

MINUTES OF A MEETING

OF THE

STATE WATER CONSERVATION COMMISSION

Held in Commission Office, State Capitol, November 20, 1942

The regular meeting of the State Water Conservation Commission was called to order at 10:00 A .M., Friday, November 20, 1942, in the Commission Office in the Capitol Building, Bismarck. Roll was called with Vice-Chairman Holt and Comms. Dahl, and Simons present. Governor Moses and Comm. Thompson absent. Vice-Chairman Holt presided.

Minutes of the last meeting of the Commission, held in Mandan on October 5, 1942, having been sent to each Commissioner, it was moved by Comm. Dahl and seconded by Comm. Simons, that the minutes be approved and placed on file, with changes as suggested by Comm. Simons to be included therein. Motion carried, all Commissioners voting aye.

Copies of financial reports were handed to each Commissioner. Comm. Dahl suggested that certain changes should be made on financial reports.

Mr. Iver Acker and Miss Catherine McDonald, Bookkeeper, were called into the meeting.

A discussion of the financial reports, and bookkeeping methods of the Commission office followed. It was suggested by Mr. Acker that the Commission keep a ledger account, showing description of the lands owned by the Commission, amount invested, method of financing, etc. It was further suggested that copies be made of the bond report prepared by Mr. Acker recently, to be distributed to each member of the Commission immediately upon completion. Comm. Dahl suggested that an accountant be hired to set up the books of the Commission.

Miss McDonald left the meeting.

Governor Moses came into the meeting.

Discussion followed regarding the manner in which the Commission should attempt to obtain rights-of-way for a ditch for the Bismarck Irrigation Project. Mr. Acker gave a brief explanation of procedure, and upon being requested by Comm. Simons to prepare a resolution enabling the Commission to offer prices for the required land, together with necessary instructions to the Secretary, agreed to do so.

Mr. Acker further explained that the Commission, as the situation is now, has no suit against the Fish and Wild Life Service on the Mouse River. He stated that anyone living along the Mouse River can apply to the Commission for a water right, and the Commission can grant it or not. If the water right is granted and the Wild Life Service refuses to grant the water, the Commission should then call a meeting and ask the Wild Life Service to show cause why the water right should not be granted to the applicant. In this manner, a foundation has been laid for action against the Wild Life Service.

Mr. Simons asked Mr. Acker if he would prepare a statement, such as given above, on the procedure to be followed on the Mouse River situation, and Mr. Acker said he would do so.

95

Mr. Acker mentioned drafting of proposed legislation, and stated that, for example, the proposed law to compel teaching of irrigation courses at the North Dakota Agricultural College would not require a law, but rather should be submitted to the Board of Education, and they would handle the matter. Mr. Acker further stated that the statute he had amended should be handed to the Commissioners for their approval.

Mr. Acker left the meeting.

Discussion followed regarding the meeting to be held in the Public Hearing Room on the afternoon of November 20, 1942, and it was agreed that Governor Moses would make the opening speech and leave the meeting, and Vice-Chairman Holt would then preside over the meeting. This meeting is for the purpose of discussing proposed legislation and budget of the Water Commission with various interested citizens throughout the state.

Vice Chairman Holt explained to Governor Moses the condition of the Water Commission books, and pointed out the necessity of hiring an accountant to set up the books, in view of the sudden death of the former bookkeeper, Tom Dohn, while in the process of revising the bookkeeping system, so that the present bookkeeper can carry on from there.

Governor Moses left the meeting.

Mr. W. L. Gardner, New England; Mr. Murray Baldwin, Fargo; and Mr. Bert Groom, Fargo, came into the meeting.

The group discussed the duties of Mr. Fredrickson, an Agent of the North Dakota Resources Board and part-time employee of the Water Commission, and method of payment. Mr. Groom requested that record of Mr. Fredrickson's payments from this office be sent to him. It was agreed that Mr. Fredrickson would work under instruction from Mr. Tucker.

Mr. Fred J. Fredrickson and Mr. Curtis Olson of Valley City came into the meeting.

Mr. Baldwin expressed praise for the small relief model map of the State of North Dakota, and suggested that such a map would be of value to Mr. Fredrickson in his work. Vice-Chairman Holt suggested that perhaps they could lend the map to Mr. Fredrickson until such time as another map could be completed.

Mr. Olson, Mr. Gardner, Mr. Groom, Mr. Baldwin and Mr. Fredrickson left the meeting.

Judge Christianson came into the meeting.

It was suggested by the Commission that Mr. Fred Fredrickson be invited to come into the Commission office for about a week to obtain complete information on the Water Commission program and learn of his duties with the Water Commission,

Motion was made by Comm. Simons and seconded by Comm. Dahl that Mr. Fred J. Fredrickson be invited to come into the Commission offices to fully acquaint himself with the Commission's program, and that the Secretary be directed to assign Mr. Fredrickson work of such nature as the Commission needs done in Washington and elsewhere, for which the Commission will pay Mr. Fredrickson a per diem of \$15.00 a day, not to exceed seven days a month. Roll was called with Comms. Simons and Dahl and Vice Chairman Holt voting aye. Governor Moses and Comm. Thompson absent. Motion carried.

Judge A. M. Christianson appeared before the Commission in regard to the Sioux Irrigation Project, the Lower Yellowstone Pumping Irrigation Project and the Grantier Irrigation Project, all in McKenzie County, North Dakota. ✓

With reference to the lands owned by the State Water Conservation Commission in the Lewis and Clark Project, Judge Christianson stated that representatives of the Farm Security Administration now say that that agency will probably not be able to purchase this land. He suggested that the State Water Conservation Commission issue and sell its negotiable revenue bonds in an amount sufficient to pay the North Dakota Rural Rehabilitation Corporation the aggregate amount advanced and paid to the Commission for the construction of the irrigation facilities in and for the Sioux Irrigation District, the Lower Yellowstone Pumping Irrigation District and Grantier Irrigation Project. That the principal of the amounts advanced by the Corporation for the construction of the irrigation facilities in these projects aggregates approximately \$30,500. That this bond issue would be secured by the usual trust indenture under which the bonds of Sioux Irrigation District, bonds or special assessment warrants of Lower Yellowstone Pumping Irrigation District and the real estate mortgage securing State Water Conservation Commission bonds, Series "C", would be pledged with the trustee as collateral security. That the Series "C" bonds would then be cancelled. That the new bonds would further be secured by pledging to the trustee 20 per cent of the aggregate principal amount of these bonds from the Commission's bond guarantee fund. That upon payment to the Corporation of the total amount advanced and paid to the Commission for the construction of the irrigation facilities in these projects, the North Dakota Rural Rehabilitation Corporation will purchase the lands owned by the Commission in the Lewis and Clark Irrigation District of McKenzie County for the amount invested therein by the Commission.

Comm. Simons inquired as to the status of payments of special assessments by land owners in the Sioux Irrigation District and Lower Yellowstone Pumping Irrigation District. Judge Christianson stated that he had been advised that assessments had been levied and that assessments against some of the lands had been paid.

Thereupon, Comm. Simons presented the following resolution and moved its adoption, which motion was seconded by Commissioner Dahl:

RESOLUTION

"WHEREAS, an arrangement was heretofore made between the State Water Conservation Commission and the North Dakota Rural Rehabilitation Corporation whereby this corporation advanced certain moneys to the Commission for the construction of irrigation facilities in the Sioux and Lower Yellowstone Pumping Irrigation Districts and in the Grantier Irrigation Project -- all in McKenzie County, North Dakota, with the understanding that the moneys thus advanced should be repaid either in cash or that the Commission would issue and deliver its bonds which would be collaterally secured by the bonds of said irrigation districts and by a mortgage on the lands within the Grantier Project, and that the bonds of said irrigation districts would be paid through assessments against the lands therein, and

"WHEREAS, the North Dakota Rural Rehabilitation Corporation advanced to the Commission the funds required for the construction, among others, of the irrigation facilities in the Sioux and Lower Yellowstone Pumping Irrigation Districts and in the Grantier Irrigation Project, all situated in McKenzie County, North Dakota, and

"WHEREAS, no part of the moneys advanced by the Corporation, and interest thereon, has been repaid, and

"WHEREAS, it is desirable that the Commission sell and dispose of approximately 560 acres of land in the Lewis and Clark Irrigation District, which lands it now owns, for the aggregate amount invested therein, and

"WHEREAS, the North Dakota Rural Rehabilitation Corporation has agreed to

11-20-42 87

purchase said lands from the Commission at a price which will cover the amount of the Commission's investment therein; provided the Commission will repay the amount advanced by the Corporation for the construction of irrigation facilities in the Sioux and Lower Yellowstone Pumping Irrigation Districts and in the Grantier Irrigation Project, all of McKenzie County, North Dakota:

"NOW, THEREFORE, BE IT RESOLVED:

1. That the Secretary of the State Water Conservation Commission and Commissioner Einar H. Dahl be, and they are hereby authorized and directed to take such steps as may be necessary and expedient to provide for the issuance by the Commission of its negotiable revenue bonds in an aggregate principal sum sufficient to cover the amounts advanced to the Commission by the Corporation (approximately \$30,500.00) for the construction of the irrigation facilities and acquisition of rights-of-way for pumping plants, ditches and canals in the Sioux Irrigation District, Yellowstone Pumping District and Grantier Irrigation Project, all situated in McKenzie County, North Dakota. It being understood that when such Water Conservation Commission bonds have been issued and sold that the proceeds of such sale shall be utilized by the Commission to pay the North Dakota Rural Rehabilitation Corporation the aggregate amount of money which the Corporation has so advanced, with the understanding, also, that the Corporation will, in turn, utilize so much of such funds as may be necessary to purchase the lands now owned by the Commission in the Lewis and Clark Irrigation District in McKenzie County, North Dakota. It being understood that the purchase price for said land shall be the amount that the Commission actually has invested in such lands.

2. That in order to carry into effect the purpose of this resolution, the Secretary of the Commission, and Commissioner Dahl, are hereby authorized and directed, in cooperation with the officers of the "North Dakota Rural Rehabilitation Corporation, to contact the officers and directors of the Sioux and Lower Yellowstone Pumping Irrigation Districts of McKenzie County, North Dakota, and also the representatives of the Jay Grantier Estate in said county, and arrange for the execution and delivery of appropriate bonds and instruments which may be deemed acceptable as security for the bonds to be issued by the Commission.

3. That the Secretary of the State Water Conservation Commission and Commissioner Dahl are hereby authorized and directed to negotiate for the sale of such State Water Conservation Commission Revenue Bonds and that they endeavor to obtain definite proposals for the purchase of such bonds to be submitted to the Commission for its consideration as early as possible.

"BE IT FURTHER RESOLVED: That the bonds, with interest coupons attached, to be issued by the State Water Conservation Commission, in conformity with these resolutions shall be designated State Water Conservation Commission Revenue Bonds, Series "K"."

Roll was called with Vice-Chairman Holt, Commissioners Simons and Dahl voting aye. Governor Moses and Comm. Thompson, absent. Motion carried.

Judge Christinason suggested that as soon as Mr. Sivert Thompson's health permits, he ought to be asked to spend approximately a week in Bismarck to work up legal and factual analyses on Section 21, Burleigh County - Wachter Land - for the purpose of attempting to enter into an agreement with Wachters with regard to this land, that would be operative after the war - Wachters to retain use of the land at present.

The Secretary was requested by the Commissioners to ask Comm. Thompson to spend a few days in Bismarck, when his health permits, to work on analyses of Section 21, Wachter Land.

Judge Christinason left the meeting.

11-20-42
88

Mr. Gordon MacGregor, Dickinson, North Dakota, stepped into the meeting to offer his services in publicity work for the Water Commission's program.

Mr. MacGregor left the meeting.

Meeting recessed at 12:15 to reconvene at 1:30 P.M. in the Hearing Room, State Capitol Building, to meet with various interested citizens of North Dakota for the purpose of discussing the proposed budget and legislation of the Commission.

The meeting for the purpose of discussing the proposed budget and legislation opened at 1:45 P.M. with a speech by Governor Moses who afterwards turned the meeting over to Vice-Chairman Holt. Mr. Holt called on Commissioner Simons to explain the items of legislation and budget. Mr. Simons gave a detailed explanation of each item and then called on participants to give their comments and criticisms, particularly of the budget.

It was generally agreed that strong publicity program would be necessary to bring the Water Commission program to the attention of the legislators, and various groups at the meeting planned ways of so doing this.

Those in attendance at the meeting were:

C. W. Schrock	New Rockford, ND	C. Fluetsch	Jamestown, ND
Vincent J. Ryan	Bismarck, ND	P.W. Eddy	Jamestown, ND
W. W. Treffry	New Rockford, ND	F. R. Decker	Williston, ND
Salmer P. Groth	Mayville, N.D.	H. W. Hildre	Bismarck, ND
Howard L. Stone	New Rockford, ND	Charles T. Hinze	Bismarck, ND
H. L. Walster	Fargo, ND (NDAC)	E. M. Gregory	Fargo, ND (GN Ry.)
Curtis Olson	Valley City, ND	R. B. Willard	Minot, ND
Fred J. Fredrickson	Valley City, ND	A. R. Miesen	St. Paul, M (NP Ry.)
Murray A. Baldwin	Fargo, ND	T. O. Kirkvold	Bismarck, ND (NP Ry.)
John I. Rovig	Mandan, ND	M. B. Gilman	Bismarck, ND
Daphne H. Nygaard	Jamestown, ND	James Trimble	Bismarck, N.D
Milton Kelly	Devils Lake, ND	Harry A. Graves	Fargo, NDAC Ext. Ser.
G. E. Miner	Devils Lake, ND	Thomas E. Long	Fargo, NDAC Exp. Sta.
B. E. Groom	Fargo, ND	B. G. Hansen	Jamestown, ND
Frank P. Whitney	Dickinson, ND.	Lewis T. Orlady	Jamestown, ND
W. L. Gardner	New England, ND	F. Wm. Bertelson	Steele, ND
P. W. Fawcett	Bismarck, ND	Wm. J. Lowe	Bismarck, ND
L. H. Ickler, Jr	Jamestown, ND	Berlin Boyd	Bismarck, ND

Publicity meeting closed at approximately 4:30 P.M.

The regular session of the Water Commission again convened at approximately 5:00 P.M. Roll was called with Vice-Chairman Holt, Comms. Dahl and Simons present. Governor Moses and Comm. Thompson absent.

Discussion was held on obtaining rights of way for the Bismarck Victory Garden Project, No. 326, on the lands south-west of the City of Bismarck.

It was moved by Comm. Simons and seconded by Comm. Dahl that the following resolution be adopted:

EXIGENCY RESOLUTION AND ORDER FOR ACQUISITION OF LAND FOR IRRIGATION PURPOSES

"WHEREAS, it is deemed necessary and of public exigency that lands for irrigation purposes and public use be obtained in order to provide proper location for pumping stations and irrigation ditches for irrigation project, designated as follows: No. 326, Burleigh County, North Dakota.

"THEREFORE, be it, and it is hereby ordered by the State Water Conservation Commission, that all necessary surveys be made and plats thereof prepared, and recorded in the Office of the Register of Deeds of said Burleigh County, in which county said lands are located, and that public exigency requires that every tract of land so needed for the completion of said projects be acquired, all in accordance with Chapter 256 of the 1939 Session Laws of the State of North Dakota, and the Secretary of the Commission is hereby authorized and instructed to proceed accordingly."

Roll was called with Vice-Chairman Holt and Comm. Simons and Dahl voting aye. Governor Moses and Comm. Thompson absent. Motion carried.

Motion was made by Comm. Dahl and seconded by Comm. Simons to authorize the Chairman to select representatives to attend the Yellowstone Compact Commission Meeting in Billings on December 1, 2 and 3, 1942. Motion carried, all Comms. voting aye.

Vice-Chairman Holt gave a short report on the last Tri-State Water Commission meeting.

With reference to the Commission's necessary legal aid, motion was made by Comm. Dahl, seconded by Comm. Simons that the Secretary be directed to confer with Mr. Iver Acker on these matters. Motion carried, all Comms. voting aye.

Motion was made by Comm. Simons, seconded by Comm. Dahl that the Secretary obtain appraisal of the 20 acres of land in the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 27, Burleigh County, owned by Mrs. Leon Tucker, Bismarck, who wishes to sell this land to the Commission. Motion carried, all Commissioners voting aye.

Resolution pertaining to the Water Commission's program, adopted at the North Dakota Reclamation Association Convention in Mandan on October 5th and 6th were noted by the Commissioners, who expressed their appreciation of same. The Secretary was requested to write a letter to the Secretary of the North Dakota Reclamation Association, Mr. John I. Rovig, Mandan, expressing the thanks of the Commission for their efforts in behalf of the Water Commission Program.

With reference to the request of the U.S. Geological Survey that the Water Commission cooperate with them financially in obtaining gaging stations in North Dakota, motion was made by Comm. Dahl and seconded by Comm. Simons that the Water Commission assume their share of expenses in operating these gaging stations. Roll was called with Vice-Chairman Holt, Comms. Dahl and Simons voting aye. Governor Moses and Commissioner Thompson absent. Motion carried.

Motion was made by Comm. Simons and seconded by Comm. Dahl that the Secretary be directed to contact all agencies and individuals interested in promoting the Water Commissions program to advise them of the Commission's willingness and desire to cooperate with them and ask them to obtain from the Commission such information as they may wish to disseminate to the public. Motion carried, all Commissioners voting aye.

Commissioner Simons suggested that the Commission ought to retain the services of Mr. Einar Berge, for the present time.

11-20-42
90

Discussion was held on KFTR Radio Station's offer to the Commission to allow a 15 minute a week program to be put on the air, free of charge, publicizing the Water Commission's program. Vice-Chairman Holt suggested that farmers be contacted to appear on the program. He also suggested that Bishop Ryan be asked to speak.

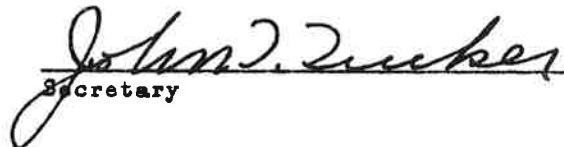
For the information of the Commission, the Secretary showed the Commission the resolution passed by the City of Dickinson.

It was suggested by the Commissioners that the Secretary hire an accountant to set up the books in this office, and if necessary, funds for his hire should be requested from the Emergency Commission.

Motion was made by Commissioner Simons and seconded by Commissioner Dahl that the Secretary ask Mr. Acker to check the North Dakota water laws, as compiled by the Code Commission, in cooperation with the Secretary, and recommend to the Code Commission, in behalf of the Water Commission, changes required that seem advisable. Motion carried all Commissioners voting aye.

Meeting adjourned at 6:40 P.M., to the call of the chair.

Respectfully submitted,


Secretary

ATTEST:


Chairman

(SEAL)

NORTH DAKOTA STATE WILDERNESS CONSERVATION COMMISSION
MONTHLY REPORT OF ACCOUNTS AS OF OCTOBER 31, 1942

1941-1943 APPROPRIATION

No.	Name of Account	Total Approp. 24. Mo.	Expend. to 9/30/42	October expenses	Total expen. 10/31/	Total re- funds	Balance Avail. 10/31/	† approp. to be held until 1/1/43	Bal. Avail. Next 2 mo.	Bal. Avail. Per Mo
1	Commissioners Per Dien	3,000.00	1,516.00	21.00	1,537.00		1,463.00	750.00	713.00	356.50
2	Administration	25,000.00								
	Admin. Bal. due 1937-41	4,696.41	27,699.15	2,057.37	29,756.52	7,492.57	7,432.46	6,250.00	1,182.46	591.23
3	Construction Bond Guarantee	40,000.00								
	Bal. Due 1939-41 approp.	35,300.00	1,800.00		1,800.00		73,500.00	10,000.00	63,500.00	31,750.00
4.	Maintenance Existing Dams	4,000.00	3,460.58		3,460.58	*932.58	1,472.00	1,000.00	472.00	236.00
5	Engineering and Soil Survey	1,000.00	327.00	150.00	477.00		523.00	250.00	273.00	136.50
6	Little Missouri, Grand Cannonball, etc.	700.00	517.18		517.18		182.82	175.00	7.82	3.91
7	Pembina, Tongue, Park, etc.	250.00	60.00		60.00		190.00	62.50	127.50	63.75
8	James Wildrice Rivers, etc.	150.00					150.00	37.50	112.50	56.25
9	Invest. Surveys, Designs, etc.	2,000.00	1,288.35		1,288.35		711.65	500.00	211.65	105.82
10	Evaluation Economic Benefits	300.00	57.94		57.94		242.06	75.00	167.06	83.53
11	Reports and Attendance at conf.	1,500.00	966.49	95.25	1,061.74		438.26	375.00	63.26	31.63
12.	Tri-State Waters Commission	7,500.00	3,342.59	420.00	3,762.59		3,737.41	1,875.00	1,862.41	931.20
13	Indep. Invest. and Reports	1,000.00	529.70	89.24	618.94		381.06	250.00	131.06	65.53
14	Internat'l and Interstate	1,500.00	653.61		653.61		846.39	375.00	471.39	235.69
15	Topographic Mapping	3,000.00	2,236.28		2,236.28		763.72	750.00	13.72	6.86
16	Cooperation in Obtaining Water Facil.	3,000.00	1,830.69	37.50	1,868.19		1,131.81	750.00	381.81	190.90
17	Designs, Reports and conf.	500.00	109.57	126.07	235.64		264.36	125.00	139.36	69.68
18	Salary State Engineer	4,400.00	2,566.62	366.66	2,933.28		1,466.72	1,100.00	366.72	183.36
19	Hydrographic Survey	3,500.00	1,984.53	215.16	2,199.69		1,300.31	875.00	425.31	212.65
		142,296.41	50,946.28	3,578.25	54,524.53	8,425.15	96,197.03	25,575.00	70,622.03	35,310.99

* \$582.58 was spent on June 1st, 1942. Money received from Game and Fish Department for payment of work done on Lisbon Dam.