

MINUTES OF A MEETING  
OF THE  
STATE WATER CONSERVATION COMMISSION

Held in the Water Commission Office, Thursday, June 11, 1942.

The regular meeting of the State Water Conservation Commission was called to order at 10:10 A.M., Thursday, June 11, 1942, in the office of the Commission. Roll was called with Vice Chairman Holt, Comms. Thompson and Simons present. Governor Moses and Comm. Dahl absent. Vice Chairman Holt presided.

Minutes of the last meeting of the Commission, held in Bismarck on April 9, 1942, having been sent to each Commissioner, and no errors being noted, it was moved by Comm. Simons, seconded by Comm. Thompson, that the minutes of the meeting be approved. The motion carried, all Commissioners voting aye.

Financial Reports were handed out to each Commissioner. Inasmuch as there were no errors noted and no changes required, Comm. Thompson moved and Comm. Simons seconded approval of the financial reports and directed that they be placed on file. The motion carried, all Commissioners voting aye. Copies of same enclosed herewith.

The Secretary reported that the "thank you" letters had been written to the American Legion, Chambers of Commerce, etc., as requested in the meeting of April 9, 1942. The Secretary read letters received in response to the "thank you" letters, from Mr. Lynn Stambaugh, National Commander of the American Legion, and from Mr. Stan Laskey, Department Commander of the North Dakota American Legion. Mr. Tucker also read a letter received from Mr. W. W. Blain, Executive Secretary of the Grand Forks Civic and Commerce Association.

The Secretary submitted a report on the Cedar River Mutual Aid Corporation written by Mr. I. A. Acker, on their trip to the projects. The Secretary enumerated items taken from Mr. Acker's report as to why the projects have been failing. There was a brief discussion of the projects by the Commissioners. Copies of the report enclosed herewith. It was agreed by the Commission that no action would be taken at this time other than to keep in touch with the projects to see that the Commission's interests are protected.

The North Dakota Blue Book and Mr. Leifur's book, "Our State North Dakota," were brought to the attention of the Commission. The Secretary was instructed by Vice Chairman Holt to write letters of appreciation to Mr. Leifur and Mr. Herman Thorson.

Comm. Thompson suggested that as long as the Board of Education is in session, the Commission ought to try to get a course on irrigation in normal schools. It was explained to Comm. Thompson that Mr. Leifur attended an educational convention in Fargo, and action was taken at that time.

The Secretary gave a brief report on the Dickinson Meeting held on Wednesday, June 10th. Mr. Tucker stated that Dickinson intended to organize into a conservancy district to build a project. Comm. Simons suggested that the Secretary help Dickinson in every way possible, and that the irrigation committee could handle the matter.

57

The Secretary reported that the Business and Professional Women's Club passed a resolution commending the Water Commission for their irrigation plans and to advise the Water Commission that they were whole-heartedly behind the Commission. Comm. Simons and Mr. Tucker spoke at the Convention held in Bismarck on May 23rd.

The Secretary reported that no action could be taken in preparation for the Yellowstone River Compact Commission until reports were received by the Bureau and the Army.

Vice Chairman Holt reported on the Wild Life Federation Convention held in Devils Lake - that Comm. Thompson and Mr. Tucker gave very fine speeches and created a great deal of interest in irrigation. Comm. Thompson reported that on Monday, May 25th, Mr. Tucker gave an even better speech to the civic clubs of Devils Lake.

The Secretary read a letter from Mayor Hocking of Devils Lake. It was suggested by Vice Chairman Holt that the Secretary write Mayor Hocking a brief outline of the steps taken both by the Army Engineers and the Bureau of Reclamation, and close by saying that "we have to eventually organize a conservancy district in North Dakota, and we shall look to Devils Lake to furnish leadership and assistance."

In regard to the Missouri States Committee meetings in Omaha on the 19th and 20th of June, Comm. Thompson suggested that the Commission move to send Mr. Tucker down to Omaha to represent the Commission. Comm. Thompson further suggested that the American Legion and the Reclamation Association should be advised of the Omaha meetings, and it should be suggested that they send Mr. Orlady and Mr. Polk, respectively, down to these meetings. The Secretary said that in the letters, he would advise the two organizations that the Commission would be unable to finance the trips for these two men. Vice Chairman Holt suggested that the Commission should authorize expenses to be paid for Mr. Frank P. Whitney of Dickinson to attend these meetings. Comm. Thompson moved that with the approval of the Governor, Mr. Tucker and Mr. Whitney will represent the Commission at the National Resources Planning Board meetings to be held in Omaha on June 19th and 20th; and that further, Mr. Tucker be authorized to attend the Tri-State Waters Commission Meeting on June 22nd, in St. Paul at 10:00 A.M. Comm. Simons seconded the motion. Roll was called with Vice Chairman Holt and Comms. Simons and Thompson voting aye. Governor Moses and Comm. Dahl absent. Motion carried.

There was a general discussion on Commissioners drawing per diem for out of town trips, and it was generally agreed that if the person traveling had the Governor's written permission, he is entitled to draw per diem.

The Secretary was requested by Vice Chairman Holt to submit travel authorization applications to the Governor for Vice Chairman Holt's and Mr. Tucker's attendance at the Tri-State Waters Commission meeting in St. Paul on June 22nd.

Comm. Simons stated that he was going to Dickinson, Saturday, June 13th, to speak at a Bankers Convention, and that the "Commercial West" had asked for a copy of his speech. Comm. Simons stated that a copy of his speech would probably appear in the magazine. Comm. Simons further stated that he felt additional impetus could be added to the water program if emphasis was made on the value of these programs to the contractors, suppliers, etc., in North Dakota and in Minnesota.

Vice Chairman Holt suggested to Comm. Simons that in his talk at Dickinson he might mention the fact that flood conditions had been averted in the Red River Valley due to the Commission's work on the Bois de Sioux. Comm. Simons suggested that a resume be prepared on the Bois de Sioux. Vice Chairman Holt gave a brief explanation of the work of the Bois de Sioux. Vice Chairman Holt suggested that a press release be prepared for publication on Friday, June 12th, and Comm. Simons said that he and the Secretary would do so on June 12th. Vice Chairman Holt suggested that Mr. Tucker call Colonel J. W. Moreland, U. S. Army Engineers, St. Paul, on Friday for further details.

The Secretary suggested that in the future when Commissioners went on business trips for the Commission, they prepare a brief report of their trips, submitting same to the commissioners. This they agreed to do.

It was suggested that the Secretary work with the Tri-State Waters Commission on the Goose River and Forest River appeals.

The Commissioners agreed to support the Governor's stand on the Japanese evacuees situation.

In regard to the War Materials Bill and the power controversy, it was decided there was nothing to be done at this time, other than to write a carefully-worded letter to Secretary Ickes which would be limited to an expression of interest in the proposed power or steam plant at Garrison. Comm. Simons suggested that the letter should be limited to a general expression of support and interest. Vice Chairman Holt suggested that without committing the Commission, it might be all right to send a letter suggesting that the Commission is interested in the development of irrigation along the Missouri River, and if the power development fits into the Commission's plans, the Commission would like to know. Comm. Simons stated that he thought they could go further and give a mild approval to that extent. Vice Chairman Holt further advised the Secretary it would be all right to state that the Commission would like to meet with their representatives if they were passing through this area. It was suggested that this letter be submitted to the Governor for his approval before being sent out.

Governor Moses, Vice Chairman Holt and Mr. Tucker will attend the Crosby Meeting to be held on Monday, June 29, 1942.

The Secretary explained that the Commission is endeavoring to back the Lower Yellowstone Irrigation Pumping District in their attempt to reach an agreement with the Sidney Water Users' Association and the Montana Water Board, but that so far, no worthwhile results have been accomplished.

The Secretary read a letter from Mr. Bert Groom, Secretary of the Agricultural Committee of the Greater North Dakota Association.

Comm. Thompson presented a written report on the National Rivers and Harbors Congress to the Governor. Comm. Thompson informed the Commission that he met with Mr. F. O. Hagie, Secretary of the National Reclamation Association, and that Mr. Hagie expressed a willingness to meet with North Dakota people on the subject of irrigation, and that he would bring with him Mr. John C. Page, Commissioner of the Bureau of Reclamation, Mr. W. G. Sloan, Engineer from Denver, Bureau of Reclamation, and Judge Stone of Denver, Colorado, who organized the Colorado Conservancy District. It is Commissioner Thompson's opinion that the Secretary

should begin negotiations with Mr. F. O. Hagie with the view to having a large meeting called within the state some time in the late summer or early fall, at such time, at any rate, as it is convenient for Mr. Hagie to be here with Commissioner Page, Mr. Sloan and Judge Stone. The purpose of the meeting would be to call the people of the state together on the need for irrigation and water conservation and to get assistance in the organization of our conservancy district. Comm. Thompson further stated that we should have representatives from the American Legion, State Reclamation Association, Greater North Dakota Association, various cities and municipalities, all candidates for state legislature that were nominated in the June primaries, the Agricultural College, University of North Dakota, various State Teachers Colleges, Directors of the Farmers Union, Business and Professional Women's Club, County Extension Agents and the Aberdeen Civic Association.

Vice Chairman Holt suggested that the Secretary should write to Mr. Groom and thank him for his letter and advise him that the Commission will work on plans for calling together all groups of North Dakota, including the Greater North Dakota Association, for a very important meeting, at which time it is expected that representatives of the Bureau of Reclamation and Judge Stone of Colorado will be present.

The Secretary was requested to forward copies of Comm. Thompson's report to Governor Moses and to Mr. Bert Groom, G.N.D.A.

The Secretary explained that the Joint Commission desired a report on all of the dug-outs that were permitted to be built in North Dakota. He further explained that the Biological Survey had rights to almost all of the streams in North Dakota, and that the Commission ought to dissolve the Mouse River Commission appointed by Governor Welford. The Secretary stated that the Fish and Wild Life Service has been asked to release water to Mr. W. W. Mandigo and to Mr. Drake and Mr. Newcomer on Long Lake. The Secretary was asked to ascertain on what streams the Government had not filed water plans, and their water rights should be taken away on these streams. It was Comm. Thompson's opinion that no more water rights should be granted, but rather permission should be given to use water until such time as the Commission decided to develop the stream which would benefit others as well, or until such time as a greater use for a greater public need develops. Vice Chairman Holt suggested that this would be placed on the agenda for the next Commission Meeting.

It was moved by Comm. Simons and seconded by Comm. Thompson that the Secretary be directed to notify all agencies of the Federal Government which have failed to comply with Section 8270 of the compiled laws of North Dakota, that the water rights heretofore granted have been cancelled by reason of their non-compliance with the law. Roll was called with Comms. Thompson, Holt and Simons voting aye. Gov. Moses and Comm. Dahl absent. Motion carried.

Comm. Simons gave an explanation of the Commission's attempts to obtain easements in connection with the Victory Gardens, and their failure to obtain easements from Mr. C. S. McCulloch and Mr. A. C. Harke, as well as from Wachter Brothers and Gussners.

Mr. C. S. McCulloch, Bismarck, came into the meeting, and after lengthy discussion with the Commissioners, it was agreed that Mr. Tucker and Mr. Walsh would go to Mr. McCulloch and work out a plan for the right-of-way agreeable to all.

Mr. McCulloch left the meeting.

Mr. A. C. Harke of Bismarck came into the meeting. Mr. Harke agreed to grant to the Commission the right to the land which they required for the ditch. It was decided that Mr. Tucker and Mr. Walsh would stake out the required land for Mr. Harke's information.

Mr. Harke left the meeting.

It was moved by Comm. Simons and seconded by Comm. Thompson that the irrigation committee be authorized to institute on behalf of the Commission, such condemnation proceedings against any land owner or owners as may be necessary to obtain a right-of-way for ditches and other structures on the Bismarck Irrigation Project now being constructed by the Commission. Roll was called with Vice Chairman Holt, Comms. Thompson and Simons voting aye. Governor Moses and Comm. Dahl absent. Motion carried.

Comm. Thompson left the meeting.

Governor Moses came into the meeting.

Comm. Simons explained that the Commission had \$7,200 of trust money lying down in the Bank of North Dakota for the various bond issues, and suggested that this money be invested in defense bonds. It was moved by Comm. Simons and seconded by Governor Moses that the \$7,200 of trust money that the Commission had in the Bank of North Dakota should be invested in defense bonds. Roll was called with Governor Moses, Vice Chairman Holt and Comm. Simons voting aye. Comms. Thompson and Dahl absent. Motion carried.

Governor Moses asked the Secretary to show him the letter written to Mr. Groom of the Greater North Dakota Association before sending the letter to Mr. Groom. Governor Moses also asked the Secretary to send him a copy of the letter from Mr. Groom.

In regard to the Commission check on deposit for Section 21, the Secretary was instructed to communicate by letter with the Attorney General, calling attention to the many conferences he has had in the past with the Attorney General and members of his staff relative to the legal status of the controversy now existing between the State Water Conservation Commission and Wachter Brothers relative to the Mellon land. The Secretary was further directed to ask the Attorney General to make a thorough and careful check-up on the entire situation with a view to furnishing the Water Commission with his opinion as to the legal rights of the Commission to the premises. The Governor stated that if the Commission did not have a good law suit, the matter should be dropped; and if so, it should be tried in Court.

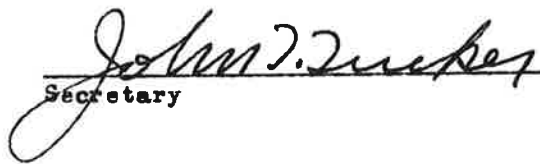
Governor Moses left the meeting.

There being no further business, the meeting adjourned at 5:20 P.M., to the call of the Chair.

ATTEST:

Respectfully submitted,

  
Chairman

  
Secretary

Comm:cl

NORTH DAKOTA STATE WATER CONSERVATION COMMISSION  
Monthly Report of Accounts as of April 30, '42  
1941 - 1943 Appropriation

No.	Name of Account	Total Approp. 24 Mos.	Expended to 3/31/42	April ex- penses	Total ex- penses, 4/30/42	Total Income	Bal. Avail. 4/30/42	¼ Approp held 'til 1/1/43	Bal. Avail. next 8 months	Bal. avail. per mo.
1.	Commissioners' Per Diem	3,000.00	609.00	98.00	707.00		2,293.00	750.00	1,543.00	192.88
2.	Administration (Balance due 1937-41 Approp.)	25,000.00 4,696.41	18,483.97	1,668.77	20,152.74	3,237.94	12,781.61	6,250.00	6,531.61	816.45
3.	Construction Bond Guarantee (Balance due 1939-41 Approp.)	40,000.00 35,300.00		1,800.00	1,800.00		73,500.00	10,000.00	63,500.00	7,937.50
4.	Maintenance existing dams	4,000.00	2,553.35	138.55	2,691.90		1,308.10	1,000.00	308.10	38.51
5.	Engineering & Soil Surveys	1,000.00		54.00	54.00		946.00	250.00	696.00	87.00
6.	Little Missouri, Grand, etc.	700.00	517.18		517.18		182.82	175.00	7.82	.98
7.	Pembina, Tongue, Park, etc.	250.00	60.00		60.00		190.00	62.50	127.50	15.94
8.	James, Wildrice Rivers, etc.	150.00					150.00	37.50	112.50	14.06
9.	Invest. Surveys, Designs, etc.	2,000.00	926.66	49.50	976.16		1,023.84	500.00	523.84	65.48
10.	Evaluation Economic Benefits	300.00	57.94		57.94		242.06	75.00	167.06	20.88
11.	Reports & attendance at conf.	1,500.00	780.99	30.01	811.00		689.00	375.00	314.00	39.24
12.	Tri-State Waters Commission	7,500.00	2,170.37	207.50	2,377.87		5,122.13	1,875.00	3,247.13	405.89
13.	Indep. Invest. and reports	1,000.00	162.76	65.00	227.76		772.24	250.00	522.24	65.28
14.	International & Interstate	1,500.00	358.06	80.00	438.06		1,061.94	375.00	686.94	85.87
15.	Topographic Mapping	3,000.00	2,205.50		2,205.50		794.50	750.00	44.50	5.56
16.	Coop. in obtaining Water Fac.	3,000.00	1,236.20	119.84	1,356.04		1,643.96	750.00	893.96	111.75
17.	Designs, reports and conf.	500.00					500.00	125.00	375.00	46.88
18.	Salary, State Engineer	4,400.00	1,649.97	183.33	1,833.30		2,566.70	1,100.00	1,466.70	183.33
19.	Hydrographic Survey	3,500.00	1,231.53	158.69	1,390.22		2,109.78	875.00	1,234.78	154.35
		142,296.41	33,003.48	4,653.19	37,656.67		107,877.68	25,575.00	82,302.68	10,287.83
						3,237.94				

Income for April, 1942 - \$ 525.57  
Expense for April, 1942 - 4,742.20

6/9/42  
FD:hn

NORTH DAKOTA STATE WATER CONSERVATION COMM.  
Monthly report of Accounts as on May 31, '42  
1941-1943 Appropriation

No.	Name of Accounts	Total Approp. 24 Mo.	Expended to 4/30/42	May Expenses	Total Expenses 5/31/42	Total Income	Balance Avail. 5/31/42	Approp. to be held 1-1-42	Bal. Avail. in next 7 months	Balance Avail. per month
1	Commissioners Per Dien	3,000.00	707.00		707.00		2,293.00	750.00	1,543.00	220.43
2.	Administration (Admin. Bal. due 1937-41 Ap.)	25,000.00 4,696.41								
3	Construction Bond Guarantees (Balance due 1939-41 Approp.)	40,000.00 35,300.00	20,152.74	1,730.42	21,883.16	3,287.52	11,100.77	6,250.00	4,850.77	692.97
4	Maintenance Existing Dams	4,000.00	2,691.90		2,691.90	*582.58	73,500.00 1,890.68	10,000.00 1,000.00	63,500.00 890.68	9,071.43 127.24
5	Engineering & Soil Survey	1,000.00	54.00		54.00		946.00	250.00	696.00	99.43
6	Little Missouri, Grand, etc.	700.00	517.18		517.18		182.82	175.00	7.82	1.12
7	Pembina, Tongue, Park, etc.	250.00	60.00		60.00		190.00	62.50	127.50	18.21
8	James, Wildrice Rivers, etc.	150.00					150.00	37.50	112.50	16.07
9	Invest. Surveys, Designs, etc.	2,000.00	976.16	37.60	1,013.76		986.24	500.00	486.24	69.46
10	Evaluation Economic Benefits	300.00	57.94		57.94		242.06	75.00	167.06	23.87
11	Reports & attend. at Conf.	1,500.00	811.00		811.00		689.00	375.00	314.00	44.86
12	Tri-State Waters Commission	7,500.00	2,377.87	290.90	2,668.77		4,831.23	1,875.00	2,956.23	422.32
13	Indep. Invest. and Reports	1,000.00	227.76		227.76		772.24	250.00	522.24	74.61
14	Inter. and Interstate	1,500.00	438.06		438.06		1,061.94	375.00	686.94	98.13
15	Topographic Mapping	3,000.00	2,205.50		2,205.50		794.50	750.00	44.50	6.36
16	Coop. in Obtaining Water Fac.	3,000.00	1,356.04	29.90	1,385.94		1,614.06	750.00	864.06	123.43
17	Designs, Reports and Conf.	500.00					500.00	125.00	375.00	53.57
18	Salary, State Engineer	4,400.00	1,833.30	183.33	2,016.63		2,383.37	1,100.00	1,283.37	183.33
19	Hydrographic Survey	3,500.00	1,390.22	224.66	1,614.88		1,885.12	875.00	1,010.12	144.30
Totals.....		142,296.41	37,656.67	2,496.81	40,153.48	3,870.10	106,013.03	25,575.00	80,438.03	11,491.14

\* Money received from Game and Fish Department for payment of work done on Lisbon Dam.  
This \$582.58 was spent on June 1, 1942.