

219

MINUTES OF A REGULAR MEETING

of the

STATE WATER CONSERVATION COMMISSION

Held in Bismarck, North Dakota, December 14,
15 and 16, 1938.

The meeting was called to order at 1 P. M., Wednesday, December 14, 1938, by Vice Chairman Henry Holt.

On roll call Commissioners Holt, Simons, Engen, Olson and Dahl were present. Governor William Langer and Comm. Frank P. Whitney, absent.

A committee consisting of O. H. Bundy, Sidney, Mont; Henry Iszley and Fred Estes of Cartwright, North Dakota; and A. J. Dexter, Agricultural Agent of the Northern Pacific Railway Company, St. Paul, Minnesota, appeared before the Commission in the interests of the Yellowstone Pumping Project, consisting of approximately 3,000 acres of which nearly 2,000 acres are level and would be ready for irrigation with very little additional work. They stated that the Montana Water Board would enlarge the intake of their project in Montana provided the Yellowstone Pumping Project would pledge \$3,500.00 to cover the additional cost.

After some discussion, Comm. Simons explained that before the Commission would be in a position to assist them it would be necessary to sell the securities on the project to the Rural Rehabilitation Corporation, as they are the only group who would consider it, and that if the transaction were consummated it would have to be on the condition that the District would be willing to enter into a contract to levy taxes and provide debt service on the investment of \$3,500.00, regardless of whether the project is developed, and that he would be willing to recommend it to the Rural Rehabilitation Corporation upon such conditions. The Committee agreed to this understanding. Comm. Simons telephoned Judge A. M. Christiansen, Chairman of the Rural Rehabilitation Corporation, and arranged an immediate meeting with the committee.

At 5 P. M. it was moved by Comm. Olson, seconded by Comm. Dahl, that the meeting recess until 10 A.M., Dec. 15, 1938. The motion carried, all Commissioners voting aye.

The meeting was called to order at 10 A.M., Dec. 15, 1938 by Vice Chairman Henry Holt with Comms. Holt, Whitney, Engen, Simons, Dahl and Olson, present. Governor William Langer, absent.

The following resolution was presented by Commissioner Engen, who moved its adoption, which motion was seconded by Commissioner Dahl:

WHEREAS, the Yellowstone Pumping Irrigation District of McKenzie County, North Dakota, has applied to the Commission for a loan in the sum of \$3500 to enable the district to pay such sum to the State Water Conservation Board of Montana in order to defray the cost of installing an intake in connection with its pumping plant, now under construction, sufficient to pump water for the irrigation of lands situated in Montana and also sufficient to irrigate lands situated within said irrigation district when an irrigation system has been constructed therein, and

WHEREAS, it has been ascertained that it is most practicable and economically advisable for the said irrigation district to obtain water for the irrigation of the lands therein by purchasing water from the State Water Conservation Board of Montana or from the water users association or organization owning and operating the irrigation works in Montana, and

WHEREAS, in case a sufficient intake is not now constructed by the Montana Commission for the irrigation of lands situated in Montana and in said Yellowstone Pumping Irrigation District

the district will not be able to purchase water from the Montana organization and it will be necessary to construct its own pumping plant which will result in an added cost to the district of approximately \$18,000.00:

NOW, THEREFORE, BE IT RESOLVED:

1. That the Chairman and Secretary of the State Water Conservation Commission be, and they are hereby, authorized to enter into an agreement with the Montana Commission whereby the Montana Commission or the water user's association or other organization in control of the irrigation project in that state will agree to sell water at a specified rate to the Yellowstone Pumping Irrigation District when an irrigation system has been established, constructed and completed therein.
2. That a loan will be made to the Yellowstone Pumping Irrigation District only in the event that a loan in like amount is obtained by the Commission from the North Dakota Rural Rehabilitation Corporation and upon compliance with the conditions and requirements herein specified.
3. That before the loan requested is completed, the Board of Directors of said irrigation district must submit to the Commission its written application therefor and in such application must set forth:
 - (a) That such application has been made pursuant to a resolution duly approved by the said Directors.
 - (b) That the district will call an election for the issuance of bonds in the amount of such loan, that such bonds will bear interest at the rate of five per cent (5%) per annum and will mature within ten years from date of issuance, and in the event that issuance of such bonds is not approved by the electors, that the district will levy a tax on all lands within the district sufficient to pay such loan within the ten year period specified and that in lieu of bonds district warrants will be issued to the State Water Conservation Commission.
 - (c) That the district will obtain from the owners of lands within the district a petition, or statement in writing, requesting that an election be called for the issuance of bonds and requesting the Board to levy a tax on their lands sufficient to retire such bonds and that in the event the issuance of bonds is not approved by the electors that the directors be authorized to levy a tax sufficient to pay the loan herein mentioned and, in lieu of bonds, to issue to the State Water Conservation Commission District warrants in the amount of such loan.
4. That the Chairman and Secretary be, and they are hereby, authorized to apply to the North Dakota Rural Rehabilitation Corporation for a loan in the said sum of \$3500 and they are hereby authorized to stipulate on behalf of this Commission:
 - (a) That as evidence of such loan the Commission will issue its revenue bonds bearing interest at three per cent (3%) per annum and maturing serially within ten years.
 - (b) That bonds or warrants, in the total amount of the loan applied for, for the Irrigation District, will be pledged or hypothecated as security for the loan.
 - (c) That, if the Corporation so elects, the bonds of the Commission will be deposited with an approved corporate trustee pursuant to a trust indenture entered into with a corporate trustee.
 - (d) That the Commission will aid and assist the Irrigation District to establish and to construct therein a system of irrigation works for the irrigation of

irrigable lands situated therein.

On roll call Commissioners Holt, Engen, Whitney, Olson, Simons and Dahl voted aye. Commissioners voting no--none. Commissioners absent and not voting--Governor William Langer.

The following resolution was presented by Commissioner Simons, who moved its adoption, which motion was seconded by Commissioner Olson.

WHEREAS, the State Water Conservation Commission has sponsored the construction of several dams in Grant County Water Conservation District for the conservation of water therein and to make impounded water available for irrigation, and

WHEREAS, Grant County has agreed to furnish the necessary materials and non-relief labor for such dams provided the Commission will purchase Water Conservation District Warrants, and

WHEREAS, the North Dakota Rural Rehabilitation Corporation has agreed to purchase such warrant from the Commission;

NOW, THEREFORE, BE IT RESOLVED:

That the Secretary of the Commission is hereby authorized and directed to accept such Water Conservation District Warrants and to transfer and assign same to the North Dakota Rural Rehabilitation Corporation and to pay the Water Conservation District out of funds provided by the Corporation.

On roll call Commissioners Holt, Engen, Whitney, Olsen Simons and Dahl voting aye. Commissioners voting no--none. Commissioners absent and not voting--Governor William Langer.

At 11:30 A. M. it was moved by Comm. Olsen, seconded by Comm. Dahl, that the meeting recess until 1 P. M. to meet with the War Department Board of Review in the Legislative Assembly of the State Capitol. The motion carried, all Commissioners voting aye.

At 1 P. M. the meeting was called to order in the Legislative Assembly of the State Capitol by Governor William Langer, who stated the purpose of the meeting and welcomed Col. Philip B. Fleming and his associates. About 200 persons were present including visitors from South Dakota and Minnesota. Col. Fleming thanked the Governor and proceeded to read the Notice of Public Hearing, War Department Special Order No. 89, dated September 1, 1938, creating a Board of Officers of the Corps of Engineers, U. S. Army, consisting of District Engineer Col. Philip B. Fleming of St. Paul, District Engineer Col. William M. Hoge of Omaha, Capt. John C. Arrowsmith, Military Assistant of Kansas City, Mo., and Capt. R. L. Dean, Military Assistant, St. Louis, Mo., for a restudy for the Missouri River Diversion Project, to be held in the State Capitol, City of Bismarck, North Dakota, at 1 P. M., December 15, 1938.

Vice Chairman Holt introduced Mr. S. W. Thompson and stated that Mr. Thompson would act for the State Water Conservation Commission in presenting the speakers and testimony on behalf of the State Water Conservation Commission.

Speakers included Burnie Maurek, Regional Director, Biological Survey Bureau; Henry Holt, Vice Chairman, State Water Conservation Commission; John Moses, Governor-Elect of North Dakota; W. P. Davies, Editor, Grand Forks Herald, Grand Forks, N. Dak.; F. P. Aughney, Secretary, Minot Association of Commerce; Dr. Kreeze, President of Jamestown College; E. J. Thomas, State Engineer, Bismarck; M. D. Hollis, State Sanitary Engineer; Irvin Lavine, Professor of Chemical Engineering, University of North Dakota; W. E. Kellar, Truax-Traer Coal Co.; Oscar Becker, State Planning Board; K. W. Simons, Editor, The Bismarck Tribune; Mayor J. P. Walsh, Huron, South Dakota; Gene Denning, Secretary of Chamber of Commerce, Huron, South Dakota; E. T. Neller, Mitchell, South Dakota; Mayor Ira Krueger, Aberdeen, South Dakota; E. C. Leedy

Agricultural Agent, Great Northern Railway, St. Paul; J. W. Hall, Northern Pacific Railway, St. Paul; Mr. Peterson, Milwaukee Railway; Mayor J. E. Hipple, Pierre, South Dakota; Perry Johnson, Jamestown; Mayor Earl McFadden, Grand Forks; M. O. Ryan, Secretary, Greater North Dakota Association, Fargo; Howard Stone, N. Dak. Wild Life, New Rockford; W. J. Tiffany, Aberdeen, South Dakota; Vancura Fess, Wells County; M. A. Wisness, Maddock; Mayor W. E. Hocking, Devils Lake; J. N. Reherty, Engineer, Bismarck; P. M. Shefeland, Van Hook; Father M. J. Mandry, Garrison; E. H. Mattingly, Jamestown; Mr. Westberg, Farmers Union, Garrison; and F. C. Foley, State Geologist.

At 5 P. M. Col. Philip B. Fleming declared a recess until 10 A. M. Friday, December 16, 1938.

At 10 A. M. Friday, December 16, the hearing was called to order by Col. Philip B. Fleming and the introduction of written arguments and estimates and oral statements continued until 12 o'clock noon. At that time, there appearing to be no further testimony, Col. Fleming declared the hearing adjourned with the understanding that additional written statements could be forwarded to his office within 10 days from the date of the adjournment of the hearing.

Vice Chairman Holt thanked Col. Fleming and his associates on behalf of the State Water Conservation Commission for the very fair manner in which the hearing had been conducted. Comm. Holt suggested the advisability of appointing an Advisory Committee to cooperate with the State Water Conservation Commission on the Missouri River Diversion. It was moved by Comm. Olson, seconded by Comm. Dahl, that the Commission appoint an Advisory Committee of five on the Missouri River Diversion Project consisting of Governor William Langer, S. W. Thompson, M. O. Ryan, H. L. Halvorson, and Dew I. Sears. The motion carried, all Commissioners answering aye on roll call.

Vice Chairman Holt then declared the meeting of the State Water Conservation Commission recessed until 1 p. m. at the office of the Commission.

At 1 P. M. the meeting was called to order by Vice Chairman Holt. The Secretary called the roll showing Commissioners Holt, Whitney, Engen, Simons, Olson and Dahl, present. Governor William Langer, absent.

The Commission discussed the report of the Commission which is to be submitted to the Legislature.

Chief Engineer Thomas read a letter from U. S. Senator Lynn J. Frazier in which he stated that he had discussed the matter of power rates for the Buford-Trenton Irrigation Project with John C. Paige, Commissioner of the Bureau of Reclamation and after some discussion upon the question of power rates, it was moved by Comm. Olson, seconded by Comm. Whitney, that the Secretary contact the State Railroad Commission and write the Montana Power Company of Great Falls, and the Montana Dakota Utilities Company of Minneapolis, in regard to electric power rates. The motion carried, all Commissioners voting aye.

The Secretary read a telegram from Cal Ward, Regional Director of the Farm Security Administration, recommending the employment of F. Duffy Murry, Engineer, to handle leveling work on the Lewis & Clark Project at \$2600 per year plus expenses. Moved by Comm. Simons, seconded by Comm. Whitney, that Engineer Murry be employed as recommended by the Farm Security Administration. On roll call the motion carried, all Commissioners voting aye.

The Commission conferred with F. Duffy Murry. Mr. Murry suggested that it would be advisable to engage the services of a farm managing specialist at once and after some discussion it was moved by Comm. Whitney, seconded by Comm. Engen, that the Commission request the Farm Security Administration to arrange for the employment of a farm managing specialist for the Lewis & Clark Irrigation Project. On roll call the motion carried, all Commissioners voting aye.

The Secretary read a copy of the Call for Bids to be opened at 9:30 A. M., Wednesday, December 21, 1938, for the pumping plant structure at the Lewis and Clark Irrigation Project. It was moved by Comm. Engen, seconded by Comm. Olson, that the bids be opened in the presence of the Irrigation Committee and that said Committee be given full power to act in awarding the contract. On roll call the motion carried, all Commissioners voting aye.

The Secretary read the following resolution which was adopted December 6, 1938 by the Directors of the Cartwright Irrigation District:

RESOLUTION

Mr. Perry Elletson presented the following resolutions and moved their adoption which motion was seconded by Mr. Constant Lassey.

WHEREAS, the Cartwright Irrigation District of McKenzie County, North Dakota has, pursuant to the provisions of Chapter 38 of the Code of Civil Procedure of the Supplement to the Compiled Laws of 1913, been created and established for the purpose of operating and maintaining therein a system of irrigation, by pumping water from the Yellowstone River, for the irrigation of upwards of one thousand (1,000) acres of land, and

WHEREAS, the State Water Conservation Commission has, with the cooperation of The North Dakota Rural Rehabilitation Corporation, and assisted by the Works Progress Administration, undertaken the construction of the works and improvements required for a complete irrigation system, and

WHEREAS, it was understood before the work of constructing the irrigation system was commenced that an Irrigation District would be duly formed and, upon the completion therein of the irrigation works, that said district would, in effect, purchase from the State Water Conservation Commission such irrigation works for the actual cost incurred therefor by the Commission and that in lieu of cash the Commission would accept the bonds for the district in payment of such irrigation works, and

WHEREAS, the Cartwright Irrigation District has, as aforesaid, been duly and regularly established and has agreed to issue its bonds of the district in the aggregate principal sum of \$16,000 by the electors thereof:

NOW, THEREFORE, BE IT RESOLVED: That The Cartwright Irrigation District of McKenzie County, North Dakota, does hereby agree to purchase from the State Water Conservation Commission the irrigation works established and constructed, and to be completed, including all property and equipment necessary for the operation and maintenance of such irrigation works, at the cost thereof to the Commission, and in the event that the bonds of the district cannot be sold for at least the par value thereof, the Irrigation District does hereby agree to deliver to the Commission bonds of the district of the total par value of \$16,000 or so much thereof as may be found necessary to cover the costs incurred by the Commission in establishing, constructing and completing such irrigation works, and

BE IT FURTHER RESOLVED: That the district does hereby undertake and agree to operate and maintain the irrigation works after their construction and completion and undertakes and agrees to levy assessments against the lands benefited, in accordance with the provisions of the statutes in such case made and provided, and agrees to fix and collect water rentals for supplying water and does hereby undertake and agree to do and perform each and every act necessary and proper to insure the efficient operation and maintenance of such irrigation works and to provide for the payment of the principal and interest on bonds issued by the district, and

BE IT FURTHER RESOLVED: That the President and Secretary of the Board of Directors, be and they are hereby, authorized and directed, on behalf of the Board of the District, to enter

into such contract or contracts with the State Water Conservation Commission as may be meet in the premises, and as the said Commission may from time to time require, embodying the substance and terms of the foregoing resolutions.

This is to certify that the foregoing resolution was adopted at a meeting of the Board of Directors of the Cartwright Irrigation District this 6th day of December, 1938.

(Signed) Cartwright Irrigation District
PERRY ELLETSON, President
RUTH A. SCRIVNER, Secretary
CONSTANT LASSEY, Director
RUTH A. SCRIVNER, Director

It was moved by Comm. Dahl, seconded by Comm. Olsen, that the foregoing resolution be incorporated in the minutes of this meeting. The motion carried, all Commissioners voting aye.

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

RESOLUTION
Approval of the plans for the construction of Sewerage System in the City of Grenora, N. Dak.

WHEREAS, Chapter 255 of the Session Laws of 1937, requires the State Water Conservation Commission to supervise acts tending to pollute water courses and provides that no sewerage disposal plan or works for the water supply of any municipality shall be constructed without the prior approval of the Commission, and

WHEREAS, Lieum & Burdick, Consulting Engineers of Grand Forks, North Dakota have made application for the approval of plans for a sewerage system for the city of Grenora, North Dakota, and

WHEREAS, the said plans and specifications which are for a system of a combined type, including various laterals, mains, trunk sewers and an outfall with primary treatment by Imhoff tank before final disposal, have been reviewed and approved by the State Department of Health, and

WHEREAS, E. J. Thomas, Chief Engineer of this Commission, has consulted with Mr. M. D. Hollis, State Sanitary Engineer, and has determined after a study of the plans and specifications that approval of this Commission is warranted and so recommends;

NOW THEREFORE, Be it resolved by the State Water Conservation Commission of the State of North Dakota that the plans and specifications prepared by Lieum & Burdick for a sewerage system in the City of Grenora, North Dakota, are hereby approved and the Secretary of this Commission be instructed to notify the consulting Engineers and the City Auditor of Genera, North Dakota

On roll call the motion carried, all Commissioners voting aye, and the resolution was declared adopted.

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

RESOLUTION
Approval of the plans for the construction of sewerage System in the City of Ray, North Dakota

WHEREAS, Chapter 255 of the Session Laws of 1937, requires the State Water Conservation Commission to supervise acts tending to pollute water courses and provides that no sewerage disposal plan or works for the water supply of any municipality shall be conducted without the prior approval of the Commission, and

WHEREAS, Lieum & Burdick, Consulting Engineers of Grand Forks, North Dakota, have made application for the approval of plans for a sewerage system for the city of Ray, North Dakota, and

WHEREAS, the said plans and specifications which are for a system of a combined type, including various laterals, mains, trunk sewers and an outfall with primary treatment by Imhoff tank before final disposal, have been reviewed and approved by the State Department of Health, and

WHEREAS, E. J. Thomas, Chief Engineer of this Commission, has consulted with Mr. M. D. Hollis, State Sanitary Engineer, and has determined after a study of the plans and specifications that approval by this Commission is warranted and so recommends;

NOW THEREFORE, Be it resolved by the State Water Conservation Commission of the State of North Dakota that the plans and specifications prepared by Lieum & Burdick for a sewerage system in the City of Ray, North Dakota, are hereby approved and the Secretary of this Commission be instructed to notify the Consulting Engineers and the city auditor of Ray, North Dakota.

On roll call the motion carried, all Commissioners voting aye, and the resolution was declared adopted.

It was moved by Comm. Oleon, seconded by Comm. Whitney, that the following resolution be adopted and that the Secretary be authorized to sign the same on behalf of the Commission.

MEMORANDUM OF AGREEMENT PROVIDING FOR THE
PAYMENT OF TRAVELING EXPENSES OF CERTAIN
EMPLOYEES OF THE
NORTH DAKOTA STATE WATER CONSERVATION BOARD

WHEREAS, it is necessary for the Division of Land Economics of the Bureau of Agricultural Economics to obtain information by means of field surveys of various areas in the State of North Dakota for the purpose of preparing area plans for the conduct of the Water Facilities Program, and

WHEREAS, the North Dakota State Water Conservation Board does employ certain personnel, trained and qualified to conduct certain surveys, and,

WHEREAS, it is mutually agreeable and desirable to the Land Economics Division and the North Dakota State Water Conservation Board that the services of the aforementioned personnel be made available to the Division of Land Economics,

NOW THEREFORE BE IT AGREED THAT:

1. The North Dakota State Water Conservation Board will provide to the Division of Land Economics, the services of Arvad Cline, Albin S. Anderson and Andrew Lynn, at such times and for such periods as may be mutually agreeable to representatives of the two agencies.
2. The North Dakota State Water Conservation Board will pay the salaries of the above mentioned personnel at those times when they are detailed to the Division of Land Economics.

- 3. The Land Economics Division will defray costs of transportation and other necessary traveling expenses of the above named personnel at those times when they are engaged on work required by the Division of Land Economics.
- 4. Duration and place of travel and rates of reimbursement therefore will be determined by the Division of Land Economics and payment therefore will be made directly to the persons performing such travel by the Division of Land Economics.
- 5. It is understood that no compensation for employment or expenses for the above named individuals is to be paid by the Water Conservation Commission after November 30th, 1938.

BUREAU OF AGRICULTURAL ECONOMICS

NORTH DAKOTA STATE WATER CONSERVATION BOARD

On roll call the motion carried, all Commissioners voting aye, and the resolution was declared adopted.

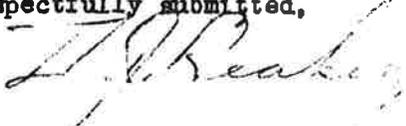
It was moved by Comm. Simons, seconded by Comm. Whitney, that the Secretary notify the officials of the Lewis and Clark Irrigation District that the Commission will arrange to meet with them at some convenient time in the spring of 1939.

It was moved by Comm. Dahl, seconded by Comm. Engen that a sum of not to exceed Fifty Dollars (\$50.00) be authorized for the purchase of copies of the report of the Tri-State Waters Commission. On roll call the motion carried, all Commissioners voting aye.

It was moved by Comm. Olson, seconded by Comm. Whitney, that Chief Engineer Thomas in cooperation with Iver Acker, Treasurer of the Rural Rehabilitation Corporation, contact the Montana Water Board in an effort to negotiate a contract on enlargement of the intake of the Sidney Pumping Project, the cost of same not to exceed \$3500.

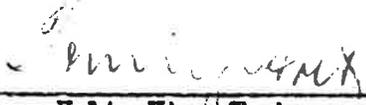
At 5:30 P. M. no further business appearing, the meeting adjourned.

Respectfully submitted,



D. J. Beakey, Secretary

APPROVED:



Henry Holt, Vice Chairman

(S E A L)