

STATE WATER CONSERVATION COMMISSION  
Minutes of Meeting  
Held in Office of State Water Commission in  
Bismarck, North Dakota  
December 12, 1958

A regular meeting of the North Dakota State Water Conservation Commission was called to order on December 12, 1958, in the office of the Commission, State Capitol Building, to consider routine business matters. The following were present:

MEMBERS OF THE STATE WATER CONSERVATION COMMISSION

- Governor John E. Davis, Chairman, Bismarck
- W. W. Corwin, Member from Fargo
- Einar Dahl, Member from Watford City
- Oscar Lunseth, Member from Grand Forks
- A. M. Christensen, Member from Minot
- Math Dahl, Commissioner of Agriculture & Labor, Bismarck
- Fred J. Fredrickson, Planning Coordinator, Washington, D. C.
- Milo W. Hoisveen, Secretary & Chief Engineer, State Engineer, Bismarck

The meeting was called to order by Governor Davis at 9:30 a.m. with Commissioners W. W. Corwin, Einar Dahl, Oscar Lunseth, A. M. Christensen, Math Dahl, Planning Coordinator Fred Fredrickson and Secretary Hoisveen present.

It was moved by Commissioner Corwin and seconded by Commissioner Lunseth that the Minutes of the October 26th meeting be approved and filed in the office of the State Water Conservation Commission. All members voted aye and said motion carried.

It was moved by Commissioner Lunseth and seconded by Commissioner Corwin that the Financial Statements for October and November be approved. All members voted aye and said motion carried.

Secretary Hoisveen stated that the Northwestern Bell Telephone Company has requested permission to place a marine cable 500 feet long under the Red River of the North in the vicinity of Wahpeton. The cable would be pressurized and well protected and will be one of their heavier lines. It will carry 51 pair of lines and will be six inches in diameter. In reviewing the information submitted, Secretary Hoisveen stated that he would recommend that said request be approved. It was moved by Commissioner Lunseth and seconded by Commissioner Christensen that said request be granted. All members voted aye and said motion carried.

Secretary Hoisveen stated that he had received an invitation from Colonel L. W. Pine, District Engineer of the Corps of Engineers at Riverdale, requesting all of the Commission members to attend a social hour and dinner at Riverdale on December 18th. The guest speaker will be Mr. James Smith, Vice President of the Missouri River Division of the Mississippi Valley Association. Those indicating a desire to attend were Commissioners A. M. Christensen, Math Dahl and Einar Dahl, Mr. Fred Fredrickson and Secretary Milo W. Hoisveen.

In discussing the National Reclamation Association convention held at Houston, Texas, on November 17-21, Secretary Hoisveen stated that the convention had inspired more enthusiasm than any previous convention. The enthusiasm was premised on the basis of the various meetings the North Dakota delegation held with

Federal and other State delegates. The delegates unanimously agreed to urge the Department of Interior and Congress to retain the Regional Office of the Bureau of Reclamation at Billings, and not combine the same with the Denver office, unless located at Billings. Secretary Hoisveen further stated that in discussing the Garrison Diversion Unit with Department of Interior officials it was indicated that the Definite Plan Report would be made available to Congress by the Bureau of the Budget in the latter part of January, 1959. This date would afford Congress ample time to hold hearings on the project report prior to adjournment. Mr. Sid McFarland, Technical Adviser to the House Subcommittee on Reclamation, predicted that hearings might be held as early as March 15th. A detailed report of convention activities was previously mailed to all Commissioners.

Secretary Hoisveen stated that he attended a power conference held at Sioux Falls, South Dakota, on December 9th and 10th, at Governor Davis' request. The conference was called by Secretary Aandahl of the Department of Interior in view of reviewing the allocations that might be made in the 1963 period for firm power. The previous allocation was made in 1954. North Dakota was represented by most of the Coops, several cities were represented and Secretary Hoisveen stated that he had received several telegrams and telephone calls from cities requesting him to represent their respective city. The allocations as presently considered are:

Montana	23,000 kilowatts
North Dakota	150,900 kilowatts
South Dakota	204,150 kilowatts
Minnesota	273,700 kilowatts
Iowa	136,910 kilowatts
Nebraska	301,500 kilowatts

In making said allocations preference customers were given top consideration. Secretary Hoisveen indicated that he did not feel that North Dakota was fairing too well under the allocations and stated that percentage wise Minnesota received 87% of their request and North Dakota 75%. He felt this was difficult to comprehend in view of the fact that North Dakota is closest to the source and has done most to obtain the same. Firm allocations will not be made until March 15th. The statement made by Secretary Hoisveen at said conference is incorporated herewith.

"North Dakota is interested in retaining the power that is hydraulically generated in the state for use within its boundaries. It does not oppose but encourages the development of efficiently operated power grids which provide an equitable exchange of power within the Missouri Basin states.

"North Dakota believes that the federal government should feel obligated to meet its power requests and predicates its desires to retain this power on the contributions it has made towards the full utilization of the water resources of the Missouri Basin. These contributions have been made in the form of sacrifices, as well as the outstanding leadership the past four governors of our state have provided towards the present and future development of the entire Missouri Basin.

"The power generated from the Garrison Power Plant and used in North Dakota represents the only benefit our state has obtained for the sacrifices she has made. Our sacrifices consist of the loss of 566,000 acres of land and over 200 ranches and farms in providing

space for the Oahe and the Garrison reservoirs. Approximately 180,000 acres of the bottomland used for reservoir purposes possessed low cost irrigation potential as in most instances it is underlain by an underground aquifer.

"As official representative of North Dakota, I urge you to allocate federally generated power to North Dakota in accordance with the following applications:

<u>APPLICANT</u>	<u>ESTIMATED CUSTOMER APPLICATION KWS.</u>
North Dakota Coops	179,382
North Dakota Municipalities (Cavalier, Grafton, Hillsboro, Hope, Lakota, Maddock, Northwood, Park River, Sharon and Valley City)	17,503
Other North Dakota Interests (State of North Dakota, Grand Forks A.F.B., Minot A.F.B., North Dakota Air National Guard)	24,955
State of North Dakota (State Board of Administration, State Board of Higher Education)	10,651
Municipalities Now Applying Who Desire Consideration (Cities of Aneta, Mandan, Finley, Linton and Watford City)	21,800
Non Preference Type Customers if Limited to Use in North Dakota	<u>134,000</u>
	377,640"

Governor Davis expressed an intense interest in the power allocations and it was recommended that he write to Secretary Aandahl to get statements on record and endeavor to work out something more concrete for North Dakota. He also proposed that Mr. Fred Fredrickson and Secretary Hoisveen prepare a statement supporting North Dakota's request which could be forwarded to Secretary Aandahl in the very near future.

In discussing the Bowman Haley Project Mr. Fredrickson indicated that when the hearing is held in Washington, D. C., he was hopeful that the representation would be headed by Governor Davis. Efforts will be made to have the hearing after the legislature. Approximately three million dollars will be involved in the project. It is anticipated that the project report will be in sometime during 1959. Authorization will be needed from Congress and this would not come until 1960 at the earliest.

A petition from land owners and lessees within or near the proposed reservoir site on the North Fork of the Grand River protesting the construction of any flood

control or water conservation reservoir was read. The petitioners stated that the site is used primarily as livestock and grazing territory and they feel that the construction of a dam would impair the same. A number of petitioners were present at the meeting but raised no objection when they were informed that any private land required for the reservoir would be purchased.

Copies of resolutions adopted by the State Reclamation Association at their convention held at Fargo, North Dakota, on October 27, 1958, were made available to the Commissioners. The State Reclamation Association was very commendatory of work done by the State Water Conservation Commission. Copies of said resolutions are on file in the office of the State Water Conservation Commission. Similar resolutions for the Garrison Conservancy District were made available to the Commissioners. They, too, were complimentary.

Secretary Hoisveen reviewed the budget with the Commissioners. He stated that with their permission he had requested an increase of \$68,000, exclusive of the anticipated brackish water plant. \$25,000 has been earmarked explicitly for this purpose and in the event the plant is not constructed in North Dakota, said funds can be used for no other purpose. In discussing the budget Secretary Hoisveen stated that actual appropriations from the post war period were down rather than up. He stated that many people were of the opinion that the Commission was obtaining more money than in previous years because of the expanded activities of the Commission. This was being accomplished with the same budget and fewer employees. He felt that the \$25,000 should not be earmarked for one specific purpose and that if the brackish plant does not materialize, said funds can be used elsewhere. Commissioner Christensen commented on the budget by stating that the State Water Conservation Commission is obtaining better public acceptance all along and the public is vitally interested in the water program. He recommended that every effort be made to avoid earmarking said \$25,000 appropriation for one specific purpose, and that the same be flexible to be used at the Commission's discretion. The Commission favored Mr. Christensen's suggestion and proposed that Secretary Hoisveen follow up this suggestion with the appropriate committees when they convene during the ensuing legislative session.

Commissioner Einar Dahl reported on a meeting held in the Twin Valley Town Hall 17 miles north of Watford City on November 6th. Said meeting was held as a result of the intense interest shown by residents of the Tobacco Garden Valley relative to developing irrigation in the valley. The group was interested in developing irrigation on a district basis rather than individually. If the Commission's drill crew is successful in obtaining the quantity and quality of water desired, the cost of irrigating would be very nominal compared to the cost of irrigating from the Yellowstone River. Secretary Hoisveen stated that there is approximately \$12,000 to \$13,000 in the ground water equipment and operation fund in the Bank of North Dakota, and inquired if the Commission considered it advisable to purchase an acre of land on proposed projects in four or five areas and drill a test well on each tract for determining capacities. If the same prove adequate, an irrigation district could then be organized. It would cost approximately \$2,000 to \$2,500 for each drill hole. In discussing the matter the Commissioners felt that in view of the importance of the project to the prospective irrigators in the district, they should be willing to contribute a nominal amount toward said exploratory studies. It was suggested that possibly each farmer interested in the project and who would benefit thereby, contribute \$100. It was also proposed that the county and township boards may also desire to contribute to such a proposal. Commissioner Einar Dahl was directed to discuss the matter with the farmers in the area and report back as to his findings.

A resolution dated November 12, 1958, from the Board of City Commissioners of Fargo, North Dakota, was read to the Commissioners. Said resolution requested approval of the State Water Conservation Commission in straightening the channel of the Red River within Fargo, North Dakota. The resolution stated that the Corps of Army Engineers has determined that in order to facilitate the flow of the Red River when at flood stage in order to protect property in the City of Fargo against damage by flood waters, it was necessary to straighten the channel of the river by eliminating a bend therein. It was moved by Commissioner Corwin and seconded by Commissioner Christensen that said resolution be adopted and that the Commission approve said channel straightening project. All members voted aye and said motion carried.

Another resolution adopted by the Board of City Commissioners of Fargo, North Dakota, dated November 12th was read to the Commissioners. The resolution requests financial assistance from the State Water Conservation Commission in meeting the cost of affording flood protective works for the city through the construction of levees and the cut-off channel. It was recommended that Secretary Hoisveen write the City of Fargo stating that more information is needed in order to give the matter proper consideration. The City of Fargo is to supply the State Engineer firm figures as to the cost estimate and drawings should be forwarded to the State Engineer for his approval.

A third resolution from the Board of City Commissioners of Fargo, North Dakota, dated November 12, 1958, was read. The resolution requests financial assistance from the State Water Conservation Commission in meeting the cost of constructing and maintaining a new low head dam in the proposed relocated channel of the Red River. It was moved by Commissioner Corwin and seconded by Commissioner Math Dahl that the State Water Conservation Commission permit the City of Fargo to proceed on said dam but no financial participation would be available from the State Water Conservation Commission. All members voted aye and said motion carried.

Secretary Hoisveen stated that a survey performed for the City of Hunter indicated that a dam could be constructed which would facilitate both recreation and the water supply for the city. The city has requested that the State Water Conservation Commission participate in the cost of the project. The estimated cost of the project is \$36,000. It was moved by Commissioner Corwin and seconded by Commissioner Christensen that the State Water Conservation Commission participate in the cost of said dam by contributing one-third of the cost thereof. All members voted aye and said motion carried.

A verbal request from the Burleigh County Park Board relative to the repairing of dikes on a dam on Apple Creek east of Bismarck was indicated by Mr. Jacob Swenson, County Commissioner and Park Board member. The estimated cost of the repair is \$3200. The Burleigh County Park Board will be the sponsor of the project and the Park Board will contribute 50% of the cost thereof. It was moved by Commissioner Lunseth and seconded by Commissioner Corwin that the State Water Conservation Commission participate in the construction of said dam by paying one-half of the cost thereof, but not to exceed \$1600 with the following restrictions: In order to protect the investment the banks will necessarily have to be riprapped and motor propelled boats must not be tolerated. The reservoir is to be open for public use as the county has now established the Earl Cypert Park on land adjacent to the reservoir. All members voted aye and the motion was passed with the above restrictions.

Secretary Hoisveen stated that he has been requested by the Dickinson Chamber of Commerce to investigate the possibility of a dam and reservoir on the Green River north of the City of Dickinson and dam sites on the Little Missouri in southwestern North Dakota. It was moved by Commissioner Lunseth and seconded by Commissioner Einar Dahl that the State Water Conservation Commission conduct an investigation on the Green River in southwestern North Dakota but no investigations should be made at this time relative to proposed dam sites. All members voted aye and said motion carried.

Secretary Hoisveen stated that he attended a meeting of the Mississippi Valley Association Special Committee on the Garrison Diversion Unit in Sioux City, Iowa, on November 13, 1958. Secretary Hoisveen indicated that Mr. Fred Fredrickson had prepared all necessary material for the committee's work. The resulting resolution will be helpful for the purpose of establishing better feelings so far as the Garrison Diversion Unit is concerned when an effort will be made to obtain approval at the annual convention of the Mississippi Valley Association to be held at St. Louis. A report covering the meeting was made available to all Commissioners, a copy of which is on file in the office of the State Water Conservation Commission.

A letter from the Board members of the Eaton Dam Irrigation Project dated November 20, 1958, was read. The gate on the dam has been giving them considerable trouble and they have requested the State Water Conservation Commission to perform the work. The estimated cost of said repair work is \$600. It was moved by Commissioner Christensen and seconded by Commissioner Lunseth that the State Water Conservation Commission participate with the Eaton project request and pay 40% of the cost of the same. All members voted aye and said motion carried.

The following water rights were considered:

Mr. Glenn McRae of Sidney, Montana, requests the right to withdraw 90 acre feet of water from Hay Draw Creek to irrigate 55.5 acres of land. Secretary Hoisveen stated that at the hearing on said water right, Mr. Ernest Leland, an objector, was present and an agreement as to the amount of water to be withdrawn was arrived at, as well as the manner in which it would be diverted. After considerable discussion at the hearing it was agreed that in case of adverse flow and only sufficient water is available to be applied on 15 or 22 acres, it would be first used on the McRae land amounting to 21.2 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$  Section 22. In periods of excess or abundant run-off the water will be diverted over to the Leland property in the S $\frac{1}{2}$ SW $\frac{1}{4}$  of Section 15, thence returned to the NW $\frac{1}{4}$  of Section 24, Township 147 N., Range 103 W. Statements of agreement in accordance with the October 20th hearing are included herein:

"Mr. Hoisveen: If you gentlemen would be willing to go on a priority system and if we work out some solution where we could make a determination as to what depth you want to irrigate your land to, then we could resolve the problem. Possibly Einar Dahl or someone from this office could help in making this determination the first season to prevent controversy.

"Mr. Leland: In case of insufficient amounts of water, Glenn's dike system should be filled first on the upper tract. Referring to dike with a #1 priority, this should be allowed to fill first.

"Mr. McRae: I am agreed to sending the water what ever way Mr. Leland wants it following the irrigation of my tract #1 if the surplus from Ernie's land in Section 15 is returned to my #2 system. This will require a control between Sections 15 and 16 to force the water onto my tract.

Mr. Hoisveen adjourned the meeting stating that a solution had been arrived at."

It was moved by Commissioner Christensen and seconded by Commissioner Corwin that based upon the recommendation of Secretary Hoisveen, Mr. McRae be permitted to divert 83.0 acre feet of water from Hay Draw Creek to irrigate 55.5 acres of land.

Action on the Gotthilf Siewert water right was deferred until the next meeting of the State Water Conservation Commission.

Meeting adjourned.

Respectfully submitted,

*Milo W. Hoisveen*  
Secretary

Attest:

*John E. Davis*  
Governor