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2^D SESSION

H. R. 5079

IN THE SENATE OF THE UNITED STATES

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Read twice and referred to the Committee on Energy and Natural Resources

AN ACT

To update the management of Oregon water resources, 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 “Oregon Water Re-
3 sources Management Act of 2006”.

4 **SEC. 2. EXTENSION OF PARTICIPATION OF BUREAU OF**
5 **RECLAMATION IN DESCHUTES RIVER CON-**
6 **SERVANCY.**

7 Section 301 of the Oregon Resource Conservation Act
8 of 1996 (division B of Public Law 104–208; 110 Stat.
9 3009–534) is amended—

10 (1) in subsection (a)(1), by striking “Deschutes
11 River Basin Working Group” and inserting
12 “Deschutes River Conservancy Working Group”;

13 (2) by amending the text of subsection
14 (a)(1)(B) to read as follows: “4 representatives of
15 private interests including two from irrigated agri-
16 culture who actively farm more than 100 acres of ir-
17 rigated land and are not irrigation district managers
18 and two from the environmental community;”;

19 (3) in subsection (b)(3), by inserting before the
20 final period the following: “, and up to a total
21 amount of \$2,000,000 during each of fiscal years
22 2006 through 2015”; and

23 (4) in subsection (h), by inserting before the pe-
24 riod at the end the following: “, and \$2,000,000 for
25 each of fiscal years 2006 through 2015”.

1 **SEC. 3. WALLOWA LAKE DAM REHABILITATION ACT.**

2 (a) DEFINITIONS.—In this section, the following defi-
3 nitions apply:

4 (1) ASSOCIATED DITCH COMPANIES, INCOR-
5 PORATED.—The term “Associated Ditch Companies,
6 Incorporated” means the nonprofit corporation es-
7 tablished under the laws of the State of Oregon that
8 operates Wallowa Lake Dam.

9 (2) SECRETARY.—The term “Secretary” means
10 the Secretary of the Interior, acting through the
11 Commissioner of Reclamation.

12 (3) WALLOWA LAKE DAM REHABILITATION
13 PROGRAM.—The term “Wallowa Lake Dam Reha-
14 bilitation Program” means the program for the re-
15 habilitation of the Wallowa Lake Dam in Oregon, as
16 contained in the engineering document titled,
17 “Phase I Dam Assessment and Preliminary Engi-
18 neering Design”, dated December 2002, and on file
19 with the Bureau of Reclamation.

20 (b) AUTHORIZATION TO PARTICIPATE IN PRO-
21 GRAM.—

22 (1) GRANTS AND COOPERATIVE AGREE-
23 MENTS.—The Secretary may provide grants to, or
24 enter into cooperative or other agreements with,
25 tribal, State, and local governmental entities and the
26 Associated Ditch Companies, Incorporated, to plan,

1 design, and construct facilities needed to implement
2 the Wallowa Lake Dam Rehabilitation Program.

3 (2) CONDITIONS.—As a condition of providing
4 funds under paragraph (1), the Secretary shall en-
5 sure that—

6 (A) the Wallowa Lake Dam Rehabilitation
7 Program and activities under this section meet
8 the standards of the dam safety program of the
9 State of Oregon;

10 (B) the Associated Ditch Companies, In-
11 corporated, agrees to assume liability for any
12 work performed, or supervised, with Federal
13 funds provided to it under this section; and

14 (C) the United States shall not be liable
15 for damages of any kind arising out of any act,
16 omission, or occurrence relating to a facility re-
17 habilitated or constructed with Federal funds
18 provided under this section, both while and
19 after activities are conducted using Federal
20 funds provided under this section.

21 (3) COST SHARING.—

22 (A) IN GENERAL.—The Federal share of
23 the costs of activities authorized under this sec-
24 tion shall not exceed 50 percent.

1 (B) EXCLUSIONS FROM FEDERAL
2 SHARE.—There shall not be credited against
3 the Federal share of such costs—

4 (i) any expenditure by the Bonneville
5 Power Administration in the Wallowa
6 River watershed; and

7 (ii) expenditures made by individual
8 agricultural producers in any Federal com-
9 modity or conservation program.

10 (4) COMPLIANCE WITH STATE LAW.—The Sec-
11 retary, in carrying out this section, shall comply
12 with applicable Oregon State water law.

13 (5) PROHIBITION ON HOLDING TITLE.—The
14 Federal Government shall not hold title to any facil-
15 ity rehabilitated or constructed under this section.

16 (6) PROHIBITION ON OPERATION AND MAINTEN-
17 NANCE.—The Federal Government shall not be re-
18 sponsible for the operation and maintenance of any
19 facility constructed or rehabilitated under this sec-
20 tion.

21 (c) RELATIONSHIP TO OTHER LAW.—Activities fund-
22 ed under this section shall not be considered a supple-
23 mental or additional benefit under Federal reclamation
24 law (the Act of June 17, 1902 (32 Stat. 388, chapter

1 1093), and Acts supplemental to and amendatory of that
2 Act (43 U.S.C. 371 et seq.)).

3 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated to the Secretary to pay the
5 Federal share of the costs of activities authorized under
6 this section, \$6,000,000.

7 (e) SUNSET.—The authority of the Secretary to carry
8 out any provisions of this section shall terminate 10 years
9 after the date of the enactment of this section.

10 **SEC. 4. LITTLE BUTTE/BEAR CREEK SUBBASINS, OREGON,**
11 **WATER RESOURCE STUDY.**

12 (a) AUTHORIZATION.—The Secretary of the Interior,
13 acting through the Bureau of Reclamation, may partici-
14 pate in the Water for Irrigation, Streams and the Econ-
15 omy Project water management feasibility study and envi-
16 ronmental impact statement in accordance with the
17 “Memorandum of Agreement Between City of Medford
18 and Bureau of Reclamation for the Water for Irrigation,
19 Streams, and the Economy Project”, dated July 2, 2004.

20 (b) AUTHORIZATION OF APPROPRIATIONS.—

21 (1) IN GENERAL.—There is authorized to be
22 appropriated to the Bureau of Reclamation
23 \$500,000 to carry out activities under this section.

24 (2) NON-FEDERAL SHARE.—

1 (A) IN GENERAL.—The non-Federal share
2 shall be 50 percent of the total costs of the Bu-
3 reau of Reclamation in carrying out subsection
4 (a).

5 (B) FORM.—The non-Federal share re-
6 quired under subparagraph (A) may be in the
7 form of any in-kind services that the Secretary
8 of the Interior determines would contribute sub-
9 stantially toward the conduct and completion of
10 the study and environmental impact statement
11 required under subsection (a).

12 (c) SUNSET.—The authority of the Secretary to carry
13 out any provisions of this section shall terminate 10 years
14 after the date of the enactment of this section.

15 **SEC. 5. NORTH UNIT IRRIGATION DISTRICT.**

16 (a) SHORT TITLE.—This section may be cited as the
17 “North Unit Irrigation District Act of 2006”.

18 (b) AMENDMENT.—The Act of August 10, 1954 (68
19 Stat. 679, chapter 663), is amended—

20 (1) in the first section—

21 (A) by inserting “(referred to in this Act
22 as the ‘District’)” after “irrigation district”;
23 and

24 (B) by inserting “(referred to in this Act
25 as the ‘Contract’)” after “1953”; and

1 (2) by adding at the end the following:

2 **“SEC. 3. ADDITIONAL TERMS.**

3 “On approval of the District directors and notwith-
4 standing project authorizing legislation to the contrary,
5 the Contract is modified, without further action by the
6 Secretary of the Interior, to include the following modi-
7 fications:

8 (1) In Article 8(a) of the Contract, by deleting
9 ‘a maximum of 50,000’ and inserting ‘approximately
10 59,000’ after ‘irrigation service to’.

11 (2) In Article 11(a) of the Contract, by delet-
12 ing ‘The classified irrigable lands within the project
13 comprise 49,817.75 irrigable acres, of which
14 35,773.75 acres are in Class A and 14,044.40 in
15 Class B. These lands and the standards upon which
16 the classification was made are described in the doc-
17 ument entitled “Land Classification, North Unit,
18 Deschutes Project, 1953” which is on file in the of-
19 fice of the Regional Director, Bureau of Reclama-
20 tion, Boise, Idaho, and in the office of the District’
21 and inserting ‘The classified irrigable land within
22 the project comprises 58,902.8 irrigable acres, all of
23 which are authorized to receive irrigation water pur-
24 suant to water rights issued by the State of Oregon

1 and have in the past received water pursuant to
2 such State water rights.’.

3 “(3) In Article 11(c) of the Contract, by delet-
4 ing ‘, with the approval of the Secretary,’ after ‘Dis-
5 trict may’, by deleting ‘the 49,817.75 acre maximum
6 limit on the irrigable area is not exceeded’ and in-
7 serting ‘irrigation service is provided to no more
8 than approximately 59,000 acres and no amendment
9 to the District boundary is required’ after ‘time so
10 long as’.

11 “(4) In Article 11(d) of the Contract, by insert-
12 ing ‘, and may further be used for instream pur-
13 poses, including fish or wildlife purposes, to the ex-
14 tent that such use is required by Oregon State law
15 in order for the District to engage in, or take advan-
16 tage of, conserved water projects as authorized by
17 Oregon State law’ after ‘herein provided’.

18 “(5) By adding at the end of Article 12(d) the
19 following: ‘(e) Notwithstanding the above subsections
20 of this Article or Article 13 below, beginning with
21 the irrigation season immediately following the date
22 of enactment of the North Unit Irrigation District
23 Act of 2006, the annual installment for each year,
24 for the District, under the Contract, on account of
25 the District’s construction charge obligation, shall be

1 a fixed and equal annual amount payable on June
2 30 the year following the year for which it is appli-
3 cable, such that the District’s total construction
4 charge obligation shall be completely paid by June
5 30, 2044.’.

6 “(6) In Article 14(a) of the Contract, by insert-
7 ing ‘and for instream purposes, including fish or
8 wildlife purposes, to the extent that such use is re-
9 quired by Oregon State law in order for the District
10 to engage in, or take advantage of, conserved water
11 projects as authorized by Oregon State law,’ after
12 ‘and incidental stock and domestic uses’, by insert-
13 ing ‘and for instream purposes as described above,’
14 after ‘irrigation, stock and domestic uses’, and by in-
15 sserting ‘, including natural flow rights out of the
16 Crooked River held by the District’ after ‘irrigation
17 system’.

18 “(7) In Article 29(a) of the Contract, by insert-
19 ing ‘and for instream purposes, including fish or
20 wildlife purposes, to the extent that such use is re-
21 quired by Oregon State law in order for the District
22 to engage in, or take advantage of, conserved water
23 projects as authorized by Oregon State law’ after
24 ‘provided in article 11’.

1 “(8) In Article 34 of the Contract, by deleting
2 ‘The District, after the election and upon the execu-
3 tion of this contract, shall promptly secure final de-
4 cree of the proper State court approving and con-
5 firming this contract and decreeing and adjudging it
6 to be a lawful, valid, and binding general obligation
7 of the District. The District shall furnish to the
8 United States certified copies of such decrees and of
9 all pertinent supporting records.’ after ‘for that pur-
10 pose.’.

11 **“SEC. 4. FUTURE AUTHORITY TO RENEGOTIATE.**

12 “The Secretary of the Interior (acting through the
13 Commissioner of Reclamation) may in the future renego-
14 tiate with the District such terms of the Contract as the
15 District directors determine to be necessary, only upon the
16 written request of the District directors and the consent
17 of the Commissioner of Reclamation.”.

 Passed the House of Representatives September 25,
2006.

Attest:

KAREN L. HAAS,

Clerk.