

STATE WATER CONSERVATION COMMISSION
MINUTES OF MEETING HELD IN
Bismarck, North Dakota
April 16, 1962

MEMBERS PRESENT:

Governor William L. Guy, Chairman, Bismarck
Oscar Lunseth, Vice Chairman, Member from Grand Forks
Einar Dahl, Member from Watford City
Henry Steinberger, Member from Donnybrook
William Corwin, Member from Fargo
Richard Gallagher, Member from Mandan
Math Dahl, Commissioner of Agriculture & Labor, Bismarck
Milo W. Hoisveen, Secretary and State Engineer, Chief Engineer, Bismarck

OTHERS PRESENT:

Lewis Volk, Bismarck
Ralph Larson, Ryder
A. M. Oberg, Ryder
Joseph Kraft, Ryder
Jerrall Nelson, Ryder
Archie Seebart, FHA, Bismarck
Roger Runestrand, FHA, Bismarck
R. J. Sailer, Bismarck
G. A. Freeman, Bureau of Reclamation, Bismarck
W. H. Mondell, Attorney, Bureau of Reclamation, Billings
Frank Kordonowy, Mayor, Belfield
Ignatius Kessel, Alderman, Belfield
Hugh McGarvey, Belfield
Sam Krevouchka, Belfield
Don Kuskelly, Dickinson
George Dynes, Dickinson
A. P. Reporter Reeder, Bismarck

The meeting was opened at 9:30 a.m. with Governor Guy presiding. Present were Commissioners Corwin, Steinberger, Einar Dahl, Richard Gallagher, Math Dahl, Vice Chairman Lunseth and Secretary Hoisveen.

APPROVAL OF MINUTES

The minutes of the March 13, 1962 meeting were approved by the commission members.

FINANCIAL STATEMENT
March 1962

The financial statement for March 1962 was reviewed by Secretary Hoisveen for the benefit of the commission members. The financial status of all departments is sound and the funds are being spent in accordance with the appropriation of the Legislature. There was discussion as to the legality of carrying over unencumbered funds from the 1959-1961 biennium. It was believed that some items obligated in the previous biennium could be paid for if the auditing board so permitted. It was moved by Commissioner Lunseth and seconded by Commissioner Corwin that the March 1962 financial statement be approved. Carried.

4-16-62

REQUEST FOR INCREASE IN SOIL
CONSERVATION SERVICE FLOOD
CONTROL PROJECTS

Secretary Hoisveen revealed that a number of letters of acknowledgment and support had been received from senators and congressmen. The acknowledgments were from Senators Ellender, Chavez, Young and Burdick and Congressmen Short and Nygaard and were relative to the possible increase in the size of projects of the Soil Conservation Service as authorized by P. L. 566. The suggested increase is from 5,000 acre-feet to 25,000 acre-feet. Bills have already been submitted to authorize the Soil Conservation Service to construct greater storage units for multiple use.

MOUSE RIVER WATER
AVAILABILITY PROBLEM IN
REGARD TO CANADIAN AND
UNITED STATES DIVISION

Secretary Hoisveen reported on the analysis of the availability of water from the Mouse River as submitted by the Canadians. The flow on the Mouse River was much below normal. Normal flow on the Mouse River is 77,000 acre-feet through the Sherwood Station. To date only 2974 acre-feet of water is permitted to pass over the boundary from Canada. According to the stipulation included in the order establishing the Souris River Board of Control, one-half of the water rising in Canada is to be released to the United States. This amount is short by 1761 acre-feet. It is possible that before the season is over Canada will be able to make up the deficit that has occurred. Canada has a storage approximating 48,700 acre-feet in Boundary Dam Reservoir on Long Creek a tributary of the Mouse River, on which demands possibly can be made to meet Manitoba requirements. According to the International Joint Commission's decree 20 cfs is to be released from the Westhope station between June 1st and October 15th. This amount will be reduced if it is found necessary to invoke drouth criteria, Secretary Hoisveen contended. It is possible that the Souris Board can formulate an exchange whereby the acre-feet will be materially balanced between the two Nations. Secretary Hoisveen reported, that, as a United States representative on the International Souris River Board of Control, he planned to call a meeting of that group on May 8th and if it is the wish of the commission he would request drouth conditions be immediately invoked. It was suggested that the commission authorize Secretary Hoisveen to further evaluate the water situation on the Mouse River and if drouth conditions exist in the Mouse Basin that the releases to Manitoba be curtailed. It was the opinion of the commission that the term "subnormal moisture conditions" should be used instead of "drouth conditions". It was moved by Commissioner Lunseth that Secretary Hoisveen be authorized to invoke subnormal moisture conditions in his negotiations with the Canadians on the curtailment of releases into Canada, if necessary. The motion was seconded by Commissioner Corwin. Carried.

RESOLUTION-
Earle F. Tucker

It was moved by Commissioner Einar Dahl and seconded by Commissioner Steinberger and carried that the following resolution be adopted by the State Water Conservation Commission relative to the death of Earle F. Tucker, former commission member from Bismarck:

RESOLUTION

Condolence - Death of Earle F. Tucker

WHEREAS, Earle F. Tucker, who served as a member of the North Dakota State Water Conservation Commission from the 1st day of May, 1948, until the 1st day of July, 1961, was called to his eternal rest on April 5, 1962; and

WHEREAS, he was an active and staunch advocate of the North Dakota water resources program and gave freely of his time and effort in furthering the development of the water resources of the state for irrigation, recreation and other beneficial public purposes; and

WHEREAS, the State of North Dakota, and especially the city of Bismarck, have, in the passing of Earle F. Tucker, lost a progressive and outstanding citizen.

NOW, THEREFORE, BE IT RESOLVED by the members of the North Dakota State Water Conservation Commission in meeting duly assembled this 16th day of April, 1962, in the city of Bismarck, North Dakota, that we hereby pay tribute to Earle F. Tucker for his many years of devoted and outstanding public service; and

That we extend to Mrs. Tucker our sympathy.

BE IT FURTHER RESOLVED that the Secretary of the State Water Conservation Commission mail to Mrs. Tucker a copy of this Resolution.

LETTER TO PRESIDENT
KENNEDY EXPRESSING
DESIRES OF GOVERNORS
OF 17 WESTERN STATES
CONCERNING RECLAMATION

Governor Guy informed the commission that the Governors of the 17 western states had sent a letter to President Kennedy pertaining to the needs for continuing our reclamation program. Secretary Freeman had raised an issue as to whether reclamation would be needed by 1980. Mr. Freeman had announced that the Nation in 1980 would require "50,000,000 fewer acres than we have in production today". The letter was sent to President Kennedy asking him to clarify his stand on reclamation. Secretary Hoisveen stated that he had mentioned the fact that the governors of the 17 western states had forwarded this letter to the President to Secretary Udall when he was in Bismarck. Secretary Udall expressed complimentary results to irrigation might be expected from such a letter. Governor Guy called attention to the fact that President Kennedy, in his message, did clarify that reclamation was not a thing of the past, that it was a necessary, continuing program.

YOUTH CONSERVATION
CORPS

It was called to the attention of the commission that a great deal of sentiment has developed relative to action needed for the establishment of a youth conservation corps, which would be similar to the CCC that existed back in the 1930's. A youth conservation corps would create an opportunity to conserve both natural and human resources. Such a bill is now before Congress. The House and Senate Committees have recommended the establishment of Youth Conservation Corps and Community Public Service Employment Programs. Under such program four needs will be met. 1. The Youth Conservation Corps will tackle the huge

backlog of conservation work; 2. The Community Service Employment Program will bolster essential community services; 3. Both programs will meet the employment needs of young people who are out of school but lack finances and background to go to college; and 4. Both programs will build self respect among young people. Secretary Hoisveen informed the commission that this information had been sent to all the National Reclamation Association directors and that such a program would materially aid the State Water Commission water resources program. It was the consensus of the members that this type of program is needed by the young people of our Nation and if the Water Commission can do anything to aid this program we should do all we can to support it. It was moved by Commissioner Steinberger and seconded by Commissioner Lunseth that the Water Conservation Commission support the legislation for the establishment of a Youth Conservation Corps and a Community Service Program and that the Secretary inventory projects which could be placed under this authority. Carried.

VILLAGE OF RYDER GROUND
WATER SURVEY

A delegation from the village of Ryder and the FHA requested audience with the commission. Secretary Hoisveen stated that they desired to be heard relative to a ground water study in their vicinity. The village has a financial problem that is rather difficult. In ground water studies the Commission has requested participation from the local community. The Council members of the village of Ryder state the FHA will give them a loan based on obtaining water. The communities requesting the water studies seem to have the idea that water is going to be found and if no water is found the communities are dissatisfied and feel the commission has not done all it could to make water available. The U. S. Geological Survey formerly participated in 50 per cent of these projects but they have withdrawn their support. The village of Ryder does not have sufficient money to participate in a detailed survey. They now have \$500 available to them. This would only result in a token type of survey. The U. S. Geological Survey will not participate on small ground water surveys. The village board cannot afford to go very far from town for water because of the delivery cost, consequently this limits the area in which the drill crew can conduct its activities. The village should contribute \$1,500 on the basis of what other communities pay. This would provide them with more reliable information and as to whether or not the ground water supply would be reliable for extensive well development. Mr. Larson, spokesman for the village of Ryder, stated that the village needed water, that they had made arrangements for a loan with the FHA, and that the details had been agreed upon as to their payment if water was located and also if no water was found. Mr. Seebart, FHA representative concurred in Mr. Larson's statement. Governor Guy explained that the Commission would consider whether to conduct a survey for Ryder not to exceed \$3,000, providing the village of Ryder would pay 50 per cent or \$1,500. Mr. Larson stated that that was agreeable with the village and that they were prepared to pay \$500 down at the present time and the remainder would be made available to the commission as soon as the FHA loan was processed. Secretary Hoisveen was of the opinion that the survey could be started within ten days. It was moved by Commissioner Lunseth and seconded by Commissioner Corwin that Secretary Hoisveen be authorized to conduct a ground water survey immediately for the village of Ryder upon receipt of \$500, the program not to exceed \$3,000, of which Ryder is to pay \$1,500. Carried.

PORTABLE ARC WELDER
2 CONCRETE VIBRATORS

The bids on the portable arc welder and the 2 concrete vibrators were reviewed by the commission. It was moved by Commissioner Gallagher and seconded by Commissioner Lunseth that the commission accept the lowest responsible bidder

for the two concrete vibrators and the welder which were the William O. Shirley Company of Fargo and the General Diesel Equipment Company of Fargo. Carried.

**CRAWLER TRACTOR
BID** The commission reviewed the bids on the crawler tractor. It was moved by Commissioner Gallagher and seconded by Commissioner Lunseth that subject to availability of funds the commission accept the lowest bidder who meets the specifications. The low qualified bidder was the Northwest Equipment Company of Bismarck. A low bid submitted by the Krider Equipment Company did not comply with specifications. Carried.

**SPECIAL STUDY COMMITTEE -
ACQUISITION OF LAND** Mr. R. J. Sailer appeared before the commission relative to the study that is to be made pertaining to the taking or acquisition of real property in Federal and federally-assisted programs. A special committee has been appointed to make such a study and Congressman Davis is chairman of the committee. Mr. Sailer pointed out that landowners in North Dakota already had a problem with land acquisition and he recommended that Governor Guy or a committee work with the National Reclamation Association in this endeavor. The purpose of the study as explained by Congressman Davis, is to make an objective study of existing laws, practices and procedures in the acquisition and evaluation of real property required for Federal and federally-assisted programs. Governor Guy pointed out that the Attorney General has requested the Emergency Commission for funds to hire some one for 30 days to assemble all materials necessary on Federal land acquisition. He has requested \$1,000 plus expenses. The Emergency Commission has granted this amount and \$200 for expenses. The Attorney General had not made a specific request for the \$200 but if requested it will be approved. This is with regard to the Oahe land area only. Various groups should be a part of the study - the Fish and Wildlife, State Land Department, Water Conservation Commission and other agencies interested in Federal land acquisition. Either the Governor or a committee representing each of the various departments interested in the Federal land acquisition policy should be appointed. It was moved by Commissioner Lunseth and seconded by Commissioner Math Dahl that the commission participate in the study pertaining to the taking or acquisition of real property in Federal and federally-assisted programs. Carried.

**DICKINSON-BELFIELD
MUNICIPAL WATER SUPPLY
FROM GREEN RIVER** A delegation from the cities of Dickinson and Belfield, together with Mr. G. A. Freeman, Bureau of Reclamation, and Mr. W. H. Mondell, Attorney for the Bureau of Reclamation, Billings, appeared before the Commission relative to the future water supply from the Green River. The cities of Dickinson and Belfield have applied for water rights on the Green River, tributary of the Heart. The Bureau of Reclamation has a water right on the Heart and its tributaries, which includes the Green River, and would object to the granting of water rights to these cities. Rather than have these two cities go through with their applications for a permit for a water right it was thought advisable to have them appear before the commission and determine the situation and make a definite ruling on the matter. It has been suggested by the North Dakota State Water Conservation Commission that a dam be constructed on the Green River by the Corps of Engineers, which would provide a municipal water supply for Belfield and augment Dickinson's present supply. The Bureau of Reclamation contends that its water right exists on the entire drainage basin of which the Green River is a tributary and is sufficient to meet Dickinson's requirements. The attorney for the city of Dickinson, Mr. Dynes, and the Mayor of the city of Belfield, Mr. Kordonowy stated that both cities were requesting

permits to divert water from the Green River, Mr. Freeman spoke in opposition to the granting of the water right permits, in view of the fact that the State Water Conservation Commission had already granted a water right to the Bureau of Reclamation on the Heart River and all its tributaries, which is all a part of the watershed and part of the proposed storage for Heart Butte Reservoir. Mr. Mondell, Attorney for the Bureau of Reclamation, explained the legal aspects of the situation and the procedure and policies of the Bureau of Reclamation concerning the Heart Butte Dam, the selling of water to the cities, the way water is allocated to the cities and to individuals interested in the purchase of water, the reserve necessary to maintain a proper reserve for those purchasing the water. He also explained the city of Dickinson's water purchase contract with the United States. The contract is for a 40 year period and Dickinson would be required to live up to its contract. The United States has no authority to cancel such a contract. After considerable discussion it was the opinion of the commission that they had no authority to pass on this matter and it would be advisable for these groups to meet with the Bureau of Reclamation to see what could be accomplished. It was moved by Commissioner Einar Dahl and seconded by Commissioner Math Dahl that the commission request the delegations from the cities of Dickinson and Belfield to meet with the Bureau of Reclamation, Mr. Sandwick, office engineer, and Mr. Sand, of the Attorney General's office, if that is agreeable, to arrive at some solution. Carried.

Mr. Mondell assured the commission members that the United States wanted at all times to cooperate with the water commission and to abide by the laws of the state of North Dakota.

Mr. Steinberger expressed the opinion that the commission should not give blanket water rights, in which the other commission members concurred.

The meeting recessed at 12:20 p.m. to reconvene at 1 p.m.

When the meeting of the State Water Commission reconvened all members were present with the exception of Governor Guy. Vice Chairman Lunseth presided.

**MAIN STEM STORAGE
POSSIBILITIES ON
MISSOURI RIVER**

Secretary Hoisveen indicated that a favorable water year on the Missouri River was being predicted. The prediction was based on snow surveys made in the mountains and upper Missouri watershed.

Indications are that the flow will possibly exceed the average annual flow by 15 to 25 per cent. This is a considerable contrast to the past eight years which have been below normal. A considerable increase in the quantity of water in the main stem reservoirs should result.

**GROUND WATER PROGRAM
FISCAL YEAR 1963**

Mr. Hoisveen stated that the ground water program for fiscal year 1963 is firmed up and the ground water program schedule set up for the year. Money has been received from several counties totalling \$30,000 which is available to the commission. The total ground water program approximates \$190,700, of which amount the State Water Commission's share is \$90,350, with the \$30,000 participation on the part of the counties in ground water surveys leaves \$60,000 directly chargeable to the commission. The commission will obtain credit for test drilling and also for the work of its geologist. Actually, the total output

of the commission will approximate \$62,000. This will mean that the commission will have to use around \$45,000 from the multiple purpose fund to meet the requirements of the commission. Contract forms have been prepared whereby the commission can employ drilling contractors on short notice. Secretary Hoisveen was of the opinion that some drilling should be contracted for to enable the commission to determine whether this method is successful or not. This should be done before the ensuing legislative session, as it may be necessary to have the Legislature appropriate money for drilling equipment. Commissioner Gallagher recommended that bids for hiring well drillers be let in various areas of the state and not confine the bidding to one driller. The U. S. Geological Survey has requested Congress for an increase in appropriation for ground water surveys. To date they have not received authorization for this increase. If the U. S. Geological Survey does not get its increase from Congress, it will curtail the water commission's program this year. There are ample funds in the multiple purpose fund for any emergency. It was moved by Commissioner Steinberger and seconded by Commissioner Corwin that the commission approve the ground water program, and that money from the multiple purpose fund be used, if necessary. Carried.

**KELLY LAKE IMPROVEMENT
PROJECT REQUEST FOR
COST PARTICIPATION**

The Kelly Lake project is located in an area east of the Grand Forks air base, which has possibilities of developing into a recreation area for use by Grand Forks and air base personnel. Survey studies were made by the Corps. Later, the Bureau of Land Management, who is making a survey of the alkali flat land about five miles below Kelly Slough, decided that the project might conceivably aggravate the alkali conditions in the flat area. Farmers have become apprehensive over what might happen to their land if the reservoir should become a reality. It was the opinion of the commission staff that the water of the lake would be offset by the artesian pressure and would not further aggravate the situation. A year ago last August, a meeting was held which Commissioner Lunseth attended. This matter was discussed quite thoroughly. The water commission was to drill holes to see what effect it might have, if a local entity was interested in meeting half the costs. The commission's drill rig, which had completed operations in the Walhalla area, was left in the area for a day or two waiting the decision of the local people to participate in the drilling cost. No organization indicated a desire to participate and as a consequence nothing further has been done on this project. Interest in the Kelly Slough project has been reactivated and they desire the commission to participate in the drilling program as outlined. Secretary Hoisveen wrote to Mr. Saumar's, Secretary of the Kelly Lake Improvement Association, informing him that the commission would participate to the extent of \$300. Earlier correspondence indicated that the survey would require \$500 from each entity or a total of \$1,000. Commissioner Lunseth reported that he had been approached a week or two ago about the project and he thought they were ready to proceed but he has heard nothing since that time. It was the opinion of the commission members that a legal entity or association should be the sponsor of this project. It was moved by Commissioner Corwin and seconded by Commissioner Gallagher that the commission participate in the Kelly Slough Development foundation studies and survey to the extent of \$300, provided a legal entity or association matches this amount. Carried.

**CHAIRMAN-MINNESOTA -
NORTH DAKOTA RED RIVER
PLANNING COMMISSION**

Secretary Hoisveen announced to the members of the State Water Commission that Commissioner Lunseth had been appointed the North Dakota chairman for the Minnesota-North Dakota Red River Planning Committee. Commissioner Corwin and Secretary Hoisveen are also

members of this committee.

ATTORNEY GENERAL'S OPINION REGARDING \$90,000 LIMITATION ON GUARANTEE BOND FUND

An opinion dated January 2, 1958, from the Attorney General's office relative to the \$90,000 limitation placed on the Guarantee Bond Fund was read by the Secretary. The Attorney General's opinion is Appendix A.

MEMORANDUM OF AGREEMENT BETWEEN GAME & FISH DEPARTMENT AND STATE WATER COMMISSION

The proposed memorandum of understanding between the State Water Conservation Commission and the State Game and Fish Department relating to the cooperative program for the construction and maintenance of dams in North Dakota was discussed. It was felt that the agreement should be written in such a way as to reserve the powers and responsibilities of the commission. It was recommended that Commissioner Gallagher and Secretary Hoisveen go over the agreement for presentation at the next meeting.

RESUME' OF FLOOD CONDITIONS IN EASTERN NORTH DAKOTA AND RESERVOIR FILLINGS IN THE STATE

Secretary Hoisveen reported on flood conditions in the eastern part of the state. He also reported that Smisek, Kota Ray, McVille and Hunter reservoirs were filled. The reservoirs at Armourdale, Froelich and Warsing were not filled. The Commission was informed that Golden-Rush Lake chain had been filled through diversion system the commission had installed on Beaver Creek in Steele County.

GOLDEN LAKE DIKE

Golden Lake had over 3,580 acre-feet this year. Considering seepage and evaporation, losses approximating 4,000 acre-feet of water were diverted into Rush and Golden Lakes from Beaver Creek during the spring runoff period. The Golden Lake Restoration Association has expressed a desire to construct a dike and raise Golden Lake another two feet. Mr. Eugene Anderson, President of the Golden Lake Mutual Aid Corporation called the commission office and stated they can make available their one-third of the cost of raising the dike on the north end. Mr. Anderson had also called the Game and Fish Department and requested their participation in this project. No commitment on the part of the Game and Fish Department was made, as Mr. Stuart wanted more detail from the State Water Conservation Commission on what is proposed. It was moved by Commissioner Corwin and seconded by Commissioner Einar Dahl that the State Water Conservation Commission cooperate in the raising of the dike at Golden Lake to the extent of \$800 if the Game and Fish Department find it feasible to cooperate with a like amount and if the local entity participates with an equal amount. Carried.

REVIEW OF MISSOURI BASIN STATES PROJECTS BY INTERIOR AND INSULAR AFFAIRS COMMITTEE

Senator Anderson, chairman of the subcommittee on Interior and Insular Affairs has raised the question regarding the project authorization under the Flood Control Act of 1944. Senator Anderson contends that the projects in question should be reauthorized. This is the procedure being followed by the proponents of the Garrison Diversion Unit. The Bureau of Reclamation has been required to follow this procedure. The Corps of Engineers, on the other hand, assume their projects in the Missouri Basin have approval. The irrigation and Reclamation Subcommittee scheduled a hearing for April 10, 1962 with respect to authorization of the various projects incorporated in the Flood Control Act

of 1944. Mr. Fredrickson was present at this hearing and reported that nothing significant came out of it.

LETTER PERTAINING TO PROPOSAL TO UNITE NORTH DAKOTA STATE WATER COMMISSION WITH THE STATE SOIL CONSERVATION COMMITTEE

A copy of a letter addressed to Mr. R. L. Dushinske, President of the North Dakota Water Users Association, from Mr. William DeKrey, President of the North Dakota Association of Soil Conservation Districts, was received by the State Water Commission. The letter referred to a purported statement made by Mr. Oscar Berg, secretary of the North Dakota Water Users Association, that the State Water Conservation Commission and the State Soil Conservation Committee be combined into one commission. Secretary Hoisveen was of the opinion that Mr. Berg was more concerned with the fact that watershed projects constructed by the State Soil Conservation Commission should be reviewed by the State Water Commission before they are recommended for congressional action. The general consensus of opinion expressed by the commission members was that it is not advisable to combine the two departments. It was suggested that the secretary of the State Soil Conservation Committee be invited to attend a meeting of the State Water Commission and possibly a representative of the State Water Commission could then attend the meetings of the State Soil Conservation Committee. Commissioner Lunseth suggested that the Secretary make a cursory examination of the situation and report to the commission members at their next meeting a practical way to meet with them so the commission will know what is going on in the Soil Conservation meetings. This procedure was particularly desirable in regard to watershed projects. It was also suggested that Secretary Hoisveen meet with the State Soil Committee and the Water Users Association to develop mutual cooperation in water resources development. It was then moved by Commissioner Steinberger and seconded by Commissioner Gallagher that Secretary Hoisveen investigate the possibility of meeting with the State Soil Conservation Committee and the North Dakota Water Users Association to develop mutual cooperation in water resources development. Carried.

PROPOSED PILOTWELL IN CONNECTION WITH IRRIGATION DEVELOPMENT NEAR WILDROSE

Secretary Hoisveen reported that there was considerable interest in ground water survey in the Wildrose area. Mr. Frank Salveson of Wildrose is particularly interested in having the water commission drill a well on his land as a pilot well. He stated he would participate in the cost of such a well. Mr. Salveson was informed that the commission probably would not participate in his well cost but would run a pump test on his well if he wished. The information obtained from such a test would be helpful to Mr. Salveson and would be of value to the commission in the processing of water rights in the Wildrose area. It would aid the commission in determining water allocations with respect to the acreages that might be requested for future irrigation projects in the Wildrose area. Secretary Hoisveen recommended that a test pump study be made in the Wildrose area at an approximate cost of \$800. It was moved by Commissioner Gallagher and seconded by Commissioner Steinberger that the Secretary be authorized to expend \$800 for a test pump in the Wildrose area. Carried.

EDDY COUNTY GROUND WATER REQUEST AS A COOPERATIVE ENDEAVOR WITH FOSTER COUNTY

A letter was read from the Eddy County Commissioners in which they expressed a desire for the State Water Commission to make a detailed underground water survey for Eddy County. They also expressed a desire to have the survey made in conjunction with the Foster County survey which has now been authorized. Mr. Hoisveen

informed the commission that this would tie in with the survey of Foster County. This survey will be scheduled on or about July 1, 1963. It was moved by Commissioner Math Dahl and seconded by Commissioner Gallagher that the Eddy County Commissioners be informed that the commission will not be making a survey in that area until 1963 and their application should be completed and filed with the State Water Commission so it will have priority for the 1963 biennium. Carried.

WATER RIGHTS

- #943 E. E. Ueckert, Beach, requests the right to divert 127 acre-feet of water from the north branch of Garner Creek, tributary to the Little Missouri River to irrigate 63.5 acres. It was moved by Commissioner Gallagher and seconded by Commissioner Math Dahl that E. E. Ueckert be granted the right to divert 127 acre-feet of water from the north branch of Garner Creek to irrigate 63.5 acres. Carried.
- #956 Elton Aarestad, McHenry, requests the right to divert 152 acre-feet of water from an unnamed waterway tributary to the James River for restoration and improvement of Round Lake for stockwater and wildlife. It was moved by Commissioner Gallagher and seconded by Commissioner Math Dahl that Elton Aarestad be granted the right to divert 152 acre-feet annual use plus storage of 205 acre-feet from an unnamed waterway tributary to the James River for restoration and improvement of Round Lake for stockwater and wildlife. Carried.
- #969 The city of Dunseith requests the right to divert 336 acre-feet of water from three wells for municipal purposes. It was moved by Commissioner Gallagher and seconded by Commissioner Math Dahl that the city of Dunseith be granted the right to divert 336 acre-feet of water from three wells for municipal purposes. Carried.
- #970 Raymond Schmidt, Manning, requests the right to divert 46 acre-feet from the Knife River and unnamed tributary of the Knife River to irrigate 23 acres. It was moved by Commissioner Gallagher and seconded by Commissioner Math Dahl that Raymond Schmidt be granted the right to divert 32 acre-feet of water from the Knife River and an unnamed tributary of the Knife River to irrigate 23 acres. Carried.
- #971 A. C. Graner and sons, Huff, request the right to divert 1323 acre-feet of water from the Missouri River to irrigate 600 acres. It was moved by Commissioner Gallagher and seconded by Commissioner Math Dahl that A. C. Graner and sons be granted the right to divert 1,200 acre-feet of water from the Missouri River to irrigate 600 acres. Carried.
- #972 Howard Lund, acting for Milton K. Higgins and Iris Higgins, requests the right to divert 270 acre-feet of water from the Garrison Reservoir to irrigate 135 acres. It was moved by Commissioner Gallagher and seconded by Commissioner Math Dahl that Howard Lund, acting for Milton K. Higgins and Iris Higgins be granted the right to divert 246 acre-feet of water from the Garrison Reservoir to irrigate 135 acres. Carried.

#973 Chris Klein, Brantford, requests the right to divert 520 acre-feet of water from a well to irrigate 478.19 acres. It was moved by Commissioner Gallagher and seconded by Commissioner Math Dahl that Chris Klein be granted the right to divert 135 acre-feet of water from a well to irrigate 90 acres. Carried.

#974 Joseph Vetter requests the right to divert 71.2 acre-feet of water from Beaver Creek, tributary to the Missouri River to irrigate 35.6 acres. It was moved by Commissioner Gallagher and seconded by Commissioner Math Dahl that Joseph Vetter be granted the right to divert 71.2 acre-feet of water from Beaver Creek to irrigate 35.6 acres of land, subject to restrictions when downstream flow is less than 2.0 cfs. Carried.

#975 Melvin Hanson, Bismarck, requests the right to divert 30.4 acre-feet of water from a well and the Missouri River to irrigate 15.2 acres. It was moved by Commissioner Gallagher and seconded by Commissioner Math Dahl that Melvin Hanson be granted the right to divert 30.4 acre-feet of water from a well and the Missouri River to irrigate 15.2 acres. Carried.

#976 John Sullivan, Bismarck, requests the right to divert 975 acre-feet of water from the Cannonball and Missouri backwater to irrigate 488.9 acres. It was moved by Commissioner Gallagher and seconded by Commissioner Math Dahl that John Sullivan be granted the right to divert 975 acre-feet of water from the Missouri River and backwater from the Missouri River to irrigate 488.9 acres. Carried.

#977 Sunset Ranch, Bismarck, requests the right to divert 1070.6 acre-feet of water from the Missouri River to irrigate 535.3 acres. It was moved by Commissioner Gallagher and seconded by Commissioner Math Dahl that Sunset Ranch be granted the right to divert 1070.6 acre-feet of water from the Missouri River to irrigate 535.3 acres. Carried.

#978 Erling Paulson, Taylor, requests the right to divert 132 acre-feet of water from unnamed tributaries to the Knife River to irrigate 66 acres. It was moved by Commissioner Gallagher and seconded by Commissioner Math Dahl that Erling Paulson be granted the right to divert 66 acre-feet of water from unnamed tributaries to the Knife River to irrigate 66 acres. The irrigation is to be limited to water spreading during flood periods. Carried.

There being no further business the meeting adjourned at 2:25 p.m.

Respectfully submitted,

Milo W. Horisawa
Secretary

ATTEST:

William L. Berg
Governor

Appendix A

OPINION

State of North Dakota
 OFFICE OF THE ATTORNEY GENERAL
 Bismarck
 Leslie R. Burgum
 Attorney General

January 2, 1958

Mr. Milo W. Hoisveen
 Chief Engineer and Secretary of the
 State Water Conservation Commission
 Bismarck, North Dakota

Dear Mr. Hoisveen:

This office is in receipt of your letter under date of December 26, 1957, in which you set forth certain financial transactions of the State Water Conservation Commission relative to payment and retirement of its various series of bonds. It is our understanding that a sufficient sum of money has been accumulated to retire outstanding bonds and that after payment of the bonds, there is a balance of \$37,569.49, consisting of \$4,069.49 in cash and \$13,500.00 invested in U.S. Bonds, which bear interest at the rate of 2 $\frac{1}{4}$ % to 2.76% per annum, and \$20,000.00 in bonds of the Sioux Irrigation District. You have submitted the following request for our consideration as to what disposition the Commission is required to make of these assets:

(A) "Can the Commission establish a fund with these securities and cash that becomes available to be used for the development of water resources in the future?"

Our answer to the foregoing question is that it is our opinion that the Commission must have legislative authorization in order to create a fund for the development of water resources.

(B) "Can the Commission reimburse its construction bond guarantee fund with cash that accrues from interest payments and maturing securities remaining in the sinking fund to restore it to the original amount of \$90,000.00 and add to this fund with the additional cash that will become available in later years from interest and the retirement of remaining investments?"

Our answer to this question is that since section 61-0257 of the North Dakota Revised Code of 1943 provides that moneys appropriated to the Commission in 1939 and 1941, totaling \$90,000.00 shall be available as a continuing revolving fund, it is our opinion that assets remaining in a sinking fund should be used to cover any impairment or deficiency in the bond guarantee fund. But it is also our opinion that the bond guarantee fund cannot be legally increased beyond the amount appropriated without authorization by the legislature.

(C) "...Can the Commission deposit the funds that will accrue in later years from interest and retirement of these remaining investments to the credit of its construction bond guarantee fund in increasing it above its original \$90,000.00 level without legislative authorization?"

This question has already been answered. It is our opinion that legislative authorization must be obtained before the bond guarantee fund can be legally increased.

We direct your attention to Section 186 of our State Constitution, as amended, sometimes referred to as the "Jackpot" Amendment.

Very truly yours,

LESLIE R. BURGUM
Attorney General

NORTH DAKOTA STATE WATER CONSERVATION COMMISSION
 MONTHLY REPORT OF APPROPRIATIONS AS OF APRIL 30, 1962
 1961 - 1963 APPROPRIATIONS

FUND	AVAILABLE FUNDS		DISBURSEMENTS		FUND BALANCES		
	APPROPRIATION	RECEIPTS	TO DATE	APR'62	UNEXPENDED	ENCUMD.	UNENCUMD.
1. COMM PER DIEM & EXP	6,000.00	.00	2,018.56	258.63	3,981.44	132.39	3,849.05
2. ADMINISTRATION	62,000.00	736.53	27,271.69	3,763.75	35,464.34	1,335.16	34,131.68
3. MAINTENANCE OF DAMS	150,000.00	57,410.18	132,605.74	4,458.90	74,804.44	25,503.56	49,300.78
4. INT'L & INTERSTATE EXP	10,000.00	.00	1,992.46	283.22	8,007.54	161.82	7,845.72
5. TOPOGRAPHIC SURVEYS, USGS	30,000.00	.00	9,421.66	1,671.27	20,578.34	20,578.34	.00
6. HYDROGRAPHIC SURVEYS, USGS	27,500.00	.00	11,559.38	.00	15,940.02	6,190.02	9,750.00
7. ENGR & GEOL SURVEYS	50,000.00	19,200.00	34,703.36	2,473.16	34,496.64	10,613.67	23,882.97
8. COOP WITH U. S. DEPT.	60,000.00	.00	17,277.60	1,722.15	42,722.40	438.00	42,284.40
9. ENGINEERING INVESTIGATIONS	145,000.00	2,000.00	55,996.10	5,166.70	81,003.90	1,164.09	80,339.81
10. ADM OF WATER RIGHTS	10,000.00	.00	3,715.41	.00	6,284.59	.00	6,284.59
	<u>550,500.00</u>	<u>79,346.71</u>	<u>286,562.56</u>	<u>19,797.73</u>	<u>333,234.15</u>	<u>66,115.15</u>	<u>267,169.00</u>

NORTH DAKOTA STATE WATER CONSERVATION COMMISSION
STATUS OF CONTINUING APPROPRIATIONS
AS OF APRIL 30, 1962

FUND	AVAILABLE FUNDS		DISBURSEMENTS		FUND BALANCES		
	APPROPRIATION	RECEIPTS	TO DATE	APR '62	UNEXPENDED	ENCUMD.	UNENCUMD.
20. MULTIPLE PURPOSE "CARRIED FORWARD"	300,000.00 163,503.61	24,374.60	47,942.35	1,757.14	440,015.36	329,319.31	110,696.55
21. CONST BOND GUARANTEE	90,000.00	18,214.74	20,539.00	.00	67,675.74	.00	67,675.74
22. SHOP BUILDING "SPECIAL"	30,000.00	.00	29,998.04	87.69	1.96	.00	1.96

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

SCHEDULE OF BONDS & INTEREST RECEIVABLE - FUND NO. 21

TYPE	DUE DATE	INTEREST RATE	INTEREST REC. TO MATURITY	PRINCIPAL AMT.	TOTAL INCOME ANTICIPATED
U. S. SERIES K BONDS	5-65	2.76%	\$ 144.90	\$1,500.00	\$1,644.90
U. S. SERIES K BONDS	4-67	2.76%	276.00	2,000.00	2,276.00
U. S. TREASURY BONDS	12-68	2.50%	525.00	3,000.00	3,525.00
SIoux IRRIG DISTRICT BONDS	1984 SERIALY	2.25%	4,938.75	17,500.00	22,438.75
			\$5,884.65	\$24,000.00	\$29,884.65
			FUND BALANCE		37,675.74
			LESS ORIGINAL APPROPRIATION		<u>-90,000.00</u>
			EXCESS		\$27,560.39

THE CONSTRUCTION BOND GUARANTEE FUND WILL ATTAIN ITS ORIGINAL CASH LEVEL OF \$90,000 IN 1964 AT WHICH TIME LEGISLATION WILL BE REQUIRED TO DETERMINE DISPOSITION OF THE FUNDS RECEIVED IN EXCESS OF THE ORIGINAL APPROPRIATION AS NOTED IN THE ATTY GEN OPINION DATED 1-2-58.

NORTH DAKOTA STATE WATER CONSERVATION COMMISSION
 MONTHLY REPORT OF APPROPRIATIONS AS OF APRIL 30, 1962
 1959 - 1961 APPROPRIATIONS

FUND	AVAILABLE FUNDS		DISBURSEMENTS		FUND BALANCES		
	APPROPRIATION	RECEIPTS	TO DATE	APR '62	UNEXPENDED	ENCUMB.	UNENCUMB.
1. COMM PER DIEM & EXP	6,000.00	.00	5,491.84	.00	508.16	.00	508.16
2. ADMINISTRATION	49,200.00	744.38	49,944.38	.00	.00	.00	.00
3. MAINTENANCE OF DAMS	115,000.00	161,981.19	276,981.19	.00	.00	.00	.00
4. INT'L & INTERSTATE EXP	10,000.00	41.93	10,026.20	.00	15.73	.00	15.73
5. TOPOGRAPHIC SURVEYS, USGS	30,000.00	.00	29,892.01	.00	107.99	.00	107.99
6. HYDROGRAPHIC SURVEYS, USGS	27,500.00	900.00	28,400.00	.00	.00	.00	.00
7. ENGR & GEOL SURVEYS	57,500.00	.00	57,359.37	.00	140.63	.00	140.63
8. COOP WITH U. S. DEPT, ETC	57,000.00	6.44	57,003.19	.00	3.25	.00	3.25
9. ENGINEERING INVESTIGATIONS	138,000.00	4,742.75	142,742.75	.00	.00	.00	.00
10. ADM OF WATER LAWS	6,000.00	.00	5,977.73	.00	22.22	.00	22.22
11. OASIS CONTRIBUTIONS	6,500.00	2,957.83	9,131.43	.00	326.40	.00	326.40
	<u>502,700.00</u>	<u>171,374.52</u>	<u>672,950.14</u>	<u>.00</u>	<u>1,124.38</u>	<u>.00</u>	<u>1,124.38</u>

NORTH DAKOTA STATE WATER CONSERVATION COMMISSION
PAYROLL - APRIL 30, 1962

SALARIED EMPLOYEES

NAME	POSITION	PAY GRADE	REMARKS	SALARY APR '62	WITH. TAX	SOC. SEC.	INS	BONDS	NET
HOISVEEN, MILO W.	STATE ENGR	O-9	INC JUL '61	950.67	139.20	29.71		37.50	744.26
ANDERSON, LARRY	RODMAN	C-6	INC APR '62	220.42	30.00	6.39			183.53
DAESLER, GORDON	DRAFTSMAN	G-4	INC JUN '61	399.67	51.30	12.49			335.98
BARES, KATHLEEN	TYPIST	C-5	INC DEC '61	214.67	28.50	6.71			179.46
BURKHARTSMEIER, G.	DRILLER	E-5	PER MAR '62	366.55	53.30	11.45			301.30
COOPER, VERNON S.	ASST SECY	1/2M-7	INC JUL '61	393.84	71.30	12.31	20.45		289.78
ENGSTROM, VIRGLE	RODMAN	C-5	INC APR '62	214.67	28.50	6.71			179.46
FREDRICKSON, FRED	COORDINATOR	G-6	INC JUL '61	421.67	47.40	13.18			361.09
GEHRING, EDNA	FILE CLERK	C-8	INC JUL '61	231.92	41.40	7.25	8.20		175.07
GRINDBERG, ALAN	ENGINEER	J-9	INC MAR '62	640.67	98.80	20.02			521.85
HILAND, LEONE	CH STENO	F-7	INC JUL '61	373.67	47.00	11.68	8.20		306.79
KNUTSON, LEWIS	DRILLER	G-3	INC AUG '61	388.67	39.30	12.15			336.72
MOSER, IRVIN	RODMAN	C-10	RES MAR '62	121.71	6.95	3.30			110.96
NELSON, C. P.	ENGINEER	K-4	INC MAR '62	651.67	88.80	20.36			542.51
PEDERSON, GARY	OFF ASST	1/2C-6	INC MAR '62	135.26	12.10	4.23	7.90		111.03
PUTZ, ROY	OFF ASST	D-7	INC JUL '61	196.67	15.60	6.15	8.20		166.72
REITER, DANIEL	FOREMAN	G-7	INC MAY '61	432.67	37.40	13.52	20.45	37.50	323.30
RIVINIUS, MERRIL	ENGINEER	H-10	INC OCT '61	529.17	85.40	16.54	8.45		418.78
SACKMAN, EUGENE	INST MAN	F-9	INC APR '62	392.67	21.30	12.27	20.45		338.65
SANDWICK, HAZEN	ENGINEER	M-3	INC DEC '61	707.67	76.00	22.11	20.45	37.50	551.61
SCHMID, ROGER	GEOLOGIST	H-2	INC JAN '62	429.17	37.40	13.41			378.36
SCHULZ, DELTON	ENGINEER	H-10	INC FEB '62	529.17	85.40	16.54			427.23
SCHULZ, JIM	ACCOUNTANT	H-4	INC JUN '61	454.17	51.00	14.19			389.98
SCHWINKENDORF, DON	INST MAN	E-10	INC AUG '61	338.67	51.20	10.58			276.89
SWENSON, HELEN	TYPIST	D-1	STA JAN '62	225.00	40.70	7.03			177.27
VOELLER, PIUS	ASST FOREMAN	F-5	PER FEB '62	354.67		11.08			343.59
WALTERSON, HOWARD	FOREMAN	G-7	INC MAY '61	432.67	57.40	13.52	20.45		341.30
WALTERSON, JEAN	DRAFTSMAN	E-4	INC FEB '62	290.67	32.60	9.08			248.99
ZIEGLER, VICTOR	ENGINEER	M-3	INC DEC '61	707.67	106.00	22.11	21.20		558.36
<u>"HOURLY EMPLOYEES"</u>									
KNUTSON, LANNY	ASST DRILLER	1.85	INC OCT '61	324.68	49.60	10.15			264.93
				12,071.12	1,531.35	377.22	164.40	112.50	9,385.15