

110TH CONGRESS
1ST SESSION

H. R. 495

To update the management of Oregon water resources, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 16, 2007

Mr. WALDEN of Oregon introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Oregon Water Re-
5 sources Management Act of 2007”.

1 **SEC. 2. EXTENSION OF PARTICIPATION OF BUREAU OF**
2 **RECLAMATION IN DESCHUTES RIVER CON-**
3 **SERVANCY.**

4 Section 301 of the Oregon Resource Conservation Act
5 of 1996 (division B of Public Law 104–208; 110 Stat.
6 3009–534) is amended—

7 (1) in subsection (a)(1), by striking “Deschutes
8 River Basin Working Group” and inserting
9 “Deschutes River Conservancy Working Group”;

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

16 (3) in subsection (b)(3), by inserting before the
17 final period the following: “, and up to a total
18 amount of \$2,000,000 during each of fiscal years
19 2007 through 2016”; and

20 (4) in subsection (h), by inserting before the pe-
21 riod at the end the following: “, and \$2,000,000 for
22 each of fiscal years 2007 through 2016”.

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

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

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

6 (2) SECRETARY.—The term “Secretary” means
7 the Secretary of the Interior, acting through the
8 Commissioner of Reclamation.

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

17 (b) AUTHORIZATION TO PARTICIPATE IN PRO-
18 GRAM.—

19 (1) GRANTS AND COOPERATIVE AGREE-
20 MENTS.—The Secretary may provide grants to, or
21 enter into cooperative or other agreements with,
22 tribal, State, and local governmental entities and the
23 Associated Ditch Companies, Incorporated, to plan,
24 design, and construct facilities needed to implement
25 the Wallowa Lake Dam Rehabilitation Program.

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

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

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

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

19 (3) COST SHARING.—

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

23 (B) EXCLUSIONS FROM FEDERAL
24 SHARE.—There shall not be credited against
25 the Federal share of such costs—

1 (i) any expenditure by the Bonneville
2 Power Administration in the Wallowa
3 River watershed; and

4 (ii) expenditures made by individual
5 agricultural producers in any Federal com-
6 modity or conservation program.

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

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

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

18 (c) RELATIONSHIP TO OTHER LAW.—Activities fund-
19 ed under this section shall not be considered a supple-
20 mental or additional benefit under Federal reclamation
21 law (the Act of June 17, 1902 (32 Stat. 388, chapter
22 1093), and Acts supplemental to and amendatory of that
23 Act (43 U.S.C. 371 et seq.)).

24 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
25 authorized to be appropriated to the Secretary to pay the

1 Federal share of the costs of activities authorized under
2 this section, \$6,000,000.

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

6 **SEC. 4. LITTLE BUTTE/BEAR CREEK SUBBASINS, OREGON,**
7 **WATER RESOURCE STUDY.**

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

16 (b) AUTHORIZATION OF APPROPRIATIONS.—

17 (1) IN GENERAL.—There is authorized to be
18 appropriated to the Bureau of Reclamation
19 \$500,000 to carry out activities under this section.

20 (2) NON-FEDERAL SHARE.—

21 (A) IN GENERAL.—The non-Federal share
22 shall be 50 percent of the total costs of the Bu-
23 reau of Reclamation in carrying out subsection
24 (a).

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

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

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

12 (a) SHORT TITLE.—This section may be cited as the
13 “North Unit Irrigation District Act of 2007”.

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

16 (1) in the first section—

17 (A) by inserting “(referred to in this Act
18 as the ‘District’)” after “irrigation district”;

19 and

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

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

23 **“SEC. 3. ADDITIONAL TERMS.**

24 “On approval of the District directors and notwith-
25 standing project authorizing legislation to the contrary,

1 the Contract is modified, without further action by the
2 Secretary of the Interior, to include the following modi-
3 fications:

4 “(1) In Article 8(a) of the Contract, by deleting
5 ‘a maximum of 50,000’ and inserting ‘approximately
6 59,000’ after ‘irrigation service to’.

7 “(2) In Article 11(a) of the Contract, by delet-
8 ing ‘The classified irrigable lands within the project
9 comprise 49,817.75 irrigable acres, of which
10 35,773.75 acres are in Class A and 14,044.40 in
11 Class B. These lands and the standards upon which
12 the classification was made are described in the doc-
13 ument entitled “Land Classification, North Unit,
14 Deschutes Project, 1953” which is on file in the of-
15 fice of the Regional Director, Bureau of Reclama-
16 tion, Boise, Idaho, and in the office of the District’
17 and inserting ‘The classified irrigable land within
18 the project comprises 58,902.8 irrigable acres, all of
19 which are authorized to receive irrigation water pur-
20 suant to water rights issued by the State of Oregon
21 and have in the past received water pursuant to
22 such State water rights.’.

23 “(3) In Article 11(c) of the Contract, by delet-
24 ing ‘, with the approval of the Secretary,’ after ‘Dis-
25 trict may’, by deleting ‘the 49,817.75 acre maximum

1 limit on the irrigable area is not exceeded’ and in-
2 sserting ‘irrigation service is provided to no more
3 than approximately 59,000 acres and no amendment
4 to the District boundary is required’ after ‘time so
5 long as’.

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

13 “(5) By adding at the end of Article 12(d) the
14 following: ‘(e) Notwithstanding the above subsections
15 of this Article or Article 13 below, beginning with
16 the irrigation season immediately following the date
17 of enactment of the North Unit Irrigation District
18 Act of 2007, the annual installment for each year,
19 for the District, under the Contract, on account of
20 the District’s construction charge obligation, shall be
21 a fixed and equal annual amount payable on June
22 30 the year following the year for which it is appli-
23 cable, such that the District’s total construction
24 charge obligation shall be completely paid by June
25 30, 2044.’.

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

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

20 “(8) In Article 34 of the Contract, by deleting
21 ‘The District, after the election and upon the execu-
22 tion of this contract, shall promptly secure final de-
23 cree of the proper State court approving and con-
24 firming this contract and decreeing and adjudging it
25 to be a lawful, valid, and binding general obligation

1 of the District. The District shall furnish to the
2 United States certified copies of such decrees and of
3 all pertinent supporting records.’ after ‘for that pur-
4 pose.’.

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

6 “The Secretary of the Interior (acting through the
7 Commissioner of Reclamation) may in the future renego-
8 tiate with the District such terms of the Contract as the
9 District directors determine to be necessary, only upon the
10 written request of the District directors and the consent
11 of the Commissioner of Reclamation.”.

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