

FREMONT-MADISON CONVEYANCE  
ACT

Mr. CALVERT. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 520) to authorize the Secretary of the Interior to convey certain facilities to the Fremont-Madison Irrigation District in the State of Idaho.

The Clerk read as follows:

S. 520

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Fremont-Madison Conveyance Act".

**SEC. 2. DEFINITIONS.**

In this Act:

(1) **DISTRICT.**—The term "District" means the Fremont-Madison Irrigation District, an irrigation district organized under the law of the State of Idaho.

(2) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior.

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

(a) **CONVEYANCE REQUIREMENT.**—The Secretary of the Interior shall convey to the Fremont-Madison Irrigation District, Idaho, pursuant to the terms of the memorandum of agreement (MOA) between the District and the Secretary (Contract No. 1425-01-MA-10-3310), all right, title, and interest of the United States in and to the canals, laterals, drains, and other components of the water distribution and drainage system that is operated or maintained by the District for delivery of water to and drainage of water from lands within the boundaries of the District as they exist upon the date of enactment of this Act, consistent with section 8.

(b) **REPORT.**—If the Secretary has not completed any conveyance required under this Act by September 13, 2004, the Secretary shall, by no later than that date, submit a report to the Congress explaining the reasons that conveyance has not been completed and stating the date by which the conveyance will be completed.

**SEC. 4. COSTS.**

(a) **IN GENERAL.**—The Secretary shall require, as a condition of the conveyance under section 3, that the District pay the administrative costs of the conveyance and related activities, including the costs of any review required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), as described in Contract No. 1425-01-MA-10-3310.

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

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

(a) **CONTRACTS AND PERMIT.**—In conveying the Teton Exchange Wells pursuant to section 3, the Secretary shall also convey to the District—

(1) Idaho Department of Water Resources permit number 22-7022, including drilled wells under the permit, as described in Contract No. 1425-01-MA-10-3310; and

(2) all equipment appurtenant to such wells.

(b) **EXTENSION OF WATER SERVICE CONTRACT.**—The water service contract between the Secretary and the District (Contract No. 7-07-10-W0179, dated September 16, 1977) is hereby extended and shall continue in full

force and effect until all conditions described in this Act are fulfilled.

**SEC. 6. ENVIRONMENTAL REVIEW.**

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

**SEC. 7. LIABILITY.**

Effective on the date of the conveyance the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence relating to the conveyed facilities, except for damages caused by acts of negligence committed by the United States or by its employees, agents, or contractors prior to the date of conveyance. Nothing in this section may increase the liability of the United States beyond that currently provided in chapter 171 of title 28, United States Code.

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

The acreage within the District eligible to receive water from the Minidoka Project and the Teton Basin Projects is increased to reflect the number of acres within the District as of the date of enactment of this Act, including lands annexed into the District prior to enactment of this Act as contemplated by the Teton Basin Project. The increase in acreage does not alter deliveries authorized under the District's existing water storage contracts and as allowed by State water law.

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

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

**SEC. 10. EFFECT.**

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

(1) the rights of any person; or

(2) any right in existence on the date of enactment of this Act of the Shoshone-Bannock Tribes of the Fort Hall Reservation to water based on a treaty, compact, executive order, agreement, the decision in *Winters v. United States*, 207 U.S. 564 (1908) (commonly known as the "Winters Doctrine"), or law.

(b) **CONVEYANCES.**—Any conveyance under this Act shall not affect or abrogate any provision of any contract executed by the United States or State law regarding any irrigation district's right to use water developed in the facilities conveyed.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. CALVERT) and the gentlewoman from California (Mrs. NAPOLITANO) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 520, authored by Senator CRAPO of Idaho, authorizes the Secretary of the Interior to convey the title of specific Bureau of Reclamation facilities to the Fremont-Madison Irrigation District. The district has operated and maintained these facilities and will have paid all construction costs to the Federal Government prior to conveyance.

As part of this legislation, transfer proponents and several other water interests worked together on drought

management provisions to address the needs of all water users in the watershed. This will protect and enhance the Henry's Fork fishery while continuing to provide water to the area's irrigators and other users.

The measure also would require compliance with the National Environmental Policy Act and is consistent with the Bureau of Reclamation policy to transfer title to water districts that have operated and maintained their facilities and paid out their construction costs.

Mr. Speaker, I urge my colleagues to support this consensus-based bill.

Mr. Speaker, I reserve the balance of my time.

Mrs. NAPOLITANO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the chairman of the Subcommittee on Water and Power for his extreme help on these three measures.

Mr. Speaker, Senate 520, the Fremont-Madison Conveyance Act, would direct the Secretary of the Interior to convey to the Fremont-Madison Irrigation District all rights, title, and interest to specific Bureau of Reclamation facilities in Idaho. Prior to the title transfer, there will be an environmental review conducted pursuant to the National Environmental Policy Act.

The gentleman from California, my esteemed colleague, has explained the legislation. We support the bill.

Mr. Speaker, I yield back the balance of my time.

Mr. CALVERT. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. CALVERT) that the House suspend the rules and pass the Senate bill, S. 520.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

IRRIGATION PROJECT CONTRACT  
EXTENSION ACT OF 1998 AMEND-  
MENT

Mr. CALVERT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2040) to amend the Irrigation Project Contract Extension Act of 1998 to extend certain contracts between the Bureau of Reclamation and certain irrigation water contractors in the States of Wyoming and Nebraska.

The Clerk read as follows:

H.R. 2040

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. EXTENSION OF CERTAIN IRRIGATION PROJECT CONTRACTS.**

Section 2 of the Irrigation Project Contract Extension Act of 1998 (112 Stat. 2816, 114 Stat. 1441, 1441A-70) is amended—

(1) in subsection (a), by striking "December 31, 2003" and inserting "December 31, 2005"; and

(2) in subsection (b)—

(A) in the first sentence, by striking “beyond December 31, 2003” and inserting “beyond December 31, 2005”; and

(B) in the second sentence, by striking “prior to December 31, 2003” and inserting “before December 31, 2005”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. CALVERT) and the gentlewoman from California (Mrs. NAPOLITANO) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2040, introduced by the gentleman from Nebraska (Mr. OSBORNE), extends specific water contracts between the Bureau of Reclamation and water contractors in Nebraska and Wyoming. This legislation responds to continuing work on a multiparty agreement aimed at restoring habitat for endangered species on the Platte River.

While these good-faith efforts take place, the irrigators have asked for repayment certainty until a clear regulatory water-use road map is put in place. This is a good bill, and I urge my colleagues to support this consensus-based bill.

Mr. Speaker, I reserve the balance of my time.

Mrs. NAPOLITANO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2040 would extend for 2 years the term of 10 water contracts between the Bureau of Reclamation and several irrigation districts in Nebraska and Wyoming. This is the third time Congress has been asked to extend these contracts. This bill would enable the Department of the Interior to complete an environmental impact statement containing information relevant to the renewal of the water contracts. This EIS is expected to recommend an alternative that will allow the irrigation districts to receive water and satisfy the consultation and recovery requirements under the Endangered Species Act.

We support the bill and recommend its adoption.

Mr. Speaker, I yield back the balance of my time.

Mr. CALVERT. Mr. Speaker, I yield 3 minutes to the gentleman from Nebraska (Mr. OSBORNE), the author of this bill, to explain this legislation.

Mr. OSBORNE. Mr. Speaker, I rise in support of H.R. 2040. As has been mentioned, this extends irrigation contracts between the Bureau of Reclamation and the irrigation contractors in Nebraska and Wyoming.

A proposed cooperative agreement between Nebraska, Colorado, and Wyoming was established in 1997. Parenthetically, I might just mention that this agreement was to provide additional water in a 50-mile stretch of Platte River in Central Nebraska. This water is to provide habitat for the whooping crane, the least tern, the pip-

ing plover and the pallid sturgeon, all of which are either endangered or threatened, according to the Endangered Species Act.

However, less than 2 percent of the whooping crane population ever visits the Platte River during their migration. As a matter of fact, many years the whooping crane is not seen at all on the Platte River. The least tern and the piping plover do not seem to nest in this area of the river, and the pallet sturgeon is located 150 miles away in the Missouri River. Therefore, there is considerable confusion as to whether this is really critical habitat.

Therefore, the cooperative agreement, which has been formed to preserve water for critical habitat, is under study. We currently have a National Academy of Sciences study, which you have graciously encouraged and we appreciate that. Until this study is completed, the cooperative agreement really cannot move forward.

Therefore, we are requesting this 2-year extension. Because of the delays in finalizing the cooperative agreement, it is necessary to extend existing irrigation contracts until such time as the cooperative agreement is finalized. So I urge passage of 2040.

Mr. Speaker, I would like to thank the chairman and ranking member for their support and urge passage.

Mr. CALVERT. Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. CALVERT) that the House suspend the rules and pass the bill, H.R. 2040.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### RECLAMATION PROJECTS AUTHORIZATION AND ADJUSTMENT ACT OF 1992 AMENDMENT

Mr. CALVERT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1284) to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to increase the Federal share of the costs of the San Gabriel Basin demonstration project.

The Clerk read as follows:

H.R. 1284

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. INCREASE IN FEDERAL SHARE OF SAN GABRIEL BASIN DEMONSTRATION PROJECT.

Section 1631(d)(2) of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. 390h-13) is amended—

(1) by striking “In the case” and inserting “(A) Subject to subparagraph (B), in the case”; and

(2) by adding at the end the following:

“(B) In the case of the San Gabriel Basin demonstration project authorized by section 1614, the Federal share of the cost of such

project may not exceed the sum determined by adding—

“(i) the amount that applies to that project under subparagraph (A); and

“(ii) \$12,500,000.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. CALVERT) and the gentlewoman from California (Mrs. NAPOLITANO) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1284, introduced by my colleague and friend, the gentlewoman from California (Mrs. NAPOLITANO), increases the authorized Federal cost ceilings for the San Gabriel Basin demonstration project by \$12.5 million. Local project sponsors have expressed a desire to expand the demonstration program, which treats contaminated groundwater and then delivers the effluent to nearby localities to justify the Federal cost ceiling increase.

This bill will help lessen Southern California's dependence on foreign water and project groundwater quality. It is a good bill. I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mrs. NAPOLITANO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I once again thank my colleague and friend, the chairman of the subcommittee, the gentleman from California (Chairman CALVERT), on this issue, because this is an important issue for the Southern California area.

I rise today in support of my legislation, H.R. 1284, to increase the spending cap imposed on the San Gabriel Basin demonstration project. I want to thank my colleagues on the other side, the gentleman from California (Chairman DREIER), the gentleman from California (Chairman CALVERT), and the gentleman from California (Chairman POMBO), for their continued assistance to me and other Members who are also working to ensure a clean and reliable water supply for their communities.

May I also thank the gentlewoman from California (Ms. SOLIS), who could not be here to speak to her support on this issue, as two of her cities we are proposing are in her district.

H.R. 1284, if enacted, would simply allow the cities of Industry, El Monte and South El Monte, located and adjacent to my district in Southeast Los Angeles County, to have the ability to request an additional \$12.5 million in funding for assistance from the U.S. Bureau of Reclamation for cleanup of volatile organic compounds, otherwise known as DOCs, once they are able to secure their 75 percent matching funds.

Earlier this year, the Subcommittee on Water and Power held a hearing on the bill, and witnesses representing the local municipalities and water agencies from the San Gabriel Valley, home to