

TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO CONSTRUCT FACILITIES TO PROVIDE WATER FOR IRRIGATION, MUNICIPAL, DOMESTIC, MILITARY, AND OTHER USES FROM THE SANTA MARGARITA RIVER, CALIFORNIA, AND FOR OTHER PURPOSES

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NOVEMBER 16, 2005.—Ordered to be printed

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Mr. POMBO, from the Committee on Resources,  
submitted the following

## R E P O R T

[To accompany H.R. 125]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 125) to authorize the Secretary of the Interior to construct facilities to provide water for irrigation, municipal, domestic, military, and other uses from the Santa Margarita River, California, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

### SECTION 1. DEFINITIONS.

For the purposes of this section, the following definitions apply:

(1) DISTRICT.—The term “District” means the Fallbrook Public Utility District, San Diego County, California.

(2) PROJECT.—The term “Project” means the impoundment, recharge, treatment, and other facilities the construction, operation, and maintenance of which is authorized under subsection (b).

### SEC. 2. AUTHORIZATION FOR CONSTRUCTION OF LOWER SANTA MARGARITA CONJUNCTIVE USE PROJECT.

(a) AUTHORIZATION.—The Secretary, acting pursuant to the Federal reclamation laws (Act of June 17, 1902; 32 Stat. 388), and Acts amendatory thereof or supplementary thereto, as far as those laws are not inconsistent with the provisions of this Act, is authorized to construct, operate, and maintain the Santa Margarita Conjunctive Use Project substantially in accordance with the final feasibility report and this Act.

(b) CONDITIONS.—The Secretary of the Interior may construct the Project only after the Secretary of the Interior determines that the following conditions have occurred:

(1) The District has entered into a contract under section 9(d) of the Reclamation Project Act of 1939 to repay to the United States appropriate portions, as determined by the Secretary, of the actual costs of constructing, operating, and maintaining the Project, together with interest as hereinafter provided.

(2) The officer or agency of the State of California authorized by law to grant permits for the appropriation of water has granted such permits to the Bureau of Reclamation for the benefit of the Department of the Navy and the District as permittees for rights to the use of water for storage and diversion as provided in this Act, including approval of all requisite changes in points of diversion and storage, and purposes and places of use.

(3) The District has agreed that it will not assert against the United States any prior appropriative right the District may have to water in excess of the quantity deliverable to it under this Act, and will share in the use of the waters impounded by the Project on the basis of equal priority and in accordance with the ratio prescribed in section 4(b). This agreement and waiver and the changes in points of diversion and storage under paragraph (2), shall become effective and binding only when the Project has been completed and put into operation.

(4) The Secretary of the Interior has determined that the Project has economic, environmental, and engineering feasibility.

#### **SEC. 3. COSTS.**

The Department of the Navy shall not be responsible for any costs in connection with the Project, except upon completion and then shall be charged in reasonable proportion to its use of the Project under regulations agreed upon by the Secretary of the Navy and Secretary of the Interior.

#### **SEC. 4. OPERATION; YIELD ALLOTMENT; DELIVERY.**

(a) OPERATION.—The operation of the Project may be by the Secretary of the Interior or otherwise as agreed upon by the Secretaries of the Interior and the Navy and the District, under regulations satisfactory to the Secretary of the Navy with respect to the Navy's share of the impounded water and national security.

(b) YIELD ALLOTMENT.—Except as otherwise agreed between the parties, the Department of the Navy and the District shall participate in the water impounded by the Project on the basis of equal priority and in accordance with the following ratio:

- (1) 60 percent of the Project's yield is allotted to the Secretary of the Navy.
- (2) 40 percent of the Project's yield is allotted to the District.

(c) CONTRACTS FOR DELIVERY OF WATER.—

(1) IN GENERAL.—If the Secretary of the Navy certifies that the Department of the Navy does not have immediate need for any portion of the 60 percent yield allotted under subsection (b), the official agreed upon to administer the Project may enter into temporary contracts for the delivery of the excess water.

(2) FIRST RIGHT FOR EXCESS WATER.—The first right of the Secretary of the Navy to demand that water without charge and without obligation on the part of the United States after 30 days notice shall be included as a condition of contracts entered into under this subsection. The first right to water available under paragraph (1) shall be given the District, if otherwise consistent with the laws of the State of California.

(3) DISPOSITION OF FUNDS.—Moneys paid to the United States under a contract under this subsection shall be covered into the general Treasury or to the Secretary of the Navy, as services in lieu of payment for operation and maintenance of the Project, and shall not be applied against the indebtedness of the District to the United States.

(4) MODIFICATION OF RIGHTS AND OBLIGATIONS RELATED TO WATER YIELD.—The rights and obligations of the United States and the District regarding the ratio or amounts of Project yield delivered may be modified by an agreement between the parties.

#### **SEC. 5. REPAYMENT OBLIGATION OF THE DISTRICT.**

(a) IN GENERAL.—The general repayment obligation of the District shall be determined by the Secretary of the Interior consistent with the Water Supply Act of 1958; provided, however, that for the purposes of calculating interest and determining the time when the District's repayment obligation to the United States commences, the pumping and treatment of groundwater from the Project shall be deemed equivalent to the first use of water from a water storage project.

(b) MODIFICATION OF RIGHTS AND OBLIGATION BY AGREEMENT.—The rights and obligations of the United States and the District regarding the repayment obligation of the District may be modified by an agreement between the parties.

#### **SEC. 6. TRANSFER OF CARE, OPERATION, AND MAINTENANCE.**

The Secretary may transfer to the District, or a mutually agreed upon third party, the care, operation, and maintenance of the Project under conditions satisfactory to that Secretary and the District, and with respect to the portion of the Project that is located within the boundaries of Camp Pendleton, satisfactory also to the Secretary of the Navy. If such a transfer takes place, the District shall be entitled to an equitable credit for the costs associated with the Secretary's proportionate share

of the operation and maintenance of the Project. The amount of such costs shall be applied against the indebtedness of the District to the United States.

**SEC. 7. SCOPE OF ACT.**

For the purpose of this Act, the basis, measure, and limit of all rights of the United States pertaining to the use of water shall be the laws of the State of California. That nothing in this Act shall be construed—

(1) as a grant or a relinquishment by the United States of any rights to the use of water that it acquired according to the laws of the State of California, either as a result of its acquisition of the lands comprising Camp Joseph H. Pendleton and adjoining naval installations, and the rights to the use of water as a part of that acquisition, or through actual use or prescription or both since the date of that acquisition, if any;

(2) to create any legal obligation to store any water in the Project, to the use of which the United States has such rights;

(3) to constitute a recognition of, or an admission that, the District has any rights to the use of water in the Santa Margarita River, which rights, if any, exist only by virtue of the laws of the State of California; or

(4) to require the division under this Act of water to which the United States has such rights.

**SEC. 8. LIMITATIONS ON OPERATION AND ADMINISTRATION.**

Unless otherwise agreed by the Secretary of the Navy, the Project—

(1) shall be operated in a manner which allows the free passage of all of the water to the use of which the United States is entitled according to the laws of the State of California either as a result of its acquisition of the lands comprising Camp Joseph H. Pendleton and adjoining naval installations, and the rights to the use of water as a part of those acquisitions, or through actual use or prescription, or both, since the date of that acquisition, if any; and

(2) shall not be administered or operated in any way which will impair or deplete the quantities of water the use of which the United States would be entitled under the laws of the State of California had the Project not been built.

**SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the following:

(1) \$60,000,000 (the current estimated construction cost of the Project, plus or minus such amounts as may be indicated by the engineering cost indices for this type of construction); and

(2) such sums as may be required to operate and maintain the said project.

**SEC. 10. REPORTS TO CONGRESS.**

Not later than 1 year after the date of the enactment of this Act and periodically thereafter, the Secretary of the Interior and the Secretary of the Navy shall each report to the Congress regarding if the conditions specified in section 2(b) have been met and if so, the details of how they were met.

**SEC. 11. SUNSET.**

The authority of the Secretary of the Interior and the Secretary of the Navy to carry out any provision of this Act shall terminate 10 years after the date of enactment of this Act.

**PURPOSE OF THE BILL**

The purpose of H.R. 125, as amended, is to authorize the Secretary of the Interior to construct facilities to provide water for irrigation, municipal, domestic, military, and other uses from the Santa Margarita River, California, and for other purposes.

**BACKGROUND AND NEED FOR LEGISLATION**

During the early 1900s, agriculture and ranching developed in the upper Santa Margarita River basin using water diverted from the Santa Margarita River and water extracted from wells near the river. By 1940, base flow in the river had been reduced to such an extent that water users in the lower basin filed a lawsuit against water users in the upper basin. The result of this lawsuit was the “1940 Stipulated Judgment,” which partitioned water between the

upper basin and the lower basin. Since then, three other major lawsuits over rights to this water have taken place, and three planned water supply projects have failed to resolve the conflicts.

The most recent of these projects, the Santa Margarita Project, was to use federal money to develop a two dam and reservoir project on the river for the benefit of Fallbrook Public Utility District and the U.S. Marine Corps Base at Camp Pendleton. The estimated cost of the project was \$22 million in 1954 dollars, or \$254 million in today's dollars. The effort to implement this project stalled in 1984 after almost twenty two years of study and significant state and federal agency support.

The lack of adequate water supply poses a serious problem for water users in the Santa Margarita River basin. Urbanization, especially since 1970, has transformed this area in San Diego County from large ranches to tract homes. In the lower basin, the modest agricultural use of land and water, primarily for citrus and avocado trees, has stayed relatively constant. The creation of Camp Pendleton Marine Base, which covers most of the lower basin, added a relatively small, constant demand for water for base operations. Camp Pendleton officials, however, are concerned that future water demands in the lower basin could be significantly greater to support a major military mobilization or to provide adequate habitat for endangered species.

An issue in the project is three water right permits held by Bureau of Reclamation totaling 185,000 acre-feet<sup>1</sup> on the Santa Margarita River. These permits were intended for surface water impoundment that, at one time, Reclamation was proposing to develop. Under California law, these permits must be perfected (be put to beneficial use) by December 31, 2008 or the water rights may be lost.

The proposed Santa Margarita Conjunctive Use Project authorized by this bill provides for enhanced recharge and recovery from the underground basin on Camp Pendleton to provide a water supply for both Camp Pendleton and the Fallbrook Public Utility District (the District), as resolution of the long-standing water rights disputes between the United States and the District. The project, as proposed, will develop 16,000 acre-feet, including Camp Pendleton's existing perfected water rights on the Santa Margarita River. As envisioned by the bill, 9,600 acre-feet would be used by Camp Pendleton and 6,400 acre-feet by the District. An ongoing feasibility study being conducted by the Bureau of Reclamation is evaluating a reasonable range of project alternatives to develop the water supply.

The project will provide a safe, reliable, drought- and earthquake-proof water supply—enough for 35,000 families. The project would improve and partially privatize the water supply system on Camp Pendleton, which will receive better-quality water in quantities sufficient to meet water needs up to its ultimate planned utilization. The project also sets aside and preserves valuable riparian and upland habitats of one of the last free flowing rivers in California, using 1,384 acres originally purchased for a dam and reservoir.

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<sup>1</sup> One acre-foot equals 325,851 gallons of water.

The proposed project includes the construction of enhanced recharge facilities that contain a new collapsible diversion weir and 46 acres of new recharge ponds. The enhanced recharge potential is 14,000 acre-feet per year (af/yr), in addition to the naturally occurring recharge. The collapsible weir will divert flows, facilitate transport of sediments to the lower river and estuary, and provide beach replenishment. The project will also include the construction of eight or more new production wells, monitoring wells, and a collection system to provide a total of 18,000 af/yr of extraction capability. The project water will be distributed to the existing Camp Pendleton and the District distribution systems through construction of two pump stations and approximately thirteen miles of transmission pipeline. The pipeline will also connect Camp Pendleton to the regional water delivery system for emergency supply purposes.

Major activities taking place in preparation for project implementation include a prefeasibility study recently completed by the Bureau of Reclamation for a joint feasibility study and Environmental Impact Report/Environmental Impact Statement under the California Environmental Quality Act and the National Environmental Policy Act. Funding for this effort comes from several federal sources, including Camp Pendleton, Military Construction, and a Reclamation Planning account, as well as local funding contributed by the Fallbrook Public Utility District.

A similar bill, H.R. 4389, was passed by the House of Representatives in the 108th Congress.

#### COMMITTEE ACTION

H.R. 125 was introduced on January 4, 2005, by Congressman Darrell Issa (R-CA). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Water and Power. The bill was also additionally referred to the Committee on Armed Services. On May 18, 2005, the Full Resources Committee met to consider the bill. The Subcommittee on Water and Power was discharged from further consideration of the bill by unanimous consent. Congressman George Radanovich (R-CA) offered an amendment in the nature of a substitute. It was adopted by unanimous consent. The bill was then ordered favorably reported to the House of Representatives by unanimous consent.

#### SECTION-BY-SECTION ANALYSIS

##### *Section 1. Definitions*

This section defines various terms in the bill.

##### *Section 2. Authorization for construction of Lower Santa Margarita Conjunctive Use Project*

This section authorizes the Secretary of the Interior to construct, operate, and maintain the Lower Santa Margarita Conjunctive Use Project for the Fallbrook Public Utility District subject to conditions. The Secretary may construct the project only after: (1) the District has entered into a repayment contract with the federal government; (2) the State of California has granted permits for the appropriation of water to the Bureau of Reclamation; (3) the District has agreed that it will not assert any prior appropriated water

right in excess of the water developed by this project and that it will share in the use of the project water supply according to the project yield allotment prescribed in this Act; and (4) the Secretary has determined that the project has economic and engineering feasibility.

It is the intent of the Committee that all environmental and regulatory permits will be in place prior to initiating project development. The Bureau of Reclamation is expected to complete its feasibility investigation and environmental impact analysis in 2006.

### *Section 3. Costs*

The Department of the Navy will not be responsible for project costs until the project is complete. It will then be responsible to pay project costs in proportion to its use of the project.

### *Section 4. Operation; yield allotment; delivery*

The Secretary of the Interior will operate the project. Sixty percent of the project water supply is allotted to the Navy and 40 percent is allotted to the District, on an equal priority basis. Temporary water delivery contracts may be entered into for any unused portion of the Navy's allocation; the District is given first right to this water. Moneys paid to the United States under the temporary water contracts shall not be applied to the District's project repayment obligations.

### *Section 5. Repayment obligation of the District*

The District's repayment obligation will be consistent with the Water Supply Act of 1958. For purposes of calculating interest and commencing repayment, pumping and treatment of groundwater from the project will be deemed equivalent to the first use of water from a water storage project.

### *Section 6. Transfer of care, operation, and maintenance*

The Secretary of the Interior may transfer the operation and maintenance of the project to the District or a third party under conditions satisfactory to all parties, including the Secretary of the Navy for the portion of the project located within Camp Pendleton. If a transfer occurs, the District will be credited for costs associated with the Secretary's share of the project's operation and maintenance.

### *Section 7. Scope of Act*

The right to divert and use water by the United States will be as permitted and protected by laws of the State of California. The intent of the legislation is to recognize the soon-to-be completed Santa Margarita River water right adjudication by the State of California and the "1940 Stipulated Judgment" which apportions water between the upper and lower Santa Margarita River users. Nothing in this legislation is intended to affect the water quality, water rights or the water rights claims of any Indian tribe, band or community located within the Santa Margarita River watershed, or of the United States acting on their behalf.

*Section 8. Limitations on operation and administration*

The project will be operated to allow free passage, and will not be administered or operated in any way that would impair or deplete use, of water the United States is entitled to use under California law.

*Section 9. Authorizations of appropriations*

The bill authorizes an appropriation of \$60 million for the planning, design, and construction of project facilities and additional sums as necessary for project operation and maintenance purposes.

*Section 10. Reports to Congress*

The Secretary of the Interior and Secretary of the Navy will report to Congress, within one year of passage of this Act and periodically thereafter, on whether and/or how conditions for construction of the project have been met.

*Section 11. Sunset*

The authority of this Act will terminate 10 years after enactment.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in tax expenditures. According to the Congressional Budget Office, enactment of this bill could result in an increase in offsetting receipts to the federal treasury of approximately \$2 million a year for 40 years beginning in 2011.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to authorize the Secretary of the Interior to construct, operate, and maintain facilities to provide water from the Santa Margarita River, California, for municipal, domestic, military, and other uses and for other purposes.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

*H.R. 125—A bill to authorize the Secretary of the Interior to construct facilities to provide water for irrigation, municipal, domestic, military, and other uses from the Santa Margarita River, California, and for other purposes*

Summary: H.R. 125 would authorize the Secretary of the Interior to participate in the design, planning, and construction of facilities to make water available from the Santa Margarita River for domestic and military uses. The act would authorize the appropriation of \$60 million to build the project and such sums as are necessary to operate and maintain it. H.R. 125 would terminate the authority for this project 10 years after the date of enactment of this legislation.

Assuming appropriation of the necessary funds, CBO estimates that implementing H.R. 125 would cost \$55 million over the 2006–2010 period and an additional \$9 million after that period, including adjustments for anticipated inflation. If funds were appropriated to implement this legislation, there would be an increase of offsetting receipts to the federal government of about \$2 million a year for 40 years starting in 2011. (Such offsetting receipts are a credit against direct spending.) Assuming funds are appropriated to build this project, local users would be required to repay about 40 percent of construction costs.

H.R. 125 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 125 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—					
	2006	2007	2008	2009	2010	2011
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Estimated Authorization Level .....	0	6	19	19	20	0
Estimated Outlays .....	0	4	14	17	20	7

Basis of estimate: For this estimate, CBO assumes that H.R. 125 will be enacted near the start of fiscal year 2006 and that the necessary amounts will be appropriated over the 2007–2010 period.

Based on historical spending patterns of similar projects, CBO estimates that implementing this act would cost \$55 million over the 2006–2010 period and an additional \$9 million after that period, including adjustments for anticipated inflation.

H.R. 125 would authorize the Bureau of Reclamation to construct a water recharge and recovery system that would benefit the Fallbrooke Public Utility District and the Marine Corps Base at Camp Pendleton in California. Currently, the feasibility study for this project is in the early stages of development and will not be



completed until 2006. For this estimate, CBO assumes that construction would begin in 2007 and would be completed in 2011.

Since the scope of the project is unclear, CBO cannot estimate the amount of funding needed for operations and maintenance. Any funds appropriated for operations and maintenance would be offset by payments to the Treasury from the district, except for those costs allocated to Camp Pendleton. CBO expects that money would not be appropriated for this purpose until after 2010. The bureau has the authority to transfer the operations and maintenance of the project to the district or another entity if an acceptable arrangement can be established.

Once water is first made available, the district would begin repaying its share of the capital costs of this project. Based on information from the bureau, CBO expects that the district would be responsible for repaying about 40 percent of the total cost of the project or about \$26 million, assuming adjustments for anticipated inflation. If funds were appropriated to implement this legislation, that would result in an increase of offsetting receipts to the federal government of about \$2 million a year, including interest, for 40 years starting around 2011.

That change in direct spending is not credited to H.R. 125, however, because the receipts are contingent upon future appropriation action.

Intergovernmental and private-sector impact: H.R. 125 contains no intergovernmental or private-sector mandates as defined in UMRAs and would impose no costs on state, local, or tribal governments. Enacting this bill would benefit the Fallbrook Public Utility District; any costs that it might incur in association with the authorized project would be incurred voluntarily.

Estimate prepared by: Federal Costs: Jule Middleton. Impact on State, Local, and Tribal Governments: Lisa Ramirez-Branum. Impact on the Private Sector: Craig Cammarata.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

#### COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

#### PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

#### CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

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STEVEN J. DING  
*Chief of Staff*



**U.S. House of Representatives**  
**Committee on Resources**  
 Washington, DC 20515

16 June 2005

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The Honorable Duncan Hunter  
 Chairman  
 Committee on Armed Services  
 U.S. House of Representatives  
 2120 Rayburn HOB  
 Washington, D.C. 20515

Dear Mr. Chairman:

I ask your cooperation to help schedule early consideration by the House of Representatives of H.R. 125, to authorize the Secretary of the Interior to construct facilities to provide water for irrigation, municipal, domestic, military, and other uses from the Santa margarita River, California, and for other purposes. H.R. 125 was referred primarily to the Committee on Resources and additionally to your Committee. It is very similar to legislation which was passed by the House of Representatives in the 108<sup>th</sup> Congress. The Committee on Resources ordered the bill as amended favorably reported by unanimous consent on May 18, 2005, and I have transmitted a copy of the draft bill report to your staff for review.

In hopes of giving the Senate more time to act on the measure, I ask that you allow the Committee on Armed Services to be discharged from further consideration of this bill to expedite Floor scheduling. Of course, this action would not be considered as precedent for any future referrals of similar measures. Moreover, if the bill is conferred with the Senate, I would support naming Armed Services Committee members to the conference committee. I would also be pleased to include this letter and your response in the report on the bill.

Mr. Chairman, I have been very pleased with the tremendous degree of cooperation between our two Committees these past two Congresses. Your staff has been responsive and thoughtful, and my staff very much appreciates their support and teamwork. I hope that you will give my request serious consideration, and I look forward to your response.

Sincerely,

RICHARD W. POMBO  
 Chairman

cc: The Honorable George Radanovich

<http://www.resourcescommittee.house.gov>

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## COMMITTEE ON ARMED SERVICES

U.S. House of Representatives

Washington, DC 20515-6035

ONE HUNDRED NINTH CONGRESS

November 7, 2005

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Honorable Richard W. Pombo  
 Chairman  
 Committee on Resources  
 1324 Longworth House Office Building  
 Washington, D.C. 20515

Dear Mr. Chairman:

On May 18, the Committee on Resources considered H.R. 125, a bill to authorize the Secretary of Interior to construct facilities to provide water for irrigation and other uses from the Santa Margarita River, California. As you know, H.R. 125 was referred to the Committee on Armed Services.

The Committee on Armed Services recognizes the importance of H.R. 125 and the need for the legislation to move expeditiously. Over the past several weeks, our respective staffs have worked to agree upon changes to the bill to address the Committee's concerns. As such, although the Committee has a valid claim to jurisdiction over the bill, we will waive further consideration of H.R. 125 with the understanding that the bill will be offered for House consideration as amended with the agreed upon changes. In the event of a conference with the Senate on this bill, the Committee on Armed Services reserves the right to seek the appointment of conferees.

I would appreciate inclusion of this letter and a copy of your response in your Committee's report on H.R. 125 and the *Congressional Record* during consideration of the measure on the House floor.

With best wishes.

Sincerely,  
  
 Duncan Hunter  
 Chairman

DH:brt

cc: Honorable J. Dennis Hastert  
 Honorable John V. Sullivan  
 Honorable Ike Skelton  
 Honorable Nick J. Rahall, II