

106TH CONGRESS
2D SESSION

S. 769

IN THE HOUSE OF REPRESENTATIVES

JANUARY 27, 2000

Referred to the Committee on Resources

AN ACT

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 “bascul
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.—(1) The Secretary shall enter into an
15 agreement with the City to allocate responsibilities for op-
16 eration and maintenance costs of the bascule gates as pro-
17 vided in this subsection.

18 (2) The City shall be responsible for operation and
19 maintenance costs of the bascule gates, up to a maximum
20 annual cost of \$15,000. The Secretary shall be responsible
21 for all other costs.

22 (d) WATER SERVICE CONTRACTS.—The Secretary
23 may enter into appropriate water service contracts if the

- 1 City or any other person or entity seeks to use water from
- 2 the Lake for municipal water supply or other purposes.

Passed the Senate November 19, 1999.

Attest:

GARY SISCO,
Secretary.