

MINUTES OF AN EMERGENCY MEETING  
OF THE  
STATE WATER CONSERVATION COMMISSION

Held in the Commission office, State Capitol, March 30, 1943.

An emergency meeting of the State Water Conservation Commission was called to order at 10:15 a.m., Tuesday, March 30, 1943. Roll was called with Governor Moses, Comm. Thompson, Dahl, Simons and Orlady present. Governor Moses, Chairman of the Commission presided.

Minutes of the last meeting of the Commission, held in Bismarck on March 17-18, 1943, having been sent to each Commissioner, were discussed. Comm. Simons moved the minutes be approved and placed on file. Comm. Thompson seconded the motion. Motion carried, all Commissioners voting aye.

The financial statement for the month of March, 1943, will be taken up at the next Commission meeting on April 6-7, 1943; also all outstanding vouchers.

Mr. L. T. Orlady, Jamestown, North Dakota took his oath of office as a Member of the North Dakota State Water Conservation Commission.

The matter of the election of a new Vice-Chairman of the Commission, to succeed Henry Holt, who recently resigned, was discussed. Comm. Dahl moved that Comm. Simons be elected Vice-Chairman of the Commission. Motion seconded by Comm. Thompson, who also moved that the nominations be closed; seconded by Comm. Dahl. Motion carried. Comm. Simons elected Vice-Chairman by unanimous vote.

The matters of post-war planning in cooperation with the Bureau of Reclamation and the Army Engineers, and the selection of projects for post-war planning by the State Water Conservation Commission, were set aside for the Commission meeting on April 6-7, 1943.

With regard to a list of information and materials which Mr. Fredrickson has requested the Commission to furnish him, the Secretary asked for specific instructions from the Commission on handling this request. Comm. Simons moved that the Secretary be directed to furnish Mr. Fredrickson all of the information for which he has asked insofar as it is possible for the Secretary and the present office staff to do without interfering with the regular work of the personnel. Motion seconded by Comm. Thompson. Comm. Thompson here suggested, that Mr. Fredrickson secure assistance from various departments and bureaus. Letters requesting information and data could be written and in this manner much of the detail could be handled. Motion carried with unanimous vote.

Comm. Simons moved that the Secretary instruct Mr. Fredrickson to appear before the Congressional Committees relative to the hearings on the Interior Department's appropriation bill. However, Mr. Fredrickson should consult with Mr. Hagie, Secretary-Manager of the National Reclamation Association, Washington, D. C., prior to his appearance before the Committees. The Commission is to arm him with such facts and figures as are pertinent to our program. Comm. Orlady seconded the motion. Motion carried with all Commissioners voting aye.

The matter of hiring Mr. Einar Berge to do publicity work for the Water Commission was brought up for discussion. Governor Moses questioned the Commission's need for a full-time publicity agent. Comm. Simons is of the opinion that the Commission is more in need of a publicity agent than a lawyer. Comm. Simons stated that a publicity agent is a general salesman. Comm. Orlady asked what constituted publicity to which Comm. Simons replied: "Honest Information."

Governor Moses suggested that the Secretary be instructed to confer with Mr. Spaulding and together they will try to work out a plan for the employment of Mr. Berge by the Water Commission and other state agencies. The salary should be fixed at some reasonable amount - perhaps \$1,800.00 per year. It is possible that such an arrangement could be managed with the Highway Department, Motor Vehicle or Highway Patrol.

Governor Moses suggested that the Water Commission engage Mr. Berge at a salary not to exceed \$50.00 per month on the theory that the employment be divided between different state agencies so that the drain on the Commission will be appreciably less than \$150.00, if there is any available fund for this purpose. This employment is to be for the month of April, 1943. Com. Simons moved that the Commission hire Mr. Berge in accordance with Gov. Moses' suggestion. Motion seconded by Com. Dahl, Motion carried with Comms. Simons, Dahl, Thompson, Orlady and Gov. Moses voting aye.

The matter of the Harke-McCulloch land acquisition was brought to discussion. The Secretary has written and telephoned Mr. Milton Higgins many times with regard to the resolution he was to furnish the Commission relative to such acquisition. Mr. Higgins' presence at this Commission meeting was requested, but due to the flood condition, Mr. Higgins telephoned that he would not be able to reach Bismarck. Mr. Thompson related the entire background of the appointment of Mr. Higgins to act on this case. Gov. Moses asked who was to pay Mr. Higgins' salary for his services. It was stated that the Commission assumes the Attorney General is to take care of this. Gov. Moses stated that the Commission has to have someone who will produce and suggested that we hire legal counsel now and put him on the Harke case. The Secretary was instructed to confer with Attorney General Strutz on this appointment. Gov. Moses suggested that the Vice-Chairman and Com. Thompson call Mr. Higgins by phone and tell him what to do so that on April 6th, the next Commission meeting, the Commission will have something definite on which to work.

The Secretary was instructed to go to Attorney General Strutz and secure a clear and definite understanding as to the nature of this retainer -- who pays his salary and does the Commission have the authority to retain legal counsel? We have to see that Mr. Higgins does the job now that we have started with him in this case. Com. Thompson suggested that there is sufficient work of a legal nature in the Commission office to keep a legal counsel on a fulltime basis.

The Bismarck Irrigated Victory Gardens, Project No. 326, were discussed at considerable length. The Secretary informed the Commission that there will be an income of \$1,800,000 from the project this year. Governor Moses asked what the prospects after the war for the continuation of the project would be. The financial statement, attached herewith, on project No. 326, prepared by the Commission bookkeeper, was considered. Com. Simons requested that Item 4 thereof be charged to "Capital Investment." Inasmuch as it is very difficult to draw a definite line between the two projects, No. 326 and No. 215, as to bookkeeping, our contract with the Bismarck Association of Commerce relative to the financial end of the projects, should be made elastic enough to cover all items. Com. Simons suggested that the entire cost of the pump house and equipment under, "Construction Costs," be charged to the Bismarck Victory Garden Project No. 326. The Secretary suggested that we continue with our bookkeeping system as is and keep in mind that the distribution of costs should be made at some later date.

The meeting recessed at 12:10 Noon to re-convene at 1:30 p.m.

The meeting re-convened at 1:55 p.m. in the office of the Water Commission in the Capitol. Com. Simons, Vice-Chairman, presided. Gov. Moses absent.

Mr. Fred J. Fredrickson came in to the meeting. He is interested in knowing what the Commission will decide upon as to the justification of the Bureau's projects, when he appears before the Interior Sub-Committee of the House in Washington on April 5-10, 1943. Mr. Fredrickson read a letter which he had received from Mr. F. O. Hagie, Secre-

tary-Manager of the National Reclamation Association, Washington, D. C., relative to this matter. Mr. Hagie states therein that the projects should be both feasible and justifiable in the amount of food they will produce at this time. Mr. Fredrickson requested Comm. Simons to read a letter which had been received by Mr. Fredrickson from Mr. Page further regarding such proposed projects. Comm. Simons stated that he thought the best justification we could make for these projects would be to use the material contained in Mr. Page's letter. Mr. Fredrickson was instructed to contact the Farm Security Administration and Judge Christianson on the Buford-Trenton Project. Mr. Fredrickson said that Mr. Hagie had suggested in his letter that North Dakota's Congressman Lenke would be the best man to appear before the House Committee. Senator Langer is on the Senate Committee of the Interior.

Mr. W. G. Worner, County Commissioner, Burleigh County, Bismarck, North Dakota, came into the meeting. He informed the Commission that the tractor and five yard scraper were available for use in the Bismarck Victory Gardens.

Mr. Werner left the meeting.

The Mandan flood situation was briefly discussed with Mr. Fredrickson. It was suggested that he try to check with the Army Engineers in Washington to learn what data they have gathered on this flood.

Comm. Thompson asked if there were anything to be done about the various compacts. A discussion was held relative to the Ten States Compact and whether or not Minnesota and Colorado should be made a part thereof. It was suggested that the time limit be changed from July 1, 1945 to July 1, 1947. Comm. Simons said that he would like for someone to introduce a bill in Congress extending the Yellowstone Compact for another two years. The Secretary suggested that the Yellowstone River Compact be dropped for the time being and allow Montana and Wyoming to work out their difficulties. Comm. Simons stated that he had already written to the states of Montana and Wyoming to campaign their people and get a new compact lined up. There is no trouble about this compact in North Dakota and it would serve our purpose to have the compact in hand ahead of the final negotiations on the Missouri River.

The Secretary reported that the Water Commission cannot purchase a truck from the Highway Department.

The Secretary reported that Gov. Moses had sent a letter to the Commission office on March 29th relative to any contemplated out-of-state travel for employees during the next three or four weeks, during which time the Governor will be out of town. It was decided that no such travel is contemplated by any member of the Water Commission.

The Secretary reported that the North Prairie Farmers' Union Local No. 663 of Velva, North Dakota, had submitted a resolution requesting "The Water Commission of the state of North Dakota to do everything in their power to further the development of the area now under investigation in Renville, Burke and War counties and to extend this investigation into McHenry and Bottineau Counties." Further, "That the Commission be requested to start investigation in the proposed areas in central North Dakota known as the Missouri River Diversion Project starting with a dam south of Garrison, North Dakota." Comm. Simons suggested that the Secretary acknowledge receipt of any and all resolutions upon their receipt and then bring them for discussion to the first Commission meeting.

The matter of the Bismarck Victory Gardens, Project No. 326, was again brought to discussion. The contract between the Bismarck Association of Commerce and the Water Commission, which had been tentatively drawn by Mr. I. A. Acker, was considered. All suggestions were duly discussed and the contract was drawn in its final form,

copy of which is herewith attached.

The Secretary reported that a Mr. Michael Fischer of rural Bismarck came into the office and asked to plant the remainder of the Victory Garden area into a cover crop, offering to pay \$15.00 for the same. Mr. George Snyder of rural Bismarck had previously requested the use of this land. Comm. Thompson suggested that this was a matter to be left to the discretion of the Secretary.

The matter of the extension of the water ditches to the Fort Lincoln lands in Section 16 and the penitentiary farms in Sections 19 and 20 is to be discussed with Gov. Moses. The Secretary reported that the Board of Administration has requested a letter from the Commission telling them when and for what amount water will be put to Sections 19 and 20. Comm. Simons suggested that the Secretary write to the Board of Administration telling them that the Commission cannot undertake to provide water for them this year.

The matter of rental of lands in Sections 8 and 17 for penitentiary use was dropped for the present time.

Purchase of the Leon Tucker land in Section 27 was brought up for discussion. The Commission decided that the land was too costly to purchase at this time. The Secretary was instructed to make an offer of \$25.00 per acre.

The Dullam Land in Section 27 is to be operated by the penitentiary.

The matter of the purchase of the Mellon Land, Section 21, and interest on bonds was brought up for discussion. It was learned that Judge Christianson did not appear before the Industrial Commission at its meeting on March 29, 1943, as requested, relative to the Mellon deal. Gov. Moses called a meeting of the Industrial Commission for March 31, 1943, and instructed the Secretary and Vice-Chairman to see that Judge Christianson attended that meeting.

The bonds on the Sioux, Lower Yellowstone and Grantier Projects will be taken up at the next Commission meeting on April 6-7, 1943.

The Mandan flood situation was discussed at some length. Comm. Simons reported that the Army Engineers and the Bureau of Reclamation have agreed that the proposed Heart-Butte Dam does not offer any flood benefits for Mandan. The flood damage in Mandan and the Heart River Valley at this time totals around half-million dollars. Comm. Simons suggested that the Water Commission proceed immediately to establish the extent of such damages through the acquisition of sworn affidavits by the persons involved. It was further suggested that an office be set up in Mandan to take charge of the affidavits. The matter of funds to be expended in connection with the flood was discussed. The expending of such funds out of our post-war appropriation is a legal question. The engineers of the Commission should make calculations on the flood waters. 53% of the runoff in the Heart River Valley lies above the Heart Butte Dam site. The Secretary has talked with Mr. Byrly, Mayer of Mandan; and Mr. C. F. Pierce, publisher of the Mandan Daily Pioneer, and told them that he would keep them advised as to the action taken by the Commission at this meeting relative to the flood problem. Comm. Simons is to see Mr. Pierce on Wednesday, March 31st, with further regard to the Mandan flood.

The meeting recessed at 4:20 p.m. and re-convened at 4:45 p.m.

Comm. Dahl requested the Secretary to learn from the Attorney General for what purpose the Commission can spend the \$100,000 post-war appropriation.

The Meuse River Report will be taken up at the Commission meeting on April 6-7, 1943.

The Secretary reported that Mr. P. H. White of Fairmount, North Dakota, had telephoned his office, requesting someone to come into that vicinity and go over the flood and drainage problems in the locality. Comm. Simons suggested that a standard policy on drainage problems be worked out by the Commission. The Secretary was instructed to write to Mr. White along these lines: "The Commission, at its meeting on March 30th, had under advisement the adoption of a policy relating to all drainage districts. It was agreed that the Commission would furnish certain sums of money for engineering services and general supervision and the construction money would have to be furnished by the drainage districts."

Comm. Orlady suggested that a personal tour be made by the Secretary into the Red River Valley to look over its drainage problems. Comm. Simons suggested that before personal appearances were made, a definite policy must be adopted by the Commission on these problems and such policy announced through the papers in that section of the state. Comm. Thompson said that we must limit ourselves to engineering and supervision on these problems.

Comm. Thompson stated that the budget of the Commission prior to July 1, 1943, does not provide for any funds to be used for drainage purposes. It is the policy of the Commission, in view of the emergency that exists, to furnish some technical assistance in drainage problems.

The Signalness Project No. 33 was discussed. Comm. Dahl will handle this matter as soon as the weather permits travel and will collect per diem and travel expenses incurred.

The Secretary read a resolution sent to the Commission by Mr. Morley of the Verendrye Electric Cooperative, Inc., Velva, North Dakota. The Secretary was instructed to write Mr. Morley telling him it is encouraging to know they are back of the Commission and its work and pleasing to know of their interest and will be glad to cooperate with his cooperative.

The matter of a gaging station near Crosby, North Dakota, was brought up for consideration. The Secretary was instructed to write to Mr. Monne relative to this matter, saying that the Commission took up the matter of a new gaging station at Crosby with the U.S. Geological Survey, which agency stated there was insufficient water there to warrant a station.

The meeting adjourned at 5:40 p.m. The next meeting is called for April 6-7, 1943.

Respectfully submitted,

  
Secretary

ATTEST

  
Chairman

SEAL

76

NORTH DAKOTA STATE WATER CONSERVATION COMMISSION  
MONTHLY REPORT OF ACCOUNTS AS OF JANUARY, 1943.

1941-43 Appropriation

| No.   | Name of Account   | Total.<br>Approp.<br>24 Mo. | Expend.<br>to<br>12-31-42 | January<br>Expenses | Total<br>Expenses<br>1-31-43 | Total<br>Refunds<br>Available<br>next 5 mo. | Balance<br>Available<br>Per month. |
|-------|---|-----------------------------|---------------------------|---------------------|------------------------------|---|------------------------------------|
| 1     | Commissioners Per Diem                                  | 3,000.00                    | 1,705.00                  | 203.00              | 1,908.00                     |   | 218.40                             |
| 2     | Administration<br>Adm. Bal. due 1937-41                 | 25,000.00<br>4,696.41       |                           |                     |                              |   |                                    |
|       |   |                             | 34,153.16                 | 1,500.00            | 35,653.16                    | 12,513.41                                   | 1,311.33                           |
| 3     | Construction Bond Guarantee<br>Bal. due 1939-41 Approp. | 40,000.00<br>35,300.00      |                           |                     |                              |   |                                    |
|       |   |                             | 1,800.00                  |                     | 1,800.00                     | 73,500.00                                   | 14,700.00                          |
| 4     | Maintenance Existing Dams                               | 4,000.00                    | 3,460.58                  |                     | 3,460.58                     | 2,032.58                                    | 514.40                             |
| 5     | Engineering & Soil Survey                               | 1,000.00                    | 477.00                    |                     | 477.00                       |   | 104.60                             |
| 6     | Little, Missouri, Grand,<br>Cannonball, etc.            | 700.00                      | 517.18                    |                     | 517.18                       |   | 36.56                              |
| 7     | Pembina, Tongue, Park, etc.                             | 250.00                      | 60.00                     |                     | 60.00                        |   | 38.00                              |
| 8     | James, Wildrice Rivers, etc.                            | 150.00                      |                           |                     |                              |   | 30.00                              |
|       |   |                             |                           |                     |                              | 150.00                                      |                                    |
| 9     | Invest. Surveys, Designs, etc.                          | 2,000.00                    | 1,288.35                  |                     | 1,288.35                     | 26.92                                       | 147.71                             |
|       |   |                             |                           |                     |                              | 738.57                                      |                                    |
| 10    | Evaluation Economic Benefits                            | 300.00                      | 57.94                     |                     | 57.94                        |   | 48.41                              |
|       |   |                             |                           |                     |                              | 242.06                                      |                                    |
| 11    | Reports and Attend. at conf.                            | 1,500.00                    | 1,114.37                  |                     | 1,114.37                     |   | 77.12                              |
|       |   |                             |                           |                     |                              | 385.63                                      |                                    |
| 12    | Tri-State Waters Commission                             | 7,500.00                    | 4,245.49                  | 216.70              | 4,462.19                     |   | 607.56                             |
|       |   |                             |                           |                     |                              | 3,037.81                                    |                                    |
| 13    | Indep., Invest. and reports.                            | 1,000.00                    | 701.19                    | 8.06                | 709.25                       |   | 58.15                              |
|       |   |                             |                           |                     |                              | 290.75                                      |                                    |
| 14    | International and Interstate                            | 1,500.00                    | 748.10                    | 193.03              | 941.13                       |   | 111.77                             |
|       |   |                             |                           |                     |                              | 558.87                                      |                                    |
| 15    | Topographic Mapping                                     | 3,000.00                    | 2,237.34                  |                     | 2,237.34                     |   | 152.53                             |
|       |   |                             |                           |                     |                              | 762.66                                      |                                    |
| 16    | Cooperation in Obtaining Water<br>Facil.                | 3,000.00                    | 1,999.44                  |                     | 1,999.44                     | 12.80                                       | 202.67                             |
|       |   |                             |                           |                     |                              | 1,013.36                                    |                                    |
| 17    | Designs, Reports and Conf.                              | 500.00                      | 291.90                    |                     | 291.90                       |   | 41.62                              |
|       |   |                             |                           |                     |                              | 208.10                                      |                                    |
| 18    | Salary State Engineer                                   | 4,400.00                    | 3,299.94                  | 183.33              | 3,483.27                     |   | 183.34                             |
|       |   |                             |                           |                     |                              | 916.73                                      |                                    |
| 19    | Hydrographic Survey                                     | 3,500.00                    | 2,544.35                  | 207.59              | 2,751.94                     |   | 149.61                             |
|       |   |                             |                           |                     |                              | 748.06                                      |                                    |
| Total |   | 142,296.41                  | 60,701.33                 | 2,511.71            | 63,213.04                    | 14,585.71                                   | 18,733.78                          |

NORTH DAKOTA STATE WATER CONSERVATION COMM.  
MONTHLY REPORT OF ACCOUNTS AS OF FEBRUARY 28, 1943  
1941-43 APPROPRIATION

| No. | Name of Account                          | Total Approp.<br>24 mo. | Expended to<br>1/31/43 | February Expenses | Total Expenses<br>2/28/43 | Total Refunds | Balance Available<br>next 4 mo. | Balance Available<br>per month. |
|-----|--|-------------------------|------------------------|-------------------|---------------------------|---------------|---------------------------------|---------------------------------|
| 1   | Commissioners Per Diem                   | 3,000.00                | 1,908.00               | 119.00            | 2,027.00                  |               | 973.00                          | 243.25                          |
| 2   | Administration                           | 25,000.00               |                        |                   |                           |               |                                 |                                 |
|     | Adm. Balance due 1937-41                 | 4,696.41                | 35,633.16              | 1,032.19          | 36,685.35                 | 12,803.41     | 5,814.47                        | 1,453.61                        |
| 3   | Construction Bond Guarantee              | 40,000.00               |                        |                   |                           |               |                                 |                                 |
|     | Bal. due 1939-41 approp.                 | 35,300.00               | 1,800.00               | 1,080.00          | 2,880.00                  |               | 72,420.00                       | 18,105.00                       |
| 4   | Maintenance Existing Dams                | 4,000.00                | 3,460.58               |                   | 3,460.58                  | 2,032.58      | 2,572.00                        | 643.00                          |
| 5   | Engineering & Soil Survey                | 1,000.00                | 477.00                 |                   | 477.00                    |               | 523.00                          | 130.75                          |
| 6   | Little Missouri, Grand Cannonball.       | 700.00                  | 517.18                 | 70.00             | 587.18                    |               | 112.82                          | 28.20                           |
| 7   | Pembina, Tongue, Park, etc.              | 250.00                  | 60.00                  | 25.00             | 85.00                     |               | 165.00                          | 41.25                           |
| 8   | Janes, Wildrice Rivers, etc.             | 150.00                  |                        | 65.00             | 65.00                     |               | 85.00                           | 21.25                           |
| 9   | Invest. Surveys, Designs, etc.           | 2,000.00                | 1,288.35               | 100.00            | 1,388.35                  | 26.92         | 638.57                          | 159.64                          |
| 10  | Evaluation Economic Benefits             | 300.00                  | 57.94                  | 30.00             | 87.94                     |               | 212.06                          | 53.01                           |
| 11  | Reports & Atten. at Conf.                | 1,500.00                | 1,114.37               |                   | 1,114.37                  |               | 385.63                          | 96.40                           |
| 12  | Tri-State Waters Commission              | 7,500.00                | 4,462.19               | 207.50            | 4,669.69                  |               | 2,830.31                        | 707.57                          |
| 13  | Indep. Investigation & reports           | 1,000.00                | 709.25                 | 100.00            | 809.25                    |               | 190.75                          | 47.69                           |
| 14  | International & Interstate               | 1,500.00                | 941.13                 |                   | 941.13                    |               | 558.87                          | 139.71                          |
| 15  | Topographic Mapping                      | 3,000.00                | 2,237.34               |                   | 2,237.34                  |               | 762.66                          | 190.64                          |
| 16  | Cooperation in Obtaining Water<br>Facil. | 3,000.00                | 1,999.44               | 60.99             | 2,060.43                  | 12.80         | 952.37                          | 238.09                          |
| 17  | Designs, Reports & Conf.                 | 500.00                  | 291.90                 | 50.00             | 341.90                    |               | 158.10                          | 39.52                           |
| 18  | Salary State Engineer                    | 4,400.00                | 3,483.27               | 183.33            | 3,666.60                  |               | 733.40                          | 183.35                          |
| 19  | Hydrographic Survey                      | 3,500.00                | 2,751.94               | 131.83            | 2,883.77                  |               | 616.23                          | 154.05                          |
|     | Total                                    | 142,296.41              | 63,213.04              | 3,254.84          | 66,467.88                 | 14,875.71     | 90,704.24                       | 22,675.98                       |

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