

Calendar No. 938106TH CONGRESS
2^D SESSION**S. 2882****[Report No. 106-489]**

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.

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

OCTOBER 4 (legislative day, SEPTEMBER 22), 2000

Reported by Mr. MURKOWSKI, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Klamath Basin Water
3 Supply Enhancement Act of 2000”.

4 **SEC. 2. AUTHORIZATION TO CONDUCT FEASIBILITY STUD-**
5 **IES.**

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

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

23 (2) the potential for development of additional
24 Klamath Basin groundwater supplies to improve
25 water quantity and quality, including the effect of

1 such groundwater development on both groundwater
2 and surface water supplies.

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

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

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

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

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

24 (b) PROJECTS NOT AUTHORIZED FOR CONSTRU-
25 TION.—Nothing in this Act authorizes the construction of

1 any new projects other than the modifications of existing
2 facilities and the development of groundwater supplies
3 meeting the criteria of subsection (a), or that are other-
4 wise authorized under the Act of June 17, 1902 (82 Stat.
5 388) and all Acts amendatory thereof or supplementary
6 thereto.

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

11 **SEC. 4. SURVEYS.**

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

20 **SEC. 5. WATER RIGHTS**

21 Nothing in this Act shall be construed to—

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

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

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

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

12 (5) confer upon any non-Federal entity the abil-
13 ity to exercise any Federal right to the waters of any
14 stream or to any groundwater resources.

15 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

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

19 **SECTION 1. SHORT TITLE.**

20 *This Act may be cited as the “Klamath Basin Water*
21 *Supply Enhancement Act of 2000”.*

22 **SEC. 2. AUTHORIZATION TO CONDUCT FEASIBILITY STUD-**
23 **IES.**

24 *In order to help meet the growing water needs in the*
25 *Klamath River basin, to improve water quality, to facili-*

1 *tate the efforts of the State of Oregon to resolve water rights*
2 *claims in the Upper Klamath River Basin including facili-*
3 *tation of Klamath tribal water rights claims, and to reduce*
4 *conflicts over water between the Upper and Lower Klamath*
5 *Basins, the Secretary of the Interior (hereafter referred to*
6 *as the “Secretary”) is authorized and directed, in consulta-*
7 *tion with affected state, local and tribal interests, stake-*
8 *holder groups and the interested public, to engage in feasi-*
9 *bility studies of the following proposals related to the Upper*
10 *Klamath Basin and the Klamath Project, a federal reclama-*
11 *tion project in Oregon and California:*

12 (1) *Increasing the storage capacity, and/or the*
13 *yield of the Klamath Project facilities while improv-*
14 *ing water quality, consistent with the protection of*
15 *fish and wildlife.*

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

22 (3) *The potential for further innovations in the*
23 *use of existing water resources, or market-based ap-*
24 *proaches, in order to meet growing water needs con-*
25 *sistent with state water law.*

1 **SEC. 3. ADDITIONAL STUDIES.**

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

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

12 (c) *HYDROLOGIC STUDIES.*—*The Secretary is directed*
13 *to complete ongoing hydrologic surveys in the Klamath*
14 *River Basin currently being conducted by the U.S. Geologi-*
15 *cal Survey.*

16 (d) *REPORTING REQUIREMENTS.*—*The Secretary shall*
17 *submit the findings of the studies conducted under section*
18 *2 and Section 3(a) of this Act to the Congress within 90*
19 *days of each study's completion, together with any rec-*
20 *ommendations for projects.*

21 **SEC. 4. LIMITATION.**

22 *Activities funded under this Act shall not be considered*
23 *a supplemental or additional benefit under the Act of June*
24 *17, 1902 (82 Stat. 388) and all Acts amendatory thereof*
25 *or supplementary thereto.*

1 **SEC. 5. WATER RIGHTS**

2 *Nothing in this Act shall be construed to—*

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

5 *(2) invalidate, preempt, or create any exception*
6 *to State water law or an interstate compact gov-*
7 *erning water;*

8 *(3) alter the rights of any State to any appro-*
9 *priated share of the waters of any body or surface or*
10 *groundwater, whether determined by past or future*
11 *interstate compacts or by past or future legislative or*
12 *final judicial allocations;*

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

16 *(5) confer upon any non-Federal entity the abil-*
17 *ity to exercise any Federal right to the waters of any*
18 *stream or to any groundwater resources.*

19 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

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

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