

106TH CONGRESS  
1ST SESSION

# S. 769

To provide a final settlement on certain debt owed by the city of Dickinson, North Dakota, for construction of the bascule gates on the Dickinson Dam.

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## IN THE SENATE OF THE UNITED STATES

APRIL 13, 1999

Mr. CONRAD (for himself and Mr. DORGAN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To provide a final settlement on certain debt owed by the city of Dickinson, North Dakota, for construction of the bascule gates on the Dickinson Dam.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Dickinson Dam Bas-  
5 cule Gates Settlement Act of 1999”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) in 1980 and 1981, the Bureau of Reclama-  
9 tion constructed the bascule gates on top of the

1 Dickinson Dam on the Heart River, North Dakota,  
2 to provide additional water supply in the reservoir  
3 known as Patterson Lake for the city of Dickinson,  
4 North Dakota, and for additional flood control and  
5 other benefits;

6 (2) the gates had to be significantly modified in  
7 1982 because of damage resulting from a large ice  
8 block causing excessive pressure on the hydraulic  
9 system, causing the system to fail;

10 (3) since 1991, the City has received its water  
11 supply from the Southwest Water Authority, which  
12 provides much higher quality water from the South-  
13 west Pipeline Project;

14 (4) the City now receives almost no benefit  
15 from the bascule gates because the City does not re-  
16 quire the additional water provided by the bascule  
17 gates for its municipal water supply;

18 (5) the City has repaid more than \$1,200,000  
19 to the United States for the construction of the bas-  
20 cule gates, and has been working for several years  
21 to reach an agreement with the Bureau of Reclama-  
22 tion to alter its repayment contract;

23 (6) the City has a longstanding commitment to  
24 improving the water quality and recreation value of  
25 the reservoir and has been working with the United

1 States Geological Survey, the North Dakota Depart-  
2 ment of Game and Fish, and the North Dakota De-  
3 partment of Health to improve water quality; and

4 (7) it is in the public interest to resolve this  
5 issue by providing for a single payment to the  
6 United States in lieu of the scheduled annual pay-  
7 ments and for the termination of any further repay-  
8 ment obligation.

9 **SEC. 3. DEFINITIONS.**

10 In this Act:

11 (1) **BASCULE GATES.**—The term “bascul-  
12 gates” means the structure constructed on the Dam  
13 to provide additional water storage capacity in the  
14 Lake.

15 (2) **CITY.**—The term “City” means the city of  
16 Dickinson, North Dakota.

17 (3) **DAM.**—The term “Dam” means Dickinson  
18 Dam on the Heart River, North Dakota.

19 (4) **LAKE.**—The term “Lake” means the res-  
20 ervoir known as “Patterson Lake” in the State of  
21 North Dakota.

22 (5) **SECRETARY.**—The term “Secretary” means  
23 the Secretary of the Interior, acting through the  
24 Commissioner of the Bureau of Reclamation.

1 **SEC. 4. FORGIVENESS OF DEBT.**

2 (a) IN GENERAL.—The Secretary shall accept a 1-  
3 time payment of \$300,000 in lieu of the existing repay-  
4 ment obligations of the City under the Bureau of Reclama-  
5 tion Contract No. 9-07-60W0384, dated December 19,  
6 1988, toward which amount any payments made by the  
7 City to the Secretary on or after June 2, 1998, shall be  
8 credited.

9 (b) OWNERSHIP.—Title to the Dam and bascule  
10 gates shall remain with the United States.

11 (c) COSTS.—

12 (1) IN GENERAL.—In consultation with the City  
13 and the State of North Dakota, the Secretary shall  
14 reallocate responsibility for the operation and main-  
15 tenance costs of the Dam and bascule gates.

16 (2) CONSIDERATION OF BENEFITS.—The re-  
17 allocation of costs shall reflect the fact that the ben-  
18 efits of the Dam and bascule gates are mainly for  
19 flood control, recreation, and fish and wildlife pur-  
20 poses.

21 (d) WATER SERVICE CONTRACTS.—The Secretary  
22 may enter into appropriate water service contracts if the  
23 City or any other person or entity seeks to use water from  
24 the Lake for municipal water supply or other purposes.

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