

MINUTES OF A MEETING OF THE  
STATE WATER CONSERVATION COMMISSION

Held in the Office of the State Water Conservation Commission  
Bismarck, North Dakota, December 16, 1948

A regular meeting of the North Dakota State Water Conservation Commission was held in the office of the Water Conservation Commission in the State Capitol, Bismarck, North Dakota, on December 16, 1948.

MEMBERS OF STATE WATER CONSERVATION COMMISSION PRESENT:

S. W. Thompson, Vice Chairman, Devils Lake, North Dakota  
Curtis Olson, Commissioner from Valley City, " "  
Earle F. Tucker, Commissioner from Bismarck, " "  
J. J. Walsh, Secretary and Chief Engineer

Einar Berge, Publicity Manager

OTHERS PRESENT:

Bruce Johnson, Acting District Manager, Bureau of Reclamation, Bismarck

The meeting was called to order by Vice Chairman, S. W. Thompson, at 9:30 o'clock a.m., with the following persons present: S.W. Thompson, Curtis Olson, Earle F. Tucker and J. J. Walsh, all of the State Water Commission, and Einar Berge, publicity manager.

Commissioner Olson made a motion to approve the minutes of the October 25, 1948 meeting of the State Water Commission. Commissioner Tucker seconded the motion. Motion carried.

Commissioner Tucker made a motion that the financial statements of the State Water Commission, for the months of October and November, 1948, be approved and filed in the office of the Commission. Commissioner Olson seconded the motion. Motion carried.

Letters were read from John Dillon, District Conservationist, Park River, reporting on drainage work in Walsh, Pembina and Grand Forks counties, and from L. E. Hollinshead, county auditor of Ransom County, with reference to the unexpended balances of their allocated drainage funds, reporting that their districts are not at this time prepared to proceed with the letting of contracts. The Commissioners directed that the matter be placed on the agenda for the spring meeting of the Commission for further consideration.

A letter from H. C. Frojen, Oakes, North Dakota, and addressed to Secretary J. J. Walsh, with reference to widening and lowering Dakota Lake Dam spillway in the James River, in order that the waters may be more quickly lowered during spring floods, was discussed by the members of the Commission. As the U. S. Fish and Wildlife Service are now making a study of this problem, it was suggested that no further action be taken until reports are submitted by the Wildlife Service.

Commissioner Thompson read a letter from John Dillon, District Conservationist, Soil Conservation Service, Park River, in regard to Drain No. 14, Grand Forks County; also a letter from Nick Ludowese, Acting County

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Engineer, Grand Forks County. This drain was surveyed and redesigned by the Soil Conservation Service. However, farmers living below the drain objected to enlargement of the ditch beyond the size of the original surveys. As a result, the matter was referred to District Court in Grand Forks. The Court prohibited the County Commissioners from enlarging the drain. It is the opinion of the members of the Water Commission that no further action should be taken before next spring; this will allow sufficient time to prove whether or not the ditch was constructed large enough to carry off the drainage water. If the work proves satisfactory and meets with the approval of Soil Conservation engineers, the State Water Conservation Commission will make available 40 per cent of the funds required for cleaning out Drain No. 14.

The members of the Commission read and discussed a letter from John Halcrow, Bowesmont, North Dakota, in regard to the Water Commission sharing in the expense of cleaning out and enlarging Drainage Ditch No. 20. In their discussion, the Commission members were in agreement that all such requests should hereafter be accompanied with plans and specifications, and have the approval of the office of the State Engineer, before proceeding with the work; and that the drainage district submit an estimate of the cost of construction and enter into an agreement with the Commission for a 40 per cent share of the cost.

Commissioner Olson made a motion that Secretary Walsh be instructed to authorize the payment of 40 per cent of the total cost of the cleanout of Drainage Ditch No. 20, Pembina County, providing it has the approval of John F. Dillon, Soil Conservation Service engineer. The motion was seconded by Commissioner Tucker. Roll was called by Vice Chairman S. W. Thompson, with Commissioners Tucker, Olson and Thompson all voting aye. Motion carried.

Secretary Walsh was then instructed by the Commissioners to write Mr. Halcrow to the effect that "if the cleanout of this ditch has the approval of Mr. Dillon, and since he has secured the services of Mr. Blackburn to work with him on it, and the bill is of a small amount, the Water Commission will pay 40 per cent of the total cost, even though it does not comply with the rules and regulations established by the Commission."

Fred J. Fredrickson, Washington, D. C. representative for the Commission, entered the meeting at 10:45 a.m.

For the information of the Commissioners, Vice Chairman Thompson read a letter from Theo. W. Sette, Manager of the Credits Department, Bank of North Dakota, in which he acknowledged receipt of U.S. Treasurer's check for \$787.50, in payment of interest due December 1st on U. S. Savings Bonds Series G. which are held as Trustee for the Series "J" Bonds. He also stated they had paid the interest due December 10, 1948, on the \$63,000 of "J" bonds, which amounted to \$1,260, leaving a balance in their hands as Trustee of \$1,064.76.

The members of the Commission discussed a letter received from P. D. Akin, Engineer with the U. S. Geological Survey, Grand Forks, in which he requested approval or rejection of a project to construct a storage building on the University campus to house equipment and spare parts during the winter season. He stated that preliminary estimates place the cost of the building at \$6,424.

Commissioner Olson moved that any action on the project be deferred until further study could be made by Secretary Walsh, which was seconded by Commissioner Tucker. Motion carried.

The application of Edward J. Hammer, Velva, North Dakota, to appropriate and divert water from the Souris (Mouse) river, was considered by the Commission. Approval of this project is being held up pending further information from the International Joint Commission.

Commissioner Tucker made the following motion: "I move that the application of Edward J. Hammer of Velva, North Dakota, for permit to divert and appropriate water from the Souris (Mouse) river for irrigating certain lands bordering along the river be approved, subject to any prior rights granted by the State, and also subject to any action that may be placed thereon by the International Joint Commission." The motion was seconded by Commissioner Olson. Upon call of the roll by Vice Chairman Thompson, Commissioners Tucker, Olson and Thompson all voted aye. Motion carried.

A request from S. E. Turnbow of Bismarck, North Dakota, in regard to purchasing 100 acres of river bottom lands, known as the Dullam Farm, and at the present time rented by S. E. Turnbow, was brought before the Commissioners for their consideration. The Commissioners agreed to defer the matter until at a later meeting when Governor Aandahl could be present to confer with them on the matter of selling this land.

The Commissioners discussed a request brought before the Legislative Research Committee in which Colonel Seybold's office requested that a change be made in the North Dakota Mineral law, affecting oil, natural gas, or minerals which may be underlying the flooded area of the Garrison Dam. It was the opinion of the Commission that this was a matter which would require legislative action.

Bruce Johnson, Acting District Manager, Bureau of Reclamation, Bismarck, entered the meeting at 11:08 o'clock a.m.

Bruce Johnson, Acting District Manager, Bureau of Reclamation, met with the members of the State Water Conservation Commission to request extension of Supplemental Contract No. 179r-201, dated December 29, 1947, by drafting an amendment to extend the time on the contract. Mr. Johnson stated that these funds are to be used during the next twelve months.

Commissioner Tucker made the following motion: "I move that the Governor be authorized and empowered to execute an extension of Contract No. 179r-201 (Supplement No. 3) with the U. S. Department of the Interior, Bureau of Reclamation, for a period ending December 31, 1949; and that the Secretary and Chief Engineer be authorized to attest the same." Commissioner Olson seconded the motion. Vice Chairman Thompson called roll, with Commissioners Olson, Tucker and Thompson all voting aye. Motion carried.

The Commissioners received a "Notice of Permit Pending" from the Corps of Engineers Office, Garrison District, regarding application of the Great Northern Railway Company, St. Paul, Minnesota, for approval of plans and issuance of a permit, under authority of the Secretary of the Army, to construct and maintain approximately 1740 feet of certain bank protection along the north shore of the Missouri River, which is now being considered by the Corps of Engineers, U. S. Army. This was presented to the Commissioners for their information.

As there was no further business to be considered by the Commission, the meeting adjourned at 11:40 a.m. to reconvene in the Blue Room of the State Capitol at 1:30 p.m., to discuss possible revisions of the state water laws with federal representatives from the U. S. Bureau of Reclamation.

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At 1:30 p.m. the members of the Water Commission assembled in the Blue Room of the State Capitol to attend the afternoon meeting which was called for the purpose of considering the formulating and writing of water conservancy laws to cover the Missouri-Souris project, for presentation to the State Legislature. Mr. Iver Acker was appointed to write a conservancy law, representing the State Water Conservation Commission, with the assistance of Mr. Fred Fredrickson, representing the Greater North Dakota Association, and Mr. W. J. Burke, representing the U. S. Bureau of Reclamation.

Those present at this meeting were as follows:

STATE WATER CONSERVATION COMMISSION:

Governor Fred G. Aandahl, Bismarck, North Dakota  
S. W. Thompson, Devils Lake, North Dakota  
Curtis Olson, Valley City, " "  
J. J. Walsh, Secretary & Chief Engineer, Bismarck  
Iver A. Acker, Attorney, Bismarck, North Dakota  
Fred J. Fredrickson, Washington, D. C. representative for the Commission,  
Valley City, North Dakota

Einar Berge, Publicity Manager, Bismarck, North Dakota

U.S. BUREAU OF RECLAMATION:

Kenneth F. Vernon, Regional Director, Billings, Montana  
W. J. Burke, Regional Counsel, Billings, Montana  
Bruce Johnson, Acting District Manager, Bismarck, North Dakota  
W. Wendell Palmer, Missouri-Souris Supervisor, Bismarck, North Dakota  
C. F. Burdgd, District Engineer, Missouri Souris Dist., Bismarck, N. Dak.

OTHERS:

Roy Young, President, State Reclamation Association, Mandan, North Dakota  
Halvor Halverson, Minot, representing Missouri-Souris Projects Association  
Howard Stone, New Rockford, representing State Reclamation Association  
John Hjelle, Bismarck Tribune  
George Moses, Associated Press

Another meeting is to be held to consider and review the proposed laws, before submission to the State Legislature.

Respectfully submitted,

  
Secretary

ATTEST:

  
Chairman

NORTH DAKOTA STATE WATER CONSERVATION COMMISSION  
DEPOSITS IN THE BANK OF NORTH DAKOTA  
AS OF DECEMBER 31, 1948

Source of Deposits	Transit No.	Amount Deposited	Expended to Nov. 30, 1948	Expended December	Balance December 31, 1948
Yellowstone Pumping Irrigation District paid accrued interest on \$3,500.00 advance to 10-1-44. Tax collections to March, 1947	501-118 501-118	\$ 366.36 499.53	Nil	Nil	\$ 865.89
Special Cooperative Groundwater contributions by Fargo, Cass County and Water Commission; each \$2,500.00	501-119	7,500.00	\$7,499.90	Nil	.10
Contributions for Groundwater Surveys:					
Fessenden		\$1,000.00			
Mountain		100.00			
Maddock		750.00			
Lakota		1,000.00			
Rolla		750.00			
Devils Lake		7,500.00			
Aneta		1,000.00			
Litchville		1,000.00			
Wyndmere		1,000.00			
Portland		500.00			
Kindred		1,000.00			
Mylo		250.00			
Neché		300.00			
	501-128	16,150.00	75.83	Nil	16,074.13
Sale of N. Dak. Water Development Books	501-127	1,006.75	Nil	Nil	1,006.75
TOTAL OF ALL BANK OF NORTH DAKOTA DEPOSITS AS OF DEC. 31, 1948					<u>\$17,946.87</u>

\$63,000.00 Series J bonds Sinking Fund balance 12-31-48  
\$46,605.76 and \$19,459 Bond Guaranty Fund, with Sioux  
Irrigation District bonds of \$25,000.00 as additional  
collateral, on which Jacobsen land assessments have been  
paid under protest after sale.

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PAYROLL OF  
NORTH DAKOTA STATE WATER CONSERVATION COMMISSION  
DECEMBER, 1948

Name	Duties	Salary for December	Withholding Tax	N. D. OASIS	Hosp. Ins.	Net Pay	Remarks
Walsh, J. J.	Sec'y-State Engineer	\$400.00	\$28.10	\$2.50	\$3.78	\$365.62	Increased June, 1947
Anderson, Albin S.	Engineer	250.00	12.70	2.50	3.78	231.02	Increased February, 1948
Berge, Einar	Technical Assistant	95.00		.95	3.78	90.27	Increased February, 1948
Cooper, Vernon S.	Accountant	275.00	16.30	2.50	3.78	252.42	Increased December, 1948
Dodd, Harold E.	Engineer	275.00	16.30	2.50	3.78	252.42	Increased June, 1948
Gamble, Clarence	Survey Party Chief	200.00	21.90	2.00		176.10	Increased June 1, 1948
Nichols, Don L.	Engineer, Ass't Sec'y	325.00	40.10	2.50	1.52	280.88	Increased June, 1947
Nordstrom, Franz O.	Draftsman	185.00	2.90	1.85		180.25	Increased December 1, 1948
Orr, F. G.	Bookkeeper	300.00	11.60	2.50	3.78	282.12	Increased February, 1948
Peterson, Winifred	Stenographer	185.00	19.50	1.85	1.52	162.13	Increased December 1, 1948
Putz, Roy	Rodman	140.00	12.90	1.40		125.70	Started work April 14, 1948
Roherty, Margaret	Stenographer	150.00	14.10	1.50		134.40	Quit December 31, 1948
Schmitzke, Otto	Dam Repair Foreman	225.00		2.25		222.75	Started work April 19, 1948
Sheldon, Marvin	Engineer	250.00	29.30	2.50	1.52	216.68	Increased February, 1948
Tibke, Gerald	Rodman	160.00	15.90	1.60		142.50	Increased November 1, 1948
Torvik, Duane	Engineer	250.00	21.00	2.50	3.78	222.72	Increased February, 1948

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NORTH DAKOTA STATE WATER CONSERVATION COMMISSION  
 MONTHLY REPORT OF ACCOUNTS AS OF DECEMBER 31, 1948  
 1945-1947 APPROPRIATIONS

1	Commissioner's Per Diem and Expenses . . . . .	\$ 4,000.00	\$ 3,632.02	\$ 367.98
2	Administration . . . . .	25,000.00		
	Plus refund and collections . . . . .	4,847.79	29,847.79	N11
3	Maintenance of Existing Dams . . . . .	45,000.00		
	Plus refunds and donations for dam repairs . . . . .	7,527.71	34,075.45	18,462.26
4	Tri-State Waters and Portion of Administration and Conference Expenses . . . . .	5,500.00	5,216.77	283.23
5	International and Interstate Compacts . . . . .	5,000.00	4,674.68	325.32
6	Topographic and Conservation Branches . . . . .	30,000.00	30,000.00	N11
7	Hydrographic Surveys . . . . .	15,000.00	15,000.00	N11
8	State Engineer's Salary . . . . .	5,000.00	5,000.00	N11
9	Reconstruction of Drains or Irrigation . . . . .	240,000.00		
	Plus refund . . . . .	59.56	199,439.27	40,620.29
10	Underground Waters . . . . .	25,000.00		
	Plus refund . . . . .	65.43	25,065.43	N11
11	Postwar Projects, Cooperation with U.S. Departments . . . . .	100,000.00		
	Plus refund . . . . .	4.60	82,684.69	17,319.91
12	Other Investigations, Surveys and etc. . . . .	75,000.00	74,996.47	3.53
13	Construction Bond Guaranty Fund . . . . .	70,541.00	N11	70,541.00
VSC		<u>\$657,556.09</u>	<u>\$509,632.57</u>	<u>\$147,923.52</u>

NORTH DAKOTA STATE WATER CONSERVATION COMMISSION  
BALANCES OF PRIOR FUNDS RECOVERED BY OPINION OF  
ATTORNEY GENERAL - AS OF DECEMBER 31, 1948

Fund No.	Year	Appropriation for	Balance	Expended to	Balance	Biennium
1	1939	Commissioner's Per Diem. . . . .	\$1,757.00	\$ Nil	\$1,757.00	
4	1939	Lewis & Clark Experimental Farm. . . . .	109.76	109.76	Nil	
5	1939	Sponsor's share of Dam Repairs . . . . .	2,088.08	439.32	1,648.76	
6	1939	Engineering and Soil Surveys . . . . .	180.00	180.00	Nil	
7	1939	Missouri Valley Diversion and Reports. . . . .	300.00	300.00	Nil	
8	1939	Goose River Diversion. . . . .	125.00	125.00	Nil	
9	1939	James River and Lake Traverse. . . . .	751.20	751.20	Nil	
10	1939	Missouri River Diversion . . . . .	2,000.00	2,000.00	Nil	
11	1939	Evaluation Economic Benefits . . . . .	488.00	488.00	Nil	
12	1939	Reports, Conference, Congress Agencies . . . . .	272.07	272.07	Nil	
13	1939	Tri-State Waters, Commission Cooperation . . . . .	696.87	696.87	Nil	
14	1939	Independent Investigations and Reports . . . . .	312.90	312.90	<u>Nil</u>	\$3,405.76
1	1941	Commissioner's Per Diem. . . . .	395.00	Nil	395.00	
4	1941	Maintenance of Existing Dams, plus \$51.00 refund	53.86	Nil	53.86	
12	1941	Tri-State Waters, Administration, Conference . . . . .	8.61	Nil	8.61	
15	1941	Topographic Surveys. . . . .	<u>.13</u>	<u>Nil</u>	<u>.13</u>	<u>457.60</u>
VSC			<u>\$9,538.48</u>	<u>\$5,675.12</u>		<u>\$3,863.36</u>



NORTH DAKOTA STATE WATER CONSERVATION COMMISSION  
 MONTHLY REPORT OF ACCOUNTS, AS OF DECEMBER 31, 1948  
 1947-1949 APPROPRIATIONS

Fund No.	Appropriation for	Available July 1947	Expended to Nov. 30	Expended December	Balance 12-31-48
1	Commissioner's Per Diem and Expenses . . . . .	\$ 4,000.00	\$ 2,156.23	\$ 283.35	\$ 1,560.42
2	Administration . . . . .	30,000.00			
	Plus refunds and collections . . . . .	5,488.71	16,290.22	1,264.79	17,933.70
3	Maintenance of Existing Dams . . . . .	45,000.00			
	Plus refunds and donations for dam repairs . . . . .	14,855.91	44,658.57	2,115.58	13,081.76
4	Tri-State Waters and Portion of Administration and Conference Expenses . . . . .	1,000.00	112.79	N11	887.21
5	International and Interstate Compacts . . . . .	10,000.00	5,174.91	1,286.70	3,538.39
6	Topographic and Conservation Branches, Cooperation with the U.S.Geological Survey . . . . .	30,000.00	13,649.20	3,327.56	13,023.24
7	Hydrographic Surveys, Cooperation with the U.S.Geological Survey . . . . .	20,000.00	13,395.49	547.30	6,057.21
8	State Engineer's Salary . . . . .	5,400.00	3,825.00	225.00	1,350.00
9	Reconstruction of Drains or Irrigation . . . . .	200,000.00	9,936.55	11,480.88	178,582.57
10	Engineering and Geological Surveys and Demonstrations . .	30,000.00	14,573.89	274.26	15,151.85
11	Postwar Projects, Cooperation with U.S. Departments . . .	135,000.00	90,029.60	N11	44,970.40
12	Other Investigations, Surveys and etc. . . . .	90,000.00	49,886.85	4,213.20	35,899.95
13	Construction Bond Guaranty Fund . . . . .	70,541.00	N11	N11	70,541.00
VSC		<u>\$691,285.62</u>	<u>\$263,689.30</u>	<u>\$25,018.62</u>	<u>\$402,577.70</u>