MINUTES OF A SPECIAL MEETING OF THE STATE WATER CONSERVATION COMMISSION TO CONSIDER REBUILDING AND RELOCATING HIGHWAYS AND BRIDGES BALDHILL RESERVOIR AREA

Held in the Blue Room of the State Capitol, Bismarck, North Dakota at 9:30 a.m., March 23, 1949

A special meeting was held in the Blue Room of the State Capitol Building on March 23, 1949, called at the request of the Eastern North Dakota Water Development Association, for the purpose of securing assistance from the State Water Commission in the program for rebuilding and relocating state, county and township highways and bridges to provide an outlet for people living in the vicinity of the Baldhill Reservoir project, and to inform the Water Commission of what progress has been made.

STATE WATER CONSERVATION COMMESSION MEMBERS PRESENT:

Governor Fred G. Aandahl, Bismarck, North Dakota S. W. Thompson, Vice Chairman, Devils Lake, N. Dak. Einar H. Dahl, Commissioner from Walford City, N. Dak. Curtis Olson, Commissioner from Valley City, N. Dak. Earle F. Tucker, Commissioner from Bismarck, N. Dak. J. J. Walsh, Secretary and Chief Engineer, Bismarck, N. Dak.

I. A. Acker, Attorney, Bismarck, N. Dak. Einar Berge, Publicity Manager, Bismarck, N. Dak.

OTHERS PRESENT:

Kenneth K. Pyle, State Senator, Southwest Fargo, N. Dak. Homer Ludwick, Sec'y, Eastern N. D. Water Development Ass'n, Fargo, N. Dak. Ralph F. Croal, States Attorney, Fargo, N. Dak. Fred C. Hagen, City Commissioner, Fargo, N. Dak. W. P. Tarbell, City Engineer, Fargo, N. Dak.

Oscar Lungeth, Alderman, Grand Forks, N. Dak.

O. A. Holkesvig, Grand Forks, N. Dak.
M. A. Halverson, Lisbon, N. Dak.
W. R. Sandager, Lisbon, N. Dak.
J. N. Johnson, Lisbon, N. Dak.
N. O. Jones, State Highway Commissioner, Bismarck, N. Dak.

The meeting was called to order by Governor Fred G. Aandahl. acting as Chairman.

Mr. Ralph Croal of Fargo, speaking as representative for the Eastern North Dakota Water Development Association, opened the meeting, stating they had recently met with the Barnes County Commissioners, and estimated that it would cost approximately \$150,000 to relocate roads and bridges to replace existing roads crossing the reservoir in Barnes County. The County Commissioners of Barnes County are planning the construction of two bridges this summer, one which crosses Baldhill Creek, estimated at a cost of \$10,000, and the other crossing the Sheyenne River, two miles north of Highway 26, and estimated to cost \$50,000. He said the County Commissioners do not favor the expenditure of all county road money in the northern part of the county, and are unable to finance the entire road building program in the county at this

time. The County has given assurances, through the State Water Conservation Commission to the Corps of Engineers, that local agencies will "bear the expense of all necessary alterations of utilities, roads, highways, and bridges"; and that they will "hold and save the United States free from damages due to the construction works". However, there is no record of where the townships in the reservoir area have signed any agreements or made any commitments to furnish rights-of-way for road crossings within the boundary limits of the reservoir. The Corps of Engineers report they will not close the dam until the government has a clear title to all public and private lands in the reservoir. The Federal Government requires easements or resolutions of abandonment before township roads and bridges may be flooded, from the townships involved in the condemnation suits, as they must have cooperation from both counties and townships before they proceed with construction work. At present, the townships are unwilling to sign any easements until they have assurances that new roads and bridges will be rebuilt to replace their present ones.

The State Water Commission informed the Eastern North Dakota Water Development Association that they do not have any funds in their appropriation to assist in the construction or reconstruction of roads and bridges, but suggested a possible solution might be worked out whereby a part of the relocated highway system could be declared county secondary roads, so that Federal funds could be obtained for the road rebuilding program. Governor Aandahl then left the meeting at 11 o'clock a.m. to telephone Colonel Wilson of the Corps of Engineers, St. Paul, in regard to the Corps of Engineers' position relative to the reconstruction and relocation of Highway #26, as set forth in Senate Document #193, and the Corps of Engineers' responsibility to acquire private lands and highways to be inundated by the Baldhill Reservoir. On his return to the meeting, the Governor reported that the provision which placed the responsibility of relocating State Highway No. 26 with the United States Government, in the Review of Reports on the Red River of the North, was later overruled by the Board of District Engineers, Washington, D. C., and the responsibility now rests with local interests and the commitments made by Griggs and Barnes Counties.

It was recommended that Governor Aandahl contact Highway Commissioner N. O. Jones concerning the possibility of including Highway No. 26 in the State Highway program for rebuilding roads.

While a special meeting was being held in the Blue Room of the State Capitol in the forencon of March 23, 1949, regarding the relocation of roads and bridges in the Baldhill Reservoir area, a delegation from Grace City, representing the James River Valley Improvement Association, entered the meeting at 11:00 o'clock a.m. to discuss the Lake Juanita project with the members of the Commission. This delegation consisted of the following individuals: Mr. E. R. Bradley, Secretary of the James River Valley Improvement Association; Mr. G. C. Black, President; Mr. A. R. Kistler, Treasurer; Mr. Dean White, Vice President and Assistant Secretary; and Mr. Walbridge.

Mr. Bruce Johnson, Acting District Manager of the Bureau of Reclamation, entered the meeting at 11:00 o'clock a.m., to be present at this interview.

Mr. Bradley appeared before the Commission for the purpose of securing their approval of the Lake Juanita project, sponsored by the James River Valley Improvement Association. He stated this Association represented ten

towns who were anxious to get the project under way. Their objective is to create a Veterans' Memorial Park, whereby each county in the State would be represented by a monument to be erected on the Boulevard adjoining the lake. It would also provide a state fishing and playground for all. This project would also necessitate the construction of a road which would become a dam and make a permanent crossing at the foot of the lake.

Mr. Bradley stated that the State Game and Fish Department had promised to aid them, if after investigation, the project would prove to be a potential fish lake, and further stated, Mr. Bruce Johnson of the Bureau of Reclamation also agreed to aid them on the Lake Juanita project in Foster County, north of the railroad, providing the level of the water in the lake would not be raised more than six feet.

Governor Aandahl reentered the meeting at 11:30 a.m.

Commissioner Thompson recommended that an engineer from the State Water Commission, in company with a representative from the State Game and Fish Department make an investigation and obtain the necessary facts and figures needed in determining the advisability of the project. It was agreed that this investigation should be made as soon as the roads become passable.

The delegation left the meeting at 12:00 o'clock noon.

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The special meeting adjourned at 12:30 o'clock p.m., to reconvene at a regular meeting held in the office of the State Water Conservation Commission at 1:45 o'clock p.m.

Respectfully submitted,

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Attest:

Chairman

MINUTES OF A MEETING OF THE STATE WATER CONSERVATION COMMISSION

Held in the Office of the State Water Conservation Commission Bismarck, North Dakota, March 23, 1949

A regular business meeting of the State Water Commission was held in the Office of the Water Conservation Commission on the afternoon of March 23, 1949, following a previous meeting held in the Blue Room of the State Capitol in the forenoon, in regard to assurances required in connection with the construction of the Baldhill Reservoir.

MEMBERS OF STATE WATER CONSERVATION COMMISSION PRESENT:

Hon. Fred G. Aandahl, Chairman, State Water Conservation Commission S. W. Thompson, Vice Chairman, Devils Lake, North Dakota Einar H. Dahl, Commissioner from Watford City, "Curtis Olson, Commissioner from Valley City, "Earle F. Tucker, Commissioner from Bismarck, "J. J. Walsh, Secretary and Chief Engineer, State Engineer

Einar Berge, Publicity Manager

OTHERS PRESENT:

Iver A. Acker, Attorney for State Water Conservation Commission John F. Lord, Attorney, Mandan, North Dakota Mr. B. O. Thorkelson, Bank of North Dakota Mr. J. E. Williams, Burlington Irrigation Project Senator Kenneth K. Pyle, West Fargo, North Dakota George Moses, Associated Press

The meeting was called to order by Vice Chairman Thompson, at 1:45 p.m., with Commissioners Thompson, Dahl, Olson, Tucker and Secretary Walsh present. Also present at the opening of the meeting were Attorney John F. Lord of Mandan, North Dakota, and State Senator Kenneth K. Pyle.

It was moved, by Commissioner Dahl, that the minutes of the February 7, 1949, meeting of the State Water Commission be approved and filed. Commissioner Tucker seconded this motion, and upon call of the roll the motion carried.

Commissioner Tucker made a motion that the Financial Statements of the State Water Conservation Commission for February 1949, be approved and filed in the office of the Commission. The motion was seconded by Commissioner Olson. Upon call of the roll by Commissioner Thompson, Commissioners Thompson, Dahl, Olson, and Tucker all voted aye. Motion carried.

George Moses of the Associated Press, entered the meeting at 1:50 p.m.

A letter from J. C. Kenney of the Park River Potato Company, Park River, North Dakota, and addressed to the District Engineer, Corps of Engineers, St. Paul, was read by Commissioner Thompson. This letter requested information on whether water released from the Homme Dam could be used by farmers living below the Dam, for irrigating purposes, and in what amount. The Commission were of the opinion that water rights for irrigation purposes could not be granted until the principal purposes for which the water was

intended, such as flood control, municipal water supply, other domestic purposes, etc. are taken care of. It was felt that these requirements would have to be fulfilled first, before any rights could be granted to use the waters released for irrigation purposes.

Secretary Walsh was requested, by the Commission, to write Mr. Kenney to that effect.

The next meeting of the Missouri Basin Inter-Agency Committee will be held at Jefferson City, Missouri on March 25, 1949, at which meeting Gov. Aandahl and Commissioner Einar H. Dahl will represent the State Water Conservation Commission.

Secretary Walsh also notified the Commissioners of a Public Hearing on the Lower Heart River and its tributaries to provide for control of floods, which will be held at Mandan, North Dakota, on April 15, 1949. Secretary Walsh and Commissioner Tucker were appointed to represent the Commission at this hearing.

Correspondence was read from Joseph C. Paulson, Secretary-Treasurer, of the Lewis & Clark Irrigation District, in which they requested assistance in determining what area adjacent to the "Slough" or old river channel on the southerly edge of the project is irrigable land. They requested the State Water Commission to send up a survey party to do the work and to determine how much of the area is swamp land, and how much is irrigable land or farm land on which assessments should be made. Commissioner Dahl recommended that engineers from the Water Commission make an inspection of this area, and if possible, do the survey work whenever weather and road conditions are favorable.

The Commission recommended that Secretary Walsh and Commissioner Dahl be appointed to make this investigation and report their findings to the Commission.

Attorney Lord met with the Members of the Water Commission to represent the land owners in townships of the Baldhill Reservoir area who, he stated, have been named as defendants in a suit being brought against them by the Corps of Engineers. He also read correspondence with the Corps of Engineers office at St. Paul in which he said they were requesting easements and resolutions of abandonment from the townships of township roads and land areas to be inundated by flooding from the Baldhill Reservoir, and that the Government would be held harmless for any relocation of roads and bridges. Attorney Lord said his purpose in meeting with the Commission was to inform them that the local townships had been named as defendants and what their position was; also that they want assurances that the people in the townships are going to have satisfactory access roads.

Governor Aandahl entered the meeting at 2:00 o'clock p.m. to report on his meeting with Highway Commissioner N. O. Jones, and stated the State Highway Department were willing to make an inspection in conjunction with the County Commissioners of Barnes County, after which the Highway Department would be willing to set up county secondary roads on both sides of the Reservoir, so there will be federal aid to the counties on both sides of the reservoir. This program will, however, require a period of from two to three years to complete. He also stated that the Highway Department will be able to give secondary aid in the construction of the bridge two miles north of Highway 26, even though other parts of the county have not been completed, and that the bridge will be taken care of this year, with 50% Federal secondary aid.

Mr. B. O. Thorkelson from the Bank of North Dakota and Mr. Williams, Burlington Irrigation Project, entered the meeting at 2:30 p.m.

Attorney Lord left the meeting at 2:40 p.m.

Senator Kenneth K. Pyle presented to the Commission a petition from the Board of Township Supervisors of the Township of Barnes, Cass County, North Dakota, in which they requested the North Dakota Water Conservation Commission to create, establish and define the boundaries of a water conservation and flood control district embracing the area and territory within the basins of the lower Sheyenne, Maple and Rush Rivers in Cass County, and also to assign a name thereto, in order that the District may carry forward the much needed channel improvements on the lower Sheyenne, Maple and Rush Rivers in Cass County, North Dakota.

Attorney Acker recommended that the Board have the petition amended so that the boundaries of the District are more definitely prescribed. Secretary Walsh was directed to request the opinion of the Attorney General as to the sufficiency of the petition presented by Barnes Township in requesting the State Water Conservation Commission to proceed with the establishment of the proposed water conservation and flood control district, or if each township located within the proposed District will be required to file an individual petition with the Commission. Attorney Acker also recommended that after petitions are filed with the Commission, a Hearing be held in the City of Fargo in order that any persons interested may have an opportunity to present their objections to the organization of such a flood control district.

Senator Kenneth K. Pyle left the meeting at 3:10 p.m.

Mr. B. O. Thorkelson of the Bank of North Dakota and Mr. Williams of the Burlington Project discussed the Burlington Project with the Commissioners. The Industrial Commission took over this project from the Federal Government for the State of North Dakota, and it is now occupied by about 35 families, chiefly disabled veterans, who pay on an average, \$25 per unit. The Secretary stated there were funds in the amount of \$2500 appropriated to this project which have not been used to date. He also stated that these people wished to use the water for irrigation purposes this summer, and that the project should be inspected in order to determine damages caused by floods. The Secretary was instructed by the Commission to make an inspection of the project and to have the irrigation facilities put in working order at an early date, so as to have the water ready for the irrigating season. In case of flood, it was thought that sand bags would be supplied by the Corps of Engineers.

Mr. Thorkelson and Mr. Williams left the meeting at 3:20 o'clock p.m.

Mr. Einar Berge entered the meeting at 3:20 p.m.

The Commissioners discussed a Resolution from the State of Wyoming requesting the North Dakota State Water Commission to reconsider the Yellowstone River Compact. Governor Aandahl also read an opinion by Attorney Iver A. Acker on interstate stream compacts. The Governor stated that the Wyoming Legislature has passed a Resolution asking that the states of Montana and North Dakota consider the re-negotiation of the Yellowstone Compact, and that a meeting be called for that purpose. Attorney Acker was called into the meeting at 3:25 p.m. to give his opinion in regard to the procedure necessary in appointing representatives of the State Water Conservation Commission to attend such a meeting. The Commissioners were agreed that North Dakota should

be represented at the meeting and the Governor appoint a preliminary committee of three members to meet with representatives from Montana and Wyoming and work out a tentative compact, subject to approval by the State Legislature. It was recommended that Commissioner Dahl, Secretary Walsh, and Attorney Iver Acker be appointed to represent the State of North Dakota.

Attorney Acker left the meeting at 3:50 o'clock p.m.

George Moses left the meeting at 4:00 o'clock p.m.

A letter from Lloyd Bjella, President of the Epping Dam Improvement Association, was read and considered by the members of the Commission. In this letter the Association requested financial aid in furthering improvement of the recreational grounds in the Epping Dam area. The Commission felt that as their funds were earmarked for certain specific purposes, they were unable to assist them in a financial way, and instructed Secretary Walsh to write them to that effect.

Secretary Walsh presented a letter from Attorney Manfred R. Ohnstad, West Fargo, to the commissioners, in regard to their application for assistance for the Cass County Drain Board in the construction of Southwest Fargo Drain #45. This is a new legal county drain, established by the Cass County Drain Board, which has been nearly completed, and provides for the drainage of West Fargo and rural areas. The Commission agreed to pay only 40% of that portion of the costs of construction where the drain directly benefits agricultural lands.

Secretary Walsh presented the Commissioners with a statement of the operating costs in connection with the Bismarck Gardens for the year of 1948. The report showed a loss of \$740 in the cost of operation for the year. The Commissioners approved continuing operation of the gardens for another year, and that the matter should be left with Secretary Walsh and Commissioner Tucker to arange with the Association of Commerce plans for the coming year.

The matter of continued employment of Iver A. Acker as Attorney for the State Water Conservation Commission was discussed by the Commission. It was decided that employment of Mr. Acker should be left on a monthly basis at a salary of \$350.00 for the present, if this plan would be satisfactory with Mr. Acker.

The Commission considered the tentative applications that were received for the purchasing of trucks and cars to be used by the engineers for the maintenance of dam work and surveys. They suggested that the Secretary advertise and receive formal bids for the purchasing of trucks, cars, and other equipment that may be needed by the department.

The meeting adjourned at 5:00 o'clock p.m.

Respectfully submitted,

Secretary

Attest.

Fred J. Condakl

NORTH DAKOTA STATE WATER CONSERVATION COMMISSION MONTHLY REPORT OF ACCOUNTS, AS OF MARCH 31, 1949
1947-1949 APPROPRIATIONS

und No.	Appropriation for	Available July 1947	Expended to March 1	*xpended March	Balance March 31, 1949
1	Commissioner's Per Diem and Expenses	\$ 4,000.00	\$ 2,439.58	\$ 469.72	\$ 1,090.70
	Administration	5,505.61	19,879.88	1,248.45	14,377.28
3	Maintenance of Existing Dams. Plas refunds and donations for dam repairs	45,000.00 26,349.17	49,396.49	1,340.92	20,611,76
4	Tri-State Waters and Portion of Administration and Conference Expenses	1,000.00	112.79	48.13	839.08
5	International and Interstate Compacts	10,000.00	6,505.65	Nil	3,494.35
6	Topographic and Conservation Branches, Cooperation with U. S. Geological Survey	30,000.00	21,995.80	1,134,36	6,869,84
7	Hydrographic Surveys, Cooperation with U.S. Geological Survey	20,000.00	15,654.16	810.09	3, <i>5</i> 35 . 75
8	State Engineer's Salary	5,400.00	4,500.00	225.00	675.00
9	Reconstruction of Drains or Irrigation	200,000.00	22,658.16	N11	177,341.84
LO	Engineering and Geological Surveys and Demonstrations	30,000.00	26, 339.69	N11	3,660.31
li	Postwar Projects, Cooperation with U. S. Departments	135,000.00	90,861.81	350,00	43,788.19
12	Other Investigations, Surveys & etc	90,000.00	58,346.13	1,777,20	29,876,67
13	Construction Bond Guaranty Fund	70,541.00	N11	Nil	70,541.00
VSC		\$702,795.78	\$318,690.14	\$7,403.87	\$376,701.77

MORTH DAKOTA STATE WATER CONSERVATION COMMISSION MONTHLY REPORT OF ACCOUNTS AS OF MARCH 31, 1949 1945-1947 APPROPRIATIONS

Fund No.		railable	Expended to March 31, 1949	Balance March 31, 1949
1	Connissioner's Per Dien and Expenses	,000.00	\$ 3,632.02	\$ 367.98
2		,000.00 ,847.79	29.847.79	Wil
3		,000.00 ,537.71	34.075.45	18,462.26
•	TrimState Waters and Portion of Administration and Conference Expenses	5,500.00	5,216,77	283.23
;	International and Interstate Compacts	,000.00	4,674.68	325.32
1	Topographic and Conservation Branches	,000.00	30,000.00	Wal
,	Hydrographic Surveys	,000.00	15,000.00	Wil
;	State Engineer's Salary	,000.00	5,000.00	N11
)	Reconstruction of Drains or Irrigation	,000.00 59.56	200,545.91	39,513.6 5
) /*	Engineering and Geological Surveys and Demonstrations 25 Plus refund	65.43	25 , 065 .43	F11
•	Postwar Projects, Cooperation with U. S. Departments 100 Plus refund	,000.00 4.60	84,384.82	15,619.78
	Other Investigations, Surveys, & etc	,000.00	74.996.47	3.53
C	\$ 587 	,015.09	\$ 512,439.34	\$74,575.75

MORTH DAKOTA STATE WATER CONSERVATION COMMISSION BALANCES OF PRIOR FUNDS RECOVERED BY OPINION OF ATTORNEY GENERAL - AS OF MARCH 31, 1949

Fund No.	Year	Appropriation for	Balance 7-1-45	Expended to March 31, 1949	Balance 3-31-49	Biennium Balence
1.	1939	Commissioner's Per Diem	\$1,757.00	# H11	\$1.757.00	1
9	1939	Sponsor's Share of Dam Repairs	2,088.08	439.32	1.648.76	\$3,405.76
· 1	1941	Commissioner's Per Diem	395.00	Wil	395.00	
4	1941	Maintenance of Existing Dans, plus \$51.00 refund	53.86	Wil	53.86	
12	1941	TrimState Waters, Administration & Conference	8.61	W41	8.61	
15	1941	Topographic Surveys	.13	Ta1	.13	457.60
VSC			\$4,302.68	\$ 439.32		*3,863.36

MORTH DAKOTA STATE WATER CONSERVATION COMMISSION DEPOSITS IN THE BANK OF NORTH DAKOTA AS OF MARCH 31, 1949

Source of	Deposits	Transit No.	Amount Deposited	Expended to Feb. 28, 1949	Expended March	Balance March 31, 1949
Collections on Tellowstone Pumping Irrigation District \$3,500.00 warrant. Interest paid to 10-1-44; Tax collections to Jan. 31, 1949		501-118 501-118 501-118	\$366.36 499.53 330.90	\$ N11	Fil	\$ 1,196.79
ontributions for Grou	endwater Surveys:					
Pessenden	\$1,000.00		9			
Mountain	100.00					
Maddock	750.00			ii ii		
Lakota	1,000.00					
Rolla	750.00	¥				
Devils Lake	7,500.00					
Aneta	1,000.00					8
Litchville	1,000.00					
Wyndmere	1,000.00			ts .		
Portland	500.00				9	
Kindred	1,000.00					
Myle	250.00					
Neoke	300.00				Œ.	
Transfer	.10	501⇔128	16,150.10	75.83	#11	16,074.23
ale of M. Dak. Water	Development Books	501-127	2,048.85	Vil	¥11	2,048.85
			_	POSITS AS OF MARCH		

PAYROLL OF

NORTH DAKOTA STATE WATER CONSERVATION COMMISSION

MARCH 1949

Name :	Duties	Selery for March	Vithholding Tax	N. I. OASIS	Hosp. Ins.	Net Pay	Remarks
_		9					
Walsh, J. J.	Sec ¹ y⊷ State Engineer	\$400.00	\$28.10	\$4.00	\$3.78	\$364.12	Increased June, 1947
Acker, Iver	Administrative Ass't.	350.00	35.40	3.50	3.78	307.32	Started Jan. 1, 1949
Anderson, Albin	Engineer	250.00	21.00	2.50	3.78	222.72	Increased February, 1948
Berge, Einer	Technical Assistant	95.00		•95	3.78	90.27	Increased February, 1948
Canard, Ruth	Stenographer	165.00	24.80	1.65		138.55	Increased February, 1949
Cooper, Vernon	Accountant	275.00	16,30	2.75	3.78	252.17	Increased December, 1948
Oodd, Harold	Engineer	275.00	16,30	2.75	3.78	252.17	Increased June, 1948
amble, Clarence	Instrumentman	200,00	21.90	2.00		176.10	Increased June, 1948
Nichols, Don	Engineer, Assit Secty	325.00	40.10	3.25	1.52	280.13	Increased June, 1947
Nordstrom, Franz	Draftsman	185.00	2.90	1.85	_	180.25	Increased December, 1944
Orr. J. G.	Bookkeeper	300.00	11.60	3.00	3.78	281.62	Increased February, 1944
Peterson, Winifred	Stenographer	185.00	19.50	1.85	1.52	162.13	Increased December, 1946
Putz, Roy	Rodman	140.00	12.90	1.40		125.70	Started April 19, 1948
Schmitcke, Otto	Foreman	225.00		2.25		222.75	Started April 19,1948
Sheldon, Marvin	Engineer	250.00	29.30	2.50	1.52	216.68	Increased February, 194
Tibke, Gerald	Rodman	160.00	15.90	1.60	•	142.50	Increased February, 194
Torvik, Duane	Engineer	250.00	21.00	2.50	3.78	222.72	Increased February, 194

VSC