

Union Calendar No. 160

109TH CONGRESS
1ST SESSION

H. R. 3443

[Report No. 109-290]

To direct the Secretary of the Interior to convey certain water distribution facilities to the Northern Colorado Water Conservancy District.

IN THE HOUSE OF REPRESENTATIVES

JULY 26, 2005

Mrs. MUSGRAVE (for herself and Mr. UDALL of Colorado) introduced the following bill; which was referred to the Committee on Resources

NOVEMBER 10, 2005

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

To direct the Secretary of the Interior to convey certain water distribution facilities to the Northern Colorado Water Conservancy 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. DEFINITIONS.**

4 In this Act:

5 (1) CONTRACT.—The term “contract” means—

1 (A) the contract between the United States
2 and the Northern Colorado Water Conservancy
3 District providing for the construction of the
4 Colorado-Big Thompson Project, dated July 5,
5 1938; and

6 (B) any amendments and supplements to
7 the contract described in subparagraph (A).

8 (2) DISTRICT.—The term “District” means the
9 Northern Colorado Water Conservancy District.

10 (3) SECRETARY.—The term “Secretary” means
11 the Secretary of the Interior.

12 (4) TRANSFERRED WATER DISTRIBUTION FA-
13 CILITIES.—The term “transferred water distribution
14 facilities” means the following facilities of the Colo-
15 rado-Big Thompson Project located in the counties
16 of Larimer, Boulder, and Weld, Colorado:

17 (A) The St. Vrain Supply Canal.

18 (B) The Boulder Creek Supply Canal that
19 extends from the St. Vrain River to Boulder
20 Creek, including that portion that extends from
21 the St. Vrain River to Boulder Reservoir, which
22 is also known as the “Boulder Feeder Canal”.

23 (C) The South Platte Supply Canal.

1 **SEC. 2. CONVEYANCE OF TRANSFERRED WATER DISTRIBUTION FACILITIES.**
2

3 (a) IN GENERAL.—The Secretary shall, as soon as
4 practicable after the date of the enactment of this Act and
5 in accordance with all applicable law, convey to the Dis-
6 trict all right, title, and interest in and to the transferred
7 water distribution facilities.

8 (b) CONSIDERATION.—

9 (1) DISTRICT.—

10 (A) FINDING.—Congress finds that the
11 District has completed the obligation of the
12 District to repay the capital costs of the Colo-
13 rado-Big Thompson Project under the contract.

14 (B) NO CONSIDERATION REQUIRED.—The
15 District shall not be required to provide addi-
16 tional consideration for the conveyance of the
17 transferred water distribution facilities under
18 subsection (a).

19 (2) ELECTRIC CUSTOMERS.—In consideration
20 for the conveyance of the transferred water distribu-
21 tion facilities under subsection (a), the Secretary of
22 the Treasury shall transfer from the Reclamation
23 fund in the Treasury to the Secretary
24 [\$_____], which shall be derived from
25 amounts collected by the Western Area Power Ad-

1 ministration for the sale of electricity from the
2 Loveland Area Projects.

3 (c) NO EFFECT ON OBLIGATIONS AND RIGHTS.—Ex-
4 cept as expressly provided in this Act, nothing in this Act
5 affects or modifies the obligations and rights of the Dis-
6 trict under the contract, including the obligation of the
7 District to make payments required under the contract.

8 **SEC. 3. LIABILITY.**

9 Except as otherwise provided by law, effective on the
10 date of conveyance of the transferred water distribution
11 facilities under this Act, the United States shall not be
12 liable for damages of any kind arising out of any act, omis-
13 sion, or occurrence based on any prior ownership or oper-
14 ation by the United States of the transferred water dis-
15 tribution facilities.

16 **SEC. 4. EFFECT.**

17 Any actions or activities undertaken by the Secretary
18 under this Act shall not affect, impact, or create any addi-
19 tional burdens or obligations on the New Consolidated
20 Lower Boulder Reservoir and Ditch Company or the New
21 Coal Ridge Ditch Company in the full exercise of their
22 rights to water, water rights, or real property rights or
23 in the full exercise of their rights to utilize facilities af-
24 fected by this Act.

1 **SEC. 5. REPORTS.**

2 (a) **IN GENERAL.**—If the transferred water distribu-
3 tion facilities have not been conveyed by the Secretary to
4 the District by the date that is 1 year after the date of
5 enactment of this Act, not later than 30 days after that
6 date, the Secretary shall submit to the Committee on En-
7 ergy and Natural Resources of the Senate and the Com-
8 mittee on Resources of the House of Representatives a re-
9 port that describes—

10 (1) the reasons for the failure to convey the
11 transferred water distribution facilities; and

12 (2) the schedule for completing the transfer as
13 soon as practicable.

14 (b) **ANNUAL REPORTS.**—The Secretary shall con-
15 tinue to provide annual reports that provide the informa-
16 tion described in subsection (a) until the date on which
17 the transferred water distribution facilities are conveyed
18 in accordance with this Act.

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