

62

MINUTES OF A MEETING  
OF THE  
STATE WATER CONSERVATION COMMISSION

Held in the Star Room of the Graver Hotel, Fargo, N. Dak. April 14, 1945.

The meeting was called to order by Governor Aandahl at 9:05 A.M. in the Star Room of the Graver Hotel with all Commissioners present; J. J. Walsh, Acting Secretary and Chief Engineer; Col. Lynn C. Barnes; Lt. Maloney and Mr. George E Lyons of the St. Paul U. S. Army Engineers Office; and I. A. Acker, Asst. Attorney General.

COL. BARNES: We have made studies on four projects in North Dakota which were subsequently approved in the Bill passed last December, 1944. All these projects require local interests to do certain things. Local interest is defined as other than Government interest. Partial water supply for Grafton; water supply for Park River; water supply on the Tongue River; Pembina River and Baldhill Reservoir on the Sheyenne River, which would add to the water supply for Valley City and flood control. The water released would supplement the Red River for the use of Fargo, known as the Fargo Diversion. Each requires that some agency act for and in behalf of all these local communities with which we might deal. I have prepared for your consideration a letter which I would like to read and would like to request that the letter be made a part of the minutes.

Commissioner Simons moved that the letter and exhibits be incorporated into the minutes. Commissioner Dahl seconded the motion. Motion carried.

"War Department  
United States Engineer Office  
1217 U.S. Post Office and Custom House  
St. Paul, 1, Minn.

File No. UMVP

12 April 1945

The State Water Conservation Commission  
State of North Dakota  
Bismarck, North Dakota

Gentlemen:

Under the Flood Control Act of 1944 several flood control and water conservation projects have been projected for post-war construction, including in the State of North Dakota the Baldhill Reservoir on the Sheyenne River, the Park River Reservoir, and reservoirs on the Pembina and Tongue Rivers, all in the Red River of the North Drainage Basin.

The recommendations of the Chief of Engineers, with respect to each of the above projects, require cooperation by local interests and the furnishing of assurances of such cooperation by the local interests which will be satisfactory to the Secretary of War.

The local cooperation required in such cases is in the nature of the furnishing of such lands and easements as may be required for the construction of the project, assurances as to the maintenance thereof the furnishing of a cash contribution toward the cost of construction of such projects, and the furnishing of assurances that the Federal Government will be held harmless from all claims for damages due to the construction works.

At such time as the Government deems appropriate, formal notification in writing of the required local cooperation with respect to

each project will be furnished to local interests, and the authorization for any such project will expire five (5) years from the date of such formal notification, unless said local interests shall within such time furnish assurances satisfactory to the Secretary of War that the required cooperation will be furnished. Due to the present existing emergency which has necessarily resulted in the postponement of flood control and water conservation projects, it is impossible at this time to advise you as to when formal notification of the local cooperation requirements respecting each of said projects will be issued.

However, in looking toward the future construction of said projects, there is a great deal of preliminary work which can now be accomplished which will do much to facilitate the early construction of said projects in the post-war program. Particularly is this true with respect to the local cooperation which will be required. The various individuals or political subdivisions of the State who may be involved in such cooperation or contributions must be contacted, the extent of their participation determined, the methods and procedures for land acquisition decided upon, and the legality of the actions and procedures involved determined. Obviously it is both impossible and impracticable for the Federal Government to deal and contract with the numerous subdivisions of the State who are interested in and will be affected by the projects above mentioned.

Chapter 61 of the North Dakota Revised Code of 1943 as amended grants very broad duties, control and powers to the State Water Conservation Commission over all waters of the State. It appears that the Commission has power; to investigate, plan, undertake, construct, establish, maintain, control and supervise all works, dams and projects, either public or private; to control and regulate flood flow in the waters of the State for the purpose of minimizing the damage therefrom; to impound waters for the improvement of municipal and rural water supplies; to regulate and abate stream pollution; to acquire, own and develop lands for irrigation and water conservation, and to acquire, own and develop dam and reservoir sites, to acquire easements and rights-of-way, and to cooperate with the United States and any department, agency or officer thereof in the planning, establishment and maintenance of dams, reservoirs, diversion and distributing canals for the utilization of the waters of the State for domestic and municipal needs, irrigation flood control, water conservation, etc., and in connection therewith the Commission is authorized, within the limitations prescribed by law, to acquire, convey, contribute or grant to the United States real and personal property, including land or easements for dams and reservoir sites, and rights-of-way and easements for diversion and distribution canals. It further appears that the Commission has been created as a public corporation with full power to contract in its corporate name.

From the very extensive and broad powers of the Commission over the waters of the State it would appear that the State Water Conservation Commission possesses full and complete power, authority, and general jurisdiction over the unappropriated waters of the State, with full power to contract with relation thereto. Assuming such to be the case it would appear that the individuals or minor political subdivisions of the State, in respect to anything relating to said unappropriated waters of the State, must either deal through, or at least secure the approval of the State Water Conservation Commission.

Having in mind the above mentioned powers possessed by your Commission, and particularly the express power granted by the 1945 Amendment to Chapter 61 which grants to your Commission the power to cooperate with the United States Government and any department, agency or officer thereof, it would seem that your Commission is the duly designated State agency with which the Federal Government may contract respecting said projects and all features of local cooperation, including such assurances thereof as may be required. Since I would appreciate knowing at this time whom the Federal Government may be called upon to deal with in connection with these matters, it is requested that you advise me whether or not your Commission can and plans to represent

the State of North Dakota and all other local interests involved with respect to such local cooperation as may be required, including the furnishing of assurances thereof.

Your early advice and consideration of the questions presented herein will be appreciated. For your convenience there is inclosed herewith a copy of the official published report covering each project.

Very truly yours,

/s/ Lynn C. Barnes  
LYNN C. BARNES  
Colonel, Corps of Engineers  
District Engineer"

1 Inclosure:  
#1 - Set of 3 Reports

COL. BARNES: Baldhill Reservoir. \$810,000 is the Federal cost, Local interests would furnish \$208,000 in cash contributions. It was at first recommended that the local interest furnish easements, land, etc. but it has now been changed to include the cash contribution only. \$174,000 cost of highways. \$113,000 which is the Fargo Diversion Ditch would be Fargo's minimum cost.

Park River: Federal Cost would be \$358,000 and the cash contribution would be \$40,000, and the estimated lands and easements would be \$10,000, which would mean \$50,000 for local interests. 200 acres of land.

Tongue River. 3,000 acre foot reservoir. Would flow 300 acres. Federal cost \$238,500 and \$68,600 cash local contribution, \$16,200 estimated cost of lands.

Pembina River Reservoir: Federal Cost \$95,300. Local contribution \$235,200 plus \$24,500 for lands and removal of bridges.

Flood control will not work out so the Walhalla people are going forth in a recreational interest.

GOVERNOR: If the State Water Commission becomes the sponsoring agency, what duties will that involve?

COL. BARNES: These local interests would merely deal through you. The local interests would deed the land to the Water Commission on the assurance that no dams will be built below the dam to impede the water supply, from polluting the water below and above the dam.

COL. BARNES: If the people of the Baldhill Reservoir will put up the cash, we will endeavor to get the land.

COMM. THOMPSON: It is doubtful whether the people would have condemnation rights.

COL. BARNES: That is the question, whether they would give the money and you condemn or they would condemn. There are five years to raise the money from the date of authorization.

COMM. ORLADY: moved that the State Water Conservation Commission does hereby undertake to contract with the United States, within statutory and constitutional limitations, in furnishing the cooperation by local units required under the Federal Flood Control Act, or any other Acts, in all matters concerning any project that may be undertaken in the State of North Dakota. Commissioner Thompson seconded the motion. Motion carried ✓

Meeting relative to the drainage matter called to order at 10:10 A.M. by Governor Aandahl. Representatives from the Counties of the Red River Valley present.

GOVERNOR AANDAHL: I am going to call on Mr. Simons to lead the discussion.

Mr. Simons informed the group that several meetings had been held with the Soil Conservation Service and AAA present at which a tentative set of rules and regulations covering drainage has been adopted.

After reading this proposed outline for the information of those present, Mr. Simons called on Mr. McKinnon of the Soil Conservation Service to present his views.

MR. MCKINNON: First, I would like to mention something that Mr. Simons said. That is regarding the contracts let for excessive prices. The highest was 16¢ per yard that we participated in. As far as I know, the AAA or Water Commission was no part of the 47¢ per yard contract. There are two big problems. They are all drainage, but it

involves two phases in the Valley Program. One is getting the main drains completed so that the second phase can be carried out so that the farm field drains can be taken care of. We cannot go ahead with the latter until the former is taken care of. We are prepared to loan the districts equipment with the cooperators in the district to do the farm field drains. This is not a program that is going to be completed today or tomorrow, but two or three years from now. So far we have furnished the engineering services and no charge has been made to the districts. The technical services are offered to organized districts. We have districts with one engineer assigned to four or five districts. We have an engineer assigned on the districts in the Valley. This is an emergency and must be taken care of. Whether the dirt is to be moved depends on the local drain districts. Whether we get moving dirt not later than the 10th or 15th of next month depends on the districts.

MR. KASPER OF THE AAA: We have worked with Washington and our problem is to get by the Solicitor. The Solicitor says that the AAA is set up so that the farmers must cooperate voluntarily. Our program was declared unconstitutional in 1936 because it was thought that perhaps it was compulsory. The Solicitor says that if we get 51% to go and 49% against, we must have 100% in order to have it voluntary. We did get the dirt removal matter fixed up. Moving of fences is part of the ditch, right of way is part of the ditch, and grubbing and clearing stones is a part of the ditch according to the Solicitor. We do have a provision that if the farmer fails to maintain the ditch he has to refund the money that was spent for the ditch. The Solicitor ruled that where an assessment is made on the project the AAA will only be authorized to pay the proportion of that cost that would be assessed in 1945. It is only a year to year program. Last year we had \$500,000 for drainage work and it is too bad that we could not have the same amount this year. The biggest difficulty is to get the farmers signed up. We must have 100% sign-up. If we put in a large drainage ditch and it takes a lot of money, the AAA can hold that no other payments can be made. We cannot spend all our funds for 10 farmers and let the others go. We will make no payments except drainage payments. There is no object in refusing to sign up as far as drainage ditches are concerned, there will be drains built. He will be assessed if 51% sign up. If we do not get 100% sign-up, we cannot make payments (drainage). Building of approaches, etc. are something else. Whether we can leave in grubbing of trees is a question. If we put in a main drainage ditch and declare that area for any other AAA work, until you get a lateral and main ditch you cannot drain your field.

MR. KASPER: If we can divide the two assessments and can separate the dirt, I think we can get through. Unless we can break down the 100% we will have to forget about the matter. If we can use and buy land, who owns the land. The right of way goes to the County.

MR. LINDAAS OF TRAILL COUNTY: When we clean a drain, you said that the AAA payments could be made toward that drain from that area. What is that area? Is it the area laid out by the drainage engineer?

MR. KASPER: The area would be the area designated. It would take in the land that was originally assessed. In a clean-out, we may not request the farmers to contribute.

MR. LINDAAS: Does he get the money and give an assignment?

MR. KASPER: Yes. The Solicitor thought it might be possible to make the payments to the drainage boards.

MR. LINDAAS: In that case would all farmers have to be signed up?

MR. KASPER: Presently they would have to all sign up.

MR. LINDAAS: They were told that they could not get. They were told it was no use to sign until we had an outlet or drain.

GOVERNOR: Have the farmers submitted forms to the AAA?

MR. KASPER: Yes, Some have not indicated their desires.

MR. LINDAAS: They asked and were told there was no outlet.

MR. KASPER: They can come in and make any changes on the forms at any time.

MR. OLSON FROM RICHLAND COUNTY: On this Item 5. On this 8¢ are there any limitations on the amount of yardage?

MR. KASPER: \$5 per foot, but any time a group of farmers wish to make a ditch, there will be no limitation.

MR. OLSON: When the supervisors construct a ditch, does that ditch belong to the county?

MR. DILLON: I could not answer that. I would have to look it up.

MR. OLSON: If the township as a whole pools their payments on township-wide area building laterals into a main ditch, do they assign their soil building payment to the Board of Supervisors?

MR. KASPER: I think each one would build their own laterals.

MR. OLSON: It would mean that the ditch would be 3 miles long.

MR. KASPER: I think it would be treated as a main ditch.

MR. OLSON: Would the assignment be made to the Drain District?

MR. KASPER: Unless we can get permission from the Solicitor, it will have to be assigned.

GOVERNOR: Could the 8¢ be increased?

MR. KASPER: 8¢ is the limit whether it is a 47 or 12 cant job.

GOVERNOR: Is there not a limitation on the payment to the farmer?

MR. KASPER: No. We will have information by May 5 as to how the counties are going to spend the money.

GOVERNOR: They are tentative rules and regulations that have been drawn up and this is an opportunity for you to make any suggestions or changes in these regulations.

MR. OLSON: Can they make assignments to some one making the ditch?

MR. KASPER: The big thing is whether the farmers want this ditch or dont want it.

COMM. SIMONS: What kind of agitation is necessary before you can declare the area?

MR. KASPER: I do not think we can do anything until 100% sign up.

GOVERNOR: You expect the 100% sign up before you declare the area?

MR. KASPER: Yes. We cannot get into there to make payments until we have the 100% sign-up.

GOVERNOR: Suppose 80% sign and 20% want to do something else. Can the 80% do what their allocation of funds would permit?

MR. KASPER: I believe 80% could pool their funds, but it would mean that we were forcing the 20%.

GOVERNOR: Could not the 20% stay out?

MR. KASPER: They would have to be forced in.

GOVERNOR: Is there any possibility of 75 or 80% going ahead?

MR. KASPER: I would not say regularly.

MR. OLSON: It has to be 100% before any payments can be made.

MR. STRONG OF WAHPETON: Question directed to Mr. Simons. Item #10, I suggest that the percentage be left blank. Put it on a first come, first served basis to eliminate the funds in certain counties. I believe the Water Commission can determine this.

MR. SIMONS: You prefer that no limitation be made on the allocation? It is proposed that we put it on a first come first served basis. Something depends on how far along you are on the road to getting your district organized and whether you think you are going to be ready in time to get any share of this money. I know there is a lot of work to be done in Richland and a lot of work has been done.

MR. SUTTON FROM CASS: I do not think that is fair because they have been going for a year. They have machines hired and they might say they did not want to move.

MR. DILLON: This limitation is between July 1, 1945, and June 30, 1946. This money is to last until June 30, 1947. There would be some money left for the 1946-47 construction. The Commission does not feel that all this money should be taken this one period.

MR. BERGESON FROM CASS: I know that so far as appropriations to this state for overhead expenses that they have to keep within their limitations and cannot spend it all in one year. Is the State Water Commission limited to one year?

COMM. SIMONS: It can be spent all at one time in this case. I would like to call your attention to the figures worked out by the Agricultural Statistician who is a technical man and not a politician.

QUESTION: Does the change in those percentages have anything to do with the work that has been done?

MR. DILLON: No, the work does not have anything to do with these figures.

MR. THORFINSON OF FORMAN: We were not included in the first survey, but the conditions were just as severe in 1943 as 1944. I believe we should work out a plan to use all these funds in the two years. I do not think that some counties should be left out in 1946 or 1947 and other counties taken care of.

MR. HALFPENNY OF PEMBINA: I do not think that 100% sign-up will ever be possible. I would like an interpretation of #6(b). Does that mean a blanket of 33 cents?

MR. MCKINNON: That is a maximum of 33¢ per acre and will not exceed 33¢ per acre of the benefits.

MR. DILLON: 50¢ per acre would mean about 83¢ for clean-out for maximum benefits. You can assess 50¢ and add the 33¢.

MR. JOHNSON OF RICHLAND: The state law permits you up to \$1.00 per acre.

MR. DILLON: 50¢ this year and 50¢ next year.

MR. JOHNSON: With reference to the appropriation of 1943, is all that money going to be used. If this money is not going to be used, will it go back into the general fund?

GOVERNOR: Is most of that money out or contracted for?

MR. WALSH: I am sure all applications will be in by July 1, 1945.

MR. JOHNSON: If it is contracted for, is that OK?

GOVERNOR: Yes.

MR. SIMONS: We have \$20,459 to spend before July 1, 1945. Have we any contracts signed and ready to go to work?

MR. WALSH: We have no signed contracts.

GOVERNOR: You feel that all the money will be used up?

MR. WALSH: Yes.

MR. JOHNSON: I think Mr. Kasper made a statement as to the \$500,000 and that only \$48,000 has been spent. Had the \$50,000 been used prior to the Special Session, we could have obtained an additional appropriation. I think we should use all this money in 1945. If we find that this money has not been used and another Special Session should be called, we could not ask for more money. On the basis of the \$500,000 and only \$48,000 being used, our \$240,000 is going to be too much unless we get busy and use this money. I think we should go ahead and use all this money in 1945. It was one of the problems we had in getting the appropriation this year.

COMM. ORLADY TO MR. DILLON: Have you in mind any drainage group that could be signed up 100%. Is it an impossible proposition or are there any districts?

MR. DILLON: I think there are some that could be signed up 100%. Of course, the size of the project is going to make a difference. Some may be 10 or 15 farmers and some might have as high as 100 farmers. I think the small groups are going to be easier to get signed up.

COMM. SIMONS: That we allocate a certain percentage of money to be spent in 1945 to first come first served, say 70% to the first come, first served. When you figure out the percentage of the problems, that should be reasonably fair.

MR. DILLON: I think that would be fair because there are a number of counties and I think the drain commissioners know the difficulty we have had to get the people into the program. Also on this 100% payment, I do not think you can hold a hearing and get no votes against it.

MR. BERGESON: I think as far as your present forms are concerned that if it should develop before July 1st that the counties have not all availed themselves of the opportunity to the extent that all funds have been allocated, then any remaining funds should be allocated to any county that is ready to take it on. All money should be allocated before July 1st. As to the year 1945, beginning with the funds that will be available July 1, I MOVE THAT THE 1944 PERCENTAGES BE ADOPTED, THAT IS FOR THE YEAR 1945. That would be fair to the County which is ready to go because the appropriation is almost five times as large as in 1943 and naturally the percentage would give them a substantial increase so that the other counties could swing into line. In 1946, if there are counties that are not going to use the funds and if the other counties could come in and make application for the money. I would allocate all this money to the counties for 1945 on the percentages that were adopted in 1944. If the counties can use all this money in 1945 to use it. If there are any funds left in 1946 then the Commission and others can determine it.

MOTION: IT WOULD BE THE SENSE OF THIS CONFERENCE THAT THE FUNDS BE DISTRIBUTED IN THAT MANNER. MOTION SECONDED.

GOVERNOR: There are some additional counties that were not included in the allocation.

MR. MATEJCEK OF WALSH COUNTY: I suggest that 80% of the money be allocated to this program and that 20% be left to other counties that may come in later.

MR. BERGESON: I am willing to accept that as an amendment to my motion.

MR. MATEJCEK: MOVES THAT THE MOTION BE AMENDED TO READ 80%.

MR. LINDAAS: Seconded the motion.

MR. STRONG: Ditches are completed and the Water Commission has accepted the ditch. You have a ditch out here that has gone through the regular channels and you have a certain amount of money ear-marked for that ditch. The time may come around and the ditch is not completed and there is still some money left.

GOVERNOR: I think we would have to proceed on the basis of the amount of funds that were provided.

MR. GROOM OF FARGO: Due to the fact that very few districts have completed plans, is it possible that the counties that have not come in, to still get in?

GOVERNOR: The idea is that the 80% will be for use in the first year and the remaining 20% can be allocated to other counties and can be used by any county that is ready to use it. After 1945 the counties to which the money has not been used, the money can be reallocated.

MR. GROOM: Suppose some county has not done anything and decides to do it later, how about engineering?

MR. MCKINNON: We cannot guarantee any engineering assistance.

MR. JONES: Is that allocation to be spent in 1945 or to July, 1946?

GOVERNOR: It is for the first year in the new biennium.

GOVERNOR: ALL IN FAVOR OF MOTION. MOTION CARRIED.

MR. KASPER: According to the Solicitor, we will have to come in first. I asked who owns the ditch and was told the County. I think the farmers should request that this be done and then there would be no trouble.

MR. OLSON: Who owns the ditch?

MR. DILLON: Under the Statute, the right of way is acquired, the County owns it.

MR. OLSON: Would the Water Commission demand that the township have assessments for the upkeep.

MR. DILLON: On legal ditches, after constructed, go back into the hands of the County to maintain the said ditch.

MR. JOHNSON OF RICHLAND: If you are going to allocate to the various counties to the first come, first served, the County Commissioners under their duties, they can go ahead immediately. Whereas, if you have new construction there are preliminary steps to be taken. You are going to be up against the situation of allocating for new drains or cleaning out ditches. It is the duty of the County Commissioners to clean out all drains. Whether the assessment is payable over a number of years, any assessment can be made in any one year and it becomes a lien on the land. These bonds are payable over a period of years, but the taxpayer can pay them all in one year. When you have your meeting, the fact that we have not had more drainage than we have had, there is no cooperation by the farmers. I MOVE THAT IT IS THE SENSE OF THIS MEETING THAT UNLESS THIS PROGRAM IS CHANGED TO WHAT IT WAS A YEAR AGO, IT IS NOT WORKABLE AND SOME AMENDMENT HAS TO BE MADE OR IT IS NOT POSSIBLE TO DO THIS DRAINAGE WORK. I MOVE THAT IT IS THE SENSE OF THIS MEETING THAT THE 100% SIGN-UP IS ABSOLUTELY NON-WORKABLE. MOTION SECONDED.

PEMBINA COUNTY REPRESENTATIVE: I wonder if the meeting should not go on record as presenting a statement to our Senators in Washington to do everything possible to alleviate this present condition in order that something may be done in order to further our efforts toward this object.

GOVERNOR: I think it would be a good idea to send this motion with other statements to our Senators.

MR. KASPER: In view of the limited funds we have, I would like to ask the Soil Conservation Service, how much lateral work could be done. We will get our money spent and I cannot see how the farmer gets much benefit out of these drains.

MR. JOHNSON: We had the situation of \$500,000 being appropriated and only \$48,000 was used.

GOVERNOR: Do you think that the motion before this group would be embarrassing to the AAA?

MR. KASPER: Not at all.

GOVERNOR: This motion will stand just as a recommendation and help to you.  
MOTION CARRIED.

MR. BOHN FROM RICHLAND: TO MR. KASPER: The water cannot get out by itself. It is right near Wild Rice. Can we get into the AAA for help?

MR. KASPER: No there is no way we could help.

MEETING RECESSED AT 12 NOON UNTIL 1:30 P.M.  
MEETING RECONVENED AT 1:45 P.M.

A delegation from Grand Forks presented a report relative to the water needs of the City and stated that pictures would be sent at a later date. Report filed.

MR. BERGESON: #6 (a) Not to exceed 40% of the actual cost up to \$1.60 per acre. It is not clear whether that is 40% of the \$1.60 or whether the State will go up to \$1.60.

Comm. Simons: \$1.60 is the maximum and not to exceed 40%.

MR. BERGESON: A AND B. It should be recalled that the farmers who have old ditches that need to be cleaned out, they paid for those with the assistance from the State or Federal Governments, whereas those who did not have any construction are getting new ditches with state aid. That is one advantage that a has over b. In the second place, I think you will find that the cost under "a" of removal per cubic yard would be proportionately less than under "b". A contractor who removes dirt that has accumulated in the bottom of the ditch is going to have to pay more than whether he moves less. The allowance between "a" and "b" seems to be in favor of "a". The question has been raised as to whether the allowance under "b" should be higher.

MR. DILLON: Under the law the clean-out, an assessment of 50¢ per acre can be made for clean out and then add the 33¢ you have 83¢ per acre.

MR. BERGESON: Is there a legal reason why there can't be more than 33¢?

MR. DILLON: That is 40%.

MR. BERGESON: Is 40% legal?

MR. DILLON: Yes the State cannot pay more than 40%. Not more than the 50¢ per year can be assessed.

GOVERNOR: The payment here is based around the moving of a cubic yard of dirt and in the construction of a new ditch you will have a much larger volume of dirt to move while the cost per unit on clean-out may be larger.

MR. JOHNSON: I am inclined to agree with Mr. Bergeson. If these regulations are adopted you have taken into consideration just the assessment that has been made. I know that on the clean-out jobs in Richland, 51% would not be enough. If you proceed under a petition they are being discriminated against under this 33¢ limit. When you put the 33¢ limit, it is going to mean that the maximum will not be over 25% and in some cases not over 15%.

MR. JOHNSON MOVED THAT THE 33¢ BE CHANGED TO 75¢. Motion Seconded.

GOVERNOR: Is there going to be any violation or difficulty if the only limitation is going to be 40% and leave out the amount that it might be per acre. Are we going to run into any difficulty?

COMM. SIMONS: Should we undertake to maintain these ditches, we can't expect to do it indefinitely.

GOVERNOR: That is one reason why it should be left at 33¢

MR. BERGESON: I can see Mr. Simons' views, that the ditches now in were paid for and we should try to get something going.

MR. JOHNSON: Your clean-out jobs have run charges about as high as new construction. The reason for this is that in some drains the trees have grown up along the drain and that is a big expense. Some drains were constructed 20 years ago. I think the fellow who is cleaning out the drains is entitled to as much as the fellow constructing new drains.

MR. HASKIN: I believe one thing that is being missed is we talk about cleaning out a drain, we are putting it back in original condition. You can call it a clean-out but it really is a reconstruction job. It seems that there might be some consideration given to this.



MR. MATEJCEK: Don't you petition to abandon an old drain and construct a new one under the new law? If the job is too big for a clean-out, you petition to abandon the old one.

MR. DILLON: Yes.

GOVERNOR: If the old clean-out job is big enough to run over 33¢, would it be better to construct a new one?

MR. DILLON: Only exceptional cases.

MOTION IS THAT THE 33¢ BE CHANGED TO 75¢. MOTION CARRIED.

GOVERNOR: That will stand as a recommendation to the Water Commission.

GOVERNOR: The other question that the Water Commission has in mind is one in sounding out you people as to the amount of initiative and opinion that is going to come for this program. Have you any report as to the local interest that we might expect?

RICHLAND COUNTY: - MR. STRONG: At a recent meeting of the Boards, etc. interested in this matter was discussed at length. If weather permits, a lot of dirt will be moved. There are about 100 miles of drains. There are 5,000,000 L.Ft. applied for through AAA. Conditions will decide whether this will be accomplished. I do not think all work that has been applied for will be done. There is very little difference in the number of acres flooded between the years of 1943 and 1944. We are going to hit the ball. We have a good organization and we have localities that are going along. We are organized to accept all the money the Water Commission will push down that way.

CASS COUNTY: Has one clean-out job under construction and the drainage board has several applications in. We have some clean-out jobs that are ready to be let and are to be advertised next week.

TRAILL COUNTY - MR. LINDAAS: We have quite a few drains that we want to clean out and as I understand it, we have some money coming from the Water Commission for the work last year. So far I do not know of any territory that has an application for a new drain. Our problem is all clean out work. It seems there are so many that are to throw in money, but I was told the other day that Cass County had got 40% of the cost of the clean-out from somebody and that was supposed to be a Federal Land Bank man who told the story. That statement caused a lot of confusion.

GOVERNOR: The biggest question is the question that is in the minds of the local people as to who is responsible to get the drainage work under operation. Who is going to do it. My understanding is that the responsibility is pretty much in the hands of the local people. They will have to get together and decide what they want done. If they want drainage, then there is an opportunity to get help from the Soil Conservation Service, AAA and the Water Commission. The first responsibility rests with the local people. After the organization is completed, then the other organizations will help.

GOVERNOR: From the discussion this morning it was very evident that there is some uncertainty as to just how active these agencies can participate in this program. The initiative must come from the people of the local community. The purpose of this meeting is two fold. We want to give you all the information we have and we want to get all the information from you of local needs and that is why we are encouraging you to say what you have to say.

GRAND FORKS COUNTY: We are ready to move in. We have 87 miles of drains to be taken care of.

GOVERNOR: Has that been contracted for?

GRAND FORKS COUNTY: We expect the new appropriation to take care of this and for 87 miles to be taken care of.

WALSH COUNTY - MR. RINDE: We have 7 or 8 petitions filed. Some are small and some may go through. We have some larger ones that will involve a lot of dirt yardage and this new situation we got this morning, there is a question whether the large ones will go through on account of the AAA. I think the small ones we will be able to get 100% sign-up so we can qualify for the 8¢ per yard. We are ready to go. We have made assessments on 2 and will make assessments on more in a short time.

PEMBINA COUNTY: We have a drainage board. I think we expended all the funds we had allotted last year. I think we have more miles of drains than any other. I do not think we can get cooperation unless we can get AAA straightened out. There are 2 very large drains involved. I do not think the AAA will work. I do not think we will be able to get the 100% sign-up.

GOVERNOR: If you do not qualify for AAA will you go ahead?

MR. HALFPENNY OF PEMBINA: I doubt whether we can go ahead without AAA. Some of the new ones will go ahead and some clean-out jobs, but the larger ones will probably not go.

GOVERNOR: If you do not qualify for AAA you need just 51% and can make the assessments?

MR. HALFPENNY: Yes.

MR. FELSON; PEMBINA COUNTY DRAINAGE COMMISSIONER: We have a drain and survey ready, but it runs up to Cavalier County and they have no Drainage Board and are very reluctant in appointing one. According to the survey, we have 2,400 acres in the drainage area and 2,400 acres in Cavalier County. Our people do not feel they want to carry the burden of this cost without any help from Cavalier County. If the Water Commission could help out in this respect to get Cavalier County to appoint a Drainage Commissioner, the map Mr. Dillon has shows the situation.

GOVERNOR: You cannot complete the drain for just your own county. Is there further information.

MR. DILLON: Cavalier County has no Drainage Board and there is no way Cavalier can act until they appoint a Board.

SPEAKER: There are practically 3,000 acres in Cavalier County and 2,200 in Pembina County. The International Boundary Line runs away from the Pembina River. A road has been built along the north boundary and east of Neche. We have petitions from farmers who have been harmed. There is a road, but no culverts or anything. A lot of damage has been caused.

GOVERNOR: It is up to the people of Cavalier County to take the initiative.

MR. KASPER: Traill County says the assessments have been made. If that is the case, we cannot go in there or we would be paying the taxes of the people.

SPEAKER: Can a County that is ready to go, construct a drain up to the County Line without help from the other County?

MR. ACKER: You cannot construct a ditch in your county if the farmers on the other side are flooded so that they would be injured.

MR. GROOM: I think it is up to the Pembina County to get the Manitoba Group to do something about the situation.

MR. FELSON: We did take the matter up with the Public Works of Manitoba and it was admitted that the road should not be there. We must have documentary evidence.

COMM. THOMPSON: It seems to me that the Water Commission or somebody should write to the State Department and see what can be done about Canada.

GOVERNOR: I presume that some survey would have to be made up there first.

MR. DILLON: I know that Mr. Felson has written to Secretary Hull and if Pembina County wants documentary evidence, I think the Water Commission should make a survey. Mr. Felson wants the assistance of the Water Commission.

GOVERNOR: Is this survey necessary to go beyond Pembina County?

MR. FELSON: It should go through to the hills, about 4 miles into Cavalier County.

SARGENT COUNTY: We have 100 miles of ditch that needs cleaning. The worst part is in the northeast part of the County. Plans have been made. 7 miles of new ditch. We will be ready to move ahead.

DICKEY COUNTY: No representative.

LAMOURE COUNTY: No representative.

RANSOM COUNTY: We have a few miles of ditch to be constructed. We have our petition and are working on it. I think there are about 14 miles on the Tri-County Ditch, Richland, Sargent and Ransom. We figure reconstruction and making it larger as it was too small in the first place. We expect to be ready pretty quick.

GOVERNOR: Do you have your engineering work done?

RANSOM COUNTY: Not yet.

GOVERNOR: What are the prospects of getting that done.

RANSOM COUNTY: I do not know.

MR. MCKINNON: The prospects are very good. As soon as they get the Board of Supervisors and apply for assistance, we will act. That is true in Sargent County too. I would like to say that 90% of this whole drainage problem, the answer to the speed at which it will move, is in the local people. If they hold back like they did last year,

it won't go forward. We got a late start and went ahead before a lot of stuff was completed rather than see the equipment idle. If the main drains are not to be provided, there is no object in us doing anything. If they get together that is all that is necessary. We have a very short construction season in North Dakota. There is no use starting in September when we should start in May or June.

THE GENERAL MEETING ADJOURNED AT 2:45 P.M.

THE WATER COMMISSION MEETING RECESSED UNTIL 4 P.M.

Governor Aandahl called the meeting to order at 4 P.M. Commissioners Simons, Orlady and Thompson; J. J. Walsh, Acting Secretary; Wilson M. Laird, State Geologist; A. L. Greenlee; A. J. Dexter; W. G. Sloan; Bruce Johnson; W. P. Tarbell; and Fred Hagen present at the meeting.

MR. LAIRD: A copy of the Proposed Budget for Program for Ground-Water Investigations was handed to each member of the Water Commission. How much cooperation do you wish to make with the U. S. Government; the amount you want to make available to the various projects throughout the State; also to be considered is the allotment of this money to the various projects. There are 3 major types to be considered: Municipal Studies; Regional Studies and Observation Well Program. We have decided that the municipal studies are most important, 60% and 20% for the other two. Budget July 1, 1945, to June 30, 1946.

GOVERNOR: Have any of the members any ideas about this percentage?

MR. LAIRD: I think the communities should contribute some money to these studies.

GOVERNOR: The Federal Government will match the \$25,000?

MR. LAIRD: Yes.

GOVERNOR: Will they match \$50,000?

MR. GREENLEE: They would if the man power can be provided.

GOVERNOR: If we collect from the cities, will the Federal Government match the funds?

MR. GREENLEE: The Federal Government will match any amount if the man power is available.

COMM. ORLADY moved that the plan submitted by Mr. Laird, State Geologist, and the budget be accepted. Comm. Simons seconded the motion. Roll call taken with Commissioners Orlady, Simons, Thompson and Governor voting aye. Motion carried.

Comm. Simons moved that the Commission adopt the policy of requiring a 25% contribution of the total cost from the cities for which the Commission does work in water geology. Comm. Thompson seconded the motion. Motion carried.

Comm. Orlady moved that Mr. Laird be authorized to negotiate for matching the \$25,000 with the Federal Government. Comm. Simons seconded the motion. Roll call taken with Commissioners Simons, Orlady, Thompson and Governor voting aye. Motion carried.

MR. LAIRD: I believe the Water Commission agreed to help the City of Fargo to the amount of \$2500. Is that \$2500 to come out of this \$25,000 or out of some other fund?

Comm. Simons moved that the Chairman and Secretary of the Commission be authorized to enter into a contract with the U. S. Geological Survey, the City of Fargo and County of Cass in North Dakota, and the State of Minnesota, the City of Moorhead and the County of Clay, in Minnesota, for a cooperative ground water survey in the Red River Valley; the objective of such survey being to provide a water supply for the cities of Fargo, N. D. and Moorhead, Minn., if possible. It is understood and agreed that the Commission's contribution to the cost of such work shall be limited to \$2500, said contribution to be taken from Item 11b in its current budget, and that the contract to be entered into shall be approved by the Attorney General as to form. Comm. Orlady seconded the motion.

Said motion made and seconded, but no action to be taken until the recessed meeting on April 19, in Bismarck.

Messrs. Laird and Greenlee left the meeting at 4:50 P.M.

Discussion on the Contract between the Water Commission and the Bureau of Reclamation. Mr. Sloan read the contract.

The following is to be added to #9 of the Contract: "and copies thereof will be furnished the Commission at its request." Also the following is to be added to (2) under Item 4: "including municipal, power, irrigation and ground water recharge by means of gravity or pumping diversion from the Garrison Reservoir."

Comm. Thompson moved that the proposed Contract submitted to the Commission by Mr. Sloan on behalf of the Bureau of Reclamation be submitted to Washington with the two changes recommended and made a part of the Contract. Comm. Orlady seconded the motion. Motion carried.

Meeting recessed at 5:45 P. M. and is to reconvene in Bismarck at 9:30 o'clock A. M. Thursday, April 19, in the Water Commission Office.

Respectfully submitted,

  
Acting Secretary

ATTEST:

  
Chairman