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110TH CONGRESS }
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SENATE

{ REPORT
110-115

JUAB COUNTY SURFACE AND GROUND WATER STUDY AND DEVELOPMENT ACT OF 2007

JUNE 28, 2007.—Ordered to be printed

Mr. BINGAMAN, from the Committee on Energy and Natural
Resources, submitted the following

R E P O R T

[To accompany S. 1110]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1110) to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to provide for the conjunctive use of surface and ground water in Juab County, Utah, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE MEASURE

The purpose of S. 1110 is to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to provide for the conjunctive use of surface and ground water in Juab County, Utah.

BACKGROUND AND NEED

Section 202(a)(2) of the Central Utah Project Completion Act (Public Law 102-575) authorizes \$10 million for the Utah counties of Salt Lake, Utah, Davis, Wasatch, and Weber to develop conjunctive use water projects including the conjunctive use of surface water and groundwater and groundwater recharge. Since the enactment of Public Law 102-575 in 1992, only Salt Lake County has participated in the conjunctive use program, leaving approximately \$8.5 million in remaining authorization for the program. The Central Utah Project (CUP) allows Utah to beneficially use a portion of its allocation of the Colorado River under the Colorado River Compact. As originally contemplated, the CUP would have provided Juab County, Utah with project water. As it stands, the CUP will only serve more populated areas of Utah which excludes Juab

County. Without an allocation of CUP water and increasing demand on its existing water supply, Juab County has been forced to investigate other sources of water. The County has identified conjunctive use of water as a way to make available new water supplies.

LEGISLATIVE HISTORY

S. 1110 was introduced by Senator Hatch for himself and Senator Bennett on April 16, 2007 and referred to the Committee on Energy and Natural Resources. At its business meeting on May 23, 2007, the Committee ordered S. 1110 favorably reported.

During the 109th Congress, the Committee considered an identical measure, S. 1812, introduced on October 3, 2005 by Senator Hatch for himself and Senator Bennett. The Subcommittee on Water and Power held a hearing on June 28, 2006. S. Hrg. 109-677. A companion measure, H.R. 4013, was introduced by Representative Chris Cannon on October 7, 2005 and referred to the House Resources Committee. Representative Rob Bishop and Representative Jim Matheson were co-sponsors. On April 27, 2006, H.R. 4013 was favorably reported by the Committee on Resources. H. Rept. 109-443. Under suspension of the rules, H.R. 4013 passed the House of Representatives on June 12, 2006. It was received in the Senate and referred to the Committee on Energy and Natural Resources. No further action occurred prior to the sine die adjournment of the 109th Congress.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on May 23, 2007, by voice vote of a quorum present, recommends that the Senate pass S. 1110.

SECTION-BY-SECTION ANALYSIS

Section 1 provides the short title.

Section 2 amends section 202(a)(2) of Public Law 102-575 to add the county of Juab, Utah to the list of counties that are eligible to receive Federal funding for conjunctive use projects.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

MAY 31, 2007.

Hon. JEFF BINGAMAN,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1110, the Juab County Surface and Ground Water Study and Development Act of 2007.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Tyler Kruzich.

Sincerely,

PETER R. ORSZAG.

Enclosure.

S. 1110—Juab County Surface and Ground Water Study and Development Act of 2007

CBO estimates that implementing S. 1110 would have no significant effect on the budget and would not affect direct spending or revenues. This bill would add the county of Juab, Utah, to a list of counties that are eligible to receive federal funding for a type of water distribution system that stores water runoff from the surface in groundwater aquifers. Such systems are known as conjunctive-use projects.

The Central Utah Project Completion Act authorized the appropriation of \$10 million for those conjunctive-use projects. To date, the Congress has appropriated \$2.5 million for a project in Salt Lake County. Based on information from the Bureau of Reclamation, CBO estimates that the federal share of a conjunctive-use project in Juab County, Utah, would be \$5 million. The project authorized by S. 1110 would compete with other eligible projects to use the remaining funds authorized for conjunctive-use projects.

S. 1110 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments. The bill would benefit Juab County by authorizing the county to use surface and ground water provided by the Utah Division of Water Resources.

The CBO staff contact for this estimate is Tyler Kruzich. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 1110. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 1110, as ordered reported.

EXECUTIVE COMMUNICATIONS

Because S. 1110 is identical to legislation considered by the Committee in the 109th Congress, the Committee did not request Executive Agency Views. The testimony provided by the Department of the Interior at the Subcommittee hearing in the 109th Congress on S. 1812 follows:

STATEMENT OF JASON PELTIER, DEPUTY ASSISTANT SECRETARY FOR WATER AND SCIENCE, U.S. DEPARTMENT OF THE INTERIOR

Madam Chairwoman and members of the Subcommittee, my name is Jason Peltier. I am a Deputy Assistant Secretary for Water and Science in the Department of the Interior. I appreciate the opportunity to appear before you to

express the Administration's support for S. 1812, which would amend the Reclamation Projects Authorization and Adjustment Act of 1992, or more specifically the Central Utah Project Completion Act. The proposed legislation would provide the opportunity for conjunctive use of surface and groundwater in Juab County, Utah.

The Central Utah Project Completion Act provides for the completion of the construction of the Central Utah Project by the Central Utah Water Conservancy District. The Act also authorizes programs for fish, wildlife, and recreation mitigation and conservation; establishes an account in the Treasury for deposit of appropriations and other contributions; establishes the Utah Reclamation Mitigation and Conservation Commission to coordinate mitigation and conservation activities; and provides for the Ute Indian Water Rights Settlement.

Section 202(a)(2) of the Central Utah Project Completion Act provides authorization to develop conjunctive use projects involving groundwater recharge, management and conjunctive use of surface water and groundwater in five counties within Utah. S. 1812 would allow conjunctive use funds currently restricted for use in Salt Lake, Utah, Davis, Wasatch, and Weber counties to also be used in Juab County. To date, only one project in Salt Lake County has participated in the conjunctive use program, leaving approximately \$8.5 million of authorized appropriations for the program. No other counties have requested to participate in the conjunctive use program.

The conjunctive use program was originally limited to five counties that had been part of the Bureau of Reclamation's High-Plains States Groundwater Demonstration Program. The Central Utah Project (CUP) as it was originally planned would have provided Juab County with sufficient water supplies. However, this project has evolved over time. Under current plans, CUP water will be used in more populated areas of Utah. East Juab County is now planning to meet its water needs without CUP water, and this bill will provide it with an opportunity to develop needed water resources.

This bill would not increase the level of authorized appropriations for the Central Utah Project Completion Act, but would allow Juab County to compete for funds in the same way that its five sister counties do today.

Madam Chairwoman, this bill would allow Juab County to efficiently develop its water resources, and the Administration is pleased to support it. This concludes my testimony. I am happy to answer any questions.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill S. 1110, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

Public Law 102–575, Section 202(a)(2) (106 Stat. 4609)

SEC. 202. BONNEVILLE UNIT WATER DEVELOPMENT.

(a) Of the amounts authorized to be appropriated in section 201, the following amounts shall be available only for the following features of the Bonneville Unit of the Central Utah Project:

* * * * *

(2) CONJUNCTIVE USE OF SURFACE AND GROUND WATER.—\$10,000,000 for a feasibility study and development, with public involvement, by the Utah Division of Water Resources of systems to allow ground water recharge, management, and the conjunctive use of surface water resources with ground water resources in Salt Lake, Utah, Davis, *Juab*, Wasatch, and Weber Counties, Utah.

