

MINUTES
NORTH DAKOTA STATE WATER COMMISSION
Held in the Office of the State Water Commission
December 10, 1965

MEMBERS PRESENT:

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

OTHERS PRESENT:

Fred J. Fredrickson, Planning Coordinator, Valley City
Vernon Cooper, Secretary-Treasurer, Garrison Diversion Conservancy District, Bismarck
Cliff Jochim, Special Assistant Attorney General, Bismarck

Governor Guy presiding.

The meeting opened at 9:40 a.m. with

MINUTES OF OCTOBER 29, 1965,
APPROVED

It was moved by Commissioner Arne Dahl,
seconded by Commissioner Steinberger and
carried that the minutes of October 29,

1965, be approved as circulated.

FINANCIAL STATEMENTS FOR
OCTOBER AND NOVEMBER, 1965 APPROVED

Secretary Hoisveen explained the increase
in the salary appropriation, which was
due to the transfer of funds from the

contract fund appropriation to salaries "1005", as authorized by the Emergency Commission at its meeting held October 27, 1965. The transfer was made on October 29, 1965. This will enable the State Water Commission to participate with the OEP authorization work, under Title 5 Funds. The Commission would be working with the Bureau of Indian Affairs at Belcourt and Fort Totten, as well as Fort Yates in training Indian personnel in survey work and creating several water projects.

It was moved by Commissioner Steinberger, seconded by Commissioner Arne Dahl and carried that the Financial Statements for October and November, 1965, be approved.

WILLOW CREEK SNAGGING AND
CLEARING PROJECT (#820)

Secretary Hoisveen reported that the
Willow Creek snagging and clearing project
did not materialize, although the Willow

Creek landowners had expressed a desire to have it classified as an emergency. The Commission staff spent considerable time with the sponsors of the project and had the necessary work well programmed. Senator Becker called the Water Commission office and indicated they were going to drop the project because they did not feel justified in spending emergency funds for this purpose, as the Attorney General had advised against it.

WALSH COUNTY WATER MANAGEMENT
DISTRICT REQUEST FOR COST
PARTICIPATION IN DRAINAGE DROP
STRUCTURE ADJACENT TO HIGHWAY 17
(1256)

Secretary Hoisveen stated that the Highway Department and the Walsh County Water Management District have had a rather difficult problem with regard to a drop structure in Drain #25 adjacent to highway #17. The highway ditch has been used as a

drainage ditch from which the water is diverted into Park River. At that point severe erosion has occurred. The Drain Board had placed a rubble drop structure in this area years ago which washed out and had to be replaced. In early 1950 the Water Commission had a request concerning this problem but it seemed impossible for the three agencies to agree in participation. It has now been suggested that the Highway Department take care of a certain per cent of the drainage structure costs. It is estimated that the total cost will be a little over \$8,000. The cost to the water management district would now approximate \$3,230, of which the State Water Commission would be eligible to pay 40 per cent of \$3,230 or \$1,292. The State Water Commission negotiated the proposal and it is recommended that they assume the suggested \$1,292 portion.

It was moved by Commissioner Steinberger, seconded by Commissioner Dushinske and carried that the Commission participate in the drainage drop structure adjacent to Highway #17 in the amount of \$1,292 which would be 40 per cent participation.

ST. JOHN'S GROUNDWATER STUDY
REQUEST (#798)

The Village of St. John is requesting that the Commission conduct a groundwater study for a municipal water supply in and near

that Village. It is their opinion that there might be water near the Village that would be more potable than the water they are presently using. The cost of a municipal ground-water study is \$3,000 and the Village has mailed a check in the amount of \$1,500 to the Commission as their share. Secretary Hoisveen recommended that the State Water Commission participate in the groundwater study to the extent of \$1,500.

It was moved by Commissioner Dushinske, seconded by Commissioner Hanson and carried that the State Water Commission participate in the groundwater study for the Village of St. John to the extent of \$1,500.

BISBEE REQUEST FOR DAM AND
RESERVOIR SURVEY (BIG COULEE
DAM) (#1418)

The City of Bisbee has endeavored for a number of years to secure a source of ground water for a municipal water supply. They have requested the State Water Commis-

sion to conduct a dam and reservoir survey on one of the branches of the Big Coulee. A dam in this area would also provide a recreation site for Bisbee. The City has forwarded the \$200 deposit for such survey.

It was moved by Commissioner Arne Dahl, seconded by Commissioner Dushinske and carried that the State Water Commission conduct a dam and reservoir survey for the City of Bisbee's municipal water supply.

**NORTHWOOD REQUEST FOR DAM
AND RESERVOIR SURVEY
(#1424)**

structing a dam to serve as a source of municipal water supply and recreation area. The \$200 deposit has been received by the Commission.

The City of Northwood's water is highly mineralized and the City is requesting the State Water Commission to make a survey, and study the feasibility of con-

**HATTON REQUEST FOR DAM AND
RESERVOIR SURVEY
(#1425)**

Hatton. Secretary Hoisveen stated that there was a possibility of constructing a dam on the Goose River which would serve both cities. It would be necessary to pump water for about six miles. The State Water Commission would not participate in the laying of the pipeline. Hatton has deposited the initial \$200 with the Commission.

The City of Hatton is gradually mining its water supply. It has been suggested that a dam and reservoir be constructed that would serve the cities of Northwood and

It was moved by Commissioner Dushinske, seconded by Commissioner Hanson and carried that the State Water Commission participate in the dam and reservoir survey for the cities of Northwood and Hatton.

**SOUTHWEST FARGO PROPOSED
CHANNEL CUTOFF (#1422)**

of Southwest Fargo. Meetings have been held with representatives of the industries in the vicinity of Southwest Fargo who are polluting the channel in this section of the river. The Commissioners discussed the pollution of streams in the State. Secretary Hoisveen stated that he did not have a cost estimate but he believed the cost would not exceed \$4,000 for the Water Commission's share. It is anticipated that the county will put in a new bridge and roadway in this area. This would afford an opportunity for making the installation at a minimum cost. It was recommended that the Cass County Engineer carry his north cross-section beyond the far bank and thus make it possible to design both the roadway and the channel change from the same survey. The amount of the participation could then be determined from the amount of excavation required for the new channel.

Secretary Hoisveen, through the use of a diagram, explained the need for the channel change on the Sheyenne River in the vicinity

It was moved by Commissioner Gray, seconded by Commissioner Hanson and carried that the State Water Commission participate in the proposed channel cutoff project on the Sheyenne River north of Southwest Fargo, not to exceed \$4,500.

**PROGRESS IN SNAGGING AND
CLEARING ON THE SHEYENNE
RIVER (#568)**

Wick is using a chipper to dispose of some of the trees. In some areas chips are being blown on pasture lands. He has been advised that the State Water Commission will not be responsible if the farmers object to having the chips on their land.

Secretary Hoisveen reported that Mr. Wick, contractor of the Barnes County snagging and clearing project, indicated that 20 per cent of the work is complete. Mr.

Industrial Builders is the contractor or the snagging and clearing on the Sheyenne River in Richland County. To date

they have completed 4 per cent of the total work. It was Secretary Hoisveen's opinion that their bid was much too low.

Sherman Plumbing, Heating and Excavating Company is the contractor for the snagging and clearing in Cass County. About 3 per cent of the work has been done, approximately two river miles. Some of the landowners are showing interest in picking up some of the timber that has been cut down.

The County Commissioners of Ransom County have not agreed to participate in the snagging and clearing in their county. Mr. Fredrickson and Mr. Jochim have been working on a bill which could be helpful in taking care of situations such as exist in Ransom County. Commissioner Gray stated that he had suggested the creation of a water management district and had offered the County Commissioners 4 to 5 years to repay the amount involved in the snagging and clearing of the 111 miles in Ransom County.

Commissioner Dahl leaves the meeting.

PROPOSED LEGISLATION PERTAINING
TO RESPONSIBILITY OF COUNTY
COMMISSIONERS IN SNAGGING AND
CLEARING

Mr. Fredrickson stated that the original law pertaining to removal of obstructions in the channel of nonnavigable streams was enacted almost 50 years ago. The law provided that the riparian owner of lands lying adjacent to nonnavigable streams or rivers shall prevent trees, logs, etc. from becoming lodged in the stream. Upon the complaint of any freeholder to the effect that the riparian owner is permitting logs, trees, etc. to fall into the stream, the board of county commissioners shall investigate the matter and if it is found that the riparian owner is permitting logs, trees, etc., to become lodged in such stream, the county commissioners shall notify the riparian owner to remove the debris within 30 days and provided for a penalty if not removed. In 1963 the law was changed to authorize the county commissioners and the State Water Commission to do the work. The provision which made it possible to force the work to be done was repealed. As the law reads now it does not require anyone to do the work. The proposed revision of 61-01-23 was read by Mr. Fredrickson. The proposed legislation provides that a tax levy be made to defray the cost of such snagging and clearing improvement. If the Commissioners approved, the proposed legislation would be referred to the Legislative Research Committee for their consideration. At the present time the County Commissioners have no funds for this type of work.

Jochim stated that it was not necessary that the law be rewritten as the Commission could get a writ of mandamus. Fredrickson was of the opinion that the law should authorize the County Commissioners to make a levy.

Commissioner Gallagher stated that the word "nonnavigable" stream should be eliminated from the law. He called attention to the fact that in one place the law makes the county commissioners responsible and then makes a statement as to entry purposes, - the county commissioners, water management districts, etc. In one place the water management district is responsible and in another place the county commissioners are responsible. He felt that where counties have a water management district

that the water management district should have charge of the snagging and clearing. If there is no water management district or if the water management district has been dissolved, that the county would have charge. The tax levy should be limited to the area where the responsibility applies. Mr. Fredrickson stated that the water management district cannot levy without the approval of the county commissioners.

It was moved by Commissioner Gray, seconded by Commissioner Dushinske and carried that the proposed legislation relative to 61-01-23 be referred to the Legislative Research Committee for consideration.

**RIGHT OF ENTRY
(Commissioner Hanson)**

request permission from the landowner before entering upon his land. This matter has been called to his attention by various farmers.

Commissioner Hanson stated that before entering on land for surveys, etc. the agency planning to make the survey should

**MIDWEST GROUND WATER
CONFERENCE (A-70)**

There are usually 50 to 70 engineers and geologists representing 13 midwest states who get together each year to exchange ideas and the techniques relative to groundwater studies. It is a two day conference. North Dakota has much to offer a group such as this and can obtain good publicity through such a conference. Secretary Hoisveen recommended that the 1966 or 1967 meeting of the conference be held in North Dakota and that an invitation be forwarded to the group at their Minneapolis meeting to hold their next conference in North Dakota. The conference likes to have a sponsoring body to take care of details. This could be performed at no cost to the Commission.

Secretary Hoisveen stated that the Midwest Ground Water Conference is holding its session in Minneapolis at the present time.

It was moved by Commissioner Hanson, seconded by Commissioner Gallagher and carried that the staff of the State Water Commission extend an invitation to the Midwest Ground Water Conference to hold its 1966 or 1967 meeting in North Dakota.

Commissioner Dahl returns to the meeting.

**FAILURE OF STRUCTURAL WATERSHED
PROJECT SILL IN THE TONGUE RIVER
CUTOFF CHANNEL (#849)**

on the Tongue Watershed project, whereby the low flows would continue to pass through the regular channel and provide the adjacent landowner with water in accordance with riparian rights. The Soil Conservation Service constructed a low weir in the new channel which washed out. They put in a second weir which again washed out. The Soil Conservation Service feel they have done all they can and want to be relieved of responsibility. Through the use of a diagram Secretary Hoisveen explained what is happening in the river channel. Any structure that would be constructed now would be required to act as a drop structure in view of the channel degradation taking place. Without this structure the landowners along the regular stream are deprived of water. It is estimated that the project would cost \$50,000 to build. Mr. Fredrickson stated that the Soil Conservation Service wants to put the operation and

Secretary Hoisveen stated that in 1958 the State Water Commission insisted upon the Soil Conservation Service placing a channel weir in the proposed cutoff channel

maintenance cost on the local people but this is a failure beyond operation and maintenance. This is a part of the 1948 pilot project.

Secretary Hoisveen recommended that the Commission endeavor to have the Soil Conservation Service through their federal appropriation take care of projects of this type, as the other construction agencies in the federal government do so. He further stated that a great number of these projects are being constructed in the State and the responsibility is going to fall on the local people and the State Water Commission for such failures which are beyond the operation and maintenance scope of such projects. Secretary Hoisveen indicated that the State Water Commission has, on several occasions, cared for such contingencies when they have been responsible for taking calculated risks in regard to construction. Commissioner Dushinske thought that the State Water Commission should not establish a precedent in caring for these failures.

It was moved by Commissioner Dushinske, seconded by Commissioner Gallagher and carried that the Soil Conservation Service be advised that the reconstruction of the Tongue River cutoff is the responsibility of that agency as this cannot be construed as normal operation and maintenance.

NOME-LUCCA PROJECT -
BARNES COUNTY
(#1359 and #1377)

Secretary Hoisveen stated that in the Nome-Lucca and Fingal Projects two drains are involved. These projects have been previously discussed at two meetings of

the Commission, one of which was held in Lisbon on August 27, 1965. Through the use of a map he points out the areas involved in these projects. In the event that Drain "A" was constructed, water could be maintained at desirable levels for wildlife if culverts were installed above the stream bed. On Drain "B" there are slightly over 100 acres affected which would be detrimental to wildlife. This includes a lake close to the coulee. The Fish and Wildlife, the Game and Fish Department, the Soil Conservation Service and the State Water Commission have had personnel review the area and establish wetland acres that would be adversely affected. In order to make this project acceptable to the Bureau of Sport Fisheries and Wildlife and the Game and Fish Department it was decided that a sign up of wetlands be made on a ratio of three and a half acres for every acre adversely affected by the drain construction. The farmer can use the mitigated wetlands but he cannot artificially drain them and they cannot be levelled, filled or burned. The land must be available for wetlands when climatic conditions occur.

Commissioner Gray stated that it was hoped that out of this project criteria would be established for future projects. The farmers have lost about 6000 acres of previously tilled land because the land has not been drained. Drainage is a must in this area if the normally tillable acres are to be farmed.

In answer to Commissioner Dushinske's question as to what authority the Bureau of Sport Fisheries and Wildlife has over this area, Secretary Hoisveen stated that the Soil Conservation Service has been providing engineering and other technical services for developing final drainage plans and that their Washington office now has

a policy that states that any drainage activities carried on by the Soil Conservation Service must first be approved by the State Game and Fish Department. The Game and Fish Department, so far, has withheld approval of this project as currently proposed because of anticipated adverse affects upon wildlife habitat and propagation. This in effect gives the wildlife interests control because of refusal to permit engineering activities. A drain board could proceed with a project if they provided their own engineering and drainage funds. Commissioner Gallagher stated that 90 per cent of the work in the Nome-Lucca area had been accomplished by the Soil Conservation Service when they had to secure the approval of the State Game and Fish Department. The Game and Fish Department does not have the power to approve or disapprove projects. Gallagher was of the opinion that the Game and Fish Commissioner should have stated that he did not have power to approve or disapprove a project instead of stating that the Game and Fish Department would be losing land for wildlife habitat and propagation.

Commissioner Gray stated that one advantage to the project would be the flood control of some 6000 acres of land. A disadvantage to draining the land would be the creation of a flood problem for downstream farmers.

Governor Guy stated that if the drains are constructed on this basis several would be flooded, we would recover 102 acres that are now perpetually under water and protect 6000 acres that are occasionally flooded with water through mitigation of 357 acres. He indicated that these 357 acres would not be permanently inundated but only occasionally so and in view of this he did not feel that the 3.5:1 ratio was too much

Commissioner Gray stated that he had just talked to Mr. Stuart regarding the acres for mitigation. There will be another meeting on Monday or Tuesday. He felt that the Commission had gone as far as it could until a survey had been made. Mr. Skramstad would like to know what the Commission will do so the drain board can go ahead with their plans. Commissioner Gray recommended that the Commission agree to participate in the drain up to 40 per cent insofar as it provides for the drainage of land that has been traditionally and historically farmed. There was discussion on approving Commission participation on a conditional basis.

It was moved by Commissioner Gray, seconded by Commissioner Hanson and carried that the State Water Commission agree to participate in the Nome-Lucca and Fingal Projects providing that the drained waters are adequately contained to prevent flooding downstream and that the project does not substantially disturb historically tillable acres versus the wetland acres.

The meeting recessed and reconvened at 1:55 p.m. with Commissioner Gallagher presiding. Governor Guy and Commissioner Arne Dahl were not present.

BANK STABILIZATION (#576)

Secretary Hoisveen stated that problems will be coming up from time to time with regard to immediate and future sites requiring bank stabilization. The present authorization is for only \$3 million.

There is a problem as to furnishing operation and maintenance assurances. The O & M assurance requirements as established by the Corps of Engineers have been turned over to the Legislative Research Committee for consideration. Secretary Hoisveen told the Commissioners about an investigation trip he had made with Commissioner Gallagher where 60 acres of land had been eroded since November, 1965. As previously indicated the O&M feature of bank stabilization is considered excessive as far as the local legal entities are concerned. As directed, the Secretary has tried to get the Corps to back away from charging the Water Commission with this responsibility, and to date we have only been successful in obtaining one-half the assurances participated in by the local legal entities. If the cost of bank stabilization should be raised to \$20,000,000, the O&M costs would be much greater, in fact it would amount to \$300,000 annually. There should be an accelerated program as the landowners are subject to heavy land losses. At present, the navigation interests do not pay for operation and maintenance and are not required to furnish the assurances which are expected to be paid by the people of North Dakota. The Game and Fish Department recommended that there be access to the river for those who wish to fish along such work. This recommendation was made by the Game and Fish Department after the project was authorized; however, in future assurances that feature can be included as a part of the future agreements made with the local entities. This should provide a very desirable feature for future recreation along the Missouri River.

Commissioner Gallagher suggested that the State Water Commission staff prepare a paper on the necessity for eliminating the abc assurances which the State Water Commission is required to furnish to the Corps of Engineers on these projects.

It was moved by Commissioner Dushinske, seconded by Commissioner Hanson and carried that the State Water Commission staff prepare a paper on the necessity for eliminating the abc assurances and require that the developed area be provided with public access.

MASTER CONTRACT AND THREE-WAY
CONTRACT - Garrison Diversion
Conservancy District (#237)

Mr. Jochim stated that Vern Cooper had written a letter to the State Water Commission asking the Commission to review and approve the irrigation contracts needed

by the Bureau of Reclamation prior to December 14. He further stated that Mr. Cooper and Mr. Bielefeld and the Garrison Diversion Contract Committee have been working on the contracts since 1957 and have done an excellent job.

Mr. Cooper, by way of summarization, stated that the GDCD was going to take waters from the Missouri to serve a number of distribution works. The contracts cover (1) supply system and (2) a number of distribution works. The Master Contract is between the GDCD and the United States and relates to the supply system. The distribution system is covered by the three-way contract and relates to the initial 250,000 acres. The distribution contract is between the United States and the irrigation districts. The C-District will have a contract with the United States for the water supply and will contract in the three-way contract to supply them with a water supply for their distribution system. The United States will assume the O&M charges. The Master Contract has a provision that the Master Contract is

a part of the Three-Way contract. The Three-Way contracts have identical provisions. The only difference is that the supply works vary with the district and the water charges are different, based on payment capacity. Mr. Cooper explained the various water charges for each district. The contract provides for the O&M charges to be paid by C-District during the ten year development period. The revenue will be collected from the irrigation district or the irrigators. The revenue the C-District can raise is based on a one mill levy. The price of water is determined by actual cost of the O&M plus the cost of the Three-Way contract repayment. The water charges are involved in both contracts. There is a charge of 50 cents - 30 cents will come from the Garrison Conservancy District and 20 cents will come from the irrigation districts. The Three-Way contract varies with each district. The contracts also provide the minimum amount the irrigation district will pay and the maximum amount they will pay. Certain reserve funds will be established. When the irrigation districts were organized in the Garrison Diversion area, the procedure followed was that if an individual objected to having land in the district his land was left out. Cooper stated that there were a number of "missing" acres in each district. In one district only 10 per cent of the potential that can be irrigated has been left out. In another district it will be 20 per cent. He did not believe that there would be more than 15 per cent of "missing" acres. Whether the "missing" acres, if the irrigator decides he wants to come in, will be penalized is a policy that will have to be determined later. The farmers feel that once the development is completed the "missing" acres will be a part of the irrigation district.

Commissioner Gallagher asked if there was any great speculation of land in the districts. Cooper stated he did not think so and felt that it would be something that would be hard to control.

Mr. Jochim stated that in the Master Contract, Section 4(d) "It is agreed and understood that the United States claims all of the waste, seepage and return flow derived from water furnished under this contract * * * is retained for use by the United States." Jochim stated that it would appear that this would be in direct violation with the State Water Law, 61-01-01 where it states that all residual water belongs to the State. This problem can be overcome inasmuch as C-District has to apply to the State Engineer for a water right and will then conform with the State law. Mr. Cooper stated that the District had discussed this matter. What they are talking about is water from the Missouri, which will be used a number of times.

Another section referred to by Jochim was Section 6(a) - Transfer of O&M of Supply Works. "With the first announcement of water availability, the Contracting Office may transmit to C-District the first transfer notice." Jochim felt that this should be changed to "shall transmit to C-District." Mr. Cooper stated that the O&M are to be transferred to C-District when the water is available. He stated that the opposite of this type of reasoning is that C-District may be ready to transfer but the Bureau may not be ready or that the Bureau may be ready to transfer and C-District may not be ready. They had not anticipated that the Bureau would not be willing to turn over the project. The directors had discussed this and Cooper stated that to make any changes would necessitate going to Washington, which would cause considerable delay.

**POLICY ESTABLISHING PILOT WELLS
IN CONNECTION WITH POSSIBLE
IRRIGATION FROM GROUNDWATER**

As a result of an inquiry from Williams County for the Commission to offer a proposal on possible financing of a development well or wells in their

county to promote development of ground water, Secretary Hoisveen thought the pilot wells policy should be reviewed.

The Commission in the past has drilled pilot wells for irrigation districts only and this on the basis of the Commission paying for the costs of drilling and testing. If the well was successful, the district reimbursed the Commission for the cost of the casing and gravel pack. This has been done to encourage development of ground water and the test data obtained is also very useful in the administration of water rights as well as supplying hydrologic data on aquifers. The County Commissioners in Williams County request that the Commission give consideration to participating in a pilot well in their county to encourage the use of ground water, especially since the Lewis and Clark Irrigation Project and part of the Buford-Trenton Project may soon be inundated by the Garrison Reservoir. These projects have supplied feed for the livestock industry since the 1930's in this area.

It is felt that the county and the State both have an equal responsibility in fostering the use of the ground water resources. As a result a joint venture of working on a 50-50 basis with the county would be advisable. This would also eliminate the problem of the State directly benefitting an individual farmer. The county, in turn, could sign a repayment agreement whereby the landowner would reimburse them for the costs of the casing and gravel pack if the well is successful. It was felt that the county commissioners are better acquainted with individual farmers and their capabilities. This aspect would be helpful in developing successful projects through the use of a pilot well as the farmer who will utilize the resulting irrigation system is an important factor in promoting it. The approximate cost to the Commission on the construction of a pilot well on a 50-50 basis would be from \$1000 to \$1500. In some cases, where the county commissioners are less interested than in Williams County, it may be necessary to work through the landowner or some other sponsoring agency or group.

It was moved by Commissioner Gray, seconded by Commissioner Hanson and carried that the Commission approve the policy to establish pilot wells for irrigation in accordance with the suggestions made by the Chief Engineer.

WATER RIGHTS

#1337

The application of H. Daniel Frojen of Oakes, to divert 475 acre-feet of water from the James River for the purpose of irrigating 238.3 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 80 acre-feet from natural flows of the river to irrigate 80 acres, it was moved by Commissioner Hanson, seconded by Commissioner Gray and carried that the

application as modified by the recommendation of the State Engineer be approved and the permit granted for the diversion of 80 acre-feet from natural flows of the James River to irrigate 80 acres of land, subject to such conditions as indicated on the permit.

#1338

The application of the City of Coleharbor to divert 60 acre-feet storage, 140 acre-feet annual use from an intermittent stream tributary to the Garrison Reservoir for municipal purposes 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 60 acre-feet storage, 140 acre-feet annual use for municipal purposes, it was moved by Commissioner Hanson, seconded by Commissioner Gray and carried that the application be approved and the permit granted for the diversion of 60 acre-feet storage, 140 acre-feet annual use for municipal purposes, subject to such conditions as indicated on the permit.

#1339

The application of the Bureau of Sport Fisheries and Wildlife, Minneapolis, Minnesota, to divert 45 acre-feet of water for seasonal use, 49 acre-feet storage, from Pipestem Creek, tributary to the James River, 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 45 acre-feet seasonal use, 49 acre-feet storage for waterfowl production and stockwater, it was moved by Commissioner Hanson, seconded by Commissioner Gray and carried that the application be approved and the permit granted for the diversion of 45 acre-feet seasonal use, 49 acre-feet annual storage for waterfowl production and stockwater, subject to such conditions as indicated on the permit.

There being no further business the meeting adjourned at 3:30 p.m.

Milo W. Hoisveen
Engineer-Secretary

ATTEST:

William L. Gray
Governor-Chairman