

106TH CONGRESS
2D SESSION

S. 2508

AN ACT

To amend the Colorado Ute Indian Water Rights Settlement Act of 1988 to provide for a final settlement of the claims of the Colorado Ute Indian Tribes, and for other purposes.

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

3 **SECTION 1. SHORT TITLE; FINDINGS; DEFINITIONS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Colorado Ute Settlement Act Amendments of 2000”.

1 (b) FINDINGS.—Congress makes the following find-
2 ings:

3 (1) In order to provide for a full and final set-
4 tlement of the claims of the Colorado Ute Indian
5 Tribes on the Animas and La Plata Rivers, the
6 Tribes, the State of Colorado, and certain of the
7 non-Indian parties to the Agreement have proposed
8 certain modifications to the Colorado Ute Indian
9 Water Rights Settlement Act of 1988 (Public Law
10 100–585; 102 Stat. 2973).

11 (2) The claims of the Colorado Ute Indian
12 Tribes on all rivers in Colorado other than the
13 Animas and La Plata Rivers have been settled in ac-
14 cordance with the provisions of the Colorado Ute In-
15 dian Water Rights Settlement Act of 1988 (Public
16 Law 100–585; 102 Stat. 2973).

17 (3) The Indian and non-Indian communities of
18 southwest Colorado and northwest New Mexico will
19 be benefited by a settlement of the tribal claims on
20 the Animas and La Plata Rivers that provides the
21 Tribes with a firm water supply without taking
22 water away from existing uses.

23 (4) The Agreement contemplated a specific
24 timetable for the delivery of irrigation and municipal
25 and industrial water and other benefits to the Tribes

1 from the Animas-La Plata Project, which timetable
2 has not been met. The provision of irrigation water
3 can not presently be satisfied under the current im-
4 plementation of the Federal Water Pollution Control
5 Act (33 U.S.C. 1251 et seq.) and the Endangered
6 Species Act of 1973 (16 U.S.C. 1531 et seq.).

7 (5) In order to meet the requirements of the
8 Endangered Species Act of 1973 (16 U.S.C. 1531 et
9 seq.), and in particular the various biological opin-
10 ions issued by the Fish and Wildlife Service, the
11 amendments made by this Act are needed to provide
12 for a significant reduction in the facilities and water
13 supply contemplated under the Agreement.

14 (6) The substitute benefits provided to the
15 Tribes under the amendments made by this Act, in-
16 cluding the waiver of capital costs and the provisions
17 of funds for natural resource enhancement, result in
18 a settlement that provides the Tribes with benefits
19 that are equivalent to those that the Tribes would
20 have received under the Colorado Ute Indian Water
21 Rights Settlement Act of 1988 (Public Law 100–
22 585; 102 Stat. 2973).

23 (7) The requirement that the Secretary of the
24 Interior comply with the National Environmental
25 Policy Act of 1969 (42 U.S.C. 4321 et seq.) and

1 other national environmental laws before imple-
2 menting the proposed settlement will ensure that the
3 satisfaction of the tribal water rights is accomplished
4 in an environmentally responsible fashion.

5 (8) In considering the full range of alternatives
6 for satisfying the water rights claims of the South-
7 ern Ute Indian Tribe and Ute Mountain Ute Indian
8 Tribe, Congress has held numerous legislative hear-
9 ings and deliberations, and reviewed the considerable
10 record including the following documents:

11 (A) The Final EIS No. INT-FES-80-18,
12 dated July 1, 1980.

13 (B) The Draft Supplement to the FES No.
14 INT-DES-92-41, dated October 13, 1992.

15 (C) The Final Supplemental to the FES
16 No. 96-23, dated April 26, 1996;

17 (D) The Draft Supplemental EIS, dated
18 January 14, 2000.

19 (E) The Final Supplemental EIS, dated
20 July 2000.

21 (F) The Record of Decision for the Settle-
22 ment of the Colorado Ute Indian Waters, Sep-
23 tember 25, 2000.

24 (9) In the Record of Decision referred to in
25 paragraph (8)(F), the Secretary determined that the

1 preferred alternative could only proceed if Congress
2 amended the Colorado Ute Indian Water Rights Set-
3 tlement Act of 1988 (Public Law 100–585; 102
4 Stat. 2973) so as to satisfy the Tribal water rights
5 claim through the construction of the features au-
6 thorized by this Act. The amendments to the Colo-
7 rado Ute Indian Water Rights Settlement Act of
8 1988 set forth in this Act will provide the Ute
9 Tribes with substitute benefits equivalent to those
10 that the Tribes would have received under the Colo-
11 rado Ute Indian Water Rights Settlement Act of
12 1988, in a manner consistent with paragraph (8)
13 and the Federal Government’s trust obligation.

14 (10) Based upon paragraph (8), it is the intent
15 of Congress to enact legislation that implements the
16 Record of Decision referred to in paragraph (8)(F).
17 (c) DEFINITIONS.—In this Act:

18 (1) AGREEMENT.—The term “Agreement” has
19 the meaning given that term in section 3(1) of the
20 Colorado Ute Indian Water Rights Settlement Act of
21 1988 (Public Law 100–585; 102 Stat. 2973).

22 (2) ANIMAS-LA PLATA PROJECT.—The term
23 “Animas-La Plata Project” has the meaning given
24 that term in section 3(2) of the Colorado Ute Indian

1 Water Rights Settlement Act of 1988 (Public Law
2 100–585; 102 Stat. 2973).

3 (3) DOLORES PROJECT.—The term “Dolores
4 Project” has the meaning given that term in section
5 3(3) of the Colorado Ute Indian Water Rights Set-
6 tlement Act of 1988 (Public Law 100–585; 102
7 Stat. 2974).

8 (4) TRIBE; TRIBES.—The term “Tribe” or
9 “Tribes” has the meaning given that term in section
10 3(6) of the Colorado Ute Indian Water Rights Set-
11 tlement Act of 1988 (Public Law 100–585; 102
12 Stat. 2974).

13 **SEC. 2. AMENDMENTS TO SECTION 6 OF THE COLORADO**
14 **UTE INDIAN WATER RIGHTS SETTLEMENT**
15 **ACT OF 1988.**

16 Subsection (a) of section 6 of the Colorado Ute In-
17 dian Water Rights Settlement Act of 1988 (Public Law
18 100–585; 102 Stat. 2975) is amended to read as follows:

19 “(a) RESERVOIR; MUNICIPAL AND INDUSTRIAL
20 WATER.—

21 “(1) FACILITIES.—

22 “(A) IN GENERAL.—After the date of en-
23 actment of this subsection, but prior to January
24 1, 2005, or the date established in the Amended
25 Final Decree described in section 18(c), the

1 Secretary, in order to settle the outstanding
2 claims of the Tribes on the Animas and La
3 Plata Rivers, acting through the Bureau of
4 Reclamation, is specifically authorized to—

5 “(i) complete construction of, and op-
6 erate and maintain, a reservoir, a pumping
7 plant, a reservoir inlet conduit, and appur-
8 tenant facilities with sufficient capacity to
9 divert and store water from the Animas
10 River to provide for an average annual de-
11 pletion of 57,100 acre-feet of water to be
12 used for a municipal and industrial water
13 supply, which facilities shall—

14 “(I) be designed and operated in
15 accordance with the hydrologic regime
16 necessary for the recovery of the en-
17 dangered fish of the San Juan River
18 as determined by the San Juan River
19 Recovery Implementation Program;

20 “(II) be operated in accordance
21 with the Animas-La Plata Project
22 Compact as approved by Congress in
23 Public Law 90-537;

24 “(III) include an inactive pool of
25 an appropriate size to be determined

1 by the Secretary following the comple-
2 tion of required environmental compli-
3 ance activities; and

4 “(IV) include those recreation fa-
5 cilities determined to be appropriate
6 by agreement between the State of
7 Colorado and the Secretary that shall
8 address the payment of any of the
9 costs of such facilities by the State of
10 Colorado in addition to the costs de-
11 scribed in paragraph (3); and

12 “(ii) deliver, through the use of the
13 project components referred to in clause
14 (i), municipal and industrial water
15 allocations—

16 “(I) with an average annual de-
17pletion not to exceed 16,525 acre-feet
18 of water, to the Southern Ute Indian
19 Tribe for its present and future needs;

20 “(II) with an average annual de-
21pletion not to exceed 16,525 acre-feet
22 of water, to the Ute Mountain Ute In-
23 dian Tribe for its present and future
24 needs;

1 “(III) with an average annual de-
2pletion not to exceed 2,340 acre-feet
3of water, to the Navajo Nation for its
4present and future needs;

5 “(IV) with an average annual de-
6pletion not to exceed 10,400 acre-feet
7of water, to the San Juan Water
8Commission for its present and future
9needs;

10 “(V) with an average annual de-
11pletion of an amount not to exceed
122,600 acre-feet of water, to the
13Animas-La Plata Conservancy Dis-
14trict for its present and future needs;

15 “(VI) with an average annual de-
16pletion of an amount not to exceed
175,230 acre-feet of water, to the State
18of Colorado for its present and future
19needs; and

20 “(VII) with an average annual
21depletion of an amount not to exceed
22780 acre-feet of water, to the La
23Plata Conservancy District of New
24Mexico for its present and future
25needs.

1 “(B) APPLICABILITY OF OTHER FEDERAL
2 LAW.—The responsibilities of the Secretary de-
3 scribed in subparagraph (A) are subject to the
4 requirements of Federal laws related to the pro-
5 tection of the environment and otherwise appli-
6 cable to the construction of the proposed facili-
7 ties, including the National Environmental Pol-
8 icy Act of 1969 (42 U.S.C. 4321 et seq.), the
9 Clean Water Act (42 U.S.C. 7401 et seq.), and
10 the Endangered Species Act of 1973 (16 U.S.C.
11 1531 et seq.). Nothing in this Act shall be con-
12 strued to predetermine or otherwise affect the
13 outcome of any analysis conducted by the Sec-
14 retary or any other Federal official under appli-
15 cable laws.

16 “(C) LIMITATION.—

17 “(i) IN GENERAL.—If constructed, the
18 facilities described in subparagraph (A)
19 shall constitute the Animas-La Plata
20 Project. Construction of any other project
21 features authorized by Public Law 90-537
22 shall not be commenced without further ex-
23 press authorization from Congress.

24 “(ii) CONTINGENCY IN APPLICA-
25 TION.—If the facilities described in sub-

1 paragraph (A) are not constructed and op-
2 erated, clause (i) shall not take effect.

3 “(2) TRIBAL CONSTRUCTION COSTS.—Construc-
4 tion costs allocable to the facilities that are required
5 to deliver the municipal and industrial water alloca-
6 tions described in subclauses (I), (II) and (III) of
7 paragraph (1)(A)(ii) shall be nonreimbursable to the
8 United States.

9 “(3) NONTRIBAL WATER CAPITAL OBLIGA-
10 TIONS.—

11 “(A) IN GENERAL.—Under the provisions
12 of section 9 of the Act of August 4, 1939 (43
13 U.S.C. 485h), the nontribal municipal and in-
14 dustrial water capital repayment obligations for
15 the facilities described in paragraph (1)(A)(i)
16 may be satisfied upon the payment in full of the
17 nontribal water capital obligations prior to the
18 initiation of construction. The amount of the
19 obligations described in the preceding sentence
20 shall be determined by agreement between the
21 Secretary of the Interior and the entity respon-
22 sible for such repayment as to the appropriate
23 reimbursable share of the construction costs al-
24 located to that entity’s municipal water storage.
25 Such repayment shall be consistent with Fed-

1 eral reclamation law, including the Colorado
2 River Storage Project Act of 1956 (43 U.S.C.
3 620 et seq.). Such agreement shall take into ac-
4 count the fact that the construction of certain
5 project facilities, including those facilities re-
6 quired to provide irrigation water supplies from
7 the Animas-La Plata Project, is not authorized
8 under paragraph (1)(A)(i) and no costs associ-
9 ated with the design or development of such fa-
10 cilities, including costs associated with environ-
11 mental compliance, shall be allocable to the mu-
12 nicipal and industrial users of the facilities au-
13 thorized under such paragraph.

14 “(B) NONTRIBAL REPAYMENT OBLIGATION
15 SUBJECT TO FINAL COST ALLOCATION.—The
16 nontribal repayment obligation set forth in sub-
17 paragraph (A) shall be subject to a final cost
18 allocation by the Secretary upon project comple-
19 tion. In the event that the final cost allocation
20 indicates that additional repayment is war-
21 ranted based on the applicable entity’s share of
22 project water storage and determination of
23 overall reimbursable cost, that entity may elect
24 to enter into a new agreement to make the ad-
25 ditional payment necessary to secure the full

1 water supply identified in paragraph (1)(A)(ii).
2 If the repayment entity elects not to enter into
3 a new agreement, the portion of project storage
4 relinquished by such election shall be available
5 to the Secretary for allocation to other project
6 purposes. Additional repayment shall only be
7 warranted for reasonable and unforeseen costs
8 associated with project construction as deter-
9 mined by the Secretary in consultation with the
10 relevant repayment entities.

11 “(C) REPORT.—Not later than April 1,
12 2001, the Secretary shall report to Congress on
13 the status of the cost-share agreements con-
14 templated in subparagraph (A). In the event
15 that no agreement is reached with either the
16 Animas-La Plata Conservancy District or the
17 State of Colorado for the water allocations set
18 forth in subclauses (V) and (VI) of paragraph
19 (1)(A)(ii), those allocations shall be reallocated
20 equally to the Colorado Ute Tribes.

21 “(4) TRIBAL WATER ALLOCATIONS.—

22 “(A) IN GENERAL.—With respect to mu-
23 nicipal and industrial water allocated to a Tribe
24 from the Animas-La Plata Project or the Dolo-
25 res Project, until that water is first used by a

1 Tribe or used pursuant to a water use contract
2 with the Tribe, the Secretary shall pay the an-
3 nual operation, maintenance, and replacement
4 costs allocable to that municipal and industrial
5 water allocation of the Tribe.

6 “(B) TREATMENT OF COSTS.—A Tribe
7 shall not be required to reimburse the Secretary
8 for the payment of any cost referred to in sub-
9 paragraph (A).

10 “(5) REPAYMENT OF PRO RATA SHARE.—Upon
11 a Tribe’s first use of an increment of a municipal
12 and industrial water allocation described in para-
13 graph (4), or the Tribe’s first use of such water pur-
14 suant to the terms of a water use contract—

15 “(A) repayment of that increment’s pro
16 rata share of those allocable construction costs
17 for the Dolores Project shall be made by the
18 Tribe; and

19 “(B) the Tribe shall bear a pro rata share
20 of the allocable annual operation, maintenance,
21 and replacement costs of the increment as re-
22 ferred to in paragraph (4).”.

1 **SEC. 3. MISCELLANEOUS.**

2 The Colorado Ute Indian Water Rights Settlement
3 Act of 1988 (Public Law 100–585; 102 Stat. 2973) is
4 amended by adding at the end the following:

5 **“SEC. 15. NEW MEXICO AND NAVAJO NATION WATER MAT-**
6 **TERS.**

7 “(a) ASSIGNMENT OF WATER PERMIT.—Upon the
8 request of the State Engineer of the State of New Mexico,
9 the Secretary shall, as soon as practicable, in a manner
10 consistent with applicable law, assign, without consider-
11 ation, to the New Mexico Animas-La Plata Project bene-
12 ficiaries or to the New Mexico Interstate Stream Commis-
13 sion in accordance with the request of the State Engineer,
14 the Department of the Interior’s interest in New Mexico
15 State Engineer Permit Number 2883, dated May 1, 1956,
16 in order to fulfill the New Mexico non-Navajo purposes
17 of the Animas-La Plata Project, so long as the permit as-
18 signment does not affect the application of the Endan-
19 gered Species Act of 1973 (16 U.S.C. 1531 et seq.) to
20 the use of the water involved.

21 “(b) NAVAJO NATION MUNICIPAL PIPELINE.—The
22 Secretary is specifically authorized to construct a water
23 line to augment the existing system that conveys the mu-
24 nicipal water supplies, in an amount not less than 4,680
25 acre-feet per year, to the Navajo Indian Reservation at
26 or near Shiprock, New Mexico. The Secretary shall comply

1 with all applicable environmental laws with respect to such
 2 water line. Construction costs allocated to the Navajo Na-
 3 tion for such water line shall be nonreimbursable to the
 4 United States.

5 “(c) PROTECTION OF NAVAJO WATER CLAIMS.—
 6 Nothing in this Act, including the permit assignment au-
 7 thorized by subsection (a), shall be construed to quantify
 8 or otherwise adversely affect the water rights and the
 9 claims of entitlement to water of the Navajo Nation.

10 **“SEC. 16. RESOURCE FUNDS.**

11 “(a) AUTHORIZATION OF APPROPRIATIONS.—There
 12 is authorized to be appropriated to carry out this section,
 13 \$8,000,000 for each of fiscal years 2002 through 2006.
 14 Not later than 60 days after amounts are appropriated
 15 and available to the Secretary for a fiscal year under this
 16 paragraph, the Secretary shall make a payment to each
 17 of the Tribal Resource Funds established under subsection
 18 (b). Each such payment shall be equal to 50 percent of
 19 the amount appropriated for the fiscal year involved.

20 “(b) FUNDS.—The Secretary shall establish a—

21 “(1) Southern Ute Tribal Resource Fund; and

22 “(2) Ute Mountain Ute Tribal Resource Fund.

23 “(c) TRIBAL DEVELOPMENT.—

24 “(1) INVESTMENT.—The Secretary shall, in the
 25 absence of an approved tribal investment plan pro-

1 vided for under paragraph (2), invest the amount in
2 each Tribal Resource Fund established under sub-
3 section (b) in accordance with the Act entitled, ‘An
4 Act to authorize the deposit and investment of In-
5 dian funds’ approved June 24, 1938 (25 U.S.C.
6 162a). With the exception of the funds referred to
7 in paragraph (3)(B)(i), the Secretary shall disburse,
8 at the request of a Tribe, the principal and income
9 in its Resource Fund, or any part thereof, in accord-
10 ance with a resource acquisition and enhancement
11 plan approved under paragraph (3).

12 “(2) INVESTMENT PLAN.—

13 “(A) IN GENERAL.—In lieu of the invest-
14 ment provided for in paragraph (1), a Tribe
15 may submit a tribal investment plan applicable
16 to all or part of the Tribe’s Tribal Resource
17 Fund, except with respect to the funds referred
18 to in paragraph (3)(B)(i).

19 “(B) APPROVAL.—Not later than 60 days
20 after the date on which an investment plan is
21 submitted under subparagraph (A), the Sec-
22 retary shall approve such investment plan if the
23 Secretary finds that the plan is reasonable and
24 sound. If the Secretary does not approve such
25 investment plan, the Secretary shall set forth in

1 writing and with particularity the reasons for
2 such disapproval. If such investment plan is ap-
3 proved by the Secretary, the Tribal Resource
4 Fund involved shall be disbursed to the Tribe to
5 be invested by the Tribe in accordance with the
6 approved investment plan, subject to subsection
7 (d).

8 “(C) COMPLIANCE.—The Secretary may
9 take such steps as the Secretary determines to
10 be necessary to monitor the compliance of a
11 Tribe with an investment plan approved under
12 subparagraph (B). The United States shall not
13 be responsible for the review, approval, or audit
14 of any individual investment under the plan.
15 The United States shall not be directly or indi-
16 rectly liable with respect to any such invest-
17 ment, including any act or omission of the
18 Tribe in managing or investing such funds.

19 “(D) ECONOMIC DEVELOPMENT PLAN.—
20 The principal and income derived from tribal
21 investments under an investment plan approved
22 under subparagraph (B) shall be subject to the
23 provisions of this section and shall be expended
24 only in accordance with an economic develop-
25 ment plan approved under paragraph (3)(B).

1 “(3) ECONOMIC DEVELOPMENT PLAN.—

2 “(A) IN GENERAL.—Each Tribe shall sub-
3 mit to the Secretary a resource acquisition and
4 enhancement plan for all or any portion of its
5 Tribal Resource Fund.

6 “(B) APPROVAL.—Not later than 60 days
7 after the date on which a plan is submitted
8 under subparagraph (A), the Secretary shall ap-
9 prove such plan if it is consistent with the fol-
10 lowing requirements:

11 “(i) With respect to at least $\frac{3}{4}$ of the
12 funds appropriated pursuant to this sec-
13 tion and consistent with the long-standing
14 practice of the Tribes and other local enti-
15 ties and communities to work together to
16 use their respective water rights and re-
17 sources for mutual benefit, at least $\frac{3}{4}$ of
18 the funds appropriated pursuant to this
19 section shall be utilized to enhance, re-
20 store, and utilize the Tribes’ natural re-
21 sources in partnership with adjacent non-
22 Indian communities or entities in the area.

23 “(ii) The plan must be reasonably re-
24 lated to the protection, acquisition, en-
25 hancement, or development of natural re-

1 sources for the benefit of the Tribe and its
2 members.

3 “(iii) Notwithstanding any other pro-
4 vision of law and in order to ensure that
5 the Federal Government fulfills the objec-
6 tives of the Record of Decision referred to
7 in section 1(b)(8)(F) of the Colorado Ute
8 Settlement Act Amendments of 2000 by
9 requiring that the funds referred to in
10 clause (i) are expended directly by employ-
11 ees of the Federal Government, the Sec-
12 retary acting through the Bureau of Rec-
13 lamation shall expend not less than $\frac{1}{3}$ of
14 the funds referred to in clause (i) for mu-
15 nicipal or rural water development and not
16 less than $\frac{2}{3}$ of the funds referred to such
17 clause for resource acquisition and en-
18 hancement.

19 “(C) MODIFICATION.—Subject to the pro-
20 visions of this Act and the approval of the Sec-
21 retary, each Tribe may modify a plan approved
22 under subparagraph (B).

23 “(D) LIABILITY.—The United States shall
24 not be directly or indirectly liable for any claim
25 or cause of action arising from the approval of

1 a plan under this paragraph, or from the use
2 and expenditure by the Tribe of the principal or
3 interest of the Funds.

4 “(d) LIMITATION ON PER CAPITA DISTRIBUTIONS.—
5 No part of the principal contained in the Tribal Resource
6 Fund, or of the income accruing to such funds, or the rev-
7 enue from any water use contract, shall be distributed to
8 any member of either Tribe on a per capita basis.

9 “(e) LIMITATION ON SETTING ASIDE FINAL CON-
10 SENT DECREE.—Neither the Tribes nor the United States
11 shall have the right to set aside the final consent decree
12 solely because the requirements of subsection (c) are not
13 complied with or implemented.

14 “(f) LIMITATION ON DISBURSEMENT OF TRIBAL RE-
15 SOURCE FUNDS.—Any funds appropriated under this sec-
16 tion shall be placed into the Southern Ute Tribal Resource
17 Fund and the Ute Mountain Ute Tribal Resource Fund
18 in the Treasury of the United States but shall not be avail-
19 able for disbursement under this section until the final set-
20 tlement of the tribal claims as provided in section 18. The
21 Secretary of the Interior may, in the Secretary’s sole dis-
22 cretion, authorize the disbursement of funds prior to the
23 final settlement in the event that the Secretary determines
24 that substantial portions of the settlement have been com-
25 pleted. In the event that the funds are not disbursed under

1 the terms of this section by December 31, 2012, such
2 funds shall be deposited in the general fund of the Treas-
3 ury.

4 **“SEC. 17. COLORADO UTE SETTLEMENT FUND.**

5 “(a) ESTABLISHMENT OF FUND.—There is hereby
6 established within the Treasury of the United States a
7 fund to be known as the ‘Colorado Ute Settlement Fund’.

8 “(b) AUTHORIZATION OF APPROPRIATIONS.—There
9 is authorized to be appropriated to the Colorado Ute Set-
10 tlement Fund such funds as are necessary to complete the
11 construction of the facilities described in sections
12 6(a)(1)(A) and 15(b) within 7 years of the date of enact-
13 ment of this section. Such funds are authorized to be ap-
14 propriated for each of the first 5 fiscal years beginning
15 with the first full fiscal year following the date of enact-
16 ment of this section.

17 **“SEC. 18. FINAL SETTLEMENT.**

18 “(a) IN GENERAL.—The construction of the facilities
19 described in section 6(a)(1)(A), the allocation of the water
20 supply from those facilities to the Tribes as described in
21 that section, and the provision of funds to the Tribes in
22 accordance with section 16 and the issuance of an amend-
23 ed final consent decree as contemplated in subsection (c)
24 shall constitute final settlement of the tribal claims to

1 water rights on the Animas and La Plata Rivers in the
2 State of Colorado.

3 “(b) STATUTORY CONSTRUCTION.—Nothing in this
4 section shall be construed to affect the right of the Tribes
5 to water rights on the streams and rivers described in the
6 Agreement, other than the Animas and La Plata Rivers,
7 to receive the amounts of water dedicated to tribal use
8 under the Agreement, or to acquire water rights under the
9 laws of the State of Colorado.

10 “(c) ACTION BY THE ATTORNEY GENERAL.—The At-
11 torney General shall file with the District Court, Water
12 Division Number 7, of the State of Colorado, such instru-
13 ments as may be necessary to request the court to amend
14 the final consent decree to provide for the amendments
15 made to this Act under the Colorado Ute Indian Water
16 Rights Settlement Act Amendments of 2000. The amend-
17 ed final consent decree shall specify terms and conditions
18 to provide for an extension of the current January 1,
19 2005, deadline for the Tribes to commence litigation of
20 their reserved rights claims on the Animas and La Plata
21 Rivers.

22 **“SEC. 19. STATUTORY CONSTRUCTION; TREATMENT OF**
23 **CERTAIN FUNDS.**

24 “(a) IN GENERAL.—Nothing in the amendments
25 made by the Colorado Ute Settlement Act Amendments

1 of 2000 shall be construed to affect the applicability of
2 any provision of this Act.

3 “(b) TREATMENT OF UNCOMMITTED PORTION OF
4 COST-SHARING OBLIGATION.—The uncommitted portion
5 of the cost-sharing obligation of the State of Colorado re-
6 ferred to in section 6(a)(3) shall be made available, upon
7 the request of the State of Colorado, to the State of Colo-
8 rado after the date on which payment is made of the
9 amount specified in that section.”.

Passed the Senate October 25 (legislative day, Sep-
tember 22), 2000.

Attest:

Secretary.

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