

MINUTES OF A MEETING OF THE
STATE WATER CONSERVATION COMMISSION

Held in the Office of the State Water Conservation Commission, Bismarck, North Dakota
June 5, 1950

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 5, 1950.

MEMBERS OF THE 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.

Einar Berge, Publicity Manager for the Commission, " "

OTHERS PRESENT:

- John F. Dillon, District Conservationist, Soil Conservation Service, Park River, N. Dak.
- Vern Sherratt, Chairman, Cavalier County Commissioners, Langdon, N. Dak.
- Fred Bohn, Commissioner, Langdon, N. Dak.
- Curtis Loucks, Soil Conservation Service, Langdon, N. Dak.

Nels G. Johnson, Attorney for the Eaton Flood Irrigation District, Bismarck, N. Dak.

The meeting was called to order by Vice-Chairman S.W. Thompson at 9:30 o'clock a.m., with Commissioners Einar Dahl, Curtis Olson, Earle F. Tucker and Secretary J. J. Walsh present. Also present at the opening of the meeting was Einar Berge, Publicity Manager for the Commission.

Commissioner Einar Dahl made a motion that the minutes of the March 21, 1950, meeting of the State Water Conservation Commission be approved as written, which motion was seconded by Commissioner Olson. Motion carried.

It was moved by Commissioner Tucker and seconded by Commissioner Olson, that the Financial Statements of the State Water Conservation Commission for the months of March, April, and May, 1950, be adopted and filed in the Office of the Commission. Upon a unanimous vote of the Commission in favor of the motion, the motion carried.

Governor Aandahl and Attorney Nels G. Johnson entered the meeting at 9:45 a.m.

Atty. Nels Johnson appeared before the Members of the Water Commission on behalf of the Eaton Flood Irrigation District Board and Mr. J. C. Eaton of Denbigh, to represent the interests of the project with regard to priorities in the granting of a water-right to the City of Minot, by the State Engineer.

Mr. Johnson stated he was not present to protest the City of Minot's application for a water-right, but to ascertain or definitely establish that the Eaton Flood Irrigation project has water-rights which are recognized with the other vested water-rights on the Souris River, so that Minot will have no rights over and above the rights that have been allocated to the Eaton Flood Irrigation District. Atty. Johnson reviewed events leading

up to the agreement made between the U.S. Department of Agriculture, on behalf of the Bureau of Biological Survey and the Board of Flood Irrigation of McHenry County, which was secured on the 29th day of November, 1935, and signed by the U.S. Department of Agriculture by the then Secretary of Agriculture, and by L.G. Hardie, President of the Eaton Flood Irrigation Project, and J. C. Eaton, its Secretary. He also stated that Mr. Eaton had filed a request for a water-right according to requirements of the law, and his purpose here was to make sure that the "Findings", as drawn, would clearly take into account the Eaton Flood Irrigation District rights as vested rights, and that the Eaton Flood Irrigation District water-right be distinctly specified so that the Eaton Flood Irrigation project would be fully protected. Secretary Walsh advised the Commissioners that a water-right had never been granted by the State Engineer to the Eaton project, but that it is recognized by the International Joint Commission and will be subject to their final approval.

A copy of the "Findings of Fact" and "Conclusions of Law" of the Order Granting Application of the City of Minot for a permit to Appropriate Water from the Souris River was read by Mr. Nels Johnson. Atty. I. A. Acker informed those present that the waters actually stored in the Federal Fish and Wildlife reservoir belonged to the United States, and they had made a concession to the Eaton project that they would release 10,000 feet of stored water, a concession over which the Commission has no jurisdiction, and that the United States does not have to release any water over and above the natural flow of the stream. He also stated that the City of Minot was asking for the appropriation of surplus waters, and that they were not asking for stored waters.

A motion was made by Commissioner Thompson, and seconded by Commissioner Einar Dahl, that the Order of the State Engineer granting application of the City of Minot for a permit to appropriate water from the Souris River for municipal purposes be approved with the following amendment added thereto:

"The right granted to the City of Minot under a permit to appropriate waters of the Souris River, in accordance with its application therefor, shall not be deemed to modify or impair any agreement heretofore entered into between the Secretary of the U.S. Department of Agriculture and the Eaton Flood Irrigation District of McHenry County as to the release of stored waters from Lake Darling for the use and benefit of said flood irrigation district. Nor shall such permit to appropriate waters of the Souris River be deemed to impair the rights of riparian owners to the natural flow of the river for their domestic needs or for watering livestock." Upon a unanimous vote of the Members of the Commission, the motion carried.

ORDER GRANTING APPLICATION OF THE CITY OF MINOT FOR
A PERMIT TO APPROPRIATE WATER FROM THE SOURIS RIVER

On the 12th day of December, 1949, the City of Minot, North Dakota, a municipal corporation, filed with the State Engineer, an application in writing for a permit, or water-right, to appropriate water from the Souris River for the purpose of supplementing, conserving, and replenishing the underground supply of water in city wells.

Public hearing of said application was set for the 21st day of January, 1950, at the Office of the State Engineer in the State Capitol at Bismarck, North Dakota. Notice of Hearing was given to all interested parties in the manner provided by law.

At the time and place of hearing the following appearances were entered: J.W. Bliss, City Manager, Minot, North Dakota, Robert L. Brundon, Administrative Assistant to the City Manager, and Hugh McCutcheon, Assistant City Attorney, appearing for the applicant; Robert W. Dougall, Service Engineer of the U.S. Fish and Wildlife Service, and Arthur Huey, Regional Engineer of the U.S. Fish and Wildlife Service, of Minneapolis, Minnesota, appearing for the U.S. Fish and Wildlife Service of the United States Department of the Interior; and John Eaton of Denbigh, North Dakota, appearing for himself and on behalf of owners of land within the Eaton Flood Irrigation District of McHenry County.

After Mr. Bliss, Mr. Brundon, and Mr. McCutcheon had stated the reasons for, and purposes of, the City of Minot filing its application for a water-right, the amount of water

available in the Souris River for the City of Minot after requirements of prior appropriators for beneficial use have been met, was discussed and considered. The hearing was discontinued until the 31st day of March, 1950, in order to enable the applicant to furnish certain additional information and data concerning the water problem of the City of Minot. On the 31st day of March, 1950, the hearing was resumed, and the same appearances were entered.

After considering the evidence and representations of persons appearing for the City of Minot, the factual matters concerning stream flow in the Souris River submitted by Robert W. Dougall and Arthur Huey of the U.S. Fish and Wildlife Service, and the protest of John C. Eaton against the granting of said application, the State Engineer finds the following:

FINDINGS OF FACT

1. That the Souris River flows through the City of Minot, the City has used and is using, the Souris River for the purpose of sewage disposal, but has not used the waters thereof for other municipal purposes or for the domestic needs of its inhabitants or for commercial and industrial uses since 1916. Wells have been dug within the City and water from such wells has been and is being supplied by the City for the purposes mentioned. But during the past ten years the population of the City of Minot has greatly increased and is steadily increasing. Commercial and industrial development has been extensive and is rapidly expanding. Because of the City's increased population and because of its rapid growth as an industrial and commercial center, the City is facing a critical situation in meeting its requirements for water. The Souris River is the only known available adequate source of supply from which the City can supplement and conserve the limited supply in its wells.

2. The City requests the right to withdraw water for its various requirements from the Souris River during the spring runoff when the flow therein is ordinarily ample to supply the various needs above mentioned and is also sufficient to meet the requirements of the U.S. Fish and Wildlife Service for stored water, and the requirements of downstream riparian owners for their domestic, livestock, and irrigation needs.

3. That the withdrawal of water by the City of Minot from the Souris River during the spring runoff, when water is not used by downstream riparian land owners and other water users who have prior water rights, will, in effect, constitute appropriation of waters which would otherwise be wasted and would not be required for beneficial use such as irrigation.

4. That the City of Minot estimates that approximately 75 per cent of the water proposed to be withdrawn from the Souris River by the City of Minot will, after its use, be returned to the stream and will be available for down-stream owners of riparian lands in North Dakota and in the Dominion of Canada.

5. That John C. Eaton, for himself and as the representative of the Eaton Flood Irrigation District of McHenry County, has filed an instrument in writing protesting the application of Minot for a water-right on the ground that there will be no water available in the Souris River in excess of the amount required by the U. S. Fish and Wildlife Service under its water-right for the maintenance of wildlife refuges, and the amount of water needed by downstream riparian land owners for their domestic use and for beneficial uses pursuant to their existing water-rights.

6. That only in the spring of each year is the natural flow of water in the Souris River in excess of the appropriations authorized and granted by the State Engineer to the U. S. Fish and Wildlife Service and to down-stream owners of riparian lands for beneficial use.

From the foregoing "Findings of Fact" the State Engineer arrives at the following:

CONCLUSIONS OF LAW

1. That a supply of water to supplement and conserve the underground supply of water available in the wells of the City of Minot is necessary to insure the safety and welfare of the city, it's inhabitants and of commercial and industrial establishments therein.

2. That under Sub-section 17 of Section 40-0502 of the Revised Code of North Dakota for 1943, a city has the right "to withdraw from any stream, water course, or body of water within or without a city, or within or without or bordering upon the state, a supply of water reasonably sufficient for the needs of the inhabitants of the city, and to supply facilities for storing of water for all other necessary municipal purposes."

In the report on the "Souris River Investigation" issued by the International Joint Commission created pursuant to a treaty between the United States and the Dominion of Canada that Commission said:

"About 1900 the first demands were made upon the Souris River for municipal water supplies. In that year the City of Minot installed its first water-works system, drawing its supplies from the Souris. After 1916 it obtained its water supply from wells. Since that year the ground water elevation of the wells has lowered about twenty-five feet, and it may become necessary for Minot to return to the Souris River for its water supply. Minot now has a population of 18,000 . Valva, with a population of about 870, may also have to look to the Souris for its supply."

3. That the application of the City of Minot for a water-right permit to appropriate surplus waters from the Souris River for the purposes hereinbefore mentioned in order to supplement, conserve, and replenish the supply of water in its wells, must as a matter of law and equity be approved subject to the vested rights of the owners of prior water-rights and subject to the determination of the International Joint Commission.

The right granted to the City of Minot under a permit to appropriate waters of the Souris River, in accordance with its application therefor, shall not be deemed to modify or impair any agreement heretofore entered into between the Secretary of the U.S. Department of Agriculture and the Eaton Flood Irrigation District of McHenry County as to the release of stored waters from Lake Darling for the use and benefit of said flood irrigation district. Nor shall such permit to appropriate waters of the Souris River be deemed to impair the rights of riparian owners to the natural flow of the river for their domestic needs or for watering livestock.

Dated this 5th day of June, 1950.

State Engineer

The U.S. Geological Survey proposed agreement relative to the cooperative surface water resources investigation program in North Dakota for the fiscal year beginning July 1, 1950, and ending June 30, 1951, was presented to the Members of the Commission for their consideration and approval.

Commissioner Tucker made the following motion: "I move that the State Water Conservation Commission authorize the Secretary to sign the Cooperative Agreement for Investigation of Surface Water Resources in North Dakota during the fiscal year beginning July 1, 1950, and ending June 30, 1951, agreeing to contribute \$10,000 as their share toward the cost of this investigation." The motion was seconded by Commissioner Olson. Upon call of the roll by Governor Aandahl, Commissioners Einar Dahl, Olson, Tucker, Thompson, and Governor Aandahl all voted aye. Motion carried.

With regard to the supplementary cooperative agreement with the U.S. Geological Survey covering the services furnished by the Office of the State Water Commission in connection with special surveys and field investigations, Mr. Olson made the following motion, which was seconded by Commissioner Einar Dahl: "I move that we approve the action taken by the Secretary in approving the agreement and financial statement in the amount

of \$1,255.02 of the U. S. Geological Survey covering the services furnished by this office in connection with special surveys and field investigations conducted for the determination of the peak discharge on North Dakota streams during the spring floods." Upon a unanimous vote of the Members of the Commission, the motion carried.

A "Resolution" from the Ramsey County Farm Bureau requesting that a "Comprehensive coopeative survey and investigation be made into flood conditions in Ramsey County by the County Commissioners, the Soil Conservation Service and the State Water Commission with a view to determining the practicability of diverting such waters directly into Devils Lake while at the same time maintaining our lake system", was under consideration by the Commission. The Secretary was instructed to write and tell Mr. Hall, Chairman of the Ramsey County Farm Bureau, that everything possible is being done, and that preparations are under way for a detailed survey of the area so as to be able to determine what channels may be used and what the costs will be. Secretary Walsh suggested having the flooded area plotted out on a map. It was suggested having Morris Barks, of the Soil Conservation Service, Devils Lake, supervise and assist farmers in outlining the flooded area and establish the high water elevations.

The Secretary of the Commission received a letter from Mr. Herbert A. Hard, San Antonio, Texas, informing the Commission that he has in his possession copies of various records relating to the disastrous floods occurring in the Red River Valley in 1913, which includes drawings, drafts, blue prints, reports, etc., which were destroyed in the Capitol fire of 1930. He stated these records could be made available to the Water Commission at a price of \$100, or reports of the work may be had at 50¢ per copy.

The Commission decided to purchase at least 10 of these Reports for the Water Commission files, at 50¢ apiece, making a total of \$5.00. Mr. Walsh was instructed to write Mr. Hard to that effect.

The meeting recessed at 12:30 o'clock p.m., to reconvene at 1:30 o'clock p.m.

John F. Dillon, District Conservator, Soil Conservation Service, Park River, North Dakota, and a delegation from Cavalier County, namely: Vern Sherratt, Chairman, County Commissionerers, Commissioner Fred Bohn, and Curtis Loucks of the Soil Conservation Service, all of Langdon, entered the meeting at 1:30 p.m.

The purpose of their appearance before the Commission was to secure financial assistance in the cleanout of an old legal drain four miles south of Langdon in Cavalier County. They stated that the area around the drain was now flooded, damaging approximately 1400 acres, and should be drained. This drain normally holds from three to four feet of water which comes from natural runoff, and the land cannot be farmed in the spring. They explained that if it were drained as much as 1½ feet, it would drain the whole. There are approximately 2 to 2½ miles of cleanout. It was their desire to have the lake bed drained to normal so that it could be contained within the borders of the lake.

Commissioner Vern Sherratt, Chairman of the Board of County Commissioners of Cavalier County reported to the Water Commission that the spring runoff in the creeks entering Rush Lake raised the water to such a high level that it flooded a large area of crop land. In order to lower the water level in the lake they removed all obstructions in west Snowflake Creek and east Snowflake Creek. It was the opinion of Mr. John F. Dillon that considerable cleaning out of the channels would be necessary in order to provide sufficient area so that the lake outlets would carry away the water that was flowing into the lake.

It was suggested by Commissioner Thompson that the County Commissioners contact the U.S. Corps of Engineers and request them to make a study of the Rush Lake problem so that perhaps these benefits could be added to their present study of the Walhalla Dam, and be included in their overall program on the Pembina River. The procedure suggested to them by the Commission was that they first organize a drainage district or conservancy

district, in order that they would be a legal entity having the authority to contract. The cost of reconstructing the drain could then be assessed against the land that is benefited, according to the benefits received. It was also proposed that a hearing be held in order to give all concerned an opportunity to attend and present their views. Mr. Dillon explained to the Commission that the estimated cost of cleanout of this drain would total \$4,400, and that they were requesting the Commission to assist in the payment of 40% of the cost. He stated they have already advertised for bids.

Commissioner Olson made a motion that the State Water Conservation Commission contribute 40% of the contract price of reconstructing Hunters Lake Drain No. 1 in an amount not to exceed \$1800. This motion was seconded by Commissioner Einar Dahl. Upon roll call by the Chairman, Commissioners E. Dahl, Olson, Tucker, Thompson, and Governor Aandahl all voted aye. Motion carried.

Mr. Dillon advised the Commission that the Park River Dam from which the city secures its water supply, recently damaged by flood waters, was in need of repair and requested financial aid for this. He was requested, by Secretary Walsh, to submit an estimate of the cost of repair work needed and the amount that would be contributed locally, to the Water Commission, where it would receive further consideration.

The delegation from Cavalier County left the meeting at 2:35 p.m.

An application from the United States Department of the Interior, Fish and Wildlife Service, Washington, D.C., has been received by the State Water Conservation Commission requesting permit to divert and appropriate water of the State of North Dakota for the Valley City Fish Hatchery Station, the water to be appropriated from Baldhill Reservoir on the Sheyenne River and siphoned into four pools below the dam, having a total surface area of 5.52 acres.

RESOLUTION DECLARING INTENTION TO RESERVE, DIRECT AND APPROPRIATE WATERS FROM THE BALDHILL RESERVOIR OF THE BALDHILL DAM, BARNES COUNTY, NORTH DAKOTA

The following Resolution was presented by Commissioner Curtis Olson, who moved its adoption, which motion was seconded by Commissioner Earle Tucker.

WHEREAS the United States of America under date of June 1st, 1950, filed in the office of the State Engineer an application for a permit to divert and appropriate from the Baldhill Reservoir of the Baldhill Dam in Barnes County, North Dakota, waters of the Sheyenne River in an annual amount of 210.5 acre feet for the use and benefit of the Wildlife Service of the U.S. Department of the Interior in the operation and maintenance of a project for the propagation of fish, known as the Baldhill Fish Hatchery;

BE IT RESOLVED BY THE STATE WATER CONSERVATION COMMISSION:

1. That the application of the Fish and Wildlife Service of the U.S. Department of the Interior be and the same is hereby approved as therein requested;

2. That, in conformity with the statutes in such case made and provided, the Commission does hereby reserve and declare its intention to appropriate waters from the Sheyenne River for the use and benefit of the Fish and Wildlife Service of the U.S. Department of the Interior in the operation and maintenance of a fish hatchery, known as the Baldhill Fish Hatchery and that the Secretary of the Commission is hereby directed to file this declaration of intention to reserve and appropriate waters for said fish hatchery in his office of state engineer;

3. That when construction of said Baldhill Fish Hatchery has been completed and waters of the Sheyenne River needed for the operation and maintenance thereof, the State Engineer is hereby authorized to issue his permit to divert and appropriate waters of the Sheyenne River as requested in said application of the Wildlife Service of the U.S. Department of the Interior.

Upon a unanimous vote of the Members of the Commission, the "Resolution Declaring Intention to Reserve, Direct, and Appropriate Waters from the Baldhill Reservoir of the Baldhill Dam, Barnes County, North Dakota" was adopted.

Governor Aandahl entered the meeting at 3:25 p.m.

A report by H. L. Walster, Director of the North Dakota Agricultural Experiment Station, upon the detailed soil survey in the Missouri Basin area reporting on the work accomplished to date was given the Commissioners for their information. This report stated that the short field season was insufficient to accomplish more than training of personnel and mapping thirteen square miles. The field party spent the winter at Fargo working on laboratory studies of the soil. The expenditure made to date from State Water Commission funds is in the amount of \$5,668.12.

Governor Aandahl informed the Water Commission that he had received a copy of a resolution concerning the building of a dam on the Cannonball River, to be located southeast from the City of Elgin in Grant County, which was adopted at a meeting of the New Leipzig Commercial Club on April 25, 1950.

Governor Aandahl read the Resolution to the Members of the Commission, and advised the Commission that he had replied to it, stating that the North Dakota Water Commission has repeatedly encouraged the Bureau of Reclamation to proceed with this construction.

Secretary Walsh requested the opinion of the Members of the Commission concerning the illness of Clarence Gamble, employee with the State Water Conservation Commission, who has been hospitalized since April. Mr. Gamble's salary has been continued through the month of May, and the Secretary requested the Commission's opinion as to how long they should continue paying his salary. The Members of the Commission were in agreement that Mr. Gamble should be kept on the payroll of the Water Commission until the first of July, 1950.

The Commissioners read correspondence received from the North Dakota Senators and Representatives with regard to the Bowman-Haley project and the proposed Haley Dam, in which they expressed their desire to be of assistance in promoting the construction of the project; and also from Mr. Wesley R. Nelson, Acting Commissioner, Bureau of Reclamation, Department of the Interior, Washington, D. C., W.E. Rawlings, Acting Regional Director, Bureau of Reclamation, Billings, Montana, and J. W. Grimes, Acting District Manager of the Bureau at Huron, South Dakota, in which they stated they are rechecking the potentialities of the Bowman area and will include their findings on this subject in the report on the Grand River Basin, scheduled for completion during the fiscal year 1952.

Correspondence received from John Carmody with regard to the President's Water Resources Policy Commission was read and the Commission Members informed of a meeting to be held at Hotel Martin, Sioux City, Iowa, on June 12 and 13. Governor Aandahl stated he would reply to this letter notifying them that some of the Members of the North Dakota Water Commission planned to attend. Earle F. Tucker, Curtis Olson, and Sivert Thompson were delegated to attend this meeting as representatives of the State Water Commission.

The Commissioners discussed the repair of Cedar Lake Dam, which the Secretary stated had been completely destroyed during the recent spring floods. Surveys have been made by engineers of the Water Commission to determine the extent of loss. The Secretary informed the Commission that a letter had been received from the State Game and Fish Department stating they will be unable to assist financially in the reconstruction of the dam. It was considered possible to put in a temporary dike in order to prevent the waters from completely draining out. The Commission felt that it was too large a project for the Water Commission to handle, and that it would be advisable for the Fish and Wildlife Service

to go ahead with the reconstruction of this dam, and the Water Commission secure a definite estimate of the damages and cost of repair and give such assistance as they can.

A letter was received on June 2 from the "Hettinger Rod and Gun Club" making a commitment to "furnish 100 cu.yds. field stone and/or 400 sacks cement, and/or earthwork and/or cash payment to a total amount of \$1,000 as a cooperative share of cost for repairs to Wolf Butte Dam."

A motion was made by Commissioner Einar Dahl that the Commission authorize the expenditure of funds needed, in excess of the \$1,000 furnished by the Hettinger Rod and Gun Club and the \$1,000 furnished by the State Game and Fish Department, to complete the repair of the Wolf Butte Dam. Commissioner Tucker seconded the motion. Upon call of the roll by the Chairman, Commissioners Olson, Tucker, Einar Dahl, Thompson and Governor Aandahl all voted aye. Motion carried.

The Jamestown Dam was also under consideration for repair, which was estimated to cost from \$2,000 to \$3,000. Commissioner Thompson made the following motion: "I move that the Water Commission authorize the Secretary to proceed on a 75% basis with the City of Jamestown on the cost of repairing the Jamestown Dam, the city to pay the remaining 25%." The motion was seconded by Commissioner Tucker. Upon roll call by the Chairman, Commissioners Einar Dahl, Olson, Thompson, Tucker, and Governor Aandahl all voted aye. Motion carried.

The Commissioners discussed a letter received from Mr. M.M. Millhouse, President of the Park Board at Williston, North Dakota, in which Mr. Millhouse requested assistance from the Water Commission to finance the repair of the spillways on two dams. He also said they would like to raise the dams and make bigger lakes or put in another dam and make another lake in the park area three miles north of Williston. The State Game and Fish Department have also been contacted, and Secretary Walsh said it was the opinion of Mr. Brynjolfson, Assistant Game Commissioner, that it was very doubtful whether there would be sufficient water to fill the lakes. However, they have agreed to have some surveys made.

The Water Commission was notified by Theo. W. Sette, Manager, Credits Department of the Bank of North Dakota that they had received from the Federal Bank of Minneapolis the \$5,000 U.S. Savings Bond Series "G", dated March 1, 1950, due March 1, 1962, No. V-983996G, at 2½% and were holding Safekeeping Receipt No. 749 covering the bond, in their bank as Trustee.

The Members of the Commission considered several applications for permit to divert and appropriate water of the State of North Dakota for irrigation purposes, and took the following action.

Commissioner Thompson made the following motion, which was seconded by Commissioner Einar Dahl: "I move that the application of Ed Whitney, Ypsilanti, North Dakota, for permit to divert and appropriate water from the James River, be not approved." Upon vote of the members of the Commission, the motion unanimously carried.

Commissioner Einar Dahl made the following motion, which was seconded by Commissioner Tucker: "I move that the application of Mark Andrews, Mapleton, North Dakota, for permit to divert and appropriate water from the Maple River for irrigation purposes be limited to not more than 80 acres per year, the specific acreage to be designated by Mr. Andrews." Upon a unanimous vote of the Commission, the motion carried.

It was the decision of the Commission that the application of Arno F. Glimm, Williston, for permit to divert and appropriate water from the Little Muddy River should be further investigated and the acreage to be irrigated limited to 80 acres.

The following applications for permit to divert and appropriate water of the State of North Dakota, which have complied with all legal requirements and have filed with the State Engineer the necessary papers, maps, and fees, were favorably considered by the Commission:

Commissioner Thompson made the following motion, which was seconded by Commissioner Tucker: "I move that Frank K. Svihl, Dickinson, North Dakota, be granted a permit to divert and appropriate water from the Green River for irrigation purposes, not to exceed a total of 81.5 acres, as previously agreed to by Mr. Svihl, the application to be subject to all prior and existing water-rights covering the Green River." Upon a unanimous vote of the Commission, the motion carried.

Commissioner Dahl made the following motion, which was seconded by Commissioner Tucker: "I move that the application of John J. Wanner, Dickinson, North Dakota, for permit to divert and appropriate water from the Heart River to irrigate 54.7 acres of land be granted, subject to all prior and existing water-rights covering the Heart River; and that Mr. John J. Wanner's application for permit to divert and appropriate water from the Green River for irrigation purposes be granted in an amount not to exceed 71.2 acres, as previously agreed to by Mr. Wanner, subject to all prior and existing water-rights covering the Green River." The Members of the Commission voted unanimously in favor of the motion. Motion carried.

Commissioner Olson made the following motion, which was seconded by Commissioner Einar Dahl: "I move that the application of A. D. Lefor, Dickinson, for permit to divert and appropriate water from Antelope Creek, tributary to the Heart River, for irrigation purposes, be granted in an amount not to exceed 81.1 acres, as previously agreed to by Mr. Lefor, and subject to all prior and existing water-rights on Antelope Creek." Upon a unanimous vote of the Commission, the motion carried.

It was moved by Commissioner Thompson and seconded by Commissioner Dahl, that the application of Walter Gustafson, Dickinson, for permit to divert and appropriate water from the Green River, to irrigate 56.7 acres be granted, subject to all prior and existing water-rights on the Green River." The Commission voted unanimously in favor of the motion. Motion carried.

It was moved by Commissioner Olson and seconded by Commissioner Tucker that the application of C. H. Kempton, Regent, for permit to divert and appropriate water from the Cannonball River to irrigate 35.0 acres be granted, subject to all prior and existing water-rights on the Cannonball River. The Members of the Commission voted unanimously in favor of the motion. Motion carried.

It was moved by Commissioner Thompson and seconded by Commissioner Tucker that the application of Earl Heath, Milnor, for permit to divert and appropriate water from the Sheyenne River to irrigate 41.6 acres be granted, subject to all prior and existing water-rights on the Sheyenne River. The Members of the Commission voted unanimously in favor of the motion. Motion carried.

It was moved by Commissioner Dahl and seconded by Commissioner Thompson that the application of E. W. Jeffrey, Williston, for permit to divert and appropriate water from the Little Muddy River to irrigate 34.2 acres be granted, subject to all prior and existing water-rights on the Little Muddy River. The Members of the Commission voted unanimously in favor of the motion. Motion carried.

It was moved by Commissioner Olson and seconded by Commissioner Dahl that the application of Seb Herner, Mott, for permit to divert and appropriate water from the Cannonball River to irrigate 64.5 acres be granted, subject to all prior and existing water-rights on the Cannonball River. The Members of the Commission voted unanimously in favor of the motion. Motion carried.

It was moved by Commissioner Thompson and seconded by Commissioner Olson that the application of Greg Dahners, Almont, for permit to divert and appropriate water from Crown Butte Creek, tributary of the Heart River, to irrigate 36.9 acres be granted, subject to all prior and existing water-rights on Crown Butte Creek. The Members of the Commission voted unanimously in favor of the motion. Motion carried.

It was moved by Commissioner Tucker and seconded by Commissioner Olson that the application of Gordon Rjdl, Dickinson, for permit to divert and appropriate water from the Green River to irrigate 32.5 acres be granted, subject to all prior and existing water-rights on the Green River. The Members of the Commission voted unanimously in favor of the motion. Motion carried.

The Commissioners agreed that the opinion of Attorney I. A. Acker should be secured on whether the Commission had the authority to limit the amount of acreage that the holder of a water-right may irrigate.

As there was no further business on the Agenda, the meeting adjourned at 5:00 o'clock p.m.

Respectfully submitted,


Secretary

ATTEST:


Chairman

NORTH DAKOTA STATE WATER CONSERVATION COMMISSION
 MONTHLY REPORT OF ACCOUNTS AS OF JUNE 30, 1950
 1949-1950 Appropriations

Fund No.	Appropriation	Available July 1949	Expended to May 31, 1950	Expended June 1950	Balance <i>June 30, 1950</i>
1	Commissioner's Per Diem and Expenses	\$ 4,000.00	\$ 1,990.78	\$ 88.25	\$ 1,920.97
2	Administration	30,000.00	16,758.31	1,559.56	15,199.68
	Collections and Refunds	3,427.55			
3	Maintenance of Existing Dams	100,000.00	49,586.53	88,434.23	63,486.18
	Collections and Refunds	21,506.94			
4	International and Interstate Commissioner's and conference Expense	12,000.00	5,259.94	346.83	6,393.23
5	Topographic and Conservation Cooperation with the USGS plus transfers	33,085.60	10,477.76		22,607. ⁸⁴ 85
6	Hydrographic Surveys, Coop. with USGS	20,000.00	8,709.11	765.10	10,616.66
	Refund	9087			
7.	Salary-State Engineer	5,400.00	2,475.00	225.00	2,700.00
8.	Construction and Reconstruction - Drains or Irrigation	150,000.00	21,423.23		128,576.77
9	Engineering & Geological Survey & Demonstrations	30,000.00	17,478.08	741.96	11,779.96
10	Cooperation with U S Dept., small projects & for organizing Conservation & Irrigation Districts	135,000.00	2,590.73	350.00	132,059.27
11	Other Investigations, Surveys and Etc.	90,000.00	44,992.12	4,755.43	37,289.21
	Refund	36.76			
12	Construction Bond Guaranty Fund	70,541.00			70,541.00
		<u>\$ 505,109.02</u>	<u>\$ 181,741.59</u>	<u>\$ 20,266.36</u>	<u>\$ 503,101.07</u>

NORTH DAKOTA STATE WATER CONSERVATION COMMISSION
 MONTHLY REPORT OF ACCOUNTS AS OF JUNE 30, 1950
 1947-1949 Appropriations

Primer
Expend

Fund No.	Appropriation	Available July 1949	Expended to June 30, 1950	Balance June 30, 1950
1	Commissioner's Per Diem and Expenses	\$ 4,000.00	\$ 3,855.35	\$ 144.65
2	Administration	30,000.00	31,721.41	3,799.00
	Plus refunds and collections	5,520.41		
3	Maintenance of Existing Dams	45,000.00		
	Plus refunds and donations for dam repairs	27,209.11	72,132.26	76.85
4	Tri-State Waters and Portion of Administration and Conference Expenses	1,000.00	160.92	839.08
5	International and Interstate Compacts	10,000.00	8,522.05	1,477.95
6	Topographic and Conservation Branches, Cooperation with the U. S. G. S.	20,000.00	30,000.00	Nil
7	Hydrographic Surveys, Cooperation with the U. S. G. S.	20,000.00	20,000.00	Nil
8	State Engineer's Salary	5,400.00	5,400.00	Nil
9	Reconstruction of Drains or Irrigation	200,000.00	115,062.67	84,937.33
	Refund	2.00		
10	Engineering and Geological Surveys and Reconstruction	39,000.00	30,000.00	9,000.00
11	Postwar Projects, Cooperation with US Departments	135,000.00	114,284.74	37,952.01
	Refund	17,236.75		
12	Other Investigations, Surveys, Etc.	82,000.00	74,044.06	12,955.94
		<u>\$650,368.27</u>	<u>\$ 505,113.46</u>	<u>\$145,254.81</u>

VSC:sg

NORTH DAKOTA STATE WATER CONSERVATION COMMISSION
 BALANCE OF PRIOR FUNDS RECOVERED BY OPINION OF
 ATTORNEY GENERAL AND UNDER SECTION 54-2709
 as of JUNE 30, 1950

Fund No.	Year	Appropriations for	Balance Available	Expended to June 30, 1950	Balance June 30, 1950
1	1939	Commissioner's Per Diem	\$ 1,757.00	Nil	\$ 1,757.00
3.	1939	Sponsor's Share of Dam Repairs	2,088.08	\$ 439.32	1,648.76
1	1941	Commissioner's Per Diem	395.00	Nil	395.00
4	1941	Maintenance of Existing Dams, plus \$51.00 Refund . . .	53.86	Nil	53.86
13.	1941	Tri - State Water, Administration, and Conference . .	8.61	Nil	8.61
15	1941	Topographic Survey13	Nil	.13
11	1945	Postwar Projects, Cooperation with U. S. Depts. . . .	<u>14813.72</u>	<u>329.06</u>	<u>14,484.66</u>
			\$19116.40	\$ 768 .38	\$18,348.02

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NORTH DAKOTA STATE WATER CONSERVATION COMMISSION
DEPOSITS IN THE BANK OF NORTH DAKOTA
AS OF JUNE 30, 1950

Sources of Deposits	Transit No.	Amount Deposited	Expended to May 31 1950	Expended to June 1950	Balance June 30, 1950
Collection on Yellowstone Pumping Irrigation District #3,500.00 warrant. Interest paid to 10-1-44; tax collections to Jan. 31, 1949	5010118	\$1,299.69			\$ 1,299.69
Contributions for Groundwater surveys:					
Fessenden		\$ 1,000.00			
Mountain		100.00			
Maddock		750.00			
Lakota		1,000.00			
Rolla		750.00			
Devils Lake		7,500.00			
Aneta		1,000.00			
Litchville		1,000.00			
Wyndmere		1,000.00			
Portland		500.00			
Kindred		1,000.00			
Mylo		250.00			
Neché		300.00			
Transfer		.10			
St. John		750.00			
Streeter		1,000.00			
Mohall		1,000.00			
Richardton		750.00			
Portland		200.00			
Bowhells		1,000.00			
Michigan		580.00			
Winbledon		1,000.00			
Fairmount		1,000.00			
Hope		1,000.00			
Sharon		250.00			
	501-128	\$ 24,680.60	\$ 15,540.56		9,940.04
Sale of N. Dak. Water Development Books	501-127	2,770.67	1.25		<u>2,769.42</u>
Total of all bank of North Dakota deposits as of June 30, 1950					\$ 13,209.15

PART OF
NORTH DAKOTA STATE WATER CONSERVATION COMMISSION
JUNE 1950

Name	Duties	Salary for June	Withhold- ing Tax	N. D. OASIS	Hosp. Ins.	Net Pay	Remarks
Walsh, J. J.	Sec'y-State Engineer	\$ 435.00	\$ 31.00	\$ 4.75	\$ 3.78	\$ 395.87	Increased March 1950
Acker, Iver	Administrative Ass't	350.00	35.40	3.50	3.78	307.32	Started Jan. 1, 1949
Anderson, Albin	Engineer	250.00	21.00	2.50	3.78	222.72	Increased Feb. 1948
Berge, Einar	Technical Ass't	125.00		1.25	3.78	119.97	Increased Jan. 1950
Garman, Bertha	Typist	150.00	14.10	1.50		134.40	Worked full time June
Cooper, Vernon	Accountant	325.00	23.50	3.25	3.78	294.47	Increased March 1950
Dodd, Harold	Engineer	300.00	19.90	3.00	3.78	273.32	Increased March 1950
Gamble, Clarence	Instrumentman	250.00	29.13	2.50		218.20	Increased March 1950
Grabinger, Shirley	Stenographer	110.00	9.40	1.10		99.50	Started June 9, 1950
Hagert, E. S.	Engineer	325.00	31.80	3.25	1.52	388.43	Increased March 1950
Lechner, Robert	Rodman	175.00	17.70	1.75	1.52	155.55	Increased April 1950
Nichols, Don	Engineer, Ass't Sec'y	350.00	27.10	3.50	3.78	315.62	Increased March 1950
Nordstrom, Franz	Foreman	250.00	12.70	2.50		234.80	Increased March 1950
Olson, A. Peter	Engineer	250.00	29.30	2.50		218.20	Started April 20, 1950
Orr, F. G.	Bookkeeper	300.00	11.60	3.00	3.78	281.62	Increased February 1948
Peterson, Winifred	Stenographer	210.00	23.10	2.10	1.52	183.28	Increased April 1950
Putz, Roy	Rodman	140.00	12.90	1.40	1.52	124.18	Started April 19, 1948
Sanford, Leonard	Foreman	400.00	36.40	4.00		359.60	Started April 1, 1950
Schmitcke, Otto	Garden Foreman	225.00		2.25		222.75	Started April 19, 1950
Sheldon, Marvin	Engineer	300.00	36.50	3.00	1.52	258.98	Increased March 1950
Tibke, Gerald	Instrumentman	200.00	21.90	2.00	1.52	274.58	Increased May 1, 1950
Torkelson, Joyce	Stenographer	106.67	10.60	1.07		95.00	Quit June 20, 1950
Torvik, Duane	Engineer	275.00	24.60	2.75	3.78	243.87	Increased March 1950
Krueger, Don	Rodman	140.00	12.90	1.40		125.70	Started May 1, 1950
Schmitcke, Arnold	Garden Laborer	125.00	10.50	1.25		113.25	Started June 1, 1950
Jerry Olson	Rodman	70.00	6.45	.70		62.85	Started June 5, 1950
Sette, Robert	Rodman	140.00	12.90	1.40		125.70	Started June 5, 1950
Scharnowske, James	Rodman	70.00	6.45	.70		62.85	Started June 5, 1950
Hauser, Frank	Rodman	70.00	6.45	.70		62.85	Started June 5, 1950
Moatright, Virgil	Rodman	121.33	11.18	1.21		108.94	Started June 5, 1950
Forney, Walter	Engineer	216.67	25.40	2.17		189.10	Started June 5, 1950
Bauer, Herbert	Rodman	121.33	11.18	1.21		108.94	Started June 5, 1950
Fahlgren, Winston	Rodman	121.33	11.18	1.21		108.94	Started June 5, 1950
Simons, Paul	Rodman	121.33	11.18	1.21		108.94	Started June 5, 1950

PAYROLL OF
NORTH DAKOTA STATE WATER CONSERVATION COMMISSION
JUNE 1950

Name	Duties	Salary for June	Withhold- ing Tax	N. D. OASIS	Hosp. Ins.	Net Pay	Remarks
Brickell, Charles	Rodman	\$ 51.33	\$ 4.50	\$.51		\$ 46.32	Started June 20, 1950
Dobrovlny, Richard	Instrumentman	173.33	18.98	1.73		152.62	Started June 5, 1950
LeGore, Robert	Engineer	120.00	13.60	1.20		105.20	Started June 15, 1950