

In the House of Representatives, U. S.,

October 24, 2000.

Resolved, That the bill from the Senate (S. 1694) entitled “An Act to direct the Secretary of the Interior to conduct a study on the reclamation and reuse of water and wastewater in the State of Hawaii”, do pass with the following

AMENDMENTS:

Strike out all after the enacting clause and insert:

1 ***TITLE I—HAWAII WATER***
2 ***RESOURCES STUDY***

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

4 *This title may be cited as the “Hawaii Water Re-*
5 *sources Act of 2000”.*

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

7 *In this title:*

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

10 (2) *STATE.*—*The term “State” means the State*
11 *of Hawaii.*

1 **SEC. 103. HAWAII WATER RESOURCES STUDY.**

2 (a) *IN GENERAL.*—*The Secretary, acting through the*
3 *Commissioner of Reclamation and in accordance with the*
4 *provisions of this title and existing legislative authorities*
5 *as may be pertinent to the provisions of this title, including:*
6 *the Act of August 23, 1954 (68 Stat. 773, chapter 838),*
7 *authorizing the Secretary to investigate the use of irrigation*
8 *and reclamation resource needs for areas of the islands of*
9 *Oahu, Hawaii, and Molokai in the State of Hawaii; section*
10 *31 of the Hawaii Omnibus Act (43 U.S.C. 422l) authorizing*
11 *the Secretary to develop reclamation projects in the State*
12 *under the Act of August 6, 1956 (70 Stat. 1044, chapter*
13 *972; 42 U.S.C. 422a et seq.) (commonly known as the*
14 *“Small Reclamation Projects Act”); and the amendment*
15 *made by section 207 of the Hawaiian Home Lands Recov-*
16 *ery Act (109 Stat. 364; 25 U.S.C. 386a) authorizing the*
17 *Secretary to assess charges against Native Hawaiians for*
18 *reclamation cost recovery in the same manner as charges*
19 *are assessed against Indians or Indian tribes; is authorized*
20 *and directed to conduct a study that includes—*

21 (1) *a survey of the irrigation and other agricul-*
22 *tural water delivery systems in the State;*

23 (2) *an estimation of the cost of repair and reha-*
24 *bilitation of the irrigation and other agricultural*
25 *water delivery systems;*

1 (3) *an evaluation of options and alternatives for*
2 *future use of the irrigation and other agricultural*
3 *water delivery systems (including alternatives that*
4 *would improve the use and conservation of water re-*
5 *sources and would contribute to agricultural diver-*
6 *sification, economic development, and improvements*
7 *to environmental quality); and*

8 (4) *the identification and investigation of oppor-*
9 *tunities for recycling, reclamation, and reuse of water*
10 *and wastewater for agricultural and nonagricultural*
11 *purposes.*

12 (b) *REPORTS.—*

13 (1) *IN GENERAL.—Not later than 2 years after*
14 *appropriation of funds authorized by this title, the*
15 *Secretary shall submit a report that describes the*
16 *findings and recommendations of the study described*
17 *in subsection (a) to—*

18 (A) *the Committee on Energy and Natural*
19 *Resources of the Senate; and*

20 (B) *the Committee on Resources of the*
21 *House of Representatives.*

22 (2) *ADDITIONAL REPORTS.—The Secretary shall*
23 *submit to the committees described in paragraph (1)*
24 *any additional reports concerning the study described*

1 *in subsection (a) that the Secretary considers to be*
2 *necessary.*

3 (c) *COST SHARING.*—*Costs of conducting the study*
4 *and preparing the reports described in subsections (a) and*
5 *(b) of this section shall be shared between the Secretary and*
6 *the State. The Federal share of the costs of the study and*
7 *reports shall not exceed 50 percent of the total cost, and*
8 *shall be nonreimbursable. The Secretary shall enter into a*
9 *written agreement with the State, describing the arrange-*
10 *ments for payment of the non-Federal share.*

11 (d) *USE OF OUTSIDE CONTRACTORS.*—*The Secretary*
12 *is authorized to employ the services and expertise of the*
13 *State and/or the services and expertise of a private consult-*
14 *ant employed under contract with the State to conduct the*
15 *study and prepare the reports described in this section if*
16 *the State requests such an arrangement and if it can be*
17 *demonstrated to the satisfaction of the Secretary that such*
18 *an arrangement will result in the satisfactory completion*
19 *of the work authorized by this section in a timely manner*
20 *and at a reduced cost.*

21 (e) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*
22 *authorized to be appropriated \$300,000 for the Federal*
23 *share of the activities authorized under this title.*

1 **SEC. 104. WATER RECLAMATION AND REUSE.**

2 (a) *Section 1602(b) of the Reclamation Wastewater*
 3 *and Groundwater Study and Facilities Act (43 U.S.C.*
 4 *390h(b)) is amended by inserting before the period at the*
 5 *end the following: “, and the State of Hawaii”.*

6 (b) *The Secretary is authorized to use the authorities*
 7 *available pursuant to section 1602(b) of the Reclamation*
 8 *Wastewater and Groundwater Study and Facilities Act (43*
 9 *U.S.C. 390h(b)) to conduct the relevant portion of the study*
 10 *and preparation of the reports authorized by this title if*
 11 *the use of such authorities is found by the Secretary to be*
 12 *appropriate and cost-effective, and provided that the total*
 13 *Federal share of costs for the study and reports does not*
 14 *exceed the amount authorized in section 103.*

15 **TITLE II—DROUGHT RELIEF**

16 **SEC. 201. DROUGHT RELIEF.**

17 (a) *RELIEF FOR HAWAII.*—Section 104 of the *Rec-*
 18 *lamation States Emergency Drought Relief Act of 1991 (43*
 19 *U.S.C. 2214) is amended—*

20 (1) *in subsection (a), by inserting after “Rec-*
 21 *lamation State” the following: “and in the State of*
 22 *Hawaii”; and*

23 (2) *in subsection (c), by striking “ten years after*
 24 *the date of enactment of this Act” and inserting “on*
 25 *September 30, 2005”.*

1 (b) *ASSISTANCE FOR DROUGHT-RELATED PLANNING*
 2 *IN RECLAMATION STATES.*—*Such Act is further amended*
 3 *by adding at the end of title I the following:*

4 **“SEC. 105. ASSISTANCE FOR DROUGHT-RELATED PLANNING**
 5 **IN RECLAMATION STATES.**

6 “(a) *IN GENERAL.*—*The Secretary may provide finan-*
 7 *cial assistance in the form of cooperative agreements in*
 8 *States that are eligible to receive drought assistance under*
 9 *this title to promote the development of drought contingency*
 10 *plans under title II.*

11 “(b) *REPORT.*—*Not later than one year after the date*
 12 *of the enactment of the Hawaii Water Resources Act of*
 13 *2000, the Secretary shall submit to the Congress a report*
 14 *and recommendations on the advisability of providing fi-*
 15 *nancial assistance for the development of drought contin-*
 16 *gency plans in all entities that are eligible to receive assist-*
 17 *ance under title II.”.*

18 **TITLE III—CITY OF ROSEVILLE**
 19 **PUMPING PLANT FACILITIES**

20 **SEC. 301. CITY OF ROSEVILLE PUMPING PLANT FACILITIES:**

21 **CREDIT FOR INSTALLATION OF ADDITIONAL**
 22 **PUMPING PLANT FACILITIES IN ACCORDANCE**
 23 **WITH AGREEMENT.**

24 (a) *IN GENERAL.*—*The Secretary shall credit an*
 25 *amount up to \$1,164,600, the precise amount to be deter-*

1 mined by the Secretary through a cost allocation, to the un-
 2 paid capital obligation of the City of Roseville, California
 3 (in this section referred to as the “City”), as such obligation
 4 is calculated in accordance with applicable Federal rec-
 5 lamation law and Central Valley Project rate setting policy,
 6 in recognition of future benefits to be accrued by the United
 7 States as a result of the City’s purchase and funding of
 8 the installation of additional pumping plant facilities in
 9 accordance with a letter of agreement with the United
 10 States numbered 5–07–20–X0331 and dated January 26,
 11 1995. The Secretary shall simultaneously add an equivalent
 12 amount of costs to the capital costs of the Central Valley
 13 Project, and such added costs shall be reimbursed in accord-
 14 ance with reclamation law and policy.

15 (b) *EFFECTIVE DATE.*—The credit under subsection
 16 (a) shall take effect upon the date on which—

17 (1) the City and the Secretary have agreed that
 18 the installation of the facilities referred to in sub-
 19 section (a) has been completed in accordance with the
 20 terms and conditions of the letter of agreement re-
 21 ferred to in subsection (a); and

22 (2) the Secretary has issued a determination that
 23 such facilities are fully operative as intended.

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

4 **SEC. 401. SHORT TITLE.**

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

7 **SEC. 402. 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 Cali-*
 13 *fornia community services district located in Shasta*
 14 *County, California.*

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

21 (4) *DISTRIBUTION SYSTEM.*—*The term “Dis-*
 22 *tribution System” means all the right, title, and in-*
 23 *terest in and to the Clear Creek distribution system*
 24 *as defined in the Agreement.*

1 **SEC. 403. CONVEYANCE OF DISTRIBUTION SYSTEM.**

2 *In consideration of the District accepting the obliga-*
 3 *tions of the Federal Government for the Distribution Sys-*
 4 *tem, the Secretary shall convey the Distribution System to*
 5 *the District pursuant to the terms and conditions set forth*
 6 *in the Agreement.*

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

8 *Nothing in this title shall be construed to authorize*
 9 *the District to construct any new facilities or to expand*
 10 *or otherwise change the use or operation of the Distribution*
 11 *System from its authorized purposes based upon historic*
 12 *and current use and operation. Effective upon transfer, if*
 13 *the District proposes to alter the use or operation of the*
 14 *Distribution System, then the District shall comply with*
 15 *all applicable laws and regulations governing such changes*
 16 *at that time.*

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

19 *Conveyance of the Distribution System under this*
 20 *title—*

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

25 *(2) shall not deprive the District of any existing*
 26 *contractual or statutory entitlement to subsequent in-*

1 *terim renewals of such contract or to renewal by en-*
 2 *tering into a long-term water service contract.*

3 **SEC. 406. LIABILITY.**

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

9 **TITLE V—SUGAR PINE DAM AND**
 10 **RESERVOIR CONVEYANCE**

11 **SEC. 501. SHORT TITLE.**

12 *This title may be cited as the “Sugar Pine Dam and*
 13 *Reservoir Conveyance Act”.*

14 **SEC. 502. DEFINITIONS.**

15 *In this title:*

16 (1) *BUREAU.*—*The term “Bureau” means the*
 17 *Bureau of Reclamation.*

18 (2) *DISTRICT.*—*The term “District” means the*
 19 *Foresthill Public Utility District, a political subdivi-*
 20 *sion of the State of California.*

21 (3) *PROJECT.*—*The term “Project” means the*
 22 *improvements (and associated interests) authorized in*
 23 *the Foresthill Divide Subunit of the Auburn-Folsom*
 24 *South Unit, Central Valley Project, consisting of—*

25 (A) *Sugar Pine Dam;*

1 (B) the right to impound waters behind the
2 dam;

3 (C) the associated conveyance system, hold-
4 ing reservoir, and treatment plant;

5 (D) water rights;

6 (E) rights of the Bureau described in the
7 agreement of June 11, 1985, with the Supervisor
8 of Tahoe National Forest, California; and

9 (F) other associated interests owned and
10 held by the United States and authorized as part
11 of the Auburn-Folsom South Unit under Public
12 Law 89–161 (79 Stat. 615).

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

15 (5) *WATER SERVICES CONTRACT.*—The term
16 “Water Services Contract” means Water Services
17 Contract #14–06–200–3684A, dated February 13,
18 1978, between the District and the United States.

19 **SEC. 503. CONVEYANCE OF THE PROJECT.**

20 (a) *IN GENERAL.*—As soon as practicable after date
21 of the enactment of this Act and in accordance with all ap-
22 plicable law, the Secretary shall convey all right, title, and
23 interest in and to the Project to the District.

1 (b) *SALE PRICE*.—*Except as provided in subsection*
 2 *(c), on payment by the District to the Secretary of*
 3 *\$2,772,221—*

4 (1) *the District shall be relieved of all payment*
 5 *obligations relating to the Project; and*

6 (2) *all debt under the Water Services Contract*
 7 *shall be extinguished.*

8 (c) *MITIGATION AND RESTORATION PAYMENTS*.—*The*
 9 *District shall continue to be obligated to make payments*
 10 *under section 3407(c) of the Central Valley Project Improve-*
 11 *ment Act (106 Stat. 4726) through 2029.*

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

13 (a) *IN GENERAL*.—*Nothing in this title significantly*
 14 *expands or otherwise affects the use or operation of the*
 15 *Project from its current use and operation.*

16 (b) *RIGHT TO OCCUPY AND FLOOD*.—*On the date of*
 17 *the conveyance under section 503, the Chief of the Forest*
 18 *Service shall grant the District the right to occupy and flood*
 19 *portions of land in Tahoe National Forest, subject to the*
 20 *terms and conditions stated in an agreement between the*
 21 *District and the Supervisor of the Tahoe National Forest.*

22 (c) *CHANGES IN USE OR OPERATION*.—*If the District*
 23 *changes the use or operation of the Project, the District shall*
 24 *comply with all applicable laws (including regulations)*
 25 *governing the change at the time of the change.*

1 **SEC. 505. FUTURE BENEFITS.**

2 *On payment of the amount under section 503(b)—*

3 *(1) the Project shall no longer be a Federal rec-*
 4 *lamation project or a unit of the Central Valley*
 5 *Project; and*

6 *(2) the District shall not be entitled to receive*
 7 *any further reclamation benefits.*

8 **SEC. 506. LIABILITY.**

9 *Except as otherwise provided by law, effective on the*
 10 *date of conveyance under section 503, the United States*
 11 *shall not be liable for damages of any kind arising out of*
 12 *any act, omission, or occurrence based on its prior owner-*
 13 *ship or operation of the Project.*

14 **SEC. 507. COSTS.**

15 *To the extent that costs associated with the Project are*
 16 *included as a reimbursable cost of the Central Valley*
 17 *Project, the Secretary is directed to exclude all costs in ex-*
 18 *cess of the amount of costs repaid by the District from the*
 19 *pooled reimbursable costs of the Central Valley Project until*
 20 *such time as the Project has been operationally integrated*
 21 *into the water supply of the Central Valley Project. Such*
 22 *excess costs may not be included into the pooled reimburs-*
 23 *able costs of the Central Valley Project in the future unless*
 24 *a court of competent jurisdiction determines that operation*
 25 *integration is not a prerequisite to the inclusion of such*
 26 *costs pursuant to Public Law 89–161.*

1 **TITLE VI—COLUSA BASIN WA-**
 2 **TERSHERD INTEGRATED RE-**
 3 **SOURCES MANAGEMENT**

4 **SEC. 601. SHORT TITLE.**

5 *This title may be cited as the “Colusa Basin Watershed*
 6 *Integrated Resources Management Act”.*

7 **SEC. 602. AUTHORIZATION OF ASSISTANCE.**

8 *The Secretary of the Interior (in this title referred to*
 9 *as the “Secretary”), acting within existing budgetary au-*
 10 *thority, may provide financial assistance to the Colusa*
 11 *Basin Drainage District, California (in this title referred*
 12 *to as the “District”), for use by the District or by local*
 13 *agencies acting pursuant to section 413 of the State of Cali-*
 14 *fornia statute known as the Colusa Basin Drainage Act*
 15 *(California Stats. 1987, ch. 1399) as in effect on the date*
 16 *of the enactment of this Act (in this title referred to as the*
 17 *“State statute”), for planning, design, environmental com-*
 18 *pliance, and construction required in carrying out eligible*
 19 *projects in the Colusa Basin Watershed to—*

20 *(1)(A) reduce the risk of damage to urban and*
 21 *agricultural areas from flooding or the discharge of*
 22 *drainage water or tailwater;*

23 *(B) assist in groundwater recharge efforts to al-*
 24 *leviate overdraft and land subsidence; or*

1 (C) construct, restore, or preserve wetland and
2 riparian habitat; and

3 (2) capture, as an incidental purpose of any of
4 the purposes referred to in paragraph (1), surface or
5 stormwater for conservation, conjunctive use, and in-
6 creased water supplies.

7 **SEC. 603. PROJECT SELECTION.**

8 (a) *ELIGIBLE PROJECTS.*—A project shall be an eligi-
9 ble project for purposes of section 602 only if it is—

10 (1) consistent with the plan for flood protection
11 and integrated resources management described in the
12 document entitled “Draft Programmatic Environ-
13 mental Impact Statement/Environmental Impact Re-
14 port and Draft Program Financing Plan, Integrated
15 Resources Management Program for Flood Control in
16 the Colusa Basin”, dated May 2000; and

17 (2) carried out in accordance with that docu-
18 ment and all environmental documentation require-
19 ments that apply to the project under the laws of the
20 United States and the State of California.

21 (b) *COMPATIBILITY REQUIREMENT.*—The Secretary
22 shall ensure that projects for which assistance is provided
23 under this title are not inconsistent with watershed protec-
24 tion and environmental restoration efforts being carried out
25 under the authority of the Central Valley Project Improve-

1 *ment Act (Public Law 102–575; 106 Stat. 4706 et seq.) or*
 2 *the CALFED Bay-Delta Program.*

3 **SEC. 604. COST SHARING.**

4 *(a) NON-FEDERAL SHARE.—The Secretary shall re-*
 5 *quire that the District and cooperating non-Federal agen-*
 6 *cies or organizations pay—*

7 *(1) 25 percent of the costs associated with con-*
 8 *struction of any project carried out with assistance*
 9 *provided under this title;*

10 *(2) 100 percent of any operation, maintenance,*
 11 *and replacement and rehabilitation costs with respect*
 12 *to such a project; and*

13 *(3) 35 percent of the costs associated with plan-*
 14 *ning, design, and environmental compliance activi-*
 15 *ties.*

16 *(b) PLANNING, DESIGN, AND COMPLIANCE ASSIST-*
 17 *ANCE.—Funds appropriated pursuant to this title may be*
 18 *made available to fund 65 percent of costs incurred for*
 19 *planning, design, and environmental compliance activities*
 20 *by the District or by local agencies acting pursuant to the*
 21 *State statute, in accordance with agreements with the Sec-*
 22 *retary.*

23 *(c) TREATMENT OF CONTRIBUTIONS.—For purposes of*
 24 *this section, the Secretary shall treat the value of lands, in-*
 25 *terests in lands (including rights-of-way and other ease-*

1 ments), and necessary relocations contributed by the Dis-
 2 trict to a project as a payment by the District of the costs
 3 of the project.

4 **SEC. 605. COSTS NONREIMBURSABLE.**

5 *Amounts expended pursuant to this title shall be con-*
 6 *sidered nonreimbursable for purposes of the Act of June 17,*
 7 *1902 (32 Stat. 388; 43 U.S.C. 371 et seq.), and Acts amend-*
 8 *atory thereof and supplemental thereto.*

9 **SEC. 606. AGREEMENTS.**

10 *Funds appropriated pursuant to this title may be*
 11 *made available to the District or a local agency only if the*
 12 *District or local agency, as applicable, has entered into a*
 13 *binding agreement with the Secretary—*

14 *(1) under which the District or the local agency*
 15 *is required to pay the non-Federal share of the costs*
 16 *of construction required by section 604(a); and*

17 *(2) governing the funding of planning, design,*
 18 *and compliance activities costs under section 604(b).*

19 **SEC. 607. REIMBURSEMENT.**

20 *For project work (including work associated with stud-*
 21 *ies, planning, design, and construction) carried out by the*
 22 *District or by a local agency acting pursuant to the State*
 23 *statute in section 602 before the date amounts are provided*
 24 *for the project under this title, the Secretary shall, subject*
 25 *to amounts being made available in advance in appropria-*

1 *tions Acts, reimburse the District or the local agency, with-*
 2 *out interest, an amount equal to the estimated Federal share*
 3 *of the cost of such work under section 604.*

4 **SEC. 608. COOPERATIVE AGREEMENTS.**

5 *(a) IN GENERAL.—The Secretary may enter into coop-*
 6 *erative agreements and contracts with the District to assist*
 7 *the Secretary in carrying out the purposes of this title.*

8 *(b) SUBCONTRACTING.—Under such cooperative agree-*
 9 *ments and contracts, the Secretary may authorize the Dis-*
 10 *trict to manage and let contracts and receive reimburse-*
 11 *ments, subject to amounts being made available in advance*
 12 *in appropriations Acts, for work carried out under such*
 13 *contracts or subcontracts.*

14 **SEC. 609. RELATIONSHIP TO RECLAMATION REFORM ACT**
 15 **OF 1982.**

16 *Activities carried out, and financial assistance pro-*
 17 *vided, under this title shall not be considered a supple-*
 18 *mental or additional benefit for purposes of the Reclama-*
 19 *tion Reform Act of 1982 (96 Stat. 1263; 43 U.S.C. 390aa*
 20 *et seq.).*

21 **SEC. 610. APPROPRIATIONS AUTHORIZED.**

22 *Within existing budgetary authority and subject to the*
 23 *availability of appropriations, the Secretary is authorized*
 24 *to expend up to \$25,000,000, plus such additional amount,*
 25 *if any, as may be required by reason of changes in costs*

1 *of services of the types involved in the District's projects*
 2 *as shown by engineering and other relevant indexes to carry*
 3 *out this title. Sums appropriated under this section shall*
 4 *remain available until expended.*

5 ***TITLE VII—CONVEYANCE TO***
 6 ***YUMA PORT AUTHORITY***

7 ***SEC. 701. CONVEYANCE OF LANDS TO THE GREATER YUMA***
 8 ***PORT AUTHORITY.***

9 *(a) AUTHORITY TO CONVEY.—*

10 *(1) IN GENERAL.—The Secretary of the Interior,*
 11 *acting through the Bureau of Reclamation, may, in*
 12 *the 5-year period beginning on the date of the enact-*
 13 *ment of this Act and in accordance with the condi-*
 14 *tions specified in subsection (b) convey to the Greater*
 15 *Yuma Port Authority the interests described in para-*
 16 *graph (2).*

17 *(2) INTERESTS DESCRIBED.—The interests re-*
 18 *ferred to in paragraph (1) are the following:*

19 *(A) All right, title, and interest of the*
 20 *United States in and to the lands comprising*
 21 *Section 23, Township 11 South, Range 24 West,*
 22 *G&SRBM, Lots 1–4, NE¹/₄, N¹/₂ NW¹/₄, exclud-*
 23 *ing lands located within the 60-foot border strip,*
 24 *in Yuma County, Arizona.*

1 (B) *All right, title, and interest of the*
 2 *United States in and to the lands comprising*
 3 *Section 22, Township 11 South, Range 24 West,*
 4 *G&SRBM, East 300 feet of Lot 1, excluding*
 5 *lands located within the 60-foot border strip, in*
 6 *Yuma County, Arizona.*

7 (C) *All right, title, and interest of the*
 8 *United States in and to the lands comprising*
 9 *Section 24, Township 11 South, Range 24 West,*
 10 *G&SRBM, West 300 feet, excluding lands in the*
 11 *60-foot border strip, in Yuma County, Arizona.*

12 (D) *All right, title, and interest of the*
 13 *United States in and to the lands comprising the*
 14 *East 300 feet of the Southeast Quarter of Section*
 15 *15, Township 11 South, Range 24 West,*
 16 *G&SRBM, in Yuma County, Arizona.*

17 (E) *The right to use lands in the 60-foot*
 18 *border strip excluded under subparagraphs (A),*
 19 *(B), and (C), for ingress to and egress from the*
 20 *international boundary between the United*
 21 *States and Mexico.*

22 (b) *DEED COVENANTS AND CONDITIONS.—Any convey-*
 23 *ance under subsection (a) shall be subject to the following*
 24 *covenants and conditions:*

1 (1) *A reservation of rights-of-way for ditches and*
2 *canals constructed or to be constructed by the author-*
3 *ity of the United States, this reservation being of the*
4 *same character and scope as that created with respect*
5 *to certain public lands by the Act of August 30, 1890*
6 *(26 Stat. 391; 43 U.S.C. 945), as it has been, or may*
7 *hereafter be amended.*

8 (2) *A leasehold interest in Lot 1, and the west*
9 *100 feet of Lot 2 in Section 23 for the operation of*
10 *a Cattle Crossing Facility, currently being operated*
11 *by the Yuma-Sonora Commercial Company, Incor-*
12 *porated. The lease as currently held contains 24.68*
13 *acres, more or less. Any renewal or termination of the*
14 *lease shall be by the Greater Yuma Port Authority.*

15 (3) *Reservation by the United States of a 245-*
16 *foot perpetual easement for operation and mainte-*
17 *nance of the 242 Lateral Canal and Well Field along*
18 *the northern boundary of the East 300 feet of Section*
19 *22, Section 23, and the West 300 feet of Section 24*
20 *as shown on Reclamation Drawing Nos. 1292-303-*
21 *3624, 1292-303-3625, and 1292-303-3626.*

22 (4) *A reservation by the United States of all*
23 *rights to the ground water in the East 300 feet of Sec-*
24 *tion 15, the East 300 feet of Section 22, Section 23,*
25 *and the West 300 feet of Section 24, and the right to*

1 remove, sell, transfer, or exchange the water to meet
2 the obligations of the Treaty of 1944 with the Repub-
3 lic of Mexico, and Minute Order No. 242 for the deliv-
4 ery of salinity controlled water to Mexico.

5 (5) A reservation of all rights-of-way and ease-
6 ments existing or of record in favor of the public or
7 third parties.

8 (6) A right-of-way reservation in favor of the
9 United States and its contractors, and the State of
10 Arizona, and its contractors, to utilize a 33-foot ease-
11 ment along all section lines to freely give ingress to,
12 passage over, and egress from areas in the exercise of
13 official duties of the United States and the State of
14 Arizona.

15 (7) Reservation of a right-of-way to the United
16 States for a 100-foot by 100-foot parcel for each of the
17 Reclamation monitoring wells, together with unre-
18 stricted ingress and egress to both sites. One moni-
19 toring well is located in Lot 1 of Section 23 just north
20 of the Boundary Reserve and just west of the Cattle
21 Crossing Facility, and the other is located in the
22 southeast corner of Lot 3 just north of the Boundary
23 Reserve.

1 (8) *An easement comprising a 50-foot strip lying*
 2 *North of the 60-foot International Boundary Reserve*
 3 *for drilling and operation of, and access to, wells.*

4 (9) *A reservation by the United States of $^{15}/_{16}$ of*
 5 *all gas, oil, metals, and mineral rights.*

6 (10) *A reservation of $^{1}/_{16}$ of all gas, oil, metals,*
 7 *and mineral rights retained by the State of Arizona.*

8 (11) *Such additional terms and conditions as the*
 9 *Secretary considers appropriate to protect the inter-*
 10 *ests of the United States.*

11 (c) *CONSIDERATION.—*

12 (1) *IN GENERAL.—As consideration for the con-*
 13 *veyance under subsection (a), the Greater Yuma Port*
 14 *Authority shall pay the United States consideration*
 15 *equal to the fair market value on the date of the en-*
 16 *actment of this Act of the interest conveyed.*

17 (2) *DETERMINATION.—For purposes of para-*
 18 *graph (1), the fair market value of any interest in*
 19 *land shall be determined taking into account that the*
 20 *land is undeveloped, that 80 acres is intended to be*
 21 *dedicated to use by the United States for Federal gov-*
 22 *ernmental purposes, and that an additional substan-*
 23 *tial portion of the land is dedicated to public right-*
 24 *of-way, highway, and transportation purposes.*

1 (d) *USE.—The Greater Yuma Port Authority and its*
 2 *successors shall use the interests conveyed solely for the pur-*
 3 *pose of the construction and operation of an international*
 4 *port of entry and related activities.*

5 (e) *COMPLIANCE WITH LAWS.—Before the date of the*
 6 *conveyance, actions required with respect to the conveyance*
 7 *under the National Environmental Policy Act of 1969 (42*
 8 *U.S.C. 4321 et seq.), the Endangered Species Act of 1973*
 9 *(16 U.S.C. 1531 et seq.), the National Historic Preservation*
 10 *Act (16 U.S.C. 470 et seq.), and other applicable Federal*
 11 *laws must be completed at no cost to the United States.*

12 (f) *USE OF 60-FOOT BORDER STRIP.—Any use of the*
 13 *60-foot border strip shall be made in coordination with Fed-*
 14 *eral agencies having authority with respect to the 60-foot*
 15 *border strip.*

16 (g) *DESCRIPTION OF PROPERTY.—The exact acreage*
 17 *and legal description of property conveyed under this sec-*
 18 *tion, and of any right-of-way that is subject to a right of*
 19 *use conveyed pursuant to subsection (a)(2)(E), shall be de-*
 20 *termined by a survey satisfactory to the Secretary. The cost*
 21 *of the survey shall be borne by the Greater Yuma Port Au-*
 22 *thority.*

23 (h) *DEFINITIONS.—*

24 (1) *60-FOOT BORDER STRIP.—The term “60-foot*
 25 *border strip” means lands in any of the Sections of*

land referred to in this Act located within 60 feet of the international boundary between the United States and Mexico.

(2) *GREATER YUMA PORT AUTHORITY.*—The term “Greater Yuma Port Authority” means Trust No. 84–184, Yuma Title & Trust Company, an Arizona Corporation, a trust for the benefit of the Cocopah Tribe, a Sovereign Nation, the County of Yuma, Arizona, the City of Somerton, and the City of San Luis, Arizona, or such other successor joint powers agency or public purpose entity as unanimously designated by those governmental units.

(3) *SECRETARY.*—The term “Secretary” means the Secretary of the Interior, acting through the Bureau of Reclamation.

TITLE VIII—DICKINSON DAM BASCULE GATES SETTLEMENT

SEC. 801. SHORT TITLE.

This title may be cited as the “Dickinson Dam Bascule Gates Settlement Act of 2000”.

SEC. 802. FINDINGS.

The Congress finds that—

(1) *in 1980 and 1981, the Bureau of Reclamation constructed the bascule gates on top of the Dickinson Dam on the Heart River, North Dakota, to pro-*

1 *vide additional water supply in the reservoir known*
2 *as Patterson Lake for the city of Dickinson, North*
3 *Dakota, and for additional flood control and other*
4 *benefits;*

5 *(2) the gates had to be significantly modified in*
6 *1982 because of damage resulting from a large ice*
7 *block causing excessive pressure on the hydraulic sys-*
8 *tem, causing the system to fail;*

9 *(3) since 1991, the City has received its water*
10 *supply from the Southwest Water Authority, which*
11 *provides much higher quality water from the South-*
12 *west Pipeline Project;*

13 *(4) the City now receives almost no benefit from*
14 *the bascule gates because the City does not require the*
15 *additional water provided by the bascule gates for its*
16 *municipal water supply;*

17 *(5) the City has repaid more than \$1,200,000 to*
18 *the United States for the construction of the bascule*
19 *gates, and has been working for several years to reach*
20 *an agreement with the Bureau of Reclamation to*
21 *alter its repayment contract;*

22 *(6) the City has a longstanding commitment to*
23 *improving the water quality and recreation value of*
24 *the reservoir and has been working with the United*
25 *States Geological Survey, the North Dakota Depart-*

1 *ment of Game and Fish, and the North Dakota De-*
 2 *partment of Health to improve water quality; and*

3 *(7) it is in the public interest to resolve this*
 4 *issue by providing for a single payment to the United*
 5 *States in lieu of the scheduled annual payments and*
 6 *for the termination of any further repayment obliga-*
 7 *tion.*

8 **SEC. 803. DEFINITIONS.**

9 *In this title:*

10 *(1) BASCULE GATES.—The term “bascule gates”*
 11 *means the structure constructed on the Dam to pro-*
 12 *vide additional water storage capacity in the Lake.*

13 *(2) CITY.—The term “City” means the city of*
 14 *Dickinson, North Dakota.*

15 *(3) DAM.—The term “Dam” means Dickinson*
 16 *Dam on the Heart River, North Dakota.*

17 *(4) LAKE.—The term “Lake” means the reservoir*
 18 *known as “Patterson Lake” in the State of North Da-*
 19 *kota.*

20 *(5) SECRETARY.—The term “Secretary” means*
 21 *the Secretary of the Interior, acting through the Com-*
 22 *missioner of the Bureau of Reclamation.*

23 **SEC. 804. FORGIVENESS OF DEBT.**

24 *(a) IN GENERAL.—The Secretary shall accept a 1-time*
 25 *payment of \$300,000 in lieu of the existing repayment obli-*

1 *gations of the City under the Bureau of Reclamation Con-*
 2 *tract No. 9-07-60W0384, dated December 19, 1988, toward*
 3 *which amount any payments made by the City to the Sec-*
 4 *retary on or after June 2, 1998, shall be credited.*

5 **(b) OWNERSHIP.**—*Title to the Dam and bascule gates*
 6 *shall remain with the United States.*

7 **(c) COSTS.**—*(1) The Secretary shall enter into an*
 8 *agreement with the City to allocate responsibilities for oper-*
 9 *ation and maintenance costs of the bascule gates as pro-*
 10 *vided in this subsection.*

11 *(2) The City shall be responsible for operation and*
 12 *maintenance costs of the bascule gates, up to a maximum*
 13 *annual cost of \$15,000. The Secretary shall be responsible*
 14 *for all other costs.*

15 **(d) WATER SERVICE CONTRACTS.**—*The Secretary may*
 16 *enter into appropriate water service contracts if the City*
 17 *or any other person or entity seeks to use water from the*
 18 *Lake for municipal water supply or other purposes.*

Amend the title so as to read “An Act to direct the Secretary of the Interior to conduct a study on the reclamation and reuse of water and wastewater in the State of Hawaii, and for other purposes.”.

Attest:

Clerk.

106TH CONGRESS
2D SESSION

S. 1694

AMENDMENTS