

109TH CONGRESS
1ST SESSION

H. R. 3443

IN THE SENATE OF THE UNITED STATES

DECEMBER 14, 2005

Received; read twice and referred to the Committee on Energy and Natural
Resources

AN ACT

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,*

1 **SECTION 1. DEFINITIONS.**

2 In this Act:

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

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

9 (B) any amendments and supplements to
10 the contract described in subparagraph (A).

11 (2) **DISTRICT.**—The term “District” means the
12 Northern Colorado Water Conservancy District.

13 (3) **SECRETARY.**—The term “Secretary” means
14 the Secretary of the Interior.

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

20 (A) The St. Vrain Supply Canal.

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

26 (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.—The Western Area
20 Power Administration shall continue to include the
21 unpaid portion of the transferred facilities in its an-
22 nual power repayment studies for the Loveland Area
23 Projects until such facilities are repaid in accordance
24 with the laws and policies regarding repayment of
25 investment in effect on the date of enactment of this
26 Act.

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

6 **SEC. 3. LIABILITY.**

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

14 **SEC. 4. EFFECT.**

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

23 **SEC. 5. REPORTS.**

24 (a) IN GENERAL.—If the transferred water distribu-
25 tion facilities have not been conveyed by the Secretary to

1 the District by the date that is 1 year after the date of
2 enactment of this Act, not later than 30 days after that
3 date, the Secretary shall submit to the Committee on En-
4 ergy and Natural Resources of the Senate and the Com-
5 mittee on Resources of the House of Representatives a re-
6 port that describes—

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

9 (2) the schedule for completing the transfer as
10 soon as practicable.

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

 Passed the House of Representatives December 13,
2005.

Attest:

KAREN L. HAAS,

Clerk.