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MINUTES OF A REGULAR MEETING
OF THE
STATE WATER CONSERVATION COMMISSION

Held in the Commission's office at Bismarck, N. Dak.
May 8, 1941.

The meeting was called to order at 10 A. M., by Vice Chairman Henry Holt. The Secretary called the roll with Comms. Holt, Simons, Dahl and Thompson, present. Absent, Governor John Moses, Chairman.

It was moved by Comm. Simons, seconded by Comm. Dahl, that typewritten copies of the minutes of the regular meeting of the State Water Conservation Commission held March 26, 1941, having been sent to all members of the Commission, the minutes of that meeting be approved. The motion carried, all Commissioners voting aye.

There was a discussion of the special meeting of the Commission held in Bismarck, April 17, 1941.

It was moved by Comm. Simons, seconded by Comm. Thompson, that all actions taken and proceedings had by the Commission at the emergency meeting of the Commission held, pursuant to the call of Governor Moses, Chairman of the Commission, at the office of the Governor in the State Capital, at 5 o'clock P. M., on the 17th day of April, 1941, be in all things approved, ratified and confirmed and that the minutes of said meeting be approved. On roll call the motion carried, Comms. Simons, Holt, Dahl, and Thompson voting aye. Governor Moses, absent.

Wallace Kyes of Livona, came into the meeting to discuss with the Commission the Kyes Irrigation Project. The Commissioners explained to him the present status of the Kyes Project with special reference to the fact that it was not being sold to the Bureau of Reclamation but that the Commission itself expects to finance it by the sale of its bonds. Mr. Kyes told the Commission that he was satisfied with that arrangement and felt that was the proper way to proceed, and hoped that the bonds could be sold without too great an interest rate for the people to bear. Mr. Kyes stated that 4% interest on bonds was probably as much as the project could carry. He then left the meeting.

It was moved by Comm. Simons, and seconded by Comm. Dahl, that the interest coupons on Bonds numbered 241 to 300 inclusive of the bonds issued by the Lewis and Clark Irrigation District, and to be pledged as security for the payment of State Water Conservation Commission Revenue Bonds, Series I issue, be detached from such bonds and delivered to North Dakota Rural Rehabilitation Corporation, together with bonds numbered 1 to 240 inclusive of said issue; and that the entire issue of \$25,000.00 bonds issued by said Lewis and Clark Irrigation District to pay for the construction of a system of drainage in said Irrigation District and operation costs be delivered to the North Dakota Rural Rehabilitation Corporation in accordance with the arrangement heretofore made. The motion carried, Comms. Holt, Simons, Dahl and Thompson voting aye. Governor John Moses, absent.

The report of the Irrigation Committee meeting held in the Governor's office at 2 P. M., May 7, 1941, with Governor Moses and Comms. Dahl and Simons present, was presented. The report follows:

REPORT OF IRRIGATION COMMITTEE
OF
NORTH DAKOTA STATE WATER CONSERVATION COMMISSION

Held Wednesday, May 7, 1941 in
Bismarck, N. Dak.

The meeting of the Irrigation Committee was held in the Governor's office at 2 P. M., May 7, 1941. Present were Governor Moses and Comms. Simons and Dahl. J. T. Tucker, Secretary.

The following recommendations were made at the meeting for the consideration of the Water Conservation Commission meeting to be held May 8.

IRRIGATION COMMITTEE RECOMMENDATIONS:

1. That the Commission petition the various government agencies that are interested to finish the housing program on the Lewis and Clark Project in accordance with verbal agreements that have been made. They further recommend that houses designed suitable to climatic conditions and costing approximately \$2,500.00 each with the possibility that future additions can be made thereto, be erected on the project.
2. That the Commission favor the hiring of Mr. Arthur Schulz as soon as possible for full time work and at the expense of the Commission, and that a letter of agreement be worked out with Mr. Haslerud and the North Dakota Agricultural College for further payments when necessary.
3. That the Chief Engineer check into the purchases being made for the various projects that are now in operation and to make such recommendations as necessary.
4. That Comm. Holt, in his forthcoming trip to the National Rivers and Harbors Congress in Washington, make such dispositions as to discourage the Congress from entering into the irrigation business.
5. That a standard petition form be used for individual farmers and land owners requesting financial aid in the construction of their respective irrigation projects.
6. That the Secretary notify the Congressional delegation that the Commission opposes the Dakota Valley Authority Bill in its present form unless very drastically amended.
7. The Secretary give to the press, under authority of the Commission, the facts relating to the land promotional program under the Reclamation Grand Coulee Project and that the Bureau of Reclamation give North Dakota irrigation projects to offset the intent of such promotional schemes that the Bureau is attempting to obstruct through the medium of the press and other agencies.
8. That F. P. Whitney be requested to represent North Dakota for the Commission in conjunction with the "follow up" work on the Big Horn River and that the staff and resources of the Water Conservation Commission be made available to him for that work.

- 9. That some part of the money made available to the U. S. Geological Survey quadrangle surveys be made in the irrigation section of the State.
- 10. The Governor be asked to initiate a compact between North and South Dakota in relation to the Grand Valley (Bowman-Haley) Project.
- 11. That attention be called to the Kyes Project in relation to the bond issue and report of Governor concerning same.

Respectfully submitted,

Chairman

Member

Member

Comm. Simons discussed various items on the Irrigation Committee report. In accordance with Recommendation No. 1 on the Report, it was decided that houses available on grazing district in McKenzie County should be dismantled and that the NYA should do the work. It was also decided that Walter Maddock, Farm Security Administration should be contacted regarding housing on the Lewis and Clark Project.

Regarding Recommendation No. 2, it was moved by Comm. Simons, seconded by Comm. Thompson, that the Commission employ Arthur Schulz, or some other competent Agricultural Engineer, as soon as possible, for full time work during the irrigation season of 1941, at the expense of the Commission, and that a letter of agreement be worked out later with Mr. Haslerud and the North Dakota Agricultural College for the continued employment of Mr. Schulz in instruction at the college and in work for the North Dakota Water Conservation Commission on the same basis as was involved in the employment of W. H. Farmer. The motion carried, Comms. Holt, Simons, Dahl and Thompson voting aye. Governor Moses, absent.

After discussion of Recommendation No. 3, it was moved by Comm. Dahl, seconded by Comm. Simons, that the Chief Engineer be instructed to check prices being paid for materials and work out a procedure of purchase that will protect the Water Commission and the various irrigation projects. The motion carried, Comms. Holt, Simons, Dahl and Thompson voting aye. Governor Moses, absent.

After a discussion of Recommendation No. 4, Mr. Holt, Vice Chairman of the Commission, said he would take care of the matter, since he is a member of the projects committee of the National Rivers and Harbors Congress.

There was a general discussion of Recommendation No. 5, regarding the adoption of standard petition forms. It was moved by Comm. Thompson, seconded by Comm. Simons, that the Secretary and Chief Engineer be directed to require of all applicants for water for irrigation purposes a preliminary agreement signed, reading as follows:

W.C.C. FORM 7

Date: _____ 194_____

PRELIMINARY WATER SIGNERS' AGREEMENT

NAME OF PROJECT _____ Location (County) _____

PETITION:

To the North Dakota State Water Conservation Commission
Bismarck, North Dakota

The undersigned, landowner (or lessee), located in _____ County, North Dakota, hereby respectfully petitions the Commission for assistance in financing and development of the _____ Project and requests the Commission to initiate proceedings necessary for the construction of this project by the Bureau of Reclamation under the Case-Wheeler Act.

Further, the undersigned, landowners (or lessee), represents that he is ready and willing to vote for the organization and establishment of an irrigation district embracing the irrigable lands within the project and that he will conform to all of the requirements of the Bureau of Reclamation for the establishment by the Bureau of a system or irrigation works therein.

For the purpose of giving you general information for the preliminary consideration of the above project, I submit the following information:

1. I own _____ acres of land in Section (s) _____, Township (s) _____ N., Range (s) _____ West, 5th P. M., of which _____ acres can be irrigated from the _____ Project.

2. I lease, or rent, _____ acres of land in Section (s) _____, Township (s) _____ N., Range (s) _____ West, 5th P. M., of which _____ acres can be irrigated from the _____ Project.

3. I desire to subscribe for water for _____ acres of land, for which I am willing to pay \$ _____ per acre per year at the point of diversion to my land.

Remarks _____

Signed _____

P. O. Address _____

On roll call the motion carried, all Commissioners voting aye. Governor Moses, absent.

The Dakota Valley Authority was discussed, in accordance with Recommendation No. 6, and Comm. Thompson suggested asking the Governor to contact Governor Carr and see if it isn't possible for the Governors' Conference to make the same record on this Authority as they did on the Arkansas Valley Authority.

It was moved by Comm. Thompson, seconded by Comm. Simons, that the Commission feels that insofar as the Dakota Valley Authority, introduced by Senator Bulow in the United States Senate, is concerned, the same protest should be filed as was filed on the Arkansas Valley Authority by the Governor's Conference held in Denver in February, 1941, and that the Chairman of the Commission, Hon. John Moses, Governor of North Dakota, be requested to represent the Water Commission at any hearings for said purpose or privately to act for the Commission in voicing such protests. The motion carried, Comms. Thompson, Simons, Dahl and Holt voting aye. Governor Moses, absent.

It was moved by Comm. Simons, seconded by Comm. Dahl, that Comm. S. W. Thompson be instructed to investigate the possibilities of water conservation development and the interest therein in the James River Valley, as it relates to the program and policies of this Commission. On roll call the motion carried, Comms. Dahl, Holt, Thompson and Simons voting aye. Governor Moses, absent.

Regarding Recommendation No. 7, Mr. Tucker read a letter from Mr. H. W. Bashore, Acting Commissioner, Bureau of Reclamation, in which he states that the Bureau of Reclamation is anxious to obstruct speculative sale of lands on the Grand Coulee Project.

It was moved by Comm. Thompson, seconded by Comm. Dahl, that the Secretary and Comm. Simons be requested to present suitable articles for release to the press of the state, touching upon possible irrigation development in North Dakota and cautioning people of this State in their investments in irrigation projects in other states with which they are not familiar. On roll call the motion carried, Comms. Holt, Dahl, Simons, and Thompson voting aye. Governor Moses, absent.

In accordance with Recommendation No. 8, it was moved by Comm. Thompson, seconded by Comm. Simons, that Frank P. Whitney of Dickinson, and the Secretary, be requested and authorized to follow up the Big Horn development. On roll call the motion carried, Comms. Holt, Simons, Thompson and Dahl voting aye. Governor Moses, absent.

Following a discussion of Recommendation No. 9, it was moved by Comm. Thompson, seconded by Comm. Simons, that the Secretary and Chief Engineer be asked to recommend to C. L. Sadler, Division Engineer, U. S. Geological Survey, the quadrangles which the Commission would like to have surveyed with the funds available for that purpose. On roll call the motion carried, Comms. Holt, Simons, Dahl and Thompson voting aye. Governor Moses, absent.

In compliance with Recommendation No. 10, it was moved by Comm. Simons, seconded by Comm. Dahl, that the Governor be asked to initiate a compact between North and South Dakota in relation to the Grand Valley (Bowman-Haley) Project. The motion carried, all commissioners voting aye.

J. C. Eaton came into the meeting, representing the Eaton Flood Irrigation Project. Mr. Eaton explained that for some time the project has had a controversy with the Biological Survey with respect to water rights. At times the project cannot get the water it needs, and at other times too much water is released when it is not needed. He explained further that a Mouse River Authority had been appointed, consisting of one man appointed by the Governor of North Dakota, one by the Secretary of Agriculture, and the third to be the State Engineer. These men were to appoint a watermaster who would have

control over the release of water. The Governor had appointed a Biological Survey man, as had the Secretary of Agriculture, and the Authority hadnot functioned as intended. They were not able to appoint a watermaster because there was no money to pay him. Mr. Eaton suggested that the old board be declared null and void and a new board be appointed, and that a watermaster also be appointed. He also suggested investigation of further irrigation development in the area.

It was moved by Comm. Simons, seconded by Comm. Thompson, that the Secretary and Chief Engineer be instructed to examine the factors concerning the water supply and distribution on the Mouse River and report to the Commission with recommendations. On roll call the motion carried, Comms. Holt, Thompson, Dahl and Simons voting aye. Governor Moses, absent.

It was moved by Comm. Simons, seconded by Comm. Dahl, that the Irrigation Committee report be made a part of the minutes of this meeting. The motion carried, all Commissioners voting aye.

The Secretary reported that he had hired two new men, and that one, John Ormiston, had reported for work Wednesday, May 7, 1941

The Secretary reported that some trouble was being experienced in finding a suitable storage place for the Commission's equipment. The Vice Chairman instructed the Secretary to take care of the matter.

A copy of the Secretary's report on his trip to Washington, April 15-28, 1941, was given to each member. After some discussion it was moved by Comm. Simons, seconded by Comm. Thompson, that the report be approved and placed on file. The motion carried, all Commissioners voting aye.

In discussing the question of sponsoring dams, Vice Chairman Holt suggested that the Secretary state to applicants that the Commission will go as far as possible with aid, but explain that there are 53 counties in the State and obviously they can see that it will leave only \$80.00 per county and it is up to them to obtain their funds from local sources. The Commission can provide the engineering and technical aid.

It was moved by Comm. Simons, seconded by Comm. Thompson, that the Chairman and the Secretary of the Commission are hereby empowered and instructed to make applications to the WPA, or any other agency, for individual dam repair projects. On roll call the motion carried, Comms. Holt, Simons, Dahl and Thompson voting aye. Governor Moses, absent.

The Secretary presented each member with a copy of a sheet showing funds expended by the Tri-State Waters Commission. It was moved by Comm. Simons, seconded by Comm. Thompson, if there is any surplus of funds in the Tri-State Waters Commission budget, that the Secretary apply to the Emergency Commission for a transfer of said funds to Maintenance and Repair of Dams fund. On roll call the motion carried, Comms. Holt, Thompson, Dahl and Simons voting aye. Governor Moses, absent.

The Secretary asked for the opinion of the Commission as to the right of the Commission to build new dams. He was informed by the Commissioners that the Commission does have the right to build new dams.

It was moved by Comm. Simons, seconded by Comm. Thompson, that the Commission authorize the expenditure of the necessary funds for sustenance and per diem for Henry Holt to attend the Rivers and Harbors Congress meeting in Washington, D. C., and that the Secretary be instructed to apply to the Governor for out of state travel authorization for Mr. Holt. Roll was called, Comms. Holt, Simons, Dahl and Thompson voting aye. Governor Moses, absent.

Mr. Tucker, Secretary of the Commission, reported on the present status of the Yellowstone Pumping Project #214. He explained that the Commission has received permission to re-submit the application for this project to the Reconstruction Finance Corporation, but that the cost must be lowered considerably. He also stated that two of the Commission's engineers are now on the project making a re-survey of the project area in North Dakota.

It was moved by Comm. Thompson, seconded by Comm. Dahl, that the Secretary and Chairman of the Commission be authorized to present applications for projects to the National Rivers and Harbors Congress and accompany each application with \$5.00. On roll call the motion carried, Comms. Holt, Thompson, Dahl and Simons voting aye. Governor Moses, absent.

At noon the meeting was recessed until 1:30 P. M.

At 1:30 P. M. the Commission reconvened with Comms. Holt, Thompson, Dahl and Simons present. Governor Moses, absent.

A copy of the financial statement was presented to each Commissioner, as attached hereto.

It was moved by Comm. Simons, seconded by Comm. Thompson, that \$750.00 out of Item No. 1, in the Commission's budget, and Items No. 10, 6 and surplus funds in Item No. 13, be transferred to Item No. 5, Maintenance of Existing Dams, with the consent of the Emergency Commission. The motion carried, Comms. Holt, Simons, Dahl, and Thompson voting aye. Governor Moses, absent.

It was moved by Comm. Dahl, seconded by Comm. Thompson, that the financial statement be approved and placed on file. The motion carried, all Commissioners voting aye.

It was moved by Comm. Simons, seconded by Comm. Thompson, that the Chairman and Secretary be authorized to file application to the WPA for an office project and pay for materials needed out of the Administration Fund. On roll call the motion carried, Comms. Holt, Simons, Dahl and Thompson voting aye. Governor Moses absent.

The Secretary gave each Commissioner a copy of the report of the Secretary of the Interior to the Chairman of the Committee on Irrigation and Reclamation, United States Senate. This report being Senate Document No. 18, of the 77th Congress, 1st Session, 1941.

Governor Moses came into the meeting at 2:20 P. M.

Governor Moses reported verbally on his recent trip to Minneapolis and his attempt to find means of opening a bond market for the Commission's bonds. He stated that the interest rate on the bonds would have to be raised from their present 3% rate before it would be possible to market them.

Judge Christianson came into the meeting and discussed the Lewis and Clark Project housing with the Commission. He stated he believed it would be possible to persuade the Secretary of Agriculture to turn the Lewis and Clark Project over to the State of North Dakota to operate.

The Secretary read a letter from Governor Moses requesting him to attend the regional meeting of the National Resources Planning Board at Omaha, May 23 and 24, 1941. It was moved by Comm. Holt, seconded by Comm. Dahl, that the Secretary be authorized to go to the meeting of the National Resources Planning Board at Omaha. On roll call the motion carried, Comms. Holt, Simons, Dahl, Thompson and Governor Moses voting aye. Absent, none.

The meeting was recessed to the Capitol Hearing Room, where representatives of different projects gave their reasons for securing a rating on the priority list to be made up by the Commission at the request of the Bureau of Reclamation.

Please refer to minutes of the public meeting held May 8th, 1941, in the Hearing Room of the State Capitol Building.

At 5:25 P. M. the meeting reconvened in the office of the Commission to discuss project priorities. At 5:35, the group recessed to the Governor's office where the discussion of priorities continued.

At 6:30 P. M., there being no further business, the meeting adjourned to the call of the Chair.

Respectfully submitted,

John T. Tucker
Secretary

ATTEST:

Henry Holt
Vice Chairman

(S E A L)

NORTH DAKOTA STATE WATER CONSERVATION COMMISSION
MONTHLY REPORT APRIL 1 to 30, 1941
1939 APPROPRIATION

	Total Approp'n. 24 months	Expended to March 31, 1941	Balance March 31, 1941	Agreed Reduction	Balance Available	Available Per Month	April Per Month	Apr. Under- run or Overrun.
Commissioners Per Diem	4,200.00	1,442.00	2,758.00	1,200.00	1,558.00	519.33	21.00	498.33 U
Administration	30,000.00	23,650.84	6,349.16	1,000.00	5,349.16	1,783.06	995.05	788.01 U
Const. Bond Guarantee	50,000.00	8,700.00	41,300.00	10,000.00	31,300.00	10,433.33	-----	10,433.33 U
Lewis & Clark Exp. Farm	4,000.00	2,842.25	1,157.75	250.00	907.75	302.58	131.12	171.46 U
Sponsor's Share Dams	7,000.00	1,967.84	5,032.16	2,000.00	3,032.16	1,010.73	303.87	706.86 U
Eng'r. & Soil Surveys	1,000.00	219.61	780.39	180.00	600.39	200.13	-----	200.13 U
Designs & Reports	500.00	200.00	300.00	300.00	-----	-----	-----	-----
Goose River Diversion	500.00	375.00	125.00	100.00	25.00	8.33	-----	8.33 U
James River-Lake Traverse	1,600.00	804.21	795.79	750.00	45.79	15.26	-----	15.26 U
Investigations & Surveys	3,000.00	572.25	2,427.75	2,000.00	427.75	142.58	75.00	67.58 U
Evaluation Economic Benefits	1,000.00	246.04	753.96	700.00	53.96	17.99	-----	17.99 U
Reports & Conferences	1,000.00	727.93	272.07	300.00	- 27.93	- 9.31	-----	- 9.31 O
Tri-State Water Conferences	5,600.00	3,905.76	1,694.24	600.00	1,094.24	364.75	342.86	21.89 U
Indep. Invest. & Reports	1,600.00	1,073.88	526.12	600.00	- 73.88	-24.63	-----	-24.63 O
TOTALS	111,000.00	46,727.61	64,272.39	19,980.00	44,292.39	14,764.13	1,868.90	12,895.23 U
"Revolving Fund"								
Cost of work on Projects (to Mar. 31)		55,130.67					April cost of work on Project	1,360.82
Collections Received	"	53,978.86					April collections	99.16

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