

MINUTES OF A MEETING  
OF THE  
STATE WATER CONSERVATION COMMISSION

Held Wednesday to Friday, February 19 to 21, 1941 in  
the Office of the Commission.

A regular meeting of the State Water Conservation Commission was called to order at 10 A. M., Wednesday, February 19, 1941, in the office of the Commission, by the Vice Chairman, Henry Holt.

Roll was called with Comms. Thompson, Dahl, Holt and Simons present. Governor Moses, Chairman, absent.

It was moved by Comm. Simons, seconded by Comm. Thompson, that the minutes of the meeting held January 16, 17 and 18, 1941, be approved. The motion carried, all Commissioners voting aye.

Governor Moses came into the meeting.

It was moved by Comm. Simons, seconded by Comm. Dahl, that the minutes of the emergency meeting of Friday, January 31, 1941, be approved, and the proceedings taken at that meeting be in all things ratified. On roll call Governor Moses and Comms. Holt, Thompson, Simons and Dahl, voted aye. Absent, none. The motion was declared carried.

Governor Moses reported on the events leading up to the attendance of Mr. McColly and Comm. Simons at the Denver meeting called by Governor Carr of Colorado, to discuss the Arkansas Valley Authority, held on February 7, 1941.

The Governor stated that he had received a telegram from Governor Carr regarding a conference of Governors to be held at Denver to discuss this matter. Governor Moses was asked, in the telegram, to attend the meeting. Governor Moses had wired back that it would be impossible for him to attend. After further discussions with Governor Carr, through telegram and telephone, the Governor had decided to attend the meeting. Shortly before he was to leave, a special meeting of a joint refinancing committee came up. Governor Moses had told Governor Carr he could not come, and Governor Carr had asked that he send a representative. Governor Moses then asked Comm. Simons to go as his personal representative, and Mr. McColly to go as Secretary and Chief Engineer of the Water Commission. The Governor explained that it wasn't possible to get in touch with any other members of the Commission on such short notice, so he had taken the responsibility of sending Mr. McColly and Mr. Simons.

The Secretary gave each Commissioner a written report on the Denver meeting and supplemented it with a verbal report.

There was a short discussion of the Commission's appropriation bill.

There was a discussion of Mr. John Tucker, a candidate for the position of Secretary and Chief Engineer of the Water Commission. Governor Moses reported that he had received a telegram from Mr. Tucker stating that he would be willing to accept the position at \$3,300.00 per year. The Governor suggested that the members look over Mr. Tucker's application and after giving the matter thorough consideration, take action.

Because of other business, the Governor left the meeting.

After further discussion of Mr. Tucker's qualifications, it was moved by Comm. Simons, seconded by Comm. Thompson, that the Governor, as Chairman of the Commission, be authorized and directed to employ Mr. Tucker as Secretary and Chief Engineer of the Water Commission. Roll was called with Comms. Holt, Simons, Dahl, and Thompson voting aye. Governor Moses absent. The motion was declared carried.

The Secretary told the Commissioners of the death of Reuben Stee, Office Engineer.

Vice Chairman Holt reported verbally on his trip to St. Paul February 16-18, 1941, to consult with Dean Holm and Major Moreland of the Army Engineers, on the preparation of material for the hearing which will be held at St. Louis at a later date, on the Tongue and Pembina Rivers.

Vice Chairman Holt made the following statement, after explaining that the report had gone from the District Engineer to the Division Engineer at St. Louis in typewritten form. "Naturally we were anxious to get just as much information out of the engineers as we possibly could. Dean Holm directed a pointed question to them----The answer was, 'You wouldn't be surprised if I told you that you needn't worry about the typewritten report'. From that answer, I would say that his report is favorable on both the Tongue and the Pembina. They have revised the Pembina Project, proposing a much smaller dam. The project has possibilities and it is one on which I am sure that the Army Engineers will support us. When I discussed further with them the Park River and the Tongue River, I found that both of those projects are in a very advantageous condition. The work done by this Commission was commended and the cooperation of Grafton and Minto also.

"The Roseau River Project.....going back to July of last year, they were studying for more information. They were out there restudying and resurveying, but unfortunately when the report went in from St. Paul, it wasn't favorable. It went into the St. Louis office and we sent Dean Holm and a representative from the Roseau River District, to St. Louis. The engineer down there was very cordial and agreed with Dean Holm that they should go up there and cover a larger area, and he would be glad to re-submit it, but that the request would have to come from local authorities, together with the Tri-State. The local representative proceeded to Washington, making various contacts on other matters, but apparently forgetting the project. Not being backed up by local authorities, the Division Engineer figured the local people didn't want it, and submitted the report to Washington. I heard from Dean Holm that the report was unfavorable. We had to get in touch with the local people to find out what they wanted us to do. As a result, we got that report out of Washington, back to St. Louis and then back to St. Paul, with the changes desired concerning a restudy and also have it cover a larger area. More money has been allocated for that purpose. Major Moreland seemed rather inclined to feel that now they might be able to work out something for those people up there.

"Then I talked to him about the Bald Hill Reservoir on the Sheyenne River. He said, 'After having checked and double checked and worked on Missouri River Diversion, the facts that we have obtained there indicate that we have to look for another dam site for Bald Hill Reservoir'.

"I went into Missouri River Diversion with him at length. Some time last fall I called over here to Mr. McColly, asking him to get in touch with the Health Department and ask the Governor to make a request that they submit their report on the Red River. He became very enthusiastic when he talked to me about the Health Department survey.

I left them feeling that we were making real progress. I am satisfied that the economic benefits are going to be increased tremendously because they are now going to approve the claim of the Commission that the Red River Basin cannot take care of itself.

"While we visited around with them and other people there, we learned that Colonel Fleming has now been made a Brigadier General." Vice Chairman Holt suggested that the Governor and Secretary be asked to send a letter of congratulations to Fleming.

The Vice Chairman also reported that there was a strong possibility that the next meeting of the National Rivers and Harbors Congress will be held in Rogersville, Tennessee.

It was moved by Comm. Thompson, seconded by Comm. Dahl, that the Commission approve the expense of Henry Holt in connection with his trip to St. Paul to the conference with the Corps of Engineers relative to the work of the Tri-State Waters Commission and the Missouri River Diversion, and also the trip to Denver by Comm. Simons and Secretary McColly, representing the Governor at the Governor's Conference called by Governor Carr of Colorado, with reference to the Arkansas Valley Authority. On roll call the motion carried, Comms. Thompson, Dahl, Holt and Simons voting aye. Absent, Governor Moses.

Comm. Simons went on to add verbally to the written report on the Denver meeting, stating: "The reason that the Governor felt that we should be interested in that is that the principles set up elsewhere will apply to us and what we have involved here is control of the waters which rise in the mountains and flow down to the lowlands. There is coming up a great battle for the right to use the waters of the Missouri River and the principles established by the Arkansas Valley Authority bill would be applied to the Missouri most certainly because the streams are the same because they rise in the mountains, flow down the lowlands, and become a major stream below. The Governor, anticipating a developing battle for the use of this water, wanted a representative there. We are going to need approximately two or three million acre feet of water out of the Missouri River, if the projects we have in mind go through. That allocates something over one million acre feet for diversion and something over one million acre feet for irrigation. It would be bad if we could get the diversion project and then couldn't get water out of the river. The Governor felt we had better help them with their battle a little with the anticipation that we might be able to get their help with ours. From conversations I had with O. S. Warden of Montana, and Governor Smith of Wyoming, there is every prospect that the upper basin states will stick together pretty well."

The Vice Chairman ordered the written report filed.

Recess was declared by the Vice Chairman until 2 o'clock P. M.

At 2 P. M. the meeting was again called to order by Vice Chairman Henry Holt.

Comm. Simons gave a verbal report on the present status of the Bismarck Project, stating that some trouble had developed in the acquiring of Section 21 from Wachters, Inc.

There was a discussion of a proposed Missouri River Compact and S. 831.

The Secretary presented the financial statement. It was moved by Comm. Simons, seconded by Comm. Thompson, that the financial statement be made a part of the minutes of this meeting. The motion carried, all Commissioners voting aye.

A copy of the financial statement, as of January 31, 1941, follows:

**NORTH DAKOTA STATE WATER CONSERVATION COMMISSION**  
**MONTHLY REPORT JANUARY 1 to 31, 1941**  
**1939 APPROPRIATION**

	Total Appropri'n. 24 months.	Expended to Dec. 31, 1940	Balance December 31, 1940	Agreed Reduction	Balance Available	Available Per Month	January Expenses	Jan. Overrun or Underrun	
Commissioners' Per Diem	4,200.00	1,134.00	3,066.00	1,200.00	1,866.00	311.00	84.00	227.00	U
Administration	30,000.00	*20,126.70	9,873.30	1,000.00	8,873.30	1,478.88	*1,458.45	20.43	U
Const. Bond Guarantee	50,000.00	5,400.00	44,600.00	10,000.00	34,600.00	5,766.67	-----	5,766.67	U
Lewis & Clark Exp. Farm	4,000.00	2,353.30	1,646.70	250.00	1,396.70	232.78	201.65	31.13	U
Sponsor's Share - Dams	7,000.00	1,301.65	5,698.35	2,000.00	3,698.35	616.39	205.10	411.29	U
Engr. & Soil Surveys	1,000.00	163.50	836.50	180.00	656.50	109.42	-----	109.42	U
Designs & Reports	500.00	165.71	334.29	300.00	34.29	5.72	-----	5.72	U
Goose River Diversion	500.00	375.00	125.00	100.00	25.00	4.17	-----	4.17	U
James River-Lake Traverse	1,600.00	804.21	795.79	750.00	45.79	7.63	-----	7.63	U
Invest. & Surveys, Mo. Riv.	3,000.00	547.25	2,452.75	2,000.00	452.75	75.46	-----	75.46	U
Evaluation Economic Benefits	1,000.00	246.04	753.96	700.00	53.96	8.99	-----	8.99	U
Reports and Conferences	1,000.00	727.93	272.07	300.00	- 27.93	-4.66	-----	4.66	O
Tri-State Waters Conferences	5,600.00	3,341.27	2,258.73	600.00	1,658.73	276.45	189.37	87.08	U
Indep. Invest. & Reports	1,600.00	1,073.88	526.12	600.00	- 73.88	-12.31	-----	12.31	O
<b>TOTAL</b>	<b>111,000.00</b>	<b>37,760.44</b>	<b>73,239.56</b>	<b>19,980.00</b>	<b>53,259.56</b>	<b>8,876.59</b>	<b>2,138.57</b>	<b>6,738.02</b>	<b>U</b>

\* **"Revolving Fund"**

Cost of work on Projects

52,809.05 (To Dec. 31)

\*January cost of work on Projects

721.81

Collections Received

50,839.63 (To Dec. 31)

\*January Collections

45.00

The Secretary presented two requests for water rights, from Walter Welford of Pembina, and Leonard G. Gabbert, New England.

It was moved by Comm. Dahl, seconded by Comm. Simons that the Commission place on file the application of Walter Welford, Pembina, for the right to divert water from the Pembina River in the amount of 60 acre feet annually; no action is taken at this time in view of the possibility of extensive development of the Pembina River by the War Department or other agencies of the Federal Government. The application is hereby noted, however, with the understanding that it will take precedence over any subsequent application for the right to divert water from the Pembina River in the event the Commission finds it possible to grant such right to divert. The Commission suggests to the applicant that he proceed with the diversion of water without a formal right, pending further developments upon this stream. The motion carried, all Commissioners voting aye.

It was moved by Comm. Simons, seconded by Comm. Dahl, that the Commission place on file the application of Leonard G. Gabbert, New England, for the right to divert water from the Cannonball River in the amount of 60 acre feet annually; no action is taken at this time in view of the possibility of extensive developments of the Cannonball River by the War Department or other agencies of the Federal Government. The application is hereby noted, however, with the understanding that it will take precedence over any subsequent application for the right to divert water from the Cannonball River in the event the Commission finds it possible to grant such right to divert. The Commission suggests to the applicant that he proceed with the diversion of water without a formal right, pending further developments on this stream. The motion carried, all Commissioners voting aye.

There was a discussion of the biennial report. It was moved by Comm. Simons, seconded by Comm. Thompson, that the Secretary and the staff of the Water Commission, and the State Engineer's office, be complimented on the job done on the biennial report. The motion carried, all Commissioners voting aye.

The Secretary stated that the State Health Department had asked if the Water Commission would join in declaring the Peter Rennick piggery on Apple Creek, along Highway No. 10, a public nuisance. Dairy farmers downstream have complained to the Health authorities. Mr. George Toman of the Health Department, came in to report on the piggery. Mr. Brandenburg, state veterinarian, was also called in. After some discussion, Mr. Toman was asked to see that the Health Department makes a formal statement regarding the piggery and the Health Department's recommendations.

At 4 o'clock the meeting was recessed to the call of the Chairman.

The members spent Thursday in preparation of material for a meeting with the Senate Appropriations Committee Thursday evening.

Friday morning, February 21, 1941, at 10 o'clock A. M., the meeting reconvened with Comms. Eolt, Dahl and Simons present. Absent, Governor Moses and Comm. Thompson.

It was moved by Comm. Dahl, seconded by Comm. Simons, that the Secretary submit a revised budget, amounting to \$104,400.00, to the Chairman of the Senate Appropriations Committee, as follows:

	Allowed By Budget Board	Revised, Submitted to Senate
1. Commissioners' Per Diem	3,200.00	3,000.00
2. Administration	30,000.00	30,000.00
3. Construction Bond Guarantee Fund	50,000.00	45,000.00
4. Maintenance existing dams in cooperation with other agencies	7,000.00	4,000.00
5. Engineering & Soil Surveys	1,000.00	1,000.00
6. Little Missouri, Grand, Cannonball, Heart, & Knife Rivers--Conserva- tion, Investigations & Reports.	1,000.00	700.00
7. Pembina, Tongue, Park, Forest & Goose Rivers --Conservation, Investigations & Reports	750.00	250.00
8. James, Wildrice Rivers--Lake Traverse Div. & Irrig. Investigations & Reports	300.00	150.00
9. Investigations, Surveys, Designs & Reports of Diversion Routes including Diversion from Fort Peck Reservoir & pumping from Missouri River	2,000.00	2,000.00
10. Evaluation Economic Benefits	500.00	300.00
11. Reports & attendance at Conference with War Dept. Congressional Committees & other agencies	1,500.00	1,500.00
12. Tri-State Waters--Red River Basin Program N. Dak. portion of Administrative Expenses Tri-State Water Conferences	7,500.00	7,500.00
13. Independent Inv. & Reports	1,800.00	1,000.00
14. International & Interstate Stream Compacts	1,500.00	1,500.00
15. Topographic Mapping (Cooperation with U. S. Geological Survey on a 50-50 basis	3,000.00	3,000.00
16. Cooperation in obtaining Water Facilities & Great Plains Program projects	5,000.00	3,000.00
17. Designs, Reports & Conferences to obtain CCC camps on projects	2,000.00	500.00
TOTAL	\$118,050.00	\$104,400.00

The motion carried, Comms. Holt, Simons, and Dahl voting aye. Governor Moses and Comm. Thompson, absent.

There being no further business, it was moved by Comm. Simons, seconded by Comm. Dahl, that the meeting adjourn to the call of the Chair. The motion carried, all Commissioners voting aye.

Respectfully submitted,

APPROVED

H. F. McColly  
Secretary

Henry Holt  
Vice Chairman