

MINUTES OF A MEETING OF THE
STATE WATER CONSERVATION COMMISSION

Held in the Office of the State Water Conservation Commission
Bismarck, North Dakota, June 3, 1949

A regular meeting of the North Dakota State Water Conservation Commission was held in the office of the Water Conservation Commission in the State Capitol, Bismarck, North Dakota, on June 3, 1949.

MEMBERS OF STATE WATER CONSERVATION COMMISSION PRESENT:

Hon. Fred G. Aandahl, Governor and Ex Officio Chairman
S. W. Thompson, Vice Chairman, Devils Lake, North Dakota
Einar H. Dahl, Commissioner from Watford City, " "
Curtis Olson, Commissioner from Valley City, " "
Earle F. Tucker, Commissioner from Bismarck, " "
J. J. Walsh, Secretary and Chief Engineer, Bismarck, N. Dak.

Math Dahl, Commissioner of Agriculture and Labor
I. A. Acker, Administrative Assistant
Einar Berge, Publicity Manager

OTHERS PRESENT:

Trail County Delegation:

Gerhard D. Olson, County Auditor, Hillsboro, North Dakota
Mandley Johnson
Thomas J. Wright
Henry Lee
Gilman Wastvdt
Roy Tyson, County Engineer

Bowman-Haley Project representatives:

Albert Phillips, Haley, North Dakota
Giles Weeks, " " "

North Dakota Agricultural College:

Dean H. L. Walster, Fargo, North Dakota
E. B. Norum, " " "

Bruce Johnson, Acting District Manager, Bureau of Reclamation, Bismarck, N. Dak.

Colonel J. S. Seybold, Garrison District Engineer, Corps of Engineers, Fort Lincoln

Delegation from Bottineau County:

M. N. Larson, Chairman, Board of County Commissioners, Bottineau County
Richard Bond
A. Trengen
J. Waters

Judge A. M. Christianson, Bismarck, North Dakota

The meeting was called to order by Governor Fred G. Aandahl, as Chairman, at 10:00 o'clock a.m. with Commissioners Dahl, Tucker and Secretary Walsh present. Also present at the opening of the meeting was Math Dahl, Commissioner of Agriculture and Labor.

A delegation from Traill County was present at the opening of the meeting to discuss their drainage program with the Commission. Present from Traill County were: Gerhard D. Olson, County Auditor, Mandley Johnson, Thomas J. Wright, Henry Lee, Gilman Wastvdt and Roy Tyson, County Engineer. Mr. Olson presented the Commission with typed copies of a fiscal statement for Traill County showing the status of the drainage districts as of May 26, 1949. This report showed progress of construction and reconstruction work done during the 1947-1949 biennium, and a proposed schedule of work for 1949-1951. In connection with bridge work, Mr. Olson stated that the large drains closed the farmers off from ingress and egress to their lands, and because of this it was necessary to construct bridges for private crossings, which in turn would be charged to the construction of drains. He said the County had advanced \$14,507 out of road and bridge funds to provide for private crossings, 40%, or \$5,802.80 of which was chargeable to State aid. He also said that a balance of \$39,752.52 was forthcoming from the State upon completion of inspection of these reconstructed drains, and when the necessary funds would become available. Mr. Olson further stated that only two new drains had been organized and built during the period of 1947-1949, at a cost of \$23,290 of which State aid, of 40%, would amount to \$9,316.00. Therefore the grand total of funds yet to be received from the State as their share in the construction of drains in Traill County was in the amount of \$49,068.52, for the 1947-1949 biennium, which does not include unfinished contracts. The proposed work for the 1949-1951 biennium was estimated at approximately \$34,500, the State's 40% share amounting to \$13,800.

(Commissioner Thompson entered the meeting at 10:15 a.m.)

The Commissioners were in agreement that in the excavation of drains, the most economical place for disposing of the soil was to use it in road building, and that wherever possible to combine road building and construction of drains the counties should be encouraged to do this, charging road benefits to roads and drain benefits to drains.

The Traill County delegation left the meeting at 10:25 a.m.

The Commissioners examined drainage reports and discussed expenditures and reallocations of funds to the various counties in general. The unexpended funds of allocations to counties and funds not needed to cover vouchers that are to be submitted from the 1947-1949 appropriations were as follows on May 31, 1949:

Dickey County	\$ 7,500.00
Grand Forks	3,660.00
LaMoure	6,000.00
Pembina	10,880.00
Ransom	7,500.00
Richland	39,000.00
Sargent	9,563.45
Walsh	12,000.00
Unallocated balance	<u>50,000.00</u>

Total balance \$146,103.45

The only two counties requesting funds at this time were Traill County and Cass County. The Commissioners recommended that before any commitments be made, the State Engineer and a member of the Commission make an inspection to see that the drains are constructed according to rules and regulations, and that the necessary plans, profiles and cross sections are on file with the office of the State Water Conservation Commission.

(Mr. Berge entered the meeting at 10:45 a.m.)

Commissioner Tucker made the following motion: "I move that \$50,000 be allocated to Traill County, and \$4,000 to Cass County for payment of drainage work for the period 1947-1949, the amounts to be paid upon the approval of the Chief Engineer and one of the members of the Commission, and to comply with the specifications formulated by the Commission." Commissioner Dahl seconded the motion. Upon call of the roll by the Chairman—Governor Aandahl, Commissioners Dahl, Thompson, Tucker and Governor Aandahl all voted aye. Motion carried.

Mr. Albert Phillips and Mr. Giles Weeks of Haley, Bowman County, North Dakota, and Attorney I. A. Acker entered the meeting at 10:50 a.m. to discuss the Bowman-Haley project with the Commission. Attorney Acker reported on this project, which he stated was organized for a combination of flood control and irrigation purposes. Mr. Phillips and Mr. Giles met with the Commission to discuss their interest in reserving the water rights for the irrigation project. The Shadehill dam is being built by the Bureau of Reclamation in South Dakota and will store water to irrigate about 13,000 acres. The people in the Bowman-Haley district feel that if South Dakota should start irrigating from the river, they would acquire all rights to the waters of the Grand River, and if there were insufficient waters for both states, South Dakota might establish priority to all Grand River waters, both in North Dakota and South Dakota. Attorney Acker suggested that the Water Commission show their interest by drawing up a Resolution appropriating the waters of the Grand River in North Dakota for the irrigation of the Bowman-Haley project in the name of the State Water Commission. It was the opinion of Mr. Phillips and Mr. Weeks that damages caused by floods was sufficient to warrant the cost of building a dam, even without irrigation. Governor Aandahl instructed Attorney Acker to secure more detailed information on this project, and to draft a "Resolution" reserving the waters of the North Fork of the Grand River for the use and benefit of the Bowman-Haley Irrigation District in Bowman County.

Commissioner Olson entered the meeting at 11:05 o'clock a.m.

Math Dahl, Commissioner of Agriculture and Labor, left the meeting at 11:05 a.m.

Bruce Johnson, Acting District Manager of the Bureau of Reclamation, Bismarck, and Dean H. L. Walster and E. B. Norum of the North Dakota Agricultural College entered the meeting at 11:05 a.m.

Dean Walster outlined to the Members of the Commission the plan for making a soil survey of the Missouri Souris project. He said Governor Aandahl had recommended cooperation with the U. S. Department of Agriculture and the Bureau of Reclamation in carrying out this program. Dean Walster explained that the Division of Soils Survey, Bureau of Plant Industry, have been given this special charge by the present Congress to study the whole agricultural program of the Missouri Basin, and in particular those areas that are affected by the proposed irrigation development. The Bureau of Plant Industry has been given an appropriation of \$300,000 for soil work in the Missouri Basin development project, and have the funds available to proceed with their program of cooperation with the State. They are also ready to commence field work, having four men available, providing the State College will be in a position to place four more men in the field, and are willing to match dollar for dollar. The Bureau has a competent

laboratory man assigned to the soils laboratory to do the field work, at the Mandan Station, who will assist in the chemical and physical examination of the soils, and experiments in sprinkler and gravity irrigation are now being conducted at the Williston and Bowbells experiment farms. He suggested that immediate cooperation be effected with the Bureau of Soils Survey, as they expect extra money will be coming from the Department of Agriculture to finance these studies. Dean Walster said they already have at least two major projects going forward in studying the economics of irrigation in certain areas in the state and are studying potential markets for irrigation products.

(Mr. Berge entered the meeting at 11:15 a.m.)

At present the Experiment Station does not have the funds with which to proceed and are requesting \$15,000 for matching with the Bureau of Plant Industry for a soil survey. Governor Aandahl suggested that the soil survey program be definitely associated with some irrigation project in the State. Dean Walster suggested that a separate agreement between the Agricultural Experiment Station and the State Water Commission be worked out, the Contract to be ready before July 1, making funds available to the State Experiment Station to be used in matching federal funds through the Bureau of Plant Industry, to be expended for the purpose indicated in the contract. Bruce Johnson, Bureau of Reclamation stated that indications were that salts and alkali will be a serious problem with which to contend in the Missouri-Souris project and from present knowledge of the soil, would indicate reduced productive capacity.

Dean Walster, E. B. Norum, and Bruce Johnson left the meeting at 11:45 a.m.

Commissioner Thompson made the following motion: "I move that the State Water Conservation Commission allocate \$30,000 from the 1947 fund, #11--Postwar Projects, to the North Dakota Agricultural Experiment Station, Fargo, North Dakota, to be used in matching federal aid funds through the U. S. Department of Agriculture, Bureau of Plant Industry, for a two-year program of soil survey studies in the Missouri Souris project area, and other areas which the Bureau of Reclamation may request." Commissioner Dahl seconded the motion. Roll was called by Governor Aandahl, with Commissioners Dahl, Thompson, Olson, Tucker and Governor Aandahl all voting aye. Motion carried.

Dean Walster reentered the meeting at 11:55, and the Commission informed him of their decision. Mr. Walster was then appointed to work out a contract with the Water Commission, to be signed before July 1, 1949.

Dean Walster left the meeting at 12:00 o'clock noon.

The meeting recessed at 12:00 o'clock noon.

The meeting reconvened at 1:30 p.m. with Commissioners Thompson, Dahl, Olson, Tucker and Secretary Walsh present.

The Minutes of the April 14 and May 4, 1949 meetings of the State Water Conservation Commission were reviewed and a motion was made by Commissioner Dahl that they stand approved. Commissioner Olson seconded the motion. Motion carried.

The financial statements for the month of May, 1949, were examined by the Commissioners and Commissioner Tucker moved that they be adopted and filed. The motion was seconded by Commissioner Olson. Motion carried.

A delegation from Bottineau County, consisting of M. N. Larson, Richard Bond, A. Trengen and J. Waters entered the meeting at 1:40 p.m.

M. N. Larson, Chairman, Board of County Commissioners, Bottineau County, presented their problem in connection with the high water level in Lake Metigoshe, to the Commissioners. He stated that the lake level at present is so high that water is crossing the roads near there, and strong wave action is preventing any riprapping or repair work being done. The water is now running over the dam and into the creek, flooding farm and hay land. Their problem is to secure some authority by which they can maintain the lake at a certain level by controlling it with dam and gates. He said this dam was built about forty years ago, but as no record can be found of its construction, no one now

(Governor Aandahl entered the meeting at 2:10 p.m.)

wants the responsibility of opening and closing the dam. As the lake is primarily a summer resort and fish lake, the Commission instructed Secretary Walsh to take up the matter with Commissioner Morgan of the State Game and Fish Department, and a plan worked out whereby small dams could be constructed to take care of the runoff, with smaller lakes providing for storage of surplus waters. It was the opinion of the Commission that this project should come under the supervision of the State Game and Fish Department, and no action will be taken on this matter until a report is completed by Secretary Walsh and Commissioner H. R. Morgan.

A motion was made by Commissioner Thompson that Mr. A. M. Christensen, the newly appointed member of the State Water Conservation Commission, be delegated by the Commission to represent the Missouri-Souris District as witness for the State Water Conservation Commission at the hearings on Interior Appropriations held at Washington, D. C. during June. The motion was seconded by Commissioner Olson. Upon call of the roll by Governor Aandahl, as Chairman, Commissioners Dahl, Thompson, Olson, Tucker and Governor Aandahl all voted aye. Motion carried.

Judge A. M. Christianson and Attorney I. A. Acker entered the meeting at 2:25 p.m. They outlined the history of the organization of the Sioux Irrigation District and financial status of the District up until the present time. The Rural Rehabilitation Corporation, a state agency set up for the purpose of giving rural relief, advanced money to construct the Sioux Irrigation District. They then turned it over to the Bank of North Dakota, and the Bank of North Dakota paid off the Rural Rehabilitation Corporation from the proceeds of the Water Commission bond issue of \$63,000. The Sioux Irrigation District bonds, in the amount of \$25,000, were turned over to the Bank of North Dakota as collateral for the State Water Conservation Commission bond issue. \$5,000 of Sioux Irrigation District bonds are now due July 1. After some discussion on renewal of the bonds and method of working out the payments, Commissioner Thompson made the following motion: "I move that Commissioner Dahl, in company with Judge Christianson and Attorney I. A. Acker, be authorized and empowered to act for the Commission in negotiating with the Sioux Irrigation District for the refunding of the present outstanding Sioux Irrigation District bonds at such maturities as may be mutually agreed upon between them, at an interest rate of not less than 2%." The motion was seconded by Commissioner Olson. Roll was called by Governor Aandahl, with Commissioners Thompson, Dahl, Olson, Tucker, and Governor Aandahl all voting aye. Motion carried.

Mr. Berge left the meeting at 2:45 o'clock p.m.

Judge Christianson and I. A. Acker left the meeting at 3:00 o'clock p.m.

A letter from C. E. Overland, County Auditor, Grand Forks County, addressed to Secretary Walsh, was brought to the attention of the Commissioners. Mr. Overland presented a voucher billing the State Water Commission for 40% of the cost of cleaning out County Drain #14, to be paid from the 1947-1949 appropriation fund. Blue print plans have been submitted to the State Water Commission. This drain was surveyed and designed by the Soil Conservation Service and is presently under contract. The Secretary was instructed by the Commission to pay the amount of the voucher, and to consider the bills as they come in.

The Secretary reviewed the situation in connection with Cass County Drain #39, stating that Cass County has let out a contract to the Jardine Bridge Company, Fargo, for cleaning out Drain No. 39. They were, however, refused payment after reconsideration of the contract, for provisions for payment were not definitely specified, nor did it have the approval of the Soil Conservation Service. Neither have plans nor specifications been received from them. The Commission recommended that the Secretary investigate this drain and if it is found in good order to recommend that it be paid.

Attorney I. A. Acker and Albert Phillips and Giles Weeks of Haley, North Dakota, entered the meeting at 3:15 p.m. to further report on the Bowman Haley project. Attorney Acker stated that reports had been prepared on this project by the Corps of Army Engineers, the Bureau of Reclamation and by R. E. Kennedy, former state engineer. The reports estimate there were 6,000 acres of 1 and 2 class lands that could be irrigated, however, the cost of constructing the dam was standing in the way of the project. Mr. Acker advised the State Engineer to re-appoint the former directors of the Bowman-Haley project and suggested that the Water Commission adopt a Resolution authorizing and directing the Secretary of the Commission to reserve the unappropriated waters of the North Fork of the Grand River for the use and benefit of the Haley Irrigation District in Bowman County, North Dakota. Upon reading of the "Resolution" by Attorney Acker, Commissioner Tucker moved its adoption, which was seconded by Commissioner Dahl. Upon call of the roll by Governor Aandahl, Commissioners Dahl, Thompson, Tucker, Olson and Governor Aandahl all voted aye. Motion carried. The Commission instructed that a copy of the Resolution be sent to Washington, D. C. urging Senators and Congressmen to take action to secure the approval of the project. A copy was also ordered sent to the Bureau of Reclamation and the Corps of Army Engineers.

R E S O L U T I O N

The following resolution was presented by Commissioner Earle Tucker, who moved its adoption, which motion was seconded by Commissioner Einar Dahl.

WHEREAS the Haley Irrigation District of Bowman County, North Dakota, was duly organized in 1933 for the purpose of establishing facilities for the irrigation of upwards of 6,400 acres of land within said district by constructing a dam and reservoir on the North Fork of the Grand River and the necessary canals to divert water therefrom, and

WHEREAS reports of investigations and surveys by the Bureau of Reclamation, the U. S. Corps of Army Engineers and by Robert Kennedy, former State Engineer, show that the proposed Bowman Haley Irrigation Project is feasible and economically desirable, and

WHEREAS resolutions adopted by the boards of directors of Haley Irrigation District, by the boards of county commissioners of Adams and Bowman Counties, by the governing boards of the cities of Scranton and Bowman, and by the Southwest Development Association have been presented to and filed with the Commission urging the establishment of said project for the purpose of flood control and irrigation, and

WHEREAS plans for the construction of said project and estimates of the costs thereof have been filed with the State Engineer, and

WHEREAS the Commission has been requested by the directors of the Haley Irrigation District to reserve the unappropriated waters of the North Fork of the Grand River for the use and benefit of said irrigation district in conformity with the provisions of Section 61-0230 of the North Dakota Revised Code of 1943

NOW THEREFORE BE IT RESOLVED by the State Water Conservation Commission

1. That the construction of a dam and reservoir on the North Fork of the Grand River for flood control and the establishment of canals to divert waters therefrom for the irrigation of lands within said district will promote the welfare of many farm families living in an area frequently subject to drouth;
2. That the Secretary of the Commission is hereby authorized and directed to execute on behalf of the Commission a declaration in writing of its intention to reserve, store, divert and control the unappropriated waters of the North Fork of the Grand River for the use and benefit of the Haley Irrigation District in Bowman County, North Dakota.

Upon taking of a vote, the Members of the Water Commission voted unanimously in favor of the motion. Motion carried.

Attorney Acker, Mr. Phillips and Mr. Weeks left the meeting at 3:30 p.m.

In regard to the financial assistance furnished by the State Water Commission in paying part of the salary of the Secretary of the Missouri-Souris Projects Association, Governor Aandahl recommended that the Commission continue to help meet this payment up until the 30th day of June, 1949. Upon Governor Aandahl's recommendation, Commissioner Olson made the following motion: "I move that we extend the authorization of payment of the salary of the Secretary of the Missouri Souris Projects Association, authorized by the Commission in their meeting of August 19, 1948, not to exceed the amount of \$300 per month for the period between January 1, 1949 and June 30, 1949, during the time of his employment." The motion was seconded by Commissioner Tucker. Roll was called by Governor Aandahl, with Commissioners Thompson, Tucker, Dahl, Olson and Governor Aandahl all voting aye. Motion carried.

Commissioner Einar H. Dahl was delegated to represent the State Water Commission at a program and banquet sponsored by the Missouri Souris Projects Association, to be held in the Sherman Hotel, Wolf Point, Montana, on the afternoon and evening of June 16, 1949.

Commissioner Tucker made the following motion with regard to the assignment of Water Right Permit no. 162, previously owned by the Knife River Coal Mining Company, to the Montana-Dakota Utilities Company, and requesting a new permit: "I move that we approve the 'Agreement' between the Knife River Coal Mining Company, (a Minnesota Corporation), Minneapolis, Minnesota, and the Montana-Dakota Utilities Company, (a Delaware Corporation), Minneapolis, Minnesota, assigning Water Right permit #162, previously owned by the Knife River Coal Mining Company, from that company to Montana-Dakota Utiltkties Company, and requesting that a new permit be issued to Montana-Dakota Utilities Company." Commissioner Dahl seconded the motion. Motion carried.

An "agreement" between the Village of Streeter, North Dakota, and the State Water Conservation Commission for an underground water survey and investigation, in cooperation with the U. S. Geological Survey, was presented to the Commission for their approval. Commissioner Dahl made the following motion: "I move that the 'Agreement' between the Village of Streeter, North Dakota, and the State Water Conservation Commission for an

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underground water survey, investigation and study in the vicinity of the Village be approved, and the Chairman and Secretary of the State Water Conservation Commission be authorized to sign the agreement." The motion was seconded by Commissioner Olson. Upon call of the roll by Governor Aandahl, Commissioners Thompson, Dahl, Olson, Tucker and Governor Aandahl all voted aye. Motion carried.

The Commission considered a request from Dr. Wilson M. Laird, State Geologist, Grand Forks, for cooperative funds to be spent in partitioning off rooms in the University building. Commissioner Thompson made the following motion: "I make a motion that we participate with the Federal Government in expending cooperative funds to be used in the partitioning of rooms at the University of Grand Forks, not to exceed 50% of the cost of construction." The motion was seconded by Commissioner Dahl. Roll was called by Governor Aandahl, with Commissioners Dahl, Thompson, Olson, Tucker and Governor Aandahl all voting aye. Motion carried.

The State Examiner's Report of examination of the Office of the State Water Conservation Commission for the period from March 1, 1948 to February 28, 1949, was examined by the members of the Commission. A motion was made by Commissioner Tucker that the Report be approved and filed in the Office of the State Water Commission, which motion was seconded by Commissioner Olson. Motion carried.

Secretary Walsh informed the Commissioners of the dam repair work to be done in connection with the Sivertson Dam, McKenzie County, and the Jund Dam, McIntosh County and the materials that will be needed for completing the repair and maintenance work. Commissioner Olson made a motion authorizing the State Engineer to proceed with repair work on the Sivertson and Jund dams, which motion was seconded by Commissioner Dahl. Governor Aandahl called the roll, with Commissioners Dahl, Thompson, Olson, Tucker and Governor Aandahl all voting aye. Motion carried.

Secretary Walsh discussed with the Commission the need for purchasing equipment to be used in the repair and maintenance of dams and other construction work. The Commission authorized the Secretary to investigate and purchase for the Water Commission whatever equipment is needed. Commissioner Thompson made a motion authorizing the Secretary to advertise for formal bids on a dragline to be purchased by the Commission for construction work, and to have the ad published immediately, so that action can be taken upon the purchase of the dragline before July 1, 1949, or the close of the biennium. This motion was seconded by Commissioner Dahl. Governor Aandahl called the roll, with Commissioners Thompson, Dahl, Olson, Tucker and Governor Aandahl all voting aye. Motion carried.

The next meeting of the State Water Conservation Commission was set for Saturday, June 25, 1949, in the office of the Water Commission, at which time bids will be received for the purchase of a dragline, at the hour of 10:00 o'clock a.m.

The meeting adjourned at 4:45 o'clock p.m.

Respectfully submitted,

ATTEST:


Chairman


Secretary