

56.

MINUTES OF A MEETING OF THE
STATE WATER CONSERVATION COMMISSION

Held in the Office of the State Water Conservation Commission
Bismarck, North Dakota, July 11, 1950
At 9:30 o'clock a.m.

A special meeting of the State Water Conservation Commission was called for July 11, 1950, in the Office of the Water Commission at the State Capitol, Bismarck, North Dakota.

MEMBERS OF THE STATE WATER COMMISSION PRESENT:

Hon. Fred G. Aandahl, Governor & Ex Officio Chairman
S.W. Thompson, Vice Chairman, Devils Lake, North Dakota
Einar H. Dahl, Commissioner from Watford City, " "
Curtis Olson, Commissioner from Valley City, " "
Earle F. Tucker, Commissioner from Bismarck, " "
J. J. Walsh, Secretary and Chief Engineer, State Engineer

Einar Berge, Publicity Manager for the Commission

OTHERS PRESENT:

James Connolly, Dickinson, North Dakota
Senator Amos Freed, Dickinson, North Dakota

The meeting was called to order by the Chairman, Governor Fred G. Aandahl, at 9:30 a.m., with Commissioners Thompson, Dahl, Olson, Tucker and Secretary Walsh present. Also present at the meeting was Einar Berge, Publicity Manager for the Commission.

It was moved by Commissioner Tucker and seconded by Commissioner Olson that the financial statements for the month of June, 1950, be approved and filed. Upon a vote of the Commission, the motion unanimously carried.

Commissioner Thompson read correspondence received by the Water Commission from Attorneys Butterwick & Butterwick of Minnewaukan, North Dakota, notifying them of the damages done to the Jamestown and northern branch of the Northern Pacific Railway Company and to farm lands bordering on Lake Ibsen, just south of Leeds, caused by overflow of the lake. A letter stated that considerable friction existed between farmers whose lands are flooded and the members of the Rod and Gun Club of Leeds. The Club wants to retain the high waters of the lake and the farmers want the water in the lake lowered so they may use their lands. The township board of Lake Ibsen Township within whose borders the lake lies have authorized the farmers to remove the obstructions at the outlet of the lake and clear the normal channel of debris, at the farmers' own expense. The farmers now request the services of the Water Commission in making a survey of the situation and determining the depth of the natural outlet of the lake to determine how much of the accumulation will have to be removed in order to lower the water to its normal level to avoid further flood conditions. This information was read to the Commissioners for their information.

Correspondence was read to the Members of the Commission, addressed to Jerome H. Svore, Chief Sanitary Engineer of the State Health Department, from Mayor A.J. Christopher, of Pembina, concerning damage caused by flood waters to a dam across the Pembina River this spring. He stated the banks immediately below the dam, on the east side, are gradually washing out endangering the wings. His purpose in writing was to request flood disaster funds to help repair the damage. It was the opinion of the Water Commission that if no help were received from the Health Department, the Water Commission would cooperate with the Game and Fish Department and local agencies to assist with repair of the dam, if no emergency funds can be secured.

9/11/50

The Commissioners discussed appropriations for the construction of the Jamestown Reservoir and Governor Aandahl stated he had recently had a call from Fred J. Fredrickson in which he had been informed that the appropriations committee had approved the appropriation of \$750,000 toward the construction of the Jamestown Reservoir, which places the project in Phase A. The Commissioners were handed testimony of North Dakota witnesses, including that of Sivert W. Thompson, Vice Chairman of the Water Commission, who appeared before the Sub-committee in support of appropriations for the Missouri-Souris and the Jamestown Reservoir.

A preliminary survey was recently made by Duane Torvik, Engineer with the State Water Conservation Commission, of Twin Lakes in Williams County, North Dakota. These lakes are located within the park area three miles north of Williston. The Park Board at Williston has requested assistance from the Water Commission in raising the dams of the lakes to enlarge the lakes. Commissioner Dahl stated their chief problem was whether there would be enough water to increase the size of the lakes. Further action is being delayed until after the State Geologist has submitted his report.

Secretary Walsh notified the Commissioners of the cleanout of Drain No. 4, in Walsh County, and the request of the County Drain Board for a 40% payment of the cost of the drain, in the amount of \$10,304.27. The contract was awarded to the Bayard Curtis Company of Minneapolis, Minnesota, and the work on the drain is about complete. The Secretary said he would notify the Drain Board to submit plans and profiles to this office and secure the approval of the Soil Conservation Service engineers on all requests for payment.

Notice of establishment of Drain No. 47, Pembina County, and Notice of Hearing on assessment of lands for benefits; and legal notice of hearing on petition for drain and surveyor's report on Drain No. 55 located in Drayton Township, Pembina County, in the amount of \$26,000 was also presented to the Commissioners for their information. The above drains are both new drains.

A letter was received from Mr. J.B. Bingham, District Manager of the American Crystal Sugar Company, East Grand Forks, Minnesota, inquiring as to what action has been taken by the Water Commission in the allocation of water to the various municipalities and industries who have filed for water-rights from the Baldhill reservoir. The Commission thought it advisable that steps be taken immediately by the Commission to work out a formula to be recommended by the Water Commission in allocating the waters of the Baldhill Reservoir. They believed that excess or stored water was the problem to be considered at present, and because of the wide variations of use, the Commission believed it advisable to place the allocation of water on a percentage basis. This would provide for the division of waters according to the needs of the various cities and industries. Commissioner Sivert Thompson and Atty. I.A. Acker were delegated by the Commission to work out a formula whereby the waters of the Baldhill Reservoir could be allocated to the various sponsors, and which might be used by the Engineers as a guide in operating the gates of the Baldhill Dam. They also were of the opinion that a meeting should be arranged as soon as a plan had been worked out whereby they had something to offer the interests concerned.

A letter from John F. Dillon, District Conservationist, Soil Conservation Service, Park River, North Dakota, was read to the Commission, in which he stated that the Members of the City Council were not making a request for assistance in repairing the Park River dam at this time as the Railway Company is doing the work at cost, for the City.

Drainage pipe culvert to be placed under the highway on the Lewis and Clark Project was taken up with the Commissioners. This matter has been discussed with Commissioner

11/11/50

Jones from the Highway Department, who has agreed to install the pipe for about \$5,000 or more. The east side of the highway has already been drained, and they now wish to have the west side of the highway drained. Governor Aandahl recommended that the Water Commission and the Highway Department proceed on a fifty-fifty basis, and the District contribute about 20% of the cost.

Commissioner Tucker made the following motion: "I move that the Water Commission cooperate financially with the Irrigation District and the Highway Department in placing a culvert under U.S. Highway No. 85. The motion was seconded by Commissioner Olson. Upon roll call by the Chairman, Commissioners Einar Dahl, Tucker, Thompson, Olson, and Governor Aandahl all voted aye. Motion carried.

The Secretary requested approval by the Commissioners of his action in signing the Groundwater Cooperative Agreement for Investigation of Water Resources and the Cooperative Agreement for Topographic Surveys between the U.S. Geological Survey and the North Dakota State Water Conservation Commission.

A motion was made by Commissioner Olson, and seconded by Commissioner Dahl, that the Secretary's action in signing the Groundwater Cooperative Agreement for Investigation of Water Resources, each party to contribute \$6,500 toward the investigation, be approved. Upon call of the roll by the Chairman, Commissioners Thompson, E. Dahl, Olson, Tucker, and Governor Aandahl all voted aye. Motion carried.

A motion was made by Commissioner Thompson, and seconded by Commissioner Tucker, that the Commission approve the action of the Secretary in signing an Agreement with the U.S. Geological Survey for topographic surveys, each party to contribute \$15,000 toward the cost of the necessary field and office work directly related to the survey. Upon roll call by the Chairman, Commissioners Tucker, Olson, Dahl, Thompson and Governor Aandahl all voted aye. Motion carried.

Commissioner Thompson gave a report on his attendance at the meeting of the President's Water Resources Policy Commission held at Sioux City, Iowa, on June 12 and 13, and said that most of the testimony given was on local problems. They felt that Congress should make money available on a larger basis for some of the smaller individual irrigation projects, as there was a request for help from these. Mr. Thompson said there was an attempt made at this meeting to find out the thinking of the people in the area as to how they wanted the program handled. He also stated that Governor Aandahl's letter to the President's Water Resources Policy Commission had been filed and made a part of the record. Mr. Thompson further said they had complimented North Dakota on its water set-up and Water Commission and recommended to the other states that they adopt a similar program. Governor Peterson of Nebraska was present and reported on what they expect to accomplish on their water program. Commissioner Thompson reported there appeared to be a general satisfaction with the Pick-Sloan policy among all present.

An "Opinion" written by Atty. I. A. Acker on the authority of the State Water Commission to "limit the amount of acreage that the holder of a water-right may irrigate," was handed the Commissioners. He stated that it was his opinion "that under existing laws each application for a water-right must be considered on its individual merits with due regard for the domestic requirements of riparian occupiers, including needs of municipal corporations". He also concluded "that under existing laws they (the State Engineer and the Commission) do not have the power to adopt a rule or regulation limiting the acreage for which water-rights may be granted," and that "If such authority is desirable as a matter of policy it is my opinion that legislation, definitely conferring same, should be enacted," and that according to Section 61-0421 of the 1943 Revised Code the "amount of water allowed shall in no case be more than can be beneficially used." The Commission felt it advisable, however, to limit the diversion of water for irrigation purposes to 160 acre feet per annum from small streams for reasons of public interest.

57.

Upon recommendation by the Secretary, the following water-right applications were brought before the Commission for their approval:

The application of Delbert R. Dishon for a water-right permit to appropriate water from the Missouri River, having received the approval and license for erection and maintenance of structures from the Commissioner of the U.S. Bureau of Reclamation, received the following action by the Commission: Commissioner Einar Dahl made the following motion, which was seconded by Commissioner Tucker: "I move that the application of Delbert R. Dishon, Buford, North Dakota, for permit to divert and appropriate water from the Missouri River for irrigation purposes, be granted in the amount of 127.1 acres, and not to exceed an annual diversion of 254.2 acre feet of water, subject to all prior and existing water-rights covering the Missouri River." Upon a unanimous vote of the Commission, the motion carried.

Objections in writing to the water-right application of Arno F. Glimm, Williston, North Dakota, were received from Allye M., Christina and Charlotte C. Freeman, Dore, North Dakota, and Iver Erickson, Fargo, but upon investigation of records at the Williston County Courthouse it was found that the land description in the application of Arno F. Glimm did not overlap any previous water-right. Commissioner Einar Dahl made the following motion, which was seconded by Commissioner Tucker: "I move that the application of Arno F. Glimm, Williston, North Dakota, for permit to divert and appropriate water from the Little Muddy River for irrigation purposes, be granted in the amount of 80 acres, and not to exceed an annual diversion of 160.0 acre feet of water, subject to all prior and existing water-rights covering the Little Muddy River." Upon a unanimous vote of the Commission, the motion carried.

It was moved by Commissioner Einar Dahl, and seconded by Commissioner Olson, that the application of Fred Luchsinger, Mott, North Dakota, for permit to divert and appropriate water from the Cannonball River for irrigation purposes, be granted in the amount of 79.8 acres, and not to exceed an annual diversion of 159.6 acre feet of water, subject to all prior and existing water-rights covering the Cannonball River. The Members of the Commission voted unanimously in favor of the motion. Motion carried.

It was moved by Commissioner Olson, and seconded by Commissioner Tucker, that the application of Emanuel Bertsch, Mott, North Dakota, for permit to divert and appropriate water from the Cannonball River for irrigation purposes, be granted in the amount of 78.0 acres, and not to exceed an annual diversion of 156.0 acre feet of water, subject to all prior and existing water-rights covering the Cannonball River. The Members of the Commission voted unanimously in favor of the motion. Motion carried.

It was moved by Commissioner Thompson, and seconded by Commissioner E. Dahl, that the application of Fred Hoherz, Bentley, North Dakota, for permit to divert and appropriate water from the Cannonball River for irrigation purposes, be granted in the amount of 82 acres, and not to exceed an annual diversion of 160.0 acre feet of water, subject to all prior and existing water-rights covering the Cannonball River. Upon vote of the Members of the Commission, the motion unanimously carried.

It was moved by Commissioner E. Dahl, and seconded by Commissioner Olson, that the application of Albert Koesel, Dodge, North Dakota, for permit to divert and appropriate water from the Knife River for irrigation purposes, be granted in the amount of 47.5 acres, and not to exceed an annual diversion of 95.0 acre feet of water, subject to all prior and existing water-rights covering the Knife River. The Members of the Commission voted unanimously in favor of the motion. Motion carried.

Approval of the application of Herman Leutz, Taylor, North Dakota, for permit to divert and appropriate water from the Heart River was deferred at this time for further investigation by the Water Commission.

It was moved by Commissioner Olson, and seconded by Commissioner Tucker, that the application of Adolph F. Pecinovsky, Haley, North Dakota, for permit to divert and appropriate water from the Grand River for irrigation purposes, be granted in the amount of 80.1 acres, and not to exceed an annual diversion of 160.0 acre feet of water, subject to all prior and existing water-rights covering the Grand River. Upon vote of the members of the Commission, the motion unanimously carried.

At 3:40 p.m. Mr. James Connolly, Secretary of the Dickinson Chamber of Commerce, and Amos Freed of Dickinson entered the meeting to consult with the Members of the Water Commission with regard to setting a date for the dedication of the Heart-Butte and Dickinson dams, and the possibility of a joint dedication on the same day. Governor Aandahl recommended they check with the Cities of Glen Ullin and Mandan to decide on a definite date and to inform the Commission of their decision.

Mr. Connolly and Mr. Freed left the meeting at 4:00 o'clock, p.m.

After further discussion on water-right applications, the meeting adjourned at 4:30 o'clock p.m.

Respectfully submitted,


Secretary

ATTEST:


Chairman

NORTH DAKOTA STATE WATER CONSERVATION COMMISSION
 MONTHLY REPORT OF ACCOUNTS AS OF JULY 31, 1950
 1949-1950 APPROPRIATIONS

Fund No.	Appropriation	Available July 1949	Expended to June 30, 1950	Expended July, 1950	Balance July 31, 1950
1	Commissioner's Per Diem and Expenses	\$ 4,000.00	\$ 2,079.03	\$ 202.35	\$ 1,718.62
2	Administration	30,000.00	18,317.87	1,425.96	13,728.72
	Collections and Refunds	3,472.55			
3	Maintenance of Existing Dams	100,000.00	58,020.76	8,993.22	54,492.96
	Collections and Refunds	21,506.94			
4	International and Interstate Commissioner's and conference Expense	12,000.00	5,578.77	986.00	5,435.23
5	Topographic and Conservation Cooperation with the U.S.G.S. plus transfers	33,085.60	10,477.76	580.51	22,027.33
6	Hydrographic Surveys, Coop. with U.S.G.S. Refund	20,000.00 90.87	9,474.21	616.66	10,000.00
7	Salary--State Engineer	5,400.00	2,700.00	225.00	2,475.00
8	Construction and Reconstruction - Drains or Irrigations	150,000.00	21,423.23		128,576.77
9	Engineering & Geological Survey & Demonstrations	30,000.00	18,220.04	420.96	11,359.00
10	Cooperation with U.S. Dept., small projects & for organizing Conservation & Irrigation Districts	135,000.00	2,940.73	361.70	131,697.57
11	Other Investigations, Surveys and Etc.	90,000.00	52,747.55	7,753.91	29,535.30
	Refund	36.76			
12	Construction Bond Guaranty Fund	70,541.00			70,541.00
		<u>\$ 705,133.72</u>	<u>\$ 201,979.95</u>	<u>\$ 21,566.27</u>	<u>\$ 481,587.50</u>

VSC:bc

NORTH DAKOTA STATE WATER CONSERVATION COMMISSION
 MONTHLY REPORT OF ACCOUNTS AS OF JULY 31, 1950
 1947-1949 APPROPRIATIONS

Fund No.	Appropriation	Available July 1949	Expended to July 31, 1950	Balance July 31, 1950
1	Commissioner's Per Diem and Expenses	\$ 4,000.00	\$ 3,855.35	\$ 144.65
2	Administration	30,000.00	31,721.41	3,799.00
	Plus refunds and collections	5,520.41		
3	Maintenance of Existing Dams	45,000.00		
	Plus refunds and donations for dam repairs	27,209.11	72,132.26	76.85
4	Tri-State Waters and Portion of Administration and Conference Expenses	1,000.00	160.92	839.08
5	International and Interstate Compacts	10,000.00	8,522.05	1,477.95
6	Topographic and Conservation Branches, Cooperation with the U.S.G.S.	30,000.00	30,000.00	Nil
7	Hydrographic Surveys, Cooperation with the U.S.G.S.	20,000.00	20,000.00	Nil
8	State Engineer's Salary	5,400.00	5,400.00	Nil
9	Reconstruction of Drains or Irrigation	200,000.00	115,203.30	84,798.70
	Refund	2.00		
10	Engineering and Geological Surveys and Reconstruction	33,000.00	30,000.00	3,000.00
11	Postwar Projects, Cooperation with U.S. Departments	135,000.00	114,284.74	37,952.01
	Refund	17,236.75		
12	Other Investigations, Surveys and Etc.	<u>87,000.00</u>	<u>74,044.06</u>	<u>12,955.94</u>
		<u>\$ 650,368.27</u>	<u>\$ 505,256.09</u>	<u>\$ 145,112.18</u>

VSC:bc

NORTH DAKOTA STATE WATER CONSERVATION COMMISSION
 BALANCE OF PRIOR FUNDS RECOVERED BY OPINION OF
 ATTORNEY GENERAL AND UNDER SECTION 54-2709
 AS OF JULY 31, 1950

Fund No.	Year	Appropriations for	Balance Available	Expended to July 31, 1950	Balance July 31, 1950
1	1939	Commissioner's Per Diem	\$ 1,757.00	Nil	\$ 1,757.00
5	1939	Sponsor's Share of Dam Repairs	2,088.08	\$ 439.32	1,648.76
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 Water, Administration and Conference . .	8.61	Nil	8.61
15	1941	Topographic Survey13	Nil	.13
11	1945	Postwar Projects, Cooperation with U.S. Depts. . .	<u>14,813.72</u>	<u>329.06</u>	<u>14,484.66</u>
			<u>\$ 19,116.40</u>	<u>\$ 768.38</u>	<u>\$ 18,348.02</u>

VSC:bc

NORTH DAKOTA STATE WATER CONSERVATION COMMISSION
 DEPOSITS IN THE BANK OF NORTH DAKOTA
 AS OF JULY 31, 1950

Sources of Deposits	Transit No.	Amount Deposited	Expended to July 31, 1950	Balance July 31, 1950
Collection on Yellowstone Pumping Irrigation District \$9,500.00 warrant. Interest paid to 10-1-44; tax collections to Jan. 31, 1949	501-118	\$ 1,299.69		\$ 1,299.69
Contributions for Granudwater 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		
Neches		300.00		
Transfer		.10		
St. John		750.00		
Streeter		1,000.00		
Mohall		1,000.00		
Richardton		750.00		
Bortland		200.00		
Bowbells		1,000.00		
Michigan		580.00		
Wimbledon		1,000.00		
Fairmount		1,000.00		
Hope		1,000.00		
Sharon	501-128	\$ 24,680.60	\$ 15,540.56	9,940.04
Sale of N. Dak. Water Development Books	501-127	2,770.67	1.25	<u>2,769.42</u>
TOTAL OF ALL BANK OF NORTH DAKOTA DEPOSITS AS OF JULY 31, 1950				\$ <u>13,209.15</u>

PAYROLL
NORTH DAKOTA STATE WILDLIFE CONSERVATION COMMISSION
JULY 1950

Name	Duties	Salary for July	Withhold- ing Tax	N. D. OASIS	Hopp. Ins.	Net Pay	Remarks
Walsh, J. J.	Sec'y-State Engineer	\$ 435.00	\$ 31.00	\$ 4.35	\$ 3.78	\$ 395.87	Increased March 1950
Acker, Iver	Administrative Ass't	350.00	35.40	3.50	3.78	307.32	Started Jan. 1, 1949
Anderson, Albin	Engineer	275.00	24.60	2.75	3.78	243.87	Increased Feb. 1948
Berge, Einar	Technical Ass't	125.00		1.25	3.78	119.97	Increased Jan. 1950
Carman, Bertha	Typist	150.00	14.10	1.50		134.40	Worked full time July
Cooper, Vernon	Accountant	325.00	23.50	3.25	3.78	294.47	Increased March 1950
Dodd, Harold	Engineer	300.00	19.90	3.00	3.78	273.32	Increased March 1950
Grabinger, Shirley	Stenographer	150.00	14.10	1.50	1.52	132.88	Started June 9, 1950
Hagert, E. S.	Engineer	325.00	31.80	3.25	1.52	388.43	Increased March 1950
Lechner, Robert	Rodman	175.00	17.70	1.75	1.52	155.55	Increased April 1950
Nichols, Don	Engineer, Ass't Sec'y	350.00	27.10	3.50	3.78	315.62	Increased March 1950
Nordstrom, Franz	Foreman	250.00	12.70	2.50		234.80	Increased March 1950
Olson, A. Peter	Engineer	250.00	29.30	2.50		218.20	Started April 20, 1950
Orr, F. G.	Bookkeeper	300.00	11.60	3.00	3.78	281.62	Increased February 1948
Peterson, Winifred	Stenographer	210.00	23.10	2.10	1.52	183.28	Increased April 1950
Putz, Roy	Rodman	140.00	12.90	1.40	1.52	124.18	Started April 19, 1948
Sanford, Leonard	Foreman	400.00	36.40	4.00		359.60	Started April 1, 1950
Schmitcke, Otto	Garden Foreman	225.00		2.25		222.75	Started April 19, 1950
Sheldon, Marvin	Engineer	300.00	36.50	3.00	1.52	258.98	Increased March 1950
Tibke, Gerald	Instrumentman	225.00	25.50	2.25	1.52	195.79	Increased May 1, 1950
Torvik, Duane	Engineer	275.00	24.60	2.75	3.78	243.87	Increased March 1950
Krueger, Don	Rodman	140.00	12.90	1.40		125.70	Started May 1, 1950
Schmitcke, Arnold	Garden Laborer	125.00	10.50	1.25		113.25	Started June 1, 1950
Olson, Jerry	Rodman	140.00	12.90	1.40		125.70	Started June 5, 1950
Sette, Robert	Rodman	140.00	12.90	1.40		125.70	Started June 5, 1950
Scharnowske, James	Rodman	140.00	12.90	1.40		125.70	Started June 5, 1950
Hausser, Frank	Rodman	140.00	12.90	1.40		125.70	Started June 5, 1950
Boatright, Virgil	Rodman	140.00	12.90	1.40		125.70	Started June 5, 1950
Forney, Walter	Engineer	250.00	29.30	2.50		218.20	Started June 5, 1950
Bauer, Herbert	Rodman	140.00	12.90	1.40		125.70	Started June 5, 1950
Fahlgren, Winston	Rodman	140.00	12.90	1.40		125.70	Started June 5, 1950
Simons, Paul	Rodman	140.00	12.90	1.40		125.70	Started June 5, 1950
Dobrovolsky, Richard	Instrumentman	200.00	21.90	2.00		176.10	Started June 5, 1950
LeGore, Robert	Engineer	225.00	25.50	2.25		197.25	Started June 15, 1950