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MINUTES OF A MEETING

of the

STATE WATER CONSERVATION COMMISSION

Held at Bismarck, North Dakota, Friday and Saturday,  
October 13 and 14, 1939, in the office of the Commission.

A regular meeting of the State Water Conservation Commission was called to order in the office of the Commission at 10 A. M., Friday, October 13, by Vice Chairman Henry Holt.

Roll was called with the following Commissioners present: Henry Holt Einar H. Dahl, S. W. Thompson, and Kenneth W. Simons. Absent, Governor John Moses, Chairman.

In view of the fact that all members had received typewritten copies of the minutes of the last meeting, held July 7, 1939, and no errors were noted, it was moved by Comm. Thompson, seconded by Comm. Dahl, that the reading of the minutes be dispensed with and that they be approved and filed. The motion carried, all Commissioners voting aye.

The Secretary presented each member with a copy of a financial statement showing the net balance of the 1937 appropriation on September 26, 1939 (\$621.69), estimated future collections (\$1,500.00) and the estimated net total (\$2,121.69). It was moved by Comm. Simons, seconded by Comm. Thompson, that the financial report as submitted by the Secretary, be accepted and placed on file. The motion carried, all Commissioners voting aye.

The Secretary also presented a report of the Engineering Department, giving the status of various projects.

The Secretary discussed with the members a conference, attended by Governor John Moses, Judge A. M. Christianson, Kenneth W. Simons, and himself, at which it was decided to recommend the purchase by the Water Commission of a half section of school land in the Lewis and Clark Project #175 and a quarter section of land owned by the Bank of North Dakota. It was moved by Comm. Simons, seconded by Comm. Thompson, that the matter of purchasing both state school land and Bank of North Dakota land in the Lewis and Clark District, be delegated to the Irrigation Committee, of which the Governor is also a member, and the Secretary, with power to act. Provided, however, that said action have the approval of the Attorney General. On roll call the motion carried with the following members voting aye--Holt, Thompson, Dahl, and Simons. Absent, Governor John Moses.

The Secretary stated that the WPA had suggested that the Commission act as sponsor for a project, statewide, covering improvements of small dams. They list the sponsor's share at \$52,400.00 and desire the Water Commission to act for all agencies which might pay for individual projects. It was moved by Comm. Simons, seconded by Comm. Thompson, that the Secretary be directed to enter into an agreement with the WPA whereby the Water Conservation Commission will act as sponsor for a state-wide project covering the repair, improvement, construction and development of small dams and other structures pertaining to the development and use of the water resources of the state. Provided, however, that non-reimbursable projects undertaken under this authorization be limited to the \$7,000.00 appropriated by the Legislature for this purpose and that all projects must have the approval of the Commission, or an appropriate committee thereof, before work is begun. The roll was called, the following members voting aye: Holt, Thompson,

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Dahl, and Simons. Absent, Governor John Moses. The motion was declared carried.

Mr. C. L. Lindberg of Jamestown, contractor, and Mr. H. C. Frahm, assistant engineer, were called into the meeting to discuss a penalty charged against Mr. Lindberg for failure to finish work on the Lewis and Clark Irrigation Project at the time specified in his contract. Mr. Lindberg and Mr. Frahm both gave their views of the situation and there was a discussion of the matter. It was moved by Comm. Simons, seconded by Comm. Dahl, with reference to Mr. Lindberg's application for a compromise on the penalty assessed against him for delay in the construction of the Lewis and Clark Irrigation System intake, that the matter be referred to the Chief Engineer for investigation and report at the next meeting of the Commission. The motion carried, all Commissioners voting aye.

At noon, the meeting was recessed until 2 o'clock.

The meeting reconvened in the office of the Commission at 2 P. M., with Vice Chairman Holt presiding. Roll was called with Commissioners Simons, Thompson, Dahl and Holt, present. Absent, Governor John Moses.

W. H. Farmer, Extension Irrigationist, showed movies of various projects and the produce raised on them. Afterwards, he gave a report on the status of the projects sponsored by the Water Commission and a few which had received only a little help from the Extension Irrigationist. He stated that best irrigation results had been obtained on the Sioux County community gardens. Mr. Simons stated that the Soil Conservation Service is taking on small projects. It was suggested that the Commission get a listing of the Soil Conservation projects and that the Extension Irrigationist should give them some help. It was also suggested that the Secretary notify the Soil Conservation Service that the Commission will cooperate with them in such ways as it can and instruct the Extension Irrigationist to give them, and the people on the projects, such help as he can.

In regard to individual projects, Mr. Farmer was instructed by the Commission to suggest to those who ask questions regarding projects, to file an application with the Commission, and to tell them that the Commission will give them help, if the Commission has the money, the amount to depend upon each individual project, the applicant's financial status, and the feasibility of the project.

Mr. Walter Burk, Williston attorney, came into the meeting. There was a discussion of the Lewis and Clark Project. It was moved by Comm. Simons, seconded by Comm. Dahl, that the Commission request the Governor, as Chairman of the Commission, to execute quit claim deeds to R. J. Browning, for the S $\frac{1}{2}$  of the NE $\frac{1}{4}$  of Section 4, Township 153, Range 101, McKenzie County, and to Walter Maze, for the NW of the SW of Section 4, and the NE of the SE of Section 5, Township 153, Range 101, McKenzie County. Provided, however, that the Secretary obtain the approval of Judge Christianson to such effect before the Governor is asked to sign the papers. The motion carried, all Commissioners voting aye.

Mr. Burk also stated that the FSA is handling the settlers on the Lewis and Clark project and that "incidentally, the system is very nicely constructed" and that the people in that section were very much pleased with the project.

There was a discussion of a letter written by George H. Bott of Williston, which was critical of the way the Lewis and Clark Project has been turned over to a federal agency, (Farm Security Administration). It was moved by Comm. Thompson, seconded by Comm. Dahl, that the Secretary invite the directors of the Lewis and Clark District to make a detailed explanation of Mr. Bott's grudge in connection with his property in the District, and a more complete explanation of the contents of his letter to the Hon. John Moses, dated September 30, 1939, and further, that the Commission invite Mr. Bott to appear before the Commission at his convenience at one of the Commission's regular or special meetings. The motion carried, all Commissioners voting aye.

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It was moved by Comm. Simons, seconded by Comm. Dahl, that Comm. S. W. Thompson be asked and authorized to represent the Commission at the meeting of the Mississippi Valley Association at St. Louis. On roll call, all Commissioners voted aye.

It was moved by Comm. Thompson, seconded by Comm. Dahl, that the Commission ask Mr. C. F. Kelsch, Mr. M. O. Ryan, Mr. K. W. Simons, and Mr. H. F. McColly to represent the Commission and make a report on the meeting of the National Reclamation Association at Denver, the expenses of Mr. Ryan and Mr. Kelsch to be charged to Item #14 of the Commission's budget. On roll call the motion carried, all Commissioners voting aye.

Judge A. M. Christianson, Chairman of the Rural Rehabilitation Corporation, came into the meeting to confer with the Commissioners, Dean H. L. Walster of the North Dakota Agricultural College, W. A. Burk, Williston attorney, and Mr. Ben Meland, Secretary of the Williston Chamber of Commerce, regarding the experimental station to be started at Williston. After some discussion the Secretary was asked to submit to the Lewis and Clark Irrigation District figures regarding the per acre cost of land in the District so that the Williston representatives will know how much money to raise to buy land to exchange for school land. The Secretary was also instructed to submit to Attorney General Strutz questions as follows:

1. Can the Commission buy land, issue bonds against those, and utilize the guarantee provision of that statute, Chapter 256, Session Laws 1939, to such bonds?
2. Can the 80-acre tract conveyed according to Chapter 221, Session Laws of 1939, be exchanged for tracts aggregating 80 acres, or does it require a transfer of one solid body?
3. May the Commission utilize any part of the \$4,000.00 appropriation in the act (Chapter 95, Session Laws, 1939), for the operation of the Experimental Station be devoted to paying assessments for costs incident to the construction of the irrigation system.

At 6 P. M. the meeting was recessed until 9 A. M., Saturday, October 14.

The meeting was called to order again at 9 A. M., Saturday, October 14, by Vice Chairman Henry Holt, in the office of the Commission. On roll call the following Commissioners were present: Holt, Dahl, and Simons. Absent, Governor Moses and S. W. Thompson.

It was moved by Comm. Dahl, seconded by Comm. Simons, that the Tri-State Waters Commission budget be approved as adopted in the seventh official meeting held by that Commission in Fargo, North Dakota, Friday, July 14, 1939, and set forth as follows:

Executive Secretary, salary - part time	\$2400
" " , travel expense	600
Stenographer, salary	1200
Members, per diem and travel expenses	800
Office Expense, communications, etc.	300

making a total of \$5,300.00 annually, or \$10,600.00 for the biennium. Of this budget, North Dakota furnishes \$5,600.00 for the biennium as shown in Item 13, 1939 Appropriation, and Minnesota furnishes \$5,000 and office quarters for the biennium. On roll call the motion carried, all Commissioners voting aye.

It was moved by Comm. Simons, seconded by Comm. Dahl, that an offer of cooperation be made to the Soil Conservation Service and the Farm Security Administration, or any other Federal agency in development of projects of the Sioux County type. The motion carried, all Commissioners voting aye.

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It was moved by Comm. Simons, seconded by Comm. Dahl, that the petition of the State Engineer for a water right for L. A. Corey on the Mouse River near Sawyer, be approved. The motion carried, all Commissioners voting aye.

It was moved by Comm. Simons, seconded by Comm. Dahl, that the petition of the State Engineer for a water right for the Village of Neche, North Dakota, be approved. The motion carried, all Commissioners voting aye.

It was moved by Comm. Simons, seconded by Comm. Dahl, that the petition of the State Engineer for a water right for Bernie J. Katz, Mrs. Lean Katz, Louis B. Katz, Ester Katz, Annie Katz, Mamie Katz (Charles Benzi having a lease and an option to purchase) on Painted Woods Creek in McLean County, be approved. The motion carried, all Commissioners voting aye.

It was moved by Comm. Simons, seconded by Comm. Dahl, that the Secretary be instructed to inform the U. S. Forestry Service, Jamestown, N. Dak., that the Commission would be glad to cooperate with them in the maintenance of dams such as the one in Section 4-146-68, Wells County, but that the last Legislature had not provided the Commission with funds for such purposes. The motion carried, all Commissioners voting aye.

It was moved by Comm. Simons, seconded by Comm. Dahl, that the Secretary be instructed to discuss with the Welfare Board the proffer of a WPA project concerning emergency flood situations.

Moved by Comm. Dahl, seconded by Comm. Simons, that since the authority of the State Geologist over artesian wells has been repealed by the Water Commission Law of 1939 and he is required to work under the rules of the Commission, the following resolution is adopted:

"Artesian Wells: Sections 2790b1 to 2790b8, inclusive, of the 1925 Supplement to the Compiled Laws of North Dakota, as amended by Chapter 88, Laws of 1927, are hereby adopted as the rules and regulation of the North Dakota State Water Conservation Commission pertaining to artesian wells. All duties, authority, supervision and enforcement conferred on the State Geologist by the statutes hereinbefore mentioned shall continue in force, including the methods of payment for such services, and without obligating the State Water Conservation Commission for any expenditure."

The motion carried, all Commissioners voting aye.

It was moved by Comm. Simons, seconded by Comm. Dahl, that the Commission reject any proposal for the amendment of the contract with the Montana-Dakota Utilities Company regarding the gas rate for the Sioux Irrigation Project #213. The motion carried, all Commissioners voting aye. ✓

It was moved by Comm. Simons, seconded by Comm. Dahl, that the Secretary represent the Commission on the Drainage Basin Committee, and that he notify Mr. P. H. Elwood, Counselor, National Resources Planning Board, of his appointment. The motion carried, all Commissioners voting aye.

It was moved by Comm. Simons, seconded by Comm. Dahl, that the Commission raise its share of the salary of W. H. Farmer, Extension Irrigationist, from \$1,050.00 to \$1,200.00 a year. On roll call the motion carried, all Commissioners voting aye.

The Secretary presented the financial statement of the 1939 appropriation as of September 30, 1939. It was moved by Comm. Dahl, seconded by Comm. Simons, that the report be received and placed on file. The motion carried, all Commissioners voting aye.

It was moved by Comm. Simons, seconded by Comm. Dahl, that the balance of all monies, approximately \$12,000.00, will be put to the credit of the Lewis and Clark Irrigation District at the Bank of North Dakota, subject only to the checks or warrants of the Lewis and Clark Irrigation District Directors. It is understood that these monies are necessary for the operation, maintenance, and improvement of the properties of the Lewis and Clark Irrigation District. Also that local labor will be used to finish the project, when and wherever it is possible to use such local labor. On roll call the motion carried, all Commissioners voting aye.

It was moved by Comm. Simons, seconded by Comm. Dahl, that the Commission adjourn to the call of the Chairman. The motion carried, all Commissioners voting aye.

Respectfully submitted,

*H. F. McCully*

Secretary

APPROVED BY:

*J. Harry Holt*  
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Vice Chairman

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