

Union Calendar No. 389

107TH CONGRESS
2^D SESSION

H. R. 4708

[Report No. 107-641]

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

SEPTEMBER 5, 2002

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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

[For text of introduced bill, see copy of bill as introduced on May 9, 2002]

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”.*

1 **SEC. 2. CONVEYANCE OF FACILITIES.**

2 (a) *CONVEYANCE REQUIREMENT.*—*The Secretary of*
3 *the Interior shall convey to the Fremont-Madison Irrigation*
4 *District, Idaho, as soon as practicable after the date of en-*
5 *actment of this Act and in accordance with all applicable*
6 *law and pursuant to the terms of the memorandum of agree-*
7 *ment between the District and the Secretary (Contract No.*
8 *1425-01-MA-10-3310). The Secretary shall include in the*
9 *facilities conveyed under this section all right, title, and*
10 *interest of the United States in and to the canals, laterals,*
11 *drains, and other components of the water distribution and*
12 *drainage system that is operated or maintained by the Dis-*
13 *trict for delivery of water to and drainage of water from*
14 *lands within the boundaries of the District as they exist*
15 *upon the date of enactment of this Act, consistent with sec-*
16 *tion 7.*

17 (b) *REPORT.*—*If the Secretary has not completed any*
18 *conveyance required under this Act by September 13, 2003,*
19 *the Secretary shall, by no later than that date, submit a*
20 *report to the Congress explaining the reasons that convey-*
21 *ance has not been completed and stating the date by which*
22 *the conveyance will be completed.*

23 **SEC. 3. COSTS.**

24 (a) *IN GENERAL.*—*The Secretary shall require, as a*
25 *condition of the conveyance under section 2, that the Dis-*
26 *trict pay the administrative costs of the conveyance and re-*

1 *lated activities, including the costs of any review required*
2 *under the National Environmental Policy Act of 1969 (42*
3 *U.S.C. 4321 et seq.) as described in Contract No. 1425-*
4 *01-MA-10-3310.*

5 **(b) VALUE OF FACILITIES TO BE TRANSFERRED.**—*In*
6 *addition to subsection (a) the Secretary shall also require,*
7 *as condition of the conveyance under section 2, that the Dis-*
8 *trict pay to the United States the lesser of the net present*
9 *value of the remaining obligations owed by the District to*
10 *the United States with respect to the facilities conveyed, or*
11 *\$280,000. Amounts received by the United States under this*
12 *subsection shall be deposited into the reclamation fund.*

13 **SEC. 4. TETON EXCHANGE WELLS.**

14 **(a) CONTRACTS AND PERMIT.**—*In conveying the Teton*
15 *Exchange Wells under section 2, the Secretary shall also*
16 *convey to the District—*

17 **(1)** *Idaho Department of Water Resources permit*
18 *number 22-7022, including drilled wells under the*
19 *permit, as described in Contract No. 1425-01-MA-*
20 *10-3310; and*

21 **(2)** *all equipment appurtenant to such wells.*

22 **(b) EXTENSION OF WATER SERVICE CONTRACT.**—*The*
23 *water service contract between the Secretary and the Dis-*
24 *trict (Contract No. 7-07-10-W0179, dated September 16,*
25 *1977) is hereby extended and shall continue in full force*

1 *and effect until all conditions described in this Act are ful-*
2 *filled.*

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

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

7 **SEC. 6. LIABILITY.**

8 *Effective on the date of the conveyance of the facilities*
9 *described in section 2, the United States shall not be held*
10 *liable by any court for damages of any kind arising out*
11 *of any act, omission, or occurrence relating to the conveyed*
12 *facilities, except for damages caused by acts of negligence*
13 *committed by the United States or by its employees, agents,*
14 *or contractors prior to the date of conveyance. Nothing in*
15 *this section may be deemed to increase the liability of the*
16 *United States beyond that currently provided in chapter*
17 *171 of title 28, United States Code, popularly known as*
18 *the Federal Tort Claims Act.*

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

20 *The Secretary shall increase the number of acres with-*
21 *in the District that are eligible to receive water from the*
22 *Minidoka Project and the Teton Basin Projects to reflect*
23 *the number of acres within the District as of the date of*
24 *enactment of this Act, which includes lands annexed into*
25 *the District prior to enactment of this Act as intended by*

1 *the Teton Basin Project. This section does not in any way*
2 *authorize the use of any additional Federal Reclamation*
3 *project water beyond that which is currently authorized*
4 *under their existing water storage contracts and as allowed*
5 *by State water law.*

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

7 *Nothing in this Act affects the rights of any person*
8 *except as provided in this Act. Any conveyance under this*
9 *Act shall not affect or abrogate any provision of any con-*
10 *tract executed by the United States or State law regarding*
11 *any irrigation district's right to use water developed in the*
12 *facilities conveyed.*

13 **SEC. 9. DEFINITIONS.**

14 *In this Act:*

15 (1) *DISTRICT.*—*The term “District” means the*
16 *Fremont-Madison Irrigation District, an irrigation*
17 *district organized under the law of the State of Idaho.*

18 (2) *SECRETARY.*—*The term “Secretary” means*
19 *the Secretary of the Interior.*

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