



**CONGRESSIONAL BUDGET OFFICE
COST ESTIMATE**

June 19, 2000

**S. 2351
Shivwits Band of the Paiute Indian Tribe of Utah Water
Rights Settlement Act**

As ordered reported by the Senate Committee on Indian Affairs on June 14, 2000

SUMMARY

S. 2351 would provide for the settlement of water rights claims of the Shivwits Band of the Paiute Indian Tribe, pending final approval by the tribe and the state of Utah. The bill would authorize appropriations for the Department of the Interior (DOI) to implement the agreement, but these funds could not be spent until the agreement is approved by a Utah court. S. 2351 would create the Shivwits Band Trust Fund and would allow the tribe to spend amounts appropriated to the fund. In addition, the bill would authorize funding to acquire water rights and wildlife habitat in the Virgin River Basin.

Based on information from DOI, CBO estimates that implementing S. 2351 would cost \$24 million over the 2001-2005 period, assuming the appropriation of the authorized amounts. Enacting S. 2351 would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. S. 2351 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). Any costs resulting from the settlement agreement would be incurred voluntarily by the state, local, and tribal governments as parties to that agreement.

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of S. 2351 is shown in the following table. The costs of this legislation would be discretionary and would fall within budget function 450 (community and regional development).

	By Fiscal Year, in Millions of Dollars					
	2000	2001	2002	2003	2004	2005
SPENDING SUBJECT TO APPROPRIATION						
Authorization Level	0	0	0	24	0	0
Estimated Outlays	0	0	0	22	1	1

BASIS OF ESTIMATE

S. 2351 would authorize the appropriation of \$24 million over the 2001-2003 period; however, no funds could be spent until all requirements in section 14 are satisfied, including approval of the water rights settlement agreement by all parties to the agreement and by a Utah court. Based on information from the tribe, other parties to the agreement, and DOI, CBO expects that the parties would approve the settlement during fiscal year 2001. For this estimate, CBO assumes the authorized funds would be appropriated in 2003 because, under the provisions of the bill, no funds would be available until an appropriation has been provided for the water rights and habitat acquisition program, which is authorized to commence in 2003.

Shivwits Band Trust Fund

S. 2351 would authorize the appropriation of \$21 million to the Shivwits Band Trust Fund over the 2001-2003 period. This amount includes \$15 million for the St. George Water Reuse Project, \$1 million for operation, maintenance and repair of the Santa Clara Project, and \$5 million for the tribe. After the settlement agreement is approved, funds deposited into this trust fund would become the tribe's property. Thus, assuming that appropriations of \$21 million are provided in 2003, outlays of that amount would be recorded in that year.

Water Rights and Habitat Acquisition Program

S. 2351 would authorize the appropriation of \$3 million in 2003 for DOI to develop a water rights and habitat acquisition program for the purpose of conserving native plant and animal species within the Virgin River Basin. None of these funds could be spent until the settlement agreement is approved. This appropriation would not be deposited into the trust fund, so spending would occur as the program is implemented over the 2003-2005 period.

PAY-AS-YOU-GO CONSIDERATIONS: None.

ESTIMATED IMPACT ON STATE, LOCAL, AND TRIBAL GOVERNMENTS

S. 2351 contains no intergovernmental mandates as defined in UMRA. Any costs resulting from the settlement agreement would be incurred voluntarily by the state, local, and tribal governments that are parties to that agreement. The tribe has agreed to release the United States from all claims relating to its water rights in exchange for the benefits to be provided by this bill. The state of Utah and the affected local governments have agreed to make financial contributions in support of the projects covered by this agreement.

ESTIMATED IMPACT ON THE PRIVATE SECTOR

This bill contains no new private-sector mandates as defined in UMRA.

PREVIOUS CBO ESTIMATE

On June 15, 2000, CBO transmitted a cost estimate for a similar bill, H.R. 3291, as ordered reported by the House Committee on Resources on May 24, 2000. The estimated costs of the two bills are identical.

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