

MINUTES OF A REGULARLY CALLED MEETING

of the

NORTH DAKOTA STATE WATER CONSERVATION COMMISSION

Held in the Governor's conference room in the State Capitol

in Bismarck, June 14 and 15, 1937

The call for a meeting of the Commission was made by the Secretary by order to the Chairman, Governor William Langer. Written notice was sent to each member of the Commission under date of June 7, 1937.

PRESENT:

- Comm. Henry Holt
- Comm. Frank P. Whitney
- Comm. Kenneth W. Simons
- Comm. Gerald C. Olson
- Comm. J. Arthur Engen,
- Comm. D. J. Beakey

ABSENT

Governor William Langer

GUESTS:

- George S. Knapp, Technical Advisor
- E. J. Thomas, Chief Engineer
- Dr. Irvin Lavine, Consultant
- C. F. Kelsch, Legal Advisor
- Gus Lamb, Missouri River Diversion Comm.
- Oscar W. Hagen, Fieldman

In the absence of the Chairman, the meeting was called to order at 2 P. M. by Vice Chairman Henry Holt.

Moved by Comm. Simons--seconded by Comm. Whitney--that inasmuch as copies of the minutes of the meeting held May 9 at Fargo had been mailed to each member, that the reading of the same be dispensed with. Motion carried--all Commissioners voting aye.

Mr. Jay Grantier, applicant for Project No. 71 in McKenzie county, was present to explain the need of assistance to complete the project and stated it would require around \$5,000 to do so. This being a much larger amount than would be within the ability of the Commission to contribute, it was decided to request Judge A. M. Christianson, member of the project and after a general discussion, the following motion was made:

Judge Christianson was called and the board went into conference with him. He stated that, in his opinion, it might be possible for the Rural Rehabilitation Corporation to purchase \$5,000 of bonds to be issued by this Commission for the completion of the project and after a general discussion, the following motion was made:

Moved by Comm. Simons--seconded by Comm. Olson--"that this commission endorse the application of Jay Grantier and others for completion of the irrigation project No. 71 in McKenzie county, said project comprising 240 acres, on a cooperative basis and upon which construction has already been begun to the extent of several thousand dollards, and further that this Commission respectfully requests the directors of the Rural Rehabilitation Corporation and the administrator of Rural Resettlement to purchase bonds of the North Dakota Water Conservation Commission in the sum of not more than \$5,000 for the purpose of financing completion of the said irrigation project." The Secretary called the roll and all Commissioners voted aye.

The question of a basis for agreement in regard to engineering work to be done on mutual aid projects in cooperation with the Rural Rehabilitation Corporation was discussed, and it was moved by Comm. Olson - seconded by Comm. Simons - that we enter into agreement with the Rural Rehabilitation Corporation for such engineering work on a cost basis. The Secretary called the roll--all Commissioners voting aye.

Mr. Gus Lamb made a verbal report on his activities for the Commission in regard to gathering data to show benefits to offset the cost in connection with the proposal for Missouri River Diversion. A general discussion followed as to the best plan to be followed in gathering and presenting argument at a hearing to be held in Washington, D. C.

Mr. George S. Knapp, technical advisor for the Commission, suggested that we send an engineer to Omaha to get important information that would be required. He stated that it would be necessary, probably, to ask one of our members of Congress to get an order from Gen. Eugene Markham in order to get the information at Omaha. The Board unanimously decided to leave it to Mr. Knapp to decide as to who should go to Omaha, with permission to take a draftsman, if necessary.

At 6:30 P. M. it was moved by Comm. Simons - seconded by Comm. Whitney - that the meeting adjourn until 8 P. M. Motion carried - all Commissioners voting aye.

Pursuant to adjournment, the Commission reconvened at 8 P. M. with Commissioners Holt, Whitney, Simons, Olson, Engen and Beakey present. Chairman William Langer, absent.

Mr. C. F. Kelsch reported on the progress he is making in gathering data on the Bowman and Heart Butte project for presentation at the hearing to be held at Washington, D. C., and requested that he have benefit of Mr. Knapp's technical service. Moved by Comm. Simons - seconded by Comm. Whitney - that his request be granted. Motion carried - all Commissioners voting aye.

Moved by Comm. Simons - seconded by Comm. Whitney - that the Secretary be instructed to request Senator Gerald P. Nye to secure from General Eugene Markham an order or letter of authority authorizing the examination of plans and profiles and estimates of this Commission, pertaining to the Heart Butte-Bowman Missouri River Diversion and North Dakota Pumping project and that the Commission authorize Mr. Knapp or someone designated by him, to go to Omaha or Kansas City when special authority is granted. The roll was called - all Commissioners voting aye.

The question of participation by parties in South Dakota interested in Missouri River Diversion - secretary was instructed to contact South Dakota parties interested.

Moved by Comm. Simons - seconded by Comm. Whitney--that the Secretary, with the advice of Technical Advisor Knapp of the Commission, to set up a system for bids on equipment, etc. over \$300, and that all purchases hereafter be made upon that basis, and that purchases for sums under \$300 only be made after three quotations to be considered as bids have been obtained--provided, however, that this does not apply when it is not possible to obtain three such quotations. Motion carried - all Commissioners voting aye.

Technical Advisor Knapp called the attention of the Commission to the quotation of prices to be charged on municipal projects as given on the back of the application for preliminary survey. Inasmuch as the Commission does not employ a sanitary engineer, it might be better to change the wording to say that advice would be given after investigation. It was unanimously agreed to strike out "population and prices referring to municipal projects" and that the wording be limited to say a general investigation would be made and any service that could be rendered would be charged at actual cost.

The Commissioners discussed the length of time which could consistently be given to applications for repayment on completed projects and it was moved by Comm. Simons--seconded by Comm. Whitney--that a plan for repayment be arranged over a period of not to exceed ten years, and that the rate of interest to be charged be a minimum of 5% and a maximum of 7%, depending upon the amount paid by the Commission. The Secretary called the roll--all Commissioners voting aye.

The Secretary read a letter from Technical Advisor Knapp wherein he called the attention of the Commission to the fact that there was nothing in the act creating the Commission which authorized or gave the Commission power to make loans, and the Secretary stated that he and Mr. Knapp had conferred with Attorney J. P. Cain and Attorney C. F. Kelsch and they concurred in the opinion of Mr. Knapp. Mr. Knapp stated that under the circumstances it would be necessary to draw two new forms to take the place of the present form of application for final survey, and that one of these forms would provide for the sale of an irrigation project and that all equipment provided by the Commission would remain the property of the Commission until final payment was made. A copy of Mr. Knapp's letter and the two new forms is hereto attached.

After a general discussion, it was moved by Comm. Whitney--seconded by Comm. Olson--that the two forms which are to take the place of the present form of application for a final survey be approved. Motion carried--all Commissioners voting aye. Technical Advisor Knapp advised the Commission that in his opinion we should undertake to take up three types of irrigation projects and when cooperatives are organized--it should be decided at the preliminary investigation--what total acreage of land might finally go into the corporation or cooperative.

Chief Engineer Thomas called the attention of the Commission to correspondence he has had with the Bureau of Reclamation wherein the Bureau of Reclamation has made an offer to make a new survey and plans of the Trenton-Buford project at a total cost of not to exceed \$10,000, provided this Commission would pay 50%, not to exceed \$5,000, and estimated that the project covered about 15,000 acres.

Technical Advisor Knapp stated that in his opinion the Commission could very consistently enter into such an agreement and further that if the project could be rehabilitated and made a success, it would be one of the best undertakings this Commission could have to its credit, for as long as the project continues to stand with its record of failure, it would stand in the way of further irrigation promotion in North Dakota.

Moved by Comm. Whitney--seconded by Comm. Engen--that this Commission authorize the expenditure of 50% of the cost, not to exceed \$5,000, for a survey and plans of the proposed Trenton-Buford project covering approximately 15,000 acres. The Secretary called the roll--all Commissioners voting aye.

Dr. Irvin Lavine, Secretary of the Tri-State, presented a report for the Tri-State Commission with a copy of the minutes of their meeting held in St. Paul, May 14, their meeting held in Fargo, June 10, and also a copy of the U. S. Engineering Department report, to Mr. Dean Holm, Secretary of the Tri-State Water Commission, St. Paul, Minn., copies of which are hereto attached. Moved by Comm.-Simons, seconded by Comm. Olson, that the reports be received and placed on file. Motion carried--all Commissioners voting aye.

Moved by Comm. Whitney, seconded by Comm. Olson, that this Commission give its approval of the Lake Traverse project and that we stand ready to assist in every way possible. Motion carried, all Commissioners voting aye.

Mr. C. E. Stewart of Ray, N. Dak., appeared before the Commission in regard to enlarging his Project No. 62, increasing the acreage from 80 to 220 acres, and the cost to the Commission from \$460 to \$702. Mr. Stewart also stated that having been under the impression that the Commission would make him a cash loan, he had ordered made a 10 inch pump at the Epping Iron Works, and while he now realized that this deviated from the rules of the Commission, he hoped under the circumstances they would be able to see their way clear to approve his order for said pump which he stated is his own design and which will pump up to 4,000 gallons of water per minute.

Moved by Comm. Simons--seconded by Comm. Engen--that this Commission approve Mr. Stewart's amended application in the sum of \$710.22, plus a variation of 25%. The Secretary called the roll--all Commissioners voting aye.

A letter was read from Mr. Asle Bjella of the Epping Iron Works, questioning the policy of the Commission in purchasing pumps and which would leave the impression that this Commission discriminated against North Dakota dealers. It was moved by Comm. Simons--seconded by Comm. Whitney--that it would at all times be the policy of this Commission in purchasing pumps and other equipment to favor makers and dealers within our own state to the extent of 5%--quality being considered. Motion carried--all Commissioners voting aye.

At 11:30 P. M. it was moved by Comm. Whitney--seconded by Comm. Engen--that we adjourn until 10 A. M., Tuesday, June 15. The motion carried--all Commissioners voting aye.

Pursuant to adjournment the Commissioner's reconvened at 10 A. M., Tuesday, June 15 with Commissioners Holt, Whitney, Simons, Olson, Engen and Beakey present. Chairman William Langer, absent. The Secretary advised the Commission that he had written the Attorney General under date of June 9 in regard to requirements for advertising for bids on equipment to be purchased by the Commission and received the following reply:

"Mr. D. J. Beakey, Secretary,
State Water Conservation Commission,
Bismarck, North Dakota

Re: Purchases without bids.

Dear Sir:

Your letter of June 9th reached my desk this morning for attention. I have carefully examined the law under which the State Water Conservation Commission is organized. I am unable to find therein any requirement for advertising for bids for equipment to be purchased by the Commission, and I am unable to find any general law which would put any limitation upon the right of the Commission to make purchases authorized by the law, without advertising for bids.

Yours very truly,

G. E. Brace,
Assistant Attorney General"

The Secretary stated that, after conferring with Mr. A. D. McKinnon, Director of Soil Conservation, and Mr. E. J. Thomas, State Engineer, the following list and locations of CCC camps for North Dakota, to be assigned from camps now within the State to the Soil Conservation Service for use under a cooperative arrangement on construction work by the Soil Conservation Service and the State Water Conservation Commission, was agreed upon:

Camp No. 1.

To be located at New England, North Dakota, for soil conservation work and the construction of water conservation projects in that area, a sub-camp of this main camp to be located at Elgin for additional similar work.

Camp No. 2.

To be located at Hazen, North Dakota, with a sub-camp at Killdeer, North Dakota.

Camp No. 3.

To be located at Lake Metigoshe, north of Bottineau, North Dakota, with a sub-camp at Rolla, North Dakota, for the development of the Turtle Mountain area.

Camp No. 4.

To be located at Valley City, North Dakota, with a sub-camp at Enderlin, North Dakota.

Camp No. 5.

To be located at Larimore, North Dakota, with sub-camps one year alternate at Grand Forks and at Devils Lake, North Dakota.

Camp No. 6.

To be located at Williston, North Dakota, with sub-camps at Watford City, North Dakota.

Camp No. 7.

To be located at Bismarck, North Dakota, with a sub-camp at Steele, North Dakota.

Camp No. 8.

To be located at Park River, North Dakota, with a sub-camp at Langdon, North Dakota.

Camp No. 9.

To be located at Carrington, North Dakota, with a sub-camp at Cooperstown, North Dakota.

It was moved by Comm. Whitney--seconded by Comm. Simons--that the list be approved and that the Governor be requested to send the request for same to Robert Fechner and J. J. McEntee, Washington, D. C. The motion carried--all Commissioners voting aye.

The following report of the progress made on various irrigation projects was presented by Chief Engineer E. J. Thomas:

"For your information, I am supplying a brief memorandum of the status of irrigation work for the Engineering Department of the Commission.

At this date, we have received one hundred and thirty-nine (139) applications for preliminary investigations of irrigation and stock-water projects. Reports have been filed on all but three of these applications.

Fifty projects have been reported either as not feasible or construction depends on the building of a dam by the applicant or some other agency than the Commission. These cases, where a dam is necessary to store water for irrigation, it has been found that if the cost of a dam of a size sufficient to store enough water to irrigate the proposed acreage were included in the cost of the project, the cost per acre would be excessive.

The Commission has approved fifty-two (52) projects. Contracts have been forwarded to each of these applicants. To date, forty-six (46) applications have been returned, properly signed.

The design has been completed on thirty (30) projects and some design work has been done on three more. Considerable time has been spent in designing a project for the Park Hill Mutual Aid Corporation, a project at Bismarck of some sixty members, embracing about ninety acres. It has been found that the topographic map secured from the WPA was inaccurate to such an extent as to render it worthless except for very preliminary work. Remapping of this area is being pushed as rapidly as possible.

Forty-two (42) detailed surveys have been made, including one for 200 acres on the State Penitentiary Farm at Bismarck and one for 50 acres on the State Training School at Mandan.

In cases where survey and design only were requested, three projects have been completed and the plans forwarded to the owner.

In seventeen cases where the owner asked aid in construction as well as design, equipment has been ordered. In three of these cases advice has been received that the equipment has arrived and the projects are now in operation.

Herewith is a list of projects for which equipment has been ordered, listing the estimated cost and acreage of each case.

<u>Project No.</u>	<u>Name</u>	<u>Address</u>	<u>Acreage</u>	<u>Estimated Equip. Cost</u>
4	Knut Oss	Mandan	22	\$ 170.00
5	R. L. Silliamson	Buford	30	35.00
6	V. M. Craven	Menoken	40	163.42
7	Frank Lassey	Cartwright	30	210.00
14	Millhouse & Erickson	Cartwright	80	746.35
26	Anna Rix	Mandan	30	509.71
29	H. J. Houser	Sanish	40	171.40
27	R. H. LeRoy	Bismarck	30	337.92
32	Ed Nuss	Elgin	25	140.00
35	Roy McColl	Cartwright	40	445.00
41	Fred Keck	Washburn	20	665.00
52	Emil Peterson	Charlson	30	167.00
61	A. M. Leach	Mandan	19	170.00
69	John Mercer	Buford	20	145.00
72	O'Rourke & Graner	Huff	40	224.85
78	Ludwig & Clark	Livona	60	220.00
104	Bruno Upmeyer	Williston	40	250.00
Total			596	\$4770.65

Average cost of equipment per acre.

8.00

The Committee on Scope and Program reported that they had approved the following projects from May 6 to date:

<u>Project No.</u>	<u>Name</u>	<u>Address</u>	
24	Oscar S. Oberg	Washburn	approved
73	Harry Semerad	Dickinson	approved
76	Adolph Sprenger	Elgin	approved
77	Theo. L. Semerad	Dickinson	approved

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<u>Project No.</u>	<u>Name</u>	<u>Address</u>	
82	Mary O'Neil	Beulah	approved
83	Janie B. Scott	Manning	approved
92	Halvor Rolfsrud	Keene	approved
97	G. A. Richardson	Mandan	approved
104	Bruno Upmeyer	Williston	approved
105	F. M. Shatswell	Buford	approved
106	Bank of North Dakota	Souix County	approved
110	Bank of North Dakota	Hettinger County	approved
114	Bank of North Dakota	Souix County	approved
117	A. M. Snider	Williston	approved
118	Richard C. Ike	Williston	approved
129	George Gerbig	Ranger	approved
138	David W. Miller	Dore	approved

Moved by Comm. Olson--seconded by Comm. Engen--that the report of the Committee be approved and recorded in the minutes. Motion carried--all Commissioners voting aye.

The Secretary presented a financial statement from the organization of the Commission to June 1, 1937.

Total appropriation by Legislature		\$112,500.00
Amount credited to the Commission as application fees	\$785.15	<u>785.15</u>
Total		\$113,285.15

Commission Salaries	\$1355.00	
Commission Expenses (travel)	<u>1016.19</u>	
Cost of Commission Activities		2371.19

Administrative Salaries	1775.05	
Administrative Expenses (travel)	737.40	
Office Equipment	2992.15	
Office Supplies	<u>727.76</u>	
Cost of Administration		6232.36

Engineering Salaries	2256.39	
Engineering Expenses (travel)	710.41	
Engineering Equipment & Supplies	1482.07	
Research & Investigation	<u>73.32</u>	
Total Engineering Expenditures		3522.17

Equipment for construction of 13 projects		3677.73
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Total Expenditures to date		15,803.47
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Unpledged Balance		\$97,481.68
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Moved by Comm. Olson--seconded by Comm. Whitney--that the financial report be received, made part of the minutes of this meeting, and copies be sent to all members. The Secretary called roll--all Commissioners voting aye.

The Secretary read a letter from Mr. C. L. Jenson, Kensal, in regard to holding the hearing for Missouri River Diversion in that place. It was referred to the Secretary for reply.

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The Secretary read an invitation from Mr. J. B. Kovarik, District Director of WPA, at Detroit Lakes, Minn., inviting members of this Commission to attend the dedication of Bronson dam at Bronson, Kittson County, Minn., at 2:30 P. M., June 20. The Secretary was instructed to express the appreciation of the Commissioners for the invitation extended and the communication be placed on file.

The Secretary read a letter from Professor Howard E. Simpson, State Geologist, in regard to reports and mapping for the Heart Butte, Bowman, and Missouri River Diversion projects, a copy of which is hereto attached.

The Secretary read a letter from Professor G. A. Abbott, Department of Chemistry, University of North Dakota, a copy of which is hereto attached. Moved by Comm. Whitney--seconded by Comm. Olson--that the Secretary make reply that water treatment, as referred to, is the proper function of the State Health Department, and that limited finances will not permit this Commission to go further along that line, and also that the Commission has already employed a technical Consultant in the person of Mr. George S. Knapp. The motion carried - all Commissioners voting aye.

Chief Engineer E. J. Thomas also brought up the matter of purchasing a calculator for the use of the Engineering Department. Commissioner Holt stated that it might be possible to get a used calculator at Grand Forks. Moved by Comm. Simons--seconded by Comm. Whitney--that the matter be left in the hands of the Secretary with power to act. The Secretary called roll--the Commissioners voting aye.

Chief Engineer E. J. Thomas called to the attention of the Commission the need for vault space in the basement of the capitol building, which is rapidly being taken up. Moved by Comm. Olson--seconded by Comm. Engen--that the matter be referred to the members of the Scope Committee and Secretary to take up the question with Custodian Nelson. The Secretary called the roll--all Commissioners voting aye.

The Secretary presented a copy of the paper presented by W. W. McLaughlin, Chief of the Division of Irrigation, Bureau of Agricultural Engineering, United States Department of Agriculture, at the Western States Extension Conference at Spokane, Wash., May 24, 1937. Moved by Comm. Olson--seconded by Comm. Simons--that a copy of same be attached to the minutes of the meeting and mailed to each member. The motion carried--all Commissioners voting aye.

Governor William Langer conferred with the Commissioners, discussing Missouri River Diversion, the Heart Butte and Bowman projects, the Tri-State conference, Trenton-Buford irrigation project and the possibility of being able to interest the State School Land Board in investing in irrigation bonds.

Oscar W. Hagen, Fieldman, called the attention of the Board to the case of R. L. Williamson of Buford, Project No. 5, and explained that Williamson purchased pump and pipe from a firm in Williston in April, under the impression that the Commission would reimburse him through a loan. After discussing his case, it was moved by Comm. Simons--seconded by Comm. Whitney--that the Secretary be authorized to make payment for pump and pipe purchased by Williamson. The roll was called--all Commissioners voting aye.

The Secretary stated that in consulting with Technical Advisor Knapp and Dr. Irvin Lavine, subjects were assigned as follows in connection with the rehearing on the proposed Missouri River Diversion:

Water Supply and Sewage Disposal

M. D. Hollis
State Sanitary Engineer

Irrigation

George S. Knapp
Technical Advisor

Ground Water Replenishment

Prof. H. E. Simpson
State Geologist, Univ. N. Dak.

Increase of Land & Real Estate Value

Mr. Gus Lamb, Dr. Irvin Lavine

(A) Industrial Development

Dr. Irvin Lavine

(B) Saving to Industry

Saving in Plumbing

Not assigned

Fire Insurance, General Inspection Co., Minn.

Mr. Glenn Rowell

Recreational

Mr. M. O. Ryan

Improvement of Health
Supplying better drinking water

Dr. Maysil Williams
State Board of Health

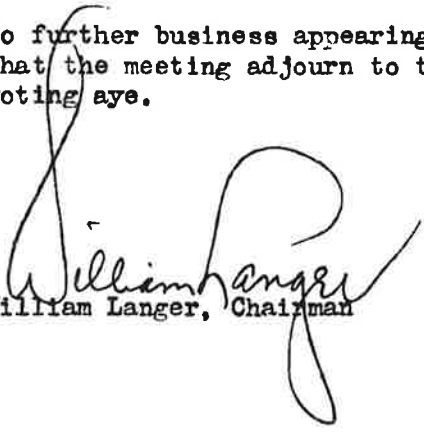
Extent of Federal Investment

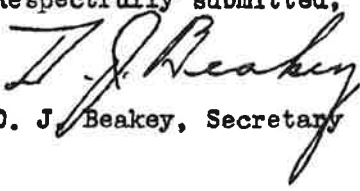
R. B. Cummins
State Co-ordinator

Extent of Federal Farm Loans

R. B. Cummins
State Co-ordinator

No further business appearing, it was moved by Comm. Olson - seconded by Comm. Whitney - that the meeting adjourn to the call of the Chairman. Motion carried - all Commissioners voting aye.


William Langer, Chairman

Respectfully submitted,

D. J. Beakey, Secretary