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STATE WATER CONSERVATION COMMISSION
Minutes of Meeting
Held in Office of the State Water Commission
Bismarck, North Dakota
April 5, 1954

A regular meeting of the North Dakota State Water Conservation Commission was called to order on April 5, 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
Oscar Lunseth, Member from Grand Forks
Earle F. Tucker, Member from Bismarck
Einar H. Dahl, Member from Watford City
Math Dahl, Member from Bismarck, Commissioner of Agriculture and Labor
J. J. Walsh, Secretary and Chief Engineer, State Engineer

OTHERS PRESENT AT THE MEETING:

Ken McIntyre, Chairman, Rush River Water Conservation and Flood Control District
Albert Sinner, Rush River Water Conservation and Flood Control District
Ralph Peterson, Rush River Water Conservation and Flood Control District
Les Chaffee, Rush River Water Conservation and Flood Control District
Einar Berge, Technical Assistant, State Water Commission
Vernon S. Cooper, Assistant Secretary, State Water Commission

The meeting was called to order at 9:30 o'clock a.m. by Governor Brunsdale, with Commissioners Curtis Olson, Oscar Lunseth, Einar Dahl, Earle Tucker, Math Dahl, Secretary J.J. Walsh and Einar Berge present.

It was moved by Commissioner Math Dahl and seconded by Commissioner Earle Tucker, that the Minutes of the meeting of the State Water Conservation Commission held on March 1, 1954, be approved as amended and upon roll call of the Commissioners, all voted aye. Motion carried.

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

Two opinions by the Attorney General concerning drainage and irrigation districts were handed to the Commissioners for their information.

Three letters from Dr. Wilson M. Laird, State Geologist, were read by Vice-Chairman Curtis Olson, covering Dr. Laird's comments and suggestions for water-rights for underground water. No action was taken on these applications but it was decided that Mr. Acker should be asked to write an opinion on whether or not the State Water Commission has the right to approve water-right applications on underground water.

Copies of letters from Fred J. Fredrickson, Washington, D. C., Planning Coordinator for the State Water Commission, were read to the Commissioners for their information.

Mr. Ken McIntyre, Albert Sinner, Ralph Peterson and Les Chaffee, all from the Rush River Water Conservation and Flood Control District, entered the meeting at 10:10 o'clock a.m.

Mr. Albert Sinner explained that he owned some land just outside the city limits of Casselton that he would like to have included in the Rush River Water Conservation and Flood Control District. The natural drainage of his land is within the proposed district. He explained that this land was not included in either the Swan Creek Water Conservation and Flood Control District or the Rush River Water Conservation and Flood Control District.

The following resolution was offered by Commissioner Oscar Lunseth, who moved its adoption which motion was seconded by Commissioner Math Dahl:

WHEREAS: The State Water Conservation Commission has been informed by the Board of Commissioners of the Rush River Water Conservation and Flood Control District that in the Petition filed with the Commission by the Board of County Commissioners of Cass County requesting the establishment of the Rush River Water Conservation and Flood Control District the SW $\frac{1}{4}$ of Section 25, Township 140 N., Range 52 W., and the portion of the NW $\frac{1}{4}$ of Section 36, Township 140 N., Range 52 W., lying north of the Northern Pacific Railroad track was omitted from the petition and therefore was not included in the Order establishing the Rush River Water Conservation and Flood Control District; and

WHEREAS: Mr. Albert Sinner, Casselton, North Dakota, owner of said land in the SW $\frac{1}{4}$ of Section 25, and NW $\frac{1}{4}$ of Section 36, Township 140 N., Range 52 W., personally appeared before the Commission and requested his land as described above be included in the Rush River Water Conservation and Flood Control District; and

WHEREAS: the Board of Commissioners of the Rush River Water Conservation and Flood Control District also personally appeared before the Commission and requested that said property of Mr. Albert Sinner described above be included in the Rush River Water Conservation and Flood Control District;

NOW THEREFORE BE IT RESOLVED: That the Order establishing the Rush River Water Conservation and Flood Control District be amended to include the SW $\frac{1}{4}$ of Section 25, Township 140 N., Range 52 W., and that portion of the NW $\frac{1}{4}$ of Section 36, Township 140 N., Range 52 W., lying north of the Northern Pacific Railroad tracks; and

BE IT FURTHER RESOLVED: that the Chairman and Secretary of the Commission are hereby authorized and directed to execute, for and on behalf of the Commission, and order amending the Order establishing the Rush River Water Conservation and Flood Control District so as to include within the boundaries of said district the premises described above.

The delegation from the Rush River Water Conservation and Flood Control District left the meeting at 10:35 o'clock a.m.

A request for additional matching funds for the cooperative groundwater survey program between the Commission and the U.S. Geological Survey was considered by the Commission. It was decided that action on this request be deferred until the next meeting and that Dr. Wilson M. Laird, State Geologist and representative for the Commission in the cooperative ground water program, be asked to meet with the Commission on or about April 20, 1954, to discuss this program.

A letter from P.D. Akin, District Engineer, U.S. Geological Survey, explaining the Car pool which has been adopted by the U.S. Geological Survey was read to the Commissioners. It was decided that still more information be obtained concerning the equipment owned jointly by the U.S. Geological Survey and the State Water Commission before making any final decision, and that this matter be discussed again at the next meeting of the Commission.

Commissioner Curtis Olson mentioned that he had been approached on the subject of the State Water Commission locating and digging a well for Camp Ritchie on Lake Ashtabula.

Commissioner Oscar Lunseth made a motion, seconded by Commissioner Einar Dahl, that the State Water Commission go ahead and dig the well for Camp Ritchie on Lake Ashtabula providing it is considered legal for the State Water Commission to do the work without the local contribution. Upon roll call by Governor Brunsdale, Commissioners Curtis Olson, Oscar Lunseth, Einar Dahl, Earle Tucker, Math Dahl and Governor Brunsdale all voted aye. Motion carried.

The Commission was informed of the pending bill before Congress authorizing a Missouri River Compact between the states in the Missouri River Basin. After considerable discussion no final action or recommendation was made.

The report of the State Examiner of the examination of the North Dakota State Water Conservation Commission covering the period April 1, 1953 to January 31, 1954, was presented to the Commission for their consideration. It was moved by Commissioner Math Dahl and seconded by Commissioner Einar Dahl that the report be accepted and placed on file in the office of the Commission. Upon roll call of the Commissioners, all voted aye. Motion carried.

Assistant Secretary Vernon S. Cooper entered the meeting at 11:00 o'clock a.m.

Secretary Walsh informed the Commissioners that Mr. Vic Gilbreath of Mott, North Dakota, wished to purchase one of the 10 horsepower electric motors and one 6" Dempster pump which had been used at the Bismarck Irrigated Gardens.

Commissioner Curtis Olson made a motion that was seconded by Commissioner Math Dahl, that the Dempster pump, foot valve and one 10 horsepower electric motor be sold to Mr. Vic Gilbreath of Mott, North Dakota, at a minimum price of \$150.00. Secretary Walsh is authorized to negotiate for the sale of the pipe that Mr. Gilbreath desires and to set the price. Upon roll call by Governor Brunsdale, Commissioners Curtis Olson, Math Dahl, Oscar Lunseth, Earle F. Tucker, Einar Dahl, and Governor Brunsdale all voted aye. Motion carried.

Assistant Secretary Vernon S. Cooper discussed the Sioux Irrigation District Refunding Bond Issue and informed the Commission that negotiations had been completed and the exchange of the bonds was underway and would be completed within the next few days. He informed the Commission that the Bank of North Dakota desired a resolution authorizing the amendment of the Trust Indenture between the Commission and the Bank of North Dakota for the Commission's Series J Bond Issue whereby the exchange of the original Sioux Irrigation Bond issue for the Refunding Bonds of the Sioux Irrigation District as a part of the collateral held by the Bank as Sinking Fund Trustee for the Series J Bond Issue be authorized.

The following resolution was offered by Commissioner Einar Dahl, who moved its adoption which motion was seconded by Commissioner Earle Tucker.

WHEREAS, on March 1, 1954 the North Dakota State Water Conservation Commission authorized the refunding of the balance of the Sioux Irrigation District bond issue dated July 1, 1939, in the aggregate amount of \$21,500 being held by the Commission and pledged as collateral for the Series J Bond Issue of the State Water Conservation Commission with the Bank of North Dakota, the Sinking Fund Trustee for said Series J Bond Issue, and

WHEREAS, negotiations with the Sioux Irrigation District in connection with issuing said refunding bonds of the District have been completed and the Refunding Bonds of the District have been issued in the aggregate amount of \$21,500.00, dated April 1, 1954; and

WHEREAS, the Bank of North Dakota, as Sinking Fund Trustee for the State Water Conservation Commission Series J Bond Issue, has agreed to accept the Refunding Bonds of the Sioux Irrigation District dated April 1, 1954 as collateral for the State Water Conservation Commission Series J Bonds in place of the refunded bonds of the District that were issued July 1, 1939;

NOW THEREFORE BE IT RESOLVED: That the Secretary of the State Water Conservation Commission is hereby authorized and directed to deliver to the Bank of North Dakota the refunding bonds issued by the Sioux Irrigation District on April 1, 1954 in the aggregate principal amount of \$21,500 and that such bonds be pledged as security for the Series J Bond Issue of the Commission subject to the terms and conditions of the trust indenture entered into between the Commission and the Bank of North Dakota dated December 10, 1945;

THEREFORE BE IT FURTHER RESOLVED, that the Chairman and Secretary of the Commission are hereby authorized and directed to sign an amendment to said trust indenture whereby the Sioux Irrigation District Refunding Bonds in the amount of \$21,500 shall be deposited with the Bank of North Dakota, Sinking Fund Trustee for the Commission's Series J Bond Issue, in lieu of the Sioux Irrigation District Bonds refunded that were issued July 1, 1939.

A letter from Otto Krueger, Member of Congress, with enclosures including copies of House Resolution 8367, the Department of the Army Civil Functions Appropriation bill for fiscal year 1955, was read to the Commissioners for their information.

The meeting adjourned at 12:15 o'clock p.m. to reconvene at 1:00 o'clock p.m. with Commissioners Earle Tucker, Oscar Lunseth, Curtis Olson, Einar Dahl, Secretary J.J. Walsh and Assistant Secretary Vernon S. Cooper present.

Vice-Chairman Curtis Olson read a letter concerning the former Bismarck Irrigated Gardens from the Bismarck City Auditor, Tom Baker. The City Park Board would like to have the State Water Commission fill in the existing ditch that goes through the park and was used for irrigation purposes. It was agreed that the State Water Commission would make available their D-4 Cat and Bulldozer for backfilling and the City to pay the equipment costs and labor. The final arrangements were left to the Secretary to work out with the City Park Board.

An investigation report and estimate of cost for the Fort Ransom Dam was shown to the Commissioners for their information. It was decided that Vice-Chairman Curtis Olson should meet with the local people at Fort Ransom and make arrangements covering their share of the costs of the project.

Einar Berge, Technical Assistant, entered the meeting at 2:00 o'clock p.m.

Assistant Secretary Vernon S. Cooper explained to the Commissioners that the tour to be taken by the members of the Missouri Souris Conservancy and Reclamation Committee was in the process of being planned now by Mr. G.A. Freeman of the Bureau of Reclamation, Mr. A.J. Dexter of the Northern Pacific Railroad, Mr. E.M. Gregory of the Great Northern Railroad, and himself. He gave the Commission a general outline of the tour and stated that tentative plans call for the tour to last 3 or 4 days with visits to the oil fields, the Lewis and Clark Project, Buford-Trenton, the Lower Yellowstone Project, Dickinson irrigated lands, and perhaps other projects and an inspection of Garrison Dam and proposed diversion route.

Letters and telegrams concerning the easements on the Swan Creek Water Conservation and Flood Control District were read to the Commissioners. Vice-Chairman Curtis Olson informed the Commissioners that he has been in constant communication with the Mayor of Casselton and all easements have now been acquired but two, and condemnation proceedings have been started against these two landowners.

A letter from Alfred V. Gullikson, Clerk of the Sioux Irrigation District, asking for help in cleaning out about 100 rods of ditch was read to the Commissioners by Vice-Chairman Curtis Olson. It was suggested that some time when the equipment is in that area the ditch be cleaned on the same basis as we do drainage work, the costs being spread on a 40%-60% basis - the state share being 40%.

There was no action taken on the drainage allocations. It was decided that the funds available be prorated among the counties and the allocations of drainage appropriations for the 1953-57 period be considered again at the next meeting.

The bids on two suburbans and one station wagon were considered by the Commission. The bids received from nine car dealers in the state were received by the Commission.

Commissioner Math Dahl made a motion which was seconded by Commissioner Oscar Lunseth that the Commission accept the low bid from Davis Chevrolet Company, Bismarck, North Dakota, for a 1954 Chevrolet "150" Handyman station wagon for \$2154.60, less \$555.60 for allowance on a 1949 Chevrolet carryall suburban for a net cost to the Commission of \$1599.00 and the low bids from Fleck Motor Sales, Bismarck, North Dakota, for one 1954 GMC one-half ton Suburban for \$2205.31, less \$700.00 for allowance on a 1948 Chevrolet carryall suburban, amounting to \$1505.31 and for one 1954 GMC one-half ton Suburban for \$2205.31, less \$750.00 for allowance on a 1949 Chevrolet sedan delivery amounting to a total of \$1455.31.

Upon roll call by Vice-Chairman Curtis Olson, Commissioners Einar Dahl, Math Dahl, Oscar Lunseth, Earle Tucker, and Curtis Olson voted aye. Motion carried.

Letters from A.J. Christopher, Chairman of the newly formed Pembina River Flood Control Association, explaining the organization were read to the Commissioners.

A letter from Charles D. Curran, Task Force Administrator, to Governor Brunsdale, informing him of meetings to be held so that individuals may present their views on the issues under consideration by the Task Force, was read to the Commissioners for their information.

Vice-Chairman Curtis Olson read a letter from the U.S. Corps of Army Engi-

neers concerning the lease for the rental of the buildings at Fort Lincoln. Commissioner Math Dahl made a motion that the Secretary be authorized to negotiate with the Government for a better building for rental. The motion was seconded by Commissioner Earle Tucker and upon roll call, all Commissioners voted aye. Motion carried.

A letter from A.J. Dexter, Agricultural Development Agent for the Northern Pacific Railroad, was read to the Commissioners informing them that Fred Aandahl planned to be in Bismarck on April 6, to hold a meeting with the directors of the Western Heart River District.

It was moved by Commissioner Earle Tucker, and seconded by Commissioner Math Dahl, that the action of the State Engineer in granting the application of Fred Port, Mandan, North Dakota, for a permit to divert and appropriate water from the Cannonball River, for the irrigation of 233.5 acres of land described as the NE¹/₄SE¹/₄, S¹/₂SE¹/₄ of Section 3; SW¹/₄; SE¹/₄ of Section 2; N¹/₂NW¹/₄, SE¹/₄NW¹/₄ of Section 11, Township 132 N., Range 83 W., located in Grant and Sioux Counties, North Dakota, be approved and limited to an annual diversion of 160 acre feet of water, subject to all prior and existing water-rights and appropriations covering the Cannonball River. Upon a unanimous vote of the Commissioners, the motion carried.

The meeting adjourned at 3:00 o'clock p.m.

Respectfully submitted,


SECRETARY

ATTEST:


CHAIRMAN