

MINUTES OF A MEETING  
OF THE  
STATE WATER CONSERVATION COMMISSION --

Held in Commission Office, Capitol Building, January 5, 1943.

A meeting of the State Water Conservation Commission was called to order at 10:30 A.M. Tuesday, January 5, 1943, in the Commission Office in the Capitol Building, Bismarck. Roll was called with Comms. Thompson, Dahl and Simons present, Governor Moses absent.

It was brought to the attention of the Commission that Mr. Henry Holt, Vice-Chairman, had resigned from the Commission effective January 1, 1943, and his resignation had been accepted, leaving a vacancy on the Commission.

It was moved by Comm. Thompson and seconded by Comm. Simons that Comm. Dahl preside at the meeting. Motion carried, all Commissioners voting aye.

Mr. W. L. Gardner, New England, North Dakota, was present at the meeting.

It was moved by Commissioner Simons and seconded by Commissioner Thompson that the minutes be approved and placed on file. Motion carried, all Commissioners voting aye.

Mr. Al Dexter, Agricultural Development Agent, Northern Pacific Railroad Company, St. Paul, Minnesota came into the meeting.

Mr. Milton K. Higgins, Special Assistant Attorney General, came into the meeting.

It was suggested by Commissioner Dahl that representatives of the Greater North Dakota Association, North Dakota Reclamation Association, Farmers Union, Northern Pacific Railway Company, etc., be asked to meet in the Commission Office at approximately 3:00 P.M., that afternoon, to discuss various matters with the Commission.

Commissioner Thompson explained to Mr. Higgins the various steps that have been taken and should be taken in the Harke condemnation proceedings, which Mr. Higgins has been asked to handle for the Commission. There followed considerable discussion in this regard.

Mr. Bert Green, Secretary of the Greater North Dakota Association, Fargo, North Dakota, came into the meeting. Mr. W. L. Gardner suggested that Mr. John Rovig, Secretary of the North Dakota Reclamation Association, Mandan, be invited to attend the meeting in the afternoon.

Mr. Higgins requested that he be mailed copies of all papers and letters in connection with the Harke condemnation proceedings, which are available in the office of the Commission. Mr. Higgins further requested that Mr. Tucker check to ascertain if it would be desirable to refer to any of the various rights of way to the Harke land in the condemnation proceedings. If the rights of way are easements, it would be unnecessary to mention them. It is also possible that there is a county tax deed on file on this land.

Mr. Higgins left the meeting.

It was moved by Commissioner Simons and seconded by Commissioner Thompson that the financial reports be approved and placed on file. Motion carried, all Commissioners voting aye.

The Secretary informed members of the Commission of the new gaging stations which it is desirable to construct throughout North Dakota, as suggested by the U.S.

Geological Survey. The Bureau of Reclamation will install these stations, and the U.S. Geological Survey and the Water Commission will cooperate fifty-fifty on monthly expenses. Provided funds are made available for this purpose, and approval is received from the Commission.

It was moved by Commissioner Sigens and seconded by Commissioner Thompson that the Secretary and Chairman of the Commission be asked to apply to the Emergency Commission for permission to transfer \$950.00 from Item 16 - Cooperation in Obtaining Water Facilities - of the Commission's current budget to Item 19 - Hydrographic Surveys. Roll was called with Commissioners Thompson and Simons and Dahl voting aye. Governor Moses absent. Motion carried.

Miss McDonald, Bookkeeper was called into the meeting to be present at the presentation of the above motion, and left the meeting immediately afterwards.

It was suggested to the Secretary that he contact Mr. John Revig, Secretary of the North Dakota Reclamation Association and inform him that if he edits and makes abstracts of the minutes of their convention held in Mandan on October 5th and 6th, the Water Commission will type approximately six copies of same for the Reclamation Association's use.

With regard to the graphs which have been prepared in the Commission office to show population trends, rainfall trends, etc., it was moved by Commissioner Thompson and seconded by Commissioner Simons that the Secretary be authorized to have 2,000 copies of these economic graphs printed. Roll was called with Commissioners Thompson Simons, and Dahl voting aye. Governor Moses absent. Motion carried.

The Secretary was requested to contact Mr. O. J. Nygaard, Warden of the State Penitentiary, in an effort to ascertain if the Penitentiary could utilize the 20 acres of land in the NW $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 27, Township 138 North, Range 80 West. This land is owned by Mrs. Leon Tucker, who wishes to sell same to the Commission.

With reference to the letters which have been sent to the Commission on drainage problems, in the Red River Valley, the Secretary was requested to inform these interested parties that there were not funds available for the drainage of ditches, at the present time.

Meeting recessed at 12:30 P.M. to reconvene at approximately 2:30 P.M.

Meeting reopened at 2:55 P.M. with Commissioner Simons, Thompson and Dahl present. Governor Moses absent. Commissioner Dahl presided.

The following gentlemen were present at the meeting:

- Mr. John Haw, Director, Agricultural Development Department, Northern Pacific Railway Company, St. Paul, Minnesota.
- Mr. Al. Dexter, Agricultural Development Agent, Northern Pacific Railway Company, St. Paul, Minnesota.
- Mr. W. L. Gardner, New England, North Dakota
- Mr. Bert Groom, Fargo, North Dakota
- Mr. Fred J. Fredrickson, Executive Director of the North Dakota Resources Board, Valley City, North Dakota
- Mr. John Revig, Mandan, North Dakota
- Mr. Alex Lind, Farmers Union Representative, Williston, North Dakota

Mr. Bert Groom presented a resolution passed by the Greater North Dakota Association in support of the Water Conservation Commission Program. It was moved by Comm.

Thompson and seconded by Commissioner Simons that the resolution of the Greater North Dakota Association be received and placed on file. Motion carried, all Commissioners voting aye.

Lt. Governor Henry Holt, former Vice-Chairman of the Water Commission, and Mr. Harry Pelk, Director of the National Reclamation Association, Williston, North Dakota, who were invited to attend the meeting, came in.

A lengthy discussion followed regarding the proposed budget and legislation, after which the above named men left the meeting.

Commissioner Thompson was authorized by the Commission to read over the Biennial Report of the Water Commission for approval or criticism, as the report is completed and ready for printing.

It was moved by Commissioner Thompson and seconded by Commissioner Simons that the letter dated December 29, 1942, containing an opinion by the Attorney General on the State Planning Board duties, be approved and placed on file. Motion carried, all Commissioners voting aye. The Attorney General stated that inasmuch as there was no provision made in the law for the Water Commission assuming the duties of the State Planning Board, no such duties devolved upon the Water Commission.

Motion was made by Commissioner Simons and seconded by Commissioner Thompson that the Secretary be authorized to enter into a "deal" with the State Engineer of Wyoming to pay North Dakota's share of the costs on the printing of the Yellowstone River Compact (1000) copies, provided the compact does not have to be reprinted by the legislature as a bill. Roll was called with Commissioners Simons, Thompson and Dahl voting aye. Governor Moses absent. Motion carried.

Discussion was held on the Mouse River situation. Commissioner Thompson raised the question as to whether the Water Commission had any right to enter into the controversy between the Eaton Flood Irrigation Project and the Fish and Wildlife Service.

Motion was made by Commissioner Thompson and seconded by Commissioner Simons that the Secretary be instructed to contact the Office of the Attorney General with a view to procuring an opinion relative to the rights of the Water Commission to exercise control over the waters of the Mouse River or any other stream within the state in a controversy existing between the Department of Agriculture through the Fish and Wildlife Service and other users of water on that stream who had either made use of that water prior to the time when the agricultural department filed its letter for water rights, or by reason of any contracts entered into between the Agricultural Department and the water users along the Mouse River, and that the Secretary also be asked to suggest to the Attorney General that he might confer with Mr. I. A. Acker who is familiar with the facts and who has given study to laws in connection therewith. Motion carried, all Commissioners voting aye.

With reference to the price for which the Commission will rent six acres of Bismarck Victory Garden to St. Mary's Convent - for the Convent, Old Peoples Home, etc., it was moved by Commissioner Simons that the Secretary set the rental price, but that cost for same be not less than \$50.00 for the six acres of land. Commissioner Thompson seconded the motion. Motion carried, all Commissioners voting aye.

The Commission would like to obtain the use of the 13 acre alfalfa patch leased by Mr. W. A. Leach from the Indian Service, adjoining the Bismarck Victory Gardens. It was moved by Commissioner Thompson and seconded by Commissioner Simons that the Secretary and the Chairman of the Irrigation Committee be authorized to confer with the Adjutant General and Mr. Leach, in an effort to get for the Commission's use all, or

a portien of the alfalfa land which Mr. Leach has leased on the Indian Service Land. Motion carried, all Commissioners voting aye.

It was moved by Commissioner Thompson and seconded by Commissioner Simons that the Commission pay the \$100.00 dues to the National Rivers and Harbors Congress. Roll was called with Commissioners Simons, Thompson and Dahl voting aye. Governor Moses absent. Motion carried.

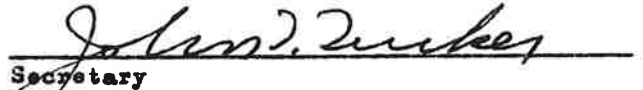
It was requested that the Secretary send copies of Mr. Fredrickson's report dated Decenember 23, 1942, to each member of the Commission.

It was moved by Commissioner Simons and seconded by Commissioner Thompson that the Secretary be authorized and requested to go himself, or send a representative of the Commission to a meeting in Omaha, Nebraska, at which the Army Engineers are to discuss a report on the Missouri River Diversion on January 10th, provided permission is received permitting a member of the Commission to attend such meeting. Roll was called with Commissioners Simons, Thompson and Dahl voting aye. Governor Moses absent. Motion carried.

It was moved by Commissioner Simons and seconded by Commissioner Thompson that Mr. Oscar W. Hagen, Watford City, be employed for a period of three days to do special work for the Commission. Roll was called with Commissioners Thompson, Simons and Dahl voting aye. Governor Moses absent. Motion carried.

Meeting adjourned at approximately 6:00 P.M. to the call of the Chair.

Respectfully submitted,

  
Secretary

ATTEST:   
Chairman

(SEAL)