

## MINUTES

North Dakota State Water Commission  
 Held at the First National Bank  
 In The Crown Room  
 Dickinson, North Dakota

July 20, 1973

The North Dakota State Water Commission held a public hearing and meeting in the Crown Room at the First National Bank in Dickinson, North Dakota, on July 20, 1973. Governor-Chairman, Arthur A. Link, called the session to order at 10:00 a.m., MDT.

MEMBERS PRESENT:

Arthur A. Link, Governor-Chairman  
 Richard Gallagher, Vice Chairman, Mandan  
 James Jungroth, Member from Jamestown  
 Alvin Kramer, Member from Minot  
 Gordon Gray, Member from Valley City  
 Donald Noteboom, Member from McKenzie County  
 Arne Dahl, Commissioner, Department of Agriculture, Bismarck  
 Vernon Fahy, Secretary and State Engineer, North Dakota State  
 Water Commission, Bismarck

OTHERS PRESENT:

Matt Emerson, Assistant Secretary, North Dakota State Water Commission, Bismarck  
 Cliff Jochim, Special Assistant Attorney General, North Dakota State  
 Water Commission, Bismarck  
 Delton Schulz, Office Engineer, North Dakota State Water Commission, Bismarck  
 Approximately 150 persons in attendance at public hearing as listed with  
 transcription of the hearing

Governor Chairman Link opened the continued public hearing for the water permit application of Michigan-Wisconsin Pipeline Company with remarks concerning the hearing. He then called on Vernon Fahy to review the application and previous actions taken by the Commission. Mr. Fahy then called on Cliff Jochim to conduct the hearing which, including the opening remarks, lasted some seven hours. A complete transcription of the hearing will be available in about 20 days. Governor-Chairman Link, while closing the hearing, announced that written testimony would still be accepted during that 20-day period.

The Commission members and staff were guests of the Dickinson Citizens' Water Committee at a luncheon meeting held at the Congress Inn. Mr. Robert Stranik commented on the city's water problems. Governor-Chairman Link made a brief address on the subject of Planning and Water Resources.

After the lengthy hearing, Governor-Chairman Link conducted a brief business session, covering only the agenda items necessary at the time.

**CEDAR RIVER  
WATER PERMITS  
(#1400)**

Secretary Fahy introduced Robert Schnell from Lemmon, South Dakota, who has filed for an appropriation of water from the excess flows of the Cedar River. Mr.

Schnell presented the Commission with a graphic display showing periods of days where the flows of the Cedar River exceeded the amounts needed by present irrigators and domestic water uses. He noted that the present permit holders were not all using water at the present time. Discussions revealed the Commission's willingness to approve Mr. Schnell's request if a method of controlling the appropriations could be established. Some Commission members expressed their desire to try and obtain names of others who would also be interested in irrigation under the same conditions.

Commissioner Jungroth made a motion that the Commission staff be authorized to study the history and potential of Cedar River water permits and present it to the Commission for consideration in future action. The motion was seconded by Commissioner Kramer and the motion carried.

**MISSOURI RIVER DIVERSION  
(#237)**

Secretary Fahy read a resolution prepared by Milo W. Hoisveen for the Commission to present to U. S. Congressional delegates

and others relative to the support of the Garrison Diversion project.

A motion was made by Commissioner Gallagher and seconded by Commissioner Gray to adopt the resolution as No. 73-7-348, and forward it to the proper authorities involved. The motion carried.

**BOUNDARIES OF SOUTHEAST  
CASS WATER MANAGEMENT DISTRICT  
(#720)**

Secretary Fahy asked that the Commission confirm an action previously approved by telephone, whereby an Order was issued altering the boundaries of the

Southeast Cass Water Management District to include all that area immediately north of and adjacent to West Fargo and Fargo.

It was moved by Commissioner Kramer, seconded by Commissioner Jungroth and carried, that the Commission confirm the previous action by the Engineer and Chairman of the Commission in issuing an Order for this boundary change; and that Resolution No. 73-7-349, Confirming the Alteration of the Boundaries of Southeast Cass Water Management District, be adopted. (See Appendix "B")

**HAZEN FLOOD CONTROL  
(#1517)**

Secretary Fahy read a request from the city of Hazen asking that the Commission staff be authorized to design and prepare

cost estimates for a 50-year frequency flood control to protect the city from

runoff waters caused by excessive flows in Antelope Creek.

Commissioner Kramer made a motion which was seconded by Commissioner Noteboom to authorize the Commission staff to undertake this design project and prepare cost estimates. The motion carried.

Because of the total time elapsed since the beginning of the public hearing, Governor-Chairman Link then adjourned the meeting at 6:30 p.m., Mountain Daylight Time, and held over the remaining agenda items.

  
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Vernon Fahy  
Secretary

ATTEST:

  
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Arthur A. Link  
Governor-Chairman

## RESOLUTION 73-7-348

Urging Continuation of Construction of  
Garrison Diversion Project Without Interruption

WHEREAS, the North Dakota State Water Commission was created in 1937 by the North Dakota State Legislature as the focal point for all water programs whether they be federal, state or local in nature; and

WHEREAS, the initiation of the construction of the Garrison Diversion project, authorized under the Flood Control Act of 1944, had been sought after ever since Major Powell addressed the first Constitutional Convention held in 1889 and advocated corresponding action which became one of the prime objectives of the State Water Commission; and

WHEREAS, in 1955, the Thirty-fourth North Dakota Legislative Assembly, after thorough debate and deliberation authorized and directed the State Water Commission to create a 26-county Garrison Conservancy District "in order to facilitate and enhance the establishment, construction and maintenance of the Garrison Diversion Unit as an integral part of the giant Missouri Basin Project"; and

WHEREAS, Mr. R. E. Train, Chairman of the Council on Environmental Control, forwarded to the Honorable Secretary Rogers C. B. Morton, a letter containing the adverse comments of minority groups as they may apply to the Garrison Diversion Unit with the recommendation that the much studied project be temporarily halted for further study; and

WHEREAS, this delay would occur during a period when 20 North Dakota counties, of which many are located in the Conservancy District, have been declared disaster areas due to a sustained drought period; and

WHEREAS, this drought has caused "drying up" of potholes, the diminution of lake levels, the reduction of wildlife propagation and a severe negative impact on the environment much of which would have been avoided if the Garrison Project was in operation; and

WHEREAS, as a result of the undependable level of Devils Lake, the city of Devils Lake (8500 population) found it necessary to install a 20-mile pipeline to a ground-water aquifer to obtain a reliable and potable water supply for its municipal use; and (See Exhibit No. 1)

WHEREAS, the city of Minot (35,000 population) will require additional water from the Garrison Diversion Unit resulting from the fact that the U. S. Bureau of Sport Fisheries and Wildlife now hold the major portion of the water rights on the Souris River, which in effect, furthers a need for human environmental considerations; and

WHEREAS, the U. S. Bureau of Sport Fisheries and Wildlife does, during most water years, control the flow of the Souris River through the 112,000 acre-foot reservoir stored behind Lake Darling and released for use in the lower Souris River Refuge comprised of five dams having a capacity approximating 52,000 acre-feet; and

WHEREAS, several of the Canadians who participate in meetings of the International Souris River Board of Control are of the opinion the Garrison Diversion Unit return flows to the Souris River will aid rather than complicate their water problems on the Souris by eliminating the necessity of curtailing releases to Manitoba during periods when drought criteria is invoked; and (See interim measures approved by both Governments in March of 1958 which amplify the provisions of the Souris River Reference (1940))

WHEREAS, the sprinkler method of irrigation will make possible the most economical use of water and will permit greater utilization of each land unit within the District by elimination of the need for extensive land leveling; and

WHEREAS, the retention of our young people in rural areas is essential as indicated by the unfavorable position of this country in the world marketplace except in the marketing of agricultural produce.

NOW, THEREFORE, BE IT RESOLVED by the North Dakota State Water Commission at their meeting held this 20th day of July, 1973, in Dickinson, North Dakota, that it urges the Honorable Secretary Rogers C. B. Morton to recommend that the U. S. Bureau of Reclamation expedite the construction and completion of the Garrison Diversion Unit at the earliest possible date correcting, however, any valid negative aspects referred to in the U. S. Bureau of Reclamation's Environmental Impact Statement.

BE IT FURTHER RESOLVED that copies of this Resolution be mailed to North Dakota Senators Milton R. Young and Quentin N. Burdick, and to North Dakota Congressman Mark Andrews.

FOR THE NORTH DAKOTA STATE WATER COMMISSION:

/S/ Arthur A. Link  
Arthur A. Link  
Governor-Chairman



ATTEST:

/S/ Vernon Fahy  
Vernon Fahy  
Secretary

RESOLUTION 73-7-349

Confirming the Alteration of the  
Boundaries of Southeast Cass Water Management District

WHEREAS, the Southeast Cass Water Management District, acting by and through its Board of Commissioners, on the 4th day of June, 1973, filed with the North Dakota State Water Commission, its petition requesting the alteration of the boundaries of the district to include that area immediately north of and adjacent to West Fargo and Fargo; and

WHEREAS, the facts adduced at a public hearing held in the Cass County Courthouse on the 25th day of June, 1973, disclosed that the conservation and utilization of that area's water resources can best be accomplished by the Southeast Cass Water Management District in cooperation with state and federal agencies.

NOW, THEREFORE, BE IT RESOLVED that the North Dakota State Water Commission, in meeting duly assembled this 20th day of July, 1973, in Dickinson, North Dakota, does hereby ratify and confirm its action of June 29, 1973, which authorized and directed the Chairman and Secretary of this Commission to execute an Order on such date altering the boundaries of the Southeast Cass Water Management District to include all that area immediately north of and adjacent to West Fargo and Fargo.

FOR THE NORTH DAKOTA STATE WATER COMMISSION:



ATTEST:

/S/ Arthur A. Link  
Arthur A. Link  
Governor-Chairman

/S/ Vernon Fahy  
Vernon Fahy  
Secretary

## ORDER

Altering the Boundaries of the  
Southeast Cass Water Management DistrictSWC Project No. 720  
June 29, 1973

WHEREAS, the Southeast Cass Water Management District, acting by and through its Board of Commissioners on the 4th day of June, 1973, filed with the North Dakota State Water Commission, its petition requesting that the boundaries of the Southeast Cass Water Management District be altered to include an area immediately north of and adjacent to West Fargo and Fargo; and

WHEREAS, the petition of the Southeast Cass Water Management District's Board of Commissioners was accompanied by a certified copy of a resolution of the Board of Commissioners, authorizing and directing for and on behalf of the District, the filing of such petition; and

WHEREAS, evidence submitted at a public hearing held in the city of Fargo on the 25th day of June, 1973, after legal notice thereof, disclosed that such an enlarged district would provide a responsible legal entity to serve the people of the area in all aspects of water resource development; and

WHEREAS, the Commission on the 29th day of June, 1973, approved the petition of the Southeast Cass Water Management District and directed its Chairman and Secretary to execute the Order of the Commission altering the boundaries of the Southeast Cass Water Management District to include that area immediately north of and adjacent to West Fargo and Fargo.

The boundaries of the Southeast Cass Water Management District are hereby altered to include that area immediately north of and adjacent to West Fargo and Fargo, which area is described as follows:

Commencing at the Southwest corner of Section Thirty-six (36), Raymond Township, Cass County, North Dakota; thence East on the South boundary line of said Section Thirty-six (36) and the South boundary line of Reed Township, Cass County, North Dakota, and the extended South boundary



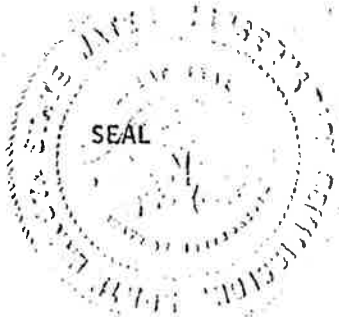
line of said South boundary line of Reed Township to its intersection with the center of the Red River; thence northerly along the centerline of the Red River to its intersection with the South boundary line of Section Thirteen (13) of Harwood Township, Cass County, North Dakota; thence West on the South boundary line of said Section Thirteen (13) and Sections Fourteen (14) and Fifteen (15) of said Harwood Township to the Northeast corner of the Northwest Quarter (NW $\frac{1}{4}$ ) of Section Twenty-two (22) of Harwood Township, thence South to the southeast corner of said Northwest Quarter (NW $\frac{1}{4}$ ), thence West to the East boundary line of Section Twenty-one (21) of Harwood Township, thence South on the East boundary line of Sections Twenty-one (21), Twenty-eight (28) and Thirty-three (33) of said Harwood Township to the Southeast corner of said Section Thirty-three (33), thence West on the South boundary line of said Section Thirty-three (33) and the South boundary line of Section Thirty-two (32) of Harwood Township to the Northwest corner of Section Six (6) of Reed Township, Cass County, North Dakota, thence South on the West boundary line of Reed Township to the Northeast corner of Section Thirty-six (36), Raymond Township, Cass County, North Dakota, thence West on the North boundary line of said Section Thirty-six (36), thence South on the West boundary line of said Section Thirty-six (36) to the point of beginning, less, however, all of the above described property located within the City of Fargo which was included within the district by order of the State Water Commission on the 9th day of June, 1971.

Dated at Bismarck, North Dakota, this 29th day of June, 1973.

NORTH DAKOTA STATE WATER COMMISSION

By:

Arthur A. Link  
 Arthur A. Link, Governor and Ex-  
 Officio Chairman of the North Dakota  
 State Water Commission



ATTEST:

Vernon Fahy  
 Vernon Fahy, Secretary

STATE OF NORTH DAKOTA )  
 ) SS  
 COUNTY OF BURLEIGH )

On this 29th day of June, 1973, before me a Notary Public in and for Burleigh County and the State of North Dakota, personally appeared Honorable Arthur A. Link, known to me to be the Governor of North Dakota and Ex-Officio Chairman of the North Dakota State Water Commission, and Vernon Fahy, known to me to be the Chief Engineer and Ex-Officio Secretary of the said Commission and acknowledged to me that the Commission had executed the within and foregoing Order altering the boundaries of the Southeast Cass Water Management District.

*M. C. Emerson*  
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 Notary Public, Burleigh County,  
 State of North Dakota

My Commission Expires March 1, 1975

NORTH DAKOTA STATE WATER COMMISSION  
 FINANCIAL STATEMENT JUNE 30, 1973  
 1971-73 APPROPRIATIONS

C5-1.2

	Available Funds		Disbursements		Account Balances		
	APPROPRIATION	RECEIPTS	TO DATE	JUNE, '73	UNEXPENDED	ENCUMB.	UNENCUMB.
<b>GENERAL OPERATIONS ACCOUNT</b>							
1001-Salaries Expense (1)	\$ 934,621.00	\$ -	\$ 861,289.28	\$ 39,624.32	\$ 73,331.72	\$ -	\$ 73,331.72
2001-Fees & Services	162,625.00	-	152,498.55	10,909.32	10,126.45	-	10,126.45
2051-Data Processing	4,500.00	-	4,446.76	351.92	53.24	-	53.24
3001-Supplies & Materials	163,600.00	-	161,599.70	9,737.49	2,000.30	-	2,000.30
4001-Equipment	25,000.00	-	24,898.31	5,630.00	11,361.69	-	101.69
7701-Red Basin Comm.	<u>60,000.00</u>	<u>-</u>	<u>60,000.00</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
<b>TOTAL GENERAL OPERATIONS</b>	<b>\$1,350,346.00</b>	<b>\$ -</b>	<b>\$1,246,732.60</b>	<b>\$ 66,253.05</b>	<b>\$ 85,613.49</b>	<b>\$ -</b>	<b>\$ 85,613.49</b>
7721-West River Diversion (2)	\$ 132,400.00	\$ -	\$ 123,397.13	\$ 9,403.77	\$ 9,002.87	\$ -	\$ 9,002.87
<b>CONTRACT FUND</b>							
336-770-Contract "Cash" \$1,000,000							
Contract Collections 900,000	\$1,900,000						
Collection to Date		\$ 835,550.72					
Transfer from 001 to 336		1,000,000.00					
<b>TOTAL CONTRACT FUND</b>	<b>\$1,900,000.00</b>	<b>\$1,835,550.72</b>	<b>\$1,721,031.17</b>	<b>\$ 77,203.73</b>	<b>\$114,519.55*</b>	<b>\$114,519.55</b>	<b>\$ -</b>
<b>GRAND TOTALS</b>	<b><u>\$3,382,746.00</u></b>	<b><u>\$1,835,550.72</u></b>	<b><u>\$3,109,160.90</u></b>	<b><u>\$152,860.55</u></b>	<b><u>\$209,135.91</u></b>	<b><u>\$114,519.55</u></b>	<b><u>\$ 94,616.36</u></b>

(1) Includes \$88,550.00 Federal Grant  
 Includes \$15,000.00 Emergency Comm. Authorization to Supervise \$181,934 Public Works Project

\*\$114,519.55 net amount available to spend based upon net collection and transfer of \$1,835,550.72

(2) Includes \$32,400.00 Federal Grant

FUND..... 397

WATER COMMISSION OPER FUND

DEPARTMENT..... 770

WATER COMMISSION

APPROPRIATION NUMBER	APPROPRIATION NAME	ORIGINAL APPROPRIATION AMOUNT
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0900	GENERAL ACCOUNT	.00
1001	SALARY	73,456.93 CR
1003	SALARIES AND WAGES	1,023,792.00 CR
2001	SERVICE FEES	10,165.55 CR
2003	FEES AND SERVICES	177,225.00 CR
2051	DATA PROCESSING	53.24 CR
3001	SUPPLIES	2,000.30 CR
3003	SUPPLIES & MATERIALS	163,600.00 CR
4001	EQUIPMENT	101.69 CR
4003	EQUIPMENT	39,500.00 CR
5403	SOURIS RED RIVER	60,000.00 CR
5413	MISSOURI RIVER	25,000.00 CR
5423	CONTRACTS	1,900,000.00 CR
6001	PUBLIC WORKS GRANT	151,174.84 CR
7003	XFER FROM 001	2,399,117.00
7721	MISSOURI DIVERSION	9,002.87 CR

6003	PUBLIC WORKS GRANT	150,944.59
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6013	DAM SAFETY	33,000
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