

# Calendar No. 927

106TH CONGRESS  
2D SESSION

# S. 2350

[Report No. 106-478]

To direct the Secretary of the Interior to convey certain water rights to  
Duchesne City, Utah.

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IN THE SENATE OF THE UNITED STATES

APRIL 4, 2000

Mr. HATCH (for himself and Mr. BENNETT) introduced the following bill;  
which was read twice and referred to the Committee on Energy and Nat-  
ural Resources

OCTOBER 3 (legislative day, SEPTEMBER 22), 2000

Reported by Mr. MURKOWSKI, with an amendment

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

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## A BILL

To direct the Secretary of the Interior to convey certain  
water rights to Duchesne City, Utah.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Duchesne City Water  
5 Rights Conveyance Act”.

1 **SEC. 2. CONVEYANCE OF WATER RIGHTS TO DUCHESNE**  
2 **CITY, UTAH.**

3 (a) **CONVEYANCE.**—The Secretary of Interior, subject  
4 to subsection (b), shall convey to Duchesne City, Utah,  
5 or a water district created by Duchesne City, all right,  
6 title, and interest of the United States in and to those  
7 water rights appropriated under the laws of the State of  
8 Utah by the United States Indian Service and identified  
9 as Water Rights Nos. ~~43–180~~ (Certificate No. 1034) and  
10 ~~43–203~~ (Certificate No. 1056) in the records of the State  
11 Engineer of Utah.

12 (b) **REQUIRED TERMS.**—

13 (1) **IN GENERAL.**—As terms of any conveyance  
14 under subsection (a), the Secretary shall require  
15 that Duchesne City, a water district created by  
16 Duchesne City, or their successors or assigns—

17 (A) shall allow the Ute Indian Tribe of the  
18 Uintah and Ouray Reservation, its members,  
19 and any person leasing or utilizing land that is  
20 held in trust for the Tribe by the United States  
21 and is located within the Duchesne City water  
22 service area (as such area may be adjusted  
23 from time to time), to connect to the Duchesne  
24 City municipal water system;

1           (B) shall not require such Tribe, members,  
2           or person to pay any water impact or connec-  
3           tion fee for such connection; and

4           (C) shall not require such Tribe, members,  
5           or person to deliver or transfer any water or  
6           water rights for such connection.

7           (2) LIMITATION.—Paragraph (1) shall not be  
8           construed to prohibit Duchesne City, a water district  
9           created by Duchesne City, or their successors or as-  
10          signs, from charging any person that connects to the  
11          Duchesne City municipal water system pursuant to  
12          paragraph (1) reasonable and customary fees to re-  
13          cover costs of the operation and maintenance of the  
14          water system to treat, transport, and deliver water  
15          to the person.

16 **SECTION 1. SHORT TITLE.**

17           *This Act may be cited as the “Duchesne City Water*  
18 *Rights Conveyance Act”.*

19 **SEC. 2. FINDINGS.**

20           *The Congress finds the following:*

21           (1) *In 1861, President Lincoln established the*  
22 *Uintah Valley Reservation by Executive order. The*  
23 *Congress confirmed the Executive order in 1864 (13*  
24 *Stat. 63), and additional lands were added to form*

1        *the Uintah Indian Reservation (now known as the*  
2        *Uintah and Ouray Indian Reservation).*

3            (2) *Pursuant to subsequent Acts of Congress,*  
4        *lands were allotted to the Indians of the reservation,*  
5        *and unallotted lands were restored to the public do-*  
6        *main to be disposed of under homestead and townsite*  
7        *laws.*

8            (3) *In July 1905, President Theodore Roosevelt*  
9        *reserved lands for the townsite for Duchesne, Utah, by*  
10       *Presidential proclamation and pursuant to the appli-*  
11       *cable townsite laws.*

12           (4) *In July 1905, the United States, through the*  
13       *Acting United States Indian Agent in Behalf of the*  
14       *Indians of the Uintah Indian Reservation, Utah, filed*  
15       *2 applications, 43-180 and 43-203, under the laws of*  
16       *the State of Utah to appropriate certain waters.*

17           (5) *The stated purposes of the water appropria-*  
18       *tion applications were, respectively, “for irrigation*  
19       *and domestic supply for townsite purposes in the*  
20       *lands herein described”, and “for the purpose of irri-*  
21       *gating Indian allotments on the Uintah Indian Res-*  
22       *ervation, Utah, . . . and for an irrigating and do-*  
23       *mestic water supply for townsite purposes in the*  
24       *lands herein described”.*

1           (6) *The United States subsequently filed change*  
2           *applications which provided that the entire appro-*  
3           *propriation would be used for municipal and domestic*  
4           *purposes in the town of Duchesne, Utah.*

5           (7) *The State Engineer of Utah approved the*  
6           *change applications, and the State of Utah issued*  
7           *water right certificates, identified as Certificate Num-*  
8           *bers 1034 and 1056, in the name of the United States*  
9           *Indian Service in 1921, pursuant to the applications*  
10          *filed, for domestic and municipal uses in the town of*  
11          *Duchesne.*

12          (8) *Non-Indians settled the town of Duchesne,*  
13          *and the inhabitants have utilized the waters appro-*  
14          *priated by the United States for townsite purposes.*

15          (9) *Pursuant to title V of Public Law 102-575,*  
16          *Congress ratified the quantification of the reserved*  
17          *waters rights of the Ute Indian Tribe, subject to re-*  
18          *ratification of the water compact by the State of Utah*  
19          *and the Tribe.*

20          (10) *The Ute Indian Tribe does not oppose legis-*  
21          *lation that will convey the water rights appropriated*  
22          *by the United States in 1905 to the city of Duchesne*  
23          *because the appropriations do not serve the purposes,*  
24          *rights, or interests of the Tribe or its members, be-*  
25          *cause the full amount of the reserved water rights of*

1        *the Tribe will be quantified in other proceedings, and*  
 2        *because the Tribe and its members will receive sub-*  
 3        *stantial benefits through such legislation.*

4            *(11) The Secretary of the Interior requires addi-*  
 5        *tional authority in order to convey title to those ap-*  
 6        *propriations made by the United States in 1905 in*  
 7        *order for the city of Duchesne to continue to enjoy the*  
 8        *use of those water rights and to provide additional*  
 9        *benefits to the Ute Indian Tribe and its members as*  
 10       *originally envisioned by the 1905 appropriations.*

11    **SEC. 3. CONVEYANCE OF WATER RIGHTS TO DUCHESNE**  
 12                                    **CITY, UTAH.**

13        *(a) CONVEYANCE.—The Secretary of the Interior, as*  
 14        *soon as practicable after the date of the enactment of this*  
 15        *Act, and in accordance with all applicable law, shall convey*  
 16        *to Duchesne City, Utah, or a water district created by*  
 17        *Duchesne City, all right, title, and interest of United States*  
 18        *in and to those water rights appropriated under the laws*  
 19        *of the State of Utah by the Department of the Interior's*  
 20        *United States Indian Service and identified as Water*  
 21        *Rights Nos. 43–180 (Certificate No. 1034) and 43–203 (Cer-*  
 22        *tificate No. 1056) in the records of the State Engineer of*  
 23        *Utah.*

24        *(b) REQUIRED TERMS.—*

1           (1) *IN GENERAL.*—*As terms of any conveyance*  
2           *under subsection (a), the Secretary shall require that*  
3           *Duchesne City—*

4                   (A) *shall allow the Ute Indian Tribe of the*  
5                   *Uintah and Ouray Reservation, its members,*  
6                   *and any person leasing or utilizing land that is*  
7                   *held in trust for the Tribe by the United States*  
8                   *and is located within the Duchesne City water*  
9                   *service area (as such area may be adjusted from*  
10                   *time to time), to connect to the Duchesne City*  
11                   *municipal water system;*

12                   (B) *shall not require such tribe, members, or*  
13                   *person to pay any water impact, connection, or*  
14                   *similar fee for such connection; and*

15                   (C) *shall not require such tribe, members, or*  
16                   *person to deliver or transfer any water or water*  
17                   *rights for such connection.*

18           (2) *LIMITATION.*—*Paragraph (1) shall not be*  
19           *construed to prohibit Duchesne City from charging*  
20           *any person that connects to the Duchesne City munic-*  
21           *ipal water system pursuant to paragraph (1) reason-*  
22           *able, customary, and nondiscriminatory fees to re-*  
23           *cover costs of the operation and maintenance of the*  
24           *water system to treat, transport, and deliver water to*  
25           *the person.*

1 **SEC. 4. WATER RIGHTS.**

2       (a) *NO RELINQUISHMENT OR REDUCTION.*—*Except as*  
3 *provided in section 3, nothing in this Act may be construed*  
4 *as a relinquishment or reduction of any water rights re-*  
5 *served, appropriated, or otherwise secured by the United*  
6 *States in the State of Utah on or before the date of the en-*  
7 *actment of this Act.*

8       (b) *NO PRECEDENT.*—*Nothing in this Act may be con-*  
9 *strued as establishing a precedent for conveying or other-*  
10 *wise transferring water rights held by the United States.*

11 **SEC. 5. TRIBAL RIGHTS.**

12       *Nothing in this Act may be construed to affect or mod-*  
13 *ify any treaty or other right of the Ute Indian Tribe or*  
14 *any other Indian tribe.*





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**A BILL**

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certain water rights to Duchesne City, Utah.

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