

Calendar No. 991

110TH CONGRESS
2D SESSION

S. 2974

To provide for the construction of the Arkansas Valley Conduit in the State of Colorado.

IN THE SENATE OF THE UNITED STATES

MAY 2, 2008

Mr. ALLARD (for himself and Mr. SALAZAR) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

SEPTEMBER 16, 2008

Reported by Mr. BINGAMAN, with an amendment

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

A BILL

To provide for the construction of the Arkansas Valley
Conduit in the State of Colorado.

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 “Arkansas Valley Con-
5 duit Act of 2008”.

1 **SEC. 2. ARKANSAS VALLEY CONDUIT, COLORADO.**

2 (a) **COST SHARE.**—The first section of Public Law
 3 87–590 (76 Stat. 389) is amended in the second sentence
 4 of subsection (c) by inserting after “cost thereof,” the fol-
 5 lowing: “or in the case of the Arkansas Valley Conduit,
 6 payment of not more than 25 percent of the cost of the
 7 conduit,”.

8 (b) **RATES.**—Section 2(b) of Public Law 87–590 (76
 9 Stat. 390) is amended—

10 (1) by striking “(b) Rates” and inserting the
 11 following:

12 “(b) **RATES.**—

13 “(1) **IN GENERAL.**—Rates”; and

14 (2) by adding at the end the following:

15 “(2) **RUEDI DAM AND RESERVOIR, FOUNTAIN**
 16 **VALLEY PIPELINE, AND SOUTH OUTLET WORKS AT**
 17 **PUEBLO DAM AND RESERVOIR.**—Notwithstanding
 18 the reclamation laws, until the date on which the
 19 payments for the Arkansas Valley Conduit under
 20 paragraph (3) begin, any revenue that may be de-
 21 rived from contracts for the use of Fryingpan-
 22 Arkansas project excess capacity or exchange con-
 23 tracts using Fryingpan-Arkansas project facilities
 24 shall be credited towards payment of the actual cost
 25 of Ruedi Dam and Reservoir, the Fountain Valley
 26 Pipeline, and the South Outlet Works at Pueblo

1 Dam and Reservoir plus interest in an amount de-
 2 termined in accordance with this section

3 ~~“(3) ARKANSAS VALLEY CONDUIT.—~~

4 ~~“(A) USE OF REVENUE.—Notwithstanding~~
 5 ~~the reclamation laws, any revenue derived from~~
 6 ~~contracts for the use of Fryingpan-Arkansas~~
 7 ~~project excess capacity or exchange contracts~~
 8 ~~using Fryingpan-Arkansas project facilities~~
 9 ~~shall be credited towards payment of the actual~~
 10 ~~cost of the Arkansas Valley Conduit plus inter-~~
 11 ~~est in an amount determined in accordance with~~
 12 ~~this section.~~

13 ~~“(B) ADJUSTMENT OF RATES.—Any rates~~
 14 ~~charged under this section for water for munic-~~
 15 ~~ipal, domestic, or industrial use or for the use~~
 16 ~~of facilities for the storage or delivery of water~~
 17 ~~shall be adjusted to reflect the estimated rev-~~
 18 ~~enue derived from contracts for the use of~~
 19 ~~Fryingpan-Arkansas project excess capacity or~~
 20 ~~exchange contracts using Fryingpan-Arkansas~~
 21 ~~project facilities.”.~~

22 ~~(c) AUTHORIZATION OF APPROPRIATIONS.—Section~~
 23 ~~7 of Public Law 87-590 (76 Stat. 393) is amended—~~

24 ~~(1) by striking “SEC. 7. There is hereby” and~~
 25 ~~inserting the following:~~

1 **“SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

2 “(a) **IN GENERAL.**—There is”; and

3 (2) by adding at the end the following:

4 “(b) **ARKANSAS VALLEY CONDUIT.**—

5 “(1) **IN GENERAL.**—Subject to annual appro-
6 priations and paragraph (2), there are authorized to
7 be appropriated such sums as are necessary for the
8 construction of the Arkansas Valley Conduit.

9 “(2) **LIMITATION.**—Amounts made available
10 under paragraph (1) shall not be used for the oper-
11 ation or maintenance of the Arkansas Valley Con-
12 duit.”.

13 **SECTION 1. SHORT TITLE.**

14 *This Act may be cited as the “Arkansas Valley Conduit*
15 *Act of 2008”.*

16 **SEC. 2. ARKANSAS VALLEY CONDUIT, COLORADO.**

17 (a) **COST SHARE.**—*The first section of Public Law 87–*
18 *590 (76 Stat. 389) is amended in the second sentence of*
19 *subsection (c) by inserting after “cost thereof,” the fol-*
20 *lowing: “or in the case of the Arkansas Valley Conduit, pay-*
21 *ment in an amount equal to 35 percent of the cost of the*
22 *conduit that is comprised of revenue generated by payments*
23 *pursuant to a repayment contract and revenue that may*
24 *be derived from contracts for the use of Fryingpan-Arkansas*
25 *project excess capacity or exchange contracts using*
26 *Fryingpan-Arkansas project facilities,”.*

1 **(b) RATES.**—Section 2(b) of Public Law 87–590 (76
2 *Stat. 390*) is amended—

3 (1) by striking “(b) Rates” and inserting the fol-
4 *lowing:*

5 “(b) **RATES.**—

6 “(1) **IN GENERAL.**—Rates”; and

7 (2) by adding at the end the following:

8 “(2) **RUEDI DAM AND RESERVOIR, FOUNTAIN**
9 **VALLEY PIPELINE, AND SOUTH OUTLET WORKS AT**
10 **PUEBLO DAM AND RESERVOIR.**—

11 “(A) **IN GENERAL.**—Notwithstanding the
12 *reclamation laws, until the date on which the*
13 *payments for the Arkansas Valley Conduit under*
14 *paragraph (3) begin, any revenue that may be*
15 *derived from contracts for the use of Fryingpan-*
16 *Arkansas project excess capacity or exchange*
17 *contracts using Fryingpan-Arkansas project fa-*
18 *cilities shall be credited towards payment of the*
19 *actual cost of Ruedi Dam and Reservoir, the*
20 *Fountain Valley Pipeline, and the South Outlet*
21 *Works at Pueblo Dam and Reservoir plus inter-*
22 *est in an amount determined in accordance with*
23 *this section.*

24 “(B) **EFFECT.**—Nothing in the Federal rec-
25 *lamation law (the Act of June 17, 1902 (32 Stat.*

1 388, chapter 1093), and Acts supplemental to
2 and amendatory of that Act (43 U.S.C. 371 et
3 seq.)) prohibits the concurrent crediting of rev-
4 enue (with interest as provided under this sec-
5 tion) towards payment of the Arkansas Valley
6 Conduit as provided under this paragraph.

7 “(3) ARKANSAS VALLEY CONDUIT.—

8 “(A) USE OF REVENUE.—Notwithstanding
9 the reclamation laws, any revenue derived from
10 contracts for the use of Fryingpan-Arkansas
11 project excess capacity or exchange contracts
12 using Fryingpan-Arkansas project facilities shall
13 be credited towards payment of the actual cost of
14 the Arkansas Valley Conduit plus interest in an
15 amount determined in accordance with this sec-
16 tion.

17 “(B) ADJUSTMENT OF RATES.—Any rates
18 charged under this section for water for munic-
19 ipal, domestic, or industrial use or for the use of
20 facilities for the storage or delivery of water shall
21 be adjusted to reflect the estimated revenue de-
22 rived from contracts for the use of Fryingpan-
23 Arkansas project excess capacity or exchange
24 contracts using Fryingpan-Arkansas project fa-
25 cilities.”.

1 (c) *AUTHORIZATION OF APPROPRIATIONS.*—Section 7
2 of Public Law 87–590 (76 Stat. 393) is amended—

3 (1) by striking “SEC. 7. There is hereby” and in-
4 serting the following:

5 **“SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

6 “(a) *IN GENERAL.*—There is”; and

7 (2) by adding at the end the following:

8 “(b) *ARKANSAS VALLEY CONDUIT.*—

9 “(1) *IN GENERAL.*—Subject to annual appro-
10 priations and paragraph (2), there are authorized to
11 be appropriated such sums as are necessary for the
12 construction of the Arkansas Valley Conduit.

13 “(2) *LIMITATION.*—Amounts made available
14 under paragraph (1) shall not be used for the oper-
15 ation or maintenance of the Arkansas Valley Con-
16 duit.”.

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