

## Union Calendar No. 164

113<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2640

[Report No. 113-224]

To amend the Wild and Scenic Rivers Act to adjust the Crooked River boundary, to provide water certainty for the City of Prineville, Oregon, and for other purposes.

---

### IN THE HOUSE OF REPRESENTATIVES

JULY 10, 2013

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

SEPTEMBER 20, 2013

Committed to the Committee of the Whole House on the State of the Union  
and ordered to be printed

# **A BILL**

To amend the Wild and Scenic Rivers Act to adjust the Crooked River boundary, to provide water certainty for the City of Prineville, Oregon, 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 “Central Oregon Jobs  
5 and Water Security Act”.

6 **SEC. 2. WILD AND SCENIC RIVER; CROOKED, OREGON.**

7        Section 3(a)(72) of the Wild and Scenic Rivers Act  
8 (16 U.S.C. 1274(a)(72)) is amended as follows:

9            (1) By striking “15-mile” and inserting “14.75-  
10 mile”.

11            (2) In subparagraph (B)—

12                    (A) by striking “8-mile” and all that fol-  
13 lows through “Bowman Dam” and inserting  
14 “7.75-mile segment from a point one-quarter  
15 mile downstream from the toe of Bowman  
16 Dam”; and

17                    (B) by adding at the end the following:  
18 “The developer for any hydropower develop-  
19 ment, including turbines and appurtenant facili-  
20 ties, at Bowman Dam, in consultation with the  
21 Bureau of Land Management, shall analyze any  
22 impacts to the Outstandingly Remarkable Val-  
23 ues of the Wild and Scenic River that may be  
24 caused by such development, including the fu-  
25 ture need to undertake routine and emergency

1           repairs, and shall propose mitigation for any  
2           impacts as part of any license application sub-  
3           mitted to the Federal Energy Regulatory Com-  
4           mission.”.

5 **SEC. 3. CITY OF PRINEVILLE WATER SUPPLY.**

6           Section 4 of the Act of August 6, 1956 (70 Stat.  
7 1058), (as amended by the Acts of September 14, 1959  
8 (73 Stat. 554), and September 18, 1964 (78 Stat. 954))  
9 is further amended as follows:

10           (1) By striking “ten cubic feet” the first place  
11           it appears and inserting “17 cubic feet”.

12           (2) By striking “during those months when  
13           there is no other discharge therefrom, but this re-  
14           lease may be reduced for brief temporary periods by  
15           the Secretary whenever he may find that release of  
16           the full ten cubic feet per second is harmful to the  
17           primary purpose of the project”.

18           (3) By adding at the end the following: “With-  
19           out further action by the Secretary, and as deter-  
20           mined necessary for any given year by the City of  
21           Prineville, up to seven of the 17 cubic feet per sec-  
22           ond minimum release shall also serve as mitigation  
23           for City of Prineville groundwater pumping, pursu-  
24           ant to and in a manner consistent with Oregon State  
25           law, including any shaping of the release of the up

1 to seven cubic feet per second to coincide with City  
2 of Prineville groundwater pumping as may be re-  
3 quired by the State of Oregon. As such, the Sec-  
4 retary is authorized to make applications to the  
5 State of Oregon in conjunction with the City to pro-  
6 tect these supplies instream. The City shall make  
7 payment to the Secretary for that portion of the  
8 minimum release that actually serves as mitigation  
9 pursuant to Oregon State law for the City in any  
10 given year, with the payment for any given year  
11 equal to the amount of mitigation in acre feet re-  
12 quired to offset actual City groundwater pumping  
13 for that year in accordance with Reclamation ‘Water  
14 and Related Contract and Repayment Principles and  
15 Requirements’, Reclamation Manual Directives and  
16 Standards PEC 05–01, dated 09/12/2006, and guid-  
17 ed by ‘Economic and Environmental Principles and  
18 Guidelines for Water and Related Land Resources  
19 Implementation Studies’, dated March 10, 1983.  
20 The Secretary is authorized to contract exclusively  
21 with the City for additional amounts in the future  
22 at the request of the City.”.

23 **SEC. 4. FIRST FILL PROTECTION.**

24 The Act of August 6, 1956 (70 Stat. 1058), as  
25 amended by the Acts of September 14, 1959 (73 Stat.

1 554), and September 18, 1964 (78 Stat. 954), is further  
2 amended by adding at the end the following:

3 “SEC. 6. Other than the 17 cubic feet per second re-  
4 lease provided for in section 4, and subject to compliance  
5 with the Army Corps of Engineers’ flood curve require-  
6 ments, the Secretary shall, on a ‘first fill’ priority basis,  
7 store in and release from Prineville Reservoir, whether  
8 from carryover, infill, or a combination thereof, the fol-  
9 lowing:

10 “(1) 68,273 acre feet of water annually to fulfill  
11 all 16 Bureau of Reclamation contracts existing as  
12 of January 1, 2011, and up to 2,740 acre feet of  
13 water annually to supply the McKay Creek lands as  
14 provided for in section 5 of this Act.

15 “(2) Not more than 10,000 acre feet of water  
16 annually, to be made available to the North Unit Ir-  
17 rigation District pursuant to a Temporary Water  
18 Service Contract, upon the request of the North  
19 Unit Irrigation District, consistent with the same  
20 terms and conditions as prior such contracts be-  
21 tween the District and the Bureau of Reclamation.

22 “SEC. 7. Except as otherwise provided in this Act,  
23 nothing in this Act—

1           “(1) modifies contractual rights that may exist  
2           between contractors and the United States under  
3           Reclamation contracts;

4           “(2) amends or reopens contracts referred to in  
5           paragraph (1); or

6           “(3) modifies any rights, obligations, or require-  
7           ments that may be provided or governed by Oregon  
8           State law.”.

9   **SEC. 5. OCHOCO IRRIGATION DISTRICT.**

10       (a) **EARLY REPAYMENT.**—Notwithstanding section  
11   213 of the Reclamation Reform Act of 1982 (43 U.S.C.  
12   390mm), any landowner within Ochoco Irrigation District  
13   in Oregon, may repay, at any time, the construction costs  
14   of the project facilities allocated to that landowner’s lands  
15   within the district. Upon discharge, in full, of the obliga-  
16   tion for repayment of the construction costs allocated to  
17   all lands the landowner owns in the district, those lands  
18   shall not be subject to the ownership and full-cost pricing  
19   limitations of the Act of June 17, 1902 (43 U.S.C. 371  
20   et seq.), and Acts supplemental to and amendatory of that  
21   Act, including the Reclamation Reform Act of 1982 (43  
22   U.S.C. 390aa et seq.).

23       (b) **CERTIFICATION.**—Upon the request of a land-  
24   owner who has repaid, in full, the construction costs of  
25   the project facilities allocated to that landowner’s lands

1 owned within the district, the Secretary of the Interior  
2 shall provide the certification provided for in subsection  
3 (b)(1) of section 213 of the Reclamation Reform Act of  
4 1982 (43 U.S.C. 390mm(b)(1)).

5 (c) CONTRACT AMENDMENT.—On approval of the  
6 district directors and notwithstanding project authorizing  
7 legislation to the contrary, the district’s reclamation con-  
8 tracts are modified, without further action by the Sec-  
9 retary of the Interior, to—

10 (1) authorize the use of water for instream pur-  
11 poses, including fish or wildlife purposes, in order  
12 for the district to engage in, or take advantage of,  
13 conserved water projects and temporary instream  
14 leasing as authorized by Oregon State law;

15 (2) include within the district boundary ap-  
16 proximately 2,742 acres in the vicinity of McKay  
17 Creek, resulting in a total of approximately 44,937  
18 acres within the district boundary;

19 (3) classify as irrigable approximately 685 acres  
20 within the approximately 2,742 acres of included  
21 lands in the vicinity of McKay Creek, where the ap-  
22 proximately 685 acres are authorized to receive irri-  
23 gation water pursuant to water rights issued by the  
24 State of Oregon and have in the past received water  
25 pursuant to such State water rights; and

1           (4) provide the district with stored water from  
2           Prineville Reservoir for purposes of supplying up to  
3           the approximately 685 acres of lands added within  
4           the district boundary and classified as irrigable  
5           under paragraphs (2) and (3), with such stored  
6           water to be supplied on an acre-per-acre basis con-  
7           tingent on the transfer of existing appurtenant  
8           McKay Creek water rights to instream use and the  
9           State's issuance of water rights for the use of stored  
10          water.

11          (d) LIMITATION.—Except as otherwise provided in  
12          subsections (a) and (c), nothing in this section shall be  
13          construed to—

14                (1) modify contractual rights that may exist be-  
15                tween the district and the United States under the  
16                district's Reclamation contracts;

17                (2) amend or reopen the contracts referred to  
18                in paragraph (1); or

19                (3) modify any rights, obligations or relation-  
20                ships that may exist between the district and its  
21                landowners as may be provided or governed by Or-  
22                egon State law.

Union Calendar No. 164

113<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**H. R. 2640**

[Report No. 113-224]

---

---

## **A BILL**

To amend the Wild and Scenic Rivers Act to adjust the Crooked River boundary, to provide water certainty for the City of Prineville, Oregon, and for other purposes.

---

---

SEPTEMBER 20, 2013

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed