

**Calendar No. 441**108<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION**S. 943****[Report No. 108-231]**

To authorize the Secretary of the Interior to enter into 1 or more contracts with the city of Cheyenne, Wyoming, for the storage of water in the Kendrick Project, Wyoming.

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**IN THE SENATE OF THE UNITED STATES**

APRIL 29, 2003

Mr. ENZI introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

MARCH 9, 2004

Reported by Mr. DOMENICI, with an amendment and an amendment to the title

[Strike out all after the enacting clause and insert the part printed in *italic*]

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**A BILL**

To authorize the Secretary of the Interior to enter into 1 or more contracts with the city of Cheyenne, Wyoming, for the storage of water in the Kendrick Project, Wyoming.

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. WATER STORAGE CONTRACTS.**

2 (a) **DEFINITIONS.**—In this Act:

3 (1) **CITY.**—The term “city” means—

4 (A) the city of Cheyenne, Wyoming;

5 (B) the Board of Public Utilities of the  
6 city; and

7 (C) any agency, public utility, or enterprise  
8 of the city.

9 (2) **KENDRICK PROJECT.**—

10 (A) **IN GENERAL.**—The term “Kendrick  
11 Project” means the Bureau of Reclamation  
12 project on the North Platte River in the State  
13 constructed for irrigation and the generation of  
14 electric power.

15 (B) **INCLUSIONS.**—The term “Kendrick  
16 Project” includes—

17 (i) the Seminoe dam, reservoir, and  
18 powerplant; and

19 (ii) the Alcova dam and powerplant.

20 (3) **SECRETARY.**—The term “Secretary” means  
21 the Secretary of the Interior, acting through the  
22 Commissioner of Reclamation.

23 (4) **STATE.**—The term “State” means the State  
24 of Wyoming.

25 (b) **CONTRACTS.**—

1           (1) IN GENERAL.—The Secretary may enter  
2 into 1 or more contracts with the city for the annual  
3 storage in Seminole dam and reservoir of the  
4 Kendrick Project of water for municipal and indus-  
5 trial uses.

6           (2) TERM; RENEWAL.—A contract under para-  
7 graph (1)—

8           (A) shall have a term of not more than 40  
9 years; and

10           (B) may be renewed, subject to any terms  
11 agreed to by the Secretary and the city, for ad-  
12 ditional 40-year terms.

13           (3) DISPOSITION OF PROCEEDS.—

14           (A) IN GENERAL.—Except as provided in  
15 subparagraph (B), any proceeds received under  
16 a contract under paragraph (1) shall—

17           (i) be deposited in the reclamation  
18 fund established under the first section of  
19 the Act of June 17, 1902 (43 U.S.C. 391);  
20 and

21           (ii) be available for the Kendrick  
22 Project.

23           (B) OPERATION AND MAINTENANCE.—Any  
24 amounts collected as payments for the oper-  
25 ation and maintenance charges of the Kendrick

1           Project under the contract under paragraph (1)  
 2           shall be credited against applicable operation  
 3           and maintenance costs of the Kendrick Project.

4           (4) EFFECT.—A contract under paragraph (1)  
 5           shall not affect Kendrick Project contractors or any  
 6           other existing reclamation contractors on the North  
 7           Platte River system.

8   **SECTION 1. WATER STORAGE CONTRACTS.**

9           (a) *DEFINITIONS.—In this Act:*

10           (1) *CITY.—The term “city” means—*

11                   (A) *the city of Cheyenne, Wyoming;*

12                   (B) *the Board of Public Utilities of the city;*

13                   *and*

14                   (C) *any agency, public utility, or enterprise*  
 15                   *of the city.*

16           (2) *KENDRICK PROJECT.—The term “Kendrick*  
 17           *Project” means the Bureau of Reclamation project on*  
 18           *the North Platte River that was authorized by a find-*  
 19           *ing of feasibility approved by the President on August*  
 20           *30, 1935, and constructed for irrigation and electric*  
 21           *power generation, the major features of which in-*  
 22           *clude—*

23                   (A) *Seminole Dam, Reservoir, and Power-*  
 24                   *plant; and*

25                   (B) *Alcova Dam and Powerplant.*

1           (3) *SECRETARY.*—*The term “Secretary” means*  
2 *the Secretary of the Interior, acting through the Com-*  
3 *missioner of Reclamation.*

4           (4) *STATE.*—*The term “State” means the State*  
5 *of Wyoming.*

6           (b) *CONTRACTS.*—

7           (1) *IN GENERAL.*—*The Secretary may enter into*  
8 *1 or more contracts with the city for annual storage*  
9 *of the city’s water for municipal and industrial use*  
10 *in Seminoe Dam and Reservoir of the Kendrick*  
11 *Project.*

12           (2) *CONDITIONS.*—

13           (A) *TERM; RENEWAL.*—*A contract under*  
14 *paragraph (1) shall—*

15                   (i) *have a term of not more than 40*  
16 *years; and*

17                   (ii) *may be renewed on terms agreeable*  
18 *to the Secretary and the city, for successive*  
19 *terms of not more than 40 years per term.*

20           (B) *REVENUES.*—*Notwithstanding the Act*  
21 *of May 9, 1938 (52 Stat. 322, chapter 187; 43*  
22 *U.S.C. 392a)—*

23                   (i) *any operation and maintenance*  
24 *charges received under a contract executed*  
25 *under paragraph (1) shall be credited*

1                   *against applicable operation and mainte-*  
2                   *nance costs of the Kendrick Project; and*

3                   *(ii) any other revenues received under*  
4                   *a contract executed under paragraph (1)*  
5                   *shall be credited to the Reclamation Fund*  
6                   *as a credit to the construction costs of the*  
7                   *Kendrick Project.*

8                   *(C) EFFECT ON EXISTING CONTRACTORS.—*  
9                   *A contract under paragraph (1) shall not ad-*  
10                  *versely affect the Kendrick Project, any existing*  
11                  *Kendrick Project contractor, or any existing Rec-*  
12                  *lamation contractor on the North Platte River*  
13                  *System.*

Amend the title so as to read: “A bill to authorize the Secretary of the Interior to contract with the city of Cheyenne, Wyoming, for the storage of the city’s water in the Kendrick Project, Wyoming.”.



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