

## IRRIGATION PROJECT CONTRACT EXTENSION ACT OF 1998

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JUNE 25, 1998.—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. 2795]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 2795) to extend certain contracts between the Bureau of Reclamation and irrigation water contractors in Wyoming and Nebraska that receive water from Glendo Reservoir, 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 out all after the enacting clause and insert in lieu thereof the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Irrigation Project Contract Extension Act of 1998”.

#### SEC. 2. EXTENSION OF CONTRACTS.

(a) **IN GENERAL.**—The Secretary of the Interior shall extend each of the water service or repayment contracts for the Glendo Unit of the Missouri River Basin Project that are identified in subsection (c) for a period of 3 years until December 31, 2000.

(b) **EXTENSIONS COTERMINOUS WITH COOPERATIVE AGREEMENT.**—If the cooperative agreement entitled “Cooperative Agreement for Platte River Research and other Efforts Relating to Endangered Species Habitats Along the Central Platte River, Nebraska”, entered into by the Governors of the States of Wyoming, Nebraska, and Colorado and the Secretary of the Interior, is extended for a term beyond December 31, 2000, the contracts identified in subsection (c) shall be extended for the same term, but not to go beyond December 31, 2001. If the cooperative agreement terminates prior to December 31, 2000, the contracts identified in subsection (c) shall be subject to renewal on the date of cooperative agreement terminates.

(c) **CONTRACTS.**—The contracts identified in this subsection are—

(1) the contract between the United States and the New Grattan Ditch Company for water service from Glendo Reservoir (Contract No. 14-06-700-7591), dated March 7, 1974;

(2) the contract between the United States and Burbank Ditch for water service from Glendo Reservoir (Contract No. 14-06-700-6614), dated May 23, 1969;

(3) the contract between the United States and the Torrington Irrigation District for water service from Glendo Reservoir (Contract No. 14-06-700-1771), dated July 14, 1958;

(4) the contract between the United States and the Lucerne Canal and Power Company for water from service Glendo Reservoir (Contract No. 14-06-700-1740, as amended), dated June 12, 1958, and amended June 10, 1960;

(5) the contract between the United States and the Wright and Murphy Ditch Company for water service from Glendo Reservoir (Contract No. 14-06-700-1741), dated June 12, 1958;

(6) the contract between the United States and the Bridgeport Irrigation District for water service from Glendo Reservoir (Contract No. 14-06-700-8376, renumbered 6-07-70-W0126), dated July 9, 1976;

(7) the contract between the United States and the Enterprises Irrigation District for water service from Glendo Reservoir (Contract No. 14-06-700-1742), dated June 12, 1958;

(8)(A) the contract between the United States and the Mitchell Irrigation District for an increase in carryover storage capacity in Glendo Reservoir (Contract No. 14-06-700-1743, renumbered 8-07-70-W0056 Amendment No. 1), dated March 22, 1985; and

(B) the contract between the United States and the Mitchell Irrigation District for water service from Glendo Reservoir (Contract No. 14-06-700-1743, renumbered 8-07-70-W0056) dated June 12, 1958; and

(9) the contract between the United States and the Central Nebraska Public Power and Irrigation District for repayment of allocated irrigation costs of Glendo Reservoir (Contract No. 5-07-70-W0734), dated December 31, 1984.

(d) STATUTORY CONSTRUCTION.—Nothing in this section precludes the Secretary of the Interior from making an extension under subsection (a) or (b) in the form of annual extensions.

#### PURPOSE OF THE BILL

The purpose of H.R. 2795 is extend certain contracts between the Bureau of Reclamation and irrigation water contractors in Wyoming and Nebraska that receive water from Glendo Reservoir.

#### BACKGROUND AND NEED FOR LEGISLATION

Glendo Dam of the Glendo Unit was authorized under the Flood Control Act of December 22, 1944, Public Law 534 (58 Stat. 887) and was constructed under a modified plan as presented in the Definite Plan Report of December 1952 and approved by Public Law 503, (68 Stat. 486) 83rd Congress, July 16, 1954.

The Glendo Unit includes Glendo Dam, Reservoir, and Powerplant, as well as Fremont Powerplant and Gray Reef Dam and Reservoir. The Glendo Unit is authorized to provide irrigation water, hydro power generation, flood control, fish and wildlife enhancement, recreational opportunities, sediment retention, pollution abatement, and improved municipal and industrial water supplies.

The Glendo Reservoir provides supplemental water under provisions of a 1945 U.S. Supreme Court Decree as modified for Glendo in 1953 which allows for water from Glendo storage to be divided between Nebraska and Wyoming. The Bureau of Reclamation can contract for delivery of up to 15,000 acre feet of water annually for irrigation use in Wyoming and for up to 25,000 acre feet annually for use in Nebraska. The 25,000 acre feet for use in Nebraska and 4,400 acre feet of the water allotted to Wyoming is now under water service contracts which will expire on December 31, 1998.

The existing Glendo water service contracts are with: New Grattan Ditch Company, Torrington Irrigation District, Lucerne Canal and Power Company, Wright and Murphy Ditch Company, Bridgeport Irrigation District, Enterprises Irrigation District, Mitchell Irrigation District, and Central Nebraska Public Power and Irrigation District.

On July 1, 1997, the States of Wyoming, Nebraska, and Colorado entered into a cooperative agreement for Platte River research and other efforts relating to endangered species habitats along the central Platte River with the Department of the Interior. The purpose of the cooperative agreement is to jointly undertake a basin-wide effort to improve the habitat of four threatened and endangered species that use the Platte River.

By extending the contracts, H.R. 2795 will improve the Department's ability to complete a plan to provide additional river flow and improve the habitat for the benefit of the whooping crane, interior least tern, piping plover and the pallid sturgeon in the Central Platte Region in Nebraska. In addition, the contract extension will enable appropriate consultation to take place consistent with the Endangered Species Act.

#### COMMITTEE ACTION

H.R. 2795 was introduced on November 4, 1997, by Congressman Bill Barrett (R-NE). There are three additional cosponsors: Congresswoman Barbara Cubin (R-WY), Congressman Jon Christensen (R-NE), and Congressman Doug Bereuter (R-NE). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Water and Power. On May 20, 1998, the Full Resources Committee met to consider H.R. 2795. At that time, the Subcommittee on Water and Power was discharged from further consideration of the bill. An amendment to the bill making minor date changes was offered by Mrs. Cubin and adopted by voice vote. The bill, as amended, was then ordered favorably reported to the House of Representatives by voice vote.

#### COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to the requirements of clause 2(1)(3) of rule XI of the Rules of the House of Representatives, and clause 2(b)(1) of rule X 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 H.R. 2795.

#### COST OF THE LEGISLATION

Clause 7(a) 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 H.R. 2795. However, clause 7(d) 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 403 of the Congressional Budget Act of 1974.

COMPLIANCE WITH HOUSE RULE XI

1. With respect to the requirement of clause 2(1)(3)(B) of rule XI of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, H.R. 2795 does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in tax expenditures. According to the Congressional Budget Office, enactment of H.R. 2795 would result in a small loss of offsetting receipts which would match a reduction in Bureau of Reclamation spending subject to appropriation.

2. With respect to the requirement of clause 2(1)(3)(D) of rule XI 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 and Oversight on the subject of H.R. 2795.

3. With respect to the requirement of clause 2(1)(3)(C) of rule XI 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 H.R. 2795 from the Director of the Congressional Budget Office.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, June 19, 1998.*

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. 2795, the Irrigation Project Contract Extension Act of 1997.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts for federal costs are Joanna Wilson and Gary Brown. The contact for the impact on state and local governments is Majorie Miller.

Sincerely,

JUNE E. O'NEILL, *Director.*

Enclosure.

*H.R. 2795—Irrigation Project Contract Extension Act of 1997*

CBO estimates that enacting H.R. 2795 would not have a significant impact on the federal budget. Enacting H.R. 2795 would affect direct spending by reducing offsetting receipts; therefore, pay-as-you-go procedures would apply, but the amounts involved would be insignificant.

H.R. 2795 would extend—for up to three years—contracts between the Bureau of Reclamation and purchasers of irrigation water in Wyoming and Nebraska that receive water from the Glendo Reservoir. The existing contracts will expire on December 31, 1998, but the Secretary of the Interior has the authority under current law to renew these contracts on an annual basis. Such an-

nual renewals require the secretary to prepare an environmental impact statement and carry out mitigation efforts that are in addition to an ongoing study involving uses of water in the area. Based on information provided by the Bureau of Reclamation, CBO estimates that enacting H.R. 2795 would allow the bureau to avoid costs of about \$200,000 in 1999 and smaller amounts in future years. Those costs are subject to the availability of appropriated funds, but the agency is reimbursed by individuals contracting for water and the reimbursements are deposited in the Treasury as offsetting receipts (a form of direct spending). The potential loss of offsetting receipts would match the potential reduction in spending subject to appropriation, and both would be insignificant.

H.R. 2705 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments. The contractors affected by this bill generally are governmental entities. Under current law, these contractors would be required to reimburse the Bureau of Reclamation for some of the costs associated with the annual renewal of their contracts, including preparation of environmental impact statements. By extending the contracts for up to three years, this bill would allow the contractors to avoid these costs. As noted above, CBO estimates that the avoided costs would total about \$200,000 in the first year, and less thereafter.

The CBO staff contacts for the estimate of federal costs are Joanna Wilson and Gary Brown. The contract for the impact on state and local governments is Majorie Miller. This estimate was approved by Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

#### COMPLIANCE WITH PUBLIC LAW 104-4

H.R. 2795 contains no unfunded mandates.

#### CHANGES IN EXISTING LAW

If enacted, H.R. 2795 would make no changes in existing law.

