

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—119th Cong., 2d Sess.

S. 2754

To direct the Secretary of Agriculture to convey to the City of Ouray, Colorado, certain land managed by the Forest Service, together with a reservoir.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by _____

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Crystal Reservoir Con-
5 veyance Act”.

6 **SEC. 2. CONVEYANCE OF FEDERAL LAND TO OURAY, COLO-**
7 **RADO.**

8 (a) DEFINITIONS.—In this section:

9 (1) CITY.—The term “City” means the City of
10 Ouray, Colorado.

1 (2) FEDERAL LAND.—The term “Federal land”
2 means—

3 (A) the site known as “Crystal Reservoir”
4 in Ouray County, Colorado, including—

5 (i) the lake associated with that res-
6 ervoir;

7 (ii) Full Moon Dam and associated fa-
8 cilities, including the spillway and outlet;

9 (iii) Full Moon Ditch and Reservoir
10 Number 10; and

11 (iv) all infrastructure associated with
12 the reservoir; and

13 (B) the parcel comprising approximately
14 45 acres of land underlying and surrounding
15 Crystal Reservoir, as depicted on the Map,
16 managed by the Forest Service as necessary for
17 access for repair, operation, and maintenance of
18 Crystal Reservoir and the features described in
19 clauses (i) through (iv) of subparagraph (A).

20 (3) MAP.—The term “Map” means the map
21 prepared by the Forest Service entitled “Crystal
22 Reservoir Conveyance” and dated June 23, 2025.

23 (4) SECRETARY.—The term “Secretary” means
24 the Secretary of Agriculture, acting through the
25 Chief of the Forest Service.

1 (b) CONVEYANCE.—As soon as practicable after the
2 date of enactment of this Act, the Secretary shall convey
3 to the City—

4 (1) except as otherwise provided in this Act, all
5 right, title, and interest of the United States in and
6 to the Federal land; and

7 (2) all right, title and interest of the United
8 States in and to any water rights held for use on,
9 appurtenant to, or otherwise associated with the
10 Federal land, including the Full Moon Ditch and
11 Reservoir Number 10 water rights described in the
12 decree of the State of Colorado in Civil Action No.
13 1959, dated May 11, 1942.

14 (c) REQUIREMENTS.—The conveyance under sub-
15 section (b) shall—

16 (1) convey fee simple title to the Federal land;

17 (2) be subject to—

18 (A) valid existing rights;

19 (B) the reservation to the United States,
20 in the deed conveying the Federal land, of ease-
21 ments for each road, trail, and trailhead in ex-
22 istence on the date of the conveyance, together
23 with such additional rights as are reasonably
24 necessary for access, administration, operation,

1 maintenance, repair, and replacement of those
2 improvements; and

3 (C) the reversionary interest described in
4 subsection (e)(3); and

5 (3) except as provided in subsection (d)(2), be
6 completed at no cost to the City.

7 (d) COSTS.—

8 (1) IN GENERAL.—Except as provided in para-
9 graph (2), the Secretary shall pay all costs associ-
10 ated with the conveyance under subsection (b).

11 (2) SURVEY.—The City shall pay all costs asso-
12 ciated with any surveys conducted for the purpose of
13 accomplishing the conveyance under subsection (b).

14 (e) TERMS AND CONDITIONS.—

15 (1) IN GENERAL.—As a condition of the con-
16 veyance of the Federal land under subsection (b),
17 the City shall agree—

18 (A) effective beginning on the date of the
19 conveyance, to assume responsibility for the
20 costs of all repairs, operations, maintenance, re-
21 placement, rehabilitation, and regulatory com-
22 pliance for dam safety relating to Full Moon
23 Dam and related infrastructure, including Full
24 Moon Ditch and Reservoir Number 10;

1 (B) to maintain the Federal land in per-
2 petuity as open space, to be held open—

3 (i) for public access for recreational
4 activities, including fishing, except as rea-
5 sonably necessary for public safety, re-
6 source protection, emergency response, or
7 the operation, maintenance, repair, re-
8 placement, or rehabilitation of Full Moon
9 Dam, Crystal Reservoir, or related infra-
10 structure; and

11 (ii) not subject to any fee for rec-
12 reational access;

13 (C) not to conduct on the Federal land any
14 development, commercial operations, or con-
15 struction, other than for improved public access
16 for recreational activities or as needed for the
17 operation, maintenance, repair, replacement, re-
18 habilitation, public safety, and regulatory com-
19 pliance for dam safety of Full Moon Dam,
20 Crystal Reservoir, and related infrastructure,
21 including Full Moon Ditch and Reservoir Num-
22 ber 10; and

23 (D) not to expand the surface footprint of
24 Crystal Reservoir at normal operating levels (as
25 depicted on the Map) in a manner that would

1 flood, impair, or harm any wetlands located up-
2 stream of the Federal land, subject to the con-
3 dition that deepening Crystal Reservoir in a
4 manner consistent with the water rights of the
5 City shall otherwise be allowed.

6 (2) NECESSARY ACTION AGREEMENT.—The
7 conveyance under subsection (b) shall be made sub-
8 ject to terms agreed to by the Secretary and the
9 City that authorize the City to take such action on
10 the easements described in subsection (c)(2)(B) as
11 the City determines is reasonable and necessary
12 for—

13 (A) public safety;

14 (B) emergency response; or

15 (C) the operation, maintenance, repair, re-
16 placement, or rehabilitation by the City of Full
17 Moon Dam, Crystal Reservoir, or related infra-
18 structure.

19 (3) OTHER TERMS AND CONDITIONS.—Con-
20 sistent with this Act, the conveyance under sub-
21 section (b) shall be subject to such other terms and
22 conditions as the Secretary determines to be appro-
23 priate.

24 (4) REVERSIONARY INTEREST.—

1 (A) WRITTEN NOTICE.—If the Federal
2 land conveyed under subsection (b) ceases to be
3 used in accordance with the terms and condi-
4 tions under this subsection the Secretary shall
5 submit to the City written notice with respect
6 to such use.

7 (B) REVERSION.—After the 90-day period
8 beginning on the date written notice is sub-
9 mitted to the City under subparagraph (A), if
10 the Federal land conveyed under subsection (b)
11 continues to be used in a manner not in accord-
12 ance with the terms and conditions under this
13 subsection during such period, the Federal land
14 shall revert to the United States, at the discre-
15 tion of the Secretary, if the Secretary deter-
16 mines that reversion is in the best interest of
17 the United States.

18 (f) EASEMENT.—

19 (1) IN GENERAL.—After the conveyance under
20 subsection (b), the Secretary—

21 (A) shall recognize a perpetual easement
22 for the Red Mountain Ditch for use by the
23 City—

24 (i) for the purposes relating to the
25 Ditch specified in the decrees entitled

1 “Case No. 1751-B” and “Case No.
2 2013CW3040” for the State of Colorado,
3 including the diversion and delivery of
4 water (not to exceed 6 cubic feet per sec-
5 ond) for storage in Crystal Reservoir and
6 subsequent beneficial use; and

7 (ii) to access, operate, maintain, re-
8 pair, replace, or improve the Ditch and its
9 appurtenances for such purposes; and

10 (B) may require temporary special use au-
11 thorizations for non-routine maintenance and
12 repairs of Red Mountain Ditch or for the re-
13 placement or improvement of the Ditch.

14 (2) RED MOUNTAIN DITCH DEFINED.—In this
15 subsection, the term “Red Mountain Ditch” means
16 the Ditch known as Red Mountain Ditch constructed
17 in or about 1945 located, as of the date of the enact-
18 ment of this Act, on lands administered by the San
19 Juan National Forest and the Grand Mesa,
20 Uncompahgre, and Gunnison National Forest, in
21 Section 14, Township 42 North, Range 8 West, New
22 Mexico Principal Meridian.

23 (g) WATER RIGHTS.—After the conveyance under
24 subsection (b), the City may use water in Crystal Res-
25 ervoir for any beneficial use consistent with applicable

1 water right decrees or temporary administrative approvals
2 obtained by or for the City, subject to applicable water
3 laws of the State of Colorado.

4 (h) MAP AND LEGAL DESCRIPTION.—

5 (1) IN GENERAL.—As soon as practicable after
6 the date of enactment of this Act, the Secretary
7 shall finalize the Map and a legal description of the
8 Federal land to be conveyed under subsection (b).

9 (2) CORRECTIONS.—The Secretary and the
10 City, by mutual agreement, may correct any clerical
11 or typographical errors in the Map or legal descrip-
12 tion under paragraph (1).

13 (3) MAP ON FILE.—The Map and legal descrip-
14 tion under paragraph (1) shall be on file and avail-
15 able for public inspection in each appropriate office
16 of the Forest Service.