

104TH CONGRESS
1ST SESSION

H. R. 1906

To amend the Central Valley Project Improvement Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 21, 1995

Mr. DOOLITTLE (for himself, Mr. RADANOVICH, Mr. CONDIT, Mr. THOMAS, Mr. HERGER, Mr. FAZIO of California, Mr. POMBO, and Mr. DOOLEY) introduced the following bill; which was referred to the Committee on Resources

A BILL

To amend the Central Valley Project Improvement Act, 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 Valley Project
5 Reform Act of 1995”.

6 **SEC. 2. PURPOSE.**

7 Section 3402(f) of the Central Valley Project Im-
8 provement Act (106 Stat. 4706) is amended to read as
9 follows:

1 “(f) to require that the Secretary operate the
2 Central Valley Project in a manner to achieve a rea-
3 sonable balance among competing demands for use
4 of Central Valley Project water, including the re-
5 quirements of fish and wildlife, agricultural, municipi-
6 pal and industrial and power contractors.”.

7 **SEC. 3. DEFINITIONS.**

8 (a) ANADROMOUS FISH.—Section 3403(a) of the
9 Central Valley Project Improvement Act (106 Stat. 4707)
10 is amended to read as follows:

11 “(a) the term ‘anadromous fish’ means those
12 stocks of Salmon (including steelhead) that ascend
13 the Sacramento and San Joaquin rivers and their
14 tributaries and the Sacramento-San Joaquin Delta
15 to reproduce after maturing in San Francisco Bay
16 or the Pacific Ocean;”.

17 (b) CENTRAL VALLEY PROJECT WATER.—Section
18 3403(f) of the Central Valley Project Improvement Act
19 (106 Stat. 4707) is amended to read as follows:

20 “(f) the term ‘Central Valley Project water’
21 means all water that is developed, diverted, stored,
22 or delivered by the Secretary in accordance with the
23 statutes authorizing the Central Valley Project and
24 in accordance with the terms and conditions of water

1 rights permits or licenses acquired by or issued to
2 the United States pursuant to California law;”.

3 (c) REPAYMENT AND WATER SERVICE CON-
4 TRACTS.—Section 3403(k) of the Central Valley Project
5 Improvement Act (106 Stat. 4707) is amended to read
6 as follows:

7 “(k) the terms ‘repayment contract’ and ‘water
8 service contract’ have the same meaning as provided
9 in sections 9(d) and 9(e) of the Reclamation Project
10 Act of 1939 (53 Stat. 1187, 1195), as amended, but
11 such terms do not include those contracts which con-
12 tain terms or agreements for water right settle-
13 ments, such as those on the Sacramento River, or
14 water right exchanges, notwithstanding that such
15 contracts may also include provisions which are the
16 same or similar to those contained in repayment or
17 water service contracts;”.

18 **SEC. 4. LIMITATION ON CONTRACTING AND CONTRACT RE-**
19 **FORM.**

20 (a) NEW CONTRACTS.—Section 3404(a) of the
21 Central Valley Project Improvement Act (106 Stat. 4708)
22 is amended to read as follows:

23 “(a) NEW CONTRACTS.—Except as provided in sub-
24 section (b) of this section, the Secretary shall not enter
25 into any new short-term, temporary, or long-term con-

1 tracts or agreements for water supply from the Central
2 Valley Project for any purpose other than fish and wildlife
3 before the Secretary has completed appropriate environ-
4 mental review, including the preparation of the environ-
5 mental impact statement required in section 3409 of this
6 title, and has determined that there is sufficient water to
7 meet the existing contractual and legal obligations of the
8 Secretary relative to the Central Valley Project.”.

9 (b) RENEWAL OF EXISTING LONG-TERM CON-
10 TRACTS.—Section 3404 of the Central Valley Project Im-
11 provement Act (106 Stat. 4708) is amended—

12 (1) by amending subsection (c) to read as fol-
13 lows:

14 “(c) RENEWAL OF EXISTING LONG-TERM CON-
15 TRACTS.—Notwithstanding the provisions of the Act of
16 July 2, 1956 (70 Stat. 483), the Secretary shall, upon
17 request, renew any existing long-term repayment or water
18 service contracts which provide for the delivery of water
19 from the Central Valley Project for a period of twenty-
20 five years and shall renew such contracts for successive
21 periods of 25 years each.

22 “(1) No such renewals shall be authorized until
23 appropriate environmental review, including the
24 preparation of the environmental impact statement
25 required in section 3409 of this title, has been com-

1 pleted. Contracts which expire prior to the comple-
2 tion of the environmental impact statement required
3 by section 3409 shall, upon request of the other con-
4 tracting party, be renewed for an interim period
5 ending on the date on which the long-term renewal
6 with respect to each such contract becomes effective.
7 Such interim renewal contracts shall be modified to
8 comply with existing law, including provisions of this
9 title. Upon request of the other contracting party,
10 the Secretary shall execute an amendment to extend
11 the term of any interim renewal contract entered
12 into under this paragraph before the enactment of
13 the Central Valley Project Reform Act of 1995 in
14 accordance with this title. Notwithstanding any
15 other provision of law, all contracts renewed by the
16 Secretary since January 1, 1988, but before the en-
17 actment of this title are hereby validated and rati-
18 fied in all respects as of their respective dates of
19 execution, except that all water delivered pursuant to
20 such renewed contracts shall be subject to payment
21 of the charges mandated in sections 3406(c)(1)(D)
22 and 3407(d) of this title.

23 “(2) Upon renewal of any long-term repayment
24 or water service contract providing for the delivery
25 of water from the Central Valley Project, the Sec-

1 (b) TECHNICAL AMENDMENT.—Section
2 3405(a)(1)(A) of the Central Valley Project Improvement
3 Act (106 Stat. 4710) is amended by striking “to combina-
4 tion” and inserting “or combination”.

5 (c) APPROVAL OF TRANSFER REQUEST.—Subpara-
6 graphs (J), (K), (L), and (M) of section 3405(a)(1) of
7 the Central Valley Project Improvement Act (106 Stat.
8 4711) are amended to read as follows:

9 “(J) The contracting district or agency
10 shall either approve the transfer request subject
11 to reasonable conditions or deny the transfer re-
12 quest subject to making findings supporting a
13 reasonable basis for the denial. The conditions
14 or findings shall only relate to the proposed
15 transfer’s impacts on any of the following:

16 “(i) The quantity and quality of the
17 water supply available to the contracting
18 district or agency and its water users, in-
19 cluding impacts to ground water quantity
20 and quality.

21 “(ii) The contracting district or agen-
22 cy’s operations, including (but not limited
23 to) the ability of the contracting district or
24 agency to meet its delivery obligations, ob-
25 tain additional water supplies, and under-

1 take conservation measures, exchanges,
2 transfers, ground water storage, water
3 banking arrangements, or conjunctive use
4 programs.

5 “(iii) The contracting district or agen-
6 cy’s financial condition and the cost of pro-
7 viding water service.

8 “(iv) The appropriate maintenance of
9 fallowed land.

10 “(v) Other relevant factors that may
11 create an adverse financial, operations or
12 water supply impact on the contracting
13 district or agency, its water users, or the
14 local community.

15 “(K) The Secretary shall not alter an ap-
16 proval or denial by the contracting district or
17 agency under subparagraph (J) of this section
18 unless the Secretary determines, consistent with
19 paragraph 3405(a)(2) of this title, that such
20 transfer would result in a significant reduction
21 in the quantity or decrease in the quality of
22 water supplies currently used for fish and wild-
23 life purposes, except in the event that the Sec-
24 retary determines pursuant to findings setting
25 forth the basis for such determination that such

1 adverse effects would be more than offset by
2 the benefits of the proposed transfer. In the
3 event of such a determination, the Secretary
4 shall develop and implement alternative meas-
5 ures and mitigation activities as integral and
6 concurrent elements of any such transfer to
7 provide fish and wildlife benefits substantially
8 equivalent to those lost as a consequence of
9 such transfer.

10 “(L) Transfers between Central Valley
11 Project contractors within counties, watersheds,
12 or other areas of origin, as those terms are uti-
13 lized under California law, shall be deemed to
14 meet the conditions set forth in subparagraphs
15 (A) and (I) of this paragraph.”.

16 (d) TRANSFERS AFTER SEPTEMBER 30, 1999.—Sec-
17 tion 3405(a)(3) of the Central Valley Project Improve-
18 ment Act (106 Stat. 4712) is amended to read as follows:

19 “(3) TRANSFERS AFTER SEPTEMBER 30, 1999.—
20 Transfers executed after September 30, 1999, shall
21 only be governed by the provisions of sections
22 3405(a)(1)(A)–(C), (E), (F), (G), (H), (I), (K), and
23 (L) of this title, and by State law.”.

24 (e) TRANSFERS, EXCHANGES, AND BANKING AR-
25 RANGEMENTS UNDER PRIOR LAW.—Section 3405(a) of

1 the Central Valley Project Improvement Act (106 Stat.
2 4709) is amended by adding at the end the following:

3 “(4) TRANSFERS, EXCHANGES, AND BANKING
4 ARRANGEMENTS UNDER PRIOR LAW.—Notwithstand-
5 ing any other provision of law, the authority to make
6 transfers, exchanges, and banking arrangements of
7 Central Valley Project water which could have been
8 conducted prior to the enactment of this title is con-
9 tinued hereby, and such transfers, exchanges, and
10 banking arrangements shall not be subject to, lim-
11 ited, or conditioned by this title.”.

12 (f) MEASUREMENT OF WATER USE REQUIRED.—
13 The heading of subsection (b) of section 3405 of the
14 Central Valley Project Improvement Act (106 Stat. 4712)
15 is amended by striking “METERING” and inserting
16 “MEASUREMENT”.

17 (g) WATER CONSERVATION STANDARDS.—Section
18 3405 of the Central Valley Project Improvement Act (106
19 Stat. 4709) is amended by striking out subsection (d), re-
20 designating subsections (e) and (f) as subsections (d) and
21 (e), and amending subsections (d) and (e) (as so redesi-
22 gnated) to read as follows:

23 “(d) WATER CONSERVATION STANDARDS.—(1) The
24 Secretary shall establish and administer an office of
25 Central Valley Project water conservation best manage-

1 ment practices that shall, in consultation with the Sec-
2 retary of Agriculture, the California Department of Water
3 Resources, California academic institutions, and Central
4 Valley Project water users, develop criteria for evaluating
5 the adequacy of all water conservation plans developed by
6 project contractors, including those plans required by sec-
7 tion 210 of the Reclamation Reform Act of 1982. In devel-
8 oping the criteria described in this paragraph for refuges,
9 in addition to consulting with the Secretary of Agriculture,
10 the California Department of Water Resources, California
11 academic institutions, and Central Valley Project water
12 users, the Secretary shall consult with the California De-
13 partment of Fish and Game.

14 “(2) Criteria developed pursuant to this subsection
15 shall apply only to Central Valley Project water and shall
16 be established within six months following enactment of
17 this title and shall be reviewed periodically thereafter, but
18 no less than every five years, with the purpose of promot-
19 ing the highest level of water use efficiency reasonably
20 achievable by project contractors using best available cost-
21 effective technology and best management practices. The
22 criteria shall include, but not be limited to agricultural
23 water suppliers’ efficient water management practices de-
24 veloped pursuant to California State law or reasonable al-
25 ternatives. The conservation guidelines and criteria may

1 include only those management practices and conservation
2 measures which (A) are demonstrated by the Secretary to
3 achieve significant water conservation and efficient man-
4 agement of water resources without unreasonably burden-
5 ing project contractors or their water users, (B) are dem-
6 onstrated by the Secretary to be practices or measures
7 that are cost-effective and economically feasible under ap-
8 plicable circumstances, and (C) take into consideration the
9 amount of water under contract to the project contractor,
10 probable Central Valley Project water supply, economic re-
11 sources, geography, and other factors relevant to that
12 project contractor.

13 “(3) The Secretary, through the office established
14 under this subsection, shall review and evaluate within 18
15 months following enactment of this title all existing con-
16 servation plans submitted by project contractors to deter-
17 mine whether they meet the conservation and efficiency
18 criteria established pursuant to this subsection.

19 “(4) The Secretary shall approve or disapprove a
20 water conservation plan within 90 days after such plan
21 is submitted under this subsection. A water conservation
22 plan shall be deemed to be approved if the Secretary fails
23 to approve or disapprove such plan within such 90-day pe-
24 riod.

1 “(5) Water conserved by a project contractor or
2 water user pursuant to a plan approved under this sub-
3 section shall accrue, in a manner consistent with State
4 law, to the benefit of such project contractor or water
5 user.

6 “(6) Compliance with conservation guidelines and cri-
7 teria developed pursuant to this subsection shall be
8 deemed compliance with section 210 of the Reclamation
9 Reform Act of 1982 (43 U.S.C. 390jj).

10 “(e) INCREASED REVENUES.—All increased revenues
11 received by the Secretary which exceed the cost of service
12 rate applicable to the delivery of water transferred from
13 irrigation use to municipal and industrial use under sub-
14 section (a) shall be covered to the Restoration Fund.”.

15 **SEC. 6. FISH, WILDLIFE AND HABITAT RESTORATION.**

16 (a) SATISFACTION OF PURPOSES.—Section 3406 of
17 the Central Valley Project Improvement Act (106 Stat.
18 4714) is amended by adding at the end the following new
19 subsection:

20 “(i) SATISFACTION OF PURPOSES.—By pursuing the
21 programs and activities authorized by this section, the
22 Secretary shall be deemed to have met the mitigation, pro-
23 tection, restoration, and enhancement purposes of section
24 2 of the Act of August 26, 1937 (ch. 832, 50 Stat. 850),
25 as amended.”.

1 (b) FISH AND WILDLIFE RESTORATION ACTIVI-
2 TIES.—(1) The matter preceding subparagraph (A) of sec-
3 tion 3406(b)(1) of the Central Valley Project Improve-
4 ment Act (106 Stat. 4714) is amended to read as follows:

5 “(1) assist the State of California in pursuing
6 its goal of doubling production of anadromous fish
7 in Central Valley rivers and streams in accordance
8 with the program specified in the report prepared by
9 the California Department of Fish and Game enti-
10 tled ‘Central Valley Salmon and Steelhead Restora-
11 tion and Enhancement Plan’, dated April 1990,
12 through the actions specified in this subsection, with
13 priority given to those actions specified in para-
14 graphs (4) through (22): *Provided*, That this goal
15 shall not apply to the San Joaquin River between
16 Friant Dam and the Mendota Pool, for which sepa-
17 rate provision has been made under section 3406(c)
18 of this title: *Provided further*, That in the course of
19 assisting the State of California, the Secretary shall
20 make all reasonable efforts consistent with the re-
21 quirements of this section to address other identified
22 adverse environmental impacts of the Central Valley
23 Project not specifically enumerated in this section.”.

1 (2) Subparagraphs (B) and (C) of section 3406(b)(1)
2 of the Central Valley Project Improvement Act (106 Stat.
3 4714) are amended to read as follows:

4 “(B) As needed to achieve the goals of this
5 program, the Secretary is authorized and di-
6 rected to modify Central Valley Project oper-
7 ations to provide reasonable flows of suitable
8 quality, quantity, and timing to protect all life
9 stages of anadromous fish, except that such
10 flows shall be provided from the quantity of
11 water reserved for fish, wildlife, and habitat
12 restoration purposes under paragraph (2) of
13 this subsection; from the water supplies ac-
14 quired pursuant to paragraph (3) of this sub-
15 section; and from other sources which do not
16 conflict with fulfillment of the Secretary’s re-
17 maining contractual obligations to provide
18 Central Valley Project water for other author-
19 ized purposes. Reasonable instream flow needs
20 for all Central Valley Project controlled streams
21 and rivers shall be determined by the Secretary
22 based on recommendations of the United States
23 Fish and Wildlife Service after consultation
24 with the California Department of Fish and
25 Game.

1 “(C) The Secretary shall cooperate with
2 the State of California to ensure that, to the
3 greatest degree practicable, the specific quan-
4 tities of Central Valley Project water reserved
5 and managed for fish and wildlife purposes
6 under this title are credited against any addi-
7 tional obligations of the Central Valley Project
8 which may be imposed by the State of Califor-
9 nia following enactment of this title, including
10 but not limited to increased flow and reduced
11 export obligations which may be imposed by the
12 California State Water Resources Control
13 Board in implementing San Francisco Bay/Sac-
14 ramento-San Joaquin Delta Estuary standards
15 pursuant to the review ordered by the Califor-
16 nia Court of Appeals in *United States v. State*
17 *Water Resources Control Board*, 182 Cal. App.
18 3d 82 (1986), and that, to the greatest degree
19 practicable, the programs and plans required by
20 this title are developed and implemented in a
21 way that avoids inconsistent or duplicative obli-
22 gations from being imposed upon Central Valley
23 Project water and power contractors.”.

1 (3) Section 3406(b)(2) of the Central Valley Project
2 Improvement Act (106 Stat. 4714) is amended to read
3 as follows:

4 “(2) upon enactment of this title, reserve and
5 manage annually 800,000 acre-feet of Central Valley
6 Project water, excluding any Central Valley Project
7 water delivered under the Contract for Exchange of
8 Waters described in subsection (c)(1)(C) of this sec-
9 tion for the purposes of (A) implementing the fish,
10 wildlife, and habitat restoration purposes and meas-
11 ures authorized by this title; (B) assisting the State
12 of California in its efforts to protect the waters of
13 the San Francisco Bay/Sacramento-San Joaquin
14 Delta Estuary; and (C) helping to meet such obliga-
15 tions as may be legally imposed upon the Central
16 Valley Project under State or Federal law following
17 the date of enactment of this title, including (but
18 not limited to) additional obligations under the En-
19 dangered Species Act of 1973: *Provided*, That all
20 Central Valley Project water used to assist the State
21 of California in its efforts to protect the water of the
22 San Francisco Bay/Sacramento-San Joaquin Delta
23 Estuary and to help meet such obligations as may
24 be legally imposed upon the Central Valley Project
25 under State or Federal law following the date of en-

1 actment of this title, including (but not limited to)
2 additional obligations under the Endangered Species
3 Act of 1973, is credited to the amount of Central
4 Valley Project water so reserved under this para-
5 graph: *Provided further*, That the Central Valley
6 Project water reserved under this paragraph shall
7 not be used to increase the flow of water through
8 the San Francisco Bay/Sacramento-San Joaquin
9 Delta Estuary beyond that required to meet the re-
10 quirements of the Bay/Delta Water Quality Control
11 Plan, as may be amended or modified, or the En-
12 dangered Species Act of 1973. To the fullest extent
13 possible and in accordance with section 3411 of this
14 title, after using a quantity of such 800,000 acre-
15 feet of water for fish and wildlife purposes pursuant
16 to this paragraph, the Secretary shall reuse or divert
17 such quantity of water for agricultural or municipal
18 and industrial purposes.

19 “(A) Such quantity of water shall be in ad-
20 dition to the quantities needed to implement
21 subsection (d)(1) of this title and in addition to
22 all water allocated pursuant to paragraph (23)
23 of this subsection for release to the Trinity
24 River for the purposes of fishery restoration,
25 propagation, and maintenance; and shall be

1 supplemented by all water that comes under the
2 Secretary's control pursuant to subsection
3 (b)(3), sections 3408(h)–(i), and through other
4 measures consistent with paragraph (1)(B) of
5 this subsection.

6 “(B) Such quantity of water shall be man-
7 aged pursuant to reasonable conditions speci-
8 fied by the United States Fish and Wildlife
9 Service after consultation with the Bureau of
10 Reclamation and the California Department of
11 Water Resources and in cooperation with the
12 California Department of Fish and Game.

13 “(C) The Secretary may temporarily re-
14 duce deliveries of the quantity of water reserved
15 under this paragraph up to 25 percent of such
16 total whenever reductions are imposed upon ag-
17 ricultural water service contractors; *Provided,*
18 That such reductions shall not exceed in per-
19 centage terms the reductions imposed on agri-
20 cultural water service contractors; *Provided fur-*
21 *ther,* That nothing in this subsection or sub-
22 section (d) shall require the Secretary to oper-
23 ate the project in a way that jeopardizes human
24 health or safety.

1 “(D) If the quantity of water reserved
2 under this paragraph, or any portion thereof, is
3 not needed for the purposes of this section,
4 based on a finding by the Secretary, the Sec-
5 retary is authorized to make such water avail-
6 able for other project purposes.”.

7 (4) Section 3406(b)(3) of the Central Valley Project
8 Improvement Act (106 Stat. 4716) is amended to read
9 as follows:

10 “(3) develop and implement a program in co-
11 ordination and in conformance with the plan re-
12 quired under paragraph (1) of this subsection for
13 the acquisition of a water supply to supplement the
14 quantity of water reserved for fish and wildlife pur-
15 poses under paragraph (2) of this subsection and to
16 fulfill the Secretary’s obligations under subsection
17 (d)(2). The program should identify how the Sec-
18 retary intends to utilize, in particular the following
19 options: improvements in or modifications of the op-
20 erations of the project; water banking; conservation;
21 transfers; conjunctive use; and temporary and per-
22 manent land fallowing, including purchase, lease,
23 and option of water, water rights, and associated ag-
24 ricultural land.”.

1 (5) Section 3406(b) of the Central Valley Project Im-
2 provement Act (106 Stat. 4714) is amended by striking
3 paragraph (18) and by redesignating paragraphs (19)
4 through (23) as paragraphs (18) through (22), respec-
5 tively.

6 (6) Section 3406(b)(22) of the Central Valley Project
7 Improvement Act (106 Stat. 4716), as amended by para-
8 graph (5) of this subsection, is amended to read as follows:

9 “(22)(A) In order to meet Federal trust respon-
10 sibilities to protect the fishery resources of the
11 Hoopa Valley Tribe, and to meet the fishery restora-
12 tion goals of the Act of October 24, 1984, Public
13 Law 98-541, provide through the Trinity River Di-
14 vision, for water years 1992 through 1996, an
15 instream release of water to the Trinity River of not
16 less than three hundred and forty thousand acre-feet
17 per year for the purposes of fishery restoration,
18 propagation, and maintenance.

19 “(B) By September 30, 1996, the Secretary,
20 after consultation with the Hoopa Valley Tribe, shall
21 complete the Trinity River Flow Evaluation Study
22 currently being conducted by the United States Fish
23 and Wildlife Service under the mandate of the
24 Secretarial Decision of January 14, 1981, in a
25 manner which ensures the development of rec-

1 ommendations, based on the best available scientific
2 data, regarding permanent instream fishery flow re-
3 quirements and Trinity River Division operating cri-
4 teria and procedures for the restoration and mainte-
5 nance of the Trinity River fishery.

6 “(C) Not later than December 31, 1996, the
7 Secretary shall forward the recommendations of the
8 Trinity River Flow Evaluation Study, referred to in
9 subparagraph (B) of this paragraph, to the Commit-
10 tee on Energy and Natural Resources and the Select
11 Committee on Indian Affairs of the Senate and the
12 Committee on Resources of the House of Represent-
13 atives. If the Secretary and the Hoopa Valley Tribe
14 concur in these recommendations, any increase to
15 the minimum Trinity River instream fishery releases
16 established under this paragraph and the operating
17 criteria and procedures referred to in subparagraph
18 (A) shall be implemented in accordance with sub-
19 paragraph (D). If the Hoopa Valley Tribe and the
20 Secretary do not concur, the minimum Trinity River
21 instream fishery releases established under subpara-
22 graph (A) shall remain in effect unless increased by
23 an Act of Congress, appropriate judicial decree, or
24 agreement between the Secretary and the Hoopa

1 Valley Tribe implemented in accordance with sub-
2 paragraph (D).

3 “(D) The Secretary may only implement rec-
4 ommendations pursuant to the study referred to in
5 subparagraph (B) relating to instream flows through
6 a rulemaking process under chapter 5 of title 5,
7 United States Code (relating to administrative pro-
8 cedure), with a comment period of not less than 60
9 days and not more than 180 days. The studies and
10 data on which such recommendations are based shall
11 be available for public review.

12 “(E) Any recommendation implemented pursu-
13 ant to subparagraph (D) shall provide for a variance
14 in the instream flow to take into account differing
15 hydrologic and reservoir storage conditions.

16 “(F) Costs associated with implementation of
17 this paragraph shall be reimbursable as operation
18 and maintenance expenditures pursuant to existing
19 law.”.

20 (7) Section 3406(c) of the Central Valley Project Im-
21 provement Act (106 Stat. 4721) is amended to read as
22 follows:

23 “(c) SAN JOAQUIN AND STANISLAUS RIVERS.—
24 (1)(A) In furtherance of the purposes of this title, the Sec-
25 retary shall cooperate with the State of California and

1 local agencies and entities that impound and/or divert
2 water tributary to the San Joaquin River in the develop-
3 ment and implementation of projects to—

4 “(i) coordinate the flows in the Stanislaus,
5 Tuolumne, Merced, and San Joaquin Rivers and ex-
6 ports at the Tracy and Banks pumping plants to fa-
7 cilitate increased survival of San Joaquin River chi-
8 nook salmon;

9 “(ii) develop and implement a program in the
10 San Joaquin River and its tributaries to identify, re-
11 store, and improve channel and riffle locations, to
12 clean spawning gravel of fine sediments, and to re-
13 duce sediment input from near stream and water-
14 shed areas due to erosion and land management
15 practices;

16 “(iii)(I) establish a gene bank to ensure protec-
17 tion of San Joaquin River fall-run chinook salmon
18 genetic material in the event of catastrophic loss,
19 (II) selectively harvest hatchery fish to encourage in-
20 creases in wild stocks of San Joaquin River fall-run
21 chinook salmon, (III) mark all hatchery San Joaquin
22 River fall-run chinook salmon to allow their identi-
23 fication in ocean and inland fisheries, (IV) capture
24 and breed wild San Joaquin River fall-run chinook
25 salmon to enhance wild populations, and (V) estab-

1 lish a genetic advisory committee to provide advice
2 to the Secretary on the protection of San Joaquin
3 River fall-run chinook salmon genetic material,
4 which committee shall be composed of experts from
5 academia, fishery management agencies, and water
6 management agencies;

7 “(iv) install a minimum of six telemetry devices
8 on the San Joaquin River and tributary channels for
9 the purposes of estimating the current overall water
10 quality conditions in the San Joaquin Basin, which
11 information shall be made available for water man-
12 agers to coordinate water management decisions;

13 “(v) develop a plan to restore and manage the
14 riparian corridor of the San Joaquin River and its
15 tributaries, including areas on both sides of river
16 channels where flood frequency is sufficient to sus-
17 tain riparian vegetation with the goals to restore
18 areas where the corridor is gone and to develop ac-
19 tion items for riparian vegetation where the value of
20 fish and wildlife is reduced by land use practices;

21 “(vi) initiate a program of screening water di-
22 versions in the San Joaquin River, its tributaries
23 and estuary, which program will locate, inventory,
24 prioritize and select candidate sites and include in-
25 stallation and long-term maintenance as necessary;

1 “(vii) increase fall flows and install physical
2 and/or mechanical solutions as appropriate in the
3 Stanislaus, Tuolumne, and Merced rivers to attract
4 and provide access to adult San Joaquin River chi-
5 nook salmon and maintain suitable water tempera-
6 tures for spawning: *Provided*, That any increase in
7 flows shall be implemented only through purchase of
8 water from willing sellers, water augmentation
9 projects, and/or additional storage to increase export
10 flexibility or other similar voluntary means: *Provided*
11 *further*, That flow increases shall be integrated with
12 physical and mechanical solutions which can lead to
13 improved guidance flows and water quality in the
14 lower San Joaquin River, such as a barrier at the
15 head of Old River and/or an aeration device at
16 Rough and Ready Island;

17 “(viii) evaluate methods to protect San Joaquin
18 River chinook salmon stocks in the ocean and estua-
19 rine fisheries, mark all hatchery-produced San Joa-
20 quin River chinook salmon, evaluate San Joaquin
21 River chinook salmon ‘shaker’ mortality, and coordi-
22 nate additional salmon management practices which
23 will contribute to increasing salmon reproduction
24 and survivability;

1 “(ix) undertake measures to reduce salmon
2 predator populations in the San Joaquin River, its
3 tributaries, and other areas such as Clifton Court
4 Forebay, including (but not limited to) encouraging
5 predator harvest, voluntary increases in flows during
6 spring outmigration, reducing water temperatures in
7 summer, increasing turbidity during outmigration,
8 removing predator concentrating features, and modi-
9 fying channels to isolate predator habitat; and

10 “(x) provide for the annual installation during
11 October to December of a barrier to divert returning
12 adult San Joaquin River chinook salmon from the
13 San Joaquin River into the Merced River, including
14 acquisition of a site at the confluence of the San
15 Joaquin River and the Merced River for barrier in-
16 stallation and operation;

17 “(xi) provide resources to the San Joaquin
18 River Conservancy to assist in its overall efforts, in-
19 cluding, but not limited to, land acquisition, natural
20 resource surveys, and environmental studies that
21 may be necessary for successful implementation of
22 the San Joaquin River Parkway; and

23 “(xii) provide one-third matching funds for the
24 annual operating budget for the hatchery at the
25 Tuolumne River Salmon Restoration Center.

1 “(B) Funding for the projects described in subpara-
2 graph (A) shall be provided under sections 3407(b) and
3 3407(e). Funds provided pursuant to such sections may
4 not be used for any action to address fish, wildlife and
5 habitat concerns on the San Joaquin River downstream
6 from Friant Dam, including (but not limited to) stream
7 flow, channel, riparian habitat, and water quality improve-
8 ments, until the Secretary determines that such action is
9 reasonable, prudent and feasible. Any such action shall be
10 subject to subparagraph (C).

11 “(C) The Congress hereby confirms that it is and has
12 been its intent to prohibit all releases of water directly
13 from Friant Dam into the San Joaquin River other than
14 for bona fide purposes of (i) flood control, (ii) satisfying
15 the requirements of that certain Contract for Exchange
16 of Waters dated July 27, 1939, between the United States
17 of America, the San Joaquin & Kings River Canal & Irri-
18 gation Company, Incorporated, the Columbia Canal Com-
19 pany, the San Luis Canal Company and the Firebaugh
20 Canal Company, as amended from time to time, or (iii)
21 satisfying those contractual obligations of the Secretary
22 which existed on the date of enactment of this title to pro-
23 vide water to landowners located between Friant Dam and
24 Gravelly Ford. Therefore, notwithstanding any State or
25 other Federal law, water shall not be released directly

1 from Friant Dam into the San Joaquin River except for
2 the purposes enumerated in clauses (i), (ii), and (iii) of
3 the preceding sentence.

4 “(D) In lieu of releasing water directly from Friant
5 Dam into the San Joaquin River for any purposes of this
6 title, entities receiving Central Valley Project water from
7 the Friant Division of the Central Valley Project shall be
8 assessed, in addition to all other applicable charges, a sur-
9 charge for all Class 1 and Class 2 water delivered in an
10 amount that will result in collection, during each fiscal
11 year, of \$6,000,000. Such surcharge shall be in the
12 amount of \$4.00 per acre-foot and shall not apply to Class
13 2 water delivered in excess of 50 percent of the amount
14 of Class 2 water to which a contracting party is contrac-
15 tually entitled.

16 “(E) Except as expressly provided in subparagraphs
17 (C) and (D), nothing contained in those subparagraphs
18 shall otherwise alter the applicability or inapplicability of
19 State or other Federal law to entities receiving Central
20 Valley Project water from the Friant Division of the
21 Central Valley Project.

22 “(2) The Secretary shall, by not later than September
23 30, 1996, in the course of preparing the Stanislaus River
24 Basin and Calaveras River Water Use Program Environ-
25 mental Impact Statement and in consultation with the

1 State of California, affected counties, and other interests,
2 evaluate and determine existing and anticipated future
3 basin needs in the Stanislaus River Basin. In the course
4 of such evaluation, the Secretary shall investigate alter-
5 native storage, release, and delivery regimes, including but
6 not limited to conjunctive use operations, conservation
7 strategies, exchange arrangements, and the use of base
8 and channel maintenance flows, in order to best satisfy
9 both basin and out-of-basin needs consistent, on a continu-
10 ing basis, with the limitations and priorities established
11 in the Act of October 23, 1962 (76 Stat. 173). For the
12 purposes of this subparagraph, 'basin needs' shall include
13 water supply for agricultural, municipal and industrial
14 uses, and maintenance and enhancement of water quality,
15 and fish and wildlife resources within the Stanislaus River
16 Basin as established by the Secretary's June 29, 1981
17 Record of Decision; and 'out-of-basin' needs shall include
18 all such needs outside of the Stanislaus River Basin, in-
19 cluding those of the San Francisco Bay/Sacramento-San
20 Joaquin Delta Estuary and those of the San Joaquin
21 River under paragraph (1) of this subsection.'.

22 (8) Section 3406(d) of the Central Valley Project Im-
23 provement Act (106 Stat. 4722) is amended to read as
24 follows:

1 “(d) CENTRAL VALLEY REFUGES AND WILDLIFE
2 HABITAT AREAS.—(1) In support of the objectives of the
3 Central Valley Habitat Joint Venture and in furtherance
4 of the purposes of this title, the Secretary shall provide,
5 either directly or through contractual agreements with
6 other appropriate parties, firm water supplies of suitable
7 quality to maintain and improve wetland habitat areas on
8 units of the National Wildlife Refuge System in the
9 Central Valley of California; on the Gray Lodge, Los
10 Banos, Volta, North Grasslands, and Mendota state wild-
11 life management areas; and on the Grasslands Resources
12 Conservation District in the Central Valley of California.

13 “(2) Upon enactment of this title and subject to para-
14 graph (8) of this subsection, the quantity and delivery
15 schedules of water measured at the boundaries of each
16 wetland habitat area described in this paragraph shall be
17 in accordance with level 2 of the ‘Dependable Water Sup-
18 ply Needs’ table for those habitat areas as set forth in
19 the Refuge Water Supply Report and two-thirds of the
20 water supply needed for full habitat development for those
21 habitat areas identified in the San Joaquin Basin Action
22 Plan/Kesterson Mitigation Action Plan Report prepared
23 by the Bureau of Reclamation. Such water shall be pro-
24 vided through long-term contractual agreements with ap-
25 propriate parties and shall be supplemented by the incre-

1 ment of water provided for in paragraph (3) of this sub-
2 section: *Provided*, That the Secretary shall be obligated
3 to provide such water whether or not such long-term con-
4 tractual agreements are in effect. In implementing this
5 paragraph, the Secretary shall endeavor to diversify
6 sources of supply in order to minimize possible adverse
7 effects upon Central Valley Project contractors.

8 “(3) Not later than ten years after enactment of this
9 title and subject to paragraph (8) of this subsection, the
10 quantity and delivery schedules of water measured at the
11 boundaries of each wetland habitat area described in this
12 paragraph shall be in accordance with level 4 of the ‘De-
13 pendable Water Supply Needs’ table for those habitat
14 areas as set forth in the Refuge Water Supply Report and
15 the full water supply needed for full habitat development
16 for those habitat areas identified in the San Joaquin
17 Basin Action Plan/Kesterson Mitigation Action Plan Re-
18 port prepared by the Bureau of Reclamation. The quan-
19 tities of water required to supplement the quantities pro-
20 vided under paragraph (2) of this subsection shall be ac-
21 quired by the Secretary in cooperation with the State of
22 California and in consultation with the Central Valley
23 Habitat Joint Venture and other interests in cumulating
24 increments of not less than ten percent per annum
25 through voluntary measures which include water conserva-

1 tion, conjunctive use, purchase, lease, donations, or similar
2 activities, or a combination of such activities which do not
3 require involuntary reallocations of project yield.

4 “(4) All costs associated with implementation of
5 paragraph (2) of this subsection shall be deemed a
6 nonreimbursable Federal expenditure. Incremental costs
7 associated with implementation of paragraph (3) of this
8 subsection shall be fully allocated in accordance with the
9 following formula: 75 percent shall be deemed a
10 nonreimbursable Federal expenditure; and 25 percent
11 shall be allocated to the State of California for recovery
12 through direct reimbursements or through equivalent in-
13 kind contributions.

14 “(5) The Secretary shall temporarily reduce deliveries
15 of the quantity of water dedicated under paragraph (2)
16 of this subsection up to 25 percent of such total whenever
17 reductions are imposed upon agricultural water service
18 contractors served from the same Division of the Central
19 Valley Project: *Provided*, That such reductions shall not
20 exceed in percentage terms the reductions imposed on ag-
21 ricultural water service contractors. For the purpose of
22 shortage allocation, the priority or priorities applicable to
23 the increment of water provided under paragraph (3) of
24 this subsection shall be the priority or priorities which ap-

1 plied to the water in question prior to its transfer to the
2 purpose of providing such increment.

3 “(6) In order to minimize possible adverse impacts
4 upon Central Valley Project water contractors, the Sec-
5 retary is authorized and directed to construct or to acquire
6 from non-Federal entities such water conveyance facilities,
7 conveyance capacity, pumping capacity, and wells as are
8 necessary to implement the requirements of this sub-
9 section within one year after enactment of this paragraph.
10 To carry out this obligation, and without limiting other
11 actions, the Secretary shall, in cooperation with the State
12 of California and Central Valley Project water contractors,
13 implement those immediate actions necessary to facilitate
14 the acquisition of pumping and conveyance capacity from
15 the State. Additional water that can be delivered as a re-
16 sult of the acquisition of such additional pumping and con-
17 veyance capacity shall be allocated in a manner which
18 avoids water shortages to Central Valley Project water
19 contractors and users.

20 “(7) The Secretary, in consultation with the State of
21 California, the Central Valley Habitat Joint Venture, and
22 other interests, shall investigate and report on the follow-
23 ing supplemental actions by not later than September 30,
24 1997—

1 “(A) alternative means of improving the reli-
2 ability and quality of water supplies currently avail-
3 able to privately owned wetlands in the Central Val-
4 ley and the need, if any, for additional supplies; and

5 “(B) water supply and delivery requirements
6 necessary to permit full habitat development for
7 water dependent wildlife on one hundred and twenty
8 thousand acres supplemental to the existing wetland
9 habitat acreage identified in Table 8 of the Central
10 Valley Habitat Joint Venture’s ‘Implementation
11 Plan’ dated April 19, 1990, as well as feasible
12 means of meeting associated water supply require-
13 ments.

14 “(8) Not later than 180 days after the date of the
15 enactment of the Central Valley Project Reform Act of
16 1995, the Secretary shall prepare a report in which the
17 Secretary assesses whether the Dependable Water Supply
18 Needs outlined in the Refuge Water Supply Report and
19 the San Joaquin Basin Action Plan/Kesterson Mitigation
20 Action Plan Report prepared by the Bureau of Reclama-
21 tion accurately reflect reasonable dependable water supply
22 needs for refuges, taking into account changes in habitat
23 conditions and any other relevant factors. If the Secretary
24 determines that the Dependable Water Supply Needs in
25 such Reports do not reflect the reasonable dependable

1 water supply needs for refuges, the Reports shall be re-
2 vised to reflect appropriate adjustments in the Dependable
3 Water Supply Needs tables, and deliveries and increments
4 described in paragraphs (2) and (3) of this subsection
5 shall be adjusted accordingly to match the quantities spec-
6 ified in the revised Reports. The report shall be prepared
7 with public involvement, including water contractors and
8 users.

9 “(9) Not later than one year after the date of the
10 enactment of this paragraph, the Secretary shall—

11 “(A) using water measuring devices or other
12 water measuring methods, determine the quantity of
13 all water provided by the Secretary to areas referred
14 to in paragraph (1) of this subsection;

15 “(B) require that such areas be managed in ac-
16 cordance with water conservation plans which incor-
17 porate water conservation best management prac-
18 tices developed under section 3405(d) of this title;
19 and

20 “(C) if the Dependable Water Supply Needs
21 levels specified in paragraphs (2) and (3) of this
22 subsection do not correspond with the demonstrated
23 need following implementation of best management
24 practices under this paragraph, the levels shall be

1 adjusted accordingly to match the level of such dem-
2 onstrated need.”.

3 (9) Section 3406(f) of the Central Valley Project Im-
4 provement Act (106 Stat. 4724) is amended by striking
5 “Committees on Insular and Interior Affairs and Mer-
6 chant Marine and Fisheries” and inserting “Committee on
7 Resources”.

8 (10) Section 3406 (106 Stat. 4714), as amended by
9 subsection (a) of this section, is further amended by add-
10 ing at the end the following new subsection:

11 “(j) PURCHASE OF ADDITIONAL WATER.—The Sec-
12 retary may acquire any water needed to carry out this title
13 which is in addition to the water required to be made
14 available under subsections (b)(2), (b)(22), and (d) only
15 by purchase in accordance with State law. Such purchases
16 shall be Federal nonreimbursable expenditures to the ex-
17 tent they are not funded through the Restoration Fund
18 established in section 3407 of this title.”.

19 **SEC. 7. RESTORATION FUND.**

20 (a) RESTORATION FUND ESTABLISHED.—Section
21 3407(a) of the Central Valley Project Improvement Act
22 (106 Stat. 4726) is amended to read as follows:

23 “(a) RESTORATION FUND ESTABLISHED.—

24 “(1) There is hereby established in the Treas-
25 ury of the United States the ‘Central Valley Project

1 Restoration Fund' (hereafter 'Restoration Fund')
2 which shall be available for deposit of donations
3 from any source and revenues provided under sec-
4 tions 3405(e), 3406(c)(1)(D), and 3407(d) of this
5 title. Amounts deposited shall be credited as offset-
6 ting collections. Monies donated to the Restoration
7 Fund by non-Federal entities for specific purposes
8 shall be expended for those purposes only and shall
9 not be subject to appropriation. Notwithstanding
10 any other provision of this title, the Secretary may
11 not directly or indirectly require a donation, or any
12 other payment, to the Restoration Fund, or environ-
13 mental restoration or mitigation fees not otherwise
14 provided by law, as a condition to providing for the
15 storage or conveyance of non-Central Valley Project
16 water pursuant to reclamation laws, or as a condi-
17 tion to the delivery of water pursuant to section 215
18 of the Reclamation Reform Act of 1982 (96 Stat.
19 1270).

20 “(2) The Secretary may utilize amounts col-
21 lected pursuant to section 3406(c)(1)(D) to assist in
22 achieving applicable water quality standards imposed
23 in the San Francisco Bay/Sacramento-San Joaquin
24 Delta Estuary, with emphasis on funding projects
25 described in section 3406(c)(1)(A) which will con-

1 tribute to achieving such standards. The balance of
2 all surcharges collected pursuant to section
3 3406(c)(1)(D) shall be utilized by the Secretary to
4 provide funding to the State of California or other
5 entity described in section 3407(e)(1) to assist in the
6 implementation of all projects described in such sub-
7 paragraph (A) to which funding is not directed pur-
8 suant to the preceding sentence.”.

9 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
10 3407(b) of the Central Valley Project Improvement Act
11 (106 Stat. 4726) is amended by inserting “(from willing
12 sellers)” after “acquisition”.

13 (c) MITIGATION AND RESTORATION PAYMENTS BY
14 WATER AND POWER BENEFICIARIES.—Section 3407(c) of
15 the Central Valley Project Improvement Act (106 Stat.
16 4726) is amended to read as follows:

17 “(c) MITIGATION AND RESTORATION PAYMENTS BY
18 WATER AND POWER BENEFICIARIES.—

19 “(1) To the extent required in appropriation
20 Acts, the Secretary shall assess and collect addi-
21 tional annual mitigation and restoration payments,
22 in addition to the charges provided for or collected
23 under sections 3405(a)(1)(B), 3405(e), and
24 3406(c)(1)(D) of this title, consisting of charges to
25 direct beneficiaries of the Central Valley Project

1 under subsection (d) of this section in order to re-
2 cover a portion or all of the costs of fish, wildlife,
3 and habitat restoration programs and projects under
4 this title.

5 “(2) The payment described in this subsection
6 shall be established at amounts that will result in
7 collection, during each fiscal year, of an amount that
8 can be reasonably expected to equal the amount ap-
9 propriated each year, subject to subsection (d) of
10 this section, and in combination with all other re-
11 cepts identified under this title, to carry out the
12 purposes identified in subsection (b) of this sec-
13 tion.”.

14 (d) ADJUSTMENT AND ASSESSMENT OF MITIGATION
15 AND RESTORATION PAYMENTS.—Paragraphs (1) and (2)
16 of section 3407(d) of the Central Valley Project Improve-
17 ment Act (106 Stat. 4727) are amended to read as follows:

18 “(1) In assessing the annual payments to carry
19 out subsection (c) of this section, the Secretary
20 shall, prior to each fiscal year, estimate the amount
21 that could be collected in each fiscal year pursuant
22 to paragraph (2) of this subsection. The Secretary
23 shall decrease all such payments on a proportionate
24 basis from amounts contained in the estimate so

1 that an aggregate amount is collected pursuant to
2 the requirements of subsection (c)(2) of this section.

3 “(2) The Secretary shall assess and collect the
4 following mitigation and restoration payments, to be
5 covered to the Restoration Fund, subject to the re-
6 quirements of paragraph (1) of this subsection:

7 “The Secretary shall require Central Val-
8 ley Project water and power contractors to
9 make such additional annual payments as are
10 necessary to yield, together with all other re-
11 cepts, the amount required under subsection
12 (c)(2) of this section: *Provided*, That such addi-
13 tional payments shall not exceed \$30,000,000
14 (October 1992 price levels) on a three-year roll-
15 ing average basis: *Provided further*, That such
16 additional annual payments shall be allocated so
17 as not to exceed \$6 per acre-foot (October 1992
18 price levels) for Central Valley Project water for
19 agricultural use delivered by the Central Valley
20 Project and received or transferred by a Central
21 Valley Project water contractor, and \$12 per
22 acre-foot (October 1992 price levels) for Central
23 Valley Project water for municipal and indus-
24 trial use delivered by the Central Valley Project
25 and received or transferred by a Central Valley

1 Project contractor: *Provided further*, That the
2 charge imposed on agricultural water shall be
3 reduced, if necessary, to an amount within the
4 probable ability of the water users to pay as de-
5 termined and adjusted by the Secretary no less
6 than every five years: *Provided further*, That
7 the Secretary shall impose an additional annual
8 charge of \$25 per acre-foot (October 1992 price
9 levels) for Central Valley Project water sold or
10 transferred, except water sold or transferred
11 under the right of first refusal, to any State or
12 local agency or other entity which has not pre-
13 viously been a Central Valley Project customer
14 and which contracts with the Secretary or any
15 other individual or district receiving Central
16 Valley Project water to purchase or otherwise
17 transfer any such water for its own use for mu-
18 nicipal and industrial purposes, to be deposited
19 in the Restoration Fund: *And Provided further*,
20 That upon the completion of the fish, wildlife,
21 and habitat mitigation and restoration actions
22 mandated under section 3406 of this title, the
23 Secretary shall reduce the sums described in
24 subsection (c)(2) of this section to \$35,000,000
25 per year (October 1992 price levels) and shall

1 reduce the annual mitigation and restoration
2 payment ceiling established under this sub-
3 section to \$15,000,000 (October 1992 price lev-
4 els) on a three-year rolling average basis. The
5 amount of the mitigation and restoration pay-
6 ment made by Central Valley Project water and
7 power users, taking into account all funds col-
8 lected under this title, shall, to the greatest de-
9 gree practicable, be assessed in the same pro-
10 portion, measured over a ten-year rolling aver-
11 age, as water and power users' respective allo-
12 cations for repayment of the Central Valley
13 Project.”.

14 (e) FUNDING TO NON-FEDERAL ENTITIES.—Section
15 3407(e) of the Central Valley Project Improvement Act
16 (106 Stat. 4728) is amended to read as follows:

17 “(e) FUNDING TO NON-FEDERAL ENTITIES.—

18 “(1) Except as provided by paragraph (2), if
19 the Secretary determines that the State of California
20 or an agency or subdivision thereof, an Indian tribe,
21 or a nonprofit entity concerned with restoration, pro-
22 tection, or enhancement of fish, wildlife, habitat, or
23 environmental values is able to assist in implement-
24 ing any action authorized by this title in an efficient,
25 timely, and cost-effective manner, the Secretary is

1 authorized to provide funding to such entity on such
2 terms and conditions as he deems necessary to assist
3 in implementing the identified action.

4 “(2) The use of funding provided by the Sec-
5 retary to the State of California or other entity de-
6 scribed in section 3407(e)(1) pursuant to subsection
7 3407(a)(2) to assist in the implementation of
8 projects described in section 3406(c)(1)(A) shall be
9 as determined by the State of California or such
10 other entity and shall not be subjected to terms and
11 conditions imposed by the Secretary which are unac-
12 ceptable to the State of California or such other en-
13 tity.”.

14 (f) RESTORATION FUND FINANCIAL REPORTS.—
15 Subsection (f) of section 3407 of the the Central Valley
16 Project Improvement Act (106 Stat. 4728) is amended by
17 striking “Committee on Interior and Insular Affairs, the
18 Committee on Merchant Marine and Fisheries,” and in-
19 serting “Committee on Resources”.

20 **SEC. 8. ADDITIONAL AUTHORITIES.**

21 (a) ANNUAL REPORTS.—Section 3408(f) of the
22 Central Valley Project Improvement Act (106 Stat. 4729)
23 is amended—

1 (1) by striking out “Interior and Insular Affairs
2 and Merchant Marine and Fisheries” and inserting
3 in lieu thereof “Resources”; and

4 (2) in the second sentence, by inserting before
5 the period at the end the following: “, including (but
6 not limited to) progress on the plan required by sub-
7 section (j)”.

8 (b) PROJECT YIELD INCREASE AND JUDICIAL DE-
9 CREES.—Subsections (j) and (k) of section 3408 of the
10 Central Valley Project Improvement Act (106 Stat. 4730)
11 are amended to read as follows:

12 “(j) PROJECT YIELD INCREASE.—In order to mini-
13 mize adverse effects upon existing Central Valley Project
14 water contractors resulting from the water reserved for
15 fish and wildlife under this title, and to assist the State
16 of California in meeting its future water needs, the Sec-
17 retary shall, on a priority basis, not later than two years
18 after the date of enactment of the Central Valley Project
19 Reform Act of 1995, develop and submit to Congress, a
20 least-cost plan to increase, as soon as possible but not
21 later than ten years after the date of enactment of this
22 title, the yield of the Central Valley Project by the amount
23 reserved and managed for fish and wildlife purposes under
24 this title and otherwise required to meet the purposes of
25 the Central Valley Project including, without limitation,

1 satisfying contractual obligations. In order to carry out
2 this subsection, the Secretary is authorized and directed
3 to coordinate with the State of California in implementing
4 measures for the long-term resolution of problems in the
5 San Francisco Bay/Sacramento-San Joaquin Delta Estu-
6 ary. The plan authorized by this subsection shall include
7 (but not be limited to) a description of how the Secretary
8 intends to use the following options:

9 “(1) Improvements in, modification of, or addi-
10 tions to the facilities and operations of the project.

11 “(2) Conservation.

12 “(3) Transfers.

13 “(4) Conjunctive use.

14 “(5) Purchase of water.

15 “(6) Purchase and idling of agricultural land.

16 “(7) Direct purchase of water rights.

17 Such plan shall include recommendations on appropriate
18 cost-sharing arrangements and shall be developed in a
19 manner consistent with all applicable State and Federal
20 law. Such plan shall also include recommendations for au-
21 thorizing legislation or other measures, if any, needed to
22 implement the intent, purposes, and provisions of this sub-
23 section.

24 “(k) JUDICIAL DECREES.—Except as specifically
25 provided in this title, nothing in this title is intended to

1 alter the terms of any final judicial decree confirming or
2 determining water rights. Notwithstanding any other pro-
3 vision of reclamation law, the judgment entered December
4 30, 1986, by the United States District Court of the East-
5 ern District of California in the consolidated cases entitled
6 Barcellos and Wolfsen, Inc., et al. v. Westlands Water
7 District, et al. (No. CV 78-106 EDP) and Westlands
8 Water District, et al. v. United States, et al. (No. CV F
9 81-245 EDP), shall be deemed an existing long-term
10 water service contract, which shall be renewable pursuant
11 to section 3404(c) of this title.”.

12 (c) TECHNICAL AMENDMENT.—Section 3408(h)(2)
13 of the Central Valley Project Improvement Act (106 Stat.
14 4729) is amended by striking out “(h)(i)” and inserting
15 in lieu thereof “(h)(1)”.

16 (d) STANISLAUS RIVER.—Section 3408 of the
17 Central Valley Project Improvement Act (106 Stat 4730)
18 is amended by adding at the end the following:

19 “(e)(1) The Secretary shall identify the water supply
20 impacts resulting from the reallocation of Stanislaus River
21 water for fish and wildlife purposes under this title, and
22 no later than two years after the date of enactment of
23 the Central Valley Project Reform Act of 1995, develop
24 and implement a plan to provide long term replacement
25 water in an amount equal to the identified water supply

1 impacts on out-of-basin entities which have contracted
2 with the Secretary for water from the New Melones
3 Project. In the event the available yield of the New
4 Melones Reservoir is insufficient to meet the contractual
5 needs of these districts, then the Bureau shall provide an
6 alternative supply at the contractual rate. Allocations for
7 other Central Valley Project contractors shall not be re-
8 duced as a result of deliveries from New Melones Reservoir
9 or any alternative source to the Stockton East Water Dis-
10 trict and the Central San Joaquin Water Conservation
11 District.

12 “(2) The plan developed under paragraph (1) shall
13 include (but not be limited to) utilization of exchange or
14 transfer of water facilitated by the Secretary, other con-
15 junctive use facilities satisfactory to the contracting enti-
16 ties, and/or additional diversion facilities. In the event ad-
17 ditional facilities are authorized and constructed, out-of-
18 basin entities which have constructed diversion facilities
19 on the Stanislaus River pursuant to contracts with the
20 Secretary for water from the New Melones Project, shall
21 be credited, in the calculation of capital for any such new
22 facilities, with an amount equal to 75 percent of the costs
23 associated with the construction of those Stanislaus River
24 diversion facilities. The construction of such facilities or
25 the allocation of costs associated with such facilities shall

1 be treated as nonreimbursible capital costs of the Bureau
2 and not result in increased allocation of costs to any other
3 Central Valley Project contractor.”.

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