

MINUTES OF A MEETING
OF THE
STATE WATER CONSERVATION COMMISSION

Held in the Masonic Temple, Fargo, North Dakota, May 12, 1943.

Governor Moses called to order the meeting of the State Water Conservation Commission and Representatives of the Boards of County Commissioners of the Counties in the Red River Valley Drainage Basin at 9:50 A. M., Wednesday, May 12, 1943, in the Masonic Temple, in Fargo, North Dakota. Commissioners Simons, Orlandy and Dahl, and Secretary Tucker present.

Governor Moses opened the public hearing and gave reasons for calling the meeting which was for the purpose of discussing the drainage problems in the Valley and the work to be done by the Water Commission in connection with the \$50,000 appropriation to promote the maintenance of existing drainage channels in good agricultural lands and to construct any needed channels. Governor Moses also discussed the damages to the State Training School near Mandan caused by the flooding of the Heart River.

Governor Moses: The Commission wants advice from the people as to the needs of the valley and how the appropriation should be spent. We feel that representatives, county commissioners and others interested should come to the Commission with suggestions. This money is for all the people of the state. We would like to hear from the representatives of the Boards of County Commissioners.

Mr. Oscar Covert, Chairman of the Cass County Commissioners: We have our County Surveyor here who is familiar with the facts of the flood in Cass County.

Mr. Spalding, County Surveyor of Cass County: Most of the drains are in bad condition and need work done on them, the same as in other localities.

Comm. Simons: Can the people clean out their own drains?

Mr. Covert: All our funds have been exhausted.

Governor Moses: Does the County keep up these ditches?

Mr. Covert: There is no provision for the maintenance.

Comm. Simons: There is no provision for upkeep?

Mr. Spalding: There is no provision for maintaining these ditches. The districts have no way of taking care of them.

Comm. Simons: How much need is there for this?

Governor Moses: We have \$46,500.00 to spend. What can we do? How can we best spend this money?

Mr. Covert: I think go in and clean out these drains. We would have to pick out the most urgent. \$10,000 would not start the work.

Governor Moses: What would be your estimate of Cass County's cost.

Mr. Spalding: \$20,000.

Comm. Simons: I think the thing is that no provision is made to maintain the ditches. Do they have any special levy for these drains?

Mr. Covert: No.

Governor Moses: Have you authority to make these levies?

Mr. Covert: No.

Governor Moses: How many miles of drains has Cass County?

Mr. Covert: About 171 miles of ditches.

Governor Moses: Is Walsh County ready to report?

Mr. J. W. Matejcek, County Commissioner of Walsh County: We have a few drainage ditches that need cleaning badly. We have no figures, but a rough estimate would be \$15,000 or \$20,000. We have about 20 or 30 miles of ditches in the county. We have been cleaning up some, but we have no money to do this work.

Comm. Simons: Do you have any way of raising the money for maintaining these ditches?

Mr. Matejcek: No, we are in the same position as Cass County.

Comm. Simons: The closer we can bring this situation to the people, the better it will be for all concerned.

Commissioner Thompson came into the meeting at 10:20 A.M.

Mr. Gudajtes, County Auditor of Walsh County: We have at least 30 miles of drainage. The county cannot levy out of the regular funds. We could use some of that \$46,500. We have a drain 7 miles long and last year the district petitioned the Drainage Board and started cleaning this ditch. The figures are running \$400 to \$500 per mile for cleaning this ditch. I would estimate that the average cost of cleaning our ditches would be \$400 per mile. I do not think that all of the 30 miles need cleaning. It would simmer down to probably about 15 miles that needs cleaning badly.

Governor Moses: How much land east of Grafton is not going to be seeded?

Mr. Gudajtes: About $1\frac{1}{2}$ townships, that is 36 sections.

Governor Moses: Is Richland County ready to report?

Vernon D. Forbes, States Attorney of Richland County: It seems to me that this meeting is discussing some legal questions and I wondered if it would not be a good plan to get the legal advisors into a conference and discuss the law. It is my idea that it is the county's responsibility to maintain these ditches.

Governor Moses: I will ask the States Attorneys to retire and let us have their opinion of those matters as soon as possible.

The States Attorneys retired.

Governor Moses: I would like to introduce Mr. Gerald Olson, a former member of the Water Commission.

Governor Moses: We have with us Mr. Nels Johnson of McHenry County, who is representing McHenry County relative to their drainage problem in that vicinity. While we are waiting for the States Attorneys to report we will take up Mr. Johnson's problem.

Mr. Nels Johnson: We had a mass meeting of the ranchers and farmers who live on the Mouse River in Bottineau and McHenry Counties last Sunday, May 9th. We discussed

various ways we could get control of the Mouse River. The farmers have lost control of the river. At this meeting a resolution was passed and which is in the nature of a petition to hold a special meeting of the Commission to cover our problem. The minutes of said meeting and the resolution follow:

**"MINUTES OF MEETING HELD AT TOWNER, NORTH DAKOTA, ON MAY 9, 1943.
AT 1:30 P.M. IN THE COURTHOUSE FOR THE PURPOSE OF DISCUSSING
WATER DISTRIBUTION ON THE MOUSE RIVER.**

"Meeting was called to order by Richard Oium, Chairman of the Board of Flood Irrigation of McHenry County, North Dakota. A short talk was given by Nels G. Johnson, attorney for the flood board outlining the intent of the meeting and some of the possibilities of the uses of water from the Mouse River and also making suggestions as to what can be done to get control of the river, if anything, for the purpose of benefiting the ranchers and farmers who live on or in the vicinity of the Mouse River.

"John T. Tucker, State Engineer and Secretary of the State Water Conservation Commission, lead the discussion at the meeting for a time, making suggestions and also requesting that data be procured by the ranchers and other users of water on the river for the purpose of presenting the same to the International Joint Water Commission of the United States and Canada which will hold a meeting at Minot, North Dakota on the 24th day of May, 1943, and also suggesting that the men and ranchers present at the meeting at Towner make arrangements for representation at a State Water Conservation Commission meeting at Fargo, North Dakota on the 12th of May, 1943.

"A motion was made by J. C. Eaton and seconded by Arne Moen of Upham, in Bottineau County, that a wire and request be sent immediately to the Secretary of the State Water Conservation Commission asking him to instruct the Fish and Wild Life Service to immediately shut off the water from the outlet at Lake Darling northwest of Minot and also demanding that no further water be released until such time as the meadows along the Mouse River can be properly drained. The purpose of this request and demand is to insure the possibility of enabling the ranchers to put up the hay on the meadows this season. If further water is released with the river in its present condition of high water, the meadows will be kept full of water for too long a period and perhaps result in the possibility that none of the meadows can be put up at the proper time or even at all this season. This request was also to contain a request and demand that the gates in the Lower Souris project be kept open so as to procure drainage of the river north into Canada and not to block the water in the Eaton Flood Irrigation project and other places along the river between the upper and lower Souris.

"A motion was made and carried to send Nels G. Johnson and Richard Oium to Fargo to represent the Mouse River farmers and ranchers at the State Water Conservation Commission meeting to be held there on the 12th of May, 1943.

"A motion was made and carried to take up a collection to defray the expenses of these representatives. \$55.00 was collected and turned over to Richard Oium.

"Attorney Harold B. Nelson of Rugby, North Dakota, made some very fitting and fine suggestions concerning the meeting and proposed a resolution that it be the sense of the meeting that in order to properly understand the water problems of the Mouse River, and to get the proper perspective of the situation with reference to the water users of the river, that the State Water Conservation Commission be requested to hold a meeting at Towner, North Dakota, for the purpose of discussing such water problems as exist sometime between May 12th and May 24th, 1943. A copy of the resolution proposed by Mr. Nelson and which was adopted and carried reads as follows:

"Whereas the present method of control of the water of the Mouse River is inimical to the best interests of the property owners along the Mouse River, sometimes known as the Souris River,

NOW THEREFORE, be and it is hereby resolved that it is the sense of this meeting that it is imperative that a meeting of the State Water Conservation Commission be held at Towner, North Dakota, at a date prior to a joint meeting of the International Commission at Minot, North Dakota, in order to afford an opportunity to all interested parties to be heard and in order to reach a decision for the just and equitable control of the water of the Mouse River in the interests of the property owners thereon, and that Richard Oium and Nels G. Johnson, constitute a committee to present the proposal for such meeting at Towner to the State Water Conservation Commission at Fargo, and that when such meeting was called, due notice thereof be made in the public press and given to all interested parties.

Dated May 9, 1943."

"A motion was made and carried that C. H. Schultz, L. G. Hardie and H. T. Lee of McHenry County and Peter Hernoe of Bottineau County constitute a committee to meet with the members of the International Water Commission and attempt to get them to survey and examine the condition on the Mouse River and that such committee make arrangements to show them around on the river and to entertain them while in this vicinity.

"A motion was made by Percy M. Schultz and seconded that the Board of Flood Irrigation prepare a circular requesting information of all types of flood drainage done on the Mouse River this season, and it was further proposed in the same motion that another blank asking for detailed information as to the use made of the water from the Mouse River with the idea of getting specific information for use at the International Joint Commission meeting at Minot. Motion carried.

"A motion was made and carried that the committee consisting of C. H. Schultz, L. G. Hardie and H. T. Lee contact the County Commissioners of McHenry County for the purpose of attempting to get financial assistance from McHenry County for future expenses necessary in carrying out the investigation and proposals made at the meeting.

"Some discussion took place at this meeting as to the possibilities of taking some steps to procure control of the water of the Mouse River for the benefit of the ranchers and users thereof who live on the river or in its vicinity. It was determined from the general discussion that nothing definite be done along that line until after the meeting with the State Water Conservation Commission at Towner if such meeting develops and that thereafter if it was deemed advisable, detailed steps be outlined as to what can most effectively be done by the ranchers of the river both in Ward County, McHenry County and Bottineau County, to get control of the water of the river for their use, it being now apparent that the control of the water of the Mouse River is entirely in the hands of the Fish and Wild Life Service, a Federal Agency that has filed and appropriated practically all of the water rights that were available on the Mouse River sometimes known as the Souris River.

The following were present at the meeting:

Clarence Anderson, Denbigh, N. D.
Arthur Bruesch, Denbigh, N. Dak.

Howard Vermedal, Denbigh, N. Dak.
Clarence Vermedal, Denbigh, N. Dak.

Arthur S. Larson, Denbigh, N. Dak.
Axel Kongslie, Towner, N. Dak.
Matt Stigen, Towner, N. Dak.
Einar Tagestad, Towner, N. Dak.
Thor Tagestad, Towner, N. Dak.
Orris Moen (Bottineau Co.) Upham, N.D.
Wm. Swearson, Towner, N. Dak.
Matt Albrecht, Towner, N. Dak.
Martin Rothecker, Towner, N. Dak.
R. S. Gorman, Towner, N. Dak.
C. H. Schultz, Towner, N. Dak.
Norbert Beckett, Towner, N. Dak.
R. E. Richards, Towner, N. Dak.
Carl Miller, Bantry, N. Dak.
Nels G. Johnson, Towner, N. Dak.
Albert Payne, Towner, N. Dak.
Richard Oim, Towner, N. Dak.

P. J. Nermoe (Bottineau Co.) Upham, N. Dak.
H. B. Hoadley, Towner, N. Dak.
Chris O. Stigen, Towner, N. Dak.
E. H. Moen (Bottineau Co.) Upham, N. Dak.
Adam Burkhardtsmeier, Denbigh, N. Dak.
Arne Moen (Bottineau Co.) Upham, N. Dak.
Ed. Keyes, Towner, N. Dak.
Percy Schultz, Towner, N. Dak.
L. G. Hardie, Towner, N. Dak.
Fred McDonald, Towner, N. Dak.
J. C. Eaton, Denbigh, N. Dak.
Ole Kongslie, Denbigh, N. Dak.
Wilbert Schultz, Towner, N. Dak.
John Miller, Towner, N. Dak.
H. B. Nelson, Towner, N. Dak.
Henry Anderson, Denbigh, N. Dak.

/s/ Albert Payne
Secretary

I hereby certify that the above and foregoing minutes is a true and exact copy of the original minutes taken of the meeting held on May 9, 1943.

/s/ Albert Payne
Secretary "

Mr. Nels Johnson: The control of the Mouse River is in the hands of the Fish and Wildlife Department, a Federal Agency, whose aim is not agriculture. This year we have too much water. The Fish and Wildlife Service is still releasing water so that the river bed is so high that unless this water is shut down, the land will not be drained in time to put up any hay this year. If we cannot hay this year, there will be a great shortage. 58,000 acres of the best land within Ward, Bottineau and McHenry Counties have been purchased by the Government and are out of use for agriculture, and only for the use of ducks. It is the opinion of the ranchers and farmers that we have to get control of the river. The Board of Flood Control and the farmers want us to present the problems to the International Joint Commission that meets in Minot on May 24. Within a territory of 15 miles south of Towner and 5 miles north of Towner, we took a census of cattle and within this range of 20 miles along the Mouse River there are at least 13,000 head of cattle. You would have 20,000 to 25,000 if this territory included 7 miles east and west of Towner and the 20 miles north and south. We petition this Commission to come up to Towner between May 12 and 24 to consider our problem. Nobody is satisfied with the distribution of the water except the Federal Agency. There is too little regard for the use of this water for the farmers and ranchers. We would like to have the Commission consider some post war work in the Mouse River territory and to irrigate this territory for us.

Governor Moses: I would like to have you remain and discuss this situation after the public hearing with the Commission.

Governor Moses: Is Pembina County ready to report?

Mr. Halfpenny, County Commissioner of Pembina County: This \$46,500 will be only a drop in the bucket. Our thought was that this money would go a long way as an engineering fund. We have approximately 200 miles of drains in our county.

They run from 3 miles to 20 miles in length. We cleaned out one last spring at \$513 per mile. Some will not have to be cleaned.

Governor Moses: If the Water Commission should go in there and try to clean out the drains, there would be very little accomplished. You think the Commission should use this money for engineering.

Com. Simons: How much could you use for this purpose?

Mr. Halfpenny: I believe the law states the county is to keep open and repair these drains.

Governor Moses: The obligation is not the obligation of the drainage district, but of the county.

Mr. Halfpenny: It is the county's job to keep them open.

Com. Simons: How much do you think you would need for engineering?

Mr. Halfpenny: That would depend on what you would want to do. If you wanted to clean them on a yardage basis, it would cost more. The cut method is less expensive.

Mr. Hodgson, County Auditor of Pembina County: I have a few drains in mind where the lands are affected. There are people in some parts of this drain who object to being assessed for the cleaning of these drains. I will file the figures I have on this cost at the close of the meeting. The drainage system has been changed a great deal. Some people felt that they were being benefited by the drains but now the waters do not drain as they did and they feel that they are not being benefited the way they should. These people could be helped, but they object to the cost of cleaning out the drains and feel they are not being benefited.

Governor Moses: Hav you any estimate of the land that will not be seeded because of inadequate drainage.

Mr. Hodgson: I would say that probably 20,000 to 30,000 acres will not be seeded now.

Governor Moses: There is a chance that some of it may be seeded a little later if the water is drained off?

Mr. Hodgson: Yes.

Governor Moses: Is there a representative from Grand Forks County?

Governor Moses: Is Traill County ready to report?

Mr. Andrew McSparron, County Commissioner from Traill County: We have many drainage ditches in our county that are filled up from various reasons. I do not know how many miles we have.

Mr. Lund, County Surveyor of Traill County: We have approximately 100 miles of drains in the county.

Governor Moses: How many acres in Traill County will not be seeded because of insufficient drainage?

Mr. McSparron: It would be a guess. About 5,000 or 10,000 acres and it might be more than that.

Mr. Gerhard D. Olson, County Auditor of Traill County: We have about \$300,000 invested in these drains and have been meeting it by a nominal assessment to take care of these ditches. The people have accepted the assessments of 1, 2 or 3%. We have tried to do a little work each year. We assessed \$3,000 or \$4,000 on these drains last year. We hired a shovel and did the work but now we have a shovel of our own. I cannot say that it is legal that we can levy assessments, but we have been doing it and there has been no objection.

Mr. Peder Hill, County Commissioner of Hanson County: Our problem is not of the same nature. We have a tile drainage system west of Lisbon constructed by the township board and county commissioners about 1913 and it has functioned very well until the last year. The Highway No. 27 goes over this drain and we now have to go around this drain. If we could get some engineering help to find out what we can do we would like that. We have no funds to maintain this ditch.

Mr. Paul, Richland County Commissioner: We have been told that the law reads that the County Commissioners shall maintain these drains. Then it says that \$150 can be expended each year out of the funds. We would have to have a drainage board and make assessments.

Governor Moses: How many drainage ditches do you have?

Mr. Paul: About 20 drains and about 125 miles in drains. There is probably not any one that does not need cleaning out. In the southeast part of the county we have had a lot of damage by water. In the fall of 1941 there were heavy rains and roads were washed out. Last year in the spring it was very wet throughout that territory and then along in June there were heavy rains that flooded the entire country. A drain was constructed nearly 40 years ago and that was badly filled and the outlet of the drain was filled up. It emptied into a slough. There is no adequate outlet for that drain.

Governor Moses: How many acres will not be put into crops because of the drainage situation?

Mr. Paul: It would be a guess on my part. There will be a large acreage that will not be put in. About 50,000 acres which may be a fair estimate.

Governor Moses: That is about $2\frac{1}{2}$ townships.

Mr. Paul: I think that is a low estimate.

Mr. Gerald Olson: I think 50,000 acres is a conservative figure. In my territory there has been no drainage ditch but I think there should be a drainage ditch installed. Some of the land will be put in corn and some will not be put in. We get the water from three townships, the water spreads out and does not get back into the ditch. There is just no draining of this land. There have been obstructions built up so that the land is flooded. We need engineering and construction both.

Comm. Simons: Do the farmers accept this need?

Mr. Olson: Yes, but they do not think the assessment should be on just those farmers affected.

Rep. Vernon Johnson of Richland County: I think that probably the credit of the \$50,000 belongs to Richland County. We were active in the southeastern part of our county because we had a serious condition in that part of the county. We have had very heavy rains. A resolution was made by the County Commissioners and taken to Bismarck Before the Session. We found that one of the powers and duties

was to build drains and clean said drains. There were only two counties that put up a fight for this money and they were Richland and Walsh Counties. I believe that this is a logical concern of the Water Commission. I do not see that there is any way to assess this against the land owners. I think we have to have some other way. I think if the \$400,00 was not appropriated for irrigation we would never have gotten the \$50,000 for drainage. I think 100% of the costs should be paid out of this appropriation, if at all possible. I think we should get in touch with the Senators and Representatives and get some action on this situation.

Governor Moses: I think the Commission appreciates the damage done. What would be your suggestion as to the best manner in which this money could be expended by the Commission?

Mr. Johnson: I suggest that it all be spent.

Governor Moses: You heard the statement of Pembina County relative to engineering. What do you think of that?

Mr. Johnson: I think you can get the landowners to agree to the assessment. I do not think you can get them to agree that the fellows who are flooded are absolutely helpless to assist. There are areas in which this land is going to be valueless if this land is not drained.

Governor Moses: Yes, I agree with you, but how should we spend the money?

Mr. Johnson: I do not think it should be spent on engineering but think we should create some drains. Richland County is entitled to it on the strength that they have been under water for a long time. It is obvious that other counties did not have this trouble or they would have worked for this appropriation.

Comm. Simons: You say this land has been under water for two or three years.

Mr. Johnson: Some continuously.

Comm. Simons: There are lakes?

Mr. Johnson: Yes.

Comm. Simons: You think you should take some drains and clean them out? In getting some of this land drained you have to have assessments.

Mr. Johnson: I think the money was obtained by Rep. Collett of Walsh and myself. We asked for \$50,000. There was not another county that indicated they needed any money for drainage.

Governor Moses: This appropriation is for the entire state regardless of whether the representatives presented the needs of their counties to the Legislative Assembly.

Mr. Matejcek of Walsh County: You are asking for suggestions as to expenditures. I do not agree with that thought because we have surveys that have been made that probably will never be used. \$46,500 is left, probably \$40,000 would be available for ditches. If the counties and the people who are benefited, say they would put in 75% and the Commission put in 25%, the 25% could be used for any purpose. If you would give 25% on one of these ditches, I think it would be a great benefit to the counties or districts that would be benefited. I do not see how the Commission can help for the entire cost and I think we should contribute to this fund.

Comm. Simons: Would you comment on Mr. Matejcek's suggestions, Mr. Johnson?

Mr. Johnson: I agree with him and do not think we should spend the money for engineering. It seems to me that the County Commissioners have authority to hire engineers and make the surveys. The big reason for getting this money is that the County cannot assess for these drains and that is why we have the \$50,000.

Governor Moses: I would like to introduce Dean Walster of the Agricultural College.

Dean Walster: I have been waiting for several years for this kind of a discussion. The outlet must be kept open and the inlet must be protected from excess flow that should never have been allowed. I think there is no question that there is a large area in North Dakota that will not be put into crop this year. Within five miles of here, I know of 160 acres that will not be put in until the middle of June. That is good flax land that will be too wet. We have seen a lot of the filling up of these drains. Whenever man creates an earthen work and does not provide the maintenance, he is foolish. Earthen work requires much more care than rock or stone work. We are going to have a revision of our drainage laws. I think we should move as rapidly as possible to clean out the areas in order to get some war production returns. I think the work should be done on a cooperative basis so that the communities take the responsibility in order that the money will go as far as possible.

Mr. Forbes, States Attorney from Richland County: We are ready to report. We do not think we can solve in fifteen minutes what we have been trying to solve in many months. We would like to state what we think the question is, "The reopening of drainage ditches". The statute makes it the duty of the County Commissioners to keep ditches open and in repair. The statute further provides that the County Commissioners can expend out of the road and bridge fund the sum of \$150.00 in any one year. We know that in the dry years the ditches were allowed to fill up. We have many drainage districts in North Dakota. In many of the Drainage Boards the members are inactive and have done nothing with it. Most of the money has been expended in most of the counties for the expenditure. I think most of you are familiar with the statute that a township may build drainage ditches under certain circumstances. It cannot be done without the township board and the consent of the people. 60% of the people must consent to the construction of a ditch. They may then use the funds for that purpose. The Board of Supervisors has the power to construct the ditch after the consent of 60% of the people has been granted. Richland County has had a bad situation. We wonder if the \$50,000 should not have been more. In Richland County it would entail work in South Dakota to say what should be done with this money. The statute contemplates that once the ditch is constructed, that it should be maintained. That duty is placed upon the Board of County Commissioners. As a result of our conference, the Board of County Commissioners may levy for the reopening of the ditch, the cost to be borne by the lands benefited.

Governor Moses: Can the County Commissioners do this or does it have to be referred to the people of the county?

Mr. Forbes: We came to no decision on that question. If it is the intention of just cleaning out the ditch, we can do it without.

Trall County: We take the original assessment and decide the amount needed. Then on the minutes of the meeting the Auditor makes the assessment. The Railroad Company does not contest our action.

MR. FORBES: IT IS MY OPINION THAT THE ASSESSMENT CAN BE MADE WITHOUT ANY PETITION OR VOTE, BUT MERELY BY ASSESSMENT TO THE BENEFITED LAND OWNERS.

MR. WARNER, STATES ATTORNEY OF WALSH COUNTY: MY OPINION, AFTER THIS CONFERENCE AND I BELIEVE IT IS BORNE OUT BY THE STATUTE, IS THAT THE COUNTY

COMMISSIONERS HAVE NO AUTHORITY TO DO THIS. The Board of County Commissioners have authority to maintain, but the statute says that, "Provided, however, when any rights of persons or property are involved the original procedure shall be followed." It is my belief that there will have to be a petition and bond and the original proceedings. IT IS MY OPINION THAT AN ASSESSMENT CANNOT BE MADE BY THE COUNTY COMMISSIONERS.

Mr. Forbes: I would like to state for the benefit of all gathered that Mr. Warner makes capital of the statute that states, "Provided, however, when any rights of persons or property are involved, the original procedure shall be followed". In my opinion that section relates only to the deepening, widening and changing of the ditch as constructed and not to the maintenance.

Mr. Nels Johnson: Is it not true that if the county owns the right-of-way, then the County can do anything if they do not go outside that right.

Mr. Forbes: It is presumed that the ditch is to be maintained.

Comm. Simons: I would like to make some statements for the benefit of the Commissioners and the citizens of North Dakota who are here as to the policy the Commission might follow: First, I would like to pay tribute to Rep. Johnson in putting this money into the hands of the Commission. I think all of us have been surveyed and engineered to death. Naturally we would like to see something done in a constructive way. Mr. Matejcek's suggestions as to a percentage basis might be a very constructive one and a method of approach. I am not in favor of giving all the money to one who makes the most noise. This is a continuing proposition and some provision must be made to present this matter to the next Legislature. Say we take part of this money to establish the facts regarding drainage in this valley and throughout the state for presentation to the next Legislature and use the balance on a cooperative basis. If we have a large number of drainage districts asking for money, the percentage we could contribute would be very low. I think you should know that this Commission is organized and has operated on a non political basis and its objective is for the benefit of the greater number of people. We want to do a fair job. How would it be if we adopted the policy of making a contribution on some basis to be established and ask the representatives here to ask each County to make a selection that would be a standard for the Commission to follow. I offer this to you in order to get something organized.

Governor Moses: It has been suggested, Mr. Forbes, that you may not have completed your report.

Mr. Forbes: It was completed.

Governor Moses: It is obvious that we are to be involved with a great problem. First, we have the legal problem that is going to involve differences of opinion. I think the Commission would like to have Mr. Forbes present his views as to the legal aspects of this matter and elaborate in a letter to the Commission. And you, Mr. Warner, I would like to have you submit your views. Then I think the Commission should have the opinion of the Attorney General. I am sure that the Attorney General would be very glad to have a conference of the States Attorneys of Richland, Cass, Walsh and others. Then we would have an agreed legal policy before us. Possibly the matter might have to be presented to the courts. Another thing is the varied opinions that have been expressed here today. The suggestion has been made that an engineering survey should be made on the basis of the existing surveys that are on file in the various county offices in the valley. On a basis of what is necessary, what is of greatest importance and what is of lesser importance. What can be done here and elsewhere. The suggestion has been made to spend the money on a matching basis. I think it would be a good idea to have an Advisory Committee selected out of this meeting and have Dean Walster as the 7th member. Dean Walster's twenty years of experience in this valley and state has rendered a great deal of service. Richland, Cass, Traill, Pembina, Walsh and Grand Forks Counties might select

a representative from each county and meet with the Water Commission to discuss the condition the drainage ditches are in, the exact acreage, as near as possible, that has been taken out of crop production due to unsatisfactory drainage, and the acreage that is being taken out of crop production in order that the Commission may have a clearer picture of the conditions in the Red River Valley. I realize other districts have problems. One might believe that they have no problems to present, but they may so present their problems at a future time if they have. I believe it is a problem of the Red River Valley. There are 340 acres of the State Training School at Mandan that were affected by the flood of the Heart River. No money is available until July 1, 1943, but we thought the problems should be approached early and we should get in a working plan in order to be ready on July 1st. I am aware of the fact that there is not a great deal that can be done by the counties, drainage districts, or anybody else. Our job is to remedy the situation that will present itself in the future. I would like to have some suggestions as to whether this is worth while. We want your cooperation and your best judgment as to how to accomplish the best results with the limited amount of money we have.

Mr. Forbes: I have a question that I would like to ask the assistance of this meeting on. What consideration, if any, can we take of the water situation in South Dakota? Must we close our eyes at the state line?

Governor Moses: I think that would be the matter of Richland County in presenting their problem. It is possible that the Tri-State Waters Commission may be able to help, if we get the facts. The important thing is to get the facts.

Dean Walster: I think the group should be advised of the duties of the Tri-State Waters Commission. Most of the members from South Dakota have been absent.

Governor Moses: I would like to have the opinion of the representatives of this meeting. What do you think of having a representative from each of the six counties and Dean Walster meet with the Water Commission?

Pembina County: I think that is a very good plan.

Walsh County: We believe that it is a good idea to have one member on this committee and a survey to be sent from our county to the Secretary of the Water Commission.

Traill County: We are in favor of this plan and will make a survey of the conditions of our county.

Cass County: We think it is a very good plan and would like to have Mr. D. M. Malstrom of Mayleton on this committee.

Richland County: Each and every member is in favor of the fullest cooperation of such a committee, but if the object is to estimate the flood damage and report it to the Commission, we feel that nothing could be accomplished. We feel that it would be a big task.

Governor Moses: The purpose of the whole situation is for the Commission to be able to deal with the Red River Valley as an entirety, to find where the greatest need is and to determine on a plan and a program. I do not think it would entail several months to secure this report.

Richland County: We wish to name a member to this committee.

Comm. Simons: I do not think the question is where the most damage is, but it is the benefit to be derived.

Mr. Forbes: Richland County will be delighted to select a member. The Chairman will notify the Secretary of the Commission.

Governor Moses: I wish to introduce Senator W. J. Braun of Richland County.

Senator W. J. Braun of Richland County discussed the \$50,000 appropriation. He contended that the legislators intended the money to be spent in Richland and Walsh Counties since these were the only counties regarding which representations were made to the Legislature when the appropriation was under discussion. He believes that the Commission should pay 100% of the cost of work in these counties to the exclusion of other political subdivisions.

Governor Moses: There was no such restriction in the bill and public policy requires the money to be spent for the greatest good to the greatest number and that it be spread as thin as possible.

Governor Moses: Just as soon as we get the names of the representatives we will call a meeting of the committee with the Water Commission. The next meeting of the Commission with the committee will be held in Fargo or Grand Forks.

The Public Hearing is now adjourned at 12:50. The meeting of the Water Commission will convene at 2 P.M. in the Masonic Temple.

The Commission met in the Gardner Coffee Shop at 1:15 P.M. Commissioners Simons, Orlady and Thompson and Secretary Tucker were present.

Comm. Orlady moved that the Secretary and Chief Engineer be instructed to attend a meeting of the International Joint Commission on May 24 in Minot, and that the Attorney General be instructed to send Mr. Kelsch to the meeting in Tower and also to the meeting in Minot. Comm. Thompson seconded the motion. Roll was called with Commissioners Simons, Orlady and Thompson voting aye. Motion carried.

Comm. Dahl came into the meeting.

Comm. Simons moved that Mr. Halvorson of Minot be employed to represent the Commission at the meeting of the 10 State Compact in Omaha, May 21, 1943, as a technical advisor, and that his traveling expenses be paid and per diem of \$5.00 per day also be paid. Comm. Orlady seconded the motion. Roll was called with Commissioners Simons, Orlady, Thompson and Dahl voting aye. Motion carried.

Letter from Mr. Groom of the North Dakota Resources Board was discussed. The Secretary was instructed to make a report at the next meeting as to the agreement between the Commission and the North Dakota Resources Board with reference to the payment of salary, etc. to Mr. Fredrickson as a representative in Washington.

Discussion on the Cedar River Mutual Aid Corporation. Commissioner Dahl was asked to contact Judge Christianson and have the Judge straighten out the situation.

Comm. Thompson moves that the Commission send Mr. Dahl to represent the Commission in Washington relative to the bill in Congress of the Department of Interior and that the Governor be asked to approve out of state travel. Comm. Orlady seconded the motion. Commissioners Thompson, Simons, and Orlady voted aye. Commissioner Dahl did not vote. Motion carried.

Comm. Orlady stated that the people of Jamestown would like some engineering assistance in connection with the dam in the James River. The river has created a new channel and is disregarding the old dam. They would like the help of the engineering department to see what can be done with the dam. Comm. Thompson moved that the Secretary go or send somebody from the State Engineer's Office to check on the needs of the dam of the James River at Jamestown and to work out the engineering needs. Comm. Orlady seconded the motion. Roll was called with Comms. Simons, Orlady,

Thompson and Dahl voting aye. Motion carried.

Commission Meeting adjourned and to convene in the Masonic Temple at 2 P. M.

Commission Meeting called to order by Vice Chairman Simons in the absence of Governor Moses at 2:10 P.M. in the Masonic Temple. Commissioners Simons, Orlady, Thompson and Dahl, and Secretary Tucker were present. Vice Chairman Simons presided at the meeting.

Further discussion was held on the letter from Mr. Groom with reference to the money to be paid by the Commission to the North Dakota Resources Board for the services of Mr. Fredrickson and for the printing of the pamphlet. It was decided to ask Mr. Groom for a financial statement. We should know the source of allocation of funds. Mr. Fredrickson should file his bill. The Secretary was instructed to tell Mr. Groom that we are not going to pay the printing bill, but we will pay Mr. Fredrickson upon receipt of a bill.

Commissioner Thompson left the meeting at 2:50 P.M.

The Secretary was instructed to have the Contract between the Bureau of Reclamation and the Water Commission signed by the Governor and sent in.

Discussion was held on the matter of topographic mapping of certain quadrangles. Comm. Simons stated that he thought it would be best to wait until the Army report is out on the Garrison Diversion before having any topographic mapping done.

Discussion was held on the Course of Study for the Teachers' Colleges. Comm. Orlady asked that Jamestown College be included. The University, State College, and Jamestown College are to be sent the maps and course of study when it is prepared.

Messrs. Clifton McIntyre, E. O. Bry, James Bolger, W. E. Block, County Commissioners of Grand Forks County, and Mr. J. O. Harty, County Engineer of Grand Forks County, came into the meeting at 3:15 P. M. Comm. Simons summarized the meeting held in the morning. The delegation was unable to state how many acres in Grand Forks will not be put into crop this year on account of the floods. They do not believe the acreage will be very much though.

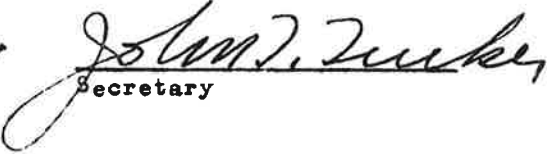
Discussion was held on a letter from Mr. W. P. Sebens to Mr. K. W. Simons, Editor of Bismarck Tribune, relative to a dam in the Sheyenne River near Martin, North Dakota. The Secretary was instructed to contact the Fish and Game Commission regarding this dam and to write Mr. John Magnusson, Martin, North Dakota, advising him of the amount of money that can be spent on the dam: A copy of the letter is to be sent to Mr. Sebens.

Meeting adjourned at 4 P. M.

Respectfully submitted,

ATTEST:




Secretary

Attendance at Public Hearing with the State Water
Conservation Commission in Fargo, May 12, 1943.

NAME	ADDRESS	TITLE	COUNTY
John T. Tucker	Bismarck	Sec'y. SWCC	
Wilson M. Laird	Grand Forks	State Geologist	
Wallace E. Warner	Grafton	States Attorney	Walsh
T. A. Meagher	Park River	Commissioner	Walsh
L. M. Kulas	Oslo	Commissioner	Walsh
Peder Hill	Underlin	Commissioner	Ransom
Geo. C. Jacobson	Lisbon	Commissioner	Ransom
Chris Sorenson	Moorhead	Commissioner	Clay of Minn.
J. T. Helland	Hendrum	Commissioner	Norman of Minn.
W. A. Halfpenny	St. Thomas	Commissioner	Pembina
A. B. Purdy	Pembina	Commissioner	Pembina
John Snyder	Crystal	Commissioner	Pembina
N. W. Hodgson	Cavalier	Auditor	Pembina
J. W. Matejcek	Lankin	Commissioner	Walsh
H. B. Paul		Chr. Commissioner	Richland
H. C. Bohn		Commissioner	Richland
Arthur S. Guinness		Commissioner	Richland
T. I. Martinson		Commissioner	Richland
Vernon D. Forbes		States Attorney	Richland
Manfred Ohnstad	West Fargo	Village Attorney	Cass
J. G. Lund	Hillsboro	County Engineer	Trail
W. A. Francis	West Fargo		Cass
Harold Reed	Representing N. D. State Ch. of Commerce (Jr.)		Cass
B. A. Gudajtes	Grafton	County Auditor	Walsh
G. N. Geiszler	Fargo	Ext. Soil Conservationist	Cass
Andrew McSparron		Commissioner	Trail
C. J. Stensland		Commissioner	Walsh
Oscar Lykken		Commissioner	Walsh
H. L. Walster	Fargo	Member Tri-State Water Comm.	
A. T. Brandt	Moorhead	Tri-State Water Comm.	
J. Thaldberg	Wahpeton	Farmer	Richland
J. A. Quann	Wahpeton	Supervisor	Richland
Art Ouren	Mooreton	Farmer	Richland
G. C. Olson	Mooreton	Supervisor	Richland
C. E. Johnson	Fargo	Dak. Tractor & Equip. Co.	Cass
H. L. Penn	Great Falls, Mont.	Caterpillar Co. Rep.	
C. J. Beck	Fargo	Dak. Tractor & Equip. Co.	
Gerhard D. Olson	Hillsboro	County Auditor	Trail
Nels O. Lindaas	Mayville	Commissioner	Trail
Theo. Peterson	Buxton	Commissioner	Trail
Albin G. Mohn	Buxton	Commissioner	Trail
Burt Kurtz			Richland
Mike Schmidt			Richland
E. W. Schouweiler	Fairmount		Richland
T. H. White	Fairmount		Richland
W. P. Tarbell	Fargo	City Engineer	Cass
Odin J. Wold	Wahpeton	Acting Auditor	Richland
Richard Oium	Towner	Chr. Board of Flood & Irrigation	McHenry
Nels G. Johnson	Towner	Attorney for " & "	McHenry
Otto Moen	Galesburg	Commissioner	Trail
Fred C. Hagen	Fargo	Commissioner	Cass
Roy T. Landblom		Commissioner	Cass
J. Spiekermeier		Commissioner	Cass
W. F. Sutton		Commissioner	Cass
W. J. Braun		Senator	Richland

<u>NAME</u>	<u>ADDRESS</u>	<u>TITLE</u>	<u>COUNTY</u>
Clifton McIntyre	Grand Forks	Commissioner	Grand Forks
E. C. Bry	Grand Forks	Commissioner	Grand Forks
J. O. Harty	Grand Forks	County Engineer	Grand Forks
James Bolger	Grand Forks	County Commissioner	Grand Forks
W. E. Block	Thompson	County Commissioner	Grand Forks
Oscar Covert	Fargo	Chrm. of Commissioners	Cass
John Moses	Bismarck	Governor	
L. T. Orlady	Jamestown	SWCC Commissioner	
K. W. Simons	Bismarck	SWCC Commissioner	
S. W. Thompson	Devils Lake	SWCC Commissioner	
Einar H. Dahl	Watford City	SWCC Commissioner	

NORTH DAKOTA STATE WATER CONSERVATION COMMISSION
MONTHLY REPORT OF ACCOUNTS AS OF APRIL 30, 1943

1941-43 Appropriation

No.	Name of Account	Total Approp. 24 mo.	Expended to 3-31-43	April Expenses	Total Expenses 4-30-43	Total Refunds	Balance Available next 2 mo.	Balance Available per month.
1	Commissioners Per Diem	3,000.00	2,062.00	140.00	2,202.00		798.00	399.00
2	Administration Adm. Balance due 1937-41	25,000.00 4,696.41	37,741.93	1,839.15	39,581.08	13,446.48	3,561.81	1,780.90
3	Construction Bond Guarantee Bal. due 1939-41 approp.	40,000.00 35,300.00	2,880.00		2,880.00		72,420.00	36,210.00
4	Maintenance Existing Dams	4,000.00	3,460.58		3,460.58	2,032.58	2,572.00	1,286.00
5	Engineering & Soil Survey	1,000.00	477.00	150.00	627.00		373.00	186.50
6	Little Missouri, Grand, Cannon- ball.	700.00	587.18		587.18		112.82	56.41
7	Pembina, Tongue, Park, etc.	250.00	85.00		85.00		165.00	82.50
8	James, Wildrice Rivers, etc.	150.00	65.00		65.00		85.00	42.50
9	Invest. Surveys, Designs, etc.	2,000.00	1,538.35		1,538.35	26.92	488.57	244.28
10	Evaluation Economic Benefits	300.00	87.94	91.67	179.61		120.39	60.19
11	Reports and Attendance at conf.	1,500.00	1,190.37		1,190.37		309.63	154.81
12	Tri-State Waters Commission	7,500.00	4,877.19	448.48	5,325.67		2,174.33	1,087.16
13	Indep. Invest. & Reports	1,000.00	809.25	87.50	896.75		103.25	51.62
14	International & Interstate	1,500.00	941.13	193.46	1,134.59		365.48	182.70
15	Topographic Mapping	3,000.00	2,237.34	243.95	2,481.29		518.71	259.35
16	Cooperation in Obtaining Water Facil.	3,000.00	2,060.43	285.00	2,345.43	12.80	667.37	333.68
17	Designs, Reports & Conferences	500.00	341.90	85.81	427.71		72.29	36.14
18	Salary State Engineer	4,400.00	3,849.93	183.33	4,033.26		366.74	183.37
19	Hydrographic Survey	3,500.00	2,894.77	208.89	3,103.66		396.34	198.17
		142,296.41	68,187.29	3,957.24	72,144.43	15,518.78	85,670.66	42,835.28

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