

MINUTES OF A REGULAR MEETING

244

of the

STATE WATER CONSERVATION COMMISSION

Held at 1301 State Capitol, Bismarck, North Dakota,
Friday, April 14, 1939.

The meeting was called to order at 2 P. M., Friday, April 14, 1939, by Governor John Moses.

The Secretary called the roll showing the following members present: Governor John Moses, Chairman, Henry Holt, Vice Chairman and Commissioners Kenneth W. Simons, Einar H. Dahl, and S. W. Thompson. Absent, none.

The Secretary stated that typewritten copies of the minutes of the last meeting (March 8, 1939) had been mailed to all members. It was moved by Comm. Holt, seconded by Comm. Dahl, that inasmuch as no errors were noted, that the minutes be approved as written. The motion carried, all Commissioners voting aye.

Governor John Moses stated that he had appointed Henry Holt, Kenneth W. Simons, Einar H. Dahl, and S. W. Thompson as members of the Commission and that the newly appointed members would take over the business of the Commission at this meeting, and declared the election of the Vice Chairman in order.

Comm. Dahl placed Comm. Holt in nomination. There being no further nominations it was moved by Comm. Thompson, seconded by Comm. Simons, that the nominations be closed and a unanimous vote cast for Comm. Holt as Vice Chairman. The motion carried, all Commissioners voting aye.

It was moved by Comm. Simons, seconded by Comm. Holt, that the present personnel of the Commission be continued at the pleasure of the Commission until further notice. The motion carried, all Commissioners voting aye.

It was moved by Comm. Dahl, seconded by Comm. Holt, that four committees, consisting of three members each, be appointed by the Chairman as follows: Missouri River Diversion and Red River Committee, Irrigation Projects Committee, Lewis & Clark Project Committee, and Auditing Committee. The motion carried, all Commissioners voting aye.

The Chairman then appointed the following committees:

Missouri River Diversion and Red River Committee---Henry Holt, Chairman; S. W. Thompson and Governor John Moses.

Irrigation Projects Committee---Kenneth W. Simons, Chairman; Einar H. Dahl, and Governor John Moses.

Lewis and Clark Project Committee---Einar H. Dahl, Chairman; Kenneth W. Simons, and Governor John Moses.

Auditing Committee---S. W. Thompson, Chairman; Henry Holt and Kenneth W. Simons.

It was moved by Comm. Holt, seconded by Comm. Dahl, that hereafter all bills be presented to the Commission at the regular monthly meeting to be audited and allowed by the Commission. The motion carried, all Commissioners voting aye.

It was moved by Comm. Dahl, seconded by Comm. Thompson, that the regular meeting day of the Commission (for the present) be fixed on the second Wednesday of each month. The motion carried, all Commissioners voting aye.

Comm. Simons presented the following resolution and moved its adoption: Resolved, that in lieu of the next regular meeting, a special meeting of the Commission be held at Williston, beginning at 9:30 A. M., Thursday, May 11. The motion was seconded by Comm. Dahl. On roll call Commissioners Moses, Holt, Simons, Dahl and Thompson voted aye. Voting no, none, and the Chair declared the motion carried.

Vice Chairman Holt presented a written report covering his attendance at the Rivers and Harbors Congress held in Washington, D. C., March 21-25, 1939, as follows:

Governor John Moses and Members of the
State Water Conservation Commission

I am pleased to report on my trip to Washington as follows:

Immediately upon arrival I registered with the Rivers and Harbors Congress as a delegate from North Dakota and made arrangements to appear before the Projects Committee the following day, on Tuesday, in company with Mr. M. O. Ryan, Secretary of the Greater North Dakota Association, Member of the State Planning Board; Mr. Tarbell, City Engineer of Fargo, North Dakota; and Mr. Ole Hector of Crosby, North Dakota. We also had in our delegation Congressmen Burdick and Lemke and Mr. Larsen, Secretary to Senator Frazier. Mr. Movius, Secretary to Senator Nye, telephoned and expressed his regrets that he could not leave the office due to Senator Nye's absence from Washington (Senator Nye was ordered by his physician to take a rest). Colonel Philip B. Fleming also accompanied our group.

Congressman Burdick opened the statements on behalf of the State of North Dakota. Mr. E. V. Willard, representing the Tri-State Waters Commission, then presented that portion of the Red River Program that lies in Minnesota, namely, the Roseau River Flood Control Project, the Red Lake and Clearwater River Flood Control, and the Bois de Sioux Flood Control Projects.

On behalf of North Dakota I presented the Missouri River Diversion Project, the Pembina and Tongue Rivers Flood Control Project, the Park River Flood Control Project, the Forest River Flood Control Project, and the Goose River Flood Control Project. I also, in general terms, pointed out the drastic need for support of the Water Conservation Commission's program in North Dakota, especially stressing the need for support on our irrigation program in the western part of our State. By pre-arrangement, I then called on Mr. M. O. Ryan, who presented a graphic picture of conditions as they actually exist in North Dakota and presented to the group our applications and arguments in favor of them for the following projects: the Heart, the Grand, the Knife and Cannon Ball River Flood Control Projects, the Dickinson Storage Reservoir, the Missouri River Pumping Projects (nine of them all together) and also applications for the Little Missouri River Flood Control Project. We both presented special pleas for favorable consideration on the Bismarck Irrigation Project and the Buford-Trenton Project.

Following our presentation, Congressman Lemke made a plea for the Projects Committee's serious consideration of the many applications we had presented. Congressman Mundt of South Dakota appeared on the scene and joined in the general request of North Dakota, but especially for favorable consideration on the Missouri River Diversion. We continued our contacts with the various members of the Projects Committee and were given invaluable aid in this respect by former Congressman Sinclair of North Dakota.

The Projects Committee, in its report to the Rivers and Harbors Congress on the final day of the Session showed North Dakota as having received the following ratings:

Recommended for Immediate Construction: Red Lake and Clearwater River Project; Bellefouche Project, South Dakota.

Meritorious: (Which is the next highest rating given by this body). The Missouri River Diversion; Heart-Butte; Dickinson Reservoir; Grand River; Knife River; Missouri River Pumping Project; Buford-Trenton and Bismarck Irrigation Projects.

Recommended for Further Study: Little Missouri River Flood Control Project.

Action Deferred Pending Further Report from Army Engineers: Baldhill Reservoir; Pembina and Tongue Rivers Flood Control Project; Park River Flood Control Project; Forest River Flood Control Project.

We also obtained assurance from their special Committee which was to call on the President, the Speaker of the House and the President of the Senate to urge special consideration by Congress in the severe water needs of the Northern Great Plains area. We feel particularly pleased with the results obtained from the Projects Committee. This advantage should be followed up by our Congressional delegates.

At the suggestion of Colonel Fleming, we requested Congressman Lemke to submit to the Rivers and Harbors Committee of the House an item asking for a complete survey of the Red River of the North, commonly called 308 Army Report. We were later given assurance by Mr. McGraw, Secretary of the Rivers and Harbors Committee of the House, that he would have a proper resolution prepared and presented to Mr. Lemke.

CONTACTS WITH VARIOUS DEPARTMENTS

In order that we should cover as much ground as possible, Mr. Ryan and the writer agreed to split up the work and, in this connection, I wish to state that Mr. Ryan rendered invaluable service.

Great Plains Appropriation of \$5,000,000: A sub-committee of the appropriations committee of the House turned down a bill to reappropriate this item on Wednesday of this week (March 22), but that was because another procedure had been agreed upon. Congressman Taber of New York, who had originally offered the amendment, limiting all projects to \$50,000, has been sold on the relief angle of this program, and has agreed to work for an authorization bill, without limitations. When passed, this would make the appropriation available without limitations, without any reappropriation measure. John Page promised us that if this fund were made available, he would build Buford Trenton, Bismarck and possibly the Bowman projects. starting at once, this year. We impressed on both our Senators, and both Congressmen that this was the only way we could get any sizeable projects started this year, and that they should watch that bill daily. Senator Murry in the Senate, and Congressman Case in the House, are introducing companion bills on this subject. The former was introduced three weeks ago.

Water Facilities Act: - (Reported by Mr. Ryan): The \$5,500,000.00 appropriated under this act in 1938, has been stalemated, as you know. I had a lengthy conference with E. H. Wicking, Chief, Land Utilization Section, Soil Conservation Service, and his assistant, Mr. M. C. Redmond. The former is acting as chairman of the Water Facilities Board. I stressed the fact that this program was one of the most promising that had ever come out of Washington, and that the patience of our people was about exhausted over the inability of the FSA and SCS to get it operating. Then I talked at length with Francis Kenney, who is chief of the water utilization section of the Bureau of Agricultural Economics. He is the chap who came out to our state and got the Souris River Project actually going four or five years ago. He knows our state well. He and Wicking are the close associates of W. W. McLaughlin, and the three of them work together on all matters. They said they would write either you or me, or both of us, in two or three weeks, and would attempt to have the program definitely under way by that time. Meanwhile, they will get hold of McLaughlin when he arrives next week and discuss with him ways and means.

National Reclamation Association: - (Reported by Mr. Ryan): Floyd Hagie, Secretary of that organization, as well as both our Senators, showed me copies of the resolution passed by your board, re. the water facilities act. Mr. Hagie showed me his telegram and his letter to Dave Beakey in which he corrected a misunderstanding on the subject. I tell you frankly that Hagie is becoming a mighty effective fellow down there. He's the one who got the

President to send his message over to Congress two weeks ago, again calling attention to the necessity for doing something in the Northern Plains, as soon as possible.

Reconstruction Finance Corporation: - (Reported by Mr. Ryan). Mr. Frank J. Keenan, Chief, Drainage, Levee and Irrigation Division of the RFC, says they can't be sure that your bonds are purchasable, but he believes they are. He proposes that the Commission send him a copy of your Act together with copies of the Acts which authorization provides for creation of irrigation and conservation districts. Then, further, he proposes that you prepare for his legal staff a hypothetical case representing the layout of some one of the projects in which you might want to invest your bonds. These will receive fast action in clearing his committee. Meanwhile, he points out that they have handled Montana Water Commission bonds, tendered by PWA, and have also handled the bonds of individual districts direct without the backing of the water commission. Also, they have handled numerous refinancing issues where districts were paying off present mortgagors, and reducing interest charges. So it looks favorable.

Public Works Administration: Fortunately for us, the Public Works Administration had called in its District Directors for a conference. I had two meetings with Captain Radford, Director of our District, and spoke to him regarding the many PWA applications we have had before his organization. He assured me that if funds were available we would receive favorable consideration. We can look forward for early information and instructions from his office.

Farm Security Administration: Dr. Alexander, the Administrator, was out of the city. I contacted Mr. R. W. Hudgens, Assistant Administrator, and pointed out the need for quick action on the cooperative arrangements on the Lewis & Clark Project. Mr. Hudgens telephoned Cal Ward, the Regional Director, and instructed him to send his assistant to Bismarck with order to work out a satisfactory arrangement.

Surplus Commodity Corporation: (Milo Perkins, President). While in Washington I received a letter from Mr. P. M. Onstad, Manager of one of the largest wholesale firms in North Dakota, calling my attention to the pending change in the handling of surplus commodities by the Administration, and suggested that I contact the proper people and put in an application on behalf of Grand Forks and of North Dakota. Not being familiar with the program contemplated, I asked Mr. Perkins to outline to me what the Administration had in mind. After his explanation, I could readily see where this would be a wonderful stimulant to business and help towards a partial elimination of the unemployment situation. In view of the tremendous relief roll in North Dakota, I appealed as strongly as I knew how that our State be made one of the first six trial points. Mr. Perkins was very sympathetic to my plea and promised that if they were not able to make North Dakota one of the six, that we would immediately be put in the front line of the next group. For the Governor's information I am enclosing such news releases as this particular department has let out and also a copy of the proposed plan.

Secretary Henry Wallace: It was my privilege to be granted a lengthy interview with Secretary Wallace, and I presented to him the many perplexing problems besetting North Dakota. I stressed the need for quick action on the program now being undertaken by Mr. McLaughlin's department. I also emphasized the need for prompt action by the Farm Security Administration relative to the proposition of the Surplus Commodity Corporation. Mr. Wallace was very sympathetic and in my presence issued an order to the Farm Security Administration to assist us immediately. The same order went to the department that Mr. McLaughlin is connected with. Secretary Wallace also indicated keen interest in the possibilities for the Surplus Commodity Corporation in North Dakota. He advised me to tell the Governor that his departments were always ready and willing to cooperate to the best of their ability.

Mr. James A. Farley: On Wednesday, March 22, Mr. Farley returned to Washington, and I was given an opportunity to visit with him and briefly told him my mission. He assured me that his office would give every assistance to the Committee that was in Washington and to any plea on behalf of North Dakota, as he understood the difficulties we were laboring under. In order to facilitate matters for me, Mr. Farley called in Mr. J. Austin Latrimer, his special

assistant, and requested him to give me all the aid possible to secure interviews with any heads of departments I desired to see. I am grateful for this assistance, as it expedited matters materially for us.

RECOMMENDATIONS

1. National Resources Committee: Mr. James Cain, formerly of Dickinson, was North Dakota's representative on the Great Plains Advisory Committee. I understand that he had tendered his resignation. I would recommend to the Governor and to the Water Commission the appointment of Mr. M. O. Ryan to fill the vacancy in this Advisory Committee. It is important that we have men representing us on this Committee who are familiar with the program which we are attempting to put across in North Dakota, and also, that we have a representative on that committee who understands the procedure and has the necessary contacts through the various departments in Washington.
 2. Recommend that by resolution we request our Congressmen and Senators to watch daily the progress of the many projects we have before the departments in Washington, especially is this greatly needed in respect to the Buford-Trenton, Bismarck and Bowman Irrigation Projects.
 3. It would be to North Dakota's advantage if we could afford to have a representative from the State who could devote his entire time in Washington in the interest of our many projects. Realizing the financial stringency, I strongly urge our continued membership in the National Reclamation Association. Mr. F. O. Hagie, Secretary of this group, has rendered and is rendering good service in our behalf. I also recommend continued membership in the National Rivers & Harbors Congress. Without a doubt, they are the most powerful Legislative lobby in the National Capitol. I recommend a similar payment to this group as we give to the National Reclamation Association.
- Recommend to Governor Moses that he immediately contact Secretary Wallace requesting that the Secretary name North Dakota as one of the six points to try out the proposed plan for distributing Surplus agricultural commodities to needy persons through normal wholesale and retail channels of trade.

APPRECIATION

We wish to acknowledge the splendid gesture on the part of the City of Fargo in permitting its City Engineer, Mr. Tarbell, to accompany us to Washington. His service proved valuable in the presentation of our projects, not only before the Rivers and Harbors Congress but in our contacts with the various departments.

We wish to express sincere appreciation to the many cities and counties in North Dakota who had forwarded letters to the Rivers and Harbors Congress appointing us as their official delegates. We are especially appreciative of the fine display of support given us from the cities along the James River in South Dakota. All of these letters were made a part of the records before the Rivers and Harbors Congress.

We also express sincere appreciation to the Minnesota delegates Messrs. Colonel Howard, Dean Holm and E. F. Willard, who gave valuable assistance to North Dakota's claims. Mr. Willard's presentation of the picture of water needs in the Red River Basin made a profound impression upon the members of the Projects Committee.

Appreciation to the State Planning Board for the fine services that Mr. M. O. Ryan rendered us. To Colonel Philip B. Fleming for his counsel and guidance, and also to former Congressman Sinclair of North Dakota, we owe a debt of gratitude. At this point I would like to quote ex-Congressman Sinclair, after the report of the Projects committee had been turned over to the Congress and we were told the status of the many requests we had made, he told both Mr. Ryan and myself that the rating that the Missouri River Diversion Project had received from this Congress and provided the report from the Army Engineers would bear us out that

"Were I a Congressman from North Dakota I should have no difficulty in obtaining an appropriation from Congress at its next session. The recommendation from this group carries strong weight with members of Congress." Naturally, this was gratifying news. Mr. Sinclair expressed similar views on the Buford-Trenton, Bismarck and Bowman Projects.

Finally, as a representative of the State Water Conservation Commission, I sincerely hope that the efforts which we put forth in Washington will bear fruit. I am especially anxious that we continue hammering away for the early start on the Buford-Trenton, Bismarck and Bowman Irrigation Projects.

Sincerely,
HENRY HOLT, Vice Chairman

P. S. Report on Prepared Speeches for Missouri River Diversion: After discussing this with several of the members of the Rivers & Harbors Congress, I contacted Mr. Gerald Movius, Secretary to Senator Gerald P. Nye, and obtained his assistance in the distribution of these various prepared suggested talks. Mr. Movius graciously agreed to take care of this matter for us, and before I left Washington he advised me that a number of them had already been distributed, and no doubt before this session of Congress is over many of these speeches will have been delivered. Mr. Movius gave us wonderful cooperation and offered to act as a liaison bureau for us. In this connection I wish also to state that we had the same offer made us from both Congressmen Burdick and Lemke and from Senator Frazier.

It was moved by Comm. Simons, seconded by Comm. Holt, that the vacancy, caused by the resignation of James P. Cain, on the Advisory Committee of the National Resources Committee, be called to the attention of Governor John Moses with the request that he make an appointment to fill the vacancy. The motion carried, all Commissioners voting aye.

Moved by Commissioner Holt, seconded by Comm. Simons, that recommendation #2 (Commissioner Holt's report) be referred to the Governor. The motion carried, all Commissioners voting aye.

Moved by Comm. Thompson, seconded by Comm. Simons, that the Commission appropriate \$100.00 for membership in the National Reclamation Association and \$50.00 for membership in the National Rivers and Harbors Congress. On roll call the motion carried, all Commissioners voting aye.

It was moved by Comm. Simons, seconded by Comm. Thompson, that the report made by Vice Chairman Holt be accepted and included in the minutes of this meeting. The motion carried, all Commissioners voting aye.

The Secretary read a communication from Dewey Short, President of the National Rivers and Harbors Congress, Washington, D. C. enclosing a copy of the resolutions adopted by their 24th annual convention, and urging that we assist in bringing the matter covered in the resolutions to the attention of our Senators and Representatives in Congress and all interested persons, firms and organizations in North Dakota.

The Secretary read the report of M. O. Ryan, Secretary of the Greater North Dakota Association covering his attendance at the National Rivers and Harbors Congress held in Washington, D. C., March 21-25, and it was moved by Comm. Simons, seconded by Comm. Thompson, that the report be accepted and placed on file. The motion carried, all Commissioners voting aye.

The Secretary read a report Mr. M. O. Ryan had sent him covering his attendance at a meeting of the Upper Missouri Valley Association at Yankton, South Dakota, March 16, 1939 and also the report of the Resolutions Committee covering resolutions adopted at said meeting. It was moved by Comm. Holt, seconded by Comm. Thompson, that the report be accepted and included in the minutes of this meeting. The motion carried, all Commissioners voting aye.

REPORT OF RESOLUTIONS COMMITTEE, MARCH 16, 1939
Yankton, South Dakota

The Upper Missouri Valley Association, in convention assembled at Yankton, South Dakota, March 16, 1939, hereby endorses, and in part re-affirms resolutions passed at former conventions, the following proposals for the development of the Missouri River and its watershed:

1. We wish to commend the work of the U. S. Engineers, and other federal agencies, for their continued interest and efforts in behalf of development of the Upper Missouri River in connection with flood control, navigation, irrigation, development of power, erosion control, and related factors.
2. Whereas improvement of the Missouri River for navigation is at this time well on its way to completion to Sioux City, Iowa, we firmly believe that the next logical step in river development is to extend the improvement of the Missouri for navigation above and beyond Sioux City. We take cognizance of the adverse reports heretofore made, but express the belief that a complete survey and study of the navigation possibilities up to Pierre--and as far beyond as the U. S. Engineers might deem it economically justifiable--should be authorized at an early date. We urge Congress to give full consideration to the March 1, 1939 resolution of the Rivers and Harbors Committee, by which a review of the former investigations and report is authorized, preliminary to a final field survey, the same having been embodied in the proposal of Congressman Murdt to the Rivers and Harbors Committee.
 - 2A. In suggesting Pierre as the point north of Sioux City, to which navigation development might promptly be promoted, we have no intent of limiting development beyond that city, but feel that such development will have to come by stages; present bills before Congress relate to development of manganese beds in the vicinity of Chamberlain as potential war materials, and if enacted into law, this natural resource would provide definite tonnage, in addition to other existing tonnage now available to shipping.
 - 2B. Observation shows that bank erosion on the river North of Sioux City has and will increase as a result of maintenance of a 6ft. or 9 ft. channel, and constructions of Fort Peck dam up the river, for navigation below Sioux City and Omaha; we therefore recommend the immediate investigation of all bank erosion cases and immediate congressional aid for bank protection.
3. Subject to and supplementing navigation development on the upper Missouri, we favor the construction of dams wherever deemed necessary, and also such diversion of flood waters by any means found practical and feasible by the U. S. Engineers, of water for irrigation, domestic and municipal water supplies, from the Missouri to the James and Sheyenne rivers.

Respectfully submitted,
CHAS. ENTZMINGER, S. DAK. CHAIRMAN
PHIL VERZANI, JOHN HARVEY, DEAN HOLM & M.C. RYAN

Governor John Moses asked to be excused from further attendance at this meeting on account of other pressing business, and turned the Chair to Vice Chairman Holt.

Mr. Wallace Kyes appeared before the Commission in behalf of the Kyes Irrigation Project. After some discussion as to the merits of the project, it was moved by Comm. Simons, seconded by Comm. Thompson, that the Engineering Department prepare an application to the Farm Security Administration covering the Kyes Irrigation Project in Emmons County, and that they be asked to construct this under the Water Facilities Act. On roll call the motion carried, all Commissioners voting aye.

Comm. Simons stated that in his opinion it would be impossible for any irrigation group in North Dakota to pay back 100% of the cost of projects to the Farm Security Administration and it was moved by Comm. Simons, seconded by Comm. Dahl, that Governor John Moses be asked to communicate with the Farm Security Administration, stating the facts with regard to ability

to repay and requesting a subsidy for such projects. The motion carried, all Commissioners voting aye.

Vice Chairman Henry Holt suggested that the Commission arrange a meeting with the Western North Dakota Reclamation Association at an early date in order that the people living in the Heart River watershed area be given an opportunity to decide upon the question of whether they wish to work through the Bureau of Reclamation or the Bureau of Agricultural Economics under the Water Facilities Act. It was moved by Comm. Thompson, seconded by Comm. Dahl, that in view of the expense which would be involved that the Irrigation Committee be appointed to act for the Commission at the meeting: On roll call the motion carried, all Commissioners voting aye.

The Secretary reported that he had received replies from the President, Comm. John C. Page of the Bureau of Reclamation, Senator Lynn J. Frazier, and Congressmen William Lemke and Usher L. Burdick, in regard to the resolution recommending that the limitation be removed from the Water Facilities Act. The Secretary was instructed to place the communications on file.

It was moved by Comm. Simons, seconded by Comm. Dahl, that the Chairman and Secretary of the Commission be directed to enter into an agreement with the Rural Rehabilitation Corporation whereby the Commission agrees to purchase, or repurchase, the Mellon land lying along the Missouri River Flats, immediately south of Bismarck, funds for said expenditure to be taken from the Construction Fund of the Commission which becomes available July 1, 1939. On roll call, the motion carried, all Commissioners voting aye.

It was moved by Comm. Dahl, seconded by Comm. Simons, that the following resolution be passed.

EXIGENCY RESOLUTION FOR CONDEMNATION OF RIGHT-OF-WAY

WHEREAS, it is deemed necessary for public use to acquire certain lands in order to provide proper alignment for a natural gas main for power and for canals and ditches for a certain irrigation project, designated as follows: Sioux Irrigation Project, No. 213, McKenzie County, North Dakota.

THEREFORE, Be It Resolved by the North Dakota State Water Conservation Commission that public exigency requires the taking of lands as aforesaid and that the Chief Engineer be instructed to cause the necessary surveys to be made, plats prepared and recorded in the Register of Deeds office in the County in which the hereinbefore mentioned project is located and endeavor to purchase the lands required at the most reasonable valuation possible, all in accordance with Chapter 128, H. B. No. 144 of the 1933 Legislative Session.

On roll call the motion carried, all Commissioners voting aye.

It was moved by Comm. Dahl, seconded by Comm. Simons that an offer be made to the Bank of Cooperatives of St. Paul Minnesota, for the purchase of any interest said Bank might have in the ditches being constructed on the Sioux Irrigation Project in McKenzie County, and if the amount offered is not satisfactory to the Bank of Cooperatives, that they be requested to agree to the appointment of a Board of Arbitration to consist of three arbitrators, one appointed by the Commission, one appointed by the Bank of Cooperatives and the third to be appointed by the two members so designated, and that in the event that arbitration fails, then and in that case, the officers of the Commission be authorized and directed to proceed to acquire the rights of the Bank of Cooperatives and any other interest that any other firm or corporation may have therein, through condemnation proceedings. On roll call the motion carried, all Commissioners voting aye.

Mr. Carl Lindberg, Contractor for the construction of the intake on the Lewis and Clark Project, appeared before the Commission and presented two statements for work already done, in the sum of \$4,550.40 and \$2,654.54 respectively. It was moved by Comm. Dahl, seconded by Comm.

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Simons, that both claims be approved for payment, after approval by Judge A. M. Christianson. On roll call the motion carried, all Commissioners voting aye.

Moved by Comm. Simons, seconded by Comm. Thompson, that the Irrigation Committee be authorized to effect an agreement with the Soil Conservation Service looking toward cooperation between the Commission and the Soil Conservation Service in the development of irrigation. The motion carried, all Commissioners voting aye.

The Secretary stated that, with the consent of the Rural Rehabilitation Corporation, an application had been prepared for a supplemental WPA project in connection with the Lewis and Clark Irrigation District in McKenzie County, at an estimated total cost of \$187,581.96, of which the sponsor's share was \$33,939.42. Of this amount the Rural Rehabilitation Corporation is to pay \$26,371.00, and the State Water Conservation Commission the balance, amounting to \$7,567.62, and which is to be charged to the District. Moved by Comm. Dahl, seconded by Comm. Simons, that the action of the Chairman and Secretary be approved by the Commission. On roll call the motion carried, all Commissioners voting aye.

The Secretary then read the report of the Irrigation Committee as follows:

April 13, 1939

To: Governor John Moses and Members of the
State Water Conservation Commission

Gentlemen:

Your Committee on Irrigation met in the office of the Commission, 1301 State Capitol, at 9:30 A. M., Tuesday, April 11, at which time bids were opened as advertised for land leveling equipment for the Lewis & Clark Irrigation Project No. 175, in McKenzie County. Following is an abstract of bids:

BIDDER	ADDRESS	Cash Sale Prices f.o.b. Project (Optional with Commission). (No Operator included).			BLADE GRADER	
		NEW TRACTOR	SCRAPER	NEW LEVELER	WITH OPERATOR	WITHOUT OPERATOR
N. W. Sheet & Iron Wks. (Cert. Ck. \$275.00)	Wahpeton	-----	\$5,220.00	-----		
M. B. Monson (Cert. Ck. \$1,650.00)	Bismarck	\$7,293.20	5,200.00 (New) 3,500.00 (2nd Hand)	\$1,262.00		
Tractor & Equip. Co. (Cert. Ck. \$1,700.00)	Sidney, Mont	7,313.20	5,210. (New) 2,000. (2nd Hand)	1,272.50		
Dakota Tractor & Equip. (Cert. Ck. \$2,000.00)	Fargo	7,318.20	5,215.00	1,272.50		
Myhra-Avery Co. (Cert. Ck. \$3,600.00)	Fargo	7,158.00 (Diesel)--- 5,695.00 (gas)		-----		
N.D. Metal Culvert Co. (Cert. Ck. \$250.00)	Fargo	(No lights) -----	4,993.00 (Gar Wood)	-----		
Price of Machine f.o.b. Project Payment over 1½ years at an hourly rate of \$2.50 for the time the machine works.						
N.W. Sheet & Iron Wks.	Wahpeton	-----	5,376.00	-----		
M. B. Monson	Bismarck	7,785.90	5,544.00 (New) 3,600.00 (2nd Hand)	1,350.00		
Tractor & Equip. Co.	Sidney, Mont.	7,821.97	5,574.60	1,358.00		
Dak. Tractor & Equip. Co.	Fargo	7,865.14	5,606.12	1,367.00		
Myhra-Avery Co.	Fargo	-----	-----	-----		
N.D. Metal Culvert Co.	Fargo	-----	5,525.00	-----		

BLADE GRADER

BIDDER	ADDRESS	NEW		NEW LEVELER	WITH OPERATOR	WITHOUT OPERATOR
		TRACTOR	SCRAPER			
Operation Cost of Machine Per hour (Optional with Commission)						
N. W. Sheet & Iron Wks	Wahpeton	-----	2.50	-----	-----	-----
M. B. Monson	Bismarck	4.90	1.00	.50	1.90	.90
Tractor & Equip. Co.	Sidney, Mont.	5.00	1.25	.75	2.00	1.00
Dak. Tractor & Equip. Co.	Fargo	5.00	1.10	.60	2.00	1.00
Myrha-Avery Co.	Fargo	-----	-----	-----	-----	-----
N. D. Metal Culvert Co.	Fargo	-----	-----	-----	-----	-----

Rental of Blade Grader for 3 months

from Aug. 1, 1939 to Oct. 31, 1939.---M. B. Monson, \$450.00; Tractor & Equip. Co., \$500.00; and Dakota Tractor & Equip. Co. \$500.00. Others--No bids.

At 11 A. M., recess was taken until 2 P. M.

At 2 P. M. the Committee reconvened and it was moved by Comm. Dahl that bids on grader be rejected, with Commissioner Simons' approval, and the bids were declared rejected.

The Committee then adjourned with the understanding that no action would be taken on the bids until after consultation with Judge A. M. Christianson, Chairman of the Rural Rehabilitation Corporation.

Respectfully submitted,
KENNETH W. SIMONS
EINAR H. DAHL

Recommendation regarding Purchase of Leveling Machinery, Lewis & Clark
Project #175. Bids Received April 11, 1939

Upon study of the bids received on this date for machinery to be used for land leveling on the Lewis & Clark Project #175, we recommend as follows:

The purchase of all equipment outright and the rejection of all bids providing for time payment, for the reason that the difference in price ranges from \$655.03 (including the 2% discount) on the tractor to \$151.10 (including the 5% discount) on the Towner Leveler. An additional saving is the avoidance of the monthly time payment on the hourly basis.

The rejection of all proposals for the operation of equipment for the reason it can be done by our own outfit at approximately two-thirds of the bid prices.

The rejection of the bid for three months rental of the blade grader for the reason that it is expected less expensive arrangements can be made before August 1st, when this machine was to have been delivered.

The acceptance of the bid of the Tractor & Equipment Company of Sidney, Montana, for D-8 Caterpillar Tractor at \$7,313.20. It is considered worth more than the \$20.00 difference in price to deal directly with the regularly authorized agent who has that territory and a

special interest in giving service. This machine has been found satisfactory for this type of work and we are without experience with the Cletrac on which a lower bid was submitted, without lights. Including lights with the Cletrac bid would probably make the bids equal in amount.

The acceptance of the bid of M. B. Monson of Bismarck, North Dakota, for the Towner Leveler at \$1,262.00 being the lowest bid delivered f.o.b. project.

Respectfully submitted,
E. J. THOMAS, CHIEF ENGINEER
F. D. MURRY, LAND LEVELING ENGINEER

Moved by Comm. Thompson, seconded by Comm. Dahl, that the Irrigation Committee be authorized to award contracts for the purchase of leveling machinery for the Lewis & Clark Irrigation Project, by and with the consent and to be paid for by the Rural Rehabilitation Corporation. On roll call the motion carried, all Commissioners voting aye.

The Secretary reported that bids had been advertised for, for the purchase of installation of one vertical propeller type pump, 15 c.f.s. capacity, at 25 foot head, with natural gas engine, for the Sioux Irrigation Project #213, to be opened at 9:30 A. M., April 18, 1939.

It was moved by Comm. Simons, seconded by Comm. Dahl, that the Irrigation Committee be authorized to award the contract for said pump with natural gas engine and to arrange for the construction of the gas line in connection therewith. On roll call the motion carried, all Commissioners voting aye.

The Secretary read the following resolution, concerning the transfer of warrants, which was presented by Comm. Simons, who moved its adoption, which motion was seconded by Comm. Dahl.

WHEREAS, the State Water Conservation Commission has sponsored the construction of several dams in Sioux County Water Conservation District for the conservation of water therein and to make impounded waters available for irrigation, and

WHEREAS, Sioux County has agreed to furnish the necessary materials and non-relief labor for such dams provided the Commission will purchase Water Conservation District Warrants, and

WHEREAS, the North Dakota Rural Rehabilitation Corporation has agreed to purchase such warrants from the Commission:

NOW, THEREFORE, BE IT RESOLVED: That the Secretary of the Commission is hereby authorized and directed to accept such Water Conservation District Warrants and to transfer and assign same to the North Dakota Rural Rehabilitation Corporation and to pay the Water Conservation District out of funds provided by the Corporation.

The motion for adoption of the resolution was passed, all Commissioners voting aye.

Comm. Dahl presented the following resolution and moved its adoption, which motion was seconded by Comm. Simons:

WHEREAS, the State Water Conservation Commission has established in the Sioux Irrigation District (Project #213) of McKenzie County, North Dakota, a system of irrigation works which will be fully completed on or before June 1st, 1939, and

WHEREAS, it is understood before the establishment and construction of said irrigation project was undertaken that an irrigation district would be fully created, and that upon completion of the irrigation works therein such district would purchase from the State Water Conservation Commission such irrigation works, including right-of-way for ditches and pump site, at the actual cost incurred therefor by the Commission, and that in lieu of cash the

Commission would accept the bonds of the district in payment of the irrigation works if district bonds could not be sold, and

WHEREAS, the Sioux Irrigation District has been created to purchase, operate and maintain said system of irrigation works.

NOW, THEREFORE, BE IT RESOLVED: That the State Water Conservation Commission does hereby agree to sell and transfer to Sioux Irrigation District the irrigation works established and constructed therein at a cost not exceeding \$25,000.00, the exact amount to be determined upon the completion of the irrigation works, subject, however, to the following limitations:

1. That the Sioux Irrigation District will issue its bonds in the total amount of \$25,000.00, that the district will offer such for sale, and if such bonds are sold, that payment will be made to the Commission in cash. If, however, an offer to purchase such bonds at not less than the par value thereof is not received, then, and in that case, the district will deliver, and the Commission will accept, such bonds at their par value in payment of the irrigation works.
2. That in the event that the Sioux Irrigation District shall default in the payment of either principal or interest of such bonds, or if the district shall fail to adequately maintain and keep in good condition and repair the irrigation system, the Commission may then assume control over the system and may fix and collect water rentals and may operate and maintain the same.
3. That the district will undertake and agree to operate and maintain the irrigation works after their construction and completion and will undertake and agree to levy assessments against the lands benefited in accordance with the provisions of the statutes in such case made and provided and will agree to fix and collect water rentals, and to do and perform each and every act necessary and proper to insure the efficient operation and maintenance of such irrigation works, and to provide for the payment of principal and interest on bonds issued by the district.

BE IT FURTHER RESOLVED: That the Chairman and Secretary of the Commission be, and they are hereby, directed, for and on behalf of the Commission to enter into a contract, or contracts, with the Sioux Irrigation District embodying the substance and requirements of the foregoing resolutions.

On roll call the motion carried (for the adoption of the foregoing resolution), all Commissioners voting aye.

Moved by Comm. Simons, seconded by Comm. Dahl, that the Chairman and Secretary be authorized to make WPA application for the construction of a dam across the Mouse River in Connection with the Burlington Irrigation Project #221, with the understanding that the total sponsor's contribution is to be paid by the North Dakota Rural Rehabilitation Corporation. On roll call the motion carried, all Commissioners voting aye.

The Chief Engineer presented a revised statement of the cost of projects under arrangements with the Rural Rehabilitation Corporation as follows:

LEWIS & CLARK IRRIGATION PROJECT #175

Total Cost to Irrigation District	\$150,000.00	
Additional Proposed Drainage (Requires Additional Bond Issue)	<u>12,400.00</u>	
Total Proposed Cost to District		162,400.00

Costs Chargeable to land, including WPA application of Mar. 14, 1939	66,789.80	
Proposed additional land purchases, Farm Drains, Leveling & Plowing	<u>50,445.16</u>	<u>117,234.96</u>
TOTAL		\$ 279,634.96

Cedar River Mutual Aid Corporation Projects

Expended by North Dakota State Water Conservation Commission (includes estimates to complete)	7,319.08	
Expended by Rural Rehabilitation Corporation for land	<u>1,473.89</u>	\$ 8,792.97

GRANTIER PROJECT #71

Expended by the Rural Rehabilitation Corporation		\$ 1,910.95
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YELLOWSTONE PUMPING PROJECT #214

Obligated by Rural Rehabilitation Corporation for enlarged intake		\$ 3,500.00
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Grant County Projects

Payments by Rural Rehabilitation Corporations:

Odessa Mutual Aid Corporation Project #191	450.00	
Hoerauf Farmers Mutual Aid Corporation Project #200	450.00	
Grant County Water Cons. Dist. Dam Project #200	<u>1,200.00</u>	2,100.00
Land Purchased		<u>2,490.06</u>
TOTAL		\$ <u>4,590.06</u>

SIoux COUNTY PROJECT #213

With natural gas Expended to date and estimated to complete		\$ 23,469.24
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Moved by Comm. Dahl, seconded by Comm. Thompson, that the Secretary be authorized to enter into an agreement with the Agricultural College Extension Service, whereby they are to pay the full salary and expenses of W. H. Farmer, Extension Irrigationist, for the months of April, May and June, and the Commission to pay the full amount of his salary and expenses for July, August and September. On roll call the motion carried, all Commissioners voting aye.

Moved by Comm. Simons, seconded by Comm. Dahl, that the Commission re-affirm its action directing Mr. W. E. Farmer to cooperate with the Secretary in his efforts to collect money due the Commission from clients. The motion carried, all Commissioners voting aye.

Moved by Comm. Simons, seconded by Comm. Dahl, that the Secretary be directed to examine the records of repayments by various individual clients of the Commission and to repossess such pumps, pipe and other equipment as has been purchased by the Commission for such project, where in his judgment the client will not repay the amount invested. On roll call the motion carried, all Commissioners voting aye.

It was moved by Comm. Dahl, seconded by Comm. Thompson, that the Commission approve the transfer of the Gussner pump to the Amanda Martin farm, R.F.D., Mandan. On roll call the motion carried, all Commissioners voting aye.

The Secretary read the Financial Statement as of April 1, 1939, showing a balance of \$938.63, as follows:

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FINANCIAL STATEMENT
OF
STATE WATER CONSERVATION COMMISSION
As of April 1, 1939

INCOME:

Legislative Appropriation	\$ 112,500.00
Application Fees	1,275.20
Repayments from Private Projects	1,620.49
Repayments from Rural Rehabilitation Corporation	97,075.79
Payments for Plans & Specifications	<u>30.00</u>

TOTAL INCOME

\$ 212,501.48

EXPENSE:

<u>Account</u>	<u>Chargeable to Administration</u>	<u>Chargeable to Projects</u>
Administrative Salaries	19,737.82	21.90
Administrative Mileage & Expense	2,617.63	
Administrative Office Equipment	2,816.33	
Administrative Office Supplies	1,573.16	
Engineering Salaries, Mileage & Expense	26,933.52	39,400.93
Engineering Office Equipment	1,966.65	62.77
Engineering Field Equipment	1,244.65	14.49
Engineering Office Supplies	895.63	48.33
Maps (Blue Prints, etc)	598.77	407.45
Buford-Trenton Irrigation Projects	1,800.00	
Commissioners Per Diem	5,217.25	602.75
Commissioners Mileage & Expense	4,531.48	449.79
Tri-State Per Diem & Expense	2,245.75	
Legal Service	1,545.80	1,368.47
Printing	968.48	140.67
Telephone & Telegraph	1,308.12	117.13
Missouri River Diversion	3,528.57	
Fieldmen (Salaries, Mileage & Expense)	1,895.55	4,517.03
Projects (Materials, Supplies, Etc.)		81,108.31
Procl. Investigation & Research Chgs.	225.92	7.00
Workmen's Compensation	570.48	
Construction Supplies	898.72	
Membership in National Associations	<u>125.00</u>	

TOTAL EXPENSES

\$ 83,295.33

\$ 128,267.92

\$ 211,562.35

Balance in hands of State Treasurer April 1, 1939

938.63

Balance Due on Repayable Projects

29,570.74

Balance of Administrative Fund including Repayable Acc'ts. April 1, 1939

30,509.37

The Secretary read a communication from the Chamber of Commerce of Williston, North Dakota wherein they notified the Commission that it would not be possible for them to secure subscriptions for the sale of bonds in Connection with the Lewis and Clark Irrigation District. The letter was ordered placed on file.

No further business appearing, at 7 P. M., the meeting adjourned.

Respectfully submitted,

D. J. Beakey
D. J. Beakey, Secretary

APPROVED:

Chairman

(S E A L)

Note: A copy of a report by Mr. M. O. Ryan, covering his trip to Washington, March 21-25, 1939, with Mr. Henry Holt, Vice Chairman of the Commission, is attached hereto.

Washington, D. C.
March 28 1939

BULLETIN TO NORTH DAKOTA
CONSERVATION ASSOCIATION:

Henry Holt, vice-chairman of the state water conservation commission, and the writer, have just concluded a list of calls on federal departments and bureaus, and I want to report to you upon numerous developments concerning western North Dakota projects.

The severe need of water conservation in our state, as a rehabilitation device, was impressed upon the annual convention of the Rivers & Harbors Congress. That body drafted a resolution, appealing to Congress and to the President, to set up some special machinery by which the work relief program could emphasize water conservation and utilization projects in our state, and through the Northern Great Plains. It can't hurt our case to have this national organization appearing in our behalf!

Senator Murray of Montana and Congressman Case of South Dakota are authors of companion measures which would authorize the appropriation of \$5,000,000 for water projects in the northern great plains, without the present \$50,000 limitation per project. Even Congressman Taber, who as a foe of western water projects originally offered the \$50,000 limitation amendment, is now in favor of this program, as a work relief and rehabilitation attempt. All of our North Dakota congressmen and senators were canvassed, and agreed to work diligently for the passage of this measure. If it passes, John Page commissioner of the Bureau of Reclamation, promised me that he would immediately undertake construction on Buford-Trenton, Bismarck and possibly the Bowman projects. That means this year! Any letters sent to our congressional delegation urging them to keep after this bill, will surely help.

Because of the change in the program from North Dakota to Montana reservoir sites, and the introduction of the irrigation angle, the Little Missouri river flood control and irrigation project must again be surveyed. The Rivers & Harbors Congress recommended the survey, and we have high hopes that the 1939 rivers and harbors bill, originating in the House, may carry an item for this.

Both the Reclamation Bureau and the U. S. Engineers have reviewed the Heart and Grand river projects, and have trimmed their cost estimates. The report is not yet available to the public, however, being held up until the Board of Review of the U. S. Engineers submits its entire Missouri river basin report for North Dakota, on or about June 1.

Reclamation Bureau engineers are again in North Dakota, studying various irrigation projects in the western part of the state, and investigating the possibility of diverting some of the flood waters from Fort Peck reservoir, instead of tapping the Missouri at Garrison, for the diversion project.

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The Bureau insists that we in North Dakota will have to choose between the flood control, reservoir, and irrigation program for the Heart, as advanced by their engineers, and the detailed water facilities act program as outlined for that basin by the Bureau of Agricultural Economics. We had feared that available water would not be adequate for both, and now it is definitely established that this is true. It would perhaps be proper for our President, C. F. Kelsch, to call a meeting in the near future, to discuss this problem.

The Rivers and Harbors Congress gave meritorious rating to the following projects: Dickinson reservoir; Grand, Heart, Cannonball and Knife river flood control projects; and nine irrigation pumping projects on the Missouri, as follows: Buford-Trenton, Bismarck, Ft. Stevenson flats, Livona flats, Painted Woods, Heart Butte, Pipestem Creek, and Nesson valley, (upper and lower).

Testimony introduced by representatives of the Montana Water Conservation Commission showed that they have successfully placed 400,000 acres under water in that state, at a total state cost of only \$1,300,000, or \$3.55 per acre. This is over and above the obligation of the water users in their individual districts.

I got as tough as my nature would permit, when dealing with the Bureau of Agricultural Economics, the Farm Security Administration and the Soil Conservation Service, over the failure of their Water Facilities act to show some positive action. This is the program, under which individual farmers are eligible to loans and/or grants, up to \$2,000 for the construction of any kind of water facility, if that facility gives some promise of making them self-supporting. Mr. McLaughlin, who is known to all of us, is being called into Washington for a special conference, immediately. I was advised that we would have some definite word in two to three weeks, as to ways and means of eliminating some of the red tape, so this program could move.

Sincerely,

M. O. RYAN
Secretary