

MINUTES OF A MEETING OF THE
STATE WATER CONSERVATION COMMISSION

Held in the Office of the State Water Conservation Commission
Bismarck, North Dakota, April 6, 1951

A regular meeting of the State Water Conservation Commission was held in the Office of the Water Conservation Commission on Friday, April 6, at 9:30 o'clock a.m. The following persons attended the meeting:

MEMBERS OF STATE WATER CONSERVATION COMMISSION:

Hon. Norman Brunsdale, Governor of North Dakota
S. W. Thompson, Vice Chairman, Devils Lake, North Dakota
Einar H. Dahl, Member from Watford City, " "
Curtis Olson, Member from Valley City, " "
A. M. Christensen, Member from Minot, " "
Math Dahl, Commissioner of Agriculture and Labor, and Member of Commission
J. J. Walsh, Secretary and Chief Engineer, State Engineer

OTHERS:

Roy N. Bach, Coordinator, Federal Aid Division, N. D. Game and Fish Department
F. W. Thorstenson, Hydraulic Engineer, U. S. Fish and Wildlife Service, Minneapolis
James M. Coutts, Associate Regional Supervisor, Branch of Fed. Aid, U. S. Fish and Wildlife Service, Minneapolis, Minnesota
Russell W. Stuart, Asst. Coordinator, Fed. Aid Division, N.D. Game and Fish Department
Don L. Nichols, Construction Engineer with the Water Commission
Dean H. L. Walster, North Dakota Agricultural College, Fargo, North Dakota
Dr. E. B. Norum, Agricultural Experiment Station, Fargo
John F. Dillon, Conservationist, Soil Conservation Service, Park River
Bruce Johnson, District Manager, Bureau of Reclamation, Bismarck
Einar Berge, Publicity Manager for the State Water Conservation Commission

The meeting was called to order at 9:30 a.m. by Governor Brunsdale, as Chairman, with Commissioners Thompson, E. Dahl, Olson, Christensen, Math Dahl and Secretary Walsh and Don Nichols present. A delegation representing the U. S. Fish and Wildlife Service and the State Game and Fish Department were also present at this time, namely, Mr. Roy Bach, Mr. F. W. Thorstenson, Mr. James M. Coutts and Russell Stuart.

Mr. Bach was called on for a report by the Game and Fish Department on the repair of Cedar Lake Dam in Slope County. Mr. Bach explained the importance of the location of this dam with respect to its value as a migratory waterfowl refuge, recreational site and fishing resort. He said when the spillway washed out last year they put in a temporary earth fill, costing about \$250, which was rebuilt again this spring. Several interests are involved, including the Game and Fish Department, U.S. Fish and Wildlife Service and the Water Commission. He estimated the contribution from the Game and Fish Department would run from \$5,000 to \$10,000, and that they anticipated about \$2,500 of assistance from local organizations and the counties in furnishing trucks, county machinery, local labor and hauling of rock.

Mr. Thorstenson discussed the plans as drawn up by the Water Commission and submitted to their office stating they had been checked and approved, with the recommendation of a few changes. Mr. Thorstenson stated the usual procedure is for the Game and Fish Department to furnish the money, which will be reimbursed by 75% of Federal Aid contribution. The Federal Government allocates funds only where there are direct benefits to waterfowl. Mr. Thorstenson further stated that the plan estimated to cost

\$48,000 was found to be the most desirable, being a combination of reinforced concrete and gravity overflow section of rubble concrete. He said the Federal Government would agree to contribute \$30,000 toward the cost of repair if the Water Commission and Game and Fish Departments with the help of local people, contribute the remaining cost. No commitment was made, pending receipt of a statement from the Game and Fish Department, who were not represented.

It was moved by Commissioner Christensen, and seconded by Commissioner E. Dahl, that the Water Commission enter into an agreement with the State Game and Fish Department sharing in a portion of the estimated cost of reconstructing the Cedar Lake dam spillway located in Slope County, the State Game and Fish Department to contribute \$9,000 of the total estimated cost of \$48,000, and that the offer of the Federal Fish and Wildlife Service to contribute \$30,000 toward the cost of repair be accepted, as shown on the plans prepared by the Water Commission and approved by the Federal Fish and Wildlife Service, the engineering and construction work to be done under the supervision of the Commission engineers in cooperation with the Federal Fish and Wildlife Service.

Upon roll call by the Chairman, Commissioners Math Dahl, E. Dahl, Christensen, Olson, and Thompson all voted in favor of the motion. Motion carried.

Mr. Thorstenson, Mr. Coutts, Mr. Bach, and Don Nichols left the meeting at 10:15 a.m.

Mr. John Dillon, District Conservationist with the Soil Conservation Service at Park River entered the meeting at 10:30 a.m. to report on drainage problems in Walsh and Pembina Counties. Vouchers were submitted by Mr. Dillon for the following drains:

Drain #4, Walsh County - The Commission discussed the inclusion of administrative and legal costs in determining the cost of the drain in which the State Water Conservation Commission would cooperate.

Commissioner Thompson made a motion that the State Water Conservation Commission establish a policy of not sharing in the payment of any administrative or legal expenses in connection with drainage districts. Commissioner Olson seconded the motion. Upon roll call by the Chairman, Commissioners E. Dahl, Christensen, M. Dahl, Olson and Thompson voted aye. Motion carried.

Commissioner Christensen made a motion, seconded by Commissioner E. Dahl, that the State Water Commission reimburse Walsh County for 40% of the cost of the cleanout of Drain #4, after a deduction of all administrative and legal costs in the amount of \$341.17 was made from the voucher by the County, the total state share of this work being \$4,453.07, of which there is an unpaid balance due to Walsh County of \$1,167.77. Upon roll call by the Chairman, Commissioners Christensen, Thompson, E. Dahl, M. Dahl and Olson voted aye. Motion carried.

Drain #20, Pembina County - A request was made by the County for assistance in the cleanout of this drain. At the present time a case is pending before the Supreme Court of North Dakota concerning Drain #20. It was decided that since the Commission has established a policy of not paying any drainage district costs in connection with Court proceedings that consideration of this payment should be delayed until the case has been reviewed by the Court.

Drain #47, Pembina County - The Commission considered two vouchers that were submitted for this drain. One for the payment of culverts and metal pipes, in the amount of \$3,147.94, the state's share being \$1,259.18, for section line crossings was not allowed in accordance with the established policy of the Commission to not share in the costs of section line crossings.

3.

A voucher for construction work and materials for Pembina County Drain #47 in the amount of \$3,977.60 was approved by the Commission. An item for \$193.07 for administrative expense was not allowed.

Drain #55, Pembina County - A voucher for the payment of concrete culverts for section line crossings in the total amount of \$4,800.00, the state's 40% being \$1,920.00, was not allowed in accordance with the Commission's policy to not share in the costs of section line crossings.

A second voucher for the payment of construction work and materials for drain #55 in the amount of \$6,514.85 was approved by the Commission. The item for administrative expense for \$175.69 was not allowed.

Commissioner Christensen made a motion that \$15,000 be allocated to Pembina County for drainage purposes. The motion was seconded by Commissioner Thompson. Upon roll call by the Chairman, Commissioners E. Dahl, Olson, M. Dahl, Thompson and Christensen all voted in favor of the motion. Motion carried.

Michigan Township Drain, Grand Forks County - A request for financial assistance for construction and spoil bank leveling of this new drain was considered by the Commission. The total estimated cost of the work is \$980.16. Commissioner Thompson moved that the Commission pay 40% of the construction costs of Michigan Township Drain in Grand Forks County, which motion was seconded by Commissioner M. Dahl. Upon roll call by the Chairman, Commissioners Thompson, E. Dahl, M. Dahl, Christensen and Olson voted aye. Motion carried.

Rush Lake Drain, Cavalier County - Mr. Dillon stated that plans and surveys were being made for the establishment of a drainage district in the Rush Lake area in Cavalier County. The county drainage board would like to know if the Commission will cooperate by paying the usual 40% of the costs. The Commission was of the opinion that the district was entitled to this assistance in paying the construction costs.

Drain #25, Walsh County - Action on payment for the state's share of the costs of this drain was deferred until more information concerning the benefits to agricultural land is available.

John Dillon left the meeting at 11:45 a.m.

A motion was made by Commissioner E. Dahl, and seconded by Commissioner Christensen that the minutes of the January 18, 1951, meeting of the State Water Conservation Commission be approved by the Commission. Upon a unanimous vote of the Commissioners, the motion carried.

A motion was made by Commissioner Christensen, and seconded by Commissioner Math Dahl, that the Financial Statements of the State Water Commission for the months of January, February and March, 1951, be approved and filed for record in the office of the Commission. The Commissioners voted unanimously in favor of the motion. Motion carried.

Commissioner Thompson informed the Commissioners that Mr. Ing Orseth and Mr. Clarence McHugh of Lakota, Nelson County, had contacted him with regard to a drainage problem in that county. They reported that during floods, water spreads over an estimated 20,000 acres of land, similar to the situation in Ramsey County, and Stump Lake is the natural outlet for drainage in this area. They requested the area be surveyed. Mr. Dillon, Soil Conservationist at Park River, has agreed to furnish two men to make the survey.

Commissioner Thompson made the following motion: "I have that a survey be made to determine the feasibility of draining the flooded area in Nelson County, similar to the survey recently conducted in Ramsey County, to take care of the surplus spring runoff, in cooperation with the Soil Conservation Service, whereby the Soil Conservation Service agrees to make the surveys and travel expenses for making the survey are to be paid by the Water Commission." The motion was seconded by Commissioner Christensen. Upon roll call by the Chairman, Commissioners Christensen, Olson, Thompson, M. Dahl, and E. Dahl all voted in favor of the motion. Motion carried.

Commissioner Christensen reviewed his trip to Washington, C. C., in company with Mr. A. R. Weinhandl, President of the Missouri Souris Projects Association, where they conferred with the Hon. Oscar Chapman, Secretary of the Interior, and Michael W. Straus, Commissioner of Reclamation, requesting the Department to make a re-examination of the available reports and engineering datum of the Bureau of Reclamation report on the Bowbells Block and other areas of the project to a board of competent engineers and soil experts appointed by the Missouri Souris Projects Association.

Others in the delegation calling upon Mr. Chapman were Senators Milton Young and Langer, and Representatives Aandahl and Burdick. Mr. Christensen told the Commissioners that a report presented Secretary Chapman on the Missouri-Souris Project had been drawn up by Fred Fredrickson, in cooperation with Congressman Aandahl, and was presented to the Secretary by Senator Langer. Mr. W. G. Sloan has been engaged by the Missouri Souris Projects Association to review the findings of the Bureau of Reclamation engineers on the non-irrigability of land on the project and report to the Association. Hon. Oscar Chapman promised the delegation fullest cooperation by the Federal Government in a review study and investigation of the area.

The meeting recessed at 12:30 o'clock for lunch.

The meeting reconvened at 1:30 p.m. with the members of the Water Commission and Dean H. L. Walster and Dr. Norum of the North Dakota Agricultural College present.

Drilling in the Devils Lake area was discussed, and a statement by Dr. Laird read to the Commissioners, in which he stated the City of Devils Lake requested the Geological Survey to pay for part or all of the drilling done recently by a private contractor costing \$875, as they had no funds available at this time. Dr. Laird suggested we could possibly pay \$450 or \$500 from our cooperative funds. The Commission approved the plan as they could see no objections to making these funds available to assist Devils Lake.

Commissioner Thompson, however, said that the City of Devils Lake was willing to pay for two holes, and would go ahead on an additional matching basis if funds were available and recent findings warrant further explorations. Mr. Thompson was in favor of exploring an area three to four miles from town first, and later extending the studies to include the Warwick area.

The Commissioners were informed that the Emergency Commission approved the transfer of \$3,000.00 to the "Engineering and Geological Surveys and Demonstrations" fund from the "Cooperation with U. S. Departments, Small projects, and for organizing Conservation and Irrigation Districts" fund. This money is to be used for additional matching with the U. S. Geological Survey for groundwater surveys.

Dr. Norum, head of the soils department and soil survey crew of the North Dakota Agricultural College, reviewed the work in cooperation with the Department of Agriculture, Bureau of Plant Industry, and the Bureau of Reclamation. He stated that it had been two years since funds were granted to carry on surveys planned in cooperation with the Bureau of Plant Industry representatives and the Bureau of Recla-

mation Land Classification section, and that these surveys made since the fall of 1949 have covered 64,000 acres of basic soil surveys in Renville, Bottineau and McHenry Counties, covering physical and chemical properties of the soil made to determine the classification of land for irrigation purposes. Soil testing laboratories have been set up in cooperation with the Bureau of Plant Industry at Kenmare, Mohall and Mandan. He estimated that about 90% of the area surveyed was of doubtful or poor quality, while 10% could be classified as good permeable and irrigable land. The question presented by Dean Walster was whether they should continue with the soil survey and complete the Renville County survey, as the remaining \$10,000 available will not cover the cost, or move into another area such as New Rockford or Oakes, to obtain other detailed soil information. Mr. Walster stated that in order to keep their trained fieldmen for this work it would require an additional appropriation. As this experimental work is basic in character and will eventually be used by the Bureau, the Water Commission felt this program should be worked out with the Bureau of Reclamation, and that Bruce Johnson be contacted immediately to find out where the next survey tests are to be made and the amount of funds that will be needed.

Commissioner Thompson made a motion that in order that the soil survey may proceed, the Water Commission make available an additional \$10,000 for this work and that the Chief Engineer be instructed to confer with the Bureau of Reclamation to determine whether additional funds will be needed to carry out the program. The motion was seconded by Commissioner Christensen. Upon call of the roll by the Chairman, Commissioners Math Dahl, Olson, E. Dahl, Thompson and Christensen all voted in favor of the motion. Motion carried.

Dean Walster and Dr. Norum left the meeting at 2:50 p.m.

Resolutions were received by the State Water Commission from the Board of Pembina County Commissioners, requesting cooperation in securing allocation of funds for the clearing and snagging of the Pembina River from Walhalla to Pembina City because of the main channel having become blocked from fallen trees and debris. Similar resolutions were also received from the Board of County Commissioners of Walsh County with respect to clearing of the main channels of the Forest River and Park River, which are flooding adjacent land and property. The members of the Water Commission felt that every assistance possible should be given to the counties in bringing the matter to the attention of Congress, in order that federal aid may be secured in alleviating the flood conditions.

The matter of continuing with the program of irrigated gardens in cooperation with the Chamber of Commerce was discussed, and Commissioner Math Dahl made a motion that the Water Commission continue with the irrigated gardens project, in cooperation with the Chamber of Commerce, for the coming season of 1951, which motion was seconded by Commissioner Einar Dahl. Upon call of the roll by the Chairman, Commissioners Olson, Thompson, Christensen, Einar Dahl and Math Dahl all voted aye. Motion carried.

Bruce Johnson, District Manager of the Bureau of Reclamation, Bismarck, entered the meeting at 3:10 p.m.

Mr. Johnson outlined on a map to the Members of the Water Commission the areas of land surveyed and mapped by the Bureau as to their irrigability, basing their conclusions on findings in the James River and Souris River basins. He also discussed diversion from Fort Peck and Garrison Dams, and the use of numerous small pumping plants. He said that by September, 1953, they expect to have completed surveys and analyses of the lands in central North Dakota. He reported the Bureau were investigating all potential reservoir sites for the storage of water, and that they were continuing work on the Jamestown dam site, now estimated at a cost of approximately \$3 million dollars.

6.

Mr. Johnson stated that he would like to discuss the matter of the soil survey work in more detail with Dean Walster and Dr. Norum, as the type of soil survey presently conducted by the North Dakota Agricultural Experiment Station is much more detailed than required by the Bureau of Reclamation at this time in conducting their present investigations.

Mr. Johnson left the meeting at 3:50 p.m.

A cooperative agreement between the North Dakota Water Conservation Commission and the Golden Valley County Commissioners, to be drawn up for the repair and maintenance of Odland Dam in Golden Valley County, was brought before the Commissioners for their approval. A motion was made by Commissioner E. Dahl that the Chairman and Secretary of the State Water Conservation Commission be authorized to represent the Water Commission in signing the cooperative agreement for the repair of Odland Dam, Golden Valley County, with the cost of repair estimated at \$4,500, according to terms of the agreement. The motion was seconded by Commissioner Math Dahl. Upon call of the roll by the Chairman, Commissioners Thompson, Olson, Christensen, Einar Dahl, and Math Dahl all voted in favor of the motion. Motion carried.

After considering the statement of expenses, submitted by Attorneys Sullivan, Kelsch and Scanlon on their time spent in rewriting and drafting laws presented to the legislative committees of the 1951 session, Commissioner E. Dahl made a motion that the Water Commission approve the payment of costs in the amount of \$325 to Attorneys Sullivan, Kelsch and Scanlon, of Mandan, North Dakota, for their assistance in the preparation and presentation of irrigation statutes to legislative committees. The motion was seconded by Commissioner Olson. Upon roll call by the Chairman, Commissioners Einar Dahl, Thompson, Christensen, M. Dahl and Olson all voted in favor of the motion. Motion carried.

The purchase of a 5-ton truck equipped with steel dump body was taken up with the Commissioners. As a truck is needed immediately, the Commission declared an emergency, and instructed Attorney Iver Acker to prepare the following resolution complying with the necessary provisions in declaring an emergency approving purchase of this equipment:

RESOLUTION

"Commissioner Einar Dahl presented the following Resolution and moved its adoption, which motion was seconded by Commissioner Math Dahl:

"WHEREAS, the State Water Conservation Commission immediately and urgently needs a five-ton dump truck in order to carry on its work of repairing dams, meeting emergencies caused by flood waters and in general to carry on the work in which it is engaged, and

"WHEREAS, the national emergency has caused a shortage of the type of truck and body which the work of the Commission requires,

"THEREFORE BE IT RESOLVED that the Chief Engineer and Secretary of the State Water Conservation Commission be and he is hereby authorized to purchase a five-ton dump truck on an emergency basis, that is to say, without the necessity of the usual and formal procedure of advertising for bids.

"Upon roll call all Members of the Commission voted aye and the foregoing resolution was declared duly adopted."

7.

Commissioner E. Dahl made a motion, seconded by Math Dahl, that the Commission advertise for bids on the purchase of a new 15-ton capacity trailer, and that the Secretary and one or more of the members of the Water Commission be authorized to open the bids and accept the best bid in their judgment. Roll was called, with Commissioners Thompson, Olson, Christensen, E. Dahl, and M. Dahl all voting in favor of the motion. Motion carried.

The following water-right applications were presented to the Members of the Commission for their consideration and approval:

It was moved by Commissioner Math Dahl, and seconded by Commissioner Einar Dahl, that the application of Clemens Urlacher, Lemmon, South Dakota, for a permit to divert and appropriate waters of the South Fork of the Cannonball River (Cedar River) for irrigation purposes be granted in the amount of 78.9 acres, not to exceed an annual diversion of 100 acre feet of water, subject to all prior and existing water-rights and appropriations covering the South Fork of the Cannonball River. Upon a unanimous vote of the Members of the Commission, the motion carried.

It was moved by Commissioner Christensen, and seconded by Commissioner Thompson, that the application of Ben Huether, Regent, North Dakota, for a permit to divert and appropriate waters of Chanta Peta Creek, tributary of the South Fork of the Cannonball River for irrigation purposes be granted in the amount of 14.4 acres, and not to exceed an annual diversion of 28.8 acre feet of water, subject to all prior and existing water rights and appropriations covering Chanta Peta Creek. Upon a unanimous vote of the Members of the Commission, the motion carried.

It was moved by Commissioner Olson, and seconded by Commissioner Math Dahl, that the application of Herbert Sprecher, New Leipzig, North Dakota, for a permit to divert and appropriate waters of Turkey Creek and Thirty Mile Creek, tributaries of the North Fork of the Cannonball River for irrigation purposes be granted in the amount of 27.9 acres, and not to exceed an annual diversion of 55.8 acre feet of water, subject to all prior and existing water rights and appropriations covering Turkey Creek and Thirty Mile Creek. Upon a unanimous vote of the Members of the Commission, the motion carried.

It was moved by Commissioner Einar Dahl, and seconded by Commissioner Christensen that the application of John Nordahl, Halliday, North Dakota, for a permit to divert and appropriate waters of Spring Creek, tributary of the Knife River, for irrigation purposes be granted in the amount of 79.9 acres, not to exceed an annual diversion of 100 acre feet of water, subject to all prior and existing water rights and appropriations covering Spring Creek. Upon a unanimous vote of the Members of the Commission, the motion carried.

It was moved by Commissioner Einar Dahl, and seconded by Commissioner Christensen that the application of George Phillips, Williston, North Dakota, for a permit to divert and appropriate waters of the Little Muddy River, tributary of the Missouri River, for irrigation purposes be granted in the amount of 106.4 acres, and limited to an annual diversion of 100 acre feet of water, subject to all prior and existing water rights and appropriations covering the Little Muddy 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 Math Dahl, that the application of Albert M. Schmit, Oakes, North Dakota, for a permit to divert and appropriate waters of the James River in an amount not to exceed 80 acre feet of water on each project annually, for the irrigation of 157.2 acres in Alamo Project No. 1, 157.4 acres in Alamo Project No. 3, and 171.1 acres in Alamo Project No. 4, all located in Dickey County; from Bear Creek, tributary of the James River, an amount not to exceed 80 acre feet annually for the irrigation of 250.8 acres in Alamo Pro-

ject No. 2, Dickey County; and from two wells, also located in Dickey County, an amount not to exceed 80 acre feet of water annually for the irrigation of 149.2 acres in Alamo Project No. 5, and 144.0 acres in Alamo Project No. 6; be granted subject to all prior and existing water rights and appropriations covering the James River, Bear Creek and from wells located on Alamo Projects Nos. 5 and 6 respectively. The Members of the Commission voted unanimously in favor of the motion. Motion carried.

The application of the City of Bismarck for appropriation of water from the Missouri River for municipal purposes has been held up pending a request to be submitted by the city officials for an increase in the amount of water diverted.

Commissioner Einar H. Dahl and Secretary Walsh gave a report to the Commission on their investigation of the Buford-Trenton project on Eight Mile Creek, April 10, 1951, after which a meeting was held at Williston with Arley Bjella, Attorney for the Buford-Trenton Irrigation District, and Mr. Eugene Burdick, Attorney for Mr. Motzko. Both parties agreed at this time to take no further action, providing the Bureau of Reclamation would make the necessary construction adjustments in order that Mr. Motzko would receive water from Eight Mile Creek to irrigate his land which could not be served by the presently constructed main canal and laterals, and that during periods of water shortage, Mr. Motzko would install his own pumping facilities and purchase water from the District.

The meeting adjourned at 4:30 o'clock p.m. to go into executive session.

Salary raises of Water Commission employees were considered by the Commission. Commissioner Olson made a motion, seconded by Commissioner E. Dahl, that the Commission approve the application of Einar Berge, publicity Manager for the Water Commission, for an increase in salary of \$25 per month; and that the salaries of Don Nichols, Ed Hagert, and Vernon Cooper, employees of the Water Commission, and J. J. Walsh, State Engineer and Secretary and Chief Engineer, also be increased in the amount of \$25 per month; and that the Secretary be empowered to increase the salaries of other personnel as he sees fit. Upon roll call by the Chairman, Commissioners Olson, Thompson, E. Dahl, Math Dahl and Christensen all voted in favor of the motion. Motion carried.

Upon recommendation of the Secretary, Commissioner Christensen made a motion, seconded by Commissioner Thompson, that the following appointments be approved by the Water Commission: Don Nichols as Construction Engineer for the State Water Commission, Ed Hagert, as Engineer in charge of investigations and surveys for the Commission, and Vernon Cooper as Assistant Secretary. Upon a unanimous vote of the Commissioners, the motion carried.

The meeting adjourned at 5:00 o'clock p.m.

Respectfully submitted,

ATTEST:


Chairman


Secretary