

MINUTES OF A SPECIAL MEETING OF THE
STATE WATER CONSERVATION COMMISSION
TO CONSIDER ASSURANCES REQUIRED BY WAR DEPARTMENT

Meeting Held in the Governor's Conference Room at 1:00 p.m., April 2, 1947.
Bismarck, North Dakota

Those present were:

MEMBERS OF THE STATE WATER CONSERVATION COMMISSION

- Governor Fred G. Aandahl, Chairman
- Kenneth W. Simons, Vice Chairman
- Einar H. Dahl, Member
- S. W. Thompson, Member
- J. J. Walsh, Secretary and Chief Engineer
- Einar Berge, Publicity Manager

OTHERS

- George Moses, Associated Press
- Walter Mohn, Secretary to Gov. Aandahl
- I. A. Acker, Asst. Attorney General
- Col. W. K. Wilson, Jr., District Engineer, Corps of Army Engineers, St. Paul, Minn.
- Mr. Robert Butler, Attorney, Corps of Army Engineers, St. Paul, Minn.
- Homer Ludwick, Exec. Vice Pres., Chamber of Commerce, Fargo, N. Dak.
- W. P. Tarbell, City Engineer, Fargo, North Dakota
- Ralph F. Creal, States Attorney, Fargo, N. Dak.
- Curtis Olson, Mayor, Valley City, N. Dak.
- O. N. Enger, West Fargo, N. Dak.
- Oscar Lundseth, City Commissioner, Grand Forks, N. Dak.

Colonel Wilson explained to the Commission and others present of the assurances that will be required by the War Department before construction proceeds on the Baldhill Reservoir on the Sheyenne River. These were as follows:

1. Hold and save the United States free from damages due to the construction works.
2. Bear the expense of all necessary alterations of utilities, roads, highways and bridges.
3. Construct, operate, and maintain the Fargo diversion dam and diversion ditch improvements in accordance with plans and regulations to be approved by the Secretary of War.
4. Maintain the channels below the reservoir, in satisfactory condition for the flow of water released from storage, to include the prevention of encroachments on the carrying capacity of the channel which would unduly interfere with the conveyance of floodwaters.
5. Establish and enforce suitable regulations to prevent pollution of the waters of Sheyenne River.
6. The local interests will be required to contribute \$208,000 toward the first cost of the reservoir.

The Commission agreed to give the assurances represented in Items 1, 4 and 5. The Eastern North Dakota Water Development Association, representing the eastern cities, has agreed to assume responsibility on assurances as required in Items 3 and 6. The Commission further agreed to give assurances provided for in Item 2, after receiving corresponding assurances from the utilities companies and political subdivisions involved.

Upon the request of the Commission, Commissioner Thompson agreed to assist in preparing the form of resolution that the Commission adopted.

The meeting adjourned at 3:30 p.m. and the Commission went into executive session in the Governor's office.

RESOLUTION

LOCAL COOPERATION IN CONNECTION WITH THE PROJECT FOR THE
CONSTRUCTION OF A RESERVOIR ON THE SHEYENNE RIVER
NORTH DAKOTA, KNOWN AS THE BALDHILL RESERVOIR,
APPROVED IN SENATE DOCUMENT 193
78th CONGRESS, SECOND SESSION

WHEREAS, By Act of Congress approved December 22, 1944 (Public Law 534, 78th Congress, second session), hereinafter referred to as the "Flood Control Act of 1944," the project for the construction of a reservoir on the Sheyenne River for flood control and other purposes in the Sheyenne River Basin, North Dakota, known as the Baldhill Project, was authorized substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 193, 78th Congress, second session, and subject to the conditions set forth therein; and

WHEREAS, By section 3 of the said Flood Control Act of 1944 it is provided that section 3 of the Act approved June 22, 1936 (Public, Numbered 738, Seventy-fourth Congress), as amended by section 2 of the Act approved June 28, 1938 (Public, Numbered 761, Seventy-fifth Congress), shall apply to all works authorized in said Flood Control Act of 1944, except that for any channel improvement or channel rectification project provisions (a), (b), and (c) of section 3 of said Act of June 22, 1936, shall apply thereto, and except as otherwise provided by law: PROVIDED, That the authorization for any flood-control project therein adopted requiring local cooperation shall expire five years from the date on which local interests are notified in writing by the War Department of the requirements of local cooperation, unless said interests shall within said time furnish assurance satisfactory to the Secretary of War that the required cooperation will be furnished; and

WHEREAS, The said Flood Control Act of 1944 further provided that Federal investigations and improvements of rivers and other waterways for flood control shall be prosecuted by the War Department under the direction of the Secretary of War and supervision of the Chief of Engineers; and

WHEREAS, The Chief of Engineers recommended the construction of the said project described in Senate Document Number 193, 78th Congress, second session, and subject to the following conditions set forth therein:

1. That local interests make a cash contribution of \$208,000, toward the construction cost; and
2. Give assurances satisfactory to the Secretary of War that they will:
 - (a) Hold and save the United States free from damages due to the construction works;
 - (b) Bear the expense of all necessary alterations of utilities, roads, highways and bridges;
 - (c) Construct, operate, and maintain the Fargo diversion dam and diversion ditch improvements in accordance with plans and regulations to be approved by the Secretary of War;
 - (d) Maintain the channels below the reservoir, in satisfactory condition for the flow of water released from storage, to include the prevention of encroachments on the carrying capacity of the channel which would unduly interfere with the conveyance of floodwaters;

- (e) Establish and enforce suitable regulations to prevent pollution of waters of Sheyenne River;
- (f) Contribute the sum of \$208,000 toward the first cost of the reservoir, and

WHEREAS, the City of Fargo, North Dakota, a municipal corporation of Cass County, North Dakota and the Eastern North Dakota Water Development Association, have given, or will give, the Secretary of War satisfactory assurance

- 1. That the local cash contribution of \$208,000 toward the construction of the project is made;
- 2. That they will construct, operate and maintain the Fargo Diversion dam and diversion ditch improvements in accordance with plans and regulations to be approved by the Secretary of War; and

WHEREAS, Under and by virtue of Chapter 61-02 of the North Dakota Revised Code of 1943, and particularly section 61-0214 of said chapter, as amended and reenacted by chapter 328 of the Session Laws of North Dakota for 1945, the State Water Conservation Commission, a body corporate and agency of the State of North Dakota, is duly authorized:

- 1. "To improve the channels of streams for more efficient transportation of the available water in the streams: (subdiv. 1e, sec. 1, chapter 328, laws 1945; section 61-0244 North Dakota Revised Code of 1943)
- 2. "To investigate, plan, regulate, undertake, construct, establish, maintain, control, and supervise all works, dams, and projects, public and private, which in its judgment may be necessary or advisable: (subdiv. 1, sec. 1, chapter 328, laws 1945 - see also subsection 3 of chapter 328, laws 1945, also section 61-0201 of the North Dakota Revised Code of 1943)
- 3. "To define and establish rules and regulations for the complete supervision and control of acts tending to pollute water courses for the protection of the health and safety of all the people of the state: "(subdiv. 2-c, sec. 1, chapter 328, laws 1945).

NOW, THEREFORE, The North Dakota State Water Conservation Commission, a body corporate and agency of the State of North Dakota, organized and existing under and by virtue of chapter 61-02 of the North Dakota Revised Code of 1943, in order to fully comply with the provisions of the Act of Congress approved December 22, 1944, including the conditions set forth in Senate Document 193, 78th Congress, second session, referred to in said act, does hereby, in connection with the "local assurances" designated and required, undertake, agree and assure the Secretary of War that it will:

- "(a)" Hold and save the United States free from damages due to the construction works;
- "(b)" Bear the expense of all necessary alterations of utilities, roads, highways, and bridges;
- "(d)" Maintain the channels below the reservoir, in satisfactory condition for the flow of water released from storage, to include the prevention of encroachments on the carrying capacity of the channel which would unduly interfere with the conveyance of floodwaters; and
- "(e)" Establish and enforce suitable regulations to prevent pollution of the waters of Sheyenne River.

The State Water Conservation Commission represents that at a meeting held in the City of Bismarck, North Dakota, on the 2nd day of April, 1947, the Commission duly authorized the chairman and secretary thereof to execute the within and foregoing "assurances" and undertaking for and on its behalf.

Dated this 23 day of May, 1947.

SEAL

BY Fred S. Aandahl

Governor of North Dakota and ex officio
chairman of the State Water Conserva-
tion Commission.

ATTEST:

J. J. Walsh

Secretary and Chief Engineer of the
North Dakota State Water Conservation
Commission.

It was moved by Commissioner Thompson that the North Dakota State Water Conserva-
tion Commission undertake, agree and assure the Secretary of War as set forth in the
above document, with reference to the construction of the Bald Hill dam and reservoir
on the Sheyenne River in North Dakota, and that the chairman and secretary of the
State Water Commission be hereby authorized to execute the aforesaid document. (The
motion was seconded by Commissioner Simons.)

Commissioner Simons made a motion that the State Water Conservation Commission
purchase from the Greater North Dakota Association, films used for display purposes
showing the State water development program, and that funds be allocated for this
purchase of films amounting to \$1,000. Motion was seconded by Commissioner Thompson.
Governor Aandahl called roll, with Commissioner Simons voting aye, Commissioner
Thompson voting aye, Commissioner Dahl voting aye, and Gov. Aandahl voting aye.
Motion was carried.

After discussion upon the proposed trip to Washington to appear before the
appropriations committee on flood control, it was agreed that all members of the
Commission would go to Washington.

The meeting adjourned at 5:10 p.m.

Respectfully submitted,

J. J. Walsh
Secretary

ATTEST:

Fred S. Aandahl
Chairman

NORTH DAKOTA STATE WATER CONSERVATION COMMISSION
MONTHLY REPORT OF ACCOUNTS, AS OF APR. 30, 1947
1945-1947 Appropriations

No.	Appropriations for	Available July '45	Expenses July-Mar.	Expenses Apr. '47	Balance 4-30-47
1	Commissioners Per Diem and Expenses,	4,000.00	2,627.04	425.83	947.13
2	Administration, Plus refunds and collections,	25,000.00 4,818.72	18,471.62	1,501.76	9,845.34
3	Maintenance Existing Dams, Refunds and donations on dam repairs,	45,000.00 5,702.60	12,798.77	627.47	37,276.36
4	Tri-State Waters and Portion of Administration and Conference Expenses,	5,500.00	4,047.19	152.90	1,299.91
5	International and Interstate Compacts, Commissioner and Conference Expenses,	5,000.00	3,864.93	Nil.	1,135.07
6	Topographic and Conservation Branches, In coop. with U. S. Geological Survey,	30,000.00	25,825.94	Nil.	4,174.06
7	Hydrographic Surveys, coop. with U. S. Geological Survey,	15,000.00	12,734.85	370.22	1,894.93
8	State Engineer's Salary,	5,000.00	4,374.95	208.35	416.70
9	Reconstruction Drains, or Irrigation, Plus refunds,	240,000.00 59.56	140,065.08	841.60	99,152.88
10	Underground Waters, coop. with U. S. Geological Survey,	25,000.00	7,173.11	4.50	17,822.39
11	Postwar Projects, coop. with U. S. Departments,	100,000.00	22,649.40	4,781.13	72,569.47
12	Other Investigations, surveys, etc.	75,000.00	74,748.01	235.00	16.99
13	Construction Bond Guarantee Fund balance,	70,541.00	Nil.	Nil.	70,541.00
FGO-		<u>655,621.88</u>	<u>329,380.89</u>	<u>9,148.76</u>	<u>317,092.23</u>

NORTH DAKOTA STATE WATER CONSERVATION COMMISSION
BALANCES PRIOR FUNDS AS OF APR. 30, 1947
1943-1945 Appropriations

No. - Yr.	Appropriation for	Balances July '45	Expended To. Mch.	Expended Apr. '47	Balance 4-30-47
1 - '43	Commissioners Per Diem,	1,617.00	91.00	Nil.	1,526.00
2 - '43	Administration Fund, refunds and collections, . . .	15,849.09	15,465.12	Nil.	383.97
3 - '43	Maintenance Existing Dams, Plus refunds,	3,377.20 689.00	3,814.53	Nil.	242.67
4 - '43	Tri-State Waters, & portion of conference expenses,	1,955.30	100.54	Nil	1,854.76
5 - '43	International and Interstate Compacts, Commissioner and Conference Expenses,	4,586.99	114.83	Nil.	4,472.16
7 - '43	Hydrographic Surveys, coop. with Geol. Survey, . .	7.48	4.87	Nil.	2.61
9 - '43	Secure Amendment Ft. Peck law, to release waters, .	400.00	300.00	Nil.	100.00
10 - '43	Promote Maintenance Drainage, Construct Channels, Plus refund,	15,413.11 98.88	15,511.99	Nil.	Nil.
11a - '43	Post-war Projects, 50-50 with U. S. Departments, .	130,269.91	130,267.65	Nil.	2.26
11b - '43	Other Postwar Projects,	11,591.61	9,322.08	Nil.	2,269.53
FGO-		<u>185,846.52</u>	<u>174,992.61</u>	<u>Nil.</u>	<u>10,853.96</u>

NORTH DAKOTA STATE WATER CONSERVATION COMMISSION
BALANCES OF PRIOR FUNDS RECOVERED BY OPINION OF
ATTORNEY GENERAL, - AS OF APR. 30, 1947

No. - Yr.	Appropriation for	Balance 7-1-45	Paid Out	Balance 3-31-47	Yearly Balance
1 - '39	Commissioners Per Diem,	1,757.00	Nil.	1,757.00	
4 - '39	Lewis & Clark Experimental Farm,	109.76	Nil.	109.76	
5 - '39	Sponsor's Share Dam Repairs,	2,088.08	Nil.	2,088.08	
6 - '39	Engineering and Soil Survey,	180.00	Nil.	180.00	
7 - '39	Missouri River Diversion and Reports,	300.00	Nil.	300.00	
8 - '39	Goose River Diversion,	125.00	Nil.	125.00	
9 - '39	James River and Lake Traverse Diversions,	751.20	Nil.	751.20	
10 - '39	Missouri River Diversion,	2,000.00	Nil.	2,000.00	
11 - '39	Evaluation Economic Benefits,	488.00	Nil.	488.00	
12 - '39	Reports, Conferences, Congress Agencies,	272.07	Nil.	272.07	
13 - '39	Tri-State Waters, Commission Cooperation,	696.87	48.17	648.70	
14 - '39	Independent Investigations and Reports,	312.90	Nil.	312.90	9,032.71
1 - '41	Commissioners Per Diem,	395.00	Nil.	395.00	
4 - '41	Maintenance Existing Dams, plus \$51. refund,	53.86	Nil.	53.86	
12 - '41	Tri-State Waters, Administration Conferences,	8.61	Nil.	8.61	
15 - '41	Topographic Surveys,13	Nil.	.13	457.60
FGO-		<u>9,558.48</u>	<u>48.17</u>	<u>9,400.31</u>	<u>9,400.31</u>

NORTH DAKOTA STATE WATER CONSERVATION COMMISSION

DEPOSITS IN THE BANK OF NORTH DAKOTA

As of April 30, 1947

Contributions	Transit #	Deposited	Expended to Mch.	Expended Apr. '47	Balance
Yellowstone Pumping Irrigation Dist. paid int. on \$3,500.00 advance to 10-1-44	501-118	\$ 366.36	Nil.	Nil.	
Recd. proceeds tax levy collections Mch '47	501-118	499.53	Nil.	Nil.	\$ 865.89
Special Cooperative Groundwater Contributions by Fargo, Cass County and Water Comm., each \$2,500.	501-119	7,500.00	2,103.18	Nil.	5,396.82
On Groundwater Surveys, by City of Fessenden, \$1000. Mountain, \$100; and Maddock \$750.	501-126	1,850.00	Nil.	10.44	1,839.56
Total of all Bank of North Dakota deposits as of Apr. 30, 1947,					<u>\$ 8,102.27</u>

PAYROLL OF
NORTH DAKOTA STATE WATER CONSERVATION COMMISSION
As of April 30, 1947

Employees	Duties	Monthly	Tax Withh.	Net	Remarks
J. J. Walsh	Secretary - State Engineer	325.00	40.40	284.60	Increased \$25. July, 1946
Anderson, Albin S.	Engineer	200.00	10.10	189.90	Increased \$15. 12-1-44
Berge, Einar	Tech. Assistant	75.00	Nil.	75.00	Increased from \$50.
Burton, Winfred C.	Engineer	235.00	8.30	226.70	Increased from \$150.
Dodd, Harold E.	Engineer	200.00	18.00	182.00	Returned from leave.
Gillette, Geraldine L.	Stenographer	130.00	12.90	117.10	New Jan. 16, 1947
Gress, Paul	Rodman	140.00	15.70	124.30	New April 17, 1947
Jochim, Floyd	Rodman	135.00	15.70	124.30	New April 28, 1947
Nichols, Don L.	Eng. - Asst. Secy.	250.00	35.50	214.50	Retd. 2-15-36 from Army.
Orr, F. G.	Bookkeeper	250.00	27.30	222.70	Increased from \$233.33
Peterson, Winifred L.	Stenographer	135.00	15.00	120.00	New June 18, 1946
Schmitzke, Otto	Foreman dam repairs	200.00	Nil.	200.00	Retd. Apr. 16, 1947
Torvik, Duane A.	Draftsman	160.00	19.80	140.20	New January, 1946
FGO-		<u>\$ 2,435.00</u>			