

MINUTES OF A MEETING  
OF THE  
STATE WATER CONSERVATION COMMISSION

Held February 6th and 7th, 1942, in the Office of the Commission

The regular meeting of the State Water Conservation Commission was called to order at 3:00 P.M., Friday, February 6, 1942, in the office of the Commission. Roll was called with Comms. Simons, Thompson and Dahl present. Governor Moses and Comm. Holt, absent. Because of the absence of Governor Moses and Vice Chairman Holt, Comm. Simons presided.

Minutes of the last meeting of the Commission, held in Bismarck, December 16th, 1941, having been sent to each Commissioner, and no errors being noted, it was moved by Comm. Dahl, seconded by Comm. Thompson, that the minutes of the meeting be approved. The motion carried, all Commissioners voting aye.

It was the general opinion of the Commissioners that the Lewis and Clark Project should be able to operate without the help of the commission; however, the Commissioners were of the opinion that they should still supervise the financial end of the project.

Miss Edith Tunell, Bookkeeper, was called into the meeting and requested to prepare a recapitulation for the next Commission Meeting, showing operation cost, maintenance cost and income to date, on the Lewis and Clark Project. Miss Tunell was also requested to show the acreage available for irrigation in 1941, and that available in 1942. Miss Tunell was further requested to show the amount to be raised for bond interest and bond retirement, if any, which information is available in bond schedule.

The Water Commission agreed that metal gates should not be purchased on the Lewis and Clark Project; that wooden gates could be used at the present time.

There was considerable discussion regarding the Water Commission truck which has been in use at the Lewis and Clark Project. It was agreed that a rental charge should be requested from the Farm Security Administration for the use of this truck. A motion was made by Comm. Dahl, seconded by Comm. Thompson, that this truck be used by the Water Commission in reclaiming pumps which the Water Commission is repossessing from individual project owners who have not paid for same. The motion carried, Comms. Thompson, Dahl and Simons voting aye. Gov. Moses and Vice Chairman Holt, absent.

It was suggested by the Commission that the Secretary send Mr. George Hornes a map (topographical) in order to point out to him the infeasibility of the Long Creek Project in the vicinity of Crosby.

After considerable discussion, it was suggested by Comm. Simons that Mr. Tucker speak to Mr. Iver Acker on the subject of writing up laws to be presented to the State Legislature at the next session, on the following subjects:

- a - Installation of an irrigation course at the Fargo Agricultural College.
- b - A bill making it mandatory that water conservation be taught in all schools.
- c - Amending Law 8270.
- d - Amending law on ground water.
- e - Law requiring all Federal Agencies doing work in the state to register with the State Water Conservation Commission.

Mr. F. E. Cobb, State Director of the U.S. Forest Service, Jamestown, North Dakota, was brought in to the meeting to discuss the lending of the Forest Service film and projector to the Water Commission. Mr. Cobb left the meeting.

Mr. E. W. Braasch, Public Works Reserve, Bismarck, North Dakota, representing Mr. Lee O. Hughes of that organization, came into the meeting in regard to Prospectus No. 1, Missouri-Souris Project. Mr. Tucker read a letter from Mr. A. D. Morrell, National Director, Federal Works Agency, Public Works Reserve, Washington, D.C., addressed to Mr. Lee O. Hughes, which stated that inasmuch as this project extends over portions of two states and is dependent on Congressional appropriation for financing, it was assumed that it would be constructed and operated by a Federal Agency, possibly the U. S. Reclamation Service. If so, it would be suitable for filing with National Resources Planning Board, but not acceptable for Public Works Reserve listing. On the other hand, if it is to be handled on state level in Montana and North Dakota through Reclamation Districts, it should be indicated with proper explanation of what steps are being taken to set up districts, what powers districts have to raise money and what part Water Conservation Commissions of each state will take. A companion prospectus should be submitted for Montana.

It was agreed that the Water Commission must set up a conservancy district, Montana also, which will give the project legal standing for a joint agreement between the two states. The Bureau could then submit it to the National Resources Planning Board, through Mr. Page. It was suggested that the Secretary write to Mr. Page for information on procedure.

Mr. Braasch left the meeting.

The matter of the proposed Baldhill Dam, Sheyenne River Project, was brought up, but it was decided to bring the matter up at the next Commission meeting, if Mr. Holt is on hand, as Comm. Holt has certain information available on this project.

The Secretary read a letter from Mr. S. O. Harper, Chief Engineer, Bureau of Reclamation, Denver, Colorado, wherein it was stated that when investigations were completed, they would send us reports on the Knife and Heart River Projects, and the Seneschal, Goodall and portions of the Williston and Nesson Projects. The Kyes Project would be added later if funds were available.

There was some discussion on the "Three Rivers Irrigation District", and it was decided that a prospectus would have to be made on that, and that it would be necessary to advertise the benefits of this project to the public. The weather at the present time does not permit further investigation of this project, which will be started when warmer weather comes.

In regard to resolutions adopted by the National Reclamation Association at Phoenix, it was generally noted that the Commission would have to watch the "Authority Bills".

The Commission decided that no action would be taken on the Maxwell "Weather Forecaster", as the budget would not allow for such a purchase.

A monthly Financial Report was given to each member of the Commission.

After a lengthy discussion of the matter, it was moved by Comm. Thompson and seconded by Comm. Dahl that Governor Moses and the Secretary be authorized to take such action on behalf of the Commission as is necessary to start the Victory Garden Project below Bismarck; also, that the land be appraised by a Federal Appraiser, and if it can be

purchased at a reasonable price, it should be done. Roll was called with Comms. Simons, Thompson and Dahl voting aye. Governor Moses and Comm. Holt, absent. The above motion is dependent on whether there are sufficient applications on hand to warrant such action.

Mr. C. S. McCulloch of Bismarck came into the meeting to discuss matters in connection with land for the Victory Garden Project. Mr. McCulloch stated his willingness to sign the agreement to his easement; such agreement to be prepared and forwarded to Mr. McCulloch for signature.

It was agreed by the Commissioners that Mr. Tucker should forward an agreement to Mr. Harke's easement, to the effect that prior to the time that Mr. Harke builds his house on the land in question, that the water will flow in an open ditch through his land and after his house is built, the Commission will replace the ditch with a covered pipe through Mr. Harke's land.

Mr. McCulloch left the meeting.

There was a discussion on the Yellowstone Pumping Project. Mr. Simons stated that the Commission had \$3,500.00 invested in that project, and that Montana was dependent upon irrigation in North Dakota's area to make the project more feasible, and pay its way.

Mr. Tucker said that at the present time there is a controversy between the Fairbanks-Morse people who supply the pumps on the project and the Montana Water Conservation Board. It seems that at the pump site No. 1, the bearings of the pumps were burned out due to the fact that silt and sand got in around the pumps. From what Mr. Tucker understands of the situation, it would seem that someone with a little training along mechanical lines is needed to run this type of equipment. The Fairbanks-Morse representative, Mr. C. D. Morton of Bismarck, informed Mr. Tucker that the Fairbanks-Morse Company would make the right adjustments in regard to these pumps. Mr. Tucker was of the opinion that it would be a good idea to get a guarantee from Montana for the delivery of water to the state line. Mr. Simons stated that inasmuch as the terms and conditions were something that should be worked out with technical knowledge, why not instruct Mr. Tucker and Mr. Acker to draw up an offer of agreement and send it to Montana. The suggestion that Mr. Tucker and Mr. Acker draw up an agreement to send to the Montana Water Board in regard to use of water in Yellowstone Pumping Project was agreed to by the Commission.

It was suggested that while the Governor was at the Billings meeting with Governor Ford of Montana, something could be decided upon at the meeting regarding an agreement between the two states.

It was suggested that the Commission go on record approving construction of storage reservoirs in Montana and Wyoming, if the people in those states would agree to release an equitable amount of the water for this state, and also if they will agree to help us in the matter of the Missouri River Diversion Projects.

It was also suggested that if South Dakota wished to enter into the agreement whereby the five states of the Upper Missouri should have a compact, it would be necessary to have someone in Washington introduce a bill allowing the five states to enter into such a compact. Mr. Thompson remarked that if Yankton could get a certain amount of water, they would not care what is done with the rest. Mr. Tucker stated that in presenting North Dakota's contention at the Compact Meeting at Billings, North Dakota will ask for a little more than nine million acre feet of water, since it would appear that approximately three and one-half million acres of land may be able to be irrigated in North Dakota, and that we should now present our claim for this water.

The Secretary was authorized to have the bonds printed on Sioux Irrigation District.

In regard to the Dullam land, it was suggested by Comm. Thompson and agreed upon by the Commissioners that the matter be left to the Chairman and the Secretary.

The Commissioners were informed that Mr. Halvorson and Mr. Tucker were appointed by Governor Moses as North Dakota's members on the "Committee of Ten". Governor Moses informed Mr. Elwood of this fact and suggested that a meeting be called in the near future to elect a chairman, etc.

In regard to the Mouse River situation, it was suggested that the lawyer, Mr. Johnson, and Mr. Eaton contact Mr. Kelsch on this matter. Mr. Olsen of Towner is to be notified of this matter.

It was decided that Mr. Tucker and Mr. Thompson attend the Aberdeen Civic Association on February 23rd.

The 1941 Annual Report of Minot's Association of Commerce was mentioned at the meeting. Comment was made on the fact that the State Water Conservation Commission was not mentioned.

The Secretary presented a news clipping taken from the Minot Daily News, under date of January 30, 1942, which indicated that all the power was going west of Fort Peck, which fact was not desirable here.

The Secretary presented a National Reclamation Association Bulletin, dated January 10, 1942, which lists Reclamation Budget for 1943. It was noted there were no projects for North Dakota on this list.

Mr. Tucker read a letter from Mr. A. D. McKinnon, State Coordinator, Soil Conservation Service, addressed to Mr. Tucker, regarding certain unappropriated waters on the Cannonball River in Slope-Hettinger Counties; also, map showing this territory. It was suggested by Mr. Simons that we should ask Mr. McKinnon's intentions in the use of this water in regard to obtaining or appropriating additional water before any action is taken on the matter. It was suggested that inasmuch as certain appropriations have already been granted to Mr. McKinnon for five years, this further request should be favored; however, this is dependent on information received from Mr. McKinnon regarding Soil Conservation's intentions.

It was moved by Comm. Thompson and seconded by Comm. Dahl that the meeting be adjourned until 9:30 A.M., Saturday, February 7, 1942. Meeting adjourned at 5:45 P.M.

The regular meeting of the State Water Conservation Commission reconvened at 10:00 A.M., February 7, 1942, with Governor Moses, Comms. Thompson, Simons and Dahl present. Vice Chairman Holt, absent.

The preparation of a folder publicising the benefits of irrigation was discussed by the Commissioners. The set-up of the folder, as presented by the Secretary, was approved by members of the Commission. Mr. Tucker was requested to obtain competitive bids for 10,000 of these folders.

Governor Moses left the meeting.

In the matter of the Cedar River Mutual Aid Corporation, it was agreed that it would be necessary for the Commission and the Corporation to agree on a policy of action. It was suggested that this be worked out with Mr. Acker. Comm. Simons suggested that we look back in the records of about 1937, and check up on the agreement that was made covering these Sioux County Projects, which will require an examination of the records.

Miss Tunell, Bookkeeper, was called into the meeting for the discussion of the individual pumping projects. Mr. Simons suggested that in certain cases, several of the projects should be handled or listed as "Investment", rather than as "Balance Due". Miss Tunell suggested that she could set up a profit and loss bookkeeping account. It was suggested that only those projects be listed on which action is still to be taken; closed accounts need not be listed each time.

The following decisions were made in regard to the projects listed below:

- Project No. 11 - Alf Olafson - Reclaim equipment.
- " " 14 - F. W. Erickson, Cartwright - Write letter to Mr. Erickson informing him he must pay account by March 1st, or equipment will be reclaimed.
- " " 15 - T. H. Burns, Garrison - Remove from list. Balance of \$13.82 to be listed under expense.
- " " 21 - Wagon Wheel Bluff, Bismarck - Collect from Mutual Aid Corporation. They are able to pay.
- " " 26 - Henry Rix, Mandan - Collect pump from Mr. Rix, or make some settlement.
- " " 27 - R. H. Leroy, Bismarck - Collect equipment some time in February. Check up on experimental data on Leroy Project.
- " " 28 - Arthur Maxwell, Turtle Lake - Reclaim equipment. Credit was given the father, but the son is on the place and has the equipment.
- " " 33 - Louis Signalness, Croff - Collect equipment after February 10th. He may pay when collector comes for equipment.
- " " 37 - Anton Bolte, Regent - Mr. Bolte offered to make settlement of his account by paying \$100.00 on his debt of \$197.38. Motion was made by Comm. Dahl, seconded by Comm. Thompson, to settle for \$100.00. or if possible, \$125.00, on Mr. Bolte's debt of \$197.38. Roll was called with Comms. Simons, Dahl and Thompson voting aye. Governor Moses and Vice Chairman Holt, absent.
- " " 62 - C. E. Stewart, Ray - So long as Mr. Stewart's equipment was damaged by flood, it was decided to go to his farm and reclaim that part of his equipment, if any, which belongs to the Water Commission, and unless he makes payment, cross him off the list entirely.
- " " 77 - Theo. L. Semerad, Dickinson - Equipment to be reclaimed.
- " " 79 - Kyes Irrigation Project - Investigate this project.
- " " 86 - Magnus Gudbranson, Charlson - Reclaim equipment.
- " " 94 - T. S. Stuart, Crosby - Reclaim equipment if payment not made.
- " " 115 - N. Dak. State Penitentiary - Remove account from Books.
- " " 118 - R. C. Ike, Williston, - Mr. Ike promised to pay \$10.00 per month. This should be watched to see that payment is made.
- " " 130 - Mary B. Materna, Manning - Reclaim equipment.
- " " 140 - H. P. Lundin, Watford City - Close account.
- " " 146 - F. L. Thorckelson, Dickinson - Reclaim equipment.
- " " 147 - Clifford Hanson, Buford - Close account.
- " " 151 - Gust A. Johnson, Watford City - Reclaim equipment. The Dam went out.
- " " 161 - Harry W. Long, Solen - Purchaser available for Mr. Long's equipment. It was suggested calling Mr. Charles Whittey, Sr., International Harvester Company, to appraise this equipment and set price for it.

- Project No. 191 - Odessa Mutual Aid, Odessa - Mr. Simons stated that the Water Commission contracted to do the job for the Odessa Mutual Aid for \$476.62, but the actual cost turned out to be \$595.94. The difference of \$119.32, was the fault of the Commission, due to incorrect figuring. However, inasmuch as the payment of \$476.62, the amount contracted, was made, the sum of \$119.32 will have to be closed.
- " " 202 - Murry Moxley, Beulah - Try to collect this bill.
- " " 203 - Harry Lindahl, Hamberg - Do not spend any more time on this account.
- " " 205 - S. T. Westdal, Williston - This project is coming along fine.
- " " 222 - Buford-Trenton Project, Buford - Close account.

It was agreed that statements should be sent out every month on these projects.

Vice Chairman Holt called the Secretary long distance from Grad Forks. He informed Comm. Simons that he would be willing to reverse his vote on the Kyes Irrigation Project being handled by the Bureau, and was in favor of the Commission handling it.

Miss Tunell left the meeting.

The Commission suggested that the bond situation on the Turner and O'Connor land, Bismarck Irrigation Project, "should be allowed to ride for the time being". The Commission is paying only two percent at the bank and three percent must be paid on bonds. Lease must be completed between the Commission and the Penitentiary for the Turner and O'Connor land.

At 12:00 Noon, the meeting was recessed and at 12:10 reconvened in the Governor's office, with Governor Moses, Comms. Simons, Thompson and Dahl, present. Vice Chairman Holt, absent.

It was moved by Comm. Dahl and seconded by Comm. Thompson that the Secretary be authorized and directed to "streamline the operations of the Commission and readjust the personnel with a view towards getting the cost of operation within the budget". Roll was called with Gov. Moses, Comms. Dahl, Simons and Thompson, voting aye.

Mr. Tucker was given permission by Governor Moses and members of the Commission to have printed only such information in the regular-sized Biennial Report for 1942, of the Water Conservation Commission, as is necessary, and to have a supplementary letter-size booklet printed which will enable the Commission to work up increased interest in the needs for irrigation.

Governor Moses left the meeting.

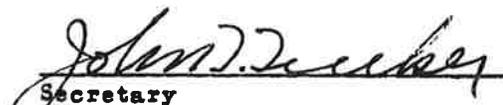
It was moved by Comm. Dahl and seconded by Comm. Thompson that the action taken at the meeting of the Commission on December 16th, with reference to the Kyes Project be rescinded, and the Secretary instructed to begin negotiations with the Farm Security Administration, with a view to starting the Kyes Project immediately under the Commission's jurisdiction. Roll was called with Comms. Dahl, Thompson and Simons voting aye. (Both Governor Moses and Vice Chairman Holt, while not present when the vote was taken, indicated their approval of the action.)

There being no further business, Comm. Dahl moved that the meeting be adjourned. Comm. Simons seconded the motion. Meeting adjourned at 1:45 P.M., February 7, 1942.

Respectfully submitted,

Attest:

  
Chairman

  
Secretary

ET:hn:dd  
1-12-42

NORTH DAKOTA STATE WATER CONSERVATION COMMISSION  
MONTHLY REPORT DECEMBER 1 to 31, 1941  
1941-1943 APPROPRIATION

ITEM	Total Approp'n 24 months	Expended to November 30, 1941	December 1941 Expenses	Total Income Jan. 1 '42	Balance Available Jan 1, 1942	Available Per Month	January 1941 Income	January 1941 Expenses	Overrun or Underrun
Commissioner's Per Diem	3,000.00	252.00	203.00	- - - -	2,545.00	141.39	- - - -	98.00	43.39U
Administration (Bal 1937-41 Approp'n)	25,000.00 4,696.41	11,177.63	1,676.73	1,890.68	*18,732.73	1,040.71	181.91	1,892.98	670.360
Construction Bond Guar. (Bal 1939-41 Approp'n)	40,000.00 35,300.00	- - -	- - -	- - - -	75,300.00	4,183.33	- - -	- - -	4,183.33U
Maint. existing dams	4,000.00	2,215.89	191.65	- - -	1,592.46	88.47	- - -	- - -	88.47U
Engr. & Soil Surveys	1,000.00	- - -	- - -	- - -	1,000.00	55.56	- - -	- - -	55.56U
Little Missouri, Grand, etc	700.00	476.64	40.54	- - -	182.82	10.16	- - -	- - -	10.16U
Pembina, Tongue, Park, etc	250.00	- - -	- - -	- - -	250.00	13.89	- - -	- - -	13.89U
James, Wildrice, rivers, etc	150.00	- - -	- - -	- - -	150.00	8.33	- - -	- - -	8.33U
Invest. Surveys, Designs	2,000.00	522.89	152.87	- - -	1,324.24	73.57	- - -	149.55	75.98C
Evaluation Economic Bene.	300.00	42.04	- - -	- - -	257.96	14.33	- - -	- - -	14.33U
Reports & Att. at Confer.	1,500.00	516.05	139.58	- - -	844.37	46.91	- - -	- - -	46.91U
Tri-State Waters	7,500.00	1,149.07	311.42	- - -	6,039.51	335.53	- - -	274.08	61.45U
Independent Invest. & Rptsl.	1,000.00	111.99	- - -	- - -	888.01	49.33	- - -	28.05	21.28U
Internat'l. & Interstate	1,500.00	86.40	- - -	- - -	1,413.60	78.53	- - -	188.33	109.80C
Topographic Mapping	3,000.00	- - -	1,891.34	- - -	1,108.66	61.59	- - -	- - -	61.59U
Coop. in obtaining water Facilities, etc.	3,000.00	603.74	265.00	- - -	2,131.26	118.40	- - -	191.14	72.74C
Designs, Reports & Confer.	500.00	- - -	- - -	- - -	500.00	27.78	- - -	- - -	27.78U

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MONTHLY REPORT DECEMBER 1 to 31, 1941  
1941-1943 APPROPRIATION

ITEM	Total Approp'n 24 months	Expended to November 30, 1941	December 1941 Expenses	Total Income Jan. 1 '42	Balance Available Jan 1, 1942	Available Per Month	January 1941 Income	January 1941 Expenses	Overrun or Underrun
Salary-State Engineer	4,400.00	916.65	183.33		3,300.02	183.33	- - - -	183.33	- - - -
Hydrographic Survey	3,500.00	730.71	101.33	- - -	2,667.96	148.22	- - - -	206.66	58.44 0
Totals	\$142,296.41	18,801.70	5,156.79	1,890.68	120,228.60	6,679.36	181.91	3,212.12	3,649.15 U

\* Lewis & Clark charges repayable \$4,910.16

\* Sioux Project charges repayable \$152.69

\* Burlington Dam Project charges repayable \$99.58