



1971

Water Management Districts in North Dakota

E. Kent Ayers

Robert E. Beck

Follow this and additional works at: <https://commons.und.edu/ndlr>



Part of the [Law Commons](#)

Recommended Citation

Ayers, E. Kent and Beck, Robert E. (1971) "Water Management Districts in North Dakota," *North Dakota Law Review*. Vol. 48 : No. 3 , Article 1.

Available at: <https://commons.und.edu/ndlr/vol48/iss3/1>

This Article is brought to you for free and open access by the School of Law at UND Scholarly Commons. It has been accepted for inclusion in North Dakota Law Review by an authorized editor of UND Scholarly Commons. For more information, please contact und.common@library.und.edu.

WATER MANAGEMENT DISTRICTS IN NORTH DAKOTA*

E. KENT AYERS**

AND

ROBERT E. BECK***

Chapter 61-16 of the North Dakota Century Code provides for the creation of water management districts. The purpose of such districts is to provide local entities which can deal with problems of water management peculiar to the specific area. In this way, water problems are dealt with by those most affected but with a maximum of coordination with the North Dakota State Water Commission. The most typical water problems that reach the water management district are the removal of surplus water from agricultural lands, regulating and controlling flood waters, augmenting the flow of streams, constructing and maintaining dams, and projects of a related nature that will provide a variety of assumed benefits to the local people through the regulation and the conservation of local water resources.

This article will focus on the water management district as an institution, its creation and organization, functions, powers, relationship to other institutions including overlapping of authority, planning, and its over-all effectiveness to accomplish the purposes for which it was created. Because there is little published information

* The bulk of this article is part of a study of North Dakota (and regional) water law sponsored by the Economic Research Service, United States Department of Agriculture. The study was completed June 30, 1968; three previous publications under the study are Beck & Newgren, *Irrigation in North Dakota Through Garrison Diversion: An Institutional Overview*, 44 N.D. L. Rev. 465 (1968); Bard & Beck, *An Institutional Overview of the North Dakota State Water Conservation Commission: Its Operation and Setting*, 46 N.D. L. Rev. 31 (1969); and Beck & Bohlman, *Drainage Law in North Dakota: An Overview*, 47 N.D. L. Rev. 471 (1971). The authors have assumed responsibility for bringing the study up-to-date for this publication. Opinions expressed by the authors are not necessarily those of the United States Department of Agriculture.

The authors wish to express their sincere thanks and appreciation to Mr. Alan K. Grindberg, former Assistant Chief Engineer, North Dakota State Water Commission, Mr. Art Thoraldson, Chairman, Grand Forks County Water Management and Control Board, and Mr. Vincent Reed, Secretary-Treasurer, Grand Forks County Water Management and Control Board, for their contribution to this initial study, and to Research Assistant Michael Jackman, a second year law student.

** Member, North Dakota & Illinois Bars. J.D. University of North Dakota.

*** Professor of Law and Director, Agricultural Law Research Program, University of North Dakota School of Law. LL. B. University of Minnesota; LL.M. New York University.

on the water management districts and because they are scattered throughout the state, two water management boards were examined in considerable detail with closest attention being given to the Grand Forks County Water Management and Control Board. While in all probability it is representative of other such water management boards in eastern North Dakota, it may not be typical of those in western North Dakota.

I. Creation of the Water Management District

"Water management districts have been authorized in North Dakota since 1935, although their scope and name have changed over the years. They began in 1935 as 'water conservation districts;' this was changed in 1949 to 'water conservation and flood control districts,' and in 1963 to 'water management districts.' When the law was revised in 1957, the Legislature expressly validated and preserved the previously existing districts."¹ There are now 50 water management districts in North Dakota, although not all of them are active.²

1. Bard & Beck, *An Institutional Overview of the North Dakota State Water Conservation Commission: Its Operation and Setting*, 46 N.D. L. REV. 31, 64 (1969). The North Dakota Legislative Assembly passed Senate Concurrent Resolution No. 4066 "directing the Legislative Council to conduct an interim study relative to the establishment and the boundaries of a water management district, and the powers and duties of a district's board of commissioners." N.D. SESS. LAWS 1494 (1971).

2. The most recent information obtained in 1971 shows that the following water management districts were in existence. The name, State Water Commission file number, location by county, and date created is given.

NAME	LOCATION (CO.)	DATE CREATED
Adams County No. 701	Adams	10-28-49
Barnes County No. 1360	Barnes	09-15-64
Benson County No. 1466	Benson	07-07-67
Bottineau County No. 1427	Bottineau	03-22-66
Boundary Creek No. 702	Bottineau	07-06-60
Bowman County No. 821	Bowman	09-10-49
Burke County No. 703	Burke	12-27-57
Cavaller County No. 987	Cavaliar	12-31-62
Dunn County No. 1521	Dunn	12-27-69
Foster County No. 1372	Foster	10-16-64
Grand Forks County No. 1319	Grand Forks	12-28-63
Grant County No. 708	Grant	10-24-38
Griggs County No. 1440	Griggs	06-16-66
Hettinger County No. 1426	Hettinger	02-14-66
Kidder County No. 1538	Kidder	03-08-71
LaMoure County No. 995	LaMoure	03-20-63
Lower Heart No. 709	Morton	12-04-53
Maple River No. 710	Cass	08-31-56
Marmarth No. 711	Slope	03-20-66
McIntosh Co. No. 1562	McIntosh	12-02-71
McLean County No. 1541	McLean	04-26-71
Mercer County No. 1404	Mercer	05-07-65
Morton County No. 994	Morton	04-20-63
Mountrall County No. 1405	Mountrail	05-07-65
Nelson County No. 712	Nelson	07-30-46
Oak Creek No. 713	Bottineau	01-05-56
Oliver County No. 991	Oliver	03-30-63
Pembina County No. 714	Pembina	08-21-50
Pierce County No. 1467	Pierce	07-07-67
Ransom County No. 1529	Ransom	08-07-70
Renville County No. 725	Renville	06-10-55
Richland County No. 715	Richland	08-08-58
Rolette County No. 1468	Rolette	07-07-67
Rush River County No. 716	Cass	12-21-49
Sargent County No. 717	Sargent	01-14-57

The procedure outlined by the North Dakota statute for the organization of a water management district is relatively simple.³ First, a petition must be drawn up requesting the establishment of a water management district. The statute contains no specific requirements as to the content of the petition except that it must be signed by a county, village or township, by a cooperative grazing association, or by 50 per cent or more of the freeholders⁴ in the area of the proposed district. Although the State Water Commission has developed a standard petition,⁵ the form lists only three specific reasons for the petition: flooding; need for underground surveys; and domestic water supply. There are other reasons than these for forming water management districts, and it seems that the petition form is unduly narrow, particularly in failing to have a blank space where other reasons might be listed.

The petition then is presented to the State Water Commission. If the petition is presented by 50 per cent or more of the freeholders, they are required to furnish a bond in a sum sufficient to pay for the expenses of any investigation necessary in determining whether the petition should be granted.⁶ No bond is required in the other cases, although other applicants would be liable for the same expenses. If the petition is filed by any public corporation, a certified copy of the governing board's resolution authorizing the filing is to be filed with the petition.⁷ The Commission will then set a time and place for a public hearing and give notice as provided in the statute. Prior to the hearing, the state engineer, as chief engineer for the Commission, investigates the need for establishing the proposed district and submits a report of his findings to the Commission. The report is presented at the hearing on the petition and if, after the hearing, the Commission finds that it

NAME	LOCATION (CO.)	DATE CREATED
Sioux County No. 718	Sioux	01-05-38
Slope County No. 719	Slope	04-29-36
Southeast Cass County No. 720	Cass	07-01-60
Stark County No. 1429	Stark	03-22-66
Steele County No. 1512	Steele	04-10-69
Stutsman County No. 1363	Stutsman	09-15-64
Sweetwater-Dry Lake No. 722	Ramsey	06-10-55
Towner County No. 723	Towner	06-14-60
Trall County No. 724	Trall	04-16-56
Upper West Souris No. 725	Renville	06-10-55
Walsh County No. 726	Walsh	12-19-56
Ward County No. 1336	Ward	09-30-63
Wells County No. 727	Wells	05-23-61
West Dickey County No. 728	Dickey	01-06-61
Willow Creek Township No. 729	McHenry	04-27-67

3. Organization takes place essentially pursuant to N.D. CENT. CODE § 61-16-02 (1960). No further citation to the section will be given in the delineation of detail.

4. This provision on freeholders may no longer be viable. See discussion *infra* notes 38-42.

5. See Appendix A.

6. N.D. CENT. CODE § 61-16-03 (1960).

7. N.D. CENT. CODE § 61-16-04 (1960).

would not be "feasible, desirable, or practical" to establish the district, it makes an order denying the petition, stating the reasons for the denial therein. The statute sets out no specific guidelines as to the criteria to be ascertained by the investigation; nor does it define feasibility and practicability for purposes of the Commission's order. Seemingly this determination has to be based with a view towards the purposes of the legislation; namely, is there something to be done about the water and is this an effective way of handling it? A recent North Dakota case holds that there is a presumption that the investigation has been performed even though that fact is not specifically stated in either the petition or the order establishing the district.⁸

The district would cover the geographical area delineated in the petition, although the Commission must consider for inclusion the watershed and drainage areas that would benefit by the proposed works.⁹ While there is authority in the code for a single water management district to encompass more than one county, not a single existing water management district exceeds county lines. In fact, several do not encompass an entire county. Ideally local water problems would be handled through appropriate geological areas such as watersheds. Obviously these may encompass more than one county and it was probably for this reason that the legislature authorized the larger water management districts, but the law is not working. Furthermore, after 35 years much of North Dakota is within no water management district at all.¹⁰ If our water is indeed a precious resource to be preserved, conserved, and managed for the public use, benefit and enjoyment, it would seem that a minimum requirement for the furtherance of that goal would be adequate local machinery to so preserve, conserve, and manage the water.

The next step is to appoint a board of district water commissioners (hereinafter referred to as "the board"). This is done by the board of county commissioners of the county or counties in which the area to be included in the water district is located.¹¹ If the water management district is confined to only one county, three water commissioners are appointed. If two counties are included in the water district, five commissioners are appointed: three by the county commissioners of the county with the largest taxable valuation of property and two by the county commissioners of the other county. Should three counties be within the water manage-

8. *Snortland v. Nelson County*, 123 N.W.2d 288 (N.D. 1963).

9. N.D. CENT. CODE § 61-16-05 (1960).

10. See Appendix B.

11. N.D. CENT. CODE § 61-16-07 (Supp. 1971) contains the basic information for this section.

ment district, five water commissioners are again appointed: one by the county with the lowest total taxable valuation of property, and the other four being equally distributed and appointed by the remaining two counties' boards of county commissioners. Seven district commissioners are appointed in cases where four or more counties are involved: three by the board of county commissioners of the county with the greatest total taxable valuation of property, two by the county with the next highest total taxable valuation of property, and one each by the remaining two counties. To date there are no water management districts that exceed county lines. Nevertheless, the foregoing provisions show that applicable machinery exists. The term of office for those appointed to the board is for two, three, and five years and is regulated in detail by statute. Any resident freeholder of the district is eligible for appointment to the board.¹² However, limiting, by implication, appointment from among freeholders is extremely undesirable if not unconstitutional.¹³

The same basic disqualifications would apply to these offices as to North Dakota offices generally, for example a convicted felon could not hold the position.¹⁴ A provision for removal from office also exists.¹⁵

II. Powers in General

One section of the North Dakota Code lists over 20 specific items regarding the powers and duties of the board.¹⁶ Among these are the powers and duties to plan, locate and construct all dams and water conservation devices of every nature and to control and regulate the same; to construct, operate and maintain recreational facilities; to maintain and control the water levels and flow of water in bodies of water and streams involved in water conservation and flood control projects within the district; to regulate and control flood waters for the prevention of floods by working on streams or watercourses within the district; to make rules and regulations concerning the uses to which such waters may be put to prevent pollution; to plan, locate, relocate, extend, operate, improve, maintain, and repair sanitary and storm sewer systems and water supply systems, or combinations thereof, including sewage and water treatment plants; and to contract with any department or agency with respect to any such system.¹⁷ The term "project," however, is limited in its definition to "any undertaking for [1]

12. N.D. CENT. CODE § 61-16-08 (Supp. 1971).

13. See discussion *infra* notes 38-42.

14. N.D. CENT. CODE § 44-02-01 (1960).

15. N.D. CENT. CODE § 61-16-08 (Supp. 1971).

16. N.D. CENT. CODE § 61-16-11 (Supp. 1971).

17. N.D. CENT. CODE § 61-16-11 (Supp. 1971).

water conservation, [2] flood control, [3] water supply, [4] watershed improvement and drainage of surface water, or [5] collection, processing, and treatment of sewage, or [6] any combination thereof, including incidental features of any such undertaking."¹⁸

In addition, the board has the power to borrow money for projects authorized by the North Dakota Code; to order or initiate legal action to compel the entity responsible for any bridge or culvert to maintain it in such a fashion that water flow will not be impeded; to order or initiate legal action to compel the cessation of the destruction of natural woodland bordering within two hundred feet of a portion of a riverbank subject to overflow flooding that would cause extensive damage;¹⁹ to petition any zoning authority to assume jurisdiction over a flood plain for zoning purposes when such zoning is required to regulate and promote the health, safety, and general welfare of the public residing within a flood plain area; to procure services of engineers and other technical experts; to employ an attorney to aid in its operation; to have, in addition, any powers conferred upon a board of county drain commissioners; and in general to do all things necessary and proper to preserve the benefits to be derived from the conservation, control, and regulation of the water resources of North Dakota.²⁰

Furthermore, the water management district has the power of eminent domain in order to secure any rights, titles, interests, estates, or easements necessary in carrying out the purposes of the district, especially when it is necessary to acquire rights in land to construct dams or other water conservation works of any nature.²¹

III. Finance Powers

The district, after it has been established, may accept funds and assistance from any federal, state, or private source for the purpose of aiding the construction or maintenance of water conservation and flood control projects.²²

In determining its ordinary annual operating expenses the board must make an estimate of its operating expenditures, projected until the end of the current fiscal year. The board then must adopt a budget based on the foregoing information and submit

18. N.D. CENT. CODE § 61-16-01(4) (Supp. 1971).

19. There is some doubt as to whether a provision requiring maintenance of natural conditions will pass the test of constitutionality particularly if the owner is deprived of the ability to make any gain from the property. See *Morris County Land Improvement Co. v. Township of Parsippany-Troy Hills*, 40 N.J. 539, 193 A.2d 232 (1963).

20. N.D. CENT. CODE § 61-16-11 (Supp. 1971).

21. *Id.*

22. N.D. CENT. CODE § 61-16-11 (1960).

it to the board of county commissioners in each county in which the district is located. The board of county commissioners considers the budget and, if it agrees, by resolution levies a tax of not to exceed three mills on each dollar or part thereof of taxable valuation in the district. Funds produced each year by such tax levy are available until expended, and if such tax levy in any year will not produce sufficient revenue to cover district expenses, a fund sufficient to pay the same may be accumulated. Furthermore, the acquisition of rights of way and easements, and the construction, operation, and maintenance of a project in a district may be financed in whole or in part by special assessments against property benefited by such project, or from revenues realized from tax collections, or from net revenues to be derived from service charges, or any combination of such sources. If, however, the project is one involving the maintenance of a drain, and it is desired to finance such project in whole or in part by means of special assessments, the levy in any year for such maintenance is not to exceed 50 cents per acre of any agricultural lands benefited by the drain. In case the maximum levy of 50 cents per acre for any year will not produce an amount sufficient to cover the cost of cleaning out and repairing such drain, the board may accumulate a fund in an amount not exceeding the sum produced by such maximum permissible levy for two years. In the event that the water management district is dissolved, all unexpended assessments collected for the maintenance of the drain are to be returned to the owners of the assessed property on a pro rata basis in proportion with the amount originally assessed.²³

In order to pay current expenses, including *per diem*, expenses of the commissioners, and wages or salaries of officers and employees, the board may by resolution authorize and issue district warrants in anticipation of and pending collection and receipt of taxes levied. These warrants may bear such rate of interest as the board determines, not exceeding eight per cent per annum.²⁴ Also the board may acquire needed interests in property and provide for the cost of construction, alteration, repair, operation, and maintenance of a project through issuance of improvement warrants, or with funds raised by special assessments, or a general tax, or by a combination of a general property tax and special assessments.²⁵

There are provisions making it possible for ten per cent or more

23. N.D. CENT. CODE § 61-16-12 (Supp. 1971).

24. N.D. CENT. CODE § 61-16-13 (Supp. 1971).

25. N.D. CENT. CODE § 61-16-21 (Supp. 1971).

of the electors of the district to protest as to certain general tax levies.²⁶ An election would then be held.

The statute contains much detail and many restrictions and procedures concerning the foregoing. What this general description of the finance powers does is to show the generally flexible approach available to the district to finance both its general operations and individual projects. Particularly important is the ability to finance some projects through the assessments of special benefits against property benefited. Other projects which are of general benefit and general operations can then be financed out of general revenues. As a practical matter there has been a tendency in recent years to overburden real estate with taxes, and it might be desirable to look for alternative sources of general revenue to the general property levy. Also, the desirability of bonding provisions should be explored.

IV. Procedures for Persons Aggrieved by Project or Finance Decisions

The statute provides for various procedures if any party should desire to contest the district's determination that any improvement or project is necessary for the general welfare of the area in question. For example, when the project includes the construction of a dam or other device for water conservation and the State Water Commission has examined the proposed plans and made such order as it deems appropriate, any person aggrieved by any such ruling has the right to a full hearing before the Commission and a full consideration of all the evidence available, before the Commission enters a final order.²⁷ If it is necessary to finance all or part of a project by issuing warrants or with funds raised by special assessments and the district makes a resolution to that effect, the resolution must state briefly the nature and purpose of the proposed project and the time and place within the district where the board will meet to consider any protests to the project.²⁸

The statute provides that the board may at any time hold a hearing for the purpose of determining the benefits of such project to each tract of land affected. Upon petition of any affected landowner after a project has been in existence for at least one year it shall hold such a hearing. At least ten days notice of such hearing must be given by publication in a newspaper having general circulation in the county and by mailing notice thereof by ordinary mail to each owner of land affected by the project as

26. N.D. CENT. CODE § 61-16-23 (Supp. 1971).

27. N.D. CENT. CODE § 61-16-15 (Supp. 1971).

28. N.D. CENT. CODE § 61-16-22 (Supp. 1971).

determined by the records of the register of deeds or county treasurer.²⁹

Furthermore, an appeal may be taken to the district court from any order or decision of the State Water Commission or the board by any aggrieved person upon filing an undertaking in the sum of \$200, with such sureties as may be approved by the clerk of the district court to which the appeal is taken.³⁰ The appeal, when taken from the decision of the Commission, is taken by serving a written notice of appeal on the state engineer, and when taken from a decision of the board, by serving the notice upon the secretary and one of the members thereof.³¹ The appeal, when taken from a decision of the Commission must be taken within 30 days after the order of the Commission has been filed with the secretary of the water management district, and when taken from a decision of the board, it must be taken within 30 days after such decision has been entered by the secretary of the board.³²

The foregoing is a simple summary; however, it illustrates the basic point that numerous safeguards have been written into the existing statute authorizing protests to and appeals from various decisions. No particular criticism has arisen concerning the adequacy of these provisions.

V. Dissolution and Consolidation

In 1963, in *Snortland v. Nelson County*,³³ the North Dakota Supreme Court dealt with a frequent occurrence in the life of special districts—inactivity. There the State Water Commission had issued an order on July 30, 1946, creating the Nelson County Water Conservation District of North Dakota. But it was not until March 17, 1961, over 14 years later, that the first commissioners were appointed. The court rejected the argument that nonuse resulted in dissolution.

The current law contains provisions on dissolution not in existence in the law under which the Nelson County district was organized.³⁴ These provisions recognize an impetus for dissolution from one of two sources—the board of commissioners of a water management district or 50 per cent of the *freeholders* in a district.³⁵ A dissolution procedure involving the State Water Commission is set out. The provisions, however, do not cover the situation of in-

29. N.D. CENT. CODE § 61-16-26.1 (Supp. 1971).

30. N.D. CENT. CODE § 61-16-36 (1960).

31. N.D. CENT. CODE § 61-16-37 (1960).

32. N.D. CENT. CODE § 61-16-38 (1960).

33. *Snortland v. Nelson County*, 123 N.W.2d 288 (N.D. 1963).

34. N.D. CENT. CODE § 61-16-42 (Supp. 1971).

35. *Id.*

activity, and it is not clear that the legislature considered this question. It might be advisable for the legislature to make a specific statutory determination on it one way or another.

The statute also provides for the consolidation of one water management district into another.³⁶ To date this has been taken advantage of only once with the consolidation of the Chain Lakes Water Management District into the Sweetwater-Dry Lake Water Management District,³⁷ both of which were located within Ramsey County.

VI. Freeholder Status

In several instances the water management district statute singles out freeholders for preferential treatment. For example, they may petition for organization of a district but nonfreeholders may not.³⁸ They are eligible for membership on the board but non-freeholders are not.³⁹ Furthermore, they may petition for dissolution of the district but nonfreeholders may not.⁴⁰ Now, in North Dakota essentially all of the water to the extent that it is owned at all, is owned by the people subject to appropriation for beneficial use.⁴¹ The water is not owned by the landowner on whose land it may fall, over whose land it may flow, or under whose land it may exist; nor is it owned by freeholders (landowners) in general. It, therefore, does not seem justifiable to limit membership on a board that manages this resource in all of its aspects, as does a water management district board, to being freeholders. If this was a land-related single-purpose district, such as a flood control district, then perhaps such a restriction could be justified. However, the management duties of the district are not so limited; they are truly all pervasive. In fact, it may be argued that this classification in the statute constitutes a denial of equal protection.⁴² While it is true that the landowners pay the bulk of the taxes to support the district and while landowners give up the land necessary to implement the various projects, these reasons do not seem sufficient to justify this favored treatment. If the tax base is too narrow, it should be broadened, and the landowner is getting paid for his land as in other public projects where private land is taken.

36. N.D. CENT. CODE § 61-16-48 (Supp. 1971).

37. Data on file with the State Water Commission, Bismarck, North Dakota.

38. N.D. CENT. CODE § 61-16-02 (1960).

39. N.D. CENT. CODE § 61-16-08 (Supp. 1971).

40. N.D. CENT. CODE § 61-16-42 (Supp. 1971).

41. N.D. CENT. CODE § 61-01-01 (1960); N.D. CONST. art. 112.

42. See *Burrey v. Embarcadero Municipal Improvement Dist.*, 5 Cal. 3rd 671, 488 P.2d 395, 97 Cal. Rptr. 203 (1971); *Girth v. Thompson*, 11 Cal. App. 3rd 325, 89 Cal. Rptr. 828 (1970).

VII. Relationship to Other Governmental Entities

The water management district is "a governmental agency, body politic and corporate."⁴³ It has primary concern with three other governmental agencies or entities—the State Water Commission, the board of county commissioners, and the drainage districts. The roles of the State Water Commission and board of county commissioners have, in part, already been described. They are exceedingly important agencies in the life and death of the water management district. While there is a minimal overlapping of functioning between these two agencies and the water management district,⁴⁴ the primary overlap is with the drainage district. The more recently created water management district has been given all of the powers of drainage boards⁴⁵ and authority was given for drainage districts to merge into water management districts.⁴⁶ Apparently the hope was that the drainage districts would die out naturally. While several have merged into water management districts through this process, nearly a dozen still exist.⁴⁷ A strong argument can be made that these few remaining drainage boards should be forced out of existence by the legislature and the necessary provisions of the drainage chapter incorporated into the water management chapter.⁴⁸ This would provide for a unified approach to water problems at the local level.

VIII. Grand Forks County Water Management District

The Grand Forks County Water Management District was created on October 28, 1963, pursuant to a petition of the Grand Forks County Commissioners. It included all 1435 square miles of Grand Forks County. Although Grand Forks County experienced a variety of water problems, the Grand Forks County Water Management District was created primarily to alleviate the area's flooding

43. N.D. CENT. CODE § 61-16-06 (Supp. 1971). Thus the doctrine of governmental immunity may apply. The provision that the board shall have the power "to sue and be sued in the name of the district" [N.D. CENT. CODE § 61-16-11(1) (1960)] arguably does nothing with respect to waiver of governmental immunity. [It merely says that to the extent that the district can be sued, the board can be sued in the district's name. It does not say to what extent the district can be sued. See N.D. CENT. CODE § 40-43-07 (1968) which deals with waiver of governmental immunity by a "political subdivision" through purchase of insurance. See also *Shermoen v. Lindsay*, 163 N.W.2d 738 (N.D. 1968), which deals with the liability of a park district. If there is legislative review of the water management district, it should consider the question of governmental immunity.]

44. For example in connection with approval of dams, see N.D. CENT. CODE §§ 61-16-11(5) (1960) and 61-02-14(1) (Supp. 1971). And in connection with drainage see N.D. CENT. CODE §§ 61-01-22 (1960) and 61-16-11(11) (Supp. 1971).

45. N.D. CENT. CODE § 61-16-11(11) (Supp. 1971).

46. N.D. CENT. CODE § 61-21-65 (Supp. 1971).

47. Data on file with the State Water Commission, Bismarck, North Dakota. Mergers have occurred in Bottineau, LaMoure, Pembina, Richland and Walsh Counties. Drain Boards still exist in Barnes, Cass, Eddy, Foster, Grand Forks, Griggs, Sargent, Stutsman and Traill Counties.

48. See Beck & Bohlman, *Drainage Laws in North Dakota: An Overview*, 47 N.D. L. REV. 471, 497-501 (1971).

problem.⁴⁹ The physical arrangement of the land in Grand Forks County is such that all streams flow from west to east, and eventually all of these flow into the Red River, which forms the eastern boundary of the county and also serves as the boundary line between North Dakota and Minnesota. The result of such concentration of water into the Red River is flooding. This problem is not confined to Grand Forks County but extends to all communities and counties situated along the Red River in both North Dakota and Minnesota.

Perhaps the best example of the many projects that have been undertaken by the Grand Forks County Water Management District is the Turtle River Watershed Project. This project was initiated in 1954 at a meeting in Minto, North Dakota, for the purpose of examining the possibilities of a flood control project. The result of this meeting was a survey, in November 1955, of the Turtle River Basin to discover methods of effectively controlling flooding of the Turtle River.⁵⁰ After this 1955 survey, very little was done on the project, until 1963, when, after the Grand Forks County Water Management District was formed, there was a renewed interest in the project. Since the Turtle River's source is in the northwestern part of Grand Forks County and since it flows in a meandering course throughout the county, it was identified quickly by the Grand Forks County Water Management and Control Board (hereinafter referred to as Board) as a problem of immediate concern. In 1964, action commenced to complete the Turtle River Watershed Project. Thus in this instance, at least one purpose of water management districts seemed fulfilled: prompt action on identified problems. While the State Water Commission had recognized the problems presented by the Turtle River; without the local authority probably no remedy could have been effected. But the Grand Forks County Water Management District has not gone it alone; several other local legal entities as well as several state and federal agencies have entered into the project. Those most directly concerned are the Nelson County Water Management District, the Eastern Grand Forks County Soil Conservation District Supervisors, the Western Grand Forks County Soil Conservation District Supervisors, the Nelson County Soil Conservation District Supervisors, the Soil Conservation Service of the United States Department of Agriculture, and the North Dakota Soil Conservation Committee.⁵¹ Essentially,

49. Interview with Vincent Reed, Treasurer of the Grand Forks County Water Management and Control Board, in Grand Forks, North Dakota, April, 1968.

50. Minutes of the Grand Forks County Water Management and Control Board, Jan. 11, 1964. These minutes are on file with the Chairman of the Grand Forks County Water Management and Control Board.

51. GRAND FORKS COUNTY WATER MANAGEMENT AND CONTROL BOARD, WHAT ARE THE TURTLE RIVER WATERSHED PROJECTS. The Soil Conservation Service extends valuable

the Soil Conservation Service provides the necessary engineering and technical assistance and it also shares in the cost of the project. In addition to serving as an advisor, the State Soil Conservation Committee provides planning funds for survey crews.⁵² The other local entities attempt to coordinate activities and share costs. Currently, Turtle River watershed development is split into upper and lower watershed plans, and the plans encompass 465,920 acres of land.⁵³ The watershed area straddles the Turtle River between the upland area just into Nelson County on the west and the Red River on the east. The width of the area varies from 10 to 20 miles. The division of the watershed into two plans is due to the fact that Public Law 566, the present watershed law, limits any watershed project to 250,000 acres.⁵⁴ The Turtle River project is not limited to flood control. Multi-use planning is illustrated in the long-range goals and objectives. In addition to prevention of municipal and farm flooding, the project has focused on providing agricultural water management by creating stock ponds and seeding waterways; providing and preserving wildlife habitat in the waterfowl flyway; and providing outdoor recreation through fishing, boating, and bathing.⁵⁵ The present plan indicates 11 possible dam sites and the possibility of 135 miles of channel building

services throughout the watershed project. In the initial stages its services include "surveys, site investigations, layout, design, preparation of specifications, contract administration, and supervision of construction of structures." U.S. DEPT OF AGRICULTURE, MULTI-PURPOSE WATERSHED PROJECTS No. 575, at 11 (1970). In addition the Soil Conservation Service attempts to speed up the project by bringing in other agencies wherever possible. Examples of this type of assistance are:

1. Educational assistance from the cooperative Federal-State Extension Service.
2. Agricultural Conservation [Rural Environmental Assistance] Program cost sharing.
3. Credit from the Farmers Home Administration.
4. Farm-forestry assistance under the Cooperative Forest Management Act.
5. Protection of forest areas from fire, insects, and diseases under cooperative programs authorized by the Clarke-McNary Act, Forest Pest Control Act, and White Pine Bilster Rust Protection Act.
6. Cost sharing under the Great Plains Conservation Program (Public Law 1021).
7. Assistance in recreation and fish and wildlife development from the Fish and Wildlife Service, the Bureau of Outdoor Recreation, and State recreation and fish and game agencies.
8. Technical, cost-sharing, and credit assistance from the U.S. Department of Agriculture authorized by the Agricultural Act of 1962 for income-producing recreation developments on rural land, the Cropland Retirement Program, Resource Conservation and Development projects, and the Rural Renewal Program.
9. Protection and treatment of Federal land in the watershed by land-managing agencies.
10. Collection of basic data by research agencies.

Id. at 11-12.

52. GRAND FORKS WATER MANAGEMENT AND CONTROL BOARD, WHAT ARE THE TURTLE RIVER WATERSHED PROJECTS.

53. *Id.*

54. Interview with Art Thoraldson, Chairman of the Grand Forks County Water Management and Control Board, in Grand Forks, North Dakota, April, 1968.

55. See note 51 *supra*.

and channel improvements.⁵⁶ Nine of the proposed dam sites are situated in the upper watershed near Nelson County. The other two dams are planned at Kelly's Slough and to the south on Hazen Brook.⁵⁷ The dam at Kelly's Slough, a few miles northwest of Grand Forks, would be a multi-purpose dam with about a 1,000 acre surface impoundment.⁵⁸ The project was approved by Congress in 1970. Land has been purchased and some construction has started. What the project does not seem to encompass at this time in its multi-use planning is natural or wilderness areas. This is a recognized use of water resources that should be planned for as well; if no such potential areas exist within the project boundaries this should be pointed out in the project reports.

The responsibilities of a water management district are easily demonstrated by reference to the Turtle River Watershed Project. The multi-use planning features are but reflective of the end goals sought to be achieved. The methods available and used to carry out the tasks that the ends demand are of fundamental importance. Planning and implementation of a project will be discussed later, but it is relevant here to illustrate the responsibilities of the Board and other cooperating legal entities in carrying forward the project. Their essential responsibilities include developing the Watershed Work Plans, acquiring rights-of-way and other easements, encouraging conservation practices, operating and maintaining dams, dikes, and floodways, and keeping the local people informed of plans and progress.⁵⁹

Obviously the task of planning and building such a project requires a substantial period of time. The project received careful consideration, and a variety of evaluations, including hydrologic, economic, geologic, wildlife, recreation, engineering, and ecological, were considered in ultimately determining the best plan. The Upper Turtle River Watershed was authorized for planning on March 22, 1965, under Public Law 566, as amended.⁶⁰ The plans were approved

56. See Appendix C for map of Grand Forks County with the Turtle River Project Plan superimposed thereon.

57. See note 54 *supra*.

58. See note 51 *supra*.

59. See note 51 *supra*.

60. Watershed Protection and Flood Prevention Act, 16 U.S.C. § 1001 (1970), is an instrumental part of many flood control plans of water management districts in North Dakota. It serves many different purposes: flood prevention, land treatment, agricultural water management (including drainage and irrigation), municipal and industrial water supply, recreation, fish and wildlife, and rural area development. The feature of this Act that is so attractive to North Dakota Water Management Districts, however, is the benefits provided in the financing of such projects. Under this law the federal government pays the following costs:

1. Technical assistance for planning and applying land treatment measures on non-Federal land.

2. A part of the cost, not to exceed the rate provided under other agricultural programs, for certain land-treatment measures when specifically authorized by the SCS Administrator.

by the Soil Conservation Service and then by the Congress in 1970.⁶¹

Public Law 566 served as the springboard for the Turtle River Watershed Project. This law, known as the Watershed Protection and Flood Control Act, allows local legal entities of the state to treat problems relating to watershed management at their source. It provides for an information base for local organizations, and therefore, assists in identifying watersheds with no development potential. The program combines soil and water conservation measures (land treatment) and structural measures (dams, levees, channels). It attempts to bridge the resource development gap between the soil and water conservation work of individual landowners and large federal and state public-works projects for water resource development in major river valleys.⁶² The Turtle River Watershed Project thus is an illustration of a local agency working with the federal and state governments in a coordinated program.

3. Installation of land-treatment measures on Federal land.

4. All construction allocated to flood prevention.

5. Engineering and other services (including engineering services associated with the administration of contracts) allocated to (a) flood prevention, (b) agricultural water management, and (c) public recreation or fish and wildlife development.

6. Not more than 50 percent of the construction allocated to (a) agricultural water management, and (b) public recreation or fish and wildlife development.

7. Not more than 50 percent of the engineering and other installation services required for minimum basic facilities for public recreation or fish and wildlife development.

8. Not more than 50 percent of land rights required for public recreation or fish and wildlife development.

9. Administering contracts when awarded by a Federal agency.

U.S. DEP'T. OF AGRICULTURE, MULTI-PURPOSE WATERSHED PROJECTS No. 575, at 8 (1970).

The watershed program has many important strengths in the physical, social, and economic sense. Physically it is important because the program involves total watershed management. It serves as a bridge between the resource development gap and the soil and water conservation work of individual landowners and federal and state public-works projects for water resource development in major river valleys. Added to this is the amazing flexibility of the program. Socially the program is important because the source of energy required for the program must come from local initiative. In this respect, it is important because it serves not only as an educational device to local residents but it encourages and demands local leadership and participation. This also requires the coordination of effort between urban and rural interests, leading to an understanding of the problems relative to each group regarding natural resource problems. In the economic sense, the program is extremely important. Opportunities are afforded small cities, towns, and rural areas to stimulate economic growth that otherwise would probably be impossible.

The Watershed Protection and Flood Prevention Act has not escaped criticism, however. Among the more important criticisms are those relating to the availability of funds for acquiring land, easements, and rights of way. Presently, the Act does not provide for the use of federal funds for such purposes except in cases of developments for public recreation and fish and wildlife. Address by Daniel A. Poole, Secretary, Wildlife Management Institute, at the 15th National Watershed Congress, New Orleans, La., May 17, 1968. Lack of such funds would appear to be one of the limiting factors of water management districts in North Dakota in properly acquiring and developing water resource programs. Interview with Walsh County Water Management Board and a member of the Soil Conservation Committee, Grafton, North Dakota, June 14, 1968. Another criticism that has been directed at Public Law 566 is that its principal concern is with flood prevention, resulting in a purely physical response to land and water problems. It is felt that such a one-tracked directional purpose overlooks other resource values. See Poole, *supra*.

61. See note 54 *supra*.

62. U.S. DEP'T. OF AGRICULTURE, MULTI-PURPOSE WATERSHED PROJECTS No. 575 (1963).

While the Turtle River Watershed Project gives an overview of a functioning water management district, the picture presented still leaves unanswered questions concerning the effectiveness of the water management district to cope with a variety of problems of local concern. What is the ultimate authority of the water management board? How does it actually operate? Is it doing the job it is designed to do?

In January of 1964, the Grand Forks County Water Management and Control Board met to discuss drainage plans for Interstate 29 and the English Coulee.⁶³ The English Coulee, which flows north around the City of Grand Forks and into the Red River a few miles north of the city, has long troubled many area residents. Improper and inadequate drainage facilities, flooding, unauthorized fill-ins, culverts too small to handle the large flow of water, and lack of planning in general were problems relating to the Coulee. With the construction of Interstate 29 and the new road construction on Highway 2, serious flooding and drainage problems could have resulted if prompt steps had not been taken. The Board was approached by the County and City of Grand Forks to aid in financing the project, which at that time was to cost about \$229,876.⁶⁴ At the initial meetings several alternatives for providing the necessary funds were discussed. The Board at these initial meetings was unable to contribute to the cost of construction to any substantial degree but at least two alternative methods were proposed. One was a plan whereby the State Water Commission would share 40 per cent of the cost and the other was a proposal, by the Chairman of the Board, to attempt to utilize the Engineering Department of the University of North Dakota, which would permit surveying and mapping of the Coulee to be done by students.

The project, called the North Diversion of the English Coulee, is important to a study of the operation of water management districts for two reasons. First, it illustrates the many bodies that can be associated with a rather simple project involving county, state, city, and private lands. Second, it demonstrates the flexibility of a water management board in dealing with these bodies. An examination of the Board's minutes quickly shows that the North Diversion Project deals with the following governmental entities: the State Water Commission, the County Commissioners, the United States Air Force, the Federal Highway Administration, the United States Department of Agriculture, the Soil Conservation Service,

63. Minutes of the Grand Forks County Water Management and Control Board, Jan. 21, 1964. These minutes are on file with the Chairman of the Grand Forks County Water Management and Control Board.

64. Minutes of the Grand Forks County Water Management and Control Board, Jan. 25, 1964. These minutes are on file with the Chairman of the Grand Forks County Water Management and Control Board.

the North Dakota State Highway Department, and the State Outdoor Recreation Agency. In one way or another all of these groups were concerned with the planning of this project.

Perhaps the most unique feature of the Board is its method of approach to potential or actual problems. By statute, the Board is given broad powers to deal with water and water-related problems.⁶⁵ However, the Board prefers to handle its problems on an informal basis without refuge to its legal powers. Furthermore, situations arise where the Board has legal authority to act but wants to handle a problem with a minimum of friction and controversy. What, for instance, does the Board do when a township refuses to handle a water problem that is, in the Board's opinion, clearly the township's responsibility? The approach taken by the Board is a pragmatic one. If farm land is being flooded due to improper road design or channeling and the land owner complains, the Board has several avenues of approach. If the township refuses to act, the Board will advise the farmer in an informal advisory capacity as to possible legal remedies. If this fails to get results, the Board may offer financial assistance in order to alleviate the flooding. If this proves unsuccessful it may attempt to get all concerned parties together to reach some alternative solution. The Board sees itself as a public relations device for handling water problems.⁶⁶ Only as a very last resort will it take legal action. In the eight and one-half years that the Grand Forks County Water Management and Control Board has been in existence it has never had to resort to a lawsuit. In all cases every effort is made to solve the water problem through discussion and settlement. The Board attributes its success, at least partially, to properly educating the local people as to its projects, needs, and general water conservation practices.

While two major water projects have been described, little attention has been given to the more or less everyday problems that confront a typical board. By far, the most common problems relate to drainage.⁶⁷ These problems usually include drainage at new construction sites, farmers improperly draining fields, the gradual washing-out of a road, and so on. This type of problem needs immediate attention to minimize damage. The typical situation be-

65. N.D. CENT. CODE § 61-16-11 (Supp. 1971).

66. Interview with the Grand Forks County Water Management and Control Board while in session, in Grand Forks, North Dakota, May, 1968. At this meeting the members of the Board expressed the opinion that this is essentially the outlook of other water management boards within the state. However, the Walsh County Water Management Board in an interview on June 15, 1968, in Grafton, North Dakota, indicated that they were not willing to go so far. While they did indicate a willingness to exhaust every reasonable solution to a water problem, they also seemed to be quick to use their broad statutory powers.

67. *Id.*

gins with a phone call to the chairman of the board with a complaint regarding an obstructed ditch or perhaps bridge damage of some sort.⁶⁸ In turn, a phone call is made to the person responsible for obstructing the ditch or to the highway department requesting cooperation in remedying the problem. If the phone call is not productive, it then may be necessary to call a meeting to which the landowner is invited, to discuss the reason for the obstruction. Almost invariably this is sufficient action to remedy the problem.⁶⁹ If this is not sufficient then all interested parties are called to a meeting of the board and every attempt is made to obtain some reasonable solution.⁷⁰ To date, this method has always worked for the Grand Forks County Water Management and Control Board.

One of the first projects undertaken by the Grand Forks County Water Management and Control Board was a study of county underground water. This project has proven itself to be an immensely valuable one. It includes a detailed study of the location of ground water resources, their chemical qualities, and an evaluation of the occurrence and movement of ground water.⁷¹ The study has been completed and published.⁷² The report is of great value for predicting geologic water conditions in Grand Forks County. It also provides valuable information for farmers wanting to drill water wells and serves as an excellent guide for potential buyers of land who are concerned about the water supply on a particular piece of property. The ground water study was actually initiated by the State Water Commission but the United States Geological Survey, the North Dakota Geological Survey, and the Board served as cooperating agencies. The State Water Commission has many underground water surveys under way and attempts to complete a study of four counties each year. The ultimate goal is to have a completed and detailed study of the entire state. The Board played an instrumental role in the underground water study. Its most important role was its mere existence as an official agency of the county.⁷³ Prior to the creation of the Board there was no

68. Form letter from Art Thoraldson, Chairman of the Grand Forks County Water Management and Control Board, to township supervisors, Mar. 12, 1966.

69. See note 66 *supra*.

70. Minutes of the Grand Forks County Water Management and Control Board, Nov. 14, 1966. These minutes are on file with the Chairman of the Grand Forks County Water Management and Control Board.

71. T. KELLY, GEOLOGY AND GROUND WATER RESOURCES OF GRAND FORKS COUNTY, PART 2, GROUND WATER BASIC DATA (1968). This report contains information on the following: (1) data on about 1,000 wells, springs, and test holes; (2) water-level measurements in 69 observation wells; (3) logs of about 160 test holes and selected wells; and (4) chemical analyses of 96 water samples.

Id. at 1.

72. T. KELLY, GEOLOGY AND GROUND WATER RESOURCES OF GRAND FORKS COUNTY, PART 2, GROUND WATER BASIC DATA (1968).

73. Minutes of the Grand Forks County Water Management and Control Board, Nov. 21, 1963. These minutes are on file with the Chairman of the Grand Forks County Water Management and Control Board.

official county agency through which state and federal authorities could act. Now, however, the Board is the spokesman for the county in regard to water related problems.

Water management districts are authorized for many different purposes, although many, if not most, of the present districts were created to deal with problems of flooding.⁷⁴ But once the water management district has been organized, it begins to deal with other problems. There is a multitude of interests that at first glance seem to be only remotely connected with flooding, such as watershed projects, dam construction, and drainage facilities. Thus, it is quickly led into the complex process of planning, which encompasses not only flood control but the building of reservoirs and lakes that can be used for swimming, boating, and fishing. It finds itself planning the seeding of drainage ditches and quite likely involved in the economic development of a community. Land must be bought, easements must be obtained, funds must be secured, and all of this will eventually bring the water management board into contact with nearly every agency that is even remotely connected with water under our governmental system. The board discovers that it is not only dealing with flood control but with the actual development and progress of the area that it encompasses. So, although a water management district may be created to deal specifically with flood control it ends up doing the business that is truly water management.

A good example of a water management district's important role in developing the growth and economic life of a community relates to Emerado, North Dakota. Emerado was a small North Dakota town without a central water supply, when the Grand Forks Air Force Base was located adjacent thereto just across Highway 2. The town had the prospect of substantial growth but for the lack of water. New businesses, homes, a trailer park, and apartment houses were built to meet the demands of the new air force base, but continued growth was limited unless water could be provided. Now Emerado has water for every dwelling and business.⁷⁵ The project is the result of six years of work, a loan of \$170,000 and a grant of \$159,000. Three 70 foot wells were constructed; 11 miles of pipeline were laid; and a 200,000 gallon upright storage tank was built.⁷⁶ The enjoyment of the new water supply extends to the neighboring town of Arvilla and to the farms on either side of the pipeline. Several groups were instrumental in developing the Emerado project but the Grand Forks County Water Manage-

74. [1958-1960] NORTH DAKOTA STATE WATER CONSERVATION COMMISSION TWELFTH BIENNIAL REPORT 121-138.

75. 17 No. DAK. NEIGHBOR 11, No. 1 (May-June 1968).

76. *Id.*

ment and Control Board played no small part.⁷⁷ Its most important function was one of coordination and approval. From the very beginning the Board was involved in the planning and the development of the project.

IX. Conclusion

Any one of many different projects could be used as an example of the necessity of water management districts. Any project also could demonstrate the effectiveness of a water management board to handle the multi-sided issues that water problems present to local residents. It is not suggested that every water management district is as effective and efficient as it could be. Most of the work done by the board is done in effect by volunteer workers. Nearly all the members of a given board are full time employees at another job. This requires that board members must be devoted to water management and have the time and type of employment that will allow them to respond to water problems that require their immediate attention. Most of those who serve on the board are laymen that are not professionally equipped to deal with the complex water management issues that so frequently arise. Thus, their achievements would have to be a tribute to their dedication as responsible members of a governmental agency that receives little attention.

While there may be ten to twenty institutions that deal with water in North Dakota in a given area,⁷⁸ the water management district is able to cooperate with these institutions and solve its water problems. Obviously, authority is often overlapping, but from the standpoint of water management boards this has apparently not caused any problems. In many instances these agencies are instrumental to the board in obtaining needed services and counseling. The board is simply not equipped to deal with every situation that might arise. Experience shows that the other agencies that deal with water are quick to respond to appeals for assistance.⁷⁹ The exchange of advice, information, and general cooperation among the water management districts and other institutions is frequent.

77. Among the groups interested in the development of a central water supply for Emerado was the Emerado Community Club, NoDak Rural Electric Cooperative, the Emerado Commercial Club, the County Commissioners, the U.S. Geological Survey, and the County Engineer.

78. The more obvious institutions dealing with water in North Dakota are the State Water Commission, Department of Health, Environmental and Sanitation Services, Game and Fish Department, State Soil Conservation Committee, Natural Resources Council, State Highway Department, Water Management and Irrigation Districts, North Dakota Geological Survey, State Laboratories Department, State Outdoor Recreation Agency, Garrison Diversion Conservancy District, and Drainage Districts. See Bard & Beck, *An Institutional Overview of the North Dakota State Water Conservation Commission: Its Operation and Setting*, 46 N.D. L. REV. 31, 51-68 (1969).

79. See notes 51 and 54 *supra*.

It is difficult to criticize the operation of water management districts in North Dakota and to suggest possible ways of improving their operation other than what has already been delineated. But it would appear that not enough is being done in the way of educating the public about water management.⁸⁰ More than just news releases are needed to keep the public conscious of what the local water management board is doing and planning. It is an extremely difficult task to find brochures, pamphlets, and general informational bulletins about water management in North Dakota and, particularly, about the projects of local water management districts. The public needs to be made aware of the many complex problems that water presents. This cannot be done by an occasional newspaper article, nor can it be done by expecting each member of the public to come to public hearings and board meetings. Water is one area where information must be made available if we are to expect greater improvements in the management of the resource.

Furthermore, it is important to note that there have been changes in the law and in attitudes toward water use and development since many of our districts were created and the respective board members took office. Changes in the law are reflected here as elsewhere more quickly than the change in attitudes. One of the fundamental changes in attitudes has been away from the total development concept to a more balanced concept that includes conservation and preservation of waters as well as development. Wild and scenic rivers have now, for example, been declared a part of our national heritage by Congress. If water management districts are to have such all pervasive powers in relation to water—this most precious of natural resources—then they have to justify it by reflecting the attitudes of the people at large. It is not yet clear that our water management districts do this. A positive declaration from the respective boards that they recognize this full range of values and will take them all into account in future projects would be an excellent step forward.

80. The Walsh County Water Management Board strongly disagrees with this statement. It felt that it was doing everything it should do to keep the public abreast of what it was doing and that it was more than adequately educating the residents of Walsh County about water management. However, the only method that the Walsh County Board could point to in this respect was newspaper articles in the local newspaper.

APPENDIX A

P E T I T I O N

Of the Board of County Commissioners of _____ County, North Dakota for the Establishment Therein of a Water Management District

WHEREAS, parts of _____ County, North Dakota, embracing extensive tracts of fertile farm lands, are periodically flooded by melting snows and heavy rainfalls which cause loss of crops and economic hardship to the people within the inundated area; and

WHEREAS, underground water surveys are necessary in order to better utilize the water in underground aquifers and to enhance the economy of _____ County; and

WHEREAS, various impoundments are needed for the regulation of flood waters; and municipal, industrial, stockwater, and domestic water supplies are essential for development of _____ County,

NOW, THEREFORE, the Board of County Commissioners of _____ County, North Dakota for and on behalf of said County, do hereby respectfully petition the North Dakota State Water Commission to establish a water management district to be known as the _____ County Water Management District, embracing _____ County in its entirety.

Dated this _____ day of _____, 19____.

_____ COUNTY
By _____
Chairman, Board of County
Commissioners

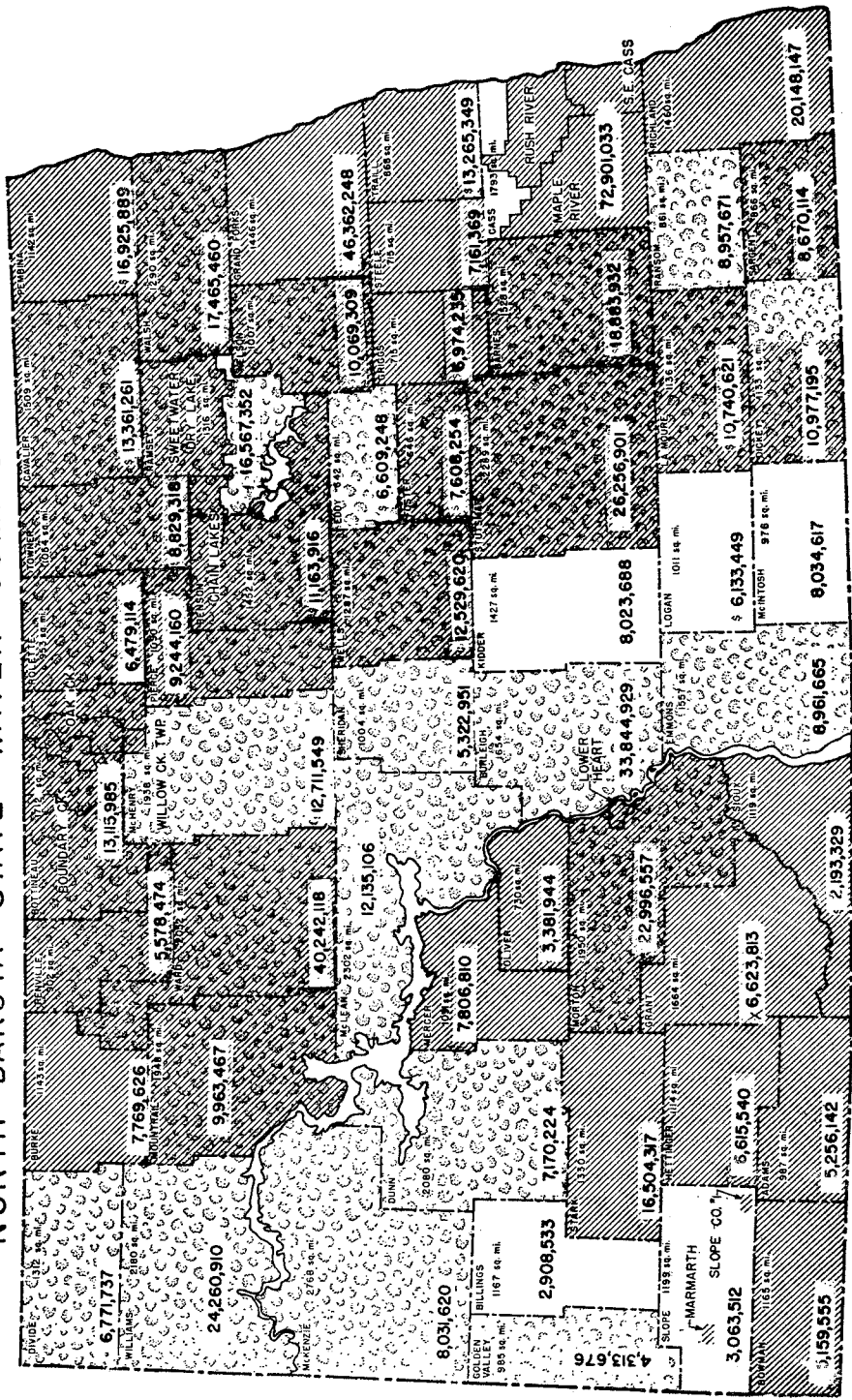
(SEAL)

ATTEST:

County Auditor

APPENDIX B

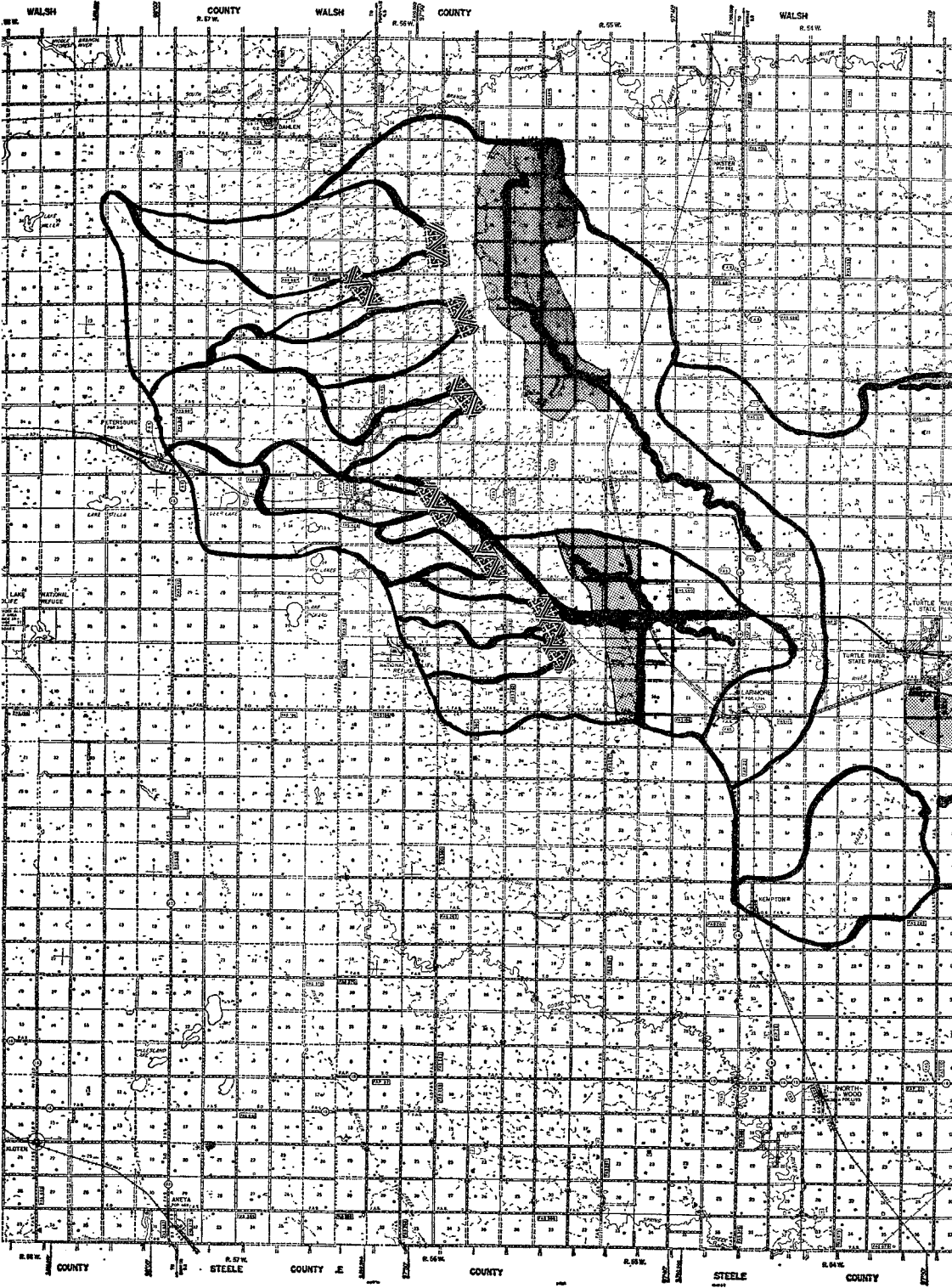
NORTH DAKOTA STATE WATER COMMISSION



693,038,559 TOTAL TAXABLE VALUATION 1966
 70,665 Sq.Mi. TOTAL STATE AREA
 *179/1M

WATER MANAGEMENT DISTRICT 3 COUNTY PARK DISTRICT

SEPT. - 69



APPENDIX C

LEGEND



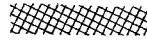
Structure Site



Channel Improvement



Benefited Area



Flood, Recreation
& Wildlife



Drainage Boundary

