

106TH CONGRESS  
2D SESSION

# S. 2882

To authorize the Bureau of Reclamation to conduct certain feasibility studies to augment water supplies for the Klamath Project, Oregon and California, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JULY 17, 2000

Mr. SMITH of Oregon (for himself and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To authorize the Bureau of Reclamation to conduct certain feasibility studies to augment water supplies for the Klamath Project, Oregon and California, 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 “Klamath Basin Water  
5 Supply Enhancement Act of 2000”.

1 **SEC. 2. AUTHORIZATION TO CONDUCT FEASIBILITY STUD-**  
2 **IES.**

3 In order to help meet the growing water supply and  
4 water quality needs of the Klamath River basin, to facili-  
5 tate the efforts of the State of Oregon to resolve water  
6 rights claims in the Upper Klamath River Basin including  
7 facilitation of Klamath tribal water rights claims, and to  
8 reduce conflicts over water between the Upper and Lower  
9 Klamath Basins, the Secretary of the Interior (hereafter  
10 referred to as the “Secretary”) is authorized and directed,  
11 in consultation with affected state, local and tribal inter-  
12 ests, to engage in feasibility studies of the following pro-  
13 posals related to the Upper Klamath Basin and the Klam-  
14 ath Project, a federal reclamation project in Oregon and  
15 California:

16 (1) increasing the storage capacity and/or the  
17 yield of the Klamath Project, including, but not lim-  
18 ited to, the facilities of Gerber Reservoir, Upper  
19 Klamath Lake, and Clear Lake;

20 (2) the potential for development of additional  
21 Klamath Basin groundwater supplies to improve  
22 water quantity and quality, including the effect of  
23 such groundwater development on both groundwater  
24 and surface water supplies.

1           (3) various alternatives for the use or disposi-  
2           tion of water made available by the activities author-  
3           ized by this Act.

4 **SEC. 3. LIMITATION ON CONSTRUCTION AUTHORITY.**

5           (a) IN GENERAL.—Upon completion of the applicable  
6 feasibility study, the Secretary is authorized to plan, de-  
7 sign and construct modifications to existing facilities, and  
8 to develop groundwater supplies. The Secretary shall bal-  
9 ance construction and funding between project and non-  
10 project lands, and activities for the non-project lands shall  
11 be coordinated through the Oregon State Department of  
12 Water Resources. Implementation of such projects shall  
13 be in accordance with applicable state and local laws and  
14 regulations. The Secretary may not obligate funds for  
15 such projects until—

16           (1) the requirements of applicable federal laws,  
17           including the National Environmental Policy Act,  
18           have been met; and

19           (2) the applicable feasibility study has been pre-  
20           pared and submitted to the Congress for a period of  
21           not less than ninety calendar days.

22           (b) PROJECTS NOT AUTHORIZED FOR CONSTRU-  
23 TION.—Nothing in this Act authorizes the construction of  
24 any new projects other than the modifications of existing  
25 facilities and the development of groundwater supplies

1 meeting the criteria of subsection (a), or that are other-  
2 wise authorized under the Act of June 17, 1902 (82 Stat.  
3 388) and all Acts amendatory thereof or supplementary  
4 thereto.

5 (c) LIMITATION.—Activities funded under this Act  
6 shall not be considered a supplemental or additional ben-  
7 efit under the Act of June 17, 1902 (82 Stat. 388) and  
8 all Acts amendatory thereof or supplementary thereto.

9 **SEC. 4. SURVEYS.**

10 To further the purposes of this Act, the Secretary  
11 is authorized to compile information on native fish species  
12 in the Upper Klamath River Basin upstream of Upper  
13 Klamath Lake, including surveys already completed by  
14 Federal agencies and other stakeholders in the Basin, and  
15 is directed to complete ongoing hydrologic surveys in the  
16 Klamath River Basin currently being conducted by the  
17 U.S. Geological Survey.

18 **SEC. 5. WATER RIGHTS**

19 Nothing in this Act shall be construed to—

20 (1) create, by implication or otherwise, any re-  
21 served water right or other right to the use of water;

22 (2) invalidate, preempt, or create any exception  
23 to State water law or an interstate compact gov-  
24 erning water;

1           (3) alter the rights of any State to any appro-  
2           priated share of the waters of any body or surface  
3           or groundwater, whether determined by past or fu-  
4           ture interstate compacts or by past or future legisla-  
5           tive or final judicial allocations;

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

9           (5) confer upon any non-Federal entity the abil-  
10          ity to exercise any Federal right to the waters of any  
11          stream or to any groundwater resources.

12 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

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

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