

SPECIAL MEETING

of the

STATE WATER CONSERVATION COMMISSION

Wednesday, October 5, 1938

A special meeting of the State Water Conservation Commission was called by the Chairman of the Commission to meet at 1 P. M. Wednesday, October 5, 1938 for the purpose of considering amending the resolutions making application to the Public Works Administration for loans and grants for the Cartwright Project, Yellowstone Pumping Project, Lewis and Clark Project, Stout Project, Painted Woods Project, Kyes Project, Seneschal Project, Grand River Bowman Project, and the Bismarck Project.

Forty Eight hours notice was given all members of the meeting. The meeting was called to order by Vice Chairman Henry Holt and the roll was called with the following Commissioners present: Holt, Engen, Olson, Dahl, Simons and Whitney. Governor William Langer, absent.

Judge A. M. Christianson made a report of his conference with the Legal Department of the Public Works Administration at Omaha, Neb. He stated that it would be necessary to incorporate in the agreements that the Commission is to be responsible for the operation of the projects until such time as the PWA agrees to the contrary and that the levy is to be made on the basis of 100% instead of 55% and further that whenever there is a default in water payments that water service is to be immediately discontinued. The following resolution was presented by Commissioner Simons, who moved its adoption, which motion was seconded by Commissioner Whitney.

R E S O L U T I O N

The following resolution was presented by Commissioner Simons, who moved its adoption which motion was seconded by Commissioner Whitney:

WHEREAS, the State Water Conservation Commission has submitted to the Federal Emergency Administration of Public Works its application for a loan and grant in the aggregate sum of \$31,375.00 for the purpose of establishing, constructing and completing a system of irrigation works, consisting of a pumping plant and pumping equipment, ditches, dikes, gates and any other construction or equipment necessary for the establishment of a complete irrigation system, in Cartwright Irrigation District of McKenzie County, North Dakota (said application designated as Docket N.D. 1220 in the files of the Federal Administration of Public Works), and

WHEREAS, the Commission, in the event that its application for such loan and grant is approved, proposes to issue and sell its revenue bonds to the Federal Administration of Public Works in an amount sufficient to fully evidence its indebtedness to the Federal Administration of Public Works, and

WHEREAS, the Commission upon the completion of such irrigation works proposes to sell such works to the Irrigation District in which the same are situated provided the Irrigation District will agree to issue its bonds payable from special assessments levied and collected in conformity with the provisions of the statutes in such case made and provided:

NOW, THEREFORE, BE IT RESOLVED:

First. That in the event that the application of the State Water Conservation Commission

for a loan and grant is approved by the Federal Administration of Public Works, the Commission will establish, construct, equip, complete and own the system of irrigation works for the irrigation of irrigable lands situated in the Cartwright Irrigation District of McKenzie County, North Dakota.

Second. That as evidence of the Commission's indebtedness to the Federal Administration of Public Works, the Chairman and Secretary of the Commission are hereby directed, empowered and authorized to issue and deliver to the said administration the Commission's revenue bonds payable serially over a period of thirty (30) years.

Third. That upon the approval of the Federal Administration of Public Works of the loan and grant applied for, the Chairman and Secretary of the Commission are hereby authorized and directed to enter into a contract with the irrigation district for the sale to the district of said irrigation works, such contract to provide: (1) that the district will issue and deliver its bonds to the Commission payable serially over a period of twenty (20) years and bearing interest at the rate of four (4) per cent per annum and that the Commission will accept such bonds in payment of the irrigation works; (2) that the district will undertake and agree to levy assessments against the lands benefited for the entire cost (equal to 100%) of construction of the irrigation works in accordance with the provisions of the statutes in such case made and provided and will agree to fix and collect water rentals sufficient to cover the cost of operating the irrigation system and supplying water to water users and sufficient to provide for the efficient upkeep and maintenance of the irrigation works and sufficient to cover depreciation and (3) that the Commission shall have the right to inspect the irrigation works at all times and to aid and assist the district in attaining efficient and economical operation and maintenance thereof.

Fourth. That in the event that such loan and grant are approved by the Federal Administration of Public Works, the Chairman and Secretary of the Commission are, as aforesaid, authorized and directed to issue and deliver to the administration the Commission's revenue bonds in the amount of such loan, and when the irrigation works have been transferred and sold to the irrigation district, they are authorized to pledge the irrigation district bonds as collateral security for the payment of the Commission's revenue bonds, and are authorized and directed, if the Federal Administration of Public Works so elects, to secure the Commission's revenue bonds issued pursuant to these resolutions by a trust indenture by and between the Commission and a corporate trustee and they are hereby authorized to deliver such irrigation district bonds to such trustee to be kept and retained by such trustee in conformity with the terms and conditions of such trust indenture.

Fifth. The Chairman and Secretary of the Commission are hereby authorized and directed for and on behalf of the Commission to enter into such contracts or agreements with the Federal Administration of Public Works and/or the Irrigation District as circumstances and conditions may require.

BE IT FURTHER RESOLVED: That the Chairman and Secretary of the Commission are hereby authorized to enter into an agreement with the Federal Administration of Public Works providing therein that until the irrigation works have been sold and transferred to the irrigation district the Commission will operate and maintain such irrigation works, will fix and collect water rentals from water users sufficient to cover cost of operation, maintenance, depreciation and sufficient to meet the payments on the Commission's revenue bonds, principal and interest, as they shall become due; that the Commission will account to the administration for such proceeds obtained through its operation of the irrigation system and will, after deducting costs of operations, deposit such proceeds with a trustee pursuant to the terms of a trust indenture acceptable to the said Administration.

On roll call the following Commissioners voted "Aye": Holt, Whitney, Simons, Engen, Olson and Dahl. Commissioners voting "No": None.

The following resolution was presented by Commissioner Simons, who moved its adoption, which motion was seconded by Commissioner Whitney:

R E S O L U T I O N

WHEREAS, the State Water Conservation Commission has submitted to the Federal Emergency Administration of Public Works its application for a loan and grant in the aggregate sum of \$52,500.00 for the purpose of establishing, constructing and completing a system of irrigation works, consisting of a pumping plant and pumping equipment, ditches, dikes, gates and any other construction or equipment necessary for the establishment of a complete irrigation system, in Yellowstone Pumping Irrigation Project of McKenzie County, North Dakota, (said application designated as Docket N.D. 1222 in the files of the Federal Administration of Public Works), and

(The remainder of this resolution is in every way identical with the foregoing resolution) On roll call the following Commissioners voted "Aye": Holt, Whitney, Simons, Engen, Olson and Dahl. Commissioners voting "No": None.

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

R E S O L U T I O N

WHEREAS, the State Water Conservation Commission has submitted to the Federal Emergency Administration of Public Works its application for a loan and grant in the aggregate sum of \$59,739.00 for the purpose of constructing a unit or units of a system of irrigation works in Lewis and Clark Irrigation District of McKenzie County, North Dakota, (said application designated as Docket N.D. 1299 in the files of the Federal Administration of Public Works), and

WHEREAS, the Commission, in the event that its application for such loan and grant is approved purposes to issue and sell its revenue bonds to the Federal Administration of Public Works in an amount sufficient to fully evidence its indebtedness to the Federal Administration of Public Works, and

WHEREAS, the Commission upon the completion of such irrigation works proposes to sell such works to the Irrigation District in which the same are situated provided the Irrigation District will agree to issue its bonds payable from special assessments levied and collected in conformity with the provisions of the statutes in such case made and provided:

NOW, THEREFORE, BE IT RESOLVED:

First. That in the event that the application of the State Water Conservation Commission for a loan and grant is approved by the Federal Emergency Administration of Public Works, the Commission will establish, construct, equip, complete and own the system of irrigation work for the irrigation of irrigable lands situated in Lewis & Clark Irrigation District of McKenzie County, North Dakota

Second. That as evidence of the Commission's indebtedness to the Federal Administration of Public Works, the Chairman and Secretary of the Commission are hereby directed, empowered and authorized to issue and deliver to the said administration the Commission's revenue bonds payable serially over a period of thirty (30) years.

Third. That upon the approval of the Federal Administration of Public Works of the loan and grant applied for, the Chairman and Secretary of the Commission are hereby authorized

and directed to enter into a contract with the irrigation district for the sale to the district of said irrigation works, such contract to provide: (1) that the district will issue and deliver its bonds to the Commission payable serially over a period of twenty (20) years and bearing interest at the rate of four (4) per cent per annum and that the Commission will accept such bonds in payment of the irrigation works; (2) that the district will undertake and agree to levy assessments against the lands benefited for the entire cost (equal to 100%) of the construction of the irrigation works in accordance with the provisions of the statutes in such case made and provided and will agree to fix and collect water rentals sufficient to cover the cost of operating the irrigation system and supplying water to water users and sufficient to provide for the efficient upkeep and maintenance of the irrigation works and sufficient to cover depreciation and (3) that the Commission will have the right to inspect the irrigation work at all times and to aid and assist the district in attaining efficient and economical operation and maintenance thereof.

Fourth. That in the event that such loan and grant are approved by the Federal Administration of Public Works, the Chairman and Secretary of the Commission are, as aforesaid, authorized and directed to issue and deliver to the administration the Commission's revenue bonds in the amount of such loan, and when the irrigation works have been transferred and sold to the irrigation district, they are authorized to pledge the irrigation district bonds as collateral security for the payment of the Commission's revenue bonds, and are authorized and directed, if the Federal Administration of Public Works so elects, to secure the Commission's revenue bonds issued pursuant to these resolutions by a trust indenture by and between the Commission and a corporate trustee and they are hereby authorized to deliver such irrigation district bonds to such trustee to be kept and retained by such trustee in conformity with the terms and conditions of such trust indenture.

Fifth. The Chairman and Secretary of the Commission are hereby authorized and directed for and on behalf of the Commission to enter into such contracts or agreements with the Federal Administration of Public Works and/or the Irrigation District as circumstances and conditions may require.

BE IT FURTHER RESOLVED: That the Chairman and Secretary of the Commission are hereby authorized to enter into an agreement with the Federal Administration of Public Works providing therein that until the irrigation works have been sold and transferred to the irrigation district the Commission will operate and maintain such irrigation works, will fix and collect water rentals from water users sufficient to cover cost of operation, maintenance, depreciation and sufficient to meet the payments on the Commission's revenue bonds, principal and interest, as they shall become due; that the Commission will account to the administration for such proceeds obtained through its operation of the irrigation system and will, after deducting costs of operation, deposit such proceeds with a trustee pursuant to the terms of a trust indenture acceptable to the said administration.

On roll call the following Commissioners voted "Aye"; Holt, Whitney, Simons, Engen, Olson and Dahl. Commissioners voting "No": None.

The following resolution was presented by Commissioner Engen, who moved its adoption, which motion was seconded by Commissioner Olson.

R E S O L U T I O N

WHEREAS, the State Water Conservation Commission has submitted to the Federal Emergency Administration of Public Works its application for a loan and grant in the aggregate sum of \$64,400.00 for the purpose of establishing, constructing and completing a system of irrigation works, consisting of a pumping plant and pumping equipment, ditches, dikes gates and any other construction or equipment necessary for the establishment of a complete irrigation system in Stout Irrigation District of Emmons County, North Dakota

(said application designated as Docket N. D. 1231 in the files of the Federal Administration of Public Works), and

(The remainder of the resolution is in every way identical with the Cartwright and Yellowstone Pumping Project resolutions.)

On roll call the following Commissioners voted "Aye": Holt, Whitney, Simons, Engen, Olson and Dahl, Commissioners voting "No": None.

The following resolution was presented by Commissioner Whitney, who moved its adoption, which motion was seconded by Commissioner Engen.

R E S O L U T I O N

WHEREAS, the State Water Conservation Commission has submitted to the Federal Emergency Administration of Public Works its application for a loan and a grant in the aggregate sum of \$63,700.00 for the purpose of establishing, constructing and completing a system of irrigation works, consisting of a pumping plant and pumping equipment, ditches, dikes, gates and any other construction or equipment necessary for the establishment of a complete irrigation system, in Painted Woods Irrigation District of McLean County, North Dakota, (said application designated as Docket N.D. 1232 in the files of the Federal Administration of Public Works), and

(The remainder of the resolution is in every way identical with the foregoing resolution.)

On roll call the following Commissioners voted "Aye": Holt, Whitney, Simons, Engen, Olson and Dahl. Commissioners voting "No": None.

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

R E S O L U T I O N

WHEREAS, the State Water Conservation Commission has submitted to the Federal Emergency Administration of Public Works its application for a loan and a grant in the aggregate sum of \$45,400.00 for the purpose of establishing, constructing and completing a system of irrigation works, consisting of a pumping plant and pumping equipment, ditches, dikes, gates and any other construction or equipment necessary for the establishment of a complete irrigation system, in Kyes Irrigation District of Emmons County, North Dakota, (said application designated as Docket N.D. 1249 in the files of the Federal Administration of Public Works), and

(The remainder of the resolution is in every way identical with the foregoing resolution.)

On roll call the following Commissioners voted "Aye": Holt, Whitney, Simons, Engen, Olson and Dahl. Commissioners voting "No": None.

The following resolution was presented by Commissioner Olson, who moved its adoption, which motion was seconded by Commissioner Dahl;

R E S O L U T I O N

WHEREAS, the State Water Conservation Commission has submitted to the Federal Emergency Administration of Public Works its application for a loan and grant in the aggregate sum of \$64,400.00 for the purpose of establishing, constructing and completing a system

of irrigation works, consisting of a pumping plant and pumping equipment, ditches, dikes, gates and any other construction or equipment necessary for the establishment of a complete irrigation system in Seneschal Irrigation District of McKenzie County, North Dakota, (said application designated as Docket N. D. 1265 in the files of the Federal Administration of Public Works), and

(The remainder of the resolution is in every way identical with the foregoing resolution.)

On roll call the following Commissioners voted "Aye": Holt, Whitney, Simons, Engen, Olson and Dahl, Commissioners voting "No": None.

The following resolution was presented by Commissioner Simons, who moved its adoption, which motion was seconded by Commissioner Whitney:

R E S O L U T I O N

WHEREAS, the State Water Conservation Commission has submitted to the Federal Emergency Administration of Public Works its application for a loan and grant in the aggregate sum of \$469,875.00 for the purpose of establishing, constructing and completing a system of irrigation works, consisting of a dam, ditches, dikes, gates and any other construction or equipment necessary for the establishment of a complete irrigation system, in Grand River Bowman Irrigation District of Bowman County, North Dakota (said application designated as Docket N.D. 1321 in the files of the Federal Administration of Public Works), and

(The remainder of the resolution is in every way identical with the foregoing resolution.)

On roll call the following Commissioners voted "Aye": Holt, Whitney, Simons, Engen, Olson and Dahl. Commissioners voting "No": None.

The following resolution was presented by Commissioner Simons, who moved its adoption, which motion was seconded by Commissioner Whitney.

R E S O L U T I O N

WHEREAS, The State Water Conservation Commission has submitted to the Federal Emergency Administration of Public Works its application for a loan and a grant in the aggregate amount of \$147,906.00 for the purpose of establishing, constructing and completing a system of irrigation works, consisting of a pumping plant and pumping equipment, ditches, dikes, gates and other construction necessary for the establishment of a complete irrigation system for the irrigation of lands situated in Park Hill Irrigation District of Burleigh County, North Dakota, and for the irrigation of Missouri River Bottom lands, situated south and southeast from the City of Bismarck, North Dakota, which lands together with the Park Hill Irrigation District, constitute the Bismarck Irrigation Project, and

WHEREAS, the Commission, in the event its application for such loan and grant is approved, proposes to establish and construct such irrigation system and to own and operate the same and to sell water to individual water users, and/or to the Park Hill Irrigation District and to the Wagon Wheel Mutual Aid Corporation, a non-profit cooperative organization created to irrigate Missouri River Bottom lands.

NOW, THEREFORE, BE IT RESOLVED:

First. That in the event the application of the State Water Conservation Commission for a loan and a grant is approved by the Federal Administration of Public Works, the Chairman and Secretary of the Commission are hereby authorized and directed to acquire for the Commission the necessary right-of-way for ditches, dikes, pumping site and any real property necessary for the establishment, construction and completion of a system of irrigation works for the irrigation of lands within Park Hill Irrigation District of Burleigh County, North Dakota

and for the irrigation of other lands lying south and southeast from the City of Bismarck, North Dakota.

Second. That in the event that the Commission's application for a loan and grant, as aforesaid, is approved, the Chairman and Secretary of the Commission are hereby authorized and directed to cause complete plans, specifications and estimates to be prepared for the construction of such irrigation works, and subject to the approval of the Commission, and subject to such regulations as the Federal Administration of Public Works may require, are hereby authorized and directed to let and award contracts to the lowest responsible bidder or bidders for the furnishing of needed materials and equipment and to let and award contracts for the construction of the irrigation works in accordance with the plans and specifications therefor.

Third. That as evidence of the Commission's indebtedness to the Federal Administration of Public Works, the Chairman and Secretary of the Commission are hereby authorized and directed to issue and deliver to the said administration the Commission's revenue bonds in the amount of such loan and as security for the payment of such bonds they are hereby authorized to execute and deliver to the said Federal Administration of Public Works, if said administration so demands, a first lien or mortgage covering such irrigation works, and they are further authorized and directed to enter into such contract or agreement as said administration may require in regard to the operation and maintenance of such system of irrigation works and the collection of rentals from water users. And the Chairman and Secretary of the Commission are hereby authorized, if the Federal Emergency Administration of Public Works so elects, to secure the Commission's revenue bonds, issued pursuant to these resolutions, by a trust indenture between the Commission and a corporate trustee and under the terms of such trust indenture to pledge or hypothecate the earnings of such irrigation works after making suitable allowance for costs of operation, upkeep, maintenance and depreciation.

Fourth. That the Chairman and Secretary of the Commission are authorized and directed to enter into a contract or agreement with the Federal Administration of Public Works providing therein that the Commission will undertake to own, operate and maintain such system of irrigation works until its revenue bonds issued to said administration have been fully paid and that the Commission will not, without first obtaining the approval of the Federal Administration of Public Works, its successors or assigns, sell or transfer such irrigation works.

Fifth. That the Chairman and Secretary of the Commission are hereby authorized and directed, for and on behalf of the Commission, to enter into such contracts or agreements with the Federal Administration of Public Works, its successors or assigns, as circumstances and conditions may from time to time require.

On roll call the following Commissioners voted "Aye": Holt, Whitney, Simons, Engen, Olson and Dahl. Commissioners voting "No": None.

Moved by Comm. Engen, seconded by Comm. Dahl, that the following resolution be adopted:

The North Dakota State Water Conservation Commission hereby approves the proposed contract between the Montana-Dakota Utilities Company and the Lewis & Clark Irrigation District, McKenzie County, N. Dak. and recommends that such Irrigation District authorize and direct its officers to execute said contract for furnishing electrical energy for the operation of the Lewis and Clark Irrigation Project.

On roll call the following Commissioners voted "Aye": Holt, Whitney, Simons, Engen, Olson and Dahl. Commissioners voting "No": None.

It was moved by Comm. Olson seconded by Comm. Engen, that the meeting adjourn. The motion carried all Commissioners voting aye.

APPROVED:

Harry Dahl
Vice Chairman

Respectfully submitted,
L. J. Reakley
Secretary (SMA)