113TH CONGRESS 1ST SESSION

H.R.876

AN ACT

- To authorize the continued use of certain water diversions located on National Forest System land in the Frank Church-River of No Return Wilderness and the Selway-Bitterroot Wilderness in the State of Idaho, and for other purposes.
 - 1 Be it enacted by the Senate and House of Representa-
 - ${\it 2\ tives\ of\ the\ United\ States\ of\ America\ in\ Congress\ assembled},$

1 SECTION 1. SHORT TITLE.

2	This Act may be cited as the "Idaho Wilderness
3	Water Resources Protection Act".
4	SEC. 2. TREATMENT OF EXISTING WATER DIVERSIONS IN
5	FRANK CHURCH-RIVER OF NO RETURN WIL-
6	DERNESS AND SELWAY-BITTERROOT WIL-
7	DERNESS, IDAHO.
8	(a) Authorization for Continued Use.—The
9	Secretary of Agriculture shall issue a special use author-
10	ization to the owners of a water storage, transport, or di-
11	version facility (in this section referred to as a "facility")
12	located on National Forest System land in the Frank
13	Church-River of No Return Wilderness and the Selway-
14	Bitterroot Wilderness for the continued operation, mainte-
15	nance, and reconstruction of the facility if the Secretary
16	determines that—
17	(1) the facility was in existence on the date on
18	which the land upon which the facility is located was
19	designated as part of the National Wilderness Pres-
20	ervation System (in this section referred to as "the
21	date of designation");
22	(2) the facility has been in substantially contin-
23	uous use to deliver water for the beneficial use on
24	the owner's non-Federal land since the date of des-

ignation;

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1	(3) the owner of the facility holds a valid water
2	right for use of the water on the owner's non-Fed-
3	eral land under Idaho State law, with a priority date
4	that predates the date of designation; and
5	(4) it is not practicable or feasible to relocate
6	the facility to land outside of the wilderness and
7	continue the beneficial use of water on the non-Fed-
8	eral land recognized under State law.
9	(b) TERMS AND CONDITIONS.—
10	(1) Required terms and conditions.—In a
11	special use authorization issued under subsection
12	(a), the Secretary shall—
13	(A) allow use of motorized equipment and
14	mechanized transport for operation, mainte-
15	nance, or reconstruction of a facility, if the Sec-
16	retary determines that—
17	(i) the use is necessary to allow the
18	facility to continue delivery of water to the
19	non-Federal land for the beneficial uses
20	recognized by the water right held under
21	Idaho State law; and
22	(ii) the use of nonmotorized equip-
23	ment and nonmechanized transport is im-
24	practicable or infeasible; and

1	(B) preclude use of the facility for the
2	storage, diversion, or transport of water in ex-
3	cess of the water right recognized by the State
4	of Idaho on the date of designation.
5	(2) Discretionary terms and condi-
6	TIONS.—In a special use authorization issued under
7	subsection (a), the Secretary may—
8	(A) require or allow modification or reloca-
9	tion of the facility in the wilderness, as the Sec-
10	retary determines necessary, to reduce impacts
11	to wilderness values set forth in section 2 of the
12	Wilderness Act (16 U.S.C. 1131) if the bene-
13	ficial use of water on the non-Federal land is
14	not diminished; and
15	(B) require that the owner provide a recip-
16	rocal right of access across the non-Federal
17	property, in which case, the owner shall receive
18	market value for any right-of-way or other in-

terest in real property conveyed to the United

States, and market value may be paid by the

Secretary, in whole or in part, by the grant of

a reciprocal right-of-way, or by reduction of fees

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or other costs that may accrue to the owner to obtain the authorization for water facilities.

Passed the House of Representatives June 17, 2013.

Attest:

Clerk.

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