

118TH CONGRESS
1ST SESSION

H. R. 289

To update requirements for the operation of the Central Valley Project and Klamath River Basin Reclamation Project by the Bureau of Reclamation.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 11, 2023

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

A BILL

To update requirements for the operation of the Central Valley Project and Klamath River Basin Reclamation Project by the Bureau of Reclamation.

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 “Protect Our Water
5 Rights Act”.

6 **SEC. 2. ALLOCATIONS FOR SACRAMENTO VALLEY CON-**
7 **TRACTORS.**

8 (a) ALLOCATIONS; CONDITIONS.—

9 (1) ALLOCATIONS.—

1 (A) IN GENERAL.—The Secretary of the
2 Interior, acting through the Bureau of Rec-
3 lamation (in this Act, referred to as the “Sec-
4 retary”) is directed, in the operation of the
5 Central Valley Project, to allocate water pro-
6 vided for irrigation purposes to existing Central
7 Valley Project agricultural water service con-
8 tractors within the Sacramento River Water-
9 shed in compliance with the following:

10 (i) Not less than 100 percent of their
11 contract quantities in a “Wet” year.

12 (ii) Not less than 100 percent of their
13 contract quantities in an “Above Normal”
14 year.

15 (iii) Not less than 75 percent of their
16 contract quantities in a “Below Normal”
17 year.

18 (iv) Not less than 50 percent of their
19 contract quantities in a “Dry” year.

20 (v) Not less than 50 percent of their
21 contract quantities in a “Critically Dry”
22 year.

23 (vi) In all years not identified in sub-
24 paragraphs (A) through (E), the allocation
25 percentage for existing Central Valley

1 Project agricultural water service contrac-
2 tors within the Sacramento River Water-
3 shed shall not be less than (but may be
4 more than) twice the allocation percentage
5 to south-of-Delta Central Valley Project
6 agricultural water service contractors, up
7 to 100 percent.

8 (B) THE YEAR TYPE TERMS.—The year
9 type terms used in subparagraph (A) have the
10 meaning given those year types in the Sac-
11 ramento Valley Water Year Type (40–30–30)
12 Index.

13 (2) CONDITIONS.—The Secretary’s actions
14 under paragraph (1) shall be subject to—

15 (A) the priority of individuals or entities
16 with Sacramento River water rights, including
17 those with Sacramento River Settlement Con-
18 tracts, that have priority to the diversion and
19 use of Sacramento River water over water
20 rights held by the United States for operations
21 of the Central Valley Project;

22 (B) the United States obligation to make
23 a substitute supply of water available to the
24 San Joaquin River Exchange Contractors; and

1 (C) the Secretary's obligation to make
2 water available to managed wetlands pursuant
3 to section 3406(d) of the Central Valley Project
4 Improvement Act, (Public Law 102-575).

5 (b) PROTECTION OF MUNICIPAL AND INDUSTRIAL
6 SUPPLIES.—Nothing in subsection (a) shall be deemed
7 to—

8 (1) modify any provision of a water service con-
9 tract that addresses municipal and industrial water
10 shortage policies of the Secretary;

11 (2) affect or limit the authority of the Secretary
12 to adopt or modify municipal and industrial water
13 shortage policies;

14 (3) affect or limit the authority of the Secretary
15 to implement municipal and industrial water short-
16 age policies; or

17 (4) affect allocations to Central Valley Project
18 municipal and industrial contractors pursuant to
19 such policies.

20 (c) PROTECTION OF OPERATIONS AND DELIV-
21 ERIES.—Nothing in subsection (a) or the Secretary's im-
22 plementation of subsection (a) shall constrain, govern, or
23 affect, directly or indirectly, the operations of the Central
24 Valley Project's American River Division or any deliveries
25 from that Division, its units or facilities.

1 (d) NO EFFECT ON ALLOCATIONS.—Nothing in sub-
2 section (a) shall—

3 (1) affect the allocation of water to Friant Divi-
4 sion contractors; or

5 (2) result in the involuntary reduction in con-
6 tract water allocations to individuals or entities with
7 contracts to receive water from the Friant Division.

8 (e) TERM DEFINED.—In this section, the term “ex-
9 isting Central Valley Project agricultural water service
10 contractors within the Sacramento River Watershed”
11 means water service contractors within the Shasta, Trin-
12 ity, and Sacramento River Divisions of the Central Valley
13 Project, that have a water service contract in effect, on
14 the date of the enactment of this section, that provides
15 water for irrigation.

16 **SEC. 3. ANNUAL ALLOCATION FIELD BRIEFINGS.**

17 The Secretary shall hold not less than 1 in-person
18 field hearing each county where a Central Valley Project
19 water service contractor is located during the period that
20 is after the initial water allocations for the Central Valley
21 Project and before the final water allocation announce-
22 ment for the Central Valley Project.

1 **SEC. 4. ADJUSTMENT OF COST REQUIREMENTS.**

2 The operation and maintenance costs required to be
3 paid by Central Valley Project water contractors and the
4 Bureau of Reclamation shall be reversed, such that—

5 (1) the allocation percentage obligation held by
6 the Bureau of Reclamation on the day before the
7 date of the enactment of this Act shall be held by
8 Central Valley Project water contractors; and

9 (2) the allocation percentage obligation held by
10 the Central Valley Project water contractors on the
11 day before the date of the enactment of this Act
12 shall be held by the Bureau of Reclamation.

13 **SEC. 5. REPORT.**

14 Not later than 1 year after the date of the enactment
15 of this Act, the Secretary shall submit to Congress a re-
16 port that includes an account of amounts that irrigation
17 districts and water user associations contracted with the
18 Bureau of Reclamation for agricultural water deliveries
19 owe to the Bureau of Reclamation related to debt incurred
20 for construction of facilities and other aspects of the
21 Klamath River Basin Reclamation Project.

22 **SEC. 6. WATER OPERATIONS IN UPPER KLAMATH LAKE.**

23 When operating the Klamath River Basin Reclama-
24 tion Project, the Secretary, in accordance with State-adju-
25 dicated water rights, shall—

1 (1) operate all water in Upper Klamath Lake
2 above elevation 4136.0 feet solely for agricultural
3 and refuge purposes; and

4 (2) to the extent practicable when operating all
5 water in Upper Klamath Lake in accordance with
6 paragraph (1), maximize storage in the Upper
7 Klamath Lake.

○