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Reclaiming the Little Sioux River Valley: A history of drainage along the Monona-Harrison Ditch in western Iowa

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Reclaiming the Little Sioux River Valley: A history of drainage along the Monona-Harrison Ditch in western Iowa

by

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DEDICATION

To my husband, Mark Howe, and my parents, Mary and Bill Hohn,

for their gracious support, continuing encouragement,

and commitment to the value of education.

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CHAPTER ONE: INTRODUCTION

> *In this age of culture and progress people are but just waking up to the fact that we are every day making history – working out problems of life and carving out fortunes – all to be forgotten by the next generation, unless we enter more carefully upon the task of recording and preserving the details of our local and personal history.*[1]

These words prefaced the 1890 publication of *The History of Monona County, Iowa*. Yet today, nearly 125 years later, they still hold relevance. Under this premise, the history of water management along the Little Sioux River in Monona County merits recounting. In 1851, the Iowa State Legislature established Monona County, an area in northwestern Iowa with soil so fertile that it seemingly begged farmers to settle there. However, as waves of pioneers and farmers attempted to respond to this call, they encountered a problem – the rich valley in Monona County was also a floodplain for the Missouri and Little Sioux Rivers, as well as the various smaller streams within the Little Sioux Watershed.[2] This thesis records and preserves the history of these people and rivers, and several resulting Iowa Supreme Court decisions connected with this hydrological problem. It also addresses broader questions. Namely, this work seeks to explore, through the lens of the Monona County case study, how Midwestern communities have understood and viewed water resources in relation to the processes of agricultural production; how such communities responded via legal constructs to water challenges; and how this story fits into the broader history of expanding agricultural productivity and the rural history of the Midwest.

Forty-seven years before the Iowa Legislature established Monona County,

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[1] *The History of Monona County* (Chicago: National Publishing Company, 1890), preface.

[2] The U.S. Geological Survey defines a watershed as "the land area that drains water to a particular stream, river or lake. It is a land feature that can be identified by tracing a line along the highest elevations between two areas on a map, often a ridge." U.S. Geological Survey, "Water Science Glossary of Terms" (last modified March 9, 2012), http://ga.water.usgs.gov/edu/dictionary.html#W (last accessed March 31, 2012).

Meriwether Lewis and Captain William Clark passed through the area on a keelboat. They were going upstream on the Missouri River during their well-known expedition to chart the newly acquired Louisiana Purchase in preparation for settlement. Just after Lewis and Clark met with the Oto and Missouri Indians on August 3, 1804 in what would become Council Bluffs, Iowa, their expedition traveled north and passed the mouth of the Little Sioux River.[3] When Lewis and Clark's expedition paddled past the Little Sioux, what they observed was a moderately large meandering prairie stream. In fact, the Little Sioux drained at least five larger creeks and more than 4,000 square miles as it made its way from its headwaters in the southwestern corner of the future state of Minnesota to its confluence with the Missouri.[4]

The Lewis and Clark expedition spent four to five days in the Monona County area, and their journal accounts provided much detail on the plants, animals, and geography of the Little Sioux Valley there. According to Captain Clark, the "[m]usquetors [were] worse this evening that ever I have seen them."[5] John Ordway, another member of the expedition, noted that just north of the Little Sioux River's confluence, they:

> passed … praire land…. Smooth plains back from the river, the Timber Scarse, a Great nomber of Elk Sign on the Sand beaches. we passed high clifts … about 60 feet from the surface of the sand stone. the ridge on the top is covered with Short Gras some bushes.[6]

From Clark and Ordway's descriptions, the reader would have visualized a wet and open

[3] The journals of Lewis and Clark provide thorough documentation of the travels of the Corps of Discovery. For the Corps' experience in Monona County, see Gary E. Moulton, ed., *The Journals of the Lewis and Clark Expedition* (Lincoln: University of Nebraska Press, 2002), Volume One, Atlas; Volume Two, August 30, 1803 – August 24, 1804; Volume 3, August 25, 1804 – April 6, 1805, available at http://lewisandclarkjournals.unl.edu (last accessed July 26, 2012).

[4] For more description regarding the size of the watershed, see U.S. Dept. of Ag.,"Ltr. From the Asst. Sec. of Dept. of Ag Transmitting a Rpt. of a Survey of the Little Sioux River Watershed in Iowa and Minnesota, Pursuant to the Flood Control Act of June 22, 1936" (1943) Box 4/File 3, John D. Beardsley Papers, MS 79, Special Collections, Parks Library, Iowa State University, 1-7.

[5] *The Journals of Lewis and Clark*, Aug. 9, 1804.

[6] Ibid., Aug. 10, 1804.

prairie landscape, bounded by a high ridge of bluffs at the far eastern edge of the valley.[7]

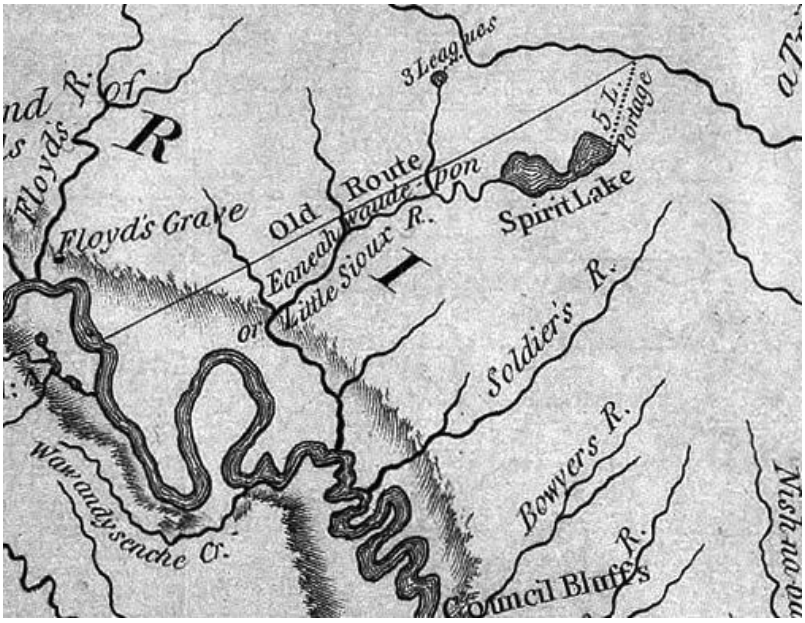

FIGURE 1(a), Map of what would become western Iowa from Lewis and Clark's Journal, 1804; depicting the Little Sioux River's confluence with the Missouri River as well as the Little Sioux's major tributaries. *The Journals of the Lewis and Clark Expedition* (Lincoln: University of Nebraska Press, 2002), Volume One, Atlas, http://en.wikipedia.org/wiki/File:Lewis_clark_Boyer_soldier_littlesioux_floyd.jpg (last accessed July 26, 2012).

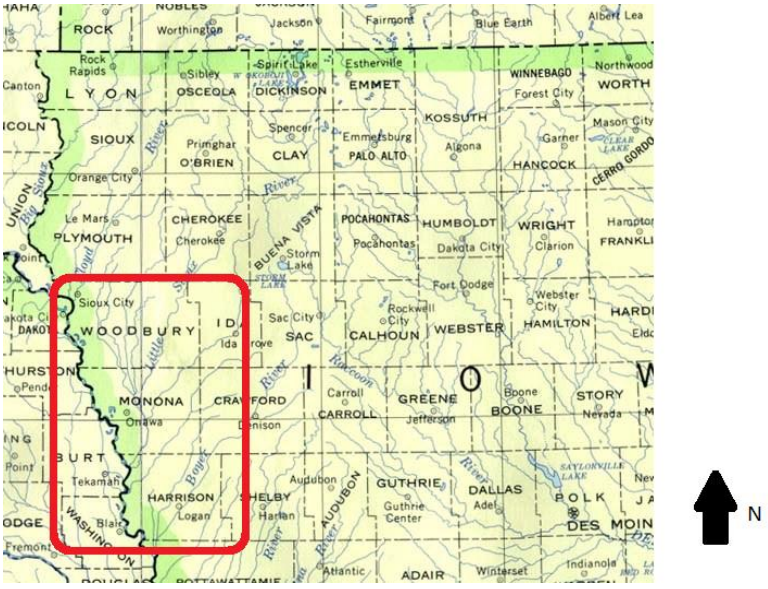

FIGURE 1(b), Map of western Iowa; depicting the Little Sioux River and Monona County with

[7] Ibid.

Woodbury County to the north and Harrison to the south. Despite the drastic changes wrought upon the Little Sioux over the last century and a half by drainage works, channelization, and the federal flood control project, the basic geography of the river has remained the same as when Lewis and Clark traveled through. Today, the Little Sioux still commences in southwestern Minnesota, traverses the western part of Iowa, and joins the Missouri River between Council Bluffs and Sioux City, just south of Monona's county seat in Onawa. More than ninety percent of the watershed is within the state of Iowa, and the entire watershed is comparable in area to the states of Rhode Island and Delaware combined. "Iowa Map," http://ia.mapathon.com/ (last accessed October 29, 2012).

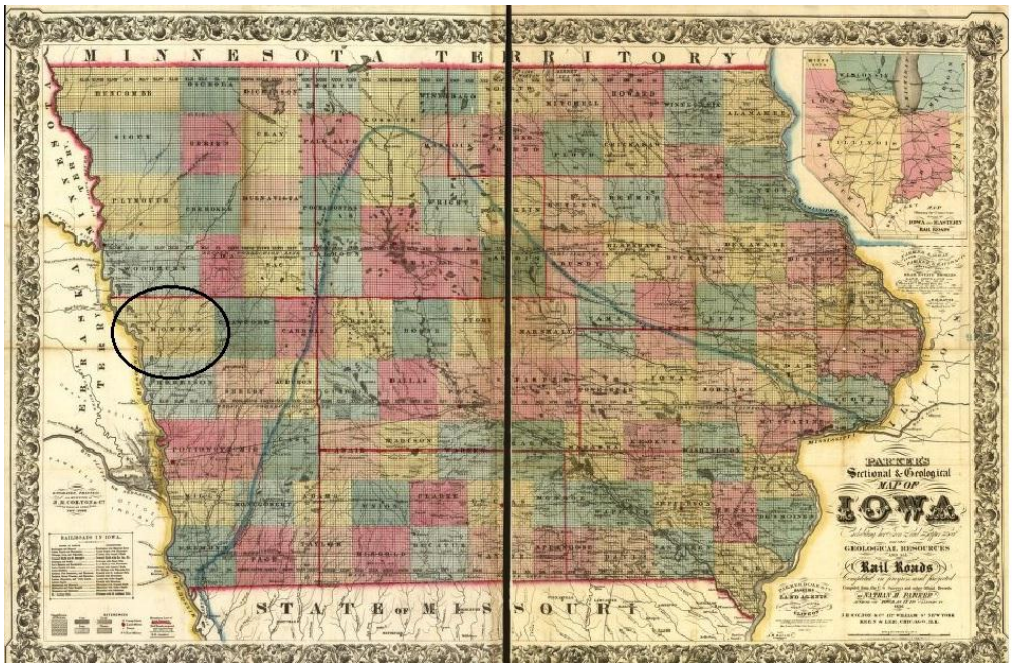

Figure 1(c), Map of Iowa, with Monona County highlighted in relation to the entire state. Edward Mendenhall, "Parker's Sectional and Geographical Map of Iowa," (Cincinnati, 1855), Library of Congress Website, http://www.loc.gov/item/98688478 (last accessed October 27, 2012).

Almost five decades later, when the Iowa legislature established Monona County in the southern part of the Little Sioux watershed, the accounts from the Lewis and Clark journals still resembled the landscape. According to early county lore, the word "Monona," which was of Native American origin, meant "beautiful valley." Loess, which refers to a type of wind-blown sediment that was created by the retreat of glaciers at the end of the last ice age, covered this valley and produced soils of exceptional agricultural productivity. The loess deposits were particularly prevalent in the bluffs bordering the valley, which Ordway

described in 1804. So to delineate the boundaries of the new Monona County, these bluffs of loess deposits provided a natural boundary to the east, and the Missouri River, which was an important route for transportation and trade by that time, provided an obvious boundary to the west.[8]

This particular geography accounted for the region's rich and fertile soil, but also for its problems with soil erosion, flooding and drainage. Early farming practices easily eroded the loess soil from the hillsides, which caused sedimentation of the streams and ditches. Furthermore, as mentioned above, the valley was a floodplain for the Missouri River and the tributaries to the Little Sioux River. When spring came, with the snowmelt and seasonal rains, the streams could not carry the flow because of the eroded soil. Consequently, all of these characteristics worked together to create a complex problem of drainage and flooding.[9]

Ultimately, over the course of more than a century, the residents of Monona County largely accomplished the original goal of draining the floodplain and turning it into productive agricultural land. This task involved constructing drainage ditches and creating legal entities to manage them; invoking the help of the courts and appealing disputes between neighbors, county officials, and state agencies to the Iowa Supreme Court on multiple occasions; and cooperating with the federal government to implement both a basin-wide Missouri River program as well as a local watershed project on the Little Sioux. The project, referred to as the Little Sioux Watershed Project, began as a local effort and progressed into a multi-county and ultimately federally-assisted venture. The U.S. Legislature initially

[8] Around the turn of the twentieth century, the Missouri River was arguably the longest river in the U.S, and consequently very important for trade and transportation. Due to continued channeling and damming of the river, however, the Missouri lost its geographical preeminence amongst the rivers of the U.S. to the Mississippi River. See generally, U.S. Geological Survey, "Geographic Names Information System," (Last updated Dec. 5, 2011), http://geonames.usgs.gov/domestic/. See Figure 1(b) for a map of the county.

[9] Ibid.

authorized the Little Sioux Project under the 1936 Flood Control Act, and because it was one of the first authorities granted by Congress under that Act, the legislature referred to it as a "pilot" watershed project. Construction began on the project after World War II, with the main aspects largely finished by the mid-1960s. However, the construction and implementation of the Little Sioux Project continued to evolve past the sixties, and continues to do so even to the present day.[10]

This thesis argues that studying how drainage changed over time provides a lens through which to understand important aspects of the legal, environmental, and agricultural history of the Monona community. Throughout all of the varying stages of water management in Monona County, this thesis reveals that three threads of continuity were present. First, drainage planning always necessitated an attempt to balance private property interests with the broader community-wide benefit.[11] This process often raised complex questions of blame, legal dilemmas, financial costs, and environmental costs, and required local farmers, local agencies, state agencies and the federal government to negotiate and work cooperatively to effectuate the drainage of the Little Sioux and Missouri Rivers. Second, although environmental realities did not always dictate Monona County's course of action, they did significantly influence how drainage occurred along the Little Sioux River. And third, despite some local attitudes that consistently touted the valley's exceptionalism, the creation of a drainage system to channel the water of the Little Sioux was for the express purpose of successfully producing crops. Consequently, Monona County provided just

[10] See generally, U.S. Congress, "Report Summarizing the Accomplishments of the Little Sioux Project," Little Sioux Watershed Records, MS 106, Special Collections, Parks Library, Iowa State University.

[11] In this thesis, the term "private property" includes personal and real property.

another example of the regional, and even national, trend towards relentlessly expanding agricultural productivity.

Historians have treated water management and regulation as central to the history of agriculture in the western United States. However, as historian Donald Pisani has noted, the common definition of "the west" has not included the Midwest. Instead, historians have tended to focus predominantly upon the water issues on the western side of the 100th meridian.[12] Despite this trend, it is still worth exploring some of this historical scholarship, because it can provide relevant context for the history of water management in communities just east of that frequently used delineation. Donald Worster's *Rivers of Empire*, Mark Arax and Rick Wartzman's *The King of California*, Marc Reisner's *Cadillac Desert*, and Mark Fiege's *Irrigated Eden* provide just a few examples worth reviewing. Although these four books differed in scope, methodology, and tenor, they all addressed this broad topic of the intersection of water and agriculture in the west. Specifically, they focused on the political processes involved in this intersection and the environmental consequences. Together, these works ultimately suggested that mismanagement and manipulation characterized western water history.[13]

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[12] Donald J. Pisani, "Beyond the Hundredth Meridian: Nationalizing the History of Water in the United States," *Environmental History* 5 (Oct. 2000), 476. The 100th meridian is a longitudinal line running from Texas north through the Dakotas that more or less demarcates the more arid regions of the United States lying to the west of the line from the more humid regions lying to the east of the line. Ibid. In 1823, Major Stephen Long conducted a government survey and famously labeled the lands west of the 100th meridian as "the Great American Desert." For Pisani's treatment of western water history, see Pisani, *To Reclaim a Divided West: Water, Law, and Public Policy, 1848-1902* (Albuquerque: Univ. of New Mexico Press, 1992); see also Pisani, *Water, Land, and Law in the West: The Limits of Public Policy, 1850-1920* (Lawrence: Univ. of Kansas Press, 1996).

[13] Donald E. Worster, *Rivers of Empire: Water, Aridity, and the Growth of the American West* (New York: Pantheon Books, 1985); Mark Arax and Rick Wartzman, *The King of California: J. G. Boswell and the Making of a Secret American Empire* (New York: Public Affairs, 2003); Marc Reisner, *Cadillac Desert: The American West and Its Disappearing Water* (New York: Viking Penguin Inc., 1986); Mark Fiege, *Irrigated Eden: The Making of an Agricultural Landscape in the American West* (Seattle: University of Washington Press, 1999).

In *Rivers of Empire*, first published in 1985, Donald Worster established a unique paradigm for understanding the history of the western United States. Defining the west conventionally as the area beyond the hundredth meridian, Worster focused on the aridity of the region and the economic, political, and cultural consequences of that climate. Worster posited that unlike common perceptions of the west as a place for perfect democracy and personal freedom, the west had instead become a place built upon a "sharply alienating, intensely managerial relationship with nature" that created a land of "authority and restraint, of class and exploitation, and ultimately imperial power."[14] Worster's central argument was that the west had become a "hydraulic empire" that, like other water-controlling empires throughout history, removed power from the local ordinary people in the west and placed it into the hands of a power elite.[15]

Worster argued that the west had effectively become a "coercive, monolithic, and hierarchical system," and that a power elite, based on the ownership of capital and expertise, ruled this empire through their creation and control of an immense irrigated agricultural system.[16] Creating this system required a process of ecological manipulation, which gradually intensified as settlers and the government attempted to extract more and more economic yield from the rivers and their watersheds. Worster suggested that this empire-building process occurred in three stages, namely incipience (1847-1890s); florescence (1902-1940s); and empire (1940s-present). The incipience stage reflected a general dependence on local skills, in which individual pioneers, or perhaps small communities, diverted the rivers of the west in a fairly limited manner based on their limited abilities.

[14] Worster, 4-5.
[15] Ibid., 4-7.
[16] Ibid., 7.

Beginning with the Reclamation Act of 1902, the florescence stage marked the period when the federal government took firm control of the western rivers, and corporations began successfully "farming rivers for substantial profits."[17] The third and final stage Worster described was empire, during which time the federal government and private wealth finally achieved a forceful and powerful partnership, perfecting the "hydraulic society."[18]

Worster took a systematic approach to the topic by creating this paradigm of a "hydraulic empire." Consequently, his argument overlooked many of the sub-regional differences across the West and glossed over many of the variations in irrigated agriculture and water. Furthermore, his political and environmentalist leanings unabashedly influenced his work. Not surprisingly, his approach sparked some criticism, but *Rivers of Empire* presented nonetheless an interesting and influential paradigm with which to understand agriculture in the west.[19]

Arax and Wartzman's *The King of California*, which was published in 2003 and is the most recent of these works, investigated the history of the largest farmer in America, J.G. Boswell. The Boswell family, which moved from a Georgia plantation to the Central Valley of California in the 1920s, amassed a leviathan of a cotton farm by draining Tulare Lake, which was once, at least seasonally, larger than Lake Tahoe. To accomplish this feat, the Boswell's had to manipulate rivers, neighbors, and the state and federal governments. Ultimately, Arax and Wartzman's history presented a story of environmental devastation, of

[17] Ibid., 166-67.
[18] See generally, Worster.
[19] Ibid.

labor strife, of state and federal disputes over water rights, and of the larger societal conflict over the legitimacy of large agricultural landholdings.[20]

Indeed, water problems were central to the King of California. As J.G. Boswell's friends even remarked, "the company had always been about water."[21] Specifically, Boswell and his top administrators participated in and attempted to steer in their favor a federal inter-agency war over water control. This war was between the Bureau of Reclamation and the Army Corps of Engineers, who both fought to determine which agency would control the construction and eventual use of the Pine Flat Dam on the Kings River, a tributary to Tulare Lake. As Arax and Wartzman explained, this battle was over more than just agency pride. Costs for the beneficiaries of the federal project and potential acreage limitations for growers receiving water from the project were at stake. After more than thirty years of lobbying tactics and court battles to control the outcome of this inter-agency battle, Boswell's money and influence succeeded. Boswell won an important U.S. Supreme Court battle against his neighbors in which the Court upheld the voting method in the local water management district that gave more votes to landowners who held land assessed at a higher value. This decision gave him more control locally over the intricate water system. He also succeeded in amending federal water laws to avoid limits on the size of farms that could receive benefits from the federal projects.[22]

Overall, *The King of California* provided an interesting case study on the intersection of large-scale agriculture and the control of water in the west. Arax and Wartzman's descriptions of the federal government did often lack depth and failed to assign much agency

[20] See generally, Arax and Wartzman.
[21] Ibid., 429.
[22] See generally, ibid.

to federal actors. Additionally, their writing had an environmentalist slant that led to a declensionist narrative. Yet their descriptions of J.G. Boswell's vision of agriculture, and of the balance between private property and federal water projects add significantly to the historiography. Furthermore, Boswell's insistence on farming in a lake basin and then irrigating his fields presented a unique instance of both drainage and irrigation at work in the west.[23]

Marc Reisner's *Cadillac Desert*, first published in 1986 with a revised edition in published in 1993, presented a cautionary tale about the history of water depletion and manipulation in the West. His main argument was that the west's dependence on dams and irrigation needed reconsideration. In prose reminiscent of Worster's "hydraulic empire," Reisner warned that unless things changed, the West would likely face the historical fate of other great desert civilizations that rose and collapsed because of a lack of water. As Reisner stated, agriculture in the west enabled "a civilization, if you can keep it."[24]

Similar to what Arax and Wartzman did later in *The King of California*, the heart of Reisner's work focused on the battles between the Bureau of Reclamation and the Army Corps of Engineers over the California Aqueduct from the 1940s to the 1960s. Reisner argued that these battles were more indicative of the West's past than the common notions that rugged individualism and romantic cowboys expanded agriculture across the region. These inter-agency battles reflected a complicated history of the construction of a heavily subsidized irrigated society, one that was extremely expensive financially and environmentally. Despite some over-generalizations about the process of water management

[23] Ibid.
[24] Reisner, 477.

and Reisner's bleak outlook for the region, he contributed to the historiography of agriculture and water in the west by demonstrating the significant costs of its relentless expansion.[25]

In *Irrigated Eden*, published in 1999, Mark Fiege presented a case study on the Snake River Valley in southern Idaho. According to Fiege, the farmers, engineers and politicians living in that valley attempted to use dams and canals to create an irrigated oasis in which new settlers could arrange fields and cultivate millions of acres in what would have otherwise been a desert-like environment. While Fiege explored many of the same issues that the other three books did, his central argument, and primary contribution to the historiography, was that nature rebounded despite the irrigation efforts, and often compromised the intended agricultural economy. His study established that a complex interplay existed between humans and nature, and ascribed a sense of agency to the environment. [26]

Combined, *Rivers of Empire*, *The King of California*, *Cadillac Desert*, and *Irrigated Eden* presented a compelling look at the development of agriculture in the lands west of the 100th meridian, and proffered grim prospects for the region's agricultural economy. These works did much to establish a context for understanding how water management changed over time, and Fiege's work especially contributed to assigning an independent role for the environment in historical analysis, but they also perpetuated an activist and a declensionist perspective. As this thesis will explore, the farmers in Monona County did experience many of the same political and environmental struggles that arose for their western counterparts. Furthermore, building off of Fiege's agency argument, this thesis looks at the ways in which a river's hydrology affected drainage plans. However, this historiography also reveals some important differences. Based on the research done for this study, the manipulation and

[25] See generally, ibid.
[26] See Fiege, 3-10.

corruption that was such a common theme for these western water historians did not appear to be as prevalent in Monona County's story.

Overall, the historiography on western water demonstrated the need to explore the continuities between the trends evidenced in the west with other water projects and agricultural communities in the Midwestern United States. Despite the existing emphasis on water issues west of the 100th meridian, several historians have tackled water management and drainage issues in the Midwest and lend further insight to this analysis. As mentioned earlier, Donald Pisani, in addition to his histories of water in the west, worked to fill this gap in the historiography. In Pisani's 2000 article, "Beyond the Hundredth Meridian: Nationalizing the History of Water in the United States," he argued that "water in the humid half of the nation posed as much of a challenge to those who would reorder nature as water in the arid and semi-arid region."[27] His article presented the following two fundamental questions: "[h]ow have rivers defined the American nation, and what have been the political, economic, and social consequences of moving water from one place to another?"[28] To address these critical questions, he focused on the geopolitical significance rivers have historically held across the United States, on the importance of these rivers to development, and on the process of reclaiming and draining swamps.[29]

Pisani asserted that part of the benefit of incorporating the Midwest into the national narrative of water management was that such a comparative exercise could impart deeper understandings. The West, predominantly focused on irrigation districts, and the Midwest, focused more on drainage districts, both had at least one significant thing in common: "the

[27] Pisani, "Beyond the Hundredth Meridian," 466.
[28] Ibid.
[29] Ibid.

desire of local or non-resident landowners to boost the value of their holdings while keeping control in the hands of those who owned the largest acreage."[30] By studying and comparing both regions, Pisani argued, historians could learn a lot about the capital and technical expertise required for large-scale water management, about the functioning of democracy in these water management processes, and about the regional and national values regarding nature and water.[31]

In "Beyond the Hundredth Meridian," Pisani referenced a few exceptions that had not tackled the comparison approach he called for, but had focused at least on water in the Midwest. Ann Vileisis' work, *Discovering the Unknown Landscape: A History of America's Wetlands*, which was published just three years prior to "Beyond the Hundredth Meridian," fell into this category.[32] In this work, Vileisis traced how Americans thought about and manipulated wetlands from the colonial era to present day. Vileisis contended that over these four centuries, Americans gradually started to appreciate wetlands, but over the same time period, the wetlands in America were also gradually, but substantially, drained and lost.[33]

In *Discovering the Unknown Landscape*, Vileisis presented three main themes that she argued characterized the history of the relationship between Americans and American wetlands. First and foremost, Vileisis emphasized that American cultural attitudes about wetlands have shaped our society's understanding and treatment of them. Second, she suggested that Americans consistently considered wetlands to be private property just like all other land. As she explained, concepts of private property dating back to colonial times

[30] Ibid., 478.
[31] Ibid., 478-79.
[32] Ann Vileisis, *Discovering the Unknown Landscape: A History of America's Wetlands* (Washington, D.C.: Island Press, 1997).
[33] Ibid., 7-10.

failed to account for differences in the character of land, and certainly did not account for the presence of water. Originating in the English common law, land was private property, but water possessed more of a public quality. Consequently, determining ownership and control of wetlands, which are inherently a mixture of both land *and* water, created confusion and misleading ideas about this particular type of property. What individuals assumed was private property always included a "'commons' component."[34]

The third and final theme she discussed was that Americans have historically looked to the government for help with "clarifying individual rights and responsibilities pertaining to wetlands."[35] As she aptly explained, wetlands, by their very nature, "have challenged private ownership and generated confusion because many are linked to larger hydrological systems that transcend property lines and even state boundaries."[36] So throughout the four centuries since the colonial period, Vileisis tracked the increasing role of the state and federal government in managing drainage. Overall, her work helped sketch out the beginnings of a national drainage narrative, and set the stage for more case studies on drainage and for comparisons between Midwest and western water issues.[37]

Anthony Carlson's 2010 dissertation, which he defended several years after Vileisis' book and Pisani's plea for more attention to water issues beyond the 100th meridian, provided another example of historical analysis on drainage worth considering. Carlson's "Drain the Swamps for Health and Home: Wetlands Drainage, Land Conservation, and National Water Policy, 1850-1917" successfully contributed to Pisani's goal of nationalizing America's water history in general. From the outset, Carlson situated his work upon the premise that

[34] Ibid., 5-6.
[35] Ibid., 6-7.
[36] Ibid., 6.
[37] Ibid.

"[t]he history of rural America is one of people creating political institutions and adopting technologies that enabled them to harness watercourses [and] wetlands…."[38] Furthermore, "[t]he managerial relationship of people towards water, which predominated in every community that practiced a form of monoculture, shaped much of the history of the rural United States."[39]

Carlson specifically focused on national attitudes towards swamps starting in the mid-1800s and then the policy results of that attitude through the Progressive Era. His dissertation centered on two principal points. First, Carlson evaluated the historical circumstances that contributed to Americans' intense antipathy towards wetlands. Second, he argued that drainage "constituted a centerpiece of national water policy before World War I."[40] Carlson's supported his argument with a case study of the Red River Valley, located between Minnesota and North Dakota, but ultimately his work significantly helped situate drainage within the national water narrative.[41]

At its core, the existing historical literature on water, both in the West and to the east of the 100th meridian, provides insight into the broader history of public lands in the United States. In response to a request from the Public Land Law Review Commission, historian Paul Wallace Gates prepared his seminal narrative of public land development in 1968, titled *History of Public Land Law Development*. This work laid out in great detail the American

[38] Anthony E. Carlson, "Drain the Swamps for Health and Home: Wetlands Drainage, Land Conservation, and National Water Policy, 1850-1917" (Ph.D. Dissertation, Norman: University of Oklahoma, 2010), 1.
[39] Ibid.
[40] Ibid., 6.
[41] For Carlson's case study on the Red River Valley, see Carlson, 153-220. More localized case studies within this context established by Pisani, Vileisis, and Carlson have begun to enter the historiography as well. Joseph Otto's recent master's thesis provided insight regarding drainage on the Skunk River in central Iowa. Combining an environmental and technological focus, Otto's thesis conveyed the history of dredging technology and tracked the environmental changes resulting over time from drainage practices on the Skunk. Joseph W. Otto, "Subject to Overflow: The History of Drainage Districts in Jasper County, Iowa" (Master's Thesis, Boone: Appalachian State University, 2012).

process of dividing and parceling out the land on the North American continent. In regard to drainage, Gates focused on the process of conveying swamplands from the federal public domain to the individual states via the Swamp Land Acts of the 1840s-50s. Gates emphasized that the underlying motive for the Swamp Land Acts was to encourage settlement in these parts of the country, echoing the larger purpose of the national land system "to make land available to the 'actual settler.'"[42] However, as Gates revealed, this process of conveyance always raised questions about the ability of the government to regulate or interfere with the use of the land.[43]

This historical narrative and analysis of drainage in Monona County relies predominantly on Iowa State University's collections of the private papers of the attorneys involved in the legal disputes over one of the drainage districts in the county, and the related opinions issued by the Iowa Supreme Court. Meeting minutes for the district and the county, along with local and regional newspaper articles, helped clarify the record and revealed much about the community's opinions on drainage. Several collections at the Truman Presidential Library in Independence, Missouri also helped inform the sections dealing with management activities throughout the Missouri River watershed. In addition to the secondary sources discussed above, each chapter in this study draws upon previous historical scholarship regarding the Progressive Era, the New Deal, and the post-World War II period, respectively, to provide a broader context.

The next chapter, Chapter Two, examines the creation of the Monona-Harrison Drainage Ditch, locally referred to as the "Big Ditch," which was legally established in 1904. It then analyzes a series of lawsuits that resulted in two Iowa Supreme Court decisions in

[42] Paul Wallace Gates, *The History of Public Land Law Development* (New York: Arno Press, 1979), xii.
[43] Ibid., 765-66.

1916 and 1924. Chapter Three turns to the development of the federal Pick-Sloan Missouri Basin Program, which the U.S. Legislature authorized under the Flood Control Act of 1944. While this program covered the entire Missouri Basin, it provided an improved outlet for the Little Sioux River, which was critical for the Monona-Harrison Drainage Ditch. The fourth chapter looks at the construction of the Little Sioux Watershed Project during the 1950s and early 1960s, and its implications for the Monona-Harrison Ditch. Again, several lawsuits and appeals to the Iowa Supreme Court arose over the process. The fifth and final chapter briefly discusses what happened in Monona County after the completion of the Little Sioux Project and offers concluding thoughts.

Overall, this thesis seeks to contribute to the creation of a more national narrative on water, and to further explore the inherent issues that accompany the history of American public lands and waterways. To do so, this work will analyze the case study of the Little Sioux River. However, even focusing on just the Little Sioux River in Monona County leads to a staggering variety of topics. In Monona County alone, there have been dozens of drainage ditches and districts, soil conservation districts, and several overlying regional watershed projects. But a focus on just the Little Sioux Watershed Project and, more specifically, on one of its primary components, the Monona-Harrison Drainage Ditch, provides an ideal lens, because this vantage point creates a focused narrative that allows for a more in-depth analysis of the complex political, environmental, and agricultural aspects of drainage.

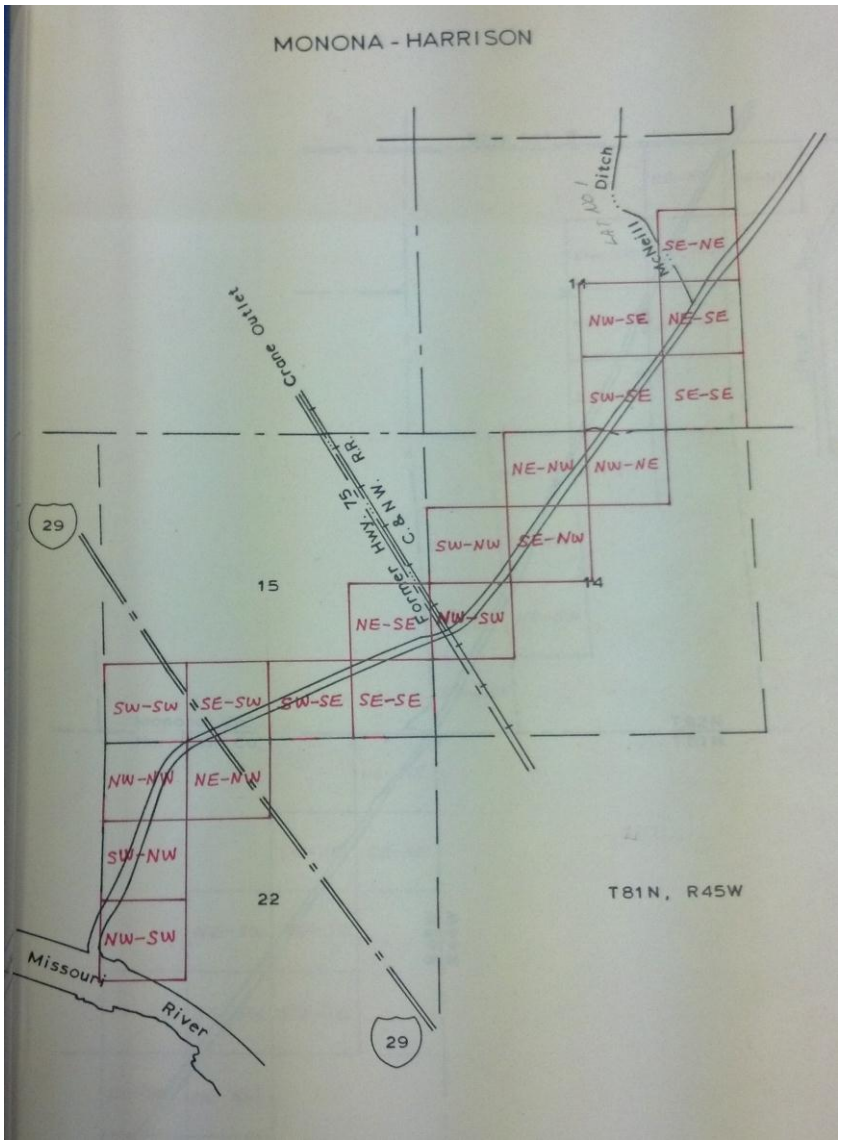

FIGURE 2, Schematic drawing of the southern portion of the Monona-Harrison Drainage Ditch as it neared its confluence with the Missouri River. Monona-Harrison Drainage District Board of Trustees, *Monona-Harrison 1917-1956*, Book 1, Monona County Courthouse, Onawa, Iowa.

CHAPTER TWO:
CREATING A "PATCH-WORK QUILT OF A DRAINAGE SYSTEM"
The Early Years of Water Management in Monona County

In the 1960s Congress issued a report that celebrated the completion of the main features of the federal Little Sioux River Project and summarized its many accomplishments. This report, however, only briefly mentioned the "early years" in Monona County, casually dismissing them as "a century of careless agricultural development."[1] The report explained that it was not until the 1940s, when that century of careless development had finally "taken its toll," that residents started to mitigate the flooding and drainage problem with the help of the federal government.[2] This assertion, however, omitted an important part of the history of not only the Little Sioux Project, but also the history of drainage in Iowa.[3]

Specifically, the report carelessly overlooked the previous efforts undertaken by the farmers, engineers, lawyers, bankers and many other residents of Monona County to effectively manage the water and flooding in their community. Water and drainage management had not started with the federal project. To the contrary, during the decades before the 1936 and 1944 Flood Control Acts and before the start of the federal Little Sioux Project, residents of Monona County negotiated a drainage system and appealed water issues to the Iowa Supreme Court. As this chapter will explain, these early years demonstrated three important points about the history of drainage in Monona County. First, at the most basic level, they revealed that the community was actively trying to manage its water problems long before the federal government entered the scene. Second, they reflected a

[1] U.S. Congress, "Report Summarizing the Accomplishments of the Little Sioux Project" (1960), Box 1/File 10, Little Sioux Watershed Records, MS 106, Special Collections, Parks Library, Iowa State University, Ch. 1.
[2] Ibid.
[3] Ibid.

tenuous balance between the landowners, the county and the state as these actors sought not only to protect personal property rights, but also to construct a drainage system that promoted the valley's primary source of income: agriculture. And third, although environmental realities did not always determine the community's actions, they did significantly influence how drainage and agriculture occurred.

Consequently, to understand both the complexity of what became the federal Little Sioux Watershed Project and how drainage changed over time in Monona County, it is necessary to look back to the late 1800s and early 1900s, and to the early community attempts during this time period to manage the water and flooding. This chapter focuses specifically on the Monona-Harrison Drainage Ditch and two lawsuits that the community ultimately appealed to the Iowa Supreme Court: the *Smith v. Monona-Harrison Drainage District No. 1* litigation, which the Iowa Supreme Court decided in 1916, and the *Board of Trustees of Monona-Harrison Drainage District No. 1 v. Boards of Supervisors of Woodbury and Monona Counties* litigation, decided by the Iowa Supreme Court in 1924. The basic question raised by both litigations was a constitutional one. Specifically, the debate centered on the due process clause in both the state and federal constitutions and its implications for the balance between private personal property rights on the one hand, and community natural resource management and economic planning on the other.[4]

The two Iowa Supreme Court appeals and the early years of water management in Monona County were but a piece of the broader development of a progressive conservation movement and progressivism. Historians have debated the exact dates of this era, but several

[4] Smith v. Monona-Harrison Drainage District No. 1, 178 Iowa 823, 824 (1916); Bd. of Trustees of Monona-Harrison Drainage District No. 1 v. Bds. of Supervisors of Woodbury and Monona Counties, 197 N.W. 82, 84 (1924).

have agreed that the period started in the 1890s.[5] Scholars have agreed less on when progressivism came to an end. Some have argued that the Progressive Era ended with World War I in 1917, and yet other historians have claimed that it ended in 1920 or during the 1920s.[6] Regardless of the debate over the specific dates, the issues raised in this chapter nonetheless echo Progressive Era themes. The story that unfolds in this chapter is not, however, the commonly expected story of the progressive movement, with the theme of the story focused upon the importance of national programs characterized by a "flow of authority from the top down."[7] Instead, the history of water management in Monona County fits within a broader interpretation of the Progressive Era. According to historian Daniel Rodgers, progressivism was not a coherent or consistent ideology, but rather a pluralistic movement marked by common ideas, including efficiency and social cohesion. This case study demonstrates such an emphasis on notions of efficiency and social cohesion, even when they came at the cost of autonomous personal property rights.[8]

Although the heart of this chapter focuses on drainage in Monona County during the Progressive era, the region's water problems did not start then. The harsh realities described in the journal from the Lewis and Clark Expedition in 1804-1806 testified to the contrary.

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[5] See, e.g., Samuel P. Hays, *Conservation and the Gospel of Efficiency: The Progressive Conservation Movement, 1890-1920* (New York: Atheneum, 1969).

[6] Some historians argue that the Progressive Era effectively ended with World War I. See Michael McGerr, *A Fierce Discontent: The Rise and Fall of the Progressive Movement in America, 1870 - 1920* (Oxford: Oxford U. Press, 2003). Others have argued that the Progressive Era lasted until 1920. See Steven J. Diner, *A Very Different Age: Americans of the Progressive Era* (New York: Hill and Wang, 1998), and see Hays, *Conservation and the Gospel of Efficiency*. Still other historians have asserted that Progressivism last into the 1920s and that no clear end point existed. See Patrick Gerster and Nicholas Cords, *Myth in American History* (Upper Saddle River: Prentice Hall, 1977), 203.

[7] In *Conservation and the Gospel of Efficiency*, Samuel P. Hays explains that many progressive conservation leaders' "entire program emphasized the flow of authority from the top down and minimized the political importance of … local communities." Hays, 272.

[8] Daniel T. Rodgers, "In Search of Progressivism," *Reviews in American History* 10 (Dec. 1982): 132. Rodgers also argued that the "Top-Down" style reforms were really a prevailing characteristic of the New Deal era, not Progressivism. Ibid.

Yet despite this early warning, subsequent historians and journalists towards the latter end of the nineteenth century considered the "picturesque Little Sioux River Valley a promised land."[9] With the appeal of these strong religious overtones, these authors painted a vivid picture of what the valley looked like to the first pioneers.[10] Boosters described the Little Sioux Valley as abundant with "tall waving grass, green as the emerald, dotted with myriads of prairie blooms."[11] The Little Sioux River was like a "silver ribbon" flowing through the level bottomlands of the Missouri River.[12] And the bottomlands were so level that their polished smoothness could have easily "persuaded one that Mother Nature had once been a better laundrywoman than some who iron shirts."[13] This gendered understanding of the environment, mixing with the religious overtones, conveyed a strong message. The valley was a mecca of agricultural abundance, and along the Little Sioux, Mother Nature was essentially providing a service. Her final product was a typical prairie stream and a fertile river valley, which was wonderfully flat and therefore seemed naturally conducive to agriculture.[14]

However, in those level bottomlands where the river neared its confluence with the Missouri, the land became more swamp-like. Like Lewis and Clark, some of the first settlers in the Valley observed that the bottomlands were "largely an expanse of sloughs and

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[9] U.S. Congress, "Report Summarizing the Accomplishments of the Little Sioux Project," 1.

[10] This chapter refers to the first white settlers in the region as "pioneers," because the community in Monona County called them such. Several newspaper articles and early historical accounts from the county referred to the first settlers in the region as area "pioneers." See *The History of Monona County*, 163.

[11] Ibid.

[12] Ibid.

[13] "Swept Away By Floods: Scenes Along the Upper Missouri – A Graphic Description of the Terrible Work of Water and Ice," *The St. Louis Daily Globe-Democrat*, June 13, 1881.

[14] See William J. Petersen, *Iowa: Rivers of Her Valleys* (Iowa City: State Historical Society of Iowa, 1941), 252.

marshes" with large mosquitos and green-head flies "that drove their horses wild."[15] The area was so swampy that the county had to construct raised roads on long wooden bridges. Otherwise, there were "months at a time when even good horses and narrow-tired buggies could not make the trip" across the bottomlands.[16]

Shortly after Iowa's statehood, the Congress of the United States passed a series of Swamp Acts in 1849, 1850, and 1860, which gave Iowa and fourteen other states all the swamp and overflowed land lying within their boundaries to reclaim and drain for public improvement. As historian Paul Wallace Gates observed, these acts were part of a shift in federal land policy from an emphasis on revenue generation for the government to one of simply transferring as much land as possible out of the public domain and into private ownership.[17] Therefore, this land grant from the federal legislature, like the subsequent Homestead Acts, was essentially a gift, albeit with conditions. The states would gain title to property without having to pay, but they had to play a role in advancing the national policy of draining the swamps. Because the swamps presented a significant impediment to farming, transportation, and public health, the government and individuals alike often considered swamps to be the worst place on the frontier. To the federal government, "exterminating the swamps was necessary before the frontier could be populated with industrious, prudent, hardworking, virtuous citizens."[18] In furtherance of this objective, the State of Iowa then deeded this swampy land to the counties. The counties, in turn, appointed commissioners to

[15] R.W. Fischer, Nile Valley Speech Transcript, Little Sioux Recognition Dinner (1973), Box 1/File 11, Little Sioux Watershed Records, 3.
[16] Ibid.
[17] Paul Wallace Gates, *The History of Public Land Law Development* (New York: Arno Press, 1979), 765-66.
[18] Donald J. Pisani, "Beyond the 100th Meridian," *Environmental History* 5 (Oct. 2000), 476.

select the said swamplands and begin the process of reclamation. Eventually one out of every twenty sections in Monona County received a patent under the Swamp Land Act.[19]

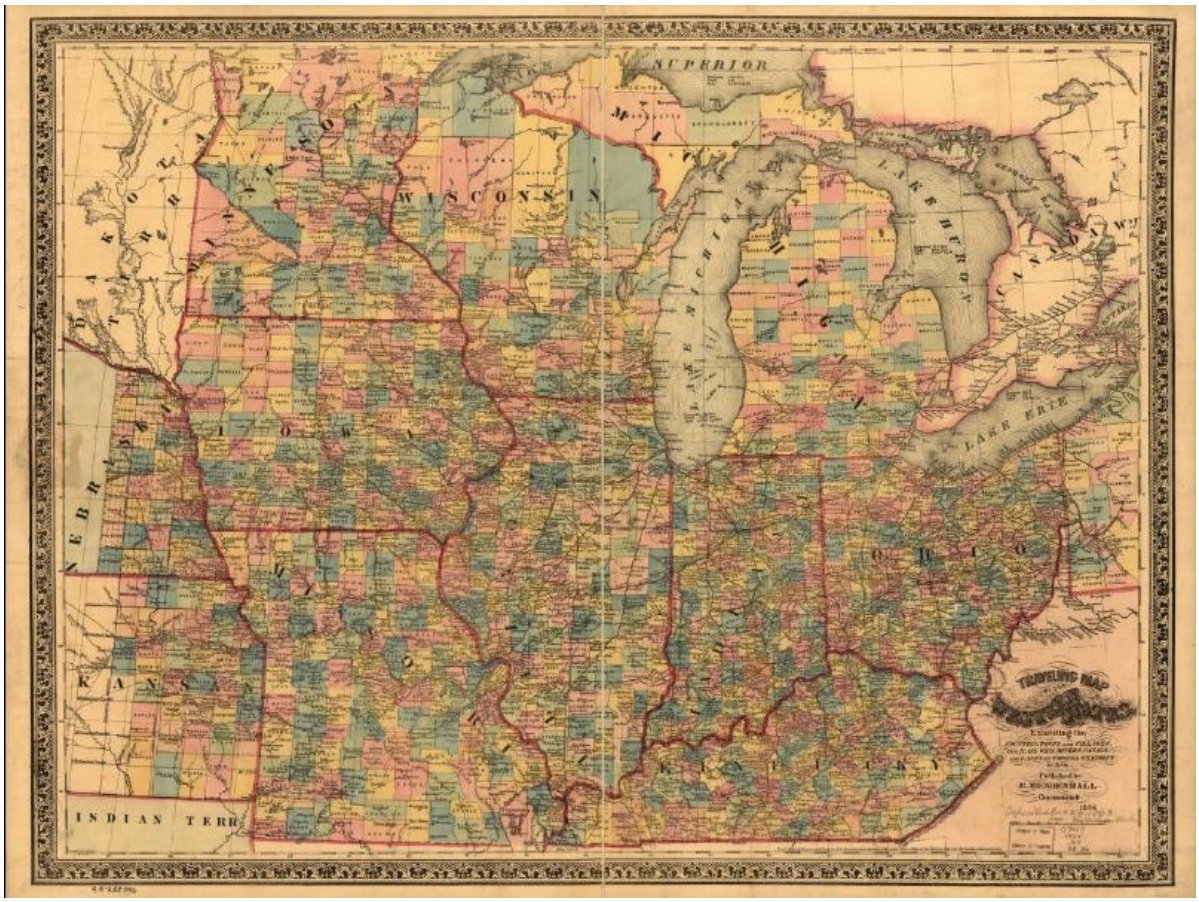

FIGURE 3, "Traveling Map of the Western States," engraved by Jos. Beutler (1864), Library of Congress Website, http://www.loc.gov/item/98688396 (last accessed October 28, 2012). Drainage reclaimed a significant portion of what was then considered part of the American West, or today, the Midwest.

[19] Loess Hills Historical Society of Monona County, Iowa, *History of Monona County* (Dallas: Taylor Publishing Co., 1982), 11. For a basic description of the Swamp Acts, see Gates, 765-66. For more information on the motives behind the Swamp Acts, see Lawrence M. Friedman, *A History of American Law*, 2nd ed. (New York: Simon & Schuster, 1985), 232. See also Pisani, "Beyond the 100th Meridian," 474-76, for a discussion about the role of swamps on the frontier. Under the Swamp Land Acts, Congress deeded 64 million acres to 15 states. Drainage "reclaimed" a significant portion of land in the Midwest; from 1850 to 1930, the wetlands of the Midwest shrank by more than 70 percent. Ibid. For more on American attitudes towards swamps, see Conevery Bolton Valencius, *Health of the Country: How American Settlers Understood Themselves and Their Land* (New York: Basic Books, 2002); Ann Vileisis, *Discovering the Unknown Landscape: A History of America's Wetlands* (Washington, D.C.: Island Press, 1997); and Anthony E. Carlson, "Drain the Swamps for Health and Home: Wetlands Drainage, Land Conservation, and National Water Policy, 1850-1917" (Ph.D. Dissertation, Norman: University of Oklahoma, 2010).

In 1862, the American Emigrant Company offered to purchase a substantial portion of these swamplands from Monona County. In exchange for the purchase, the Company agreed to construct the necessary ditches to drain the land. The county voted on this agreement, and a clear majority of the electors supported it. However, the Company failed to construct the ditches and did not comply with several of the provisions in the agreement with the county. While this breach of contract led to litigation in the federal circuit court, the more relevant point was that this contract showed an early recognition within the county that managing the drainage issues would require a large amount of capital, more than one individual farmer could likely amass. In light of this fact, the county had looked for alternatives, and in this instance found a large company that hopefully could provide the significant amount of capital required. [20]

In addition to dealing with swampy conditions, settlers in the area also faced floods, which would come "sweeping down the valley year after year after year."[21] Several of the largest floods were on the Missouri River. For example, the Flood of 1881 caused significant devastation. Newspapers around the region reported on the effects of this flood. One particular article compared the devastation to the biblical account of Noah's ark and the destruction wrought by that epic flood. Specifically describing the Little Sioux Valley, the article reported that *before* the flood, this area at harvest time was "a most ravishing scene, full of temptations for those who love farm life – good buildings, large crops, fine stock."[22]

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[20] The American Emigrant Company was a corporation engaged in importing contract labor from Europe. For a general discussion about the company and its practices, see Maurice G. Baxter, "Encouragement of Immigration to the Middle West during the Era of the Civil War," *Indiana Magazine of History* 46 (March 1950), 25-38. For more description of the Company's activities in Monona County, see *The History of Monona County*, 201.

[21] Fischer, Nile Valley Speech Transcript, 3.

[22] "Swept Away By Floods," *The St. Louis Daily Globe-Democrat*.

However, *after* the flood, the valley was "ravished by nature of all nature's gifts and man's achievements."[23] The flood had destroyed homes, inundated crops, deposited sediment and up-rooted trees across fields, and left rotting carcasses of cattle and horses to spread disease.[24]

Flooding occurred not only on the Missouri River, but also because of overflow from several tributaries that flowed into the Little Sioux. As described in the local newspaper, "until the turn of the 20th century the Little Sioux River … would come roaring out of the Missouri Bluffs…, [and] spew its waters out over the flood plains."[25] In 1891, significant flooding from these tributaries inundated the valley. As reported in the *St. Paul Daily News*, excess flow caused the Little Sioux River to become a "raging torrent," which claimed several lives, destroyed at least seventy-five homes and took out miles of railroad track and bridges.[26]

Drainage laws and regulations evolved to address complex geographies just like that of the Little Sioux River Valley. In the United States, this body of law grew out of English common law principles, civil law doctrine, case law, and various state constitutional and statutory provisions.[27] Of these sources, the English common law principles left perhaps the most important legacy for the development of drainage law. As historian Ann Vileisis explained, according to English common law, land was private property, but water possessed

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[23] Ibid.
[24] Ibid.
[25] "The Equalizer is Closed: Monona-Harrison Ditch Can Now Serve the Little Sioux Valley," *The Onawa Sentinel*, April 24, 1958.
[26] "Iowa Floods," *The Saint Paul Daily News*, June 25, 1891.
[27] The term "common law" has several different implications. In this instance, common law refers to the traditional unwritten laws of England, based on custom and usage, which began to develop over a thousand years before the founding of the United States, which were then carried to the colonies of England. See *The People's Law Dictionary by Gerald and Kathleen Hill*, http://dictionary.law.com/ (last accessed Sept. 5, 2012). Civil law, on the other hand, refers to a body of law based upon a code as opposed to cases. Ibid. Several countries in Europe, including France, operate under a civil law system. Ibid.

more of a public quality. Applying this principle, Americans consistently considered wetlands to be private property just like all other land. In fact, Vileisis argued that concepts of private property dating back to colonial times failed to account for the important differences in the character of land, and certainly did not account for the presence of water. Consequently, determining ownership and control of wetlands, which are inherently a mixture of both land *and* water, created confusion from the start and misleading ideas about this particular type of property. What individuals assumed was private property always included a "'commons' component."[28]

At the same time that events led to the 1916 litigation over the management of the water in the Little Sioux Valley, legal theorists, however, began to conceptualize drainage law and its relationship to property law in a slightly new way. In 1913, one such legal theorist, Wesley Newcomb Hohfeld, laid the initial groundwork for an important metaphor, one which attorneys and law professors have consistently used since to describe property rights and to partially address some of this confusion over land and water rights. According to this metaphor, real property was like a bundle of sticks, with each stick representing a property right. The right to use and manage water, including drainage, was simply one of those sticks in the bundle.[29]

[28] Vileisis, 5-6.

[29] For a discussion on the bundle of rights metaphor, see Denise R. Johnson, "Reflections on the Bundle of Rights," *Vermont Law Review* 32 (2007), 251-52.

FIGURE 4, Picture of George Allen, attorney for the Monona County Board of Supervisors from the 1910s until his death in 1944. *Onawa Democrat*, June 1, 1936.

The lawyers that litigated the 1916 and 1924 matters identified themselves as "drainage attorneys," with a specialized knowledge in what many people rightly considered a very complex area of law.[30] In large part, the lawyers dealt with what drainage law called diffused surface water, meaning all surface water not yet in or connected with a watercourse. This included water from rain, melting snow, or water detached from subsiding floods. Although geologists now would consider it to be a hydrological fallacy that diffused surface waters could be separate from waters in the stream, the law at the time created the distinction. Therefore, while water already in natural streams was subject to direct state control, diffused surface water was somewhat outside the immediate realm of the state. In other words, before water joined the natural stream, the private landowners had the power to divert and manage it.[31]

[30] George E. Allen, "Ltr. to Prospective Client," (1920), Box 3/File 15, Allen Papers, MS 81, Special Collections, Parks Library, Iowa State University, 1.

[31] David H. Getches, *Water Law in a Nutshell*, 3rd ed. (St. Paul: West Publishing Co., 1997), 293.

At this time, however, judges and lawyers across the United States advanced two different doctrines with regard to exactly how much power adjoining landowners had to manage the diffused surface water on their property. The first doctrine, called the Common Enemy Doctrine, held that landowners could take any action they saw fit in order to manage diffused surface waters without incurring liability to others. The second doctrine, called the Civil Law Doctrine, held, instead, that every landowner had a reciprocal duty to maintain the natural drainage patterns and to refrain from diverting diffused surface waters in a way that would adversely affect neighboring land owners. The idea behind this doctrine was that water runs downhill, so it was natural that downstream land received drainage from upstream land. Therefore, lower lands had to receive all natural drainage and could not obstruct the natural flow in such a manner that would cause detriment to the upstream land.[32]

During the first decade of the twentieth century, Iowa law regarding drainage was beginning to take form. Iowa cases and statutes reflected a trend towards the Civil Law Doctrine. Essentially, a dominant landowner, which meant the landowner at higher elevation, could drain his water onto the lands of the servient landowner, meaning the landowner at the lower elevation. The only limitation on the dominant landowner was that he could not increase the flow of the drainage. As discussed above, this meant that the landowners had to largely refrain from diverting diffused surface waters in a way that would adversely affect neighboring landowners.[33]

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[32] John E. Cribett et al, *Property: Cases and Materials*, 8th ed. (New York: Foundation Press, 2002), 641; Stephen J. Andrle, "Iowa Drainage Law Manual," Iowa State University's Center for Transportation Research and Education (April 2005), Introduction, http://www.ctre.iastate.edu/pubs/drainage_law/1_intro_disclaimer.pdf (last accessed Dec. 5, 2011).

[33] Andrle, "Iowa Drainage Law Manual," 3, http://www.ctre.iastate.edu/pubs/drainage_law/ (last accessed October 31, 2012).

Despite this preference for perpetuating natural drainages, the Iowa legislature established the concept of drainage districts, which allowed for the construction of ditches that would alter the natural drainages, and Monona County took advantage of this statutory creation. One of the first and the largest of these ditches in Monona County was the Monona-Harrison Ditch, which residents still refer to as the "Big Ditch." On June 6, 1904, a group of interested landowners filed a petition to build the ditch and establish a drainage district. Their petition was pursuant to the series of Iowa statues that the state legislature enacted around 1890, which specifically provided that a group of two or more landowners could submit a petition to construct a drainage ditch to the county or counties in which the proposed ditch and district would be located.[34] Monona County, along with its neighbor to the south, Harrison County, accepted this petition, and pursuant to statute, held a vote of all the landowners within the proposed district as to whether the counties should establish such a district for a ditch that would traverse both counties. The landowners voted in the affirmative, which gave the counties the authority to assess a tax on the lands within the district to fund the necessary drainage ditches. By 1908, construction of the Monona-Harrison Drainage Ditch was complete.[35]

During the same time, several other landowners within the river valley formed other drainage ditches and districts. The meeting minutes of the Monona County Board of Supervisors chronicled many of the petitions, which monopolized the Board's meeting agendas for at least six months of the year. These minutes are worth close review, both because they shed light on the drainage district process, and because they explore the process

[34] Ibid.
[35] Monona County, Board of Supervisors Meeting Minutes, 1904 – 1908, Monona County Courthouse, Onawa, Iowa.

from the county level. The sheer number of entries in the minutes regarding drainage, as well as the lack of entries regarding other matters, revealed two important aspects of the community. First, drainage was an important issue to the landowners during these years, because they were the ones who brought all the petitions to the County Supervisors. Their petitions demonstrated that they were trying actively to manage the drainage problems. Second, the minutes also suggested that drainage was very important to the County Supervisors, because the Board did not devote much time during the meetings to other county matters. Although the County Supervisors could not control what matters the citizens brought before it, the Board could still control the amount of time it devoted to the various matters, and the minutes suggested it certainly did not limit the amount of time spent on drainage concerns.[36]

The detailed minutes regarding the drainage district petitions also revealed the rules that governed the creation and operation of these districts. To begin with, the county had to provide public notice to the affected landowners about the creation of the proposed district and the construction of the proposed ditch. In these notices, the county stated that it would appoint commissioners to inspect and classify all lands benefited by the location and construction of the district. Furthermore, the county emphasized that the commissioners would be freeholders within the county, but not within the proposed district and not related to anyone who owned property within the district. These provisions, which followed the requirements of the state statutes, were in place to protect against two conflicts of interest.

[36] Ibid. From 1905 through the mid-1910s, the Board of Supervisors meeting minutes from March through September of each year reflected that drainage matters filled most of the Board's time. This seasonal pattern reflects the fact that drainage issues were most imperative during the spring and summer, which was the growing season, but it was also when snowmelt and seasonal rains added to the risk of flooding. As a point of clarification, the Board of Supervisors was the name given to the elected governing body of the county. The Board was analogous to County Commissioners in other states. Ibid.

First, they prevented a conflict of interest for County Board of Supervisors. By appointing separate people to classify the lands that the Board would later tax, the Board could not inequitably classify the lands simply to garner higher tax revenues for the ditch construction. Second, the provisions prevented a conflict of interest for the commissioners that the Board appointed. Since the commissioners could not be landholders within the proposed district or related to any landholders within the district, they arguably did not have any incentive to falsify the land classifications. Yet the provisions included in the public notices also ensured that the commissioners would have the best interests of the county in mind, as the commissioners still had to be landowners within the county.[37]

From the meeting minutes, the community could also glean the basis of the Board's authority to create these districts and to assess the additional taxes for the ditch construction. As often repeated in the minutes, the drainage districts and ditches were a public necessity. The county deemed the ditches both conducive to the public health, convenience and welfare, and of public benefit and utility. Because the ditches served these ends, the county could justify the additional tax assessment under the police power of the state, even though it infringed upon personal property rights.[38]

While Monona County created drainage districts in the Little Sioux Watershed, several other water management and drainage improvement schemes were gaining momentum in the Midwest and on a national level. From 1900 through 1907, business leaders and governmental officials in Illinois and Missouri petitioned the federal legislature

[37] Monona County Bd. of Supervisors Minutes, Sept. 2, 1907.

[38] Ibid. According to constitutional law, the police power refers to the ability of the states to regulate behavior and enforce order within their boundaries, when the state deems it to be for the betterment of the general welfare, morals, health, and safety of their inhabitants. See Gerald and Kathleen Hill, *The People's Law Dictionary by Gerald and Kathleen Hill*, http://dictionary.law.com/ (last accessed December 5, 2011).

to appropriate funds for a Great Lakes-to-the Gulf Deep Waterway. An interstate Deep Waterway Association formed to lobby for this cause, which envisioned a fourteen-foot channel from Chicago to New Orleans to facilitate transportation for commerce and people. Debates over the waterway fueled significant battles in Congress and at the state-level over who should pay for the project. In 1901, the U.S. Congress made technical aid available to drainage projects by creating an Office of Drainage Investigation within the Department of Agriculture. In November 1906, interest groups from several states held a National Drainage Congress in Oklahoma City to coordinate lobbying efforts for federal financial support to construct regional drainage projects.[39] Then in 1909 President Roosevelt's Country Life Commission declared that on a national level, "rivers are valuable to farmers as drainage lines," as sources of irrigation supply, and for transportation.[40] The Report urged that "wide development of these and other uses is important…; their protection from [from mismanagement] is one of the first responsibilities of government."[41] The Report went on to explain that a "broad constructive programme involving coordinate development" of streams was "urgently needed."[42]

When looking at this broader context of water management efforts in the Midwest and nationally during the Progressive Era, the development of drainage districts in the Little Sioux Watershed may seem different. First, the drainage districts were significantly smaller in scope than project proposals like the Lakes-to-the-Gulf Deep Waterway. Second, the

[39] Hays, 95-100 (discussing the Deep Waterway proposal) and 222-225 (discussing the Drainage Congress).
[40] U.S. Congress, Country Life Commission, "Report of the Country Life Commission" (1909).
[41] Ibid., 31.
[42] Ibid. In 1902, Congress also passed the Newlands Reclamation Act to provide support for irrigation projects in the western United States. See Donald J. Pisani, "Federal Reclamation and the American West in the Twentieth Century," *Agricultural History* 77 (Summer 2003), 391-491, 391.

drainage districts in the Little Sioux Watershed focused on regional control and funding of water management, in contrast to the emphasis of the federal government's role in the other drainage efforts. These characteristics were directly counter to the narrow definition of Progressive era conservation reforms as "a flow of authority from the top down."[43] However, all of these water management efforts shared some commonalities. Specifically, they clearly illustrated what historian Samuel Hayes considered to be a central theme of progressivism, which was a "tension between the centralizing tendencies of system and expertise on the one hand and decentralization and localism on the other."[44] They also sought to maximize the efficient use of natural resources for economic gain, and they reflected the growing tension between maintaining private property rights on the one hand, and infringing upon those rights on the other hand in order to accomplish broader objectives like efficiency and social cohesion.[45]

Similar to the regional and national water projects, the drainage districts in Monona County also experienced difficulties resulting from this tension. Although the Monona County Board of Supervisors' meeting minutes revealed that landowners frequently presented drainage petitions, this pattern did not mean that all landowners supported every drainage district. The minutes recorded several public hearings where landowners enthusiastically testified against the construction of certain ditches, or against the location of proposed ditches, or against the tax assessments for the ditches. Frequently, landowners argued that they should not have to pay the additional tax, because their property would not

[43] Hays, 272.
[44] Ibid.
[45] Ibid.; see Rodgers, 132.

receive any benefit from the proposed ditch, or because the benefit would be very minimal. These disputes gradually increased and led to several litigations in the county.[46]

On April 1, 1915, the *Onawa Democrat* reported that the state legislature passed a bill that affected the management of a drainage district. According to this bill, if the members of a drainage district wanted, they could elect to transfer authority for the district from the county's board of supervisors, which had previously controlled the district, to a newly created entity called a board of trustees. In that same article, the paper suggested that the Monona and Harrison County supervisors had "no objection" to the bill and that they were "glad to be relieved of the necessity."[47] The *Onawa Sentinel* also covered the news of the statutory change. The *Sentinel* interviewed Mr. E. L. Hogue, a landowner in Monona County, who supported the bill. According to Hogue, the new bill provided for selection of trustees "by the people."[48] This change was allegedly necessary because the county supervisors were very often not doing the necessary work to maintain the drainage systems. Hogue stated that the county was experiencing problems with the drainage system, because the "supervisors [were] neglecting the ditches."[49]

According to Hogue, the chief objective of the bill was to make the drainage districts more effective and efficient, echoing progressive ideas. He thought the bill could ensure a higher standard of efficiency in the work of the districts, and accomplish far better results for the taxpayers. As Hogue and the other supports of the bill saw it, the involvement of the county supervisors politicized the drainage process too much, because the supervisors could

[46] See Monona County Bd. of Supervisors Meeting Minutes, Nov. 19, 1907 (re: Public Hearing re McCaudless Ditch); See *Onawa Democrat,* August 5, 1909.
[47] *Onawa Democrat*, April 1, 1915.
[48] *Onawa Sentinel*, March 18, 1915.
[49] Ibid.

not please all landowners all the time. For example, when a supervisor showed interest in inspecting a drainage ditch as required by law, other landowners in the county, who were uninterested in that ditch, condemned the supervisor for neglecting other necessary work in the county. According to Hogue, the new statutory scheme would practically eliminate politics from the drainage process, yet provide for the upkeep of the ditches and ensure that every taxpayer received the proper benefit from his money.[50]

Just two weeks after the April 1 article, several people appeared at the Board of Supervisors meeting expressing the desire to transfer control of the Monona-Harrison drainage district to a board of trustees. The process to elect the trustees, however, was not quite that simple. According to the new statute, a majority of the landowners within a district had to sign the petition, and the signatories also had to own a majority of the number of acres within the drainage district. After subsequent articles in the paper urging that "unless there be a concerted action on the part of the landowners, the project will fail in action," the landowners within the Monona-Harrison Drainage District managed to gather sufficient support to meet the statutory requirements.[51] They collected a petition that had the support of a majority of the 463 landowners within the Monona-Harrison District, and the signatories owned a majority of the more than 80,000 acres of land within the district. The signatories included not only individual farmers, but also representatives from several grain elevators, local banks, and other private businesses within the drainage district. In response, the County Supervisors passed a resolution on May 1, 1915 accepting the petition to transfer

[50] Ibid.
[51] *Onawa Sentinel*, April 29, 1915.

control of the Monona-Harrison Drainage District to a board of trustees, and an election was set for June 5, 1915 to select landowners that would serve.[52]

Part of the impetus amongst community members to seek a quick transfer of authority to a board of trustees was that fact that spring floods continued to cause great damage to the Monona-Harrison Drainage ditch. Yet despite the pressures of the environmental realities, the Joint Board of Supervisors had to call off the June 5th election, because of an irregularity in designating the place for holding the election. The state statute required that the polling take place within the physical boundaries of the drainage district. This requirement ensured that the landowners would have access to participate in the election.[53]

Despite the setback, the election did occur on July 1, 1915. The previous resolution passed by the County Board of Supervisors in May 1915 provided that every landowner within the district could cast one vote for each $10 worth of benefit they received as a result of the Big Ditch. As the *Sentinel* reported, this placed "the controlling voice with the larger landowners."[54] Those that benefitted most from the drainage district had the largest say in electing trustees and guiding the future work on the ditch. Not surprisingly then, the election created a tension between the large landowners and the small landowners within the District that would continue to increase.[55]

Whether the tension was solely the product of differences between the interests of the large landowners versus those of the small landowners was not entirely clear. However, it was clear that the ownership requirements for the original petition, coupled with the ownership connection to the voting structure, created an atmosphere that largely emphasized

[52] Ibid.
[53] Monona County Bd of Supervisors Meeting Minutes, May 1, 1915; *Onawa Sentinel*, June 3, 1915.
[54] *Onawa Sentinel*, May 6, 1915.
[55] Ibid.

the differences between the landowners more than it highlighted the similarities. After the July 1 election, the new trustees immediately started moving for "better flood and surface drainage."[56] Many landowners attended a public meeting at the end of July that the paper described as "a free for all."[57] Then throughout the following winter, when the newly elected Board of Trustees attempted to make improvements to the Monona-Harrison Drainage Ditch by trying to construct a parallel ditch, it again met much resistance because of the associated price tag.[58]

By March 9, 1916, the *Onawa Democrat* reported that a legal question regarding the authority and jurisdiction of the Board of Trustees was developing. Specifically, landowners argued whether the Trustees had the appropriate authority to approve the proposed improvements on the Monona-Harrison. Due to the large amount of money involved, the differing landowners agreed to start a "friendly suit and carry it to the [Iowa] Supreme Court to have a decision in the contention."[59] At the end of that month, J.P. Day, a landowner within the District, enthusiastically stated in a letter to the editor of the *Democrat* that the improvements proposed by the Board of Trustees were obviously in violation of the limits of the Board's authority, because they bespeak a "new deal" that the county could "laughably" condemn.[60] While his words seemed, at face value, to fit within the friendly tenor of the debate, there was an underlying tone to his letter that perhaps suggested otherwise, especially in light of the nature of the litigation that followed.[61]

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[56] *Onawa Democrat*, July 29, 1915, 1.
[57] Ibid.
[58] See *Onawa Democrat*, July 29, 1915; *Onawa Democrat*, March 9, 1916.
[59] *Onawa Democrat*, March 9, 1916.
[60] *Onawa Democrat*, March 30, 1916.
[61] See *Onawa Democrat*, January 4, 1917.

The matter proceeded to the District Court, before Judge W.F. Sears, with the primary question being whether the Board of Trustees had the authority to construct the ditch improvements. For Judge Sears, at the heart of this question of authority was really a question about how to allocate the costs for the improvements. In other words, the litigation centered on who would have to pay for ditch improvements. The Trustees had proposed to fund the new improvements through the same tax area as the original Monona-Harrison Ditch, with the same proportionate share of the taxes as before. This obviously angered landowners who held fewer voting rights. They contended that these improvements should be a separate project, because they would not receive any "appreciable" benefit from them.[62] Therefore, in order to stop the construction of the new improvements to the drainage ditch, the county challenged whether the Trustees' authority extended to such improvements.[63]

On June 15, 1916, Judge Sears rendered a decision in the District Court, finding that the County Supervisors, not the Trustees, had jurisdiction over any improvements to the Monona-Harrison Ditch. This meant that the Trustees did not have the authority to go ahead with these new improvements to the Monona-Harrison. Unhappy with the decision, the Trustees appealed to the Iowa Supreme Court. The Supreme Court found that this matter was largely a constitutional issue related to the requirements of due process, which effectively provides that a person cannot be taxed without first being given notice and a hearing.[64] Specifically, the Court held that the legislature designed the statute that allowed Trustees to manage a drainage district in a narrow manner. The statute gave the Trustees adequate authority to conserve all the efforts done in the way of constructing the original

[62] *Onawa Sentinel*, March 20, 1917.
[63] Ibid.
[64] The "due process" clause of the U.S. Constitution provides that "no person shall be deprived of life, liberty, or property, without due process of law." U.S. Constitution, Art. 1, § 9.

ditch, but the statute did not give the trustees the authority to construct *additional* improvements, which would incur additional costs and consequently, additional taxes. Instead, such new improvements necessitated the organization of a new drainage district. This requirement was important, because it afforded all the property owners another opportunity for a hearing, as provided by the due process clause, before being subjected to additional taxes. Otherwise the Trustees would have embarked on a costly enterprise that would have imposed a burden exceeding $500,000 on the landowners of the District, *without a hearing*.[65]

After the Supreme Court decision, there was still disagreement over the extent of the Trustees' authority. In the trustee elections held in January 1917, the *Democrat* reported that "with the amount of conflicting sentiment regarding ditch maintenance and improvements, the position [of trustee] is by no means a desirable one to hold, and the recent decision of the supreme court left the matters even more complicated."[66] In March 1917, just weeks before the United States entered World War I, the matter was again in the District Court, this time before Judge George Jepson. From the perspective of the newspapers, the drainage issues were equally as important as the impending war, and a newspaper article in the *Sentinel* even reported that the county expected the "fight over the ditch" to be "one of the hottest Monona County has ever seen."[67] According to the *Sentinel*, "many of the most prominent land owners in and around Onawa" were still opposed to the work, and they claimed they would continue to "carry the fight to the limit" if need be.[68] Thus, either the "friendliness" of the suit had dissipated, or its existence was solely dependent upon the perspective of the person

[65] *Smith*, 178 Iowa at 824.
[66] *Onawa Democrat*, January 4, 1917.
[67] *Onawa Sentinel*, March 20, 1917.
[68] Ibid.

asked. In June 1917, Judge Jepson rendered another the decision from the District Court. His decision again granted a permanent injunction against the Board of Trustees, enjoining them from starting on the construction of the proposed improvements to the Monona-Harrison Ditch.[69]

These three phases of the litigation reflected a tenuous balance of power, or struggle for power, between the County Supervisors, the landowners, and the Board of Trustees. The community was trying actively to manage their water problems, and struggled to decide who should make drainage decisions and who should pay for them. In this instance, the balancing of interests tipped in favor of protecting private property rights. The Supreme Court decided that the due process clause necessitated the protection of the landowners within the District that received the least amount of benefit from ditch improvements, and therefore held the smallest voice in trustee elections. The Court determined that they should not have to carry an unnecessary tax burden, despite the fact that these improvements would have aided in the expansion of the community's agricultural economy.[70]

The tension did not end with Judge Jepson's decision in June 1917. In the 1920s, another lengthy litigation ensued between the Monona-Harrison Board of Trustees and the County. Like the earlier litigation, this case was essentially a disagreement over who would bear the costs of ditch maintenance. This time, however, the debate also involved Woodbury County, which was Monona County's upstream neighbor on the Little Sioux River.[71]

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[69] *Onawa Sentinel*, June 7, 1917.
[70] See *Smith*, 178 Iowa at 824.
[71] *Bd. of Trustees of Monona-Harrison Drainage District v. Bds. of Supervisors of Woodbury and Monona Counties*, 197 N.W. at 82 (1924).

By this time, seven drainage ditches in Monona and Woodbury Counties used the Monona-Harrison Drainage Ditch as their outlet for the discharge of water.[72] As a result of this set-up, the silt flowing downstream clogged and filled the Monona-Harrison Drainage Ditch to such a degree that it failed to provide a sufficient outlet for either the upstream drainage districts or the waters from the Monona-Harrison Drainage District itself. Consequently, the Board of Trustees had the ditch cleared out and repaired, for a total cost of over $140,000. Then, relying on a new statute that the legislature passed in April 1917, the Board of Trustees attempted to compel the districts for the feeder ditches to assess a tax on their landowners in order to contribute their proportionate share of the clean up and repair costs on the Monona-Harrison.[73]

On behalf of these feeder districts, Monona and Woodbury Counties challenged whether the Trustees could require the other districts to contribute to maintenance costs on the Monona-Harrison. The District Court held in the counties' favor, deciding that the Trustees could not compel the other districts to contribute to the costs on the Big Ditch. Consequently, the Trustees appealed the decision to the Iowa Supreme Court, like they had done eight years earlier in *Smith v. Monona-Harrison*. The Supreme Court again faced a constitutional question. According to the Counties, the new statute that allowed one ditch to *compel* other districts to contribute to maintenance costs was unconstitutional. The Counties argued that the statute violated the due process clause, because the act allegedly permitted the

[72] According to Monona County's Abstract of Record in the Supreme Court appeal, these feeder districts included the West Fork Drainage District, the Linscott Drainage District, the Farmers Drainage District, the Haitz Drainage District, the Garretson Drainage District, the Lower Wolf Creek Drainage District, and the Upper Wolf Creek Drainage District. Appellant's Abstract of Record, September 1923, *Bd. of Trustees of Monona-Harrison Drainage District v. Bds. of Supervisors of Woodbury and Monona Counties*, 197 N.W. 82 (1924).

[73] Chapter 332 of the Acts of the Thirty-Eighth General Assembly of Iowa, passed April 29, 1917, Box 3/File 13, Allen Papers.

taxation of property within the feeder districts without providing the requisite notice of such tax to the landowners and then a hearing.[74]

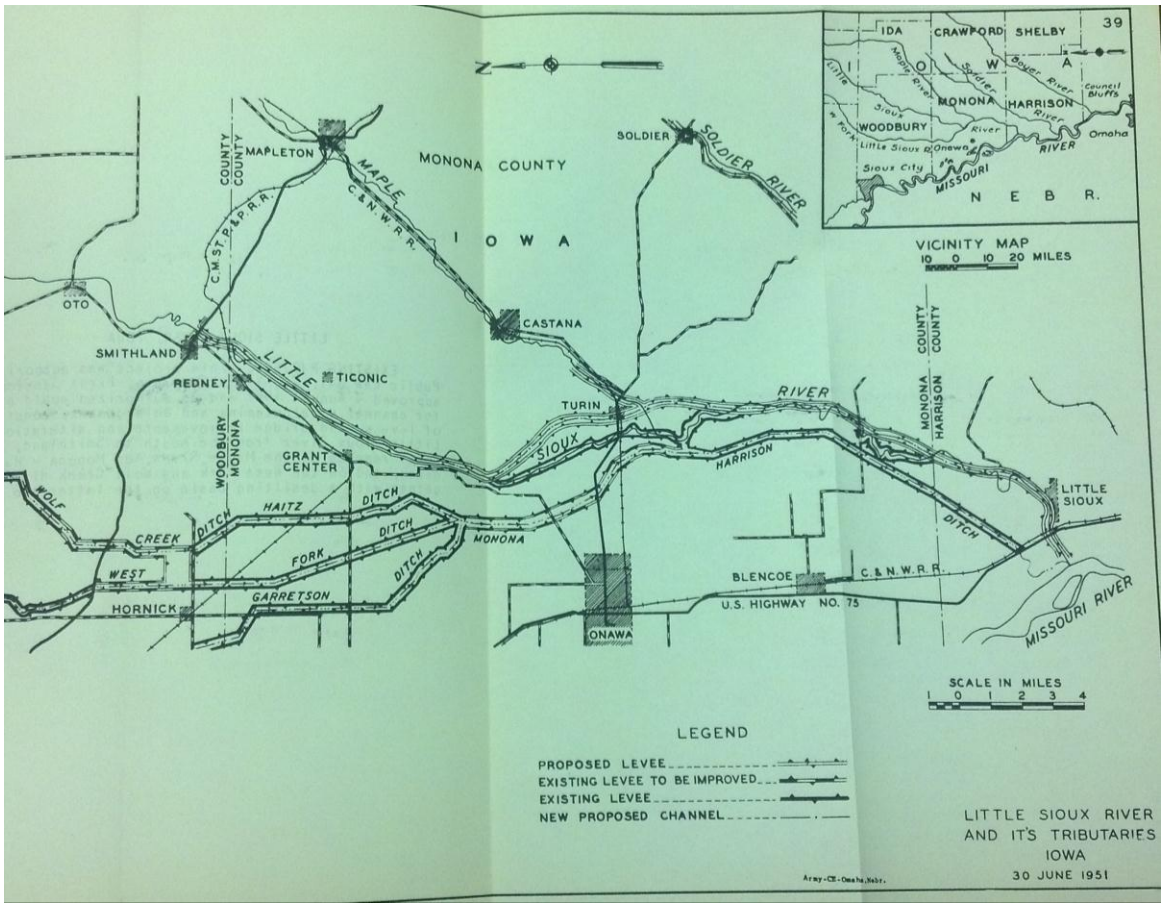

FIGURE 5, Map of Little Sioux River and Monona-Harrison Ditch, with several of the feeder ditches depicted on the left side of the drawing. U.S. Army Corps of Engineers, "Little Sioux River and Its Tributaries, Iowa," *1951 Project Maps: Omaha District* (June 30, 1951).

The Supreme Court held that the constitutional due process provision did require that the Boards of Supervisors had to provide a notice and an opportunity for a hearing *at some stage* of the process before it could assess a tax and thereby deprive the landowners of their property. However, the Court determined that the landowners within the feeder districts received this requisite notice and opportunity for a hearing when they first voted to form their

[74] *Bd. of Trustees of Monona-Harrison Drainage District v. Bds. of Supervisors of Woodbury and Monona Counties*, 197 N.W. at 84 (1924).

drainage district. The Constitution did not entitle them to another round of notice and hearing. In other words, the Supreme Court stated that when the landowners voted to approve their drainage district, which they constructed to feed in to the Monona-Harrison Drainage Ditch, they should have realized that they would have to contribute to the maintenance costs of the Monona-Harrison Ditch. The Court refused to allow the upstream landowners to enlarge the protection afforded by the due process clause in order to avoid the obvious consequences of the environmental and physical realities of the drainage system they constructed.[75]

The 1924 Supreme Court decision did not end these struggles over drainage in the Little Sioux River Valley either. Several similar litigations continued in the 1940s over various nuanced arguments dealing with essentially the same question: who should bear the costs of building and maintaining the drainage system. Yet the 1924 decision highlighted the interplay between the role of the physical realities of the drainage system and the battles over who would pay for them.[76]

Ultimately, these events that transpired before the 1936 and 1944 Flood Control Acts and the creation of the federal Little Sioux Project demonstrated that the community in Monona County was actively trying to manage its water long before the federal government entered the scene. Furthermore, as Donald Pisani suggested, these early years revealed the important "political, economic, and social consequences" for Monona County and the Midwest during the Progressive Era that resulted from the "moving [of] water from one place

[75] U.S. Constitution, Art. 1, § 9. See *Bd. of Trustees of Monona-Harrison Drainage District v. Bds. of Supervisors of Woodbury and Monona Counties*, 197 N.W. at 84 (1924).

[76] See Bd. of Trustees of Monona-Harrison Drainage Dist. No. 1 v. Bd. of Supervisors of Monona County, 228 Iowa 1095 (1940); Bd. of Trustees of Monona-Harrison Drainage District No. 1 v. Bd. of Supervisors of Monona County, 5 N.W.2d 189, (1942); Bd. of Trustees of Monona-Harrison Drainage Dist. No. 1 v. Bd. of Supervisors of Monona County, 236 Iowa 690 (1945).

to another."[77] Echoing Rodgers description of the Progressive Era, the dissection of these drainage issues reveals the struggle between the landowners, the county and the state as they sought not only to protect personal property rights, but also to provide for the good of the entire community by promoting efficiency and the expansion of their agricultural economy.[78]

The early years of drainage along the Little Sioux also reflected the influence environmental realities held over the drainage process. As the two cases revealed, the environmental conditions in Monona County did not prevent the residents from farming. Furthermore, flooding threats were not an excuse to avoid the requirements of the Constitution and the due process clause. But, at the same time, drainage districts were required to account for environmental realities as they determined and planned for drainage costs. Ultimately, to the residents of the Little Sioux Watershed, water and the environment were sources of wealth, albeit ones that necessitated efficient management that sometimes crossed private property lines.

The construction of the Big Ditch, the formation of the Monona-Harrison District, and the two state Supreme Court appeals occurred before Monona County even contemplated the federal Little Sioux Project. Nonetheless, these events ultimately created much of the impetus for the federal project, they contributed to shaping the body of law that has become Iowa drainage law, and they add insight to the broader story of water use and management in the rural communities of the Midwest during the Progressive Era. The two Iowa Supreme Court appeals resulting from these efforts to flesh out water management reflected this balance between upholding personal property rights and creating a community-wide resource management program. The Iowa Supreme Court found in favor of protecting private

[77] See Pisani, "Beyond the 100th Meridian," 474-76.
[78] See Rodgers, "In Search of Progressivism," 132.

property rights in the first litigation in 1916, but in the second matter, the Court determined the limit of this protection for personal property rights.

Several decades after these two litigations, a local resident, R.W. Fischer, recollected about these early years of drainage in the county. As a result of the swamps and the flooding, the early farmers in Monona County had started to construct drainage systems on their land with "spades, horse-drawn slips, and awkward drag-lines."[79] As he saw it, they had "carved what appeared to be a hap-hazard, patchwork-quilt of a drainage system. But it helped. The marshes became fields, and in good years, at least, the valley bloomed."[80]

[79] Fischer, Nile Valley Speech Transcript, 4.
[80] Ibid.

CHAPTER THREE:
"ONE RIVER – ONE DEVELOPMENT FOR MULTIPLE BENEFITS"
The Federal Government, the Missouri River Watershed and the Implications for Monona County

On August 18, 1944, Senator James E. Murray delivered a speech to his colleagues in the United States Senate regarding an issue of much importance to the farmers living along the Monona-Harrison Drainage Ditch. However, Senator Murray was not a resident of the Monona-Harrison District, Monona County, or even the state of Iowa. To the contrary, Murray represented the state of Montana, located over 1,000 miles upstream on the Missouri River from Monona County.[1] Indeed, on the surface, Murray did not have many connections to western Iowa, as he had been a long-time resident of Butte, Montana and was born in Canada. Nonetheless, his remarks to Congress in the summer of 1944 spoke to the need to coordinate a basin-wide program for the management of the entire Missouri River watershed, in which the Little Sioux River flowed.[2]

Although the early years of water management along the Little Sioux River in Monona County had caused the valley to bloom in good years, flooding and drainage continued to cause problems, and so by the 1930s the residents of Monona County had begun to look beyond the boundaries of their drainage districts and even their state to find resources and solutions to their water management problems. Consequently, the plans of Senator Murray and other federal politicians and administrators were particularly relevant for the

[1] For information on the mileage of the Missouri River, see generally, "Land of the Big Muddy," *Time* (Vol. 60, Sept. 1952), 38-43.

[2] James E. Murray, "Speech of Honorable James E. Murray of Montana in the Senate of the United States, August 18, 1944" (Washington: United States Government Printing Office, 1944), Box 3/Subject File 1931-1966, Jerome K. Walsh Papers, Personal Papers Collection, Harry S. Truman Presidential Library; see Donald E. Spritzer, et al, "Guide to the James E. Murray Papers 1934-1961," Finding Aides, Maureen and Mike Mansfield Library, University of Montana (2003), available at http://nwdadb.wsulibs.wsu.edu/findaid/ark:/80444/xv83794.

farmers along the Monona-Harrison Drainage Ditch. As much as the members of the drainage district could try to alleviate their local flooding and drainage problems, a pesky environmental reality always impeded their efforts, at least to some degree. Ultimately, their drainage system could only be effective if the Little Sioux *and* Missouri Rivers functioned properly together, with the Missouri providing an outlet for the waters of the Little Sioux Valley. Admittedly, Senator Murray may not have been thinking of these specific circumstances back at the confluence of the Missouri and the Little Sioux when he delivered his address in Washington, D.C. in August 1944. However, his argument rested precisely on this interconnected nature of the many rivers within the Missouri watershed. Consequently, he titled his speech advocating for cohesive basin-wide management, "One River – One Development for Multiple Benefits."[3]

FIGURE 6, Confluence of the Little Sioux and Missouri Rivers. Photo taken by Maria Howe on August 8, 2012, available on file with the author.

[3] Murray, 1.

This chapter explores the resulting connections that developed during the 1930s and 1940s between the Little Sioux River in Monona County and the federal government. During these two decades, the character of water management in the Little Sioux River Valley changed with both the introduction of a federal project on the Little Sioux River itself, and the development of federal plans for the entire Missouri River basin, such as Senator Murray's proposal discussed above. Local attorneys also appealed lingering disputes over the drainage matters in Monona County to the United States Supreme Court. Yet, as this chapter will discuss, it is important to see this turn of events in the proper context. The involvement of the federal government did mark a new stage, but at the same time several of the themes seen during the early years of drainage and flood control in Monona County persisted. First, the tenuous balance between private property interests and regional agricultural development, created by the various landowners, the county, the state and now the federal government, continued to define the process of constructing a drainage system. Second, although environmental realities did not deter the community from attempting to drain and farm a swampy floodplain, the area's hydrology still affected the process. A basic understanding of how the water worked in the valley and its interconnection with the broader Missouri River watershed was necessary for effectual drainage.

The 1930s marked a national turning point in the regulation of rivers and the environment. While the federal government was certainly involved in these matters before this point, as mentioned in the previous discussion on Progressive Era water projects like the proposal for the Great Lakes-to-the Gulf Deep Waterway, or the report of Teddy Roosevelt's Country Life Commission, the role of the federal government changed during this decade. Specifically, the federal government began to embark on projects like the construction of the

Hoover Dam in 1931, the creation of the Tennessee Valley Authority (TVA) in 1933, and the implementation of California's huge Central Valley Irrigation Project that same year, which Marc Reisner referred to as the largest and "most mind-boggling public works project on five continents."[4] In terms of Donald Worster's analytical framework, this decade was central to the "florescence stage" of water policy, which lasted from 1902-1940s, during which time the federal government increasingly took firm control of the western rivers.[5] Overall, projects like the TVA and the Central Valley Project, along with many others, ushered in the beginnings of a much-broadened role for the federal government in regulating and managing waterways across the U.S.[6]

However, the broadening of the federal government's role during this time period went far beyond water management. The Great Depression brought widespread unemployment as well as decreased profits and personal income, and in response the government got involved in many aspects of American life under Franklin Roosevelt's New Deal. Several scholars have addressed this profound change in federal regulation, including historian Anthony Badger, who argued that the New Deal marked a decisive break with the past.[7] Similarly Michael Hiltzik observed that "what is surely beyond debate is that the Great Depression marked an upheaval in American history, and the New Deal a turning point in the relationship between government and the governed."[8] According to Robert Rabin, a political scientist and law professor, the New Deal Era brought a new conception of the state as "a national government actively prepared to take on whatever functions seemed necessary to

[4] Reisner, 9.
[5] Worster, 127-256.
[6] See Reisner, 9.
[7] Anthony J. Badger, *The New Deal: The Depression Years, 1933 – 1940* (London: Macmillan Education Ltd., 1989).
[8] Michael Hiltzik, *The New Deal: A Modern History* (New York: Free Press, 2011), 432.

ensure economic prosperity."[9] Once this perception became an accepted fact, Rabin argued that "a major shift occurred in the terms of debate over the regulatory system. Disagreement about the appropriate fields of administrative activity subsided to the vanishing point."[10]

In this context, it was not surprising that the federal government also turned its attention to and expanded its role in drainage matters. By the 1930 census, drainage districts, like the Monona-Harrison, were becoming so prevalent across the country that the federal government issued an official definition of a drainage enterprise. According to the language of the census, drainage enterprises were either: (1) an area organized according to law for the purpose of improving the lands for agriculture, or (2) a tract of farm land of 500 acres or more drained as a private undertaking without legal organization. While there were differences among the thirty plus states that had adopted drainage districts, they all required that "in addition to reclaiming or improving land, the establishment of drainage districts must be of benefit to the public health, utility, and welfare, and that the cost of the drainage must not exceed the estimated benefits to the properties affected."[11] The Monona-Harrison District was now explicitly a federally recognized entity.[12]

But the federal government did much more than issue an official definition of drainage districts. After almost three decades of endeavors at the local and state level to manage the related problems of flooding and drainage in the Monona-Harrison District, the federal government initiated in 1936 a multi-county and federally assisted venture, referred to as the Little Sioux Watershed Project. Congress initially authorized the project under a

[9] Robert L. Rabin, "Federal Regulation in Historical Perspective," *Stanford Law Review* 38 (May 1986), 1189-1326, 1263.
[10] Ibid.
[11] McCorvie, Mary R. and Christopher L. Lant. "Drainage District Formation and the Loss of Midwestern Wetlands, 1850 – 1930," *Agricultural History* 67 (Autumn 1993), 13-39, 31.
[12] See ibid.

national Flood Control Act, which President Franklin Roosevelt signed into law on June 22 of that year. Congress aptly timed the commencement of the Project, because just that past spring the farmers and residents of Monona County suffered from even more flooding.[13] Overall, though, the 1936 Flood Control Act was a part of the series of large federal expenditure programs during the Great Depression designed to generate jobs, infrastructure improvements, and economic security. The Act, which was essentially "a formal declaration that flooding would be the province of the federal government," authorized such civil engineering projects across the country as dams, levees, and other flood control measures.[14] According to historian Ann Vileisis, the passage of the 1936 Act sparked "the most significant round of dam and levee construction in the nation's history."[15]

The 1936 Act authorized federal investigations and funding for waterway projects, premised on Congress' declaration that flood control was a national priority, as flooding posed a threat to the national welfare. For a watershed project to qualify for federal funding, the Flood Control Act established two basic requirements. Economic benefits of the project had to exceed costs, and the local community had to demonstrate support for the project. Congress required that the community demonstrate support by meeting three conditions. State or local interests had to guarantee they would "(a) provide without cost to the United States all rights in land and other property necessary for the construction of the project; (b) hold the government free from damages in connection with construction; [and] (c) maintain and operate all the works after completion in accordance with regulations prescribed by the

[13] See "Flood Waters Cover Bottoms," *The Onawa Democrat* (March 12, 1936), 1, and "Rev. Anderson Gets Picture News of Flood," *The Onawa Democrat* (March 26, 1936), 1.

[14] Brook A. Spear, "The Missouri River: Law, Politics, and Creatures Caught in the Conflicts," *Buffalo Environmental Law Journal 18* (2010-2011), 75-130, 97-98.

[15] Vileisis, 174; The Flood Control Act of 1936, Pub.L. 74-738.

Secretary of War."[16] While these conditions infringed significantly on individual real property rights, Congress included them for the dual purposes of ensuring that the community supported the project, and also that the Project would be economically sound. Although a determination of whether benefits exceeded costs of the Project would ultimately depend upon factors included in the calculation, these local conditions served at least to help reduce the Project's costs.[17]

The Little Sioux Project was one of the first authorities Congress granted under the 1936 Act and the legislature consequently referred to it as a pilot watershed project. Due to the physiological characteristics of the watershed, the project necessitated flood prevention, drainage management and soil erosion protection for over 2,720 square miles of the Little Sioux River and approximately 15 counties. On the federal level, the project required involvement of the War Department and the Department of Agriculture. Specifically, Congress allocated responsibilities to the Army Corps of Engineers, and several New Deal agencies including the Agricultural Adjustment Administration, the Farm Security Administration, the Civilian Conservation Corps, and the Soil Conservation Service.[18]

Immediately after passage of the Project's enabling act in 1936, the Departments of

[16] The Flood Control Act of 1936, Pub.L. 74-738; See also Joseph L. Arnold, *The Evolution of the Flood Control Act of 1936* (Ft. Belvoir: Office of History, US Army Corps of Engineers, 1988).

[17] As discussed in Ch. 3, the Little Sioux Inter-County Drainage District ultimately guaranteed compliance with these conditions for the Little Sioux Project. See Little Sioux Inter-County Drainage District, Plan "O" Resolution, 1955, Box 1/File 2, John D. Beardsley Papers, MS 79, Special Collections, Parks Library, Iowa State University.

[18] U.S. Dept. of Ag.,"Ltr. From the Asst. Sec. of Dept. of Ag Transmitting a Rpt. of a Survey of the Little Sioux River Watershed in Iowa and Minnesota, Pursuant to the Flood Control Act of June 22, 1936," House Doc. No. 268, 78th Congress, 1st Session (Sept. 14, 1943), Box 4/File 3, John D. Beardsley Papers, MS 79, Special Collections, Parks Library, Iowa State University, 1-7.

Agriculture and War began conducting surveys of the Little Sioux watershed.[19] However, as the United States entered World War II in 1941, momentum on the Project slowed to some degree. Records from the meetings of the Board of the Monona-Harrison Drainage District revealed this slow-down. For example, in October, 1942, the Board determined that as part of the Project they needed to construct a dam to stop water from overflowing from the main stem of the Little Sioux River. This overflow was problematic, because the water was then passing through a lateral ditch called the "equalizer," and entering and inundating the Monona-Harrison Ditch. On October 1, 1942, the Board determined that "a letting be held on October 17, 1942 … of a contract for such proposed dam in the equalizer ditch and that notice thereof be published."[20] However, the Board had received no bids by October 17. When the Board extended the bidding period to November 5, they still only received a partial bid by the new postponed deadline, and so the Board delayed progress on the dam project through the winter. Thus, as the war effort monopolized manpower and equipment, progress on the Little Sioux Project slowed due to the lack of engineering companies available for the work.[21]

Although momentum slowed considerably on the Little Sioux Watershed Project during the war years, federal involvement in the Little Sioux Valley did not entirely come to a halt. By 1943, the Agricultural Adjustment Administration had made payments to farmers to support soil-building practices, and the Farm Security Administration had issued rehabilitation loans to several farmers experiencing the most severe damage from the

[19] From 1936 to the start of World War II, 48 surveys were completed across the country for projects authorized under the 1936 Act. Peter Edson, "New Push From House Starts Flood-Control Ball Rolling," *Henderson Times-News* (NC), June 4, 1953, 2.

[20] Monona-Harrison Drainage District Board of Trustees, "Meeting Minutes, October 1, 1942," *Monona-Harrison 1917-1956,* Book 10, Monona County Courthouse, Onawa, Iowa.

[21] Ibid., October 1, 1942 – January 9, 1943.

flooding and soil erosion. Additionally, the Civilian Conservation Corps and the Soil Conservation Service had already started working with local conservation districts to create demonstration farms in the area to educate farmers regarding soil management practices.[22]

Furthermore, litigations over drainage and water management in the Little Sioux Valley did not come to a halt simply because of the war either. As explained by one local resident, Martha Fischer, water management in the Valley continued to create "a good deal of conflict and a good deal of litigation, which proved to be quite a 'bonanza' for the lawyers and some of the engineers in the area."[23] Specifically, the issue raised in the 1924 litigation between the Board of Trustees and Woodbury and Monona counties continued to spark controversy. Between 1936 and 1939, the Board of Trustees for the Monona-Harrison Ditch carried out maintenance work on the Big Ditch, which totaled nearly $150,000, so that it could properly carry off the combined waters of the various smaller drainage districts that fed into it. Just like in 1924, when the Trustees for the Monona-Harrison sought contributions from the smaller feeder districts, the feeder districts refused to pay and forced the Trustees to file a suit in court against the counties in which the feeder districts operated in order to compel them to pay their proportionate share of the costs.[24]

After one District Court decision and an appeal by the counties to the Iowa Supreme Court in 1940 regarding procedural matters, the dispute arrived at the Iowa Supreme Court again in 1942. In this second appeal, the counties challenged the trial court's conclusion that the statutes that allowed the Board of Trustees for the Monona-Harrison District to compel

[22] "Ltr. From the Asst. Sec. of Dept. of Ag Transmitting a Rpt. of a Survey of the Little Sioux River Watershed in Iowa and Minnesota," 1-7.

[23] Martha Fischer, "Nile Valley of the Middle West: The Drama of a Dream Come True," (1975) Box 1/File 14, Little Sioux Watershed Records, MS 106, Special Collections, Parks Library, Iowa State University, 9-10.

[24] *Board of Trustees of Monona-Harrison Drainage District No. 1 v. Board of Supervisors of Monona County*, 236 Iowa at 692 (1945).

compensation from feeder districts for maintenance on the Big Ditch were constitutional. Specifically, the counties again argued that the statutes were unconstitutional, because they violated the due process clause. For a *second* time, the Iowa Supreme Court decided that the statutes were constitutional, just like they had in 1924. The Court reaffirmed its decision from 18 years earlier that had drawn limits on the bounds of due process protection for personal property rights in favor of recognizing a key aspect of the environmental realities of drainage. The Board of Trustees did not need to provide another round of "notice and hearing" before it could collect maintenance costs, because the feeder districts should have realized that their water had to flow into the main ditch before it could reach the Missouri.[25]

The Supreme Court remanded the case back to the trial court again, explaining that there were only three questions at stake. The Board of Trustees could compel the other districts to contribute to maintenance costs *if* the district could prove that: 1) it was, in fact, the outlet district; 2) it had paid the maintenance costs; and 3) the feeder districts had not paid their contributions. At the Trial Court, the Judge found in favor of the Board of Trustees based on the three questions identified above. However, the Counties were still upset, and appealed the decision to the Iowa Supreme Court for a third time in five years. Indeed, the litigations appeared to be a "bonanza" for the attorneys involved.[26]

At the Iowa Supreme Court for a third time, the counties lost their appeal yet again. The Supreme Court walked through the three factors in its decision. First, the Court determined that there was no doubt that the Big Ditch was the outlet for the feeder districts.

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[25] Ibid. See *Board of Trustees of Monona-Harrison Drainage District No. 1 v. Board of Supervisors of Monona County*, 228 Iowa 1095 (1940) (Iowa Supreme Court procedural decision), and *Board of Trustees of Monona-Harrison Drainage District No. 1 v. Board of Supervisors of Monona County*, 232 Iowa 1098 (1942) (Iowa Supreme Court ruling that statutes requiring feeder districts to contribute to maintenance costs are constitutional).

[26] Ibid.

The counties contended that the feeder ditches had outlets in "natural streams" and therefore did not need any other outlet.[27] The Court could not, however, agree with this argument. According to the decision, regardless of whether there were other natural outlets, the Court found it apparent that the other natural streams were obviously "not furnishing satisfactory outlets. They were shallow, of limited fall and meandering course. Plaintiff's ditch, [the Monona-Harrison], provides these upper districts with a deeper and more adequate outlet that discharges their waters into the Missouri River in a much more direct course than nature had done."[28]

The Supreme Court's rationale in regard to the first factor revealed a somewhat surprising recognition that the distinction between "natural streams" and man-made ditches was perhaps more arbitrary and man-made itself, than relevant – at least when it came to allocating the costs of drainage. Furthermore, the Court's decision with respect to this factor also recognized the importance of the hydrological connections between the Little Sioux, its tributaries, the Monona-Harrison Ditch, the feeder ditches, and the Missouri River. Quoting the trial court, the Iowa Supreme Court explained that "'it seems clear that nature has bound all of the land on this bottom above [the Monona-Harrison Ditch] into one drainage problem.'"[29] Ultimately, the Court concluded that the individual districts could not operate in complete isolation from one another.[30]

In regard to the remaining two factors, the Court found that the counties had not provided any sufficient evidence to challenge whether the Trustees had paid for the maintenance, and the counties admitted outright that they had not contributed to the total

[27] Ibid., 694.
[28] Ibid.
[29] Ibid., 695-96.
[30] See ibid.

costs. According to the evidence in the record, the Board of Trustee's had purchased a dragline excavating machine to maintain the ditch. Although the dragline boom cost $17,000, it prevented the need to use horses for the work and the Board argued that it would save all of the districts money over time. The Court determined that the purchase of this equipment was done in good faith and therefore legally valid.[31]

FIGURE 7, Picture of Dragline excavation machines similar to the one purchased by the Monona-Harrison District in the 1930s. "View of the dragline excavation of the trench for the Slauson Avenue storm drain outlet, April 29, 1936," University of Southern California Digital Library, image available at http://digitallibrary.usc.edu/assetserver/controller/view/CHS-33424 (last accessed October 11, 2012).

[31] Ibid. In an interview with long-time resident, Terry Virtue, he explained that Monona County was known as the "dragline capital of the world," because there were so many of them in the county. Interview with Mr. Terry Virtue, August 8, 2012, Onawa, Iowa, notes on file with the author.

FIGURE 8. Along with the dragline boom, the Monona-Harrison District frequently used dredge boats to maintain the ditch and river. "Mammoth Dredge, Onawa Iowa, April 1962," photo courtesy of Jack Virtue, available at Monona County Courthouse, Onawa, Iowa.

Despite three Iowa Supreme Court decisions against them, Monona and Woodbury Counties decided to take the matter beyond state boundaries and appeal the 1945 decision to the United States Supreme Court. During the October Term of the U.S. Supreme Court that year, both sides prepared briefs arguing whether the Supreme Court could hear this dispute over drainage and constitutional issues, and then whether the Iowa statute that allowed the Monona-Harrison District to collect contributions towards maintenance costs was constitutional. According to the Board of Trustees, the U.S. Supreme Court did not have jurisdiction over the matter, because the Supreme Court had previously held that it would not "interfere with state legislation dealing only with local taxation for public improvement

unless it is arbitrary, wholly unwarranted, a flagrant abuse, or by reason of its arbitrary character a confiscation of particular property."[32] The United States Supreme Court agreed, and dismissed the case for lack of jurisdiction. But despite the fact that the Supreme Court declined to decide the matter on its merits, the appeal still reflected the increasing trend in Monona County to turn towards the federal government for solutions to the local drainage problems.[33]

Despite the U.S. Supreme Court appeal and the Iowa Supreme Court appeals, a local resident remarked that "[t]he drainage system itself remained inadequate. Even the Supreme Court couldn't stop the floods from coming year after year."[34] As World War II was drawing to a close, flooding along the Little Sioux and the Missouri Rivers continued, so there was still a need within Monona County for the Little Sioux Watershed Project that Congress had authorized in 1936. There was also an even greater demand for basin-wide water management in the Missouri River Watershed.[35]

After Lewis and Clark passed through the Missouri Basin on their famous expedition across the West, large numbers of Americans passed through the watershed; some had plans to continue west, others arrived with the intent to stay. The Missouri River Watershed covered an astonishing 530,000 square miles, roughly equal to one-fifth of the entire continental United States, and would eventually include the entire state of Nebraska plus portions of nine other states, including Iowa, North and South Dakota, Minnesota, Wyoming,

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[32] Appellee's Motion to Dismiss or Affirm Appeal, *Board of Supervisors of Monona County v. Board of Trustees of Monona-Harrison Drainage District No. 1*, 326 U.S. 694 (1946), filed December 3, 1945, 2.

[33] Board of Supervisors of Monona County v. Board of Trustees of Monona-Harrison Drainage District No. 1, 326 U.S. 694 (1946).

[34] Martha Fischer, 9.

[35] See Loess Hills Historical Society of Monona County, Iowa, *History of Monona County* (Dallas: Taylor Publishing Co., 1982), 11; see generally, *Onawa Democrat*, January 1944-June 1948.

Montana, Colorado, Kansas, and Missouri. Because of its size alone, it was not surprising that by the mid-1880s, plans were already underway to address water management within the basin.[36]

The first of these basin-wide plans was the Missouri River Commission, which started in 1884 as an intentional and long-term plan to stabilize the bed of the Missouri River for primarily navigational purposes. In 1912, nearly thirty years later, a twenty-year and twenty-million dollar project circulated. And again in 1927, with the major flood on the Mississippi River, Secretary of Commerce Herbert Hoover argued for the need to manage the nation's water resources, and promoted a project for the entire Missouri Watershed. Despite all these efforts, however, none of the plans moved passed the initial stages until 1936, when the Army Corps of Engineers constructed the first major water control structure on the Missouri, named Ft. Peck Dam in Montana.[37]

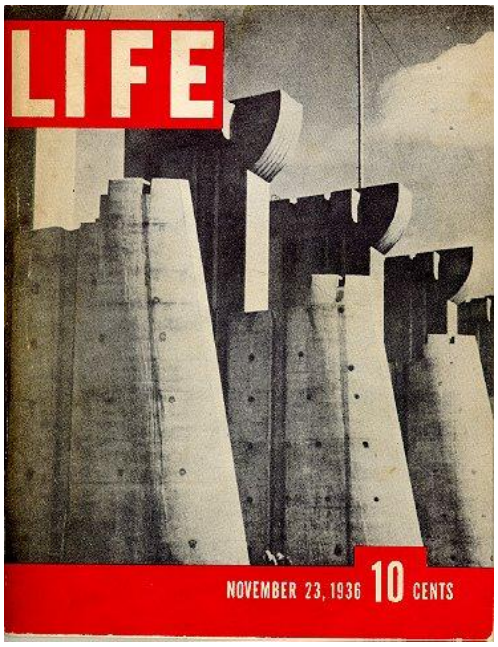

FIGURE 9, Image of Fort Peck Dam in northeastern Montana on the inaugural issue of *Life* magazine, photographed by Margaret Bourke-White. The Fort Peck Dam was the first massive water structure built on the Missouri River. *Life* (November 23, 1936), available at http://www.ssa.gov/history/life.html (last accessed October 12, 2012).

[36] John E. Thorson, *River of Promise, River of Peril: The Politics of Managing the Missouri River* (Lawrence: University of Kansas Press, 1994), 8; Henry C. Hart, "Legislative Abdication in Regional Development," *The Journal of Politics* 13 (Cambridge: August 1951), 393-417, 394.

[37] Thorson, 1, 8-9.

With the construction of the Fort Peck Dam, the "early explorers and … mountain men" were no longer the only ones interested in the Missouri River Valley. By 1936, the Missouri River "had become the domain of engineers, lawyers, and politicians who sought actively to manipulate the land… for jobs, regional development, and economic gain. Their efforts produced a fundamentally altered basin landscape."[38] Yet, by 1944, eight years after the completion of the Ft. Peck Dam, "sixty years of improvement [on the Missouri River] had cost $150,000,000 [and] [t]here was less commerce on the river than in 1884" and flooding still threatened those living along the river.[39]

Consequently, it was because of this unsuccessful track record in the Missouri Basin, along with continuing problems like those experienced along the Little Sioux River and other tributaries of the Missouri River, that Senator Murray of Montana approached Congress in August 1944 with a proposal to create a basin-wide water management authority, named the Missouri Valley Authority (MVA). Senator Murray's bill sought the creation of an agency comparable to the Tennessee Valley Authority, which would govern water, power and flooding for much of the southeastern United States. Similarly, the stated purpose of Murray's proposed legislation was for "broad development of the water and other natural resources of the great basin of the Missouri River."[40]

As explained further in Murray's speech, the MVA would benefit not only the seven million people then living within the Missouri Basin, but also the nation at large. Such an agency, he argued, would give all those living in the Missouri Watershed "the opportunity to conserve and make the wisest possible use of the valley's great resource of water, soil,

[38] Thorson, 1.
[39] Hart, 394.
[40] Murray, 2.

forests and minerals in their interest and in the national interest."[41] Combining Progressive era ideals of conservation and efficiency with New Deal-size planning, Murray forged a proposal for an agency that he asserted would prevent the resources of the Missouri River Valley from being "ravaged and wasted away."[42]

The language Senator Murray's speech engaged was very passionate and forceful. He recognized that "it is clear that the job to be done is tremendous. It challenges the imagination. It throws down the gauntlet to our engineering skill, our scientific knowledge, and our know-how as to methods and management." But Murray insisted that development of the Missouri Basin "might well rank as the most important national development since the Louisiana Purchase, [which] … opened the way to a tremendous pioneering expansion. Sturdy and daring souls pushed westward with ox team, plow and ax to build the foundations of an empire." Murray clarified that "[t]he time for such pioneering is past, but a new era of a different kind of pioneering is at hand. …It is a pioneering in the use of our managerial abilities and knowledge to put the resources of a great river and its valley to work for the benefit and advancement of our people."[43]

Murray's speech bordered on the melodramatic, but water matters along the Little Sioux had generated passionate ideas and responses for decades by this point. As discussed in the last chapter, the newspaper in Monona County declared the first litigation over the Monona-Harrison Ditch to be one of the "hottest [fights] Monona County had ever seen."[44] But Murray's speech also reflected the magnitude of a Missouri Basin project, which he implicitly compared to the tasks of empire building. To historian Donald Worster, this

[41] Ibid.
[42] Ibid., 3.
[43] Ibid., 3-4.
[44] *Onawa Sentinel*, March 20, 1917.

analogy would have been appropriate, as he argued that the third and final phase of western water management, which he bracketed as the 1940s – present, was the "empire" period.[45]

Despite the boisterous rhetoric, Senator Murray was really presenting a very pragmatic and hydrologically-based appeal to the U.S. Congress. As he explained, the various drainage districts, counties, and even the several states comprising the Missouri Valley "have not been able to guide the development of the whole river." Each entity had "a primary concern with the problems lying within its own boundaries. But our river knows no state lines," county lines, or drainage district lines. "It flows where it will." Consequently, he argued that "the task, dictated by the nature of the river itself, is too big and too complex for a single state," much less a single drainage district, to undertake. According to Murray, Congress needed to understand the Missouri River and all its tributaries as "one river – one development for multiple benefits."[46]

Ultimately, Murray designed the MVA to serve as the administrative and enforcement agency for the Pick-Sloan Plan, which Congress authorized the same year under the Flood Control Act of 1944. The Pick-Sloan Act "managed the Missouri River with six intents: hydropower, recreation, water supply, navigation, flood control and fish and wildlife."[47] The title of the act alone revealed much of the complicated process involved in bringing this multi-purpose plan to fruition. General Lewis A. Pick was the head of the Army Corps of Engineers, and W. Glenn Sloan was the director of the Bureau of Reclamation. Both Pick and Sloan had drafted plans that focused on each of their agencies' missions — flood control and irrigation respectively. Congress understood the need to address both purposes though,

[45] See Worster, *Rivers of Empire*.
[46] Murray, 1-5.
[47] "Land of the Big Muddy," *Time*, Vol. 60 (September 1952), 38-43, 41.

and so passed an act that required the two to merge. Thus, like the experiences of the Tennessee Valley Authority, or the Pine Flat Dam on the King's River and Tulare Lake that Arax and Wartzman discussed in the *King of California*, the Pick-Sloan Plan faced many of the same interagency debates and struggles for control.[48]

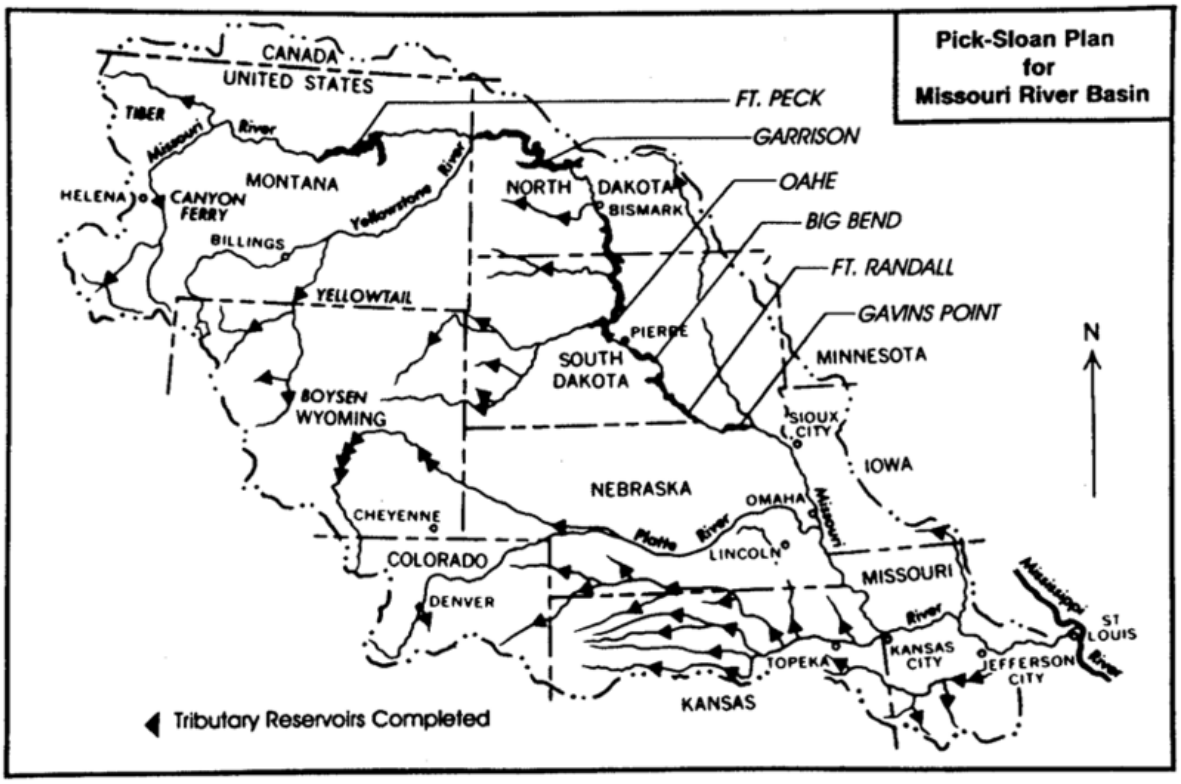

FIGURE 10, Graphic of the Pick-Sloan Plan for the Missouri Basin. *Builders and Fighters: U.S. Army Engineers in World War II*, Sec. IV, Publication #EP 870-1-42 (December 18, 1992), 233.

As reported in a *Time* magazine article, the question as to whether Congress should establish an MVA had long been "[t]he hottest question in the valley." On Senator Murray's side, many "[b]asin leaders, including many Pick-Sloan supporters, [worried] over the loose, voluntary Interagency setup" that the 1944 Flood Control Act had established. They argued that the Project would need stronger central control when it became operational and when

[48] Ibid., 41-43; see Arax and Wartzman, 429.

conflicting demands for water necessitated tough decisions. Murray had the support of the "National Farmers' Union, labor unions and liberal Democrats in the valley" for his TVA-patterned Missouri Valley Authority. On the other side, "most valley governors and probably most valley residents fear[ed] a superstate over their region."[49]

Debate over the creation of an MVA lasted for several years. Congress finally sided with the latter of the two opinions, and decided not to establish such an agency for the administration of the Pick-Sloan Plan. Instead, Congress shifted towards a less powerful, multi-state committee approach. Nevertheless, the process involved in implementing the Pick-Sloan Program for the Missouri Watershed revealed how lines were drawn. At issue was how much authority the government should hold in the regulation of drainage and natural resources in relation to local and individual property rights. Despite the increased role of the federal government in the Missouri River Basin, the politicians, lawyers, and farmers still had to strike a delicate balance between these competing interests.[50]

In the midst of the dispute over the establishment of an MVA, construction on aspects of the Pick-Sloan Plan nevertheless got underway. Shortly after the 1944 Flood Control Act, the Army Corps of Engineers began to work on the channelization of the Missouri River near its confluence with the Little Sioux River. This work proved central to the ability of Monona County and the Monona-Harrison Drainage District to effectuate drainage along the Little Sioux. As a result of these initial projects under Pick-Sloan, "[t]he Missouri River [finally] acted as an excellent drainage outlet" for the Valley's water, and destructive "siltation [became less of] a major problem since channelization of the Missouri River."[51]

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[49] "Land of the Big Muddy," 38-43.
[50] Ibid.
[51] *History of Monona County*, 11.

In August 1946, ten years after Congress originally authorized the Little Sioux Watershed Project, momentum finally picked up again on the Little Sioux. Iowa's Governor, Robert Blue, worked with the State Conservation Commission to prepare a report and a specific plan to present to the Army Corps of Engineers for approval. According to this report, the Little Sioux Project would consist principally of enlarging and straightening the Little Sioux's channel. Furthermore, by this point, the report clearly envisioned that the Project was a "part of a vast flood control program" in the Missouri Basin and fit in "with the levees planned and in progress of construction to make a nine-foot navigable channel on the Missouri River from Sioux City to where it joins the Mississippi."[52] In addition to the interconnected nature of the plans for the Little Sioux, a local newspaper in Monona County emphasized that one of the key points in the proposed legislation and appropriation bill for the Little Sioux Project was that it would provide the authority for the county to enter a farmer's private property to make repairs to drainage structures. State law at the time prohibited such entry, but the proposed legislation would carve out an exception. The Iowa State Conservation Commission then passed its final report to the Army Corps of Engineers later that year.[53]

In January 1947, the Iowa House of Representatives passed a bill that specifically authorized the counties along the Little Sioux to "cooperate with the federal and state governments in the construction and maintenance of flood and erosion control projects" on the river.[54] Specifically, the bill gave the counties the authority to levy additional taxes to help cover the local portion of the total costs. Basically, the bill simplified "the method by

[52] *Onawa Democrat*, August 8, 1946, 1.
[53] Ibid., January 30, 1947, 1.
[54] Ibid., April 3, 1947, 1.

which cities and towns can make special assessments for the construction and financing of public improvements."[55] Finally, on May 25, 1947, the Secretary of War signed the Army Corps of Engineers' plan for the Little Sioux Project, and that summer Congress added its approval.[56]

The 1930s and 1940s were an era during which local communities increasingly invited the federal government to intervene in addressing the water and drainage problems created by the growing demand for agricultural productivity. Along the Little Sioux River, the community looked to the federal government to initiate the Little Sioux Watershed Project, which tasked two federal agencies with flood prevention, drainage management and soil erosion protection for over 2,720 square miles and approximately 15 counties in western Iowa and southern Minnesota. This pilot project may have been one of the first of its kind, but it was a part of a broader national trend to include the federal government in the water management process. For the first time, farmers in the Monona-Harrison District also decided to involve the U.S. Supreme Court regarding lingering legal disputes. The local and state court systems were not enough. Concurrently, basin-wide water management started to come to fruition on the Missouri River with the 1944 Flood Control Act and the Pick-Sloan Plan. Thus, by the end of the 1940s, the stage was set for the Little Sioux Watershed Project to get underway.

It would be difficult to argue that the character of water management in Monona County did not significantly change during these two decades. Yet, as seen in this chapter, the inclusion of the federal government did not go so far as to constitute a complete and

[55] Ibid.
[56] Ibid., August 14, 1947, 1.

"decisive break" with past experiences along the Monona-Harrison Ditch.[57] Many threads of continuity with the earlier years of drainage planning persisted. Understanding these similarities leads to a more nuanced understanding of how drainage changed over time. Despite the increased role of the federal government, the regulation and administration of water resources still required negotiations between property rights and the public interest. Furthermore, the hydrological realities of the valley still affected the drainage process. Drainage plans could not avoid the fact that the Little Sioux River connected the upstream and downstream ditches and communities along its banks, and that the Missouri and Little Sioux Rivers functioned together. Overall, the environmental reality of how watercourses interacted with each other necessitated looking beyond the boundaries of the Monona-Harrison Ditch towards "one river – one development for multiple benefits."[58]

[57] See Badger, 1-11.
[58] Murray, 1.

CHAPTER FOUR:
"A WATERSHED BETWEEN ALL PAST HISTORY AND ALL OF THE FUTURE"?
The Farmers, Flooding and Progressive American Citizens That Brought the Little Sioux Watershed Project to Fruition

In early April 1952, a farmer man named Walter Sorensen was preparing his land near the Little Sioux River for the summer ahead. A few weeks later on Easter Sunday, April 13, 1952, floodwaters inundated his fields, destroyed his efforts, and caused significant property damage. Water and farming had a complex relationship. Sorensen obviously needed water to grow his crops, but too much water ruined his livelihood for the year. Sorensen and his family, who decided to "homestead" their section of land in western Iowa so that they could raise good "progressive American citizens," had faced this problem of flooding for many years.[1] In fact, the Sorensen family and other neighboring farmers in the Little Sioux Watershed had been fighting flooding and drainage problems collectively for more than half a century.[2]

Mr. Sorensen, his wife Myrtle, and their family persisted with farming in the Little Sioux River Valley "on the strength that something would be done to cure the flood situation."[3] For his part, in addition to being a local farmer, Mr. Sorensen also ended up serving as a drainage district board member. As such, he played a role in developing the federal flood control project for the Little Sioux Watershed in the 1950s and he participated in two new appeals to the Iowa Supreme Court in that same decade. By the early 1960s, these efforts had created a drainage system that channeled the water of the Little Sioux into the successful production of higher return crops, like corn and soybeans, instead of just

[1] Walter Sorensen, Letter to Congress (1956), Box 6/ Folders 5, 8, George E. and Sewell E. Allen Papers, 1910-1972, MS 81, Special Collections, Parks Library, Iowa State University.
[2] Ibid.
[3] Ibid.

wheat. While community boosters declared this accomplishment to be unique – a "watershed between all past history and all of the future" – this chapter reveals the opposite.[4]

Instead of being a watershed moment, this phase of the Little Sioux Watershed Project and the two Supreme Court appeals were a continuation of long-established trends in the county. Since the formation of the Monona-Harrison Drainage Ditch, managing flood control and drainage always necessitated balancing private property interests with broader benefits. This time was no different. Again, despite the fact that the plan to drain and farm the Little Sioux Valley seemed counterintuitive given that it was a swamp, environmental circumstances did still play a role in determining drainage matters. Hydrological realities did not always dictate legal outcomes or community sentiment, but at the same time, the residents of Monona County could not avoid them. And finally, this chapter demonstrates that the motivations for drainage along the Little Sioux in the 1950s and '60s did not constitute a watershed moment on a broader scale either. To the contrary, when placed in the historical context of this time period, they provided just another example of the regional and relentless trend toward expanding agriculture across the Midwest and the West.

In the 1950s and 60s, the stage was set for the continuation and development of both local and regional water projects. The New Deal era had established the precedent and zeal for such extensive government programs, and now these projects were benefiting from the post-World War II economic expansion that touched most aspects of American life. As explained by historian Ann Vileisis, "the war's most significant legacy for wetlands [and

[4] Mr. R.W. Fischer, local farmer and landowner, declared that the Little Sioux Watershed Project stood as a "watershed between all past history and all of the future." Fischer, Nile Valley Speech Transcript, 9.

drainage] was the booming era of prosperity, confidence, and optimism that followed."[5] As soldiers returned home from the war and started to settle back into civilian life, they needed jobs, homes, and food for their growing families. This process generated significant amounts of wealth and placed a heightened demand on agriculture, and consequently, on the associated water projects necessary to expand the total acreage under agricultural production.[6]

For the Western United States, historian Donald Worster considered these decades to be the beginnings of what he termed "the empire stage" of water management in that region. This period, the third and final in his paradigm established in *Rivers of Empire*, began in the late 1940s and lasted through the present. According to Worster, during this time the federal government and private wealth finally achieved a forceful and powerful partnership, perfecting the "hydraulic society." Worster described these decades as permeated with a "postwar mania for water engineering."[7] During these two decades, the federal government and water hustlers in the west "would lay their hands on virtually every river and tributary in the region" in an effort to manage Western waters."[8] This drive for control, Worster argued, was "their final push to empire."[9]

Although Donald Pisani did not utilize such an explicit paradigm to explain this period, he too described the expansion of water management during these two decades and its connection with increasing agricultural demands. As Pisani noted, during the 1950s and 1960s, the Bureau of Reclamation intended to provide "as many homes to returning veterans

[5] Vileisis, 195.
[6] Ibid., 195-201.
[7] Worster, 263.
[8] Ibid.
[9] Ibid.

and their families as it had created on all its projects during the four decades before World War II."[10] These homes were farms located in agricultural areas created by the Bureau's water projects, and served not only to provide physical homes for returning soldiers, but also to provide for additional agricultural production. Pisani credited this remarkable drive largely to myths and fears of Communism and the Soviet Union. Water management and maximum agricultural production provided a type of national defense and a potential antidote to threats of Soviet expansion during the Cold War.[11]

Pisani further noted how the Red Scare not only increased the value and weight placed on developing potential agricultural lands and water projects, but also changed the character of this push during the post-war decades. According to Pisani, the Cold War, anti-Communist ideology raised concerns about the growing role of the government. Although Congress rationalized the water projects on the premise that they supported veterans, grew the economy, and provided for national defense, concerns arose that private enterprise was not involved enough. So a growing political faction began to oppose the creation of "all-powerful Federal socialistic [water] valley authorities," and by 1952, this faction declared that the New Deal had become "creeping Socialism" and that "planning had become associated with Communism."[12] Consequently, water projects across the West began to experience increasing demand for the inclusion of private enterprise and local management during these decades.[13]

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[10] Pisani, "Federal Reclamation and the American West in the Twentieth Century," *Agricultural History* 77 (Summer 2003), 391-491, 401.
[11] Ibid., 403.
[12] Ibid., 405.
[13] Ibid., see Worster, 263.

Located not too far from the 100th meridian, and connected to the semi-arid West via the Missouri River, the Little Sioux River Valley faced many of the same influences during the 1950s and 1960s. The continuation of the Little Sioux Watershed Project reflected the persistent demands for maximizing the reach of agriculture, even if it meant farming in a very swampy floodplain. Therefore, after Congress authorized the Army Corps' plan for the Little Sioux Watershed in the summer of 1947, which happened to be at the same time it passed the National Security Act to create a department of defense, the actual construction and implementation of the Project finally got underway. The main task under the Project was to enlarge and straighten the Little Sioux River's channel to allow for drainage into the Missouri, to prevent flooding, and to create a stable agricultural environment.[14]

After authorization of the Project, the Army Corps of Engineers started the bidding process for contracts to construct the various components of the Project, including several dams, the channelization of the riverbed, and soil conservation measures. Through the early 1950s, Congress authorized a series of appropriations to fund the contracts and the physical progress along the Little Sioux River. In sum, the appropriations totaled several million dollars.[15]

As construction on these various aspects of the Little Sioux Watershed Project started, one issue remained at the crux of the problem for the farmers along the Monona-Harrison Drainage Ditch. The lateral ditch that connected the Monona-Harrison Ditch to the main stem of the Little Sioux River, "the equalizer," was still causing problems. According

[14] See *Onawa Democrat*, August 14, 1947, 1.
[15] See ibid., April 3, 1947 – September 1, 1951.

to the local paper, the origins of this "notorious" ditch were "shrouded in mystery."[16] On the ground though, the effects of the equalizer were not difficult to discern. While the equalizer originally allowed excess water in either the Monona-Harrison Ditch or the riverbed to spill over to the other to avoid flooding, the riverbed had accumulated a substantial amount of silt and could no longer carry even a normal flow. Consequently, the Monona-Harrison Ditch was carrying the majority of the flow of the Little Sioux River, flood or no flood, which significantly increased maintenance costs for landowners in the Monona-Harrison District.[17]

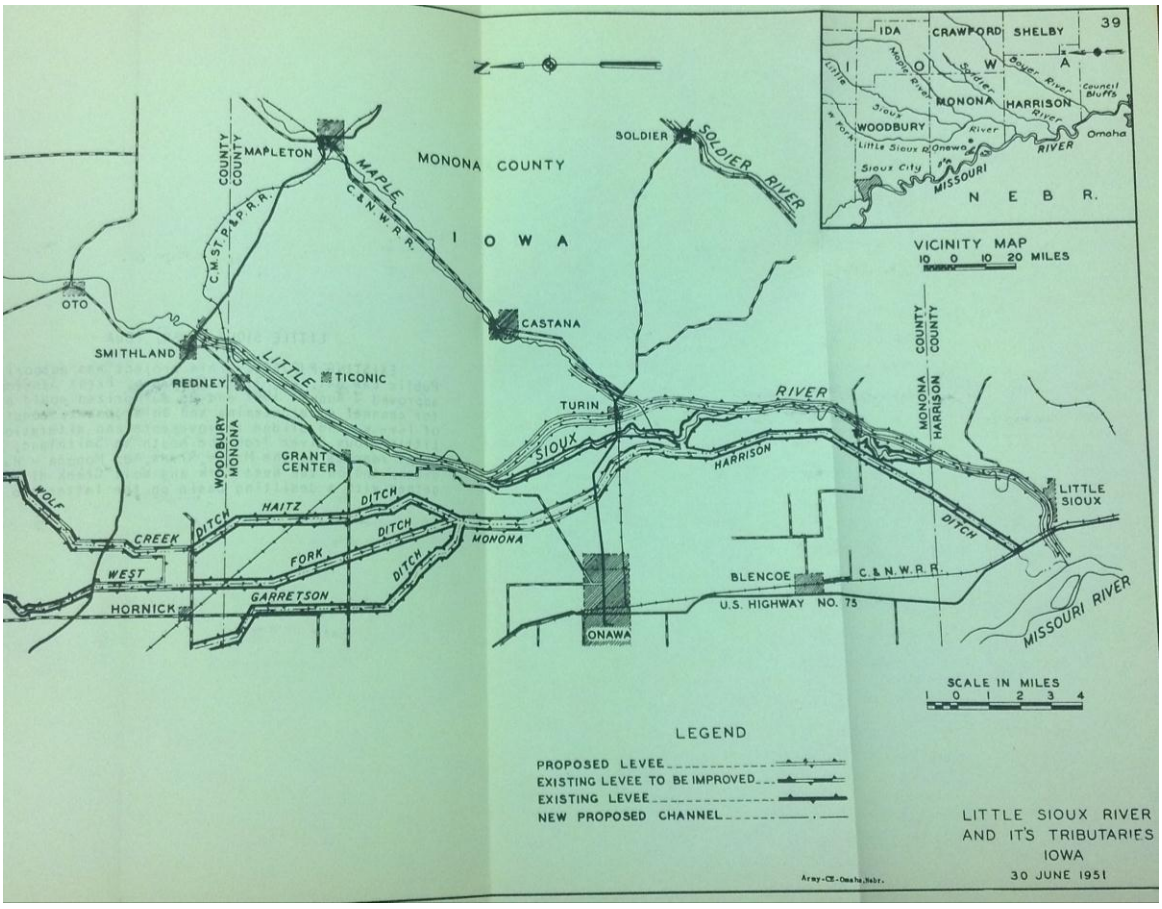

FIGURE 11, Map of Little Sioux River and Monona-Harrison Ditch, depicting the equalizer flowing between the two. U.S. Army Corps of Engineers, "Little Sioux River and Its Tributaries, Iowa," *1951 Project Maps: Omaha District* (June 30, 1951).

[16] "The Equalizer is Closed: Monona-Harrison Ditch Can Now Serve the Little Sioux Valley," *The Onawa Sentinel*, April 24, 1958, 1.

[17] Ibid.

When the major flood occurred on Easter 1952, the Monona-Harrison Ditch incurred substantial damage. Measurements taken during the flood showed a flow of 18,000 cubic feet per second in the Monona-Harrison Drainage Ditch, but only 3,000 cubic feet per second in the main channel of the Little Sioux River south of the equalizer.[18] These numbers demonstrated that the equalizer was causing the Monona-Harrison Ditch to carry six times as much flow as the river itself. As a result, the lower Little Sioux continued to accumulate silt, and trees and brush started to grow in the abandoned riverbed. On the other hand, to accommodate the increased flow in the ditch, the Monona-Harrison District had to deepen, widen and enlarge the ditch until it became three times its size at construction in 1904. During the decade between 1943 and 1953, the expense of levee repairs, cleanouts, and other necessary maintenance resulting from the equalizer equated to approximately $800,000 in costs for the district.[19]

Although nearly all farmers in the district agreed that they should not carry the tax burden for maintaining an alternate channel for the entire Little Sioux River, they could not agree upon a course of action for remedying the equalizer problem. In an effort to devise a plan, the Board of Trustees of the Monona-Harrison Drainage District hired an engineer to survey the problem and formulate plans for eliminating the equalizer. Keyes Gaynor, the engineer the District hired, prepared a report pursuant to these demands and filed it with the Board of Trustees on May 8, 1953. Gaynor's report included a suggested plan costing the district approximately $490,000. Upon submission of the report, the Board of Trustees issued notice to the district and held hearings open to the public to receive feedback on Gaynor's plan. The Board reviewed the submitted suggestions and made a few minor

[18] Johnson v. Monona-Harrison Drainage District, 68 N.W.2d 517, 519 (1955).
[19] Ibid.

amendments to the plan, and then approved it four months later on September 12, 1953 with an order for the work to commence. However, adoption of the Gaynor Plan did not solve the equalizer problem; instead, two lawsuits commenced that led to appeals in the Iowa Supreme Court, and a new local organization started, called the Monona-Harrison Flood Control Association, with a mission to defeat the Gaynor Plan.[20]

Spurred in part by the new Flood Control Association, twenty-six named landowners in the District were the first to file suit, alleging three primary complaints with regard to the Gaynor Plan. First, the landowners argued that the Board of Trustees acted illegally and beyond its jurisdiction when it approved Gaynor's Plan. Second, plaintiff landowners asserted that the board of trustees failed to comply with an Iowa statute that enumerated minimum requirements for an engineering plan to be acceptable for proposed repairs to water structures. Specifically, they claimed that the engineer's report failed to meet these requirements, because it contained insufficient information for the board to reasonably make a determination on the feasibility of the plan. Furthermore, as the Board adopted the plan, it was in fact not feasible, because costs allegedly exceeded benefits *and* the Board had failed to acquire all necessary rights-of-way to accomplish the removal of the equalizer. Third and finally, the landowners argued that Iowa statutes required the Board to gain approval of the plan from the Iowa Natural Resources Council *prior* to adopting it and ordering that work commence.[21] In January 1954, the district court decided it agreed with the Board of Trustees and upheld the Trustees' adoption of the Gaynor Plan.[22]

[20] Ibid., 519-520.
[21] Ibid., 523.
[22] Ibid.

A few weeks later, the Monona County Supervisors issued a statement in support of an alternative plan for the equalizer that the U.S. Army Corps of Engineers had started developing. In Monona County's statement on February 19, 1954, the Supervisors explained that although "extensive improvements and repairs of existing drainage ditches have been made in this area over a long period of years and vast sums of money have been spent," these improvements "have not been of the size necessary to adequately take care of surface and flood waters."[23] Consequently, "many thousands of acres of fertile agricultural lands in this county" were "subjected to large annual costs in the continuous fight" for drainage.[24] To combat this problem, the County supported the Corps' plan, which included a diversion ditch that would draw water away from the Monona-Harrison Ditch and other nearby drainage ditches and direct it instead to the Little Sioux River. The plan also proposed closing the equalizer ditch. In the County's perspective, these two plans would serve a dual purpose. They would relieve the Monona-Harrison District, and its neighboring districts, from "the burden of annual [tax] assessments" for the maintenance work on the Big Ditch.[25] They would also "afford better outlets" for all of the drainage districts in Monona County.[26] Overall, as the County saw it, there was a "definite need for the proposed improvement."[27]

But the County did not stop with simply expressing its support for the Corps' plan. Its statement from February 19 further explained why the Corps' plan was better suited to address the drainage problems than the Gaynor Plan, which the Board of Trustees proposed.

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[23] Board of Supervisors of Monona County, "Statement of Board of Supervisors of Monona County Iowa in Support of the U.S. Corps of Engineers Proposed Little Sioux River and Tributaries Flood Control Improvement" (Feb. 19, 1954), Box 1/File 10, Little Sioux Watershed Records, MS 106, Special Collections, Parks Library, Iowa State University, 1.

[24] Ibid.

[25] Ibid.

[26] Ibid.

[27] Ibid., 1-2.

According to the County, the Gaynor Plan just did not go far enough. Gaynor's plan consisted of cleaning out the Little Sioux River below the point where the equalizer met it, and then constructing a controlled spillway at the head of the equalizer ditch. To the Monona County Supervisors, this plan was just putting a band-aide on a much larger problem. The Corps' proposal, on the other hand, addressed systemic problems along the Monona-Harrison Ditch and, furthermore, it provided a fifty-year plan for the Valley. This broader and longer-range thinking satisfied the County that the Corps' Plan, not Gaynor's, would be in "the best interests of this area."[28]

So the landowners, bolstered by the County's resolution, appealed the district court's decision to validate the Trustee's adoption of the Gaynor Plan. However, the landowners were only to be disappointed when the Iowa Supreme Court affirmed the district court's order. Specifically, it determined in this case, *Johnson v. Monona-Harrison Drainage District*, that the Board of Trustees for the drainage district had acted within its jurisdiction to adopt a plan to repair the ditch, and that the plan met the requirements set out by statute. The Court explained that the statutes vested large discretion in the Board of Trustees. If the Board supported its conclusion with substantial evidence, the court could not set its action aside, unless the plaintiff proved that the Board's approval amounted to fraud or abuse of discretion. In response to the landowner's third claim back at the district court level, the Supreme Court concluded that Iowa statutes did not require *prior* approval by the Iowa Natural Resources Council before a drainage district board could take approval action.[29]

Overall, these components of the Iowa Supreme Court's decision reflected impressively broad support for the discretion of the Board of Trustees. The Court decided

[28] Ibid., 2.
[29] *Johnson*, 68 N.W.2d at 523-28.

that the Board's adoption of the Gaynor Plan did not amount to abuse of discretion, even though the plan missed some costs in its total project estimate. Furthermore, the Court determined that the Board's adoption of the plan prior to securing necessary rights-of-way did not amount to abuse of discretion. This aspect of the decision was particularly interesting compared to the 1936 Flood Control Act, which as explained in Chapter Two required that the local governments secure all necessary property rights and rights-of-way prior to federal approval of a water project.[30] Apparently the Iowa Supreme Court did not think this precautionary measure established for federal projects was necessary to apply to the Board of Trustees. The decision that the Gaynor Plan did not need to receive prior approval from the Iowa Natural Resources Council also reflected broad deference to the Board of Trustees, as well as a preference to keep the decision-making local and in the hands of the district leadership.[31]

Despite this legal victory for the Monona-Harrison Drainage District Board of Trustees, consensus was still lacking in Monona County about how to eliminate the equalizer. Although the Trustees had won the legal appeal, the conflict deteriorated local support for the Gaynor Plan. In addition, the efforts by both the Monona-Harrison Flood Control Association, led by local farmer R.W. Fischer, and the County helped to ensure that this support for Gaynor's plan declined. As water woes persisted with serious floods in 1953 and 1954, more and more residents along the Monona-Harrison Ditch ultimately just wanted relief from these lingering systemic problems that interfered with successful drainage, and so more farmers started to agree with the Corps' Plan, called "Plan O." Thus, by the end of 1955 support was squarely behind the plan proposed by the Army Corps of Engineers. To

[30] See supra 53-54, for a discussion on the local requirements established in the 1936 Flood Control Act.
[31] See *Johnson*, 68 N.W.2d at 523-28.

help the Corps implement Plan O, a new district formed that same year, called the Little Sioux Inter-county Drainage District. Among the lawyers retained by this new district was George Allen's son, Sewell, who was now an attorney himself.[32]

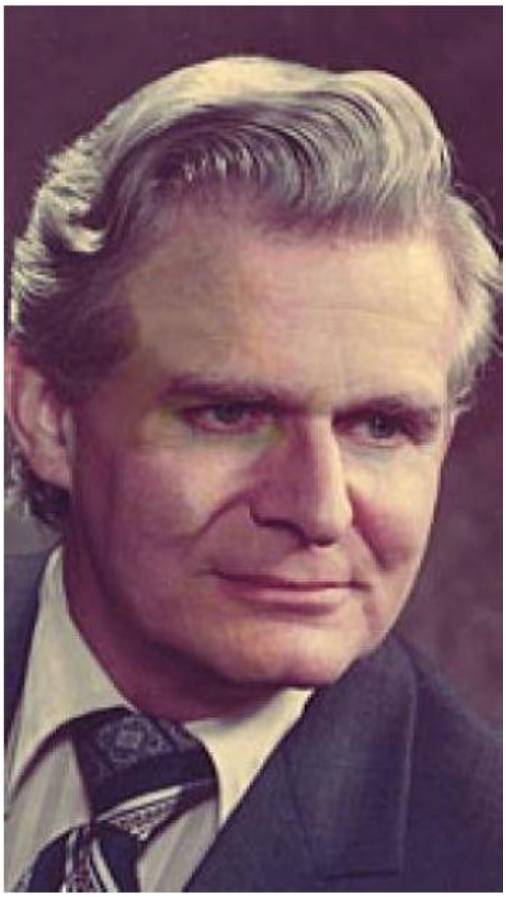

FIGURE 12, R.W. Fischer, head of the Monona-Harrison Flood Control Association, picture provided in Obituary, *WCF Courier* (October 3, 2010), available at http://wcfcourier.com/lifestyles/announcements/obituaries/robbins-w-fischer/article_ec29eb5c-cd98-11df-a3cb-001cc4c03286.html (last accessed October 23, 2012).

[32] See Letters to Congress from Monona-Harrison District Farmers (1956), discussed in detail below, Box 6/ Folders 5, 8, George E. and Sewell E. Allen Papers, 1910-1972, MS 81, Special Collections, Parks Library, Iowa State University; for the basic timeline of events between 1953-58, see Finding Aid, George E. and Sewell E. Allen Papers, 1910-1972, MS 81, Special Collections, Parks Library, Iowa State University, available at http://www.lib.iastate.edu/spcl/manuscripts/MS081.html (last accessed October 23, 2012).

In a last ditch effort to keep the Gaynor Plan alive, the Board of Trustees appealed a second litigation that was underway regarding Gaynor's proposal. In this second appeal to the Iowa Supreme Court, the issue for determination again related to the Iowa Natural Resources Council's role of review. After the Board of Trustees adopted the Gaynor Plan in May 1953, it submitted the plan to the Council for approval. After review, however, the Council rejected the plan on March 17, 1954. This time acting as the plaintiff, the Board of Trustees, along with a few neighboring drainage districts, challenged the Council's determination at the District Court and then again at the Iowa Supreme Court. Unfortunately for the Trustees, the Supreme Court's decision would have little effect on the momentum behind the Corps' Plan. When the Iowa Supreme Court reached its decision in this second appeal in 1956, which was only a little over a year after it issued its decision in *Johnson v. Monona-Harrison Drainage District*, it was too little too late.[33]

In its decision, the Supreme Court engaged in a very close reading of the statutory language governing the Council to determine that the Council did not have the authority to challenge the Gaynor Plan. The Natural Resources Council argued that it could deny the plan, because the statute stated that the Council's role was to determine "whether the proposed works in the plans … will be in aid of …, or will adversely affect and interfere with flood control in the state."[34] The Supreme Court determined, however, that this broad standard was not applicable in the present matter, because it only applied to works that are for "flood control …which are hereinafter established and constructed."[35] The Court decided first that the Gaynor plan seemed to be primarily a project to improve *drainage* in the district,

[33] Board of Trustees of Farmers Drainage District v. Iowa Natural Resources Council, 78 N.W.2d 798 (1956).
[34] Ibid., 805.
[35] Ibid.

and that it was not primarily for flood control. The Court did clarify that it realized that "a hard and fast line cannot be drawn between drainage and flood control," but it then determined that in any event, the Gaynor Plan was not a work for flood control "hereafter established."[36] To the contrary, the ditch and the equalizer were constructed over 30 years previously, which was before the statute took effect.[37]

While these linguistic distinctions the Court made may have seemed like unnecessary analytical gymnastics, they nonetheless spoke volumes about the way the Court understood drainage matters. The Court's decision reflected a curious distinction between drainage and flooding. Even though the Gaynor Plan sought to eliminate the equalizer, which was contributing to *flooding* on the Monona-Harrison Drainage Ditch and the Little Sioux River, the Court decided to create a statutory distinction between flood control and drainage. Unlike the Court's previous decisions in 1924 and the 1940s, this reasoning seemed naïve in regard to the hydrological realities in the Little Sioux Valley. The Court also made an interesting distinction when it decided that the Project predated the Iowa statute requiring review by the Natural Resources Council. Although the Monona-Harrison Ditch and the equalizer predated the statute, the Monona-Harrison District had not yet constructed *any* of the improvements specifically called for in the Gaynor Plan. Overall, these distinctions demonstrated again a desire to give broad deference to the drainage district and to limit the amount of oversight by entities outside the drainage district.[38]

So instead of the broad standard looking at flood control on a state-wide basis, the Court limited the Council's review of the Gaynor Plan to a narrower standard. Specifically,

[36] Ibid.
[37] Ibid.
[38] See ibid.

the Council's role was simply to determine whether the plan adversely affected the efficiency of the floodway. Not surprisingly, under this much narrower standard, the Iowa Supreme Court determined that the Council's disapproval of the Gaynor Plan was beyond its scope of review. Thus, two Iowa Supreme Court appeals now supported the Gaynor Plan.[39]

Despite the outcome of this second Iowa Supreme Court appeal, the Court's decision was essentially a moot point with regard to the decision between the Gaynor Plan and Plan O. While the Court significantly limited the role of the Iowa Natural Resources Council, it was beyond even the Court's scope of review to *require* that Monona County adopt Gaynor's plan. This decision and the Court's earlier decision in 1955 were limited to an assessment of whether the Board of Trustees and the Natural Resources Council were acting within the law. The Court did not get to make policy decisions, and so consequently its second opinion in 1956 did not change the fact that the majority opinion in the County now supported Plan O. Perhaps more importantly, the Court's decision did not change the fact that the Army Corps of Engineers developed Plan O, and that federal agency was the linchpin for receiving federal funds. Thus, back in Monona County, Plan O prevailed, and the only remaining task was to secure the additional federal appropriations to address the equalizer problem and to continue the other aspects of the Little Sioux Watershed Project.[40]

During the Congressional term in 1956, many landowners living within the watershed petitioned Congress to appropriate just such funds for the project. Many of their prepared statements painted a poignant picture of hardworking farmers struggling against the invisible, and unpredictable, hand of nature. Roy Swain, a member of the Joint Boards of Supervisors

[39] Ibid; see also *Johnson v. Monona-Harrison Drainage District*, at 519.

[40] See Letters to Congress from Monona-Harrison District Farmers (1956), Box 6/ Folders 5, 8, George E. and Sewell E. Allen Papers, 1910-1972, MS 81, Special Collections, Parks Library, Iowa State University, discussed in detail below; see also Finding Aid, George E. and Sewell E. Allen Papers, 1910-1972.

for Monona and Harrison Counties and a local contractor, expressed this plea succinctly: "It is very disheartening to see crops growing in this area and have them look as if we would have a bumper crop only to return the next day and see thousands upon thousands of acres covered with one to seven feet of water that is pushed down upon us from the North and in this very community we have not contributed to the flood one single drop of rain."[41] Swain's statement begged Congress to have sympathy for these counties, because they did not contribute so much as a "single drop" to the flooding. Regardless of whether or not Swain's statement was an intentional use of hyperbole or his honest understanding of the flooding problems, it still reflected the perceived need within the community to place the blame for the damage on someone or something other than the farmers and landowners living within the watershed in order to justify Congressional appropriations. Thus, Swain blamed uncontrolled nature.[42]

Other petitioners to Congress were less direct in their accusations against "nature," but they still expressed the plight of the farmers. A.L. Thomas, an engineer working for Little Sioux Inter-County Drainage District explained to Congress that "under the present situation and recorded floods you can see why farming this area is a gamble and an expense that a lot of people in this district cannot endure without federal help."[43] Even non-farmers, like Frands Kafton, who was a member of the Joint Board of Supervisors, worried that if Congress did not fund the Project, "this area in a few years will cease to be a farming community."[44] For Kafton, his concern revolved around the increasing taxing system. Kafton argued that "[a]s the present taxing system is getting confiscatory with the people that

[41] Roy Swain, Letter to Congress (1956).
[42] Ibid.
[43] A.L. Thomas, Letter to Congress (1956).
[44] Frands Kafton, Letter To Congress (1956)

own land in this area… about the only types of persons that will readily but this land are speculators and people that are unfamiliar with the floods in this area."[45] This possibility was worrisome for Kafton because he claimed that "[w]hen land begins to change hands often it tends to give the community an unstable and unsettled condition."[46] The petitions reflected a strong desire to protect the individual farmers and maintain the farming community.[47]

Ernest Delashmutt, a landowner and farmer in Onawa and chairman of the Joint Board of Supervisors, also petitioned Congress. In his letter, he explained that flooding and drainage presented problems not only for the individual landowners and farmers along the watershed, but also for the counties' governance and the non-farming population. Delashmutt asserted that "[w]e as a county suffer the same losses as do the landowners in this area," because of all the repair expenses for roads and bridges that the floods wash out.[48] And as Delashmutt astutely pointed out, these costs consequently affected "every landowner in Monona and Harrison counties, because the taxes have to be taken from other portions of the county [budget] to maintain the roads and bridges."[49] What may have appeared as an isolated problem for just the farmers within the flood plains or the landowners directly adjacent to the rivers was actually a regional environmental challenge for landowners who experienced flooding and even those that did not; everyone paying taxes within the watershed counties shared the financial burden.[50]

In addition to emphasizing the universal nature of the burden imposed by the flooding for everyone living within the watershed, Delashmutt's letter also raised concerns

[45] Ibid.
[46] Ibid.
[47] Ibid.
[48] Ernest Delashmutt, Letter to Congress (1956).
[49] Ibid.
[50] Ibid.

regarding implications for the agricultural sector at large and the process of feeding the nation as a whole. Delashmutt called this a "farm to market" problem. Specifically, he argued that the "present taxing system will be unable to furnish adequate transportation facilities for farm to market products," because of the perpetually high maintenance and repair costs due to the flooding.[51] The farm to market concern, indicative of the larger national trend towards industrial agriculture and agribusiness, implicated not just the people living in the watershed, but all consumers of the products produced there.[52] Lawrence King, a farmer, director of the Farmers Cooperative Elevators, and a member of the Join Board of Supervisors, also spoke to this concern in his petition to Congress. King explained how floods caused damage that "ruins the land for future use for generations to come. As our ever growing population in the very near future will need every available acre they can get for their survival, I beg of you to do everything in your power to see that funds are made available" for the Little Sioux Project.[53] The Little Sioux Project was a necessary piece in planning for national survival.[54]

Several landowners attempted to persuade Congress by pleading the cause of "progressive" Americans. Again, the petitions to Congress were touting the national benefits of funding the Little Sioux Project. As discussed at the beginning of the chapter, Walter Sorensen, the local farmer who endured the Easter 1952 Flood, explained that his family "selected this area as a homestead because we firmly believe that it is a good place to raise

[51] Ibid.
[52] The counties also had a specific "Farm to Market Fund," which allocated tax revenues for maintaining roads and the counties' farm to market system.
[53] Lawrence King, Letter to Congress (1956).
[54] Ibid.

our family so they might be enabled to be better progressive American citizens."[55] Sorensen even went so far as to claim that they would be unable to raise progressive American citizens "unless the Government helps this community."[56] Sorensen's comments revealed the goals and attitudes of many farmers in the watershed. The farmers sought to contribute to agricultural expansion and a progressive nation, with an interconnected rural and urban infrastructure, but they thought that the government was at least partially responsible for helping fund this progress.[57]

When Congress finally responded to these petitions in 1957 and 1958 by appropriating funds to begin construction of the Army Corp of Engineers' Plan O to fix the equalizer and improve drainage along the Little Sioux River, R.W. Fischer declared that "the faith of our forefathers in this beautiful valley is being fulfilled in our time."[58] Residents were also eager to publicly commend their efforts and tout the accomplishments of the entire Little Sioux Watershed Project. In fact, boosterism was so high during the construction of the project that the local newspaper declared that "once the Government Plan is completed … the rampages of the Little Sioux River should be a thing of the past resulting in a full enjoyment of the possibilities of the Little Sioux Valley, often referred to as the Nile Valley of the United States."[59] The analogy of the Little Sioux to the Nile Valley spoke volumes. The comparison, laden with historic overtones, suggested that the Little Sioux watershed was

[55] Walter Sorensen, Letter to Congress (1956).
[56] Ibid.
[57] Ibid.
[58] Fischer, Nile Valley Speech Transcript, 9.
[59] "The Equalizer is Closed: Monona-Harrison Ditch Can Now Serve the Little Sioux Valley," *The Onawa Sentinel*, April 24, 1958, 1.

on par with arguably the most extensive oasis on earth, one with a reputation for abundant fertility and inexhaustible resources and wealth.[60]

County residents did not contain their excitement over the newly managed Little Sioux watershed to just the newspapers. During a speech given at the Little Sioux River Recognition Banquet in 1973, R.W. Fischer continued the praise. Fischer claimed that "five hundred years from now, historians may very likely distinguish our civilization from those that preceded it on the grounds that ours, alone, did not destroy itself by denuding the agricultural land on which it was based."[61] As Fischer saw it, "the Little Sioux Watershed, under the dedicated leadership of these men, will for many years be recognized as foremost in the national efforts to conserve our soil" and protect valuable farmlands from floods.[62] In this speech dedicating the Project, Fischer declared that "these men have not only preserved and enriched a watershed in America. They have themselves stood as part of a watershed between all past history and all of the future."[63]

The exuberance revealed in the comments of Mr. Fischer and other Monona County residents was palpable. And the community had reason to feel such a sense of accomplishment. By the 1960s, construction on the multiple components of the federal Little Sioux Watershed Project was nearing completion. Even closer to home, the problematic equalizer was no longer over-burdening the Monona-Harrison Ditch. This accomplishment alone provided significant relief. Much of this success was undeniably because of the planning and funding provided by the federal government. But the efforts of the members of the Monona-Harrison Drainage District and the County Supervisors also contributed to

[60] Ibid.
[61] Fischer, Nile Valley Speech Transcript, 9.
[62] Ibid.
[63] Ibid.

creating a drainage system that worked more efficiently. Despite the significance of these events though, they were not a watershed between all past history and all of the future.

In many respects, the years between 1947 and the early 1960s had much in common with the earlier decades of drainage along the Big Ditch. The negotiations and litigations involved in addressing the problem of the equalizer demonstrated again that drainage and flood management necessitated a balancing act between all of the competing interests. On behalf of the drainage district's Board of Trustees, Gaynor narrowly tailored his proposal in order to keep costs and consequently taxes to a minimum for the farmers living within district boundaries. To the County Supervisors and the Flood Control Association though, the initial tax burden was worth it, because in the long term, the investment would reduce future taxes countywide and increase agricultural capabilities. Thus, the decades-old power struggle between the County Supervisors and the Board of Trustees continued. Drainage matters also required the county to accommodate state interests. Although the Supreme Court limited its role, the Natural Resources Council still had to review plans to ensure compliance with the state's laws. And finally, the county also had to accommodate federal interests, especially in order to receive federal appropriations.

Like earlier, environmental realities still played a role in determining how drainage would occur along the Little Sioux River. Admittedly, there was not always a clear understanding or acknowledgement of these hydrological realities. In the Supreme Court's second decision in 1956, it established a somewhat arbitrary distinction between flood control and drainage. Furthermore, several of the comments made by some of the community members in their petitions to Congress ignored the hydrological conditions in Monona County. Blaming upstream rainfall for the flooding, or insisting that swampy fields

were worthy of federal funds, was indicative of this trend. Yet the ultimate plan chosen to address the equalizer problem, Plan O, reflected a fundamental understanding of the connections between the equalizer and the Little Sioux River Valley. Successful drainage plans required a basic understanding of the valley's hydrology.

Overall, the Iowa Supreme Court appeals in the 1950s and the federal Little Sioux Watershed Project were indicative of a broader regional trend toward expanding agricultural acreage and production. In the context of the post-war mania to manage water in order to accomplish this agricultural expansion, the activities along the Monona-Harrison Drainage Ditch to expand agricultural capabilities and preserve their farming community did not stand out as exceptional. For Monona County, farming and agrarian ideals necessitated solutions to floods and swamps. The process of creating these solutions highlighted the national attitudes and myths surrounding agriculture and its role in society. R.W. Fischer's dramatic prose declaring that farmers in the Little Sioux Valley were standing as "part of a watershed between all past history and all of the future" certainly demonstrated this mythical characteristic associated with the American farmer.

CHAPTER 5: CONCLUSION

The history of drainage along the Little Sioux River in Monona County presents a story marked with many challenges and obstacles for those who sought to make a living there. When a group of landowners within the county filed a petition in 1904 to create the Monona-Harrison Drainage District, they were attempting to address the environmental problems that Lewis and Clark had identified a century earlier, and that the Swamp Land Acts and the American Emigrant Company had left unresolved. Yet less than a decade after the construction was complete on the Monona-Harrison Ditch, litigations started over how to maintain and improve the ditch, who would make these decisions, and how to allocate the costs. Ultimately, appeals to the Iowa Supreme Court and negotiations between the Monona County Board of Supervisors, the Drainage District Trustees, and upstream counties resulted in a relatively balanced system. This arrangement effectively drained the Little Sioux Valley in some years, but not in all.

Flooding and drainage difficulties persisted along the Little Sioux River and the Monona-Harrison Drainage Ditch into the 1930s. One of the major shortcomings of the drainage efforts to that point was that they focused solely on the end of the Little Sioux River, and did not take into account its entire watershed. Another central problem was the other river flowing on the opposite side of the county. Specifically, the Missouri River presented two obstacles to drainage efforts. First, its wide, shallow, meandering channel was prone to causing floods, which often traveled downstream and inundated the Little Sioux Valley. Second, that same wide and shallow channel often failed to provide an adequate outlet for the flow of the Little Sioux River itself. Thus, Monona County turned to the state

and federal government to provide assistance. In response, the U.S. Congress authorized the Little Sioux Watershed Project in 1936 and the Pick-Sloan Program for the entire Missouri River Basin in 1944. The latter of these two programs proved to be a very important piece in the Monona County drainage puzzle.

After construction started under the Pick-Sloan Plan, the Little Sioux River finally had a sufficient outlet for its waters. In the post-World War II decades, work also began on the Little Sioux Watershed Project, including the channelization of the Little Sioux and the construction of dams within the watershed. For the farmers living along the Monona-Harrison Ditch, one of the greatest accomplishments under the federal Little Sioux Project was the resolution of the equalizer dilemma, which was causing the Big Ditch to operate as an additional or even alternate channel for the flow of the Little Sioux River. Yet the introduction of the federal project was not an immediate panacea for drainage in the Valley. Local lawsuits still developed over the same questions that arose decades earlier, such as who would control drainage decisions and who would pay for them. But by the 1960s, with construction completed on the primary components of the Little Sioux Project, many of the major hurdles that had previously prevented drainage in the Valley were gone, and the Valley could support a relatively prosperous agricultural economy.

By focusing on how drainage changed over time in Monona County, important aspects of the legal, environmental, and agricultural history in this community become apparent. First, this lens reveals that successful drainage always required balancing private property interests with the agricultural benefits for the community. Attempting to strike this balance was not easy and often raised questions of blame, legal dilemmas, financial costs, and environmental costs. As explained in chapter one, the due process clause and the Iowa

drainage statutes were central to this task. At issue in the first Supreme Court appeal was the voting structure at the time that allowed larger landowners to have a bigger voice in Trustee elections. However, the Iowa Supreme Court denied the Board of Trustees' authority to fund improvements biased towards larger landowners by tax increases across the entire drainage district, which would have infringed upon personal property rights. In the second appeal, upstream drainage districts tried to avoid their share of the tax burden for maintenance on downstream ditches. Here, the Iowa Supreme Court determined that they had to contribute to the maintenance costs of their downstream outlets.

As seen in chapter three, the process of creating this balance continued to be important. Legal battles continued over whether upstream drainage districts needed to contribute to the costs of downstream ditches. Again based on the due process clause, the Iowa Supreme Court affirmed its earlier decision that downstream ditches could require upstream districts to assess taxes to cover maintenance costs on shared outlets. The introduction of the federal government required similar balancing. In order for federal agencies to expend federal dollars on the Pick-Sloan Program or the Little Sioux Watershed Project, multiple competing interests had to receive benefits and Congress had to establish procedural safeguards for the administration of the projects. Debates over the creation of a TVA-style authority for the Missouri River reflected these safeguards. Another example was the requirement that local drainage districts garner the consent of affected landowners to give up private property in the form of easements *prior to* the start of the federal Little Sioux Watershed Project.

A balancing act between private property and the creation of an agricultural economy was again apparent in the post-World War II era. The Iowa Supreme Court appeals and the

central dispute over the equalizer ditch raised similar questions about how to pay for and manage drainage. Could the drainage district use tax money to address systemic problems, and could they think in the long-term to create 50-year plans? Ultimately, the passage of the Corps' Plan O decided that they could.

This thesis is not arguing that Monona County always managed to strike a perfect balance between private property interests and the broader community desire to create a successful agricultural economy. At times, certain landowners were dissatisfied with drainage decisions. Furthermore, the balance did not always equally favor every competing interest. But the attempt to achieve this balance was a hallmark characteristic of drainage throughout this time period.

Studying the history of drainage in Monona County also lends insight into the valley's environmental past. At the outset, there might be a tendency to dismissively conclude that Monona County residents just did not adequately understand or take into consideration the environmental realities of their home. Notions that they could blame floods solely on upstream communities, or their plans to create a corn-based agricultural mecca in a swampy valley seemed counter-intuitive at best. Furthermore, Supreme Court decisions that created an artificial distinction between flooding and drainage seemed naïve or even ignorant. But declension narratives that stop the analysis at that point prevent an understanding of how the community did understand the environment and how nature in turn affected the drainage process.

By looking beyond initial assumptions, a more complex picture appears about how farmers thought they could use and manage the water flowing by their fields. According to the records left in drainage district meeting minutes and the local papers, most farmers in the

valley did not ignore these questions. Specifically, they thought about the local environment and considered it to be a natural resource that could generate agricultural production and wealth. By the 1930s, drainage plans also began to include consideration of the recreational and piscatorial values associated with water and the environment, as reflected in the Pick-Sloan and Little Sioux plans.

Ultimately, with the various uses and benefits aside, the struggles along the Little Sioux River demonstrated that effective drainage required the farmers, the county, the Iowa Supreme Court, and the federal government to recognize the basic hydrology of the watershed. Upstream districts had to account for environmental realities downstream on the Little Sioux as they determined and planned for drainage costs. Furthermore, drainage along the Little Sioux could only be effective if the Missouri River provided a proper outlet for the flow of the river. Water could be a source of wealth and a resource for agriculture, but it required, to varying degrees, informed management and recognition of the hydrologic environment. In sum, effective drainage required an understanding of the following sentiment:

> Rivers perhaps are the only physical features of the world that are at their best from the air. Mountain ranges, no longer seen in profile, dwarf to anthills; seas lose their horizons; lakes have no longer depth but look like bright pennies on the earth's surface…. But rivers stretch out serenely ahead as far as the eye can reach. Rivers are seen in their *true stature*. (emphasis added)[1]

As Ann Morrow Lindbergh understood so well from her experiences flying during the 1920s and 1930s, understanding rivers required a broader perspective. To comprehend the nature

[1] Anne Morrow Lindbergh, *North to the Orient* (Orlando: Harcourt, Inc., 1935), 112.

of a river and its true stature and design, famers and policy makers needed to think about the entire watershed.

Finally, the Monona-Harrison Ditch provided yet another example of the regional trend across the Midwest and the West to expand agricultural acreage and production during the first half of the twentieth century. Historian Frederick Jackson Turner's argument that the frontier closed in 1890 sparked a demand to look more closely at the region for areas that could support agriculture, even though pioneers may have passed over such places at first. Consequently, water and drainage management were integral in converting marginal lands into successful crop production. As demonstrated in this thesis, this demand for more agricultural lands and water management became increasingly important, and by the post-World War II period, it had developed into a mania. Newspaper accounts and speeches revealed that residents in Monona County may have considered their valley unique. Congress' designation of the Little Sioux Watershed Project as a "pilot" plan no doubt added to this sentiment. But, when viewed in the broader context, the drainage and flood control plans in the Little Sioux Valley simply reflected regional agricultural trends.

After completion of the main components of the Little Sioux Watershed Project in the 1960s, the drainage problem that had plagued the Valley no longer presented such an impediment to the county's agricultural community. Instead of experiencing flooding every few years, farmers along the Monona-Harrison started to face floodwaters less commonly, and then only in years of major floods, which hydrologists considered to be 100-year occasions. There were still continuing questions over maintenance costs, and environmental questions began to carry more weight in the evaluation process, but events along the Monona-Harrison Ditch had quieted so much during the 1970s in relative terms that by 1981

the Monona-Harrison Drainage District dissolved. In its place, an overlay district, called the Little Sioux Inter-County Drainage District, assumed all responsibilities for the future management of the Big Ditch.[2]

Although the efforts in Monona County did effectively accomplish the original goal to drain the Valley, they also resulted in several unintended consequences. Indeed, by the 1980s the farmers in Monona County had drained the Little Sioux River Valley so well that they needed to start using irrigation to water their crops growing in the fields that had once been so swampy. This ironic turn of events revealed the drastic extent to which the ecosystem had changed. The big bluestem grass of the wet prairie was gone, along with the large numbers of mosquitos and greenhead flies. The disappearance of the swampy grasslands also meant a loss of habitat for crawdads, prairie chickens, and other wildlife, and the channelization of the Little Sioux negatively affected native fish populations.[3]

For the farmers living along the Monona-Harrison, the results of all of the drainage efforts varied greatly. Several farms prospered, especially prior to the farm crisis of the 1980s. Others did not fare as well. R.W. Fischer, the head of the Monona County Flood Control Association who spoke so boisterously about drainage along the Little Sioux, unfortunately did not get to "see the faith of [his] forefathers in this beautiful valley … fulfilled in [his] time."[4] Although his agricultural business ventures were successful for a while, he eventually almost lost his farm to foreclosure, avoiding it only by finally finding a

[2] Trustees of the Monona-Harrison Drainage District, "Resolution & Order Accepting Dissolution," Monona-Harrison Drainage District Records (Nov. 4, 1980), Monona County Courthouse, Onawa, Iowa.

[3] See *The History of Monona County*, 6-10. While this thesis focused more on how famers understood the environment and how the environment in turn affected water management, the history of the environmental changes associated with drainage is also very important. For more on the ecological results of drainage, see Mary R. McCorvie and Christopher L. Lant, "Drainage District Formation and the Loss of Midwestern Wetlands, 1850 – 1930," *Agricultural History* 67 (Autumn 1993), 13-39; see also Vileisis, *Discovering the Unknown Landscape*.

[4] Fischer, Nile Valley Speech Transcript, 9.

buyer after it had been on the market for several years. Nonetheless, the sale did not prevent a bitter bankruptcy in which a creditor, who happened to be Fischer's friend and fellow Monona County farmer, went as far as to allege that Fischer had made preferential and fraudulent transfers when he repaid his three daughters $6,000 each, which they had given him for the mortgage payments on the farm. Fortunately for Fischer and his family the court determined that they were not fraudulent transfers, but he still had to complete the bankruptcy proceedings. Although it would be illogical to conclude that his efforts to drain the Little Sioux River Valley eventually caused his bankruptcy, Fischer's personal story nonetheless revealed that drainage alone could not guarantee that the Valley would become a successful agricultural mecca.[5]

But drainage issues continue to play an important and contentious role in Monona County. As the structures that comprise the Little Sioux Watershed Project are approximately sixty years old and several of them are nearing the end of their useful lifespan, local farmers, drainage districts, and agencies are seeking funds to reinvest in the Little Sioux Project. Although new issues will undoubtedly arise with these renewed efforts, it is important to remember that the current generation of farmers and landowners within the valley are also just a part of the long struggle to effectively manage flooding and drainage along the Little Sioux River.

The history of drainage is the history of the relationship between people, their government, and the environment. Many scholars have considered the changing nature of the relationship between these three to be one of the defining characteristics of twentieth century U.S. history. As this thesis demonstrates, from the Progressive Era through the New

[5] Elmer J. Schettler v. Robbins W. Fischer, US Bankruptcy Court for the Northern District of IA, Bankruptcy No. 96-61088-W (June 27, 1997).

Deal and the post-World War II period, the role of government, both locally and federally, certainly increased as farmers in Monona County looked to it to respond to large-scale problems such as management of the environment and natural resources, and the expansion of agricultural productivity. Despite the increasing efforts made throughout this time period to manage water though, agriculture in Monona County remains an on-going struggle.

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