

66

MINUTES OF A MEETING
OF THE
STATE WATER CONSERVATION COMMISSION

Held Thursday, Friday and Saturday, January 16, 17 and 18,
1941, in the Office of the Commission at Bismarck, N. D.

The regular meeting of the State Water Conservation Commission was called to order by the Vice Chairman, Henry Holt, at 10 o'clock A. M., Thursday, January 16, 1941, in the office of the Commission at Bismarck, N. Dak.

Roll was called with Comms. Dahl, Holt, Simons and Thompson, present. Governor John Moses, absent.

The Secretary presented each member of the Commission with a copy of the minutes of the last regular Commission meeting, held in Bismarck, November 19, 1940.

After the members had read their copies of the minutes, it was moved by Comm. Simons, seconded by Comm. Thompson, that the minutes be approved. The motion carried, all Commissioners voting aye.

There was a general discussion of the possibility that Mr. H. F. McColly, Secretary and Chief Engineer of the Commission, may leave, and the possibility of securing the services of Mr. Axel Persson, Manager, Lower Yellowstone Project, was discussed.

The Secretary presented a copy of the manuscript of the Second Biennial Report of the Commission and the Nineteenth Biennial Report of the State Engineer. The joint report is now in the hands of the printer.

The Secretary gave each member a copy of the Budget Board Report. The members discussed various phases of the Commission budget. The Vice Chairman suggested that a written opinion be obtained regarding whether the \$50,000.00 guarantee fund is a revolving fund. Comm. Simons suggested inviting the Chairman of the House and Senate committees on water conservation, irrigation and drainage, to meet with the Commission. He also suggested that if the Commission could find out the Senators that will be investigating this department for the Senate appropriations committee, they should also be asked to meet with the Commission. The Secretary was requested to extend an invitation to these groups.

The Secretary presented an application for a water right from Leonard E. Prince, Regent, N. Dak. It was moved by Comm. Simons, seconded by Comm. Dahl, that the application of Leonard E. Prince, Regent, N. Dak., for a water right to divert from the Cannonball River an annual diversion of 55 acre-feet for an acreage of 27.5 be granted. The motion carried, all Commissioners voting aye.

The Secretary called the Commissioners' attention to a Notice of Public Hearing by the Board of Engineers for Rivers and Harbors, to be held at Billings, Montana, on January 30, 1941, to consider a report on the desired improvements in the basins of the Yellowstone and Big Horn Rivers. Wyoming, Montana and North Dakota.

It was suggested by Comm. Simons that the matter be referred to the Secretary and the Yellowstone Compact Commission member, Mr. Frank P. Whitney. He also suggested that if a new Secretary has been chosen by that time, He should go. It was moved by Comm. Dahl, seconded by Comm. Simons, that the matter be left in the hands of the Governor with power to act. On roll call the motion carried, Comms. Holt,

Simons, Dahl and Thompson voting aye. Governor Moses absent.

The Secretary stated that the Commission's membership in the National Rivers and Harbors Congress is due. It was moved by Comm. Thompson, seconded by Comm. Simons, that a quarter of the payment be made now and the remainder some time prior to the 1st of April. The roll was called with Comms. Thompson, Holt, Simons and Dahl voting aye. Governor Moses, absent.

It was moved by Comm. Simons, seconded by Comm. Thompson, that the National Reclamation Association membership be paid in the amount of \$100.00. On roll call the motion carried, Comms. Holt, Thompson, Simons and Dahl, voting aye. Governor Moses, absent.

The Secretary stated that the Board of Administration wishes to lease the Dullam tract, and the Mellon tract when obtained by the Commission. This land is located on the proposed Bismarck Project.

It was moved by Comm. Simons, seconded by Comm. Dahl, that the Commission authorize the Secretary and the Governor to lease the Dullam land on the Bismarck Flats, and the Mellon land on the Bismarck Flats, to the Board of Administration, if and when obtained by the Commission, for one year at a time. On roll call the motion carried, Comms. Holt, Thompson, Simons and Dahl voting aye. Governor Moses, absent.

The Governor came into the meeting.

Mr. Axel Persson was called into the meeting and the Commissioners discussed with him the work of the Commission and offered him the position of Secretary and Chief Engineer. Mr. Persson was invited to attend the rest of the meeting and stated he would let the Commission know later regarding his decision.

Due to another business appointment, Governor Moses left the meeting.

At 12 o'clock the Commission recessed until 1:30 P. M.

The meeting was reconvened at 1:30 P. M. The meeting was called to order by the Vice Chairman, Henry Holt.

On roll call the following members were present: Holt, Dahl, Thompson and Simons. Governor Moses, absent. Mr. Persson was present as a guest of the Commission.

Mr. William Lowe, Game and Fish Commissioner, and Mr. Jim Campbell, of the Game and Fish Department, came into the meeting. Comm. Thompson brought up the matter of the Wakopa Project in the Turtle Mountains, explaining the possibilities of the project as a recreational center. There was some discussion.

It was moved by Comm. Thompson, seconded by Comm. Simons, that the Water Conservation Commission interest itself temporarily in the project known as the Wakopa Project in the Turtle Mountains, and that the Secretary be authorized to use the engineering facilities of the Commission for the purpose of making additional preliminary surveys in an effort to establish the probable size of the project, the lakes to be restored, the detriment, if any, to other lakes in the immediate vicinity thereof, the cost of land acquisition and rights-of-way, and such other preliminary information as may be necessary in order that it may be determined whether or not it would seem feasible for the Commission to further sponsor the project in cooperation with the Game and Fish Department, or any other agency which might be interested. On roll call the motion carried, Comms. Holt, Simons, Thompson and Dahl voting aye.

Governor Moses, absent. It was suggested that the Secretary advise those State Senators and Representatives interested in this matter by letter.

Mr. Lowe and Mr. Campbell left the meeting, and Mr. Harry E. Polk, North Dakota Director of the National Reclamation Association, came in.

Mr. Polk discussed the statewide organization meeting of the National Reclamation Association, which is to be held in Bismarck, Friday, January 17, at 1 o'clock P. M., in the conference room of the Board of Administration on the 10th floor of the Capitol. He extended an invitation to all members to spend as much time as possible attending the meeting. Mr. Polk then left the meeting.

Mr. E. J. Thomas came into the meeting and reported that, at the request of the Secretary, he had arranged a meeting with the members of the House and Senate Committees on Drainage and Irrigation, to be held at 9 o'clock A. M., Friday, January 17, in Room 202, Senate Balcony.

The Secretary reported that a National Reclamation Association bulletin of December 20, 1940, had been received urging that "individuals, organizations and projects sponsors communicate their approval or suggestions, pertaining to projects proposed, to their Senators and Congressmen at an early date."

It was moved by Comm. Thompson, seconded by Comm. Simons, that the Secretary be authorized to send to the Senators and Congressmen the Commission's list of projects in which they are interested.

Judge A. M. Christianson and Mr. Iver Acker, President and Treasurer, respectively, of the Rural Rehabilitation Corporation, came into the meeting.

The Secretary stated that the Dullam Estate land of 100 acres on the Bismarck Flat had been purchased for \$2,000.00 in December, 1940. He also stated that an offer had been made to Wachters, Incorporated, to pay for Section 21 (part of the Mellon Estate). He further reported that the Bank of North Dakota had purchased \$16,500.00 of Series G bonds to finance these land purchases. There was a discussion of these facts.

The Secretary reported that the general tax on the Dullam Land for 1940 in the amount of \$13.31 and \$14.68, first and second installments respectively, totaling \$27.99, are due, and that a 5% discount is received if it is paid in full before February 15. It was moved by Comm. Simons, seconded by Comm. Thompson, that the Secretary be required to ask the Attorney General for an opinion as to whether these taxes are a legitimate charge and, if so, to pay them. On roll call the motion carried, Comms. Holt, Dahl, Thompson and Simons voting aye. Governor Moses, absent.

Judge Christianson and Mr. Acker discussed with the members of the Commission various changes in legislation which they would suggest in connection with the Water Commission law.

It was moved by Comm. Simons, seconded by Comm. Dahl, that the matter of preparing legislation be referred to Mr. Iver Acker with the understanding that he may call for such assistance as he may need, and that the final form of the bill be referred to Governor Moses, Judge Christianson, and the Secretary for approval. The motion carried, all Commissioners voting aye. Governor Moses, absent.

At 6 P. M., the meeting was recessed until Friday morning, January 17, at 9 o'clock when the Commissioners met in joint session with the members of the Irrigation Commit-

tee of the House and Senate. The meeting was concluded at 11:30 A. M.

From 1 P. M. to 2 P. M., the Commissioners attended the sessions of the North Dakota Reclamation Association, which was having its organization meeting in Bismarck, Friday, January 17.

At 2 P. M., the Commission meeting reconvened in the office of the Commission. Vice Chairman Holt presiding.

Roll was called with Comms. Simons, Dahl, Holt and Thompson, present. Governor Moses, absent.

The Secretary presented the financial statement. It was moved by Comm. Thompson, seconded by Comm. Dahl, that the financial report be received and placed on file. The motion carried, all Commissioners voting aye. A copy of the financial statement is attached to these minutes.

The Secretary gave his report, stating that the Commission office was very short of assistance since the death of H. C. Frahm, Assistant Engineer, the resignation of W. H. Farmer, Extension Irrigationist, and the illness of Reuben Stee, newly hired office engineer.

It was moved by Comm. Dahl, seconded by Comm. Thompson, that the statements of the Secretary be recorded. The motion carried, all Commissioners voting aye.

The Vice Chairman read a letter from Lium and Burdick, consulting engineers, of Grand Forks, regarding difficulties they are having on the Tongue River.

After considerable discussion, it was moved by Comm. Simons, seconded by Comm. Thompson, that in accordance with communications from Lium and Burdick, consulting engineers, Grand Forks, that the Chief Engineer and Secretary of the Commission be instructed to advise these gentlemen that the Water Commission will be glad to cooperate with the City of Cavalier in co-sponsoring a WPA project and lend such aid and support as is possible within the law and the limit of funds available to the Commission. On roll call the motion carried, Comms. Dahl, Thompson, Holt and Simons voting aye. Governor Moses, absent.

The Secretary and Comm. Simons explained the situation on the Buford-Trenton, where the Farm Security Administration wishes to buy about 1,000 acres of school land. However, due to the fact that the State Land Board must sell its land and take payment over a period of years, except to another State Department when payment may be taken and title delivered immediately, the Farm Security Administration would have to wait 20 years to get title to the land. For that reason the Farm Security Administration wishes the State Water Conservation Commission to buy the land and resell it to them.

It was moved by Comm. Thompson, seconded by Comm. Simons, that the Secretary and Chairman be authorized to purchase the school lands approximating 1,000 acres from the Board of University and School Lands and resell same to the Farm Security Administration. The above is done because the Farm Security wants the property and cannot under the law purchase direct, so the Commission is merely acting as an agent. The Chairman and Secretary are also authorized to borrow from the Bank of North Dakota sufficient funds to make the purchase, if necessary. On roll call the motion carried, Comms. Simons, Thompson, Holt and Dahl voting aye. Governor Moses, absent.

The Secretary and Chairman were instructed to negotiate with Mr. Axel Persson regarding the position, salary, etc., and make him an offer of the position of Secretary.

The Commission recessed at 3:30 to reconvene at 3:45 P. M., in the office of Governor Moses.

The Governor discussed with the Commissioners contacts he had made on his recent trip to Washington, D. C., primarily relative to national defence industries in North Dakota. While in Washington, he met with Mr. M. O. Ryan, the Honorable Carl. T. Curtis, Congressman from Nebraska, and John C. Page, Commissioner, Bureau of Reclamation.

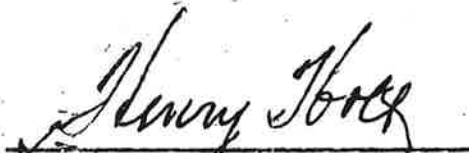
There was a discussion of the advisability of initiating measures to obtain a Missouri River Basin Compact Commission, and the effect that a formulation of such a Compact Commission would have with respect to the allocation of the waters of the Missouri River Drainage Basin, and whether North Dakota should take the initiative in promoting such a Compact Commission. The concensus of opinion of the North Dakota Water Conservation Commission was that the matter should be approached rather cautiously and that a determination should be made of the attitude of the State of Montana relative to the situation. It was suggested that during the hearing to be held at Billings on January 30, that an effort be made to discern the attitude of the various states relative to the uses of water of the Missouri River Drainage Basin.

Vice Chairman Henry Holt declared a recess at 4:30 P. M. for members to attend the meeting of the North Dakota Reclamation Association for the rest of the day, and to meet with this same group at 9:30 A. M., January 18.

The members of the Commission met with the North Dakota Reclamation Association during the morning of January 18, and there being no further Commission business the meeting adjourned sine die.

Respectfully submitted,

APPROVED:



Vice Chairman



Secretary

NORTH DAKOTA STATE WATER CONSERVATION COMMISSION
MONTHLY REPORT DECEMBER 1 to 31, 1940
1939 APPROPRIATION

	Total Approp'n. 24 Months	Expended to Nov. 30, 1940	Balance Nov. 30, 1940	Agreed Reduction	Balance Available	Available Per Month	December Expenses	Dec. Overrun or Underrun
Commissioners' Per Diem	4,200.00	1,085.00	3,115.00	1,200.00	1,915.00	273.57	49.00	224.57 U
Administration	30,000.00	*18,823.67	11,176.33	1,000.00	10,176.33	1,453.76	*1,303.03	150.73 U
Conet. Bond Guarantee	50,000.00	5,400.00	44,600.00	10,000.00	34,600.00	4,942.86	-----	4,942.86 U
Lewis & Clark Exp. Farm	4,000.00	2,034.89	1,965.11	250.00	1,715.11	245.01	318.41	73.40 O
Sponsor's Share Dams	7,000.00	949.07	6,050.93	2,000.00	4,050.93	578.70	352.58	226.12 U
Engr. & Soil Surveys	1,000.00	163.50	836.50	180.00	656.50	93.79	-----	93.79 U
Design & Reports Mo. Riv.	500.00	165.71	334.29	300.00	34.29	4.90	-----	4.90 U
Goose River Diversion	500.00	375.00	125.00	100.00	25.00	3.57	-----	3.57 U
James River-Lake Traversee	1,600.00	804.21	795.79	750.00	45.79	6.54	-----	6.54 U
Invest. & Surveys-Mo. Riv.	3,000.00	532.92	2,467.08	2,000.00	467.08	66.73	-----	66.73 U
Evaluation Economic Benef.	1,000.00	246.04	753.96	700.00	53.96	7.71	-----	7.71 U
Reports & Conferences	1,000.00	727.93	272.07	300.00	- 27.93	- 3.99	-----	- 3.99 O
Tri-State Waters Comm.	5,600.00	3,177.35	2,422.65	600.00	1,822.65	260.38	163.92	96.46 U
Ind. Invest. & Reports	1,600.00	990.55	609.45	600.00	9.45	1.35	83.33	81.98 O
TOTALS	\$ 111,000.00	35,475.84	75,524.16	19,980.00	55,544.16	7,934.88	2,270.27	5,664.61 U

*"Revolving Fund"

Cost of work on Projects

47,902.42 (to Nov. 30)

*December Expenses on Projects 4,906.63

* " Collections received

48,760.68 (" " ")

*December Collections received 1,366.30