

109TH CONGRESS  
1ST SESSION

# H. R. 3443

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

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## 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

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## 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—

6                       (A) the contract between the United States  
7                       and the Northern Colorado Water Conservancy  
8                       District providing for the construction of the  
9                       Colorado-Big Thompson Project, dated July 5,  
10                      1938; and

1 (B) any amendments and supplements to  
2 the contract described in subparagraph (A).

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

5 (3) SECRETARY.—The term “Secretary” means  
6 the Secretary of the Interior.

7 (4) TRANSFERRED WATER DISTRIBUTION FA-  
8 CILITIES.—The term “transferred water distribution  
9 facilities” means the following facilities of the Colo-  
10 rado-Big Thompson Project located in the counties  
11 of Larimer, Boulder, and Weld, Colorado:

12 (A) The St. Vrain Supply Canal.

13 (B) The Boulder Creek Supply Canal that  
14 extends from the St. Vrain River to Boulder  
15 Creek, including that portion that extends from  
16 the St. Vrain River to Boulder Reservoir, which  
17 is also known as the “Boulder Feeder Canal”.

18 (C) The South Platte Supply Canal.

19 **SEC. 2. CONVEYANCE OF TRANSFERRED WATER DISTRIBUTION FACILITIES.**  
20

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

1 (b) CONSIDERATION.—

2 (1) DISTRICT.—

3 (A) FINDING.—Congress finds that the  
4 District has completed the obligation of the  
5 District to repay the capital costs of the Colo-  
6 rado-Big Thompson Project under the contract.

7 (B) NO CONSIDERATION REQUIRED.—The  
8 District shall not be required to provide addi-  
9 tional consideration for the conveyance of the  
10 transferred water distribution facilities under  
11 subsection (a).

12 (2) ELECTRIC CUSTOMERS.—In consideration  
13 for the conveyance of the transferred water distribu-  
14 tion facilities under subsection (a), the Secretary of  
15 the Treasury shall transfer from the Reclamation  
16 fund in the Treasury to the Secretary  
17 [\$\_\_\_\_\_], which shall be derived from  
18 amounts collected by the Western Area Power Ad-  
19 ministration for the sale of electricity from the  
20 Loveland Area Projects.

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

1 **SEC. 3. LIABILITY.**

2 Except as otherwise provided by law, effective on the  
3 date of conveyance of the transferred water distribution  
4 facilities under this Act, the United States shall not be  
5 liable for damages of any kind arising out of any act, omis-  
6 sion, or occurrence based on any prior ownership or oper-  
7 ation by the United States of the transferred water dis-  
8 tribution facilities.

9 **SEC. 4. EFFECT.**

10 Any actions or activities undertaken by the Secretary  
11 under this Act shall not affect, impact, or create any addi-  
12 tional burdens or obligations on the New Consolidated  
13 Lower Boulder Reservoir and Ditch Company or the New  
14 Coal Ridge Ditch Company in the full exercise of their  
15 rights to water, water rights, or real property rights or  
16 in the full exercise of their rights to utilize facilities af-  
17 fected by this Act.

18 **SEC. 5. REPORTS.**

19 (a) IN GENERAL.—If the transferred water distribu-  
20 tion facilities have not been conveyed by the Secretary to  
21 the District by the date that is 1 year after the date of  
22 enactment of this Act, not later than 30 days after that  
23 date, the Secretary shall submit to the Committee on En-  
24 ergy and Natural Resources of the Senate and the Com-  
25 mittee on Resources of the House of Representatives a re-  
26 port that describes—

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

3           (2) the schedule for completing the transfer as  
4 soon as practicable.

5       (b) ANNUAL REPORTS.—The Secretary shall con-  
6 tinue to provide annual reports that provide the informa-  
7 tion described in subsection (a) until the date on which  
8 the transferred water distribution facilities are conveyed  
9 in accordance with this Act.

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