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MINUTES OF A MEETING
OF THE
STATE WATER CONSERVATION COMMISSION

Held Tuesday, November 19, 1940, in the Office of the Commission

The meeting was called to order by Vice Chairman Henry Holt at 10 o'clock A. M., Tuesday, November 19, 1940, in the office of the Commission. Present were Commissioners Thompson, Dahl, Simons and Holt. Absent, Governor John Moses, Chairman.

It was moved by Comm. Dahl, seconded by Comm. Thompson, that in view of the fact that all members had received typewritten copies of the minutes, that the reading of the minutes be dispensed with and the minutes be approved as written. The motion carried, all Commissioners voting aye.

The Secretary presented the Report of the State Examiner as of September 10, 1940, covering the year previous to July 1, 1940. It was moved by Comm. Dahl, seconded by Comm. Thompson, that the report of the State Examiner be accepted and placed on file. The motion carried, all Commissioners voting aye.

Copies of a report on the use of Planning Board records from June 15 to September 20, 1940, written by Oscar Becker, were presented to the Commissioners by the Secretary. It was moved by Comm. Thompson, seconded by Comm. Dahl, that the report be accepted and placed on file. The motion carried, all Commissioners voting aye.

A report on Maintenance of Existing Dams was presented by the Secretary, and a copy given to each member. The Secretary elaborated verbally on the written report. The Vice Chairman ordered that the report be received and placed on file.

The Secretary explained that it might be possible that the repair of some of the large dams, where the magnitude of the work could not be determined until earth was excavated and the project underway, would exceed the \$300.00 Commission contribution per dam, and that authority should be given so that more funds could be available, if necessary, and not delay the project.

It was moved by Comm. Thompson, seconded by Comm. Dahl, that the amount of the Water Commission contribution to any one repair project, maintenance of existing dams, be raised to a maximum of \$500.00 for those projects where necessary, but that the projects preferably be initiated on the basis of \$300.00 each, the increase to care for those projects where unforeseen difficulties developed after opening the project. On roll call the motion carried, Comms. Thompson, Dahl, Simons and Holt voting aye. Absent, Governor John Moses.

Mr. W. H. Farmer, Extension Irrigationist, showed the Commissioners colored slides of various projects. While showing the pictures, he commented briefly on each one. Later, he presented yield data, including the following:

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<u>Project</u>	<u>Crop</u>	<u>Acres Planted</u>	<u>Yield Per Acre</u>
Sioux Irrigation Project #213 (650 acres irrigated in all. Actual Cost with natural gas was \$44.00, for gas, oil, grease and labor to run for 650 A.)	Alfalfa	22	3 T & 3 Bu. Seed
	Wheat	270	35 - 41 Bu.
	Barley	80	40 Bu.
	Potatoes		100 Bu.
	Flax	60	15 Bu.
	Beans	28	15 Bu.

(Had 8 operators. Average size of farm, 100 Acres).

Millhouse & Erickson	Wheat	40	45 Bu.
	Oats	40	95 Bu.

(\$24.00 for fuel to irrigate it once. Most economical unit we have operating. It is a 30 H. P. engine, 8" pump, directly connected. It is a compact unit and can be pulled out when sandbar threatens, etc. It can pump an inch of water over an acre for 6¢ tractor fuel.)

H. J. Houser	Potatoes	10	250-300 Bu.
	Mellons	10	15 T.
	Strawberries	1/5 A.	400 Quarts (1/5 A.)
	Wheat		40 Bu.

(8 Bu/A. on adjoining dry land).

(Produced very well. Mostly garden crops, potatoes, mellons, irrigated 2 to 3 times. Cost \$2.25 per A. to pump.)

Bartelson & Ness (Near Sanish)	Hay	300	350 T. (on entire plot)
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(Run-off water diversion. Has 1500 T. hay stored up for dry years. He has 31 stacks of hay averaging from 10 to 12 tons per stack.

Mr. Farmer read a list of miscellaneous projects with comments on each. There was a discussion of the various projects including the project of H. W. Long, who has not paid anything on his project. The Secretary read a memorandum regarding the project. It was suggested that some payment should be received on the Long project.

At the completion of the discussion, and the showing of the pictures, the Vice Chairman commended Mr. Farmer on his report and asked that typewritten copies be sent to each member of the Commission as soon as complete yield data is compiled.

Governor Moses came into the meeting. He asked Comm. Thompson to read aloud a letter he had received from the Secretary of State, Washington, D. C., regarding the International Joint Commission and the Mouse River. The letter presented various provisions made by the International Joint Commission in an effort to cope with the problems concerning the Souris (Mouse) River. There was a discussion concerning the provisions which requires that during the months of June, July, August, September, and October of each year, a regulated flow of not less than 10 cubic feet per second shall be released from the State of North Dakota to the Province of Manitoba. There was a general discussion of the matter. Governor John Moses

suggested that Comm. Thompson and Mr. McColly get together and discuss this matter with Mr. Thomas, Mr. Halvorson and Mr. Burnie Maurek, and then draft a letter which the Governor stated he would sign. It was decided that the Governor's suggestion be carried out. Later, it was decided to let Mr. Thompson and the Governor decide the matter.

Comm. Thompson made a verbal report, supplementing a written report, regarding the meeting of the Mississippi Valley Association. He suggested that the Governor call a conference of interested people to discuss the use of Missouri River waters in an attempt to coordinate the programs of the navigation interests and the reclamation interests. There was a general discussion as to the advisability of such a conference, it being the general opinion that it might be better to wait until the Army Engineers and Bureau of Reclamation reports were available which would be in the spring of 1941.

At 12:30 the meeting was recessed until 2 P. M.

At 2 P. M. the meeting was called to order by Vice Chairman Holt. Present, Comms. Holt, Thompson, Simons and Dahl. Absent, Governor John Moses.

The Commissioners discussed the proposed meetings of the North Dakota Reclamation groups to be held December 3, 4, 5 and 6. The Secretary stated that Mr. Harry Polk of Williston, North Dakota Director, National Reclamation Association, had contacted him regarding the meetings, which are to be held in Ray, Dickinson, Valley City, and Devils Lake. Vice Chairman Holt stated that he had been asked to attend the meetings to discuss the irrigation work that has been done in the state and that Comm. Thompson would be requested to discuss Missouri River Diversion at the Devils Lake meeting and to make arrangements for that meeting. After some discussion it was decided that Vice Chairman Holt and Comm. Thompson attend these meetings as requested.

The Governor then came into the meeting.

The following resolution was presented by Comm. Simons, who moved its adoption, which motion was seconded by Comm. Dahl:

WHEREAS, it is necessary, in order to sell or market Revenue Bonds, issued by the State Water Conservation Commission to finance the establishment and construction of self-liquidating water conservation and irrigation projects, to insure the payment of the principal of such bonds under the provisions of Section 21 of Chapter 256 of the Session Laws of North Dakota for the year 1939, and

WHEREAS, it is also deemed expedient and necessary to insure the payment of twenty per cent of the principal of the various bonds heretofore issued by the Commission in order to maintain unimpaired the credit of the Commission and in order to create a ready market for all bonds issued, or to be issued, by the Commission;

THEREFORE, BE IT RESOLVED: That the Chairman and Secretary of the Commission be, and they are hereby, authorized and directed, on behalf of the Commission, to hypothecate, pledge or obligate, under trust indenture or otherwise (under and by virtue of Section 21 of Chapter 256 of the Session Laws of 1939), sufficient funds to insure the payment of twenty per cent (20%) of the principal of all bonds issued, or to be issued, in order to guarantee to that extent the principal of all Commission bonds and thereby create a market for said bonds and maintain unimpaired the credit of the Commission.

Upon roll call the following Commissioners voted "aye": Comms. Holt, Thompson, Dahl, and Simons. Governor Moses absent. There being no dissenting votes, said motion was declared carried and the foregoing resolution duly adopted.

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Because of other business, the Governor left the meeting.

Comm. Thompson presented the following resolution and moved its adoption, which motion was seconded by Comm. Simons:

WHEREAS, the State Water Conservation Commission has borrowed from the Bank of North Dakota the sum of \$27,000.00 and out of the proceeds of this loan has purchased and developed for irrigation the following described lands situated in the Lewis and Clark Irrigation District of McKenzie County, North Dakota, to-wit:

The Southwest Quarter (SW $\frac{1}{4}$) of Section Nine (9) and the North Half of the Southwest Quarter (N $\frac{1}{2}$ SW $\frac{1}{4}$) of Section Sixteen (16) - all in Township 153, Range 101, and

WHEREAS, it is necessary that the Commission obtain as much income from said lands as possible, and as soon as possible, in order to meet interest payments on its said loan,

NOW THEREFORE, BE IT RESOLVED:

That the Chairman and Secretary of the Commission be, and they are hereby, fully authorized and directed to make arrangements with the Farm Security Administration or its representative, for the leasing of said lands upon the same basis, and under similar conditions, as lands belonging to the North Dakota Rural Rehabilitation Corporation within the Lewis and Clark Irrigation District are being leased and farmed.

Upon roll call the following members voted "aye": Comms. Holt, Thompson, Dahl, and Simons. Governor Moses, absent. There being no dissenting votes, said motion was declared duly carried and the foregoing resolution adopted.

There was a discussion of various requests for water rights. It was moved by Comm. Dahl, seconded by Comm. Thompson, that the water right requested by the Secretary of Agriculture, U. S. D. A., U. S. Forest Service, for water for 42.5 acres at 1 $\frac{1}{2}$ acre feet or 63.75 acre-feet annual diversion, to be used on the Enderlin Nursery, be granted. The motion carried, all Commissioners voting aye.

It was moved by Comm. Simons, seconded by Comm. Dahl, that the request of William Oelke of Elgin for a water right to divert from the Cannonball River water for 27 acres at 2 acre-feet, or 54 acre-feet annual diversion, be granted. The motion carried, all Commissioners voting aye.

There was a discussion of the Samuel Eck request for a water right. State Engineer E. J. Thomas was called into the meeting to explain the circumstances regarding the request. A request for water right had been made in 1937, but because a soil survey by the Soil Conservation Service was being made to determine how much land he had that was suitable for irrigation, the water right was not granted at that time. It was moved by Comm. Simons, seconded by Comm. Dahl, that the application of Samuel Eck of Bismarck, for a water right to irrigate a tract of 13 acres for 20-acre-feet annual diversion from Apple Creek, be held in abeyance. The motion carried, all Commissioners voting aye. A petition of protest had been filed against the granting of the water right as originally requested, which called for the irrigation of 51 acres at 2 acre-feet or 102 acre-feet annual diversion from Apple Creek. State Engineer Thomas was to give the matter more consideration.

Samuel Eck came into the meeting regarding his requested water right. There was a general discussion of the matter. It was suggested that Mr. Eck and Mr. Thomas

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agree on a set of facts and ask the Attorney General for an opinion regarding whether or not Mr. Eck's water right is prior to that of Harry and Clara Tatley.

Vice Chairman Holt and Mr. McColly, Secretary, gave a verbal report on the Tri-State Waters Commission meeting held at Lake Traverse, on October 21, 1940. Mr. McColly stated that before noon on the day of the meeting the Army Engineers took a group out over the Lake Traverse-Bois de Sioux Project, showing the work in progress, what had already been done and the work remaining. He stated that the control structure was almost finished. Vice Chairman Holt stated that Lake Traverse is now 15 miles long and in spots, two miles wide, while two years ago it didn't have any water in it. He gave further details regarding the project. He stated that on the lower dam this coming spring, it is planned to put on a road surfacing of mixed cement and clay. This is to be an experiment. It is expected that it will be cheaper and stronger than oil mix. There was further discussion of the project.

Judge A. M. Christianson came into the meeting.

It was moved by Comm. Thompson, seconded by Comm. Dahl, that the Chairman and Secretary be authorized to take the necessary steps, as soon as expedient, to cause the payment of the outstanding assessments against the lands owned by the State Water Conservation Commission in the Lewis and Clark Project out of the monies realized from the bond issue and that pending the making of such payment that, if that is deemed desirable, they be authorized to acquire the bonds of the Commission together with the underlying bonds issued by the Irrigation District for the amount equal to the assessments against the land for such construction cost, this to the end that interest upon the outstanding bonds to the extent of such assessment, may be stopped. Roll was called with Comms. Thompson, Holt, Simons and Dahl voting aye. Absent, Governor John Moses. The motion was declared carried.

Judge Christianson talked to the Commission regarding an opinion given by the Attorney General. He stated, speaking of Mr. Paulson of the Farm Security Administration, "They say that they will buy this land within the coming year and they will pay off this bond issue. If they do, then this money that has been deposited in the Guarantee Fund--the question arose as to what will happen to it--will it go back to the State Treasurer? The Attorney General is of the opinion that it will not go back to the Treasurer, but will remain as a revolving fund, or a further guarantee fund for future bond issues."

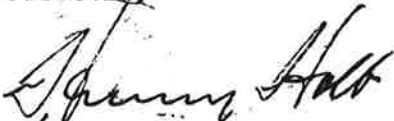
It was moved by Comm. Simons, seconded by Comm. Thompson, that the Secretary convey the sympathies of the Commission to Mrs. Frahm in her bereavement, due to the death of H. C. Frahm on November 18, 1940. The motion carried, all Commissioners voting aye.

Mr. Simons gave a general report on the status of the Bismarck Project. Mr. McColly gave a similar report on the Yellowstone and Kyes projects.

A copy of the financial statement was presented to each member. It was moved by Comm. Thompson, seconded by Comm. Dahl, that the financial statement be received and placed on file. The motion carried, all Commissioners voting aye. A copy of this Financial Statement as of October 1 to 31, 1940, is attached to these minutes.

The meeting adjourned sine die.

APPROVED:


Vice Chairman

Respectfully submitted,


Secretary

NORTH DAKOTA STATE WATER CONSERVATION COMMISSION
MONTHLY REPORT OCTOBER 1 TO 31, 1940
1939 APPROPRIATION

U Underrun
O Overrun

	Total Approp'n 24 Months	Expended to August 31 1940	Balance Sept. 30 1940	Agreed Reduction	Balance Available	Available Per Month	October Expenses	Oct. Overrun or Underrun
Commissioner's Per Diem	4,200.00	903.00	3,297.00	1,200.00	2,097.00	233.00	91.00	142.00 U
Administration	30,000.00	*16,611.48	13,388.52	1,000.00	12,388.52	1,376.50	*1,279.72	96.78 U
Cons't. Bond Guarantee	50,000.00	1,280.00	48,720.00	10,000.00	38,720.00	4,302.22	-----	4,302.22 U
Lewis & Clark Exp. Farm	4,000.00	1,451.18	2,548.82	250.00	2,298.82	255.42	271.67	16.25 O
Sponsor's Share - Dams	7,000.00	804.03	6,195.97	2,000.00	4,195.97	466.22	-----	466.22 U
Engr. & Soil Surveys	1,000.00	132.70	867.30	180.00	687.30	76.37	5.00	71.37 U
Design & Reports - Mo. Riv.	500.00	165.71	334.29	300.00	34.29	3.81	-----	3.81 U
Goose River Diversion	500.00	375.00	125.00	100.00	25.00	2.78	-----	2.78 U
James River-Lake Traverse	1,600.00	804.21	795.79	750.00	45.79	5.09	-----	5.09 U
Invest. & Surveys-Mo. Riv.	3,000.00	532.92	2,467.08	2,000.00	467.08	51.90	-----	51.90 U
Evaluation Economic Benef.	1,000.00	246.04	753.96	700.00	53.96	6.00	-----	6.00 U
Reports & Conferences	1,000.00	590.06	409.94	300.00	109.94	12.22	80.66	68.44 O
Tri-State Waters Conferences	5,600.00	2,720.89	2,879.11	600.00	2,279.11	253.23	190.76	62.47 U
Indep. Invest. & Reports	1,600.00	796.74	803.26	600.00	203.26	22.58	49.86	27.28 O
TOTALS	\$ 111,000.00	27,413.96	83,586.04	19,980.00	63,606.04	7,067.34	1,968.67	5,098.67 U

*"Revolving Fund" expenditures on Projects (to Sept. 30) 46,282.69

*October Expenses on Projects-Repayable 1,081.29

* " " " collections " " 37,852.47

* October Collections received 2,836.41