

105TH CONGRESS  
1ST SESSION

# H. R. 1943

To convey certain real property within the Carlsbad Project in New Mexico  
to the Carlsbad Irrigation District.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 17, 1997

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

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## A BILL

To convey certain real property within the Carlsbad Project  
in New Mexico to the Carlsbad Irrigation District.

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 “Carlsbad Irrigation  
5       Project Acquired Land Transfer Act”.

6       **SEC. 2. CONVEYANCE.**

7       (a) LANDS AND FACILITIES.—

8               (1) IN GENERAL.—Except as provided in para-  
9       graph (2), and subject subsection (c), the Secretary  
10       of the Interior (in this Act referred to as the “Sec-

1       retary”) may convey to the Carlsbad Irrigation Dis-  
 2       trict (a quasi-municipal corporation formed under  
 3       the laws of the State of New Mexico and in this Act  
 4       referred to as the “District”), all right, title, and in-  
 5       terest of the United States in and to the lands de-  
 6       scribed in subsection (b) (in this Act referred to as  
 7       the “acquired lands”) and all interests the United  
 8       States holds in the irrigation and drainage system of  
 9       the Carlsbad Project and all related lands including  
 10      ditch rider houses, maintenance shop and buildings,  
 11      and Pecos River Flume.

12               (2) LIMITATIONS.—

13               (A) RETAINED SURFACE RIGHTS.—The  
 14       Secretary shall retain title to the surface estate  
 15       (but not the mineral estate) of such acquired  
 16       lands which are located under the footprint of  
 17       Brantley and Avalon dams or any other project  
 18       dam or reservoir diversion structure.

19               (B) STORAGE AND FLOW EASEMENTS.—  
 20       The Secretary shall retain storage and flow  
 21       easements for any tracts located under the  
 22       maximum spillway elevations of Avalon and  
 23       Brantley Reservoirs.

24       (b) ACQUIRED LANDS DESCRIBED.—The lands re-  
 25      ferred to in subsection (a) are those lands (including the

1 surface and mineral estate) in Eddy County, New Mexico,  
2 described as the acquired lands in section (7) of the “Sta-  
3 tus of Lands and Title Report: Carlsbad Project” as re-  
4 ported by the Bureau of Reclamation in 1978 .

5 (c) TERMS AND CONDITIONS OF CONVEYANCE.—Any  
6 conveyance of the acquired lands under this Act shall be  
7 subject to the following terms and conditions:

8 (1) MANAGEMENT AND USE, GENERALLY.—The  
9 conveyed lands shall continue to be managed and  
10 used by the District for the purposes for which the  
11 Carlsbad Project was authorized, consistent with the  
12 management of other adjacent project lands.

13 (2) ASSUMED RIGHTS AND OBLIGATIONS.—Ex-  
14 cept as provided in paragraph (3), the District shall  
15 assume all rights and obligations of the United  
16 States under—

17 (A) the agreement dated July 28, 1994,  
18 between the United States and the Director,  
19 New Mexico Department of Game and Fish  
20 (Document No. 2–LM–40–00640), relating to  
21 management of certain lands near Brantley  
22 Reservoir for fish and wildlife purposes; and

23 (B) the agreement dated March 9, 1977,  
24 between the United States and the New Mexico  
25 Department of Energy, Minerals, and Natural

1 Resources (Contract No. 7-07-57-X0888) for  
2 the management and operation of Brantley  
3 Lake State Park.

4 (3) EXCEPTIONS.—In relation to agreements  
5 referred to in paragraph (2)—

6 (A) the District shall not be obligated for  
7 any financial support agreed to by the Sec-  
8 retary, or the Secretary's designee, in either  
9 agreement; and

10 (B) the District shall not be entitled to any  
11 receipts or revenues generated as a result of ei-  
12 ther agreement.

13 (d) COMPLETION OF CONVEYANCE.—

14 (1) SENSE OF THE CONGRESS.—It is the sense  
15 of the Congress that the Secretary should complete  
16 the conveyance authorized by this Act, including  
17 such action as may be required under the National  
18 Environmental Policy Act of 1969 (42 U.S.C. 4321  
19 et seq.), within the 9-month period beginning on the  
20 date of enactment of this Act.

21 (2) REPORT.—If the Secretary does not com-  
22 plete the conveyance within the period referred to in  
23 paragraph (1), the Secretary shall submit a report  
24 to the Congress within 30 days after that period  
25 that includes a detailed explanation of problems that

1 have been encountered in completing of the convey-  
2 ance, and specific steps that the Secretary has taken  
3 or will take to complete the conveyance.

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

6 (a) IDENTIFICATION AND NOTIFICATION OF LEASE-  
7 HOLDERS.—Within 120 days after the date of enactment  
8 of this Act, the Secretary of the Interior shall—

9 (1) provide to the District a written identifica-  
10 tion of all mineral and grazing leases in effect on the  
11 acquired lands on the date of enactment of this Act;  
12 and

13 (2) notify all leaseholders of the conveyance au-  
14 thorized by this Act.

15 (b) MANAGEMENT OF MINERAL AND GRAZING  
16 LEASES, LICENSES, AND PERMITS.—The District shall  
17 assume all rights and obligations of the United States for  
18 all mineral and grazing leases, licenses, and permits exist-  
19 ing on the acquired lands conveyed under section 2, and  
20 shall be entitled to any receipts from such leases, licenses,  
21 and permits accruing after the date of conveyance. All  
22 such receipts shall be used for purposes for which the  
23 project was authorized. The District shall continue to ad-  
24 here to the current Bureau of Reclamation mineral leasing  
25 stipulations for the Carlsbad Project.

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

3           (1) EXISTING RECEIPTS.—Receipts in the rec-  
4       lamation fund on the date of enactment of this Act  
5       which exist as construction credits to the Carlsbad  
6       Project under the terms of the Mineral Leasing Act  
7       for Acquired Lands (30 U.S.C. 351–359) shall be  
8       made available to the District as credits toward its  
9       ongoing operation and maintenance obligation to the  
10      United States until such credits are depleted.

11          (2) RECEIPTS AFTER ENACTMENT.—Of the re-  
12      ceipts from mineral and grazing leases, licenses, and  
13      permits on acquired lands to be conveyed under sec-  
14      tion 2, that are received by the United States after  
15      the date of enactment and before the date of convey-  
16      ance—

17           (A) not to exceed \$200,000 shall be avail-  
18      able to the Secretary for the actual costs of im-  
19      plementing this Act; and

20           (B) the remainder shall be deposited into  
21      the reclamation fund and shall be made avail-  
22      able to the District as credits toward its ongo-  
23      ing operation and maintenance obligation to the  
24      United States until such credits are depleted.

1 **SEC. 4. WATER CONSERVATION PRACTICES.**

2 (a) IN GENERAL.—Subject to subsection (b), the Sec-  
3 retary, in cooperation with the District, may expend not  
4 to exceed \$100,000 annually, from amounts appropriated  
5 for operation and maintenance within the Bureau of Rec-  
6 lamation, for the purposes of implementing water con-  
7 servation practices at the Carlsbad Project, including, but  
8 not limited to, phreatophyte control.

9 (b) MATCHING FUNDS.—As a condition of any ex-  
10 penditure under subsection (a), the Secretary shall require  
11 that the District provide matching funds in direct propor-  
12 tion to the amount of project lands held by the District  
13 in relation to withdrawn or other project lands held by  
14 the United States.

15 (c) VOLUNTARY WATER CONSERVATION PRAC-  
16 TICES.—Nothing in this Act shall be construed to limit  
17 the ability of the District to voluntarily implement water  
18 conservation practices.

19 (d) LIABILITY.—Effective on the date of conveyance  
20 of any lands authorized by this Act, the United States  
21 shall not be held liable by any court for damages of any  
22 kind arising out of any act, omission, or occurrence relat-  
23 ing to the conveyed property, except for damages caused  
24 by acts of negligence committed by the United States or  
25 by its employees, agents, or contractors, prior to convey-  
26 ance. Nothing in this section shall be considered to in-

1 crease the liability of the United States beyond that pro-  
2 vided under chapter 171 of title 28, United States Code,  
3 popularly known as the Federal Tort Claims Act.

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