

## MINUTES OF A SPECIAL MEETING

of the

## STATE WATER CONSERVATION COMMISSION

Held at Devils Lake, North Dakota, Wednesday, November 30,  
1938.

The meeting was called to order in the parlor of the Great Northern Hotel at 1 P. M., Wednesday, November 30, 1938, by Vice Chairman Henry Holt.

The roll was called showing Commissioners Holt, Simons, Olson, Engen and Dahl, present. Governor William Langer and Comm. Frank P. Whitney, absent. The Secretary read letters from Governor Langer and Comm. Whitney wherein they stated it would be impossible for them to attend on account of other pressing business.

Moved by Comm. Olson, seconded by Comm. Simons, that the minutes of the regular meeting held October 26, be approved as written, all members having received copies of same. The motion carried, all Commissioners voting aye.

The Secretary read the notice of a public hearing by the War Department Board of Review for the purpose of making a restudy of the Missouri River Diversion Project, to be held in the Legislative Chamber in the State Capitol Building at Bismarck, North Dakota, at 1 P. M., December 15, 1938.

The Secretary read a report of payments made on individual projects since the last meeting, amounting to \$265.72; also letters from R. B. Millhouse and M. Gudbranson requesting extension of time for making their payments.

It was moved by Comm. Dahl, seconded by Comm. Simons, to extend the time for payment in the case of R. B. Millhouse until he receives his soil conservation payment, and to extend the time of payment of M. Gudbranson to January 1, 1939. The motion carried, all Commissioners voting aye.

The Secretary reported that the Federal Land Bank was foreclosing on R. L. Williamson, Project No. 5, and that Mr. Williamson, being unable to make any payments, had agreed to return the equipment to the Commission. Moved by Comm. Olson, seconded by Comm. Dahl, that the Secretary be authorized to take possession of the equipment and have same stored until such time as it can be used on another project.

Vice Chairman Holt reported that he had sent notices of a meeting to the members of the Tri-State Waters Commission, public officials and others interested, this being the fifth meeting of the Tri-State Waters Commission, to be held in Sisseton, South Dakota, Friday, December 9, 1938, and requested authorization for the members of the Tri-State Committee to travel to Sisseton, December 9.

Moved by Comm. Dahl, seconded by Comm. Simons, that the Commission members of the Tri-State Commission be authorized to attend the meeting at Sisseton, December 9, 1938. On roll call the motion carried, all Commissioners voting aye.

Moved by Comm. Simons, seconded by Comm. Engen, that the Secretary be authorized to issue a Call for Bids covering the Lewis and Clark Irrigation Project intake construction in connection with pumping plant structures. On roll call the motion carried, all Commissioners voting aye.

Commissioner Simons, Chairman of the Irrigation Committee, submitted the following Memorandum of Agreement reached at a conference of Cal A. Ward and Bob Snyder, representing the Farm Security Administration; Judge A. M. Christianson and Iver A. Acker, represent-

ing the North Dakota Rural Rehabilitation Corporation; Kenneth W. Simons and Einar H. Dahl, representing the North Dakota Water Conservation Commission, and others:

The North Dakota Rural Rehabilitation Corporation and the North Dakota Water Conservation Commission will:

1. Immediately purchase additional land in the Lewis and Clark Irrigation District, purchases to include all lands except those which can be developed by present owners.
2. The North Dakota Water Conservation Commission will immediately work out a plan for leveling the land and will begin the work of leveling as soon as weather permits in the spring of 1939.
3. The North Dakota Water Conservation Commission will apply for a WPA project to clear the brush from land purchased this winter and to do everything possible to prepare it for irrigation agriculture in 1939.
4. The North Dakota Water Conservation Commission will prepare and submit to the Farm Security Administration definite recommendations as to the number of families to be located on the project by May 1, 1939, together with recommendations as to how this may, in its judgment, best be done. Such recommendations will include proposals for the leasing and assignment of land to persons who will not immediately be located on the project.

\*\*\*\*\*

The Farm Security Administration will:

1. Begin at once the selection of families for settlement on the Lewis and Clark Project through its family selection service. It is understood that some of the families to be located on the project will be chosen from those who have been dispossessed by the government sub-marginal land purchases.
2. The Farm Security Administration will obtain the services of an engineer who is skilled in preparing plans for the leveling of land and in supervising the work of leveling land, preferably one who has had experience in Malta, Montana, or on some similar project. This is to be done at once. If possible, the Farm Security Administration will pay the salary of such engineer. If it finds this impossible, payment will be made by the North Dakota Water Conservation Commission.
3. The Farm Security Administration will immediately check up on its available machinery, and, if possible, assign to the Lewis and Clark Project such LeTourneau and other suitable equipment which it may have available. If it has no such machinery available it will negotiate with the Farm Security Administration and other regions with a view to obtaining such LeTourneau. These machines are to be on hand at the Lewis & Clark Irrigation Project by March 1, 1939.
4. The Farm Security Administration Will employ a project manager to be assigned to the Lewis & Clark Project and to have full charge of it under the Farm Security Administration, his employment to commence at such time as the Farm Security Administration deems it advisable.

\*\*\*\*\*

The object of this agreement is to push forward all phases of the work of preparing this project and settling people upon it with a view of having as much of it under irrigation agriculture in 1939 as is possible.

November 19, 1938

oved by Comm. Olson, seconded by Comm. Dahl, that the Agreement be approved as read. On roll call the motion carried, all Commissioners voting aye.

Comm. Simons, Chairman of the Irrigation Committee, submitted a copy of a letter written November 20, 1938, to the United States Senator Gerald P. Nye, including a list of nine water development projects, with estimates of cost of construction, which the Commission had already prepared and presented to the Public Works Administration for loans and grants.

The Secretary read the following report submitted by Milo Hoisveen, Project Engineer:

Bismarck, N. Dak. November 9, 1938

To: The State Water Conservation Commission, Bismarck, North Dakota

Gentlemen:

In compliance with the request of your Commission I have made an estimate of the value to the Commission of the canal construction work done by the Sioux Mutual Aid Corporation in connection with an irrigation project near Cartwright, in Sioux Township, McKenzie County, North Dakota, such construction being done during the years 1936 and 1937. The work for which values are here made consisted of a main canal 10,200 feet in length from the Yellowstone River to serve the irrigable lands in the project. Easements for the right-of-way were secured from the landowners by the Sioux Mutual Aid Corporation, and mortgages on these easements were in turn given to the St. Paul Bank of Cooperatives.

In the construction of this main canal 23,580 cubic yards of earthwork was placed without compaction in the canal by an elevating grader following the natural contour of the ground. This method of construction resulted in an excess of material on knolls and a shortage of earthwork in depressions. The first 1800 feet of canal was not constructed at the location shown on the plans. This section of the main canal extended from the river to the higher bench lands, requiring high fills and excessive yardage and is of little value in its present location.

While this main canal contains a very large yardage, in most cases the earthwork as originally placed will be a detriment rather than a benefit to the reconstruction of the canal. Surveys indicate that established grade lines for the canal have not been followed and that water would not flow in the canal.

Actual construction costs of the main canal based on figures obtained from A. G. Jacobson, President of the Sioux Mutual Aid Corporation are as follows:

Gas & Oil.....	\$ 238.00
Labor.....	\$ 123.00
Total.....	\$ 361.00

This work was done by an elevating grader and a caterpillar tractor which were furnished without cost other than the above items by the County Commissioners of McKenzie County. Only about 25% of the yardage (approx. 6,000 cu. yds) placed in the canal by such equipment is of value in the reconstruction of the canal. The cost of this yardage in place which can be used on reconstruction based on a price of 6¢ per cubic yard (a liberal unit price for this type of earthwork construction) is \$360.00. The value of two permanent syphons for roadway crossings with a total length of 60 feet based on replacement is estimated at \$107.00. A tabulation of the total estimated value to the Commission of the canals and syphon structures is as follows:

Earthwork in place.....	\$360.00
2 Syphons for Roadway Cross-	
ings.....	\$107.00
Total.....	\$467.00

I recommend that the State Water Conservation Commission offer the sum of \$500 in settlement of a release by the St. Paul Bank of Cooperatives of its mortgages on right-of-way easements held by the Sioux Mutual aid Corporation.

Approved: Nov. 10, 1938, E. J. Thomas, Chief Engr. (Signed) Milo Hoisveen, Project Engr.

It was moved by Comm. Engen, seconded by Comm. Olson, that the report be referred to the Irrigation Committee with full power to act.

The Secretary read a report of an investigation made by William H. Farmer, Extension Irrigationist, on Project No. 219 located in Eddy County, North Dakota, along the Sheyenne River.

It was moved by Comm. Simons, seconded by Comm. Olson, that the report of Mr. Farmer be referred back for further study. On roll call the motion carried, all Commissioners voting aye.

It was moved by Comm. Olson, seconded by Comm. Engen, that the Secretary wire Technical Advisor George S. Knapp, urging him to attend the Board of Review meeting on Missouri River Diversion at Bismarck, December 15, 1938, and that in the event Mr. Knapp replies that he is unable to attend, that the Secretary request him on behalf of the Commission to prepare a brief for presentation at said meeting. On roll call the motion carried, all Commissioners voting aye.

At 5 P. M. the Vice Chairman declared a recess until 10 A. M., Thursday, December 1. Vice Chairman Holt called the meeting to order at 10 A. M., Thursday, December 1.

Roll call showed Commissioners Holt, Olson, Simons, Engen and Dahl, present. Governor William Langer and Comm. Frank P. Whitney, absent.

Vice Chairman Holt presented the following resolution which was read by the Secretary:

WHEREAS, the Managers of Radio Stations KDLR, Devils Lake; KFJM, Grand Forks; KLPM, Minot; KOVC, Valley City and KOVX, Moorhead, Minnesota, have on this date turned their entire facilities for one hour, 2:45 P. M. to 3:45 P. M., over to a broadcast of addresses during the statewide Missouri River Diversion Meeting in Devils Lake,

AND, WHEREAS, the entire membership of the North Dakota State Water Conservation Commission, S. W. Thompson, President of the Missouri River Development Association, E. J. Thomas, State Engineer, Mark D. Hollis, State Sanitary Engineer, and others, highly appreciate the courtesies extended by the managers of radio stations mentioned above,

NOW, THEREFORE, it is hereby ordered by unanimous vote of the Commission that this written means of thanking these five radio stations be recorded as a part of the permanent minutes of the North Dakota State Water Conservation Commission's special meeting held in Devils Lake, North Dakota, December 1, 1938, at 10:00 A. M.

(Signed) D. J. BEAKEY  
Secretary

(Signed) HENRY HOLT  
Vice Chairman

Moved by Comm. Engen, seconded by Comm. Olson, that the resolution be accepted as read. The motion carried, all Commissioners voting aye.

The Secretary read letters from Governor William Langer; Governor-Elect John Moses; Col. Philip B. Fleming; Dean Holm, Executive Secretary of the Tri-State Waters Commission; Walter J. Maddock, Director Farm Security Administration; E. C. Leedy, Agricultural Development Agent Great Northern Railway; E. H. Mattingly, Postmaster, Jamestown, and the Board of City Commissioners and City Auditor of Bismarck, expressing their regret at their inability to attend the meeting to be held in the Auditorium at 1 P. M., December 1, 1938.

SUPPLEMENTARY REPORT

THE FINANCIAL STATEMENT OF THE STATE WATER COMMISSION  
As of Nov. 28, 1938

Total expenditures as of October 20, 1938 ----- \$155,261.74

	<u>Vo's paid Oct. 31, 1938</u>	<u>Total Expenditures</u>
Administrative Salaries	\$ 623.87	\$ 17,296.63
Administrative Mileage & Expense	82.70	2,525.94
Administrative Office Equipment	8.77	2,812.32
Administrative Office Supplies	33.28	1,286.15
Engineering Salaries, Mileage & Expense	2,484.65	54,626.43
Engineering Office Equipment	-----	1,934.69
Engineering Field Equipment	84.20	1,240.31
Engineering Office Supplies	6.24	839.92
Maps	-----	677.31
Buford-Trenton Irrigation Project	-----	1,800.00
Commissioners Per Diem	425.00	4,865.00
Commissioners Mileage & Expense	489.12	4,372.63
Tri-State Mileage & Expense	174.31	2,032.24
Legal Service	7.75	2,404.10
Legal Service Mileage & Expense	-----	132.82
Printing	135.82	1,029.84
Telephone & Telegraph	93.97	1,122.76
Postage & Express	-----	85.01
Missouri River Diversion	-----	2,481.57
Fieldmen (Salaries, Mileage & Expense)	175.00	5,641.88
Projects (Supplies & Materials)	10,120.46	59,444.83
Preliminary Investigation & Research Chgs.	-----	225.92
Workmen's Compensation	243.12	570.48
Construction Supplies	-----	898.72
Bonding of Employees	-----	2.50
Membership in National Associations	25.00	125.00

\$15,213.26

\$170,475.00

Administrative Appropriation Plus Deposits as of Oct. 20, 1938	\$176,565.9:
Application Fees received in November	15.00
Beneficiary Returns " " "	265.7:
Check from Rural Rehabilitation in November	4,984.1'
	<u>\$181,830.71</u>
Local Expenditures as of October 31, 1938 and	170,475.00
Vouchers Paid November 15th, 1938	4,175.44
Unencumbered Balance as of November 28, 1938	<u>\$ 7,180.31</u>

(\*Approximately \$3,000.00 repayable to the Commission by Rural Rehab. Corp. on Vouchers Paid Nov. 15, 1938)

The Commission went into conference with Mr. S. W. Thompson, President of the Missouri River Diversion Association, for the purpose of assigning subjects to the proper individuals for presentation at the Board of Review Hearing to be held at Bismarck, Thursday, December 15, 1938.

Moved by Comm. Engen, seconded by Comm. Dahl, that we engage the services of S. W. Thompson to assemble data and conduct the presentation of testimony before the Board of Review on Missouri River Diversion at Bismarck, December 15. On roll call the motion carried, all Commissioners voting aye.

No further business appearing, the Vice Chairman declared the meeting adjourned at 12:15 P.M.

APPROVED:

Respectfully submitted,

Vice Chairman

D. J. Beakey, Secretary (S E A L)

- - - - -

A general meeting of public officials and citizens of the State of North Dakota was called to order by Henry Holt, Vice Chairman, of the State Water Conservation Commission in the Memorial Building at Devils Lake, at 1 P. M., Thursday, December 1. The number in attendance was estimated at 750 persons.

After calling the meeting to order, Vice Chairman Holt requested Mr. S. W. Thompson, President of the Missouri River Diversion Association, to preside. On taking the gavel, Mr. Thompson stated the purpose of the meeting and expressed his pleasure at the large attendance. He read telegrams from Governor William Langer; Governor-Elect John Moses; United States Senator Gerald P. Nye; P. H. McGurren, State Highway Commissioner; Elmer Olson, Secretary, Board of Railroad Commissioners; K. G. A. Springer, Executive Secretary, Chamber of Commerce, Aberdeen, South Dakota; Everett C. Knutson, Secretary, Walhalla Civic Club; Ira Krueger, Mayor, and members of the City Commission, Aberdeen, South Dakota, all expressing their interest in the purpose of the meeting and regret for their inability to attend.

Mr. Fred Orr, North Dakota Press Association, made arrangements for broadcasting the main speakers of the meeting over Radio Stations KDLR, KFJM, KLPM, KOVC, and KOVX. Speakers at the meeting included Henry Holt, Vice Chairman of the State Water Conservation Commission; Kenneth W. Simons, Chairman of the Irrigation Committee of the State Water Conservation Commission; M. D. Hollis, State Sanitary Engineer; E. J. Thomas, State Engineer; W. J. Maddock, Director, Farm Security Administration; Burnie Maurek of the Biological Survey, Omaha, Neb.; Dow I. Sears, City Manager, Huron, South Dakota; Eugene Denning, Chamber of Commerce, Huron, South Dakota; P. J. Murphy, Grafton; D. W. Hulterstrom, State Game and Fish Commissioner; Father Herman Mandry, Garrison; E. W. Ryall, Michigan, N. Dak; Clarence Sagen, Edmore; Peter Sheffelund, Van Hook; L. B. Molander, Harvey; P. W. Eddy, Jamestown; W. P. Davies, Grand Forks Herald, Grand Forks; Earl McFadden, Mayor, Grand Forks; A. Wartner, Harvey; M. O. Ryan, Secretary, Greater North Dakota Association; W. P. Tarvell, City Engineer, Fargo; and F. J. Fredrickson, Mayor, Valley City.

A stenographic transcript of the meeting was made by Gladys M. Tompkins, official court reporter, Devils Lake, which is on file in the office of the State Water Conservation Commission.