

MINUTES OF A MEETING OF THE
STATE WATER CONSERVATION COMMISSION.

Held in the Offices of the Commission, State Capitol, July 8-43.

A regular meeting of the North Dakota State Water Conservation Commission was held in the offices of the Commission on July 8, 1943. Vice-Chairman Simons presided, calling the meeting to order at 9:45 a.m. Commissioners Orlady, Thompson and Dahl present. Governor Moses absent.

Vice-Chairman Simons suggested that the various Committees of the Water Commission become active in their respective fields, thus saving the time of the entire Commission at the regular meetings.

Commissioner Orlady moved the approval and adoption of the minutes of the May 12, May 20 and June 2 meetings. Commissioner Thompson seconded the motion. Carried.

Mr. Orr, Bookkeeper, was called into the meeting and asked to make a report on the State Examiner's findings in June, 1943. He reported that the Examiner had found the Commission's books in a satisfactory condition.

The Bismarck Irrigated Victory Gardens, Project No. 326, were brought up for discussion. Mr. J. J. Walsh reviewed the work done this season on the gardens.

Mr. Walsh made a report on the Harke Land condemnation proceedings; correspondence with Mr. Corwin of Fargo; and Mr. C. S. McCulloch of Bismarck. Vice Chairman Simons suggested that the Secretary be authorized to go ahead and deal with Mr. McCulloch for an easement of his land, with the understanding that the Commission is not in the market to purchase his trailer court. Commissioner Thompson referred the Commission to the minutes of a former meeting which contain an offer made by the Commission to Mr. McCulloch for his land. Upon perusal of the minutes, it was found that the Commission offered Mr. McCulloch \$300.00 per acre for the land in question. The Secretary was instructed to make this offer again to Mr. McCulloch and report at the next Commission meeting the outcome of the same.

Vice-Chairman Simons brought up the subject of the Commission preparing a resolution complimenting Mr. John T. Tucker on his work with the State Water Conservation Commission. It was decided to wait for Governor Moses' presence at a meeting, at which time the resolution could be drafted.

The Wachter land deal was brought up for discussion. The Secretary was instructed to write to Governor Moses relative to the resolution which the Industrial Commission passed on March 31, 1943 on the Wachter land. The Water Commission takes the stand of holding this matter in abeyance until they see what can be done outright about securing a right-of-way.

The Mouse River controversy was brought up for discussion. After a lengthy discussion about employing Nels Johnson of Towner to prepare a brief on this matter, Commissioner Orlady moved that the Secretary be instructed to proceed with an investigation of the water needs of all water users in the Mouse River Valley securing technical data which will give the Water Commission an opportunity to obtain a picture of the problem. Commissioner Thompson seconded the motion. Roll call vote was taken with all Commissioners voting aye. Governor Moses absent. Carried.

Commissioner Thompson suggested that the Secretary write to Mr. Johnson saying that we are not prepared at this time to enter into any legal phase of this

controversy, but we have instructed our Chief Engineer to make such surveys as may be necessary to give a complete picture of the water resources of the valley as they have formerly been utilized.

The Secretary was instructed to send out a follow up letter on the flood damages in the state, in connection with SWCC Form #55A.

Commissioner Orlady moved that Governor Moses be requested to call a meeting of the Red River Valley counties and the Water Commission to be held in Grand Forks to complete the arrangements for spending the \$50,000 legislative appropriation, of which there remains \$46,500, for drainage problems. Governor Moses is to fix the time of the meeting and issue the notices. Commissioner Dahl seconded the motion. Motion carried by all Commissioners voting aye. Governor Moses absent. It was further suggested that Governor Moses issue a statement outlining the conditions which are developing on this drainage question so as to clarify the position of the Water Commission.

The membership fee of \$100.00 to the Missouri River States Committee was discussed. Commissioner Dahl moved that the Secretary be authorized to pay this fee. Commissioner Thompson seconded the motion. Roll call vote taken with all Commissioners voting aye. Governor Moses absent. Carried. Commissioner Thompson suggested this fee be paid out of our post-war planning appropriation.

The Secretary reported on the status of the Epping Dam, Williams County giving an account of the agreement made among the State Game and Fish Department, Williams County Commissioners and the Water Commission. Commissioner Thompson moved that the Water Commission ratify such items of expense made in connection with the maintenance of dams and similar works, by the Secretary and Chairman of the Water Commission, as were obligated prior to July 1, 1943, such expenses to be paid out of the 1941-43 appropriation. Commissioner Orlady seconded the motion. Roll call vote was taken with all Commissioners voting aye. Governor Moses absent. Motion carried.

John T. Tucker's letter, dated June 3, 1943, addressed to Governor Moses with copies to all Commissioners, setting forth his suggestion for the Commission, was tabled for the next meeting.

The Secretary was authorized to pay the bill for the repair of the dike at the State Training School, Mandan, North Dakota, upon receipt of the bill from the Omaha office of the War Department, per the minutes of April 30, 1943.

Commissioner Dahl made a report on his trip to Washington, D. C. to appear before the Senate Committee on the Interior Department's appropriation bill. Commissioner Dahl spent three days in the Senate. However, he did not speak before the Committee, but asked Harry Polk, Williston, who was also there, to make the supporting speech.

The Secretary presented the progress report of the Bureau of Reclamation for the month of June, 1943. It was suggested that copies of these reports be sent to the Commissioners each month.

Commissioner Dahl is to see Judge Christianson in an effort to clear up the bond issues on the Sioux, Lower Yellowstone and Grantier Projects.

Commissioner Dahl moved that water rights be granted to M. G. Ward and Anton Bolte. Commissioner Orlady seconded the motion. Roll call vote taken with all Commissioners voting aye. Governor Moses absent. Carried.

Commissioner Dahl moved that water rights be granted to M. G. Ward and Anotone Bolte. Commissioner Orlady seconded the motion. Roll call vote taken with all Commissioners voting aye. Governor Moses absent. Carried.

Commissioner Orlady moved that the following resolution be adopted regarding dam contributions. Commissioner Thompson seconded the motion. Roll call vote taken with all Commissioners voting aye. Governor Moses absent. Carried.

WHEREAS, the North Dakota State Water Conservation Commission is cooperating with individuals, clubs, organizations, corporations, cities, counties and agencies of the State of North Dakota and other states, and of the Government of the United States in the development, construction, maintenance and repair of structures for irrigation, flood control and water conservation, and

WHEREAS, it has been demonstrated from experience that difficulties arise in the handling of trust funds donated by different cooperators on certain projects if handled with state appropriations in the usual manner by deposit with the State Treasurer and withdrawn with the usual vouchers; also that the laws, rules and practices of handling and payment through state agencies might tie up portions of these trust funds by transferring at the end of the biennium to the "Prior Fund" on which any balance after two years automatically reverts to the state treasury General Fund.

THEREFORE, BE IT RESOLVED that the Secretary of the North Dakota State Water Conservation Commission is hereby authorized and instructed to open a Trust Fund Account in the Bank of North Dakota, and to deposit therein any funds which may come into his hands which are not properly deposited to the Administration Fund, and to withdraw same as fast as needed to pay for construction or other work or expense which is properly chargeable to said Trust Fund by issuing checks on said fund signed by the Secretary for this Commission and attested by one member of the Commission, the Secretary to have separate itemized accounts kept of each project and proper credit given for each trust and deposit, and withdrawals.

The matter of hiring legal assistance for the Commission was discussed. It was decided that this depended entirely upon the future program of the Commission and the problems entailed.

Commissioner Orlady moved the meeting recess for lunch and reconvene at 1:00 p.m. Commissioner Dahl seconded the motion. Carried.

The meeting reconvened at 1:00 p.m. with all Commissioners present. Governor Moses absent. Vice-Chairman Simons presided.

Commissioner Simons had volunteered to report on the Cedar River Mutual Aid Corporation in Commissioner Dahl's stead, per the minutes of May 12, 1943. However, Commissioner Simons had not yet secured the information and consequently was unable to make a report at this time.

The employment of Einar Berge was discussed. Commissioner Simons suggested that Mr. Berge be instructed to attend every meeting of the Commission. He should be permitted to read all of the correspondence of the Commission. The Commission should improve its facilities of getting information to him and see that he develops it properly. He should get out a story now on the Epping Dam, Williams County. Commissioner Orlady moved that Mr. Berge be kept on the Commission payroll until October 1, 1943. Commissioner Dahl seconded the motion. Roll call vote taken with all Commissioners voting aye. Governor Moses absent. Carried.

Mr. K. Lauster, State Sanitary Engineer, Health Department, Bismarck, appeared

before the Commission at 1:40 p.m. relative to the formulation of a policy by the Water Commission in connection with stream pollution. He referred to Chapter 256, Session Laws of 1939, North Dakota.

Commissioner Thompson moved that the following resolution in this connection be adopted: Commissioner Orlady seconded the motion; roll call vote taken with all Commissioners voting aye. Governor Moses Absent. Carried.

BE IT RESOLVED, that no system of water supply or for the disposal of sewage, industrial waste, garbage, or refuse for public use or for the use of any considerable number of persons or which effects or tends to affect the public health in any manner shall be installed by any public agency or by any person or corporation, nor shall any such existing system be materially altered or extension, together with such information as the State Water Conservation Commission and the State Department of Health may require, have been submitted in duplicate and approved by the State Water Conservation and the State Department of Health, and no construction shall take place except in accordance with the approved plans.

The Secretary was instructed to write to Mr. B. E. Groom, Greater North Dakota Association, Fargo, requesting him to present a bill for Mr. Fred J. Fredrickson's services in behalf of the Water Commission up to July 1st, 1943. Every bill this office has received to date for Mr. Fredrickson has been paid. It should also be stated in this letter to Mr. Groom that it is the understanding of the Water Commission that Mr. Fredrickson's contract is about to expire and it seems to be the understanding that the Commission's contract with him was also to expire on July 1, 1943.

Commissioner Thompson moved that the quadrangles as mapped and outlined by the Secretary be made by the U.S. Geological Survey in cooperation with funds supplied by the Water Commission. Commissioner Orlady seconded the motion. Roll call vote taken with all Commissioners voting aye. Governor Moses absent. Carried.

Commissioner Dahl moved that the Supplemental Agreement presented by Mr. Speer of the U.S. Geological Survey, with respect to hydrographic surveys, under date of June 25, 1943, be signed by the Secretary. Commissioner Thompson seconded the motion. Roll call vote taken with all Commissioners voting aye. Governor Moses absent. Carried.

Commissioner Thompson suggested that the Secretary be directed to write a letter to Col. Pick of the Army Engineers, and Mr. W. G. Sloan of the Bureau of Reclamation, asking them if ground water supply tests are important enough to warrant their survey in North Dakota. If so, should such surveys be made now or should we wait until we know where the test wells are to be dug. After hearing from those gentlemen, the Secretary should then write to Mr. A. D. Greenlee, Grand Forks, and state our position in the matter of ground water surveys.

Commissioner Orlady moved that the matter of salaries for the office personnel be left to the discretion of the Secretary with power to act; however, increases in present salaries are to be reported to the Commission from time to time. Commissioner Dahl seconded the motion. Carried.

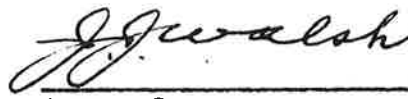
Mr. A. E. Burdick, States Attorney, Williams County, called the Secretary by telephone and asked for a further contribution by the Water Commission for the repair of the Epping Dam. The Secretary was authorized by the Commission to pay the salary of an inspector for this project, \$200.00 per month with no overtime allowed. The inspector is to be directly responsible to the Commission office and report to the Chief Engineer.

Mr. Milton Higgins of Mandan came into the meeting at 3:15 p.m. relative to the

Harke land for Project No. 326. Mr. Higgins presented a letter which outlines Mr. Harke's terms to the Commission, copy of which is hereto attached. Mr. Higgins suggested that the Commission ask the Burleigh County Commissioner to postpone the condemnation proceedings of the Harke land until the Commission has made a further effort to come to an agreement with Mr. Harke. This suggestion was accepted and the Secretary was instructed to act accordingly; Commissioner Orlady moved the acceptance of the offer of Mr. Harke, as outlined in the attached letter, dated July 8, 1943; Commissioner Thompson seconded the motion. Roll call vote taken with all Commissioners voting aye. Governor Moses absent. Carried.

Commissioner Orlady moved the meeting be adjourned. Commissioner Thompson seconded the motion. Motion carried and meeting adjourned at 3:30 p.m. to the call of the chair.

Respectfully submitted,



Acting Secretary

(S E A L)

ATTEST



Chairman

LAW OFFICES OF
GEO. F. SCHAFER
Bismarck, North Dakota

July 8, 1943

State Water Commission
Bismarck, North Dakota

Gentlemen:

Re: Proceedings to Condemn Land for
Pumping Plant Site Purposes.

I hereby offer to settle the condemnation proceeding and the controversy existing between us relative to parcels Nos. 2 and 3 as described in the Notice of Hearing on Petition of State Water Conservation Commission to Condemn Land for Pumping Plant Site Purposes dated May 4, 1943 on the following basis:

(1) I will grant to the Commission, free of any monetary consideration, a permanent easement over and across said Parcel No. 3, on the lands described in the location set forth in the plat and survey prepared by Mr. Walsh, subject to the condition that if and when the Commission, or its successors, establishes another irrigation ditch on adjacent lands and designed to serve the same purposes as the ditch hereafter constructed on the premises here involved, then the easement hereby created shall be terminated, and all rights acquired therein by the Commission or its successors, shall revert to the grantor or his successors or assigns; and subject to the further condition that the Commission shall construct a culvert in the ditch constructed upon the lands covered by such easement at the point indicated on such plat for the use of the grantor, his successors or assigns, as the pass-way over or across such ditch.

(2) I will also release to the Commission, free of any monetary consideration, all of my interest and claim to such part of the North portion of said Parcel No. 3 adjacent to the Memorial Highway Bridge, not exceeding .98 of an acre, as may be designated and determined by the Commission to be necessary for its use as a pumping plant site in connection with the development of the Bismarck Irrigation Project No. 215, including any future expansion of such development made in cooperation with the United States Reclamation Service; and if desired by the Commission I will also convey to it any portion of said Parcel No. 2, as it may require, provided that as compensation for the conveyance of any part of Parcel No. 2, I shall be entitled to receive a sum of money equal to the proportion which the portion of said tract so conveyed, shall bear to the value of said Parcel No. 2 according to the offer to purchase previously made by the Commission for said Parcel, and provided further, that in case all of said Parcel is so conveyed, I shall be entitled to reserve an easement for a driveway across said tract to permit ingress and egress to and from the highway.

Respectfully submitted,

/s/ A. C. Harke

GFS:hjs

List of projects proposed for construction by the SWCC in this biennium:

Order No.	Project Name	Location	Type of Proj.	Plans and specif. Est. cost to com.
1	Dickinson Dam	Stark Co.	Irrig. & Munic.	\$15,000.
2	*Turtle Mts.	Rolette, Bottineau	Flood Irrigation	2,000.
3	Bowman-Haley	Bowman-Adams	Irrigation	15,000.
4	Bismarck	Burleigh	Irrigation	10,000.
5	*Forest River	Grand Forks Walsh	Flood Control	3,220.
6	Heart River	Grant, Morton	Irrigation	10,000.
7	Cartwright	McKenzie	Irrigation	1,080.
8	Long Lake Eyes	Emmons	Irrigation	5,250.
9	Painted Woods	McLean	Irrigation	3,450.
10	Cannonball River	Adams, Hettin- ger, Sioux, Walsh.	Irrigation	10,000.
11	*Park River	Walsh	Flood Control	5,000.
12	Little Missouri River	Six Counties	Irrigation	5,000.
	Contingencies			15,000.
Total.....				\$ 100,000.

*Multiple-purpose: Flood Control, irrigation, municipal water supplies, and recreation.

NORTH DAKOTA STATE WATER CONSERVATION COMMISSION MONTHLY REPORT OF ACCOUNTS AS OF 6/30/43.
1941-43 APPROPRIATION

No.	Name of Account	Total Approp. 24 mo.	Expended to 5-31-43	May Expenses	Total Expenses 6-30-43	Total Refunds	Balance Avail-able.	Transfer to Prior Fund
1	Commissioners Per Diem.....	\$ 3,000.00	2,363.00	137.00	2,500.00		500.00	500.00
2.	Administration.....	25,000.00						
	Plus balance 1939-41 approp.....	4,696.41	41,654.03	1,871.30	43,525.33	14,506.43	677.51	
3	Construction Bond Guarantee.....	40,000.00						
	Plus balance 1939-41 approp.....	35,300.00	2,880.00		2,880.00		72,420.00	
4	Maintenance Existing Dams.....	4,000.00	3,460.58	1,330.82	4,709.40	2,032.58	1,241.18	1,241.18(*)
5	Engineering and Soil Survey.....	1,000.00	856.66	143.34	1,000.00			
6	Little Missouri, Grand, Cannonball....	700.00	587.18	112.82	700.00			
7	Pembina, Tongue, Heart Rivers, etc....	250.00	160.00	90.00	250.00			
8	James, Wildrice Rivers, etc.....	150.00	100.01	49.99	150.00			
9	Investigations, Surveys, Designs, etc.	2,000.00	1,763.98	262.94	2,026.92	26.92		
10	Evaluation Economic Benefits.....	300.00	179.61	120.39	300.00			
11	Reports and Attend. at conferences....	1,500.00	1,390.37	109.63	1,500.00			
12	Tri-State Waters Commission.....	7,500.00	5,784.43	1,561.77	7,346.20		153.80	153.80
13	Independent investigations and reports,	1,000.00	959.70	40.30	1,000.00			
14	International and Interstate.....	1,500.00	1,395.05	101.95	1,500.00			
15	Topographic Mapping.....	3,000.00	2,481.29	161.08	2,642.37		357.63	357.63
16	Cooperation in Obtaining Water Facil..	3,000.00	2,626.33	294.84	2,921.17	12.80	91.63	91.63
17	Designs, Reports and conferences.....	500.00	477.71	22.29	500.00			
18	Salary State Engineer.....	4,400.00	4,216.63		4,216.63		183.37	183.37
19	Hydrographic Surveys.....	3,500.00	3,314.24	115.96	3,430.20		69.80	69.80
20a	Post-war Planning with U.S. 50-50.....	200,000.00		35,465.41	35,465.41		165,534.59	
20b	Other Post-war planning.....	100,000.00					100,000.00	
		442,296.41	76,553.80	41,990.93	118,645.63	16,578.73	340,229.51	2,597.41

(*) Vouchers executed since July 1st will cover Prior Fund balances except #1 - Commissioners Per Diem.