

107TH CONGRESS
2^D SESSION

S. 2556

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

IN THE SENATE OF THE UNITED STATES

MAY 23, 2002

Mr. CRAPO (for himself and Mr. CRAIG) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

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

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. DEFINITIONS.**

7 In this Act:

8 (1) **AGREEMENT.**—The term “Agreement”
9 means the memorandum of agreement between the

1 Secretary and the District identified as Contract No.
2 1425-01-MA-10-3310, and dated September 13,
3 2001.

4 (2) DISTRICT.—The term “District” means the
5 Fremont-Madison Irrigation District, an irrigation
6 district organized under State law.

7 (3) FACILITY.—The term “facility” means—

8 (A) the Cross Cut Diversion Dam, the
9 Cross Cut Canal, and the Teton Exchange
10 Wells in the State;

11 (B) any canal, lateral, drain, or other com-
12 ponent of the water distribution and drainage
13 system that, on the date of enactment of this
14 Act, is operated or maintained by the District
15 to deliver water to and drainage of water from
16 land within the boundaries of the District; and

17 (C) with respect to the Teton Exchange
18 Wells—

19 (i) Idaho Department of Water Re-
20 sources permit number 22-7022, including
21 drilled wells under the permit, as described
22 in the Agreement; and

23 (ii) any appurtenant equipment.

24 (4) SECRETARY.—The term “Secretary” means
25 the Secretary of the Interior.

1 (5) STATE.—The term “State” means the State
2 of Idaho.

3 **SEC. 3. CONVEYANCE OF FACILITIES.**

4 (a) IN GENERAL.—As soon as practicable after the
5 date of enactment of this Act, but not later than Sep-
6 tember 13, 2003, subject to applicable laws and in accord-
7 ance with the Agreement, the Secretary shall convey to
8 the District all right, title, and interest of the United
9 States in and to the facilities.

10 (b) CONSIDERATION.—

11 (1) IN GENERAL.—In exchange for the convey-
12 ance of the facilities under subsection (a), the Dis-
13 trict shall pay to the Secretary an amount equal to
14 the lesser of—

15 (A) the net value of any remaining obliga-
16 tions owed to the United States by the District
17 with respect to the facilities conveyed, as deter-
18 mined on the date of the conveyance; or

19 (B) \$280,000.

20 (2) ADMINISTRATIVE COSTS.—

21 (A) IN GENERAL.—In addition to amounts
22 paid to the Secretary under paragraph (1), the
23 District shall pay to the Secretary, subject to
24 subparagraph (B), any administrative costs in-
25 curred by the Secretary in conveying the facili-

1 ties, including the costs of carrying out a review
2 under the National Environmental Policy Act of
3 1969 (42 U.S.C. 4321 et seq.).

4 (B) LIMITATION.—The District shall pay
5 to the Secretary not more than \$40,000 in ad-
6 ministrative costs under subparagraph (A).

7 (3) DEPOSIT.—Amounts received by the Sec-
8 retary under paragraph (1) or (2) shall be deposited
9 in the reclamation fund established under the first
10 section of the Act of June 17, 1902 (43 U.S.C.
11 391).

12 (c) CONDITION.—As a condition of the conveyance
13 under subsection (a), the Secretary shall, not later than
14 the date on which the facilities are conveyed, comply with
15 any applicable requirements of the National Environ-
16 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

17 **SEC. 4. LIABILITY.**

18 (a) IN GENERAL.—Beginning on the date on which
19 the facilities are conveyed under section 3(a), the United
20 States shall not be liable, except as provided in subsection
21 (b), under any Federal or State law for damage from any
22 act, omission, or occurrence relating to the facilities.

23 (b) EXCEPTION.—Notwithstanding subsection (a),
24 the United States shall be liable for damage caused by
25 acts of negligence committed by the United States or by

1 an employee, agent, or contractor of the United States,
2 before the date on which the facilities are conveyed under
3 section 3(a).

4 (c) FEDERAL TORT CLAIMS.—Nothing in this section
5 increases the liability of the United States beyond that
6 provided in chapter 171 of title 28, United States Code
7 (commonly known as the “Federal Tort Claims Act”) as
8 in effect on the date of enactment of this Act.

9 **SEC. 5. WATER SUPPLY TO DISTRICT LAND.**

10 (a) IN GENERAL.—The Secretary shall increase, by
11 a quantity equal to the number of acres that are in the
12 District on the date of enactment of this Act, the number
13 of acres in the District that are eligible to receive water
14 from the Minidoka Project and the Teton Basin Project.

15 (b) EXTENSION OF WATER SERVICE CONTRACT.—
16 The water service contract between the Secretary and the
17 District, numbered 7–07–10–W0179, and dated Sep-
18 tember 16, 1977, is extended until the date on which the
19 conditions of this Act are fulfilled, as determined by the
20 Secretary.

21 (c) EFFECT.—This section does not authorize the use
22 of any additional water from a project carried out under
23 Federal reclamation law (the Act of June 17, 1902 (32
24 Stat. 388, chapter 1093), and Acts supplemental to and
25 amendatory of that Act (43 U.S.C. 371 et seq.)) beyond

1 that which is authorized on the date of enactment of this
2 Act under—

3 (1) water storage contracts; and

4 (2) State water law.

5 **SEC. 6. EFFECT.**

6 Except as specifically provided in this Act, nothing
7 in this Act affects—

8 (1) the rights of any person with respect to the
9 facilities; or

10 (2) any contract executed by the United States
11 or under State law with respect to any right of an
12 irrigation district to use water made available by the
13 facilities conveyed under this Act.

14 **SEC. 7. REPORT.**

15 If the Secretary has not conveyed the facilities to the
16 District by the date that is 1 year after the date of enact-
17 ment of this Act, the Secretary shall, not later than that
18 date, submit to Congress a report that—

19 (1) explains the reasons why the conveyance
20 has not been completed; and

21 (2) specifies the date by which the conveyance
22 is proposed to be completed.

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