

MINUTES OF A MEETING

OF THE

STATE WATER CONSERVATION COMMISSION

Held Wednesday, March 26, 1941, in the Office of the Commission

The meeting of the Commission was called to order at 10 A. M., Wednesday, March 26, 1941 in the office of the Commission, Vice Chairman Holt presiding.

The roll was called by the Secretary. Comms. Holt, Dahl, and Thompson were present. Absent, Governor John Moses, Chairman, and Comm. Simons.

There was a discussion of the minutes of the meeting of February 19-21, 1941. Vice Chairman Holt requested that various clarifications be made in his verbal Tri-State report. It was moved by Comm. Thompson, seconded by Comm. Dahl, that the minutes be approved with such clarifications. The motion carried, all Commissionere voting aye.

There was a discussion of Senate Bill No. 24, which is the Water Commission's appropriation bill. The Secretary gave a verbal report on the final form of the appropriation and reviewed other 1941-43 legislation. There was a general discussion of the budget and new legislation.

The Vice Chairman ordered the report received and Senate Bill No. 24 placed on file.

A delegation from Williston, which included Harry E. Polk, Ben Meland, and M. M. Millhouse, came into the meeting to request support for the Nesson Valley Project, which is located near Ray, North Dakota. The project covers 14,580 acres and is partly in Williams County and partly in Mountrail County.

Mr. Simons came into the meeting at this point.

Mr. Polk acted as spokesman for the committee. He explained that Mr. Millhouse is chairman of the irrigation committee of the Williston Chamber of Commerce and that Mr. Meland is secretary of the North Dakota Reclamation Association. Mr. Polk is Director of the National Reclamation Association for North Dakota.

Mr. Polk stated, "In a discussion with Mr. Neely, superintendent of the Buford-Trenton Project, Mr. Neely stated that they were far ahead of schedule on the project and that it would be completed much in advance of the time planned. He mentioned that if some project in the approximate location of the office at Williston could be cited for early construction, his crew of surveyors could go on to that project as soon as they were through with the Buford-Trenton, and that this arrangement would be quite an advantage. Going into the matter a little further, he said that it would mean between \$40,000 and \$50,000 in actual saving if the whole crew and the Bureau of Reclamation office could remain intact and if they could go right on to some project in that vicinity." Mr. Polk stated further that a meeting of the Irrigation Committee of the Ray Commercial Club had been called, together with a similar committee from the Williston Chamber of Commerce. It had been found that nothing had been done toward having the farmers indicate whether they were ready to go on the project. Mr. Polk continued, "We explained to them that there was no use attempting to do another thing on getting the project approved until they found out how the land owners felt. They went back to Ray and immediately went to work and during the past week they have been diving the project and getting land owners signed up on expressing willingness to turn their land over for appraised values.

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So far they have met with very good success. Tonight we are going to get back for a meeting at Ray for a report on the progress they have made. The anticipation is that they will be through with their work and will be able to turn in a report tonight. With this in mind, and anticipating approval of the land owners, naturally what we are asking is the approval of the Water Commission."

Mr. McColly stated that recently letters had been sent to Hon. Charles Robertson, Member of the House of Representatives, and Hon. William Langer, United States Senator, listing projects in which the Commission is interested. The Bismarck Project was rated first, the Heart River Valley second, and the Nesson Valley Project third. There was further discussion, and the consensus of opinion was that since difficulties in acquiring land are holding up the Bismarck Project, and similar difficulties may be expected on the Heart River Valley Project, that the Commission give its full approval to the attempt to get action on the Nesson Valley Project as soon as possible.

Mr. Polk stated that it was planned that someone representing the project would go to Washington if the public sentiment was favorable enough. Vice Chairman Holt suggested that someone representing the Commission go to Washington also. Mr. Simons suggested that the Bowman-Haley Project should be promoted at the same time. After further discussion, the Commissioners decided to talk the matter over with Governor Moses before taking any action, and the Williston delegation withdrew from the meeting.

The Secretary gave a report on the status of various projects including:

1. Shields Community Garden. This project is located in Grant County. The Secretary reported that 22 acres would be irrigated as a relief garden. The project is now underway. The Commission is doing the engineering for them and will sell them one of its repossessed pumps.

2. Kyes Irrigation Project. The office engineering work on this project is almost completed and the project is now near the stage where it will be possible to apply to someone for assistance in building it. The Secretary suggested that the Commission consider an attempt to sell bonds to private bond houses for that project.

It was moved by Comm. Simons, seconded by Comm. Thompson, that the Commission ask Governor Moses, its Chairman, to go to Minneapolis with the view of establishing a market for the Commission's bonds, it being understood that the Governor may designate someone to accompany him and that in the event of his inability to go, he may designate one or more persons to do so. On roll call the motion carried, Comms. Simons, Dahl, Holt and Thompson voting aye. Governor Moses, absent. The motion was declared carried.

3. Yellowstone Pumping Project. Secretary McColly stated that the status of this project has not changed since the last Commission meeting. The Reconstruction Finance Corporation engineering report has not been made yet. It was suggested that if a representative of the Commission goes to Washington to take up the Nesson Valley Project that he also contact the R.F.C. regarding this report and try to speed up action on it.

4. Cartwright Irrigation Project. Mr. McColly stated that he had written a letter to Mr. A. D. McKinnon, State Director, Soil Conservation Service, offering the cooperation of the Commission on this project. Mr. McKinnon had replied that the Water Facilities Board had turned the project down. The Secretary stated that he had written to the Lincoln office of the Soil Conservation Service, stating that the Commission had not been informed of this action and asking the reason. Mr. McColly stated that in talking with a local representative of the S.C.S., he had received the opinion that this letter may bring a favorable reaction and possible reconsideration of the project. It was decided that this was another matter a representative to Washington could take care of for the Commission.

5. Bismarck Irrigation Project. Comm. Simons reported that the Attorney General's office is working with the attorney representing Wachters, Inc., in an effort to negotiate the disagreement between the Commission and Wachters, Inc., in regard to the purchase of Section 21.

6. Repair of Dams.

a. Park River Dam. The Secretary stated that this project had once been turned down by WPA because the dam had to be completely rebuilt and could not be considered a repair job. This project is now being reconsidered.

b. Warwick Dam. This project is completed with the exception of a few minor items. Comm. Thompson suggested that the Secretary write a letter to Howard Stone, New Rockford, regarding the \$25.00 which is supposed to be available for a contribution on this dam.

c. Dodge Dam. The Secretary stated that the cost of this project is going to be a little higher than was originally estimated.

d. Strand Dam. This dam has been investigated and will soon be in the construction stage.

e. Green River Dam. This dam is in Stark County. The dam was constructed by the C.C.C. and cost about \$9,000.00. The drainage area of the dam is 270 square miles.

f. Kulm Dam. The dam is located in LaMoure County. The Commission has started negotiations to see what money can be raised to help repair this dam.

The Secretary reported that Charles T. Hinze of the Bureau of Reclamation, Hot Springs, S. Dak., came to Bismarck, Tuesday, March 18, and that Mr. Hinze, E. J. Thomas, Rollo Piper and the Secretary went to Beulah to attend a meeting of the Southwest District of the North Dakota Reclamation Association. The Secretary reported verbally on the meeting, stating that the people of this district had conceived the idea of securing wholesale water rights for that section of the state. The Bismarck delegation had convinced them that this would only confuse matters and they had finally agreed not to carry out their intended demands for water rights.

E. J. Thomas, State Engineer, asked the members of the Commission to reconsider the water right applications of Walter Welford and Leonard G. Gabbert. Applications for those water rights were presented at the last meeting of the Commission but approvals were not granted.

It was moved by Comm. Thompson, seconded by Comm. Simons, that in view of the additional information received with reference to the water right for Walter Welford on the Pembina River, and the fact that an experimental farm is being operated in connection therewith, that the Commission now approve the granting of the water right to Walter Welford and instruct the State Engineer to grant the same. The motion carried, all Commissioners voting aye.

It was moved by Comm. Simons and seconded by Comm. Thompson, that the action of the Commission at its last meeting with reference to the granting of a water right to Leonard G. Gabbert of New England, N. Dak., be rescinded and that the Commission now approve the granting of the said water right and that the State Engineer be instructed to grant the same, the granting of such water right being subject to the rights of the federal government in the matter and to a release to be made by the U. S. Department of Agriculture from a blanket filing by that department on the headwaters streams

of the Cannonball River, such release to be in an amount equal to the proposed diversion by Mr. Gabbert. The motion carried, all Commissioners voting aye.

At noon the meeting was recessed until 1 o'clock P. M.

At 1 o'clock the meeting reconvened with Comms. Simons, Holt, Thompson and Dahl present. Governor John Moses, absent.

The Secretary brought up the matter of a bill owed to the law firm of Junell, Fletcher, Dorsey, Barker & Colman of Minneapolis. This bill had never been paid. It was moved by Comm. Thompson, seconded by Comm. Simons, that the bill owed Junell, Fletcher, Dorsey, Barker and Colman of Minneapolis, be approved. On roll call the motion carried, Comms. Holt, Dahl, Thompson and Simons voting aye. Governor Moses, absent. The Secretary was instructed to immediately communicate with this firm and explain to them that this bill had just been discovered in going through some old files and that it had just recently been brought to the attention of the Commission and they desired it paid.

The Governor then came into the meeting.

There was a further discussion of the Nesson Valley Project. The delegation from Williston again came into the meeting.

Mr. Simons observed that one of the pre-requisites to success in the irrigation movement is acceptance of the idea by farmers in areas where irrigation projects are proposed and that, on the basis of the representations made, there seemed to be more popular demand for the Nesson Valley Project at this time than for any other with the possible exception of the Bowman-Haley Project.

In view of the representations made and the situation as it appears to be at this time, it was moved by Comm. Simons, seconded by Comm. Dahl, that the Secretary of the Commission be directed to communicate with North Dakota's Senators and Representatives, and other interested parties, and ask them to get behind the Nesson Valley Project and to give it preference at this time in any negotiations they may undertake with the Federal authorities, disregarding any previous communications from the Commission as to priority of projects. On roll call the motion carried, Comms. Holt, Simons, Dahl, Thompson, and Governor Moses voting aye.

It was moved by Comm. Thompson, seconded by Comm. Simons, that in connection with the hearings before the committees of Congress on the appropriation for the Bureau of Reclamation, the Governor be authorized to designate either, and/or, some member of this Commission or its Secretary, or in lieu thereof, to designate some third person to represent the Commission at such hearings and also that the Governor is hereby authorized, at such time as seems appropriate, to designate any members of the Commission or its Secretary to appear before Federal boards, and bureaus, in the interests of the Commission's program. On roll call the motion carried, Comms. Holt, Simons, Dahl, Thompson, and Governor Moses voting aye.

The Secretary's letter of resignation was read. The Vice Chairman appointed Comm. Simons and Comm. Thompson to prepare a resolution accepting the resignation and expressing the Commission's regard for Mr. McColly and his work.

It was moved by Comm. Simons, seconded by Comm. Dahl, that a copy of this resolution be sent to the Chief Engineer of the Farm Security Administration, Washington; Cliff Willson, Farm Security Administration, Denver; Ivan Wood, Farm Security Administration, Denver; and to the President of the North Dakota Agricultural College. The motion carried, all Commissioners voting aye. A copy of the resolution is attached to these minutes.

Mr. McColly was present with a gift from the members of the Commission, the gift being presented by Governor Moses.

Because of other business, the Governor left the meeting.

There was a discussion of the necessity of securing someone to succeed W. H. Farmer as Extension Irrigationist. Mr. McColly explained that it was very important that this job be filled.

It was moved by Comm. Dahl, seconded by Comm. Simons, that the Secretary request the Chairman, Governor Moses, to make a request to E. J. Haelerud, Director of Extension, North Dakota Agricultural College, for some sort of a joint arrangement with respect to the position of Extension Irrigationist, the same to be made as soon as possible. On roll call the motion carried, Comms. Holt, Dahl, Simons and Thompson voting aye. Governor Moses, absent.

The Secretary presented a report of the Public Health Department on the Rennick piggery. He stated that Mr. Brace of the Attorney General's office was consulted in this matter and he had suggested that the Commission must establish rules and regulations as called for in Section 8 of the Water Commission Act before it can deal with matters of this kind. The Secretary's recommendation was that no further action be taken by the State Water Commission and that it be recommended that the County Health Board take care of the matter.

It was moved by Comm. Dahl, seconded by Comm. Simons, that the report on the Rennick piggery be received and placed on file.

The Secretary read a letter proposed to be sent to the City Council of Kenmare urging that sewage treatment and disposal for that city be in accordance with the requirements of the State Health Department. It was moved by Comm. Thompson, seconded by Comm. Simons, that the letter as written by the Secretary to the City Council of Kenmare be approved. The motion carried, all Commissioners voting aye.

It was moved by Comm. Simons, seconded by Comm. Holt, that the Health Department be requested to prepare for consideration by the Commission a set of rules and regulations to be adopted by the Commission, pertaining to the pollution of streams and other waters in North Dakota. The motion carried, Comms. Holt, Thompson and Simons voting aye. Comm. Dahl voted no. Governor Moses, absent.

The Secretary presented copies of the financial statement as of February 28, 1941, a copy of which is attached to these minutes.

It was moved by Comm. Dahl, seconded by Comm. Thompson, that the financial statement be received and placed on file. The motion carried, all Commissioners voting aye.

There being no further business, it was moved by Comm. Dahl, seconded by Comm. Thompson, that the meeting adjourn to the call of the Chair.

Respectfully submitted,

APPROVED

Henry Holt  
Vice Chairman

John J. Tucker  
Secretary

(S E A L)

NORTH DAKOTA STATE WATER CONSERVATION COMMISSION  
MONTHLY REPORT FEBRUARY 1 TO 28, 1941  
1939 APPROPRIATION

	Total Approp'n. 24 Months	Expended to Jan. 31, 1941	Balance Jan. 31, 1941	Agreed Reduction	Balance Available	Available Per Month	February Expenses	Feb. Underrun or Overrun
Commissioners' Per Diem	4,200.00	1,218.00	2,982.00	1,200.00	1,782.00	356.40	147.00	209.40 U
Administration	30,000.00	*21,585.15	8,414.85	1,000.00	7,414.85	1,482.97	925.83	557.14 U
Con't. Bond Guarantee	50,000.00	5,400.00	44,600.00	10,000.00	34,600.00	6,920.00	-----	6,920.00 U
Lewis & Clark Exp. Farm	4,000.00	2,554.95	1,445.05	250.00	1,195.05	239.01	157.28	81.73 U
Sponsor's Share - Dams	7,000.00	1,506.75	5,493.25	2,000.00	3,493.25	698.65	344.52	354.13 U
Engr. & Soil Survey	1,000.00	163.50	836.50	180.00	656.50	131.30	-----	131.30 U
Designs & Reports	500.00	165.71	334.29	300.00	34.29	6.86	-----	6.86 U
Goose River Diversion	500.00	375.00	125.00	100.00	25.00	5.00	-----	5.00 U
James River-Lake Traverse	1,600.00	804.21	795.79	750.00	45.79	9.16	-----	9.16 U
Invest. & Surveys-Mo. Riv.	3,000.00	547.25	2,452.75	2,000.00	452.75	90.55	25.00	65.55 U
Evaluation Econ. Benefits	1,000.00	246.04	753.96	700.00	53.96	10.79	-----	10.79 U
Reports & Conferences	1,000.00	727.93	272.07	300.00	- 27.93	- 5.59	-----	5.59 0
Tri-State Waters Comm.	5,600.00	3,530.64	2,069.36	600.00	1,469.36	293.87	21.50	272.37 U
Ind. Invest. & Reports	1,600.00	1,073.88	526.12	600.00	- 73.88	- 14.78	-----	14.78 0
<b>TOTALS</b>	<b>111,000.00</b>	<b>39,899.01</b>	<b>71,100.99</b>	<b>19,980.00</b>	<b>51,120.99</b>	<b>10,224.19</b>	<b>1,621.13</b>	<b>8,603.06 U</b>
*Revolving Fund, Cost of Work on Projects (To Jan. 31)			53,530.86				*Feb. cost of work on projects	680.66
* " " Collections on Projects (To Jan. 31)			50,434.63				*Feb. Collections	1,266.00

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RESOLUTION

WHEREAS, H. F. McColly, who has been Chief Engineer and Secretary of the Commission for the past two years has tendered his resignation to accept a position with the Federal Government, and

WHEREAS, it seems necessary for the Commission to accept this resignation that Mr. McColly may have the opportunity to improve his personal fortunes and those of his family,

NOW, THEREFORE, BE IT RESOLVED by the members of the North Dakota State Water Conservation Commission, that they express their appreciation, both severally and as a board, for the excellent work he has done for the Commission during his service with it.

Mr. McColly assumed his duties with the Commission at a time when it greatly needed an executive officer of intelligence, industry, engineering ability and integrity. He has more than fulfilled the expectations which the Commission had of him, giving it loyal, enthusiastic and constructive service of the highest merit.

His record with the Commission is such that he could have continued in its service indefinitely and at the highest salary legally possible to pay him. The Commission accepts his resignation with a feeling of personal loss on the part of the members and recognition of the fact that he will be difficult to replace.

It wishes him success, and

BE IT FURTHER RESOLVED, that copies of this resolution be spread upon the minutes of the Commission and that copies thereof be sent to:

Chief Engineer, Farm Security Administration, Washington, D. C.; Cliff Willson, Farm Security Administration, Denver; Ivan Wood, Farm Security Administration, Denver; and to the President of the North Dakota Agricultural College.

NORTH DAKOTA STATE WATER CONSERVATION COMMISSION

3-26-41