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**MINUTES OF A MEETING OF THE  
STATE WATER CONSERVATION COMMISSION**

Held in the Office of the State Water Conservation Commission  
and in the Governor's Conference Room, Bismarck, North Dakota,  
March 8, 1945

A regular meeting of the North Dakota Water Conservation Commission was held in the office of the Water Commission and the Governor's Conference Room on March 8, 1945. The meeting was called to order by Governor Fred G. Aandahl, Chairman, at 10:25 A. M. With Commissioners Simons, Orlady, Thompson, and Dahl; J. J. Walsh, Acting Secretary and Chief Engineer; E. H. Berge; Al Dexter of the NDRR; and Howard Stone present.

The January 23 minutes were approved. Commissioner Orlady moved that the December, January and February financial statements be approved. Commissioner Thompson seconded the motion. Motion carried.

Delegation from the Bismarck Association of Commerce, including Fay Brown, George Bird, F. M. Davis, John A. Larson, John French, Earle Tucker and O. Dunham, came into the meeting at 10:55 A. M. Mr. John Larson spoke for the Association. They would like to discuss with the Commission a new contract on the Victory Gardens. The proposed Memorandum Agreement was read by Commissioner Simons. A few changes were suggested. The Association is to revise the Agreement and return it to the Commission this afternoon when they are still in session. The delegation left the meeting at 12:40 A. M.

Mr. John Dillon and Mr. M. E. Hoffman of the Soil Conservation Service came into the meeting at 11:45 A.M. Discussion on the drainage work in the Red River Valley. Commissioner Simons moved that the Chief Engineer and Secretary of the Water Commission, the responsible officials of the Soil Conservation Service and the AAA and such others make written recommendations to this Commission as to the policy which they think should be pursued, and why it should be pursued. Commissioner Orlady seconded the motion. Motion carried.

Commissioner Thompson moved that the Secretary ask the Attorney General for an opinion as to our right to spend any of the drainage construction money to build section line bridges. Commissioner Simons seconded the motion. Motion carried.

Meeting recessed at 12:50 P.M.

Meeting called to order at 1:35 P. M. by Vice Chairman Simons. All Commissioners; J. J. Walsh; E. H. Berge; Al Dexter; and Howard Stone present. Governor Aandahl absent.

Colonel Freeman; Messrs. Gardner, Collier and Lyndon from the U. S. Army Engineers Office in Omaha; Messrs. W. G. Sloan, Chas. Hinze and Bruce Johnson from the Bureau of Reclamation came into the meeting at 1:45 P. M. Mr. Fred Fredrickson also came into the meeting.

Discussion on the Water Situation at Mountain, North Dakota. Commissioner Orlady moved that action be deferred on this matter until July 1, when funds will be available under the new appropriation. Commissioner Thompson seconded the motion. Motion carried. Secretary is instructed to write the parties interested and Mr. Laird, advising them of the action taken by the Commission.

Copies of the Memorandum of Agreement between N. D. Water Conservation Commission and the North Dakota Geological Survey are to be sent to all the Commissioners.

Commissioner Thompson moved that up to \$500.00 be authorized for the repair of dams by the Secretary and that any repairs costing more than \$500.00 shall be approved by the Water Commission. Commissioner Dahl seconded the motion. Motion carried.

The matter of publication of the Water Laws of the State was discussed. An estimate of the cost of publishing the Water Laws is to be presented to the Commission at its next meeting.

Governor came into the meeting at 2 P.M.

Discussion on the James River Project. Colonel Freeman: The reason for this meeting is to let you people know about the directive on the James River. We have made field surveys and a good many office studies. We have now arrived at an engineering plan. In accordance with the provisions of Public Law 534 we ask for this opportunity

to discuss with the people of North Dakota and the Bureau of Reclamation. The general policy of the Congress is stated in the opening paragraph of Public Law 534 and also a portion of Section 2 of this law.

**COLONEL FREEMAN:** The contacts made so far are as follows: We have discussed in South Dakota some of the preliminary plans with the Cities of Aberdeen and Huron, one conference with the Governor of South Dakota, at which the Game and Fish Commissioner and the Highway Engineers were present. We have not contacted the Governor of North Dakota or his designated representatives until today. We have not worked out any of the details with the Bureau of Reclamation. I thought we might outline the engineering plan we have. The map shows the James River and North Dakota and South Dakota. On this map we have outlined briefly the construction proposed in the engineering plan which is feasible. The plan would provide for a dam at Jamestown. That dam has been authorized in Public Law 534 in accordance with plans prepared by Mr. Sloan in Document 191. The funds set up in Document 475 did contemplate a dam at Jamestown. That dam is already authorized and I do not think it is necessary to submit it for authorization again. The Bureau dam would be larger than the one we contemplate in our plan. We considered a dam on Pipestem Creek for flood control largely. According to the estimates, the value of the dam at Jamestown does not permit us to justify the dam on the Pipestem.

**COLONEL FREEMAN:** In South Dakota we run into the big problem. 5,000 acres of slough in Marshall and Brown Counties. We have an engineering plan that would drain that entire area. That will not be successful unless we tie it into some other plans or tie it into Willow Creek Dam. The big problem is providing flood control in the lower part of the river in South Dakota. In order to take care of the normal floods we would have to shorten the river 184 miles, clean the channel and enlarge the river where we did not shorten the length of the river.

**COLONEL FREEMAN:** This is a two fold problem as far as flood control is concerned. To regulate the flow where we can and the other is to get the water away faster than it is now.

**COMMISSIONER SIMONS:** It looks like the flood problem of the James River is mostly South Dakota's.

**MR. SLOAN:** I do not have anything to add at this time. I have asked Colonel Freeman to furnish me with a copy of the plans and maps and also of his report.

**COMMISSIONER SIMONS:** What do you expect from the Commission?

**COLONEL FREEMAN:** Have you any objection to our engineering plan as far as North Dakota is concerned?

**MR. WALSH:** Does this plan for the dam in the James River have any affect on the flood control?

**COMMISSIONER ORLADY:** I am positive that the dam at Jamestown will take care of the flood.

**COLONEL FREEMAN:** I believe that the one dam will take care of flood control.

Mr. Ralph Marsh of the U. S. Geological Survey came into the meeting at 2:45 P.M.

**COMMISSIONER SIMONS:** I suggest that we refer the matter to Mr. Walsh, Chief Engineer, and he will advise you, Governor, and you in turn will advise Colonel Freeman.

**MR. SLOAN:** With reference to the Heart River Project, Colonel Roberts advised me that he would send me a revised copy of the report, but as yet I have not received a copy. The Heart River Project is authorized.

The Secretary is requested to inquire of the Chief of Engineers as to the status of the Heart River Project.

**MR. SLOAN:** We are to decide what five projects should be considered as authorized under that plan. The Bismarck Project is authorized, but it is not one of the five. It is authorized under the old law. That appropriation was rescinded.

**MR. BRUCE JOHNSON:** The Bismarck Project will cover over 9,000 acres, maybe 10,000.

**MR. SLOAN:** We are already proceeding on the classification of the land. We will have to cover from Minot to the southern part of the state. 250,000 acres are now classified, some of which were classified before. There are two crews up there now and we will put on more as soon as possible.

COMMISSIONER SIMONS: We would like to get estimates so we can contract for this money before July 1, 1945.

MR. SLOAN: I would like to wait 2 or 3 weeks as I am going to have the boys make a reconnaissance of the area and to see how big the area is. I would like to meet with you at the next meeting.

Representatives of the U. S. Army Engineer's Office and the U. S. Bureau of Reclamation left the meeting at 3:30 P.M.

Commissioner Orlady moved that the State Engineer and Commissioner Dahl be authorized to make an investigation of the intake on the Sioux Project and report back to the Commission at the next meeting. Commissioner Thompson seconded the motion. Motion carried.

Commissioner Simons moved that \$1500.00 be allocated to the U.S.G.S. from the 11-b fund in cooperation with the U.S.G.S. in accordance with the letter from Mr. Ralph Marsh, U. S. G. S., under date of January 20. Commissioner Orlady seconded the motion. Roll call taken with all Commissioners and Governor voting aye. Motion carried.

Commissioner Orlady moved that the employment of E. H. Barge be continued until July 1, 1945. Commissioner Dahl seconded the motion. Roll call taken with all Commissioners and Governor voting aye. Motion carried.

Commissioner Simons moved that the expense account of Lt. Tucker for attendance at meeting held in Bismarck on January 22 and 23, 1945, be approved. Commissioner Thompson seconded the motion. Roll call taken with all Commissioners and Governor voting aye. Motion carried.

Messrs. Dexter and Stone left the meeting at 4:20 P.M.

Commissioner Thompson suggested that the Secretary check with the Attorney General to ascertain whether the law provides that the Governor should sign the approval of construction of AAA dams.

Copy of the letter or opinion of the Attorney General with reference to the authority of the Commission to pay fees and annual dues to organizations to be sent to Mr. Hagie, National Reclamation Association.

Commissioner Dahl moved that the Chairman and Secretary be authorized to sign the Memorandum of Agreement relative to the Bismarck Victory Gardens between the Bismarck Association of Commerce and the State Water Conservation Commission with the understanding that nothing contained in the agreement shall be construed as limiting the Water Commission's authority in the development and improvement of the land, ditches and appurtenances thereto. Commissioner Thompson seconded the motion. Motion carried.

Commissioner Simons suggested that a written statement be prepared and presented in which we advance the interests of the Bowman-Haley Project and object to the water going into South Dakota and that we want the water utilized in North Dakota.

Commissioner Orlady moved that the Secretary and Vice Chairman be authorized to attend the hearings to be held in South Dakota on April 10 and 11 and present a statement of facts as to the Bowman-Haley Project, subject to out of state travel authorization by the Governor. Commissioner Dahl seconded the motion. Roll call taken with all Commissioners voting aye. Governor absent.

Commissioner Orlady moved that the meeting be adjourned. Commissioner Thompson seconded the motion. Motion carried. Meeting adjourned at 5:10.

Respectfully submitted,

ATTEST:

  
Chairman

  
Secretary

NORTH DAKOTA STATE WATER CONSERVATION COMMISSION  
MONTHLY REPORT OF ACCOUNTS AS OF MCH. 31, 1945  
1943-1945 Appropriations

Appropriations for		Available July 1 '43	July-Feb. '43 '45 Expenses	Mch. '45 Expenses	Balance in Fund	Appor- tioned Monthly
1	Commissioners Per Diem . . . . .	4,000.00	1,816.00	119.00	2,065.00	166.66
2	Administration . . . . .	27,700.00				
	Refunds and collections added . . . .	10,292.94	15,025.84	1,079.25	21,887.85	1,154.16
3	Maintenance Existing Dams . . . . .	10,000.00	4,723.94	75.74	5,200.32	
4	Tri-State Waters and portion of Administration and Conference Expense	7,500.00	4,494.32	197.50	2,808.18	312.50
5	International and Interstate Compacts, Commissioner and Conference Expenses	12,500.00	6,360.99	908.81	5,230.20	520.83
6	Topographic and Conservation Branches in Cooperation with U.S. on 50-50 basis	20,000.00	17,638.83	985.96	1,375.21	833.33
7	Hydrographic Surveys, coop. with U.S.G.S.	8,000.00	6,317.18	580.94	1,102.88	333.33
8	State Engineer's Salary . . . . .	4,400.00	3,666.66	183.33	550.01	183.33
9	Secure Amendment Ft. Peck Dam, to release waters for Missouri and Souris Diversions . .	2,500.00	1,900.00	100.00	500.00	104.16
10	Promote Maintenance Drainage and to Construct Channels . . . . .	50,000.00	29,530.30	10.17	20,459.53	
11-a	Post-war Projects 50-50 with U.S. Depts.	164,534.59	26,643.08	2,364.58	135,526.93	
11-b	Other Post-war Projects . . . . .	100,000.00	51,713.43	3,568.11	44,718.46	
12	Construction Bond Guarantee Fund - . .	72,420.00				
	Refund from Lewis & Cl. Irr. Dist. Bonds	1,080.00	2,959.00	Nil	70,541.00	
FGO 3-31-45		<u>494,927.53</u>	<u>172,789.57</u>	<u>10,173.39</u>	<u>311,964.57</u>	

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NORTH DAKOTA STATE WATER CONSERVATION COMMISSION  
BALANCES OF PRIOR FUNDS RECOVERED BY OPINION  
OF ATTORNEY GENERAL, AS OF MCH. 31, 1945

Mo.-Yr.	Appropriation	Balance 7-1-43	July '43 to March '45	March Expense	Balance 3-31-45
1 -'39	Commissioners Per Diem . . . . .	1,757.00	Nil	Nil	1,757.00
4 -'39	Lewis & Clark Experimental Farm . . . . .	251.83	142.07	Nil	109.76
5 -'39	Sponsor's Share Dam Repair . . . . .	2,142.76	154.73	Nil	2,088.08
	Plus warrants cancelled and returned . . . . .	100.05			
6 -'39	Engineering and Soil Survey . . . . .	180.00	Nil	Nil	180.00
7 -'39	Missouri River Diversion and Reports . . . . .	300.00	Nil	Nil	300.00
8 -'39	Goose River Diversion . . . . .	125.00	Nil	Nil	125.00
9 -'39	James River and Lake Traverse Diversions . . . . .	751.20	Nil	Nil	751.20
10 -'39	Missouri River Diversion . . . . .	2,000.00	Nil	Nil	2,000.00
11 -'39	Evaluation Economic Benefits . . . . .	700.00	212.00	Nil	488.00
12 -'39	Reports and Conferences, Congressional Agencies . . . . .	272.07	Nil	Nil	272.07
13 -'39	Tri-State Waters, Commission Cooperation . . . . .	854.37	157.50	Nil	696.87
14 -'39	Independent Investigations and Reports . . . . .	526.12	213.22	Nil	312.90
1 -'41	Commissioners Per Diem . . . . .	500.00	105.00	Nil	395.00
4 -'41	Maintenance Existing Dams plus \$51. retd. unused . . . . .	1,292.18	1,238.32	Nil	53.86
12 -'41	Tri-State Waters, Administration Conferences . . . . .	153.80	145.19	Nil	8.61
15 -'41	Topographic Surveys . . . . .	357.63	357.50	Nil	.13
16 -'41	Cooperation Obtaining Waters . . . . .	91.63	91.63	Nil	Nil
18 -'41	State Engineer's Salary . . . . .	183.37	183.37	Nil	Nil
19 -'41	Hydrographic Surveys . . . . .	69.80	69.80	Nil	Nil
	OTHER FUNDS - Bank of N.D. Deposits, etc.:				
	Contributions-Hebron, Jung, Apple Creek Dams, etc. . . . .	5,450.00	5,073.03	Nil	376.97
	Contributions-Elgin and Larson Dam Repairs . . . . .	1,000.00	1,000.00	Nil	Nil
	Fire Indemnity - Lewis & Clark Irr. Dist. No. 1. . . . .	592.16	592.16	Nil	Nil
	Dullam Land a/c balance and \$100. rental collected . . . . .	202.12	202.12	Nil	Nil
		<u>19,853.09</u>	<u>9,937.64</u>	<u>Nil</u>	<u>9,915.45</u>