

Calendar No. 126

108TH CONGRESS
1ST SESSION

S. 520

[Report No. 108–62]

To authorize the Secretary of the Interior to convey certain facilities to the Fremont-Madison Irrigation District in the State of Idaho.

IN THE SENATE OF THE UNITED STATES

MARCH 5, 2003

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

JUNE 8, 2003

Reported by Mr. DOMENICI, without amendment

A BILL

To authorize the Secretary of the Interior to convey certain facilities to the Fremont-Madison Irrigation District in the State of Idaho.

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 “Fremont-Madison Con-
5 veyance Act”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) DISTRICT.—The term “District” means the
4 Fremont-Madison Irrigation District, an irrigation
5 district organized under the law of the State of
6 Idaho.

7 (2) SECRETARY.—The term “Secretary” means
8 the Secretary of the Interior.

9 **SEC. 3. CONVEYANCE OF FACILITIES.**

10 (a) CONVEYANCE REQUIREMENT.—The Secretary of
11 the Interior shall convey to the Fremont-Madison Irriga-
12 tion District, Idaho, pursuant to the terms of the memo-
13 randum of agreement (MOA) between the District and the
14 Secretary (Contract No. 1425–0901–09MA–0910–
15 093310), all right, title, and interest of the United States
16 in and to the canals, laterals, drains, and other compo-
17 nents of the water distribution and drainage system that
18 is operated or maintained by the District for delivery of
19 water to and drainage of water from lands within the
20 boundaries of the District as they exist upon the date of
21 enactment of this Act, consistent with section 8.

22 (b) REPORT.—If the Secretary has not completed any
23 conveyance required under this Act by September 13,
24 2004, the Secretary shall, by no later than that date, sub-
25 mit a report to the Congress explaining the reasons that

1 conveyance has not been completed and stating the date
2 by which the conveyance will be completed.

3 **SEC. 4. COSTS.**

4 (a) IN GENERAL.—The Secretary shall require, as a
5 condition of the conveyance under section 3, that the Dis-
6 trict pay the administrative costs of the conveyance and
7 related activities, including the costs of any review re-
8 quired under the National Environmental Policy Act of
9 1969 (42 U.S.C. 4321 et seq.), as described in Contract
10 No. 1425–0901–09MA–0910–093310.

11 (b) VALUE OF FACILITIES TO BE TRANSFERRED.—
12 In addition to subsection (a) the Secretary shall also re-
13 quire, as a condition of the conveyance under section 2,
14 that the District pay to the United States the lesser of
15 the net present value of the remaining obligations owed
16 by the District to the United States with respect to the
17 facilities conveyed, or \$280,000. Amounts received by the
18 United States under this subsection shall be deposited into
19 the Reclamation Fund.

20 **SEC. 5. TETON EXCHANGE WELLS.**

21 (a) CONTRACTS AND PERMIT.—In conveying the
22 Teton Exchange Wells pursuant to section 3, the Sec-
23 retary shall also convey to the District—

24 (1) Idaho Department of Water Resources per-
25 mit number 22–7022, including drilled wells under

1 the permit, as described in Contract No. 1425–
2 0901–09MA–0910–093310; and

3 (2) all equipment appurtenant to such wells.

4 (b) EXTENSION OF WATER SERVICE CONTRACT.—

5 The water service contract between the Secretary and the
6 District (Contract No. 7–0907–0910–09W0179, dated
7 September 16, 1977) is hereby extended and shall con-
8 tinue in full force and effect until all conditions described
9 in this Act are fulfilled.

10 **SEC. 6. ENVIRONMENTAL REVIEW.**

11 Prior to conveyance the Secretary shall complete all
12 environmental reviews and analyses as set forth in the
13 Memorandum of Agreement referenced in section 3(a).

14 **SEC. 7. LIABILITY.**

15 Effective on the date of the conveyance the United
16 States shall not be liable for damages of any kind arising
17 out of any act, omission, or occurrence relating to the con-
18 veyed facilities, except for damages caused by acts of neg-
19 ligence committed by the United States or by its employ-
20 ees, agents, or contractors prior to the date of conveyance.
21 Nothing in this section may increase the liability of the
22 United States beyond that currently provided in chapter
23 171 of title 28, United States Code.

1 **SEC. 8. WATER SUPPLY TO DISTRICT LANDS.**

2 The acreage within the District eligible to receive
3 water from the Minidoka Project and the Teton Basin
4 Projects is increased to reflect the number of acres within
5 the District as of the date of enactment of this Act, includ-
6 ing lands annexed into the District prior to enactment of
7 this Act as contemplated by the Teton Basin Project. The
8 increase in acreage does not alter deliveries authorized
9 under the District's existing water storage contracts and
10 as allowed by State water law.

11 **SEC. 9. DROUGHT MANAGEMENT PLANNING.**

12 Within 60 days of enactment of this Act, in collabora-
13 tion with stakeholders in the Henry's Fork watershed, the
14 Secretary shall initiate a drought management planning
15 process to address all water uses, including irrigation and
16 the wild trout fishery, in the Henry's Fork watershed.
17 Within 18 months of enactment of this Act, the Secretary
18 shall submit a report to Congress, which shall include a
19 final drought management plan.

20 **SEC. 10. EFFECT.**

21 (a) IN GENERAL.—Except as provided in this Act,
22 nothing in this Act affects—

23 (1) the rights of any person; or

24 (2) any right in existence on the date of enact-
25 ment of this Act of the Shoshone-Bannock Tribes of
26 the Fort Hall Reservation to water based on a trea-

1 ty, compact, executive order, agreement, the decision
2 in *Winters v. United States*, 207 U.S. 564 (1908)
3 (commonly known as the “Winters Doctrine”), or
4 law.

5 (b) CONVEYANCES.—Any conveyance under this Act
6 shall not affect or abrogate any provision of any contract
7 executed by the United States or State law regarding any
8 irrigation district’s right to use water developed in the fa-
9 cilities conveyed.

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16 in and to the canals, laterals, drains, and other compo-
17 nents of the water distribution and drainage system that
18 is operated or maintained by the District for delivery of
19 water to and drainage of water from lands within the
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