

Subcommittee on Water, Power and Oceans
Doug Lamborn, Chairman
Hearing Memorandum

August 31, 2018

To: All Subcommittee on Water, Power and Oceans Members

From: Majority Committee Staff - Bill Ball
Subcommittee on Water, Power and Oceans (x58331)

Subject: **Hearing on H.R. 6583 (Rep. Rob Bishop, R-UT)**, To authorize the Secretary of the Interior to convey certain lands and facilities of the Big Sand Wash Project, Utah. *Big Sand Wash Project Title Transfer Act*
September 5, 2018 at 2:00 PM; 1324 Longworth HOB

H.R. 6583, "Big Sand Wash Project Title Transfer Act"

Bill Summary

H.R. 6583 directs the Secretary of the Interior to convey to the Central Utah Water Conservancy District all right, title, and interest of the United States in and to certain acquired lands and facilities associated with the Big Sand Wash water project in Utah. This conveyance is subject to several conditions, including that the District must pay net present value of any remaining repayment obligations to the United States and the codification of agreements to ensure that operations and water delivery remain consistent after the conveyance.

Witnesses

The Honorable Austin Ewell
Deputy Assistant Secretary for Water and Science, U.S. Department of the Interior
Washington, D.C.

Mr. Gene Shawcroft
General Manager, Central Utah Water Conservancy District
Orem, Utah

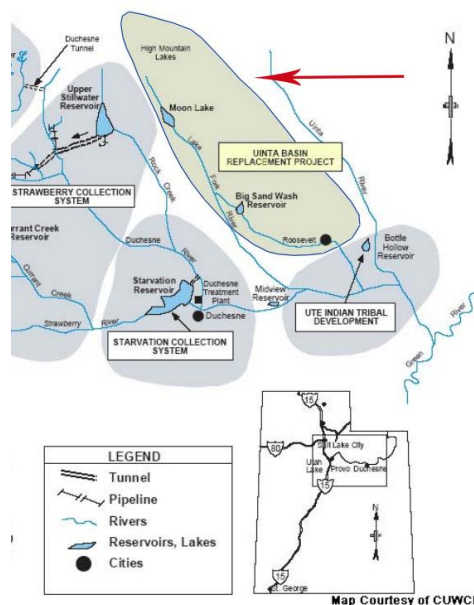
Mr. Dex Winterton
General Manager, Moon Lake Water Users Association
Roosevelt, Utah

Background

The Central Utah Completion Act (Public Law 102-575)¹ authorized the construction of the Uinta Basin Replacement Project in Duchesne County, Utah. According to the Department of the Interior, the Project was authorized to partially replace two water units that were never constructed.² The Project's main objective was to provide water for irrigation and environmental use as well as to provide municipal and industrial water to Roosevelt City, Utah,³ which has a population of approximately 6,843 residents according to the U.S. Census Bureau.⁴

The Project consists of a number of water units, including Moon Lake Dam and Reservoir, the Big Sand Wash Dam Reservoir, and a number of water pipelines and diversions that supply irrigation and municipal water to the surrounding area.⁵ The Big Sand Wash Reservoir was originally constructed in 1964 and was enlarged in 2007 to increase its storage capacity, roughly doubling its storage capacity to 24,100 acre feet of water.⁶ The main impetus for the reservoir expansion was to stabilize 13 aging reservoirs that – at the time – served as the headwaters for the Big Sand Wash Reservoir.⁷ This project also included construction of the Big Sand Wash Diversion and the Big Sand Wash Feeder Pipeline.⁸

Under the Reclamation Act of 1902,⁹ Reclamation may transfer day-to-day operational and maintenance responsibilities to project beneficiaries; however, the title or ownership of any facility must remain in federal ownership until Congress enacts legislation specifically authorizing such a transfer.¹⁰ Since 1996, more than three dozen Reclamation projects have been transferred or authorized to be transferred to local entities.¹¹



Map of the Uinta Basin Replacement Project
Source: Central Utah Water Conservancy District

¹ <https://www.gpo.gov/fdsys/pkg/STATUTE-106/pdf/STATUTE-106-Pg4600.pdf>

² <https://www.cupcao.gov/bonneville/ubrp.html>

³ [Id](#)

⁴ <https://www.census.gov/quickfacts/fact/table/rooseveltcityutah/PST045217>

⁵ <https://www.cupcao.gov/bonneville/ubrp.html>

⁶ [U.S. Bureau of Reclamation: The Central Utah Project – Uintah, Upalco, and Ute Indian Units, Adam Eastman](#)

⁷ [Deseret Morning News: Enlarged reservoir is called a victory for Uinta Basin, Geoff Liesik, June 29, 2007](#)

⁸ [Id](#)

⁹ Public Law 57-161.

¹⁰ <https://www.usbr.gov/lc/region/programs/contracts/Legislation.pdf>

¹¹ U.S. Bureau of Reclamation, Title Transfer of Projects and Facilities, *Title Transfer of Projects and Facilities of the Bureau of Reclamation*; available at: <http://www.usbr.gov/title/>

A title transfer can provide a number of benefits to water users. A transfer can reduce regulatory paperwork and staff time at both the federal and local levels, reduce the federal backlog on repairing and upgrading infrastructure and help improve the environment and public safety. Additionally, a title transfer can reduce federal liability since the local entity assumes a transferred facility's liability. At a June 2017 Water, Power and Oceans Subcommittee legislative hearing, Mr. Dan Keppen, Executive Director for the Family Farm Alliance, stated in his written testimony, "[Title transfers] can help reduce federal costs and liability and allow for a better allocation of federal resources. Operational decisions are timelier, and many times are more cost effective when made at the local level. Further, maintenance and rehabilitation of our aging federally owned facilities is more effectively financed and constructed by the local agencies currently responsible for these activities."¹² It is because of these and other benefits of title transfers that Reclamation included in its Fiscal Year 2018 budget language reaffirming the agency's commitment to facilitate title transfers when they are mutually beneficial to all parties.¹³

H.R. 6583 directs the Secretary of the Interior to convey to the Central Utah Water Conservancy District all right, title, and interest of the United States in and to the acquired lands and Big Sand Wash Facilities as defined in section two of the bill. The legislation also sets forth criteria that must be met before the title transfer can occur. These criteria include the District repaying the net present value of the remaining repayment obligation to the United States as well as requiring multiple formal agreements between Moon Lake Water Users Association, the District, Duchesne County, and the United States to preserve existing operating and water delivery agreements and obligations. These criteria are to ensure that there is no disruption in water delivery to any impacted party due to the conveyance of the facilities.

Major Provisions of H.R. 6583

Section 2 of the bill defines terms referenced in the legislation, including the Big Sand Wash Facilities and a number of the components of the system.

Section 3 directs the Secretary of the Interior to convey to the Central Utah Water Conservancy District the Big Sand Wash Facilities and acquired lands as defined in the legislation. This section sets forth conditions that must be met before this conveyance can be executed, such as the payment by the District of the net present value of any remaining repayment obligations to the United States and codified agreements to ensure that operations and water delivery remain consistent after the conveyance.

¹² [Submitted Testimony of Mr. Dan Keppen, Executive Director, The Family Farm Alliance, before the House Water, Power and Oceans Subcommittee legislative hearing, June 08, 2017, p. 3.](#)

¹³ [Bureau of Reclamation Fiscal Year 2018 Budget in Brief, pg BH-36](#)

Section 4 specifies that, once the conveyance has occurred, the United States will be relieved of all future liability and financial responsibilities related to the transferred works and will only be held liable for acts of negligence committed by the United States or by its employees prior to the date of conveyance.

Section 5 of the bill requires that, if the conveyance is not completed within 12 months after enactment of the legislation, the Secretary of the Interior will report to Congress on the status of the conveyance and anticipated date for completion.

Cost

The Congressional Budget Office has not completed a cost estimate of this bill.

Administration Position

Unknown.