II

Calendar No. 611

104TH CONGRESS

2D SESSION S. 2015 To convey certain real property located within the Carlsbad Project in New Mexico to the Carlsbad Irrigation District.

IN THE SENATE OF THE UNITED STATES AUGUST 1, 1996 Mr. DOMENICI introduced the following bill; which was read twice and referred

to the Committee on Energy and Natural Resources

SEPTEMBER 16, 1996 Reported by Mr. MURKOWSKI, without amendment

A BILL To convey certain real property located within the Carlsbad Project in New Mexico to the Carlsbad Irrigation District.

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. CONVEYANCE.
4 (a) OPERATION OF LAW.—

5 (1) IN GENERAL.—Except as provided in para-
6 graph (2), and subject to the conditions set forth in

7 subsection (c) and section 2(b), all right, title, and

2

S 2015 RS

1 interest of the United States in and to the lands de-
2 scribed in subsection (b) (in this Act referred to as

3 the ‘‘acquired lands’’) in addition to all interests the
4 United States holds in the irrigation and drainage
5 system of the Carlsbad Project and all related lands

6 including ditch rider houses, maintenance shop and
7 buildings, and Pecos River Flume are hereby con-

8 veyed by operation of law to the Carlsbad Irrigation
9 District (a quasi-municipal corporation formed

10 under the laws of the State of New Mexico and re-
11 ferred to in this Act as the ‘‘District’’).
12 (2) LIMITATIONS.—

13 (A) In case of a tract of acquired land on
14 which is located any dam, or reservoir diversion

15 structure, conveyance to the District is limited
16 to the right, title, and interest of the United
17 States in and to the mineral estate.

18 (B) The United States shall retain storage
19 and flow easements for any tracts located under

20 the maximum spillway elevations of Avalon and
21 Brantley Reservoirs.
22 (b) ACQUIRED LANDS DESCRIBED.—The lands re-

23 ferred to in subsection (a) are those lands (including the 24 surface and mineral estate) in Eddy County, New Mexico, 25 described as the acquired lands in section (7) of the ‘‘Sta-

3

S 2015 RS

1 tus of Lands and Title Report: Carlsbad Project’’ as re-
2 ported by the Bureau of Reclamation in 1978.

3 (c) TERMS AND CONDITIONS OF CONVEYANCE.—Any
4 conveyance of the acquired lands under this Act shall be

5 subject to the following terms and conditions:
6 (1) The acquired lands shall continue to be
7 managed and used by the District for the purposes

8 for which the Carlsbad Project was authorized, con-
9 sistent with existing management of such lands.
10 (2) Except as provided in paragraph (3), the

11 District shall assume all rights and obligations of
12 the United States under—

13 (A) the agreement dated July 28, 1994,
14 between the United States and the Director,
15 New Mexico Department of Game and Fish

16 (Document No. 2–LM–40–00640), relating to
17 management of certain lands near Brantley

18 Reservoir for fish and wildlife purposes,
19 (B) the agreement dated March 9, 1977,

20 between the United States and the New Mexico
21 Department of Energy, Minerals, and Natural
22 Resources (Contract No. 7–07–57–X0888) for

23 the management and operation of Brantley

24 Lake State Park.

25 (3) EXCEPTIONS.—

4

S 2015 RS

1 (A) The District shall not be obligated for
2 any financial support associated with either

3 agreement under paragraph (2).
4 (B) The District shall not be entitled to

5 any revenues generated by the operation of
6 Brantley Lake State Park.
7 SEC. 2 LEASE MANAGEMENT AND PAST REVENUES COL-
8 LECTED FROM THE ACQUIRED LANDS.

9 (a) IDENTIFICATION AND NOTIFICATION OF LEASE-

10 HOLDERS.—Within 45 days after the date of enactment
11 of this Act, the Secretary of the Interior shall provide to
12 the District a written identification of all mineral and

13 grazing leases in effect on the acquired lands on the date 14 of enactment of this Act, and the Secretary of the Interior

15 shall notify all leaseholders of the conveyance made by this
16 Act.
17 (b) MANAGEMENT OF MINERAL AND GRAZING

18 LEASES.—Upon conveyance, the District shall assume all 19 rights and obligations of the United States for all mineral

20 and grazing leases on the acquired lands, and shall be en-
21 titled to any revenues from such leases accruing after such
22 date. The District shall continue to adhere to the current

23 Bureau of Reclamation mineral leasing stipulations for the 24 Carlsbad Project.

5

S 2015 RS

1 (c) AVAILABILITY OF AMOUNTS PAID INTO REC-
2 LAMATION FUND.—Receipts paid into the reclamation

3 fund which now exist as credits to the Carlsbad Project 4 under the Mineral Lands Leasing Act of 1920 (30 U.S.C. 5 181 et. seq.), shall be made available to the District under

6 the distribution scheme set forth in section (4)(I) of the
7 Act of December 5, 1924 (43 U.S.C. 501; commonly re-
8 ferred to as the ‘‘Fact Finders Act of 1942’’).

2Calendar No. 611104THCONGRESS
2DSESSIONS. 2015
A BILL
To convey certain real property located within the
Irrigation District.
Carlsbad Project in New Mexico to the Carlsbad
SEPTEMBER16, 1996
Reported without amendment