



July 2022

Drafts of Resolution by Representative Burdick Regarding Pool Level of Garrison Dam Reservoir, Undated

Usher Burdick

[How does access to this work benefit you? Let us know!](#)

Follow this and additional works at: <https://commons.und.edu/burdick-papers>

Recommended Citation

Burdick, Usher, "Drafts of Resolution by Representative Burdick Regarding Pool Level of Garrison Dam Reservoir, Undated" (2022). *Usher Burdick Papers*. 418.
<https://commons.und.edu/burdick-papers/418>

This Book is brought to you for free and open access by the Elwyn B. Robinson Department of Special Collections at UND Scholarly Commons. It has been accepted for inclusion in Usher Burdick Papers by an authorized administrator of UND Scholarly Commons. For more information, please contact und.common@library.und.edu.

hold

IN THE HOUSE OF REPRESENTATIVES

Mr. Burdick submitted the following resolution; which was

RESOLUTION

Resolved,

Whereas Congress passed an Act in 1944 authorizing the building of the Garrison Dam near Garrison, North Dakota, across the main stem of the Missouri River, in which the area of the water pool to be created by the dam was limited to seventeen million acre feet; and

Whereas in said original Act any reservoir built should not in any way interfere with the beneficial uses of the waters of the Missouri River, present or future, west of the ninety-eighth meridian, and that said meridian runs about two hundred and twenty-five miles east of Williston; and

Whereas an increase in the area of said pool was to be agreed upon by and between the Corps of Army Engineers and the Bureau of Reclamation, and that no agreement has ever been reached to increase the area of the pool; and

v

Whereas the Corps of Army Engineers, on their own motion, and in violation of the original Act, have decided to increase the water pool by six million acre feet, which elevates the water level to such an extent (twenty feet) that three irrigation projects operating on the Missouri River in the vicinity of Williston will be destroyed and at the same time will flood out a portion of the city of Williston, in direct violation of the ninety-eighth meridian provision above referred to; and

84 CONGRESS } H. RES.
1st SESSION }

RESOLUTION

By Mr. *Burdick*

Whereas to avoid this destruction and comply with the provisions of the original Act, the Corps of Army Engineers now propose and are now in the actual process of creating dikes around these irrigation projects and the city of Williston, when the question of dikes has never been before Congress for consideration; and

Whereas to obtain land for the purpose of this higher unauthorized water level, and to obtain land on which to construct unauthorized dikes, the Corps of Army Engineer are now at this moment engaged in obtaining such land in such manner that their acts constitute a violation of the fifth amendment to the Federal Constitution, which provides: "No person shall be * * * deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation."; and

Whereas the method now employed by said Corps of Engineers to obtain title to said lands is to request of the Secretary of the Army a Declaration of Taking, assuring the said Secretary that the obtaining of said lands is necessary for the building of the Garrison Dam, and that with the filing of

~~2~~
said Declaration of Taking in the Federal Court of North Dakota and a deposit of the amount of damage the Engineers think proper for taking said lands, the said engineers claim title in the United States to said lands; and

Whereas this method of obtaining title to private lands may be done and has been done without any notice to the owner of said lands, and that no proceedings of any kind have been instituted to condemn said lands, as provided by law and the Constitution of the United States, and that the "due process" clause of the fifth amendment to the Constitution has in all such instances by them been violated; and

H. RES. 510
Whereas after one of these ex parte condemnations, and before the owner knows anything about the proceedings, and before he has received any payment for said lands, the Corps of Engineers demand of said owner rental for said property under threat that if he does not promptly pay rent they will rent owners' lands to someone else: Therefore be it

1 *Resolved*, That before any further money is appropriated
2 for the further construction of the Garrison Dam the matter
3 of the procedure now herein complained of be investigated
4 by a special committee of the House of Representatives to be
5 appointed by the Speaker; that said committee shall have
6 power to hold hearing here in Washington or elsewhere and
7 subpena witnesses, books and records, either Government
8 records or otherwise, and said committee shall have power to
9 select such office and clerical help as it may deem necessary;
10 that said committeemen shall be paid nothing extra for their

1 services except their actual expenses while absent from the
2 city of Washington; and be it further

3 *Resolved*, That said committee, when selected, shall
4 proceed with its duties and report to the House of Repre-
5 sentatives not later than July 1, 1953. 5

Whereas Congress passed an act in _____ Authorizing the building of the Garrison Dam near Garrison North Dakota across the main stem of the Missouri River, in which the area of the water pool to be created by the dam was limited to 17 million acre feet, and

Whereas, in said original act any reservoir built should not in any way interfere with the beneficial uses of the waters of the Missouri river, present or future, West of the 98 meridian, and that said Meridian runs about 225 miles East of Williston, and

Whereas, an increase in the area of said pool was to be agreed to by and between the Corps of Army Engineers and the Bureau of Reclamation, and that no agreement has ever been reached to increase the area of the pool, and

Whereas the Corps of Army Engineers, on their own motion, and in violation of the original act, have decided to increase the water pool by ^{million} 6 thousand acre feet, which elevates the water level to such an extent (20 Feet) that three irrigation projects operating on the Missouri River in the Vicinity of Williston will be destroyed, ^{at} in direct violation of the 98 Meridian provision above referred to and at the same time will flood out a portion of the city of Williston, and

Whereas to avoid this destruction and comply with the provisions of the original act, the Corps of Army Engineers now propose and are now in the actual process of creating dykes around these irrigation projects and the city of Williston, when the question of dykes have never been before congress for consideration, and

Whereas to obtain land for the purpose of this higher unauthorized water level, and to obtain land on which to construct unauthorized dykes, the Corps of Army Engineers are now at this moment engaged in obtaining such land,

Done of Royal Legion -

and ^{*manner*} ~~in the matter~~ now adopted by the said
Corps of Engineers, their acts constitute a violation of the Fifth amendment to the
Federal Constitution, which provides:

and ~~thereby~~

Whereas, the method now employed by said Corps of Engineers to obtain title
to said lands is to request of the Secretary of the Army a Declaration of
Taking, assuring the said Secretary that the obtaining of said lands is
necessary for the purposes of building the Garrison dam, and that with the
^{*said Declaration of Taking*}
filing in the Federal Court of North Dakota, and a deposit of the amount of
damage the engineers think proper for ~~said taking~~ ^{*in the US*} taking said lands, the
said engineers claim title to said lands and

Whereas this method of obtaining title to private lands, may be done and has
been done without out any notice to the owner of said lands, and that no
proceedings of any kind have been instituted to condemn said lands, as
provided by law and the constitution of the United States, and that the
Due process clause of the Fifth amendimment to the Constitution has in
all such instances ^{*been*} ~~vilkated~~, and

Whereas, after one of these ex-parte condemnations, and before the owner knows
^{*this*} any about the proceedings, and before he has received any payment ofr said
lands, the Corps of Engineers demand of said owner rental for said property
under the threat that if he does not promptly pay rent, that they will rent
the ~~farm~~ owners own lands to some one else, There