

75

MINUTES OF A REGULAR MEETING OF THE
STATE WATER CONSERVATION COMMISSION
Held in the Governor's Conference Room
At Bismarck, North Dakota
December 15 and 16, 1937

Pursuant to adjournment, the State Water Conservation Commission met in the Governor's Conference Room at the State Capitol at Bismarck, beginning at 10 A. M., Wednesday, December 15, 1937. Notices reminding all Commissioners of this meeting were mailed December 11, 1937.

The meeting was called to order at 10 A. M. by Vice Chairman Henry Holt. The Secretary called the roll showing Governor William Langer, Chairman, and Commissioners Henry Holt, Kenneth W. Simons, J. Arthur Engen, Gerald C. Olson, and Einar Dahl, present. Commissioner Frank P. Whitney, absent.

The Secretary read the minutes of the last meeting (November 17-18, 1937) and no errors being noted, it was moved by Comm. Engen, seconded by Comm. Dahl, that the minutes be approved as read. The motion carried, all Commissioners voting aye.

A delegation from Sioux County, consisting of James Caddell, Highway Patrol, Selfridge, N. Dak., Sidney Claymore, Chief Clerk at the Indian Agency of Ft. Yates, N. Dak. L. C. Lippert, Agency Superintendent at Ft. Yates, N. Dak., John L. Turner, Chairman of the County Commission at Ft. Yates, N. Dak., John Walker, a farmer of Selfridge, N. Dak., and James J. Maher, County Commissioner of Morrissetown, S. Dak., appeared at the meeting. Comm. Simons gave a preliminary report of their request, stating that they wanted a series of small dams on the Cedar River. Chief Engineer Thomas gave a general explanation of the project and stated that the request for WPA assistance was being presented. A discussion followed.

Moved by Comm. Olson, seconded by Comm. Dahl, that the meeting adjourn until 1:30 P. M. The motion carried, all Commissioners voting aye.

The Commission reconvened at 1:30 P. M., with Vice Chairman Holt Presiding. Roll Call showed Governor William Langer, Chairman, and Commissioners Henry Holt, Kenneth W. Simons, J. Arthur Engen, Gerald C. Olson and Einar Dahl, present. Comm. Frank P. Whitney, absent.

Supreme Court Justice A. M. Christianson appeared at the meeting at this time, and the discussion of the Sioux County project was continued. Comm. Simons explained the plan to Justice Christianson. Moved by Comm. Simons, seconded by Comm. Olson, that the North Dakota Water Conservation Commission agreed to sponsor the construction of seven dams on the Cedar River in Sioux County, North Dakota, and that the Chief Engineer of the Commission be directed to make application to the WPA for their cooperation in the construction of such dams. The roll was called, and the motion carried, all Commissioners voting aye.

Moved by Comm. Simons, seconded by Comm. Olson, that pursuant to the motion already adopted, the activity under the resolution heretofore passed, with the exception of the application to the WPA, be suspended pending action by the Counting Commissioners of Sioux County to levy a half mill tax upon all the property in Sioux County under the State Water Conservation act and further that there be created a valid water conservation district which shall include within it the particular dams in question and that the fact of the establishment of such district be evidenced among other things by an opinion from the Attorney General's office to the effect that a valid district has been organized. Also that there shall be levied special assessments against the lands within such Water Conservation district and benefited by the improvements, in an amount sufficient to pay all moneys advanced by the Water Conservation Commission in the construction of the particular projects within a period of 10 years. Also that the district shall assume its obligations as provided in the Water Conservation Act and direct the same to the State Water Conservation Commission for all moneys expended by the Water Conservation Commission and that they pledge the tax revenue to the payment of said obligation. The roll was called and the motion carried, all Commissioners voting aye.

Mr. Floyd Jennings, Secretary, and Mr. Oscar Becker, Water Consultant for the State Planning Board, were called into the meeting by request of Vice Chairman Holt. Comm. Holt asked them for information in regard to a meeting to be held in Grand Forks and also in regard to some publicity stories which appeared in various newspapers. Secretary Jennings explained that the reported meeting was probably a subcommittee meeting which is to be held in Grand Forks soon. He also explained that the story given to the Associated Press in regard to approval of the Trenton-Buford project did not come from the State Planning Board office. The Commissioners expressed their desire for complete cooperation between the State Water Conservation Commission and the State Planning Board. Comm. Simons suggested that the Secretary and Chief Engineer be directed to do their utmost to see that such cooperation is carried out.

Secretary Jennings explained the work of the National Resources Committee and Mr. Becker read a letter which had been sent to Mr. Abel Wolman, Chairman, Water Resources Committee, Washington, D. C., under date of December 14, 1937 requesting that the construction of irrigation projects should be given first consideration and calling attention to the great need for relief expenditures in North Dakota and requesting the concurrence of the National Resources Committee in the work relief program therein suggested.

Moved by Comm. Engen, seconded by Comm. Simons, that a letter be sent to Mr. Floyd Jennings, Secretary of the Planning Board, expressing the desire of the Commission to cooperate with them and suggesting a joint meeting. The motion carried, all Commissioners voting aye.

Moved by Comm. Olson, seconded by Comm. Engen, that the requested action as contained in the letter written by Mr. Oscar Becker, Water Consultant for the State Planning Board, to Mr. Abel Wolman, Chairman of the National Resources Committee, be endorsed by the State Water Conservation Commission in a telegram to Mr. Wolman and that copies of the telegram and Mr. Becker's letter be sent to the North Dakota Congressional delegation. Roll was called and the motion carried, all Commissioners voting aye.

Moved by Comm. Engen, seconded by Comm. Dahl, that the action taken at the last meeting concerning the National Reclamation Association be rescinded. The motion carried, all Commissioners voting aye.

Moved by Comm. Engen, seconded by Comm. Simons, that Mr. Oscar Hegen, Fieldman for the Commission be instructed to make a written report of his activities for the Commission and also to hasten completion of completed project contracts. The motion carried, all Commissioners voting aye.

Comm. Simons gave a verbal report for the Irrigation Committee including the status of the Lewis and Clark Project, the Painted Wood Project, and the Grantier project. He stated that the engineers were already working on the Lewis and Clark project and that the WPA had given its approval and would begin work December 21. Also that the application for WPA assistance on the Painted Wood Project had been made and was before Washington authorities for approval. He also stated that the Grantier Project was now completed. He said that 1,155 are under irrigation on 29 farms and that plans have been prepared on 31 other projects totaling 1,061 acres which are expected to be under irrigation next spring.

Moved by Comm. Simons, seconded by Comm. Olson, that the report of the Irrigation Committee as presented be approved. The roll was called, the motion carried, all Commissioners voting aye.

Mr. C. E. Mannerow, Office Engineer, was called into the meeting to report on projects. He explained in regard to the Frank Lassey Pump, the V. M. Craven pump, and in regard to the application of Woodie Watson of Watford City. After some discussion, it was moved by Comm. Simons, seconded by Comm. Olson, that the Woodie Watson project be referred to Comm. Dahl with power to act. The roll was called, the motion carried, all Commissioners voting aye.

Comm. Simons presented the following resolution and moved its adoption. The motion was seconded by Comm. Engen. On roll call the motion carried, all Commissioners voting aye;

"WHEREAS, the people of North Dakota have become deeply interested in water conservation and use,

AND WHEREAS, as evidence of that interest the North Dakota Legislative Session of 1937 did create the North Dakota Water Conservation Commission, delegating to it wide powers, and did appropriate the sum of \$112,500.00 to finance the work of the Commission,

AND WHEREAS, various agencies of the Federal Government have shown a deep interest in the Commission's work and have been invaluable to it by providing guidance and suggestion as to things to be done and modes of procedure,

AND WHEREAS, there was not in North Dakota, at the time the Commission was organized and it was necessary to obtain expert advice and engineering service from outside the State,

AND WHEREAS, because of such lack of experience and knowledge, suggestions as to individuals to be employed were made by various government agencies and followed by this Commission,

AND WHEREAS, upon the advice of W.W. McLaughlin, Chief of the Irrigation Division of the Bureau of Agricultural Engineering, the Department of Agriculture, this Commission did employ one George S. Knapp of Topeka, Kansas, as Technical Advisor,

AND WHEREAS, said George S. Knapp proved invaluable to this Commission, giving its affairs experience, knowledge and direction which were not otherwise available to it,

AND WHEREAS, the need for such advice, direction and executive ability still exists, since the work of the water commission and related efforts still is in the formative stages in North Dakota

AND WHEREAS, it is obvious to the members of this Commission that its efforts may fail unless George S. Knapp or someone with like ability is available to it to guide and direct its affairs and the judgment of the Commission,

AND WHEREAS, George S. Knapp will not consider employment with the State of North Dakota unless he is guaranteed security of tenure in office,

AND WHEREAS, the only way to guarantee such security of tenure is through his appointment under the civil service to a post in the United States Government,

AND WHEREAS, such appointment of George S. Knapp, under a cooperative arrangement between this Commission and the United States Government would do more than any other one thing to insure intelligent and unimpeded progress in water conservation work in this State,

AND WHEREAS, because of the vast amount of work to be done and the relatively small appropriation given to this Commission, the government would render invaluable aid by sharing in the salary of George S. Knapp, when appointed under the government civil service rules to aid this Commission in its water conservation work,

NOW THEREFORE, Be it resolved by the North Dakota Water Conservation Commission that the Secretary of Agriculture, Mr. Henry A. Wallace, the Chief of the Bureau of Agricultural Engineering, Mr. S. H. McCrory, and Mr. W. W. McLaughlin, Chief of the Irrigation Division of the Bureau of Agricultural Engineering, are hereby requested to recommend to the President the appointment of Mr. George S. Knapp as an engineer in the Irrigation Division of the Bureau of Agricultural Engineering, Department of Agriculture, under such terms as may be mutually agreeable to Mr. Knapp and to the Department of Agriculture, said grade of engineer to be such as to carry a salary of not less than \$4,800.00 a year.

AND BE IT FURTHER RESOLVED, that Copies of this resolution be sent to President Franklin D. Roosevelt; Secretary of Agriculture Henry A. Wallace; S. H. McCrory, Chief of the Bureau of Agricultural Engineering; W. W. McLaughlin, Chief of the Irrigation Division of the Bureau of Agricultural Engineering; Commissioner of Reclamation John C. Page; Harry Hopkins, National Director of WPA, who has shown a deep interest in the problems of this Commission; Thomas H. Moodie, North Dakota Director of the WPA; to the national and regional heads of the Farm Security Administration and to such other individuals, bureaus and agencies of the Federal and State government as may be interested."

Comm. Holt presented a report for the Tri-State Waters Commission, a copy of which is included with the minutes of this meeting. Report placed on file.

Comm. Holt made a verbal report for the Missouri River Diversion Committee and read a letter from Mr. George S. Knapp concerning Missouri River Diversion. Comm. Holt suggested that the Agricultural benefits to be derived from Missouri River Diversion be compiled as soon as possible so that the information will be available and further suggested that Chief Engineer Thomas keep in touch with the work of the Army Engineers in their restudy of Missouri River Diversion so that Mr. Knapp may be informed as to their progress.

Comm. Simons stated that he had received work from Senator Gerald P. Nye to the effect that he thought he could get an appropriation from Congress for the Trenton-Buford irrigation project by attaching an amendment to some pending bill, but that the Senator required statistical data to work with.

Moved by Comm. Olson, seconded by Comm. Engen, that the meeting be adjourned until 9 A. M. Thursday morning, December 16, 1937. The motion carried, all Commissioners voting aye.

The Commission reconvened at 9 A. M. Thursday, December 16, 1937, in the Governor's Conference Room, with Vice Chairman Henry Holt, presiding. Roll was called with Chairman William Langer, and Commissioners Henry Holt, Kenneth W. Simons, J. Arthur Engen, Gerald C. Olson, and Einar Dahl present. Commissioners Frank P. Whitney, absent.

Comm. Engen made the report of the Auditing Committee and stated that the Committee had requested that the financial report be revised to show the amounts charged to the Commission, nor repayable, and the amounts charged to the projects which are to be repaid, and the following financial statement as of December 1, 1937 was presented:

	<u>To Commission</u>	<u>To Project</u>
Administrative Salaries	\$ 8,057.54	
Administrative Mileage & Expense	1,334.90	
Administrative Office Equipment	2,776.95	
Administrative Office Supplies	858.35	
Engineering Salaries, Mileage & Expense	12,968.19	\$ 7,161.51
Engineering Office Equipment	1,182.80	
Engineering Field Equipment	974.21	
Engineering Office Supplies	609.13	
Maps	184.34	
Buford-Trenton Irrigation Project		1,000.00
Commissioners Per Diem	880.00	
Commissioners mileage & Expense	900.12	
Tri-State Per Diem & Expense	709.40	
Washington Trip Per Diem & Expense	1,750.19	
Legal Service	997.50	
Legal Service Mileage & Expense	99.40	
Printing	316.69	
Telegraph & Telephone	440.46	

	<u>To Commission</u>	<u>To Projects</u>
Postage & Express	79.24	
Missouri River Diversion	1,319.19	
Fieldmen	1,613.45	
Projects - Equipment & Supplies		869.51
Preliminary Investigation & Research Charges	222.92	11,853.16
Insurance	321.36	
Construction Supplies	898.72	
TOTAL EXPENDITURES	<u>\$39,495.05</u>	<u>\$20,884.18</u>
Total Expenditures of Commission & Projects to December 1, 1937		
Total Appropriation by Legislature	\$112,500.00	
Amount Credited to Commission as application fees	1,185.20	\$60,379.23
Amount Credited to Commission as Benef. Returns	18.26	
Total of Administrative Appropriation Plus Deposits		(A) 113,703.46
Total Expenditures Charged to Commission (Nonrepayable)		(B) 39,495.05
Actual Balance of Administrative Fund (<u>Disregarding any Project Charges</u>)		\$ 74,208.41
Total Expenditures Charged to Projects (Repayable to Commission)		(C) 20,884.18
BALANCE OF Administrative Appropriation plus Deposits (A) Less (B) & (C) Commission & Project Expenditures.		<u>\$ 53,324.23</u>

The Commissioners spent some time checking various accounts including charges for legal services, and it was moved by Comm. Olson, seconded by Comm. Dahl, that the Secretary notify attorneys who have done work for the Commission that no bills will be allowed unless a direct written request for such legal service is given. The roll was called and the motion carried, all Commissioners voting aye.

Moved by Comm. Engen, seconded by Comm. Simons, that the bill in the sum of \$175.00 presented by Attorney H. A. Bronson be allowed. The roll was called and the motion carried, all Commissioners voting aye.

The Secretary read a letter from the North Dakota newspaper members of the Associated Press requesting cooperation in gathering news of the activities of various state organizations. Comm. Simons explained why such action was taken, and it was moved by Comm. Dahl, seconded by Comm. Engen, that the Secretary be instructed to make the minutes of all meetings available to the Associated Press and that their representative be invited to attend the meetings whenever they desire him to do so. The motion carried, all Commissioners voting aye.

Moved by Comm. Olson, seconded by Comm. Engen, that the Chief Engineer be instructed to assemble all available data on the projects which were submitted to the Rivers and Harbors Congress last year and any other projects that are now in line in cooperation with the State Planning Board, and that they be submitted again this year. Roll was called and the motion carried, all Commissioners voting aye.

E. E. Mannerow, Office Engineer, reported that the following projects have been approved by the Irrigation Committee from September 3 to date:

<u>Project No.</u>	<u>Name</u>	<u>Address</u>	<u>Acres</u>	<u>Engr.</u>	<u>Cons't</u>	<u>Date</u>
161	H. W. Long	Solen	40	\$80.00	\$643. plus 25%	9-3-37
159	Bank of N. D.	Bismarck	40	80.00	478. " "	9-3-37
148	Emil Piper	Davenport	40	80.00 -25%	250. " "	9-3-37
164	J.F. Schiermdster	Linton	25	50.00	340. " "	9-3-37
166	Lynch Estate	LaMoure	40	80.00	300. " "	9-15-37
174	T. B. Meinhover	Bismarck	15	30.00	230. " "	10-14-37
170	H. E. Wildfang	Sterling	40	80.00	285. " "	10-4-37
71	Jay Grantier	Banks	240	100.00	2000. " "	11-4-37

Moved by Comm. Simons, seconded by Comm. Olson, that the project report be approved and made a part of the minutes. Roll was called and the motion carried, all Commissioners voting aye.

Attorney Genreal Strutz conferred with the Commissioners in regard to the legal services to be rendered to the Commission in the matter of issuing bonds, etc., and stated that his office would be very glad to cooperate with the Commission at all times along the lines suggested.

The Secretary read a letter addressed to Comm. Holt from Congressman Usher L. Burdick in which Congressman Burdick explained that one of the reasons by it was difficult to secure consideration of irrigation projects for North Dakota was on account of the fact that the government expended a huge sum of money establishing an irrigation system at Williston, and the people did not make use of it. A letter to Congressman Burdick from the Truax-Traer Coal Company was also attached. It was moved by Comm. Simons, seconded by Comm. Dahl, that Congressman Burdick's letter be filed and the Truax-Traer letter be returned to Comm. Holt. The motion carried, all Commissioners voting aye.

The Commissioners discussed the possibility of giving employment to McKenzie County farmers living adjacent to the Lewis and Clark project and Chief Engineer Thomas was requested to give this matter consideration whenever possible in hiring men on the project.

The following resolution was presented by Comm. Olson:

"WHEREAS, it appears to this Commission, that regular and more requent meetings of the Commission will better promote a more direct and satisfactory arrangemant for the exercise of its powers and the performance of its duties, and

WHEREAS, long periods between meetings have brought about a tendency by committee chairmen, committee members, individual members of the Commission, and appointive officers of the Commission, when the Commission is not in session to formulate policies, to give orders and directions to department heads and employees for carrying on the work of the Commission, much of which direction and exercise of authority should be done only upon the action or approval of the Commission.

NOW THEREFORE, BE IT RESOLVED, that hereafter regular monthly meetings be held by the Commission on the second Wednesday of each month unless otherwise ordered, and such special meetings be called as may be deemed necessary.

BE IT FURTHER RESOLVED, that committee chairmen, members of Committees, individual members of the Commission, and officers of the Commission, hereafter carry on the work of the Commission when not in session in compliance with the approval of the Commission and in accordance with such exercise of authority as may be delegated by the Commission, or provided for in the Act establishing the Commission, and submit progress reports on such activities. They shall also bring to the attention of the Commission other work and business proposed for immediate action by the Commission, for committee assignment or for action at its next regular meeting."

Moved by Comm. Olson, seconded by Comm. Engen, that the foregoing resolution be adopted. The motion carried, all Commissioners voting aye.

No further business appearing, it was moved by Comm. Simons, seconded by Comm. Dahl, that the meeting adjourn. The motion carried, all Commissioners voting aye.

APPROVED:



Harry Holt
Vice Chairman

Respectfully submitted,



D. J. Beakey, Secretary