

# Calendar No. 302

106TH CONGRESS  
1ST SESSION

# S. 769

[Report No. 106-172]

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

OCTOBER 6, 1999

Reported by Mr. MURKOWSKI, with an amendment

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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”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) in 1980 and 1981, the Bureau of Reclama-  
4 tion constructed the bascule gates on top of the  
5 Dickinson Dam on the Heart River, North Dakota,  
6 to provide additional water supply in the reservoir  
7 known as Patterson Lake for the city of Dickinson,  
8 North Dakota, and for additional flood control and  
9 other benefits;

10 (2) the gates had to be significantly modified in  
11 1982 because of damage resulting from a large ice  
12 block causing excessive pressure on the hydraulic  
13 system, causing the system to fail;

14 (3) since 1991, the City has received its water  
15 supply from the Southwest Water Authority, which  
16 provides much higher quality water from the South-  
17 west Pipeline Project;

18 (4) the City now receives almost no benefit  
19 from the bascule gates because the City does not re-  
20 quire the additional water provided by the bascule  
21 gates for its municipal water supply;

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

1           (6) the City has a longstanding commitment to  
2           improving the water quality and recreation value of  
3           the reservoir and has been working with the United  
4           States Geological Survey, the North Dakota Depart-  
5           ment of Game and Fish, and the North Dakota De-  
6           partment of Health to improve water quality; and

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

12 **SEC. 3. DEFINITIONS.**

13         In this Act:

14           (1) **BASCULE GATES.**—The term “bascule  
15           gates” means the structure constructed on the Dam  
16           to provide additional water storage capacity in the  
17           Lake.

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

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

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

1           (5) SECRETARY.—The term “Secretary” means  
2           the Secretary of the Interior, acting through the  
3           Commissioner of the Bureau of Reclamation.

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

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

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

14          (c) COSTS.—

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

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

24          (c) COSTS.—(1) *The Secretary shall enter into an*  
25          *agreement with the City to allocate responsibilities for oper-*

1 *ation and maintenance costs of the bascule gates as pro-*  
2 *vided in this subsection.*

3       (2) *The City shall be responsible for operation and*  
4 *maintenance costs of the bascule gates, up to a maximum*  
5 *annual cost of \$15,000. The Secretary shall be responsible*  
6 *for all other costs.*

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

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