

MINUTES

North Dakota State Water Commission
 Meeting Held In
 Westward Ho Motel - Pioneer Room
 Grand Forks, North Dakota

December 7, 1977

The North Dakota State Water Commission held a meeting on December 7, 1977, at the Westward Ho Motel in Grand Forks, North Dakota. Governor-Chairman, Arthur A. Link, called the meeting to order at 9:00 a.m., and requested Secretary Vernon Fahy to present the agenda.

MEMBERS PRESENT:

Arthur A. Link, Governor-Chairman
 Alvin Kramer, Member from Minot
 Gordon Gray, Member from Valley City
 Arthur Lanz, Member from Devils Lake
 Arlene Wilhelm, Member from Dickinson
 Myron Just, Commissioner, Department of Agriculture, Bismarck
 Vernon Fahy, Secretary and State Engineer, North Dakota
 State Water Commission, Bismarck

MEMBERS ABSENT:

Richard Gallagher, Vice Chairman, Mandan

OTHERS PRESENT:

State Water Commission Staff Members
 Fletcher Poling, Basin Electric Power Cooperative, Bismarck
 Hank Trangsrud, Houston Engineers, Fargo
 Glennis Sanden, Representing Richland Rural Water Users
 Roger Stallman, Representing Richland Rural Water Users
 Trudy Jacoby, Grand Forks, Representing League of Women Voters of North Dakota
 Bernard Vculek, Crete, Representing James Valley Irrigation Association
 Chuck Rupe, Natural Gas Pipeline Company, Bismarck
 Robert W. Wagner, Dunn Center, Natural Gas Pipeline Company
 Ken Royse, Bismarck, Old West Regional Commission
 Gertrude Lizakowski, Grand Forks, Walsh County Landowner
 Bharat Parekh, Fargo, North Dakota State University
 Larry Isaak, Bismarck, Legislative Council
 Bruce Haskins, Bismarck, Legislative Council
 Lori Beer, Booz-Allen and Hamilton, Inc., West Grove, Pa.
 Chris Young, Booz-Allen and Hamilton, Inc., Weston, Conn.
 Jim Eastgate, Burleigh County Water Management District, Bismarck
 Milo W. Hoisveen, Bismarck

Proceedings of this meeting were tape recorded to assist in compilation of the minutes.

Attendance Register is on file in the State Water Commission office for the meeting held December 7, 1977 (filed with official copy of Minutes)

**CONSIDERATION OF MINUTES OF
SEPTEMBER 15 AND 16, 1977
MEETING - APPROVED**

Secretary Fahy reviewed the minutes of September 15 and 16, 1977 meeting held in Walhalla, North Dakota. He also updated the Commission members on several items from that meeting.

It was moved by Commissioner Kramer, seconded by Commissioner Lanz, and carried, that the minutes of September 15 and 16, 1977, be approved as prepared and distributed.

**CONSIDERATION OF MINUTES OF
NOVEMBER 7, 1977 MEETING -
APPROVED**

Secretary Fahy briefly reviewed the minutes of the November 7, 1977 meeting held in Bismarck, North Dakota. There being no discussion on the minutes -

It was moved by Commissioner Kramer, seconded by Commissioner Lanz, and carried, that the minutes of November 7, 1977, be approved as prepared and distributed.

**DISCUSSION OF WATER REQUIREMENTS
FOR APPLE CREEK STUDY AREA
(SWC Project No. 1597)**

The Tri-County Water Resources Development Association, consisting of the counties of Burleigh, Emmons and Kidder, have requested that the State Water Commission investigate possible methods of reserving water for the development of the Apple Creek Unit. Approximately 1.0 million acre-feet of water would be required to meet the demands of all three counties. Two methods have been discussed by the Association 1) a request to the State Water Commission to make a Declaration of Intent to reserve approximately 990,000 acre-feet of water for an annual usage on the Apple Creek Unit; and 2) a request to the State Water Commission addressed to the Bureau of Reclamation to release a similar quantity of water from its allocation made to the State Water Commission in Water Permit No. 1416 for the use in the Garrison Diversion Unit. The general consensus of the Association favored obtaining a portion of the water allocated to the Garrison Diversion Unit if an agreement could be resolved with the interested agencies.

Secretary Fahy read a memo prepared by the Legal Counsel for the Commission wherein he addressed three possible alternatives that could be utilized:

1) Section 61-04-31 of the North Dakota Century Code:

1. Whenever it appears necessary to the state engineer, or

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when so directed by the commission, he may by regulation:

- a. Reserve and set aside waters for beneficial utilization in the future
2. Prior to the adoption of a regulation under this section, the state engineer shall conduct a public hearing in each county in which waters relating to the regulation are located

Murray Sagsveen indicated in his memo that this statute would be best suited for those situations where developments may take place, but are yet uncertain. There is no requirement for specifying point of diversion, purpose of use, exact quantities to be used, or place of use. However, a reservation, by itself, does not establish a priority date; it merely precludes appropriation by others.

- 2) Sections 61-02-30, 61-02-31, 61-02-32 and 61-02-33 of the North Dakota Century Code (see these Sections of the Code for detail)

Mr. Sagsveen indicated that these statutes would be appropriate for those situations where developments are still in the planning stage but certain concepts have been designed. There are also two basic subalternatives under this statute: to initiate a new declaration of intent from the Missouri River for the Apple Creek Unit, or redesignate certain of the four million acre-feet for West River to the Apple Creek Unit. A redesignation would preserve the priority date earlier established.

- 3) Chapter 61-04 of the North Dakota Century Code.

This alternative consists of granting a traditional water permit to the project sponsors or any other appropriate party. Two subalternatives also exist for water permits: initiate a new conditional water permit from the Missouri River for the Apple Creek Unit (date of priority is the date of filing with the State Engineer); or attempt to secure an assignment of the portion of the 3.145 million acre-foot permit held by the United States for the Garrison Diversion Unit. This approach is much more formal than the two previously mentioned in that planning has to be further advanced in order to specify points of diversion, acreage to be irrigated and amount of water to be beneficially used.

Mr. Jim Eastgate, Burleigh County Water Management District, and Mr. Milo W. Hoisveen presented some background information of the Apple Creek Unit and indicated that it is estimated the total water requirements for irrigation and related purposes, including rural domestic and municipal water use for the Apple Creek Unit will be between 900,000 and 1 million acre-feet.

The State Water Commission has been requested by the Tri-County Water Resources Development Association and the Water Management

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Districts of Burleigh, Emmons and Kidder Counties to prepare and adopt a resolution directing the procedure necessary to obtain the required water within a two-year period.

Mr. Eastgate indicated that the alternatives read by the State Engineer have been discussed and his group has agreed to support whatever recommendations the Commission and the State Engineer may make and proceed on that basis.

After discussion, Secretary Fahy stated that the request will be taken under advisement by the State Water Commission and that a recommendation for a phased-procedure will be forthcoming.

Mr. Eastgate presented comments of the Burleigh County Water Management District on the Proposed Revision of the Rules and Regulations of the Public Service Commission Governing the Siting of Energy Conversion and Transmission Facilities, which are attached hereto as APPENDIX "A".

Mr. Eastgate also read a portion of a resolution which is to be presented to the Water Users Association and the Water Management Districts Association at their annual Convention. It stated, in part:

"We request the North Dakota Public Service Commission to adopt a regulation classifying potentially irrigable lands with lands presently irrigated, when a State or a local legal entity supports such classification request with suitable soils and water data including maps showing the location of such lands."

It was suggested by Mr. Eastgate that the Commission may desire to consider adopting a similar resolution to be forwarded to the Public Service Commission.

Bernard Vculek, Crete, North Dakota, and representing the James Valley Irrigation Association, stated that he supported the concept of the resolution presented from the Burleigh County Water Management District, and indicated that he felt his Association would support a similar resolution.

Mr. Fletcher Poling, Basin Electric Power Cooperative, indicated that he foresees no problem with the thrust of the resolution, but stated that the intent should be very carefully worded.

Because of the fact that Mr. Eastgate did not have copies of the resolution for distribution to the Commission members -

It was moved by Commissioner Kramer that when copies of the Resolution are made available, that the State Engineer and his staff prepare a proposed resolution for the Commission's consideration. The motion was seconded by Commissioner Wilhelm.

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In discussing the motion, Secretary Fahy reminded the Commission members of the deadline for filing a resolution with the Public Service Commission, and suggested that if the Commission agreed, they could indicate support by a motion of the concept of avoidance of potentially irrigable lands supported by adequate soils and water data.

The original motion was then amended by Commissioner Kramer that the State Water Commission recommend to the Public Service Commission their support of the concept of avoidance of potentially irrigable lands when the designation of these potentially irrigable lands are supported by adequate detailed information. The amended motion was seconded by Commissioner Wilhelm. All members voted aye and the motion carried.

REVIEW OF INTAKE WATER
COMPANY'S REQUEST FOR
YELLOWSTONE BASIN
WATER RIGHTS
(SWC Project No. 1677)

Murray Sagsveen briefed the Commission members on the background of a lawsuit initiated by the State against Tenneco, Inc., Intake Water Company and Tenneco Coal Company to enjoin activities relating to the diversion of waters from the

Yellowstone River Basin until defendants had complied with Article X of the Yellowstone River Compact. Article X provides, in part: "No waters shall be diverted from the Yellowstone River Basin without the unanimous consent of all the signatory states...." The signatory states are Wyoming, Montana and North Dakota, but only Montana and Wyoming are state members of the Yellowstone River Compact Commission.

The action was removed from the District Court of the Fourth Judicial District of the State of North Dakota to the United States District Court, District of North Dakota, on May 18, 1977.

On June 20, 1977, all parties stipulated to a stay in the proceedings until December 15, 1977. The stipulation was a result of defendants' agreement that they would request the necessary consent from the signatory states for the proposed transbasin diversion.

A petition has now been filed with the Yellowstone River Compact Commission, which is attached hereto as APPENDIX "B". Mr. Sagsveen proceeded to review the petition.

Mr. Sagsveen indicated that it is his opinion that the State Water Commission has the requisite authority to act upon the petition pursuant to Section 61-02-14 of the North Dakota Century Code, which states:

The commission shall have full and complete power, authority, and general jurisdiction:

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- 1. To investigate, plan, regulate, undertake, construct, establish, maintain, control, operate, and supervise all works, dams, and projects, public and private, which in its judgment may be necessary or advisable:

* * * * *

- d.to divert the waters within a watershed area to another watershed area and the waters of any river, lake, or stream into another river, lake or stream....

Mr. Sagsveen stated that his recommendation to the Attorney General will be, that since Intake Water Company has filed an application and consented to the jurisdiction of the State of North Dakota, North Dakota voluntarily dismiss the lawsuit against Intake Water Company, but specifically provide that if at any time in the future Article X of the Compact is violated, or it appears that they intend to violate Article X of the Compact, that North Dakota reinstate the lawsuit against Intake Water Company.

After lengthy discussion, it was moved by Commissioner Just that the State Water Commission adopt the determination of the Director of Legal Services that the Commission has the statutory authority to approve or deny, on behalf of the State of North Dakota, the petition of Intake Water Company to divert water from the Yellowstone River Basin.

It was further moved by Commissioner Just that the State Engineer be directed to consult with the other signatory states to determine an appropriate procedure for handling the petition, and that his recommendations be given to this Commission at the earliest opportunity. In consulting with the other signatory states, the State Engineer shall request that at least one hearing on the petition be held in southwestern North Dakota. The motion was seconded by Commissioner Wilhelm.

Under discussion of the motion, Commissioner Wilhelm referred to a resolution passed by the United Plainsmen Association at their annual meeting expressing concern of the uncertainties that are to be addressed and the tremendous impacts of the interbasin transfer, social, environmental and economic. The resolution suggested that the matter should be considered by the Legislature rather than the Water Commission.

Commissioner Wilhelm expressed her concern about negotiating in some way with Intake Water Company to identify the sites

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before hearings are held.

After the Commission members offered and discussed alternative language for the original motion, Commissioner Just amended his motion as follows:

It was moved by Commissioner Just and seconded by Commissioner Wilhelm that the State Water Commission, having the jurisdiction to approve or deny the petition of Intake Water Company on behalf of the State of North Dakota, direct the State Engineer to consult with the other signatory states to determine an appropriate procedure for handling the petition, and that he present his recommendations to the State Water Commission at the earliest opportunity. In consulting with the other signatory states, the State Engineer shall request that appropriate hearings on the petition be held in southwestern North Dakota by the Compact Commission, if Compact Commission hearings are to be held, to supplement any meetings or hearings deemed necessary by the State Water Commission. All members voted aye on the motion; motion carried.

Murray Sagsveen presented a Motion for Dismissal, which states, in part:

"North Dakota hereby dismisses its action without prejudice. The State of North Dakota specifically reserves the right to refile complaint in accord with the State of North Dakota if it appears the defendants are taking, or intend to take, action inconsistent with Article X of the Yellowstone River Basin Compact."

It was moved by Commissioner Gray that the State Water Commission concur with the recommendations and conditions of the State Water Commission's Legal Council to dismiss the lawsuit against Intake Water Company. The motion was seconded by Commissioner Lanz. All members voted aye on the motion; motion carried.

DISCUSSION AND PROGRESS
REPORT ON DICKINSON-
SOUTHWEST AREA WATER STUDY
(SWC Project No. 1674)

Secretary Fahy read S.B. 2548, which was passed by the last session of the Legislature allocating \$100,000 to develop a plan and estimate of costs for supplementation of the water resources of Dickinson and the area south and west of the Missouri River.

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Secretary Fahy then recalled some background leading to the passage of the bill. During the last days of the 1977 Legislative Session, a group of people appeared before the House Appropriations Committee to amend the Water Commission budget to provide \$100,000 for the study and to develop estimates for the costs to deliver water to the City of Dickinson and the surrounding area.

After hearing testimony, Representative Wagner, Chairman of the House Appropriations Committee, ruled that he would not consider this request as an amendment to the Water Commission budget because it did not afford citizens the opportunity of hearings.

The bill was then referred to the Delayed Bills Committee so that hearings could be heard on the motion.

While this bill was being considered by the Delayed Bills Committee, the language was amended to include Dickinson and the entire southwest area, but the funding allocation was not changed.

At the time the bill was being considered, the Water Commission was asked to provide estimated costs only to Dickinson and adjacent rural areas, and not the entire 14 southwest counties.

Because it will be physically impossible to provide results for a feasibility plan and estimates of costs for the entire 14-county area both in terms of time and money, the State Engineer indicated that relatively detailed planning and design estimates will be provided for supplying water to Dickinson and the adjacent areas. This information will then be expanded to include relative costs for delivering water to the entire 14-county area based on general population figures and demand indexes.

Dave Sprynczynatyk, Director of Engineering for the Water Commission, presented an updated status report and noted that a recent development was the finalization of the plan of study. He indicated that the only major change since the draft had been distributed was language to include all 14 counties in the southwest area to be surveyed in one fashion or another and that whatever possible would be done to expand the study itself to the whole 14-county area. The study was originally limited to the area immediately adjacent to Dickinson.

After the study was expanded, it was decided to try to work with the three rural water groups that represented the rural water districts in the area to gather the survey information. The three groups referred to are: Missouri West (includes counties of Morton, Oliver, Mercer, Sioux and Grant); Slope Area Water Systems Cooperative (includes counties of Stark, Dunn, Billings, McKenzie and Golden Valley); and the Southwest Rural Water District (includes counties of Adams, Bowman, Hettinger and Slope).

On October 17, 1977, State Water Commission staff members met with representatives of the three groups who presented proposals

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to survey all 14 counties which totalled approximately \$60,000. As a source of funds for this \$60,000, they were looking at the \$100,000 appropriated to the Water Commission. The State Engineer indicated that it was virtually impossible to commit \$60,000 for the survey and still fulfill the intent of the legislation.

The State Water Commission then presented a counter-proposal to the three rural groups which totalled \$17,300 to survey three counties. To date, no word has been received on acceptance of the counter-proposals. The Missouri West Cooperative has subsequently submitted a proposal for \$17,237.20 to survey their area only.

The rural water groups have approached the Governor and the State Water Commission in an attempt to seek additional monies (approximately \$50,000) to help fund the needs of the survey. The State Engineer has indicated that additional funds could not come from the study budget nor from the regular State Water Commission budget. To date, no additional funds have been located.

The Water Commission has furnished the three rural water groups with approximately 8,000 needs survey forms and has requested that the questionnaires be returned by January 10, 1978 to assure proper completion of the survey.

Secretary Fahy indicated he felt it may have been premature on his part, without first discussing it with the Commission, in setting a precedent of approving \$17,300 to the rural water groups for initial work to begin in assessing the rural water interests in the area, and requested that the Commission concur in his actions.

After lengthy discussion of the entire project, it was moved by Commissioner Kramer that the Commission concur in the method of expenditure of funds by the State Engineer in proceeding with the study. The motion was seconded by Commissioner Gray.

In discussing the motion, it was stated by Commissioner Wilhelm that the feelings of the citizens in southwestern North Dakota are very intense about the insufficiency of the \$17,300 amount allocated and by passing a motion approving the expenditure of funds could be construed to mean that the State Water Commission does not support any further funds for the survey.

It was the consensus of the Commission members that the action taken by the State Engineer approving \$17,300 for the survey is not objectionable and falls within the framework of the bill. Therefore, there is no apparent need for the passage of such a motion.

At this time, Commissioner Kramer withdrew his motion, and Commissioner Gray, who seconded the motion, likewise withdrew his second.

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HEARING ON STATE WATER
COMMISSION RULES AND
REGULATIONS REGARDING
CHANGES IN POINTS OF
DIVERSION
(SWC Project No. 1400)

Murray Sagsveen presented a draft of procedural Rules and Regulations of the North Dakota State Engineer Governing the Procedures to Apply for a Change in Points of Diversion for the Commission's consideration.

Mr. Sagsveen briefly explained the procedures stating that the law generally provides that if anyone wants a change in the point of diversion, that change will be handled in the same manner an original application for a water permit is handled.

Since this item is considered as a hearing, Governor Link felt it appropriate to invite comments from the audience.

Bernard Vculek, Crete, North Dakota, suggested that the procedure for applying for a change in the point of diversion be simplified.

After discussion, it was moved by Commissioner Wilhelm and seconded by Commissioner Gray that the Commission approve the Rules and Regulations of the North Dakota State Engineer Governing the Procedure to Apply for a Change in the Points of Diversion as prepared and presented. All members voted aye; the motion carried.

REQUEST FOR APPROVAL
BY STATE WATER COMMISSION
OF RELEASE OF AN OLD
EASEMENT FOR ANTELOPE
CREEK DAM

Secretary Fahy presented a request for the Commission's consideration for the release of an easement which had been granted to the State of North Dakota in 1938 for the purpose of construction and maintenance of the Antelope Creek Dam, also known as

Schramm Dam. Most of the easement area was for inundation purposes and the remainder was for public use of land adjacent to the shoreline. In 1976, an inspection of the dam revealed that it was critically unsafe. The dam is located a short distance from the City of Hazen; due to its condition and its location, a decision was made to drain the dam. Costs of reconstruction are prohibitive and a decision has been made by the Mercer County Water Management District not to reconstruct.

Since the dam will not be reconstructed, the landowners have requested the two easements be released. The Mercer County Water Management District has agreed to this.

It is the recommendation of the State Engineer that the Commission release the easements as described previously.

It was moved by Commissioner Just, seconded by Commissioner Kramer, and carried, that the Commission hereby grant, release and surrender

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its rights and interest granted and dedicated to the State under and by virtue of those certain easements as described above. All members voted aye; the motion carried.

CONSIDERATION OF WATER
PERMIT REQUESTS
(SWC Project No. 1400)

Secretary Fahy presented APPENDIX "C" to the Commission for their consideration, which represents the water permit agenda.

A delegation from Richland County was in attendance at the meeting representing an interest in water permit No. 2823, Richland Rural Water Users, Inc., who have made application to divert 600.0 acre-feet of water for municipal (rural domestic) use in Richland County.

Mr. Hank Trangsrud, representing Houston Engineers of Fargo, was the spokesman for the group, and stated that the project will serve approximately 500-600 rural customers in central Richland County. The bids have been let and it is hoped that the wells can be drilled yet this winter. Construction of the pipeline, pumping stations and reservoirs will begin in the spring.

It is the recommendation of the State Engineer to approve 350.0 acre-feet of water for municipal (rural domestic) use.

Secretary Fahy then discussed the methods followed when considering an application for rural domestic use.

Secretary Fahy informed the Commission members that sometime ago he denied a permit to Mr. Allen Nielsen of Valley City, North Dakota, who applied for a water permit to irrigate out of a slough in the eastern part of the State. Mr. Nielsen abuts the area of the slough and one portion of the slough is controlled by the Fish and Wildlife Service. In making hydrologic determinations, it was felt that there was inadequate water to supply the demands of the slough, and it was also learned in visiting with neighbors that the slough has dried up frequently.

Since the time the permit was denied, Mr. Nielsen has indicated he has additional information; therefore, legal steps have been taken to re-open the hearing.

A discussion of acreage limitations was pursued and it was the consensus of the Commission members that this issue continue to be a regular agenda item for discussion at the Commission meetings.

It was moved by Commissioner Just, seconded by Commissioner Kramer, and carried, that the Commission approve the following water permit requests, subject to specific conditions indicated on each individual permit:

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No. 2823 - Richland Rural Water Users, Inc., Kindred; No. 2892 - City of Verona; No. 2781 - Vern Stevick, Des Lacs; No. 2505 - Max Northrup, Beach; No. 2230 - Ronald G. Rotenberg, Milnor (this is a request for an amendment to conditional water permit); No. 2695 - Louie N. Hendricks, Killdeer; No. 2929 - Andrew Jangula, Bismarck; No. 2891 - North Valley Water Association, Inc., Cavalier (this request was approved by the State Engineer on October 4, 1977); No. 2960 - Ardell J. Oas, Columbus (this request was approved by the State Engineer on October 31, 1977); No. 2971 - Walter Small, Bismarck; No. 2520 - Arnold Bendish (and Sullivan Trust), Fort Rice; No. 2940 - Evelyn Jermiason, Minot; No. 2978 - City of Mercer; No. 2864 - William H. Russell, Stanton; No. 2431 - James R. O'Keeffe and Randall Melaas, Walhalla; No. 2963 - U.S. Fish and Wildlife Service (Lake Ilo National Wildlife Refuge), Denver, Colorado (this request was approved by the State Engineer on November 18, 1977); No. 2799 - Lloyd Weinreis, Golva; No. 2800 - Lloyd Weinreis, Golva; No. 2861 - Morris Gerbig, Amidon; No. 2713 - Donald Hall, Trotters; No. 2853 - John Irvine, Bismarck; No. 2868 - Leonard Davenport, Jr., Baldwin; No. 2795 - Winter Sports Limited, Fort Ransom; No. 2803 - Patrick Obrigewitch, Belfield; No. 2636 - Floyd Herzig, Burlington; No. 2715 - William Martian, Rhame; No. 2529 - German Farms, Fullerton (only a portion of the original request was previously approved; this grants another portion of the request); No. 2706 - Howard Heley, Lidgerwood; No. 2745 - John Mrachek, Alexander; No. 2761 - Alfred Foell, Moffit; No. 2664 - Arley Hammer, Englevale; and No. 2867 - Merv Wike, Grassy Butte.

The following permits were deferred at this time:
 No. 2894 - City of Gwinner; No. 2187 - Bernard Vculek, Crete (this is a request for an amendment to conditional water permit); No. 2862 - Lawrence Cross, Milnor; No. 2857 - Houghton Grazing Association, Houghton, S.D.; No. 2858 - Houghton Grazing Association, Houghton, S.D.; No. 2854 - Ralph Nelson Molbert, Steele; No. 2712 - Maurice Schwan, Devils Lake; No. 2869 - Jackie L. Pennington, New Town; No. 2874 - Dale C. Peterson, New Town; No. 2895 - Vernon Brossart, Balta; No. 2896 - LeRoy Schwartz, Richardton; No. 2897 - Howard J. Slaubaugh,

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Wolford; No. 2898 - Carl Sandberg, Jr., Oakes; No. 2900 - C. L. Jensen, Esmond; No. 2901 - Knife River Coal Mining Company, Bismarck; No. 2902 - Ronald J. Volk, Orrin; No. 2903 - Frank Hoffart, Bismarck; No. 2904 - Julius Haman, Rugby; No. 2905 - Joe F. and Francis Hoffart, Balta; No. 2906 - Lake Isabel Improvement Association, Bismarck; No. 2908 - Charles L. Linderman, Carrington; No. 2909 - Ray Pasternak, Grenora; No. 2910 - Lloyd Rockeman, Sidney, Montana; No. 2914 - Darrie L. Peterson, Warwick; No. 2916 - The Leach Ranch, Towner; No. 2917 - Casnet Co., Claremont, S.D.; No. 2918 - Casnet Co., Claremont, S.D.; No. 2919 - Casnet Co., Claremont, S.D.; No. 2920 - Raymond Arnold, Esmond; No. 2921 - Gordon D. and Kenneth W. Baesler, Bismarck; No. 2922 - Michael P. Daner, Beulah; No. 2923 - Michael P. Daner, Beulah; No. 2924 - Michael P. Daner, Beulah; No. 2925 - Dennis R. Walker, Oberon; No. 2926 - Marshall W. Luidahl, Williston; No. 2932 - Mike H. Sonsalla, Marmarth; No. 2934 - Dirk Lenthe, Moorhead, Minnesota; No. 2933 - Walter A. Benz, Dunn Center; No. 2936 - Albert J. Schmaltz, Orrin; No. 2937 - Robert Myers, Binford; No. 2938 - John and Kay Grandahl, Warwick; No. 2786 - Ronald Waldo, Warwick; No. 2860 - Consolidation Coal Company, Stanton; No. 2885 - Robert Jacobson, Warwick; No. 2939 - Larry R., Paul and Marvin F. Hansen, Oakes; No. 2943 - Harold Schnabel, College Place, Washington; No. 2944 - Dahlgren & Company, Lisbon; No. 2948 - Pius Biegler, Bismarck; No. 2950 - Clayton Wolt, Sterling; No. 2951 - Emil Fandrich, Dodge; No. 2952 - Bernard Vculek, Crete; No. 2953 - Marlene Vculek, Crete; No. 2957 - Theodore Shimelfenig, Carrington; No. 2959 - Basin Electric Power Cooperative, Bismarck; No. 2961 - Daniel L. Meikle, Jr., Spiritwood; No. 2964 - Marlene and Myrna Stremick, Walhalla; No. 2965 - Emil Birst, Turtle Lake; No. 2966 - Marvin Bodvig, Tappen; No. 2876 - Roger Larson, Dickey; No. 2884 - Ernest Trampe and Dallis Loraas, Dunn Center; No. 2911 - William C. Voglewede, Carrington; No. 2887 - Kenneth Kyser, Erie; No. 2889 - Allen Schlenker, Montpelier; No. 2972 - Ronald J. Ray, Oakes; No. 2480 - Dennis Beyer, Rhame; No. 2942 - Reinhold Gruebele, Pettibone; No. 2976 - Anderson Ranch, Towner; No. 2977 - James Frauenberg, LaMoure; No. 2980 - City of Tower City; No. 2969 - Leonard Klain, Turtle Lake; No. 2958 - Vern Williams, Milnor; No. 2979 -

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North Dakota Concrete Products Co., Bismarck; No. 2946 - William Wayne Smith, LaMoure; No. 2945 - Richard A. Schmaltz, Rugby; No. 2612 - City of Adams; No. 1241 - Lester Friese, Lisbon (this is a request for an amendment to conditional water permit); No. 2983 - Ronald and Irma Hettich, McLaughlin, S.D.; and No. 2984 - Anton Silbernagel, Fort Yates.

The following application was denied:
No. 2714 - Lee Brothers, Kindred.

The following applications were withdrawn by the applicants:
No. 1215 - Lawrence Mehlhoff, Tuttle; and No. 2051 - William Stegner, Rhame. (SEE APPENDIX "C")

DISCUSSION OF DAM SAFETY
PLANNING AND PROCEDURES
(SWC Project No. 1579)

Secretary Fahy explained the procedures which are being used in North Dakota for dam safety planning noting that the dams are being inventoried and categorized by priority in

two different ways: 1) by the potential for damage as a result of dam failure; and 2) prioritize from the standpoint of their structural condition.

He indicated that in order to do the kind of analysis that will be necessary to analyze each dam structurally; it is estimated that it will cost approximately \$10,000 per dam for the structural survey. The present budget could only permit the survey of one dam per year, therefore, he stated that he will be proposing to the Governor and the Legislature at its next session that it allow adequate funds to survey approximately six or more dams each year. The total survey includes approximately 50-75 dams.

Dave Sprynczynatyk explained the form inspection sheet which is being used for the survey.

Secretary Fahy indicated that the Corps of Engineers has the responsibility for the larger state dams and the Soil Conservation Service also has a number of smaller dams. There has been a bill presented in Congress which would authorize the Corps of Engineers to grant funds to the states so that the states can undertake the inspection of their own dams. The Corps of Engineers would train state personnel for these inspections.

Murray Sagsveen noted that on dams in which the State Water Commission has participated in the construction, there usually has been a provision in the contract that the local water management district shall be responsible for all maintenance. Frequently, when the State Water Commission has advised the water management districts that they have maintenance problems, they have neglected to resolve the problem. He suggested that perhaps in the near future, the State Water Commission will have to consider insisting that the water management district live up to this agreement to maintain these dams.

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Secretary Fahy briefed the Commission members on the status of the Mandan Dam situation.

**CONSIDERATION OF
FINANCIAL STATEMENT**

Secretary Fahy presented and briefly discussed the financial statement for the Commission's consideration. He noted that there could be some problem with the ruling of the Director of Accounts and Purchases which states that not more than 75 percent of the funds may be expended in 75 percent of the time. This ruling will be enforced except in equipment purchases. He noted that this ruling will be difficult in the Contract Fund where the State Water Commission obligates itself to pay for work performed and would not allow for payment until the last 25 percent of the biennium. It would also complicate the relationship with the River Basin Commissions where a once-a-year payment is made.

The State Engineer indicated that he intends to discuss this matter further with the Director of Accounts and Purchases to try to obtain a different interpretation of the language.

**RESOLUTIONS ADOPTED BY
NORTH DAKOTA ASSOCIATION
OF SOIL CONSERVATION DISTRICTS**

Secretary Fahy distributed copies of resolutions adopted at the 39th Annual meeting of the North Dakota Association of Soil Conservation Districts. These resolutions include Saline Seeps; Aquifers, Rural Water Systems and Permits; Irrigation Water Permits to be Based on Soil and Water Compatibility Data; Research on Soil and Water Compatibility for Irrigation; and Acreage Restrictions on Irrigation. These resolutions are directed to the State Water Commission and have requested the Commission's consideration and support of the recommendations.

**CONSIDERATION OF INCREASING
STATE WATER COMMISSION
PARTICIPATION FOR THE
MAYVILLE DAM
(SWC Project No. 625)**

Secretary Fahy indicated that at the July 7, 1977 meeting, the Commission authorized participation up to 40 percent of the costs of modification of the Mayville Dam.

It was noted after the Commission's decision to participate, that in most cases, the Commission's financial assistance on a city water supply project such as this has been 50 percent.

It was the recommendation of the State Engineer that the Commission agree to allow the State Engineer to expend an additional \$1,300 to the City of Mayville.

It was moved by Commissioner Gray that the State Engineer be authorized to expend up to 50 percent, or a total amount not to exceed \$6,500, for the modification of Mayville Dam. The motion received a second from Commissioner Lanz. All members voted aye and the motion carried.

December 7, 1977

CONSIDERATION OF ADOPTING
RESOLUTION FOR FEDERAL
SURPLUS PERSONAL PROPERTY
PROGRAM

Secretary Fahy presented a memorandum for the Commission's consideration in which the Federal Property and Administrative Services Act has been amended to expand eligibility to receive federal surplus

property to public agencies.

It was recommended by the State Engineer that application be filed for State Water Commission eligibility in the program.

It was moved by Commissioner Lanz, seconded by Commissioner Kramer, and carried, that the State Engineer be directed to complete the necessary application for the State Water Commission's eligibility in the Federal Surplus Personal Property Program.

It was suggested by Commissioner Kramer that the Commission support the position of the Chairman of the State Water Commission indicated in his address to the Water Users Convention, attached hereto as APPENDIX "D", relative to the Pick-Sloan Missouri Basin Plan and future activities of the State of North Dakota with respect to proceeding with the completion of that Plan. The other Commission members concurred in support of the Governor's position.

It was moved by Commissioner Kramer that the Commission support the position of the Chairman of the State Water Commission relative to the Pick-Sloan Missouri Basin Plan and future activities of the State of North Dakota with respect to proceeding with the completion of that Plan as expressed in his speech to the North Dakota Water Users Association. The motion received a second from Commissioner Gray. All members voted aye; the motion carried.

DISCUSSION OF DIKING
PROBLEM IN CASS COUNTY
(SWC Project No. 1008)

Mike Dwyer, Legal Counsel for the Water Commission, briefed the Commission on a court action in Cass County whereby an individual constructed a dike across a

watercourse which backed up water onto a township road. This past spring, he enlarged the dike and for most of this past summer, it flooded the township road so that the road was unusable.

Correspondence was begun early last spring with the violator and the local water management district asking the district to take the appropriate action to try and resolve the problem. The water management district has failed to take action so this past week the State Water Commission filed an action in the Cass District Court seeking to force the local water

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management district to step in and try to solve the problem and to force the individual that built the dike to alter it so that it is not in violation of the law.

Secretary Fahy stated that the State Water Commission had done everything possible to avoid litigation, but the district had failed to take appropriate action.

APPEARANCE OF LARRY ISAAK,
LEGISLATIVE COUNCIL, TO DISCUSS
STATE WATER COMMISSION PERFORMANCE
AUDIT

Secretary Fahy indicated that the State Water Commission is presently undergoing a Performance Audit by the Legislative Council, and introduced Mr. Larry Isaak of the Council to discuss the review

with the Commission members.

Mr. Isaak introduced Mr. Bruce Haskins, Fiscal Analyst for the Legislative Council Staff; and Chris Young and Lori Beer, representing the Booz-Allen and Hamilton, Inc. firm.

Mr. Isaak stated that the North Dakota Legislative Council has been conducting performance audits of state agencies for the past seven years. The performance review is conducted by the Council generally to consider three areas: 1) Compliance - to determine whether the entity has complied with applicable laws and regulations. This portion includes an analysis of the agency's enabling legislation, budget requests and appropriations, agency reports and other data pertinent to the agency's statutory and regulatory duties. 2) Economy and Efficiency - conducted to determine whether the entity is managing or utilizing its resources in an economical and efficient manner and whether there are any inefficiencies or uneconomical practices. 3) Program Review - conducted to determine whether the desired program results or benefits are being achieved, whether the objectives established by the Legislature or other authorized body are being met and the extent to which resources can be used to meet the program needs. The program review is also used to consider future direction to the program and services provided by the agency.

In past performance reviews and in current reviews being conducted by the Legislative Council, the Council has contracted with outside consulting firms to assist in the economy and efficiency and program review phases. Booz-Allen and Hamilton, Inc. has been selected to assist in the State Water Commission's review.

The reporting process will be that the full Committee of Budget "A" will hear a progress report in January, 1978, on the review from the consultants and from the Legislative Council staff. There will be one other progress report meeting and then the final report is expected in early spring so that any recommendations that are made can be incorporated into the budget process during the next session.

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DISCUSSION OF UPPER
MISSOURI FIVE-STATE
LEGISLATIVE COUNCIL

this meeting, they passed a motion to proceed to allocate the waters of the Upper Missouri River.

Secretary Fahy stated that about a month ago, the Upper Missouri Five-State Legislative Council, composed of a group of legislators from five states, met in Bismarck. At

The State Engineer and the Director of Legal Services are planning to attend a meeting on December 8, 1977, in Sioux Falls, South Dakota, to try and convince this group that if they move to a Congressional Compact at this time that it could only work to the detriment of upper basin states and to the benefit of the downstream states who are navigationally-oriented.

Secretary Fahy read a resolution which he proposed for adoption by the Water Users Convention, which states, in part:

"NOW, THEREFORE, BE IT RESOLVED that the North Dakota Water Users Association and the North Dakota Water Management Districts Association at this meeting urge water resources officials of the Upper Missouri Basin states to resist the formation of an inflexible, Congressionally-sanctioned Compact for the division of the waters of the Upper Missouri; and

BE IT FURTHER RESOLVED that water resource officials of the upper basin states consider the formation of an informal group of qualified resource people representing the upper basin states to meet at regular intervals to discuss progress of water planning in each state, to recommend ways in which the states may join in planning and project development, and to advise the Governors and Legislators concerning methods which would assure mutually satisfactory development of the Upper Missouri River Basin's water and related land resources."

It was moved by Commissioner Kramer that the Commission adopt a similar resolution endorsing the position of the State Engineer and the Director of Legal Services indicating that a Compact is premature and inadvisable at this time. The motion was seconded by Commissioner Lanz. All members voted aye and the motion carried. (SEE APPENDIX "E")

Commissioner Lanz gave an updated status report on the Channel "A" project in Devils Lake.

There being no further business to come before the Commission at this time -

December 7, 1977

It was moved by Commissioner Kramer, seconded by Commissioner Gray, and carried, that the meeting adjourn.



Arthur A. Link
Governor-Chairman

ATTEST:



Vernon Fahy
State Engineer and Secretary

December 7, 1977

NORTH DAKOTA STATE WATER COMMISSION

REGISTER

ATTENDANCE AT STATE WATER Commission Meeting

DATE: Dec, 7, 1977 PLACE Grand Forks

PROJECT NO. _____

Your Name	Your Address	Who do you Represent? (Or Occupation)
DAVID A. SPRYNGER	Bismarck	SWC
Fletcher H. Poling	Bismarck	Basin Electric Power Corp
HANK TRANGSRUD	FARGO, N. D.	HOUSTON ENG.
GLENNIS SENDEN	Barney ND	Richland Rural Water
Roger Stallman	Barney N. Dak	Richland Rural Water
Trudy Jacoby	Grand Forks	League of Women Voters of ND
Bernard Ouellet	Crete N. D.	James Valley Eng. Assoc.
CHUCK RUPE	PO Box 1075 BISMARCK, N. D.	NATURAL GAS PIPELINE Co.
Robert W. Warner	Omaha Center N.D.	Natural Gas Pipeline Co.
KEN ROSSE	1533 N 12, Bism.	Old West Commission
Gertrude Szakowski	2470 Glenwood Drive Grand Forks, N. D.	myself as a Walsh County landowner
Bharat Parekh	Fargo	NPSU
Larry Loach	Bismarck	Legislative Council
Bruce Hopkins	Bismarck	Legislative Council
LORI BEER	WEST GROVE, PA.	BOOZ-ALLEN + HAMILTON, Inc.
CHRIS YOUNG	WESTON, CONN	" " " "

Comments of the Burleigh County Water Management District on the Proposed Revision of the Rules and Regulations of the Public Service Commission Governing the Siting of Energy Conversion and Transmission Facilities.

The Burleigh County Water Management District feels that the following comments and suggested changes in the proposed regulations are consistent with the interests of both agriculture and the utility industry, and that a proper balancing of those interests is necessary in order to accurately reflect the public interest. It is essential that at every stage of the planning process efforts be made to not foreclose, or at least to minimize, limitations on future alternative land uses.

I. Public Interest in Irrigated Agriculture.

Irrigation has both a public and a private character. The Legislature of the State of North Dakota has recognized the paramount interest of the public in both the state's agriculture industry and the use of its water resources. It has created statutory political entities to plan, promote, preserve, and develop those water resources for the betterment of North Dakota's chief industry. Local Water Management Districts, Irrigation Districts, and the Garrison Conservancy District were all created to further such ends.

Irrigated agriculture is presently in its infancy in the State of North Dakota. It will take many years before irrigation in this state can begin to reach its full potential. However, efforts must be undertaken now so that

lands which are potentially irrigable are not foreclosed from that future use.

The public's interest in the future of irrigated agriculture is not adequately protected by the regulations as proposed.

11. The Proposed Regulations Are Inadequate Protection For Potentially Irrigable Lands.

Land which is presently under irrigation is properly classified in the proposed regulations in the exclusion criteria with regard to energy conversion facilities and in the avoidance criteria with regard to transmission facilities. However, land which demonstrates a potential for irrigation has been lumped in the selection criteria category for both energy conversion and transmission facilities. The protection afforded such land by that category is insufficient. The selection criteria category is made up of a hodgepodge of diverse values, interests, and services which do not lend themselves to precise classification and are thus not protected by clear, precise standards against which a review can proceed. As a result the Commission is inevitably limited to "managing" those impacts of proposed facilities. The regulation as proposed is designed only to protect the private aspects of irrigation. The burden is on the individual landowner to demonstrate that his land has certain features which make it suitable for irrigation. While this may adequately protect private

interests in irrigation, it is inadequate to protect the public's broader interest in the state's future agricultural economy. The burden should be reversed to adequately preserve that interest.

III. Potentially Irrigably Lands Should Be Placed in the Avoidance Criteria Category.

Irrigated agriculture would better be served if lands which are determined to show potential for irrigation could be designated as avoidance areas with respect to both energy conversion and transmission facilities. Irrigable lands have characteristics in common with other areas which are designated under both exclusion and avoidance criteria. At the October 25, 1977, hearing on the proposed regulations, the Hearing Officer stated that both avoidance areas and exclusion areas are of equal importance and are treated by the Commission in a like manner. The major distinction between the two is that exclusion areas can be more precisely determined and their boundaries can be clearly shown by maps.

Certain irrigable lands are also clearly definable. Thus the proposed re-categorization is administratively feasible. Maps which specify in detail those lands which have irrigation potential are available and are constantly being refined and updated. Soil Conservation Service soil surveys have been completed and published for seventeen counties in the state. More counties will be added to that list each year. Further, maps for various areas have

been prepared following detailed soil and hydrologic analyses by local units of government, the Garrison Conservancy District, and the Bureau of Reclamation.

IV. Proposed Re-categorization.

It is suggested that under the avoidance criteria category provision be made for Water Management Districts and Irrigation Districts to file appropriate maps showing the location of those lands which have demonstrated that they are suitable for irrigation, and that such lands be considered avoidance areas.

The following language should be added as subsection (g) on page 59 of the proposed regulation to the avoidance criteria for energy conversion facilities and as subsection (j) on page 65 to the avoidance criteria for transmission facilities:

Lands which have been shown to be suitable for irrigation. Maps of such lands shall be filed with the Commission by any state or local agency charged with the duty of protecting the environment or planning land or water use.

Such language would preserve a future alternative use of the land and protect the public's interest in irrigation.

V. Early Identification of Impacted Lands is Necessary.

A second recommendation is that the Commission prohibit the filing of any letter of intent or application for site or corridor compatibility which covers

any lands not previously identified for such purpose by an applicant's Ten Year Plan. This change would more clearly tie the application process to all pre-application planning, would add needed emphasis to the early planning and proposal of sites, would likely produce more and better data at an earlier period, and would allow for a much earlier review of the impact of future energy conversion and transmission facility development on both prime farm soils and irrigable land. It would also stimulate the involvement of local citizens and groups at the earliest possible stage of the planning process.

VI. Permit Variance Only After Notice And Hearing.

Finally, no variance from a permit condition (see page 51 of the proposed regulations) should be granted without a hearing and without notification similar to that provided for in an application hearing. The grant of a variance short-circuits the efforts being made in the regulations to involve the public, should be considered an extraordinary action, and should involve full public participation.

APPENDIX "B"

BEFORE THE YELLOWSTONE RIVER COMPACT COMMISSION

IN THE MATTER OF THE PETITION OF)
 INTAKE WATER COMPANY FOR APPROVAL)
 OF THE DIVERSION OF 63,300 ACRE FEET)
 OF WATER PER YEAR FROM THE YELLOWSTONE)
 RIVER BASIN FOR BENEFICIAL USE IN THE)
 LITTLE MISSOURI RIVER BASIN AND THE)
 BELLE FOURCHE RIVER BASIN.)

P E T I T I O N

COMES NOW the Petitioner, Intake Water Company, and petitions the Commission upon the following premises:

1. The Petitioner is a corporation incorporated under the laws of Delaware and a wholly owned subsidiary of Tenneco, Inc., a Delaware corporation.

2. On June 8, 1973, the Petitioner appropriated 80,650 acre feet of water from the Yellowstone River for sale, rent and distribution for irrigation, industrial, municipal and domestic purposes, with the point of diversion near Intake, Montana. The facilities associated with this project will include a diversion works on the Yellowstone River complete with pump house, two 42-inch diameter buried aqueducts, and an offstream regulating reservoir. The Petitioner proposes to divert 30,000 acre feet per year of such appropriation out of the Yellowstone River Basin and into the Little Missouri Basin for the following purposes:

A. For Municipal Use: 3,400 acre feet per year in the Wibaux, Montana and Beach, North Dakota area.

B. For Industrial Use: 26,600 acre feet per year in the Wibaux County, Montana, and Golden Valley County, North Dakota area for the following:

(1) A synthetic natural gas plant (250 million standard cubic feet per day) - 10,000 acre feet per year.

(2) A steam electric generation plant (880 megawatts) - 16,600 acre feet per year.

3. On September 27, 1974, the Petitioner filed applications with the Montana Department of Natural Resources and Conservation and the

Wyoming State Engineer's Office for permits to appropriate water and to construct a dam and water storage reservoir. The project is known as the Moorhead Reservoir Project and is located on the Powder River. The dam will be constructed in Montana approximately four miles north of the state line near Moorhead. The reservoir will extend southward approximately 25 miles into Wyoming. The Petitioner projects the annual usable yield of the reservoir to be approximately 110,000 acre feet and proposes that such water be committed to irrigation, municipal and industrial uses and divided between the states of Montana and Wyoming according to their entitlement under the Yellowstone River Compact. The Petitioner proposes to divert 33,300 acre feet per year of Wyoming's Compact entitlement from the Yellowstone River Basin to the Belle Fourche River Basin in the Gillette, Wyoming area for the following purposes:

A. For Municipal Use: 5,000 acre feet per year
for use in the Gillette area.

B. For Industrial Use: 28,300 acre feet per
year in Campbell County, Wyoming for the following:

(1) A synthetic natural gas plant (500 million
standard cubic feet per day) - 20,000 acre feet per year.

(2) A steam electric generation plant (440 megawatts) -
8,300 acre feet per year.

4. Article X of the Yellowstone River Compact states that "no water shall be diverted from the Yellowstone River Basin without the unanimous consent of all the signatory states." Since North Dakota is a signatory state but not a member of the Yellowstone River Compact Commission, the Petitioner proposes to obtain the written consent of the executive water authority of the State of North Dakota to the proposed diversions from the Yellowstone River Basin.

5. The Yellowstone River Compact Commission, through the Montana and Wyoming Commissioners, has authority to act for and consent to the diversions from the Yellowstone River Basin in behalf of the signatory states of Montana and Wyoming. Section E of Article III of the Yellowstone River Compact provides that "the Commission shall have power to formulate

rules and regulations and to perform any act which they may find necessary to carry out the provisions of this Compact . . ." (emphasis supplied).

6. The unanimous consent provision of Article X for out-of-basin diversion of compact water contemplates consent of the executive branch of the governments of the three signatory states. If Legislative consent or ratification were required, the Compact should have stated such before it was ratified by the Legislature of the three signatory states and by the United States Congress.

7. The Petitioner intends to make beneficial use of water diverted outside the Yellowstone River Drainage for the production of energy and to aid municipalities impacted by energy development which beneficial use is in the interest of the states of Montana, North Dakota and Wyoming as well as the Nation.

WHEREFORE, the Petitioner prays the Commission to approve and consent to water diversion from the Yellowstone River Basin as follows:

1. 30,000 acre feet per year for municipal and industrial use in the Little Missouri River Basin; and
2. 33,300 acre feet per year for municipal and industrial use in the Belle Fourche River Basin.

INTAKE WATER COMPANY
Petitioner
P. O. Box 2511
Houston, Texas 77001

By J. R. Adams
Jack Adams, Manager

* INDICATES PRIOR
PERMIT STATUS

WATER PERMIT AGENDA FOR DECEMBER 7, 1977 MEETING

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
2823	Richland Rural Water Users, Inc. - Kindred (Richland County) Priority: 7-19-77 Hearing: 9-26-77	Ground Water (Hankinson Aquifer)	Municipal- (Rural Domestic)	600.0 acre-feet	350.0 acre-feet * NO PRIOR PERMITS
2892	Verona, City of - Verona (LaMoure County) Priority: 6-28-77 Hearing: 9-26-77	Ground Water (Dakota Aquifer)	Municipal	24.0 acre-feet	24.0 acre-feet * NO PRIOR PERMITS
2894	Gwinner, City of - Gwinner (Sargent County) Priority: 7-26-77 Hearing: 9-26-77	Ground Water	Municipal	350.0 acre-feet	Defer action at this time. Applicant has revised the point of diversion, therefore, a new hearing has been scheduled. * NO PRIOR PERMITS
2187	Vculek, Bernard - Crete (Sargent & Ransom Cos.)	Ground Water	Irrigation	This is a request for a change in points of diversion.	Defer action at this time due to the fact that there was not sufficient time to completely review and study request.

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
2862	Cross, Lawrence - Milnor (Ransom County) Priority: 5-16-77 Hearing: 9-26-77	Ground Water	Irrigation	1280.0 acre-feet 640.0 acres	Defer action at this time pending lack of time to completely review request. * #2515 (Priority Date: 8-20-76) - Granted 102.0 acres
2857	Houghton Grazing Association - Houghton, S.D. (Sargent County) Priority: 5-11-77 Hearing: 9-26-77	Ground Water	Irrigation	480.0 acre-feet 320.0 acres	Defer action at this time pending lack of time to completely review request. * NO PRIOR PERMITS
2858	Houghton Grazing Association - Houghton, S.D. (Sargent County) Priority: 5-11-77 Hearing: 9-26-77	Ground Water	Irrigation	720.0 acre-feet 480.0 acres	Defer action at this time pending lack of time to completely review request. * NO PRIOR PERMITS
2854	Molbert, Ralph Nelson - Steele (Kidder County) Priority: 5- 3-77 Hearing: 9-26-77	Ground Water	Irrigation	476.0 acre-feet 316.0 acres	Defer action at this time pending lack of time to completely review request. * #2297 (Priority Date: 3-11-76) - Granted 115.7 acres

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
2781	Stevick, Vern - Des Lacs (Ward County) Priority: 7-26-77 Hearing: 9-26-77	Slough, Non- Contributing to Souris River Basin * NO PRIOR PERMITS	Irrigation	80.0 acre-feet 40.0 acres	40.0 acre-feet 40.0 acres
2505	Northrup, Max - Beach (Golden Valley Co.) Priority: 8- 1-77 Hearing: 9-26-77	Williams Creek, trib. to the Little Missouri River * NO PRIOR PERMITS	Irrigation	295.0 acre-feet 295.0 acres	295.0 acre-feet 295.0 acres
2712	Schwan, Maurice - Devils Lake (Benson County) Priority: 7-29-77 Hearing: 9-26-77	Ground Water * NO PRIOR PERMITS	Irrigation	720.0 acre-feet 481.0 acres	Defer action at this time pending lack of time to completely review request.
2869	Pennington, Jackie L. - New Town (Mountrail County) Priority: 5-25-77 Hearing: 10- 3-77	Slough, non- contributing to Missouri River Basin * NO PRIOR PERMITS	Irrigation	58.0 acre-feet 30.0 acres	Defer action at this time pending lack of time to completely review request.

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
2874	Peterson, Dale C. - New Town (Mountrail County) Priority: 6- 3-77 Hearing: 10- 3-77	Slough, non-con- tributing to Missouri River Basin * NO PRIOR PERMITS	Irrigation	57.0 acre-feet 32.0 acres	Defer action at this time pending lack of time to completely review request.
2895	Brossart, Vernon - Balta (Pierce County) Priority: 5-17-77 Hearing: 10- 3-77	Ground Water * NO PRIOR PERMITS	Irrigation	852.0 acre-feet 426.0 acres	Defer action at this time pending lack of time to completely review request.
2896	Schwartz, LeRoy - Richardton (Dunn County) Priority: 2- 2-77 Hearing: 10- 3-77	Ground Water and the Knife River, trib. to Missouri River * #371 (Priority Date: 11-24-50) - Granted 39.1 acres	Irrigation- Waterspreading	340.0 acre-feet (240.0 River; 100.0 G.W. or River) 170.0 acres	Defer action at this time pending lack of time to completely review request.
2897	Slaubaugh, Howard J. - Wolford (Pierce County) Priority: 3-15-77 Hearing: 10- 3-77	Ground Water #2447 (Priority Date: 7-29-76) - Granted 33.6 acres	Irrigation	200.0 acre-feet 200.0 acres	Defer action at this time pending lack of time to completely review request.

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
2898	Sandberg, Carl Jr. - Oakes (Dickey County) Priority: 4-12-77 Hearing: 10- 3-77	Ground Water and/or James River * NO PRIOR PERMITS	Irrigation	384.0 acre-feet 265.0 acres	Defer action at this time pending lack of time to completely review request.
2900	Jensen, C. L. - Esmond (Pierce County) Priority: 5-17-77 Hearing: 10- 3-77	Ground Water * NO PRIOR PERMITS	Irrigation	150.0 acre-feet 100.0 acres	Defer action at this time pending lack of time to completely review request.
2901	Knife River Coal Mining Company - Bismarck (Bowman County) Priority: 6- 1-77 Hearing: 10- 3-77	Ground Water; and Unnamed Tributary, trib. to Buffalo Creek & Grand River * NO PRIOR PERMITS	Industrial (settlement of suspended solids & dewatering mining area)	98.4 acre-feet storage 300.0 acre-feet annual use (100.0 acre-feet Surface Water) (200.0 acre-feet Ground Water)	Defer action at this time pending lack of time to adequately review request.
2902	Volk, Ronald J. - Orrin (Pierce County) Priority: 6- 3-77 Hearing: 10- 3-77	Ground Water * NO PRIOR PERMITS	Irrigation	300.0 acre-feet 78.0 acres	Defer action at this time pending lack of time to adequately review request.

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
2903	Hoffart, Frank - Bismarck (Benson County)	Ground Water	Irrigation	684.0 acre-feet 456.0 acres	Defer action at this time pending lack of time to properly review request.
	Priority: 6- 6-77 Hearing: 10- 3-77	* NO PRIOR PERMITS			
2904	Haman, Julius - Rugby (Pierce County)	Ground Water	Irrigation	280.0 acre-feet 137.5 acres	Defer action at this time pending lack of time to properly review request.
	Priority: 5-25-77 Hearing: 10- 3-77	* NO PRIOR PERMITS			
2905	Hoffart, Joe F. and Francis - Balta (Pierce County)	Ground Water	Irrigation	110.0 acre-feet 79.0 acres	Defer action at this time pending lack of time to properly review request.
	Priority: 6- 6-77 Hearing: 10- 4-77	* NO PRIOR PERMITS			
2907	Lake Isabel Improve- ment Association - Bismarck (Kidder County)	Ground Water	Recreation (maintain lake level and water quality)	397.72 acre-feet	Defer action at this time pending lack of time to properly review request.
	Priority: 6- 8-77 Hearing: 10- 4-77	* NO PRIOR PERMITS			

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
2908	Linderman, Charles L. - Carrington (Foster County)	Ground Water	Irrigation	546.0 acre-feet 312.0 acres	Defer action at this time pending lack of time to properly review request.
	Priority: 6-13-77 Hearing: 10- 4-77	* NO PRIOR PERMITS			
2909	Pasternak, Ray - Grenora (Williams County)	Ground Water	Irrigation	720.0 acre-feet 480.0 acres	Defer action at this time pending lack of time to properly review request.
	Priority: 6-20-77 Hearing: 10- 4-77	* NO PRIOR PERMITS			
2910	Rockeman, Lloyd - Sidney, Mont. (McKenzie County)	Little Missouri River, trib. to Missouri River	Irrigation	437.0 acre-feet 437.0 acres	Defer action at this time pending lack of time to properly review request.
	Priority: 6-20-77 Hearing: 10- 4-77	* NO PRIOR PERMITS			
2914	Peterson, Darrie L. - Warwick (Benson County)	Ground Water	Irrigation	460.0 acre-feet 230.0 acres	Defer action at this time pending lack of time to properly review request.
	Priority: 6-27-77 Hearing: 10- 4-77	* #2661 (Priority Date: 12-20-76) Granted 135.0 acres			

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
2916	The Leach Ranch - Towner (McHenry County)	Souris River	Irrigation	1430.0 acre-feet 780.0 acres	Defer action at this time pending lack of time to properly review request.
	Priority: 8-30-76 Hearing: 10-10-77	* NO PRIOR PERMITS			
2917	Casnet Co. - Claremont, S.D. (Sargent County)	Ground Water	Irrigation	320.0 acre-feet 160.0 acres	Defer action at this time pending lack of time to properly review request.
	Priority: 6-28-77 Hearing: 10-10-77	* NO PRIOR PERMITS			
2918	Casnet Co. - Claremont, S.D. (Sargent County)	Ground Water	Irrigation	640.0 acre-feet 320.0 acres	Defer action at this time pending lack of time to properly review request.
	Priority: 6-28-77 Hearing: 10-10-77	* NO PRIOR PERMITS			
2919	Casnet Co. - Claremont, S.D. (Dickey County)	Ground Water	Irrigation	1280.0 acre-feet 640.0 acres	Defer action at this time pending lack of time to properly review request.
	Priority: 6-28-77 Hearing: 10-10-77	* NO PRIOR PERMITS			

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
2920	Arnold, Raymond - Esmond (Benson County) Priority: 6-30-77 Hearing: 10-10-77	Ground Water * NO PRIOR PERMITS	Irrigation	936.0 acre-feet 468.0 acres	Defer action at this time pending lack of time to properly review request.
2921	Baesler, Gordon D. and Kenneth W. - Bismarck (Grant County) Priority: 6-30-77 Hearing: 10-10-77	Ground Water * NO PRIOR PERMITS	Irrigation	114.0 acre-feet 75.5 acres	Defer action at this time pending lack of time to properly review request.
2922	Daner, Michael P. - Beulah (Mercer County) Priority: 6-30-77 Hearing: 10-10-77	Ground Water * NO PRIOR PERMITS	Municipal- (Rural Domestic)	140.0 acre-feet	Defer action at this time pending lack of time to properly review request.
2923	Daner, Michael P. - Beulah (Mercer County) Priority: 6-30-77 Hearing: 10-10-77	Ground Water * NO PRIOR PERMITS	Irrigation	20.0 acre-feet 10.0 acres	Defer action at this time pending lack of time to properly review request.

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
2924	Daner, Michael P. - Beulah (Mercer County) Priority: 6-30-77 Hearing: 10-10-77	Ground Water * NO PRIOR PERMITS	Irrigation	80.0 acre-feet 20.0 acres	Defer action at this time pending lack of time to properly review request.
2925	Walker, Dennis R. - Oberon (Benson County) Priority: 6-30-77 Hearing: 10-10-77	Ground Water * NO PRIOR PERMITS	Irrigation	586.5 acre-feet 391.0 acres	Defer action at this time pending lack of time to properly review request.
2926	Luidahl, Marshall W. - Williston (Williams County) Priority: 7- 1-77 Hearing: 10-10-77	Little Muddy River, or Lake Sakakawea * NO PRIOR PERMITS	Irrigation	370.0 acre-feet 185.0 acres	Defer action at this time pending lack of time to properly review request.
2230	Rotenberger, Ronald G. - Milnor (Ransom County)	Ground Water	Irrigation	This is a request for a change in points of diversion; an increase in gallons permit from 1620 to 1800; and for an additional 50.0 acres	It is recommended that the request for amendment be granted as described.

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
2695	Hendricks, Louie N. - Killdeer (Dunn County) Priority: 1-21-77 Hearing: 3-21-77 Deferred: 3-24-77	Little Knife River, trib. to Knife River * NO PRIOR PERMITS	Irrigation- Waterspreading	120.0 acre-feet 60.0 acres	60.0 acre-feet 60.0 acres
2929	Jangula, Andrew - Bismarck (Emmons County) Priority: 7- 6-77 Hearing: 10-17-77	Oahe Reservoir * NO PRIOR PERMITS	Irrigation	493.2 acre-feet 246.6 acres	493.2 acre-feet 246.6 acres
2932	Sonsalla, Mike H. - Marmarth (Slope County) Priority: 7- 7-77 Hearing: 10-17-77	Little Missouri River, trib. to Missouri River * #1969 (Priority Date - 9-7-73) - Granted 101.4 acres	Irrigation	194.0 acre-feet 97.0 acres	Defer action at this time pending lack of time to properly review request.
2934	Lenthe, Dirk - Moorhead, Minn. (Cass County) Priority: 7-12-77 Hearing: 10-17-77	Ground Water * NO PRIOR PERMITS	Municipal - (Rural Domestic)	20.0 acre-feet	Defer action at this time pending lack of time to properly review request.

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
2933	Benz, Walter A. - Dunn Center (Dunn County)	Ground Water	Irrigation	400.0 acre-feet 200.0 acres	Defer action at this time pending lack of time to properly review request.
	Priority: 7-11-77 Hearing: 10-17-77	* #2014 (Priority Date: 12-7-73) - Granted 58.0 acres			
2936	Schmaltz, Albert J. - Orrin (Pierce County)	Ground Water	Irrigation	1280.0 acre-feet 546.0 acres	Defer action at this time pending lack of time to properly review request.
	Priority: 7-18-77 Hearing: 10-17-77	* NO PRIOR PERMITS			
2937	Myers, Robert - Binford (Griggs County)	Ground Water	Irrigation	308.0 acre-feet 154.0 acres	Defer action at this time pending lack of time to properly review request.
	Priority: 7-22-77 Hearing: 10-17-77	* #1895 (Priority Date: 12-18-72) - Granted 160.0 acres			
2938	Grandahl, John and Kay - Warwick (Eddy County)	Ground Water	Irrigation	463.0 acre-feet 309.0 acres	Defer action at this time pending lack of time to properly review request.
	Priority: 8-15-77 Hearing: 10-17-77	* NO PRIOR PERMITS			

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
2786	Waldo, Ronald - Warwick (Benson County)	Ground Water	Irrigation	343.0 acre-feet 229.0 acres	Defer action at this time pending lack of time to properly review request.
	Priority: 7-29-77 Hearing: 10-17-77	* NO PRIOR PERMITS			
2860	Consolidation Coal Company - Stanton (Mercer County)	Ground Water	Irrigation (Trial on reclaimed land)	40.0 acre-feet 292.5 acres	Defer action at this time pending lack of time to properly review request.
	Priority: 8-26-77 Hearing: 10-17-77	* NO PRIOR PERMITS			
2885	Jacobson, Robert - Warwick (Benson County)	Unnamed lake, which is non-contributing to Devils Lake Basin	Irrigation	221.0 acre-feet 141.0 acres	Defer action at this time pending lack of time to properly review request.
	Priority: 6-20-77 Hearing: 10-17-77	* NO PRIOR PERMITS			
2939	Hansen, Larry R., Paul and Marvin F. - Oakes (Dickey County)	Ground Water	Irrigation	720.0 acre-feet 475.8 acres	Defer action at this time pending lack of time to properly review request.
	Priority: 6- 2-77 Hearing: 10-17-77	* #1303A (Priority Date: 7-2-65) Granted 191.2 acres to Larry Hansen #2203 (Priority Date: 1-22-75) Granted 755.0 acres to " "			

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
2943	Schnabel, Harold - College Place, Wash. (Kidder and Stutsman Cos.)	Ground Water	Irrigation	1164.0 acre-feet 776.0 acres	Defer action at this time pending lack of time to properly review request.
	Priority: 9-19-77 Hearing: 10-24-77	* NO PRIOR PERMITS			
2944	Dahlgren & Company - Lisbon (Ransom County)	Sheyenne River, trib. to Red River of the North	Irrigation	58.5 acre-feet 39.0 acres	Defer action at this time pending lack of time to properly review request.
	Priority: 8-17-77 Hearing: 10-24-77	* NO PRIOR PERMITS			
2891	North Valley Water Association, Inc. - Cavalier (Pembina County)	Ground Water (Unnamed Aquifer)	Municipal- (Rural Domestic)	140.0 acre-feet	140.0 acre-feet (This request was approved by the State Engineer on October 4, 1977.)
	Priority: 7-15-77 Hearing: 9-12-77 Deferred: 9-16-77	*#1968 (Priority Date: 5-8-75) - Granted 200.0 acre-feet #2327 (Priority Date: 10-3-75)- Granted 60.0 acre-feet			
2948	Biegler, Pius - Bismarck (Burleigh County)	Ground Water	Irrigation	468.0 acre-feet 312.0 acres	Defer action at this time pending lack of time to properly review request.
	Priority: 8- 8-77 Hearing: 10-24-77	* NO PRIOR PERMITS			

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
2950	Wolt, Clayton - Sterling (Burleigh County) Priority: 8- 8-77 Hearing: 10-24-77	Ground Water * NO PRIOR PERMITS	Municipal- (Rural Domestic)	36.0 acre-feet	Defer action at this time pending lack of time to properly review request.
2951	Fandrich, Emil - Dodge (Dunn County) Priority: 8- 9-77 Hearing: 10-24-77	Unnamed Tributary, trib. to Knife River * NO PRIOR PERMITS	Irrigation- Waterspreading	123.0 acre-feet 82.0 acres	Defer action at this time pending lack of time to properly review request.
2952	Vculek, Bernard - Crete (Dickey County) Priority: 8-17-77 Hearing: 10-24-77	Ground Water #2187 (Priority Date: 12-17-74) - Granted 810.0 acres	Irrigation	900.0 acre-feet 610.0 acres	Defer action at this time pending lack of time to properly review request.
2953	Vculek, Marlene - Crete (Sargent County) Priority: 8-17-77 Hearing: 10-24-77	Ground Water * NO PRIOR PERMITS	Irrigation	600.0 acre-feet 400.0 acres	Defer action at this time pending lack of time to properly review request.

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
2957	Shimelfenig, Theodore - Carrington (Wells County) Priority: 8-19-77 Hearing: 10-24-77	Ground Water * NO PRIOR PERMITS	Irrigation	342.0 acre-feet 171.26 acres	Defer action at this time pending lack of time to completely review request.
2959	Basin Electric Power Cooperative - Bismarck (Mercer County) Priority: 8-23-77 Hearing: 10-24-77	Missouri River # 659 (Priority Date: 2-3-56) Granted 6570.0 acre-feet #1039 (Priority Date: 9-24-62) Granted 970,000 acre-feet #1661 (Priority Date: 9-22-69) Granted 300.0 acre-feet #2179 (Priority Date: 12-13-74) Granted 19,000 acre-feet #2847 (Priority Date: 5-4-77) Granted 20.0 acre-feet for 5 years	Industrial (to furnish nutrients and oxygen to proposed fish farm)	4839.0 acre-feet (consumptive use estimated at less than 6.0 acre-feet per year)	Defer action at this time pending lack of time to properly review request.
2961	Meikle, Daniel L., Jr.- Spiritwood (Stutsman County) Priority: 8-29-77 Hearing: 10-24-77	Ground Water * NO PRIOR PERMITS	Irrigation	359.10 acre-feet 239.4 acres	Defer action at this time pending lack of time to properly review request.
2960	Oas, Ardell J. - Columbus (Burke County) Priority: 8-31-77 Hearing: 10-24-77	Unnamed Coulee, trib. to Short Creek and Souris River * NO PRIOR PERMITS	Recreation and Stockwater	29.3 acre-feet storage plus 12.0 acre-feet annual use	29.3 acre-feet storage plus 12.0 acre-feet annual use (This application was approved by the State Engineer on October 31, 1977.)

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
2964	Stremick, Marlene and Myrna - Walhalla (Cavalier County)	Pembina River, trib. to Red River of the North	Irrigation	468.0 acre-feet 312.0 acres	Defer action at this time pending lack of time to completely review request.
	Priority: 9- 1-77 Hearing: 10-31-77	* NO PRIOR PERMITS			
2965	Birst, Emil - Turtle Lake (McLean County)	Ground Water	Irrigation	237.0 acre-feet 158.0 acres	Defer action at this time pending lack of time to completely review request.
	Priority: 9- 2-77 Hearing: 10-31-77	* NO PRIOR PERMITS			
2966	Bodvig, Marvin - Tappen (Kidder County)	Ground Water	Irrigation	440.25 acre-feet 293.5 acres	Defer action at this time pending lack of time to completely review request.
	Priority: 9- 8-77 Hearing: 10-31-77	#2062 (Priority Date: 3-18-74) - Granted 456.0 acres			
2876	Larson, Roger - Dickey (LaMoure County)	Ground Water	Irrigation	234.0 acre-feet 117.0 acres	Defer action at this time pending lack of time to completely review request.
	Priority: 6- 6-77 Hearing: 10-31-77	* NO PRIOR PERMITS			

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
2884	Trampe, Ernest and Loraas, Dallis - Dunn Center (Dunn County) Priority: 6-17-77 Hearing: 10-31-77	Ground Water	Irrigation	354.0 acre-feet 177.0 acres	Defer action at this time pending lack of time to completely review request. #1939 (Priority Date: 6-12-73) - Granted 176.0 acres
2911	Voglewede, William C. - Carrington (Foster County) Priority: 9-28-77 Hearing: 10-31-77	Ground Water	Irrigation	80.0 acre-feet 38.0 acres	Defer action at this time pending lack of time to to completely review request. * NO PRIOR PERMITS
2887	Kyser, Kenneth - Erie (Cass County) Priority: 9-29-77 Hearing: 10-31-77	Ground Water	Irrigation	240.0 acre-feet 160.0 acres	Defer action at this time pending lack of time to properly review request. * NO PRIOR PERMITS
2971	Small, Walter - Bismarck (Burleigh County) Priority: 8- 8-77 Hearing: 10-31-77	Oahe Reservoir	Irrigation	800.0 acre-feet 383.8 acres	767.6 acre-feet 383.8 acres #1836 (Priority Date: 4-7-72) - Granted 262.4 acres

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
2889	Schlenker, Allen - Montpelier (Stutsman County) Priority: 4- 4-77 Hearing: 10-31-77	Ground Water * NO PRIOR PERMITS	Irrigation	409.0 acre-feet 272.7 acres	Defer action at this time pending lack of time to completely review request.
2520	Bendish, Arnold (and Sullivan Trust) - Fort Rice (Morton County) Priority: 5-12-77 Hearing: 11-14-77	Oahe Reservoir * NO PRIOR PERMITS	Irrigation	1100.0 acre-feet 525.9 acres	1051.8 acre-feet 525.9 acres
2972	Ray, Ronald J. - Oakes (Dickey County) Priority: 9-28-77 Hearing: 10-31-77	Ground Water * NO PRIOR PERMITS	Irrigation	225.0 acre-feet 150.4 acres	Defer action at this time pending lack of time to completely review request.
2940	Jermiason, Evelyn - Minot (McKenzie County) Priority: 6-30-77 Hearing: 11-14-77	Lake Sakakawea * NO PRIOR PERMITS	Irrigation	416.0 acre-feet 208.3 acres	416.6 acre-feet 208.3 acres

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
2480	Beyer, Dennis - Rhame (Bowman County)	Middle Fork of Deep Creek, trib. to Little Missouri River	Stockwater and Irrigation	35.0 acre-feet storage plus 30.0 acre-feet annual use 30.1 acres	Defer action at this time pending lack of time to completely review request.
	Priority: 10-21-77 Hearing: 11-14-77	*#1937 (Priority Date: 6-5-73) - Granted 30.1 acres			
2942	Gruebele, Reinhold - Pettibone (Kidder County)	Ground Water	Irrigation	1209.0 acre-feet 806.0 acres	Defer action at this time pending lack of time to completely review request.
	Priority: 7-21-77 Hearing: 11-14-77	* NO PRIOR PERMITS			
2976	Anderson Ranch - Towner (Pierce County)	Ground Water	Irrigation	1440.0 acre-feet 695.0 acres	Defer action at this time pending lack of time to completely review request.
	Priority: 10-13-77 Hearing: 11-14-77	* NO PRIOR PERMITS			
2977	Frauenberg, James - LaMoure (LaMoure County)	Ground Water	Irrigation	240.0 acre-feet 160.0 acres	Defer action at this time pending lack of time to completely review request.
	Priority: 10-17-77 Hearing: 11-14-77	* NO PRIOR PERMITS			

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
2978	Mercer, City of - Mercer (McLean County) Priority: 10-17-77 Hearing: 11-14-77	Ground Water (Fox Hills Formation) * NO PRIOR PERMITS	Municipal	20.0 acre-feet	20.0 acre-feet
2864	Russell, William H. - Stanton (Mercer County) Priority: 5-18-77 Hearing: 7-11-77 Deferred: 8-16-77	Knife and Missouri Rivers * NO PRIOR PERMITS	Irrigation	1279.6 acre-feet (1039.6 Missouri River) (240.0 Knife River) 639.8 acres	1159.8 acre-feet (1039.8 Missouri River) (120.0 Knife River) 639.8 acres (519.8 Missouri River) (120.0 Knife River)
2431	O'Keeffe, James R. and Melaas, Randall - Walhalla (Pembina County) Priority: 3- 4-77 Hearing: 4-25-77 Deferred: 5-27-77	Pembina River, trib. to Red River of the North * NO PRIOR PERMITS	Irrigation	600.0 acre-feet 556.2 acres	556.2 acre-feet 556.2 acres
2963	U.S. Fish and Wildlife Service (Lake Ilo National Wildlife Refuge)- Denver, Col. (Dunn County) Priority: 8-10-77 Hearing: 11-14-77	Ground Water (Unnamed Aquifer) * (Not listed individually because they hold quite a number of permits in different areas of the State)	Recreation	200.0 acre-feet	200.0 acre-feet (This application was approved by the State Engineer on November 18, 1977.)

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
2799	Weinreis, Lloyd - Golva (Golden Valley Co.)	Little Missouri River, trib. to Missouri River	Irrigation	350.0 acre-feet 175.0 acres	175.0 acre-feet 175.0 acres
	Priority: 3-25-77 Hearing: 7- 5-77 Deferred: 7- 8-77	* #810 (Priority Date: 8-25-59) - Granted 127.1 acres #941 (Priority Date: 10- 4-61) - Granted 55.0 acres			
2800	Weinreis, Lloyd - Golva (Slope County)	Little Missouri River, trib. to Missouri River	Irrigation	432.0 acre-feet 216.0 acres	216.0 acre-feet 216.0 acres
	Priority: 3-25-77 Hearing: 7- 5-77 Deferred: 7- 8-77	* (Same as listed under permit No. 2799)			
2861	Gerbig, Morris - Amidon (Billings County)	Little Missouri River, trib. to Missouri River	Irrigation - Waterspreading	370.0 acre-feet 370.0 acres	370.0 acre-feet 370.0 acres
	Priority: 5-13-77 Hearing: 8- 1-77 Deferred: 8-16-77	* #1245 (Priority Date: 10-9-64) - Granted 44.0 acres			
2980	Tower City, City of - Tower City (Cass County)	Ground Water	Municipal	67.0 acre-feet	Defer action at this time. Because of inclement weather conditions the date of the hearing, it was necessary to reschedule the hearing.
	Priority: 10-25-77 Hearing: 11-21-77	* NO PRIOR PERMITS			

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2969	Klain, Leonard - Turtle Lake (McLean County)	Ground Water	Irrigation	376.5 acre-feet 251.0 acres	Defer action at this time. Because of inclement weather conditions on the date of the hearing, it was necessary to reschedule the hearing.
	Priority: 9-19-77 Hearing: 11-21-77	* NO PRIOR PERMITS			
2958	Williams, Vern - Milnor (Ransom County)	Ground Water	Irrigation	960.0 acre-feet 480.0 acres	Defer action at this time. Because of inclement weather conditions the date of the hearing, it was necessary to reschedule the hearing.
	Priority: 8-22-77 Hearing: 11-21-77	* #716 (Priority Date: 4-25-57) Granted 50.0 acres #987 (Priority Date: 4- 3-62) Granted 248.0 acres			
2979	North Dakota Concrete Products Co. - Bismarck (Burleigh County)	Ground Water	Industrial	1.5 acre-feet	Defer action at this time. Because of inclement weather conditions the date of the hearing, it was necessary to reschedule the hearing.
	Priority: 10-18-77 Hearing: 11-21-77	* NO PRIOR PERMITS			
2946	Smith, William Wayne - LaMoure (LaMoure County)	Ground Water	Irrigation	240.0 acre-feet 160.0 acres	Defer action at this time. Because of inclement weather conditions the date of the hearing, it was necessary to reschedule the hearing.
	Priority: 8- 3-77 Hearing: 11-21-77	* NO PRIOR PERMITS			

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
2945	Schmaltz, Richard A. - Rugby (Pierce County) Priority: 8- 2-77 Hearing: 11-21-77	Ground Water * NO PRIOR PERMITS	Irrigation	650.0 acre-feet 389.0 acres	Defer action at this time. Because of inclement weather conditions the date of the hearing, it was necessary to reschedule the hearing.
1215	Mehlhoff, Lawrence - Tuttle (Kidder County) Priority: 7-7-64 Hearing: 8-4-64	Ground Water and Unnamed Lake	Irrigation	450.0 acre-feet 298.0 acres	The applicant has with- drawn this application.
2612	Adams, City of - Adams (Walsh County) Priority: 8- 4-76 Hearing: 11-28-77	Ground Water * NO PRIOR PERMITS	Municipal	58.8 acre-feet	Defer action at this time pending lack of time to completely review request.
2713	Hall, Donald - Trotters (Golden Valley Co.) Priority: 2- 7-77 Hearing: 5-23-77 Deferred: 5-27-77	Beaver Creek and Unnamed Draws, trib. to Little Missouri River * #1386 (Priority Date: 8-20-66) Granted 15.0 acres	Irrigation	830.0 acre-feet 417.0 acres	Recommend for approval: 209.0 acre-feet 209.0 acres (208.0 acres shall be held in abeyance)

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2853	Irvine, John - Bismarck (Burleigh County) Priority: 5- 2-77 Hearing: 7-11-77 Deferred: 8-16-77	Oahe Reservoir	Irrigation	80.0 acre-feet 40.0 acres	80.0 acre-feet 40.0 acres * NO PRIOR PERMITS
1241	Friese, Lester - Lisbon (Ransom County)	Ground Water	Irrigation	This is a request for an amendment in points of diversion and an additional 120.0 acres	Defer action at this time pending lack of time to completely review request.
2983	Hettich, Ronald and Irma - McLaughlin, S.D. (Sioux County) Priority: 10-20-77 Hearing: 11-28-77	Oahe Reservoir	Irrigation	1359.8 acre-feet 678.9 acres	Defer action at this time pending lack of time to completely review request. * NO PRIOR PERMITS
2984	Silbernagel, Anton - Fort Yates (Sioux County) Priority: 10-20-77 Hearing: 11-28-77	Oahe Reservoir	Irrigation	613.0 acre-feet 306.9 acres	Defer action at this time pending lack of time to completely review request. * NO PRIOR PERMITS

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2868	Davenport, Leonard Jr. - Baldwin (Burleigh County) Priority: 5-25-77 Hearing: 7-18-77 Deferred: 8-16-77	Missouri River * NO PRIOR PERMITS	Irrigation	834.0 acre-feet 417.0 acres	834.0 acre-feet 417.0 acres
2714	Lee Brothers - Kindred (Richland County) Priority: 2- 7-77 Hearing: 5-23-77 Deferred: 5-27-77	Ground Water * NO PRIOR PERMITS	Irrigation	240.0 acre-feet 160.0 acres	It is recommended that this application be denied. (Applicant did not comply with law in forwarding notices to landowners)
2051	Stegner, William - Rhame (Slope County) Priority: 2-25-74 Hearing: 9- 9-74 Deferred: 10-15-74	Ground Water; or Deep Creek, trib. to Little Missouri River	Irrigation	457.0 acre-feet Ground Water; or 994.0 acre-feet storage plus 457.0 acre-feet annually from Deep Creek	The applicant has requested to withdraw this applica- tion.
2795	Winter Sports Limited - Fort Ransom (Ransom County) Priority: 3-22-77 Hearing: 6- 1-77 Deferred: 7- 8-77	Sheyenne River, trib. to Red River of the North * NO PRIOR PERMITS	Industrial (Snowmaking)	130.0 acre-feet	130.0 acre-feet

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
2803	Obrigewitch, Patrick - Belfield (Stark County)	Unnamed Intermittent Draw, trib. to Heart River	Recreation and Stockwater	60.0 acre-feet storage plus 25.8 acre-feet annual use	60.0 acre-feet storage plus 25.8 acre-feet annual use
	Priority: 3-31-77 Hearing: 6- 6-77 Deferred: 7- 8-77	* NO PRIOR PERMITS			
2636	Herzig, Floyd - Burlington (Ward County)	Des Lacs River, trib. to Souris River	Irrigation- Waterspreading	167.0 acre-feet 166.7 acres	166.7 acre-feet 166.7 acres
	Priority: 9- 1-76 Hearing: 2- 7-77 Deferred: 2-11-77	* #453 (Priority Date: 7-17-52) Granted 84.6 acres			
2715	Martian, William - Rhame (Slope County)	Deep Creek, trib. to Little Missouri River	Irrigation	88.0 acre-feet storage plus 111.0 acre-feet annual use 111.0 acres	88.0 acre-feet storage plus 111.0 acre-feet annual use 111.0 acres
	Priority: 2- 4-77 Hearing: 5-23-77 Deferred: 5-27-77	* NO PRIOR PERMITS			

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
2529	German Farms - Fullerton (Dickey County) Priority: 8-31-76	Ground Water (Unnamed Aquifer) * NO PRIOR PERMITS	Irrigation	652.5 acre-feet 435.0 acres	On December 7, 1976, the Commission granted the applicant 375.0 acre-feet of water to irrigate 250.0 acres (the balance of the application has been held in abeyance). Upon further review of the application, it is recommended that the applicant be granted an additional 97.5 acre-feet to water to irrigate an additional 20.0 acres. (The balance of the application shall continue to be held in abeyance)
2706	Heley, Howard - Lidgerwood (Richland County) Priority: 1-26-77 Hearing: 4- 4-77 Deferred: 4-15-77	Ground Water (Unnamed Aquifer)	Irrigation	402.0 acre-feet 268.0 acres	402.0 acre-feet 268.0 acres
2745	Mrachek, John - Alexander (McKenzie County) Priority: 5-18-77 Hearing: 7- 5-77 Deferred: 7- 8-77	Lonesome Creek, trib. to Yellowstone River * #106A (Priority Date: 9-13-02) Granted 61.2 acres	Irrigation- Waterspreading	160.0 acre-feet 141.0 acres	141.0 acre-feet 141.0 acres

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
2761	Foell, Alfred - Moffit (Emmons County)	Ground Water (Glencoe Aquifer)	Irrigation	440.0 acre-feet 400.0 acres	Recommend for approval: 156.0 acre-feet 135.0 acres (Balance of this request shall be held in abeyance)
	Priority: 12- 7-76 Hearing: 5-23-77 Deferred: 5-27-77	* #1952 (Priority Date: 7-30-73) Granted 240.0 acres			
2664	Hammer, Arley - Englevale (Ransom County)	Ground Water (Unnamed Aquifer)	Irrigation	940.0 acre-feet 629.08 acres	Recommend for approval: 135.0 acre-feet 135.0 acres (Balance of this request shall be held in abeyance)
	Priority: 12-23-76 Hearing: 2-28-77 Deferred: 3-24-77	* #2620 (Priority Date: 11-16-76) Granted 135.0 acres			
2867	Wike, Merv - Grassy Butte (McKenzie County)	Little Missouri River, trib. to Missouri River	Irrigation	208.0 acre-feet 104.0 acres	104.0 acre-feet 104.0 acres
	Priority: 5-25-77 Hearing: 7-18-77 Deferred: 8-16-77	* NO PRIOR PERMITS			

GOVERNOR'S REMARKS

14TH ANNUAL JOINT CONVENTION OF THE NORTH DAKOTA
WATER USERS AND WATER MANAGEMENT DISTRICTS ASSOCIATIONS

WESTWARD HO MOTEL, GRAND FORKS, ND

DECEMBER 6, 1977

12:00 NOON.

I AM HONORED BY THE INVITATION TO AGAIN ADDRESS THE ANNUAL JOINT CONVENTION OF THE NORTH DAKOTA WATER USERS ASSOCIATION, THE NORTH DAKOTA WATER MANAGEMENT DISTRICTS ASSOCIATION, AND THE NORTH DAKOTA RURAL WATER SYSTEMS ASSOCIATION.

I WILL ADDRESS ONLY ONE TOPIC TODAY: THE PICK-SLOAN MISSOURI BASIN PROGRAM.

THE PICK-SLOAN MISSOURI BASIN PROGRAM WAS THE FIRST SIGNIFICANT ATTEMPT OF THE FEDERAL GOVERNMENT TO BRING ABOUT COMPREHENSIVE DEVELOPMENT AND USE OF LAND AND WATER RESOURCES OF A MAJOR RIVER BASIN THROUGH ITS ESTABLISHED DEPARTMENTS.

SOME OF US REMEMBER THE INTENSE DEBATE OF THE EARLY 1940'S THAT LED TO THE PICK-SLOAN COMPROMISE. GENERAL PICK WAS ADVOCATING A PLAN PRIMARILY FOR NAVIGATION AND FLOOD CONTROL ON THE MISSOURI RIVER, BUT IT ALSO CONTAINED A PROPOSAL FOR TRANSBASIN DIVERSION FROM THE MISSOURI INTO THE JAMES AND SHEYENNE BASINS. CONCURRENTLY, MR. SLOAN OF THE BUREAU OF RECLAMATION DEVELOPED A PLAN TO DIVERT WATER FROM BELOW FORT PECK DAM IN MONTANA TO IRRIGATE MORE THAN A MILLION ACRES, MOSTLY IN THE CROSBY-MOHALL AREAS.

LOOMING IN THE BACKGROUND, HOWEVER, WERE PRESIDENT FRANKLIN D. ROOSEVELT AND INFLUENTIAL PRIVATE INTERESTS IN SUPPORT OF A MISSOURI VALLEY AUTHORITY (MVA) PATTERNED AFTER THE TENNESSEE VALLEY AUTHORITY.

SOME OF US ALSO REMEMBER THE TRAGIC FLOODS ON THE MISSOURI IN 1942 AND 1943. THE FLOODS ACTED AS A CATALYST TO FOCUS BOTH REGIONAL AND NATIONAL ATTENTION ON THE SITUATION IN THE MISSOURI RIVER BASIN.

PRIMARY COMPETITION SOON EXISTED BETWEEN THE PICK AND SLOAN PLANS. PICK'S PLAN WAS THE FIRST TO BE REVIEWED BY CONGRESS, MUCH TO THE CONCERN OF THEN GOVERNOR MOSES. THE HEARING RECORD REVEALS THAT GOVERNOR MOSES EMPHATICALLY STATED THAT STORAGE, AS PLANNED BY THE CORPS, WAS ESSENTIAL, BUT HE COULD NOT SUPPORT A CORPS PROPOSAL UNTIL ANY PLANS INCLUDED FIRM PROPOSALS FOR THE USE OF THE STORED WATER.

GOVERNOR MOSES WAS NOT THE ONLY ONE CONCERNED ABOUT THE CORPS' PROPOSALS. WESTERN OPPOSITION UNITED IN THE FALL OF 1944 TO SUPPORT LEGISLATIVE AMENDMENTS SPONSORED BY SENATORS O'MAHONEY AND MILLIKIN. THESE AMENDMENTS, NOW COMMONLY KNOWN AS THE O'MAHONEY-MILLIKIN AMENDMENTS, FORM THE BASIS FOR BENEFICIAL USE OF MISSOURI RIVER WATER BY THE UPPER BASIN STATES.

THE FLOOD CONTROL ACT OF 1944 WAS A CLASSIC EXAMPLE OF COMPROMISE TO RESOLVE A BASIN-WIDE CONTROVERSY. THAT COMPROMISE MAY BE SIMPLY STATED: WE CONSENTED TO A FLOOD CONTROL AND NAVIGATION DAM ONLY IN RETURN FOR THE BENEFITS TO BE DERIVED FROM THE USE OF IMPOUNDED WATER -- INCLUDING IRRIGATION BY LARGE SCALE DIVERSION.

CONSTRUCTION BEGAN ON GARRISON DAM IN 1947; BY 1953 THE DAM WAS CLOSED; BY 1956 ELECTRICITY WAS BEING PRODUCED, AND BY 1960 THE DAM WAS VIRTUALLY COMPLETE. AS WE KNOW, HOWEVER, DIVERSION FROM THE MISSOURI RIVER MET FRUSTRATING DELAYS. THE MISSOURI-SOURIS DIVERSION UNIT, AUTHORIZED UNDER THE 1944 FLOOD CONTROL ACT, SOON DEVELOPED PROBLEMS DUE TO UNSUITABILITY OF SOILS IN THE CROSBY-MOHALL AREA.

THE BUREAU, SEEKING MORE SUITABLE LAND, THEN FOUND A MILLION ACRES IN THE JAMES AND SHEYENNE BASINS. IN 1957, THE BUREAU REPORTED ITS NEW PLAN, RENAMING IT THE GARRISON DIVERSION UNIT. TO BE BUILT OVER A PERIOD OF SIXTY YEARS, THE PROJECT WAS COMPUTED TO COST \$500 MILLION.

THE BUREAU PLAN WAS SUBJECTED TO CONGRESSIONAL HEARINGS IN 1957. RECORDS OF THOSE HEARINGS INDICATED THAT GOVERNOR DAVIS EMPHASIZED THAT MISSOURI RIVER DIVERSION WAS PART OF THE AGREEMENT IN THE 1944 ACT AND WAS TO PROCEED WITH OTHER ELEMENTS OF THE PICK-SLOAN PLAN, BUT HE WAS CRITICAL THAT RECLAMATION HAD BEEN PERMITTED TO "LAG FAR BEHIND."

THE PROJECT WAS SOON QUARTERED, TO 250,000 ACRES, TO CUT COSTS AND THE PLAN WAS SUBJECTED TO ADDITIONAL HEARINGS. CONGRESS FINALLY ADOPTED THE PRESENT GARRISON DIVERSION UNIT IN 1965 AND CONSTRUCTION STARTED IN 1968.

DURING THIS PERIOD, THE STATE OF NORTH DAKOTA ADMIRABLY UPHELD ITS END OF THE AGREEMENT. WE ESTABLISHED THE GARRISON DIVERSION CONSERVANCY DISTRICT AND HAVE CONTRIBUTED TAXES FOR THE PROJECT FOR MANY YEARS. THE CONSERVANCY DISTRICT HAS ENTERED A BINDING MASTER CONTRACT WITH THE UNITED STATES. WE APPROVED A 3.145 MILLION ACRE-FOOT WATER PERMIT TO THE BUREAU FOR THE PROJECT. WE HAVE CONVEYED LAND, SUCH AS THE BED OF DEVILS LAKE, TO THE UNITED STATES. AND, WE HAVE ADJUSTED OUR PLANS FOR STATE DEVELOPMENT TO THE PLANS FOR THE PROPOSED GARRISON DIVERSION UNIT.

LET US NOW ASSESS THE CURRENT STATUS OF THE GARRISON DIVERSION UNIT. IT WAS THE OBJECT OF THE SO-CALLED "HIT LIST" DURING THE EARLY MONTHS OF 1977. THIS HIT LIST WAS DEVELOPED WITHOUT CONSULTING THE STATE OF NORTH DAKOTA. THEREAFTER, FOLLOWING INTENSE PRESSURE, WE WERE ALLOWED THE MARCH 22 HEARING IN JAMESTOWN ON THE PROJECT.

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IN APRIL, I HAD AN OPPORTUNITY TO MEET PERSONALLY WITH PRESIDENT CARTER REGARDING THE GARRISON DIVERSION PROJECT. LATER THAT MONTH, WE FOUND OUT THAT GARRISON DIVERSION WOULD NOT BE COMPLETELY CUT. HOWEVER, THE PRESIDENT RECOMMENDED THAT MAJOR MODIFICATIONS BE MADE TO THE PROJECT: SUCH MODIFICATIONS INCLUDED THE ELIMINATION OF THE SOURIS, KARLSRUHE, WARWICK-McVILLE AND NEW ROCKFORD IRRIGATION AREAS AND ASSOCIATED SUPPLY WORKS, WITH THE EXCEPTION OF REACHES 1 AND 2 OF THE NEW ROCKFORD CANAL, REDUCING THE SIZE OF LONETREE RESERVOIR, AND REDUCING THE WIDTH OF THE NEW ROCKFORD CANAL REACHES. THE STATE OPPOSED THESE RECOMMENDATIONS AND THE CONGRESS, IN PASSING THE 1978 PUBLIC WORKS APPROPRIATION ACT, REJECTED -- USING VERY STRONG AND VERY CONCISE LANGUAGE -- THE PRESIDENT'S RECOMMENDATIONS AND DIRECTED THAT CONSTRUCTION OF THE PROPOSED PROJECT PROCEED AS AUTHORIZED WITH THE \$18.66 MILLION APPROPRIATION MADE AVAILABLE BY THE ACT.

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THE DEPARTMENT OF INTERIOR IS NOW REFUSING TO IMPLEMENT THE 1965 REAUTHORIZATION LAW AND THE 1977 APPROPRIATION ACT. THE DEPARTMENT OF INTERIOR IS REFUSING TO CONSTRUCT THOSE PORTIONS OF THE PROJECT WHICH CONGRESS ORDERED CONSTRUCTED. THE DEPARTMENT OF INTERIOR IS DEVELOPING ALTERNATIVES TO THE PROJECT EVEN THOUGH CONGRESS DIRECTED THE GARRISON DIVERSION UNIT, AS WE KNOW IT, TO BE CONSTRUCTED. THE DEPARTMENT OF INTERIOR IS REFUSING TO PROVIDE THE STATE OF NORTH DAKOTA WITH INFORMATION THAT IT HAS GIVEN TO THE NATIONAL AUDUBON SOCIETY, AN ORGANIZATION COMMITTED TO KILLING THE PROJECT. AND, BASED ON ITS ACTIONS TO DATE, THE DEPARTMENT OF INTERIOR MAY BE TAKING ADDITIONAL STEPS TO TERMINATE THE PROJECT.

THE FEDERAL GOVERNMENT HAS BROKEN FAITH WITH THE PEOPLE OF NORTH DAKOTA. THE FEDERAL GOVERNMENT, ALONG WITH DOWNSTREAM AND ADJOINING STATES, HAVE WHAT THEY WANT OUT OF THE PICK-SLOAN MISSOURI BASIN PROGRAM, AND THE FEDERAL GOVERNMENT IS ATTEMPTING TO REJECT OUR LEGITIMATE CLAIMS.

HOW SHOULD WE REACT? SHOULD WE GIVE UP AND FORGET ABOUT A PROJECT THAT HAS BEEN A DREAM OF NORTH DAKOTA CITIZENS FOR NEARLY A CENTURY? I THINK NOT. THEREFORE, I BELIEVE IT IS TIME WE REASSESS OUR RELATIONSHIP WITH THE FEDERAL GOVERNMENT.

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THE CORPS OF ENGINEERS HAS RECENTLY ANNOUNCED THAT IT INTENDS TO ADD 272 MW OF GENERATING CAPACITY AT GARRISON DAM -- TO SUPPLEMENT THE 400 MW OF CAPACITY PRESENTLY IN PLACE. TO DO SO, IT PROPOSES THE CONSTRUCTION OF A REREGULATION DAM, THE ACQUISITION OF 270 ACRES FOR WILDLIFE MITIGATION, THE ACQUISITION OF 2,305 ACRES FOR PROJECT FEATURES, AND THE LOSS OF TEN MORE MILES OF THE MISSOURI RIVER. AN ALTERNATIVE WOULD REQUIRE THE ACQUISITION OF 285 ACRES FOR WILDLIFE MITIGATION AND INCREASED EROSION FROM THE INCREASED PEAKING DISCHARGES.

WHO WOULD BENEFIT FROM THIS INCREASED GENERATING CAPACITY? NORTH DAKOTA WOULD BENEFIT LITTLE, IF ANY, BUT WOULD AGAIN SUFFER THE IMPACTS. IT IS IRONIC THAT OTHER STATES WOULD BENEFIT THE MOST EVEN THOUGH THEY WOULD HAVE ABSOLUTELY NO IMPACTS.

PERHAPS OUR POSITION SHOULD BE THAT WE WILL REFUSE TO CONSIDER THE CORPS' PROPOSAL FOR ADDITIONAL GENERATING CAPACITY AT GARRISON DAM UNTIL SUCH TIME AS THE GARRISON DIVERSION UNIT HAS BEEN CONSTRUCTED AND IS IN OPERATION.

ANOTHER AREA OF CONSIDERATION IS THE FEDERAL ACQUISITION OF LAND IN NORTH DAKOTA. BY NOVEMBER OF THIS YEAR, THE DEPARTMENT OF INTERIOR HAD ACQUIRED NEARLY 200,000 ACRES IN FEE (190,528.76) FOR NATIONAL WILDLIFE REFUGES. THEY HAVE ACQUIRED ANOTHER OVER 200,000 ACRES (211,904.03 ACRES EITHER OPTIONED OR ACQUIRED, AS OF NOVEMBER 11, 1977) FOR WATERFOWL PRODUCTION AREAS. IN ADDITION THEY HAVE ACQUIRED OVER THREE-QUARTERS OF A MILLION ACRES (771,991 ACRES) IN WETLANDS EASEMENTS.

WHEN THE GARRISON DIVERSION UNIT WAS REAUTHORIZED IN 1965, THE DEPARTMENT OF INTERIOR WAS AUTHORIZED TO ACQUIRE 146,530 ACRES FOR MITIGATION ENHANCEMENT PURPOSES. NOW, HOWEVER, THE DEPARTMENT OF INTERIOR STATES THAT 146,530 ACRES IS NOT ENOUGH AND THEY WANT MORE.

HOW MUCH IS ENOUGH? NORTH DAKOTA HAS ALREADY TURNED OVER MORE THAN A MILLION ACRES TO FEDERAL OWNERSHIP OR CONTROL OF WETLANDS.

PERHAPS OUR POSITION SHOULD BE THAT WE WILL REFUSE TO CONSIDER, AS AUTHORIZED UNDER FEDERAL LAW, TO APPROVE FURTHER ACQUISITIONS BY THE DEPARTMENT OF INTERIOR IN NORTH DAKOTA UNTIL SUCH TIME AS THE GARRISON DIVERSION UNIT HAS BEEN CONSTRUCTED AND IS IN OPERATION.

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THE FEDERAL GOVERNMENT HAS INDICATED THAT STATES MUST INCREASE ENERGY PRODUCTION. IN NORTH DAKOTA, THIS WOULD INVOLVE INCREASED COAL PRODUCTION, INCREASED GENERATION AND CONVERSION, AND ADDITIONAL PIPELINES AND POWERLINES. WE ARE BEING ASKED TO SACRIFICE FOR THE NATIONAL GOOD. HOWEVER, THE FEDERAL GOVERNMENT IS SAYING AT THE SAME TIME THAT NORTH DAKOTA IS NOT ENTITLED TO THE GARRISON DIVERSION PROJECT.

PERHAPS OUR POSITION SHOULD BE THAT WE REFUSE TO CONSIDER ADDITIONAL ALLOCATION OF WATER, THE GRANTING OF RIGHT-OF-WAY OVER STATE LANDS, AND THE INCREASED MINING OF COAL UNTIL SUCH TIME AS THE GARRISON DIVERSION UNIT HAS BEEN CONSTRUCTED AND IS IN OPERATION.

ADDITIONAL EXAMPLES COULD BE CITED. BUT I BELIEVE THE POINT IS CLEAR. A HEALTHY STATE-FEDERAL RELATIONSHIP DEPENDS UPON MUTUAL RESPECT -- A HEALTHY GIVE AND TAKE. IT SEEMS IN THE PRESENT FEDERAL-STATE RELATIONSHIP NORTH DAKOTA IS GIVING AND THE FEDERAL GOVERNMENT IS TAKING. THE BALANCE MUST BE RESTORED.

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IT IS MY SUGGESTION THAT THE STATE-FEDERAL RELATIONSHIP CAN BE IMPROVED ONLY IF THE FEDERAL GOVERNMENT LIVES UP TO PROMISES PREVIOUSLY MADE. UNTIL THAT TIME, WE SHOULD RESPECTFULLY DECLINE TO FURTHER CONTRIBUTE TO CERTAIN FEDERAL PROGRAMS.

WE SHOULD, THEREFORE, CONTINUE TO PRESS FOR THE GARRISON DIVERSION UNIT IN ORDER TO BRING THE PROMISED BENEFITS TO THE PEOPLE OF THIS STATE. WHILE AT THE SAME TIME CONTINUING TO ELIMINATE OR MINIMIZE ANY ADVERSE EFFECTS FROM THE PROJECT TO OUR NEIGHBORS, THE CITIZENS OF THIS STATE AND THE ENVIRONMENT.

THANK YOU.

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RESOLUTION 77-12-401

APPENDIX "E"

Resolution Opposing Missouri River Compact
and Urging Development of Informal Committee

WHEREAS, there appears to be some consideration for the development of a Congressional Compact pertaining to the division of the waters of the Missouri River; and

WHEREAS, such considerations are premature in terms of the degree of development of the Upper Missouri Basin States and are inadvisable because of the inflexibility of a Congressionally-approved Compact; and

WHEREAS, the Flood Control Act of 1944 contained a provision, known as the O'Mahoney-Millikan Amendment, which preserves the waters above Sioux City, Iowa, for the use and development of the upper basin states except for water necessary to prevent downstream pollution; and

WHEREAS, this amendment to the 1944 Flood Control Act in effect allocates the waters above Sioux City to the upper basin states for their use in growth and development.

NOW, THEREFORE, BE IT RESOLVED that the North Dakota State Water Commission at its meeting held in Grand Forks, North Dakota, this 7th day of December, 1977, urges water resource officials of the Upper Missouri Basin States to resist the formation of an inflexible, Congressionally-sanctioned Compact for the division of the waters of the Upper Missouri; and

BE IT FURTHER RESOLVED that water resource officials of the upper basin states consider the formation of an informal group of qualified resource people representing the upper basin states to meet at regular intervals to discuss progress of water planning in each state, to recommend ways in which the states may join in planning and project development, and to advise the Governors and Legislators concerning methods which would assure mutually satisfactory development of the Upper Missouri River Basin's water and related land resources.

FOR THE NORTH DAKOTA STATE WATER COMMISSION:

SEAL


Arthur A. Link, Governor-Chairman

ATTEST:


Vernon Fahy, Secretary