Public Law 106–370
106th Congress

An Act

To direct the Secretary of the Interior to convey to certain water rights to Duchesne City, Utah.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Duchesne City Water Rights Conveyance Act”.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) In 1861, President Lincoln established the Uintah Valley Reservation by Executive order. The Congress confirmed the Executive order in 1864 (13 Stat. 63), and additional lands were added to form the Uintah Indian Reservation (now known as the Uintah and Ouray Indian Reservation).

(2) Pursuant to subsequent Acts of Congress, lands were allotted to the Indians of the reservation, and unallotted lands were restored to the public domain to be disposed of under homestead and townsite laws.

(3) In July 1905, President Theodore Roosevelt reserved lands for the townsite for Duchesne, Utah, by Presidential proclamation and pursuant to the applicable townsite laws.

(4) In July 1905, the United States, through the Acting United States Indian Agent in Behalf of the Indians of the Uintah Indian Reservation, Utah, filed two applications, 43–180 and 43–203, under the laws of the State of Utah to appropriate certain waters.

(5) The stated purposes of the water appropriation applications were, respectively, “for irrigation and domestic supply for townsite purposes in the lands herein described”, and “for the purpose of irrigating Indian allotments on the Uintah Indian Reservation, Utah, * * * and for an irrigating and domestic water supply for townsite purposes in the lands herein described”.

(6) The United States subsequently filed change applications which provided that the entire appropriation would be used for municipal and domestic purposes in the town of Duchesne, Utah.

(7) The State Engineer of Utah approved the change applications, and the State of Utah issued water right certificates, identified as Certificate Numbers 1034 and 1056, in the name of the United States Indian Service in 1921, pursuant
to the applications filed, for domestic and municipal uses in
the town of Duchesne.

(8) Non-Indians settled the town of Duchesne, and the
inhabitants have utilized the waters appropriated by the United
States for townsite purposes.

(9) Pursuant to title V of Public Law 102–575, Congress
ratified the quantification of the reserved waters rights of the
Ute Indian Tribe, subject to reratification of the water compact
by the State of Utah and the Tribe.

(10) The Ute Indian Tribe does not oppose legislation that
will convey the water rights appropriated by the United States
in 1905 to the city of Duchesne because the appropriations
do not serve the purposes, rights, or interests of the Tribe
or its members, because the full amount of the reserved water
rights of the Tribe will be quantified in other proceedings,
and because the Tribe and its members will receive substantial
benefits through such legislation.

(11) The Secretary of the Interior requires additional
authority in order to convey title to those appropriations made
by the United States in 1905 in order for the city of Duchesne
to continue to enjoy the use of those water rights and to
provide additional benefits to the Ute Indian Tribe and its
members as originally envisioned by the 1905 appropriations.

SEC. 3. CONVEYANCE OF WATER RIGHTS TO DUCHESNE CITY, UTAH.

(a) CONVEYANCE.—The Secretary of the Interior, as soon as
practicable after the date of the enactment of this Act, and in
accordance with all applicable law, shall convey to Duchesne City,
Utah, or a water district created by Duchesne City, all right, title,
and interest of the United States in and to those water rights
appropriated under the laws of the State of Utah by the Department
of the Interior's United States Indian Service and identified as
Water Rights Nos. 43–180 (Certificate No. 1034) and 43–203 (Cer­
tificate No. 1056) in the records of the State Engineer of Utah.

(b) REQUIRED TERMS.—

(1) IN GENERAL.—As terms of any conveyance under sub-
section (a), the Secretary shall require that Duchesne City—
(A) shall allow the Ute Indian Tribe of the Uintah
and Ouray Reservation, its members, and any person
leasing or utilizing land that is held in trust for the Tribe
by the United States and is located within the Duchesne
City water service area (as such area may be adjusted
from time to time), to connect to the Duchesne City munic­
ipal water system;

(B) shall not require such tribe, members, or person
to pay any water impact, connection, or similar fee for
such connection; and

(C) shall not require such tribe, members, or person
to deliver or transfer any water or water rights for such
connection.

(2) LIMITATION.—Paragraph (1) shall not be construed to
prohibit Duchesne City from charging any person that connects
to the Duchesne City municipal water system pursuant to
paragraph (1) reasonable, customary, and nondiscriminatory
fees to recover costs of the operation and maintenance of the
water system to treat, transport, and deliver water to the
person.
SEC. 4. WATER RIGHTS.

(a) No relinquishment or reduction.—Except as provided in section 3, nothing in this Act may be construed as a relinquishment or reduction of any water rights reserved, appropriated, or otherwise secured by the United States in the State of Utah on or before the date of the enactment of this Act.

(b) No precedent.—Nothing in this Act may be construed as establishing a precedent for conveying or otherwise transferring water rights held by the United States.

SEC. 5. TRIBAL RIGHTS.

Nothing in this Act may be construed to affect or modify any treaty or other right of the Ute Indian Tribe or any other Indian tribe.