

supplies for the Klamath Project, Oregon and California, and for other purposes.

The Clerk read as follows:

S. 2882

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Klamath Basin Water Supply Enhancement Act of 2000".

#### SEC. 2. AUTHORIZATION TO CONDUCT FEASIBILITY STUDIES.

In order to help meet the growing water needs in the Klamath River basin, to improve water quality, to facilitate the efforts of the State of Oregon to resolve water rights claims in the Upper Klamath River Basin including facilitation of Klamath tribal water rights claims, and to reduce conflicts over water between the Upper and Lower Klamath Basins, the Secretary of the Interior (hereafter referred to as the "Secretary") is authorized and directed, in consultation with affected state, local and tribal interests, stakeholder groups and the interested public, to engage in feasibility studies of the following proposals related to the Upper Klamath Basin and the Klamath Project, a federal reclamation project in Oregon and California:

(1) Increasing the storage capacity, and/or the yield of the Klamath Project facilities while improving water quality, consistent with the protection of fish and wildlife.

(2) The potential for development of additional Klamath Basin groundwater supplies to improve water quantity and quality, including the effect of such groundwater development on non-project lands, groundwater and surface water supplies, and fish and wildlife.

(3) The potential for further innovations in the use of existing water resources, or market-based approaches, in order to meet growing water needs consistent with state water law.

#### SEC. 3. ADDITIONAL STUDIES.

(a) NON-PROJECT LANDS.—The Secretary may enter into an agreement with the Oregon Department of Water Resources to fund studies relating to the water supply needs of non-project lands in the Upper Klamath Basin.

(b) SURVEYS.—To further the purposes of this Act, the Secretary is authorized to compile information on native fish species in the Upper Klamath River Basin, upstream of Upper Klamath Lake. Wherever possible, the Secretary should use data already developed by Federal agencies and other stakeholders in the Basin.

(c) HYDROLOGIC STUDIES.—The Secretary is directed to complete ongoing hydrologic surveys in the Klamath River Basin currently being conducted by the U.S. Geological Survey.

(d) REPORTING REQUIREMENTS.—The Secretary shall submit the findings of the studies conducted under section 2 and Section 3(a) of this Act to the Congress within 90 days of each study's completion, together with any recommendations for projects.

#### SEC. 4. LIMITATION.

Activities funded under this Act shall not be considered a supplemental or additional benefit under the Act of June 17, 1902 (82 Stat. 388) and all Acts amendatory thereof or supplementary thereto.

#### SEC. 5. WATER RIGHTS

Nothing in this Act shall be construed to—

(1) create, by implication or otherwise, any reserved water right or other right to the use of water;

(2) invalidate, preempt, or create any exception to State water law or an interstate compact governing water;

(3) alter the rights of any State to any appropriated share of the waters of any body or surface or groundwater, whether determined by past or future interstate compacts or by past or future legislative or final judicial allocations;

(4) preempt or modify any State or Federal law or interstate compact dealing with water quality or disposal; or

(5) confer upon any non-Federal entity the ability to exercise any Federal right to the waters of any stream or to any groundwater resources.

#### SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized such sums as necessary to carry out the purposes of this Act. Activities conducted under this Act shall be non-reimbursable and nonreturnable.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 2882 will enable the Bureau of Reclamation to conduct certain feasibility studies to augment water supplies for the Klamath Project, Oregon and California, and for other purposes.

I urge an aye vote.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this legislation.

Mr. WALDEN of Oregon. Mr. Speaker, I rise today to offer my strong support for S. 2882, the Klamath Basin Water Supply Enhancement Act of 2000. This bill was sponsored in the Senate by Senator GORDON SMITH of Oregon, and I sponsored the companion bill on the House side with my good friend WALLY HERGER of California. I would like to thank Chairman Young of the Resources Committee and Chairman DOOLITTLE of the Water and Power Subcommittee for helping bring this bill to the floor.

The Klamath Project in Oregon and California was one of the earliest federal reclamation projects. The Secretary of the Interior authorized development of the project on May 15, 1905, under provisions of the Reclamation Act of 1902. The project irrigates over 200,000 acres of farmland in south-central Oregon and north-central California. The two main sources of water for the project are Upper Klamath Lake and the Klamath River, as well as Clear Lake Reservoir, Gerber Reservoir, and Lost River, which are located in a closed basin. The total drainage area is approximately 5,700 square miles. The Klamath River is subject to an interstate compact between the States of Oregon and California.

There are also several wildlife refuges in the basin that are an important part of the western

flyway. There are suckers in Upper Klamath Lake on the Endangered Species List that require the lake to be maintained at certain levels throughout the summer. There are also salmon in the Klamath River for which federal agencies are seeking additional flow. It is my understanding that there will be significant additional flow requirements next year.

S. 2882, as amended by the Senate, would authorize the Bureau of Reclamation to conduct feasibility studies to determine what steps can be taken to meet the growing water needs in the Klamath River Basin (Basin) of Oregon and California. The outcome of these studies will help to determine the future water use of the residents and wildlife that surround this area. It will simply evaluate the feasibility of increasing the storage capacity, and/or the yield of the Klamath Project facilities while improving water quality, consistent with the protection of fish and wildlife.

It is important to note that there were severe shortages of water in the Basin this year. However, this was not a drought year. The shortages are symptoms of a much larger problem in the Basin. If a solution is not found soon, a drought could have devastating effects on farmers in the area and on the wildlife that depends upon certain flow levels.

S. 2882 is an extremely important bill to people of the Klamath Basin. I support this measure and urge its immediate passage.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield back the balance of my time.

Mr. GIBBONS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and pass the Senate bill, S. 2882.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

#### STUDY OF RESOURCES IN SALMON CREEK WATERSHED

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2951) to authorize the Secretary of the Interior to conduct a study to investigate opportunities to better manage the water resources in the Salmon Creek watershed of the upper Columbia River.

The Clerk read as follows:

S. 2951

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SALMON CREEK WATERSHED, WASHINGTON, WATER MANAGEMENT STUDY.

(a) IN GENERAL.—The Secretary of the Interior may conduct a study to investigate the opportunities to better manage the water resources in the Salmon Creek Watershed, a tributary to the Upper Columbia River system, Okanagoan County, Washington, so as to restore and enhance fishery resources (especially the endangered Upper

Columbia Spring Chinook and Steelhead), while maintaining or improving the availability of water supplies for irrigation practices vital to the economic well-being of the county.

(b) **PURPOSE.**—The purpose of the study under subsection (a) shall be to derive the benefits of and further the objectives of the comprehensive, independent study commissioned by the Confederated Tribes of the Colville Reservation and the Okanogan Irrigation District, which provides a credible basis for pursuing a course of action to simultaneously achieve fish restoration and improved irrigation conservation and efficiency.

(c) **COST SHARE.**—The Federal Government's cost share for the feasibility study shall not exceed 50 percent.

The **SPEAKER** pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. **GIBBONS**) and the gentleman from California (Mr. **GEORGE MILLER**) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. **GIBBONS**).

Mr. **GIBBONS**. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 2951, a bill to authorize the Secretary of the Interior to conduct a study to investigate opportunities to better manage the water resources in the Salmon Creek watershed of the upper Columbia River.

The study would allow the Secretary of the Interior to build on an independent study commissioned by the Confederated Tribes of the Colville Reservation and the local irrigation district to restore and enhance fishery resources, especially the endangered Upper Columbia Spring Chinook and Steelhead, while maintaining or improving the availability of water supplies for irrigation practices.

S. 2951 passed the Senate on October 13. I urge an aye vote.

Mr. Speaker, I reserve the balance of my time.

Mr. **GEORGE MILLER** of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this legislation.

Mr. **HASTINGS** of Washington. Mr. Speaker, I rise today in support of S. 2951. This legislation would authorize the Secretary of the Interior to conduct a study to investigate opportunities to better manage the water resources in the Salmon Creek watershed of the upper Columbia River. The purpose of the study is to explore ways to improve salmon migration while maintaining irrigation for area farms.

Mr. Speaker, this legislation is very similar to my legislation passed by the House and Senate earlier this year to study the potential benefits of replacing water currently removed from the Yakima River with water drawn from the Columbia River in order to benefit salmon. These two pieces of legislation highlight our commitment to saving the salmon in Central Washington without tearing down our dams and destroying our way of life. This common sense legislation is a locally derived solution that will greatly improve habitat and salmon

survival while respecting historic water rights in my district.

Salmon Creek is a tributary of the Okanogan River in my district in Central Washington. During irrigation season, water is released from the reservoirs to provide water needed by local farms. However, the diversion of the creek waters causes approximately 4.3 miles of Salmon Creek to dry up during the later months of the irrigation season. This creek has historically provided habitat for several threatened and endangered salmon species.

The Okanogan Irrigation District in Okanogan County, Washington and the Confederated Tribes of the Colville Reservation have worked together to study and develop a series of projects to restore natural fish runs in Salmon Creek while protecting irrigation for over 5000 acres of orchards and farms. As a result of this collaborative effort, the Okanogan Irrigation District and the Confederated Tribes of the Colville Reservation have developed a proposal that would move the intake system for the Okanogan Irrigation District from Salmon Creek to the Okanogan River. These projects, which are frequently referred to as "pump exchanges," allow irrigation districts to terminate withdrawals from over appropriated rivers and streams and secure water from more abundant rivers further downstream from the initial intake point.

This legislation authorizes the study of both the pump exchange and other irrigation improvements that could return as much as 11,000 acre feet of water to Salmon Creek. The bill would limit the federal government's share of the total cost of the feasibility study to 50 percent, and the Congressional Budget Office estimates that implementing S. 2951 would cost about \$250,000 in fiscal year 2001. The Administration testified in favor of this legislation during a hearing in the Senate Committee on Energy and Natural Resources Subcommittee on Water and Power.

This feasibility study offers Okanogan County residents hope for the protection and improvement of what is left of their hard-hit economy. More than 262 jobs have been lost in the Okanogan Basin in recent months due to declines in the forest products industry. Additionally, falling apple prices have resulted in the loss of 80 jobs from the recent closure of an apple packing facility in Tonasket, Washington. This is compounded by the possibility that the National Marine Fisheries Service (NMFS) will shut down irrigation facilities, as they have elsewhere in my district, due to inadequate stream flow in local rivers and creeks for endangered fish species. As more than 5000 acres of orchards and fields are served by the Okanogan Irrigation District, an irrigation shutdown would be devastating.

Once again, I thank you for this opportunity to express my support for authorizing this essential fish restoration study provided in S. 2951. I commend the Okanogan Irrigation District and the Confederated Tribes of the Colville Reservation for their proactive approach to restoring salmon and steelhead populations and maintaining water deliveries to irrigators. I urge my colleagues to support this common sense local solution to improve the water resources in Salmon Creek.

Mr. **GEORGE MILLER** of California. Mr. Speaker, I yield back the balance of my time.

Mr. **GIBBONS**. Mr. Speaker, I yield back the balance of my time.

The **SPEAKER** pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. **GIBBONS**) that the House suspend the rules and pass the Senate bill, S. 2951.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

#### AUTHORIZING APPROPRIATIONS FOR THE RECLAMATION SAFETY OF DAMS ACT OF 1978

Mr. **GIBBONS**. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3595) to increase the authorization of appropriations for the Reclamation Safety of Dams Act of 1978, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3595

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### **SECTION 1. INCREASED AUTHORIZATION OF APPROPRIATIONS FOR THE RECLAMATION SAFETY OF DAMS ACT OF 1978.**

*The Reclamation Safety of Dams Act of 1978 is amended—*

*(1) in section 4 (43 U.S.C. 508)—*

*(A) in subsection (a), by striking "or from nonperformance of reasonable and normal maintenance of the structure by the operating entity";*

*(B) in subsection (c), by—*

*(i) inserting after "1984" the following: "and the additional \$380,000,000 further authorized to be appropriated by amendments to that Act in 2000";*

*(ii) striking paragraph (2) and redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and*

*(iii) in the first sentence of paragraph (3), as so redesignated, inserting "irrigation," after "Costs allocated to the purpose of", and inserting "without regard to water users' ability to pay" before the period at the end; and*

*(C) in subsection (d), by inserting before the period at the end the following: "Provided further, That the Secretary is authorized to expend payments of such reimbursable costs made pursuant to a repayment contract at any time prior to completion of construction";*

*(2) in section 5 (43 U.S.C. 509), by—*

*(A) inserting after "levels" the following: "and, effective October 1, 1997, not to exceed an additional \$380,000,000 (October 1, 2000, price levels);";*

*(B) striking "\$750,000" and inserting "\$1,200,000 (October 1, 2000, price levels), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the types of construction involved herein,"; and*

*(C) striking "sixty days (which)" and all that follows through "day certain)" and inserting "30 calendar days"; and*

*(3) in section 2 (43 U.S.C. 506), by inserting "(a)" before "In order to", and by adding at the end the following:*

*"(b) Prior to selecting a Bureau of Reclamation facility for modification, the Secretary shall*