

114TH CONGRESS  
1ST SESSION

# H. R. 3336

To designate certain lands in the State of Colorado as components of the National Wilderness Preservation System, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 29, 2015

Ms. DEGETTE introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

To designate certain lands in the State of Colorado as components of the National Wilderness Preservation System, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; DEFINITION.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Colorado Wilderness Act of 2015”.

6 (b) SECRETARY DEFINED.—As used in this Act, the  
7 term “Secretary” means the Secretary of the Interior or  
8 the Secretary of Agriculture, as appropriate.

1 **SEC. 2. ADDITIONS TO NATIONAL WILDERNESS PRESERVA-**  
2 **TION SYSTEM IN THE STATE OF COLORADO.**

3 (a) ADDITIONS.—Section 2(a) of the Colorado Wil-  
4 derness Act of 1993 (Public Law 103–77; 107 Stat. 756;  
5 16 U.S.C. 1132 note) is amended—

6 (1) in paragraph (4) by striking “1993,” and  
7 inserting “1993, and certain lands managed by the  
8 Gunnison Field Office which comprise approximately  
9 3,325 acres, as depicted on a map titled ‘Proposed  
10 Powderhorn Wilderness Addition’ and dated October  
11 20, 2010,”; and

12 (2) by adding at the end the following para-  
13 graphs:

14 “(22) Certain lands managed by the Colorado  
15 River Valley Field Office of the Bureau of Land  
16 Management which comprise approximately 15,200  
17 acres, as generally depicted on a map titled ‘Bull  
18 Gulch and Castle Peak Proposed Wilderness Areas’,  
19 dated October 20, 2010, which shall be known as  
20 the Bull Gulch Wilderness.

21 “(23) Certain lands managed by the Colorado  
22 River Valley Field Office of the Bureau of Land  
23 Management which comprise approximately 12,225  
24 acres, as generally depicted on a map titled ‘Bull  
25 Gulch and Castle Peak Proposed Wilderness Areas’,

1       dated October 20, 2010, which shall be known as  
2       the Castle Peak Wilderness.

3               “(24) Certain lands managed by the Colorado  
4       River Valley Field Office of the Bureau of Land  
5       Management which comprise approximately 325  
6       acres, as generally depicted on a map titled ‘Maroon  
7       Bells Proposed Wilderness’, dated October 20, 2010,  
8       which is hereby incorporated in and shall be deemed  
9       to be a part of the Maroon Bells-Snowmass Wilder-  
10      ness Area designated by Public Law 88–577.

11              “(25) Certain lands managed by the Gunnison  
12      Field Office of the Bureau of Land Management  
13      which comprise approximately 38,180 acres, as gen-  
14      erally depicted on a map titled ‘Redcloud and  
15      Handies Peak Proposed Wildernesses’, dated Octo-  
16      ber 21, 2010, which shall be known as the Redcloud  
17      Peak Wilderness.

18              “(26) Certain lands managed by the Gunnison  
19      Field Office of the Bureau of Land Management  
20      which comprise approximately 16,350 acres, as gen-  
21      erally depicted on a map titled ‘Redcloud and  
22      Handies Peak Proposed Wildernesses’, dated Octo-  
23      ber 21, 2010, which shall be known as the Handies  
24      Peak Wilderness.

1           “(27) Certain lands managed by the Royal  
2 Gorge Field Office of the Bureau of Land Manage-  
3 ment which comprise approximately 16,690 acres, as  
4 generally depicted on a map titled ‘McIntyre Hills  
5 Proposed Wilderness Area’, dated October 20, 2010,  
6 which shall be known as the McIntyre Hills Wilder-  
7 ness.

8           “(28) Certain lands managed by the Glenwood  
9 Springs Field Office of the Bureau of Land Manage-  
10 ment which comprise approximately 11,701 acres, as  
11 generally depicted on a map titled ‘Grand Hogback  
12 Proposed Wilderness Area’, dated May 31, 2011,  
13 which shall be known as the Grand Hogback Wilder-  
14 ness.

15           “(29) Certain lands managed by the Glenwood  
16 Springs Field Office of the Bureau of Land Manage-  
17 ment or located in the White River National Forest  
18 which comprise approximately 16,427 acres, as gen-  
19 erally depicted on a map titled ‘Deep Creek Pro-  
20 posed Wilderness and Flat Tops Proposed Wilder-  
21 ness Addition’ and dated is June 26, 2013, and  
22 which are hereby incorporated in and shall be  
23 deemed to be a part of the Flat Tops Wilderness  
24 designated by Public Law 94–146.

1           “(30) Certain lands managed by the Grand  
2           Junction Field Office which comprise approximately  
3           25,881 acres, as generally depicted on a map titled  
4           ‘Demaree Canyon Proposed Wilderness Area’, dated  
5           May 31, 2011, which shall be known as the Demaree  
6           Canyon Wilderness.

7           “(31) Certain lands managed by the Grand  
8           Junction Field Office which comprise approximately  
9           30,557 acres, as generally depicted on a map titled  
10          ‘South Shale Ridge and Little Book Cliffs Proposed  
11          Wilderness’, dated May 31, 2011, which shall be  
12          known as the Little Bookcliffs Wilderness.

13          “(32) Certain lands managed by the Grand  
14          Junction Field Office which comprise approximately  
15          27,569 acres, as generally depicted on a map titled  
16          ‘South Shale Ridge and Little Book Cliffs Proposed  
17          Wilderness’, dated May 31, 2011, which shall be  
18          known as the South Shale Ridge Wilderness.

19          “(33) Certain lands managed by the Glenwood  
20          Springs Field Office or located in the White River  
21          National Forest which comprise approximately  
22          20,843 acres, as generally depicted on a map titled  
23          ‘Deep Creek Proposed Wilderness and Flat Tops  
24          Proposed Wilderness Addition’ and dated is June  
25          26, 2013, upon being designated as wilderness as

1 provided by section 3(h)(2) of the Colorado Wilder-  
2 ness Act of 2015.

3 “(34) Certain lands managed by the Glenwood  
4 Springs Field Office which comprise approximately  
5 15,679 acres, as generally depicted on a map titled  
6 ‘Pisgah Mountain Proposed Wilderness’ and date is  
7 June 26, 2013, upon being designated as wilderness  
8 as provided by section 3(h)(2) of the Colorado Wil-  
9 derness Act of 2015.”.

10 (b) FURTHER ADDITIONS.—The following lands in  
11 the State of Colorado administered by the Bureau of Land  
12 Management or the United States Forest Service are here-  
13 by designated as wilderness and, therefore, as components  
14 of the National Wilderness Preservation System:

15 (1) Certain lands managed by the Colorado  
16 River Valley Field Office of the Bureau of Land  
17 Management or located in the White River National  
18 Forest: which comprise approximately 21,900 acres,  
19 as generally depicted on a map titled “Assignment  
20 Ridge Proposed Wilderness Area”, dated May 31,  
21 2011, which shall be known as the Thompson Creek  
22 Wilderness.

23 (2) Certain lands managed by the Royal Gorge  
24 Field Office of the Bureau of Land Management  
25 which comprise approximately 20,950 acres, as gen-

1 erally depicted on a map titled “Badger Creek Pro-  
2 posed Wilderness Area”, dated October 20, 2010,  
3 which shall be known as the Badger Creek Wilder-  
4 ness.

5 (3) Certain lands managed by the Royal Gorge  
6 Field Office of the Bureau of Land Management  
7 which comprise approximately 33,425 acres, as gen-  
8 erally depicted on a map titled “Beaver Creek Pro-  
9 posed Wilderness Area”, dated October 20, 2010,  
10 which shall be known as the Beaver Creek Wilder-  
11 ness.

12 (4) Certain lands managed by the Royal Gorge  
13 Field Office of the Bureau of Land Management or  
14 located in the San Isabel National Forest which  
15 comprise approximately 33,525 acres, as generally  
16 depicted on a map titled “Grape Creek Proposed  
17 Wilderness Area”, October 20, 2010, which shall be  
18 known as the Grape Creek Wilderness.

19 (5) Certain lands managed by the Grand Junc-  
20 tion Field Office of the Bureau of Land Manage-  
21 ment which comprise approximately 21,110 acres, as  
22 generally depicted on a map titled “Bangs Canyon  
23 Proposed Wilderness Area”, dated May 31, 2011,  
24 which shall be known as the Bangs Canyon Wilder-  
25 ness.

1           (6) Certain lands managed by the Grand Junction  
2           Field Office of the Bureau of Land Management  
3           which comprise approximately 14,089 acres, as  
4           generally depicted on a map titled “Granite Creek,  
5           UnawEEP and Palisade Proposed Wilderness”, dated  
6           May 31, 2011, which shall be known as the Granite  
7           Creek Wilderness.

8           (7) Certain lands managed by the Grand Junction  
9           Field Office of the Bureau of Land Management  
10          which comprise approximately 26,914 acres, as  
11          generally depicted on a map titled “Granite Creek,  
12          UnawEEP and Palisade Proposed Wilderness”, dated  
13          May 31, 2011, which shall be known as the Palisade  
14          Wilderness.

15          (8) Certain lands managed by the Grand Junction  
16          Field Office of the Bureau of Land Management  
17          or located in the Uncompahgre National Forest,  
18          which comprise approximately 39,392 acres, as  
19          generally depicted on a map titled “Granite Creek,  
20          UnawEEP and Palisade Proposed Wilderness”, dated  
21          May 31, 2011, which shall be known as the  
22          UnawEEP Wilderness.

23          (9) Certain lands managed by the Grand Junction  
24          Field Office of the Bureau of Land Management  
25          and San Juan Field Office and in the Manti-



1 LaSal National Forest which comprise approxi-  
2 mately 65,448 acres, as generally depicted on a map  
3 titled “Sewemup Mesa Proposed Wilderness Area”,  
4 dated May 31, 2011, which shall be known as the  
5 Sewemup Mesa Wilderness.

6 (10) Certain lands managed by the Kremmling  
7 Field Office of the Bureau of Land Management  
8 which comprise approximately 33 acres, as generally  
9 depicted on a map titled “Platte River Addition Pro-  
10 posed Wilderness Area”, dated May 31, 2011, and  
11 which are hereby incorporated in and shall be  
12 deemed to be part of the Platte River Wilderness  
13 designated by Public Law 98–550.

14 (11) Certain lands managed by the  
15 Uncompahgre Field Office of the Bureau of Land  
16 Management or located in the Uncompahgre Na-  
17 tional Forest which comprise approximately 22,604  
18 acres, as generally depicted on a map titled  
19 “Roubideau Proposed Wilderness Area”, dated May  
20 31, 2011, which shall be known as the Roubideau  
21 Wilderness.

22 (12) Certain lands managed by the  
23 Uncompahgre Field Office of the Bureau of Land  
24 Management or located in the Uncompahgre Na-  
25 tional Forest which comprise approximately 13,288

1 acres, as generally depicted on a map titled “Nor-  
2 wood Canyon Proposed Wilderness Area”, dated  
3 May 31, 2011, which shall be known as the Norwood  
4 Canyon Wilderness.

5 (13) Certain lands managed by the San Juan  
6 Field Office of the Bureau of Land Management  
7 which comprise approximately 25,947 acres, as gen-  
8 erally depicted on a map titled “Cross Canyon Pro-  
9 posed Wilderness Area”, dated May 31, 2011, which  
10 shall be known as the Cross Canyon Wilderness.

11 (14) Certain lands managed by the San Juan  
12 Field Office of the Bureau of Land Management  
13 which comprise approximately 33,467 acres, as gen-  
14 erally depicted on a map titled “McKenna Peak Pro-  
15 posed Wilderness Area”, May 31, 2011, which shall  
16 be known as the McKenna Peak Wilderness.

17 (15) Certain lands managed by the San Juan  
18 Field Office of the Bureau of Land Management  
19 which comprise approximately 14,598 acres, as gen-  
20 erally depicted on a map titled “Weber-Menefee  
21 Mountain Proposed Wilderness Area”, dated May  
22 31, 2011, which shall be known as the Weber-  
23 Menefee Mountain Wilderness.

24 (16) Certain lands managed by the  
25 Uncompahgre and San Juan Field Offices of the

1 Bureau of Land Management which comprise ap-  
2 proximately 41,133 acres, as generally depicted on a  
3 map titled “Dolores River Canyon Proposed Wilder-  
4 ness Area”, dated May 31, 2011, which shall be  
5 known as the Dolores River Canyon Wilderness.

6 (17) Certain lands managed by the San Juan  
7 Field Office of the Bureau of Land Management or  
8 located in the San Juan National Forest which com-  
9 prise approximately 32,050 acres, as generally de-  
10 picted on a map titled “Snaggletooth Proposed Wil-  
11 derness Area”, dated May 31, 2011, which shall be  
12 known as the Snaggletooth Wilderness.

13 (c) WEST ELK ADDITION.—Certain lands in the  
14 State of Colorado administered by the Gunnison Field Of-  
15 fice of the Bureau of Land Management, the United  
16 States Forest Service, and the Bureau of Reclamation  
17 which comprise approximately 5,000 acres, as generally  
18 depicted on a map titled “West Elk Addition Proposed  
19 Wilderness Area”, dated December 13, 2010, are hereby  
20 designated as wilderness and, therefore, as components of  
21 the National Wilderness Preservation System and are  
22 hereby incorporated in and shall be deemed to be a part  
23 of the West Elk Wilderness designated by Public Law 88–  
24 577. The boundary adjacent to Blue Mesa Reservoir shall

1 be 50 feet landward from the water's edge, and shall  
2 change according to the water level.

3 (d) BLUE MESA RESERVOIR.—If the Bureau of Rec-  
4 lamation determines that lands within the West Elk Wil-  
5 derness Addition are necessary for future expansion of the  
6 Blue Mesa Reservoir, the Secretary shall by publication  
7 of a revised boundary description in the Federal Register  
8 revise the boundary of the West Elk Wilderness Addition.

9 (e) MAPS AND DESCRIPTIONS.—As soon as prac-  
10 ticable after the date of enactment of the Act, the Sec-  
11 retary shall file a map and a boundary description of each  
12 area designated as wilderness by this section with the  
13 Committee on Natural Resources of the House of Rep-  
14 resentatives and the Committee on Energy and Natural  
15 Resources of the Senate. Each map and boundary descrip-  
16 tion shall have the same force and effect as if included  
17 in this Act, except that the Secretary may correct clerical  
18 and typographical errors in the map or boundary descrip-  
19 tion. The maps and boundary descriptions shall be on file  
20 and available for public inspection in the Office of the Di-  
21 rector of the Bureau of Land Management, Department  
22 of the Interior, and in the Office of the Chief of the Forest  
23 Service, Department of Agriculture, as appropriate.

24 (f) STATE AND PRIVATE LANDS.—Lands within the  
25 exterior boundaries of any wilderness area designated

1 under this section that are owned by the State of Colorado  
2 or by a private entity shall be included within such wilder-  
3 ness area if such lands are acquired by the United States.  
4 Such lands may be acquired by the United States only  
5 as provided in the Wilderness Act (16 U.S.C. 1131 et  
6 seq.).

7 **SEC. 3. ADMINISTRATIVE PROVISIONS.**

8 (a) **IN GENERAL.**—Subject to valid existing rights,  
9 lands designated as wilderness by this Act shall be man-  
10 aged by the Secretary in accordance with the Wilderness  
11 Act (16 U.S.C. 1131 et seq.) and this Act, except that,  
12 with respect to any wilderness areas designated by this  
13 Act, any reference in the Wilderness Act to the effective  
14 date of the Wilderness Act shall be deemed to be a ref-  
15 erence to the date of enactment of this Act.

16 (b) **GRAZING.**—Grazing of livestock in wilderness  
17 areas designated by this Act shall be administered in ac-  
18 cordance with the provisions of section 4(d)(4) of the Wil-  
19 derness Act (16 U.S.C. 1133(d)(4)), as further inter-  
20 preted by section 108 of Public Law 96–560, and the  
21 guidelines set forth in appendix A of House Report 101–  
22 405 of the 101st Congress.

23 (c) **STATE JURISDICTION.**—As provided in section  
24 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)),  
25 nothing in this Act shall be construed as affecting the ju-

1 jurisdiction or responsibilities of the State of Colorado with  
2 respect to wildlife and fish in Colorado.

3 (d) BUFFER ZONES.—

4 (1) IN GENERAL.—Nothing in this Act creates  
5 a protective perimeter or buffer zone around any  
6 area designated as wilderness by section 2.

7 (2) ACTIVITIES OUTSIDE WILDERNESS.—The  
8 fact that an activity or use on land outside the areas  
9 designated as wilderness by section 2 can be seen or  
10 heard within the wilderness shall not preclude the  
11 activity or use outside the boundary of the wilder-  
12 ness.

13 (e) MILITARY HELICOPTER OVERFLIGHTS.—

14 (1) IN GENERAL.—Nothing in this Act restricts  
15 or precludes—

16 (A) low-level overflights of military heli-  
17 copters over the areas designated as wilderness  
18 by section 2, including military overflights that  
19 can be seen or heard within any wilderness  
20 area;

21 (B) military flight testing and evaluation;  
22 or

23 (C) the designation or creation of new  
24 units of special use airspace, or the establish-

1           ment of military flight training routes over any  
2           wilderness area.

3           (2) AERIAL NAVIGATION TRAINING EXER-  
4           CISES.—The Colorado Army National Guard,  
5           through the High-Altitude Army National Guard  
6           Aviation Training Site, may conduct aerial naviga-  
7           tion training maneuver exercises over the wilderness  
8           areas designated by this Act—

9                   (A) in a manner consistent with the memo-  
10                  randum of understanding dated August 4,  
11                  1987, entered into among the Colorado Army  
12                  National Guard, the Bureau of Land Manage-  
13                  ment, and the Forest Service; or

14                   (B) in a manner consistent with a subse-  
15                  quent memorandum of understanding entered  
16                  into among the Colorado Army National Guard,  
17                  the Bureau of Land Management, and the For-  
18                  est Service.

19           (f) RUNNING EVENTS.—The Secretary may continue  
20           to authorize competitive running events currently per-  
21           mitted in the Redcloud Peak Wilderness Area and  
22           Handies Peak Wilderness Area in a manner compatible  
23           with the preservation of such areas as wilderness.

24           (g) LAND TRADES.—If the Secretary trades privately  
25           owned land within the perimeter of the Redcloud Peak

1 Wilderness Area or the Handies Peak Wilderness Area in  
2 exchange for Federal land, then such Federal land shall  
3 be located in Hinsdale County, Colorado.

4 (h) POTENTIAL WILDERNESS DESIGNATIONS.—

5 (1) IN GENERAL.—The following lands are des-  
6 ignated as potential wilderness areas:

7 (A) Certain lands managed by the Glen-  
8 wood Springs Field Office or located in the  
9 White River National Forest which comprise  
10 approximately 20,843 acres, as generally de-  
11 picted on a map titled “Deep Creek Proposed  
12 Wilderness and Flat Tops Proposed Wilderness  
13 Addition” and dated is June 26, 2013, which,  
14 upon designation as wilderness under para-  
15 graph (2), shall be known as the Deep Creek  
16 Wilderness.

17 (B) Certain lands managed by the Glen-  
18 wood Springs Field Office which comprise ap-  
19 proximately 15,679 acres, as generally depicted  
20 on a map titled “Pisgah Mountain Proposed  
21 Wilderness” and date is June 26, 2013, which,  
22 upon designation as wilderness under para-  
23 graph (2), shall be known as the Pisgah Moun-  
24 tain Wilderness.



1           (2) DESIGNATION AS WILDERNESS.—Lands  
2           designated as a potential wilderness area by sub-  
3           paragraph (A) or (B) of paragraph (1) shall be des-  
4           ignated as wilderness on the date on which the Sec-  
5           retary publishes in the Federal Register a notice  
6           that all nonconforming uses of those lands author-  
7           ized by subsection (e) in the potential wilderness  
8           area that would be in violation of the Wilderness Act  
9           (16 U.S.C. 1131 et seq.) have ceased. Such publica-  
10          tion in the Federal Register and designation as wil-  
11          derness shall occur for the potential wilderness area  
12          as the nonconforming uses cease in that potential  
13          wilderness area and designation as wilderness is not  
14          dependent on cessation of nonconforming uses in the  
15          other potential wilderness area.

16          (3) MANAGEMENT.—Except for activities pro-  
17          vided for under subsection (e), lands designated as  
18          a potential wilderness area by paragraph (1) shall be  
19          managed by the Secretary in accordance with the  
20          Wilderness Act as wilderness pending the designa-  
21          tion of such lands as wilderness under this sub-  
22          section.

23 **SEC. 4. WATER.**

24          (a) EFFECT ON WATER RIGHTS.—Nothing in this  
25 Act—

1           (1) affects the use or allocation, in existence on  
2 the date of enactment of this Act, of any water,  
3 water right, or interest in water;

4           (2) affects any vested absolute or decreed condi-  
5 tional water right in existence on the date of enact-  
6 ment of this Act, including any water right held by  
7 the United States;

8           (3) affects any interstate water compact in ex-  
9 istence on the date of enactment of this Act;

10           (4) authorizes or imposes any new reserved  
11 Federal water rights; and

12           (5) shall be considered to be a relinquishment  
13 or reduction of any water rights reserved or appro-  
14 priated by the United States in the State on or be-  
15 fore the date of the enactment of this Act.

16 (b) MIDSTREAM AREAS.—

17           (1) PURPOSE.—The purpose of this subsection  
18 is to protect for the benefit and enjoyment of  
19 present and future generations—

20                   (A) the unique and nationally important  
21 values of areas designated as wilderness by sec-  
22 tion 2(b) (including the geological, cultural, ar-  
23 chaeological, paleontological, natural, scientific,  
24 recreational, environmental, biological, wilder-

1           ness, wildlife, riparian, historical, educational,  
2           and scenic resources of the public land); and

3                   (B) the water resources of area streams,  
4           based on seasonally available flows, that are  
5           necessary to support aquatic, riparian, and ter-  
6           restrial species and communities.

7           (2) WILDERNESS WATER RIGHTS.—

8                   (A) IN GENERAL.—The Secretary shall en-  
9           sure that any water rights within the wilderness  
10          designated by section 2(b) required to fulfill the  
11          purposes of such wilderness are secured in ac-  
12          cordance with subparagraphs (B) through (G).

13                   (B) STATE LAW.—

14                           (i) PROCEDURAL REQUIREMENTS.—

15          Any water rights for which the Secretary  
16          pursues adjudication shall be appropriated,  
17          adjudicated, changed, and administered in  
18          accordance with the procedural require-  
19          ments and priority system of State law.

20                           (ii) ESTABLISHMENT OF WATER  
21          RIGHTS.—

22                                   (I) IN GENERAL.—Except as pro-  
23          vided in subclause (II), the purposes  
24          and other substantive characteristics  
25          of the water rights pursued under this

1 paragraph shall be established in ac-  
2 cordance with State law.

3 (II) EXCEPTION.—Notwith-  
4 standing subclause (I) and in accord-  
5 ance with this Act, the Secretary may  
6 appropriate and seek adjudication of  
7 water rights to maintain surface water  
8 levels and stream flows on and across  
9 the wilderness designated by section  
10 2(b) to fulfill the purposes of such  
11 wilderness.

12 (C) DEADLINE.—The Secretary shall  
13 promptly, but not earlier than January 1, 2018,  
14 appropriate the water rights required to fulfill  
15 the purposes of the wilderness designated by  
16 section 2(b).

17 (D) REQUIRED DETERMINATION.—The  
18 Secretary shall not pursue adjudication for any  
19 instream flow water rights unless the Secretary  
20 makes a determination pursuant to subpara-  
21 graph (E)(ii) or (F).

22 (E) COOPERATIVE ENFORCEMENT.—

23 (i) IN GENERAL.—The Secretary shall  
24 not pursue adjudication of any Federal

1 instream flow water rights established  
2 under this paragraph if—

3 (I) the Secretary determines,  
4 upon adjudication of the water rights  
5 by the Colorado Water Conservation  
6 Board, that the Board holds water  
7 rights sufficient in priority, amount,  
8 and timing to fulfill the purposes of  
9 this subsection; and

10 (II) the Secretary has entered  
11 into a perpetual agreement with the  
12 Colorado Water Conservation Board  
13 to ensure full exercise, protection, and  
14 enforcement of the State water rights  
15 within the Wilderness to reliably fulfill  
16 the purposes of this subsection.

17 (ii) ADJUDICATION.—If the Secretary  
18 determines that the provisions of clause (i)  
19 have not been met, the Secretary shall ad-  
20 judicate and exercise any Federal water  
21 rights required to fulfill the purposes of  
22 the Wilderness in accordance with this  
23 paragraph.

24 (F) INSUFFICIENT WATER RIGHTS.—If the  
25 Colorado Water Conservation Board modifies

1 the instream flow water rights obtained under  
2 subparagraph (E) to such a degree that the  
3 Secretary determines that water rights held by  
4 the State are insufficient to fulfill the purposes  
5 of this Act, the Secretary shall adjudicate and  
6 exercise Federal water rights required to fulfill  
7 the purposes of this Act in accordance with sub-  
8 paragraph (B).

9 (G) FAILURE TO COMPLY.—The Secretary  
10 shall promptly act to exercise and enforce the  
11 water rights described in subparagraph (E) if  
12 the Secretary determines that—

13 (i) the State is not exercising its  
14 water rights consistent with subparagraph  
15 (E)(i)(I); or

16 (ii) the agreement described in sub-  
17 paragraph (E)(i)(II) is not fulfilled or com-  
18 plied with sufficiently to fulfill the pur-  
19 poses of this Act.

20 (3) WATER RESOURCE FACILITY.—Notwith-  
21 standing any other provision of law, beginning on  
22 the date of enactment of this Act, neither the Presi-  
23 dent nor any other officer, employee, or agent of the  
24 United States shall fund, assist, authorize, or issue  
25 a license or permit for development of any new irri-

1 gation and pumping facility, reservoir, water con-  
2 servation work, aqueduct, canal, ditch, pipeline, well,  
3 hydropower project, transmission, other ancillary fa-  
4 cility, or other water, diversion, storage, or carriage  
5 structure in the wilderness designated by section  
6 2(b).

7 (c) ACCESS AND OPERATION.—

8 (1) DEFINITION.—As used in this subsection,  
9 the term “water resource facility” means irrigation  
10 and pumping facilities, reservoirs, water conserva-  
11 tion works, aqueducts, canals, ditches, pipelines,  
12 wells, hydropower projects, and transmission and  
13 other ancillary facilities, and other water diversion,  
14 storage, and carriage structures.

15 (2) ACCESS TO WATER RESOURCE FACILI-  
16 TIES.—Subject to the provisions of this subsection,  
17 the Secretary shall allow reasonable access to water  
18 resource facilities in existence on the date of enact-  
19 ment of this Act within the areas described in sec-  
20 tions 2(b) and 2(c), including motorized access  
21 where necessary and customarily employed on routes  
22 existing as of the date of enactment of this Act.

23 (3) ACCESS ROUTES.—Existing access routes  
24 within such areas customarily employed as of the  
25 date of enactment of this Act may be used, main-

1       tained, repaired, and replaced to the extent nec-  
2       essary to maintain their present function, design,  
3       and serviceable operation, so long as such activities  
4       have no increased adverse impacts on the resources  
5       and values of the areas described in sections 2(b)  
6       and 2(c) than existed as of the date of enactment of  
7       this Act.

8               (4) USE OF WATER RESOURCE FACILITIES.—

9       Subject to the provisions of this subsection and sub-  
10      section (a)(4), the Secretary shall allow water re-  
11      source facilities existing on the date of enactment of  
12      this Act within areas described in sections 2(b) and  
13      2(c) to be used, operated, maintained, repaired, and  
14      replaced to the extent necessary for the continued  
15      exercise, in accordance with Colorado State law, of  
16      vested water rights adjudicated for use in connection  
17      with such facilities by a court of competent jurisdic-  
18      tion prior to the date of enactment of this Act. The  
19      impact of an existing facility on the water resources  
20      and values of the area shall not be increased as a  
21      result of changes in the adjudicated type of use of  
22      such facility as of the date of enactment of this Act.

23              (5) REPAIR AND MAINTENANCE.—Water re-

24      source facilities, and access routes serving such fa-  
25      cilities, existing within the areas described in sec-



1        tions 2(b) and 2(c) on the date of enactment of this  
2        Act shall be maintained and repaired when and to  
3        the extent necessary to prevent increased adverse  
4        impacts on the resources and values of the areas de-  
5        scribed in sections 2(b) and 2(c).

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