

Union Calendar No. 446

105<sup>TH</sup> CONGRESS  
2<sup>D</sup> Session

**H. R. 4389**

[Report No. 105-785]

**A BILL**

To provide for the conveyance of various reclamation project facilities to local water authorities, and for other purposes.

OCTOBER 6, 1998

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 4, 1998

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

OCTOBER 6, 1998

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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

[For text of introduced bill, see copy of bill as introduced on August 4, 1998]

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**A BILL**

To provide for the conveyance of various reclamation project facilities to local water authorities, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

***TITLE I—SLY PARK DAM AND  
RESERVOIR, CALIFORNIA***

***SEC. 101. SHORT TITLE.***

*This title may be cited as the “Sly Park Unit Convey-  
ance Act”.*

***SEC. 102. DEFINITIONS.***

*For purposes of this title:*

*(1) The term “District” means the El Dorado Ir-  
rigation District, a political subdivision of the State  
of California that has its principal place of business  
in the city of Placerville, El Dorado County, Califor-  
nia.*

*(2) The term “Secretary” means the Secretary of  
the Interior.*

*(3) The term “Project” means all of the right,  
title, and interest in and to the Sly Park Dam and  
Reservoir, Camp Creek Diversion Dam and Tunnel,  
and conduits and canals held by the United States  
pursuant to or related to the authorization in the Act  
entitled “An Act to authorize the American River  
Basin Development, California, for irrigation and  
reclamation, and for other purposes”, approved Octo-  
ber 14, 1949 (63 Stat. 852 chapter 690);*

1 **SEC. 103. CONVEYANCE OF PROJECT.**

2       (a) *IN GENERAL.*—*In consideration of the District ac-*  
3 *cepting the obligations of the Federal Government for the*  
4 *Project and subject to the payment by the District of the*  
5 *net present value of the remaining repayment obligation,*  
6 *as determined by Office of Management and Budget Cir-*  
7 *cular A-129 (in effect on the date of enactment of this Act)*  
8 *and the completion of payments by the District required*  
9 *under subsection (b)(3) of this section and section 106(b),*  
10 *the Secretary shall convey the Project to the District.*

11       (b) *DEADLINE.*—

12               (1) *IN GENERAL.*—*If no changes in Project oper-*  
13 *ations are expected following the conveyance under*  
14 *subsection (a), the Secretary shall complete the con-*  
15 *veyance expeditiously, but not later than 180 days*  
16 *after the date of the enactment of this Act.*

17               (2) *DEADLINE IF CHANGES IN OPERATIONS IN-*  
18 *TENDED.*—*If the District intends to change Project*  
19 *operations as a result of the conveyance under sub-*  
20 *section (a), the Secretary—*

21                       (A) *shall take into account those potential*  
22 *changes for the purpose of completing any re-*  
23 *quired environmental evaluation associated with*  
24 *the conveyance; and*

1           (B) shall complete the conveyance by not  
 2           later than 2 years after the date of the enactment  
 3           of this Act.

4           (3) *ADMINISTRATIVE COSTS OF CONVEYANCE.*—If  
 5           the Secretary fails to complete the conveyance under  
 6           this title before the applicable deadline under para-  
 7           graph (1) or (2), the full cost of administrative action  
 8           and environmental compliance for the conveyance  
 9           shall be borne by the Secretary. If the Secretary com-  
 10          pletes the conveyance before that deadline,  $\frac{1}{2}$  of such  
 11          cost shall be paid by the District.

12 **SEC. 104. RELATIONSHIP TO EXISTING OPERATIONS.**

13          (a) *IN GENERAL.*—Nothing in this title shall be con-  
 14          strued as significantly expanding or otherwise changing the  
 15          use or operation of the Project from its current use and  
 16          operation.

17          (b) *FUTURE ALTERATIONS.*—If the District alters the  
 18          operations or uses of the Project it shall comply with all  
 19          applicable laws or regulations governing such changes at  
 20          that time (subject to section 105).

21 **SEC. 105. RELATIONSHIP TO CERTAIN CONTRACT OBLIGA-**  
 22 **TIONS.**

23          (a) *PAYMENT OBLIGATIONS NOT AFFECTED.*—The  
 24          conveyance of the Project under this title does not affect the  
 25          payment obligations of the District under the contract be-

1 *tween the District and the Secretary numbered 14-06-200-*  
 2 *7734, as amended by contracts numbered 14-06-200-*  
 3 *4282A and 14-06-200-8536A.*

4 *(b) PAYMENT OBLIGATIONS EXTINGUISHED.—Provi-*  
 5 *sion of consideration by the District in accordance with sec-*  
 6 *tion 103(b) shall extinguish all payment obligations under*  
 7 *contract numbered 14-06-200-949IR1 between the District*  
 8 *and the Secretary.*

9 **SEC. 106. RELATIONSHIP TO OTHER LAWS.**

10 *(a) RECLAMATION LAWS.—Except as provided in sub-*  
 11 *section (b), upon conveyance of the Project under this title,*  
 12 *the Reclamation Act of 1902 (82 Stat. 388) and all Acts*  
 13 *amendatory thereof or supplemental thereto shall not apply*  
 14 *to the Project.*

15 *(b) PAYMENTS INTO THE CENTRAL VALLEY PROJECT*  
 16 *RESTORATION FUND.—The El Dorado Irrigation District*  
 17 *shall continue to make payments into the Central Valley*  
 18 *Project Restoration Fund for 31 years after the date of the*  
 19 *enactment of this Act. The District's obligation shall be cal-*  
 20 *culated in the same manner as Central Valley Project water*  
 21 *contractors.*

22 **SEC. 107. LIABILITY.**

23 *Except as otherwise provided by law, effective on the*  
 24 *date of conveyance of the Project under this title, the United*  
 25 *States shall not be liable for damages of any kind arising*

1 *out of any act, omission, or occurrence based on its prior*  
 2 *ownership or operation of the conveyed property.*

3 ***TITLE II—MINIDOKA PROJECT,***  
 4 ***IDAHO***

5 ***SEC. 201. SHORT TITLE.***

6 *This title may be cited as the “Burley Irrigation Dis-*  
 7 *trict Conveyance Act”.*

8 ***SEC. 202. DEFINITIONS.***

9 *In this section:*

10 (1) *DISTRICT.*—*The term “District” means the*  
 11 *Burley Irrigation District, an irrigation district or-*  
 12 *ganized under the law of the State of Idaho.*

13 (2) *SECRETARY.*—*The term “Secretary” means*  
 14 *the Secretary of the Interior.*

15 (3) *PROJECT.*—*The term “Project” means all of*  
 16 *the right, title, and interest in and to the Southside*  
 17 *Pumping Division of the Minidoka Project, Idaho, in-*  
 18 *cluding the water distribution system below the*  
 19 *headworks of the Minidoka Dam held in the name of*  
 20 *the United States for the benefit of, and for use on*  
 21 *land within, the District for which the allocable con-*  
 22 *struction costs have been fully repaid by the District.*

23 ***SEC. 203. CONVEYANCE.***

24 (a) *IN GENERAL.*—*In consideration of the District ac-*  
 25 *cepting the obligations of the Federal Government for the*

1 *Project, and subject to the completion of payments by the*  
2 *District required under subsection (c)(3), the Secretary*  
3 *shall convey the Project and the water rights described in*  
4 *subsection (b) to the District.*

5       **(b) WATER RIGHTS.**—(1) *Subject to subparagraphs*  
6 *(B) and (C), the Secretary shall transfer to the District,*  
7 *through an agreement among the District, the Minidoka Ir-*  
8 *rigation District, and the Secretary, in accordance with*  
9 *and subject to the law of the State of Idaho, all natural*  
10 *flow, waste, seepage, return flow, and ground water rights*  
11 *held in the name of the United States—*

12           **(A)** *for the benefit of the South Side Pumping*  
13 *Division operated and maintained by the District;*

14           **(B)** *that are for use on lands within the District*  
15 *or that are return flows for which the District may*  
16 *receive credit against storage water used; and*

17           **(C)** *which include the rights set forth in con-*  
18 *tracts between the United States and the District or*  
19 *in the Decree of June 20, 1913, of the District Court*  
20 *of the Fourth Judicial District of the State of Idaho,*  
21 *in and for the County of Twin Falls, in the case of*  
22 *Twin Falls Canal Company v. Charles N. Foster, et*  
23 *al., and commonly referred to as the “Foster Decree”.*



1       (2) *The transfer of the property interest of the United*  
 2 *States in Project water rights directed to be conveyed by*  
 3 *this title shall—*

4           (A) *neither enlarge nor diminish the respective*  
 5 *rights of either the Minidoka Irrigation District or*  
 6 *the District in such water rights, as described in con-*  
 7 *tracts between the District, Minidoka, and the United*  
 8 *States;*

9           (B) *not be exercised as to impair the integrated*  
 10 *operation of the Minidoka Project by the Secretary*  
 11 *pursuant to applicable Federal law;*

12           (C) *not affect any other water rights; and*

13           (D) *not result in any adverse impact on any*  
 14 *other project water user.*

15       (c) *DEADLINE.—*

16           (1) *IN GENERAL.—If no changes in Project oper-*  
 17 *ations are expected following the conveyance under*  
 18 *subsection (a), the Secretary shall complete the con-*  
 19 *veyance expeditiously, but not later than 180 days*  
 20 *after the date of the enactment of this Act.*

21           (2) *DEADLINE IF CHANGES IN OPERATIONS IN-*  
 22 *TENDED.—If the District intends to change Project*  
 23 *operations as a result of the conveyance under sub-*  
 24 *section (a), the Secretary—*

1           (A) shall take into account those potential  
2           changes for the purpose of completing any re-  
3           quired environmental evaluation associated with  
4           the conveyance; and

5           (B) shall complete the conveyance by not  
6           later than 2 years after the date of the enactment  
7           of this Act.

8           (3) ADMINISTRATIVE COSTS OF CONVEYANCE.—If  
9           the Secretary fails to complete the conveyance under  
10          this title before the applicable deadline under para-  
11          graph (1) or (2), the full cost of administrative action  
12          and environmental compliance for the conveyance  
13          shall be borne by the Secretary. If the Secretary com-  
14          pletes the conveyance before that deadline,  $\frac{1}{2}$  of such  
15          cost shall be borne by the District.

16 **SEC. 204. RELATIONSHIP TO EXISTING OPERATIONS.**

17          (a) IN GENERAL.—Nothing in this title shall be con-  
18          strued as significantly expanding or otherwise changing the  
19          use or operation of the Project from its current use and  
20          operation.

21          (b) FUTURE ALTERATIONS.—If the District alters the  
22          operations or uses of the Project it shall comply with all  
23          applicable laws or regulations governing such changes at  
24          that time (subject to section 205).

1 **SEC. 205. RELATIONSHIP TO CERTAIN CONTRACT OBLIGA-**  
2 **TIONS.**

3       (a) *SAVINGS.*—*Nothing in this title or any transfer*  
4 *pursuant thereto shall affect the right of Minidoka Irriga-*  
5 *tion District to the joint use of the gravity portion of the*  
6 *Southside Canal, subject to compliance by the Minidoka Ir-*  
7 *rigation District with the terms and conditions of a con-*  
8 *tract between the District and Minidoka Irrigation District,*  
9 *and any amendments or changes made by agreement of the*  
10 *irrigation districts.*

11       (b) *ALLOCATION OF STORAGE SPACE.*—*The Secretary*  
12 *shall provide an allocation to the District of storage space*  
13 *in Minidoka Reservoir, American Falls Reservoir, and*  
14 *Palisades Reservoir, as described in Burley Contract Nos.*  
15 *14–06–100–2455 and 14–06–W–48, subject to the obligation*  
16 *of Burley to continue to assume and satisfy its allocable*  
17 *costs of operation and maintenance associated with the stor-*  
18 *age facilities operated by the Bureau of Reclamation.*

19       (c) *PROJECT RESERVED POWER.*—*The Secretary shall*  
20 *continue to provide the District with project reserved power*  
21 *from the Minidoka Reclamation Power Plant, Palisades*  
22 *Reclamation Power Plant, Black Canyon Reclamation*  
23 *Power Plant, and Anderson Ranch Reclamation Power*  
24 *Plant in accordance with the terms of the existing contracts,*  
25 *including any renewals thereof as provided in such con-*  
26 *tracts.*

1 **SEC. 206. LIABILITY.**

2 *Except as otherwise provided by law, effective on the*  
 3 *date of conveyance of the Project under this title, the United*  
 4 *States shall not be held liable for damages of any kind aris-*  
 5 *ing out of any act, omission, or occurrence based on its*  
 6 *prior ownership or operation of the conveyed property.*

7 **TITLE III—CARLSBAD IRRIGA-**  
 8 **TION PROJECT, NEW MEXICO**

9 **SEC. 301. SHORT TITLE.**

10 *This title may be cited as the “Carlsbad Irrigation*  
 11 *Project Acquired Land Conveyance Act”.*

12 **SEC. 302. DEFINITIONS.**

13 *For purposes of this title:*

14 *(1) The term “District” means the Carlsbad Irri-*  
 15 *gation District, a quasimunicipal corporation formed*  
 16 *under the laws of the State of New Mexico that has*  
 17 *its principal place of business in the city of Carlsbad,*  
 18 *Eddy County, New Mexico.*

19 *(2) The term “Secretary” means the Secretary of*  
 20 *the Interior.*

21 *(3) The term “Project” means all right, title, and*  
 22 *interest in and to the lands (including the subsurface*  
 23 *and mineral estate) in Eddy County, New Mexico, de-*  
 24 *scribed as the acquired lands in section (7) of the Sta-*  
 25 *tus of Lands and Title Report: Carlsbad Project as re-*  
 26 *ported by the Bureau of Reclamation in 1978 and all*

1        *interests the United States holds in the irrigation and*  
2        *drainage system of the Carlsbad Project and all relat-*  
3        *ed ditch rider houses, maintenance shop and build-*  
4        *ings, and Pecos River Flume.*

5    **SEC. 303. CONVEYANCE OF PROJECT.**

6        (a) *IN GENERAL.*—*Except as provided in subsection*  
7        (b), *in consideration of the District accepting the obliga-*  
8        *tions of the Federal Government for the Project, and subject*  
9        *to the completion of payments by the District required*  
10       *under subsection (c)(3), the Secretary shall convey the*  
11       *Project to the District*

12       (b) *RETAINED TITLE.*—*The Secretary shall retain title*  
13       *to the surface estate (but not the mineral estate) of such*  
14       *Project lands which are located under the footprint of*  
15       *Brantley and Avalon dams or any other Project dam or*  
16       *reservoir diversion structure. The Secretary shall retain*  
17       *storage and flow easements for any tracts located under the*  
18       *maximum spillway elevations of Avalon and Brantley Res-*  
19       *ervoirs.*

20       (c) *DEADLINE.*—

21            (1) *IN GENERAL.*—*If no changes in Project oper-*  
22        *ations are expected following the conveyance under*  
23        *subsection (a), the Secretary shall complete the con-*  
24        *veyance expeditiously, but not later than 180 days*  
25        *after the date of the enactment of this Act.*

1           (2) *DEADLINE IF CHANGES IN OPERATIONS IN-*  
 2           *TENDED.—If the District intends to change Project*  
 3           *operations as a result of the conveyance under sub-*  
 4           *section (a), the Secretary—*

5                   (A) *shall take into account those potential*  
 6                   *changes for the purpose of completing any re-*  
 7                   *quired environmental evaluation associated with*  
 8                   *the conveyance; and*

9                   (B) *shall complete the conveyance by not*  
 10                  *later than 2 years after the date of the enactment*  
 11                  *of this Act.*

12           (3) *ADMINISTRATIVE COSTS OF CONVEYANCE.—If*  
 13           *the Secretary fails to complete the conveyance under*  
 14           *this title before the applicable deadline under para-*  
 15           *graph (1) or (2), the full cost of administrative action*  
 16           *and environmental compliance for the conveyance*  
 17           *shall be borne by the Secretary. If the Secretary com-*  
 18           *pletes the conveyance before that deadline, 1/2 of such*  
 19           *cost shall be paid by the District.*

20 **SEC. 304. RELATIONSHIP TO EXISTING OPERATIONS.**

21           (a) *IN GENERAL.—Nothing in this title shall be con-*  
 22           *strued as significantly expanding or otherwise changing the*  
 23           *use and operation of the Project from its current use. The*  
 24           *Project shall continue to be managed and used by the Dis-*  
 25           *trict for the purposes for which the Project was authorized,*

1 *based on historic operations, and consistent with the man-*  
2 *agement of other adjacent project lands.*

3 (b) *FUTURE ALTERATIONS.*—*If the District alters the*  
4 *operations or uses of the Project, it shall comply with all*  
5 *applicable laws or regulations governing such changes at*  
6 *that time (subject to section 305).*

7 **SEC. 305. RELATIONSHIP TO CERTAIN CONTRACT OBLIGA-**  
8 **TIONS.**

9 (a) *IN GENERAL.*—*Except as provided in subsection*  
10 *(b), upon conveyance of the Project under this title the Dis-*  
11 *trict shall assume all rights and obligations of the United*  
12 *States under the agreement dated July 28, 1994, between*  
13 *the United States and the Director, New Mexico Depart-*  
14 *ment of Game and Fish (Document No. 2–LM–40–00640),*  
15 *relating to management of certain lands near Brantley Res-*  
16 *ervoir for fish and wildlife purposes and the agreement*  
17 *dated March 9, 1977, between the United States and the*  
18 *New Mexico Department of Energy, Minerals, and Natural*  
19 *Resources (Contract No. 7–07–57–X0888) for the manage-*  
20 *ment and operation of Brantley Lake State Park.*

21 (b) *LIMITATION.*—*The District shall not be obligated*  
22 *for any financial support agreed to by the Secretary, or*  
23 *the Secretary’s designee, in either agreement and the Dis-*  
24 *trict shall not be entitled to any receipts or revenues gen-*  
25 *erated as a result of either agreement.*

1 **SEC. 306. LEASE MANAGEMENT AND PAST REVENUES COL-**  
2 **LECTED FROM THE ACQUIRED LANDS.**

3 (a) *NOTIFICATION OF LEASEHOLDERS.*—Within 120  
4 days after the date of enactment of this Act, the Secretary  
5 shall provide to the District a written identification of all  
6 mineral and grazing leases in effect on Project lands on  
7 the date of enactment of this Act and notify all leaseholders  
8 of the conveyance authorized by this title.

9 (b) *MANAGEMENT OF LEASES, LICENSES, AND PER-*  
10 *MITTS.*—The District shall assume all rights and obligations  
11 of the United States for all mineral and grazing leases, li-  
12 censes, and permits existing on the Project lands conveyed  
13 under section 303, and shall be entitled to any receipts from  
14 such leases, licenses, and permits accruing after the date  
15 of conveyance. All such receipts shall be used for purposes  
16 for which the Project was authorized and for financing the  
17 portion of operations, maintenance, and replacement at the  
18 Sumner Dam that, prior to conveyance, was the responsibil-  
19 ity of the Bureau of Reclamation, with the exception of  
20 major maintenance programs in progress prior to convey-  
21 ance. The District shall continue to adhere to the current  
22 Bureau of Reclamation mineral leasing stipulations for the  
23 Project.

24 (c) *AVAILABILITY OF AMOUNTS PAID INTO THE REC-*  
25 *LAMATION FUND.*—



1           (1) *AMOUNTS IN FUND ON DATE OF ENACT-*  
 2           *MENT.*—Amounts in the reclamation fund on the date  
 3           of enactment of this Act which exist as construction  
 4           credits to the Carlsbad Project under the terms of the  
 5           Mineral Leasing Act for Acquired Lands (30 U.S.C.  
 6           351–359) shall be deposited into the general fund of  
 7           the Treasury and credited to deficit reduction or re-  
 8           tirement of the Federal debt.

9           (2) *RECEIPTS AFTER DATE OF ENACTMENT.*—Of  
 10          the receipts from mineral and grazing leases, licenses,  
 11          and permits on Project lands to be conveyed under  
 12          section 303 that are received by the United States  
 13          after the date of enactment of this Act and before the  
 14          date of conveyance, up to \$200,000 shall be applied  
 15          to pay the cost referred to in section 303(c)(3) and the  
 16          remainder shall be deposited into the general fund of  
 17          the Treasury of the United States and credited to def-  
 18          icit reduction or retirement of the Federal debt.

19 **SEC. 307. WATER CONSERVATION PRACTICES.**

20          Nothing in this title shall be construed to limit the  
 21          ability of the District to voluntarily implement water con-  
 22          servation practices.

23 **SEC. 308. LIABILITY.**

24          Except as otherwise provided by law, effective on the  
 25          date of conveyance of the Project under this title, the United

1 *States shall not be liable for damages of any kind arising*  
 2 *out of any act, omission, or occurrence based on its prior*  
 3 *ownership or operation of the conveyed property.*

4 **SEC. 309. FUTURE RECLAMATION BENEFITS.**

5 *After completion of the conveyance under this title, the*  
 6 *District shall not be eligible for any emergency loan from*  
 7 *the Bureau of Reclamation for maintenance or replacement*  
 8 *of any facility conveyed under this title.*

9 **TITLE IV—PALMETTO BEND**  
 10 **PROJECT, TEXAS**

11 **SEC. 401. SHORT TITLE.**

12 *This title may be cited as the “Palmetto Bend Convey-*  
 13 *ance Act”.*

14 **SEC. 402. DEFINITIONS.**

15 *In this title:*

16 (1) *STATE.*—*The term “State” means the*  
 17 *Lavaca-Navidad River Authority and the Texas*  
 18 *Water Development Board, jointly.*

19 (2) *SECRETARY.*—*The term “Secretary” means*  
 20 *the Secretary of the Interior.*

21 (3) *PROJECT.*—*The term “Project” means all of*  
 22 *the right, title, and interest in and to the Palmetto*  
 23 *Bend reclamation project, Texas, authorized by Public*  
 24 *Law 90–562 (82 Stat. 999).*

1 **SEC. 403. CONVEYANCE OF PROJECT.**

2       (a) *IN GENERAL.*—*In consideration of the State ac-*  
 3 *cepting the obligations of the Federal Government for the*  
 4 *Project and subject to the payment by the State of the net*  
 5 *present value of the remaining repayment obligation, as de-*  
 6 *termined by Office of Management and Budget Circular A–*  
 7 *129 (in effect on the date of enactment of this Act) and*  
 8 *the completion of payments by the State required under*  
 9 *subsection (b)(3), the Secretary shall convey the Project to*  
 10 *the State.*

11       (b) *DEADLINE.*—

12               (1) *IN GENERAL.*—*If no changes in Project oper-*  
 13 *ations are expected following the conveyance under*  
 14 *subsection (a), the Secretary shall complete the con-*  
 15 *veyance expeditiously, but not later than 180 days*  
 16 *after the date of the enactment of this Act.*

17               (2) *DEADLINE IF CHANGES IN OPERATIONS IN-*  
 18 *TENDED.*—*If the State intends to change Project oper-*  
 19 *ations as a result of the conveyance under subsection*  
 20 *(a), the Secretary—*

21                       (A) *shall take into account those potential*  
 22 *changes for the purpose of completing any re-*  
 23 *quired environmental evaluation associated with*  
 24 *the conveyance; and*

1                   (B) shall complete the conveyance by not  
 2                   later than 2 years after the date of the enactment  
 3                   of this Act.

4                   (3) *ADMINISTRATIVE COSTS OF CONVEYANCE.*—If  
 5                   the Secretary fails to complete the conveyance under  
 6                   this title before the applicable deadline under para-  
 7                   graph (1) or (2), the full cost of administrative action  
 8                   and environmental compliance for the conveyance  
 9                   shall be borne by the Secretary. If the Secretary com-  
 10                  pletes the conveyance before that deadline,  $\frac{1}{2}$  of such  
 11                  cost shall be paid by the State.

12 **SEC. 404. RELATIONSHIP TO EXISTING OPERATIONS.**

13                  (a) *IN GENERAL.*—Nothing in this title shall be con-  
 14                  strued as significantly expanding or otherwise changing the  
 15                  use or operation of the Project from its current use and  
 16                  operation.

17                  (b) *FUTURE ALTERATIONS.*—If the State alters the op-  
 18                  erations or uses of the Project it shall comply will all appli-  
 19                  cable laws or regulations governing such changes at that  
 20                  time.

21                  (c) *CONDITION.*—Subject to the laws of the State of  
 22                  Texas, Lake Texana shall not be used to wheel water origi-  
 23                  nating from the Texas, Colorado River.

1 **SEC. 405. RELATIONSHIP TO CERTAIN CONTRACT OBLIGA-**  
 2 **TIONS.**

3 *Existing obligations of the United States pertaining*  
 4 *to the Project shall continue in effect and be assumed by*  
 5 *the State.*

6 **SEC. 406. RELATIONSHIP TO OTHER LAWS.**

7 *Upon conveyance of the Project under this title, the*  
 8 *Reclamation Act of 1902 (82 Stat. 388) and all Acts*  
 9 *amendatory thereof or supplemental thereto shall not apply*  
 10 *to the Project.*

11 **SEC. 407. LIABILITY.**

12 *Except as otherwise provided by law, effective on the*  
 13 *date of conveyance of the Project under this title, the United*  
 14 *States shall not be liable for damages of any kind arising*  
 15 *out of any act, omission, or occurrence based on its prior*  
 16 *ownership or operation of the conveyed property.*

17 **TITLE V—WELLTON-MOHAWK DI-**  
 18 **VISION, GILA PROJECT, ARI-**  
 19 **ZONA**

20 **SEC. 501. SHORT TITLE.**

21 *This title may be cited as the “Wellton-Mohawk Divi-*  
 22 *sion Title Transfer Act of 1998”.*

23 **SEC. 502. DEFINITIONS.**

24 *For purposes of this title:*

25 *(1) The term “District” means the Wellton-Mo-*  
 26 *hawk Irrigation and Drainage District, an irrigation*

1        *and drainage district created, organized, and existing*  
 2        *under and by virtue of the laws of the State of Ari-*  
 3        *zona.*

4            (2) *The term “Project” means all of the right,*  
 5        *title, and interest in and to the Wellton-Mohawk Di-*  
 6        *vision, Gila Project, Arizona, held by the United*  
 7        *States pursuant to or related to any authorization in*  
 8        *the Act of July 30, 1947 (chapter 382; 61 Stat. 628).*

9            (3) *The term “Secretary” means the Secretary of*  
 10        *the Interior.*

11           (4) *The term “withdrawn lands” means those*  
 12        *lands within and adjacent to the District that have*  
 13        *been withdrawn from public use for reclamation pur-*  
 14        *poses.*

15    **SEC. 503. CONVEYANCE OF PROJECT.**

16        (a) *IN GENERAL.*—*In consideration of the District ac-*  
 17        *cepting the obligations of the Federal Government for the*  
 18        *Project, and subject to the payment of fair market value*  
 19        *by the District for the withdrawn lands and the completion*  
 20        *of payments by the District required under subsection*  
 21        *(b)(3), the Secretary shall convey the Project and the with-*  
 22        *drawn lands to the District in accordance with the Memo-*  
 23        *randum of Agreement between the Secretary and the Dis-*  
 24        *trict numbered 8-AA-34-WAO14 and dated July 10, 1988.*

25        (b) *DEADLINE.*—

1           (1) *IN GENERAL.*—If no changes in Project oper-  
2           ations are expected following the conveyance under  
3           subsection (a), the Secretary shall complete the con-  
4           veyance expeditiously, but not later than 180 days  
5           after the date of the enactment of this Act.

6           (2) *DEADLINE IF CHANGES IN OPERATIONS IN-*  
7           *TENDED.*—If the District intends to change Project  
8           operations as a result of the conveyance under sub-  
9           section (a), the Secretary—

10               (A) shall take into account those potential  
11               changes for the purpose of completing any re-  
12               quired environmental evaluation associated with  
13               the conveyance; and

14               (B) shall complete the conveyance by not  
15               later than 3 years after the date of the enactment  
16               of this Act.

17           (3) *ADMINISTRATIVE COSTS OF CONVEYANCE.*—If  
18           the Secretary fails to complete the conveyance under  
19           this title before the applicable deadline under para-  
20           graph (1) or (2), the full cost of administrative action  
21           and environmental compliance for the conveyance  
22           shall be borne by the Secretary. If the Secretary com-  
23           pletes the conveyance before that deadline,  $\frac{1}{2}$  of such  
24           cost shall be paid by the District.

1 **SEC. 504. RELATIONSHIP TO EXISTING OPERATIONS.**

2       (a) *IN GENERAL.*—Nothing in this title shall be con-  
3 *strued as significantly expanding or otherwise changing the*  
4 *use or operation of the Project from its current use or oper-*  
5 *ation.*

6       (b) *FUTURE ALTERATIONS.*—If the District alters the  
7 *operations or uses of the Project, it shall comply with all*  
8 *applicable laws and regulations governing such changes at*  
9 *that time.*

10 **SEC. 505. LIABILITY.**

11       *Except as otherwise provided by law, effective on the*  
12 *date of conveyance of the Project under this title, the United*  
13 *States shall not be held liable under any law for damages*  
14 *of any kind arising out of any act, omission, or occurrence*  
15 *based on its prior ownership or operation of the conveyed*  
16 *property.*

17 **SEC. 506. LANDS TRANSFER.**

18       *Pursuant to the Memorandum of Agreement between*  
19 *the Secretary and the District numbered 8-AA-34-WAO14*  
20 *and dated July 10, 1988, the Secretary may transfer to the*  
21 *District, by sale or exchange, at fair market value, public*  
22 *lands located in or adjacent to the Project, and lands held*  
23 *by the Federal Government on the date of the enactment*  
24 *of this Act pursuant to Public Law 93-320 and Public Law*  
25 *100-512 and located in or adjacent to the District, other*  
26 *than lands in the Gila River channel.*



1 **SEC. 507. WATER AND POWER CONTRACTS.**

2 *Notwithstanding any conveyance or transfer under*  
 3 *this title, the Secretary and the Secretary of Energy shall*  
 4 *provide for and deliver Colorado River water and Parker-*  
 5 *Davis Project Priority Use Power to the District in accord-*  
 6 *ance with the terms of existing contracts with the District,*  
 7 *including any amendments and supplements thereto or ex-*  
 8 *tensions thereof and as provided under section 2 of the*  
 9 *Memorandum of Agreement between the Secretary and the*  
 10 *District numbered 8-AA-34-WAO14 and dated July 10,*  
 11 *1988.*

12 **TITLE VI—CANADIAN RIVER**  
 13 **PROJECT, TEXAS**

14 **SEC. 601. SHORT TITLE.**

15 *This title may be cited as the “Canadian River Project*  
 16 *Prepayment Act”.*

17 **SEC. 602. DEFINITIONS.**

18 *For the purposes of this title:*

19 *(1) The term “Authority” means the Canadian*  
 20 *River Municipal Water Authority, a conservation and*  
 21 *reclamation district of the State of Texas.*

22 *(2) The term “Canadian River Project Author-*  
 23 *ization Act” means the Act entitled ‘An Act to au-*  
 24 *thorize the construction, operation, and maintenance*  
 25 *by the Secretary of the Interior of the Canadian River*

1        *reclamation project, Texas”, approved December 29,*  
 2        *1950 (chapter 1183; 64 Stat. 1124).*

3            (3) *The term “Project” means all of the right,*  
 4        *title, and interest in and to all land and improve-*  
 5        *ments comprising the pipeline and related facilities of*  
 6        *the Canadian River Project authorized by the Cana-*  
 7        *dian River Project Authorization Act.*

8            (4) *The term “Secretary” means the Secretary of*  
 9        *the Interior.*

10    **SEC. 603. PREPAYMENT AND CONVEYANCE OF PROJECT.**

11        (a) *IN GENERAL.—(1) In consideration of the Author-*  
 12        *ity accepting the obligation of the Federal Government for*  
 13        *the Project and subject to the payment by the Authority*  
 14        *of the applicable amount under paragraph (2) within the*  
 15        *360-day period beginning on the date of the enactment of*  
 16        *this title, the Secretary shall convey the Project to the Au-*  
 17        *thority, as provided in section 2(c)(3) of the Canadian*  
 18        *River Project Authorization Act (64 Stat. 1124).*

19        (2) *For purposes of paragraph (1), the applicable*  
 20        *amount shall be—*

21            (A) *\$34,806,731, if payment is made by the Au-*  
 22        *thority within the 270-day period beginning on the*  
 23        *date of enactment of this title; or*

24            (B) *the amount specified in subparagraph (A)*  
 25        *adjusted to include interest on that amount since the*

1        *date of the enactment of this title at the appropriate*  
 2        *Treasury bill rate for an equivalent term, if payment*  
 3        *is made by the Authority after the period referred to*  
 4        *in subparagraph (A).*

5        *(3) If payment under paragraph (1) is not made by*  
 6        *the Authority within the period specified in paragraph (1),*  
 7        *this title shall have no force or effect.*

8        *(b) FINANCING.—Nothing in this title shall be con-*  
 9        *strued to affect the right of the Authority to use a particular*  
 10       *type of financing.*

11    **SEC. 604. RELATIONSHIP TO EXISTING OPERATIONS.**

12       *(a) IN GENERAL.—Nothing in this title shall be con-*  
 13       *strued as significantly expanding or otherwise changing the*  
 14       *use or operation of the Project from its current use and*  
 15       *operation.*

16       *(b) FUTURE ALTERATIONS.—If the Authority alters*  
 17       *the operations or uses of the Project it shall comply with*  
 18       *all applicable laws or regulations governing such alteration*  
 19       *at that time.*

20       *(c) RECREATION.—The Secretary of the Interior, act-*  
 21       *ing through the National Park Service, shall continue to*  
 22       *operate the Lake Meredith National Recreation Area at*  
 23       *Lake Meredith.*

24       *(d) FLOOD CONTROL.—The Secretary of the Army,*  
 25       *acting through the Corps of Engineers, shall continue to*

1 *prescribe regulations for the use of storage allocated to flood*  
 2 *control at Lake Meredith as prescribed in the Letter of Un-*  
 3 *derstanding entered into between the Corps, the Bureau of*  
 4 *Reclamation, and the Authority in March and May 1980.*

5 *(e) SANFORD DAM PROPERTY.—The Authority shall*  
 6 *have the right to occupy and use without payment of lease*  
 7 *or rental charges or license or use fees the property retained*  
 8 *by the Bureau of Reclamation at Sanford Dam and all*  
 9 *buildings constructed by the United States thereon for use*  
 10 *as the Authority’s headquarters and maintenance facility.*  
 11 *Buildings constructed by the Authority on such property,*  
 12 *or past and future additions to Government constructed*  
 13 *buildings, shall be allowed to remain on the property. The*  
 14 *Authority shall operate and maintain such property and*  
 15 *facilities without cost to the United States.*

16 **SEC. 605. RELATIONSHIP TO CERTAIN CONTRACT OBLIGA-**  
 17 **TIONS.**

18 *(a) PAYMENT OBLIGATIONS EXTINGUISHED.—Provi-*  
 19 *sion of consideration by the Authority in accordance with*  
 20 *section 603(a) shall extinguish all payment obligations*  
 21 *under contract numbered 14–06–500–485 between the Au-*  
 22 *thority and the Secretary.*

23 *(b) OPERATION AND MAINTENANCE COSTS.—After*  
 24 *completion of the conveyance provided for in section 603,*  
 25 *the Authority shall have full responsibility for the cost of*

1 *operation and maintenance of Sanford Dam, and shall con-*  
2 *tinue to have full responsibility for operation and mainte-*  
3 *nance of the Project pipeline and related facilities.*

4 *(c) GENERAL.—Rights and obligations under the exist-*  
5 *ing contract No. 14–06–500–485 between the Authority and*  
6 *the United States, other than provisions regarding repay-*  
7 *ment of construction charge obligation by the Authority and*  
8 *provisions relating to the Project aqueduct, shall remain in*  
9 *full force and effect for the remaining term of the contract.*

10 **SEC. 606. RELATIONSHIP TO OTHER LAWS.**

11 *Upon conveyance of the Project under this title, the*  
12 *Reclamation Act of 1902 (82 Stat. 388) and all Acts*  
13 *amendatory thereof or supplemental thereto shall not apply*  
14 *to the Project.*

15 **SEC. 607. LIABILITY.**

16 *Except as otherwise provided by law, effective on the*  
17 *date of conveyance of the Project under this title, the United*  
18 *States shall not be liable under any law for damages of any*  
19 *kind arising out of any act, omission, or occurrence relating*  
20 *to the conveyed property.*

1 **TITLE VII—CLEAR CREEK DIS-**  
 2 **TRIBUTION SYSTEM, CALI-**  
 3 **FORNIA**

4 **SEC. 701. SHORT TITLE.**

5 *This title may be cited as the “Clear Creek Distribu-*  
 6 *tion System Conveyance Act”.*

7 **SEC. 702. DEFINITIONS.**

8 *For purposes of this title:*

9 (1) *SECRETARY.*—*The term “Secretary” means*  
 10 *the Secretary of the Interior.*

11 (2) *DISTRICT.*—*The term “District” means the*  
 12 *Clear Creek Community Services District, a Califor-*  
 13 *nia community services district located in Shasta*  
 14 *County, California.*

15 (3) *DISTRIBUTION SYSTEM.*—*The term “Dis-*  
 16 *tribution System” means all the right title and inter-*  
 17 *est in and to the Clear Creek distribution system as*  
 18 *defined in the agreement entitled “Agreement Between*  
 19 *the United States and the Clear Creek Community*  
 20 *Services District to Transfer Title to the Clear Creek*  
 21 *Distribution System to the Clear Creek Community*  
 22 *Services District” (Agreement No. 8–07–20–L6975).*

23 **SEC. 703. CONVEYANCE OF PROJECT.**

24 (a) *IN GENERAL.*—*In consideration of the District ac-*  
 25 *cepting the obligations of the Federal Government for the*

1 *Distribution System and subject to the completion of pay-*  
 2 *ments by the District required under subsection (b)(3), the*  
 3 *Secretary shall convey the Distribution System to the Dis-*  
 4 *trict.*

5 (b) *DEADLINE.*—

6 (1) *IN GENERAL.*—*If no changes in Project oper-*  
 7 *ations are expected following the conveyance under*  
 8 *subsection (a), the Secretary shall complete the con-*  
 9 *veyance expeditiously, but not later than 180 days*  
 10 *after the date of the enactment of this Act.*

11 (2) *DEADLINE IF CHANGES IN OPERATIONS IN-*  
 12 *TENDED.*—*If the District intends to change Project*  
 13 *operations as a result of the conveyance under sub-*  
 14 *section (a), the Secretary—*

15 (A) *shall take into account those potential*  
 16 *changes for the purpose of completing any re-*  
 17 *quired environmental evaluation associated with*  
 18 *the conveyance; and*

19 (B) *shall complete the conveyance by not*  
 20 *later than 2 years after the date of the enactment*  
 21 *of this Act.*

22 (3) *ADMINISTRATIVE COSTS OF CONVEYANCE.*—*If*  
 23 *the Secretary fails to complete the conveyance under*  
 24 *this title before the applicable deadline under para-*  
 25 *graph (1) or (2), the full cost of administrative action*

6 (a) *IN GENERAL.*—Nothing in this title shall be con-  
7 strued as significantly expanding or otherwise changing the  
8 use or operation of the Distribution System from its current  
9 use and operation.

14 *SEC. 705. RELATIONSHIP TO CERTAIN CONTRACT OBLIGA-*  
15 *TIONS.*

20 (b) CONTRACT OBLIGATIONS.—Conveyance of the Dis-  
21 tribution System under this title—

(1) shall not affect any of the provisions of the District's existing water service contract with the United States (contract number 14-06-200-489-IR3), as it may be amended or supplemented; and



1           (2) *shall not deprive the District of any existing*  
 2           *contractual or statutory entitlement to subsequent in-*  
 3           *terim renewals of such contract or to renewal by en-*  
 4           *tering into a long-term water service contract.*

5 **SEC. 706. LIABILITY.**

6           *Effective on the date of conveyance of the Distribution*  
 7           *System under this title, the United States shall not be liable*  
 8           *under any law for damages of any kind arising out of any*  
 9           *act, omission, or occurrence based on its prior ownership*  
 10          *or operation of the conveyed property.*

11                   **TITLE VIII—PINE RIVER**  
 12                   **PROJECT, COLORADO**

13 **SEC. 801. SHORT TITLE.**

14           *This title may be cited as the “Vallecito Dam and Res-*  
 15           *ervoir Conveyance Act”.*

16 **SEC. 802. DEFINITIONS.**

17           *For purposes of this title:*

18           (1) *The term “District” means the Pine River*  
 19           *Irrigation District, a political division of the State of*  
 20           *Colorado duly organized, existing, and acting pursu-*  
 21           *ant to the laws thereof with its principal place of*  
 22           *business in the City of Bayfield, La Plata County,*  
 23           *Colorado.*

24           (2) *The term “Secretary” means the Secretary of*  
 25           *the Interior.*

1           (3) *The term the “Project” means Vallecito Dam*  
 2           *and Reservoir, and associated interests, owned by the*  
 3           *United States and authorized in 1937 under the pro-*  
 4           *visions of the Department of the Interior Appropria-*  
 5           *tion Act of June 25, 1910 (36 Stat. 835).*

6           (4) *The term “Repayment Contract” means Re-*  
 7           *payment Contract #I1r-1204, between Reclamation*  
 8           *and the Pine River Irrigation District, dated April*  
 9           *15, 1940, and amended November 30, 1953, all*  
 10          *amendments thereto, and changes pursuant to the Act*  
 11          *of July 27, 1954 (68 Stat. 534).*

12          (5) *The term “Tribe” means the Southern Ute*  
 13          *Indian Tribe, a federally recognized Indian tribe lo-*  
 14          *cated on the Southern Ute Indian Reservation, La*  
 15          *Plata County, Colorado.*

16          (6) *The term “Jurisdictional Map” means the*  
 17          *map entitled “Transfer of Jurisdiction—Vallecito*  
 18          *Reservoir, United States Department of Agriculture,*  
 19          *Forest Service and United States Department of the*  
 20          *Interior, Bureau of Reclamation and the Bureau of*  
 21          *Indian Affairs” dated March, 1998.*

22 **SEC. 803. CONVEYANCE OF PROJECT.**

23          (a) *CONVEYANCE TO DISTRICT.—*

24               (1) *IN GENERAL.—In consideration of the Dis-*  
 25          *trict accepting the obligations of the Federal Govern-*

1        *ment for the Project and subject to the completion of*  
2        *payments by the District required under subsection*  
3        *(b)(3) and occurrence of the events described in para-*  
4        *graphs (2) and (3) of this subsection, the Secretary*  
5        *shall convey an undivided  $\frac{5}{6}$  interest in the Project*  
6        *to the District.*

7            (2) *SUBMISSION OF MANAGEMENT PLAN.—Prior*  
8        *to any conveyance under paragraph (1), the District*  
9        *shall submit to the Secretary a plan to manage the*  
10       *Project in a manner substantially similar to the*  
11       *manner in which it was managed prior to the trans-*  
12       *fer and in accordance with applicable Federal and*  
13       *State laws, including provisions—*

14            (A) *protecting the interests in the Project*  
15        *held by the Bureau of Indian Affairs for the*  
16        *Tribe;*

17            (B) *preserving public access and rec-*  
18        *reational values and preventing growth on cer-*  
19        *tain lands to be conveyed hereunder, as set forth*  
20        *in an Agreement dated March 20, 1998, between*  
21        *the District and residents of Vallecito Reservoir;*  
22        *and*

23            (C) *ensuring that any future change in the*  
24        *use of the water supplied by Vallecito Reservoir*  
25        *shall comply with applicable law.*

1           (3) *LIMITATION.*—*No interest in the Project shall*  
 2           *convey under this subsection before the date on which*  
 3           *the Secretary receives a copy of a resolution adopted*  
 4           *by the Tribe declaring that the terms of the convey-*  
 5           *ance protects the Indian trust assets of the Tribe.*

6           (b) *DEADLINE.*—

7           (1) *IN GENERAL.*—*If no changes in Project oper-*  
 8           *ations are expected following the conveyance under*  
 9           *subsection (a), the Secretary shall complete the con-*  
 10          *veyance under subsection (a) expeditiously, but not*  
 11          *later than 180 days after the date of the enactment*  
 12          *of this Act.*

13          (2) *DEADLINE IF CHANGES IN OPERATIONS IN-*  
 14          *TENDED.*—*If the District intends to change Project*  
 15          *operations as a result of the conveyance under sub-*  
 16          *section (a), the Secretary—*

17                 (A) *shall take into account those potential*  
 18                 *changes for the purpose of completing any re-*  
 19                 *quired environmental evaluation associated with*  
 20                 *the conveyance; and*

21                 (B) *shall complete the conveyance by not*  
 22                 *later than 2 years after the date of the enactment*  
 23                 *of this Act.*

24          (3) *ADMINISTRATIVE COSTS OF CONVEYANCE.*—*If*  
 25          *the District submits a plan in accordance with sub-*

1        *section (a)(2) and the Secretary receives a copy of a*  
 2        *resolution described in subsection (a)(3), and the Sec-*  
 3        *retary fails to complete the conveyance under sub-*  
 4        *section (a) before the applicable deadline under para-*  
 5        *graph (1) or (2), the full cost of administrative action*  
 6        *and environmental compliance for the conveyance*  
 7        *shall be borne by the Secretary. If the Secretary com-*  
 8        *pletes the conveyance before that deadline,  $\frac{1}{2}$  of such*  
 9        *cost shall be paid by the District.*

10        *(c) TRIBAL INTERESTS.—At the option of the Tribe,*  
 11        *the Secretary shall convey to the Tribe an undivided  $\frac{1}{6}$  in-*  
 12        *terest in the Project, all interests in lands over which the*  
 13        *Bureau of Indian Affairs holds administrative jurisdiction*  
 14        *under section 804(e)(1)(A), and water rights associated*  
 15        *with those interests. No consideration or compensation shall*  
 16        *be required to be paid to the United States for such convey-*  
 17        *ance.*

18        *(d) RESTRICTION ON PARTITION.—Any conveyance of*  
 19        *interests in lands under this title shall be subject to the pro-*  
 20        *hibition that those interests in those lands may not be parti-*  
 21        *tioned. Any quit claim deed or patent evidencing such a*  
 22        *conveyance shall expressly prohibit partitioning.*

23        **SEC. 804. RELATIONSHIP TO EXISTING OPERATIONS.**

24        *(a) IN GENERAL.—Nothing in this title shall be con-*  
 25        *strued as significantly expanding or otherwise changing the*

1 *use or operation of the Project from its current use and*  
2 *operation.*

3       **(b) DESCRIPTION OF EXISTING CONDITION.**—*The Sec-*  
4 *retary shall submit to the District, the Bureau of Indian*  
5 *Affairs, and the State of Colorado a description of the exist-*  
6 *ing condition of Vallecito Dam based on Bureau of Rec-*  
7 *lamation's current knowledge and understanding.*

8       **(c) FUTURE ALTERATIONS.**—*If the District alters the*  
9 *operations or uses of the Project it shall comply with all*  
10 *applicable laws or regulations governing such changes at*  
11 *that time.*

12       **(d) FLOOD CONTROL PLAN.**—*The District shall work*  
13 *with Corps of Engineers to develop a flood control plan for*  
14 *the operation of Vallecito Dam for flood control purposes.*

15       **(e) JURISDICTIONAL TRANSFER OF LANDS.**—

16           **(1) INUNDATED LANDS.**—*To provide for the con-*  
17 *solidation of lands associated with the Project to be*  
18 *retained by the Forest Service and the consolidation*  
19 *of lands to be transferred to the District, the adminis-*  
20 *trative jurisdiction of lands inundated by and along*  
21 *the shoreline of Vallecito Reservoir, as shown on the*  
22 *Jurisdictional Map, shall be transferred, as set forth*  
23 *in this subsection, concurrently with any conveyance*  
24 *under section 803. Except as otherwise shown on the*  
25 *Jurisdictional Map—*

1           (A) for withdrawn lands (approximately  
2       260 acres) lying below the 7,665-foot reservoir  
3       water surface elevation level, the Forest Service  
4       shall transfer an undivided  $\frac{5}{6}$  interest to the Bu-  
5       reau of Reclamation and an undivided  $\frac{1}{6}$  inter-  
6       est to the Bureau of Indian Affairs in trust for  
7       the Tribe; and

8           (B) for Project acquired lands (approxi-  
9       mately 230 acres) above the 7,665-foot reservoir  
10      water surface elevation level, the Bureau of Rec-  
11      lamation and the Bureau of Indian Affairs shall  
12      transfer their interests to the Forest Service.

13       (2) MAP.—The Jurisdictional Map and legal de-  
14      scriptions of the lands transferred pursuant to para-  
15      graph (1) shall be on file and available for public in-  
16      spection in the offices of the Chief of the Forest Serv-  
17      ice, the Commissioner of Reclamation, appropriate  
18      field offices of those agencies, and the Committee on  
19      Resources of the House of Representatives and the  
20      Committee on Energy and Natural Resources of the  
21      Senate.

22       (3) ADMINISTRATION.—Following the transfer of  
23      administrative jurisdiction under paragraph (1):

24           (A) All lands that, by reason of the transfer  
25      of administrative jurisdiction under paragraph

1           (1), become National Forest System lands within  
2           the boundaries of the San Juan National Forest,  
3           shall be administered in accordance with the  
4           laws, rules, and regulations applicable to the Na-  
5           tional Forest System.

6           (B) Bureau of Reclamation withdrawals of  
7           land from the San Juan National Forest estab-  
8           lished by Secretarial Orders on November 9,  
9           1936, October 14, 1937, and June 20, 1945, to-  
10          gether designated as Serial No. C-28259, shall be  
11          revoked.

12          (C) The Forest Service shall issue perpetual  
13          easements to the District and the Bureau of In-  
14          dian Affairs, at no cost to the District or the Bu-  
15          reau of Indian Affairs, providing adequate access  
16          across all lands subject to Forest Service jurisdic-  
17          tion to insure the District and the Bureau of In-  
18          dian Affairs the ability to continue to operate  
19          and maintain the Project.

20          (D) The undivided  $\frac{5}{6}$  interest in National  
21          Forest System lands that, by reason of the trans-  
22          fer of administrative jurisdiction under para-  
23          graph (1) is to be administered by Bureau of  
24          Reclamation, shall be conveyed to the District  
25          pursuant to section 803.



1           (E) *The District and the Bureau of Indian*  
2           *Affairs shall issue perpetual easements to the*  
3           *Forest Service, at no cost to the Forest Service,*  
4           *from National Forest System lands to Vallecito*  
5           *Reservoir to assure continued public access to*  
6           *Vallecito Reservoir when the Reservoir level*  
7           *drops below the 7,665-foot water surface ele-*  
8           *vation.*

9           (F) *The District and the Bureau of Indian*  
10          *Affairs shall issue a perpetual easement to the*  
11          *Forest Service, at no cost to the Forest Service,*  
12          *for the reconstruction, maintenance, and oper-*  
13          *ation of a road from La Plata County Road No.*  
14          *501 to National Forest System lands east of the*  
15          *Reservoir.*

16          (4) *VALID EXISTING RIGHTS.—Nothing in this*  
17          *subsection shall affect any valid existing rights or in-*  
18          *terests in any existing land use authorization, except*  
19          *that any such land use authorization shall be admin-*  
20          *istered by the agency having jurisdiction over the*  
21          *land after the transfer of administrative jurisdiction*  
22          *under paragraph (1) in accordance with paragraph*  
23          *(3) and other applicable law. Renewal or reissuance*  
24          *of any such authorization shall be in accordance with*  
25          *applicable law and the regulations of the agency hav-*

1        *ing jurisdiction, except that the change of administra-*  
2        *tive jurisdiction shall not in itself constitute a ground*  
3        *to deny the renewal or reissuance of any such author-*  
4        *ization.*

5        *(f) FEDERAL DAM CHARGE.—Nothing in this title*  
6        *shall relieve the holder of the Federal Energy Regulatory*  
7        *Commission license for Vallecito Dam in effect on the date*  
8        *of the enactment of this Act from the obligation to make*  
9        *payments under section 10(e)(2) of the Federal Power Act*  
10       *during the term of the license.*

11       **SEC. 805. RELATIONSHIP TO OTHER LAWS.**

12       *Upon conveyance of the Project under this title, the*  
13       *Reclamation Act of 1902 (82 Stat. 388) and all Acts*  
14       *amendatory thereof or supplemental thereto shall not apply*  
15       *to the Project.*

16       **SEC. 806. LIABILITY.**

17       *Except as otherwise provided by law, effective on the*  
18       *date of conveyance of the Project under this title, the liabil-*  
19       *ity of the United States under any law for damages of any*  
20       *kind arising out of any act, omission, or occurrence based*  
21       *on its prior ownership or operation of property in which*  
22       *an interest is conveyed by the United States pursuant to*  
23       *this title shall be limited to the portion of the total damages*  
24       *that bears the same proportion to the total damages as the*

- 1 *interest in the property retained by the United States bears*
- 2 *to the total interest in the property.*