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STATE WATER CONSERVATION COMMISSION
Minutes of Meeting
Held in Office of State Water Commission in
Bismarck, North Dakota
December 17, 1954

A regular meeting of the North Dakota State Water Conservation Commission was called to order on December 17, 1954, at the State Water Conservation Commission office in Bismarck, North Dakota, to consider regular business matters. The following were present:

MEMBERS OF STATE WATER CONSERVATION COMMISSION:

Honorable Norman Brunsdale, Governor and Ex-Officio Chairman
Curtis Olson, Vice-Chairman, Member from Valley City
Earle F. Tucker, Member from Bismarck
Oscar Lunseth, Member from Grand Forks
Math Dahl, Member from Bismarck, Commissioner of Agriculture and Labor
A. M. Christensen, Member from Minot
Milo W. Hoisveen, Secretary and Chief Engineer, State Engineer

OTHERS PRESENT AT THE MEETING:

Mr. and Mrs. Albert Moen, Churchs Ferry
Mr. and Mrs. John Elspenger, Maza
F. E. Foughty, Attorney-at-Law, Devils Lake
Fred J. Fredrickson, Planning Coordinator, State Water Commission
Mr. Zeibarth, Farmers Home Administration, Bismarck
S. S. Westgate, Assistant State Engineer
I. A. Acker, Special Assistant Attorney General for State Water Commission

The meeting was called to order at 9:45 o'clock a.m. by Vice-Chairman Curtis Olson with Commissioners Earle F. Tucker, Oscar Lunseth, Math Dahl, Fred J. Fredrickson, Planning Coordinator and Secretary Milo W. Hoisveen present.

It was moved by Commissioner Oscar Lunseth, and seconded by Commissioner Earle F. Tucker, that the minutes of the meetings held on October 14, 1954, and October 27, 1954, be approved. All Commissioners voted aye and the motion carried.

It was moved by Commissioner Earle F. Tucker, and seconded by Commissioner Oscar Lunseth, that the Financial Statements for October, 1954, and November, 1954, be approved and filed in the office of the State Water Conservation Commission. All Commissioners voted aye and the motion carried.

Commissioner Earle F. Tucker reported to the Commission that the city of Marmarth is going ahead with the proposed flood protection works. He stated that several city regulations had been changed and that the city is obtaining the necessary rights-of-way and easements. Fred J. Fredrickson, Planning Coordinator for the State Water Commission, stated that he thought the Commission should draw up a resolution indicating their approval and support of the project. Mr. Fredrickson was appointed to draw up a resolution to this effect and present it at the next meeting.

Mr. S. S. Westgate, Assistant State Engineer, entered the meeting at 9:50 o'clock a.m.

Mr. Westgate informed the Commissioners that he had attended a meeting on December 8 in Mott with representatives of the Corps of Engineers and officials from the city of Mott relative to a flood protection project for that city. The plan presented by the Corps calls for the installation of a system of levees. Several other plans have been considered but were unfeasible because of high cost. The main purpose of this meeting was to enable the Corps of Engineers to obtain a letter from the Mott City Commission stating that the city approved the plans and was willing to attempt to meet their share of the cost, which approximated \$200,000. Representatives of the Corps explained that they needed this letter to start the wheels rolling for an appropriation for this project. They also stated that this letter would not irrevocably bind the city to this agreement until after the first contract had been let. The City Commission agreed to give the Corps of Engineers the necessary letter so that work can progress on the project.

Commissioner A. M. Christensen entered the meeting at 10:00 o'clock a.m.

Vice-Chairman Curtis Olson read a letter from Joseph W. Brookhart, District Engineer, U. S. Geological Survey, reporting the operations of the state drilling rig during the months of October and November. The rig is now being stored in Hettinger for the winter.

Commissioner Earle F. Tucker stated that he had several letters addressed to Governor Brunsdale from farmers in the vicinity of Danzig Dam stating the condition of the dam and the need for repairs. It was the opinion of Commissioner Tucker that if the Governor presented these letters to the Land Department they would be encouraged to sell the land to the State Game and Fish Department. The State Game and Fish Department will not participate in the repair of this dam unless they can buy the land as Danzig Dam is located on school property and, therefore, the easements can be revoked if the land is purchased by someone else. Commissioner Tucker was instructed to give the letters to Governor Brunsdale so he could present them to the Land Department.

I. A. Acker, Special Assistant Attorney General for the State Water Commission, entered the meeting at 10:10 o'clock a.m.

Mr. Acker stated that there are some changes needed in legislation relative to land purchases for small projects. Section 61-1415 of the Revised Code of 1943 states that any state lands needed by the United States for irrigation works shall be sold to the United States at the lowest price authorized by law. According to Mr. Acker this law could be very easily amended. The Commission asked Mr. Acker to draw up an amendment so that it could be presented to the next session of the legislature.

Secretary Milo W. Hoisveen read a letter from Roy M. Whitacre, Secretary of the N. R. A. Small Projects Committee, acknowledging receipt of the list of small projects in North Dakota that might be interested in the passage of the Small Projects Bill in Congress and requesting this office to send the enclosed questionnaires and letters to all the small projects in the state. It was decided that Secretary Hoisveen should send these letters out as soon as possible.

I. A. Acker left the meeting at 10:15 o'clock a.m.

Vice-Chairman Curtis Olson read a letter to the Commission from members of the Pembina River flood committee submitting a detailed report of flood damages that occurred from 1948 through 1952 within the flood plain of the Pembina River for study and recommendations by the Commission.

A letter from William W. Felson, Secretary of the Pembina County Board of Drain Commissioners, requesting \$900.00 as the Commission's share in financing Drain #60 was read to the Commissioners by Vice-Chairman Curtis Olson. The estimated cost of this drain was \$2,269.00. Previously the Commission had allocated \$1,600.00 for this drain at which time the cost of constructing the drain was estimated at \$4,000.00. However, since that time rights-of-way have been furnished and the quantity of culverts and installation costs have been reduced which will permit the construction of the drain at a lower cost.

It was moved by Commissioner A. M. Christensen, and seconded by Commissioner Earle F. Tucker, that the State Water Conservation Commission authorize payment of \$900.00 as their share in the construction costs of Drain #60 in Pembina County. Upon roll call by Vice-Chairman Olson, Commissioners A. M. Christensen, Earle F. Tucker, Oscar Lunseth, Math Dahl and Curtis Olson all voted aye. Motion carried.

Vice-Chairman Curtis Olson read a letter from William W. Felson, Secretary of the Pembina County Board of Drain Commissioners, stating that additional funds are needed for the construction of Drain #55. The Commission has already paid \$6,514.00 towards this drain; however, including the \$2,000.00 requested now, the total allocation to this drain would still fall within 40 per cent of the total cost of construction.

Commissioner Oscar Lunseth made a motion that the State Water Conservation Commission authorize payment of an additional \$2,000.00 towards the construction of Drain #55 in Pembina County providing funds are available in the Commission's budget. The motion was seconded by Commissioner Earle F. Tucker and upon roll call by Vice-Chairman Curtis Olson, Commissioners A. M. Christensen, Earle F. Tucker, Oscar Lunseth, Math Dahl and Vice-Chairman Curtis Olson all voted aye. Motion carried.

Secretary Milo W. Hoisveen reported that he and Vice-Chairman Curtis Olson attended a meeting on November 20 at Ellendale with officials of the Bureau of Reclamation, Farmers Home Administration and the Soil Conservation Service and Mr. and Mrs. Ivan Roudine and Mr. and Mrs. Paul Roney relative to the Oakes Irrigation project. The above-named farmers are the only ones that desire to go ahead on their own and irrigate. They each plan to irrigate about 40 acres. The question was raised whether or not the State Water Conservation Commission could financially assist them in any way. Secretary Hoisveen pointed out that if they formed an irrigation district the state could assist them up to 40 per cent of the total cost. According to Secretary Hoisveen, drilling with casing on 12" case with 14" hole with gearhead would run about \$30.00 per foot so for the pump and the well it would cost approximately \$3,500 to \$4,000. The Bureau of Reclamation has made some studies and they feel there is an ample supply of water for the irrigation of 1100 acres.

A letter from Col. Otto J. Rohde, District Engineer for the St. Paul District of the Corps of Engineers, acknowledging receipt of the Mauvais Coulee resolution, was read to the Commission by Secretary Milo W. Hoisveen. The letter stated that the resolution has been forwarded to the Chief of Engineers so that it can be considered when allocations are made for next year.

On December 16 a tour of the Mauvais Coulee area was made by Commissioner Oscar Lunseth, Secretary Milo W. Hoisveen and R. L. Dushinske, editor of the Devils Lake Journal. Senator Milton R. Young was to attend the tour also but was unable to because of bad roads. Commissioner Lunseth reported that 20,000 acres of land are inundated and some farmers are completely flooded out. He further stated that unless some immediate relief is carried out these farmers

will not be able to farm their land this spring either. Some of the farmers are contemplating litigation against the Federal Government for damages.

Mr. Zeibarth of the Farmers Home Administration, Bismarck, entered the meeting at 11:00 o'clock a.m.

Mr. Zeibarth stated that the Farmers Home Administration has a new loan policy by which they can loan associations that have a water conservation program up to \$250,000. The only requirements are that the association could not get a loan from any private company and that the money will be used to provide irrigation and drainage benefits for a large number of farmers. The interest rate on these loans is $3\frac{1}{2}$ per cent and up to 40 years can be allowed for repayment. It was pointed out by Fred J. Fredrickson that under the present state laws there was no way to force the farmer to repay the loan.

Mr. Zeibarth left the meeting at 11:30 o'clock a.m.

Secretary Milo W. Hoisveen asked the Commission if they would direct I. A. Acker, Special Assistant Attorney General for the State Water Conservation Commission, to conduct proceedings for confirmation of the Western Heart River Irrigation contract and if the Commission would authorize payment of filing fees, publication costs, etc., which will cost approximately \$50.00.

It was moved by Commissioner Earle F. Tucker, and seconded by Commissioner Oscar Lunseth, that the State Water Conservation Commission direct I. A. Acker to conduct proceedings for confirmation of the Western Heart River Irrigation contract and authorize payment of the processing fees for the contract. Upon roll call by Vice-Chairman Curtis Olson, all Commissioners voted aye. Motion carried.

Secretary Milo W. Hoisveen reported to the Commission that replies have been received from U. S. Senator Milton R. Young, U. S. Senator William Langer, U. S. Representative Otto Krueger, Styles Bridges, Chairman of the Senate Committee on Appropriations, E. V. Lindseth, Acting Commissioner, Bureau of Reclamation, Carl H. Schwartz, Jr., Chief, Resources and Civil Works Division of the Bureau of Budget, relative to the development farm resolution passed by the State Water Conservation Commission on October 15.

Fred J. Fredrickson, Planning Coordinator for the State Water Conservation Commission, informed the Commissioners that recently he and Secretary Milo W. Hoisveen attended the National Watershed Congress in Washington, D. C. According to Mr. Fredrickson, a great deal of criticism was directed at the Corps of Engineers and the Bureau of Reclamation concerning the management of some of their projects.

Secretary Milo W. Hoisveen pointed out that while in Washington, D. C., several valuable contacts were made relative to projects in North Dakota. During a conference with General E. C. Itchner, Assistant Chief Engineer for Civil Works, U. S. Army, the Marmarth Flood Protection project and the Mauvais Coulee flood problem were brought to his attention. Secretary Hoisveen advised the General that because the flood problem in the Mauvais Coulee area is so acute, the Commission might put one or two crews out in the field along with the Corps of Engineers in order to expedite this survey.

It was reported to the Commissioners by Secretary Milo W. Hoisveen that the State Water Conservation Commission has completed the preliminary survey of the Mauvais Coulee area and have compiled the notes. A request has been made by several farmers residing in the area that the Commission prepare a report on the

results of this survey. Secretary Hoisveen pointed out that such a report might possibly be used by these people if they decide to press charges for damages against the Federal Government.

The meeting recessed at 12:00 o'clock noon to reconvene at 12:45 o'clock p.m. with Vice-Chairman Curtis Olson, Commissioners A. M. Christensen, Earle F. Tucker, Oscar Lunseth, Secretary Milo W. Hoisveen and Fred J. Fredrickson present.

Governor Brunsdale entered the meeting at 1:05 o'clock p. m.

Governor Brunsdale read a letter from General W. E. Potter, Division Engineer, Missouri River Division, Corps of Engineers, requesting that the Governor name a representative for the state to assist in making a report for the Bureau of the Budget. Secretary Milo W. Hoisveen was appointed by Governor Brunsdale as North Dakota's representative for this report.

Secretary Milo W. Hoisveen reported that a survey has almost been completed relative to Wildwood Lake diversion project. This project would be accomplished by diverting water from Painted Woods Creek to restore the level of Wildwood Lake. The results of the survey indicate that the project seems quite feasible. Further studies of the project will be made from the survey which will include a cost estimate of the proposed project.

Mr. and Mrs. Albert Moen, Churchs Ferry, Mr. and Mrs. John Elspeger, Maza, and Mr. F. E. Foughty, Attorney-at-Law, Devils Lake, entered the meeting at 2:00 o'clock p.m.

Mr. F. E. Foughty, Attorney-at-Law, Devils Lake, stated that they were interested in getting all the information that is available relative to the surveys that have been made with particular concern on what effect the man-made barriers have had on this flood condition. They also desire to know if the dam constructed by the Federal Wildlife Service has caused any of the flooding. Mr. Foughty said that if these man-made barriers have caused any of the flooding, then these people have a just claim against the Federal Government or the Federal Wildlife Service. According to Mr. Foughty, some of the farmers affected by the flood conditions have contemplated claiming damages against the Federal Government through the Claims Committee in Congress rather than actually bringing litigation against the Government.

Commissioner Math Dahl entered the meeting at 2:05 o'clock p.m.

Secretary Milo W. Hoisveen informed the above-mentioned delegation that the Commission does not actually have a report on the results of the preliminary survey that was carried out; however, the Commission has prepared a map from the field notes which would be available for study and will afford all interested parties valuable information.

Commissioner Oscar Lunseth pointed out that apparently it was nature, through dust storms, etc., that has filled the coulee rather than the man-made barriers that have been constructed. He also stated that the State Water Conservation Commission could not help them financially but would do everything possible to get the Corps of Engineers to make a complete survey of the area.

Mr. John Elspeger, Maza, stated that they had asked the Federal Wildlife to open the channel many times and finally two weeks ago the Wildlife did open it somewhat.

According to Fred J. Fredrickson, Planning Coordinator for the State Water

Conservation Commission, Senator Milton R. Young is going to attempt to get money to at least start this project when the very first Deficiency Bill comes up in Congress in March. Mr. Fredrickson said that if \$100,000 can be obtained from Snagging and Clearing funds and \$150,000 under the 212 Authority, possibly enough money could be obtained from the Federal Wildlife Service and other agencies to finance the project.

It was moved by Commissioner Math Dahl, and seconded by Commissioner Oscar Lunseth, that three representatives of the State Water Conservation Commission and the State Engineer be authorized to confer with officials of the U. S. Fish and Wildlife Service in Minneapolis as soon as possible relative to lowering the dam they constructed in Mauvais Coulee. Upon roll call by Vice-Chairman Curtis Olson, all Commissioners voted aye and the motion carried.

It was suggested that as many farmers from the area as possible also appear at the conference in Minneapolis. Vice-Chairman Curtis Olson, Commissioner Oscar Lunseth, Commissioner Math Dahl, Planning Coordinator Fred J. Fredrickson and State Engineer Milo W. Hoisveen were delegated to represent the State Water Conservation Commission at this conference. Mr. and Mrs. Albert Moen, Churchs Ferry and Mr. F. E. Foughty stated that they would attend the conference. The Commission also granted permission to Secretary Milo W. Hoisveen to send copies of all the information possible relative to the Mauvais Coulee flood problem to Mr. Foughty.

Secretary Milo W. Hoisveen stated that he had received a letter from Col. H. L. Hille, District Engineer, Corps of Engineers, stating that the Corps of Engineers feels that there is no further need of a flood control study of the Little Missouri River Basin at this time and proposing that this investigation be removed from their books. The Commission decided to defer action on this matter at the present time.

Commissioner Oscar Lunseth reported to the Commission that during the construction of the flood protection works for the city of Grand Forks, a huge dirt fill-in gave in and caused cracking and other damages to houses in the area. The results of soil borings have shown that it will now be necessary to build a concrete dike in view of the fact that dirt will not hold. Consequently, the cost of the project will be increased 25 per cent. The city of Grand Forks desires to know if there is any possible way the State Water Conservation Commission could participate in financing this project. Secretary Milo W. Hoisveen stated that he would check into the situation further.

The meeting adjourned at 3:15 o'clock p.m.

Respectfully submitted,

Milo W. Hoisveen
Secretary

ATTEST:

Norman Lundstedt
Chairman