

111TH CONGRESS
1ST SESSION

S. 187

To provide for the construction of the Arkansas Valley Conduit in the State of Colorado.

IN THE SENATE OF THE UNITED STATES

JANUARY 8, 2009

Mr. UDALL of Colorado (for himself and Mr. SALAZAR) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To provide for the construction of the Arkansas Valley Conduit in the State of Colorado.

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 “Arkansas Valley Con-
5 duit Act of 2009”.

6 **SEC. 2. ARKANSAS VALLEY CONDUIT, COLORADO.**

7 (a) COST SHARE.—The first section of Public Law
8 87–590 (76 Stat. 389) is amended in the second sentence
9 of subsection (c) by inserting after “cost thereof,” the fol-
10 lowing: “or in the case of the Arkansas Valley Conduit,

1 payment in an amount equal to 35 percent of the cost
 2 of the conduit that is comprised of revenue generated by
 3 payments pursuant to a repayment contract and revenue
 4 that may be derived from contracts for the use of
 5 Fryingpan-Arkansas project excess capacity or exchange
 6 contracts using Fryingpan-Arkansas project facilities,”.

7 (b) RATES.—Section 2(b) of Public Law 87–590 (76
 8 Stat. 390) is amended—

9 (1) by striking “(b) Rates” and inserting the
 10 following:

11 “(b) RATES.—

12 “(1) IN GENERAL.—Rates”; and

13 (2) by adding at the end the following:

14 “(2) RUEDI DAM AND RESERVOIR, FOUNTAIN
 15 VALLEY PIPELINE, AND SOUTH OUTLET WORKS AT
 16 PUEBLO DAM AND RESERVOIR.—

17 “(A) IN GENERAL.—Notwithstanding the
 18 reclamation laws, until the date on which the
 19 payments for the Arkansas Valley Conduit
 20 under paragraph (3) begin, any revenue that
 21 may be derived from contracts for the use of
 22 Fryingpan-Arkansas project excess capacity or
 23 exchange contracts using Fryingpan-Arkansas
 24 project facilities shall be credited towards pay-
 25 ment of the actual cost of Ruedi Dam and Res-

ervoir, the Fountain Valley Pipeline, and the South Outlet Works at Pueblo Dam and Reservoir plus interest in an amount determined in accordance with this section.

“(B) EFFECT.—Nothing in the Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.)) prohibits the concurrent crediting of revenue (with interest as provided under this section) towards payment of the Arkansas Valley Conduit as provided under this paragraph.

“(3) ARKANSAS VALLEY CONDUIT.—

“(A) USE OF REVENUE.—Notwithstanding the reclamation laws, any revenue derived from contracts for the use of Fryingpan-Arkansas project excess capacity or exchange contracts using Fryingpan-Arkansas project facilities shall be credited towards payment of the actual cost of the Arkansas Valley Conduit plus interest in an amount determined in accordance with this section.

“(B) ADJUSTMENT OF RATES.—Any rates charged under this section for water for munic-

1 ipal, domestic, or industrial use or for the use
 2 of facilities for the storage or delivery of water
 3 shall be adjusted to reflect the estimated rev-
 4 enue derived from contracts for the use of
 5 Fryingpan-Arkansas project excess capacity or
 6 exchange contracts using Fryingpan-Arkansas
 7 project facilities.”.

8 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
 9 7 of Public Law 87–590 (76 Stat. 393) is amended—

10 (1) by striking “SEC. 7. There is hereby” and
 11 inserting the following:

12 **“SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

13 “(a) IN GENERAL.—There is”; and

14 (2) by adding at the end the following:

15 “(b) ARKANSAS VALLEY CONDUIT.—

16 “(1) IN GENERAL.—Subject to annual appro-
 17 priations and paragraph (2), there are authorized to
 18 be appropriated such sums as are necessary for the
 19 construction of the Arkansas Valley Conduit.

20 “(2) LIMITATION.—Amounts made available
 21 under paragraph (1) shall not be used for the oper-
 22 ation or maintenance of the Arkansas Valley Con-
 23 duit.”.

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