

## MINUTES

North Dakota State Water Commission  
 Meeting Held In  
 Vocational Education Conference Room  
 State Office Building  
 Bismarck, North Dakota

July 24, 1974

The North Dakota State Water Commission held a meeting on July 24, 1974, in the Vocational Education Conference Room of the State Office Building, Bismarck, North Dakota. Governor-Chairman, Arthur A. Link, called the meeting to order at 9:30 a.m.

MEMBERS PRESENT:

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

OTHERS PRESENT:

Matt Emerson, Assistant Secretary, North Dakota State Water Commission, Bismarck  
 Delton Schulz, Director of Engineering, North Dakota State Water Commission, Bismarck  
 Eugene Krenz, Director of Planning, North Dakota State Water Commission, Bismarck  
 C. P. Nelson, Drainage Engineer, North Dakota State Water Commission, Bismarck  
 Steve Hoetzer, Assistant Design Engineer, North Dakota State Water Commission, Bismarck  
 LeRoy Klapprodt, Planning Engineer, North Dakota State Water Commission, Bismarck  
 Gene Christianson, Director of the Division of Environmental Engineering, State Health Department, Bismarck  
 Russell Dushinske, Executive Vice President, North Dakota Water Users Association, Minot  
 Dr. Dale Anderson, Water Resources Research Institute, North Dakota State University, Fargo  
 Homer Englehorn, Manager, Garrison Diversion Conservancy District, Carrington  
 Dr. Don Anderson, North Dakota State University, Fargo  
 Murray Sagsveen, Legislative Assistant/Staff Attorney to Governor Link, Bismarck

Approximately 150 people in addition to those listed attended the meeting.

The proceedings of this meeting were tape recorded and the tape is on file at the North Dakota State Water Commission office.

CONSIDERATION OF MINUTES OF  
MAY 28-29, 1974 MEETING -  
APPROVED

It was moved by Commissioner Gallagher, seconded by Commissioner Kramer, and carried, that reading of the minutes of the May 28-29, 1974 meeting be

dispensed with and approved as circulated.

APPEARANCE BY GENE CHRISTIANSON  
STATE HEALTH DEPARTMENT,  
REGARDING PROCEDURE FOLLOWED  
BY HIS DEPARTMENT FOR REVIEWING  
APPLICATIONS FOR INDUSTRIAL  
DEVELOPMENT

Secretary Fahy introduced Mr. Gene Christianson, Director of the Environmental Engineering Division of the State Health Department, to relate to the Commission members the procedure that is followed by the Health Department in the review and evaluation of an

application for industrial development.

Mr. Christianson discussed three phases of development (1) pre-construction; (2) pre-operational; and (3) operational; whereby such environmental issues as water and air quality and pollution control aspects, water supply aspects, solid wastes and noise are reviewed and evaluated.

He then distributed, and discussed with Commission members, copies of Air Pollution Control Review Process Flow Diagrams, which gives a description of air pollution control processes that are considered by the Health Department. This diagram is attached as Appendix "A".

Following his review of the diagrams, Commission members asked questions of Mr. Christianson. Upon completion of the discussion, Governor Link thanked Mr. Christianson for the informative presentation.

REPORT OF SPECIAL COMMITTEE  
ON PERMIT CONDITIONS

Secretary Fahy noted that a Special Committee had been appointed by Governor Link to review and study conditions

which could be considered as an attachment to industrial water permits. The Committee consisted of Murray Sagsveen, Chairman; Myron Just, Richard Gallagher and Vern Fahy.

Chairman Sagsveen reported that the Committee had reviewed the recommendations of the joint Legislative and Executive Committee which recommended the initial Michigan-Wisconsin Pipeline Company's conditions. The conditions which were attached to the Michigan-Wisconsin conditional water permit were reviewed and also conditions attached to other permits which have been granted. Based on this review, the Committee recommended 19 conditions, which were distributed to the Commission members, noting that these are basically the same conditions, with modifications, as were reviewed at the last Commission meeting.

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Mr. Sagsveen then read and reviewed each of the 19 recommended conditions, noting that there were originally 20 conditions, but the Committee had consolidated two of the conditions.

It was moved by Commissioner Gallagher, seconded by Commissioner Kramer, and carried, that Condition No. 8 be amended to include the language "and other water resource related matters." Condition No. 8 shall now read: "The Appropriator shall contract with his coal supplier within North Dakota to insure that the mined or disturbed land shall be returned to at least the level of agricultural productivity that existed prior to mining or disturbance and to insure that mining operations are conducted in accordance with recommendations of the Commission with respect to the protection of existing ground-water supplies and other water resource related matters. ...."

Commissioner Kramer suggested that a statement be included to the effect that should a provision or provisions of the conditions be challenged and found to be invalid, that such invalidity shall not affect the entire set of conditions.

After discussion, Commissioner Kramer moved that the following statement be included as Condition No. 20: If any provision of these conditions is held to be invalid, such invalidity shall not affect other provisions or application of any other part of these conditions. The motion was seconded by Commissioner Gray. Governor Link called for a voice vote on the motion. All members voted aye, with the exception of Commissioner Gallagher voting nay. Governor Link declared the motion passed and directed that it be listed as Condition No. 20.

It was moved by Commissioner Gallagher that in the event the Commission adopted the conditions, the applicant or appropriator shall be required to have the proper officials of their corporation, execute the same under and by direction of their Board of Directors, and that a certified copy of the resolution executed by the Board of Directors be furnished to the State Water Commission. The motion received a second by Commissioner Just.

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Prior to calling for a vote on the pending motion, Governor Link noted that through no consultation or communication with Commission members, he had prepared a proposed condition in the event the Commission was to act affirmatively on the water permit application of United Power Association-Cooperative Power Association. The proposed condition and the pending motion were of relative similarity, therefore, Governor Link deemed it appropriate at this time to read the following proposal, thus avoiding action on two motions of the same intent:

"The board of directors of United Power Association-Cooperative Power Association shall be required to accept all conditions adopted by the State Water Commission and to pledge their respective cooperatives to compliance with all conditions. The resolutions of acceptance to be signed by the officers of the respective boards, shall be deemed satisfactory if approved by the Attorney General, the Governor's Staff Attorney, and the Chief Engineer of the State Water Commission."

At this time, Commissioner Gallagher withdrew his motion, which was pending, and Commissioner Just, who had seconded the motion, likewise withdrew his second.

After discussion, it was the consensus of the Commission members to reword Governor Link's proposed condition by substituting the word "appropriator" where a specific applicant is referred to, thus making this a general condition which could be applied to other future requests for industrial development.

It was moved by Commissioner Gallagher that the proposed set of conditions be further amended by the addition of Condition No. 21, which states: "The appropriator shall be required to accept all conditions adopted by the State Water Commission and to pledge compliance with all conditions. The resolutions of acceptance to be signed by the officers of the respective boards shall constitute a contract and shall be deemed satisfactory if approved by the Attorney General, the Governor's Staff Attorney, and the Chief Engineer of the State Water Commission." Governor Link then called for a voice vote on the motion. All Commission members voted aye and the motion was declared passed and listed as Condition No. 21.

After discussion, it was the consensus of the Commission members to accept the amended Committee report. (The entire set of amended conditions is attached as Appendix "B").

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CONSIDERATION OF UNITED POWER  
ASSOCIATION-COOPERATIVE POWER  
ASSOCIATION REQUEST FOR WATER  
PERMIT

Secretary Fahy stated that additional communications have been filed since the last Commission meeting regarding the United Power Association-Cooperative Power Association request for a water

permit. He then read a letter from Mr. Phil Martin, General Manager of United Power Association, dated June 21, 1974, which stated, in part:

"We now assure you that we will install and operate on a continuous basis air pollution control facilities using the most environmentally acceptable engineering and technological methods available.

"Incorporated into the original design of the facilities will be the installation of electrostatic precipitators and flue gas sulfur dioxide scrubbers or equivalent sulfur dioxide removal equipment. In addition, we will design the plant to accommodate future additions or alterations of any such equipment. The installation will be of the most recent design to assure continuous operation and efficient performance of the scrubbing function.

"We guarantee to meet all present and future federal and state standards for sulfur dioxide control applicable to the operation of our generating facilities. We shall better such standards as permitted by the facilities and methods above described."

At this time, Governor Link relinquished the chair to Vice Chairman Gallagher to make the following statement:

"United Power Association and Cooperative Power Association filed an application for a conditional water permit for 15,000 acre-feet of water on September 20, 1973. The State Water Commission has held hearings and public meetings on the application, and it has considered the application in nearly every monthly meeting since the date of filing. I have consistently opposed the granting of subject conditional water permit of UPA-CPA since I did not believe the cooperatives and their coal supplier had given adequate assurances of protecting and enhancing this state's environment and quality of life.

Since the filing of the application, however, I have worked closely with representatives of both the cooperatives and North American Coal Corporation to secure such assurances.

RECLAMATION:

In January of this year, I met with Mr. Otes Bennett, President of North American Coal Corporation concerning North Dakota land which will be surface-mined by North American Coal Corporation. Mr. Bennett and I agreed on two points of significance:

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1. A committee of recognized scientists would be established to develop a comprehensive reclamation plan for North American on land which will be mined for the first Michigan-Wisconsin gasification plant, should such a plant be constructed; and
2. Mr. Bennett stated North American Coal Corporation would abide by the reclamation plan to be developed by the committee, even though such a plan would exceed the requirements of state law.

On January 30, 1974, the committee, called the Mined Land Planning Group, was established. The present members are:

Dr. E. J. Englerth, Chairman  
Reclamation Director, Public Service Commission

Dr. E. B. Norum  
Chairman, Soils Department, North Dakota State University

Dr. J. F. Carter  
Chairman, Agronomy Department, North Dakota State University

Dr. Warren Whitman  
Chairman, Botany Department, North Dakota State University

Dr. E. A. Noble  
State Geologist

Dr. Paul Kannowski  
Director, Institute for Ecological Studies, University of North Dakota

Dr. J. F. Power  
Northern Great Plains Research Center, U. S. Department of Agriculture

Mr. Allen L. Fisk  
State Conservationist, Soil Conservation Service

The Mined Land Planning Group initiated its work immediately. In June of this year, a grant of \$420,000 was received from the Old West Regional Commission (a federal/state organization consisting of the Governors of Nebraska, Wyoming, Montana, South Dakota and North Dakota) to help finance the work necessary for developing a comprehensive model reclamation plan.

Mr. Bennett has also agreed to utilize the reclamation plan of the Mined Land Planning Group for the UPA-CPA mine, even if the reclamation requirements would exceed the demands of state law.

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AIR QUALITY:

In previous meetings of the State Water Commission, concern has been expressed over UPA-CPA's protection of air quality during the operation of the proposed electrical generation facility. On June 20, representatives of UPA-CPA met with state officials (Vern Fahy, State Water Commission; W. Van Heuvelen and Gene Christianson, Department of Health; and Murray G. Sagsveen, Executive Office) to discuss the measures to be taken by UPA-CPA to protect air quality. As a result of the May 28-29 State Water Commission meeting and the June 20 meeting, UPA-CPA has agreed to install the best available air pollution control facilities to operate on a continuous basis. The plant will also be designed to accommodate future additions or alterations of such equipment to enable UPA-CPA to take advantage of technological advances in air quality control equipment.

RELATED ITEMS:

In addition to the above mentioned matters directly connected to the subject application, related events influence my decision concerning the UPA-CPA application.

Recently, 320 acres were offered for coal lease by the Bureau of Land Management with certain stipulations attached for the preservation, protection and reclamation of the land to be leased. Certain of the stipulations required:

- lessee to mine all available coal in each tract ("to remove the entire bed/of lignite/underlying each tract"); and
- lessee to segregate into two layers the top five feet of soil on all mined land under the lease. ("Soil material shall be removed and stockpiled or placed directly on areas which have been prepared for final reclamation. ....

Soil material shall be replaced to a minimum thickness of two feet immediately over three feet of nontoxic overburden material during final reclamation. ....  
 Nontoxic overburden material lying immediately below the soil material shall be removed and stockpiled separately from the soil material or placed directly on areas which have been prepared for reclamation prior to redistribution of soil material. ....  
 Nontoxic overburden material shall be replaced to a minimum thickness of three feet before redistribution of soil material.")

BLM District Manager Kannon Richards has stated the stipulations were based on BLM soil studies and recommendations of the National Academy of Sciences.

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Consolidation Coal Company has refused to bid on the lease stating that among other reasons, the reclamation stipulations were too stringent.

The same stipulations were also recently appended to a small lease between the BLM and North American Coal Corporation, the proposed lignite supplier of subject UPA-CPA generation plan. I, and members of my staff, have been keenly interested in the attitude of North American Coal Corporation in their dealings with BLM on the lease stipulations, and a member of my staff has attended meetings on the lease between BLM and North American Coal Corporation. This week, North American Coal Corporation agreed to the BLM lease stipulations. I believe this is a significant step forward for the lignite industry, and specifically, for North American Coal Corporation. I believe this is a significant step forward in achieving maximum reclamation of strip mined lands.

Presently pending before Congress is HR 11500, the Surface Mining Control and Reclamation Act of 1974. A substitute bill of Congressman Hosmer - a substantially weaker bill - was defeated only last week. The defeat of the Hosmer bill indicates to me that our federal representatives are moving toward establishing minimum uniform national standards for strip-mine reclamation. I sincerely urge the mining companies, which are doing business in this state, to support HR 11500.

Much has been done by the State Water Commission within the past year. More needs to be done by future legislative assemblies such as a continuing review and strengthening of this state's reclamation, air pollution, and water pollution laws.

Based on the foregoing, I move that the United Power Association-Cooperative Power Association conditional water permit be approved subject to the conditions previously discussed." The motion was seconded by Commissioner Kramer.

Governor Link invited the Commission members to discuss the pending motion before voting. Questions were asked of the applicant regarding plant siting, additional transmission lines, the cost of the plant, number of people to be employed at the plant, number of acres that will have to be stripped for coal removal, royalties to landowners for mineral rights and sulfur content in coal and its removal.

After discussion, Vice Chairman Gallagher called for a voice vote on the pending motion. Governor Link and three Commission members voted aye on the motion, and Commissioners Jungroth and Just voted nay. The chair declared the motion as passed.

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It was moved by Commissioner Noteboom that the 21 conditions as modified and amended be approved. Commissioner Gray seconded the motion and all members voted aye. The motion was declared as passed.

Commissioner Gray read a proposal which he feels should be adopted by the Commission as a resolution in regard to imposing severance taxation. The statement is as follows:

"Consistent with Water Commission responsibilities to provide for sustained beneficial uses of North Dakota's water resources, it is now evident that substantial compensatory revenues should accrue to the State of North Dakota and to its political subdivisions through severance taxation on native fossil fuel and water consumption. These tax revenues will then provide a dedicated monetary capacity to independently plan and implement lasting water and related land resource development throughout the State of North Dakota."

After discussion, it was the consensus of the Commission members to adopt Commissioner Gray's statement and that the Commission staff be directed to prepare same in resolution form. (Resolution No. 74-7-367, Recommendation to 44th Legislative Assembly to Provide for Severance Tax on Lignite and/or Coal, is attached as Appendix "C")

The Commission recessed their session at 12:45 p.m. The meeting was reconvened at 1:45 p.m. Secretary Fahy introduced the new Manager of the Garrison Diversion Conservancy District, Mr. Homer Englehorn.

**LAKE METIGOSHE STUDY  
(#322)**

Dr. Dale Anderson of the Water Resources Research Institute, discussed with the Commission members, the Lake Metigoshe

study that is currently underway. This study involves the chemical, physical and biological characteristics of the lake and surrounding smaller lakes. The study has been in progress for three years and he noted that this will be the final year that the Water Resources Research Institute will be a principal participant in the funding of the project. If the work is to be expanded to develop Lake Metigoshe into a model watershed for analysis and development purposes, some agency with a large funding capability will be required to sponsor the extension of the study and the necessary development work.

He noted that the State Water Commission has participated in the funding of this project for the past two years to the extent of \$15,045, and at this time, he requested an additional \$5,000 from the State Water Commission to carryout the work and experiments as originally specified and to complete this phase of the study.

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After discussion, it was moved by Commissioner Kramer, seconded by Commissioner Jungroth, and carried, that the State Water Commission participate in the amount of \$5,000 to complete the Lake Metigoshe study, contingent upon the availability of funds.

RURAL WATER SYSTEM  
EVALUATION  
(#322)

Dr. Anderson discussed the rural water system study that is underway in Traill and Grand Forks Counties. This evaluation is a three-year study and is in its final year. This study is to develop a guide to assist in forming and operating a rural water district, and a draft of this phase of the study should be available by September 1, 1974, for review and comments.

He discussed the progress of the study, indicating that the State Water Commission has participated the past two years to the extent of \$6,250 per year. He requested an additional \$5,000 from the State Water Commission to complete the study.

It was moved by Commissioner Gray that the State Water Commission participate in an amount not to exceed \$5,000 to complete the rural water system study, contingent upon the availability of funds. Commissioner Just seconded the motion and all members voted aye.

APPEARANCE BY GARRISON  
DIVERSION CONSERVANCY  
DISTRICT - REQUEST FOR  
STATE WATER COMMISSION  
PARTICIPATION IN GENERAL  
MARKETING STUDY  
(#237)

Homer Englehorn, Manager of the Garrison Diversion Conservancy District, indicated that the Conservancy District is involved with the North Dakota State University in a marketing study and have budgeted \$10,000 for three years to this study.

He then introduced Dr. Don Anderson, who is chairman of the marketing study from North Dakota State University. Dr. Anderson stated that there are five objectives to be accomplished in carrying out the study, which are as follows: (1) establish input-output relationships for crop and livestock enterprises in proposed irrigation areas; (2) identify farm organization patterns, labor availability and institutional arrangements which will affect farm organization and land use under irrigation; (3) determine basic characteristics on the markets for those crop and livestock products identified in objective No. 1; (4) identify optimal enterprise combinations for each of the proposed irrigation areas under alternative market limitations; and (5) develop detailed market feasibility studies for those irrigation products where market potentials are uncertain, based on findings in objectives 3 and 4.

Financial participation for the study has been authorized by the Bureau of Reclamation, the Garrison Diversion Conservancy District and by the Business and Industrial Development Department. This study is in its second year of a five-year program. He indicated that the Oakes-LaMoure area is currently being studied and will serve as the model area. The study will then be extended into the central and northern portions of the state.

At this time, Dr. Anderson presented a request to the Commission for financial participation in the amount of \$5,000 for the coming year.

Secretary Fahy indicated that the State Water Commission has worked very closely with the Conservancy District and has done some work on plans for them, but financial participation in studies has heretofore never been considered.

It was the consensus of the Commission members that the Commission policy on such studies should be reviewed and that action on the request should be delayed until the next Commission meeting.

It was moved by Commissioner Kramer, seconded by Commissioner Noteboom, and carried, that the Commission review and develop a policy statement with respect to financial participation for studies, and place this item on the agenda for further consideration at the next Commission meeting.

CONSIDERATION OF REQUEST  
BY DEVILS LAKE BASIN  
REPRESENTATIVES FOR  
STATE WATER COMMISSION  
APPROVAL OF CHANNEL "A"  
DEVELOPMENT PLAN  
(#416)

Secretary Fahy stated that a public hearing had been held about a month ago involving federal agencies as well as representatives of the Devils Lake Basin to discuss the development plan for Channel "A". He noted that financial participation from the State Water Commission is not being requested at this time, but approval of the Channel "A" plan is being requested.

Delton Schulz, Director of the Engineering Division for the State Water Commission, oriented the Commission members of the Channel "A" plan, which serves as the outlet channel for the Sweetwater-Dry Lake Watershed project and extends from Dry Lake to Six-Mile Bay. The channel proposed would be approximately 4½ miles long.

Mr. Robert Garske, Chairman of the Ramsey County Water Management District, appeared before the Commission requesting authorization for construction of Channel "A". He presented

data to the Commission indicating losses in crop acreage of 15,298 acres and a total direct economic loss of \$2,294,700. Mr. Garske indicated that these losses are only for Ramsey County and the townships which would be benefitted by Channel "A". He pointed out that an additional 15,000 acres in Benson County would also be benefitted by this project, therefore, the total direct loss this year would approach \$4,500,000.

It was moved by Commissioner Just that the State Water Commission authorize the construction of Channel "A". Commissioner Noteboom seconded the motion.

During discussion of the pending motion, the Commission expressed concern that the water level of the West Bay would rise more rapidly due to construction of Channel "A" and without adequate outlet facilities between West Bay and East Bay, additional lands would be flooded, thereby aggravating the existing problems in the upper reaches of the West Bay area.

At this time, it was the consensus of Governor Link and Commission members to contact the State Highway Department and the Bureau of Reclamation and request that representatives of each department appear before the Commission and relate their position in respect to construction of Channel "A" and construction of adequate outlet facilities between West and East Bays.

**CONSIDERATION OF REQUEST  
FOR WATER PERMIT FILED BY  
LADISH MALTING COMPANY**

While representatives from the Highway Department and the Bureau of Reclamation were being contacted to appear before the Commission, Secretary Fahy stated that an application for a water permit had been filed by the Ladish Malting Company for 1680.0 acre-feet of water annually for a barley malting operation. The Commission staff had studied the request and feel that more information is required on the Spiritwood Aquifer before it can justify a recommendation to grant the total amount of the request. It is, therefore, recommended that the Commission grant 806.0 acre-feet annually at a rate of 500 gallons per minute to the Ladish Malting Company and that the remaining portion of the water be held contingent upon the results of an aquifer test and water use data from the site of the proposed well field.

Mr. Don McHugh, representing the Ladish Malting Company discussed with the Commission members their plans for the construction and operation of the malting plant.

It was moved by Commissioner Jungroth and seconded by Commissioner Kramer that the State Water Commission grant to the Ladish Malting Company a conditional water permit for use of 806.0 acre-feet of water annually

at a rate of 500 gallons per minute and that the balance of the request be held contingent upon the results of an aquifer test and water use data from the site of the proposed well field. All members voted aye on the motion and was declared passed.

CONTINUED DISCUSSION ON  
REQUEST FOR STATE WATER  
COMMISSION APPROVAL FOR  
CONSTRUCTION OF CHANNEL "A"  
(#416)

Chief Engineer, Robert Bradley, and Commissioner Walter Hjelle from the State Highway Department appeared before the Commission and outlined the problems they were having with Highway No. 57. Mr. Bradley stated

that the water surface level of the West Bay of Devils Lake was at elevation 1424.0 and they were experiencing difficulties in maintaining Highway No. 57 because the water was lapping the top of the road shoulders. Mr. Bradley pointed out that the controlled water surface elevation as proposed by the Bureau of Reclamation in conjunction with the Garrison Diversion project would be 1423.0. Some of the proposals being advanced at the present time are to incorporate Highways 57 and 20 crossings and possibly incorporate the railroad crossing with a single fill across the narrows. The roadway crest was to be established at elevation 1431.0. Another item to be considered in the waterway facilities between the two lakes was the desire of local residents to have an opening for boat passage between the narrows. There are a number of problems that have to be resolved prior to design and construction of the waterway opening between the two lakes. Construction is tentatively scheduled for 1976.

Mr. Merle McMorrow with the Bureau of Reclamation informed the Commission of their activities related to Garrison Diversion and Devils Lake.

After discussion, it was moved by Commissioner Just to amend his pending motion to state that the State Water Commission approve construction of Channel "A", but that no construction shall begin until satisfactory arrangements are made to provide an outlet in the constricted area. Commissioner Noteboom seconded the motion and all members voted aye.

CONSIDERATION OF STATE  
WATER COMMISSION PARTICIPATION  
FOR CONSTRUCTION OF CALIO  
COULEE  
(#416)

Mr. James Gibbens, Chairman of the Towner County Water Management District, appeared before the Commission requesting cost participation for construction of an adequate drainage channel on the lower reaches of Calio Coulee to a

collector drain on the Ramsey-Towner County line. Mr. Gibbens pointed out that Towner County had participated in construction costs for the collector

drain with Ramsey County and was not receiving any benefits from such construction until the work at Calio Coulee was completed. The amount requested for construction of Calio Coulee is \$48,483.

After discussion, it was moved by Commissioner Gallagher and seconded by Commissioner Kramer that the Commission approve participation for the construction of Calio Coulee in an amount not to exceed \$48,483, contingent upon the availability of funds. All members voted aye on the motion, and it was declared passed.

CONSIDERATION OF DRAINAGE  
PROJECT FOR LAKE IBSEN  
(#503)

Delton Schulz explained to the Commission members that they had previously approved construction of an outlet structure at Lake Ibsen and channel cleanout of

approximately 13,000 feet. This project is being held in abeyance pending obtaining the necessary easements.

CONSIDERATION OF PROGRAMS  
TO RELIEVE DRAINAGE PROBLEMS  
IN HURRICANE LAKE AND LOWER  
MAUVAIS COULEE AREAS  
(#559)

Landowners from the Hurricane Lake area, which is deeded land, were in attendance to request drainage of that area. It was pointed out that if Hurricane Lake is to be drained, a study should be initiated on Lower Mauvais Coulee to

determine the adequacy of the coulee to handle the additional flows, which would be placed in the coulee if drainage facilities were constructed upstream.

Mr. Bill DePuy, representing the landowners in the Hurricane Lake area, appeared before the Commission and pointed out that 3,300 acres of deeded land were inundated causing a great deal of economic hardship. Mr. DePuy reiterated that this is deeded land and landowners had been paying taxes on it throughout the years. Mr. DePuy also took issue with an outlet elevation being proposed by the Commission staff members indicating that the outlet elevation selected was too high and would not provide adequate drainage. (This matter regarding the elevation was under investigation by the Commission staff.)

It was moved by Commissioner Gallagher and seconded by Commissioner Just that the State Water Commission staff be given authority to proceed with the development of the plans and specifications for the Hurricane Lake project to the point where they can go before the Commission for further consideration. All members voted aye on the motion.

It was moved by Commissioner Kramer, seconded by Commissioner Gallagher, and carried, that the State Water Commission staff be authorized to proceed to develop the plans for the Lower Mauvais Coulee project to the point where they can be placed on the agenda for further consideration by the Commission.

CONSIDERATION OF PETITION  
FROM RESIDENTS OF WALSH,  
NELSON AND RAMSEY COUNTIES  
RELATIVE TO THE NEED FOR  
CONSTRUCTION OF A LEGAL  
DRAIN  
(#1132)

Watershed.

Secretary Fahy stated that petitions had been filed from residents of Nelson, Walsh and Ramsey Counties indicating the need for construction of a legal drain to serve portions of these counties. The proposal would drain excess waters from Horseshoe Lake-McHugh Slough into the Stump Lake

Mr. C. P. Nelson, Drainage Engineer for the State Water Commission, reviewed the procedure for creating a legal drain with the Commission members and stated that the petition was submitted to the Water Commission for their evaluation of the information available and recommend to the local legal entities the location, extent and capacity for such a drain.

It was moved by Commissioner Gallagher, seconded by Commissioner Kramer, and carried, that the State Water Commission acknowledge receipt of the petition for the creation of a legal drain in the above noted counties and that the Commission expresses no objection to the creation of this drain.

CONSIDERATION OF  
REQUESTS FOR WATER PERMITS

Secretary Fahy presented and reviewed with the Commission members the requests for water permits that have been filed with the Commission and are now ready for Commission action, which are listed on Appendix "D" of these minutes. It was the recommendation of Secretary Fahy that the Commission approve the permits that have been recommended by his staff for approval, and defer those requests which require additional information and investigations.

It was moved by Commissioner Kramer, seconded by Commissioner Jungroth, and carried, that the Commission approve, subject to the conditions indicated on the application, the following requests for water permits: No. 2082, Adam Schmaltz, Tappen; No. 2084, Raymond and Betty Jean Delzer, Bismarck; No. 2067, McLean County Land Company, Minot;

No. 2050, Arthur Decker, South Heart; No. 2078, Richard Miner, Grand Forks; No. 2085, Ted Renner, Dickinson; No. 2060, Robert Kyllö, McCanna; No. 2066, Ralph M. Krebsbach, Warwick; No. 2072, Kenneth Moser, Pollock, South Dakota; No. 2074, Monty Burke, McKenzie; No. 2077, Henry Serr, Hazelton; No. 2054, Raymond Maier, Hannover; No. 2018, Lester Schwab, Englevale; No. 2079, Russell Makeeff, Mercer; No. 2081, James Saeman, Wing; No. 2068, Alick and John Kvirnak, Killdeer; No. 2065, James Madsen, Jamestown; No. 2071, Carl Frey, Jamestown; No. 2099, T. Kessel and C. W. Hocking, LaMoure; No. 2070, Steve McCullough, Oakes; No. 2076, Wachter Ranch, Bismarck; No. 2062, Marvin Bodvig, Tappen; No. 2090, New Rockford Golf Club, New Rockford; No. 2097, Duane Bohrer, McKenzie; No. 2059, Oxbow Country Club and Estates, Fargo; No. 2061, James and Walter Krueger, McKenzie; No. 2091, Orrin R. Streich, Oakes; No. 2069, Elmer Bartleson, New Town; No. 2086, Jay Gorrell, Trotters; No. 2103 Mike Roche, Manning; No. 2096, Sievert Kvamme, Ruso; No. 2107, Diocese of Bismarck Trust and Mary College, Inc. Trust, Bismarck; and No. 767, Williston Country Club, Inc., Williston. It was also moved by Commissioner Kramer, seconded by Commissioner Just, and carried, that the Commission defer action at this time on the following water permit requests pending further information and investigations: No. 2080, R. H. Baeth, McKenzie; No. 2087, Clifford Omdal, Binford; No. 2089, Kriss W. Enzi, Braddock; and No. 2094, Harry Cline, Oakes. (See Appendix "D")

FINANCIAL STATEMENT FOR  
MONTH OF JUNE, 1974

next Commission meeting.

AUTHORITY TO SECURE  
LEGAL SERVICES BY  
STATE ENGINEER

It was moved by Commissioner Gallagher, seconded by Commissioner Jungroth, and carried, that due to the resignation of the Legal Counsel for the State Water Commission, that the State Engineer be

Secretary Fahy suggested that review of the financial statement for the month of June, 1974, be deferred until the

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authorized to secure the services of a legal advisor as he deems necessary, until such time when the vacant position is filled.

Secretary Fahy stated that he had received a letter from Mr. Dale Henegar, State Game and Fish Department, regarding the matter of water quality and developing plans in an attempt to extend the life of recreation impoundments. They requested the State Water Commission to assist them in this study.

It was moved by Commissioner Kramer and seconded by Commissioner Just that the Commission adjourn their meeting at 6:10 p.m. All members voted aye.

  
\_\_\_\_\_  
Arthur A. Link  
Governor-Chairman

ATTEST:

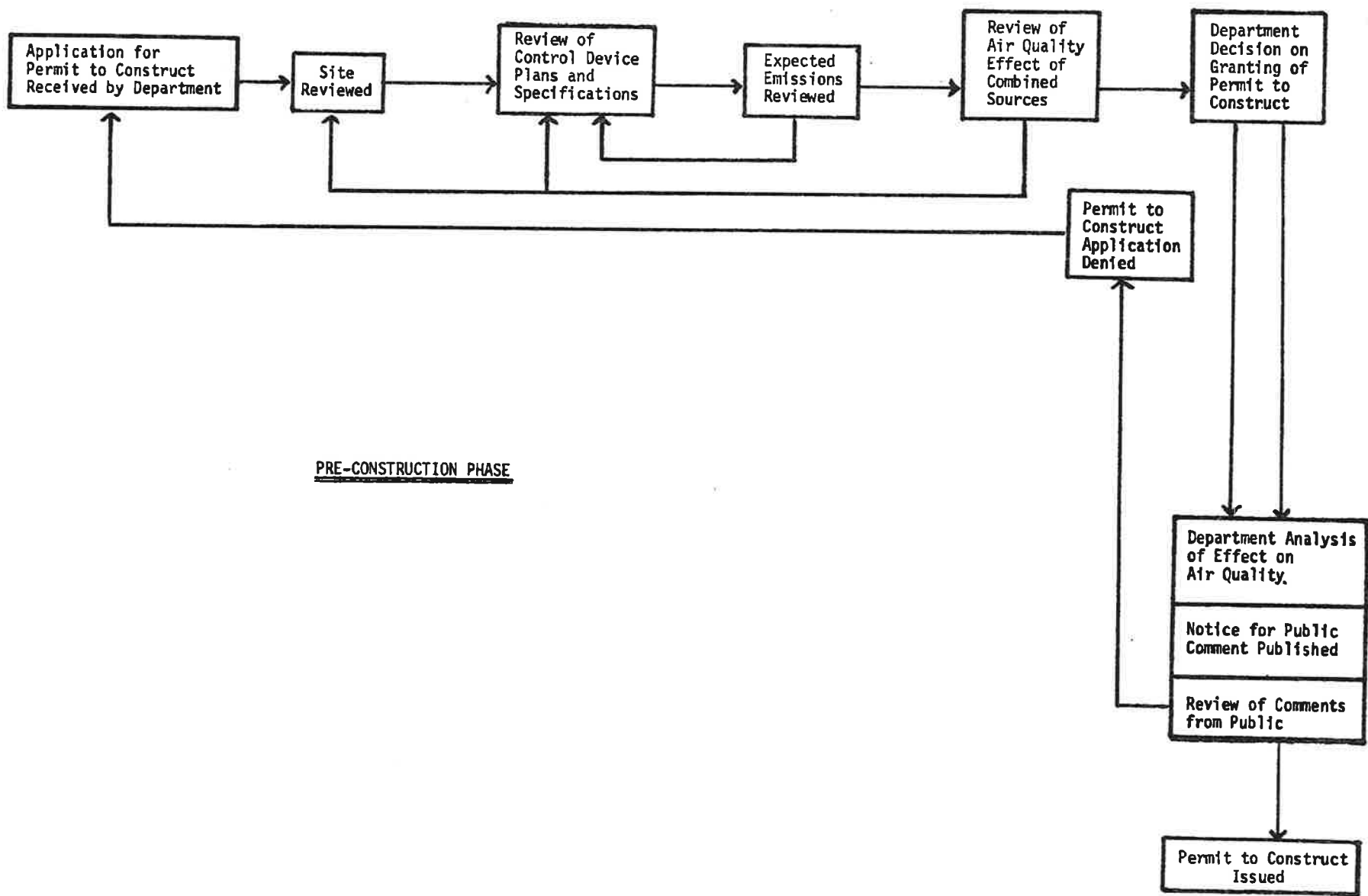
  
\_\_\_\_\_  
Vernon Fahy  
Secretary

July 24, 1974

**AIR POLLUTION CONTROL**  
**REVIEW PROCESS FLOW DIAGRAMS**

**Air Pollution Control Program**  
**Division of Environmental Engineering**  
**Environmental Control Section**  
**North Dakota State Department of Health**

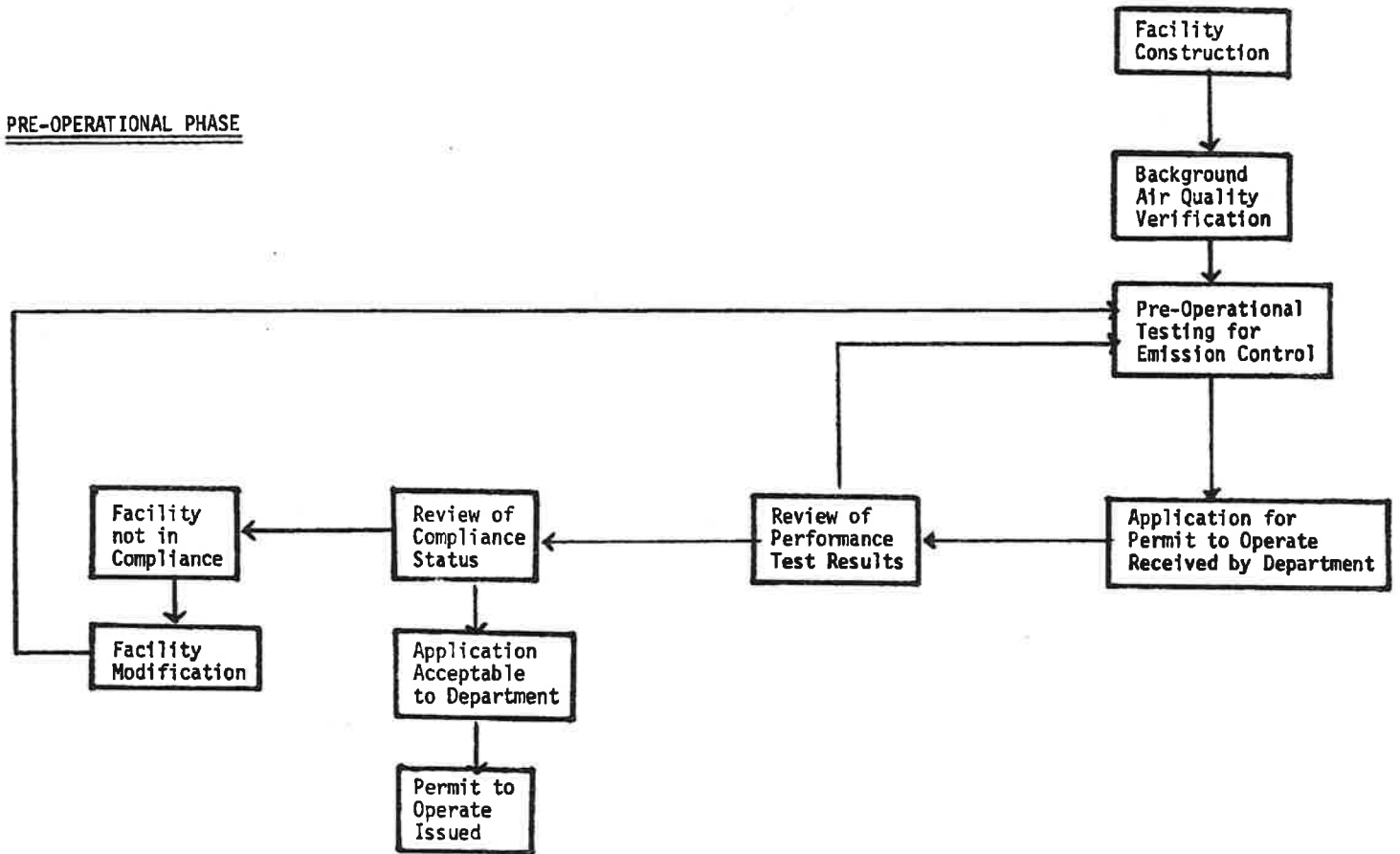
July 24, 1974



PRE-CONSTRUCTION PHASE

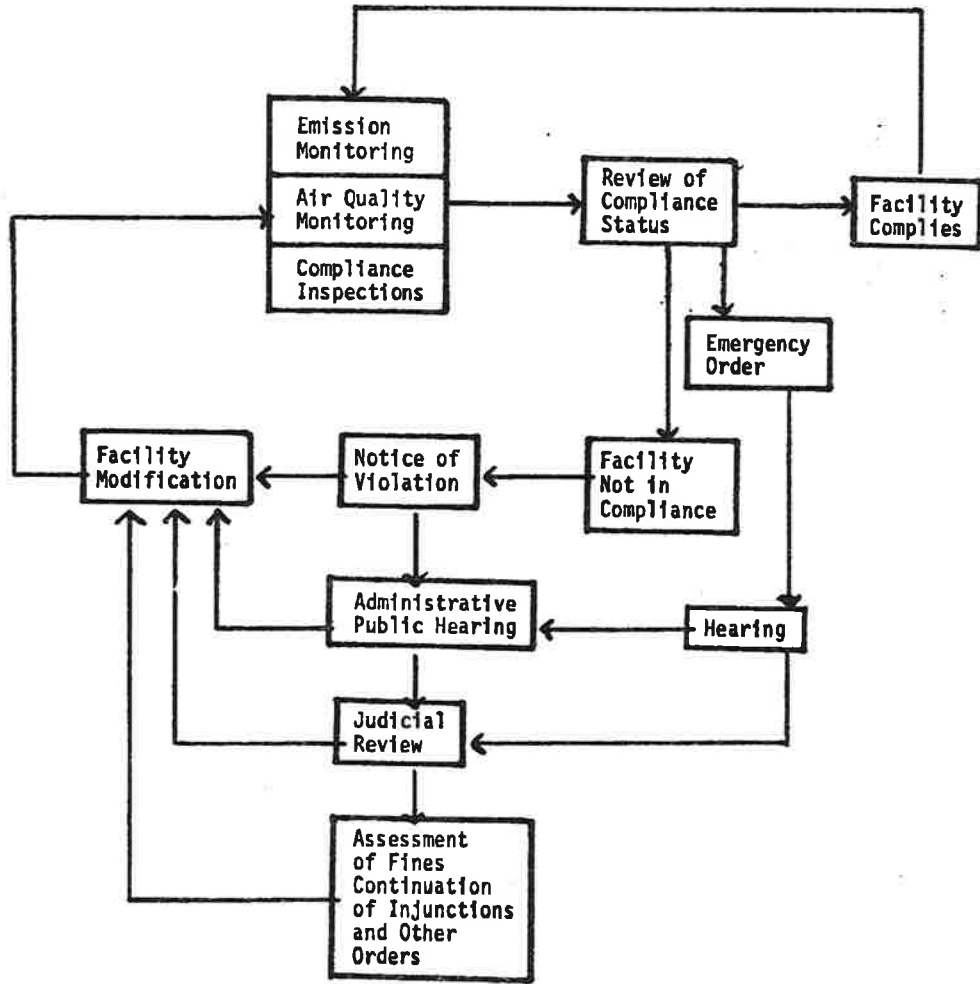
July 24, 1974

PRE-OPERATIONAL PHASE



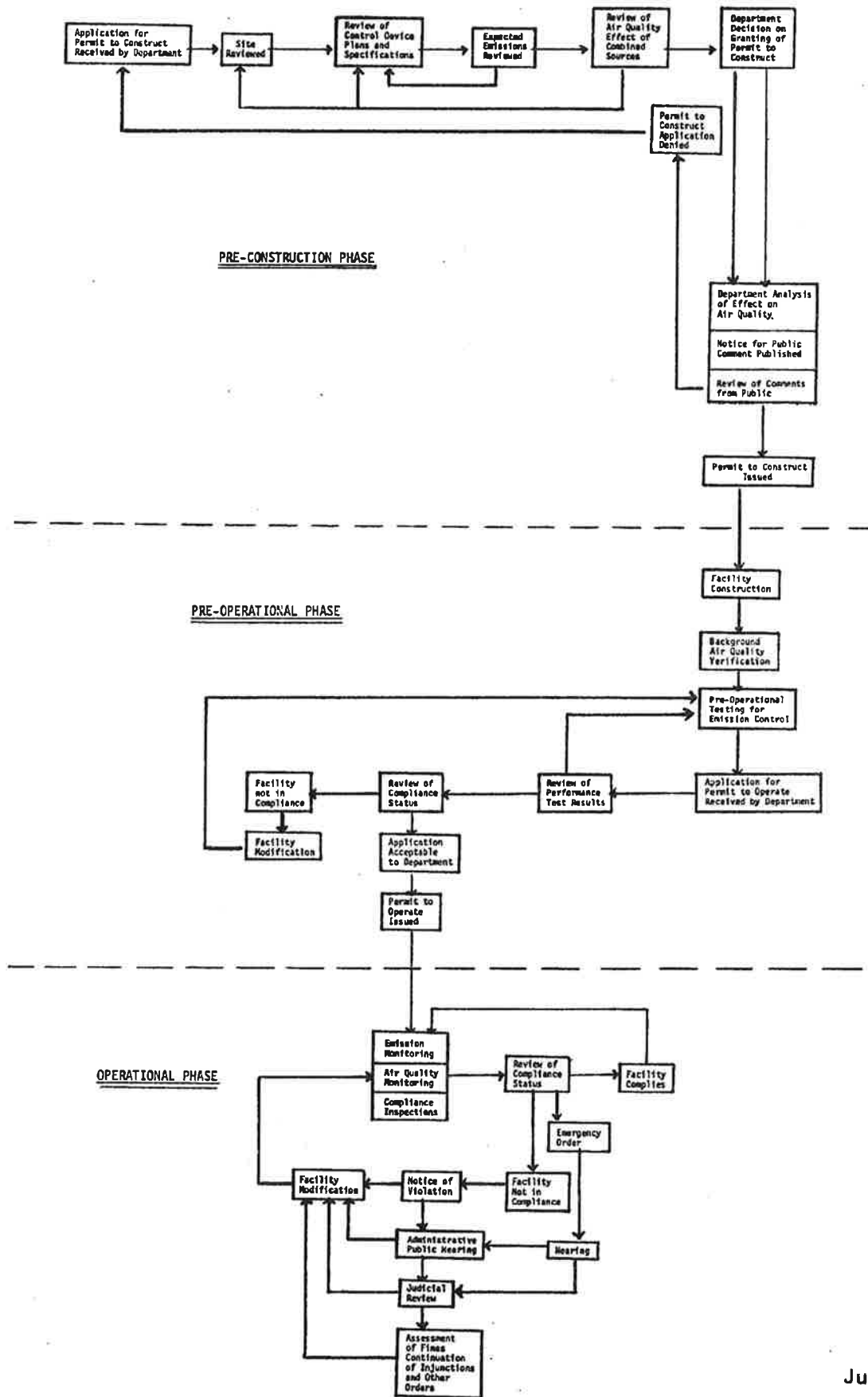
July 24, 1974

OPERATIONAL PHASE



July 24, 1974

Air Pollution Control  
North Dakota State Department of Health  
Review Process Flow Diagram  
For New Sources



July 24, 1974

CONDITIONS PROPOSED FOR ATTACHMENT TO WATER PERMIT APPLIED FOR BY  
UNITED POWER ASSOCIATION AND COOPERATIVE POWER ASSOCIATION

**Definitions:**

- a. "Products or by-products" shall mean any derivative except electricity resulting from the utilization of water in a chemical process with lignite or coal, including, but not limited to gas, steam, minor elements and any other residual matter.
- b. "Commission" shall mean the North Dakota State Water Commission.
- c. "Appropriator" shall mean Cooperative Power Association and United Power Association.

\*\*\*\*\*

In consideration of the granting of the permit for beneficial use of water herein the following conditions shall apply:

**Conditions:**

1. The Appropriator may divert a maximum of 15,000 acre-feet of water per year from the diversion site as described in water permit application No. 1977 filed with the North Dakota State Water Commission on September 20, 1973. Planning for diversion facilities shall include the potential demands outlined in condition No. 8.
2. The water so diverted under this permit may be used for all necessary purposes in the generation of electricity including, but not limited to, process cooling requirements, mining purposes, and all other uses necessary for electrical generation such as sanitation, de-sulfurization of coal, emission reduction, ash disposal and scrubber sludge disposal.
3. The Appropriator must at all times use the most environmentally acceptable engineering and technological methods in the design, construction, equipping, maintenance and operation of such electrical generation plant and any addition thereto, and every effort shall be made to minimize evaporation and other wasteful uses of water. Such methods and efforts shall be subject to the approval of the Commission after consultation with the Department of Health or any other appropriate agency. A decision of approval, disapproval

July 24, 1974

or modification shall be made as soon as practicable, but no later than six months after the Appropriator has notified the State Engineer of such methods and efforts.

4. The Appropriator shall comply in the design and operating procedures for its facilities with such orders as the State Water Commission and other appropriate state agencies shall promulgate.
5. The Appropriator shall consult and cooperate with and secure all necessary permits from all agencies of the State of North Dakota having an interest in the usage of water and the effects of the applicant's electrical generation facilities upon the environment, economy and governmental units within the state.
6. The Appropriator, through its president and other officers and consultants designated by its president, shall meet periodically with any designated legislative committee, or a committee designated by the Governor to provide information on plans and progress, and to answer questions relating to the implementation of its electrical generation project, or projects, and related matters affecting water and the quality of life in North Dakota.
7. The Appropriator and its coal suppliers shall comply with all applicable state and federal rules and regulations now existing, or hereafter enacted, adopted, or promulgated. Upon request, the Appropriator shall report to the State Water Commission and other appropriate agencies with respect to compliance with such legislation and regulations.
8. The Appropriator shall contract with his coal supplier within North Dakota to insure that the mined or disturbed land shall be returned to at least the level of agricultural productivity that existed prior to mining or disturbance and to insure that mining operations are conducted in accordance with recommendations of the Commission with respect to the protection of existing ground-water supplies, water courses, water quality and other water resource related matters. This requirement shall also apply to any lands directly



Page Three

mined or disturbed by the Appropriator and its coal supplier. A comprehensive mining and reclamation plan shall be filed with the State Water Commission and any other appropriate agency at the earliest opportunity, but before any mining operations commence. Such plans shall reflect the advice of appropriate agencies, such as the State Water Commission and the State Reclamation agency, to insure that proper planning consideration is given to the protection of the surface and ground-water supplies and quality. Such plans will also recognize the necessity to restore and improve the irrigable potential or other beneficial potential of the reclaimed land. The Appropriator shall supply water to the coal supplier from its water supply facilities at a reasonable cost in the event successful reclamation requires the application of supplemental water to aid plant growth on lands being reclaimed; a separate permit shall be required for irrigation water utilized pursuant to this provision.

9. A perfected water permit shall be issued when subject facility is completed and only for that amount actually applied to a beneficial use as specified under North Dakota law.
10. A conditional water permit shall be granted for a period of six years. If the applicant has not perfected such permit within the six-year period, it may apply to the Commission to extend the time of the conditional water permit.
11. No assignment, transfer or sale of any part of the water shall be made without written Commission approval.
12. The Appropriator shall provide metering devices satisfactory to the Commission and available for inspection at all reasonable times by the Commission to record actual amounts of water diverted under this permit.

July 24, 1974

13. Should the Commission or the Legislative Assembly at any time provide for the payment of a water users fee, or any other fee or charge, the applicant shall be subject to such charges when they become effective.
14. At least three years prior to the termination of plant operations, the Appropriator shall tender, and agree to convey to the State of North Dakota at no cost to the state, all water supply and water transmission facilities plus all easements and rights-of-way unless such conveyance is rejected by the Governor prior to such termination of operations. This condition shall in no manner limit condition 13, above.
15. The Appropriator shall submit its plans for placement of plant sites and transmission facilities to the Commission for siting approval. The Commission shall use siting criteria which minimizes adverse effects on matters over which the Commission has jurisdiction, including, but not limited to, the impact on irrigable lands, water courses, water quality, and other water resource related matters.
16. The Appropriator shall supply electricity to North Dakota users for temporary periods upon a declaration of emergency by the Governor. Electricity so supplied shall be at wholesale or bus bar rates and shall not be based on the so-called postage stamp rate.
17. Failure to comply with any North Dakota statute or any order or regulation of the Commission may result in forfeiture of the conditional or perfected water permit in accordance with Chapter 28-32 of the North Dakota Century Code.
18. The Appropriator shall make available, subject to the approval of the appropriate federal or state agencies, if such approval is necessary, to North Dakota distributors or users, such products or by-products as may be requested for use within this state. In its compliance with this condition, the price for products and by-products reserved for use within the state shall be at wholesale or bus bar rates and shall not be based on the so-called postage stamp rate.

Page Five

19. Upon termination of operations and in the event of abandonment of plant facilities, the Appropriator shall return all plant site land to original or improved conditions or agricultural productivity.
20. If any provision of these conditions is held to be invalid, such invalidity shall not affect other provisions or applications of any other part of these conditions.
21. The Appropriator shall be required to accept all conditions adopted by the State Water Commission and to pledge compliance with all conditions. The resolutions of acceptance, to be signed by the officers of the respective boards, shall constitute a contract and shall be deemed satisfactory if approved by the Attorney General, the Governor's staff attorney, and the Chief Engineer of the State Water Commission.

\*\*\*\*\*

July 24, 1974

RESOLUTION

Whereas, Cooperative Power Association and United Power Association have designed and intend to construct a 950 megawatt power generating station and related transmission facilities near Underwood in McLean County, North Dakota; and

Whereas, the Associations applied to North Dakota State Water Commission for a permit to appropriate 15,000 acre feet per year of water from the Missouri River for use in the generating station; and


Whereas, the North Dakota State Water Commission on July 24, 1974, approved the application of the Association subject to 21 conditions attached to and made a part of the permit.

Now, Therefore, Be It Resolved:

1. United Power Association accepts the conditional water permit subject to the 21 conditions adopted by the State Water Commission, which permit and conditions are attached to this resolution and made a part hereof.
2. United Power Association promises to the State of North Dakota that the Association will comply with all said conditions and acknowledges that this acceptance of the permit and the conditions constitutes a contract between the State of North Dakota and United Power Association.
3. The president of the Association is directed to sign and the secretary to attest this resolution, and a copy of it shall be certified by the secretary and transmitted to the Honorable Arthur A. Link, Governor of North Dakota and Chairman of the North Dakota State Water Commission.

Approved as to form:

  
 \_\_\_\_\_  
 Attorney General of North Dakota

  
 \_\_\_\_\_  
 Governor's Staff Attorney

  
 \_\_\_\_\_  
 Chief Engineer of North Dakota  
 State Water Commission

July 24, 1974

Recommendation to 44th Legislative Assembly to  
Provide for Severance Tax on Lignite and/or Coal

WHEREAS, the North Dakota State Water Commission is charged with responsibility for the development of plans, programs, rules, regulations and recommendations concerning the beneficial use of all the waters of the state; and

WHEREAS, fossil fuel development to meet the energy needs of the nation will have great impact upon the state's water resources and will require substantial investments by state agencies in accommodating such development; and

WHEREAS, a severance tax on coal would provide revenues to the state and its political subdivisions for use in meeting the demands of energy development.

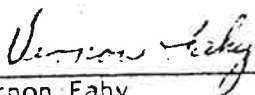
NOW, THEREFORE, BE IT RESOLVED that the North Dakota State Water Commission at its meeting held in Bismarck, North Dakota, on this 24th day of July, 1974, recommend to the 44th Legislative Assembly and its various Councils and Committees that legislative proposals be developed to provide for a severance tax on lignite and/or coal sufficient to assure a dedicated monetary capacity to the state and its agencies for the planning and implementation of lasting water and related land resource development throughout the state.

FOR THE NORTH DAKOTA STATE WATER COMMISSION:



ATTEST:

  
Arthur A. Link  
Governor-Chairman

  
Vernon Fahy  
Engineer-Secretary

July 24, 1974

WATER PERMIT REQUESTS FOR COMMISSION ACTION - JULY 24, 1974

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2082	Schmaltz, Adam - Tappen (Kidder County)	Ground Water	Irrigation	234.0 acre-feet 156.0 acres	234.0 acre-feet 156.0 acres
2084	Delzer, Raymond and Betty Jean - Bismarck (Burleigh County)	Unnamed Intermittent Streams, trib. to Burnt Creek and Missouri River	Irrigation	126.6 acre-feet storage 216.0 acre-feet annual use 216.0 acres	126.6 acre-feet storage 216.0 acre-feet annual use 216.0 acres
2067	McLean County Land Company - Minot (McLean County)	Ground Water	Irrigation	202.5 acre-feet 135.0 acres	202.5 acre-feet 135.0 acres
2050	Decker, Arthur - South Heart (Stark County)	Unnamed Intermittent Draw, trib. to Antelope Creek and the Heart River	Irrigation - Waterspreading	172.0 acre-feet 86.8 acres	86.8 acre-feet 86.8 acres
2078	Miner, Richard - Grand Forks (Griggs County)	Sheyenne River, trib. to Red River	Irrigation	166.0 acre-feet 83.0 acres	83.0 acre-feet 83.0 acres
2085	Renner, Ted - Dickinson (Stark County)	Heart River, trib. to Missouri River	Irrigation	28.0 acre-feet 14.4 acres	14.4 acre-feet 14.4 acres

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2060	Kyllo, Robert - McCanna (Grand Forks Co.)	Ground Water	Irrigation	861.0 acre-feet 861.0 acres	861.0 acre-feet 861.0 acres
2066	Krebsbach, Ralph M.- Warwick (Eddy County)	Ground Water	Irrigation	468.0 acre-feet 312.0 acres	468.0 acre-feet 312.0 acres
2072	Moser, Kenneth - Pollock, S.D. (Emmons County)	Oahe Reservoir	Irrigation	1044.0 acre-feet 522.0 acres	1044.0 acre-feet 522.0 acres
2074	Burke, Monty - McKenzie (Burleigh County)	Ground Water	Irrigation	1148.4 acre-feet 765.6 acres	1148.4 acre-feet 765.6 acres
2077	Serr, Henry - Hazelton (Emmons County)	Oahe Reservoir; or Ground Water	Irrigation	450.0 acre-feet 225.0 acres	450.0 acre-feet (Oahe); or 337.0 acre-feet (Ground Water) 225.0 acres
2054	Maier, Raymond - Hannover (Oliver County)	Unnamed Tributary, trib. to Sweet Briar Creek & Heart River	Irrigation - Waterspreading	18.2 acre-feet 18.2 acres	18.2 acre-feet 18.2 acres
2018	Schwab, Lester - Englevale (Ransom County)	Ground Water	Irrigation	465.0 acre-feet 310.0 acres	465.0 acre-feet 310.0 acres

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2079	Makeeff, Russell - Mercer (McLean County)	Ground Water	Irrigation	240.0 acre-feet 156.0 acres	234.0 acre-feet 156.0 acres
2080	Baeth, R. H. - McKenzie (Burleigh County)	Ground Water	Irrigation	693.5 acre-feet 462.3 acres	Defer pending further information and investigations
2081	Saeman, James - Wing (Burleigh County)	Ground Water	Irrigation	394.3 acre-feet 262.9 acres	394.3 acre-feet 262.9 acres
2068	Dvirnak, Alick and John - Killdeer (Dunn County)	Unnamed Intermittent Draw, trib. to Spring Creek and Knife River	Irrigation	116.0 acre-feet 58.0 acres	58.0 acre-feet 58.0 acres
2065	Madsen, James - Jamestown (Stutsman County)	Ground Water	Irrigation	640.0 acre-feet 299.2 acres	448.8 acre-feet 299.2 acres
2071	Frey, Carl - Jamestown (Stutsman County)	Ground Water	Irrigation	977.6 acre-feet 488.8 acres	733.2 acre-feet 488.8 acres
2099	Kessel, T. and Hocking, C.W. - LaMoure (LaMoure County)	Ground Water	Irrigation	1280.0 acre-feet 640.0 acres	960.0 acre-feet 640.0 acres



NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2070	McCullough, Steve - Oakes (LaMoure County)	James River	Irrigation	304.0 acre-feet 152.0 acres	228.0 acre-feet 152.0 acres
2076	Wachter Ranch - Bismarck (Burleigh County)	Ground Water	Irrigation	360.0 acre-feet 179.1 acres	269.0 acre-feet 179.1 acres
2062	Bodvig, Marvin - Tappen (Kidder County)	Ground Water	Irrigation	684.0 acre-feet 456.0 acres	684.0 acre-feet 456.0 acres
2087	Omdal, Clifford - Binford (Griggs County)	Ground Water	Irrigation	320.0 acre-feet 160.0 acres	Defer action pending further information and investigations.
2090	New Rockford Golf Club - New Rockford (Eddy County)	Ground Water	Irrigation	20.0 acre-feet 65.82 acres	20.0 acre-feet 65.82 acres (Approved by State Engineer on July 12, 1974)
2097	Bohrer, Duane - McKenzie (Burleigh County)	Ground Water	Irrigation	1057.0 acre-feet 705.0 acres	1057.0 acre-feet 705.0 acres

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2059	Oxbow Country Club and Estates - Fargo (Cass County)	Red River of the North	Irrigation	155.0 acre-feet 103.0 acres	155.0 acre-feet 103.0 acres
2061	Krueger, James and Walter - McKenzie (Burleigh County)	Ground Water	Irrigation	4188.8 acre-feet 2792.5 acres	4188.8 acre-feet 2792.5 acres
2091	Streich, Orrin R. - Oakes (Dickey County)	Ground Water	Irrigation	270.0 acre-feet 135.0 acres	200.0 acre-feet 135.0 acres
2089	Enzi, Kriss W. - Braddock (Emmons County)	Ground Water only; or Ground Water and Long Lake Creek	Irrigation	<u>Ground Water only;</u> 340.0 acre-feet <u>or Ground Water and</u> <u>Long Lake Creek</u> 240.0 acre-feet from Ground Water and 100.0 acre-feet storage from Long Lake Creek 156.0 acres	Defer action pending receipt of necessary information.
2069	Bartleson, Elmer - New Town (Mountrail County)	Little Knife River, trib. to Missouri River	Irrigation - Waterspreading	31.9 acre-feet 31.9 acres	31.9 acre-feet 31.9 acres

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2086	Gorrell, Jay - Trotters (McKenzie County)	Unnamed Creek, trib. to Smith Creek and Yellowstone River	Irrigation - Waterspreading	285.0 acre-feet 142.5 acres	142.5 acre-feet 142.5 acres
2094	Cline, Harry - Oakes (Sargent County)	Ground Water	Irrigation	640.0 acre-feet 320.0 acres	Defer action pending further information and investigations.
2105	Ladish Malting Company - Milwaukee, Wis. (Stutsman Co.)	Ground Water	Industrial	1680.0 acre-feet	806.0 acre-feet
2103	Roche, Mike - Manning (Dunn County)	Knife River, trib. to Missouri River	Irrigation - Waterspreading	250.0 acre-feet 125.0 acres	125.0 acre-feet 125.0 acres
2096	Kvamme, Sievert - Ruso (McLean County)	Ground Water	Irrigation	438.6 acre-feet 292.4 acres	438.6 acre-feet 292.4 acres
2107	Diocese of Bismarck Trust and Mary College, Inc. Trust - Bismarck (Burleigh County)	Ground Water	Irrigation	1000.0 acre-feet 550.8 acres	825.0 acre-feet 550.8 acres

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
767	Williston Country Club, Inc. - Williston (Williams County)	Little Muddy Creek, trib. to Missouri River	Irrigation	180.0 acre-feet 80.0 acres	120.0 acre-feet 80.0 acres (Action deferred in 1958 - See explanation below) **

\*\* Approval held up because of water supply problems in the Little Muddy River near Williston. Since that time, objections to permit have been cleared up because of Garrison Reservoir backwater in the appropriation area. Permit has been in use for sometime and Commission's Legal Counsel recommended current approval.

NORTH DAKOTA STATE WATER COMMISSION  
 FINANCIAL STATEMENT AUGUST 31, 1974  
 1973-75 APPROPRIATIONS

C5-1.2

	Available Funds APPROPRIATION	Disbursements TO DATE	AUG. '74	UNEXPENDED	Account Balances ENCUMB.	UNENCUMB.
<b>GENERAL OPERATIONS ACCOUNT</b>						
1003-SALARIES EXPENSE (1)	\$1,072,792.00	\$ 538,107.46	\$46,018.04	\$ 534,684.54	\$ -	\$534,684.54
2003-Fees and Services	177,225.00	91,298.68	5,453.77	85,926.32	-	85,926.32
3003-Supplies and Materials	163,600.00	113,151.68	3,685.41	50,448.32	-	50,448.32
4003-Equipment	39,500.00	18,434.43	586.15	21,065.57	-	21,065.57
5403-Red Basin Comm.	60,000.00	2,341.91	85.27	57,658.09	-	57,658.09
5413-Mo. River Basin Comm.	25,000.00	22,228.92	331.43	2,771.08	-	2,771.08
5423-Contract Fund (2)	<u>1,851,000.00</u>	<u>766,621.38</u>	<u>37,238.94</u>	<u>1,084,378.62</u>	<u>852,515.00</u>	<u>231,863.62</u>
TOTAL GENERAL OPERATIONS	\$3,389,117.00	\$1,552,184.46	\$93,399.01	\$1,836,932.54	\$852,515.00	\$984,417.54
339-West River Diversion (3)	250,818.00	113,959.74	6,956.56	136,858.26	-	136,858.26

(1) Includes \$90,000.00 Federal Grant  
 Includes \$49,000.00 transfer from Contract Fund to Salaries

(2) Includes \$900,000.00 Project Collections

(3) Includes \$55,000.00 Federal Grant

OBJECT BUDGET COMPARISON  
1973-1975 BIENNIUM

September 17, 1974  
SWC File C5-1.4

C.B.J. CODE	OBJECT DESCRIPTION	AUGUST 1974 EXPEND.	JULY 1, 1973 AUGUST 31, 1974		BUDGET	EXP. % OF BUDGET TIME STD. (58.3) SAL. STD. 54
			EXPEND.	EXPEND.		
1000	Salaries	\$ 41,547.64	\$ 484,369.92	\$ 973,192.00	50	
1820	OASIS	126.91	1,980.06	4,000.00	49	
1830	Social Security	2,307.67	25,751.72	43,000.00	60	
1840	Medical Insurance	611.72	7,817.59	12,000.00	65	
1850	Workman's Compensation	-	1,817.30	4,000.00	45	
1880	State Retirement	1,424.10	16,370.87	36,000.00	45	
	TOTAL SALARIES & WAGES	\$ 46,018.04	\$ 538,107.46	\$ 1,072,792.00 (1)	50	
2110	Meals and Lodging	\$ 2,321.78	\$ 32,348.75	\$ 77,225.00	42	
2120	Personal Vehicle Mileage	186.72	2,880.39	8,000.00	36	
2130	Commercial Transportation	705.08	8,642.19	15,000.00	57	
2150	Miscellaneous Travel	81.64	1,625.61	4,000.00	41	
2210	Water-Garbage	5.40	78.05	300.00	26	
2220	Natural Gas	3.00	531.15	1,000.00	53	
2230	Electricity	5.00	450.18	900.00	50	
2310	Rental-Equipment	394.50	3,036.00	5,000.00	61	
2410	Postage	235.98	3,027.35	6,000.00	50	
2420	Telephone	458.42	3,615.55	5,000.00	72	
2510	Repair-Equipment	366.71	5,246.36	12,000.00	44	
2513	Maintenance Contracts	266.00	3,323.86	5,000.00	66	
2560	Repair-Building & Grounds	-	-	500.00	-	
2612	Legal Fees	-	-	500.00	-	
2613	Audit Fees	-	-	700.00	-	
2614	Engineering Fees	-	411.11	1,500.00	27	
2618	Data Processing	105.93	2,573.52	5,000.00	51	
2619	Microfilm Service	-	-	1,000.00	-	
2650	Consulting Fees	-	3,884.00	3,900.00	99	
2682	Photographers Fees	92.74	1,280.00	2,500.00	51	
2699	Mis. Professional Fees	-	13,572.98	12,000.00	113	
2710	Fidelity Bond	-	10.00	100.00	10	
2720	Property Insurance	-	362.66	1,400.00	26	
2730	Liability Insurance	-	546.00	1,000.00	55	
2911	Radio-Newspaper Fees	21.00	369.12	500.00	74	
2912	Rewards-Premiums	-	-	500.00	-	
2914	Licenses and Taxes	4.00	244.25	700.00	35	
2915	Dues	-	2,233.00	3,000.00	74	
2916	Freight	15.50	294.43	2,000.00	15	
2999	Miscellaneous	184.37	527.80	1,000.00	23	
	TOTAL FEES & SERVICES	\$ 5,453.77	\$ 91,298.68	\$ 177,225.00	51	
3100	Office Supplies	\$ 293.05	7,819.87	\$ 19,200.00	41	
3105	Central Reproduction	126.35	3,061.34	2,500.00	122	
3120	Printing-Commercial	111.65	23,857.81	17,500.00	136	
3130	Books, Subscriptions	161.78	2,663.75	5,000.00	53	
3132	Films	68.40	906.48	1,900.00	48	
3133	Periodicals	-	46.50	100.00	46	
3600	Hdwe. & Bldg. Supplies	488.51	33,570.89	50,000.00	67	
3700	Motor Vehicle Supplies	1,938.48	22,917.50	35,000.00	65	
3800	Parts-Including Tires	637.53	18,297.91	31,400.00	58	
3959	Miscellaneous	-	149.97	1,000.00	15	
	TOTAL SUPPLIES & MATERIALS	\$ 3,685.41	\$ 113,151.68	\$ 163,600.00	69	

*N. Dakota State Water Commission  
Sept. 17, 1974*

CBJ. CODE	OBJECT DESCRIPTION	AUGUST 1974 EXPEND.	JULY 1, '73 AUGUST 31, '74 EXPEND.	BUDGET	EXP. % OF BUDGET TIME STD. (58.3) SAL. STD 54
4100	Office Equipment	\$ 586.15	\$ 3,472.63	\$ 5,500.00	63
4300	Motor Vehicles	-	9,905.64	26,500.00	37
4400	Machines & Equipment	-	5,056.16	7,500.00	67
	TOTAL EQUIPMENT	\$ 586.15	\$ 18,434.43	\$ 39,500.00	46
5423	Contract Payments	\$ 37,238.94	\$ 766,621.38	\$1,851,000.00(2)	41
5403	Souris-Red-Rainy R. Basin Comm.	85.27	2,341.91	60,000.00	4
5413	Missouri R. Basin Comm.	331.43	22,228.92	25,000.00	89
397	West River Diversion	6,956.55	113,959.74	195,818.00(3)	58
	TOTAL APPROPRIATION	\$100,355.56	\$1,666,144.20	\$3,584,935.00	46

(1) Appropriation \$ 933,792  
 Est. Federal Grant 90,000  
 Trans. from Cont. Fund 49,000  
\$1,072,792

(2) Appropriation \$1,000,000  
 Est. Collections 900,000  
\$1,900,000

(3) Appropriation \$ 195,818  
 Est. Federal Funds (Unknown)

\*\* 14/24 months - 58.3 percent biennium elapsed

Dist.  
 Comm.  
 VF  
 ME  
 KK

NORTH DAKOTA STATE WATER COMMISSION  
 FINANCIAL STATEMENT SEPTEMBER 31, 1974  
 1973-75 APPROPRIATIONS

C5-1.2

	Available Funds APPROPRIATIONS	Disbursements TO DATE    SEPT. '74		UNEXPENDED	Account Balances ENCUMB.	UNENCUMB.
<b>GENERAL OPERATIONS ACCOUNT</b>						
1003-SALARIES EXPENSE    (1)	\$1,072,792.00	\$ 586,308.18	\$48,200.72	\$ 486,483.82	-	\$486,483.82
2003-Fees and Services	177,225.00	97,053.04	5,754.36	80,171.96	-	80,171.96
3003-Supplies and Materials	163,600.00	120,406.86	7,255.18	43,193.14	-	43,193.14
4003-Equipment	39,500.00	21,491.28	3,056.85	18,008.72	-	18,008.72
5403-Red Basin Comm.	60,000.00	2,465.30	123.39	57,534.70	-	57,534.70
5413-Mo. River Basin Comm.	25,000.00	22,290.60	61.68	2,709.40	-	2,709.40
5423-Contract Fund        (2)	<u>1,851,000.00</u>	<u>793,617.97</u>	<u>26,996.59</u>	<u>1,057,382.03</u>	<u>813,915.00</u>	<u>243,467.03</u>
<b>TOTAL GENERAL OPERATIONS</b>	<b>\$3,389,117.00</b>	<b>\$1,643,633.23</b>	<b>\$91,448.77</b>	<b>\$1,745,483.77</b>	<b>\$813,915.00</b>	<b>\$931,568.77</b>
339-West River Diversion    (3)	250,818.00	118,963.76	5,004.02	131,854.24	-	131,854.24

(1) Includes \$90,000.00 Federal Grant  
 Includes \$49,000.00 transfer from Contract Fund to Salaries

(2) Includes \$900,000.00 Project Collections

(3) Includes \$55,000.00 Federal Grant



OBJECT BUDGET COMPARISON  
1973-1975 BIENNIUM

September 17, 1974  
SWC File C5-1.4

CBJ CODE	OBJECT DESCRIPTION	SEPT. 1974 EXPEND.	JULY 1, '73 SEPT. 30, '74 EXPEND.	BUDGET	EXP. % OF BUDGET TIME	
					STD. (62.5)	SAL. STD. 58.3
1000	Salaries	\$ 43,742.40	\$ 528,106.82	\$ 973,192.00	50	
1820	OASIS	94.53	2,074.59	4,000.00	49	
1830	Social Security	2,372.60	28,124.32	43,000.00	60	
1840	Medical Insurance	611.72	8,429.31	12,000.00	65	
1850	Workman's Compensation	-	1,817.30	4,000.00	45	
1880	State Retirement	1,384.97	17,755.84	36,000.00	45	
	TOTAL SALARIES & WAGES	\$ 48,200.72	\$ 586,308.18	\$ 1,072,792.00	(1)	50
2110	Meals and Lodging	\$ 3,692.37	\$ 36,041.12	77,225.00	42	
2120	Personal Vehicle Mileage	81.60	2,961.99	8,000.00	36	
2130	Commercial Transportation	698.70	9,340.89	15,000.00	57	
2150	Miscellaneous Travel	76.85	1,702.46	4,000.00	41	
2210	Water-Garbage	5.40	83.45	300.00	26	
2220	Natural Gas	-	531.15	1,000.00	53	
2230	Electricity	-	450.18	900.00	50	
2310	Rental-Equipment	164.50	3,200.00	5,000.00	61	
2410	Postage	154.92	3,182.27	6,000.00	50	
2420	Telephone	-	3,615.55	5,000.00	72	
2510	Repair-Equipment	167.70	5,414.06	12,000.00	44	
2513	Maintenance Contracts	113.50	3,437.36	5,000.00	66	
2560	Repair-Building & Grounds	-	-	500.00	-	
2612	Legal Fees	-	-	500.00	-	
2613	Audit Fees	-	-	700.00	-	
2614	Engineering Fees	-	411.11	1,500.00	27	
2618	Data Processing	-	2,573.52	5,000.00	51	
2619	Microfilm Service	-	-	1,000.00	-	
2650	Consulting Fees	-	3,884.00	3,900.00	99	
2682	Photographers Fees	122.12	1,402.12	2,500.00	51	
2699	Mis. Professional Fees	-	13,572.98	12,000.00	113	
2710	Fidelity Bond	-	10.00	100.00	10	
2720	Property Insurance	-	362.66	1,400.00	26	
2730	Liability Insurance	-	546.00	1,000.00	55	
2911	Radio-Newspaper Fees	17.70	386.82	500.00	74	
2912	Rewards-Premiums	-	-	500.00	-	
2914	Licenses and Taxes	-	244.25	700.00	35	
2915	Dues	439.00	2,672.00	3,000.00	74	
2916	Freight	-	294.43	2,000.00	15	
2999	Miscellaneous	20.00	547.80	1,000.00	23	
	TOTAL FEES & SERVICES	\$ 5,754.36	\$ 97,053.04	\$ 177,225.00		51
3100	Office Supplies	\$ 390.39	8,210.26	\$ 19,200.00	41	
3105	Central Reproduction	231.15	3,292.49	2,500.00	122	
3120	Printing-Commercial	150.50	24,008.31	17,500.00	136	
3130	Books, Subscriptions	171.50	2,835.25	5,000.00	53	
3132	Films	8.20	914.68	1,900.00	48	
3133	Periodicals	-	46.50	100.00	46	
3600	Hdwe. & Bldg. Supplies	2,332.97	35,903.86	50,000.00	67	
3700	Motor Vehicle Supplies	3,401.53	26,319.03	35,000.00	65	
3800	Parts-Including Tires	568.94	18,866.85	31,400.00	58	
3959	Miscellaneous	-	9.63	1,000.00	15	
	TOTAL SUPPLIES & MATERIALS	\$ 7,255.18	\$ 120,406.86	\$ 163,600.00		69

C&J CODE	OBJECT DESCRIPTION	SEPT. 1974 EXPEND.	JULY 1, '73		BUDGET	EXP. % OF BUDGET TIME STD. (62.5) SAL. STD 58.3
			SEPT. 30, '74 EXPEND.			
00	Office Equipment	\$ 209.85	\$ 3,682.48	\$ 5,500.00		63
4300	Motor Vehicles	2,847.00	12,752.64	26,500.00		37
4400	Machines & Equipment	-	5,056.16	7,500.00		67
	TOTAL EQUIPMENT	\$ 3,056.85	\$ 21,491.28	39,500.00		46
5423	Contract Payments	\$ 26,996.59	\$ 793,617.97	\$1,851,000.00(2)		41
5403	Souris-Red-Rainy R. Basin Comm.	123.39	2,465.30	60,000.00		4
5413	Missouri R. Basin Comm.	61.68	22,290.60	25,000.00		89
397	West River Diversion	5,004.02	118,963.76	195,818.00(3)		58
	TOTAL APPROPRIATION	\$ 96,452.79	\$1,762,596.99	\$3,584,935.00		46

(1) Appropriation \$ 933,792  
 Est. Federal Grant 90,000  
 Trans. From Cont. Fund 49,000  
\$1,072,792

(2) Appropriation \$1,000,00  
 Est. Collections 900,00  
\$1,900,00

(3) Appropriation \$ 195,818  
 Est. Federal Funds (Unknown)

\*\* 14/24 months - 62.5 percent biennium elapsed

Dist.  
 Comm.  
 VF  
 ME  
 KK

NORTH DAKOTA STATE WATER COMMISSION  
 FINANCIAL STATEMENT OCTOBER 31, 1974  
 1973-75 APPROPRIATIONS

C5-1.2

	Available Funds APPROPRIATIONS	Disbursements TO DATE	OCT. '74	UNEXPENDED	Account Balances ENCUMB.	UNENCUMB.
<b>GENERAL OPERATIONS ACCOUNT</b>						
1003-SALARIES EXPENSE (1)	\$1,072,792.00	\$ 633,917.83	\$ 47,609.65	\$ 438,874.17	\$ -	\$438,874.17
2003-Fees and Services	177,225.00	106,594.98	9,541.94	70,630.02	-	70,630.02
3003-Supplies and Materials	163,600.00	125,211.90	4,805.04	38,388.10	-	38,388.10
4003-Equipment	39,500.00	22,677.16	1,185.88	16,822.84	-	16,822.84
5403-Red Basin Comm.	60,000.00	7,865.60	5,400.30	52,134.40	-	52,134.40
5413-Mo. River Basin Comm.	25,000.00	22,647.41	356.81	2,352.59	-	2,352.59
5423-Contract Fund (2)	<u>1,851,000.00</u>	<u>953,748.80</u>	<u>160,130.83</u>	<u>897,251.20</u>	<u>774,615.00</u>	<u>122,636.20</u>
<b>TOTAL GENERAL OPERATIONS</b>	<b>\$3,389,117.00</b>	<b>\$1,872,663.68</b>	<b>\$229,030.45</b>	<b>\$1,516,453.32</b>	<b>\$774,615.00</b>	<b>\$741,838.32</b>
339-West River Diversion (3)	250,818.00	131,013.81	12,050.05	119,804.19	-	119,804.19

(1) Includes \$90,000.00 Federal Grant  
 Includes \$49,000.00 transfer from Contract Fund to Salaries

(2) Includes \$900,000.00 Project Collections

(3) Includes \$55,000.00 Federal Grant

OBJECT BUDGET COMPARISON  
1973-1975 BIENNIUMNovember 22, 1974  
SWC File C5-1.4

BJ. CODE	OBJECT DESCRIPTION	OCT. 1974	JULY 1, '73	BUDGET	EXP. % OF
		EXPEND.	OCT. 31, '74		STD. (66.6)
					SAL. STD 62.5
1000	Salaries	\$ 43,578.10	\$ 571,684.92	\$ 973,192.00	59
1820	OASIS	59.91	2,134.50	4,000.00	53
1830	Social Security	2,132.84	30,257.16	43,000.00	70
1840	Medical Insurance	611.72	9,041.03	12,000.00	75
1850	Workman's Compensation	-	1,817.30	4,000.00	45
1880	State Retirement	1,227.08	18,982.92	36,000.00	52
	TOTAL SALARIES & WAGES	\$ 47,609.65	\$ 633,917.83	\$ 1,072,792.00	(1) 59
2110	Meals and Lodging	\$ 4,073.68	\$ 40,114.80	\$ 77,225.00	52
2120	Personal Vehicle Mileage	125.04	3,087.03	8,000.00	38
2130	Commercial Transportation	1,040.13	10,381.02	15,000.00	57
2150	Miscellaneous Travel	205.37	1,907.83	4,000.00	47
2210	Water-Garbage	5.40	88.85	300.00	29
2220	Natural Gas	43.38	574.53	1,000.00	57
2230	Electricity	23.00	473.18	900.00	52
2310	Rental-Equipment	164.50	3,365.00	5,000.00	67
2410	Postage	848.19	3,182.27	6,000.00	50
2420	Telephone	-	4,463.74	5,000.00	89
2510	Repair-Equipment	384.95	5,799.01	12,000.00	48
2513	Maintenance Contracts	795.00	4,232.36	5,000.00	84
2560	Repair-Building & Grounds	-	-	500.00	-
2612	Legal Fees	-	-	500.00	-
2613	Audit Fees	-	-	700.00	-
2614	Engineering Fees	251.00	662.11	1,500.00	44
2618	Data Processing	156.90	2,730.42	5,000.00	54
2619	Microfilm Service	-	-	1,000.00	-
2650	Consulting Fees	-	3,884.00	3,900.00	99
2682	Photographers Fees	79.20	1,481.32	2,500.00	59
2699	Mis. Professional Fees	1,250.00	14,822.98	12,000.00	123
2710	Fidelity Bond	-	10.00	100.00	10
2720	Property Insurance	-	362.66	1,400.00	26
2730	Liability Insurance	-	546.00	1,000.00	55
2911	Radio-Newspaper Fees	21.20	408.02	500.00	81
2912	Rewards-Premiums	-	-	500.00	-
2914	Licenses and Taxes	-	244.25	700.00	35
2915	Dues	75.00	2,747.00	3,000.00	91
2916	Freight	-	294.43	2,000.00	15
2999	Miscellaneous	-	732.17	1,000.00	23
	TOTAL FEES & SERVICES	\$ 9,541.94	\$ 106,594.98	\$ 177,225.00	60
3100	Office Supplies	\$ 423.73	\$ 8,633.99	\$ 19,200.00	44
3105	Central Reproduction	193.62	3,486.11	2,500.00	139
3120	Printing-Commercial	161.00	24,169.31	17,500.00	138
3130	Books, Subscriptions	127.35	2,962.60	5,000.00	59
3132	Films	182.84	1,097.52	1,900.00	58
3133	Periodicals	-	46.50	100.00	46
3600	Hdwe. & Bldg. Supplies	332.63	36,236.49	50,000.00	72
3700	Motor Vehicle Supplies	2,326.46	28,645.49	35,000.00	82
3800	Parts-Including Tires	1,057.41	19,924.26	31,400.00	63
3959	Miscellaneous	-	9.63	1,000.00	15
	TOTAL SUPPLIES & MATERIALS	\$ 4,805.04	\$ 125,211.90	\$ 163,600.00	76

OBJ. CODE	OBJECT DESCRIPTION	OCT. 1974 EXPEND.	JULY 1, '73 OCT. 31, '74 EXPEND.	BUDGET	EXP. % OF BUDGET TIME STD. (66.6) SAL. STD 62.5
00	Office Equipment	\$ 1,120.88	\$ 4,803.36	\$ 5,500.00	87
4300	Motor Vehicles	-	12,752.64	26,500.00	37
4400	Machines & Equipment	65.00	5,121.16	7,500.00	68
	TOTAL EQUIPMENT	<u>\$ 1,185.88</u>	<u>\$ 22,677.16</u>	<u>\$ 39,500.00</u>	<u>57</u>
5423	Contract Payments	\$160,130.83	\$ 953,748.80	\$1,851,000.00	(2) 51
5403	Souris-Red-Rainy R. Basin Comm.	5,400.30	7,865.60	60,000.00	13
5413	Missouri R. Basin Comm.	356.81	22,647.41	25,000.00	90
339	West River Diversion	12,050.05	131,013.81	195,818.00	(3) 67
	TOTAL APPROPRIATION	<u>\$241,080.50</u>	<u>\$2,003,677.49</u>	<u>\$3,584,935.00</u>	<u>56</u>

(1) Appropriation \$ 933,792  
 Est. Federal Grant 90,000  
 Trans. From Cont. Fund 49,000  
\$1,072,792

(2) Appropriation \$1,000,000  
 Est. Collections 900,000  
\$1,900,000

(3) Appropriation \$ 195,818  
 Est. Federal Funds (Unknown)

\*\* 16/24 months - 66.6 percent biennium elapsed

Dist.  
Comm.  
 VF  
 ME  
 KK