

105TH CONGRESS
2^D SESSION

S. 2117

AMENDMENT

In the House of Representatives, U. S.,

October 12, 1998.

Resolved, That the bill from the Senate (S. 2117) entitled “An Act to authorize the construction of the Perkins County Rural Water System and authorize financial assistance to the Perkins County Rural Water System, Inc., a non-profit corporation, in the planning and construction of the water supply system, and for other purposes”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***TITLE I—PERKINS COUNTY***
2 ***RURAL WATER SYSTEM ACT***
3 ***OF 1998***

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

5 *This title may be cited as the “Perkins County Rural*
6 *Water System Act of 1998”.*

7 ***SEC. 102. FINDINGS.***

8 *The Congress finds that—*

9 *(1) in 1977, the North Dakota State Legislature*
10 *authorized and directed the State Water Commission*
11 *to conduct the Southwest Area Water Supply Study,*

1 *which included water service to a portion of Perkins*
 2 *County, South Dakota;*

3 *(2) amendments made by the Garrison Diversion*
 4 *Unit Reformulation Act of 1986 (Public Law 101–*
 5 *294) authorized the Southwest Pipeline project as an*
 6 *eligible project for Federal cost share participation;*
 7 *and*

8 *(3) the Perkins County Rural Water System has*
 9 *continued to be recognized by the State of North Da-*
 10 *kota, the Southwest Water Authority, the North Da-*
 11 *kota Water Commission, the Department of the Inte-*
 12 *rior, and Congress as a component of the Southwest*
 13 *Pipeline Project.*

14 **SEC. 103. DEFINITIONS.**

15 *In this title:*

16 *(1) FEASIBILITY STUDY.—The term “feasibility*
 17 *study” means the study entitled “Feasibility Study*
 18 *for Rural Water System for Perkins County Rural*
 19 *Water System, Inc.”, as amended in March 1995.*

20 *(2) PROJECT CONSTRUCTION BUDGET.—The term*
 21 *“project construction budget” means the description of*
 22 *the total amount of funds that are needed for the con-*
 23 *struction of the water supply system, as described in*
 24 *the feasibility study.*

1 (2) *repairs to existing public water distribution*
2 *systems to ensure conservation of the resources and to*
3 *make the systems functional under the new water sup-*
4 *ply system.*

5 **(b) LIMITATION ON AVAILABILITY OF CONSTRUCTION**
6 **FUNDS.**—*The Secretary shall not obligate funds for the con-*
7 *struction of the water supply system until—*

8 (1) *the requirements of the National Environ-*
9 *mental Policy Act of 1969 (42 U.S.C. 4321 et seq.)*
10 *are met with respect to the water supply system; and*

11 (2) *a final engineering report and a plan for a*
12 *water conservation program have been prepared and*
13 *submitted to Congress for a period of not less than 90*
14 *days before the commencement of construction of the*
15 *system.*

16 **SEC. 105. MITIGATION OF FISH AND WILDLIFE LOSSES.**

17 *Mitigation of fish and wildlife losses incurred as a re-*
18 *sult of the construction and operation of the water supply*
19 *system shall be on an acre-for-acre basis, based on ecological*
20 *equivalency, concurrent with project construction, as pro-*
21 *vided in the feasibility study.*

22 **SEC. 106. USE OF PICK-SLOAN POWER.**

23 **(a) IN GENERAL.**—*From power designated for future*
24 *irrigation and drainage pumping for the Pick-Sloan Mis-*
25 *souri River Basin Program, the Western Area Power Ad-*

1 *ministration shall make available the capacity and energy*
2 *required to meet the pumping and incidental operational*
3 *requirements of the water supply system during the period*
4 *beginning May 1 and ending October 31 of each year.*

5 (b) *CONDITIONS.—The capacity and energy described*
6 *in subsection (a) shall be made available on the following*
7 *conditions:*

8 (1) *The water supply system shall be operated on*
9 *a not-for-profit basis.*

10 (2) *The water supply system may contract to*
11 *purchase its entire electric service requirements, in-*
12 *cluding the capacity and energy made available*
13 *under subsection (a), from a qualified preference*
14 *power supplier that itself purchases power from the*
15 *Western Area Power Administration.*

16 (3) *The rate schedule applicable to the capacity*
17 *and energy made available under subsection (a) shall*
18 *be the firm power rate schedule of the Pick-Sloan*
19 *Eastern Division of the Western Area Power Admin-*
20 *istration in effect when the power is delivered by the*
21 *Administration.*

22 (4) *It shall be agreed by contract among—*

23 (A) *the Western Area Power Administra-*
24 *tion;*

1 (B) the power supplier with which the
2 water supply system contracts under paragraph
3 (2);

4 (C) the power supplier of the entity de-
5 scribed in subparagraph (B); and

6 (D) the Perkins County Rural Water Sys-
7 tem, Inc.;

8 that in the case of the capacity and energy made
9 available under subsection (a), the benefit of the rate
10 schedule described in paragraph (3) shall be passed
11 through to the water supply system, except that the
12 power supplier of the water supply system shall not
13 be precluded from including, in the charges of the
14 supplier to the water system for the electric service,
15 the other usual and customary charges of the supplier.

16 **SEC. 107. FEDERAL SHARE.**

17 The Federal share under section 104 shall be 75 per-
18 cent of—

19 (1) the amount allocated in the total project con-
20 struction budget for the planning and construction of
21 the water supply system under section 104; and

22 (2) such sums as are necessary to defray in-
23 creases in development costs reflected in appropriate
24 engineering cost indices after March 1, 1995.

1 **SEC. 108. NON-FEDERAL SHARE.**

2 *The non-Federal share under section 104 shall be 25*
3 *percent of—*

4 *(1) the amount allocated in the total project con-*
5 *struction budget for the planning and construction of*
6 *the water supply system under section 104; and*

7 *(2) such sums as are necessary to defray in-*
8 *creases in development costs reflected in appropriate*
9 *engineering cost indices after March 1, 1995.*

10 **SEC. 109. CONSTRUCTION OVERSIGHT.**

11 *(a) AUTHORIZATION.—At the request of the Perkins*
12 *County Rural Water System, the Secretary may provide*
13 *construction oversight to the water supply system for areas*
14 *of the water supply system.*

15 *(b) PROJECT OVERSIGHT ADMINISTRATION.—The*
16 *amount of funds used by the Secretary for planning and*
17 *construction of the water supply system may not exceed an*
18 *amount equal to 3 percent of the amount provided in the*
19 *total project construction budget for the portion of the*
20 *project to be constructed in Perkins County, South Dakota.*

21 **SEC. 110. AUTHORIZATION OF APPROPRIATIONS.**

22 *There are authorized to be appropriated—*

23 *(1) \$15,000,000 for the planning and construc-*
24 *tion of the water system under section 104; and*

1 (2) *such sums as are necessary to defray in-*
 2 *creases in development costs reflected in appropriate*
 3 *engineering cost indices after March 1, 1995.*

4 **TITLE II—PINE RIVER PROJECT**
 5 **CONVEYANCE ACT**

6 **SEC. 201. SHORT TITLE.**

7 *This title may be cited as the “Pine River Project Con-*
 8 *veyance Act”.*

9 **SEC. 202. DEFINITIONS.**

10 *For purposes of this title:*

11 (1) *The term “Jurisdictional Map” means the*
 12 *map entitled “Transfer of Jurisdiction—Vallecito*
 13 *Reservoir, United States Department of Agriculture,*
 14 *Forest Service and United States Department of the*
 15 *Interior, Bureau of Reclamation and the Bureau of*
 16 *Indian Affairs” dated March, 1998.*

17 (2) *The term “Pine River Project” or the*
 18 *“Project” means Vallecito Dam and Reservoir owned*
 19 *by the United States and authorized in 1937 under*
 20 *the provisions of the Department of the Interior Ap-*
 21 *propriation Act of June 25, 1910, 36 Stat. 835; fa-*
 22 *ilities appurtenant to the Dam and Reservoir, in-*
 23 *cluding equipment, buildings, and other improve-*
 24 *ments; lands adjacent to the Dam and Reservoir;*
 25 *easements and rights-of-way necessary for access and*

1 *all required connections with the Dam and Reservoir,*
2 *including those for necessary roads; and associated*
3 *personal property, including contract rights and any*
4 *and all ownership or property interest in water or*
5 *water rights.*

6 (3) *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, and all*
10 *amendments and additions thereto, including the Act*
11 *of July 27, 1954 (68 Stat. 534), covering the Pine*
12 *River Project and certain lands acquired in support*
13 *of the Vallecito Dam and Reservoir pursuant to which*
14 *the Pine River Irrigation District has assumed oper-*
15 *ation and maintenance responsibilities for the dam,*
16 *reservoir, and water-based recreation in accordance*
17 *with existing law.*

18 (4) *The term “Reclamation” means the Depart-*
19 *ment of the Interior, Bureau of Reclamation.*

20 (5) *The term “Secretary” means the Secretary of*
21 *the Interior.*

22 (6) *The term “Southern Ute Indian Tribe” or*
23 *“Tribe” means a federally recognized Indian tribe, lo-*
24 *cated on the Southern Ute Indian Reservation, La*
25 *Plata County, Colorado.*

1 (7) *The term “Pine River Irrigation District” or*
2 *“District” means a political division of the State of*
3 *Colorado duly organized, existing, and acting pursu-*
4 *ant to the laws thereof with its principal place of*
5 *business in the City of Bayfield, La Plata County,*
6 *Colorado and having an undivided $\frac{5}{6}$ right and in-*
7 *terest in the use of the water made available by*
8 *Vallecito Reservoir for the purpose of supplying the*
9 *lands of the District, pursuant to the Repayment*
10 *Contract, and the decree in Case No. 1848–B, District*
11 *Court, Water Division 7, State of Colorado, as well*
12 *as an undivided $\frac{5}{6}$ right and interest in the Pine*
13 *River Project.*

14 **SEC. 203. TRANSFER OF THE PINE RIVER PROJECT.**

15 (a) *CONVEYANCE.—The Secretary is authorized to con-*
16 *vey, without consideration or compensation to the District,*
17 *by quitclaim deed or patent, pursuant to section 206, the*
18 *United States undivided $\frac{5}{6}$ right and interest in the Pine*
19 *River Project under the jurisdiction of Reclamation for the*
20 *benefit of the Pine River Irrigation District. No partition*
21 *of the undivided $\frac{5}{6}$ right and interest in the Pine River*
22 *Project shall be permitted from the undivided $\frac{1}{6}$ right and*
23 *interest in the Pine River Project described in subsection*
24 *(b) and any quitclaim deed or patent evidencing a transfer*
25 *shall expressly prohibit partitioning. Effective on the date*

1 *of the conveyance, all obligations between the District and*
2 *the Bureau of Indian Affairs on the one hand and Reclama-*
3 *tion on the other hand, under the Repayment Contract or*
4 *with respect to the Pine River Project are extinguished.*
5 *Upon completion of the title transfer, said Repayment Con-*
6 *tract shall become null and void. The District shall be re-*
7 *sponsible for paying 50 percent of all costs associated with*
8 *the title transfer.*

9 **(b) BUREAU OF INDIAN AFFAIRS INTEREST.**—*At the*
10 *option of the Tribe, the Secretary is authorized to convey*
11 *to the Tribe the Bureau of Indian Affairs' undivided $\frac{1}{6}$*
12 *right and interest in the Pine River Project and the water*
13 *supply made available by Vallecito Reservoir pursuant to*
14 *the Memorandum of Understanding between the Bureau of*
15 *Reclamation and the Office of Indian Affairs dated Janu-*
16 *ary 3, 1940, together with its Amendment dated July 9,*
17 *1964 ('MOU'), the Repayment Contract and decrees in Case*
18 *Nos. 1848-B and W-1603-76D, District Court, Water Di-*
19 *vision 7, State of Colorado. In the event of such conveyance,*
20 *no consideration or compensation shall be required to be*
21 *paid to the United States.*

22 **(c) FEDERAL DAM USE CHARGE.**—*Nothing in this*
23 *title shall relieve the holder of the license issued by the Fed-*
24 *eral Energy Regulatory Commission under the Federal*
25 *Power Act for Vallecito Dam in effect on the date of enact-*

1 *ment of this Act from the obligation to make payments*
2 *under section 10(e)(2) of the Federal Power Act during the*
3 *remaining term of the present license. At the expiration of*
4 *the present license term, the Federal Energy Regulatory*
5 *Commission shall adjust the charge to reflect either (1) the*
6 *1/6 interest of the United States remaining in the Vallecito*
7 *Dam after conveyance to the District; or (2) if the remain-*
8 *ing 1/6 interest of the United States has been conveyed to*
9 *the Tribe pursuant to subsection (b), then no Federal dam*
10 *charge shall be levied from the date of expiration of the*
11 *present license.*

12 **SEC. 204. JURISDICTIONAL TRANSFER OF LANDS.**

13 *(a) INUNDATED LANDS.—To provide for the consolida-*
14 *tion of lands associated with the Pine River Project to be*
15 *retained by the Forest Service and the consolidation of*
16 *lands to be transferred to the District, the administrative*
17 *jurisdiction of lands inundated by and along the shoreline*
18 *of Vallecito Reservoir, as shown on the Jurisdictional Map,*
19 *shall be transferred, as set forth in subsection (b) (the “Ju-*
20 *risdictional Transfer”), concurrently with the conveyance*
21 *described in section 203(a). Except as otherwise shown on*
22 *the Jurisdictional Map—*

23 *(1) for withdrawn lands (approximately 260*
24 *acres) lying below the 7,765-foot reservoir water sur-*
25 *face elevation level, the Forest Service shall transfer*

1 *an undivided $\frac{5}{6}$ interest to Reclamation and an un-*
2 *divided $\frac{1}{6}$ interest to the Bureau of Indian Affairs in*
3 *trust for the Tribe; and*

4 *(2) for Project acquired lands (approximately*
5 *230 acres) above the 7,765-foot reservoir water surface*
6 *elevation level, Reclamation and the Bureau of In-*
7 *dian Affairs shall transfer their interests to the Forest*
8 *Service.*

9 *(b) MAP.—The Jurisdictional Map and legal descrip-*
10 *tions of the lands transferred pursuant to subsection (a)*
11 *shall be on file and available for public inspection in the*
12 *offices of the Chief of the Forest Service, Department of Ag-*
13 *riculture, the Commissioner of Reclamation, Department of*
14 *the Interior, appropriate field offices of those agencies, and*
15 *the Committee on Resources of the House of Representatives*
16 *and the Committee on Energy and Natural Resources of*
17 *the Senate.*

18 *(c) ADMINISTRATION.—Following the Jurisdictional*
19 *Transfer:*

20 *(1) All lands that, by reason of the Jurisdic-*
21 *tional Transfer, become National Forest System lands*
22 *within the boundaries of the San Juan National For-*
23 *est, shall be administered in accordance with the*
24 *laws, rules, and regulations applicable to the National*
25 *Forest System.*

1 (2) *Reclamation withdrawals of land from the*
2 *San Juan National Forest established by Secretarial*
3 *Orders on November 9, 1936, October 14, 1937, and*
4 *June 20, 1945, together designated as Serial No. C-*
5 *28259, shall be revoked.*

6 (3) *The Forest Service shall issue perpetual ease-*
7 *ments to the District and the Bureau of Indian Af-*
8 *airs, at no cost to the District or the Bureau of In-*
9 *Indian Affairs, providing adequate access across all*
10 *lands subject to Forest Service jurisdiction to insure*
11 *the District and the Bureau of Indian Affairs the*
12 *ability to continue to operate and maintain the Pine*
13 *River Project.*

14 (4) *The undivided $\frac{5}{6}$ interest in National Forest*
15 *System lands that, by reason of the Jurisdictional*
16 *Transfer is to be administered by Reclamation, shall*
17 *be conveyed to the District pursuant to section 203(a).*

18 (5) *The District and the Bureau of Indian Af-*
19 *airs shall issue perpetual easements to the Forest*
20 *Service, at no cost to the Forest Service, from Na-*
21 *tional Forest System lands to Vallecito Reservoir to*
22 *assure continued public access to Vallecito Reservoir*
23 *when the Reservoir level drops below the 7,665-foot*
24 *water surface elevation.*

1 (6) *The District and the Bureau of Indian Af-*
2 *fairs shall issue a perpetual easement to the Forest*
3 *Service, at no cost to the Forest Service, for the recon-*
4 *struction, maintenance, and operation of a road from*
5 *La Plata County Road No. 501 to National Forest*
6 *System lands east of the Reservoir.*

7 (d) *VALID EXISTING RIGHTS.—Nothing in this title*
8 *shall affect any valid existing rights or interests in any ex-*
9 *isting land use authorization, except that any such land*
10 *use authorization shall be administered by the agency hav-*
11 *ing jurisdiction over the land after the Jurisdictional*
12 *Transfer in accordance with subsection (c) and other appli-*
13 *cable law. Renewal or reissuance of any such authorization*
14 *shall be in accordance with applicable law and the regula-*
15 *tions of the agency having jurisdiction, except that the*
16 *change of administrative jurisdiction shall not in itself con-*
17 *stitute a ground to deny the renewal or reissuance of any*
18 *such authorization.*

19 **SEC. 205. LIABILITY.**

20 *Effective on the date of the conveyance of the remain-*
21 *ing undivided $\frac{1}{6}$ right and interest in the Pine River*
22 *Project to the Tribe pursuant to section 203(b), the United*
23 *States shall not be held liable by any court for damages*
24 *of any kind arising out of any act, omission, or occurrence*
25 *relating to such Project, except for damages caused by acts*

1 *of negligence committed by the United States or by its em-*
2 *ployees, agents, or contractors prior to the date of convey-*
3 *ance. Nothing in this section shall be deemed to increase*
4 *the liability of the United States beyond that currently pro-*
5 *vided in the Federal Tort Claims Act (28 U.S.C. 2671 et*
6 *seq.).*

7 **SEC. 206. COMPLETION OF CONVEYANCE.**

8 *(a) IN GENERAL.—The Secretary’s completion of the*
9 *conveyance under section 203 shall not occur until the fol-*
10 *lowing events have been completed:*

11 *(1) Compliance with the National Environ-*
12 *mental Policy Act of 1969 (42 U.S.C. 4321 et seq.),*
13 *and other applicable Federal and State laws.*

14 *(2) The submission of a written statement from*
15 *the Southern Ute Indian Tribe to the Secretary indi-*
16 *cating the Tribe’s satisfaction that the Tribe’s Indian*
17 *Trust Assets are protected in the conveyance described*
18 *in section 203.*

19 *(3) Execution of an agreement acceptable to the*
20 *Secretary which limits the future liability of the*
21 *United States relative to the operation of the Project.*

22 *(4) The submission of a statement by the Sec-*
23 *retary to the District, the Bureau of Indian Affairs,*
24 *and the State of Colorado on the existing condition of*

1 *Vallecito Dam based on Bureau of Reclamation's cur-*
2 *rent knowledge and understanding.*

3 (5) *The development of an agreement between the*
4 *Bureau of Indian Affairs and the District to prescribe*
5 *the District's obligation to so operate the Project that*
6 *the 1/6 rights and interests to the Project and water*
7 *supply made available by Vallecito Reservoir held by*
8 *the Bureau of Indian Affairs are protected. Such*
9 *agreement shall supercede the Memorandum of Agree-*
10 *ment referred to in section 203(b) of this Act.*

11 (6) *The submission of a plan by the District to*
12 *manage the Project in a manner substantially similar*
13 *to the manner in which it was managed prior to the*
14 *transfer and in accordance with applicable Federal*
15 *and State laws, including management for the preser-*
16 *vation of public access and recreational values and*
17 *for the prevention of growth on certain lands to be*
18 *conveyed hereunder, as set forth in an Agreement*
19 *dated March 20, 1998, between the District and resi-*
20 *dents of Vallecito Reservoir. Any future change in the*
21 *use of the water supplied by Vallecito Reservoir shall*
22 *comply with applicable law.*

23 (7) *The development of a flood control plan by*
24 *the Secretary of the Army acting through the Corps*

1 *of Engineers which shall direct the District in the op-*
 2 *eration of Vallecito Dam for such purposes.*

3 *(b) REPORT.—If the transfer authorized in section 203*
 4 *is not substantially completed within 18 months from the*
 5 *date of enactment of this Act, the Secretary, in coordination*
 6 *with the District, shall promptly provide a report to the*
 7 *Committee on Resources of the House of Representatives*
 8 *and to the Committee on Energy and Natural Resources*
 9 *of the Senate on the status of the transfer described in sec-*
 10 *tion 203(a), any obstacles to completion of such transfer,*
 11 *and the anticipated date for such transfer.*

12 *(c) FUTURE BENEFITS.—Effective upon transfer, the*
 13 *District shall not be entitled to receive any further Rec-*
 14 *lamation benefits attributable to its status as a Reclama-*
 15 *tion project pursuant to the Reclamation Act of June 17,*
 16 *1902, and Acts supplementary thereto or amendatory there-*
 17 *of.*

18 **TITLE III—WELLTON-MOHAWK**
 19 **TRANSFER ACT**

20 **SEC. 301. SHORT TITLE.**

21 *This title may be referred to as the “Wellton-Mohawk*
 22 *Transfer Act”.*

23 **SEC. 302. TRANSFER.**

24 *The Secretary of the Interior (“Secretary”) is author-*
 25 *ized to carry out the terms of the Memorandum of Agree-*

1 *ment No. 8-AA-34-WAO14 (“Agreement”) dated July 10,*
2 *1998 between the Secretary and the Wellton-Mohawk Irriga-*
3 *tion and Drainage District (“District”) providing for the*
4 *transfer of works, facilities, and lands to the District, in-*
5 *cluding conveyance of Acquired Lands, Public Lands, and*
6 *Withdrawn Lands, as defined in the Agreement.*

7 **SEC. 303. WATER AND POWER CONTRACTS.**

8 *Notwithstanding the transfer, the Secretary and the*
9 *Secretary of Energy shall provide for and deliver Colorado*
10 *River water and Parker-Davis Project Priority Use Power*
11 *to the District in accordance with the terms of existing con-*
12 *tracts with the District, including any amendments or sup-*
13 *plements thereto or extensions thereof and as provided*
14 *under section 2 of the Agreement.*

15 **SEC. 304. SAVINGS.**

16 *Nothing in this title shall affect any obligations under*
17 *the Colorado River Basin Salinity Control Act (Public Law*
18 *93-320, 43 U.S.C. 1571).*

19 **SEC. 305. REPORT.**

20 *If transfer of works, facilities, and lands pursuant to*
21 *the Agreement has not occurred by July 1, 2000, the Sec-*
22 *retary shall report on the status of the transfer as provided*
23 *in section 5 of the Agreement.*

1 **SEC. 306. AUTHORIZATION**

2 *There are authorized to be appropriated such sums as*
 3 *may be necessary to carry out the provisions of this title.*

4 **TITLE IV—SLY PARK DAM AND**
 5 **RESERVOIR, CALIFORNIA**

6 **SEC. 401. SHORT TITLE.**

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

9 **SEC. 402. DEFINITIONS.**

10 *For purposes of this title:*

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

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

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

1 **SEC. 403. 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 *the Secretary shall convey the Project to the District.*

9 (b) *DEADLINE.*—

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

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

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

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

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

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

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

14 (b) *FUTURE ALTERATIONS.*—If the District alters the
15 operations or uses of the Project it shall comply with all
16 applicable laws or regulations governing such changes at
17 that time (subject to section 405).

18 **SEC. 405. RELATIONSHIP TO CERTAIN CONTRACT OBLIGA-**
19 **TIONS.**

20 (a) *PAYMENT OBLIGATIONS NOT AFFECTED.*—The
21 conveyance of the Project under this title does not affect the
22 payment obligations of the District under the contract be-
23 tween the District and the Secretary numbered 14–06–200–
24 7734, as amended by contracts numbered 14–06–200–
25 4282A and 14–06–200–8536A.

1 (b) *PAYMENT OBLIGATIONS EXTINGUISHED.*—*Provi-*
2 *sion of consideration by the District in accordance with sec-*
3 *tion 403(b) shall extinguish all payment obligations under*
4 *contract numbered 14–06–200–949IR1 between the District*
5 *and the Secretary.*

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

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

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

19 **SEC. 407. LIABILITY.**

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

1 **TITLE V—CLEAR CREEK DIS-**
 2 **TRIBUTION SYSTEM CONVEY-**
 3 **ANCE**

4 **SEC. 501. SHORT TITLE.**

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

7 **SEC. 502. 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) *RECLAMATION.*—*The term “Reclamation”*
 16 *means the United States Bureau of Reclamation.*

17 (4) *AGREEMENT.*—*The term “Agreement” means*
 18 *Agreement No. 8–07–20–L6975 entitled “Agreement*
 19 *Between the United States and the Clear Creek Com-*
 20 *munity Services District to Transfer Title to the*
 21 *Clear Creek Distribution System to the Clear Creek*
 22 *Community Services District.”*

23 (5) *DISTRIBUTION SYSTEM.*—*The term “Dis-*
 24 *tribution System” means that term as defined in the*
 25 *Agreement.*

1 **SEC. 503. AUTHORITY TO CONVEY TITLE.**

2 *The Secretary is hereby authorized to convey title to*
3 *the Distribution System consistent with the terms and con-*
4 *ditions set forth in the Agreement.*

5 **SEC. 504. COMPLIANCE WITH OTHER LAWS.**

6 *Following conveyance of title as provided in this title,*
7 *the District shall comply with all requirements of Federal,*
8 *California, and local law as may be applicable to non-Fed-*
9 *eral water distribution systems.*

10 **SEC. 505. NATIVE AMERICAN TRUST RESPONSIBILITY.**

11 *The Secretary shall ensure that any trust responsibil-*
12 *ities to any Native American Tribes that may be affected*
13 *by the transfer under this title are protected and fulfilled.*

14 **SEC. 506. LIABILITY.**

15 *Effective on the date of conveyance as provided in this*
16 *title, the District agrees that it shall hold the United States*
17 *harmless and shall indemnify the United States for any and*
18 *all claims, costs, damages, and judgments of any kind aris-*
19 *ing out of any act, omission, or occurrence relating to the*
20 *Distribution System, except for such claims, costs, or dam-*
21 *ages arising from acts of negligence committed by the*
22 *United States or by its employees, agents, or contractors*
23 *prior to the date of conveyance for which the United States*
24 *is found liable under the Federal Tort Claims Act (28*
25 *U.S.C. 2671 et seq.), provided such acts of negligence ex-*
26 *clude all actions related to the installation of the Distribu-*

1 *tion System and/or prior billing and payment relative to*
 2 *the Distribution System.*

3 **SEC. 507. DEAUTHORIZATION.**

4 *Effective upon the date of conveyance, the Distribution*
 5 *System is hereby deauthorized as a Federal Reclamation*
 6 *Project facility. Thereafter, the District shall not be entitled*
 7 *to receive any further Reclamation benefits relative to the*
 8 *Distribution System. Such deauthorization shall not affect*
 9 *any of the provisions of the District's existing water service*
 10 *contract with the United States (contract number 14-06-*
 11 *200-489-IR3), as it may be amended or supplemented. Nor*
 12 *shall such deauthorization deprive the District of any exist-*
 13 *ing contractual or statutory entitlement to subsequent in-*
 14 *terim renewals of such contract or renewal by entering into*
 15 *a long-term water service contract.*

16 **TITLE VI—COLUSA BASIN WA-**
 17 **TERSHERD INTEGRATED RE-**
 18 **SOURCES MANAGEMENT**

19 **SEC. 601. COLUSA BASIN WATERSHERD INTEGRATED RE-**
 20 **SOURCES MANAGEMENT.**

21 *(a) SHORT TITLE.—This section may be cited as the*
 22 *“Colusa Basin Watershed Integrated Resources Manage-*
 23 *ment Act”.*

24 *(b) AUTHORIZATION OF ASSISTANCE.—The Secretary*
 25 *of the Interior (in this section referred to as the “Sec-*

1 *retary”)* may provide financial assistance to the Colusa
 2 *Basin Drainage District, California (in this section re-*
 3 *ferred to as the “District”), for use by the District or by*
 4 *local agencies acting pursuant to section 413 of the State*
 5 *of California statute known as the Colusa Basin Drainage*
 6 *Act (California Stats. 1987, ch. 1399), as in effect on the*
 7 *date of the enactment of this Act (in this section referred*
 8 *to as the “State statute”), for planning, design, environ-*
 9 *mental compliance, and construction required in carrying*
 10 *out eligible projects in the Colusa Basin Watershed to—*

11 (1)(A) *reduce the risk of damage to urban and*
 12 *agricultural areas from flooding or the discharge of*
 13 *drainage water or tailwater;*

14 (B) *assist in groundwater recharge efforts to alle-*
 15 *viate overdraft and land subsidence; or*

16 (C) *construct, restore, or preserve wetland and*
 17 *riparian habitat; and*

18 (2) *capture, as an incidental purpose of any of*
 19 *the purposes referred to in paragraph (1), surface or*
 20 *stormwater for conservation, conjunctive use, and in-*
 21 *creased water supplies.*

22 (c) *PROJECT SELECTION.—*

23 (1) *ELIGIBLE PROJECTS.—A project shall be an*
 24 *eligible project for purposes of subsection (b) only if*
 25 *it is—*

1 (A) *identified in the document entitled*
2 *“Colusa Basin Water Management Program”,*
3 *dated February 1995; and*

4 (B) *carried out in accordance with that*
5 *document and all environmental documentation*
6 *requirements that apply to the project under the*
7 *laws of the United States and the State of Cali-*
8 *fornia.*

9 (2) *COMPATIBILITY REQUIREMENT.—The Sec-*
10 *retary shall ensure that projects for which assistance*
11 *is provided under this section are not inconsistent*
12 *with watershed protection and environmental restora-*
13 *tion efforts being carried out under the authority of*
14 *the Central Valley Project Improvement Act (Public*
15 *Law 102–575; 106 Stat. 4706 et seq.) or the*
16 *CALFED Bay-Delta Program.*

17 (d) *COST SHARING.—*

18 (1) *NON-FEDERAL SHARE.—The Secretary shall*
19 *require that the District and cooperating non-Federal*
20 *agencies or organizations pay—*

21 (A) *25 percent of the costs associated with*
22 *construction of any project carried out with as-*
23 *sistance provided under this section; and*

1 (B) 100 percent of any operation, mainte-
2 nance, and replacement and rehabilitation costs
3 with respect to such a project.

4 (2) *PLANNING, DESIGN, AND COMPLIANCE AS-*
5 *SISTANCE.*—Funds appropriated pursuant to this sec-
6 tion may be made available to fund all costs incurred
7 for planning, design, and environmental compliance
8 activities by the District or by local agencies acting
9 pursuant to the State statute, in accordance with
10 agreements with the Secretary.

11 (3) *TREATMENT OF CONTRIBUTIONS.*—For pur-
12 poses of this subsection, the Secretary shall treat the
13 value of lands, interests in lands (including rights-of-
14 way and other easements), and necessary relocations
15 contributed by the District to a project as a payment
16 by the District of the costs of the project.

17 (e) *COSTS NONREIMBURSABLE.*—Amounts expended
18 pursuant to this section shall be considered nonreimbursable
19 for purposes of the Act of June 17, 1902 (32 Stat. 388; 43
20 U.S.C. 371 et seq.), and Acts amendatory thereof and sup-
21 plemental thereto.

22 (f) *AGREEMENTS.*—Funds appropriated pursuant to
23 this section may be made available to the District or a local
24 agency only if the District or local agency, as applicable,
25 has entered into a binding agreement with the Secretary—

1 (1) *under which the District or the local agency*
2 *is required to pay the non-Federal share of the costs*
3 *of construction required by subsection (d)(1); and*

4 (2) *governing the funding of planning, design,*
5 *and compliance activities costs under subsection*
6 *(d)(2).*

7 (g) *REIMBURSEMENT.—For project work (including*
8 *work associated with studies, planning, design, and con-*
9 *struction) carried out by the District or by a local agency*
10 *acting pursuant to the State statute referred to in sub-*
11 *section (b) before the date amounts are provided for the*
12 *project under this section, the Secretary shall, subject to*
13 *amounts being made available in advance in appropria-*
14 *tions Acts, reimburse the District or the local agency, with-*
15 *out interest, an amount equal to the estimated Federal share*
16 *of the cost of such work under subsection (d).*

17 (h) *COOPERATIVE AGREEMENTS.—*

18 (1) *IN GENERAL.—The Secretary may enter into*
19 *cooperative agreements and contracts with the Dis-*
20 *trict to assist the Secretary in carrying out the pur-*
21 *poses of this section.*

22 (2) *SUBCONTRACTING.—Under such cooperative*
23 *agreements and contracts, the Secretary may author-*
24 *ize the District to manage and let contracts and re-*
25 *ceive reimbursements, subject to amounts being made*

1 *available in advance in appropriations Acts, for work*
 2 *carried out under such contracts or subcontracts.*

3 *(i) RELATIONSHIP TO RECLAMATION REFORM ACT OF*
 4 *1982.—Activities carried out, and financial assistance pro-*
 5 *vided, under this section shall not be considered a supple-*
 6 *mental or additional benefit for purposes of the Reclama-*
 7 *tion Reform Act of 1982 (96 Stat. 1263; 43 U.S.C. 390aa*
 8 *et seq.).*

9 *(j) APPROPRIATIONS AUTHORIZED.—There are au-*
 10 *thorized to be appropriated to the Secretary to carry out*
 11 *this section \$25,000,000, plus such additional amount, if*
 12 *any, as may be required by reason of changes in costs of*
 13 *services of the types involved in the District’s projects as*
 14 *shown by engineering and other relevant indexes. Sums ap-*
 15 *propriated under this subsection shall remain available*
 16 *until expended.*

17 **TITLE VII—MISCELLANEOUS**
 18 **PROVISIONS**

19 **SEC. 701. TECHNICAL CORRECTIONS.**

20 *(a) REDUCTION OF WAITING PERIOD FOR OBLIGATION*
 21 *OF FUNDS PROVIDED UNDER RECLAMATION SAFETY OF*
 22 *DAMS ACT OF 1978.—Section 5 of the Reclamation Safety*
 23 *of Dams Act of 1978 (92 Stat. 2471; 43 U.S.C. 509) is*
 24 *amended by striking “sixty days” and all that follows*
 25 *through “day certain)” and inserting “30 calendar days”.*

1 (b) *ALBUQUERQUE METROPOLITAN AREA RECLAMA-*
 2 *TION AND REUSE PROJECT.*—

3 (1) *TECHNICAL CORRECTIONS.*—*Section 1621 of*
 4 *the Reclamation Projects Authorization and Adjust-*
 5 *ment Act of 1992 (43 U.S.C. 390h–12g) is amended—*

6 (A) *by amending the section heading to*
 7 *read as follows:*

8 **“SEC. 1621. ALBUQUERQUE METROPOLITAN AREA WATER**
 9 **RECLAMATION AND REUSE PROJECT.”;**

10 *and*

11 (B) *in subsection (a) by striking “Reuse”*
 12 *and all that follows through “reclaim” and in-*
 13 *serting “Reuse Project to reclaim”.*

14 (2) *CLERICAL AMENDMENT.*—*The table of sec-*
 15 *tions in section 2 of such Act is amended by striking*
 16 *the item relating to section 1621 and inserting the*
 17 *following:*

“*Sec. 1621. Albuquerque Metropolitan Area Water Reclamation and Reuse*
Project.”.

18 (c) *PHOENIX METROPOLITAN WATER RECLAMATION*
 19 *AND REUSE PROJECT.*—*Section 1608 of the Reclamation*
 20 *Projects Authorization and Adjustment Act of 1992 (106*
 21 *Stat. 4666; 43 U.S.C. 390h–6) is amended—*

22 (1) *by amending subsection (a) to read as fol-*
 23 *lows:*

1 “(a) *The Secretary, in cooperation with the city of*
2 *Phoenix, Arizona, shall participate in the planning, design,*
3 *and construction of the Phoenix Metropolitan Water Rec-*
4 *lamation and Reuse Project to utilize fully wastewater from*
5 *the regional wastewater treatment plant for direct municipi-*
6 *pal, industrial, agricultural, and environmental purposes,*
7 *groundwater recharge, and indirect potable reuse in the*
8 *Phoenix metropolitan area.”;*

9 (2) *in subsection (b) by striking the first sen-*
10 *tence; and*

11 (3) *by striking subsection (c).*

12 (d) *REFUND OF CERTAIN AMOUNTS RECEIVED UNDER*
13 *RECLAMATION REFORM ACT OF 1982.—*

14 (1) *REFUND REQUIRED.—Subject to paragraph*
15 *(2) and the availability of appropriations, the Sec-*
16 *retary of the Interior shall refund fully amounts re-*
17 *ceived by the United States as collections under sec-*
18 *tion 224(i) of the Reclamation Reform Act of 1982*
19 *(101 Stat. 1330–268; 43 U.S.C. 390ww(i)) for paid*
20 *bills (including interest collected) issued by the Sec-*
21 *retary of the Interior before January 1, 1994, for full-*
22 *cost charges that were assessed for failure to file cer-*
23 *tain certification or reporting forms under sections*
24 *206 and 224(c) of such Act (96 Stat. 1266, 1272; 43*
25 *U.S.C. 390ff, 390ww(c)).*

1 (2) *ADMINISTRATIVE FEE.*—*In the case of a re-*
 2 *fund of amounts collected in connection with sections*
 3 *206 and 224(c) of the Reclamation Reform Act of*
 4 *1982 (96 Stat. 1266, 1272; 43 U.S.C. 390ff,*
 5 *390ww(c)) with respect to any water year after the*
 6 *1987 water year, the amount refunded shall be re-*
 7 *duced by an administrative fee of \$260 for each oc-*
 8 *currence.*

9 (3) *AUTHORIZATION OF APPROPRIATIONS.*—
 10 *There are authorized to be appropriated to carry out*
 11 *this subsection \$3,000,000.*

12 (e) *EXTENSION OF PERIODS FOR REPAYMENTS FOR*
 13 *NUECES RIVER RECLAMATION PROJECT AND CANADIAN*
 14 *RIVER RECLAMATION PROJECT, TEXAS.*—*Section 2 of the*
 15 *Emergency Drought Relief Act of 1996 (Public Law 104–*
 16 *318; 110 Stat. 3862) is amended by adding at the end the*
 17 *following new subsection:*

18 “(c) *EXTENSION OF PERIODS FOR REPAYMENT.*—*Not-*
 19 *withstanding any provision of the Reclamation Project Act*
 20 *of 1939 (43 U.S.C. 485 et seq.), the Secretary of the Inte-*
 21 *rior—*

22 “(1) *shall extend the period for repayment by the*
 23 *city of Corpus Christi, Texas, and the Nueces River*
 24 *Authority under contract No. 6–07–01–X0675, relat-*

1 *ing to the Nueces River reclamation project, Texas,*
 2 *until—*

3 *“(A) August 1, 2029, for repayment pursu-*
 4 *ant to the municipal and industrial water sup-*
 5 *ply benefits portion of the contract; and*

6 *“(B) until August 1, 2044, for repayment*
 7 *pursuant to the fish and wildlife and recreation*
 8 *benefits portion of the contract; and*

9 *“(2) shall extend the period for repayment by the*
 10 *Canadian River Municipal Water Authority under*
 11 *contract No. 14–06–500–485, relating to the Cana-*
 12 *dian River reclamation project, Texas, until October*
 13 *1, 2021.”.*

14 *(f) SOLANO PROJECT WATER.—*

15 *(1) AUTHORIZATION.—The Secretary of the Inte-*
 16 *rior is authorized to enter into contracts with the So-*
 17 *lano County Water Agency, or any of its member unit*
 18 *contractors for water from the Solano Project, Califor-*
 19 *nia, pursuant to the Act of February 21, 1911 (43*
 20 *U.S.C. 523), for—*

21 *(A) the impounding, storage, and carriage*
 22 *of nonproject water for domestic, municipal, in-*
 23 *dustrial, and other beneficial purposes, using*
 24 *any facilities associated with the Solano Project,*
 25 *California, and*

1 (B) *the exchange of water among Solano*
2 *Project contractors, for the purposes set forth in*
3 *subparagraph (A), using facilities associated*
4 *with the Solano Project, California.*

5 (2) *LIMITATION.*—*The authorization under para-*
6 *graph (1) shall be limited to the use of that portion*
7 *of the Solano Project facilities downstream of Mile 26*
8 *of the Putah South Canal (as that canal is depicted*
9 *on the official maps of the Bureau of Reclamation),*
10 *which is below the diversion points on the Putah*
11 *South Canal utilized by the city of Fairfield for deliv-*
12 *ery of Solano Project water.*

13 (g) *FISH PASSAGE AND PROTECTIVE FACILITIES,*
14 *ROGUE RIVER BASIN, OREGON.*—*The Secretary of the Inte-*
15 *rior is authorized to use otherwise available amounts to pro-*
16 *vide up to \$2,000,000 in financial assistance to the Medford*
17 *Irrigation District and the Rogue River Valley Irrigation*
18 *District for the design and construction of fish passage and*
19 *protective facilities at North Fork Little Butte Creek Diver-*
20 *sion Dam and South Fork Little Butte Creek Diversion*
21 *Dam in the Rogue River basin, Oregon, if the Secretary*
22 *determines in writing that these facilities will enhance the*
23 *fish recovery efforts currently underway at the Rogue River*
24 *Basin Project, Oregon.*

1 *(h) LIMITATION ON STATUTORY CONSTRUCTION.—*
2 *Nothing in this Act shall be construed to abrogate or affect*
3 *any obligation of the United States under section 120(h)*
4 *of the Comprehensive Environmental Response, Compensa-*
5 *tion, and Liability Act of 1980 (42 U.S.C. 9620(h)).*

6 **SEC. 702. DICKENSON, NORTH DAKOTA.**

7 *The Secretary of the Interior shall waive the scheduled*
8 *annual payments for fiscal years 1998 and 1999 under sec-*
9 *tion 208 of the Energy and Water Development Appropria-*
10 *tions Act, 1988 (Public Law 100-202; 101 Stat. 1329-118).*

Attest:

Clerk.