

MINUTES OF A SPECIAL MEETING

of the

STATE WATER CONSERVATION COMMISSION

Held in Bismarck, N. Dak., Wednesday and Thursday,
February 1 and 2, 1939.

A special meeting of the State Water Conservation Commission was called to order by Governor John Moses, Chairman, at 10 A. M., Wednesday, February 1, 1939, in the Governor's conference room.

The Secretary called roll with Governor John Moses and Commissioners Holt, Olson, Engen, Simens and Dahl, present. Comm. Frank P. Whitney, absent.

Assistant Attorney General C. F. Kelsch and Mr. Iver Acker were called into the meeting to discuss suggestions for amending the Water Conservation law and the following suggested amendments were agreed upon:

1. Amend title by inserting after the word "bonds" in line 17 of the typewritten bill the following:

"Authorizing the Commission to obligate or pledge moneys available in its operating or construction fund to insure the payment of twenty per cent of the par value of revenue bonds."

2. Amend sub-section one of Section 10 by adding after the word "works" in the last line of the first sentence of the typewritten bill the following:

"And in condemnation proceedings the Commission may and is hereby authorized to follow, and to conform to, the procedure prescribed by Chapter 128 of the Session Laws of 1933 for the purchase and condemnation of right-of-way by the State Highway Commission."

3. Amend sub-division (a) of sub-section 2 of Section 10 by changing sub-section (a) to read as follows:

"(a). To enable it to acquire, own and develop lands for irrigation and water conservation purposes and to sell such lands upon such terms and conditions as the commission may prescribe, and to own and hold title to lands for dam sites, reservoir sites, water rights, easements, right-of-ways for diversion and distributing canals, lateral ditches and other means for the distribution of waters in this state, and for any other necessary purpose.

4. Amend Section 21 by numbering each paragraph thereof as sub-sections 1, 2 and 3, and by adding sub-section 4, which shall read as follows:

"4. Whenever the Commission shall find it necessary to insure or guarantee the payment of a part of the principal of any series of Water Conservation Commission Revenue bonds, in order to sell or market such bonds, it is hereby authorized, and the Commission may, in its discretion, enter into an agreement to pledge, hypothecate, obligate, place under trust indenture or agree to deposit in a trust fund, moneys appropriated to the Commission for operating or construction costs; provided that the payment of any series of such Revenue Bonds shall not be thus guaranteed or insured in excess of twenty per cent of the par value of such bonds, and provided further, that bonds thus guaranteed and insured shall not exceed in the total or aggregate par value thereof the sum of five hundred thousand dollars.

It was moved by Comm. Simons, seconded by Comm. Olson, that Attorneys C. F. Kelach and Iver Acker be requested to prepare the water conservation law including suggested amendments for re-enactment by the Legislature. The motion carried, all Commissioners voting aye.

It was moved by Comm. Simons, seconded by Comm. Engen, that they also be directed to incorporate in the law provisions for not to exceed a 20% guarantee of the Commissions revenue bonds up to \$500,000.00 and that the total bond issue, including supported and unsupported bonds, be \$3,000,000.00. On roll call all Commissioners voted aye, and the Chair declared the motion carried.

It was moved by Comm. Simons, seconded by Comm. Engen, that provision be made either by amending this law, any other law, or institution of new legislation whereby state departments, state trust funds, insurance companies, banks and other financial institutions be permitted to invest in the bonds of this Commission. The motion carried, all Commissioners voting aye.

At noon the Chairman declared the meeting recessed until 1 o'clock.

At 1 P. M. the Commissioners reconvened in the offices of the State Water Conservation Commission, with Vice Chairman Henry Holt presiding.

The Secretary called the roll with Commissioners Holt, Dahl, Engen, Simons and Olson, present. Governor John Moses and Comm. Frank P. Whitney, absent.

Mr. H. C. Beckman of Rolla, Missouri and Mr. C. H. Prior of St. Paul, Minnesota, representing the United States Geological Survey, were introduced by Chief Engineer Thomas, who explained that the two men were interested in retaining as large an amount as possible in the State Engineer's budget for stream gauging work which is done on a 50-50 basis by the cooperating State and the U. S. Geological Survey. Mr. Beckman told the Commission something of the work his group is doing and he was assured by Vice Chairman Holt and the Commissioners that they would be very glad to cooperate in any way possible in helping to bring the amount spent for such work up to the necessary level.

Vice Chairman Holt reported he had requested S. W. Thompson, President of the Missouri River Diversion Association, to attend the flood control hearing in Fargo, January 25, for the reason that it was necessary to have someone who could point out the state-wide interest in the hearing.

Vice Chairman Holt also reported on matters pertaining to the Tri-State Waters Commission and stated that Colonel Philip B. Fleming had suggested that the Tri-State Commission should within a short time send a delegation to Washington, but that prior to going, it would be necessary to ascertain where the Bois de Sioux flood control project stands in the flood control bill. He stated that Col. Fleming could not go to Washington without a request from a United States Senator's office and that perhaps Senator Gerald P. Nye would be willing to make the request.

It was moved by Comm. Simons, seconded by Comm. Olson, that Vice Chairman Holt be authorized and directed to make such contacts in Washington as are necessary to the promotion of the Red River Valley Development Association Program and that he be authorized to go to Washington, if necessary. On roll call all Commissioners voted aye and the Chair declared the motion carried.

Vice Chairman Holt reported that he had received information that the War Department will call a hearing at Grafton, February 15, on flood control of Park River and Forrest River, and suggested that Dr. Irvin Lavine assist in the preparation of testimony.

It was moved by Comm. Olson, seconded by Comm. Engen, that Dr. Irvin Lavine be employed for the preparation and presentation of Forrester and Park River data and that his fee not exceed \$25.00, and that the Secretary be instructed to notify him that a copy of all data must be filed in the office of the State Water Conservation Commission. On roll call all Commissioners voted aye and the Chair declared the motion carried.

Vice Chairman Holt also reported on a conference which State Sanitary Engineer Hollis had arranged in Grand Forks between representatives of the Public Health Service, representatives of the State Board of Health of Minnesota, and representatives of the province of Manitoba. The purpose of the meeting was to discuss investigations which had been carried on in connection with Red River Drainage by the State Health Department. He stated the purpose of the meeting was to get the approval of the U. S. Department of Health and of the province of Manitoba so that when the matter goes before the Army Engineers it will have their approval.

Comm. Simons reported for the Irrigation Committee. He stated that Mr. Walter Maddock of the Farm Security Administration, has asked permission to take over the houses on the sub-marginal land and move them to the Lewis & Clark Project. The buildings either be moved or dismantled and used for lumber. Mr. Simons emphasized the necessity for moving along faster with the Farm Security Administration so that the land might be farmed this spring. He suggested that someone be authorized to make preliminary plans so that as soon as the frost is out of the ground leveling can be started. Comm. Dahl stated that most of the machinery for the leveling is available.

It was moved by Comm. Simons, seconded by Comm. Olson, that the Secretary, and Commissioner Dahl, be directed to take up with the Lewis & Clark Irrigation District the matter of its turning over to the Commission bonds of the District in an amount equal to the sum which the Rural Rehabilitation Corporation and the Commission have invested in the district, and that further they be instructed to ask that additional bonds be turned over in equal amounts as money is made available by the Rural Rehabilitation Corporation. On roll call all Commissioners voted aye, and the Chair declared the motion carried.

It was moved by Comm. Simons, seconded by Comm. Engen, that Comm. Dahl be authorized and directed to negotiate with the Farm Security Administration on the Land Use situation with power to purchase, as necessary, or to make any other arrangements which to him seem suitable, for obtaining structures, houses and other buildings now in the vicinity of the Lewis & Clark Irrigation Project for their removal to the project for use by prospective settlers and that he confer with the Rural Rehabilitation Corporation. On roll call all Commissioners voted aye. The Chair declared the motion carried.

The Secretary read the following applications to the Soil Conservation Service for loans for financing the construction of the Yellowstone Pumping Project No. 214 and the Cartwright Irrigation Project, No. 36:

Be it resolved by the North Dakota State Water Conservation Commission:

SECTION 1. That, D. J. Beakey, Secretary, be and he is authorized to execute and file with the Soil Conservation Service, on behalf of the North Dakota State Water Conservation Commission, a Water Facilities application to the Farm Security Administration, United States Department of Agriculture, for a loan for financing the construction of the Yellowstone Pumping Project No. 214.

SECTION 2. That, E. J. Thomas, Chief Engineer, is hereby authorized and directed to furnish such information as the Farm Security Administration, United States

Department of Agriculture, the Soil Conservation Service and other co-operating departments may reasonably request in connection with the application which is herein authorized to be filed.

It was moved by Comm. Dahl, seconded by Comm. Engen, that the Secretary be authorized to sign the application for the Yellowstone Pumping Project #214. On roll call all Commissioners voted aye, and the Chair declared the motion carried.

Be it resolved by the North Dakota State Water Conservation Commission:

SECTION 1. That, D. J. Peakey, Secretary, be and he is authorized to execute and file with the Soil Conservation Service, on behalf of the North Dakota State Water Conservation Commission, a Water Facilities application to the Farm Security Administration, United States Department of Agriculture, for a loan for financing the construction of the Cartwright Irrigation Project # 36.

SECTION 2. That, E. J. Thomas, Chief Engineer, is hereby authorized and directed to furnish such information as the Farm Security Administration, United States Department of Agriculture, the Soil Conservation Service and other cooperating departments may reasonably request in connection with the application which is herein authorized to be filed.

It was moved by Comm. Simons, seconded by Comm. Olson, that the Secretary be authorized to sign the application for the Cartwright Irrigation Project #36. On roll call all Commissioners voted aye, and the Chair declared the motion carried.

Chief Engineer Thomas reported that he did not think it would be possible to secure an appropriation for the construction of the Buford-Trenton Project through the Bureau of Reclamation, but that it might be approved as a Northern Great Plains project.

At 5:30 P. M. the Chair declared a recess until 10 A. M. Thursday, February 2.

The meeting was called to order at 10 A. M., Thursday, February 2, 1939 by Vice Chairman Holt.

On roll call Commissioners Holt, Dahl, Engen, Olson and Simons were present. Governor Jehn Moses and Comm. Frank P. Whitney, absent.

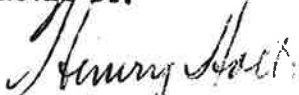
Vice Chairman Holt requested that he be excused on account of other pressing business and it was moved by Comm. Olson, seconded by Comm. Engen, that Comm. Simons act as Chairman. The motion carried, all Commissioners voting aye.

It was moved by Comm. Dahl, seconded by Comm. Engen, that the Secretary be instructed to write to W. A. Jacobson, attorney at Watford City, and instruct him to have bonds printed covering the cost of the Sioux Irrigation Project and signed by the directors of the District to be turned over to the State Water Conservation Commission in the amount due for work done to date by the Commission. The motion carried, all Commissioners voting aye.

Moved by Comm. Engen, seconded by Comm. Dahl, that Comm. Olson remain in Bismarck to take care of the drafting and presentation of legislation in connection with the revision of irrigation and water conservation laws. On roll call all Commissioners voted aye and the Chair declared the motion carried.

It was moved by Comm. Simons, seconded by Comm. Engen, that the next regular meeting of the Commission be dispensed with and that the Commission adjourn to the call of the Chair. The motion carried, all Commissioners voting aye.

APPROVED BY:



Henry Holt, ViceChairman

Respectfully submitted,



D. J. Beakey, Secretary

(SEAL)