135.00			135.00		.00
SWC RET. MATCHING			672.16				672.16	.00
			<u>25,766.67</u>	<u>3,083.10</u>	<u>641.87</u>	<u>465.65</u>	<u>1,534.76</u>	<u>20,041.29</u>