

STATE WATER CONSERVATION COMMISSION  
Minutes of Meeting  
Held in Office of State Water Commission in  
Bismarck, North Dakota  
June 23, 1953

A regular meeting of the North Dakota State Water Conservation Commission was called to order on June 23, 1953, at the State Water Conservation Commission office in Bismarck, North Dakota, to consider regular business matters. The following were present:

MEMBERS OF STATE WATER CONSERVATION COMMISSION:

- Honorable Norman Brunsdale, Governor and Ex-officio Chairman
- Curtis Olson, Vice-Chairman, Member from Valley City
- Einar Dahl, Member from Watford City
- Math Dahl, Member from Bismarck and Commissioner of Agriculture and Labor
- A. M. Christensen, Member from Minot
- Earle F. Tucker, Member from Bismarck
- J. J. Walsh, Secretary and Chief Engineer, State Engineer

OTHERS PRESENT AT THE MEETING:

- Robert Oliver, Burlington
- George L. Johnson, Son of Founder of Burlington Park
- Thor Mastad, President of the Old Settlers Association
- Perry Leathes, Living in Veterans project
- Allis Preason, Head of the Disabled American Veterans
- Jack Howe, Chairman of the Board of County Commissioners of Ward County
- Mr. Dahl, County Commissioner of Ward County
- Charles Truex, Engineer from Burlington
- Colonel R.J.B. Page, District Engineer, U. S. Corps of Army Engineers
- Bruce Johnson, Bureau of Reclamation, Bismarck
- Bob Sylvester, Chairman of the Board of Directors of the Heart River Irrig. District
- Einar Berge, Technical Assistant for the State Water Conservation Commission

The meeting was called to order at 9:45 o'clock a.m. by Vice-Chairman Olson with Commissioners E. Dahl, M. Dahl, Christensen, Tucker and Secretary J. J. Walsh present.

It was moved by Commissioner Christensen and seconded by Commissioner M. Dahl that the Minutes of the meetings of the State Water Conservation Commission held on May 13 and June 11, 1953, be approved. Upon roll call of the Commissioners all voted aye. Motion carried.

It was moved by Commissioner Tucker and seconded by Commissioner E. Dahl that the Financial Statements for May, 1953, be approved and filed in the office of the State Water Conservation Commission. Upon roll call of the Commission, all voted aye. Motion carried.

The report of the State Examiner of the examination of the North Dakota State Water Conservation Commission covering the period June 1, 1952 to March 31, 1953 was presented to the Commission for their consideration. It was moved by Commissioner Tucker and seconded by Commissioner Math Dahl that the report be accepted and placed on file in the office of the Commission. Upon roll of the Commissioners all voted aye. Motion carried.

An application for a permit to construct a dam in Section 36, Township 150 N., Range 64 W., submitted by George Torrison, Warwick, North Dakota, was considered by

the Commission. It was moved by Commissioner Tucker and seconded by Commissioner Christensen that the permit of George Torrison to construct a dam as listed in his application be approved. Upon roll call of the Commissioners, all voted aye. Motion carried.

Correspondence received from Fred J. Fredrickson, Planning Coordinator for the State Water Conservation Commission, concerning congressional matters was presented to the Commission for their information.

A letter from Col. R.J.B. Page, District Engineer of the Garrison District, Corps of the U. S. Army Engineers, which stated that the district office of the Corps of Engineers at Fort Lincoln is to be moved to Riverdale at the end of the current construction season and that Fort Lincoln is to be vacated by that agency. The Commission, at the present time, has a lease agreement with the Corps of Engineers for the rental of three buildings at Fort Lincoln and it is indefinite at the time whether or not this agreement will be continued after the Corps of Engineers vacates Fort Lincoln. The Commission decided to delay any action on this matter and to investigate the possibility of purchasing some land and buildings in the vicinity of Bismarck to be used for storage facilities for State Water Conservation Commission equipment.

A delegation of the Ward County Commissioners and others from Ward County consisting of Robert Oliver, George L. Johnson, Son of the Founder of Burlington Park, Thor Mastad, President of the Old Settlers Association, Perry Leathes, Allis Preason, Head of the Disabled American Veterans, Jack Howe, Chairman of the Board of County Commissioners of Ward County, Mr. Dahl, County Commissioner of Ward County, and Charles Truex, Engineer from Burlington, entered the meeting at 10:00 o'clock a.m. They appeared to discuss rebuilding the Burlington Park Dam on the Des Lacs River in Ward County and to obtain assistance from the Commission in this project. The original dam was destroyed in the spring of 1948 and the delegation desired that it be rebuilt for use in developing the Burlington Park area for recreation. The county is authorized to make a 1/4 mill levee for projects of this nature which will raise about \$3,400.00 annually and they may have additional road funds to use for assisting in constructing a bridge over the structure. The total estimated cost of the Project is \$20,000.00.

A motion was made by Commissioner Christensen and seconded by Commissioner Dahl that the State Water Conservation Commission enter into a contract with Ward County for the reconstruction of the Burlington Park Dam whereby the Commission will pay 50% of the costs of the reconstruction work not to exceed \$10,000.00 and that Ward County be credited with any materials or supplemental earth moving equipment that they may furnish at rates and charges acceptable to the Commission and the County to be applied on their share of costs and that the Commission shall supervise the reconstruction of the dam. The State Water Conservation Commission share of the costs of this work is to be taken from the appropriation item "Maintenance of Dams" 1951-53. Upon roll call by Vice-Chairman Olson, Commissioners Einar Dahl, Math Dahl, Christensen, Tucker and Olson voted aye. Motion carried.

The delegation from Ward County left the meeting at 10:55 o'clock a.m.

Col. R.J.B. Page, District Engineer, Garrison District, Corps of U. S. Army Engineers entered the meeting at 10:55 o'clock a.m. to discuss federal appropriations for the fiscal year 1954 for Garrison reservoir. He stated that the Senate Appropriations committee had recommended an appropriation of \$29,000,000 for Garrison Dam but had included a restriction in the appropriation bill that none of these funds could be used to purchase land above the 1840 foot level and that none of the money could be spent for construction of protection works in the Williston area. Col. Page stated that the Corps of Engineers are planning on designing protective works and costs of these will be submitted to Congress for approval.

The State Water Conservation Commission do not wish to enter into any controversy over the operating level of the Garrison Reservoir. This matter was settled in 1945, the level of 1850 was approved and endorsed by the State Water Conservation Commission and their position was reaffirmed by Governor Aandahl in a telegram to Senator Young again in 1949.

Governor Brunsdale entered the meeting at 11:40 o'clock a.m.

A motion was made by Commissioner Olson and seconded by Commissioner Tucker that a telegram be sent by Governor Brunsdale to the Chairman of the Senate Appropriating Committee, Washington, D. C. with copies to Senator Young, Chairman of the House Appropriations Committee and the Chairman of the House Appropriations Subcommittee on Civil Functions of Military Construction and representatives of the press commending the Senate Appropriations Committee for increasing Garrison appropriations to \$29,000,000.00 and also reaffirming the position of the State Water Conservation Commission previously taken approving the 1850 foot maximum normal pool operating level of Garrison Reservoir, provided adequate facilities will be constructed to provide for the full protection of the Buford-Trenton Irrigation Project, the Lewis and Clark Irrigation Project and the City of Williston from any adverse effects from the water in the reservoir. Upon roll call by Governor Brunsdale, Commissioners Christensen, M. Dahl, E. Dahl, Tucker, Olson and Governor Brunsdale all voted aye. Motion carried.

The Commission recessed at 12:10 o'clock p.m. to reconvene at 1:30 o'clock p.m. at which time Vice-Chairman Olson, Commissioners Christensen, E. Dahl, Tucker and Secretary Walsh were present.

A letter from B. B. Hogarth, Director of the Water Resources Branch of the Department of Mines and Natural Resources, Manitoba, Canada, relative to maintaining a uniform level in Lake Metigoshe was read to the Commissioners. The Commission decided that a meeting with Mr. Hogarth, H. R. Morgan, State Game and Fish Commissioner, interested local groups and Commissioner Christensen and Secretary Walsh should be arranged to discuss this problem. Arrangements for such a meeting were to be made by Secretary Walsh.

A request for an underground water survey by the City of Hankinson was considered by the Commission. Commissioner Christensen made a motion that was seconded by Commissioner E. Dahl that the Commission upon receipt of the required deposit of \$1,000.00 from the City of Hankinson enter into an agreement with the City of Hankinson to conduct an underground water survey in that area. Upon roll call all Commissioners voted aye. Motion carried.

The Commission was informed of notification that had been received from the Bank of North Dakota that the \$1,500.00 U.S. Savings Bonds Series K investment of the State Water Conservation Commission Series J Bond Issue Sinking Fund had been completed and these bonds were being held by the Bank of North Dakota as Sinking Fund Trustee.

A proposed agreement between the U.S. Geological Survey and the State Water Conservation Commission to continue the Stream-gaging program in the state for the year 1953-54 was considered by the Commission. Commissioner E. Dahl made a motion that was seconded by Commissioner Tucker that the Secretary be authorized to enter into an agreement for the Commission whereby the Commission would make \$15,000.00 available from their appropriation as their 50% share of the costs of the stream-gaging program conducted by the U.S. Geological Survey surface water division in cooperation with the Commission. Upon roll call all Commissioners voted aye. Motion carried.

A petition from a group of landowners in Benson County addressed to the State Game and Fish Department requesting that a channel from Buffalo Lake to the Sheyenne

River for a distance of about 10 miles be cleared in order to provide drainage of the area in the vicinity of Buffalo Lake was considered by the Commission. It was decided that the Commission could not participate in this project until an organized drainage district was formed and rights-of-way and other legal problems were disposed of and that the Secretary should write to Mr. George Kurz, Esmond, North Dakota, and inform him of this decision.

The Commission heard a report from Vice-Chairman Olson relative to the Swan Creek Water Conservation and Flood Control District and the progress in constructing the facilities of this project. Vice-Chairman Olson reported on the hearing held in Casselton on June 8 on the creation of this district at which approximately 30 people were in attendance. The only opposition to the district came from representatives of the Great Northern and Northern Pacific railroads. Vice-Chairman Olson also reported that the Commission had been requested to furnish the assurances to the Corps of U. S. Army Engineers that they require. It was decided that the Commission would furnish such assurances on the same basis as they were furnished for the Baldhill Dam by the Commission. Under this arrangement the Swan Creek Water Conservation and Flood Control District, Cass County and the City of Casselton are to furnish assurances to the State Water Conservation Commission that they would provide without cost, all the necessary rights-of-way, lands, easements and spoil disposal areas necessary for the construction and subsequent maintenance of the project; that they will hold and save the U.S. Government and the Commission free from damages due to the construction and subsequent maintenance of the project and that they will make at their own expense all necessary changes to utilities, roads, highways and highway bridges including approaches; all costs in excess of \$150,000.00 will be provided and made available by the District to the District Engineer, Corps of Engineers, prior to the initiation of construction; and that the project will be maintained in accordance with the regulating prescribed by the Secretary of the Army.

Commissioner Tucker made a motion which was seconded by Commissioner Christensen that upon receipt of the necessary and proper assurances from the Swan Creek Water Conservation and Flood Control District, Cass County and the City of Casselton the Commission should furnish the assurances to the Corps of U. S. Army Engineers. Upon roll call all Commissioners voted aye. Motion carried.

The policy the Commission should adopt relative to sick leave granted its employees was discussed. It was decided that the policy of other state offices should be determined and this matter should be discussed at a future meeting.

Commissioner Christensen reported on the annual meeting of the Missouri-Souris Projects Association held in Minot on June 19, 1953. He informed the Commission that the Association would like to receive some financial assistance from the Commission so that the Association could be maintained. They would like to receive \$1,000.00. The Commission decided that action on this matter should be delayed until a later meeting.

Bruce Johnson, District Manager, Missouri-Souris District, Bureau of Reclamation and Robert Sylvester, Chairman, Board of Directors, Heart River Irrigation District entered the meeting at 2:00 o'clock p.m.

Mr. Johnson reported that his office had been authorized to proceed with negotiations with the representatives of Division 3 of the Heart River Irrigation District to irrigate lands in that division provided that satisfactory arrangements can be made so that farmers may legally enter into such negotiations. Of the suggested procedures that Division 3 of the District may follow the most satisfactory appeared to be the one, whereby the landowners in this division petition their Board of Directors to have their lands excluded from the Heart River Irrigation District and then organize a new district which would include their lands. If this

procedure is followed, the landowners would like to know whether the Commission would assist in paying the costs of the organization of the new district.

Commissioner Tucker made a motion that was seconded by Commissioner E. Dahl that if the landowners in Division 3 of the Heart River Irrigation District withdraw their lands from the District and proceed to organize a new irrigation district that the Commission will pay the organization costs of publishing notice of hearing for the organization of the district. Upon roll call all Commissioners voted aye. Motion carried.

A bill received from Kelsch and Scanlon in the amount of \$2,620.50 for legal work done in connection with the Heart River Irrigation District was presented to the Commissioners for consideration. Commissioner Tucker made a motion that was seconded by Commissioner Christensen that the Commission pay the bill submitted by Kelsch and Scanlon in the amount of \$2,620.50 as their final payment that the Commission would make for legal services for this district. Upon roll call by Vice-Chairman Olson, Commissioners Christensen, Tucker, E. Dahl and Olson all voted aye. Motion carried.

Bruce Johnson and Robert Sylvester left the meeting at 2:30 o'clock p.m.

The Commission considered the matter of the agreement with the North Dakota Agricultural Experiment Station and the Soil Conservation Service of the Department of Agriculture to continue the Soil Survey program of proposed areas for irrigation in the State. This program has been conducted cooperatively by the Commission, North Dakota Agricultural Experiment Station, and the Department of Agriculture since 1949.

Commissioner Christensen made a motion that was seconded by Commissioner Dahl that the Commission enter into an agreement with the North Dakota Agricultural Experiment Station and Department of Agriculture whereby the Commission would contribute \$30,000.00 as their cooperative share of conducting the Soil Survey program for the 1953-55 biennium such funds to be taken from the appropriations to the Commission for the 1951-53 biennium titled "Cooperation with U.S. Departments and for Organizing Conservation and Irrigation Districts" and "Small Projects, Other Investigations, Surveys, Etc.". Upon roll call by Vice-Chairman Olson, Commissioners Christensen, Tucker, E. Dahl and Vice-Chairman Olson all voted aye. Motion carried.

The Commission was informed of notification from Richland County that proceedings establishing Drain #60 in that county had been voided by the District Court and that the \$14,401.32 allocated by the Commission from the 1951-53 "Construction and Reconstruction Drains" appropriation to Richland County for this drain would not be needed. It was decided that this allocation could be used to augment other allocations for other drains which run over the estimated costs.

A request for approval for financial assistance by the Commission of two flood control projects in Pembina County was considered by the Commission. The projects proposed would provide for channel straightening on two oxbow bends of the Pembina River. Commissioner E. Dahl made a motion that was seconded by Commissioner Christensen that the State Water Conservation Commission will not participate financially in the flood control and channel straightening projects in Pembina County but that if the county wish to proceed with the work and pay all the costs of the work the Commission would not object. Upon roll call all Commissioners voted aye. Motion carried.

The Commission was informed that the next meeting of the Missouri Basin Inter-Agency Committee would be held in St. Paul on June 25 and 26. Governor Brunsdale, Vice-Chairman Olson and Commissioner E. Dahl plan to attend.

The organization of the Big Meadow Reclamation District was discussed. The Commission was informed that petitions for organization of the Big Meadow Reclamation had been prepared and sent out to the sponsors of the district for circulation among the landowners but that they had not been returned to date.

The Commission was informed that Cass County had let a contract for construction on Cass County Drain #46 at about \$20,000.00 less than the estimated cost. The Commission will participate in the drain through an allocation made from the 1951-53 drainage appropriation.

Purchase of a clam shell bucket for the Commission's dragline was considered. Commissioner Christensen made a motion that was seconded by Commissioner Tucker that the Secretary be authorized to negotiate for the purchase of a clamshell bucket. Upon roll call all voted aye. Motion carried.

The preparation and printing of colored maps depicting the North Dakota Water Development Program was discussed. Commissioner Christensen made a motion and was seconded by Commissioner E. Dahl that the Commission have 10,000 colored maps printed. Upon roll call all voted aye. Motion carried.

The Commission discussed the preparation of a small pamphlet showing the water projects in the state. Commissioner Tucker made a motion that was seconded by Commissioner E. Dahl that 5,000 booklets on dams and water development projects be printed for public distribution. Upon roll call all voted aye. Motion carried.

The purchase of a supply of the special Garrison Dam edition of the Bismarck Tribune was considered. Commissioner Tucker made a motion seconded by Commissioner Christensen that 1,000 copies of the Garrison Dam edition of the Bismarck Tribune be purchased. Upon roll call all Commissioners voted aye. Motion carried.

It was moved by Commissioner Tucker, and seconded by Commissioner E. Dahl, that the action of the State Engineer in granting the application of Lloyd Pfeilschiefter, Velva, North Dakota, for a permit to divert and appropriate water from the No Name Coulee, tributary of the Souris River, for the irrigation of 39 acres of land described as the NW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, S<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub>; E<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub> of Sec. 32, Twp. 152 N., Rge. 80 W., located in McHenry County, North Dakota, be approved and limited to an annual diversion of 39 acre feet of water, subject to all prior and existing water-rights and appropriations covering the No Name Coulee, and also subject to any final action taken thereon by the International Joint Commission. Upon a unanimous vote of the Commissioners, the motion carried.

The meeting adjourned at 3:15 o'clock p.m.

Respectfully submitted,

  
Secretary

ATTEST:

  
Chairman