

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5039

To direct the Secretary of the Interior to convey title to certain irrigation project property in the Humboldt Project, Nevada, to the Pershing County Water Conservation District, Pershing County, Lander County, and the State of Nevada.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 27, 2002

Mr. GIBBONS 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 title to certain irrigation project property in the Humboldt Project, Nevada, to the Pershing County Water Conservation District, Pershing County, Lander County, and the State of Nevada.

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 “Humboldt Project Con-  
5        veyance Act”.

6        **SEC. 2. DEFINITIONS.**

7        For purposes of this Act:

1           (1) SECRETARY.—The term “Secretary” means  
2           the Secretary of the Interior.

3           (2) STATE.—The term “State” means the State  
4           of Nevada.

5           (3) PCWCD.—The term “PCWCD” means the  
6           Pershing County Water Conservation District, a  
7           public entity organized under the laws of the State  
8           of Nevada.

9           (4) PERSHING COUNTY.—The term “Pershing  
10          County” means the Pershing County government, a  
11          political subunit of the State of Nevada.

12          (5) LANDER COUNTY.—The term “Lander  
13          County” means the Lander County government, a  
14          political subunit of the State of Nevada.

15 **SEC. 3. AUTHORITY TO CONVEY TITLE.**

16          (a) IN GENERAL.—The Secretary shall, no later than  
17          2 years after the date of enactment of this Act, convey,  
18          without regard to Federal laws governing patents, all  
19          right, title, and interest in and to the lands and features  
20          of the Humboldt Project to PCWCD, the State, Pershing  
21          County, and Lander County, consistent with the terms  
22          and conditions set forth in the Memorandum of Agree-  
23          ment between PCWCD and Lander County dated January  
24          24, 2000, the Conceptual Agreement between PCWCD  
25          and the State dated October 18, 2001, the Memorandum

1 of Agreement between the Bureau of Reclamation and  
2 PCWCD dated \_\_\_\_\_, and the Letter of Agreement be-  
3 tween Pershing County and the State dated April 16,  
4 2002.

5 (b) COMPLIANCE WITH AGREEMENTS.—All parties  
6 to the conveyance under subsection (a) shall comply with  
7 the terms and conditions of the agreements cited in sub-  
8 section (a).

9 (c) REPORT.—If the conveyance required by this sec-  
10 tion has not been completed within 18 months after the  
11 date of enactment of this Act, the Secretary shall submit  
12 a report to the Committee on Resources of the House of  
13 Representatives and the Committee on Energy and Nat-  
14 ural Resources of the Senate that describes—

15 (1) the status of the conveyance;

16 (2) any obstacles to completion of the convey-  
17 ance; and

18 (3) the anticipated date for completion of the  
19 conveyance.

20 **SEC. 4. PAYMENT.**

21 (a) IN GENERAL.—As consideration for any convey-  
22 ance required by section 3, PCWCD shall pay to the  
23 United States the net present value of miscellaneous reve-  
24 nues associated with the lands and facilities to be con-  
25 veyed.

1           (b) WITHDRAWN LANDS.—As consideration for any  
2 conveyance of withdrawn lands required by section 3, the  
3 entity receiving title shall pay the United States (in addi-  
4 tion to amounts paid under subsection (a)) the fair market  
5 value for any such lands conveyed that were withdrawn  
6 from the public domain pursuant to the Secretarial Orders  
7 dated March 16, 1934, and April 6, 1956.

8           (c) ADMINISTRATIVE COSTS.—Administrative costs  
9 for conveyance of any land or facility under this Act shall  
10 be paid in equal shares by the Secretary and the entity  
11 receiving title to the land or facility, except costs identified  
12 in subsections (d) and (e).

13          (d) REAL ESTATE TRANSFER COSTS.—As a condi-  
14 tion of any conveyance of any land or facility required by  
15 section 3, costs of all boundary surveys, title searches, ca-  
16 dastral surveys, appraisals, and other real estate trans-  
17 actions required for the conveyance shall be paid by the  
18 entity receiving title to the land or facility.

19          (e) NEPA COSTS.—Costs associated with any review  
20 required under the National Environmental Policy Act of  
21 1969 for conveyance of any land or facility under section  
22 3 shall be paid in equal shares by the Secretary and the  
23 entity receiving title to the land or facility.

24          (f) COST LIMITATION.—Notwithstanding subsections  
25 (c) and (e), the Secretary shall not require any of the enti-

1 ties receiving land or facilities to pay a total of more than  
2 \$40,000 in costs under subsections (c) and (e).

3 (g) STATE OF NEVADA.—The State shall not be re-  
4 sponsible for any payments or costs under this section.  
5 The State shall ensure that all lands transferred under  
6 this Act are used for recreation, wildlife habitat, wetlands,  
7 or resource conservation pursuant to the Conceptual  
8 Agreement between PCWCD and the State dated October  
9 18, 2001. If such purposes change after conveyance, title  
10 shall either convey to the PCWCD pursuant to this Act  
11 or the State shall make payments and pay costs pursuant  
12 to this section.

13 **SEC. 5. COMPLIANCE WITH OTHER LAWS.**

14 Following the conveyance required by section 3, the  
15 District, the State, Pershing County, and Lander County  
16 shall, with respect to the interests conveyed, comply with  
17 all requirements of Federal, State, and local law applicable  
18 to non-Federal water distribution systems.

19 **SEC. 6. REVOCATION OF WITHDRAWALS.**

20 Effective on the date of the conveyance required by  
21 section 3, the Secretarial Orders dated March 16, 1934,  
22 and April 6, 1956, that withdrew public lands for the Rye  
23 Patch Reservoir and the Humboldt Sink, are hereby re-  
24 voked.

1 **SEC. 7. LIABILITY.**

2       Effective on the date of the conveyance required by  
3 section 3, the United States shall not be held liable by  
4 any court for damages of any kind arising out of any act,  
5 omission, or occurrence relating to the Humboldt Project,  
6 except for damages caused by acts of negligence com-  
7 mitted by the United States or by its employees or agents  
8 prior to the date of conveyance. Nothing in this section  
9 shall be considered to increase the liability of the United  
10 States beyond that currently provided in chapter 171 of  
11 title 28, United States Code, popularly known as the Fed-  
12 eral Tort Claims Act.

13 **SEC. 8. EXISTING RIGHTS NOT AFFECTED.**

14       Nothing in this Act shall affect the rights of any per-  
15 son except as provided in this Act. Any conveyance under  
16 this Act shall not affect or abrogate any provision of any  
17 contract executed by the United States or by State law  
18 regarding any person's right to use water.

19 **SEC. 9. NATIONAL ENVIRONMENTAL POLICY ACT.**

20       Prior to conveyance the Secretary shall complete all  
21 actions as may be required under the National Environ-  
22 mental Policy Act of 1969 (U.S.C. 4321 et seq.).

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