

MINUTES OF
STATE WATER COMMISSION MEETING
Held at Valley City, North Dakota
December 27, 1963

MEMBERS PRESENT:

Governor William L. Guy, Chairman
Oscar Lunseth, Vice Chairman, Grand Forks
Einar Dahl, Member from Watford City
Henry Steinberger, Member from Donnybrook
Richard P. Gallagher, Member from Mandan
Gordon Gray, Member from Valley City
Milo W. Hoisveen, Secretary and Chief Engineer, State Engineer, Bismarck

Others Present:

Fred J. Fredrickson, State Water Commission, Planning Coordinator
Cliff Jochim, Special Assistant Attorney General

Governor Guy called the meeting to order at 9:00 o'clock a.m. Present were Commissioners Oscar Lunseth, Einar Dahl, Henry Steinberger and Richard P. Gallagher, and Secretary Hoisveen.

MINUTES OF NOVEMBER 6,
1963 MINUTES APPROVED

minutes and the minutes be approved as circulated.

It was moved by Commissioner Lunseth, seconded by Commissioner Steinberger and carried that the Commission dispense with the reading of the November 6, 1963

FINANCIAL STATEMENT
FOR NOVEMBER 1963

Secretary Hoisveen reviewed the Commission's financial statement for November, 1963. He stated that the expenditures were made only in accordance with the Commission's budgetary policy. He also indicated that the Special Fund and Multiple Purpose Fund are in excellent condition. It was moved by Commissioner Einar Dahl, seconded by Commissioner Gallagher and approved that the financial statement for November, 1963 be approved as read.

REQUEST FOR SURVEY OF
POWERS LAKE

Secretary Hoisveen indicated that he was in receipt of a request from the Powers Lake Community Club requesting the reservation of an additional 3000 acre-feet of water rights from the lake adjoining Powers Lake. The additional water will be used to raise the level of Powers Lake in order to improve the fishing. In 1947 the State Water Commission conducted a study with this view in mind and the plan was not approved. In 1959 the State Water Commission constructed Smishek Dam which is very good for the purpose for which the Powers Lake Community Club wishes to improve Powers Lake. Secretary Hoisveen recommended the return of the \$200 which accompanied the Community Club's request. It was moved by Commissioner Steinberger, seconded by Commissioner Einar Dahl and carried that the \$200 deposit be returned and the results of the 1947 study referred to above be made available to the Powers Lake Community Club.

REQUEST FOR SURVEY OF
UPPER WHITE EARTH BASIN

Secretary Hoisveen read a letter from the White Earth Valley Wildlife Club requesting that a survey for a dam site be made in the White Earth Creek. He also indicated that the Scouts have a camp in the area. He recommended the survey be

made. It was moved by Commissioner Einar Dahl, seconded by Commissioner Steinberger and carried that the survey be authorized.

BOARD OF ADMINISTRATION'S
REQUEST FOR BANK EROSION
STUDY ON MISSOURI RIVER

Secretary Hoisveen read a letter from Howard I. Henry member of Administration, requesting that a bank erosion study be made on the Missouri River south of Bismarck abutting the State Farm property.

Governor Guy asked if such a study is necessary. Secretary Hoisveen indicated that it need not be an extensive survey and a topographic study near the bank should be made in order to determine the degree of erosion.

Commissioner Steinberger asked why such a survey could not be made in connection with the proposed federal bank stabilization program. Secretary Hoisveen answered that he believed the Corps of Engineers anticipates aggradation of the bank rather than degradation in that area. He stated he had made a written request for the Corps' opinion regarding the matter and their reply is forthcoming.

Secretary Hoisveen recommended the survey be made. It was moved by Commissioner Steinberger, seconded by Commissioner Lunseth and carried that the survey be approved

WILDWOOD LAKE AGREEMENT
WITH CORPS OF ENGINEERS

Secretary Hoisveen gave a brief resume' of the history leading up to the proposed agreement which the Corps of Engineers' wishes to enter into with the Commission relative to the restoring of Wildwood Lake.

Commissioner Gallagher indicated that he is of the opinion that the Commission should authorize the signing of the agreement in order that the funds required to be paid by the Corps of Engineers be encumbered. He further indicated that Wildwood Lake is an excellent lake for recreational purposes and all it needs is sufficient water level.

Commissioner Gray stated that he had discussed the lake's restoration with several men who reside in the area and he had received comments both approving and disapproving the project. One gentleman had indicated that a few years ago water was pumped into the lake for 72 hours and the level was raised one inch. After the pumping was stopped the level immediately dropped one inch.

Commissioner Gray asked if the Commission were to sign the agreement if it would be bound thereby. Cliff Jochim answered that the agreement, if signed by both the Commission and the Corps of Engineers, would be binding upon both parties thereto; however, the restoration project is primarily for the state's benefit and, as a practical matter, if the Commission chose to break the agreement after signing it the Corps of Engineers, in all probability, would not seek to enforce it.

Governor Guy commented that in view of the lake's apparent permeability it would appear that the project would not be economically feasible.

Secretary Hoisveen indicated that if the project were authorized the full amount of money indicated in the agreement would not

be used. He also took issue with the gentleman who told Commissioner Gray that the lake's level had dropped one inch after pumping was stopped. Secretary Hoisveen stated that he did not fear the lake's permeability. The landowners have recently pumped water into the lake and it retained its elevation fairly well. The diversion of water will permit the lake level to be brought up to the spillway crest each spring and some years the flow would be continuous.

Governor Guy suggested that perhaps the Commission should sign the agreement without agreeing to proceed with the project. He also requested that the Secretary provide the Commission with a resume' of the opinions of all property owners involved. Secretary Hoisveen indicated that such a resume' would be ready for the Commission at its next meeting.

It was moved by Commissioner Gray, seconded by Commissioner Gallagher and carried that the Commission authorize the signing of the agreement with the stipulation that the actual undertaking shall be subject to later approval by the Commission.

REQUEST FOR RECREATION FACILITIES AT BALTA DAM

The Commission has been requested to enter into an agreement with the Pierce County Park Board relative to the installation of basic recreational facilities at the Balta Dam. Secretary Hoisveen indicated that at the time of the dam's construction the Commission should have installed such facilities because the dam is not used as much as it should be due to lack of the facilities. The estimated cost of the project is \$1000. The Commission's share would be \$400. In May of 1963 the Commission set aside \$5000 in order that it might participate in such projects. It was moved by Commissioner Steinberger, seconded by Commissioner Einar Dahl and carried that the Commission sign the agreement and participate in an amount equal to 40% of the actual costs of the project but not in excess of \$400.

REQUEST FOR DRAINAGE COST PARTICIPATION

Secretary Hoisveen presented the Commission with requests for cost participation in the following drains:

**Drain #30
Grand Forks County**

This drain is adjacent to U. S. Highway #81 near Thompson, North Dakota. The Commission is requested to participate in the costs of reconstructing the drain in an amount not to exceed \$2,564.75. This is a drain the construction of which the Commission has not previously participated. It was moved by Commissioner Lunseth, seconded by Commissioner Steinberger and carried that the Commission participate in the reconstruction of Drain #30 in Grand Forks County in an amount not to exceed \$2,564.75.

**Drain #32
Cass County**

Drain #32 is adjacent to U. S. Highway #81 and leads to the Red River. The request is for the reconstruction of an established drain and not for its cleaning. It was moved by Commissioner Lunseth, seconded by Commissioner Gray and carried that the Commission participate in the reconstruction of Drain #32 in Cass County in an amount not to exceed \$2,998.

**Drain #55 and Lateral "C"
Richland County**

This is a request for Commission participation in a drain that has not been installed. It involves outlet improvements on Drain #55 resulting from increase in flow from Lateral "C". It was moved by Commissioner Gray, seconded

by Commissioner Steinberger and carried that the Commission participate in the construction of Lateral "C" and outlet improvements on drain #55 in an amount not to exceed \$4,782:

COMMISSION EQUIPMENT

Secretary Hoisveen indicated that the Commission is in need of the following equipment prior to the start of the 1964 construction season:

<u>EQUIPMENT</u>	<u>COST</u>
1 2½ ton truck for failing drill rig	\$ 2,800
1 1½ ton truck for T-340 crawler outfit	2,700
1 Trailer for drill pipe	1,000
1 Transport trailer for crawler crane	5,000 plus trade-in
1 1/2 ton panel, replace '57 Ford	2,200 plus trade-in
1 1/2 ton panel, replace '61 Chevrolet	2,000 plus trade-in
Total Estimated Cost	\$ 15,700

It was moved by Commissioner Einar Dahl, seconded by Commissioner Lunseth and carried that the purchase of the new equipment be approved.

CORRESPONDENCE FROM CORPS OF ENGINEERS RELATIVE TO INTERSTATE BRIDGE CONSTRUCTION

Secretary Hoisveen read a letter from Colonel John E. Schremp, Deputy Division Engineer, Corps of Engineers, relative to procedure the State Engineer shall follow in order to coordinate the construction of the interstate bridge across the Missouri River near Bismarck with the operation of the Garrison Reservoir.

The meeting recessed in order that the members might meet with the Executive Committee of the Garrison Diversion Conservancy District's board of directors and North Dakota's congressional delegation. The meeting reconvened at 2:00 o'clock p.m. All members in attendance at the morning meeting were present.

DRAYTON DAM COST PARTICIPATION

The Commission met with a delegation from Drayton consisting of A. Edwin Raney, Mayor, Don Halcrow, State Representation, Earl C. Kirkeby, Alderman, John P. R. Holles, City auditor, G. K. Bondey, Alderman, Johnny Klingenberg, City Engineer, and R. H. McEnroe, City Attorney.

Mr. McEnroe reviewed the history leading to the proposed Drayton dam. There are two estimates for its construction - approximately \$167,000 and \$180,000. It is felt that the approximate estimate of \$167,000 should be given preference with the State paying \$100,000 and the city paying the balance.

Commissioner Gallagher asked Mr. McEnroe how the city expected to pay its share of the construction costs. Mr. McEnroe replied that the city would pay its share out of the fees charged for the sale of water and the anticipated tax levies.

Secretary Hoisveen asked how the State might expect to benefit in an amount that would justify this expenditure of State funds. Representative Halcrow stated that for the \$100,000 the state was requested to expend it would realize more than \$200,000 in sales and use taxes collections. Representative Halcrow also implied that the \$100,000 figure was used as the

State's participation figure in the Drayton Dam when a special fund was obtained for the Commission for emergency projects during the 38th Legislative Session.

It was moved by Commissioner Lunseth, seconded by Commissioner Gray and carried that the State Water Commission participate in the costs of constructing the Drayton Dam in an amount not to exceed \$100,000.

Governor Guy left the meeting in order to fulfill a previous commitment and Commissioner Lunseth assumed the chairmanship.

LAKE ALICE AND LAKE
IRVINE MEETING

Secretary Hoisveen stated that he was in receipt of a letter from the Bureau of Sport Fisheries and Wildlife in which they indicate that the agreement drawn up by the Commission and approved at its September 24, 1963 meeting differs considerably from the previous agreement entered into by the two agencies and they request that the previous agreement be extended. Prior to the 1963 Legislative Assembly the Bureau held the Commission responsible for the maintenance of the earthen fill between the two lakes. The 1963 Legislative Assembly enacted legislation which, in effect, allows the Commission to require the Bureau to maintain the fill. Secretary Hoisveen recommended that a structure be installed in the near future. He indicated that a meeting was scheduled for today between the Commission and Bureau officials. The Bureau officials, however, did not make the meeting. It was the consensus of the Commission members that a meeting be arranged with the Bureau and the matter be discussed.

REQUEST FOR PARTICIPATION
IN HANSEN HILL DAM

Secretary Hoisveen read a letter from Mr. Lyness G. Lloyd, State Conservationist, in which was discussed the construction of the Hansen Hill Dam with a capacity of 2000 acre-feet at an estimated cost of \$98,000. The dam would be for municipal and recreational use. The construction of the dam would necessitate the reduction of the height of the Minto city dam. It would be located above Fordville. Minto does not wish to participate in its construction and Fordville has no interest in the project other than recreation and a possible future municipal water supply. It would not put money into the project. Fordville has a very good groundwater aquifer from which it obtains its municipal water. Secretary Hoisveen recommended that the Commission participate in the cost of constructing a structure with a capacity of only a few hundred acre-feet but not one with a 2000 acre-foot capacity. It was moved by Commissioner Einar Dahl, seconded by Commissioner Gallagher and carried that consideration of the matter be postponed until the Commission's January meeting.

CASS COUNTY DRAIN 2B

Secretary Hoisveen read a letter from Lt. Colonel Leslie B. Harding, District Engineer, Corps of Engineers, in which it was indicated that the authority has been received for the Corps of Engineers to prepare a detailed project report on the flood problems of the Lower Branch of the Rush River, Cass County, North Dakota.

WATER RIGHTS

#1070

The application of F. H. Ellwein, New Salem, to divert 68.8 acre-feet of water from Sweetbriar Creek, tributary of the Heart River, for the purpose of irrigating 34.4 acres was presented by Secretary Hoisveen to the Commission. The State Engineer, Milo W. Hoisveen, having considered the application and made his recommendation thereon for the diversion of 48.6 acre-feet for irrigating 32.4 acres, it was moved by Commissioner Einar Dahl, seconded by Commissioner Gallagher and carried

There being no further business the meeting ad-
journed at 3:45 o'clock p.m.

Respectfully submitted,

Nilo W. Hoisveen
Secretary

ATTEST:

William L. Bury
Governor