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Supper Missouri Development Association

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Williston

STATEMENT OF WALTER O. BURKE, ATTORNEY
BEFORE THE SUBCOMMITTEE ON CIVIL FUNCTIONS AND MILITARY CONSTRUCTION OF THE
HOUSE APPROPRIATIONS COMMITTEE DURING HEARINGS ON THE POOL LEVEL OF THE
GARRISON DAM IN NORTH DAKOTA.

February 18, 1954

My name is Walter O. Burk. I am an attorney at Williston, North
Dakota, where I have practiced law for 26 years. I am the President of the
Upper Missouri Development Association, an organization composed of land owners
and other interested people who are opposed to the immediate operation of Garrison
Reservoir in North Dakota at the operation level of 1850 feet.

Three principal arguments are advanced by those who favor the
higher operation level.

First, it is claimed that the high level is necessary because of
the proposed million acre irrigation project in central and eastern North Dakota.

Second, it is claimed that the higher operating level is necessary
in order to provide adequate electric power for this area, and

Third, that it will aid navigation and flood control.

There probably is no other project where we have a similar situation,
with a city of 12,000 population and two irrigation projects at the head of
the dam.

The people whom I represent are not opposed to the irrigation project in central and eastern North Dakota. Mr. Wegley, representing the irrigation district, and Mr. Ditsworth, the mayor of our city, have explained to you the problems which Garrison Reservoir will create. We are asking that the construction of these protective works be delayed until such time as it is determined this proposed million acre project is economically feasible, and that the people in that area desire irrigation. Only preliminary work has been done on this project. The December, 1953 report of the Bureau of Reclamation on the Garrison Diversion Irrigation Project concludes with this statement:

"It is recommended that field and office surveys be expedited in cooperation with all affected agencies until a final decision has been reached as to the feasibility of development. That thereafter activities on the Garrison Diversion Unit be guided by that finding."

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the acquisition of lands on the Lewis and Clark Project. These projects were approved at a time when our section had just passed through the worst drouth period in its history. Even so, a substantial number of farmers living in the project were reluctant to change from dry land to irrigated farming. Today, after several years of good rainfall in that area, where it rains enough and

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~~In practically all of the work in connection with the organization of both the Lewis and Clark and the Buford-Fronton irrigation projects, I was the land purchasing agent for the North Dakota Rural Rehabilitation Corporation in the acquisition of lands on the Lewis and Clark Project. These projects were approved at a time when our section had just passed through the worst drouth period in its history. Even so, a substantial number of farmers living in the project were reluctant to change from dry land to irrigated farming. Today, after several years of good rainfall in that area, where it rains enough one~~

~~year and there is the drouth the next year.~~ I seriously doubt whether the farmers would approve these projects. I don't think we will be able to establish another irrigation project in western North Dakota until we have another severe drouth.

In 1943 the Heart-Butte Project immediately west of our capital city of Bismarck, consisting of 12,000 acres, was organized. A dam has been constructed on the Heart River by the Reclamation Bureau at a cost of \$3,689,000. The Bureau of Reclamation was unsuccessful ⁱⁿ negotiating a repayment contract, and last year the Heart-Butte Project was dissolved and a new district was organized in December of last year, consisting of only 2,500 acres. No repayment contract had been entered into between the new district and the Reclamation Bureau.

The average rainfall in eastern North Dakota is about 20 inches, compared to our 14. When the people of western North Dakota hesitate to establish an irrigation district, I believe that the Chambers of Commerce in eastern North Dakota who are promoting this giant project will have an extremely difficult time selling the farmers of that area on the benefits of irrigation in an area where there has seldom been a crop failure. The average size farm in that area is about one section and is nearly all owned by the farmers who reside there. It is our hope that any appropriations to acquire additional land or to establish

protective works for our area be delayed until the feasibility and the desire of the farmers there for irrigation is determined. If they want irrigation then, Williston will have no further objection.

It is our conclusion that the additional power produced by the higher operating level will not be required for many years. It has been said this additional power is presently needed by the R.E.A. co-op's Fort Peck Dam, 110 miles to the west of Williston, is presently generating 85,000 kilowatts of firm power, plus 63,000 kilowatts of dump power. Its ultimate capacity ~~will~~ can be increased by 80,000 kilowatts, ^{of?} a firm power, plus 102,000 kilowatts of dump power. An additional capacity, however, will not be needed because there is now no market for such additional power. The Montana Dakota Utilities Company, which serves much of western North Dakota and eastern Montana, is operating its four plants in that area at only 40% of capacity. It is using Fort Peck power instead. The R.E.A. has a lignite coal power plant at Velva in central North Dakota, capable of producing in excess of 40,000 kilowatts. Due to a lack of market demand it has been operating at only 40% of capacity during the last 11 months. The cost of producing that power, exclusive of fixed charges for retirement of the investment, is only 4.4 mills.

Garrison Reservoir at 1850 operating level will produce 360,000 kilowatts firm power. The reduction in the production of power at Garrison caused by operating at the level that Williston desires, will reduce that by about 20,000 kilowatts. In addition to Garrison, the Oahe and Fort Randall Dam in South Dakota will produce an additional 519,000 kilowatts firm power. To this we should add the Gavins Point Dam in Nebraska with an additional 100,000 kilowatts.

The total average consumption of all of the R.E.A. co-ops in North Dakota for the fiscal year ending June 30, 1953, is 37,382 kilowatts, which is less than the capacity of the Velva plant alone. Consumption of electricity by R.E.A. in North Dakota last year increased 12%, and it is estimated the annual increase will be about 10%. The population in this area has been increasing very slowly. The Bureau of the Census estimates that North Dakota population has decreased 17,000 since the 1950 census.

North Dakota has billions of tons of lignite coal which can produce power at cost comparable to the cost of producing power at Garrison Dam. Another plant the size of the one at Velva would produce enough power at a capital investment far less than the cost of the protective works at Williston to

offset any loss of power by operating Garrison Dam at a level which would make such protective works unnecessary. Enough lignite coal will be covered up by the higher operating level to furnish the fuel for many years.

General Potter, in a recent statement to a Senate Committee, placed considerable stress upon the 1952 flood which created so much damage on the lower Mississippi. He did not, however, mention the fact that practically all of these flood waters came in below Garrison Dam. There was only a normal runoff ^{above} at Garrison Dam. Williston is 200 river miles from Garrison Dam. If the operating head of the lake were left directly below Williston, it would mean ~~that~~ only a difference of a few miles. It is planned to construct additional dams in tributaries of the Yellowstone. ~~The amount of additional flood control will be very small indeed.~~ General Potter, in his statement, left the impression that the Great Northern Railroad which would be ~~adversely~~ affected, has approved their plan. On February 10, Mr. Davidson of Williston received the following telegram from the Engineering Department of the Great Northern Railroad:

"Your verbal inquiry. Great Northern Railway Co presently is studying final plans submitted by Army Engineers covering Garrison Reservoir Dikes vicinity Williston. But as of this date has not yet approved said plans."

The Bureau of Reclamation considers the protective works ^{proposed} ~~opposed~~ by the Army Engineers as economically unjustified. In a letter by L. N. McClellan,

Assistant Commissioner and Chief Engineer of the Denver Office of the Reclamation Bureau, to Col. H. L. Hilley, District Engineer of the Garrison project, Mr.

McClellan states:

"It does not appear to me that an expenditure of \$4,632,000 for the protection of 2,640 acres of the east bottom area of the Buford-Trenton Project can economically be justified for the apparent hazard introduced by the construction of the Garrison Reservoir. The gradual rise in river level due to aggradation will, of course, increase the flood hazard, but since this will develop slowly, it would appear desirable to defer construction of protective works, except in the area where the river is active by cutting for a number of years until it is apparent that aggradation has proceeded to a point where the flood threat is apparent."

It seems to us that the expenditure of \$1,754 per irrigated acre of Buford-Trenton, \$754 per irrigated acre for Lewis and Clark cannot be justified on any economical basis.

When the time comes, if it ever does, when central and eastern North Dakota desire irrigation, then the protective works can be established, or perhaps it would be cheaper to buy the land on the irrigation projects and move the farmers to another location. ~~Until that time arrives, however, we urge that any appropriation for protective works or to buy land above the elevation of 1840 be denied. We urge the appropriation of~~ that the request of the Army Engineers for an \$1,555,000 land acquisition, plus \$414,300 for planning in the Williston area, be denied.

1840'
J. M. [unclear]
P. [unclear]

Until that time arrives, however, we urge that the language of the Senate Report Civil Functions Department of the Army Appropriation Bill

Fiscal Year 1954, which, in effect, states that:

No part of the funds appropriated for Garrison Dam and reservoir be used for the purchase or condemnation of land above elevation 1840 or for the construction of protective works in the vicinity of Williston, North Dakota, or for the Buford-Trenton and Lewis and Clark Irrigation District be retained in the appropriation bills.

The population in that area of the Missouri River Basin will increase very slowly, as it has in the past, and large amounts of additional power will not be required in the immediate future.

The controversy in the past has been between an operating pool level of 1830 and 1850 feet. Williston has offered to compromise at 1840. That would leave the head of the lake immediately ^{below} ~~at~~ Williston and our irrigation projects. However, the Army Engineers have rejected our compromise proposal.