

113TH CONGRESS
1ST SESSION

H. R. 2640

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

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:

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

3 (2) In subparagraph (B)—

4 (A) by striking “8-mile” and all that fol-
5 lows through “Bowman Dam” and inserting
6 “7.75-mile segment from a point one-quarter
7 mile downstream from the toe of Bowman
8 Dam”; and

9 (B) by adding at the end the following:
10 “The developer for any hydropower develop-
11 ment, including turbines and appurtenant facili-
12 ties, at Bowman Dam, in consultation with the
13 Bureau of Land Management, shall analyze any
14 impacts to the Outstandingly Remarkable Val-
15 ues of the Wild and Scenic River that may be
16 caused by such development, including the fu-
17 ture need to undertake routine and emergency
18 repairs, and shall propose mitigation for any
19 impacts as part of any license application sub-
20 mitted to the Federal Energy Regulatory Com-
21 mission.”.

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

23 Section 4 of the Act of August 6, 1956 (70 Stat.
24 1058), (as amended by the Acts of September 14, 1959

1 (73 Stat. 554), and September 18, 1964 (78 Stat. 954))
2 is further amended as follows:

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

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

11 (3) By adding at the end the following: “With-
12 out further action by the Secretary, and as deter-
13 mined necessary for any given year by the City of
14 Prineville, up to seven of the 17 cubic feet per sec-
15 ond minimum release shall also serve as mitigation
16 for City of Prineville groundwater pumping, pursu-
17 ant to and in a manner consistent with Oregon State
18 law, including any shaping of the release of the up
19 to seven cubic feet per second to coincide with City
20 of Prineville groundwater pumping as may be re-
21 quired by the State of Oregon. As such, the Sec-
22 retary is authorized to make applications to the
23 State of Oregon in conjunction with the City to pro-
24 tect these supplies instream. The City shall make
25 payment to the Secretary for that portion of the

1 minimum release that actually serves as mitigation
2 pursuant to Oregon State law for the City in any
3 given year, with the payment for any given year
4 equal to the amount of mitigation in acre feet re-
5 quired to offset actual City groundwater pumping
6 for that year in accordance with Reclamation ‘Water
7 and Related Contract and Repayment Principles and
8 Requirements’, Reclamation Manual Directives and
9 Standards PEC 05–01, dated 09/12/2006, and guid-
10 ed by ‘Economic and Environmental Principles and
11 Guidelines for Water and Related Land Resources
12 Implementation Studies’, dated March 10, 1983.
13 The Secretary is authorized to contract exclusively
14 with the City for additional amounts in the future
15 at the request of the City.”.

16 **SEC. 4. FIRST FILL PROTECTION.**

17 The Act of August 6, 1956 (70 Stat. 1058), as
18 amended by the Acts of September 14, 1959 (73 Stat.
19 554), and September 18, 1964 (78 Stat. 954), is further
20 amended by adding at the end the following:

21 “SEC. 6. Other than the 17 cubic feet per second re-
22 lease provided for in section 4, and subject to compliance
23 with the Army Corps of Engineers’ flood curve require-
24 ments, the Secretary shall, on a ‘first fill’ priority basis,
25 store in and release from Prineville Reservoir, whether

1 from carryover, infill, or a combination thereof, the fol-
2 lowing:

3 “(1) 68,273 acre feet of water annually to fulfill
4 all 16 Bureau of Reclamation contracts existing as
5 of January 1, 2011, and up to 2,740 acre feet of
6 water annually to supply the McKay Creek lands as
7 provided for in section 5 of this Act.

8 “(2) Not more than 10,000 acre feet of water
9 annually, to be made available to the North Unit Ir-
10 rrigation District pursuant to a Temporary Water
11 Service Contract, upon the request of the North
12 Unit Irrigation District, consistent with the same
13 terms and conditions as prior such contracts be-
14 tween the District and the Bureau of Reclamation.

15 “SEC. 7. Except as otherwise provided in this Act,
16 nothing in this Act—

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

20 “(2) amends or reopens contracts referred to in
21 paragraph (1); or

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

1 **SEC. 5. OCHOCO IRRIGATION DISTRICT.**

2 (a) EARLY REPAYMENT.—Notwithstanding section
3 213 of the Reclamation Reform Act of 1982 (43 U.S.C.
4 390mm), any landowner within Ochoco Irrigation District
5 in Oregon, may repay, at any time, the construction costs
6 of the project facilities allocated to that landowner's lands
7 within the district. Upon discharge, in full, of the obliga-
8 tion for repayment of the construction costs allocated to
9 all lands the landowner owns in the district, those lands
10 shall not be subject to the ownership and full-cost pricing
11 limitations of the Act of June 17, 1902 (43 U.S.C. 371
12 et seq.), and Acts supplemental to and amendatory of that
13 Act, including the Reclamation Reform Act of 1982 (43
14 U.S.C. 390aa et seq.).

15 (b) CERTIFICATION.—Upon the request of a land-
16 owner who has repaid, in full, the construction costs of
17 the project facilities allocated to that landowner's lands
18 owned within the district, the Secretary of the Interior
19 shall provide the certification provided for in subsection
20 (b)(1) of section 213 of the Reclamation Reform Act of
21 1982 (43 U.S.C. 390mm(b)(1)).

22 (c) CONTRACT AMENDMENT.—On approval of the
23 district directors and notwithstanding project authorizing
24 legislation to the contrary, the district's reclamation con-
25 tracts are modified, without further action by the Sec-
26 retary of the Interior, to—

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

6 (2) include within the district boundary ap-
7 proximately 2,742 acres in the vicinity of McKay
8 Creek, resulting in a total of approximately 44,937
9 acres within the district boundary;

10 (3) classify as irrigable approximately 685 acres
11 within the approximately 2,742 acres of included
12 lands in the vicinity of McKay Creek, where the ap-
13 proximately 685 acres are authorized to receive irri-
14 gation water pursuant to water rights issued by the
15 State of Oregon and have in the past received water
16 pursuant to such State water rights; and

17 (4) provide the district with stored water from
18 Prineville Reservoir for purposes of supplying up to
19 the approximately 685 acres of lands added within
20 the district boundary and classified as irrigable
21 under paragraphs (2) and (3), with such stored
22 water to be supplied on an acre-per-acre basis con-
23 tingent on the transfer of existing appurtenant
24 McKay Creek water rights to instream use and the

1 State's issuance of water rights for the use of stored
2 water.

3 (d) LIMITATION.—Except as otherwise provided in
4 subsections (a) and (c), nothing in this section shall be
5 construed to—

6 (1) modify contractual rights that may exist be-
7 tween the district and the United States under the
8 district's Reclamation contracts;

9 (2) amend or reopen the contracts referred to
10 in paragraph (1); or

11 (3) modify any rights, obligations or relation-
12 ships that may exist between the district and its
13 landowners as may be provided or governed by Or-
14 egon State law.

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