

Calendar No. 776

106TH CONGRESS
2D SESSION

H. R. 3468

IN THE SENATE OF THE UNITED STATES

JULY 26, 2000

Received

JULY 27, 2000

Read the first time

SEPTEMBER 5, 2000

Read the second time and placed on the calendar

AN ACT

To direct the Secretary of the Interior to convey to certain
water rights to Duchesne City, 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. SHORT TITLE.**

2 This Act may be cited as the “Duchesne City Water
3 Rights Conveyance Act”.

4 **SEC. 2. FINDINGS.**

5 The Congress finds the following:

6 (1) In 1861, President Lincoln established the
7 Uintah Valley Reservation by Executive order. The
8 Congress confirmed the Executive order in 1864 (13
9 Stat. 63), and additional lands were added to form
10 the Uintah Indian Reservation (now known as the
11 Uintah and Ouray Indian Reservation).

12 (2) Pursuant to subsequent Acts of Congress,
13 lands were allotted to the Indians of the reservation,
14 and unallotted lands were restored to the public do-
15 main to be disposed of under homestead and town-
16 site laws.

17 (3) In July 1905, President Theodore Roosevelt
18 reserved lands for the townsite for Duchesne, Utah,
19 by Presidential proclamation and pursuant to the
20 applicable townsite laws.

21 (4) In July 1905, the United States, through
22 the Acting United States Indian Agent in Behalf of
23 the Indians of the Uintah Indian Reservation, Utah,
24 filed 2 applications, 43–180 and 43–203, under the
25 laws of the State of Utah to appropriate certain wa-
26 ters.

1 (5) The stated purposes of the water appropria-
2 tion applications were, respectively, “for irrigation
3 and domestic supply for townsite purposes in the
4 lands herein described”, and “for the purpose of irri-
5 gating Indian allotments on the Uintah Indian Res-
6 ervation, Utah, . . . and for an irrigating and do-
7 mestic water supply for townsite purposes in the
8 lands herein described”.

9 (6) The United States subsequently filed
10 change applications which provided that the entire
11 appropriation would be used for municipal and do-
12 mestic purposes in the town of Duchesne, Utah.

13 (7) The State Engineer of Utah approved the
14 change applications, and the State of Utah issued
15 water right certificates, identified as Certificate
16 Numbers 1034 and 1056, in the name of the United
17 States Indian Service in 1921, pursuant to the ap-
18 plications filed, for domestic and municipal uses in
19 the town of Duchesne.

20 (8) Non-Indians settled the town of Duchesne,
21 and the inhabitants have utilized the waters appro-
22 priated by the United States for townsite purposes.

23 (9) Pursuant to title V of Public Law 102–575,
24 Congress ratified the quantification of the reserved
25 waters rights of the Ute Indian Tribe, subject to re-

1 ratification of the water compact by the State of
2 Utah and the Tribe.

3 (10) The Ute Indian Tribe does not oppose leg-
4 islation that will convey the water rights appro-
5 priated by the United States in 1905 to the city of
6 Duchesne because the appropriations do not serve
7 the purposes, rights, or interests of the Tribe or its
8 members, because the full amount of the reserved
9 water rights of the Tribe will be quantified in other
10 proceedings, and because the Tribe and its members
11 will receive substantial benefits through such legisla-
12 tion.

13 (11) The Secretary of the Interior requires ad-
14 ditional authority in order to convey title to those
15 appropriations made by the United States in 1905
16 in order for the city of Duchesne to continue to
17 enjoy the use of those water rights and to provide
18 additional benefits to the Ute Indian Tribe and its
19 members as originally envisioned by the 1905 appro-
20 priations.

21 **SEC. 3. CONVEYANCE OF WATER RIGHTS TO DUCHESNE**
22 **CITY, UTAH.**

23 (a) CONVEYANCE.—The Secretary of the Interior, as
24 soon as practicable after the date of the enactment of this
25 Act, and in accordance with all applicable law, shall convey

1 to Duchesne City, Utah, or a water district created by
2 Duchesne City, all right, title, and interest of the United
3 States in and to those water rights appropriated under
4 the laws of the State of Utah by the Department of the
5 Interior's United States Indian Service and identified as
6 Water Rights Nos. 43–180 (Certificate No. 1034) and 43–
7 203 (Certificate No. 1056) in the records of the State En-
8 gineer of Utah.

9 (b) REQUIRED TERMS.—

10 (1) IN GENERAL.—As terms of any conveyance
11 under subsection (a), the Secretary shall require
12 that Duchesne City—

13 (A) shall allow the Ute Indian Tribe of the
14 Uintah and Ouray Reservation, its members,
15 and any person leasing or utilizing land that is
16 held in trust for the Tribe by the United States
17 and is located within the Duchesne City water
18 service area (as such area may be adjusted
19 from time to time), to connect to the Duchesne
20 City municipal water system;

21 (B) shall not require such tribe, members,
22 or person to pay any water impact, connection,
23 or similar fee for such connection; and

1 (C) shall not require such tribe, members,
2 or person to deliver or transfer any water or
3 water rights for such connection.

4 (2) LIMITATION.—Paragraph (1) shall not be
5 construed to prohibit Duchesne City from charging
6 any person that connects to the Duchesne City mu-
7 nicipal water system pursuant to paragraph (1) rea-
8 sonable, customary, and nondiscriminatory fees to
9 recover costs of the operation and maintenance of
10 the water system to treat, transport, and deliver
11 water to the person.

12 **SEC. 4. WATER RIGHTS.**

13 (a) NO RELINQUISHMENT OR REDUCTION.—Except
14 as provided in section 3, nothing in this Act may be con-
15 strued as a relinquishment or reduction of any water
16 rights reserved, appropriated, or otherwise secured by the
17 United States in the State of Utah on or before the date
18 of the enactment of this Act.

19 (b) NO PRECEDENT.—Nothing in this Act may be
20 construed as establishing a precedent for conveying or oth-
21 erwise transferring water rights held by the United States.

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