

## MINUTES OF A REGULAR MEETING

of the

## STATE WATER CONSERVATION COMMISSION

August 10 and 11, 1938

The regular meeting of the State Water Conservation Commission was called to order at 2 P. M. August 10, 1938, by Vice Chairman Henry Holt.

The Roll was called showing Commissioners Holt, Engen, Olson, Simons and Dahl, present. Governor William Langer and Commissioner Frank P. Whitney, absent.

It was moved by Comm. Olson, seconded by Comm. Simons, that all the member of the Commission having received typewritten copies of the minutes of the last meeting (July 14 and 15, 1938) and no errors being noted, that they be approved as written. The motion carried, all Commissioners voting aye.

The Commission went into conference with Dr. Herbert C. Hanson, Director of Experiment Stations, and E. F. McColly, Extension Engineer, of the Agricultural College, and John Stevens, Supt. Great Plains Experiment Station, Mandan, on the proposal to establish an irrigation experimental station to be sponsored jointly by the State Water Conservation Commission and the North Dakota Agricultural College. Following a general discussion of the proposal, it was moved by Comm. Olson, seconded by Comm. Dahl, that the Vice Chairman appoint three members of the Commission to discuss the matter further with the committee from the Agricultural College. Comms. Dahl, Simons and Engen were appointed, after the motion had carried, all Commissioners voting aye.

Attorney J. P. Cain, employed by the Commission in connection with the issuance of Series A, B, and C revenue bonds and legal matters in connection with the organization and issuing of bonds for the Lewis and Clark Irrigation Project, appeared before the Commission to give a report of all the transactions handled under his jurisdiction, including organization of the District, election of officers, providing for issuance of bonds, drawing trust indenture, bringing court action to test legality of all proceedings and that the district court had declared legal proceedings taken so far. He presented a contract in duplicate between the Water Conservation Commission and the Lewis and Clark Irrigation District and signed by the President and Secretary of the District, and requested that the Chairman and the Secretary of the Commission sign both copies and return one to the Secretary of the District.

Attorney Cain stated that Attorneys for the Bank of North Dakota did not believe they had the power to enter into a trust indenture as previously planned and that he was inclined to concur in their opinion.

Mr. Floyd Jennings, Secretary of the State Planning Board, made a verbal report to the Commission in regard to the meeting of the Northern Great Plains Advisory Committee held at Omaha, July 30, 1938, and stated he would file a written report with the Secretary.

The Chief Engineer, E. J. Thomas, presented a list of 23 points for recommendation to the North Dakota Coordination Council. It was moved by Comm. Olson, seconded by Comm. Dahl, that the list as read be referred to the North Dakota Coordination Council. The motion carried, all Commissioners voting aye.

The Secretary then reported that he had achieved a receipt from the Denver office of the Bureau of Reclamation acknowledging payment of \$800.00 in connection with investigation work on the Trenton-Buford Project and stated this amount added to the \$1,000.00 previously

paid was payment in full.

The Secretary read a requested opinion from the Attorney General in regard to the Contract for Sale and Mortgage forms used by the Commission in which he stated there was no conflict between the Contract for Sale and Mortgage.

The Secretary read a communication from M. R. Prenner, Actuary for the State Insurance Department in which he stated he had an opinion from the Attorney General to the effect that mutual fire and life associations could not legally invest surplus funds in revenue bonds issued by the Commission. It was moved by Comm. Olson, seconded by Comm. Dahl, that Comm. Simons and the Secretary take the matter up with the Attorney General and the Insurance Commissioner in an effort to have the same reconsidered. The motion carried, all Commissioners voting aye.

The Secretary read a letter from Mr. Robert B. Cummins, Regional Director of the National Emergency Council, in regard to the manner of making application for PWA projects and also a letter from Congressman Usher L. Burdick in regard to making application for PWA projects.

The Secretary reported that the J. G. Houston Project # 90 and the Clifford Hanson Project # 147 were included in the Trenton-Buford Project and the Leona Myrhow Project # 152 was included in the Lewis and Clark Project and for this reason would not be completed as individual projects and requested that the amounts charged against the projects to date, being \$4.56, \$8.44 and \$12.48 respectively, be transferred to the Commission. Moved by Comm. Engen, seconded by Comm. Olson, that this matter be referred to the Irrigation Committee with power to act. On roll call the motion carried, all Commissioners voting aye.

At 5 P. M. a recess was taken until 10 A. M., Thursday, August 11, 1938.

The meeting was called to order at 10 A. M., Thursday, August 11, 1938. The roll was called showing Commissioners Holt, Simons, Engen, Olson and Dahl, present. Governor William Langer and Commissioner Frank P. Whitney, absent.

The Irrigation Committee recommended that applications be made for PWA funds for the construction of the Park Hill Seneschal and Winona Projects.

It was moved by Comm. Olson, seconded by Comm. Engen, that the Following resolution be adopted:

A RESOLUTION authorizing D. J. Beakey, Secretary of the North Dakota State Water Conservation Commission, to file an application to the United States of America through the Federal Emergency Administration of Public Works for a loan and grant to aid in financing the construction of the Park Hill Irrigation Project and designating E. J. Thomas, Chief Engineer, to furnish such information as the Government may request.

BE IT RESOLVED by the North Dakota State Water Conservation Commission

SECTION 1. That D. J. Beakey, Secretary, be and he is authorized to execute and file an application on behalf of the North Dakota State Water Conservation Commission to the United States of America for a loan and grant to aid in financing the construction of the Park Hill Irrigation Project.

SECTION 2. That E. J. Thomas, Chief Engineer, hereby authorized and directed to furnish such information as the United States of America through the Federal Emergency Administration of Public Works may reasonably request in connection with the application which is herein authorized to be filed.

The motion carried, all Commissioners voting aye, when roll was called.

Moved by Comm. Dahl, seconded by Comm. Olson, that the following resolution be adopted:

A RESOLUTION authorizing D. J. Beakey, Secretary of the North Dakota State Water Conservation Commission, to file an application to the United States of America through the Federal Emergency Administration of Public Works for a loan and grant to aid in financing the construction of the Seneschal Irrigation Project and designating E. J. Thomas, Chief Engineer, to furnish such information as the Government may request.

BE IT RESOLVED by the North Dakota State Water Conservation Commission

SECTION 1. That D. J. Beakey, Secretary, be and he is authorized to execute and file an application on behalf of the North Dakota State Water Conservation Commission to the United States of America for a loan and grant to aid in financing the construction of the Seneschal Irrigation Project.

SECTION 2. That E. J. Thomas, Chief Engineer, hereby authorized and directed to furnish such information as the United States of America through the Federal Emergency Administration of Public Works may reasonably request in connection with the application which is herein authorized to be filed.

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

Moved by Comm. Engen, seconded by Comm. Olson, that the following resolution be adopted:

A RESOLUTION authorizing D. J. Beakey, Secretary of the North Dakota State Water Conservation Commission, to file an application to the United States of America through the Federal Emergency Administration of Public Works for a loan and grant to aid in financing the construction of the Winona Irrigation Project and designating E. J. Thomas, Chief Engineer, to furnish such information as the Government may request.

BE IT RESOLVED by the North Dakota State Water Conservation Commission

SECTION 1. That D. J. Beakey, Secretary, be and he is authorized to execute and file an application on behalf of the North Dakota State Water Conservation Commission to the United States of America for a loan and grant to aid in financing the construction of the Winona Irrigation Project.

SECTION 2. That E. J. Thomas, Chief Engineer, hereby authorized and directed to furnish such information as the United States of America through the Federal Emergency Administration of Public Works may reasonably request in connection with the application which is herein authorized to be filed.

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

It was moved by Comm. Olson, seconded by Comm. Dahl, that the Commission make application for a PWA loan and grant for the construction of the Trenton-Buford Project, provided such action is approved by Technical Advisor Knapp. On roll call the motion carried, all Commissioners voting aye.

The Secretary read a letter from Mr. George H. Will, President of the Wagon Wheel Bluff Irrigation Project, requesting that the length of time for complete engineering and soil survey as provided in Paragraph 3 of the contract, be changed from one to two years. Moved

by Comm. Simons, seconded by Comm. Olson, that the Secretary be authorized to enter into a contract with the Wagon Wheel Bluff Cooperative whereby they are permitted to repay their share of the engineering costs in two years instead of one as provided in the contract. On roll call the motion carried, all Commissioners voting aye.

The Secretary read a letter from Mr. M. O. Ryan, Secretary of the Greater North Dakota Association, asking for information in regard to a project on the Little Missouri River, a copy of which had been sent to Mr. Oscar Becker, Consultant for the State Planning Board, and also the reply of Mr. Becker in regard to same. Mr. Becker was called in and went into the matter with the Commission. It was moved by Comm. Simons, seconded by Comm. Olson, that Chief Engineer Thomas reply to Mr. Ryan advising him that we have had this matter under consideration and that North Dakota's interests will be protected. The motion carried, all Commissioners voting aye.

It was moved by Comm. Engen, seconded by Comm. Olson, that the Secretary contact the Professor of Soils of the Agricultural College with the request that he meet with the Commission and Mr. Oscar Becker, Consultant for the State Planning Board, to discuss the advisability of securing a suitable plot of ground free of cultivation to make a comparison of the differences between the moisture content of cultivated and uncultivated land. The motion carried, all Commissioners voting aye.

At 11:45 a recess was taken until 12:30 P. M.

At 12:30 P. M. the Commission reconvened with Commissioners Holt, Engen, Olson, Simons and Dahl, present. Governor William Langer and Commissioner Frank P. Whitney, absent.

Vice Chairman Holt, Chairman of the Tri-State Commission, presented:

1. The report of a meeting of the Commission held in St. Paul, July 15, 1938.
2. Letter from Hon. L. B. Hanna in regard to Missouri River Diversion.
3. Letter from Dean Holm to Major General Julian L. Schley, War Department, Washington, D. C., requesting allocation of \$1,474,000.00 from the PWA to the War Department for the construction by the Corps of Engineers during the fiscal year 1939 of the Lake Traverse-Bois de Sioux Flood Control Project, which was approved under the 1936 act.
4. Reply from General John Kingman, Acting Chief of Engineers, Washington, D. C., advising that the President had referred the request that the report of the Missouri River Diversion Project presented by U. S. District Engineers, Omaha, Nebraska, be referred to the U. S. District Engineers office, St. Paul, for review rather than to the District Engineers at Omaha for the reason that the territory to be benefited by the Division lies entirely in the St. Paul District and stated that after careful consideration it remains necessary that the Project be reported upon by the Missouri River Division with the understanding that full coordination is secured with the District Engineers at St. Paul.
5. A letter from Vice Chairman Holt to Col. Philip B. Fleming, U. S. District Engineer, at St. Paul, in connection with the conference between the U. S. District Engineers at Omaha with Technical Advisor Knapp and Chief Engineer Thomas, July 21 and 22, 1938.
6. A letter from Technical Advisor George S. Knapp covering the conference on Missouri River Diversion with the U. S. Army Engineers Office at Omaha, July 21 and giving it as his opinion that as a result of the conference the U. S. Army Engineers will probably make it clear that their report is not conclusive or final but will be subject to revision and review upon the basis of further information.

It was moved by Comm. Olson, seconded by Engen, that the report of the Tri-State and Missouri River Diversion Committees be approved and placed on file. The motion carried, all Commissioners voting aye.

Comm. Simons made a verbal report for the Irrigation Committee and stated that the main items to report were the applications made to the PWA for loans and grants to construct the Painted Wood, Stout, Kyes and Cartwright Projects and the Yellowstone Pumping Project. Also the Seneschal, Park Hill and Winona Projects. Mr. Simons stated that he was present at a conference with Judge Christianson, Chief Engineer Thomas, Mr. H. C. Knudsen, Mr. Iver Acker and Secretary Beakey when various matters in connection with the applications for PWA loans and grants were discussed and it was decided to include and attach copies of contracts between the Commission and the proposed irrigation district. Mr. Simons stated further that it might be necessary to send representatives to Omaha to confer with PWA officials and that if it would become necessary to do so he would like to recommend that the Commission request, authorize and direct Technical Advisor Knapp to represent us on engineering phases and that Judge Christianson be asked to represent us on other matters pertaining thereto, and, if necessary, one member of the Commission.

Comm. Simons further reported that since the last meeting and pursuant to the direction of the Commission he and Comm. Dahl and Judge Christianson had conferred with Mr. Cal Ward and Mr. Walter Maddock, representing the Farm Security Administration, relative to the settlement of individuals on the Lewis and Clark Project and that the attitude of the Farm Security Administration officials was very favorable. He stated that at the suggestion of Mr. Cal Ward, a statement is being prepared covering estimated costs of placing individuals on irrigation projects with buildings, farm machinery, etc. A general statement is now in the hands of Professor McColly for the purpose of compiling detailed estimates on the cost of constructing homes, barns, etc. and as soon as completed will be forwarded to the Farm Security Administration in Washington to be in turn taken up with officials in Washington, and it is hoped an agreement may be reached before the next meeting of the Commission. He suggested that the Chairman and the Secretary of the Commission be authorized to make such agreements with the FSA as may be required of the Commission on the Lewis and Clark Project.

It was moved by Comm. Simons, seconded by Comm. Engen, that the report of the Irrigation Committee be accepted. The motion carried, all Commissioners voting aye.

It was moved by Comm. Simons, seconded by Comm. Olson, that Comm. Dahl, Chairman of the Resettlement Committee on the Lewis and Clark Project and the Secretary be authorized to enter into such contract or agreement with the Farm Security Administration as may be necessary to facilitate the resettlement project. On roll call the motion carried, all Commissioners voting aye.

Moved by Comm. Simons, seconded by Comm. Engen, that Technical Advisor Knapp or Chief Engineer Thomas and Judge A. M. Christianson and, if necessary, one member of the Commission, be requested, authorized and directed to go to Omaha and confer with the PWA at such times as it may appear necessary. On roll call the motion carried, all Commissioners voting aye.

Comm. Simons gave a verbal report of the Meeting of the Special Committee appointed to meet with the Committee representing the Agricultural College in connection with the proposed experiment station. He stated that Dr. Hanson had agreed to prepare a statement and score card which will enable the Committee to rate various proposed locations and stressed the necessity of relating the work of the experiment station to the animal industry of North Dakota, such as feeding trials on sheep, hogs, dairy animals, etc. Dr. Hanson was to draw up alternate plans, one of which would provide for an irrigation experiment station immediately south of Bismarck, and that if it were located near Bismarck, it would mean an initial expenditure of in the neighborhood of \$20,000.00 for the construction of buildings.

It was agreed that the Agricultural College would recommend the project and that the State Water Conservation Commission would support it in the Legislature for the necessary appropriation of funds.

On the other hand, if the station were placed at Mandan, new buildings will not be necessary. However, there are other factors, including the cost of pumping, cost of making the irrigation layout, etc., which caused certain members of the Commission to feel that the larger expenditure would be advisable and that the Bismarck plot would be preferable. Moved by Comm. Olson, seconded by Comm. Engen, that we accept the report of the Committee and that the Committee be continued, and also that we recommend to Dr. Hanson that the Agricultural College include \$20,000.00 in its budget to cover this item. The motion carried, all Commissioners voting aye.

The Secretary then read the itemized bills of Attorneys Cain and Jacobson in the sum of \$960.00, covering various legal services rendered at the request of the Commission in connection with the Lewis and Clark Irrigation District and other projects. It was moved by Comm. Simons, seconded by Comm. Dahl, that the bill be approved and that the Secretary determine the amount to be charged to the Commission and the amount to be charged to the Irrigation Districts. On roll call the motion carried, all Commissioners voting aye.

Comm. Engen, Chairman of the Auditing Committee, made a verbal report on behalf of the Committee.

He stated that he and Comm. Simons met with Mr. Thompson of the Bank of North Dakota in regard to mortgages and notes held by the Commission and covering individual projects, and that Mr. Thompson stated that out of the total of \$5,000.00 there was very little that they would wish to accept as collateral. He stated the papers were completed, filed, signed and everything was done that the Bank had requested, but the individuals signing were not considered good for the amounts.

Comm. Simons suggested a conference with the manager of the Bank of North Dakota.

Comm. Engen stated that the Auditing Committee planned on budgeting the expenses of the Commission for the next 11 months and Comm. Simons stated that if the remaining funds of the Commission could be budgeted so that expenses would not exceed those of the last thirty days, that the Commission would be able to get through the next eleven months.

It was moved by Comm. Simons, seconded by Comm. Olson, that the Auditing Committee in cooperation with the executive officers of the Commission be instructed to establish a budget covering the Commission's expenditures for the eleven months ending July 1, 1939. The motion carried, all Commissioners voting aye.

The Secretary presented a resolution passed by the Lewis and Clark Irrigation District and signed by its Board of Directors in which they agreed to levy assessments against the lands benefited in accordance with the provisions of the statutes and agreed to fix and collect water rentals, etc.

The Secretary presented the financial statement as follows:

FINANCIAL STATEMENT OF THE STATE WATER COMMISSION  
As of July 27, 1938

	<u>Monthly Expenses</u>	<u>To Commission</u>	<u>To Project</u>
Administrative Salaries	\$ 1,054.17	\$ 14,315.00	
Administrative Mileage & Exp.	170.61	2,051.58	
Administrative Office Equip.	4.84	2,803.55	
Administrative Office Supplies	32.05	1,141.87	
Engineering Salaries, Mi. & Exp.	3,608.78	20,859.66	\$ 19,774.21
Engineering Office Equipment	-----	1,906.69	
Engineering Field Equipment	107.76	1,123.90	8.60
Engineering Office Supplies	-----	785.91	25.41
Maps	115.10	414.37	156.58
Buford-Trenton Irrigation Proj.	800.00	1,800.00	
Commissioners Per Diem	250.00	3,060.00	165.00
Commissioners Mi. & Expense	231.75	2,468.36	119.42
Tri-State Per Diem & Expense	145.65	1,571.16	
Washington Trip Per Diem & Exp.	-----	1,750.19	
Legal Service	91.02	1,211.57	146.35
Legal Service Mileage & Exp.	-----	105.87	26.95
Printing	354.93	836.65	4.85
Telephone & Telegraph	72.51	846.68	39.93
Postage & Express	1.47	82.74	
Missouri River Diversion	193.18	2,488.78	
Fieldmen (Salaries, Mi. & Exp.)	244.65	1,881.55	2,944.98
Projects (Materials & Supplies)	4,876.15		23,389.29
Preliminary Invest. & Research Chgs.	-----	225.92	
Insurance	-----	327.36	
Construction Supplies	-----	898.72	
Bonding of Employees	-----		2.50
National Reclamation Association	-----	100.00	
<b>TOTAL EXPENDITURES</b>	<b>\$ 12,354.62</b>	<b>(B) \$65,058.08</b>	<b>(C) \$46,804.07</b>
<b>Total Expenditures of Commission &amp; Projects as of July 27, 1938</b>		<b>(B &amp; C)</b>	<b>\$ 111,862.15</b>
Total Appropriation by Legislature		\$112,500.00	
Amount Credited to Comm. as Application Fees		1,260.20	
Amount Credited to Comm. as Beneficiary Returns		116.52	
Checks Received from Rural Rehabilitation Corp.		<u>15,909.94</u>	
Total of Administrative Appropriation Plus Deposits			<b>(A) \$ 129,786.66</b>
Total Expenditures Charged to Commission (Nonrepayable)			<b>(B) \$ 65,058.08</b>
<u>Actual Balance of Administrative Fund (Disregarding any Project Charges)</u>			<b>\$ 64,728.58</b>
Total Expenditures Charged to Projects (Repayable to Commission)			<b>(C) \$ 46,804.07</b>
Total of Beneficiary Returns Deducted from Projects			<b>\$ 16,026.46</b>
Balance due on Beneficiary Obligations			<b>\$ 30,777.61</b>
<b><u>BALANCE of Administrative Appropriation Plus Deposits (A) Less Commission (B) and Project Expenditures (C).</u></b>			<b>\$ 17,924.51</b>

The Secretary stated that bids for pumps and pumping equipment for the Lewis and Clark District had been advertised for and opened at 10 A. M., July 27, 1938, with the following firms making bids:

Sterling Pump Corporation,  
1838 So. Franklin Street,  
South Bend, Indiana

Fairbanks Morse Company,  
St. Paul, Minnesota

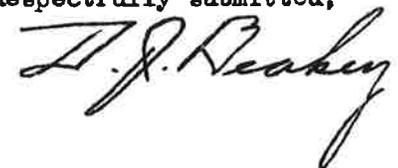
J. A. Shaw,  
Fargo, North Dakota

Worthington Pump & Machinery Corporation  
336 Roberts,  
St. Paul, Minnesota

It was moved by Comm. Engen, seconded by Comm. Olson, that the bids be referred to Comm. Dahl for his approval in line with the previous resolution of the Commission empowering him to decide on matters pertaining to the Lewis and Clark Project and that the contract for pumps and pumping equipment, when awarded, be signed by the Chairman and the Secretary of the Commission. On roll call the motion carried, all Commissioners voting aye.

At 5 P. M., no further business appearing, it was moved by Comm. Engen, seconded by Comm. Dahl, that the meeting adjourn. The motion carried, all Commissioners voting aye.

Respectfully submitted,



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D. J. Beakey, Secretary

Approved:

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Chairman

(SEAL)