

MINUTES OF A MEETING

of the

STATE WATER CONSERVATION COMMISSION

Held in the Water Commission Office, Bismarck, North
Dakota, December 16, 1941.

The regular meeting of the State Water Conservation Commission was called to order at 1:15 P.M., Tuesday, December 16, 1941, in the office of the Commission. Roll was called with Governor Moses, Chairman, and Comms. Holt and Dahl present. Comms. Simons and Thompson, absent. Comm. Thompson had been present shortly before but was absent from the office at the time roll was called. Vice Chairman Holt presided, at the request of Governor Moses, Chairman.

Minutes of the last meeting of the Commission, held in Bismarck November 13, 1941, having been sent to each Commissioner and no errors being noted, it was moved by Comm. Dahl, seconded by Governor Moses, that the minutes of the meeting be approved. The motion carried, all Commissioners voting aye.

The matter of alternate suggestions to the Bureau of Reclamation on the Missouri-Souris project was brought up, but it was decided to leave the matter for discussion later in the day when Mr. W. G. Sloan, Engineer, Bureau of Reclamation, would be asked to come into the meeting.

Mr. Tucker explained that Mr. C. W. Leifur is writing a text book titled "Our State, North Dakota", which is being published by the American Book Company of New York. In this book there is to be a chapter on irrigation. Mr. Tucker has offered to assist on this chapter and to furnish a water plan map to go with the chapter. The American Book Company and Mr. Leifur have accepted Mr. Tucker's offer. Mr. Tucker read a letter he had received December 12th from the American Book Company, in which they state they will later send specific instructions as to the size map they need, etc. Mr. Tucker stated that when the chapter came out he would rewrite it and send copies to the Commissioners for their revisions, etc.

Mr. Tucker explained that he had, several weeks ago, prepared a mimeographed statement as to the Commission's responsibility, and the responsibility of others, in regard to the repair of dams. These had been sent to all County Commissioners in the state. However, he continued, the Commissioners have not seemed to pay much attention to them, and he asked permission to have published a statement regarding this subject. The Secretary was directed to send out the statement he has prepared to all weekly and daily papers, and to radio stations.

Comm. Thompson came into the meeting at this time.

Mr. Tucker read a letter from Walker R. Young, Bureau of Reclamation, in which he states the requirements of the Bismarck Irrigation Project, dated May 19, 1941, and suggested the release of the statements in this letter to the newspaper. It was decided to wait until Mr. Sloan came into the meeting and discuss the matter with him.

The Secretary requested permission for the engineering department to work with the State Highway Department regarding the possibility of locating and constructing reservoirs and dams along abandoned highways. He was ordered to proceed with this.

The Secretary suggested that the agreement between the Montana Water Board and the State Water Conservation Commission be revised and sent to Montana for their signatures. It was moved by Governor Moses, seconded by Comm. Thompson, that the Secretary and Chief Engineer prepare the revision and submit the revised copy to Comm. Dahl and Vice Chairman Holt for approval. Roll was called with Governor Moses, and Comms. Thompson, Holt, and Dahl voting aye. Comm. Simons, absent. The motion was declared carried.

The Secretary brought up the matter of a bill owed the Holt Printing Company by the Tri-State Waters Commission. The Governor suggested that Mr. Tucker see him later regarding the bill.

The Secretary presented a report on the National Rivers and Harbors convention at Miami, Florida, November 12, 13 and 14, 1941. The report was ordered placed on file and made a matter of record.

Mr. Tucker reported on the meeting with Cal A. Ward, L. A. White, Joe Paulson, Walter Maddock and William Von Seggren, all of the Farm Security Administration, on November 27, 1941. It had been planned to have Mr. Cal. A. Ward and Mr. C. H. Willson, of the Lincoln and Denver offices of the Farm Security Administration respectively, attend this Commission meeting, but they were both unable to come. However, Mr. D. Z. McCormick, Farm Security Administration, Lincoln, and Mr. John A. Goe, Assistant Area Director, Wheeler-Case Program, Farm Security Administration, Denver, are here to represent the Farm Security Administration, and will be called in later, he explained,

Before they were called in, however, the Secretary read a letter from C. D. Adams, Chairman, Water Conservation and Irrigation Committee, Sidney Chamber of Commerce, Sidney, Montana, requesting information on the status of the Yellowstone Pumping Project #214. The Secretary requested permission to send an answer telling Mr. Adams that the Workmen's Compensation Bureau has agreed to purchase bonds and the Commission will start as soon as weather permits, and that the Commission is preparing plans and specifications and working on an agreement with the Montana Water Board. It was suggested that he put in the letter that all of this depends on negotiations between the North Dakota and Montana Water Boards. The Commissioners offered no objections to the letter and the Secretary was instructed to send a copy of it to the Secretary of the Lower Yellowstone Project.

The Secretary explained to the Commissioners the material which had been sent to the Farm Security Administration regarding the Kyes Irrigation Project #79.

Mr. Tucker stated that it had been the order of the last Commission meeting to have the Secretary print up placards that could be sent out to various people who could put them up on the walls and otherwise display them.

Mr. Tucker stated he had about 2,000 in mind. There was a discussion of the matter. Comm. Thompson stated that in his opinion it was much wiser to have about 5,000 made since after the initial cost for the first 2,000 the cost of the next 3,000 would not be high. Mr. Holt agreed with this but said he believed if the Commission is going to put out a placard (with a map on it) of this kind, it would be much better to get one about 15" x 20" instead of the smaller size. He also suggested colors and explained that the same effect could be gained by using three colors in printing as had been gained in the Commission's colored map.

Mr. Tucker stated that the American Legion is willing to help distribute them. Governor Moses asked about the work of the Legion in connection with water conservation

and was assured by Mr. Tucker and the other Commissioners that they were assisting in bringing irrigation before the people.

Mr. Tucker said he proposed to call for bids for this work and asked if there was any objection to having the work done outside the state. Governor Moses and the Commissioners agreed that the work should be done in this state.

Mr. Holt suggested sending to each County Superintendent of Schools about 50 of these placards after they are done and ask the Superintendent to distribute them to different schools in the County. Governor Moses suggested it would be better to get a list of schools in each County from the Superintendent of Public Instruction and then send to each Superintendent only the number of placards as there are schools in that particular county.

Mr. Tucker told the Commissioners about the proposed essay contest and stated that Mr. Ray Brandt of Minot, had stated he believed he could raise \$500.00 in prize money.

The Secretary presented the financial statement as of December 1, 1941. Various items were discussed and Vice Chairman Holt stated that the Pembina and Tongue River item material is all in and that item could be taken out.

It was moved by Comm. Thompson, seconded by Comm. Dahl, that the Financial Statement as of December 1, 1941, be received and made a part of the minutes. (The statement is attached hereto.) The motion carried, all Commissioners voting aye.

The Secretary read a letter from F. Duffy Murry in which he asked what action had been taken regarding the hiring of a new watermaster. The Secretary was instructed to refer the matter to the Rural Rehabilitation Corporation for their action.

Mr. McCormick and Mr. Goe, of the Farm Security Administration, Mr. Iver Acker, Treasurer of the Rural Rehabilitation Corporation, and W. G. Sloan, Bureau of Reclamation, came into the meeting.

Mr. Tucker explained that the Commission has three items they are interested in discussing with the Farm Security Administration men. 1. Buildings on the Lewis and Clark Project. 2. Acquisition of land owned by Water Commission by Farm Security Administration, and 3. The Kyes Irrigation Project. He stated that the Workmen's Compensation Bureau has said that if the Farm Security Administration will commit themselves to rehabilitation work, etc., they will loan the Water Commission the necessary money to put in the Kyes Project.

Mr. McCormick said Mr. Ward had told him to tell the Commission that he was anxious to cooperate on this and stated, that he was sure Mr. Ward meant other projects also, that to be determined as each project comes up.

Mr. Acker suggested, it would be a good idea for Mr. Goe and Mr. McCormick to drive over the Kyes Project, but both of them explained they would not have the necessary time.

Mr. Acker also suggested having an understanding with the County Commissioners that they sell no more tax lands down there.

Mr. Tucker showed Mr. McCormick a letter he had written regarding land values on the project.

Mr. Sloan expressed the opinion that the project would be expensive without electric power and stated that the Bureau "wouldn't touch it" using Diesel power. He stated that pumping costs would be high and that there is a much greater depreciation on machinery.

Mr. Holt asked Mr. Sloan how many acres the Bureau had proposed to cover. Mr. Sloan answered about 2,100 at \$66.00 an acre for construction costs. Mr. Tucker stated his construction cost is estimated at \$35,000 for the whole Kyes project, consisting of 1,200 acres.

Mr. Sloan stated the total cost per acre would amount to \$3.67. He stated that would be raised about 50¢ an acre if you had to get power from local sources. He stated that the \$3.67 included \$1.66 construction, \$1.25 O & M., 28¢ repairs and replacements, and 48¢ power. Mr. Sloan said their project called for two pumping lifts--one 27' and one 74'. Mr. Tucker stated his plan called for leaving out the high lift and only providing water for the 1,200 acres.

There was discussion of the relative merits of Diesel and electric power and it was decided that Diesel power would be about 40% higher than electricity.

The group discussed the value of the grazing land in the area. Mr. McCormick stated that the value as given by Mr. Vale, a Bank of North Dakota appraiser, was much higher than he had anticipated. The Commissioners told him that Mr. Casey and Mr. Kyes had said the land was not worth much more than the taxes on it.

Mr. Goe suggested that Mr. McCormick and Mr. Tucker should get together and discuss the costs, etc.

Mr. Sloan asked about the percent of interest on the proposed loan, and Mr. Tucker told him the Commission planned to borrow \$35,000 at 3%.

The matter of the Buford-Trenton project was brought up, and Mr. Sloan stated that it would be ready for at least some water to be put on it next spring.

Mr. Holt asked Mr. McCormick if the Farm Security Administration would be able to step right in if the Bureau of Reclamation came in on the Kyes project and Mr. McCormick stated they would. Mr. Holt then asked if the same would hold true if the Commission built the project and Mr. McCormick stated he believed it would.

Mr. McCormick asked if priorities would affect the Commission. Mr. Tucker answered that it would be possible to take the surplus pump from the Lower Yellowstone Project; other materials that are necessary would not be affected to any marked degree.

Buildings on the Lewis and Clark Project were then discussed. Mr. Acker said this was being held up because of the transfer of land, that this would probably be taken care of this winter and buildings could be started in the spring. He stated he was informed that now the farm unit boundaries have been definitely laid out.

Mr. Dahl suggested that five year contracts should be signed with farmers on the Lewis and Clark Project instead of contracts being signed from year to year. Mr. McCormick stated that the contracts might be started out for only one year periods since the Farm Security Administration would want to see how each farmer was going to fit into the group before long-term contracts were signed.

Mr. McCormick stated, "Our office expects to transfer this project just as soon as it can be transferred. Judge Grigsby, Mr. Ward and Mr. White are working on it. In the budget request to Washington for some money to complete this transfer there is also the request, which is the main request, for the money to build the buildings, so as soon as the budget is okayed and transfer of land is completed, then we will also have at that time the money for the buildings. Mr. Verrick has the plans drawn for the buildings and he will proceed."

The discussion then returned to the Kyes Project. Mr. McCormick was anxious to know whether the project is to be a resettlement project or a Case-Wheeler Project.

Mr. Sloan stated that as far as the Bureau was concerned the big stumbling block on the project was the power, and that he had been wondering if they could be assured that eventually an R.E.A. project would go in.

In answer to a question by the Commission as to which of the other projects in the State were apparently able to qualify under the Case-Wheeler act, he stated they were the Wogansport, Burnt Creek and Manley Projects (the Manley being an especially good one with the only difficulty being that it is subject to overflow by ice jams, which risk will probably be obviated by Fort Peck) and the Painted Woods Project, which is just on the border. He stated that from the construction standpoint those were favorable projects. Mr. Sloan stated, "Suppose they (the F.S.A.) send their man in here and let him look over the chances of acquiring the land on these three or four projects. Then you decide whether you want to go on one of those if it looks favorable. I can say from a construction standpoint those are favorable. From your (FSA) viewpoint I am not so sure."

Mr. Goe stated it wouldn't take long to make some investigations.

Mr. Sloan stated "He did not want to hold out any hope that the Commission could expect much construction work now with the war."

It was decided to let Mr. Goe and Mr. McCormick know what decision the Commission made before they left Bismarck that evening, and they left the meeting.

Mr. Holt asked Mr. Sloan how many states, in his experience, are building projects themselves. Mr. Sloan stated none, and that very few had been built in the last 10 years, outside of projects financed by P.W.A., by anyone other than the Bureau. He went on to outline the unfortunate experiences of various other states in building projects.

Vice Chairman Holt asked Mr. Sloan if, when the Bureau had completed a project whether the Bureau supervises the project to see that the farmers are operating correctly. Mr. Sloan stated that probably for the first 10 years there would be a project superintendent put in by the Bureau, whose only job is to see that each farmer gets his share of the water.

Vice Chairman Holt asked Mr. Sloan what he thought of the Commission's building projects. Mr. Sloan answered that in his opinion the value of a board such as North Dakota has is chiefly educational and advised not going very heavily into construction. His reason for that, he said, was because of the local pressure that would come upon a water board. He stated that some of the most important water commissions are those that have promoted and educated. "Your big job is to look at the over all picture and to do everything you can to educate these people in the

value of irrigation, and to cooperate with the Federal agencies. We always welcome suggestions."

Vice Chairman Holt asked Mr. Sloan about the possibilities of the Bureau doing some work on the Jim River. He answered that the Bureau couldn't do anything this fiscal year, but if their funds continue, they would send someone out next year.

It was moved by Comm. Dahl, seconded by Vice Chairman Holt, that the Commission respectfully ask the Bureau of Reclamation, through Mr. Sloan, to continue and carry on studies and surveys of the irrigation possibilities along the Jim River through the State of South Dakota. The motion carried, Comms. Holt, Thompson and Dahl voting aye. Governor Moses and Comm. Simons, absent.

When asked about investigations on the Little Missouri River, Mr. Sloan told of investigations that had been made, starting in Wyoming, where they found about 30,000 acres of irrigable land and only water for 5,000 acres. He stated they intended to continue their investigations but did not anticipate finding very much. He stated that the water supply in the area is very erratic. He said that the question of diverting water over to the Heart was studied many years ago but it is apparent that it is impractical.

It was moved by Comm. Dahl, seconded by Comm. Thompson, that the Commission respectfully ask the Bureau of Reclamation, through Mr. Sloan, to continue and carry on studies and surveys of the Little Missouri-Slope area, together with the possibilities of diverting of water into the Heart River Basin. The motion carried, Comms. Holt, Thompson and Dahl voting aye. Governor Moses, and Comm. Simons absent.

Mr. McCormick and Mr. Goe came into the meeting again together with a group of Bismarck men including Berlin Boyd, Secretary of the Association of Commerce, Paul Wachter, Louis Garske, H. J. Geigle, J. P. Wagner and Archie Johnson, who are interested in the Bismarck Irrigation Project.

Mr. John T. Tucker, Secretary and Chief Engineer of the State Water Conservation Commission, explained to the group that he had had various inquiries recently as to the present status of the Bismarck Irrigation Project, and asked Mr. Sloan to clarify the matter for those present.

Mr. Sloan stated, "Of course you people all are aware of the fact that as far as considering this as a Wheeler-Case project we dropped that idea some time ago, chiefly because there seemed to be difficulties in the way of land acquisition and the Farm Security Administration was unable to purchase the land at prices they were willing to pay. It would qualify as straight reclamation work and we decided to try to put it over as a straight reclamation project. The understanding that we had when we left the last meeting here was that you people would initiate proceedings to form an irrigation district, and Mr. Burke would write to Washington and then give you specific instructions as to what should be done to go ahead as a reclamation project. Washington received that letter and wrote back that before they were sure it would qualify as a reclamation project they wanted costs revised and rechecked to be sure we were on the safe side. Meantime the emergency came up and prices went up and when we started to revise costs we found we were in trouble again. There was an increase in pumping equipment and costs went up pretty high again. The report is now on my desk in its revised form. It shows an increase of from 40¢ to 50¢ an acre over what we had originally figured. We have been discussing in the office a great deal the trouble we are having making estimates. We make an estimate one week and in another week it is out of date. Everything is going up and we cannot figure safely on any project now, especially with present conditions, and it would be impossible to get

the project constructed unless we could get priority ratings on materials and equipment, which so far we are unsuccessful in doing. Even with these increased costs I think it is still feasible.

"The situation is just about the same as it was before. We aren't giving up the idea of considering it as a straight reclamation project but we are putting the report in to Washington and letting them decide. It isn't as easy as it was before. I understand the situation here is just the same, Mr. Wachter?"

Mr. Wachter answered, "That is correct."

Mr. Sloan continued, "I can't hold out any hope to you that we can build this as long as the emergency exists unless they may decide to build projects as defense projects for increasing food production.

Mr. Tucker stated that in answer to an inquiry as to why the Bismarck Project hadn't been constructed, he had explained that the Water Commission is not a party to this particular project--that it is a Case-Wheeler or straight Bureau of Reclamation Project and all the Water Commission can do is to lend its aid in keeping up interest, arranging meetings such as this one, etc.

Mr. Sloan stated that there were two conditions that must be fulfilled before this project can be built:

1. The people must agree to the organization of an irrigation district.
2. They must get written agreements to comply with the reclamation laws as far as land holdings are concerned.

Mr. Tucker again stated that the Water Commission could only lend its aid where it is needed, and Mr. Sloan said that the Commission could help a great deal in the organization of an irrigation district.

Mr. Boyd stated, "My understanding was that as soon as it was determined whether it could be considered as a straight reclamation project, then the group would go ahead and organize a district and it was no use organizing a district until the fact was determined."

Mr. Tucker stated that Mr. Burk's instructions have not yet arrived.

Vice Chairman Holt of the Commission, stated that it appears that it will be necessary to await further instructions from the Bureau of Reclamation, and assured the group that Mr. Tucker would contact them as soon as the information is received.

Mr. Sloan agreed, and again repeated the two conditions that must be fulfilled, stating that the last condition, dealing with land acquisition, is dependent upon Mr. Wachter and a few others in the area.

The group then left the meeting, with the exception of Mr. Sloan.

Mr. Thompson gave two reasons for making the following motion regarding the Kyes Project. (1) Experts whose business it is to do this tell us that it is very questionable as set up whether it will pay out because of the lack of cheap power and the land acquisition might be high. (2) Experience of other states has been that

when they decided to do it themselves they failed and it seemed it might not be such a good idea when the Commission has three or four other projects that are favorable.

It was moved by Comm. Thompson, seconded by Comm Dahl, that the Kyes Project be handled by the Bureau of Reclamation and the Farm Security Administration under the Case-Wheeler Act, and that the Secretary be instructed to notify Mr. Sloan and representatives of the FSA before they leave Bismarck as to the Commission's action. The motion carried, Comms. Dahl, Holt and Thompson voting aye. Governor Moses and Comm. Simons absent.

It was moved by Comm. Thompson, seconded by Comm. Dahl, that the Wogansport , Manley, Burnt Creek and Painted Woods Projects be referred to the Bureau of Reclamation for construction under the Case-Wheeler Act, in addition to others already submitted, and that the Secretary notify Mr. Sloan to that effect tonight." The motion carried, Comms. Holt, Thompson and Dahl voting aye. Governor Moses and Comm. Simons absent.

Mr. W. A. Gardner of New England, and Mr. Frank P. Whitney of Dickinson, were present. Mr. Gardner is interested in the Little Missouri-Slope diversion plan. Vice Chairman Holt explained the action taken by the Commission with regard to this project, and Mr. Sloan had mentioned an inter-state compact might be necessary on the Little Missouri.

Mr. Whitney is a member of the Yellowstone River Compact Commission. Mr. Tucker read a copy of a letter which the Federal Power Commission had written to Mr. Whitney, in which dates for a meeting of the Yellowstone River Compact Commission were suggested. Mr. Whitney stated he had written back suggesting either February 10 and 11, or 18 and 19 at Billings.

Mr. Tucker explained that the Federal Power Commission wanted suggestions for agenda items.

There was discussion of the National Resources Planning Board meeting of the 15th and 16th of December, here in Bismarck, and the formation of the Missouri River Five States Committee.

The question of suggestions for the agenda was again discussed. Mr. Tucker told Mr. Whitney he would come down to Dickinson to see him.

Membership on the Missouri River Five States Committee was discussed. Mr. Holt stated that Mr. Elwood had asked him to talk with the Governor regarding the membership.

Mr. Whitney and Mr. Gardner left the meeting. Comm. Simons came in. There was further discussion of the National Resources Planning Board meeting.

There being no further business, the meeting was adjourned to the call of the Chair.

Respectfully submitted,


Secretary

Attest:


Chairman

SEAL

ET:hn:pm
12/15/41

NORTH DAKOTA STATE WATER CONSERVATION COMMISSION
MONTHLY REPORT NOVEMBER 1 to 30, 1941
1941-1943 APPROPRIATION

ITEM	Total Appropriation	Income	Expended to October 31	November Expenditures	BALANCE
1. Commissioner's Per Diem	3,000.00		126.00	126.00	2,748.00
2. Administration (Balance 1937-41 Appropriations)	25,000.00 4,696.41	1,749.64		*2,692.36	20,268.42
3. Construction Bond Guarantee (Balance 1939-41 Appropriation)	40,000.00 35,300.00		8,485.27		75,300.00
4. Maintenance existing dams, etc.	4,000.00		1,656.24	559.65	1,784.11
5. Engineering & Soil Survey's	1,000.00				1,000.00
6. Little Missouri, Grand, Cannonball, etc.	700.00		406.63	70.01	223.36
7. Pembina, Tongue, Park, Forest, etc.	250.00				250.00
8. James, Wildrice, Rivers-Lake Trav.	150.00				150.00
9. Invest., Survey's, Designs, etc.	2,000.00		346.23	176.66	1,477.11
10. Evaluation Economic Benefits	300.00			42.04	257.96
11. Reports & Attendance at Conferences with War Dept. etc.	1,500.00		195.64	320.41	983.95
12. Tri-State Waters-Red River Basin	7,500.00		747.67	401.40	6,350.93
13. Independent Inv. & Report's	1,000.00			111.99	888.01
14. Internat'l & Interstate Stream	1,500.00		86.40		1,413.60
15. Topographic Mapping (Coop. USGS)	3,000.00				3,000.00
16. Coop. in obtaining Water Facilities	3,000.00		581.28	22.46	2,396.26
17. Designs, Reports & Conferences	500.00				500.00
18. Salary State Engineer	4,400.00		733.32	183.33	3,483.35
19. Hydrographic Survey	3,500.00		516.31	214.40	2,769.29
TOTALS	\$142,296.41	\$ 1,749.64	13,880.99	4,920.71	125,244.35
*Lewis & Clark Charges Payable \$4,729.04				* Sioux Project Repayable \$152.69	
			Burlington Dam Project-Repayable \$99.58		