

Union Calendar No. 158

104TH CONGRESS
1ST SESSION

H. R. 1838

[Report No. 104-306]

A BILL

To provide for an exchange of lands with the Water Conservancy District of Washington County, Utah.

NOVEMBER 6, 1995

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

JUNE 14, 1995

Mr. HANSEN introduced the following bill; which was referred to the
Committee on Resources

NOVEMBER 6, 1995

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A BILL

To provide for an exchange of lands with the Water
Conservancy District of Washington County, Utah.

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

1 **SECTION 1. EXCHANGE OF LANDS WITH THE WATER CON-**
2 **SERVANCY DISTRICT OF WASHINGTON COUN-**
3 **TY, UTAH.**

4 (a) IN GENERAL.—Subject to the provisions of this
5 Act, if within 18 months after the date of the enactment
6 of this Act, the Water Conservancy District of Washington
7 County, Utah, offers to transfer to the United States all
8 right, title, and interest of the District in and to the
9 Bulloch Site, the Secretary of the Interior shall, in ex-
10 change, transfer to the District all right, title, and interest
11 of the United States in and to the Sand Hollow Site, the
12 Quail Creek Pipeline and Quail Creek Reservoir, subject
13 to valid existing rights.

14 (b) WATER RIGHTS ASSOCIATED WITH THE
15 BULLOCH SITE.—The water rights associated with the
16 Bulloch Site shall not be included in the transfer under
17 subsection (a) but shall be subject to an agreement be-
18 tween the District and the Secretary that the water re-
19 main in the Virgin River as an instream flow from the
20 Bulloch Site to the diversion point of the District at the
21 Quail Creek Reservoir.

22 (c) WITHDRAWAL OF MINERAL INTERESTS.—Subject
23 to valid existing rights, the mineral interests underlying
24 the Sand Hollow Site, the Quail Creek Reservoir, and the
25 Quail Creek Pipeline are hereby withdrawn from disposi-
26 tion under the public land laws and from location, entry,

1 and patent under the mining laws of the United States,
2 from the operation of the mineral leasing laws of the
3 United States, from the operation of the Geothermal
4 Steam Act of 1970, and from the operation of the Act
5 of July 31, 1947, commonly known as the “Materials Act
6 of 1947” (30 U.S.C. 601 et seq.).

7 (d) GRAZING.—The exchange of lands under sub-
8 section (a) shall be subject to agreement by the District
9 to continue to permit the grazing of domestic livestock on
10 the Sand Hollow Site under the terms and conditions of
11 existing Federal grazing leases or permits, except that the
12 District, upon terminating any such lease or permit, shall
13 fully compensate the holder of the terminated lease or per-
14 mit.

15 **SEC. 2. EQUALIZATION OF VALUES.**

16 The value of the lands transferred out of Federal
17 ownership under section 1 either shall be equal to the
18 value of the lands received by the Secretary under section
19 1 or, if not, shall be equalized by—

20 (1) to the extent possible, transfer of all right,
21 title, and interest of the District in and to lands in
22 Washington County, Utah, and water rights of the
23 District associated thereto, which are within the
24 area providing habitat for the desert tortoise, as de-

1 terminated by the Director of the Bureau of Land
2 Management;

3 (2) transfer of all right, title, and interest of
4 the District in and to lands in the Smith Site and
5 water rights of the District associated thereto; and

6 (3) the payment of money of the Secretary, to
7 the extent that lands and rights transferred under
8 paragraphs (1) and (2) are not sufficient to equalize
9 the values of the lands exchanged under section 1.

10 **SEC. 3. MANAGEMENT OF LANDS ACQUIRED BY UNITED**
11 **STATES.**

12 Lands acquired by the Secretary under this Act shall
13 be administered by the Secretary, acting through the Di-
14 rector of the Bureau of Land Management, in accordance
15 with the provisions of law generally applicable to the pub-
16 lic lands, including the Federal Land Policy and Manage-
17 ment Act of 1976 (43 U.S.C. 1701 et seq.).

18 **SEC. 4. NATIONAL ENVIRONMENTAL POLICY ACT OF 1969.**

19 The exchange of lands under this Act is not subject
20 to section 102 of the National Environmental Policy Act
21 of 1969 (42 U.S.C. 4332).

22 **SEC. 5. DEFINITIONS.**

23 As used in this Act:

1 (1) DISTRICT.—The term “District” means the
 2 Water Conservancy District of Washington County,
 3 Utah.

4 (2) SECRETARY.—The term “Secretary” means
 5 the Secretary of the Interior.

6 (3) BULLOCH SITE.—The term “Bulloch Site”
 7 means the lands located in Kane County, Utah, ad-
 8 jacent to Zion National Park, more particularly de-
 9 scribed as follows:

BULLOCH SITE

	Section	Acres
T 39 S R 9 W (Private)	32 S ¹ / ₂	320
	33 SW ¹ / ₄ , S ¹ / ₂ SW ¹ / ₄ NW ¹ / ₄	180
	Total	500
T 40 S R 9 W (State)	5 S ¹ / ₂ , SW ¹ / ₄ NE ¹ / ₄ , NE ¹ / ₄ NE ¹ / ₄	400
	6 S ¹ / ₂ , NE ¹ / ₄	480
	Total	880
GRAND TOTAL		1,380

10 (4) SAND HOLLOW SITE.—The term “Sand
 11 Hollow Site” means the lands located in Washington
 12 County, Utah, more particularly described as fol-
 13 lows:

SAND HOLLOW RESERVOIR SITE

	Section	Acres
T 42 S R 14 W	13 SW ¹ / ₄	160
	23 E ¹ / ₂ , E ¹ / ₂ W ¹ / ₂	480

SAND HOLLOW RESERVOIR SITE—Continued

	Section	Acres
	24 All	640
	26 NE ¹ / ₄ , E ¹ / ₂ NW ¹ / ₄ , N ¹ / ₂ SE ¹ / ₂	320
	25 All	640
T 42 S R 13 W	19 W ¹ / ₂ , SW ¹ / ₄ SE ¹ / ₄	360
	30 W ¹ / ₂ , W ¹ / ₂ NE ¹ / ₄	400
	GRAND TOTAL	3,000

1 (5) QUAIL CREEK PIPELINE.—The term “Quail
2 Creek Pipeline” means the lands located in Wash-
3 ington County, Utah, more particularly described as
4 follows:

QUAIL CREEK PIPELINE

	Section	Acres
T 41 S R 12 W River-pipeline	30 NW ¹ / ₄ NW ¹ / ₄	40
	Total	40

5 (6) QUAIL CREEK RESERVOIR.—The term
6 “Quail Creek Reservoir” means the lands located in
7 Washington County, Utah, more particularly de-
8 scribed as follows:

QUAIL CREEK RESERVOIR

	Section	Acres
T 41 S R 14 W	23 Tract 38	9.51
	23 Lot 2	40.00
	23 SW ¹ / ₄ SW ¹ / ₄ SE ¹ / ₄ SE ¹ / ₄	2.50
	Total	52.01
	25 W ¹ / ₂ SW ¹ / ₄ NW ¹ / ₄	20
	25 SE ¹ / ₄ SW ¹ / ₄ NW ¹ / ₄	10
	25 W ¹ / ₂ SE ¹ / ₄ SE ¹ / ₄ NW ¹ / ₄	5
	25 NW ¹ / ₄ SW ¹ / ₄	40

QUAIL CREEK RESERVOIR—Continued

Section	Acres
25 W ¹ / ₂ W ¹ / ₂ NE ¹ / ₄ SW ¹ / ₄	10
Total	85
26 Lot 1	15.97
26 Lot 8	40.00
26 Lot 12	17.45
26 Lot 15	42.23
26 Lot 16	42.39
26 SE ¹ / ₄ NE ¹ / ₄	40.00
Total	198.04
35 E ¹ / ₂ E ¹ / ₂ NW ¹ / ₄	40.00
35 SW ¹ / ₄ NE ¹ / ₄	40.00
35 W ¹ / ₂ SE ¹ / ₄ NE ¹ / ₄	20.00
35 NE ¹ / ₄ SE ¹ / ₄ NE ¹ / ₄	10.00
35 N ¹ / ₂ NW ¹ / ₄ SE ¹ / ₄	20.00
35 NW ¹ / ₄ NE ¹ / ₄ SE ¹ / ₄	10.00
35 N ¹ / ₂ SE ¹ / ₄ NW ¹ / ₄ SE ¹ / ₄	5.00
Total	145.00
Grand Total	480.05

1 (7) SMITH SITE.—The term “Smith Site”
2 means the lands located in Washington County,
3 Utah, adjacent to Zion National Park and more par-
4 ticularly described as follows:

SMITH PROPERTY

Section	
T 40 S R 11 W	5 Lots 3, 4, 5, 6, 7, 8, 9, 10, & 11 E ¹ / ₂ SW ¹ / ₄ , SE ¹ / ₄ NW ¹ / ₄
	6 Lot 1, S ¹ / ₂ , NE ¹ / ₄ and beginning at a point 2 rods west of the northeast corner of the northeast quarter of the southeast quarter; thence east 2 rods; thence south 80 rods; thence west 16 rods; thence in a northeasterly direction to the point of beginning
	8 E ¹ / ₂ NW ¹ / ₄ , E ¹ / ₂ SW ¹ / ₄ and lots 1 & 2 excepting the south 1200 feet of the SE ¹ / ₄ SW ¹ / ₄
T 39 S R 11 W	30 W ¹ / ₂ NE ¹ / ₄ , W ¹ / ₂ SE ¹ / ₄ , SE ¹ / ₄ SW ¹ / ₄ , W ¹ / ₂ SE ¹ / ₄ NE ¹ / ₄ , W ¹ / ₂ E ¹ / ₂ SE ¹ / ₄

SMITH PROPERTY—Continued

Section

- 31 E¹/₂, E¹/₂ SW¹/₄ and lots 3 & 4
- 32 SW¹/₄
Containing 1,550 acres more or less