

MINUTES

North Dakota State Water Commission
 Meeting Held At
 Ramada Inn
 Dickinson, North Dakota

November 14, 1978

The North Dakota State Water Commission held a meeting on November 14, 1978, at the Ramada Inn in Dickinson, North Dakota. Vice Chairman, Richard Gallagher, called the meeting to order at 9:00 a.m., MST, and requested Secretary Vernon Fahy to present the agenda.

MEMBERS PRESENT:

Richard Gallagher, Vice Chairman, Mandan
 Alvin Kramer, Member from Minot
 Gordon Gray, Member from Valley City
 Arlene Wilhelm, Member from Dickinson
 Myron Just, Commissioner, Department of Agriculture, Bismarck
 Vernon Fahy, State Engineer and Secretary, North Dakota
 State Water Commission, Bismarck

MEMBERS ABSENT:

Arthur A. Link, Governor-Chairman
 Arthur Lanz, Member from Devils Lake

OTHERS PRESENT:

State Water Commission Staff Members
 Approximately 20 persons interested in various agenda items

The attendance register is on file in the State Water Commission offices (filed with official copy of minutes).

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

CONSIDERATION OF MINUTES
 OF OCTOBER 20, 1978 MEETING -
 APPROVED

Secretary Fahy reviewed the minutes of the October 20, 1978 meeting held in Minot, North Dakota. There were no corrections or additions to the minutes which had been previously circulated.

It was moved by Commissioner Just, seconded by Commissioner Wilhelm, and carried, that the October 20, 1978 minutes be approved as prepared and distributed.

FARGO GROUND-WATER
STUDY
(SWC Project No. 752)

Secretary Fahy reported on the progress of the ground-water investigation for the City of Fargo being carried out by consultants rather than the Commission

staff. He noted that the study, which was authorized by previous Commission action, was being completed under a format developed by Commission staff. Under terms of the study contract, \$47,645.76 has been expended for qualified study items.

PROGRESS REPORT ON DAM
REPAIR PROJECT AT GRAND
FORKS (RIVERSIDE DAM)
(SWC Project No. 520)

Secretary Fahy reported on the progress of repair of the Riverside Dam at Grand Forks. The dam is used for municipal water supply. He noted that after the dam had been opened for repair, a larger

void in the structure was discovered and that additional funding would be required by the city and the Commission to complete the work. A request was presented for up to \$10,000 extra in Commission financial participation.

It was moved by Commissioner Gray and seconded by Commissioner Just that the cost participation of the Commission in the repair of Riverside Dam be raised to an amount not to exceed \$67,500, which would allow for an overrun of up to \$10,000 under the 50 percent share agreement.

During discussion of the motion, Commissioner Just questioned financial participation in projects where local funding might be available. He noted that he was not singling out this particular repair project but that he felt it necessary to discuss priorities for project financing.

Commissioner Wilhelm referred to expenditures by the Commission in various counties and stated her intention to review with Commission members the overall expenditure comparisons.

Commissioner Gray reviewed briefly the history of contract fund commitments.

Vice Chairman Gallagher stated that project development is undertaken with legislated approval, either direct or implied, and that expenditures therefore were in accordance with legislative intent.

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All members voted aye on the motion;
the motion was unanimously carried.

It was moved by Commissioner Just that
an evaluation be made of project
development procedures. The motion
was seconded by Commissioner Wilhelm.
All members voted aye; the motion
unanimously carried.

LEGAL DIRECTOR'S REPORT

Secretary Fahy called on staff members,
Sagsveen and Dwyer, to give reports on
the following items:

Garrison Diversion - (SWC Project No. 237):

Temporary 20-day restraining order to halt construction, filed
by Audubon Society in Washington, D. C. court. Also reported
on the apparent indecision by the Interior and Justice Departments
to take any positive action regarding the project.

James River Litigation - (SWC Project No. 1680):

North Dakota has filed to dismiss a request for a court order
in South Dakota which would require that releases of flood
waters in the Jamestown and Pipestem reservoirs be held back
until later in the crop growing season.

Legal Division Reorganization:

Murray Sagsveen announced his resignation, accepted by Secretary
Fahy, effective November 15, 1978. Secretary Fahy announced
concurrent appointment by himself and Attorney General Allen
Olson of Mike Dwyer to replace Mr. Sagsveen.

404 Permit Program:

Mike Dwyer briefly reviewed the historical development of
Section 404 of the FWPCA of 1972. The Clean Water Act of
1977, which amended Section 404, provides that a state may
take over implementation of Section 404. While state
involvement in the 404 permit program is a legislative
decision, the State Water Commission must make clear to the
Legislature which agency should properly administer the
state program if it is passed. Counsel recommended that
the State Water Commission request a legislative study of
an interim committee in conjunction with the State Water
Commission.

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It was moved by Commissioner Gray, seconded by Commissioner Wilhelm, and carried, that legal counsel draft a request for a legislative study of state implementation of the 404 Permit Program, which would designate the State Water Commission as the administering agency.

General Drainage - (SWC Project No. 1053):

Two draft resolutions were distributed for Commission consideration at their next meeting. One resolution is for legislative consideration to organize water management districts on a watershed basis; and the other resolution expresses support of the State Engineer's decision to declare all applications for drainage in the Red River Watershed of statewide significance to insure that downstream impacts are sufficiently studied and determined.

It was decided that action on these resolutions should be deferred to the next meeting in Bismarck, at which time water management district officials can provide input.

Rural Water Systems - (SWC Project No. 1574):

Circulated proposed legislation regarding tax exemption status for rural water systems in North Dakota (proposed legislation is attached hereto as APPENDIX "A").

Neal McClure, representing the State Association of Rural Water Systems, explained the proposal and requested the State Water Commission to introduce and support the legislation during the next session.

Discussion followed relative to wording where the proposal refers to the exception as follows: "but not for sale or use for commercial irrigation purposes". It was suggested that the bill draft be reworded prior to legislative session.

It was moved by Commissioner Just, seconded by Commissioner Wilhelm, and carried, that the State Water Commission support the tax exemption legislation.

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South Bismarck Ground-Water Study - (SWC Project No. 1692):

Mike Dwyer reported on a cooperative project agreement with the Burleigh County Water Management District where the District objected to the standard indemnification clause, relieving the Commission of direct project liabilities.

It was the consensus of the Commission members that no exception be made regarding indemnification contained in a project agreement where the Commission is providing financial and/or technical assistance.

CONTINUED DISCUSSION ON
WATER USE FEES
(SWC Project No. 1695)

Draft legislation relative to fee charges for the use of public waters was circulated. (Draft is attached hereto as APPENDIX "B"). Secretary

Fahy presented information relating to the consideration of water use fees.

Mike Dwyer explained the draft legislation.

At this point, there were several persons in attendance who testified briefly regarding their concern:

Arlene Haunson, Dickinson, Citizens Water Committee - supported fees for special fund to assist rural and rural domestic water use; supports fee rate of \$100 per acre-foot plus graduated scale; supports pass-through fee of \$2.00 per acre-foot; and supports use fee as proper method rather than a tax.

Evelyn Newton, concerned citizen - referred to letter presented at prior meeting, August 28. Supports fee rate of \$100 per acre-foot and graduated scale; supports use fee rather than tax; and is concerned about overlap of meetings scheduled by Commission and various study groups.

Rose Sickler, concerned citizen - supports fee charge especially in light of the speed of new developments in energy field; and supports fee rate of \$100 per acre-foot and graduated scale.

Representative Clarence Martin, 38th District - supports a use fee for rural and other small domestic use development; is concerned that a bill draft may put issue in a political arena; and prefers the fee use method; cites lobbying possible pressure on fee or tax during legislative process; cites that among 73 directors of producing electrical cooperatives, all but 11 live out-of-state; and is concerned that legislation may amend the amount to the point where funds would only be sufficient for administration.

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Senator Adam Krauter, 38th District - supported fees to supplement rural water costs; cites problems in getting direct federal or state aid; and supports \$100 fee rate per acre-foot with graduated scale and \$2.00 pass-through charge per acre-foot.

Representative William Lardy, 37th District - supported a fee charge to be deposited to General Fund of the State. He is concerned that a special fund may end in expenditures not necessary and cited examples in another field using funds from the sale of school lands. He also supports authority of the Commission to charge fees.

Art Sickler, concerned citizen - letter from Mr. Sickler, read by Secretary Fahy, proposed fees to finance rural and small domestic use; and contended that the matter is not a legislative issue. (Letter is attached hereto as APPENDIX "C")

After further discussion, Secretary Fahy announced that Governor-Chairman Link requested no policy action be taken at this meeting. He further noted that if the State Water Commission decided to propose regulations rather than legislation, the next step would be to hold public hearings.

Commissioner Just indicated that legislation should not include reference to fee amounts.

It was moved by Commissioner Just to further discuss a new draft at the next meeting and that the Commission legal staff provide the draft incorporating further research into alternatives. The motion was seconded by Commissioner Wilhelm. All members voted aye; the motion unanimously carried.

Vice Chairman Gallagher called upon each member to contact Mr. Dwyer regarding their ideas to be put into the draft.

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

Secretary Fahy presented APPENDIX "D"
for the Commission's consideration,
which represents water permit actions.

Secretary Fahy indicated that each application has been reviewed and appropriate conditions attached.

It was moved by Commissioner Kramer,
seconded by Commissioner Gray, and
carried, that the actions of the State
Engineer be confirmed.

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The following water permit requests were approved: No. 3112 - Clarence Unruh, Hebron; No. 2947 - Chester Halverson, White Earth (this request was approved by the State Engineer on November 3, 1978); No. 2673 - Harold Treeby, Hecla, S.D. (this grants additional acre-feet and acres to the applicant which have been held in abeyance); No. 3014 - Betty J. Daniels, Oakes; No. 2539 - Robert Thompson, Thomas Thompson Trust and William J. Thompson Trust, Page (this grants additional acre-feet and acres to the applicant which have been held in abeyance); and No. 2538 - Ralph and William Thompson, Thomas A. Thompson Trust and William J. Thompson Trust, Page (this grants additional acre-feet and acres to the applicant which have been held in abeyance).

The following requests were deferred at this time: No. 3128 - Chester A. Anderson, Oakes; No. 2148 - Yellowstone Pumping Irrigation District, Cartwright (this is a request for a change in points of diversion); and No. 2290 - Raymond Wiese, Oakes (this is a request for a change in the points of diversion). (SEE APPENDIX 'D')

**ATTORNEY GENERAL'S RULING
CONCERNING ACREAGE LIMITATION
REGULATIONS
(SWC Project No. 1400)**

Commissioner Wilhelm reviewed with the Commission members, a memo circulated by her regarding an Attorney General's Ruling on Irrigation Regulations adopted by the Commission. She recommended the reconsideration of the proposed regulations at the next meeting.

Commissioner Just requested legal staff to delineate Commission options to achieve the intended goals.

Commissioner Kramer called for a step-by-step review by the Commission at a future meeting of the ruling.

**1979-1981 APPROPRIATION
REQUEST**

Secretary Fahy deferred discussion of the budget request made to the Office of Executive Budget until after

further consultations, now underway with the Executive Budget Officer.

**CONSIDERATION OF
FINANCIAL STATEMENT**

Assistant Secretary Matt Emerson presented the financial statement and percentage account report. He

noted that the budget amounts used to measure percentage spending were based

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upon 1975-1977 biennium experience and may need to be adjusted. This action would allow for some priority change in the Fees and Services line item.

**DISCUSSION OF FEDERAL
WATER POLICY**

and reply to President Carter's Water Policy. Present status of the Policy, as reported by Murray Sagsveen, is that approximately two of the nineteen federal task forces are moving to implementation and these concern fish and wildlife coordination and quantification of federal water rights.

Mike Dwyer distributed copies of a resolution and information regarding the Western States Water Council input

**EXPRESSION OF APPRECIATION
TO MURRAY SAGSVEEN, LEGAL
COUNSEL FOR STATE WATER COMMISSION**

Commissioner Gray expressed the Commission's appreciation for legal work contributed by Murray Sagsveen.

Commissioner Just concurred in the expression.

Secretary Fahy was directed to prepare a suitable citation for presentation to Mr. Sagsveen.

The meeting adjourned at 2:00 p.m. to join a meeting of the Citizens Committee relative to the Dickinson West River Water Study.



Arthur A. Link
Governor-Chairman

ATTEST:



Vernon Fahy
State Engineer and Secretary

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NORTH DAKOTA STATE WATER COMMISSION

REGISTER

ATTENDANCE AT State Water Commission Meeting

DATE November 14, 1978 PLACE Dickinson, N.Dak.

PROJECT NO. _____

Your Name	Your Address	Who do you Represent? (Or Occupation)
Neal Nic Cline	1815-Hanford, Bismarck	N.D. Rural Water Assoc.
Larry Noraman	945 7th Ave W. Dickinson	Dickinson Press
Murray L. Sagveen		Bismarck
Mike Dwyer	Bis	SWC
Ed. Boe	822-2nd ave. W. Dickinson N. Dak.	A.N.G.
DAVIDA Spozyczynskiy	Bis	SWC
Adam Keuter	Regent, N.Dak.	Southern water study
Norma Martin	Regent, N.Dak.	Rep Dist 38
Rose Sibley	Bladstone, N.D.	Concerned Citizen
Evelyn Keuter	" "	" "
Delores Zisman	252 W 6 Dickinson	Badlands Envir Assoc
Orlene Johnson	219 E. 12 Dickinson, N.D.	Dickinson Citizens Water Comm.
Ken Royse	Bism.	Old West Rural Water Office
John Norton	Box 254 Dickinson	DAKOTA RESOURCE COUNCIL
Vicky Dehne	KDIX Dix	KDIX NEWS

NORTH DAKOTA STATE WATER COMMISSION
REGISTER

ATTENDANCE AT _____

DATE 11-14-78 - page 2 PLACE _____

PROJECT NO. _____

Your Name	Your Address	Who do you Represent? (Or Occupation)
Bill Lardy	920 13 th Ave W Dickinson, ND	State Rep. District 37
Clayton Hoffman	1931 - St. Benedict Dr Bismarck, N.D.	Old West Rural Water Office
Mark Johnson	Bismarck	" " " " "
Fletcher H. Poling	Bismarck	Basin Electric Power Co of
Jim Ketterling	Box 727 Mandan	Nb. Dak. Assoc. REC's/RTC's
LAURENCE McMERTY	MINDOT	N. D. WATER USERS
Kenneth Lundgren	Taylor	Rep Dist 38 - ND Leg.
Robert W. Sadowsky	Wagoner Wagoner	Dunn WMO
FAY		
EMERSON		
GALLAGHER		
KRAMER		
WILHELM		
GRAY		
JUST		

HOUSE	PAGE		248
Committee Report	S J	H J	
SENATE <input type="checkbox"/> DO PASS <input type="checkbox"/> NOPOST <input type="checkbox"/> AMEND			
HOUSE <input type="checkbox"/> DO PASS <input type="checkbox"/> NOPOST <input type="checkbox"/> AMEND			
Legislative Action on Amendments			
SENATE <input type="checkbox"/> ADOPTED <input type="checkbox"/> NOT ADOPTED			
HOUSE <input type="checkbox"/> ADOPTED <input type="checkbox"/> NOT ADOPTED			
2nd Reading and Final Passage			
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APPENDIX "A"

1 A BILL for an Act to create and enact a new subsection to section
2 57-02-08 of the North Dakota Century Code, to provide a property
3 tax exemption for certain associations and corporations furnish-
4 ing potable water.

5

6 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
7 STATE OF NORTH DAKOTA:

8

9 SECTION 1.) A new subsection to section 57-02-08 of the
10 North Dakota Century Code is hereby created and enacted to read
11 as follows:

12 All property, except land, owned by any cooperative
13 association or nonprofit corporation incorporated
14 under the laws of this state and used by it to
15 furnish potable water to persons, including cities
16 of less than ten thousand population, in this state
17 for sale or use but not for sale or use for commercial
18 irrigation purposes.

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APPENDIX "B"

			AYE	NAY
Assigned To Committee On:				
SENATE _____				
HOUSE _____				
			PAGE	
Committee Report IND			S.J.	H.J.
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HOUSE <input type="checkbox"/> DO PASS <input type="checkbox"/> PASS <input type="checkbox"/> AMEND				
Legislative Action on Amendments				
SENATE <input type="checkbox"/> ADOPTED <input type="checkbox"/> NOT ADOPTED				
HOUSE <input type="checkbox"/> ADOPTED <input type="checkbox"/> NOT ADOPTED				
2nd Reading and Final Passage				
SENATE <input type="checkbox"/> PASS <input type="checkbox"/> FAIL				
HOUSE <input type="checkbox"/> PASS <input type="checkbox"/> FAIL				

1 A BILL for an Act to create and enact Chapter 61-02.1 of the
2 North Dakota Century Code, providing for the assessment of
3 water marketing fees, providing for the establishment of a
4 special fund for water marketing revenues, and providing for
5 an appropriation of monies to the North Dakota State Water
6 Commission for planning, research and development of special
7 water resource projects in North Dakota.

8

9 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
10 STATE OF NORTH DAKOTA:

11

12 SECTION 1.) Chapter 61-02.1 of the North Dakota Century
13 Code is hereby created and enacted to read as follows:

14 61-02.1-01. LEGISLATIVE INTENT AND PURPOSES.)

15

Alternative 1.

16 The intent of this chapter is to establish fees for the
17 beneficial industrial use of water, and for the privilege of
18 holding an option to place waters to beneficial use. This
19 chapter also establishes a procedure for the State Engineer
20 in the assessment of such fees.

21 Water for industrial use, as defined herein is considered
22 available only from the main stem Missouri River (including
23 Lake Sakakawea) due to the quantities of water involved.
24 The Missouri River, because of the construction and regulation

1 pursuant to the 1944 Flood Control Act (ch. 665, 58 Stat.
2 887), is able to provide water even during years when its
3 tributaries may be intermittent or dry.

4 The State consented to the construction of the Pick-
5 Sloan Plan for the Missouri River because it promised a more
6 stable supply of water for domestic, municipal, stock watering,
7 irrigation and industrial uses -- all considered essential
8 for the economic stability of North Dakota. Indeed, the
9 Flood Control Act provides that:

10 The use for navigation, in connection with the operation
11 and maintenance of such works herein authorized for
12 construction, of waters arising in States lying wholly
13 or partly west of the ninety-eighth meridian shall be
14 only such use as does not conflict with any beneficial
15 consumptive use, present or future, in States lying
16 wholly or partly west of the ninety-eighth meridian, of
17 such waters for domestic, municipal, stock water,
18 irrigation, mining, or industrial purposes.

19 Economic stability continues to be a critical concern
20 of the Legislative Assembly. The State Water Commission has
21 granted a number of water permits for energy conversion
22 purposes. Such a use of water will stimulate concurrent
23 uses of water for domestic, municipal, and other industrial
24 uses in the region.

25 However, the Legislative Assmably recognizes that
26 energy conversion water uses may only be short-term, thereby
27 leading to a boom and bust economy for the region. Anxious
28 to prevent such economic instability, the Legislative Assembly
29 desires to realize revenue from the current energy conversion
30 uses of water and apply the revenue to preparing for long-
31 term domestic municipal, irrigation, industrial, and fish,
32 wildlife and recreation beneficial uses of water in the
33 region.

34 61-02.1-01. LEGISLATIVE INTENT AND PURPOSES.)

35 Alternative 2.

1 The intent of this chapter is to establish fees for the
2 beneficial industrial use of water, and for the privilege of
3 holding an option to place waters to beneficial use. This
4 chapter also establishes a procedure for the State Engineer
5 in the assessment of such fees.

6 The Legislative Assembly recognizes economic stability
7 is of primary concern to the people of this state, and that
8 judicious appropriation and use of water resources in accord-
9 ance with Chapter 61-04 of the North Dakota Century Code is
10 of utmost importance to the economy of the state of North
11 Dakota and the health and welfare of its citizens. The
12 Legislative Assembly recognizes and declares that it is in
13 the reasoned best interests of the citizens of this state to
14 provide for the assessment of fees for certain uses of water
15 in this state, and to provide for the establishment of a
16 special fund to promote planning, research and development
17 of special water resource projects in this state. Therefore,
18 the legislative assembly finds and declares that it is the
19 purpose of this Act to establish a procedure for the State
20 Engineer in the assessment of such fees, including the
21 manner and against whom such water use fees shall be assessed,
22 the maximum amount of such fees, and the purpose and object
23 to which such fees shall be applied.

24 61-02.1-02. DEFINITIONS.) For the purposes of this
25 chapter, unless the context or subject matter otherwise
26 requires:

- 27 1. "Commission" means the state water commission
28 (Governor, Commissioner of Agriculture, and five
29 citizen members).
- 30 2. "State engineer" means the state engineer, appointed
31 pursuant to North Dakota Century Code Section 61-
32 03-01, who is also the chief engineer and secretary
33 of the commission.
- 34 3. "Application" means an application for a conditional
35 water permit.

1 4. "Applicant" means a person submitting an application
2 for a conditional water permit.

3 5. "Industrial use" means

4 Alternative 1.

5 the use of acre-feet or more of water annually
6 for electrical generation or synthetic natural gas
7 production and other uses incidental thereto
8 including irrigation for reclamation for associated
9 mining operations.

10 5. "Industrial use" means

11 Alternative 2.

12 the use of acre-feet or more of water annually
13 for all industrial purposes for the furtherance of
14 a commercial enterprise wherever located, including
15 but not limited to manufacturing, mining, or
16 processing, but excluding irrigation.

17 6. "Conditional Water Permit" means a water permit
18 which has been approved pursuant to Section 61-04-
19 06 of the North Dakota Century Code, which authorizes
20 the applicant to construct any facilities or works
21 necessary to apply water to a beneficial use, and
22 which reserves to the applicant the amount of
23 water specified therein during such time as
24 facilities or works are being constructed.

25 7. "Perfected Water Permit" means a water permit
26 recognizing the right to use the amount of water
27 specified therein, which is issued pursuant to
28 Section 61-04-09 of the North Dakota Century Code
29 after water has been applied to or works constructed
30 for the beneficial use stated in the conditional
31 water permit.

32 8. "Consumptive beneficial use" means the use of water
33 whereby water is actually consumed and used up, and
34 no return flow of water appropriated is provided.

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9. "Non-consumptive beneficial use" means the use of water for flow-through-cooling industrial plants or other similar uses whereby water is returned to the source from which it is appropriated.

10. "Permittce" means a person who has received a conditional or perfected water permit from the State Engineer.

61-02.1-03. RATE FOR CONDITIONAL WATER PERMIT.) Upon the granting of a conditional water permit by the State Engineer, the holder of a conditional water permit for industrial use shall remit to the State of North Dakota an annual fee of \$2.00 per acre-foot for the quantity of water stated in the permit.

61-02.1-04. RATE FOR PERFECTED WATER RIGHT.) Upon the application of water to a beneficial use, whether or not a perfected water permit has been granted, the holder of a water permit for industrial use shall remit to the State of North Dakota an annual fee of \$20 per acre-foot for the quantity of water actually put to consumptive beneficial use and \$.20 per acre-foot for the quantity of water actually used for flow through cooling or other similar nonconsumptive purposes.

61-02.1-05. ASSESSMENT AND PAYMENT.)

1. On or before January 15 of each year, the State Engineer shall forward to every holder of a conditional water permit, and every permittee utilizing water for industrial use an assessment according to the following formulas:

- a. $\$2/\text{acre-foot} \times \text{acre-feet authorized in conditional permit} \times \% \text{ of assessable year} = \text{\$fee}$
- b. $\$.20 \text{ or } \$20/\text{acre-foot} \times \text{acre-feet actually applied to beneficial use} = \text{\$fee}$

2. The assessed permit holder shall remit the proper

1 amount to the Treasurer of the State of North
2 Dakota on or before March 15 of the year in which
3 the assessment is forwarded by the State Engineer.

4 61-02.1-06. INTEREST FOR DELINQUENT PAYMENTS.)

5 1. Industrial use permittees shall pay interest on
6 fees which become delinquent computed at the rate
7 of 1 percent per month for the amount of the
8 delinquent fees. A payment shall be considered
9 delinquent if not paid on or before March 15. The
10 interest shall accrue from March 16, and it shall
11 include the date of payment.

12 2. If a delinquency should continue past May 1, the
13 State Engineer may proceed to terminate an otherwise
14 valid water permit pursuant to Section 61-04-23
15 through 61-04-25 and any contractual provisions
16 accompanying a permit.

17 61-02.1-07. METERING DEVICE REQUIRED.) Water use
18 subject to fees herein shall be measured by a metering
19 device satisfactory to the State Engineer. It shall be
20 installed, operated, and maintained by permittee as required
21 by the State Engineer at no expense to the State. It shall
22 be accessible for inspection at all reasonable times by
23 proper representatives of the State Engineer.

24 61-02.1-08. RULES AND REGULATIONS.) The State Water
25 Commission may adopt such rules and regulations as are necessary
26 to implement and carry out the purposes of this chapter.

27 61-02.1-09. SPECIAL FUND.) All fees collected under
28 this act shall be deposited in the State Treasury in a
29 special fund to be known as the Water Resource Development
30 Fund, and shall be used for planning, research, and development
31 of special water resource projects in North Dakota. All income
32 of the Water Resources Development Fund and all interest of
33 such income shall be used only by the State Water Commission or
34 the State Engineer.

35 61-02.1-10. PURPOSES OF FUND.) The Water Resource

1 Development Fund may be expended under the direction of the
2 Legislative Assembly to fund any water resource activity
3 authorized to the State Water Commission by title 61 of the
4 North Dakota Century Code.

5 61-02.1-11. APPROPRIATION.) There is hereby appropriated
6 out of any moneys in the Water Resource Development Fund in
7 the state treasury, not otherwise appropriated, the sum of
8 , or so much thereof as may be necessary, to
9 the state water commission, for the purpose of

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Art Siskler Dura Co.

APPENDIX "C" 250

I'm very concerned about the water marketing fees. I believe N.D. cannot afford to donate our water to produce ~~electricity~~ electricity to ever increasing demand from out of state interests. All N.D. has an investment in our water supplies because of loss of revenue from crops - taxes, mineral etc.

When I was at Sept meeting in Bismarck at the water commission we ^{general} agreed that would have to establish a workable water fee.

At the last state meeting Agr. & water Commissioner Meyer just introduced a motion to table & resent all prior work done by Commission on market fees.

Since 90% of our electricity will be exported to other states 1985. The dollar now I may have to spend on my electricity bill generate an additional \$9.00 to tax payers of N.D.

I propose that the money from these fees should be used for rural domestic & urban water projects. Such as water metered system proposed for 14 ^{S.W.} Counties

This should not be a legislative issue as the water commission does have the power, authority to establish it.

WATER PERMIT AGENDA FOR NOVEMBER 14, 1978 MEETING

* INDICATES PRIOR PERMIT STATUS

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
3128	Anderson, Chester A. - Oakes (Dickey County) Priority: 9-13-78 Hearing: 10-30-78	Ground Water * NO PRIOR PERMITS	Irrigation	210.0 acre-feet 140.0 acres	It is recommended that action be deferred at this time pending lack of time to properly review request.
214B	Yellowstone Pumping Irrigation District - Cartwright (McKenzie County) Priority: 7-25-40 Hearing for Amendment: 10-23-78	Yellowstone River * #1409 (Priority Date: 11-21-66) Granted 727.3 acres	Irrigation	This is a request for a change in points of diversion.	It is recommended that action be deferred at this time pending lack of time to properly review request.
2290	Wiese, Raymond - Oakes (Dickey County) Priority: 6-20-75 Hearing on Amendment: 11- 6-78	Ground Water	Irrigation	This is a request for a change in point of diversion.	It is recommended that action be deferred at this time pending lack of time to properly review request.
3112	Unruh, Clarence - Hebron (Mercer County) Priority: 6-29-78 Hearing: 7-24-78 Deferred: 8-23-78	Unnamed Stream, trib. to Elm Creek * NO PRIOR PERMITS	Irrigation- Waterspreading	154.0 acre-feet 103.0 acres	103.0 acre-feet 103.0 acres

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
2947	Halverson, Chester - White Earth (Williams County) Priority: 6- 5-78 Hearing: 7-10-78 Deferred: 7-19-78	Unnamed Stream, trib. to Dry Fork Creek and Lake Sakakawea * NO PRIOR PERMITS	Irrigation- Waterspreading	35.0 acre-feet 18.5 acres	18.5 acre-feet 18.5 acres (This application was approved by the State Engineer on November 3, 1978.)
2673	Treeby, Harold - Hecla, S.D. (Dickey County) Priority: 1- 3-77	Ground Water (Dakota Lake Plains Aquifer) * NO PRIOR PERMITS	Irrigation	240.0 acre-feet 215.6 acres	On May 2, 1977, the appli- cant was granted 150.0 acre-feet of water to irrigate 100.0 acres; balance of request held in abeyance. The Commission staff has reviewed that portion held in abeyance and recommends that the applicant be granted an additional 52.5 acre-feet to irrigate an additional 35.0 acres. No further amounts shall be held in abeyance. The total amounts granted the applicant will be 202.5 acre-feet to irrigate 135.0 acres.
3014	Daniels, Betty J. - Oakes (Dickey County) Priority: 12-21-77 Hearing: 1-30-78 Deferred: 3-16-78	Ground Water (Middle James Aquifer) * NO PRIOR PERMITS	Irrigation	300.0 acre-feet 160.0 acres	232.5 acre-feet 155.0 acres

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNTS REQUESTED	COMMENTS & RECOMMENDATIONS
2539	Thompson, Robert; Thomas Thompson Trust and William J. Thompson Trust - Page (Cass County)	Ground Water (Page Aquifer)	Irrigation	2500.0 acre-feet 1702.26 acres	<p>On December 7, 1976, the applicant was granted 607.5 acre-feet of water to irrigate 405.0 acres; balance of request was held in abeyance.</p> <p>The Commission staff has reviewed that portion held in abeyance and now recommends that the applicant be granted an additional 202.5 acre-feet of water to irrigate an additional 270.0 acres; balance of request held shall continue to be held in abeyance.</p> <p>Total amounts granted to date would then be 810.0 acre-feet to irrigate 675.0 acres.</p>
2538	Thompson, Ralph and William; Thomas A. Thompson Trust; William J. Thompson Trust - Page (Cass County)	Ground Water (Page Aquifer)	Irrigation	2640.0 acre-feet 1784.16 acres	<p>On December 7, 1976, the applicants were granted 405.0 acre-feet of water to irrigate 270.0 acres; balance of request was held in abeyance.</p> <p>On February 11, 1977, the applicants were granted an additional 202.0 acre-feet of water to irrigate an additional 135.0 acres; balance of request held in abeyance.</p> <p>The SWC staff has reviewed that portion of request held in abeyance and recommends releasing an additional 202.5 acre-feet to irrigate an additional 270.0 acres; balance of request continue to remain held in abeyance. (Totals granted to date would be 809.5 acre-feet to irrigate 675.0 acres)</p>

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NORTH DAKOTA STATE WATER COMMISSION

REGISTER

ATTENDANCE AT State Water Commission Meeting

DATE December 5, 1978 PLACE Holiday Inn
Bismarck, N.D.
 PROJECT NO. _____

Your Name	Your Address	Who do you Represent? (Or Occupation)
Fletcher A. Poling	Bismarck	Basin Electric Power Corp
CHUCK RUPE	BISMARCK	NGPL
Neal Mc Clellan	"	N.D. RW Assoc.
David A. Sprynczynski	PIS	SWC
Andrew Nellickson	Bismarck	FWS
John Clement	Bismarck	ANG
Jim Ketterling	Box 727 Mandan	No. Dak. Assoc. REC'S
Stanley ^{Pollett Ad} Ballatal	Holiday in Dak	Sanitized area water study
Myrtle Ophang	Klotz N.D.	Nelson Co WMB
Ben Varman	Mapes, N.D.	Nelson Co WMB
Richard Proker	Pekin, N.D.	Nelson Co. W.M.B.
Thomas Equilon	Carrington	GDCD
Steve Johnson	Wakarusa	SPCB
William Ross	Cogswell	N.D. C.D.
Dick Mourm	Bismarck	SCS