

Union Calendar No. 164

113TH CONGRESS
1ST SESSION

H. R. 2640

[Report No. 113-224]

To amend the Wild and Scenic Rivers Act to adjust the Crooked River boundary, to provide water certainty for the City of Prineville, Oregon, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 10, 2013

Mr. WALDEN introduced the following bill; which was referred to the
Committee on Natural Resources

SEPTEMBER 20, 2013

Committed to the Committee of the Whole House on the State of the Union
and ordered to be printed

A BILL

To amend the Wild and Scenic Rivers Act to adjust the Crooked River boundary, to provide water certainty for the City of Prineville, Oregon, 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.**

4 This Act may be cited as the “Central Oregon Jobs
5 and Water Security Act”.

6 **SEC. 2. WILD AND SCENIC RIVER; CROOKED, OREGON.**

7 Section 3(a)(72) of the Wild and Scenic Rivers Act
8 (16 U.S.C. 1274(a)(72)) is amended as follows:

9 (1) By striking “15-mile” and inserting “14.75-
10 mile”.

11 (2) In subparagraph (B)—

12 (A) by striking “8-mile” and all that fol-
13 lows through “Bowman Dam” and inserting
14 “7.75-mile segment from a point one-quarter
15 mile downstream from the toe of Bowman
16 Dam”; and

17 (B) by adding at the end the following:
18 “The developer for any hydropower develop-
19 ment, including turbines and appurtenant facili-
20 ties, at Bowman Dam, in consultation with the
21 Bureau of Land Management, shall analyze any
22 impacts to the Outstandingly Remarkable Val-
23 ues of the Wild and Scenic River that may be
24 caused by such development, including the fu-
25 ture need to undertake routine and emergency

1 repairs, and shall propose mitigation for any
2 impacts as part of any license application sub-
3 mitted to the Federal Energy Regulatory Com-
4 mission.”.

5 **SEC. 3. CITY OF PRINEVILLE WATER SUPPLY.**

6 Section 4 of the Act of August 6, 1956 (70 Stat.
7 1058), (as amended by the Acts of September 14, 1959
8 (73 Stat. 554), and September 18, 1964 (78 Stat. 954))
9 is further amended as follows:

10 (1) By striking “ten cubic feet” the first place
11 it appears and inserting “17 cubic feet”.

12 (2) By striking “during those months when
13 there is no other discharge therefrom, but this re-
14 lease may be reduced for brief temporary periods by
15 the Secretary whenever he may find that release of
16 the full ten cubic feet per second is harmful to the
17 primary purpose of the project”.

18 (3) By adding at the end the following: “With-
19 out further action by the Secretary, and as deter-
20 mined necessary for any given year by the City of
21 Prineville, up to seven of the 17 cubic feet per sec-
22 ond minimum release shall also serve as mitigation
23 for City of Prineville groundwater pumping, pursu-
24 ant to and in a manner consistent with Oregon State
25 law, including any shaping of the release of the up

1 to seven cubic feet per second to coincide with City
2 of Prineville groundwater pumping as may be re-
3 quired by the State of Oregon. As such, the Sec-
4 retary is authorized to make applications to the
5 State of Oregon in conjunction with the City to pro-
6 tect these supplies instream. The City shall make
7 payment to the Secretary for that portion of the
8 minimum release that actually serves as mitigation
9 pursuant to Oregon State law for the City in any
10 given year, with the payment for any given year
11 equal to the amount of mitigation in acre feet re-
12 quired to offset actual City groundwater pumping
13 for that year in accordance with Reclamation ‘Water
14 and Related Contract and Repayment Principles and
15 Requirements’, Reclamation Manual Directives and
16 Standards PEC 05–01, dated 09/12/2006, and guid-
17 ed by ‘Economic and Environmental Principles and
18 Guidelines for Water and Related Land Resources
19 Implementation Studies’, dated March 10, 1983.
20 The Secretary is authorized to contract exclusively
21 with the City for additional amounts in the future
22 at the request of the City.”.

23 **SEC. 4. FIRST FILL PROTECTION.**

24 The Act of August 6, 1956 (70 Stat. 1058), as
25 amended by the Acts of September 14, 1959 (73 Stat.

1 554), and September 18, 1964 (78 Stat. 954), is further
2 amended by adding at the end the following:

3 “SEC. 6. Other than the 17 cubic feet per second re-
4 lease provided for in section 4, and subject to compliance
5 with the Army Corps of Engineers’ flood curve require-
6 ments, the Secretary shall, on a ‘first fill’ priority basis,
7 store in and release from Prineville Reservoir, whether
8 from carryover, infill, or a combination thereof, the fol-
9 lowing:

10 “(1) 68,273 acre feet of water annually to fulfill
11 all 16 Bureau of Reclamation contracts existing as
12 of January 1, 2011, and up to 2,740 acre feet of
13 water annually to supply the McKay Creek lands as
14 provided for in section 5 of this Act.

15 “(2) Not more than 10,000 acre feet of water
16 annually, to be made available to the North Unit Ir-
17 rigation District pursuant to a Temporary Water
18 Service Contract, upon the request of the North
19 Unit Irrigation District, consistent with the same
20 terms and conditions as prior such contracts be-
21 tween the District and the Bureau of Reclamation.

22 “SEC. 7. Except as otherwise provided in this Act,
23 nothing in this Act—

1 “(1) modifies contractual rights that may exist
2 between contractors and the United States under
3 Reclamation contracts;

4 “(2) amends or reopens contracts referred to in
5 paragraph (1); or

6 “(3) modifies any rights, obligations, or require-
7 ments that may be provided or governed by Oregon
8 State law.”.

9 **SEC. 5. OCHOCO IRRIGATION DISTRICT.**

10 (a) EARLY REPAYMENT.—Notwithstanding section
11 213 of the Reclamation Reform Act of 1982 (43 U.S.C.
12 390mm), any landowner within Ochoco Irrigation District
13 in Oregon, may repay, at any time, the construction costs
14 of the project facilities allocated to that landowner’s lands
15 within the district. Upon discharge, in full, of the obliga-
16 tion for repayment of the construction costs allocated to
17 all lands the landowner owns in the district, those lands
18 shall not be subject to the ownership and full-cost pricing
19 limitations of the Act of June 17, 1902 (43 U.S.C. 371
20 et seq.), and Acts supplemental to and amendatory of that
21 Act, including the Reclamation Reform Act of 1982 (43
22 U.S.C. 390aa et seq.).

23 (b) CERTIFICATION.—Upon the request of a land-
24 owner who has repaid, in full, the construction costs of
25 the project facilities allocated to that landowner’s lands

1 owned within the district, the Secretary of the Interior
2 shall provide the certification provided for in subsection
3 (b)(1) of section 213 of the Reclamation Reform Act of
4 1982 (43 U.S.C. 390mm(b)(1)).

5 (c) CONTRACT AMENDMENT.—On approval of the
6 district directors and notwithstanding project authorizing
7 legislation to the contrary, the district’s reclamation con-
8 tracts are modified, without further action by the Sec-
9 retary of the Interior, to—

10 (1) authorize the use of water for instream pur-
11 poses, including fish or wildlife purposes, in order
12 for the district to engage in, or take advantage of,
13 conserved water projects and temporary instream
14 leasing as authorized by Oregon State law;

15 (2) include within the district boundary ap-
16 proximately 2,742 acres in the vicinity of McKay
17 Creek, resulting in a total of approximately 44,937
18 acres within the district boundary;

19 (3) classify as irrigable approximately 685 acres
20 within the approximately 2,742 acres of included
21 lands in the vicinity of McKay Creek, where the ap-
22 proximately 685 acres are authorized to receive irri-
23 gation water pursuant to water rights issued by the
24 State of Oregon and have in the past received water
25 pursuant to such State water rights; and

1 (4) provide the district with stored water from
2 Prineville Reservoir for purposes of supplying up to
3 the approximately 685 acres of lands added within
4 the district boundary and classified as irrigable
5 under paragraphs (2) and (3), with such stored
6 water to be supplied on an acre-per-acre basis con-
7 tingent on the transfer of existing appurtenant
8 McKay Creek water rights to instream use and the
9 State's issuance of water rights for the use of stored
10 water.

11 (d) LIMITATION.—Except as otherwise provided in
12 subsections (a) and (c), nothing in this section shall be
13 construed to—

14 (1) modify contractual rights that may exist be-
15 tween the district and the United States under the
16 district's Reclamation contracts;

17 (2) amend or reopen the contracts referred to
18 in paragraph (1); or

19 (3) modify any rights, obligations or relation-
20 ships that may exist between the district and its
21 landowners as may be provided or governed by Or-
22 egon State law.

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