

MINUTES OF A MEETING OF THE
STATE WATER CONSERVATION COMMISSION .

Held in the State Water Commission Office, Bismarck, September 27, 1944.

A regular meeting of the North Dakota Water Conservation Commission was held in the Water Commission Office, State Capitol, on September 27, 1944. The meeting was called to order by Vice-Chairman Kenneth W. Simons at 9:55 A.M. with Commissioners Simons, Orlady, Thompson and Dahl and J. J. Walsh, Acting Secretary and Chief Engineer, and Einar Berge present. Governor Moses was absent.

The Water Commission Budget for 1945-47 was discussed.

Earle Tucker of the Bismarck Association of Commerce came into the meeting at 10:25 A.M. with reference to an Experimental Station to be located at or near Bismarck. Mr. Tucker left the meeting at 10:35.

Comm. Orlady moved that the Secretary be instructed to write Governor Moses a letter re his illness. Comm. Thompson seconded the motion. Motion carried.

Comm. Dahl moved that the June 15 minutes be approved. Comm. Orlady seconded the motion. Motion carried.

Comm. Orlady moved that the financial reports for June, July and August be approved. Comm. Dahl seconded the motion. Motion carried.

Comm. Dahl moved that the representation of the Commission at the Convention of Western Beet Growers Association, Fargo, November 20 and 21 be left to the Governor and that the Governor be asked to appoint somebody to attend. Comm. Orlady seconded the motion. Motion carried.

Comm. Orlady moved that Mr. Walsh and Mr. Thompson be assigned to attend the International Joint Commission Meeting to be held in Minot October 7 to 9, inclusive. Comm. Dahl seconded the motion. Motion carried.

Comm. Dahl moved that we ask the Governor to set a meeting of the Water Commission in Devils Lake at the time of the North Dakota Reclamation Meeting November 26 and 27. Comm. Orlady seconded the motion. Motion carried.

Judge Christianson came into the meeting at 10:50 re consolidation of bend issue resolution. Judge Christianson left the meeting at 11:15.

Messrs. Paul R. Spear and C. L. Sadler of the U.S.G.S., and Bruce Johnson of the Bureau of Reclamation came into the meeting at 11:30. Comm. Thompson moved that the Secretary enter into a Contract with the U.S.G.S. for the purpose of spending the \$7,500 out of the \$100,000 to be matched on a 50-50 basis as outlined in the letter to Mr. Walsh from Mr. Sadler under date of August 24, 1944. Comm. Orlady seconded the motion. Roll call taken with Comms. Orlady, Dahl, Thompson and Simons voting aye.

Comm. Orlady moved that \$15,000 be recommended in the Budget for Hydrographic Surveys with the U.S.G.S. Comm. Thompson seconded the motion. Motion carried.

Messrs. Spear and Sadler left the meeting at 11:55.

Mr. Bruce Johnson discussed the work of the Bureau and recommendations were made as to the surveys to be completed, etc.

Meeting adjourned at 12:25 P.M. Meeting reconvened at 1:30 P.M. with Comms. Simons, Orlady, Dahl and Thompson; J. J. Walsh, Einar Berge, and A. L. Greenlee of Geological Survey present.

Comm. Dahl moved that the Budget as presented be approved. Comm. Thompson seconded the motion. Roll call taken with Comms. Orlady, Dahl, Thompson and Simons voting aye.

Comm. Thompson moved that the National Reclamation dues of \$100.00 be paid. Comm. Dahl seconded the motion. Roll call taken with Comms. Orlady, Dahl, Thompson, and Simons voting aye. Ask Governor Moses to appoint representation to the National Reclamation Association Meeting to be held in Denver November 15 and 16 and also to appoint Mr. Walsh to attend a meeting in Denver, November 13 and 14 of the Western State Engineers.

Comm. Orlady moved that Mr. Berge's employment be continued until February 1st, 1945. Comm. Dahl seconded the motion. Roll call taken with Comms. Orlady, Dahl Thompson and Simons voting aye.

Comm. Orlady moved that in place of Item 9, "Amendment Ft. Peck Release of Waters," in the budget, that an item, "Engineering and Geological Surveys and Demonstration, \$30,000" be substituted. Comm. Dahl seconded the motion. Roll call taken with Comms. Orlady, Dahl, Thompson and Simons voting aye.

Mr. Greenlee left the meeting at 2:25 P.M.

Judge Christianson came into the meeting at 2:30 P.M. re Resolution, which he read. Comm. Dahl moved that the Resolution be adopted as presented by Judge Christianson. Comm. Orlady seconded the motion. Roll call taken with Comms. Orlady, Dahl, Thompson and Simons voting aye.

RESOLUTION

WHEREAS, The State Water Conservation Commission did heretofere issue and now has outstanding two bond issues, viz: Series "F" on which there remains outstanding the sum of \$27,000.00 and interest at 4% from January 31, 1944, and Series "I-B" on which there remains outstanding bonds aggregating \$38,000.00, together with interest at 3% per annum, from May 1, 1944, making the total amount required to retire said bond issues as of October 1, 1944 the sum of \$66,194.82, and

WHEREAS, The Commission has heretofere made certain expenditures for the construction of certain irrigation works and facilities as follows: the construction of irrigation facilities for Jay Grantier, Clara F. Grantier, his wife, and L. D. Grantier; the survey and construction of irrigation facilities for the Yellowstone Pumping Irrigation District; and the construction of irrigation facilities for the Sioux Irrigation District in McKenzie County, North Dakota, and

WHEREAS, incident to the construction of these irrigation facilities and works the Commission obtained from the North Dakota Rural Rehabilitation Corporation loans which with interest aggregate at this date the total sum of \$31,103.18, all of which moneys were obtained and expended by the Commission incident to and for the purpose of construction of such irrigation facilities and works, and

WHEREAS, these are all the obligations of the Commission outstanding at this time and it seems desirable to consolidate the same and to issue a new bond issue for the purpose of paying off and retiring the two former bond issues, "I-B" and "F", and for the purpose of paying the indebtedness owing by the Commission to the North Dakota Rural Rehabilitation Corporation.

Series J Bonds

Consolidated

Dec. 10, 1945

(63,000 balance)

(about a year
later than
Resolution was
made.)

NOW THEREFORE BE IT HEREBY RESOLVED, that the State Water Conservation Commission of the State of North Dakota issue its bonds to be known as Series "J" in the sum of \$97,298.00, dated October 1, 1944, payable to the bearer, and bearing interest at the rate of 2 per cent per annum payable on 1st day of May of each year, with the principal payable as follows:

- \$27,298.00 payable on or before May 1, 1945,
- \$ 3,000.00 payable on or before May 1, 1945,
- \$ 2,000.00 payable on or before May 1, 1946
- \$ 3,000.00 payable on or before May 1, 1947
- \$ 3,000.00 payable on or before May 1, 1948
- \$ 3,000.00 payable on or before May 1, 1949
- \$ 3,000.00 payable on or before May 1, 1950
- \$ 4,000.00 payable on or before May 1, 1951
- \$ 4,000.00 payable on or before May 1, 1952
- \$ 4,000.00 payable on or before May 1, 1953
- \$ 4,000.00 payable on or before May 1, 1954
- \$ 4,000.00 payable on or before May 1, 1955
- \$ 4,000.00 payable on or before May 1, 1956
- \$ 4,000.00 payable on or before May 1, 1957
- \$ 5,000.00 payable on or before May 1, 1958
- \$ 5,000.00 payable on or before May 1, 1959
- \$ 5,000.00 payable on or before May 1, 1960
- \$ 5,000.00 payable on or before May 1, 1961
- \$ 5,000.00 payable on or before May 1, 1962

and that as security for the payment of such bonds the State Water Conservation Commission does hereby irrevocably pledge and hypothecate: a 560 acre tract of land owned by the Commission lying in the Lewis & Clark Irrigation Project in McKenzie County, North Dakota and at present covered by a mortgage in favor of the Bank of North Dakota securing the payment of the aforesaid Series F bonds; \$38,000.00 of irrigation system bonds of the Lewis & Clark Irrigation District, bearing interest at the rate of 3% per annum; \$25,000.00 of irrigation system bonds of the Sioux Irrigation District in McKenzie County, North Dakota, bearing interest at 3% per annum; a promissory note in the sum of \$1,910.95, dated March 22, 1938, bearing interest at the rate of 5% per annum payable to the State Water Conservation Commission executed by Jay Grantier, Clara F. Grantier and L. D. Grantier and secured by a mortgage on real property in McKenzie County, North Dakota, and the claim of the said State Water Conservation Commission against the Yellowstone Pumping Irrigation District in McKenzie County, North Dakota in the sum of \$3,500.00 with interest at 2% from July 3, 1939, for moneys advanced incident to the construction of irrigation facilities for said Irrigation District, and

WHEREAS, in the judgment of the Commission it is necessary in order to sell and market such bonds that the Commission exercise the rights granted to it by Chapter 300, Laws 1941, to utilize certain funds appropriated by the Legislature to guarantee payment of the principal and interest of said bonds.

THEREFORE, the said State Water Conservation Commission does pledge and hypothecate as a guarantee for the payment of such bonds Series J under the provisions of Subdivision 4, Section 21, Chapter 256, Laws 1939, as amended and re-enacted by Chapter 300 Laws 1941, the sum of \$19,459.60 in cash; that such \$19,459.60 in cash and such bonds, and promissory note and real estate mortgage, together with an assignment of such note and mortgage and an assignment of the claim and indebtedness of the Yellowstone Pumping Irrigation District and a mortgage upon the lands in the Lewis & Clark Irrigation Project (now covered by mortgage securing the payment of said bonds Series F) be deposited with the Bank of North Dakota as Trustee under a

Trust Agreement with authority to the Trustee to invest the money so deposited with it in appropriate securities to be approved by the State Water Conservation Commission and the State Industrial Commission; also that the said trustee be authorized upon the payment of the first bond of Series J, namely the bond for \$27,298.00 to release and discharge the said 560 acre tract of land within the Lewis and Clark Irrigation District so that such lands be released from all claims under said bond issue.

BE IT FURTHER RESOLVED that the Chairman and Secretary of the State Water Conservation Commission be and they hereby are authorized to take all steps necessary to carry this resolution into effect and to that end to execute for and on behalf of the commission such instruments as may be necessary, including the Trust Agreement and to execute and deliver the bonds of the Commission as heretofore set forth to the purchaser thereof, and

WHEREAS, the Bank of North Dakota has offered to purchase said Series J bonds at par,

IT IS THEREFORE HEREBY RESOLVED that the said offer be and hereby is accepted and the Chairman and Secretary of the State Water Conservation Commission are authorized to issue and deliver the bonds to the Bank of North Dakota, it being understood that the proceeds of said Series J bonds shall be utilized as follows:

1. To retire and pay off the said Series F Bonds
2. To pay off and retire the said Series I-B Bonds
3. To pay to and reimburse the said North Dakota Rural Rehabilitation Corporation for the moneys advanced and loaned by the said North Dakota Rural Rehabilitation Corporation to the said State Water Conservation Commission, pursuant to the above mentioned agreement between them and expended by the Commission to defray the cost of the construction of the irrigation system and facilities of the said Sioux Irrigation District, and the Yellowstone Pumping Irrigation District and the Grantier projects.

Judge Christianson left the meeting at 2:45. Comm. Orlady move that the Secretary and Vice Chairman be authorized to negotiate with the Bank of North Dakota to invest the cash guaranty fund put up for Series "J" bonds into Government Bonds. Comm. Dahl seconded the motion. Roll call taken with Comms. Orlady, Dahl, Thompson and Simons voting aye.

Mr. Simons recommended that the Governor be asked to set a hearing on Mr. Tucker's Comparison Report, preferably at the meeting of the Commission in connection with the N. Dak. Reclamation Meeting in Devils Lake.

Comm. Dahl suggested that the Secretary notify the County Auditor that they make a levy and take care of the obligation of the SWCC on the \$3500.00 at a rate of 2% interest re Lower Yellowstone Matter.

Comm. Thompson moved that the Upmeyer Resolution be adopted. Comm. Orlady seconded the motion. Motion carried.

R E S O L U T I O N

WHEREAS, Brune Upmeyer and Myrtle Upmeyer, his wife, did on Oct. 1, 1937, execute and deliver to the State Water Conservation Commission a certain note for \$278.11 due in installments, the proceeds to be in payment of an irrigation pump, foot valve, pipe, connections and drive belt, and

WHEREAS, on trial it was found that the water from a slough proposed to be used for irrigation purposes was unfit for that purpose and the irrigation project was abandoned by said Upmeyer, and

WHEREAS, said Upmeyer did pay in cash on Nov. 17, 1938, the sum of \$50.00 which was duly endorsed on said note, and

WHEREAS, the State Water Conservation Commission repossessed and resold the said pump, foot valve, pipe, connections and drive belt for \$168.00, which sum was duly endorsed on said Upmeyer note on June 16, 1944, leaving an unpaid balance of \$60.11 on said note and mortgage, and

WHEREAS, the officials of the State Water Conservation has found the aforesaid note uncollectable unless by court action on which the costs would probably exceed the loss aforesaid and had agreed to accept the repossessed pump and equipment in full settlement of the note and mortgage to the Commission,

BE IT RESOLVED, that the action of the officials of the State Water Conservation Commission is here approved, the repossessed pump and equipment accepted in full settlement of said unpaid balance on the Brune Upmeyer note and mortgage which the Chairman and Secretary of this Commission are hereby authorized and instructed to cancel and execute a release of said real estate mortgage and deliver said note, mortgage and satisfaction to the said Brune Upmeyer.

Comm. Dahl left the meeting at 3 P.M.

Comm. Orlady moved that the Chairman or Vice Chairman and Secretary be instructed to take up with the officials of the A. C. the question of the advisability of locating an Irrigation Experiment Station at or near Bismarck, said Station to be operated either by the Federal Government, State Government, or the Federal and State jointly. Comm. Thompson seconded the motion. Motion carried.

Comm. Orlady moved that the Secretary and Chairman or Vice Chairman be instructed to ask the Appropriate officials at the A. C. of the possibility of obtaining fertilizer from the TVA, the said fertilizer to be used in experiment to be conducted by the SWCC during the crop season of 1945. Comm. Thompson seconded the motion. Motion carried.

Comm. Thompson moved that we adjourn at 3:10 P.M. Comm. Orlady seconded the motion. Motion carried.

Respectfully submitted

ATTEST: 
Chairman


Secretary