

USE OF WEBER BASIN PROJECT FACILITIES FOR  
NONPROJECT WATER

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JULY 17, 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. 3236]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 3236) to authorize the Secretary of the Interior to enter into contracts with the Weber Basin Water Conservancy District, Utah, to use Weber Basin Project facilities for the impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes, 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. USE OF WEBER BASIN PROJECT FACILITIES FOR NONPROJECT WATER.**

The Secretary of the Interior may enter into contracts with the Weber Basin Water Conservancy District or any of its member unit contractors under the Act of February 21, 1911 (43 U.S.C. 523), for—

(1) the impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes, using facilities associated with the Weber Basin Project, Utah; and

(2) the exchange of water among Weber Basin Project contractors, for the purposes set forth in paragraph (1), using facilities associated with the Weber Basin Project, Utah.

**PURPOSE OF THE BILL**

The purpose of H.R. 3236 is to authorize the Secretary of the Interior to enter into contracts with the Weber Basin Water Conservancy District, Utah, to use Weber Basin Project facilities for the impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes.

## BACKGROUND

The Smith Morehouse Dam and Reservoir was constructed by the Weber Basin Water Conservancy District in the early 1980s using local funding resources to create a supply of non-federal project water. There is currently a need to deliver approximately 5,000 acre feet of this non-federal Smith Morehouse water in conjunction with approximately 5,000 acre feet of federal Weber Basin project water to the Snyderville Basin area of Summit County, Utah, and to Park City, Utah. The transfer would involve moving non-project water through a federal facility. Such a practice is not allowed in many Bureau of Reclamation facilities when the water is not being used for irrigation purposes. This bill will allow this non-federal water to be moved through Bureau of Reclamation facilities. The increased growth and resulting need to use water facilities more efficiently in the western United States have been a basis for Congress to authorize the Secretary of the Interior to enter into this type of contracts in the past.

## COMMITTEE ACTION

H.R. 3236 was introduced on November 5, 1999, by Congressman Chris Cannon (R-UT). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Water and Power. On February 10, 2000, the Subcommittee held a hearing on the bill. On March 9, 2000, the Subcommittee met to mark up the bill. Congressman John T. Doolittle (R-CA) offered an amendment to clarify the type of contracts the Secretary is authorized to sign. The amendment was adopted by voice vote. The bill, as amended, was then ordered to be reported to the Full Committee by voice vote. On June 7, 2000, the Full Resources Committee met to consider the bill. No further amendments were offered and the bill was ordered favorably reported to the House of Representatives by voice vote.

## SECTION-BY-SECTION ANALYSIS

*Section 1. Use of Weber Basin project facilities for nonproject water*

This section outlines the specific types of contracts that the Secretary of the Interior might enter into under this act.

## 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 tax expenditures. According to the Congressional Budget Office, enactment of this bill could result in increased payments to the federal government (of less than \$500,000 each year) in the form of reimbursements from the Weber Basin Water Conservancy District for the costs of handling non-project water.

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, June 23, 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. 3236, a bill to authorize the Secretary of the Interior to enter into contracts with the Weber Basin Water Conservancy District, Utah, to use Weber Basin Project facilities for the impounding, storage, and carriage of non-project water for domestic, municipal, industrial, and other beneficial purposes.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Rachel Applebaum (for federal costs), who can be reached at 226-2860, and Marjorie Miller (for the state and local impact), who can be reached 225-3220.

Sincerely,

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

Enclosure.

*H.R. 3236—A bill to authorize the Secretary of the Interior to enter into contracts with the Weber Basin Water Conservancy District, Utah, to use Weber Basin Project facilities for the impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes*

H.R. 3236 would allow the Secretary of the Interior to enter into contracts with the Weber Basin Water Conservancy District for impounding, storing, or carrying nonproject water using the facilities

of the federally operated Weber Basin Project in Utah. The bill also would allow the Secretary to enter into contracts for using facilities at the Weber Basin Project to exchange water among project contractors. Under current law, the federal government may not use its facilities to move nonproject water for nonproject purposes.

H.R. 3236 would not require the Weber Basin Water Conservancy District to reimburse the federal government for the full cost of handling nonproject water. Based on information from the Bureau of Reclamation, however, CBO expects that the Secretary of the Interior would only use the new authority to enter into contracts with the district that would fully reimburse the government. Under H.R. 3236, the federal government would receive reimbursement from the district, and would incur the costs of handling the nonproject water. CBO estimates that the costs of handling the nonproject water would be less than \$500,000 each year. Because H.R. 3236 would affect direct spending, pay-as-you-go procedures would apply.

H.R. 3236 contains no private-sector or intergovernmental mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments. Enacting this legislation would benefit the Weber Basin Water Conservancy District, Summit County, and Park City, Utah, by facilitating water delivery agreements between these governments. The district might incur some costs under the contracts authorized by this bill, but these costs would be voluntary.

The CBO staff contracts for this estimate are Rachel Applebaum (for federal costs), and Marjorie Miller (for the state and local impact). 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.