

NAMPA AND MERIDIAN CONVEYANCE ACT

SEPTEMBER 20, 2000.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany H.R. 3067]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 3067) to authorize the Secretary of the Interior to convey certain facilities to Nampa and Meridian Irrigation District, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Nampa and Meridian Conveyance Act”.

SEC. 2. CONVEYANCE OF FACILITIES.

The Secretary of the Interior (in this Act referred to as the “Secretary”) shall, as soon as practicable after the date of enactment of this Act, convey facilities to the Nampa and Meridian Irrigation District (in this Act referred to as the “District”) in accordance with all applicable laws and pursuant to the terms of the Memorandum of Agreement (contract No. 1425-99MA102500, dated 7 July 1999) between the Secretary and the District. The conveyance of facilities shall include all right, title, and interest of the United States in and to any portion of the canals, laterals, drains, and any other portion of the water distribution and drainage system that is operated or maintained by the District for delivery of water to and drainage of water from lands within the boundaries of the District.

SEC. 3. LIABILITY.

Except as otherwise provided by law, effective on the date of conveyance of facilities under this Act, the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence based on its prior ownership or operation of the conveyed property.

SEC. 4. EXISTING RIGHTS NOT AFFECTED.

Nothing in this Act affects the rights of any person except as provided in this Act. No water rights shall be transferred, modified, or otherwise affected by the conveyance of facilities and interests to the Nampa and Meridian Irrigation District under this Act. Such conveyance shall not affect or abrogate any provision of any contract

executed by the United States or State law regarding any irrigation district's right to use water developed in the facilities conveyed.

PURPOSE OF THE BILL

The purpose of the bill is to authorize the Secretary of the Interior to convey certain facilities to Nampa and Meridian Irrigation District.

BACKGROUND AND NEED FOR LEGISLATION

The Nampa and Meridian Irrigation District is comprised of approximately 64,000 irrigable acres in Canyon and Ada Counties, located in Southwest Idaho, and includes the cities of Nampa, Boise and Meridian. Its water source is the Boise River.

There are several hundred miles of canals, laterals and drains in the District's jurisdiction which are used for water distribution and drainage. According to the District, the facilities that are being considered for title transfer from the United States to the District involves approximately 5 percent of the system, according to the most recent analysis. The majority of the 5 percent claimed by the Bureau of Reclamation (BOR) is claimed under the 1890 Canal Act, with the balance as fee title or an easement. The BOR makes no claim of interest to the remaining 95 percent of the facilities.

The legislation transfers certain of these facilities to the Nampa-Meridian Irrigation District. The Committee intends that the local public should have the opportunity to comment and provide input on the process of transfer, including recreational access. The Nampa-Meridian Irrigation District has indicated that it will continue to work these issues out with the city and county governments, as well as private property owners.

No water rights will be transferred, modified, or otherwise affected by the transfer to the Nampa and Meridian Irrigation District. Also, the transfer will not affect any provision of any contract executed by the United States or State law regarding any irrigation district's right to use water developed in the facilities conveyed.

COMMITTEE ACTION

H.R. 3067 was introduced on October 13, 1999, by Congresswoman Helen Chenoweth-Hage (R-ID). H.R. 3067 was referred to the Committee on Resources and within the Committee to the Subcommittee on Water and Power. On October 21, 1999, the Subcommittee held a hearing on the bill. On September 13, 2000, the Resources Committee met to consider the bill. The Subcommittee on Water and Power was discharged from further consideration of the measure by unanimous consent. Congresswoman Chenoweth-Hage offered an amendment in the nature of a substitute. The amendment passed by voice vote. H.R. 3067, as amended, was then ordered favorably reported by voice vote to the House of Representatives.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

This act may be cited as the "Nampa and Meridian Conveyance Act".

Section 2. Conveyance of facilities

This section requires the Secretary of the Interior to transfer the facilities in accordance with all applicable laws and pursuant to the terms of the Memorandum of Agreement (Contract Number 1425 99MA102500, dated 7 July 1999) as soon as practicable after the date of enactment.

Section 3. Liability

This section outlines the liability assumed by the Nampa-Meridian Irrigation District.

Section 4. Existing rights not affected

This section clarifies that the bill does not affect the contractual rights of any irrigation district's right to use water developed in the facilities transferred.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. Government Reform Oversight Findings. Under clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform on this bill.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 19, 2000.

Hon. DON YOUNG,
*Chairman, Committee on Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3067, the Nampa and Meridian Conveyance Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Rachel Applebaum.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

H.R. 3067—Nampa and Meridian Conveyance Act

H.R. 3067 would authorize the Secretary of the Interior to convey the water distribution and drainage system within the Nampa and Meridian Irrigation District in Idaho to the district. Based on information from the Bureau of Reclamation, CBO estimates that this bill would not have a significant effect on the federal budget. The district paid the last of its repayment obligations to the government in 1987, and the district pays the full cost of operating and maintaining these systems. Because H.R. 3067 would not affect direct spending or receipts, pay-as-you-go procedures would not apply.

H.R. 3067 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would have no significant impact on the budgets of state, local, or tribal governments.

The CBO staff contact is Rachel Applebaum. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.