

MINUTES OF A MEETING OF THE
STATE WATER CONSERVATION COMMISSION

Held in the Clarence Parker Hotel, Minot,
North Dakota, October 5, 1950

On October 5, 1950, the Members of the State Water Conservation Commission attended the meeting of the Missouri Basin Inter-Agency Committee, held at Minot on October 5 and 6, the regular session being held on the 5th, and an inspection tour made of the Garrison dam project on the 6th. At 5 o'clock on the afternoon of the 5th the Commission met in the conference rooms of the Clarence Parker Hotel for a regular business session to consider items on the agenda of the State Water Conservation Commission.

MEMBERS OF STATE WATER CONSERVATION COMMISSION PRESENT:

Hon. Fred G. Aandahl, Governor and Ex Officio Chairman
Sivert W. Thompson, Vice Chairman, Devils Lake, North Dakota
Einar H. Dahl, Member from Watford City, " "
Curtis Olson, Member from Valley City, " "
Earle F. Tucker, Member from Bismarck, " "
A. M. Christensen, Member from Minot, " "
J. J. Walsh, Secretary and Chief Engineer, State Engineer

I. A. Acker, Counsel for the State Water Conservation Commission

OTHERS PRESENT:

Fred J. Fredrickson, Valley City, North Dakota
Byron Rockwood, Grand Forks, " "
Dean H. L. Walster, North Dakota Agricultural College, Fargo, N. Dak.
C. S. Summers, Mayor of Bowbells, North Dakota
Mr. Wilson, Bowbells, " "
Geo. Bryson, Board of Drainage Commissioners, Walsh County
Mayor Johnson, Park River, North Dakota

Hon. Milton Young, Senator from North Dakota
Norman Brunsdale, Senator from Traill County, Mayville, N. Dak.
Kenneth F. Vernon, Regional Director, Bureau of Reclamation, Billings, Montana
Bruce Johnson, District Manager, Bureau of Reclamation, Bismarck, N. Dak.
A. R. Weinhandl, Pres., Missouri-Souris Projects Ass'n, Minot, "
A. U. Anderson, Crosby, North Dakota
Herb Lyons, Jamestown, " "
Mr. Jos, Jamestown, " "
Mr. Peek, Asst. Secretary, National Reclamation Ass'n, Washington, D. C.
Mr. Einar Berge, Publicity Manager for the Water Commission

The meeting was called to order at 5 o'clock in the conference room of the Clarence Parker Hotel by Governor Fred G. Aandahl, Chairman of the State Water Commission. The above mentioned persons were present at the opening of the meeting.

Mr. Kenneth F. Vernon, Regional Director, Region 6, Billings, Montana, reported to the Commission on the progress being made in arranging for the Bureau to proceed with the construction work on the Jamestown Dam. Following Mr. Vernon's report, there was a general discussion and the matter was delayed until after Mr. Vernon's trip to Washington, D. C.

Mr. C. S. Summers, Mayor, and Mr. Wilson, representing the Commercial Club of the City of Bowbells, met with the members of the State Water Commission at 5 o'clock p.m.

to discuss their underground water problems and urgent need for additional water supply. Mr. Summers reported on the progress of well drilling investigations in the area, and their location, saying two more were promised. Mr. Summers requested that the Geological Survey return and complete the investigation work early next summer and have one deep test well drilled down to 600 feet to determine whether there is a possibility of finding a more permanent water supply. Mr. Summers stated that Mr. Simpson, former state geologist, had done some drilling in the area and water was reached at 542 feet, but they were unable to clear up the water, and it was Mr. Simpson's opinion that there would be an abundant water supply if a well were located there. Mr. Summers also told the Commission that considerable money had been spent with a Minnesota firm--the Lane Western Company--for well drilling, but the location was unsatisfactory. A thorough survey has been made north of town but no water has been found, the best indications being south of town. (Mr. Summers and Mr. Wilson left the meeting at 5:15 p.m.). The Commission was of the opinion that Dr. Laird and Mr. Akin should submit a complete report before a decision is reached, and that they should meet with the Commission in order that the Commission would be informed of all the facts and be able to determine whether or not they should continue further deep well drilling. Commissioner Thompson suggested that the well drilling rig return to Bowbells after completing the drilling at Devils Lake.

Mr. Geo. Bryson, Board of drainage commissioners, Walsh County, and Mayor Johnson, Park River, were present at the meeting to make application for funds to construct Drain #25 in Kensington Township, Walsh County, and requested financial assistance from the Water Commission in paying 40% of the cost of construction. The question before the Commission was to what extent they can assist, as the Commission is limited by Legislative authorization to assistance in the drainage of good agricultural land, the Commission has no appropriation for flood control. Mayor Johnson reported that the proposed drain would empty into the coulee west of the city and continue for a short distance where a dam would be constructed to divert the water north into the Park River, thus protecting the city. Mr. Johnson also stated that the Great Northern Railway Company is in favor of constructing the proposed drain. The Soil Conservation Service has made the surveys and have designed the structure. They report that by construction of the proposed drain and damming the coulee, the City of Park River would be protected. They also reported that the drainage area covers approximately 4 sq. mi. Commissioner Thompson explained that the statute specifically states that the Commission is authorized to assist only in the drainage of good agricultural land, and that it would be necessary to confer with their counsel before reaching a decision. The Commission agreed to check the matter to see what could be done and agreed to have engineers from the Water Commission look over the situation and work in cooperation with Mr. John Dillon of the Soil Conservation Service, Park River. (Mr. Bryson and Mayor Johnson left the meeting at 5:35 p.m.).

Mr. Fred J. Fredrickson, Valley City, discussed with the Commissioners negotiations carried on in connection with the reorganization of the Tri-State Waters Commission. He told the Commission that Mr. Rockwood of Grand Forks has been corresponding with Mr. E. V. Willard, Deputy Commissioner of Conservation, St. Paul, and also Dean H. L. Walster of the North Dakota Agricultural College, with regard to it. At a recent meeting he said they had come to the conclusion that unless the Otter Tail River is included in anything they might set up, there is no use in trying to revise anything. He recommended setting up a type of action committee in connection with the Compact Commission, and requested the Commission's reaction to this, also that a compact be entered into with Minnesota and South Dakota. Mr. Fredrickson advised that in 1917 Congress passed an act that any two states may enter into an agreement with each other, and that the present water code vests in the Commission the power to make compacts. He recommended that the Commission proceed to draw up a compact using certain conditional language and obtain consent after the compact has been ratified, by participating states. He stated this could be initiated by the Water Commission, and recommended that the Governor of North Dakota suggest an informal conference with the Governor of Minnesota and the water conservation boards and Minnesota and North Dakota Tri-State

members, including Mr. E. V. Willard and Col. W. K. Wilson of St. Paul. Mr. Fredrickson suggested that an informal meeting be held at Fargo, that something be done as soon as possible, and that it be left to the action of the Governor.

Commissioner A. M. Christensen made a motion that the minutes of the September 5, 1950 meeting of the State Water Conservation Commission be approved, which was seconded by Commissioner Einar Dahl. All Commissioners voted unanimously in favor of the motion. Motion carried.

A motion was made by Commissioner Tucker that the Financial Statements of the State Water Conservation Commission for the month of September, 1950, be approved and filed, which motion was seconded by Commissioner Olson. Upon a unanimous vote of the Members of the Commission, the motion carried.

The amount remaining in the "Commissioner's Per Diem and Expenses" fund being insufficient for the requirements of the 1949-51 biennium, this matter was taken up with the Commission. Atty. Acker was of the opinion that if the law does not appropriate a fund for any specified time it is considered as a continuing fund and money from the fund may be transferred. Commissioner Christensen made a motion that the State Water Conservation Commission transfer from the balance of the 1939 "Commissioner's Per Diem" fund such funds as will be required to pay the deficit in the present per diem fund, for the operating expenses of the Commission. The motion was seconded by Commissioner Tucker. Upon roll call by the Chairman, Commissioners Dahl, Christensen, Tucker, Olson and Thompson all voted in favor of the motion. Motion carried.

As a deficit also existed in the "International and Interstate Commissioner's and Conference Expense" fund, Commissioner Tucker made a motion that application be made to the Emergency Commission for transfer of 10%, or \$1,200.00, to the International and Interstate Commissioners and Conferences Expenses fund appropriated for the present biennium from another of the appropriations in which there appears to be an excess of funds for the current biennium. The motion was seconded by Commissioner Dahl. Upon call of the roll by the Chairman, Commissioners Christensen, Dahl, Thompson, Tucker and Olson all voted aye. Motion carried.

The Commissioners discussed itineraries and required reservations with respect to attending the forthcoming meeting of the National Reclamation Association to be held at Spokane, Washington, on November 15, 16 and 17. Commissioners Thompson, Olson, Tucker, Christensen and Secretary Walsh all expressed their intention to attend this meeting, the hotel reservations to be arranged for by the Secretary of the Commission.

The Commissioners considered the request from Pembina County Commissioners for assistance in paying 40% of the cost of installation of culverts across section lines on Drains Nos. 47 and 55, but no action was taken, and the matter was deferred until the next meeting.

Atty. Acker informed the Members of the Commission of developments in the Heart River irrigation district hearing held in the District Court at Mandan, with reference to the petition by land owners for exclusion of their non-irrigable lands from the irrigation district, and reported on Judge Broderick's recent decision excluding the irrigable lands from the district. He told the Commissioners that Judge Broderick bases his decision on a provision which provides that no irrigation district shall hold or tax land which can not be irrigated from natural causes. Mr. Acker explained that such exclusion of lands would make irrigation utterly impracticable, as such tracts of land would have to be surveyed by metes and bounds, and further, that there is no irrigation district in the United States that does not have a certain amount of non-irrigable land within its boundaries. He also said that unless an appeal is taken to the Supreme Court, the Heart River irrigation district is "out", and other irrigation districts may follow their example. So far, the Heart River irrigation district has made no assessments, and if an attempt is made to do so now they will run into difficulties. Mr. Acker advised the Commission that if an appeal is taken, the State Water Conservation Commission will have to assume the expenses

of such appeal, and it was necessary to obtain their consent to do so before anything further is done. Mr. Acker said he had been advised that the cost of the transcript would be about \$325.00, and would not exceed \$330.00. He said it was his wish to have Attorney Kelsch join in this appeal if it is taken to the Supreme Court. Commissioner Tucker made a motion that the State Water Conservation Commission pay for the transcript and employ Atty. C. F. Kelsch of Mandan at a reasonable fee, to be determined by a committee consisting of the Secretary and Chairman of the State Water Commission. The motion was seconded by Commissioner Christensen, and upon roll call by the Chairman, Commissioners Dahl, Christensen, Thompson, Olson and Tucker all voted in favor of the motion. Motion carried.

The meeting adjourned at 6 o'clock p.m.

Respectfully submitted,


Secretary

ATTEST:


Chairman