

105TH CONGRESS
2^D SESSION

H. R. 4389

To provide for the conveyance of various reclamation project facilities to local water authorities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 4, 1998

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

A BILL

To provide for the conveyance of various reclamation project facilities to local water authorities, and for other purposes.

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

3 **TITLE I—SLY PARK DAM AND**
4 **RESERVOIR, CALIFORNIA**

5 **SEC. 101. SHORT TITLE.**

6 This title may be cited as the “Sly Park Unit Convey-
7 ance Act”.

8 **SEC. 102. DEFINITIONS.**

9 For purposes of this title:

1 (1) The term “District” means the El Dorado
2 Irrigation District, a political subdivision of the
3 State of California that has its principal place of
4 business in the city of Placerville, El Dorado Coun-
5 ty, California.

6 (2) The term “Secretary” means the Secretary
7 of the Interior.

8 (3) The term “Project” means all of the right,
9 title, and interest in and to the Sly Park Dam and
10 Reservoir, Camp Creek Diversion Dam and Tunnel,
11 and conduits and canals held by the United States
12 pursuant to or related to the authorization in the
13 Act entitled “An Act to authorize the American
14 River Basin Development, California, for irrigation
15 and reclamation, and for other purposes”, approved
16 October 14, 1949 (63 Stat. 852 chapter 690);

17 **SEC. 103. CONVEYANCE OF PROJECT.**

18 (a) IN GENERAL.—In consideration of the District
19 accepting the obligations of the Federal Government for
20 the Project and subject to the payment by the District
21 of the net present value of the remaining repayment obli-
22 gation, as determined by Office of Management and Budg-
23 et Circular A–129 (in effect on the date of enactment of
24 this Act) and the completion of payments by the District
25 required under subsection (b)(3) of this section and sec-

1 tion 106(b), the Secretary shall convey the Project to the
2 District.

3 (b) DEADLINE.—

4 (1) IN GENERAL.—If no changes in Project op-
5 erations are expected following the conveyance under
6 subsection (a), the Secretary shall complete the con-
7 veyance expeditiously, but not later than 180 days
8 after the date of the enactment of this Act.

9 (2) DEADLINE IF CHANGES IN OPERATIONS IN-
10 TENDED.—If the District intends to change Project
11 operations as a result of the conveyance under sub-
12 section (a), the Secretary—

13 (A) shall take into account those potential
14 changes for the purpose of completing any re-
15 quired environmental evaluation associated with
16 the conveyance; and

17 (B) shall complete the conveyance by not
18 later than 2 years after the date of the enact-
19 ment of this Act.

20 (3) ADMINISTRATIVE COSTS OF CONVEY-
21 ANCE.—If the Secretary fails to complete the con-
22 veyance under this title before the applicable dead-
23 line under paragraph (1) or (2), the full cost of ad-
24 ministrative action and environmental compliance for
25 the conveyance shall be borne by the Secretary. If

1 the Secretary completes the conveyance before that
2 deadline, $\frac{1}{2}$ of such cost shall be paid by the Dis-
3 trict.

4 **SEC. 104. RELATIONSHIP TO EXISTING OPERATIONS.**

5 (a) IN GENERAL.—Nothing in this title shall be con-
6 strued as significantly expanding or otherwise changing
7 the use or operation of the Project from its current use
8 and operation.

9 (b) FUTURE ALTERATIONS.—If the District alters
10 the operations or uses of the Project it shall comply with
11 all applicable laws or regulations governing such changes
12 at that time (subject to section 105).

13 **SEC. 105. RELATIONSHIP TO CERTAIN CONTRACT OBLIGA-**
14 **TIONS.**

15 (a) PAYMENT OBLIGATIONS NOT AFFECTED.—The
16 conveyance of the Project under this title does not affect
17 the payment obligations of the District under the contract
18 between the District and the Secretary numbered 14–06–
19 200–7734, as amended by contracts numbered 14–06–
20 200–4282A and 14–06–200–8536A.

21 (b) PAYMENT OBLIGATIONS EXTINGUISHED.—Provi-
22 sion of consideration by the District in accordance with
23 section 103(b) shall extinguish all payment obligations
24 under contract numbered 14–06–200–949IR1 between the
25 District and the Secretary.

1 **SEC. 106. RELATIONSHIP TO OTHER LAWS.**

2 (a) RECLAMATION LAWS.—Except as provided in
3 subsection (b), upon conveyance of the Project under this
4 title, the Reclamation Act of 1902 (82 Stat. 388) and all
5 Acts amendatory thereof or supplemental thereto shall not
6 apply to the Project.

7 (b) PAYMENTS TO RESTORATION FUND.—The Dis-
8 trict shall make a payment of \$1,400,000 into the Central
9 Valley Project Restoration Fund as satisfaction of the Dis-
10 trict’s obligation to make payments into that fund re-
11 quired under section 3407 of Public Law 102–575.

12 **SEC. 107. LIABILITY.**

13 Except as otherwise provided by law, effective on the
14 date of conveyance of the Project under this title, the
15 United States shall not be liable for damages of any kind
16 arising out of any act, omission, or occurrence based on
17 its prior ownership or operation of the conveyed property.

18 **TITLE II—MINIDOKA PROJECT,**
19 **IDAHO**

20 **SEC. 201. SHORT TITLE**

21 This title may be cited as the “Burley Irrigation Dis-
22 trict Conveyance Act”.

23 **SEC. 202. DEFINITIONS.**

24 In this section:

1 (1) DISTRICT.—The term “District” means the
2 Burley Irrigation District, an irrigation district or-
3 ganized under the law of the State of Idaho.

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

6 (3) PROJECT.—The term “Project” means all
7 of the right, title, and interest in and to the South-
8 side Pumping Division of the Minidoka Project,
9 Idaho, including the water distribution system below
10 the headworks of the Minidoka Dam held in the
11 name of the United States for the benefit of, and for
12 use on land within, the District for which the alloca-
13 ble construction costs have been fully repaid by the
14 District.

15 **SEC. 203. CONVEYANCE.**

16 (a) IN GENERAL.—In consideration of the District
17 accepting the obligations of the Federal Government for
18 the Project, and subject to the completion of payments
19 by the District required under subsection (c)(3), the Sec-
20 retary shall convey the Project and the water rights de-
21 scribed in subsection (b) to the District.

22 (b) WATER RIGHTS.—(1) Subject to subparagraphs
23 (B) and (C), the Secretary shall transfer to the District,
24 through an agreement among the District, the Minidoka
25 Irrigation District, and the Secretary, in accordance with

1 and subject to the law of the State of Idaho, all natural
2 flow, waste, seepage, return flow, and ground water rights
3 held in the name of the United States—

4 (A) for the benefit of the South Side Pumping
5 Division operated and maintained by the District;

6 (B) that are for use on lands within the Dis-
7 trict or that are return flows for which the District
8 may receive credit against storage water used; and

9 (C) which include the rights set forth in con-
10 tracts between the United States and the District or
11 in the Decree of June 20, 1913, of the District
12 Court of the Fourth Judicial District of the State of
13 Idaho, in and for the County of Twin Falls, in the
14 case of Twin Falls Canal Company v. Charles N.
15 Foster, et al., and commonly referred to as the
16 “Foster Decree”.

17 (2) The transfer of the property interest of the
18 United States in Project water rights directed to be con-
19 veyed by this title shall—

20 (A) neither enlarge nor diminish the respective
21 rights of either the Minidoka Irrigation District or
22 the District in such water rights, as described in
23 contracts between the District, Minidoka, and the
24 United States;

1 (B) not be exercised as to impair the integrated
2 operation of the Minidoka Project by the Secretary
3 pursuant to applicable Federal law;

4 (C) not affect any other water rights; and

5 (D) not result in any adverse impact on any
6 other project water user.

7 (c) DEADLINE.—

8 (1) IN GENERAL.—If no changes in Project op-
9 erations are expected following the conveyance under
10 subsection (a), the Secretary shall complete the con-
11 veyance expeditiously, but not later than 180 days
12 after the date of the enactment of this Act.

13 (2) DEADLINE IF CHANGES IN OPERATIONS IN-
14 TENDED.—If the District intends to change Project
15 operations as a result of the conveyance under sub-
16 section (a), the Secretary—

17 (A) shall take into account those potential
18 changes for the purpose of completing any re-
19 quired environmental evaluation associated with
20 the conveyance; and

21 (B) shall complete the conveyance by not
22 later than 2 years after the date of the enact-
23 ment of this Act.

24 (3) ADMINISTRATIVE COSTS OF CONVEY-
25 ANCE.—If the Secretary fails to complete the con-

1 conveyance under this title before the applicable dead-
2 line under paragraph (1) or (2), the full cost of ad-
3 ministrative action and environmental compliance for
4 the conveyance shall be borne by the Secretary. If
5 the Secretary completes the conveyance before that
6 deadline, $\frac{1}{2}$ of such cost shall be borne by the Dis-
7 trict.

8 **SEC. 204. RELATIONSHIP TO EXISTING OPERATIONS.**

9 (a) IN GENERAL.—Nothing in this title shall be con-
10 strued as significantly expanding or otherwise changing
11 the use or operation of the Project from its current use
12 and operation.

13 (b) FUTURE ALTERATIONS.—If the District alters
14 the operations or uses of the Project it shall comply with
15 all applicable laws or regulations governing such changes
16 at that time (subject to section 205).

17 **SEC. 205. RELATIONSHIP TO CERTAIN CONTRACT OBLIGA-**
18 **TIONS.**

19 (a) SAVINGS.—Nothing in this title or any transfer
20 pursuant thereto shall affect the right of Minidoka Irriga-
21 tion District to the joint use of the gravity portion of the
22 Southside Canal, subject to compliance by the Minidoka
23 Irrigation District with the terms and conditions of a con-
24 tract between the District and Minidoka Irrigation Dis-

1 trict, and any amendments or changes made by agreement
2 of the irrigation districts.

3 (b) ALLOCATION OF STORAGE SPACE.—The Sec-
4 retary shall provide an allocation to the District of storage
5 space in Minidoka Reservoir, American Falls Reservoir,
6 and Palisades Reservoir, as described in Burley Contract
7 Nos. 14–06–100–2455 and 14–06–W–48, subject to the
8 obligation of Burley to continue to assume and satisfy its
9 allocable costs of operation and maintenance associated
10 with the storage facilities operated by the Bureau of Rec-
11 lamation.

12 (c) PROJECT RESERVED POWER.—The Secretary
13 shall continue to provide the District with project reserved
14 power from the Minidoka Reclamation Power Plant, Pali-
15 sades Reclamation Power Plant, Black Canyon Reclama-
16 tion Power Plant, and Anderson Ranch Reclamation
17 Power Plant in accordance with the terms of the existing
18 contracts, including any renewals thereof as provided in
19 such contracts.

20 **SEC. 206. LIABILITY.**

21 Except as otherwise provided by law, effective on the
22 date of conveyance of the Project under this title, the
23 United States shall not be held liable for damages of any
24 kind arising out of any act, omission, or occurrence based

1 on its prior ownership or operation of the conveyed prop-
2 erty.

3 **TITLE III—CARLSBAD IRRIGA-**
4 **TION PROJECT, NEW MEXICO**

5 **SEC. 301. SHORT TITLE.**

6 This title may be cited as the “Carlsbad Irrigation
7 Project Acquired Land Conveyance Act”.

8 **SEC. 302. DEFINITIONS.**

9 For purposes of this title:

10 (1) The term “District” means the Carlsbad Ir-
11 rrigation District, a quasimunicipal corporation
12 formed under the laws of the State of New Mexico
13 that has its principal place of business in the city of
14 Carlsbad, Eddy County, New Mexico.

15 (2) The term “Secretary” means the Secretary
16 of the Interior.

17 (3) The term “Project” means all right, title,
18 and interest in and to the lands (including the sub-
19 surface and mineral estate) in Eddy County, New
20 Mexico, described as the acquired lands in section
21 (7) of the Status of Lands and Title Report: Carls-
22 bad Project as reported by the Bureau of Reclama-
23 tion in 1978 and all interests the United States
24 holds in the irrigation and drainage system of the
25 Carlsbad Project and all related ditch rider houses,

1 maintenance shop and buildings, and Pecos River
2 Flume.

3 **SEC. 303. CONVEYANCE OF PROJECT.**

4 (a) IN GENERAL.—Except as provided in subsection
5 (b), in consideration of the District accepting the obliga-
6 tions of the Federal Government for the Project, and sub-
7 ject to the completion of payments by the District required
8 under subsection (c)(3), the Secretary shall convey the
9 Project to the District

10 (b) RETAINED TITLE.—The Secretary shall retain
11 title to the surface estate (but not the mineral estate) of
12 such Project lands which are located under the footprint
13 of Brantley and Avalon dams or any other Project dam
14 or reservoir diversion structure. The Secretary shall retain
15 storage and flow easements for any tracts located under
16 the maximum spillway elevations of Avalon and Brantley
17 Reservoirs.

18 (c) DEADLINE.—

19 (1) IN GENERAL.—If no changes in Project op-
20 erations are expected following the conveyance under
21 subsection (a), the Secretary shall complete the con-
22 veyance expeditiously, but not later than 180 days
23 after the date of the enactment of this Act.

24 (2) DEADLINE IF CHANGES IN OPERATIONS IN-
25 TENDED.—If the District intends to change Project

1 operations as a result of the conveyance under sub-
2 section (a), the Secretary—

3 (A) shall take into account those potential
4 changes for the purpose of completing any re-
5 quired environmental evaluation associated with
6 the conveyance; and

7 (B) shall complete the conveyance by not
8 later than 2 years after the date of the enact-
9 ment of this Act.

10 (3) ADMINISTRATIVE COSTS OF CONVEY-
11 ANCE.—If the Secretary fails to complete the con-
12 veyance under this title before the applicable dead-
13 line under paragraph (1) or (2), the full cost of ad-
14 ministrative action and environmental compliance for
15 the conveyance shall be borne by the Secretary. If
16 the Secretary completes the conveyance before that
17 deadline, $\frac{1}{2}$ of such cost shall be paid by the Dis-
18 trict.

19 **SEC. 304. RELATIONSHIP TO EXISTING OPERATIONS.**

20 (a) IN GENERAL.—Nothing in this title shall be con-
21 strued as significantly expanding or otherwise changing
22 the use and operation of the Project from its current use.
23 The Project shall continue to be managed and used by
24 the District for the purposes for which the Project was

1 authorized, based on historic operations, and consistent
2 with the management of other adjacent project lands.

3 (b) FUTURE ALTERATIONS.—If the District alters
4 the operations or uses of the Project, it shall comply with
5 all applicable laws or regulations governing such changes
6 at that time (subject to section 305).

7 **SEC. 305. RELATIONSHIP TO CERTAIN CONTRACT OBLIGA-**
8 **TIONS.**

9 (a) IN GENERAL.—Except as provided in subsection
10 (b), upon conveyance of the Project under this title the
11 District shall assume all rights and obligations of the
12 United States under the agreement dated July 28, 1994,
13 between the United States and the Director, New Mexico
14 Department of Game and Fish (Document No. 2–LM–40–
15 00640), relating to management of certain lands near
16 Brantley Reservoir for fish and wildlife purposes and the
17 agreement dated March 9, 1977, between the United
18 States and the New Mexico Department of Energy, Min-
19 erals, and Natural Resources (Contract No. 7–07–57–
20 X0888) for the management and operation of Brantley
21 Lake State Park.

22 (b) LIMITATION.—The District shall not be obligated
23 for any financial support agreed to by the Secretary, or
24 the Secretary s designee, in either agreement and the Dis-

1 trict shall not be entitled to any receipts or revenues gen-
2 erated as a result of either agreement.

3 **SEC. 306. LEASE MANAGEMENT AND PAST REVENUES COL-**
4 **LECTED FROM THE ACQUIRED LANDS.**

5 (a) NOTIFICATION OF LEASEHOLDERS.—Within 120
6 days after the date of enactment of this Act, the Secretary
7 shall provide to the District a written identification of all
8 mineral and grazing leases in effect on Project lands on
9 the date of enactment of this Act and notify all lease-
10 holders of the conveyance authorized by this title.

11 (b) MANAGEMENT OF LEASES, LICENSES, AND PER-
12 MITS.—The District shall assume all rights and obliga-
13 tions of the United States for all mineral and grazing
14 leases, licenses, and permits existing on the Project lands
15 conveyed under section 303, and shall be entitled to any
16 receipts from such leases, licenses, and permits accruing
17 after the date of conveyance. All such receipts shall be
18 used for purposes for which the Project was authorized
19 and for financing the portion of operations, maintenance,
20 and replacement at the Sumner Dam that, prior to convey-
21 ance, was the responsibility of the Bureau of Reclamation,
22 with the exception of major maintenance programs in
23 progress prior to conveyance. The District shall continue
24 to adhere to the current Bureau of Reclamation mineral
25 leasing stipulations for the Project.

1 (c) AVAILABILITY OF AMOUNTS PAID INTO THE REC-
2 LAMATION FUND.—

3 (1) AMOUNTS IN FUND ON DATE OF ENACT-
4 MENT.—Amounts in the reclamation fund on the
5 date of enactment of this Act which exist as con-
6 struction credits to the Carlsbad Project under the
7 terms of the Mineral Leasing Act for Acquired
8 Lands (30 U.S.C. 351–359) shall be deposited into
9 the general fund of the Treasury and credited to
10 deficit reduction or retirement of the Federal debt.

11 (2) RECEIPTS AFTER DATE OF ENACTMENT.—
12 Of the receipts from mineral and grazing leases, li-
13 censes, and permits on Project lands to be conveyed
14 under section 303 that are received by the United
15 States after the date of enactment of this Act and
16 before the date of conveyance, up to \$200,000 shall
17 be applied to pay the cost referred to in section
18 303(c)(3) and the remainder shall be deposited into
19 the general fund of the Treasury of the United
20 States and credited to deficit reduction or retirement
21 of the Federal debt.

22 **SEC. 307. WATER CONSERVATION PRACTICES.**

23 Nothing in this title shall be construed to limit the
24 ability of the District to voluntarily implement water con-
25 servation practices.

1 **SEC. 308. LIABILITY.**

2 Except as otherwise provided by law, effective on the
3 date of conveyance of the Project under this title, the
4 United States shall not be liable for damages of any kind
5 arising out of any act, omission, or occurrence based on
6 its prior ownership or operation of the conveyed property.

7 **SEC. 309. FUTURE RECLAMATION BENEFITS.**

8 After completion of the conveyance under this title,
9 the District shall not be eligible for any emergency loan
10 from the Bureau of Reclamation for maintenance or re-
11 placement of any facility conveyed under this title.

12 **TITLE IV—PALMETTO BEND**
13 **PROJECT, TEXAS**

14 **SEC. 401. SHORT TITLE.**

15 This title may be cited as the “Palmetto Bend Con-
16 veyance Act”.

17 **SEC. 402. DEFINITIONS.**

18 In this title:

19 (1) STATE.—The term “State” means the
20 Lavaca-Navidad River Authority and the Texas
21 Water Development Board, jointly.

22 (2) SECRETARY.—The term “Secretary” means
23 the Secretary of the Interior.

24 (3) PROJECT.—The term “Project” means all
25 of the right, title, and interest in and to the Pal-

1 metto Bend reclamation project, Texas, authorized
2 by Public Law 90–562 (82 Stat. 999).

3 **SEC. 403. CONVEYANCE OF PROJECT.**

4 (a) IN GENERAL.—In consideration of the State ac-
5 cepting the obligations of the Federal Government for the
6 Project and subject to the payment by the State of the
7 net present value of the remaining repayment obligation,
8 as determined by Office of Management and Budget Cir-
9 cular A–129 (in effect on the date of enactment of this
10 Act) and the completion of payments by the State required
11 under subsection (b)(3), the Secretary shall convey the
12 Project to the State.

13 (b) DEADLINE.—

14 (1) IN GENERAL.—If no changes in Project op-
15 erations are expected following the conveyance under
16 subsection (a), the Secretary shall complete the con-
17 veyance expeditiously, but not later than 180 days
18 after the date of the enactment of this Act.

19 (2) DEADLINE IF CHANGES IN OPERATIONS IN-
20 TENDED.—If the State intends to change Project
21 operations as a result of the conveyance under sub-
22 section (a), the Secretary—

23 (A) shall take into account those potential
24 changes for the purpose of completing any re-

1 required environmental evaluation associated with
2 the conveyance; and

3 (B) shall complete the conveyance by not
4 later than 2 years after the date of the enact-
5 ment of this Act.

6 (3) ADMINISTRATIVE COSTS OF CONVEY-
7 ANCE.—If the Secretary fails to complete the con-
8 veyance under this title before the applicable dead-
9 line under paragraph (1) or (2), the full cost of ad-
10 ministrative action and environmental compliance for
11 the conveyance shall be borne by the Secretary. If
12 the Secretary completes the conveyance before that
13 deadline, 1/2 of such cost shall be paid by the State.

14 **SEC. 404. RELATIONSHIP TO EXISTING OPERATIONS.**

15 (a) IN GENERAL.—Nothing in this title shall be con-
16 strued as significantly expanding or otherwise changing
17 the use or operation of the Project from its current use
18 and operation.

19 (b) FUTURE ALTERATIONS.—If the State alters the
20 operations or uses of the Project it shall comply will all
21 applicable laws or regulations governing such changes at
22 that time.

23 (c) CONDITION.—Any conveyance under this title is
24 subject to the condition that the State not use Lake
25 Texana or its tributaries for the transport or storage of

1 water originally diverted from within the Colorado River
2 basin for the exclusive purpose of augmenting municipal
3 and industrial water supply outside the Lavaca-Navidad
4 River basin.

5 **SEC. 405. RELATIONSHIP TO CERTAIN CONTRACT OBLIGA-**
6 **TIONS.**

7 Existing obligations of the United States pertaining
8 to the Project shall continue in effect and be assumed by
9 the State.

10 **SEC. 406. RELATIONSHIP TO OTHER LAWS.**

11 Upon conveyance of the Project under this title, the
12 Reclamation Act of 1902 (82 Stat. 388) and all Acts
13 amendatory thereof or supplemental thereto shall not
14 apply to the Project.

15 **SEC. 407. LIABILITY.**

16 Except as otherwise provided by law, effective on the
17 date of conveyance of the Project under this title, the
18 United States shall not be liable for damages of any kind
19 arising out of any act, omission, or occurrence based on
20 its prior ownership or operation of the conveyed property.

1 **TITLE V—WELLTON-MOHAWK DI-**
2 **VISION, GILA PROJECT, ARI-**
3 **ZONA**

4 **SEC. 501. SHORT TITLE.**

5 This title may be cited as the “Wellton-Mohawk Divi-
6 sion Title Transfer Act of 1998”.

7 **SEC. 502. DEFINITIONS.**

8 For purposes of this title:

9 (1) The term “District” means the Wellton-Mo-
10 hawk Irrigation and Drainage District, an irrigation
11 and drainage district created, organized, and exist-
12 ing under and by virtue of the laws of the State of
13 Arizona.

14 (2) The term “Project” means all of the right,
15 title, and interest in and to the Wellton-Mohawk Di-
16 vision, Gila Project, Arizona, held by the United
17 States pursuant to or related to any authorization in
18 the Act of July 30, 1947 (chapter 382; 61 Stat.
19 628).

20 (3) The term “Secretary” means the Secretary
21 of the Interior.

22 (4) The term “withdrawn lands” means those
23 lands within and adjacent to the District that have
24 been withdrawn from public use for reclamation pur-
25 poses.

1 **SEC. 503. CONVEYANCE OF PROJECT.**

2 (a) IN GENERAL.—In consideration of the District
3 accepting the obligations of the Federal Government for
4 the Project, and subject to the payment of fair market
5 value by the District for the withdrawn lands and the com-
6 pletion of payments by the District required under sub-
7 section (b)(3), the Secretary shall convey the Project and
8 the withdrawn lands to the District in accordance with the
9 Memorandum of Agreement between the Secretary and
10 the District numbered 8-AA-34-WAO14 and dated July
11 10, 1988.

12 (b) DEADLINE.—

13 (1) IN GENERAL.—If no changes in Project op-
14 erations are expected following the conveyance under
15 subsection (a), the Secretary shall complete the con-
16 veyance expeditiously, but not later than 180 days
17 after the date of the enactment of this Act.

18 (2) DEADLINE IF CHANGES IN OPERATIONS IN-
19 TENDED.—If the District intends to change Project
20 operations as a result of the conveyance under sub-
21 section (a), the Secretary—

22 (A) shall take into account those potential
23 changes for the purpose of completing any re-
24 quired environmental evaluation associated with
25 the conveyance; and

1 (B) shall complete the conveyance by not
2 later than 3 years after the date of the enact-
3 ment of this Act.

4 (3) ADMINISTRATIVE COSTS OF CONVEY-
5 ANCE.—If the Secretary fails to complete the con-
6 veyance under this title before the applicable dead-
7 line under paragraph (1) or (2), the full cost of ad-
8 ministrative action and environmental compliance for
9 the conveyance shall be borne by the Secretary. If
10 the Secretary completes the conveyance before that
11 deadline, $\frac{1}{2}$ of such cost shall be paid by the Dis-
12 trict.

13 **SEC. 504. RELATIONSHIP TO EXISTING OPERATIONS.**

14 (a) IN GENERAL.—Nothing in this title shall be con-
15 strued as significantly expanding or otherwise changing
16 the use or operation of the Project from its current use
17 or operation.

18 (b) FUTURE ALTERATIONS.—If the District alters
19 the operations or uses of the Project, it shall comply with
20 all applicable laws and regulations governing such changes
21 at that time.

22 **SEC. 505. LIABILITY.**

23 Except as otherwise provided by law, effective on the
24 date of conveyance of the Project under this title, the
25 United States shall not be held liable under any law for

1 damages of any kind arising out of any act, omission, or
2 occurrence based on its prior ownership or operation of
3 the conveyed property.

4 **SEC. 506. LANDS TRANSFER.**

5 Pursuant to the Memorandum of Agreement between
6 the Secretary and the District numbered 8-AA-34-
7 WAO14 and dated July 10, 1988, the Secretary may
8 transfer to the District, by sale or exchange, at fair mar-
9 ket value, public lands located in or adjacent to the
10 Project, and lands held by the Federal Government on the
11 date of the enactment of this Act pursuant to Public Law
12 93-320 and Public Law 100-512 and located in or adja-
13 cent to the District, other than lands in the Gila River
14 channel.

15 **SEC. 507. WATER AND POWER CONTRACTS.**

16 Notwithstanding any conveyance or transfer under
17 this title, the Secretary and the Secretary of Energy shall
18 provide for and deliver Colorado River water and Parker-
19 Davis Project Priority Use Power to the District in ac-
20 cordance with the terms of existing contracts with the Dis-
21 trict, including any amendments and supplements thereto
22 or extensions thereof and as provided under section 2 of
23 the Memorandum of Agreement between the Secretary
24 and the District numbered 8-AA-34-WAO14 and dated
25 July 10, 1988.

1 **TITLE VI—CANADIAN RIVER**
2 **PROJECT, TEXAS**

3 **SEC. 601. SHORT TITLE.**

4 This title may be cited as the “Canadian River
5 Project Prepayment Act”.

6 **SEC. 602. DEFINITIONS.**

7 For the purposes of this title:

8 (1) The term “Authority” means the Canadian
9 River Municipal Water Authority, a conservation
10 and reclamation district of the State of Texas.

11 (2) The term “Canadian River Project Author-
12 ization Act” means the Act entitled ‘An Act to au-
13 thorize the construction, operation, and maintenance
14 by the Secretary of the Interior of the Canadian
15 River reclamation project, Texas’, approved Decem-
16 ber 29, 1950 (chapter 1183; 64 Stat. 1124).

17 (3) The term “Project” means all of the right,
18 title and interest in and to all land and improve-
19 ments comprising the pipeline and related facilities
20 of the Canadian River Project authorized by the Ca-
21 nadian River Project Authorization Act.

22 (4) The term “Secretary” means the Secretary
23 of the Interior.

1 **SEC. 603. PREPAYMENT AND CONVEYANCE OF PROJECT.**

2 (a) IN GENERAL.—(1) In consideration of the Au-
3 thority accepting the obligation of the Federal Govern-
4 ment for the Project and subject to the payment by the
5 Authority of the applicable amount under paragraph (2)
6 within the 360-day period beginning on the date of the
7 enactment of this Act and the completion of payments by
8 the Authority required under subsection (b)(3), the Sec-
9 retary shall convey the Project to the Authority, as pro-
10 vided in section 2(c)(3) of the Canadian River Project Au-
11 thorization Act (64 Stat. 1124).

12 (2) For purposes of paragraph (1), the applicable
13 amount shall be—

14 (A) \$34,800,000, if payment is made by the
15 Authority within the 270-day period beginning on
16 the date of enactment of this Act; or

17 (B) the amount specified in subparagraph (A)
18 adjusted to include interest on that amount since the
19 date of the enactment of this Act at the appropriate
20 Treasury bill rate for an equivalent term, if payment
21 is made by the Authority after the period referred
22 to in subparagraph (A).

23 (3) If payment under paragraph (1) is not made by
24 the Authority within the period specified in paragraph (1),
25 this title shall have no force or effect.

26 (b) DEADLINE.—

1 (1) IN GENERAL.—If no changes in Project op-
2 erations are expected following the conveyance under
3 subsection (a), the Secretary shall complete the con-
4 veyance expeditiously, but not later than 180 days
5 after the date of the enactment of this Act.

6 (2) DEADLINE IF CHANGES IN OPERATIONS IN-
7 TENDED.—If the Authority intends to change
8 Project operations as a result of the conveyance
9 under subsection (a), the Secretary—

10 (A) shall take into account those potential
11 changes for the purpose of completing any re-
12 quired environmental evaluation associated with
13 the conveyance; and

14 (B) shall complete the conveyance by not
15 later than 2 years after the date of the enact-
16 ment of this Act.

17 (3) ADMINISTRATIVE COSTS OF CONVEY-
18 ANCE.—If the Secretary fails to complete the con-
19 veyance under this title before the applicable dead-
20 line under paragraph (1) or (2), the full cost of ad-
21 ministrative action and environmental compliance for
22 the conveyance shall be borne by the Secretary. If
23 the Secretary completes the conveyance before that
24 deadline, $\frac{1}{2}$ of such cost shall be paid by the Au-
25 thority.

1 **SEC. 604. RELATIONSHIP TO EXISTING OPERATIONS.**

2 (a) IN GENERAL.—Nothing in this title shall be con-
3 strued as significantly expanding or otherwise changing
4 the use or operation of the Project from its current use
5 and operation.

6 (b) FUTURE ALTERATIONS.—If the Authority alters
7 the operations or uses of the Project it shall comply with
8 all applicable laws or regulations governing such alteration
9 at that time.

10 (c) RECREATION.—The Secretary of the Interior, act-
11 ing through the National Park Service, shall continue to
12 operate the Lake Meredith National Recreation Area at
13 Lake Meredith.

14 (d) FLOOD CONTROL.—The Secretary of the Army,
15 acting through the Corps of Engineers, shall continue to
16 prescribe regulations for the use of storage allocated to
17 flood control at Lake Meredith as prescribed in the Letter
18 of Understanding entered into between the Corps, the Bu-
19 reau of Reclamation, and the Authority in March and May
20 1980.

21 (e) SANFORD DAM PROPERTY.—The Authority shall
22 have the right to occupy and use without payment of lease
23 or rental charges or license or use fees the property re-
24 tained by the Bureau of Reclamation at Sanford Dam and
25 all buildings constructed by the United States thereon for
26 use as the Authority's headquarters and maintenance fa-

1 cility. Buildings constructed by the Authority on such
2 property, and existing and future additions to Govern-
3 ment-constructed buildings, shall be allowed to remain on
4 the property. The Authority shall operate and maintain
5 such property and facilities without cost to the United
6 States. The Authority and the Federal Government shall
7 each remain liable for their respective activities relating
8 to the property and facilities referred to in this subsection.

9 **SEC. 605. RELATIONSHIP TO CERTAIN CONTRACT OBLIGA-**
10 **TIONS.**

11 (a) PAYMENT OBLIGATIONS EXTINGUISHED.—Provi-
12 sion of consideration by the Authority in accordance with
13 section 603(b) shall extinguish all payment obligations
14 under contract numbered 14–06–500–485 between the
15 Authority and the Secretary.

16 (b) OPERATION AND MAINTENANCE COSTS.—After
17 completion of the conveyance provided for in section 603,
18 the Authority shall have full responsibility for the cost of
19 operation and maintenance of Sanford Dam, and shall
20 continue to have full responsibility for operation and main-
21 tenance of the Project pipeline and related facilities.

22 (c) GENERAL.—Rights and obligations under the ex-
23 isting contract No. 14–06–500–485 between the Authority
24 and the United States, other than provisions regarding re-
25 payment of construction charge obligation by the Author-

1 ity and provisions relating to the Project aqueduct, shall
2 remain in full force and effect for the remaining term of
3 the contract.

4 **SEC. 606. RELATIONSHIP TO OTHER LAWS.**

5 Upon conveyance of the Project under this title, the
6 Reclamation Act of 1902 (82 Stat. 388) and all Acts
7 amendatory thereof or supplemental thereto shall not
8 apply to the Project.

9 **SEC. 607. LIABILITY.**

10 Except as otherwise provided by law, effective on the
11 date of conveyance of the Project under this title, the
12 United States shall not be liable under any law for dam-
13 ages of any kind arising out of any act, omission, or occur-
14 rence based on its prior ownership or operation of the con-
15 veyed property.

16 **TITLE VII—CLEAR CREEK DIS-**
17 **TRIBUTION SYSTEM, CALI-**
18 **FORNIA**

19 **SEC. 701. SHORT TITLE.**

20 This title may be cited as the “Clear Creek Distribu-
21 tion System Conveyance Act”.

22 **SEC. 702. DEFINITIONS.**

23 For purposes of this title:

24 (1) SECRETARY.—The term “Secretary” means
25 the Secretary of the Interior.

1 (2) DISTRICT.—The term “District” means the
2 Clear Creek Community Services District, a Califor-
3 nia community services district located in Shasta
4 County, California.

5 (3) DISTRIBUTION SYSTEM.—The term “Dis-
6 tribution System” means all the right title and inter-
7 est in and to the Clear Creek distribution system as
8 defined in the agreement entitled “Agreement Be-
9 tween the United States and the Clear Creek Com-
10 munity Services District to Transfer Title to the
11 Clear Creek Distribution System to the Clear Creek
12 Community Services District” (Agreement No. 8-
13 07-20-L6975).

14 **SEC. 703. CONVEYANCE OF PROJECT.**

15 (a) IN GENERAL.—In consideration of the District
16 accepting the obligations of the Federal Government for
17 the Distribution System and subject to the completion of
18 payments by the District required under subsection (b)(3),
19 the Secretary shall convey the Distribution System to the
20 District.

21 (b) DEADLINE.—

22 (1) IN GENERAL.—If no changes in Project op-
23 erations are expected following the conveyance under
24 subsection (a), the Secretary shall complete the con-

1 conveyance expeditiously, but not later than 180 days
2 after the date of the enactment of this Act.

3 (2) DEADLINE IF CHANGES IN OPERATIONS IN-
4 TENDED.—If the District intends to change Project
5 operations as a result of the conveyance under sub-
6 section (a), the Secretary—

7 (A) shall take into account those potential
8 changes for the purpose of completing any re-
9 quired environmental evaluation associated with
10 the conveyance; and

11 (B) shall complete the conveyance by not
12 later than 2 years after the date of the enact-
13 ment of this Act.

14 (3) ADMINISTRATIVE COSTS OF CONVEY-
15 ANCE.—If the Secretary fails to complete the con-
16 veyance under this title before the applicable dead-
17 line under paragraph (1) or (2), the full cost of ad-
18 ministrative action and environmental compliance for
19 the conveyance shall be borne by the Secretary. If
20 the Secretary completes the conveyance before that
21 deadline, 1/2 of such cost shall be paid by the Dis-
22 trict.

23 **SEC. 704. RELATIONSHIP TO EXISTING OPERATIONS.**

24 (a) IN GENERAL.—Nothing in this title shall be con-
25 strued as significantly expanding or otherwise changing

1 the use or operation of the Distribution System from its
2 current use and operation.

3 (b) FUTURE ALTERATIONS.—If the District alters
4 the operations or uses of the Distribution System it shall
5 comply with all applicable laws or regulations governing
6 such changes at that time (subject to section 705).

7 **SEC. 705. RELATIONSHIP TO CERTAIN CONTRACT OBLIGA-**
8 **TIONS.**

9 (a) NATIVE AMERICAN TRUST RESPONSIBILITY.—
10 The Secretary shall ensure that any trust responsibilities
11 to any Native American Tribes that may be affected by
12 the conveyance under this title are protected and fulfilled.

13 (b) CONTRACT OBLIGATIONS.—Conveyance of the
14 Distribution System under this title—

15 (1) shall not affect any of the provisions of the
16 District's existing water service contract with the
17 United States (contract number 14-06-200-489-
18 IR3), as it may be amended or supplemented; and

19 (2) shall not deprive the District of any existing
20 contractual or statutory entitlement to subsequent
21 interim renewals of such contract or to renewal by
22 entering into a long-term water service contract.

23 **SEC. 706. LIABILITY.**

24 Effective on the date of conveyance of the Distribu-
25 tion System under this title, the United States shall not

1 be liable under any law for damages of any kind arising
2 out of any act, omission, or occurrence based on its prior
3 ownership or operation of the conveyed property.

4 **TITLE VIII—PINE RIVER**
5 **PROJECT, COLORADO**

6 **SEC. 801. SHORT TITLE.**

7 This title may be cited as the “Vallecito Dam and
8 Reservoir Conveyance Act”.

9 **SEC. 802. DEFINITIONS.**

10 For purposes of this title:

11 (1) The term “District” means the Pine River
12 Irrigation District, a political division of the State of
13 Colorado duly organized, existing, and acting pursu-
14 ant to the laws thereof with its principal place of
15 business in the City of Bayfield, La Plata County,
16 Colorado.

17 (2) The term “Secretary” means the Secretary
18 of the Interior.

19 (3) The term the “Project” means Vallecito
20 Dam and Reservoir, and associated interests, owned
21 by the United States and authorized in 1937 under
22 the provisions of the Department of the Interior Ap-
23 propriation Act of June 25, 1910 (36 Stat. 835).

24 (4) The term “Repayment Contract” means Re-
25 payment Contract #I1r-1204, between Reclamation

1 and the Pine River Irrigation District, dated April
2 15, 1940, and amended November 30, 1953, all
3 amendments thereto, and changes pursuant to the
4 Act of July 27, 1954 (68 Stat. 534).

5 (5) The term “Tribe” means the Southern Ute
6 Indian Tribe, a federally recognized Indian tribe lo-
7 cated on the Southern Ute Indian Reservation, La
8 Plata County, Colorado.

9 (6) The term “Jurisdictional Map” means the
10 map entitled “Transfer of Jurisdiction—Vallecito
11 Reservoir, United States Department of Agriculture,
12 Forest Service and United States Department of the
13 Interior, Bureau of Reclamation and the Bureau of
14 Indian Affairs” dated March, 1998.

15 **SEC. 803. CONVEYANCE OF PROJECT.**

16 (a) CONVEYANCE TO DISTRICT.—

17 (1) IN GENERAL.—In consideration of the Dis-
18 trict accepting the obligations of the Federal Gov-
19 ernment for the Project and subject to the comple-
20 tion of payments by the District required under sub-
21 section (b)(3) and occurrence of the events described
22 in paragraphs (2) and (3) of this subsection, the
23 Secretary shall convey an undivided $\frac{5}{6}$ interest in
24 the Project to the District.

1 (2) SUBMISSION OF MANAGEMENT PLAN.—

2 Prior to any conveyance under paragraph (1), the
3 District shall submit to the Secretary a plan to man-
4 age the Project in a manner substantially similar to
5 the manner in which it was managed prior to the
6 transfer and in accordance with applicable Federal
7 and State laws, including provisions—

8 (A) protecting the interests in the Project
9 held by the Bureau of Indian Affairs for the
10 Tribe;

11 (B) preserving public access and rec-
12 reational values and preventing growth on cer-
13 tain lands to be conveyed hereunder, as set
14 forth in an Agreement dated March 20, 1998,
15 between the District and residents of Vallecito
16 Reservoir; and

17 (C) ensuring that any future change in the
18 use of the water supplied by Vallecito Reservoir
19 shall comply with applicable law.

20 (3) LIMITATION.—No interest in the Project
21 shall convey under this subsection before the date on
22 which the Secretary receives a copy of a resolution
23 adopted by the Tribe declaring that the terms of the
24 conveyance protects the Indian trust assets of the
25 Tribe.

1 (b) DEADLINE.—

2 (1) IN GENERAL.—If no changes in Project op-
3 erations are expected following the conveyance under
4 subsection (a), the Secretary shall complete the con-
5 veyance under subsection (a) expeditiously, but not
6 later than 180 days after the date of the enactment
7 of this Act.

8 (2) DEADLINE IF CHANGES IN OPERATIONS IN-
9 TENDED.—If the District intends to change Project
10 operations as a result of the conveyance under sub-
11 section (a), the Secretary—

12 (A) shall take into account those potential
13 changes for the purpose of completing any re-
14 quired environmental evaluation associated with
15 the conveyance; and

16 (B) shall complete the conveyance by not
17 later than 2 years after the date of the enact-
18 ment of this Act.

19 (3) ADMINISTRATIVE COSTS OF CONVEY-
20 ANCE.—If the District submits a plan in accordance
21 with subsection (a)(2) and the Secretary receives a
22 copy of a resolution described in subsection (a)(3),
23 and the Secretary fails to complete the conveyance
24 under subsection (a) before the applicable deadline
25 under paragraph (1) or (2), the full cost of adminis-

1 trative action and environmental compliance for the
2 conveyance shall be borne by the Secretary. If the
3 Secretary completes the conveyance before that
4 deadline, $\frac{1}{2}$ of such cost shall be paid by the Dis-
5 trict.

6 (c) TRIBAL INTERESTS.—At the option of the Tribe,
7 the Secretary shall convey to the Tribe an undivided $\frac{1}{6}$
8 interest in the Project, all interests in lands over which
9 the Bureau of Indian Affairs holds administrative jurisdic-
10 tion under section 804(e)(1)(A), and water rights associ-
11 ated with those interests. No consideration or compensa-
12 tion shall be required to be paid to the United States for
13 such conveyance.

14 (d) RESTRICTION ON PARTITION.—Any conveyance
15 of interests in lands under this title shall be subject to
16 the prohibition that those interests in those lands may not
17 be partitioned. Any quit claim deed or patent evidencing
18 such a conveyance shall expressly prohibit partitioning.

19 **SEC. 804. RELATIONSHIP TO EXISTING OPERATIONS.**

20 (a) IN GENERAL.—Nothing in this title shall be con-
21 strued as significantly expanding or otherwise changing
22 the use or operation of the Project from its current use
23 and operation.

24 (b) DESCRIPTION OF EXISTING CONDITION.—The
25 Secretary shall submit to the District, the Bureau of In-

1 dian Affairs, and the State of Colorado a description of
2 the existing condition of Vallecito Dam based on Bureau
3 of Reclamation's current knowledge and understanding.

4 (c) FUTURE ALTERATIONS.—If the District alters
5 the operations or uses of the Project it shall comply with
6 all applicable laws or regulations governing such changes
7 at that time.

8 (d) FLOOD CONTROL PLAN.—The District shall work
9 with Corps of Engineers to develop a flood control plan
10 for the operation of Vallecito Dam for flood control pur-
11 poses.

12 (e) JURISDICTIONAL TRANSFER OF LANDS.—

13 (1) INUNDATED LANDS.—To provide for the
14 consolidation of lands associated with the Project to
15 be retained by the Forest Service and the consolida-
16 tion of lands to be transferred to the District, the
17 administrative jurisdiction of lands inundated by and
18 along the shoreline of Vallecito Reservoir, as shown
19 on the Jurisdictional Map, shall be transferred, as
20 set forth in this subsection, concurrently with any
21 conveyance under section 803. Except as otherwise
22 shown on the Jurisdictional Map—

23 (A) for withdrawn lands (approximately
24 260 acres) lying below the 7,665-foot reservoir
25 water surface elevation level, the Forest Service

1 shall transfer an undivided $\frac{5}{6}$ interest to the
2 Bureau of Reclamation and an undivided $\frac{1}{6}$ in-
3 terest to the Bureau of Indian Affairs in trust
4 for the Tribe; and

5 (B) for Project acquired lands (approx-
6 imately 230 acres) above the 7,665-foot res-
7 ervoir water surface elevation level, the Bureau
8 of Reclamation and the Bureau of Indian Af-
9 fairs shall transfer their interests to the Forest
10 Service.

11 (2) MAP.—The Jurisdictional Map and legal
12 descriptions of the lands transferred pursuant to
13 paragraph (1) shall be on file and available for pub-
14 lic inspection in the offices of the Chief of the Forest
15 Service, the Commissioner of Reclamation, appro-
16 priate field offices of those agencies, and the Com-
17 mittee on Resources of the House of Representatives
18 and the Committee on Energy and Natural Re-
19 sources of the Senate.

20 (3) ADMINISTRATION.—Following the transfer
21 of administrative jurisdiction under paragraph (1):

22 (A) All lands that, by reason of the trans-
23 fer of administrative jurisdiction under para-
24 graph (1), become National Forest System
25 lands within the boundaries of the San Juan

1 National Forest, shall be administered in ac-
2 cordance with the laws, rules, and regulations
3 applicable to the National Forest System.

4 (B) Bureau of Reclamation withdrawals of
5 land from the San Juan National Forest estab-
6 lished by Secretarial Orders on November 9,
7 1936, October 14, 1937, and June 20, 1945,
8 together designated as Serial No. C-28259,
9 shall be revoked.

10 (C) The Forest Service shall issue perpet-
11 ual easements to the District and the Bureau of
12 Indian Affairs, at no cost to the District or the
13 Bureau of Indian Affairs, providing adequate
14 access across all lands subject to Forest Service
15 jurisdiction to insure the District and the Bu-
16 reau of Indian Affairs the ability to continue to
17 operate and maintain the Project.

18 (D) The undivided $\frac{5}{6}$ interest in National
19 Forest System lands that, by reason of the
20 transfer of administrative jurisdiction under
21 paragraph (1) is to be administered by Bureau
22 of Reclamation, shall be conveyed to the Dis-
23 trict pursuant to section 803.

24 (E) The District and the Bureau of Indian
25 Affairs shall issue perpetual easements to the

1 Forest Service, at no cost to the Forest Service,
2 from National Forest System lands to Vallecito
3 Reservoir to assure continued public access to
4 Vallecito Reservoir when the Reservoir level
5 drops below the 7,665-foot water surface ele-
6 vation.

7 (F) The District and the Bureau of Indian
8 Affairs shall issue a perpetual easement to the
9 Forest Service, at no cost to the Forest Service,
10 for the reconstruction, maintenance, and oper-
11 ation of a road from La Plata County Road No.
12 501 to National Forest System lands east of
13 the Reservoir.

14 (4) VALID EXISTING RIGHTS.—Nothing in this
15 subsection shall affect any valid existing rights or in-
16 terests in any existing land use authorization, except
17 that any such land use authorization shall be admin-
18 istered by the agency having jurisdiction over the
19 land after the transfer of administrative jurisdiction
20 under paragraph (1) in accordance with paragraph
21 (3) and other applicable law. Renewal or reissuance
22 of any such authorization shall be in accordance
23 with applicable law and the regulations of the agen-
24 cy having jurisdiction, except that the change of ad-
25 ministrative jurisdiction shall not in itself constitute

1 a ground to deny the renewal or reissuance of any
2 such authorization.

3 (f) FEDERAL DAM CHARGE.—Nothing in this title
4 shall relieve the holder of the Federal Energy Regulatory
5 Commission license for Vallecito Dam in effect on the date
6 of the enactment of this Act from the obligation to make
7 payments under section 10(e)(2) of the Federal Power Act
8 during the term of the license.

9 **SEC. 805. RELATIONSHIP TO OTHER LAWS.**

10 Upon conveyance of the Project under this title, the
11 Reclamation Act of 1902 (82 Stat. 388) and all Acts
12 amendatory thereof or supplemental thereto shall not
13 apply to the Project.

14 **SEC. 806. LIABILITY.**

15 Except as otherwise provided by law, effective on the
16 date of conveyance of the Project under this title, the li-
17 ability of the United States under any law for damages
18 of any kind arising out of any act, omission, or occurrence
19 based on its prior ownership or operation of property in
20 which an interest is conveyed by the United States pursu-
21 ant to this title shall be limited to the portion of the total
22 damages that bears the same proportion to the total dam-
23 ages as the interest in the property retained by the United
24 States bears to the total interest in the property.

○