

MINUTES OF A MEETING

OF THE

STATE WATER CONSERVATION COMMISSION

Held in Lewis and Clark Hotel, Mandan, North Dakota, on Monday, October 5, 1942.

The regular meeting of the State Water Conservation Commission was called to order at 11:00 P.M., C. W. T., Monday, October 5, 1942, in the Lewis and Clark Hotel in Mandan, North Dakota. Roll was called with Vice Chairman Holt and Comms. Dahl and Simons present. Governor Moses and Comm. Thompson absent. Vice Chairman Holt presided.

The following gentlemen were present at the meeting for the purpose of discussing the proposed budget of the Water Commission for the years 1943 - 1944: and formation of a state-wide conservancy district:

John C. Page, Commissioner, Bureau of Reclamation, Washington, D.C.
W. G. Sloan, Sr. Engineer, Bureau of Reclamation, Denver, Colorado.
L. T. Orlady, Chairman, Conservation Department, American Legion,
Jamestown, North Dakota.
A. M. Paulson, Valley City, North Dakota.
J. Arthur Cunningham, Williston, North Dakota.
R. J. Hughes, Wahpeton, North Dakota.

A discussion of the above-mentioned budget and conservancy district was held, and suggestions were made by Mr. Page and Mr. Sloan. Mr. Page stated that North Dakota had two major jobs; legislation to handle large projects, such as Missouri-Souris; and formation of a Missouri River Compact.

The following gentlemen came into the meeting during the above-mentioned discussion:

Harry E. Polk, State Director, N.D. Reclamation Assn, Williston, N.D.
Charles Hinze, Assoc. Engineer, Bureau of Reclamation, Bismarck, N.D.
W. L. Gardner, New England, North Dakota.
R. A. H. Brandt, Minot, North Dakota.
Marc J. Connolly, Asst Secretary, Greater N.D. Assn, Fargo, N. Dak.
Halvor L. Halvorson, Minot, North Dakota.

At the close of the discussion, Mr. Page, Mr. Sloan and Mr. Hinze left the meeting.

Vice Chairman Holt explained the items of the proposed State Water Conservation Commission Budget for 1943-1944 to the men present and asked for their reactions on each item. A few suggested changes were made.

It was moved by Comm. Simons and seconded by Comm. Dahl, that the proposed budget of the State Water Conservation Commission as revised be approved, with the advice and consent of representatives of the North Dakota Reclamation Association, Greater North Dakota Association, and American Legion; and the Secretary be instructed to present it to the Budget Commission of the State of North Dakota. Roll was called with Vice Chairman Holt and Comms. Dahl and Simons voting aye. Governor Moses and Comm. Thompson absent. Motion carried. Budget as approved as follows:

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Item	Present Budget	Proposed Budget	Increase or Decrease (P or M)
1. Commissioners' Per Diem.	\$ 3,000.00	\$ 4,000.00	\$ P 1,000.00
2. Administration	25,000.00	50,000.00	P 25,000.00
3. Construction Bond Guarantee Fund	40,000.00	40,000.00	- - - - -
4. Maintenance of existing dams in co-operation with other agencies.	4,000.00	20,000.00	P 16,000.00
5. Engineering and Soil Surveys	1,000.00	- - - - -	M 1,000.00
6. Surveys, designs, reports, preparation of plans for post war projects for Little Missouri, Cannonball, Grand, Heart, Knife Rivers and others.	700.00	341,000.00	P 340,300.00
7. Pembina, Tongue, Park, Forest, Goose Rivers, investigations, surveys, designs and reports.	250.00	1,000.00	P 750.00
8. Sheyenne, Turtle, Maple, James, Wild Rice, Lake Traverse Diversion, investigations, surveys, designs and reports.	150.00	2,000.00	P 1,850.00
9. Missouri River Diversion, investigations, surveys, reports, designs, in cooperation with U.S. Bureau of Reclamation and U. S. Corps of Army Engineers	2,000.00	100,000.00	P 98,000.00
10. Evaluation of Economic Benefits	300.00	- - - - -	M 300.00
11. Reports and attendance at conferences with War Department, Congressional Committees and other agencies.	1,500.00	3,000.00	P 1,500.00
12. Tri-State Waters, Red River Basin, Program, N. Dak. portion of administrative expense, Tri-State Waters Conferences.	7,500.00	7,500.00	- - - - -
13. Independent Investigations and Reports	1,000.00	- - - - -	M 1,000.00
14. International and Interstate Stream Compacts.	1,500.00	10,000.00	P 8,500.00
15. Topographic and Conservation Branches (Coop. with US. Geological Survey on 50-50 basis)	3,000.00	30,000.00	P 27,000.00
16. Cooperation in obtaining Water Facilities and Great Plains Program Projects.	3,000.00	3,000.00	- - - - -
17. Designs, reports and conferences to obtain CCC camps on projects.	500.00	- - - - -	M 500.00
18. Hydrographic Surveys	3,500.00	8,000.00	P 4,500.00
19. State Engineer	4,400.00	4,400.00	- - - - -
20. Cooperation with N. Dak. State Agricultural College, County Agents, University of North Dakota, and State Teachers Colleges and for public education.	- - - - -	20,000.00	P 20,000.00
21. Bismarck Demonstration and Feeding Farms	- - - - -	10,000.00	P 10,000.00
TOTALS	\$102,300.00	\$653,900.00	\$551,600.00

Mr. Orlady, Mr. Paulson, Mr. Cunningham, Mr. Hughes, Mr. Polk, Mr. Gardner, Mr. Brandt and Mr. Connolly left the meeting.

Minutes of the last meeting of the Commission, held in Fargo on August 31st, 1942, having been sent to each Commissioner, it was moved by Comm. Simons and seconded by Comm. Dahl that the minutes be approved and placed on file, with change as suggested by Comm. Simons to be included therein. Motion carried, all Commissioners voting aye.

It was moved by Comm. Dahl and seconded by Comm. Simons that the financial reports, as presented to the Commissioners, be approved and placed on file. Motion carried, all Commissioners voting aye.

The Secretary was requested to go to Williston and contact officials of the Lewis and Clark Project with reference to the repayment of funds owed by the project to the State Water Conservation Commission. This the Secretary agreed to do.

On the recommendation of the State Engineer, it was moved by Comm. Simons and seconded by Comm. Dahl that the water right application of Edward Singbeil of Harmon, North Dakota, for 0.9 cubic feet per second for intermittent pumping from Square Butte Creek, a tributary of the Missouri River, for irrigation of 11.4 acres of land, be granted subject to the prior rights of the Fish and Wildlife Service. Motion carried, all Commissioners voting aye.

It was moved by Comm. Simons and seconded by Comm. Dahl that the Attorney General be requested to assign to the work of the Water Commission for such time as may be necessary and his budget permits, an Attorney for the purpose of preparing legislation needed by the Water Commission. Motion carried, all Commissioners voting aye.

Resolutions as presented to the State Water Conservation Commission by the Bowbells Junior Chamber of Commerce, the North Dakota Bankers Association, The Business and Professional Women's Club and the North Dakota Sewage Works Conference were noted by the Commissioners.

With reference to the letter from Mr. David Williams, Secretary of the Yellowstone Pumping Irrigation District of McKenzie County, North Dakota, Project No. 214, dated September 22, 1942, in which it was stated that the Directors of the Lower Yellowstone Pumping Project would postpone the extension of the irrigation project for the duration of the war, and to reject the State of Montana's proposal, it was moved by Comm. Dahl and seconded by Vice Chairman Holt that the letter, agreement, etc., be placed on file. Motion carried, all Commissioners voting aye.

The Secretary explained to the Commissioners, regarding the turn-over of the Bismarck Victory Gardens, Project No. 326, to the Bismarck Association of Commerce, that the Water Commission would like to control the pumping works and the main ditch. It was moved by Comm. Simons and seconded by Comm. Dahl that the Chairman and Secretary of the State Water Conservation Commission be authorized to enter into an agreement with the Bismarck Association of Commerce with reference to the Bismarck Victory Garden irrigation project on the following terms and conditions:

- 1 - Commission to operate the pumping plant and have charge of main ditch on the project.
- 2 - Commission to have charge of distribution of water to individual water users.
- 3 - Collection from water users to be made by Association of Commerce in two equal installments, due and payable May 1st and August 1st of each year during the life of the contract.

The Chamber of Commerce shall file a full and complete account of any expenses incurred by it in promotion of the enterprise and the management thereof, and shall, on or before June 1st and September 1st of each year, transmit to the Commission the net proceeds of land and water rentals collected by it during the preceding period.

Upon approval by the commission or its authorized agents, however, the Association of Commerce may withhold such funds as may be necessary to pay for such improvements to the property as may be mutually agreed upon between the Association of Commerce and the Commission.

It is further agreed that upon complete payment of the costs and expenses incurred by the commission in constructing the project and in the maintenance and operation thereof, the Association of Commerce shall retain all moneys collected by it from land and water rentals, the objective being to transfer the operation and management of the project to the Association of Commerce whenever the commission shall have recovered its costs and expenses in connection therewith.

It is further provided that, until revised by mutual agreement, the following maximum schedule of collections for land use and preparation and irrigation water shall be charged by the Association of Commerce to gardeners on the project:

1/16	acre	\$ 2.50
1/8	acre	5.00
1/4	acre	10.00
1/2	acre	20.00
1	acre	40.00

Roll was called with Vice Chairman Holt and Comms. Simons and Dahl voting aye. Governor Moses and Comm. Thompson absent. Motion carried.

Comm. Simons explained that the report on Section 21, Mellon Land, was in the hands of Judge A. M. Christianson, and would be presented at a later meeting of the Commission. ✓

The following resolution was presented by Comm. Simons who moved its adoption, which motion was seconded by Comm. Dahl. Upon roll call, Vice Chairman Holt and Commissioners Simons and Dahl voted "aye"; Governor Moses, Chairman of the Commission, and Comm. Thompson, being absent and not voting, and such motion was duly declared carried and the following resolution adopted:

RESOLUTION

"WHEREAS, the State Board of Administration has offered to purchase the lands now owned by the State Water Conservation Commission in Section 19, Township 138, north of Range 80, west of the Fifth Principal Meridian, Burleigh County, North Dakota, generally referred to as the O'Connor and Turner Lands; and

"WHEREAS, the State Board of Administration has offered to pay the amount of the Commission's investment therein, \$9,470.09, less \$550.00, which amount has been paid the Commission by the State Penitentiary for the rental of the lands, leaving a sum of \$8,920.09 which represents the remaining amount of the Commission's investment therein; and

"WHEREAS, the transfer of said lands to the State of North Dakota for the use and benefit of the North Dakota State Farm will make possible the development of said lands for irrigation, if and when facilities are made available for the irrigation thereof;

"NOW THEREFORE, Be It Resolved by the State Water Conservation Commission that the offer of the State Board of Administration to purchase said lands be, and the same is hereby accepted, and that the Chairman and Secretary of the Commission are hereby authorized and directed to execute and deliver to the State Board of Administration a sufficient deed conveying said lands to the State of North Dakota."

The Secretary read a letter received from Gerald W. Movius, Secretary to Senator Nye, Washington, D.C., dated August 31, 1942, in response to a letter to Senator Nye from the Commission, dated August 25, 1942, regarding Senate Bill 1837, which authorizes conveyance of the present Indian Service Land, south of Bismarck, to the State of North Dakota. Mr. Movius indicated that this bill was pending before a committee, but on his return, Senator Nye would attempt to get immediate action on the bill. The Secretary was asked to send a follow-up letter to Senator Nye in an effort to determine the status of Senate Bill No. S-1837.

With reference to the letters of protest written by the Commission to Commissioner John C. Page, Bureau of Reclamation, Washington, D.C., dated August 29th and September 2nd, the Secretary explained that he had mailed copies of Mr. Page's reply dated September 12, 1942, to members of the Commission under date of September 16, 1942.

Referring to the bill for dues in the amount of \$100.00 submitted to the Commission by the National Rivers and Harbors Congress, it was decided to hold up payment until after January 1, 1943.

It was requested that the reports of Mr. Tucker's trips and meetings since June 12, 1942, be mailed to each Commissioner.

The Secretary was informed that the Commission would pay its share of the cost of printing the Tri-State Waters Commission Biennial Report, this year, as in the past.

With reference to the Finding of the Facts on the Mouse River Hearing, as prepared and presented to the Secretary by Comm. Simons, it was moved by Comm. Simons and seconded by Comm. Dahl that the report be adopted, and further that the Chairman and Secretary initiate action through the Attorney General of the State of North Dakota. Roll was called with Comms. Simons and Dahl and Vice Chairman Holt voting aye. Governor Moses and Comm. Thompson absent.

It was moved by Coma. Simons and seconded by Comm. Dahl that the Secretary, Mr. Frank P. Whitney of Dickinson and Mr. M. M. Millhouse of Williston, North Dakota's three members on the Yellowstone River Compact Commission, be authorized to attend the meeting of the Commission to be held in Denver, Colorado, October 17, 18 and 19, all expenses to be paid by the Commission. Roll was called with Comms. Simons, Dahl and Vice Chairman Holt voting aye. Governor Moses and Comm. Thompson absent. Motion carried.

It was moved by Vice Chairman Holt and seconded by Comm. Dahl that the Commission send Mr. Kenneth W. Simons, Mr. Einar Dahl and the Secretary to Denver, Colorado, as delegates of the State of North Dakota to the National Reclamation Association Convention to be held on October 14, 15 and 16. Roll was called with Vice Chairman Holt, Comms. Simons and Dahl voting aye. Governor Moses and Comm. Thompson absent. Motion carried.

There being no further business, the meeting adjourned to the call of the Chair at 1:40 A.M., October 6, 1942.

Respectfully submitted:

John W. Zucker
Secretary

ATTEST:

John W. Zucker
Chairman

(SEAL)

NORTH DAKOTA STATE WATER CONSERVATION COMMISSION
MONTHLY REPORT OF ACCOUNTS AS OF AUGUST 31, 1942
1941-1942 Appropriation

No.	Name of Account	Total Approp 24 mo.	Expended to 7/31/42	Aug. expen- ses	Total expenses 8/31/42	Total Income	Bal Avail. 8/31/42	¼ Ap. to be held until Jan. 1, '43	Bal. avail next four months	Bal. avail. per month
1.	Commissioners Per Diem	3,000.00	1,327.00	147.00	1,474.00		1,526.00	750.00	776.00	194.00
2.	Administration (Adm bal. due 37-41)	25,000.00 4,696.41	25,936.23	1,510.24	27,446.47	4,767.52	7,017.46	6,250.00	767.46	191.86
3.	Construction Bond Guar. (Bal due 39-41 Appre)	40,000.00 35,300.00	1,800.00		1,800.00		73,500.00	10,000.00	63,500.00	15,875.00
4.	Maint. existing dams	4,000.00	3,415.98		3,415.98	*582.58	1,166.60	1,000.00	166.60	41.65
5.	Engineering & Soil Surv.	1,000.00	154.00	173.00	327.00		673.00	250.00	423.00	105.75
6.	Little Mo. Grand, Cannon.	700.00	517.18		517.18		182.82	175.00	7.82	1.95
7.	Pembina, Tongue, Park, etc.	250.00	60.00		60.00		190.00	62.50	127.50	31.87
8.	James, Wildrice Rivers, etc.	150.00					150.00	37.50	112.50	28.12
9.	Invest. Surveys, Designs, etc.	2,000.00	1,234.51	53.84	1,288.35		711.65	500.00	211.65	52.91
10.	Evaluation Econ. Benefits	300.00	57.94		57.94		242.06	75.00	167.06	41.76
11.	Rpts & atten at Conf.	1,500.00	961.00	5.49	966.49		533.51	375.00	158.51	39.62
12.	Tri-State Waters Com.	7,500.00	3,112.80	229.79	3,342.59		4,157.41	1,875.00	2,282.41	570.60
13.	Indep. Invest. & Reports	1,000.00	408.54	121.16	529.70		470.30	250.00	220.30	55.07
14.	International & Interstate	1,500.00	588.06	65.55	653.61		846.39	375.00	471.39	117.84
15.	Topographic Mapping	3,000.00	2,218.10	18.18	2,236.28		763.72	750.00	13.72	3.43
16.	Coop in obt Water Fac.	3,000.00	1,701.84	128.85	1,830.69		1,169.31	750.00	419.31	104.82
17.	Designs, Rpts & Confs.	500.00	41.65	29.59	71.24		428.76	125.00	303.76	75.94
18.	Salary State Engineer	4,400.00	2,383.29	183.33	2,566.62		1,833.38	1,100.00	733.38	183.34
19.	Hydrographic Survey	3,500.00	1,842.70	130.83	1,973.53		1,526.47	875.00	651.47	162.86
TOTALS		142,296.41	47,760.82	2,796.85	50,557.67	5,350.10	137,088.84	25,575.00	71,513.84	17,878.39

*Money received from Game and Fish Dept for payt work done on Lisbon Dam. This \$582.58 spent June 1, 1942.

NORTH DAKOTA STATE WA. CONSERVATION COMMISSION
MONTHLY REPORT OF ACCOUNTS AS OF SEPT. 30, 1942
1941-1942 Approp.

No.	Name of Account	Total Approp. 24 mos.	Expended to 8/31/42	Sept. expen- ses	Total Expenses 9/30/42	Total Income	Bal. Avail 9/30/42	½ Ap. to be held until Jan. 1, '43	Bal. Avail next three months	Bal. Avail per month
1.	Commissioners' Per Diem	3,000.00	1,474.00	42.00	1,516.00		1,484.00	750.00	734.00	244.66
2.	Administration (Admin. bal due '37-'41)	25,000.00 4,696.41	27,446.47	252.68	27,699.15	5,817.52	7,814.78	6,250.00	1,564.78	521.59
3.	Construction Bond Guarantee (Bal due '39-'41 Approp)	40,000.00 35,300.00	1,800.00		1,800.00		73,500.00	10,000.00	63,500.00	21,166.66
4.	Maintenance Existing Dams	4,000.00	3,415.98	44.60	3,460.58	*932.58	1,472.00	1,000.00	472.00	157.33
5.	Engineering and Soil Survey	1,000.00	327.00		327.00		673.00	250.00	423.00	141.00
6.	Little Me., Grand, Cannonball, etc	700.00	517.18		517.18		182.82	175.00	7.82	2.60
7.	Pembina, Tongue, Park, etc.	250.00	60.00		60.00		190.00	62.50	127.50	42.50
8.	James, Wildrice Rivers, etc.	150.00					150.00	37.50	112.50	37.50
9.	Invest. Surveys, Designs, etc.	2,000.00	1,288.35		1,288.35		711.65	500.00	211.65	70.55
10.	Evaluation Economic Benefits	300.00	57.94		57.94		242.06	75.00	167.06	55.68
11.	Reports & Attend at Confs.	1,500.00	966.49		966.49		533.51	375.00	158.51	52.83
12.	Tri-State Waters Commission	7,500.00	3,342.59		3,342.59		4,157.41	1,875.00	2,282.41	760.80
13.	Indep. Investigations & Rpts	1,000.00	529.70		529.70		470.30	250.00	220.30	73.43
14.	Internat'l and Interstate	1,500.00	653.61		653.61		846.39	375.00	471.39	157.13
15.	Topographic Mapping	3,000.00	2,236.28		2,236.28		763.72	750.00	13.72	4.57
16.	Coop in obt Water Fac.	3,000.00	1,830.69		1,830.69		1,169.31	750.00	419.31	139.77
17.	Designs Rpts & Confs.	500.00	71.24	38.33	109.57		390.43	125.00	265.43	88.48
18.	Salary State Engineer	4,400.00	2,566.62		2,566.62		1,833.38	1,100.00	733.38	244.46
19.	Hydrographic Survey	3,500.00	1,973.53	11.00	1,984.53		1,515.47	875.00	640.47	213.49
	TOTAL -	142,296.41	50,557.67	388.61	50,946.28	6,750.10	98,100.23	25,575.00	72,525.23	24,175.03

* Money rec'd from Game & Fish Dept. for pay't work done on Lisbon Dam.
This \$582.58 was spent on June, 1942.