

Calendar No. 410

109TH CONGRESS
2^D SESSION**H. R. 3443****[Report No. 109-248]**

IN THE SENATE OF THE UNITED STATES

DECEMBER 14, 2005

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

APRIL 20, 2006

Reported under authority of the order of the Senate of April 7, 2006, by Mr.
DOMENICI, without amendment

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,*

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

1 District providing for the construction of the
2 Colorado-Big Thompson Project, dated July 5,
3 1938; and

4 (B) any amendments and supplements to
5 the contract described in subparagraph (A).

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

8 (3) SECRETARY.—The term “Secretary” means
9 the Secretary of the Interior.

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

15 (A) The St. Vrain Supply Canal.

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

21 (C) The South Platte Supply Canal.

22 **SEC. 2. CONVEYANCE OF TRANSFERRED WATER DISTRIBUTION FACILITIES.**
23

24 (a) IN GENERAL.—The Secretary shall, as soon as
25 practicable after the date of the enactment of this Act and

1 in accordance with all applicable law, convey to the Dis-
2 trict all right, title, and interest in and to the transferred
3 water distribution facilities.

4 (b) CONSIDERATION.—

5 (1) DISTRICT.—

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

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

15 (2) ELECTRIC CUSTOMERS.—The Western Area
16 Power Administration shall continue to include the
17 unpaid portion of the transferred facilities in its an-
18 nual power repayment studies for the Loveland Area
19 Projects until such facilities are repaid in accordance
20 with the laws and policies regarding repayment of
21 investment in effect on the date of enactment of this
22 Act.

23 (c) NO EFFECT ON OBLIGATIONS AND RIGHTS.—Ex-
24 cept as expressly provided in this Act, nothing in this Act
25 affects or modifies the obligations and rights of the Dis-

1 triet under the contract, including the obligation of the
2 District to make payments required under the contract.

3 **SEC. 3. LIABILITY.**

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

11 **SEC. 4. EFFECT.**

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

20 **SEC. 5. REPORTS.**

21 (a) IN GENERAL.—If the transferred water distribu-
22 tion facilities have not been conveyed by the Secretary to
23 the District by the date that is 1 year after the date of
24 enactment of this Act, not later than 30 days after that
25 date, the Secretary shall submit to the Committee on En-

1 ergy and Natural Resources of the Senate and the Com-
2 mittee on Resources of the House of Representatives a re-
3 port that describes—

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

6 (2) the schedule for completing the transfer as
7 soon as practicable.

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

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