

104TH CONGRESS  
2D SESSION

# S. 2015

To convey certain real property located within the Carlsbad Project in New Mexico to the Carlsbad Irrigation District.

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IN THE SENATE OF THE UNITED STATES

AUGUST 1, 1996

Mr. DOMENICI introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To convey certain real property located within the Carlsbad Project in New Mexico to the Carlsbad Irrigation 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. CONVEYANCE.**

4       (a) OPERATION OF LAW.—

5               (1) IN GENERAL.—Except as provided in para-  
6       graph (2), and subject to the conditions set forth in  
7       subsection (c) and section 2(b), all right, title, and  
8       interest of the United States in and to the lands de-  
9       scribed in subsection (b) (in this Act referred to as  
10       the “acquired lands”) in addition to all interests the

1 United States holds in the irrigation and drainage  
2 system of the Carlsbad Project and all related lands  
3 including ditch rider houses, maintenance shop and  
4 buildings, and Pecos River Flume are hereby con-  
5 veyed by operation of law to the Carlsbad Irrigation  
6 District (a quasi-municipal corporation formed  
7 under the laws of the State of New Mexico and re-  
8 ferred to in this Act as the “District”).

9 (2) LIMITATIONS.—

10 (A) In case of a tract of acquired land on  
11 which is located any dam, or reservoir diversion  
12 structure, conveyance to the District is limited  
13 to the right, title, and interest of the United  
14 States in and to the mineral estate.

15 (B) The United States shall retain storage  
16 and flow easements for any tracts located under  
17 the maximum spillway elevations of Avalon and  
18 Brantley Reservoirs.

19 (b) ACQUIRED LANDS DESCRIBED.—The lands re-  
20 ferred to in subsection (a) are those lands (including the  
21 surface and mineral estate) in Eddy County, New Mexico,  
22 described as the acquired lands in section (7) of the “Sta-  
23 tus of Lands and Title Report: Carlsbad Project” as re-  
24 ported by the Bureau of Reclamation in 1978.

1 (c) TERMS AND CONDITIONS OF CONVEYANCE.—Any  
2 conveyance of the acquired lands under this Act shall be  
3 subject to the following terms and conditions:

4 (1) The acquired lands shall continue to be  
5 managed and used by the District for the purposes  
6 for which the Carlsbad Project was authorized, con-  
7 sistent with existing management of such lands.

8 (2) Except as provided in paragraph (3), the  
9 District shall assume all rights and obligations of  
10 the United States under—

11 (A) the agreement dated July 28, 1994,  
12 between the United States and the Director,  
13 New Mexico Department of Game and Fish  
14 (Document No. 2–LM–40–00640), relating to  
15 management of certain lands near Brantley  
16 Reservoir for fish and wildlife purposes,

17 (B) the agreement dated March 9, 1977,  
18 between the United States and the New Mexico  
19 Department of Energy, Minerals, and Natural  
20 Resources (Contract No. 7–07–57–X0888) for  
21 the management and operation of Brantley  
22 Lake State Park.

23 (3) EXCEPTIONS.—

1 (A) The District shall not be obligated for  
2 any financial support associated with either  
3 agreement under paragraph (2).

4 (B) The District shall not be entitled to  
5 any revenues generated by the operation of  
6 Brantley Lake State Park.

7 **SEC. 2 LEASE MANAGEMENT AND PAST REVENUES COL-**  
8 **LECTED FROM THE ACQUIRED LANDS.**

9 (a) IDENTIFICATION AND NOTIFICATION OF LEASE-  
10 HOLDERS.—Within 45 days after the date of enactment  
11 of this Act, the Secretary of the Interior shall provide to  
12 the District a written identification of all mineral and  
13 grazing leases in effect on the acquired lands on the date  
14 of enactment of this Act, and the Secretary of the Interior  
15 shall notify all leaseholders of the conveyance made by this  
16 Act.

17 (b) MANAGEMENT OF MINERAL AND GRAZING  
18 LEASES.—Upon conveyance, the District shall assume all  
19 rights and obligations of the United States for all mineral  
20 and grazing leases on the acquired lands, and shall be en-  
21 titled to any revenues from such leases accruing after such  
22 date. The District shall continue to adhere to the current  
23 Bureau of Reclamation mineral leasing stipulations for the  
24 Carlsbad Project.

1           (c) AVAILABILITY OF AMOUNTS PAID INTO REC-  
2 LAMATION FUND.—Receipts paid into the reclamation  
3 fund which now exist as credits to the Carlsbad Project  
4 under the Mineral Lands Leasing Act of 1920 (30 U.S.C.  
5 181 et. seq.), shall be made available to the District under  
6 the distribution scheme set forth in section (4)(I) of the  
7 Act of December 5, 1924 (43 U.S.C. 501; commonly re-  
8 ferred to as the “Fact Finders Act of 1942”).

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