

107TH CONGRESS
2D SESSION

H. R. 4708

To authorize the Secretary of the Interior to convey certain facilities to the Fremont-Madison Irrigation District.

IN THE HOUSE OF REPRESENTATIVES

MAY 9, 2002

Mr. SIMPSON (for himself and Mr. OTTER) introduced the following bill; which was referred to the Committee on Resources

A BILL

To authorize the Secretary of the Interior to convey certain facilities to the Fremont-Madison Irrigation District.

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 “Fremont-Madison Con-
5 veyance Act”.

6 **SEC. 2. CONVEYANCE OF FACILITIES.**

7 (a) IN GENERAL.—The Secretary of the Interior shall
8 convey to the Fremont-Madison Irrigation District, Idaho,
9 by not later than the termination date (September 13,
10 2003) of the Memorandum of Agreement (Contract No.

1 1425–01–MA–10–3310) between the Secretary and Fre-
2 mont-Madison Irrigation District dated September 13,
3 2001, all right, title, and interest of the United States in
4 and to the Cross Cut Diversion Dam, the Cross Cut Canal,
5 and the Teton Exchange Wells.

6 (b) APPLICABLE REQUIREMENTS.—The Secretary
7 shall carry out the conveyance under this section in ac-
8 cordance with all applicable laws and pursuant to the
9 terms of the memorandum of agreement between the Dis-
10 trict and the Secretary (Contract No. 1425–01–MA–10–
11 3310).

12 (c) INCLUDED FACILITIES.—The Secretary shall in-
13 clude in the facilities conveyed under this section all right,
14 title, and interest of the United States in and to the ca-
15 nals, laterals, drains, and other components of the water
16 distribution and drainage system that is operated or main-
17 tained by the District for delivery of water to and drainage
18 of water from lands within the boundaries of the District
19 as they exist upon the date of enactment of this Act, con-
20 sistent with section 7.

21 (d) TIMING.—

22 (1) IN GENERAL.—The Secretary shall make
23 the conveyances under this Act as soon as prac-
24 ticable after the date of the enactment of this Act
25 and in accordance with all applicable law.

1 (2) REPORT.—If the Secretary has not com-
2 pleted any conveyance required under this Act by
3 the end of the 1-year period beginning on the date
4 of the enactment of this Act, the Secretary shall, be-
5 fore the end of that period, submit a report to the
6 Congress explaining the reasons that conveyance has
7 not been completed and stating the date by which
8 the conveyance will be completed.

9 **SEC. 3. COSTS.**

10 (a) IN GENERAL.—The Secretary shall require, as a
11 condition of the conveyance under section 2, that the Dis-
12 trict pay the administrative costs of the conveyance and
13 related activities, including the costs of any review re-
14 quired under the National Environmental Policy Act of
15 1969 (42 U.S.C. 4321 et seq.) as described in Contract
16 No. 1425–01–MA–10–3310. However, the Secretary may
17 not require the District to pay more than \$40,000 of such
18 costs.

19 (b) VALUE OF FACILITIES TO BE TRANSFERRED.—
20 In addition to subsection (a) the Secretary shall also re-
21 quire, as condition of the conveyance under section 2, that
22 the District pay to the United States the lesser of the net
23 present value of the remaining obligations owed by the
24 District to the United States with respect to the facilities
25 conveyed, or \$280,000. Amounts received by the United

1 States under this subsection shall be deposited into the
2 reclamation fund.

3 **SEC. 4. TETON EXCHANGE WELLS.**

4 (a) CONTRACTS AND PERMIT.—In conveying the
5 Teton Exchange Wells under section 2, the Secretary shall
6 also convey to the District—

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

11 (2) all equipment appurtenant to such wells.

12 (b) EXTENSION OF WATER SERVICE CONTRACT.—
13 The water service contract between the Secretary and the
14 District (Contract No. 7–07–10–W0179, dated September
15 16, 1977) is hereby extended and shall continue in full
16 force and effect until all conditions described in this Act
17 are fulfilled.

18 **SEC. 5. NATIONAL ENVIRONMENTAL POLICY ACT OF 1969.**

19 Prior to conveyance the Secretary shall complete all
20 actions as may be required under the National Environ-
21 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

22 **SEC. 6. LIABILITY.**

23 Effective on the date of the conveyance of the facili-
24 ties described in section 2, the United States shall not be
25 held liable by any court for damages of any kind arising

1 out of any act, omission, or occurrence relating to the con-
2 veyed facilities, except for damages caused by acts of neg-
3 ligence committed by the United States or by its employ-
4 ees, agents, or contractors prior to the date of conveyance.
5 Nothing in this section may be deemed to increase the li-
6 ability of the United States beyond that currently provided
7 in chapter 171 of title 28, United States Code, popularly
8 known as the Federal Tort Claims Act.

9 **SEC. 7. WATER SUPPLY TO DISTRICT LANDS.**

10 The Secretary shall increase the number of acres
11 within the District that are eligible to receive water from
12 the Minidoka Project and the Teton Basin Projects to re-
13 flect the number of acres within the District as of the date
14 of enactment of this Act, which includes lands annexed
15 into the District prior to enactment of this Act as intended
16 by the Teton Basin Project. This section does not in any
17 way authorize the use of any additional Federal Reclama-
18 tion project water beyond that which is currently author-
19 ized under their existing water storage contracts and as
20 allowed by State water law.

21 **SEC. 8. EXISTING RIGHTS NOT AFFECTED.**

22 Nothing in this Act affects the rights of any person
23 except as provided in this Act. Any conveyance under this
24 Act shall not affect or abrogate any provision of any con-
25 tract executed by the United States or State law regarding

1 any irrigation district's right to use water developed in the
2 facilities conveyed.

3 **SEC. 9. DEFINITIONS.**

4 In this Act:

5 (1) DISTRICT.—The term “District” means the
6 Fremont-Madison Irrigation District, an irrigation
7 district organized under the law of the State of
8 Idaho.

9 (2) SECRETARY.—The term “Secretary” means
10 the Secretary of the Interior.

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